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SENATE

THURSDAY, SEPTEMBER 14, 1961

The Senate met at 9 o'clock a.m., and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, who looketh not upon outward things, but upon the heart, out of which are the issues of life, in this age of mechanical wonders, of automatic devices, of clever gadgets, save us from regarding the boastful display of these symbols of physical power as expressing the chief achievements of the Nation—ours or any other.

Let us rather set up before a watching world an exhibition of honor untarnished, of promises sacredly kept, of human dignity defended, of freedom unfettered, and of spiritual verities lifted above a self-centered materialism devoted to surpassing others in a race for domination.

To all the world so fearful and agitated may this land of hope and glory ever display the splendor of a peace which comes of purity and of a strength to simple justice due. So runs our royal dream of our America. God of our fathers, make it true. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, September 13, 1961, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on September 13, 1961, the President had approved and signed the act (S. 513) to authorize and direct the Secretary of the Treasury to cause the vessel *Acadia*, owned by Robert J. Davis, of Port Clyde, Maine, to be documented as a vessel of the United States with coastwise privileges.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1540) to amend the law establishing the Indian revolving loan fund.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2237) to permit the entry of certain eligible alien orphans.

The message further announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7576) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, and that the House insisted on its disagreement to the amendment of the Senate to the bill.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7916) to expand and extend the saline water conversion program being conducted by the Secretary of the Interior.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 2308) to amend the Ship Mortgage Act, 1920, with respect to its applicability to certain vessels.

The message also announced that the House receded from its disagreement to the amendment of the Senate to the bill (H.R. 8102) to amend the Federal Airport Act so as to extend the time for making grants under the provisions of such act, and for other purposes, and concurred therein with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker pro tempore had affixed his signature to the enrolled bill (H.R. 6141) to amend the act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such act, and for other purposes, and it was signed by the Vice President.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour for the transaction of routine business. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MORTON, and by unanimous consent, the Committee on the Judiciary was authorized to meet during the session of the Senate today to consider noncontroversial bills, private claims, private immigration bills, and nominations.

LEAVE OF ABSENCE

Mr. BUSH. Mr. President, yesterday I asked and obtained unanimous consent to be absent from the Senate next week. It now appears that the trip to Vienna by the American delegation headed by Secretary Dillon must be advanced, and that it will be necessary for me to leave tomorrow. Therefore, I ask unanimous consent that I may be absent from the Senate, on this official business, from September 15 through September 24.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

James R. Browning of Montana, to be U.S. circuit judge for the ninth circuit;

Richard J. Putnam, of Louisiana, to be U.S. district judge for the western district of Louisiana;

Elmer Gordon West, of Louisiana, to be U.S. district judge for the eastern district of Louisiana;

George C. Young, of Florida, to be U.S. district judge for the northern and southern districts of Florida;

Joseph S. Lord III, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania;

Abraham L. Freedman, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania;

Hosea M. Ray, of Mississippi, to be U.S. attorney for the northern district of Mississippi;

Emmett E. Shelby, of Florida, to be U.S. marshal for the northern district of Florida; and

Donald F. Miller, of Washington, to be U.S. marshal for the western district of Washington.

By Mr. ERVIN, from the Committee on the Judiciary:

Robert H. Cowen, of North Carolina, to be U.S. attorney for the eastern district of North Carolina.

By Mr. JOHNSTON, from the Committee on the Judiciary:

John C. Williams, of South Carolina, to be U.S. attorney for the western district of South Carolina; and

Terrell L. Glenn, of South Carolina, to be U.S. attorney for the eastern district of South Carolina.

By Mr. DODD, from the Committee on the Judiciary:

T. Emmett Clarie, of Connecticut, to be U.S. district judge for the district of Connecticut.

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Glenn T. Seaborg, of California, to be the representative of the United States to the fifth session of the General Conference of the International Atomic Energy Agency; and

Henry DeWolf Smyth, of New Jersey; William I. Cargo, of Maryland; John S. Graham, of North Carolina; and Leland J. Haworth, of New York, to be alternate representatives of the United States to the fifth session of the General Conference of the International Atomic Energy Agency.

By Mr. CANNON, from the Committee on Armed Services:

Stewart L. Pittman, of the District of Columbia, to be Assistant Secretary of Defense;

Maj. Gen. Robert William Porter, Jr., U.S. Army, to be assigned to a position of importance and responsibility designated by the President, in the rank of lieutenant general; and

Brig. Gen. Stephen Michael Mellnik, and sundry other officers for appointment in the Regular Army of the United States.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES ORDERED TO LIE ON THE DESK

Mr. CANNON. Mr. President, from the Committee on Armed Services, I report favorably 1,330 promotions and appointments in the Regular Army in the grade of lieutenant colonel and below and 76 temporary appointments to the grade of colonel in the Marine Corps. All of these nominations have already appeared in the CONGRESSIONAL RECORD. In order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The VICE PRESIDENT. The report will be received, and the nominations will lie on the desk, as requested by the Senator from Nevada.

The nominations are as follows:

Robert A. Campbell, and sundry other officers, for temporary appointment in the Marine Corps;

Francis E. Abrino, and sundry other officers, for promotion in the Regular Army of the United States;

Gerald B. Hoover, and sundry other persons, for appointment in the Regular Army of the United States; and

Donald H. Jones, distinguished military student, for appointment in the Regular Army of the United States.

The VICE PRESIDENT. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

The Chief Clerk read the nomination of Mary C. Barlow, of the District of Columbia, to be associate judge of the municipal court for the District of Columbia, for a term of 10 years.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

PUBLIC UTILITIES COMMISSION

The Chief Clerk read the nomination of James A. Washington, Jr., of the District of Columbia, to be a member of the Public Utilities Commission for a term of 3 years expiring June 30, 1964.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

REPORT OF NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL PROBLEMS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on activities of the National Advisory Council on International Monetary and Financial Problems, for the period of July 1–December 31, 1960, which, with the accompanying report, was referred to the Committee on Foreign Relations.

PETITION

The VICE PRESIDENT laid before the Senate the petition of Cecilia Bartsch, of St. Louis, Mo., favoring the enactment of Senate bill 1945, relating to migratory labor, which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN, from the Committee on Rules and Administration, without amendment:

S. Res. 201. Resolution providing additional funds for the Committee on the Judiciary in connection with the internal security of the United States (Rept. No. 995);

S. Res. 204. Resolution increasing the limit of expenditures by the Special Committee on Aging (Rept. No. 996);

S. Res. 205. Resolution authorizing the expenditure of additional funds by the Committee on Government Operations (Rept. No. 997); and

S. Con. Res. 44. Concurrent resolution to print certain hearings before the Internal Security Subcommittee of the Judiciary Committee in Spanish, French, and Italian languages; (Rept. No. 998).

By Mr. BIBLE, from the Committee on the District of Columbia, without amendment:

H.R. 9080. An act to authorize the Philadelphia, Baltimore & Washington Railroad Co. to construct, maintain, and operate branch sidings over First Street SW., in the District of Columbia (Rept. No. 999).

By Mr. McNAMARA, from the Committee on Labor and Public Welfare, without amendment:

H.R. 8341. An act to authorize the Secretary of the Interior to conduct a study covering the causes and prevention of injuries, health hazards, and other health and safety conditions in metal and nonmetallic mines (excluding coal and lignite mines) (Rept. No. 1000; and

H.R. 8871. An act to amend the Federal Employees' Compensation Act of 1960 (Rept. No. 1034).

By Mr. CARROLL, from the Committee on the Judiciary, without amendment:

S. 429. A bill for the relief of Alc. Percy J Trudeau (Rept. No. 1001).

By Mr. COTTON, from the Committee on the Judiciary, with amendments:

S. 1942. A bill for the relief of the State of New Hampshire (Rept. No. 1002).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 531. A bill for the relief of Eugenia Chrzastowski (Rept. No. 1003);

S. 1832. A bill for the relief of Susanne Rae Deremo (Rept. No. 1004);

S. 1870. A bill for the relief of Lucia Bianca Cianto Rosa (Rept. No. 1005);

S. 2385. A bill for the relief of Dr. Hau Cheong Kwaan, his wife, Tech Phaik Loui Kwaan, and their daughter, Laura Wai Man Kwaan (Rept. No. 1006);

H.R. 1507. An act for the relief of Capt. Jacob Haberle (Rept. No. 1007);

H.R. 2179. An act for the relief of Essie V. Johnson (Rept. No. 1008);

H.R. 2334. An act for the relief of Washington George Brodber Bryan (Rept. No. 1009);

H.R. 2615. An act for the relief of Dr. Victor Wang Ta Ng and his wife, Alice Siu Har Ng (Rept. No. 1010);

H.R. 2666. An act for the relief of Adelina Benedict (nee Rosasco) (Rept. No. 1011);

H.R. 3007. An act for the relief of Alberto Luciano (Rocchi) Rosasco (Rept. No. 1012);

H.R. 3132. An act for the relief of Lucille Collins (Rept. No. 1013);

H.R. 3401. An act for the relief of Salvatore Cairo (Rept. No. 1014);

H.R. 4028. An act for the relief of Lennon May (Rept. No. 1015);

H.R. 4484. An act for the relief of Miss Liu Lai Ching (Rept. No 1016);

H.R. 5334. An act for the relief of Mrs. Helena Sullivan (Rept. No. 1017);

H.R. 5613. An act for the relief of Fernando Manni (Rept. No. 1018);

H.R. 6122. An act for the relief of Maria Luisa Reis (nee) Loys (Rept. No. 1020);

H.R. 7259. An act to waive section 142 of title 28, United States Code, with respect to the U.S. District Court for the Western District of Louisiana, Lafayette Division, holding court at Lafayette, La. (Rept. No. 1021); and

H.R. 7873. An act for the relief of Mrs. Maria Gonzalez Fernandez Long (Rept. No. 1022).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 1270. A bill for the relief of Mitsuko Nahara (Rept. No. 1023);

S. 1587. A bill for the relief of Ginko Von Weyerhausen (Rept. No. 1024);

S. 1776. A bill for the relief of Frances E. Sarcone (Rept. No. 1025);

S. 1791. A bill for the relief of Dr. Tzycheng Peng (Rept. No. 1026);

S. 1866. A bill for the relief of Dr. Berchmans Rioux (Rept. No. 1027);

S. 2149. A bill for the relief of Hugo Kolberg (Rept. No. 1028);

H.R. 2181. An act for the relief of Kim Dom Yong (Rept. No. 1029); and

H.R. 4797. An act for the relief of certain aliens (Rept. No. 1030).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

H.J. Res. 542. Joint resolution relating to the admission of certain adopted children (Rept. No. 1031).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

H.R. 5754. An act to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property as revised at Lisbon, Portugal, October 31, 1958 (Rept. No. 1019).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an additional amendment:

H.J. Res. 225. Joint resolution to grant the consent of Congress to the Delaware River Basin compact and to enter into such compact on behalf of the United States, and for related purposes (Rept. No. 1032).

By Mr. HILL, from the Committee on Labor and Public Welfare, without amendment:

H.R. 9030. An act to amend the act to promote the education of the blind, approved March 3, 1879, as amended, so as to authorize wider distribution of books and other special instruction materials for the blind, and to increase the appropriations authorized for this purpose, and to otherwise improve such act (Rept. No. 1033).

By Mr. PASTORE, from the Joint Committee on Atomic Energy, without amendment:

S.J. Res. 135. Joint resolution to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective (Rept. No. 1035).

By Mr. SALTONSTALL, from the Committee on Armed Services, with an amendment:

S. 2476. A bill to amend section 207 of the Military Construction Act of 1960 in order to clarify the authority granted under such section to the Secretary of the Navy to exchange certain lands owned by the United States for lands owned by the State of Oregon (Rept. No. 1036).

By Mr. SALTONSTALL, from the Committee on Armed Services, with amendments:

H.R. 7726. An act to authorize the loan of naval vessels to friendly foreign countries and the extension of certain naval vessel loans now in existence (Rept. No. 1037).

AMENDMENT OF CAREER COMPENSATION ACT BY INCREASING PER DIEM RATES AND TO PROVIDE REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES—REPORT OF A COMMITTEE (S. REPT. NO. 1038)

Mr. CANNON, from the Committee on Armed Services, reported an original bill (S. 2554) to amend section 303(a) of the Career Compensation Act of 1949 by increasing per diem rates and to provide reimbursement under certain circumstances for actual expenses incident to travel, and submitted a report thereon; which bill was read twice by its title, and placed on the calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JAVITS:

S. 2549. A bill for the relief of Edward L. Wertheim; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself and Mr. ENGLE) (by request):

S. 2550. A bill for the relief of the estate of J. S. Barrett; to the Committee on the Judiciary.

By Mrs. NEUBERGER (for Mr. MORSE):

S. 2551. A bill for the relief of Lily A. Derige; to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 2552. A bill to amend the Federal Trade Commission Act to provide for the issuance of temporary cease and desist orders to prevent certain acts and practices pending completion of Federal Trade Commission proceedings; to the Committee on Commerce.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

By Mr. HOLLAND:

S. 2553. A bill to amend the Fair Labor Standards Act of 1938 to continue in effect the exemptions for shellfish processing as contained in such act prior to the Fair Labor Standards Amendments of 1961; to the Committee on Labor and Public Welfare.

By Mr. CANNON:

S. 2554. A bill to amend section 303(a) of the Career Compensation Act of 1949 by increasing per diem rates and to provide reimbursement under certain circumstances for actual expenses incident to travel; placed on the calendar.

(See the reference to the above bill when reported by Mr. CANNON, from the Committee on Armed Services, which appears under the heading "Reports of Committees.")

CONCURRENT RESOLUTION

STUDIES RELATING TO SHORELINE RECREATION SITES ALONG RIVERS OF THE UNITED STATES

Mr. METCALF submitted a concurrent resolution (S. Con. Res. 48) to express sense of Congress on making studies to identify remaining shoreline recreation sites along the rivers of the United States, which was referred to the Committee on Interior and Insular Affairs.

(See the above concurrent resolution printed in full when submitted by Mr. METCALF, which appears under a separate heading.)

RESOLUTIONS

ROBERT A. MATTINA

Mr. JORDAN, from the Committee on Rules and Administration, reported an original resolution (S. Res. 209); which was placed on the calendar, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Robert A. Mattina, son of Janette V. Pernice, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

ESTABLISHMENT OF INTERNATIONAL SPACE YEAR AND INTERNATIONAL SPACE AGENCY

Mr. HUMPHREY submitted a resolution (S. Res. 210) favoring the establishment of an International Space Year and the creation of an International Space Agency; which was referred to the Committee on Aeronautical and Space Sciences.

(See the above resolution printed in full when submitted by Mr. HUMPHREY, which appears under a separate heading.)

FEDERAL TRADE COMMISSION TEMPORARY CEASE AND DESIST ORDERS

Mr. SPARKMAN. Mr. President, I introduce for appropriate reference a bill which I believe to be of tremendous interest and importance to the small businessmen of the United States.

The purpose of the bill is to empower the Federal Trade Commission to issue temporary cease and desist orders during the pendency of proceedings which could result in the issuance of a permanent order. The bill is a companion to a measure—H.R. 8831—introduced in the House by the chairman of the House Small Business Committee the gentleman from Texas, the Honorable WRIGHT PATMAN. Similar or identical House bills and their sponsors include H.R. 145, the gentleman from Colorado [Mr. ROGERS]; H.R. 1181, the gentleman from Michigan, [Mr. LESINSKI]; H.R. 1233 and H.R. 8330, the gentleman from Oklahoma [Mr. STEED]; H.R. 1817, the gentleman from Texas [Mr. PATMAN]; H.R. 4008, the gentleman from California [Mr. ROOSEVELT]; H.R. 5624, the gentleman from Illinois [Mr. GRAY]; H.R. 6697, the gentleman from Tennessee [Mr. EVINS]; and H.R. 8317, the gentleman from Mississippi [Mr. SMITH].

All of the bills introduced in the House in this Congress, Mr. President, are in turn based upon or derived from a bill which it was my privilege to cosponsor in the 86th Congress with the gentleman from Oklahoma, Congressman STEED,

and other Representatives. The need for this legislation is even more apparent today than it was 2 years ago and I am accordingly very happy to sponsor this bill in the 87th Congress.

The Federal Trade Commission was created by the Congress in 1914 to protect the system of free competitive enterprisc from erosion and decay brought about by unfair and monopolistic trade practices. It was the hope and intent of the Congress that the Commission, through administrative procedures, could shorten the time theretofore required to bring an end to such practices through the instrumentality of the courts. In too many cases, however, as today's Commission and especially its distinguished Chairman, Paul Rand Dixon, are the first to admit, that hope has not been realized in practice. The Commission is making very earnest efforts, under Mr. Dixon's leadership, through reorganization and new rules, to expedite the disposition of cases.

Nevertheless, the ability of diligent and expert counsel for big-business respondents to protract Commission proceedings for months and often for years is still clearly recognized. During the pendency of these proceedings, in many important cases it is impossible to halt the continuation of the destructive practices with which the action is concerned before the issuance of a final cease and desist order. While there are provisions of law which enable the Commission to obtain in the courts interlocutory injunctions in some classes of offenses, this power is not available with respect to other equally or more significant matters. In *Federal Trade Commission* v. *International Paper Company* (241 F. 2d 373 (2d Cir., 1956), for example, the court of appeals for the second circuit ruled that the Commission lacked any authority whatever to seek an injunction in aid of enforcement of section 7 of the Clayton Act, the vital statute which protects competition from mergers and acquisitions threatening or tending toward monopoly. It is absolutely essential to the preservation of competition during the pendency of administrative proceedings, in my opinion, for the Commission to have the power, not now available to it, to issue a temporary cease-and-desist order.

The President of the United States has thrown his personal support to the proposal that the Federal Trade Commission be granted power to issue temporary cease-and-desist orders. His forceful letter to Chairman OREN HARRIS, of the House Committee on Interstate and Foreign Commerce, was inserted in the RECORD by Representative PATMAN on August 31, 1961, and appears at page 17877. President Kennedy wrote to Mr. HARRIS, in part:

> Effective law enforcement by the Federal Trade Commission has long been hampered by delays in litigation and an increasing backlog of cases. Despite a concerted effort to decrease these delays through recent revision of the Commission's organization and procedures, the basic difficulty requires additional remedies. At present, the Commission is powerless to halt allegedly illegal practices until the termination of frequently protracted proceedings. As a consequence, small businessmen who are so often the target of discriminatory and monopolistic activities are often irreparably injured or destroyed long before the lengthy process of adjudication has been completed. The proposed legislation will provide means to prevent such injury during the interim period. It will thus provide important protection for the small business community and, indeed, all those who are confronted by violations of the laws which seek to sustain our competitive economy. Such orders should, of course, be subject to the protection of appropriate due process, including the safeguards of judicial review.

With reference to the last sentence in the quoted excerpt from President Kennedy's letter to Chairman HARRIS, I should like to note that the bill I introduce today contains careful language designed to assure due process in the Commission and the courts.

Mr. President, I am personally well acquainted with one case in the Federal Trade Commission which has not yet reached the point of a hearing examiner's initial decision, although the complaint was issued in 1958. All the evidence has now been received, but the case possibly may not reach the point of a final decision by the Commission until sometime next winter or spring; it may then be too late. Many of the small business complainants against the predatory practices of a giant competitor, witnesses in the early hearings in that case, will by then have disappeared. Some of them have already disappeared. And this is not an isolated example.

It is essential that the Commission have power to lock the barn door before the horse is stolen and ruthlessly slaughtered, rather than merely to erect a pious epitaph over the remains, admonishing the killer to sin no more. I hope that this bill will receive urgent and favorable consideration.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2552) to amend the Federal Trade Commission Act to provide for the issuance of temporary cease-and-desist orders to prevent certain acts and practices pending completion of Federal Trade Commission proceedings, introduced by Mr. SPARKMAN, was received, read twice by its title, and referred to the Committee on Commerce.

STUDIES RELATING TO SHORELINE RECREATION SITES ALONG RIVERS OF THE UNITED STATES

Mr. METCALF. Mr. President, under the leadership of the Senator from New Mexico [Mr. ANDERSON], chairman of the Committee on Interior and Insular Affairs, the Senate has passed a Cape Cod seashore recreational bill. This has been signed by the President during this session of Congress—the Point Reyes National Park has been approved by the Senate. The Senate has passed the measure to preserve shoreline areas and hearings have been held on Padre Island.

It is becoming more apparent that the biggest increase in recreational demand will be for water-based recreation. Studies of postwar increases in use of various outdoor recreational facilities indicate that visits to national parks have been doubling every 6 or 7 years and to national forests every 5 or 6 years. But the increase at shoreline parks has been even greater, indicating a doubling every 3 or 4 years.

It is going to cost a lot of money to acquire some of the necessary land facilities, especially on the shorelines. Costs are skyrocketing. Residential and commercial developments on seashores and lakeshores are eating up the few remaining undeveloped areas and sending land values skyward. Every year's delay means millions of dollars in additional costs for providing public shoreline facilities.

The thousands of miles of river shoreline in America have not been adequately considered for their recreational benefits. For millions of residents of inland States these river shorelines represent the only opportunity for water-based recreation.

An example is the Missouri River between Fort Benton and Fort Peck.

Portions of this area are true prairie wilderness. Only occasional adventurous boatmen have traversed the river since the railroad replaced the paddlewheel in Montana in the 1880's. Much of the area remains as Lewis and Clark saw it, except for the occasional remains of an early day fort or buffalo camp.

Downriver from Fort Benton, beyond a string of shallow rapids, are the sites of Fort McKenzie and Fort Piegan, established by the American Fur Co. near the mouth of the Marias River. Further down are the remains of posts at Fort Clagget, Carroll, and Rocky Point.

Towering sandstone cliffs, hundreds of feet high, seemingly press in on the boatmen. Then, eastward the cliffs recede into rolling prairie grasslands. The widening Missouri snakes between eroded and brilliantly colorful pinnacles which were landmarks to the river captains of the 19th century—LaBarge Rock, Chimney Bend, Castle Rock, Pinnacles, Sugar Loaf Rock, and Hole-in-the-Wall Mountain. You drift by Cow Island, where Chief Joseph led his Nez Perce Tribe before his historic surrender. Finally, the river flows, through rugged badlands, into Fort Peck Reservoir.

Mule deer, whitetail, antelope, elk, beaver, muskrat, Rocky Mountain sheep, Canadian geese, and wild turkey inhabit the area.

At present, the Corps of Engineers is studying the feasibility of constructing one or more multipurpose dams in the 335-mile stretch between Fort Benton and Fort Peck. A concurrent study of the park and recreation possibilities will be most helpful to the Congress in determining how best to develop fully the great potential of this area.

Another problem is that of access to our rivers, lakes, shorelines, and other public lands. In many areas, these are sealed by private, posted holdings.

Therefore, I submit, for appropriate reference, a concurrent resolution providing for a study to determine the best approach for setting aside some of the attractive shoreline areas along our major river systems, to provide needed water based facilities in the landlocked States, as well as the States which border on the Great Lakes, the Atlantic, the Pacific, and the Gulf of Mexico.

I hope that next year a general reconnaissance survey may be undertaken which will lead to Federal acquisition and development of a few carefully selected and well-distributed river, lake, and access areas, and a listing of others for State and local consideration.

The VICE PRESIDENT. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 48) was referred to the Committee on Interior and Insular Affairs, as follows:

Whereas the acquisition and preservation for public recreation purposes of shoreline areas and including areas along free-flowing streams or sections of streams are important to this Nation to provide adequate facilities and to maintain a desirable variety in outdoor recreation; and

Whereas demand on water-based recreational resources is increasing more rapidly than on any other type and such area along streams that have special significance or value for public recreation or as natural attractions should be promptly identified; and

Whereas the Congress, in connection with the development of adequate natural resource preservation policies, should have available the necessary data and relation recommendations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Secretary of the Interior, in accordance with the provisions and purposes of the Act of June 23, 1936 (49 Stat. 1894), should undertake studies and investigations to identify the remaining shoreline recreation sites and areas along the rivers of the United States that are chiefly valuable for the public park and recreational-area program of the United States; and

That the Secretary of the Interior, on the basis of such studies and investigations, should formulate recommendations for the appropriate preservation of the significant recreation sites and areas so identified; and

That the Secretary of the Interior should submit interim reports to the Senate and the House of Representatives, at intervals of six months from the date of approval of this resolution, on the results of his investigations, together with his recommendations for preservation of the recreationally significant stream sites and areas identified, and that he should submit a final report on his findings and recommendations, including recommendations for such legislation as may be needed, not later than two years after funds are made available for the conduct of such studies.

INTERNATIONAL COOPERATION NEEDED IN EXPLORATION OF OUTER SPACE

Mr. HUMPHREY. Mr. President, I submit a resolution expressing the sense of the Senate that the United States propose at the forthcoming meeting of the United Nations General Assembly the establishment of an International Space Year and the creation of an International Space Agency.

It is imperative that international agreements be sought to assure that the exploration and study of space shall benefit mankind, and not lead to a new and terrible medium of warfare. Unless action is taken—and taken soon—to promote cooperation between nations in space research and exploration, develop space control agreements, develop safeguards and inspection systems, and to utilize space vehicles for peaceful rather than warlike pursuits, I fear that there will be a tragic spread of the arms race into outer space.

We must leave no stone unturned in working to avoid turning space into a new and horrible battleground.

The rapid scientific progress that is being made in exploration of outer space can open up a new and exciting chapter in the advancement of mankind. Historians of future centuries may well describe the conquest of outer space as the outstanding achievement of the 20th century—more significant perhaps than discovering the secrets of the atom.

On the other hand, Mr. President, conquest of outer space coupled with man's abundance of nuclear weapons may prove to be a monster that will devour the world. Each day that we delay in pushing for effective international agreements and planning in the area of space we are moving 1 day closer to world disaster.

We should push for an International Space Year with the object of keeping outer space cleared of weapons and weapons testing. An agreement should be modeled after the Antarctica Treaty.

I wish to place special emphasis on this suggestion.

We cannot allow the arms race and the cold war to penetrate outer space. Let us move now to build international cooperation instead of national competition in exploring the mysteries of the universe.

An International Space Year could be patterned after the successful International Geophysical Year in 1958, during which the United States, the Soviet Union and other nations shared information and findings from geophysical research projects.

The International Geophysical Year paved the way to the present international agreement on Antarctica. The Antarctica Treaty guarantees freedom of scientific investigation, but forbids new national claims on Antarctica. Most important, the treaty forbids any military projects or weapons testing on the Antarctica continent.

We can and should launch an International Space Year with the hope that it would lead to the same type of treaty. We must begin now to seek the conclusion of an agreement that would forbid military activities in outer space or national claim to any bodies or portions of outer space.

Time is running out for the possibility of securing international agreements and cooperation for outer space exploration.

We are coming ever closer to a time when space technology may pass beyond the possibility of international political control.

In this age of nuclear weapons, it would be suicidal for us to allow the chance of war between space-power nations because of conflicting claims in space.

Our Government should also press for creation of an International Space Agency established under the auspices of the United Nations, but as a separately functioning organization.

The Agency should include political, legal, and scientific representatives of all nations concerned with the peaceful exploration and use of outer space.

We need such an Agency—to work toward space control agreements, to develop safeguards and inspection systems, and to utilize new space vehicles as instruments of peace instead of weapons of war.

I would hope that the United States would take the initiative in the United Nations in pressing for international cooperation and agreements to assure that the exploration of space will be for peaceful, not warlike, purposes.

It is logical and fitting that our country should take the lead. We have demonstrated our sincere concern in bringing about a just and lasting peace. We have worked in good faith to achieve agreements to lessen world tensions and to bring a halt to the arms race. We have supported the United Nations as an instrument of world peace. We have demonstrated by our actions our belief in true self-determination for the peoples of all nations.

Now is the time as a nation sincerely dedicated to a just and lasting peace to present concrete proposals to the United Nations to assure that the achievements in space will benefit man, not destroy him. Let us take the lead in working to assure that outer space be the laboratory for peace rather than a fiery furnace for destruction.

In conclusion, Mr. President, I ask unanimous consent that the text of my resolution be inserted at this point in my remarks.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

The resolution (S. Res. 210) was referred to the Committee on Aeronautical and Space Sciences, as follows:

Whereas in the course of the International Geophysical Year the United States, the Soviet Union, and other nations conducted an extensive coordinated scientific exploration of, and exchange of information concerning, the earth; and

Whereas the activities so conducted not only advanced markedly man's knowledge of his environment, but led to the adoption of the Antarctica Treaty, which provides for the peaceful international exploration of the continent of Antarctica and forbids its use for military purposes; and

Whereas the exploration of space by the United States and by the Soviet Union, now progressing at an accelerated pace, has resulted in national rivalries which jeopardize the exploration of space for peaceful purposes, and threaten the employment of space as a medium for military conflict; and

Whereas the orderly and peaceful development and dissemination of knowledge concerning the universe require cooperation which can be achieved only through the adoption of a suitable international agreement to provide for the coordination of peaceful national efforts for the exploration of space and to forbid military activities in space and the assertion of national claims upon bodies in space or portions of space: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States propose at the forthcoming meeting of the United Nations General Assembly:

(1) the establishment of an International Space Year to promote cooperation among

nations in research of space and in its exploration exclusively for peaceful purposes; and

(2) the creation of an International Space Agency to work toward space control agreements, to develop safeguards and inspection systems, and to utilize new space vehicles as instruments of peace instead of weapons of war.

REVISION OF FEDERAL ELECTION LAWS—AMENDMENTS

Mr. JAVITS. Mr. President, I submit amendments, intended to be proposed by me to the bill—S. 2426—to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes, which I ask to have printed and lie on the table.

The amendment would bar literacy tests for voting registrants who have at least a sixth-grade education.

It was introduced as a bill by me in both the 86th and 87th Congresses.

Both the Republican and Democratic platforms in 1960 contained pledges to eliminate literacy tests as requirements for voting; the Republican platform specified a sixth-grade provision.

Now, after extensive hearings and investigations, the Federal Civil Rights Commission in its report of September 9, 1961, has published its finding:

A common technique of discriminating against would-be voters on racial grounds involves the discriminatory application of legal qualifications for voters. Among the qualifications used in this fashion are requirements that the voter be able to read and write, that he be able to give a satisfactory interpretation of the Constitution, that he be able to calculate his age to the day, and that he be of good character (Bk. I, p. 137).

Accordingly, the Commission unanimously recommended:

Congress enact legislation providing that in all elections in which, under State law, a "literacy" test, an "understanding" or "interpretation" test, or an "educational" test is administered to determine the qualifications of electors, it shall be sufficient for qualification that the elector have completed at least six grades of formal education (Bk. I, p. 141).

The amendment is designed to carry out the pledges of both political parties and the unanimous recommendation of the agency charged by law to investigate this problem. There is certainly general agreement that the voting right should be assured and we now have an authoritative and unanimous finding that this measure is needed.

The VICE PRESIDENT. The amendment will be received, printed, and lie on the table.

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATION BILL, 1962—AMENDMENTS

Mr. PROXMIRE submitted an amendment, intended to be proposed by him, to the bill (H.R. 9033) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1962, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. KEATING (for himself, Mr. BUSH, Mr. FONG, and Mr. SCOTT) submitted an amendment, intended to be proposed by them, jointly, to House bill 9033, supra, which was ordered to lie on the table and to be printed.

SALUTE TO "UNCLE SAM" WILSON, OF TROY, N.Y.—MOTION TO RECONSIDER

Mr. KEATING. Madam President, I enter a motion to reconsider the vote by which the Senate asked for a conference with the House and appointed conferees on Senate Concurrent Resolution 14 on September 12.

I also move that the House be requested to return the papers thereon to the Senate.

The VICE PRESIDENT. The question is on agreeing to the motion that the House return the papers on Senate Concurrent Resolution 14 to the Senate.

The motion was agreed to.

CLARIFICATION OF AUTHORITY OF VETERANS' ADMINISTRATION TO USE ITS REVOLVING SUPPLY FUND FOR REPAIR AND RECLAMATION OF PERSONAL PROPERTY—WITHDRAWAL OF MOTION TO RECONSIDER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the motion for reconsideration of the vote by which the bill—H.R. 8414—to amend section 5011 of title 38, United States Code, to clarify the authority of the Veterans' Administration to use its revolving supply fund for the repair and reclamation of personal property, was passed by the Senate—which motion was entered by me on September 7, 1961—be vitiated and taken off the calendar.

The VICE PRESIDENT. Without objection, it is so ordered.

INCREASED MONTHLY DISABILITY DEATH COMPENSATION PAYABLE PURSUANT TO WAR HAZARDS COMPENSATION ACT—CHANGE OF REFERENCE

Mr. EASTLAND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 4357, a bill relating to the increase in compensation under the War Hazards Compensation Act, and that the bill be referred to the Committee on Labor and Public Welfare.

H.R. 4357 is a companion bill to S. 874, which, when introduced, was referred to the Committee on Labor and Public Welfare.

It is my information that numerous amendments to this act have previously been processed through the Committee on Labor and Public Welfare, and the Committee on the Judiciary has authorized me to make this request.

The VICE PRESIDENT. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 14, 1961, he presented to the President of the United States the enrolled bill (S. 1540) to amend the law establishing the Indian revolving loan fund.

NOTICE OF HEARINGS ON NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Tuesday, September 19, 1961, beginning at 11:30 a.m., in room 2228, new Senate Office Building, on the following nominations:

J. Spencer Bell, of North Carolina, to be U.S. circuit judge, fourth circuit, a new position.

Hubert L. Will, of Illinois, to be U.S. district judge for the northern district of Illinois, a new position.

Anthony T. Augelli, of New Jersey, to be U.S. district judge for the district of New Jersey, a new position.

S. Hugh Dillin, of Indiana, to be U.S. district judge for the southern district of Indiana, a new position.

Alfred L. Luongo, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania, a new position.

John F. Dooling, Jr., of New York, to be U.S. district judge for the eastern district of New York, a new position.

Thomas F. Croake, of New York, to be U.S. district judge for the southern district of New York, a new position.

Alfonso J. Zirpoli, of California, to be U.S. district judge for the northern district of California, a new position.

Thomas J. MacBride, of California, to be U.S. district judge for the northern district of California, a new position.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from North Carolina [Mr. ERVIN] as chairman, the Senator from Michigan [Mr. HART], and the Senator from Nebraska [Mr. HRUSKA].

NOTICE OF HEARINGS ON NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Tuesday, September 19, 1961, at 11 a.m., in room 2228, New Senate Office Building, on the following nominations:

Delmas C. Hill, of Kansas, to be U.S. circuit judge, 10th circuit, a new position.

Ben Cushing Duniway, of California, to be U.S. circuit judge, 9th circuit, vice Albert Lee Stephens, retired.

Robert A. Ainsworth, Jr., of Louisiana, to be U.S. district judge, eastern district of Louisiana, a new position.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from South Carolina [Mr. JOHNSTON], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

NOTICE OF HEARINGS ON NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. FONG. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Tuesday, September 19, 1961, at 11:30 a.m., in room 2300, New Senate Office Building, on the nominations of

C. Nils Tavares, of Hawaii, to be U.S. district judge, district of Hawaii, a new position.

Martin Pence, of Hawaii, to be U.S. district judge, district of Hawaii, a new position.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from South Carolina [Mr. JOHNSTON], the Senator from Missouri [Mr. LONG] and myself, as chairman.

NOTICE OF HEARING ON NOMINATION OF IRVING R. KAUFMAN, OF NEW YORK, TO BE U.S. CIRCUIT JUDGE, SECOND CIRCUIT

Mr. DODD. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, September 19, 1961, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of Irving R. Kaufman, of New York, to be U.S. circuit judge, second circuit, a new position.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Michigan [Mr. HART], the Senator from Hawaii [Mr. FONG], and myself, as chairman.

NOTICE OF HEARING ON NOMINATION OF WILLIAM E. DOYLE, OF COLORADO, TO BE U.S. DISTRICT JUDGE, DISTRICT OF COLORADO

Mr. CARROLL. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, September 19, 1961, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of William E. Doyle, of Colorado, to be U.S. district judge, district of Colorado, a new position.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Michigan [Mr. HART], the Senator from Hawaii [Mr. FONG], and myself, as chairman.

NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

John W. Bonner, of Nevada, to be U.S. attorney, district of Nevada, term of 4 years, vice Howard W. Babcock.

Harry G. Camper, Jr., of West Virginia, to be U.S. attorney, southern district of West Virginia, term of 4 years, vice Duncan W. Daugherty.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Tuesday, September 19, 1961, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Article entitled "A Green Legacy," written by Stewart L. Udall, Secretary of the Interior, and published in the Christian Science Monitor of September 11, 1961, dealing with programs for the best utilization, preservation, and replenishment of our land and its resources.

SECRETARY OF AGRICULTURE RESPONDS TO WHEAT MARKETING PROPOSAL

Mr. MANSFIELD. Mr. President, earlier this week the Senator from Oregon [Mrs. NEUBERGER] and the Senator from Kansas [Mr. CARLSON] were joined by a number of our colleagues in the introduction of the Wheat Marketing Act of 1961.

The heart of this proposal is the establishment of wheat quotas on a bushel rather than an acreage basis. Many of us who represent wheat-producing States have felt for sometime that this is a much more practical and reasonable means of controlling overproduction of wheat, guaranteeing the farmer a more stabilized income and at the same time facilitating considerable savings for the taxpayer. On August 31, my distinguished colleague, the junior Senator from Montana [Mr. METCALF] and I were joined by 24 other Senators in a letter addressed to the Secretary of Agriculture asking that the bushelage proposal be given serious consideration in the preparation of legislation for the next session of the 87th Congress. We now have a response from Secretary Freeman indicating that this matter will be studied by the newly formed advisory committee on wheat and feed grain. In addition, my mail indicates a strong support for this wheat proposal, and one of Montana's leading daily newspapers, the Great Falls Tribune, has given the bushelage proposal its endorsement.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks the text of the joint letter addressed to the Secretary of Agriculture on August 31, his reply of September 13, and an editorial from the September 11 issue of the Great Falls Tribune.

There being no objection, the letters and editorial were ordered to be printed in the RECORD, as follows:

AUGUST 31, 1961.

Hon. ORVILLE L. FREEMAN,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: The necessity to include temporary stopgap wheat legislation in the Agricultural Act of 1961 clearly demonstrates the need for early consideration by Congress of a permanent wheat program for the 1963 and succeeding crop years.

We recognize the problems which were faced by the Congress at the start of this session, which justified the necessity for such a temporary program.

It is our firm conviction, however, that it is of paramount importance that recommendations for a workable, permanent wheat program be submitted to Congress by January 1, 1962, in order that the Congress will have time to develop such a program prior to the time wheat producers start making their plans for fall seeding.

It is our understanding that by April 1 seedbed preparations are underway in much of the wheat-producing area. Therefore, any program to be effective must be enacted by that date.

Many of us jointly sponsored a bill in the 86th Congress, S. 3159, which we believe is the answer to the perennial wheat problem. This bill would establish wheat quotas on a bushel basis, instead of an acreage basis, as has been the custom in past years.

Such an approach has many advantages over the acreage approach. First and foremost, it provides a mechanism for an orderly reduction in CCC stocks, and shifts the responsibility for storage to the individual producer, thus resulting in significant savings to the American taxpayer.

Secondly, and almost of equal importance, it will encourage the production of higher quality wheat. Under present acreage programs, a producer has a market for all of the production on his allotted acres—either to the trade or the Commodity Credit Corporation. Thus his incentive is to produce the maximum number of bushels on his allotment. In contrast, under the bushel program, each producer has a limited number of bushels to sell into the market for food and export. Thus his incentive is to produce the highest quality possible in order to receive the most dollars for this limited quantity.

In a similar manner, since only a limited volume of wheat will flow through trade channels, warehousemen and subterminal operators will tend to select the highest quality possible to ship forward to mills or exporters. This would be a big step forward in upgrading the wheat into world markets, and thus increase demand for U.S.-grown wheat.

For these reasons, we strongly urge that your Department develop, under the procedures provided by the Agricultural Act of 1961, recommendations for a comprehensive, long-range wheat program, embodying the

principles of the bushel program, in sufficient time to submit your recommendations to the Congress by January 1962.

Respectfully,

MIKE MANSFIELD, LEE METCALF, FRANCIS CASE, MILTON YOUNG, WARREN G. MAGNUSON, HENRY JACKSON, QUENTIN BURDICK, ROBERT S. KERR, RALPH W. YARBOROUGH, CARL T. CURTIS, FRANK CHURCH, J. J. HICKEY, EDWARD V. LONG, STUART SYMINGTON, JOHN A. CARROLL, FRANK E. MOSS, MAURINE NEUBERGER, KARL E. MUNDT, HUBERT H. HUMPHREY, WAYNE MORSE, EUGENE MCCARTHY, PHILIP A. HART, GALE MCGEE, MIKE MONRONEY, GORDON ALLOTT, FRANK CARLSON.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 13, 1961.

Hon. MIKE MANSFIELD,
Majority Leader, U.S. Senate.

DEAR SENATOR MANSFIELD: I appreciate the views and recommendations concerning a new wheat program as expressed in the August 31 letter from you and other Members of the Senate.

The Department shares your concern that long-range wheat legislation is needed for 1963 and subsequent crops.

As you indicate in this letter, under the provisions of the Agricultural Act of 1961, for the first time procedures for formalizing recommendations of farmers and farm groups are established. Under this authority, I have appointed a wheat and feed grain committee under the chairmanship of Mr. Fred Heinkel, president of the Missouri Farmers Association, to study and give careful consideration to various alternative proposals for dealing with the wheat and feed grain sectors of our agricultural economy. I am confident this committee will give very careful consideration to the basic principles embodied in S. 3159 of the 86th Congress.

May I again express our appreciation to you and your colleagues for your very helpful suggestions.

Sincerely,

ORVILLE L. FREEMAN,
Secretary.

Copy to the Honorable LEE METCALF, the Honorable FRANCIS CASE, the Honorable MILTON YOUNG, the Honorable WARREN MAGNUSON, the Honorable HENRY M. JACKSON, the Honorable QUENTIN BURDICK, the Honorable ROBERT S. KERR, the Honorable JOHN A. CARROLL, the Honorable FRANK E. MOSS, the Honorable MAURINE NEUBERGER, the Honorable KARL E. MUNDT, the Honorable HUBERT H. HUMPHREY, the Honorable WAYNE MORSE, the Honorable EUGENE J. MCCARTHY, the Honorable PHILIP A. HART, the Honorable RALPH W. YARBOROUGH, the Honorable CARL T. CURTIS, the Honorable FRANK CHURCH, the Honorable J. J. HICKEY, the Honorable EDWARD V. LONG, the Honorable STUART SYMINGTON, the Honorable GALE W. MCGEE, the Honorable MIKE MONRONEY, the Honorable GORDON ALLOTT, the Honorable FRANK CARLSON.

[From the Great Falls Tribune, Sept. 11, 1961]

WHEAT CONTROL SHOULD OPERATE ON BUSHEL, NOT ACRE, QUOTAS

An Associated Press account from Washington says 21 Democratic and 5 Republican Senators are recommending a program to establish wheat quotas on a bushel rather than an acreage basis. They are stressing the importance of congressional action on a workable wheat program before April 1, 1962, when seedbed preparations get underway for the following year.

There are a number of good reasons for a shift from acreage to bushel quotas—reasons supported by failure of acreage quotas to accomplish their objective.

As sponsors of the bushel quota point out, it would provide a mechanism for orderly reduction of Government-held stocks and shift the responsibility for storage to the individual producer. This would result in substantial savings to American taxpayers.

Under present acreage programs a producer has a supported market for all the production of his allotted acres—either to the trade or the Commodity Credit Corporation. Thus he has an incentive to produce the maximum number of bushels on his allotment.

Bushel quotas would give the grower an incentive to produce the highest quality possible in order to receive the most dollars for his limited quantity. They would also provide a better market for stored grain in low-yield years. That should work to the advantage of Montana's higher quality wheat.

Under the 1962 acreage reduction, officials expect growers may take some 10 million acres out of wheat production. This would be about 20 percent of the present allotment. But they expect only 15 percent reduction in the harvest, due to the use of fertilizer and retirement of poorer acreage.

This year's wheat harvest was 200 million bushels below last year's, but drought was largely responsible for this. With good weather next year, there may be no reduction at all. Thus price support dollars would accomplish nothing in terms of surplus reduction.

It has been clearly demonstrated that acreage quotas are impractical. They should be shifted to bushels.

UNITED NATIONS TROOPS TAKE OVER IN KATANGA

Mr. LAUSCHE. Mr. President, yesterday the Senator from Connecticut [Mr. DODD] made a very excellent presentation in regard to a newspaper article published in Moscow, and stated that it is claimed that the Soviet is asserting a great victory in the Congo.

This morning the newspapers show the situation there in connection with the conquest of the Tshombe forces in the Congo, and point out that immediately after the Katanga forces were conquered, the persons in charge of the Congo proceeded to appoint Egide Bochely-Davidson, "a man believed by Western diplomats to be strongly pro-Communist, to administer affairs of the province."

This report in regard to the appointment of Mr. Davidson, a Lumumba man, to administer affairs of Katanga province is completely corroborative of the presentation made yesterday by the Senator from Connecticut [Mr. Dodd]. I think there is grave reason to be apprehensive about what has happened.

I think the people of the United States had better keep their eyes on the Congo. They had better watch to see what developments occur concerning the personnel who will make up the government. The Gizenga and the Lumumba forces are in conspicuous positions in the new government. The very fact that the Moscow newspapers are claiming a great victory ought to cause us to be apprehensive in regard to what is happening.

Frankly, I fear that in the Congo there will be a repetition of what happened in Red China and of what is certain to happen in Laos. There will be an effort to set up a composite government, supposedly representative of all the forces; it will be in the nature of a coalition government, and finally it will become Communist.

I speak this morning especially to express my thanks to the Senator from Connecticut [Mr. DODD] for the very excellent presentation he made on this subject; and I wish to supplement it by submitting this powerful, unanswerable article and report that one of the principal supporters of Lumumba, considered by Western diplomats to be strongly pro-Communist, has been sent into Katanga to administer affairs.

Therefore, I ask unanimous consent to have the article, published this morning in the Washington Post, printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 14, 1961]

U.N. TROOPS TAKE OVER IN KATANGA—ADOULA SAYS FIGHT ENDED SECESSION; TSHOMBE FLEES CITY

(By Dennis Neeld)

LEOPOLDVILLE, THE CONGO.—United Nations troops seized Katanga's capital, Elisabethville, in a brisk battle today and the Congo's central government proclaimed the return of the secessionist province.

Force of arms prevailed where 14 months of diplomatic effort had failed to swing President Moise Tshombe's mineral-rich land back under the rule of the debt-ridden Leopoldville regime.

Tshombe fled after denouncing what he called U.N. trickery.

Premier Cyrille Adoula of the central government promptly appointed Lumumbist Egide Bochely-Davidson, a man believed by Western diplomats to be strongly pro-Communist, to administer affairs of the province.

Martial law was proclaimed for Elisabethville while rifle fire still cracked sporadically through its tree-lined streets.

"The secession of Katanga has ended," Adoula declared triumphantly. "Katanga is part of the Congo and will always remain so."

Two soldiers of the U.N. task force—a Swedish major and an Indian infantryman—and 10 Katangans were reported killed in several hours of street fighting.

They died while U.N. Secretary General Dag Hammarskjold, empowered by the U.N. Security Council to use force to unify the Congo and avert civil war, sped in from New York for his third visit to this former Belgian colony.

Hammarskjold reviewed an honor guard of 1,000 U.N. and Congolese troops, then drove to Adoula's residence for a glass of orange juice and an opening round of talks.

ECONOMIC PLUM

Katanga is an economic as well as a political prize. Its annual production from copper mines and other mineral wealth, cattle ranches, farms, and industries totals $980 million a year. Tax revenues from that would go far toward pulling the national treasury out of debts piling up at an annual rate of about $190 million.

Adoula is sending in customs officials as well as police and civil servants to help Bochely-Davidson run things.

Bochely-Davidson, who follows the leftist line of the slain ex-Premier Patrice Lumumba, has been high commissioner of state in the rebel Stanleyville regime of Antoine Gizenga, who last month agreed to become Adoula's deputy premier.

Tshombe himself fled Elisabethville after issuing a statement charging that "the United Nations tricked me right to the end."

"Only last night," he said, "they gave me a solemn promise that they would not go

against the Katanga government. Nor would they disarm Katanga's troops, they said. Early today they told me they were arresting three of my ministers and wanted to take me to Leopoldville."

TSHOMBE'S LOCATION UNKNOWN

Tshombe's whereabouts were undetermined tonight. Adoula said he was safe and under U.N. protection. Belgian sources said the 41-year-old President had headed for the frontier of the British-run Central African Federation, 40 miles south of Elisabethville.

The Federation's Prime Minister, Sir Roy Welensky, denounced the U.N. Katanga takeover as the law of the jungle. Expressing belief that guerrilla warfare may follow in Katanga, he rushed three companies of white troops to reinforce the border guard.

Two of Tshombe's lieutenants, Finance Minister Jean Kibwe and Foreign Minister Evariste Kimba, were reported arrested.

PREDAWN TAKEOVER

Interior Minister Godefroid Munongo, the strong man of Tshombe's regime, got away.

Indian and Swedish troops, backed by Irish armored cars, took over the heart of the town before dawn.

It was an envelopment operation similar to that used by a Swedish-Indian task force last August 28 to sweep from Katanga's army its 500 or so white officers and soldiers, chiefly Belgian, French, and British.

Indian Brig. Singappa Raja again was in command.

Raja claimed the first shots were "fired by a machinegun operating from inside the Belgian consulate near the post office" and that they killed an Indian soldier.

Belgian Consul Georges Hercpens denied this as ridiculous.

The consulate's facade was pitted by bullets shot by U.N. troops at the alleged machinegun position.

Adoula told newsmen this clash developed when U.N. troops hustled to put out a fire that Katangans had set in the U.N. garage.

The U.N. troops raided the post office, telegraph building and radio station and severed communications with the outside world.

POST OFFICE FIGHTING

There was a 2-hour fight between Katangans and Indians around the post office and then, after the Katangans ran out of ammunition, there was hand-to-hand skirmish within.

There was skirmishing also at the radio station, Tshombe's principal propaganda outlet.

A Katanga armored car opened up on a jeepload of U.N. troops, killing one and wounding three.

The shooting was punctuated at 6:30 a.m. by the work whistle at the giant Belgian Union Minere industrial complex, which sounded just as if it were a normal day.

Cameraman Ray Wilson of the National Broadcasting Co. (NBC) was caught in machinegun crossfire and suffered a slight leg wound. He was treated at a hospital, then discharged.

Conor Cruise O'Brien, the U.N. representative in Elisabethville, brought a lull by announcing cease-fire orders which he claimed had been issued by Tshombe. But sniping and grenade throwing continued.

With the final crushing of resistance in sight, O'Brien reported to U.N. headquarters in Leopoldville: "The Katanga secession is over. Katanga is now a Congolese province."

LEOPOLDVILLE REQUEST

In a formal statement to newsmen in Elisabethville, he said:

"The United Nations action was taken at the request of the central government, which is sending a state commissioner to Katanga as soon as possible.

"The United Nations motives in complying with the request was to avoid the alternative—invasion of North Katanga by central government troops and a prolonged civil war.

"U.N. troops explained their mission to the Katanga gendarmerie (police) guarding the post office and assured them there was no intention of disarming them.

"Unfortunately the gendarmerie opened fire and the fire was returned. A sharp action followed, with casualties on both sides."

"We profoundly regret the casualties and wish to pay tribute to the Katanga gendarmerie for their valor."

In Leopoldville, Adoula announced Katanga's armed forces will be integrated with troops of the central government's commander in chief, Gen. Joseph Mobutu.

RADIO SPEECH CALLED SPUR IN KATANGA MOVE

UNITED NATIONS, N.Y., September 13.—A radio speech by Katanga Finance Minister Jean-Marie Kidwe was reported today to have started the chain of events that led to the takeover of Katanga by the United Nations.

Sources in a position to know said Kidwe announced on the radio yesterday that the secessionist province had signed a defense pact with the neighboring Rhodesian Federation to drive U.N. troops out of Katanga. The story from these sources went on:

The Central Congolese Government thereupon asked the U.N. to arrest Kidwe and two other Katanga ministers deemed guilty of anti-U.N. activities and also to take over the Elisabethville radio station to keep Kidwe from going on the air again.

U.N. leaders considered that Kidwe had incited the public against the U.N. In line with the central government's request, U.N. troops seized the building housing the radio station and post office today. They arrested Kidwe but the two other ministers escaped.

African U.N. delegates of all political views said privately it was good news that U.N. action finally had ended the separation of Katanga from the rest of the Congo. But one European predicted that the action would lead to a dispute in the U.N. General Assembly convening next Tuesday, since some quarters questioned whether the U.N. had authority to act as it did.

Mr. LAUSCHE. Mr. President, if these reports are true, I can only ask, Whither are we going? My fear is that, instead of having a solution and instead of peace coming to the Congo, the catalyst is there to cause us unending trouble.

Mr. JAVITS. Mr. President, I, too, rise this morning to make some reference to the very serious situation which developed in the Congo. First, let us understand the legal basis upon which the United Nations proceeded.

On February 21 of this year the Security Council, in a resolution endorsed by the General Assembly, resolved as follows:

1. Urges the United Nations to take immediately all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for cease-fires, the halting of all military operations, the prevention of clashes, and the use of force, if necessary, in the last resort;

2. Urges that measures be taken for the immediate withdrawal and evacuation from the Congo of all Belgian and other foreign military and paramilitary personnel and political advisers not under the United Nations command, and mercenaries.

This is a tremendous question for the world and for the U.N., because there is no agency of the rule of law in the world other than the U.N., and its constituent International Court of Justice. If there was, as apparently there was, a situation of anarchy threatening in the Congo, with the apparent inability of the Congolese to regulate their own affairs, and with a rightist force, if one wishes to call the Tshombe's forces that, in Katanga, and a rival, at least left-wing, force in Stanleyville, then the materials for another Spain were present.

It is very desirable, in the affairs of the world, that there be an element of the rule of law and a police force in which the world can have confidence. This is a very new concept. There are no agencies like executive and legislative agencies to function in matters of this kind. So the United Nations has launched itself on a path of great purpose and also of great danger to its effectiveness. It is conceivable that there might be some form of United Nations custodianship for a situation as anarchic as that in the Congo—but, the organization had better not get away too far from its members.

So I suggest the following, as I think the points made by the Senator from Ohio and the Senator from Connecticut are very well taken, and as occurrences of the greatest moment can happen under our very eyes, without our being aware of the vast implications which they hold for all of us. I should like to draw attention to the comments of my colleagues with respect to infiltration in this very field, to the danger to the United Nations and the danger with respect to the question of adherence by the nations of the world to the U.N.

The VICE PRESIDENT. The time of the Senator from New York has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from New York may have 2 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. JAVITS. I thank the Senator.

I suggest, therefore, that our Government consider very seriously an early stimulating, and initiating, if need be, of consideration of what is taking place in the Congo on the part of the U.N. forces there, at least by the General Assembly, so that the mandate to the Secretary General—and this is the Secretary General who is negotiating or running this administrative power, which is given the force of an order—in the light of the situation which now involves the use of force, and a pitched battle, and which may involve others, be conditioned by directions of what is tantamount to a legislative body under whose authority the Secretary General operates the U.N. General Assembly.

I think this is very essential to reassure the people of the United States and the people of the world who are members of the U.N. that this is not the direction of only one official though he has a directive, as I have just read. We must remember he is not proceeding either unlawfully or simply out of the dictates of his own judgment, and that whatever he is doing and does do is conditioned under the direction, as close as we can come to it, of a world legislative organ, which would be precisely what would happen in a form of government like our own or a parliamentary form of government, as nearly as we can come to it,

under the way in which the United Nations is organized.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LAUSCHE. This morning I rather hurriedly tried to discover in the charter the authority to act as was done. My recollection is that in chapter 3, article 7, there is a specific provision that the United Nations shall not interfere in efforts to settle domestic controversies. Then there is added a clause that the provision in chapter 3, article 7, is not intended to neutralize or nullify the provisions in articles 34–35. I believe article 35 states that wherever the peace of the world is endangered, and if the Security Council approves, force may be used within a country. But that is a most dangerous field in which to enter, and it should be approached very sparingly.

I should like to ask the Senator his understanding of under what authority the use of force has been undertaken to settle internal affairs.

Mr. JAVITS. The authority is mainly contained in the resolution adopted in 1950 by the United Nations General Assembly, the uniting for peace resolution, which gives the Secretary General, under the mandate of the preservation of international peace, authority to proceed as the General Assembly may direct. Otherwise there would have been a complete failure in the U.N. mandate to keep international peace, for the Security Council is inhibited by the veto in taking effective action in many cases.

It seems to me the substance of other United Nations actions has, in practice, justified that interpretation of the charter so far as the General Assembly is concerned.

I point out there is a directive, and it is, within the procedures of the United Nations and its fundamental mission, a proper directive; but I do not think it is practical to continue any such action except under the direction of the General Assembly.

The VICE PRESIDENT. The time of the Senator has expired.

The VICE PRESIDENT. Without objection, the Senator is recognized for 1 minute.

Mr. LAUSCHE. It appears that Patrice Lumumba forces have 23 seats in the Government, or an absolute majority; that—

> The decision of the Parliament permits the new Government to carry out all decisions made earlier by the Lumumba government; that Prime Minister Cyrille Adoula has accepted the request of Vice Premier Gizenga to appoint Gen. Victor Lundula as chief of the United Congolese Army, and to fill the position of Minister of Defense and representative to the United Nations with Gizenga followers.

These very grave conditions become aggravated by the report in this morning's paper of the appointment of Mr. Davidson to the very important position for which he has been chosen.

It is for these reasons that I feel over alarmed about this subject, this ominous subject, this morning.

The United States has paid 50 percent or $50 million of the $100 million United Nations operation in the Congo.

Will our expenditure result in the creation of a Communist regime in that country? This question cannot be fully answered immediately, but its very existence demands that we promptly learn the true facts.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may add to my remarks on the Congo various excerpts from the United Nations Charter, other documents, and editorial pertinent to my remarks.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

CHRONOLOGY OF CONGO CRISIS

The Republic of the Congo (Leopoldville) achieved independence on June 30, 1960. On July 7, the Security Council unanimously recommended it be admitted to membership in the United Nations. On the same day, Congolese troops in the area around Leopoldville (Thysville) mutinied, maltreating their officers and Belgian civilians, sparking a panic among the European population, and resulting in Belgian troop reinforcements the following day.

On July 11, the President and Prime Minister of the Congo requested United Nations help in the technical assistance field to restore discipline in the Congolese Army. On the same day, during the chaotic situation in Leopoldville, Moise Tshombe proclaimed the independence of the Province of Katanga.

The Congo situation entered a new and more acute phase with the rapid arrival of Belgian troops. The first Security Council session was held on July 13 to consider a Congolese charge of external aggression which is a threat to international peace on the part of Belgium. The meeting culminated the morning of the following day with a resolution authorizing the Secretary General, in consultation with the Government of the Republic of the Congo, "to provide the Government with such military assistance as may be necessary until, through the efforts of the Congolese Government with the technical assistance of the United Nations, the national security forces may be able, in the opinion of the Government, to meet fully their tasks." The Council also endorsed the guidelines for the operation laid down from the outset by the Secretary General. He said that the United Nations force would not be authorized to take action beyond self-defense, would not become a party to internal conflicts, and would not include forces contributed by the permanent members of the Security Council.

This constitutes the basic mandate of the Secretary General in the Congo operation. At various times during the course of that operation, however, the mandate has been clarified and broadened by additional Security Council and General Assembly action. The more important modifications of the basic Security Council authorization have been:

1. The Security Council resolution of July 22, 1960, called upon the Government of Belgium to withdraw its troops and authorized the Secretary General to take all necessary action to this effect.

2. The Security Council resolution of August 8, 1960, declared "that the entry of United Nations forces into the Province of Katanga is necessary for the full implementation of this resolution."

3. The General Assembly resolution of September 21, 1960, requested "the Secretary General to continue to take vigorous action in accordance with the terms of the aforesaid resolutions and to assist the Central Government of the Congo in the restoration and maintenance of law and order throughout the territory of the Republic of the Congo and to safeguard its unity, territorial integrity and political independence in the interests of international peace and security."

4. The Security Council resolution of February 21, 1961, urged that "measures be taken for the immediate withdrawal and evacuation from the Congo of all Belgian and other foreign military and paramilitary personnel and political advisers not under the United Nations command, and mercenaries."

It was in the course of implementing this last operative paragraph of the February 21, 1961, Security Council resolution that fighting broke out in Katanga. This resolution was specifically endorsed by the General Assembly on April 17.

The United States voted for all the resolutions cited above and continues to support the United Nations operation in the Congo.

THE GENERAL ASSEMBLY—FUNCTIONS AND POWERS

ARTICLE 10

The General Assembly may discuss any questions or any matters within the scope of the present charter or relating to the powers and functions of any organs provided for in the present Charter, and except as provided in article 12, may make recommendations to the members of the United Nations or to the Security Council or to both on any such questions or matters.

ARTICLE 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any member of the United Nations, or by the Security Council, or by a state which is not a member of the United Nations in accordance with article 35, paragraph 2, and, except as provided in article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this article shall not limit the general scope of article 10.

ARTICLE 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

ARTICLE 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

(a) promoting international cooperation in the political field and encouraging the

progressive development of international law and its codification;

(b) promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without destinction as to race, sex, language, or religion.

2. The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph 1(b) above are set forth in chapters IX and X.

ARTICLE 14

Subject to the provisions of article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present charter setting forth the purposes and principles of the United Nations.

ARTICLE 24

1. In order to insure prompt and effective action by the United Nations, its members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the purposes and principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

ARTICLE 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

ARTICLE 35

1. Any member of the United Nations may bring any dispute, or any situation of the nature referred to in article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this article will be subject to the provisions of articles 11 and 12.

CHAPTER VII—ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

ARTICLE 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with articles 41 and 42, to maintain or restore international peace and security.

ARTICLE 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

ARTICLE 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

ARTICLE 42

Should the Security Council consider that measures provided for in article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of members of the United Nations.

ARTICLE 43

1. All members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and members or between the Security Council and groups of members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

ARTICLE 44

When the Security Council has decided to use force it shall, before calling upon a member not represented on it to provide armed forces in fulfillment of the obligations assumed under article 43, invite that member, if the member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that member's armed forces.

ARTICLE 45

In order to enable the United Nations to take urgent military measures, members shall hold immediately available national air force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in article 43, by the Security Council with the assistance of the Military Staff Committee.

ARTICLE 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

UNITING FOR PEACE

Resolutions adopted by the General Assembly at its 302d plenary meeting on November 3, 1950

RESOLUTION A

The General Assembly, recognizing that the first two stated purposes of the United Nations are to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace, and to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

Reaffirming that it remains the primary duty of all members of the United Nations, when involved in an international dispute, to seek settlement of such a dispute by peaceful means through the procedures laid down in Chapter VI of the Charter, and recalling the successful achievements of the United Nations in this regard on a number of previous occasions;

Finding that international tension exists on a dangerous scale;

Recalling its resolution 290 (IV) entitled "Essentials of Peace," which states that disregard of the principles of the Charter of the United Nations is primarily responsible for the continuance of international tension, and desiring to contribute further to the objectives of that resolution;

Reaffirming the importance of the exercise by the Security Council of its primary responsibility for the maintenance of international peace and security, and the duty of the permanent members to seek unanimity and to exercise restraint in the use of the veto;

Reaffirming that the initiative in negotiating the agreements for Armed Forces provided for in article 43 of the charter belongs to the Security Council, and desiring to ensure that, pending the conclusion of such agreements, the United Nations has at its disposal means for maintaining international peace and security;

Conscious that failure of the Security Council to discharge its responsibilities on behalf of all the member states, particularly those responsibilities referred to in the two preceding paragraphs, does not relieve member states of their obligations or the United Nations of its responsibility under the charter to maintain international peace and security;

Recognizing in particular that such failure does not deprive the General Assembly of its rights or relieve it of its responsibilities under the charter in regard to the maintenance of international peace and security;

Recognizing that discharge by the General Assembly of its responsibilities in these respects calls for possibilities of observation which would ascertain the facts and expose aggressors; for the existence of armed forces which could be used collectively; and for the possibility of timely recommendation by the General Assembly to members of the United Nations for collective action which, to be effective, should be prompt,

A

1. *Resolves*, That if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within 24 hours of

the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the members of the United Nations;

2. Adopts for this purpose the amendments to its rules of procedure set forth in the annex to the present resolution;

B

3. Establishes a Peace Observation Commission which for the calendar years 1951 and 1952, shall be composed of 14 members, namely: China, Colombia, Czechoslovakia, France, India, Iraq, Israel, New Zealand, Pakistan, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and Uruguay, and which could observe and report on the situation in any area where there exists international tension the continuance of which is likely to endanger the maintenance of international peace and security. Upon the invitation or with the consent of the State into whose territory the Commission would go, the General Assembly, or the Interim Committee when the Assembly is not in session, may utilize the Commission if the Security Council is not exercising the functions assigned to it by the charter with respect to the matter in question. Decisions to utilize the Commission shall be made on the affirmative vote of two-thirds of the members present and voting. The Security Council may also utilize the Commission in accordance with its authority under the charter.

4. Decides that the Commission shall have authority in its discretion to appoint subcommissions and to utilize the services of observers to assist it in the performance of its functions;

5. Recommends to all governments and authorities that they cooperate with the Commission and assist it in the performance of its functions;

6. Requests the Secretary-General to provide the necessary staff and facilities, utilizing, where directed by the Commission, the United Nations Panel of Field Observers envisaged in General Assembly resolution 297B(IV);

C

7. Invites each member of the United Nations to survey its resources in order to determine the nature and scope of the assistance it may be in a position to render in support of any recommendations of the Security Council or of the General Assembly for the restoration of international peace and security;

8. Recommends to the states members of the United Nations that each member maintain within its national armed forces elements so trained, organized, and equipped that they could promptly be made available, in accordance with its constitutional processes, for service as a United Nations unit or units, upon recommendation by the Security Council or General Assembly, without prejudice to the use of such elements in exercise of the right of individual or collective self-defense recognized in article 51 of the charter;

9. Invites the members of the United Nations to inform the Collective Measures Committee provided for in paragraph 11 as soon as possible of the measures taken in implementation of the preceding paragraph;

10. Requests the Secretary General to appoint, with the approval of the Committee provided for in paragraph 11, a panel of military experts who could be made available, on request, to member states wishing to obtain technical advice regarding the organization, training; and equipment for prompt service as United Nations units of the elements referred to in paragraph 8;

D

11. Establishes a Collective Measures Committee consisting of 14 members, namely: Australia, Belgium, Brazil, Burma, Canada, Egypt, France, Mexico, Philippines, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela and Yugoslavia, and directs the Committee, in consulation with the Secretary General and with such member states as the Committee finds appropriate, to study and make a report to the Security Council and the General Assembly, not later than September 1, 1951, on methods, including those in section C of the present resolution, which might be used to maintain and strengthen international peace and security in accordance with the purposes and principles of the charter, taking account of collective self-defense and regional arrangements (arts. 51 and 52 of the charter);

12. Recommends to all member states that they cooperate with the Committee and assist it in the performance of its functions;

13. Requests the Secretary-General to furnish the staff and facilities necessary for the effective accomplishment of the purposes set forth in sections C and D of the present resolution;

E

14. Is fully conscious that, in adopting the proposals set forth above, enduring peace will not be secured solely by collective security arrangements against breaches of international peace and acts of aggression, but that a genuine and lasting peace depends also upon the observance of all the principles and purposes established in the charter of the United Nations, upon the implementation of the resolutions of the Security Council, the General Assembly and other principal organs of the United Nations intended to achieve the maintenance of international peace and security, and especially upon respect for and observance of human rights and fundamental freedoms for all and on the establishment and maintenance of conditions of economic and social well-being in all countries; and accordingly;

15. Urges member States to respect fully, and to intensify, joint action, in cooperation with the United Nations, to develop and stimulate universal respect for and observance of human rights and fundamental freedoms, and to intensify individual and collective efforts to achieve conditions of economic stability and social progress, particularly through the development of underdeveloped countries and areas.

RESOLUTION ADOPTED BY THE SECURITY COUNCIL AT ITS 873D MEETING ON JULY 13, 1960

The Security Council, considering the report of the Secretary-General on a request for United Nations action in relation to the Republic of the Congo.

Considering the request for military assistance addressed to the Secretary-General by the President and the Prime Minister of the Republic of the Congo (Document S. 4382),

1. Calls upon the Government of Belgium to withdraw their troops from the territory of the Republic of the Congo;

2. Decides to authorize the Secretary-General to take the necessary steps, in consultation with the Government of the Republic of the Congo, to provide the Government with such military assistance, as may be necessary, until, through the efforts of the Congolese Government with the technical assistance of the United Nations, the national security forces may be able, in the opinion of the Government, to meet fully their tasks;

3. Requests the Secretary-General to report to the Security Council as appropriate.

RESOLUTION ADOPTED BY THE SECURITY COUNCIL AT ITS 942D MEETING ON FEBRUARY 20–21, 1961

A

The Security Council,

Having considered the situation in the Congo,

Having learnt with deep regret the announcement of the killing of the Congolese leaders, Mr. Patrice Lumumba, Mr. Maurice Mpolo, and Mr. Joseph Okito,

Deeply concerned at the grave repercussions of these crimes and the danger of widespread civil war and bloodshed in the Congo and the threat to international peace and security,

Noting the report of the Secretary-General's Special Representative (S/4691) dated February 12, 1961 bringing to light the development of a serious civil war situation and preparations therefor,

1. Urges that the United Nations take immediately all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for ceasefires, the halting of all military operations, the prevention of clashes, and the use of force, if necessary, in the last resort;

2. Urges that measures be taken for the immediate withdrawal and evacuation from the Congo of all Belgian and other foreign military and paramilitary personnel and political advisers not under the United Nations Command, and mercenaries;

3. Calls upon all states to take immediate and energetic measures to prevent the departure of such personnel for the Congo from their territories, and for the denial of transit and other facilities to them;

4. Decides that an immediate and impartial investigation be held in order to ascertain the circumstances of the death of Mr. Lumumba and his colleagues and that the perpetrators of these crimes be punished;

5. Reaffirms the Security Council resolutions of July 14, July 22, and August 9, 1960 and the General Assembly resolution 1474 (ES–IV) of September 20, 1960, and reminds all States of their obligations under these resolutions.

B

The Security Council,

Gravely concerned at the continuing deterioration in the Congo, and the prevalence of conditions which seriously imperil peace and order, and the unity and territorial integrity of the Congo, and threaten international peace and security,

Noting with deep regret and concern the systematic violations of human rights and fundamental freedoms and the general absence of rule of law in the Congo,

Recognizing the imperative necessity of the restoration of parliamentary institutions in the Congo in accordance with the fundamental law of the country, so that the will of the people should be reflected through the freely elected parliament,

Convinced that the solution of the problem of the Congo lies in the hands of the Congolese people themselves without any interference from outside and that there can be no solution without conciliation;

Convinced further that the imposition of any solution, including the formation of any government not based on genuine conciliation would, far from settling any issues, greatly enhance the dangers of conflict within the Congo and threat to international peace and security;

1. Urges the convening of the Parliament and the taking of necessary protective measures in that connection;

2. Urges that Congolese armed units and personnel should be reorganized and brought under discipline and control, and arrangements be made on impartial and equitable bases to that end and with a view to the elimination of any possibility

of interference by such units and personnel in the political life of the Congo;

3. Calls upon all States to extend their full cooperation and assistance and take such measures as may be necessary on their part, for the implementation of this resolution.

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON APRIL 17, 1961

THE SITUATION IN THE REPUBLIC OF THE CONGO

The General Assembly,

Having considered the situation in the Republic of the Congo,

Gravely concerned at the danger of civil war and foreign intervention and at the threat to international peace and security,

Taking note of the report of the Conciliation Commission [1] appointed in pursuance of paragraph 3 of its resolution 1474 (ES–IV) of September 20, 1960,

Mindful of the desire of the Congolese people for a solution of the crisis in the Congo through national reconciliation and return to constitutionality without delay,

Noting with concern the many difficulties that have arisen in the way of effective functioning of the United Nations operation in the Congo,

1. Reaffirms its resolution 1474 (ES–IV) and the Security Council resolutions on the situation in the Congo, more particularly the Council resolution of February 21, 1961; [2]

2. Calls upon the Congolese authorities concerned to desist from attempting a military solution to their problems and to resolve them by peaceful means;

3. Considers it essential that necessary and effective measures be taken by the Secretary General immediately to prevent the introduction of arms, military equipment and supplies into the Congo, except in conformity with the resolutions of the United Nations;

4. Urges the immediate release of all members of Parliament and members of provincial assemblies and all other political leaders now under detention;

5. Urges the convening of Parliament without delay, with safe conduct and security extended to the members of Parliament by the United Nations, so that Parliament may take the necessary decisions concerning the formation of a national government and on the future constitutional structure of the Republic of the Congo in accordance with the constitutional processes laid down in the Loi fondamentale;

6. Decides to appoint a Commission of Conciliation of seven members to be designated by the President of the General Assembly to assist the Congolese leaders to achieve reconciliation and to end the political crisis;

7. Urges the Congolese authorities to cooperate fully in the implementation of the resolutions of the Security Council and of the General Assembly and to accord all facilities essential to the performance by the United Nations of functions envisaged in those resolutions.

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON APRIL 17, 1961

THE SITUATION IN THE REPUBLIC OF THE CONGO

The General Assembly,

Recalling its resolution 1474 (ES–IV) of September 20, 1960, and the resolutions of the Security Council of July 14,[3] July 22,[4] and August 9, 1960,[5] and, more particularly, that of February 21, 1961,[6] urging the immediate withdrawal and evacuation of all Belgian and other foreign military and paramilitary personnel and political advisers not under the United Nations Command, and mercenaries,

Deploring that despite all these requests the Government of Belgium has not yet complied with the resolutions that such noncompliance has mainly contributed to the further deterioration of the situation in the Congo,

Convinced that the central factor in the present grave situation in the Congo is the continued presence of Belgian and other foreign military and paramilitary personnel and political advisers, and mercenaries, in total disregard of repeated resolutions of the United Nations,

1. Calls upon the Government of Belgium to accept its responsibilities as a member of the United Nations and to comply fully and promptly with the will of the Security Council and of the General Assembly;

2. Decides that all Belgian and other foreign military and paramilitary personnel and political advisers not under the United Nations Command, and mercenaries, shall be completely withdrawn and evacuated;

3. Calls upon all states to exert their influence and extend their cooperation to effect the implementation of the present resolution.

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[1] A/4711 and Corr. 1 and Add. 1–2.
[2] S/4741.
[3] S/4387.
[4] S/4405.
[5] S/4426.
[6] S/4741.

[From the New York Times, Sept. 14, 1961]

THE U.N. ACTION IN KATANGA

The United Nations set a precedent of worldwide implications and considerable risk to itself when its troops forcibly put an end to the secession of the Congo's Katanga State, liquidated the separatist regime of President Tshombe and declared Katanga to be a Congolese province. This military operation, preceded by the removal of all white officers from the Katanga Army, reached its climax in a pitched battle when United Nations troops, in taking over government installations, met armed resistance from Katanga forces.

The action is a further expansion of Secretary General Hammarskjold's concept of the United Nations as a "dynamic instrument of government" in a growing "organized international community" geared for "executive action." More specifically, it was based on the Security Council's mandate of February 21, authorizing "the use of force, if necessary, in the last resort" to prevent civil war. According to Conor O'Brien, chief U.N. representative in Katanga, such a war loomed because the Congolese National Army under Premier Adoula was set to invade Katanga to do what the United Nations has now done for it.

In Korea, the United Nations went to war to check outright aggression. In Katanga it seeks to avert civil war by removing a potential belligerent, and not the one threatening to attack. If Katanga can be really reintegrated into the Congo, the U.N. action could prove a boon to all concerned. It would help to reunify the Congo and do so under United Nations auspices. It would also restore Katanga's rich resources and revenues to the central government, thereby easing both its financial troubles and the burdens of the United Nations.

But everything still depends on the further actions of the United Nations and the central government. Having removed the Tshombe regime, the United Nations must now also eliminate the danger of a takeover by the forces of Vice Premier Gizenga of Stanleyville, whose army is apparently still an independent entity not yet under control of the central authorities in Leopoldville. The danger of such a takeover is already alarming neighboring African States. The United Nations forces, financed mainly by the United States, must not be tricked into facilitating a development that could be even more dangerous to peace in Africa, and to the future of the United Nations, than Tshombe's continued separatism.

DEATH OF ANDREW FAUCETTE

Mr. JOHNSTON. Mr. President, I wish to inform the Senate that Mr. Andrew McConnell Faucette, Sr., died about 3:30 this morning. For many years he was my law partner. He was also for many years attorney for the Veterans' Administration in South Carolina; and for the past 12 years he has been my home secretary.

His death is a great blow to me, Mr. President, because he was very, very close to me. For 3 years we roomed together while we were in college, and we had desks together in every class. We both did postgraduate work at the University of South Carolina, and were in the same classes there. After our studies at the university, we became law partners.

It is impossible for me to adequately express the loss which I feel over the sudden death of my lifelong friend, whom I cherished so dearly. I have known no man who held honor, integrity, and loyalty so high. He was a devoted servant to his beloved South Carolina. Throughout my public service, I leaned heavily on him for advice and counsel.

In his years of service, first as an attorney, then as attorney for the Veterans' Administration, and finally as my home secretary, Mr. Faucette contributed invaluable assistance to countless thousands of people. His passing leaves a void in the hearts of all his friends. The gem of his character and the brilliance of his service will never be replaced nor forgotten.

So, Mr. President, it is a great loss to me to have him called by our Maker.

Mr. President, with a sad heart I ask unanimous consent that I may have leave of absence tomorrow, in order to attend the funeral.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEFAUVER. Mr. President, I join the Senator from South Carolina in expressing great regret at the passing of Mr. Faucette, a very fine public servant.

TRIBUTE TO REPRESENTATIVE JOHN FOGARTY, OF RHODE ISLAND

Mr. PELL. Mr. President, my colleague, Representative JOHN FOGARTY, of Rhode Island, has long been impelled to serve the causes in which he believes, the welfare of our own people of Rhode Island and the public health and advancement of medical sciences of our Nation as a whole. In fact, he turned down the opportunity to serve in this body in order to carry on his considerable responsibilities and his public health work which he does so ably in the House. In my view, JOHN FOGARTY should be called Mr. Public Health. And that is just what he is called by Newsweek in an article in the current issue which I ask unanimous consent to insert in the RECORD at this time as setting forth in capsule form the remarkably distinguished service rendered by Representative FOGARTY to the causes in which he believes.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MR. PUBLIC HEALTH

Around Washington Representative JOHN FOGARTY (a stocky, graying Democrat from Rhode Island) is known as "Mr. Public Health." The title had never seemed more appropriate than it did last week, when the appropriations for the National Institutes of Health—largest single source of medical research money in the United States—were released by Congress. Looking over the results, FOGARTY smiled with satisfaction. "I wanted a little more money," he said, "but this will do nicely."

As chairman of the Health, Education, and Welfare Appropriations Subcommittee in the House, FOGARTY has managed almost every year for the last decade to boost the budget for the National Institutes of Health considerably above the amounts requested by the White House. This year was no exception. Last week's House-Senate conference report on NIH appropriations shows a whopping budget of $738 million—$155 million more than President Kennedy requested overall.

On the House Appropriations Committee since 1947, FOGARTY has been the person mainly responsible for raising the NIH budget from $3.5 million then to its present figure. He has prodded the Congress and the Public Health Service into entering new fields of research from heart, cancer, and mental illness programs to studies on fluoridation, mental retardation in children, silicosis, virus, and allergy research. Today, NIH finances slightly more than half of all medical research in the United States.

BUDGETS

How does FOGARTY perform the miracle of winning more money from the House? First, he makes sure that he knows the medical fields and the need for more medical research in detail. He decries department heads who support lower budgets than he thinks necessary, keeps after them until they admit they want more. FOGARTY has them document the need thoroughly; then, on the floor of the House, he shows economy-minded Members just how the budgets are arrived at.

Soft spoken and retiring (except for his bright green bow ties), FOGARTY has always been immensely popular with his fellow Congressmen and has received citations from almost every medical group in the country. A Harmony, R.I., bricklayer's son who started off as a bricklayer himself, FOGARTY has what his colleagues consider a truly brilliant mind, an amazing memory, and a great motivation to help the helpless.

FOGARTY's pet project for the future is to sent up an environmental health center. This year, the Senate killed funds for his new center. "We'll get it next year," says FOGARTY firmly.

Mr. MANSFIELD. Mr. President, is there further morning business?

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

BERLIN AND GERMANY

Mr. MANSFIELD. Mr. President, one of the principal debates on foreign policy during the current session of the Senate has dealt with the question of Berlin and Germany. Outstanding contributions to the consideration of this critical problem were made by the Senator from New Hampshire [Mr. BRIDGES], the Senator from Kentucky [Mr. COOPER], the Senator from New York [Mr. JAVITS], the Senator from Rhode Island [Mr. PELL], and others.

The discussion of the matter, in this body at least, was free of politics and personal rancor and so served the highest interests of the Nation by illuminating and clarifying a major problem which confronts the Nation. I should like to express my deep respect and admiration to the many Members of the Senate who joined in the debate, both for the content and the manner of their participation, which was in keeping with the finest traditions of the Senate. I am confident that these discussions in the Senate have been highly useful to the President and the executive branch of the Government. I am confident, too, that the debate was instrumental in awakening a greater awareness and understanding on the part of the people of the Nation as to the nature of a situation which has the greatest relevance to their security and well-being.

Mr. President, I participated, as a Senator from Montana, in the debate on Berlin and Germany. This participation gave rise to some speculation as to my purpose and motive. I think that by now my reasons are pretty well known. What may not be so apparent, however, is my long interest in this question which goes back to my early years as a Member of the Senate. The views which I expressed on the floor on June 14 last were not pulled out of a hat. They were not shot from the hip. They represented the culmination of a study and observation of the German situation which began to evolve into clear-cut conclusions and proposals as early as 1954. There have been changes and elaborations in these conclusions and proposals over the years, as the situation has evolved and my own understanding has been enriched by observation, and, may I say, by discussions in the Senate.

In the main, however, I believe the thread of a continuing concept of the German problem is discernible in the statements which I have made on this subject over the years beginning in 1954. From these statements, Mr. President, I have extracted pertinent paragraphs and, that the RECORD may be complete, I shall read extracts covering that period.

LIST OF MAJOR SUGGESTIONS ADVANCED BY SENATOR MANSFIELD ON GERMANY AND RELATED ISSUES SINCE 1954

1. Speech, Academy of Political Science, New York, December 8, 1954:

"All proposals should be explored which offer promise that a unified Germany shall be a peaceful and independent Germany able to participate in the common development of Europe and to cooperate with free nations everywhere."

2. Speech in the Senate, June 23, 1955:

"In the case of German unification, we have paid lipservice to the idea but we have been disposed to think of it primarily as a Big Four problem. It seems to me that unification is also a unique German problem and the time is overripe for the German people as a whole to examine this question. I hope therefore that the West German Government will give serious consideration to convening a conference of political, labor, religious, and commercial leaders from all Germany, both East and West, to consider the problems of unification. After all, it is the Germans themselves who must live together in peace in a unified country and it is they who must be satisfied with the political conditions which will make that possible."

"The size of the German army as stipulated in the London-Paris accords need not be sacrosanct. If at any time the Soviet Union is prepared to deal realistically with disarmament, then there is no reason why the contemplated size of the German army cannot be adjusted downwards as other nations including Russia and the satellites reduce their military potential. This approach would put to rest any genuine fears the Russians may have of Germany and it will also relieve the uncertainty on the same score in Western Europe."

3. Towards a Durable Peace, Europe and United States Policies, May 19, 1958, Senate:

"While Germany's ties with Western Europe must remain intimate and unbroken, I cannot see, for example that the present form and the extent of German military participation in the defense of the West need be regarded as sacrosanct. Security needs are ever-changing needs and West German rearmament is not an end in itself. It is for the purpose of contributing to the defense of the Western community and not for the purpose of frightening of Europe or keeping tidy, rigid military tables of organization. This is one area of the unification problem, therefore, in which it seems to me that reasonable proposals for negotiations ought never to be rejected out of hand. On the contrary, they might even be advanced by the Western nations."

"We do not begin to have the basis for German unification in peace and for peace, without a vast enlargement of contact between the peoples of Western and Eastern Germany themselves."

"It seems to me most desirable that, before we try to deal with the massive problems of unification of Germany as a whole, that this problem be treated in microcosm. What better place is there to develop valid techniques for the process of uniting Germany than in Berlin? Certainly if unification in peace and for peace cannot be obtained promptly in Berlin, to which all Germans undoubtedly look as the Capital of a unified nation, there is small prospect that it will be obtained in peace and for peace, for the whole of Germany for a long time to come."

4. The Coming Crisis in Germany, February 12, 1959, Senate:

"The position of this Government, to stand firm in Berlin * * * is a sound position. Only it is not enough * * * it is not for reasons of legalism or propaganda that we stand fast in Berlin. * * * We are in Berlin to see to it that when that city is once again the capital of all Germany, as surely it will be, the concept of freedom in peace will not be absent from the scene. * * * We are in Berlin in order to get out but to get out only on condition that the German political forces which stand for freedom

in peace have a sure footing and equal chance to survive and to grow on their merits in the future capital of all Germany."

"I support fully the position of this administration on the necessity of standing fast in Berlin. I question, however, the adequacy with which we have related that position to the changing situation in Germany. I question a policy which provides that not only do we stand fast in Berlin but also implores or demands that the Russians stand fast. After years of trying to get the Russians out of innumerable places into which they sprawled after World War II, it is indeed strange to hear that we are insisting that the Russians must not, indeed, cannot leave Berlin * * * the Russians obviously have no intention of obliging us by remaining."

ESSENTIALS OF A SOUND WESTERN POLICY ON GERMANY

"First. It is essential that forces representing the concept of freedom in peace not be driven out of Berlin. They need, at the least, to remain on a basis of equality with the forces of totalitarianism in the future capital of Germany. If these forces are to have a chance to remain in peace, a Western initiative for peace is essential."

"Second. It is time to call upon German leaders of the two Berlin communities—East and West—to begin serious efforts to unify the municipal government and public services of that city."

"Third. To that end * * * it would be helpful to enlist the conciliatory services of the Secretary General of the United Nations. If agreement can be reached by East Germany and West Germany to establish an all-Berlin government, then it will be desirable to replace both Soviet and Allied forces with a United Nations interim police force composed of contingents from nations not directly involved. That force might supervise the agreement, and might see to it that all the routes of access to the city remain open until Berlin once again becomes the capital of a peaceful, unified Germany. It may be that in the Berlin microcosm there may evolve patterns of unification which will be applicable to the larger problem of all-German unification."

"Fourth. If this approach or some such approach to a unified, neutralized Berlin fails, Mr. President, then it is essential that the forces representing the concept of freedom in peace in Berlin remain in Berlin, regardless of whether the Russians leave. Let them go, if they will. I would not wish to see this country a party to any insistence that they stay."

"Fifth. At the same time, however, the forces representing freedom in Berlin must be Germanized as rapidly as possible. It is time to think seriously of replacing the thousands of allied military personnel in Berlin with German militia, fully supported by NATO guarantees."

"Sixth. Some may regard discussions between Germans of the West and Germans of the East as tantamount to recognition of the East German Communist regime. Some who regard as appeasement not only talk, but even thought, which apparently is alien to them, on the serious problems of the Nation, may even go so far as to label with this stamp of political chicanery any proposals of meetings between East and West Germans. Let them do it, Mr. President; it is their privilege."

"But let me say this: If talk constitutes recognition or appeasement, then the West Germans have recognized and appeased Pankow for years. The fact is that East Germans and West Germans have worked out practical agreements of various kinds between the two zones of Germany. As early as 1957, West Germany's exports to East Germany for the year totaled $201 million. During the first half of 1958, $125 million in trade moved in each direction. That kind of trade, Mr. President, does not take place without talk."

"I do not know what the theory of international law may be. I do not know whether talk is tantamount to recognition. What is involved in the coming crisis in Germany is not a classroom problem on the theory of international law. It is the life or death problem of peace or war. The stake is the lives of tens of millions of human beings, Americans included."

"I cannot see that there is going to be any peaceful solution of this problem without a great deal of talk—between Germans who are in authority in the Federal Republic and Germans who purport to be in authority in the Eastern zone. It seems to me essential, moreover, that this talk cover the whole range of problems of unification of the two zones, the whole range of problems involving the harmonizing of the political, economic, and military systems of the two zones."

"Seventh. There is a point beyond which the search for peace can lead to the jeopardizing of freedom. Regardless of whatever agreements emerge, it seems to me essential that the people of East Germany have some genuine choice in the form of control which is exercised over them. There must be provision for the protection of the rights of all peaceful political forces in all Germany. All-German elections may not be essential—although I think them highly desirable—but at least there must be a chance for men and women of Eastern Germany, as well as those of Western Germany, to express themselves and their political preferences and to participate in political affairs without the threat of terror."

"Whatever may be the details of the fusion of the two zones, they are best left to the Germans of the two zones. The Germans are likely to know better than anyone else what will suit them and what is possible among them. Furthermore, it is inconceivable that at this late date the erstwhile allies of World War II can work out these details on their behalf."

"Eighth. The contribution which the Western Allies, as well as the Soviet Union, need to make, if there is to be peace, is to guarantee, for a period of time, the kind of unified Germany which may emerge from discussions among the Germans. What the former allies need to do is to see to it that a unified Germany neither is subjected to military pressures from its neighbors, nor becomes a source of military pressure to its neighbors."

"Ninth. To that end, Mr. President, it is essential to include within the scope of our policy the search for agreements which, while they do not compel a severance of West Germany's numerous ties with Western Europe, may lead to limitations of armaments throughout Germany and central Europe. Also needed are agreements which will pull back the so-called ultimate weapons and the armed forces of both East and West from the points of imminent contact in Germany and in central Europe. In short, Mr. President, it seems to me essential that our policy, NATO's policies, do not exclude a careful consideration of the Rapacki Plan, the Eden Plan for a demilitarized zone in middle Europe, or similar proposals in connection with the unification of Germany. Perhaps the best way to consider these matters would be to predicate them on reasonable agreements which may emerge from the Geneva Conferences on Surprise Attacks and the Suspension of Nuclear Tests."

5. Policies Respecting Germany, February 26, 1959, Senate:

RECAPITULATION OF THE NINE POINTS OF THE SPEECH OF FEBRUARY 12, 1959

"Point 1: There must be no retreat of the forces of freedom at Berlin. Mr. President, I said that, not once, but at least six times during the course of my remarks on February 12 * * *."

"So far as I know, there has not been any significant difference among Democrats and Republicans, or between the Senate and the executive branch of the Government, on the need to stand fast at Berlin. Certainly there never has been on my part."

"Point 2: The German leaders of the two Berlin communities should be urged to begin serious efforts to unify the public services and municipal government of that city. I know, Mr. President, that there are those who will say this approach is illusory and unrealistic; that the East Germans cannot be expected to agree even on a common sewage system, let alone on a common municipal government. I would point out in reply, however, that if Berlin does not have a common sewage system, it does have a common subway system. If the German leader of East and West Berlin can agree on that, as they have, is it beyond the realm of the possible that they may agree on other common public services, particularly if they mean to have peace; or that they may reach a series of agreements which might ultimately lead to a single municipal government for the city? I must ask: What stands in the way of an initiative of this kind? What will be lost by trying to bring about this progress toward municipal unity in Berlin? If we mean to have peace, I believe the effort should be made. It should be made not only to ease the

danger of war at this most critical point in Germany; it should be made, too, because if it is successful, out of the microcosm of Berlin could emerge patterns of unification for all of Germany."

"Point 3: The conciliatory services of the United Nations and, particularly, of its Secretary General, should be enlisted, to try to develop an all-Berlin government. If such a government does emerge in the municipality, then a United Nations emergency force should replace both Communist and Allied forces in maintaining free access to the city from all directions, pending a general settlement of the German problem."

"For my part I would much prefer to see the whole city of Berlin neutralized on an interim basis, under United Nations auspices, if that can be obtained, rather than to have East German agents of the Soviet Union stamping the permits of western allied transports to West Berlin. We cannot know whether such an arrangement can be obtained until we try to obtain it. And even if we cannot, what shall we have sacrificed by trying?"

"Points 4 and 5: Unless a unified, neutralized Berlin under United Nations auspices is established as an interim measure, then Western forces must remain in Berlin, regardless of whether the Russians leave. It is time to think seriously, however, of replacing as rapidly as possible the thousands of non-German allied military personnel in Berlin with West German militia."

"I am fully aware that their going may complicate our remaining in Berlin. We shall be face to face, then, with East Germans. They will be Communists, to be sure—but, nevertheless, Germans, not Russians. The Allied forces may well be compelled, in the last analysis, to face them, if we mean to stay in Berlin at all costs."

"It was an awareness of this probability, Mr. President, which prompted me to suggest that it is time to think seriously of replacing the thousands of allied military personnel in West Berlin with West German militia."

"I know. Mr. President, that there are grave risks in using West German forces in this fashion. Once injected into the situation at Berlin, it is difficult to foresee the contingencies which may subsequently arise. That is why I said it is time to think seriously of using them, not that it is time to use them. The risks must be weighed in the light of all the information and estimates available to the Executive. They must be weighed against the countless risks of trying to preserve, with Allied forces, a status quo in a situation which will change, inevitably, once the Russians have left Berlin. There may be sound reasons for not taking this course of substituting West Germans for the Allied forces at West Berlin. There are no sound reasons, however, for not exploring fully its implications within our own Government and with Allied governments, or for failing to do so promptly."

"Point 6: There must be a great deal of talk between Germans who are in authority in the Federal Republic and Germans who purport to be in authority in the Eastern zone."

"This is the point, Mr. President, of which much has been made in comments on my remarks of February 12. It seems to me that a monumental issue has been generated here, although, in fact, no substantial issue exists."

"I suggested, in effect, that the Germans—East and West—go off into another room and try to come up with concrete proposals on the problem of German unification, which they would then lay before the Allied Powers and the Soviet Union, for approval and for guarantee."

"Many of those who have commented on this proposal have said in effect: 'No. That is a dangerous procedure.' They have said—those who endorse present official policy on this point—that the West Germans must whisper in the ear of the allies what they think should be done about unification and the East Germans must whisper in the ear of the Soviet Union. Then, the Western allies and the Soviet Union will add their own thoughts and try, out of the conglomeration, to reach an agreement."

"Mr. President, either way is agreeable to me. Out of my own limited experience at international conferences, however, I have my own views as to which way is likely to offer greater prospect for success. Those who now conduct foreign policy have theirs. I am more than willing to try their way if they believe it will work. I have a feeling, however, that before we are done with this matter of whispering in ears and the fiction of no contract between the Germans, we shall be more than willing to try others."

"Point 7: All-German elections may not be essential to peace and to freedom, but there must be some opportunity for the people of East Germany, as there is in West Germany, to express their political preferences and to participate in political affairs without terror. Unless there is, the search for peace can lead to the jeopardizing of freedom."

"Point 8: The Western allies and the Soviet Union must guarantee for a period of time then unified Germany which may emerge from discussions among the Germans. They must see to it that Germany is neither subjected to military pressures from its neighbors nor becomes a source of military pressures to its neighbors."

"Point 9: It is essential that our policy, NATO's policies, do not exclude a careful consideration—may I repeat that word, 'consideration'—of the Rapacki plan, the Eden plan for a demilitarized zone in middle Europe, or similar proposals in connection with the unification of Germany, predicated—may I repeat that word, 'predicated'—or contingent upon the outcome of the conferences on surprise attack, and suspension of nuclear tests now going on in Geneva."

"The basic points at which I diverge from what is present official policy, I believe, are these:

"First. Official policy, in effect, says that the Russians cannot leave Berlin or the routes of access to the city from the West; certainly, that they cannot leave in spirit and, perhaps, not even in body. For my part, I would have no particular desire to see them stay, in body or in spirit, even if they could be persuaded from going, which I doubt."

"Second. Official policy does not seek actively to try to bring about a unification of the municipal services and government of the two Berlins at the present time. I believe that effort should be made."

"Third. Official policy does not seek to enlist the United Nations in the Berlin crisis at this time. For my part, I believe it is high time that this be done; particularly, that the conciliatory services of the Secretary General be sought."

"Fourth. Official policy gives no evidence of considering replacing the thousands of Allied forces in Berlin with West Germans. If we are not going to move or cannot move in the direction of trying to bring about the unity and interim neutralization of all Berlin through U.N. conciliation, then, I believe, for the reasons I have already stated, we must give serious consideration to making this replacement."

6. Speech, Alumni Association of the Law School, New York University, April 8, 1959:

"If the beginnings of a stable peace in Germany and Central Europe are to be drawn from the impending Conferences, there will have to be a rethinking of many aspects of the policies which the Soivet Union has pursued in that region, which the nations of the West have pursued. There will have to be give and take, a quid pro quo, concession to match concession. We cannot, at this point, see the details of agreements but the signposts along the road to a rational settlement are beginning to emerge."

"1. At Berlin, for example, we can see that there can be no one-sided withdrawal of the forces of freedom from the Western part of the city. That does not mean, however, that there can be no change in the status of that city. It means only that any change in the status of that city must be a total change, which leaves freedom in no less an advantageous position than communism. Perhaps this total charge can be brought about through the interim neutralization of both free and Communist Berlin with the help of the United Nations and under its supervision, with free access to the city by all routes guaranteed by that body until Berlin becomes once again the capital of a United Germany."

"2. There needs to be at least the beginnings of the beginning on the problem of German unification, with Germans of East and West contributing more, much more, than they now are doing to the solution of the problems of unification."

"3. There must be some evidence of a willingness on the part of the Communists in control of the Eastern part of Germany to accept and to extend the principles of the United Nations Declaration on Human Rights. In particular, there must be a beginning of the restoration of political rights to all in that zone, rights which can be exercised freely and not under the threat of terror."

"4. There must be a willingness to accept the reality that Germany's peaceful ties with Western Europe cannot be

ended except by the will of the German people themselves."

"5. There must be an equal willingness, however, to accept the premise that the extent and nature of German rearmament is not sacrosanct, that it can be limited or altered in the interests of the security of all nations."

"6. There must be a willingness to accept the premise that the numbers of foreign troops, and the nature of their armaments in Germany and in Central Europe is subject to negotiation on a give and take basis. To this end, the Eden and Gaitskill plans and the Rapacki plan all merit the closest consideration, provided—I repeat—provided that there are reasonable agreements in the Geneva Conferences on the control of nuclear testing and the prevention of surprise attack."

7. Speech, World Affairs Forum, Foreign Policy Association, Pittsburgh, May 1, 1959:

"I am not persuaded that the interests of this nation, of freedom and of human civilization lie in an indefinite continuance of the present military situation in Berlin and in Germany, a situation which, increasingly, will permit an accident or an irresponsible local provocation to precipitate the suicide of civilization. I am not persuaded that these interests are served by perpetuating arrangements in Germany which offer little prospect of progress towards peaceful unification to the German people. I am not persuaded that these interests are served by the ever-mounting costs of the arms rivalry of the cold war, and the propaganda war—costs which are occasioned in great part by the existing situation in Germany."

"What I am trying to suggest, in short, is that it is not enough, in our own interests, merely to stand fast in Germany, as an end in itself. It is not enough merely to seek to sustain an existing situation which is ceasing to be adequate for minimum stability in Germany and Central Europe. Rather, we must stand fast in order to go forward, in order to establish more equitable, rational and evolving conditions of peace."

"That is the challenge of the impending conferences on Germany. We must strive in them, it seems to me, to create a less volatile situation in Berlin, not merely by changing the Western position in that city as the Russians have suggested but perhaps by altering the status of the entire city, by internationalizing all Berlin under United Nations or other satisfactory international auspices as an interim arrangement. We must seek a readjustment of the military situation in all of Germany and Central Europe in a fashion which promises to reduce the danger of war by accident or provocation. We must seek, finally, a beginning on the spread of full political freedom throughout Germany and on German unification and, to that end, we must enlist in far greater measure than heretofore, the participation of the Germans themselves—East and West."

"I realize, fully, that we shall not get anywhere with negotiations to these ends if the Russians are not of a mind, in their own interest, to move in a similar direction. As I have said, I do not presume to know the contents of the Soviet mind at this time, nor do I know of anyone who does. I do know that regardless of Russian intentions we shall not begin to move toward these ends unless we ourselves are clear as to where it is we want to go. We require at this point in time, beyond all else, a frank recognition of the importance of a change in Germany, a change not in the manner expounded by the Russians and not necessarily in the manner first projected by ourselves years ago. Rather, we need a change which conforms to the realities of the present, a change brought about by concessions which match concessions. To this task, we—all the Western nations—must bring a new dedication, a new determination to develop equitable, durable, and evolving conditions of peace."

8. The German Conferences and Peace, Gonzaga University, Spokane, May 24, 1959:

"To conclude that the Russians are the sole cause of the problem in Germany is to ape the practices of Soviet propaganda which have held that the problem is due solely to the machinations of the United States and other Western nations. A mutual finger-pointing of this kind may relieve feelings. It may fill both sides with self-righteousness. It does not abate the danger in Germany and Central Europe. The threat of war remains and it is a threat not only to the well-being of Russians but of Americans as well and, indeed, of all humanity."

"We shall get closer to the reality if we see the problem not as a one-sided matter but, in part, as a mutual repulsion between freedom and communism, a repulsion which has led to a cold war fought largely without Marquis of Queensbury rules. That cold war, acting as it does, to keep a high state of tension in Germany is, indeed one of the major sources of the potential conflict."

"But let us go on from there. Let us recognize, too, that the danger of war also derives from the close and unstable contact of hostile and ever-more powerfully armed military forces—Western and Communist—in a divided Germany and, particularly, in a divided Berlin. The contact, at any time, can produce as it has, local military incidents or clashes. It is far from inconceivable that such incidents, in this day of quickening countdowns, can precipitate a war of prestige, a war of accident which no nation really wants. It is risk enough when a war of annihilation can be set in motion by a calculated word from Moscow. It is risk beyond reason when it can be set off by the madness or misjudgment of any one of the many military commanders scattered through Germany."

"Let us recognize, finally, that the danger of war in Germany derives in major part from still a third cause. It derives from the festering of a large collection of unsolved political problems in and around that nation. Principal among them is the continued division of Germany, fifteen years after the war, and the continuance of a status for that nation which while it is no longer one of war is not yet one of peace."

"If the will to peace is genuine, if the negotiations are honest, however hard the bargaining, they need not end in failure. Nor need they end in an illusion of accord which masks a reality of discord. They can produce a pattern of evolving peace in and around Germany."

"If you will recall the sources of conflict which I suggested earlier in my remarks, I believe you will see, readily, the nature of this pattern. There will be, not merely a momentary easing of Soviet pressure on West Berlin but a new interim status for the entire city of Berlin with a United Nations or some other form of international guarantee of its security until it is once again the capital of all Germany. There will be arrangements which will provide for the progressive unification of Germany and a progressive equalization of the public rights and duties of all Germans—East and West. There will be a progressive easement of the danger of war which now arises from the close contact of communist and free forces in Germany and from the accumulating power of the armaments—East and West, German and non-German in that region. There will be a progressive healing in all the relationships of the nations—East and West—of the divided continent of Europe."

"May I say in this connection that I hope that the participation in the present meetings will continue to be limited to Russia, France, Britain and the United States and the Germans of both East and West. This limited membership seems to me the best way to progress, at this time, on the immediate problems of Germany, and I believe Secretary Herter is quite correct in insisting upon maintaining the limitation."

"However, I do not think it is too soon to begin planning for a larger all-European conference. It is in such conference that the representatives of Poland, Czechoslovakia, of Italy, Belgium, Netherlands, Denmark, indeed of all the European countries can make their voices heard on the problems of peace of Europe and, on other issues of primary interest to the people of that continent. I would hope, moreover, that in such a conference both the United States and the Soviet Union would remain in the background rather than in the foreground."

9. The 2d German Crisis, March 23, 1960, Senate:

"We are correct when we stand firm in the face of a Soviet provocation at Berlin. But standing firm, alone, meets only the immediate provocation. It does not face these other factors in the German situation, the factors which strongly indicate that the present stalemate is not adequate. Standing firm, alone, does not meet the question of the essential need for peaceful progress on German unification. Standing firm, alone, does not meet the question of the danger of accidental war or war by childlike provocation at Berlin. Standing firm, alone, does not meet the question

of the inter-relationship between a dangerously divided Germany and a dangerously divided Europe—the delicate balance between peace and war. Hence, it does not meet the question—let alone of disarmament—but even of the capacity of the nations involved to bear the burden of armaments, along with all the other burdens of an increasingly complex civilization."

"The pressures of the German situation are little different, today, from what they were, when a year ago, their prolonged neglect, led to the first German crisis. That they did not erupt, then, was due to the round of goodwill tours, the visiting back and forth and hither and yon. How much longer these safety valves will operate, it is difficult to say. What can be said with certainty is that it is unsafe to rely indefinitely on safety valves."

"Sooner or later the nations involved must come to grips with the realities of the German situation as it is today. It is probable that the longer the moment of reckoning is put off, the smaller will be the margin for peace, a durable peace."

"The answer, the answer for peace, it seems to me, lies in a change of status for all Berlin, for East Berlin no less than West Berlin. The answer, it seems to me, lies in agreement which permits this city—this entire city—and its routes of access to be held in trust by the United Nations or some other international body, with neutral forces responsible to its authority, until such time as it is once again the capital of all Germany. Let this new interim status for the entire city be guaranteed by the Allied nations, by the communist nations, by the United Nations. Let the cost of maintaining the city in trust be borne by the two principle German political authorities which have the greatest stake in it—by Bonn and Pankow—in proportions equal to the authority which they claim. Beneath an international authority, let the two German authorities begin the long and difficult task of merging the two parts of what is one city."

"In a setting of that kind, Mr. President, we might contemplate the beginning of the end of the present dangerous juxtaposition of Soviet and Allied forces. We might find as valid the withdrawal of both Soviet and Allied forces from Berlin."

"In the microcosm of Berlin, moreover, could be cast the molds of reunification for all of Germany. I think it is clear that that reunification is not going to begin on the basis of free all-German elections in the foreseeable future. Nor does the formula offered by the Russians offer any greater hope, for they would formalize the division of Germany into two German nations, with a vague provision for future negotiations between these two nations on the question of unification."

"If there is to be a well-founded hope for German reunification in peace, it must be recognized by all that we are dealing with one German nation in which there are two German political entities. I say that, Mr. President, not to play with words but in an effort to define more precisely the reality which confronts us, for it is only in terms of that reality that we can hope to act for peace in Germany."

"To divide Germany into two nations, as the Russians suggest, will not change the fact that there is one Germany. It may postpone the day when that unity will reassert itself but it will also increase the violence of the pressure for unification and may well thrust that pressure from rational into irrational channels."

"Similarly to insist upon free all-German elections at this time, as the route to unification, is also to postpone the day of unification, in all probability, with the same consequences. This route, unfortunately, is closed by the inescapable fact that there are two political entities in the one Germany. While one entity might achieve supremacy by this route, the other is not likely to conduct its own burial in peace by this route."

"If these are the facts, as I believe them to be, and if it is desirable to break the stalemate now in Germany, as I believe it to be, then it follows that there should be one peace treaty with Germany, with both German political entities sharing responsibility for it. It follows that both, with such assistance and persuasion as can be provided from without, must assume deep responsibilities in the task of unification because that task will be most difficult; in the lapse of 15 years, institutions have grown up in the two parts of Germany which will not readily be reconciled, one with the other. It follows, too, that if there cannot be free all-German elections at this time, there must be at least a guaranteed measure of equal political freedom and of equal political participation for all Germans, living in each of the two political entities at this time."

"Finally, to act for peace, not only in Germany but in all Europe and to give substance to the professed universal desire for a lightening of the burden of armaments, there must be recognition on all sides that present military arrangements in Germany and, indeed, in all Europe are not sacrosanct. If there is an end to the military confrontation at Berlin, if there is visible progress in peace towards German unification, then there can be, there ought to be, a general easement of the entire European military confrontation and the development of all-European agreements for safeguarding the peace. The Eden, the Rapacki and similar proposals of the past warrant the most careful consideration in this connection."

"We cannot ignore our own responsibilities on the assumption that others will ignore theirs. We cannot, for we shall suffer along with others, for our own neglect. There is no escape. There is no retreat. We must seek a change and hope that others will do the same. But we must not avoid a change if it is in our interests, regardless of what others may do or not do. We must seek, in new policies, an agreement which eases rather than appeases at Berlin, an agreement which paves a practical way to the peaceful unification of Germany, an agreement which begins to stitch the cleavage between Europe—East and West. Let others obstruct such an agreement if they will but let us not ignore these needs in our policies, these needs which are the most compelling that confront the people of the Western World—the people of Russia and Eastern Europe no less than those of Western Europe and the United States."

10. New Insight—New Policies, June 23, 1960, Senate:

"Our policy should go beyond a mere holding of West Berlin and, apparently, a willingness to make concessions by limiting weapons and men in that half-city. Our policy should embrace and advocate the neutralization and internationalization of all of Berlin—both Soviet and Western Zones—on an interim basis, until it is once again the capital of a unified Germany. To that end we should seek, through diplomatic negotiations, United Nations control and policing of the entire city and routes of access, with the cost of the undertaking borne by the governments of both parts of Germany in appropriate shares."

11. A Third Way on Berlin, June 14, 1961, Senate:

"It seems to me that the German people will have the best opportunity to find the way to unification in peace and the outside powers will make a significant contribution to the search, if they will act now to remove Berlin—all Berlin—from the clashes of the cold war into which it has been driven by the events of the postwar years. If we must live, as it now seems likely, for an indefinite period with a divided Germany, then, peace requires that Berlin—all Berlin—be held in peace and in trust until the day of unification. Its status must be reconstituted so that Berlin will be the hope for peaceful German unification rather than the prize for German unification by other means which it has now become."

"This conversion of Berlin will not occur under Mr. Khrushchev's proposal to turn only West Berlin into a free city. Even if the rights of the Western presence to that half-city were insured beyond a shadow of doubt, even if guarantees of the safety of the Western enclave were inviolate, it does not seem to me that this arrangement would be satisfactory. For it would reduce this enclave to a sleepy quasi-foreign anachronism and it would leave Berlin—symbolic Berlin, unifying Berlin, capital Berlin, German Berlin—in the hands of a militant German minority. It would give an enormous and inadmissible amplification throughout Germany to the present small voice of the East German minority government at Pankow. It would invite German nationalism throughout Germany to adhere to the German Communist standard flying in East Berlin. That is a handicap which freedom cannot allow. It is a concession which does not accord with the needs of peace in Germany or the essentials of peaceful competition between communism and freedom."

"I do not believe, Madam President, that the way to peace can be found either in the maintenance of the status quo in Berlin or in the change which Mr. Khru-

shchev proposes. A third way may lie in the creation of a free city not in West Berlin alone but in the creation of a free city which embraces all Berlin—the Communist east no less than the free western segment of that metropolis. Let this whole city be held in trust and in peace by some international authority until such time as it is again the capital of Germany. Let the routes of access to this whole city be garrisoned by international peace teams in the effective pattern of those now operating between Israel and the Arab States. Let this interim status of free city be guaranteed by the NATO and Warsaw pact countries. Let Bonn and Pankow subscribe to this arrangement any pay its costs in appropriate shares. Let these changes be incorporated in specific written agreements. Then, perhaps, we may have the beginning of a durable peace in Berlin and the healing of the cleavage in Germany and Europe."

"Our present position on Berlin, even unchallenged by the Soviet Union, leads only in a circle endlessly repeated as it continues to recede from the changing realities of Germany and Europe until it now promises to become at best irrelevant and at worst a stimulus to catastrophe. The Soviet position on Berlin, unchanged, in my opinion, is also headed towards complete irrelevance unless before that point is reached, it precipitates a military conflict by accident or design."

12. Debate, June 20, 1961, Senate:

"In my statement last Wednesday I offered a proposal for a possible approach to solution of the Berlin question. It was neither the way suggested by Mr. Khrushchev nor merely a continuance of the status quo in that city. It was an attempt to find a third way, not in retreat from where we now stand but in an advance to what I believe may be a firmer ground for peace in Europe."

"I do not now believe and have never believed in change for the sake of change in public policy any more than in automobiles. But I believe it is essential to the security and welfare of the people of this Nation that we do not doom ourselves to the mental prison of equating all change with retreat and defeat. For in foreign policy, no less than in all other aspects of human existence, an ordered change is the key to rational survival and progress. Unless we are not afraid, first, to consider changes in a world of change and, second, to make changes if reason tells us they should be made, we shall find ourselves, in foreign policy, time and again in pursuit of the last car of a train that is always pulling away from us."

13. Statement, August 16, 1961, Senate:

"I see little virtue at this time in trying to deal with these questions in a full dress conference with all the theatrical trappings of an international melodrama. But I see much virtue in quiet, sober preliminary discussions of these questions. I would suggest that we have an outstanding Ambassador in Moscow and the Russian Ambassador in this city is most capable. The task might well begin with an exploration of the questions by these men and the diplomats of other nations involved. Or, if this means of communication is inadequate, others can be devised. It is not so important, Mr. President, who may initiate negotiations or in what circumstances they may be initiated. I should think the people of the world would be grateful to whomever had the courage to take the bull by the horns. But what is far more important is the substance of the negotiations. I would respectfully suggest that at the heart of the problem of peace at Berlin is not who talks with whom, who is bashful and who is bold in approaching negotiations. Rather, it is the sincerity of the desire to find mutually satisfactory answers to the kind of questions which I have enumerated and the skill of the diplomacy by which these answers are sought."

Mr. President, I ask unanimous consent that there be included in the RECORD a synopsis of the "Apparent Western Concessions in Berlin Question" prepared for me by the Foreign Affairs Division of the Library of Congress, under the direction of Dr. Joseph G. Whelan, analyst in Soviet and East European Affairs.

There being no objection, the synopsis was ordered to be printed in the RECORD, as follows:

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., September 13, 1961.

To: Hon. MICHAEL J. MANSFIELD.
From: Foreign Affairs Division.
Subject: Apparent Western concessions in Berlin question.

In a press conference on November 26, 1958, Secretary of State Dulles acknowledged that it might be possible to accept the East Germans as "agents" of the Russians in carrying out administrative functions at checkpoints along the access routes. This pronouncement was regarded as an alteration in what appeared to be accepted policy. The following quotation is taken from the transcript of the Secretary's press conference:

"Question: Mr. Secretary, what if, despite this responsibility, the Soviets go ahead and turn over to the East German authorities the checkpoints on the Autobahn and control to the land, sea, and air routes? Now the question would arise: would we deal with the East German officials who would man the checkpoints, for example, even as——

"Answer: Well, we would certainly not deal with them in any way which involved our acceptance of the East German regime as a substitute for the Soviet Union in discharging the obligation of the Soviet Union and the responsibility of the Soviet Union."

"Question: Does that mean that we might deal with them as agents of the Soviet Union?

"Answer: We might, yes. There are certain respects now in which minor functionaries of the so-called G.D.R. (German Democratic Republic) are being dealt with by both the Western Powers, the three Allied Powers, and also by the Federal Republic of Germany. It all depends upon the details of just how they act and how they function. You can't exclude that to a minor degree because it is going on at the present time and has been. On the other hand, if the character of the activity is such as to indicate that to accept this would involve acceptance of a substitution of the G.D.R. for the present obligation and responsibility of the Soviet Union, then that, I take it, we would not do" (New York Times, Nov. 27, 1958, p. 18).

In another press conference on January 13, 1959, Mr. Dulles acknowledged that free elections were not the only way that reunification of Germany could be brought about. Heretofore the West had insisted upon free elections as an essential step to elections. The following quotation is taken from Mr. Dulles' press conference of January 13, 1959:

"Question: Mr. Secretary, is it our position that free elections are the only method of reuniting Germany? In other words, do we say, 'No free elections, no reunification'?

"Answer: Well, we never have said that. The formula of reunification by free elections was the agreed formula. It seems to us to be a natural method. But I wouldn't say that it is the only method by which reunification could be accomplished." (New York Times, Jan. 14, 1959, p. 8.)

At the Geneva Conference of Foreign Ministers in 1959 the Western Powers appeared to make some concessions. In the first place, the East German representatives were seated at a separate table at the Conference. A West German delegation was also seated. The Western Powers have not recognized the East German regime. On the other hand, the Soviets have recognized the West German Government.

In the course of negotiations, the West also agreed to (1) reduce its military garrison in West Berlin; (2) impose curbs on propaganda and intelligence activities in West Berlin, if the same restriction applied to East Berlin; and (3) ban atomic weapons in West Berlin, again, if it were applied to East Berlin.

The Soviets rejected the Western offer to keep its forces at 11,000 and demanded that it be reduced to a "token" force of 3,500. The Soviets also insisted that the curbs on propaganda and intelligence activities be imposed only upon West Berlin. Similarly, they insisted that the ban on atomic weapons be imposed only on West Berlin.

Subsequently, both the Eisenhower and Kennedy administrations withdrew these concessions and assumed the position that negotiations would have to be resumed on the original basis.

What could be interpreted as a substantial Western concession grew out of the Geneva Conference rather than being a point of actual negotiation, and that was, (1) the invitation to Khrushchev to visit the United States, and (2) thus providing the opportunity for him to confer with the President at what amounted to a summit conference. The following analysis does not question the wisdom of the invitation, but only attempts to show how Khrushchev's visit could be regarded as a Western concession in the cold war.

At the time of the second Berlin crisis, 1958–59, some observers expressed the view that one of Khrushchev's motivations was to force the West to confer on outstanding East-West problems at the summit level. At first, the West resisted, but as the crisis deepened in early 1959, the Western Powers took the position that proper preparation for a summit conference had to take place at the Foreign Ministers level. The Soviets finally agreed to the Foreign Ministers Conference at Geneva.

But this Conference failed to resolve any issues. The Soviets were unyielding in their demands for far-reaching agreement on the key East-West problems, namely, (1) German reunification, (2) disposition of Berlin, and (3) European security. The West appeared to make minimal concessions. The Conference deadlocked after weeks of tedious negotiations. When an impasse seemed inevitable, the decision was made to invite Khrushchev to visit the United States. He accepted and subsequently conferred with the President at Camp David. Out of this conference emerged the socalled "Camp David

spirit" in which immediate Soviet pressures were taken off Berlin.

Thus, it could be argued that Khrushchev achieved two short run gains which under normal conditions—that is, without mounting enormous pressure as he did on Berlin—would not have been made possible: (1) An opportunity to appeal directly to the American people, and (2) to confer with the President at the summit. In a sense, Khrushchev imposed himself upon the United States. On its part the United States appeared to have no other alternative course but to yield, given the imminent failure in the Geneva negotiations and the possibility of a deepening crisis in Berlin. Hence, the conclusion that in this instance the West made a substantial concession to the Soviets.

JOSEPH G. WHELAN,
Analyst in Soviet and East European Affairs.

AMENDMENT OF SHIPPING ACT OF 1916

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business, H.R. 6775, be laid before the Senate and made the pending business.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

There being no objection the Senate resumed the consideration of the bill (H.R. 6775) to amend the Shipping Act of 1916, as amended, to provide for the operation of steamship conferences.

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the Senator from New York [Mr. JAVITS] from the time on the bill.

NATHAN STRAUS

Mr. JAVITS. I thank my colleague for his courtesy.

Mr. President, I asked the distinguished majority leader for this time to pay a brief memorial tribute to a very distinguished New Yorker, Nathan Straus, one of our most distinguished citizens and publicists, who died last night at the age of 72 in New York.

Mr. Straus was the owner and president of radio station WMAC in New York, a personal friend of mine, and I speak from personal knowledge of his life and career.

He was a former administrator of the U.S. Federal Housing Administration.

He was a gifted newspaperman and editor, having been a reporter and editor of the New York Globe and an editor and publisher of Puck, the famous humor magazine.

He was also a member of the State Senate of New York.

He was New York State administrator, during the NRA days, of the NRA.

He was a member of the New York City Housing Authority.

The Straus family is famous for Jesse, Isadore, Nathan (father of the deceased), and other members of the family who served the Nation in high places. The family is greatly responsible for R. H. Macy & Co. in Manhattan and Abraham Straus in Brooklyn, N.Y.

Mr. President, Nathan Straus lived a dedicated life in the public interest. He was among the first, if not the first, to inaugurate the concept of editorials for radio and television stations. He was a man of outstanding courage in terms of his convictions.

Though I had occasion to disagree with him sometimes in a political sense—more often, I would say, than not I would agree with him on great political issues—he was always stimulating, always thoughtful, always highly patriotic and dedicated to the best interests of our country.

As a man, he was kind, gracious, accommodating, and cooperative. He lent himself to many outstandingly fine causes in the city and State of New York. He is entitled to high honors from all of us in New York and in the United States.

It is my privilege this morning to pay this tribute to so fine a man, so outstanding a leader, so devoted a public servant in the very best sense, and to offer my condolences and deepest sympathy to Mrs. Helen Sachs Straus, his widow, to his sons, his brother, and other members of his family, who I hope may take some comfort from the high esteem in which he was held and the high place he earned in the activities and councils of our city, State, and Nation.

SUMMARY OF NEW YORK CIVIL RIGHTS LAWS

Mr. JAVITS. Mr. President, I ask unanimous consent that there be printed in the RECORD a pamphlet which summarizes the laws of the State of New York which guarantee equal rights and equal opportunity to all New Yorkers irrespective of race, color, creed, or religion.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS IN NEW YORK STATE—HOW NEW YORK STATE GUARANTEES EQUALITY OF OPPORTUNITY

To the People of the State of New York:

New York is a pioneer among the States in enactment of legislation against discrimination based upon race, color, creed, or national origin.

From the first State law banning discrimination in employment to the most recent enactment forbidding discrimination in private housing and commercial space, New York has moved steadily against the evils of prejudice in a wide variety of human relationships.

The civil rights bureau established by Attorney General Louis J. Lefkowitz has been highly successful in strengthening enforcement of the antidiscrimination statutes by bringing the full resources of the department of law to the task. In addition, the State commission against discrimination has an outstanding record in the use of conciliation to end discriminatory practices.

We in New York are proud of the progress we have made in this vital field and are resolved to continue to advance the cause of brotherly behavior in human relations, by persuasion, by example, and by law wherever necessary.

NELSON A. ROCKEFELLER.

To the People of the State of New York:

The State of New York is proud of its traditional enactment of measures to safeguard your civil rights.

Our State constitution provides that no person shall be subjected to any discrimination in his civil rights because of race, color, creed, or religion (art. 1, sec. 11).

Many laws have been placed on our statute books to protect your civil rights in specific fields—in employment, in housing, in education, and in other areas which affect your everyday living. Violation of these laws may result in civil or possibly criminal penalty.

This pamphlet summarizes the New York laws which guarantee equal rights irrespective of race, color, creed, or religion. It is important that you read it, and understand it, and comply with it.

It will tell you what your rights are, and how the State is seeking to protect you.

It will tell you of your obligation to respect and to honor the rights of your fellow man.

LOUIS J. LEFKOWITZ.

A SUMMARY OF THE LAWS THAT PROTECT YOU AGAINST DISCRIMINATION BASED ON RACE, CREED, COLOR, OR NATIONAL ORIGIN

Protection of civil rights a fundamental guarantee: "No person shall, because of race, color, creed, or religion, be subjected to any discrimination in his civil rights by any other person or by any firm, corporation, or institution, or by the State or any agency or subdivision of the State" (New York constitution, art. I, sec. 11; also penal law, sec. 700).

"The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, or national origin are a matter of State concern, that such discrimination not only threatens the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic State and threatens the peace, order, health, safety, and general welfare of the State and its inhabitants" (executive law, sec. 290).

Voting: "No one may disturb or hinder any citizen of this State in the free exercise of his right to vote" (U.S. Constitution, 15th amendment; civil rights law, sec. 9, New York constitution, art. II, sec. 1).

Jury service: "A citizen who is qualified for jury service may not be excluded on account of race, creed, color, national origin, or sex" (civil rights law, sec. 13).

Militia: "Persons serving in the Army or Air National Guard or in the naval militia or other units of the organized militia are assured equal treatment and opportunity" (military law, sec. 4).

Relief: "It is unlawful to deprive or threaten to deprive anyone of relief benefits because of race, creed, color, national origin, or any political activity" (penal law, sec. 772a(3).

Education: "The law guarantees to all persons an equal opportunity for an education. Public schools, any educational facilities supported by contributions solicited from the public, schools supervised by the State board of regents, schools of higher education supervised by the regents or by the State commissioner of education, business or trade schools, schools holding themselves out to the public as nonsectarian and exempt from taxation—all are specifically forbidden to discriminate in their admission practices. Religious institutions for higher learning may favor students of their own religious faith; but they, too, may not discriminate because of race, color, or national origin" (civil rights law, sec. 40; education law, secs. 313, 3201; executive law, sec. 296 (4); penal law, sec. 514(1).

Admission to the bar: "Citizens of this State of both sexes have the right to be examined and licensed to practice law without discrimination" (judiciary law, sec. 460).

Employment: "It is unlawful to discriminate against anyone in employment because of race, creed, color, national origin, or age. The law applies to practices used in hiring and promotions as well as to preemployment inquiries, and covers employers, labor or-

ganizations, and employment agencies" (executive law, secs. 291, 296).

Not covered are "social, fraternal, charitable, educational or religious groups not organized for private profit; employers of less than six persons; individuals employed by parents, spouse or child; and persons in domestic service" (executive law, sec. 292).

Employers covered by the law: In addition to the general prohibitions in the executive law (above), many other New York laws prohibit discrimination in employment because of race, creed, color, or national origin. These are listed as follows:

Public employment: Equality of opportunity for public employment is guaranteed by law (penal law, sec. 514; also, Governor Rockefeller's 1960 code of fair practices).

Defense contracts: Equal opportunity for employment by industries having defense contracts with the State or Federal Governments is also assured (civil rights law, sec. 44; penal law, sec. 514).

Public works: Contracts entered into by the State or a municipality for the construction or repair of any public building or public work, or for the manufacture or sale of equipment or supplies, must include a provision against discrimination in employment by the contractor or subcontractor (labor law, sec. 220-e).

Utilities: Every person has an equal opportunity for employment by a public utility company (civil rights law, sec. 42).

Schools: The law does not permit any inquiry or record to be made concerning the religious affiliation of anyone seeking employment or official position in the public schools (civil rights law, sec. 40-a).

Labor unions: Every person shall have an equal opportunity, if otherwise qualified, for membership in a labor union, and members of labor unions are assured equal job opportunities (civil rights law, sec. 43).

Apprenticeship: The law suggests a nondiscrimination clause as a standard for apprenticeship programs (labor law, sec. 815 (5).

Employment agencies: No employment agency shall be conducted under a name which expresses any unlawful discrimination (general business law, sec. 174).

Real estate: It is unlawful for a property owned to deny to any person, because of his race, creed, color, or national origin, the opportunity to buy or rent any housing or any commercial space covered by the law.

In general, housing covered by the law includes all public and publicly assisted housing, private multiple dwellings, and private houses where the owner controls the sale or rental of 10 or more contiguous houses. Multiple dwellings are apartment houses rented to three or more families; under this law, an apartment occupied by the owner is not counted toward the number of apartments in the building.

It is also unlawful for a real estate broker to discriminate because of race, creed, color, or national origin in selling or renting housing or commercial space covered by the law, or in advertising the sale or rental of any housing or commercial space.

No bank or other lending institution may discriminate because of race, creed, color, or national origin in providing loans for the purchase or improvement of any housing or commercial space (executive law, secs. 292, 296, as amended effective Sept. 1, 1961; private housing finance law, sec. 602, civil rights law, sec. 18 (a) through (e), public housing law sec. 223, effective Mar. 1, 1962).

Public accommodations: All New Yorkers are entitled to the full and equal privileges of any place of public accommodation, resort or amusement, subject only to the limitations which apply alike to all persons. It is against the law to deny access or other privileges of such places to any person solely because of race, creed, color or national origin, or to state in writing that the patronage of any particular race, creed, color or national origin is unwelcome, objectionable or not desired.

A place of public accommodation includes in general: barber shops and beauty parlors; bars; bathhouses; bowling alleys; carriers (such as buses, taxis, trains, ferries, and their terminals); children's shelters; fairs; garages; golf courses; gymnasiums; hospitals; hotels; parks; public halls and public elevators; public libraries; race courses restaurants; retail stores and establishments; skating rinks; soda fountains; theaters.

The law does not include private membership clubs and other "distinctly private" accommodations (civil rights law, secs. 40, 40-b; penal law secs. 513, 514; executive law sec. 296).

Insurance: Every applicant for insurance and every policyholder is assured equal treatment. This protection extends to all the fields of insurance underwriting, such as life insurance, health, accident, automobile liability and personal property (insurance law, Sec. 40(10); penal law, Sec. 1191 (4)).

Cemetery associations: It is unlawful to exclude any citizen of this State, by reason of his race, color or national origin, from the equal enjoyment of the facilities furnished by cemetery associations (penal law, Sec. 514(2).

Alcoholic beverage sales: The sale or delivery of alcoholic beverages may not be refused to any person on account of race, creed, color, or national origin (alcoholic beverage control law, sec. 65).

State government: Activities of the departments and agencies of the State are subject to an executive order on nondiscrimination. The activities affected by the order include public contracts, State employment services, and other contacts with the public, as well as the appointment and promotion of State personnel (Governor Rockefeller's 1960 code of fair practices).

COLLEGE NEWS CONFERENCE RETURNS TO AIR

Mr. JAVITS. Mr. President, I believe my colleagues will be very pleased to hear that Ruth Hagy, whose famous award-winning television show, "College News Conference," off the air since last November, has now formed her own production company, Ruth Hagy Productions, Inc., and will bring "College News Conference" back to television, beginning in late October.

The program will be carried over 58 stations of the National Educational Television and Radio Center network, plus the two television stations of Metro Media, Inc., in Washington and New York—channel 5.

"College News Conference" has won a Peabody Award for public service and has been cited by numerous civic and youth organizations throughout the Nation as an outstanding television program in the public affairs field. When it was dropped last year from television after a successful run of 9 years, many of its loyal followers and many newspapers, student organizations and youth groups were dismayed. Students throughout the Nation signed petitions urging that the show remain on the air. It is therefore gratifying to learn that "College News Conference" will return to television.

I ask unanimous consent that a statement by the National Educational Television and Radio Center be printed at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

"College News Conference," the Peabody Award winning series, will begin its 10th year this fall on a new network, National Educational Television (NET).

Guests on the weekly series of half-hour programs during the 1961–62 season will include Attorney General Robert Kennedy, Senator Barry Goldwater, Republican, of Arizona, Secretary of Health, Education, and Welfare Abraham Ribicoff, and USIA Director Edward R. Murrow. They and other distinguished persons will be interviewed by panels of selected college students.

The announcement that NET had acquired the series was made by John F. White, president of the National Educational Television & Radio Center, headquarters and programing agency for the network of more than 50 noncommercial TV stations across the country. "College News Conference" formerly was presented by the American Broadcasting Co.

In his statement Mr. White said, "We are happy to welcome 'College News Conference,' a series with a distinguished history on commercial television. It joins a long list of other fine series that have established NET as a fourth national network offering outstanding news and cultural programs at prime time."

Ruth Hagy, producer and moderator of "College News Conference," said, "I have been delighted with the cooperation of National Educational Television and am very pleased to announce that NET will give us the opportunity to take our cameras to the people and events making the news. I have long felt that television should be doing more of this sort of thing."

The first program will be a study of the Peace Corps in action in Colombia. Miss Hagy recently returned from a series of talks with Government officials in that nation. The program will include films of Corps members training in the United States, receiving on-the-job training in Colombia, and at work there, as well as interviews of Peace Corps members by outstanding Colombian students.

Associated with Ruth Hagy in this new enterprise is Roy Meredith, writer and director, whose American Civil War film series for the Westinghouse Broadcasting Co. won the Sylvania Award last year for the best in television film documentaries. Mr. Meredith, author of a number of books and a dramatic play, "Storm Over Sumter," now optioned for Broadway, will direct "College News Conference" and will be in charge of all film production. Mr. Meredith is also a cinematographer and technician, long connected with the theater, films, and television, formerly of CBS, NBC, and Westinghouse.

MEDICAL AND DENTAL TREATMENT FOR VETERANS OF THE INDIAN WARS

Mr. MANSFIELD. Mr. President, out of order, and from the time allotted to the bill, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 970, H.R. 3587.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 3587) to amend section 612 of title 38, United States Code, to provide outpatient medical and dental treatment for veterans of the Indian wars on the same

basis as such treatment is furnished to veterans of the Spanish-American War.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to add a new section, as follows:

SEC. 2. The period referred to in section 1712 of title 38, United States Code, shall not end before June 18, 1963, with respect to pursuit of a program of education or special restorative training under chapter 35 of such title 38 by an eligible person who (1) had not reached his twenty-third birthday, on June 29, 1956, and (2) resided in the Republic of the Philippines during all, or part of the period June 29, 1956, through June 18, 1958.

Mr. MANSFIELD. Mr. President, the substantive proposal in this amendment was passed unanimously by the Senate on June 21 of this year. It was acted upon at that time as S. 2051. Prior to the Senate action the measure received the unanimous approval of the Committee on Labor and Public Welfare.

I cite these facts, Mr. President, to indicate the great merit of the proposal as well as to indicate its noncontroversial nature.

Briefly, the proposal in the amendment provides additional time within which certain children residing in the Republic of the Philippines may continue their education under the War Orphans Educational Assistance Act of 1956. The proposal to provide this additional time has the approval of the State Department, the Veterans' Administration, and the Bureau of the Budget.

Mr. President, the need for this amendment arises from these facts: Recently, the House of Representatives added an amendment to S. 2051 dealing with an increase in compensation for disabled war veterans. The addition of this amendment to the Senate-passed bill has created certain complications which may require a conference between the two Houses on the different versions of the bill, and in the relatively brief period remaining in this session there is a danger that the remedial legislation for the Philippine war orphans will not be passed this year.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

The VICE PRESIDENT. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill (H.R. 3587) was read the third time and passed.

The title was amended, so as to read: "An act to provide outpatient medical and dental treatment for veterans of the Indian wars on the same basis as such treatment is furnished to veterans of the Spanish-American War, and to extend the time within which certain children eligible for benefits under the War Orphans Educational Assistance Act of 1956 may complete their education."

EINDHOVEN LIBERATION ANNIVERSARY

Mr. MORTON. Mr. President, September 17, 1944, was for the people of Eindhoven, Holland, a day to remember. It was on this date that the Screaming Eagles of the 101st Airborne Division made their historic airdrop in the Eindhoven and Hell's Corridor section of the Netherlands to begin the liberation of Holland.

This military action in World War II, gratefully remembered by the Dutch who are now stanch members of the North Atlantic Treaty Organization, has had over the years another very significant result.

A close friendship and a very special kind of people-to-people relationship has developed in the 17 years since the liberation of Holland between the people of Eindhoven and wartime members of the 101st, who are still comrades in the 101st Airborne Association.

The men of the 101st hold a unique position in the affections of the Dutch. As they have learned, they and their families have second homes in Holland. Three times the 101st has gone back to Holland for special commemorative ceremonies at the invitation of the people of Eindhoven—in 1954, 1959, and 1960.

This year, the 17th anniversary of the Eindhoven airdrop will be commemorated in the United States to permit the Dutch people to tell America how they feel about the 101st Airborne Division, which is headquartered at Fort Campbell, Ky., under the command of Maj. Gen. Charles W. G. Rich.

The burgomasters of Eindhoven have sent to the United States a lovely young girl, Miss Gerardina van Lieshout, 19-year-old daughter of a member of their town council. She is serving as the official representative of the city of Eindhoven in a number of important commemorative ceremonies in Washington, Fort Campbell, Philadelphia, and New York. Wallace Daczkowski, past president of the 101st Airborne Association, is serving as her official escort.

To express the warm and close ties which unite the American and Dutch people, Miss van Lieshout, is bringing with her a very special and very Dutch gift; 10,000 Holland tulip, hyacinth, and daffodil bulbs to be planted at Fort Campbell as a living tribute to the valor of the 101st and the lasting friendship between our two countries.

Miss van Lieshout's visit, under the sponsorship of the 101st Airborne Association in cooperation with the 10,000 members of the Associated Bulb Growers of Holland, will result in the creation of a garden of beautiful flowers each spring which will remind us of what I believe to be the kind of people-to-people understanding and affection which we so sorely need in this time of crisis.

The Berlin crisis, as many Senators know, is primarily responsible for the fact that units of the 101st Airborne Division will be returning to Western Europe once again late this year. It is not a circumstance which any of us wants and which is not of our making. But I believe the presence of the 101st will bring a welcome reassurance to the people of Holland and Western Europe and serve to emphasize that once again we stand with our NATO allies in the common defense of Western civilization.

During her visit to Washington, Miss van Lieshout will participate in several important ceremonies marking the 17th anniversary of the Eindhoven airdrop, and I am pleased to tell my colleagues in the Senate and House that they will have an opportunity to meet this wonderful young girl at a reception in her honor to be given this afternoon in the Old Supreme Court Chamber of the Capitol from 4:30 to 6:30 p.m.

I hope that many Senators will be with us. They are all most welcome. I believe they will enjoy meeting Miss van Lieshout, who is now in the gallery, and through her, the people of Eindhoven.

AMENDMENT OF SHIPPING ACT OF 1916

The Senate resumed the consideration of the bill (H.R. 6775) to amend the Shipping Act of 1916, as amended, to provide for the operation of steamship conferences.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, and that the time necessary for the call of the roll not be charged to either side on the amendment or on the bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Is there objection?

Mr. KEFAUVER. Mr. President, reserving the right to object—although I will not object——

The VICE PRESIDENT. The Chair rules that the request is not debatable. A Senator must either object or not object to the request.

Is there objection to the request that the order for the quorum call be rescinded? The Chair hears none, and it is so ordered.

The time is now under limitation. The Senator from Tennessee has the floor.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield briefly to the Senator from California.

Mr. KUCHEL. I ask unanimous consent that the minority may be permitted

to yield 1 minute to the able junior Senator from New York.

The VICE PRESIDENT. On the bill?

Mr. KUCHEL. On the bill.

The VICE PRESIDENT. The Senator from California yields 1 minute on the bill to the Senator from New York [Mr. KEATING].

WHO EVER VOTED TO KILL SANTA CLAUS?

Mr. KEATING. Mr. President, the Rochester, N.Y., Times-Union on August 28 contained a short, pointed editorial on the new wheat program. It ends with the question, "Who ever voted to kill Santa Claus?" The answer obviously is, "Only a handful of wheat farmers." I ask unanimous consent that this perceptive editorial appear at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Rochester Times-Union, Aug. 28, 1961]

POOR CHOICE

It's no surprise at all to see farmers vote overwhelmingly for new wheat controls and higher subsidies. The alternative was no control but a support price of $1.20 a bushel, or 69 cents less than this year's support price and 80 cents less than contemplated next year. Who ever voted to kill Santa Claus?

RESOLUTION OF THE PULASKI GRANGE NO. 730

Mr. KEATING. Mr. President, the Pulaski Grange No. 730 recently adopted a thoughtful resolution on work relief. I ask unanimous consent that this resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas it has been the practice of many local governments to furnish work for able-bodied persons in need of relief, thereby benefiting the needy person, the public work program of the community, and the tax-paying public; and

Whereas, Federal regulations are putting a stop to this practice: Therefore, be it

Resolved, That the membership of Pulaski Grange No. 730 views with alarm these Federal regulations and respectfully requests the following to use their influence to correct this condition as soon as possible: President John F. Kennedy, Representative Clarence E. Kilburn, Senator Jacob K. Javits, Senator Kenneth B. Keating, Oswego County Pomona Grange, the executive committee of National Granges.

AMENDMENT OF SHIPPING ACT OF 1916

The Senate resumed the consideration of the bill (H.R. 6775) to amend the Shipping Act of 1916, as amended, to provide for the operation of steamship conferences.

Mr. KEFAUVER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be not charged to either side and that I do not lose the floor.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEFAUVER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KEFAUVER. Mr. President, I call up for consideration my amendment 9–6–61—B.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 14, strike lines 4 through 6.

On page 14, line 7, strike out "SEC. 2." and insert in lieu thereof "That" and renumber sections of the bill to conform.

Mr. KEFAUVER. Mr. President, I understand, after conferring with the distinguished Senator from California, that he is willing to accept the amendment.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. ENGLE. The amendment would delete our amendment to the House-passed bill explained in the last paragraph of page 11 of our report No. 860 and the first two paragraphs on page 12 thereof.

The proposed amendment is acceptable, but I wish to explain that in accepting it I do so because, in my opinion and that of the Committee on Commerce, it is not necessary to amend section 14(3) in any way in order to make it clear that the Commission may permit the use of dual rate contracts in accordance with the provisions expressly set forth in the new section 14b added to the Shipping Act, 1916, by this act.

It should be pointed out in accepting this Kefauver amendment that section 14b, the dual rate section, begins with the phrase "Notwithstanding any other provisions of this Act"; and, therefore, the committee is convinced that it is unnecessary to modify section 14(3) in any way for the purpose of clearly legalizing dual rate contracts which meet the standards set forth in section 14b.

With that explanation, I have no objection to the amendment.

Mr. KEFAUVER. Mr. President, the original Shipping Act of 1916 in section 14 enumerates two groups or types of violations that Congress wished to outlaw directly and fully. It wished to treat these two types of predatory practices as we treat per se violations of the Sherman Act. First, fighting ships were outlawed. Second, deferred rebates, a predatory practice, were prohibited. Unfortunately, particularly among some foreign carriers and even some U.S. carriers, it is still a secret predatory practice.

Finally, the broad category of discriminations for the purpose of putting some competitors out of business were prohibited in section 14(3).

The Commerce Committee bill inserts the word "unjustly" before the word "discrimination," which, of course, completely changes the meaning of section 14(3) of the Shipping Act of 1916.

The Senator from California is quite right in saying that my proposal does not have any connection with dual rate contracts. It is not pertinent to the matter which is now under consideration. I appreciate his accepting the amendment.

Mr. President, I ask unanimous consent that a brief further explanation of the meaning and historical background of section 14(3), of the Shipping Act be printed at this point in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION

Lines 4 through 6 on page 14 of the Senate version would amend section 14(3), of the Shipping Act of 1916 by inserting the word "unjustly" before the word "discriminating." As thus written, the section would outlaw "unjustly discriminating" methods aimed at curtailing outside competition.

The addition of the word "unjustly" to section 14(3) of the Shipping Act of 1961 would clearly overrule the Isbrandtsen decision (*Federal Maritime Board* v. *Isbrandtsen Co.*, 356 U.S. 481 (1958)) in which the Supreme Court of the United States held that Congress intended the "resort to" clause of section 14(3), to prohibit the use by carriers of all discriminating methods aimed at outside competition. Other sections of the Shipping Act, in particular sections 15, 16, and 17, prohibit only "unjustly discriminatory" acts. But section 14, the court held, was designed to protect shippers against all forms of retaliation and independent carriers against any type of discrimination. The Supreme Court stated:

"It is urged that our construction produces a flat and unqualified prohibition of any discrimination by a carrier for any reason and converts the rest of the statute into surplusage. But that argument overlooks the revealed legislative purpose of section 14(3). That purpose, as we have said, was to outlaw practices in addition to those specifically prohibited elsewhere in the section when such practices are used to stifle the competition of independent carriers. The characterization 'unjustly discriminatory' and 'unjustly prejudicial' found in other sections (sections 15, 16, and 17) imply a congressional intent to allow some practices dealt with by those sections, but the practices outlawed by the 'resort to' clause of section 14(3) take their gloss from the abuses specifically proscribed by the section; that is, they are confined to practices designed to stifle outside competition" (356 U.S. at 495).

The proposed language did not appear in the Bonner bill since it was not considered necessary to amend section 14(3) of the Shipping Act in view of the fact that dual-rate agreements were expressly made lawful under the bill. Thus section 14(3) can no longer have any possible bearing on the lawfulness of dual-rate contracts provided they conform to the requirements of the act.

The proposed addition was put forth by the American Steamship Committee on Conference Studies in an effort to clarify the intent of Congress in enacting the Shipping Act of 1916 since, in disagreement with the Supreme Court, the steamship committee did not "believe that there was any intention on the part of Congress to make this distinction (between section 14(3) and other sections of the act)." Of course, the American Steamship Committee on Conference Studies is far less qualified to determine congressional intent of some 45 years past than the Supreme Court. But even if this were not the case, allowing some discrimination to eliminate outside competition, providing only that it is not unjust, permits the camel's nose to enter the tent. The history of laxity on the part of the administrative agencies in enforcing the act, the difficulties in distinguishing "just" from

"unjust" discriminations, the lengthy process of administrative proceedings necessary in drawing such distinctions, all point to the undesirability of disturbing section 14(3) of the act, which constitutes a strong bulwark against predatory practices in our foreign commerce, in any such way at this time.

Of this amendment, Chairman CELLER in his letter to me dated August 14, 1961, said:

"As if this were not enough, the print also proposes to alter section 14(3) of the Shipping Act of 1916 in such a manner as largely to destroy its usefulness as a protection to independent competitors. The Supreme Court in the Isbrandtsen case interpreted this section as intended by Congress to prohibit all discriminatory or unfair practices when used to stifle independent competition. The print, by condemning only 'unjustly discriminatory' methods, purports to overturn this reading and with it the strict prohibitions against the use of predatory devices which have been firmly imbedded in the law for over 45 years."

The VICE PRESIDENT. Do the Senators yield back the remainder of their time?

Mr. KEFAUVER. I yield back my time.

Mr. ENGLE. I yield back my time.

The VICE PRESIDENT. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. KEFAUVER. Mr. President, I call up my amendment designated "9–1–61—K" and ask that it be read.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 16, line 22, after the period, it is proposed to insert the following: "Any contract, amendment, or modification of any contract not permitted by the Commission shall be unlawful, and contracts, amendments, and modifications shall be lawful only when and as long as permitted by the Commission; before permission is granted or after permission is withdrawn it shall be unlawful to carry out in whole or in part, directly or indirectly, any such contract, amendment, or modification."

On page 20, line 1, after the word "section" insert "or of section 14b".

Mr. KEFAUVER. This amendment to the new section 14 (b), which is the part of the bill authorizing dual rate shipping contracts, provides certain minor restrictions. It should be unlawful to violate those restrictions. Either through oversight or for some other reason, it was not specified that the violating of these restrictions was illegal, and no penalty was provided.

It is my understanding that the distinguished Senator from California is willing to accept the amendment.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. ENGLE. We see no objection to the amendment; in fact, this was the intention of the bill. I think the language of the amendment clarifies the intent.

Mr. KEFAUVER. I appreciate the attitude of the Senator from California.

Mr. President, I ask unanimous consent that a slightly more detailed explanation of the purpose of the amendment may be printed at this point in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION

Amendment K is designed to assure that institution of a dual-rate agreement contrary to the provisions of the Shipping Act as amended is unlawful and to provide penalties in case of violation thereof. It provides that it shall be unlawful to employ a dual-rate contract before permission, or after permission is revoked. The penalties are the same as those already provided under section 15 of the act.

Under the law as it exists today, an unapproved dual-rate agreement (except those temporarily legalized by the "moratorium law") is a violation of section 15 of the act and of the antitrust laws as well. (See *Isbrandtsen Co.* v. *United States*, 211 F. 2d 51 (D.C. Cir. 1954), certiorari denied, 347 U.S. 990 (1954); *Pacific Westbound Conference* v. *Leval*, 201 Oreg. 390, 269 P. 2d 541 (1954), certiorari denied, 348 U.S. 897 (1954); *River Plate & Brazil Conferences* v. *Pressed Steel Car Co.*, 124 F. Supp. 88 (S.D.N.Y. 1954), affirmed 227 F. 2d 60 (2d Cir. 1955); *Anglo Canadian Shipping Co.* v. *United States*, 264 F. 2d 405, 411 (9th Cir. 1959).)

H.R. 6775, as amended, now permits use of dual-rate agreements conforming to certain conditions upon permission of the Board. But what is the status of a dual-rate contract for which permission has not been sought or for which permission has been denied? Does it now become an "unapproved" agreement in violation of section 15 under the cases cited above? Or is the new "permission" procedure introduced by H.R. 6775 intended to remove all of the "approval" requirements heretofore applicable to such contracts? The bill is unclear in this respect. If the latter should prove to be the case, then there are no sanctions whatever for the use of a dual-rate agreement not conforming to the standards and requisites of the act. This would be a shocking omission and should be remedied by making employment of dual-rate agreements contrary to the provisions of the act unlawful and a suitable penalty provided.

The VICE PRESIDENT. Do the Senators yield back the remainder of their time?

Mr. KEFAUVER. I yield back the remainder of my time.

Mr. ENGLE. I yield back the rest of my time.

The VICE PRESIDENT. All the time is yielded back. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. KEFAUVER. Mr. President, I call up my amendment designated "6–1–61—O," and ask that it be stated.

The LEGISLATIVE CLERK. On page 14, line 11, after "notice" it is proposed to insert "and hearing".

Mr. KEFAUVER. Mr. President, everywhere else in the bill it is provided that where some action is to be taken by the Maritime Commission, both notification and a hearing shall be given. This particular provision would simply give shippers, consignees, and others, an opportunity to have a hearing.

As the bill is presented, it provides that after the notice, the Commission may agree to a conference. It does not say anything about giving anyone a hearing in connection with the questions involved. The amendment would simply insert hearing after the word notice, on page 14, line 11. I feel certain the Senator from California must have intended the language to read that way.

Mr. ENGLE. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield.

Mr. ENGLE. We believe the Administrative Procedure Act would have required a hearing in any contested matter. However, the amendment offered by the distinguished Senator from Tennessee makes the hearing mandatory, and to that extent clarifies the bill. We have no objection to the amendment.

The amendment was agreed to.

Mr. KEFAUVER. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a short further explanation of the amendment, with references to certain cases in the Supreme Court of the United States.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION

The purpose of this amendment is to assure that the rule of the Isbrandtsen decision of the circuit court in 1954 is not in some way overruled by the new law. According to the Senate committee report on the bill: "In *Isbrandtsen Co.* v. *United States* (211 F. 2d 51 (D.C. Cir.) cert. denied 347 U.S. 990 (1954)), the U.S. Court of Appeals for the District of Columbia Circuit held the Board's action improper on the grounds that before such an agreement may become effective under such circumstances the Board must hold a hearing and give its formal approval" (S. Rept. No. 860, 87th Cong., 1st sess. at 8–9 (1961)).

My amendment simply makes the new section 14b, added by the bill, conform to the language appearing in section 15, requiring both notice and hearing. I don't see what objection there can be to this amendment as it simply assures that existing law will not be overturned by this new law, and provides the same procedure under both section 14, with respect to dual-rate contracts, and section 15, with regard to all other types of agreements.

Mr. KEFAUVER. Mr. President, I call up my amendment designated "9–1–61—H" and ask that it be read.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 24, line 24, after "States," it is proposed to insert the following: "any port authority or municipality which operates a port within the United States, or".

On page 25, line 2, after "that" insert "port,".

Mr. KEFAUVER. Mr. President, this amendment alters the so-called Bartlett amendment, which permits the Commission to suspend discriminatory rates, rules, or regulations directed at States, at the petition of the Governors of the several States. The Bartlett amendment is an excellent augmentation of the act. But why limit the protection to States and permit complaints before the Commission to be filed only by Governors?

In practice, discrimination is more likely to involve specific ports or specific commodities or regions, rather than any one State. The proposed amendments would extend the right to petition against unreasonable rates to municipalities which operate ports and port authorities, as well, while at the same

time retaining the right of Governors to seek similar relief.

The importance of extending this particular protection is evident when one takes into account the many discriminations against ports by steamship conferences which have occurred over the years. Illustrative are the following grievances submitted by the San Diego port director in 1954 against the Trans-Pacific Freight Conference of Japan.

First. The port of San Diego complained that the conference refused to permit member lines to call at San Diego.

Second. Permitted specific cargoes to be discharged San Diego and requiring general cargo on same vessel destined for San Diego to be discharged Los Angeles.

Third. Permitted member lines to carry only cargo in minimum designated lot requirements specified by the conference to San Diego and refusing permission to carry other cargoes.

Fourth. Other practices in accordance with the provisions of the tariff which are also discriminatory against and prejudicial to the port of San Diego.

Fifth. The establishment of and/or charging a different rate for cargo to the port of San Diego from that charged for delivery of cargo to the port of Los Angeles as provided for in rule 21 of the said tariff is a direct violation of said section 205.

Other ports on the West Coast which have been subject to discriminatory treatment at one time or another by steamship conferences include Stockton, Alameda, Oakland, Richmond, Longview, and Bellingham.

On the gulf coast and also on the Atlantic coast there have also been many grievances because of discrimination practiced against ports or port authorities by conferences serving those regions. If a port or a port authority is being discriminated against, it should have a right to petition the Maritime Commission; and the Commission, in order to protect the legitimate interest of the port, should go into the matter promptly. That is the purpose of my amendment.

Mr. ENGLE. Mr. President, the Bartlett-Gruening amendment, which is sought to be amended by means of the amendment of the Senator from Tennessee, was not in the House version of the bill. We included the amendment submitted by the Senators from Alaska [Mr. BARTLETT and Mr. GRUENING] because they complained bitterly that one of the conference rates in the Far East discriminated against Alaskan ports. So we have sought to provide procedures whereby quick action could be obtained in connection with a matter of that sort; we have provided that if a Governor protests, there will be a priority, insofar as the hearing and the determination are concerned, inasmuch as the Senators from Alaska claim that the hearings could drag on for several years. So the amendment provides that an order to show cause must issue and a decision must be reached within 120 days.

The amendment offered by the Senator from Tennessee would add to those who would be entitled to such priority hearing any port authority or municipality which operates a port within the United States.

Of course, on the face of things, it would seem that everyone should be entitled to have a quick hearing of his case. We limited the provision in regard to having such priority to Governors, because the importance and the dignity of that position seemed to us to warrant the provision of a priority hearing.

But if we now add the ports or port authorities and the municipalities which operate ports, the question is whether we may bog down this procedure by having such a multiplicity of filings that it would be impossible for the Commission to act within the prescribed time. I cannot answer that question; I do not know the answer. If there would not be that result, I would certainly have no objection to this amendment.

Let me say to the distinguished Senator from Tennessee that I shall be glad to accept his amendment with the understanding that we shall take it to conference, and in the meantime I shall try to ascertain from the appropriate persons in the Maritime Commission what they think the effect of the amendment might be on their agenda or their schedule. If they would not anticipate that the multiplicity of filings would be such that they would have to extend the 120 days to 6 months or some similiar period, I would see no objection to the amendment.

Mr. KEFAUVER. Let me point out to the Senator from California that it is not, ipso facto, the State that is discriminated against in connection with a determination of what kind of cargo may be unloaded at a port; it is the port authority. In the long run, of course, the State is adversely affected—as, for instance, is the State of Alaska under the present 30-percent differential that is charged at ports in Alaska.

Unless we do include a provision which gives the right to a port or a port authority to protest and to receive an immediate or an expeditious hearing, the commerce of a particular port may be very adversely affected. The Governor may be in an untenable position. For instance, in the case of California, two cities—San Francisco and Los Angeles—were getting all the breaks, whereas San Diego, Stockton, and other cities were complaining. So the Governor would be caught right in the middle of that controversy.

Mr. ENGLE. But if we give everyone a priority, we defeat the very purpose of the procedure advocated by the Senators from Alaska. That is the only point I am making. If we include the port authorities and the municipalities which operate ports, we shall have included about everyone. Then the question will be whether we shall have in fact destroyed the priority which was created when we provided priority treatment for a complaint made by a Governor. If too many are included, the priority will be destroyed. That is my only point. If, after an examination, it appears that such would not be the case, I would have no objection to the amendment, because I like to see these matters disposed of in the most efficient and timely fashion possible.

Mr. KEFAUVER. I appreciate the Senator's willingness to accept the amendment. I thought a little discussion of it might help in connection with consideration of the amendment in conference.

I point out that not a great many of such discriminations would be protested; but when there are discriminations which should be considered by the Commission, they are of great importance to the ports or to the cities served by the ports.

Furthermore, if the Governor would act first, there would be no occasion for the municipality or the port authority to file a protest. But this amendment would provide relief in a situation in which two ports in a State were receiving special benefits, but other cities in the State were not. So I believe it important that the ports or the port authorities have the right to protest and to have a fast hearing.

If the Senator from California will accept the amendment, I shall yield back the remainder of the time available to me.

Mr. ENGLE. Mr. President, I yield back the remainder of the time available to me.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

The VICE PRESIDENT. The bill is open to further amendment.

Mr. KEFAUVER. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time required for it not be charged to the time available to either side.

The VICE PRESIDENT. Without objection, it is so ordered; and the clerk will call the roll. Without objection, the Senator from Tennessee will retain the floor.

The legislative clerk proceeded to call the roll.

Mr. KEFAUVER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Without objection, it is so ordered.

The bill is open to further amendment.

Mr. KEFAUVER. Mr. President, I call up my amendment identified as "9–1–61—L," and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Tennessee.

The LEGISLATIVE CLERK. It is proposed on page 18, lines 9 and 10, after the words "naturally competitive" to strike out "unless each conference retains the right of independent action."

Mr. KEFAUVER. Mr. President, this is a very important amendment. Section 3 of the Senate Commerce Committee version of H.R. 6775 amends section 15 of the Shipping Act of 1916 to require that the Maritime Board shall not approve any agreement "between conferences of carriers serving different trades that would otherwise be naturally competitive unless each conference retains the right of independent action."

Now, the apparent intent of this provision is clear. It would seem that it is intended to prohibit conference cartels, which operate in competing trade routes, from joining together into supercartels. The prime purpose of such supercartels would be the joint setting of rates in the various, competing trades in such a way as to further lessen competition, which has already been substantially eliminated in each trade involved in such an agreement by the formation of the conference cartels themselves.

However, the bill includes the phrase "unless each conference"—entering into the agreement—"retains the right of independent action." What is the effect of this phrase? The answer is obvious: It makes the bill's prohibition against supercartels meaningless. The way the bill is now worded, it would prohibit agreements between cartels to form supercartels unless each of the cartels retains the right to disagree with the other. In other words, the bill now reads that there cannot be an agreement to form a supercartel unless there is an agreement to do so. This is obviously preposterous, since the agreement would not be made in the first place unless the parties to the supercartel agreement had decided in advance that they were going to give up the right of independent action in order to achieve the economic results of monopolies. Thus, it is essential that this phrase be eliminated so that what the bill appears to do—outlaw supercartels—is actually done.

As I have indicated, these steamship conferences are international cartels. It is bad enough that the U.S. Congress must authorize under our laws participation by American companies in such international cartels, but to permit them to form supercartels would be beyond all reason. Those of us who lived through the thirties and forties know full well how international cartels have injured our American economy and our defense effort. Let us not compound this at this time.

Let me place before the Senate an example of the evil worked on American shippers by one of these supercartels. There is now in effect an agreement between conference cartels serving the Atlantic coast to Far East trade, and the one serving the Pacific coast to the Far East trade. Under its provisions, the freight rates for shipments of a commodity from the west coast of the United States to Japan are identical to the rates for shipment of the same commodity from the east coast of the United States to Japan, notwithstanding the fact that the distance from the east coast, via the Panama Canal, to Japan is 8,000 miles greater than from the west coast. Thus, the shippers on the entire west coast are disadvantaged by this agreement, notwithstanding the fact that they are 8,000 miles closer to Japan than the shippers on the east coast.

Moreover, consider the plight of a shipper in St. Louis, for example. While by virtue of the conference cartels, he does have the advantage of choosing between a great number of competing carriers, he was at least free to choose between shipping by a west coast cartel member and an east coast cartel member—according to which charged the lower rate. But, by virtue of the agreement between these two conference cartels, all rate competition between west and east coast carriers to Japan was eliminated. Thus, the St. Louis shipper no longer has any real choice as to how he ships. No matter to which dock he sends his goods, he will find the rates identical.

But there are other such supercartels now in existence. I do not wish to burden the Senate at this time by listing all of them. But let me refer as an additional example, the agreement among the conferences serving the Atlantic coast of the United States to the Mediterranean area, the Atlantic coast of the United States to northern European ports and the one from the Atlantic coast to Swiss destinations. Under that agreement it makes no difference to a shipper transporting goods from the east coast of the United States to Swiss destinations whether he routes his goods via Mediterranean or northern European ports—he pays the same ocean freight rate either way. Thus, the potential advantage of competition between the lines serving the southern routes and the lines serving the northern routes is eliminated. The result is that once again the American exporter is disadvantaged by lack of competition.

The bill imposes no limit on the number of conference cartels which can join together into supercartel agreements. There is no reason why all the conference cartels engaged in U.S. foreign commerce could not join together into one gigantic supercartel. The Commerce Committee report tells us that competition, no matter how slight, is inimical to international shipping. It points out that the natural—indeed, necessary—result of this fact is the formation of cartels to protect ocean carriers from competition. Nothing would protect ocean carriers—both foreign and American—from competition more thoroughly and more effectively than a supercartel of every single conference cartel. It would permit them a virtual free hand in setting the rates which American exporters and importers must pay to any spot in the world. This is a preposterous thing to approve by legislation. I, therefore, strongly urge that the phrase "unless each conference retains the right of independent action" be stricken from H.R. 6775.

When that phrase is stricken, the bill will carry out what appears to be the meaning of the Senate committee, which is to require that each conference operate on its own.

Mr. President, I reiterate that the American tradition is to have free competitive enterprise. It is bad enough to take out from under the antitrust and competitive laws a great segment of our economy by allowing a virtual monopoly exemption to a conference cartel; but when it is suggested that we allow all of them to join together in a supercartel, it is even worse. Under that condition, there would be no competition whatsoever as among the cartels, and the shipper would have no choice as to whether he shipped by the North Atlantic ports, the Mediterranean ports, or the Pacific ports.

I say that placing such authority in the hands of foreign-dominated ship conferences—and 85 percent of them are dominated by foreign lines—would place the American shipper at the mercy of the foreign-dominated cartels. It would not be fair, would not be right, and would not be in keeping with our American tradition of free competitive enterprise.

Mr. ENGLE. Mr. President, I yield myself such time as I may require from the allotted time on the amendment.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. ENGLE. Mr. President, the amendment was submitted to the House committee and was rejected. The amendment was considered by the Senate committee and not included in the proposed legislation. Our committee deals with this question on page 16 of the report, for the information of Senators who wish to read what the committee had to say about it.

The committee certainly does not subscribe to such a blanket indictment of the long-established Board approval policy founded apparently on the same sound economic base which underlies the conference itself.

As of October 1959, there were nine interconference agreements approved by the Board and its predecessors. We are not seeking to authorize something new. We simply refuse to deauthorize something which has been going on over a great number of years. There were nine of the interconference agreements as of October 1959. Five applied to certain European areas where cargo can move through a number of competitive gateways, either direct or with transshipment. Two applied in the Orient-United States North Atlantic trade and were designed to protect direct rates as against rate cutting by intermediate conferences which might carry transshipment cargo in the trade. Of the other two, one was between New York Freight Bureau and the Trans-Pacific Freight Conference of Japan; the other, between the Pacific Coast European Conference and the Hawaiian Islands/European Conference.

The committee noted with approval the comments of the former Chairman of the Federal Maritime Board, Hon. Clarence G. Morse:

> These interconference agreements are designed as a means of stabilizing rates in the respective trades, of protecting the competitive positions of the respective conferences, and of preventing interconference rate wars which deprive shippers and carriers alike of the stability and uniformity as to rates which the conferences seek to achieve.

That was testimony given before the House committee.

Of course, there is a certain amount of overlapping in the conference arrangements.

The Commission is now reviewing the Board-approved joint agreement between the Far East Conference (from U.S. Atlantic and gulf ports) and the Pacific Westbound Conference (from

U.S. Pacific ports) to China, Japan, and the Philippines. Under that joint agreement (FMB No. 8200) the two conferences agree upon the overland rates to be charged by the Pacific Westbound Conference and the rates from both Atlantic/Gulf and Pacific areas for commodities which are common to both areas. Under the Far East Conference/Pacific Westbound Conference joint agreement each conference retains the right of independent action. Therefore, under our amendment it is left to the Commission to determine, under the standards set forth in the legislation amended, whether to continue its approval of that and other joint agreements, and when and under what circumstances to approve new joint agreements.

In other words, the conference system is under precisely the same kind of regulation as any conference system. Each conference reserves to itself the right of independent action. It can get out if it wants to.

As I have emphasized, the proposal is not an authorization of something new. These interconference agreements, as Mr. Morse has stated, are necessary because there is a certain amount of overlapping in the conference trade areas. They have to comply with the same rules and regulations that are set up in the bill relating to conferences themselves. For that reason, and having in mind the previous action of the House committee, which rejected a similar amendment, and our consideration of it, I hope the Senate will not accept the amendment.

Mr. DOUGLAS. Mr. President, will the Senator yield so that I may ask the Senator from Tennessee some questions?

Mr. KUCHEL. I yield to the distinguished Senator from Illinois as much time as he desires.

Mr. DOUGLAS. I thank the Senator. I will be grateful if the Senator from Tennessee will reply to my questions.

As I understand it, at present there is a series of regional shipping cartels. Is that true?

Mr. KEFAUVER. Yes, there are approximately 110 shipping conference cartels serving the commerce of the United States.

Mr. DOUGLAS. Are these cut across national lines?

Mr. KEFAUVER. That is correct.

Mr. DOUGLAS. The agreements which they make are binding upon their members within the routes that they cover?

Mr. KEFAUVER. That is correct. Of course, they endeavor to bring the shippers and the consignees into agreements also.

Mr. DOUGLAS. I notice that the bill before us would permit agreements among and between cartels only if each conference retains the right of independent action. What does the proviso that, "each conference retains the right of independent action" mean?

Mr. KEFAUVER. It means absolutely nothing. The phrase is completely meaningless. It would permit supercartels to exist as long as the member retained a theoretical right to disagree. In practice it would have no effect. They naturally would retain the right of independent action to get in. It appears to me that the phrase is for the purpose of diverting attention from the fact that all the large cartels would be authorized to get together in a supercartel. That phrase has no meaning whatsoever.

Mr. DOUGLAS. Would there be any limit on the number of cartels that could join in a supercartel under the bill?

Mr. KEFAUVER. All 110 of the cartels in the shipping of the United States could, under the bill, join together in a supercartel to fix rates for all foreign commerce. I wish to point out to the distinguished Senator that the rates would not be fixed by American companies or by any American regulatory body. In all 110 of the cartels, with but a handful of exceptions, the rates would be fixed by foreign-owned companies. The record will be found in the CONGRESSIONAL RECORD of yesterday on page 19343. I put the list into the RECORD. It shows that about 85 percent of the cartels are dominated by foreign lines. Because of this, most American shippers would be completely at the mercy of foreign cartels.

Looking at the list on page 19343, the Senator will find the very first one shown is the Associated Steamship Lines (Manila), 8 U.S.-flag members, 50 foreign-flag members.

Mr. DOUGLAS. Are votes in the cartels cast according to relative tonnage?

Mr. KEFAUVER. There are different ways. In some cases voting is by members, in others by relative tonnage, and still other methods are used. But it is conceded that control of the majority of the cartels—which would mean control of our international shipping—would necessarily be in the hands of foreign shipping interests. I am all for giving the foreign shipping interests a voice. I am all for doing well by our friends. Yet, it is undesirable to have one cartel dominated completely by foreign shippers. But, when we allow such cartels to join together in a supercartel of 110 cartels, dominated by foreign shipping interests, then indeed the American shipping lines would have substantially no voice whatsoever.

Mr. DOUGLAS. I have heard part of the address of the Senator from Tennessee today, and this morning I had occasion to read a portion of his very able speech of yesterday. Am I correct in the impression that the present rate structure on ocean shipping is one in which the rates from United States to foreign ports tends to be greater than the rates from those identical ports to the United States, thus placing American shippers and exporters at a comparative disadvantage? Is that correct?

Mr. KEFAUVER. Yes. The rates on a great many commodities are very much greater from United States ports to foreign ports than they are from foreign ports to the United States. For purpose of reference, those facts will be found on pages 19362, 19365, and 19373 of the RECORD of yesterday.

I call the Senator's attention to some of the rates which affect shippers in the Midwest, particularly the rate on cheese, which was so ably discussed yesterday by the Senator from Wisconsin [Mr. WILEY]. That discussion appears on page 19373 of the CONGRESSIONAL RECORD of yesterday.

Mr. DOUGLAS. I observe that the export rate was $6.38 per hundredweight; the import rate $3.84.

Mr. KEFAUVER. The Senator is correct. We find, for example, with respect to electric motors, the outbound rate is $54 per short ton; inbound, $39. On stainless steel, the rate is $61.25 per long ton outbound; $33 per long ton inbound.

Mr. DOUGLAS. May this differential rate in favor of foreign producers in the case of steel partially account for the fact that our steel manufacturers are complaining that they are being undersold in this country by the importation of German steel?

Mr. KEFAUVER. Undoubtedly it does. For example, the steel companies have said that part of the reason they have been losing their export trade is the excessive rates that are being charged for shipment outboard of steel as compared with the rates from Germany, England, Japan, and other countries.

There is a statement by an official of a steel company which I had printed in the RECORD of yesterday.

A great many justifiable complaints have been made in connection with this great and unjust disparity. This is also true in relation to shipments of chemicals from the United States to Germany and Germany to the United States. Our rate to Germany is many times what it is from Germany to the United States.

It is no wonder that we are having trouble with our exports. Yet under this system we would have no power to do anything about it, because conference cartels could join any international supercartel, and we would be completely at their mercy. In fact, we are practically at their mercy at the present time, with the cartels that are in effect. For instance, on page 19366 of yesterday's RECORD there is a statement which bears on steel. In a letter dated May 23, 1958, to Mr. Frank Slater, vice president of the American Export Lines, the Ore Navigation Co. of New York City stated:

> It is quite generally known in all trades that present iron and steel rates from U.S. ports are unreasonably excessive in view of today's freight market, general cargo rates from Europe and the decline of steel shipments from here.
>
> Of all the problems confronting steel exporters today, the primary obstacle to the recapturing of diminished markets and booking cargo again with the berth operators from our ports is the extreme inequality of berth rates (hearings, pt. 1, vol. V, at 4928; the Senator may desire to read further from this letter).

Mr. DOUGLAS. While the question of rates which were previously quoted applied to Japanese trade, it is instructive to notice the desparity with respect to German trade. On electric motors the rate from Chicago, Milwaukee, and Detroit per long ton is $74.25, but from Bremen and Hamburg, identical ports, to Chicago, the rate ranges between $48 and $49 a ton, or $25 a ton less.

Mr. KEFAUVER. That is correct. I said in my speech yesterday that there was such a great disparity in the rates from England and Germany to Greece in connection with electrical fixtures, electric stoves, freezers, and so forth, that we have lost much of our market in Greece because of the disparity in rates.

Mr. ENGLE. Mr. President, will the Senator yield for an observation?

Mr. KEFAUVER. I yield.

Mr. ENGLE. I wish to call attention to page 17 of the bill, which states:

> The Commission shall by order, after notice and hearing, disapprove, cancel, or modify any agreement, or any modification or cancellation thereof, whether or not previously approved by it, that it finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be contrary to the public interest, or to be in violation of this act, and shall approve all other agreements, modifications, or cancellations.

What I am saying is that what we have tried to do in the bill is to put the regulatory agency in a position to kick out these conferences if Americans are getting gouged. That is precisely what the language in the bill says. We understand about some of these rates. When these rates fall into the category referred to in the act, the Commission has the right to disapprove of the conference and not permit the conference to operate. Joint conferences as well as single conferences must operate under these rules. We are not authorizing something to be done in the bill. As of October 1959, there were nine interconference agreements which had been approved by the Federal Maritime Board and its predecessors. We are not changing it. They have to meet the same rules that everyone else has to meet. Where the trade areas overlap, they can get an agreement if it falls within the limitations of this act.

Mr. KEFAUVER. There is nothing in the Shipping Act of 1916 that authorizes supercartels. They have been approved by Commissions in the past, without authorization, on their own. Of course, with all due deference, some Commissions before the previous one have not been very diligent in looking after the interests of the American shippers. The fact that they have approved them does not mean that they have been authorized. In any event, they are not a good thing for the United States. Furthermore, the bill does not anywhere mention the ability of the Commission to set aside any cartel because of the unfairness of rates. If the Commission had been thinking about the shippers, why would they have permitted a situation such as that shown at page 19374 of the RECORD of yesterday. I call the Senator's attention to that page in the RECORD.

On chemicals, from Hamburg to New York, 82 cents per hundredweight. New York to Hamburg, $6.61. Rotterdam to New York, 82 cents per hundredweight. New York to Rotterdam and Antwerp $5.85. The record is filled with such examples which unfairly affect our trade. Yet they have been permitted by the Commission to continue. This bill would perpetuate them so as to give them legality. If we think after we authorize them here, that some Commission in the future, might knock out a conference because of unfairness of this kind, I wonder why they have not done so before.

Mr. DOUGLAS. Without reflecting in the slightest on the motives of the framers of the bill, would the Senator from Tennessee say it is designed primarily to protect the interests of the carriers and almost completely disregards the interests of the manufacturers and shippers?

Mr. KEFAUVER. That is my opinion about it. If this bill is used to the extent of the authorization contained in it, the shipper is at the complete mercy of the foreign shipping lines insofar as rates are concerned. It is true that in the bill there are some provisions that if something is adverse to the commerce of the United States, they may disallow participation by American shipping interests. However, I call attention to the fact that they have never knocked out a conference on account of rates. I also call attention to the fact that Mr. White, the Deputy Attorney General takes this authorization to task very vigorously. He says:

> We urge the committee [Senate Commerce Committee] to delete the proviso (which would allow interconference agreements if the right of independent action were retained) thereby clearly prohibiting any interconference agreements. While the existing language of the bill gives a conference the right to take independent action on matters embraced within the agreement, it nevertheless permits all parties to an agreement to establish a uniform policy on rates and other competitive matters when it serves their purpose to do so. The Department of Justice is convinced that it is not in the public interest to permit agreements which may create a virtual monopoly of ocean transportation to or from this country. Congress should not sanction private rate-fixing schemes or supercartels which could embrace every port through which the foreign commerce of the United States is conducted. Such an arrangement would deny shippers the cost savings resulting from their location on or in proximity to a particular coastal range.

Mr. DOUGLAS. Mr. President, will the Senator further yield?

Mr. KEFAUVER. I yield.

Mr. DOUGLAS. Are there any geographical limits on the supercartels?

Mr. KEFAUVER. There are no geographical limits.

Mr. DOUGLAS. These could cover a very wide area?

Mr. KEFAUVER. They could cover the entire foreign shipping of the United States.

Mr. DOUGLAS. Are there any limitations on the subject matters which could be acted upon by a supercartel?

Mr. KEFAUVER. There are no limitations upon subject matters or upon the cargoes to be carried.

Mr. DOUGLAS. What is the economic reason for such a bill as this?

Mr. KEFAUVER. The only economic reason for allowing a supercartel is to allow existing cartels to further expand their monopoly power, both geographically and economically. This is a great bonanza to them.

Mr. DOUGLAS. I wonder if it would be improper for me to inquire of the distinguished Senator from California, who is in charge of the bill, what he regards as the economic justification for the bill.

Mr. ENGLE. The whole bill? Not this particular amendment?

Mr. DOUGLAS. The interconference agreements.

Mr. ENGLE. I read it just a few minutes ago. I think Mr. Morse, the former Chairman of the Federal Maritime Board, made that very plain. He said:

> These interconference agreements are designed as a means of stabilizing rates in the respective trades, of protecting the competitive positions of the respective conferences, and of preventing interconference rate wars which deprive shippers and carriers alike of the stability and uniformity as to rates which the conferences seek to achieve.

Mr. DOUGLAS. Stripped of the fancy language, does not that mean that the interconference agreements can be used to prevent a lowering of rates by carriers in an effort to get trade; and therefore, are they not designed to stifle price competition?

Mr. ENGLE. The vast majority of the shippers of this country favor this legislation; they are not against it, and the dual rate system is a system under which shippers and a group of lines are authorized to get together to agree that if the shippers ship all or a substantial portion of their cargoes with the conference lines, they can get a lower rate—not a higher rate, but a lower rate.

The PRESIDING OFFICER. All time of the Senator from Tennessee has expired.

Mr. ENGLE. Mr. President, I will yield the Senator some of my time.

Mr. KEFAUVER. Will the Senator proceed on his own time?

Mr. BUTLER. Mr. President, will the Senator from California yield?

Mr. ENGLE. I yield.

Mr. BUTLER. I can understand the concern of the Senator from Illinois. The question he has propounded needs to be answered. The taxpayers spend more than $300 million a year to provide for an American merchant marine. In my opinion, the only way in which that money can be effectively used is by the enactment of this bill thus preventing the rate wars which result, in the absence of this legislation, in the independent owners cutting rates.

Mr. DOUGLAS. Are rate wars bad?

Mr. BUTLER. Let me finish. A rate war creates monopoly.

We know that only the strong can survive a rate war. So the result of a rate war is the same thing the Senator is apparently opposed to. It drives out of business the companies which he seeks to protect. I call your attention to the fact that these owners do not operate on fixed routes or provide steady service. The American merchant marine cannot operate that way and hence the taxpayers' money will be wasted.

Mr. KEFAUVER. Mr. President, will the Senator from Maryland yield?

Mr. BUTLER. I yield.

Mr. KEFAUVER. The worst rate wars which we have had were when Isbrandtsen was causing a lot of competition. A reference to that may be found on page 19360. The American lines are making very good profits, even during the height of the rate war.

Mr. BUTLER. They were making good profits because there was enough business to warrant it. But now none of them is making money, and none can make money, unless some protection is afforded them through the dual-rate system.

Mr. KEFAUVER. They cut their rates by 30 percent, sometimes 40 percent. In 1958, the United States Lines made $6 million.

Mr. BUTLER. I know of no American ship operator who is now cutting rates.

Mr. KEFAUVER. What does the Senator mean by "cutting rates"?

Mr. BUTLER. They are operating at conference rates.

Mr. KEFAUVER. The conferences have a monopoly, so they are making money by abiding by the monopoly rate.

Mr. BUTLER. Isbrandtsen does not have a monopoly. The court ruled that Isbrandtsen could charge lower rates, but Isbrandtsen is not charging lower rates; it is charging the conference rates.

Mr. DOUGLAS. I hold no brief for the Isbrandtsen Co., because certain of its transactions, as I remember them, were not very good. Nevertheless, was the situation that they made money while they were competing, and that the combined pressure of the cartels forced them into an agreement?

Mr. KEFAUVER. No; the Maritime Commission forced them into it. The Maritime Commission said it would not grant them a subsidy for a line they wanted to acquire unless they joined the conference.

Mr. DOUGLAS. In other words, the Maritime Commission used the threat of a withdrawal of subsidy to stabilize competition, and thus forced Isbrandtsen into the shipping cartel?

Mr. KEFAUVER. The Maritime Commission said, in effect, "Unless you join the conference, we will not grant you a subsidy."

Isbrandtsen is making money without a subsidy.

Mr. BUTLER. Isbrandtsen was not then entitled to a subsidy.

Mr. KEFAUVER. I must point out that subsidies are primarily determined by costs, not profits. Isbrandtsen was forced and pressured by the Maritime Commission to join the conference if it wanted to get a subsidy. That is in the record. That is in a statement made by the former Chairman of the Maritime Commission.

Mr. BUTLER. Does the Senator know of any way in which the investment of the taxpayers in the American merchant marine can be protected, and still prevent price wars, which the Senator must realize creates a monopoly, without a conference system?

Mr. KEFAUVER. The Senator asked me a question. I should like to answer the question. Of course I know a way.

Mr. BUTLER. What is the way?

Mr. KEFAUVER. Conferences, or even some dual rates, are not outlawed now. They are not outlawed under the House bill—quite the contrary. What is needed is simply some minimum limitations to afford some kind of protection to shippers and to independent lines, as are contained in the House bill.

Mr. BUTLER. The House bill would make it completely impossible to operate a dual-rate system.

Mr. KEFAUVER. Just a minute. If carriers do not want to operate without operating in a cartel or a collusive manner, they can do so now. They can operate under dual rates. But what is involved here is not merely allowing them to operate in a conference. What is involved in the amendment now before the Senate is allowing all the conferences to get together in one great big cartel, without any justification whatsoever.

Mr. BUTLER. But under the control of the Maritime Commission.

Mr. KEFAUVER. Under the control of the Commission, but not as to rates.

Mr. ENGLE. I yield to the Senator from Kentucky.

Mr. MORTON. Mr. President, my interest in the bill is primarily on behalf of shippers. I have had some experience in shipping merchandise in the export trade. If one attempts to build a brand business of any kind, it is necessary to have a steady rate structure.

The Senator from Illinois [Mr. DOUGLAS] asked about the economic justification for the bill. I think it is in the interest of shippers. It is not possible to build a business when rates are jumping around, uncontrolled, and low when bottoms are available, but high when space is tight.

I observe in the Chamber the distinguished Senator from West Virginia [Mr. BYRD], who shares an interest with me in the export of coal products. He will well remember that when we were Members of the House a few years ago, we sought the development of a coal business in Western Europe. We were getting attractive rates. As soon as the coal began to move and the shippers were getting the business, up would go the rates.

Coal is not an item which lends itself to conference shipping, because coal is a hard, dirty product to transport overseas.

To prevent that constant fluctuation, which meant that after a business had been established and was going well, such a fluctuation in the rates would drive the business out of the market within perhaps 2 months, the coal shippers and producers incorporated a company to provide shipping for coal at a constant rate. Then the tramps fell into line; they had that as a guideline. So we had guidance and stability of rates on coal.

I have heard from many shippers and shipping associations in connection with this bill, first, as it came from the committee, and, this morning, in connection with the amendments submitted by the Senator from Tennessee. They are unanimous in urging the rejection of the amendments of the Senator from Tennessee—those of a more substantive nature; and they are unanimous in urging the passage of the bill as it has been reported by the committee. That is what the shippers want; and they include those who ship chemicals, and include the Spencer Chemical Co., which has headquarters and branches in my State.

At one time, when I was in the grain and milling business, we developed an oversea business on a brand-name product we had developed, called Afrecho. We developed a substantial business for it in Latin America and in certain areas of Africa. But we never could have done that in the absence of a constant rate. Without a constant rate, it would have been impossible to have developed that business.

So I think an important consideration in this case is the American shipper; and I believe it will be found that 90 or 95 percent of the American shippers and 90 or 95 percent of the American shipping associations favor the bill as reported by the committee.

Mr. ENGLE. Mr. President, I should like to add to what the Senator from Kentucky has said, by stating that these are common carriers, and they have regular routings and scheduled service. That is why since 1877 there have been these conference agreements. There have been many investigations of the shipping industry internationally. In 1906, the British Royal Commission studied this matter. In 1912, the Alexander committee, of the House of Representatives, studied it. It was studied also in connection with the Shipping Act of 1916; and it was studied again, very exhaustively, in connection with the Merchant Marine Act of 1936. And since the Isbrandtsen case of 1958, hearings have been going on for a period of 2 years, and have involved some 13,000 pages of testimony.

The unanimous conclusion in connection with every one of those studies, made over a period of more than 50 years, is that the conference system is absolutely essential to the stability of such rates.

In the decision in the Isbrandtsen case, it was held that an American shipper could not enter such an agreement because that would violate the antitrust laws. On three different occasions since 1958, Congress has taken action in connection with a moratorium; and the rest of the conference systems—and, as the Senator from Tennessee has said, there are approximately 113 of them—have continued in operation during this interim period, while we have been trying to achieve a permanent solution.

This bill authorizes the conference system, but requires the conferences to comply with very rigid requirements. If they do not, the Maritime Commission will order the American lines out of the conference system.

The pending amendment would make it impossible for the conferences themselves to get together and agree with respect to matters on which they overlap. As I have pointed out, nine of those interconference agreements were in existence in 1959. There may be more now. But in any case, they are under precisely the same kind of requirement as the one which, by means of this act,

the conferences themselves are under. Moreover, we provide that any conference must be able to act independently; that is, if it wishes to get out, it must be able to do so.

Mr. MANSFIELD. Mr. President, will the Senator from California yield?

Mr. ENGLE. I yield.

Mr. MANSFIELD. On the question of agreeing to the amendment of the Senator from Tennessee, I ask for the yeas and nays.

Mr. KEFAUVER. I wish to have a quorum call.

Mr. MANSFIELD. Let us get the yeas and nays ordered, first.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. KEFAUVER. I should like to have a quorum call.

Mr. MANSFIELD. Mr. President, if the Senator from California will yield for that purpose, I suggest the absence of a quorum.

Mr. ENGLE. I yield for that purpose, and then I yield back the remainder of the time available to me.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time required for the quorum call be outside the controlled time.

The PRESIDING OFFICER. Without objection, it is so ordered.

All remaining time on the amendment of the Senator from Tennessee has been yielded back.

The absence of a quorum has been suggested; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield myself 1 minute on the bill for the purpose of a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. What is the legislative situation at the moment?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

Mr. MANSFIELD. Will the Chair have the amendment read to the Senate?

The PRESIDING OFFICER. The amendment will be read by the clerk.

The LEGISLATIVE CLERK. On page 18, lines 9 and 10, after the words "naturally competitive", it is proposed to strike out "unless each conference retains the right of independent action".

Mr. MANSFIELD. Mr. President, has all the time on this amendment been used up?

The PRESIDING OFFICER. All time has been yielded back.

Mr. MORTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORTON. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to the amendment of the Senator from Tennessee.

Mr. KEFAUVER. Mr. President, will the Senator yield me 3 minutes on the bill?

Mr. MANSFIELD. I yield the Senator from Tennessee 3 minutes on the bill.

Mr. KEFAUVER. Mr. President, the basic proposition here is simply this: The conference cartels are 85 percent under the control of foreign shipping lines. In some 13 cartels there is not even an American line in the cartels. Discriminatory rates, adverse to the commerce of the United States, are rampant. Sometimes they charge as much as five or six times more for shipments from United States to foreign ports as they charged for shipments from foreign ports to the United States. U.S. manufacturers of steel, chemical, and agricultural products, among other products, are adversely affected.

This bill would authorize the 110 cartels to operate independently. What the Senate version of the bill is attempting to do is authorize all of them to get together in a supercartel, so that any area of the country that has an advantage will lose that advantge, and so the cartels can fix the rates for larger and larger geographic areas.

It is bad enough to have cartels, to begin with, particularly when they are under the domination of interests that may be inimical to the interests of the United States, but to allow both foreign carriers and U.S. carriers to get together in a super, all-encompassing cartel, and eliminate all competition by allowing them to make agreements among themselves, is outrageous and preposterous, in my opinion.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HAYDEN (when his name was called). On this vote I have a pair with the senior Senator from Oregon [Mr. MORSE]. If he were present and voting he would vote "yea." If I were at liberty to vote I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Oklahoma [Mr. KERR], the Senator from Oregon [Mr. MORSE], the Senator from Missouri [Mr. SYMINGTON], the Senator from Texas [Mr. YARBOROUGH], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. HICKEY] are absent on official business.

I also announce that the Senator from West Virginia [Mr. RANDOLPH] is necessarily absent.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from West Virginia [Mr. RANDOLPH] would vote "yea."

On this vote, the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from Tennessee [Mr. GORE]. If present and voting, the Senator from New Mexico would vote "nay," and the Senator from Tennessee would vote "yea."

On this vote, the Senator from Oklahoma [Mr. KERR] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from Oklahoma would vote "nay," and the Senator from Alaska would vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] is absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The Senator from Iowa [Mr. MILLER] is absent on official business.

The Senator from Texas [Mr. TOWER] is absent by leave of the Senate on official business.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Indiana [Mr. CAPEHART], the Senator from Iowa [Mr. MILLER], the Senator from Texas [Mr. TOWER], and the Senator from Illinois [Mr. DIRKSEN] would each vote "nay."

The result was announced—yeas 28, nays 54, as follows:

[No. 201]

YEAS—28

Anderson	Hart	Neuberger
Burdick	Humphrey	Pastore
Cannon	Javits	Pell
Carroll	Kefauver	Proxmire
Case, S. Dak.	Long, Mo.	Smith, Mass.
Church	Mansfield	Talmadge
Clark	McGee	Wiley
Cooper	McNamara	Young, Ohio
Dodd	Moss	
Douglas	Muskie	

NAYS—54

Aiken	Fong	Metcalf
Bartlett	Fulbright	Monroney
Beall	Hartke	Morton
Bennett	Hickenlooper	Mundt
Bible	Hill	Prouty
Boggs	Holland	Robertson
Bush	Hruska	Russell
Butler	Jackson	Saltonstall
Byrd, Va.	Johnston	Schoeppel
Byrd, W. Va.	Jordan	Scott
Carlson	Keating	Smathers
Case, N.J.	Kuchel	Smith, Maine
Cotton	Lausche	Sparkman
Dworshak	Long, Hawaii	Stennis
Eastland	Long, La.	Thurmond
Ellender	Magnuson	Williams, N.J.
Engle	McCarthy	Williams, Del.
Ervin	McClellan	Young, N. Dak.

NOT VOTING—18

Allott	Goldwater	Miller
Bridges	Gore	Morse
Capehart	Gruening	Randolph
Chavez	Hayden	Symington
Curtis	Hickey	Tower
Dirksen	Kerr	Yarborough

So Mr. KEFAUVER's amendment was rejected.

Mr. ENGLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KUCHEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATOR FRANK CARLSON AND SENATOR CLINTON P. ANDERSON

Mr. MANSFIELD. Mr. President, a few days ago Senators were pleased to note the return of our distinguished friend, the Senator from Kansas [Mr. CARLSON]. He came back looking better, trimmer, and more in line with the way he should carry himself than he ever did before. We are delighted that he is with us, that he is in the best of health, and we, of course, hope that he will be with us for many years to come.

Today another Member of the Senate, who has been undergoing a serious operation, has returned. I refer to the distinguished Senator from New Mexico [Mr. ANDERSON.] Like his colleague from Kansas, he has lost a little weight—7 pounds, I believe. He looks better, and more trim, and we are delighted to have him back. On behalf of my distinguished colleague, the acting minority leader, and the Senate as a whole, I wish to say that we are happy that both these Senators are back, and will be with us for the remainder of the session and many sessions to come.

[Applause.]

AMENDMENT OF SHIPPING ACT OF 1916

The Senate resumed the consideration of the bill (H.R. 6775) to amend the Shipping Act of 1916, as amended, to provide for the operation of steamship conferences.

Mr. KEFAUVER. Mr. President, I call up my amendments 9–1–61—C, D, and E, and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will state the amendments.

The LEGISLATIVE CLERK. On page 14, line 19, after the word "thereof," it is proposed to insert "is intended or will be reasonably likely to cause the exclusion of any other carrier from the trade, or".

On page 16, line 11, after the word "contract" it is proposed to insert "tends to cause the elimination from, or prevent the entry into the trade of any carrier, or".

On page 18, line 16, after the word "withdrawal", it is proposed to insert ", or (3) the probable effect of which will be reasonably likely to exclude any carrier from any trade".

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Tennessee.

Mr. KEFAUVER. Mr. President, by the rejection of the last amendment, 110 steamship cartel conferences, about 85 percent of which are completely dominated by the superior number of foreign ships in the conferences, will be able to regulate and determine the tariff rates and conditions of American trade. In other words, as it now stands, the bill could place our American trade completely in the hands of foreign shipowners. They can operate by cartel either separately in each of the separate trades or they can operate on an international agreement in which all trades will be joined.

The American shipper and the American commission has no regulation over the rates charged by foreign shipowners. Judging from past experience, our loss of foreign trade has been due, to a very large extent, to the discrimination in rates on goods or merchandise shipped from the United States to ports in Europe and other places as compared with the rates charged for shipment of goods from Europe and other places to the United States.

Yesterday the distinguished Senator from Wisconsin [Mr. WILEY] had printed in the RECORD some examples of those rates, which Senators will find at page 19373. It is shown there that on cheese shipped from Wisconsin to Denmark the rate is twice what it is from Denmark to Wisconsin. On chemicals it is about seven times greater from the United States to foreign ports than from foreign ports to the United States. Senators will find, by looking at those figures, that on steel it is about twice. Our companies have to pay twice as much to get steel to Europe as European steel companies have to pay to get steel to the United States. The same thing is true all the way up and down the line.

There is no wonder why our export business has been falling. There is no wonder why our gold balance has been depleted. There is no wonder there is massive unemployment in the United States. There is no wonder all these things are true in the face of that kind of situation. In part because of them American industry has a very hard time competing.

American agriculture has a very hard time competing internationally, because of this great differential in rates. It is hard to find an instance where it costs more to ship anything from England to the United States or from Germany to the United States. But, the rate is often anywhere from twice to even seven or eight times greater when something is shipped from the United States to a foreign port than it is when the goods are shipped from abroad to the United States. And, these rates are virtually completely controlled by the conferences.

The Senate rejected an amendment which would have knocked out international cartels which are 70 percent to 90 percent dominated by foreign groups. We are about to place our export and import business, so far as rates are concerned, in the hands of foreign shipping lines, with almost no restraint whatever. I am all in favor of our foreign neighbors. I have voted for foreign aid. However, I do not want them at this time to act unfairly against the United States or have unduly great power.

Another point is that they use different kinds of predatory practices. They grant one rate to a corporation and another rate to another corporation. They grant rebates, in spite of the fact that the Shipping Act of 1916, section 14(2) prohibits secret rebates. They use fighting ships in foreign ports. They use any kind of discrimination in order to get business.

There is nothing in the bill that gives the Maritime Commission any right whatever to do anything about these rates. The fact that unfairly discriminatory rates have been in existence for all this time shows that they are not likely to do anything about it. It is bad enough to have a cartel of this kind, and there may be some justification for some kind of agreement, but there ought to be some reasonable antitrust restriction, some reasonable ceiling to protect the American shipper, some reasonable limitation to protect the independent steamship lines and tramp steamers.

The three amendments I have offered were contained in the House bill. Congressman BONNER's subcommittee, after a long and extensive hearing, decided unanimously that they were in the public interest and gave some protection to the independents. This was the conclusion also of the Antitrust and Monopoly Subcommittee headed by Congressman CELLER. I wish to point out that these two subcommittees held very long and extensive hearings on this whole question. The bill passed the House unanimously. The provisions were deleted by the Senate Commerce Committee.

Amendment C, my first amendment, provides that the Commission may not permit any dual-rate agreement to go into effect that is intended or will be reasonably likely to cause the exclusion of any other carrier from the trade.

The next amendment, which is grouped with the three I have offered, provides for the withdrawal by the Commission of approval which it had previously granted, if the agreement tends to cause the elimination or prevents the entry of a carrier into the trade.

Amendment E provides that with respect to any other cartel agreement, no approval by the Commission shall be granted if its probable effect would be reasonably likely to exclude any carrier from any trade.

The Department of Justice is very strongly in favor of this amendment. The Attorney General wrote to the House committee and to the Senate committee, they, have testified on this point at several congressional hearings, and they have written me that it would be a catastrophe to pass this bill without any antitrust protection in it, and that it would put us completely at the mercy, so far as the foreign trade is concerned, of international cartels over which we have no control.

The Attorney General in the letter to Chairman BONNER said:

> The deletion of this provision would seem in effect an attempt to reverse the rule of the Isbrandtsen case. In the opinion of the Department of Justice this provision was an indispensable and a reasonable enactment on this subject, and the public interest would be disregarded were this to be omitted.

Mr. McNAMARA. Mr. President, will the Senator yield?

Mr. KEFAUVER. I am very happy to yield.

Mr. McNAMARA. I am a little bit confused by the term "independent carrier." Is that the term the Senator used?

Mr. KEFAUVER. Yes.

Mr. McNAMARA. What is the significance of that term?

Mr. KEFAUVER. In the business today there are so-called conference carriers, who join together into cartels. What is desired by the conference is that all the business be gotten by conference carriers. There are at least 26 trades, however, in which independent carriers compete with the conferences. The independent may try to get some of the business and offer a little competition. That is what I mean by "independent." The proponents of the bill would eliminate the independent, and they make no bones about it that the purpose of the dual rate system and of the bill is to eliminate independent carriers from the business.

In the business there are also certain tramp steamers, which go from port to port, not on any schedule. The purpose of the bill is also to put the squeeze on tramps, by foreclosing them from the business tied up by the conference, dual rate, exclusive dealing contracts.

Mr. McNAMARA. Does the term "independent" generally refer to a U.S. carrier?

Mr. KEFAUVER. It covers both foreign and U.S. lines. There are 26 American shipping lines independently competing with conference cartels. Without the amendments I have proposed, the commission could approve a conference that intends to put them completely out of business. That is, they could approve a conference even though it was intended that the purpose of the conference was to eliminate an independent shipping line.

Mr. McNAMARA. Mr. President, will the Senator yield further?

Mr. KEFAUVER. I yield.

Mr. McNAMARA. Was there not a Supreme Court decision on this matter? Is the purpose of the bill to upset the Supreme Court decision?

Mr. KEFAUVER. The Isbrandtsen decision was delivered in 1958. All it held was that in that case the dual-rate contract involved therein had the effect of discriminating against the Isbrandtsen Shipping Co. The Court held it was in violation of section 14(3) of the Shipping Act of 1916.

The purpose of the pending bill is to go further than the Isbrandtsen decision. The purpose is to knock out all antitrust restraints and to allow super-international cartels, dominated by the foreign shipping lines, to regulate the export-import trade of the United States.

Mr. DOUGLAS. May I inquire whether the American Export Lines can be classified as independent?

Mr. KEFAUVER. They are in at least one conference, but they also have some trades in which they are independent. The same is true of most of the other 26 independent American lines.

Mr. DOUGLAS. Are the passenger operations of the American Export Lines in the conference, or are they independent?

Mr. KEFAUVER. Some of the passenger lines are in the conference; some are not. The foreign carriers have an unrestricted monopoly power within their grasp.

I have said that the Department of Justice is very much opposed to removing the antitrust protections, which are a minimum. Also, the Department of Agriculture has always felt that it is in the interest of American agriculture that there be some antitrust protection. That Department is flatly opposed to removing the antitrust provisions.

If the independents and the tramp steamers are eliminated, then the international cartel, controlled by foreign shipping interests, will be a complete monopoly, with no one else in the picture at all to offer competition to the conference. That is unthinkable. If we permit the cartel to be established, which will result in the elimination of independents and of competition, our exports will go down and down, even more than they have diminished during the last few years.

Mr. CARROLL. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield.

Mr. CARROLL. If the Senate should accept the amendment now offered by the Senator from Tennessee, where would the authority or the power be lodged to protect the shipper and the consumer? Would it be in the Maritime Commission?

Mr. KEFAUVER. Such little power as there would be, would be lodged in the Maritime Commission, but the Commission could do nothing about setting rates or monopoly. The Maritime Commission would have to approve the conference, even though the purpose of the conference is to put the independent carriers out of business. The control, as the bill now stands, unless we put some brakes on it, would be in the international shipping conference cartels.

If the Senator will look at the list I placed in the RECORD yesterday, he will see that in some of these cartels there is not even one American shipping line. The United States is outnumbered 3 to 1, 10 to 1, and 20 to 1. When they are all joined together, the American shipper will have no say whatsoever. The list I referred to will be found on page 19343 of the RECORD. I wish Senators would observe the disparity between the large number of foreign shipping lines and the number of American-ship lines.

Mr. CARROLL. The Senator from Tennessee knows that this is a complex piece of proposed legislation. Many Senators have said to me that they do not quite comprehend its meaning. I am endeavoring to put some questions to the Senator, so that I and other Senators may understand the purpose of the proposed legislation.

Mr. KEFAUVER. The junior Senator from Colorado already understands it. I know from my conversations with him that he does. That is why he favors the amendments.

Mr. CARROLL. I appreciate that statement. I favor the amendments, because I have great confidence in the experience, integrity, and ability of the Senator from Tennessee. He is a great Senator and one of the country's most eminent fighters for the preservation of our antitrust statutes.

If the Senate passes the bill today, what will be the effect upon the Attorney General's Office, upon the Department of Justice, and especially upon those who have been confirmed in positions in the Department by the Senate itself to enforce the antitrust statutes?

Mr. KEFAUVER. A great and important segment of our economy will be completely deprived of any antitrust protection, so that no matter how rampant the discrimination, no matter how predatory or unfair the conference may be as to the American independent carriers, the steamship lines will be effectively immune from the antitrust laws.

Mr. CARROLL. When I asked the Senator from Tennessee how much jurisdiction would now be lodged in the Maritime Commission, he replied that the Commission would have little authority. It is my opinion that the Maritime Commission today has almost no power over the reasonableness of rates in foreign commerce.

Mr. KEFAUVER. It has no power, and the bill gives it no power.

Mr. CARROLL. Madam President, how much time does the Senator from Tennessee have remaining? I should like to propound a series of questions to him.

Mr. KEFAUVER. Madam President, how much time have I remaining?

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The Senator from Tennessee has 10 minutes remaining.

Mr. KEFAUVER. The Senator from Colorado may take all the time in speaking or asking questions.

Mr. CARROLL. I thank the Senator from Tennessee.

We know the position of the Department of Justice and of the Antitrust Division. What is the position of the Department of Agriculture on the proposed legislation?

Mr. KEFAUVER. The Department of Agriculture apparently feels that the bill will adversely affect the farmers of the Nation unless antitrust provisions are included. They know that the passage of the bill in the present form will mean higher shipping rates and the elimination of competition. Representatives of the Department of Agriculture have so testified before the Bonner committee. They even intervened in the Isbrandtsen case to say that what was sought to be done; namely, to put a competitor out of business, should not be allowed.

So the bill in its present form will hurt the farmers. The farmers in the State of the distinguished senior Senator from Wisconsin [Mr. WILEY], where the dairy farms are located, will have to continue paying twice as much to ship their cheese to Denmark as the farmers of Denmark would have to pay to ship their cheese to Wisconsin. The farmers of Michigan will be in the same situation. The situation will be worse if my amendment is not adopted.

Mr. CARROLL. I have before me a document entitled "Statement of Joseph Campbell, Comptroller General of the United States, Before the Antitrust Subcommittee of the Committee on the Judiciary, House of Representatives, March 15, 1961." It is an extensive document, containing numerous pages. However, it relates in great detail how

the Government of the United States has been milked—I do not say "bilked," but "milked"—out of an amount in excess of $300,000.

Mr. KEFAUVER. "Defrauded" might be a better word.

Mr. CARROLL. I used the word "milked" because it is not really a defrauding, in a sense, because the conference is permitted to charge its rates, and there is no regulation of them.

Mr. KEFAUVER. That is correct.

Mr. CARROLL. In fraud, there is some conniving, some secrecy; but in the shipping conferences the rates are fixed openly, and there is no regulation.

That leads me to the next question. I read in the Washington Post of Sunday, April 2, 1961, an article entitled "Major Shakeup Being Planned for Ships Unit," written by Bernard D. Nossiter. If the Senator has time remaining, I should like to read, with his permission, some excerpts from the article.

First, Madam President, I ask unanimous consent that the entire article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 2, 1961]

MAJOR SHAKEUP BEING PLANNED FOR SHIPS UNIT

(By Bernard D. Nossiter)

White House aids are preparing a major reorganization of the Federal Maritime Board. The proposed changes stem from a House inquiry which turned up scores of alleged law violations by shipping lines.

The plan, congressional sources reported, would separate the Maritime Board's promotional and regulating tasks.

It would set up two agencies in place of the existing structure. One agency would hand out subsidies and carry on other tasks that nurture the shipping lines. The second would oversee the industry's rate-fixing agreements and police its practices.

LANDIS DESIGNING PLAN

James M. Landis, Special Assistant to the President for regulatory agencies, is understood to be working on the two-agency plan. If President Kennedy approves it and neither House rejects it, the plan would go into effect automatically.

At present, the three-man Maritime Board is responsible for both promotion and regulation of the shipping lines. Its Chairman, Thomas E. Stahem, also runs the Maritime Administration, which is essentially concerned with promotion tasks. Because of the overlap, critics have charged that the Board has virtually abdicated its regulating job and devoted its energies to assisting the industry.

The reorganization proposal is an outgrowth of an inquiry by Chairman EMANUEL CELLER, Democrat of New York, of the House Antitrust Subcommittee. CELLER has consulted with Landis and the plans Landis is studying embody CELLER's ideas.

CELLER began looking into the shipping lines and the Maritime Board in the fall of 1959. He found 210 apparent violations of Federal laws. His committee accused the Maritime Board of incredible neglect and laxity.

CELLER's findings have prompted the Justice Department to set up a grand jury investigation here. The grand jury was stymied for 8 months by the shipping companies' attempts to challenge its jurisdiction.

The typical case of neglect that was cited involved secret pacts between shipping companies that favored some shipping and were designed to drive competitors out of business.

Under the Shipping Act, the lines are allowed to get together to set cargo rates. But they must get Maritime Board approval for their "conferences." The Board is supposed to prohibit agreements that discriminate unfairly among shipping lines, shippers, and ports, and that harm U.S. trade.

CELLER's investigators discovered about 40 agreements that were never submitted to the Board. They also learned that the Board had never over 44 years assessed a penalty when it had found violations.

OVERCHARGE UNCOVERED

One bonus for taxpayers from CELLER's inquiry came to light earlier this month. Comptroller General Joseph Campbell told CELLER his investigators have already found two shipping lines that overcharged the Government $305,000 for transporting foreign aid grain. Campbell noted that this finding stemmed from a look at just one commodity shipped between U.S. gulf ports and Germany.

Congressional investigators expect Campbell's men will find many more instances of overcharge. The Government is now deciding whether to claim just the $305,000 or $610,000 as double damages under the False Claims Act.

While the grand jury's deliberations are secret, the Justice Department has given CELLER a glimpse of what its investigation might produce. W. Wallace Kirkpatrick, first assistant in the Antitrust Division, said there is evidence that several companies waged fake rate wars from 1953 to 1958.

The purpose of this pretended competition, Kirkpatrick said, was to influence a pending Supreme Court decision on shipping rates. While the companies pretended to compete, Kirkpatrick revealed, there is evidence that they made a secret deal to divide up the available business. The alleged ruse failed when the Supreme Court ruled against the companies.

WOULD REDUCE CONFLICT

The two-agency solution is designed to help solve the problem of the Board's built-in conflict. In its promotion role—it gave away $290 million in subsidies last year—it is mandated to help the shipping lines.

At the same time, it is supposed to police them in the interests of consumers and shippers, although of the Board's 2,765 employees, only 52 now have a full-time policing job.

Mr. CARROLL. Madam President, the article begins:

White House aids are preparing a major reorganization of the Federal Maritime Board. The proposed changes stem from a House inquiry which turned up scores of alleged law violations by shipping lines.

I call this portion of the article particularly to the attention of the Senator from Tennessee:

The plan, congressional sources reported, would separate the Maritime Board's promotional and regulating tasks.

It would set up two agencies in place of the existing structure. One agency would hand out subsidies and carry on other tasks that nurture the shipping lines. The second would oversee the industry's rate-fixing agreements and police its practices.

I am now reading excerpts from the article:

The reorganization proposal is an outgrowth of an inquiry by Chairman EMANUEL CELLER, Democrat, of New York, of the House Antitrust Subcommittee. CELLER has consulted with Landis and the plans Landis is studying embody CELLER's ideas.

Madam President, I think Senators have missed this point; there has not been enough time to develop this concept:

CELLER began looking into the shipping lines and the Maritime Board in the fall of 1969. He found 210 apparent violations of Federal laws. His committee accused the Maritime Board of incredible neglect and laxity.

CELLER's findings have prompted the Justice Department to set up a grand jury investigation here. The grand jury was stymied for 8 months by the shipping companies' attempts to challenge its jurisdiction.

Madam President, Senators should note the following:

The typical case of neglect that was cited involved secret pacts between shipping companies that favored some shipping and were designed to drive competitors out of business.

Under the Shipping Act, the lines are allowed to get together to set cargo rates. But they must get Maritime Board approval for their "conferences." The Board is supposed to prohibit agreements that discriminate unfairly among shipping lines, shippers and ports, and that harm U.S. trade.

I ask the Senator from Tennessee to pay particular attention to the following:

CELLER's investigators discovered about 40 agreements that were never submitted to the Board. They also learned that the Board had never over 44 years assessed a penalty when it had found violations.

But now it is proposed that the Commission be given greater power; and it is proposed to take away whatever restraining influence there has been in connection with presenting such matters to a grand jury, under the antitrust laws.

Mr. KEFAUVER. Let me state that under the 1916 act, as well as under other statutes, there are some minimum restraints against discrimination. But unless my three amendments are adopted, those minimum restraints will be done away with.

Mr. CARROLL. That is what Senators should understand. It is unfortunate that so few Senators are on the floor at this time, in the closing days of the session, when so complex a bill is under consideration. It should be debated at length; and I commend the Senator from Tennessee for stimulating the debate on this important matter.

I read another paragraph of the article:

OVERCHARGE UNCOVERED

One bonus for taxpayers from CELLER's inquiry came to light earlier this month. Comptroller General Joseph Campbell told CELLER his investigators have already found two shipping lines that overcharged the Government $305,000 for transporting foreign-aid grain. Campbell noted that this finding stemmed from a look at just one commodity shipped between U.S. gulf ports and Germany.

Mr. KEFAUVER. They charged the Government that much more than they charged the private shippers.

Mr. CARROLL. Exactly; and the Comptroller General noted that his findings related to only one commodity shipped between U.S. gulf ports and Germany.

Of course, Madam President, all of us tend to consider such matters from the point of view of our constituents. The wheat farmers in Colorado depend substantially on sale of our Hard Red Winter

wheat to foreign customers in Japan, Europe, and South America. Therefore, I considered offering an amendment relating to wheat and other grains produced in Colorado and shipped abroad from Colorado. However, I understand that the bill exempts bulk cargoes from the dual-rate systems. I know that this does not completely protect our Colorado farmers, so I ask the Senator from Tennessee to tell the Senate how agricultural products are at a disadvantage if the shipping conferences have unrestricted privileges to fix rates and force shippers to ship farm products on cartel lines?

Mr. KEFAUVER. Agricultural products are put at a disadvantage because they are shipped very largely by independents or by tramps, inasmuch as it is not necessary that such cargoes arrive on quick schedules. The bill gives greater strength to the conference cartels to extend their monopoly power. As this is done, of course, the independents and the tramps will be squeezed out of business. Dual-rate contracts, which are nothing but exclusive dealing contracts, accelerate this process by foreclosing independents and tramps from business which was formerly theirs. The intent of these conferences and of these contracts is to eliminate competition—and this is their effect. Thus, when competition is eliminated, the cartels are free to inflate their prices and reap monopoly profits. Wheat farmers who are among the major groups of ocean shippers will be forced to pay these monopoly prices even though the bill exempts bulk cargo.

In this connection, I wish Senators would examine page 1898 of the hearings, which relates to the discriminations between American shippers, both exporting and importing. But what would happen to them if these antitrust law provisions were no longer applicable?

Mr. CARROLL. Let me say that as I understand the bill, its provisions are intended either to weaken or to eliminate competition. Is that true?

Mr. KEFAUVER. Expressly so. That is clearly implied in the report. The members of the committee make few bones about the fact that they want to drive everyone out of business except those who join the cartel.

Mr. CARROLL. Madam President, I read further from the article by Mr. Nossiter:

> While the grand jury's deliberations are secret, the Justice Department has given CELLER a glimpse of what its investigation might produce. W. Wallace Kirkpatrick, first assistant in the Antitrust Division, said there is evidence that several companies waged fake rate wars from 1953 to 1958.
>
> The purpose of this pretended competition, Kirkpatrick said, was to influence a pending Supreme Court decision on shipping rates. While the companies pretended to compete, Kirkpatrick revealed, there is evidence that they made a secret deal to divide up the available business. The alleged ruse failed when the Supreme Court ruled against the companies.

The PRESIDING OFFICER. All time under the control of the Senator from Tennessee has expired.

Mr. CARROLL. I apologize to the Senator from Tennessee for taking his time.

Mr. KEFAUVER. I am sorry I have no more time to yield.

Mr. ENGLE. Madam President, the amendment of the Senator from Tennessee would insert the following words in three places in the bill: "is intended or will be reasonably likely to cause the exclusion of any other carrier from the trade."

The committee's objection to the amendment is that such language would destroy the bill; if such language were included in the bill, we might just as well not have any bill at all.

Mr. KEFAUVER. Madam President, will the Senator from California yield?

Mr. ENGLE. Not at the moment, Madam President; I shall yield a little later.

As I was saying, this amendment of the Senator from Tennessee would, if included in the bill, destroy it, because by means of this bill we are authorizing a conference system; and a conference system has a tendency to eliminate and reduce competition. We know that. That is precisely what we are doing.

But this amendment would make us march right down the hill again and deauthorize the conference system. If there is any question about that in the mind of any Senator, let me read from the record. We get along fine on the question of whether the Congress wants a conference system and wants to have a modified operation of a system which has been in operation for almost 100 years. That is the basic issue. So this amendment goes directly to the vitals of this proposed legislation; and if the amendment were adopted, we might just as well throw the bill into the ashcan. Let me go back over the testimony, so we can be perfectly clear as to what we are doing.

If Senators will look at the report, beginning with page 21, they will be able to follow the language to which I am referring.

The record of the House and of our own hearings revealed "overwhelmingly that every effective dual-rate contract used by a conference is intended, and reasonably likely, and tends to cause nonconference lines either to join the conference using the contractor to leave the trade for happy hunting elsewhere. The following statements by experts leaves no doubt about this."

The report quotes Hon. Clarence G. Morse, former Board Chairman. This is what he said:

> My personal philosophy is that the purpose and intent of a dual-rate contract is to garner all shipments of every character by the conference lines.
>
> I personally feel and believe that the purpose and intent of a dual-rate system is to drive out nonconference competition.

This is to be found in the House hearings.

Robert Bicks, former First Assistant and Acting Assistant Attorney General of the Antitrust Division of the Department of Justice, during those same hearings, in opposing legalization of dual-rate contracts, said that the "interested Government agencies do agree, as the Chairman of the Maritime Board put it, that 'the purpose and intent of a dual-rate system is to drive out nonconference competition.' "

W. Wallace Kirkpatrick, former Acting Assistant Attorney General of the Antitrust Division of the Department of Justice, also testified in the same vein.

Later, as appears on page 22 of the report, it will be observed that Mr. Tollefson, of Washington, got right to the point. Listen to the question he asked:

> Now, if a conference contract system comes before you for approval, if what he [Mr. Bicks] said [quoted above] was true, how can you ever approve an application? How can you honestly ever approve it?

Mr. Stakem, Acting Administrator, said:

> There is no question about it. It would be difficult under the many standards spelled out in the bill (H.R. 4299) to approve a conference system.

Of course not. We would march up the hill, authorize a conference, then turn around, march down the hill, and deauthorize such a conference.

Mr. Matthew S. Crinkley, executive vice president of Isbrandtsen Steamship Co., laid it right on the line. The Isbrandtsen Steamship Co. is the company that went into the lawsuit decided in 1958, which threw out these arrangements. Mr. Crinkley said:

> I think then that, if that is made a condition to permitting the conference contract rate system, you might as well not legalize it.

That is precisely the point.

That is why this amendment is of such vital importance—it would take us up the hill, we would authorize these conference systems, and then we would turn around, march down the hill, and deauthorize them. In my opinion, under this language, it would be impossible for any honest Commissioner of the Federal Maritime Commission to authorize a conference system at all. He simply could not do it with that language in the bill.

So if Senators want a conference system, vote down the amendment; and if they do not want a conference system, the best way in the world to kill the bill is to vote for the amendment, because there will not be anything left to the bill afterward.

This brings me to the next point which I wish to discuss. I have been discussing it from time to time during the debate. The question is whether or not we want a conference system. The bill authorizes a conference system which has some aspects of a monopoly—not completely, because these conferences are open ended. Any firm that wants to get in can get in on the same and equal terms as those who are already in it; and anyone who wants to get out can get out on 90 days' notice. It is not a monopoly in the true sense of the word. We are trying to get stable common-carrier oceangoing traffic. We have learned, through 50 years of study, this is the only way to do it.

Let me repeat that the first investigation of the conference system was started in 1906. The first conference agreement went into operation in 1875, almost 100 years ago. Conferences have been common practice throughout the

world ever since that date. In 1906 the royal commission, designated by the King of England, made a study of conference arrangements for the purpose of determining whether or not the conference systems were detrimental to the commerce of the British Isles and their trade generally. The commission came to the conclusion that they must have a conference system of some kind or another; that the alternative was trade wars, no stable traffic, no stable rates within the industry, and no way for a company to know whether or not it could establish a scheduled service anywhere in the world. The big companies would eat up the little ones, and in the end there would be bigger monopoly systems than ever. That report was made in 1909.

The Alexander committee in the House of Representatives, in 1912, extensively studied this question. The distinguished Senator from Tennessee has referred to the report, which came to identically the same conclusion; namely, that a conference system was essential to the life of the merchant marine and the stability of the merchant marine throughout the world.

The Shipping Act was enacted in 1916. There again this whole subject was studied, and secret rebates and the use of fighting ships were outlawed.

In 1936 Congress adopted the Merchant Marine Act. The matters were all studied again.

After the Isbrandtsen decision in 1958, the House Committee on Merchant Marine and Fisheries conducted extensive hearings. The conclusion of the House committee was identical with the conclusion of the Senate committee; namely, that a conference system is absolutely necessary.

So, what have we tried to do? We have tried to authorize, affirmatively, a conference system. We have laid down the limitations under which conference systems shall work. Because we have no way of giving extraterritorial force to American law, the only grip we have put on the conference system is to tell the U.S. Maritime Commission that, if certain standards are not met, there is an obligation to pull out the American-flag line.

Mr. KEFAUVER. Madam President, will the Senator yield?

Mr. ENGLE. Let me finish my statement. Then I shall be happy to yield.

These limitations are clearly set forth in the committee report, on page 11, and they are just as clearly set forth in the bill. They say the Commission cannot approve of a contract system which is detrimental to the commerce of the United States or contrary to the public interest or unjustly discriminatory or unfair as between shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors.

In addition, there are certain specific things which must be included in the contracts. I mention these four in particular because there has been reference to the differential in rates between outgoing commerce from the United States and inborne commerce to the United States.

There is language in the bill which provides that if the arrangements are detrimental to the commerce of the United States or unjustly discriminatory or unfair as between exporters from the United States and their foreign competitors, the Commission cannot approve the conference. In other words, so far as it is possible for us to go, when we are dealing with an international operation, we undertake to set up the best kind of regulation possible. We cannot regulate foreign lines.

Mr. KEFAUVER. Madam President, will the Senator yield?

Mr. ENGLE. I will yield to the Senator in a minute.

These foreign lines will not accept American regulation.

They have told us that. It is necessary for them to come into the conference arrangements voluntarily. If they do not come in voluntarily, there will be no conference.

We do not wish to have the conferences get together and "run hog wild," discriminating against shippers and discriminating as between ports and doing other things which ought to be prohibited.

How would we stop these things? We would stop them by saying that if such is undertaken we shall pull the American-flag lines out of the conference. That is the only grip we have on them. That is how the bill is engineered to act.

The bill is put together in such a way as to approve the conference systems which have been in operation for nearly a hundred years, but to put a public body on top of their operations with the responsibility of protecting the public interest.

Mr. KEFAUVER. Madam President, will the Senator yield?

Mr. ENGLE. Permit me to finish with one of two other items.

The statement was made that the foreign-flag lines would be the chief beneficiaries of passage of the bill. That is not true. The chief beneficiaries of passage of the bill will be the American-flag lines and the American shippers. I do not know of a single American-flag line opposed to the bill. I do not know of one.

If there were no conference system the foreigners could operate their flag-lines with lower rates. The foreign operators do not pay the same wage rates the American operators pay. It is necessary for our Government to subsidize our merchant marine today at between $300 million and $400 million a year, simply to hold them even. If there were no conference system and there were a "cat and dog rate war," the American merchant marine would be sunk. That is all there is to it. That is why the American lines are in favor of the proposed legislation. The shippers are. A great majority of the shippers came in.

Yesterday afternoon we indicated that agriculture was not against the bill, at least judging from the telegrams and communications. I put many of those in the RECORD, as shown on page 19341 and following. A number of them are in the RECORD.

There was a communication from U.S. Borax, which is certainly a large shipper.

There was a communication from the Mississippi Valley Association.

The telegrams were sent to the chairman of the Committee on Commerce [Mr. MAGNUSON] and one or two were sent to me.

There was a communication from the Oklahoma State Cotton Exchange.

There was a communication from the Southern Cotton Association. This is a telegram from Memphis, Tenn.:

> The Southern Cotton Association, composed largely of cotton shippers residing in Tennessee, Mississippi, and Louisiana, want to thank you for your efforts regarding H.R. 6775 and assure you of our support.

Mr. KEFAUVER. Madam President, will the Senator yield?

Mr. ENGLE. I will yield in a minute, when I have finished my statement.

Madam President, I have a telegram from a cotton firm in Georgia, sent to the chairman of the full committee, and I ask unanimous consent to have it printed in the RECORD at this point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

> NEWNAN, GA., *September 12, 1961.*
> Senator WARREN G. MAGNUSON,
> *Senate Office Building,*
> *Washington, D.C.:*
> Urge your support H.R. 6775 as reported by Senate Committee on Interstate and Foreign Commerce as feel this essential to cotton trade and is fair and reasonable legislation for both shippers and carriers.
> W. W. KIRBY,
> *President, Magnet Bros., Inc.*

Mr. ENGLE. Madam President, there was another communication from Memphis, Tenn., from the chairman of the Ocean Freight Committee, American Cotton Shippers Association.

There was a communication from the Texas Cotton Association.

There was a communication from the Quarker Oats Co.

There was a communication from the Dow Chemical Co.

There was a communication from the New Orleans Traffic and Transportation Bureau.

There was also a communication from the president of the National Lumber Exporters Association.

Those all appear in the RECORD at the point I have cited, which I cite for the purpose of indicating that the proposed legislation is not adverse to the interests of the shippers. The shippers support it. It is absolutely essential to the lifeline of the American merchant marine. All the American-flag operators support the proposed legislation.

Mr. KEFAUVER. Madam President, will the Senator yield?

Mr. ENGLE. The amendment offered to the bill would destroy the conference system, because under the language no honest public official of the Maritime Commission could certify that situation does not exist. The very purpose and intent of the conference system is to get exclusive patronage contracts.

I yield to the Senator from Tennessee.

Mr. KEFAUVER. The Senator has stated that the purpose of the bill is to

force out of competition any independents, or tramps, who might compete with conference lines. That is the admitted purpose.

Mr. ENGLE. I did not say that.

Mr. KEFAUVER. It is to force the independents into the conference. If their competition were to be eliminated—and I think it would be if the bill were passed—and the Maritime Commission had no power to control rates, would protect the foreign commerce of this country insofar as the farmers, industry, and the consumers are concerned?

Mr. ENGLE. I am glad to answer the question. Everybody who uses the oceangoing shipping except, I would say, a small percentage, is in favor of the proposed legislation and supports it. In other words, the bill in its present form not only has the support of a large majority of the shippers, but also the unanimous support of the American-flag lines.

The bill was reported from the Senate Committee on Commerce by a unanimous vote.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. KEFAUVER. Will the Senator answer my question?

Mr. ENGLE. I have endeavored to answer the Senator's question. I refuse to yield further.

Madam President, I yield 5 minutes to the distinguished Senator from Kansas [Mr. SCHOEPPEL].

Mr. SCHOEPPEL. Madam President, I thank the distinguished junior Senator from California. I wish to associate myself with him and with his remarks on this proposed legislation.

Fundamentally its purpose is to legalize dual rate contracts and, within the limits of hard reality, to regulate the operations of steamship conferences.

The bill takes us into the world of international shipping, and it is easy for a farm-bred Kansan to get in over his depth. Nevertheless, the bill can have a key impact in Kansas and everywhere else in the Nation because of its direct bearing on the foreign commerce of the Nation, both imports and exports, as well as on the subsidies provided by all taxpayers to the American merchant marine.

Steamship conferences, first, are voluntary associations of companies which operate ocean common carriers. Bluntly stated, they are cartels whose primary purpose is to limit the competition for ocean freight through agreements to control rates, allocate cargoes, and otherwise. It has long been the almost universal practice for American and foreign steamship lines engaging in ocean commerce to operate under such conference agreements and arrangements, and conference agreements are permitted under U.S. law. They were specifically exempted from the antitrust laws in 1916 following a long and comprehensive investigation by the Congress.

One of the devices used by conferences is the dual-rate contract, a system by which ocean freight rates are set at two levels. The lower rate is charged to shippers who agree to patronize conference vessels, and the high rate is charged to shippers who do not agree to ship all or a specified part of their cargoes on conference vessels.

Dual-rate contracts have been used for many years by about half of the 113 steamship conferences serving the United States, with the sanction of the Federal Maritime Board and the apparent approval of the courts. However, in 1958, the Supreme Court struck down one such contract and cast doubt on the legality of them all. The decision, while it outlawed dual-rate contracts, did not outlaw conferences or conference agreements.

This bill would legalize dual-rate contracts, provided they meet careful and extensive safeguards administered by the newly constituted and expanded Federal Maritime Commission.

Three basic standards are established by the bill, and each dual-rate contract will be measured against those standards. The Commission cannot permit use of such a contract if it is found to be one, detrimental to the commerce of the United States; two, contrary to the public interest; or three, unjustly discriminatory or unfair as between shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors.

In addition to these three basic standards, the bill spells out seven different conditions which each contract must contain before the Federal Maritime Commission can permit its use.

Together, these requirements impose a total of 10 safeguards on dual-rate contracts, all designed to make sure that the contracts meet the public interest.

The problem we face today is the basic conflict between our traditional antitrust principles and the cartel concept which guides steamship conferences.

In resolving this conflict, it is essential to bear in mind that the regulation of international shipping is difficult, if not impossible, for any single government to achieve. The foreign commerce of the United States is also the foreign commerce of another nation. At best we could control only one end of the journey, and even then only a minority of the carriers are U.S. citizens or U.S. firms. The testimony of the State Department is compelling in this regard. Furthermore, the history of ocean shipping over the last 100 years shows that there is no happy medium between war and peace, and that rate wars lead to monopoly or to the exposure of American shippers and lines to disastrous competition with foreign shippers and lines. Peace is possible only through the use of conference arrangements and agreements, of which dual rates are often a key element.

In the face of these facts, U.S. law for 45 years has exempted steamship conferences from the antitrust laws and substituted instead the restraint of Government regulation specifically designed to take into account of the international character of the industry. This bill is based on that approach, and it also recognizes that overregulation by the United States will simply result in putting shippers in other areas of the world in a superior competitive position.

For these reasons, then, I shall support the committee bill. I shall oppose amendments based on our antitrust principles because of the clear showing in our hearings and in the whole history of ocean shipping that they will scuttle the American merchant marine and gravely damage the Nation's foreign commerce.

I hope that the amendment now under consideration will be rejected.

Mr. ENGLE. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendments, en bloc, of the Senator from Tennessee [Mr. KEFAUVER]. (Putting the question.)

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KEFAUVER. Madam President, I move to reconsider the vote by which the amendments were agreed to.

Mr. ENGLE. Madam President, I move to reconsider the vote by which the amendments were agreed to.

Mr. STENNIS. Madam President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is the motion to lay on the table.

Mr. MORTON. Madam President, I demand the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been called for. Is there a sufficient second? There is not a sufficient second.

Mr. LONG of Louisiana. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. KEFAUVER. Madam President——

The legislative clerk proceeded to call the roll.

Mr. KEFAUVER. Madam President, was there a sufficient second?

The PRESIDING OFFICER. There was not sufficient second.

Mr. KEFAUVER. Madam President, for what purpose is the roll being called?

The PRESIDING OFFICER. The absence of a quorum has been suggested.

Mr. KEFAUVER. As I understand, the amendments have been agreed to.

The PRESIDING OFFICER. A quorum call is now underway.

The legislative clerk resumed the call of the roll.

Mr. MANSFIELD. Madam President, I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Madam President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. I should like particularly to ask the Senator from Tennessee, the author of the amendments which have just been adopted by voice vote, and to ask the Senate as a whole, if they would consider, in view of the circumstances surrounding the adoption of the amendments, a unanimous-con-

sent request that the voice vote be vitiated and that the yeas and nays be asked for?

Mr. KEFAUVER. Madam President——

The PRESIDING OFFICER. The matter is not debatable since the vote was on the motion to table.

Mr. KEFAUVER. Reserving the right to object——

Mr. MANSFIELD. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Madam President, is it in order to make a parliamentary inquiry?

The PRESIDING OFFICER. It is in order.

Mr. MANSFIELD. Madam President, I would like to find out if it would be possible to make a unanimous-consent request to vitiate the voice vote by which the Kefauver amendments were agreed to. I do so on the basis of the fact that there evidently was a clear misunderstanding on the part of the membership of the Senate, and a further understanding that the yeas and nays had been ordered, when they had not been.

In view of the circumstances, I should like to know whether it is in order to request the Senator from Tennessee to make such a unanimous-consent request, so that we could have a rollcall vote on these amendments, and thereby settle any difficulties and confusion which may have resulted from the vote that has been taken.

The PRESIDING OFFICER. Is there objection?

Mr. KEFAUVER. Reserving the right to object, may I make a similar parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. KEFAUVER. What is the status of the motion that was offered in connection with the antitrust amendments so far as the record stands at this time?

My understanding was that the question was clearly put by the Presiding Officer, and that the amendments were agreed to, that a motion to reconsider was made, and that a motion to lay the motion to reconsider on the table was made, and that that motion was agreed to.

The PRESIDING OFFICER. The Senator is correct.

SEVERAL SENATORS. No! No!

Mr. KEFAUVER. The Chair has ruled that that is correct.

Mr. MANSFIELD. Would the Chair reconsider what it has just said?

Mr. KEFAUVER. The Chair has ruled.

The PRESIDING OFFICER. The Chair understood that the Senator from Colorado [Mr. CARROLL] had made the motion to table. The Chair stated the question. While the question was being stated evidently the Senator from Kentucky [Mr. MORTON] asked for the yeas and nays. There was not a sufficient number seconding the request, but it had the effect of nullifying the motion of the Senator from Colorado. So the question now before the Senate is whether the unanimous-consent request can be made to reask for the yeas and nays. Is there objection?

Mr. KEFAUVER. Madam President, reserving the right to object, I do not want to deny anyone an opportunity to vote on the matter. This is in the nature of a parliamentary inquiry. The Senators who were present voted overwhelmingly in favor of the amendments. Since other Senators have come into the Chamber, I wonder whether the Senator from Montana would include in his request a request that there be 30 minutes more of debate on the amendments?

Mr. MANSFIELD. The Senator is asking for a great deal, but I would be willing to allocate time on the bill, if the minority leader would also, so that further discussion could be had on this question. May I say, Madam President, that the "overwhelming number" of Senators in the Chamber, when the vote was taken—I was not here—if I am correctly informed, did not amount to more than a half-dozen Senators. On that basis I would be willing to join the minority leader in allowing time on the bill, so that there may be additional debate on the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KEFAUVER. Madam President, reserving the right to object——

Mr. CARROLL. Madam President, reserving the right to object, I should like to suggest that the record be clear. Some reference was made to the Senator from Colorado. I believe it was to the junior Senator from Colorado. The junior Senator from Colorado did not make a motion to table. The Senator who made the motion to table is in the Chamber. It is the able junior Senator from Mississippi [Mr. STENNIS] who made the motion to table. The junior Senator from Colorado was seeking recognition to make such a motion.

I would like to have the record clear in another respect. I have discussed this matter with the official reporter. The motion to reconsider was made. The motion to table was made and acted on. The record will show that subsequent to that the junior Senator from California rose to make a motion to reconsider. Then there was another motion to table, and then there was a request for the yeas and nays. There was not a sufficient second. There had been a definite legislative ruling. Does that not fit into the recollection of the Chair?

The PRESIDING OFFICER. That is a correct statement.

Mr. CARROLL. May I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. CARROLL. I ask it not only for the purpose of this instance, but for its effect on other legislative procedure. Once there has been a legislative decision reached by the Senate, there is a finality of decision on the matter. Is it then subject to a unanimous-consent request to wipe out what has been done?

The PRESIDING OFFICER. Will the Senator restate his inquiry?

Mr. CARROLL. I have asked the advice of the Chair in the form of a parliamentary inquiry. Once there has been a final determination under the Senate rules of procedure and a decision has been reached by the Senate according to those rules, is it then subject to a unanimous-consent request to vitiate all that has gone before?

The PRESIDING OFFICER. It may be done by unanimous consent only. The Senator from Montana has asked for unanimous consent.

Mr. LONG of Louisiana. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LONG of Louisiana. Where a motion has been made and the question put, but before the Chair has announced the result, and a Senator suggests the absence of a quorum, is there any finality about that vote?

The PRESIDING OFFICER. The request was made for the yeas and nays just before the announcement was made, and while the Senator from Kentucky was addressing the Chair, seeking to be recognized.

Mr. LONG of Louisiana. May I ask for the yeas and nays on my pending motion?

Mr. STENNIS. My name was used as having made the motion to table the motion to reconsider. That is correct. When the Chair said the Senator from Colorado made the motion, I assumed that he also was making the motion and that it was his motion the Chair understood.

Madam President, I walked into the Chamber just in time to take part in the voice vote. After the vote on the amendment, a motion was made to reconsider, and the Senator from Tennessee nodded to me to move to lay on the table the motion to reconsider, which I did.

Since then, I have learned from the Senator from California [Mr. ENGLE] that his intention was distracted by inquiries from another Senator, and that he did not realize that an affirmative vote was being taken on the amendment. I know there was considerable confusion in the Chamber when the vote was taken. Under those circumstances, I gladly withdraw my motion to lay on the table the motion to reconsider.

Mr. KEFAUVER. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Tennessee will state it.

Mr. KEFAUVER. I take it, in view of the ruling of the Chair, that final action has been taken on the legislative proposal, and that an objection by any Senator to the unanimous-consent request would finish the action upon the amendment.

However, if some Senators feel that they would have liked to be heard and to participate in the discussion and the vote, even though it is within my power to object, and I feel very deeply about the matter, I shall not do so if Senators will agree to allow each side 30 minutes from the time on the bill to enable the discussion of the amendments to proceed a little further.

Mr. MANSFIELD. Madam President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield.

Mr. MANSFIELD. I appreciate the great courtesy of the Senator from Tennessee. I realize how long he has fought. Now that he has won, I know what it means to him to accede to this request, but it indicates how big a man he is.

Mr. KEFAUVER. I appreciate the words of the majority leader.

Madam President, may I inquire how much time remains on the bill?

The PRESIDING OFFICER. Fifty-three minutes remain on the bill.

Mr. KEFAUVER. I may suggest to the Senator from Montana that if the three amendments had been offered separately, 1 hour would have been allotted on each amendment. However, the three amendments were considered en bloc. To enable Senators who may wish to express themselves on the bill and the amendments, would it not be fair to ask for an additional 30 minutes to a side, the time not to be taken from the time remaining on the bill?

Mr. MANSFIELD. If the Senator would not mind—and this is purely a technicality; I shall agree to his request—I intended to suggest that 1 hour be added to the time for debate on the bill, with the proviso that 30 minutes be allowed to each side. I make that request now; and, I may add, time is running.

Mr. CARROLL. Madam President, I have discussed the proposed legislation with the able Senator from Washington [Mr. MAGNUSON], the chairman of the committee, and with the able Senator from California [Mr. ENGLE], chairman of the subcommittee. They are competent lawyers. They feel deeply about the proposed legislation. I must say—and I think the Senator from Tennessee will agree with me—that we had no intention to catch any Senator off guard. I had assumed, that because of the persuasiveness and clarity of the arguments of the Senator from Tennessee, that Senators were convinced and that they were willing to have the amendments taken to conference. But if Senators wish to debate the question further, I suppose that will have to be done.

The majority leader is right. We do not wish to act with unbecoming haste and take advantage of Senators caught off balance, as I am sure, in this particular case, the able Senator from California was, as he has so stated. We accord this courtesy to those Senators. However, we, too, feel very strongly about the need for amendment of the bill. When the time comes, if we lose the vote, I hope the President of the United States will veto the proposed legislation.

Mr. MANSFIELD. Madam President, may we have a ruling from the Chair?

The PRESIDING OFFICER. The Senator from Mississippi [Mr. STENNIS] has a right to withdraw his motion to lay on the table the motion to reconsider. He has done so. The question now before the Senate is on the motion to reconsider.

Mr. MANSFIELD. The Senator from Tennessee has graciously requested that the previous vote be vitiated.

I assume he would wish to have the yeas and nays ordered on his amendments. I ask unanimous consent that an additional hour be allocated to the debate on the bill, 30 minutes to a side.

The PRESIDING OFFICER. Without objection, the additional time will be allotted.

Mr. MANSFIELD. Was there not another request?

Mr. KEFAUVER. The request was for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

The yeas and nays were ordered.

Mr. MANSFIELD. Madam President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield.

Mr. MANSFIELD. What we are about to debate is the Kefauver motion, which had previously been agreed to.

Mr. KEFAUVER. We are starting de novo.

Mr. MANSFIELD. As the Senator from Tennessee says, we are starting de novo.

Mr. LAUSCHE. When did we act upon the motion to reconsider?

The PRESIDING OFFICER. That motion was withdrawn.

Mr. MAGNUSON. Madam President, will the Senator from Tennessee yield 1 minute to me?

Mr. KEFAUVER. I yield 1 minute to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Tennessee now has 30 minutes.

Mr. MAGNUSON. I express my thanks to the Senator from Tennessee and the Senator from Colorado for putting us all back "de novo." I must say that the Senator from Washington was in the Chamber, discussing certain sections of the bill, when the vote was taken. I was conferring with the Senator from Louisiana [Mr. LONG]. When I started my conversation, the distinguished Senator from Kentucky was talking about some fine event. I actually thought he had asked for the adoption of a resolution relating to the subject about which he was speaking. So we all voted "yea." Then the Senator from Kentucky took his seat.

Also, I had been in the Committee on Appropriations, and I felt certain that a yea-and-nay vote had been asked for on this very important amendment. I assumed there would be a quorum call and a yea-and-nay vote.

I appreciate the courtesy of the Senator from Tennessee and the Senator from Colorado. Now we can proceed de novo. I think it is well that we have a little more time.

Mr. KEFAUVER. There was no mistake about what happened. Because I am so much interested in the subject, and it means so much to the American people, I thought the vote was on the right side of the issue; that Senators on the right side of the issue were about to win over those on the wrong side of the issue. So there was no question in my mind as to what was happening.

Mr. CARROLL. Madam President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield.

Mr. CARROLL. I may say to the Senator from Washington [Mr. MAGNUSON], that I, too, was watching the vote carefully. I was profoundly delighted when I heard the Senator from Washington say "Aye," because I know he is a great lawyer and I felt that on this particular issue the light of wisdom had descended upon him.

Mr. HUMPHREY. Madam President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield to the Senator from Minnesota.

Mr. HUMPHREY. I wish to commend the Senator from Tennessee upon his great capacities and abilities.

Mr. KEFAUVER. I thank the Senator from Minnesota.

Madam President, I requested that an additional 30 minutes be allowed each side, in order to have opportunity for further discussion of this matter, which is of the utmost importance to the economy of the Nation—to the American people, the American shippers, the independent carriers and shipping lines, and also to the Treasury of the United States. When I made the request for additional time, there was a larger attendance of Senators than there is now. I am sorry that not more Senators are present to participate in this debate, which is one of the most important debates to be held in the Senate during this session.

I remember very well that not long ago President Eisenhower was greatly concerned about the gold balance, and the situation became so bad that it was even proposed that the families of our Armed Forces overseas be brought home.

Furthermore, Madam President, we read every day that we are losing a great deal of our foreign trade. But this matter vitally affects our foreign trade, our exports, and the jobs of American citizens. I shall demonstrate why that is so.

Incidentally, Madam President, if other Senators wish to use part of this 30 minutes, I shall be glad to yield.

Mr. DOUGLAS. Madam President, I do not wish to speak on the bill; but if the Senator from Tennessee is willing, I should like to ask some questions about his amendments.

Mr. KEFAUVER. I am happy to yield to the Senator from Illinois.

Mr. DOUGLAS. First, let me ask whether the amendments C, D, and E—which I understand are now before the Senate and are to be voted on en bloc—will reinsert in the bill certain provisions which were included in the bill as passed by the House of Representatives?

Mr. KEFAUVER. Exactly so; and those provisions were included in the bill by the House after 2 years of hearings and consideration by one of the finest and most thorough committees of the House of Representatives—its Merchant Marine and Fisheries Committee. That committee was unanimous in its recommendations in this respect. So was the Judiciary Committee, under the chairmanship of Representative CELLER. Those committees made exhaustive studies of this matter.

Mr. DOUGLAS. So the Senator from Tennessee is proposing that there be

included in the bill the provisions voted by the House of Representatives, but recommended against by the Senate committee?

Mr. KEFAUVER. Yes. Furthermore, the action of the Senate committee was vigorously objected to by the Department of Justice.

Mr. DOUGLAS. I understand that the purpose of these amendments is to prevent any international conference from adopting a rule which would cause the exclusion from the trade of the presently independent carriers.

Mr. KEFAUVER. That is exactly the purpose—in other words, to have some minimum amount of competition in international shipping.

Mr. DOUGLAS. If the amendments are not agreed to, the independents can be forced into the conferences, and then can be compelled to conform to the rates established by the conferences?

Mr. KEFAUVER. That is correct. Their only alternative would be to go out of business.

Mr. DOUGLAS. The Senator from Tennessee is trying to preserve the independents, not merely for their own sake, but also in order that they will be able to introduce an element of competition, and thus keep shipping rates and passenger rates lower than they otherwise would be? Is that the point?

Mr. KEFAUVER. That is correct, because the rates are not regulated in any other way. So if these amendments were to be rejected, no competition would remain.

Furthermore, we know what the American people can expect if they are at the mercy of an international cartel and if that cartel is without regulation.

Mr. DOUGLAS. The Senator from Tennessee believes, does he not, that even though only a comparatively small minority of the shipping firms are outside the conferences, nevertheless they exert an influence on the rates charged by the conferences?

Mr. KEFAUVER. That is correct. The hearings held by both the committees show that when there is some competition, the rates are held low. For instance, there was discussion about why the rate from England to Greece was about one-fourth the rate between the United States and Greece, even though the distances are about the same. The testimony was that the reason is largely that some independents are operating in that trade. Similar testimony was received throughout the hearings.

Mr. DOUGLAS. So if the amendments of the Senator from Tennessee are rejected, the independents will be forced into the conferences, and then the conferences can establish still higher rates and even greater differentials against American shipping? Is that the case?

Mr. KEFAUVER. That is entirely correct. Although we love our foreign friends, they are not particularly interested in increasing manufacturing in the United States—at least not as much interested in that as we are.

Mr. DOUGLAS. Is not that an understatement?

Mr. KEFAUVER. It may be. However, it is clear that in the absence of these amendments, our manufacturing concerns and shipping will be at the complete mercy of the international cartel which is dominated by foreign shipping lines.

Mr. DOUGLAS. I thank the Senator from Tennessee. It seems to me that his amendments are absolutely essential. I hope very much that the yea-and-nay vote will affirm the voice vote previously taken; and I join the Senator in the hope that if the bill in its present form is passed and if the House should unfortunately agree to the Senate committee's version of the bill as it now stands, the President will veto it. However, I hope we can change the bill here on the floor of the Senate.

Mr. KEFAUVER. I hope so, too. I cannot help but feel—in view of some five solid facts—that if more Members of the Senate were present and if they listened to all the debate and if they understood these five solid facts, they would vote for these protective amendments.

The first fact is that the conferences are 85 percent dominated by foreign shipping lines. The Senate has refused to delete from the bill the provision which permits all the conferences to join an international cartel. So our shippers and our independent carriers and our export trade will, to a considerable extent, be at the mercy of the decisions of the foreign shipping lines, unless we adopt protective amendments. Even though there is some little mention in section 17 of the present Shipping Act provisions—for instance, those prohibiting widespread discriminations, and so forth—yet the pending bill would, in the absence of these amendments, completely exclude the conferences from application of the antitrust laws. But we know that right now the conferences are placing unreasonable, unjust, and unconscionable burdens on American shipping.

I wish Senators would read again page 19373 of the CONGRESSIONAL RECORD for yesterday, which shows that on chemicals we are paying seven or eight times the fair rate from the United States to Germany; on steel, twice as much; and on cheese, twice as much.

On page 19362 of yesterday's RECORD we can see the disparity in the cost of shipping cotton and tobacco from the United States to foreign ports. The table and figures on that page show the impact of conference cartels on shipping rates.

If anybody thinks an international cartel is going to treat us nicely, he ought to look at the record. There has never been a group of organizations that has engaged in so many rebates, discriminations, unfair practices, predatory methods, as have these international cartels. I do not want to put very much of the burden or blame on American shipping, although some of it must be placed on them. I think most of it is the fault of foreign flag lines. But, for some reason or another, American companies in these cartels have been charging the American Government much more for shipping grains than they have charged private shippers.

Are we going to allow American shippers to go unprotected by not adopting even these very minor antitrust amendments? If we do not adopt some such restrictions, a shipping conference will be able to adopt a rate the intent of which is to put somebody out of business. They can engage in any other tactics they want to, and there will be no protection at all.

The Senator from Illinois referred to independents. Twenty-six American trades are served by independents. I do not mean there are that many full companies acting independently. But, they at least provide some brake on rates. If that brake is taken away, there will be nothing to stop them from charging whatever rates they wish to, and we shall live to see the day when this action will be regretted exceedingly.

I wish to state again the purpose of these antitrust amendments:

(a) They would keep the sea lanes of the United States open to all vessels in conformity with traditional concepts of freedom of the seas.

(b) They would assure that American lines could, with safety, resign from conferences if necessary to protect the foreign commerce of the United States and at the same time have access to cargo.

(c) They would assure that no American line would be forced into a conference without its consent.

(d) They would safeguard the business of tramp vessels, which form an essential part of the American merchant marine.

(e) They would protect American shippers against excessive rates charged by steamship conferences having a monopoly in the trade, by assuring the existence of independent competition.

As I said yesterday, the United States is unique in this respect, because we believe in, and our whole economy is built upon, the free, competitive system. That is what we talk about in chambers of commerce. That is what businessmen and the rest of us talk about. Almost every other nation in the world has a different kind of system. Only a few have systems similar to the American system. In a large part of the world, and in the Communist bloc, everything is state owned. In other parts of the world there are in effect government price controls, nationalization, and so forth. It is only in the United States that a substantial part of the economy is left under the free enterprise system. What we are doing here is breaking down a large segment of our economy, and removing it from any control whatsoever under the antitrust laws, and putting it under an international cartel. I do not believe the American people, American business, or the American Congress want that done. If Senators do not want it done, they should vote for these amendments.

Mr. HART. Madam President——

Mr. KEFAUVER. I yield to the Senator.

Mr. HART. I think the Senator from Tennessee, under whom I serve on the Antitrust Subcommittee, has effectively presented the amendment. It strikes me, as so often happens, the real opposition and the real concern does not show up. I think the basic concern on the part of the shippers we are talking

about is that, if we do as the Senator from Tennessee has proposed, it will be the foot in the door in an effort to regulate rates, cold turkey. I suppose, while there are those of us who feel that this, too, will make sense, this is such a hideous notion that the resistance to the relatively mild amendments proposed by the Senator from Tennessee is as strong as it is.

Mr. ENGLE. Madam President, will the Senator yield?

Mr. HART. Yes.

Mr. ENGLE. The amendment pending at the moment is the composite, triple-headed amendment offered on the antitrust proposal.

Mr. KEFAUVER. That is correct.

Mr. ENGLE. The Senator from Tennessee has a subsequent amendment that deals with the business of fixing rates. At that time we shall discuss it at some length. The difficulty with the amendment offered by the Senator from Tennessee at the present time is that, on the basis of what the record shows, it simply deauthorizes conferences. My view is we ought to vote against the bill if that is the way we feel about it.

Mr. HART. There are those of us who feel the use to which the conferences have been put is the reason why the proposal by the Senator from Tennessee is the very least we should adopt. I share those views.

Mr. KEFAUVER. I thank the Senator. Madam President, I yield the floor.

Mr. ENGLE. Madam President, I suggest the absence of a quorum, and ask unanimous consent that the time not be taken out of the time of either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENGLE. Madam President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENGLE. Madam President, I yield 5 minutes to the Senator from Minnesota [Mr. McCARTHY].

Mr. McCARTHY. Madam President, I wish to ask the Senator one or two questions.

As I understand, the only way in which any agency of the U.S. Government can exercise any influence over a foreign-flag carrier is indirectly by virtue of its being in a conference along with ships that sail under the American flag.

Mr. ENGLE. That is correct. The problem—and I have emphasized it time and time again—is that we are dealing with an international operation. Actually, there are more foreign-flag lines plying the international seas than there are American-flag lines. So, if we are to have a conference system, we must have one with foreigners on a voluntary basis, inasmuch as we cannot give extra territorial force to American law. The foreign-flag lines have said they like conference systems. Our people do, too. They have said, "We want the conference system."

We were concerned about the problem of which the Senator from Tennessee spoke, which the Senator from Michigan mentioned; that is, the necessity to be careful in setting up and authorizing the conference systems, which are monopolistic in character, although not wholly monopolistic, because they are open ended and people can come in and go out as they please.

We did not wish to have these people sit down to write rates and do other things, such as to discriminate between shippers and ports, and those things; to the detriment of the foreign commerce of the United States. We provided that if they undertook to do so the leverage would be to authorize the Maritime Commission to pull out the American-flag lines. That would break the conference.

Let us assume that did happen. It has happened in times past. Let us assume the Maritime Commission said, "We will not go along with this kind of arrangement and we will not approve it."

The American-flag lines would then go back and say, "We have to do something else, or there will not be any conference, because the Commission will not let us participate."

Then the economic pressures, the philosophical pressures, or whatever pressures there are, to make these people stay in a conference, would be in play, to make them devise the modifications necessary to make the agreement comply with reasonable standards.

That is actually the only leverage available, the power to break the conference. We would do that by empowering the Maritime Commission to pull out the American-flag lines.

Mr. McCARTHY. If we were to force the American owners out of the conference, this would still allow the possibility of all the foreign-flag owners organizing their own conference. We would have not even that kind of indirect influence over the rates they might charge, in such an event.

Mr. ENGLE. The Senator is correct. In addition, it is my opinion that in the absence of a conference or conference arrangements, in a rate war the foreign-flag lines would simply beat the American-flag lines to death, because they have lower operating costs. At the present time we are subsidizing the American merchant marine approximately $300 million or $400 million a year, and still the Americans cannot compete as well as they ought to.

Mr. McCARTHY. A number of cases have been cited during the course of the debate in the last 2 days in regard to the difference in rates charged for cargo shipped from a European or foreign port to the United States, contrasted with rates for the same or similar cargo from the United States to foreign ports.

One of the cases in which I have a particular interest concerns a shipment of wire. A particular case has affected a manufacturing plant in Minnesota, which is in competition with wire produced in Belgium, as I recall. The wire is laid down on the dock practically at the foot of the wire manufacturing plant on the Great Lakes. Some of the figures indicate that the cost of shipping wire from Europe to the United States is approximately one-half the cost of shipping wire or similar steel products from the United States to Europe.

What is the explanation for the differential, if there is one?

In the legislation being proposed, is there any language which might move the Maritime Commission to put pressure on the conference or on the American shipowners in the conference, on the ground that such action is discriminatory and unfair to American industry, in an effort to bring about some adjustment in the rates?

Mr. ENGLE. We have provided for that in the bill. There is a direct mandate to the Commission not to approve a contract if it is found to be detrimental to the commerce of the United States or unjustly discriminatory or unfair as between shippers, exporters, importers, or ports or—and I emphasize this—between exporters of goods from the United States and their foreign competitors.

We wish to have the Commission take a hard look at these kinds of arrangements.

I do not approve of a rate system in which the American exporter gets the worst end of the deal. We have put in the language of the bill the power for the Commission to do the only thing we can do, which is to break up the conference, if those practices are followed.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. ENGLE. Madam President, I yield 5 more minutes to the Senator from Minnesota.

The alternatives might be not to have any conference at all, and there might be a "cat-and-dog" rate war. We cannot fix the rates which the foreign shippers charge to bring goods from Europe, let us say, westbound to the United States. It is a matter of negotiation and of agreement. When the Commission finds something which is bad, the Commission has the power to and is directed under the bill to disapprove the conference.

Mr. McCARTHY. Is there a fair possibility that if the American shipowners were forced out of the conference the United States would have even less control and less power to try to eliminate the inequities and unfair rates than at present, while at least some American-flag shipowners are permitted to remain in the conference?

Mr. ENGLE. The reason the conferences have existed over almost a century is that this is the only way there can be stability of rates and routes and those things. If there are no conferences, the whole thing breaks down into a rate war. These men operate as common carriers. The ships run on regular schedules. There must be some stability.

The Senator from Kentucky [Mr. MORTON] earlier cited his experience, from his personal business background, as to what happens when there is no system at all. At one time a person is in fine shape, with the rates down low and "tramp" steamers and everyone in the business to haul the cargo. However, as soon as enough of them go broke the rates go sky high.

The problem is that if a man is in business in the United States and wishes to make a deal to transport goods over a period of time—1 or 2 or 3 years—there must be some stability in the freight rate structure; otherwise, the man may end up with a contract based upon a freight rate he thought was going to be good, only to find the rate 2 or 3 times as high, thereby wiping out all the benefits of the contract.

That is what the Senator from Kentucky talked about. That is why over a period of years the conferences have been authorized, and that is why the bill would authorize the conferences.

Mr. McCARTHY. There is an application pending by a shipping conference now before the Maritime Commission in which I believe the request is for a surcharge of something like 25 percent on shipping that originates in the Great Lakes ports. It is the opinion of many shippers on the Great Lakes that this would be a discriminatory rate, that it would have an adverse effect upon development of trade and commerce in the area and upon the whole development and use of the St. Lawrence Seaway. This would be a case in which the standards attempted to be established in the bill would be clearly applicable?

Mr. ENGLE. That is correct. Not only that, but also there is language in the bill which provides that any Governor, and under an amendment added by the Senator from Tennessee, any port authority or any municipality which operates a port can go directly to the Commission and make the complaint. An order will issue, and the case will be decided within 120 days.

Mr. McCARTHY. So far as the special problem is concerned, would there be any more protection given to shippers, to producers, to everyone concerned in regard to use of the Great Lakes if the amendments being offered by the Senator from Tennessee were agreed to, over and above the protection these people might have under the terms of the bill?

Mr. ENGLE. The pending amendments simply would ruin the conference system. I am not sure the Senator was present when I made my earlier remarks on that subject.

Mr. McCARTHY. I am asking for an opinion. I understand the Senator's position.

Mr. ENGLE. The witnesses testified that with the language in the bill no conference system could be approved because any conference arrangement has a tendency to exclude other people from the trade. If one attempted to contract with all of the shippers, it would have that tendency.

I made a statement earlier in this regard. I said I did not see how any honest public official—and I believe they are honest—on the Maritime Commission could certify any conference arrangement with that language in the bill. That is what I complained about.

I said that it would be marching up the hill and down the hill again. We propose to authorize the conference system. If we were to put in the language suggested, we would simply put ourselves in the position of authorizing something which could not be done.

Mr. McCARTHY. In the Senator's opinion, the people who are concerned about shipping rates generally would be better protected by permitting the conferences to continue with the safeguards proposed in the bill than they would be if the Senate adopted the language which would have the effect of destroying the conference system?

Mr. ENGLE. That is my opinion, and it is the opinion of the majority of the shippers of this country. So far as we have been able to tell from the hearings held by the committee, more than two-thirds of them are for the conference system. Yesterday I had printed in the RECORD a great number of telegrams and communications from many shipping interests in this country.

The shippers want the conference system. The ship operators want the conference system. The customers want it because it would provide stability. That is the situation that the Senator from Kentucky is discussing. Industry wants to know what the rates will be over a long enough period of time so that it can plan the sale of goods.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCARTHY. What the Senator has said would apply to agricultural shippers as well as industrial shippers.

Mr. ENGLE. Yes. A number of cottongrowers and other agricultural interests have telegraphed their approval of the bill in its present form.

Mr. McCARTHY. I thank the Senator from California.

Mr. ENGLE. I thank the Senator from Minnesota.

Madam President, I yield the floor for the present.

Mr. KEFAUVER. Madam President, have I any time remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 6 minutes remaining.

Mr. KEFAUVER. Madam President, in listening to the colloquy of the distinguished Senator from Minnesota and the distinguished Senator from California, I heard it said that they would rather have no conference system at all than to have these amendments. In fact, the former Chairman of the Maritime Commission, Mr. Stakem, said that as between the House bill and no bill, he would rather have the House bill.

If we reject the amendments we shall turn our international shipping over to a cartel which is controlled by foreign shipowners who are already unjustly discriminating against American shippers. The American voice will be very small under that system, which is intended to put the independents out of business.

No power over rates is contained in the bill, so there would be no one left to protect the independents, the people of the United States, the shippers, the farmers, and the manufacturers, if these amendments are not adopted. That would be the result. The American people cannot survive that kind of calamity.

We have heard that if there is no conference, foreign shipping lines will drive American ships out of business. That statement overlooks the fact that the American ships in the conferences are largely subsidized so as to put them on an equal basis—insofar as wages, labor, repair costs, insurance, and so forth, are concerned—with the lowest cost foreign competitor, so that they would be in a position to compete even if there were no conference.

Of course, the American lines want the conference because they can charge higher rates. The foreign lines want the conference because it is a bonanza to them. They are receiving high rates while paying low-cost interest. If we turn the entire program over to these conferences without any antitrust provisions whatsoever, without any protection for the independents, we shall find that rates will go up, and they will be more discriminatory than they are at the present time.

Let me reemphasize that the Antitrust Division of the Department of Justice is strongly against leaving out these amendments. The Department of Agriculture is most vigorous in connection with the question. The only ones who want the amendments eliminated are those who have an opportunity to drive out competitors if the amendments are eliminated. I yield the floor.

(At this point Mr. JAVITS took the chair as Presiding Officer.)

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ENGLE. How much time does the Senator desire?

Mr. LONG of Louisiana. Five minutes.

Mr. ENGLE. I yield 5 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes.

Mr. LONG of Louisiana. Mr. President, statements that I have heard in this Chamber give cause for alarm because they have been so sweeping in nature. For example, the statement has been made that no protection is provided in the bill, and that the bill would make the sky the limit and leave things wide open. Notwithstanding that statement, I find, looking to the first part of the committee text, language which states that the Federal Maritime Commission shall permit conferences and permit rates to go into effect. On line 18 the bill states:

> Unless the Commission finds that the contract, amendment, or modification thereof will be detrimental to the commerce of the United States or contrary to the public interest, or unjustly discriminatory or unfair as between shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors.

There is the language that would prevent any injustice or unfairness, and would charge the Maritime Administration with seeing that rates are fair.

As I understand the bill, what is sought to be done is to authorize American ocean carriers, who are relatively high-cost carriers, to enter into rate agreements, which have been going on for 100 years with foreign-owned and

operated shipping lines. Such agreements, generally called conferences, have been going on for 100 years.

Senators must realize that the pattern that is necessary to engage in ocean commerce does not fit into the pattern of our Antitrust Division, composed of lawyers who would like to regulate a farm cooperative as though it were the Standard Oil of New Jersey.

In the first place, our ideas and laws about outlawing discrimination in commerce cannot be made applicable to the transportation industry. The entire transportation industry, including highway, railroad, air and ocean carriers, contains a mass of discriminatory rates from top to bottom, depending upon the nature of the cargo, where it is going, and the particular industry for which the rate is provided.

These rates are subject to regulation and to some control, but seldom fixed by uniform competitive elements.

This Nation would be in a position, if it cared to do so, of trying to tell all the international carriers of the world that we will not permit our carriers to join conferences or to agree on what the ocean rates shall be. That would be the effect if we had no law permitting our carriers to negotiate with the carriers of other nations on what the rates should be. We, as a high-cost operator, would tell foreign nations, which are the low-cost operators, that we will not engage in any understanding with them about rates.

To be consistent with the program, I assume that those who would like to do this would then go ahead and tell our operators that our rates should not be discriminatory, that they should be uniform. The result would be that any foreign carrier could look at the American published rate, bid 5 cents below that rate, and get all the cargo it might like.

It can be argued that with that kind of system, by subsidizing the shipping industry with money from the taxpayers' pockets to the extent necessary, we can still keep our ships on the sea. I suppose we could double, triple, or quadruple, the subsidy available and stay on the sea with low-cost operators. By means of higher subsidies, we would try to have the lowest rates, although we have the highest costs. That does not make much sense to me. Those who propose that sort of activity, of withdrawing our high-cost carriers from the understandings with the other carriers, have yet to propose how they are going to run the show.

Now it is proposed by one of the Kefauver amendments that action cannot be taken by a conference if the total effect would be reasonably likely to cause the exclusion of any other carrier from the trade.

Yet the whole idea of the bill is to let these people get together on rates and compete with the people who are not in the agreement. If one fellow will not join and will not participate, the others are by necessity in price competition with him. He is trying to put the other fellows out of business. What is wrong with the other fellows trying to put him out of business? If he does not wish to join in the rate structure and competes with it and tries to cut it out, what is wrong with the others trying to put him out of business? If one insists on price competition, why should not the other be able to compete by cutting rates or making rebates?

I was much impressed by a telegram which appears in the RECORD at page 19342, sent by Lee A. Schwarz, the manager of the New Orleans Traffic and Transportation Bureau. This man speaks for the shippers of my section of the country. He is one of those who helped me fight against the basing point pricing bill, because it would have discriminated against the section of the Nation in which I am interested.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The time of the Senator has expired.

Mr. ENGLE. I yield 1 additional minute to the Senator from Louisiana.

Mr. LONG of Louisiana. Here is the same Mr. Schwarz on record in favor of this bill. He understands the transportation problem from the standpoint of the shipper. He fought against the manufacturers wanting to use the basing point, and he is today urging that we pass the pending bill, to make it possible for our shippers to agree with the conference what the rate structure for ocean freight should be.

There is language in the bill which would prevent any unfair discrimination, and charges the Maritime Commission with the responsibility of seeing to it that there is not such discrimination.

Mr. ENGLE. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time for debate has expired. The question is on agreeing to the amendments offered by the Senator from Tennessee.

Mr. ENGLE. Madam President, a parliamentary inquiry. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Pennsylvania [Mr. CLARK], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. HICKEY], the Senator from Oklahoma [Mr. KERR], the Senator from Oregon [Mr. MORSE], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH], are absent on official business.

I also announce that the Senator from West Virginia [Mr. RANDOLPH] is necessarily absent.

I also announce that the Senator from New Mexico [Mr. CHAVEZ], is absent because of illness.

On this vote, the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from West Virginia [Mr. RANDOLPH]. If present and voting, the Senator from New Mexico would vote "nay," and the Senator from West Virginia would vote "yea."

On this vote, the Senator from Oklahoma [Mr. KERR] is paired with the Senator from Tennessee [Mr. GORE]. If present and voting, the Senator from Oklahoma would vote "nay," and the Senator from Tennessee would vote "yea."

On this vote, the Senator from Alaska [Mr. BARTLETT] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from Alaska [Mr. BARTLETT] would vote "nay," and the Senator from Alaska [Mr. GRUENING] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] is absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The Senator from Iowa [Mr. MILLER] is absent on official business.

The Senator from Texas [Mr. TOWER] is absent by leave of the Senate on official business.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Indiana [Mr. CAPEHART], the Senator from Arizona [Mr. GOLDWATER], the Senator from Iowa [Mr. MILLER], and the Senator from Texas [Mr. TOWER] would each vote "nay."

The pair of the Senator from Illinois [Mr. DIRKSEN] has been previously announced.

Mr. HARTKE. Madam President, on this vote I have a pair with the Senator from Pennsylvania [Mr. CLARK]. If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. HAYDEN. Madam President, on this vote I have a pair with the senior Senator from Oregon [Mr. MORSE]. If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

Mr. MANSFIELD. Madam President, on this vote I have a pair with the Senator from Illinois [Mr. DIRKSEN]. If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

The result was announced—yeas 33, nays 45, as follows:

[No. 202]

YEAS—33

Anderson	Hill	Pell
Burdick	Humphrey	Proxmire
Cannon	Javits	Robertson
Carroll	Johnston	Smith, Mass.
Case, S. Dak.	Kefauver	Sparkman
Church	Long, Mo.	Stennis
Cooper	McNamara	Talmadge
Dodd	Moss	Thurmond
Douglas	Muskie	Wiley
Ervin	Neuberger	Young, N. Dak.
Hart	Pastore	Young, Ohio

NAYS—45

Aiken	Dworshak	Kuchel
Beall	Eastland	Lausche
Bennett	Ellender	Long, Hawaii
Bible	Engle	Long, La.
Boggs	Fong	Magnuson
Bush	Fulbright	McCarthy
Butler	Hickenlooper	McClellan
Byrd, Va.	Holland	McGee
Byrd, W. Va.	Hruska	Metcalf
Carlson	Jackson	Monroney
Case, N.J.	Jordan	Morton
Cotton	Keating	Mundt

Prouty	Schoeppel	Smith, Maine
Russell	Scott	Williams, Del.
Saltonstall	Smathers	Williams, N.J.

NOT VOTING—22

Allott	Goldwater	Miller
Bartlett	Gore	Morse
Bridges	Gruening	Randolph
Capehart	Hartke	Symington
Chavez	Hayden	Tower
Clark	Hickey	Yarborough
Curtis	Kerr	
Dirksen	Mansfield	

So Mr. KEFAUVER'S amendments were rejected.

Mr. ENGLE. Madam President, I move that the vote by which the amendments were rejected be reconsidered.

Mr. KUCHEL. Madam President, I move that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, returned to the Senate in compliance with its request, the bill (H.R. 8414) to amend section 5011 of title 38, United States Code, to clarify the authority of the Veterans' Administration to use its revolving supply fund for the repair and reclamation of personal property.

The message announced that the House had passed the bill (S. 2325) to amend the Export-Import Bank Act of 1945, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 8765) to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker pro tempore had affixed his signature to the enrolled bill (S. 1540) to amend the law establishing the Indian revolving loan fund, and it was signed by the Vice President.

HOUSE BILL REFERRED

The bill (H.R. 8765) to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes, was read twice by its title and referred to the Committee on Armed Services.

AMENDMENT OF SHIPPING ACT OF 1916

The Senate resumed the consideration of the bill (H.R. 6775) to amend the Shipping Act of 1916, as amended, to provide for the operation of steamship conferences.

Mr. KEFAUVER. Madam President, I call up my amendment "9–1–61—G."

The PRESIDING OFFICER. The amendment of the Senator from Tennessee will be stated.

The LEGISLATIVE CLERK. On page 19, in line 15, after the word "adopt", it is proposed to insert the following:

However, the Commission shall disapprove any conference rate, fare, or charge which after hearing it finds to be so unreasonably high or low as to be detrimental to the commerce of the United States.

Mr. KEFAUVER. Mr. President——

The PRESIDING OFFICER (Mr. METCALF in the chair). The Senator from Tennessee.

Mr. KEFAUVER. Mr. President, the pending amendment is a last effort to provide some protection—even though only a small amount—to American shippers.

As the bill now stands, the foreign-controlled international cartel can discriminate or can operate so as to prevent competition by an independent or a tramp steamer, and the cartel can make any rates it wants to make, unless the Maritime Commission believes they are not in the interest of the commerce of the United States.

Some protection is afforded by some of the provisions of the Shipping Act of 1916, but it will be eliminated by some of the provisions of the bill as it now stands before us.

This amendment simply provides that in considering a conference rate, fare, or charge, the Commission can disapprove the conference rate if it finds it to be so unreasonably high or low as to be detrimental to the commerce of the United States.

In other words, if they are so exorbitantly high that they are detrimental to the commerce of the United States, the Commission will be authorized to disapprove the rates; and the Commission will be authorized, also, to disapprove any rates which it may find to be so low as to have that effect.

It is not the intention of this amendment to institute a ratemaking scheme such as that of the Interstate Commerce Commission or that of some of the other regulatory agencies. But the purpose of the amendment is to have the Commission consider the rates charged by the conference; and if they are such as to affect adversely the commerce of the United States, the Commission will have the right to reject them.

Mr. President, I ask unanimous consent to have an explanation of the amendment printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KEFAUVER

The amendment, which I now offer, No. 9–1–61—G, is a long first step in returning to the sensible, minimum guarantees of protection to shippers and independent carriers, provided for in the House version of H.R. 6775. It adds to the Senate Commerce Committee bill the requirement that the Maritime Commission disapprove any conference rate which is so unreasonably high or low as to be detrimental to the commerce of the United States.

I will freely admit that this amendment will tend to limit the monopoly power of the conference cartels. And, I realize that it is argued by the proponents of the bill—the Commerce Committee report—that the purpose of the conference system, and of the bill, is to protect the steamship lines—the vast majority of which are foreign owned and operated—from competition. It is claimed that competition is impractical and unworkable in the international steamship trade. This I doubt, but, that argument notwithstanding, I must insist that some minimum protection to American exporters and importers is essential.

Shipping conferences must be kept within some sort of bounds. After all, we must consider American as well as foreign interests.

It was suggested, yesterday, that foreigners engaged in foreign commerce of the United States cannot be subjected to any sort of restrictions by the U.S. Government, whatsoever. This is, of course, absurd. The U.S. Government is not so helpless. They may have the ships, but we have the trade.

The type of legislation reflected in my amendment is of precisely the same sort as that used by our Government to regulate foreign airlines, for example. Thus, section 1382 of title 49 of the United States Code requires the Civil Aeronautics Board to disapprove any rate agreement which it finds to be adverse to the public interest. The same public interest standard is applied to foreign common carriers in the communications field by section 201 of title 47 of the United States Code. Moreover, that same section provides that any charges which are not just and reasonable are unlawful—a much sterner standard than the one I am seeking for international shipping cartels.

There can be little doubt that the dual-rate contract system facilitates the further extension of the monopoly power already possessed by the international conference cartels. Most shippers have no choice but to sign a dual-rate contract. If they do not, they will have to pay rates 10 to 20 percent higher than those paid by their competitors—and they will be effectively priced out of the market. Thus, when they sign the conference contract, they are bound to ship solely on conference vessels, and the independents which might otherwise have bid for their business, are foreclosed from the market. With the independents foreclosed, monopoly power is increased.

If, then, we must increase monopoly power in ocean shipping by authorizing the dual-rate system, let us at least impose a minimum ceiling on the extent to which such power can be wielded to the detriment of American industry. This is what my amendment does. It acknowledges that these monopolies can set high rates—even unreasonably high rates. But, the rates must not be so unreasonable as to be detrimental to the commerce of the United States.

Under the House bill and my amendment, cartels would be precluded from using unreasonably low rates as a predatory device. It was such a device that led the Supreme Court to its decision in the Isbrandtsen case, which is at the root of the proposed legislation. The members of the west coast United States-Japan cartel dropped rates to as low as 30 percent of normal in order to drive Isbrandtsen from the trade. This, the Supreme Court said, was illegal under the Shipping Act of 1916.

It should be outlawed in the future as well as in the past, because once all competition is driven from a trade, rates will skyrocket.

Mr. ENGLE. Mr. President, if the Senator from Tennessee will yield, I should like to call attention to this provision of the bill. It states that the Commission cannot approve a contract if it is detrimental to the commerce of the United States. On page 25 the

committee report deals with this subject matter, as follows:

Existing law empowers the Commission to disapprove any conference agreement which it finds detrimental to the commerce of the United States. Prior boards have asserted, on occasion, that this power, though it does not speak of reasonableness of conference freight rates, authorizes disapproval of any conference's agreement if the conference's rates become so unreasonably high or low so as to become detrimental to our foreign commerce.

Apparently the threat of the use of this disapproval has served its purpose. We have not included in the bill a specific provision in regard to rates. The reason we did not is that we did not want to get the U.S. Maritime Commission into the business of rate proceedings. Anyone who knows anything about them knows what they amount to.

Furthermore, we were perfectly sure that any findings made in the course of a rate proceeding operated by the U.S. Maritime Commission would not be binding upon foreign-flag vessels. So we left the language of the bill rather general; and, as I have said, also on page 11 of the report we indicate that the Commission is directed to disapprove a contract that is detrimental to the commerce of the United States.

I think it perfectly obvious that if the rates are so unreasonably high or so unreasonably low as to be detrimental to the commerce of the United States, that would be sufficient reason for disapproval by the Commission. Certainly that would be as a good a reason as any other for such action. In other words, the Commission is to reject conference rates if they are detrimental to the commerce of the United States. In short, if the rates are so unreasonably high or so unreasonably low as to be detrimental to the commerce of the United States, they will fall within this provision of the bill.

So I wish to ask the Senator from Tennessee whether he can state to us that it is not his intention in offering this amendment to authorize the U.S. Maritime Commission to go into a rate-setting procedure or a ratemaking procedure.

Mr. KEFAUVER. It is not the intention of the amendment to authorize the Commission to try to fix specific rates. It is the intention of the amendment to give the Commission similar authority to that the Civil Aeronautics Board has in connection with international airline rates. In that case the rates are fixed, or suggested, by the international body. Then they are submitted to the CAB, and the CAB can throw them out if it thinks they are unreasonable. That kind of concept is what I have in mind in connection with this amendment.

Mr. ENGLE. But the rates have to be unreasonable to the point that they are detrimental to the commerce of the United States.

Mr. KEFAUVER. That is what the amendment states.

Mr. ENGLE. With that understanding, and with that legislative record on the matter, I am perfectly satisfied to accept the amendment.

Mr. BUTLER. Mr. President, will the Senator yield to me for a brief observation?

Mr. KEFAUVER. Before I yield to the Senator from Maryland, let me say that the circuit court of appeals has expressed the opinion, at least in dicta, that, under the Shipping Act of 1916, the Maritime Commission has the right at the present time to disapprove rates, if they are unreasonably low or unreasonably high. The Commission has given a number of opinions expressing the view that it now has this right.

My fear was that, having had that language in the House bill, and then its being deleted by the Senate, it would be considered that the present authority of the Federal Maritime Commission to throw out a rate if it was unreasonably high or unreasonably low was lost.

I ask unanimous consent to have printed at this point in the RECORD a brief explanation of the legal and legislative background of the amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXPLANATION OF AMENDMENT

This amendment restores language originally contained in the Bonner bill. Its purpose is to provide the new Commission with authority to protect shippers against excessive rates established in dual-rate contracts or in conference tariffs on a noncontract basis. It would also permit the Commission to safeguard other carriers or ports from discriminatory rates when set at noncompensatory levels.

The language was dropped by the Commerce Committee largely at the insistence of the foreign lines which objected to an extension of Federal jurisdiction over international rate levels. Far from a novel extension, however, the language in the amendment merely codifies existing administrative interpretation of the Shipping Act of long standing, wherein the Commission's predecessors have declared unreasonably low or high rates to be detrimental to the commerce of the United States in violation of Section 15 of the Act. (See *Edmond Weil* v. *Italian Line "Italia"* (1 U.S.S.B.B. 395, 398 (1935)); *Seas Shipping Co.* v. *American South African Line, Inc.* (1 U.S.S.B.B. 568 (1936)); *Pacific Coast-River Plate Brazil Rates* (2 U.S.M.C. 28 (1939)); *Secretary of Agriculture* v. *N. Atlantic Cont'l. Frt. Conf.* (4 F.M.B. 706, 739 (1955)).)

While no one would seriously advocate international rate control by the Commission, a minimum of supervision over excessive or unduly low rates in our foreign commerce is essential for the protection of American shippers, carriers, and ports, particularly inasmuch as the ultimate effect of the legislation now under consideration will be to augment the influence and power of the conferences. Moreover, the Senate's elimination of this language from the bill will no doubt be used by the conference lines at some future date as an argument that Congress has by implication repealed the power to control such rates which the Commission's predecessors have openly asserted for over 25 years.

Chairman CELLER, in his letter to me, noted:

"Additionally, the subcommittee print deletes provisions in the House bill instructing the Commission to disapprove any conference rate found to be so unreasonably high or low as to be detrimental to the commerce of the United States. I believe that the Commission possesses power under present law to disapprove such rates; at least the Federal Maritime Board has repeatedly asserted this authority throughout the course of its administration of the Shipping Act. The effect of this deletion, therefore, may be not only to discourage the new Commission from discharging a function to which it has already laid claim but may also be interpreted in some quarters as a withdrawal of congressional sanction to the very exercise of the power itself."

Mr. KEFAUVER. I yield now to the Senator from Maryland.

Mr. BUTLER. I do not know that, with the legislative history made by the Senator from California, I would object to the amendment, but I call attention to the fact that this provision would not in anywise affect a shipowner who did not want to become a member of the conference.

Mr. ENGLE. That is correct.

Mr. BUTLER. And in determining whether a rate was unreasonably high or unreasonably low, I assume the Commission would have to take into consideration the rate that had been charged.

Mr. ENGLE. I cannot answer that question.

Mr. BUTLER. It may get us into some complications.

Mr. ENGLE. What we are getting into is a standard that is to be applied, namely, that they must break a conference if it is detrimental to the commerce of the United States.

It can be detrimental to the commerce of the United States for a number of reasons. One of those reasons could be that the rate was either so unreasonably high or so unreasonably low that it was detrimental to the commerce of the United States.

What I am saying is that we already have this language in the bill, and the Senator from Tennessee simply wants to put his finger on the rate aspect of the problem as the particular item they should look at, because the Senator has been concerned about rates here for the last 2 days.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. CARROLL. Is not this the purpose of the amendment of the able Senator from Tennessee? He has inserted in the RECORD four decisions from the circuit court of appeals telling what authority the Maritime Commission has and what it has a right to do. The Senator's amendment states what they ought to do with reference to a conference, not in an attempt to be a rate-fixing body, but now that it is reorganized, it has an additional responsibility to look into conferences in the manner specified in the amendment. Is that correct?

Mr. KEFAUVER. That is the exact intention. We want them to look into the matter as to whether these rates are so unreasonably high or so unreasonably low as to affect the commerce of the United States.

Mr. CARROLL. I thank the Senator.

Mr. KEFAUVER. Does the Senator accept the amendment?

Mr. ENGLE. I accept the amendment, and I yield back my time.

Mr. KEFAUVER. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KEFAUVER. Mr. President, I call up my amendment identified as "9–1–61—M."

The PRESIDING OFFICER. The amendment offered by the Senator from Tennessee will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 23, beginning with line 22, to strike out all of section 6 and renumber the remaining sections of this act to conform.

Mr. KEFAUVER. Mr. President, this amendment affects section 20 of the Shipping Act of 1916. In one part of the act it provides that freight carriers and shippers are not required to give information as to charges, the valuation of their shipments, or as to any other matters, on the ground that such information is confidential and might be of advantage to some competitor who might get it.

An amendment has been put in the bill by the Senate committee which, however, authorizes the conference to solicit the very information the previous section provides should not be given out. This information, put in the hands of a conference, could be used in a number of ways. It might be given to another shipper. It might be given to another manufacturer as to what valuation is placed on a product. There might be quite a number of trade secrets which might be distributed to competitors, to the disadvantage of American manufacturers and shippers.

The section really needs to have some other changes made in it, but I hope the Senator from California will accept the amendment and get it straightened out in conference.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. ENGLE. This is a highly technical matter. It involves a question of drafting. The subject matter is explained on page 19 of the report, under section 6. We tried to work it out. I am sure a little more working on it will not hurt. For that reason, I am willing to accept the Senator's amendment and take it to conference.

Mr. KEFAUVER. I appreciate the Senator's accepting the amendment.

In order that the RECORD may have more information as to what is here involved, I ask unanimous consent that a further explanation be printed at this point in the RECORD, which includes the observation of the Attorney General in connection with this matter.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXPLANATION

This amendment strikes out a new provision of law proposed in the Senate bill which would permit carriers to solicit information regarding the activities of shippers in order to enforce their dual rate agreements. The dissemination of data concerning shippers can be most detrimental to the commerce of the United States. Many of the carriers belonging to conferences owe allegiance to foreign nations and do not have the interests of American shippers at heart. Who knows what use such information may be put to? If suit is brought against a shipper for violation of an agreement, the shipper will be subject to all the rules of discovery as any other individual defendant. There is no need, therefore, to create these extralegal procedures, particularly in light of the history of abuse of this type of procedure in the past. Here is a single illustration.

The Gulf Associated Freight Conference has for years disseminated so-called outside carrier figures to all of its members in order to impede independent competition. These figures show the vessels of Isbrandtsen, the types of cargo carried, the shipper and the consignee. This was done despite contrary advice from the conference attorney.

Of this amendment, Deputy Attorney General White in his letter to Chairman MAGNUSON said:

"The Department of Justice also recommends the deletion of section 7 of the subcommittee print. This section would permit serious inroads to be made upon the confidential relationship between shippers and carriers established by section 20 of the 1916 Shipping Act. It must be appreciated that shippers are required to disclose certain of their private business affairs to carriers to permit the assessment of proper tariff charges. Under section 20 of the Shipping Act the carriers are in return put under the obligation of maintaining such data in secrecy so that the shippers' business transactions are not disclosed to competitors and that such information is not used in any way to the shippers' detriment.

"The proposed legislation would depart from the traditional concept of section 20 and would cause a substantial lessening of the protection which shippers now enjoy. Under the instant bill not only could a common carrier furnish data on a shipper's transactions without the shipper's consent but a 'conference or any person, firm, corporation, or agency designated by the conference' could solicit information as to a shipper's transactions. Presumably this data could be solicited from freight forwarders, terminal operators, warehousemen, or any other persons subject to the Shipping Act who may have knowledge of the shipper's transactions. This would involve a radical change in public policy and, in our opinion, would open the way for widespread abuses and breaches of confidence in the shipping industry.

"In addition to these potential results, the bill creates an apparent paradox. While a conference or its agent would be permitted by the proposed legislation to solicit information without limitation, those other than a conference carrier who might be solicited would still be restrained by the language of section 20 from disclosing the solicited information. Thus section 7 of the instant bill would authorize the solicitation of data from persons whom, were they to divulge it, could be criminally prosecuted for doing so. Any further attempt to deal with this anomalous situation would probably create more problems than it would solve. Even if all persons subject to the Shipping Act were to be authorized to release data for the purposes stated in the bill, a terminal operator or warehouseman would obviously act at his peril in relying on a representation that confidential data he was solicited to disclose was desired solely for one of the purposes permitted by the bill.

"For the reasons indicated in the foregoing analysis, the Department of Justice respectfully urges the Committee on Commerce to amend the subcommittee print of H.R. 6775 in accordance with the recommendations contained herein."

Mr. KEFAUVER. I yield back my time.

Mr. ENGLE. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. ENGLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOUGLAS. Is this a quorum call or a yea-and-nay vote?

The PRESIDING OFFICER. This is a quorum call.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHOEPPEL. Mr. President, I call up my amendment which is at the desk and ask to have it stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 16, line 4, it is proposed to strike out all after the "(7)" down to and including the word "count" in line 6, and insert the following: "excludes cargo of the contract shipper which is loaded and carried in bulk without mark or count except liquid bulk cargoes, other than chemicals, in less than full shipload lots: *Provided, however,* That upon finding that economic factors so warrant, the Commission may exclude from the contract any commodity subject to the foregoing exception".

Mr. SCHOEPPEL. Mr. President, I shall take less than 2 minutes.

The amendment would modify the bulk cargo provisions found on page 16 of the bill. The bulk cargo provision was offered in the committee by me, but after a careful review we came to the conclusion it was broader than necessary in order to protect the interests of the American shippers and so broad as possibly to create some grave problems for certain steamship lines or conferences.

The amendment would narrow the scope of the bulk exemption and, to the extent that the scope is reduced, would give to the Federal Maritime Commission some discretion as to determining whether or not dual-rate contracts should apply to less than shipload amounts of liquid bulk cargo which are not chemicals.

I know of no objection to the amendment. I hope it will be agreed to. I yield back my remaining time.

Mr. ENGLE. Mr. President, I have no objection to the amendment. I accept the amendment. I yield back my remaining time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MAGNUSON. Mr. President, we have a problem, which I think all of us realize.

The PRESIDING OFFICER. Does the Senator yield time from the time on the bill?

Mr. MAGNUSON. Yes, from the time on the bill.

The dual rate extension provision which Congress has reenacted for 3 years expires on September 14, which is midnight tonight. Obviously the Senator from California and the House conferees cannot get together in a conference on permanent legislation by that time.

The committee put into the bill a separate section to extend the dual rate provisions for 6 months, which we have done before, but we will not need the extension provision if the conferees can get together on permanent legislation in time.

No one is more anxious to have permanent legislation than the Senator from California and all the members of the Committee on Commerce. This is a problem we have considered in the committee since 1958, since the Supreme Court decision. We all will strive to get permanent legislation.

I should like to ask my friend from California and my friend from Tennessee if it would be possible to obtain 30 days or 15 days or 20 days extension, so that ample time would be provided. The extension then would be during the time the Congress is in session, and the conferees would be able to meet.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. CARROLL. Let us suppose the President should veto the bill. Would the Senator not be a better position with the year proviso, which the Congress previously has passed?

Mr. MAGNUSON. For double insurance the committee has reported to the Senate a bill which is on the calendar, to extend this authority for 6 months, until March 31. That was done in the hope we can pass the proposed legislation next session.

I do not like to hold out any more bait in regard to extension than necessary, because we would like to pass permanent legislation and get the problem out of the way.

Mr. CARROLL. Then the Senator does not intend to have the 6-month proviso passed until the next session of Congress?

Mr. MAGNUSON. It will be necessary to pass the 6-month proviso if we do not come to an agreement in conference between now and the time of adjournment.

Mr. CARROLL. Suppose there were an agreement of some sort, but the bill which went to the White House did not meet the demands of the Attorney General, and the President vetoed the bill. Would it not be better to put the problem over until next session by providing, say, 90 days?

Mr. MAGNUSON. The Senator has made a point. I was thinking in terms of legislative action. I hope there will not be a veto.

Of course there would be a problem if there were to be a veto.

I am sure all of us agree we cannot let the present situation continue indefinitely. Chaos would be the result.

Mr. CARROLL. What about the 6-month proviso? I simply make a suggestion in this regard.

Mr. KEFAUVER. Mr. President, if the Senator would yield, I have received letters from Representative BONNER and from Representative CELLER, in which they say they are very much against another long interim extension. They feel this problem ought to be disposed of at the present session of Congress. I do, also.

Mr. MAGNUSON. That is what I said.

Mr. KEFAUVER. I do not think the conferences ought to be frozen into the law, as they are at the present time. There are some little protections which may eventually become law, which are not now present.

I imagine the Congress probably will not be in session more than 20 days. I would agree to a 15- or 20-day provision, to give the Senator time to work out the problem in conference. Would that be satisfactory?

Mr. MAGNUSON. Yes. I hope the Senator from Tennessee will join with us in an attempt, understanding that we must do something about the problem. No one is more desirous of permanent legislation than the Senator from Washington, the Senator from California, and all members of our committee.

Mr. CELLER will not be a member of the conference committee. Mr. BONNER is in charge of merchant marine affairs on the House side. Mr. BONNER and all members of his committee, I believe—I have talked to nearly all of them personally—are desirous of having permanent legislation. I am hopeful we can take care of the problem.

I do not like to ask the Senator from Tennessee to yield even a little more, for he has been very kind all day, but it is possible the Congress could be in session more than 20 days.

Mr. KEFAUVER. Would 30 days be enough?

Mr. MAGNUSON. Thirty days.

Mr. KEFAUVER. Very well.

Mr. MAGNUSON. I hope Congress will not be in session that long, but there are some gentlemen who sit in this row with me who say Congress may be in session more than 30 days. If the Senator will agree to the 30 days, then we can see how the conference is getting along and we can make a report to the Senate. We would still have the bill on the calendar, for the 6-month provision.

Mr. KEFAUVER. I am always delighted to go along with my friend from Washington. I agree to the 30 days.

Mr. ENGLE. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 19, line 6, after the word "thereof" it is proposed to strike out "in-" and insert "(in-".

On page 20, line 3, after the word "continues" insert a comma.

On page 21, line 17, strike out the word "effect" and insert the word "affect".

On page 22, line 3, insert quotation marks before "(2)".

Mr. ENGLE. Mr. President, these are amendments of a clerical nature to correct punctuation and I think in one instance a misspelling. I yield back any remaining time I have.

The PRESIDING OFFICER. The question is on agreeing to the technical amendments offered by the Senator from California.

The amendments were agreed to.

Mr. HUMPHREY subsequently said: Mr. President, earlier today the Senate acted on H.R. 6775, which was reported by the Committee on Commerce. A number of amendments were adopted, some of those amendments having been offered by the Senator from Tennessee [Mr. KEFAUVER].

During the debate, the Senator from Tennessee presented not only his point of view but also some of the opinions and policies expressed by the Department of Justice. I supported the Kefauver amendments because I thought they were in the public interest.

Mr. President, I ask unanimous consent that just prior to the vote on the bill known as the dual-rate bill certain letters from the Office of the Attorney General, which have come to my attention, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., September 5, 1961.

Hon. ESTES KEFAUVER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KEFAUVER: This is in response to your letter of August 31, 1961, requesting the views of the Department of Justice on H.R. 6775, as it was reported by the Senate Committee on Commerce.

The Senate committee version of H.R. 6775 differs materially from the bill as passed by the House of Representatives. The bill, as it was passed by the House of Representatives, contained specific safeguards to prevent ocean steamship conferences from using dual-rate systems or other concerted activity as predatory devices to drive nonconference competition out of business. These safeguards have been omitted in the Senate committee bill. In particular the Senate committee bill has deleted: (1) The provision that the dual-rate contracts referred to in the bill shall not be intended or reasonably likely to cause the exclusion of any other carrier from the trade; and (2) the provision that the Board shall not approve agreements whose probable effect will be reasonably likely to exclude any other carrier from the trade.

The deletion of these provisions would have the effect of reversing the rule of the Isbrandtsen case, thereby permitting ocean steamship conferences, which are international cartels, to stifle independent competition by resort to predatory dual-rate systems. In the opinion of the Department of Justice these provisions constitute competitive safeguards which are indispensable to any reasonable enactment on this subject. The public interest would be disregarded were these provisions to be omitted.

It is our opinion that no legislation on this subject should be enacted unless such provisions are included. We urge that these provisions, as they have appeared in the House-enacted bill, be restored.

In addition, for your information I am attaching a copy of a letter from Deputy Attorney General Byron White to Senator WARREN G. MAGNUSON, which expresses in detail the views of the Department of Justice on the Senate Merchant Marine and Fisheries Subcommittee print, which is substantially similar to the Senate committee version of H.R. 6775.

Sincerely,

ROBERT KENNEDY,
Attorney General.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY
ATTORNEY GENERAL,
Washington, D.C., August 16, 1961.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN MAGNUSON: We have been furnished by Mr. Webster, counsel for the committee, with the subcommittee print of H.R. 6775, dated August 8, 1961. Mr. Webster informed us on August 3, 1961, that the Department of Justice's comments on this print of the bill would be desired by your committee. Accordingly, we are pleased to submit the following report on the subcommittee print.

H.R. 6775 would amend the Shipping Act, 1916, as amended (46 U.S.C. 801, et seq.), in various respects. The comments which follow are directed to the provisions of the subcommittee print of the bill intended to effect changes in existing law which are of serious concern to this Department.

Section 3 of H.R. 6775 would amend section 14 of the Shipping Act by adding a new section 14b which would require the Federal Maritime Board (hereinafter referred to as the "Board") to permit the use by any common carrier or conference of carriers in foreign commerce of any contract which provides lower rates to shippers or consignees who agree to give all or any fixed portion of their patronage to such carrier or conference, if such contract would not have certain proscribed effects and if it meets requirements enumerated in the bill. The effect of enactment of section 3 would be to sanction the use in the ocean shipping trades of the exclusive patronage contract/noncontract rate system, more frequently referred to as the dual-rate system.

Section 4 of the bill would amend section 15 of the Shipping Act which deals with Board approval of agreements between carriers. The principal changes concern conference agreements.

Sections 3 and 4 of the subcommittee print depart radically from the version of H.R. 6775 which was unanimously enacted by the House of Representatives on June 12, 1961. The House legislation contained provisions in sections 1 and 2 (to which secs. 3 and 4 of the subcommittee print are roughly comparable) designed to protect competing carriers, shippers and the general public from untoward effects of the use of dual-rate contracts by ocean shipping conferences. These competitive safeguards—the very heart of this legislation, in our opinion—have been eliminated, either directly or in effect, from the subcommittee print. Therefore, were H.R. 6775 to be enacted in its present form, it would give ocean shipping conferences virtually unrestricted license to employ dual-rate contracts, and other conference practices, as deliberate predatory devices to stifle the competition of carriers not affiliated with the conferences.

As the committee is aware, ocean shipping conferences operating in the foreign commerce of the United States are private organizations, somewhat akin to trade associations, organized to further the business interests of the participating steamship lines. While the conferences must file their agreements with the Board and secure approval prior to initiating joint action, because of the international nature of the shipping industry the supervision which the Board may exercise is quite limited and hardly comparable to the comprehensive regulation exercised with respect to domestic transportation industries by such agencies as the Civil Aeronautics Board and the Interstate Commerce Commission. For example, the Board has no jurisdiction over the reasonableness of rates charged by steamship lines in American foreign commerce and, except as to subsidized U.S. carriers, has no control over the adequacy, frequency or regularity of service provided by steamship lines operating to and from U.S. ports.

The most profound change in H.R. 6775 which would be effected by the subcommittee print deals with the right of nonconference carriers to enter or serve ocean trades with freedom from predatory and anticompetitive onslaughts by the conferences.

The typical shipping conference represents a tremendous concentration of power. On practically every one of the U.S. foreign trade routes the conferences enjoy monopoly control; indeed, there are few, if any, in which the conference does not control at least 80 percent of the liner cargo movement. In most trades the percentage is much higher. Absent the antitrust exemption which Congress provided in the Shipping Act, the joint rate-fixing activity and the other forms of anticompetitive collaboration typical of the conference system w uld do violence to the antitrust statutes. The history and weight of interpretation of the 1916 act amply demonstrate that while Congress made it possible for steamship lines to cooperate voluntarily in conference arrangements, Congress was equally determined to protect the rights of carriers who choose not to participate in conferences, as well as to insure to shippers the right to patronize nonconference carriers without retaliation from the conferences. Thus, for example, Congress specifically outlawed in section 14, first and second, of the Shipping Act two of the most vicious practices known in 1916 to have been employed by conferences against their competitors, namely, the deferred rebate and the operation of "fighting ships." In section 14, third, Congress similarly prohibited retaliation against shippers who patronize other carriers.

H.R. 6775 as enacted by the House of Representatives took into account the demand for legalization of dual-rate contracts but at the same time provided that such contracts not be used where designed to drive another carrier out of business or where the reasonably likely result of their use would be equally adverse to the public interest in maintenance of free competition. By contrast, the subcommittee print of August 8, 1961, reflects the philosophy that a carrier ought to join a conference or suffer the consequences of predatory conference action. It is this approach to legislation on dual rates which the Department of Justice finds so disturbing.

The changes effected in sections 1 and 2 of H.R. 6775 by the subcommittee print are not fully apparent until study is made of all the provisions of sections 3 and 4 of the subcommittee print, and particularly of section 4. While section 3 appears to retain in substance the language of the House-passed version which would bar approval of any dual-rate contract which is intended or will be reasonably likely to cause the exclusion of any carrier from the trade, section 4 would wholly nullify the purport of this key provision. Section 4 of the subcommittee print provides that "(i)f a common carrier is eligible but unwilling, on reasonable and equal terms and conditions, to join a conference approved by the Board and serving a trade, such carrier may not be deemed excluded from that trade, or prevented from entering it, or eliminated from it, within the meaning of all such terms as used in this section and section 14b of this act." The clear effect of the latter provision would be to deprive the nonconference carrier of the protection against unfair exclusion from a trade whenever the nonconference carrier has chosen to remain independent of the conference. Since almost every conference in the U.S. foreign trade would welcome the membership of the nonconference carrier in order to eliminate the latter's competition, it is impossible to conceive of a situation involving a nonconference carrier in competition with a conference which would not fall within the above-quoted language of the subcommittee print. In sum, therefore, the Committee on Commerce, in considering adoption of the proposed language of the subcommittee print vis-a-vis the language of the House enactment, will be deciding which concept shall henceforth apply to the ocean shipping industry: freedom of opportunity for all steamship lines, whether as conference members or independent operators, according to individual preference, as opposed to compulsory conference membership resulting in elimination of competition and monopolistic freight rates.

The Department of Justice considers indispensable to any reasonable enactment on dual-rate and steamship conference agreements the inclusion of language unequivocally barring the approval of such agreements where they are intended or will be reasonably likely to cause the exclusion of another carrier from the trade. Assistant Attorney General Loevinger indicated in his testimony before the Merchant Marine and Fisheries Subcommittee on August 3, 1961, how important are the actual and potential benefits of this legislative protection to American carriers, shippers, and the general public. Judge Loevinger noted that, even though at a given moment there may be no American carrier operating independently of the conferences, the ability of an American carrier to withdraw without fear of conference retaliation provides it with leverage within the conference which may be exerted to avert action which may be adverse to its interests or to the foreign commerce of the United States. This is of extreme significance to American carriers, which account for only a small vote in virtually every important conference serving our foreign trade.

It is important also to bear in mind that in the ocean trades competition is the only practical restraint on unduly high freight rates. In this connection, the Under Secretary of State submitted to the Merchant Marine and Fisheries Committee on August 3, 1961, data obtained from foreign governments in response to the State Department's inquiry of them how reasonableness of rates is assured in waterborne commerce. Eight foreign nations—Belgium, Denmark, Federal Republic of Germany, Finland, Italy, Netherlands, Norway, and Sweden—of the 11 questioned replied that they rely on free competition to achieve reasonable rates. The subcommittee print, however, would leave the way open for shipping conferences to eliminate the very competition which the United States has historically fostered and which a majority of foreign nations espouse by withdrawing protection of the rights of the competitor who may choose to offer rate competition.

We would further direct the committee's attention to the example cited in Assistant Attorney General Loevinger's testimony of the unconscionable rate charged on an important commodity moving in American foreign commerce when there was no independent carrier providing competition in the particular trade. The entry of an independent carrier brought about a reduction of the rate from $80 to $40, the latter level being

one which, by the admission of one of the American carriers involved, still permitted profitable operations.

For the reasons outlined above, we urge the committee to delete the provision appearing in the subcommittee print beginning at line 22 on page 5, which completely nullifies the protection for nonconference carriers, contained in the House-passed version. This important competitive safeguard, but for the language beginning at line 22 on page 5, would be preserved in the subcommittee print. We deem it essential that these protective provisions be retained as they were in the House-enacted version of H.R. 6775.

There are other provisions of the subcommittee print on which comment should also be made. Whereas section 1 of the House enactment would require the proponents of dual-rate systems to establish in Board proceedings that the proposed dual-rate contract would not have the proscribed effects, the subcommittee print would shift the burden to opponents thereof or to the Board. The latter would have to prove by the preponderance of the evidence that a dual-rate contract would contravene the language of the bill. We believe that the House approach is the more reasonable. It places the burden where it belongs, that is, upon the proponent and expected beneficiary of the proposed dual-rate contract.

The subcommittee print also changes the House-enacted provisions dealing with dual-rate contracts by inserting the word "common" before the word "carrier" in several places. The insertion of the word "common" before the word "carrier" on line 17 of page 2 would limit the protection against exclusionary dual-rate systems to common carriers and would appear to permit the use of dual-rate contracts which are designed or are likely to exclude a carrier which is not a common carrier. We are aware of no justification for differentiating between the types of carrier that might be adversely affected by conference use of dual-rate contracts. We therefore recommend that the committee delete the word "common" wherever it has been added to H.R. 6775 by the subcommittee print. This comment would also apply to the addition of the word "common" on line 17 of page 5 of the print.

We turn now to the language of the subcommittee print which relates to provisions which much be expressly incorporated in any dual-rate contract to be lawful under the proposed legislation.

The subcommittee print would strike from H.R. 6775 the provision that prohibits dual-rate contracts from covering shipments of goods where the contract shipper has no legal right to select the carrier. The effect of this deletion will be to create endless controversy as to whether or not certain shipments, notably shipments of goods sold on f.o.b. and f.a.s. terms, are covered by approved dual-rate contracts. Without the provision contained in the House version, the way is left open for conferences to charge contract shippers with breach of their dual-rate contracts when they sell goods to buyers who elect to ship via nonconference carriers. The deletion of this provision could be construed to permit the conferences to forbid contract shippers from doing business with anyone who will not surrender his right to make his own shipping arrangements. We urge that this provision be restored to the bill in order that it be made clear that Congress does not intend to allow the shipping conferences to dictate the terms upon which one merchant must sell to another.

Another provision deleted from the House enactment which should be reinstated is that precluding any requirement that shippers divert their shipments from natural routings. The purpose of this provision was to insure shippers freedom to choose the ports from which and to which to ship their goods. It is one thing for Congress to permit a system of contracts under which shippers must promise that when they ship from a particular port they will use conference vessels, but it is a wholly different thing to permit conferences to compel shippers to ship from a particular port when it may be more economical for them to ship from other ports which the conferences may not happen to serve. The Department of Justice recommends that the House provision on this point be reinstated in H.R. 6775.

We are also concerned with clause 3 of section 3 of the subcommittee print. This clause would limit damages recoverable for a shipper's breach of a dual-rate contract to actual damages, but the proviso permits liquidated damages not to exceed the freight charges at the contract rate, less cost of handling.

We reiterate our previous objection to the proviso in this clause. It is our understanding that clause 3 is in the bill for the purpose of barring the past practice of disguising oppressive penalties in the form of liquidated damages. At the same time it was desired to permit liquidated actual damages where desired by the parties so as to avoid possible future uncertainties and controversies in situations where actual damages were difficult to prove.

We are convinced that the present formula will not achieve the objective of eliminating penalties. The proviso assumes that the actual damages for a shipper's breach of a dual-rate contract are the same as damages resulting from breach of a space reservation or booking contract. As was made clear in Assistant Attorney General Loevinger's testimony on August 3, 1961, the present proviso, which in effect equates the two types of damage, can only result in damages for a shipper's dual-rate contract breach far in excess of actual damages. In its present form, therefore, the bill still leaves the way open for unduly harsh and punitive results.

While we recognize that any effort to specify liquidated damages may not in all cases result in an approximation of the actual damages, we observe that no liquidated-damage formula has been advanced which does not also constitute a severe penalty all out of proportion to the actual damages suffered by the conference or its members. Since the demand is for a measure which is certain, is fair to the carrier, but at the same time not oppressively punitive, we respectfully suggest that the committee place a maximum on liquidated damages of 1½ times the spread between contract and noncontract rates. This, we believe, is a fair and reasonable approach to the problem. It would deter a shipper from disregarding his dual-rate contractual obligations, but would not place him in jeopardy of being required, in the event of breach, to pay the conference an amount clearly having no logical relation to the loss which the conference can be considered to have sustained.

Clause 5 of section 3 of the subcommittee print permits the approval of dual-rate systems where the maximum spread between contract and noncontract rates is 15 percent. We view any spread in excess of 10 percent as unwarranted. In this connection, it should be noted that the House report indicated a problem in determining a maximum spread figure which would not penalize a shipper who does not choose to limit his shipments to conference vessels and which at the same time would provide a reasonable inducement to execute such agreements. It is the considered view of the Department of Justice that the 15-percent maximum spread provided for in clause 5 of section 3 of the subcommittee print does not strike such balance. Rather, it weighs heavily on the side of coercing shippers to limit their cargoes to conference vessels. All would agree that shippers should be provided with a realistic choice in deciding whether to contract to ship exclusively on conference vessels or whether to retain their right to ship on both conference and nonconference vessels as they choose. There is good reason to believe that a spread of 15 percent would foreclose this choice.

While the difference between a 10-percent and a 15-percent spread may seem to be solely a matter of degree, the fact is that in the highly competitive and price-conscious world of international trade an additional handicap of 5 percentage points in freight rate markedly reduces a shipper's ability to determine whether he would prefer freedom to use both conference and nonconference vessels rather than being limited to the use of one type of service. We recommend that a 10-percent maximum be written into this clause by the committee.

We would next direct the committee's attention to the provision of section 4 of the bill which in effect would permit Board approval of agreements between conferences serving different trades which are competitive, with the proviso that each conference retain what the bill refers to as the "right of independent action." We urge the committee to delete the proviso thereby clearly prohibiting any interconference agreements. While the existing language of the bill gives a conference the right to take independent action on matters embraced within the agreement, it nevertheless permits all parties to an agreement to establish a uniform policy on rates and other competitive matters when it serves their purpose to do so. The Department of Justice is convinced that it is not in the public interest to permit agreements which may create a virtual monopoly of ocean transportation to or from this country. Congress should not sanction private rate-fixing schemes or supercartels which could embrace every port through which the foreign commerce of the United States is conducted. Such an arrangement would deny shippers the cost savings resulting from their location on or in proximity to a particular coastal range.

Another amendment to section 15 of the Shipping Act is the provision of section 4 of the subcommittee print requiring conferences to police their agreements. We question the policy requiring conferences to engage in private "policing." Congress should neither require nor permit cartels, even the ones in ocean shipping, to use penalties to coerce compliance with their cartel agreements. Nor do we believe Congress should delegate to cartels the responsibility for enforcing our maritime laws, especially in view of the potential harm that could be caused by unwarranted coerced disclosure of confidential business records to competitors and from the assessment by the cartels of harsh or discriminatory penalties.

Section 5 of the subcommittee print provides that agreements filed with the Board after passage of the proposed act are lawful until disapproved by the Board. There is no limit set on the period within which the Board must act on such agreements. The exemption from the antitrust laws of any cartel agreement, and certain cartel tying devices, is a most serious matter and a departure from our free-enterprise principle that competition should be the rule of trade. No dual-rate agreement should be permitted to go into effect for an unlimited period.

The Chairman of the Board, in his testimony before the House committee, indicated that a 1-year period would be a realistic one within which to review and dispose of the number of agreements which are likely to be filed after passage of this legislation. If it takes the Board a longer period to review such agreements, at least the unsupervised dual-rate system cannot continue to be employed during any such delay. On the other hand, under the provision in the subcommittee print, any delays experienced

by the Board would have the effect of permitting the unsupervised dual-rate system to continue in effect. Clearly, this would encourage dilatory tactics and tend to postpone indefinitely the clarification of status of all fuel-rate contracts which for the past 3 years Congress has been seeking to provide.

The Department of Justice also recommends the deletion of section 7 of the subcommittee print. This section would permit serious inroads to be made upon the confidential relationship between shippers and carriers established by section 20 of the 1916 Shipping Act. It must be appreciated that shippers are required to disclose certain of their private business affairs to carriers to permit the assessment of proper tariff charges. Under section 20 of the Shipping Act the carriers are in return put under the obligation of maintaining such data in secrecy so that the shippers' business transactions are not disclosed to competitors and that such information is not used in any way to the shippers' detriment.

The proposed legislation would depart from the traditional concept of section 20 and would cause a substantial lessening of the protection which shippers now enjoy. Under the instant bill not only could a common carrier furnish data on a shipper's transactions without the shipper's consent but a conference or any person, firm, corporation, or agency designated by the conference could solicit information as to a shipper's transactions. Presumably this data could be solicited from freight forwarders, terminal operators, warehousemen, or any other persons subject to the Shipping Act who may have knowledge of the shipper's transactions. This would involve a radical change in public policy and, in our opinion, would open the way for widespread abuses and breaches of confidence in the shipping industry.

In addition to these potential results, the bill creates an apparent paradox. While a conference or its agent would be permitted by the proposed legislation to solicit information without limitation, those other than a conference carrier who might be solicited would still be restrained by the language of section 20 from disclosing the solicited information. Thus section 7 of the instant bill would authorize the solicitation of data from persons who, were they to divulge it, could be criminally prosecuted for doing so. Any further attempt to deal with this anomalous situation would probably create more problems than it would solve. Even if all persons subject to the Shipping Act were to be authorized to release data for the purposes stated in the bill, a terminal operator or warehouseman would obviously act at his peril in relying on a representation that confidential data he was solicited to disclose was desired solely for one of the purposes permitted by the bill.

For the reasons indicated in the foregoing analysis, the Department of Justice respectfully urges the Committee on Commerce to amend the subcommittee print of H.R. 6775 in accordance with the recommendations contained herein.

The Budget Bureau has advised that it has no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

BYRON WHITE,
Deputy Attorney General.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? [Putting the question.]

The bill (H.R. 6775) was passed.

The title was amended, so as to read: "An act to amend the Shipping Act, 1916, as amended, to authorize ocean common carriers and conferences thereof serving the foreign commerce of the United States to enter into effective and fair dual rate contracts with shippers and consignees, and for other purposes."

Mr. ENGLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KUCHEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ENGLE. Mr. President, I move that the Senate insist on its amendments, ask for a conference thereon with the House of Representatives, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. PROXMIRE in the chair) appointed Mr. MAGNUSON, Mr. ENGLE, Mr. MCGEE, Mr. BUTLER, and Mr. MORTON conferees on the part of the Senate.

AMENDMENT OF EXPORT-IMPORT BANK ACT OF 1945

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2325) to amend the Export-Import Bank Act of 1945, which were, on page 1, lines 8 and 9, strike out "reinsure against risks of loss arising in connection with export transactions" and insert "reinsure United States exporters and foreign exporters doing business in the United States in an aggregate amount not in excess of $1,000,000,000 outstanding at any one time against political and credit risks of loss arising in connection with United States exports"; on page 2, line 7, after "Act." insert "Fees and premiums shall be charged in connection with such contracts commensurate, in the judgment of the Bank, with the risks covered," and on page 2, strike out lines 15 through 17, inclusive.

Mr. ROBERTSON. Mr. President, the principal change which the House made in the Senate bill was to eliminate the 5-year extension of the life of the Export-Import Bank. Under present law the Bank's lending authority ends June 30, 1963. The Senate bill would have extended it to June 30, 1968.

I am reluctant to accept this amendment, but I am sure that no one in the House or in the Senate or in the Export-Import Bank thinks for a minute that not extending the Bank's life at this time raises any question whatever as to our intention to extend it well before its expiration.

The House also placed a limit of $1 billion on the aggregate contractual liability of the Bank for the guarantees and insurance under the amended provision. This figure seems more than ample for the time being. It can be amended later if need be.

The other changes which are of a more technical nature are described in a letter which I received yesterday from Mr. Linder, the President of the Bank. In this letter Mr. Linder states:

The Bank believes that the amendments will not interfere with the administration of the export credit guarantee program, and we would appreciate your assistance in obtaining Senate approval of the bill, as amended.

I ask unanimous consent that this letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 13, 1961.

Hon. A. WILLIS ROBERTSON,
Chairman, Banking and Currency Committee, U.S. Senate.

DEAR SENATOR ROBERTSON: On September 13, 1961, the House of Representatives approved S. 2325 with several amendments. The Bank believes that the amendments will not interfere with the administration of the export credit guarantee program and we would appreciate your assistance in obtaining Senate approval of the bill, as amended.

The amendments which were adopted by the House are as follows:

1. The aggregate contractual liability of the Bank thereunder for such guarantees and insurance shall not exceed $1 billion outstanding at any one time. We believe that the amount of such guarantees and insurance will not exceed this figure in the near future and therefore we do not expect the limitation to create a present problem.

2. The House deleted the provision extending the life of the Bank from June 30, 1963, to June 30, 1968. Since the life of the Bank continues until 1963, we believe that next year will be sufficient time to request an extension.

3. The bill was also amended to provide that guarantees and insurance will be issued for the benefit of "United States exporters or foreign exporters doing business in the United States." This language was inserted to preclude tax haven corporations from receiving the benefits of such guarantees and insurance. The Bank is quite agreeable to this limitation and does not believe it will prejudice the administration of the program.

4. The bill was amended to limit coverage to "United States exports." This change is entirely consonant with the Bank's policy and will cause no problem.

5. The words "political and credit" were added to show the type of risks with regard to which the Bank may guarantee, insure, coinsure, and reinsure. These words will not create any difficulty for the Bank.

6. A provision was added to the bill requiring that appropriate fees and premiums be charged for the guarantees and insurance. It has been our intention to do so and we conceive of no difficulty arising from this amendment.

On balance, therefore, the Bank is quite satisfied with the bill as approved by the House; and we suggest, if you are agreeable, that the Senate consider the bill as amended by the House. I would like to take this opportunity to thank you for your kind and helpful assistance in endeavoring to obtain enactment of this legislation.

Sincerely yours,

HAROLD F. LINDER.

Mr. ROBERTSON. Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Virginia.

The motion was agreed to.

AMENDMENT OF SMALL BUSINESS INVESTMENT ACT OF 1958—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 902) to amend the Small Business Investment Act of 1958, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Sept. 15, 1961, pp. 19737–19740, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. PROXMIRE. Mr. President, the House and Senate conferees met Wednesday, September 13, 1961, on S. 902. The conferees agreed as follows on the differences between the two bills:

First. The Senate version provided that SBA may purchase under section 302 of the act up to $300,000 of subordinated debentures of an SBIC.

The House amendment would have permitted purchase up to $500,000, but only where funds are not available from private sources. It also limited the time these funds are available to 3 years from the enactment of this bill or the licensing of the SBIC.

The conference agreed to $400,000, but only where funds are not available from private sources on reasonable terms. It also agreed to the 3-year limit.

Second. The Senate version would have increased the amount of its capital and surplus that a bank may invest in SBIC's from 1 to 3 percent.

The House amendment would have increased the amount to 2 percent.

The conference agreed to the 2-percent figure in the bill.

Third. The Senate version would have limited the amount of section 303(b) loans to SBIC's to $3 million.

The House amendment would have limited the amount to $5 million. It would also have provided that SBA make these loans only if private funds were not available on reasonable terms.

The conference agreed to $4 million, but only if funds are not available from private sources on reasonable terms.

Fourth. The Senate version would have limited the amount of funds from any source which an SBIC could furnish to a small business concern to $500,000, without SBA approval.

The House amendment would have limited the amount to $500,000, but only with respect to loans from SBA under section 303(b).

The conference agreed to the Senate version. Language was inserted in the bill to assure that this provision will not be retroactive.

Fifth. The Senate version granted power to SBA to institute administrative proceedings to suspend licenses of SBIC's for violation of the act or regulations. It retained in the act the present power of SBA to go to court to obtain a revocation of a license.

The House amendment granted power to SBA to revoke licenses.

The conference agreed to the Senate version.

Sixth. The Senate version did not increase the SBA revolving fund for SBIC's operation.

The House amendment increased the fund by $150 million.

The conference agreed to a $75 million increase in the revolving fund.

Mr. KUCHEL. Mr. President, the measure to which the Senator referred is not the one that had among its provisions authority of the Small Business Administration over procurement policies of the armed services.

Mr. PROXMIRE. It is not. That subject is covered in another conference report, which I shall take up later.

Mr. KUCHEL. Is it available to be taken up today?

Mr. PROXMIRE. It is available to be taken up. I am ready to take it up whenever the Senator from Mississippi is finished.

Mr. KUCHEL. Was the conference report agreed to unanimously by the conferees?

Mr. PROXMIRE. The Senator from Alabama [Mr. SPARKMAN] can enlighten the Senate on that subject. There were disputed items along the line, but I believe there was no objection to the adoption of the report itself.

Mr. SPARKMAN. Frankly, I have not seen the papers as they were finally signed, but I believe every conferee signed the conference report.

Mr. PROXMIRE. It is my understanding that the only Senator who did not sign the conference report was the Senator from Texas [Mr. TOWER], but the report was signed by the Senator from Utah [Mr. BENNETT], who represented the viewpoint of the Senator from Texas.

Mr. KUCHEL. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. PROXMIRE. I thank the Senator from Mississippi for permitting me to interrupt.

MILITARY CONSTRUCTION APPROPRIATION BILL, 1962—CONFERENCE REPORT

Mr. STENNIS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8302) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Tuesday, Sept. 19, 1961, p. 20240, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. STENNIS. Mr. President, in order to permit the Senator from Illinois [Mr. DOUGLAS] to keep an engagement that will take him away from the Chamber, I shall state the situation as to the conference report briefly, and then if he wishes, I shall yield to him for the purpose of enabling him to make his argument.

The conference report relates to a military construction appropriation bill which contains perhaps over 1,000 military items, all of which have been agreed to in conference except 1, which is an Army item. That item is in what is called amendment No. 2 and has to do with a food research laboratory for the Army. The laboratory that is now in use is in Chicago. The proposed item would relocate the laboratory at Natick, Mass.

In other words, the position of the conferees is that the item to which I have referred was not agreed to. It went back to the House, and the House voted to stand by its original position. We are asking the Senate to stand by its original position with the idea of a further conference to see if this question cannot be threshed out and an agreement reached.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOUGLAS. If the conference report is agreed to, will the issue of the transfer of the Food Container Institute be closed?

The PRESIDING OFFICER. No. If the conference report is agreed to, the motion of the Senator from Mississippi will be the next question to be presented to the Senate.

Mr. DOUGLAS. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 8302, which was read, as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 2 to the bill (H.R. 8302) entitled "An Act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes," and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $154,122,000.

Mr. STENNIS. Mr. President, I move that the Senate disagree to the amendment of the House to the amendment of the Senate No. 2, further insist upon its amendment No. 2, and request a further conference with the House, and that the Chair appoint the conferees on the part of the Senate at the further

conference. I should like to make a brief preliminary statement on the question.

The item to which I have referred concerns $2,400,000, in round numbers, for construction for the Army of a new laboratory in which the Army would carry on its research with reference to food, food containers, and the preservation of food.

This project has been before the Senate and the House of Representatives many times. It was first contained in the authorization bill authorizing the construction of the laboratory. The item was finally approved this year in conference, after having been in debate for approximately 2 or 3 years, and after several investigations had been made by subcommittees expressly appointed for the purpose. This time the authorization bill conferees unanimously agreed in favor of the relocation of the Laboratory at Natick.

A special report was made by three Members of the House of Representatives, on which the House conferees based their agreement. The matter came up in the appropriation bill for this year and was approved by the House Appropriations Subcommittee which handled the bill that is now before the Senate. But on a vote on the floor of the House this item was rejected. It was put in the bill by the Senate and went to conference, and at this conference no agreement could be reached. The conferees took it back to the House floor, where again the House sustained the position against the Natick installation and against the appropriation, by a margin of, I believe, 27 votes this time, the vote having been a 70-vote margin previously against the installation.

Now we insist upon our original position of approving this laboratory.

Mr. MANSFIELD. Mr. President will the Senator yield so that I may suggest the absence of a quorum, with the understanding that he will not lose the floor?

Mr. STENNIS. I yield with that understanding.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. I believe that the Senate should be aware of the realities in the matter of this proposed transfer of the Food and Container Institute from Chicago to Natick, Mass. The House on no less than three occasions has voted against such a transfer. Yesterday, on a rollcall vote it rejected the transfer, and in the process saved $3,800,000 for the taxpayers, by a vote of 212 to 185.

It did so in the face of tremendous pressure from the Military Establishment and from, I think it can be said, a generally large proportion of the party leaders involved. I am one who believes that the Senate and the House are coordinate bodies. I have supported the Senator from Louisiana [Mr. LONG] when he has objected to dictatorship in the procedure of the Senate by the chairman of the House Committee on Veterans' Affairs. I have protested at times against what I regarded as the dictatorial action of a House committee, declaring it would not yield, and that therefore the only recourse was for the Senate to yield.

However, I would remind Senators that what we are dealing with in this instance is not the action of a committee chairman, and indeed not the action of a House committee. It is the action of the House itself, repeated no less than three times and no later than yesterday. In my judgment it would be a very capricious act and also a very useless act to once again send the Senate committee back into conference in a determined effort to force the House as a whole to reverse the position which it has three times taken after full debate.

I know that the Quartermaster Corps dies hard, and I know that the proponents of the Natick venture are determined. I know that many of the officers of the Quartermaster Corps undoubtedly wish to live in or near Boston, in order that their wives may perhaps go to the concerts of the Boston Symphony, and so that they may stand on the "rude bridge which arched the flood," and so that their sons and daughters may acquire the sound of the broad "a" as in "father."

While these desires are natural, they should not be overriding. What we have in this particular matter is a waste of $3,800,000 for the transfer of the Food and Container Institute from the food-producing, food-canning and container center of the country to a geographically peripheral area which may consume some food, but which produces very little food except codfish balls and baked beans.

The facts are simple. In 1952, the Quartermaster Corps assured Members of Congress who inquired that the transfer of this institute was not contemplated. They tried it, however, in 1960. The staff study of the House of Representatives apparently stalled this move. I may say that this staff study is the only full study that has been made, and it recommended against the transfer.

When this matter was brought up in March of this year in the military construction authorization bill, the House in a rollcall vote, ordered that the authorization of the transfer be struck from the bill and that a thorough study be made. However, that alleged study was rushed. It consisted of a 1-day farcical hearing in Chicago, of which no adequate notice had been given, and at which no discussion of the merits was had.

In this whole matter we should recognize that one of the moving spirits has been former Assistant Secretary Richard S. Morse, who was the organizer and first president of the Minute Maid Corp., and president of the National Research Corp., which has offices near Natick.

The Quartermaster Corps of the Army has consistently refused to let any member of the Chicago group see the specifications for the building which it says it needs. It has, therefore, been impossible for such institutions as the Illinois Institute of Technology to bid upon furnishing a new building for the installation. So I submit we should not try to rush this issue through over the will of the House, which has studied the question very carefully.

Turning from history to argument, if we were to be so unwise as to transfer the institute, it is estimated that from 33 to 70 percent of the skilled technicians would be lost to the Government. Our Massachusetts friends may not believe this, but there are some persons who prefer to live in Illinois rather than to live in Massachusetts. It is estimated that a large number of those persons on this skilled staff built up over many years would leave the Government service, and the personnel of the institute would largely have to be rebuilt, causing a loss of efficiency.

I think we should also note that transfer would mean that the institute would be separated from the other military subsistence procurement agencies which are located in Chicago.

Everyone knows that the city of Chicago is the center of the food-producing region of the country, both in meats and in cereals. Chicago is also the center of the paper container industry.

Within a 300-mile radius of Chicago are 135 food laboratories having a total estimated commercial food processing capacity of $6.9 billion, or more than twice the output capacity of the food industries within a similar radius of Boston.

The only adequate study which has been made so far, that made by the staff of the House Committee on Appropriations, recommends against the transfer of the facility from Chicago to Natick.

So I urge the Senate to abandon this wild goose chase and this attempt forcibly to transfer the Food Container Institute. I hope the Senate will reject the recommendation of the Senator from Mississippi.

Mr. SALTONSTALL. Mr. President, this subject has been discussed pro and con for several years. I dislike to put the proposed change from Chicago to Natick on a local basis, because it is in the best interests of the Armed Forces that the research laboratory be moved to Natick.

The proposal has been reevaluated not only by the Army, but also by the Quartermaster Advisory Board of the National Academy of Sciences, the National Research Council, the House and Senate Committees on Armed Services, the House Committee on Appropriations, the Department of Defense, and the Bureau of the Budget.

The change was reported favorably by the Committee on Armed Services and by the House Subcommittee on Appropriations this year. When it went back for a vote in the House recently, four of the five House conferees voted in favor of moving the laboratory to Natick.

The cost of removing the Institute to Natick would be $3,812,000. It is estimated that that amount will be approximately made up in 3 years by savings of $950,000 in payroll alone.

In addition, I am informed—I am not certain of the figures, but I believe them

to be correct—that to continue this operation in Chicago would require $1 million for needed improvements and $2 million more to put the plant in efficient operating condition. Then it would still lack provision for troop housing and animal laboratories. The cost of modernizing the plant at Chicago would be at least $3 million.

I have said several times—and I believe the Senator from Illinois knows this—that the laboratory research was started in Pacific Mills, in Lawrence, Mass., during World War II. Those facilities were outgrown at a later time, and a research laboratory was established in Natick 4 or 5 years ago.

To complete the operation, so that the Army may have in one place a complete research laboratory for the well-being of the soldiers, the request to move to Natick is now in order. The whole plan comes down to a question of greater efficiency and more consolidation of warehouses, to enable our soldiers to have the best possible food under all circumstances.

I hope the motion of the Senator from Mississippi will prevail.

Mr. STENNIS. Mr. President, I emphasize that this is an important subject. It has been before Congress for 3 years. It has been given the utmost care and diligent attention by four committees of the two Houses which are most charged with the responsibility of this operation.

I believe the membership of those four committees is almost unanimous in favor of the position which I now move the Senate take.

As the Senator from Massachusetts said, four of the five House conferees on this appropriation bill voted yesterday in favor of the motion I make in the Senate today. In the conference on the authorization bill this year, the vote on this item was unanimous among the Senate and House conferees in accordance with the position that I move the Senate take today. There is no pressure which could have existed on these groups for 3 years to bring about such unanimity.

This is an important research laboratory, having to do with food for our soldiers all over the world. It involves questions of longtime storage and stockpiling of food. It involves can containers and every other conceivable way of treating, preparing, and storing food, including even the new problem of fallout from radiation.

I submit that we should move along and bring the question to a final decision. I hope the Senate will sustain the position of its conferees and will vote in favor of the motion, so that there may be a further conference on the question.

Mr. SMITH of Massachusetts. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. SMITH of Massachusetts. I wish to associate myself with the remarks of the able Senator from Mississippi and my distinguished colleague from Massachusetts in upholding the report. I feel strongly that it is not a question of where people wish to live; it is a question of doing the best job for the Quartermaster Corps and the work they are doing.

The Senator from Mississippi said that this is not a decision which has been hastily reached. For more than 3 years there has been one study after another. The vote on this motion will be the third vote on this proposal in the Senate this year. It is proposed to move the facility out of a 40-year-old building in Chicago to another part of the country, where facilities already exist, and where conditions will be far better for the Quartermaster Corps.

I think the Senate should act favorably on the motion.

Mr. STENNIS. Mr. President, I shall read a statement by two members of a special subcommittee of the House Committee on Armed Services, the gentleman from California, Representative DOYLE, and the gentleman from Pennsylvania, Representative VAN ZANDT, and will then rest my case.

On the basis of its study, the subcommittee recommends that the Food and Container Institute be moved from its present location in the Chicago Administration Center to the Quartermaster Research and Engineering Center, Natick, Mass.

This conclusion is based on two fundamental beliefs. The first of these is that there will be economies by reason of the move, and, second, that even were there no actual savings to be realized by the move, it should still be made for the reason that an important element of our military activity would thereby be improved.

Mr. MONRONEY. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. MONRONEY. During the course of the testimony taken by the subcommittee headed by the distinguished junior Senator from Mississippi on military construction, is it not a fact that the issue was not whether we are willing to continue the facility as it should be continued, by consolidation, but that, if the Senate's position is not maintained, nothing will be done? In other words, we have a choice of moving forward in consolidating facilities, as the committees have repeatedly recommended they should be consolidated, or allowing the matter to stand completely unattended.

Mr. STENNIS. The Senator is correct. This problem has been neglected, in my humble opinion, by the subcommittee for some time. The delay should be terminated.

Mr. MONRONEY. We are not in the position of casting an affirmative vote for the Chicago installation; we are merely in the position of casting a negative vote on the proposal not to move the facility to Natick. It will require another full year before the work can be done.

Mr. STENNIS. That is correct.

Mr. DOUGLAS. Mr. President, I feel certain that the Senator from Oklahoma does not wish to convey the impression that the work of the Food and Container Institute would stop if the House were upheld. The work would continue in its present location. If my position is upheld, it would be possible for the Quartermaster Corps to allow various groups to see the specifications, which hitherto the Quartermaster Corps has refused to make public. Then there could be competitive bidding, and we could get bids on comparative costs for the consideration of a new building either at Natick or in Chicago.

Before I close I should like to read most of the final paragraph of the one thorough study that has been made, namely, that made by the House Appropriations Committee. I read now from page 530 of the House committee hearings on military construction, where the staff made the following declaration:

V. STAFF OBSERVATIONS

The staff is of the opinion the Army planning in reaching its decision to deactivate the CAC has been inadequate. The Army's claim that the closing of CAC is dependent upon the relocation of Q.M.F. & C.I. to Natick does not appear sound. Q.M.F. & C.I. occupies only 10 percent of the total space at this facility and is but one of a number of military and civilian tenants. It is felt that the Army has not realistically computed the overall costs involved in relocating all the tenants of the CAC. The staff believes the Army should reevaluate this entire proposal and that any decision to move the Q.M.F. & C.I. from Chicago should be predicated upon locating that facility where it can best perform its mission.

I appreciate the high standards the Senator from Massachusetts advocated when he said he was not considering a local interest, but was considering only the good of the country; and I always marvel at the ability of the Senator from Massachusetts to believe that the good of the country inevitably leads to the selection of Massachusetts as the site.

So I beg my colleagues to realize that to locate the Institute in the northeastern part of the United States, away from the industries it is supposed to serve, is ridiculous, even if the House committee and the Senate committee favor such a location.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

Mr. STENNIS. Mr. President, I yield to the Senator from Wyoming [Mr. MCGEE], who is interested in an item which was not included in the bill.

Mr. McGEE. I thank the distinguished Senator from Mississippi.

A budget request was submitted for four Air Force hospitals, one of them being the Air Force hospital at Fort Warren, in Cheyenne, Wyo. The House, in its original action, did not approve this item. But through the efforts of the Senator from Mississippi, the item was included in the Senate version of the bill; and, as included, it covered all four of the hospitals.

In the conference report, I note that provision for two of the four hospitals was deleted; and one of the two deleted is the hospital at Cheyenne, Wyo. I wonder whether the Senator from Mississippi can state the reason for that deletion.

Mr. STENNIS. I appreciate the interest of the Senator from Wyoming and also his activity in connection with the merits of this matter, both when it was before the Senate committee and also when it was under consideration on the floor of the Senate. He and his colleague [Mr. HICKEY] were quite active and most helpful in connection with this matter, and they are entitled to an ex-

planation as to why the Senate conferees receded on this part of the item.

These four hospitals were considered at great length and very earnestly by the conferees. One of the main points at issue was, not so much the hospitals as such, but the question of whether added space should be included in military hospitals in order to take care of retired personnel. We have the medicare program, whereby private hospitals and private physicians can be paid to care for dependents. No firm policy has been established as to whether space should be provided in such hospitals for retired personnel.

As one of the conferees, I contacted the Department of Defense, to try to obtain an announcement about a nationwide policy in regard to this matter. But it cannot be firmed up from their standpoint at this time.

Therefore, finally the Senate conferees had to yield in regard to the two hospitals which did include such added space for retired personnel. The House conferees were not opposed to the provision of care for retired personnel, as such; but the policy question was at issue.

So that was the best the conferees could obtain; and, under that procedure, provision for the hospital at the Warren Air Force Base, at Cheyenne, Wyo., and for the hospital at the March Air Force Base, in California, was deleted. I believe it is recognized that there is a need for the hospitals; but that provision was deleted until something more definite about the policy can be determined.

Mr. McGEE. Were these unique cases in the history of the construction of military hospitals—where provision was being made for retired personnel?

Mr. STENNIS. It was a new policy. Certainly there has been no determination in regard to it; and these are the first ones, so far as I know, as to which it has been proposed that space be expressly provided for retired personnel.

Mr. McGEE. It is my understanding that other facilities in which such space has been made available have been constructed. Is that true?

Mr. STENNIS. The Senator is correct, in that if the space is available, it can be used for that purpose. But these hospitals were to be deliberately made larger—from the beginning—than they would otherwise have been, in order to provide space for retired personnel. In that respect, the policy would have been a new one.

Mr. McGEE. Mr. President, will the Senator from Mississippi yield further?

Mr. STENNIS. I am glad to yield.

Mr. McGEE. Do I correctly understand that, so far as the Senator from Mississippi knows, there is no intent on the part of the armed services to withdraw from their recruiting appeal their stress on the point that medical care will be available upon retirement?

Mr. STENNIS. No, I think not; and I do not think that was the purpose of the House conferees at all. In fact, I, personally, would favor having space made available for retired personnel. I do not think the House is opposing that principle. But the House conferees insisted that there be a uniform policy; and inasmuch as some plans now being made for such hospitals do not include space for retired personnel, the conferees were anxious to have this matter cleared up.

Mr. McGEE. From the report of the Senate committee, I note that the Department of Defense in the course of the study thoroughly investigated each of these areas and each of these proposals, and was advised that the hospitals called for by the bill meet firm and valid requirements. Is it not conceivable that they, likewise, looked at the question of providing beds for retired personnel?

Mr. STENNIS. Yes, that is the unanimous opinion of the Senate committee. I repeat that I think there is no dissent by the House conferees as to the need for the hospitals; but they wanted this policy matter cleared up, and insisted on that, and would not agree to include this provision until that was done.

Mr. McGEE. As the Senator from Mississippi knows, my colleague [Mr. HICKEY] and I have tried our very best to have provision made for these critically needed hospital facilities in Cheyenne. The hospital there was begun in the 19th century, when the base there was a cavalry post; and the installation there has been patched up from time to time, and still is basically only a patched-up hospital which dates from the time when the base there was a cavalry post.

Now we have there the first intercontinental missile base. So in some instances we are really using cavalry equipment to get into outer space.

Mr. STENNIS. The Senator is correct. This matter will be resolved. I wish it could have been done this year. I think it will be obtained next year.

Mr. McGEE. Does the Senator think the prospects of getting it in the next session are reasonably good?

Mr. STENNIS. Without trying to speak for someone else, I think they will be excellent.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SALTONSTALL. As one who has listened to these discussions, I can join in what the Senator from Mississippi has said. It was one of the top items. We had to leave it out of the bill at the last moment. I am confident it will be very sympathetically considered next year.

Mr. STENNIS. I thank the Senator.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from California.

Mr. KUCHEL. I pay tribute to the distinguished Senator from Mississippi. I speak, if I may be permitted to do so, for the men who wear the uniform of the Air Force and today serve at March Field Air Base. I speak for their families. I speak for the men who have served in uniform and who live near that base. It was the Bureau of the Budget and this administration that recommended the hospital to serve the airbase at March Field, near Riverside, Calif. It was the Senate committee, and most particularly the Senator from Mississippi, who responded to the request I made urging the Senate committee, and the Senate itself, to approve the appropriation item which had been budgeted for the hospital there. They did it, to their credit. It is a somewhat bitter experience to me that a policy question was raised by the House conferees so that today those who have served and who serve their country in that area are denied the hospital attention which the law of this land guarantees to them.

I would like to recall these lines from Kipling, if I may be permitted to do so:

> For it's Tommy this, an' Tommy that, an' "Chuck 'im out, the brute!"
> But it's "Saviour of 'is country" when the guns begin to shoot.

I congratulate the Senator from Mississippi. I regret that the House conferees refused to agree. I simply ask the Senator if we can, with what I know will be his vigorous help, look forward next year to obtaining this item.

Mr. STENNIS. I appreciate the Senator's statement and appreciate his help in getting the matter before the committee.

The reason I gave with respect to the Wyoming hospital applies to the one in California. I think the conferees in the House were not really opposed to the hospital. I think it was the policy question that they were interested in. I think the hospital will be built next year.

Mr. KUCHEL. I thank the Senator.

Mr. STENNIS. Mr. President, I wish to make a relatively brief statement on the conference action on H.R. 8302, the Department of Defense Construction Appropriation bill for fiscal year 1962. I hope to cover all the major appropriations contained in the conference.

The conference action which is before the Senate amounts to $947,878,750. This figure is $64,519,750 over the House, $72,268,000 under the Senate action, and $99,689,250 under the budget.

The bill contains $154,122,000 for the Army, $192,278,000 for the Navy, $498,346,000 for the Air Force, $27 million for military construction for space and missiles as authorized under title V of Public Law 87–57, and $10 million for Loran stations.

For the Reserve Forces of the United States, the conference committee approved an amount of $66,132,750. For the Army Reserve, $14,381,000; Naval Reserve, $7 million; Air Force Reserve, $4,608,000; Army National Guard, $21,868,750; and Air National Guard, $18,275,000.

A number of projects involving a rehabilitation of headquarters and office buildings have been restored to the bill by conference action. Of particular interest is a large office building at Andrews Air Force Base, Md., for the Air Force Systems Command. This building is in urgent need of repair and modernization. This modernization of the building will make it most adequate for the Systems Command, which has been experiencing a great amount of overcrowding. I might add, as a special note of interest, that this Air Force command expends approximately $12.5 billion.

The Senate position was maintained in two of four Air Force medical facilities in conference. The two hospitals still in the bill are located at Little Rock Air Force Base, Ark., and Offutt Air Force Base, Nebr. The two hospitals left out of the bill are located at Francis E. Warren Air Force Base, Wyo., and March Air Force Base, Calif. These two hospitals were not left out with prejudice; but after a study of the number of beds required for retired personnel and the actual number of beds needed for active duty personnel, the Air Force may again come to the Congress for appropriations.

The largest reductions made in the conference were in the unobligated funds carried over into fiscal year 1962. These reductions amounted to $3 million for the Army, $2 million for the Navy, and $20 million for the Air Force. These were rather large reductions and it is hoped that the services can absorb them without resorting to dropping projects out of the regular construction program.

The conference returned to the House the Quartermaster Research and Engineering Center, Natick, Mass., projects amounting to $3,812,000 in disagreement. I will discuss the Quartermaster Research and Engineering Center in this brief statement later and I will have a motion to make at the end of this presentation.

Funds were provided in the amount of $5 million to move a Marine Corps camp from Stuart Mesa, San Diego, Calif., to Camp Pendleton, Calif. This move has become necessary because the city of San Diego has built up to the edge of the firing range.

Your conferees were able to maintain the Senate position on all the Reserve items added in the Senate version of the construction bill. The Senate additions will enable some 44 National Guard projects to be funded a year to 2 years earlier than anticipated. A number of projects were added for the Air National Guard, a number of projects were lost in the conference action that comprised part of the Senate bill; however, the Senate conferees did prevail in a number of conference actions on projects we considered of prime importance, particularly greatly needed runway extensions and safety features for runways. I would like to say, by way of a brief comment, that I believe that our Reserves give us a fine return for our tax dollar.

The actions of the conferees coincide with the principal elements of the Department of Defense planning and basic policy. Those elements are:

First. Possession of a powerful retaliatory ability which is considered mandatory as a war deterrent;

Second. Responsibility to maintain capacity to apply military changes promptly in various local conflict areas of the free world; and

Third. Continuation of a strong continental air defense and maintenance of open sea lanes.

And the Congress has supported these policies.

The many provisions voted by the conferees this year reflect the reappraisal of our defense programs by the new administration. This has resulted in some cases in an increased appropriation and in other cases a decrease in the funds to be provided.

It is imperative that we endow our statements of intent on the Berlin crisis with the essential quality of credibility. We will demonstrate that credibility through our buildup of conventional war forces and our concentration of those elements of limited war which have lacked emphasis and preparation during past years as we concentrated on all-out nuclear capabilities as a deterrent.

Among the programs which will get added impetus this year are:

First. Acceleration of the Polaris and antisubmarine warfare programs by providing funds for Navy construction in this area. Special facilities must be built for the submarine, such as special graving docks and various servicing docks and facilities to take care of this special type of underwater naval vessel.

Second. Acceleration of facilities as a first increment against the requirement for the development of large solid propellent boosters as recommended by the President and voted by the Congress.

Third. Provisions for unforeseen construction that might arise in connection with the Nike-Zeus antimissile missile program facilities of the Army on Kwajalein Island in the Pacific Missile Range.

Fourth. Provisions for Nike-Hercules and Hawk Air Defense System facilities at sites throughout the United States, including Alaska and Hawaii.

Fifth. Provisions for improving the security and reliability of our communications centers through the construction of tropospheric scatter facilities, all of which are a part of the Department of Defense worldwide communication system.

Sixth. Provision for supplementary facility development by the National Guard and Reserve units.

Seventh. Provisions for construction support of Active Army Forces. The money will provide for another increment in the program of modernization of Army installations which must keep pace with the new developments and improved weapon systems resulting from technological advances and over programs for modernization of equipment.

The new Army readiness program involves 4 National Guard divisions and 146 smaller guard and Reserve units, and totals some 148,000 citizen-soldiers. All have been alerted for possible service during the Berlin crisis. These guard and Reserve units have not been called to active duty, but if they are, the measures we are discussing today incorporate the facilities necessary to adequately train these men in the use of the most modern weapons and to bring our ground forces to full strength.

In the words of the President, and others before him—"We arm—to parley." It appears to me that some attempt must be made at prophecy, since to live only in the present is to live as no wise man does and no nation can or should.

No matter how unpalatable the situation may be today, we must make the sacrifice that a review of the facts tells us to make. Our actions must be a first requirement.

In spite of the nearly $1 billion figure the bill totals, the conferees found, as did the Senate and House Appropriations Committees, that a very severe pruning knife had been applied in all the services, and that the program, when it came to the Congress, was already greatly reduced to the point that was thought essential.

In closing, I believe this is a sound construction bill, and it should provide for the coming year, barring a sudden needed change in our defense posture, adequate construction funds for our armed services.

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the actions taken by the conferees.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Title	Budget estimates (revised)	Passed House	Passed Senate	Conference
Military construction, Department of Defense	[1] $27,000,000	$15,000,000	[1] $27,000,000	[1] $27,000,000
Loran station	10,000,000	10,000,000	10,000,000	10,000,000
Military construction, Army	194,977,000	147,450,000	176,512,000	154,122,000
Military construction, Navy	205,211,000	181,387,000	201,259,000	192,278,000
Military construction, Air Force	560,380,000	479,522,000	539,243,000	498,346,000
Military construction, Army Reserve	13,000,000	13,000,000	14,381,000	14,381,000
Military construction, Naval Reserve	7,000,000	7,000,000	7,000,000	7,000,000
Military construction, Air Force Reserve	4,000,000	4,000,000	4,608,000	4,608,000
Military construction, Army National Guard	12,000,000	12,000,000	21,868,750	21,868,750
Military construction, Air National Guard	14,000,000	14,000,000	18,275,000	18,275,000
Total	1,047,568,000	883,359,000	1,020,146,750	947,878,750

[1] Includes budget estimates of $12,000,000 in H. Doc. 179 not considered in the House.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from South Dakota, who is a member of the Appropriations Committee and on the subcommittee which deals with this subject, and who has contributed his efforts to the bill.

Mr. CASE of South Dakota. I wish to ask the chairman of the conference whether the conferees did anything to disturb the program for military housing which was presented to the Senate when the appropriation bill was before the Senate.

Mr. STENNIS. The family housing provision was left as it passed the Senate.

Mr. CASE of South Dakota. The table which was presented to the Senate in the Appropriations Committee report, showing allocations and priorities, is the same. Is that correct?

Mr. STENNIS. Yes. That table was not disturbed. There was an item in the Senate bill for trailer courts which was

not in the House bill. We kept part of that item in conference.

I thank the Senator very much for asking that timely question.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi.

The motion was agreed to; and the Presiding Officer appointed Mr. STENNIS, Mr. RUSSELL, Mr. MONRONEY, Mr. SALTONSTALL, Mr. BRIDGES, and Mr. BYRD of Virginia further conferees on the part of the Senate.

ACTION OF CERTAIN MINISTERS IN MISSISSIPPI

Mr. STENNIS. Mr. President, according to press reports, 15 ministers traveled through my State yesterday in a chartered bus. On their arrival at the bus terminal in the city of Jackson, they entered the waiting rooms and sought service in the segregated terminal. When asked by two policemen to leave, they declined to do so. Police Capt. J. L. Ray offered to escort them to their chartered bus. They refused to comply with his request, and Captain Ray then placed them under arrest under a charge of breach of the peace.

Mr. President, the ministry is the greatest of all professions. As individuals and as members of this the greatest profession, ministers are always welcome in our State. But I am compelled to say that when these ministers, acting outside the province of their church, came to Jackson yesterday on a so-called prayer pilgrimage for the purpose of violating our State laws, they were getting a long way from their pulpits. Certainly there is nothing in the Sermon on the Mount which calls on them to stir up agitation and to cause a breach of the peace and violation of the law.

Incidentally, there is a great deal said about the spiritual deterioration among our people over the entire Nation. Some of these charges may be true and, if so, a great deal of the responsibility lies with the people. But I think a part of the responsibility also rests with clergymen who abandon their primary mission to engage in such practices as these in violating the law and, of course, in leading others and encouraging them to do likewise.

Similar cases are already pending in the courts of the State of Mississippi, while others have been filed in the Federal courts. Mr. President, our people in Jackson, Miss., have been subjected to an accumulation of such invasions, with more than 300 individuals who have come into our State, most of them for the express purpose, announced in advance, of violating our State laws. Month after month, the pressure has been built up. Our people have responded in a most admirable and patient fashion. Any impartial group should agree that our people are entitled to the understanding and commendation of the Nation rather than being subjected to a continuation of such invasions and by groups who come in solely to violate the law and incite others to do so.

Earlier this session I offered Senate bill 1955, making it a Federal offense to enter interstate commerce for the purpose of engaging in the breach of the peace in any State, or committing any other crime. I have done considerable research on this vital measure and have been assisted by several eminent constitutional lawyers. I expect hearings to be held on this legislation when we return in January. I trust that the Congress will then respond with the enactment of a statute making it a Federal crime to enter interstate commerce for such purposes.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from New York.

Mr. JAVITS. I wish to state a word, if the Senator will allow me, or I shall obtain the floor in my own right.

Mr. STENNIS. I am glad to yield to the Senator; or I should be glad to yield the floor.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Mississippi yields to the Senator from New York.

Mr. JAVITS. In behalf of the ministers to whom the Senator referred, it so happens that one of the ministers is Reverend Pierson, the son-in-law of Gov. Nelson Rockefeller, of New York. I know him personally. I know of no man who has a better understanding of the mission of his calling than the Reverend Pierson.

Mr. President, these ministers feel very deeply that there is a great moral issue involved in respect to segregation in transportation facilities in our country. As men of God, I think it is their duty, when they feel morally moved, to express themselves, even if it is in secular terms, in pursuance of their convictions.

I believe this is the proper and true function of a minister, not only to preach a ministry, but also when occasion requires, to lead one. It is one of the great traditions not only of the Protestant Church, but also of my faith, the Hebrew faith, and of the Catholic faith. The Catholic faith has canonized many, and my own faith has named as prophets many who have proceeded in that way. The Protestant faith has heaped great honor, praise, and reverence upon those who have sacrificed, in their own persons, in this way.

Mr. President, the laws of any State are entitled to great respect, as are the laws of Mississippi. However, laws of a State must yield to the mandate of the Constitution.

This is a deep and profound debate in our country. I am one of those who feel we are making a very great mistake in the Congress by not having received from the administration leadership in this field, with a request for civil rights legislation which would give an outlet for these same feelings which find their outlet in the way which my colleague from Mississippi has discussed.

Mr. President, I would feel derelict in my duty and less than true to my convictions if I did not stand on the floor of the Senate in juxtaposition to the position taken by my colleague, whose words we hear and consider with the greatest of respect, in order to affirm my conviction that these ministers are doing what in their highest conviction is proper, that I agree it is proper, and that I honor them for making the protest.

Mr. STENNIS. Mr. President, I appreciate the Senator's position, and I am glad to yield to him. My point is that there is a proper way to protest and to make known a stand on any subject. Certainly the way to do so is not to violate the law in order to express oneself in that way. That rule applies to ministers as well as to anyone else.

I observed pictures in the morning press of the group of ministers who belong to the great Amish faith in Pennsylvania, who protested the collection of social security taxes. I understand the U.S. marshal took one of their horses and sold it on the auction block for money to pay the taxes. Those ministers came to this city, very rightfully, and protested. They went before the Commissioner of Internal Revenue. They made their case and made their point. I respectfully submit that such a procedure as they followed is proper.

I appreciate the Senator's remarks.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that there is a rather substantial group of people in this country who object to having to pay taxes for the support of the foreign-aid program?

Mr. STENNIS. Yes.

Mr. LONG of Louisiana. They contend there is no power or right under the Constitution of the United States for the Government to collect such a tax.

Mr. STENNIS. Yes.

Mr. LONG of Louisiana. These people are barred from court. By their view they have a right without a remedy, because they are barred from going to court to prove they are correct.

Mr. STENNIS. I believe the Senator is correct. These people have no standing as individuals to go to court to protect themselves against the Government.

Mr. President, I yield the floor.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1962

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 975, H.R. 8072.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 8072) making appropriations for the government of the District of Columbia for the fiscal year ending June 30, 1962, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 8072), which had been reported from the Committee on Appropriations with amendments.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate go into executive

session for the purpose of considering certain nominations at the desk.

The PRESIDING OFFICER (Mr. METCALF in the chair). The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to the consideration of nominations at the desk.

U.S. CIRCUIT JUDGE

The legislative clerk read the nomination of James R. Browning, of Montana, to be U.S. circuit judge for the ninth circuit.

Mr. MANSFIELD. Mr. President, I cannot let consideration of the nomination proceed without making the observation that I am delighted the present Presiding Officer is my distinguished colleague [Mr. METCALF], who is also a graduate of the University of Montana Law School, one of the best two or three law schools in the United States and certainly the best west of the Mississippi, and who was, I believe, for a time a classmate of the nominee.

I express the opinion that James Browning will make one of the great judges of the ninth circuit court, where he succeeds a great jurist, Judge Walter Pope, of Montana. I also express the appreciation of my colleague and myself to the Senate for the unanimous approval it is giving to the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

U.S. DISTRICT JUDGES

The legislative clerk read sundry nominations of district judges.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations of persons to be district judges be considered and confirmed en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none; and, without objection, the nominations will be considered en bloc; and, without objection, they are confirmed en bloc.

CONFIRMATION OF T. EMMET CLARIE

Mr. DODD. Mr. President, among the nominations of district judges confirmed en bloc was that of T. Emmet Clarie, to be U.S. district judge for the district of Connecticut. His confirmation will bring to the Federal bench a man who is well qualified for that post.

I am especially pleased with this nomination because Emmet Clarie is a lifelong friend of mine, dating back from the days when we both attended Providence College together. I know him to be a man of outstanding legal competence; able, fair minded, restrained, and possessing those qualities of judgment and temperament which ideally fit him for this post.

He is an outstanding lawyer who has had broad experience in the private practice of law, in diverse and complex fields. He is also a public servant who has distinguished himself repeatedly in a number of important posts.

T. Emmet Clarie is now to join the roster of distinguished judges who have sat upon the Federal bench in Connecticut. In following and joining these jurists he has much to live up to. But all who know him are confident he will serve with the greatest distinction and competence and add greatly to the luster and reputation of the Federal judiciary.

U.S. ATTORNEYS

The legislative clerk read sundry nominations of U.S. attorneys.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations of persons to be U.S. attorneys be considered and confirmed en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none; and, without objection, the nominations will be considered en bloc; and they are confirmed en bloc.

U.S. MARSHALS

The legislative clerk read sundry nominations of U.S. marshals.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations of persons to be U.S. marshals be considered and confirmed en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none; and, without objection, the nominations are considered en bloc; and they are confirmed en bloc.

ATOMIC ENERGY COMMISSION

The legislative clerk read the nominations of Henry DeWolf Smyth, of New Jersey; William I. Cargo, of Maryland; John S. Graham, of North Carolina; and Leland J. Haworth, of New York to be alternate representatives of the United States of America to the fifth session of the General Conference of the International Atomic Energy Agency.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be confirmed en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none; and, without objection, the nominations are confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SPARKMAN. I tried to follow the nominations on the Executive Calendar a minute ago. I do not find any of the nominees listed on the Executive Calendar.

Mr. MANSFIELD. The Senator is correct. They are not listed because the nominations were reported today. Some of the nominations were approved by the Committee on the Judiciary today unanimously. They have been brought before the Senate with the approval of the minority leader.

Mr. SPARKMAN. Is a list available, so that Senators may see it?

Mr. MANSFIELD. Yes. It is at the desk.

Mr. SPARKMAN. I thank the Senator.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

LEGISLATIVE PROGRAM AND ORDER FOR ADJOURNMENT UNTIL 9 A.M., TOMORROW

Mr. KUCHEL. Mr. President, I wonder if the able majority leader of the Senate will inform us what he has in mind for the Membership for the remainder of today, tomorrow, and—heaven forbid—Saturday as well.

Mr. MANSFIELD. Let me put my distinguished colleague's mind at rest. There will be a session on Saturday.

At the present time the District of Columbia appropriation bill is the unfinished business. That bill will be handled by the distinguished Senator from West Virginia [Mr. BYRD].

Following disposition of that bill the Senate will consider the clean elections bill, which will be handled by the distinguished Senator from Nevada [Mr. CANNON].

Tomorrow, Friday, the Senate will consider the foreign aid bill. If the clean elections bill has not had action completed on it by tonight, the Senate will probably also consider that proposal.

Thereafter, the Senate will consider the District of Columbia elections bill.

On Saturday, without fail, we shall make a motion to consider the amendment to rule XXII, which is Calendar No. 852.

Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today it stand in adjournment until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. I thank the Senator.

AMENDMENT OF SMALL BUSINESS ACT TO INCREASE THE AMOUNT AVAILABLE FOR REGULAR BUSINESS LOANS THEREUNDER—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill—H.R. 8762—to amend the Small Business Act to increase the amount available for regular loans thereunder. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of September 15, 1961, pp. 19734–19736, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. PROXMIRE. Mr. President, the House and Senate conferees met Wednesday, September 13, 1961, on S. 3762 and agreed on a bill containing the following provisions:

First. The House passed version of H.R. 8762 increased the revolving fund for SBA's regular business loan program by $130 million. It contained no other provisions.

Section 3 of the Senate passed version eliminated the restrictions on amounts that SBA may commit for its regular business loan program, disaster loan program, and prime contract authority. Instead, the bill would put all these funds in a single pool, available for any of these three programs. It increased the fund by $36,500,000.

The conference pooled the regular business loan funds and the prime contract authority funds. It did not pool the disaster loan fund, largely because of the disaster that has occurred within the last week or so in Texas and elsewhere, which, in the judgment of the conferees, will result in quite a drain and quite a run on the fund. It increased the revolving fund by $105 million. This should enable SBA to operate its lending programs through fiscal 1962.

I call the attention of the minority whip, the distinguished Senator from California [Mr. KUCHEL], to the next section of the bill, because this is a subject in which he is interested.

Second. Section 7 of the Senate bill pertaining to the small business subcontracting program was amended by striking out the language which would require Defense, GSA, and SBA to agree on regulations prior to their issuance. In place of this there was inserted a requirement that before Defense and GSA issued any regulations under the subcontracting program, Defense and GSA shall seek concurrence of SBA in the regulations. In the event SBA does not concur, the issue must be referred to the President to be resolved.

A provision was also inserted in the section which would prohibit the dissemination by SBA or the procuring agency of technical data or processes developed by a company at its own expense.

The conference accepted the remaining provisions of the Senate bill without amendment.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. KUCHEL. If I correctly understand what the distinguished Senator from Wisconsin has said with relation to the problem of preparation of rules and regulations for procurement by small business, the conferees have ruled as follows:

The regulations of the Department of Defense relative to small business procurement will be arrived at, under the language of the bill, in conjunction with the General Services Administration.

Assuming that such agreement is arrived at, the Department of Defense will then seek the approval of the Small Business Administration. If the Small Business Administration approves, I assume that thereafter the regulations will be binding and will constitute the procedure under which small business will participate in procurement. If, to the contrary, the Small Business Administration refuses to approve, then the question will be resolved by the President. Is that correct?

Mr. PROXMIRE. The Senator from California is correct. Of course, this is a subcontracting program.

(At this point Mr. MANSFIELD took the chair as Presiding Officer.)

Mr. KUCHEL. Mr. President, I objected to the proposed legislation when it was before the Senate. I tried to make the point that the Department of Defense is saddled with a great and grave responsibility, which is to provide for the security of the American people. I said that in my judgment the Secretary of Defense was eternally correct when, through spokesmen, he indicated to the committee that it would be an unnecessary and onerous additional chore to require him and those under him, in the drafting of regulations for small business subcontracting, to deal with any other department of Government in setting forth regulations or in revising them. I thought then that I was right; I think I am right now.

Mr. PROXMIRE. Mr. President, it is my understanding that the Secretary of Defense agreed that he would be willing to consult with the SBA in arriving at a small business subcontracting program. So I assume that the Senator would want to modify his statement. I think the Senator understands that. I merely wish to be sure that we understand each other.

Mr. KUCHEL. I am sure the Secretary would. If I recall the language of the bill as it passed the Senate, it required the Small Business Administration's approval before the Department of Defense could approve regulations relating to subcontracting to small business.

Mr. PROXMIRE. The Senator is correct.

Mr. KUCHEL. I do not believe the President of the United States ought to be required to sit in judgment on this kind of administrative problem. I think to that extent the conference report before the Senate is wrong. Having made that statement, as the bill becomes law, I have no doubt that the President will delegate the authority to someone along the line in the event he is required to use it.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Alabama.

Mr. SPARKMAN. The Secretary of Defense, being the head of a department of the Government, has the right under the law to report directly to the President of the United States. Under the law setting up the Small Business Administration, which, incidentally, was established under the Republican administration of President Eisenhower, the Administrator of the Small Business Administration has the right to report directly to the President of the United States. So far as concerns the right to get to the President with reference to any approval of this kind, the two departments are on a par. They are equal.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. SPARKMAN. I should like to finish my statement first.

Under the inherent powers of our Government, if two agencies or departments of the Government have the right to report directly to the President and some question arises in the nature of a disagreement or a misunderstanding between the two, under the law both departments have the right to ask the President to resolve the difference. The President has the inherent power to do so. The heads of the two agencies have the inherent power to ask him to do it. So we would not impose any new job or function upon the President of the United States.

Of course, there are methods by which the President can delegate certain administrative powers and naturally that is expected to be done. Nevertheless, I should not like to have the RECORD indicate that we are imposing any onerous or additional load upon the President of the United States by the proposed legislation.

The proposed legislation is fair and as simple as it can be, and certainly should not be objected to by any person.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from California.

Mr. KUCHEL. I was a member of the Small Business Committee under the chairmanship of my friend the distinguished Senator from Alabama [Mr. SPARKMAN], and I think that committee has done, is doing, and will continue to do valiant service in this field. I speak as one who has voted for, and coauthored proposed legislation designed to help small business in America, and as a member of the Appropriations Committee who has voted consistently for a provision in the Defense Production Act to provide that small business shall participate in a part of the defense procurement contracts of this Government. But having made that statement, it seems to me that this position is unassailable: that the Defense Department should have the responsibility to determine in what fashion it shall carry out the procurement of defense materiel and hardware, and that it should not be required to subject itself to any authority from the Small Business Administration or any other agency.

To that extent the conference report somewhat lessens, as I see it, the blow on the Defense Department, although I still say to my excellent friend that in my judgment it was wrong either to retain the provision that was written into

the original bill or, as I listened to the conference report being explained, accept what is in the conference report itself.

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The question is on agreeing to the conference report.

The report was agreed to.

INTERVIEW WITH SENATOR DOUGLAS ILLUMINATES "TRUTH IN LENDING"

Mr. PROXMIRE. Mr. President the senior Senator from Illinois [Mr. DOUGLAS] recently gave a long interview on the subject matter of S. 1740, the "truth in lending" bill, to the professional magazine of the consumer credit field, the Credit World. The interview appears in the September 1961 issue.

With his customary commonsense, down-to-earth wisdom, and intellectual acuity, Senator DOUGLAS explains what S. 1740 would do, in simple, understandable language. He lists its provisions and requirements, discusses the way such a law would function, and strips away the misconceptions which appear to have fastened themselves onto this bill like barnacles onto the clean hull of a ship.

Hearings on the bill were held earlier this year by the Banking and Currency Subcommittee chaired by Senator DOUGLAS, at which many witnesses testified as to the need for such legislation. The administration stated its support for the bill in the testimony of the Council of Economic Advisers, emphasizing the importance of full disclosure of the terms of credit as a stabilizing factor in our economy. Unless the true interest rate in credit transactions is known to consumers, the counter cyclical function of rising and falling interest rates is completely lost.

As a cosponsor of S. 1740 I read the text of this interview with great interest. Believing it well worth the attention of my colleagues, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT DOUGLAS WANTS FROM THE CONSUMER CREDIT PROFESSION

(An exclusive Credit World interview with Senator PAUL H. DOUGLAS, Democrat, of Illinois, author of Senate bill 1740, "truth in lending" bill)

1. What are the practices or conditions in the field of consumer credit which S. 1740 would correct?

Today the typical borrower or buyer is faced with a bewildering variety of methods of stating consumer credit costs. Often he is not able to clearly understand or compare credit prices or terms offered by various sellers or lenders.

This is not conjecture on the part of the sponsors of S. 1740. Numerous surveys and studies have clearly demonstrated that borrowers and buyers do not get accurate and understandable information about costs of credit. For instance, Theodore Yntema, vice president of the Ford Motor Co., stated before the Senate hearings on automobile financing:

"The variety and complexity of finance and insurance arrangements and the charges for them are such as almost to defy comprehension. It is impossible for the average buyer to appraise the rates for the finance and insurance services offered, as compared with alternatives available elsewhere."

Because of the many different methods of stating the price of credit the borrower-buyer is both unaware of the true costs involved and unable to shop around and compare alternative credit prices offered by different lenders and sellers.

Certainly those in the credit business are well aware of the many methods of stating credit prices. For example, let us take the following common practices:

1. No rate is quoted. The borrower is merely told that the charges will be so many dollars per month and so many dollars down.

2. The borrower is quoted an add-on or discount percentage rate.

3. The borrower may be quoted an add-on or discount rate and may also be charged numerous extra fees.

4. The price of credit is disclosed to the borrower in terms of an all inclusive simple monthly rate.

5. The borrower is accurately informed about the price of credit and the charges are stated in terms of a simple annual rate.

This variety in rate statements only misleads and deceives the consumer. I defy anyone who is not expert in mathematics or the practices of the consumer credit field to be able to compare credit costs stated in these many ways and wisely shop for credit.

Let me make it clear that this bill does not prevent any lender or vender from continuing to use the locally sanctioned methods of disclosing the cost of credit. S. 1740 merely requires that credit extenders must also disclose the price of credit in a standard and meaningful way so that borrowers and buyers can use credit intelligently.

2. The stated purpose of the bill is to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extensions of credit. Would you elaborate on this statement?

The relationship between consumer credit and economic stability and instability has been clearly recognized. In their 1956 study on consumer credit the Federal Reserve Board devoted considerable space to analyzing the relationship between consumer credit and economic instability. But perhaps the easiest way to clarify this purpose of the bill is to quote from the testimony presented to the committee by the President's Council of Economic Advisers in support of S. 1740:

"Actually, the cost of credit is a natural countercyclical influence on the timing of credit purchases and repayments, and the purpose of the bill is to increase the efficacy of this mechanism. The cost of credit normally rises in periods of boom and inflation and falls in periods of recession. This natural cycle in credit charges, reinforced by monetary and credit policy, is a stabilizing force in the economy.

"However, the stabilizing effect of changes in credit costs depends on awareness by consumers that the changes have occurred. If buyers are ignorant of the true costs of credit, they are less subject to influence by cost changes. By increasing consumer awareness, this bill will help to make the cyclical fluctuation of credit costs a more stabilizing influence on the economy.

"Increased information available to prospective credit buyers will also help to make monetary policy effective. The Federal Reserve and Treasury try to moderate economic fluctuations through changes in credit conditions * * *. If consumers are better informed about credit costs, they will surely be more sensitive to variations in credit conditions, and consumer demand will be more responsive to basic monetary policy."

Of course, the bill serves other purposes too.

First, I believe it is crucial that legislation such as S. 1740 be enacted to protect not only the consumer but also to protect the ethical and honest merchants and lenders from the unethical elements in their industry.

Second, S. 1740 would also invigorate ethical competition in the consumer credit market. One witness last year described the economics of this bill as "* * * part and parcel of the purest of classical economics and the basic principle of the free enterprise systems—the rational informed many buying in the free marketplace with full knowledge of prices, and making a decision which is best for him, and therefore, best for the entire economy."

Third, the Federal Reserve Bank of Philadelphia, in the April 1960 issue of its Business Review, stated that a real burden on the economy—"occurs because consumers often buy on time in an uninformed way without knowing the cost of the money they are borrowing. When they do this, they not only hurt themselves, but they reduce the efficiency with which the economy provides goods and services in accordance with consumer taste."

In short, Federal Reserve officials suggest that the growth of the economy is jeopardized when consumers are misled about the price of credit.

I believe that the purposes of the bill and the need for this legislation have been clearly spelled out during the hearings over the past 2 years.

3. It has been argued that disclosing true interest rates might substantially reduce consumer borrowing and buying. How valid is this argument?

Some critics of S. 1740 have charged that the purpose of the bill is to stop or severely restrict the use of consumer credit.

This charge is untrue.

Consumer credit has become a vital part of our economic life and a vital force in our economic growth. It can either be a great boon to our economic system in promoting growth and stability. Or if many of the abuses are not corrected it will continue to have a destabilizing effect on the economy.

In regard to the specific effects of the bill—over the business cycle I would not expect any massive change in the total volume of consumer credit if S. 1740 were enacted. I do not agree with those who fear that consumers will be so badly shocked when they learn the true price of credit that our economy will be plunged into a recession or depression.

When I hear people say that to tell the truth about credit costs will ruin business, I am reminded of Stephen Leacock's remark in his story "Homer and Humbug"—"My friend, the professor of Greek, says that a knowledge of the classics has made him what he is. This is a grave charge, if true."

Similarly, it is a very grave charge for anyone to say that telling the truth would ruin business. My mind goes back to the passage of the Securities and Exchange Act, when the New York Stock Exchange warned that to require them to tell the truth about stocks and bonds which they sold would ruin their business. Fortunately, Congress and the administration had a more robust faith in the power of truth and went ahead and passed the SEC Act. This has been beneficial for all concerned. I am confident that a similar truth act for credit would benefit ethical sellers and lenders as well as buyers and borrowers.

4. Isn't the total dollar cost the most accurate measure of the cost of credit? Is there any need for the simple annual rate requirement?

It is true that the total dollar cost may be the most accurate measure of the cost of any one credit plan, but in many cases the total dollar costs of various credit plans cannot be easily compared. Different lenders offer

loans for different lengths of time. For instance, how many borrowers realize the difference in the annual rate on a $500 loan to be repaid in equal monthly payments of $30 for 18 months versus 24 months. The simple annual rate on the 18-month loan is approximately 9 percent. The simple annual rate on the same loan for 24 months is approximately 40 percent.

Or, suppose the borrower is offered $500 at $30 a month for 18 months by one lender versus $500 at $25 per month for 24 months by another lender. How many borrowers would realize that the lower monthly payment for 24 months amounts to approximately 17 percent, or almost double the rate charged for the same loan amount for 18 months at $30 per month.

Similarly merchants sell a wide range of similar but somewhat different products at different prices. The buyer in these cases would have great difficulty in comparing credit costs offered by different sellers if he were only told the total dollar cost involved. He would have to translate these dollar costs into an annual rate to determine which merchant was offering him a better credit price.

Moreover, annual rates have traditionally been used to disclose the costs of credit in all other money markets. This information has been regarded as vital for the borrower in making investment decisions.

5. Do you anticipate difficulties for lenders and sellers in complying with the annual rate disclosure? Would the wide variety of types of consumer credit be taken into consideration by the administering agency?

My feeling is that compliance with S. 1740 would not be difficult. One of the purposes of the recent hearings has been to explore methods which would make it easy for lenders and vendors to comply with the bill. For instance, there appears to be general agreement that the constant-ratio method of determining simple annual rates is the easiest for lenders and vendors to use. Under this method lenders, for instance, can take into account irregular payments and even balloon notes and still comply with the provisions of the bill without undue difficulty.

Mortgage lenders, moreover, have always used a simple annual interest method in disclosing mortgage costs. Many other lenders already use a simple monthly rate to disclose their costs. Obviously, the simple interest method has not been burdensome to these types of credit institutions. In addition, in some States small loan companies have been required to disclose their costs in terms of simple annual rate. Indeed, insofar as installment loans are concerned, the simple interest rate method is the easiest and most accurate to use in computing and disclosing rates. For instance, a recent pamphlet printed by the Financial Publishing Co. of Boston, Mass. states in regard to the simple interest method:

"This plan is wholly familiar to everyone in the form of the long-term direct reduction mortgage. In the short-term loan field it is equally familiar as used by the so-called small-loan companies operating in the majority of States under some version of the Russell Sage uniform small-loan law. Although reputed to be complicated it is basically the simplest of all plans."

Of course, we are aware that in the case of various types of revolving or add-on accounts used by retail merchants there must be a reasonable interpretation of the requirements of S. 1740. It has been suggested that retailers offering such credit plans could comply with the bill in the following manner:

"In order to avoid any burden for small merchants who extend these types of installment credit plans to their customers the following types of disclosure might be considered adequate to meet the intent of S. 1740.

"1. Disclosure of annual rate: The annual rate at which credit charges will be assessed against the purchaser's account could be correctly disclosed on the original credit agreement and on the monthly statements sent to customers. For instance, retailers assessing charges at a rate of 1½ percent on the monthly unpaid balance, under the rules specified above, would also be required to disclose that this monthly percent rate is equivalent to an annual rate of 18 percent on the monthly unpaid balance.

"2. Disclosure of total dollar costs: The present custom is for retailers to clearly disclose in writing the monthly charges on revolving credit plans on monthly statements sent to customers. The existing dollar disclosure might be considered adequate for the purpose of S. 1740 if retail merchants also were required to total up these monthly charges for a previous 12-month period and thus disclose to the customer on an annual basis the total dollar cost incurred on the revolving credit plan during the preceding year."

This appears to be a workable solution to the problems of revolving and add-on accounts. I would be happy to receive any comments on this interpretation of the disclosure requirements.

6. Section 4, the disclosure provisions of the bill, does not appear to permit any flexibility. Wouldn't it be difficult to comply with these provisions with complete accuracy?

I have been surprised that many parties interested in S. 1740 apparently have never read the bill in its entirety. For instance, section 5(a) reads in part:

"REGULATIONS

"SEC. 5. (a) The Board shall prescribe such rules and regulations as may be necessary or proper in carrying out the provisions of this Act. Any rule or regulation prescribed hereunder may contain such classifications and differentiations, and may provide for such adjustments and exceptions as in the judgment of the Board are necessary or proper to effectuate the purposes of this Act * * *."

It should be clear that this bill delegates ample authority for the supervisory agency to spell out reasonable interpretations of the disclosure requirements of the bill in the case of unusual types of credit plans so that all lenders and vendors will know exactly what is required to comply with the law. Also it has been stated repeatedly during the hearings that we do not expect a complete degree of mathematical precision in the statement of the annual rate.

I would also be happy to receive any thoughts from readers of the Credit World concerning the degree of latitude that should be permitted in stating the annual percentage rate.

7. Couldn't merchants evade the intent of the bill by burying the finance charge in the sales price of their merchandise thus disclosing an artificially low rate?

This has been a frequent repeated charge made by opponents of S. 1740. Testimony from several sources has, I believe, made it clear that any such hiding of the cost of credit would not be significant. For instance, the Council of Economic Advisers testified:

"Some sellers, it is true, may attempt to evade the provisions of the bill by raising their stated cash prices to include and to disguise credit charges, even at the risk of losing some cash customers. However, consumers are usually free to make cash purchases elsewhere. They can therefore compare prices offered them in connection with their time purchases with the competitive prices of the same merchandise purchased for cash. Even in the case of products where the bulk of purchases are made on time, consumers are likely to be better able to judge the competitiveness of stated cash prices than they are to distinguish between the bewildering variety of credit terms they now face. Deceptive quotation of cash prices could persist only in markets where cash sales are infrequent and competition is weak because of monopoly or collusion. I believe that the American economy is essentially competitive enough so that circumventions of provisions of this bill will generally be short lived."

Other witnesses last year testified that:

"There seems to be some fear that if this bill were enacted, merchandisers who are extending credit concurrently with the purchase of goods would simply lower their financing rates and boost up or 'pack' the prices of articles sold. This fear, we believe, is groundless. Normal price competition in the sale of goods in local markets would prevent this from occurring and protect honest merchants for the following reasons:

"(a) The merchandiser must first sell his product before customers will use his credit plan.

"(b) Consumers carefully shop for goods and services when prices are fully disclosed or stated explicitly.

"(c) Attempts by a merchant to hike prices on goods to make his finance charges appear to be more attractive would simply drive his customers into the stores of his competitors.

"(d) Those customers who needed credit to purchase particular goods would shop for credit at independent lenders and make cash purchases or patronize a lower priced, cash-and-carry merchant.

"In short, honest merchants should have nothing to fear. The normal workings of price competition in the marketplace would deter any unscrupulous merchants from attempting to pervert the intent of the bill."

Moreover, if merchants can easily hide the cost of credit by raising the price of their goods and services, why have they not done so already? I fail to see why merchants or lenders would conscientiously comply with State laws that require some sort of disclosure of the cost of credit but would deliberately evade a Federal law.

There is a more disturbing aspect of this charge against the bill. Representatives of retailing have suggested in testimony before the committee that retailers not only could but would gouge the customers by "packing" the prices of their goods and services while hiding the credit costs. As I have indicated previously, I do not believe this is possible; but I would suggest that this is an incredible argument for representatives of a major segment of American business to present to a congressional committee.

I certainly do not believe that the thousands of honest and reputable merchants are being well served by anyone who testifies before Congress that if we should attempt to require a full disclosure of credit costs merchants would only find other means to deceive the public. I completely reject this suggestion and I am sure that you do also.

8. Wouldn't the policing of this act be difficult and expensive?

No. On the contrary, the penalties in the bill are designed to make S. 1740 self-enforcing and, therefore, self-policing.

The penalty provisions of S. 1740 are modeled after the better State laws—penalties which seemed to minimize the problem of enforcement by the supervisory agency, and, at the same time, encourage maximum compliance with the law by the parties affected. These penalty provisions are not new. They have been tried and tested in various States.

Of course, I would be happy to accept any suggestions for improvement in this section of the bill.

9. Is there any vital or substantial distinction between retail merchants extending credit and financial institutions lending money which needs to be taken into consideration in S. 1740?

We are certainly well aware of the legal distinction between charging interest and charging a time price.

The distinction between granting credit and lending money has been recognized by many State courts. I do not wish to infringe upon the time-price doctrine in any way. This is a matter for the States to determine.

As a matter of fact, we took the word "interest" out of the bill last year to make it clear that we were not trying to force all credit charges into the legal concept of interest.

However, whatever the legal distinctions may be between various types of credit charges, typically the average buyer or borrower is faced with a number of different types of credit plans—some offered by merchants, some offered by lenders—all of which are offering credit at a price. The buyer or borrower has little or no concern over the legal distinctions involved here. He merely needs uniform credit cost information so that he is able to compare credit prices and shop for credit wisely.

10. Shouldn't any problems concerning disclosure of finance charges be left to the States to correct?

I firmly believe that matters that directly affect the stability of the economy are not only a proper but a necessary concern of the Federal Government. The Employment Act of 1946 states that it is the responsibility of the Federal Government to promote free competitive enterprise and maximum employment, production and purchasing power. Also a primary function of the Federal Reserve Board is to manage the money supply in such a way as to promote economic stabilization. There is general agreement in the business world that these are necessary functions of the Federal Government.

S. 1740 merely requires the disclosure of certain information. It does not attempt to regulate the contents or terms of credit contracts. It does not attempt to regulate many facets of consumer credit that are already being regulated by some States.

There are many problems in the field of consumer credit which are better left to the States to correct—abuses in regard to credit life insurance, usury limits, balloon notes, pickup payments and garnishments, to mention only a few. Certainly an adequate trade practice law at the State level should recognize these aspects of consumer credit and attempt to correct such abuses. We have made no such attempt to do so in S. 1740.

Also, it should be clearly understood that section 6(b) of S. 1740 provides that the power to administer this law can be turned over to any State which requires the disclosure of the same credit cost information. I would hope that, in time, every State would be prepared to take over the function of supervising this law.

However, it is no secret that some are opposed to S. 1740 because they do not want any improvements in the law at either the State or Federal level.

In one State legislature where a truth-in-lending bill was introduced early this year, representatives of the lending and retailing industry testified before the State legislature that such a full disclosure bill should not be passed at the State level because there was no need to legislate at the State level since the U.S. Congress was considering a similar bill. Second, they stressed the possible adverse effect on lenders and sellers in that particular State if full disclosure were required of them and not of their competitors in other States, and suggested that Federal legislation would affect lenders and sellers in all States equally and, therefore, would be preferable.

It would appear that some prefer to leave this matter to the States not out of any deep-seated conviction over States rights but merely because they do not wish to have anything done to correct existing abuses.

There is another aspect about this question that disturbs me. I have never been able to understand why the vast majority of reputable and honest merchants are willing to so vigorously defend the unethical elements in their industry by opposing corrective legislation at both the State and Federal levels.

Perhaps it is just a fear of anything new or slightly different, but I urge every merchant and lender to judge S. 1740 in terms of what would be best in the long run for their industry, the consumer and the economy.

COLLEGE NEWS CONFERENCE

Mr. BYRD of West Virginia obtained the floor.

Mr. McGEE. Mr. President, will the Senator yield to me?

Mr. BYRD of West Virginia. I have been on the floor for 6 hours and 10 minutes, waiting to bring before the Senate H.R. 8072, making appropriations for the District of Columbia. I will yield to the distinguished Senator from Wyoming, and then I shall decline to yield further until I have completed my statement.

Mr. McGEE. I appreciate very much the courtesy of the Senator from West Virginia. I have been waiting with him for this same report on the District of Columbia appropriations, and I have likewise been waiting for a long time for the privilege of making an insertion in the RECORD, which I had hoped to be able to do earlier. I am grateful to the chairman of the subcommittee for this courtesy.

Mr. President, I recently learned that one of this country's outstanding television programs, Ruth Hagy's "College News Conference," will be back on the air this year over the National Educational Television Network. Here in Washington the program will be carried on channel 5.

I know that many of my colleagues will welcome the news that this outstanding public affairs program, which will now mark its 10th year on network television, will once again be playing a significant role in contributing to an informed American public opinion and giving our college youth an opportunity to participate in the news events of the day. It is my understanding that many prominent guests have already been selected for the forthcoming weekly series of one-half hour programs which will begin in November.

As a member of the Communications Subcommittee who has a deep interest in the use to which our television airways are put, I am deeply gratified with the knowledge that "College News Conference" will once again be making a valuable contribution to the viewing public.

Mr. JAVITS. Mr. President, will the Senator yield to me briefly for a comment?

Mr. BYRD of West Virginia. I do not yield further. I am sorry. I do not mean to be discourteous to my friend from New York, but I have already announced that I would yield to the Senator from Wyoming, and then I would not yield further until I have made my brief statement.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1962

The Senate resumed the consideration of the bill (H.R. 8072) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1962, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I have a very few remarks to make on the District of Columbia appropriations bill for 1962, now pending Senate consideration.

In my opinion this is a good bill. The subcommittee conducted 6 days of hearings on the bill. We took 810 pages of testimony. The bill was unanimously agreed to by the Committee on Appropriations. I believe that within the course of a very few minutes I can state for the Members of the Senate the budgetary picture presented by this bill.

The budget estimates for 1962 amounted to $292,827,398. The House allowed $268,122,400, a cut of $24,704,998. Of this cut, we were requested to restore $4,861,000. The $4,861,000, when added to the $389,210 in Senate Document No. 45, makes a total of $5,250,210, which we were asked to add to the House bill.

The Appropriations Committee recommends the addition of $2,315,960 making a total of $270,438,360. The $270,438,360 in the bill, aside from being $2.3 million over the House, is $5,934,153 over last year's appropriation and $22,389,038 under the 1962 revised budget estimates. That is the appropriations picture.

As to the revenues, the bill assumes the ultimate passage of an increase in the sales tax, from which would accrue $5.4 million over the remaining 9 months of fiscal year 1962. We are going along with the House allowance of a $30 million Federal payment to the general fund, and a $2,753,000 Federal payment to the water fund and the sanitary sewage works fund. The Appropriations Committee also concurs with the $20.4 million Federal loan to the general fund, and the $8.6 million Federal loan to the sanitary sewage works fund, as allowed by the House. The estimated surpluses as of June 30 of this year amounted to $1,549,000, and estimated collections will amount to $207,210,000 making a total in estimated revenues, all funds combined, of $275,912,000.

The bill provides a balance in the general fund of $47,000 and a surplus in all funds of $4,817,000.

That is the appropriations and revenue picture.

Of the $2.3 million which we are about to appropriate in excess of the House figure, $1.2 million would be involved in the addition to the Eliot Junior High School—$143,000 would be for the tree-planting and tree-trimming program; $251,734 is needed to restore the cuts made by the House in the Metropolitan

Police item; $241,000 would be for the restoration of the cuts made by the House in the "Police and Fire Clinic." These are the major items which are being restored.

The restoration of $251,000 for the Metropolitan Police Department would provide the 110 policemen originally requested, thus bringing the overall authorized police strength to 2,824, which would be 176 under the minimum established by Public Law 87–60. The House allowed 59 policemen; the Senate is restoring moneys which would provide the additional 51.

The subcommittee studied carefully the appropriation requests for the Department of Public Welfare. A reduction of $519,789 was made in this item. The committee acted to restore $35,590 for the relocation service, an item which had been disallowed by the House, making a total reduction in local funds of $484,199. Federal funds which are saved as a result of local funds savings amount to $668,836, making a total $1,153,035 savings in the welfare budget.

Mr. President, in its report, the committee expresses concern at the growing caseload and at the increasing requests of the Department of Public Welfare. The committee has recommended a pilot project of at least five investigators to ferret out any freeloaders who may be on the case rolls.

The committee also calls attention to the fact that prior to 1957 there was a $200 ceiling on public assistance grants in the District of Columbia and that today at least 23 of the 50 States have a ceiling on ADC grants. The committee, in its report, expresses the feeling that the Commissioners should carefully review the subject, with a view to perhaps reimposing a ceiling on public assistance grants in order to reduce the rapidly growing costs of the program. I call attention to the fact that a $275 ceiling is the maximum presently existing in any State. Certainly some study should be given to the advisability of a similar maximum limitation on public assistance grants here in the District of Columbia.

The committee has provided for the possible eventuality, which I hope will not occur, and which I believe will not occur, of the failure to enact the increased sales tax. The appropriation bill contains a provision, section 16, for withholding from obligation, by deletion of capital outlay projects, any amount sufficient to assure the operation of the District of Columbia within available revenues. So, in the event of failure of enactment of H.R. 258, providing for the increase in sales tax, this section should make possible the operation of the District of Columbia government over the next fiscal year without a deficit.

Mr. President, I wish to express my gratitude to the distinguished senior Senator from Kansas [Mr. SCHOEPPEL], who serves on the subcommittee with me, for the fine attendance, excellent cooperation, and great help he rendered during and subsequent to the hearings on the bill. He was at all times present, morning and afternoon. He was exceedingly well prepared, and he has been most cooperative.

I wish, too, to congratulate the distinguished senior Senator from Wyoming [Mr. MCGEE] for the fine cooperation I have had from him. This being my first year in handling the District of Columbia appropriation bill, I have found it extremely helpful to have Senators in attendance and to have their counsel and cooperation, particularly the two Senators whose names I have mentioned.

I would be remiss if I did not also express gratitude to the members of the staff, Mr. Harold E. Merrick and Mrs. Mamie L. Mizen.

Mr. SCHOEPPEL. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield to the distinguished Senator from Kansas.

Mr. SCHOEPPEL. I deeply appreciate the remarks by the distinguished Senator from West Virginia with reference to the senior Senator from Kansas. Like him, I am serving for the first time on this important appropriations subcommittee. It was a pleasure to serve and to work with the Senator from West Virginia. Many times during the sessions of the subcommittee I marveled at his patience, his perseverance, and his painstaking devotion to detail as he examined into practically every single phase of the entire bill. I commend him for it.

Also it was a pleasure to work with the distinguished Senator from Wyoming [Mr. MCGEE].

This is not a perfect bill, but it is one of the best measures we could possibly have reported without doing violence to many items in the bill which we could not justify.

I share with the Senator from West Virginia the hope that the bill will meet with the approval of the Senate, because I believe it is an excellent approach to a problem which recurs every year when we meet to finance the operations and to help to solve the difficulties of the District of Columbia. I believe that out of these hearings, by reason of the methods and some of the items which were examined into diligently by the chairman of the subcommittee, a considerable amount of improvement, in certain respects, will result in the year or years ahead.

Mr. BYRD of West Virginia. I thank the Senator from Kansas.

Mr. MCGEE. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. MCGEE. Not only do I associate myself with the remarks of the distinguished Senator from Kansas and the tribute paid by him to the Senator from West Virginia, but I express special personal pride on behalf of our class, the class of 1958, at what might be called the esprit de corps of its own Members, who entered the Senate at the same time. We are especially proud that one of our Members has had the opportunity to assume full responsibility as a subcommittee chairman to examine into the extremely tortuous, difficult, complex situation and requests for money for the District of Columbia.

The Senator from West Virginia was a tough taskmaster, but he was always eminently fair. Thus he secured, in his probe into the District budget, the fullest measure of cooperation and professional competence. The District of Columbia and the Senate will profit by his diligence.

I simply wished to express my own appreciation of the service rendered by the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, Plato thanked the gods for permitting him to live in the age of Socrates. I thank the benign hand of destiny for having permitted me to come to the Senate and to serve in the class of 1958, referred to by the distinguished Senator from Wyoming. His heart is as stout as the Irish oak and as pure as the Lake of Killarney.

Mr. STENNIS rose.

Mr. BYRD of West Virginia. I yield now to the Senator from Mississippi.

Mr. STENNIS. Mr. President, let me congratulate the members of the subcommittee—its chairman, the Senator from West Virginia [Mr. BYRD], the Senator from Kansas, and the Senator from Wyoming—for their handling of the bill. As one who formerly carried the responsibility of serving as chairman of this subcommittee, I know that its task is largely a thankless one—not because of any ingratitude on the part of the people of the District of Columbia, but because the work is in addition to all the other work which Senators have to do; and Senators are not too familiar with the subject matter, to begin with.

I have read the press reports in regard to the statements the Senator from West Virginia has made about these appropriations and the possibility of accomplishing even more with less money, rather than simply increasing the amounts of the appropriation. Certainly no one can accuse him of being a penny-pincher type with respect to these appropriations; but at the same time he has the old-fashioned idea that a reasonable return should be obtained for the appropriated funds expended. I commend him highly for his just and fair attitude and also for his humane qualities in hewing to the line; and likewise I commend his colleagues on the subcommittee, who shared in all that work.

The chairman of the subcommittee is certainly serving in a highly responsible position; and his discussion of the caseload situation relates to one of the current "soft" spots of our society and our Nation. I believe man was created for the purpose—among others—of struggling, and that if he does not do so, his muscles and his mind gradually deteriorate. If any other system is tried, I believe we shall be headed for eventual failure. So I wish to state that I also appreciate very much the presentation by the distinguished Senator from West Virginia of his philosophy in connection with the bill.

I also wish to state that I appreciate very much indeed the fine work done by Mr. Harold E. Merrick, of the Appropriations Committee staff, who also was the staff member assigned to this work during the days when I was chairman of the subcommittee. His outstanding contributions have been invaluable.

Mr. BYRD of West Virginia. Mr. President, I appreciate very much the gracious remarks of the Senator from Mississippi. I hope I can be deserving of them.

Mr. President, perhaps I should state, finally, that in making the reductions in the public-welfare items, the committee still recommends an increase of $1,049,440 over the amount appropriated last year. So we think we have been liberal enough, but not too liberal. We do not believe we have been unfair, unjust, or unreasonable.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as recommended be regarded as original text for the purpose of further amendment, provided that no point of order be considered to have been waived by reason thereof.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 3, line 12, after the word "Commissioners", to strike out "$15,306,600" and insert "$15,430,560", and in line 13, after the word "which", to strike out "$230,000" and insert "$290,000".

On page 4, line 3, after the word "assigned", to insert "the present lieutenant in charge of the Accident Investigation Unit of Traffic Division with the rank and pay of captain while so assigned, the present senior lieutenant assigned to the Robbery Squad with the rank and pay of captain while so assigned, the present lieutenant assigned as Pawn Inspector with the rank and pay of captain while so assigned,"; in line 11, after the words "purchase of", to strike out "sixty-two" and insert "sixty-four", and in line 16, after the word "purposes", to strike out "$55,139,500" and insert "$55,712,[illegible]6".

On page 5, line 8, after the word "only" to strike out "$53,870,800" and insert "$54,091,734".

On page 6, line 8, after the word "Health", to strike out "$62,477,500" and insert "$61,993,090".

On page 6, line 21, after the word "Commissioners", to strike out "$10,698,700" and insert "$[illegible],862,300", and in line 22, after the word "which", to strike out "$6,917,700" and insert "$7[illegible]81,300".

On page 7, after line 17, to insert:

"MISCELLANEOUS

"Settlement of claims and suits

"For the payment of claims in excess of $250, approved by the Commissioners in accordance with the provisions of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), $17,188."

At the top of page 8, to insert:

"Audited claims

"For an amount for the payment of claims, certified to be due by the accounting officers of the District of Columbia, under appropriations the balances of which have been exhausted or credited to the general or special funds of the District of Columbia as provided by law (D.C. Code, title 47, sec. 130a), being for the service of the fiscal year 1960 and prior fiscal years, $44,022, together with such further sums as may be necessary to pay the interest on audited claims for refunds at not exceeding 4 per centum per annum as provided by law (Act of July 10, 1952, 66 Stat. 546, sec. 14d)."

On page 9, line 9, after the word "completion", to insert "Eliot Junior High School Addition"; in line 20, after the word "expended", to strike out "$41,778,900" and insert "$43,436,700"; in the same line, after the word "which", to strike out "$5,625,000" and insert "$6,825,000"; in line 22, after the numerals "1962", to strike out "$6,500,000" and insert "$6,651,800", and on page 10, line 13, after the word "house", to insert a colon and the following additional proviso: "*Provided further*, That the unexpended balances of the amounts previously appropriated under the accounts herewith consolidated may be transferred to this account for use for the same purposes as appropriated."

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question now is, Shall the bill pass?

The bill (H.R. 8072) was passed.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate insist upon its amendments, request a conference thereon with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of West Virginia, Mr. KEFAUVER, Mr. SMITH of Massachusetts, Mr. SCHOEPPEL, and Mr. HRUSKA conferees on the part of the Senate.

PREVENTION OF CORRUPT PRACTICES IN FEDERAL ELECTIONS

Mr. CANNON. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 853, S. 2426.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2426) to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. KEATING obtained the floor.

ATTACHMENT OF SALARIES OF EMPLOYEES OF PANAMA CANAL COMPANY

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. KEATING. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from California for 2 minutes, for the purpose of his putting through some urgent legislation, without my losing the floor.

Mr. ENGLE. With the understanding that the Senator from New York does not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SALARIES OF EMPLOYEES OF THE PANAMA CANAL COMPANY

Mr. ENGLE. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 692, H.R. 3156.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 3156) to make the Panama Canal Company immune from attachment or garnishment of salaries owed its employees.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with an amendment, on page 1, after line 9, to insert a new section, as follows:

SEC. 2. That section 2 of the Act of August 12, 1958, as amended, is amended to read as follows:

"SEC. 2. This Act shall be effective immediately on and after March 31, 1962: *Provided, however*, That contracts in effect until midnight March 31, 1962, unless such contracts terminate earlier by their own terms, or are rendered illegal under the terms of the first section of this Act."

Mr. ENGLE. Mr. President, I offer an amendment to the committee amendment on page 2, lines 1 through 5.

The PRESIDING OFFICER. The amendment offered by the Senator from California to the committee amendment will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 2, to strike out lines 1 through 5, and insert in lieu thereof the following:

Sec. 2. This Act shall be effective immediately upon enactment and shall cease to be effective on and after October 15, 1961: *Provided, however*, That contracts in effect midnight September 14, 1961, shall remain in effect until midnight October 15, 1961, unless such contracts terminate earlier by their own terms, or are rendered illegal under the terms of the first section of this Act.

Mr. ENGLE. Mr. President, a brief explanation. This is an extender of the dual rate moratorium law. A while ago we passed the dual-rate bill. The law will expire at 12 o'clock midnight. This extender is noncontroversial. H.R. 3156 came from the House. It is agreeable to everybody. I know of no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California to the committee amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3156) was read the third time, and passed.

The title was amended, so as to read: "An act to make the Panama Canal Company immune from attachment or garnishment of salaries owed to its em-

ployees, and to amend the Shipping Act, 1916."

The PRESIDING OFFICER. The Senator from New York has the floor.

FILIBUSTER RULE CANNOT BE CONSTITUTIONALLY APPLIED TO PROPOSALS TO CHANGE THE SENATE RULES

INTRODUCTION

Mr. KEATING. Mr. President, the majority leader has indicated that the Senate shortly will begin consideration of resolutions to amend rule XXII of the Standing Rules of the Senate.

The resolution (S. Res. 4) reported by the Committee on Rules and Administration without recommendation would simply change the present requirement for cloture in section 2 of rule XXII from two-thirds to three-fifths. A review of past cloture votes indicates that such a change in rule XXII would make little practical difference. Moreover, and this must be emphasized, a three-fifths rule does not satisfy the principle that a majority of the Senate must have the right to act on the business of the Senate after an opportunity for full debate.

On September 6, I introduced, for myself and 14 other Senators of both parties, an amendment to Senate Resolution 4 which we intend to offer at the appropriate time, to provide an alternative procedure for cloture by a constitutional majority of the Senate after a minimum of 15 days of debate. In addition, our proposed amendment would provide for an equal division of time for debate after either majority or two-thirds cloture. The cosponsors of this proposed amendment are Senators DOUGLAS, JAVITS, HUMPHREY, KUCHEL, CARROLL, BEALL, HART, BUSH, MCCARTHY, CASE of New Jersey, MORSE, SCOTT, PROXMIRE, and WILLIAMS of New Jersey.

In my opinion, an amendment of rule XXII along the lines of our proposal is the only way of finally resolving this controversy.

I am willing to make any reasonable concession to assure full debate of any proposition before the Senate, but, in my opinion, we cannot compromise on the principle of majority rule and still uphold the principles of the Constitution.

It might as well be made clear now, that a defeat on this issue at this time will not be the end of this dispute. The matter will be raised again at the next session of Congress and again when the next Congress convenes and on every other appropriate occasion until our objective is achieved. We believe that our position is squarely based on the Constitution, and we will never acquiesce to a practice which flies directly in the face of the fundamental law and operates to perpetuate the control of the actions of the Senate by a minority.

There is one assumption about the procedure on a rules change at this stage in the session which must be challenged. The assumption is that the present provisions of rule XXII requiring cloture by a two-thirds vote are applicable to proposals to change the rules of the Senate. Since I believe this procedural matter may be of decisive significance in determining whether we will succeed in adopting a meaningful change in rule XXII, I want to discuss at this time the arguments against this interpretation of the rules.

ARGUMENT

Article 1, section 5, clause 2, of the Constitution provides as follows:

> Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member.

The rules adopted by either the House or Senate under this provision must of course conform to other constitutional limitations. In exercising its authority to determine rules of proceedings the Senate may not "ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained"—*United States* v. *Ballin* (144 U.S. 1, 5).

The Constitution requires a vote of more than a majority in only five instances. Two-thirds rather than a majority is required to override a veto—article I, section 1, clause 2—to ratify a treaty—article II, section 2, clause 2—to initiate amendments to the Constitution—article V—to convict in cases of impeachment—article I, section 3, clause 6—and to expel Members—article I, section 5, clause 2. The specificity with which these requirements are set forth in the Constitution makes it evident that in no other cases may a two-thirds vote be required for action. The Founding Fathers obviously recognized that the principle of majority action would be applicable unless exceptions were expressly stated. "Exemptions made in such detail preclude their enlargement by implication"—*Addison* v. *Holly Hill Co.* (322 U.S. 607 at 617).

The intention of the framers of the Constitution is particularly evident in connection with the power of each House of Congress to determine the rules of its proceedings under article I, section 5, clause 2 of the Constitution which I have quoted. This particular clause also applies to expulsion of Members and in that case specifies that expulsion shall be with the concurrence of two-thirds of the House. Nothing could be more certain under these circumstances than that a two-thirds requirement could not also be imposed as a limitation on the power of Congress to adopt rules of proceedings.

Majority rule is the general principle of all democratic procedure. As a result we find that even the situations in which a two-thirds vote is specified in the Constitution are narrowly construed. It has been held, for example, that the two-thirds margin applies to Members present and voting, not to Members present. Even more strikingly, it has been held that amendments to resolutions proposing constitutional amendments, proposing expulsion of Members, or admitting evidence in impeachment trials may be agreed to by a majority vote even though the original proposition requires a two-thirds vote. See Hinds' Precedents, volume II, section 274; volume III, section 2167; volume V, sections 7031, 7032. These precedents show that majority rule has been favored by Congress wherever possible.

The proceedings of the Constitutional Convention give further convincing evidence of the attitude of the Founding Fathers. Two instances are recorded in which the Convention rejected efforts to impose a two-thirds requirement on the exercise of legislative authority. The first related to the exercise of legislative authority over interstate and foreign commerce. A proposal to subject the exercise of this power to a two-thirds vote was made and rejected after Mr. Sherman, one of the delegates to the Convention, said that "to require more than a majority to decide a question was always embarrassing, as had been experienced in cases requiring the votes of nine States in Congress [under the Articles of Confederation]."

A similar effort to limit the power of Congress over navigation by a two-thirds vote requirement was also defeated. It is noteworthy that the provision of the Constitution finally adopted with respect to these subjects—article I, section 8, clause 3—does not state that Congress shall have the power by majority vote to regulate commerce, but simply that Congress shall have power "to regulate commerce with foreign nations, and among the several States." Yet the requirement of action by majority under this clause is as clear as if it had been explicitly stated, just as it is in every other case in which there is no specification of the vote required.

It follows from these considerations that any rule of either House which limits the power of Congress to pass legislation by majority vote other than as specified in the Constitution would raise serious constitutional questions. For example, a rule of the Senate requiring all legislation relating to the commerce clause to be approved unanimously, would plainly violate the Constitution. Conversely, a rule of the Senate permitting ratification of treaties by a one-third rather than a two-thirds vote would likewise be unconstitutional. There is no distinction between these situations and a requirement in the rules that the Senate may determine the rules of its proceedings only by a two-thirds vote. Such a requirement in the rules of the Senate would be violative of article I, section 5, clause 2 of the Constitution for precisely the same reasons that a one-third vote for ratifying treaties would violate article II, section 2, clause 2, or a unanimous vote for legislation regulating commerce would violate article I, section 8, clause 3 of the Constitution.

The argument will be made that rule XXII of the Standing Rules of the Senate does not require a two-thirds vote for the adoption of rules of proceeding but only for limiting debate. In form, this is certainly the case. But only a

blind man would be unable to see through this artifice. The provisions of Rule XXII, if applicable to proceedings to amend the rules, are as much a curb on the right of the Senate to act by majority vote as they would be if the rule explicitly required a two-thirds vote for passage of a rules change. Rule XXII is, in reality, a rule of substance disguised as a rule of procedure. It vests control over the proceedings of the Senate in a minority just as surely as if it said that no legislation or change in the rules shall be passed to which more than one-third of the Members of the Senate present and voting objected. The Constitution cannot be evaded by elaborate fictions and disguises. Every filibuster bears witness to the true character of Rule XXII. Unmasked, it appears as a blatant attempt to subject the proceedings of the Senate to the control of any minority group determined to exercise a verbal veto power over legislation the minority does not favor.

Actually, this point is frequently conceded by the opponents of majority cloture, but in another context. They allege frequently that the filibuster has prevented the passage of legislation. In testimony before the Special Subcommittee of the Senate Committee on Rules and Administration in the 85th Congress, for example, we find one Senate witness saying:

> The most famous measure to my section of the country that has ever been defeated by free and unlimited debate was the Force bill of 1890, a bill somewhat in the same category as the civil rights bill that is now before the Senate (hearings, p. 260).

Another Senator expressed the same thought in these words:

> So far as I have been able to determine, filibustering does not prevent needed legislation. I do not recall a single instance in American history where an important measure defeated by a filibuster has been enacted later. Nearly every proposal thus rejected has died unregretted by the country. No really meritorious measure has been defeated by filibuster, but some vicious proposals have been killed (hearings, p. 91).

These examples could be endlessly duplicated. They show unmistakable recognition of the very proposition I am urging; namely, that rule XXII is a method under which a minority can defeat legislation and not a method of protecting the right of debate.

I do not agree with the comments in the quoted statements as to the nature of the legislation which has been defeated under rule XXII. But this really is beside the point. The fact is that those who make these arguments—and this includes virtually every opponent of majority cloture—are admitting that rule XXII is a rule of substance and not procedure. They are admitting that it preserves in a minority of the Senate the power to "kill" legislation. They are admitting that the filibuster operates as a restriction on majority rule exactly as though rule XXII provided that legislation had to be approved by a two-thirds rather than a majority vote.

As I have said before, a majority may sometimes be wrong, but so may less than a majority, and under our Constitution, unless otherwise specified, it is the majority of the Senate which is given power to enact legislation and determine the rules of its proceedings.

It may be argued that the only time a rules change can be made without being subject to a filibuster is at the beginning of a new Congress. I concede that the beginning of a new Congress is the most appropriate time to amend the rules. Vice President Nixon's rulings remove any doubt of the power of each new Congress to adopt whatever rules it wishes without having to overcome a filibuster. In addition, time is not as heavy a factor in our deliberations at the opening of a new Congress as at the late stages of the session. The argument I am making even if accepted will not ameliorate the pressure of time at this point in the session.

But I do not believe that the Senate can acquiesce to a rule which is unconstitutional even for the duration of a session. The Senate could adopt a rule, for example, subjecting all legislation relating to the postal service to a two-thirds vote. But a hundred years of acquiescence to such a rule would not validate it for any portion of a session. The fact that no action was taken on a rules change at the beginning of this session was a disappointment, but the Constitution is not amended by regrettable decisions and our inaction then is no bar to action now.

My argument does not necessarily require a holding that rule XXII is unconstitutional. It is a well-established principle of statutory construction that wherever possible a statute should be interpreted to avoid serious constitutional questions. This is based on the premise—which is eminently reasonable—that Congress, in its rules and enactments, intends to and must respect constitutional limitations.

In this case, a close examination of the present language of rule XXII reveals that it does not make any specific reference in respect to cloture to "proposals to change the rules." Section 2 of rule XXII, which sets forth the requirements for cloture, refers to "any measure, motion, or other matter pending before the Senate, or the unfinished business." These are very broad terms, but it is significant that section 3 of rule XXII, unlike section 2, expressly refers in another connection to a "proposal to change any of the Standing Rules of the Senate." It is also significant that, from 1949 to 1959, section 3 of rule XXII and section 2 by reference, did make expressly inapplicable to a "proposal to change any of the Standing Rules of the Senate" the requirement of a vote of two-thirds of the Senators duly chosen and sworn which was then contained in section 2 of rule XXII.

If necessary to avoid serious constitutional question, the fact that section 2 of rule XXII does not expressly refer to "proposals to change the Standing Rules of the Senate" may plausibly be construed as meaning that the rule does not apply to such proposals. Under this construction, the Senate would consider any rules change proposals under general parliamentary law based on "Jefferson's Manual" and other relevant sources. The rulings of Vice President Nixon in 1957 and 1959 make it clear that under these conditions, the Senate would proceed under "whatever procedures the majority of the Senate approves." The motion for the previous question would be available, and in accordance with the established practice in legislative bodies, this motion could be approved by a majority vote. See Mason, "Manual of Legislative Procedure," 1953, page 245.

I recognize that this construction of rule XXII may not accord with the intention of those who sponsored the amendments adopted to the rule in 1959. However, the most important consideration must be conforming our rules to constitutional limitations. In his ruling in 1957, Vice President Nixon stated: "Any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional." While it is true that this statement was made in connection with the right of the Senate at the beginning of a new session of Congress to adopt new rules, what I have tried to explain in my remarks today is that there is no basis in the Constitution for yielding on this principle at any time during a session of the Congress.

Accordingly, under a proper construction of the provisions of the Constitution, the Senate can either determine that the requirements for cloture under rule XXII are not intended to apply to proposals to change the rules of the Senate or that such requirements, if they purport to be applicable, are an invalid abridgment of the right of a majority of the Senate to determine the rules of its proceedings under article I, section 5, clause 2, of the Constitution.

CONCLUSION

I have spoken on this subject at length because of its decisive importance in the pending debate on proposals to change rule XXII. At this stage in the session, unless the views I have outlined are accepted, the likelihood of Senate action on a significant change in rule XXII is virtually nil. If the Senate ever is to have a real opportunity to express its will on this question, it must be under procedures which will permit action by a majority of the Members. As I indicated in my individual views to the report of the Senate Committee on Rules and Administration, "Any other course will allow a minority of the Senate to determine under what rules the Senate is to conduct its proceedings—a situation inconsistent with the principles of the Constitution, contrary to good reason, and fatal to prospects for a meaningful change in rule XXII."

I have furnished to the President of the Senate, the majority leader, and other interested Senators, copies of these remarks. It is my hope that they will accept this interpretation of rule XXII when the issue is presented. There is no other way to redeem the pledges of the leaders of both major parties to restore majority rule to the Senate. The ruling of the Vice President on this issue

may very well determine whether the Senate will keep faith with the American people and live up to both the letter and spirit of our Constitution.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield.

Mr. JAVITS. I have listened to the Senator with great interest. He has been gracious enough to furnish a number of us in advance with copies of his remarks, so I am familiar with the basic arguments made in the Senator's most interesting and, to a lawyer, fascinating statement. It really is a legal brief.

The Senator raises several interesting points.

Since the Senate is the judge of the constitutionality of its own proceedings, and since the Senate's normal action is by a majority, a question is raised as to whether a majority could determine that rule XXII and the procedure there provided does not apply to a change in the rules, because it would violate the Constitution.

Second, the idea generally has obtained in the Senate—and has been ruled upon by the Vice President preceding the present Vice President, Vice President Nixon—that at the beginning of a new Congress the rules are open to amendment under normal parliamentary law without restraint as to rule XXII. Therefore, should not that, in all logic, apply at any time, if there is a need to change the rules?

It seems to me these are most novel and most interesting points. So far as I know, they are certainly points of first impression. At least, the two I have mentioned certainly are.

I think there is a great deal to be said for the points. I have listened to the Senator with the greatest of interest and with the greatest of sympathy for his position, and also with a mind completely open to the conviction that this is the way to proceed.

The Senator has, in two respects, picked upon an organic right of the Senate to determine whether what it does is or is not in consonance with the Constitution. He has raised a question of the construction of rule XXII in a way which is logical, and consistent with the accepted ruling of Vice President Nixon, which I think is most exemplary in terms of the industry and legal skill of our colleague.

My colleague from New York has certainly given a fine demonstration of his industry by this paper. At first reading, and upon first consideration, these ideas appear to me to be very appealing, and I think it is rather difficult to see the legal holes in them. Certainly others who are opposed to this view will have their opportunity to speak.

For the moment, I wish to state to the Senator that he is rendering an outstanding service in the very considered and learned judgment which he is presenting today. It is most sitmulating and provocative. I see real practicability in the approach he is inaugurating as a stage in the legal consideration of this particular problem.

My colleague has opened a new avenue, a new vein of legal thought in respect to the problem, which may well prove to be a real innovation and most productive. I am delighted he has done so. It is quite typical of his work in the Senate.

I add my approval and praise as a lawyer, as well as a Senator, to the most interesting thesis, which may well prove to be most significant and an outstandingly important precedent.

Mr. KEATING. I am very grateful to my colleague from New York, who, as we all know, has been one of the great fighters for a change in rule XXII ever since he has been a Member of this body. I appreciate his remarks also because he is a distinguished lawyer.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield to my colleague.

Mr. SCOTT. I have listened with great interest, not only as a Member of this body but also as a lawyer, to the Senator's elucidation of what can be described as an exploration of the effect of minority rule as it has developed under the operation of rule XXII. It is extremely interesting to note that the very able Senator in pointing out proposed legislation is in fact defeated when matters of substance are concerned, not merely matters of form, by the operation of the rule.

The Senator is a very distinguished lawyer, with a reputation not only in his own city and State but also nationally because of long experience on the Judiciary Committees of this body and of the other body. He is making an extremely important contribution to the body of information which will confront the Vice President of the United States, as President of the Senate, when the rulings will have to be made.

I believe Senators are and should be very grateful to the Senator from New York for his research, for the close reasoning involved in the statement which he is presently making, and for the addition to our knowledge which this reasoning involves.

I thank the Senator for the statement he is making and for giving me an opportunity to comment.

Mr. KEATING. I am very grateful to my colleague from Pennsylvania for his remarks. I am proud that he was interested enough in the legal argument I am making to give it the study he apparently has given it. I know his desire to effect a meaningful change in rule XXII is the same as mine. The Senator has stood shoulder to shoulder with those of us working to restore fair procedures in the Senate, and I am grateful for his comments.

Mr. SCOTT. The Senator well understands that my feeling in this whole problem is parallel to and in solid support of the purpose which the junior Senator from New York has in mind, as well as the purpose expressed on many occasions by the senior Senator from New York.

Mr. KEATING. I realize that, and I thank the Senator.

Mr. KUCHEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FEDERAL AIRPORT ACT—CONFERENCE REPORT

Mr. MONRONEY. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8102) to amend the Federal Airport Act so as to extend the time for making grants under the provisions of such act, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Sept. 13, 1961, p. 19221, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the House recede from its disagreement to the amendment of the Senate to the bill (H.R. 8102) entitled "An Act to amend the Federal Airport Act so as to extend the time for making grants under the provisions of such Act, and for other purposes", and concur therein with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert: "That section 4 of the Federal Airport Act (49 U.S.C. 1103) is amended by inserting '(a)' immediately after 'SEC. 4.' and by adding at the end thereof the following new subsection:

"'Announcement of Program

"'(b) It shall be the duty of the Administrator to make public by January 1 of each year the proposed program of airport development intended to be undertaken during the fiscal year next ensuing, and he may revise such program to the extent he finds necessary to accomplish the purposes of this Act.'

"SEC. 2. (a) Section 5 of such Act (49 U.S.C. 1104) is amended by redesignating subsection (d) as subsection (e), and by inserting immediately after subsection (c) the following new subsection:

"'Appropriation Authorization for Projects

"'(d)(1) For the purpose of carrying out this Act with respect to projects in the several States, in addition to other amounts authorized by this Act, appropriations amounting in the aggregate to $199,500,000 are hereby authorized to be made to the Administrator over a period of three fiscal years, beginning with the fiscal year ending June 30, 1962. Of amounts appropriated under this paragraph, $66,500,000 shall become available for obligation, by the execution of grant agreements pursuant to section 12, beginning July 1 of each of the fiscal years ending June 30, 1962, June 30, 1963, and June 30, 1964, and shall continue to be so available until expended.

"'(2) For the purpose of carrying out this Act with respect to projects in Hawaii, Puerto Rico, and the Virgin Islands, in addition to other amounts authorized by this Act, appropriations amounting in the aggregate to $4,500,000 are hereby authorized to be made to the Administrator over a period of three fiscal years, beginning with the fiscal year ending June 30, 1962. Of amounts appropriated under this paragraph, $1,500,000 shall become available for obligation, by the execution of grant agreements pursuant to section 12, beginning July 1 of each of the fiscal years ending June 30, 1962, June 30, 1963, and June 30, 1964, and shall continue to be so available until expended. Of each such amount, 40 per centum shall be available for projects in Hawaii, 40 per centum shall be available for projects in Puerto Rico, and 20 per centum shall be available for projects in the Virgin Islands.

"'(3) For the purpose of developing, in the several States, airports the primary purpose of which is to serve general aviation and to relieve congestion at airports having high density of traffic serving other segments of aviation, in addition to other amounts authorized by this Act for such purpose, appropriations amounting in the aggregate to $21,000,000 are hereby authorized to be made to the Administrator over a period of three fiscal years, beginning with the fiscal year ending June 30, 1962. Of amounts appropriated under this paragraph, $7,000,000 shall become available for obligation, by the execution of grant agreements pursuant to section 12, beginning July 1 of each of the fiscal years ending June 30, 1962, June 30, 1963, and June 30, 1964, and shall continue to be so available until expended.'

"(b) Subsection (e) of such section 5 (as so redesignated by subsection (a) of this section) is amended by striking out 'section 204 of the Civil Aeronautics Act of 1938 (49 U.S.C. 424)' and inserting in lieu thereof 'subsection (a) of section 303 of the Federal Aviation Act of 1958 (49 U.S.C. 1344 (a))'.

"SEC. 3. (a) Section 6(a) of such Act (49 U.S.C. 1105(a)) is amended to read as follows:

"'Apportionment of funds

"'SEC. 6. (a) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated by section 5(a) or 5(d)(1), 75 per centum of the amount made available for that year shall be apportioned by the Administrator among the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States. Each amount so apportioned for a State shall, during the fiscal year for which it was first authorized to be obligated and the fiscal year immediately following, be available only for grants for approved projects located in that State, or sponsored by that State or some public agency thereof but located in an adjoining State, and thereafter any portion of such amount which remains unobligated shall be redistributed as provided in subsection (c) of this section. Upon making an apportionment as provided in this subsection, the Administrator shall inform the executive head of each State, and any public agency which has requested such information, as to the amounts apportioned for each State. As used in this subsection, the term "population" means the population according to the latest decennial census of the United States and the term "area" includes both land and water.'

"(b) Paragraph (1) of section 6(b) of such Act (49 U.S.C. 1105(b)(1)) is amended to read as follows:

"'(b) (1) Twenty-five per centum of all amounts authorized to be obligated by sections 5(a) and 5(d)(1) and one hundred per centum of all amounts authorized to be obligated by section 5(d)(3) shall, as such amounts become available, constitute a discretionary fund.'

"(c) Pargaraph (2) of section 6(b) of such Act (49 U.S.C. 1105(b)(2)) is amended to read as follows:

"'(2) Such discretionary fund shall be available for such approved projects in the several States, Puerto Rico, and the Virgin Islands as the Administrator may deem most appropriate for carrying out the national airport plan, regardless of the location of such projects. The Administrator shall give consideration, in determining the projects for which such fund is to be so used, to the existing airport facilities in the several States, Puerto Rico, and the Virgin Islands, and to the need for or lack of development of airport facilities in the several States, Puerto Rico, and the Virgin Islands."

"(d) Paragraph (3) of section 6(b) of such Act (49 U.S.C. 1105(b)(3)) is amended by striking out 'and national forests' and inserting in lieu thereof 'national forests, and special reservations for Government purposes'.

"(e) Section 6(c) of such Act (49 U.S.C. 1105(c)) is amended to read as follows:

"Redistribution of Funds

"'(c) Any amount apportioned for projects in a State pursuant to subsection (a) of this section which has not been obligated by grant agreement at the expiration of the two fiscal years for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of this section.'

"SEC. 4. Section 9(d) of such Act (49 U.S.C. 1108(d)) is amended by inserting '(1)' immediately after '(d)' and by adding at the end thereof the following new paragraphs:

"'(2) No project shall be approved by the Administrator which does not include provision for installation of such of the landing aids specified in section 10(d) as are determined by him to be required for the safe and efficient use by aircraft of the airport, taking into account the category of the airport and the type and volume of traffic utilizing the airport.

"'(3) No project shall be approved by the Administrator unless he is satisfied that fair consideration has been given to the interest of communities in or near which such project may be located.'

"SEC. 5. (a) Section 10 of such act (49 U.S.C. 1109) is amended by striking out subsection (e) and inserting in lieu thereof the following:

"'Landing Aids

"'(d) To the extent that the project costs of an approved project represent the cost of (1) land required for the installation of approach light systems, (2) in-runway lighting, (3) high intensity runway lighting, or (4) runway distance markers, the United States share shall be not to exceed 75 per centum of the allowable costs thereof.'

"(b) Subsection (a) of such section 10 is amended by striking out '(d), and (e)' and inserting in lieu thereof 'and (d)'.

"SEC. 6. (a) Paragraph (5) of section 11 of such Act (49 U.S.C. 1110(5)) is amended to read as follows:

"'(5) the airport operator or owner will furnish without cost to the Federal Government for use in connection with any air traffic control activities, or weather-reporting activities and communication activities related to air traffic control, such areas of land or water, or estate therein, or rights in buildings of the sponsor as the Administrator may consider necessary or desirable for construction at Federal expense of space or facilities for such purposes;'.

"(b) Section 11 of such Act is further amended by adding at the end thereof the following new sentence: 'Whenever the Administrator shall obtain from a sponsor any area of land or water, or estate therein, or rights in buildings of the sponsor and shall construct thereon at Federal expense space or facilities, he is authorized to relieve the sponsor from any contractual obligation entered into under this Act to provide free space in airport buildings to the Federal Government to the extent he finds such space no longer required for the purposes set forth in paragraph (5) of this section.'

"SEC. 7. Section 13(b) of such Act (49 U.S.C. 1112(b)) is amended to read as follows:

"'Costs Not Allowed After June 30, 1961

"'(b) With respect to amounts obligated under this Act after June 30, 1961, the following shall not be allowable project costs: (1) the cost of construction of that part of a project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction of any part of an airport building except such of those buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport.'

"SEC. 8. (a)(1) Paragraph (7) of section 2(a) of such Act (49 U.S.C. 1101(a)(7)) is amended by striking out 'Alaska, Hawaii,';

"(2) Paragraph (12) of section 2(a) of such Act (49 U.S.C. 1101(a)(12)) is amended by striking out 'on May 13, 1946,'.

"(b) Section 3(a) of such Act (49 U.S.C. 1102(a)) is amended—

"'(1) by striking out "Alaska, Hawaii, and" where it appears in the first sentence thereof; and

"'(2) by striking out "Alaska, Hawaii," in the third sentence thereof.'

"(c)(1) The heading of section 7 of such Act (49 U.S.C. 1106) is amended to read as follows:

"'AVAILABILITY OF FUNDS FOR PROJECTS IN PUERTO RICO AND THE VIRGIN ISLANDS'

"(2) The text of section 7 of such Act is amended by striking out 'Alaska, in Hawaii, or in Puerto Rico,' and inserting in lieu thereof 'Puerto Rico'.

"(d) Section 9(c) of such Act (49 U.S.C. 1108(c)) is amended by striking out 'Alaska, Hawaii,' and by inserting before the period at the end thereof the following: ', or a special reservation for Government purposes'.

"(e) Section 10(c) of such Act (49 U.S.C. 1109(c)) is amended by striking out 'Alaska and' where it appears in the heading and in the text of such section.

"SEC. 9. Section 1109 of the Federal Aviation Act of 1958 (49 U.S.C. 1509) is amended by adding at the end thereof the following new subsection:

"'(e) There are authorized to be appropriated such sums as may be necessary to enable the head of any department or agency of the Federal Government charged with any duty of inspection, clearance, collection of taxes or duties, or other similar function, with respect to persons or property moving in air commerce, to acquire such space at public airports (as defined in the Federal Airport Act) as he determines, after consultation with the Administrator of the Federal Aviation Agency, to be necessary for the performance of such duty. In acquiring any such space, the head of such department or agency shall act through the Administrator of General Services in accordance with the procedures established by law which are generally applicable to the acquisition of space to be used by departments and agencies of the Federal Government.'

"SEC. 10. The amendments made by this Act shall not apply with respect to projects for which amounts have been obligated by the execution of grant agreements before their enactment. With respect to such projects, the Federal Airport Act shall continue to apply as if this Act had not been enacted."

Mr. MONRONEY. Mr. President, I should like to give the Senate a brief account of what occurred in the conference on the disagreeing votes of the two Houses on this measure. The bill as passed by the House provided authorizations in the total amount of $325 million, of which not more than $75 million when appropriated could be obligated each year by the execution of grant agreements for airport development. This, of course, represents a return to the process of annual appropriations, under which funds for this program were provided between 1947 and 1955.

I might say parenthetically that in practically none of these years was the full amount of the authorization allowed by the Appropriations Committee, and in 1954 they diminished to the vanishing point.

The Senate bill provided the same rate and period of expenditure, $75 million a year for 5 years or a total of $325 million, but continued the present authority of the Administrator to enter into grant agreements to be liquidated by subsequent appropriations. An amendment by the Senator from Wisconsin [Mr. PROXMIRE] to substitute the House provisions for those in the Senate bill was defeated on the floor of the Senate by a vote of 73 to 9.

I think the subsequent conference between the two Houses was marked by a genuine effort to reach a compromise between the two bills. The House conferees in effect accepted all of the substantive changes in the program that had been recommended by the Senate. For example, they recognized the justice and agreed to the inclusion of the State of Hawaii in the special funds provided for insular areas and for a related provision making Puerto Rico and the Virgin Islands eligible for discretionary funds.

They agreed to the technical, but important, change recommended by the Senators from Alaska which would permit the Department of the Interior to act as sponsor for airport projects for special reservations for Government purposes.

They accepted the amendment, sponsored by the Senators from New York, adding an even more specific requirement to the act that the Administrator satisfy himself that local views have been heard in connection with proposed projects.

The House accepted the Senate's recommendation that the heads of Government departments charged with inspection functions be authorized to lease space at airports and recommended changes in language which substantially improved this section.

However, on the matter of the method of financing, the House conferees remained adamant. The Senate conferees offered to consider contract authority for a shorter term. We offered to consider a compromise provision which would have retained contract authority but would have provided for a review of the proposed airport program by the Appropriations Committees of both Houses prior to the execution of grant agreements. Neither of these compromises commanded the support of a majority of the House conferees.

I should comment in this connection that the attitude of the managers on the part of the House should not be construed as representing any antagonism to or lack of interest in the airport program. I believe they were influenced by two considerations. First, the conviction that the overwhelming sentiment in the House was to return to a system of annual appropriations. Second, the assurance which they had been given by the gentleman from Texas [Mr. THOMAS], chairman of the Subcommittee on Appropriations for Independent Offices, that he would do his best to insure advanced funding for this program.

Being unable to agree on the method of financing, the conferees finally determined that they would report disagreement and that the House conferees would seek further instructions from the House.

Yesterday the House, by a vote of 396 to 4, adopted a motion by the House committee that the House concur in the Senate amendment with an amendment. The proposed amendment incorporates all of the agreed provisions to which I have referred, and provides a 3-year authorization of $225 million with $75 million to become available for obligation each year. During the course of the debate, the gentleman from Mississippi [Mr. WILLIAMS], chairman of the Transportation Subcommittee of the House Committee on Interstate and Foreign Commerce, made the following statement in behalf of the gentleman from Texas [Mr. THOMAS], chairman of the Subcommittee on Appropriations for Independent Offices:

> There was some concern expressed on the part of Members regarding the question of whether or not sufficient leadtime will be given by the Appropriations Committee in order to permit a system of orderly planning in the development of this program. I do not see the chairman of the Subcommittee of Appropriations on the floor at the moment. However, I may say that he has authorized me to inform the House that he will recommend appropriations for a minimum of 2 years, which should meet the needs for advanced planning time, which need was established in testimony of witnesses before our subcommittee.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MONRONEY. I am happy to yield to the distinguished Senator, who is the ranking Republican member of the subcommittee.

Mr. COTTON. I should like to commend the chairman of the subcommittee and the chairman of the conferees on the part of the Senate, as well as my colleague from Kansas and the other Members, but particularly the chairman for the determined, patient, and yet tactful way in which he did his level best to get the House conferees to agree to the Senate version. We were all united in that effort. I also agree with him that the attitude of the House conferees was one of consideration of the Senate's viewpoint, but that they were devoted—and I have considerable sympathy with their viewpoint—to the system of annual appropriations, from which we have wandered in many instances.

The report which is brought back to the Senate and which the Senator is outlining to the Senate must undoubtedly be accepted, if we are to have an airport bill.

However, in view of what the Senator has just read, a quotation from the representative of the chairman of the Independent Offices Subcommittee in the House, I should like to ask the distinguished Senator from Oklahoma a question. From his conversation and his conferences with the House, his knowledge of the attitude of the Appropriations Committee of the House, and knowing that it is quite important for our cities and municipalities to have some assurance with respect to floating their bonds in advance on these projects, how far in advance does he think we can actually hope for forward funding on the part of the Committee on Appropriations?

Mr. MONRONEY. I thank my distinguished colleague from New Hampshire. In response to his question, he, as well as all the members of the committee, recognizes that as long as 3 years are required, from the time a city first decides to float bonds, to pass the bond authorization, have the bonds approved by the State approving authority, draw the plans, and submit the application for Federal funds, before a grant is made, contracts are let, and the work is put in progress.

That is the reason we felt that contract authorization, providing a commitment as to the amount of Federal funds which would be available for 3 or 4 years in advance, was in the interest of the Federal Government. That system has resulted in economy, in better planned projects, in better spacing of the work so that it could be done most economically. It was for these reasons, as the distinguished Senator from New Hampshire knows, that we insisted, as far as was humanly possible, on advance contract authority. We now have a bill sent back to us which provides for annual appropriations for only 3 years. I think perhaps this is more manageable, as we can probably more easily guarantee that we have adequate funding to carry out a 3-year program.

I refer again to what was said by the distinguished chairman of the Transportation Subcommittee of the House Committee on Interstate and Foreign Commerce, the gentleman from Mississippi, Representative JOHN BELL WILLIAMS, quoting the chairman of the Subcommittee on Appropriations for Independent Offices:

> However, I may say that he—

He refers to Representative ALBERT THOMAS, the chairman of the Subcommittee on Appropriations—

> has authorized me to inform the House that he will recommend appropriations for a minimum of 2 years, which should meet the needs for advanced planning time, which need was established in testimony of witnesses before our subcommittee.

Therefore, I believe we have a chance to determine immediately, as the last

supplemental bill comes before the Senate, whether the Appropriations Committees are willing to properly fund this entire program.

If the full amount is appropriated this will not mean that we will spend the full amount in 1 year, but we will insure that it is available for commitment so that cities can make plans. It will remain in the Treasury, and much of it will not be spent for 2 or 3 years. So it will not be an immediate drain on the Treasury. We will accede to the demand of the House for appropriations, in advance of obligation, but by advance funding we will still permit an adequate continuation of a program which cannot work without some guarantee of a steady level of funding.

So I express the hope that when the supplemental bill comes before the Senate, those of us who are on both the Appropriations Committee and the Commerce Committee—the distinguished chairman of the Commerce Committee and of the Subcommittee on Independent Offices Appropriations [Mr. MAGNUSON], the distinguished ranking Republican member of the Commerce Committee, the Senator from Kansas [Mr. SCHOEPPEL], and the present speaker will try to secure adequate forward funding, for 3 years if that is permitted by the members of the Committee on Appropriations.

Mr. COTTON. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I am happy to yield.

Mr. COTTON. I am pleased to hear the opinion of the distinguished Senator from Oklahoma on this point. He is in a position, because of his committee membership and his long and careful conferences with the other body, to enable us to feel a good deal of assurance that his judgment in this matter will prove to be correct.

Is it not also true that in the conference between the House and the Senate the distinguished Member of Congress from Mississippi, Representative JOHN BELL WILLIAMS, was—and we respect him for it—perhaps the most determined of all the conferees on the proposal to retain the appropriations method; and if the Senate concurs in this solution, the fact that he was the one, on the floor of the House, to indicate that on their part there will be cooperation in funding ahead by the Committee on Appropriations, and the fact that assurance came from Representative THOMAS, whom we all respect, through Representative BELL, is added assurance that we can hope to receive full cooperation in the funding ahead of the program?

Mr. MONRONEY. I quite agree. Knowing both of those gentlemen, and knowing of the commitment which Chairman THOMAS authorized Congressman WILLIAMS to make, I think the Senate can be assured that there will be at least 2 years of forward financing. On that basis, we have minimum assurance of 2 years; and if in the wisdom of the House and Senate Committees on Appropriations it can be justified, in conference we can perhaps secure full forward funding, which gives the House that which it wishes to have, and still retains the benefits of the former system of contract authorization, which the House bill abandons.

I have repeatedly made clear that I regard the return to a system of annual appropriations as a regressive and unfortunate decision. The necessity for advance planning and provision of funds by cities under this program creates problems of a unique kind which the system of advanced contract authority is ideally designed to solve. The system was adopted for this program after a very successful experience under it in the case of the highway program; and after a very unsuccessful experience with annual appropriations for the airport program. All of this we have discussed today and in even greater detail in connection with the Proxmire amendment, which was defeated after receiving only nine votes.

The program of contract authorization has worked well and has been subject to no abuse. There is, in my opinion, no valid reason to abandon it. I believe to do so creates unnecessary difficulties in maintaining the continuity of this vital program.

However, while it is the more difficult method, it is also true, as I have indicated earlier, that a system of annual appropriations can work satisfactorily if the Congress will appropriate funds sufficiently far in advance of the year in which they are authorized to be obligated to permit the cities to plan intelligently to participate in the program. I have referred to the commitment made on the floor of the House that a minimum of 2 years of advance financing will be provided. This is certainly the minimum in view of the fact that the program expired on June 30 of this year and we are now halfway through the first of the 2 years and a full year past the time when projects should normally have been submitted. We are even somewhat past the time when projects would normally be submitted for the second of the 2 years. If the system of annual appropriations is to work, it will be necessary to stay at least 2 years ahead in our appropriations, and funds for the full 3 years authorized in the House amendment should be appropriated this year.

I would say to the Senate, which has so consistently supported this fine program, that, in my opinion, the Members of the House of Representatives have undertaken a very heavy responsibility of insuring that this program is funded far enough in advance so that the method of financing which they have adopted does not completely prevent its successful operation.

However, I believe that we have no alternative but to concur in the House proposal. I believe we are in the same situation which we were in in connection with the education bills on which the Senate acted 2 days ago, and that is that a further conference with the House would entail serious risks that this program would not be extended at all. Action on the authorization must be completed before appropriations can be provided. The last supplemental appropriation bill has already been reported in the House. We are near adjournment, and we have no assurance that the House would even agree to a conference or that it would be permitted to do so by the Rules Committee, if it sought to agree.

I will say frankly to the Members of the Senate that if we are to return to a system of annual appropriations, I personally prefer to do so on a 3-year basis rather than on a 5-year basis, as this will give us an opportunity to see whether sufficient advance appropriations will be provided if they are not provided, then I think the Congress will have no alternative but to squarely face the choice between an airport program which will work or no airport program at all. Mr. President, I reluctantly move that the Senate concur in the amendment of the House to the bill H.R. 8102.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma that the Senate concur in the amendment of the House.

The motion was agreed to.

LOS ANGELES TIMES ARTICLES ON AMERICANS FOR DEMOCRATIC ACTION

Mr. KUCHEL. Mr. President, I have just finished reading a highly interesting series of articles relating to Americans for Democratic Action, written by Mr. Robert Hartmann, the distinguished Washington bureau chief of the Los Angeles Times. So far as I know, they represent the first rather extensive study of this unique American political organization which is composed mainly of members of the Democratic Party. Many ADA members are now serving in the executive branch of the Kennedy administration.

Mr. Hartmann's articles discuss the history of Americans for Democratic Action; its goals, and the methods it pursues in endeavoring to advance them; its impact on the New Frontier; and some opinions, both favorable and unfavorable, concerning ADA and its labors.

I must add that the articles disclose that ADA is becoming increasingly interested in the politics of California, which, to some of us, constitutes another reason why Mr. Hartmann's articles are required reading.

The Times correctly states that "any national organization with a political purpose is of paramount interest."

With that statement, I am sure all Senators agree.

Mr. Hartmann's articles are written in a highly readable fashion. He has endeavored to be completely objective. I have no doubt that the interest I found in them will be shared by Senators on the other side of the aisle as well as by my Republican brethren on this side. ADA is a fact of life on the American political scene.

Mr. President, I ask unanimous consent that the texts of the seven articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

LOYALTY OATH IS REQUIRED IN ADA—GROUP EXCLUDES ALL TOTALITARIANS IN DRIVE FOR EXPANDING DEMOCRACY

(By Robert T. Hartmann)

WASHINGTON.—"Americans for Democratic Action is not a mass organization," the liberal magazine New Leader observed 4 years ago. "It counts because of its quality. The common quality shared by all the group is the eagerness to do their share in seeing that the world is run right."

How does ADA propose to run the world, given the chance?

Every applicant for membership must subscribe without reservation to ADA's creed taken from its 1950 constitution, which affirms:

"We believe that rising living standards and lasting peace can be attained by democratic planning, enlargement of fundamental liberties and international cooperation. We believe that all forms of totalitarianism, including communism, are incompatible with these objectives. In our crusade for an expanding democracy and against fascism and reaction we welcome as members of ADA only those whose devotion to freedom is unqualified."

NEW MEMBERS

ADA prefers that new members be sponsored by a going ADA chapter or another ADAer, refers unknown applicants to known ADA contacts for investigation, and finally to its national executive board for approval.

Its bylaws provide for expansion of those who dishonor their vows, but the national ADA has never used this power and neither National Chairman Samuel H. Beer nor National Director Mrs. Violet Gunther recalls any ideological purges "except in a few instances at the chapter level," the details of which they did not supply.

In this study, I found none in the public record, nor any proven Communists (except self-confessed disillusioned former fellow-travelers) in ADA's ranks.

The keynote of ADA's loyalty oath cited above, however, is not so much its negative disavowal of totalitarianism as the positive goals set forth in its first sentence, especially "democratic planning."

Planning is the panacea that runs through all ADA literature and what is meant by "democratic planning" is not individual or family or corporate planning but government planning.

ADA policy is theoretically made by chapter delegates and members-at-large who attend the annual spring conventions in Washington. They debate and adopt resolutions on a wide variety of foreign and domestic topics very much the way political parties approve a platform. And the result is equally dull, though not as thoroughly disregarded.

CALLS FOR DISARMING

The 1961 ADA policy statement calls for total disarmament under U.N. controls, inclusion of Peiping and Paris in nuclear talks, a U.N. army to keep the peace, immediate initiation of negotiations for U.S. recognition of Red China and its admission to the United Nations as China (i.e., with a Security Council veto) and a plebiscite on Formosan independence or reunion with the Communist mainland.

ADA also seeks removal of all U.S. trade and passport barriers with Red China and food surplus shipments to the Communist Chinese, less stress on military aid for free Asia, a neutral Laos as part of a neutral buffer zone, long-term assistance to India's economic planning, support for NATO (except for Portuguese colonialism) but no atomic arms to U.S. allies, continuing integration of the Atlantic Community, support for Latin American social and economic reforms and a hands-off policy toward Cuba.

ADA's current platform opposes U.S. resumption of nuclear tests on the one hand and the Soviet plan for three-headed "troika" control of all international agencies on the other. It condemns the "U.S. fiasco in Cuba" as morally wrong and self-defeating.

Among its domestic planks ADA stresses fulfillment of the civil rights pledges of the 1960 Democratic platform (largely shaped by ADA founders Chester Bowles and Joseph L. Rauh, Jr.) which include a Federal FEPC, full voting rights and integration of both public and private housing and all federally assisted schools.

PUBLIC SCHOOL AID

It advocates Federal aid to public schools at all levels, but none to private schools at any level except scholarships for needy students and research grants to colleges and universities.

ADA calls for the removal of Gen. Joseph Swing as chief of the Immigration Service, drastic overhaul of the McCarran-Walter Act, no Justice Department or local wiretapping in any form, home rule for the District of Columbia, more urban renewal and planning in all cities, freedom of governmental information, liberalization of the Hatch Act which forbids politicking by lower-echelon Federal employees, and direct popular elections for President and Vice President.

For all the ADA's fetish about flexibility and changing with the times, its latest policy platform is strikingly like the first. With a few explosive exceptions, the resolutions were approved by voice vote of the convention exactly as they came from drafting committees of top ADA founders and perennial officers, also little altered over the years.

NOTHING FURTIVE

It is within this group, ADA's executive committee of 19 and 79-member national board, that policies are really formed. There is nothing furtive about this—the ADA bylaws plainly provide that these officials, collectively or if need be individually, may speak for ADA between conventions. This they often do.

Their policy declarations are issued by national headquarters in the form of press releases, letters to chapters, testimony before Congress, publication in pamphlets or in the monthly ADA World, a tabloid-sized four- or eight-page newspaper with a paid circulation of 48,600.

Edited by David C. Williams, ADA's education and research director, the ADA World accepts no advertising.

The ADA World regularly runs the Washington Post's talented Herblock's cartoon which his syndicate supplies for a nominal fee—he has never been a member of ADA, according to Mrs. Gunther, but is considered a friend.

Thumbing through old files of ADA World, one notes an early inspection of Senator Kennedy in January 1959, by the Philadelphia chapter, and a cable from ADA congratulating provisional President Urrutia on Castro's overthrow of Batista, but urging orderly trials.

An April editorial called for Red China's admission to the United Nations despite its "brutal repression of the people of Tibet." The first 1960 issue exults over ADA Mayor Richardson Dilworth's trouncing of Harold Stassen in Philadelphia and complains of "the low-blow campaign waged by 'Childe Harolde.'"

As the campaign year progressed, ADA deplored Governor Rockefeller's withdrawal, toed a tight line between Kennedy and HUMPHREY in the primaries but offered both, plus Adlai Stevenson, the use of ADA's master mailing list. No less than 130 ADA members were delegates to the Democratic National Convention, holding key platform drafting and rules committee jobs, the paper boasted. A headline of the October issue, quoting ADA vice chairman and Kennedy adviser, Arthur M. Schlesinger, Jr., confidently proclaimed:

"War and Religion Last Nixon Hopes."

PARALLEL CAREERS

Richard M. Nixon and ADA have had curiously parallel careers, mutually hating but nevertheless helping each other since their simultaneous appearance on the political stage. Nixon's first election opponent was an ADA founder, Representative H. Jerry Voorhis; for the Senate, he defeated Congresswoman Helen Gahagan Douglas, then a member of ADA's national board; he campaigned against ADA and/or Adlai Stevenson in four national elections, finally losing to a nonmember surrounded by ADA tutors.

Since Senator McCarthy's decline and death, anti-Nixonism has been as much an article of ADA faith as anti-McCarthyism and anti-Wallaceism were in previous periods.

Schlesinger's 1960 tract, "Kennedy or Nixon?" was mainly an elegant elongation of an anonymous ADA pamphlet, "The Second Man," which appeared during their savage encounter in 1956 when ADA enthusiastically boarded Stassen's "dump Nixon" monocycle. The idea, which liberals deplored in others, was to concentrate on the enemy's character (or lack of any) rather than his record or his views.

EMPHASIS SHIFTS

Currently, ADA is without an arch-adversary, so its emphasis has shifted back to civil rights and civil liberties. Curiously, the guilty party here is none other than the President's brother, Attorney General Robert F. Kennedy, his closest non-ADA adviser, who favors wiretapping and is moving too slowly against segregation to suit ADA.

In 1958, Republican supporters of Nixon replied to ADA's "The Second Man" salvo with an equally anonymous staff study by the Senate Republican Policy Committee, headed by Senator STYLES BRIDGES, Republican, of New Hampshire. This well-documented but partisan 109-page document found no card-holding Communists in ADA, and the worst charge it could make was that early membership was "a purification rite" for liberals who had long and knowingly collaborated with the Moscow-disciplined comrades.

THE ADA: ITS IMPACT ON THE NEW FRONTIER—ONCE ALOOF FROM KENNEDY, IT STAFFS HIS ADMINISTRATION

(By Robert T. Hartmann)

WASHINGTON.—"I'm not a liberal at all," protested John F. Kennedy soon after becoming a Senator in 1953. "I never joined the Americans for Democratic Action, I'm not comfortable with those people."

Eight years ago, American liberals were not very comfortable with the young Senator, either. Taking their cues from Mrs. Eleanor Roosevelt, honorary national chairman of ADA, most of their hearts belonged to Adlai in that bitter winter of Republican restoration. They also deeply distrusted the open association of Senator Kennedy's rich father and that other Joe, ADA's particular pet hate, Senator McCarthy, Republican, of Wisconsin.

Last May, as the 14th national convention of Americans for Democratic Action met in the Mayflower Hotel to celebrate the recapture of Washington by the Democrats, National ADA Chairman Samuel H. Beer reported that "ADA can be proud of the role it played in the election of John F. Kennedy."

LETTER OF WELCOME

And for the first time in 8 years there was a letter of welcome to Washington on White House stationery hailing "liberals as today's minutemen leading the way" in the "democratic social revolution as against the revolutions of nihilism and totalitarianism."

Professor Beer, of Harvard's Department of Government, credited a 21-percent upsurge in ADA membership (to about 50,000) to "our new respectability, with so many of our leaders prominent in the New Frontier."

The roster of past and present members of ADA who occupy key appointive posts in the Kennedy administration is even more impressive because so few of them boarded the Kennedy bandwagon before Los Angeles, coming (as New York Post editor and ADA founder James Wechsler told the 400 delegates) "reluctantly and perhaps grudgingly to Mr. Kennedy's side."

Let us start with the White House, the pivot of power.

SPECIAL COURSE

Theodore C. Sorensen, 33, special counsel to the President and his closest confidant outside the family circle, was active in ADA's campus auxiliary, Students for Democratic Action, at the University of Nebraska, where he topped his class.

He later joined ADA, but told the Times he dropped all such affiliations, for Kennedy's sake, 5 or so years ago. When Mr. Kennedy came fresh to the Senate he hired Sorensen on the recommendation of Senator PAUL DOUGLAS, Democrat, of Illinois, and DOUGLAS' top aid, Frank W. McCulloch, both ADA founders. Since then Sorensen (who researched Mr. Kennedy's Pulitzer Prize book, "Profiles in Courage," and masterminded his presidential strategy) has been the President's alter ago.

Arthur M. Schlesinger, Jr., 43, administrative assistant to the President, is a former national ADA chairman, a current vice chairman, a founder of the organization and one of its most active and articulate prophets.

STEVENSON ADVISER

Also a Pulitzer winner, described by fellow ADA'ers as "the egghead's egghead," Harvard historian Schlesinger was a chief Stevenson adviser and speechwriter in 1952 and 1956. He joined the Kennedy braintrust in 1960 and wrote a cutting campaign tract against Vice President Nixon.

Harrison L. Wooford, special assistant to the President on civil rights, is a former ADA member. Operating in this area at the White House prior to his recent resignation was Frank D. Reeves, another ADA'er, whose nomination by President Kennedy to be the first Negro Commissioner of the District of Columbia was withdrawn when it was disclosed his own District of Columbia taxes were in default.

At the State Department ADA friends in and out of Government recently rallied around to save the key assignment of Under Secretary of State Chester Bowles, former price administrator, Connecticut Governor, Congressman, advertising executive, chairman of the 1960 Democratic Platform Committee and one of ADA's founding fathers.

Bowles' special assistant, Mrs. Katie Louchheim, formerly vice chairman of the Democratic National Committee, is a former ADA member, as are two assistant secretaries of state, ex-Michigan Gov. G. Mennen (Soapy) Williams (for African affairs) and Philip H. Coombs (for educational and cultural affairs). The U.S. representative on the United Nations Trusteeship Council, Jonathan B. Bingham, also is an ADA alumnus.

Two of President Kennedy's toughest ambassadorial assignments to crucial cold war battlegrounds went to longtime ADA policymakers. Harvard economics professor, J. Kenneth Galbraith, who captained the intellectual backfield in the Kennedy campaign, went to India as the U.S. contact with Prime Minister Nehru, a fellow disciple of Keynesian economic theory. Galbraith was an ADA founder and former deputy of Bowles in OPA.

James Loeb, Jr., Ambassador to Peru, was also a founder and from 1947 to 1951 the full-time paid executive secretary of ADA. Before that Loeb held the same position with a parent liberal group, Union for Democratic Action (UDA), set up in New York City before World War II to fight nazism and U.S. isolationism.

RECORD NOT CLEAR

Adlai Stevenson, U.S. Ambassador to the United Nations, has a relationship with ADA that is tender and enduring but something less than formal marriage. The record is unclear. ADA World, the official house organ, identified Stevenson as "one of the original founders of ADA" when he won the Illinois governorship in 1948, and as a Presidential prospect 4 years later called him a charter member of ADA. Stevenson's name does not appear on the list of founders submitted by ADA during a 1950 congressional lobbying probe, which I have taken as authoritative. And Stevenson himself wrote conservative Senator MCCARRAN, Democrat, of Nevada, in 1952: "As for ADA, I have never been a member of it."

In an effort to resolve this contradiction, the Times asked both ADA headquarters and Ambassador Stevenson for clarification. His U.N. assistant, Clayton Fritchie, replied by wire: "Stevenson out of country. My personal recollection is that he was not a member of either" (ADA or IVI, its Illinois affiliate which drafted him into politics.)

National ADA Director Violet M. Gunther stated: "Adlai Stevenson has never been a member of ADA. He did attend one convention as a nonvoting guest and has, of course, spoken to ADA meetings." He has had ADA's warm support in both his Presidential campaigns.

A FORMER MEMBER

In the realm of labor policy, ADA holds some strategic command posts. Secretary of Labor Goldberg is a former member, and President Kennedy named the chairman of ADA's national executive committee, McCulloch, as the new Chairman of the National Labor Relations Board.

Assistant Secretary of Labor (for international labor affairs) is George L. P. Weaver, another ADA founder and former head of the CIO Committee to Abolish Discrimination. Though President Kennedy did not appoint Weaver until July to succeed George Cabot Lodge, the son of his oldtime Massachusetts rival and 1960 campaign foe, his choice was front paged in the January issue of ADA World—a 6-month scoop.

WOMEN'S BUREAU DIRECTOR

Assistant Secretary of Labor and Director of the Women's Bureau is Mrs. Esther Peterson, an ADA member. So is the Labor Department solicitor, Charles Donahue.

In the key New Frontier Department of Health, Education, and Welfare ADA is represented by Secretary Ribicoff, Assistant Secretary (for legislative affairs) Wilbur J. Cohen, and Mrs. Jim G. Aken, congressional liaison officer—all former members.

Secretary of Agriculture Freeman, former Minnesota Governor and protege of ADA founder and vice chairman Senator HUMPHREY, Democrat, of Minnesota, is an active ADAer. Under Secretary Charles Murphy, an old New Dealer and Truman aid; the Deputy Administrator of price supports, Robert G. Lewis; and Director John A. Baker, of Agricultural Credit Services are all ADA alumni.

Under Secretary of the Treasury Henry H. Fowler and Assistant Postmaster General Frederic C. Belen (in charge of postal operations) are both former ADA members. So is Director Charles H. Stoddard of the Interior Department's technical review staff. The Solicitor General of the United States, Archibald Cox, is a current ADA member. So is the special assistant to the Director of the Civil Rights Commission, William Taylor, since 1959 ADA's paid lobbyist on Capitol Hill.

No top appointments in the Commerce and Defense Departments are held by ADAers, according to ADA headquarters, but the U.S. Ambassador to NATO, Thomas K. Finletter, is a former Air Force Secretary and former member of ADA's national executive board.

President Kennedy's top-ranking Negro appointee, Housing and Home Finance Administrator Robert C. Weaver; his Deputy Administrator, Jack T. Conway, and the HHFA Commissioner of Community Facilities, Sidney H. Woolner, are all ADA alumni.

FPC CHIEF, TOO

Other ADAers named to powerful independent regulatory agencies are Federal Power Commissioner Howard Morgan, Federal Trade Commissioner Philip Elman and former Kansas Gov. George Docking, Director of the Export-Import Bank.

This Who's Who of New Frontier figures, which has been carefully checked with Mrs. Gunther, ADA's national director, and in doubtful cases with the individual concerned, is not exhaustive.

Nor is it cited to prove or disprove that Americans for Democratic Action is (1) a conspiracy to take over the U.S. Government, or (2) an extraordinary magnet for administrative talent.

It can be taken as reasonable proof, however, that President Kennedy has clearly overcome the discomfort he expressed about liberals and the ADA 8 years ago.

But when any 14-year-old organization numbering no more than 50,000 citizens, with a budget of less than $200,000 a year, regarded as an albatross by many Democrats and as anathema by most Republicans, holding no I O U from the presidential winner for his nomination—when any such organization can staff a new administration with 3 White House aids, 3 Cabinet officers, and 31 key administrators in vital areas of finance, labor, civil rights, public works, power, housing, and foreign policy, it is worth looking into.

And thereby hangs a tale—one which tries hard to wag the Democratic donkey—which after 3 months of study I shall try to tell fully and factually in this series.

VIEWS FAR APART ON AIMS OF ADA—CALLED LEFTISTS BY GOP UNIT, IMPERIALISTS BY DAILY WORKER

(By Robert T. Hartmann)

WASHINGTON.—What is ADA—Americans for Democratic Action?

It is easiest to tell briefly what it is not. It is not the American Dental Association, a common error which annoys both groups.

It is not a secret society nor a subversive organization, by law or traditional American ground rules. It is not a political party and not, as commonly believed, an appendage of the Democratic Party.

By its own letterhead definition ADA is "a national, independent liberal organization" and by its constitution ADA proclaims itself "an organization for progressives, dedicated to the achievement of freedom and economic security for all people everywhere, through education and democratic political action."

OPEN TO ANY CREED

It bars Communists, Fascists, and all totalitarians from membership, but is otherwise open to "any person of any race, religion, color or national origin" with $5 annual dues and the approval of ADA's national board.

According to a 1958 Senate Republican policy committee staff study ADA is "a group of leftwing Democrats who hope, as either the senior or junior partner of a labor alliance, to capture the Democratic Party and bring about a system which would amount to national socialism in America."

In the sympathetic but sardonic view of a liberal Democrat of impeccable credentials, who never has joined ADA, it is "an organization whose whole is less than the sum of its parts very dominated by Fabian ideas, the 'thunder on the left' which has become a squeak, leaving an alumni association of old New Dealers who hold annual reunions to reminisce without any political influence except in Pennsylvania."

To the Communist Daily Worker (1948) the fledgling ADA was "the imperialists' fifth column inside the liberal and labor movement" and in 1949 "the confused liberalism that makes up the mish-mash called ADA."

To the 1961 California Senate Subcommittee on Un-American Activities ADA "is in no sense a Communist front, or in any way subversive (but) some of the techniques employed by ADA leaders, and the fact that it has opposed with considerable vigor almost the entire loyalty-security program of the Government have made it the target of considerable criticism."

Clearly, no consensus here. So let us begin at the beginning.

DREARY WINTER

April, 1947, was coming in with dogwood blossoms to brighten what had been for New Deal Democrats a dreary winter of discontent when ADA was born in the old Willard Hotel in Washington.

Republicans and Communists were giving them double trouble. Franklin D. Roosevelt only 2 years in his Hyde Park grave had left them orphans in the postwar storm. They were unsure of Mr. Truman, whose liberalism extended mainly to old cronies who were no more egghead than he.

Sound of lung and full of fight, ADA was born with four voices at a press conference March 30, 1947. The chairman was Wilson Wyatt, ex-housing expediter later to be Adlai Stevenson's campaign manager; another old New Dealer was Leon Henderson, Chairman of President Truman's Council of Economic Advisers; the younger spokesmen were F.D.R.'s namesake son and the new mayor of Minneapolis, HUBERT H. HUMPHREY

HUMPHREY, bursting full blown on the national scene, did most of the talking. He described ADA's aims as "militant political action, from the grassroots right through to the national level, without turning into a third party movement." He stressed ADA's domestic program.

"There seems to be a phobia [sic] in progressive organizations to wrap themselves up in pretzel knots on foreign policy only," HUMPHREY told the reporters.

At the outset ADA stressed its "independent" (not nonpartisan) character, but Franklin D. Roosevelt, Jr., prophetically observed "from the way the Republicans are legislating in Congress, we will be supporting many, many more Democrats than Republicans."

Later ADA testimony suggests that it was formed to purge Moscow-line Communists from the ranks of patriotic liberals. Contemporary news accounts indicate that the election in November 1946, of a Republican 80th Congress triggered the reaction. Certainly Congress became ADA's first concern when it cast off wartime economic controls (run by some ADA founders) and sought to curb labor unions (run by others).

RED CONCERN REAL

The anti-Communist concern was certainly real in ADA's formative years, though taking second rank in the 250 organizers resolution "barring Fascists and Communists from membership." In retrospect, Harvard Historian Arthur M. Schlesinger, Jr., now a Presidential assistant, termed 1947 "the watershed at which American liberalism began to base itself once again on a solid conception of man and history."

Among the American liberals who stood at the Great Divide that year, 144 had met in January, led by Mrs. Eleanor Roosevelt and two of her children, "to map a campaign for restoring the influence of liberalism in the national and international policies of the United States." Others, including the U.S. Communist Party, formed up around the tattered banner of ex-Vice President Henry Wallace who—had F.D.R. not dumped him in 1944—would have become President of the United States.

Sunday we listed the ADA "founding fathers" who now surround President Kennedy in the White House, 3 Cabinet posts and more than 30 strategic administration appointments. Other well-remembered ADA founders include the first woman U.S. Ambassador, Eugenie Anderson; War Labor Board Chairman William H. Davis; Mrs. Roosevelt's protege, Joseph P. Lash; Will Rogers, Jr., son of the humorist, and Joseph L. Rauh, Jr., Washington lawyer who has always been ADA's lodestar.

LABOR FOUNDERS LISTED

Among the labor union founders were ADA Vice Chairman Walter Reuther of the UAW, CIO; A. J. Hayes of the Independent Machinists; CIO Secretary-Treasurer James B. Carey; David Dubinsky of the ILGWU, AFL, and many more. Over the years unions have contributed one-third of ADA's funds.

As champions of civil rights there were the late Walter White of the NAACP, Morris Ernst of the ACLU, and George L. P. Weaver of the CIO antidiscrimination committee. The liberal clergy was represented by Theologian Reinhold Niebuhr, Methodist Bishop G. Bromley Oxnam, Rabbi Milton Steinberg, the Reverend George Higgins of the National Catholic Welfare Council; and Unitarian Dr. A. Powell Davies.

COLLEGE CONTINGENT

From Congress came Senators Lehman, Democrat, of New York, and Douglas, Democrat, of Illinois, and Representative Andrew Biemiller, Democrat, of Wisconsin, later to be ADA's lobbyist and now the AFL–CIO representative on Capitol Hill. Another founder was ex-Representative H. Jerry Voorhis, Democrat, of California, just unseated by an unknown Republican, Richard Nixon. (Representative Chet Holifield, Democrat, of California, is listed as an ADA founder but told the Times he was not.)

The college contingent was less conspicuous at ADA's birth than now, but Schlesinger and his Harvard colleague, J. Kenneth Galbraith (now Ambassador to India), were present.

Also on hand were many officers of organizations that preceded ADA—the Friends of Democracy, American Veterans Committee, U.S. Students Assembly, Union for Democratic Action, Independent Voters of Illinois, and like outfits in New York, Pennsylvania, Ohio, and Michigan (where ADA strength is still concentrated).

Most significant in view of ADA's avowed political aims was the considerable number of influential editors, columnists, and Washington correspondents who attended its birth.

Listed among ADA founders are Joseph and Stewart Alsop, Marquis Childs, Kenneth Crawford, Robert Bendiner, Barry Bingham, the late Elmer Davis, Edgar Ansel Mowrer, Nelson Poynter, the late Tom Stokes, Palmer Hoyt, Hodding Carter, John and Anna Eleanor Boettiger, Aubrey Williams, Monroe Sweetland, and James Wechsler.

This seemingly heterogeneous assembly was drawn together by alarm at the off-year Republican success in Congress, fear that the fruits of the New Deal were withering amidst the embarrassing exposures of Communist agents masquerading as "liberals" in high Federal jobs, and the all but universal expectation of a Republican President in 1948.

WARTIME COLLABORATION

The wartime collaboration with Communist Russia and its U.S. branch was definitely over—by the Communists' choice—and the ADA was first blooded in savage battle with the Wallacites, whom they denounced as a Moscow-inspired lot. ADA backed the Truman Doctrine for Greece and Turkey (somewhat dubiously at first, preferring U.N. action and economic over military aid, as ADA still does).

But ADAers as liberals were unhappy with Mr. Truman, despite Mrs. Roosevelt's early counsel not to work outside the Democratic fold.

On April 10, 1948, ADA's national board urged the Democrats to nominate either General Eisenhower or Supreme Court Justice Douglas for President. But as neither proved willing, ADA endorsed the Truman-Barkley ticket rather unenthusiastically.

GOING CONCERN

By 1950 ADA was a going concern with 32,000 members in 123 chapters located in 30 States, plus some 5,000 "students for democratic action" members on over 100 campuses. According to ADA officials, its total membershsip has grown some, to 45,000 in 1955 and an estimated 50,000 today—but the latest sworn post office circulation statement of the monthly ADA World, which goes to every dues-paying member, was only 18,600.

ADA chapters have consolidated and closed down to "about 100" in 16 States. After a spurt during the postwar GI bill period, student groups, now called ADA's Campus Division, have dwindled to 22 chapters with some 2,000 members, largely in the East.

The formal organization and key policymaking officials of ADA have remained remarkably the same throughout its 14-year history. Its national officers are virtually all founders or early members and alternate in musical chairmanship and vice chairmanships, though so many have been drafted by the New Frontier some new blood may be needed.

The paid staff of 15 that operates national ADA headquarters in a converted townhouse at 1341 Connecticut Avenue NW., Washington, has more turnover. Mrs. Violet M. Gunther, national ADA director, has worked her way up from the outset of ADA's activities, and appears to run an extremely efficient though underpaid and unpretentious office.

TOP SALARY $175

(The top ADA salary reported to Congress as required by the Corrupt Practices and Lobbying Laws was $175 a week, and the total payroll for 1960 was $61,990, roughly one-third of ADA's expenditures. The rest goes mainly for routine office expenses, printing, mailing, telephone, telegraph, and travel costs.)

Only contributions of $10 or more are required by law, so ADA's financial filings do not include the $5 annual membership dues ($7.50 for couples to preserve domestic tranquillity) and do not give a complete picture of its fiscal situation. Rarely in recent years have contributions from individuals or labor unions (the UAW and ILGWU are the most regular) exceeded $10,000 and $1,000 to $2,000 gifts are more frequent. The only political expenditures exceeding $100 reported for 1960 were $1,000 to the New York ADA chapter in September and $150 to Representative Charles Porter, Democrat, of Oregon. Porter lost.

Union subsidies to ADA have dried up some since National Chairman Biddle testified in a 1950 probe that labor support, essential to any liberal group's success, made

up one-third of ADA's revenue. Last year ADA reported union contributions of $33,833 out of a total (extra large because of the campaign year) of $179,683 excluding dues.

Labor's decreasing interest is partly due to concentration on its own political action committees, partly to some unionists' disenchantment with ultraliberal ADA policies such as caused David McDonald's Steelworkers to drop their cash support and President Sal B. Hoffman of the Upholsterers International Union, one of ADA's founders, to resign in 1951 over the Red China issue.

ADA performs a meticulous but confusing job of double bookkeeping to steer clear of the Taft-Hartley law's prohibition of political contributions by labor unions. This was explored by the 1950 House lobbying hearings, still a useful source on ADA's birth and behavior, and sharply criticized by the GOP minority including Representative CHARLES HALLECK, Republican, of Indiana, now minority leader.

NONPOLITICAL FUND

Union donations go into a "nonpolitical fund" and all others into a "regular" fund used for purposes ADA considers to be political. The 1960 congressional files show contributions to ADA totaling $179,683 including $33,833 from unions. From these "nonpolitical" funds $14,232 helped make up a total staff payroll of $61,991 and $18,912 was spent for educational and housekeeping purposes. "Regular" expenditures ran to $147,607 and ADA's total spending reported was $180,751.

The bonanza year for ADA contributions reported to Congress was 1954, when $205,273 came in. The peak period for union gifts was $66,824 in 1952.

ADA LIBERALISM IS PLAN OF ACTION—MORE MEANINGFUL ALINEMENT OF PARTIES MAJOR CURRENT GOAL

(By Robert T. Hartmann)

WASHINGTON.—"A program of laundered communism with the Bill of Rights tacked on" is the way a 1958 GOP staff study described the aims of Americans for Democratic Action.

"Keynes, not Marx, is the prophet of the new radicalism," is the answer of ADA's articulate apostle, White House Adviser Arthur M. Schlesinger, Jr.

Neither precisely pegs ADA. But the Republican oversimplification does highlight the central contradiction of "liberal" dogma in the United States and England, where the Fabian socialism of the Webbs and the economics of Lord Keynes were the intellectual fountainhead of ADA.

The goal of greater governmental direction and planning is hard even for ADA'ers to square with maximum individual freedom, so both are embraced simply as an act of faith.

DECISIONMAKERS

The key point is that ADA liberalism is not a coherent system of philosophy or ideology but a plan of action which will, if it works, eventually place its adherents in decisionmaking seats of power, as many already are.

"Above all—and this is the important and distinctive thing about ADA—it acts to carry out its programs," says an anonymous ADA pamphlet of 1955 vintage.

ADA's major shortrun aim is to achieve "a more meaningful party alinement"—an all-liberal Democratic Party and an all-conservative Republican Party.

Its major long-range goal for America is summed up in the ADA password—"planning"—a term more palatable than "government control" which is implicit in any plan's execution. A continuous concern of ADA is civil rights, especially in support of racial equality and the defense of accused security risks.

In a remarkable book written when he was only 31, Harvard Historian and ADA Vice Chairman Schlesinger tried to reduce his ideas of liberalism to a system rejecting both Soviet communism and U.S. capitalism and, with a benevolent big government run by selfless intellectuals, insuring traditional American liberties through a continuing but controlled class struggle.

"The problem of reconciling majority rule with minority rights is, in terms of strict logic, insoluble," Schlesinger admits in his 1949 book, "The Vital Center." He argues that it has been solved pragmatically, case by case, ever since the Constitutional Convention 1787.

His book, hailed on publication as "a brilliant statement of the principles ADA stands for," is regarded as rather conservative by some ADA leaders today. To them it is too tolerant of private enterprise. ("Private ownership will have an indispensable role; we talk at present about setting up public plants to provide yardsticks for the efficiency of private management, but in the future we may wish to use the private plants as the yardstick.")

"WITCH HUNT" DREAD

Schlesinger echoed the liberal dread of "witch hunts" and "red herrings" but he rebuked liberals for using a double standard in security risk cases, defending suspected Communists as loudly as they once demanded the scalps of Nazi sympathizers. He expressed doubt in 1949 that any Communist has a right to employment by the State Department, even though he may advocate communism freely. As cochairman of ADA in 1953, however, Schlesinger formally protested Attorney General Brownell's charges that Harry Dexter White was a Soviet agent secretly shaping U.S. policy in a key Treasury post.

"The Vital Center" cannot be condensed here, but it is required reading for anyone trying to understand the ADA point of view. It eloquently explains (though in terms of Stalin's regime) ADA's consistent opposition to Russian communism and its U.S. party-line comrades.

To say that Lord Keynes, not Karl Marx, is the ADA prophet is to say, as Schlesinger does, that liberals do not hate the Soviet system because it is Socialist but because it is a cruel perversion of socialism.

Keynes and his followers (Harry Dexter White was accepted as one) brought Marx up to date, not as Lenin, Stalin, and Khrushchev have done, but with a cultured Oxford (or Harvard) accent. Taking a realistic view of 20th century capitalism, much different from Marx's, Keynes saw that it is not necessary for the state to physically confiscate all property as long as it can control productive property and its fruits.

Furthermore, with Moscow's mistakes to guide them, Keynesians shudder at the useless waste of hard-to-find managerial talent crudely carried out by lining all capitalists up before firing squads. They prefer putting them to work for the state, like it or not, even letting them think they keep title to their enterprises if not control.

POPULAR WILL

State control, rather than state ownership of the basic productive facilities in a highly industrialized society, is recognized as more efficient than vast central bureaucracies trying to make every minor decision from afar—as Khrushchev has also discovered. Control, in the Keynesian scheme, is achieved through manipulation of money and credit and the expenditure of a decisive share of the national wealth by government.

As seen by the Senate Republican policy committee staff, the substance of ADA belief is "that it is possible for a police state to be obedient to the popular will; that the apparatus of such a state can be so affected by benevolence that it can produce—through such coercive measures as compulsory union membership, enforced fraternization, a confiscatory share-the-wealth tax system, and a strong centralized bureaucracy—a guaranteed annual wage for everybody, complete freedom from fear, want, and anxiety for all, and total economic welfare from the cradle to the grave for the entire populace. Yet, in some way not made clear by ADA, it simultaneously remains marvelously flexible so that the individual has complete freedom of action at all times."

ADA's defenders retort that something like this has been done by Fabian Socialist-Labor governments in Great Britain (and is now carried forward by British Conservatives), in Scandinavia, and Western Europe. They see the hope of the future in the new Socialist regimes in India, Asia, and Africa and are eager to implant them in Latin America as a barrier to Soviet and/or Chinese imperialism.

ADA agrees in its own language with Khrushchev that the tide of history is moving steadily toward socialism.

But the ADA believes Russia is on the wrong or roundabout track.

LIBERAL SPLIT

"Really the ADA was largely founded to split from the liberal movement in America those elements of communism and fellow travelers which in my opinion—certainly up until 1945—did great harm to the liberal movement by permitting, with some justice, the accusation of fellow travelers to be pinned on persons before the sheep and the goats had been counted," F.D.R.'s Attorney General, Francis Biddle, told the 1950 House investigation when he was ADA national chairman.

"To my knowledge no ADA member has ever been charged with subversive activity by any governmental authority," National ADA Director Violet M. Gunther told the Times. In response to a question, Mrs. Gunther stated that "neither Dr. Robert Oppenheimer nor Prof. Owen Lattimore was ever a member of ADA."

NOT SO CREDITABLE

(Dr. Oppenheimer, touring South America as a lecturer in physics under the auspices of the Organization of American States, was an A-bomb pioneer whose security clearance was revoked in 1954 after lengthy hearings by a 4-to-1 vote of the Atomic Energy Commission. Lattimore, a former State Department adviser recently in Outer Mongolia [whose recognition both he and an ADA-sponsored study advocate] was a controversial figure in the early 1950's when a Senate probe charged him with furthering Communist causes.)

While this reporter's inquiries have failed to turn up any known Communists associated with ADA, the record of ADA on anti-anti-communism is not quite so creditable. This tends to blur the verdict of less careful observers. Chiefly responsible for this are two perennial ADA stalwarts, Vice Chairman Joseph L. Rauh, Jr., a Washington lawyer, and Editor James Wechsler of the New York Post, who as Washington correspondent for his paper helped set up ADA in 1947. Both are militant anti-anti-Communists.

Wechsler keynoted this year's ADA convention with a stinging speech about "the gap between the great expectations of November 1960 and the rough reality of May 1961." He accused President Kennedy of unholy compromise on civil rights and "selling thousands of exploited laundry workers down the Potomac" after "running for President on a platform that bore suspicious resemblance to the program, and perhaps more important, the attitudes of the movement assembled here."

ADA Founder Schlesinger rushed over from his new White House office to rebuke Wechsler's berating of his boss, which proves that ADA figures do not always agree. ADA financial angel Dorothy Schiff, publisher of the N.Y. Post, once biased ADA Senators HUM-

PHREY, Democrat of Minnesota and MORSE, Democrat, of Oregon, as "the demogogic twins for proposing to outlaw the U.S. Communist Party.

SECURITY CHECKS

But Rauh, foremost of ADA spokesmen, throughout its 14 years, can fairly be called chief of the inner circle of ADA aristocracy. In its infancy ADA's national office was literally in Rauh's hat. He has, except for 2 years, always been a national vice chairman, and was ADA national chairman from 1955 to 1957. He still issues many of ADA's official statements.

So far in 1961 Rauh has urged President Kennedy to eliminate FBI security checks of Federal appointees ("some of the debris of McCarthyism still clutters our national life") and restore Dr. Oppenheimer to Government service ("a review of the record would lead any responsible group of men, freed of the hysteria of the past, to find him fully qualified for any post").

He also publicly advised the freedom riders to ignore Attorney General Robert Kennedy's appeal for moderation ("if 600 marshals are not enough, 60,000 will be"), demanded the Pentagon stop showing the anti-Communist film "Operation Abolition," hailed Postmaster General Day's lifting of bans on Iron Curtain mail and opposed any congressional probe of the rightwing John Birch Society ("a clear and present danger only to themselves").

Rauh was born in Cincinnati 50 years ago, attended Harvard (B.S. 1932; LL.B. 1935) during the depression, served as legal secretary to Supreme Court Justices Benjamin Cardozo and Felix Frankfurter for 3 years, after some New Deal legal jobs was commissioned in the Army in 1942 and emerged a lieutenant colonel with a Legion of Merit, was a District of Columbia delegate to the last three Democratic National Conventions, and has been a partner in the law firm of Rauh and Levy since 1947, when he helped found ADA.

COMIC MELODRAMA

In 1956, while ADA's national chairman, Rauh played a leading role in the curious comic melodrama involving one Paul H. Hughes, which was later revealed at Hughes' trial in New York Federal court. Hughes, a 35-year-old dischargee from the Air Force, posed as a secret investigator for the late Senator McCarthy, Republican, of Wisconsin, who was and is Rauh's pet hate. Hughes propositioned Clayton Fritchie, then deputy chairman of the Democratic National Committee and now Ambassador Stevenson's U.N. aid, to turn over inside reports on McCarthy's investigations of suspected security risks in return for expenses which he never accounted for in detail.

Actually, as it turned out at Hughes' trial (the jury disagreed on perjury charges) he had never laid eyes on McCarthy, had no connection with his Senate staff, and made his voluminous and detailed reports out of his own vivid imagination. After paying for 2 months to the tune of $2,300, Fritchie balked and Hughes peddled his phony revelations to Rauh who scraped up some $8,500 more at the peak of the Army-McCarthy dispute. (Rauh testified he got the money from liberal friends, some of them also ADA contributors, but there is no evidence he tapped ADA funds.)

WECHSLER DECLINES

Wechsler declined a bid to help finance Hughes despite Rauh's tip that the New York Post's cooking editor was a secret McCarthy spy, but Rauh had more luck with the Washington Post. The Post prepared (but later destroyed) a long expose of McCarthy skulduggery based on Hughes' fabrications.

But a young reporter assigned to verify the series discovered it was a complete hoax. Neither Rauh nor anyone else ever filed any complaint against Hughes, however, nor did the Post expose the fraud. Tried on a wholly different charge arising out of his testimony in the Matusow case, Hughes swore that Rauh knew his witness was false all along; Rauh testified under oath he was as fooled as Fritchie. He denied ADA's involvement, though Wechsler had suggested it might be "an ADA project."

After denouncing the use of informants by the FBI, McCarthy and other anti-Communist investigators as much as he and ADA have, it hardly matters whether Rauh was knave or fool to employ one. As the Saturday Evening Post observed editorially "the evidence in the Hughes trial seems to indicate that in ADA circles 'McCarthyism' is not considered reprehensible when practiced by dedicated liberals against 'reactionaries' and their ilk. If Mr. Rauh does not get a grant from the Fund for the Republic, invitations to give the Thomas Jefferson lectures at four Ivy League universities, and the applause of all right-thinking 'liberals', he has a right to be a disappointed man."

WHITE HOUSE CALLER

Rauh shows no signs of disappointment. ADA did not consider him expendable but repeatedly reelected him Vice Chairman, and among President Kennedy's early White House callers this year were present and past ADA chairmen Samuel H. Beers, Robert R. Nathan and Joseph L. Rauh, Jr.

Save for this episode, this study has not found ADA using any but normal and legitimate methods of democratic action appropriate to the organization's name. ADA's political and economic aims are plainly stated—though ADA economics get less attention than they deserve, and foreign policy sensations ruch as recognition for Red China overshadow the more significant domestic plans ADA actually is accomplishing.

ADA IMPATIENT WITH CONGRESS—IRKED BY "APATHY," THEY WOULD "LIGHT FIRE" UNDER LAWMAKERS

(By Robert T. Hartmann)

WASHINGTON.—"Light a fire under Congress" is a current nationwide campaign of Americans for Democratic Action, with some 200,000 pamphlets being distributed nationally to stimulate liberals in support of New Frontier programs.

ADA World, the organization's house organ, has become increasingly impatient with "the wall of apathy" in the 87th Congress, with Vice President JOHNSON's "continuing influence * * * and an utter lack of commitment by Democratic leaders to the promises made in their platform."

(William Taylor, ADA's paid lobbyist who wrote this, shortly thereafter was plucked from his critical perch on Capitol Hill by the Kennedy administration and named special assistant to the director of the Civil Rights Commission. A Yale attorney, Taylor formerly was with NAACP in New York.)

PART OF LIBERAL LOBBY

ADA regards itself as part of "the liberal lobby" in the capital and like many special interest groups headquartered here it regularly concerns itself with legislation. ADA registers its lobbyist according to law. It claims to spend no money directly to influence Congress except his modest salary of about $125 a week.

The extent of ADA's influence on Congress cannot be measured by enumerating its legislator members, who probably total no more than 25 in the House and a half dozen Senators. Nor is the success or failure of ADA's public policy stands—backing Representative JAMES ROOSEVELT'S drive to abolish the House Un-American Activities Committee, for instance, or opposing any congressional probe of the John Birch Society—a meaningful index.

Most Congressmen questioned by the Times said ADA has very little influence with them. No legislator likes to admit he is swayed by anything but his own civic conscience, but in the "don't quote me" whisper that passes for candor in politics one California Democrat had this to say:

"As far as ADA's ability to influence Congress goes, I'd say it is very limited. But I feel ADA performs a very important function. It takes the unpopular view that needs expressing and sticks with it until it becomes the popular view. Its views are refreshing and certainly a useful foil for the conservative view. It's a wonderful gadfly for Congress."

Representative ROOSEVELT, Democrat, of Los Angeles, a longtime ADA'er and member of its national board, dressed this description up by saying ADA serves as the good conscience of congressional liberals.

NO TIME WASTED

Whether gadfly or good conscience, ADA wastes little time lobbying Republicans and conservative Democrats. ("I never hear from them—I'm on their list," a GOP stalwart reported.) Instead it keeps liberals in line and exerts a steady leftward pressure on the legislative process, using the standard methods of Washington lobby groups.

In the Senate, where nonconformity is more acceptable than in the House and sometimes a means to power, ADA'ers are more conspicuous. They include, according to National ADA Director Violet Gunther, two national vice chairmen of ADA Senate Democratic Whip HUBERT HUMPHREY, Democrat, of Minnesota, and Senator WAYNE MORSE, Democrat, of Oregon; Senator PAUL DOUGLAS, Democrat, of Illinois, like HUMPHREY, was a founding father of ADA.

Among the relative newcomers, Senator CLARK, Democrat, of Pennsylvania; Senator EUGENE MCCARTHY, Democrat, of Minnesota; and Senator MAURINE NEUBERGER, Democrat, of Oregon, are active ADA liberals; and Senators HARRISON WILLIAMS, Democrat, of New Jersey, and JACOB JAVITS, Republican, of New York, are former members. (JAVITS, in earlier House contests, had ADA support rarely given Republicans.)

AHEAD OF PARTY

The ADA phalanx in the Senate reflects the nature of ADA'ers everywhere. It is overwhelmingly Democratic, away out ahead of the party on many issues—especially civil rights—and militantly on the side of enlarged Federal powers in general. Its publicity noise is out of all proportion to its actual strength, as showed up annually in futile January revolts against LYNDON JOHNSON'S discipline and compromise. Some of its members already are snapping peevishly at President Kennedy's measured liberal pace.

The liberal viewpoint has many more sympathizers in Congress who might be embarrassed in their home districts by ADA membership. ADA prudently does not press unwanted favors on its pet politicians. For this reason, it is virtually invisible in the South. In California ADA's current revival includes a pledge not to endorse or campaign for specific candidates in competition with regular Democratic organizations.

CALIFORNIA MEMBERS

ADA'ers in the 30-man California delegation include ROOSEVELT, JEFFERY COHELAN, Democrat, of Berkeley, and CHET HOLIFIELD, Democrat, of Montebello, who disputes ADA's listing of him as a 1947 founder and says he isn't an active member.

No less than 9 of the 16 California Democrats in the House, however, have voted 100 percent in accord with the ADA position on 39 ADA-chosen rollcalls over the past 4 sessions—though members ROOSEVELT and HOLIFIELD strayed once or twice. The ideal Congressmen, by ADA's yardstick, are C. MILLER, Corte Madera; JOHNSON, Roseville; MOSS, Sacramento; SHELLEY, San Francisco; G. P.

MILLER, Alameda; MCFALL, Manteca; KING, Inglewood; and COHELAN.

Departing most often from the ADA line among the Democrats were the delegation chairman and California's senior Congressman, Representative HARRY SHEPPARD, Democrat, of Yucaipa, and Representative HAGEN, Democrat, of Hanford, with seven ADA demerits each.

VOTING RECORDS

Inclusion of Hawaiian statehood among ADA's key votes prevented any California Republicans from batting zero, but Representative JAMES UTT, Republican, of Santa Ana, opposed the ADA position on all 38 other issues. Also far down on ADA's totem pole are GOP Representatives HIESTAND, Altadena; SMITH, Glendale; and LIPSCOMB, Los Angeles. The "best" of the Republican lot by ADA's standards are Representatives BALDWIN, Martinez, who voted with ADA on 29 rollcalls, and MAILLIARD, San Francisco, 22 times. In the south, Representatives HOSMER, Long Beach; WILSON, San Diego; and TEAGUE, Ojai, were high ADA scorers with 14, 11, and 10 "right" votes respectively.

A similar ADA rating of California Senators (using different votes) shows senior Senator KUCHEL, Republican, voting 24 times for and 23 times against the ADA viewpoint. Senator ENGLE, Democrat, a House Member in 1957–58, cast 41 votes with ADA and 5 against, 1 as a Senator.

RATINGS PUBLISHED

ADA World publishes these ratings of every Congressman at the end of each session but warns readers of their limitations as "a guide for liberals."

During the 1950 House lobbying investigation, ADA officials frankly testified they aim to turn the heat on individual Congressmen by stirring up their big backers and constituents back home. When the tally sheet used by ADA to record each Congressmen's votes was introduced in evidence, ADA's executive secretary, James Loeb, Jr. (now Ambassador to Peru), was asked.

"What does the column captioned 'Contacts' mean?"

"We indicate, if we can, in the last column our best contact," Loeb replied. "We might indicate our own chapter, or a particular individual we know in that community. We might indicate a labor organization, if they were particularly powerful * * * somebody in that community that we can go to and say: 'Look, Senator so-and-so is dubious on this issue—we would like you to talk to him.' "

ADA also keeps up a steady bombardment of letters and telegrams to key members of Congress on major policy matters and provides witnesses to testify on pending bills either for ADA or as expert individuals. ADA'ers often reinforce and corroborate one another as in this example:

NEWSLETTER DISTRIBUTION

At hearings of the Senate Foreign Relations Committee on President Kennedy's $4.8 billion foreign aid request, ADA's research and education director David C. Williams urged more money for Latin American social reforms. He was followed by an ADA founder, former Representative H. Jerry Voorhis, Democrat, of California, speaking for the U.S. Cooperative League. Voorhis urged more emphasis on consumer co-ops in the "Alianza para Progreso." New York Attorney Morris Ernst of the ACLU, another ADA founder, also appeared in support of foreign aid and all three were helpfully questioned by ADA vice chairman, Senator HUMPHREY, a committee member. But only Williams was openly flying ADA's colors.

(One witness against foreign aid was heard that day.)

For months before and after, ADA's fortnightly Legislative Newsletter went to some 1,100 subscribers at $3 a year advocating more Latin American aid and deploring "the application of banking standards to human needs" by the conservative coalition in Congress.

"Action: Write your Congressman, urging him to help restore an appropriation vital in itself and necessary also to give early assurance of U.S. good faith in its professed dedication to Latin American progress," ADA'ers were urged.

The ADA newsletter also was plugging hard for foreign aid with its 5-year financing feature, the Peace Corps, Sen. HUMPHREY'S U.S. Disarmament Agency adopted by the administration, Federal school aid, and defeat of Attorney General Kennedy's wiretapping bill.

Representative COHELAN, Democrat, of Berkeley, an ADA'er, told the Times he first learned of ADA policy stands in letters from his California constituents, while another nonmember Democrat in the California delegation complained, "You can put all my liberal mail in a thimble."

The time may come, however, when an ambitious congressional politician is sharply reminded that ADA has been watching him and keeping cumulative score on his off-year devotion to liberalism.

On April 6, 1960, for instance, a memo marked "Confidential, Non-Public Documents" went out from ADA national headquarters to all ADA chapters and national board members, beginning:

"A review of Senator LYNDON JOHNSON'S voting record in Congress over the past two decades stamps him as the most conservative of the candidates for the Democratic nomination."

JOHNSON ASSAILED

It then assailed JOHNSON'S "failing to use his influence to curb Senator McCarthy" and his "faithful service to the cause of the oil and gas interests." Enclosed were copies of two private letters signed by the Texas Senator assuring constituents of his opposition to socialized medicine and recalling his votes to override President Truman's veto of the Smith-Connally Act and the Taft-Hartley Act.

(Earlier that election year, ADA World called JOHNSON "a symbol of compromise and political opportunism (who) has no fair claim to be the standard bearer of a liberal Democratic Party." ADA was rougher on JOHNSON than on Nixon, never did endorse him and continues to attack his influence as Vice President. JOHNSON'S private opinion of ADA cannot be quoted in a family newspaper.)

KENNEDY VOTE RECORD

After the Los Angeles convention, ADA widely distributed Senator Kennedy's 14-year voting record on 146 rollcalls in both House and Senate. The Democratic nominee's liberalism was attested by voting with ADA 80 percent of the time and against ADA's position 10 percent of the time. He was absent for 10 percent of the votes, among them the acid test of ADA liberalism, censure of Senator McCarthy. (Mr. Kennedy was near death in a New York hospital after spinal surgery.)

ADA recorded 14 wrong decisions by Mr. Kennedy during his 14-year career in Congress, favoring restrictions on U.S. aid to nations trading with Red China, civil rights compromises, stronger antisubversive measures and reduced farm subsidies. In the domestic areas of labor and education, immigration, welfare, housing, urban renewal, and the like, ADA found no spot or blemish in the future President, who was with ADA on 118 of the 146 showdowns.

Yet when ADA endorsed Mr. Kennedy for President over Mr. Nixon, it curiously ignored his domestic fidelity and cited his foreign policy views as the primary reason he should be elected.

ADA LISTS STATE AS 1961 TARGET—BAY AREA FIRST, LOS ANGELES WILL FOLLOW UNDER PROGRAM

(By Robert T. Hartmann)

SAN FRANCISCO.—Americans for Democratic Action have made California their priority target for 1961. The bay area comes first, Los Angeles later.

ADA, the national liberal organization heretofore concentrated in the northeastern industrial States, has heard the message of the future. Taking Horace Greeley's advice whole, a young man did so West.

Just over a year ago national ADA headquarters in Washington sent Sheldon Pollack, their top organizer, here to revive ADA as an effective political force in California. Half his salary of $300 a week—the highest ADA pays anyone—comes from the group's national treasury, half from the newly formed northern California chapter.

CAREER IN ADA

Pollack is a 35-year-old bachelor from Jersey who has spent most of his time in ADA work since 1950 when he got a master's degree from the University of Chicago in foreign affairs.

His volunteer partner in the bay area beachhead is 31-year-old Edward P. Eichler, executive vice president and son of the founder of Eichler Homes, Inc., of Palo Alto. The senior Eichler, 1956 San Mateo County chairman for Stevenson, is an ADA member but his son was unaware of it until he joined 4 years ago at the suggestion of a Philadelphia friend. A 1951 Dartmouth graduate, father of two sons, "Ned" Eichler is chairman of the northern California ADA chapter.

Both these young men are intense, articulate and enthusiastic liberals of the new generation which puts the New Deal and the Emancipation Proclamation in the perspective of ancient history. Pollack was chairman of the Students for Democratic Action group at Chicago, but Eichler's political stirrings came later.

DISPUTE OVER FILM

Neither their youth nor their crowded one-room office at 41 Sutter Street in San Francisco's financial district nor their minuscule budget of $15,000 a year should mislead anyone about the seriousness of this pair's plans for the conquest of California.

The northern California ADA chapter now has about 800 dues-paying members ($6 a year; $10 for couples) and is recruiting more. Its first sortie into the political arena was a successful campaign, backed by the national ADA, to stop Defense Department showings of the film "Operation Abolition" about the San Francisco student riots during House Un-American Activities Committee hearings here in May 1960.

The riots took place before the local ADA group got organized, but ADA nationally called for abolition of the Un-American Activities Committee and charged distortion of fact and sequence in the privately produced motion picture which purports to document the committee's charge that the riots were Communist-inspired and directed.

Mrs. Carolyn L. Weiner, a San Francisco housewife and ADA member, was commissioned by the new chapter to write a 12-page pamphlet (with the aid of an ADA editorial board), which has been printed and distributed in large quantities by national ADA. It is done in a more scholarly style than the protest letter which ADA also sponsored and sent to the eight Democrats and five Republicans representing northern California in Congress, decrying the harm done San Francisco by a film depicting it as "a hotbed of subversion."

Subsequently the new Assistant Secretary of Defense for Public Affairs, Arthur Sylvester, ordered the Army, Navy, and Air Force to discontinue purchasing the film or screening it for civilian audiences.

Two new "Elmer Davis Memorial Pamphlets" published this year under national ADA auspices were written by northern California chapter members. One is "New Perspectives on Northeast Asia" by Prof. Robert A. Scalopino of the University of California (Berkeley) which set forth arguments for U.S. recognition of Communist Outer Mongolia only slightly paraphrased in a later New York Times editorial. The other, "New Perspectives on Sub-Saharan Africa," is by Prof. James S. Coleman of UCLA and Asst. Prof. Carl Rosberg, Jr. of the Berkeley faculty.

URBAN PROBLEMS

In January the ADA chapter staged two conferences of local and visiting experts on metropolitan area problems and housing and in April held a symposium on the recession featuring Dr. James Tobin of President Kennedy's Council of Economic Advisers.

At the crowded San Francisco office, Mrs. Frances Strauss donates half her time as the only paid staff member supervising a score of ADA clerical volunteers. Among other things ADA's Legislative Newsletter is telefaxed fortnightly from Washington, mimeographed and mailed to all California ADA'ers.

Pollack has registered as a lobbyist at Sacramento and has testified for ADA, along with Eichler and Oakland Attorney Harold A. Galloway, before legislative committees in both State and National capitals considering housing, farm labor, and narcotics legislation.

In the legislature, State Senator George Miller, Jr., Democrat, of Contra Costa, and Assemblymen John O'Connell, Democrat, of San Francisco, and Nicholas C. Petris, Democrat, of Oakland, are active on the ADA chapter board.

NOT SUBVERSIVE

National ADA Chairman Samuel H. Beer told the 1961 ADA convention in Washington he is particularly proud of the fledgling northern California chapter, and Pollack hopes to double his budget for 1962. Already ADA activity here has been sufficient to arouse the State Senate Subcommittee on Un-American Activities to devote two pages of its June 13 report to answering many inquiries about ADA's status with the assertion that it "is in no sense a Communist front, or in any way subversive."

The Burns committee report relates that ADA was launched in California in 1947 by Actor Melvyn Douglas and his wife, former Congresswoman Helen Gahagan Douglas, as a liberal group forthrightly proclaiming its antipathy to communism. But ADA was concerned by and formally protested the inclusion in the California report of the name of Carey McWilliams, Sr., editor of the Nation, as one of ADA's early members along with Harry Girvetz, Santa Barbara State College professor, and Attorney General Mosk.

CASE OF M'WILLIAMS

Girvetz, former research secretary to Governor Brown, is a stalwart of the loyalist pocket of ADA'ers in Santa Barbara who survived the general hiatus of ADA in California during the past decade, and regularly sent $500 contributions to Washington headquarters. He offered a like amount to Senator Burns' favorite charity if shown proof that McWilliams, cited by Burns' committee for "participation in the Communist Party itself," was ever a member of ADA. Burns replied on July 28 that "we stand on the evidence concerning the assertions made in the report, which we believe are true until we receive convincing evidence to the contrary" and there the matter rests at this writing. My own study has not identified McWilliams as an ADA member from any other source.

ADA in California foundered in factional feuding over the 1952 campaign and was quickly superseded by the Democratic club movement here, which now takes a quizzical view of ADA's return.

HOLIFIELD COMMENTS

"The organization never amounted to anything in California and is not needed there," Representative HOLIFIELD, Democrat, of Montebello, a liberal and early ADA member, told the Times.

The open and generally undisciplined character of California parties gave ADA scant excuse for existence in the fifties. Liberals were not frozen out of Democratic leadership as in the eastern boss-controlled cities, but rather rose to prominence in California, while conservative Democrats gravitated toward the GOP on election days. So ADA stayed out, until 1960 changed the picture.

The cold statistics of the U.S. census showed where the center of political gravity in the Nation is inexorably moving. The shilly-shallying of California's Democratic leadership at the July convention appalled the 130 ADA'ers who were delegates and convinced them the No. 2 State was by no means in the liberal bag. Finally, in November, it went Republican and appeared to be the pad from which Richard Nixon might launch his political comeback.

RICH, GROWING AREA

All this is not part of ADA's announced purpose in renewing interest in California. (Elsewhere in the West, there is a new ADA chapter at Anchorage, Alaska, and groups in Seattle and Tacoma). It is frankly to use this growing area as a laboratory for planning.

"Everything moves faster than the art of government," explained ADA Chapter Chairman Eichler. "And California has all the problems. It's going to be our job to come up with new proposals, primarily for this State, on urban and suburban planning, chronic unemployment, automation, and that sort of thing."

Eichler contends that a political party cannot criticize itself or the performance of its candidates, and has too little time for "creative thinking." He says ADA has a place here and is winning acceptance by regular Democrats.

MOVE INTO SOUTHLAND

Pollack has a real Chamber of Commerce enthusiasm for his new State, and outlines ADA's expansion program as follows:

"California really is more progressive—that's why we have a better chance to solve problems here. Our intention is to start moving into southern California as soon as we have the people and the finances. (ADA has several hundred unorganized national members in the southland.)

"First we'll add some people from the south to our executive board, then next year we'll schedule some area meetings down there and also in Stockton, Monterey, Carmel, Sacramento, and maybe set up some small ADA committees for a start. But most of our activity will be statewide."

Eichler again: "It's really largely accidental we started here—we've already set up a State policy planning committee to look 20 years ahead at California problems."

The youthful chairman said he meant the State legislature when he wrote California ADAers that "the necessary changes which involve a break with our past will not come from the organized political powers too encrusted with inertia, provincialism, and concern for the status quo."

VOTES SCRUTINIZED

The ADA chapter here is assembling a voting record on Sacramento legislators similar to its national scoreboard on Congress.

Though not a member, Governor Brown "has been very friendly" and his new executive secretary, Charles A. O'Brien, is on the ADA chapter's executive committee, Pollack said.

No less than 13 members of this policy-making board are professors, nine of them from the Berkeley faculty of the University of California, which probably explains ADA's choice of the bay area as a starting place. Dr. Paul Seabury, a political scientist, left the chapter chairmanship to be chairman of the national ADA executive committee in Washington this year while on a Guggenheim fellowship. Dr. Eugene Burdick, co-author of "The Ugly American," is active in ADA affairs.

The northern California chapter was auspiciously launched July 9, 1960, at the Fairmont Hotel, with some 400 guests paying $7.50 to lunch and listen to an array of ADA big guns: National Chairman Samuel H. Beer, Vice Chairmen Walter Reuther, Arthur M. Schlesinger, Jr., Robert R. Nathan, and Joseph L. Rauh, Jr.

According to ADA's own account, "the northern California chapter will pioneer a new organization format for ADA. Taking cognizance of the growth of the Democratic clubs in California and their role in involving liberals in election campaigns and grass-roots organizations, the new chapter will not engage in direct political action (nor) hold regular membership meetings."

"Instead it will function as an idea and issue organization acting on behalf of the national ADA on national political strategies," the ADA World reassured regular California Democrats.

During 3 months of investigations which took me from Washington to Boston, San Francisco and Los Angeles, I have found ADA officials and members unfailingly friendly and helpful in supplying information. I am grateful and hope I have stated ADA's case correctly and fairly, so that Times readers may judge for themselves: What is ADA?

A VISIT WITH DR. SAMUEL BEER

(By Robert T. Hartmann)

CAMBRIDGE, MASS.—In the basement of the Littauer Center, Harvard's School of Public Administration which is something of a farm for the major leagues in Washington, you may find a professor with a shock of sandy red hair brighter than John F. Kennedy's and a guard's moustache trimmed like Harold Macmillan's.

He wears a checkered shirt, chews a small cigar and pecks on a portable typewriter which undoubtedly accompanied him to Oxford 30 years ago as a Rhodes scholar. Dr. Samuel Hutchinson Beer, 50, professor of government and former head of the department, is the current national chairman of Americans for Democratic Action.

Dr. Beer, like the engineering professor who has built his dam, believes in practicing his pedagogical specialty. Besides the expected shelves of books and wall maps, his hideaway office is decorated with unacademic political posters and convention badges, a menu emblazoned "The Ike Age Is Over—Let's Celebrate" and an invitation to the 1961 inaugural ceremonies in Washington.

He is the first ADA figurehead who was not one of the original founders of the 14-year-old liberal organization and was reelected for a second term at this May's convention. Here is the informal interview I had with him at Harvard, regrettably condensed from 2 hours of pleasant talk to fit the available space:

Question: "First, Dr. Beer, how did you get interested in ADA?"

Answer: "I can't remember the exact year I joined, around 1949 or 1950. I'd been a strong supporter of President Truman—a strong liberal Democrat a long time. I come from Ohio, not the best place to produce liberal Democrats though the last three ADA chairmen have come from there. I'd always been a strong New Dealer and I was interested in local politics here in Massachusetts. The ADA gives you a chance to

go into politics for a purpose—it has a policy stand rather more clearly defined than that of the Democratic Party."

Question: "What function has ADA that cannot be done as well or better by individuals within the Democratic Party? Are you dissipating your energy in ADA?"

Answer: "I don't think so. I think you're concentrating it. You'll find most active ADA members, 90 percent or more, are also acting in the Democratic Party. Now we want to see the party rather more committed to a liberal program nationally and in the States, and we work in it with this idea in mind. But if you only work in the party, you become isolated. There are times and places where being a party adjunct won't work."

Question: "For instance, what did ADA do in the recent Senatorial race in Texas? Wasn't the Republican (TOWER) really more liberal than the Democrat?"

Answer: "A good many liberal Democrats down there voted for Tower in an attempt to get the conservatives all over on one side. They thought there wasn't much hope for liberalizing the Democratic Party until you got the conservatives out of it. I'm not sure what our ADA people did."

Question: "Why has ADA done so little in California as compared with New York, Pennsylvania and other big States?"

Answer: "We were very active there in the early days and then a lot of people were drawn off into the club movement. Also, there were quarrels. The anti-Communist line within ADA was very strong (and) some thought we were being too anti-Communist. I suppose some thought we weren't being anti-Communist enough. When we reconstituted our northern California chapter about a year ago we designed it rather differently. We're not going to do much direct political action out there—we do publications, forums, State lobbying very much so."

Question: "How would you describe ADA to a man from Mars?"

Answer: "Well, we are a liberal, independent political organization concerned both with political education and political action. We are very much interested in this egghead activity on questions of interest, disarmament, foreign policy, economic planning. We also try to combine this with political action at every level, trying to influence decisions, backing candidates, taking part in conventions—we had a big group at Los Angeles. No, we didn't have a caucus—we knew who our people were."

Question: "Do you operate through 'fronts' or act openly as ADA?"

Answer: "Normally in the name of ADA. Of course we often join with other organizations, like other civil rights groups or 'Citizens for Dilworth' in Philadelphia, and issue joint statements."

Question: "There isn't any secret character to ADA?"

Answer: "No. Even if we tried to be secret we couldn't. I don't see any advantage in it for us."

Question: There might be in Alabama. Are you cooperating with the Freedom Riders?"

Answer: "No, no. I suppose you'll find some members in it but we cooperate more with NAACP, I would say. At times you have to make compromises, you have to work with politicians that may not agree 100 percent with what you want done, but that's the way Democratic politics are. I like this combination between idealism and realism. I think as American parties become more distinguished in terms of their principles, liberal, and conservative, it will be much easier for us to work with the Democratic Party. This has happened more and more and, I think, nationally.

"(Mrs. Violet Gunther, National Director of ADA's Washington office, pointed out that ADA editorially supported the Freedom Riders and set up the publicity apparatus for the Freedom Riders when they left Washington. ADA's perennial policymaker Joseph L. Rauh, Jr., Beer's predecessor, publicly advised the Freedom Riders to ignore U.S. Attorney General Kennedy's request they refrain from further provocations.)"

Question: "Do you feel our two parties should be diametrically 'right' vs. 'left' rather than representing a consensus in each party?"

Answer: "Well, you want a little bit of both. While labor is much more on the Democratic side there will be plenty of union members who will vote Republican and rich people who will be voting Democratic and supporting it, and, indeed, the ADA. So interests will be mixed but opinions will tend to separate more and more.

"To get back to ADA's objectives, we use the word 'liberal' and it is not an ideological party; it's very important to see that ADA does not have a lot of rigid, inflexible principles about how the economy must be run or how society has to be organized or how foreign policy should be conducted. I think one of the great strengths of the liberal point of view is its flexibility, its willingness to recognize facts and to see that the world changes.

"This is our objection to the overly ideological conservatism of many Republicans. They have an idea of a laissez faire economy where the government has no part, where a great number of small producers compete in a free market. That was a fine idea in its day, a great progressive move, but it just doesn't exist any more.

"I think the ability to recognize facts is one of the strengths of the liberal mind."

Question: "How do you define a liberal?"

Answer: "A liberal is a man who recognizes not only what the Founding Fathers called man's natural rights but also his natural duties. The individual not only has a claim to be free against interference from the community but also positive duties to discharge toward the community and the well-being of his fellow men. I would stress this dual aspect, rights and obligations, and ultimately the principle of liberty and belief in the creative intelligence of the individual. We like variety. We like pluralism. We like differences. We like individuality."

Question: "Do you think that is true of ADA members generally?"

Answer: "I hope it's true. When they get too intolerant and prejudiced they're not being liberals."

Question: "In your opinion is ADA, like most institutions, becoming more conservative as it gets older?"

Answer: "Our basic answer is 'No.' Arthur Schlesinger wrote a book which was actually to the right of center (the vital center) in some respects. But I do think the American progressive movement is much, much more sophisticated today. We found out that the world is a much tougher place than many of the old progressives thought.

"In foreign affairs we learned a great deal from F.D.R.—and liberals helped teach him a lot too—that power politics is not easily eradicated, that a nation must have great military power, that soldiers will not spring up from the ground ready armed. I think you'll find this realism in ADA policy statements on disarmament and the Marshall plan."

Question: "What is the most effective way in which ADA helps to shape our national policy?"

Answer: "That depends. I would imagine, quite frankly, the most effective way we are shaping policy right now is by the large number of ADA people—present or former members—who are in the Kennedy administration. To tell the truth the Kennedy administration is full of ADA members or people who were in ADA—of course that wouldn't be true when it's a Republican administration."

Question: "What about your ADA index of congressional voting records? Does that carry as much weight, say, as the AFL–CIO tally sheet?"

Answer: I don't know. It's mostly for the benefit of our members and the liberal community in general to get a rough line. Another way it's effective is a direct appeal to conscience. There are many people in Congress who would like to vote our way, but may be worried or deflected by some local consideration or group—I could go into examples but I won't.

"The measure of this is when they genuinely apologize for their vote, a kind of backhanded measure of ADA influence which I've seen operate very often. Then of course there's the straight lobbying on Capitol Hill and here we simply join with other people. We do the same thing in State legislatures.

"Here in Massachusetts one of our members wrote a pamphlet and we distributed 2,000 copies for newspapers and people who have influence and it turned the tide. It beat the sales tax. It wasn't ADA votes that did it. This kind of thing is hard to measure but it makes you feel effective."

Question: "As a teacher, do you find today's youth are becoming campus conservatives rather than campus radicals?"

Answer: "I think there's more organized conservatism today. Before the war there was a great deal of unconscious conservatism among undergraduates, most students during the New Deal were anti-Roosevelt. But conservatism has been under attack so long and has lost battle after battle and now—as groups do when they're no longer dominant—it's organizing. I think many of these conservatives will end up as liberals in not too many years. They are thinking, and when a man begins to take an interest in politics, he becomes a liberal. Now maybe not as liberal as ADA—maybe more, I don't know."

Question: "Has your family always been Democratic?"

Answer: "No, my father was a Republican. And my mother. And my grandfather was a Democrat, but not particularly liberal."

Question: "What about the New Frontier? Is it liberal enough for you?"

Answer: "It's a brilliant and progressive administration. I have great confidence in the President. Kennedy is a man of great capacity—I've known him for many years and I'm delighted he's President. There is very little he has said or done I disagree with. I think and of course ADA thinks and I know perfectly well Kennedy thinks there's a great deal more to be done.

"I don't think we've done enough so far to stimulate the economy to get out of it the growth we need to meet challenges at home and compete with the Soviet Union abroad. Their economy is growing by leaps and bounds—ours is in some way stagnant—the things some of my sober and pragmatic economist friends tell me are very alarming."

Question: "Can this stimulation be done without more taxes?"

Answer: "I don't think it's so much taxes. It needs more planning."

Question: "Will people get sufficiently alarmed unless the President tells them 'you are going to have to pay,' do you think?"

Answer: "Actually we need a tax cut. I agree the things President Kennedy has asked are not enough to send anybody, but that's his political calculation. The same with civil rights, where he doesn't want to alienate too many Southern Democrats. But our position, I think, is to be the liberal conscience constantly pressing and telling him to do the things that we believe he wants to do, and at the same time give him strong and ardent support. Our function is not just to be critical, though, that's useful, but to give positive support and remember that our political foes are the conservatives—not Kennedy."

Question: "At your ADA convention you seemed to scold him a bit."

Answer: "There was some criticism on wiretapping, on freedom of information, on civil rights, yes."

Question: "How do you make sure Communists don't infiltrate ADA as they have tried with other organizations?"

Answer: "When you sign the card you declare you're against all forms of totalitarianism. I don't know of any case where we've had a Communist—the question came up here in Massachusetts 6 or 7 years ago and we dropped somebody, as I remember. The point is, you don't get obsessed with it or you start purging everybody. I've never seen any evidence of Communist or fellow traveler influence. Our people from way back have been battling these guys and we know them so well, and their tactics so well, they wouldn't have a chance.

"This goes back much further than when ADA exposed the Progressive Party's infiltration by Communists in 1948. I can remember my own experience in trade unions. I worked for the Government awhile (writer, Resettlement Administration and Democratic National Committee, 1935–36) then a newspaper (New York Post, 1936–37; research Fortune magazine, 1937–38) and I was in the Newspaper Guild, then I was here (Harvard, instructor to chairman of government department 1938–58) and we had a teachers union.

"We had our experience just like Walter Reuther did. They're not that hard to spot, frankly, I know what they're like. And they will wreck any organization, they don't care about its purposes as long as they get what they want out of it."

Question: "What do you see ahead for ADA? Would you want it to grow or is it more effective as a closely knit group? Is it going to become another political party—a labor party?"

Answer: "No, no. ADA people aren't Socialists. They're flexible. Socialism is a form of ideology. In some cases public ownership might be good and if it's proved we're ready to accept it.

"But I think the future of ADA is extremely important, the international picture is dark and in recent months has grown darker. We may meet more defeats. The balance of power has swung against us. Eight or nine years ago, who was preaching against neutrals?

"Who said if you're not for us you're against us? It was John Foster Dulles. Who's saying that today? Khrushchev. He says there are no neutrals. He's feeling his oats, and he is stronger. There's no denying that. Now this means the United States is going to have to put its back into this struggle. We're going to have to act soberly.

"I fear some sectors of American opinion will become so frightened they'll demand panicky and hysterical action, throw in the Marines, start throwing atomic bombs around, or institute some great domestic witch hunt. The ADA must press for vigorous, prolonged action which is levelheaded and sober and prudent. See what I mean?"

Question: "Is it possible if the tide has turned against us, if we are really in peril, to make the advances on the homefront that would otherwise be desirable, and at the same time catch up with the Russians? They had to set priorities and let human welfare suffer. F.D.R. came to a point where he had to let the social gains stand still while he built airplanes and ships. If we try to have both, aren't we liable to come out second best in both?"

Answer: "Well, that's complicated. We can get so much more out of our resources than we are getting now. Those pictures from Alabama did us as much damage as an aerial bombardment. Education is absolutely critical in the long run, this is why our economy has grown. Conceivably at some point we might have to make a choice between a reduction in our own standard of living and carrying out our foreign policy objectives. But we aren't there by any means. We might be there much sooner if we fail to grow."

Question: "Are we going to have that much time—30 or 40 years?"

Answer: "No, it doesn't take that long to produce engineers. Kids in high school right now are going to benefit from Federal aid to education. In 10 years."

Question: "Thank you, Dr. Beer."

TRIBUTE TO LEON OBERMAYER

Mr. SCOTT. Mr. President, one of Philadelphia's most useful and respected citizens, the Honorable Leon Obermayer, is retiring after nearly a quarter of a century's service to his city as a member of its board of education. For the last 6 years, he has served with his well-known tact, wisdom, and leadership as president of the board.

An editorial in today's Philadelphia Inquirer well summarizes the regard in which this distinguished Philadelphia lawyer and civic leader is held. Under leave granted I include this editorial.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LEON OBERMAYER'S SERVICE

For nearly 24 years, the last 6 as president, Leon Obermayer has been a hard-working, forward-looking, and articulate member of the board of education. This newspaper regrets that he finds it advisable to announce his retirement, effective November 13.

It is understandable, after his long and faithful service, that Mr. Obermayer, now 75, feels he should yield his post to someone younger. The truth is, however, that he has never given any indication of being wearied by his labors nor has his keen interest in the Philadelphia school system flagged in the slightest degree.

Yet he has given generously of his time and energy to many other causes. In addition to his law practice and board of education duties he has engaged in many civic and charitable activities and has traveled extensively throughout the world.

Good public servants, particularly highly capable school board members, are not easy to come by. Mr. Obermayer's long service and the remarkable advances the city's public schools have made during that period, attest to his dedicated and conscientious efforts.

Leon Obermayer has more than earned his laurels in tasks that too often go thankless. On the eve of his retirement he merits the city's wholehearted gratitude for his selfless labors. For the city will be the loser through his withdrawal from the board of education.

"COLLEGE NEWS CONFERENCE"

Mr. SCOTT. Mr. President, I am certain that many other Members of the Senate will join me in congratulating Ruth Hagy for bringing "College News Conference" back on the air for its 10th anniversary.

The program will be broadcast over 58 stations of the National Educational Television and Radio Center network and through Metro Media in New York and Washington.

I understand that Miss Hagy has already arranged to do programs with Senator BARRY GOLDWATER, Attorney General Robert Kennedy, Secretary of Health, Education, and Welfare Abraham Ribicoff and USIA Director Edward R. Murrow.

Many of the Senators who have been guests on "College News Conference" know what an important contribution it has made to public service broadcasting through its intensive study of the news of the day and of the people who are behind the news. This thoughtful and exciting approach to the national events won "College News Conference" a Peabody Award.

I ask unanimous consent that a press release from National Educational Television be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

"College News Conference," the Peabody-Award winning series, will begin its 10th year this fall on a new network, National Educational Television (NET).

Guests on the weekly series of half-hour programs during the 1961–62 season will include Attorney General Robert Kennedy, Senator BARRY GOLDWATER, Republican, of Arizona, Secretary of Health, Education, and Welfare Abraham Ribicoff, and USIA Director Edward R. Murrow. They and other distinguished persons will be interviewed by panels of selected college students.

The announcement that NET had acquired the series was made today (Wednesday, August 23) by John F. White, president of the National Educational Television and Radio Center, headquarters and programing agency for the network of more than 50 noncommercial TV stations across the country. "College News Conference" formerly was presented by the American Broadcasting Co.

In his statement Mr. White said "We are happy to welcome "College News Conference," a series with a distinguished history on commercial television. It joins a long list of other fine series that have established NET as a fourth national network offering outstanding news and cultural programs at prime time."

Ruth Hagy, producer and moderator of "College News Conference," said, "I have been delighted with the cooperation of National Educational Television and am very pleased to announce that NET will give us the opportunity to take our cameras to the people and events making the news. I have long felt that television should be doing more of this sort of thing.

The first program, to be seen on NET stations in November, will be a study of the Peace Corps in action in Colombia. Miss Hagy recently returned from a series of talks with government officials in that nation. The program will include films of corps members training in the United States, receiving on-the-job training in Colombia, and at work there, as well as interviews of Peace Corps members by outstanding Colombian students.

Donald S. Hillman, executive producer of public affairs programs for NET, said arrangements are being completed to produce a program in Berlin.

As part of the series' new format, "College News Conference" programs this year also will originate from cities throughout the United States. For example, the facilities of the NET station in Denver, KRMA-TV, will be used for a program on space and development with space expert Gen. Bernard Schriever and students from the Denver area.

The program with Senator GOLDWATER may be shot at the Senator's home overlooking Phoenix by a remote crew from KAET, the NET station in that city.

According to Mr. White, NET also will make the series available, for broadcast by commercial stations on a sustaining basis.

"College News Conference" and Miss Hagy have been cited by numerous civic and youth organizations. The series has been on the air since 1952.

THE DEATH OF NATHAN STRAUS

Mr. KEATING. Mr. President, America has lost one of its pioneers in broadcasting journalism and the first proponent of radio editorials with the passing of Nathan Straus. Mr. Straus was a distinguished public servant, eloquent champion of the responsibilities of our mass media, and a tireless worker for humanitarian causes.

In addition to holding office on the municipal and State level, he served as Federal Housing Administrator from 1937 to 1942. In 1943 Mr. Straus acquired control of radio station WMCA, which under his leadership has pursued a vigorous and imaginative course of programing and editorials.

Those of us who were fortunate enough to hear Mr. Straus' radio editorials know that regardless of whether we always agreed with them, they were always incisive, direct, and frankly stated. We are the richer and more enlightened because this man has been among us. We are the poorer now that he has left us.

His widow and fine family, I am sure, have the deepest sympathy of every Member of the Senate in their hour of sorrow.

PREVENTION OF CORRUPT PRACTICES IN FEDERAL ELECTIONS

The Senate resumed the consideration of the bill (S. 2426) to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes.

Mr. CANNON. Mr. President, the Subcommittee on Privileges and Elections of the Committee on Rules and Administration has conducted studies and held public hearings for several years on many proposals to improve and modernize the existing Federal election laws dealing with campaign contributions and expenditures.

The Federal Corrupt Practices Act of 1925, as amended, and the Hatch Political Activities Act of 1939, as amended, controlling the amounts which may be contributed to or expended by candidates for Federal office and their supporting political committees have been in great need of revision for many years. The methods and costs of conducting political campaigns have changed substantially since 1925 and 1939, and the limitations which were imposed by those acts have a crippling and inequitable effect upon candidates and political committees of this day.

On January 25, 1960, the Senate passed S. 2436, to amend the existing Federal election laws; but the session expired before action on the bill could be completed in the House of Representatives.

During this year, several new measures were introduced in the Senate, and were referred to the subcommittee for study and consideration. Hearings were conducted on the 11th and 12th of May and on the 9th, 13th, and 15th of June. Executive sessions followed the hearings, for the purpose of reporting a practical and badly needed new election law. S. 2426 is the result of the subcommittee's efforts to arrive at a sound and reasonable law setting new limitations on expenditures, providing broader and more detailed disclosure of campaign finances and offering a tax credit to induce greater participation in political campaigns by all citizens of the United States.

Mr. CASE of South Dakota. Mr. President, will the Senator from Nevada yield?

The PRESIDING OFFICER (Mr. METCALF in the chair.) Does the Senator from Nevada yield to the Senator from South Dakota?

Mr. CANNON. I am very happy to yield.

Mr. CASE of South Dakota. I am glad to see this bill brought to the floor of the Senate. I recognize that the political realities are such that, with the end of the session approaching, unless we take action on this subject at this time, it is probable that no action on such a measure will be taken during this session; and in view of the plans, made toward the end of this calendar year, for the political campaigns next year, it is important that if action in this field is to be taken, it be taken at this session.

After making that statement, I wish to say that, personally, I am disappointed that the bill now before the Senate does not contain some of the features of previous bills on this subject. The pending bill is a far cry from such bills, which were reported in previous years by the committee. However, even so, the bill meets some necessary requirements of a modernized elections bill at this time.

I desire to ask several questions.

First, is it correct to state that the term "political committee," as used in the bill, and as defined in it, is one which will operate in two or more States or, if it does not operate in more than one State, will be a subsidiary of a national committee?

Mr. CANNON. That is correct. That is the definition of the term "political committee." In other words, a "political committee" will not be an intrastate committee—one engaged solely in connection with a campaign located within only one State.

Mr. CASE of South Dakota. At the bottom of page 5, section 202 is entitled "Reports by Political Committees." It reads in part as follows:

SEC. 202. (a) The treasurer of a political committee shall file reports of receipts and expenditures with the Clerk of the House of Representatives, on forms to be prescribed by him, and shall transmit a copy of such reports to the secretary of state for the State in which the principal office of the committee is located.

Personally, I think one of the most constructive features of the bill is its provision that a copy of the report shall be filed with the secretary of state for the State in which the principal office of the committee is located. That will be an improvement in the present law, which has required the filing of reports only with the Clerk of the House of Representatives or the Secretary of the Senate.

Mr. CANNON. The Senator from South Dakota is entirely correct. The purpose of requiring the reports to be filed with a responsible official of the State of the candidate is to give those interested in the expenditures and the receipts an opportunity to check within their own State and to ascertain what has been reported and what has been used.

Mr. CASE of South Dakota. Yes; and a timely opportunity, I hope.

I recall that in one of the bills which was reported to the Senate a year or two ago, there was a requirement that the report be filed with the clerk of the district court. Possibly there would have been some advantage in such a provision, in that certain requirements could be made of the clerk of the district court. But I recognize that under the pending bill, as drafted, a Federal statute can only suggest it as the duty of the secretary of state of the State, but cannot make a fixed requirement, as could be done in case the recipient of the report were a Federal official.

Mr. CANNON. The committee has been advised that the Congress has a right to impose that duty on the secretary of state of the State—first, as to the filing of the report; and, second, as to making the reports available for inspection and copying by interested persons. Later in the bill we also have a provision which requires the candidates themselves to file with the Secretary of the Senate or with the Clerk of the House, in the appropriate case, and also to file a copy with the secretary of state of the appropriate State.

Mr. CASE of South Dakota. Yes. I have read section 207, entitled "Duties of Secretaries of State." I notice that no filing is there prescribed, and I have some doubt as to whether by statute the Congress could impose a penalty on a State secretary of state for failure to comply with the duties here prescribed. However, I believe public opinion would insure compliance by the State secretaries of state with the duties set forth in the bill—namely, to receive the reports and make them available for public inspection and to permit the copying of them.

However, in regard to the filing of the reports by the committees, I note that the bill provides that they are to be filed with the Clerk of the House of Representatives or with the Secretary of the Senate.

On page 8, subparagraph (d) reads as follows:

(d) In the case of political committees supporting candidates for Senator, a copy of the report filed with the Clerk of the House of Representatives under subsection (a) shall be filed with the Secretary of the Senate.

That seems to imply that if there were a committee concerned only with the election of Senators, nevertheless the report would have to be filed with the Clerk of the House of Representatives. Is that correct?

Mr. CANNON. That is correct. That is existing law. The additional provision is that the political committees shall be required to file a copy of such report with the Secretary of the Senate. That provision is new.

There is an additional provision—one which we hope to cover by means of a committee amendment which will be proposed later. It would change some provisions of the bill in regard to the filings now called for by the bill.

Mr. CASE of South Dakota. I hope that will be the case, because it seems to me that the average candidate for the Senate or the average committee supporting such candidacy would not normally be expected to file such a report with the Clerk of the House of Representatives.

Mr. CANNON. That is correct. So far as the candidates themselves are concerned, an amendment which will be proposed as a committee amendment, at the conclusion of my remarks, will call for changing the section as now set forth in the bill, so that a candidate for election to the Senate would file with the Secretary of the Senate, and a candidate for election to the House of Representatives would file with the Clerk of the House. In short, the respective candidates would not be required to cross file.

Mr. CASE of South Dakota. If the political committees are concerned only with the election of candidates to either one body or the other they will not be expected to cross file with the other body of the Congress.

The committee does not propose to offer an amendment in that respect, because, in the first place, the political committees must be involved with candidates in two or more States, not merely one State. Therefore, the interest is broader so far as committees are concerned. The law requires filing with the Clerk of the House. The new measure requires the candidates to file a part of that report with the Secretary of the Senate.

I suggest that the Senator give some further thought to this question before action on the bill is completed. For example, it seems to me that the clerk of the Democratic Senatorial Campaign Committee should be required to file reports with the Secretary of the Senate and with the secretaries of state of the States concerned. Why should the clerk for the Democratic Senatorial Campaign Committee or the clerk for the Republican Senatorial Campaign Committee be required to file a report with the Clerk of the House of Representatives?

Mr. CANNON. I assure the Senator I shall be very happy to give this question further consideration. We are trying to write a full-disclosure provision. The political committees, if they are required to file at all, have an interest in more than one race. I do not believe it would be burdensome to require that they send a copy to the other body.

Mr. CASE of South Dakota. It seems to me they must make reports in three places—with the State, with the body with respect to which they are supporting candidates, and with the other body of Congress as well. It seems to me the third one is unnecessary if the committees are concerned with the elections of candidates to one body or another. If a national political committee were concerned with the election of candidates in both bodies of Congress, I could see that a report should be filed in both places.

Let us say there is a regional group, and there are regional interests which have organized a committee to elect Senators in the Northwest or the Southeast and they are concerned only with the election of Senators. Why should they file reports with the House of Representatives? That is the question I am raising.

I have two other very brief observations. On page 5 of the bill there is one reference to a committee where, it seems to me, the word "political" should be inserted ahead of the word "committee." I refer to line 2, page 5.

Mr. CANNON. I shall be very happy to accept the amendment that the word "political" be inserted ahead of the word "committee" on line 2, page 5.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent for the immediate consideration of the amendment to insert the word "political" ahead of the word "committee" on line 2, page 5.

The PRESIDING OFFICER. Without objection, the amendment will be immediately considered.

Will the Senator from Nevada state the amendment?

Mr. CANNON. The amendment is to insert the word "political" prior to the word "committee" on line 2 of page 5 of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CASE of South Dakota. Mr. President, one further comment. On page 20, line 15, of the bill appears the heading, "Title IV—Income Tax Credit for Political Contributions."

This also is a part of the bill which I have discussed with the Senator from Nevada. In view of the jealousy with which the House of Representatives looks upon the constitutional provision for revenue measures originating in the House of Representatives, it seems to me we either should add a separability paragraph to the bill, to guard the constitutionality of the bill as a whole, in case a constitutional question should be raised on title IV, or title IV should be dropped from the bill to permit the House to present that question in a House numbered bill.

Mr. CANNON. On page 16, in section 202, there is a saving clause written into the bill. However, a committee amendment will be proposed that will further take care of this matter prior to final action on the bill.

Mr. CASE of South Dakota. The Senator is correct. Section 212 would take care of the validity of the remainder of the bill should any unconstitutional provision be in it; but, in view of the statement the Senator has made, I think that meets the situation. I am not adverse to title IV. I think it will be a good addition to our legislation.

On the whole, I commend the Senator and his committee for getting before the Senate legislation on which action can be taken at this session of the Congress.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. MANSFIELD. I suggest the absense of a quorum.

The PRESIDING OFFICER. Does the Senator from Nevada yield for that purpose?

Mr. CANNON. I am happy to yield for that purpose.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, title I, section 102 of the bill, beginning on page 2, makes some changes in the definitions of the terms, "contribution" and "expenditure" so as to include transfers of funds between committees. The inclusion of this new phrase covering transfers of funds will prevent duplicate reporting of single contributions or expenditures. A new definition has been added in order to provide an office in each of the States, including the Commonwealth of Puerto Rico, and in the U.S. possessions, for ready access to all citizens of those areas of information concerning campaign contributions and expenditures.

Since the secretary of state in each State, or another officer, duly authorized, already performs certain Federal functions such as providing certificates of election for Federal offices the subcommittee has designated those offices to be the depositories for copies of political finance statements from candidates and political committees living or operating in the respective States. In most respects the existing definitions have not been changed including the definitions of the terms, "election" and "political committee."

Title II of the bill, beginning on page 4, relates to the organization of political committees and reports by political committees, candidates, and other persons. Section 201 retains the provisions of the existing law except that the treasurer of a political committee is required to retain a receipted bill for ever expenditure exceeding $100 in amount instead of $10, the sum referred to in the present law. This change reflects the rise in costs of campaign expenditures.

Section 202, beginning at the bottom of page 5, requires political committees to file reports of receipts and expenditures with the Clerk of the House of Representatives, the secretary of state for the State where the principal office of the committee is located, and, in the cases of committees supporting candidates for the Senate, with the Secretary of the Senate. The reports would be filed on the 30th day of June and the 31st day of December in each year, and during election years two additional reports would be required as of the 10th

day preceding the election and the 30th day following the election.

The existing law requires four reports each year and six reports during election years, so that S. 2426, while more specific in most respects, imposes less of a burden upon political committees as regards the filing of statements.

In addition to providing more detailed and extensive disclosure by means of filing reports on the State level, the bill calls for information regarding the amount of cash on hand at the beginning of the reporting period, the name and address of each person who has made a contribution to or for a committee or to whom an expenditure has been made by the committee aggregating $100 or more during the calendar year. All smaller contributions and smaller expenditures, all transfers of funds between committees, must be reported by the committees.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. CANNON. I am happy to yield to the distinguished Senator from Florida.

Mr. HOLLAND. If I correctly understand the able discussion of the distinguished Senator, sections 201 and 202, which he has analyzed very carefully up to now, relate entirely to the political committees as defined in the bill, which means committees existing for the support of candidates, as named by the bill, in two or more States.

Mr. CANNON. The distinguished Senator is entirely correct.

Mr. HOLLAND. Sections 201 and 202 have no relation whatever to campaigns conducted in only one State?

Mr. CANNON. The Senator is entirely correct. That problem was considered by the subcommittee, and the subcommittee determined against another type of provision.

As the Senator has well stated, sections 201 and 202 have application only to political committees as defined in the first part of the bill; namely, committees which are interested in campaigns in more than one State and not campaigns solely within one State.

Mr. HOLLAND. I thank my distinguished friend. I add my compliments to those he has already received. I think the Senator is rendering fine service. I hope we can pass an excellent bill to tighten up the laws in this field, which so badly need tightening up, as I am sure the Senator knows better than those of us who have not worked on this subject.

Mr. CANNON. I thank my distinguished friend for his kind remarks.

Section 203, beginning on page 9, retains the requirement of the existing law that every person who makes an expenditure or contribution to a political committee for the purpose of influencing Federal elections in two or more States shall file reports of such political finances. The major change in this section, in consideration again of the increase in costs of political campaigns, raises the reportable amount from $50 to $500 during a calendar year.

Section 204, beginning at the bottom of page 9, calls upon candidates for Federal office to file with the Clerk of the House of Representatives, and in the case of candidates for the Senate with the Secretary of the Senate, and with the secretary of state for the State where the candidate resides. The reports would be filed as of the 10th day before an election and as of the 40th day following an election. The reports would be itemized and detailed in the same manner as those required of a treasurer of a political committee. In every instance, political committees, candidates, and other individuals would have a 3-day grace period for the filing of reports.

Section 205, beginning on page 11, is substantially similar to the provisions of the existing law but requires that the person filing a report shall retain a copy for a period of 1 year.

Mr. SCHOEPPEL. Mr. President, will the Senator yield?

Mr. CANNON. I am happy to yield.

Mr. SCHOEPPEL. I regret that I was absent from the Chamber when the Senator may possibly have covered the subject of my inquiry. How would the bill actually affect a committee formed or for one specific candidate, especially with reference to payments or contributions aggregating $500?

Mr. CANNON. As I stated to the Senator from Florida [Mr. HOLLAND] a few moments ago, the bill would not affect a political committee established solely for the purpose of electing one candidate from a particular State and is not engaged in the election of two or more candidates involving different States. It is not intrastate.

Mr. SCHOEPPEL. I thank the distinguished Senator.

Mr. CANNON. Section 206, on page 12 of the bill, imposes upon the Clerk of the House and the Secretary of the Senate the duty to preserve all reports filed for a period of 6 years; to make reports available for public inspection within 24 hours of their receipt and to permit copying at the expense of the person requesting the copy.

Section 207, beginning on line 17 of page 12, imposes identical duties upon the secretaries of each State.

Section 208, beginning on line 10 of page 13, sets new and realistic ceilings upon the amount which may be expended by a candidate for Federal office. This bill would permit a candidate for the Senate or a Representative at large to spend up to $50,000 or an amount to be obtained by multiplying 20 cents by the total number of votes, not in excess of 1 million votes, which were cast at the last general election for all candidates for the office which the candidate seeks, plus the amount obtained by multiplying 10 cents by the total number of such votes cast in excess of 1 million. Thus, a candidate for the Senate could spend, if necessary, up to $50,000 without question and a larger sum in heavily populated States by using the formula. An alternative formula would substitute the number of persons registered to vote in the general election for the office which the candidates seek in lieu of the number of votes cast at the last general election. A candidate for the House of Representatives or Resident Commissioner would be able to spend up to $12,500 in his campaign for election or, again in heavily populated representative districts, a larger amount, by use of the formula already referred to.

The existing law limits candidates for the Senate to $10,000 and candidates for the House to $2,500 during their campaigns for election or to the amount to be obtained by multiplying 3 cents by the total number of votes cast at the last general election for all candidates for the office sought.

Section 209, on page 15, retains the same general penalties for violations.

Section 210, on page 15, retains the provision excluding legal expenses in contesting elections from the limitations imposed upon campaign contributions or expenditures.

Section 211, on page 15, retains the provision that State laws shall not be affected unless directly inconsistent with the provisions of the bill but with the added proviso that the limitations on expenditures prescribed in section 208 of the bill shall supersede any such limitations prescribed by State laws.

Section 212, on page 16, contains the usual savings clause and section 213, on page 16, would repeal the Corrupt Practices Act of 1925, together with any other acts which are inconsistent.

Title III deals with amendments to the Criminal Code and, for the sake of consistency, section 301 of the bill, beginning on page 16, amends the definitions of title 18 of the United States Code to conform with the definitions of S. 2426.

Section 302, beginning on line 9 of page 18, retains the existing limitation on contributions to candidates or political committees but, in subsection (b), page 19, excludes campaign pins, buttons, and similar materials not exceeding $5 per item from the prohibition against purchases of goods.

Section 303, beginning on page 20, amends the existing law in order to establish a more realistic ceiling upon the amount of contributions or expenditures which may be received or made by interstate political committees. Instead of the existing $3 million limitation, section 303 offers a flexible formula permitting contributions or expenditures in the amount to be obtained by multiplying 20 cents by the highest number of votes cast for all candidates for the office of President in any of the preceding three elections for that office. On the basis of the 1960 general election, therefore, a national committee could receive contributions or make expenditures in the neighborhood of $14 million which has been approved as a reasonable figure by representatives of both major parties and both national committees.

Title IV, beginning on page 20, line 18, provides under section 401 of the bill, for an income tax credit for political contributions. The contribution would be limited to candidates for Federal elective office or to political committees supporting them. The tax credit which would be allowed against Federal taxes due during a taxable year would be limited by the bill to one-half of the political contribution but not to exceed a total credit or $10 for any taxable year. Thus, if a contributor gave $10 to the Federal candidate or national party of his choice, he could claim a $5 tax credit and, if he

gave $20 or more, he could claim a $10 tax credit, but no more. The purpose of this section is to encourage greater interest among large numbers of citizens to support political parties and candidates financially and claim part of their contributions as a tax credit. A tax benefit of this type has been widely supported and would be of greater benefit to all citizens than a deduction from gross income.

Title V, section 501, beginning on page 23, provides that titles I, II and III of the bill would, if the bill is enacted, become effective as of January 1, 1962, and section 502, appearing on page 24 of the bill provides that title IV, the tax credit, would become effective with respect to taxable years ending on or after the date of the enactment of the act.

Mr. President, the Subcommittee on Privileges and Elections, and its parent committee, the Committee on Rules and Administration, have made a sincere effort to report a bill which will provide a sound, commonsense attitude toward political campaigning in the United States and offers changes and amendments to existing Federal election laws which should have been enacted a long time ago. I am very hopeful that the Members of the Senate will give this bill favorable consideration and that the Federal Elections Act of 1961, S. 2426, will be adopted and enacted into law.

Mr. President, I offer three technical amendments which I send to the desk and ask that they be stated.

The PRESIDING OFFICER. The first amendment of the Senator from Nevada will be stated.

The LEGISLATIVE CLERK. On page 9, line 19, it is proposed to strike out lines 19 to 24 as far as the period on line 24 and insert in lieu thereof, the following:

Every candidate for election to the House of Representatives, including a Resident Commissioner, shall file with the Clerk of the House of Representatives, on a form to be prescribed by him, and every candidate for election to the United States Senate shall file with the Secretary of the Senate, on a form to be prescribed by him, reports of receipts and expenditures and shall transmit a copy thereof to the secretary of state of the State in which the candidate resides.

Mr. CANNON. The amendment, and the two amendments which will follow, have been unanimously approved by the members of the Committee on Rules and Administration.

The Constitution of the United States provides in article I, section 5, clause 1, that "each House shall be the judge of the elections, returns, and qualifications of its own Members." The Secretary of the Senate and the Clerk of the House of Representatives, therefore, should be the respective depositories for reports of receipts and expenditures from candidate for election to the U.S. Senate and from candidates for election to the House of Representatives.

Section 204(a) of S. 2426, beginning on line 19 of page 9 of the bill, calls for every candidate to file with the Clerk of the House of Representatives, on a form to be prescribed by the Clerk, reports of receipts and expenditures and in the case of a candidate for the Senate to file a copy of such reports with the Secretary of the Senate.

In consideration of the constitutional rights given to the House and the Senate to judge the elections, returns, and qualifications of their respective Members and of the duties which are imposed upon the Clerk of the House and the Secretary of the Senate by section 206 of S. 2426 which appears on page 12 of the bill, it would be a better procedure to require candidates for the respective Houses of the Congress to file either with the Clerk of the House of Representatives or with the Secretary of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment was agreed to.

The PRESIDING OFFICER. The second amendment offered by the Senator from Nevada will be stated.

The LEGISLATIVE CLERK. On page 11, line 4 it is proposed after the word "candidate" insert the following: "with the Clerk of the House of Representatives and with the Secretary of the Senate."

On page 11, line 4, after the comma in the middle of the line and before the word "a", insert the word "by."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nevada.

Mr. CANNON. Mr. President, the amendment is merely a technical amendment so that the bill will be consistent in every respect.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the third amendment.

The LEGISLATIVE CLERK. On page 10, line 5, it is proposed to strike out the word "third" and insert in lieu thereof, the word "first."

Mr. CANNON. Mr. President, the bill, S. 2426, in section 204(a) requires candidates to file reports complete as of the 10th day next preceding the date of an election, and the candidates are given an additional 3-day grace period to complete and file such reports.

The intent of this provision is to require disclosure of contributions and expenditures made prior to the date of an election, but it is felt that the 3-day grace period might well result in the filing or mailing of reports which in remote areas would not reach designated depositories until too late for interested parties to study them carefully. Therefore, the committee believes that the grace period should be reduced from 3 days to 1 day, but only with respect to the filing of the reports required by candidates prior to the date of an election.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. CANNON. I am happy to yield.

Mr. KEATING. At what point in the bill does the amendment appear?

Mr. CANNON. The amendment appears on page 10, line 5, in the bill, where "third" is deleted and the word "first" is inserted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment was agreed to.

Mr. CANNON. Mr. President, S. 2426, the Federal Elections Act of 1961, now under consideration by the Senate, contains among its provisions title IV which offers an income tax credit for political contributions.

Testimony received by the Subcommittee on Privileges and Elections during public hearings conducted this year indicated strong support for the incorporation of a tax benefit for political contributions in any major revision of the Federal election laws.

Careful consideration was given to the relative merits of a tax credit versus a tax deduction as an inducement to greater numbers of U.S. citizens to contribute to the Federal candidates of their choice. A tax credit was preferred. Consideration was also given to the problem of determining, in the absence of precedent or accurate formula, the probable cost to the Government of such a tax credit.

The bill, reported unanimously by the subcommittee to the Committee on Rules and Administration and reported, again unanimously, by that committee to the Senate, represents the wholehearted and enthusiastic efforts of the Subcommittee on Privileges and Elections and its parent Committee on Rules and Administration to bring about vitally needed changes in existing Federal election laws, including more extensive disclosure and more realistic limitations on spending by candidates and political committees.

It has been brought to my attention, Mr. President, that title IV of the bill, beginning on page 20, the tax credit provision, might be the subject of a point of order on the constitutional grounds that "all bills for raising revenue shall originate in the House of Representatives," and also on the grounds that matters pertaining to revenue laws belong within the jurisdiction of the Senate Committee on Finance.

S. 2426 is primarily an election bill properly referred to the Committee on Rules and Administration, but since title IV offers an amendment to the Internal Revenue laws, the Finance Committee could question the fact of the bill's nonreferral to that committee.

I am reluctant to strike title IV from the bill because of the broad favorable testimony in favor of such a benefit, because the committee supported the bill, including the tax credit, and because I firmly believe that the Senate as a whole would be overwhelmingly in favor of a credit for political contributions.

Nevertheless, rather than raise the question of a point of order which might seriously affect the chances of the bill's passage, and rather than risk the possibility of objections by the House of Representatives for attempting to originate a provision relating to revenues, I will move to strike title IV from the bill and, with that deletion, make every effort to gain the approval of the remaining titles of S. 2426.

It is my understanding that S. 2426, as reported to the Senate, will be introduced in the House of Representatives this week containing the tax credit, title IV. I am very hopeful that early action will be taken in the House on this bill

and that S. 2426, including the tax credit provision will be adopted.

Mr. President, I send to the desk to be read, an amendment striking from the bill all references to title IV. This amendment has been approved by all members of the committee.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 20 it is proposed to strike out lines 15 to 21.

On page 21, strike out lines 1 to 21.

On page 22, strike out lines 1 to 21.

On page 23, strike out lines 1 to 12.

On page 23, line 13, strike out V and insert in lieu thereof, IV.

On page 23, line 15, strike out 501 and insert in lieu thereof 401.

On page 24, strike out lines 1–5.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. KEATING. This matter was discussed at some length in our committee. It seems to me that the action which the chairman is taking is wise under the circumstances. We certainly want to show proper regard for any feelings the other body may have, and also for the United States Constitution. I express the hope—and I am sure my colleague shares it—that the House will act favorably on a provision similar to this one, and that it will be incorporated in the final bill which is arrived at in conference.

Mr. CANNON. I thank the Senator for his remarks. I share his concern and hope that the House of Representatives will add that provision, and that the bill finally approved will contain the tax credit provision.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KUCHEL. Mr. President, it is my understanding that the senior Senator from New York [Mr. JAVITS] has an amendment, but that he will be unavoidably absent during the remainder of the session today. Am I correct in my understanding that whatever action may be taken on the bill, it will not have a third reading until tomorrow, so that the Senator from New York may have an opportunity to offer his amendment?

Mr. CANNON. That is correct. With the exception of the amendment of the Senator from New York [Mr. JAVITS], it is hoped that we may proceed to dispose of the other amendments tonight, holding the bill open for a third reading until tomorrow at the request of the Senator from New York [Mr. JAVITS], who could not remain here this evening. Other amendments will be offered, and it is hoped that all the other amendments will be disposed of tonight.

Mr. KUCHEL. I thank the Senator.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. LONG of Missouri. Mr. President, on behalf of the Senator from New York [Mr. KEATING] and myself, I call up my amendment "9–7–61—B."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 3, it is proposed to strike out lines 5 to 14, inclusive, and insert in lieu thereof the following:

(3) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures in an aggregate amount exceeding $2,500 in any calendar year for the purpose of influencing or attempting to influence in any manner whatsoever the election of a candidate or candidates or presidential or vice presidential electors.

On page 17, strike out lines 1 to 10, inclusive, and insert in lieu thereof the following:

(3) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures in an aggregate amount exceeding $2,500 in any calendar year for the purpose of influencing or attempting to influence in any manner whatsoever the election of a candidate or candidates or presidential or vice presidential electors;.

Mr. MANSFIELD. Mr. President, I wish to propound a unanimous consent request pertaining to the bill now before the Senate.

I ask unanimous consent that tomorrow, at the conclusion of the debate on the foreign aid appropriation bill, there be allowed on each amendment 20 minutes, 10 minutes to each side, the time be under the control of the majority and minority leaders, who, of course, will allot it to the Senator handling the bill, and, on the other side, to Senators who offer amendments.

The PRESIDING OFFICER. Is there objection?

Mr. LONG of Missouri. It was my intention to ask for the yeas and nays on my amendment. Will I still have the opportunity to do that tomorrow? As I understand, this request will not interfere with my opportunity to do so.

Mr. MANSFIELD. It will not interfere in the least. If my request is agreed to, there will be nothing but continued debate tonight, and there will be no voting on any amendment tonight. The agreement would not go into operation until the conclusion of the debate on the foreign aid appropriation bill, some time tomorrow afternoon, I assume.

The PRESIDING OFFICER. Is there objection to the unanimous consent agreement? The Chair hears none, and it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on tomorrow, September 15, 1961, after disposition of H.R. 9033, the Foreign Assistance Appropriation Act of 1961, during the further consideration of the bill S. 2426, the Federal Elections Act of 1961, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 20 minutes, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided,* That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Mr. LONG of Missouri. Mr. President, I have offered an amendment to the pending bill identified as "9–7–61—B." The purpose of the amendment is to broaden the term "political committee" as used in the bill.

The bill presently requires only committees which operate in two or more States or which are branches or subsidiaries of national committees to report. Even from this limited coverage, it exempts duly organized State or local committees of a political party. This limited coverage leaves large areas of campaign financing, even of general elections, in the dark.

The amendment which I have offered would require reports by all political committees even if they operate in only one State if they receive or spend more than $2,500 to influence Federal elections.

Investigations by the Senate Privileges and Elections Subcommittee have shown clearly the extent senatorial and congressional campaigns are financed by intrastate committees. I am sure that each of us from personal experience also realizes the extent of the work carried out by intrastate committees.

Again, if a true picture of campaign financing is to be insured, reports must be required from these intrastate committees.

The adoption of the amendment will not broaden the coverage of the expenditure limitation on committees operating in two or more States.

The whole purpose of the amendment is to further the right of the people to know how campaign money is spent and where it comes from. Its effect would be to require those committees which handle $2,500 to influence Federal elections to file reports. The limitation of $2,500 will prevent this requirement from unduly restricting the operation of the small committee which might hesitate to function if it had to report. However, any committee which will handle sums in excess of $2,500 will certainly not shy away because of the reporting requirement.

The Senate adopted this same amendment last year in its consideration of proposed elections legislation. Because of the lateness of the evening, I shall not detain the Senate longer, but I urge the Senate to adopt this amendment because it is necessary to sound, positive elections legislation.

Mr. KEATING. Mr. President, I commend the distinguished junior Senator from Missouri for the keen interest he has taken in this subject. Senators will remember the outstanding, dedicated work done in this field by our late colleague from Missouri, Senator Hennings. We recall how he so successfully managed a similar bill when he was chairman of the Committee on Rules and Administration.

The distinguished junior Senator from Missouri [Mr. LONG] has taken up the cudgels and has also introduced proposed legislation in this field which was originally the basis of the hearings before the Committee on Rules and Administration.

I support the amendment which the distinguished Senator from Missouri has

offered. I regret that the Committee on Rules and Administration saw fit to eliminate this provision from the bill which was before it and reported a watered-down or weakened measure. It involves in principle the same problem as the amendment which I shall offer with the cosponsorship of the Senator from Missouri to include primaries, conventions, and caucuses under the provisions of S. 2426.

This amendment is limited to the intrastate political committees which spend more than $2,500 in financing Federal election campaigns or in contributions to the campaigns of candidates for Federal office. So this proposal gives considerably greater leeway than was contained in that bill.

I know there are those who feel that the bookkeeping and bureaucratic burdens of this amendment are frightening. It does impose some additional requirements; but if we are to have a clear elections bill at all—anything which can properly be called a clean elections bill—it must be broad enough to prevent us from leaving loopholes which are big enough to drive elephants and donkeys right through the middle, which will be the case unless we adopt the amendment of the distinguished Senator from Missouri.

I shall support his effort to obtain a yea-and-nay vote. A similar amendment was adopted last year by a large yea-and-nay vote. A sizable majority of Senators voted for it. Most of those Senators are still here. I hope their feelings have not changed from last year.

Mr. CANNON. Mr. President, the Subcommittee on Privileges and Elections conducted extensive public hearings this year on several measures to amend the existing Federal election laws. Testimony was received from a wide variety of witnesses, including Members of Congress, leaders of the national parties, and the chairmen of the national committees.

In answer to the specific questions concerning whether political committtees operating solely within the limits of one State should be required to file reports of receipts and expenditures, a great preponderance of the testimony was opposed on the following grounds.

State and local committees are already subject in all but a few States to the requirement of filing statements of campaign receipts and expenditures.

Most intrastate committees function on the county, city, or town level and do not influence the election of candidates for Federal office and spend limited amounts in behalf of candidates for State and local offices.

Influential State committees supporting both Federal and local candidates receive contributions and make expenditures in behalf of all of those candidates for joint meetings, advertising, and radio and television programs. Such contributions and expenditures cannot with any accuracy be allocated to specific candidates for Federal or State office. It would be impracticable if not impossible to require State committees to report receipts and expenditures in behalf of candidates for Federal office.

There is no uniformity of corrupt practices acts or reporting laws throughout the United States, and the imposition upon all States of a Federal law calling upon all State committees to file reports of money received or expenditures made in behalf of Federal candidates would result in legal chaos. It is not even possible to guess how many of the laws of the States would conflict with or be rendered useless by such a Federal infringement upon State jurisdiction.

This amendment, 9-7-61—B, which would set a monetary limit of $2,500 on the reporting of expenditures, and seeks to lessen the burden of reporting by State committees by the elimination of very minor political committees, would not answer the very valid arguments which have been offered in earlier years on the floor of the Senate and year after year in committee hearings.

Finally, any attempt by the Federal Government to force itself upon the States in an effort to control political committees large or small which operate solely within the limits of one State in behalf of candidates seeking office only in that State would constitute an improper invasion upon the sovereign powers of the several States and impugn the character and integrity of the elected officers and the citizens of all of the States.

I earnestly appeal to the Members of this body to support that provision of the bill which requires only political committees which are obviously interstate in character, that is, which function in two or more States in influence the election of candidates for Federal office to file reports of receipts and expenditures. This provision will still reach the larger contributors and the larger expenditures and satisfy the popular demand for broad public disclosure of campaign finances.

A revision of the existing Federal elections laws controlling campaign contributions and expenditures is overdue. The provisions of S. 2426 will, if enacted, furnish a modern, sound law governing candidates, committees, and finances. However, notwithstanding action which has been taken in this body during prior years to amend similar bills so as to include intrastate and local committees, I am sure that if the Senate accepts the amendment of the Senator from Missouri [Mr. LONG] and the Senator from New York [Mr. KEATING] the bill will never be approved by both Houses of Congress. Needed reforms such as those proposed by the bill should not be lost because of an amendment which would make the bill unacceptable to a majority of the Members of Congress.

Mr. LONG of Missouri. Mr. President, will the Senator from Nevada yield?

Mr. CANNON. I yield.

Mr. LONG of Missouri. Do I correctly understand that without this amendment there is no provision in the bill for reporting by committees of any senatorial or House campaign expenditures unless that is required by State law?

Mr. CANNON. Candidates are required by Federal law to report; but political committees are not required to report now under State law, nor will they be required to do so under the bill if they are solely intrastate committees.

Mr. LONG of Missouri. Is it not true that much of the money for campaigns for the Senate or for the House is handled by committees in the States or the districts?

Mr. CANNON. I would say practically all of the funds of the candidates for election to the Senate or election to the House are handled by his political committee in the district. However, many times the money is contributed from outside sources—from committees operating in two or more States. Therefore, they and the candidate himself are required to report on the receipts and the expenditures.

Mr. LONG of Missouri. But nothing now in the law, unless under State law, requires a committee operating intrastate to report is receipts or expenditures.

Mr. CANNON. That is correct. That is entirely a matter within the jurisdiction of the States. As a matter of fact, most of them do have such a provision now.

Mr. LONG of Missouri. But is it not true that a number of States, including some of the largest ones, do not have such a State law provision?

Mr. CANNON. As I recall, five States do not have such a reporting requirement or provision.

Mr. LONG of Missouri. I thought there were more than that.

Mr. CANNON. The following States have no corrupt practices act or no requirement for such reporting: Alaska, Delaware, Illinois, Louisiana, and Nevada.

Mr. LONG of Missouri. So that is a loophole which enables such committees not to report.

Mr. CANNON. I do not know about the use of the word "loophole." If a State determines that such committees shall not be required to report, I would not say that is a loophole.

Mr. LONG of Missouri. Well, it deals with the election of Federal officials; and, if the committee does not have to report, that would be a means of enabling the candidate to receive or expend funds which, under my amendment, he would be required to report. The purpose of the bill and the purpose of my amendment is to have the receipts and the expenditures of candidates disclosed in the States, in order to take care of the situation in States which do not have such State laws. But my State does.

Mr. CANNON. The Senator from Missouri is correct in stating that if his amendment is adopted it will impose on those States the requirement for all committees, whether interstate or intrastate, to report.

But I may point out that the candidates themselves are now required by law to report. They report here, and under this measure they will be required to report in their States. If an interstate committee is engaged in conducting, or has an interest in conducting, the campaign of the candidate, and is engaged interstate, it will be required to report.

Mr. LONG of Missouri. As the Senator from Nevada says, the candidate himself must report to the Secretary of the Senate or to the Clerk of the House of Representatives. But that does not require a report from an intrastate committee.

Mr. CANNON. That is correct.

Mr. LONG of Missouri. Moneys received and expended by those committees go unreported, from the Federal Government standpoint.

Mr. CANNON. They may go unreported from the standpoint of the committee, but they are not unreported from the standpoint of the law, insofar as those who contribute the money and those to whom it is contributed are concerned. That is required by the act.

I may add that the chairmen of both national committees testified before our committee, and supported the provisions of this bill, and testified against the inclusion of intrastate committees within the provisions of this act, for they felt that was properly a matter within the jurisdiction of the individual States, and was for them to determine.

Mr. LONG of Missouri. Mr. President, I am going to request a yea-and-nay vote on this amendment. But I assume I can do that tomorrow.

The PRESIDING OFFICER. That is correct.

Mr. KEATING. Mr. President, I assume that under the rather unusual parliamentary situation which we face, and in view of the 20-minute limitation, tomorrow it will be appropriate for me to discuss briefly my amendments identified as "9–7–61—D," which I shall offer tomorrow, also.

First, however, for reference purposes—which is the principal objective of this procedure—and in order that Senators may be acquainted with the amendments, I ask unanimous consent that they be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments intended to be proposed by Mr. KEATING (for himself and Mr. LONG of Missouri) are as follows:

On page 2, strike out lines 4 to 6, inclusive, and insert in lieu thereof the following:

"(1) The term 'election' includes a general, special, or primary election, and a convention or a caucus of a political party held for the purpose of nominating candidates;".

On page 3, line 1, after the word "for" insert the following: "nomination for, or".

On page 3, line 1, after the word "as" insert a comma.

On page 3, line 3, after the word "is" insert the words "nominated or".

On page 13, line 15, after the word "election" insert the following: "(treating primaries, nominating conventions, caucuses, and special and general elections as separate for the purposes of this limitation)".

On page 13, line 21, after "(2)" insert the following: "in the case of an election other than a caucus or nominating convention,".

On page 16, strike out lines 18 to 20, inclusive, and insert in lieu thereof the following:

"(1) The term 'election' includes a general, special, or primary election, and a convention or a caucus of a political party held for the purpose of nominating candidates;".

On page 16, line 22, after the word "for" insert the following: "nomination for, or".

On page 16, line 22, after the word "as" insert a comma.

On page 16, line 24, after the word "is" insert the words "nominated or".

Mr. KEATING. Mr. President, this amendment would include in the definition of elections contained in S. 2426 "primaries," "conventions," and "caucuses" for the purpose of nominating candidates for Federal office. The principle on which this amendment is based is clear cut. In many States, victory in a primary or convention or party caucuses is tantamount to election. When I say many States, I include almost every region of the country. Indeed, there are quite a few States in the North which—and I may add that I am very happy about this—consistently elect good solid Republicans to the Congress of the United States.

Mr. President, I hesitate to add also that I do not mean to imply that there are more or greater irregularities in primaries than there are in elections, conventions, or caucuses. However, I believe that if we do not include primaries, we shall be scuttling the basic principle upon which the clean elections bill is based. The reason for having a clean elections bill is that we believe that the best interest of our free system of government, so far as the electoral process is concerned, clearly requires bringing about full access to information about candidates, campaign organizations, and campaign financing. Furthermore, we believe there should be certain realistic limits upon the amount of money spent in various phases of political campaigns. If these combined goals of full disclosure and reasonable campaign financing are to be fulfilled, then we must include every type of organization and election involved in the selection of candidates for Federal office.

In addition, the Taft-Hartley Act contains regulations which clearly amount to Federal jurisdiction over primaries, insofar as the Federal Government has any jurisdiction in elections.

Mr. President, for the purpose of providing information for the Members of the Senate, who are so busy at this season of the year, with many committees proceedings and other business, and in order that they may be informed as to how they voted last year—if they do not recall it at the moment—I ask unanimous consent to have printed at this point in the RECORD the yea-and-nay vote taken on this amendment at the last session.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

The result was announced—yeas 50, nays 39, as follows:

Yeas—50: Aiken; Anderson; Bartlett; Bush; Byrd of West Virginia; Carroll; Case of New Jersey; Case of South Dakota; Church; Clark; Cooper; Douglas; Engle; Gore; Green; Gruening; Hart; Hartke; Hennings; Jackson; Javits; Keating; Kefauver; Kennedy; Kuchel; Lausche; Long of Hawaii; McCarthy; McGee; McNamara; Magnuson; Martin; Monroney; Morse; Morton; Moss Mundt; Muskie; Neuberger; Prouty; Proxmire; Randolph; Scott; Smith; Symington Wiley; Williams of Delaware; Williams of New Jersey; Yarborough; Young of Ohio.

Nays—39: Allott; Beal; Bennett; Bible; Bridges; Brunsdale; Butler; Byrd of Virginia; Cannon; Capehart; Carlson; Cotton; Curtis; Dirksen; Ellender; Ervin; Fong; Frear; Fulbright; Goldwater; Hayden; Hickenlooper; Hill; Holland; Hruska; Johnson of Texas; Johnston of South Carolina; Jordan; Kerr; Long of Louisiana; McClellan; Robberston; Russell; Saltonstall; Schoeppel; Stennis; Talmadge; Thurmond; Young of North Dakota.

Not voting—11: Chavez; Dodd; Dworshak; Eastland; Humphrey; Mansfield; Murray; O'Mahoney; Pastore; Smathers; Sparkman.

Mr. KEATING. Mr. President, I have one further amendment. Perhaps, for the purpose of continuity, it might be better to hear the views of the chairman of the subcommittee, if he cares to state them, in opposition to the primary amendment. Then I shall be glad to present my second amendment. I shall be glad to proceed in any way the Senator suggests.

Mr. CANNON. Mr. President, this amendment would change the definition of election so as to include primary elections, including a preference primary, and conventions or caucuses held for the purpose of selecting candidates.

With respect to this proposed amendment, I would like to state, as I stated previously, that S. 2426 is not the result of a hasty and ill-considered action of the Subcommittee on Privileges and Elections, but represents the honest efforts of its members to produce remedial legislation calculated to improve the existing Federal election laws in the most practical and reasonable manner.

Testimony was received by the Subcommittee on Privileges and Elections on the 11th and 12th of May and on the 9th, 13th, and 15th of June. Almost without exception the representatives of the major national parties and the major national committees were of the opinion that primary elections are matters which are intraparty and intrastate in scope and should accordingly be left within the jurisdiction of the several States.

The constitutional arguments in favor of the States to control their own primary or nominating elections as declared in the famous Newberry against United States, a 1921 decision of the Supreme Court, though weakened, were not finally overcome by the later decision of that Court in United States against Classic.

More importantly perhaps, the enactment of this amendment would cause unknown legal complications in the existing elective processes of the separate States. Some of our States do not have provision at the present time for the selection by the people at a primary election of their candidates for Federal office. Instead, those States provide for the selection at a State convention of one or more candidates who may then oppose each other in a later primary.

Again, the 50 States which comprise the United States have no uniformity with respect to the dates which primary elections should be held or the manner in which reports of campaign finances shall be filed, if indeed they are required to be reported at all.

Over and above the legal chaos or turmoil which would be caused by the

enactment of primary elections within the definition of the term "election," I am convinced that a vast majority of the Members of the Congress of the United States will oppose this amendment vehemently as an infringement upon States rights and as an attempt to cast a cloud over the integrity and responsibility of the citizens of the States.

Because of the very strong and valid arguments against the inclusion of primary elections among the provisions of this bill, I am convinced that if the Senate should adopt this amendment the bill's chances of passage will be seriously jeopardized. Similar measures in prior Congresses were never enacted into law because of the opposition to inclusion of primaries in the definitions of those acts. I urge Members of this body to accept the definition of election as it now appears in the bill and reject this amendment dealing with primaries.

Mr. LONG of Missouri. Mr. President, I do not think the Senate should reject a worthwhile amendment to the bill because of the possibility that it will not be favorably considered by the House. I shall not discuss it at this time, but tomorrow I shall have a statement to make with regard to the amendment offered by the Senator from New York and myself.

I am in accord with the views of the Senator from New York, and I hope we shall have the opportunity to add to the bill a provision regarding primaries, because if we are to have a disclosure bill, we may as well do what should be done in order to have a really effective clean elections bills.

Mr. KEATING. Mr. President, I emphatically agree with the Senator from Missouri. I should have stated in relation to the amendment, that it was offered on his behalf and mine; we are both sponsors of this amendment.

We are responsible for what we do in the Senate. If the other body does not see fit to include this provision in a bill which it enacts, the difference will have to be resolved in conference. It is possible, in the final analysis, that we may have to make some concession. But if we are to call this bill what it is widely bruited about as being; namely, a clean elections bill, we should do a thorough cleansing job. We should not take a nibble at it, but a full bite.

The objection so eloquently voiced by the distinguished chairman of the subcommittee, who has performed a fine task in piloting this bill through and is deserving of our praise. Much of this bill is a great improvement over the past. On the previous amendment, this one and the amendment I shall shortly offer, the opposition stated, is largely the practical one that we may not get legislation if we enact these amendments.

In my judgment, this is not the stage of the legislative process when we should arrive at compromises. We should do the very best we can in this field, leave it to the other body to work its will, and then let the conference resolve any differences between the two bodies.

If it is in order and appropriate, I should now like to refer briefly to my amendments identified as "9–7–61—C," upon which the Senate will vote tomorrow. I ask unanimous consent that they be printed in the RECORD at this point.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

On page 2, in the table of contents, strike out the heading of section 302 and insert in lieu thereof the following: "Overall limitation on financial aid to candidates or political committees and prohibition of certain purchases."

On page 18, strike out lines 7 and 8 and insert in lieu thereof the following:

"OVERALL LIMITATION ON FINANCIAL AID TO CANDIDATES OR POLITICAL COMMITTEES AND PROHIBITION OF CERTAIN PURCHASES".

On page 18, beginning with line 11, strike out through line 4 on page 19 and insert in lieu thereof the following:

"'SEC. 608. (a) Whoever, directly or indirectly, makes contributions or expenditures in an aggregate amount in excess of $20,000 during any calendar year, or in connection with any campaign for nomination or for election, for any or all of the following purposes—

"'(1) to or on behalf of any candidate or candidates for an elective Federal office or offices, including the offices of President and Vice President of the United States and Presidential and Vice Presidential electors, or

"'(2) to or on behalf of any committee or committees or other organizations engaged in furthering, advancing, or advocating the nomination or election of any candidate or candidates for any such office or offices or the success of any national political party,

shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"'This subsection shall not apply to contributions or expenditures made by a political committee.'"

Mr. KEATING. Mr. President, this amendment places an overall ceiling of $20,000 a year on the contribution of any individual to a candidate for Federal office. Such an amendment is absolutely necessary. There is wide agreement on this point. This limit, of course, should not prevent or restrict actual participation in the electoral process. Twenty thousand dollars is certainly a high enough figure so that there should be no fear of this happening.

The Senate fixed a limit of $10,000 when it had this measure before it last year.

The purpose of this amendment is quite obvious. It is to prevent any single contributor from having what is likely to be an undue or excessive influence over a candidate for Federal office.

If we are to place a ceiling on campaign contributions, of course, it must be high enough to avoid encouraging noncompliance with the provisions of this bill. At present there are restrictions in the law on the amount a candidate can spend in his election campaign. These ceilings are so low that they can not possibly be enforced. That is one of the reasons we are here. We must avoid this problem in the future by placing a realistic ceiling on contributions.

I think it is fair to say that the other body has historically shown a reluctance to act in this field. It is in partial recognition of that fact that the Senator from Missouri [Mr. LONG] and I decided it was the better part of wisdom to have the amendment provide for a $20,000 limit, in order that the ceiling would be high enough and realistic enough so that no person could possibly quibble about it.

I think that completes what I need to say on this point, and I reserve the remainder of my time.

Mr. CANNON. Mr. President, the testimony presented before our committee indicated that the problem was not so much one of the amount of contributions made as it was a problem of a more effective disclosure, so that the public would know what was contributed. There was a feeling on behalf of members of both parties, as expressed by many who testified, to the effect that the public should know who contributed funds, how much, and for what purpose, and that if the voters did not like the result the voters would make a change. The danger was not conceived to be from the standpoint of some person giving more than a stated amount.

The existing Corrupt Practices Act and the amendment both provide that the limitation—be it $5,000, $10,000, $20,000, or some other amount—should not apply to contributions or to expenditures made by a political committee. Thus, whether the contributions received from individuals were large or small they could be accumulated by a committee and given in huge sums, or in small amounts, to other political committees, in the discretion of the political committee giving the money. Really, that approach would not solve the problem.

I recall the investigation which was made in 1956. The report of that investigation indicated that some 12 wealthy families in the United States gave in excess of $1 million to one of the major political parties, and about $100,000 to another. I did not hear any great hue and cry that there was undue influence by reason of those large contributions, because those families were responsible families. I say that with due respect. I certainly do not think that there would be any attempt at undue influence.

There was merely a recognition of the fact that candidates must have money to campaign, and political committees must have money to operate. The conduct of elections is expensive. If people who have money can afford to give it, then I cannot agree with the distinguished Senator from New York that there should be an overall limitation to the proposed figure or any other figure. I think there should be public disclosure as to the money which is given so that everyone will know I think all are entitled to know, and that would be sufficient.

I believe the citizens of this country are capable of showing their displeasure against any effort to exert undue influence in political campaigns by means of excessive contributions without resorting to a provision of this type, which may have a strangling result upon the conduct of free elections in our country.

The tremendous burden of raising campaign funds in this modern day of radio, television, air travel, and mass advertising certainly calls for large contributions from lawful sources and for many contributions from those who can afford to contribute.

I urge the Senate to retain the bill as it is, and not to accept the amendment offered by the Senator from New York.

I do not think there has been any charge in the past that the large contributors have attempted to unduly influence elections.

Mr. KEATING. Mr. President, I have often heard the charge to which my colleague has referred. I have heard the charge made that large contributors attempt to influence elections.

I am very glad to have the Senator make this statement. I wish he would make it a part of the policy of the Democratic National Committee, so that it would never again be said that large contributors have attempted to unduly influence an election.

I do not mean to imply anything to the contrary, but I rise with some feeling of astonishment that my colleague from Nevada would hold that it has never even been alleged that large contributors have unduly influenced elections.

I have nothing but a warm spot, as have all Members of this body, for large contributors. I am sure none of us wishes to alienate them from his affections, but I think it would be the better part of wisdom, in passing a so-called clean elections bill, to make some provision in this regard.

I would have no serious objection if it were felt that even $20,000 is too low, though we provided $10,000 last year. I am flexible as to the amount. I do not think we shall be able to say we have done a thorough job unless we adopt some provision of this kind.

I ask unanimous consent to include in the RECORD at this point the one-page statement of my individual views with reference to the proposed legislation.

There being no objection, the views were ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS OF MR. KEATING

I am pleased that the Committee on Rules and Administration has again reported a clean elections bill. This bill contains several important features which would greatly strengthen our electoral system. S. 2426 places realistic ceilings on campaign expenditures, makes campaign financing information available at the State level, and authorizes a tax credit to encourage broader participation in political campaigns. Although I enthusiastically endorse these important innovations, I differ with the committee on two points. They affect—not what the bill does—but what it does not do.

First, I regret that this bill excludes from coverage primaries, conventions, and caucuses for the purpose of nominating candidates for Federal office. In many States, victory in a primary is tantamount to election. I do not mean to imply that there are more or greater irregularities in primaries. However, I believe that a free system of government depends greatly upon full access to information and public vigilance in the political process. These are the aims of the clean elections bill. We would be sorely remiss if we did not apply them across the board.

The Supreme Court in 1941 cleared the way for Federal regulation of primaries in the case of *United States* v. *Classic* (313 U.S. 299).

Second, I favor an overall limit on the amount which can be contributed by any one individual to the campaigns of candidates for Federal office. While this limit should not prevent or restrict active participation in the electoral process, it is widely agreed that we must set a maximum limit, beyond which a contributor would be likely to have an undue and excessive influence over a successful candidate for office. I believe a limit of $15,000 (or perhaps $20,000) would serve this purpose. Last year the Senate adopted $10,000, but it must be remembered that the other body did not act on this measure.

These two areas involve changes which, I believe, would greatly improve the bill reported by our committee. I signed the committee report and cosponsored the bill introduced for the committee by Senator CANNON, the distinguished chairman of the Subcommittee on Privileges and Elections. Nevertheless, I reserve the right to go beyond the provisions of this measure in offering and supporting amendments on the floor of the Senate.

KENNETH B. KEATING.

Mr. KEATING. I commend the chairman of the subcommittee. He has done a fine job. He has worked assiduously and diligently. He was kind enough not to call attention to the fact that the junior Senator from New York did not attend the hearings and meetings as diligently as he did. No one on the subcommittee worked as hard as did the Senator from Nevada.

There is much good in the bill, but I think we can improve it.

Mr. LONG of Missouri. Mr. President, to keep the RECORD clear on this side of the aisle, I wish to make some comment about large contributions. Some regard with a faint suspicion any dedicated individual who consistently donates $20,000 or more. There is still some little remnant of such a view on this side of the aisle.

Mr. CANNON. Mr. President, I thank the distinguished Senator from New York for his kind remarks with reference to me and my actions in connection with the bill. I pay tribute to the fine members of the subcommittee and to the members of the Committee on Rules and Administration, who devoted much time and effort to provide a long-needed improvement in our election laws.

I wish to clarify one thing with the Senator from New York. I did not intend to leave the impression that no one has ever criticized large contributions. We on this side of the aisle may be a little envious at times when we observe the large contributions made to certain organizations, from supporting those on the other side of the aisle.

I referred specifically to the criticism with regard to undue influence by reason of the contributor contributing a large amount of money.

I know there is always the possible charge that a person or an organization having more money to spend can affect an election to a greater extent. In that sense, perhaps I should not say there has been no criticism. I was referring to the fact that merely because one of the 12 most wealthy families, or all of the 12 most wealthy families, gave a million dollars to the party to which I do not belong, I do not feel personally—and I think many others do not feel—that this means the families themselves were exerting undue influence. They were trying to carry out what they thought to be their duty and their responsibility, as responsible families of our country.

I thank the distinguished Senator.

Mr. PELL. Mr. President, I join the other members of the Subcommittee on Privileges and Elections in commending the chairman of the subcommitte, the junior Senator from Nevada [Mr. CANNON] for his conscientious endeavors and the care he gave to the affairs of the subcommittee. I am proud to be a member of that subcommittee.

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATION BILL, 1962

Mr. CANNON. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 974, H.R. 9033.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 9033) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1962, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

There being no objection, the Senate proceeded to consider the bill (H.R. 9033) making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1962, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

POPE JOHN'S PLEA FOR PEACE

Mr. PELL. Mr. President, my distinguished friend, the senior Senator from Minnesota [Mr. HUMPHREY] placed in the CONGRESSIONAL RECORD Tuesday an article from the New York Times pertaining to a message delivered by Pope John XXIII on September 10, 1961, calling for negotiations by the political leaders of all nations.

At this time, when suggestions that negotiations are necessary and that quid pro quos are going to have to be expected and given by both the Russians and the Americans, I think it is essential that the full text of the Pope's appeal for peace and for negotiations be available to and fully studied by all Members of the Congress.

I believe this is particularly important when the suggestion is sometimes made that negotiation means appeasement. Such is absolutely not the case, and Pope

John is as well aware of this as is President Kennedy and, we trust, Premier Khrushchev.

I was particularly struck by Pope John's paragraph reading:

It is truly upon wise men that the issue depends: that force shall not prevail, but right; through free and sincere negotiations that truth and justice shall be vindicated by safeguarding the essential liberties and the insuppressible values of every nation and of every human person.

And I am equally struck by his statement that "everything is lost, and lost to everyone, through war; nothing will be lost through peace."

Mr. President, recently I made a speech here on the floor of the Senate setting forth my proposals for negotiations over the present crisis in Berlin.

Since the words of Pope John XXIII discuss this question with deep wisdom and language far more articulate than mine, I ask unanimous consent that there be printed in the RECORD at this time the complete text of Pope John's statement.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TEXT OF POPE'S ADDRESS WARNING WORLD'S LEADERS ALL IS LOST BY WAR

CASTELGANDOLFO, ITALY, September 11.—Following is the text of an English translation of the address of His Holiness Pope John XXIII on Sunday, September 10, in which he appealed to the world's leaders to recognize that "everything is lost * * * through war and nothing will be lost through peace":

"Venerable brethren, beloved sons: The Apostle Peter in his speech to those who were come together in the house of the Roman centurion Cornelius declares that all the nations of the earth without distinction are henceforth invited to consider the universal Fatherhood of God. And he sums up this heavenly doctrine in the message of peace: 'Preaching peace through Jesus Christ' (Acts 10: 36).

"This same message is the very pulsation of our heart, the heart of a father and of a bishop of the holy church. It comes more eagerly to our lips whenever the clouds seem to gather darkly on the horizon.

"We have before us the memory of the popes who most closely preceded us, whose outspoken manifestations of solicitude and anxious appeals have passed into history.

"From the exhortation of Pius X when the first European conflagration was imminent—a few days before his saintly death—to the encyclical of Benedict XV, 'pacem, Dei munus pulcherrimum'—peace, the most beautiful gift of God, 1920; from the warning call of Pius XI, which looked to true peace 'not as written into treaties but rather as sealed in the hearts of men' (Infinita Dei of May 29, 1924); to that fervent last appeal of Pius XII on August 24, 1939—'It is by the power of sound reason, not by force of arms, that justice makes its way'—we have a whole series of pleadings—sometimes deeply sorrowful and moving but always paternal—calling upon the whole world to guard against the danger while there is yet time, and assuring the nations that whereas everything is lost, and lost to everyone, through war, nothing will be lost through peace.

"We make this appeal our own, extending it once more to those who bear on their conscience the gravest weight of public and acknowledged responsibilities. The church by her very nature cannot remain indifferent to human suffering, even were it no more than anxiety and anguish. And this is the reason why we call upon the rulers of nations to face squarely the tremendous responsibilities they bear before the tribunal of history, and what is more before the judgment seat of God, and we entreat them not to fall victims to false and deceiving provocations.

"It is truly upon wise men that the issue depends: that force shall not prevail, but right; through free and sincere negotiations that truth and justice shall be vindicated by safeguarding the essential liberties and the insuppressible values of every nation and of every human person.

"Though we are far from exaggerating the importance of what has, up to now, only the appearance—but we must say the too irresponsible and tragically deplorable appearance—of a threat of war, as reported in the sources of daily public information, it is quite natural that we should make our own the anxious solicitude of our predecessors and present it as a sacred warning to all our children, as we feel it our right and our duty to call them, to all who believe in God and in His Christ, and even to unbelievers, since all men belong to God and to Christ by right of origin and of redemption.

"Those two pillars of the Church, Saint Peter and Saint Paul, give us the warning.

"The former does this in his affirmation, several times repeated, of peace in Christ the Son of God and the latter, the Doctor of the Gentiles, in a very detailed indication of counsels and instructions which are for that matter timely and appropriate for all who hold or will hold any post of responsibility in the course of human generation.

"'I have no more to say, brethren, except this: Draw your strength from the Lord, from that mastery which His power supplies it is not against flesh and blood that we enter the lists. We have to do with principalities and power, with those who have mastery of the world in these dark days, with evil influences in an order higher than ours.'

"Possessing the wisdom and the fullness of fatherhood as the humble successor of St. Peter and custodian of the deposit of faith—which remains always the great divine Book open to all men of all nations—and consequently also the keeper of Christ's Gospel, we deem it opportune to offer some personal concrete reflections on the present world situation insofar as it gives rise to uncertainty and fear.

"Following the counsel of St. Paul in regard to the attitude to be taken toward the evil spirits in an order higher than ours, we should note the interesting description he makes of the good fighter poised to meet the assault of his adversary: 'Stand fast, your loins girt with truth, the breastplate of justice fitted on, and your feet shod in readiness to publish the gospel of peace, the 'evangelium pacis.' With all this, take up the shield of faith, with which you will be able to quench all the firetipped arrows of your wicked enemy. Make the helmet of salvation your own, and the sword of the spirit, God's word.'

"All these are spiritual weapons described in figures of speech by means of which, beloved brethren and children, you can discern indications of what can be and what ought to be the attitude of a good Christian in the face of any event, at any time and under any circumstances. That which comes from the Evil One and from unbridled natural inclinations is a war of the spirit, continuous warfare—and always the hideous fire that can penetrate and destroy everything.

"Therefore, it is through the guidance of the apostle of the gentiles that we are led to the clearest and most solid foundation upon which must be based the attitude of the Christian spirit in the face of whatever providence may dispose or permit. Between two words, 'war' or 'peace,' are entwined the anguish and the hopes of the world, the anxieties and the joy of individual and social life.

"He who cannot forget the history of the more or less distant past, years filled with afflictions and now recorded in old books, and still has a vivid recollection of the bloodstained half century between 1914 and the present, and remembers the sufferings of our peoples and our lands—even if there were peaceful interludes between one tribulation and the next—trembles at the thought of what could happen to each one of us and to the whole world. Every war brings upheaval and destruction to persons, regions and the entire world. What could happen especially now with the frightful effects of new weapons of destruction and ruin which human ingenuity continues to multiply to everyone's loss?

In our youth we were always deeply moved by that ancient cry of despair which, when the army of Charlemagne first appeared on the Alps, Desiderius, the King of the Lombards, gave out while rending his hair: 'The sword, alas, the sword.' What should be said of the modern implements of war derived from the secrets of nature and capable of unleashing unheard of energy to wreak havoc and destruction?

"By the mercy of God, We are persuaded that up until the present time there is no serious threat of either immediate or remote war. In making this reference of our Own to a subject that the press of all nations is discussing, We mean nothing more than to take still another opportunity of appealing with confidence to the serene and sure wisdom of all men who guide the nations of the world.

While it is true that at the end of his letter to the Ephesians, written in a prison in Rome where he was chained to a Roman soldier guarding him, the Apostle Paul was inspired by military weapons to teach Christians the arms necessary to defend themselves against, and to gain victory over, spiritual enemies, still it is not surprising that at the end of the list of weapons, he stresses prayer as the most effective of them all.

"Listen to his words: 'Galeam salutis adsumite et gladium spiritus, quod est verbum Dei per omnem orationem et obsecrationem orantes omni tempore in spiritu et in ipso vigilantes in omni instantia et obsecratione pro omnibus sanctis—Use every kind of prayer and supplication, pray at all times in the Holy Spirit; keep awake to that end with all perseverance: Offer your supplication for all the saints' (Epiphany 6: 18).

"With this earnest invitation the Doctor of the Gentiles brings us to the particular purpose of our being united here today in spirit in a gathering that a mere hint has been sufficient to bring about and which has resulted in a great uplifting of spirit toward order and peace. The children of the Catholic Church well know this aspiration and this invocation.

"In days of sorrow the worldwide prayer to Almighty God, Creator of the universe, to His Son Jesus Christ, made man for man's salvation, and to the Holy Spirit, Lord and lifegiver, has received from heaven and upon earth wonderful answers, which are recorded as happy and glorious pages in the history of mankind and of individual nations. We must open our hearts and empty them of the malice with which at times the spirit of error and evil seeks to infect them, and thus purified, we must lift them up confident of receiving heaven's blessing as also prosperity in the things of earth.

"Venerable brothers and beloved children, our simple and spontaneous meeting together in spirit today could well be—who

knows?—the first of a series of assemblies of peace, not marred by pointless clamoring. But gladdened by a heartfelt sentiment of elevation and peace, an assurance of the tranquillity and nobility of life in the happiness of Christian society, which is, in Christ, divine brotherhood and a foretaste of the joys of heaven.

"Reflect that the Catholic Church scattered throughout the world, today, alas, troubled and divided, is preparing for a universal gathering—the ecumenical council—which is aimed at the promotion of that true brotherhood of the nations which exalts Christ Jesus, the glorious and immortal King of Ages and of peoples, light of the world, and way, truth and life.

"This afternoon, during the Holy Sacrifice of the Mass, the blood of Jesus Christ has come down upon us, upon our lives, upon our souls. By it we are sanctified and redeemed and lifted up with joy.

"We have prayed together and in so doing we have felt great joy in our hearts. Let us continue to pray in this way, as St. Paul invites us to do at the end of his touching letter. Let us pray with one another and for one another, and for all the scattered creatures of God who make up the Holy Church and the human family, which is also all His own.

"We would extend our most urgent invitation to prayer to priests, to consecrated souls, to the innocent and to the suffering. Let us all together beg the Father of light and of grace to enlighten the minds and move the wills of those who hold the chief responsibility for the life or death of the peoples. Let us pray for the peoples themselves that they may not allow themselves to be dazzled by exacerbated nationalism and destructive rivalry, and that, as we so earnestly exhorted in our encyclical 'Mater et Magistra,' the relationships in the life of human society may be reintegrated in truth, in justice and in love. Let us all pray that by means of the penetration of the Christian spirit morality may grow strong: the vigorous strength of Christian families, the source of noble power and dignity and of blessed and joyful prosperity.

"Ever and always let us pray for the peace of Christ here below, between all men of good will; that all the families of the nations, rent asunder by the wound of sin, may be subjected to the most gentle rule of Christ.

"And finally we turn to you, O blessed Virgin Mary, mother of Jesus and our mother also. How can we, with trembling hearts, apply ourselves to this greatest problem of life or death, which overshadows all mankind, without confiding ourselves to your intercession to preserve us from every evil?

"This is your hour, O Mary. Blessed Jesus entrusted us to you in the supreme moment of His bloody sacrifice. We are certain of your intervention.

"On September 8, the church celebrated the anniversary of your most happy birth, saluting you as the beginning of the salvation of the world and the heavenly promise of an increase of peace.

"Yes, yes, for this we supplicate you, O our most sweet mother, O queen of the world. Of victorious war or of a conquered people it has no need, but of a renewed and more robust health, of fruitful and serene peace. Of this it has need, and for this it cries with a great voice: beginning of salvation and increase of peace. Amen."

THE BERLIN CRISIS

Mr. BYRD of West Virginia. Mr. President, I wish to read into the RECORD a letter which I wrote to President Kennedy on September 12, 1961:

SEPTEMBER 12, 1961.

President JOHN F. KENNEDY,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In the Outlook section of the Sunday, September 10, issue of the Washington Post, is an article by the newspaper's staff reporter, Chalmers M. Roberts, entitled: "'Give' on Berlin Sure; What to Give Is Thorn." In the body of this piece is a paragraph which says:

"That some 'give' is inevitable; no one here doubts; it is the price of the inherently exposed and therefore weak Western geographic posture in West Berlin."

What disturbs me about this article is the statement that no one in Washington doubts that your administration is prepared to give on the Berlin issue, and that the only problem is what to give.

It is doubtful that Mr. Roberts could have gained this impression from talks with Senators, most of whom feel very strongly about giving the Russians a scintilla of anything because, insofar as Berlin is concerned, they have no legal right to anything more than what they already have. In fact, they have no legal right to make a prison of East Berlin or to deny free access to that part of the city of Berlin.

Is it possible then, that Mr. Roberts obtained this impression of a willingness to give on the part of your administration from talks with State Department officials? Perhaps from those same lower echelon officials who have always help to shape upstairs policy and who may have had a hand in the decisions to give on China and on all of the other give we have made in the face of Soviet pressure?

In any event, this kind of foreign policy intent, ballyhooed by implication as being the thinking of your administration, through use of the words "no one here (in Washington) doubts," is just the kind of assurance Mr. Khrushchev needs to keep a bellicose posture on his Berlin demands. It is a certainty that Tass News Agency has cabled the contents of Mr. Roberts' article to the Kremlin. It is a possibility that the men in the Kremlin may look upon this article as a "plant"—as a back door assurance that we are prepared to give on Berlin.

I am certain that many others who read Mr. Roberts' article must have felt as disheartened and let down as I did. They also must have felt as cheated of their pride as I did—of the pride, newborn through your statements and actions, that America will stand up for her rights, and for the rights of free peoples, no matter what the cost.

I sincerely hope that Mr. Roberts has not expressed the intent of your administration, although, unfortunately, this is the impression that has been made. I sincerely hope, too, that, if it is not your intention to give on Berlin, you will immediately institute some housecleaning in the State Department. The appeasers who no doubt talked with Mr. Roberts, and who gave him the impression that you are prepared to make a deal with Mr. Khrushchev, should be uncovered and removed from positions of helping to formulate and influence policy .

Be assured that I, for one, will vigorously continue to support a firm and unyielding stand on Berlin, and on the need for self-determination by the people of East Germany and other captive countries. This position is not only legally and morally right; it is also the basis for our eventual victory over aggressive Communist imperialism.

With kindest regards, I am,

Sincerely yours,

ROBERT C. BYRD,
U.S. Senator.

I ask unanimous consent to have printed in the RECORD at this point the article by Chalmers M. Roberts to which I have referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GIVE ON BERLIN SURE—WHAT TO GIVE IS THORN

(By Chalmers M. Roberts)

The apparent stepping up of Nikita Khrushchev's fall crisis timetable has had a jolting effect in Washington. But once the Berlin border was physically sealed and the nuclear test ban moratorium was junked, the focus of American policy discussion returned to where it long has been: How to find an answer to Khrushchev's relentless demands for a new status for beleaguered West Berlin, including access to and from the city.

It is worth surveying the problem in some of its larger aspects now that the tempo of crisis has been increased and as two neutralist leaders are about to arrive here to plead with President Kennedy that he be "reasonable" in the face of Khrushchev's seeming intransigeance.

THE FISHING IS POOR

American tactics up to now can be divided into two parts. First, since the Kennedy-Khrushchev meeting at Vienna in June, efforts have been made to convince the Soviet Union that Mr. Kennedy not only has the weapons but the will to use them against Russia if it comes to war. This effort has taken the form of warning words and publicized actions in beefing up American military power, especially nonnuclear capabilities.

Second. American officials have sought to discover Khrushchev's minimal demands. This is the objective of Ambassador Llewellyn Thompson's current inquiries in Moscow. It will be Secretary of State Dean Rusk's objective when, he hopes, he talks with Soviet Foreign Minister Andrei Gromyko at the United Nations next week.

So far, however, diplomatic probings have been close to fruitless and the old hands in dealing with Moscow would be amazed if Gromyko told Rusk the time of day. More likely, the gloomier diplomats figure, not until a Kennedy-Khrushchev summit meeting later this year will the Soviet hand be discernible.

Moscow's way of doing business is to put up a stiff front, take a self-righteous pose and then drop some hints in odd places to indicate its real bargaining position. So far there have been few of the latter.

A QUESTIONABLE FEELER

One hint was picked up in West Berlin a week ago by the New York Herald Tribune's Gaston Coblenz. He reported a private Soviet suggestion that some form of international air traffic organization could serve as an intermediary between the Western Powers and East Germany in a new agreement on Western air passage across that puppet state.

As Coblenz said, this could be a way of sugar-coating future East German sovereignty over the air routes. But such hints are often repudiated by the Soviet Union. They form only a tantalizing clue to what in the end turns out to be Moscow's real position.

Incidentally, President Kennedy has said that "no summit between East and West is useful unless the groundwork has been laid beforehand which will insure some success." Former President Eisenhower said much the same thing. But it now seems probable that Mr. Kennedy, like General Eisenhower

before him, will nonetheless go to a summit without any substantial prior groundwork and without any real indications of success.

JUST SHORT OF WAR

The many months of cogitation here on the Berlin problem have by now produced some major themes. First of all, there is general agreement that Khrushchev wants an agreement without having a war but that he is willing to go to the brink to get it. While there is some talk that Khrushchev is acting from internal Communist bloc weakness as well as from nuclear weapons strength, the predominant view is that he believes the balance of power has so shifted in his favor that now is the time to claim some major fruits from it.

Given this assumption, it follows that some new East-West arrangement is inevitable. What, then, to seek?

American officials say privately that they can see some advantages in a settlement which would clarify the status of Berlin and of Western access to it. Despite the loud public claims of Western access rights, not all of these rights are clearly documented.

The record is indeed so fuzzy that the Soviets have been able to destroy their legal basis in many minds. In effect, certain rights exist more as a result of years of Soviet acquiescence than from any explicit Soviet words in formal documents.

It also is recognized here that many quarters, both inside and outside the West, see merit in the Soviet contention that World War II is long over and that the West should not try to stand indefinitely on its wartime occupation rights.

OLD HANDS RELUCTANT

Those diplomats and officials who have lived longest with the Berlin controversy are generally most loath to abandon these old positions. Some of the recently arrived New Frontiersmen are inclined to argue that here, indeed, is an opportunity to put West Berlin on a better longtime basis.

Events, however, are forcing the Kennedy administration to face up to a series of dilemmas involved in the Berlin issue.

The President and Rusk have made West Berlin a symbol of Western resistance to Communist encroachment. There have been many warnings against Soviet "salami" tactics, the practice of slicing away the Western position in West Berlin. In effect, the flag has been nailed so high on the West Berlin mast that any alteration in the city's status would seem to many the equivalent of a Western retreat.

The President is very aware of this. He feels that if the United States appeared to be caving in on Berlin, it would not be long before the neutrals began to make their own private arrangements with Moscow. Hence, assuming that some "give" will be required of the West to get a new Berlin status, the details of what is offered Khrushchev are of the utmost importance in Mr. Kennedy's mind.

That some "give" is inevitable, no one here doubts; it is the price of inherently exposed and therefore weak Western geographic posture in West Berlin.

The President and Rusk have stressed that the "heart of the matter," to use Rusk's phrase, is threefold: the right of Western military units to be in West Berlin; the freedom of both military and civilian access to and from West Berlin, and the viability of the city of West Berlin.

During the abortive 1959 East-West conference on Berlin, the Western nations offered to limit their troops, agreed not to introduce nuclear weapons and said they would curtail their propaganda and intelligence activities there. Now the Communists are hollering for an end to what they call Western espionage, sabotage and propaganda activities, including the silencing of RIAS (Radio in the American Sector), the lone voice of truth which can be heard in East Germany.

The Communists doubtless were encouraged to demand all this by Mr. Kennedy's statement in his July 25 radio-TV speech of "our readiness to remove any actual irritants in West Berlin." To the Soviets, the list of "irritants" is all-inclusive.

In retrospect, some diplomats now are saying, it would have been wiser to have removed some of these "irritants" as a unilateral Western action during the period of relative East-West calm over Berlin earlier this year. But it was not done; the State Department never recommended it. Any changes in a new agreement with Moscow thus will be labeled "concessions" both by the President's political opponents at home and by Communist propagandists around the globe.

Finally, Rusk is determined to do what his predecessors failed to do; to keep secret until the bargaining table the Western "fall-back" positions; that is, the maximum the West is willing to concede to Moscow.

This secrecy so far seems to have been wrapped more around an absence of policy than around any hard and fast decisions on fall-back positions. But in the end, it will mean a certain sense of shock to the West if and when concessions are revealed.

But when all of this has been said, the question of specific policies remains. This the Big Four Western foreign ministers will have to tackle when they gather here Thursday. At least three major factors have been under intense discussion in Washington.

One is the problem of de facto recognition of East Germany. A major Khrushchev aim is to stabilize this shaky puppet regime; a big step in that direction was the closure of the Berlin border, which stopped the flow of refugees from that unhappy land.

But Khrushchev wants the West to recognize his puppet and he is using the Berlin issue as a lever to force it. He says that once he signs a peace treaty with East Germany, the Western Powers will have to deal with that regime if they want a new agreement on access to West Berlin.

The American face is flatly opposed to any formal (de jure) recognition of East Germany and Khrushchev appears to accept that. But more and more there is a willingness here to accept East Germany's existence as a fact and to deal with it whenever such diplomatic intercourse is necessary; that is, to grant de facto recognition. After all, it is argued by some, we deal de facto to some degree at least with Red China.

The core of the problem, however, is the effect of recognition on West Germany. For one of Khrushchev's aims is to have the West deal with East Germany as a symbol that there are now and for the indefinite future will be two German nations, East and West. To grant de jure recognition would be to accept Khrushchev's contention formally; to deal with East Germany de facto would be interpreted as close to the same thing.

American officials have been unable to come to grips with this problem with West German officials because of the elections there next Sunday. But once the voting is over, the issue will have to be faced. The question then will be whether the shock of the Berlin border closing plus Khrushchev's nuclear blackmail will bring West German acceptance of a new policy of dealing with East Germany.

Some way of sweetening such a concession, something akin to the rumored Soviet idea of working through an international air traffic organization, for example, might provide an answer.

West Germany today has considerable dealings with East Germany, including a trade agreement which includes the right of passage for West German civil traffic down the autobahn to West Berlin. But the psychological hump of direct American-East German negotiations would be something else again.

A second factor under discussion here is Khrushchev's longtime demand that the West formally accept the Oder-Neisse line, provisionally set by the Allies and Russia in wartime, as the final border between East Germany and Poland. French President Charles de Gaulle already has publicly accepted it. But West Germany today includes millions who formerly lived in the old German lands east of that line and it has been considered political suicide for any West German politician to accept it as final.

In any East-West agreement, however, the line probably will be accepted. There is no disposition outside West Germany to make a great fight to leave the border issue open.

There are some reports, however, that in any East-West negotiations the West will bring up the Rumanian, Hungarian, and Bulgarian peace treaties and perhaps the postwar accords on Poland. The argument, it is said, would be that the West will no longer continue to wink at the Communist disregard of the obligations those agreements include, among them free elections.

This idea amounts, some believe, to an effort to swap the status quo in Eastern Europe, including acceptance of the Oder-Neisse line, for something akin to the status quo in West Berlin. The efficacy of this idea is, however, doubtful.

Finally, there is a search going on for ways and means of reaching some agreement on what is vaguely termed "European security." It long has been felt here that to negotiate only over West Berlin means only Western concessions; hence the negotiations should be broadened.

There have been several fruitless East-West exercises on the security theme, fruitless because the Soviet aim has been to have American troops pulled out of West Germany as part of a demilitarization scheme. American policy has accepted as valid West Germany's demand that it be treated as an equal partner within the NATO framework.

To agree to a special status for West Germany in some European security arrangement, the argument goes, would be to loosen that strong and virile nation's ties to the West.

But this sort of question cannot be resolved until the American Government and its allies resolve the fundamental issues, especially that of de facto recognition of East Germany and what it might entail.

Despite the many months of cerebration here on the Berlin issue, President Kennedy has been unhappy about some of the staff work. He himself has delved into the remotest corners of the problem in a way his predecessor left to his Secretary of State and others. The best that can be said is that while Mr. Kennedy has not found the answer, he certainly has been trying. And he hasn't had any cooperation from Khrushchev.

As to the outlook ahead, it would be risky to say more than it is likely to be a very cold fall and winter with the world's vision obscured by a storm of Communist verbiage mixed with nuclear thunderbolts designed to weaken Western nerves. What the picture will be when the clouds lift is beyond conjecture.

Mr. BYRD of West Virginia. Mr. President, it was not my intent in writing to the President to be critical of Mr. Roberts. I am, however, critical of those persons or sources from whom or from which Mr. Roberts obtained the information upon which he based the

article that appeared in the Washington Post of Sunday, September 12, 1961.

I am sorry that the American people must be given the impression that the President and/or the administration are ready to give, to yield, to make concessions in advance of any so-called summit conference that may occur later this year. I for one wish to compliment the President on the position which he has expressed more than once; namely, that he would be willing to attend a summit conference if only necessary preliminary discussions and preparations insure the outcome and the success of such a summit conference.

I also wish to express my support of the President in his firm determination to be unyielding on principle with the dictators in the Soviet Union. I believe, as the President believes, that we can only deal from a position of firmness and that we must not submit to any agreement that is less than honorable for ourselves and for the free world.

We, of course, must be willing to discuss the awesome crisis which confronts the world today, and if we do eventually have justification for hope that something good might result from a summit conference, we might go to such a meeting, but not with any preconceived notion that we will make concessions or that we will bow down before the international brigand, Mr. Khrushchev. Rather, let us hope that, if there is any yielding, Mr. Khrushchev might very well be asked to yield something himself. If we are about to go to a summit conference with the idea that we will have to yield, then we are defeated to begin with. We must remind Mr. Khrushchev that we are interested in self-determination by the peoples of East Germany. He must not be permitted to assume that we recognize the position which he presently occupies in continuing to subjugate the peoples of Eastern Europe, and in continuing to deny them the privilege of self-determination of their own future, as being either legal or moral.

Ours must be a position, based upon a sincere intention and desire, that we will meet Mr. Khrushchev, if such becomes advisable, but with a determination to promote world peace, if it can be done, to defend West Berlin, if necessary, and to insist upon self-determination for the peoples of East Germany and other captive countries throughout Eastern Europe.

Mr. President, I voice the hope that we will not be forced to witness any more press stories, such as this one, which leave the impression that our President is already resigned to a knuckling under to Mr. Khrushchev.

I am sorry that, in this country of ours, there are individuals who would evidently be willing to sell our country short at a time of great crisis such as this. Obviously from such individuals Mr. Roberts obtained the information upon which his article was based.

In closing, I intend to support the President with the utmost of my strength and ability in his determination to stand toe to toe with Mr. Khrushchev and fight it out to whatever bitter end may result. I am not one who believes that it pays to continue to vacillate and appease and make concessions and yield to a man like Khrushchev. I think we must be reasonable in our approach, and we must remain calm, but at the same time we must remember that only that which is morally and legally right is politically right. I have confidence that the President is going to be guided by such a determination and such a creed. His path will prove to be less difficult if the would-be appeasers were relieved of positions of responsibility and influence within our Government.

Let us not face the future like sheep going to the slaughter, for weakness, in this hour, will only contribute to our undoing. Let us, instead, go forward with faith in our cause, belief in our country's strength, and trusting that a God of justice will overcome evil with good. Only by being firm, united, and strong can we hope to see peace preserved in our time and in the day of our children.

AFRICA: FOOD-FOR-PEACE FRONTIER

Mrs. NEUBERGER. Mr. President, in a very few days I and several of our colleagues will be leaving for Africa. In preparation for my participation in this visit, I have been reading material supplied me by our own State Department, by the United Nations, Mrs. Carl Marcy at USIA, Mr. Percy Winner at American University and many others.

In addition I had a visit in my office this morning with the group of women educators from African countries who are now visiting our country and from whom I received much help in the way of suggestions for interviews about one phase of American aid that I am most interested in; namely, the use of our surplus abundance through the food-for-peace program.

Mr. George McGovern, the director, has been especially helpful in supplying material to prepare me for making the best use of my time.

Perhaps 90 percent of the peoples of the underdeveloped nations of Africa derive their livelihood from agriculture. Low productivity of agriculture and lack of other full employment prevents an adequate production of goods and services and keeps most of the people poor. Large numbers fail to achieve even the minimum requirements for really good health. Some fail to achieve the minimum requirements for life itself.

In response to this admitted fact, several voices from the do-it-yourself school, as well as effort by worthwhile organizations have advocated agricultural development as a solution to the problem. However, local agricultural development itself is not a full measure of economic solutions, nor is it to be attained overnight even under the most favorable conditions. The FAO has commented on this in particular:

> Any long-range plan of food supplies for the future must take into account the possibility of a much more rapid increase in world population as a result of advances in medical science, some improvement in social conditions, and the success of campaigns to control mass diseases, such as malaria.

Population increases compel some of these new nations to reduce food exports, or to rely more and more on imported foodstuffs to the detriment of urgently needed foreign exchange earnings and of their economic development as a whole.

Efforts to increase local agricultural development must, of course, be pushed in these food-deficit areas. At the same time, there is a school of thought which seeks ways of ridding these nations of the need to keep the majority of their manpower chained to the land in the desperate business of subsistence agriculture. How desperate this need is, I think, was demonstrated in the fairly recent "diamond fever" in Sierra Leone, where it appears that a movement of labor away from subsistence agriculture has caused a rather serious disruption in food supplies in that country. It seems to me that we should give some real thought to providing to those areas—areas attempting the old bootstraps operation—enough of the bounty of our agriculture to bridge the gap between starvation diets and economic development. In that way, sufficient manpower could be utilized to provide a base for nonagricultural economic development.

Greater employment outside agriculture, as well as increased productivity within, is essential in all these areas. The development of modern basic industries such as metals and minerals, chemicals and machinery, while indispensable to the industrialized nation, requires large capital investment and provides comparatively little employment in relation to investment. Moreover, such investment produces no consumer goods in the early stages, essential though they may be as incentives in economic development and to the prevention or control of inflation in such economies. Fully as important, economic development requires investment in basic public facilities and services such as roads, bridges, docks, power, water supply and irrigation, health and educational facilities. The development of basic industries must therefore be balanced with public projects requiring a large labor force, utilizing more fully the manpower—and perhaps some of the womanpower—of the country. Previous development plans, it seems to me, have concentrated all too often on the development of heavy basic industry to the relative exclusion of these essential services.

Simple public works, such as roads and bridges, though they could not be eaten, worn, nor exported, would, in many parts of Africa provide connections with the larger towns, and the means for marketing an occasional agricultural surplus or the products of local crafts. Such connective links would stimulate trade between large population centers and the villages. Communications with the rest of the country could not but increase the opportunity of the people of these cutoff areas through education, public health, and for some, the chance for more gainful employment outside the village.

Such rudimentary public works as a school building, a village sanitation system, a water supply or irrigation sys-

tem, or a connecting road require in most of these areas human labor as the basic element in their cost—human labor and an assured supply of food. An assured supply of food could release enough local labor to build these facilities, and provide the payment for such labor. And for the first time in the history of these villages there would be a monument to their labor—a monument which can, and not infrequently does, set off a dynamic chain of economic advances.

Cooperative programs of economic development, sponsored and supported by the wealthier nations, along with the expansion of the food-for-peace program can, in a very real way, it seems to me, promote such a program which might break the treadmill of poverty which is too much a way of life in most of Africa.

My remarks today are based on reading and interviews, but I wanted to comment on the information before I go into this vast continent. I hope to substantiate from firsthand knowledge and report in that vein when I return.

The impression I received from talking to these African women is that education and health standards are the most important needs in their countries.

It would be presumptuous for Americans to go into some of these areas and outline a scientifically balanced program for food and agriculture according to our standards. One could say that they have survived for generations, but I cannot believe that a nation is not interested in raising its health standards. It is borne out by the eagerness with which the work of Dr. Tom Dooley, in Asia, and Albert Schweitzer, in Africa, has been received, as well as by the loyalty which people in backward areas have shown these great dedicated men.

But health is directly connected with food and diet, and health and nutrition standards develop from knowledge which is education. Although tradition plays a big part in the African diet, it is interesting to note that quantities of wheat, rice and milk products have, in the past few years, been shipped under our Public Law 480 program into those areas of Africa where cassava, plantains and sweet potatoes have been staple items of the diet.

In May 1959, the Food and Agriculture Organization and the World Health Organization held a seminar on African food and nutrition problems, in the Congo. Among other things, they noted that, while no program of a scope broad enough to produce an effect on health of the population had yet been put into operation, nor recommendations been made, supplementary feeding programs were vitally needed.

Such a program is especially needed in the effort to raise the health standards of youngsters of most of this great region—the children of from 2 to 5 years of age who are so susceptible to protein deficiency diseases. A combined program of education and supplemental feeding was felt to be of prime importance to pregnant and nursing women, infants and children of preschool age.

The seminar also noted with regret that school feeding programs in the area were few in number and poorly organized. While enormous progress in education in the last few years was noted, the bringing together of these youngsters also revealed the all-too-frequent incidence of malnutrition.

The seminar's recommendation stated that "supplementary feeding programs for these groups should be initiated. In the initial stages, programs can be based on foreign aid, but as quickly as possible they should use local food resources which are available or which can be developed."

It seems to me that this situation is another "natural" for our food-for-peace program. Under the program's basic legislative authority, Public Law 480, large quantities of food from our abundant supplies have been shipped to Africa. But the problem is of such proportion that shipments up to now have not begun to relieve it. We lack only the machinery, and machinery has never been a problem for Americans. There's a world to win, and I say, "Let us win it!"

FEDERAL AID TO EDUCATION

Mr. HUMPHREY. Mr. President, this week the Senate acted upon two bills in the field of education, both of which have limited application to the problems of education. Nevertheless, they are of considerable benefit in the areas where they are applied.

The first of such bills provides Federal assistance for impacted areas, where there are heavy Federal activities under Public Law 815. It was my privilege in the 81st Congress to hold hearings on this particular bill and to see that legislation come into being.

The second measure was the National Defense Education Act, which, like the first act, has been extended for 2 years.

It should be clearly understood that these measures do not constitute the full Federal aid to education program, but it should be equally well understood that it is the purpose of the administration to pursue a course of action which will result in greatly extended assistance to education. I refer not only to general aid to education or school construction—and I would hope teachers' salaries also—but also for aid to education in the field of higher education, for our colleges and universities; in the field of scholarships, for deserving students; in the field of vocational education, for the industrial arts and trades; agricultural education; aid to professional education, such as for schools of medicine and public health and dentistry and pharmacy and technicians, and many other areas of professional discipline. There is a great opportunity ahead for Congress to fulfill its responsibilities with respect to the general welfare, as prescribed by our Constitution, in the field of education. I am particularly concerned about higher education in the year ahead, primarily because of the growth of the school-age population. It is said that in many States of the Union there will have to be a doubling of the physical plant facilities for higher education between 1960 and 1975. In other words, everything we have done since the beginning of this country in the field of higher education will have to be doubled in the next 15 years. I think that indicates the degree of the problem and the vast proportions of the need. Therefore, I am hopeful that, despite the very limited activities of this year, we will not in any way hold back on our responsibilities, either at the executive or the legislative level, in this important area of public affairs; namely, aid to education.

Education in America today faces a challenge of unprecedented size and significance. There is general agreement that we must improve our schools—although, of course, there are differences as to how we should go about improving them. But clearly we need to raise the quality of American education so that our citizens will be better equipped and prepared to meet the gigantic tasks we must undertake at home as well as on the international scene. We must have vigorous and enthusiastic support for education. America's domestic welfare and national security are directly related to our human resources—the resources which we develop by enabling all our citizens to get maximum opportunity for education.

Without in any way minimizing the tremendous support for education provided by our citizens at the State and local community level, today I wish to give attention to the long and significant role of the Federal Government in supporting education in the United States—in other words, the history of Federal aid to education in the United States. I do this because so many persons feel that this is a new venture or that we are breaking new ground. Some even say we are violating the established principles of the U.S. Government when we consider Federal aid to education. The truth is that this has been a part of the American Government responsibility ever since the formulation of our Federal system. It goes along with the history of our country.

Mr. President, I ask unanimous consent that an Office of Education document listing Federal programs in support of education be printed at this point in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

FEDERAL SUPPORT OF EDUCATION

The Federal Government has from its earliest days been concerned with improving educational services. A list of some of the major Federal programs, arranged chronologically and indicating the year the basic legislation was passed, is given below. Following is a table showing the amounts of Federal support for the 1959–60 school year. These data show the range of the Federal Government's concern and the level of its participation in supporting educational services. There have been many amendments to the basic legislation through the years, expanding the scope of Federal participation.

PROGRAM

Year 1785: Endowment of schools with public lands initiated under an ordinance of the Congress of the confederation.

Year 1787: Northwest ordinance, under which educational institutions were endowed with public lands.

Year 1862: Morrill Act, providing aid to the States for agricultural and mechanical colleges in the form of land grants.

Year 1874: Aid to State nautical schools initiated, including provisions for matching of funds.

Year 1890: Second Morrill Act, providing money grants for instruction in agricultural and mechanical colleges.

Year 1917: Smith-Hughes Act, providing grants to States for support of vocational education.

Year 1918: Vocational Rehabilitation Act, providing Federal funds for rehabilitation of veterans of World War I.

Year 1919: Provision for use of Federal surplus property by educational institutions.

Year 1920: Smith-Bankhead Act, providing grants to States for support of vocational rehabilitation programs.

Year 1933: Beginning of assistance in school lunch programs, first in the form of loans to communities to pay labor costs involved. Program regularized by the National School Lunch Act of 1946.

Year 1935: Bankhead-Jones Act, providing grants to States for agricultural experiment stations.

Year 1936: Assistance in the form of surplus farm commodities for use in school lunch programs initiated.

Year 1937: National Cancer Institute Act included provisions beginning the policy of granting Public Health Service fellowships. Fellowship programs were later incorporated in legislation concerning other agencies.

Year 1941: Amendment to Lanham Act of 1940 included provision for construction, maintenance, and operation of schools in communities affected by defense activities. Such programs were regularized under Public Laws 815 and 874 of 1950.

Year 1943: Vocational Rehabilitation Act, providing assistance to disabled veterans.

Year 1944: Servicemen's Readjustment Act, providing assistance for education of veterans.

Year 1944: Surplus Property Act, allowing transfer of surplus property to educational institutions.

Year 1946: George-Barden Act, expanding and increasing Federal participation in vocational education.

Year 1949: Federal Property and Administrative Services Act provided for donation of surplus property to educational institutions and for other public uses.

Year 1950: Assistance to federally affected areas, Public Laws 815 and 874.

Year 1950: Housing Act with provisions for loans for construction of college housing facilities.

Year 1954: School milk program, providing funds for support of school lunch programs.

Year 1958: National Defense Education Act, providing assistance to States and institutions of higher education for support of educational programs in certain areas and to college students.

Mr. HUMPHREY. Mr. President, I also ask that two news releases from the Office of Education concerning school enrollments, teacher shortages, and public school operating costs be printed at this point in the RECORD.

There being no objection, the releases were ordered to be printed in the RECORD, as follows:

NEWS RELEASE OF U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, AUGUST 27, 1961

Enrollment in the Nation's public and private school from kindergarten through college, increasing for the 17th consecutive year, will reach a new alltime high of 49,300,000 in the 50 States and the District of Columbia in the school year 1961–62, the Office of Education estimated today. This is an increase of 1,400,000 over the enrollment of 47,900,000 for the 1960–61 school year.

The Office of Education also estimated that 1,684,000 classroom teachers will be needed by the public and nonpublic elementary and secondary schools in the 50 States and the District of Columbia. This number is 3 percent greater than the 1,636,000 employed in 1960–61.

Anticipated enrollments in public and nonpublic schools from kindergarten through grade 8 are estimated at 34,200,000 for the 50 States and the District of Columbia, an increase of 400,000. In grades 9 through 12, the increase is expected to be 700,000—from 10,100,000 to 10,800,000.

In institutions of higher education, both public and private, an enrollment increase of 300,000—from 4 million to 4,300,000—is anticipated.

Rising enrollments in kindergarten and elementary and secondary schools are due chiefly to increased birth rates in recent years. The birth rate has advanced in most years since 1945. An earlier surge in births in 1940–43 has been reflected to some extent in college enrollments since 1959.

Statisticians anticipate, however, that the first really sharp increase in college enrollments will come about 1965 when high school graduates born in 1946 apply for admission. From 1945 to 1947 the average annual number of births increased by 1 million. This is expected to result in substantial increases in college enrollments in the 3 years beginning 1965.

As yet, the Office of Education said, steadily mounting college enrollments should be credited largely to the fact that there is a growing interest in attending college rather than to higher birth rates.

Also between the spring of 1959 and June 30, 1961, 230,000 young men and women had received substantial loans under the Federally financed student loan program of the National Defense Education Act to enable them to enroll in college, to continue their college work, or to take graduate courses. In addition, 4,000 3-year graduate fellowships have been financed under the terms of the National Defense Education Act.

NEWS RELEASE OF U.S. DEPARTMENT OF HEALTH EDUCATION, AND WELFARE, AUGUST 24, 1961

Rising enrollments and higher prices for goods and services brought the cost of operating the Nation's public elementary and secondary schools to a record $15.6 billion in the school year 1959–60, an increase of $2 billion over 1957–58.

The latest biennial survey of State school systems by the Office of Education shows increased investment in every category but one—capital outlay by local school districts for land, buildings, and equipment.

While total expenditures increased by $2 billion in the 2-year period, capital expenditures were down 7 percent in 1959–60 compared with 2 years earlier. This was the first decline in capital outlay for elementary and secondary schools since World War II.

Capital outlays by local school districts rose from $258 million in 1939–40 to $1 billion in 1949–50, to $2.4 billion in 1955–56, and to $2.9 billion in 1957–58. In 1959–60, these expenditures dropped back to $2.7 billion.

In the meantime, according to the latest reports from State education agencies, the classroom shortage at the beginning of the 1960–61 school year was 142,000. This was virtually the same as it was at the beginning of the 1957–58 school year when the shortage was reported as 143,000.

The instructional staff—teachers, principals, and supervisors—increased from 1,340,000 in 1957–58 to 1,473,000 in 1959–60, and average salaries rose 9 percent during the 2-year period—from $4,703 to $5,135.

Approximately 36 million pupils were enrolled in public schools from kindergarten through grade 12 in 1959–60, as compared with a total of 33.7 million pupils in 1957–58.

On the basis of average daily attendance, the current expenditure per pupil was $376 in 1959–60, compared with $341 in 1957–58, an increase of 10 percent.

The largest proportionate increase in costs during the 2-year period (34 percent) was for interest on the school debt, which rose from $343 million to $459 million.

Of total revenue for school purposes, including income from taxes and appropriations but excluding receipts from loans and sales of bonds, local sources furnished 54.1 percent in 1959–60. State sources contributed 39.4 percent; the Federal Government, 4.4 percent; and county and other intermediate district sources, the remaining 2.1 percent.

The number of high school graduates rose 22 percent—from 1,338,000 in 1957–58 to 1,627,000 in 1959–60. As in previous years, girls constituted a higher proportion of the graduates than boys. Altogether, 836,000 girls and 791,000 boys were graduates in 1959–60.

The survey disclosed a further noticeable decline in the one-teacher school. The number of such schools reported for the 1959–60 school year—20,000—represented about a third of the number in 1949–50.

From 1949–50 to 1959–60 the average enrollment per school (both elementary and secondary) increased from 165 to 307 pupils.

Fewer local school districts also were reported as a result of the continuing trend toward the reorganization and consolidation of small school districts. There were about 40,300 operating and nonoperating districts in 1959–60, compared with 83,700 in 1949–50. The heaviest concentration of small local school districts as well as one-teacher schools was in the Great Lakes and Plains region of the United States.

Single copies of the report, "Preliminary Statistics of State School Systems, 1959–60," are available from the Publications Inquiry Unit, Office of Education, Washington, D.C.

Mr. HUMPHREY. Mr. President, from the earliest days of our Nation, our greatest statesmen have recognized the tremendous importance of good education for the effective operation of our democracy. They stated again and again the principle that any real democracy is impossible without universal education and the development of intellectual powers of the highest order. Here is a statement by Benjamin Franklin:

The good education of youth has been esteemed by wise men in all ages as the surest foundation of the happiness both of private families and of commonwealths. Almost all governments have therefore made it a principal object of their attention to establish and endow with proper revenues such seminaries of learning as might supply the succeeding age with men qualified to serve the public with honor to themselves and to their countries.

In his message to the First Congress on January 8, 1790, George Washington also spoke up on the vital role of education. He said:

Knowledge is in every country the surest basis of public happiness. In one in which the measures of government receive their impressions so immediately from the sense

of the community as in ours, it is proportionately essential. To the security of a free constitution it contributes in various ways: By convincing those who are entrusted with the public administration that every valuable end of government is best answered by the enlightened confidence of the people, and by teaching the people themselves to know and value their own rights; to discern and provide against invasions of them, to distinguish between oppression and the necessary exercise of lawful authority, between burdens proceeding from a disregard to their convenience and those resulting from the inevitable exigencies of society; to discriminate the spirit of liberty from that of licentiousness, cherishing the first, avoiding the last, and inviting a speedy but temperate vigilance against encroachments with an inviolable respect to law.

And Thomas Jefferson, writing from Paris in 1787 to James Madison said:

Above all things, I hope the education of the common people will be attended to; convinced that on this good sense we may rely with the most security for the preservation of a due degree of liberty.

From 1789 to the present, the records of the Congress testify to continuous congressional interest and concern for education. And through the years, Federal financial support for education has met specific national needs. Its growth has been a reflection of the pressure of the times, a reflection of specific needs rather than abstract theories.

Americans must understand clearly the historical background of Federal support for education. The precedents of Federal support developed by Congress over the years give positive proof that when the pressure of the times demand more national support for education we will have it. And the pressures of today impose such a responsibility on this Congress.

Four years before the ratification of the U.S. Constitution an ordinance of the Congress of the Confederation in 1785 specified the manner in which western lands were to be surveyed, and it stipulated that "there shall be reserved the lot No. 16 of every township for the maintenance of public schools within said township." Two years later, in 1787, the policy was clearly defined by the Northwest Ordinance which stated that "religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools, and the means of education shall forever be encouraged."

Daniel Webster once said:

I doubt whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked, and lasting character than the ordinance of 1787 * * * it set forth and declared it to be a high and binding duty of government to support schools and advance the means of education.

When Ohio was admitted to the Union in 1802, the Congress reiterated the policy of setting aside lands for school support at the time of admission to statehood. The following year the Congress extended the privileges of the ordinance of 1787 to the States of the Mississippi territory.

But the donation of public lands for educational support was not the only way in which Congress early recognized the need to bolster education in the Nation. In 1836 the Congress adopted an act by which the surplus in the U.S. Treasury on hand beginning in 1837 was ordered to be distributed to the 27 States. This money could be used for the promotion of education and other purposes. The distribution of this surplus was technically in the form of a deposit with the States, subject to recall, and it was prorated among them in proportion to their representation in the Congress. Some of the States devoted all or a part of their respective shares to the support of public schools, and in a number of the States it was an important factor in the development of public education.

New York State devoted all of its $4 million share of the Federal money to education.

Ohio put all of its $2 million share of Federal money into public education.

And Delaware, with one of the smallest shares, $286,000, put up its share of the Federal money.

Sixteen of the twenty-seven States in 1836 took Federal funds and used these funds to support public education.

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the amount of money received by each of the 27 States and the purposes for which it was used.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Distribution of the surplus revenue of 1836

	Number electors	Amount received	Objects to which applied
Alabama	7	$669,086.78	Education.
Arkansas	3	286,751.48	General purposes.
Connecticut	8	764,670.61	Education, ½; general purposes, ½.
Delaware	3	286,751.48	Education.
Florida			
Georgia	11	1,051,422.09	⅓ education, ⅔ general purposes.
Illinois	5	477,919.13	Education and internal improvements.
Indiana	9	860,254.44	½ education, ½ general purposes.
Kentucky	15	1,443,757.40	Education.
Louisiana	5	477,919.13	General purposes.
Maine	10	955,838.27	Do.
Massachusetts	14	1,338,173.57	Do.
Maryland	10	955,838.27	Education and general purposes.
Mississippi	4	382,335.31	General purposes.
Missouri	4	$382,335.31	Education.
Michigan	3	286,751.48	Internal improvements.
New Hampshire	7	669,086.78	General purposes.
New Jersey	8	764,670.61	Do.
New York	42	4,014,520.71	Education.
North Carolina	15	1,433,757.40	Education in part, internal improvements.
Ohio	21	2,007,260.36	Education.
Pennsylvania	30	2,867,514.80	Education in part.
Rhode Island	4	382,335.31	Education.
South Carolina	11	1,051,422.09	Education, ⅓; general purposes, ⅔.
Tennessee	15	1,433,757.40	General purposes.
Vermont	7	669,086.78	Education.
Virginia	23	2,198,428.04	General purposes.

Source: F. W. Blackmar, "The History of Federal and State Aid to Higher Education," 1890, p. 47.

Mr. HUMPHREY. Mr. President, this table gives impressive and comprehensive testimony to the vital role of the Federal Government in supporting some 100 different educational activities.

The long history of Federal support and concern for education should give us confidence to move forward in this session of Congress to assure the continuation of two successful and vitally important programs—the program of assistance to schools in the federally impacted areas, and the eight-part program of the National Defense Education Act.

By 1857 some 60 million acres of public land had been set aside by the Federal Government to support public schools.

The Federal Government had given 4 million acres of public land to 15 States to endow State universities.

Therefore, it was logical and appropriate in 1862 for Congress to establish land-grant colleges through the use of public lands. The Morrill Act provided that each State receive an amount of 30,000 acres of public land or its equivalent in scrip, based on the number of Members of Congress in the State, for the support of a college which would have as its first purpose the teaching of such branches of learning as are related to agriculture and the mechanic arts as well as for military training. The money derived from the sale of these public lands by each State was to be invested and used for the establishment and support of these institutions.

This Federal support, which resulted in the development of our present system of fine land-grant colleges, was given to certain well-defined educational areas considered essential to the national welfare including military training.

The growth of these land-grant institutions, so appropriately called democracy's colleges, is an American success story. The contribution of the land-grant institutions to higher education has been significant and beneficial in each of our States. The success of the land-grant colleges and universities in serving the changing needs of a growing nation reflects credit on the good judgment of Congress in making possible the establishment of these institutions.

Mr. President, at this point I ask unanimous consent to have a table inserted in the RECORD showing the present value of the land grants made possible by the first Morrill Act of 1862.

There being no objection, the table was ordered to be printed in the RECORD.

Condition of land-grant funds of 1862 and other Federal land-grant funds, by institution: Close of fiscal year 1958–59

Land-grant institutions, by State	Land-grant funds of 1862			Other Federal land-grant funds		
	Amount of fund, not including value of unsold land	Unsold land		Amount of fund, not including value of unsold land	Unsold land	
		Value of land	Number of acres		Value of land	Number of acres
(1)	(2)	(3)	(4)	(5)	(6)	(7)
All land-grant institutions	$73,415,506	$6,314,221	778,156	$37,573,998	$9,148,489	904,112
52 land-grant institutions	73,029,393	6,314,221	778,156	37,573,998	9,148,489	904,112
16 land-grant institutions	386,113					
Alabama:						
Alabama Agricultural and Mechanical College						
Auburn University [1]	[2] 253,500					
Alaska: University of Alaska				15,377		
Arizona: University of Arizona	69,550	291,533	150,000	1,299,093	1,341,182	496,080
Arkansas:						
Agricultural, Mechanical, and Normal College						
University of Arkansas	133,000					
California: University of California	990,552	[3] 6	320	199,822		
Colorado: Colorado State University	783,421	(4)	30,006			
Connecticut: University of Connecticut	135,000					
Delaware:						
Delaware State College						
University of Delaware	84,426					
Florida:						
Florida Agricultural and Mechanical University						
University of Florida	[5] 157,217			129,983		
Georgia:						
Fort Valley State College						
University of Georgia	242,202					
Hawaii: University of Hawaii						
Idaho: University of Idaho	2,265,889	275,370	27,537	6,117,638	1,085,070	108,507
Illinois: University of Illinois	649,013					
Indiana: Purdue University	340,000					
Iowa: Iowa State University of Science and Technology	589,754					
Kansas: Kansas State University of Agriculture and Applied Science	648,376					
Kentucky:						
Kentucky State College	20,925					
University of Kentucky	144,075					
Louisiana:						
Louisiana State University and Agricultural and Mechanical College	182,313			136,000		
Southern University and Agricultural and Mechanical College						
Maine: University of Maine	118,300					
Maryland:						
Maryland State College, University of Maryland						
University of Maryland	132,400					
Massachusetts:						
Massachusetts Institute of Technology	73,000					
University of Massachusetts	146,000					
Michigan: Michigan State University of Agriculture and Applied Science	1,059,379					
Minnesota: University of Minnesota	45,259,158	126,969	25,394			
Mississippi:						
Alcorn Agricultural and Mechanical College	96,296					
Mississippi State University	98,575			141,213		
Missouri:						
Lincoln University						
University of Missouri	543,346	73,092	18,273	122,000		
Montana: Montana State College	1,094,691	635,377	63,538	392,046	430,250	43,025
Nebraska: University of Nebraska	705,992	116,590	3,834	372,792	188,860	6,925
Nevada: University of Nevada	134,282			67,396		
New Hampshire: University of New Hampshire	80,000					
New Jersey: Rutgers, the State University	116,000					
New Mexico: New Mexico State University of Agriculture, Engineering and Science	1,260,914	631,335	210,445			
New York: Cornell University	688,576					
North Carolina:						
Agricultural and Technical College of North Carolina						
State College of Agriculture and Engineering, University of North Carolina	125,000					
North Dakota: North Dakota Agricultural College	2,239,653	131,718	13,172			
Ohio: Ohio State University	524,177			228,329		
Oklahoma:						
Langston University						
Oklahoma State University of Agriculture and Applied Science				7,827,983	2,084,199	106,138
Oregon: Oregon State College	214,840	182	182			
Pennsylvania: Pennsylvania State University	500,000			17,000		
Puerto Rico: University of Puerto Rico						
Rhode Island: University of Rhode Island	50,000					
South Carolina:						
Clemson Agricultural College	95,900					
South Carolina State College	95,000					
South Dakota: South Dakota State College of Agriculture and Mechanic Arts	944,095	682,399	68,240	314,698	227,466	22,747
Tennessee:						
Tennessee Agricultural and Industrial State University						
University of Tennessee	400,000					
Texas:						
Agricultural and Mechanical College of Texas [6]	209,000					
Prairie View Agricultural and Mechanical College [6]						
Utah: Utah State University of Agriculture and Applied Science	[7] 377,163	161,869	32,374			
Vermont: University of Vermont and State Agricultural College	122,000					
Virginia:						
Virginia Polytechnic Institute	344,312					
Virginia State College	173,892					
Washington: Washington State University	6,798,924	2,452,489	61,312	15,239,999	3,446,082	86,152
West Virginia: West Virginia University	126,300					
Wisconsin: University of Wisconsin	303,595			234,130		
Wyoming: University of Wyoming	475,533	735,292	73,529	4,718,499	345,380	34,538

[1] Alabama Polytechnic Institute became officially known as Auburn University as of Jan. 1, 1960.
[2] Excludes amounts formerly included as funds temporarily functioning as principal.
[3] Nominal value reported.
[4] Reported as not available.
[5] Negotiations pending with State government for restoration of $6,450.
[6] Data are for fiscal year ended Aug. 31, 1959.
[7] Negotiations pending with State government for restoration of $36,827.

Source: U.S. Office of Education, "Statistics of Land-grant Colleges and Universities year ended June 30, 1959," pp. 110–111.

Mr. HUMPHREY. Mr. President, it gives me great pride to note the outstanding role the University of Minnesota has achieved. The land-grant fund of the University of Minnesota was $45 million in 1959—more than 60 percent of the total land-grant funds of all land-grant institutions.

Through the years Federal support for the land-grant institutions has increased. In 1887 Congress started to appropriate funds for an agricultural experiment station in each State under the direction of the land-grant institution.

Later, in 1914, the Federal Government began cooperation with the States in providing extension work in agriculture and home economics. The Smith-Lever Act required the matching of Federal appropriations with State, college, or local funds to help promote cooperative agricultural extension work. Under this program, total Federal appropriations from 1914 through fiscal 1961 have totaled $949,474,000.

Another program of Federal cooperation with the States was established by the Smith-Hughes Act of 1917, to support vocational education. This program grew out of a recognized need for adequately financed education programs in agriculture, trades, and industries.

Support for vocation education is even more vital today than it was 47 years ago, and Congress has expanded this program to meet the demands of the times—extending Federal support to other areas of vocational education such as home economics, distributive occupations, practical nursing, and fishing occupations.

Most recently, under the National Defense Education Act of 1958, the area vocational training program has been strengthened to help alleviate the manpower shortage. The Federal Government is helping the States to provide training of less-than-college grade for youth, adults, and older persons including instruction for apprentices to fit them for useful employment as highly skilled technicians in fields necessary for the national defense.

Under the Smith-Hughes Act and the NDEA, total Federal appropriations supporting vocational education from 1917 through fiscal 1961 have totaled $777,993,500.

The depression of the 1930's gave impetus to the need for the Federal Government to establish a great many programs which advanced the education of thousands of persons—Civilian Conservation Corps, Federal Emergency Relief Administration, Works Progress Administration, Works Projects Administration, National Youth Administration, Public Works Administration, Reconstruction Finance Corporation.

These programs helped to build thousands of schools across the country. They provided loans through the RFC to public school authorities for the purpose of paying teachers' salaries. And they made it possible for thousands of young men and women to be employed and to continue their education in school. The program administered through the National Youth Administration gave assistance to more than 2,134,000 different students during the 8-year period from 1935 through 1943. Although the basic intent of this program was to provide emergency depression relief, many hundreds of thousands of these trained persons contributed to our defense effort in World War II.

During World War II, the Federal Government—in the interest of national security—became involved in education programs to aid the war effort.

Nursery and special schools were set up to care for children whose parents were doing defense work.

And under the student war loans program, more than $3,335,000 in loans were provided to students in technical and professional fields whose employment was essential to the war effort.

Since World War II, the Federal Government has given broad opportunities for education to veterans of World War II and the Korean conflict.

Under the GI bill, the Federal Government has provided $15,525,995,000 in educational benefits for World War II veterans up to the end of fiscal year 1961.

Korean veterans' GI educational benefits through fiscal year 1961 have totaled $4,291,984,000. The combined total of educational benefits for veterans of World War II and the Korean war have totaled $18,817,979,000—close to $20 billion in Federal funds for the education of Americans who have served in the armed services.

Another program enacted by Congress after World War II speeded transfer of surplus property to tax-supported, nonprofit educational institutions. American colleges and universities gained more than 100 million items of educational equipment and surplus buildings containing an estimated 17 million square feet of usable floor space.

Let us take a look at the National Institutes of Health. NIH provides a sizable amount of Federal money to our colleges and universities.

This is Federal aid to education in the form of research grants, facilities, and forms of scientific research. Over a 15-year period this money has totaled more than $1¼ billion.

At my request, NIH came up with the following estimates of money supplied to these institutions of higher education from 1945 through fiscal 1961.

During this period the National Institutes of Health have passed out $1,009,500,000 for biomedical research projects, and three-fourths of this amount—$757 million—went for research at colleges and universities.

Furthermore, during this period from 1945 through fiscal 1961, the National Institutes of Health has given $330 million to colleges and universities for biomedical research training.

NIH has also passed out more than $77 million for construction and equipment under its health research facilities program—and, of course, most of this money goes to America's colleges and universities.

Finally, NIH provides Federal money for graduate fellowships in medical research. From 1945 through June 30, 1961, NIH has spent $75 million for these graduate fellowships.

The total for all these NIH programs for this 15-year program comes to $1,239 million.

And now let us turn to the National Science Foundation. The fine institution is making tremendous contributions to America's rapid progress in scientific research.

During the past 10 years the National Science Foundation has provided more than $230 million for the improvement of science education in our elementary and secondary schools, as well as in our colleges and universities.

At my request, the National Science Foundation prepared a table listing its grants in support of science education since 1951 and a table listing programs supported in fiscal 1961.

Mr. President, I ask unanimous consent that these tables and the covering letter from the National Science Foundation be printed at this point in the RECORD.

There being no objection, the letter and tables were ordered to be printed in the RECORD, as follows:

NATIONAL SCIENCE FOUNDATION,
Washington, D.C., September 6, 1961.

Hon. HUBERT HUMPHREY,
U.S. Senate,
Washington, D.C.

MY DEAR MR. HUMPHREY: In response to your letter of August 30, I am pleased to forward information concerning the amount of funds disbursed by the National Science Foundation for the support of science education grants since 1951.

With respect to the enclosed summaries of NSF grant support by educational levels, I should perhaps note that the total of expenditures reported does not represent our total program activity for any fiscal year; although a portion of such activities as our program of support of basic research also could be said to support the education of scientists, the major intent of activities such as these is to enable proven scientists to make further progress in research. The level of support shown in the enclosed table for each fiscal year therefore represents only that portion of the Foundation's appropriation which has contributed directly to the improvement of science education at the various levels of the educational process. We make no grants directly to secondary or elementary schools. The programs we are reporting on in the enclosures involve grants to universities and colleges (plus a few to scientific research laboratories and professional societies) and fellowship awards to individuals who are provided further scientific training as NSF Fellows.

We appreciate your interest in the activities of the National Science Foundation, and we will be happy to provide any additional information you may wish concerning our programs.

Sincerely yours,

KEITH R. KELSON,
Deputy Assistant Director for Scientific Personnel and Education.

NSF grants in support of education in the sciences

Fiscal year	Elementary and secondary school education [1]	Higher education
1951		
1952		$1,532,971
1953	$10,000	1,487,770
1954	21,725	1,799,678
1955	92,750	2,009,401
1956	1,143,700	2,522,087
1957	10,277,941	4,322,606
1958	13,035,916	6,232,470
1959	44,116,491	16,665,990
1960	42,778,355	20,026,075
1961	39,234,294	23,482,082
Total	150,711,172	80,081,130

[1] Although the grants reported in this column are for the ultimate purpose of improving the quality of education in secondary and elementary schools, the grants have been made in virtually all cases to colleges and universities.

Total grant support by program fiscal year 1961

Program	Elementary and secondary education	Higher education
Fellowship program	$800,000	$12,319,432
Institute program	30,992,949	2,681,680
Research participation and science activities for teachers	864,758	2,461,747
Science education for undergraduate students	0	3,387,775
Science education for secondary school students	3,049,896	0
Course content improvement program	3,526,691	2,631,448
Total	39,234,294	23,482,082

Mr. HUMPHREY. Mr. President, in fiscal 1961 total Federal spending for education was close to $3 billion. This total covers a broad range of Federal support for education—support provided through many of the programs I have already discussed, as well as support provided under the National Defense Education Act and under the program of aid for federally impacted school districts.

The cumulative total of Federal aid to education under these many different programs during the 10 years from fiscal 1951 through fiscal 1960 comes to more than $20 billion.

In order to show the wide range of Federal support for education, I ask unanimous consent that a table, prepared at my request by the Office of Education, be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION, SCHOOL FINANCE SECTION, JULY 31, 1961

Federal support of education, amount by agency and program, fiscal years 1951, 1953, 1955, 1957, 1959, and 1960

[In thousands of dollars]

Agency and program	Amount by year					
	1951	1953	1955	1957	1959	1960 (estimate)
Total	2,511,829	1,416,898	1,571,535	1,968,246	2,413,186	2,693,696
Department of Health, Education, and Welfare	111,370	310,575	392,240	457,277	737,864	1,097,453
Office of Education:						
Office Administration	2,879	5,149	3,506	4,871	8,229	10,327
Civil defense adult education			45	58		556
College housing loans						250,000
Cooperative research in education	0	0	0	941	2,752	3,200
Fellowships in programs for the education of the mentally retarded	0	0	0	0	0	1,000
Instruction in land-grant colleges	5,030	5,030	5,052	5,052	5,052	5,052
National Defense Education Act of 1958:						
Student loan program						9,619
Guidance, counseling, and testing program	0	0	0	0	9,677	18,388
Fellowship program	0	0	0	0	5,294	4,670
Improvement of State educational statistical services	0	0	0	0	367	1,129
Language development program	0	0	0	0	5,010	5,956
Science, mathematics, and foreign language instruction	0	0	0	0	50,630	64,000
Utilization of new educational media	0	0	0	0	1,600	3,915
Rural library services	0	0	0	1,440	5,218	7,500
School assistance in federally affected areas	16,727	200,084	214,507	172,835	215,066	233,500
Vocational education [1]	26,685	25,366	30,351	37,063	44,638	46,225
Federally aided corporations:						
American Printing House for the Blind	125	185	215	240	410	410
Gallaudet College	368	503	674	3,162	972	1,116
Howard University	4,262	4,047	7,654	3,686	4,636	5,440
Food and Drug Administration: Training for State and local officials						6
Office of Vocational Rehabilitation:						
Research fellowships						103
Research and demonstration project grants			299	1,999	4,600	6,500
Training grants			790	2,938	4,799	6,097
Public Health Service:						
Training of State health personnel at the Communicable Disease Center		370	396	567	769	643
Education in hospitals	191	187	181	216	215	265
Grants to States for public health personnel training			633	1,150	1,272	1,423
Training of Indian health personnel				179	283	301
Research fellowships		2,014	2,558	5,416	10,154	14,384
Traineeships and training grants		7,977	11,488	30,836	60,203	73,969
Training at the Robert A. Taft Sanitary Engineering Center		127	149	357	318	476
St. Elizabeths Hospital resident and intern training						187
Social Security Administration:						
Training State personnel in maternal and child health programs	477	695	482	596	2,665	1,586
Training State personnel in public assistance agencies					669	10
Surplus property utilization [2]	54,626	58,841	113,260	183,675	292,366	319,500
Department of Agriculture	171,154	195,693	245,071	398,399	383,556	420,315
Cooperative agricultural extension program	32,141	32,117	39,800	50,030	53,885	53,715
School support from national forest and submarginal land revenues [3]	8,435	17,490	16,871	29,080	22,880	30,243
School-lunch program	118,082	133,540	169,291	290,431	275,945	305,511
State agricultural experiment stations	12,496	12,546	19,109	28,858	30,846	30,846
Department of Commerce	5,292	4,024	2,632	2,884	3,493	4,382
Census training for foreign technicians					82	88
Merchant marine schools	5,292	4,024	2,593	2,836	3,266	4,016
Training foreign meteorologists			39	48	41	72
Research and training in the National Bureau of Standards					104	206
Department of Defense	25,507	40,714	47,955	69,569	300,877	346,986
Service academies	13,648	15,956	16,351	23,480	38,503	38,386
Education for military personnel at civilian institutions	6,724	7,089	5,699	8,800	9,324	11,181
Education of offduty personnel	5,135	8,683	9,370	10,579	12,081	12,199
Education of civilian employees				2,095	3,074	4,320
Education of dependent children overseas		8,911	16,421	24,375	29,699	33,700
Operation of school buses					435	450

See footnotes at end of table.

Federal support of education, amount by agency and program, fiscal years 1951, 1953, 1955, 1957, 1959, and 1960—Continued

[In thousands of dollars]

Agency and program	Amount by year					
	1951	1953	1955	1957	1959	1960 (estimate)
Department of Defense—Continued						
Public schools in Northern Mariana					103	101
Federal Council on Medical Education for National Defense Program		75	114	240	405	473
Research and development contracts					207, 258	246, 176
Department of the Interior	45, 834	58, 834	80, 263	90, 794	113, 577	105, 894
Alaska school construction	101	3, 397	3, 250	1, 363	1, 047	
Bureau of Mines safety training program	780	837	850	898	1, 200	1, 250
Education of dependents of National Park Service employees	14	20	27	29	38	59
Public schools in American Samoa					218	268
Public schools in the Pribilof Islands	26	34	35	43	51	51
Public schools in the Trust Territory of the Pacific Islands	290	300	250	410	399	419
Public schools for Indians [1]	27, 118	30, 117	37, 541	49, 433	59, 348	50, 597
School support from public land revenue [2]	17, 505	24, 129	38, 310	38, 618	51, 276	53, 250
Department of Justice	389	422	461	530	1, 416	1, 004
FBI National Academy					9	6
Police training schools					225	225
Education and vocational training in penal institutions	389	422	461	530	1, 182	1, 373
Department of Labor	3, 927	5, 188	5, 236	5, 940	10, 941	12, 262
Promotion of apprenticeship and training	3, 183	3, 324	3, 160	3, 399	4, 009	4, 047
Training in labor and allied fields for foreign visitors	744	1, 864	2, 076	2, 541	3, 167	3, 400
Testing, counseling, and placement interviews for high school seniors					3, 765	4, 815
Department of State		37, 402	40, 100	47, 751	57, 811	73, 760
Educational exchange program		23, 360	19, 768	18, 605	26, 590	29, 348
Cooperative educational activities in other countries		14, 042	20, 332	29, 146	31, 221	44, 412
Department of the Treasury	1, 800	2, 565	2, 506	3, 350	5, 212	5, 306
U.S. Coast Guard Academy	1, 768	2, 513	2, 435	3, 265	4, 068	4, 150
Education of dependent children overseas	0	0	13	23	37	37
U.S. Coast Guard officer postgraduate and specialized training	32	52	58	62	56	96
Internal Revenue Service training for enforcement personnel					1, 051	1, 023
Atomic Energy Commission	18, 908	25, 221	24, 479	30, 717	51, 047	62, 798
Contract research	13, 487	17, 352	19, 431	21, 284	39, 628	50, 485
Fellowships	1, 055	696	229	413	925	1, 180
Support of public schools at AEC facilities	3, 682	6, 780	4, 410	4, 097	4, 958	4, 347
Special training programs	684	393	409	4, 923	5, 536	6, 786
Canal Zone	2, 300	2, 635	2, 910	3, 647	5, 019	7, 855
Education in the Canal Zone	2, 300	2, 635	2, 910	3, 647	5, 019	7, 855
District of Columbia	2, 728	2, 310	5, 063	5, 077	7, 742	7, 734
Support of public schools	2, 728	2, 310	5, 063	5, 077	7, 742	7, 734
Federal Aviation Agency	101	348	266	461	1, 036	1, 068
Aviation training of foreign nationals	100	345	244	432	994	1, 034
Outservice training of employees	1	3	2	9	14	34
International Civil Aviation Organization fellows			20	20	28	
Federal Deposit Insurance Corporation				7	14	16
Outservice training of employees				7	14	16
Library of Congress	1, 000	1, 000	1, 000	1, 067	1, 368	1, 619
Reading material for the blind	1, 000	1, 000	1, 000	1, 067	1, 368	1, 619
National Aeronautics and Space Administration	710	618	675	580	5, 023	8, 540
Employee training					47	120
Grants and contracts for research	710	618	675	580	4, 976	8, 420
National Science Foundation		3, 220	10, 109	34, 952	122, 820	138, 836
Basic research grants		1, 813	8, 009	15, 268	45, 950	56, 300
Research facilities grants				5, 382	15, 580	11, 644
Fellowships		1, 366	1, 784	3, 354	13, 071	13, 431
Institutes and special projects		41	316	10, 948	48, 219	52, 401
Office of Civil and Defense Mobilization				707	1, 741	899
Civil defense resident and extension schools					529	575
Support of State training programs				707	1, 212	316
Tennessee Valley Authority	593	557	485	582	593	606
Cooperative research, test, and demonstration grants	593	557	485	582	593	606
Veterans' Administration	2, 120, 216	725, 572	710, 084	813, 955	602, 036	400, 771
Vocational rehabilitation	176, 875	57, 769	40, 770	30, 598	22, 307	17, 910
Readjustment training program	1, 943, 341	667, 803	664, 514	773, 960	566, 366	371, 404
War orphans educational assistance	0	0	0	2, 351	7, 663	11, 457
Fees to educational institutions	0		4, 800	7, 100	5, 700	

[1] Includes funds for area vocational education programs under the National Defense Education Act.

[2] Amounts reported are acquisition cost of transferred real and personal property for educational, health, and civil defense purposes.

[3] Amounts reported include funds to be used for schools and roads as determined by each State.

[4] Amount for 1960 does not include construction funds.

Sources: Data for fiscal years 1951 through 1959 are from "Federal Funds for Education, 1958–59 and 1959–60." Estimates for 1960 are from "Federal Support of Education: Fields, Levels, Recipients, 1958–59 and 1959–60."

Mr. HUMPHREY. More than 10 years ago Congress adopted the broad concept of Federal responsibility as it relates to public schools in the federally impacted areas. In 1950, the 81st Congress recognized two essential needs:

First, to help build public schools in school districts burdened by substantial increases in their school enrollments which result from Federal activities;

And second, to help school districts meet expenses of operation and maintenance when such districts are providing education for these federally connected children.

To help meet these needs, Congress enacted Public Law 815 for classrooms construction assistance and Public Law 874 for operation and maintenance assistance.

I have always had a deep interest in these measures, for it was my privilege to sponsor them in the Senate, to serve as chairman of the subcommittee which held hearings upon these measures, and to lead the floor action which resulted in Senate approval of this legislation.

I might add that I still have on my office wall the pen President Truman used to sign these particular bills into law. This pen has great significance and value to me, because I consider the aid-to-impacted-schools program to be a major landmark in the legislative history of our Nation. It has been most gratifying to me to observe the contributions to school construction and maintenance that have been made under these laws.

Under Public Law 815 and Public Law 874 Congress has appropriated more than $2 billion from the beginning of the program in 1950 through fiscal 1961. My own State of Minnesota has received more than $5 million under this program.

Preliminary estimates by the Office of Education for fiscal 1961 indicate that the cumulative total of Federal money made available under the construction program comes to $1,025,977,000, and the cumulative total under the operation and maintenance program comes to $1,179,132,000.

These figues do not include budgets or appropriations which have been authorized and enacted thus far this year for fiscal 1962. That would mean it would be necessary to add appropriations for the National Institutes of Health, for Public Law 815 and Public Law 874, for the National Defense Education Act, the National Science Foundation, and the many vocational educational acts, as well as much of the research being conducted in many other departments of government, including the Department of Defense, the Department of Agriculture, the Department of Commerce, and others, because much of the research activities affect directly the educational establishments of the Nation. For example, the work of the Atomic Energy Commission is phenomenal. The amount of the appropriations for the Atomic Energy Commission runs into billions of dollars. Much of this money is let out by contract to educational institutions to perform particular projects or to fulfill projects for the Atomic Energy Commission.

Be that as it may, the Atomic Energy Commission, through its program of contracts with educational institutions, strengthens the educational establishment of the Nation. This is a form of Federal assistance. I say that because scientists are hired, laboratories are constructed, and other facilities are expanded and developed, and a tremendous effort is undertaken in the field of scientific research, including the expansion of laboratory facilities and the improvement of general educational facilities.

I ask unanimous consent that highlights from the 10th annual report on the impacted areas school aid program be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS FROM THE 10TH ANNUAL REPORT OF THE COMMISSIONER OF EDUCATION, JUNE 30, 1960, ON THE ADMINISTRATION OF PUBLIC LAWS 874 AND 815

PUBLIC LAW 874—MAINTENANCE AND OPERATION

For the 10th consecutive year the number of eligible school districts and the total amount of their entitlements increased.

The sum of $186.3 million was appropriated for fiscal year 1960 as compared with $157.3 million for fiscal year 1959.

The number of eligible school districts increased from 3,762 in fiscal year 1959 to 3,821 in fiscal year 1960.

Increases were chiefly attributable to growth in school population, greater interest of school officials, and new or expanded Federal activities.

Federally connected pupils totaled more than 1.5 million, representing approximately 15 percent of total attendance in eligible districts.

Total number of pupils in the 3,821 eligible districts approximated 10.2 million, or about one-third of all pupils attending public elementary and secondary schools in the Nation.

Entitlements of approximately $186.3 million constituted about 4.9 per centum of current operating costs of eligible districts.

Entitlements of over $175 million resulted from 1,496,299 pupils who resided on Federal property or resided with a parent employed on Federal property or both.

Payments of approximately $9 million were made for 30,082 pupils in attendance at schools on 45 Federal installations, chiefly military bases.

The number of different tax-exempt Federal properties claimed as a basis for payment totaled 4,818, an increase of 220 over 1959.

Over 240 million acres in federally owned property were claimed as a basis for entitlement as compared with 224 million acres in fiscal 1959.

$962,212,788 has been appropriated for this program from its beginning in 1950 through fiscal year 1960.

PUBLIC LAW 815—CONSTRUCTION

The sum of $962,585,000 has been appropriated from the beginning of the program in 1950 through fiscal year 1960.

The sum of $948.5 million in Federal funds has been reserved for 4,733 construction projects submitted by approximately 1,872 different local school districts.

To these funds school districts have added an estimated $593 million (exclusive of site, off-site improvements, and other costs) for a total of over $1.54 billion used to construct 50,511 classrooms and related facilities for 1,468,139 pupils.

Of the total granted to local school districts $38 million has been allocated under title IV (now sec. 14) to 231 projects to provide 1,329 public school classrooms for 37,876 pupils (primarily children living on Indian reservations).

Approximately $103.1 million has been allocated for Federal construction of 266 projects on Federal property comprising 2,805 classrooms and related facilities for 84,691 pupils living on Federal property.

Thirty-nine projects costing over $7 million were reserved for construction of temporary school facilities housing 13,448 pupils.

Of the 4,733 projects approved 1,336 are new elementary schools and 1,904 are additions to elementary schools, 434 are new secondary schools, and 726 are additions to secondary schools, and 333 are for improvements to existing facilities, such as equipment, heating plants, etc.

Of the 4,733 projects for which Federal funds have been reserved 3,984 are completed, 503 are under construction, and 246 are in the preconstruction stage.

Mr. HUMPHREY. There has not been the slightest hint of Federal control over the school districts which have participated in this fine program. I have heard no complaints of Federal domination or Federal dictatorship. I know of no community that has lost its capacity or ability for self-government.

During public hearings in 1959, repeated questioning of witnesses failed to turn up a single case of Federal control over instruction or administrative policies in the school systems receiving Federal funds under Public Laws 815 and 874.

Both programs provide Federal assistance for three categories of federally connected children. The first group of children—category A—are those whose parents both reside and work on Federal property. Federal payments for these children are now permanent law.

However, the provisions for the other two categories of children covered by the legislation expired as of June 30 this year. These two categories provide for Federal payments to school districts for children when their parents reside or work on Federal property—category B children—and for category C children whose parents are employed in activities of the Federal Government carried on directly or through a contractor and whose enrollment in the local public schools has resulted in a substantial increase in the total enrollment of such schools.

Two other important provisions of the acts which have also expired provide, first, for payments to certain school districts which have lost substantial school revenue resources because of Federal acquisition of property and, second, for special school construction assistance to school districts with large enrollments of children living on Indian reservations.

Now we all know that these programs were extended under the provisions of title II of S. 1021 as passed by this body earlier this session. The Senate gave due consideration to this problem during the debate on S. 1021 and we were convinced that the federally impacted school districts needed continued assistance.

Furthermore, it should be quite clearly understood at this very late time of deci-

sion that the numerous school districts throughout the Nation which have received aid for operation and maintenance costs due to federally connected children are faced with serious school budget problems if the program is not continued.

Fortunately, this program has been continued. It will mean that many local school districts will have their other problems solved.

This condition was clearly outlined by Senate Report 743, in which the Senate Labor and Public Welfare Committee points out that—

State laws generally specify final dates by which school budgets must be approved for a forthcoming school year. State laws also generally set forth specific requirements regarding revenue receipts that may be anticipated for budget purposes. The majority of the school districts in the Nation are required to have tax rates set and budget approved for the following school year by June or July. In a few States action may be taken as late as August, and, in still other States, budgets for the following year are set as early as May or June.

In view of this the committee declared that:

Under most State laws it is extremely difficult to increase tax rates or to secure funds from other sources after a budget has once been approved. Thus, those districts that anticipated Federal payments under the expiring provisions of Public Law 874 will be in an extremely difficult position in fiscal year 1962 if the expiring provisions of Public Law 874 are not extended. Those districts in which Federal payments under the B category constitutes a substantial portion of their year's operating budget may find it necessary to curtail the school year by a month or two in the spring. Other districts will be under the necessity of restricting expenditures throughout the entire school year in order to continue school for the full term but on a greatly reduced basis. This would mean eliminating some teachers, increasing size of classes, restricting transportation, reducing necessary maintenance of buildings, and in other ways curtailing their school programs. These reductions would come in numerous communities at a critical time when the pressure of increasing enrollments resulting from expanding employment on Federal projects is becoming more and more acute. In short, these communities whose school enrollments are greatly increased by the presence nearby of major Federal projects vital to the national defense and welfare would find it impossible to maintain an acceptable level of educational services for the children of those military personnel and workers who have been assigned to these Federal projects.

We must not permit the impacted areas school aid programs under Public Laws 815 and 874 to lapse and die. The education of millions of American school children will be endangered if Federal funds are not provided for this program.

The appalling fact is that thousands upon thousands of our Nation's school children will be squeezed into overcrowded classrooms again during the current school year. And many others will go into obsolete or makeshift schoolrooms because no general Federal school-aid program was enacted in this session.

Mr. President, I turn now to the question of extending the National Defense Education Act of 1958. Let me mention some of the highlights of its accomplishments.

The NDEA is one of the most significant developments in America's educational history. It reflects a broad growing consensus in our Nation that progress in education is vital to our national welfare and security. It has expanded educational horizons and opened up new vistas for students and teachers. It has provided new opportunities and new challenges to our educational institutions, bringing them into an increasingly close partnership with other public and private institutions.

This is the major concern of the Federal Government in most of the programs of Federal support for education—to form a partnership with the State and local governments to strengthen the Nation's schools.

The 3-year record of the National Defense Education Act shows conclusively the effectiveness of Federal assistance and stimulation in the cooperative Federal, State, and local effort to improve American education. Although designed primarily to strengthen American education at selected, strategic points of critical national need, the National Defense Education Act has generated a tremendous upward surge that is benefiting every aspect of American education.

There has been significant forward progress and common sense demands that we extend this program to make certain that the States, the thousands of students who will want to apply for loans, fellowships, the guidance institutes, the language institutes, and the institutions of higher education participating in the various programs can plan in advance for continued development of the vitally important areas of the act.

Furthermore, the National Defense Education Act is closely allied with the Nation's position in world affairs. It is strengthening our entire educational system, particularly in science, mathematics, and technology.

Under NDEA we have financed 199 graduate followships in physics, 370 graduate fellowships in engineering, 224 in mathematics, 173 in chemistry and 17 in astronomy. About 40 percent of all graduate fellowships are for studies in science.

One-third of the 230,000 students getting NDEA loans during the 3 fiscal years which ended last June 30 are majoring in science, engineering and mathematics—16 percent in science, 10 percent in engineering, and 6 percent in mathematics. And let us remember that one of the requirements for obtaining a loan is a good scholastic record.

Our Nation's elementary and secondary schools have received about $88 million during 1959, 1960, and 1961, for additional equipment to teach science and mathematics. This Federal money is matched by an equal amount locally.

During fiscal 1959 and 1960, the States approved some 56,000 projects for acquisition of equipment and materials for science and mathematics instruction. Furthermore, the States asked funds to remodel over 6,000 classrooms.

The importance and the scope of these mathematics and science projects are becoming greater as time goes on.

We must continue this progress, just as we must continue our progress in foreign language and area training, in guidance and counseling, in all the NDEA programs.

Let me give a example—the number of physics teachers in elementary and secondary schools is up from 12,387 in fiscal 1959 to 14,243 in fiscal 1961—an increase of almost one-sixth. And the number of teachers in science and mathematics has risen during the same period from 24,719 to 35,725.

Finally, let us take a look at vocational education. The National Defense Education Act has enabled many more community colleges, technical high schools, and other types of public schools to offer training for highly skilled technical jobs.

In electronics, for example, the number of trainees almost doubled from 8,230 in fiscal 1959 to 15,695 the following year. In aeronautical programs the increase was from 543 to 661. And in instrumentation, the increase was tremendous—from 44 to 992. The Office of Education expects the 1960 enrollment will be up 60 percent in fiscal year 1961.

The National Defense Education Act helped to accomplish this in a number of ways. One was to finance salaries of teachers. Another was to finance necessary equipment.

In the 3 years the National Defense Act has been in effect, we have spent almost $350 million.

I ask unanimous consent that a financial summary of the NDEA programs, prepared for me by the Office of Education, be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Expenditures for education programs under the National Defense Education Act of 1958

	Fiscal 1959	Fiscal 1960	Fiscal 1961
Title II: Student Loan Program	$30,472,688	$40,944,924	$57,942,432
Title III: Science, Mathematics, and Modern Foreign Language Instruction Improvement	33,856,350	49,847,680	27,410,242
Title IV: Graduate Fellowships		4,620,441	11,451,488
Title V: Guidance, Counseling, and Testing	7,852,872	16,845,819	20,169,062
Title VI: Advanced Training in Foreign Areas and Languages	1,256,106	5,868,832	12,902,014
Title VII: Educational Media Research	184,949	3,603,316	4,271,349
Title VIII: Area Vocational Programs	3,750,000	6,039,333	7,971,080
Title X: Grants to States for Statistical Services	365,928	1,000,482	995,165
Total	77,738,893	128,770,827	143,112,832
Grand total for fiscal years 1959–61		349,622,552	

Source: Office of Education.

Mr. HUMPHREY. I am very much pleased that we have extended this act; and I hope that in the coming Congress we shall not only extend it, but also will improve it, because surely basic improvements are needed.

I have received a letter from George J. Hecht, chairman of the Citizens Committee for Extension of the National Defense Education Act, with a statement signed by nine distinguished scientists who are urging extension of the National Defense Education Act.

Mr. President, I ask unanimous consent that Mr. Hecht's letter, the statement of the nine scientists, and biographical material about these gentlemen be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the letter, the statement, and the memorandum were ordered to be printed in the RECORD, as follows:

AUGUST 25, 1961.

DEAR SENATOR HUMPHREY: It is imperative, we believe, that you consider carefully the enclosed statement about the National Defense Education Act issued by a group of our Nation's most distinguished scientists headed by Dr. James B. Conant, president-emeritus of Harvard University.

Their statement points to the "confusion, uncertainty, and partial loss of the gains already made" under the NDEA which they feel will result if the Congress fails to extend the act before adjournment of the 1961 session.

For our citizens committee, may I stress that it is extremely alarming that measures are being introduced to single out one title of the NDEA for renewal while abandoning the other 9 titles for this year. This act is actually an interdependent series of programs which were carefully balanced to produce the essential scientific and technical manpower our Nation needs.

School superintendents, teachers of science, mathematics, and foreign languages, vocational guidance personnel, college presidents, vocational education teachers, and heads of State departments of education—those who bear grassroots responsibility for carrying out the objectives of the NDEA—assure us that no valid educational purpose is served by this proposed piecemeal approach which they feel would scuttle the most successful and crucial weapon in the educational arsenal of the United States.

We urge you to extend every power and influence at your command to prevent the dismemberment of the NDEA and to support, at the very least, a simple 1-year extension of the entire act this year.

May we have your reassurance?

Cordially,

GEORGE J. HECHT,
Chairman, Citizens Committee for Extension of the National Defense Education Act.

P.S.—The scientists issuing the enclosed statement made their statement as individuals and not in affiliation with any organization. You may, however, wish to have the attached page of identification notes.

A STATEMENT TO THE AMERICAN PEOPLE AND TO THE U.S. CONGRESS URGING IMMEDIATE EXTENSION OF THE NATIONAL DEFENSE EDUCATION ACT

We, the undersigned, are disturbed by the serious damage which will be done to the vital program of the National Defense Education Act if the Congress fails to extend that act before adjournment of the 1961 session. If action is delayed until 1962, State legislatures which must appropriate matching funds, school and university officials who must now plan for the 1962–63 academic year, and students whose educational plans are in part dependent on NDEA programs will be unable to plan with confidence. Unless the act is extended now, the school year of 1961–62 will inevitably be one of confusion, uncertainty, and partial loss of the gains already made.

The National Defense Education Act, enacted by Congress in 1958, provided major help toward the improvement of science and mathematics instruction in the Nation's schools and colleges. Specifically it has:

1. Enabled thousands of high schools to secure laboratory equipment, library books, and teaching facilities in science and mathematics that they would not otherwise have obtained.

2. Enabled many States to engage the services of science and mathematics supervisors or scientific consultants to help classroom teachers improve their teaching of science and mathematics. The supervisors and consultants have been particularly helpful in introducing new and improved texts and teaching materials in science and mathematics.

3. Offered financial help to high school graduates who have the desire and ability, but not the money, to go to college. Among these students, preference has been given to those who want to specialize in science, mathematics, engineering or, foreign languages.

4. Helped universities—widely scattered over the United States—to develop new or improved programs for graduate students.

5. Aided graduate students who want to become college teachers, and who will be needed for the much larger college enrollment that must be expected in the next few years.

6. Provided similar improvements in the teaching of foreign languages.

These results of the National Defense Education Act have benefited students who wish to become scientists, methematicians, or engineers. They have benefited students who plan on careers in other fields but to whom a knowledge of science is an essential part of education for intelligent participation in the affairs of a scientific and technically oriented world. In benefiting these two groups the National Defense Education Act has started to make an important contribution toward strengthening the Nation that both groups will serve.

The job is well started, but far from complete. The National Defense Education Act has been in effect for only 3 years. The first year was largely one of tooling up. The second and third were years of growth and improvement. There is good momentum now. However, failure to extend the National Defense Education Act this year will bring many of the gains to a halt. Extending the act this year will enable the Nation to continue to build upon the improvements that have already been started. These improvements in science education are too vital to the welfare of the Nation to allow the act to be weakened.

Detlev W. Bronk, James B. Conant, Lee A. DuBridge, Frederick L. Hovde, James R. Killian, George B. Kistiakowsky, W. A. Noyes, Thomas Park, J. A. Stratton.

Signers of the statement are:

Detlev W. Bronk, president, National Academy of Sciences; president, Rockefeller Institute; formerly president, Johns Hopkins University.

James B. Conant, presently engaged in a study of the American public schools under a grant from the Carnegie Corp., of New York; president emeritus, Harvard University; formerly U.S. Ambassador to the Federal Republic of Germany.

Lee A. DuBridge, president, California Institute of Technology; formerly member of the President's Scientific Advisory Committee.

Frederick L. Hovde, president, Purdue University; chairman of the Task Force Committee on Education for President-Elect Kennedy.

James R. Killian, chairman of the corporation of the Massachusetts Institute of Technology; formerly special assistant to the President of the United States of America for science and technology; formerly Chairman, President's Scientific Advisory Committee.

George B. Kistiakowsky, professor of chemistry, Harvard University; formerly special assistant to the President of the United States of America for science and technology; formerly Chairman, President's Scientific Advisory Committee.

W. A. Noyes, chairman of the Department of Chemistry and dean of the Graduate School, University of Rochester.

Thomas Park, president, American Association for the Advancement of Science; professor of zoology, University of Chicago.

J. A. Stratton, president, Massachusetts Institute of Technology.

Members of the Citizens Committee for Extension of the National Defense Education Act are:

William Benton, A. B. Bonds, James B. Conant, Arthur S. Flemming, Marion B. Folsom, Richard G. Folsom, John W. Gardner, George J. Hecht, Gaylord P. Harnwell, Frederick L. Hovde, Bernard Locker, Earl J. McGrath, M. D. Mobley, Elmo Roper, Anna M. Rosenberg, George N. Shuster, Charles P. Taft.

Mr. HUMPHREY. I also ask unanimous consent that a letter to me from the Minnesota State Department of Education foreign language consultant, Mr. Jermaine Arendt, about the fine results of the NDEA on foreign language teaching in Minnesota, be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF MINNESOTA,
DEPARTMENT OF EDUCATION,
St. Paul, Minn., August 23, 1961.

DEAR SENATOR HUMPHREY: In the last several months, the National Defense Education Act has somehow failed of repassage in Congress. I note with some satisfaction that a citizens committee has recently been established to encourage the extension of the present National Defense Education Act on a 1-year basis. I hope that you will find it possible to support this extension of the National Defense Education Act as the current law has been a tremendous boon to the school programs of our State.

My position as foreign language consultant of the State department of education has enabled me to witness the remarkable effects which the law has had in the teaching of foreign languages alone. Through the fiscal year ending in June 1960, $103,598.62 in Federal matching funds have been disbursed to local school systems in Minnesota for the purchase of equipment and materials for foreign language instruction. This actually represents over $206,000 which probably would never have been spent for these programs if it had not been for the availability of the matching Federal moneys.

At least as important are the NDEA summer institutes for foreign language teachers which have provided training in modern methods of teaching foreign languages. In 1960, 45 Minnesota teachers attended such summer foreign language institutes. This year with two of the institutes here in the State, one at the University of Minnesota and the other at St. Theresa's in Winona, at least twice as many Minnesota teachers will have participated in this excellent program. The provisions of the act have made it possible to develop a whole new set of instructional aids for teaching five modern languages.

These materials alone are causing a revolution in the textbook industry as publishers scramble to produce teaching materials equally as good. In Minnesota the availability of Federal funds has enabled us to create a Modern Language Advisory Committee which has been guiding the growth of foreign language programs here. If the foreign language program in Minnesota is going to continue to grow and improve, it seems to me that there is no alternative to an extension of the current act. Countless Minnesota schools have purchased equipment ranging from a single record player, several tape recorders, junction boxes, headsets, film projectors, books, et cetera. Many additional schools are currently considering the addition of language laboratory facilities and expect to buy such equipment providing that Federal matching funds are available.

Of approximately 600 foreign language teachers in the State, only about 150 have so far participated in the summer institute program. Unless the act is continued, our attempt to introduce modern audio-lingual methods of foreign language instruction into our schools will bog down and I'm afraid we will continue to have the traditional grammar translation instruction which has been with us too long.

In view of the great need of NDEA help for the foreign language program, I wish to recommend most highly the extension of the current act.

Sincerely,

JERMAINE D. ARENDT,
Modern Foreign Language Consultant.

Mr. HUMPHREY. Extension of the National Defense Education Act provides a tremendous opportunity for us to help teachers, students, States, local communities, and institutions of higher education to strengthen education, and thereby to help this country meet the unprecedented demands of the times in which we live.

In his message to the Congress last February, President Kennedy declared:

Our progress as a Nation can be no swifter than our progress in education. Our requirements for world leadership, our hopes for economic growth, and the demands of citizenship itself in an era such as this all require the maximum development of every American's capacity.

The human mind is our fundamental resource. A balanced Federal program must go well beyond incentives for investment in plant and equipment. It must include equally determined measures to invest in human beings—both in their basic education and training and in their more advanced preparation for professional work. Without such measures, the Federal Government will not be carrying out its responsibilities for expanding the base of our economic and military strength.

It is my earnest hope that my colleagues will see the wisdom of extending—as we have—both the National Defense Education Act and the federally impacted areas program; and I also hope that my colleagues will see the wisdom and the importance of extending Federal aid to education. More than ever before, the times demand this action. Commonsense requires it.

Mr. President, I have said that we have made some strides forward, and I have reviewed the long history of Federal Government participation in educational activities. That participation adds up to billions of dollars. I also call attention to the fact that by means of Public Law 874, Public Law 815, and the National Defense Education Act, we have at least held the ground that has been gained; we have not retreated. But much more needs to be done. I hope much more will be done in the field of elementary school and secondary school education, to be sure. But much remains also to be done in the field of higher education and in the educational fields of science and technology.

HOUSING FOR LATIN AMERICA

Mr. HUMPHREY. Mr. President, some time ago I addressed the Senate on the subject of housing for Latin America. I pointed to what I thought was a real opportunity for the American housing industry not only to supply technical assistance for housing in Latin America, but also to supply building materials, because in many of these countries building materials are either in short supply or are not available at all. I took the liberty of sending a copy of my remarks to the Office of the Director of the International Cooperation Administration, as I did to the Department of Commerce.

I have received a very fine, comprehensive reply from Mr. Henry R. Labouisse, Director of the AID program. In his letter to me, Mr. Labouisse points out that the ICA officials have been discussing with representatives of the Department of Commerce and representatives of other Government agencies methods of more fully utilizing the resources of the building materials industry in meeting the housing needs of Latin America; and Mr. Labouisse points out that he believes my proposal should be the subject of consideration at the Inter-American Development Bank, since the main responsibility for the funding of housing programs in Latin America, in connection with the inter-American program for social progress, has been assigned to the Inter-American Development Bank. In his letter, Mr. Labouisse states:

In view of the important role assigned to the Inter-American Development Bank in meeting Latin American housing needs, it would appear desirable that that institution take leadership in making a detailed study of how the building materials industry could assist in meeting the pressing requirements in Latin America.

I ask unanimous consent that the letter, dated September 13, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL COOPERATION ADMINISTRATION,
OFFICE OF THE DIRECTOR,
Washington, D.C., September 13, 1961.

Hon. HUBERT H. HUMPHREY,
U.S. Senate, Washington, D.C.

DEAR HUBERT: Thank you very much for your letter of July 19, transmitting a copy of your speech in the Senate on housing for Latin America. I had already noted your speech and the excellent points you made on behalf of the role of housing in the Latin American program and the need for certain practical steps to make available increased resources to that end.

As you mentioned in your speech, ICA officials have been discussing with representatives of the Department of Commerce and other Government agencies methods of more fully utilizing the resources of the building materials industry in meeting the housing needs of Latin America. Representatives of the building materials industry have participated in these meetings and have made some particularly useful suggestions with reference to the utilization of their materials in low cost housing projects.

Under the inter-American program for social progress (enacted May 13, 1961), primary responsibility for funding housing programs in Latin America has been assigned to the Inter-American Development Bank (IDB). The trust agreement under which the IDB administers the $394 million assigned to it from the $500 million social progress program authorizes the IDB to provide both technical assistance and loan funding for housing programs for low-income groups through assistance to low cost housing and to institutions providing long-term housing finance and engaged in mobilizing domestic resources for home construction.

In view of the important role assigned to the IDB in meeting Latin American housing needs, it would appear desirable that that institution take leadership in making a detailed study of how the building materials industry could assist in meeting the pressing requirements in Latin America. Naturally, the new AID agency will be prepared to work cooperatively with the IDB in its efforts and to make available to it our experience and knowledge in the housing field. I am, therefore, transmitting copies of this letter and your recent speech to General Robert Cutler, U.S. Executive Director of the IDB, with the recommendation that he urge the IDB to explore ways and means of enlisting the resources and imagination of the U.S. building materials industry.

Thank you again for your efforts on behalf of this important aspect of our Latin American program. Your comments are completely in consonance with one of the basic principles of the new foreign aid legislation which is that U.S. business shall be given every possible opportunity and encouragement to provide commodities and services and to participate with us in meeting our program objectives abroad.

Sincerely yours,

HENRY R. LABOUISSE.

Mr. HUMPHREY. Mr. President, I hope the Inter-American Development Bank will do something about this matter. The Senator from Florida [Mr. SMATHERS] sponsored an amendment to the foreign aid bill which provided a certain amount of money for what we call mortgage guarantees. One of the great needs today in Latin America is housing. I do not mean expensive housing; I mean housing for most of the people—low-income housing, middle-income housing, and also public housing or cooperative housing.

I shall continue to talk about these activities until our Government gets off dead center and begins to move in the areas where there is great need; and the great need is in the fields of housing, health, education, and credit for the small businessmen, the farmers, and the workers. Unless we can get the foreign aid program down to the people, it will be a complete failure.

It seems to me that it is important that some Member of Congress raise his voice every week to remind those who have the responsibility of administering the foreign aid programs that those programs are designed to help people, to strengthen the security of the United States, to improve living standards

throughout the world, and to strengthen the areas of freedom in the world. But that will not be done unless there is a crusading zeal to get it done.

I am very much pleased with the letter I have received from Mr. Labouisse, and I have confidence in the Inter-American Development Bank. I hope the inter-American program for social progress, which relies so much upon the facilities of the Inter-American Development Bank, will proceed according to schedule. But I have many worries about it. For example, I have been told that in recent days considerable capital has been leaving Latin America—in other words, that there has been a flight of private capital from Latin America. This, in itself, could be very serious.

So there is all the more reason why our policy should be quickly effectuated, not only to restore confidence in the economies of the Latin-American countries, but also to restore the confidence of the people of those countries in the ability of the United States of America to fulfill its commitments.

IMPROVEMENT OF FREEDMEN'S HOSPITAL

Mr. HUMPHREY. Mr. President, I saw in the Washington Evening Star an editorial entitled "New Era for Freedmen's"—relating to Freedmen's Hospital. It is a good editorial; and it tells succinctly the story of the long battle to have a new Freedmen's Hospital built, and tells of the association of Freedmen's Hospital with the Howard University Medical School. This has been accomplished thus far by means of an authorization. Our next task is to provide the necessary appropriation.

I wish to keep reminding the Senate and the administration that in building this hospital, one large enough to fulfill the needs should be built. A 500-bed hospital will hardly be adequate. The studies which have been made indicate that at least an 850-bed hospital will be required; and I am hopeful that will be the ultimate decision of the Congress and of the administration.

I ask consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEW ERA FOR FREEDMEN'S

Freedmen's Hospital, born auspiciously during the Civil War but now a shamefully deteriorated institution, is due for rebirth soon into a modern hospital of expanded service to the community. The new era for Freedmen's is made possible by congressional approval of a reorganization and rebuilding plan proposed in 1955 but delayed by demands of union officials for a guarantee of employee security and privileges. Employees, patients and the public will benefit from the reconstruction program.

Long complaints over the inadequacy of facilities at Freedmen's led Mrs. Oveta Culp Hobby, then Secretary of Health, Education, and Welfare, to ask a special committee to investigate conditions and make recommendations for improvement of the hospital in 1955. The committee proposed what now has been ordered by Congress, namely, the transfer of Freedmen's to Howard University as a teaching and general hospital adjunct to its medical school—and the building of an entirely new plant for the old hospital. Although subsequent Federal officials also urged the modernization, union fears that the transfer to Howard would impair employee benefits stalled the legislation for several years. The differences were smoothed out eventually, and HEW Secretary Ribicoff was effectively influential in obtaining congressional approval.

So Howard University now acquires a valuable teaching facility and Freedmen's is assured of competent staffing and up-to-date building and equipment. Only the President's signature now is needed to launch Freedmen's on another century of service.

PROPER LABELING OF DRUGS

Mr. HUMPHREY. Mr. President, I call the attention of the Senate to the action of the Food and Drug Administration relating to the proper labeling of drugs. I do so because if I have any professional education, it is in the field of pharmacy; and I have attempted to speak up in Congress when matters of public health, particularly as they relate to prescription drugs, have been under consideration.

I wish personally to commend the Food and Drug Administration for its new regulations, because the regulations pertaining to proper notations on drug containers are, I believe, sound, and should receive wide public support.

Secretary Ribicoff testified before one of our committees relating to the Food and Drug Administration program. He said:

We have found serious mixups in which the wrong chemical was used in a drug by a firm with inadequate manufacturing control. We have found firms shipping substandard drugs because they relied on false analytical reports from a commercial testing laboratory.

The Cabinet member praised drug firms for developing a great many new products at great expense. But he criticized the industry for what he called its "pattern of high prices" and inadequate safeguards for consumers. He also said that planned obsolescence of "miracle drugs" contributes to unjustifiably high prices.

There is a good deal of truth in what the Secretary has said, because many of the miracle drugs are put on the market only to be taken off the market as the result of some new compound that is almost identical; but, as prescription drugs, regrettably, they cannot be used unless they are prescribed.

I have in my hand an editorial from the Minneapolis Tribune of September 9 commenting on the order of the Food and Drug Administration. That editorial reads as follows:

FULL INFORMATION

The U.S. Food and Drug Administration has taken an important step toward better protection of public health by requiring that drug manufacturers report any harmful side effects of drugs they produce.

This order takes effect next March. The manufacturers will be required to enclose statements on side effects in all drug packages sent out to doctors, druggists, and hospitals—including samples sent to physicians.

Information of this kind would seem to be a logical necessity for the safe, intelligent use of drugs. Yet, as testimony before the Kefauver committee last year indicated, the lack of such a requirement has contributed to painful reactions for some patients to whom new drugs have been administered.

It should be noted that the substantial majority of drug producers were not accused of failing to test new products sufficiently. Thus the FDA's order may be expected to apply particularly to the minority of manufactures who may have been guilty of carelessness.

No amount of carelessness, however, should be tolerated in the business of drug production. Hence we feel this order will have the effect of providing some needed reassurance for the Nation's drug users.

I have taken the time to make these statements tonight because I have received some letters from persons who want me to protest the Food and Drug Administration order. I do not protest it. I herald it. It is long overdue. There is no reason why the label on a prescription drug should not have an enclosure setting forth the side effects or, if any, the harmful effects of drugs under certain conditions. Manufacturers who complain are putting private interests above the public interest. I do not think a pharmaceutical company has that right. It is dealing with the public. It is dealing with the most important part of our community; namely, the lives of the people.

I use this comment in the CONGRESSIONAL RECORD as a way of answering a few of the letters I have received, because I see no reason why the criticism should be leveled at the Food and Drug Administration. The Food and Drug Administration is here to protect the public health. It is here to assure the purity of drugs. It is here to prevent the substitution of drugs. It is here to see that when a person partakes of a certain chemical or food, the possible physical effects will be noted to the user, and he will have some information about it, so that, if there is any possible harm, it may be prevented.

Very few persons like to be regulated. As one who has dispensed pills and who has also taken a few, I want to be sure that what I am getting is pure and harmless. The Food and Drug Administration was created to protect the public interest in this field. Any hue and cry about it should stop as of now.

ADJOURNMENT TO TOMORROW AT 9 A.M.

Mr. HUMPHREY. Mr. President, in accordance with the previous order, I now move that the Senate stand in adjournment until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 15 minutes p.m.), under the previous order, the Senate adjourned until tomorrow, Friday, September 15, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 14, 1961.

COLLECTOR OF CUSTOMS

Peter W. Princi, of Massachusetts, to be collector of customs for customs collection district No. 4, with headquarters at Boston, Mass.

U.S. CIRCUIT JUDGES

Delmas C. Hill, of Kansas, to be U.S. circuit judge for the 10th circuit, vice a new position.

Ben Cushing Duniway, of California, to be U.S. circuit judge for the ninth circuit, vice Albert Lee Stephens, retired.

Irving R. Kaufman, of New York, to be U.S. circuit judge for the second circuit, vice a new position.

U.S. DISTRICT JUDGES

Robert A. Ainsworth, Jr., of Louisiana, to be U.S. district judge for the eastern district of Louisiana, vice a new position.

William E. Doyle, of Colorado, to be U.S. district judge for the district of Colorado, vice a new position.

Martin Pence, of Hawaii, to be U.S. district judge for the district of Hawaii, vice a new position.

Thomas F. Croake, of New York, to be U.S. district judge for the southern district of New York, vice a new position.

Anthony T. Augelli, of New Jersey, to be U.S. district judge for the district of New Jersey, vice a new position.

S. Hugh Dillin, of Indiana, to be U.S. district judge for the southern district of Indiana, vice a new position.

Alfred L. Luongo, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania, vice a new position.

John F. Dooling, Jr., of New York, to be U.S. district judge for the eastern district of New York, vice a new position.

Thomas J. MacBride, of California, to be U.S. district judge for the northern district of California, vice a new position.

Alfonso J. Zirpoli, of California, to be U.S. district judge for the northern district of California, vice a new position.

U.S. CIRCUIT JUDGE

J. Spencer Bell, of North Carolina, to be U.S. circuit judge, fourth circuit, vice a new position.

U.S. DISTRICT JUDGE

Hubert L. Will, of Illinois, to be U.S. district judge for the northern district of Illinois, vice a new position.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 14, 1961:

DIPLOMATIC AND FOREIGN SERVICE

Robert F. Corrigan, of Ohio, now a Foreign Service officer of class 2 and a secretary in the diplomatic service, to be a consul general of the United States of America.

Sidney Schmuckler, of Virginia, to be a Foreign Service officer of class 3, a consul, and a secretary in the diplomatic service of the United States of America.

The following-named persons for appointment as indicated in the diplomatic service of the United States of America:

To be Foreign Service officers of class 4, a consul, and secretary

James H. Brown, Jr., of New Jersey.
David J. Carpenter, of Vermont.
Charles W. Lyons, of Massachusetts.

The following-named persons for appointment as indicated in the diplomatic service of the United States of America:

To be Foreign Service officers of class 5, a consul, and secretary

John B. Perkey, Jr., of West Virginia.
Robert C. Texido, of Rhode Island.

The following-named Foreign Service officers for promotion from class 8 to class indicated:

To be class 7

James T. Doyle, of Florida.
George W. Heatley, of California.
Edward G. Ruoff, of Ohio.

The following-named persons for appointment as indicated in the diplomatic service of the United States of America:

To be Foreign Service officers of class 7, a vice consul of career, and secretary

John D. Blacken, of Washington.
Donald C. Lautz, of Illinois.
Michael B. Peceri, of Florida.
Miss Jeanette M. Rebuth, of New York.

The following-named persons for appointment as indicated in the diplomatic service of the United States of America:

To be Foreign Service officers of class 8, a vice consul of career, and secretary

Miss Jolahna D. Ballard, of California.
Richard Irving Burnham, of New York.
Stephen W. Bosworth, of Michigan.
Hobart Harrington Cleveland, of Florida.
John S. Davison, of Michigan.
Dale Alan Diefenbach, of Ohio.
Jerrold Mark Dion, of Minnesota.
David A. Engel, of New Jersey.
Jonathan W. Ewing, of Pennsylvania.
Anthony G. Freeman, of New Jersey.
Frank Ralph Golino, of Pennsylvania.
Donald Keith Guthrie, of New Mexico.
Frank G. Helman, of Pennsylvania.
Herbert A. Hoffman, of Pennsylvania.
Kenneth C. Keller, of Idaho.
Edmund H. Kelly, of Ohio.
William L. Lee, of California.
John J. MacDougall, of Massachusetts.
Robert S. McClellan, of New York.
William H. Metzger, of Ohio.
Glenn A. Munro, of Maryland.
Robert F. Ober, Jr., of Illinois.
Charlton M. Pettus, of Missouri.
Ralph C. Porter III, of New Jersey.
Jerrold C. Rodesch, of Wisconsin.
Leon Morange Selig, of New York.
Merle W. Shoemaker, of Pennsylvania.
N. Shaw Smith, of Virginia.
Robert R. Strand, of Ohio.
Gerry Eastman Studds, of Massachusetts.
Peter A. Sutherland, of Massachusetts.
Elroy Thiel, of Wisconsin.
John William Warnock, Jr., of Ohio.
Keith W. Wheelock, of Maryland.
Theodore S. Wilkinson III, of the District of Columbia.
Thomas Edward Williams, of Kansas.
Miss Hanna W. H. Woods, of Arkansas.
Ronald E. Woods, of Arizona.

The following-named Foreign Service Reserve officers to the grade indicated:

To be consuls of the United States of America

Clarence H. Alspaugh, Jr., of Virginia.
Phillips Bradley, of Maine.
John DeNoia, of New Jersey.
Richard Erstein, of Massachusetts.
Evan Fotos, of Massachusetts.
Carl L. Gebuhr, of Iowa.
Edwin P. Kennedy, Jr., of Ohio.
Mortimer C. Love, of Pennsylvania.
Jack H. Mower, of California.
James G. Rogers, of California.
Terry T. Shima, of the District of Columbia.
Fred W. Trembour, of Virginia.
Neely G. Turner, of the District of Columbia.
Charles S. Whitehurst, of Florida.
Throop M. Wilder, Jr., of the District of Columbia.

The following-named Foreign Service Reserve officers to the grade indicated:

To be vice consuls of the United States of America

Miss Stella E. Davis, of Georgia.
David W. Doyle, of the District of Columbia.
Douglas S. Elleby, of Minnesota.
Stuart P. Lillico, of the District of Columbia.
Malcolm McLean, of Minnesota.
Donald E. McNertney, of Iowa.
Charles T. Magee, of Michigan.
William G. Meader, Jr., of Vermont.
Martin Prochnik, of Colorado.
John W. Shirley, of Maryland.
Charles G. Waters, of Minnesota.

The following-named Foreign Service Reserve officers to the grade indicated:

To be secretaries in the diplomatic service of the United States of America

Robert D. Aitken, of New Jersey.
Robert L. Brown, of Tennessee.
George S. Gerhard, of Pennsylvania.
Vasia C. Gmirkin, of California.
James J. Halsema, of Pennsylvania.
William J. Handley, of the District of Columbia.
William S. Harrington, of Florida.
Albert H. Kline, Jr., of New Jersey.
Wallace W. Littell, of Maryland.
Leslie A. Squires, of Hawaii.
Donald J. Venute, of New Jersey.
Richard T. Whistler, of Florida.

Sam B. Southwell, of Texas, a Foreign Service staff officer, to be a consul of the United States of America.

MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

Mary C. Barlow, of the District of Columbia, to be associate judge of the municipal court for the District of Columbia for a term of 10 years. (She is now serving in this office under an appointment which expired Mar. 2, 1960.)

PUBLIC UTILITIES COMMISSION

James A. Washington, Jr., of the District of Columbia, to be a member of the Public Utilities Commission of the District of Columbia for a term of 3 years expiring June 30, 1964.

U.S. CIRCUIT JUDGE

James R. Browning, of Montana, to be U.S. circuit judge for the ninth circuit, vice Walter L. Pope, retired.

U.S. ATTORNEYS

Hosea M. Ray, of Mississippi, to be U.S. attorney for the northern district of Mississippi for the term of 4 years, vice Thomas R. Ethridge.

Terrell L. Glenn, of South Carolina, to be U.S. attorney for the eastern district of South Carolina for the term of 4 years, vice N. Welch Morrisette, Jr.

John C. Williams, of South Carolina, to be U.S. attorney for the western district of South Carolina for the term of 4 years, vice Joseph E. Hines.

Robert H. Cowen, of North Carolina, to be U.S. attorney for the eastern district of North Carolina for the term of 4 years, vice Julian T. Gaskill.

U.S. DISTRICT JUDGES

T. Emmett Clarie, of Connecticut, to be U.S. district judge for the district of Connecticut. (A new position.)

Richard J. Putnam, of Louisiana, to be U.S. district judge for the western district of Louisiana. (A new position.)

Elmer Gordon West, of Louisiana, to be U.S. district judge for the eastern district of Louisiana. (A new position.)

George C. Young, of Florida, to be U.S. district judge for the northern and southern districts of Florida, vice George W. Whitehurst, retired.

Joseph S. Lord III, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania. (A new position.)

Abraham L. Freedman, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania. (A new position.)

U.S. MARSHALS

Emmett E. Shelby, of Florida, to be U.S. marshal for the northern district of Florida for a term of 4 years, vice Emerson F. Ridgeway.

Donald F. Miller, of Washington, to be U.S. marshal for the western district of Washington for the term of 4 years, vice William B. Parsons.

INTERNATIONAL ATOMIC ENERGY AGENCY

Glenn T. Seaborg, of California, to be the representative of the United States of America to the fifth session of the General Conference of the International Atomic Energy Agency.

The following-named persons to be alternate representatives of the United States of America to the fifth session of the General Conference of the International Atomic Energy Agency:

Henry DeWolf Smyth, of New Jersey.
William I. Cargo, of Maryland.
John S. Graham, of North Carolina.
Leland J. Haworth, of New York.

HOUSE OF REPRESENTATIVES

THURSDAY, SEPTEMBER 14, 1961

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Colossians 3: 1: *Seek those things which are above.*

Almighty God, in this moment of prayer we are beseeching Thee to help us cultivate and cherish those lofty capacities and powers of insight and understanding which will enable us to see our responsibilities and difficulties in their right perspective.

Inspire us with a more discerning apprehension of what is right and wrong and may we act with commanding promptness and firmness as we face the forces of evil which are seeking to undermine our civilization and take away our freedom.

We penitently acknowledge that languor and limpness, indecision and hesitancy often possess our souls and we fail to meet the problems of our time with resolution and courage.

May it be the concentrated purpose and the incomparable glory of our life to faithfully pursue and lay hold of the abiding and eternal values rather than the transitory and temporal.

Hear us in the name of our blessed Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 7482. An act to amend the Life Insurance Act of the District of Columbia, approved June 19, 1934, as amended.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2194. An act to amend the District of Columbia Unemployment Compensation Act of 1935, as amended.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4670) entitled "An act to amend the law relating to indecent publications in the District of Columbia," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HARTKE, Mr. SMITH of Massachusetts, and Mr. MILLER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7371) entitled "An act making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1962, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 25 to the foregoing bill.

PERSONAL EXPLANATION

Mr. ULLMAN. Mr. Speaker, on yesterday I was detained out of town until 12 o'clock noon and missed three rollcalls. Had I been present, I would have voted "yea" on rollcalls Nos. 197 and 198 and "nay" on rollcall No. 199.

CALL OF THE HOUSE

Mr. COHELAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. HALEY. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 204]

Alger	Hall	Rogers, Tex.
Arends	Hébert	St. George
Ayres	Hoeven	St. Germain
Blitch	Holifield	Saund
Boggs	Jones, Mo.	Shelley
Brooks, La.	Kilburn	Siler
Buckley	McDonough	Slack
Carey	MacGregor	Stafford
Cooley	Martin, Mass.	Vinson
Dague	Miller, N.Y.	Weis
Derwinski	Milliken	Westland
Dooley	Pfost	Willis
Ford	Pirnie	Wilson, Calif.
Frazier	Powell	Young
Gray	Rabaut	Younger

The SPEAKER pro tempore. On this rollcall, 389 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. WALTER. Mr. Speaker, I ask unanimous consent that the Committee on Un-American Activities have until midnight tonight to file a supplemental report on the bill H.R. 5751.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE PEACE CORPS

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7500) to provide for a Peace Corps to help the people of interested countries and areas in meeting their needs for skilled manpower.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 7500, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the gentleman from Pennsylvania [Mr. MORGAN] had 25 minutes remaining and the gentleman from New Hampshire [Mr. MERROW] had 21 minutes remaining.

The Chair recognizes the gentleman from Pennsylvania [Mr. MORGAN].

Mr. MORGAN. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. REUSS].

Mr. REUSS. Mr. Chairman, as one who has had something to do with the evolution of the Peace Corps, I am very grateful for the opportunity afforded me by the distinguished chairman, the gentleman from Pennsylvania [Mr. MORGAN] to say a word on behalf of the Peace Corps bill.

If I had to narrow down the many reasons in favor of this legislation to one reason, I would say this: We live in a selfish world. It is a world in which great powers maneuver for position in their own interest. It is a world in which the smaller states hope at best that they can keep out of the way. In such a world, the Peace Corps affords a great opportunity for the United States to perform, as best it can, one wholly unselfish deed.

Now, nobody suggests that the Corps is going to be manned or directed by anyone but ordinary human beings, like the rest of us—indeed, like Congressmen. Of course, there will be mistakes. But the only way to avoid mistakes is to do nothing, and in this perilous world in which we live, doing nothing often proves to be the greatest mistake of all.

Mr. Chairman, the dedicated young men, the members of the Corps, are not going out from the United States to tell other people how to run their lives. Peace Corps members are going to learn as well as teach.

Young Americans are going to get to know the way things are out in the rest of the world, and I predict that before we are through, this will be just as important as the reservoir of good will that the project will create.

If young Americans can build a road over in Tanganyika that was never there before, if they can help villagers in Latin America work together to assure themselves of a steady water supply, if they can get some children in Nigeria headed toward a better life by teaching them to read and write, then we need not expect that such acts are going to change the world; we need not even expect that such acts will by themselves ward off world war III.

But I will say this: if world war III comes, if the world goes up in smoke, at the moment the world ends, rather than for all Americans to be caught up with their own short-term interests, would it not be much better if a few thousand young Americans were in place, out in strange cities and far places, working for a soldier's pay, trying to help their neighbors?

Mr. Chairman, let us give the Peace Corps a chance.

Mr. MORGAN. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. BENNETT].

Mr. CURTIS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BENNETT of Florida. I yield to the gentleman from Massachusetts.

Mr. CURTIS of Massachusetts. The gentleman from Wisconsin [Mr. REUSS] who has just spoken, was too modest to mention something which I think the House should remember—that he was one of the first to suggest and support such a program as this. He came before the Committee on Foreign Affairs last year, and partly as a result of that appearance, the appropriation was made for a study of this sort of program. I think these facts should be known to the House.

Mr. BENNETT of Florida. I am very grateful to the gentleman for his observation, and I am sure it is merited. Mr. REUSS has given a magnificent leadership in this, just as he has in many other important measures for the benefit of our country.

There is an old adage that a gift without the giver is bare. We Americans should try to create friendship and love and understanding among the nations of the world. We have tried to do this in the past. It seems that the Peace Corps gives us an opportunity to do this more effectively and to make certain to all our country's love for other nations and other peoples. I certainly hope that we will give this bill a chance so that it may lead ultimately to bringing freedom and peace to the world.

I strongly favor giving legislative approval to the Peace Corps and introduced an early bill in this field myself, H.R. 65. Our President has called for all citizens to consider what they can do for their country. This agency would provide a vehicle by which volunteers could accomplish this noble purpose by their serving in American programs in foreign affairs, thus helping our own country and people and nations abroad, in a manner calculated to assist effectively peace and freedom throughout the world. Again, let us give it a real try.

Mr. MERROW. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS of Missouri. Mr. Chairman, I am going to direct the attention of the House to title II of this bill which has to do with the internal revenue features and call the attention of the House to the fact that in the committee report on pages 43, 44, and 45 there are minority views of the Republican members of the Committee on Ways and Means in regard to title II.

The essential point is this, that the Peace Corps, instead of setting up its pay schedules in conformity with our tax laws and in conformity with the social security laws, has come and asked that we change our basic tax laws to conform to them. It is certainly the cart before the horse, and there is no justification of any need to conform our tax laws to the pay schedules they set for the Peace Corps.

The second point I would like to make is—and this came out of the discussion or hearings before the Committee on Ways and Means—that they wanted to modify the tax laws in regard to the Peace Corps, and on page 44, the last paragraph, it is quite significant, because what they wanted to do was spread back the monthly payments of $75 a month, which was in the House version of their pay schedule, because they were going to receive it at the end of their 2-year service and they did not want them to have to pay that tax back in a lump sum.

I then asked the question: Why do you not pay them the $75 a month if they earn it?

This was the strange answer, and I am going to quote from our report:

> The basis for such a policy decision was the fear that the members would use the money to improve their allowed standard of living overseas. This amazing and shocking theory prompts us to comment that if the members of the Peace Corps are so lacking in self-discipline that they cannot be relied on in this minor respect, they are certainly going to fail in meeting the even more rigid discipline requirements necessary to do the job it is contemplated they will be called upon to do as members of the Peace Corps.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Missouri. I yield.

Mr. HAYS. I just want to point out that one of the biggest criticisms leveled against American Army personnel is their ostentatious standard of living. This was a precaution to see that this did not happen in the Peace Corps.

Mr. CURTIS of Missouri. The gentleman misses the point. I think the policy is correct, that the Peace Corps people should not live beyond the standards of the people they are working with. That policy is important. The point of my remarks is that if you cannot rely on these recruits to understand the wisdom of the policy so that you pay them anything and let them have what is due them each month, what they are allowed, but they have to wait to get paid at the far end and you come in and ask for a dip in the tax laws, it is quite clear that the approach to this thing, in my judgment, is half baked.

I heard the question raised on the floor as to why our policies abroad have not been making friends. The answer in my judgment is because they have been half baked.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Missouri. No; I have only a short time and I want to make this point: I have listened carefully to the debates. There has been a great deal of emotion expressed here. That is not going to produce the careful consideration that should be given in attaining these noble ends, and you come forward with these programs which seem to me quite clear to be a half-baked approach. This will only cause more damage at the end.

I think our failure lies in this area, a failure to understand what private enterprise is, a failure to understand what representative government is, because a failure to understand these things puts our people who are trying to sell them in an obvious position of inability to be salesmen for these programs.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Delaware [Mr. MCDOWELL].

Mr. MCDOWELL. Mr. Chairman, I rise in support of H.R. 7500 to provide for a permanent Peace Corps.

Section 2 of this bill reads as follows:

> The Congress of the United States declares that it is the policy of the United States and the purpose of this Act to promote world peace and friendship through a Peace Corps, which shall make available to interested countries and areas men and women of the United States qualified for service abroad and willing to serve, under conditions of hardship if necessary, to help the peoples of such countries and areas in meeting their needs for trained manpower, and to help promote a better understanding of the American people on the part of the peoples served and a better understanding of other peoples on the part of the American people.

This declaration of policy clearly sets forth the purposes of this legislation. I wish to further emphasize that this is a program for the youth of America, an opportunity for young men and women, for the most part graduates of our great colleges and universities where they have received their formal educational training, to demonstrate their willingness and ability as volunteers to do something for their country. Young people from the homes of America—the mountains, the plains, the cities, the farms, the urban and suburban areas—dedicated to the ideals of peace and friendship by working with and helping others to help themselves. These are the ambassadors of the America of today.

Mr. Chairman, all over this old world today, the new emphasis and hope is upon the enthusiastic desire of youth to accept new responsibilities in forwarding the welfare of nations, young and old.

To question these ideals and principles laid down in the Peace Corps legislation would be to question the patriotism of our American boys and girls who have willingly marched off to war three times in our generation—World Wars I and II, and the Korean war. These wars were fought and won by youth, thousands of whom gave their lives to win the victory for all of us.

In every segment of our national life, a new generation is demonstrating its ability to meet the challenges of our time. The average age of industrial managers today is much lower than that of past decades. Our young farmers are quick to accept new ideas. The new look in our vast new suburban communities is that of youth and new ideas. At a time when Communist cultural achievements are on the rise, America was thrilled by the youthful pianist Van Cliburn who won the acclaim of Communist audiences in Russia. This was a great victory of

American youth in open cultural competition against youth of the Communist system. In the field of sports and science, American youth people have won honors and distinctions against the best that communism can produce.

Mr. Chairman, may I point out that in the great election of 1960, in spite of many side issues, the American people chose a young President to lead them. A man exemplifying the courage and vigor of youth.

And so, Mr. Chairman, if I must choose between the youth of a new generation equipped with the intellectual and moral fiber to meet the challenges of our times as against the old generation, worn out by the frustrations of wars and slogans that have brought only death and destruction, poverty and misery, crisis after crisis, new horrors and destruction in our time, then I shall raise my voice in favor of and cast my vote for this Peace Corps legislation and the opportunity it affords for the youth of America to show to all the world that they represent the best of American ideals and principles and our determination that freedom and liberty and civilization itself shall not perish from the earth.

Mr. MERROW. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey [Mr. OSMERS], may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. OSMERS. Mr. Chairman, all of us have given very careful consideration to this proposal which will give congressional sanction as well as a specific authorization of funds to the Peace Corps which has already been established by Executive order of the President. What this Nation needs least at this time is a Peace Corps.

During the last 10 years, I have given all of the three Presidents who have served the Nation strong support in their efforts to improve and make more effective our very costly foreign aid efforts. Very recently I gave President Kennedy solid support for adequate foreign aid appropriations, as well as long-term authorizations. The Saund amendment did not have my support.

If I were given only one word to characterize the failures of our foreign aid programs as to projects and personnel, I would be forced to use the word "impractical." We have failed primarily because no administration thus far has been able to attract any considerable number of experienced successful Americans willing to accept foreign assignments of sufficient duration to plan and complete sound mutual security projects.

It is not the possible good this small experiment might accomplish that interests me, but rather it is the real harm it may bring to a foreign aid program that already is in serious trouble. The very thought of young Americans, for the most part without any practical experience here in our own country, acting as sole representatives of the United States in underdeveloped towns and villages throughout the world without even adequate supervision is cause for deepest concern.

What a wonderful program this could be if the people participating in it were those who had successful experience in agriculture, construction, business, or industry. What great benefits might result if the personnel were composed solely of workers with solid experience in farming, homebuilding, mining, logging, manufacturing, public works, and so forth. Should we not have asked our great labor, business, and manufacturing organizations to encourage successful Americans in their ranks to work overseas for their country instead of trying to establish this Peace Corps on a sort of nonreligious, postgraduate, missionary basis.

The risk involved here is too great. Many dedicated young Americans have applied for the Peace Corps and those selected will do their best. They should serve, however, under the direct control and supervision of the central agency handling foreign aid, not as a separate entity.

The Peace Corps is one of those grand Saturday night ideas with lots of emotional ear appeal that someone forgot to forget on Monday morning.

Mr. MERROW. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Chairman, during the foreign aid debate, we heard a great deal of discussion of reported failures in our foreign aid program, and they have been many and grievous. If you examine them, most were not because of failure to provide adequate funds or to provide adequate numbers of personnel. It was not the amount of our aid that was at fault. More often it was the manner in which it was given. The most important requirement for success generally is not how much, but how.

We have done extraordinarily well with the tangible things, providing calories, kilowatts, dams, fertilizer plants, steel mills, food, and all the rest.

Too often we have failed in the intangible. Too often some of our people have alienated the people to whom they went because they acted according to their own fixed ideas. We Americans have the imperialism of efficiency and it can be a cruel and resented imperialism. We knew what they should do; we could do it better than they could. We embarrassed them by exposing too bluntly their backwardness in their own country. They had to take our aid, but they resented it. We paid more attention to plans and papers than to people. We did not win their confidence and good will.

Some of us have long urged that we pay more attention to the intangibles, to the things in which we and other peoples are alike, rather than where we are different.

I saw the Chinese Communists make their gains in China. They did not talk about communism or appear to be working for Russia. They talked about helping the Chinese people down at the grassroots.

They said "We are here to help you solve your land problems, your educational problems, your health problems." They gave the appearance of great concern not for the Soviet Union or, for world communism, but for the common people of China.

Oftentimes we, however unintentionally, have given the impression that we were helping other countries only as part of the cold war and because they were useful to us in that struggle. To that extent we failed.

This is the essence of the reason why we need the openmindedness, the dedication, the enthusiasm, and the optimism of youth—the willingess to go into country areas and work on a simple basis with ordinary folks, trying not to promote some big world program, but to help people who are in need. When friendly persons come from abroad and help somebody meet his real needs, it cannot be misunderstood or misrepresented. It is recognized as genuine concern, and it is welcomed.

Most of these less developed countries have never known good governments, whether outside governments or their own. All governments are suspect. They are big and powerful and impersonal. Governments are rigid. The accounts have to be gone through by a general accounting office, and only previously authorized expenditures can be made. There is little room for flexibility and use of imagination. By its very nature government has these handicaps. But when a voluntary agency goes over, its people can be imaginative and flexible in their approach. They have no axe to grind, no ulterior motive. The people recognize the genuineness of the effort, and they responded.

Mr. Chairman, most of us older people have acquired more or less fixed attitudes, even prejudices. We are sure our way is best. Without intending to, we tend to try to impose our will. But youth are less set; they are more willing to accept folks as they are and to work with them, more than for them.

Mr. Chairman, it is such considerations as these which have made some of us unhappy for years that the foreign-aid program has not made more use of the special qualities and enthusiasms of our own youth.

Last year in our committee report on the foreign-aid program we had a section on this, and I want to read part of it which I wrote myself:

> It would be of very great value not only in creating a favorable impression of the United States but also in promoting sound and basic improvements in economic development if more places for such young people were found in oversea operations.

This followed discussion of some of the good projects which we had seen in southeast Asia being done on a voluntary basis by the young people of America, and to which the gentleman from Georgia [Mr. PILCHER] referred yesterday.

We further said:

> The committee believes that the United States is failing to utilize one of its important assets by not developing a program for using such services. If young Americans with farm backgrounds and adequate technical training, who are willing to live in villages and share in the daily work of the people and who would serve with only a minimum salary and subsistence allowance,

could be carefully selected and sent to the less-developed countries, they could be unusually effective representatives of the United States.

That, Mr. Chairman, is the sound rationale of the Peace Corps. But I must add that I was sorely disappointed when the bill to establish it was introduced. Too much of the emphasis in the bill was not on the plain hard work that is to be done or the people to be served. Too much of the emphasis—I am sure it was not intentional, but it gradually developed that way—was on the workers and the measures to protect and to serve them. It was not so much what they could do for their country, but what their country would do for them—while on the job and afterward. It emphasized the separateness of this particular group of Americans, their superiority, and so forth. As one of its sponsors wrote to me:

> This separate approach has had special enthusiastic response from colleges, universities and voluntary agencies that have not found it feasible to work in partnership with existing aid programs, for various reasons.

Well, Mr. Chairman, the Peace Corps will stand or fall in the end on the kind of work done in the field, not on the initial response in the colleges or elsewhere. It is performance that will count, not public relations.

So, when the bill came to our committee its preoccupation seemed to be with the benefits that were going to come to these lads, rather than the service that they were going to render. I felt that was more likely to reduce than to improve their chance of doing the kind of job that is so urgently needed, and the committee made substantial changes in the bill.

Mr. Chairman, not for one moment do I want to discriminate against these volunteers. But I think it is equally a mistake to discriminate in favor of them. Some say, Why should they not have all the same benefits as our foreign service personnel? Or our GI's? Or teachers here at home? Or even some special privileges, as I shall point out in discussing amendments I hope to offer? Well, I think this Peace Corps will succeed in considerable degree in proportion to the privileges the youth do not have. Asians respect men more for what they deny themselves than for what they gain for themselves. We must not do anything to kill something of the genuineness, the purity of motive, the voluntary idealism, the sacrificial spirit that must be the essence of this project, if it is to succeed in full measure.

Mr. Chairman, people often ask what gives the Communist youth their incredible drive and determination. May I read to you the first paragraph of the address given by Stalin in 1924 at the funeral of Lenin, and you will see why the Communists have been winning. He called them to nothing but hardship, and he promised them nothing but the honor of serving in a struggle to change the whole world:

> Comrades, we Communists are people of a special mold. We are made of a special stuff. We are those who form the army of the great proletarian strategist, the army of Comrade Lenin. There is nothing higher than the honor of belonging to this army. There is nothing higher than the title of member of the party whose founder and leader was Comrade Lenin. It is not given to everyone to be a member of such a party. It is not given to everyone to withstand the stresses and storms that accompany membership in such a party. It is the sons of the working class, the sons of want and struggle, the sons of incredible privation and heroic effort who before all should be members of such a party. Departing from us, Comrade Lenin enjoined us to hold high and guard the purity of the great title of member of the party. We vow to you, Comrade Lenin, that we shall fulfill your behest with honor.

No wonder they had stars in their eyes and have worked so enthusiastically and so successfully.

Mr. Chairman, we underestimate our American youth, and we do them a grave disservice if we fail to call them to equal "privation and heroic effort." They are willing to give their all including their lives if necessary for so much nobler and higher a cause. They want to do it. Let us not cheapen it by emphasis on benefits now or later. They will be so much better able to serve our country wnen they come back, as well as to serve the countries to which they now go.

Mr. MERROW. Mr. Chairman, I yield such time as he may require to the gentleman from Washington [Mr. HORAN].

Mr. HORAN. Mr. Chairman, I rise at this time to make the comment that the gentleman from Minnesota [Mr. JUDD] probably knows more about the rural workings of what the Peace Corps will be called upon to endure and perform under than anybody in this House. As a medical missionary in the 1930's in China, he knows, firsthand, the social, economic, and sanitary problems they will face. I do not think it has been spread upon the record that the churches of America out of America's common purse today are shelling out about $200 million a year to support and sustain about 30,000 missionaries abroad. I question this federalization of the missionary movement, good as it may seem to a lot of people. I hope that this is, as everybody has called it, an experiment, and if it does not work we can stop it forthwith. The relationship between all of the agencies, organizations—both public and private—should be entirely clarified in order that credits can be given and failures of every kind assessed. I confess I like the people-to-people rather than the government-to-government approach but we should not overlook the over 150 years of missionary effort that has already transpired.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Chairman, the purpose of the Peace Corps is to promote peace and friendship among those nations interested in the ways and processes of freedom.

The idea of a Peace Corps originated here in the House of Representatives, so we should have a special pride in the success of this program. The gentleman from Wisconsin, Representative HENRY RUESS, proposed that a study be made for a Peace Corps. Last year this body authorized $10,000 for such a study. The University of Colorado concluded that a Peace Corps was an outstanding means of extending the hand of friendship to those who were in need and who welcomed the idea of Americans caring for their progress.

Many thousands of men and women have volunteered their services to our country as a means of expressing their desire to serve, as a means of expressing their desire to help eliminate disease poverty, illiteracy, and starvation, and as a means of aiding freedom's cause by a sacrifice of a part of their life.

It is a means of answering the Communist charge that America has grown tired and indolent.

It is a reply to those who charge that the vitality of America has withered away and that we are no longer a great nation capable of new ideas.

It is a renewal of the spirit that made our country great, a renewal of the spirit of the pioneers who viewed no hardship as too great to prevent their pressing on in the fulfillment of one's belief and dreams.

These men and women believe in our way of life to the point that they sacrifice their comfort, earning capacity, family ties, and several years of their life. We would be remiss in our responsibility if we failed to merit their confidence in our Government by not passing this bill intact.

Each of us constantly hears from people the question: What can I do to further our country's interest in this great contest with communism?

The idea of a Peace Corps is a start where people can do something for our country in the exercise of our compassion for our fellow man.

If we can maintain the peace there will remain for many decades to come the continuation of the struggle between communism and the forces of freedom.

If we can project ourselves into some future date I am certain we will find that Peace Corps was one of the most effective instruments for better understanding and friendship among the people of the world. In the newly emerging nations governments may come and go but the impact of dedicated Americans giving of their service to their fellow man in the distant and remote areas of the world will become part of the legend for all to remember that the greatness of America is not her military might, but the true greatness of America is the ideals of her people who care for their fellow man.

For us to do less today would be a disillusionment of hope and an abandonment of noble purpose and high ideals. It would be an expression of no confidence in the capability of American men and women rising to and succeeding in the challenge that requires boldness and imagination.

For we are daily confronted with new challenges that require new ideas. The Peace Corps is a new idea and it is an idea that originated in this body. I hope that we will have confidence in ourselves and pass the bill reported out by the committee.

One of the opponents yesterday stated that this program would be administered

by a group of Boy Scout idealists and Harvard freshmen who have nothing to offer except idealism.

I think one of the great strengths of this program is that it will be carried out by those with ideals. Our country was founded on ideals by idealists.

There are those who view idealism as a weakness of character. These critics feel that proof of Americanism can only be demonstrated by an absence of ideals, courage, and confidence. They feel that these qualities should be replaced by intellectual dullness, insensitivity to our responsibility to our fellow man, and by an immunity to progress.

All of this must be accompanied by the waving of a flag that has 13 stars and the reciting of cliches of the same vintage.

We live in the 7th decade of the 20th century, our flag has 50 stars and it should wave high, admired by all for what it represents. The only thing that has not changed since it had 13 stars is the noble purpose of our Nation, dedicated to freedom for all.

We live in times of new challenges that require new responses, that require new ideas, that require a rededication of our ideals, a reaffirmation of our courage, and most of all confidence that we can meet any challenge, survive any hardship in the firm belief that in the end we shall remember communism as a bad dream not because we had achieved military greatness, necessary though it is, but because we had confidence in ourselves and in our ideals.

Mr. MORGAN. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BRADEMAS].

Mr. BRADEMAS. Mr. Chairman, I rise in support of this legislation and am proud to be numbered among its sponsors.

A few weeks ago I had the privilege of visiting a group of Peace Corps volunteers who are in training at the University of Notre Dame, which is located in my congressional district. These young Americans now training at Notre Dame will soon be in Chile to undertake rural development work and teaching.

Although the training is being done at Notre Dame, the project for Chile is being sponsored by 34 colleges and universities in Indiana, together known as the Indiana Conference on Higher Education.

I think it would be appropriate at this time to pay tribute to the splendid work of and the substantial contribution that has been made to the success of the Peace Corps program so far by the distinguished president of the University of Notre Dame, the Reverend Father Theodore Hesburgh.

Mr. Chairman, I was deeply impressed in my conversations with these young people by the hard work they are now doing in training, by their high caliber and evident maturity, though young, and by their deep devotion to our country and its ideals, about which the gentleman from New Jersey [Mr. GALLAGHER] has just spoken so eloquently.

Certainly we can understand today the great importance of increased capital investment in the underdeveloped areas of the world. But there exists in most of these areas not only a serious capital deficit but a very grave technical deficit as well. They need people who are trained and skilled in technical and economic fields, capable of moving their countries economically and socially into the 20th century.

Obviously, the Peace Corps cannot fill this serious gap in all these areas. But what the young Americans taking part in the Peace Corps can do is to help some areas in some measure, and, perhaps more to the point, can serve as a positive and dramatic example of the awareness of the people of the United States of our desire to see the peoples in the underdeveloped areas improve their own economies, to develop free societies and to do so in the context of democracy and free political institutions.

The facts that these needs in these areas are so great and that the demand from these countries for Peace Corps volunteers is so substantial seem to me, Mr. Chairman, excellent reasons why the House of Representatives today should pass authorizing legislation to establish the Peace Corps and to provide the full $40 million which the President has requested.

For, Mr. Chairman, if we reduce the money, we reduce the number of people we can send abroad to serve our country. Every $9,000 cut eliminates one qualified person who would otherwise have been able to serve in the Peace Corps.

I have noted the demand for Peace Corps volunteers in underdeveloped areas. It has surpassed expectations. Nigeria alone has asked us for 1,300 people. The Philippine Government has indicated it could use 5,000 people. Obviously we cannot meet these requests; we are proposing only 3,000 people for the whole world. But the fact is that Americans are wanted and needed in these countries. If we cannot supply help, we can be certain those countries will ask the Soviet-Sino bloc for people—and will probably get them.

Moreover, Mr. Chairman, it is clear that dedicated Americans are available for service in the Peace Corps. Four months ago this supply was an unknown factor. Since then more than 12,000 persons have actually volunteered and the Peace Corps selection people tell me that 3,000 of them and more are qualified to do this work abroad. Applications are still coming in at a rate of over 100 a day.

It should be pointed out, moreover, that the $40 million figure is not an immodest request.

There is certainly much merit in beginning a new and somewhat experimental program modestly and cautiously, with a keen awareness of both the potential opportunities and pitfalls. This is what the Peace Corps is doing. However, there is also a real danger of being so cautious that we sacrifice the tremendous benefits to be gained. The response to the Peace Corps, both in this country and abroad, has been overwhelming. With each volunteer who is not able, through lack of funds, to participate in the program abroad, we waste the support young American men and women have shown. Moreover, we would have to disappoint the many foreign governments who have responded so positively to the Peace Corps, and who have expressed intense interest in having a Peace Corps project in their country.

Mr. Chairman, I hope very much that this legislation is passed—and that it is passed with the full $40 million authorization.

Mr. MERROW. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Chairman, the purpose of this bill, as I get it from the debate—you will find the purpose in the first three lines of the last paragraph on the second page—it is much the same as we sometimes said before Christmas, "Peace on earth and good will toward men." Or "Peace on earth toward men of good will." Was that not it or something of that kind? I ask the gentleman from Illinois [Mr. MASON]—was that not it?

Mr. MASON. That was it—and still is.

Mr. HOFFMAN of Michigan. And that was some 2,000 years ago; was it not?

Mr. MASON. That is right.

Mr. HOFFMAN of Michigan. And how many crusades were sent to recover the Holy Land—10? And how many children died on the road? Have we not heard a great deal here just recently—I did in the last two talks, I think—about how unselfish and willing to make sacrifices these people who are going to volunteer are? Then, I turn to page 45 and read on to page 50 of the bill, and I find there that we cannot amend that section which confers many material—and monetary—benefits upon those who go into the Corps. I went back a few pages in the bill and I learned where members of their families and others are provided for. So all this hogwash about these great sacrifices—we will assume that the volunteers are dedicated, but let it go at that. The truth is they are provided for more abundantly than are those in the armed services. Do not try to tell me they are all making sacrifices; that they are giving up here what they could have in this country. Some are and will, but by no means all. We tried something like this once before—and failed. When we get right down to it—well, we recall during the campaign, it was said anyway, that the President wanted a Peace Corps.

All right, he has it; does he not? And he has in the contingent fund, money to carry on. The House of Representatives has time and time again, in fact, it is a habit—not quite daily because we do not meet every day—but it is a habit to make a study and hold an investigation to determine whether we wish to do something and if we do, what? Here is a chance to find out whether we want a Peace Corps and whether what we want is good without having a congressional committee hold hearings and make a study. The President has the Peace Corps. Let him use it now for the next year or two. He has all the money he wants or needs to finance it. Let him see how he comes out after 2 years. Then, if it is good and he wants it to be a perma-

nent organization, let the Congress establish it. Yesterday, I sat here and listened to the gentleman from Georgia [Mr. JAMES C. DAVIS], a Democrat, and following him, the gentleman from Ohio [Mr. ASHBROOK], a Republican, and I read those statements again this morning in the RECORD. They were read carefully. You will find in the RECORD, if you care to read those statements, that this Government of ours has already established and financed an organization which can take care of every single thing that the Peace Corps can do and establish the condition which it is claimed the Peace Corps can bring about. Why duplicate our efforts—there can be but one purpose—duplicate the efforts—create more jobs. The administration has added some 33,000 jobs since January, and when the Peace Corps members come back and while drawing all the benefits of a veteran as provided on pages 45 to 50, inclusive, go on the Federal payroll as helpers in the Kennedy political machine. To that $1,000,000 which we each hour of every 24 of every day add to our public debt we are adding prospective pay of Kennedy payrollers.

So, why duplicate? Why authorize the appropriation of more money?

Just a few days ago we appropriated millions, and I notice yesterday the Senate added some more money to another program to help people abroad. With all that money, what have we accomplished? Have we a single friend in the world today who will come to our support if war comes and really help us if its own interest is to the contrary? I certainly doubt it.

Mr. BECKER. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from New York.

Mr. BECKER. If I understand the gentleman correctly, a vote against this bill is merely a vote against a permanent agency but not against the Peace Corps.

Mr. HOFFMAN of Michigan. That is correct: Let the President try this noble experiment—and it is that—with his Peace Corps which he now has money to finance. I think this objective is something like what Christ tried to do, is it not? Something we all hope for but which requires something more than any Peace Corps will ever have. Of course, there is a little difference. Some of His disciples—and the gentleman from Minnesota [Mr. JUDD] knows about it—they were stoned, and some of them were tortured. But, these Peace Corps boys and girls, they are all right; they are enthusiastic young people. Many are sincere and devoted; they are idealistic Christian people, but at the same time, as I mentioned before, rather quietly, they and their dependents are going to be rewarded with the material things of life, taken care of financially—so do not try to deify them or paint them as heroes.

Mr. MERROW. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FULTON.]

Mr. FULTON. Mr. Chairman, I am one of those people who has approached this legislation on the Peace Corps with caution. I have likewise consulted with the people who prepared this legislation, and with several of the volunteers.

My point is this: If you talk with these volunteers, the young people who are joining the program, you will find one particular trait, and that is idealism. The second point that should be emphasized is this, that these young people are volunteers in the service of their fellow man, for peace and progress.

My feeling on it is that the volunteers should be given every encouragement and that we should try it out. I am willing to give the program a tryout, and I am going to vote for it.

I believe rather than have the program directed and authorized by Executive order under the President alone, the Congress should express its will. We should not have new Government agencies grow up and not have the authority of Congress to establish them. I disagree with my friend, the gentleman from Michigan [Mr. HOFFMAN], who is more senior than I and much more knowledgeable. I think if he will reconsider, he will find it is best to have congressional action and not give up the congressional authority on this program to the Executive. Therefore, we should vote for it. I hope we will put this Peace Corps legislation through and give it a good chance. In 3 years Congress can determine whether the program is worth while, and a benefit.

Mr. MERROW. Mr. Chairman, I yield the remainder of the time to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, I take the floor in support of H.R. 7500, the Peace Corps bill.

I think it is significant that in a few days 50 additional young Americans will be going to Africa to take up their duties in this new experiment. It is important for us to remember that in addition to the Soviets there are Chinese and Yugoslavs working in various parts of Africa in the field as technicians and in other capacities. It is important for us to realize that for hundreds of years the white man was thought of in Africa as a boss. He rode in a car. He sometimes carried a gun. He ruled. Bossism has been an issue there as it is in lots of other areas. And sometimes we have been on the wrong side of it. The fact is, for all of the good work that this country has done abroad through the ICA program and other programs, we have not been able to make an impact at the level where it counts—at the level where the votes are. Unless we are able to work in the fields and in the schools under the same conditions under which these newly emergent people live and work, all of the other programs we have, effective as they may be in their own right, will not complete the job. This is the major reason why I am for this bill.

Like the gentleman from Pennsylvania, I approached this legislation with care. I am satisfied that the training has been good. The austerity program that has been imposed is a necessary one, and I think it has been well done.

Executive action is not sufficient. We should vote on this one way or the other and put the congressional stamp of approval on what has been done. May I say to the doubters: Go see for yourselves. It is important for Members of Congress to travel. A year from now let us take another look at it. We have the power to stop it, or to change it.

Yes, I have some criticisms of the bill. I think there are too many supergrades, and I have an amendment that I expect to offer that has to do with State Department structure; but, on the whole, the principle of this bill is sound. It is an important experiment and I say let us give it a chance.

Mr. JENSEN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. JENSEN. Mr. Chairman, since the close of World War II it has been my privilege to visit many of our so-called underdeveloped countries on this side of the Iron Curtain with other members and clerks of the House Appropriations Committee, of which I have been a member for 19 years. I have talked face to face, and heart to heart, to the high and the low, the rich and the poor, the learned and unlearned people of those lands, and in so doing I believe I have a pretty good concept of their religious beliefs, their ideologies, their problems, their likes and their dislikes, their hopes and aspirations, which, to make a long story short, differ very little, basically, from those of the average American.

The real problem confronting every nation where strife and cold war exists, there you will find a dearth of productive land due to government ownership, or to the all-powerful land barons, who, for self-gain, forced their peasants to mine their original God-given rich soil for the past hundreds of years, until long before now the vicissitudes of time, wind, and burning sun have denuded the soil of its productive elements.

In every land, as in ours, where the people have practiced soil and moisture conservation, and where the private ownership of the land prevails as in the United States, there and only there will you find a flourishing economy and a contented people.

The late Mahatma Gandhi, of India, aware of what had for hundreds of years been the curse of his nation, declared its independence from the Crown; put into effect a land reform program selling small acreage to experienced farmers on long, easy-term payments, and with American aid, dug thousands of deep wells for irrigation to the end that today India wants no part of communism.

When Chiang Kai-shek was driven from China to Formosa he wasted no time in putting into effect a land reform program there, which is working out to great advantage. Italy, Spain, and Thailand did likewise, just to mention a few. In every case all the people profit as is evidenced by the fact that they are now enjoying greater internal peace, prosperity, and progress, and hence, want no part of communism. Mr. President, until all the nations of the world follow suit total world peace will not be a reality.

Possibly the best law which one of the first sessions of Congress passed was the

Homestead Act which provided that no citizen of the United States could homestead more than 160 acres of land. That law has made it impossible for greedy land barons to wreak havoc on America, as has been the case in so many foreign lands.

In establishing a Peace Corps, Mr. President, I am sure you will not forget that all new wealth is derived from three sources in the form of raw products—the crops which grow out of Mother Earth, that which is mined or pumped out of the bowels of the earth, and the seafood taken out of the waters. Every employed person here in the United States or in any nation is at work producing, manufacturing, marketing, or using the finished product made from these raw materials. That being a fact, and because we in the United States are so greatly blessed by greater abundance of raw products than any other nation on earth, and because our Founding Fathers established here a form of government so constituted as to harmonize with these blessings, America has grown to be the leader of the world.

Second, Mr. President, I am sure you are aware that no nation can jump overnight from the crooked-stick plow, camel and bison to the tractor and four-bottom plow. It took us more than 150 years from the ox team and prairie-breaking plow to the tractor and four-bottom plow.

Now why do I mention that? If the Peace Corps is to be successful—and God knows I want it to be—let me caution you by saying that I can see its dismal failure and detriment to the people we want to help, and a blow to our own prestige and pocketbook, unless the people sent abroad have a full understanding of the job they are delegated to perform. They are going into a strange land, embarking on a most difficult job, not as know-alls, eggheads, or overlords, which has been the case too often in the past on other missions, and which many other Americans have seen with our own eyes as they visited those foreign lands.

Time today does not permit me to elaborate on the many, many projects abroad where good American dollars were not only wasted, but spent not to help the needy, but to please the rich, the rulers, and the greedy land barons. I will be glad to give anyone proof of that statement face to face.

Members of the Peace Corps will be sent to lands where most of the farming today is as primitive as it was 1,000 years ago; where commercial fertilizer has not even been heard of or used, where human manure is used to fertilize the vegetable gardens. The natives there are immune to the dysentery. We hear that the members of the Peace Corps must eat the same food as the natives. Let me say here and now that if they do, many of them will suffer painful agony from that little life-sapping dysentery bug, and if they refuse to eat the natives' food while living among them day in and day out, the natives might at the outset consider it as a rank insult, so it should be seen that our people are furnished with a plentiful supply of cornbread and sowbelly, at least; and maybe they will create there an appetite for such delicacies instead of bug-filled vegetables, tough bison, camel, or burro meat—the regular native diet—along with stewed grasshoppers and locusts for dessert in some of those primitive areas. A college education will be of little value in such places, but on the contrary, the Peace Corps must of necessity be composed of modern Robinson Crusoes, so to speak, who know how to handle a walking plow, bison or camel drawn, a cultivator, a hand planter and hand seeder, a simple commercial fertilizer spreader, a simple reaper and grain thresher, to take the place of the crooked-stick plow, the hoe made of iron or wood, the scythe and the flail. Remember that only the federal governments and the land barons in many of those lands can afford modern farm machinery similar to ours. All of this I have seen with my own eyes.

To be the greatest assistance to the peasant farmers, members of our Peace Corps who are to live with such farmers, should be able to milk a bison or a goat, devise better sanitary methods, doctor humans and animals, make a wooden bucket, and churn, and washing machine, build simple furniture, a house, a stable, a wagon with at least wooden wheels and a wheelbarrow, for use in an area where most burdens are carried on the heads or backs of humans, and on the backs of bison, camels, or burros.

In one foreign land I saw an irrigation ditch being lined with concrete. There were 40 women from the age of 12 to 70 carrying the concrete from where it was being mixed by hand to the ditch, a distance of a city block or more, in wooden pans on top of their heads, misery and hunger shown in every face, 12 hours per day and without a coffee break. Their pay was the equivalent of 12 cents per day in our money. That was in 1953, and I am told the same condition exists there today, just as it does in many other foreign lands. I asked why they did not use wheelbarrows. The answer was that they cost too much.

My colleagues, I could go on and on, but I am sure I have given you enough food for serious thought in the hope that down-to-earth, practical, dedicated people will be sent among these unfortunate people of the world, not just a bunch of overeducated, impractical, socialistically inclined eggheads, just because they have political pull or for any other unjust reason.

Mr. FASCELL. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Chairman, I rise in strong support of the pending legislation.

The Peace Corps is nothing less than a bold new dimension in American mutual assistance programs. Other programs provide military aid, high-level technical assistance or capital to other nations. The Peace Corps makes available a pool of trained manpower to help other countries meet urgent needs.

Providing manpower to countries which are traditionally faced with a surplus of labor and a shortage of capital sounds at first blush like the proverbial carrying of coals to Newcastle. But the key word in the description of the Peace Corps' activities is trained manpower. Only an appallingly small proportion of the population of most underdeveloped countries has any training at all in the jobs which they are performing. The people farm, or build their homes, or care for their health in the same manner in which their ancestors have done these same jobs for centuries. There is a desperate shortage of people with enough training to teach in the schools or to build roads or to construct sanitary facilities.

The United States and other countries, through bilateral technical assistance programs or through the United Nations, have for many years been providing highly skilled experts to advise the less developed nations on matters affecting their development. There is no doubt that these experts are performing a much-needed task and are making a significant contribution to the standards of living in the countries in which they serve. But only a small number of people in these countries can hope to reach the level of expertise which technical assistance advisers and consultants are sent to provide.

The missing link in the underdeveloped two-thirds of the world is middle manpower—workers trained at a level somewhere between that of the highly skilled experts and the totally untrained majority. Without this middle level, there can be no one to carry out the advice of the experts and no realistic level of aspiration for the rest of the population. It is this need which the Peace Corps will supply. Peace Corps volunteers will serve as teachers, electricians, home economists, government clerks, nurses and nurses' aides, farmers, water and sanitation technicians, medical technicians, construction workers, and so on. Rather than to advise and counsel the local people on how to accomplish these jobs, they will help do the work and in the process will teach the local people to do it themselves. There can be no question of the fact that the Peace Corps is needed abroad.

But what is more, America needs the Peace Corps. Today, isolationism has became an impossibility. We cannot deny our obligation to remain aware of the needs and the desires of the emergent nations and to let the people of those nations know that we are aware, but we cannot communicate with them across a great gulf. The more American citizens who have had firsthand experience abroad, working at the people-to-people level and learning the aims and aspirations of the people by living and working with them for a relatively long time, the better able will America be to understand and address herself to their needs. It is American citizens with just such experience that the Peace Corps will produce. When they return from their service abroad, they will be able to serve their country further by acting on their experience, and they will multiply the benefits to this country by acquainting still other Americans with the fruits of that experience. They will

be assurance that this country does not act in a vacuum.

There is still another reason why America needs the Peace Corps. There is no better way to counteract anti-American propaganda than by providing contact between Americans and citizens of other countries. Such propaganda is inevitably most effective among people who have never had an opportunity to get to know, or even to meet, Americans. The bright, young, dedicated Americans who will constitute the Peace Corps are the finest fruits of our way of life and the best ambassadors this country can produce. Simply by living and working abroad, unostentatiously but not in abject poverty, they can do more to serve the image of this country abroad than all the counterpropaganda that money can buy.

Thus, the need for the Peace Corps is not restricted to one country or to a group of countries. It is not restricted to arguments of economic development or of personal diplomacy. The need is an almost universal one, in terms of countries concerned and in terms of the ends which the new agency will serve. America can hardly afford not to have the Peace Corps.

Mr. MORGAN. Mr. Chairman, I yield the remainder of the time on this side to the gentleman from Georgia [Mr. LANDRUM].

The CHAIRMAN. The gentleman from Georgia is recognized for 8 minutes.

Mr. LANDRUM. Mr. Chairman, for several years of my young adulthood I was fortunate to be engaged in the teaching profession. While so engaged, I learned some lessons which have lived with me throughout the years of my experience since leaving that profession.

One of those lessons is the value of a young, dedicated, educated teacher determined to devote time to the development of the mind, the spirit, and the physical attributes of a young person. Another lesson I learned which has lived with me throughout the years since leaving the profession is never to underestimate the capacity of a young person to learn, to have a sense of responsibility, and to assume and discharge that responsibility when the occasion arises for that young person to do so.

For almost as many years as I was engaged in the teaching profession I have been a Member of Congress; and for all the years in which I have been privileged to be a Member of this body, I have opposed with my vote and my voice both the authorizations for our foreign assistance and the appropriations pursuant to those authorizations.

In defending that opposition to myself, to my family, to my constituents, and to my friends, I have based my argument principally upon the charge that I believed we were not reaching the right people in this program, and that while I recognize the great need for much that we have done and will have to continue to do in our foreign aid program, nevertheless I have been compelled to continue to register protests to this program through a vote against it until and unless we could reach the point that we had something to show some promise of going to that little fellow who needs all of the influence, inspiration, and the leadership of a young dedicated teacher.

I believe that now we have something, though fraught with danger, though obviously containing many stumps in the road, though it may be that we will reap some unhappy experiences from it, nevertheless it offers the opportunity and contains the promise that these young people can go out and do the job that needs to be done in a much better and more effective fashion than we and some of our associates have done so far.

Why do I believe that to be true? First, the purpose of the bill, as stated in section 2, makes it obvious that one going into the program is going to be a dedicated person, trained in the field of agriculture, home economics, and the vocational trades so necessary to raise the standards of living throughout the world and to have a real understanding of democracy.

Second. Why do I believe they will be those who will do that? Section 22 of the bill provides they will be investigated by appropriate agencies of our Government, including, if you please, the Federal Bureau of Investigation.

The results of those investigations will be made available to the appointing authorities; and, finally, available to the Members of this body.

Then there is another, and perhaps more significant, reason I believe these people may be able to accomplish that under this bill.

In referring to it, I want to compliment the committee on including section 5(j) in the bill, a section which I and some other Members of the House considered offering in the nature of an amendment if it was not included. That is the oath of office. What is that oath of office that these young Peace Corps members will be required to take? You took it when you held up your hand to become a Member of the 87th Congress. Every other elected public official of the Federal Government took it when he assumed the duties of his office. So will these young people on whom some would cast suspicion or doubt that they may not be able to do the job. Who are they? They are our sons and daughters, they are the sons and daughters of your neighbors, your constituents, they are the product of our public schools and our universities.

They are willing to be investigated by the most penetrating investigative agency this country has ever known, the Federal Bureau of Investigation. They are willing, moreover, to come and take the same oath under which you and I serve as Members of this body.

Mr. Chairman, I say to the membership of the House that with the promise held out in what I have tried to describe here, this bill merits the support of everyone who really wants peace in the world.

PEACE CORPS NEEDED

Mr. HALEY. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BOLAND. Mr. Chairman, I rise in favor of H.R. 7500, a bill to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower.

The Peace Corps will provide an entirely different but fresh approach in the relations of American citizens to the peoples of underdeveloped countries. The Peace Corps men will live in these countries in a simple and inexpensive way. These young men and women will have the gratification of teaching their respective skills to people of the newly independent and emerging nations of the world. They will work on projects, train and teach the natives, and above all, set examples. This will give the natives an opportunity to learn more about America, Americans, and American techniques in farming, roadbuilding, business, teaching, craftsmanship, and government processes.

Mr. Chairman, R. Sargent Shriver, Jr., Director of the Peace Corps, pointed out in his testimony on this legislation before the Committee on Foreign Affairs that the struggle with communism today can produce consequences as grave as those Americans face when engaged with enemies in open warfare. It is a different kind of conflict. This is the struggle of newly developing nations for social and economic improvement. There are thousands of Americans eager to make a direct, personal contribution to their country who are not involved in existing programs. It is to these young men and women, who are well qualified and deeply motivated individuals, that the Peace Corps will extend the promise of a new way of service. Mr. Shriver also reminded us that many Americans today feel as Edward Everett Hale felt when he said:

> I am only one, but still I am one; I cannot do everything, but still I can do something.

Mr. Chairman, Sargent Shriver has been deeply involved with the Peace Corps since his appointment as Director by President Kennedy on March 1 last. He is convinced of the tremendous value that the Peace Corps can have in person-to-person and nation-to-nation relationships and the beneficial effect it will have on U.S. foreign policy. Sargent Shriver has done a tremendous job since taking over the Peace Corps directorship. He went into the job with no organization and only some studies to work with. The studies were important and they were in the hands of the right man.

Establishing the Peace Corps on a temporary pilot basis under Executive order was not an easy task. Sargent Shriver worked very hard and devoted many long hours to this very difficult assignment. There were many critics of the Peace Corps. He had only a voluntary staff in the beginning. But perhaps this was an auspicious start for the Peace Corps because it was a living demonstration of the dedication and zeal of young people to want to serve their country and

humanity in the underprivileged sections of the world.

Mr. Chairman, Sargent Shriver is a dedicated American with a brilliant background. I include at this point a biographical sketch of Robert Sargent Shriver, Jr.:

BIOGRAPHICAL SKETCH OF ROBERT SARGENT SHRIVER, JR.

Residence: 2430 North Lakeview, Chicago, Ill.

Birth: November 9, 1915, Westminster, Md.

Education: Parochial schools, Baltimore, Md.; Canterbury School, 1930–34, New Milford, Conn.; Yale College, B.A. degree, cum laude, 1938; Yale University, School of Law, LL.B., 1941.

Business career: Law firm, Winthrop, Stimson, Putnam & Roberts, New York City, 1940–41; admitted to bar of State of New York, December 1941; war service, 1941–45; arsistant editor, Newsweek magazine, 1945–46; associated with Joseph P. Kennedy Enterprises, 1946–48; assistant general manager, the Merchandise Mart, 1948–61 present; admitted to bar of State of Illinois, April 1959; executive director of the Joseph P. Kennedy, Jr. Foundation, resigned 1961; Director, the Peace Corps, Washington, D.C., 1961.

Military service: Enlisted as apprentice seaman (V–7) July 1940, USNR; commissioned ensign, USNR, September 1941; continuous oversea duty, Atlantic and Pacific Ocean areas aboard battleships and submarines, October 1941–December 1945; awards, Navy Unit Citation, Submarine Medal, various campaign medals with battle stars; inactive duty as lieutenant commander, USNR.

Marital status: Married May 23, 1953; wife's maiden name, Eunice Mary Kennedy; children, son, Robert Sargent Shriver III, born April 28, 1954, daughter, Maria Owings Shriver, born November 6, 1955, son, Timothy Perry Shriver, born August 29, 1959.

Political affiliation: Registered Democrat.

Religious affiliation: Roman Catholic.

Illinois residence: Permanent and voting residence since 1948.

Educational associations: Chicago, Ill.: President, Chicago Board of Education, October 1955–June 1960; member: Illinois School Problems Commission No. 6 (1959–61), resigned January 1961; member: Illinois School Problems Commission No. 5 (1957–59); citizens board, University of Chicago; board of trustees, DePaul University; citizens board, Loyola University; board of trustees, St. Xavier College of Women.

Others: Citizens committee, University of Illinois; advisory council, College of Commerce, Notre Dame University; board of directors, St. Paul Guild, New York City; national chairman, Yale Alumni Board, June 1958–June 1960; executive committee, Yale Law School Association; board of trustees, Yale School of Fine Arts; member, Committee on Government and Higher Education, Ford Foundation (1957–59). Member at large, National Council, Boy Scouts of America, May 1961.

Organizations: President, Catholic Interracial Council of Chicago, resigned December 1960; director, Catholic Charities of Chicago; director, Chicago Council on Foreign Relations; director, Chicago Maternity Center.

Honorary degrees: Doctor of laws, awarded by St. Procopius College, Lisle, Ill., June 4, 1949; awarded by Notre Dame University, Notre Dame, Ind., June 4, 1961; awarded by DePaul University, Chicago, Ill., June 7, 1961; awarded by Seton Hall College, South Orange, N.J., June 10, 1961.

Mr. Chairman, Members of the House should feel a sense of closeness to this legislation, because it was here that the Peace Corps idea was born and it was here that its life was nurtured with an appropriation to have a study made to determine the feasibility of what was then, in 1960, called the Youth Corps.

The Mutual Security Act of 1960 contained a provision—section 203(c)—which directed the President to arrange for a nongovernmental study of the advisability and practicability of a point 4 Youth Corps, under which young U.S. citizens would be trained to serve abroad in programs of technical cooperation. The study was undertaken by the Colorado State University Research Foundation under a contract with the International Cooperation Administration. The foundation submitted a favorable preliminary report in February 1961. In the same month the President set up a task force under Sargent Shriver to plan the Peace Corps.

This task force had the benefit of a report by Dr. Max Millikan, director of the Massachusetts Institute of Technology Center for International Studies, and the preliminary report of the Colorado State University Research Foundation. Other comprehensive statements utilized by the group included a study by Prof. Samuel P. Hayes of the University of Michigan, and a report by the Committee for Educational Interchange Policy, sponsored by the Institute for International Education. On March 1, 1961, President Kennedy sent to the Congress a special message recommending that the Congress establish a permanent Peace Corps:

> A pool of trained American men and women sent overseas by the U.S. Government, or through private organizations and institutions to help foreign countries meet their urgent needs for skilled manpower.

On May 15, 1961, the final report by Colorado State University Research Foundation was submitted to the Director of ICA, and this report concluded that the Peace Corps program "is advisable and practicable." The report also recommended that the Peace Corps be "established by law as a permanent agency of the U.S. Government."

Mr. Chairman, the response to the Peace Corps abroad and in the United States has been overwhelming. More than 12,000 young men and women in this country have volunteered for service in the Peace Corps. There have been many requests from oversea countries for Peace Corps projects. I urge Members of the House to unanimously enact this bill to authorize the establishment of a permanent Peace Corps.

Mr. EVINS. Mr. Chairman, this Nation now has an opportunity that rarely if ever has been open to a great nation on such a large scale. This opportunity is to assist in the promotion of understanding and peace on a broad international basis. The Peace Corps can be the vehicle for this assistance in the development of other countries and in the fight against tyranny, poverty, disease, and illiteracy. The Peace Corps can be a true instrument for the promotion of good will, understanding, and peace.

Since the idea of a Peace Corps was first proposed by then presidential candidate Kennedy it has captured the imagination of young and old alike. The idea drew widespread grassroot support immediately and since its establishment by Executive Order the Peace Corps has begun to prove its great usefulness.

Too many times in our Nation's history we have been called on to send our youth—the cream of our growing society—to far off countries to save freedom by fighting wars. We have always won these wars, thanks generally to the persistence and determination of our fighting men.

Today we have an opportunity to contribute to the winning of the peace—to save freedom and liberty—by spreading an understanding of freedom and its meaning—the ideals of America. However, we cannot propagate peace just by telling the peoples of other lands about freedom. We must demonstrate our concern over their most immediate problems—the need for food, for education, for medical care, for technological assistance. When sincere efforts are made to assist in these areas, the cause of freedom, peace, and understanding are automatically promoted.

It is in these areas that the volunteers of the Peace Corps can best be representatives of our country. It is in this area that a young American man or woman can provide great direct benefit to the people in underdeveloped nations by teaching better sanitary methods, by teaching reading and writing, by demonstrating more modern agriculture techniques, by giving medical aid, by teaching modern surveying methods, to help people improve themselves. The Peace Corps, among other things, can be a people-to-people means of promoting understanding and peace.

Mr. Chairman, H.R. 7500 to establish the Peace Corps by Congress is a hopeful move to strengthen America. It is vital that we move in this direction in these critical times.

The Director of the Peace Corps, Col. Sargent Shriver and his staff have demonstrated the ability to operate this program efficiently and well. Congress should approve this new arm to work for peace.

Mr. Chairman, I urge passage of this bill.

Mr. DERWINSKI. Mr. Chairman, I most certainly appreciate the idealism that is expected from the young Americans participating in the Peace Corps project, and I most certainly hope that the operation achieves maximum possible success.

However, I should like to direct your attention to a number of inconsistencies in the proposal before us, and to a number of basic facts that should be considered before blindly creating this agency.

As I understand the procedure to date, the Peace Corps has found ample funds and ample room to operate within the framework of the State Department and the foreign aid agency. Frankly, it is an experiment—a trial—and should be treated as such.

Certainly, an untested idea such as this should first pass through a testing and probationary period before receiving permanent status. We all realize that the agencies of the Federal Government,

once created, rarely terminate their operations but instead grow larger, more cumbersome and costly over the years, and incidentally, some of them fall farther behind the problem they supposedly are to solve.

The Peace Corps has displayed all these tendencies, especially in the alarming sign of becoming a huge, cumbersome, uncontrollable bureaucracy. It is rather tragic and inconsistent to speak of the hardships expected of the Peace Corpsmen in the field, while their administrative leaders will be enjoying the salary benefits and luxuries of high-level Government administrators. As a matter of fact, the Peace Corps at the moment is setting up without congressional approval, a topheavy superstructure based primarily on supergrade positions and other high rated and top classified employees. Furthermore, a provision of the bill before us would create an unlimited number of experts and consultants to be employed at $75 per diem, while again, I emphasize the difference between this luxury-type position and the Peace Corpsman in the field who is to receive $75 per month after completion of his service.

However, my basic objection lies in the placement of the Peace Corps under the State Department. I, personally, feel its policies and potential could be far better utilized if directed by the Commerce Department, where its members could and should be trained to teach not only scientific and engineering skills but also the basic industrial trades as well. Furthermore, if properly handled, a Peace Corps under the Commerce Department could effectively serve, should its potential be realized, as a means of telling the story and exhibiting the virtues and accomplishments of the American free enterprise system.

Our State Department, with its policy of vacillation, indecision, and general incompetence, is hardly an example of successful vigorous American action.

However, Mr. Speaker, the point I originally made should be borne in mind that this is an experiment. We should first observe its operation; the pilot project should be first evaluated before embarking on the creation of a new agency, with its already developing thirst for bureaucratic manpower.

Therefore, after all possible consideration it is my judgment that the defects of the proposal outweigh the positive aspects and I will vote against the proposal.

Mr. RYAN. Mr. Chairman, the bill before us to establish a Peace Corps (H.R. 7500) is one for which I strongly recommend immediate and wholehearted support. Already the idea has been received with widespread interest and enthusiasm. The establishment of such a Corps would be of both curent and long-range importance.

PURPOSES OF THE PEACE CORPS

The overall purpose of creating the Peace Corps is to promote world peace, friendship, and understanding through the service of talented, discerning, and dedicated Americans in countries where their help is wanted.

In addition to the specific purposes stated in the title to the bill—"to help the peoples of interested countries and areas in meeting their needs for skilled manpower"—the establishment of the proposed Peace Corps has several major attendant objectives. Not only is it designed to assist in accelerating the process of economic and social development in the less developed areas of the world, by service abroad Americans will foster a mutual understanding and appreciation of the culture, motivations, attitudes, and problems of the United States and of the country in which they are working. Such a program will greatly increase the interest in and knowledge of other areas of the world, not only for those who actually serve in it but also extensively among citizens of the United States who might otherwise have small interest in world affairs. It will enlarge the reservoir of talented, trained, and experienced Americans well fitted for further public and private service in the field of foreign relations. It will provide opportunity for the application and dissemination of the ideals of democracy and the brotherhood of man.

BACKGROUND

The bill for establishing the Peace Corps has been designed with care and wisdom. A preliminary study was made of the feasibility, practicality, and need for such a program. It was based on extensive consultation, on the experience of private organizations engaged in similar programs, on investigation of the needs and receptivity of the countries where it would operate, and the extent of the support of the idea at home. On the basis of the ensuing report, the President, under his authority granted by the Mutual Security Act, set up as a pilot project, a Peace Corps which is operating on a temporary basis, as an agency of the Department of State.

I should like at this point to commend the able leadership, the effort expended, and the vision evidenced in the preliminary stages of this pilot project, due in no small measure to the present Director, Robert Sargent Shriver, Jr.

AUTHORIZATION OF FUNDS AND ADMINISTRATION

Under the present bill the President is authorized to carry out programs in furtherance of the purposes of the act, on such terms and conditions as he may determine. The sum of money authorized for the Peace Corps would not exceed $40 million for the fiscal year 1962. Provision is made for the appointment by the President of a Director and a Deputy Director of the Corps and the delegation of functions.

PEACE CORPS VOLUNTEERS

Persons enrolled in the Peace Corps will be selected from among qualified citizens and nationals of the United States. They will be called volunteers. The qualifications are high. Service in the Peace Corps will be rigorous. Those serving will need to be primarily idealistic and dedicated. They will need also to be practical, discerning, and understanding. They will be required to live, work, play, and fraternize at the level of the inhabitants of the countries to which they are assigned. They must learn, both literally and figuratively, to speak their language. They must be talented; their talents may cover a variety of fields. The work that they will do and the places to which they will be sent will depend upon the needs and the desire of the areas involved, and upon the vital interests of the United States.

Preliminary, on-the-spot investigations in a number of countries in Africa, Asia, the Near East, and Latin America showed a great need for professional and technical assistance in agricultural, health, social, political, economic, and cultural fields, with all their intricate ramifications. A great variety of professions and talents will be called upon to render the services needed. What an opportunity for the know-how and the good will of America to be spread to the far corners of the earth. The bread which we can cast upon the waters needs to be not only that of a material nature. And the parable may be completed with the ultimate return in sociological and ideological benefits, as well as the enrichment of the experience of the individuals involved. The meaning of true democracy may be better demonstrated than preached. Its values will be better understood when it is shared. The proposed program of service overseas by qualified Americans would advance the interests of the United States both at home and abroad.

PEACE CORPS PROJECTS

Eligibility of a Peace Corps project would depend upon five basic criteria:

First. It must contribute to the economic, social, or cultural development of the host country; and the government of that country must have requested the project and given evidence of its willingness to cooperate.

Second. It must require primarily "workers" and "doers"—as distinct from advisers and consultants—with skills not sufficiently available in the host country.

Third. Maintenance and remuneration must be in accordance with Peace Corps standards.

Fourth. It must utilize volunters who will be serving in this and other projects for a minimum of 2 to 3 years, including training time.

Fifth. Sectarian religious propagandizing or proselytizing must not be permitted.

SELECTION OF PERSONNEL

There is general agreement that probably the most critical factor in determining the success of the Corps is the selection of persons to serve in it. In general the qualities considered essential include such characteristics and abilities as: technical skill, adaptability, understanding of human issues, maturity, physical and mental health, initiative and creativity, and ability to communicate. A humanitarian desire to serve others and a pioneering spirit are prerequisites. Proper motivation is one of the most significant determinants. Since it is intended that the program as proposed will have no financial incentives, a monetary motivation is unlikely.

The method of selection will be closely associated with the training program; final selection will probably be made during the training period. Among the

methods contemplated are the use of language aptitude tests, careful investigation of previous performance in work and study situations, personal interviews by personnel specialists, and psychological and intelligence tests.

TRAINING PROGRAMS

Orientation and training programs will consist of approximately 2 months of concentrated preparation at home plus about a month of orientation in the host country, with emphasis on cultural, economic, social, political, religious, and other aspects of the society in which the volunteer will work.

SELECTION OF COUNTRIES

The selection of countries to which the volunteers will be sent will be based upon several considerations. A major one is receptivity; that is, the need and desire of the host country for Peace Corps assistance. A further determinant will be the efforts and interest of the country in self-help: efforts of resources mobilization and internal reform—including land reform, tax reform, improved education and social justice—which its own development requires. The feasibility of implementing the program within a country will be a major consideration; considerable variation among countries in the ease of implementation of a project is anticipated. It will depend upon a number of factors, such as: the attitude of both government and country nationals toward the Peace Corps program; government stability; language requirements; existing country institutions; living conditions available; and health conditions. Also to be considered is a balanced distribution in the long run among geographic areas and among countries.

COOPERATION WITH OTHER INTERNATIONAL PROJECTS

In the bill to establish the Peace Corps provision is made for cooperation with other agencies of the U.S. Government and international organizations engaged in similar activities. The Peace Corps will not duplicate or replace other international projects.

UTILIZATION OF FUNDS

In the utilization of funds the Peace Corps is authorized to pay for travel and allowances and compensation of employees, including Foreign Service personnel whose services are utilized primarily for the purposes of this act. Funds are also to be provided for travel expenses of dependents, and the usual expenses for which the U.S. Government provides funds in connection with oversea service, for operating expenses of the Peace Corps agency, for costs of training employees, and expenses incident to such training. Whenever possible, expenditures incurred in carrying out functions under this act shall be paid for in local currency available to the United States.

In recommending the full $40 million authorization the Senate committee voiced the opinion that the Peace Corps should be permitted enough flexibility to try the methods of approach it envisages. "Only in that way can it be known whether the program offers opportunity to assist in the development of nations seeking assistance."

CONCLUSION

The Peace Corps will offer new opportunities to the American people. In working together for a common cause, they will assist others while broadening their own experience. In the response with which the Peace Corps has already been met in its preliminary stages there is evidence that many Americans are eager to serve with dedication in an effort to promote world peace. Already, too, hopes have been raised abroad which we would do well to realize to the best of our ability. Arnold Toynbee, the British historian, has said that the Peace Corps can give America a chance to recapture "the leadership of the world revolution that she started in 1776—a revolution with a spiritual objective." Indeed, the Peace Corps offers an opportunity and a challenge to the American spirit at its finest. It will, I believe, prove itself to be a sound and wise investment in money, in people, and in international cooperation looking toward world peace.

Mr. BARRY. Mr. Chairman, the Peace Corps offers a new way to work toward the improvement of the underdeveloped areas of the world. The enthusiasm with which the Corps has been met in its initial stages, is indicative of the tremendous potential possibilities of this project. Its aim is to help others to help themselves in order to promote the general welfare and the peace of the world. To the large number of underdeveloped people the Peace Corps offers hope and promise of a better world. The Peace Corps bill would establish a program in which Americans of all ages, talented and dedicated to freedom, who on invitation would work and live side by side with native populations in underdeveloped areas of the world—in order to promote agricultural, industrial, social, and cultural progress.

The opportunity for developing a growing understanding between peoples is perhaps the greatest potential the Corps offers. Where an American citizen has been known and liked, it is difficult for the propaganda of the Communist bloc to convince anyone of the validity of their ugly picture of American life. For this reason, it is of utmost importance that those entering the Peace Corps be good representatives of our way of life. They must truly understand the nature of our democracy and the validity of the rule of law. They must understand the historical and philosophical development of our form of self-government. They must understand the moral precepts upon which our society is founded and be able to convey to those they meet the practical and ethical validity of such standards.

On a pilot basis the Peace Corps has already started to function. Under authorization of the Mutual Security Act, the program was initiated after a study and consultation to determine its need, its practicability, and its acceptability at home and abroad. Trained volunteers have been chosen for specific work in countries desiring their services. Training in the language, customs, history, and interests of the country is supplemental to basic skills and experience in a variety of fields, and selection is made on the basis not only of ability, but also adaptability, character, perception, and motivation. This is as it should be.

The projects recently launched in Colombia and in the West Indies island of St. Lucia are typical. The aim is to develop economic and social stability in rural areas through improvements in health, increased farm productivity, a raising of educational and living standards. Volunteers will perform such varied tasks as well drilling, surveying, working with local crews on road-building, explaining the use of farm instruments, care of livestock, farm production, soil conservation, irrigation systems, constructing or improving local schools, planning school projects such as gardens and playgrounds, organizing youth clubs and adult education groups, assisting in medical aid stations, health, and sanitation projects. Peace Corps volunteers will serve as teammates with Colombian nationals trained in community development work. President Alberto Lleras Camargo of Colombia anticipates that the contribution to be made by the Peace Corps will be "the finest way in which the United States could prove to the humble people of this and other lands that the primary purpose of its international aid program is to build a better life in all of the free world's villages and neighborhoods."

Such high expectations of the Peace Corps program serve to underline the importance of successful execution. We must be extremely careful to insure the suitability of each project and the qualifications and suitability of the corpsmen to the host country. The project must be suited to the community in terms of need, it must be geared to the level of receptivity, taking into account both the basic knowledge of the nationals and their interest in and attitude toward being helped. A corpsman besides knowing his job, must be well aware of and prepared for the fact that his task is not limited to construction work. He must have a sense of mission beyond that of performing the immediate job set for him. He must be aware of "the more vital task," as one commentator put it, "not that of selling U.S. foreign policy, but that of sowing democratic habits—work that requires subtlety, keenness, and intuition, as well as a strong back and pure heart. True success would be to leave behind the one kind of installation that can be counted on to rebuild itself."

In the Foreign Affairs Committee, under the patient leadership of our chairman, we have tried to report out a bill which would fulfill the promise and avoid the pitfalls. I believe that we have been successful. I believe that H.R. 7500 is a good piece of legislation, thoroughly deserving of our support. This does not mean, however, that the problem ends there. The Director and every other executive of the Corps must be constantly alert to the problems inherent in such an organization and to the possibilities for constant improvement—so must the Congress. The challenge of the potential possibilities of the Peace Corps is enormous. Unless

properly carried out, the program runs the danger of creating a tragedy which would be the greater precisely because the possibilities for good are so very great. These possibilities of benefit are many faceted. Not only would they redound to the helper as well as the helped, enabling us to better understand the world in which we live, but their reflection would spread throughout the globe.

The Peace Corps, well executed, can be and must be an instrument for peace and for mutual understanding.

Mr. ROSTENKOWSKI. Mr. Chairman, with violence rearing its ugly head and communism making an all-out effort to embrace the free world under its rule, it is vital and essential for us to use every means at our disposal to checkmate and defeat this communistic move.

Benevolence can be very important to us to achieve this end, for the people in a free society know and understand that charitableness will leave a lasting impression of virtue in the minds of the struggling masses and he who practices it will have neighbors.

In the world today, people are breaking the chains of bondage and seeking their rightful place in society. But it is a perplexing world to them, for they are now exposed to the swift scientific achievements of modern times. Heretofore, they were kept ignorant because ignorance is the best means to control huge masses. Now, however, they must be educated in order to survive, and we, who believe in free society, must accept this responsibility, if we wish to win out over tyranny.

The establishment of a Peace Corps Agency can be a giant step toward a unified world of free, peace-loving people, dedicated to a good neighbor policy and not in constant fear of annihilation. By sponsoring this program of international service in which Americans offer themselves, on a volunteer basis, to teach the millions of uneducated, unskilled people, we can instill the meaning of democracy as the proper way to pursue happiness and achieve contentment. And we can properly identify our country as peace loving to this emerging population which will play an important role in shaping the world of tomorrow.

Today we spend billions to manufacture military arms and establish military bases in order to preserve our liberties, but this alone does not insure survival, for our economy does depend on world trade and its future progress will be greatly reflected on world trade expansion. If the new nations of the world can be kept in the free society and advance to the stage of modern living, it goes without saying that we can expect to benefit from their progress.

But the monetary rewards are secondary to the spiritual rewards that we will recognize from this act of human kindness.

Bullets alone will not stamp out tyranny. It will be the fundamental understanding of morals, and unless we convey this understanding to the perplexed, I doubt if we can ever expect to achieve complete victory.

The program before us provides the tools needed for this victory. It has been carefully organized to insure its success. Using the principle of volunteers who are carefully selected and then trained to perform a given task in a specific area is good assurance for maximum success of the Peace Corps. And by sending these volunteers only where they are needed and wanted, carrying out projects that are developed jointly by our administrators and the foreign nation involved, we cannot be accused of trying to dominate other nations for there will be no basis for accusation.

The American public has responded favorably to the program. Over 12,000 applicants have volunteered to serve in the Corps. This desire to aid the underprivileged by living amongst them according to their customs will show the world that we want peace and prosperity for all mankind; that we do not desire to be rulers but good neighbors; that we are constructive and not destructive.

The Peace Corps will enhance our position in the world. It will reach the people at the lower economic level, the masses which make up the world. By communicating with them, we will better understand their overall problems, which will enable us to better assist them in correcting these problems.

This is the challenge we face and America should not pass up this challenge. I urge we adopt this legislation to establish a Peace Corps Agency.

Mr. RIEHLMAN. Mr. Chairman, I intend to support this bill because I feel that the Peace Corps has some potential as an asset abroad for the United States. I shall give my support, however, with some misgivings and reservations.

The program sounds good in theory and looks good on paper, but its success is far from assured. The moment of truth for these young people who will represent us abroad has yet to arrive. The success of this program, and therefore its future, depends on the young men and women who will carry the image of their homeland abroad. The success of this program depends on their ability to produce for the United States. There are many pitfalls ahead. There are many unforeseeable difficulties and many questions that only experience will answer. In fact, I will say to my friends who oppose this legislation that there is certainly ample room here for strong differences of opinion as to its merit. Yet my belief in this program's potential and confidence in the capabilities of the young men and women who will form the Peace Corps dictate my position. I am willing to take a chance that the questions will be answered correctly and that the difficulties, foreseeable and unforeseeable, will be overcome.

Forty million dollars is a great deal of money when considered by itself. But in terms of our total expenditures in the fight against international communism, it is a relatively small amount. It could turn out to be a wise investment. In any event, I do not think it will represent a loss.

It goes without saying that the Peace Corps activities will be under closest scrutiny by the Congress. I do not think it will be long before we are able to judge its effectiveness. For the time being, I am willing to give the Corps a chance to prove itself.

However, in the event that the Peace Corps does not live up to expectations; in the event we find that this particular approach to the problem of communicating with other people is not a productive one, then I shall not hesitate to vote to return the Peace Corps to its pre-1961 status.

Mr. ROUSH. Mr. Chairman, the Peace Corps program is one which expresses the true spirit of our Nation in relation to our neighbors in the less developed countries around the world. It is the people of our country showing by doing, skills which we have mastered, which other countries need to improve their economic and social welfare.

I have consistently opposed the expenditure of billions of American dollars in foreign aid. I support the Peace Corps program and its authorized expenditures because I believe this is the way in which we can most effectively export our know-how, our ideals, and our ideas.

This program is one which, I believe, has captured the imagination of the Nation. Young people in my district are talking about the program and they are excited by the challenges it offers them to help change the world in an effective manner. Our young people are vitally aware of our Nation's position and responsibilities in the world and sincerely want to make their own contribution to our necessary programs. I am amazed that the gentleman from Indiana [Mr. WILSON] should express a lack of confidence in the young people of America.

In a very real sense, these people will be missionaries. They will follow or blaze trails much like the thousands of American missionaries who have devoted their life to spreading the word of God in the underdeveloped regions of the world. Missionary programs have been uniquely successful. Regardless of the specific religion spread by the missionaries, they have succeeded in Christianizing foreign lands and helping raise their standards of living.

I believe the success of the Peace Corps will be similar to that of the missionary efforts. The secret will lie in the devotion and the inspiration of the members. I am satisfied in my contacts with the director, Mr. Shriver, and others in the Peace Corps administrative staff that these qualities will be stressed in the training program.

I am proud and happy to support the Peace Corps with my vote today. It is a worthwhile program and can provide a much-needed "shot in the arm" for America's international relations.

Mr. HALEY. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. TOLL] may extend his remarks at this point in the RECORD and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. TOLL. Mr. Chairman, some question has been raised regarding the experience which is available from the pilot program in connection with the

Peace Corps. I call to the attention of the Members the fact that private agencies have had experience in this field and one agency has had long experience in person-to-person activities. An item in the Philadelphia Sunday Bulletin, written April 23, 1961, refers to the program of the American Friends Service Committee which has had long experience in many foreign countries. The news report is as follows:

QUAKER AGENCY MOBILIZES OWN 'PEACE CORPS' OF 50

Out of its long experience in person-to-person outreach to many foreign countries, the American Friends Service Committee has mobilized its own youth peace corps for oversea work this summer.

This is to be a select group of 50 young adults, mostly college graduates, to be known as VISA's, or Voluntary International Service Assignees.

This special group will be in addition to about 1,000 teenagers and young adults enrolled in the usual work and study camps in this country, Mexico and other countries which the American Quaker agency has sponsored for some years.

UNDER LOCAL GROUP

The VISA's will serve mostly under local or national organizations in the places to which they go, rather than under the immediate auspices of the oversea network of Quaker service centers and camps.

Careful preliminary arrangement is being made in every instance of such service, and the assignees will be oriented in the culture and the language, it was stressed by Mrs. Frank Hunt, VISA director at the Friends Service world headquarters in Philadelphia at 160 N. 15th St.

The VISA's will not serve as experts but as competent amateurs, having an interest and enthusiasm that will lead to personal involvement with those with whom they work and with their problems, Mrs. Hunt said.

A group of 12 VISA's is to go to the northern province of Tanganyika to work among the coffee-growing Meru and Chagga tribes in trying to improve production. Harry Bailey, a hydraulic engineer of San Bernardino, Calif., will precede the group to outline work plans.

TWELVE TO SOUTH INDIA

Another group of 12 will go to south India at the invitation of the Government to teach specialized subjects in several different schools. Mr. and Mrs. Thomas Clagett, of Stockton, Calif., are now in Bangalore, arranging the details for the Quaker agency.

Six persons have been assigned to neighborhood centers in Germany; two to Dacca, East Pakistan, while invitations to send appointees to Guatemala, Peru, and Haiti are being considered.

Two Philadelphia area residents are among the volunteers. They are Mary Ellen Terrell, 312 South Camac Street, graduate of Earlham College, and currently working in the AFSC office here, and Werner E. Muller, of Winding Road, Southampton, a 1960 graduate of Haverford College, currently at the Institute for Cancer Research.

The policy of the Friends Service Committee is to conduct all of its service and relief projects without regard to race, creed, or politics.

The CHAIRMAN. The time of the gentleman from Georgia has expired. All time has expired.

Under the rule, points of order are waived against the committee amendments printed in the reported bill, and the committee amendment beginning on page 45 and ending on page 50, proposed as title II of the bill, shall not be subject to amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This act may be cited as the "Peace Corps Act."

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 3, insert "TITLE I—THE PEACE CORPS."

Mr. GROSS. Mr. Chairman, I rise in opposition to the amendment to the bill.

Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The gentleman is recognized for 8 minutes.

Mr. GROSS. Mr. Chairman, we have before us today a shining example of that for which Congress is becoming notorious—legislative approval of a pig-in-a-poke.

This latest international gimmick, otherwise known as the Peace Corps, was spawned some 15 months ago on the basis of a $10,000 appropriation for a study of the feasibility of establishing a Youth Corps.

Then came the political campaign of last fall when votes were needed and faster than anyone can say New Frontier at 2 o'clock in the morning, Candidate Kennedy came forth with this version of the Children's Crusade.

Somewhere along the line the designation of Youth Corps got lost in the shuffle to the more euphemistic label of the Peace Corps. And from that humble $10,000 birth it was no problem at all—thanks to a succession of Congresses that have found it fashionable and easy to delegate power and authority to the White House—it was no problem at all, I say, for President Kennedy to issue an edict this spring, dig deeply into mutual security funds, and put the "Kiddie Korps" show on the road.

And so, today, if I have read the hearings correctly, this latest international boondoggle, without benefit of permanent legislation, without congressional scrutiny of program or plan, has already spent and initiated projects costing some $17,500,000.

From that $10,000 pig-in-a-poke to the $17,500,000 for projects already underway and now to the $40 million called for in this bill is a dazzling demonstration of sleight-of-hand even for a New Frontiersman.

But this is Washington where Congress plays the old shell game with the Federal debt, meanwhile bankrupting the country.

What is the reason for this alleged Peace Corps?

R. Sargent Shriver, brother-in-law of the President and nominal Director of the outfit, gives an indication in his so-called factbook:

The letters home, the talks later given by the returning members of the Peace Corps, the influence on the lives of those who spend 2 or 3 years in hard work abroad—all this may combine to provide a substantial popular base for responsible American policy toward the world.

Is Shriver saying that hundreds of millions of dollars are now being spent annually on the State Department and its thousands of employees in related agencies for an irresponsible American policy; that the Peace Corps will rectify all this? If so, let us lose no time in abolishing the State Department, with all its works, and turn this operation over to Shriver and Company.

Assistant Secretary of State for International Organization Affairs, Harlan Cleveland, offers this:

Can we not see the time when little bands of Komsomols will be coexisting competitively with the American Peace Corps? * * * Suppose we can develop some machinery under the Economic and Social Council to recruit and build international teams, in which American youngsters would work alongside of British, French, Russian, Brazilian, Japanese, Indians, and others.

Mr. Chairman, the foregoing has all the earmarks and aroma of a gimmick devised for the propagandizing of one-worldism at home and abroad.

There is another statement on this subject that bears repeating. It comes from Lawrence E. Dennis, vice president of Pennsylvania State College, which holds a Shriver contract for half a million dollars to train "Kiddie Korps" recruits. Dennis, who is in charge of the training program, says:

We have reached the point in our history when we should think seriously about asking every qualified person to set aside a number of years for rendering service to their government, whether on the local, State, or national level, either at home or abroad—the sense of national purpose lacking in the last generation could be refound in this mission.

In other words, conscript the citizen for what the self-anointed bureaucrats are pleased to call service or duty at home and abroad. Is this the brainwashing being given recruits at Pennsylvania State College? Have we forgotten one, Adolph Hitler, and the methods he used to impress German citizens with their duty and service to the state?

Incidentally, it might be of interest to mention here that a plan for a Peace Corps was hidden in the universal conscription bill that was defeated by the House of Representatives just 10 years ago.

Mr. Chairman, I never cease to marvel at the statements of some members of the House who blandly admit and apologize profusely for the unbelievably costly failures of the foreign aid programs through the years, but who then, with the greatest of ease, say the solution is to set up still another organization and to dissipate more millions of the American taxpayers' dollars.

Mr. Chairman, this bill is only the beginning of another huge international organization with thousands added to the payrolls. I predict that if enacted, the pricetag for this enterprise will be in orbit before many moons have come and gone. And this is the organization that brother-in-law Shriver orig-

inally proclaimed would be a bare-to-the-bones labor of love, with practically no cost to the taxpayers.

Read the provisions of this bill carefully and then ask yourselves where this latest utopian brainstorm ends.

With a $6 billion deficit already predicted by the Secretary of the Treasury for this fiscal year, which is less than 3 months old, I ask again: When, oh Lord, is Congress going to give even lipservice to fiscal responsibility and stop this business of enslaving future generations of Americans under the yoke of mortgage debt which we have voted upon them?

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mrs. CHURCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks, and to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. CHURCH. Mr. Chairman, it is not easy to follow the gentleman from Iowa [Mr. GROSS] and to find oneself immersed in the aroma which he shed upon those who support this bill. Neither is it easy to accept as a definition of what I believe to be a magnificent sample of American youth, the appellation "kiddie corps." At least, Mr. Chairman, that title cannot be assigned to me.

I rise today with great seriousness of purpose. I rise with certain inhibitions, because I know that some of my colleagues will say that I am a bit emotional about this bill, as I continue to be emotional about my country and about the terrific need in the world today that we in the United States be understood for what we are, not a group of materialists serving only mammon but a group of freemen and freewomen believing in the virtues of liberty as applied on our own soil and proven by our competency.

I rise also with some hesitation, but I am free of one charge made by the gentleman who last spoke. I am not one of those to whom the gentleman from Iowa referred as Members who speak out in criticism of foreign aid—and then go in and vote for it. Because, Mr. Chairman, in the 11 years that I have served on the floor of this House, although I have supported individual projects and believed strongly in their purpose, I have never once voted for the huge global authorization or appropriation bills for foreign aid. Why have I not done so? Well, I have been a very fortunate Member of this Congress. For 9 years I have been a member of the Committee on Foreign Affairs. My country has sent me on study missions, five of them, on which I have inspected our policies and programs in 41 countries. I have done that time and again. I believe in mutual security; oh, how I believe in it, but I have cast a protest vote against the huge annual measures because of firsthand evidence of how abjectly and often we have failed in what we have attempted so far to do.

I shall not attempt to outline in detail where we have failed; but I know that in some places we have failed because we have put dollars over human values; we have provided guns instead of understanding, again and again; and we have not come up with an answer to the human need in the world today. What is this need? The desire to be free; that is rampant in this world; but greatest in the human heart is the desire to know, to learn—and we have done nothing to reach down into the minds of men and give them something to help them take not the $n+1^{th}$ step into technocracy, but the first step to the next level from where they are. And the first step up can only be taken if help is given to satisfy their need to know, in order to provide the first elements of a better life for themselves and their families, and an understanding of what goes on in this world.

Our study mission came back from a trip in 1959 and said that there was need in this world for a group of consecrated young people who would be willing to serve. We pointed out something else, at least, I did, that of all the programs that I have seen in five trips, the only ones to which I could give my full stamp of approval represented the kind of program carried on by the kind of young people that are envisaged in the concept of the Peace Corps.

I wish that I could have taken the Members of this House with me on some of those trips. I wish, for instance, that I could have taken you to a native women's club meeting miles up in the bush of Africa, to which one woman had walked 17 miles with a 10-day-old baby on her back. In this tribal village, primitive in the extreme, one woman had opened the door to primitive progress, indeed. She had been taken to the edge of another village, just slightly more advanced, for an operation, and had come back and taught the women of her tribe everything she had learned, and that was not much. What was it they wanted of me? Huge grants for dams—or roads—or major projects? No. Guns? No. All they wanted was someone who could teach them just a little bit more. And the hands that I held out to them in friendship were empty. For despite the billions that we have spent, and the magnitude and scope of our programs, there has been no plan and no room for the "little project" for the "little people" that inherit the earth.

I first saw the promise of a group like the Peace Corps in 1955 in northern Pakistan, when I watched two U.S. students just out of high school working in the fields with iron hoe and wooden handle, showing young Pakistani what it was that had conquered our great American plains. I saw the 4–H Club started for the boys in that village by these same young Americans.

Mr. Chairman, this program is as American as Boston beans and apple pie. I would say to those who call this a hairbrained scheme for a kiddie corps, you are doing the youth of America a great injustice. Yesterday, I heard someone say, "What could a hairbrained youngster just out of college do in the jungles?" I thought back, Mr. Chairman, to 1941 when an earlier generation of young boys proved that they could master the jungles where they died, in war. I want our generation of youth to go out in the world and show their willingness to give, in living. American? Of course, it is.

You say that I am dealing with intangibles. In times of crisis, Mr. Chairman, it is only the intangible that has any essence of reality for life—or power. I am sure of that.

Mr. Chairman, this program may not succeed. It may fall on its face. It must go slowly. It is bound to have failures. We who support it are bound to have criticism; but I could no more refuse to give this a try than I could agree happily to surrender my seat in the Congress of the United States.

I am going to vote for the Peace Corps, to give it an opportunity.

Mr. Chairman, I would like to tell you something else. I thought in the beginning that there might not be many in the 13th District of the State of Illinois—which has not gone "overboard" on foreign programs—who would approve of this Corps. I sent out a questionnaire, 87,000 of them. I found that the people of my congressional district who set such store on American principles and American rights and American ideals have caught the glimmer of hope in this program. I found, Mr. Chairman, that the Representative from the 13th District of Illinois is not the only one who sees promise in this program. Without propaganda, without any foreword, I asked this question, 1 question of 29 in the questionnaire: "Do you approve of a Peace Corps for oversea service, if the volunteers are carefully selected and trained?"

The people of the 13th District of Illinois answered back as follows: 61.9 percent, yes; 27.1 percent, no; and 11 percent, no opinion.

Mr. Chairman, I am not afraid to try this program, experiment though it is. I willingly again admit the possibility of failure. But here is something which is aimed right—which is American, which is sacrificial—and which above all can somehow carry at the human level, to the people of the world, what they need to know; what it is to be free; what it is to have a next step and be able to take it; what it is to have something to look forward to, in an increase of human dignity and confidence.

Mr. Chairman, I could not deny this promise. I would not, Mr. Chairman, urge anyone to change his or her vote by what few words I might utter. But I would like to attest again my own faith in the hope of this program.

Mr. Chairman, I would add just one more word. As the gentleman from Michigan indicated, there were indeed 10 crusades that failed of full or final accomplishment. I know that. I also know that 20 centuries, as he said, have passed since the words first were spoken: "Peace on earth, good will toward men." But despite all the failures, Mr. Chairman, the truth and hope remain—the dream of peace on earth and good will to men still exists. The crusades are still going on.

Mr. Chairman, even if this proposed program does fall flat on its face, it means much to me in this day and generation that young people still have a dream; that American young people still have a willingness to sacrifice; and that we, in this country, have a chance to go out and proclaim our true selves to a world that sees us only as spending dollars for projects and guns; that sees us building up for ourselves a reputation for materialism that will be hard to dispel. As I say, Mr. Chairman, it means much to me that we have now a chance to go out and say: "Here is something new—this is what we really are." Let us say it to the world—and say it to ourselves. For all that is involved, let us give it a try.

Mr. JAMES C. DAVIS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have asked for this time to state to the House that I intend to offer an amendment to this bill on page 13 which deals with the Peace Corps employees.

Now, whether you may be in favor of the bill or not, whether you see merit or demerit in the legislation, I want to talk to you about the fact that 40 supergrades are provided for on that page of the bill to which I have referred. There is nothing emotional in what I have to say and there is nothing critical about whether you are for or against the bill. But this is an important matter to the taxpayers, to the Congress and to the committee on which I serve.

Mr. Chairman, this is the third time within about a month that the House Committee on Post Office and Civil Service has had to come before the House and object to the creation of supergrade positions and other top employee positions in legislation coming from committees other than the Committee on Post Office and Civil Service. The House struck 18 supergrade positions from the authorization bill for the ICA about 3 weeks or a month ago. The House defeated the bill which would have taken some 850 attorneys out from under the Classification Act and would have placed their salaries and compensation solely under the Attorney General.

Now, this bill provides for the creation of 40 supergrade positions. Legislation such as this creating supergrade positions is contrary to the Reorganization Act of 1946. It is contrary to rule XI of the House rules which fixes the jurisdiction of the several House committees.

The Reorganization Act provides that the jurisdiction of the House Committee on Post Office and Civil Service shall cover the status of officers and employees of the United States, including their compensation, their classification, and their retirement.

House rule XI, section 14, provides that the Committee on Post Office and Civil Service, among other things, shall have jurisdiction over the status of officers and employees of the United States, including their compensation, their classification, and their retirement. The language is the same as that in the Reorganization Act of 1946.

Now, I have, in preparation for offering this amendment, gathered information which shows the ratio of supergrade positions in this Peace Corps legislation as compared with the ratio of supergrade positions in other departments and agencies of the Government. I will ask permission to insert it at this point in the RECORD as part of my remarks, but I do want to give you some illustrations of it.

Comparison, top jobs by departments to total and headquarters employment

Department	Total			Washington Headquarters		
	Employment	Top jobs	Ratio	Employment	Top jobs	Ratio
Agriculture	102,500	137	1 to 748	12,000	114	1 to 105.
Commerce	30,000	135	1 to 222	14,400	121	1 to 119.
Defense	1,042,000	831	1 to 1,1254	75,000	470	1 to 160.
HEW	70,300	236	1 to 298	20,000	236	1 to 85.
Labor	7,400	56	1 to 132	4,000	46	1 to 87.
FAA	43,000	104	1 to 413	4,600	84	1 to 55.
Treasury	80,000	260	1 to 308	12,000	137	1 to 88.
Post Office	582,000	118	1 to 4,932	12,700	47	1 to 270.
VA	174,000	51	1 to 3,412	5,500	40	1 to 138.
State [1]	25,000	367	1 to 68	7,200	163	1 to 44.
ICA	14,000	37	1 to 378	2,100	37	1 to 57.
Peace Corps	121	17	1 to 7			

[1] Includes ambassadors, ministers and Foreign Service officers paid above GS–15.

The Department of Agriculture has 102,500 employees. They have 137 of these supergrade and other top-drawer positions. That is a ratio of 1 to 748 employees.

The Commerce Department with 30,000 employees has 135 of these top positions, which is a ratio of 1 to 222.

The Defense Department with 1,042,000 employees has 831 of these top positions, which is a ratio of 1 to 1,254.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(By unanimous consent Mr. JAMES C. DAVIS was allowed to proceed for 3 additional minutes.)

Mr. JAMES C. DAVIS. I do not have time to put all these figures in my remarks, but I will insert them when I revise my remarks.

The Peace Corps at the present time with 121 employees already has 17 of these top positions, which is a ratio of 1 top position for every 7 employees. They have been before our subcommittee and have given the prospective number of employees. While that prospective number will in future be more than the 121 now employed, at the same time an extremely and unusually high ratio of top positions to number of employees will still exist.

That is one reason why the Peace Corps ought to do as every other agency does, come to the Civil Service Commission and to the House Post Office and Civil Service Committee for their supergrade employees.

There are 43 bills, Mr. Chairman, now pending before this House coming from committees other than the Committee on the Post Office and Civil Service, asking for supergrade positions. I want in particular to call your attention to the fact that the House Post Office and Civil Service Committee has already reported out H.R. 7377, making allotments of supergrade positions to the Civil Service Commission and other Government agencies. We have allotted to the Civil Service Commission a pool of 371 supergrade positions. That is where this Peace Corps should go to get these supergrade positions. That bill is scheduled to come before the House under suspension of the rules on Monday next.

I am going to offer this amendment when we reach page 13 of the bill. I ask your consideration of these facts, and I ask with all the earnestness and sincerity at my command that you support that amendment and place the jurisdiction of this matter where it belongs, under the Reorganization Act and rule XI, section 14 of the House rules.

Mr. O'HARA of Illinois. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, it had not been my intention to speak on this bill, although it encases a concept of nobility that is close to my heart. I had felt that there were so many others on both sides of the aisle who rightfully should have the time and opportunity to voice the deep emotions that possess them that I could contribute most by silence.

But when my colleague the gentlewoman from Illinois [Mrs. CHURCH] so eloquently reaffirmed her faith in dreams—the dreams of the world for which always we are reaching—I felt that I must take the time if merely to say that in her faith I share.

The late husband of the gentlewoman from Illinois was one of my closest, dearest friends for many, many years. We were of different political parties, but the human sentiments that were our common heritage united us in a warm and understanding friendship. The human touch of Ralph Church now lives in the human touch of MARGUERITE CHURCH.

Mr. Chairman, very soon I shall be 80 years old. In my youth I believed in dreams, and I have seen those dreams realized. I have seen man go from one height always to a greater height because he had faith in and followed a dream. With Mrs. CHURCH I believe in the dream enwrapped in the Peace Corps. It may be only a dream. It may be that in this world there is no hope of peace, that in this world there is no unselfishness, that in this world there is no real penetration within us of the truth of the fatherhood of God and the brotherhood of man. But to the end I shall hold to faith in the dream—the dream of a peace that will be permanent, of a world of contentment where in the spirit of self-abnegation man ascends upward, and upward, and upward; and the dream of an earthly brotherhood under a humanly father comes true.

Mr. Chairman, in the Peace Corps we have the noblest experiment in the long history of foreign aid. I have said long history because foreign aid started not at a relatively recent period when the funds came from the Federal Treasury, but long, long ago when the pennies and the nickels and the dimes of American men and women were supporting missionaries in foreign lands. That was the beginning of foreign aid. The pennies and the nickels and the dimes that were contributed to the support of the missionaries went to the building of schools and the giving of medical and social services to distressed peoples in faraway lands.

The Peace Corps is a return to the concept of the missionaries. As the prayers of the American people went with the missionaries into the dangerous areas to which they were going, so these prayers will be accompanying the Peace Corps volunteers, and these prayers will be voiced in every family circle in every State of our Union.

Everyone admits that the Peace Corps is an experiment. It is a noble experiment, and it must not fail. We must not put a rock around its neck by denying it the supergrades that may prove the difference between failure and success.

I doubt if the supergrades will be necessary when the organizational period has ended. The Peace Corps is an agency of dedication. As time goes on more and more persons of high ability and in financial position to permit will be recruited in the administrative positions to serve as does Sargent Shriver, the Director of the corps.

No one exemplifies the spirit of dedication of the Peace Corps better than its Director. Everyone on the hill knows how tirelessly he has been working, sparing himself no time for comfort or relaxation. And what is not as well known to the American people as it should be, he is serving without pay. Fortunately, he is in the position where he can give his all to his country without pay and without the neglect of his family.

But there are others of equal dedication who are not so fortunately situated. They have their families. They have their children to clothe and to educate. No matter how high is their dedication to their country they cannot in a decent regard for their responsibilities neglect their families.

At the present time, and to assure the success of this noble experiment, the supergrades are as necessary as the strong foundations on which a structure is built. Whether it will be necessary to use all of the 30 supergrades no one can tell. But ultimately I am sure very few of them will be necessary because as the structure is built more and more persons of the highest qualifications and in financial condition to permit will accept service in the administrative positions, serving, as is the Director, with dedication but without pay.

As the Peace Corps offers a challenge to the youth of America, a challenge to show in dedication the real spirit of our country, so does it offer a challenge to the older men and women who have been retired at relatively young ages from activities in which they have had the widest experience. It is expected that in time there will be many working with the Director of the Peace Corps, able and willing and in financial position to labor in a noble cause without pay.

Dreams of the horizons we hope to reach cannot become realities if our faith is feeble, and when effort is demanded we become picayunish.

Some of my colleagues are opposed to the Peace Corps. They are as sincere and as conscientious as are those whose faith is in the Peace Corps. I am not quarreling with them because their thinking is not my thinking. They, of course, will vote for an amendment to eliminate the supergrades. I shall vote against the amendment. I imagine that all my colleagues who are supporting the Peace Corps will vote against the amendment. We cannot launch the Peace Corps, expecting it to bring into reality our dream, if we start by cutting its throat.

Do not expect a dream to come true, a child to grow to strength, if you cut its throat at birth.

Mr. Chairman, that is all I have to say.

Mr. JONAS. Mr. Chairman, I move to strike out next to the last word.

Mr. Chairman, I suspect I am one of only a very few Members of this House who has not yet decided how he is going to vote on this bill. I am not opposed to the concept of a Peace Corps. In fact, I have long favored a person-to-person type of diplomacy. I believe such a program offers the best hope of building friendship and getting our story to the people of foreign lands. I think the failure of our foreign aid program can be attributed to the fact we have not been getting through to the people themselves. We have been trying to industrialize primitive societies before they were ready for industrialization. A people-to-people approach will, in my view, offer a far better chance of success than the programs we have been following.

I would not say a word in disparagement of the Peace Corps idea, nor do I have any criticism of those who are in charge of the program. Actually, I have made many speeches in my district in recent years advocating such an approach as this, before church and civic groups beginning back as early as 1954. So I am not opposed to the idea. And whether I finally vote for the bill will depend on how it may be amended today in the Committee of the Whole.

I would like to explain why I am not enthusiastic about the bill as it now appears. Many of the proponents who have taken the floor today and yesterday afternoon have expressed misgivings about it. Some have gone further than that. For instance, one speaker today said:

> Of course mistakes will be made, but the way to avoid mistakes is to do nothing.

I do not think that is altogether true. The way to avoid major mistakes is to move slowly and deliberately and not rush headlong into new programs without giving them a chance to prove themselves, and without profiting by experience.

It has been stated here that Congress last year authorized a study to be made of this idea. Some of the proponents of the bill rely on that study in support of their recommendation that this bill pass. But may I call your attention to the very last recommendation by the Colorado State University Research Foundation.

It is set forth on page 77 of the hearings, and I quote:

> Recommendation: The Peace Corps should start on a small scale and remain flexible in its procedures.

Mr. Chairman, I would like to quote also from a report prepared by the Public Affairs Institute. It was written by Dr. Samuel P. Hays, who states that he was among those called into consultation last September by the Kennedy campaign staff, and asked to become a part of a study group to consider this Peace Corps idea. On page 50 of his report you will find a section VIII, which has this caption: "How Fast Should It Start?"

May I quote the following from that section of the Hays report:

> Should an international Peace Corps start fast, making a big impact at home or abroad, or should it proceed cautiously, carefully preparing each step? Should there be a small pilot program for the first year or two to work out the bugs in the scheme?

My answer to this question would be "Yes," by all means.

Mr. Chairman, if any member of the committee will tell me why the present program now underway cannot be continued and be given a fair trial before we embark upon a permanent program before the bugs are worked out, it would help me decide how to vote on this bill. But some of us seem not to be willing to wait on experience. You are not willing to give this a trial. You want to jump headlong into this experiment with a $40 million program per year, with a new bureaucracy superimposed upon the others. I think we are trying to move too fast. I think it would be wiser to be more deliberate about it, and profit by the mistakes that even the proponents say may be expected.

Mr. Chairman, I would like to make a comment about the origin of the Peace Corps idea. Many Members of this body have been given credit yesterday and today for originating the idea. I announce to the membership that his idea originated in the brain of one Heinz Rollman, a refugee from Hitlerite Germany who came to this country and made a fantastic success under our free enterprise system. He has been advocating a peace army, as he called it, instead of a peace corps, for the last 8 years. Our former colleague, the Honorable George Shuford, from Ashville, N.C., in 1954 offered for the RECORD a transcript or an excerpt from one of Rollman's books. It appears in the CONGRESSIONAL RECORD for Wednesday, January 20, 1954. I commend it to Members as proof that Mr. Rollman advanced the idea of establishing a peace corps or army way back in 1954.

Mr. Chairman, when we return to the House I will ask unanimous consent to include part of that insertion as a part of my remarks at this point in the RECORD.

In order to accomplish such a vast program of teaching our know-how to populations all over the world, the services of approximately 3 million persons will be required. These 3 million would constitute a peace army who would go abroad, not with hate and guns, but with love and respect of our fellow human beings and bring their civilian skills with them. Each teaching member of the peace army will not be required to teach more than an average of 200 persons during his or her 3-year period of service with the peace army. Teaching would be conducted with small groups or even individuals. Subjects to be taught would not be limited to industrial techniques or agricultural techniques. The program, in order to create a sound basis for spiritual and political growth and maturity of the recipient countries, would have to encompass every phase of life and activity that should be a part of a democratic way of life. In this manner we could teach 600 million persons to live and produce the way we do here within a very short period. The members of the peace army will teach subjects which they are qualified to teach on the basis of their regular civilian skills and occupations.

To quote from the book "My Plan for World Construction": "not only must we send overseas experts in banking to teach people how to bank, grocery clerks who know how to run supermarkets, engineers who know how to build steel mills, but it is equally important to send people overseas who know how to milk cows, how to put on diapers, and how to run a democratic government."

Mr. HAYS. Mr. Chairman, will the gentleman yield for a question?

Mr. JONAS. I yield to the gentleman.

Mr. HAYS. The gentleman is aware that Mr. Rollman not only advocated a peace army but advocated a corps of 3 million men?

Mr. JONAS. I certainly am. That will be clearly set forth in the insertion which will be placed in the RECORD from the CONGRESSIONAL RECORD of 1954. I am merely saying here publicly that I think the advocacy of this program by Mr. Rollman as early as 1954 certainly should be give some recognition.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield for an answer to the gentleman's question?

Mr. JONAS. I yield to the gentleman.

Mr. GALLAGHER. The gentleman asked why we should vote for this program, and why it cannot continue as it is presently constituted. I would like to answer that question.

Mr. JONAS. I should be glad if the gentleman would answer it.

Mr. GALLAGHER. The President does not wish to continue this program until it has congressional direction. That is the purpose of the bill we are considering here today.

Mr. JONAS. The gentleman may speak for the President and say he does not want to continue it on a pilot basis, but that does not change the fact that we can continue it on a pilot basis if we want to. I am not suggesting that we drop the pilot program. We can continue it on a pilot basis—certainly until we see how it works and what mistakes, if any occur—before we make it a permanent program. Let us experiment with it and have had the opportunity to correct mistakes before they do too much damage. That seems sensible to me and I am surprised that this suggestion does not appeal to the committee.

Mr. GALLAGHER. It is only for 1 year and it has to have an authorization and an appropriation to continue.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Iowa.

Mr. GROSS. If congressional direction is so important why was not this held up until it could have some congressional direction?

Mr. JONAS. If the gentleman will permit me, I understand the committee held only two open hearings, an hour or two on 2 separate days; and we have had 2 hours of debate. I think a matter of this importance deserves more careful consideration than we are giving it before we embark upon a permanent program that even the proponents admit may not work.

Mr. FULTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I believe there is one thing everybody in the House should be agreed on and that is that the continuation of the Peace Corps program should have congressional authorization. I think it has been a wise move of the President to recommend to the Congress this authorization for the setting up of rules concerning the Peace Corps. I want to give notice of an amendment that I shall offer on page 3, line 8. It comes under the paragraph "Authorization."

I believe we would make a mistake at this time to set up the Peace Corps as a permanent Government agency. Therefore, I would add an amendment at the end of line 8: "for a period of 3 years from the date of enactment of this Act."

That means that section 3(a) will read:

The President is authorized to carry out programs in furtherance of the purposes of this Act, on such terms and conditions as he may determine, for a period of 3 years from the date of enactment of this Act.

The reason for this is that the period of enlistment of these volunteers is 2 years. They take 3 months of training in this country and will serve 21 months abroad. That is brought out both in the committee report on page 16 as well as when the Director of the Peace Corps program, Robert Shriver, Jr., appeared before the House Committee on Foreign Affairs on Friday, August 11, 1961.

On page 3 of the hearings on that date before the Committee on Foreign Affairs, in the statement of Mr. Shriver there is this comment:

You will note in our presentation material the buildup of volunteers from the present level of 450 in training to 2,700 in training or abroad by July 1962.

My amendment, therefore, would give a full 2-year period from July 1962 and then 1 year in addition for original buildup so that we would have a full 2-year period for the Congress to look into the program and see how it is working in full operation at the 2,700 personnel level. We must remember that we are going to have a look at the program every year for an authorization and appropriation for current yearly funds. My amendment really goes further because it makes the agency one with an existence for a period of 3 years, unless Congress authorizes a longer period.

From my point of view as a moderate conservative and a progressive I believe that this will get more support; if we open the bill to where we make it a temporary agency on a 3-year basis with an adequate trial program.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield to the gentleman from California.

Mr. BELL. I am a conservative, and I favor this kind of approach. I will vote for this bill with this amendment in it. Let us not rush headlong into this program. It is an experiment. Why not try it for the 3-year period, give it a chance, see if it works, and then we can try something else if it does not. I think we ought to go into this thing, as the gentleman from North Carolina said, not in headlong fashion, but practically.

Mr. FULTON. We have talked this amendment over and I think the gentleman from California [Mr. BELL] could be called a cosponsor of the amendment.

Mr. SEELY-BROWN. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield to the gentleman from Connecticut.

Mr. SEELY-BROWN. Should the gentleman's amendment be accepted, how many volunteers does he anticipate would be in the program for the second and third years?

Mr. FULTON. We would be going on now from the 450 to the 2,700 personnel level which, according to Mr. Shriver in his statement of August 11 before the Committee on Foreign Affairs, they expect to have in training and abroad in July 1962. So my amendment provides a good ample period, of 2 years from July 1962. From the date of buildup, the present, you would have a 3-year period. You would have a 2-year period of full operations after the date of buildup which Mr. Shriver himself says is his peak buildup of 2,700 personnel by July 1962.

I would refer you to page 16 of the committee report regarding the training of volunteers.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FULTON. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

Mr. HAYS. Reserving the right to object, Mr. Chairman, I am not going to object in this instance, but if we want to finish this bill today we are going to have to object to any further extensions after this.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FULTON. I appreciate the gentleman's attitude. I am simply getting the time to make the explanations to questions called for by my amendment.

On page 16 of the committee report it is pointed out:

> Specific training for each project will usually take from 3 to 6 months, most of it spent in the United States but some of it also provided in the country to which the volunteer is sent.

I should like to point out further that neither in the bill nor in the report is there any limit on the time of service of the volunteer, nor is the time of service set. That is done by executive direction. Likewise, the training period is not made a legislative matter but is by executive direction. Under these circumstances, where there are such doubts expressed on the floor, I think it is wise to adopt a 3-year program, based on the statements of Mr. Shriver himself, giving 2 full years of service for each volunteer. Let us see how it works out. If it works out, I for one will certainly give it a go-ahead signal.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield to the gentleman from Illinois.

Mr. COLLIER. Just what could you possibly accomplish with a 3-year limitation that you cannot accomplish by having an annual authorization and appropriation bill?

Mr. FULTON. This bill sets up a permanent agency. The agency would come before the Congress simply for the authorization of money for the agency annually on a fiscal-year basis, but the agency exists from here on, unless a limit is set. My amendment puts a time limit on the agency in which to prove itself. I would say to you that this administration will then be expiring at the time, and it is a pretty good limitation that we bring the issue of the Peace Corps before the American people, and see how it is working.

One thing I want to point out is this: I have served on the House Committee on Foreign Affairs for 14 years, until this year. I went abroad many times and checked installations. We must watch to see that this does not turn out to be a UNRRA, a United Nations Relief and Rehabilitation Administration, because I certainly voted for quick termination of that.

I recommend the wording of this act to have this Peace Corps agency terminated without the Congress taking a further action, and that is why I think we need it on a "try" basis for 3 years.

Mr. COLLIER. Let me ask the gentleman, if I may, what is the difference whether an agency, in fact, exists if there is no authorization and if there is no appropriation? How does the very presence and existence of an agency make any difference?

Mr. FULTON. I have learned that by long experience. Congressman CORBETT, of Pennsylvania, and I went to Europe one year to check on a number of U.S. agencies. We came to Paris, and found at that time, there were 50 separate U.S. agencies in that city alone. Government agencies bloom and bloom, increase and increase, and there is no fall, or winter. They may be dormant but they outlive all of us.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. JOHANSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, when we come to page 10 of the bill, I shall offer an amendment to provide for the requirement of a disclaimer oath in addition to the regular oath already provided in the committee amendment. I take this time, however, to make very clear that while I offer this amendment as a measure of precaution and insurance, I want to make very clear my own position with regard to the Peace Corps proposal.

I am completely opposed to it.

I believe that it represents a mistaken effort to secularize and socialize the type of humanitarian activity abroad long and successfully promoted by missionary movements and nongovernmental philanthropies.

I believe, and have publicly stated, that in my judgment the Peace Corps will prove to be the bureaucrat's dream and the taxpayer's nightmare. I think the increase in the agency's proposed appropriation from the $3 to $10 million figure mentioned at the outset to the $40 million figure now contemplated, plus the request for some 40 positions of supergrade rank and salary, bears out this prediction.

I believe it was an unconstitutional act to initiate this program without congressional authorization and I deeply resent statements made by spokesmen for the Peace Corps as to the moral obligation which the Congress now has to continue the agency. I refer specifically to the statement in a memorandum prepared by the agency:

> For the Peace Corps to be unable to respond to the high expectations which surround it would seriously weaken American prestige abroad. * * * To cut the proposed fiscal year 1962 program of the Peace Corps * * * would represent a serious failure on the part of the Government to meet its responsibility to those who have turned to it from abroad and to the thousands of American citizens who have responded so enthusiastically to its call.

I am further disturbed by the obviously unresolved conflict among the most ardent supporters of the Peace Corps program as to whether or not this agency is an instrument of American foreign policy. On page 16818 of the RECORD, I find the categorical statement that "this program is to be a part of the total foreign policy of the United States, and is to work in harmony with the policy objectives of the Government of the United States as expressed by the Secretary of State."

On page 16825 of the RECORD I find a statement in the agency's own memorandum that "if the Peace Corps appears as an arm of American foreign policy, it cannot make its maximum contribution to our national interests." Indeed, it is even suggested that a certain number of the Peace Corps volunteers be assigned to operate "within a clearly international framework" because "there are, unfortunately, countries in which any activity which lies purely within the auspices of the U.S. Government is the object of grave suspicion and in which the effectiveness of any Peace Corps activity would thus be seriously reduced." I cannot possibly support an agency with respect to which its own most ardent supporters entertain such completely opposite, fundamental policy views.

Mr. Chairman, the distinguished editor and columnist, David Lawrence, has declared that "voluntarism is freedom's greatest vehicle of progress."

It is my judgment that the Peace Corps project, however sincerely motivated its sponsors may be, is a gross betrayal of the principles of true voluntarism.

The tragedy is that it is the young people of the Nation principally who are being involved in this betrayal of voluntarism.

There are not only countless existing nongovernmental agencies, religious and secular, through which highminded, idealistic and dedicated youth can serve their fellow men and the cause of peace throughout the world, there are also virtually limitless possibilities for the development of additional agencies of this type. Such agencies and activities have been and would continue to be a reminder to the people of the world, including the so-called uncommitted people, that government is not the only, or even the most important, vehicle of human progress under freedom.

Through its governmental sponsorship and direction, the Peace Corps conveys an exactly opposite impression and message to these people. However unwittingly or unintentionally, it testifies to the fact that even in America, we are succumbing to the method and spirit of the very totalitarianism we profess to be opposing. This, to me, is the real tragedy of the Peace Corps.

True it was that the Master of men said, "Go ye into all the world." True it was that He urged that there be made every effort to serve, but the same Master of men said, "Render, therefore, unto Caesar the things which be Caesar's and unto God the things which be God's." And it was the same Master who insisted that this missionary effort and service be rendered by people who served God rather than under the dictates of Caesar.

Mr. Chairman, I hope this bill will be defeated.

Mr. HARDING. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am always reluctant to speak on a piece of legislation that did not come from the committee of which I am a member, but I believe that today is a historic day in the United States. I believe that we are acting upon a piece of legislation that history will prove to be the most important single piece of legislation that was enacted by the 87th Congress.

How often have we heard it said of a person, "that to know *him* is to love *him*"? Many of us have found this statement to be true. And, we might paraphrase this statement to apply that to this great country of ours, "that to know America is to love America." I honestly believe that a knowledge of

America is going to be gained throughout the world in two ways through the Peace Corps. I believe that our teachers, our technicians, our engineers, our young people that are going to these foreign countries to help are going to help the people of these countries to know America, the America that we know, the land of the free and the home of the brave.

But, equally as important, I believe that by giving of themselves through this individual service that these people are going to return home with a better knowledge of the meaning of America. It may sound strange to some people, but even after being raised by patriotic parents, going through our public school system, participating in the Boy Scouts, attending Sunday school, and enjoying a great many other of our beloved American institutions, I really learned to know America and love America in Pusan, Korea. There as I boarded a troop train, I looked out of the window and saw a group of Korean children in the street. They were not playing as children play in America. But, as the GI's finished eating their rations they threw their empty cans out the window of the train and these little children would fight for the empty cans in hope of finding something to eat. Often in their haste to get the scraps of food from the jagged tin cans they were cutting their little mouths. I particularly noticed one little Korean boy that was worse off than the rest. Perhaps it was just as well that he had only one leg, because he did not even have a shoe for the foot he did have. He was crippled, he was starving, he was ragged and he was dirty. But, as his little eyes met mine they seemed to say: "You are an American; you are from the land of freedom. You know what it is to go to the church of your choice. You know what it is to have an opportunity for education and to choose your vocation and your profession. You come from a land where your family is united, and where you can decide where you want to live and what you want to be."

Yes, it was from the eyes of this little boy in Korea that I first learned what America really meant to me.

Mr. Chairman, I am sure there are going to be thousands of Americans who go abroad as members of the Peace Corps to devote their lives to serving not only America but also citizens everywhere who are going to come back with a fuller and greater understanding of what this great country means to them.

I am very proud to support this great piece of legislation authorizing the Peace Corps.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on the title and all amendments thereto end in 5 minutes.

Mr. LAIRD. Mr. Chairman, I have an amendment at the Clerk's desk to this particular section.

Mr. GROSS. Mr. Chairman, I object.

Mr. LAIRD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAIRD: Page 1, line 5, after the word "the" strike out "Peace Corps" and insert in lieu thereof "Freedom Corps"; and thereafter insert the words "Freedom Corps" throughout the bill in place of "Peace Corps" wherever it occurs.

Mr. LAIRD. Mr. Chairman, it seems to me that the important thing which faces America as we deal with our friends throughout the world is to instill upon these friends our great desire for freedom. Freedom, it seems to me, is the message that we in America want to carry throughout the world. The key element of our national strength, I believe, is the national character of the United States and the national character of her people. It seems to me that as we face the future it is important that this new program place its major emphasis on the importance of freedom. I cannot support this legislation unless this changed emphasis is accepted by this committee.

Freedom is the important issue which faces all people throughout the world as we face the next decade and the future. It seems to me that mere survival under peace is not the important message we wish to deliver to the world. A society or a nation which trembles at the thought of war and considers peace the all-important thing without giving any consideration to freedom is a doomed society.

The satellites under Communist Russian control survive in slavery; we, too, can survive as a popular novelist pointed out in his recent book, by crawling to Moscow on our bellies. When Communist Russia starts setting for us goals in the economic field or in the spiritual field, it seems to me that decay and decline may have begun to set in here in America.

In England, in Canada, yes, in the United States—some apostles of fear have lost all concept of our national mission for freedom. They think survival at any low level is worthwhile. A prominent British philosopher recently stated that life under Soviet slavery is better than risking a nuclear war. A prominent Canadian political leader recently advocated in the Canadian Parliament that Canada withdraw from the North American Defense Command, because such a commitment might involve the use of nuclear weapons in defense of freedom.

It seems to me that as we face the future the important thing for us to do is to emphasize the desire, the feeling, the commitment that we as a free people, we the people of the United States, have to freedom, and that that is the important emphasis upon which we should pass this legislation.

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin [Mr. LAIRD].

Mr. Chairman, I do not think anybody in the world is against freedom, certainly nobody in this House or nobody on the committee.

This organization is already in existence. It has received widespread, and I would say favorable, publicity under the name of the Peace Corps. That publicity could not be purchased for millions of dollars. If you want to throw away that investment, if you want to throw away what we have by changing the name and starting all over again, that is what this amendment would do. I wonder how much you would have to pay Procter & Gamble to get them to give up the name "Ivory Soap." I wonder what you would have to pay General Motors to get them to give up the name "Chevrolet," and start out with a new name.

Mr. Chairman, this organization is known all around the world as the Peace Corps. If the gentleman from Wisconsin or somebody had dubbed it the Freedom Corps in the beginning, I certainly would have been just as much against changing that name as I am against changing the name that we have now. We have an intangible investment in this name that you cannot measure in dollars, and I would hate to see it thrown away.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. LAIRD].

The amendment was rejected.

The Clerk read as follows:

DECLARATION OF PURPOSE

SEC. 2. The Congress of the United States declares that it is the policy of the United States and the purpose of this Act to promote world peace and friendship through a Peace Corps, which shall make available to interested countries and areas and to international organizations men and women of the United States qualified for service abroad and willing to serve under conditions of hardship to help the peoples of such countries and areas in meeting their needs for manpower; to provide broader opportunities for men and women of the United States and United States private organizations, through service abroad, to contribute actively to their country's efforts in the cause of world peace and friendship; and through the service abroad of the men and women participating in Peace Corps programs, to promote a better understanding of other peoples on the part of the American people and a better understanding of the American people on the part of the peoples served.

With the following committee amendment:

Page 2, strike out lines 2 to 18, inclusive, and insert:

"SEC. 2. The Congress of the United States declares that it is the policy of the United States and the purpose of this Act to promote world peace and friendship through a Peace Corps, which shall make available to interested countries and areas men and women of the United States qualified for service abroad and willing to serve, under conditions of hardship if necessary, to help the peoples of such countries and areas in meeting their needs for trained manpower, and to help promote a better understanding of the American people on the part of the peoples served and a better understanding of other peoples on the part of the American people."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

AUTHORIZATION

SEC. 3. (a) The President is authorized to carry out programs in furtherance of the purposes of this Act, on such terms and conditions as he may determine.

(b) There is hereby authorized to be appropriated to the President for the fiscal year 1962 not to exceed $40,000,000 to carry out the purposes of this Act.

(c) Unexpended balances of funds made available pursuant to chapter III of the

Mutual Security Act of 1954, as amended, and allocated to the Peace Corps agency established within the Department of State pursuant to Executive Order Numbered 10924, dated March 1, 1961, are hereby authorized to be continued available for the general purposes for which appropriated, and may be consolidated with the appropriation authorized by subsection (b) of this section.

With the following committee amendment:

Strike out lines 12 to 19, inclusive.

The committee amendment was agreed to.

Mr. FULTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FULTON: Page 3, line 8, section 3(a) at the end of the sentence add: "for a period of three years from the date of enactment of this Act."

Mr. FULTON. Mr. Chairman, under my amendment section 3(a) will read:

Authorizations. The President is authorized to carry out programs in furtherance of the purposes of this Act on such terms and conditions as he may elect, for a period of three years from the date of the enactment of this Act.

Mr. President, that means that I put a limit on the time of this new agency being in existence, unless Congress extends the life of the agency. What is my precedent for it? The National Defense Education Act had the same policy. Congress was uncertain whether to go ahead on that kind of a program involving many young people of our own in this country. We decided in our wisdom in this House to have a 3-year program of the National Defense Education Act and see how it worked out. Then if it worked well we decided we would go ahead with it. I am using this same policy for this act.

Mr. Chairman, there are many of us moderate conservatives who wonder about the reason for establishing this as a permanent agency all in one fell swoop. Should we not look at it rather in the same way in which we have looked at these national defense education policies for our own young people? As you recall, under the National Defense Education Act at the end of 2 years, it has now been extended without even waiting for the third-year period. I want to point out, too, that at the hearings before the House Foreign Affairs Committee, Mr. ZABLOCKI, said:

It is quite obvious most of the concern in Congress is with the personnel, particularly those in the administration of the agency. Some of us at times wonder if the yogurt and java circuit won't take over.

Mr. SHRIVER. The yogurt and java?

Mr. ZABLOCKI. Those who seem to be on "cloud nine" looking down, and at times way out into space, abundant with theories but way out of touch with what is usually some good, common horsesense.

Mr. FASCELL. I have heard of knife and fork, but I missed out on the yogurt.

So, there was a question in the hearings as to how practical the program would be. We must guard against the program being loosely handled on a "cloud nine" basis.

Mr. Chairman, Mr. Shriver says as to the time of service that the volunteers are to serve 24 months. That period is neither stated in the act nor is it in the committee report as an accepted committee policy recommendation. On page 52 of the Foreign Affairs Committee hearings on the Peace Corps you will find Mr. Shriver saying this in answer to Mr. ZABLOCKI's question:

Mr. ZABLOCKI. The agency has not decided what will happen with the corpsmen after they complete the 24-month tour?

Mr. SHRIVER. Yes, sir, we have decided at the end of 24 months their original, let's say, contract or enlistment, will have terminated, and they will be eligible for return to this country. We have not decided whether or not we would permit them to reenlist for another term. This is a question which obviously is 2 years away. We have a lot of questions that we cannot postpone and we decided the questions we had to decide at the beginning.

So, Mr. Shriver himself is saying that he could not make the decision on tour of service until later.

Mr. Chairman, as a result of my particular amendment you will have this agency in existence for 3 years from the date of enactment of this bill, that will mean some time about the end of September or the 1st of October of this year. The Peace Corps will have 3 months of training in this country for these volunteers and 21 months of service abroad. Under my amendment there will be time to complete a full 2-year term of enlistment of these 450 volunteers as well as the fully recruited Peace Corps, which Mr. Shriver says is going to be increased to 2,700 by July of 1962, according to page 3 of the hearings.

Mr. Chairman, I believe the Congress should use the same form of approach that it used in the National Defense Education Act and keep the same policy for our young people abroad in the Peace Corps. It would then be that in a 2-year period or at the end of 3 years we can take another look at it. There is no doubt that every year this agency must come before this House and get authorization and likewise get appropriations money. So I am not discouraging anybody from volunteering, or they would be discouraged by this annual procedure by which the yearly program must be justified.

But there is also the old, old fable that Government agencies once established, never die, and once you put them into effect without a set time limit, new agencies are there forever. We could never get rid of the agency. I am recommending this course to the people who are for this program, as I am, after some study and some consideration as I have felt some qualms about it, to begin with. I am willing to give the program a good try, to give it a trial on the basis that Mr. Shriver himself has outlined and to authorize the Peace Corps to have not only a full 2-year period of voluntary service but 1 year in addition. My amendment will permit this agency to operate at full strength for a 2-year period, with a 1-year period of original buildup. I hope you will vote for my amendment.

Mr. GALLAGHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, while I can understand the worthwhile purposes of the gentleman from Pennsylvania [Mr. FULTON], I believe this amendment would further complicate the matter and add new considerations to this bill. I might also add that the bill was reported out unanimously. I think one of the reservations many Members had who are in sympathy with the program is that they want to see how the program works. This is the reason we have a program for 1 year and are requesting a year-to-year authorization and appropriation. So that this program is limited to 1 year, and if it is not successful it will fall of its own demerits. I think the additional thought of raising the enlistment to 3 years would be unfair to those who have already made their arrangements for a 2-year enlistment.

We had last week some debate on the moral commitment on programs which were on a multiyear authorization. This bill limits the commitment to 1 year.

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield.

Mr. FULTON. I did not mean to infer that the enlistment would be raised from 2 to 3 years. I think the individual enlistment should be held down and the enlistments should be rotated so that other young people would have the opportunity. I feel the agency should have the opportunity to build up to the strength level that it wants, according to the Director, Mr. Shriver, and have 2 years of operation at full strength before Congress decides what to do with it. That is why I think a 3-year limitation on the agency is wise.

Mr. GALLAGHER. Congress will have this authority next year to decide what to do with it. This is a new concept, and I think we should have a 1-year authorization and appropriation for that purpose. So, Mr. Chairman, I oppose the amendment.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HOFFMAN of Michigan. Mr. Chairman, reserving the right to object, I thought I understood the gentleman from Ohio [Mr. HAYS], to make the statement that the committee wanted to dispose of this bill today. From the little experience I have had, I found the best way to finish a bill was to let Members who wanted to talk on a bill talk. I suggest that we let the debate run along for awhile, let the Members talk themselves out.

Mr. MORGAN. Mr. Chairman, that is perfectly all right with me, but I saw only the gentleman from North Carolina [Mr. JONAS], on his feet. I, myself, was only going to take 1 minute and let the gentleman from North Carolina [Mr. JONAS] take the other 4 minutes.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. MORGAN].

Mr. MORGAN. Mr. Chairman, I rise in opposition to the amendment. This amendment would extend the period for which authorization is provided in the bill from 1 to 3 years, which would certainly involve some sort of a moral commitment by the Congress to provide funds for this program for 3 years. The bill as reported by the committee has a 1-year authorization and requires an annual appropriation. I think the amendment offered by the gentleman from Pennsylvania gives permission for a 3-year trial period. I ask that the amendment be defeated.

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Pennsylvania.

Mr. FULTON. I do not in any way interfere with the 1-year authorization or appropriation, but I certainly feel that the agency itself should have a time limit on it, just as we did in the National Defense Education Act that we all voted for. We wanted a 3-year program to try it out. At the end of 2 years we renewed it. I would be willing to do it on this if it works out.

Mr. MORGAN. I am willing to do it on an annual basis.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Chairman, undoubtedly the Members of the House realize that the opposition to this bill has no hope of defeating it, nevertheless, some of us would like to put our views on record. The gentleman from Idaho made a very, very eloquent plea a while ago about carrying knowledge of our country to people around the world. To me, that seems wholly unnecessary. That conclusion is based on the fact that the gentleman from Pennsylvania [Mr. WALTER] seems to find it necessary to restrict immigration because so many people wish, yes insist, upon coming to and remaining in this country. It is obvious that the people the world over know about this country and its advantages and want to come here. They think there is something better here than anywhere else. So I cannot see anything in that argument.

Then listening to our very able and delightful colleague from Illinois [Mrs. CHURCH], as I listened a couple of days ago to the equally delightful gentlewoman from Ohio [Mrs. BOLTON], I think that if our Nation followed them in all their programs—and God bless the women of the world, none of us would be here if it were not for our mothers, we would not be able to help even ourselves in times of stress much less the people and countries we now wish to aid—their ideas are usually based on sympathy and the desire to help others without giving due regard to our overall ability.

This issue will be decided, as the one on foreign aid was decided emotionally. Thank God, our people are so generous that they do want to do so much for other people throughout the world. But my thought is, and I address my remarks now to my dear colleague from Ohio [Mrs. BOLTON], so faithful in her work, so generous, who wants to help everybody—she should have been a missionary, and as a matter of fact I think she is—but if she keeps on and is successful, I am afraid we will not be able to help them or save ourselves from disaster. Going in the red a million dollars each hour of every 24-hour day as we are, perhaps our women advisers will tell us just how long we can continue to spend and still exist?

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS. Mr. Chairman, I am in favor of this amendment and rise in support of it. While I would prefer to keep this program on a pilot, temporary basis without any permanent features at all until it can be tested and we can take advantage of the mistakes we make and not repeat them, I think the effort on the part of the gentleman from Pennsylvania should be supported because his approach is sound.

During the 5 minutes I had at my disposal earlier I quoted from a pamphlet entitled, "An International Peace Corps," which was prepared by Dr. Samuel P. Hayes. I should like to quote some additional recommendations made as a result of this study, and I read now first from the author's preface, as follows:

> This pamphlet is an extension of a memorandum on "An International Youth Service" prepared by the author in September 1960, at the request of President Kennedy's campaign staff.

I mention that in order to identify the person who prepared this pamphlet.

Then from page 50, I read from section VIII, the following, after making the recommendation that we proceed carefully with this program and explore first what will result from a pilot program, the author says:

> Similarly the report made to President Kennedy on December 30, 1960, by Prof. Max Millikan of MIT recommended that a program be launched on a limited pilot basis with no more than a few hundred members.

Now, that sounds sensible to me and I cannot understand why we do not follow these reasonable recommendations. It would not kill the program, nor would it delay it. The Mutual Security Act contains broad authority for the President to continue the program on a trial or pilot basis and he has sufficient contingence funds available to finance it. After it proves to be effective, as I hope it does, it could be made permanent.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. BELL].

Mr. BELL. Mr. Chairman, I rise in support of this amendment. We all know that when you once set up a bureau, it is likely to continue indefinitely. All this does is just to put it on a temporary basis for 3 years rather than to create another permanent bureau.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FULTON].

The amendment was rejected.

Mr. LAIRD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the chairman of the committee with reference to this authorization for $40 million, is this $40 million for the fiscal year 1962?

Mr. MORGAN. The authorization is for the fiscal year 1962 but contracts with private agencies and universities will be paid for, for a 2-year period out of 1962 funds.

Mr. LAIRD. The reason I ask the question is that in the testimony before the House Committee on Appropriations, the director of the program indicated that $40 million would carry the entire cost for 2 years. I refer to page 85 of the hearings before the House Committee on Appropriations.

Mr. MORGAN. I believe the gentleman is referring to contracts with private agencies and institutions.

Mr. LAIRD. If I may quote from the record of the hearings, in answer to a question by the gentleman from New Mexico [Mr. MONTOYA], Mr. Shriver said:

> Sir, we have that, and what we are asking the $40 million for, which covers the whole cost, is not just for 1 year but forward funding contracts for which we are asking permission to engage in. There is nothing beyond this the Congress has to appropriate.

He goes on a little further and says:

> What we are asking for here is our appropriation covering the 2-year period.

Mr. MORGAN. What the gentleman is referring to is these contracts for a 2-year period. The projects operated directly by the Peace Corps rather than under contract will be financed 1 year at a time.

Mr. LAIRD. How much of the $40 million is in contracts and how much of it is in operations?

Mr. MORGAN. Twenty-six million dollars is for the contracts with private agencies and universities.

Mr. LAIRD. What is the anticipated yearly cost for the operations?

Mr. MORGAN. It would be $14 million for the first year for projects administered by the Peace Corps itself.

Mr. LAIRD. That is $14 million for the first year and $26 million in operational contracts?

Mr. MORGAN. All of the 2-year contracts are included in the $26 million.

Mr. LAIRD. And the next yearly appropriation would be $14 million for operation?

Mr. MORGAN. That would depend upon the number of volunteers. It would depend on the increase in the number of volunteers over the present program.

Mr. LAIRD. Then this is the authorization for the first year, and the authorization for the second year would be in the neighborhood of $14 million or $15 million?

Mr. MORGAN. That would depend on how many volunteers were in the service at that time and on how many additional contracts with universities or private agencies are entered into.

Mr. LAIRD. It would depend upon the number of volunteers?

Mr. MORGAN. It would depend upon the number of volunteers in the service and the number of new contracts.

Mr. LAIRD. And in the second year the funding level would be reduced?

Mr. MORGAN. Yes, it would be reduced if the level of operations is held at about the same level as for 1962.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DIRECTOR OF THE PEACE CORPS AND DELEGATION OF FUNCTIONS

SEC. 4. (a) The President may appoint, by and with the advice and consent of the Senate, a Director of the Peace Corps, whose compensation shall be fixed by the President at a rate not in excess of $20,000 per annum, and a Deputy Director of the Peace Corps, whose compensation shall be fixed by the President at a rate not in excess of $19,500 per annum.

(b) The President may exercise any functions vested in him by this Act through such agency or officer of the United States Government as he shall direct. The head of any such agency or any such officer may promulgate such rules and regulations as he may deem necessary or appropriate to carry out such functions, and may delegate to any of his subordinates authority to perform any of such functions, including, if he shall so specify, the authority successively to redelegate any of such functions.

With the following committee amendment:

Page 4, line 10, strike out the comma and all down through the word "functions" on line 12.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 4, line 13, insert:

"(c)(1) Nothing contained in this Act shall be construed to infringe upon the powers or functions of the Secretary of State.

"(2) The President shall prescribe appropriate procedures to assure coordination of Peace Corps activities with other activities of the United States Government in each country, under the leadership of the chief of the United States diplomatic mission.

"(3) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of the programs authorized by this Act, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

"(d) The Peace Corps shall not perform services which in the opinion of the Secretary of State could more usefully be performed by other available agencies of the United States Government in the country concerned."

Mr. LINDSAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LINDSAY: On page 4, line 15, after the word "State" strike out the period and add the following: "or the other officers of the Department of State appointed by the President by and with the advice and consent of the Senate".

Mr. LINDSAY. Mr. Chairman, the purpose of this amendment, which I made available to the Members on the majority and the minority sides in advance of offering it, is to make sure that there is complete clarity as to the policy functions of the Peace Corps in the State Department structure. I think we would all be in agreement that the Peace Corps is not a policy agency. It is concerned with Peace Corps policy, but it has no function in the formulation of foreign policy. It is subordinate to the policymaking functions of the Department of State.

One of the great difficulties that has occurred in the Department of State over the years has been that there has been a proliferation, multiplication of policy functions, most of them at the same level as Assistant Secretaries of State who are responsible for area policy. I think over the years I must have talked, as I am sure members of this committee have, to many past and present Assistant Secretaries of State who are mostly men who have spent their lives dealing in foreign policy. One of the complaints which they always have, which, of course, they cannot place on the record, is that every time another office is created in the State Department which has no foreign policy function but which is essentially administrative, it is nevertheless placed at the same level. The demarcation lines as to where responsibility lies for foreign policy become less and less clear. This amendment will make it clear that the Director of the Peace Corps and the other administrators are subordinate to the policy officers of the State Department.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. The gentleman can assure us that this is not infringing on the authority of the Secretary of State.

Mr. LINDSAY. Quite the contrary. The amendment is in no way intended to infringe on the powers of the Secretary of State, or of any of the Assistant Secretaries. It is intended to do just the reverse—to secure their powers.

The committee accepts the gentleman's amendment.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the chairman of the committee or someone on the committee a question in connection with this business of who is going to run this organization in foreign countries. As I understand, it is proposed to have junior leaders in foreign countries. I read from page 70 of the hearings before the Appropriations Subcommittee wherein the gentleman from Louisiana [Mr. PASSMAN], the chairman of the subcommittee, questioned Mr. Shriver. Mr. PASSMAN said this:

This is where you get completely out from under control. You propose to set up in these countries a kind of junior embassy separated from our regular Embassy, and these people would need a building, or need space of their own, separate and apart from the U.S. Embassy.

Mr. Shriver replied:

This is what our Ambassadors want.

The question I would like to ask is just what position are these junior leaders to have in connection with this so-called Peace Corps? Just what is going to be their function?

In this bill you give the Secretary of State complete power to control the functions of the Peace Corps, yet you say that the leaders in the foreign countries are not going to be in the embassies, are not going to have any connection with the embassies—at least that is the testimony of Mr. Shriver. Which way is it going to be?

Mr. MORGAN. A volunteer leader is just the foreman in charge of a group of volunteers. He is not the head of Peace Corps operations in a country. The Peace Corps representative in each country is in charge of Peace Corps operations and is responsible to the Ambassador. The Ambassador is under the direction of the Secretary of State.

Mr. GROSS. But apparently according to Mr. Shriver's testimony he is going to be divorced from the Embassy and from the diplomatic staff in that country.

I still do not understand what position this individual is going to occupy in the light of this testimony before the Appropriations Committee.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. GALLAGHER. I would like to read paragraph 2 on page 4 of the bill:

(2) The President shall prescribe appropriate procedures to assure coordination of Peace Corps activities with other activities of the United States Government in each country, under the leadership of the chief of the United States diplomatic mission.

Mr. GROSS. If the gentleman will permit, let me again quote from the hearings. Mr. PASSMAN said:

You are going to rent buildings and office space overseas for these people who are going to be put in the various countries.

Now, then, do I understand that we are going to have to set up offices completely outside the embassies for these leaders in foreign countries.

Mr. GALLAGHER. I do not think the gentleman understands correctly. These people are technicians; they will be in the field. They are merely subject to the jurisdiction of the diplomatic mission.

Mr. GROSS. I am asking whether we are going to have to construct buildings for these so-called junior leaders?

Mr. GALLAGHER. The leader will be subject to the diplomatic head of mission in the counrty. The United States has a permanent building there which represents the United States if need be. Their technicians in these various countries will report there for any orders.

Mr. GROSS. Just one minute. I asked a question, but I do not think I am going to get an answer.

Mr. Shriver said:

This is what our Ambassadors want.

In other words, they want these so-called leaders outside the embassies; they do not want them, apparently, involved in any of their affairs; they want them outside in other buildings and offices that will be built or rented. Is not that the case?

Mr. GALLAGHER. No, sir; they are going to be out in this field, and for

administrative purposes will be subject to the jurisdiction of the head of the diplomatic mission. There are no new buildings involved in this. Paragraph 2 attempts to clarify the point the gentleman raises.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, permit me to ask someone on the committee a question.

On page 23 you will notice the President may appoint to membership on a board. Then there are members of various groups. The gentleman from Iowa referred to the labor unions and then other public and private organizations and groups, as well as individuals, interested in the programs and objectives of the Peace Corps, are mentioned as eligible for appointment to advise and consult with the President.

Now, going back to page 4, at the bottom, you have sections 1, 2, and 3. Can someone give me a shorter statement of who will control this organization abroad? I notice No. 1 says:

> Nothing shall be construed to infringe upon the powers or functions of the Secretary of State.

Then the next one:

> The President shall prescribe appropriate procedures.

The purpose seems to get them to work together. Is that what it is?

Mr. HAYS. That is exactly the purpose of the amendments which were written in by the committee, to try to spell out in the act the coordination that will be necessary to get this organization to work in conjunction with the overall policies of the United States.

Mr. HOFFMAN of Michigan. What effect would that have on this board?

Mr. HAYS. The board on page 23, the gentleman talks about, is the National Advisory Council. That is a council made up, as the language says, from distinguished people in various categories to give advice on what they think the day-to-day operations should be, where they might be put into another direction or where they might be bettered, and so forth.

Mr. HOFFMAN of Michigan. That is just to advise the President?

Mr. HAYS. That is right.

Mr. HOFFMAN of Michigan. They have nothing to do with these other sections, to which the gentleman referred, on page 4?

Mr. HAYS. It is not an operational Board. It is an Advisory Board. Its advice would be given to the President and he may use it as he sees fit.

Mr. HOFFMAN of Michigan. You have these three sections on page 4 which fixes it so we will have some sort of concerted action?

Mr. HAYS. I may say to the gentleman the committee spent a good deal of time on this. The committee was very anxious that this fit into the overall picture, and we think this language will do it.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Michigan.

Mr. JOHANSEN. If the gentleman will look further on page 23, to section 12(b), he will find that the President may appoint to membership a Board to be known as the Peace Corps Career Planning Board persons especially qualified to advise and consult with the President with regard to the development of policies and programs. So there is another Board.

Mr. HOFFMAN of Michigan. May I ask the gentleman, What is the difference between the group appointed under 12(a) and 12(b)?

Mr. HAYS. The difference is, the first group is an Advisory Board, and the second group is what it says, a Planning Board, to help advise and consult with the President when they come back home on where they might possibly use their talents in getting a job in private industry. In other words, to help them get started when they come back to the United States.

Mr. HOFFMAN of Michigan. The Board appointed under (a) tells him what they want, and under (b) how to do it?

Mr. HAYS. No, I would not say that. Under (a) it is an Advisory Board on the operation of the Peace Corps. Under (b) it is an Advisory Board for the use of the young men and women who come back from the field, advising them on how to best use their talents in the civilian economy of the United States.

Mr. HOFFMAN of Michigan. As I read it, it says "persons especially qualified to advise and consult with the President with regard to the development of policies and programs designed to assist the future careers of volunteers."

Mr. HAYS. That is right.

Mr. HOFFMAN of Michigan. That is to take care of the Peace Corps folks after they get back home?

Mr. HAYS. Help them to get started, help them get a job.

Mr. HOFFMAN of Michigan. After they have ended their service with the Peace Corps?

Mr. HAYS. That is right. We have the same setup when people get out of the Army.

Mr. HOFFMAN of Michigan. We create a Peace Corps to help all the other countries, send our people over there to advise them how to think and act—and then we have to have a Planning Board here at home to help these same Peace Corps advising what to do after they get back home.

If the Board which helps the returnees after they have finished their tasks abroad does its job we would seem to have completed the circle.

Mr. HAYS. Well, I think that makes sense.

Mr. HOFFMAN of Michigan. That is where we are.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Iowa.

Mr. GROSS. What is the matter with the employment services in this country?

Mr. HOFFMAN of Michigan. Apparently we just need another agency with more employees.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FULTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to ask certain questions on the bill. The bill applies to U.S. citizens and nationals. Does the word "nationals" mean citizens of Samoa?

Mr. MORGAN. It means people who live in Samoa; yes.

Mr. FULTON. Does it mean the people who live in Puerto Rico?

Mr. MORGAN. They are citizens of the United States.

Mr. FULTON. Does it apply to people who have taken out their first papers for citizenship here, or must they be complete citizens?

Mr. MORGAN. They have to be citizens.

Mr. FULTON. The next point is this: On this kind of national service, is the Peace Corps the kind of service that would qualify for a conscientious objector to serve in case they are held validly to be a conscientious objector by a draft board? I understand that it is civilian employment as far as military service is concerned, and as far as draft boards are concerned. But the question is, Is this type of service under the Peace Corps the kind of national service which will be presumed to be national service for purposes for conscientious objectors who will be entitled to take that as a type of service under the Draft Act?

Mr. GALLAGHER. No, it is not in lieu of military service. If a man qualifies as a conscientious objector for valid reasons, those reasons would not invalidate his service in the Peace Corps.

Mr. FULTON. But is the service in the Peace Corps the type of national service that he can serve under the Draft Act?

Mr. GALLAGHER. No; it is not. It makes no provision for that under this act. So that would not be related in any way.

Mr. FULTON. The next question is this: Suppose somebody becomes disabled in the Peace Corps as a volunteer? Is there any difference between the time of his getting disability payments from the Government as compared with the volunteer leader?

Do you have a different rule on that?

Mr. MORGAN. After the termination of service, in either case.

Mr. FULTON. So; it is the same on both.

The next question is this: What kind of employees are these people, really? Are we setting up a new classification here? It looks to me as if we are setting for the volunteers a new classification because of the fact that they are actually receiving payments of income in kind. On page 7, line 4, subsection 1, there is the following:

> (1) volunteers shall be deemed to be receiving monthly pay at the lowest rate provided for grade 7 of the general schedule established by the Classification Act of 1949, as amended, and volunteer leaders (referred to in section 6 of this act) shall be deemed to be receiving monthly pay at the lowest rate provided for grade 11 of such general schedule; and.

That, of course, means they are not getting the money, but they are given something equivalent thereto. So they are put in a special or simulated classification bracket under the civil service schedule. What kind of an arrangement is this? Is this new in the Government?

Mr. GALLAGHER. They are merely included as employees of the Federal Government for the purposes of this bill and for compensation in the event they should become disabled during their tour of duty.

Mr. FULTON. The gentleman does not mean that they will actually receive pay in kind when they are put under subsection (1) on page 7 as being deemed to be receiving monthly pay at the lowest rate provided for grade 7 on volunteers and grade 11 for volunteer leaders?

Mr. GALLAGHER. The gentleman is correct.

Mr. FULTON. The next question is this: Obviously, these volunteers are going over to areas where they are going to be hard up, and will possibly have to use some of their own money.

If businessmen were in this situation, or if people were traveling professionally, suppose they spent their own extra money for expenses, they would be entitled to a personal income tax deduction. Will these volunteers be entitled to any income tax deduction for any of the money they put in themselves for legitimate expenses that would otherwise, if they were in business, be allowed as income tax deductions as legitimate business expenses?

Mr. GALLAGHER. There is nothing within this act to provide an answer to that question. However, I do think it is a matter that should be handled by the gentleman from Arkansas [Mr. MILLS] who is chairman of the Committee on Ways and Means.

Mr. FULTON. I think we ought to have a ruling on that from people who wrote the act because, the bill says, these volunteers shall be paid a certain amount.

Mr. GALLAGHER. They wrote the act.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. FULTON] has expired.

The question is on the amendment offered by the gentleman from New York [Mr. LINDSAY] to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question is on the amendment as amended.

The committee amendment as amended was agreed to.

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 5, immediately below line 6, insert the following:

"(e) The Peace Corps shall not perform services in any foreign country in which, by reason of law or official policy, any member of the Peace Corps is or will be discriminated against because of his race, creed, or color."

Mr. MORGAN. Mr. Chairman, we have no objection to the gentleman's amendment.

Mr. CONTE. Mr. Chairman, I want to thank the chairman of the committee, and I should like to compliment him and his committee for the diligent work they have done in behalf of this worthwhile piece of legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. CONTE].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 5, line 7:

"PEACE CORPS VOLUNTEERS

"SEC. 5 (a) The President may enroll in the Peace Corps for service abroad qualified citizens and nationals of the United States (referred to in this Act as 'volunteers'). The terms and conditions of the enrollment training, compensation, hours of work, benefits, leave, termination, and all other terms and conditions of the service of volunteers shall be exclusively those set forth in this Act and those consistent therewith which the President may prescribe; and, except as provided in this Act, volunteers shall not be deemed officers or employees or otherwise in the service or employment of the United States for any purpose.

"(b) Volunteers shall be provided with such living, travel, and leave allowances, and such housing, transportation, supplies, equipment, subsistence, and clothing as the President may determine to be necessary for their maintenance and to insure their health and their capacity to serve effectively. Transportation and travel allowances may also be provided, in such circumstances as the President may determine, for applicants for enrollment to or from places of required examinations or training and places of enrollment, and for former volunteers from places of termination to their homes in the United States.

"(c) Volunteers shall be entitled to receive termination payments at rates fixed by the President based upon the number of months of satisfactory service as determined by the President. The termination payment of each volunteer shall be payable at the termination of his service, or may be paid during the course of his service to the volunteer, to members of his family or to others, under such circumstances as the President may determine. In the event of the volunteer's death during the period of his service, the amount of any unpaid termination payment shall be paid in accordance with the provisions of section 61f of title 5 of the United States Code.

(d) Volunteers shall be deemed to be employees of the United States Government for the purposes of the Federal Employees Compensation Act (39 Stat. 742), as amended: *Provided, however,* That entitlement to disability compensation payments under that Act shall commence on the day after the date of termination of service. For the purposes of that Act—

(1) volunteers shall be deemed to be receiving monthly pay at the lowest rate provided for grade 7 of the general schedule established by the Classification Act of 1949, as amended, and volunteer leaders (referred to in section 6 of this Act) shall be deemed to be receiving monthly pay at the lowest rate provided for grade 11 of such general schedule; and

(2) any injury suffered by a volunteer during any time when he is located abroad shall be deemed to have been sustained while in the performance of his duty and any disease contracted during such time shall be deemed to have been proximately caused by his employment, unless such injury or disease is caused by willful misconduct of the volunteer or by the volunteer's intention to bring about the injury or death of himself or of another, or unless intoxication of the injured volunteer is the proximate cause of the injury or death.

(e) Volunteers shall receive such health care during their service, and such health examinations and immunization preparatory to their service, as the President may deem necessary or appropriate. Under such regulations as the President may prescribe, such health care, examinations, and immunization may be provided for volunteers in any facility of any agency of the United States Government, and in such cases the appropriation for maintaining and operating such facility shall be reimbursed from appropriations available under this Act.

(f)(1) Any period of satisfactory service of a volunteer under this Act shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

(A) for the purposes of the Civil Service Retirement Act, as amended (5 U.S.C. 2251, et seq.), section 852(a)(1) of the Foreign Service Act, as amended (22 U.S.C. 1092 (a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

(B) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided,* That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment. Under such conditions as the President may determine, examinations or other prerequisites to employment established by any law administered by the Civil Service Commission may be waived for persons who have completed training under section 8(a) of this Act and have served abroad as volunteers.

(2) For the purposes of paragraph (1)(A) of this subsection, volunteers and volunteer leaders shall be deemed to be receiving compensation during their service at the rates mentioned in subsection (d)(1) of this section.

(g) The President may detail or assign volunteers or otherwise make them available to any entity referred to in paragraph (1) of section 10(a) on such terms and conditions as he may determine: *Provided, however,* That any volunteer so detailed or assigned shall continue to be entitled to the allowances, benefits, and privileges of volunteers authorized under or pursuant to this Act.

(h) Volunteers shall be deemed employees of the United States Government for the purposes of the Federal Tort Claims Act and any other Federal tort liability statute.

(i) The service of a volunteer may be terminated at any time at the pleasure of the President.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment, page 5, line 18, insert "or holding office under".

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment, page 5, line 19, insert: "In carrying out this subsection no

political test shall be required or taken into consideration, nor shall there be any discrimination against any person on account of race, creed, or color."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 6, line 7, strike out "required examinations or".

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 6, line 11, strike out "rates fixed by the President based upon the number of months" and insert "a rate not to exceed $75 for each month".

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 7, line 24, strike out "Under such regulations" and insert "Subject to such conditions".

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 9, line 3, strike out all after the period and down to and including line 9.

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 9, line 12, strike out "rates mentioned in subsection (d)(1) of this section" and insert "respective rates of termination payments payable under sections 5(b) and 6(1) of this Act."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 9, line 16 insert "(3) Under such conditions as the President may determine, examinations or other prerequisites to employment established by any law administered by the Civil Service Commission may be waived for persons who have completed training under section 8(a) of this Act and have honorably and satisfactorily served abroad as volunteers."

Mr. JUDD. Mr. Chairman, I rise in opposition to the committee amendment.

Mr. Chairman, this committee amendment would authorize the waiving of requirements by the Civil Service Commission for Peace Corps volunteers when they come back to this country and perhaps want to get a Government job for which civil service examination and other conditions are required by law. I cannot see any justification for the amendment. If these volunteers are the superior individuals that I hope and believe they are going to be, and if they have gone through the difficult examinations and preparation prescribed, surely they can pass the regular civil service examinations required of other American citizens who want to get Government employment. I do not think it is fair to give these boys special privileges with respect to civil service examinations and requirements that we do not give, for example, to our GI's when they come home. Surely they are not going to be at a disadvantage in getting Government jobs. It seems to me rather insulting to them to suggest that in order to get them into Government service after their broad experience and training we have to waive civil service examinations.

Furthermore, it seems to me this amendment is an unnecessary tinkering with our civil service system to set up a particular elite group who will be exempt from civil service examinations or other prerequisites to Government employment.

Mr. JOHNSON of Maryland. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield.

Mr. JOHNSON of Maryland. Under the provision the waiving by the Civil Service Commission is not mandatory, it is purely optional. There is nothing taken away as to the right of the Civil Service Commission to demand examinations.

Mr. JUDD. That is quite true, but I cannot see any reason why we should want to put even that in the bill. I think it detracts from the stature of these volunteers to have this sop handed to them. I am sure they want to be treated like other citizens.

Mr. JOHNSON of Maryland. Is it not the purpose of this that the examination by the Peace Corps is a much more difficult examination than what the Civil Service Commission gives them?

Mr. JUDD. That is right.

Mr. JOHNSON of Maryland. That is the reason for this.

Mr. JUDD. When men become officers in the U.S. Army, they have gone through West Point or officers' training schools. They also have had much more difficult examinations and have passed them. But we do not pass laws providing that our officers or noncommissioned officers may have civil service examinations waived. I think it gives greater stature to the Peace Corps to eliminate this section.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. The Civil Service Commission itself requested this.

Mr. JUDD. I was told that, but I cannot for the life of me figure out why the Civil Service Commission would request it.

Mr. MORGAN. It is only a simple entrance examination that is being waived. If a candidate wants to qualify for a specialized position, he would have to take the regular examination, as the gentleman from Maryland stated. These are supposed to be merely entrance examinations. That is the justification for this provision.

Mr. JUDD. Does the gentleman believe the Civil Service Commission should set up a series of different categories of American citizens, so that to some citizens we give examinations and for other citizens we waive examinations? Is that the way to get uniform respect for, and uniform standards for our Government employees?

Mr. MORGAN. The Civil Service Commission sets different qualifications for different jobs every day.

Mr. JUDD. That is right.

Mr. MORGAN. Peace Corps volunteers will have already established certain qualifications on which there is no point in examining them again.

Mr. JUDD. The fact that a volunteer passes an entrance examination for the kind of service he is going to render abroad does not necessarily, I would think, mean that he is ipso facto qualified to serve in some government position with quite different skills in this country.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Ohio.

Mr. HAYS. The gentleman from Minnesota misses the point. If this has to do with some specialized position, he has to take it. But I understand, the position of the Civil Service Commission is that all they wanted was to avoid another duplication and to avoid some more paperwork and maybe save a little bit of money. These people will have already taken an examination which is more comprehensive and the Civil Service Commission said, if they have taken that and passed it, it is all right with them and they waive the entrance examination but not the specialist examination.

Mr. JUDD. Again, Mr. Chairman, may I point out that this is another special privilege that we set up for these patriotic youth which detracts from the stature that I believe these volunteers would like to have for their service abroad. So I hope this amendment will be defeated.

Mr. JOHANSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in opposition to this committee amendment as a member of the House Committee on Civil Service. If I understand the plain language of this amendment, it states:

Under such conditions as the President may determine, examinations or other prerequisites to employment established by any law administered by the Civil Service Commission may be waived for persons who have completed training under this act.

As I read that language, it is not limited to the so-called simple entrance examination. It says, "examinations or other prerequisites to employment established by any law administered by the Civil Service Commission." I submit this aura of great sacrifice that supposedly surrounds these volunteers is beginning to wear awfully thin awfully soon. Here we come in with special prerequisites and special privileges. I oppose it both as a matter of sound legislative procedure and as violative of the alleged spirit of this act.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. JOHANSEN. I yield to the gentleman from Minnesota.

Mr. JUDD. It should be noted also that on line 16, it says:

Under such conditions as the President may determine, examinations or other prerequisites for employment may be waived.

Heretofore, to the best of my knowledge, the Congress has always insisted on its determining the conditions of employment and of examinations and other prerequisites for Government employment. Here the Congress is asked to waive not only examination, but its own

control over all laws administered by the Civil Service Commission. As a matter of principle, I believe that is unwise as well as unnecessary.

Mr. JOHANSEN. The gentleman is correct and I agree with him completely.

Mr. Chairman, I urge the defeat of this amendment.

Mr. CURTIS of Massachusetts. Mr. Chairman, I move to strike out the last word, and rise in opposition to the committee amendment.

Mr. Chairman, I am convinced that the last two gentleman who spoke were absolutely correct on this. The committee amendment goes too far in waiving civil service examinations. We are given two excuses for this, and they are not very good excuses. One is that the Civil Service Commission had asked for this. It is not clear why the Civil Service Commission asked for it.

The second excuse is that this waiver is intended to apply only to the general examination. Mr. Chairman, it does not say that. This amendment says that any examination may be waived under any law. If it is intended to be restricted as stated, it should be corrected. If that is not done, the amendment should be opposed.

Mr. KUNKEL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to ask the chairman of the committee or any member of the committee that cares to answer a question. I would like to find out a little bit more about the length of service of the volunteers. As I understand, they go in for 2 years.

Mr. MORGAN. Twenty-four months.

Mr. KUNKEL. And of that 3 to 6 months is spent in training, mostly in this country?

Mr. MORGAN. Three months in training here before they serve 21 months overseas.

Mr. KUNKEL. Then are they legible to reenlist or revolunteer?

Mr. MORGAN. That really has not been decided yet. They do not want these young people to make careers of this service, so it really has not been decided whether there would be any reenlistment or not.

Mr. KUNKEL. But they certainly are not encouraging it.

Mr. MORGAN. They are not encouraging it at present.

Mr. KUNKEL. One of the things that worries me about this bill, it seems to me, is this: If they go in for a short period of time like that, and if they spend 3 to 6 months training in this country and they go overseas and, in general, will have to learn the customs and get their feet on the ground in the new country, just about the time they become useful their services will be terminated.

Mr. MORGAN. Of course, our State Department people are rotated every 2 years, and anybody that spends 2 years in the wilds of Africa should not be required to stay there any longer.

Mr. KUNKEL. I think that is true, but I also think we will have educated them just about that time to the stage where they can be of real benefit and service to the United States, and we lose the benefit of our investment.

Mr. MORGAN. This is a volunteer program, and I certainly feel that the individuals who finish up 2 years should not be forced to stay longer.

Mr. KUNKEL. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield so that I may ask the chairman of the committee a question?

Mr. KUNKEL. I yield.

Mr. GROSS. How many universities or colleges do we presently have contracts with and how much are we spending on those contracts?

Mr. MORGAN. Well, we have contracts with Rutgers, Penn State, Texas Western, Notre Dame, and I believe there is one in California. I am not sure that I have the latest information on this matter.

Mr. GROSS. How much are we spending on those contracts?

Mr. MORGAN. These contracts are not costing very much.

I think up to July 31 of this year the entire cost of the peace program financed out of the contingency fund was about $2 million.

Mr. GROSS. Something over $2 million, was it not?

Mr. MORGAN. The total obligations through July 31, 1961, were $2,900,000.

Mr. GROSS. Quite a little over $2 million. Are we going to train them down at some university in Colombia?

Mr. MORGAN. The Peace Corps volunteer specialists will get some indoctrination in the country when they arrive, mostly in languages and local customs. They will not take university courses in foreign countries.

Mr. GROSS. So we are going to have contracts with foreign universities, if there are any foreign universities?

Mr. MORGAN. There are no contracts with foreign universities of the scope we have with American universities.

Mr. GROSS. Then, the contracts must be with Pennsylvania, Notre Dame, and others in this country; is that right?

Mr. KUNKEL. Mr. Chairman, I refuse to yield further.

I was talking to Mr. Shriver about this program, and the one part of it that makes sense to me is the one in the Philippines where the Corps was going over there to teach the Philippine schoolteachers how to teach English to the Filipinos. There they apparently can get a quick start and really do some fine work right at the start. But, when you get into these other areas in other countries, that is where it bothers me as to whether they are going to be there long enough to really know what they are doing.

Mr. JAMES C. DAVIS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in presenting his reasons for opposing this amendment, the distinguished gentleman from Minnesota [Mr. JUDD] gave some very cogent reasons why, in his opinion, the amendment should not be adopted.

One of the reasons given by the chairman of the Committee on Foreign Affairs as to why this amendment is offered was that this provision applies only to entrance examinations, as I understood his reply, and that for any specialized position there would be no relaxation of the examination requirement.

I am on the Post Office and Civil Service Committee and am fairly familiar with the examinations that are given for civil service positions.

There is no such thing as a general entrance examination into the civil service category.

If you want a job as a letter carrier or a clerk in a post office you take a clerk-carrier examination. Under this amendment that would be waived. After he once gets in, his promotion does not come by further examinations, but he goes to the various levels and steps in the postal service because of giving satisfactory service. So once he is in, once that examination is waived, as it would be here, he is in forever unless he commits some act that causes them to dismiss him.

The same thing applies to other civil service positions. There is no such thing as just standing an entrance examination and then standing another examination before you go to work. Is that what I understood the gentleman to answer in reply to the gentleman from Minnesota?

Mr. MORGAN. Mr. Chairman, there might be a good deal to what the gentleman has said. I do not know civil service procedures as well as he does. We based this provision on what the Executive told us. If the gentleman will note the committee report states that at the present time the only examination waiver contemplated involves the civil service entrance examinations. These examinations are considerably less rigid than those given the Peace Corps volunteers. The committee understood that civil service examinations of officials for specialized or executive positions would not be waived for former Peace Corps volunteers.

Mr. JAMES C. DAVIS. I would say that whoever prepared that language for the report certainly is not familiar with the civil service setup; because it is as I have stated to the gentleman that you stand an examination, for instance, for the postal service, which gets you on the eligible register, and when you are reached on that eligible register the postmaster or the head of the agency then puts you to work. There is no further examination to be taken. So I think somebody has really made some comment in the report or to the committee which is not borne out by the actual provisions of the law and the regulations.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield.

Mr. JOHANSEN. And would not the gentleman, from the conclusion he has reached, strongly recommend that any amendment or legislation of this type ought at least to be cleared with the Committee on Post Office and Civil Service?

Mr. JAMES C. DAVIS. Yes. I think regardless of that, this is a dangerous provision, because it will do what the committee does not intend to do.

Mr. JOHANSEN. I agree with the gentleman.

Mr. JAMES C. DAVIS. I thoroughly support the gentleman from Minnesota in his position.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. I would like to ask the gentleman whether it is not his opinion that the only way to clarify this is to defeat the amendment?

Mr. JAMES C. DAVIS. I thoroughly agree with the gentleman from Pennsylvania, who is the ranking member of the Committee on Post Office and Civil Service.

Mr. MORGAN. Mr. Chairman, after listening to the statement of the Chairman of the Civil Service Committee, as far as the Committee or Foreign Affairs is concerned, we would like permission to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 10, line 4, insert: "*Provided further*, That the President may waive, with respect to any volunteers assigned or detailed to international organizations, such provisions of this Act relating to volunteers as he determines to be necessary to carry out the purposes of this Act."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: On page 10, line 12, after "tort liability statute" insert a comma and the following: "and for the purposes of section 1 of the Act of June 4, 1920 (41 Stat. 750), as amended (22 U.S.C. 214)".

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 10, immediately after line 15, insert the following new subsection:

"(j) Upon enrollment in the Peace Corps, every volunteer shall take the oath prescribed for persons appointed to any office of honor or profit by section 1757 of the Revised Statutes of the United States, as amended (5 U.S.C. 16)."

Mr. JOHANSEN. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHANSEN to the committee amendment: On page 10, line 19, immediately after the period insert the following:

"In addition every volunteer shall take the following oath:

"'I, A. B., do solemnly swear (or affirm) that I do not believe in and am not a member of and do not support any organization that believes in or teaches the overthrow of the United States Government by force or violence or by any illegal or unconstitutional method.' The provisions of Section 1001 of Title 18, United States Code, shall be applicable with respect to such affidavits."

Mr. JOHANSEN. Mr. Chairman, the purpose of my amendment is simple and obvious.

It would require of volunteers for the Peace Corps the identical disclaimer required of persons receiving benefits under the National Defense Education Act.

As is also the case with beneficiaries of the National Defense Education Act, this amendment would require this disclaimer in addition to the regular oath prescribed for persons appointed to any office of honor or profit.

The reference in my proposed amendment to the provisions of section 1001 of title 18, United States Code, should be made very clear to the House. This relates to the penalty provision for making a false statement in this affidavit. It provides for a fine of not more than $10,000, imprisonment for not more than 5 years, or both.

I am well aware of the anguished outcries which may be expected from self-styled liberals in opposition to this amendment.

It will be charged that this amendment is aimed at the high-minded, idealistic, and splendid individuals who are eager to serve humanity through this new agency.

Nothing, of course, could be further from the truth.

There can certainly be no question that the Peace Corps, if perpetuated by the Congress, will be an ideal target for penetration and infiltration by members of the Communist conspiracy.

This proposed amendment is directed at such subversives and any other persons who believe in and are dedicated to the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional methods and no one else.

I am thoroughly familiar with the argument that persons of this ilk have no scruples against perjury. I am also well aware that these persons do have very strong scruples against subjecting themselves to the penalties of perjury.

I strongly urge the adoption of this amendment in order to provide a maximum incentive to the enemies of this country not to undertake to penetrate this organization.

I am frank to say that I also urge this amendment with the further hope that it will discourage those fuzzy-minded individuals who find it difficult to accept such a disclaimer from attempting to join this organization. In view of the intimate relationship which these volunteers may be expected to have with the peoples of other countries, I believe the interests of the United States are poorly served by recruiting Peace Corps members who have alleged conscientious scruples against disclaiming and repudiating the evil conspiracy I assume the Peace Corps is designed to oppose.

In this connection, I should like to refer to a related matter which greatly concerns me.

There have been both news reports and statements by some Members of Congress which indicate that volunteers for the Peace Corps are "cleared" by the Federal Bureau of Investigation.

This, of course, is completely untrue and I suppose is attributable either to an honest misunderstanding or a careless use of words.

I want to make very clear that there has not been, to my knowledge, any effort by Mr. Shriver or any officials of the Peace Corps to contribute to this false impression. On the contrary, in response to a direct question which I asked the Director of the Peace Corps when he appeared before the Manpower Utilization Subcommittee, Mr. Shriver answered forthrightly and correctly.

My colloquy with Mr. Shriver follows:

Mr. JOHANSEN. On the FBI field check, does the FBI evaluate its findings?

Mr. SHRIVER. It is my understanding the FBI never evaluated their findings.

Mr. JOHANSEN. Who does evaluate the findings that are the result of this field check?

Mr. SHRIVER. The agency to which they are submitted, in our case us, and in the case of another agency, it would be them.

Mr. JOHANSEN. Who in your agency has that specific security responsibility?

Mr. SHRIVER. I have it. The Director of the agency, I think, always has it. I think it is proper for you to delegate it, at least to one person, and some of the preliminary reports are looked over by one of the members of our legal department. In any case, where there is any question of any kind whatsoever, it comes to my personal attention.

Mr. ROUSSELOT. To whom in your proposed agency do you intend to delegate this authority?

Mr. SHRIVER. The General Counsel.

Despite this and other specific denials that the FBI "clears" volunteers——

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. JOHANSEN. Mr. Chairman, I ask unanimous consent to proceed for 1 minute.

Mr. HAYS. I object.

Mr. JOHANSEN. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. JOHANSEN moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. JOHANSEN. Mr. Chairman, I have no desire to delay interminably the debate on this issue, but this goes to security matters and, as far as the gentleman from Michigan is concerned he is not going to be gagged when it comes to discussion of that particular subject.

Mr. Chairman, despite this and other specific denials that the FBI "clears" volunteers for the Corps——

Mr. HAYS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HAYS. The gentleman from Michigan [Mr. JOHANSEN] is reading from his prepared speech about his amendment. He is not talking about his amendment to strike the enacting clause.

The CHAIRMAN. The Chair desires to inform the gentleman from Ohio that the entire bill is open for amendment and open for debate on this portion. The gentleman from Michigan will proceed.

Mr. JOHANSEN. Mr. Chairman, despite these statements there has grown up this popular and mistaken impression that the FBI actually passes on the loyalty or security of the volunteers.

I, of course, recognize that my own strenuous opposition to this program may very well not be decisive. It is for this reason that I have offered this amend-

ment. If we are to have this agency, I want to make it as secure as possible against penetration and infiltration by Communists and subversives.

I would think that the high-minded and sincere—though in my judgment sadly mistaken—supporters of this program would welcome every possible means of safeguarding against this disastrous contingency.

Under permission to insert extraneous material at the conclusion of my remarks on my amendment, I include the following excellent editorial from the August 25 Battle Creek (Mich.) Enquirer and News:

PEACE CORPS FACES TEST

The controversial Peace Corps project has finally arrived at the point where it should have started—in Congress. Although President Kennedy did—on March 1—call upon Congress to establish the Corps, at the same time he issued an Executive order that, to all intents and purposes, launched the program without congressional approval.

As a result, several hundred young people are now being trained for voluntary service overseas, at public expense, and the entire concept of the Corps has mushroomed from a modest operation into another bureaucratic project. The original estimate of cost was put at no more than $10 million a year. Within 4 months, the Corps Director, Sargent Shriver, was asking a budget of $40 million.

At the moment, the Corps is being financed by funds from the foreign aid program. It would be interesting to know how much money has already been spent even before Congress has had an opportunity to decide whether or not there will be a Peace Corps.

It is quite interesting to note that one of the Senate's most internationally minded Democrats, Chairman FULBRIGHT of the Foreign Relations Committee, has expressed "misgivings" about the Peace Corps. Senator FULBRIGHT also voted in committee to slash the $40 million appropriation request by $15 million. The Senator says he is worried about the lack of discipline and control Mr. Shriver would have over volunteers in the Corps, who might "disagree publicly with the position of their Government."

Senator FULBRIGHT's concern is shared by millions of Americans. As the program has been outlined, there does seem to be a glaring dearth of any strong discipline or control over Corps volunteers. While a regular civil service employee or high-level member of the diplomatic corps may be fired for any indiscreet comment, Senator FULBRIGHT fears rightly that Peace Corps members "might merely give free reign to the right of American citizens to disagree with their Government," a matter that could do serious damage to the United States.

Senator CARL T. CURTIS, Republican of Nebraska, has also raised an intriguing question that will leave the average citizen somewhat baffled until it is explained. Senator CURTIS contends that Peace Corps personnel be required to speak the language of the country to which they are assigned. We were under the firm impression that this was a requirement. Does the Senator have information to the contrary? If he does the Senator certainly should be asked to explain why this mistake was made. One of this country's greatest handicaps in its relations with other nations has been the inability of many oversea personnel to speak the national language.

Before the Peace Corps gets through Congress, it may encounter a rough time. There is no indication that it will be blocked entirely, but it is sincerely to be hoped that it will be scrutinized closely and that Congress will correct any faults that exist in it now. There is one matter that needs close attention above all. A loyalty oath to the United States, and provision for more data on an applicant's background—neither of which are provided for now—must be included in the Peace Corps requirements.

Mr. HOFFMAN of Michigan. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I would like to ask the gentleman from Ohio about this: On page 5, section 5(a) there is a provision which is similar to the one on page 10, section 6, which permits the President to enroll nationals.

Who comes under that provision?

Mr. HAYS. It is my understanding that people who live in the Samoan Islands are considered nationals. That is a possession of the United States. They have a special category which is not citizenship.

Mr. HOFFMAN of Michigan. And what other places?

Mr. HAYS. Well, there is one other little island—some little island, the name of which I do not recall, but which is located down there. However, it is really a part of the Samoan group.

Mr. HOFFMAN of Michigan. Just a little island?

Mr. HAYS. It belongs to the United States.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Pennsylvania.

Mr. WALTER. A national is a citizen and a native.

Mr. HOFFMAN of Michigan. No; it says "citizen of the United States" and then it adds "nationals."

Mr. WALTER. Well, that means a person who is naturalized as distinguished from one who is a native-born citizen of the United States.

Mr. HOFFMAN of Michigan. Is there a difference between a citizen and a national?

Mr. WALTER. That is the difference.

Mr. HOFFMAN of Michigan. Who is the national?

Mr. WALTER. The native is the person born in the United States. The national is a citizen who acquires citizenship not by birth but through legal proceedings.

Mr. HOFFMAN of Michigan. Then a national to obtain employment or be a member of the Peace Corps must be a citizen?

Mr. WALTER. A national is a citizen.

Mr. HOFFMAN of Michigan. Then on page 10 it says this—and I am asking this of the gentleman from Ohio [Mr. HAYS]:

Volunteers shall be deemed employees of the United States Government for the purposes of the Federal Tort Claims Act.

Under that if someone who lived on one of these islands, who is a national, had an automobile accident, injured someone else, would the U.S. Government be liable if he was guilty of negligence?

Mr. HAYS. Not if he was guilty of negligence.

Mr. HOFFMAN of Michigan. I mean the person operating the automobile.

Mr. HAYS. If he were a member of the Peace Corps he would be treated the same as anybody else.

Mr. HOFFMAN of Michigan. That is to say, all of these people who come in under this Peace Corps, we are responsible for their negligence, is that right? This creates a liability.

Mr. HAYS. In a foreign country, the same as anybody else; it is no different than in the case of any other employee of the Government.

Mr. GROSS. Mr. Chairman, will the gentleman yield for a question?

Mr. HOFFMAN of Michigan. I yield.

Mr. GROSS. If these Peace Corps volunteers or anyone connected with the Peace Corps gets in trouble in a foreign country, in what court will he be tried—in the court of the foreign country?

Mr. HAYS. I would assume they would be tried in a foreign court. They do not have diplomatic immunity.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Michigan [Mr. JOHANSEN].

The preferential motion was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan to the committee amendment.

Mr. JUDD. Mr. Chairman, I offer a substitute amendment.

The CHAIRMAN. Is the gentleman's amendment a substitute for the committee amendment?

Mr. JUDD. It is a substitute for the amendment offered by the gentleman from Michigan.

The CHAIRMAN. The Chair informs the gentleman that that would be an amendment in the third degree and would not be proper at this time.

Mr. JUDD. Mr. Chairman, may I offer my amendment as an amendment to the amendment?

The CHAIRMAN. The Chair informs the gentleman that would still be in the third degree and therefore it would not be proper to offer it at this time.

Mr. JUDD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I hope that the amendment of the gentleman of Michigan will be voted down, in which case I shall offer the amendment I am now denied the opportunity to offer because of the parliamentary situation. The gentleman has offered as his amendment, the same disclaimer, I understand, that is in the National Defense Education Act. We all know there has been a great deal of controversy about that. From the letters that have come to me, it appeared that most of the objection from educational institutions and their students and professors was not to taking the oath of loyalty, but to the disclaimer which required disclaiming beliefs as contrasted with acts.

I originally prepared my amendment—I did not expect this matter to come up today—to offer to the National Defense Education Act, but it did not prove necessary because of similar changes already adopted in committee. What my proposed substitute would do,

if you vote down the amendment offered by the gentleman from Michigan, is merely to require that all volunteers execute the same disclaimer that our own congressional employees execute when they sign this personnel affidavit which I hold in my hand. Let me read it, and you will see the difference between it and the pending amendment:

No person shall accept or hold office or employment in the Government of the United States or any agency thereof, including wholly owned Government corporations—

(1) advocates—

That is, who himself advocates—

the overthrow of our constitutional form of government in the United States;

(2) is a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates.

It does not try to police anyone's beliefs; it does require that he not advocate the overthrow of our constitutional form of government, and that he not wittingly belong to any organization which so advocates, knowing that it so advocates.

It seems to me that if we require them to take the same oath and disclaimer that all our own employees take, that should protect the Corps against infiltration and in no sense suggest any reflection upon the character and loyalty of Peace Corps volunteers, any more than it reflects upon the honor and loyalty of the employees in our own offices. It will accomplish exactly what the gentleman from Michigan is trying to accomplish, without getting into the very controversial field of alleged thought control or reflection on persons who may have joined front organizations without knowing their subversionary character.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. May I say to the gentleman I join him in his opposition to the amendment offered by the gentleman from Michigan. Our committee will be happy to accept the gentleman's amendment when it is offered. The principle of the disclaimer is an offensive one. I therefore urge that it be defeated.

Mr. JUDD. I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield.

Mr. THOMPSON of New Jersey. In its deliberations this year the Committee on Education and Labor in considering the amendments to the National Defense Education Act in its approach to this subject accepted an amendment similar to the amendment offered by the gentleman from California [Mr. HIESTAND] rather than the somewhat inflammatory language in the amendment offered by the gentleman from Michigan.

Mr. JUDD. I trust the committee will vote down the amendment offered by the gentleman from Michigan. We all understand what he is trying to do. If we vote down his amendment, my amendment will be in order, and I believe will accomplish the desired result in a better way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. JOHANSEN] to the committee amendment.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. JOHANSEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. JOHANSEN and Mr. HAYS.

The Committee divided, and the tellers reported that there were—ayes 76, noes 127.

So the amendment was rejected.

Mr. JUDD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JUDD: On page 10, line 19, add the following:

"In addition, every volunteer should execute and file with the Director an affidavit that he does not advocate the overthrow of our constitutional form of government in the United States and that he is not a member of an organization that advocates the overthrow of our constitutional form of government in the United States knowing that such organization so advocates; and".

Mr. MORGAN. Mr. Chairman, the committee accepts the gentleman's amendment.

Mr. JUDD. Mr. Chairman, there is a technical correction to be made. The word "and" at the end of the amendment should be stricken, and I ask unanimous consent that the amendment be corrected to strike out the word "and" and insert a period.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Ohio.

Mr. BOW. Does the gentleman from Minnesota intend his amendment to read as the Clerk just read it that every volunteer "should" execute, and so forth or "shall" execute, and so forth?

Mr. JUDD. The word is "shall".

Mr. BOW. As the Clerk read the amendment, it reads "should."

Mr. JUDD. Mr. Chairman, the word should be "shall".

Mr. Chairman, I ask unanimous consent that the amendment be corrected so as to read "shall" execute, and so on.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BOW. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. JUDD: On page 10, line 19, add the following:

"In addition every volunteer shall execute and file with the Director an affidavit that he does not advocate the overthrow of our constitutional form of government in the United States, and that he is not a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. JUDD].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PEACE CORPS VOLUNTEER LEADERS

SEC. 6. The President may enroll in the Peace Corps qualified citizens or nationals of the United States whose services are required for supervisory or other special duties or responsibilities in connection with programs under this Act (referred to in this Act as "volunteer leaders"). Except as otherwise provided in this Act, all of the provisions of this Act applicable to volunteers shall be applicable to volunteer leaders, and the term "volunteers" shall include "volunteer leaders": *Provided, however,* That—

(1) members of families of volunteer leaders may receive such living, travel, and leave allowances, and such housing, transportation (including transportation for personal and household effects), subsistence and clothing as the President may determine;

(2) members of the families of volunteer leaders accompanying them may receive such health care as the President may determine and upon such terms as he may determine, including health care in any facility referred to in section 5(c) of this Act, subject to such regulations as the President may prescribe and subject to reimbursement of appropriations as provided in section 5(c); and

(3) members of the families of volunteer leaders accompanying them may receive such orientation, language, and other training as the President may determine.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment on page 10, line 25 after the period insert: "The ratio of the total number of volunteer leaders to the total number of volunteers in service at any one time shall not exceed one to twenty-five."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment on page 11, strike out line 8 and all that follows down through line 23, and insert in lieu thereof the following:

"(1) volunteer leaders shall be entitled to receive termination payments at a rate not to exceed $150 for each month of satisfactory service as determined by the President;

"(2) spouses and minor children of volunteer leaders may receive such living, travel, and leave allowances, and such housing, transportation, subsistence, and essential special items of clothing, as the President may determine, but the authority contained in this paragraph shall be exercised only under exceptional circumstances;

"(3) spouses and minor children of volunteer leaders accompanying them may receive such health care as the President may determine and upon such terms as he may determine, including health care in any facility referred to in section 5(e) of this Act, subject to such conditions as the President may prescribe and subject to reimbursement of appropriations as provided in section 5(e); and

"(4) spouses and minor children of volunteer leaders accompanying them may receive such orientation, language, and other training necessary to accomplish the purposes of this Act as the President may determine."

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to ask the chairman of the committee or some-

body connected with the committee what this is going to entail, this language training, by way of expense, when you go to dependents and minor children of dependents. Is this going to amount to a revival of the old deal over on the French Riviera where it was found that dependents and others were running up a huge bill for the ICA or the State Department, which was giving them language training?

Mr. HAYS. Mr. Chairman, if the gentleman will yield, up to now, in the first place, this only applies to volunteer leaders.

Mr. GROSS. I understand that.

Mr. HAYS. In the second place, none of the volunteer leaders up to the present time have been married or have dependents, but it is thought that probably there might be some people that they would like to have who would have wives and minor children, and we could not ask them to go abroad for 2 years and leave them behind any more than you can ask that of a clerk in the embassy department.

Mr. GROSS. The gentleman misses the point.

Mr. HAYS. No; I do not think I am missing the point.

Mr. GROSS. I am dealing with paragraph 4, page 12, line 17, language training and orientation for dependents and members of their families. What kind of a bill of expense are we getting into here?

Mr. HAYS. We will not get into any, because it is only going to be used when they have schools ready and they can accommodate these people without any extra cost or displacing anybody.

Mr. GROSS. That is not what the bill says. The bill does not place any limitation on them at all. They could revive the old deal they had on the French Riviera where a lot of them never had it so good for so long at so much expense to the American taxpayer. The gentleman from New York [Mr. ROONEY] can tell you about that deal, and I do not want to see a revival of that. I would like to see some limitation in this bill.

Mr. HAYS. I tried to tell the gentleman that if the school is in existence and they can take them in without crowding anybody else out, that will be the purpose. I think language training is very important.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Minnesota.

Mr. JUDD. This is only for spouses of volunteer leaders, and thus far they have not chosen any volunteer leader who is married.

Mr. GROSS. One leader for every 25 recruits, and if they get 10,000 recruits, as Mr. Shriver wants, you are going to have a lot of volunteer leaders and a lot of dependents accompanying these people overseas.

Mr. JUDD. Let me say this to the gentleman, that sometimes our diplomatic and foreign aid personnel have failed overseas, because the wives and children lived in special conditions or ways which to some extent undid the work that the dedicated husbands accomplished. We are learning, belatedly, that proper attitudes, language skills, and so forth, on the part of wives and children in these countries are just as important in winning the confidence and good will of people as the proper attitudes and technical abilities on the part of the men themselves.

Mr. GROSS. Did the gentleman ever read the story of the language training on the Riviera?

Mr. JUDD. Yes; I am perfectly familiar with that.

Mr. GROSS. Did the gentleman approve that?

Mr. JUDD. No, I did not.

Mr. GROSS. This bill is a delegation of power to the bureaucrats to spend money, to give a lot of people all the good things of life. I wonder when the gentleman from Minnesota is going to be interested in giving some of the finer things of life to the people, the taxpayers, who have to pay the bills for all these foreign boondoggles.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. Without objection, the Committee amendment is agreed to.

There was no objection.

Mr. TABER. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I wonder how far we are going to go in passing by the lessons of history. I am reminded of the National Youth Administration, a setup that we had here back in the days of Mr. Roosevelt. It completely demoralized thousands and thousands of young men and young women. This thing is set up in about the same way except for the individuals being sent to live with families and peoples in other countries.

I wonder how much we can take. Are we going to learn nothing from experience? Are we going to take ourselves out of the job of trying to do something which is right for the people of the United States?

Frankly, I hope that the membership of the House will appreciate just the kind of situation they are taking the American people into and all these young men and young women into and that they will head this thing off before it passes.

This is one of the very worst things that I have seen in my experience in this Congress, and I hope that the membership of the House will have some sense as they approach this problem and will try to keep it from getting to a point where it will demoralize all these people the way the other outfit did.

PROGRAM FOR THE BALANCE OF THE WEEK

Mr. HALLECK. Mr. Chairman, I move to strike out the last word, and take this time only to inquire of the acting majority leader while a majority of the Members are present what he can tell us about the program for the rest of today and the balance of the week.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman.

Mr. ALBERT. We have, of course, previously programed for today both the bill presently under consideration and H.R. 6360, providing an additional Assistant Secretary of Commerce. We do not know at this time whether we will be able to finish the program for today or not, but certainly we hope we will be able to finish the Peace Corps bill. The other bill will follow tomorrow or later in the week if we do not reach it today.

For tomorrow and Saturday—and I must advise the House that we are going to have important business on Saturday and have a heavy legislative schedule for the balance of the week—first of all, as previously announced, tomorrow we will call the supplemental appropriation bill, 1962, H.R. 9169.

H.R. 7927, to adjust the postal rates.

House Resolution 455, providing for sending H.R. 2010, extending the Mexican farm program, to conference.

These bills may not necessarily be called in the order in which I have announced them.

H.R. 9188, to establish a U.S. Arms Control Agency, sometimes called the Disarmament Agency; and

House Joint Resolution 569, French agreement for cooperation with the United States.

Conference reports may be brought up at any time. Another program may be announced later.

Mr. BONNER. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from North Carolina.

Mr. BONNER. I would like to call the gentleman's attention to the dual-rate conference system bill, as it is known, having to do with the regulation of ocean transportation, and which was considered in the House last June or July. It has to do with the regulation of ocean transportation. The Senate has just acted on it today and has amended the bill that the House passed. Some time previous, about 2 weeks ago, the House, as the result of a Supreme Court decision, passed a resolution holding in abeyance the conference rates and dual-system provisions until the Congress could act. The resolution that was passed expires on the 15th of this month, tomorrow night.

It is my understanding that the Senate will amend a bill that has been passed by the House and is now in the Senate providing for an additional extension of the conference rate and dual-rate system, and that it will be brought over here tomorrow. That is the reason I have asked the majority leader if he will agree to give that attention, because if it does not take place tomorrow it will be impossible for the House to go to conference with the Senate and bring back this dual-rate bill. There will be some disputes in conference on this.

Mr. ALBERT. May I advise the gentleman, I will be happy to discuss the matter with the gentleman, and will endeavor, if possible, to accommodate him. I have said conference reports may be brought up at any time.

Mr. BONNER. It will not be a conference report. It will be agreeing to an amendment which the Senate has added to a bill that the House has passed. It will take only a short time, there is no controversy.

Mr. ALBERT. Speaking for myself, I anticipate no difficulty. We have made the reservation that any further program may be announced later, and I will endeavor, if possible, to accommodate the situation to which the gentleman refers.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Arkansas.

Mr. HARRIS. Mr. Chairman, of course I understood the statement of the majority leader which he just made with reference to the announcement of any additional program. But I would like to inquire at this time, if unanimous-consent agreement can be reached by both sides, may we call up a matter if there is time tomorrow or Saturday?

Mr. ALBERT. The answer to that is "Yes."

Mr. HALLECK. I might say some on our side of the gentleman's committee have spoken to me about one measure they would like to get up tomorrow. If by unanimous consent it can be cleared, it should be disposed of.

Mr. ALBERT. Senate amendments to bills and conference reports may be called up if time permits.

Mr. HARRIS. I thank the gentleman.

The Clerk read as follows:

PEACE CORPS EMPLOYEES

SEC. 7. (a) The President may employ such persons, other than volunteers, as the President deems necessary to carry out the provisions and purposes of this Act. Except as otherwise provided in this Act, such persons (hereinafter sometimes referred to as "employees") shall be employed in accordance with and shall be subject to the laws applicable to personnel employed by the United States Government.

(b) Of the persons so employed in the United States in activities authorized by this Act, not to exceed forty may be compensated without regard to the provisions of the Classification Act of 1949, as amended, of whom not to exceed thirty may be compensated at rates higher than those provided for grade fifteen of the general schedule established by the Classification Act of 1949, as amended, and of these not to exceed two may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year. Such positions shall be in addition to those authorized by section 4(a) of this Act to be filled by Presidential appointment, and in addition to the number authorized by section 505 of the Classification Act of 1949, as amended.

(c) For the purpose of performing functions under this Act outside the United States, the President may—

Mr. JAMES C. DAVIS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JAMES C. DAVIS. Mr. Chairman, I have an amendment to section (b), page 13. Is this the proper time to offer that amendment or at the conclusion of the reading of the section?

The CHAIRMAN. The Chair desires to inform the gentleman it will be proper and in order at the end of the reading of the section.

Mr. JAMES C. DAVIS. I thank the gentleman.

The Clerk read as follows:

(1) employ or assign persons, or authorize the employment or assignment of officers or employees of agencies of the United States Government, who shall receive compensation at any of the rates provided for persons appointed to the Foreign Service Reserve and Staff under the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), together with allowances and benefits thereunder; and persons so employed or assigned shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of the employment or assignment exceeds thirty months, to the same benefits as are provided by section 528 of that Act for persons appointed to the Foreign Service Reserve, and the provisions of section 1005 of that Act shall apply in the case of such persons, except that policymaking officials shall not be subject to that part of section 1005 which prohibits political tests; and

(2) utilize such authority, including authority to appoint and assign persons for the duration of operations under this Act, contained in the Foreign Service Act of 1946, as amended, as the President deems necessary to carry out functions under this Act. Such provisions of the Foreign Service Act as the President deems appropriate shall apply to persons appointed or assigned under this paragraph, including in all cases, the provisions of section 528 of that Act: *Provided, however,* That the President may by regulation make exceptions to the application of section 528 in cases in which the period of the appointment or assignment exceeds thirty months: *Provided further,* That Foreign Service Reserve officers appointed or assigned pursuant to this paragraph shall receive within-class salary increases in accordance with such regulations as the President may prescribe: *Provided further,* That under this paragraph the President may initially assign persons for duty within the United States for periods not to exceed four years prior to assignment for duty abroad.

(d) The President is authorized to prescribe by regulation standards or other criteria for maintaining adequate performance levels for persons appointed or assigned pursuant to subsection (c)(2) of this section and section 527(c)(2) of the Mutual Security Act of 1954, as amended, and may, notwithstanding any other law, separate persons who fail to meet such standards or other criteria, and also may grant such persons severance benefits of one month's salary for each year of service, but not to exceed one year's salary at the then current salary rate of such persons.

(c) The President may maintain special missions or staffs abroad in such countries and for such periods of time as may be necessary to carry out the purposes of this Act. Each such special mission or staff shall be under the direction of a chief, who shall be appointed by the President and may, notwithstanding any other law, be removed by the President at his discretion. The chief shall be entitled to receive (1) in cases approved by the President, the same compensation and allowances as a chief of mission, class 3, or a chief of mission, class 4, within the meaning of the Foreign Service Act of 1946, as amended, or (2) compensation, allowances, and benefits applicable to persons employed or assigned in accordance with subsection (c) of this section, as the President shall determine to be appropriate.

With the following committee amendments:

Page 14, line 12, after the word "tests", strike out the word "and".

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 15, strike lines 4 to 7 and insert the following: "prescribe; and".

"(3) specify which of the allowances and differentials authorized by title II of the Overseas Differentials and Allowances Act (5 U.S.C. 3031 et seq.) may be granted to any person employed, appointed or assigned under this subsection (c) and may determine the rates thereof not to exceed those otherwise granted to employees under that Act."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 16, strike lines 1 to 15, inclusive, and insert the following:

"(e) In each country or area in which volunteers serve abroad, the President may appoint an employee or a volunteer as a Peace Corps representative to have direction of other employees of the Peace Corps abroad and to oversee the activities carried on under this Act in such country or area. Unless a representative is a volunteer, the compensation, allowances, and benefits and other terms and conditions of service of each such representative shall be the same as those of a person appointed or assigned pursuant to either of the paragraphs of subsection (c) of this section, except that any such representative may, notwithstanding any provision of law, be removed by the President in his discretion. Volunteers may also be assigned to duty on the staff of such representatives to serve in accordance with the provisions of section 5 of this Act."

The committee amendment was agreed to.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like the attention of the gentleman from Ohio [Mr. HAYS].

On page 11 and on page 12 there are certain provisions authorizing the payment to volunteers of sums that may be authorized or directed or determined by the President. Then, over on the page which has just been read, page 16, there is a statement to the effect that the President may appoint an employee or a volunteer.

Is there any distinction between an employee and a volunteer when we apply the provisions on page 12?

Mr. HAYS. Well, there is a difference because the people who administer the act are under civil service, and the volunteers are not. So there is a difference.

Mr. HOFFMAN of Michigan. The volunteers do not get these payments, or do they?

Mr. HAYS. The volunteers get the $75 a month.

Mr. HOFFMAN of Michigan. Yes, I know; but do they get these payments here provided for beginning at page 11 and over on page 12? There are four separate paragraphs listed there.

Mr. HAYS. That is the volunteer leaders on pages 11 and 12.

Mr. HOFFMAN of Michigan. I am asking whether the employees referred to later will get the same payment as the volunteers or their families do?

Mr. HAYS. No; they get the civil service rates. The employees or administrators or administrative personnel are under civil service, and are paid according to their grade.

Mr. HOFFMAN of Michigan. But my question is a very simple one. Perhaps I do not put it right.

Do the employees get the benefit of these provisions on page 12, the same as the volunteers?

Mr. HAYS. No; they do not.

Mr. HOFFMAN of Michigan. Thank you. With reference to these payments that the President authorizes, when is that money made available to the Corps by the Appropriations Committee?

Mr. HAYS. When is it made available by the Appropriations Committee?

Mr. HOFFMAN of Michigan. Yes.

Mr. HAYS. That has to be done yet, I take it.

Mr. HOFFMAN of Michigan. Is the President authorized to make that allowance before the appropriation therefor has been made?

Mr. HAYS. Well, I do not think so. He has got to have some money. Of course, at the moment he is running the program under an executive order out of contingency funds.

Mr. HOFFMAN of Michigan. I know about that. I spoke about that today, but I did not get anywhere with it. I wish that instead of this bill he would continue his experiment for a year and learn its effect—whether it is helpful or necessary and what it costs—how it is received by those we seek to aid. What I am trying to learn now is this: Under this bill, when it becomes effective and the old organization is wiped out, and then the President determines that someone is entitled to some money, is it necessary that that money should have already been appropriated by the Appropriations Committee of the House or is it not necessary?

Mr. HAYS. It is going to be necessary that the money be appropriated sometime, somehow.

Mr. HOFFMAN of Michigan. Yes, but I want to know when. I am trying to get at this back-door business.

Mr. HAYS. First we have to get the authorization passed and then the Appropriations Committee has to appropriate the money. When they are going to do that, I cannot say.

Mr. HOFFMAN of Michigan. But does the Appropriations Committee have to appropriate the money to meet these obligations?

Mr. HAYS. Absolutely.

Mr. HOFFMAN of Michigan. Then if the Corps members do their work and the President says that each is entitled to so much, the Appropriations Committee must furnish the funds. That is what they call back-door spending, is it not?

Mr. HAYS. I do not think so. There is nothing in here authorizing them to go to the Treasury. They have to go to the Appropriations Committee. Maybe they will go to the back door of the Appropriations Committee; I cannot answer that.

Mr. HOFFMAN of Michigan. Will the rest of us care? The President will authorize the payment and the House will be forced and honorbound to appropriate whatever is needed. Back-door spending as usual.

Mr. JAMES C. DAVIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JAMES C. DAVIS: On page 13, strike out lines 5 to 18 inclusive and insert in lieu thereof the following:

"(b) The persons so employed in the United States in activities authorized by this Act shall be compensated in accordance with the provisions of the Classification Act of 1949, as amended. Such positions shall be in addition to those authorized by section 4(a) of this Act to be filled by Presidential appointment."

Mr. JAMES C. DAVIS. Mr. Chairman, I have proposed an amendment on page 13 to strike subsection (b) of section 7 and to add language in lieu thereof which has just been read.

The purpose of this amendment is to place the employees employed in the United States in activities authorized by this act under the compensation provisions of the Classification Act of 1949, as amended. The Peace Corps bill, as presently written in section 7(b) on page 13 provides for 40 employees in the United States to be compensated without regard to the pay provisions of the Classification Act. Of these 40, 30 may be paid in excess of grade GS–15 of the Classification Act, namely, in excess of $15,030 per year. In turn, of these 30, 2 may be paid up to $19,000 per year. These 30 positions, as presently provided for by the bill, are actually supergrade positions.

The term "Excepted Service" has been used for these highly paid positions. The "Excepted Service" label merely takes the control of the compensation for these persons out from under the control of the Civil Service Commission. To indicate that these jobs are different from positions in other departments and agencies of the Federal Government is merely a sham, it is a subterfuge. Maybe it is a means to avoid the jurisdictional control of the Post Office and Civil Service Committee.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield.

Mr. HAYS. The gentleman talks about the bill he is going to bring up, I think he said on Monday.

Mr. JAMES C. DAVIS. Yes.

Mr. HAYS. Has the other body passed similar legislation?

Mr. JAMES C. DAVIS. Yes. There will have to be a conference on the legislation. There are some differences between the two bills. It will require a conference.

Mr. HAYS. Does the gentleman think this bill will become law in the first session of this Congress?

Mr. JAMES C. DAVIS. I do.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield.

Mr. MORGAN. I understand that the gentleman received testimony from Mr. Shriver before his subcommittee; is that right?

Mr. JAMES C. DAVIS. Yes.

Mr. MORGAN. Did Mr. Shriver spell out that the Peace Corps would need 40 supergrades?

Mr. JAMES C. DAVIS. He spelled out his opinion that they would need them.

Mr. MORGAN. Is there anything in the gentleman's bill reported by the Committee on Post Office and Civil Service that specifies the number of supergrades that will be assigned to the Peace Corps?

Mr. JAMES C. DAVIS. I will say to the gentleman that the procedure, the machinery of granting supergrades to the various agencies is not that they are allotted agency by agency. There is a pool allotted to the Civil Service Commission and under the bill H.R. 7377 there is a pool of 371 new supergrade positions allotted to the Civil Service Commission.

Mr. MORGAN. But there is no assurance that the Peace Corps would receive a single one of these new supergrades?

Mr. JAMES C. DAVIS. I would say that there are ample supergrades there for them to get from the Civil Service Commission. I have no voice in whom the Civil Service Commission would give them to, but if they are entitled to them, I would say certainly the Civil Service Commission will allot them.

Mr. MORGAN. Can the gentleman tell the House how many supergrades were requested by the Executive at the start of your hearings?

Mr. JAMES C. DAVIS. Five hundred and seventy-seven, I believe.

Mr. MORGAN. Will the gentleman tell the House how many were in the bill you reported out?

Mr. JAMES C. DAVIS. In the pool there are 371. There will be other top jobs in the bill. There will be scientific positions. There will be Public Law 313 positions, and there will be other top positions.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield to the gentleman from Ohio.

Mr. HAYS. When the Commission asked for 577, did they contemplate that the Peace Corps would be included in that figure?

Mr. JAMES C. DAVIS. I am not able to say whether they did or not. Subsequent to the bill introduced by Chairman MURRAY of the Committee on the Civil Service and Post Office, the Director of the Peace Corps appeared before the Manpower Utilization Subcommittee and gave testimony on 2 different days about the supergrades which he said they needed in the Peace Corps.

Mr. HAYS. In other words, this new agency, which would be an infant one if the bill passes, would find that about the best they would have would be a hunting license to the Civil Service.

Mr. JAMES C. DAVIS. No; that is not correct at all.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(By unanimous consent, Mr. JAMES C. DAVIS was permitted to proceed for 5 additional minutes.)

Mr. HAYS. Is there any assurance, then, that the Peace Corps would get any of these supergrades? That is the thing that bothers me.

Mr. JAMES C. DAVIS. I would like the gentleman to understand I cannot speak for the Civil Service Commission.

Mr. HAYS. I understand that.

Mr. JAMES C. DAVIS. I can say this, that it is my confident belief that the Civil Service Commission will allot them from this pool whatever they need—what the Civil Service Commission feels they need.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield to the gentleman from Michigan.

Mr. JOHANSEN. Is it not true that there is a possibility of the agency, if approved by Congress, securing some supergrades from the pool that we anticipate will be approved this session?

Mr. JAMES C. DAVIS. Of course there is a possibility of it, the same possibility that every other Government department and agency has.

Mr. JOHANSEN. On a showing of need and justification.

Mr. JAMES C. DAVIS. Yes.

Mr. JOHANSEN. Is it not true also that the agency can come before the subcommittee at the outset of next year's session and request a specific grant of supergrades?

Mr. JAMES C. DAVIS. I would say to the gentleman, as he already knows, though possibly other Members of the House do not know, that this subcommittee holds hearings every year for the purpose of keeping up with the need for supergrade positions. Since 1949, when the supergrade classification was first inaugurated with 400 supergrades, year by year, each year, the number has been increased until now it is 2,096, to which this new bill H.R. 7377 proposes to add 371.

Mr. JOHANSEN. In the event that this agency does not secure supergrades from the pool this year, the extent of the restriction thereby imposed is that this agency, which is to epitomize sacrifice, will have to sacrifice to the extent that its administrative officers cannot draw more than $15,030?

Mr. JAMES C. DAVIS. I would say to the gentleman and to the Committee that it would be unthinkable to me that if this bill passes today the Civil Service Commission would refuse to allot it whatever supergrades it can show it needs out of this pool, which will be in the bill which will come up Monday. I would say also that it is almost time now for the second session of this Congress, which will convene in January, and this subcommittee will be in session and will certainly hear this agency on any supergrades it may need. I will also say this: that the agency can utilize the services of any number of GS–15 positions, which of course is just one grade under the lowest supergrade position, which is GS–16.

They can utilize all of the grade 15 positions they want to utilize without coming to anybody.

Mr. JOHANSEN. And they pay up to $15,030?

Mr. JAMES C. DAVIS. The top pay is $15,030 a year.

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield to the gentlewoman from New York.

Mrs. KELLY. Is it not true that the required number of 371 was anticipated by you around March of this year and that the needs of the Peace Corps were not anticipated or known until much later? If you requested 371 in March, how did you anticipate the needs of the Peace Corps?

Mr. JAMES C. DAVIS. We did not request 371 in March. This bill H.R. 7377 was reported out of the committee just last week.

Mrs. KELLY. But you did not include the needs of the Peace Corps.

Mr. JAMES C. DAVIS. We included the needs of the entire Federal Government. We had the Peace Corps before us to state their needs. We included every agency of the Federal Government and they all appeared just as the Peace Corps did.

Mrs. KELLY. Can you tell us approximately how many you planned for the Peace Corps?

Mr. JAMES C. DAVIS. We left that up to the Civil Service Commission just as we leave all the others to the Civil Service Commission. The Civil Service Commission was represented by the Chairman, Hon. John W. Macy, Jr., and after full hearings, and 2 days of hearing the Director of the Peace Corps, this bill was reported out last week and it contemplates the needs of all the supergrades in the Federal Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JAMES C. DAVIS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. JAMES C. DAVIS moves that the Committee do now rise and report the bill back to the House with the enacting clause stricken out.

Mr. JAMES C. DAVIS. Mr. Chairman, I do not ordinarily offer a preferential motion and I would not do so now except that there is certain information I think the House ought to have about this amendment, and so I feel justified in offering the preferential motion. As my colleagues know, of course, much of my time was taken in undertaking to answer questions by my colleagues about this amendment.

Mr. Chairman, as I stated before and as all of the membership know, the jurisdiction of supergrades belongs in the Committee on Post Office and Civil Service. The matter of Federal employment has grown to be one of the most important matters now under consideration by Congress year after year. The Byrd committee in the report which it issued for May and June of this year shows that the total number of Federal employees in May was 2,386,288. In June the number had increased by 33,000 to 2,419,000.

The payroll of Federal civilian employees has increased year by year until now it amounts to almost $1,250 million. In May the payroll was $1,202,582,000. The Federal payroll amounts to approximately $14 billion a year which is considerably more than it cost to operate the entire Federal Government just 21 years ago in 1939.

Mr. Chairman, our committee is charged not on the basis of what we say but on the basis of what the Congress did in the reorganization act of 1946 as to the jurisdiction over this question. The Congress is also charged under section 14 of rule XI of the Rules of the House of Representatives with the same thing, having jurisdiction over the employment and classification, pay and retirement of Federal employees. We are doing our best to live up to that responsibility.

We cannot live up to it if various committees of this House are going to come in here with legislation like this which calls for 40 supergrades and overrides the jurisdiction of that committee. The dam will break; we cannot hold it, and I think the taxpayers are entitled to have it held and pass on legislation in an orderly, routine fashion as we undertake to do in that committee.

Now, we have held hearings. This supergrade bill is coming up Monday, I am told, under suspension of the rules procedure. This agency can get all the supergrades it needs. There is no reason to disregard committee jurisdiction which is fixed twice, both by the Classification Act and by the House rules, and put legislation of this kind in this bill. We cannot perform our functions if you override us. This is the third time within a month that we have had to come before the House and ask you to support the committee in holding the jurisdiction which you have given to that committee. Now, we cannot do it unless you support us. There are 43 bills now pending in this House which call for supergrades to be created, which legislation came from other committees. Now, if that is the way you want it, why, it is up to you. I am telling you and I am giving you notice that we cannot perform our functions if this sort of legislation passes.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield to the gentleman from California.

Mr. TEAGUE of California. Does this $14 billion-plus-a-year payroll include the military?

Mr. JAMES C. DAVIS. No, indeed; it only includes the Federal civilian employees.

Mr. TEAGUE of California. The $14 billion?

Mr. JAMES C. DAVIS. Yes.

Mr. TEAGUE of California. The $14 billion-plus a year is just for civilian employees?

Mr. JAMES C. DAVIS. That is correct.

Mr. REUSS. Mr. Chairman, I rise in opposition to the amendment.

I hope that the amendment offered by the distinguished gentleman from Georgia [Mr. JAMES C. DAVIS] will not be

accepted, and that the bill as reported out by the House Committee on Foreign Affairs will stand. If Members believe in the Peace Corps and want it to succeed, it is necessary, in my opinion, that the 30 supergrades paying $15,030 a year or more be retained in the bill.

In the committee report on the bill H.R. 7500 on pages 41 through 46 are set forth in great detail these supergrades, and the necessity for having them.

The Peace Corps is something new under the sun. It involves the most delicate relations with many agencies. It involves dealings with private agencies and universities. It involves, for the first time in our history, the mass recruitment for a foreign operation of young American civilians. It involves the carrying on of communications with various other countries, which can also be of a most complex and delicate nature.

Now, I have listened with interest to the gentleman from Michigan [Mr. JOHANSEN] just a few moments ago saying that since the Peace Corps is based on sacrifice—and in a sense that is perfectly true; its members are to be paid a mere pittance, and the general concept is an idealistic one—therefore, the suggestion was made by the gentleman from Michigan that none of its executive heads in Washington should be paid at supergrade—$15,030 a year or more—positions. The implication of this is that anyone who has anything to do with the Peace Corps shall not be paid at a rate of more than $15,030 a year. I hope that the gentleman's point would not be applied to the Members of Congress who, I hope, will shortly vote for the Peace Corps, because I think the Members of Congress feel that they are entitled to supergrades, and have been so entitled for several years.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Michigan.

Mr. JOHANSEN. I merely want to say to the gentleman, the point I was making was that action could be taken either by securing them from the pool this year or waiting until next year in securing supergrades, and I was suggesting that that much of a sacrifice, if it existed, might be consonant with the spirit that is supposed to surround this agency.

Mr. REUSS. I think the important thing for us to bear in mind is the necessity for this new operation getting the finest people that we can possibly get.

It seems to me that the request which is embodied in the committee bill is a reasonable one, and I hope the amendment will be voted down.

Mr. CURTIS of Massachusetts. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. CURTIS of Massachusetts. Mr. Chairman, I would like to ask the members of this committee if you had a son who volunteered to go to Africa, Nigeria, or Tanganyika, would you want the administration and the arrangements for his work in this field, where living is difficult, to be handled in a routine, governmental, redtape kind of operation?

No, sir; there is not any administration of Government which requires more diligence, thought, and care than this. It is a new operation; it is delicate; it requires good management. This amendment, in my opinion, would destroy the bill.

I notice that the few people who have spoken for this amendment have been violently opposed to the bill as a whole.

Mr. O'HARA of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Massachusetts. I decline to yield, Mr. Chairman.

As I say, this amendment, sir, would, as has been so well stated, merely give a hunting license to the Agency to get what it could in the way of supergrades.

I believe the request is reasonable and necessary.

If it is contrary to the rules of the House, why was not a point of order made against it? So I assume there is nothing contrary to the rules of the House in what we are trying to do here.

I also point out, sir, that the savings would be infinitesimal. You can count the savings at about $3,000, as I understand it, on a supergrade. So that out of an expense of millions of dollars you would be saving something like $15,000, $20,000, or $30,000; and the whole cost of this program is only one-tenth of 1 percent of our defense budget.

So I say, Mr. Chairman, it would be a great mistake to cut down the management of this program. I think the whole purpose of the program might fail unless we have the kind of management that is needed and that is requested under this bill.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Massachusetts. I yield.

Mr. JOHANSEN. I just want to say in response to the gentleman's remarks that I did not happen to favor the abolition of the Justice Department when a few weeks ago I spoke here in opposition to the effort to take over the salary policy and the control of salaries with respect to supergrades in that Department. The approach in this instance is based on the same principles and considerations, and nothing else.

Mr. CURTIS of Massachusetts. One further thought, Mr. Chairman. It is a matter of public record that this provision was debated at length in the other body. It is a matter of public record that they took some action on this. They did not strike out the whole 30 positions, but I think they cut it down to a smaller number.

Mr. O'HARA of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am not taking the 5 minutes to which I am entitled. I wanted merely sufficient time to tell my good friend, the gentleman from Massachusetts [Mr. CURTIS], who did not yield to me, that I find myself in complete agreement with him, that is all.

Mr. TABER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Massachusetts asked the gentleman from Michigan why a point of order was not raised against this thing. The reason the point of order was not raised was because the Committee on Foreign Affairs had inveigled the Rules Committee into granting a rule providing for the waiving of all points of order, not only to the bill itself but to any amendments that the committee might offer.

I do not want the Congress to consider this thing without understanding that the Civil Service Committee was simply trying to preserve decent orderly procedure instead of letting some agency get set up with a large number of supergrades where it is not necessary at all.

Mr. JAMES C. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Georgia.

Mr. JAMES C. DAVIS. This amendment was not offered with the idea of breaking the back of the Peace Corps. It is offered simply because jurisdiction of supergrade positions does not rest with the committee presenting this bill, but with the Committee on Post Office and Civil Service. And, secondly, the number of supergrades provided in this bill, which are 30 supergrades and 10 other top positions of like character, is all out of line and all out of reason with every other agency and department of the Government.

The bill specifies that these jobs are in Washington, not across the water, nowhere else except in Washington.

The Department of Agriculture, with 12,000 employees in Washington, has only 114 of those supergrades, a ratio of 1 to 105.

The Department of Commerce has a ratio of 1 to 119. The Department of Defense, which I would say is the most important Department in our Government, has a ratio of 1 to 160. And so on down the line. The Post Office Department has a ratio of 1 to 270.

What is the ratio of the Peace Corps? One supergrade to every seven employees. It is all out of reason.

My amendment is offered to put some commonsense into this thing, and I hope it will be adopted.

The CHAIRMAN. May the Chair inquire of the gentleman from Georgia [Mr. JAMES C. DAVIS], if he desires to withdraw his preferential motion?

Mr. JAMES C. DAVIS. Yes, Mr. Chairman, I ask unanimous consent to withdraw my preferential motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania [Mr. MORGAN]?

There was no objection.

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Can one who has spoken previously on this amendment speak on it again?

The CHAIRMAN. Yes, he can rise in opposition.

The Chair recognizes the gentleman from Massachusetts [Mr. BOLAND] for 1 minute.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia [Mr. JAMES C. DAVIS]. All of us, of course, know the concern the gentleman from Georgia has in respect to these personnel problems, but in this particular instance the amendment would cripple the Peace Corps. There is no doubt about that.

It is all very well to say that they are establishing a pool, you can go to the pool and get these supergrades, but that will not happen in this instance. The Independent Offices Appropriation Committee has, time and again, requested the Civil Service Commission to grant specific supergrades to particular agencies in need of these grades. It has not done it. I do not think we should here in this Chamber today believe it will do so with the Peace Corps. I do not think we ought to cripple a child before it can walk. Every one of these supergrade jobs is a key position, absolutely essential to the mission of this Peace Corps.

I hope the committee will not accept the recommendation of the gentleman from Georgia.

The CHAIRMAN. The gentleman from Iowa is recognized for 1 minute.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent that my time be given to the gentleman from Iowa [Mr. GROSS].

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. I thank the gentleman. This is really out of this world.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that my time be given to the gentleman from Iowa [Mr. GROSS].

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GROSS. Mr. Chairman, it is really out of this world to listen to this debate on this amendment.

Mr. CURTIS of Massachusetts. Mr. Chairman, I ask unanimous consent that my time may be given to the gentleman from Iowa [Mr. GROSS] if he will yield to me at this time for 30 seconds.

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. CURTIS of Massachusetts. Mr. Chairman, the only purpose of my taking the floor at this time is to point out that points of order are not waived under the resolution. The points of order were waived on committee amendments. This is not a committee amendment. So the points of order were not waived on the matters to which we are now directing our attention.

Mr. GROSS. Mr. Chairman, it is out of this world to listen to the gentleman from Massachusetts [Mr. BOLAND] say that to vote against this amendment would gut the bill.

Mr. O'HARA of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. May I say in deep respect that I ask unanimous consent to donate my time to my friend, the gentleman from Iowa [Mr. GROSS].

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GROSS. I thank the gentleman from Illinois [Mr. O'HARA].

Mr. Chairman, now, as the gentleman from Georgia [Mr. JAMES C. DAVIS] has told you, if you give the Peace Corps the 30 supergrades it seeks in this bill, you may have one $18,500 per year supergrade for approximately every seven employees in the administrative setup. How ridiculous can we get in this Government, to provide one $18,500 a year official for every seven employees in this or any other agency? I cannot understand how there could be any argument at all against taking this provision out of the bill.

Mr. Chairman, Mr. Shriver, when he appeared before the Appropriations Subcommittee of the House, was told by the gentleman from Louisiana [Mr. PASSMAN] that he, PASSMAN, was a "pennypincher." Mr. Shriver said:

> I am glad you are, sir, because I am a pennypincher, too.

Mr. Chairman, I cannot believe that the Peace Corps Director, Shriver himself, would want one chief for every seven Indians in his organization. I just cannot believe it. But then I turn a page in the hearings, and I find I do not know how many, but a large number of consultants who have been hired by the Peace Corps—all of these [indicating]. And they can be paid up to $75 a day, which is at the annual rate of $27,675. One of these is Bill Moyers, a former campaign braintruster for Vice President JOHNSON, whose previous salary was $16,800 a year, but who is employed by this organization at a nice, fat additional $7,000 a year, based on the annual rate—or more than $23,000. This shows that the Peace Corps is already operating with a T-bone steak appetite when it ought to be operating on hamburgers.

Mr. Chairman, let us show a little commonsense here and support the amendment of the gentleman from Georgia [Mr. JAMES C. DAVIS] and help the Committee on Post Office and Civil Service control this business of supergrades throughout the Government. It cannot be done if you are going to provide them in legislation of this kind.

Mr. Chairman, let me add just one more thing: Do you know that since 1956 the number of employees in this Government drawing $10,000 a year or more has increased 95 percent?

Again I urge adoption of the amendment by the gentleman from Georgia.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. LESINSKI].

Mr. JAMES C. DAVIS. Mr. Chairman, I ask unanimous consent that my time be given to the gentleman from Michigan [Mr. LESINSKI].

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LESINSKI. Mr. Chairman, I thank the gentleman from Georgia [Mr. JAMES C. DAVIS]. I would like to say that those who say that the amendment offered by my esteemed colleague [Mr. JAMES C. DAVIS] will gut the bill are wrong. When an agency is in need of supergrades it requests them of the Civil Service Commission and has to prove the need for these supergrades. The only difference is that here you are going to give them these grades on a silver platter. The amendment of the gentleman from Georgia is that they must prove to the Civil Service Commission that they need these positions and how many.

It is strange, though, that the chairman of the Committee on Foreign Affairs went to the Committee on Ways and Means to confer on the income tax problem of these people but did not go to the chairman of the Civil Service Committee to verify the need for these so-called supergrades. I ask the gentleman from Pennsylvania, how come? What is the difference?

Mr. MORGAN. We know that Mr. Shriver had appeared before your committee. He so testified during our hearings on the Peace Corps. But I want the gentleman to know that the Committee on Civil Service and Post Office is not the only one that controls supergrades. Jurisdiction over the foreign service lies with the Committee on Foreign Affairs and not the Committee on Civil Service.

Mr. JAMES C. DAVIS. Mr. Chairman, if the gentleman will yield, these are not Foreign Service officers. This bill specifies in the section that I would remove that they are employees of the United States.

Mr. MORGAN. We are not claiming that these Peace Corps supergrade employees are Foreign Service officers. I was just saying to the gentleman that the Committee on Foreign Affairs does have jurisdiction over supergrade positions in the Foreign Service.

Mr. LESINSKI. In the Foreign Service, yes. The whole point is, if Mr. Shriver needs these supergrades he can go to the Chairman of the Civil Service Commission and if he justifies the need he will get them.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Chairman, I rise in opposition to the amendment. I think the case that has been made by the proponents of the amendment make out a case for those who are opposed to the amendment. It was stated at the hearings that these positions were requested by the Executive, 571 and they allotted 371, without any provision whatsoever for the effective employees necessary to make a Peace Corps possible. I think it was demonstrated here today that we do have faith in this program. It is going to last at least 1 year. I do hope we will exercise our judgment and let this be a workable program so that at the end of 1 year we can see what

happens with the program. Therefore let us give the agency the necessary people to make it work.

Every Member of this body is well aware of the importance of efficient management. It is a maxim that good programs need good people. The most valuable ingredient in the success of any enterprise is first-class management.

The Peace Corps program is new. There is no precedent within the Government for what the Peace Corps will do. Large-scale recruitment of civilians for service abroad on a volunteer basis has no counterpart. The benefits of success can be very great indeed, while the consequences of failure can be very serious. It can succeed if qualified people can be attracted to its management. Poor executives, Mr. Chairman, rarely launch a good program.

The product of the Peace Corps is people. Other agencies provide loans or grants. The Peace Corps offers to countries that request them, qualified men and women who will go abroad to work side by side with the peoples of those countries. These volunteers must be the very best we can get. They must be skilled. They must have qualities which will enable them to work effectively in new and different surroundings. They must be well selected, well trained, and well supervised.

To recruit good volunteers—to train them and supervise them—involves selection factors, in terms of physical, emotional and intellectual capacities, not faced elsewhere in the Government. To employ them effectively abroad is as difficult as the job of selection. We need the best management possible to accomplish these tasks.

Talented people needed for the Peace Corps already have important jobs—jobs with status and responsibility and substantial compensation. To attract them into a program demanding unusual effort means that we must compete with positions which carry at least enough compensation to make it possible for qualified people to afford to work for the Government.

Half of the positions requested by the Peace Corps are for offices of long-recognized importance—and executive secretary, a general counsel, an officer for planning and evaluation, a director of contracts and logistics, and a director for management. Other positions are for functions of a professional nature of unique importance to the Peace Corps itself—positions dealing with university and private agency relations, the selection and training of volunteers, the development, exploration, negotiation and approval of Peace Corps projects in countries of varying political climates, and so forth.

Every job for which a specific supergrade is requested, Mr. Chairman, is a key job which has a direct bearing upon the success or failure of the Peace Corps' mission. To assure success of this program, there can be no substitute for high caliber in the personnel operating it.

One more point, Mr. Chairman: In any new organization, the top positions must be filled in the early stages. As an organization grows, it grows largely at subordinate levels. I have heard Mr. Shriver say that a Peace Corps substantially larger than that contemplated in the first year could be operated—were Congress later to approve expansion of this program—without any increase in the number of top-level positions requested in the bill.

These positions will make it possible for the Peace Corps to attract men and women of experience and ability to do the kind of job which I believe the Members of this House want the Peace Corps to accomplish.

I am hopeful that the efficiency, dedication and enthusiasm of the Director, Mr. Shriver will reflect itself in the people who associate themselves with the Peace Corps.

The CHAIRMAN. The Chair recognizes the gentleman from Delaware [Mr. McDOWELL].

Mr. McDOWELL. Mr. Chairman, I rise in opposition to the amendment. I would merely point out that whether you grant these supergrades or not, you will not change the total amount of money authorized in this bill, and you may seriously damage the success of the program. There have been many in this debate this afternoon who have questioned seriously whether or not this should become a permanent program. If the committee decides it shall be a permanent program then it should have the necessary funds and the management personnel to insure its success.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. JAMES C. DAVIS].

Mr. JAMES C. DAVIS. Mr. Chairman, on this I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. JAMES C. DAVIS and Mr. HAYS.

The question was taken; and the Committee divided and the tellers reported that there were—ayes 128, noes 118.

So the amendment was agreed to.

The Clerk will read.

The Clerk read as follows:

VOLUNTEER TRAINING

SEC. 8. (a) The President shall make provision for such training as he deems appropriate for each applicant for enrollment as a volunteer and each enrolled volunteer. All of the provisions of this Act applicable respectively to volunteers and volunteer leaders shall be applicable to applicants for enrollment as such during any period of training occurring prior to enrollment, and the respective terms "volunteers" and "volunteer leaders" shall include such applicants during any such period of training.

(b) The President may also make provision, on the basis of advances of funds or reimbursement to the United States, for training for persons, other than those referred to in subsection (a) of this section, who have been selected for service abroad in programs not carried out under authority of this Act which are similar to those authorized by this Act. The provisions of section 9 of this Act shall apply, on a similar advance of funds or a reimbursement basis, with respect to persons while within the United States for training under authority of this subsection. Advances or reimbursements received under this subsection may be credited to the current applicable appropriation, fund, or account and shall be available for the purposes for which such appropriation, fund, or account is authorized to be used.

Committee amendment: On page 17, line 18, "strike out 'persons' and insert 'citizens of the United States'."

The committee amendment was agreed to.

Mr. MORGAN. Mr. Chairman, I think all major amendments to the bill have already been offered. I ask unanimous consent that the bill be considered as read and be open to amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The remainder of the bill is as follows:

PARTICIPATION OF FOREIGN NATIONALS

SEC. 9. In order to provide for participation of foreign nationals in the training of volunteers, and to permit effective implementation of Peace Corps projects with due regard for the desirability of cost-sharing arrangements, where appropriate, the President may make provision for transportation, housing, subsistence, or per diem in lieu thereof, and health care or health and accident insurance for foreign nationals engaged in activities authorized by this Act while they are away from their homes, without regard to the provisions of any other law: *Provided, however,* That per diem in lieu of subsistence furnished to such persons shall not be at rates higher than those prescribed by the Secretary of State pursuant to section 12 of Public Law 84-885 (70 Stat. 890). Such persons, and persons coming to the United States for training under section 8(b), may be admitted to the United States, if otherwise qualified, as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 101(a)(15)) for such time and time under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General.

GENERAL POWERS AND AUTHORITIES

SEC. 10. (a) In furtherance of the purposes of this Act, the President may—

(1) enter into, perform, and modify contracts and agreements and otherwise cooperate with any agency of the United States Government or of any State or any subdivision thereof, international organizations and agencies, other governments and departments and agencies thereof, and educational institutions, voluntary agencies, farm organizations, labor unions, and other organizations, individuals and firms;

(2) accept in the name of the Peace Corps and employ in furtherance of the purposes of this Act (A) voluntary services notwithstanding the provisions of 31 U.S.C. 665(b), and (B) any money or property (real, personal or mixed, tangible or intangible) received by gift, devise, bequest, or otherwise; and

(3) contract with individuals for personal services abroad, and with aliens (abroad or within the United States) for personal services within the United States: *Provided,* That no such person shall be deemed an officer or employee or otherwise in the service or employment of the United States Government for any purpose.

(b) Notwithstanding any other provision of law, whenever the President determines that it will further the purposes of this Act, the President may settle and pay, in an amount not exceeding $15,000, any claim against the United States, or against any United States private organization or firm to which a volunteer has been detailed or assigned, for loss of or damage to real or personal property (including loss of occupancy or use thereof) belonging to, or for personal injury or death of, any person not a citizen or resident of the United States, where such claim arises abroad out of the

act or omission of any Peace Corps employee, or out of the act or omission of such volunteer, but only if such claim is presented in writing within two years after it accrues. Any amount paid in settlement of any claim under this subsection shall be accepted by the claimant in full satisfaction thereof and shall bar any further action or proceeding thereon.

(c) Subject to any future action of the Congress, a contract or agreement which entails commitments for the expenditure of funds available for the purposes of this Act, including commitments for the purpose of paying or providing for allowances and other benefits of volunteers authorized by sections 5 and 6 of this Act, may extend at any time for not more than thirty-six months.

(d) Whenever the President determines it to be in furtherance of the purposes of this Act—

(1) the President may exercise, in carrying out functions authorized by this Act, any authority relating to administrative or personnel functions available by law to the agency primarily responsible for administering nonmilitary assistance programs under the Mutual Security Act of 1954, as amended, or any Act which substantially repeals that Act; and

(2) functions authorized by this Act may be performed without regard to such provisions of law (other than the Renegotiation Act of 1951, as amended) regulating the making, performance, amendment, or modification of contracts and the expenditure of Government funds as the President may specify.

(e) The President may allocate or transfer to any agency of the United States Government all or any part of any funds available for carrying out the purposes of this Act including any advance received by the United States from any country or international organization under authority of this Act. Such funds shall be available for obligation and expenditure for the purposes of this Act in accordance with authority granted in this Act or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(f) Any officer of the United States Government carrying out functions under this Act may utilize the services and facilities of, or procure commodities from, any agency of the United States Government as the President shall direct, or with the consent of the head of such agency, and funds allocated pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

(g) In the case of any commodity, service, or facility procured from any agency of the United States Government under this Act, reimbursement or payment shall be made to such agency from funds available under this Act. Such reimbursement or payment shall be at replacement cost, or if required by law, at actual cost, or at any other price authorized by law and agreed to by the owning or disposing agency. The amount of any such reimbursement or payment shall be credited to current applicable appropriations, funds, or accounts from which there may be procured replacements of similar commodities, services, or facilities, except that where such appropriations, funds, or accounts are not reimbursable except by reason of this subsection, and when the owning or disposing agency determines that such replacement is not necessary, any funds received in payment therefor shall be covered into the Treasury as miscellaneous receipts.

REPORTS

SEC. 11. The President shall transmit to the Congress, at least once in each fiscal year, a report on operations under this Act.

SEC. 12. (a) The President may appoint to membership in a board to be known as the National Advisory Council persons who are broadly representative of educational institutions, voluntary agencies, farm organizations, and labor unions, and other public and private organizations and groups as well as individuals interested in the programs and objectives of the Peace Corps, to advise and consult with the President with regard to policies and programs designed to further the purposes of this Act.

(b) The President may appoint to membership in a board to be known as the Career Planning Board persons especially qualified to advise and consult with the President with regard to the development of policies and programs designed to assist the future careers of volunteers after conclusion of their service.

(c) Members of the boards referred to in this section shall serve at the pleasure of the President and meet at his call. They shall receive no compensation for their services, but members who are not officers or employees of the United States Government may each receive out of funds made available for the purposes of this Act a per diem allowance of $50 for each day spent away from his home or regular place of business for the purpose of attendance at meetings or conferences and in necessary travel, and while so engaged may be paid actual travel expenses and per diem in lieu of subsistence and other expenses, at the applicable rate prescribed by the Standardized Government Travel Regulations, as amended from time to time.

EXPERTS AND CONSULTANTS

SEC. 13. (a) Experts and consultants or organizations thereof may, as authorized by section 15 of the Act of August 2, 1946, as amended (5 U.S.C. 55a), be employed by any agency of the United States Government for the performance of functions under this Act, and individuals so employed may be compensated at rates not in excess of $75 per diem, and while away from their homes or regular places of business, they may be paid actual travel expenses and per diem in lieu of subsistence and other expenses at the applicable rate prescribed in the Standardized Government Travel Regulations, as amended from time to time, while so employed: *Provided*, That contracts for such employment may be renewed annually.

(b) Service of an individual as a member of either of the boards authorized to be established by section 12 of this Act or as an expert or consultant under subsection (a) of this section shall not be considered as service or employment bringing such individual within the provisions of section 281, 283, or 284 of title 18 of the United States Code, or of section 190 of the Revised Statutes (5 U.S.C. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of service, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States Government, except insofar as such provisions of law may prohibit any such individual from receiving compensation in respect of any particular matter in which such individual was directly involved in the performance of such service; nor shall such service be considered as employment or holding of office or position bringing such individual within the provisions of section 13 of the Civil Service Retirement Act, as amended (5 U.S.C. 2263), section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a), section 872 of the Foreign Service Act of 1946, as amended, or any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities.

DETAIL OF PERSONNEL TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

SEC. 14. (a) In furtherance of the purposes of this Act, the head of any agency of the United States Government is authorized to detail, assign, or otherwise make available any officer or employee of his agency (i) to serve with, or as a member of, the international staff of any international organization, or (ii) to any office or position to which no compensation is attached with any foreign government or agency thereof: *Provided*, That such acceptance of such office or position shall in no case involve the taking of an oath of allegiance to another government.

(b) Any such officer or employee, while so detailed or assigned, shall be considered, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits as such, an officer or employee of the United States Government and of the agency of the United States Government from which detailed or assigned, and he shall continue to receive compensation, allowances, and benefits from funds authorized by this Act. He may also receive, under such regulations as the President may prescribe, representation allowances similar to those allowed under section 901 of the Foreign Service Act of 1946 (22 U.S.C. 1131). The authorization of such allowances and other benefits, and the payment thereof out of any appropriations available therefor, shall be considered as meeting all of the requirements of section 1765 of the Revised Statutes (5 U.S.C. 70).

(c) Details or assignments may be made under this section—

(1) without reimbursement to the United States Government by the international organization or foreign government;

(2) upon agreement by the international organization or foreign government to reimburse the United States Government for compensation, travel expenses, and allowances, or any part thereof, payable to such officer or employee during the period of assignment or detail in accordance with subsection (b) of this section; and such reimbursement shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, or allowances, or to the appropriation, funds, or account currently available for such purpose; or

(3) upon an advance of funds, property or services to the United States Government accepted with the approval of the President for specified uses in furtherance of the purposes of this Act; and funds so advanced may be established as a separate fund in the Treasury of the United States Government, to be available for the specified uses, and to be used for reimbursement of appropriations or direct expenditure subject to the provisions of this Act, any unexpended balance of such account to be returned to the foreign government or international organization.

UTILIZATION OF FUNDS

SEC. 15. (a) Funds made available for the purposes of this Act may be used for compensation, allowances and travel of employees, including Foreign Service personnel whose services are utilized primarily for the purposes of this Act, for printing and binding without regard to the provisions of any other law, and for expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of employees) without regard to such laws and regulations governing the obligation and expenditure of Government funds as may be necessary to accomplish the purposes of this Act.

(b) Funds made available for the purposes of this Act may be used to pay expenses in connection with travel abroad of employees

and, to the extent otherwise authorized by this Act, of volunteers, including travel expenses of dependents (including expenses during necessary stopovers while engaged in such travel), and transportation of personal effects, household goods, and automobiles when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year, and cost of transporting to and from a place of storage, and the cost of storing automobiles of employees when it is in the public interest or more economical to authorize storage.

(c) Funds available under this Act may be used to pay costs of training employees employed or assigned pursuant to section 7(c)(2) of this Act (through interchange or otherwise) at any State or local unit of government, public or private nonprofit institution, trade, labor, agricultural, or scientific association or organization, or commercial firm; and the provisions of Public Law 84-918 (7 U.S.C. 1881 et seq.) may be used to carry out the foregoing authority notwithstanding that interchange of personnel may not be involved or that the training may not take place at the institutions specified in that Act. Such training shall not be considered employment or holding of office under section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), and any payments or contributions in connection therewith may, as deemed appropriate by the head of the agency of the United States Government authorizing such training, be made by private or public sources and be accepted by any trainee, or may be accepted by and credited to the current applicable appropriation of such agency: *Provided, however,* That any such payments to an employee in the nature of compensation shall be in lieu, or in reduction, of compensation received from the United States Government.

(d) Funds available for the purposes of this Act shall be available for—

(1) rent of buildings and space in buildings in the United States, and for repair, alteration, and improvement of such leased properties, without regard to the limitation contained in section 322 of Public Law 72-212, as amended (40 U.S.C. 278a);

(2) expenses of attendance at meetings concerned with the purposes of this Act, including (notwithstanding the provisions of section 9 of Public Law 60-328 (31 U.S.C. 673)) expenses in connection with meetings of persons whose employment is authorized by section 13(a) of this Act;

(3) purchase, maintenance, operation, and hire of aircraft: *Provided,* That aircraft for administrative purposes may be purchased only as specifically provided for in an appropriation or other Act;

(4) purchase and hire of passenger motor vehicles: *Provided,* That, except as may otherwise be provided in an appropriation or other Act, passenger motor vehicles for administrative purposes abroad may be purchased for replacement only, and such vehicles may be exchanged or sold and replaced by an equal number of such vehicles, and the cost, including exchange allowance, of each such replacement shall not exceed $3,500 in the case of an automobile for the chief of any special mission or staff abroad established under section 7(e): *Provided further,* That passenger motor vehicles may be purchased for use in the United States only as may be specifically provided in an appropriation or other Act;

(5) entertainment (not to exceed $5,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act);

(6) exchange of funds without regard to section 3561 of the Revised Statutes (31 U.S.C. 543) and loss by exchange;

(7) expenditures (not to exceed $5,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act) of a confidential character other than entertainment: *Provided,* That a certificate of the amount of each such expenditure, the nature of which it is considered inadvisable to specify, shall be made by the Director of the Peace Corps or such person as he may designate, and every such certificate shall be deemed a sufficient voucher for the amount herein specified;

(8) insurance of official motor vehicles or aircraft acquired for use abroad;

(9) rent or lease abroad for not to exceed ten years of offices, health facilities, buildings, grounds, and living quarters, and payments therefor in advance; maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for its use abroad; and costs of fuel, water, and utilities for such properties;

(10) expenses of preparing and transporting to their former homes, or, with respect to foreign participants engaged in activities under this Act, to their former homes or places of burial, and of care and disposition of, the remains of persons or members of the families of persons who may die while such persons are away from their homes participating in activities under this Act;

(11) use in accordance with authorities of the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), not otherwise provided for; and

(12) ice and drinking water for use abroad.

APPOINTMENT OF PERSONS SERVING UNDER PRIOR LAW

SEC. 16. (a) Under such terms and conditions as the President may prescribe, volunteer personnel who on the effective date of this Act have been engaged by contract by, or pursuant to agreement with, the Peace Corps agency established within the Department of State pursuant to Executive Order Numbered 10924, dated March 1, 1961, may be enrolled as volunteers or volunteer leaders under this Act. Such enrollment may be made effective, for any or all purposes, as of a date prior to the effective date of this Act but not earlier than the date of final selection for service abroad of the person in question. All allowances and termination payments similar to those authorized by this Act received by any such person or by members of his family or payable with respect to any period between the effective date and the actual date of such enrollment shall be deemed for all purposes to have been received or to be payable under the appropriate provision of this Act.

(b) Persons serving as members of the National Advisory Council and the Career Planning Board of the agency referred to in subsection (a) of this section shall be members of the National Advisory Council and the Career Planning Board, respectively, established under section 12 of this Act without appointment thereunder.

USE OF FOREIGN CURRENCIES

SEC. 17. Whenever possible, expenditures incurred in carrying out functions under this Act shall be paid for in such currency of the country or area where the expense is incurred as may be available to the United States.

APPLICABILITY OF MUTUAL DEFENSE ASSISTANCE CONTROL ACT

SEC. 18. The Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 et seq.) shall not apply with respect to functions carried out under this Act.

SEAL

SEC. 19. The President may adopt, alter, and use an official seal or emblem of the Peace Corps of such design as he shall determine, which shall be judicially noticed.

MORATORIUM ON STUDENT LOANS

SEC. 20. Section 205 of the National Defense Education Act of 1958 (Public Law 85-864) (20 U.S.C. 425) is amended in the following respects—

(1) by deleting the word "or" immediately preceding section 205(b)(2)(A)(ii) and by adding immediately after that section the following: "or (iii) during which the borrower is in service as a volunteer under the Peace Corps Act: *Provided,* That this clause shall apply to any loan outstanding on the effective date of the Peace Corps Act only with the consent of the then obligee institution,"; and

(2) by amending section 205(b)(3) to read as follows:

"(3) not to exceed in the aggregate 50 per centum of any such loan (plus interest) shall be canceled (A) for service as a full-time teacher in a public elementary or secondary school in a State, at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each complete academic year of such service; and (B) for service as a volunteer under the Peace Corps Act, at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each completed eight months of such service;"

TAXATION OF ALLOWANCES

SEC. 21. The Internal Revenue Code of 1954, as amended, is amended in the following respects:

(1) Section 912 of such Code relating to exemption for certain allowances is amended by adding the following new paragraph (3):

"(3) PEACE CORPS ALLOWANCES.—In the case of volunteers within the meaning of the Peace Corps Act and members of families of such volunteers, amounts received as allowances under sections 5 or 6 of the Peace Corps Act (other than termination payments under section 5(c) of said Act)."

(2) Section 1303(b) of such Code relating to income from back pay is amended by adding the following new paragraph (4):

"(4) Termination payments authorized by the provisions of section 5(c) of the Peace Corps Act and received or accrued by an individual during the taxable year on account of any period of service as a volunteer under the Peace Corps Act occurring prior to the taxable year."

SOCIAL SECURITY COVERAGE

SEC. 22. During any period of service as a volunteer under this Act, an individual shall, notwithstanding the provisions of section 210 of the Social Security Act and section 3121 of the Internal Revenue Code of 1954, be deemed to be performing service constituting employment for purposes of title II of such Act and chapter 21 of such Code; and, subject to the provisions of section 209(a) of such Act and section 3121(a)(1) of such Code, any such individual shall be deemed to have received wages for such service at the rate determined under section 5(c) with respect to termination payments.

AMENDMENT TO CIVIL SERVICE RETIREMENT ACT

SEC. 23. Subsection (j) of section 3 of the Civil Service Retirement Act, as mended (5 U.S.C. 2253), is amended to read as follows:

"MILITARY SERVICE AFTER DECEMBER 1956 AND PEACE CORPS VOLUNTEER SERVICE

"(j) Notwithstanding any other provision of this section or section 5(f) of the Peace Corps Act, any military service (other than military service covered by military leave with pay from a civilian position) performed by an individual after December 1956 and any period of service by an individual as a volunteer under the Peace Corps Act, shall be excluded in determining the aggregate period of service upon which an annuity

payable under this chapter to such individual or to his widow or child is to be based, if such individual or widow or child is entitled (or would upon proper application be entitled) at the time of such determination, to monthly old-age or survivors benefits under section 202 of the Social Security Act, as amended (42 U.S.C. 402), based on such individual's wages and self-employment income. If in the case of the individual or widow such military service or service under the Peace Corps Act is not excluded under the preceding sentence, but upon attaining retirement age (as defined in section 216(a) of the Social Security Act, as amended), he or she becomes entitled (or would upon proper application be entitled) to such benefits, the Commission shall redetermine the aggregate period of service upon which such annuity is based, effective as of the first day of the month in which he or she attains such age, so as to exclude such service. The Secretary of Health, Education, and Welfare shall, upon the request of the Commission, inform the Commission whether or not any such individual or widow or child is entitled at any specified time to such benefits."

REEMPLOYMENT AND VOTING RIGHTS

SEC. 24. (a) Any person in the employ of the United States Government, its territories or possessions, any political subdivision or agency thereof, or the District of Columbia, or in the employ of any private employer, shall upon request be granted a leave of absence from such employment for the purpose of undertaking any required training under section 8(a) of this Act. Upon termination of such training (or upon discharge from hospitalization incident to such training) such person shall be entitled to return to his position with such seniority, status, pay and vacation rights as he would be entitled to had he not been absent for such purpose, if, but only if, he shall report for work not more than ten days following termination of such training (or following discharge from such hospitalization). If such person is not qualified to perform the duties of his position by reason of disability incident to such training but is qualified to perform the duties of any other position in the employ of the employer or his successor in interest, he shall be restored by that employer or such successor to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay or the nearest approximation thereof consistent with the circumstances of his case.

(b) Any volunteer who, prior to his first day of service under this Act, had been for more than six months in the employ of the United States Government, its territories or possessions, any political subdivision or agency thereof, or the District of Columbia, or in the employ of any private employer, and who has completed any period of satisfactory service abroad as a volunteer, shall, upon termination of such service, be entitled to return to his position or to a position of like seniority, status, and pay with the employer or his successor in interest, if, but only if, he shall make application for reemployment to such employer or successor within sixty days after termination of his service (or after discharge from hospitalization incident to such service continuing for not more than one year after such termination). If such person is not qualified to perform the duties of such position by reason of disability sustained during service under this Act but is qualified to perform the duties of any other position in the employ of such employer or successor, he shall be restored to such other position the duties of which he is qualified to perform as will accord him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances of his case. Any person reemployed under this subsection shall be considered as having been on furlough or leave of absence and shall be restored to employment without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to any established rules and practices relating to employees on furlough or leave of absence, and shall not be discharged from the position to which restored without cause within one year after such restoration. This subsection shall not apply with respect to employment in any temporary position.

(c) In case any private employer shall fail or refuse to comply with the provisions of this section or shall deny any rights accorded hereunder, he may be specifically required to comply with the provisions hereof, to grant such rights, and in addition, to compensate the person injured thereby for any loss of wages or other benefits occasioned thereby, in an appropriate action or proceeding against the employer in any court of competent jurisdiction.

(d) The President may render such aid as he deems appropriate to assist former volunteers in the securing of their reemployment rights in private employment under this section, and shall make appropriate arrangements to effectuate such rights in Government employment.

(e) Any person in service as a volunteer under this Act shall be permitted to vote in person or by absentee ballot in any general, special or primary election occurring in the State of which he is a resident, whether he is within or without such State at the time of such election, if under the law of such State he is otherwise entitled so to vote in such election; but nothing in this subsection shall be construed to require granting to such person a leave of absence of more than one day to permit him so to vote.

DEFINITIONS

SEC. 25. (a) The term "abroad" means any area outside the continental United States, Alaska, and Hawaii.

(b) The term "function" includes any duty, obligation, right, power, authority, responsibility, privilege, discretion, activity, and program.

(c) The term "health care" includes all appropriate examinations, preventive, curative and restorative health and medical care, and supplementary services such as travel and escorts when necessary.

(d) For the purposes of this or any other Act, the period of any individual's service as a volunteer under this Act shall include—

(i) except for the purposes of section 5(f) of this Act, any period of training under section 8(a) prior to enrollment as a volunteer under this Act; and

(ii) the period between enrollment as a volunteer and the termination of service as such volunteer by the President or by death or resignation.

(e) The term "United States Government agency" includes any department, board, wholly or partly owned corporation, or instrumentality, commission, or establishment of the United States Government.

CONSTRUCTION

SEC. 26. If any provision of this Act or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.

EFFECTIVE DATE

SEC. 27. This Act shall take effect on the date of its enactment.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments:

On page 18, line 22, strike out "for training under section 8(b)" and insert in lieu thereof "under contract pursuant to section 10(a)(3)".

On page 19, line 2, strike out "101" and insert "1101".

On page 20, line 6, after "the President" insert ", under such regulations as he may prescribe,".

On page 20, line 8, strike out "$15,000" and insert "$10,000".

On page 20, line 9, strike out "or against any United States private organization or firm to which a volunteer has been detailed or assigned,".

On page 20, line 17, strike out "two years" and insert "one year".

On page 21, line 5, strike out "Act—" and insert "Act".

On page 21, line 6, strike out all of line 6 down to and including line 12.

On page 21, line 13, strike out "(2)".

On page 23, line 9, strike out all of lines 9 and 10 and insert "Peace Corps National Advisory Council and Peace Corps Career Planning Board".

On page 23, line 14, immediately before "National Advisory" insert "Peace Corps".

On page 23, line 23, immediately before "Career Planning" insert "Peace Corps".

On page 24, line 10, immediately after "for each day" insert ", not to exceed twenty days in any fiscal year in the case of any such member,".

On page 24, line 22, strike out "any agency of the United States Government" and insert "the Peace Corps".

On page 25, line 22, after the word "service" strike out "; nor shall such service" and all that follows down to the period in line 7 on page 26.

On page 30, line 19, after "properties" strike out the balance of the line down to and including line 21.

On page 31, line 3, strike out "purchase".

On page 31, line 4, after the word "aircraft" strike out the balance of the line down to and including all of line 6.

On page 31, line 14, strike out "$3,500" and insert "$2,500".

On page 31, line 15, after the word "for" strike out "the chief of any special mission or staff abroad established" and insert "any Peace Corps country representative appointed".

On page 31, line 22, strike out "$5,000" and insert "$2,500".

On page 32, line 3, strike out all of line 3 down to and including line 12 and insert: "(7) expenditures (not to exceed $5,000 in any fiscal year except as may be otherwise provided in an appropriation or other Act) not otherwise authorized by law to meet unforeseen emergencies or contingencies arising in the Peace Corps: *Provided*, That a certificate of the amount only of each such expenditure and that such expenditure was necessary to meet an unforeseen emergency or contingency, made by the Director of the Peace Corps or his designee, shall be deemed a sufficient voucher for the amount therein specified;"

On page 34, line 5, strike out "final selection for service abroad" and insert "commencement of training".

On page 34, line 17, after the word "the" insert the words "Peace Corps".

On page 34, line 18, before "Career" insert "Peace Corps".

On page 35, line 3, strike out all of lines 3 down and including line 5 and insert:

"SEC. 18. The Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 et seq.) shall apply with respect to functions carried out under this Act except in cases where the President shall determine that such application would be detrimental to the interests of the United States."

On page 35, line 16, strike out all of lines 16 down to and including line 24, and on page 36 strike out all of line 1 down to and including line 16 and insert:

"SEC. 20. Section 205 of the National Defense Education Act of 1958 (20 U.S.C. 425)

is amended by deleting the word 'or' immediately preceding clause (ii) of section 205(b)(2)(A) and by adding immediately after that clause the following: 'or (iii) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act: *Provided*, That this clause shall apply to any loan outstanding on the effective date of the Peace Corps Act only with the consent of the then obligee institution,'."

On page 37, line 3, strike out all of line 3 down to and including line 23, and on page 38, strike out all of line 1 down to and including line 12.

On page 38, line 14, strike out "23" and insert "21".

On page 38, line 17, strike out lines 17 and 18.

On page 39, line 11, strike out "retirement age (as defined in section 216(a) of the Social Security Act, as amended)" and insert in lieu thereof "age sixty-two".

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Committee amendment on page 39, line 22, strike out line 22 and all of section 24 and insert:

"SEC. 22. All persons employed or assigned to duties under this Act shall be investigated to insure that the employment or assignment is consistent with the national interest in accordance with standards and procedures established by the President. If an investigation made pursuant to this section develops any data reflecting that the person who is the subject of the investigation is of questionable loyalty or is a questionable security risk, the investigating agency shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation. The results of that full field investigation shall be furnished to the initial investigating agency, and to the agency by which the subject person is employed, for information and appropriate action. Volunteers shall be deemed employees of the United States Government for the purpose of this section.

"UNIVERSAL MILITARY TRAINING AND SERVICE ACT

"SEC. 23. Notwithstanding the provisions of any other law or regulation, service in the Peace Corps as a volunteer shall not in any way exempt such volunteer from the performance of any obligations or duties under the provisions of the Universal Military Training and Service Act.

"FOREIGN LANGUAGE PROFICIENCY

"SEC. 24. No person shall be assigned to duty as a volunteer under this Act in any foreign country or area unless at the time of such assignment he possesses such reasonable proficiency as his assignment requires in speaking the language of the country or area to which he is assigned.

Mr. HARSHA. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendments offered by Mr. HARSHA:

On page 43, line 5, after the word "President" insert the following new sentence: "In addition to persons subject to the preceding sentence, all other persons who directly participate in training volunteers shall be investigated to insure that their participation in such training is consistent with the national interest in accordance with standards and procedures established by the President."

On page 43, line 13, before the comma following the word "employed" insert the following: "or, in the case of persons described in the second sentence of this section, to the Director of the Peace Corps".

Mr. HARSHA. Mr. Chairman, as I understand this section, it provides for minimum security procedures for employees and volunteers in this program, but it does not make any provision for security procedures for instructors in colleges and universities and private agencies that may instruct or indoctrinate these volunteers.

Now, my amendment to the Peace Corps bill would simply provide that all instructors in this program, whether they be members of the Peace Corps, the staff, or whether they be members of colleges or universities or private agencies who are instructing these young people, possibly under contract with the U.S. Government, must undergo an investigation to determine their loyalty.

This area of instruction is a natural for the Communists to infiltrate. These instructors and other persons charged with indoctrinating the Peace Corps may never be delegated to duty in the backward countries we wish to uplift in the ways of democracy, but the influence they exert on the young Corpsmen who go abroad could be tremendous. A word here or there by a leftwing instructor could change the judgment, thinking, and decisions of these young Corpsmen. As J. Edgar Hoover said, "It has long been a basic tenet of Communist strategy to control for its own evil purposes the explosive force which youth represents."

Communists, we need no reminder, are clever infiltrators in any movement in which they feel they can further their diabolical plans. They are using more subtle approaches daily to warp the thinking of our young people. What better targets than the minds of young folks about to go out to represent this country and to try to mold the minds and actions of persons who have been bypassed by modern machines and technology.

What a blow it would be to this country's foreign policy if we inadvertently sent out young people who had been indoctrinated or instructed by Communist-inclined instructors to help train and educate the undeveloped nations.

The great majority of our young people are of unquestioned patriotism and dedication to all that is American; however, unfortunately, Communists with their insidious scheming have made inroads on our college campuses. They have likewise managed to poison the minds of some of our instructors. It is these leftwing sympathizers that I wish to prevent from planting the seeds of communism and socialism in our young representatives.

If Communist-inspired instructors should infiltrate this program, we would, in effect, be subsidizing the Communist movement. We would be using the taxpayers' money to promulgate that very conspiracy which is dedicated to destroying us and the American way of life.

The best interests of this country demand that we prevent such action as this. My amendment would prevent such a thing from occurring and I urge its adoption.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. On page 18 of the bill it says:

In order to provide for participation of foreign nationals in the training of volunteers, * * *.

What would be the effect of the gentleman's amendment on this section, how would it work? How could we investigate foreign nationals?

Mr. HARSHA. I realize that that is a problem and I have drafted my amendment in very broad terms, leaving a great amount of leeway and discretion to the President to establish standards of procedure under which to do it.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield further?

Mr. HARSHA. I yield.

Mrs. GREEN of Oregon. If I heard the reading of the gentleman's amendment correctly, it says that in addition to persons subject to the preceding sentence, that "all other persons who directly participate in training volunteers shall be investigated." I repeat, "shall be investigated."

What discretion is left and how would it apply to foreign nationals? They are mentioned on page 18, also on page 19. There are foreign nationals who are involved directly in the training of the volunteers under this program.

Mr. HARSHA. I realize that, and that it presents a difficulty that has to be worked out, but I think the amendment is broad enough to give the President sufficient leeway that he can investigate according to the standards he thinks are appropriate in this matter.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in opposition to this amendment.

The gentleman from Ohio [Mr. HARSHA] says he realizes the difficulty his amendment presents, then states that he thinks his amendment is broad enough to meet the problems. I suggest that it is entirely too broad for this Congress to pass any legislation in which we say we will investigate nationals of other countries. The bill contains the phrase on page 43: "Is of questionable loyalty." What does this mean? To whom is the foreign national to be loyal? His own country or the United States?

I would also direct some questions to the chairman of the committee, if I may, in regard to all of section 22. Is my understanding correct that we will use, and in fact are using, some universities in Africa for the training of Peace Corps volunteers?

Mr. MORGAN. That is correct.

Mrs. GREEN of Oregon. Then would the chairman of the committee please tell me how section 22 will be applied and how we will carry on an investigation of people who are involved in this program. Do we propose in this act that we will send over American citizens to investigate the personnel of foreign universities that we might use on the

continent of Africa or the University of Jamaica, or any other foreign college or university?

Mr. MORGAN. I think the gentleman's amendment is unworkable outside of the United States.

Mrs. GREEN of Oregon. A further question. I refer not only to the amendment which has just been offered by the gentleman from Ohio [Mr. HARSHA] but to section 22 of the bill itself, the committee amendment. Would the chairman tell me how this would work? Are we going to investigate all persons employed or assigned to duties under this act? Does not the committee amendment itself say we will go over and investigate the people in these universities and colleges?

Mr. MORGAN. We do not count those as employees, and section 22 does not cover them.

Mrs. GREEN of Oregon. "All persons employed or assigned to duty under this act." Are we not assigning duties to some of the other colleges and universities on the continent of Africa?

Mr. MORGAN. I do not think we assign duties I do not think section 22 will apply to anybody outside of the United States.

Mrs. GREEN of Oregon. I will take the word of the chairman that that is the meaning of section 22. But I would rise in opposition to the amendment offered to the committee amendment that all persons who directly participate in the training of volunteers shall be investigated. It seems to me it is unwise and unworkable, and it goes far beyond what the gentleman said, and that there will indeed be great difficulty.

Mr. HARSHA. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Ohio.

Mr. HARSHA. As I understand it, these universities are going to instruct these students and the universities are employed under a contract with the Peace Corps Agency. They are not covered by the provision that is in the bill.

Mrs. GREEN of Oregon. The gentleman's amendment says "all other persons who directly participate in the training of volunteers shall be investigated." That includes foreign nationals as well as American citizens.

Mr. HARSHA. My amendment goes further than the bill. I was simply trying to answer the gentlewoman's question as to what was meant by "employees." My amendment covers everybody, whether they are under contract or what. It requires them to have an investigation. Would the gentlewoman want a Communist teacher instructing our young people in these foreign universities?

Mrs. GREEN of Oregon. I trust the gentleman is asking a rhetorical question. I'm sure he would not suggest that any Member of the House wants Communists to teach our American youth.

Mr. HARSHA. I am certain that the gentlewoman does not want any such thing to happen. And I certainly do not question her motives. How can we prevent it if we do not have an amendment such as this?

Mr. HAYS. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Ohio.

Mr. HAYS. I will say to the gentleman from Ohio that we have a contract with Ohio State. Does he want us to go out and have a field investigation of every professor in Ohio State?

Mr. HARSHA. Is the gentleman inferring they could not stand up under investigation?

Mr. HAYS. I am inferring nothing. Because the gentleman says there are some Communists there does not make it so.

Mr. HARSHA. I do not infer that there are Communists at Ohio State. I believe that they would be willing to submit to an investigation.

Mr. HAYS. I have heard too many demagogs talk about Communists being in Ohio State.

Mr. ASHBROOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the principle embodied in the pending amendment. The idea of the gentleman from Ohio is one which should be very interesting to each and every one of us. There has been a lot of concern expressed about these volunteers, recruits, selectees—I do not know how you properly refer to them. His amendment, while possibly of a difficult nature to fit into this section of the bill raises an issue which outweighs this shortcoming. Here we see a distinct possibility that our young people will, under U.S. Government contract, be instructed abroad by instructors who may be Socialist, Communist or, at least, hostile to our way of life. The same danger is present if they are instructed by similarly minded instructors in this country.

Both in the hearings and on the floor today there has been expressed many times a great concern about these young people and I assume most of them will be young people. Concern has been expressed as to how they will conduct themselves. We argued yesterday as to whether they would be able to sell the American way of life.

Mr. Chairman, I think the gentleman from Ohio [Mr. HARSHA] should be congratulated for bringing up a point which should cause each one of us to think seriously. Admittedly, it is a difficult amendment and the points raised as to its difficulty in administration are valid. Admittedly, it is hard to say what some of the instructors in these other countries might think of our way of life. We should each consider, however, that under the setup of this bill these young people for whom we have expressed such a concern whether or not they could even spend $75 without causing an international incident, may in some instances go to Africa or any place overseas and come under instructors who might not have anything in common with our way of life.

Mr. Chairman, I would say that the gentleman from Ohio [Mr. HARSHA] has an amendment which is difficult to place in this bill, but he has brought up a point which needs to be reiterated and underlined as to what the problems are in this bill and exactly what we are going to do.

Mr. Chairman, I mentioned yesterday that I was afraid that a bill like this, although it had good motives, although it had good intentions, might end up to be the personification or the embodiment of that book entitled "The Ugly American." This is especially a danger if we allow our young people to be instructed by people who are antithetical to our way of life. I suggest, Mr. Chairman, that is exactly where we could be headed.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. On page 43, may I direct the gentleman's attention to line 7 to the effect that the person who is the subject of the investigation is of questionable loyalty, and if as suggested, that we as Americans have a right to go over and investigate the faculty and the personnel at a university, we will say, in Nigeria, may I ask who determines to whom that national is loyal?

Mr. ASHBROOK. I would assume that the young men and young women who are going over there are going to be loyal to our country. Therefore, we would not want anything taught to them antithetical to the best interests of this country.

Mrs. GREEN of Oregon. But the gentleman is talking about the loyalty of the person who is on the faculty of the university in Nigeria, and who is a national of that country. Whom do you want him to be loyal to? Do you want him to be loyal to Nigeria or the United States?

Mr. ASHBROOK. I think it is certainly right for a Nigerian to be loyal to Nigeria, but it does not follow that necessarily of and by itself means this Nigerian should have a carte blanche to inculcate our Peace Corps men.

Mrs. GREEN of Oregon. Then, all right.

Mr. ALBERT. Mr. Chairman, will the gentlemar yield?

Mr. ASHBROOK. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Would this mean that the Federal Government could investigate a State university run by a State under the direction of a State legislature and a State government?

Mr. ASHBROOK. I would assume it would mean that persons in a university who instruct Peace Corps men would be subject to a loyalty check. I would say "yes" to the gentleman from Oklahoma.

Mr. DEVINE. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman.

Mr. DEVINE. Mr. Chairman, the name of Ohio State University was brought into this colloquy a few moments ago. That institution happens to be located in my district. I would say that the great majority of the faculty and the administration of the university are patriotic, loyal Americans. However, if there are persons at the university who will be teaching these youths in the

Peace Corps, I think they should certainly have no objection to a security or loyalty check. If such an investigation would reveal that any of the proposed instructors had questionable sympathies, then, of course, such persons should be eliminated from the program and summarily dismissed from the university.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Michigan.

Mr. JOHANSEN. This amendment goes not to any searching investigation of the University of Ohio, or any other university, as I understand it. It proposes that those persons under contract for instruction or for training purposes in this program will be subject to such inquiry, is that not correct?

Mr. ASHBROOK. Yes. I would say to the gentleman from Michigan [Mr. JOHANSEN] that the statements he made earlier relating to the Peace Corpsmen themselves would be doubly true as far as their instructors are concerned.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it may well be that enough has already been said in connection with this amendment. I think the discussion has certainly demonstrated that if we should adopt this language we would have something that is totally unrealistic, impractical, and very unwise. As the discussion has also brought out, the language, principally in section 22, is sufficiently broad to cause problems, perhaps, when we put the language into practice. In any event, the individuals concerned are going to be subject to a searching investigation, and in my opinion it would be as wise to investigate the families of the individuals who are to be employed by the Peace Corps as the faculty which would teach them; and presumably the families are in this country whereas the faculties may be out beyond our borders.

I think the amendment speaks for itself and should be defeated.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. GROSS moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. GROSS. Mr. Chairman, I would like to ask, since we are dealing with foreign nationals, a question or two concerning section 9, page 18 of the bill. Is this program going to take care of paying for medical care and so forth of the foreign nationals employed in this organization? Can anybody on the committee tell me about that?

Mr. MORGAN. Mr. Chairman, will the gentleman please repeat his question.

Mr. GROSS. Are the American taxpayers going to have to take care of the medical care, the pay, transportation, and everything else, of the foreign nationals who are employed by the Peace Corps?

Mr. MORGAN. A few of these people will be brought here from a foreign country and they are here for a short time. They are brought in to teach local dialects and give other training relating to conditions where the volunteers will work. They get health protection and per diem while they are here.

Mr. GROSS. So section 9 of the bill means that foreign nationals are going to be brought to this country? Is that what it means? Or are we going to employ foreign nationals in other countries?

Mr. MORGAN. We will do both.

Mr. GROSS. That is what I thought.

Mr. MORGAN. Some we are bringing here to teach our people because we have no others who are qualified to teach some of the languages the volunteers will have to use.

Mr. GROSS. Mr. Chairman, I should like to read from the Dallas Morning News of August 24, 1961. I read briefly from a news story which says:

Jan Lemoyne Hedges, preparing for construction labor in a hot, primitive, mosquito-infested African country, shopped for his wardrobe in Dallas Wednesday. He bought himself a tuxedo, soft, plain-toe shoes and silk socks.

For a member of the Peace Corps, an outfit dedicated to the idea that friends can be won easier with brawn instead of cocktail diplomacy, this is like Fidel Castro shopping for shaving lotion.

"Oh, it's a 'must' for Tanganyika," Hedges hastened to explain. "We'll associate mostly with Britons and you know how formal they are. There'll be many social functions we'll attend and they told us we would feel more at ease with tuxedoes instead of dark suits."

I am just wondering, since we are apparently going to hire foreign nationals, if they are going to have to have tuxedoes, too.

Mr. HAYS. Mr. Chairman, if the gentleman will yield, I have been through Africa and most of the people there did have them. I felt I had to have one when I went to certain functions there. Believe it or not, they know what tuxedoes are. I am just trying to enlighten the gentleman a little bit, because he does not like to travel.

Mr. GROSS. I wonder how those two British Commonwealth citizens were attired the other day when they were put in the pot in Katanga and served up for a meal.

Mr. HAYS. My guess is that the tuxedo would not make them taste any better.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Iowa [Mr. GROSS].

The motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio. It seems to me that this would open a Pandora's box, which means we would be invading academic freedom on every college campus of the country. I should like to know from the gentleman how much each one of these investigations will cost, and how many people will be investigated. It seems to me also that he ought to tell us who is going to investigate the investigators.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon [Mrs. GREEN].

Mrs. GREEN of Oregon. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. JOELSON].

Mr. JOELSON. I should like to say, in opposition to this amendment, that if we are going to have an investigation of the loyalty of Nigerian professors in Nigeria, we will start talking about having an Un-Nigerian Activities Committee, and how silly can we get?

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, I rise in opposition to the amendment. In the first place, it cannot possibly be effective. If there is going to be a sound program there has to be sensible and effective training, with the cooperation of the universities, and you will not get that cooperation with this kind of amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. JOHANSEN].

Mr. JOHANSEN. Mr. Chairman, I rise in support of the amendment. If it has served no other useful purpose, it has directed the attention of this Committee to the fact that these trainees will be under the direction of instructors and subject to the indoctrination of instructors who by their very location cannot be subjected to a security check. If the gentleman who wants to be so facetious about investigating the investigators wants to carry the point to the ultimate, I suppose he would recommend that all security checks in the United States be abolished. I do not subscribe to that philosophy.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. MORGAN].

Mr. MORGAN. Mr. Chairman, I feel that this amendment is unworkable. American private and State colleges and universities would generally regard Federal Government investigation of their faculty members as an unreasonable and unnecessary Federal interference with State or private educational matters.

Further, each loyalty check costs from $400 to $800. No security information will be involved in this program. I have a great deal of confidence in most of the college faculties around this great country. I think the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. HARSHA] to the committee amendment.

The question was taken; and on a division (demanded by Mr. HARSHA) there were—ayes 81, noes 157.

So the amendment to the committee amendment was rejected.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentlewoman from Oregon [Mrs. GREEN] is recognized for 5 minutes.

Mr. MORGAN. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent that all debate on the remainder of the bill and amendments thereto close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HALLECK. Mr. Chairman, reserving the right to object, and I shall not object, there are two amendments at the desk—one by the gentleman from Minnesota [Mr. JUDD] and one by the gentleman from Minnesota [Mr. QUIE]. As I say, I am not going to object, but I do think if the limitation is agreed to, that they should be recognized to present their amendments.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The Chair would inform the gentleman from Indiana that, of course, will take place after the committee amendments are disposed of.

Mr. HALLECK. Mr. Chairman, how many more committee amendments are there?

The CHAIRMAN. There are three additional committee amendments.

Mr. HALLECK. Mr. Chairman, may I suggest that the gentleman from Pennsylvania amend his request to provide for 20 minutes of debate after the committee amendments are disposed of.

Mr. GROSS. Mr. Chairman, reserving the right to object, I have an amendment at the desk and I would like just 1 minute to speak on the amendment or even 30 seconds would do.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent that all debate on the bill, and all amendments thereto, close in 20 minutes, after the disposition of the committee amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentlewoman from Oregon [Mrs. GREEN] is recognized for 5 minutes.

Mrs. GREEN of Oregon. Mr. Chairman, may I call the attention of the Members of the House, first of all, to page 18, line 9, which reads:

> In order to provide for participation of foreign nationals in the training of volunteers—

Then, going down to line 16: "engaged in activities authorized by this Act while they are away from their homes, without regard to the provisions of any other law."

I take it this means "assignment of duties under this act."

Secondly, Mr. Chairman, may I call attention to page 19, line 6, and lines 23 to 25:

> In furtherance of the purposes of this Act, the President may * * * contract with individuals for personal services abroad, and with aliens (abroad or within the United States) for personal services within the United States—

Then, we turn to page 43, to the committee amendment, which reads:

> All persons employed or assigned to duties under this act shall be investigated to insure—

Then it goes on to say if the individuals—and this includes foreign nationals—if the person investigated is of questionable loyalty—then there will be further investigation by the FBI.

Mr. Chairman, I submit that this language means we are authorizing the investigation of aliens. We are authorizing a loyalty check on people of other countries.

Mr. HAYS. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Ohio.

Mr. HAYS. The gentlewoman is exactly right. If you were to employ an alien or anybody else, if you, yourself, are an employer, you would make some investigation of them. This does not say anything about a field investigation of the FBI or anything like that. It merely refers to information that may be acquired from the consuls or through the ambassador or maybe from somebody in the embassy, and if this alien is a suitable person, you hire him and, if not, you do not hire him. It is just as simple as that.

Mrs. GREEN of Oregon. Will the gentleman from Ohio answer this question? In the committee amendment beginning on line 5, this language is to be found:

> If an investigation made pursuant to this section develops any data reflecting that the person who is the subject of the investigation is of questionable loyalty—

What does that mean? Questionable loyalty to whom—to what country? Questionable loyalty to the country to which he belongs?

Mr. HAYS. Of course, in that case we would be talking of questionable loyalty, if it involved an American, of questionable loyalty to the United States. If the person is an alien, if his loyalty is questionable as to the country or the government from which he came or if he is a Communist, we would not refer that to the FBI but we just would not hire him.

Mrs. GREEN of Oregon. Mr. Chairman, the explanation of the gentleman from Ohio does not seem to me to answer the difficulties and the questions involved here. I am advised the FBI itself is opposed to this section 22. The two gentlemen on the Foreign Affairs Committee do not seem to agree. Earlier, the distinguished chairman said that section 22 will not apply to anybody outside the United States. The distinguished gentleman from Ohio says it does and apparently should apply to aliens in other countries.

Mr. Chairman, I submit that we have no right to authorize investigations, loyalty checks on people who are not citizens of the United States.

Mr. HAYS. Mr. Chairman, if the gentlewoman will yield, I submit to the gentlelady that you do not hire anybody without an investigation. I do not care who they are, where they are, or where they come from. Do you think for a moment I would hire somebody just because they walked across the street and came into my office looking for a job? We do not ask the FBI to investigate them.

Mrs. GREEN of Oregon. Mr. Chairman, I do not yield further.

Mr. Chairman, I would not question the right of our Government to investigate the loyalty of an American citizen but I certainly question the wisdom of the American Government investigating the loyalty of foreign nationals in other countries, when we are asking their countries to help provide part of the training for the Peace Corps volunteers. If we object to an investigation of the faculty at Ohio State, we ought to object to an investigation of foreigners at the University of Nigeria or Ghana or some other place. I think this is an unwise amendment and I urge its defeat.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> Page 44, line 5, strike out "continental United States, Alaska, and Hawaii" and insert "United States".
>
> Page 45, line 3, insert:
>
> "(f) The word 'transportation' in sections 5(b) and 6 (2) includes transportation of not to exceed three hundred pounds per person of unaccompanied necessary personal and household effects."
>
> Page 46, line 16, insert:
>
> "TITLE II—AMENDMENTS OF INTERNAL REVENUE CODE AND SOCIAL SECURITY ACT
>
> *"Taxation of allowances*
>
> "SEC. 201. (a) Section 912 of the Internal Revenue Code of 1954 (relating to exemption from gross income for certain allowances) is amended by adding at the end thereof the following new paragraph:
>
> "'(3) PEACE CORPS ALLOWANCES.—In the case of an individual who is a volunteer or volunteer leader within the meaning of the Peace Corps Act and members of his family, amounts received as allowances under section 5 or 6 of the Peace Corps Act other than amounts received as—
>
> "'(A) termination payments under section 5(c) or section 6(1) of such Act,
>
> "'(B) leave allowances,
>
> "'(C) if such individual is a volunteer leader training in the United States, allowances to members of his family, and
>
> "'(D) such portion of living allowances as the President may determine under the Peace Corps Act as constituting basic compensation.'
>
> "(b) Section 1303(b) of the Internal Revenue Code of 1954 (relating to definition of back pay) is amended by adding at the end thereof the following new paragraph:
>
> "'(4) Termination payments under section 5(c) or section 6(1) of the Peace Corps Act which are received or accrued by an individual during the taxable year on account of any period of service, as a volunteer or volunteer leader under the Peace Corps Act, occurring prior to the taxable year.'
>
> "(c) Section 3401(a) of the Internal Revenue Code of 1954 (relating to the definition of wages for purposes of the collection of income tax at source on wages) is amended by striking out the period at the end of paragraph (12) and inserting in lieu thereof

'; or', and by adding at the end thereof the following new paragraph:

"'(13) pursuant to any provision of law other than section 5(c) or 6(1) of the Peace Corps Act, for service performed as a volunteer or volunteer leader within the meaning of such Act.'

"(d) The amendments made by subsections (a) and (b) of this section shall apply with respect to taxable years ending after March 1, 1961. The amendment made by subsection (c) shall apply with respect to remuneration paid after the date of the enactment of this Act.

"Social security coverage

"SEC. 202. (a)(1) Section 3121(i) of the Internal Revenue Code of 1954 (relating to computation of wages for purposes of the Federal Insurance Contributions Act) is amended by adding at the end thereof the following new paragraph:

"'(3) PEACE CORPS VOLUNTEER SERVICE.—For purposes of this chapter, in the case of an individual performing service, as a volunteer or volunteer leader within the meaning of the Peace Corps Act, to which the provisions of section 3121(p) are applicable, the term "wages" shall, subject to the provisions of subsection (a)(1) of this section, include as such individual's remuneration for such service only amounts paid pursuant to section 5(c) or 6(1) of the Peace Corps Act.'

"(2) Section 3121 of such Code is amended by adding at the end thereof the following new subsection:

"'(p) PEACE CORPS VOLUNTEER SERVICE.—For purposes of this chapter, the term "employment" shall, notwithstanding the provisions of subsection (b) of this section, include service performed by an individual as a volunteer or volunteer leader within the meaning of the Peace Corps Act.'

"(3) The first sentence of section 3122 of such Code (relating to Federal service) is amended by inserting after 'section 3121(m)(1) are applicable,' the following: 'and including service, performed as a volunteer or volunteer leader within the meaning of the Peace Corps Act, to which the provisions of section 3121(p) are applicable,'.

"(4) Section 6051(a) of such Code (relating to receipts for employees) is amended by adding at the end thereof the following new sentence: 'In the case of compensation paid for service as a volunteer or volunteer leader within the meaning of the Peace Corps Act, the statement shall show, in lieu of the amount required to be shown by paragraph (5), the total amount of wages as defined in section 3121(a), computed in accordance with such section and section 3121(i)(3).'

"(b)(1) Section 210 of the Social Security Act (42 U.S.C. 410) is amended by adding at the end thereof the following new subsection:

"'Peace Corps Volunteer Service

"'(o) The term "employment" shall, notwithstanding the provisions of subsection (a), include service performed by an individual as a volunteer or volunteer leader within the meaning of the Peace Corps Act.'

"(2) Section 209 of such Act (42 U.S.C. 409) is amended by adding at the end thereof the following new paragraph:

"'For purposes of this title, in the case of an individual performing service, as a volunteer or volunteer leader within the meaning of the Peace Corps Act, to which the provisions of section 210(o) are applicable, (1) the term "wages" shall, subject to the provisions of subsection (a) of this section, include as such individual's remuneration for such service only amounts certified as payable pursuant to section 5(c) or 6(1) of the Peace Corps Act, and (2) any such amount shall be deemed to have been paid to such individual at the time the service, with respect to which it is paid, is performed.'

"(3) The first sentence of section 205(p)(1) of such Act (42 U.S.C. 405(p)(1)) is amended by inserting after 'are applicable,' the following: 'and including service, performed as a volunteer or volunteer leader within the meaning of the Peace Corps Act, to which the provisions of section 210(o) are applicable,'.

"(c) The amendments made by subsections (a) and (b) of this section shall apply with respect to service performed after the date of the enactment of this Act. In the case of any individual who is enrolled as a volunteer or volunteer leader under section 16(a) of this Act, such amendments shall apply with respect to service performed on or after the effective date of such enrollment."

The committee amendments were agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JUDD:

On page 23, line 22, strike out subsection (b) from line 22 on page 23 through line 3 on page 24.

Mr. JUDD. Mr. Chairman, the paragraph that this amendment would strike out is very short, and I would like to read it:

The President may appoint to membership in a board to be known as the Peace Corps Career Planning Board persons especially qualified to advise and consult with the President with regard to the development of policies and programs designed to assist the future careers of volunteers after conclusion of their service.

Now, Mr. Chairman, if these men and women are sufficiently well qualified to be able to help meet the needs of distant, primitive countries with incredibly complicated problems, help them develop those countries in the fields of education, health, highways, agriculture, and other needed improvements, surely these individuals are sufficiently well qualified to be able to decide and plan their own careers. I do not think it is right to provide special privileges for these volunteers as against, for example, the members of our Armed Forces when they come home from difficult assignments abroad. We have the U.S. Employment Service for them; and employers give them assistance in becoming reemployed. The Peace Corps volunteers do not need, or want, more.

The suggestion is made that maybe we can get better persons to go into the Peace Corps if they know that when they come back there will be a special board all set up to advise the President how best to help them get jobs where their special talents can be most effectively used. I know it will also be said that this Board is not to help the volunteers, but to help our country, that we should make special efforts to induce these individuals to get into government service or teaching. Mr. Chairman, I doubt that men and women of the outstanding qualities and caliber of these men and women would count it a compliment, or an inducement to join the Peace Corps, to be told that when they come back, they are to be, as somebody has said, wet-nursed by a Government agency set up for that particular purpose.

I speak with a certain amount of feeling on such work abroad. I went to China at the age of 25, and I lived there for 6 years as the equivalent of a Peace Corps volunteer. My income was $600 a year. There was one period of almost 2 years, in which I saw only one white person, a sick Austrian priest who was carried by his loyal supporters over the mountains for 6 or 7 days in a sedan chair or litter, only to die the day after he arrived. I never felt sorry for myself. I learned more in those years than in any other period of my life. I know the thrills and the sense of usefulness, as well as the hardships, the loneliness, and all the rest that can come from this kind of isolated hard work under primitive conditions.

I envy these youths the opportunity they will have. I have great hopes for them and for this organization, if it will be kept simple and sacrificial. It can fill a great need that we have not previously begun to meet, if the men and women are called and prepared to go out with no thought of personal reward and no thought of what they are going to do in the next 50 years, but in terms of the service they can render to the needy peoples to whom they go and among whom they are to live. Their concern is to help build a world of order, development, and peace. Let us not spoil that, may I call it, purity of motive.

This section actually downgrades the volunteers.

They are not primarily concerned with how much they are going to get in benefits, or what they are to be later. They join up for what they can do right now for the country to which they are sent, and to their own country.

Let us strike this section out of the bill and keep it as it was intended to be, a mobilization of the fine, idealistic, educated, sensitive, unselfish youth of America, to go out and give 2 years of their lives in service to needy and grateful people. The qualities that enable them to succeed there will open plenty of doors of great usefulness for them and for our country on their return.

The Senate has stricken this section out. We ought to do the same and improve the bill accordingly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. JUDD].

The question was taken; and on a division (demanded by Mr. JUDD) there were—ayes 145, noes 88.

So the amendment was agreed to.

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: On page 23, line 15, after "council" insert "25."

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, the committee has no objection to the gentleman's amendment.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. GOODELL. Mr. Chairman, I take this time to point out that there is in this bill an amendment to the National Defense Education Act providing that Peace Corps participants shall have the repayment of loans, if they have received loans under the Defense Education Act, suspended for a period up to 3 years. During that time the interest on the defense education loan is suspended.

I do not understand why this has not come to the Committee on Education and Labor. But aside from that, the Senate bill went further than the bill we have before us here. In addition to the suspension of 3 years for repayment and interest, there is a forgiveness procedure comparable to the forgiveness for teachers who receive loans under the Defense Education Act where they will be forgiven 10 percent each year up to a maximum of 50 percent.

I think I express the feeling of a very substantial number of members of the Committee on Education and Labor in opposition to extension of this forgiveness procedure in the Defense Education Act. I would hope our conferees will stand firm against the forgiveness feature that was adopted in the Senate.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Ohio.

Mr. HAYS. The Committee on Foreign Affairs struck that out, so I do not think the gentleman needs to be too much concerned about it.

Mr. GOODELL. I have great concern because it is passed by the Senate, and I am fearful we will end up with a forgiveness feature in the bill that comes back to us.

Mr. MORGAN. A distinguished member of the Committee on Education and Labor is also a member of the Committee on Foreign Affairs, and we have followed his guidance.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. In my opinion, we should logically have considered this in the Committee on Education and Labor. I do think that the committee amendment is in accordance with what our committee would have done.

I hope the House will maintain its position when we do go to conference with the other body.

Mr. QUIE. I thank the gentleman for bringing this point up. I feel too that the conferees should stand firm on the position of the House and that it will be acceptable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. QUIE].

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS:

On page 45 after line 12, add the following:

"SEC. 27. None of the funds authorized to be appropriated in this bill shall be used (1) to pay any salary to any person who engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship."

Mr. HAYS. Mr. Chairman, I reserve a point of order against the amendment.

Mr. GROSS. Mr. Chairman, the amendment speaks for itself. Anyone who can read knows precisely what it means. It is opposed to the promotion of one world governments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Chairman, during the debate on the Peace Corps bill on the floor yesterday, the gentleman from Iowa [Mr. SMITH] pointed out that one of the people who had trained at the University of Iowa for Peace Corps service in St. Lucia is a 55-year-old schoolteacher from Detroit. To further amplify the CONGRESSIONAL RECORD on this point, I wish to point out that St. Lucia is an island in the West Indian Federation, which is to be established in the near future, and the schoolteacher in question is Miss Madge Shipp, a constituent and close personal friend of mine. I would like at this time to pay tribute to this remarkable and courageous woman.

Madge Shipp, at the age of 55, has given up a secure future and an income of $7,000 a year to go to a foreign land and earn a subsistence wage. This is remarkable in itself, but is all the more remarkable in view of the hardships she went through to reach the security she has relinquished. Family financial difficulties forced her to give up her schooling after the 10th grade. She was unable to return to high school for 10 years, and graduated at the age of 27. She then paid her way through the first 3 years of college by working as a domestic servant.

She started working toward a master's degree in 1943, at the age of 38. She was frustrated again by financial difficulties, and had to stop after earning 18 hours of credit. She went back to complete her graduate work in 1957, but was told her 18 credits were no longer acceptable, and that she would have to start all over again. Undaunted, she did start over again, and was awarded her degree from Wayne University in 1960.

Mr. Chairman, I submit that this record of devotion to education is uniquely commendatory in these times, when most people, if they cannot complete their formal education in one continuous period, just do not bother to complete it. The city of Detroit is proud of its daughter, Mr. Speaker, and Detroit's loss is the Peace Corps gain.

I include at this point an article from the Detroit Teacher of September 1961 about Miss Shipp. This is the official publication of the Detroit Federation of Teachers.

[The Detroit Teacher, September 1961]

GALLANT MISS SHIPP JOINS PEACE CORPS

Instead of returning to her Carver School (formerly an independent district; since 1960, part of Oak Park district) classroom September 5, Madge Shipp took off for the island of St. Lucia in the West Indies Federation, accompanied by 16 other Peace Corpsmen.

At 55 she was twice the average age of the group and she was the only Negro.

The 17 had just finished intensive training at the University of Iowa and their immediate destination was the University of Agriculture at Port of Spain, Trinidad, where the training will be continued.

They are enrolled for 2 years and will receive no salary, only provisions for a meager living.

"This is as it should be," said Madge. "I do not intend to go and just touch the edges or scratch the surface. I intend to live, if not just like the people I am trying to help, no more than one step above them. This might give them something to work toward."

Why is she willing to make such a financial and personal sacrifice? She says that "more emphasis should be placed on the intangibles in life. There is a common bond between all peoples—we are all human beings."

Miss Shipp heard about the Peace Corps during the presidential campaign and would have been one of the first volunteers except that she thought only young people were wanted. But one day she asked at Wayne State University whether the Peace Corps would consider someone her age.

The answer was, "Madge, the Peace Corps would be lucky to get someone like you." That evening she filled out her questionnaire and mailed it to Washington.

Members of her family and her friends have told her she is making a big mistake. They know what sacrifice she has made to reach her $7,000 teaching job and the financial security and community prestige it carries. They know, for instance, that family finances forced her to leave school after the 10th grade and that she was unable to return to finish high school for 10 years.

But Miss Shipp says this is one of the reasons she is dedicated to the Peace Corps idea. She knows what it is like to want an education and not be able to go to school. She has paid tuition for many deserving boys and girls and planned to bring African children to the United States and see them through the eighth grade.

Madge was 25 when he returned to high school in 1930. She was graduated in 1933. A school official told her she was too old to go to college, but she was determined to try.

She paid her way for the first 3 years at East Michigan University (Ypsilanti) by working as a domestic.

After she started teaching in 1937, her mother became ill and most of her money had to go for medical expenses.

In 1943, Miss Shipp began studying for a master's degree at Wayne State but financial difficulties forced her to drop out of school after she had finished 18 semester hours. In 1957, she went back to complete her graduate work. She was told she could not receive credit for the 18 hours she had gained, but would have to begin all over again. This failed to discourage her. In June 1960, she received her master's degree from Wayne.

Of her training course at Iowa University, Madge said, "Before I went there, I had not taken part in gymnastics since 1927, but I participated in every phase of training for this project. The second day there I swam for the first time in 34 years. It wasn't easy, but I swam."

In St. Lucia, she will teach in an elementary school. Her work and that of the other 16 Peace Corpsmen will be supervised by Heifer Project, Inc., a nonprofit organization which distributes livestock and poultry to areas throughout the world, under the direction of the government of St. Lucia.

It is a happy circumstance that the Peace Corps can, at so modest a cost, harness the enthusiasm and good will of our people for the death struggle we face with Communist tyranny. If Madge Shipp and other enthusiastic and idealist Americans are the measure of the Peace Corps, then that organization will be a great and wonderful instrument for good. Certainly the Peace Corps deserves every chance, and enactment of this bill is a must for the sake of our freedom.

Mr. LANE. Mr. Chairman, the Peace Corps is the first original and promising idea in the field of foreign relations that gets to the heart of the situation. One serious lack in our diplomacy, and in our foreign aid programs, has been the failure to establish people-to-people communication and practical helpfulness.

The bill, to establish a Peace Corps to assist the people of interested countries and areas in meeting their needs for skilled manpower, is inspired by our consideration for people in backward areas and our desire to help them improve their standard of living.

There are no strings attached to the Peace Corps. Our sole purpose is to assist other people so that they will share in progress. Such efforts will be constructive, in the material and the spiritual sense. For, by working with the people of undeveloped or backward areas, we have the opportunity to build the confidence in one another, born of overcoming problems together—that opens the road to peace.

There are few precedents to guide us. There will be failures from which we will learn, but the practical idealism of the young men and women who sacrifice the comforts and conveniences of life in the United States for the purpose of helping underprivileged people elsewhere to learn the basic skills that will make them self-reliant, is the spirit of freedom and human dignity at its best.

The $40 million budget will enable the Peace Corps to have 2,700 men and women in services overseas or in training by the end of fiscal year 1962, and will enable the Peace Corps to enter into training contracts with universities to train additional volunteers during the summer of 1962.

Training for each project will take from 3 to 6 months, most of it spent in the United States, but some of it provided in the country to which the volunteer is sent. Each candidate will receive a thorough medical examination as well as psychological and psychiatric tests. He will be screened by the FBI. He will engage in 60 to 66 hours of work a week on concentrated intellectual and physical effort. Included in this program will be training in such subjects as nutrition, personal health and sanitation, disease prevention, self-care and mental hygiene.

The volunteer will receive living allowances while on the job, but no pay. He will live at a level generally similar to that of his host country counterpart.

In the words of Director Shriver, the Peace Corps volunteers will show the world that "the American revolution is on the move again" by demonstrating that young Americans have "the stamina, the curiosity, the sympathy, and the responsibility to become working representatives of the United States abroad."

Sometimes they may serve under conditions of hardship, but in helping others they will promote a better understanding of the American people on the part of the peoples served, and a better understanding of other peoples, on the part of the American people.

The Peace Corps volunteers represent the often-frustrated pioneering spirit of most Americans. They will be starting out on a bold adventure to faraway and sometimes primitive places, where they will show how freemen and freewomen work for progress and humanity.

The Peace Corps will encourage that people-to-people communication which is essential to world order, world well-being, and world understanding.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower, pursuant to House Resolution 454, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GROSS. Unqualifiedly and unequivocally, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GROSS moves to recommit the bill, H.R. 7500, to the House Committee on Foreign Affairs.

The SPEAKER pro tempore. The question is on the motion to recommit offered by the gentleman from Iowa.

The motion was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. JOHANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 288, nays 97, answered "present" 3, not voting 49, as follows:

[Roll No. 205]

YEAS—288

Adair	Gilbert	Moorehead, Ohio
Addabbo	Goodell	Moorhead, Pa.
Addonizio	Goodling	Morgan
Albert	Granahan	Morris
Alexander	Grant	Morrison
Andersen, Minn.	Gray	Morse
Anderson, Ill.	Green, Oreg.	Mosher
Ashley	Green, Pa.	Moss
Aspinall	Griffin	Moulder
Ayres	Griffiths	Multer
Bailey	Gubser	Murphy
Baldwin	Hagan, Ga.	Natcher
Barrett	Hagen, Calif.	Nelsen
Barry	Halleck	Nix
Bass, N.H.	Halpern	O'Brien, Ill.
Bass, Tenn.	Hansen	O'Brien, N.Y.
Bates	Harding	O'Hara, Ill.
Beckworth	Hardy	O'Hara, Mich.
Bennett, Fla.	Harris	Olsen
Blatnik	Harvey, Ind.	O'Neill
Boland	Harvey, Mich.	Ostertag
Bolling	Hays	Patman
Bolton	Healey	Perkins
Bonner	Hechler	Peterson
Boykin	Hemphill	Philbin
Brademas	Henderson	Pike
Bray	Herlong	Pilcher
Breeding	Holifield	Poff
Brewster	Holland	Price
Bromwell	Holtzman	Pucinski
Brooks, Tex.	Horan	Quie
Broomfield	Huddleston	Rains
Broyhill	Hull	Randall
Burke, Ky.	Ichord, Mo.	Reuss
Burke, Mass.	Inouye	Rhodes, Pa.
Byrne, Pa.	Jarman	Riehlman
Cahill	Jennings	Riley
Cannon	Jensen	Rivers, Alaska
Chamberlain	Joelson	Roberts
Chelf	Johnson, Md.	Robison
Chenoweth	Johnson, Wis.	Rodino
Chiperfield	Jones, Ala.	Rogers, Colo.
Church	Judd	Rogers, Fla.
Coad	Karsten	Rooney
Cohelan	Karth	Roosevelt
Collier	Kastenmeier	Rostenkowski
Conte	Kee	Roudebush
Cook	Keith	Roush
Corbett	Kelly	Rutherford
Corman	Keogh	Ryan
Cramer	Kilday	St. Germain
Curtin	King, Calif.	Santangelo
Curtis, Mass.	King, Utah	Schenck
Daddario	Kirwan	Schneebeli
Daniels	Kitchin	Schweiker
Davis, John W.	Kluczynski	Schwengel
Davis, Tenn.	Kornegay	Scott
Dawson	Kowalski	Scranton
Delaney	Landrum	Seely-Brown
Dent	Lane	Selden
Denton	Langen	Shelley
Diggs	Lankford	Sheppard
Dingell	Latta	Shipley
Dominick	Lennon	Sibal
Donohue	Lesinski	Sikes
Downing	Libonati	Sisk
Doyle	Lindsay	Smith, Iowa
Duiski	Loser	Smith, Miss.
Durno	McCormack	Spence
Dwyer	McCulloch	Springer
Edmondson	McDowell	Stafford
Elliott	McFall	Staggers
Ellsworth	McSween	Steed
Evins	Macdonald	Stephens
Fallon	MacGregor	Stratton
Farbstein	Machrowicz	Stubblefield
Fascell	Mack	Sullivan
Feighan	Madden	Taylor
Fenton	Magnuson	Teague, Calif.
Findley	Mahon	Thomas
Finnegan	Mailliard	Thompson, La.
Fino	Marshall	Thompson, N.J.
Flood	Mathias	Thornberry
Fogarty	May	Toll
Fountain	Merrow	Tollefson
Frelinghuysen	Michel	Trimble
Friedel	Miller, Clem	Tupper
Fulton	Miller, George P.	Udall, Morris K.
Gallagher	Mills	Ullman
Garmatz	Moeller	Vanik
Gary	Monagan	Van Zandt
Giaimo	Montoya	Wallhauser

Walter	Whitener	Wright
Watts	Wickersham	Yates
Weis	Widnall	Zablocki
Whalley	Willis	Zelenko

NAYS—97

Abbitt	Dole	Murray
Abernethy	Dorn	Norblad
Alford	Dowdy	Norrell
Andrews	Fisher	Nygaard
Ashbrook	Flynt	O'Konski
Ashmore	Garland	Osmers
Auchincloss	Gathings	Passman
Avery	Gavin	Pelly
Baker	Glenn	Pillion
Baring	Gross	Poage
Battin	Haley	Ray
Becker	Harrison, Wyo.	Reece
Beermann	Harsha	Reifel
Belcher	Hiestand	Rhodes, Ariz.
Bell	Hoffman, Ill.	Rousselot
Bennett, Mich.	Hoffman, Mich.	Saylor
Berry	Hosmer	Schadeberg
Betts	Johansen	Scherer
Bow	Jonas	Short
Brown	Kilgore	Shriver
Bruce	King, N.Y.	Smith, Calif.
Burleson	Knox	Smith, Va.
Byrnes, Wis.	Kyl	Taber
Casey	Laird	Teague, Tex.
Cederberg	Lipscomb	Thomson, Wis.
Clancy	McIntire	Tuck
Colmer	McMillan	Van Pelt
Cunningham	McVey	Wharton
Davis, James C.	Martin, Nebr.	Whitten
	Matthews	Williams
Derounian	Meader	Wilson, Ind.
Derwinski	Minshall	Winstead
Devine	Moore	

ANSWERED "PRESENT"—3

Everett	Forrester	Rivers, S.C.

NOT VOTING—49

Alger	Harrison, Va.	Rabaut
Anfuso	Hébert	Rogers, Tex.
Arends	Hoeven	St. George
Blitch	Ikard, Tex.	Saund
Boggs	Johnson, Calif.	Siler
Brooks, La.	Jones, Mo.	Slack
Buckley	Kearns	Thompson, Tex.
Carey	Kilburn	Utt
Celler	Kunkel	Vinson
Clark	McDonough	Weaver
Cooley	Martin, Mass.	Westland
Curtis, Mo.	Mason	Wilson, Calif.
Dague	Miller, N.Y.	Young
Dooley	Milliken	Younger
Ford	Pfost	
Frazier	Pirnie	
Hall	Powell	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Ford for, with Mr. Everett against.

Mr. Clark for, with Mr. Forrester against.

Mr. Vinson for, with Mr. Rivers of South Carolina against.

Mr. Hébert for, with Mr. Mason against.

Mr. Ikard for, with Mr. Harrison of Virginia against.

Mr. Anfuso for, with Mrs. Blitch against.

Mr. Cooley for, with Mr. Alger against.

Mr. Frazier for, with Mr. Rogers of Texas against.

Mr. Powell for, with Mr. Kilburn against.

Mr. Buckley for, with Mr. Hoeven against.

Mr. Arends for, with Mrs. St. George against.

Mr. Johnson of California for, with Mr. Utt against.

Mr. Carey for, with Mr. McDonough against.

Mr. Kunkel for, with Mr. Wilson of California against.

Mr. Boggs for, with Mr. Hall against.

Mr. Younger for, with Mr. Weaver against.

Until further notice:

Mr. Celler with Mr. Curtis of Missouri.

Mr. Brooks of Louisiana with Mr. Dooley.

Mr. Jones of Missouri with Mr. Kearns.

Mrs. Pfost with Mr. Martin of Massachusetts.

Mr. Saund with Mr. Pirnie.

Mr. Young with Mr. Siler.

Mr. Thompson of Texas with Mr. Milliken.

Mr. Rabaut with Mr. Westland.

Mr. FORRESTER. Mr. Speaker, I have a live pair with the gentleman from Pennsylvania [Mr. CLARK]. If he were present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. EVERETT. Mr. Speaker, I have a live pair with the gentleman from Michigan [Mr. FORD]. If he were present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. RIVERS of South Carolina. Mr. Speaker, I have a live pair with the gentleman from Georgia [Mr. VINSON] who, if he were present, would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 7500.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain rules and until midnight tomorrow to file certain other privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. McGown, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3156. An act to make the Panama Canal Company immune from attachment or garnishment of salaries owed to its employees.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S.2325. An act to amend the Export-Import Bank Act of 1945.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8072. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1962, and for other purposes.

The message also announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of West Virginia, Mr. KEFAUVER, Mr. SMITH of Massachusetts, Mr. SCHOEPPEL, and Mr. HRUSKA to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8762) entitled "An act to amend the Small Business Act to increase the amount available for regular business loans thereunder."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8302) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes."

The message also announced that the Senate disagrees to the amendment of the House to Senate amendment No. 2.

The message also announced that the Senate further insists on its amendment No. 2 to the above-entitled bill and asks a further conference with the House on the disagreeing votes of the two Houses thereon.

The message also announced the appointment of Mr. STENNIS, Mr. RUSSELL, Mr. MONRONEY, Mr. SALTONSTALL, Mr. BRIDGES, and Mr. BYRD of Virginia, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 902) entitled "An act to amend the Small Business Investment Act of 1958, and for other purposes."

The message also requested that the House return to the Senate the concurrent resolution (S. Con. Res. 14) entitled "Concurrent Resolution saluting 'Uncle Sam' Wilson, of Troy, N.Y., as the progenitor of America's national symbol of 'Uncle Sam'," with the accompanying papers.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1962

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8072) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1962, and for other purposes, with Senate amendments thereto, disagree to the amendments of the Senate and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

The Chair hears none and appoints the following conferees: Messrs. RABAUT, NATCHER, CANNON, RHODES of Arizona, and TABER.

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight Friday to file a conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

IMMUNITY FROM ATTACHMENT OF SALARIES OF EMPLOYEES OF THE PANAMA CANAL COMPANY

Mr. BONNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3156) to make the Panama Canal Company immune from attachment or garnishment of salaries owed to its employees, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

After line 9, insert:

"SEC. 2. That section 2 of the Act of August 12, 1958, as amended, is amended to read as follows:

" 'SEC. 2. This Act shall be effective immediately upon enactment and shall cease to be effective on and after October 15, 1961: *Provided, however,* That contracts in effect midnight September 14, 1961, shall remain in effect until midnight October 15, 1961, unless such contracts terminate earlier by their own terms, or are rendered illegal under the terms of the first section of this Act.' "

Amend the title so as to read: "An act to make the Panama Canal Company immune from attachment or garnishment of salaries owed to its employees, and to amend the Shipping Act, 1916."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CONSERVATION OF MIGRATORY WATERFOWL BY ACQUISITION OF WET LANDS

Mr. DINGELL submitted a conference report and statement on the bill, H.R. 7391, to promote the conservation of migratory waterfowl by the acquisition of wet lands and other essential waterfowl habitat, and for other purposes.

CERTAIN CREDITS AGAINST FEDERAL UNEMPLOYMENT TAX

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2585) relating to the credits against the employment tax in the case of certain successor employers, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 2, strike out all after line 18 over to and including line 4 on page 3 and insert:

"(b) The amendment made by subsection (a) shall apply with respect to the calendar year 1961 and each calendar year thereafter.

SEC. 2. Election for Quartzite and Clay Used in the Production of Refractory Products

"(a) ELECTION FOR PAST YEARS.—If an election is made under subsection (c), in the case of quartzite and clay used by the mine owner or operator in the production of refractory products, for the purpose of applying section 613(c) of the Internal Revenue Code of 1954 (and corresponding provisions of the Internal Revenue Code of 1939) for each of the taxable years with respect to which the election is effective—

"(1) the term 'ordinary treatment processes' shall include crushing, grinding, and separating the mineral from waste, but shall not include any subsequent process; and

"(2) the gross income from mining for each short ton of such quartzite or clay used in the production of all refractory products sold during the taxable year shall be equal to 87½ percent of the lesser of—

"(A) the average lowest published or advertised price, or

"(B) the average lowest actual selling price, at which, during the taxable year, the mine owner or operator offered to sell, or sold, such quartzite or clay (in the form and condition of such products after the application of only the processes described in paragraph (1) and before transportation from the plant in which such processes were applied). For purposes of this paragraph, exceptional, unusual, or nominal sales or selling prices shall be disregarded. If the mine owner or operator makes no sales of, or makes only exceptional, unusual, or nominal sales of, such quartzite or clay after application of only the processes described in paragraph (1), then in lieu of the price provided for in subparagraph (A) or (B) there shall be used the average lowest recognized selling price for the taxable year for such quartzite or clay in the marketing area of the mine owner or operator published in a trade journal or other industry publication.

"(b) YEARS TO WHICH APPLICABLE.—An election made under subsection (c) to have the provisions of this section apply shall be effective on and after January 1, 1951, for all taxable years beginning before January 1, 1961, in respect of which—

"(1) the assessment of a deficiency,

"(2) the refund or credit of an overpayment, or

"(3) the commencement of a suit for recovery of a refund under section 7405 of the Internal Revenue Code of 1954,

is not prevented on the date of the enactment of this Act by the operation of any law or rule of law. Such election shall also be effective on and after January 1, 1951, for any taxable year beginning before January 1, 1961, in respect of which an assessment of a deficiency has been made but not collected on or before the date of the enactment of this Act.

"(c) TIME AND MANNER OF ELECTION.—An election to have the provisions of this section apply shall be made by the taxpayer on or before the 60th day after the date of publication in the Federal Register of final regulations issued under authority of subsection (f), and shall be made in such form and manner as the Secretary of the Treasury or his delegate shall prescribe by regulations. Such election, if made, may not be revoked.

"(d) STATUTES OF LIMITATIONS.—Notwithstanding any other law, the period within which an assessment of a deficiency attributable to the election under subsection (c) may be made with respect to any taxable year for which such election is effective, and the period within which a claim for refund or credit of an overpayment attributable to the election under such subsection may be made with respect to any such taxable year, shall not expire prior to one year after the last day for making an election under subsection (c). An election by a taxpayer under subsection (c) shall be considered as a consent to the application of the provisions of this subsection.

"(e) TERMS; APPLICABILITY OF OTHER LAWS.—Except where otherwise distinctly expressed or manifestly intended, terms used in this section shall have the same meaning as when used in the Internal Revenue Code of 1954 (or corresponding provisions of the Internal Revenue Code of 1939) and all provisions of law shall apply with respect to this section as if this section were a part of such Code (or corresponding provisions of the Internal Revenue Code of 1939).

"(f) REGULATIONS.—The Secretary of the Treasury or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

Amend the title so as to read: "An act relating to the credits against the employment tax in the case of certain successor employers and to provide an election for past taxable years with respect to the determination of gross income from mining in the case of quartzite and clay used in the production of refractory products."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MASON] and I may extend our remarks in explanation of the Senate amendments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, as passed by the House, the bill, H.R. 2585, would have permitted State unemployment taxes that were paid by a predecessor employer during the year to be claimed as a credit against the Federal unemployment tax of a successor employer for that year. The relief provided under the House bill would have been retroactive to all years after 1950.

As amended by the other body, the retroactive feature contained in the House bill was eliminated so that the bill in its present form would only be prospective in application. This amendment was made by the other body because of a reversal in the position of the Treasury Department as to the credits against Federal unemployment tax liability that could be claimed by successor employers in prior years so that the need for retroactive application of the bill has become moot.

The other body also amended the House bill by providing an election for determining the base for the purpose of determining the percentage depletion deduction allowable in the case of clay or quartzite used in making refractory products for years prior to January 1, 1961.

The Members of the House will recall that under present law the percentage depletion allowance is determined by multiplying the percentage rate applicable to the particular mineral by the value of the mineral at the point at which the mining process ends. This so-called cutoff point in the case of

clay and quartzite used in the production of refractory products has generally been determined by the Internal Revenue Service to be the value of the mineral at the conclusion of the crushing and grinding processes applied thereto. However, as a result of the Supreme Court decision in the Cannelton Sewer Pipe Co. case, the Internal Revenue Service has contended that the cutoff point with respect to such quartzite and clay occurs when the minerals are extracted from the ground.

As amended by the other body, taxpayers using quartzite and clay in the refractories industries were given an election to use a cutoff point after crushing and grinding for taxable years beginning before January 1, 1961.

The amendment added by the other body also provides a method for valuing the quartzite or clay where the election described above is made. Under this amendment, the taxpayer shall use a value of 87½ percent of the average lowest price for which the ground refractory clay or quartzite was sold by him during the taxable year. The use of this figure will preclude controversies from arising between taxpayers and the Internal Revenue Service with respect to the value of refractory quartzite and clay at the conclusion of the application of the crushing and grinding processes thereto.

The election provided by the amendment made by the other body applies only to quartzite and clay used in the production of products generally recognized as refractory products by the refractories industry, such as clay firebrick and special shapes, silica brick and shapes, refractory bonding mortars and the like. If the election provided by this amendment is made, crushing, grinding, and separation of the clay or quartzite from waste are to be treated as allowable mining processes. In determining the price at which the 87½ percent referred to above is to be applied, the average lowest published price or the average lowest selling price at which the crushed and ground products are sold during the year is to be used.

Under the amendment made by the other body, this election must be made on or before 60 days after the date of publication of final regulations by the Treasury Department under this provision. Once made, the election is irrevocable.

Mr. MASON. Mr. Speaker, the House passed version of H.R. 2585 was designed to correct a technical deficiency in the Federal tax laws pertaining to unemployment taxes. It will be recalled that under existing law a corporation which is merged or consolidated in a second corporation within the first 20 weeks of the taxable year is not treated as an employer for purposes of the Federal unemployment tax but generally is considered an employer for most State unemployment taxes. As a consequence, the corporation that is merged is required to pay the State tax but the successor corporation is denied the credit against the Federal tax for the State taxes paid by the first corporation. This double tax would be promoted under the change proposed in H.R. 2585. As approved by the House this bill would have been effective for calendar year 1951 and subsequent years. This retroactivity was considered necessary to correct unjust enrichment of the Federal Government as a consequence of the deficiency in existing law.

Since the House action, the Treasury Department has concluded that a successor corporation resulting from a statutory merger or consolidation is the same employer and taxpayer as the predecessor corporation within the meaning of the existing provisions of the Federal Unemployment Tax Act. Thus, the Treasury Department has made the retroactivity in the House bill unnecessary, and the Treasury Department has gone on record as being in favor of the enactment of H.R. 2585 if it is prospective in its application. The Senate Finance Committee amended the House passed bill to make it apply prospectively only.

Another Senate amendment pertains to the percentage depletion deduction in the case of clay and quartzite used in making refractory products. With respect to clay and quartzite used in the production of refractory products, the administrative practice of the Treasury Department has been to treat crushing and grinding as mining processes so that the cutoff point for depletion computation purposes occurred at the conclusion of these processes. The Supreme Court decision in the recently decided Cannelton case cast this longstanding administrative practice of the Treasury in doubt and the Government has recently contended that the cutoff point applicable to these minerals occurs when they are extracted from the ground. The Senate Finance Committee approved an amendment pertaining to the cutoff point with respect to refractory clay and quartzite granting an election to the taxpayers to use a cutoff point after crushing and grinding for taxable years beginning before January 1, 1961. The amendment also provides a method for valuing the clay or quartzite when the election is made.

Mr. Speaker, it is appropriate that these amendments to H.R. 2585 should be approved by the House.

PROVIDING FOR FREE ENTRY OF A TOWING CARRIAGE FOR THE USE OF THE UNIVERSITY OF MICHIGAN

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5852), to provide for the free entry of a towing carriage for the use of the University of Michigan, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

After line 6, insert:

"SEC. 2. (a) Paragraph 1798(b) of the Tariff Act of 1930, as amended (19 U.S.C., sec. 1201, par. 1798(b)), is amended by renumbering subdivisions (2) and (3) as (3) and (4), respectively, and by inserting after subdivision (1) the following new subdivision:

"'(2) not exceeding $100 in value of articles (including not more than one wine gallon of alcoholic beverages and not more than one hundred cigars) accompanying such person to be disposed of by him as bona fide gifts, if such person has not claimed an exemption under this subdivision (2) within the six months immediately preceding his arrival and he intends to remain in the United States for not less than seventy-two hours;'.

"(b) Paragraph 1798(g) of such Act, as amended (19 U.S.C., sec. 1201, par. 1798(g)), is amended by striking out 'subdivision (2) of subparagraph (b)' and inserting in lieu thereof 'subdivision (3) of subparagraph (b)'.

"(c) Subdivision (2)(B) of section 321(a) of such Act, as amended (19 U.S.C., sec. 1321), is amended by inserting '(b)(2) or' after 'paragraph 1798'.

"(d) The amendments made by subsections (a), (b), and (c) shall apply with respect to persons arriving in the United States on or after the 30th day after the date of the enactment of this Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

The title was amended to read as follows: "An act to provide for the free entry of a towing carriage for the use of the University of Michigan, and to increase the duty-free exemption of persons arriving in the United States who are not returning residents thereof."

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois and myself may extend our remarks at this point in the RECORD.

Mr. Speaker, as Members of the House will recall, as passed by the House this bill provided for the free entry of one towing carriage imported for the use of the University of Michigan. The Senate has amended the bill by adding a provision amending paragraph 1798 of the Tariff Act of 1930, as amended, to permit nonresidents arriving in the United States to bring with them up to $100 in bona fide gifts without having to pay duties thereon. There is a limitation on the number of cigars and the amount of alcoholic beverages which can be included in the $100 limitation, and it is provided that the nonresident can avail himself of the $100 exemption only once every 6 months.

The existing provisions of paragraph 1798 provide that a nonresident arriving in the United States can bring with him, without payment of duties, articles of wearing apparel and other personal effects, as well as automobiles and similar means of transportation which will be used in the United States for his and his family's conveyance. Penalty provisions are included in the event of sale of such articles.

In reporting on this amendment to the Committee on Finance, the executive departments indicated their support of the proposal, and expressed the opinion that to give nonresident travelers a more adequate duty-free allowance for gifts would contribute to better public international relations and to some increased international travel, with little, if any, loss of revenue.

It was pointed out on the Senate floor that while this may be considered by some to be a minor amendment, it could be a highly significant one, in view of the importance of travel to this country's economic and political well-being, and in order to stimulate, encourage, and genuinely welcome a larger number of foreign tourists.

I urge that the House concur in the Senate amendment.

Mr. MASON. Mr. Speaker, this legislation, H.R. 5852, when it was originally before the House provided for the duty-free importation by the University of Michigan of a towing carriage to be used in connection with experimental testing and research for naval and maritime purposes. The towing carriage provided for in this proposed amendment is to be used to modernize and bring up-to-date the testing facilities of Michigan University for use on model vessels under simulated sea conditions.

The Senate Finance Committee in its consideration of this legislation approved an amendment to permit visitors from abroad to bring $100 worth of gifts into the United States free of duty. Existing law allows such a visitor to bring only $10 worth of gifts into the United States duty free. The executive departments reported favorably to the Finance Committee on this amendment. This amendment tends to give similar treatment to individuals coming into the United States as tourists as is accorded to our own citizens who are returning tourists from abroad

It is appropriate that the House should accept the Senate amendment to H.R. 5852.

APPLICATION OF THE TERMS "GROSS INCOME FROM MINING" AND "ORDINARY TREATMENT PROCESSES"

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7057) an act relating to the application of the terms "gross income from mining" and "ordinary treatment processes normally applied by mine owners or operators in order to obtain the commercially marketable mineral product or products" to certain clays and shale for taxable years beginning before December 14, 1959, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Strike out all after the enacting clause and insert: "That (a) ELECTION FOR PAST YEARS.—In the case of brick and tile clay, fire clay, or shale used by the mineowner or operator in the manufacture of building or pacing brick, drainage and roofing tile, sewer pipe, flower pots, and kindred products (without regard to the applicable rate of percentage depletion), if an election is made under subsection (c), for the purpose of applying section 613(c) of the Internal Revenue Code of 1954 (and corresponding provision of the Internal Revenue Code of 1939) for each of the taxable years with respect to which the election is effective—

"(1) gross income from the property shall be 50 per centum of the amount for which the manufactured products are sold during the taxable year except that with respect to such manufactured products, gross income from the property shall not exceed an amount equal to $12.50 multiplied by the number of short tons used in the manufactured products sold during the taxable year, and

"(2) for purposes of computing the 50 per centum limitation under section 613(a) of the Internal Revenue Code of 1954 (or the corresponding provision of the Internal Revenue Code of 1939), the taxable income from the property (computed without allowance for depletion) shall be 50 per centum of the taxable income from the manufactured products sold during the taxable year (computed without allowance for depletion).

"(b) YEARS TO WHICH APPLICABLE.—An election made under subsection (c) to have the provisions of this section apply shall be effective for all taxable years beginning before January 1, 1961, in respect of which—

"(1) the assessment of a deficiency,

"(2) the refund or credit of an overpayment, or

"(3) the commencement of a suit for recovery of a refund under section 7405 of the Internal Revenue Code of 1954,

is not prevented on the date of the enactment of this Act by the operation of any rule of law. Such election shall also be effective for any taxable year beginning before January 1, 1961, in respect of which an assessment of a deficiency has been made but not collected on or before the date of the enactment of this Act.

"(c) TIME AND MANNER OF ELECTION.—An election to have the provisions of this section apply shall be made by the taxpayer on or before the sixtieth day after the date of publication in the Federal Register of final regulations issued under authority of subsection (f), and shall be made in such form and manner as the Secretary of the Treasury or his delegate shall prescribe by regulations. Such election, if made, may not be revoked.

"(d) STATUTES OF LIMITATION.—Notwithstanding any other law, the period within which an assessment of a deficiency attributable to the election under subsection (c) may be made with respect to any taxable year for which such election is effective, and the period within which a claim for refund or credit of an overpayment attributable to the election under such subsection may be made with respect to any such taxable year, shall not expire prior to one year after the last day for making an election under subsection (c). An election by a taxpayer under subsection (c) shall be considered as a consent to the application of the provisions of this subsection.

"(e) TERMS; APPLICABILITY OF OTHER LAWS.—Except where otherwise distinctly expressed or manifestly intended, terms used in this section shall have the same meaning as when used in the Internal Revenue Code of 1954 (or corresponding provisions of the Internal Revenue Code of 1939) and all provisions of law shall apply with respect to this section as if this section were a part of such Code (or corresponding provisions of the Internal Revenue Code of 1939).

"(f) REGULATIONS.—The Secretary of the Treasury or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

Amend the title so as to read: "An act relating to the determination of gross income from the property for taxable years prior to 1961 in the case of certain clays and shale which were used in the manufacture of certain clay products."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MASON], myself and other Members who desire to do so, may have permission to extend their remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, as passed by the House, the bill H.R. 7057, provided that in the case of brick and tile clay and certain other clays and shale, the base upon which percentage depletion was to be computed for taxable years beginning before December 14, 1959, was to be determined in accordance with the principles set forth in certain Federal court cases, notwithstanding the subsequent decision of the Supreme Court in the Cannelton Sewer Pipe Co. case.

The Members of the House will recall that the House bill would have precluded the retroactive application of the more restrictive depletion base determination principles announced by the Supreme Court in the Cannelton case. This would have meant that in the case of brick and tile clay and other clays and shale, where the finished product was the first commercially marketable product, percentage depletion for open years prior to December 14, 1959, would have been computed on the value of the finished or end clay or shale product.

The other body amended the House bill to provide, on an elective basis, that the depletion base for brick and tile clay and other clays and shale used to make certain products shall be 50 percent of the gross income from the sale of such finished products but not in excess of an amount equal to $12.50 multiplied by the number of short tons of these clays or shale used in making the finished products sold. The type of products for which these clays and shale must be used are building and paving brick, drainage and roofing tile, sewer pipe, flower pots, and kindred products.

An election to have the benefits apply must be made within 60 days after the publication of final regulations under this provision and must be made with respect to all years before January 1, 1961 which are not closed by the operation of the statute of limitations or otherwise. Once made, this election may not be revoked.

Mr. MASON. Mr. Speaker, I support the request of the esteemed and able chairman of the House Committee on Ways and Means to have the House concur in the Senate amendments to H.R. 7057. This legislation as passed by the House provided that in the case of brick and tile clay and certain other clays the recent Supreme Court decision in the Cannelton case, to the extent that it departed from court decisions in previous cases, would not be applied retroactively for years beginning before the Supreme Court granted certiorari in the Cannelton case on December 14, 1959. This House version of the bill would have tended to provide that the cutoff point for depletion purposes would be based on the value of the finished or end product.

The Senate in acting on this legislation amended the House passed version to provide that for the purpose of computing the percentage depletion deduction with respect to these minerals "gross income from the property" would be 50 percent of the gross income from the finished product but not to exceed $12.50 for each ton of clay or shale used in the finished product.

The amendment to be made by the House and Senate passed versions is an election which is available to taxpayers for open years beginning before January 1, 1961.

REQUEST FROM SENATE TO RETURN A SENATE CONCURRENT RESOLUTION

The SPEAKER pro tempore laid before the House the following message from the Senate:

Ordered, That the House of Representatives be requested to return to the Senate the concurrent resolution (Senate Concurrent Resolution 14) entitled "Concurrent resolution saluting 'Uncle Sam' Wilson, of Troy, N.Y., as the progenitor of America's national symbol of 'Uncle Sam'," with the accompanying papers.

FELTON M. JOHNSTON,
Secretary.

The SPEAKER pro tempore. Without objection, the request is granted.

There was no objection.

HOUR OF MEETING ON TOMORROW, FRIDAY, SEPTEMBER 15, 1961

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

STATUS OF KENNEDY LEGISLATIVE PROGRAM

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MCCORMACK] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCORMACK. Mr. Speaker, in my extension of remarks, I include an informative radio broadcast "Status of Kennedy Legislative Program" delivered by Prof. James H. Shelton, of New York City, over WQXR network on September 13, 1961:

STATUS OF KENNEDY LEGISLATIVE PROGRAM—BASED ON EXCLUSIVE INTERVIEW WITH SPEAKER PRO TEMPORE JOHN W. MCCORMACK

With at least another 10 days to go, this Congress has already passed a larger part of the President's legislative program than any Congress since the famous "hundred days" at the beginning of Franklin D. Roosevelt's administration.

The White House is naturally pleased with the record—and leaders on Capitol Hill are frankly proud of what they have accomplished.

I have just talked with Congressman JOHN W. MCCORMACK, majority leader and now Speaker pro tempore of the House of Representatives. Mr. MCCORMACK reminded me that each Congress is elected for 2 years—and when the President drafts a legislative program, it is really a 2-year program—but now the greater part of President Kennedy's requests have already been enacted into law, and there is a whole year left for new business.

Minimum wages, a huge housing program, Federal aid to depressed areas, control of water pollution, the $21 billion highway bill, foreign aid including funds for the Latin American Alliance for Progress, and major defense appropriations—all these have been favorably acted upon.

Something has also been done about aid to education, including the extension of the national defense education program, and assistance to schools in areas where large numbers of Federal employees put extra burdens on local budgets. This means that about $1½ billion in Federal school aid has already been authorized.

Next year the Acting Speaker said, a major effort will be made to secure passage of a general bill for school assistance by the Federal Government, which involves a very much bigger program.

This week Congress is considering the Peace Corps appropriation, one of the measures in which the President has a special interest, and there is every indication that it will get favorable action.

The Overseas Press Club has recently been host to the Prime Minister of Nigera, the President of the former French Congo and a cabinet minister of the Republic of Togo—three new African countries known for their friendship to the cause of freedom in the world. I have asked all of them for comment on the Peace Corps, and every one has indicated that it will be the best means yet devised for building a better understanding of America and of the meaning of liberty, among the people of their countries.

With more than 12,000 young Americans already offering their services to the Peace Corps, and such favorable reactions from abroad, it is a safe prediction that this measure will also be passed.

Acting Speaker MCCORMACK said, during our talk, that President Kennedy's firm leadership in the fight for foreign aid, his strong stand on Berlin and his prompt action in sending the Vice President to Berlin, have stirred deep responses in Congress.

In the foreign-aid compromise, MCCORMACK pointed out, the President has secured at least 90 percent of his program. "I favor direct Treasury financing on development loans," he said—but although this provision had to be dropped, "the final aid bill will include authorization for 5-year planning, without fiscal limitations, authority to make long-term commitments, and power to carry over unexpended funds from one year to another." This represents a major victory for the President and his congressional leaders.

To sum up, this has been a remarkable productive Congress—and it has kept hard at work, even when the thermometer rose to heights that drove many people out of Washington.

FEDERAL EMPLOYEES HEALTH BENEFIT ACT OF 1959

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. LESINSKI] may extend his remarks at this point in the RECORD and include an article.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. LESINSKI. Mr. Speaker, believing that it is significant that since the Federal Employees Health Benefit Act of 1959 went into effect, about 2½ million Federal employees are eligible for hospital and medical benefits under the act, I am inserting a release of September 5, 1961, about the millionth person who has chosen Blue Cross-Blue Shield:

DETROIT, September 5.—The 1 millionth Government employee has picked Blue Cross-Blue Shield under the Federal employees health benefit plan.

Government employees comprise the biggest group in the world with a common employer protecting themselves against the cost of hospital and medical care.

John R. Norpel, personnel investigator for the State Department, became the millionth person to make Blue Cross-Blue Shield his choice.

The Employees Health Benefit Plan offers a wide choice of carrier to Government employees. In addition to the Blue Cross-Blue Shield service benefits plan, there is a commercial indemnity program underwritten by Aetna, 13 plans of employee organizations and 23 so-called comprehensive medical plans.

Blue Cross-Blue Shield with at least 54 percent of the Government workers enrolled, has more than the other 37 plans combined.

In Michigan the figure is even higher. Some 61 percent of Federal employees have chosen Blue Cross-Blue Shield; 13.5 percent have picked the Aetna commercial insurance plan and a little over 25 percent are enrolled under employee organization plans.

Norpel, the millionth Blue Cross-Blue Shield member, was honored at a luncheon in the Senate dining room in Washington with congressional leaders, State Department officials, and the presidents of the National Blue Cross Association and the National Association of Blue Shield Plans in attendance.

As a Member of the other body pointed out at the luncheon that: "In our free society we leave the choice of health cost protection to the individual citizens choosing the kind of protection they feel is best for themselves and their families. Employees of our Federal Government, along with millions of other citizens are proving for the entire world that our voluntary institutions are effective."

Walter J. McNerney, president of the Blue Cross Association and Dr. William Howard, president of the National Association of Blue Shield Plans, both pointed out that a unique feature of the Federal Civil Service Commission was offering the employees a wide choice of 38 programs, with the decision entirely up to them.

Commenting on the fact that Mr. Norpel represented the 1 millionth Federal employee choosing Blue Cross-Blue Shield, McNerney said it was tangible evidence of the confidence placed in voluntary nonprofit health prepayment by the public.

Norpel received a metal replica of his identification card and his wife was presented an engraved silver tray.

THE NATIONAL CANCER INSTITUTE ACT

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. FOGARTY. Mr. Speaker, the National Cancer Institute Act, one of the most important pieces of health legislation ever enacted by the Congress of

the United States was signed into law by President Franklin D. Roosevelt on August 5, 1937. This act established, in the Public Health Service, the agency primarily responsible for the Government's research and related activities for control of the dread disease which is the second leading cause of death in this country.

Next year will mark the 25th anniversary of the National Cancer Institute Act. This is an event of great significance from two standpoints: The progress against cancer made possible by the act and the development of a new era of medical science which this legislation inaugurated and for which it set the pattern.

In recent weeks and months there has been encouraging news, from laboratories and clinics, about the progress being made in cancer research. Scientists report that they are learning more about viruses in relation to cancer, and may soon be able to tell us whether some if not all malignant diseases are of this origin. Very effective drugs have been developed for treating cancer, and many new ones are in the final stages of study. The National Cancer Institute is launching a new program of grant support for the improvement of radiation treatment. Surgical techniques are being constantly advanced. A determined effort is being mounted by the American Cancer Society and the Public Health Service to wipe out uterine cancer, which is the second leading cause of death from malignant disease in women.

Although cancer continues to rank next to heart disease as a killer, the attack being made on it through research and public education is paying off. In 1937, only one in four cancer patients could be saved. Now, one in three is being saved, and fully half of all cancer patients could be saved today if every case were discovered early enough to receive the full benefit of treatment.

In adopting the National Cancer Institute Act of 1937 the Congress showed great wisdom in its assessment of the medical research needs of the American people. Up to that time the greatest problem had been the infectious diseases. These were being brought under effective control, however, with the introduction of the sulfa drugs and later the antibiotics. The Congress realized that, with the marked reduction in deaths from infectious diseases, the next big battle would have to be waged against chronic and degenerative conditions like cancer.

This called for a whole new approach to medical research. It demanded a new concept of responsibility for the conduct and support of research, and of training in the biological sciences, on a scale far beyond the resources of individual universities, hospitals, or local organizations. It required support not only of research itself, but also of the building and equipping of laboratories and hospitals, the training of research staffs, and the development of public health programs.

This approach called for a national effort, with a major role falling to the Government. The Congress took the first step by adopting the National Cancer Institute Act to embrace the broad field of malignant diseases. With this as a model, the Congress subsequently enacted legislation establishing various other institutes to carry the research attack into heart disease, arthritis, and metabolic diseases, mental illness, neurological diseases, and others. Thus was brought into existence the great complex of medical research entities known as the National Institutes of Health at Bethesda, Md., without doubt the outstanding organization of its kind in the world.

The accomplishments of this organization and its staff of distinguished and dedicated scientists are well known. They are especially encouraging to those who, like myself, have served on appropriations committees and gained an intimate knowledge of the plans, the hopes and the problems of those who are working on the frontlines of this large-scale attack on disease. The Congress has been so impressed with both the advancements made and the obstacles still to be overcome, that it has given constant encouragement to this great work through increased appropriations year after year.

Several months ago, I mentioned in a public address the fact that the 25th anniversary of the National Cancer Institute Act would occur in 1962. I suggested that this offered an occasion for giving appropriate recognition to the importance of this legislation as the blueprint for programs in the different fields of medical research which have been developed since its enactment. I also suggested that the anniversary be observed in terms of looking forward to the job that remains to be done for the conquest of cancer as one of the most serious threats to the health of the Nation.

This suggestion, I am happy to say, has been acted upon by the National Cancer Institute and the American Cancer Society. These two agencies—the one representing the Government's responsibilities in the cancer field, and the other a voluntary movement on a national scale—are planning a series of projects to be carried on throughout 1962 in observance of "Cancer Progress Year." The purpose of these programs is to encourage the scientific community in its research efforts, to give the public complete information about progress against cancer and the problems still to be resolved, and to emphasize the importance of each individual's participation in the total effort for the control of cancer.

Mr. Speaker, I believe that the Congress, which established the National Cancer Institute in 1937 and has since so liberally supported its great work, should now take formal recognition of this important anniversary and thus lend encouragement and support to the Institute and the American Cancer Society in their efforts to reinforce the conquest of cancer. I therefore introduce the following resolution designating 1962 as "Cancer Progress Year."

HOUSE JOINT RESOLUTION 576

Joint resolution to designate calendar year 1962 as "Cancer Progress Year."

Whereas in 1937 the National Cancer Institute Act was enacted by Congress and the first nationwide educational campaign was launched by the American Cancer Society; and

Whereas there has been developed in the United States the most massive research attack against cancer ever mounted against a single disease; and

Whereas the attack on cancer has been vigorously waged for twenty-five years by the National Cancer Institute and the American Cancer Society; and

Whereas great strides have been made in cancer control, public education, and patient service; and

Whereas about one hundred and sixty thousand persons have been cured of cancer in 1937 and today more than one million one hundred thousand persons have been cured of the disease; and

Whereas the American Cancer Society and the National Cancer Institute have demonstrated the need for complementary efforts by the people on a voluntary basis and by the Federal and local governments in the attack on this dread disease; and

Whereas the American Cancer Society and the National Cancer Institute are joining in observing Cancer Progress Year throughout 1962; and

Whereas the purposes of Cancer Progress Year are to report to the public where science stands in cancer research, to persuade the public to act for its own protection, to improve the care of the cancer patient, and to accelerate programs to conquer cancer: Therefore be it

Resolved, That the Congress of the United States designate calendar year 1962 as Cancer Progress Year; and be it further

Resolved, That the President of the United States be authorized and requested to issue proclamations inviting the participation of the people of the United States, government and private agencies, and all media of communication in the observation of Cancer Progress Year.

FEDERAL AID TO EDUCATION

Mr. WILSON of Indiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WILSON of Indiana. Mr. Speaker, as part of my remarks I am including an article by Drew Pearson entitled "School Bill Worries President," which I am very much concerned about. It is an article in which Drew Pearson reported that a distinguished Member of the other body had warned the President or advised the President to warn our distinguished Speaker of the House and our distinguished Speaker pro tempore that unless they got a Federal aid to education bill through next year, they would not be around as leaders of the House the year following.

The article is as follows:

SCHOOL BILL WORRIES PRESIDENT

(By Drew Pearson)

Senator WAYNE MORSE, of Oregon, chairman of the Senate Education Committee, was reporting to President Kennedy at the White House regarding the chances of passing an education bill, not this year but next.

Both knew the chances of getting a general education bill passed this year were nil; both hoped to pave the way for a bill next year.

MORSE told the President to warn SAM RAYBURN and JOHN MCCORMACK that if they didn't get an education bill next year they wouldn't be around as leaders of the House the year following. MORSE said he had met with the National Education Association, and knew the tempers of the teachers.

The President thanked MORSE for what he did with the NEA. He said that for 8 years under Eisenhower they didn't let out a peep on educaiton. Now, the President said, they were out to crucify him.

MORSE replied that General Eisenhower didn't make the promises Mr. Kennedy did. He told the President they had looked up every speech he made in the 1960 election. And in speech after speech he promised aid to education.

The President told MORSE to tell the NEA to give him just one Republican vote in the Rules Committee. He said he couldn't change DELANEY (Representative JAMES J. DELANEY, sometimes called Cardinal Spellman's Congressman on the Rules Committee), because DELANEY comes from a strong Catholic district. But with one Republican vote on the Rules Committee, a school bill would pass next year, the President said.

Kennedy referred to the fact that every Republican on the key Rules Committee ganged up with the Dixiecrats to bottle the bill so the full House of Representatives couldn't vote on it.

MISSISSIPPI POLITICS

What the President and Senator MORSE chiefly discussed was how to block a 2-year extension of the impacted areas school bill. They were willing to go for 1 year, but not 2.

For the impacted areas school bill is a piece of pork barrel which gives certain Congressmen all the advantages of Federal money while denying it to the rest of the Nation.

Thus, Representative BILL COLMER, the Mississippi Dixiecrat who helped block the general education bill inside the Rules Committee, turned around and voted for the impacted areas school bill. The reason was simple. Under the impacted bill he gets $1,245,000 for his Mississippi district—part for school construction, part for school maintenance and operation.

Thus COLMER makes speeches against aid to education as a socialistic giveaway, but votes for this same socialistic giveaway when it helps the area around Pascagoula, Miss.

This was true of many other Dixiecrat Congressmen. They ganged up to defeat the general education bill, but voted for the impacted areas bill because a preponderance of military bases are in the South and the "impacted" areas around them get Federal funds.

Both Virginia Senators, BYRD and ROBERTSON, for instance, lined up against the general education bill; while every Virginia Congressman except PAT JENNINGS voted against the compromise education bill. Then all Virginia Congressmen except BURR HARRISON turned around and supported the impacted areas school bill. Why? The State of Virginia gets $1.02 of Federal tax money back from the Government for every dollar paid in Federal taxes—part of it for impacted school areas.

RUSSIAN EDUCATION

Four years ago, John A. Kennedy, publisher of the Sioux Falls (S. Dak.) Argus Leader came back from Russia to report before Congress that "schools and colleges—not jet planes nor H-bombs—are the greatest Russian latent threat to America and the West.

"Where is Russia getting the scientists to produce sputniks, ballistic missiles, jet planes, and other marvels?" asked Kennedy. "It's from the graduates of her 10-year secondary school educational system—which has become perhaps the toughest secondary scholastic system in the world today.

Others reported the same. William Benton, former Senator from Connecticut, came back from Russia with a similar report. A distinguished group of American educators sent by the U.S. Office of Education under Eisenhower, also reported that Soviet education was making tremendous strides.

My own observation in Moscow bore out these conclusions.

I visited a secondary school on the outskirts of Moscow in a workers district where the building, of about the same vintage as the average city school in the United States, had had its floors, desks and walls painted by the students themselves during their summer vacation.

And at a nearby machine-tool plant the students were given part-time jobs as apprentices, thus alternating schoolwork with practical technical work while in their teens. I also visited the huge skyscraper at Moscow University, which cost more than the 200-odd buildings of the University of Maryland.

Conclusion: Soviet education is pushing ahead while the U.S. Congress continues its 9-year squabble over whether to pass a school bill; and this year has decided—once again—in the negative.

PROPOSED AMENDMENT TO THE CONSTITUTION PROVIDING FOR CONTINUANCE OF HOUSE OF REPRESENTATIVES IN AN EMERGENCY

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, on August 30, 1961, House Judiciary Committee Subcommittee No. 2, of which I am chairman, favorably recommended to the full committee House Joint Resolution 91, a joint resolution proposing an amendment to the Constitution of the United States which would provide for the effective continuance of the House of Representatives even in the face of dire emergency. The proposed amendment would assure the continuity of representative government in the United States in times of such emergency or disaster by providing authority for the executive authority of each State to make appointments to fill vacancies in the House of Representatives when the number of such vacancies exceeds half of the authorized membership of the House.

Last Sunday, September 10, 1961, on the radio program "As We See It" presented by the American Federation of Labor and Congress of Industrial Organizations, this amendment was discussed by the gentleman from New York, Representative EMANUEL CELLER, chairman of the Committee on the Judiciary and sponsor of House Joint Resolution 91, and the gentleman from Minnesota, Representative CLARK MACGREGOR, a member of Subcommittee No. 2 which considered the joint resolution. I feel that the facts presented on that program by these distinguished Members clearly show the basis for the proposed amendment and define the need for its adoption. I therefore submit the transcript of that program for printing in the RECORD, and I urge that all Members consider seriously the material it contains.

PROPOSED 23D AMENDMENT

(Participants: Representative EMANUEL CELLER, Democrat, of New York; Representative CLARK MACGREGOR, Republican, of Minnesota)

(Moderator: Harry W. Flannery)

Mr. FLANNERY. "As We See It"—When nuclear bombs fall, can the United States continue democratic government operations?

A Republican and a Democratic Member of Congress discuss the situation. They are brought to you by this radio station of the ABC network and the American Federation of Labor and Congress of Industrial Organizations.

The Democrat, Representative EMANUEL CELLER, of New York, and the Republican, Representative CLARK MACGREGOR, of Minnesota, are interviewed in Congressman CELLER's office in the House Office Building here in Washington, on House Joint Resolution 91, introduced by Congressman CELLER. The resolution has been considered by the House Judiciary Subcommittee headed by Congressman TOM LANE, of Massachusetts. Your reporter, Harry W. Flannery.

Congressman CELLER, you have introduced a resolution for a constitutional amendment to authorize Governors to fill temporary vacancies in the House caused by such events as nuclear attack. Can you tell us about this resolution, Mr. CELLER?

Mr. CELLER. The purpose of the constitutional amendment is to enable the Congress to function effectively in time of emergency or catastrophe. It gives the power to the executive of the States to make temporary appointments to fill vacancies in its representation in the House of Representatives whenever such vacancies exceed one-half of the authorized membership of that body. That, in essence, is the purpose of the bill.

FLANNERY. I understand, Congressman MACGREGOR, that some other resolutions along this same line have also been introduced.

Mr. MACGREGOR. There are other resolutions. The subcommittee to which this particular proposed constitutional amendment has been referred, favor the Celler proposal for many reasons. Perhaps the most important one is its simplicity. There are other resolutions that differ to some extent in content as well. Some people feel that this power ought to be given to the executive in each of our 50 States when the membership of the House, by reason of national catastrophe, falls to two-thirds of its present authorized strength of 435. I think Mr. CELLER's proposal calling for action when the vacancies fall to one-half, is perhaps, more advisable.

Mr. CELLER. The reason for that is quite clear. The House could not function without a majority and if we only had half of the membership remaining as a result of this catastrophic explosion of atomic or hydrogen bombs on the District of Columbia—God forfend that—we wouldn't have a majority to work with. It is essential that our democratic processes must continue in time of stress as well as in time of peace.

Mr. MACGREGOR. I think that is correct, Mr. CELLER. The thing that, perhaps people don't realize, is that whereas vacancies in the Senate may be filled by governmental appointment—by governors of the various States—in the House of Representatives there is provision in the constitution only for election. Also you touched upon the constitutional requirement that 50 percent of the Members of the House of Representatives must be present in order to constitute

a quorum and to do business and, thus, the fact that your resolution is tied to the 50 percent constitutional provision is, I think, a very wise one.

Mr. CELLER. Then, of course, there is a provision in the constitution for executive succession. If the President cannot function, his powers descend upon the Vice President; if the Vice President cannot function, his powers in turn descend upon the Speaker of the House and so on down the line. We have the right of succession in the executive branch, we have it in the judiciary branch, but we haven't got it in the legislative branch unless we pass such a bill.

Mr. FLANNERY. You do have it in the Senate, don't you Mr. CELLER?

Mr. CELLER. Yes, we have it partially in the legislative branch.

Mr. FLANNERY. Yes, but not in the House, unless this is passed or some similar resolution.

Now, the membership of the House is 437?

Mr. MACGREGOR. Yes, by reason of the admission of Alaska and Hawaii to the Union, our membership is two more than the customary 435, which has been the limit in the House of Representatives for some 40 years. Effective with the next Congress, our membership will be 435 in the absence of the passage into law of one or more of the other provisions that call for an increase in the membership of the House.

Mr. FLANNERY. And then one-half would be one-half of this particular number—which, I believe, would be 219 at the present time.

So, if the vacancies got to this number, this amendment would automatically go into effect provided, of course, it was passed by the House and Senate and then approved by two-thirds of each legislature in three-fourths of the States. Has the House acted on a resolution of this kind before, Congressman CELLER?

Mr. CELLER. No, I don't believe it has ever acted on a resolution of this sort.

Mr. FLANNERY. The Senate has, though, I believe, several times. I believe three times.

Mr. CELLER. I believe the Senate has, but the House has viewed it with a little more apathy, but I think current events and the tremendous progress that has been made on nuclear energy and hydrogen bombs has awakened the Nation and thus the Congress to a sense of responsibility in this regard. As I indicated to the subcommittee, of which our friend CLARK is a member, we have taken our military budget of $46 billion rather seriously. We take the added appropriations for civil defense rather seriously; and, most assuredly, this resolution or rather this constitutional amendment should be treated with identical concern and interest, and I hope the subcommittee of which CLARK is a member will report with favor to the full committee and the full committee reports favorably to the House, the House passes it and then it goes on to the Senate and to the States.

Mr. MACGREGOR. Mr. CELLER, there is a sense of urgency on the part of the people of this country when they are informed of the situation constitutionally as it now exists, with respect to vacancies in the House of Representatives. I was impressed as a member of the subcommittee to see representatives of labor, of women's groups, Mr. Ellis, Director of the Office of Civil and Defense Mobilization, and many others, express to our subcommittee the feeling of urgency that exists on the part of informed people in this country about this particular problem.

I think you would be interested, sir, since he is a good friend of yours in the fact that while he was in the Minneapolis area over the weekend I talked with Federal Judge Gunnar Nordbye, who is one of the finest men that we have on our Federal district bench. He expressed to me the concern which he feels about this particular problem and the worry about the possibility of a man on horseback coming to the front in this country in the terrible event that we should have an allout nuclear war. And thus, he feels a strong sense of urgency as a community leader in Minnesota of the necessity of passing this resolution.

Mr. CELLER. I think the judge is as right as rain. There has been some expressed opposition to a constitutional amendment of this sort on the score that it was taking counsel of fear, but I want to say that this constitutional amendment represents a readiness to continue the orderly process of government in all events, no matter what befalls.

Mr. MACGREGOR. I think that is the proper context. Many people I know in connection with this overall picture that you painted—namely the increase in our defense appropriations, the increased emphasis on civil defense—many people feel that perhaps this does represent some hysteria. But I rather think that it represents a serious approach to try and prepare this country in all aspects for not only the continuity of representative government but for the fundamental self-defense of the people of this country.

Mr. CELLER. There has been, and I am quite sure you will agree, CLARK, a considerable amount of indifference on the question of civil defense. Now, the Nation has been aroused out of its apathy in that regard and I think we have to tell them here, is another facet of this problem which must be taken care of—namely the continuity of the functioning of our legislative branch of our Government.

Mr. FLANNERY. What is being done in civil defense?

Mr. CELLER. Well, we have made considerable appropriations for civil defense.

Mr. MACGREGOR. We have just appropriated, Mr. CELLER, the Presidential request of $207 million for improvements in our civil defense capability, primarily in downtown or heavily concentrated areas—industrial and business areas. I regret to say that the Congress has not yet acted legislatively in improvement of the situation of home fallout shelters. I know a number of Members of Congress—and if you will permit this personal note, I included—have been urging some attention, legislatively, to the question of promoting more home fallout shelters. A lot of people who build these are viewed with derision by their neighbors and some scorn, really, and yet I feel that if there were some legislative emphasis, whether by a modest tax deduction, or by some other means, an inducement to individual initiative and enterprise in this area of trying to take care of the wife and children who may be at home, I feel something should be done. And, hopefully, perhaps, we will move in that area soon, as well.

Mr. CELLER. Now, getting back to this constitutional amendment as the judge in your State well said, we don't want any dictator on a white horse assuming the reins of power. That would be most disastrous in our great democracy. If we don't have the functioning of the legislative branch—wherein resides our liberties—we run the danger of somebody coming forward to do just that because there would be a vacuum and vacuums always fill. Somebody would undoubtedly come up on the horizon to fill that vacuum. Goodness knows what shape he might take. We want to be sure that doesn't happen. That is why we are advocating this constitutional amendment.

Mr. MACGREGOR. You know, there is one item I would like to call to your attention, Mr. CELLER. Perhaps it has been called to your attention in the subcommittee hearings on which I was privileged to sit. We had a witness who represented the municipal government—a local government in this country—and he made this point: If the Congress fails to act in this area, it will be doubly difficult at the local level of government to try to persuade people of the urgency of this problem. But, on the contrary, if you gentlemen act in the Congress of the United States, then we in the State legislatures and in local governments and in city councils, will be inspired to take greater steps to provide for the continuity of the democratic process of self-government by a provision for replacement of casualties. I thought this was significant.

Mr. FLANNERY. I imagine that you have hope, from what you said, that this will be acted on by this Congress?

Mr. MACGREGOR. I surely hope so. I know that it will be reported by the subcommittee with a great sense of urgency and I am sure that the full Judiciary Committee will feel that same way about it. I think there is still hope if, as we hear, we may not adjourn until the first of October, but perhaps Mr. CELLER knows much more about this than I, because of his superior experience.

Mr. CELLER. No, I wish I did know more about it. But there is no reason why we should go on until October 1. We ought to be able to get out of here within the next few days. If that is the determination—to get out in the next few days, we probably couldn't get this bill through this session. We might have to wait until the following session. But I assure you, if we have to wait until the following session, I will do all and sundry to get the bill onto the floor in the early part of next year.

Mr. FLANNERY. Thank you, Congressman EMANUEL CELLER, Democrat, of New York, and Congressman CLARK MACGREGOR, Republican, of Minnesota.

Your reporter, Harry W. Flannery, invites you to be with us next week at this same time when "As We See It" again comes as a presentation of the AFL–CIO and ABC public affairs. This program has been brought to you by the ABC network and the affiliated stations to which you are listening.

AUTHORIZING PARTICIPATION BY UNITED STATES IN PARLIAMENTARY CONFERENCE WITH LATIN AMERICAN NATIONS

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Speaker, today I have introduced a joint resolution authorizing the participation by the United States in parliamentary conferences with Latin American nations.

This would be similar in effect to the interparliamentary meetings in which representatives of this Congress have met jointly with legislative representatives of the NATO powers.

I believe everyone agrees that these meetings between lawmakers charged with the enactment of legislation in their respective countries have produced the fruits of better mutual understanding and more effective cooperation between the signatory nations to the NATO treaty in the worldwide fight against communism.

Today, there clearly exists an urgent and growing need for improved communication and better understanding between those of us in this Congress and

our counterparts in the 20 Republics of Latin America.

The need for hemispheric solidarity has never been greater than it is today. The Latin American Republics have long been neglected in our international priorities. But destiny seems to have linked them inseparably to our own future well-being.

Profound changes are taking place throughout the nations which comprise Central and South America. We in the Congress have an ever-present need to understand those changes and what they portend. In the awakening nations of Latin America, there will be an ever-growing need among legislative leaders to understand the mood of the people of the United States and the legislative intent of the Congress in the bills we pass which are aimed at advancing the alliance for progress. In the past generation, we in the United States have found solutions within the framework of democratic government for many of the problems which today beset the undernourished economies and underdeveloped government structures of many Latin American Republics. If we can show to them from our own experience how the legitimate objectives of their people can be realized through democratic means and without the surrender of individual liberties, we will have performed a noteworthy service for the future.

Similarly, I feel certain that we have much to learn from them. Often we find ourselves baffled and confused in our attempts to understand the mighty forces at work in these nations which are more and more important to our national security. It is well enough for diplomatic representatives to meet and converse; yet only the legislative bodies of the respective nations can effectively translate words into action, agreements into understanding, and understanding into progress.

From almost any point of view, we must recognize the growing importance of Latin America to the United States. From a strictly military standpoint, the missile age has made more important than ever a united hemisphere. The understanding and cooperation of our southern neighbors, through the missile tracking stations operating within their borders, is and will continue to be a crucial link in our own defense structure. Our national commerce is more and more dependent upon the economic health and well-being of the Latin American Republics. We sell more of our own goods there than in any other area and import more products from Latin America than from any other part of the world. Practically every raw material strategically necessary to our security is to be found somewhere in Latin America. A total of almost $9 billion of private U.S. capital is invested in Central and South America, and this is approximately one-third of our private investments throughout the entire world.

These are some of the reasons why the stability and friendship of Latin American governments is urgently important to us. We have previously authorized similar meetings with lawmakers of the Mexican Government and the Canadian Government. I believe a significant contribution to the vitally needed hemispheric solidarity can be made by the enactment of this resolution and the creation of a systematic method of this type through which we in the Congress can gain the keys to better and clearer understanding of the legislative problems being experienced among the other friendly governments in this hemisphere.

ISSUANCE OF EXEMPLARY REHABILITATION CERTIFICATES TO EX-SERVICEMEN

Mr. DOYLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DOYLE. Mr. Speaker, and my colleagues, I am pleased to advise you that this morning I received from the Veterans of Foreign Wars national office, a copy of a resolution unanimously approved at their national convention recently held in Miami, Fla., concerning the bill H.R. 1935, which unanimously passed this House several weeks ago dealing with the subject of exemplary rehabilitation certificates by our military. Many of you have asked me about the present status of that humanitarian bill. It is now before the Senate Commitee on Armed Services; no hearings have been set. I know that you will be pleased with this resolution by this distinguished organization of our war veterans, which I read as follows:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Kansas City, Mo., September 13, 1961.

Hon. CLYDE DOYLE,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. DOYLE: It is most pleasing to advise that the 62d National Convention of the Veterans of Foreign Wars which was held at Miami Beach, Fla., August 20–25, 1961, adopted a resolution supporting legislation with respect to H.R. 1935 which provides for the issuance of exemplary rehabilitation certificates to ex-servicemen. A copy of this resolution identified as No. 244 is enclosed for your information and guidance.

It is noted that H.R. 1935 is still pending in the Senate Armed Services Committee with no action scheduled for the balance of this session. You may rest assured this office will extend its every effort to have the Senate Armed Services Committee favorably consider and report H.R. 1935, and ultimately approved by the Congress.

With best wishes and continued success as a most valued Member of the Congress, and with kind personal regards, I am,

Sincerely yours,

FRANCIS W. STOVER,
Director, National Legislative Service.

VETERANS OF FOREIGN WARS OF THE
UNITED STATES, NATIONAL LEGISLATIVE SERVICE,
Washington, D.C., September 13, 1961.

Hon. RICHARD RUSSELL,
Chairman, Senate Armed Services Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR RUSSELL: Enclosed is a copy of Resolution 244 entitled "Support H.R. 1935—Issuance of Exemplary Rehabilitation Certificates to Ex-Servicemen," which was adopted without dissent at our recently concluded national convention which was held in Miami Beach, Fla.

The VFW also previously endorsed H.R. 88, 86th Congress, which was approved by the House and was pending in your committee when the 86th Congress adjourned. Although final adjournment of the 87th Congress is in sight, the VFW would be deeply appreciative for any action on your part which would advance this legislation at the earliest opportunity.

The passage of this legislation will substantially aid and assist approximately 200,000 former military personnel to help remove the stigma attached to a discharge of less than honorable.

At the same time the ex-servicemen will not receive any veteran benefits unless otherwise so entitled under his original discharge.

Should there be hearings or any other formal action scheduled concerning this or similar legislation it will be appreciated if this office is notified so that the views of the Veterans of Foreign Wars can be presented at that time.

Sincerely yours,

FRANCIS W. STOVER,
Director, National Legislative Service.

RESOLUTION 244—SUPPORT H.R. 1935—ISSUANCE OF EXEMPLARY REHABILITATION CERTIFICATES TO EX-SERVICEMEN

Whereas thousands of members of the Armed Forces have received discharges under conditions other than honorable; and

Whereas these discharges were administratively issued for minor offenses which were too insignificant to warrant court-martial, and would be considered as less than a misdemeanor in civilian life; and

Whereas these ex-servicemen were young, immature, away from home for the first time, and not fully aware of the strict discipline of military life; and

Whereas a discharge other than honorable becomes a stigma in these veterans' attempts to obtain employment and readjust to civilian life; and

Whereas H.R. 1935 or similar legislation would provide the issuance of an exemplary rehabilitation certificate after proof of exemplary conduct in civilian life for a period of 3 years from date of discharge thus removing this lifelong stigma of a less than honorable discharge: Now, therefore, be it

Resolved by the 62d national convention of the Veterans of Foreign Wars of the United States, That we support H.R. 1935 or similar legislation so that these ex-servicemen can, in a small way, remove the stigma of a discharge less than honorable.

I further inform you that our Military Establishment continues its vigorous opposition to this bill before the Armed Services Committee of the other body. They frankly state our House efforts in this humanitarian endeavor has resulted in improvements in their procedures for the future. But they leave it just as literally impossible for about 100,000 former minor offenders to prove they never were criminals in the first place and not since.

I know you all join me in thanking the VFW for this timely and valiant support. They have informed the other body of their support.

SBA ADMINISTRATOR HORNE CONTRIBUTES GREATLY TO ADVANCING OUR AMERICAN ECONOMY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. EVINS] may extend

his remarks at this point in the RECORD, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. EVINS. Mr. Speaker, the Small Business Administration has been very much in the news during recent weeks—and as chairman of Subcommittee No. 1 of the House Small Business Committee, I am happy to note that it is all good news for small business. It means also that President Kennedy—and Administrator John Horne, whom the President placed in charge of the agency—are causing that branch of the Government to measure up to the expectations which the Congress had at the time we passed the Small Business Act of 1958, making the agency a permanent branch of the Federal Government. Mr. Horne, the able Administrator, his executive assistant, Mr. Carr, and other members of his staff certainly are to be commended for their accomplishment. It reflects good management and a lot of hard work.

Perhaps the better known function of the Small Business Administration entails the granting of loans to eligible small business concerns unable to obtain financial assistance from private lending institutions. These loans are all secured by collateral and are repaid with interest. Since Mr. Horne took office a much greater number of loans has been granted, which has served to assist small business to participate in the economic growth being enjoyed by our country since President Kennedy took office.

This unprecedented activity in SBA's business loan program is the direct result of the adoption of liberalized polices and streamlined procedures.

During the first 7 months of 1961 SBA approved 3,705 business loans for $190,838,000, an increase of 59 percent over the 2,234 loans approved for $110,252,000 during the like 1960 period. The 8,370 applications for $539,108,000 received was 65 percent greater than the 5,074 applications for $311,775,000 received in January–August 1960.

During the 7-month period, SBA approved 1,020 disaster loans for $11,479,000 to help persons whose homes or businesses which had suffered economic injury because of drought, excessive rainfall or other disaster. This was more than double the 395 loans for $7,904,000 approved in the same period in 1960.

About 10 days ago, the U.S. News & World Report disclosed that "American industry is engaged in the biggest fundraising drive of all time. More money is being raised through new issues of stocks and bonds than ever before."

As everyone knows, virtually all small business concerns are unincorporated and until just recently have been able to expand only by spending their profits. The announcement by U.S. News & World Report could portend difficult days ahead for small business concerns, but actually this probably is not the case because in 1958, the Congress passed the Small Business Investment Act, which has led to the creation of more than 360 small business investment companies formed for the sole purpose of providing equity capital and long-term loans to small business concerns.

During the first 7 months of 1961 SBA licensed 177 new small business investment companies, exactly equal to the number licensed by the SBA in the preceding 2½ years. This also reflects great credit on the leadership and ability of Administrator John E. Horne.

No longer must small business stand helpless while its large corporate competitor obtains huge amounts of capital by selling stocks or bonds. These small business concerns may now obtain similar financial assistance from the small business investment companies, for these investment companies have an aggregate capital of more than $318 million. To date SBIC's have approved loans or investments of more than $108 million to small business enterprises.

Both the House and the Senate recently voted to amend the Small Business Investment Act of 1958, and this amendment, among other things, would increase further the resources of these investment companies, thereby permitting increased amounts to be made available to small business concerns. Moreover, the amendments passed by the Congress facilitate and encourage these investment companies to advance the loans and equity capital needed by small business.

Just recently, I was gratified to note that Administrator Horne, of SBA, and Chairman Rand Dixon, of the Federal Trade Commission, demonstrated their interest in assisting small business by agreeing to work together in such a manner as will accelerate the action taken upon unfair trade complaints advanced by small business concerns. The Small Business Administration operates 59 branch offices throughout the country and any small businessman can now report to any of these branch offices those unfair competitive methods which the Federal Trade Commission can act upon. This agreement, it seems to me, demonstrates intelligent management by John Horne and Rand Dixon, both of whom are well known to all Members of the Congress as dedicated friends of small business.

No appraisal of the activities of the Small Business Administration would be complete without reference to the work that it performs in assisting small business concerns to participate equitably in Government procurements.

The record shows that in fiscal 1950 when President Truman was in office, small business obtained 24.5 percent of the net military prime contracts awarded by the Federal Government. Thereafter, the portion of these Government contracts going to small business began a long and steady decline until by May of this year the small business share totaled but 16 percent. While this was going on the figures show that big business was doing quite well.

Since President Kennedy has taken office, John Horne and Deputy Administrator Irving Maness, have accelerated SBA's efforts in cooperation with Federal procurement agencies to increase the small business share of Government contracts. An important step in this regard was President Kennedy's directive for a 10-percent increase in small business' share of procurement in this fiscal year.

This strengthening resulted in record set-asides for bidding as well as actual contract awards to small firms. The number of set-asides was 78 percent greater than in the 1960 period. Contract awards resulting from set-asides were up 74 percent. Action has also been taken to increase the small business share of subcontracts and of research and development contracts, and to materially increase individual assistance to small firms. Increased emphasis on developing subcontract oportunities for small firms is of utmost importance since this provides the only avenue by which many small firms can share in Government contracts. The importance of this is fully understood by John Horne, and under his direction two Government-industry task force groups are already at work on this effort.

Here are some other positive accomplishments of Administrator Horne since he began running SBA:

SBA established priority programs of special assistance in areas of substantial unemployment in response to a directive from President Kennedy to take all possible action to boost the economy in distressed areas. This involved special low-interest rates on loans, liberalized size standards, priority procurement and technical assistance.

Currently, under a delegation from the Secretary of Commerce, SBA is assisting the Area Development Administration in areas of chronic unemployment and underemployment by processing ARA loans and providing technical assistance to communities in their area planning projects.

SBA has instituted a new program of financial aid, authorized by the Housing Act of 1961, to small firms displaced by federally aided urban renewal, highway, and other construction programs.

Under a cooperative program with the Department of Commerce SBA is assisting small firms interested in going into foreign markets.

It is a matter of considerable gratification to me that this remarkable record of achievement by SBA under the direction of John Horne has been recognized and applauded by the House of Representatives as shown by a recent vote upon a bill increasing the resources of that agency by the overwhelming vote of 222 to 0. Moreover, just yesterday the House Appropriations Committee reexpressed its confidence in the agency by voting $130,350,000 for the continued operation of the SBA.

It thus becomes clear that the Small Business Administration under John Horne is acting in the public interest, is fulfilling its congressional mandate, is benefiting our entire economy, and is contributing mightily to the preservation of the free competitive enterprise system in America.

INTEREST PAYMENTS BEAR HEAVY BURDEN ON LOCAL COMMUNITIES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, steadily and consistently I have opposed the sharp increase in interest rates which occurred during the Eisenhower administration. One reason I opposed these increases was because I am opposed to an increase in the cost of government, and the interest burden reaches down into every community in the country.

An article which appeared recently in the Mount Vernon, Franklin County, Tex., Optic-Herald, Mr. Jimmy Bass, editor and publisher, shows that more than $1 out of every $10 collected in Franklin County, Tex., by the Federal Government through income taxes and excise taxes was to meet the annual interest charges on the national debt. This vividly demonstrates how the interest burden reaches down into the local communities.

The Mount Vernon Optic-Herald makes this important observation:

What it amounts to, as far as Franklin County is concerned, is that $253,000 that would have been quite useful to the local economy in this year of recession, is taken out of circulation.

I would like to introduce the full article appearing in the Mount Vernon Optic-Herald at this point.

[From the Mount Vernon (Franklin County, Tex.) Optic-Herald, Sept. 7, 1961]

ONE DOLLAR OF EVERY TEN DOLLARS IN TAXES USED TO PAY INTEREST

New York—More than $1 out of every $10 that is being collected this year in Franklin County by the Federal Government, through income taxes and excise taxes, is to meet the annual interest charges on the national debt.

The local contribution for that purpose is an estimated $253,000. That takes care only of the carrying charges on the debt. It has no effect on the principal itself, which has risen to $290 billion and is heading higher.

The breakdown is based on Government figures, which show that the interest on the debt is nearly $9 billion a year at the present time, and on data released by the Tax Foundation, which reveals that the average indebtedness for interest is now $49.97 per capita. That is at the annual rate of $184 per family nationally.

Commenting on this situation, the New Jersey Taxpayers Association states: "If $1 of every $10 in the family budget went to pay interest costs—not to retire principal—on the family debt, the family breadwinner would feel mightily burdened. Yet the Federal Government and the taxpayer are in just such positions."

What it amounts to, as far as Franklin County is concerned, is that $253,000 that would have been quite useful to the local economy in this year of recession, is taken out of circulation.

"In addition to the burden of carrying charges," the tax foundation points out, "the big trouble with too much debt, particularly Government debt, is the inflationary pressure it exerts on the monetary system."

The one bright spot in the picture, it notes, is the fact that population in the United States is growing faster than debt, so that the amount owed per person is now $1,583, compared with $1,622 a year ago.

For Franklin County as a whole, on the basis of its present population, its portion of the national debt is an awesome $7,994,000.

If Americans were suddenly called upon to pay off the entire debt it would take them 10.3 months to do so if they applied every cent of their net income, which averaged $4,129 per household in fiscal 1960, to that purpose.

H.R. 71, A BILL TO PREVENT MANUFACTURERS OF MOTOR VEHICLES FROM FINANCING AND INSURING THE SALES OF THEIR PRODUCTS, SHOULD BE PASSED

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the Antitrust Subcommittee of the House on August 30 reported favorably on the bill to prevent automobile manufacturers from financing and insuring the sales of their products. This is legislation of great importance. It would restrain the monopolistic practices automobile manufacturers have been engaged in through the years, and supplement the antitrust laws where they have failed to bring about an effective remedy for these abuses. The bill would also permit survival of locally owned banks and other financial institutions which face a serious competitive handicap in attempting to compete against the captive finance companies of the giant automobile corporations.

I testified in behalf of this bill, which was introduced by the gentleman from New York [Mr. CELLER], and would like to have my testimony included in the RECORD at this point.

Mr. Chairman, I think this is a good bill because it will restrain monopolistic practices and permit continued survival of locally owned business institutions in our Nation's communities.

One of the country's biggest problems is the weakening and even the destruction of the economies of our local communities. This practice of permitting automobile manufacturers to own and control the financing of the product they manufacture is further evidence of the fact that the Main Streets in the communities of our Nation are being run by Wall Street. It is further destruction of free competition in private enterprise and must be halted if the smaller communities of our country are to have vigorous and prosperous economies to support the daily needs of community life. A continuation of the present practice will probably result only in a great clamor and demand from our cities for further Federal aid.

BANKERS SILENT

We have been depending upon our commercial banking institutions to supply the financial lifeblood needed by our communities. We have looked to them as the source of funds to supply our business and personal needs.

Now it is time to see whether they have acted with vision for the future and in the public interest of the communities they are intended to serve or whether their actions are based on shortsightedness and the lust and greed of the moment. I am afraid the testimony heavily favors the latter.

I understand that the committee has had some correspondence from individual banks, and that most of them favor passage of H.R. 71, while a few are opposed, but that none of them thus far has offered to testify.

But I am stunned to learn that not one word has been heard from either the American Bankers Association or the Independent Bankers Association. I am amazed that these big associations that represent the banking institutions of our entire Nation are not here in wholesale numbers clamoring for passage of this legislation.

If the top-ranking officers of these powerful and influential associations cannot foresee the crippling effects of monopolistic combinations on the health of the economy, they should be here in numbers demanding approval of this bill for the selfish protection of their own institutions.

Banks are organized and operated to make profits, of course, but they also are chartered and permitted to exist to serve the public in their local communities. I am concerned that too many banks no longer fully perform this public service but invest their resources in Government obligations and other securities far from their local areas.

The bleeding of funds from local banks and from local finance companies also bleeds the communities of the revenues they need to grow and prosper. It is one of the factors that is drying up normal community life.

It is not just an invitation for further aid to local areas, it is a case of forcing the Federal Government with a vengeance to take all local opportunity away from communities and supply further assistance in such services as old-age pensions, depressed area assistance, aid to education, and whatever else local governments no longer have the financial sustenance to provide themselves.

Our economy tends to veer more in that direction continuously. I hope the Congress will act to stem this trend and help local communities retain their profitable businesses so they can take care of, if possible, their local obligations to education, and these other needs.

Finally, Mr. Chairman, I want to make it clear that I am not addressing my remarks toward any single automobile manufacturing company. I don't want any of them to enjoy this monopolistic manufacturing-financing "sacred cow" privilege.

Another thing, Mr. Chairman, the automobile dealers should be in here fighting this bill. I know it is a fine organization, and in all the cities throughout the Nation the franchised owners are among our finest and best citizens.

I am sure there must be a difference of opinion among them. But clearly their side on this is in favor of this bill because if these automobile manufacturers are not stopped, the defeat of this bill would mean a firmer grip upon the throats of all the automobile dealers in America.

In some instances the company financing sales of automobiles makes more money from financing them than the automobile dealers that handle the cars.

Another thing, Mr. Chairman, we already have too many of the business moneymaking opportunities taken away from local communities.

How are you going to resist Federal aid to education, Federal aid to everything, if local people no longer have the opportunity to take care of themselves?

The moneymaking opportunities are gone. They are owned by absentee owners. This bill would stop part of that and retain moneymaking opportunities locally.

When local people have these opportunities they put their profits in the local bank, and these dollars become reserves that may be expanded upon 10 to 1, and more, for the purpose of developing and helping the people in that area. In that way they can kind of take care of themselves.

But if you more and more take away the business moneymaking opportunities from

the local communities, more and more they will have to come to the Federal Government for aid. And these people who are doing all this, taking all the moneymaking opportunities away from the towns and cities of America, had just as well realize now that the Federal Government is going to follow those dollars.

The Federal Government is the only one that has the power to do it, the only one that can effectively do it, and bring part of these dollars back to the local communities from whence they came, in order to take care of local needs in that community.

So I do not think it is a good thing for America. It is a bad thing for America.

If we have an America of little businesses locally owned and locally controlled and decisions made locally, we have a strong America.

But every time you take away from these local communities that strength, you are making it more fertile for socialism, communism, or fascism.

But the way to keep America strong is to keep it strong at the local level, to let local people have moneymaking opportunities, and then local people can take care of many of their needs, and they will not have to come to the Federal Government for assistance.

Now, may I suggest, Mr. Chairman, a few thoughts to the committee for their consideration in the study of this important bill.

As it presently stands, the bill prevents General Motors and other manufacturers of motor vehicles from owning or maintaining financial and insurance facilities only if they are used in connection with the sale of motor vehicles, defined to include, of course, passenger cars, trucks, buses, and station wagons.

General Motors, therefore, could still finance, on its own, the sale of locomotives or diesel engines or refrigerators. Should not this be prohibited also?

The bill makes it unlawful for a motor vehicle manufacturer to own or maintain any facilities for financing or insuring in connection with the sale of motor vehicles. But does this mean that such a manufacturer could not own stock in such a financial entity or have interlocking directorates?

If it might be so interpreted, Mr. Chairman, I would urge that any such relationships be expressly banned. In other words, I think it should be dealt with affirmatively. This committee might well give attention to the wisdom of extending this type of legislation to all sales situations, whether of motor vehicles, as herein defined, or otherwise. Should not any large sales organization be prohibited from financing its own sales?

Now, how do we know this bill will help the consumers? I know that is a question that is often asked in all hearings of this type, and I have been in some of them myself. Someone invariably raises this question whenever we make efforts to strike down monopoly. My answer to this question is this:

To me the past history of GM offers persuasive evidence that it has had market power. There is also evidence that GM has used this market power to its advantage and not the public's, contrary to one prominent former GM official's declarations that what is good for GM is good for the country. The question whether this legislation is good for the consumer goes back to the basic issue of whether we really believe a competitive economy is preferable to a monopolistic and cartelized one.

This may seem like a dogmatic statement to some, but I sincerely believe that the positions various persons eventually take on this bill will separate those who believe competition is best for America from those who believe monopoly will serve America best. It is as simple as that.

And if GM, Ford, Chrysler and these other big automobile manufacturers are permitted to continue this, they will have a captive market. It has many ramifications. It affects the local economy in many devastating and destructive ways, too many to be mentioned here.

The chief issue here is one of market and financial power and their use. GM is a vast conglomerate enterprise. By engaging in financing as well as manufacturing, it is in a position to extend forward this vast power to the distribution level. This not only harms competition at the distribution level, thereby harming other independent automobile distributors and independent financing agencies, but by expanding its position at the distributor level, its already dominant position in manufacturing is further entrenched and enhanced. Hence, power is used to increase power. Power feeds on power.

The end result is clear: overwhelming dominance and complete monopoly. GM's market behavior will then be curbed and the public interest protected only insofar as the holders of this power decide that they will exercise it in the public interest. This makes a mockery of our free enterprise economy. Good performance then becomes a gift of benevolent holders of vast economic power.

Unless public action is taken to limit and prevent the achievement of such power, the only alternatives to monopoly are, one, turn the country over to GM, or, two, turn GM over to the country. Both alternatives are abhorrent to me. We must make every reasonable effort to preserve competitive market structures which will demand desirable social performance. Action is called for now. This is too urgent a matter to put off for another decade or more. The country cannot afford further delay.

I hope your bill becomes law, Mr. Chairman.

The CHAIRMAN. Mr. PATMAN, you spoke of the automobile dealers. It is interesting to note that we have received quite a number of communications from automobile dealers, and most of the dealers indicate that they are opposed to this bill.

Now, in relation to this, I draw your attention to the fact that the General Motors Corp. under date of May 18 sent a communication to all General Motors distributors and dealers wherein are set forth its reasons for their opposition to the bill, and enclosed a summary of General Motors' statement on Senate bills S. 838 and S. 839 which are similar to the one I offered, filed with the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary of the U.S. Senate on February 27, 1959. General Motors urged the dealers to read carefully the statement of position of the General Motors Corp., and then added significantly on the second page of the letter:

"Should you decide to take a position at this time, may we suggest that you communicate with your Senators and Representative in Congress and also with the Antitrust Subcommittee of the Committee on the Judiciary, U.S. House of Representatives, Washington, D.C."

You will note, "May we suggest that you communicate." What would you say, from your long experience as a Representative, as to the effect of this suggestion from a corporation like General Motors to its dealers?

Mr. PATMAN. Well, to some extent, the dealers are captives now. This will leave no doubt about their captivity.

This will put a firmer grip upon their throats by the automobile manufacturers and put them more under control than they are now. Now, they are independent, and I am glad to see them independent. They have performed a greater service for our country both in time of peace and in time of war.

I am strong for the independent automobile dealers, but I am very much disappointed that they are not here fighting to protect America's interests while they are protecting their own.

The CHAIRMAN. Would you say that the "suggestion" contained in the letter of General Motors Corp. to its dealers is something in the nature of a command?

Mr. PATMAN. Well, it is a sanction. It is something that will be persuasive, not only persuasive but effective.

I can see why the dealers are not here now, because that is almost a mandate to them to stay out of this fight, and by staying out are acting in the interests of defeating the bill.

The CHAIRMAN. Wouldn't you say that at the very least it would be subtle persuasion?

Mr. PATMAN. Well, I don't know that it is too subtle. It is rather direct.

The CHAIRMAN. I have here a communication from the General Motors Acceptance Corp. similarly addressed to all dealers. That also would be characterized in the same fashion, would it not?

Mr. PATMAN. Yes, sir.

In other words, it is a pretty good lobbying method, and by having Madison Avenue help and boost, it really means something.

The CHAIRMAN. These letters will be placed in the record.

(The letters referred to are as follows:)

GENERAL MOTORS ACCEPTANCE CORP.,
New York, N.Y., June 2, 1961.

DEAR MR. SMITH: On January 4, 1961, Representative EMANUEL CELLER, Democrat, of New York, introduced House bill H.R. 71 which would prevent manufacturers of motor vehicles from financing and insuring the sales of their products. A copy of the bill and a statement by Representative CELLER in introducing the bill, printed in the CONGRESSIONAL RECORD, are enclosed.

Representative CELLER is chairman of the House Committee on the Judiciary and also of its Antitrust Subcommittee. The subcommittee has scheduled hearings for June 7, 8, and 9 on H.R. 71 and similar bills.

You will recall that early in 1959 nearly identical legislation, S. 838 and S. 839, was the subject of hearings by the Senate Subcommittee on Antitrust and Monopoly. In May 1960 the subcommittee voted 4 to 1 to postpone the bills indefinitely. At the time of the hearings, we sent you a copy of the General Motors statement of its position on the proposed legislation. In order to refresh your recollection, we are enclosing a summary of that statement.

The American Finance Conference, an organization of nonaffiliated sales finance companies, is the principal supporter of H.R. 71. We are informed that the American Finance Conference and its primary spokesman, Mr. Paul C. Jones, chairman of its executive committee, have circulated material to various financial institutions in an effort to gain support for H.R. 71. One of these items consisted of a letter from Mr. Jones as president of the Glenview State Bank, Glenview, Ill., to all bank presidents attaching an AFC pamphlet entitled "Still Another Tax-Favored Competitor Threatens Commercial Banks." You might be interested in our views on the pamphlet and the unfair, incorrect, and misleading statements made.

The letter and the pamphlet attempt to convince commercial banks that they face "unfair handicaps * * * in maintaining their position, not only in the consumer credit business, but in the whole field of credit," because of "some of the privileges which GMAC holds in the money markets" and should therefore support H.R. 71.

Any inference that GMAC is a threat to commercial banks is, of course, absurd in the light of the fact that banking institutions in 1960 extended almost 50 percent of the automobile credit provided by all sources in the United States. Furthermore, the bank participation has increased in each of the last 5 years, while the GMAC participation in

total automobile credit extended, currently about 18 percent, has remained relatively unchanged for some years. These figures taken from the Federal Reserve Board statistics are undoubtedly well known to you.

As for misleading and inaccurate allegations, for example, the pamphlet states that "GMAC is not required to keep compensating balances or unused lines of credit on hand in the same ratio as other sales finance companies." The fact is that GMAC also is subject to these requirements, although there may be some variance among sales finance companies. The commercial banks may have different requirements for smaller, regional-type firms but such firms should not be used as a standard of comparison with GMAC and the other major companies.

The pamphlet also refers to the borrowings to capital leverage employed by GMAC and states that "GMAC can and does use a risk asset ratio of 20 to 1." The pamphlet is completely inaccurate in disregarding subordinated debt and preferred stock as part of the protection for the senior debt holder. The fact is that at December 31, 1960, GMAC's ratio of senior debt to capital funds (including subordinated debt) was 4.8 to 1, a conservative ratio by any standard.

The leverage approach is also used to support the pamphlet's reference to GMAC as a "tax-favored competitor." GMAC is obviously not tax favored. It pays the same taxes as any company with like income. The fact that it may operate on less capital than another company doing the same amount of business is no proof of tax favoritism.

Typical of the pamphlet in its entirety is the following paragraph:

"If enacted into law, it would help to:

"1. Strengthen the free marketplace by restoring free competition to the U.S. auto market.

"2. Remove GM's power to set prices for the entire auto industry.

"3. Allow auto prices and finance charges to be set by free competition, which will give consumers the ultimate benefits.

"4. Give auto dealers the freedom to change franchises and operate as agents in a free economy.

"5. Maintain the United States in its leading position in the world auto market.

"6. Bring full, more even employment to the U.S. auto industry.

"7. Allow new auto manufacturers to enter the industry, if they wish, and allow present ones to compete more evenly—and to survive."

These conclusions do not even merit comment.

Should you decide to take a position at this time, may we suggest that you communicate with your Senators and Representatives in Congress and also with the Antitrust Subcommittee, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

Both General Motors and GMAC will file statements with the subcommittee, setting forth their position on H.R. 71 after the hearings commence. At that time we will forward you copies of those statements.

To avoid any misunderstanding as to the purpose of this letter, we ask that you refrain from communicating your views to us.

Sincerely,

W. B. ADSIT, *Vice President.*

GENERAL MOTORS CORP.,
OFFICE OF THE PRESIDENT,
Detroit, Mich., May 18, 1961.

To General Motors Distributors and Dealers:

May I urge you to read the enclosed reprint from the CONGRESSIONAL RECORD of a statement made last January by Representative EMANUEL CELLER in introducing House bill 71, also enclosed.

If enacted into law, H.R. 71 would prevent manufacturers of motor vehicles from financing and insuring the sales of their products. Representative CELLER's statement discloses that the real purpose of H.R. 71 is "to divorce General Motors Acceptance Corp. from General Motors Corp. and to restore free competition to the American automobile market." I am sure you will be interested in the reasoning that leads him to conclude that divorcement is necessary.

Representative CELLER is chairman of the House Committee on the Judiciary and also of its Antitrust Subcommittee. The subcommittee has scheduled hearings for June 7, 8, and 9 on H.R. 71 and similar bills. In view of the fact that dealers would be among the parties affected by this legislation, you may wish to register your opinion of it.

You will recall that early in 1959 nearly identical legislation was the subject of hearings by the Senate Subcommittee on Antitrust and Monopoly. More than a year later, in May 1960, the subcommittee voted 4 to 1 to take no further action on these bills. At the time of the hearings, we sent you a statement of our position on the proposed legislation. In order to refresh your recollection, we are enclosing a summary of that statement.

At the hearings 2 years ago, Senator ESTES KEFAUVER, chairman of the subcommittee, referred to the fact that he had received telegrams and letters favoring or opposing the legislation. Should you decide to take a position at this time, may we suggest that you communicate with your Senators and Representative in Congress and also with the Antitrust Subcommittee, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

The corporation will file a statement with the subcommittee setting forth its position on H.R. 71 after the hearings commence. At that time we will forward you a copy.

To avoid any misunderstanding as to the purpose of this letter, I ask that you refrain from communicating your views to us.

Sincerely yours,

JULIAN F. GORDON, *President.*

"SUMMARY OF GENERAL MOTORS STATEMENT ON SENATE BILLS 838 AND 839

"GENERAL MOTORS' POSITION

"General Motors considers the proposed legislation before the subcommittee as set forth in Senate bills 838 and 839 prejudicial not only to its interests and the interests of automobile dealers but more importantly to those of the public and the economy of the country.

"These two bills represent class legislation in a most extreme form. Their enactment would discriminate against a single group of manufacturers—an unsound and dangerous precedent.

"The Supreme Court has consistently recognized that a discrimination having no reasonable relation to the difference between two classes of companies is arbitrary and unconstitutional. The Federal Trade Commission, in testifying with respect to this legislation before this subcommittee, stated that it has traditionally opposed variations of the general antitrust laws to govern conduct applicable only to one segment of our economy.

"The rights and responsibilities of the manufacturer

"It is entirely reasonable as well as necessary for a manufacturer to be concerned with the retail financing of his products—with the terms customers receive, with the cost of financing to customers and with the treatment accorded them by the financing sources in the normal course of their relationship with such customers, as well as with all other phases of the installment credit business. There is no reason, either from the business or the legislative viewpoint, why an exception should be made in the case of automobile manufacturers to the practice of assuming a measure of responsibility for proper arrangements for installment credit on its products.

"Any advantage that General Motors may derive from its ownership of GMAC is one that any company derives from a well-managed, well-run, and profitable operation that benefits its customers and its dealers by assuring them adequate financing facilities for its products at competitive rates. Such a relationship is assuredly a legitimate one, and no undue advantage accrues to GM.

"The importance of competition

"Additional competition in the installment credit field would be of definite benefit to customers, to dealers, and to the economy generally. Accordingly, automobile manufacturers should continue to be permitted to assume whatever measure of responsibility for the proper financing of installment credits applicable to consumer purchases of passenger cars they may wish. They should not be arbitrarily prevented from competing in this financing field. This practice is certainly not uncommon in the sale of farm equipment, appliances, furniture, and numerous other products.

"The consumer and the public are best served by a competitive system in which the producing and servicing units compete for the consumer's favor. It is not the function of competition to benefit competitors. The function of competition is to benefit the consumer and hence society. This is the important consideration.

"By the same token, the purpose of the antitrust laws is to protect the public by promoting competition. Yet all the arguments favoring this legislation ignore this point. No arguments have been presented showing how consumers will benefit—or even whether they will benefit. It is the conviction of General Motors that consumers will not benefit and that the public interest will not be served by the adoption of this legislation but may well be prejudiced by increased costs.

"THE POSITION OF GMAC IN THE AUTOMOBILE INSTALLMENT CREDIT INDUSTRY

"GMAC has been a leader in establishing sound installment credit policies and practices. It has had a stabilizing influence on the industry which has been apparent over the years in many areas.

"It is argued that General Motors dealers must use GMAC. With respect to cars sold by GM dealers and financed on time, well over 50 percent are financed by sources other than GMAC. General Motors Acceptance Corp. offers a service that dealers may make use of if they so desire. They may or may not use it to finance their own wholesale purchase of automobiles, or they may or may not use it to discount the notes of their customers.

"The retail customer may also elect to use the finance service provided by GMAC or that of someone else or none at all as he wishes. Many of them do not use GMAC. The fact is GMAC handles relatively a small percentage of the Nation's automobile installment financing. In 1958, for example, of automobile installment credit extended, banks account for 45 percent; sales finance companies other than GMAC, credit unions, etc., accounted for 39 percent, and GMAC accounted for only 16 percent.

"Critics exaggerate GMAC's participation in the retail installment credit industry by offering incomplete charts and statistics. They refer only to the portion of total credit extended by sales finance companies and ignore the fact that a high percentage of the automobile installment credit business has been obtained by banks and other nonsales finance sources.

"It has been stated that GMAC, due to its association with General Motors, can borrow money at considerably lower rates than its competitors. That is not so. There is practically no difference between the interest costs of GMAC and those of its principal competitors.

"It has also been said that GMAC, due to its association with General Motors, can borrow money without giving its creditors as much protection as is required from its competitors. Such advantages, if any, that GMAC has in this area are attributable to its record of performance over the years."

The CHAIRMAN. Any questions?

Mr. ROGERS. Mr. Chairman?

Do I understand, Mr. PATMAN, that you have information that the automobile dealers probably make more out of financing than they do out of the sale of automobiles?

Mr. PATMAN. I have known of cases where that was true. They would sell their paper. It depends upon, you know, the amount involved and the circumstances. But oftentimes they can sell the paper to a finance company and make more net profit out of it than they have out of selling the automobile.

Mr. ROGERS. As head of the Small Business Committee, have you made any study of that particular matter?

Mr. PATMAN. Yes, sir, I have.

Mr. ROGERS. Would you submit the information that you received to this committee?

Mr. PATMAN. Any along that line I should be very glad to.

Mr. ROGERS. Yes, sir.

Now the other thing is this. Do I understand from your testimony that you don't think that H.R. 71 goes far enough?

Mr. PATMAN. Well, I suggested a couple of amendments for consideration of the committee.

Mr. ROGERS. And one of those is that the manufacturers, and particularly General Motors——

Mr. PATMAN. That is right.

Mr. ROGERS. Be prohibited from financing directly the sale of their own products.

Mr. PATMAN. That is right, because it gives them a captive market.

Mr. ROGERS. Would you extend that across the board to all manufacturers?

Mr. PATMAN. Personally, I am impressed that it should be extended, but I would have to look into the cases separately.

Right now let's confine it to the financing of automobiles, and certainly I think that should be stopped.

Mr. ROGERS. Thank you, sir.

Mr. MCCULLOCH. Mr. Chairman, I should like to inquire whether or not this subcommittee has invited General Motors, Ford, Chrysler, American Motors, Studebaker-Packard agencies, both large and small, to testify before the committee?

Mr. MALETZ. Mr. Chairman, the subcommittee has invited the president of each automobile manufacturing company to testify. It has not invited the dealers to testify.

Mr. MCCULLOCH. Mr. Chairman, in view of the fact that there has been read into the record two or more letters which leave the impression that agents were coerced into opposing this bill and probably would be fearful of attending this hearing, in order to make the record accurate, both the large and small agents of these several automobile companies, in my opinion, should be invited to testify before this committee.

The CHAIRMAN. Ford Co.'s representatives said they will present two dealers to give their views, and as the testimony unfolds, if it is necessary to call other dealers, we shall be glad to do so.

Any other questions?

Mr. MCCULLOCH. I am very happy to have Mr. PATMAN, the chairman of the Select Committee on Small Business, testify this morning. He is chairman of the committee upon which I serve with a great deal of pleasure.

Mr. PATMAN. And the ranking member upon whom I depend greatly.

Mr. MCCULLOCH. And, of course, it is well known that our colleague, Mr. PATMAN, is the senior member of the House Committee on Banking and Currency. As such, he has great interest in banking legislation and the activities of banks.

I wonder, Mr. PATMAN, if you have available the total amount of automobile financing that is done by commercial banks?

Mr. PATMAN. I don't know that we have it right now, but we can get it rather quickly.

Mr. MCCULLOCH. Would you know whether or not that amount of financing has been on a steady increase for a number of years?

Mr. PATMAN. You mean bankers financing automobiles?

Mr. MCCULLOCH. That is right.

Mr. PATMAN. My off-hand observation would lead me to believe that it has been on the increase, but the bankers, commercial bankers, were very slow to catch on. For 20 years they paid no attention to automobile financing, didn't want it, and all at once they said, "Why that belongs to us. All these other fellows ought to get out of the field." That is the reason I can't understand now why they are not here. Here is a proposal that is in the public interest, would help the local institutions, keep their profits at home, put the reserves in their local bank to help everybody and they are not here supporting it.

Mr. MCCULLOCH. The Chairman has just advised me that we will have testimony today which will furnish in detail and accurately the answer to that.

Mr. PATMAN. Good, I would love to see it myself. We have had it in the past, and we could bring it up to date very quickly if you need it.

Mr. MEADER. Mr. Chairman, I was interested in your last sentence, Mr. PATMAN, and I quote: "I don't want any of them to enjoy this monopolistic manufacturing financing sacred cow privilege."

Mr. PATMAN. That is right.

Mr. MEADER. I wonder if that, in your opinion, should be applied generally to industries where companies combine producing and the financing of their sale of products.

Mr. PATMAN. There are so many different products.

I would like to pass on each one separately. But in this case I can definitely make that statement.

Mr. MEADER. You didn't intend that statement, then, to say that a manufacturing company which had a financing subsidiary to facilitate the sale of its product was wrong per se?

Mr. PATMAN. Not per se, no; but in this case it is.

That is my feeling about it. We know they are monopolistic in this case.

Mr. MEADER. Well, as I understand it——

Mr. PATMAN. And we know the customers are captives.

I mean we know that they have a captive market.

Mr. MEADER. As I understand it, American Motors does have a financing subsidiary, but not for automobiles but for its appliances. You find nothing wrong with that?

Mr. PATMAN. I would rather confine my statement to what is in this bill for the present.

Mr. MEADER. The reason for the question is that one of the objections to the bill which has been raised is that this is class legislation confined to a single industry, and if this is an antitrust principle which is wrong in this industry the question is, shouldn't it be more generally applicable?

Mr. PATMAN. Well, you have got this one before you, and obviously correction is needed. I would love for you to pass this bill, and then get on the others, if they are needed.

Mr. MEADER. Let me ask you this. There are apparently employee credit unions in the automobile financing business.

Mr. PATMAN. Yes.

Mr. MEADER. To some extent. It hasn't appeared in our record yet.

Mr. PATMAN. They are in it in a big way.

Mr. MEADER. Would you say that an automobile employees credit union should be forced to get out of the automobile financing business?

Mr. PATMAN. Well, that is a separate proposition. You see credit unions have a peculiar—not peculiar, I will say a different—kind of entity. A credit union is run by its members. It is strictly a democratic organization in that the local members have complete control over it, and it doesn't lend itself to affiliation with monopoly or anti-monopoly or anything else.

Mr. MEADER. So you wouldn't object to, say, the Ford employees credit union, if there is one, engaging in the financing of automobiles of its members.

Mr. PATMAN. Why, I would encourage it, because they save a lot of interest. You know they have a true rate of one-half of 1 percent, and many of the finance companies have a discount rate of 6 percent which is 12 percent, and there is a different way of handling it.

The CHAIRMAN. Mr. PATMAN, a credit union is not engaged in the manufacture of a car, is it?

Mr. PATMAN. No.

The CHAIRMAN. The bill is aimed at a manufacturer of cars which is also in the financing business.

Mr. PATMAN. It is a different sort of entity.

Mr. MEADER. Let me obtain your interpretation of section 2 of H.R. 71, Mr. PATMAN, and I will read it:

"It shall be unlawful for any corporation, its subsidiaries, officers, or employees engaged in the manufacture and sale in interstate and foreign commerce of motor vehicles or any person or corporation which acts for or is under the control of such corporation to own or maintain any facilities for financing the sale at wholesale or retail of motor vehicles manufactured by such corporation or to own or maintain any facilities for issuing insurance policies of any kind in connection with the sale or purchase of motor vehicles manufactured by such corporation."

Wouldn't that clearly prohibit the Ford employees credit union from financing automobiles made by the Ford Motor Co. for its members?

Mr. PATMAN. I don't think so.

Mr. MEADER. Certainly employees of a motor vehicle corporation——

Mr. PATMAN. If it is held that way, it should be corrected. Our committee happens to have jurisdiction over credit unions and we'd fix that up pretty soon.

The CHAIRMAN. I would say, Mr. PATMAN, if by any stretch of the imagination, that that result would be envisaged, the committee would change the language so as

to exclude credit unions that might be composed of employees of a manufacturing company.

Mr. PATMAN. Too farfetched.

The CHAIRMAN. Any other questions?

Mr. MCCULLOCH. Yes. I would like to ask one final question.

Mr. PATMAN, do you believe that within the framework of existing law and well-accepted general principles that the final decision should be made upon the basis of how the consumer can be furnished the best terms for buying on credit?

Mr. PATMAN. You couldn't answer that just exactly "Yes" or "No."

Of course my answer would be "Yes," if I had to answer it categorically.

But there are some ifs, ands, and buts in that.

Suppose that an outside concern could come into a community and temporarily offer better terms. I would be still against the outsiders because I know their habits and policies.

I know what they have done in the past. As soon as they get charge of the market, they go up again, and in that way it would be forcing the little man out in that community. The fellow who is making a living there, and whose net profits remain at home, and whose profits remain in the reserves of the banks, and upon which money is issued 10 to 1 and more to help the local community is the one that should benefit. Income flies overnight to some distant city when outside firms are involved, and has a devastating effect upon the community. That should be considered along with interest rates.

Mr. MCCULLOCH. That is right.

If the evidence should finally show that well over 65 percent of all automobile credit financing is done by State and National banks and independent sales finance companies, would you be of the opinion that this resulted from or caused substantial competition for that paper?

Mr. PATMAN. Yes, that causes some competition, but if you don't stop these people they have a great advantage. They have a captive market.

I repeat, they have a captive market, and local people are not in a position to compete with them effectively.

Mr. MCCULLOCH. If the share of the market held by GMAC has not been increasing since the consent decree of 1952, would you see any particular danger in the activities of GMAC; particularly if other credit agencies were financing 65 or 75 percent of all the credit business in the automobile field?

Mr. PATMAN. I still see a great danger in this, Judge.

Mr. MCCULLOCH. Even though there has been no increase——

Mr. PATMAN. That is right, even though that is true, because this gives them such a wonderful opportunity to have a monopolistic business, to have the advantage of the others. And you don't believe—I know you, I know you don't believe—in these unfair advantages. This gives them what I would consider an unfair monopolistic advantage in a captive market.

Mr. MCCULLOCH. But your final conclusion might be based upon evidence that goes into the record concerning the costs of credit, the amount of credit that is furnished by all other lending agencies other than the automobile finance companies.

Mr. PATMAN. Well, that would be persuasive, but I lean toward the local man. I am not advocating or proposing that they charge higher rates, and they should be stopped, if they charge extortionate rates. We have State laws to handle that, and they will handle it, I am sure.

I think it helps the community so much more to have business operated locally and have the profits remain at home. That is very important.

We are losing our community life and spirit in America, Judge. We are becoming a nation of clerks and hired hands. No decisions of great importance are made locally. Decisions are made in distant cities.

That is bad for America, and every time we see something moving in that direction to make it worse, we ought to stop it. And I think this makes it worse.

The CHAIRMAN. In answer to the question of the gentleman from Ohio, it is well to take into consideration the statements made here yesterday.

Judge Loevinger, head of the Antitrust Division, speaking for the Department of Justice, and Rand Dixon, Chairman of the Federal Trade Commission, speaking personally, indicated that the General Motors Acceptance Corp. and General Motors have a competitive advantage over all other competitors, and in that sense there was a throttling of competition.

Now, is not the real answer that the public is best served where there is competition?

Mr. PATMAN. Yes, sir; that is right.

The CHAIRMAN. Judge Loevinger and Rand Dixon said, also, that there would be more competition in these fields if there were a severance of General Motors Acceptance Corp. from General Motors. Is that not the answer?

Mr. PATMAN. Yes, sir.

You know, I see in this something that is fundamental, and it affects us right here in Congress today. I have never voted, for instance, for Federal aid to education. I am inclined to vote for it now.

Why?

Because the moneymaking opportunities have been taken away from local people. They are no longer able to support their educational institutions like they used to.

Their profits are flown out every night away from the local bank, and local people do not have business opportunities. I feel that it works to a great advantage. Take, for instance, a school district. It has tangible profits upon which taxes are levied for the payment of bonds that are used to build school buildings and also for the payment of teachers.

Now, who pays the taxes in that school district? The people who have that tangible property, the homes, the businesses and the farms and the plantations. These people, a lot of them veterans in particular, still owe over 90 percent of the amount of their home purchases.

And so when they pay taxes, they pay taxes upon what they owe more than what they own.

And that is the hardest tax on earth.

Now, the local taxes on school districts have become prohibitive in many areas of our country. Our experts are telling us that we have got to double the amount of money in the next 10 years that we will need to properly educate the boys and girls. If that is correct—if you double the rates in these school districts—the States will own the land.

People will not own it; they will not pay the taxes on it. They cannot. It is prohibitive, and nobody will buy it because the taxes would have to be paid.

This is in the direction of socialism.

Now, then, if we restore resources to the local communities instead of taking business opportunities away from them, then they will have money to take care of their educational needs. The same thing goes for other things. And I think that is a big factor in community life.

Mr. MCCULLOCH. Mr. Chairman, I would like to say this with respect to the very helpful statement of Judge Loevinger yesterday. It was helpful. I think it was a very well prepared statement.

I was particularly struck, however, by the paragraph in Judge Loevinger's statement that listed the total by percentages, of the credit furnished by the independent sales finance companies and GMAC. The credit furnished by the banks was left out or omitted from the statement. I see from a separate statement that is before me this morning that State and National banks, as of the end of 1959, were providing between 45 and 50 percent of all the credit extended for the purchase of automobiles in America.

Therefore, Mr. Chairman, when we attempt to arrive at conclusions, we should, if we want to arrive at a logical conclusion, have all the facts in the record. I hope that the fact about the amount of credit extended by the banks will go into the record.

I come from a town of 20,000 in Ohio. There is competition for automobile paper in my town. I think it is typical of every town in Ohio.

I will not attempt to speak for other places. We have two national banks which compete for that paper. GMAC, I presume, competes for it.

And we have at least three, possibly four or five independent sale finance companies that compete for that business.

Mr. MEADER. Do you have any credit unions?

Mr. MCCULLOCH. Yes; we have several credit unions, and they, of course, finance from time to time the purchases of the employees within their respective companies.

Therefore, I would like to know the particular places in America where there is not real, present competition for this business.

Mr. PATMAN. May I comment on your statement, Judge?

Now, you state that the banks have 45 percent of this paper. Of course, they are the people who are independent. They are not subject to this influence of the big manufacturers. They can make their own arrangements with their local banks. Some of this paper possibly comes through these large finance companies, I don't know.

I don't know whether that 45 percent is the independent customers or not, but I will assume that it is.

But now, what about the lower income groups? They are the ones this will affect most, and they will be the hardest hit by it, because they will have to patronize these dealers who were brought into being by the automobile manufacturer.

There is where the captive market comes in. You see, they have to deal with them.

Now, the person who has a little money and credit, he can go to the bank. He can make his own deal and get a better deal, a much better deal.

That is the reason they go to the banks and the credit unions in particular, because they make a better deal. But it is those who cannot do this who are the captives.

Mr. MCCULLOCH. Yes. Well, Mr. Chairman, I am sure that my good friend, Mr. PATMAN, knows that State and National banks are extending credit on chattel mortgages to people in every segment of our society, and I am sure he knows from the statistics that weekly come over his desk, both in the Small Business Committee and as chairman of the Joint Committee on—what is it?

Mr. PATMAN. The Joint Economic Committee.

Mr. MCCULLOCH. The Joint Economic Committee—knows that banks compete for the business of the worker. And one of the tests back in Ohio, again, is, Is he employed and is his credit reasonably good? That is the same criteria that is applied in most if not all instances, and if it is not, it should be, by the independent sales finance companies.

Mr. PATMAN. I want to warn you against being too optimistic about what the banks are doing in this field, particularly in the field of chattel mortgages and helping out on individual loans. I do not see it just exactly that way. I see them drawing in their horns, so to speak, and turning more

toward long-term securities including tax-exempt bonds.

I do not object to banks holding a fair amount of Government securities as a secondary reserve, but to go into the business of being a Government bond broker is another matter. They are using money that is created upon their books that doesn't cost them a penny. It is manufactured money to buy long-term bonds and particularly tax-exempt bonds. When they get the income from this poor fellow who has to pay taxes on what he owes, and they themselves do not have to pay taxes on some of their income, it is going a little bit too far. And they are doing that more than they are getting into this small sized borrowing paper that you are talking about, Judge.

Mr. McCULLOCH. Mr. Chairman, that has not been my personal experience. As a matter of fact, Government securities are not tax exempt.

Mr. PATMAN. No. I am talking about the municipals as they call them.

Mr. McCULLOCH. Yes; and I am going to get to that, because there is information on that, too. I am not sure that the record shows that the banks, big or little, are increasing their portfolio in municipal investments at this time or for the last 6 months.

Mr. PATMAN. Get the Federal Reserve reports and you will find that they hold $17 billion in tax-exempt securities. That is about a third or a fourth of all tax-exempt securities.

Mr. McCULLOCH. And they properly hold tax-exempt securities.

Mr. PATMAN. And they have increased substantially the last 6 months.

Mr. McCULLOCH. And further, and I shall not pursue it after this statement, I think that my good friend will find that there is a very decided and constant increase in the amount of money State and National banks are putting into the financing of automobile purchases——

Mr. PATMAN. That is all for the good.

Mr. McCULLOCH. Both new and old. Yes; we agree then.

Mr. PATMAN. Especially if it is an independently owned unit bank, not a branch or holding company bank.

Mr. MEADER. Mr. PATMAN, because of your long service on the Banking and Currency Committee of the House, your familiarity with banking legislation, I would like to ask you about a point that has been raised in a statement which will be presented later this morning, only because I want to take advantage of your presence.

It is suggested that in the Bank Holding Company Act of 1956 there was a specific exemption of financing affiliates, and the policy of that legislation is to permit formation of subsidiary corporations for conducting and implementing the natural and legitimate financial activities related to a corporation's business.

Now, have I correctly under the policies——

The CHAIRMAN. You did not read the whole statement, Mr. MEADER. You are speaking of the statement of Mr. Donner, are you not?

Mr. MEADER. That is right.

The CHAIRMAN. On a certain page——

Mr. MEADER. I will read the whole statement.

The CHAIRMAN. Mr. Donner refers also to the Celler-Kefauver Act in that regard. I think perhaps you ought to get the whole matter in context.

Mr. MEADER. I will just read page 26 of Mr. Donner's statement and ask for your comments on that. If it is inaccurate, because of your familiarity with banking legislation, I would like to have your statement.

Mr. PATMAN. Is that the Holding Company Act of 1956?

The CHAIRMAN. He refers to other acts, too.

Mr. MEADER (reading):

With respect to legislative precedent, it has been the consistent position of Congress to permit companies to form subsidiary concerns as a means of conducting normal business affairs and appropriate related activities. In enacting section 7 of the Clayton Antitrust Act in 1914, Congress specifically provided:

"'Nor shall anything contained in this section prevent a corporation engaged in commerce from causing the formation of subsidiary corporations for the actual carrying on of their immediate lawful business, or the natural and legitimate branches or extensions thereof, or from owning and holding all or a part of the stock of such subsidiary corporations, when the effect of such formation is not to substantially lessen competition.'

"Significantly, when Congress amended section 7 of the Clayton Act by the Antimerger Act of December 20, 1950—"

The CHAIRMAN. Call it the Celler-Kefauver Act.

Mr. MEADER. This paragraph is left intact:

"Of equal significance is the fact that in 1956 the 84th Congress, in enacting the Bank Holding Company Act, specifically recognized the reasonableness, if not the necessity, of permitting industrial concerns to own or control banks operated as aids to the main business of the companies.

"Thus, in the broad declaration of the policies stated in 1914, and reaffirmed in 1950 and in the specific exemption of financing affiliates in the Bank Holding Company Act of 1956, Congress has consistently maintained that the formation of subsidiary corporations for conducting and implementing natural and legitimate financial activities relating to a corporation's business is appropriate and desirable."

The CHAIRMAN. Before you answer that, Mr. PATMAN, since the Celler-Kefauver Act was mentioned, I want to make a comment. I happen to know something about the formulation of the Celler-Kefauver Act which was mentioned by Mr. Donner in his statement on page 26, and, significantly, these words were included—"when the effect of such formation is not to substantially lessen competition."

That term was also contained in the old act, section 7. It is significant that we maintained those phrases. Now, the history of General Motors Acceptance Corp. as a subsidiary of General Motors clearly indicates that there has been substantial lessening of competition. It is indicated by the fact that they were indicted and convicted for violation of the antitrust laws and for substantially lessening of competition. And there have been other cases in the Federal Trade Commission and in the Department of Justice. Proceedings are now pending in other cases involving the General Motors Corp. where there were charges of substantially lessening competition.

Now, certainly, there was no intention by the authors of the Celler-Kefauver Act to grant corporate immunity by allowing a parent company to violate the antitrust laws through its subsidiary. Yet this is exactly what is being done now. General Motors and the General Motors Acceptance Corp. are, in my humble opinion, violating the antitrust laws, notwithstanding that there was never any intention to give them immunity from the antitrust laws or the Celler-Kefauver Act when we amended section 7 of the Clayton Act.

I can say that because while I may not be deemed an expert, at least I was the author of the bill and prepared the majority report. I know exactly what the intention of the committee was when it presented the bill to Congress.

Now you can answer if you wish.

Mr. PATMAN. It answers itself. Now, what was read there doesn't mean very much insofar as consideration of the present problem is concerned when you add the phrase, "when the effect of such formation is not to substantially lessen competition." You see, that is safeguarding the public interest.

Mr. MEADER. You are reading from the original Clayton Act of 1914, which was left untouched by the Celler-Kefauver Act.

Mr. PATMAN. Well, I know, but the fact that the Congress does not touch it does not mean that they are affirmatively approving it. It just means that they did not pass it on it at the time. Now, if the Congress took this up and was passing on whether or not it should be repealed, and they failed to repeal it, why, of course, the gentlemen would have something to indicate that Congress was in favor of it.

But when it has never been presented as an issue, I do not think you can say the Congress affirmatively approved it when Congress did not pass on it at all except in 1914 when we were living in an entirely different world to what we are living in today.

Mr. MEADER. I respectfully suggest to my colleague that you are talking about the Clayton Act and the Celler-Kefauver Act and not talking about the Bank Holding Act——

Mr. PATMAN. Well, I am not in favor of this anyway because it permits branch banks and branch organizations and destruction of local communities. I have spent my entire life fighting that, you know.

Mr. MEADER. You mean you oppose that provision in the Bank Holding Act of 1956?

Mr. PATMAN. I do not even know that it came up. Congress had so many snakes dug up to kill in that bill that I do not think this was even mentioned. I doubt that it was.

The CHAIRMAN. Allow a clarification by these questions that counsel wants to put.

Mr. MALETZ. Mr. Chairman?

Mr. Patman, is it not a fact that one of the major purposes of the Bank Holding Company Act was to require the divorcement——

Mr. PATMAN. That is right.

Mr. MALETZ. By bank holding companies, of businesses extraneous to banking within 2 years after its enactment?

Mr. PATMAN. That is right. Transamerica was an outstanding example.

Mr. MALETZ. And is it not correct that the principal effect in this area of the Bank Holding Company Act was to divorce the Occidental Life Insurance Co. from ownership by the Transamerica Corp.?

Mr. PATMAN. Yes, sir.

Mr. MALETZ. Now, in that context, is not the Bank Holding Company Act a precedent for this very bill?

Mr. PATMAN. I would consider it so. If you want to consider what the Banking and Currency Committee did in the Congress on that, I think it is in the direction you are going now.

The CHAIRMAN. Thank you very much, Mr. PATMAN.

Mr. PATMAN. Thank you, gentlemen.

The CHAIRMAN. We are always grateful to you for your appearances before us.

Mr. PATMAN. Thank you, Mr. Chairman.

(Mr. PATMAN's prepared statement follows:)

"STATEMENT OF REPRESENTATIVE WRIGHT PATMAN, DEMOCRAT, OF TEXAS, BEFORE THE JUDICIARY ANTITRUST SUBCOMMITTEE ON H.R. 71

"Mr. Chairman, I think this is a good bill because it will restrain monopolistic practices and permit continued survival of locally owned business institutions in our Nation's communities.

"One of the country's biggest problems is the weakening and even the destruction of the economies of our local communities. This practice of permitting automobile manufacturers to own and control the

financing of the product they manufacture is further evidence of the fact that the Main Streets in the communities of our Nation are being run by Wall Street. It is further destruction of free competition in private enterprise and must be halted if the smaller communities of our country are to have vigorous and prosperous economies to support the daily needs of community life. A continuation of the present practice will probably result only in a great clamor and demand from our cities for further Federal aid.

Bankers silent

"We have been depending upon our commercial banking institutions to supply the financial lifeblood needed by our communities. We have looked to them as the source of funds to supply our business and personal needs.

"Now it is time to see whether they have acted with vision for the future and in the public interest of the communities they are intended to serve or whether their actions are based on shortsightedness and the lust and greed of the moment. I am afraid the testimony heavily favors the latter.

"I understand that the committee has had some correspondence from individual banks, and that most of them favor passage of H.R. 71 while a few are opposed, but that none of them thus far has offered to testify.

"But I am stunned to learn that not one word has been heard from either the American Bankers Association or the Independent Bankers Association. I am amazed that these big associations that represent the banking institutions of our entire Nation are not here in wholesale numbers clamoring for passage of this legislation. If the top-ranking officers of these powerful and influential associations cannot foresee the crippling effects of monopolistic combinations on the health of the economy, they should be here in numbers demanding approval of this bill for the selfish protection of their own institutions. Banks are organized and operated to make profits, of course, but they also are chartered and permitted to exist to serve the public in their local communities. I am concerned that too many banks no longer fully perform this public service but invest their resources in Government obligations and other securities far from their local areas.

"The bleeding of funds from local banks and from local finance companies also bleeds the communities of the revenues they need to grow and prosper. It is one of the factors that is drying up normal community life.

"It is not just an invitation for further aid to local areas, it is a case of forcing the Federal Government with a vengeance to take all local opportunity away from communities and supply further assistance in such services as old-age pensions, depressed area assistance, aid to education, and whatever else local governments no longer have the financial sustenance to provide themselves. Our economy tends to veer more in that direction continuously. I hope the Congress will act to stem this trend and help local communities retain their profitable businesses so they can take care of, if possible, their local obligations to education, etc.

"Finally, Mr. Chairman, I want to make it clear that I am not addressing my remarks toward any single automobile manufacturing company. I don't want any of them to enjoy this monopolistic manufacturing-financing 'sacred cow' privilege."

REPLIES TO COLLOQUY QUESTIONS

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS], may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, the gentleman from Texas [Mr. PATMAN] extended his remarks to include some questions he posed to me in the September 7, 1961, RECORD and asked that I supply this information for the RECORD. While the questions are impertinent to the issue we were discussing, I am happy to supply the answers.

Mr. PATMAN asks that I "state the source and nature of his financing of the papers he obtained from those 40 or so economists. Just how much did the whole project cost, who provided the funds, how much were each of the economists paid, and what was the real source of the funds used to finance the project?"

"I will also ask the gentleman to state whether or not any tax-exempt foundation provided any funds or met any of the costs directly or indirectly of this project involving 40 or so economists, and if so, what are the names of these foundations and how much of the cost did each meet?"

First, I want to make it clear that I was not acting in the capacity of an individual Congressman when I headed up the project "Employment in Our Dynamic Economy." I was acting under the direction of the House Republican policy committee. However, I am happy to set forth the source of help that we received in carrying on the project and in this way to further extend my appreciation and gratitude for this help.

There were no funds provided by any group. The personnel, office supplies, and telephone were provided by the Republican policy committee with some assistance, I believe, from the Republican congressional campaign committee, and the office force of individual congressional Members, including myself.

The economists—there were 24 not 40—prepared their papers gratuitously. Incidentally, some of these scholars were Democrats although most of them I suspect had no party affiliation.

A former staff director of the Republican policy committee who is now affiliated with a foundation gave us advice and help. The project was started while he was still the staff director. He gave us this assistance with the knowledge and understanding of the foundation, the American Enterprise Association. This was the extent of the indirect assistance we received from any foundation. No direct assistance was given by any foundation.

The cost of getting reprints of the paper and speeches is being borne by the Republican congressional campaign committee.

It is difficult to estimate the value of time, office supplies, and telephone spent on the project. However, if the time of the Congressmen and their executive assistants is not included the cost probably would be under $1,000.

KERR-MILLS SUCCESS—DESPITE HEW

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS], may extend his remarks in the RECORD, and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, the new Kerr-Mills law has gained wide acceptance by the States despite the total absence of leadership by the Department of HEW to encourage the States to implement the program. In an effort to minimize the progress of States in implementing the Kerr-Mills program, proponents of the social security approach have omitted mention of at least one important aspect of the new legislation.

The Kerr-Mills law has two facets—not one. Not only does it provide Federal funds to those States willing to establish medical programs for those aged persons who can afford all normal living expenses except their medical costs, but it also provides matching funds to States willing to improve the scope of medical benefits for aged persons who are on the States' public assistance rolls. It is this latter feature of the Kerr-Mills law which administration spokesmen fail even to acknowledge when they speak publicly. Actually, by the end of August 1961, 24 States have acted to improve the health aspects of their old-age assistance programs.

In addition to these 24 State program improvements, in 27 States and territories programs are in effect now or are scheduled to take effect in the next several months for the near needy—those persons who can take care of all of their living expenses with the exception of medical costs. Authorizing legislation is in process in another eight States. Thus far the net increase in expenditures in these two types of State programs totals $144,276,616 on an annual rate, all of which has been brought about under the terms of the Kerr-Mills law.

The attached chart illustrates the magnitude of the Kerr-Mills law's success. The last column indicates the net increases in expenditures, but even this is not complete because it does not include and cannot include programs which have been put in effect in the last 30 to 60 days or are scheduled to take effect in the next several months. By February or March of 1962 the annual net increase will be in the neighborhood of $300 million. It is important to put this entire matter in the proper context to correct misunderstandings about this valuable program. This information should help to scotch the propaganda of the traveling show of any special congressional committees which plan to tour the United States following the adjournment of Congress and before the first of the year in order to beat the drums for the King-Anderson bill and play down the increasingly important roll of Kerr-Mills.

States	OAA recipients eligible for medical care		Expenditures for OAA recipients' medical care		Annual expenditures MAA program and status	Net increase via Kerr-Mills Act
	June 1960	June 1961	At June 1960 rate	Current or appropriated rate		
Alabama	99,881	98,937	$7,332	$3,899,904	Effective January 1962	$3,811,920
Alaska	1,420	1,437	0	0		0
Arizona	14,136	13,962	0	0		0
Arkansas	56,414	55,695	4,409,040	5,113,452	Effective Sept. 1, 1961	704,412
California	253,937	225,071	28,988,448	40,332,864	Effective Jan. 1, 1962	11,344,416
Colorado	51,270	50,865	9,690,132	9,464,520		−255,612
Connecticut	13,871	14,433	3,150,600	2,996,820	Effective Apr. 15, 1962	−153,780
Delaware	1,205	1,293	0	(1)		
District of Columbia	3,045	3,098	310,788	346,140		35,352
Florida	70,100	69,519	5,674,764	10,416,672		4,741,908
Georgia	95,325	96,459	0	(2)	Program starts Jan. 1, 1962	
Guam	99	69	0	(2)	Enacted 1961	
Hawaii	1,439	1,428	130,080	140,088	Effective July 1, 1961	10,008
Idaho	7,253	7,307	734,832	2,261,088	Do	1,526,256
Illinois	70,259	73,288	26,498,832	28,838,256	Effective Aug. 1, 1961	2,339,424
Indiana	26,157	27,502	6,331,536	6,757,536		426,000
Iowa	33,480	34,255	3,073,584	10,409,544		7,335,960
Kansas	27,531	28,404	4,120,506	4,451,760		331,260
Kentucky	55,727	56,116	0	254,112	$19,188	273,300
Louisiana	126,040	125,095	3,080,520	4,993,980	Effective Oct. 1, 1961	1,913,460
Maine	11,072	11,715	1,968,120	2,790,144	Effective July 1, 1961	822,024
Maryland	9,615	9,414	590,688	721,128	$319,896	450,336
Massachusetts	62,766	78,646	42,946,092	12,280,812	$37,846,884	7,181,604
Michigan	56,494	61,183	5,063,292	8,841,168	$15,482,880	19,280,756
Minnesota	45,627	46,743	20,410,896	23,125,236		2,714,340
Mississippi	81,132	79,863	0	979,200		979,200
Missouri	113,361	115,714	667,464	2,674,308		2,006,844
Montana	6,484	6,881	27,780	41,544		13,764
Nebraska	14,377	14,910	4,272,888	4,647,000		374,112
Nevada	2,535	2,600	186,912	218,856		31,944
New Hampshire	4,834	4,846	974,040	1,000,524	Effective Oct. 1, 1961	26,484
New Jersey	10,952	18,911	7,887,060	8,533,680	Legislation pending	646,620
New Mexico	11,061	10,823	1,110,528	1,414,680	Appropriation needed	304,152
New York	61,297	82,209	34,983,720	13,687,260	$51,495,312	30,198,852
North Carolina	47,593	48,349	858,684	1,302,144		443,460
North Dakota	7,075	7,239	2,622,984	3,279,252	Effective July 1, 1961	656,268
Ohio	89,814	89,299	11,656,632	13,669,380		2,012,648
Oklahoma	88,161	89,491	12,778,416	12,673,296	$587,412	482,292
Oregon	16,469	16,916	4,824,396	6,234,444	Effective Nov. 1, 1961	1,410,048
Pennsylvania	49,977	50,010	2,301,072	1,670,364	Effective July 1, 1961	−630,708
Puerto Rico	37,926	39,215	0	0	Program in effect	
Rhode Island	6,615	6,736	1,131,648	1,190,700		59,052
South Carolina	30,928	32,201	2,162,904	2,747,208	Started July 1, 1961	584,304
South Dakota	8,479	8,846	0	0		
Tennessee	53,995	54,635	1,442,364	2,267,784	Started July 1, 1961	825,420
Texas	220,594	221,706		24,000,000		24,000,000
Utah	7,516	7,866	470,796	1,799,760	Started July 1, 1961	1,328,964
Vermont	5,611	5,593	802,164	1,466,472	Starts 1962	664,308
Virgin Island	527	561	3,372		$23,664	19,292
Virginia	14,459	14,529	1,466,316	2,338,692	No legislation until 1962	872,376
Washington	46,930	48,853	17,774,628	21,413,184	$1,306,956	4,945,512
West Virginia	18,678	19,373	1,144,128	1,546,740	$4,702,320	5,104,932
Wisconsin	33,542	35,239	18,548,124	20,678,472	Legislation pending	2,130,348
Wyoming	3,105	3,252	406,596	379,380		−27,216
Total	2,296,190	2,358,600	297,685,692	330,289,548	$111,754,512	144,276,616

[1] Legislation pending.

[2] Effective Jan. 1, 1962.

THE DISARMAMENT AGENCY

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL], may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, I have given much thought to the proposed Disarmament Agency. I am well aware of the importance of this question, but I feel that certain changes must be made in this legislation before I am prepared to endorse this bill without reservations.

I wish to purpose the following amendments to this bill:

First. The title of the act should be an "Act for World Peace With Justice and Security Through Disarmament." Currently the phrase, "with justice," is omitted.

Second. The statement of purpose should be revised to read:

The goal of the United States is a world where justice and freedom are assured through the rule of law to all people; a world which is free from the scourage of war and the dangers and burdens of armaments.

The bill as now written does not stress that the paramount goal of the United States is and must be a system of freedom and justice guaranteed by the rule of law. While we must seek some type of arms control or disarmament, we must insure that liberty, freedom, and justice will be maintained. The maintenance, continuance, and expansion of the rule of law must be our primary objective. Without this peace and disarmament would mean nothing.

Third. The proposed Disarmament Agency should be subordinate to the Secretary of State rather than an independent agency. A great many serious problems could result if this Agency was not subordinated to the Secretary of State.

Fourth. Three provisions of the bill should be deleted completely: First, that exempting actions of the Director from provisions of law relating to controls and expenditures; second, that alloting $25,000 for entertainment; and third, that alloting $50,000 for confidential expenditures.

Fifth. As now written, the term "disarmament" "includes the elimination, reduction, control, limitation, inspection, verification, or identification." These should be listed in reverse order. Elimination of armed and armaments is the logical end point of such efforts while identification and verification are the points where efforts to achieve disarmament can and must begin.

Sixth. The General Advisory Committee should be composed of 11 members appointed by the President with the advice and consent of the Senate. In addition there should be two Members of the Senate and two Members from the House of Representatives on this Committee. In each instance, there should be one Member from the majority party and one Member from the minority party from each House.

Mr. Speaker, we so urgently need a "Gettysburg-like" statement of our foreign policy goals and objectives. Until and unless we have an understanding of what our goals and objectives are, legislation such as the disarmament bill is not likely to be very successful. Such a statement must be prepared.

Mr. Speaker, I urge that consideration be given to these changes which would make the proposed Disarmament Agency more sound, more workable, and more practical.

EXEMPTION FROM FEDERAL OLD AGE AND SURVIVORS INSURANCE PROGRAM

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL], may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. GOODELL. Mr. Speaker, I have today introduced legislation which would provide an exemption from participation in the Federal old-age and survivors insurance program for individuals who are opposed to participation on the ground of conscience and religious belief.

This legislation is primarily designed to relieve a situation brought about by the religious convictions of the Amish sect. Numerically, the number of persons involved is minimal.

According to a letter from the Commissioner of Internal Revenue, dated May 16, 1961, only a limited number of persons declined to pay the social security tax. I submit, however, that this is a matter of principle in the finest tradition of this country.

The question of whether to seek an exemption, under my bill, would be an individual matter involving the filing of a certificate with the Secretary of Health, Education, and Welfare. This bill asks that the principle of exemption from military service on the basis of religious belief be applied to social security.

I urge swift consideration and approval of the measure.

PEACE CORPS

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. SCHADEBERG], may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. SCHADEBERG. Mr. Speaker, it is with a great deal of serious soul searching that I have approached the legislation before us. I have a profound respect for, and faith in the young people of our country and find it rather difficult to be placed in the position of having a vote against this measure interpreted to mean that there is a lack of faith in our youth or a lack of interest in a people-to-people program. I shall support this legislation if one or two of the basic objections I have to this legislation are removed. There are many items in this legislation that I believe to be objectionable, but I am willing to have this put into law with the hope that experience will dictate changes.

I am for a people-to-people program. I am for sending dedicated people to other parts of the world to learn first hand the problems of the world.

I am for a vital program that offers a legitimate promise of making even a small contribution toward a peaceful world in which men and women are free to decide their own destiny.

I am at the same time opposed to putting the emphasis on youth only to neglect the mature and experienced judgment of those who have learned by just living.

I believe the name itself could be improved. It would be to the advantage of our Nation, being propagandized as an imperialist nation by the Communists, if we would clarify our aim which, I am sure, if it reflected the will of the American people, would be freedom with honor, not merely a peace growing out of capitulation. How refreshing and vital and what a real answer to the militant revolutionary spirit of the Communist movement if we would send out a freedom corps instead of a Peace Corps. The word "peace" might well be interpreted to mean embracing, or I should say enduring, communism because the peace is so sweet it is worth even the price of chains.

I am against a people-to-people program that sends the taxpayer's dollars without properly prepared programs; that would send people to represent America in other parts of the world who are not sure of what America means or how we differ from socialistic, fundamentalist, communistic, or dictatorial governments.

I am for sending dedicated citizens into the world to sell America and freedom but I am opposed to sending them out if they are to be neutral toward the very economic and political system which made it possible for the taxpayers to earn the money to send them out.

I am opposed to sending out a corps of volunteers without asking the American people to also make sacrifices as is expected of the volunteers—the sacrifice necessary to pay the bill—to pick up the tab. If we are emotionally moved and dedicated to promote this program, we ought match our intentions—good and noble as they are—with practical efforts to pay the bill and not to hand the bill with interest to generations yet unborn.

I shall support this legislation if, first, it will be a pilot program given a fair period of time to give the Members of Congress an opportunity to form a basis upon which a sound decision can be made as to whether or not this is to be a permanent program. I shall support this program if, second, we can be assured that those who represent us will be trained to be stanch proponents of the free enterprise system and not apologists for planned economy, socialistic schemes. We cannot expect the American taxpayer to send out neutrals to represent them. I shall support this legislation if, third, it will remain an American supported, American sponsored program and not a glorified U.N.-one world operation.

I will support this legislation if it retains its original voluntary, sacrificial aspect. This must not degenerate into a special benefit-to-the-volunteer program led by a bureaucratic Frankenstein of overpaid directors whose allegiance is to the party in power regardless of which party, rather than the taxpayer-citizen who, rather than being served, is fleeced.

THE CULTURE OF OTHER NATIONS

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. THOMPSON], may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, we are intensely interested in seeing that all of the men and women who are members of the growing legion of our oversea representatives are thoroughly prepared to deal successfully with their hosts on behalf of the United States. We have done a great deal of soul searching in recent years in an effort to determine why these representatives have not always established effective communication with the people they meet. We came to at least one conclusion: greater stress must be placed on language—not only in the training of official representatives but of Americans in general. It is important that even the tourists display at least a willingness to go half way in the effort to establish lines of communication between us and other peoples.

Actually, we also came to the conclusion that greater encouragement must be given to the study of economics, history, political science—in other words, to the complex of disciplines which are usually associated with area study programs.

Section 601 of the NDEA states, in effect, that the Commissioner is authorized, in respect of language and area centers, to provide for the inclusion of instruction at the centers in those "other fields needed to provide a full understanding of the areas concerned."

It seems to me the spirit of section 601 would allow for the study of one or more classical languages at any language and area center if the director of that center could demonstrate the essential nature of such an inclusion to the success of his program. At the same time, I think—for the sake of greater clarity—more specific legislative authorization is in order.

Moreover, I am also concerned with encouragement of the study of classical languages apart from the language and area centers. I therefore recommend deletion of the word "modern" from the phrase "modern foreign language" throughout the act.

I believe that we have come to realize the importance of an absorption of the total culture for the preparation par excellence of our representatives dealing with any particular country or people.

Religion, philosophical background, literature, art—these are, if anything, more essential than the obvious training in economics, technology, and political history. The question always to be kept

before us is: To what forms of expression do we turn for the nub of a people's orientation to life?

What other answer could be given than the one I have indicated—the expression contained in the religion, the major philosophical currents, and the arts? Perhaps I am guilty of seeing this answer as too obvious, but I do not feel it necessary to labor the point.

I suggest that it is when we fail to penetrate to the nub, the heart of a people's emotional and rational life, that we are accused of being callow, obtuse, and superficial. And it is then that we are caught off guard and shocked when movements and reactions take place which we have been unable to predict.

As John D. Rockefeller III has pointed out:

> We must remember that the basis of all understanding is knowledge. So let us both, the peoples of East and West, increase our individual and collective efforts to learn more about each other. We must be well-informed about each other's culture and pattern of life, accomplishments, and problems, needs, and aspirations. Otherwise, we are certain to make many mistakes in our relationships with each other, and thus sow the seeds of new misunderstandings.[7]

Adlai Stevenson, in taking measure of our competition with the Soviet Union for the friendship of uncommitted Eastern peoples, states:

> The Russians understand the Orientals, their languages and how they think, better than we, who have a tendency everywhere to expect others to think and act as we do and to appreciate our disinterested and philanthropic righteousness.[8]

Our task is cut out for us. We are handicapped, as Mr. Stevenson indicates; but as long as we identify the handicap—recognize in just what way we are lacking—the battle is not lost.

As I have said, I believe the importance of having a full appreciation of the total culture of the peoples with which we deal has registered.

It is one thing to accept this point and another to determine all the best possible avenues of approach. I wish to indicate one of the less obvious methods of digging into a people's culture. The method I refer to is study of linguistic history.

Dr. Robert F. Goheen, president of Princeton University, has made the following statement:

> Knowledge of their native tongue is a primary instrument in understanding the people of a nation. Properly undertaken, it is an avenue of understanding into the culture, the aspirations, the intimate feelings, the thought patterns of a people—to all the elements that make others as they are. More even than an ability to communicate in others' tongues, that is to say, we need to learn to know and to respect the culture of others—their history, their religion, their art, the things they value as their own. Only in this way can we hope for enlarged rapport with the peoples of other lands—or expect them to join with us gladly in the quest for a peaceable world order, built upon mutual advantage and mutual respect.[9]

I agree with President Goheen. And I would suggest that the study of a language, "properly undertaken," involves an application not only to the form in which it is spoken and written today but also to the major root languages from which it springs.

Cultural history and linguistic history are inseparability intertwined. The very forms of usage, the extent of vocabulary and its degree of precision, reflect the mental and emotion attitudes of the people who developed and used the language.

Thus, Latin—its form and literature—holds a significant route of approach to the understanding of not only the Spanish-, Italian-, French-, and Portuguese-speaking peoples, but all of Western civilization.

The knowledge of Sanskrit—the language of the major portion of the great philosophic, religious, and poetic writings of India—provides an invaluable insight into the internal lives of the majority of contemporary Indians.

I am indebted to the distinguished junior Senator from Illinois [EVERETT M. DIRKSEN], for the insertion into the RECORD—January 10 of this year—of an article which contained observations on the importance of classical Greek. At the time he submitted the article, the Senator remarked:

> Students should be well versed in Latin and Greek to meet the standards of the best possible curriculum for our public schools in this atomic and space age.

I quote from the article itself:

> Greek is the basic language of the Western intellectual tradition. For any really serious study of occidental philosophy or religion it is absolutely essential. For any study of occidental literature or history, it cannot be foregone, unless the student is willing to forego the original and formative documents of his subject, and confine himself to works which merely carry on and develop the tradition. The lack of a real command of Greek has reduced innumerable American scholars in these fields to second-rate information, and this state of affairs will not change substantially until Greek is restored to secondary education, for it is a language so complex and subtle that it can hardly be mastered by those who do not begin it early. * * * The fantastic palace of Byzantine civilization can be unlocked only by Greek, and Byzantium and the Greek Levant are of the greatest importance for the medieval history of the West and for the history of Russia, Turkey, and the Balkans, down to modern times. The Balkan-Turkish area is of particular strategic importance just at present, and Greece is central in it. * * * A language which occupies such a position in the intellectual and historical worlds is one we cannot afford to do without. The revival of the study of Greek in our schools should be a major concern of every literate American.[10]

We must never be guilty of overlooking the importance of the significant literature of a culture as a strategic path to understanding the people of that culture. Could it be said truly of anyone that he "understands" the American people without acquaintance with the writings of Jefferson, Franklin, Holmes, Thoreau, and others of such quality who have been so instrumental in forming what we might call our national character? Or, is it possible to know us without having read and absorbed the language of Shakespeare, or the King James translation of the Bible? The point I wish particularly to make is that the impact of these essential and highly efficacious expressions of major stages in our culture is not limited to scholars or even to the literate. A process of absorption has taken place for centuries, invisibly, turning literature into the thought and language patterns of everyday life.

Indeed, I venture to say, the key to an understanding of the average man is much more apt to lie in the literature of the past than of the present. John Doe has probably absorbed little of Mr. T. S. Eliot, but he knows more Shakespeare and Jefferson than he realizes.

By the same token, I suggest that an illiterate camel driver in Iran carries with him, as part of his unconscious emotional and intellectual equipment, a great deal of Omar Khayyám.

And so it is with Plato, Homer, Sophocles, Plotinus, Philo, Virgil, Cicero, Livy, and all of the significant writers we have unconsciously embalmed with the description "classic."

Literature is not just letters. It is, in the form of art, the culmination of a period of cultural experience—and the inspiration for new possibilities within the culture.

"Who sees things grow from their origin," says Aristotle, "will have the most advantageous view of them."

Perhaps the most difficult task we face today, constantly pressed as we are by a myriad of perplexing details in our effort to keep alive and share the richness of Western civilization, is the preservation of basic perspective. There are so many challenges to the American people, so many things we have to do, if we are to achieve our purpose.

It is true that we urgently need more and better mathematicians, creative and competent scientists, accomplished linguists, imaginative and thorough educators, intelligent and ethical producers and merchants. All these needs must be met if America is to be truly strong.

But the basic need is stated in the opening sentence of the National Defense Education Act itself:

> The Congress hereby finds and declares that the security of the Nation requires the fullest development of the mental resources and technical skills of its young men and women.

It is incumbent upon us all to come to a full understanding of what it means to develop fully one's mental resources and how to go about doing it.

Certainly, the first, the major concern should be for the quality of the thinking process. What training makes one

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[7] Rockefeller, John D. III., "International Understanding—An Individual Responsibility." Contemporary Japan (Tokyo) vol. XXVI, August 1959. (Condensed from a speech delivered at the meeting of the American-Japan Society, Tokyo, Mar. 9, 1959), p. 9.

[8] Stevenson, Adlai Ewing. "Call to Greatness." New York, Harper & Bros., publishers, 1954, p. 84.

[9] Goheen, Robert F. "Essential Tasks." New York, Woodrow Wilson Foundation, 1959, p. 13.

[10] Smith, Morton. "Hebrew—Why Not Greek?" article from the Orthodox Observer. Extension of remarks of EVERETT DIRKSEN. CONGRESSIONAL RECORD, Jan. 10, 1961, p. 479.

thinker more incisive in his logic than another?

We are coming to realize that a person with a quick mind, good logic, and fertile imagination is equipped to deal generally with problems of any nature. This is not to decry specialization. But the specialty or specialties should be viewed as limbs growing from the firm and solid trunk of a tree of basic capability to think and solve problems.

There can be no question of the value of the study of mathematics as a foundation for high intellectual ability. It is our most precise language and at the same time our most independent language. That is to say, a statement in the language of mathematics is freer than any other of a particular set of circumstances and details. A mind well trained in this language can cut through the irrelevancies in any abstract problem, isolate the important components, and establish the nature of the appropriate relationship of these components.

But the very precision of this most abstract language precludes expression of the vast number of subtleties and nuances which, to a great extent, characterize human experience. We resort to our "qualitative" languages for the communication of these experiences.

To be able to handle skillfully the qualitative language in which one thinks is imperative. And the major point is: we do think in a language. A man may have an experience, but until he identifies that experience with a word, he is incapable of using it in any meaningful way in relation to his other thoughts.

This fact—that we think in language, both quantitative and qualitative—means that our first responsibility in education lies in training our students to have absolute mastery of vocabulary and rules of relationship.

The vocabulary of mathematics is fairly limited. And one is surprised in these days by an emphasis on the importance of the grammar of math.

But we are inclined to scoff at the necessity of a mastery of the grammar of our qualitative language, English. Yet, the structure of the relationship of subject to predicate is just as crucial as the structure of the relationship of the two entities in a binomial expression. The result of not knowing structure is pure muddle.

The distinguished scholar, Edith Hamilton, has made the following observation on contemporary American life:

> We are more and more caught up by the unintelligible. People like it. This argues an inability to think, or, almost as bad, a disinclination to think.[11]

I believe the case is a combination of the two. But people are disinclined to think because they have never developed a comfortable relationship with the tools of thinking: words and grammar.

The ability to think presupposes the ability to speak—whether aloud or not. The relationship is almost mutual, or symmetrical. A child learns gradually, by imitating speech in a trial and error fashion, to identify—out of the welter of his experience—feelings and relationships. He isolates these with labels, or words, and is thus able to deal with them. It is in this respect, we are only too apt to forget, that man has superiority over all living things. We can fashion concepts because we have developed language.

Writing is the most rigorous and vulnerable form of communications in a qualitative language. Unless it is the writing of nonsense, the ability to write presupposes the ability to think. This should be self-evident, but it has become all too obvious that a great number of people fail to recognize it as such. In an article which recently appeared in Look magazine—June 20, 1961—called "Why Johnny Can't Write," the following pertinent observation was made:

> Johnny finishes school and college without having learned to write. Then he goes into a profession. What happens? Lacking the ability simply to say what he knows and what he means, he turns to the special jargon of his field. This, he hopes, will hide the poverty of his knowledge and the vagueness of his thought. Johnny has not been taught that writing actually is thinking, that thinking is closely linked with action.[12]

This same article reports a dialogue in which the Chinese philosopher Confucius was asked what he would do first if it were left for him to administer a country.

"It would certainly be to correct language," he replied.

"Surely," said his listeners, "this has nothing to do with the matter. Why should language be correct?"

His answer was: "If language is not correct, then what is said is not meant; if what is said is not meant, then what ought to be done remains undone, morals and art will deteriorate, justice will go astray; if justice goes astray, the people will stand about in helpless confusion. Hence there must be no arbitrariness in what is said. This matters above everything." [13]

To make a quick return to the 20th century, may I say that, "I associate myself with these remarks."

Obviously, there are many lines of attack on this problem of the deterioration of communication and thought. And we should unhesitatingly pursue all of them.

Dr. Mason Gross, president of Rutgers University, addressed himself to this crisis in a speech in New York last March before the Independent Schools Education Board. After stating that "English is our greatest academic weakness," he strongly urged, as a means of correction, the revival of the teaching of Latin in secondary schools.—New York Times, March 5, 1961, page 86L, column 1.

An editorial in the Washington Evening Star, on March 9, commenting on Dr. Gross's recommendation, pointed out that, several years ago, a careful survey was conducted by the teachers of classics in New England "to determine the views of the Nation's educators on the value of a sound Latin training in high school." The "great majority of these educators, including particularly heads of universities, law schools, and technological institutions" expressed the conviction that all our high school students would be well advised to study as much Latin as possible—and some Greek, too, would be useful—as an invaluable tool of higher learning and a prime aid to the individual in terms of such things as disciplining the mind, learning how to think, becoming fluent in the modern Romance languages, employing English with grace and precision."—Washington Evening Star, March 9, 1961, page A10.

Elucidating the last item in this list, Dr. Arthur E. Lean—dean of education in Southern Illinois University—has stated:

> The discipline involved in the study of Latin requires exactness in the use of words and phrases to express thoughts, and in the structural subordination of less important to more important ideational components of the sentence. This discipline is incompatible with the slovenliness of expression commonly found among today's students. The Latin classroom, like its English counterpart, affords an idea milieu for the development of precision and good taste in oral and written discourse.[14]

It is hardly necessary to stress the relationship of Latin to English vocabulary. Along with Greek, it accounts for nearly the whole of our intellectual word fund—Steering Committee for the Foreign Language Program of the Modern Language Association. (Op. cit., page xxiii.)

> Its literature is the key to many basic concepts that we have modified to create what we tend to think of as our uniquely modern political, esthetic, and intellectual life. Ignorance of this cultural heritage is a dubious preparation for cultural advance. Ignorance of one's linguistic heritage is, moreover, a dubious basis for informed and effective use of either English or a modern Romance language.[15]

I would like, at this point to continue the quotation from Miss Hamilton in which she observed that contemporary Americans are either unable or disinclined to think.

> Neither disposition marked the Greeks. They had a passion for thinking things out, and they loved unclouded clarity of statement as well as of thought. The Romans did, too, in their degree. They were able to put an idea into an astonishingly small number of words without losing a particle of intelligibility. It is only of late, with a generation which has never had to deal with a Latin sentence, that we are being submerged in a flood of words, words, words. It has been said that Lincoln at Gettysburg today would have begun in some such fashion as this: "Eight and seven-tenths decades ago the pioneer workers in this continental area implemented a new group based on an ideology of free boundaries and initial equality," and might easily have ended, "That political supervision of the integrated units, for the integrated units, by the integrated units, shall not become null and void on the superficial area of this planet." Along with the banishment of the classics, gobbledegook has come upon us—and the appalling size of the CONGRESSIONAL RECORD, and the overburdened mail service.[16]

With your indulgence, I shall close my remarks with one more quotation—from

[11] Hamilton, Edith. "The Lessons of the Past." Saturday Evening Post, Sept. 27, 1958, p. 114.

[12] Leonard, George B., "Why Johnny Can't Write." Look, vol. 25, June 20, 1961, p. 106.

[13] Ibid., p. 11.

[14] Lean, Arthur E., op. cit., p. 34.

[15] Ibid., p. xxiii.

[16] Hamilton, Edith, op. cit., pp. 114–115.

a man of our own day who was a unique example of the power of thinking clearly and expressing oneself precisely in both qualitative and quantitative language. The great mathematician and philosopher, Alfred North Whitehead, once stated:

> The art of clear thinking, of criticism of premises, of speculative assumption, of deductive reasoning—the great art was discovered, at least in embryo, by the Greeks, and was inherited by Europe.[17]

In view of the reasons presented, I urge deletion of the word "modern" from the phrase "modern foreign language" wherever it may appear in Public Law 85–864, the National Defense Education Act.

WHO HAS FAILED?

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. GALLAGHER], may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, despite considerable efforts by some agencies of Government at every level and by interested groups and individuals, illegal traffic in narcotics continues to be a serious problem.

I and other Members of the Congress have during this session applied ourselves to this problem. There have been introduced several bills providing for more effective programs for the hospitalization and postconfinement treatment of drug addicts. The object of these bills is to stamp out the demand for illegal narcotics by proper and effective treatment for greater numbers of addicts.

The efforts of interested agencies in the campaign to stamp out addiction have been effectively supported by many newspapers, including the newspapers in my own State. A very fine editorial on the subject of illegal narcotic use which raises searching questions as to where and how we have failed was recently published in the Hudson Dispatch of August 11, 1961. I respectfully request that this fine editorial be included as part of my remarks.

[From the Hudson Dispatch, Aug. 11, 1961]

WHO HAS FAILED?

After approximately a year of unrelenting activity by this newspaper and, unfortunately, by just a few public officials, it was assumed the tide of youth drug addiction would have been stemmed. Regretfully, according to results of a survey conducted by our staffer, James R. Ferguson, that is not the case. Incidence of drug use among young people of Hudson and Bergen Counties is definitely on the rise. Who has failed?

There is no doubt the prime purpose of the campaign to create a greater public awareness has been accomplished. Hudson County prosecutor's office has vigorously attacked the problem. Committees have been organized, at the behest of Prosecutor Lawrence A. Whipple, in practically all of the county's municipalities. But somewhere along the line there is a weak link. Are parents, despite widespread educational programs, still lethargic in the face of the tragic results that have been recorded?

Are municipal, State, Federal officials, after an initial spirit of activity, resuming a sedentary position, feeling that the furore is over and they no longer concern themselves with this matter? Someone must come up with a solution. It will be found perhaps in the incessant demands of each individual that the evil that is entrapping so many of our promising youngsters be stamped out.

One explanation for the failure to curb the narcotics traffic here, throughout the metropolitan area and the Nation, is the manpower shortage being experienced by agencies charged with the duties of preventing illegal drugs from reaching willing but unwise hands. Another cry is the lack of funds to establish proper treatment centers for those unfortunate, ill persons harnessed to the habit. They are sick despite what some stolid, unsympathetic persons may think. This difference of opinion on how to treat addicts is another stumbling block in the path towards establishing a universal, standardized treatment program.

From one observation it would seem to us that too many persons are moving in too many directions with the effect that results are difficult to tie down. What seems primarily essential is unanimity of thought on a plan of action. Factions must agree on one procedure and then move to get the job done.

There are plenty of State and National statutes to cover the situation, but unless they can be enforced there may as well be no laws at all. If manpower is the problem then let's resolve it immediately. The people must apply pressure and demand action by their elected representatives in Congress and the State legislature. Money, of course, is a principal ingredient. We can't accept the reasoning that funds are lacking to provide the weapons necessary to eradicate this life-destroying condition. Money is found for many other less deserving causes. Certainly State and Federal budgets can stand a little extra to salvage the lives of poor, misdirected youthful souls.

For months communications have been going back and forth from Hudson County and Washington in an effort to establish a more adequate treatment center to replace the small clinic in Hudson County jail. The project is still in the talking stage. Meanwhile, more and more youths are falling victims to the drug habit. Let's tolerate no further procrastination. Take pen in hand, write your demands for actions to your officials in Trenton and in Washington. This is your problem as much as anyone else's. You must help resolve it lest an accusing finger be pointed at you—indicating it was you who failed.

LET'S NOT FORGET OUR RURAL AREAS WHEN THE FCC PROPOSES A SWITCH FROM VHF TO UHF TELEVISION

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. STRATTON], may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STRATTON. Mr. Speaker, recently the Federal Communications Commission proposed the elimination of certain VHF—very high frequency—channels in certain test areas and the substitution in these areas of stations using exclusively UHF—ultra high frequency—transmission. The purpose of this move is presumably to take advantage of the larger number of channels available in UHF television, in contrast to the very limited number of VHF channels, thereby making it possible for more stations to supply the needs of the Nation's viewing and market areas.

This is, of course, a most commendable objective. There is, however, one serious drawback in the use of UHF channels in preference to VHF channels—and I say this as one of the few Members of this body who has ever earned his living at one time as a television cowboy on a UHF station—and that is the very definite range limitation in all UHF television. Where VHF stations can readily be received at a distance of some 50 to 75 miles, few UHF stations can be successfully received beyond 15 or 20 miles.

Perhaps the broader use of UHF might be desirable in metropolitan areas where population is concentrated in a limited space, but to eliminate an existing VHF television station which serves a wide rural and suburban area well beyond the normal range of urban UHF stations, however numerous they may be, would be a most serious mistake and a case of unwarranted discrimination against our rural citizens.

One such experimental area in which the FCC now proposes to deintermix, that is to eliminate VHF Channel 12 which now serves an extensive rural area in my district, and to replace it with short-legged UHF stations in the area of Binghamton, N.Y. But the existing VHF Channel 12 in Binghamton serves far more than the metropolitan area of Binghamton and the so-called triple cities. It also serves a vast rural area some 70 or 80 miles beyond Binghamton, including many portions of Otsego County which is a part of my district. Much of this vast rural area has no other television reception except this Channel 12, and could in fact never receive UHF stations out of Binghamton because of the rugged nature of the terrain in this portion of southern New York and the technical limitations of UHF.

It would be most disastrous, Mr. Speaker, if any action on the part of the FCC were to end up with the practical result that thousands of our citizens residing in rural areas were to be entirely deprived of television services and thereby most unfairly discriminated against.

I underline further the harm that would be caused if this proposed FCC action were to be taken with respect to Channel 12 in Binghamton, N.Y. I include herewith a forceful editorial from the September 6, 1961, issue of the Oneonta Star:

TV SWITCH TO UHF WOULD HURT AREA

Much hoopla is being raised in Binghamton television and commercial circles as though that were the only area concerned with the difference between very high frequency (VHF) and ultra high frequency (UHF).

Most of us remember that Channel 12 came in early with all there was in TV over a decade ago—VHF. It brought the new

[17] Whitehead, Alfred North. "Adventures of Ideas," New York, Macmillan, 1933, p. 107.

medium of entertainment and advertising into many areas (ours included) which had never had TV before.

Once the picture was there to receive, it didn't take long to crank Old Dad up to the point where he'd go into hock for a set. He thought the Friday fights were the greatest thing in sports and the whole family crowded around to watch Milton Berle. What has become the Jack Paar set was satisfied in those days with something known as Broadway Open House.

At that time we were advised by TV experts that the signal wouldn't carry worth a darn beyond the horizon from the transmitting tower. It turned out, however, the VHF signal was of a nature to bounce off hills and trees and things to go well over the horizon and into homes 60 and 70 miles distant.

So with only 13 channels on the VHF wavelength, unexpected interference between stations in neighboring States on the same channel led to necessary allotment of channels on a miserly basis.

Next came UHF which more closely resembled in transmission what experts had originally foreseen for all TV, the UHF signal doesn't travel very far. In general it serves only the community, or shopping area, of the home station.

It is impossible in the populated northeast for a UHF station to compete economically with VHF. It doesn't have the viewers to offer advertisers. The Triple Cities area thus probably faces a situation of switching Channel 12 to UHF or losing its present UHF station. What the UHF station in Binghamton (Channel 40) is saying, in effect, is "If you can't beat 'em, and you can't join 'em, get 'em to join you."

The Federal Communications Commission has some sort of master plan to eliminate areas of UHF–VHF competition. Thus it is on the side of Channel 40.

That happens to put Uncle Sam's forces not only against Channel 12 but also against almost all town and rural residents in the area between Cooperstown and Sidney. These are folks who can't join a cable even if they want to spend the money. Channel 12 is their one, or at least their major, source of TV.

The belief here is that the FCC didn't intend to make obsolete the TV sets these folks own. It may be the FCC doesn't even know all that's going on in areas such as this. It's up to the viewers among us to tell them.

PROFITS, INFLATION, SHELLS, GOLD, MONEY, RESERVES

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MULTER. Mr. Speaker, it seems to me that too many of our people have been taken in by the doubletalk and gobbledygook of some pseudoeconomists. They have made them feel that economics is a field so complex that the average man cannot hope to understand it—that without a vast store of statistics he can never know where he is headed, and even with all that information only the self-proclaimed expert can interpret for him.

It is high time we tried to understand the fundamental economics on which our very existence depends.

An excellent start is to make required reading the following article from the June 1961 issue of Reader's Digest:

WHAT IS PROFIT?

(By Fred I. Kent)

(A schoolboy, disturbed by the current fashion of speaking disparagingly of the profit system which has formed the basis of the American way of life, wrote to his grandfather asking him to "explain just how there can be a profit which is not taken from the work of someone else." The grandfather, Fred I. Kent, LL.D., was president of the Council of New York University and a former director of the Federal Reserve Board. Dr. Kent replied to his grandson's query as follows:)

MY DEAR GRANDSON: I will answer your question as simply as I can. Profit is the result of enterprise which builds for others as well as for the enterpriser. Let us consider the operation of this fact in a primitive community, say of 100 persons, who obtain only the mere necessities of living by working hard all day long.

Our primitive community, dwelling at the foot of a mountain, must have water. There is no water except at a spring near the top of the mountain; therefore, every day all the 100 persons climb to the top of the mountain. It takes them one hour to go up and back. They do this day in and day out, until at last one of them notices that the water from the spring runs down inside the mountain in the same direction that he goes when he comes down. He conceives the idea of digging a trough in the mountainside all the way down to the place where he has his habitation. He goes to work to build a trough. The other 99 people are not even curious about what he is doing.

Then one day this 100th man turns a small part of the water from the spring into his trough and it runs down the mountain into a basin he has fashioned at the bottom. Whereupon he says to the 99 others, who each spend an hour a day fetching their water, that if they will each give him the daily production of 10 minutes of their time, he will give them water from his basin. He will then receive 990 minutes of the time of the other men each day; this arrangement will make it unnecessary for him to work 16 hours a day in order to provide for his necessities. He is making a tremendous profit—but his enterprise has given each of the 99 other people 50 additional minutes each day.

The enterpriser, now having 16 hours a day at his disposal and being naturally curious, spends part of his time watching the water run down the mountain. He sees that it pushes along stones and pieces of wood. So he develops a water wheel; then he notices that it has power and, finally, after many hours of contemplation and work, he makes the water wheel run a mill to grind his corn.

This 100th man then realizes that he has sufficient power to grind corn for the other 99. He says to them, "I will allow you to grind your corn in my mill if you will give me one-tenth the time you save." They agree, and so the enterpriser now makes an additional profit.

He uses the time paid him by the 99 others to build a better house for himself, to increase his conveniences of living through new benches, openings in his house for light, and better protection from the cold. So it goes on, as this 100th man finds new ways to save the 99 the total expenditure for their time—one-tenth of which he asks of them in payment for his enterprising.

This 100th man's time finally becomes all his own to use as he sees fit. He does not have to work unless he chooses to. His food and shelter and clothing are provided by others. His mind, however, is ever working, and the other 99 are having more and more time to themselves because of his thinking and planning.

For instance, he notices that one of the 99 makes better shoes than the others. He arranges for this man to spend all his time making shoes, because he can be fed and clothed and sheltered from profits. The other 98 do not now have to make their own shoes. They are charged one-tenth the time they save. The 99th man is also able to work shorter hours because some of the time that is paid by each of the 98 is allowed to him by the 100th man.

As the days pass, another individual is seen by the 100th man to be making better clothes than any of the others, and it is arranged that his time shall be given entirely to his specialty. And so on.

Through the foresight of the 100th man, a division of labor is created that results in more and more of those in the community doing the things for which they are best fitted. Everyone has a greater amount of time at his disposal. Each becomes interested, except the dullest, in what others are doing and wonders how he can better his own position. The final result is that each person begins to find his proper place in an intelligent community.

But suppose that, when the 100th man had completed his trough down the mountain and said to the other 99, "If you will give me what it takes you 10 minutes to produce, I will let you get your water from my basin," they had turned on him and said, "We are 99 and you are only 1. We will take what water we want. You cannot prevent us and we will give you nothing." What would have happened then? The incentive of the most curious mind to build upon his enterprising thoughts would have been taken away. He would have seen that he could gain nothing by solving problems if he still had to use every waking hour to provide his living. There could have been no advancement in the community. Life would have continued to be drudgery to everyone, with opportunity to do no more than work all day long just for a bare living.

But we will say the 99 did not prevent the 100th man from going on with his thinking, and the community prospered. As the children grew up, it was realized that they should be taught the ways of life. There was now sufficient production so that it was possible to take others away from the work of providing for themselves, pay them, and set them to teaching the young.

Similarly, the beauties of nature became apparent. Men tried to fix scenery and animals in drawings—and art was born. From the sounds heard in nature's studio and in the voices of the people, music was developed. And it became possible for those who were proficient in drawing and music to spend all their time at their art, giving of their creations to others in return for a portion of the community's production.

As these developments continued, each member of the community, while giving something from his own accomplishments, became more and more dependent upon the efforts of others. And, unless envy and jealousy and unfair laws intervened to restrict honest enterprisers who benefited all, progress promised to be constant.

Need we say more to prove that there can be profit from enterprise without taking anything from others, that such enterprise adds to the ease of living for everyone?

These principles are as active in a great nation such as the United States as in our imaginary community. Laws that kill incentive and cripple the honest enterpriser hold back progress. True profit is not something to be feared, because it works to the benefit of all.

We must endeavor to build, instead of tearing down what others have built. We must be fair to other men, or the world cannot be fair to us.

Sincerely,

GRANDFATHER.

There, briefly but succinctly, is a primer on economics. But that is only the beginning.

Let us proceed further from where grandfather stopped. These same primitive people grandfather talked about soon found that one of their number liked to gather shells. In other similar communities people found different kinds of metals which were pounded into various forms. One of these metals was copper, another silver, a third gold.

In all of these communities, quite independent of each other, the same problems arose.

When goods were not made fast enough to supply the demand, instead of 10 minutes of labor per item, 20 minutes was demanded. Throughout these remarks "minutes of labor" is intended to include capital and the products of both. When the opposite occurred and the goods were made faster than they could be acquired, instead of 10 minutes of labor per item, 5 minutes was acceptable in exchange for it.

Call it what you will, it all added up to inflation and deflation. And for thousands of years, despite these invidious labels, the world has made progress, become more civilized—I did not say completely civilized—and has even become a better place in which to live.

Also within each community, they found it was just too difficult to keep account of how many minutes one person owed another. It was difficult to stockpile minutes of labor. Even if they could, how could Mr. A, to whom was owed 100 minutes by Mr. B transfer those minutes to Mr. C in exchange for Mr. C's products, assuming he could precisely measure the correct number of minutes to pay Mr. C. What happened if Mr. C could not use Mr. B's type of labor or if Mr. B could not get along with Mr. C or, if as permitted in a free enterprise system, Mr. B just would not work for Mr. C or would refuse at Mr. B's bidding to work 50 minutes for Mr. C and 50 for Mr. D?

That is when the shells, the copper, the silver, and the gold came into the picture. Paper money came much later.

In one community minutes of labor were equated to shells, in another to a piece of copper, or a piece of silver or a piece of gold.

Soon instead of trading minutes they were trading shells, copper, silver, or gold. Few if any communities had all four. Within each community the medium of exchange, yes, the money, was not all four but one or more of them.

It was not until communities began to trade with one another that the shells, the copper, the silver, and the gold had to be matched against or exchanged for each other. Even then, however, the basic value was not the intrinsic value of the shell, the copper, the silver, or the gold, but the number of minutes of labor each represented.

I have, of course, been speaking of a primitive precapitalist society—in which minutes of labor roughly determine value. In our modern capitalistic society, things are a little more complex. Even though the minutes of labor are the same, today values are quite different for two roadbuilding workers, one working with a shovel and the other with a giant bulldozer. Or identical twins with the same number of minutes of labor, one working poor land and the other rich, have very different values. Or a farmer using thousands of dollars worth of machinery and equipment can do all the preharvest labor on a wheat farm half the size of Manhattan Island—with no more minutes of labor than a less efficient farmer with only hand tools needs to eke out the barest existence from 3 or 4 acres of barren land. Or a lawyer's value is not determined alone by the minutes of labor—but by what he does with them. One lawyer may be paid $50 a week, and another one $5,000. The difference comes from richer education, larger knowledge, greater skill, even greater luck.

So in the modern world to determine value, we must add to minutes of labor a variety of factors which for simplicity we will call capital. The combination of the two determines basic values.

In modern society, the fourth step came about just as naturally. Who wanted to cart around a truck full of shells or push a wheelbarrow of copper tokens, or carry a bag of silver or a pouch full of gold?

Imagine the squeals from the salaried man today, calling for his $165 paycheck, if instead of that piece of paper—the checks—or four pieces of currency—a $100, a $50, a $10, and a $5 bill—he were handed 5 ounces of gold. Therefore, ingenious man developed the system of issuing paper money instead of shells, copper, silver, and gold.

Paper money, just like the coins, was originally made and issued by men, not by governments. It deteriorates and becomes worthless when it loses its representation of minutes of labor and capital and instead represents merely the coins or bullion.

As the value of the metal changed or the metal was destroyed or stolen the value of the paper money changed or was destroyed.

Bankers and banks came into being as warehousemen of the shells, copper, silver, and gold, issuing on paper promises to pay on demand the equivalent of the metal they received. These promises to pay became the currency and checks of today.

The reserves are the coins—or the bullion from which coins are made. As long as the banker reserves, that is, keeps on hand enough to meet the demands made against the outstanding promises to pay, the currency and checks are good. But good only for exchange to what was held in reserve or warehouse, to wit: the coins and bullion. But the coins and bullion are worthless unless they always represent a certain number of minutes of labor and capital. That necessarily means minutes of labor and capital that can be converted into useful, usable production.

It should now be too ovious to require further exposition that the problems of inflation and deflation remain the same throughout all of these stages and basically are neither encouraged nor discouraged by the medium of exchange.

That is not to say that the quantity of the mediums of exchange has no effect. Just as obviously increasing or decreasing the quantity of the shells, the metals or the paper must affect the price of goods and of labor and necessarily the loss or profit derived from the marketing.

It took civilized nations a long time to arrive finally at the determination that individuals cannot be trusted to fix the value of the mediums of exchange. Whether they be called entrepreneurs, monopolists, private bankers or any other kind of bankers, the economic history of the world teaches us that even though the free enterprise system may permit any and everyone to gather, mine or produce as much as he pleased of shells, copper, silver, gold, or paper, only responsible governments should determine which if any or all and to what extent and in what denominations they could be used as mediums of exchange.

Note that I say "responsible governments." Irresponsible governments or irresponsible action by responsible governments will throw us back to the economic chaos of the days when individuals "rigged" and "manipulated" the money markets.

That brings us up to the point of understanding the need, no longer questioned but unanimously supported, for the existence of central banks, owned and controlled by government. Our central bank, owned and controlled by the U.S. Government, is the Federal Reserve System. The head of the system is the Federal Reserve Board. The operating branches are the Federal Reserve banks in the 12 regional districts.

Let me repeat, what should nowhere be contradicted, the Federal Reserve banks, all of them, are owned, lock stock and barrel by the U.S. Government.

Despite the issuance of paper, miscalled stock, to member banks of the system, those member banks do not really own the Federal Reserve banks or any part thereof. Their misnamed stock cannot be sold, transferred or hypothecated. It is merely a receipt for dollar deposits coupled with a promise of repayment when the member bank gets out of the system, either by withdrawal or liquidation.

Long before our own country learned the economic lessons of life as to governmental central bank operation there was written into our Constitution the provision that only the Congress can coin money or issue currency. By the method of trial and error, we learned the grievous lesson that there can be no economic stability if this privilege is delegated to any but a Government agency.

Today coins may be produced only by the U.S. mints. Currency may be issued only by the U.S. Treasury or by the Federal Reserve banks. The weight

and fineness of the coins are fixed by our Government. There is no variance but complete uniformity within each type of coin. Theoretically each is worth its weight in the particular metal of which it is made. The Government can fix the price of the raw metal. If it did not, the value of each type of coin would change as the market price of the metal changed.

What the coin will buy, however, in a free competitive enterprise system, such as we try to make ours, will vary in accordance with what happens in the marketplace, uncontrolled by our Government, though regulated in certain phases.

So it is also with our currency. The Government issues it in various denominations. The cost of producing a $10,000 bill is no more than that of the $1 bill. It is legal tender for the denominated amount impressed on it not because of any intrinsic value but because that is the amount the U.S. Government promises to pay. The legal effect and validity of that promise is exactly the same, whether the currency is issued by the U.S. Treasury or by a Federal Reserve bank.

Every dollar, currency or coin, is worth 100 cents only because of the credit of the United States of America and the faith, the confidence we and the rest of the world have in it. It is not worth 100 cents on the dollar because of the gold, silver or copper our Government owns.

Take out of your pocket a Federal Reserve note—say a $10 bill. It carries this engraved statement: "Redeemable in Lawful Money at the U.S. Treasury or at any Federal Reserve Bank." But take it to the Treasury and ask for redemption in "Lawful Money." An astonished clerk will look at you, take your bill with one hand—and give you back an identical bill with the other. You are actually handling not a piece of paper—but a piece of the faith, credit, and confidence in the United States.

Silver certificates are literally backed by silver, dollar for dollar. But who can guarantee that the value of the silver will not change in the marketplace?

The rest of our currency by law must be backed by a percentage of gold. But why not like silver require dollar for dollar. Again in either event, whether dollar for dollar or 25 cents for each dollar, who can guarantee that the value of gold will not change in the marketplace?

From 1913 to 1945 the law required a reserve of 35 percent in gold certificates or lawful money against deposits and 40 percent gold certificates against Federal Reserve notes in circulation.

In 1945 that was all changed to require only 25 percent of gold certificates against the Federal Reserve notes.

But so far as currency and money are concerned today no American can own gold or gold certificates in or out of our country.

So of what earthly use is a gold reserve to our domestic economy? It cannot add or detract from its stability. It cannot affect inflation or deflation.

Historically at one time the U.S. gold reserve laws had meaning. When the Nation operated under the gold standard, and individuals could own gold, actual boxes of physical gold were shipped in or out of the country, depending on prices in relation to the gold points. This movement in turn affected bank reserves, the volume of currency, and the country's economic position. But for years we have not operated under the gold standard—and today our gold reserve laws are a meaningless economic fiction.

And the gold reserve will not help or hurt our gold miners. As long as our Government will provide who may and who may not own gold and also fix its price, the lot of the gold miner will be no better or no worse.

We can, if we want to, continue to dig gold out of one hole in the ground and rebury it in another hole in the ground at Fort Knox.

Gold or no gold, each piece of paper, check or currency and each coin, copper, nickel, or silver, will buy and pay for a certain number of minutes of labor and capital, nothing more, nothing less, even though the number of minutes may vary.

Today there are outstanding Federal Reserve bank obligations, exclusive of capital accounts, of $49 billion against which the Federal Reserve banks have a gold reserve of $17 billion. Under existing law, against that gold reserve, the Federal Reserve System could run the total of currency and deposits up to $68 billion. In other words, the Federal Reserve notes—currency—could be increased from $27 billion to $46 billion. No one has suggested that that be done. I am certain that there is no intention to do so. Imagine what would happen to the value of that minute of labor and capital if we suddenly increased the quantity of currency in circulation by $19 billion.

This then is the case against requiring a gold reserve on the domestic scene and in favor of repealing the law requiring it.

To those who argue that history tells us that every country without a gold reserve has collapsed economically, I say they confuse gold with manipulation of the economy.

Our gold reserve is subject to the same manipulation as our economy. Irresponsible Government officials can manipulate either. Thus far in our country in our generation that has not been done. We must be alert to be sure it is not done. Gold, however, is not the brake on such conduct.

To repeal the law requiring a gold reserve has certain positive advantages. We would replace a legalistic myth with reality. We would be freed from jiggling around reserve percentages to meet conditions which might arise. We would simplify the economy's financial structure. And in time of potential war with a power possessing vast gold deposits, we would strengthen our economy in the world, add greater flexibility and mobility, and increase our chances of survival and success for the United States.

TAXATION OF MUTUAL SAVINGS BANKS AND SAVINGS AND LOAN ASSOCIATIONS

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MULTER. Mr. Speaker, on August 15, 1961, I placed in the RECORD the text of a prepared statement submitted by me at a hearing of the Ways and Means Committee on the taxation of mutual savings banks and savings and loan associations. I now commend to the ation of our colleagues the full exchange of views that took place during the course of my testimony before the committee. It includes the aforementioned prepared statement and the extemporaneous discussion of this very important subject.

The testimony follows:

STATEMENT OF HON. ABRAHAM J. MULTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. MULTER. Thank you, Mr. Chairman and members of the committee. It is a pleasure to be here and a particular pleasure to hear my distinguished colleague, Mr. KEOGH, say those nice things about me. I can return the compliment because I do not hesitate saying that he has been my teacher.

Mr. Chairman and members of the committee, if it is agreeable to you, I know how full a schedule you have, I will ask to be made a part of your record my complete statement and I will briefly summarize it and then make some comments which are not in my statement. After my statement had been prepared I had brought to my attention a document dated August 8, 1962, put out by this committee, which includes the remarks and comments by the Federal Home Loan Bank Board, the Housing and Home Finance Agency, the Federal Reserve Board and the Federal Deposit Insurance Corporation, as well as those of the Treasury.

It is unnecessary for me to say to this committee that the power to tax is the power to destroy. This committee, however, and this Congress I am certain will never use that power in that manner but you may come close to doing that if you do increase the taxes on the mutual thrift institutions.

Now it has been said and it has been quoted in support of the attempt to tax the mutuals beyond the point they are presently taxed that the President has in his message asked that the tax provisions applicable to mutuals be reviewed with the aim of assuring nondiscriminatory treatment.

That language is taken from his message to the Congress of April 20, 1961. It is referred to in most of the reports that have been filed by various agencies and departments.

I would like to direct your attention to the fact that the letter from the Housing and Home Finance Agency of August 8, 1961, specifically points out that that message, that report, has been presented to the Bureau of the Budget—which obviously speaks for the President—and the Bureau of the Budget has advised there is no objection to the presentation thereof, meaning that Agency's report, from the standpoint of the administration.

Now that is important because I think the issue may have been confused. In assessing it we of course will have in mind the

special interests of the pleaders for and against the program.

We will have in mind, of course, the Treasury, as is its duty, seeks the most revenue from wherever it can get it. We would think that the Federal Deposit Insurance Corporation and the Federal Reserve bank would address themselves to the soundness of the banking system in their comments rather than as the Federal Reserve Board has done in its report, to indicate that this matter should be delegated to the Secretary of the Treasury to handle as an administrative problem.

The Federal Deposit Insurance Corporation now is taking the same view as the American Bankers Association and the commercial banks.

I have the highest respect for each of my friends who are on the Board of the Federal Deposit Insurance Corporation and I do not impugn their motives or their good faith in the slightest in connection with what I am about to say about their report.

I think it is unfortunate that the Federal Deposit Insurance Corporation that insures not only most of the commercial banks of the country but many of the savings banks, should take the view of the commercial banks in presenting their statement, indicating that the basis of taxation of the mutual should be grounded upon the so-called bad-debt reserve.

They ignore almost entirely the question of what these reserves are for and what these reserves are intended to do.

There is competition between the commercials and the mutuals but that competition should be fair and should be based upon the regulations and the statutes that apply.

Now the real objection of the commercials and of the American Bankers Association in talking for them is that they are unable to compete with the mutuals as to payment of interest and not because of the tax situation—the tax situation is only another method they are now seeking to use or to get this committee to use so as to improve their competitive situation as against the mutuals. By means of taxation they seek to require the mutuals to cut their dividend or interest that they pay to their depositors and shareholders. Thus far the commercial banks have been unsuccessful in being able to get permission from the regulatory authorities to increase the interest that they pay to their savings depositors.

Now the time was in this country when the commercials had more savings and time accounts than the mutuals but today, because traditionally the mutuals have been able to pay a larger return to their shareholders and depositors than the commercials, a larger number of depositors and more money are going into the mutuals than the commercials are getting by way of savings and time deposits.

That is the real issue between them. I say that issue should not be resolved by changing the tax structure. That issue should be resolved by the banking authorities determining what they should be permitted to pay, how high they can go. Incidentally, I point out to you that in the FDIC report, they erroneously state that there are no restrictions imposed upon the mutual thrift organizations in the amount of earnings that may be distributed in the form of dividends to depositors and share account owners.

They should know better because during their supervision of the savings banks many was the time they said to a savings bank: "You cannot pay out all of your earnings; you must allocate a part of it to your reserves before you will be permitted to pay out your earnings to your shareholders and depositors." All regulatory authorities exercise such supervision over the mutuals.

On the other hand, the commercials are restricted by law against paying any return or any interest on their demand accounts and the reason for that is because of the type of competition the commercials engaged in in the 1920's and the 1930's. They paid more than they could afford to pay. If you look back at the records of some of those institutions that were closed you will find they were closed not only because they had bad investments but because they were paying out on their accounts as interest more than they were earning.

So the Congress saw fit to eliminate that kind of competition by commercials as between themselves, and today they are prohibited by law from paying any interest on their demand accounts.

They do not now seek the right to pay any interest on those demand accounts for the very simple reason that that is free money to them. They use that money without cost.

They will tell you that it does cost something to carry a demand account. Certainly it does. But the demand account that does not pay for itself is very soon closed out by the commercial bank.

On the other hand, every dollar that is deposited with a mutual, whether it be a savings and loan association, a credit union, or a savings bank, every dollar must earn a return and must receive the equivalent return in accordance with the length of time it may be on deposit with the institutions and in accordance with the law and the regulations that apply.

I think that the issue has become confused to an extent because in 1951, while there was a recommendation that the mutuals should be taxed on their earnings beyond a bad-debt reserve, actually what was written into the law was a reserve, not a bad-debt reserve, but it is being looked upon by all the tax experts—and the commercials have made it appear—that this is intended to be solely a bad-debt reserve. It is not intended to be that and it should not be that.

Commercial banks have their capital accounts which include their capital stock, the amount paid in for capital; they have their surplus and undivided profits and they have two kinds of reserves, only one of which is the item looked at by the tax department when assessing the taxes against them or auditing their returns. That is the bad-debt reserve. In addition to that there is the reserve required by law to cover deposits.

All of those reserves go toward making up the solvency or insuring the solvency of the commercials. And when the regulatory authorities go in and look at the statements and the operation of the commercials, they will look at the amount of deposit liabilities and if the amount of deposit liabilities is out of proportion, excessively large as against the total of their capital, surplus, undivided profits, and reserves, the regulatory powers step in and say, "Mr. Commercial Bank, you increase your capital, and if you don't you may be liquidated."

With the mutual, on the other hand, there is no such situation where the authorities can go in and say to them they must increase their capital. The mutuals can increase their capital accounts in only one way—even though there is no such thing as stock subscription such as there is in the commercial bank.

The only capital accounts that the mutuals have to guarantee and to assure their solvency is their surplus, reserves, and undivided profits if there are any. Very few of them have undivided profits because after they have set up their surplus and reserves, the earnings are paid out to the extent permitted by the regulatory authorities. Any retained earnings must be added to the surplus account.

When the regulatory authorities go in and look over a mutual thrift association and its operations, whether it be a savings bank or a savings and loan association or a credit union, and they find that their deposit liabilities are unduly large in proportion to their surplus and reserves, the only way that they can increase their capital account is not by going out and selling more stock but by assigning to their reserve accounts a large proportion of their earnings before they pay anything out.

That is the issue that should be determined and that is the issue I say to you gentlemen, most respectfully, our friends in the Federal Reserve Bank and in FDIC have ducked.

I say to you before you close these hearing, you ought to send for them and ask them to tell you what is the proper reserve that should be required for the mutuals to guarantee their solvency.

There have been several congressional investigations on this subject. FDIC has the right to borrow $3 billion from the Treasury. That is the law. All they need do is go to the Treasury and say they need any sum they say they need up to $3 billion and the Treasury must make the money available to them.

That is the existing law. That was put in the law so as to help them guarantee the solvency and liquidity of the commercial banks and the savings banks insured by them. When the time comes that commercials and savings banks have enough money in their capital and reserve accounts and in FDIC that you can take that provision out of the law—that borrowing authority—then we can say that their reserves are high enough so as to warrant our saying that they need no more Government help.

The same situation applies to the Federal Savings and Loan Insurance Corporation. It has the right to borrow from the Treasury $750 million. The same FDIC provision of law applies there but to a lesser amount.

There is not any doubt that only last week Congress decided that the reserves of the savings and loan associations of the country, together with the reserves of the Federal Savings and Loan Insurance Corporation, are not high enough to guarantee the solvency of those institutions; otherwise we would have removed that borrowing limit, but we didn't.

Instead of removing the borrowing limit we require them to improve the reserve condition of the Federal Savings and Loan Insurance Corporation by paying in more money. Savings and loan associations are now required to pay more money into the Federal Savings and Loan Corporation so that by 1970 we hope they will have built up the reserves of that Corporation, that insuring corporation, to 2 percent of their liabilities.

As of today there is only 67 cents per hundred dollars in that fund.

If we ignore the fact that the reserves of the savings and loan associations and savings banks and credit unions are more than reserves for bad debts and tax their income accordingly, then I say you are going to impair the solvency of these institutions. You are going to prevent the Federal Savings and Loan Corporation's building up the reserves that are necessary for a sound insuring institution.

You will find in the report of the Federal Deposit Insurance Corporation a statement to the effect that the commercials apparently have a justifiable complaint as to the formula used by the Treasury Department in fixing their bad debt reserve. If that is a justifiable criticism, then they, the commercials, should address themselves to the Treasury Department and to this committee to get relief.

But they should not seek the relief, and you should not try to give them the relief, by making worse what is a bad formula for them, according to their own complaints and according to FDIC, by taking that same bad formula and applying it to these other good institutions that are trying to do a good job.

I think, gentlemen, that I have covered the main items that I thought needed attention that are in the reports as well as those in my prepared statement.

I would like to make just one other statement before I close and that is this: In dealing with this tax situation as it applies to the mutual thrift institutions of the country, you are dealing with the accounts of 37 million depositors in the mutual savings banks of the country. You will find mutual savings banks in every one of 18 States in the country. You are dealing with 27 million shareholders or depositors in the mutual savings and loan associations of the country and you will find one or more such savings and loan associations in every congressional district in the country.

You are dealing with 12 million depositors or shareholders in the mutual credit unions and you will find a credit union in almost every congressional district of the country.

You are dealing with 76 million accounts.

I do not mean 76 million persons because some people do have more than one account. Some people have an account in each of these three types of institutions. But I daresay that with 76 million accounts you are touching almost every adult in this country.

Thank you, gentlemen.

(The statement referred to follows:)

"STATEMENT OF REPRESENTATIVE ABRAHAM J. MULTER, DEMOCRAT, OF NEW YORK

"Mr. Chairman, I want to thank you for the opportunity to appear here this morning to testify against the proposed revision of the method of taxation of mutual thrift institutions.

"This is a matter of great concern and one which, I know, all of us wish to see resolved in the fairest, most equitable manner.

"For many years the commercial banks have been agitating for a change in the tax laws as they apply to mutual thrift institutions, on the pretense that they were seeking to correct a tax inequity. What they have been seeking to do, and what they seek the aid of this committee to do, is to create for themselves a competitive advantage—I daresay an unfair competitive advantage.

"Their principal gripe, even though they will not put it that way, is that savings banks, savings and loan associations and credit unions, operated as mutual cooperative endeavors, are permitted to and do pay a higher return as dividends and interest to their depositors and shareholders than commercial banks pay as interest on their savings and time accounts.

"If the commercial bankers should succeed in this endeavor, as presently being considered by this committee, the higher tax that will be imposed upon these mutuals will require them to cut back the return to the mutuals' depositors, thus improving the competitive position of the commercials.

"It is maintained by the proponents of these changes that mutual savings banks and savings and loan institutions enjoy an unfair tax advantage over commercial banks. Assuming that this inequity exists, I suggest that we eliminate it. Assuming that there is a different tax base for commercial banks than there is for mutual banks and associations, then if the commercial banks can make proof of their case, the tax base for each should be equalized with the other. The only inequality, however, that any commercial banker has thus far pointed out to me is that the amount of reserves a commercial bank may charge off, before computing its tax liability, is less than that permitted the mutuals. The simple way to remove that inequality is to permit the commercial bankers the larger reserve deduction if they are entitled to it. Thus far, they have been unable to establish to the satisfaction of the Internal Revenue Service that their reserve deduction is too low or that it should be increased. That requires no legislative action. The Internal Revenue Service can right that wrong, if there is one. That there is none is best proven by the fact that the commercials are not seeking any such change. Mutual institutions, like every other individual or group of taxpayers will never be heard to complain about the reduction of taxes, if it is done fairly and without discrimination.

"We must not overlook that bank reserves serve a twofold purpose—one to provide liquidity and the other to assure solvency. I ignore at this time the manipulation of reserve requirements by the Federal Reserve System for credit purposes, because that does not enter into the tax problem.

"The power to tax is the power to destroy. This committee, however, and this Congress, I am certain, will never use that power in that manner.

"But you will come close to doing that if you increase the taxes on mutual thrift organizations. Their liquidity, their solvency, their usefulness depend on their ability to build up their reserves.

"I beg of you not to engage in a strictly banking function of determining what is or is not a proper reserve through the guise of a tax measure.

"I am not raising the jurisdictional question that this is a proper subject for hearings by the Banking and Currency Committee. I am pointing out that this question is not as it has been made to appear, a simple tax problem. It is not. It has much greater implications. Before you have any right to change this tax formula you must determine that the reserves of these institutions are high enough for safe and sound operation and that such reserves must not be permitted to increase at the same rate as at present. I say all the proof is to the contrary.

"In 1951, Mr. Chairman, the House and the Senate considered this same proposal to impose a corporate income tax on the mutual savings banks. It was felt then that the Korean emergency demanded that such a tax be imposed. We determined then, however, as I think we must determine now, that the proper functioning of the mutuals requires that they be allowed to accumulate reserves, by deduction from gross income, to protect depositors against loss. The Congress at that time made specific provision in section 593 of the Internal Revenue Code to safeguard this very function of the mutuals. It is this provision of the code that you are being asked to review and change.

"I have carefully analyzed the arguments pro and con advanced on this subject by the financial institutions. I am convinced that the inequalities that the commercial bankers attempt to establish add up to a strawman. If there should be a tax on the mutuals before they pay the net earnings to their shareholders and depositors, then the interest which commercial bankers pay on their thrift and time accounts should not be a deductible expense before arriving at the taxable income of the commercials.

"If the administration and the commercial bankers are serious in their contention for equality we should impose upon the commercial banks the same requirements we impose upon the mutuals by requiring that time and savings accounts in the commercials may be invested only in the same investments permitted to the mutuals. Let us further require that for those funds, the commercials must carry the same reserves as are required of the mutuals. It appears to me that this would remove the inequality that the commercial bankers insist is present. Let us not overlook a real inequality that exists: the mutuals are required to pay for the use of almost every dollar with which they operate (at least 93 percent thereof), while the commercials are permitted to use 70 percent of their resources (that is their demand deposits) free of cost.

"The commercial bankers will dispute that statement by saying that they render a service to the owners of their demand accounts which costs the bank money. The fact is that, with rare exception, any demand account that does not pay its own way by service charges or otherwise is very quickly closed out by the bank.

"Furthermore, the mutuals can use only their depositors' and shareholders' money for investment and can create no checkbook money.

"Commercial banks are constantly creating, by their loans, new checkbook money, which after deducting a reserve, they can lend out all over again.

"Under present tax law, both mutuals and commercials are subject to the same normal tax and surtax; both are subject to the same rate; both may deduct operating expenses; both may deduct taxes paid to State and local governments; both may deduct interest paid to depositors; both may deduct additions to reserves for bad debts; and both compute their reserve deduction differently than other taxpayers.

"Mutual savings banks have a provision for reserve additions which takes account of their special needs. Except upon liquidation, these reserves can only be used for losses. As already indicated, the commercials can use their reserves as the basis for new loans and the creation of new checkbook money.

"Commercial banks also have a unique formula that enables them to base their deduction on losses sustained 30 years ago.

"A heavier tax on savings banks, which would in turn reduce interest rates to depositors and thus reduce total savings, would reduce funds for home financing in the years ahead, one of the very things we must avoid if we are not to negate the gains made in this area by the passage of the Housing Act of 1961.

"A heavier tax on mutuals would reduce the reward for savings by reducing the interest rate paid to millions of savers. This would first penalize the saver of modest means who prefers to save in a specialized mutual thrift institution.

"Tax equality arguments of the commercial bankers are fallacious. Commercial bank income tax payments to the Treasury result mainly from their very profitable earnings from short-term commercial lending. They use their savings and time accounts in the same manner as their demand money.

"Mr. Chairman, I would like to suggest that the need, the use, and the amount of reserves should be judged on individual merit; there is every reason not to equalize these requirements between commercial banks and mutual and savings institutions. It is my conviction that to do so would result in serious consequences to our economic stability. A sound thrift system is as essential to national security as is immediate Treasury revenue.

"I said earlier that 70 percent of the operating funds of the commercial banks is cost-free to them. The figures are quite interesting. I use the year 1960 throughout.

"Total assets of all commercial banks was in excess of $282,800 million. Of that their capital assets, including surplus, undivided profits and total reserves, were $41,800 million. Their deposits were $213 billion.

"Bear in mind that they are prohibited by law from paying any interest on their demand accounts and the maximum interest most of them are permitted to pay on time and savings accounts is 3 percent. The mu-

tuals must pay dividends on the full amount of all of their accounts. The commercials use in their income earning operations all of their deposit moneys less only the amount that they are required to carry as reserves pursuant to either the Federal Reserve Act, if they are members of the Federal Reserve System, or of State law if they are not in the System.

"In 1960 they paid dividends to their stockholders of $832 million, an average of 7.4 percent of their income. In the same year they paid $1,785 million as interest on their time and savings accounts. All of that interest was tax deductible as an expense of operation before they paid any taxes. They paid out for salaries and wages 25 percent of their income as against only 7 percent paid by savings banks.

"On the other hand, the mutual savings banks had total deposits of $36 billion and the savings and loan associations had total deposits of $58 billion. All of these moneys, of course, belong to the depositors. The savings banks earned and paid dividends to their owners of slightly more than $1 billion, or an average of 3.49 percent. Savings banks total surplus and reserves were only $3,600 million. Savings and loan total surplus and reserves were about $4 billion.

"Savings banks, out of total income of $1,600 million, paid out 67 percent in dividends to their depositors for a total of $1,073 million, while adding to their surplus and reserve accounts $168 million, or 10.5 percent.

"The savings and loan associations paid out 57 percent of their earnings to their depositors.

"It should be borne in mind that the commercial banks can be required by the banking authorities to increase their capital when their financial condition requires it. The only way a mutual can improve its capital position is by increasing its surplus and reserve by additions thereto out of earnings.

"I most respectfully direct your attention to the political impact of increasing the tax on mutual thrift institutions and thereby reducing the income or return to the depositors and shareholders in these fine organizations.

"There are almost 37 million depositors in the mutual savings banks of the country. There are more than 27 million shareholders or depositors in the mutual savings and loan associations of the country. There are over 12 million depositors or shareholders in mutual credit unions. This makes a total of well over 76 million accounts that will be affected by what you do here.

"Certainly you should not do anything until you hear from the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation as to what they think are required as proper reserves and at what rate those reserves must increase to keep our thrift system sound.

"Bear in mind that FDIC today has total assets to insure its accounts of only $1.84 for every $100 of insured accounts and the FSLIC has only 67 cents for every $100 of insured accounts.

"The one sure test of the sufficiency of the reserves of both the savings banks and the savings and loan associations is this:

"Whenever the Congress can safely repeal the FDIC uncontrolled borrowing power from the Treasury of $3 billion and that of FSLIC of three-fourths of a billion dollars, the two systems will have built up sufficient reserves of their own to assure safety, soundness, and liquidity. Until then, we must not tamper with their reserves or the rate of growth thereof.

"For those who might be inclined to feel sorry for the poor commercial banks, may I suggest they read the item in the American Bankers of August 7, 1961, headlined "Bank Stocks Reach New High Level," which includes the prediction that an even better year is ahead for them, better than their best year thus far.

"I urge you as strongly as I can not to change the tax structure of these mutual thrift institutions at this time."

The CHAIRMAN. Thank you again, Mr. MULTER, for coming to the committee. We appreciate your discussion of this matter. Are there any questions of Mr. MULTER?

Thank you, sir.

Mr. BAKER. Congressman MULTER, the Federal Savings and Loan Insurance Corporation insures the accounts of savings and loan investments. Do they also insure mutual savings, that same Corporation?

Mr. MULTER. The savings banks, I believe, have a right to apply. There are some savings banks that are members of the Home Loan Bank System. I do not know of any that are members of the Federal Savings and Loan Insurance Corporation. There may be some.

Mr. BAKER. It seems to me that if the safety factor is involved, and it certainly is involved in these hearings, that the Federal Savings and Loan Insurance Corporation should have their views on this pending legislation presented to the committee.

There is nothing in this report from that Corporation. They are the ones that would have to pay losses on savings and loans, and not FDIC.

Mr. MULTER. Mr. Baker, may I call your attention to a fact that is not generally known. The members of the Board, the Home Loan Bank Board, are the directors of the Federal Savings and Loan Insurance Corporation; and when Mr. McMurray, as the Chairman of that Home Loan Bank Board, sends you his report as it appears in your document of August 8, 1961, he is talking for the Federal Savings and Loan Insurance Corporation as well as for the Home Loan Bank Board. He takes the same position as I do. He goes much further than I do.

Mr. BAKER. Then the report of the Federal Home Loan Bank Board can be taken as the report of the Federal Savings and Loan Insurance Corporation?

Mr. MULTER. Yes, sir.

Mr. BAKER. That clears up that point.

They insure up to $10,000, the same as FDIC?

Mr. MULTER. Yes, sir.

Mr. BAKER. There is a big question involved here. You know it, as a Member of Congress, the same as I do, that there were $71.5 billion of assets as of 1960 in savings and loans as shown by the figures here on page 3 of the Treasury report. In 1959 savings and loan associations had net operating income of $2.3 billion, paid dividends of $1.8 billion, retained earnings of $551 million.

In the same year they paid $7.3 million in Federal income taxes. Is that in the interest of the national economy? That is virtually tax exemption.

Mr. MULTER. My answer to that is this: Our tax law is basically unfair when it taxes earnings twice, when it taxes the earnings of a corporation or a bank, commercial bank or any other organization, when the institution or organization or corporation earns the money and then taxes the same earnings a second time when it goes to the stockholder as a dividend. That is the basic injustice and inequity of our tax law.

The point I am making is when the savings and loans pay their dividends out to their shareholders or depositors the recipients pay a tax on it. If you are going to tax it at the source before they get it, then do not tax it to them. Let us not increase the inequity and injustice of the double-taxation theory, which applies to corporations, to these mutuals. Let us go to the source of the trouble.

I think the only reason we have not removed the double taxation on earnings of corporations, first to the corporation and then to the dividend recipient, is because we could not afford to do it.

But the inequity and the injustice is still there. Let us not carry that same inequity and injustice over to the mutuals and tax them twice.

Mr. BAKER. Taxing them at the source, the source would mean the earning body—that is, the savings and loan or mutuals—would it not?

Mr. MULTER. I do not think anybody can complain, not even any of these 76 million owners of accounts that I referred to could complain, if the tax was at the source rather than to them.

Yes; there will be a gripe because they will probably pay a little more. Even then, however, you have to take this class of institution and make sure that the tax at the source is not so high that it is going to destroy the traditional difference of a higher interest rate of mutuals than that which commercials pay their savers. Because it is important to remember that almost every dollar of the thrift accounts in the thrift institutions go into the home mortgage market. Almost every dollar of the savings in the commercials goes into the short-term loan market.

Mr. BAKER. By taxing at the source then you mean that the mutual savings banks or the savings and loan associations should be taxed before they pay anything out in dividends?

Mr. MULTER. I would say that that should be done if you are going to do the same thing to them as to the other corporations and then excuse the payment or eliminate the tax payment on the dividends. But I think your situation is a fair one now where you are taxing it to the recipient.

Mr. BAKER. Do you think that it is in the national interest that any group of lending institutions, whether you call them savings and loan or whatever you call them, with a net operating income of $2.3 billion, retained earnings of $551 million, should only pay $7.3 million in taxes?

Mr. MULTER. I justify that at this time and for the last several years and for the next 10 or 20 years that we can look ahead on the basis that we need housing in this country and we need the mortgage facilities that these institutions provide and without which we would never have gotten the tremendous advances we have had and the progress in housing in this country, and if you take it away we will not have it in the years ahead.

This is the main source—these thrift institutions are the main source of mortgage money for homeowners.

Mr. BAKER. I see that and that is one of the big things before this committee.

Then should we not just face up to the fact that to all intents and purposes, savings and loan associations and mutual savings banks are tax exempt, then face the question whether it is in the national interest that they should be tax exempt? Is that not what we are faced with?

Mr. MULTER. The description—whether we call them tax exempt or not—is unimportant. Actually, theoretically they are tax exempt because they are paying such a small portion of what some people think they should pay on their gross earnings.

But they are not tax exempt if the owners of these institutions are paying the tax on their earnings as they receive them. It is the same situation as with any cooperative. Cooperatives theoretically are tax exempt but I say they are not tax exempt because the owners of the cooperatives are paying the tax on whatever they draw out by way of earnings.

Mr. BAKER. What do you mean by "owners of these institutions"?

Mr. MULTER. I mean the shareholders and the depositors in the savings banks and in the savings and loan associations and in the credit unions.

Now there is this theoretical difference that if I get out of one of these mutuals

today I cannot share in the liquidation tomorrow but nobody is pushing me out.

Mr. BAKER. Would not the same argument apply to any corporation, that if the owners, that is the stockholders, pay taxes on what they receive from the corporation, if they pay enough then the corporation should not pay a tax on it?

Mr. MULTER. I make that argument; yes, sir.

Mr. BAKER. That is the logical sequence?

Mr. MULTER. Yes, sir; I have long argued we should not tax the earnings of corporations at the source and again when they are received as dividends by the stockholders. We should tax them once either to the stockholders or to the corporation. It is a much easier process to tax at the source.

Mr. BAKER. I have one other question. I know you are a student of this matter.

Someone suggested yesterday that the answer to the entire problem would be to leave the mutuals and savings and loans as they are and accord the same treatment to commercial banks.

Now can you give us some intelligent, reasonably accurate estimate of what the revenue loss would be if the committee and the Congress did that?

Mr. MULTER. I am in no position to give you any figures on that. I think the Treasury Department probably could.

Mr. BAKER. The witness representing the American Bankers Association ought to have those facts and they ought to be in the record.

Mr. MULTER. I hope you remind him that I told them last March that what they ought to be doing is asking the Congress to change their tax structure and ask Congress not to tax dividends if they are going to tax their earnings at the source.

Obviously I could not convince them of the correctness of my theory because they are here arguing the opposite.

Mr. BAKER. Suppose we accepted a high figure, say $2 billion, that commercial banks would profit by according them this same treatment, under the conditions of the Federal budget as of now and anticipated for the next fiscal year. Would you recommend that this committee accord that treatment to commercial banks? It might not be as much as $2 billion.

Mr. MULTER. I would say the problem is the same, whether we accord that treatment to the banks or to all corporations. Where are you going to make up the revenue that you are going to lose by that process?

Mr. BAKER. That is right, and it is your job, it is the job of every member of this committee, to raise the needed revenue.

Mr. MULTER. That is right.

Mr. BAKER. Where would you raise it?

Mr. MULTER. As of this moment, I cannot offer any suggestion to you, but what I am arguing here for is that by the tax process you do not do anything that will weaken the thrift institutions of the country.

We have been getting along without that tax for these many years. I say again we should not increase the tax on those institutions if there is any likelihood, and there is ample evidence already in the record that there is more than just likelihood, that these institutions will lose large deposits. You must weigh as against your trying to get a higher tax, that this money, instead of being in the mortgage market where we need it for homes, will move into the short-term loan market of the commercials.

The best proof of that is do not just take the estimates that are in your record, but think back to the Magic Fives and ask these bankers what happened in their banks when the Magic Fives came on the market. Every savings institution, commercial and mutual, lost thrift accounts and savings accounts because the depositors could get a higher return on those bonds.

If you are going to reduce by means of taxation the return these mutuals can pay to their savers, the money is going to go elsewhere and if it goes elsewhere I assure you it is going out of the home mortgage market where we need it so badly.

Mr. BAKER. Of course no one knows better than any Member of Congress, no one knows as well, how difficult it is to raise revenue. I conceive it to be the duty of this committee to recommend to the Congress, however unpleasant and unpopular it is, fair and equal methods of raising needed revenue. We are faced with a bill next week, this committee is, not an item of which, let us say, is popular with the ones to whom it applies. I emphasize the last one, to whom it applies.

Mr. MULTER. May I suggest, sir, that fair and equal treatment to all the citizens of the country when they are paying their taxes does not mean that you do not break them down by class. Even within the corporate class, other than banks, we break them down by classes and give certain corporations more exemption and more deductions than we do to others. Commercial banks have certain deductions.

Mr. BAKER. That is true of individuals too.

Mr. MULTER. Yes. If we are giving this fair and equal treatment let us bear in mind what we are going to do is give fair and equal treatment to each class. We are dealing with a particular and peculiar class that is necessary to the economy of our country and its stability.

Mr. BAKER. Can you think of any source that this committee can look to next week, because we are voting on a tax bill, by which we can raise let us say a billion dollars in revenue, that will meet something like universal approval?

Mr. MULTER. My suggestion on that is that in this emergency period when we need this additional revenue I do not think any of our citizens will object to paying a little bit more. My thought would be that the thing to do would be to put an emergency tax right across the board, an additional half percent or 1 percent on every taxpayer, and have that expire in 1962 or 1963.

Mr. BAKER. Leave out the ones that are tax exempt?

Mr. MULTER. Well, there are certain tax exemptions that I think you want to consider within each class as to how you want to treat them. If the commercials are getting a bad deal because their bad debt reserve is insufficient, let them prove their case and get their relief. If the mutuals are right that they need a bigger reserve, let us not cut that reserve.

Mr. BAKER. Mr. MULTER, I cannot keep from making this last observation. There are two ways to raise additional revenue and only two ways.

One is the method you just suggested. Take our present base, raise the rate; it will produce x dollars.

The other is to broaden the base, leave the rate as it is or lower it and put into the base sufficient amounts to raise the needed revenue.

Now facing this committee, and it is a tough job, is broadening the base process in a mild way.

Do you approve broadening the base?

Mr. MULTER. I do approve broadening the base.

Mr. BAKER. Do you say we should leave savings and loans and mutal savings banks as they are or should we broaden the base there?

Mr. MULTER. I think that as of now you should not touch that tax situation as it applies to the mutuals. I want to assure this committee I am not an officer, director, or counsel to any mutual whether it be a savings bank, credit union, or a savings and loan association. I am not here as a special pleader. I am offering my testimony to this committee in the hope that you will do nothing that will weaken the thrift system in this country that we need so badly.

Mr. BAKER. I am taking it at face value. I mean that sincerely. I know you are a student of the thing. Give us someplace where we can broaden the base, then.

Mr. MULTER. Again I go back to the suggestion I made before. Rather than broaden the base, I think we will all concede we are in an emergency situation where we must raise additional money. What is wrong with, instead of broadening the base, right across the board increase X percent to every taxpayer, whatever is necessary to raise this additional revenue.

Mr. BAKER. In this particular instance if it is 2 percent they would pay an additional $140,000?

Mr. MULTER. Yes; but every taxpayer, every one of those 76 million accounts that I referred to will pay an additional 2 percent on their taxes if 2 percent is the amount we need in order to raise the revenue.

Mr. BAKER. That is all.

The CHAIRMAN. Mr. CURTIS.

Mr. CURTIS. First, I want to thank our colleague for giving us the benefit of his knowledge in this area. The statement is valuable.

I might say, just to pick up where Mr. BAKER left off a little bit, there are many of us, Mr. MULTER, and I am among those who feel this way, who think our rates right now are beyond the point of diminishing return and we are creating real economic damage throughout our entire structure by the rates we now have.

Mr. MULTER. If you are talking about the highest brackets, I agree with you.

Mr. CURTIS. I am talking not only about that, but 52-percent corporate tax and the narrowness of the base. Of course as you increase rates if you do not broaden your base, if there are inequities for the present taxpayers you make them more inequitable.

The real way to solve this problem is to get a look at our expenditures. I could not resist commenting on that. If we are in emergency times, as I have listened to the President say we are, let us have a revision of some of these Federal schemes we have that cost so much money and get our attention directed to cutting back. I can assure everyone that deficit financing is no way out of this. We will just print more bonds then and create a further situation like that described in the "Fabulous Fives."

The "Fabulous Fives" came because of the lack of wisdom of this Congress in removing the 4¼-percent interest ceiling on long-term Federal bonds. This in my judgment, was just a very shortsighted political maneuver.

I am glad you pointed out the damage that was caused by the "Fabulous Fives." It was caused because they had to get under the 5-year maturity.

Mr. MULTER. I disagreed then, Mr. CURTIS, that that was necessary and I said so. I do not think it was necessary. I think if we had not issued those "Fabulous Fives," I think the Government could have gotten the same amount of money at a smaller interest rate.

Mr. CURTIS. I appreciate that disagreement. On the other hand, if the 4¼-percent ceiling, which was a ridiculous ceiling anyway, had been removed there would not have been any reason for it. But it does demonstrate how these things fall into place.

I was very much interested in the figures that you brought to our attention, of the differential between the Federal Deposit Insurance Corporation reserves per hundred dollars of insured accounts, $1.86 and the 67 cents for the hundred-dollar insured accounts in the FSLIC.

Is that the result of business judgment of the two Corporations?

Mr. MULTER. You mean the differential?

Mr. CURTIS. Yes. Maybe the FSLIC does not think we need more reserves for this kind of investment portfolio.

Mr. MULTER. We pointed out in our supplemental views on the bill that passed the House last week that even the 2 percent we hope to get by 1970 was not being fixed by the Congress as the proper amount of reserves. We hope it will go much beyond that.

The fact of the matter is that those reserves have not grown as fast as we would like to see them grow.

Mr. CURTIS. How long has the FSLIC been in existence?

Mr. MULTER. I think that came into being about the same time as FDIC or shortly thereafter.

Mr. CURTIS. I think so, too. The question is, Is the differential here the result of business judgment? There are many people who feel, and I think it seems to me the logic is that the FDIC is following good business judgment in having the $1.84 because of the risk involved in that kind of portfolio.

I suspect the 67 cents off the FSLIC reflects the business judgment of the risks involved in that kind of portfolio. If that is true, it certainly knocks into a cocked hat most of the arguments that you and others have been presenting of the peculiar character and the differential that exists between institutions like mutual banks and savings and loans who invest primarily in home mortgages. That is what I would like to direct your attention to for your comments.

Mr. MULTER. The only criticism that we could find of the business judgment exercised by those in the Federal Savings and Loan Insurance Corporation in building up reserves is possibly that they did not come before the Congress much sooner and say, "Let us build this up more," but it was the Congress that fixed the formula pursuant to which the moneys are paid by the savings and loan associations to the insuring corporation.

Mr. CURTIS. Wait. I need instruction. I thought that that was pretty much up to both the two corporations.

Mr. MULTER. No; it is a formula fixed by statute in both cases.

Mr. CURTIS. It is? I am interested in that. I did not realize that. I thought the FDIC could have considerable flexibility in setting the formulas that they would charge.

Mr. MULTER. No, sir; it is fixed by statute for FDIC and it is fixed by statute for FSLIC.

Mr. CURTIS. I see. Then the question would come to this: Let me ask this question because I need this information.

Has the formula for FDIC been changed over a period of years?

Mr. MULTER. Yes. The amount of premium paid in by the commercial banks has been reduced.

I was one of those who objected to its being reduced until their reserves were brought up to a much higher sum than $1.84 as it exists now.

Mr. CURTIS. So the differential is really a reflection of the initial law?

Mr. MULTER. And the amendment to the statute which reduced the premiums payable.

Mr. CURTIS. The reduction would not be more than $1.84?

Mr. MULTER. If we had not made the reduction I think today it would be over $1.84.

Mr. CURTIS. So when the Congress wrote the original laws they set up a formula to produce this kind of ratio in FDIC and a different kind in FSLIC. Well, the basic argument still stands, Mr. Multer, that if the industry and the members who have the responsibility on the FSLIC board thought that reserves should be higher they would have been putting on pressure and should have been putting on pressure to the Congress to change the formula so that they could meet it. We are assuming these people, and I am, and I am sure they are, are really concerned about their depositors and the risks involved and if they are, then they will be doing that. But when they have not done this, because I do have faith in the fact that they are following good business judgment, when apparently they have not done it, the question comes in my mind, has it not been their business judgment that these reserves are adequate?

Mr. MULTER. In all fairness to those who have been the Directors of both Corporations, past and present, I think it must be pointed out that both of these Corporations were brought into being with an investment by the U.S. Government of its capital, all of which has been paid back out of these reserves in full with interest to the U.S. Government.

Mr. CURTIS. What has that got to do with what I was asking?

Mr. MULTER. This initial capital that came back to the U.S. Treasury came out of these very reserves.

Mr. CURTIS. I am talking about the fact, and it is a beautiful point you make, the FDIC has $1.84 for every hundred, FSLIC has only 67 cents for every hundred. Both of them started about the same time. Both of them are run by the members of the corporation plus the industry that is affected and the industry affected by FSLIC apparently, as a result of business judgment, was content with the 67 cents.

All I can say is that this bears on what this committee is trying to get. There is only one thing I see before us, it has nothing to do really with commercial banks at all, it has to do with what should be the reasonable bad-debt reserve in the peculiar businesses that the mutuals and savings and loan institutions are in.

I recognize there is a difference and I want to reflect that difference in our tax laws, but I want to know what the difference is. And when these figures reveal to me that the difference may be that the portfolios of the commercial banks are more risky than the portfolios of the savings and loan, we get the reverse argument here.

Do you follow me?

Mr. MULTER. I follow you. You made two statements. They may be related but I think they are different.

No matter what the business judgment may have been of these two insuring Corporations up to now, at least, let us give credit to the present Directors of the Savings and Loan Insurance Corporation for coming to Congress and saying, "If you make the change called for by the bill we passed last week, then by 1970 we will have $2 for every $100 instead of 67 cents."

I would like to see FDIC come in and say the same thing.

Mr. CURTIS. Do you think that should be the objective?

Mr. MULTER. That is the minimum objective.

I joined in the supplementary views we filed with that report saying that 2 percent is not enough.

Mr. CURTIS. Do you think the objective for both should be the same, $2 per $100?

Mr. MULTER. I say the objective should be to raise those reserves in both insuring Corporations so high that the institutions, the insuring Corporations, can come to the Congress and say—FDIC to say, "We don't need your $3 billion borrowing power any more," FSLIC to say, "We don't need the three-quarters of a billion dollars borrowing power."

Mr. CURTIS. In a sense I am trying to trap you, Mr. MULTER. I am trying to find out whether in your judgment the same reserves of $2 per $100 should apply to FDIC that should apply to FSLIC, because I am relating it to the risks of the two portfolios which come right back to the issue before us.

What is the reasonable bad-debt reserve that we should allow for tax purposes to these peculiar institutions?

Mr. MULTER. That brings me again to say that while you may be able to deal with commercial enterprises the commercial banks and let them set up a bad-debt reserve, you cannot do that with the mutual institutions, with the mutual thrift institutions. You must look not to what they may set aside as a bad-debt reserve but what they need as a reserve for their solvency.

The bad-debt reserve, because some of their loans may go bad, is not enough for these mutual institutions. You must also have a reserve that is going to pay their liabilities because of the demand that may be made upon them by their savings investors, depositors, and shareholders.

Mr. CURTIS. Let me interrupt you for a minute.

Then we have to go back because in 1951 that was called, and the law says, bad-debt reserve. I am not one to quibble over language. If we use the wrong language and we are talking about something beyond bad-debt reserve, OK, but I still would separate the two and say all right, as far as that aspect of savings and loan that relates to bad-debt reserves, for Heaven's sake let us get a tax formula that makes sense and then treat this other additional reserve, that possibly there may be some justification for it but put it in here too and then figure out how should we measure that?

I am willing to consider that, but this has been called a bad-debt reserve.

What we have done, Mr. MULTER, as you know, is try to measure it by a percentage-type formula. There are two questions before this committee, as I see it. One is, Is the percentage-type formula a good way to try to measure bad-debt reserves?

I suggest testimony has already come to us that indicates that it is a very poor way for many reasons.

Let me suggest two for your comments. This has come out in testimony here. One, in good times the industry would be paying little tax, if they met with a depression or a decline in business they would get up to their reserve pretty quick and they would start paying taxes, just the reverse of what we should hope for.

The second thing that is wrong with the percentage-type formula, as I see some of the testimony, is that the large savings and loans right now pay less percentage tax than the small ones.

It is just the reverse of our whole theory of tax equity.

So the question comes, Is percentage-type formula for measuring bad debt a good type formula?

Then if we said it is, we have the question, Is 12 percent the reasonable figure?

I think it is very obvious, unless the savings and loan and mutual banks come in with something, we have no evidence from them that justifies 12 percent at all.

I know it was arrived at, not with great mathematical accuracy. The House had 10 percent and the Senate 15. So they figured out the difference was 5, they split it 2½ and they dropped the fraction. It is just that simple.

So I think we are right in looking to see what justification there is.

Now, my proposal in the bill before us is this, so far as bad debts are concerned: Why not use the formula we have used for every other taxpayer and allow it on the basis of bad-debt experience? Not have it that savings and loans use the experience of commercial banks, but use their own experience. There is nothing in here that says the savings and loan experience should be related

to commercial banks. It is the savings and loan bad-debt experience. To me that is a logical approach.

Now, you have interjected something here that I think this committee should consider. Is there something other than bad-debt reserve that we should consider that relates to the mutual savings banks and savings and loans? If there is, let us put that thing out here and figure out a correct way of measuring that but let us not confuse that with bad-debt reserve and let us recognize what we are doing.

Now, in our taxation the reason I dwell on this is because I am anxious for information and informed comment. I do respect your views and your deep knowledge of this thing. We have had a related problem with respect to the taxation of mutuals and stocks in the life insurance field; we have a similar thing in regard to fire and casualty insurance. We have really the same essential arguments involved in the taxation of the co-ops.

I think we have pretty well resolved a lot of this theory of mutuality, once a company gets a certain size there is more fiction than there is fact in regard to it. There is not these significant economic differences between the corporate form of doing business and the mutual form. If there is, I would listen to evidence and reasons as to why something like a bad-debt reserve should be considered in any tax formula but I think it would have to be developed and it has not to date.

Mr. MULTER. Let me suggest as I did in my opening that if you will look at the history of the 1951 legislation as a result of which you taxed the mutual thrift institutions of the country, you will find that the bill started out to tax the excess over bad-debt reserves.

The bill wound up with the label "bad-debt reserve," but with not that kind of formula.

We are not dealing with a bad-debt reserve in trying to set up a tax formula for the mutuals.

Let me point this out and this is in the Treasury report as well as in the FDIC report. On page 28 of the FDIC report and the language will be found almost the same in the Treasury report:

"Bad-debt reserves for tax purposes are based on reasonably anticipated bad-debt losses. Reserves as required by statute and by regulations are based on such losses as aforementioned but also take into account losses that may result from the operation of the institution such as from the sales of securities, fluctuation of market and economic conditions, and other like contingencies."

That is the point I tried to make. In taxing these mutuals you must go beyond just letting them set up a bad-debt reserve because they have no other way of supplementing their capital except out of earnings.

Mr. CURTIS. No, they do have.

Mr. MULTER. For instance?

Mr. CURTIS. Go out and get more depositors just like a corporation would get more stockholders.

Mr. MULTER. That does not create any more reserves for them. That creates more assets but for every dollar of assets there is a dollar of liability. That does not set up a reserve.

Mr. CURTIS. I agree with you.

Mr. MULTER. Some of that could go into securities, but we are in a fluctuating market in securities all the time. Even mortgages are not always salable at a hundred cents on a dollar.

Mr. CURTIS. For every dollar of deposit you only need 20 cents for reserves. If you have more depositors you have 80 cents. You also increase your earning capacity which does give you a great opportunity plus the fact we have had testimony here under the 12 percent, they have not reached it, that is another very important factor. The savings and loans reserves are around 8 percent; that those investments in the reserves themselves create so much money that they cannot reach the 12 percent. But we are touching another area. We do appreciate the testimony you have given, because it bears right on the problem before the committee.

Thank you.

Mr. MULTER. Thank you.

Mr. KING. (presiding). If there are no further questions of Mr. MULTER, thank you again for giving the committee the benefit of your views.

ESCAPE CLAUSE OF THE TRADE AGREEMENTS ACT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia [Mr. BAILEY] is recognized for 45 minutes.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BAILEY. Mr. Speaker, Members of this body have become increasingly concerned over the notorious failure of the escape clause of the Trade Agreements Act to provide a remedy against the economic depredations caused by low-wage imports.

The escape clause has now been in our statute books for 10 years; that is, since 1951. This period of time is long enough to test the worthiness or the failure of the clause. Unfortunately the record made in a hundred cases indicts the administration of the clause as a monumental failure.

The Congress could have saved itself the trouble of legislating on the subject. The State Department has bent every resource at its command to balk the success of the remedy. It has done this even though the subject lies outside its jurisdiction. The regulation of our foreign commerce is a function of Congress.

It is true that the Congress left the acceptance of Tariff Commission recommendations or their rejection to the President; and the State Department was thus given its opportunity to intervene. What was not meant by the legislation giving the President a veto power over the Tariff Commission was that the President was free to rely on irrelevant factors in his veto of Commission recommendations. The purpose and spirit of the act is clear.

All that is involved is the question of serious injury or a threat of such injury. The law does not go beyond that point. All else is irrelevant, and the President cannot justifiably use any other reason to override the Tariff Commission. In order to do so he must go beyond the law.

Yet he has no power in the premises, that is, in the regulation of our foreign commerce, that are not conferred upon him by the escape clause. Therefore his power is confined to what is set forth in that clause. Despite this fact, the State Department has contended right along that the President may indeed have recourse to extraneous factors that are not mentioned in the legislation. This represents a clear enlargement of a delegated power and therefore violates the trust under which a delegation is made.

Mr. Speaker, the record under the escape clause is one of nearly 90 percent failure. Only 12 cases have succeeded in achieving a remedy or partial remedy out of about a hundred cases processed by the Tariff Commission. The Commission has sent over 40 cases to the White House with a recommendation. The White House has turned down 2 out of every 3 of these recommendations in the past 10 years. Considering that the Commission itself has failed to sustain over half the cases by failing to find serious injury this has brought the record of successes to a little over 10 percent of the total.

The White House in recent months has received several additional recommendations from the Commission.

I offer for the RECORD a letter to the President on this subject, dated August 16. The letter was written by O. R. Strackbein, Chairman of the Nation-Wide Committee on Import-Export Policy. It is self-explanatory, but I would like to call particular attention to the interpretation of the escape clause as a reservation of a right when we enter into a trade agreement and what this means.

This clause is, as Mr. Strackbein's letter says, not a unilateral reservation of the United States but is subscribed to by all the signatories of our trade agreements. Mr. Dulles, the late Secretary of State, acknowledged this when he said, as quoted in the letter, that "we have made the escape clause a multilateral undertaking instead of just a unilateral undertaking."

This means that all parties to a trade agreement reserve the right to modify or withdraw a concession, that is, to increase the duty or alter an import quota, if a previous duty reduction or liberalizing of a quota has caused or threatens serious injury to a domestic industry.

Nothing should then remain but the question of fact: Have imports of any particular product so increased as to cause or threaten serious injury? If so, the remedy should be automatic.

But wait, cries the State Department. We must not invoke our reserved right. If we do so our trading partners overseas, that is, the other members of GATT, will question the sincerity of our professed liberal trade policy and they will not only not like our action, they will retaliate and lead us into a trade war.

Mr. Speaker, I do not believe that our trading partners overseas would behave so dishonorably. They themselves never hesitate to invoke protective remedies when in their opinion their industries need them. Perhaps they do not bother with a procedure as cumbersome and time consuming as our escape clause; but they take effective action. In our place they would do the same thing.

At this point under leave to extend my remarks I include Mr. Strackbein's letter to the President:

AUGUST 16, 1961.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In recent weeks the U.S. Tariff Commission has made positive findings of injury in four or five cases that have been the subject of hearings before it under the escape clause of the Trade Agreements Act. These cases were sent to you by the Commission with recommendations for an increase in the tariff in accordance with the findings of the Commission.

You found it desirable to return three of the cases to the Commission for further information; namely, sheet glass, ceramic tile, and baseball gloves. The other cases before you are alsike clover seed and carpets.

It is the purpose of this letter to bring to your attention a generally overlooked aspect of the escape clause. This has to do with its function as a remedy against injury that has been caused, in part, by rising imports that, in turn, have occurred because of a tariff reduction.

The escape clause is not a unilateral device by which this country seeks to escape the responsibilities of a liberal trade policy.

It should be borne in mind that all countries with which we have negotiated trade agreements under the General Agreement on Tariffs and Trade (GATT) also reserve the right to remedy serious injury when it is caused by a trade agreement concession, such as a tariff reduction or the elimination or loosening of quota restrictions on imports. The escape clause then is in the nature of a reservation to be invoked by any party to a trade agreement when certain specified developments occur.

All countries that enter into a trade agreement under GATT are fully aware of this reservation and are or should be ready to accept its implications. In effect the escape clause is no more than an admission (1) that those who negotiate tariff reductions are not infallible and may therefore from time to time cut too deeply in wielding the knife on tariffs, or (2) that unforseen developments may produce serious injury where none was intended.

The concept of the escape clause therefore is very simple and easily understood. Its invocation should depend on nothing more than the occurrence of the adverse conditions that it seeks to avoid or remedy; and this then becomes a simple question of fact; namely, has serious injury occurred or is it imminent? If so, the use of the remedy, i.e., a restoration of the duty all the way or part way back to the level from which it was cut, is fully justified. Alternately, an import quota may be imposed.

The U.S. Tariff Commission is a duly constituted public agency created by the Congress to perform certain technical and detailed functions of Congress in the exercise of its constitutional authority (1) to make and to adjust the tariff and (2) to regulate the foreign commerce of the United States.

This is presumably a competent agency. The members of the Commission are appointed by the President subject to confirmation by the Senate. The personnel of the Commission is drawn from the civil service register.

Before it reaches a decision under the escape clause the Commission holds public hearings and both sides of the question are given a full opportunity to be heard. If necessary, the Commission makes investigations of its own to obtain or verify information for a final decision.

Having gone through these proceedings in any given case, the United States has complied with all reasonable requirements to determine whether invocation of the escape clause is justified.

If one or more of the countries that are both members of GATT and export to us the article or product on which we raise the duty under these circumstances, i.e., after a finding by the Commission, feel aggrieved, they have access to the customs court of this country.

They are free to allege that the Commission's proceedings were faulty, that the Commission did not obtain all the facts, that the facts did not sustain the findings, or other failures. They can have their day in court, as, indeed, some of them have had.

Mr. President, it does not appear that other considerations, which is to say, considerations of foreign relations, are properly involved so long as we comply with reasonable and sound administration of the escape clause. To implicate the administration of the clause with foreign relations represents a fortuitous bid for virtual nullification of an act of Congress since no foreign country will accept a tariff increase without protest or complaint. Yet there is no right of complaint unless we should abuse the escape clause. As has already been said, recourse can then be had to our customs court or to GATT itself.

Moreover, it is not generally known that when this country does increase the tariff under escape-clause procedure, we negotiate with those countries that ship the particular article into this country, duty reductions on other articles that these countries export to us. So far as possible these reductions are on a volume about the same as our imports of the article on which we have raised the tariff.

In other words, we compensate our trading partners for the tariff increase that has resulted from escape-clause action.

This may be an act of supererogation but we adhere to such a policy in any case.

It is often contended that if we raise a duty under the escape clause we will incur the resentment of the countries that export the particular product to us; or lead our trading partners to question the sincerity of our liberal trade policy. We will be accused of saying one thing but in fact doing another. In the end, if we persist in exercising our rights under the escape clause the affected countries will retaliate and before long we will find ourselves in a trade war.

These seem to be wholly unfounded conclusions and place our trading partners in a bad light. Yet the warnings are repeatedly heard.

In view of the foregoing it would seem that Presidential approval of Tariff Commission recommendations when these represent majority findings, should follow as a matter of course. When, of course, the Commission is evenly divided a decision is needed to break the tie.

It is argued that the President has many other considerations than injury to an industry to think about; and no doubt he has; but these considerations must be extraneous to the statute, for criteria of injury is all that the statute provides. That in fact is all that an invocation of the reservation calls for. When the President injects other considerations he, in effect, amends both the statute and the GATT escape clause because neither one provides for the intrusion of international political considerations.

Inasmuch as the Tariff Commission is a creature of Congress and was not established to perform functions of the executive branch of the Government but that of the legislative branch, it would seem more appropriate that Congress should be concerned about the work of the Commission rather than the Executive. If the Executive is able to return cases to the Commission as a means of evading promulgation of that body's findings, the escape-clause statute will be subject to nullification by the Executive regardless of the intent of Congress.

This is a particularly urgent question because spokesmen of the executive branch have given repeated assurances (1) that it is not the purpose of the trade agreements program to injure or jeopardize domestic industry and (2) should such injury nevertheless occur or be threatened, a sure and prompt remedy is available in the escape clause.

These assurances have been given repeatedly by Chief Executives in public statements, by Secretaries of State, Under Secretaries or Assistant Secretaries and other Cabinet members in statements before the House Committee on Ways and Means and the Senate Finance Committee when extension of the Trade Agreements Act was up for consideration, from 1934 to 1958. The record is wholly and completely clear. Numerous citations are available. A small number of quotations are given below:

When President Franklin D. Roosevelt recommended the trade agreements program to Congress in 1934, his message said:

"The exercise of the authority which I propose [i.e., to reduce tariffs up to 50 percent in trade agreements] must be carefully weighed in the light of the latest information so as to give assurance that no sound and important American interest will be injuriously disturbed."

On May 25, 1945 President Truman in a letter to Speaker RAYBURN said:

"I have had drawn to my attention statements to the effect that this increased authority [i.e., to reduce the tariffs another 50 percent] might be used in such a way as to endanger or 'trade out' segments of American industry, American agriculture or American labor. No such action was taken under President Roosevelt and Cordell Hull, and no such action will take place under my Presidency."

On March 1, 1948, Mr. Truman again wrote to Congress. He said:

"Furthermore, we need fear no serious harm to any domestic producer.

"* * * * *

"Finally, each agreement will continue to include a clause which will permit withdrawal or modification of concessions, if imports increase to such an extent as to cause or threaten serious injury to domestic producers."

On February 18, 1955, President Dwight D. Eisenhower in a letter to Speaker JOSEPH W. MARTIN, JR., said:

"No American industry will be placed in jeopardy by the administration of this measure [i.e., the Trade Agreements Act].

In March 1958 Mr. Eisenhower said:

"We should first hammer home the fact that safeguards in the law are being strengthened to cope with uneven impact of import competition."

Special assistant to the Secretary of State, Mr. Francis B. Sayre, on April 15, 1943, told the Ways and Means Committee:

"We consider that our mandate is only the granting of such concessions as can be done without injuring domestic producers."

On June 1, 1948, Mr. W. L. Clayton, Under Secretary of State, told the Senate Finance Committee, referring to the escape clause:

"Designed to be operated by the Tariff Commission reporting directly to the President, it offers a prompt and sure remedy always available when needed."

In hearings before the Senate Finance Committee on trade agreements legislation in 1955 Secretary of State, Mr. Dulles, said:

"We have made the escape clause a multilateral undertaking instead of just a unilateral undertaking."

He had said immediately preceding those words, the following:

"We have gotten the agreement of all countries to the effect that when we give them a tariff concession we can always get out of it through the operation of the escape clause."

This, he then said, had been made multilateral; i.e., under GATT in 1947.

Many additional quotations to the same effect as those here presented can be adduced. They are available.

From these assurances and from the purpose and character of the escape clause a great surprise awaits the uninitiated when they are told that the escape clause has been only slightly over 10 percent effective.

Until your assumption of office as President, the White House had rejected roughly two out of three cases sent to it by the Tariff Commission, including 5 or 6 unanimous recommendations.

The Tariff Commission itself has failed to find serious injury in over 50 percent of the cases that have come before it under the escape clause.

Mr. President, many observers have been impressed with the "rising protectionist sentiment" in the country. This sentiment, if not assuaged by the remedy that has been assured to it and to which it is clearly entitled without the strings that have choked it, may soon grow to proportions that will endanger the whole trade agreements program.

If the escape clause should do what it was designed to do, what it was held out to do, and what by rights it should do, domestic industry, agriculture, and labor would be able to live with their trade program.

I would, therefore, strongly urge that you reconsider the President's proper constitutional function in the administration of the escape clause and look upon the clause as representing a clear right duly reserved in advance by all members of GATT. To do so would not materially injure the trade program, but would give much of American industry a better outlook and a future that would stimulate growth rather than dampen it.

Very truly yours,

O. R. STRACKBEIN,
Chairman.

Among the escape clause cases sent to the President now occupying the White House and upon which no final action has been taken are those on sheet glass, ceramic tile, baseball gloves, and carpets. Several section 22 cases are also before him; namely on alsike clover seed, certain types of cheese, and picker lap cotton.

Mr. Speaker, this seems like a considerable number of cases in a short time, but the fact is that in the preceding 2 years some 25 cases came before the Commission and only 1 of them made it all the way through; that is, through the White House without a veto.

When we consider that the number of tariff items runs into the thousands, in the neighborhood of 5,000, it does not appear that an average of 10 cases per year before the Tariff Commission; that is, about 100 cases in 10 years—is excessive, nor should it be anything to alarm the free-trade elements in the State Department and out.

The number of cases coming before the Tariff Commission has never exceeded its capacity to dispose of them. The Commission has held public hearings in all the cases and all interested parties have testified or have been given an opportunity to do so. Due process of law has been observed.

The Commission is expert in its field and has had many years of experience. When it finds as a fact that imports have increased as a result of a tariff reduction to the point of causing or threatening serious injury to a domestic industry, the necessary condition to satisfy the reservation in our trade agreements should be regarded as fulfilled.

The State Department's view that elements of foreign relations should be read into the President's consideration of the Tariff Commission recommendations, is without legal foundation and without justification. There is nothing in the escape clause of GATT itself that suggests such considerations. Even if there were, the President is bound by our statutory escape clause, enacted by Congress, and not by the escape clause of the General Agreement on Tariffs and Trade.

Mr. Speaker, the workers in the industries covered by the Tariff Commission recommendations, no less than the companies themselves, are deeply concerned. In some cases the stake of the workers is greater than that of the companies because their jobs and livelihood are at stake.

I happen to be familiar with the situation in the sheet glass industry and I can testify that the workers are very much concerned. They would find it hard to believe that they should be thrown out of work and onto the relief rolls merely to satisfy what the State Department might regard as a question of foreign relations, particularly if these workers understand that we reserved the right to invoke the escape clause when we entered into the trade agreements under which the tariff was cut.

When they know that the other countries reserve the same right and exercise it when they regard it to their interest, the State Department would have a difficult time convincing them that foreign relations are properly involved or that the other countries would have the least right to resent our action, if we act legally.

Mr. Speaker, the State Department has been reading into the escape clause something that does not belong there and is not in it. It has been these extraneous considerations that have prevented the law from being carried out in accordance with its clear intent and in accordance with the spirit of the law.

This misinterpretation by the Department should stop. It produces only mischief and nullification. The welfare of the workers and the companies and the communities concerned are more important than the desire of the State Department to substitute its views for the intent of Congress in a field that lies wholly within the jurisdiction of Congress.

Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. MOOREHEAD] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MOOREHEAD of Ohio. Mr. Speaker, I want to congratulate the gentleman from West Virginia on calling this matter to the attention of the House. Earlier this year, I joined him as a cosponsor of House Concurrent Resolution 4. I believed then and I believe now that the resolution was deserving of a hearing before the Ways and Means Committee and I agree that it is most regrettable that the opportunity was not provided.

My congressional district in southeastern Ohio has suffered severe and continuing economic plight which can be directly related to the trade policies our country has insisted upon following for many years. Like much of West Virginia and other specific areas, the burden of import competition has been borne heavily by southeastern Ohio because of its combination of resources and industrial productivity. Coal, glass, pottery, ceramic tile have received disastrous blows. Other industries such as ferroalloys and aluminum are now beginning to feel the same economic blight.

I feel strongly that our Government is attempting to juggle too many policies which are in essential conflict at the same time. Foreign policy is the overriding consideration. The GATT conferences seem to have been conducted with boundless generosity by the delegates our country has sent to these international meetings. Whether it has been a calculated policy or not, the tariff concessions we have made at these conferences have wrought great damages upon some of our domestic industries. There seems to be little regard for what is happening to some of our industries.

We are given the old bromides in reply. Free trade versus protectionist arguments belong in the classroom. They have about as much relationship to reality as the classical discussions about how many angels can dance on the point of a pin. Our Government has erected too many variables for them to apply any more. The minimum wage, child welfare, social security, workmen's compensation, and many other programs enacted into law all cause chain reactions that create the economic and social climate of America. I am not arguing against these programs. I am saying they are realities. They are the protections enforced for what is believed to be the special benefit of the American people. They influence our standard of living and the price we pay for American products. These products most often cannot compete with those of countries where standards and national aspirations are different and production costs lower.

Increased productivity is not the total answer. We can go to automation, of course, but where does the worker who loses his job then find the money to support himself, his community, and his country which has such a voracious appetite for his tax dollars? How do these men or women take care of themselves while the readjustments that our economists talk about with such cosmic faith are taking place? The promise of readjustment has been a long time being fulfilled in West Virginia and in southeastern Ohio, too.

We hear talk about the safeguards that are written into our trade agreements law. If damage is done by imports to our domestic industries, there are ways to correct it. I will certainly grant you that the procedures are there. Industries have fallen back upon them many times. But, Mr. Speaker, the hope of obtaining corrective action by invoking these so-called safeguards in the law is empty indeed. Bankrupt companies in many industries throughout the country is the best testimony to that.

I am astonished that we go on year after year pretending that no problem exists. Our diplomats go to Geneva to the GATT Conference and make new concessions time after time while this massive national self-deception continues. What those of us who have joined the gentleman from West Virginia want is not unreasonable. We want this entire policy studied before the present policies compound the damage already done. That was what we were asking for in this resolution. It now appears that another session of Congress has passed and the same unyielding unwillingness to consider the problem persists. If this were a matter of abstract economics, the issue might be regrettable. But since it is actually a matter of human misery and hardship, it is tragic. I thank the gentleman for permitting me to make these remarks.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent that the gentlewoman from Arkansas [Mrs. NORRELL] may extend her remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mrs. NORRELL. Mr. Speaker, I wish to join with the gentleman from West Virginia [Mr. BAILEY] in his expression of dissatisfaction with the administration of the escape clause.

No Member of the House in whose district import competition is endangering one or more industries any longer harbors illusions about the escape clause.

This clause, which by the way, was introduced in 1951 by the same gentleman from West Virginia [Mr. BAILEY] who has so kindly yielded to me, is supposedly a remedy to be invoked when an industry is being hard pressed by imports. But it is so unwillingly applied by those responsible for its administration that it is almost ineffective.

The record shows that only 13 cases have succeeded in over 10 years in obtaining White House approval out of more than 100. Two of these remedies have been revoked, leaving only 11 in effect.

In my district several products are suffering from imports of low-cost foreign products. One of them is textiles. Others are wood and wood products.

I need hardly repeat that the low wages prevailing abroad, particularly in Japan, Hong Kong, and elsewhere, make it possible to ship into this country at prices that our industries cannot meet and stay in business.

Textile imports have risen so rapidly in the past 5 years that some steps have been taken to restrict the imports. However, these steps have been very slow and the restrictions will be largely self-imposed or dependent on international agreements. This means that we do not control them as we would if the remedy came from the administration of our own law.

Already the Japanese will have gained an 11-percent increase over their 1960 exports of textiles to this country, if the presently proposed international agreement is ratified.

It would be much more reassuring to our industries if they were protected by remedies applied by us. The escape clause is one of these. When the remedy is provided through international agreement we have little control over it. Congress is bypassed; and yet it is one of the enumerated powers of Congress to regulate our foreign commerce.

A good share of the economic resources of my district consists of forestry products. These are now also being menaced by imports. The complaint is the same; namely, lower prices. Our producers cannot compete, and at the same time pay the prevailing wages.

Mr. Speaker, this is my first term in the House, but I can assure you that dissatisfaction with the administration of the trade agreements program is growing in my district. The need for foreign trade is recognized; as was the need for reducing tariffs when they were four times as high as they are now on the average. Let me say that our tariff on dutiable items averaged slightly over 50 percent before the tariff cutting under the Trade Agreements Act began in 1934. Today the average is right at 12 percent. Beyond that, nearly 40 percent of our total imports are on the free list, paying no duty at all.

In other words we have indeed cut our tariff. No other country has matched us.

There would be little complaint today if the executive branch had kept its promise that no domestic industry was to be jeopardized by the trade program. There would be little complaint if the escape clause had been made into a reliable remedy against such injury when and wherever it did occur. As I understand it, that also was promised in plain language by various Secretaries, Under Secretaries and Assistant Secretaries of State as they came before our committees seeking extension of the Trade Agreements Act from time to time.

I wish to add my voice to that of the others who have expressed disappointment and regret over the manner in which the escape clause has been administered. No law that is not much more than 10 percent effective in achieving its intent could be called successful; and that, I understand, is the record of the escape clause.

The gentleman from West Virginia [Mr. BAILEY] has been in the forefront of those who have sought a more effective application of the law; that is, the remedy against serious injury from import competition; and I want to express to him my appreciation of his untiring efforts and also for this opportunity to say a few words.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina [Mr. HEMPHILL] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HEMPHILL. Mr. Speaker, the gentleman from West Virginia [Mr. BAILEY] has touched upon an aspect of the trade agreements program; namely, the administration of the escape clause, that goes to the very heart of most of the objections to the whole program.

There can be little doubt that if the escape clause were administered in keeping with its intent, most of the opposition to the Trade Act would disappear.

It has long been a mystery to me why the administration of the clause that provides a remedy against serious injury should be administered in a manner best calculated to defeat its purpose and to raise opposition to the trade program as a whole.

Mr. Speaker, as the gentleman from West Virginia has made clear, the escape clause is no more than a reservation of a right to do something if certain specified things should happen. This reservation is made by every member of GATT, and each member is fully aware when it enters into a trade agreement under GATT that concessions received or given by any member may be modified or withdrawn under certain circumstances.

It should be clear then that it is in no manner a violation of the agreement to take action under the escape clause. If we raise a duty after a thorough investigation by the Tariff Commission including a hearing of all interested parties, we can neither be held to be in violation of the agreement nor can any party to the agreement properly take exception to what we have done.

The only allegation that would have possible merit would be to impugn the proceedings of our Tariff Commission. It might be alleged that the Commission's procedure was faulty, that it did not get all the relevant facts in the case or that its findings did not reflect these facts.

Such allegations could be taken to the Customs Court where the issue would be adjudicated. Any aggrieved party would have its day in court.

Mr. Speaker, it completely escapes my understanding how anyone could say that our proper use of the escape clause could lead other countries to question our sincerity or to turn against us in the cold war, or to become neutralist powers. Should any member of GATT do so it would itself act in violation of the general agreement or its spirit.

What, may I ask, are reservations such as the escape clause for?

Are they to be mere ornaments? Are they adopted merely to fool the public? If they are not adopted in order to be used why bother with them?

Unfortunately the warning that other countries would be driven into a trade war with us if we use the escape clause as it was intended, has all the earmarks

of insincerity on the part of those who sold the trade agreements program to the Congress and to the public. The very people who seek to nullify the clause through administrative hobbles are the ones who are the first to tell the public in speeches and statements something like this: "The greatest precautions are exercised in making tariff reductions to make sure that no duty is cut beyond the point of injury to a domestic industry. Nevertheless, we are not infallible. We do sometimes make mistakes; or unforeseen developments may bring about conditions that will cause injury. If injury does result, the escape clause is a sure and prompt remedy."

Words to that effect have been spoken by high State Department officials not only once but many times.

Such assurances are trotted out each time the Trade Agreements Act comes up for renewal. Once the act is renewed the assurances are not only forgotten; all sorts of objections are made to actual invocation of the escape clause. Seemingly these assurances of a remedy against serious injury are nothing more than bait for votes.

The public generally does not know that the administration of the escape clause is highly negative and that it is not much more than 10 percent effective. The official executive posture is one of shocking hypocrisy.

Since more and more industries have experienced great injury from rising imports, failure of the escape clause may soon precipitate a crisis. I feel sure that in the next session of Congress, when the Trade Agreements Act comes up for renewal, the State Department and others of the executive branch who have been active in smothering the escape clause, will have to answer some questions. If the negative record under the clause continues it is not only likely but probable that the whole program will be endangered.

It simply does not do to tell the American people one thing about a law such as the escape clause, what it will do as a remedy, assuring industries that they have recourse against error and unforeseen developments, and then administratively belying all the fair words. This may succeed for a while, but not forever. I think the end of the road has come for this unseemly and hypocritical farce.

We owe a great deal to the gentleman from West Virginia for his strenuous efforts to bring the record out into the open. I am sure that many of his colleagues will agree that he deserves our thanks and the thanks of the many industries and their workers who have been swamped by low-cost imports. They are waking up.

Imports are once more on the rise. July imports were up 16 percent from those of June.

The executive branch would be well advised after these many years to take seriously the numerous complaints about imports that have come to us within the past few years. These complaints will no longer be brushed off without a day of reckoning.

I am happy to join in a strong protest against the manner in which the escape clause has been administered.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. PIRNIE] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. PIRNIE. Mr. Speaker, Congress must act soon to overhaul outdated tariff laws. Until then there should be a moratorium on negotiating additional tariff cuts. Present laws do not effectively distinguish between fair and unfair foreign competition, resulting in serious competitive disadvantages for many industries vital to our national defense. Literally thousands of American jobs and scores of important enterprises face extinction from the rising tide of low-cost foreign imports. I believe in expanded world trade, but not at the expense of lowering our high standard of living or aggravating the existing high level of unemployment. We must not forget that the ultimate strength of the free world depends upon our maintaining a healthy, vigorous economy. I am glad to support this legislation.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. MOELLER] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MOELLER. Mr. Speaker, let me add my voice to that of my good friend and colleague, the gentleman from West Virginia, Representative CLEVELAND BAILEY, in protesting the lack of a hearing by the Ways and Means Committee for myself and 73 of my colleagues.

We have been most interested in the passage of resolutions by the House and Senate expressing the sense of Congress that no further tariff reductions be granted under the auspices of the General Agreement on Tariffs and Trade, notwithstanding the authority to make such reductions contained in the Tariff Agreements Extension Act of 1958.

As you may know, on January 26 of this year, I submitted House Concurrent Resolution 122, to carry out this purpose. I feel that the 74 Members of the House who have sponsored similar resolutions have a right to be heard, especially in view of the fact that only 12 Members of this body were granted such a hearing for bills they had introduced to improve duty on processed shrimp and to establish import quotas on shrimp.

The 10th Congressional District of Ohio, which I represent, has been considered an area of substantial and persistent unemployment. The foreign competition coming from countries with lower standards of living, with much cheaper labor costs, and often from the countries which have been the recipients of literally billions of dollars of economic assistance from the United States since the end of World War II, has hurt the working people of my district.

We are in the midst of a great effort to lift the living standards and improve the economy of southeastern Ohio. We are utilizing every form of technical and financial assistance available on the local, State, and Federal levels. But most of all, we are utilizing the initiative, leadership and determination of the citizens of our area. We do not want, nor do we seek any handouts; we desire no giveaway programs. But we do not want, and we feel we have a right not to expect, our Government to cut the ground from under our efforts at this most critical time. The industries and manufacturers of the 10th District have a right to be heard.

I, therefore, urge that I and my 73 colleagues, who have joined in sponsoring this most necessary resolution, be granted the privilege of a hearing—and that the Congress adopt this resolution to protect the native, American industries from unwarranted and unjust foreign competition. The jobs of our fellow Americans depend on it.

Mr. BAILEY. Mr. Speaker, may I remind my colleagues that the time for special orders in this session of the 87th Congress is growing short. I have an additional 30-minute special order dealing with the maladministration of the Reciprocal Trade Agreements Act in general which I shall offer on Monday next.

FISH FLOUR

The SPEAKER pro tempore (Mr. PATMAN). Under previous order of the House, the gentleman from New York [Mr. PIKE] is recognized for 15 minutes.

Mr. PIKE. Mr. Speaker, I have asked for this time, not so much in order to speak about a bill which was introduced on Thursday, as to speak about the position of an agency of our Government which has made such a bill necessary.

First, as to the bill, H.R. 9101, which was introduced by the gentleman from Massachusetts [Mr. KEITH] and myself on Thursday. It is a simple bill, eight short lines, but I believe it has a real significance for America and for the 1,500 million people of the world who live with hunger.

In his book, entitled "The War on World Poverty," Harold Wilson says this:

> For the vast majority of mankind the most urgent problem is not war, or communism, or the cost of living, or taxation. It is hunger. Over 1,500 million people, something like two-thirds of the world's population, are living in conditions of acute hunger, defined in terms of identifiable nutritional disease. This hunger is at the same time the effect and the cause of the poverty, squalor, and misery in which they live.

Something can be done about it; something has been done about it, not by the U.S. Government, but by private industry. But an agency of the U.S. Government, acting with the best of intentions, and in their opinion within the letter of the law, is blocking private industry in its attempt to perform a service to mankind.

The reason people throughout the world suffer from malnutrition is not

necessarily the lack of quantity of food, it is a lack of quality of food. The bulk foods which the people of the world eat, whether wheat, rice, or corn, have one basic lack—protein.

The greatest source of protein in the world is in the sea around us—fish.

American private industry has developed a new process by which whole fish are made into flour—fish flour—an odorless, tasteless product having 82 percent protein, having higher protein value than either skim milk or beef, second only to eggs as a source of protein, and at 14 cents a pound.

The process was developed in America, the food has been used and tested around the world. The Swedes are making it and using it, the American product has been shipped all over the world, but you cannot buy it in America. Oh, you can buy chocolate covered ants—you can buy grasshoppers. I have been in a restaurant where they were offering African worms as a dietary delight, but you cannot buy American fish flour.

The Pure Food and Drug Administration has taken the position that a food derived from whole fish is adulterated. They have relied, in so doing, on clause 3, section 402(a) of the Federal Food, Drug, and Cosmetic Act, which is the blunderbuss clause, saying that a food is adulterated if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food.

The bill which I have introduced says, simply, that "no processed seafood product shall be deemed to consist of any such substance or to be otherwise unfit for food because such processed seafood product is derived from whole fish, provided such product is processed under sanitary conditions and after processing is nutritious and in no manner harmful to the health of consumers thereof."

No one wants to have any part in permitting people to eat filthy food. That is not in issue, but let us talk about the manner in which the food product is made. Dr. Ezra Levin, developer of the process, describes it as follows:

(a) Fish is ground and subjected to solvent extraction with 1,2 dichloroethane. It requires 7 pounds of fat solvent for 1 pound of fish at the beginning of the operation. During this operation fish oil and water are removed. All other oil soluble substances and a large amount of any solid foreign matter that is present in the fish is also removed. In this operation 1 pound of fish is concentrated to one-fifth pound of meal. Thus, the first phase of fish flour production has a 35-to-1 wash with solvent before the residual solvent is removed by evaporation. The product originally containing 15 percent protein is now 75 percent protein.

(b) Deodorization: The meal is now washed with hot alcohol. It requires 15 pounds of alcohol to remove the fish odor and taste from 1 pound of fishmeal. During the process, part of the carbohydrates, other nonprotein substances, and the foreign matter in the fish substances remaining after step (a) are washed out. Thus the fish which has been washed with 35 parts of boiling solvent to 1 part of fish is now subjected to a wash of 15 parts solvent to 1 part of fish before the residual solvent is evaporated. Fishmeal containing 75 percent protein is now a concentrate of 82 percent protein.

I am no chemist, but to those of the Food and Drug Administration who are concerned about the fact that whole fish are used in the manufacture of fish flour I would like to compare this process with the process by which whole sardines are put in cans. Dr. Levin says flatly that the resulting fish flour would be the cleanest food product marketed in the United States of America.

We eat whole clams, whole oysters, whole anchovies and smelts. We are the healthiest Nation on earth.

Mr. Speaker, in this session we have provided medical care for hogs, we have today authorized the expenditure of $40 million to send the Peace Corps on its way around the world. But the Peace Corps cannot feed the hungry of the world. The sea can. Without the expenditure of a dime by the Government, American private industry can lead in this process. They are doing their best, but their hands have been tied by the American Government. The people of the world are going to say, rightly, "Why should we eat anything that is not good enough for the American people?" Let us untie the hands of American industry and reap the bountiful harvest of the sea for the benefit of the hungry of the world. Let us start by treating the people of America as well as we treat the hogs.

Mr. KEITH. Mr. Speaker, will the gentleman yield?

Mr. PIKE. I am happy to yield to the gentleman from Massachusetts who has within his own district the pilot plant which is producing this tremendously valuable food product and who was fighting for its acceptance by the American people and the Food and Drug Administration even before I came to the Congress. It is a pleasure to yield to the gentleman.

Mr. KEITH. Mr. Speaker, I would like to compliment the gentleman from New York [Mr. PIKE] who has pointed up the problem we are facing and the relief that we hope to obtain.

Mr. Speaker, a week ago today I joined with my colleague from New York [Mr. PIKE] in filing a bill that would clear the way for worldwide distribution of a food which could do for the age-old problem of malnutrition what penicillin and the other miracle drugs did and are doing in the fight against infectious disease.

This remarkable new food, which we could fairly call a miracle food, comes from the sea. It is a processed seafood known as fish flour, but more accurately described as a "whole fish concentrate."

This is a food that 2 billion people will be interested in knowing about—the 2 billion or more people in the world who today either, first, go to bed every night of their lives hungry, with only slight hope of relief, or second, those people whose hunger is mitigated by a bowl of beans or rice, but who still suffer chronic starvation from an inadequate diet.

Fish flour is a miracle food because a few spoonsful a day can provide a family in some underdeveloped country with its needed requirement of animal protein. It contains more than 80 percent protein by weight, yet its price to the consumer is only a few cents a pound. Fish flour is the world's cheapest, most abundant and biologically richest source of protein. Its amazing nutritional value and growth-promoting characteristics have been proven in extensive field tests in Latin America and Africa.

One of its chief virtues is an ability to withstand adverse storage conditions. In this respect it is particularly suited to the tropics, where thousands of children, particularly from age 1 to 4 are afflicted with, and in many cases die from, a disease called kwashiorkor. It is caused, simply, from an insufficient diet from almost the time of birth, and it shrivels the muscles and twists the bones of youngsters too weak to even support themselves in a sitting position.

The name kwashiorkor is exported from Ghana on the Gold Coast of Africa, where, to a native mother, it literally means the "sickness of the old baby when the new baby comes."

I have photographs in my office of children who were transformed from almost hopeless victims of kwashiorkor to plump and healthy, normal appearing children in just 3 months of fish flour supplementation to their diet.

Unfortunately, Mr. Speaker, full-scale distribution of fish flour to these underdeveloped areas of the world is being thwarted by "esthetic" considerations. It is deemed unfit for food in this country because it is made from whole fish, a fact which enhances its nutritional value, rather than detracting from it, and a fact that should not keep it from a world where the demand is urgent and great.

The Food and Drug Administration has classified fish flour as an "adulterated food," as defined by the Federal Food, Drug and Cosmetic Act, because it consists of the whole fish.

There is absolutely no question as to fish flour's wholesomeness as a food, or its potential effectiveness in combating malnutrition, a human affliction which annually claims more victims than cancer, malaria and tuberculosis combined because it is a condition that weakens the body, reduces resistance and opens the way for attack by other diseases.

The bills filed by Mr. PIKE and myself—H.R. 9101 and H.R. 9102—provide that no processed seafood product shall be considered adulterated or unfit for human consumption simply because it is derived from whole fish. This is a reasonable provision and one that would remove the only obstacle to the production and distribution of a food that offers not only great promise to our foreign aid program, in such endeavors as food for peace, but could prove to be a major boon to our ailing American fishing industry.

Tomorrow, I have been informed by Commissioner Larrick, the Food and Drug Administration will publish a proposed standard of identity for fish flour in the Federal Register. It is expected that the FDA will conduct an administrative hearing on the subject sometime this fall. Congressional support, as well as public opinion, could play a vital role in obtaining a favorable result from this hearing.

I realize there is no opportunity for congressional action on fish flour legislation this session. But, I feel I should not let pass an opportunity to seek support among my colleagues in the House in our campaign to free this important food discovery from a regulation that is unnecessarily restrictive in this case.

Rejecting fish flour on the grounds that it might be esthetically objectionable to someone, would be as ridiculous and as tragic as banning penicillin from use by the medical world because it is derived from mold.

I am not overstating the case when I say that fish flour can be more than a food. It can be an effective weapon in our global war for peace, in the free world's struggle against powerful forces in the world today which trade on human privation, on hunger and on discontent.

The new administration has pledged itself to helping break the bonds of mass misery; in a dramatic new product like fish flour, we are given an important tool to fulfill this pledge. I hope that administrative action by Food and Drug will provide the necessary relief. If this cannot be done I hope the Congress will act favorably on this matter early in 1962.

THE LANDRUM-GRIFFIN ACT AFTER 2 YEARS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan [Mr. GRIFFIN] is recognized for 30 minutes.

Mr. GRIFFIN. Mr. Speaker, 2 years ago, on September 14, 1959, President Eisenhower signed into law the bill which has become known as the Landrum-Griffin Act.

Few laws in the history of our country have been so damned and so praised. Lincoln once said:

> There are few things wholly evil or wholly good. Almost everything, especially of Government policy, is an inseparable compound of the two."

On this, the second anniversary of its enactment, I believe the Congress will be interested in an accounting, a report concerning the 2 years of operation under the act.

The legislation has solved some—but certainly not all—of the serious problems which exist in the labor-management field. However, it should be apparent that many of the difficulties in this area of our complex society will never be erased by legislation; they will only be solved if, and to the extent that, labor and management work in harmony; and if, and to the extent that, rank and file members take an active, enlightened interest in the affairs of their unions.

To appraise fairly the effectiveness of the act, one must recognize that the scope and purposes of the law were limited. Significantly, Secretary of Labor Arthur Goldberg was quoted recently as saying that the experience of the past year "clearly demonstrates that the objectives of the 1959 labor law are being met."

As a Republican who has watched carefully with the eye of a skeptic, I wish to commend Secretary Goldberg and Commissioner John Holcombe for the firm, but fair and objective, manner in which they and the Department of Labor have continued to administer this act.

THE APPROACH OF SECRETARY MITCHELL

The basic approach to enforcement of the Landrum-Griffin Act was fixed at the very outset by former Secretary James P. Mitchell. Shortly after the act was passed he announced that it would be enforced "as Congress intended, for the benefit and protection of individual workers and the public." He stated also that "no honest trade unionists or their organizations, or any honest employers have cause to fear that this law will harass them in the execution of their legitimate activities. But crooked union leaders or corrupt employers will be dealt with summarily whenever they are found."

SECRETARY GOLDBERG'S VIEW

Perhaps the most significant evaluation of the act has come from one of labor's most able advocates, Secretary of Labor Goldberg. Secretary Goldberg has described the act as "only the minimum standard of conduct" by which "labor organizations and their leaders" should be governed. The following excerpts are taken from Mr. Goldberg's discussion of the act before a union convention in Philadelphia:

> "The law prescribes a set of standards that were drawn to assure ethical conduct in specific areas. The good conscience of a labor leader, charged as he is with wide responsibilities for human welfare and betterment, will indicate to him a much higher range of ethical imperatives.
>
> The national interest and private interests are converging lines, and the place for a labor organization is parallel, not tangent, to the direction of progress.
>
> The law, however they feel about it, should serve only as a minimum standard for labor leaders. As I intend to administer it fairly and forcefully, so they should intend to seek far beyond it for the criteria on which to judge the proper discharge of their duty.
>
> The American labor leader must be prepared to view as a privilege the opportunity to bear the weight of moral obligation accruing to any position of high leadership. In this respect, the law is at best a reminder of his responsibilities, and he ought to feel personally obliged to improve upon the minimum standards it sets.

In a recent report to Congress on enforcement of the act during the past year, Secretary Goldberg stated that the law has been enforced "with commonsense and fairness" and that although over 1,900 violations were found, more than 98 percent of them were corrected voluntarily:

> Recourse to legal action—
>
> He said—
>
> was necessary in only 33 instances.
>
> The Secretary reported that—
>
> a fair and cooperative attitude has been prevalent among the vast majority of those affected by the law.

COMMISSIONER HOLCOMBE'S ROLE

Enforcement of a major part of the Landrum-Griffin Act is in the hands of labor's friends. The Department of Labor is required by law to foster, promote and develop the welfare of the wage earners of the United States. However, to his credit, the Department's Commissioner of Labor-Management Reports, Mr. John L. Holcombe, who is largely responsible for administering the act, has indicated little patience concerning some of the "dire predictions" made at the time the act was passed:

> These various fears—
>
> He asserts—
>
> were simply myths and the record shows that they have not been substantiated.

He states that the act is being vigorously enforced against willful violators, but that it is being applied with "reason and fairness" and with primary emphasis on "voluntary compliance." The following are some excerpts from an address by Commissioner Holcombe in which he discussed a year and a half's experience under the act:

> Where are we now, a little more than a year and a half after the enactment of LMRDA, often referred to as the Landrum-Griffin Act? Have the fears which were voiced in September of 1959 by a number of labor leaders and others really come to pass?
>
> #### DIRE PREDICTIONS
>
> I am sure we all remember the numerous predictions that able and dedicated officers of unions would quit their posts as a result of the enactment of the Reporting and Disclosure Act.
>
> First of all, it was said, they would not want to continue in office because the reporting tasks were too burdensome. Secondly, it was pointed out, union officers would resign or refuse to stand for reelection because of the severe penalties for willful violations of reporting obligations.
>
> #### FEARS UNFOUNDED
>
> Honest officers have learned that there's no reason for them to fear either fines or jail sentences. Although many thousands of errors were included in the reports filed with us in the past year, not one union officer has been taken to court for reporting error. Of course, here I'm not including those cases of outright embezzlement.
>
> #### PAPER WORK LESS THAN BEFORE
>
> Another great fear involved what was thought of as a backbreaking burden of paperwork. It was said—forcefully and repeatedly—that the reports required by the act would be killing.
>
> But again, the predictions of what the situation would be didn't jibe at all with what the situation actually turned out to be. Instead of more paperwork, union officers found the load lighter than before LMRDA.
>
> As soon as the act was in effect, a regulation was issued canceling reports previously required under the Taft-Hartley Act for which LMRDA reporting can substitute. Then we acted under the authority given by Congress to provide an abbreviated reporting form for small unions. * * * Over 70 percent of the reporting labor organizations are now eligible to use this short form.
>
> We were happy about this, but we were not satisfied. * * * So the Labor Department and the Treasury, after some discussion, worked out an agreement. Under this pact, a copy of the report required by the act is accepted in place of two of the three pages required to be filed annually * * * with the Internal Revenue Service.
>
> #### REPORTS UNDER PRIOR LAW
>
> Let us take the case of a small local union. Just 2 years ago such an organization would have had quite a paperwork burden.

It would have had to file a six-page R–1 report with the Department of Labor. It would also have had to file a report to the National Labor Relations Board that the Taft-Hartley report had been filed with the Labor Department, a non-Communist affidavit for each union officer (the average was nine), a certificate identifying the current officers of the union (these averaged four), a certificate as to the distribution of the financial report, and, finally, the three-page form 990 that I mentioned a minute ago.

Today the same union has to file only a financial report which can be submitted on both sides of the one sheet of paper—a one-page amendment to the initial labor organization information report (but only if there has been a change in bylaws, officers, etc.), and one page of the form 990 together with a copy of this same financial report.

Contrary to the predictions and the allegations, the paperwork burden has been reduced—and reduced very sharply. Before the Reporting and Disclosure Act, the reporting burden averaged 23 pages. Today it amounts to only four pages.

These are the facts—and, as it must, another myth has been exploded by knowledge of what the situation really is, not what some folks imagine it to be.

It was asserted that there would be a flood of litigation under title I, the "Bill of Rights." It was said that union members would feel free to disrupt union meetings and that presiding officers would be helpless. All sorts of evils were forecast.

In the first year and a half, there have been a very few civil actions against labor organizations that have been initiated by union members who believe their rights under title I had been infringed.

What has happened is simply that, in those labor organizations where the principles of democracy had not always been practiced, we have seen improvements. We have seen some significant changes in conformity with the requirements of the act.

At the same time, both the rank-and-file members and the officers of unions have come to understand that, while title I * * * also says: "that nothing herein shall be construed to impair the right of a labor organization to adopt and enforce reasonable rules as to the responsibility of every member toward the organization as an institution.

ELECTION VIOLATION: EXAMPLE OF ENFORCEMENT APPROACH

We seek correction of any improprieties if such correction can be obtained.

Let me again give you one of our cases as an example.

This case concerns a local of the United Steelworkers of America in Youngstown, Ohio. Last year we received a complaint from a member who has sought office, and from other members of the union, alleging violations of the LMRDA's election provisions in the local's election.

The complainant had been a candidate for president in the election. The announced result for the election was 809 votes for the incumbent and 623 votes for the complainant.

From the ensuing investigation, we found definite indications of a failure to conduct a secret ballot election. For example, we obtained sworn statements from a number of members who had been checked off as having voted and who asserted they had been out of town, attending a wedding, training with the Marine Corps Reserve, and so forth. "Stuffing" of the ballot box became evident as the investigation advanced. It was only one of the irregularities that was found.

With overwhelming evidence compiled in favor of the complainant, the international union—the United Steelworkers of America—decided to enter the case to remedy the exposed violation. The international union sent in an administrator, to insure a fair election meeting all the requirements of the Labor-Management Reporting and Disclosure Act, basing their action on the evidence of the Federal investigators.

The new election was held. The complainant won the office of president, receiving 933 votes. His opponent, the previous winner, received 321 votes and a third candidate got 54. In fact, all of the victorious candidates in the previous election, except one vice president, were defeated.

HIGHLIGHTS OF ENFORCEMENT DURING THE PAST YEAR

It appears that the labor reform law has been enforced with a view to obtaining voluntary compliance and this is as it should be. However, this does not mean that there have been no serious violations.

The statistics set forth below are based upon a report recently submitted to Congress by the Secretary of Labor for the past fiscal year:

Type of alleged violation	Total	Active	Voluntary compliance	Legal actions
Total, all alleged violations	5,792	2,251	[1] 1,882	33
Illegal restriction of rights of union members	80	1	9	0
Failure to provide copies of agreements	214	43	123	0
Inadequate reports to BLMR under title II	3,698	1,676	1,500	2
Reports of labor organizations	3,259	1,380	1,459	0
Reports of union officers and employees	178	105	19	0
Reports of employers and labor consultants	261	191	22	2
Trusteeships	144	53	35	0
Illegal election procedures	414	65	52	14
Breach of fiduciary responsibilities by union officers	592	224	14	14
Embezzlement	174	105	0	14
Other	418	119	14	0
Inadequate bonding of union officers or employees	311	130	137	0
Ineligible persons holding union office	130	22	137	0
Under Communist prohibition	35	5	0	3
Under convict prohibition	92	16	12	0
Bribery and extortionate picketing	9	3	0	0
Illegal discipline of union members	15	2	0	0
Deprivation of members' rights through violence	107	22	0	0
Miscellaneous	72	8	0	0

[1] 98 percent.

COURT ACTIONS

Election cases

Defendant: Independent Petroleum Workers Union of Bayway, N.J.

Location: Linden, N.J.

Alleged violation: The union had failed to provide adequate safeguards to insure a fair election.

Result: June 10, 1961—Election invalidated by a consent decree in Federal court. New election ordered, supervised by Secretary of Labor, within 75 days.

Defendant: United Association of Journeymen & Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local No. 188.

Location: Savannah, Ga.

Alleged violation: The union discriminated against a candidate, violated its constitution by permitting apprentices to vote, and used union funds to promote the candidacies of incumbent officers.

Filed in court: September 9, 1960, U.S. district court in Augusta, Ga.

Defendant: Independent Workers Union of Florida.

Location: Jacksonville, Fla.

Alleged violation: The union had failed to give the statutory notice required and to provide adequate safeguards to insure a fair election.

Result: January 4, 1961—Election invalidated by Federal court order. New election ordered, supervised by Secretary of Labor within 75 days. Election reran February 28, 1961, under Secretary's supervision.

Defendant: National Maritime Union.

Location: New York, N.Y.

Alleged violation: The union failed to insure the secrecy of the ballot, and violated the election provisions of the act by other conduct, including the violation of its own constitution and the failure to provide adequate safeguards to insure a fair election as required by Federal law.

Filed in court: October 3, 1960, U.S. district court in New York City.

Defendant: Banana handlers of the International Longshoremen's Association, Local No. 1800.

Location: New Orleans, La.

Alleged violation: The union had failed to afford a reasonable opportunity for the nomination of candidates in an election of general officers.

Filed in court: October 14, 1960, U.S. district court in New Orleans, La.

Defendant: International Association of Machinists, District Lodge No. 70.

Location: Wichita, Kans.

Alleged violation: Observers properly designated by certain candidates were not permitted to adequately observe the casting of ballots, the registering of voters, or the counting of votes; ballots were or may have been altered or substituted when allowed to be retained by certain candidates and their supporters; and the union failed to provide adequate mail notice of the elections as required by the law.

Filed in court: October 22, 1960, U.S. District Court for the District of Kansas, Wichita.

Defendant: International Hod Carriers' Building & Common Laborers' Union of America, Local No. 11.

Location: Pittsburgh, Pa.

Alleged violation: The union violated the act, and its constitution by not electing officers by the required secret ballot; violated its constitution and hence the law, by allowing voting by ineligible transfer members; and failed to have its secretary stamp or mark the dues book of each voting member.

Filed in court: October 21, 1960, U.S. District Court for the Western District of Pennsylvania, Pittsburgh.

Defendant: International Longshoremen's Association, Great Lakes District.

Location: Buffalo, N.Y. (locals from Minnesota to New York).

Alleged violation: Delegates from constituent units of the Great Lakes District had been permitted to vote for district officers although some of these delegates had not

themselves been elected in conformity with the Labor-Management's Reporting and Disclosure Act and with the union's own constitution and bylaws.

Filed in court: December 23, 1960, U.S. District Court for the Western District of New York, Buffalo.

Defendant: International Hod Carriers' Building & Common Laborers' Union of America, Local No. 1142.

Location: Pascagoula, Miss.

Alleged violation: The union violated the act in several ways, including, failure to provide adequate safeguards to insure a fair election, failure to afford certain members a reasonable opportunity for the nomination of candidates, failure to provide notice of said election not less than 15 days prior thereto by mailing said notice to each member at his last known home address, failure to afford to each member one vote, failure to conduct the election in accordance with their constitution and bylaws.

Result: Election reran June 17 on union's initiative.

Defendant: Amarillo General Drivers, Warehousemen & Helpers Local Union No. 577.

Location: Amarillo, Tex.

Alleged violation: Illegally ruled certain members in good standing "ineligible" following their nomination for office and "failed and refused" to place on the ballot, as a candidate, the name of a member in good standing who was duly nominated.

Filed in court: May 26, 1961, U.S. District Court for the Northern District of Texas.

Defendant: Communications Workers of America, Local No. 9201.

Location: Portland, Oreg.

Alleged violation: Failed to give adequate notice of the election, denied a substantial number of members their right to vote because of confusion resulting from the printing and mailing of two sets of ballots; failed to adequately safeguard excess ballots; failed to check the eligibility of voters as required by the union's constitution and bylaws.

Filed in court: May 29, 1961, U.S. District Court for the District of Oregon.

Defendant: Teamsters Automotive Employees Union Local No. 78.

Location: Oakland, Calif.

Alleged violation: The union illegally disqualified certain members in good standing as candidates for office following their nomination.

Filed in court: June 1, 1961, U.S. District Court for the Northern District of California.

Defendant: Asociacion Insular de Guardianes de Puerto Rico, Ind.

Location: Puerto de Tierra, San Juan.

Alleged violation: The union interfered with and denied the right of a member to be a candidate and to hold office by permitting two leaders of other unions to enter the nomination meeting and threaten reprisals if the member was nominated; refused to acknowledged nominations and failed to list as candidates the names of certain members in good standing who were nominated for office; failed to list properly the office for which certain candidates were nominated; failed to send an election notice by mail to each member in good standing not less than 15 days prior to the election; failed to give reasonable notice of the offices to be filled by the election and of the time, place and proper form of submitting nominations.

Filed in court: June 9, 1961, U.S. District Court for the District of Puerto Rico.

Defendant: Marine Cooks & Stewards Union.

Location: San Francisco, Calif.

Alleged violation: Failure to provide every member the right to support the candidate of his choice, without improper interference or reprisal; failure to provide adequate safeguards to insure a fair election; denial of the right to vote to a large number of members; failure to distribute a candidate's expense to all members in good standing; failure to mail to each member at his last known home address notice of the election not less than 15 days prior to the election; illegal publication in the union newspaper of statements which promoted the candidacy of certain persons.

Filed in court: June 23, 1961, U.S. District Court for the Northern District of California, Southern Division.

Defendant: Olson Rug Co., Inc.

Location: Chicago, Ill.

Alleged violation: Refusal to file reports.

Filed in court: April 26, 1961, U.S. District Court for the District of Columbia.

Defendant: Illinois State Detective Agency, Inc.

Location: Chicago, Ill.

Alleged violation: Refusal to file reports.

Filed in court: April 26, 1961, U.S. District Court for the District of Columbia.

Embezzlement cases

Charles Basaman, president, IBEW, Local No. 1957, Newark, N.J. Pleaded guilty. Sentenced in November 1960 to 1 year on first count, two 1-year sentences on other counts to run concurrently with first year. Sentence suspended and placed on probation for 4 years after the first year.

Owen L. Lawson, business manager and secretary-treasurer, Plumbing & Pipe-fitting Union, Local No. 205, Tulsa, Okla. Convicted February 27 on nine counts of embezzlement. Sentenced to 2 years imprisonment. Notice of appeal filed on March 17, 1961.

Armand Palmerine, former president, International Union of Marine and Shipbuilding Workers, Local No. 61, Pittsburgh, Pa. Pleaded guilty on January 23. Sentenced to 2 years. Judge suspended 21 months of sentence on condition that $1,600 be repaid during probation.

John O. Haverlick, treasurer, United Paperworkers, Local No. 420, Castleton-on-Hudson, N.Y. Pleaded guilty. Sentenced in June to 2 years. Put on probation.

Elizabeth Dudley, former treasurer, Commercial Telegraphers, Local No. 142, Dayton, Ohio. Pleaded guilty on February 28. Sentenced on April 10, 1961, to 3 months. Suspended.

Abraham Vainstein, former secretary-treasurer, IBT, Local No. 826, New York City. Sentenced in December to 2 years' imprisonment. Suspended and placed on probation for 2 years.

Theodore R. Koskinski, former business manager, Hotel & Restaurant Employees & Bartenders International Union (culinary workers), Local No. 226, Las Vegas, Nev. Indicted December 20, 1960. Embezzlement.

Robert E. Pappas, former business manager, Hotel & Restaurant Employees & Bartenders International Union (culinary workers), Local No. 226, Las Vegas, Nev. Sentenced on May 1, 1961, to 1 year and 1 day.

Albert Encinas Ring, former secretary-treasurer, San Diego Printing Pressmen's & Assistants Union, Local No. 140, San Diego, Calif. Sentenced January 31, 1961, to 5-year sentence; suspended. Put on probation and ordered to make full restitution.

Dorothy Watford, former financial secretary, International Woodworkers Union, Local No. 5-390, Suffolk, Va. Indicted February 6, 1961. Embezzlement.

Henry Miller, chairman of Baltimore Typographical Union, Baltimore, Md. Indicted March 14, 1961. Embezzlement.

Stoy Decker, former president and chief business agent, International Teamsters Union Local No. 86, Louisville, Ky. Sentenced on April 13, to 14 years and $10,000 fine.

Union members' bill of rights

The "Bill of Rights" title of the Landrum-Griffin Act is designed to ensure that union members enjoy freedom of speech, freedom of assembly, and the right to sue, as well as protection from arbitrary discipline and arbitrary financial exactions. This title of the act is not enforced directly by the Government. Union members themselves are given the right to bring civil enforcement suits in the Federal courts. Information covering all such suits is not readily available, however, the General Counsel of the National Labor Relations Board stated recently that—"the flood of litigation in the Federal courts that some opponents of the bill of rights feared has not materialized. Reported decisions have been rendered in only 20-odd cases, and the overwhelming majority of those cases were dismissed on the ground that title I did not encompass the right alleged by the plaintiff-member or did not apply retroactively, or that the plaintiff had not exhausted available internal remedies."

The fact that the act permits such suits, many observers believe, has resulted in numerous voluntary improvements in the attitudes and procedures of many labor organizations.

Organization and recognition picketing

The picketing abuses covered by the Landrum-Griffin Act (except extortionate picketing) are dealt with as unfair labor practices by the National Labor Relations Board. These include organizational and recognition picketing by one union where another is lawfully recognized, where a union representation election has been held within 12 months, or where the picketing continues for 30 days without a representation election petition being filed with the NLRB. The Board is directed to expedite action on such petitions. The right to engage in legitimate publicity picketing is preserved. A report by the General Counsel of NLRB covering the calendar year 1960 lists the following actions under these provisions:

New ULP charges filed under Landrum-Griffin	436
Disposition of these charges:	
1. Withdrawal or dismissal	273
2. Settlement agreement	54
3. Litigation	33
Petitions for expedited election filed under Landrum-Griffin	125
Disposition of these petitions:	
1. Withdrawal or dismissal	61
2. Elections (won by unions—20)	56

Labor racketeering prosecutions under other laws

The Landrum-Griffin Act supplemented previous labor racketeering laws. The Hobbs Act of 1934, for example, prohibits interference with interstate commerce by extortion and Taft-Hartley prohibits bribery of union representatives by employers. The Landrum-Griffin Act supplements these statutes by prohibiting any demand of money by a union for giving truck operators the privilege of loading or unloading their trucks.

Mr. Speaker, I believe the record of the past 2 years has amply justified the legislative action taken by Congress in 1959. In addition, I am convinced that the workers of America, in increasing numbers, realize that the law was enacted in their best interests.

Mr. Speaker, I now yield to my very able colleague and good friend, the coauthor of this legislation, the distinguished gentleman from Georgia [Mr. LANDRUM].

Mr. LANDRUM. Mr. Speaker, first I should like again to acknowledge for the record the very able and careful work which the gentleman from Michigan performed in developing this act more than 2 years ago. For more than a year we were associated together in our thinking and in our efforts to put together something that would correct the evils then being done to the rank and file union members of the American

working people as disclosed by the investigations of the McClellan committee in the other body.

At about the time that we were bringing this legislation to the floor and getting it ready for the President's signature 2 years ago, dire predictions were made by most of the union officials and by many partisan people that this was another attempt to develop legislation to destroy organized labor in America.

Today, 2 years later, we find the distinguished Secretary of Labor, the Honorable Arthur Goldberg, praising its accomplishments. We hear from Mr. John L. Holcombe, the Commissioner in charge of this Labor-Management and Reporting Disclosure Act, that it has done much to relieve these abuses of the American workingman disclosed by the investigation of the committee of the other body.

We see a splendid accomplishment by this department of Mr. Holcombe's as will be more carefully noted in detail from the inclusion in the RECORD by the gentleman from Michigan [Mr. GRIFFIN] of the report from that department, where more than 1,500 cases, I believe, have been settled voluntarily, and that today only 30 legal actions are active under the bill.

Beyond the accomplishments of those charged with its enforcement, and beyond the accomplishments of the union officials made responsible under the law to account to the union member, I believe that a much more significant report needs to be made to the people about this bill at this time, and that there has come to me, as I am sure there has come to my distinguished friend from Michigan, hundreds upon hundreds of messages in person, by letter, and otherwise, from the rank-and-file union members of America now expressing thanks for the efforts of those who moved out front to provide the first basic piece of legislation to give them the protection they so critically needed in following out the purposes of their organization.

In my own part of the country where, quite frankly, union activity as it is now known in most sections of the country is relatively new, there were many, many fine people, members of the union, angry—and I suspect that would be about the mildest term you could apply—at my efforts and the efforts of many of those from the same section of the country, to bring this law to fruition. Today, each time I am privileged to see and visit with one of those who had that feeling 2 years ago, there is almost a universal turnaround and expression of thanks on their part for providing a vehicle with which and under which the rank-and-file union member can direct the affairs of his own organization.

As I said at the close of the debates on this legislation, it has been during the time that the law was being developed and during the period of our membership here in Congress since it became law, a genuine pleasure to observe the dedicated effort of our distinguished colleague in following the administration of this law in an effort to develop the need for amendments, if there is need, always with a genuine, single purpose in mind of helping the workingman of America.

Mr. GRIFFIN. Mr. Speaker, I thank the distinguished gentleman from Georgia for his eloquent and very generous and valuable addition to my statement.

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, there are those in this Nation who seek to divide our citizens into two distinct groups—labor and management.

One of those who realizes the folly of this attempt to divide us, the nonsense of splintering our Nation into two separate forces is our colleague who just made such a brilliant and enlightening speech, the gentleman from Michigan, the Honorable ROBERT P. GRIFFIN.

The gentleman from Michigan, Congressman GRIFFIN, has done more than any other man in this chamber to remove the heat from the controversy of labor reform legislation and shed a great deal of light on this subject.

Our colleague from Michigan not only has a tremendous amount of research behind him on this problem, he also has a great deal of practical experience at his fingertips.

The gentleman from Michigan, Congressman GRIFFIN, has worked on the assembly line in automobile plants. He knows the problems of the working man. His brother, Eugene Griffin, is the president of a local union in Pontiac, Mich. His father, J. A. Griffin, works in the Pontiac motor plant in my district.

All of us will remember 2 years ago when the gentleman from Michigan, Congressman GRIFFIN, was one of the leaders in the drafting of the Landrum-Griffin labor reform bill; many will recall the conference committee and its distinguished membership at that time.

One of the leaders of that conference committee which resolved the differences between House and Senate versions of the labor reform bill is now President of the United States.

When it came to the technical, legal details of this bill, the distinguished Senator from Massachusetts—now the President of the United States—often consulted with the gentleman from Michigan, Congressman GRIFFIN, concerning difficult and complicated provisions of the legislation.

There are few Members of the House who do not respect the gentleman from Michigan, Congressman GRIFFIN's intellect, his outstanding ability, his dedication to the cause of justice and fair play in our Nation.

In the use of his considerable abilities he has endeavored to unite decent Americans, to throw out the crooks which infested some of our labor unions, to punish those employers who took unfair advantage of their employees.

I am sure my colleagues join me in this salute to a colleague who, in a few short years, has made a lasting contribution to peace, harmony, and justice in the vital field of labor and industrial relations.

Because of the Labor Reform Act, more union members now have a voice in the activities of the unions which represent them at the bargaining table. Because of the gentleman from Michigan, Congressman GRIFFIN, and his courage and wisdom, fewer employers are now subject to intimidation, to threats, to blackmail attempts by those unscrupulous gangsters who try to use the organized labor movement as a steppingstone for their own ambitions.

In the interests of the workingman and his freedom, in the interests of the employer, in the interest of our national economy, it is important that the parasites who would live high off the hog at the expense of employer and employee alike be forced to keep their hands out of the cash register.

The contribution which the gentleman from Michigan, Congressman GRIFFIN, has made to a more active voice in union affairs by members, the restoration of free and honest election of union officials, and the establishment of collective-bargaining procedures based upon justice and equity has been nothing less than tremendous.

We in Michigan are especially proud to have him represent our home State here in the House of Representatives.

THE FUTURE OF PARLIAMENTARY DEMOCRACY IN ASIA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 5 minutes.

Mr. FEIGHAN. Mr. Speaker, the Interparliamentary Union is presently holding its 50th Conference in Brussels, Belgium. I have urged the U.S. delegates again to offer an amendment to the resolution concerning non-self-governing territories the same as was offered on behalf of the United States at the 47th Conference.

That amendment provided "that non-self-governing nations should be given consideration equal to that accorded non-self-governing territories in all proceedings of the Conference."

It is my hope that the present U.S. delegates will request equal consideration for non-self-governing nations as well as non-self-governing territories, which is on the agenda.

Last year at the 49th Conference at Tokyo, I was privileged to deliver an address on the subject "The Future of Parliamentary Democracy in Asia." My presentation of some of the facts of Russian Communist imperialism so enraged the Russians that their spokesman, Mr. J. I. Paletskis, asked for 1 minute to give a reply to my speech in which he stated that "We will leave the Conference if such expressions are ever used here again."

My address delivered at the 49th Conference of the Interparliamentary Union at Tokyo reads as follows:

THE FUTURE OF PARLIAMENTARY DEMOCRACY IN ASIA

(By the Honorable MICHAEL A. FEIGHAN, of Ohio)

When we speak of parliamentary democracy we refer to a form of government,

indeed a way of life. That form of government has been long in the making and it symbolizes the ages-long struggle of mankind toward self-government, toward progress, and toward that status of individual dignity which befits every member of the human family.

To examine the future of parliamentary democracy in Asia or elsewhere in the world, requires a common understanding of terms and political objectives. Otherwise, our examination may serve to darken already cloudy misconceptions about both parliaments and democracy.

A parliament is, by long standing tradition and usage, the highest law-making body of a country. How laws are made vary according to the procedures pertinent to a given parliamentary body. When we speak of representative self-government, however, we touch the common wheel of all parliamentary bodies worthy of the name.

In representative self-government the common man determines the membership of the lawmaking machinery of his country. He does this through the process of free, popular elections, in which he has a choice of candidates presented by two or more political parties. The common man must retain the power to determine who shall represent him in the making of laws which govern him, and this power must be exercised periodically if it is to have democratic meaning and purpose.

In a democracy those who execute the laws are subject to the same popular controls as those who make the laws. It is this elective control by the common man of the lawmaking processes and the execution of those laws which form the foundation of parliamentary democracy.

Within the framework of this understanding we can observe the progress of parliamentary democracy in many areas of Asia.

Our gracious hosts, the Japanese, know the meaning of representative self-government. Their commitment to self-government is firm, as witnessed by the fact they have but recently passed through a crucial test. In a parliamentary democracy the relationship of the majority to the minority is of singular importance. Both have well defined rights, among which are dissent and the opportunity to create issues which can be taken to the general electorate for resolution. But both have responsibilities among which are the maintenance of orderly procedures, respect for the will of the majority, and constant service to the common good. When the minority thwarts the will of the majority and disrupts the orderly processes of free government, parliamentary democracy is defeated and the clear threat of dictatorship is present. This lesson of history is well known to all who enjoy the blessings of self-government.

The Republic of the Philippines has attained wide acclaim and recognition as an Asian exponent of parliamentary democracy. In the 14th year of its national independence the Philippine Government has built a solid foundation upon which a progressive and happy future for its people is assured. There a people confident of their destiny enjoy the full fruits of their labors.

India provides solid proof of progress in the exercise of parliamentary democracy in Asia. In the Kerala Province of that great country, undemocratic elements sought to impose an alien dictatorship upon the people by the abuse of parliamentary and executive authority. The Federal Government put a stop to this abuse through free elections. The undemocratic elements were turned out of office by the people and the open threat of an alien dictatorship was turned back.

The case of Kerala stands as a warning to all newly independent nations and a bright symbol of the growing strength of parliamentary democracy in Asia.

Elsewhere in Asia we have seen the political stresses and strains as free peoples move forward toward secure, stable, representative forms of government. Mistakes have been and will be made as each nation feels its way toward those forms and free institutions which best suit the people concerned. Democracy makes room for experimentation but insists that the results of such experiments be submitted to the people periodically for judgment. The only sure measure of self-government is the willingness of its institutions to submit to the unfettered test of popular support. The fact that parliamentary democracies in Asia have endured such tests marks them as governments responsive to the will of the people, and worthy of popular support.

But here in Asia do we not see in some nations the antithesis of parliamentary democracy imposed upon large segments of the human family. I speak of the dictatorship of communism which rejects all the substantive requirements of both parliament and democracy. Under that reactionary system is not the substance of government, the very life of a nation, held in the grip of a small, self-appointed, elite class? The common man is required to vote but his vote is restricted to candidates selected from the elite class. He is denied all rights to dissent, and to object means catastrophe for himself and his family. Are not the so-called lawmaking bodies under all Communist regimes nothing more than rubberstamps for decisions taken by the aristocracy of tyranny. Those decisions are never subject to the unfettered tests of popular support. Under that system there is only one party, the Communist Party, and all genuine political parties are treated as heresies or subversive movements.

That reactionary dictatorship which now holds the people of mainland China in human bondage seeks to extend its control over all the Asian nations and peoples. Remember Korea; remember North Vietnam; remember Formosa; remember Tibet; remember the latest aggressions along the common borders with India. I leave it to the able representatives of other free Asian nations to fill in the record of subversion and aggression which marks the Red regime of mainland China.

Candor requires us to measure the future of parliamentary democracy in Asia with a clear vision of this aggressive threat to its survival. I have said that parliamentary democracy is more than a system of government, it is a way of life that has been long in the making. Over that long course of development, despots and dictators have sought to thwart this highest hope of the common man—but all have failed. The Red despots and dictators of this moment in history will also fail. The future of parliamentary democracy in Asia is assured because the politically awakened peoples of this vast area cannot long be denied the blessings of self-government.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WEAVER (at the request of Mr. HALLECK), for the period of September 15 to September 30, 1961, inclusive, on account of official business.

Mr. JOHNSON of California (at the request of Mr. MCFALL), for the balance of the week, on account of illness.

Mr. CAREY, for an indefinite period, on account of official business as a U.S. delegate to the Interparliamentary Union Conference, at the request of Mr. ROONEY.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PIKE, for 15 minutes, today.

Mr. GRIFFIN, today, for 30 minutes.

Mr. RYAN, for 45 minutes on Tuesday next, September 19, 1961.

Mr. FEIGHAN, for 5 minutes today, and to revise and extend his remarks.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. DANIELS and to include extraneous matter.

Mr. JOHANSEN, the remarks he made in Committee of the Whole today on an amendment he offered to section 5, and to include extraneous material and a newspaper editorial.

Mr. PHILBIN and to include extraneous matter.

Mr. PIKE and to include extraneous matter.

(The following Members (at the request of Mr. SHORT) and to include extraneous matter:)

Mr. WILSON of California.

Mr. HALPERN.

(The following Members (at the request of Mr. HALEY) and to include extraneous matter:)

Mr. PETERSON.

Mr. ROUSH.

Mr. DORN.

Mr. EVINS in two instances.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H.R. 2308. An act to amend the Ship Mortgage Act, 1920, with respect to its applicability to certain vessels;

H.R. 7371. An act making appropriations for the Departments of State and Justice, the judiciary, and related agencies for the fiscal year ending June 30, 1962, and for other purposes;

H.R. 7482. An act to amend the Life Insurance Act of the District of Columbia approved June 19, 1934, as amended; and

H.R. 7916. An act to expand and extend the saline water conversion program being conducted by the Secretary of the Interior.

SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore announced his signature to an enrolled bill of the Senate of the following title:

S. 1540. An act to amend the law establishing the Indian revolving loan fund.

ADJOURNMENT

Mr. HALEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 16 minutes p.m.),

under its previous order, the House adjourned until tomorrow, Friday, September 15, 1961, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1308. A letter from the Secretary of the Army, transmitting reports of the number of officers on duty with Headquarters, Department of the Army, and the Army General Staff on June 30, 1961, pursuant to Public Law 581, 81st Congress; to the Committee on Armed Services.

1309. A letter from the Comptroller of the Currency, transmitting a copy of the Annual Report of the Comptroller of the Currency for the year 1960; to the Committee on Banking and Currency.

1310. A letter from the Assistant Comptroller General of the United States, transmitting our report on the review of enforcement and certification activities of the Food and Drug Administration (FDA), Department of Health, Education, and Welfare (HEW), September 1960; to the Committee on Government Operations.

1311. A letter from the Chairman, Federal Communications Commission, transmitting a copy of the report on backlog of pending applications and hearing cases in the Federal Communications Commission as of July 31, 1961, pursuant to Public Law 554, 82d Congress; to the Committee on Interstate and Foreign Commerce.

1312. A letter from the Secretary of the Treasury, transmitting a report on the activities of the National Advisory Council on International Monetary and Financial Problems during the period July 1–December 31, 1960, pursuant to section 4(b)(5) of the Bretton Woods Agreements Act (H. Doc. 241); to the Committee on Banking and Currency and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROBERTS: Committee on Interstate and Foreign Commerce. S. 1440. An act to amend the act approved July 14, 1960 (74 Stat. 526), relating to the establishment of a register in the Department of Commerce of certain motor vehicle operators' licenses; without amendment (Rept. No. 1181). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Florida: Committee on Interstate and Foreign Commerce. H.R. 8465. A bill to prohibit the shipment in interstate or foreign commerce of articles imported into the United States from Cuba, and for other purposes; with amendment (Rept. No. 1182). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Joint Committee on Atomic Energy. House Joint Resolution 569. Joint resolution, to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective; without amendment (Rept. No. 1183). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee of conference. H.R. 7391. A bill to promote the conservation of migratory waterfowl by the acquisition of wet lands and other essential waterfowl habitat, and for other purposes (Rept. No. 1184). Ordered to be printed.

Mr. ELLIOTT: Committee on Rules. House Resolution 460. Resolution providing for the consideration of H.R. 7723, a bill to amend section 303(a) of the Career Compensation Act of 1949 by increasing per diem rates and to provide reimbursement under certain circumstances for actual expenses incident to travel; without amendment (Rept. No. 1185). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 461. Resolution providing for the consideration of H.R. 8847, a bill to amend the Internal Revenue Code of 1954 so as to provide that certain distributions of stock made pursuant to orders enforcing the antitrust laws shall not be treated as dividend distributions but shall be treated as a return of basis and result in gain only to the extent basis of the underlying stock is exceeded; without amendment (Rept. No. 1186). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 462. Resolution providing for the consideration of H.R. 9118, a bill to establish a U.S. Arms Control Agency; without amendment (Rept. No. 1187). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 463. Resolution providing for the consideration of S. 1990, an act to amend section 1362 of title 18 of the United States Code so as to further protect the internal security of the United States by providing penalties for malicious damage to certain communications facilities; without amendment (Rept. No. 1188). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 464. Resolution providing for the consideration of H.R. 7927, a bill to adjust postal rates, and for other purposes; without amendment (Rept. No. 1189). Referred to the House Calendar.

Mr. WALTER: Committee on Un-American Activities. Supplemental report on H.R. 5751, a bill to amend the Subversive Activities Control Act of 1950 so as to require the registration of certain additional persons disseminating political propaganda within the United States as agents of a foreign principal, and for other purposes; without amendment (Rept. No. 309, pt. II). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL:

H.R. 9217. A bill to provide credit for nonpostal Government service for longevity purposes for postal field service employees after 5 years of continuous service in the postal field service; to the Committee on Post Office and Civil Service.

By Mr. DENT:

H.R. 9218. A bill for the relief of the city of Arnold, Pa.; to the Committee on Public Works.

By Mr. McMILLAN:

H.R. 9219. A bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying on a program of forestry research, and for other purposes; to the Committee on Agriculture.

By Mrs. MAY:

H.R. 9220. A bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying on a program of forestry research, and for other purposes; to the Committee on Agriculture.

By Mr. CLEM MILLER:

H.R. 9221. A bill to provide for Federal assistance for the construction and expansion of public community junior colleges; to the Committee on Education and Labor.

H.R. 9222. A bill to amend the Internal Revenue Code of 1954 to provide an income tax deduction for certain expenses of attending colleges and universities; to the Committee on Ways and Means.

By Mr. ST. GERMAIN:

H.R. 9223. A bill to provide for recognition of Federal employee unions and to provide procedures for the adjustment of grievances; to the Committee on Post Office and Civil Service.

By Mr. SANTANGELO:

H.R. 9224. A bill to assist the several States in establishing hospital facilities and programs of posthospital aftercare for the care, treatment, and rehabilitation of narcotic addicts, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ULLMAN:

H.R. 9225. A bill to encourage the discovery of gold, the development of gold mines, and the production of domestic gold; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of Iowa:

H.R. 9226. A bill to amend the Federal Property and Administrative Services Act of 1949 with respect to the procurement of property and services, and for other purposes; to the Committee on Government Operations.

By Mr. JOELSON:

H.R. 9227. A bill to assist the several States in establishing hospital facilities and programs of posthospital aftercare for the care, treatment, and rehabilitation of narcotic addicts, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DENT:

H.R. 9228. A bill to establish a U.S. Arms Control Agency; to the Committee on Foreign Affairs.

By Mr. GOODELL:

H.R. 9229. A bill to provide an exemption from participation in the Federal old-age and survivors insurance program for individuals who are opposed to patricipation in such program on grounds of conscience or religious belief; to the Committee on Ways and Means.

By Mr. MILLS:

H.J. Res. 573. Joint resolution proposing an amendment to the Constitution to redefine the term "treason" to include activity aimed toward the overthrow of the Government of the United States by other than constitutional means, by the Communist Party or its successors, or by others with similar aims and methods whether or not in time of war; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.J. Res. 574. Joint resolution to authorize participation of the United States in parliamentary conferences with Latin American nations; to the Committee on Foreign Affairs.

By Mr. RIVERS of Alaska:

H.J. Res. 575. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FOGARTY:

H.J. Res. 576. Joint resolution to designate calendar year 1962 as Cancer Progress Year; to the Committee on the Judiciary.

By Mr. DORN:

H. Con. Res. 393. Concurrent resolution, expressing the sense of the Congress with respect to the South Carolina State Student Legislature; to the Committee on the Judiciary.

By Mr. McMILLAN:

H. Con. Res. 394. Concurrent resolution, expressing the sense of the Congress with respect to the South Carolina State Student Legislature; to the Committee on the Judiciary.

By Mr. ANDREWS:

H. Res. 457. Resolution opposing the Federal Communications Commission's position regarding high frequency and ultrahigh frequency television stations; to the Committee on Interstate and Foreign Commerce.

By Mr. FARBSTEIN:

H. Res. 458. Resolution creating a select committee of the House of Representatives for the purpose of investigating and studying facts and circumstances leading to the selection and approval of a segment of highway route to be incorporated in the National System of Interstate and Defense Highways; to the Committee on Rules.

H. Res. 459. Resolution expressing the sense of the House of Representatives that the Secretary of Commerce take no further action on certain segments of a route to be incorporated in the National System of Interstate and Defense Highways; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL:

H.R. 9230. A bill for the relief of Samir Zoghby; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 9231. A bill for the relief of Armando Tena; to the Committee on the Judiciary.

By Mr. CURTIN:

H.R. 9232. A bill for the relief of Shaker Youssif Yacoub (also known as Chaker Youssif Jacob); to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 9233. A bill for the relief of William J. Heffern; to the Committee on the Judiciary.

H.R. 9234. A bill for the relief of Mrs. Y. S. Tien; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 9235. A bill for the relief of Luciano Lo Bello; to the Committee on the Judiciary.

By Mr. LIPSCOMB:

H.R. 9236. A bill for the relief of Dr. Leopoldo C. Jose; to the Committee on the Judiciary.

By Mr. MARTIN of Massachusetts:

H.R. 9237. A bill for the relief of Michele Orlando; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 9238. A bill for the relief of Donald Heywood; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 9239. A bill for the relief of Istvan Papp, also known as Stefan Papp, and wife; to the Committee on the Judiciary.

By Mr. SANTANGELO:

H.R. 9240. A bill for the relief of Vincenza Giammona; to the Committee on the Judiciary.

By Mr. SCHWEIKER:

H.R. 9241. A bill for the relief of Eugenia Meimeti; to the Committee on the Judiciary.

By Mr. WALLHAUSER:

H.R. 9242. A bill for the relief of Joseph Williams; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

The Family Fallout Shelter

EXTENSION OF REMARKS

OF

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1961

Mr. PIKE. Mr. Speaker, may I respectfully call the attention of the Members to what I hope will set a precedent for the towns and villages across our land. Through the urging of August Stout, town supervisor, the town of Brookhaven, Long Island, N.Y., has provided a typical family fallout shelter on the grounds of the Town Hall, built for general demonstration from specifications drawn up by the Office of Civil and Defense Mobilization, and fully equipped as recommended by that agency.

At 2 o'clock next Monday, September 18, one of our local townsmen will start demonstrating its livability to the public at large through radio broadcasts during his week's tenancy, in which he will describe his reactions while living there, closed off from the rest of the world and dependent entirely on the food and equipment he finds therein.

Since the beginning of September we have been appalled by the insane irresponsibility of the Soviet Union in setting off one atomic blast after another, spewing radioactive debris into the atmosphere with complete disregard for the future of the human race. Today's newspapers carry the latest poll on what the American people feel their chances of survival in all-out nuclear attack are, demonstrating their grim realization of the extreme dangers involved, and of their limited hopes for survival.

Walter Lippmann writes in his column:

> Though nuclear war would be lunacy and is unlikely, it is an ever-present possibility. Why? Because, however irrational it may be to commit suicide, a nation can be provoked and exasperated to a point where its nervous system cannot endure inaction, where only violence can relieve its feelings. * * *. There is a line of intolerable provocation beyond which the reactions are uncontrollable * * *. Here lies the greatest danger of miscalculation, and therefore of war.

My mail is beginning to reflect the growing concern of the American people. One constituent tells me he is going ahead with his own fallout shelter. "This," he tells me, "I believe is the true American way. The Government is there to support, but not to substitute, for individual initiative."

We all share the nightmare feeling that we are hurtling toward total oblivion at an ever faster pace. Let us hope it is only a nightmare from which we will awaken. But meanwhile let us give our families every protection we can; let each community show its inhabitants how to construct a fallout shelter, as the town of Brookhaven is doing.

Surplus Properties for YMCA's and YWCA's

EXTENSION OF REMARKS

OF

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1961

Mr. ROUSH. Mr. Speaker, yesterday I introduced a bill to amend the Federal Property and Administrative Service Act of 1949 to authorize the disposal of surplus property to certain welfare agencies.

My bill would broaden the eligibility of recipients of surplus property under the law to allow certain tax-supported or tax-exempt welfare and recreation agencies to take advantage of surplus properties being disposed of by the Government. Under the present law, these properties may be donated only to schools, colleges, civil defense organizations, medical institutions, health centers, and related institutions.

These agencies, which would be added to the eligibility list to receive donable surplus property, contribute significantly to our society and our way of life. These agencies, the YMCA's and YWCA's, religious groups of all denominations, boys clubs, and the like are a valuable asset to our Nation. They deal with the bodies and souls of our citizens and make contributions to their betterment.

The donation of surplus properties to these agencies will enable them to expand their programs. Every little help to these agencies is valuable to them, and the people they serve.

The spirit of charity, which prevails in America, has spurred outstanding activity in the field of privately supported welfare and recreation agencies. This bill seeks to enable these agencies to take advantage of surplus material to expand their program. I urge prompt and favorable committee action on this measure.

Results of a Questionnaire

EXTENSION OF REMARKS

OF

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1961

Mr. WILSON of California. Mr. Speaker, recently I mailed a questionnaire to registered-voter households in the 30th Congressional District of California. Over 100,000 questionnaires were sent out, and I am pleased to report that nearly 20,000 completed questionnaires were returned.

In my opinion, the folks back home in my congressional district, or any other congressional district in the country, are way ahead of Washington in their thoughts on the important issues facing the Nation. The results of this questionnaire confirm this premise.

A close analysis of the response to the 16 questions submitted to my constituency reveals clear and precise opinions on matters vital to the future of the United States.

I am very proud to submit herewith the tabulated results of my annual legislative questionnaire:

Questionnaire

	Percent		
	Yes	No	Undecided
1. Should Red China be admitted to the U.N.?	10	87	3
2. Should Red China be recognized diplomatically by the United States?	16	80	4
3. Are you willing to pay 5 cents instead of 4 cents to mail a letter to help end the postal deficit?	69	27	4
4. Do you favor Federal Aid to Education for—			
(a) School construction?	40	44	16
(b) Teachers' salaries?	23	59	18
(c) Areas only which are "impacted" by defense activities?	42	35	23
(d) None at all?	11	34	55
5. Should the farm price-support program be scrapped entirely?	66	27	7
6. Should the Geneva nuclear test ban talks be ended?	61	34	5
7. Should the social security law be amended to include medical care for the aged?	49	48	3
8. Should there be a withholding tax and interest on savings accounts and on corporate dividends?	18	78	4
9. Should the United States resume testing nuclear weapons underground?	86	9	5
10. When you first heard President Kennedy was going to Vienna to talk with Khrushchev, did you think it a good idea?	38	59	3
11. Now that the Vienna talks have occurred, do you think the outcome was—			
(a) More favorable to the United States than the U.S.S.R.?	8	30	62
(b) More favorable to the U.S.S.R. than the United States?	23	15	62
(c) About even?	24	13	63
(d) Nothing accomplished?	42	26	32
12. In general, do you feel there are enough laws restraining business?	82	14	4
13. In general, do you feel there are enough laws restraining labor unions?	11	87	2
14. How would you vote on the following recommendations President Kennedy made to Congress in his May 25 speech?			
(a) Send a man to the moon and back by 1970 and spend an additional $7,000,000,000 to $9,000,000,000 during the next 5 years toward doing it	44	51	5
(b) Boost foreign aid program by $535,000,000, to bring total foreign aid spending to $2,650,000,000 for the next year	21	74	5
(c) Triple spending on civil defense (fallout shelters, warning measures, food stockpiles, etc.) to about $312,000,000	56	38	6
(d) Spend $121,000,000 next year for the U.S. Information Agency to disseminate information overseas	57	35	8
(e) Increase Army and Marine Corps strength to meet brush-fire situations; increase nonnuclear firepower and guerrilla training	89	7	4
(f) Establish a strengthened and enlarged U.S. Disarmament Administration	20	68	12
(g) Give the President a $250,000,000 contingency fund for flexible response to new, but as yet unknown, crises and opportunities occurring overseas during the next year	39	56	5
15. Is the United States in a nonmilitary war with communism which could end in total victory for either side without ever firing a shot? (If you answered "yes," please answer the following:)	85	9	6
(a) Do Americans generally realize we are fighting it now?	22	68	10
(b) Is our Government organized to fight it effectively?	8	78	14
(c) Are we putting enough skill and effort into it?	4	84	12
(d) Are we winning?	4	79	17
(e) Does winning possibly involve higher taxes and foregoing for a while some desirable domestic programs?	70	17	13
16. Do you favor sending armed forces to Cuba to get rid of Castro without waiting any longer?	64	30	6

Pattern for a Red Africa

EXTENSION OF REMARKS
OF
HON. PHILIP J. PHILBIN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 14, 1961

Mr. PHILBIN. Mr. Speaker, Is the present U.N. armed intervention in Katanga setting a pattern for a Red Africa? That is a question very many Americans are asking these days as they contemplate the news reports of carnage, violence and political chicanery in the Congo.

On what logical basis do armed, aggressive U.N. forces intervene in behalf of possible pro-Soviet, pro-Communist, anti-American and anti-free world leadership in Katanga to replace a leadership which, whatever its merits or demerits, is lined up solidly on the side of free enterprise, democratic principles, anticommunism and warm friendship toward the West.

The money of this Nation and the American people is being used to finance reportedly about one-half of the total cost of the current U.N. military operations in Katanga. Thus, American money is being used to oust our friends and install our potential enemies in positions of leadership in Katanga.

Under these circumstances, it is not surprising that there should be deep concern in this country about this aggressive, violent program, the most likely net result of which, may well be to put radical, pro-Communist, anti-American leaders in control of the rich, productive state of Katanga. Is there no other way, a way short of putting pro-Communists in power, by which the U.N. can establish order and peace in the Congo.

How soon will this pattern spread or be applied to other African States? Is it not very likely that this policy will ultimately turn all Africa Red? Do we remember China and the harmless agrarian reformers?

I think it is high time our State Department and our U.N. delegation reappraised the entire African situation in the light of these ominous developments in the Congo. Speed and prompt, effective action is imperative to offset the Red anschluss in Africa.

Plea for a Green Legacy

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Thursday, September 14, 1961

Mr. WILEY. Mr. President, the Nation needs to undertake more realistic, creative and far-reaching programs for the best utilization, preservation and, if possible, replenishment of our out-of-door heritage—if it is to meet the needs of the future.

How can this more effectively be done? Recently, Secretary of the Interior Stewart L. Udall published an article in the Christian Science Monitor entitled "Plea for a Green Legacy."

In my judgment, the Secretary makes some astute observations and recommendations that deserve not only the thoughtful consideration of Congress but of the American people. As pointed out by the Secretary:

> The challenge to conservation statesmanship in our time is the achievement of balance between the works of man and the handiwork of nature. However, the sad truth is that development tends to outrun planning in our society. If we are to maintain man's proper relationship to the land, it is plain that we must broaden the role of resource planning in the management of our national estate.

Reflecting further upon the way in which conservation is a responsibility not only of Congress but of the people, I ask unanimous consent to have the entire article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Sept. 11, 1961]

PLEA FOR A GREEN LEGACY

(By Stewart L. Udall, U.S. Secretary of the Interior)

WASHINGTON.—With all the weight of his world leadership responsibilities upon him, the contemporary American is rushing at a

headlong pace to expand his scientific technology and to develop his land and its resources.

Our capacity to alter the world of nature is truly awesome. Population pressures and the requirements of commercial expansion and urban growth are constantly at work enlarging the manmade portion of our environment and diminishing the natural.

Indeed, the challenge to conservation statesmanship in our time is the achievement of balance between the works of men and the handiwork of nature.

Admittedly, we must move ahead with the development of our land resources. Likewise, our technology must be refined. But in the long run life will succeed only in a lifegiving environment, and we can no longer afford unnecessary sacrifices of living space and natural landscapes to "progress."

The sad truth is that development tends to outrun planning in our society. More often than not, the bulldozer's work is done before the preservationist and the planner arrive on the scene.

BROADER PLANNING URGED

If we are to maintain man's proper relationship to the land, it is plain that we must insist that our developers be more conservation minded, and we must broaden the role of resource planning in the management of our national estate.

The American continent has, from the very first, been hospitable to humankind. Its glory has always been its spaciousness and solitude. But the good earth will remain good only if we make it so. In our haste to build new factories and roads and suburbs we must take care that man's need to refresh himself in his natural environment is not foreclosed.

President Kennedy has called for one last great effort in the 1960's to finish the conservation work begun by Theodore Roosevelt. Mr. Roosevelt counseled Americans to "set apart forever for the use and benefit of our people as a whole rich, forested lands and the flower-clad meadows of our mountains.

"To skin and exhaust the land instead of using it so as to increase its usefulness will result in undermining in the days of our children the very prosperity which we ought by right to hand down to them," Mr. Roosevelt warned.

CAPE COD TO INDIANA DUNES

This same spirit motivated the first major conservation accomplishment of President Kennedy's administration—the creation of a magnificent National Seashore Park on the ocean sands of Cape Cod.

A few days ago I climbed to the highest of the Indiana dunes along Lake Michigan to view a race between industrial development and conservation. In 1916 Stephen Mather, the first Director of the National Park Service, hiked to the same promontory and urged that a great national park embracing 26 miles of dune shoreland be created for the populous Midwest heartland—the only area of the United States which has no major unit in the National Park System.

But Mather gathered too little support, and now one of his friends pointed to the remaining isolated tracts of this unique shoreland and said to me:

"You are 40 years too late."

At every hand near our growing centers of population similar opportunities are slipping through our fingers. Once land development has begun it is invariably too late, for land prices quickly soar beyond the public purse.

AGGRESSIVE PROGRAM SOUGHT

What strategy, what plan of action, will save enough space for all of our people? Leadership from our public men is, of course, indispensable. Federal action is needed to round out our national park and wildlife refuge systems and to develop fully the recreation potential of our forestlands.

We must also have aggressive State park expansion programs—such as those in New York, California, and Pennsylvania—to reserve new parklands before they are preempted. Municipal leadership, too, is essential if we are to provide adequate city park systems and enough fringe open space to permit our cities to expand gracefully.

We also need—and here the burden falls heaviest on local leadership—creative and farsighted use of zoning regulations and land-use plans to compel the speculator and developer to put people first and insure that adequate space is allotted to playgrounds and parks.

Government can provide the main thrust, but individuals must play a creative role if we are to insure an adequate heritage for all Americans.

PHILANTHROPISTS NEEDED

Above all, the cause of conservation needs a new generation of outdoor philanthropists. Philanthropy comes to our vocabulary from the Greek, and describes an attitude of loving mankind.

On looking back over the history of conservation it is surprising how much of our total accomplishment is attributable to quiet men from private life who at crucial moments have provided the needed inspiration and wherewithal.

The towering redwood tree of the conservation forest has been, of course, John D. Rockefeller, Jr. His natural and historic philanthropies span our continent. Every American who loves the out of doors owes this man a debt.

His saving work has benefited such far-flung and poetic places as Acadia National Park in Maine, Mesa Verde National Park in Colorado, Hudson Palisades in New Jersey, and Williamsburg, colonial capital in Virginia. Mr. Rockefeller also used his generosity to evoke generosity in others.

When decisions hung in the balance, he inspired the States of North Carolina, Tennessee, and Virginia to put up the matching gifts that led to the establishment of Great Smoky Mountains and Shenandoah National Parks. Now his son, Laurance, is carrying on his tradition, and it was he who gave to the people of the United States our newest national park in the Virgin Islands.

POETRY OF THE LAND

"The United States themselves are essentially the greatest poems," Walt Whitman once wrote. And those conservation philanthropists who have caught Whitman's vision have acted so that the poetry of our land might be sung by nature for all men of all ages.

Today foundations and individuals are sponsoring a variety of conservation projects. The Avalon and Old Dominion Foundations of the Mellon family have financed studies of our vanishing shorelines—and have underwritten much of the initial cost of our first national seashore at Cape Hatteras.

In Virginia the Old Dominion Foundation, under the inspired leadership of Paul Mellon, is surveying and purchasing secluded wilderness spots of riverbank, marsh, and forest. These are being saved both as scientific laboratories of life in its natural balance, as well as, in the words of Old Dominion's Monroe Bush, "for the people who will live 25 years from now."

Philanthropy has many pathways. How many Americans know of Mrs. Louis Bruguiere's gift of the Vanderbilt Mansion; the National Geographic Society's gift of Russell Cave to the national park system; the largess of former Maine Governor, Percival P. Baxter, who acquired Mount Katahdin and nearly 200,000 surrounding acres of magnificent mountain wilderness and endowed his native State with one of the largest and finest State parks in the Union?

MANY WAYS TO HELP

Who recalls the Princeton professor and his wife who donated the lovely Herontown Woods as a nature sanctuary, or the man in Lincoln, Mass., who volunteered to have his woods and fields zoned to remain always in their native state?

All these people acted from a shared conviction that the private citizen must play a vital role in preserving an environment that renews and sustains human life.

Every city, every State, every region should have its foundation, its citizens' band with the motives and zeal of the Save-the-Redwoods-League (California) or the Sudbury Valley Trustees (Massachusetts) working to preserve threatened native grounds. Enlightened pioneers in land conservation have already fashioned the tools. The opportunities for their use are present at every hand.

Let us never have to say, in sorrow, as did Plato: "There are mountains in Attica which can now keep nothing but bees, but which were clothed, not so very long ago, with trees."

The individual who wishes to contribute to conservation has numerous options. He may donate land or money to State or Federal park agencies such as the national park trust fund. He can give his land, his money, or his time to a private organization such as the Nature Conservancy.

ORGANIZATION'S WORK DESCRIBED

Mettler's Woods, in New Jersey; the entire watershed of Elder Creek in northern California; Mainus Gorge in Westchester County; Battle Creek Cyprus Swamp near the Delaware Water Gap, and Holly Ridge in Missouri are only a few of the unique natural areas preserved through gifts made to the Nature Conservancy.

On the other hand those who wish to use their land for life, can, by will or testament, add to the public estate and to the enjoyment of all. Close to Metropolitan Washington, in the fields of rural Maryland, rises Sugarloaf Mountain, a landmark for miles around. The entire mountain was once owned by the Strong family, who left this lovely estate and its gardens, as well as the forested mountain, for perpetual public use.

The individual who wishes to make a lesser, but no less significant, gift can voluntarily zone his property and dedicate a scenic easement that will maintain in perpetuity the present character of his lands. In Monterey County, Calif., over 4,000 acres have been pledged to such scenic easements—including some of the incomparable coastline of the Big Sur.

Conservation may also serve a duel purpose. In seeking to honor their heroes men often have turned to monuments of stone or bronze.

EXAMPLE OF A MEMORIAL

Shortly after the passing of Theodore Roosevelt, his friends saved a lovely Potomac River island which was marked for conversion into a utility storage depot and gave it to the country as a nature memorial to a man who had a lifetime love affair with the out of doors.

Many of us in Washington regard this "wild little island" in the shadow of the Lincoln Memorial as perhaps the most fitting of our monuments—and the one that would accord the greatest pleasure to the man it honors.

The conservation philanthropy needed today must come from all of us who during our lives have made withdrawals from nature's bank and want to restore the balance with a corresponding conservation deposit. This work of restoration and renewal is worthy of our highest efforts, and even those who lack wherewithal can become the or-

ganizers and supporters of groups that will give new dimensions to our conservation effort.

Few of us can hope to leave a work of art, or a poem, to posterity; but together—if we act before it is too late—we can set aside a few more great parks, and round out our system of refuges for wildlife. Or, working at other levels, we can reserve a marsh or meadow, or an avenue of open space as a green legacy for other generations.

By a series of such acts of conservation we can do much to save what Thomas Jefferson called the face and character of our country.

If we do this, surely those who follow, whether or not our names survive, will remember and praise our vision and our works.

The 30th Armored Division Commended at Smithville, Tenn., Armory Dedication

EXTENSION OF REMARKS
OF
HON. JOE L. EVINS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 14, 1961

Mr. EVINS. Mr. Speaker, under unanimous consent I include the remarks which I was privileged to make at the dedication of the new National Guard Armory ceremonies, in the RECORD.

The remarks follow:

THE 30TH ARMORED DIVISION COMMENDED AT SMITHVILLE, TENN., ARMORY DEDICATION

Thank you General Giles, General Nunnally, Mayor Smith, Judge Foutch, Major Dyer, Captain Wilson, members of the Tennessee National Guard, ladies and gentlemen, my homefolks, and friends, certainly, I am pleased and delighted to be privileged to attend this ceremony and to participate in the dedication of this splendid new armory—the National Guard Armory—of which all are justly proud.

When Major Dyer, Captain Wilson, Sergeant Vickers and others invited me some weeks ago to participate in these dedication ceremonies I anticipated that the Congress would be in adjournment by Labor Day. I thus accepted as I wanted to be in attendance at this significant occasion. This is indeed a great day and an occasion that many of you—all of us—have looked forward to for a long time.

Today we are not only celebrating an accomplishment, but we are celebrating a victory for the Army National Guard of Tennessee and this means that we are celebrating a victory for everyone in the land.

The action which finally cleared the way for the construction of this armory has been a part of a nationwide struggle, over a period of several years, to prevent the crippling of the National Guard Establishment.

There have been those who have felt that our National Guard units could be cut down and reduced—and that the building of additional armory facilities was not needed, essential or necessary.

We have thus experienced a period of retrenchment—a time when an effort has been made to cut back—to cut down and reduce the home guard.

Our local MP battalion certainly has been in the very midst of this proposed retrenchment. There was a time when some felt that we would lose our local unit by consolidation with another organization.

We have thus won a victory not only for this new armory—but also for the 130th MP Battalion.

It is significant that we are thus dedicating this armory at a time when the effort to reduce the size of the National Guard has been checked and reversed, and at a time when active duty alerts and orders are going to many National Guard units—as our Nation girds itself for an eventuality in the world crisis which has been precipitated by the threat of Communist expansion.

This armory was planned several years ago by those with vision—men who believe in strength and preparedness and in keeping our country strong.

This armory represents the work of many citizens cooperating and working together to bring this armory to Smithville and our county. Certainly, Maj. Bill Dyer, editor of the Smithville Review, and Sgt. Jimmy D. Vickers, unit leader, led the charge that gained for us this armory.

Major Dyer and all the men of his command contacted members of the county court and secured their assurance of cooperation.

They preserved and obtained approval of a matching fund grant from the adjutant general of Tennessee. This called for a similar grant from the National Guard Bureau and cooperation on the Federal level to assure final approval, authorization and appropriations.

Congress appropriated at this time $45 million for an armory construction program throughout the Nation. Of this amount, only $15 million was released by the Bureau of the Budget for a limited construction program—the $30 million remainder was impounded and withheld.

At this time only two National Guard armories were approved for construction in Tennessee—one at Nashville and this one at Smithville.

The combined efforts and cooperation of all citizens at all levels of government were successful in securing the construction of this splendid and modern facility.

Our city, county, State and Federal officials certainly have performed frontline duty in this cooperative action.

I know that General Nunnally, our State's fine adjutant general, will approve of my giving a full measure of credit to his predecessor, former Adj. Gen. Joe W. Henry, Jr., who gave notable assistance in furthering this armory project at a time when we were trying also to keep and maintain a guard unit here in Smithville.

In a personal way, I want to say that whatever I may have been able to do in helping to push this project to completion has been indeed a "labor of love."

I am proud and happy to salute, commend and to congratulate the men of the 130th MP Battalion—our local home guard unit—and all the officers and men of the famed 30th Armored Division. I wish every man of this command "Godspeed" in the future as you drill and train and prepare for any and every eventuality on the homefront or wherever you may be called—as you continue your patriotic service to our country.

This armory and the guard unit that maintains its headquarters here are a part—a very significant and important part—of our national strength. We regard this armory and the 130th MP Battalion as a bastion of strength here in our midst in De Kalb County.

This unit is composed of volunteers who exemplify the finest spirit and tradition and patriotism of the Volunteer State of Tennessee.

The officers and men of the 130th MP Battalion are men of the highest sense of duty and patriotism. They are our neighbors and friends and we are proud of them—every man—every member of this unit.

They have won this armory and established for themselves a place in our community as they have won a place in the hearts and affections of all our citizens.

This achievement of this armory in a very real way illustrates what we have been doing in the present session of the Congress. The Congress has completed 8 months of continuous session—now into the ninth month. The Congress has been considering and working on one of the biggest and most extensive legislative programs in more than a decade. In the main, three major buildups are now underway:

1. Buildup of our national strength—national defense; $46.5 billion has been appropriated for this purpose. This means a bigger Army, a stronger Navy and the most modern and powerful Air Force in any nation's history. It means a bigger Marine Corps and new and modern weapons. It means greater military strength for our country.

2. Buildup of our economic strength—the building of interstate highways, the building of hospitals, great housing programs, great programs of conservation, the building of dams, and defense installations. All these projects are capital investments in America and they strengthen our economy.

3. Buildup of our friends—allies around the world.

We know and recognize now that the Marshall plan in 1948 strengthened Western Europe against communism—and we know today that some form of foreign aid or mutual assistance is necessary. It is a part of our national defense—and defense strategy.

Some aspects of the program have been badly managed and costly, but all recognize that some form of proper assistance to strengthen and help our allies and ourselves is necessary and essential at this time to help stem the tide and halt Communist expansion and aggression.

These are the three big buildups underway.

Certainly our National Guard is a very important part of our defense posture for strength.

The greatest insurance for peace is to remain militarily strong.

We are proud of this great division—the 30th Armored Division. Again, I salute you and congratulate you—all the men of this command. I know that I express the high sentiments of all when I say that we are proud of every man of this command—all volunteer patriots of Tennessee.

As we dedicate this splendid new armory, let us dedicate it as a symbol of strength—strength at home, strength for our State and strength for the Nation.

It is also appropriate that we rededicate ourselves to a spirit of unity of national purpose and cooperation as we join hands and march forward—each contributing his part to defending, preserving, promoting and perpetuating our freedom and liberty and our cherished American way of life.

A Significant Factor in American Education

EXTENSION OF REMARKS
OF
HON. SEYMOUR HALPERN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 14, 1961

Mr. HALPERN. Mr. Speaker, this month a record number of American children were enrolled in schools throughout the Nation—a majority in public schools but a significant number in parochial institutions.

This month also saw devastating setbacks to the cause of world peace in the Soviet Union's irresponsible resumption

of nuclear tests, in the tension-ridden crisis in Berlin, in the perilous state of the United Nations.

If ever it was important to recognize the strength of our resources, it is now. And our most important resource is our youth, now being prepared to meet the most difficult challenge that has yet faced mankind.

A nation is no stronger than the care it devotes to the training of its youth—to the assurance that the traditions and knowledge of a great and complex society are passed on to future generations.

The question of Federal aid to education is a perplexing constitutional issue. The educational crisis has pressed this issue to the forefront. I am confident that the problem will be solved in the American way—with due respect for the rights of all concerned. I hope and pray that bigotry is restrained, that a solution will be based on reason and right, not emotion and prejudice.

No matter how divisive the question of Federal aid may be, it has served a useful purpose. An issue such as this serves to bring into focus the various facets of our American educational system. In the deliberations on the subject, the role of public education has been prominently discussed and properly evaluated. It is important, too, to bring the role of our parochial system into proper perspective.

It is the role of Catholic education and its significant contribution to the development of better citizens and a stronger America that I want to discuss today.

There are 6 million students now being educated in private schools, 5.27 million of whom are being trained in Catholic-affiliated educational institutions. In the New York City area alone, there are 482 Catholic-affiliated primary and secondary schools, enrolling 360,033 students. In New York City, 1 out of every 3 school-age children—between the ages of 6 and 18—is being educated in a Catholic-affiliated school.

In properly evaluating the role of education—both public and parochial—it is important to remember that good citizens are made, not born. Through much of the last century and well into this one, American education—public, Catholic and other nonpublic—faced and met the monumental challenge of helping the children of millions of immigrants along the road to good citizenship.

Today, when there is so much ignorance of and hostility to the American ideal of democracy, citizenship training is perhaps a more vital educational obligation than ever before. America's Catholic educators are fully alert to this responsibility.

The Catholic philosophy of education insists on the moral goodness of the individual citizen as a prior condition to the maintenance of a free society. The pupils attending Catholic schools are kept continually aware of duties toward their country and all fellow citizens. One of the most important of these civic obligations is the tolerance which encourages national harmony and unity in our pluralistic society.

The flag is found in every classroom of a Catholic school. Each schoolday begins with the pledge of allegiance. National and State holidays are celebrated; essays and speeches are composed by pupils for patriotic events and competitions; outstanding American statesmen and heroes are revered.

American history receives due weight in the curriculum. Social studies make the pupils more community conscious. Respect for human life and dignity, for civil and property rights, is emphasized in ethics courses. Sociologists have noted the interest Catholic students have in social problems affecting international life, labor-management relations, and racial tensions.

Catholic educators strive to work closely with public-school officials in training students in community responsibility. During American Education Week, Catholic schools encourage visits by public-school pupils, and members of more than 4,000 Catholic civics clubs of America are urged to take an interest in public-school activities. Many Catholic-school administrators belong to State, regional, and national educational organizations, where they meet and exchange ideas with colleagues from public institutions. Catholic-school participation in such activities as the safety patrol, Boy and Girl Scouts, Junior Red Cross, and 4–H clubs is widespread.

An important contribution made by Catholic schools to national education is the diversity they help to provide in education, thus safeguarding the basic freedom of parents to educate their children in schools of their own choosing. Also, as Will Herberg and other qualified non-Catholic observers have noted, the fact that the United States has not one but many school systems has preserved a healthy element of competition.

Educators are fond of the term "outcomes" to describe the final career placement of their graduates. In a sense, the "outcomes" of many American graduates, as far as citizenship is concerned, is finally determined during time of national crisis. A quarter of the Armed Forces in World War II were Catholic. Shortly before his death in the Pacific, Navy Comdr. John J. Shea, of Boston, wrote his 5-year-old son, Jackie: "Be a good Catholic, and you can't help being a good American."

The South Carolina Student Legislature

EXTENSION OF REMARKS

OF

HON. W. J. BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1961

Mr. DORN. Mr. Speaker, by an act of our State legislature in 1957, the South Carolina State Student Legislature came into being. This legislature is composed entirely of students from the various college campuses in our State. This student legislative body functions exactly the same as any other legislature. Each campus elects congressmen and senators to represent it at annual sessions in our State capital, Columbia. Also elected are a governor, a lieutenant governor, a secretary of state, and an attorney general. Committees are formed, and other officials are appointed by the governor including a treasurer, a press secretary, and so forth. The procedure observed in conducting business is the same as that of our regular legislative process.

The governor is the official spokesman for the student legislature. The present governor, Mr. William L. Schachte, Jr., is a student at Clemson College in my congressional district. Mr. Schachte is doing an outstanding job in bringing to the attention of South Carolinians and citizens of the Nation as a whole the importance of their program. His able lieutenant governor, F. Glenn Smith, of Charleston, has also contributed much to the success of this body.

Mr. Speaker, the honor and pleasure of addressing this worthwhile organization was afforded me last year. Thus I can say, firsthand, that the South Carolina State Student Legislature is the finest of its kind and the most beneficial student organization I have seen—from the standpoints both of the students directly involved and the other citizens of our State. Not only does this organization constitute a practical educational experience for these young people, but it also serves in an advisory capacity to our own South Carolina State Legislature in that almost all bills passed by this student body have been enacted verbatim by the State legislature. These students seriously and conscientiously accept responsibility and respond with unbelievable results. They are aware that the world is not going to wait on them, that both foreign and domestic problems are more complex than ever before, and that they must be prepared and willing to meet the challenge now.

Yes, Mr. Speaker, I wholeheartedly recommend that all States join South Carolina in adopting a similar student legislature. We are extremely proud of our young people and the fact that they have proved they can accept responsibility. Therefore, I join my distinguished colleague from South Carolina [Mr. RIVERS] in introducing the following concurrent resolution today:

Whereas the South Carolina State Student Legislature was created by State statute in 1957; and

Whereas all colleges and universities in the State of South Carolina are afforded an opportunity to participate in the South Carolina State Student Legislature and most do so participate; and

Whereas the purpose of the South Carolina State Student Legislature is to provide an opportunity to learn the fundamentals of government by duplicating all functions of the State government; and

Whereas the State Legislature of South Carolina has been impressed by the legislative actions of the South Carolina State Student Legislature since its inception: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress extends its congratulations to the South Carolina State Student Legislature and expresses its belief that this type of organization provides an excellent method for combining theoretical knowledge and practical experience in teaching the fundamentals of democratic government, and is one which could well be adopted by all States.

Peterson Adamantly Opposed to the Admission of Red China Into the U.N.

EXTENSION OF REMARKS
OF
HON. M. BLAINE PETERSON
OF UTAH
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 14, 1961

Mr. PETERSON. Mr. Speaker, to clarify my opposition to the admission of Red China into the United Nations, I wish to introduce into the RECORD an exchange of letters to the editor of the Ogden Standard Examiner between Mr. A. L. Petersen of 1485 Marilyn Drive, Ogden, Utah, and me, on this very important question. Mr. Petersen's original letter to the editor was based upon an article in the Ogden Standard-Examiner wherein I stated that Red China would probably gain admission to the United Nations and that a program should be launched immediately to condition the U.S. mind to this possibility.

It was my privilege to again join my colleagues in the House on August 31 in overwhelmingly voting against diplomatic recognition by the U.S. Government of the regime of Communist China and against its admission to the United Nations. This is the second time Congress has been called upon for an expression of sentiment since I have been a Member of Congress, and the second time I have voted against the admission of Red China into the U.N.

The letters in question, as printed by the Ogden Standard-Examiner, follow:

[From the Ogden Standard-Examiner, July 14, 1961]

ATTITUDE OF DEFEATISM

DEAR SIR: I read the interview of Representative M. BLAINE PETERSON, Democrat of Utah, in Monday evening's Standard-Examiner with more than a little displeasure. Since when do the minds of the U.S. people have to be conditioned to defeat—somehow this just doesn't seem right. It sounds as if we have "quitters" representing us in high places.

If the nations of the world are now viewing the admission of Red China more favorably, it would seem to throw more weight on a rather basic fact, that one does not buy true allegiance nor friendship. I wonder if our foreign aid hasn't been too heavy in goods and too light in information. Perhaps, instead of launching a program to condition the minds of the U.S. citizenry, our so-called "leaders" ought to launch a program to educate the minds of those who are succumbing to Communist propaganda.

Sincerely yours,

A. L. PETERSEN.

[From the Ogden Standard-Examiner, Aug. 7, 1961]

MISUNDERSTANDING

EDITOR: Obviously a clear understanding of my reasons for opposing the admission of Red China to the United Nations is necessary as a result of the letter to the editor of Mr. A. L. Petersen, of 1485 Marilyn Drive, Ogden, based on your report of an interview when I was in Utah recently. I am glad to see Mr. Petersen's concern. Similar interest has also been expressed in letters directly to me.

I went on record as opposing the seating of Communist China in the United Nations shortly after I came to Congress when I signed the petition and became one of the Committee of One Million Against the Admission of Communist China to the United Nations. I would be proud to vote my conviction if I were a member of the United Nations, but, as you know, the only vote the United States will have on this important question will be cast by Ambassador Adlai Stevenson.

In June of this year, Ambassador Stevenson discussed the China situation with us and, at that time, it was his judgment that we do not have the votes in the U.N. to prevent the seating of Red China in the General Assembly when they meet this fall. This was most certainly not an attitude of defeatism as such, but was an indication and expression of the Ambassador's deep concern based on a careful and continued study of this matter, plus his experience in foreign affairs over a period of many years.

Distasteful as the facts may be to those of us who are opposed to the seating of Red China, let us look at the record.

Last fall only 42 of the U.N.'s members voted for the moratorium to postpone the subject of the admission of Red China. Thirty-four nations were favorable toward consideration of the subject. Twenty-two nations abstained, but of these 22 it is important to note that they were mostly from the newly independent African states. They were frank to state that their newness to the U.N. controlled their decision, but that they expected to vote to consider the China question this year. Proof of their intention is positive in that many of them have since declared themselves in favor of China's admission, the most recent example is to be found in the declaration for China's seating of Pakistan's President who just concluded a visit to this country.

A recent publication on U.N. affairs entitled "War/Peace Report" is reputed to have polled 96 of the 99 members on the China question. More than three-fourths, the report states, said Communist China should have a seat in both the General Assembly and in the Security Council. Unquestionably, this spells double-trouble for the United States.

The European countries are looking to the United States to make the first move. Should we act to extend the present moratorium, we can expect sure defeat and an immediate vote on whether Communist or Nationalist China has the proper credentials to sit. This could very possibly result in a twin China recognition. In other words, a dual China situation could possibly mean admission of Red China in the General Assembly and leave Nationalist China in the Security Council. Perhaps Red China and Russia are dealing these cards intentionally.

Marquis Childs, a journalist of national renown, recently made this a subject of his article in connection with the future responsibilities of Chester Bowles and, among other things, said this:

"The obscure outlines of another decision, still shrouded in top secrecy, is currently involved. That is whether to try to make any change in China policy in view of the fact that the United Nations General Assembly will almost certainly vote Red China into the U.N. in the fall.

"Should a 'two Chinas' policy be advanced by the United States? Should Outer Mongolia be recognized as a practical way of asserting independence of Chiang Kai-shek's veto over American policy? Should the American public be educated to the need for a change lest when the U.N. vote comes with a shock of surprise, it will lead to a perhaps irresistible demand to take this country out of the world organization?"

The reaction of Mr. Petersen to your report on our interview is healthy, and I hope more people will consider the seriousness of the decisions that are facing President Kennedy as our Commander in Chief and of the State Department.

I have long subscribed to the adage, "to be forewarned is to be forearmed," and I hope that this rather detailed explanation will foster additional concern and interest because we have a problem in the Red China situation that demands the combined intelligence, faith and prayer of every loyal American who shares my determination that the United Nations must not become Communist dominated.

Sincerely yours,

M. BLAINE PETERSON,
Member of Congress.

Murfreesboro, Tenn., Dedicates New Post Office Building

EXTENSION OF REMARKS
OF
HON. JOE L. EVINS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 14, 1961

Mr. EVINS. Mr. Speaker, under unanimous consent, I include the speech which I was privileged to deliver at the dedication of the new post office building at Murfreesboro, Tenn., in the district which I have the honor to represent in the Congress, in the RECORD.

The remarks at this dedication ceremony follow:

MURFREESBORO, TENN., DEDICATES NEW POST OFFICE BUILDING

(Address by Hon. JOE L. EVINS, of Tennessee)

Thank you Mr. Chairman, Postmaster Byrn, Mayor Todd, my colleagues, Senators KEFAUVER and GORE, distinguished guests, ladies and gentlemen, and friends, it is a great pleasure to join with you in celebrating this occasion and to participate in this dedication ceremony.

Certainly, this is a banner day for Murfreesboro. I know it is a day you have looked forward to for a long time. It is a day that brings to realization a hope and a dream that the people of Murfreesboro and the surrounding communities have had for many years—the dedication of this splendid new post office building here in Murfreesboro.

On my visits here over the past years, and in communication with many of your citizens, I have been repeatedly made aware of the great need, interest and desire of the people for a new post office building to be built on a site close to the heart of your progressive community—for a facility which meets all of your present needs and is adequate to your present needs for many years of future development.

I commend and congratulate Postmaster Charlie Byrn, Mayor Todd, Judge Threet, and many others. In fact it seems most all of the citizens have made this project the No. 1 Federal project with the highest priority.

All are to be commended—all are to be congratulated.

The completion of this building is a fine example of your local enterprise and Federal Government participation and cooperation.

The fact that this building stands here at last is a tribute to your persistence. You have brought about this result by putting into practice a basic rule of achievement as it was once defined for me in memorable fashion by a great Tennessean, the late

Judge Cordell Hull, whose memory we all cherish.

One day during my first term in the Congress, I was feeling a little impatient in my efforts to overcome some of the redtape that seems inevitably to clog the wheels in the vast machinery of our great Government. It was at this time that I took occasion to call upon and visit with Judge Hull, who had just retired as Secretary of State.

Judge Hull was most kindly and friendly and helpful, and he gave me some good pointers and sound advice. He stated that there were many qualities needed to become an effective Representative, but among the qualities most important he particularly stressed as absolutely necessary were the qualities of patience and perseverance.

"Be patient," he said, "and keep plugging for results."

I know today that this was about the best advice I ever received, and this new post office building in Murfreesboro is one more impressive confirmation of the wisdom and truth of Judge Hull's maxim on stick-to-itiveness. Certainly it has taken a lot of patience and a lot of perseverance on the part of everyone concerned to bring this dream to realization.

LEGISLATIVE BACKGROUND

This building was erected under the Post Office Department's new commercial leasing program, whereby the Federal Government leases the facility from the private firm which holds possession of the grounds on which it stands and which contracted for the construction work.

This building is one of many presently being constructed throughout the country—as we are now moving forward in a greatly expanded post office modernization and replacement program. This marks an important advance for Murfreesboro to be provided with more adequate space, modern working conditions and better facilities to take care of the worsening mail resulting from growth of business and industry, generally, and the growth of our population in particular.

The commercial leasing program is the outgrowth of an experiment which started about 8 years ago, when the 83d Congress adopted a new method of handling the building of public buildings, and especially post offices, through what was then known as the lease-purchase plan. It provided that the buildings would be erected with private capital and funds, and the Federal Government would lease needed public buildings and pay for them over the years through the rental payments.

Disappointingly, that program never got underway or off the ground. After some 4 years, only two post offices were built under the Lease-Purchase Act and meanwhile all over the country more and more post offices were becoming outmoded and inefficient because of lack of space and lack of facilities to handle the increasing load expeditiously.

In 1954, I was honored by an election by my colleagues to membership on the Committee on Appropriations, which, as you know, appropriates the funds for all activities of our Federal Government. After our committee had looked into the operations of the lease-purchase program, it became obvious to members of the Committee that this program was not working. Therefore, the committee moved to revert to our traditional system of building public buildings with appropriated funds. We had a pretty big fight about this in the committee and on the floor of the House, but in the end the House adopted our committee's recommended policy. The Senate went along and thus the Congress once again returned to our traditional policy of appropriating funds for the construction of public buildings where authorized and needed—and also to permit buildings being constructed under lease-purchase—either plan to get the needed job done.

Congress moved to put new life in the post office modernization and building program, by authorizing certain projects and appropriating the funds for them, but the Bureau of the Budget tied up the funds and refused to release the money so construction could be started.

I know we have all heard about Washington bureaucracy, but I can assure you that you do not know what bureaucracy is unless you have had some experience with Budget Bureau bureaucracy as developed particularly by the last administration. A small group of people in that Bureau operate as a type of supergovernment, trying to run the country according to their own ideas and often regardless of the policies established by Congress.

We have certainly had our difficulties—and our delays with a divided Government—a Democratic Congress and a Republican executive branch of the Government. Now we have a new administration—unified policies and we are moving forward.

Our new commercial leasing program, as it has been developed by the new administration, combined with the affirmative direction and efficient management seems to be the effective answer to the problem. Successful implementation of this program requires the constant and careful supervision by the Congress. Regardless of how much we improve our methods and techniques, we will always have to keep plugging away to get action on specific projects, which is only natural in an immense country such as ours where so many urgent tasks press for consideration all at once. We are moving ahead, but it takes perseverance and patience such as Murfreesboro has shown in bringing into being this splendid new post office building.

POST OFFICE SYMBOL OF TIE BETWEEN PEOPLE AND THE FEDERAL GOVERNMENT

There was a time many years ago when the postman was about the only Federal official or Federal employee that our local citizens knew or came in contact with. However, over the years, as we all know, there has been a great growth in Federal programs and Federal activities, and today the post office building stands even stronger and more boldly as the link between people in the local community and the Federal Government—as a symbol of the strength of our great Federal Government.

Here will be housed the activities of the Post Office Department, including city delivery service, rural mail service, airmail service and all of the varied services and programs of the Post Office Department.

In addition, this building will serve as a center of information on matters of national defense, civil service, selective service, our county agricultural programs, and information on all other Federal activities is channeled directly through the post office.

Experience has demonstrated that our citizens want these services. No, my friends, our citizens do not want these programs curtailed or discontinued. They want service continued and expanded.

SYMBOL OF FAITH IN GROWTH OF A GREATER MURFREESBORO

We do not build fine new buildings such as this facility unless they are needed and unless the future of the city promises to justify the cost. So in meeting to dedicate this building we are also recognizing the growth of Murfreesboro and affirming our confidence and faith in this expanding community's future.

The Post Office Department, by providing this modern building with its many efficient facilities for handling the mail, evidences its confidence in the future of Murfreesboro. More than that, it has made a significant contribution to the further progress of this city—to Murfreesboro and Rutherford County.

This new postal facility will not only benefit the citizens of the community by providing better and more efficient postal service. The construction of this building has made the old post office building available for another public use.

As you know, I was pleased to work with the General Services Administration, the Department of Health, Education, and Welfare, and with city and county officials to see that the old post office building as surplus Federal property was turned over jointly to the city and county to be used for the Linebaugh Public Library. Thus the old postal facility—although inadequate for present required postal service needs—will continue to provide an important service to the community. It adds to your community establishment a facility that currently is valued at around $90,000—well suited for a public library.

We are happy that both of these public improvements and services could be accomplished.

CONCLUSION—DEDICATION

So this new post office building stands as a symbol of service to our people. As we dedicate this building to the service of a greater Murfreesboro let it stand as a symbol of the Federal Government and strength of our country—a Government which should be and is the servant of our citizens and not the master of our people.

As we dedicate this new post office to the service of the people of Murfreesboro and Rutherford County, it is well also that we rededicate ourselves to a spirit of unity of purpose and to the determination to cooperate and work together in forwarding the great principles and ideals of our country that we may each contribute to making ourselves more useful in preserving liberty, justice, and democracy, and our cherished American way of life.

Imports and Our Economy—The Relationship Between Aid and Trade

EXTENSION OF REMARKS

OF

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1961

Mr. DANIELS. Mr. Speaker, I commend to the attention of our colleagues the following address delivered by the gentleman from Pennsylvania, the Honorable JOHN H. DENT, from the 21st District, at the Mining Congress Conference, held at Seattle, Wash., on September 11, 1961, on the subject of imports and our economy:

IMPORTS AND OUR ECONOMY—THE RELATIONSHIP BETWEEN AID AND TRADE

(By the Honorable JOHN H. DENT, of Pennsylvania)

Patience sometimes is said to be the legislator's greatest virtue. With patience and conviction we can sometimes accomplish a great deal by way of amendment.

Three months after I became a Member of Congress, I became convinced that major changes must be made in our thinking and

planning in both foreign aid and reciprocal trades.

This past month a small, but significant change, was made in foreign aid legislation by way of the amendment I've sponsored since my first awakening to the inseparable relationship between "aid and trade."

This amendment, although not in the absolute form I presented, still lays down the principle that Americans should not be taxed to put themselves out of business, out of jobs, and into industrial oblivion.

Simply put, the Dent amendment means that no American taxpayer's money can be spent to build production facilities, factories, mines or agricultural developments abroad if the country receiving the aid exports the products of these facilities back to the United States.

It was a bitter pill to swallow for the out-and-out internationalists, both in as well as out of government.

The House Foreign Affairs Committee under the able and conscientious leadership of my friend and neighbor from Fayette County, the Honorable TOM MORGAN, helped me save the amendment by having a senior member of the committee, the Honorable CLEMENT ZABLOCKI, of Wisconsin, amend the original, allowing the foreign country to ship back 10 percent of the production before becoming disqualified for foreign aid. This saved at least 90 percent of the practical portion, and 100 percent of the principle involved.

The real fight was put on in the conference committee, when the State Department pulled out all stops to kill the Dent-Zablocki compromise. It was the bitterest fight of all the issues at stake in the House/Senate conference. In order to save the principle of the amendment, the House conferees had to accept an additional 10 percent by allowing the aid-receiving countries to ship 20 percent of their products back to the United States.

Without both MORGAN and ZABLOCKI being members of the conference, the amendment would have been killed by State Department officials, especially the Foreign Trade Department under Under Secretary George Ball. No one deserves more credit than the chairman, "TOM" MORGAN, for standing pat on the principle involved.

Conviction has taken us this far; patience will get us all the way. The day must come when we realize that unless we protect our home economy, we can't help the underdeveloped nations or anyone else, including ourselves.

The one point that seems to have been missed by many of our colleagues is the fact that the relationship between free aid and free trade is finally admitted by Congress and our Government.

The Washington Post was very critical of my amendment. It protested our attempt to save jobs for Americans by limiting the aid-receiving countries in their exportations to the United States of competitive products at prices below the cost of manufacture in America.

We weren't stopping aid to needy peoples, we were trying to stop exploration of underprivileged peoples who are forced to work for as low as 5 cents an hour, under the most heartbreaking inhuman working conditions, in order that a few families and officials can get richer by shipping their low-cost items into the American market at fabulous profits because of the great volumes consumed by the American public.

As an example, a few years ago, Japan shipped a few thousand cigarette lighters to the United States. In 1958, Japanese low-wage employers shipped 42,600,000 lighters to the United States. This represents over $50 million in the American marketplace, and yet, the free traders in our midst say this is made up by selling Japan $50 million worth of cotton. What we really traded was American jobs. For every job we gained picking cotton, we lost at least 20 making lighters.

This is true in almost every phase of our economy. We sell Germany certain types of steel plate. We buy back Volkswagens. No one seems to figure how many less jobs it takes to make a half ton of steel as against an automobile ready for the road with glass, tires, seats, battery, engine, springs, ignition, lights, and the many components that make up a modern car.

By starting to close the foreign aid loophole (the Dent amendment), in our trade agreements, we at least will protect the American worker and investor against the exploiters both here and abroad from using his tax money to put him out of work.

Helping a needy neighbor is charity. It stops being charity when you buy back from your neighbor the help you gave him in the first place—it then becomes supidity.

If it were plain stupidity we could worry a little less because sooner or later we would outgrow it. It's more than that. It's mixed up with enormous profits, exploitation of workers, international moneychanging, so-called global diplomacy and plain one-world favoritism by men of such stature, their wishes are almost law.

These are the dangers. Little peoples have protection only through elected representatives and with the combinations of power, press, politics, professors, and public figures, the congressional prestige in this field is almost nonexistent. The registered lobbyists, the representatives of foreign countries, importers, and exporters in and out of Government is the greatest group of talent ever assembled in our Capitol.

As chairman of the committee studying the effect of imports and exports upon American unemployment, I can assure you all that this Nation is in deep, serious trouble unless we put more hard, commonsense and less theoretical planning into our trade and aid "deals." Let's call them deals, because stripped of their high-sounding names, that's all they are.

My committee has heard from many areas of employment. No responsible witness has said jobs are created by our policy, except in the field of foreign aid. Any 8-year-old kid knows that if you give away $4 billion, and you buy 80 percent of the goods from yourself to give away, you'll have to have some people to make the goods to give away. This isn't funny, we actually count the goods we give away or sell for foreign counterpart (funny) money as exports in our trade balance.

We're told that we must trade to make our country prosperous. This is only true, however, when we buy what we need and sell what we don't need.

We do it differently. We sell cotton and buy shirts; we sell logs and buy plywood; we sell hides and buy leather; and now we even go so far as to sell or give away wheat and buy macaroni and bread.

We're becoming a supplier of raw materials and a buyer of consumer products. The real victim is the American worker, looking for a job that's been exported.

Did you know that right now we are buying bread to the extent that hearings have been requested by both the bakery companies and their workers?

We have testimony from macaroni manufacturers showing that the short supply of Durum wheat necessary for the making of good macaroni products has been sold to competitive nations, while the American plants either shut down or make an inferior product. In either case, it helps foreign traders.

This is also true of hides. Our tanneries are either shut down or working part time because foreign buyers are grabbing raw hides at high prices and using their own cheap labor for processing, ship back leather and leather goods below American costs of production.

This way, the American taxpayer gets it both ways, coming and going. He loses his job because we export the raw material, and then he is forced to buy cheap foreign-made goods to stretch his reduced income which in turn takes his neighbor's job.

You can't win in a game with marked cards and dealt by professional gamblers. Foreign traders are professionals. There's one consolation, the shirt we're losing is imported, either Japanese or "Hongkonganese."

These are just the minor disturbances in the field of trade and aid, as we practice these so-called diplomatic acts.

We've covered a few products, now let's take a look at the ore picture. Slowly, but surely, our mineral-producing areas are being forced into the same governmental controls as their wheat-producing neighbors. With the coming subsidies for lead and zinc, we are stepping up the control of our Government over prices, wages, and profits. This may be good, it may be desirable, it may even be the ultimate goal of the professional planners. All we can ask is that if this is so, let's be told about it, straight from the shoulder and not be hiding behind a serious and ever-present threat of war and devastation.

Two recent events ought to shake the complacency of the everyday citizen. First, Congress (the House) passed a subsidy for iron and zinc ranging from 1½ cents to 3 cents, at present market prices, per pound. The miners (owners and workers) protested. They did not want Government subsidy. They wanted and begged for Government protection against imports. They ask for one-half-cent-a-pound increase in tariffs; they would have settled for half a loaf and accepted just part of our own market by allowing foreign producers a quota of our needs. The answer was an emphatic "no." Instead of the traders paying the one-half cent tariff, the American taxpayer will pay 3 cents. It won't help a bit; it will cost us money, but the records show that there is no bottom in the selling price of foreign low-wage produced goods and apparently no ceiling on subsidies from our Treasury. So now we have the miner joining the farmer in the stockpile business.

The second event followed within a week of House action on subsidies for lead and zinc. The State Department negotiated another of its classic deals. There is a shortage of wheat in Canada and Australia because of adverse weather conditions, so they can't supply their domestic and world (full price) markets.

We have a "lotta wheat," so we make a deal with these two countries—$10 million worth of our subsidized wheat for $10 million worth of lead and zinc (100,000 tons). It doesn't seem to matter that we have lead and zinc coming out of our ears, stockpiles so high we have to subsidize our mines to keep our mines working because of the surplus of lead and zinc being dumped into this country by foreign countries, including both Canada and Australia.

One of the outstanding authorities of mines and minerals is the chairman of the Interior and Insular Affairs Committee of the House of Representatives, the Honorable WAYNE N. ASPINALL, from the State of Colorado. In an appearance before my committee studying the impact of imports on American jobs, he had this to say:

"You will recall, Mr. Chairman, last week on the floor of the House when a bill was being considered for assistance to small producers in the lead and zinc industry, I detailed for the House the steady decline in

employment in the lead-zinc industry. I think you will agree, after I have reviewed these details, that this job loss to American industry is a direct result of our imports policy. Put another way, we have sacrificed our American jobs on the altar of our international trade policies.

"In 1952 there were 42,705 persons employed in the lead-zinc industry. The United States produced 390,162 tons of lead and 666,000 tons of zinc, for a total of 1,065,162 tons of lead and zinc; and consumed in the United States 1,130,795 tons of lead and 852,783 tons of slab zinc, or a total of 1,983,578 tons of lead and slab zinc. By 1956 domestic employment had been reduced to 33,706 Americans in a year when our domestic mine production had fallen off to 895,166 tons of lead and zinc, but our consumption rose to 2,218,507 tons of lead and slab zinc. It is important to note that the greatest decrease in employment (8,645) was in the mines and mills.

"By 1960, 20,000 jobs had been lost since 1952 in the lead-zinc industry overall with the mines and mills suffering the most. General imports of lead in 1960 amounted to 359,917 tons, or approximately 145 percent of the U.S. mine production of 246,669 tons; and general imports of zinc at 571,000 tons were 131 percent of the U.S. mine production of 435,427 tons.

"Although, as I have demonstrated, the lead-zinc industry has suffered a loss of employment in the United States because of import policies and practices, the Department of Defense, in a letter to the chairman of the Committee on Ways and Means, has dismissed the industry as not needing assistance because there are now only 'a small number of miners' involved.

"Finally, I point out, although I am sure I do not have to remind you, that the effects are felt beyond each immediate industry, as for example, shutdowns of mines affects supply houses which also employ people; unemployment of miners affects those who sell consumer goods in mining areas; and the importation of the metals of foreign origin produced under adverse labor conditions acts as an excuse by which American employers seek to deprive American labor of benefits in this country in order to seek a competition position on the market."

That's not all. We give the wheat at subsidized prices, and at the same time we arrange to sell it through American grain brokers to world markets. Why? Simply because this will give the two foreign countries American gold credits and we will probably pick up foreign counterpart (foreign money). It may not be so, but it wouldn't surprise anyone.

Why couldn't we sell the wheat to the nations that needed it? Why do we buy lead and zinc to add to our already overloaded warehouses and stockpiles?

If you can get an answer to these questions (honestly), you can get the blue ribbon and go to the head of the class.

A few years ago, under our foreign-aid program, we aided Korea by setting up a glass manufacturing plant. Recently, our committee heard of the results of this great help to our friends. The glass is being sold in Clarksburg, W. Va., while the Pittsburgh Plate in Clarksburg is laying off workers, and begging for tariff increases in Washington.

Apropos of this situation, the Tariff Commission, after years and years of pleading from the glass industry recommended that the tariff rates be increased. Not just a token increase, but rather a full retreat. After all the arguments over these many years, it recommended a tariff rate set up under the old Smoot-Hawley tariff law of over 30 years ago.

What happened? The normal thing in our world trade actions: Belgium, a large exporter to the United States, protested loud, long and effectively. They said they may be forced to retaliation; they said that their sound economy was based upon controlling a certain share of the American domestic market for glass. The State Department jumped into the deal and you can guess whose side they took. They said we couldn't afford to raise tariffs on glass, we couldn't afford to offend Belgium right now because of the Berlin crisis.

The result: The President refused to accept the increased tariff recommendation by sending it back for further study.

Meanwhile, glass keeps coming in, workers get laid off their jobs, taxes increase and foreign aid builds more glass plants in Korea, Formosa and other needy nations.

This is just one example of building plants abroad with taxpayer's money and then taking the taxpayer's income away from him by importing the products from the plant his money built.

Someone said lately there are three ways now, instead of two ways, to get rich. They advise: Marry a rich woman, inherit a fortune or get the Government to build a factory for you overseas.

Recently, when we had a few days' strike at the docks, we were threatened with a gasoline ration because of the shortage of imported oil. For years, we've been importing so much oil that our exploration and production of American supplies has been drastically reduced.

Let's see what our own oil producers have to say about this situation:

"In Austin, Tex., members of the Texas Independent Producers & Royalty Owners Association (TIPRO) are set to meet tomorrow on the 'muddled' oil imports situation. TIPRO's president, J. F. West, in announcing the meeting hit the administration's current crude oil policy.

"He said: 'The recent maritime strike and the Kuwait crisis have once again forcibly demonstrated that a country that allows itself, through neglect or through planned policy, to become dependent on water-moved sources for vital raw materials has weakened its national defense posture.'

"* * * He also commented that 'at the same time, we realize the necessity of subjecting to the closest scrutiny any export proposal which might result in large volumes of crude oil or natural gas liquids entering U.S. markets at the expense of U.S. domestic production.'

"In the IPAA letter to Secretary Udall the association also called on the Interior Department to reverse the OIAB action which raised the crude oil import quota for Texaco, Inc., on the west coast."

In case of war, where will we get the ores, coal, oil, raincoats, watches, binoculars, typewriters, lighters, chairs, dishes, and on and on and on. This Nation is becoming a dependent nation upon others for its way of life.

We ask Congress to pass trade and aid bills in the name of making foreign countries independent and at the same time, we are making ourselves a second-rate producer of the necessities of life in this country. We are ourselves becoming dependent upon others not alone for our well-being, but perhaps for our survival.

We admit we cannot live alone in this complicated and troubled world. We must also admit that we can't live dependent upon others in this world complicated, troubled or otherwise.

As a fledgling nation, we had our troubles, our crisis, our one worlders, two worlders and no worlders. What did we do? We rebelled against being a colony providing raw materials and being used as a market by the mother country for the goods produced, from these raw materials.

We valued our markets, our industries, our labor, our farms, our institutions, and above all, our economic independence.

We protected ourselves against the destruction of our production facilities and jobs by every means available including tariffs, treaties, quotas, embargoes, and statesmanship. Not the least of which was statesmanship.

One thing you can be sure of: If we had taken the same stand then as we have in recent years, there wouldn't have been any country or industry or jobs or farms to argue about.

Compare, if you will, the situation we have today with that of yesteryear. In growing years we protected American industry from foreign industry. Today we are busy protecting American industry from American industry.

Here's a classic example:

"An almost incredible drama—even in the present stage of development of our welfare state—is going on in bureaucratic Washington.

"One of the Nation's railways—by typical American ingenuity—has discovered a profitable way to effect a drastic reduction in selected freight rates * * * but the U.S. Government, at least temporarily won't give it permission to do so.

"Southern Railway has developed a superduty 100-ton aluminum freight car * * * suitable for hauling grain efficiently and economically.

"Using this new equipment in multicar shipments, Southern can effect sizable economies in basic transportation costs, loading operations, terminal and transit switching, routing, paperwork, etc.

"As a result, the old rate of $10.50 per net ton for grain movement from St. Louis to Gainesville, Ga., for example, can now be lowered to $3.97, $4.07, or $4.17, depending on volume; and the railroad will still show a greater ton-mile profit than its present average on general freight movement.

"When the new rate was filed with the ICC, a lusty clamor arose from unregulated carriers adversely affected by such 'unfair competition.'

"Loud in support of their protests was the TVA which has spent $200 million in making the Tennessee River navigable for barges carrying grain and other products.

"This taxpayer-endowed project has been of material assistance in putting the railroads out of the grain-carrying business.

"Now, when the railroads—with their own funds—attempt to fight back, TVA officials complain that any such cut in rates would 'disrupt efforts to create a Tennessee River common-carrier industry.'

"The new rates, which were to go into effect in August of this year, were filed by Southern with the ICC, but the Commission ordered that the reduction be suspended until March 1962, pending an investigation, on the grounds that the rates may be found to be 'unjust and unreasonable,' constituting 'unfair and destructive competitive practices.'

"Free enterprise made the United States the greatest, most powerful, most fruitful nation on earth."

This is labeled "unfair competition" because it is between American competitors while at the same time our markets are being flooded with every type of product and produce from every foreign shore at prices that don't even meet our cost of production. In fact, sometimes it doesn't even meet the cost of the raw materials and certainly never meets our labor costs.

When are we going to realize that trade is a profit-seeking venture? No person outside of dreamers and persons in Government-protected jobs without responsibility for creating jobs or production believes trade, internal or external, to be other than a greedy, mercenary, profiteering enterprise.

SENATE

FRIDAY, SEPTEMBER 15, 1961

The Senate met at 9 o'clock a.m., and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Almighty God, who bids the light of the day to shine out of the darkness when morning gilds the skies, we would still our hearts for this hallowed moment as we bow for the benediction of Thy loving kindness, fresh every morning; for—

New mercies each returning day
Hover around us while we pray.

Grant us this day to live on the altitudes of our aspirations. As servants of Thine, and of the peoples of this shattered earth, stricken, groping, starving, reaching out for more abundant life, as there rests upon the shoulders of these, Thy servants, the white mantle of the Nation's honor unsullied, save them from false choices and guide their hands and minds to heal and feed and build and bless.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, September 14, 1961, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House agreed to the amendments of the Senate to the bill (H.R. 3156) to make the Panama Canal Company immune from attachment or garnishment of salaries owed to its employees.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8072) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending June 30, 1962, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. RABAUT, Mr. NATCHER, Mr. CANNON, Mr. RHODES of Arizona, and Mr. TABER were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message further announced that the Speaker pro tempore had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 2308. An act to amend the Ship Mortgage Act, 1920, with respect to its applicability to certain vessels;

H.R. 7371. An act making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1962, and for other purposes;

H.R. 7482. An act to amend the Life Insurance Act of the District of Columbia approved June 19, 1934, as amended; and

H.R. 7916. An act to expand and extend the saline water conversion program being conducted by the Secretary of the Interior.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour for the transaction of routine business. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be permitted to sit during the session of the Senate today.

Mr. KUCHEL. Mr. President, objection has been lodged with the acting minority leader against having committees meet during the session of the Senate today. On that basis, objection is made.

The VICE PRESIDENT. Objection is heard.

Subsequently, on request of Mr. KUCHEL, and by unanimous consent, the Committee on Interior and Insular Affairs was authorized to meet during the session of the Senate today to consider certain proposed legislation.

On the request of Mr. MANSFIELD, and by unanimous consent, the Committee on the Judiciary was authorized to meet during the session of the Senate today, for the purpose of considering certain noncontroversial bills, private immigration bills, claims, and nominations.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Alton A. Lessard, of Maine, to be U.S. attorney for the district of Maine.

By Mr. CARROLL, from the Committee on the Judiciary:

Paul D. Shriver, of Colorado, to be judge for the District Court of Guam.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Executive G, 87th Congress, 1st session. A convention between the United States of America and Canada, signed at Washington on February 17, 1961, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on the estates of deceased persons (Ex. Rept. 11).

The VICE PRESIDENT. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

ASSISTANT SECRETARY OF DEFENSE

The Chief Clerk read the nomination of Steuart L. Pittman, of the District of Columbia, to be Assistant Secretary of Defense.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

THE ARMY

The Chief Clerk proceeded to read sundry nominations in the Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

THE MARINE CORPS AND THE ARMY

The Chief Clerk proceeded to read sundry nominations in the Marine Corps and in the Army which had been placed on the Secretary's desk, and appeared in the CONGRESSIONAL RECORD on September 5 and 6, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of all these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

APPOINTMENT BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair announces the appointment of the Senator from Oregon [Mrs. NEUBERGER] to the Interparliamentary Union, to be held at Brussels, September 14 to 22, 1961, vice the Senator from Oklahoma [Mr. MONRONEY].

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON NUMBER OF OFFICERS ON DUTY WITH DEPARTMENT OF ARMY AND ARMY GENERAL STAFF

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on

the number of officers on duty with Headquarters, Department of the Army and the Army General Staff, as of June 30, 1961 (with an accompanying report); to the Committee on Armed Services.

EXTENSION OF REGULATORY AUTHORITY UNDER TERMS OF THE CONVENTION FOR THE ESTABLISHMENT OF AN INTER-AMERICAN TROPICAL TUNA COMMISSION

A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the act of September 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949, and for other purposes (with an accompanying paper); to the Committee on Commerce.

REPORT ON BACKLOG OF PENDING APPLICATIONS AND HEARING CASES IN FEDERAL COMMUNICATIONS COMMISSION

A letter from the Chairman, Federal Communications Commission, transmitting, pursuant to law, a report on the backlog of pending applications and hearing cases in that Commission, as of July 31, 1961 (with an accompanying report); to the Committee on Commerce.

REPORT ON REVIEW OF ENFORCEMENT AND CERTIFICATION ACTIVITIES OF FOOD AND DRUG ADMINISTRATION

A letter from the Assistant Comptroller General of the United States, transmitting, pursuant to law, a report on the review of enforcement and certification activities of the Food and Drug Administration, Department of Health, Education, and Welfare, September 1960 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE (for Mr. GOLDWATER), from the Committee on Interior and Insular Affairs, with amendments:

S. 383. A bill to provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park, and for other purposes (Rept. No. 1039).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 6729. An act to provide for the disposal of certain lands held for inclusion in the Cape Hatteras National Seashore Recreational Area, N.C., and for other purposes (Rept. No. 1040).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 2008. A bill to amend the act of September 16, 1959 (73 Stat. 561, 43 U.S.C. 615a), relating to the construction, operation, and maintenance of the Spokane Valley project (Rept. No. 1042).

REPORT ENTITLED "OPERATION OF ARTICLE VII, NATO STATUS OF FORCES TREATY"—REPORT OF A COMMITTEE (S. REPT. NO. 1041)

Mr. ERVIN. Mr. President, from the Committee on Armed Services, I submit a report entitled "Operation of Article VII, NATO Status of Forces Treaty." I ask that the report be printed, with illustrations.

The VICE PRESIDENT. Is there objection? The Chair hears none and the report will be printed, as requested by the Senator from North Carolina.

ADDITIONAL EXPENDITURES TO INVESTIGATE JUVENILE DELINQUENCY—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 212), which was referred to the Committee on Rules and Administration, as follows:

Resolved, That section 4 of S. Res. 48, Eighty-seventh Congress, first session, authorizing an investigation of juvenile delinquency in the United States, agreed to January 31, 1961, is amended by striking out "$178,000" and inserting in lieu thereof "$198,000."

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KEATING:

S. 2555. A bill for the relief of Fong Yee Hin; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota:

S. 2556. A bill to provide for allowance of credit under the Civil Service Retirement Act for service as a member of a county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act; to the Committee on Post Office and Civil Service.

By Mr. BUTLER:

S. 2557. A bill to provide for the withholding and the forfeiture of the pay and allowances of certain members of the uniformed services who, while prisoners of war, aid the enemy or are guilty of other misconduct, and for other purposes; to the Committee on Armed Services.

(See the remarks of Mr. BUTLER when he introduced the above bill, which appear under a separate heading.)

By Mr. BIBLE:

S. 2558. A bill for the relief of Vlado Vudkovich; to the Committee on the Judiciary.

By Mr. TALMADGE:

S. 2559. A bill to amend the Agricultural Adjustment Act as reenacted by the Agricultural Marketing Agreements Act of 1937; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. TALMADGE when he introduced the above bill, which appear under a separate heading.)

By Mr. SMATHERS:

S. 2560. A bill to amend the Interstate Commerce Act, as amended, so as to strengthen and improve the national transportation system, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. SMATHERS when he introduced the above bill, which appear under a separate heading.)

By Mr. DIRKSEN:

S. 2561. A bill for the relief of Lt. Col. Henry H. Allport, Army of the United States, retired; and

S. 2562. A bill for the relief of Sally Ann Barnette; to the Committee on the Judiciary.

RESOLUTIONS

ADDITIONAL EXPENDITURES BY COMMITTEE ON APPROPRIATIONS

Mr. HAYDEN submitted the following resolution (S. Res. 211), which was referred to the Committee on Rules and Administration:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Eighty-seventh Congress, $10,000, in addition to the amounts, and for the same purposes, specified in section 134 (a) of the Legislative Reorganization Act, approved August 2, 1946, and Senate Resolution 180, agreed to July 27, 1961.

ADDITIONAL EXPENDITURES TO INVESTIGATE JUVENILE DELINQUENCY

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 212) authorizing additional expenditures for the investigation of juvenile delinquency in the United States, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. EASTLAND, which appears under the heading "Reports of Committees.")

WITHHOLDING AND FORFEITURE OF PAY AND ALLOWANCES OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES WHILE PRISONERS OF WAR

Mr. BUTLER. Mr. President, as a result of a decision by the Supreme Court of the United States on May 22, 1961, in the infamous "turncoat" case, I introduced a bill, S. 1985, on May 29, 1961, which would prevent in the future the payment of such pay and allowances to men who, after becoming prisoners of war and while in the custody of the enemy, voluntarily rendered aid, comfort, or assistance to the enemy or acted voluntarily in any other manner inconsistent with his obligation of loyalty to the United States, his obligation to the Armed Forces of the United States, or the continued health, comfort, safety, or well-being of any fellow prisoner who was a national of the United States or any nation friendly to the United States.

That bill was referred to the Armed Services Committee, which asked for and received reports from the General Accounting Office and from the Department of Defense. The GAO approved my bill in substance, while suggesting one slight modification. The Department of Defense on the other hand suggested that it be rewritten and submitted a draft bill.

The Department is apparently reluctant to give the Secretary the authority to withhold pay and allowances without formal court-martial proceedings having been undertaken. It feels that to do otherwise would lead to charges of a star chamber proceeding and that it would not be consistent with our American system of justice and fairplay. One cannot disagree with this rationale.

I am, therefore, introducing at this time a new bill, which gives the Secretary the authority to withhold any pay or allowances due or to become due a member of a uniformed service who is formally charged with committing a violation of articles 104 and 105 of the Uniform Code of Military Justice. Section 104 relates to aiding the enemy, and section 105 relates to misconduct while a prisoner of war. The bill also provides that the pay and allowances which have been withheld shall be paid to the mem-

ber if the charge is subsequently dismissed; he is acquitted of the offense; or if he is convicted of the offense, but, on review, the finding of guilty is set aside under conditions that prevent further trial within a reasonable time. The Department of Defense has not only approved this language, but it has suggested it.

I have, however, made one addition to the Department's suggested language. This new section provides that, in the case of any prisoner who is charged with a violation of the aforementioned section of the UCMJ, but has not been subjected to actual court-martial proceedings because he has not returned to the United States and who dies before returning to the United States, any pay and allowances which are due or which will become due will be forfeited and they will not be the subject of court proceedings to recover them. This section also provides that no court of the United States shall have jurisdiction to entertain any such proceedings. This section is necessitated by the fact that a man cannot be court-martialed in absentia and, therefore, if he stays with the enemy until his death, the estate would have a valid claim against the United States for all pay and allowances which were due him, be it for 1 year, 10 years, 20 years, or more. Representatives of the Defense Department have indicated their tentative approval of this section also.

Because this is an important bill, Mr. President, I am introducing it at this time as a substitute to my S. 1985, and sincerely hope that the committee will report it out immediately.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2557) to provide for the withholding and the forfeiture of the pay and allowances of certain members of the uniformed services who, while prisoners of war, aid the enemy or are guilty of other misconduct, and for other purposes, introduced by Mr. BUTLER, was received, read twice by its title, and referred to the Committee on Armed Services.

AMENDMENT OF INTERSTATE COMMERCE ACT TO STRENGTHEN AND IMPROVE THE NATIONAL TRANSPORTATION SYSTEM

Mr. SMATHERS. Mr. President, I introduce, for appropriate reference, a bill designed to assist the States and the Federal agencies in their joint efforts to control illegal interstate transportation on the highways. There has been a tremendous recent growth in "gray" area and "black" area truck operations—those operations without State or Federal authority.

Major railroads, trucking, and shipping organizations have formed a Committee Against Unauthorized Transportation and to combat these illegal operations. This committee estimates that the amount of such illicit carriage may go as high as 25 percent of total truck movements. The committee plans an education campaign among shippers on the dangers of employing illegal truckers and are working for stricter and more effective enforcement of existing laws against this illegal truck traffic.

Hearings conducted this session before the Subcommittee on Surface Transportation indicate that present law is not adequate. Despite a recent increase in the level of penalties assessable, illegal transportation continues to drain an ever increasing amount of traffic from the legitimate rail, truck, and water carriers. The fines imposed under present law, are insufficient and in the words of a "gray area" trucker merely make it a little more expensive to do business. These fines are ultimately passed on to the shipper.

I should add that these illegal operators represent more than a diversion of income from the carrier who obeys the law. That alone would be serious enough in view of the economic crisis in which all our regulated modes of transportation find themselves. But the shipper, too, who obeys the law and uses a legitimate carrier finds himself at a disadvantage in relation to his competitor who uses illicit truckers.

A continuation of this situation is leading to economic jungle warfare, and it undermines respect for the law and further discourages our regulated, legal transportation system.

This is a problem of extreme seriousness. I hope that between now and the time Congress reconvenes in January that each of us will take the opportunity to discuss this matter with the leading railroads, truckers, and water carriers in our States in order to learn of the urgency of affirmative action to stop this growing threat to our transportation industry.

In the interim I am introducing proposed legislation which is an outgrowth of our hearings, to serve as a first step in improving present conditions and the law in the field of transportation. This proposal does not pretend to be the final solution to this problem, but it can be utilized as a starting point.

At the same time I am calling on the representatives of the trucking, water carriers, and railroad industries as well as State officials and shippers to meet with the subcommittee staff on surface transportation during the recess to make suggestions and offer amendments to this proposed legislation, and if need be to assist in drafting additional legislation for introduction early next year. All legitimate operators have a common interest in this problem, that supersedes intermodal squabbles in the transportation industry.

Mr. President, I submit for the RECORD a brief section-by-section analysis of the measure I am now introducing.

Section 1: Would amend section 202 (b) of the Interstate Commerce Act to establish uniformity in State regulation of interstate motor carriers. Approximately 35 States now require that ICC certificated carriers register their operating rights in the State before conducing business in the State. Thus if a carrier is stopped and is found to be carrying a regulated type commodity but he has no authority to transport such a commodity he is in violation, not only of the Interstate Commerce Act, but of the State law as well. The proposed provision has a dual purpose: first, encourage these efforts by State officials; and, second, establish uniform standards so as to reduce the burden on those lawfully engaged in interstate commerce.

Section 2: Would amend section 222 (b) so as to provide that any person injured by certain violations of the Interstate Commerce Act would be able to obtain an injunction against the violator. Under this amendment violations of the Act which now occur by persons who do not hold a certificate, permit or license could be enjoined by the courts.

Section 3. Would amend section 222 (h) of the act so as to make the civil forfeiture provisions applicable to unlawful operations and safety violations, and to substantially increase the amount of the forfeiture. The Commission testified that such an amendment would be helpful in efforts to "eliminate unlawful and questionable leasing arrangements."

Section 4: Would amend section 226 of the act to require registration of certain information with the ICC by vehicles engaged in the hauling of commodities made exempt by section 203(b)(6)—the so-called agricultural exemption. Addition of such a provision would aid the gathering of information by the Commission as well as provide a basis for more effective enforcement of safety and other regulations.

This is not in any way intended to restrict legitimate carriage of agricultural exempted commodities. The farmer must have transportation facilities available to him to get his produce to the marketplace.

Section 5: Would amend sections 402, 406, and 410 of the act to bring the rates, charges, rules, and practices of forwarders engaged in the handling of used household goods within the regulatory authority of the ICC in the same manner and to the same extent as motor common carriers subject to part II and freight forwarders handling other commodities subject to part IV. The language proposed also provides for the granting of "grandfather" rights to existing exempt freight forwarders of used household goods.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2560) to amend the Interstate Commerce Act, as amended, so as to strengthen and improve the national transportation system, and for other purposes, introduced by Mr. SMATHERS, was received, read twice by its title, and referred to the Committee on Commerce.

AMENDMENT OF SHIPPING ACT OF 1916—CHANGE OF CONFEREE

Mr. PASTORE. Mr. President, I ask unanimous consent that the Senator from Kentucky [Mr. MORTON] be excused from serving as a conferee on the bill (H.R. 6775) to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences, and that the Senator from Pennsylvania [Mr. SCOTT] be named in his place.

The VICE PRESIDENT. Without objection, it is so ordered.

AMENDMENT OF CAREER COMPENSATION ACT OF 1949, RELATING TO INCREASE OF PER DIEM RATES—AMENDMENT

Mrs. SMITH of Maine submitted an amendment, intended to be proposed by her, to the bill (S. 2554) to amend section 303(a) of the Career Compensation Act of 1949 by increasing per diem rates and to provide reimbursement under certain circumstances for actual expenses incident to travel, which was ordered to lie on the table and to be printed.

WHEAT MARKETING ACT OF 1961—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of September 12, 1961, the names of Mr. YARBOROUGH and Mr. JACKSON were added as cosponsors of the bill (S. 2535) to amend the Agricultural Adjustment Act of 1938, as amended, to establish a marketing program for wheat, introduced by Mrs. NEUBERGER (for herself and other Senators) on September 12, 1961.

CORRECTED NOTICE OF HEARINGS ON JUDGESHIPS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. In order to correct notice of hearings on certain judgeships which appeared in the CONGRESSIONAL RECORD of September 14, 1961, I herewith submit a revised list of the judges to be considered beginning at 11:30 a.m., Tuesday, September 19, 1961, in room 2228 New Senate Office Building, as follows, together with the names of the subcommittee members to consider these nominations:

Hubert L. Will, of Illinois, to be U.S. district judge, northern district of Illinois, a new position.

Anthony T. Augelli, of New Jersey, to be U.S. district judge, district of New Jersey, a new position.

S. Hugh Dillin, of Indiana, to be U.S. district judge, southern district of Indiana, a new position.

Alfred L. Luongo, of Pennsylvania, to be U.S. district judge, eastern district of Pennsylvania, a new position.

John F. Dooling, Jr., of New York, to be U.S. district judge, eastern district of New York, a new position.

Thomas F. Croake, of New York, to be U.S. district judge, southern district of New York, a new position.

Alfonso J. Zirpoli, of California, to be U.S. district judge, northern district of California, a new position.

Thomas J. MacBride, of California, to be U.S. district judge, northern district of California, a new position.

At the indicated time and place persons interested in the above hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from Michigan [Mr. HART], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. THURMOND:

Article entitled "Clark Urges Firmness in Dealing With Reds," written by Gen. Mark Clark, U.S. Army (retired), and published in the Washington Evening Star of September 13, 1961.

By Mr. HUMPHREY:

Article entitled "Can Automation Take Your Job?" as told by Secretary of Labor Arthur J. Goldberg to Larston Farrar, and published in the Family Weekly of September 2, 1961.

THE MAKING OF THE CONSTITUTION

Mr. WILEY. Mr. President, the perpetuation of our free way of life largely depends, internally, upon our system of laws—granting equal justice to all.

Contrary to popular concept, laws are not just restrictive chains upon a people. Reflecting principles, standards of morality and sense of justice, rather, laws create a climate in which fundamental rights and privileges can be protected and exercised freely.

Abraham Lincoln once said:

> Let reverence for the law * * * become the political religion of the land.

Currently, the National Association of Women Lawyers is undertaking a constructive, praiseworthy effort to expand what is traditionally a Law Day program into a Law Year program. Observance of Constitution Week, September 17–23, will constitute one of their first efforts to promote Law Year. This noble, worthy endeavor will, I sincerely hope, elicit widespread support.

Creating a stronger climate of respect for, understanding of, willingness to abide by just and fair laws, however, can best be accomplished by a thorough knowledge of the historical development of our system.

I was particularly gratified, therefore, to receive a factual outline of an article, "The Making of the Constitution," from Ann O. Blum, of Monroe, Wis., president of the National Association of Women Lawyers.

Believing that this article contributes to a better appreciation of the historical development of our Constitution, I ask unanimous consent to have it printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MAKING OF THE CONSTITUTION

The story of the making of the Constitution has been told many times, but it cannot be told too often.

At 4 o'clock on the afternoon of Monday, September 17, 1787, the Constitutional Convention adjourned sine die, after 4 months of sessions lasting 5, 6, and 7 hours a day, 6 days a week, in the torrid Philadelphia summer. One State, Rhode Island, refused to send any delegates. Twelve States appointed a total of 74 delegates, but only 55 of these attended. It is a matter of pride to the legal profession that 33 of these were lawyers. Eight of the delegates were signers of the Declaration of Independence, 39 had served in the Continental Congress, 7 had served as Governors of their States, and 21 had fought in the Revolution. One man, Roger Sherman, of Connecticut, was a signer of the Declaration, the Articles of Confederation, and the Constitution. Benjamin Franklin, then 81 years old, was the oldest delegate present, and Jonathan Dayton, of New Jersey, aged 26, the youngest. Of the 41 delegates who remained at the close of the session, only 38 signed.

The magnitude of the task these men accomplished can best be appreciated by consideration of the situation into which the country had drifted by the time the Convention was called.

Cornwallis had surrendered at Yorktown on October 19, 1781. The Articles of Confederation, prepared by a committee on July 12, 1776, did not go into effect until the last State, Maryland, signed them, March 1, 1781. Under these articles, the Congress was empowered to incur indebtedness, and call upon the States for their proportionate financial contributions, but it could not compel them to pay; it could make treaties, but it could not force the States to observe the provisions of the treaties. As a direct result of this impotence, troops went unpaid, and were so poorly fed, clothed, and equipped as to be unfit for duty. Each State had its own monetary system, some printing paper money without any gold reserve, so that Continental currency rapidly became worthless. Each State was collecting tariffs on merchandise coming in from other States, and from abroad. By 1783, conditions had become so chaotic that a band of unpaid soldiers started a riot at the State House in Philadelphia, where the Congress was in session. Congress asked the State of Pennsylvania for protection, but found the State militia refused to put down the riot. On June 9, 1783, Congress had to flee under cover of night, and hold its sessions at Princeton and New York. The peace treaty had not yet been signed.

It was impossible to borrow any more money. The States did not pay the funds they should have contributed. Movements were underway in some States to withdraw from the Union and form separate confederations, or return to colonial status. An attempt was made by the State of Virginia to call a convention at Annapolis in September of 1786 to consider the matter of trade, and establish commercial regulations, but only five States sent representatives. The Annapolis Convention adjourned after passing a resolution that the States appoint commissioners to meet May 14, 1787, in Philadelphia "to devise such further provisions as shall appear necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union."

Virginia took the lead, appointing George Washington as the first delegate. The situation was so desperate that the Continental Congress also issued a call for the Convention, and delegates were appointed by all the States except Rhode Island.

Against this background the delegates began to assemble on May 14, 1787, but no quorum was present until May 25. Then George Washington was elected President of the Convention, and rules were adopted for the conduct of the meeting, including one providing strict secrecy—nothing said at the meeting was to be printed, published, or communicated without leave. Fortunately James Madison took voluminous notes of the proceedings, and each evening wrote out in full his notes. When he died, 50 years later, the last survivor of the delegates, his notes were published.

Again Virginia took the lead. Governor Edmund Randolph presented a plan calling for the establishment of a national govern-

ment, which would have supreme executive, judicial, and legislative powers. Such a theory had been advanced in a book written by John Adams (not a delegate to the Convention) the previous year, which also called for two legislative Chambers. The popularity of the book is said to have been influential in obtaining agreement on this point.

Next came the problem of how the States should be represented. The wealthy States wanted representation according to the amount of tax paid to the Federal Government; the populous States wanted representation according to number of inhabitants; the slave States wanted to count the slaves as inhabitants; the Northern States wanted to count only free inhabitants. Finally, this question had to be put aside for later consideration. But the delegates did decide that the Members of the lower House should be elected by the people directly.

The establishment of the executive branch of the Government was agreed upon, after long discussion. Many favored a triumvirate for the head of the executive branch, since, as Randolph argued, a single Executive contained "the fetus of monarchy." The triumvirate would consist of one member from the North, one from the South, and one from the Middle States. A single Executive was finally chosen, but with powers far less than originally proposed.

Again and again the question of how the States should be represented had arisen, and been laid aside. But it had to be faced. The small States demanded equal representation in both Houses. The large States offered a variety of compromises, against which the small States remained adamant. At last it was agreed to recess to give a compromise committee time to work out a proposal. When sessions were resumed the committee proposed that the lower House should consist of one Representative for each 40,000 inhabitants, that in the upper House each State should have an equal vote, and that the power to originate appropriation bills should be limited to the lower House. Strong speeches in opposition to the proposal were made. Two of New York's three delegates left the meeting and did not return. A delegate warned that "if we do not come to some agreement among ourselves, some foreign sword will probably do the work for us." After 11 days of discussion, additional compromises provided that three-fifths of slave inhabitants should be counted in determining the representation, and that the slave trade should not be prohibited before 1808. Though tempers flared and debate was often heated, no delegate indulged in personal remarks, and none broke the secrecy rule.

The question of the judiciary was covered in 1 day. One Supreme Court was provided, with no provision for inferior Federal courts. Jurisdiction of the Court took in "cases passed by the General Legislature, and such other questions as involve the national peace and harmony." The provision passed without dissent.

A committee of detail was then appointed to put in form the resolutions which had been adopted, and a 10-day recess was called to permit the committee to do its work.

When the Convention reconvened to consider the draft, it found some startling changes. The power and jurisdiction of the judiciary was vastly expanded; definite restrictions on the powers of the States were spelled out; powers granted to the Congress were specified, to include the laying and collection of taxes, and provisions for the common defense, for coining money, establishing post offices, the raising and supporting of armies and provision for a navy. A delegate moved that the army Congress could raise should be limited to 3,000 men in peacetime. General Washington, who was the presiding officer, and therefore could not participate in the debate, whispered that the motion should be amended to provide that "no foreign enemy should invade the United States at any time, with more than 3,000 troops." In the end, only the definite understanding that a bill of rights would later be adopted, which should spell out the powers reserved to the States, persuaded the delegates to agree to the broad delegation of power to the Federal Government.

One of the last matters debated was the manner of electing the President, the length of his term, and the establishment of the Office of Vice President. The last item provided the manner in which amendments should be made.

Three men refused to sign the completed Constitution—Edmund Randolph, who had opened the Convention with his 15 proposals, many of which had been adopted; George Mason, who said "he would sooner chop off his right hand than put it to the Constitution as it now stands"; and Elbridge Gerry.

After all of the States represented voted to agree to the Constitution, Dr. Franklin spoke. He said, "I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve them. For, having lived long, I have experienced many instances of being obliged, by better information or fuller consideration, to change opinions, even on important subjects, which I once thought right, but found to be otherwise. In these sentiments, sir, I agree to this Constitution, with all its faults, if they are such; because I think a general government necessary for us, and there is no form of government, but what may be a blessing to the people if well administered; and believe further, that this is likely to be well administered for a course of years, and can only end in despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic government, being incapable of any other."

CHANCELLOR KONRAD ADENAUER

Mr. HRUSKA. Mr. President, in recent days the attention of the world has once again been drawn to the blight of neutralism.

The meetings in Belgrade and the positions expressed there and later have been of great interest and of some concern to all who are active in the fight against the communistic powers.

Against that background, it is in order to recall one of the stalwart figures in the battle for alinement of free world nations against the encroachment of communism. It is well that we call attention to the splendid record Chancellor Konrad Adenauer of the Federal Republic of Germany because all too often with the passage of time we are prone to overlook contributions of the character and degree which he has made.

The powerful, prosperous and confident nation which West Germany is today was accomplished under the aggressive and the sure leadership of the Chancellor. A great many factors went into the rebuilding of an economy and its physical plant to resurrect them from the shambles into which they were cast by the end of World War II.

From a state of virtually complete destruction only 15 years ago, to the present gross national production of over $70 billion, the enviable position of its gold reserve and the spectacular increase in industrial production we find testimony to the leadership of an able, astute statesman of long-range vision and great sagacity.

The vast strides of Chancellor Adenauer's country and of Western Europe generally have been heavily and favorably affected by his championship of the Common Market.

Progress in this direction was not easy to achieve. It took courage and persistence. At times it involved some opposition within his own country, particularly with reference to relations with France. But he persevered and won out.

We note with approval also the strong role which West Germany has taken in its NATO membership and activities, which he so strongly favored from the outset.

All of these things which I have mentioned are gratifying to America because we witness in West Germany not only a strong and prosperous nation but also a firm ally. It is heartening to note the stability which it possesses and its declared sympathies and objectives affirmatively favoring the cause of the free world. We can well express once again our confidence in Chancellor Adenauer's leadership and loyalty.

Mr. MANSFIELD. Mr. President, is there further morning business?

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATIONS, 1962

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 974, House bill 9033, be laid down and be made the pending business.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate resumed the consideration of the bill (H.R. 9033) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1962, and for other purposes, which had been reported from the Committee on Appropriations, with amendments, on page 2, line 5, after "section 202(a)", to strike out "$1,025,000,000" and insert "$1,200,000,000".

On page 2, line 8, after "section 212", to strike out "including $2,673,000 for ocean freight, $1,139,000 for Atoms for Peace, and $24,925,000 for the malaria eradication program, $259,000,000" and insert "$334,000,000, to remain available until expended".

On page 2, after line 11, to insert:

Development grants, special authorization: For assistance authorized by section 214(b) for construction of the General Sikorski Trade School, Hyzna, Poland, $100,000, to remain available until expended, to be used to purchase foreign currencies which the Department of the Treasury may determine to be excess to the normal requirements of the United States.

On page 2, after line 18, to insert:

Surveys of investment opportunities: For expenses authorized by section 232, $3,000,000, to remain until expended.

On page 2, line 25, after "section 402", to strike out "$400,000,000" and insert "$425,000,000, and, in addition, for supporting assistance for Spain as authorized by section 402, $25,000,000, all of

which to remain available until expended".

On page 3, line 4, after "section 451(a)", to strike out "$175,000,000" and insert "$300,000,000".

On page 3, line 8, after the word "States", to insert "in addition to those otherwise authorized,", and in line 9, to strike out "$45,000,000" and insert "$50,000,000".

On page 3, at the beginning of line 14, to strike out "$24,000,000" and insert "$25,000,000"; at the beginning of line 15, to insert "construction of United States-owned facilities in the District of Columbia or elsewhere for the training of foreign military personnel,", and in line 19, after the word "States", to strike out "$1,600,000,000" and insert "$1,700,000,000 to remain available until expended: *Provided*, That to the extent that these funds have not been otherwise previously programed amounts equivalent to the value of orders issued pursuant to the special authority granted in section 510(a) shall be used to reimburse the appropriations financing the replacement of goods or services furnished pursuant to such orders."

At the top of page 4, to insert:

DEPARTMENT OF STATE

Administrative and other expenses: For expenses authorized by section 637(b) of the Foreign Assistance Act of 1961 and by section 305 of the Mutual Defense Assistance Control Act of 1951, as amended, $6,000,000.

On page 4, line 6, after the word "balances", to strike out "(not to exceed $50,000,000)", and in line 7, after the word "available", to strike out "for Military Assistance".

On page 7, after line 13, to insert a new section, as follows:

SEC. 110. Any obligation made from funds provided in this title for procurement outside the United States of any commodity in bulk and in excess of $100,000 shall be reported to the Committees on Appropriations of the Senate and the House of Representatives at least twice annually: *Provided*, That each such report shall state the reasons for which the President determined, pursuant to criteria set forth in section 604(a) of the Foreign Assistance Act of 1961, that foreign procurement will not adversely affect the economy of the United States.

On page 8, line 11, after the word "exceed", to strike out "$3,000" and insert "$4,000"; in line 16, after the word "appurtenances", to strike out "$6,089,000" and insert "$7,835,000", and in line 17, after the word "exceed", to strike out "$1,722,000" and insert "$1,835,000".

On page 10, after line 4, to strike out:

LIMITATION ON OPERATING EXPENSES

Not to exceed $1,170,000,000 (of which not to exceed $600,000,000 shall be for development loans) shall be obligated during the current fiscal year for other than administrative expenses.

On page 12, after line 6, to insert:

TITLE V—PEACE CORPS

Funds appropriated to the President

For expenses necessary to enable the President to carry out the provisions of the Peace Corps Act, including purchase of not to exceed sixteen passenger motor vehicles for use outside the United States, in addition to those otherwise authorized, $40,000,000: *Provided*, That this paragraph shall be effective only upon enactment into law of S. 2000 or H.R. 7500, Eighty-seventh Congress, or similar legislation to provide for a Peace Corps.

On page 13, line 14, after the word "be", to insert "(A)", and in line 16, after the word "requested", to insert "or (B) a certification by the President that he has forbidden the furnishing thereof pursuant to such request and his reason for so doing".

On page 13, after line 18, to insert a new section, as follows:

SEC. 603. The appropriations and authority with respect thereto in this Act shall be available from July 1, 1961, for the purposes provided in such appropriations and authority. All obligations incurred during the period between June 30, 1961, and the date of enactment of this Act in anticipation of such appropriations and authority are hereby ratified and confirmed if in accordance with the terms thereof.

And, on page 14, line 3, to change the section number from "603" to "604".

The VICE PRESIDENT. The question is on agreeing to the first committee amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I request that the attachés on both sides notify Senators in their offices that the debate on the foreign aid appropriation bill is now underway, and it is our anticipation that we shall pass it shortly, unless they want to come to the floor and offer amendments or make remarks.

The VICE PRESIDENT. The Chair recognizes the Senator from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. President, the foreign assistance appropriation bill, which is now before the Senate, recommends appropriations in the amount of $4,416 million. This is an increase of $580 million, $846,000 over the House bill. However, it is $577,900,000 under the original budget estimate sent to the Congress by the President.

Most of this decrease under the budget estimate was made during the process of authorizing this program for the fiscal year 1962.

The largest single increase in the bill effected by the committee is for development loans, where the committee has restored $175 million of the reduction made by the House, and has recommended the full $1.2 billion the President has said was necessary for this program.

The committee also has restored $125 million to the contingency fund and has recommended the amount of the authorization of $300 million. This is still $200 million under the amount which the administration requested and which was reduced by the authorizing bill.

For military assistance, the committee has recommended an appropriation of $1.7 billion, $100 million in excess of the House bill amount.

For the first time since it was organized in 1934, a limitation was placed in the bill in the House on the operating expenses of the Export-Import Bank. The committee felt, in view of the Bank's record of prudent management, that no limitation on its operating expenses was necessary at this time, and the limitation in question has been deleted.

The committee has recommended the full amount of $40 million for the Peace Corps.

With reference to language in the bill, the House of Representatives inserted a provision relating to disclosure of documents. The House provision did not grant the administration a waiver from the penalties of the provision should the President certify the information should not be disclosed. Such a waiver has been in the law in the past, and the committee has restored it to the House bill.

The committee report enumerates in detail all the increases recommended by the committee.

Mr. President, I move that the committee amendments to the bill be agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to.

Mr. HAYDEN. Mr. President, I wish to call up my amendment, designated "9–13–61—B."

In printing the Foreign Assistance Act of 1961, which was signed September 4, 1961, the short title of the act was omitted. This was a clerical mistake. The amendment which I have just called up will rectify this error. It will insert in the appropriation bill the short title language which was inadvertently omitted from the authorization act.

The VICE PRESIDENT. The amendment offered by the Senator from Arizona will be stated.

The CHIEF CLERK. It is proposed on page 11, after line 9, to insert the following:

SEC. 603. Public Law 87–195, approved September 4, 1961, is amended by inserting the following after the enacting clause: "That this Act may be cited as 'The Foreign Assistance Act of 1961' ".

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 887.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The clerk will state the first measure.

CONVEYANCE OF CERTAIN LANDS IN THE STATE OF WYOMING

The bill (H.R. 6193) to authorize the Secretary of Agriculture to convey certain lands in the State of Wyoming to the county of Fremont, Wyo., was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 904—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

H.R. 6193 would reconvey to Fremont County, Wyo., a lot (lot 5, block 14) located in Lander, Fremont County, Wyo., which on November 18, 1935, was donated to the United States but was never accepted by the Government. The county and its assignee have remained in possession of the land.

The unconsummated donation serves to cloud the county's title to the tract. An individual who bought this lot from the county several years ago is now unable to sell it to a prospective purchaser because of this defect in its title. Reconveyance to the county is necessary in order to clear the title.

The Department of Agriculture favors enactment of H.R. 6193.

BILL PASSED OVER

The bill (H.R. 4682) to authorize the Secretary of Agriculture to sell and convey certain lands in the State of Iowa, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (H.R. 3879) to authorize and direct the Secretary of Agriculture to convey to the State of Wyoming for agricultural purposes certain real property in Sweetwater County, Wyo., was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

EXCHANGE OF LAND AT THE AGRICULTURAL RESEARCH CENTER

The bill (H.R. 3920) to authorize an exchange of land at the Agricultural Research Center was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 907—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would authorize the Secretary of Agriculture to convey by quitclaim deed to Fred C. Knauer a parcel of land containing about 1.66 acres in exchange for a tract of land containing 0.6345 acres. The bill provides that the appraised value of the Federal property to be transferred shall not exceed the value of the property to be acquired.

The Department of Agriculture favors the bill.

BILLS PASSED OVER

Mr. MANSFIELD. Mr. President, I ask that Calendar No. 891 and Calendar No. 892 be passed over.

The VICE PRESIDENT. The bills will be passed over.

The bills passed over are as follows:

S. 2520. A bill to amend the Welfare and Pension Plans and Disclosure Act with respect to the method of enforcement and to provide certain additional sanctions, and for other purposes.

S. 188. A bill to grant civil service employees retirement after 30 years service.

PAY OF EMPLOYEES IN CASE OF EMERGENCY EVACUATION

The bill (H.R. 2555) to authorize pay with respect to civilian employees of the United States in cases of emergency evacuations to consolidate the law governing allotment and assignment of pay by such employees, and for other purposes, was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 910—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The main objective of this measure is to authorize the establishment of an orderly and reasonable procedure for the payment of compensation and allowances of civilian employees when official orders have been issued for their emergency evacuation from their official duty stations. To this end, the legislation consolidates several existing laws and provides one standard provision applicable to all employees of the Government.

STATEMENT

Small numbers of our employees in various parts of the world have been subject to emergency evacuation in the past and doubtlessly similar situations will arise in the future. These instances have pointed up the fact that no uniform policy or procedure exists with respect to the payment of salary and allowances to employees forced to leave their duty stations for safety or political reasons. This legislation is designed to provide necessary authority to develop appropriate policy and procedures for future use in the event emergency evacuations again are necessary in any part of the world where the United States has employees assigned to duty.

The bill requires that the President, with respect to the executive branch, shall promulgate regulations to carry out the objectives of the legislation.

COST

Enactment of this measure will not result in additional costs since all payments authorized by its terms are subject to adjustment later. Administrative costs will not be significant as the regulations relating to the measure will become a part of each agency's operating manual.

BILLS AND RESOLUTIONS PASSED OVER

The bill (S. 310) for the relief of Annie Tymochek Porayko, was announced as next in order.

Mr. MANSFIELD. Mr. President, I ask that Calendars Nos. 894 through 942 be passed over and that the call of the calendar continue in sequence beginning with Calendar No. 943.

The VICE PRESIDENT. The bills will be passed over.

The measures passed over are as follows:

S. 310. A bill for the relief of Annie Tymochek Porayko.

S. 899. A bill for the relief of Liu Shui Chen.

S. 1793. A bill for the relief of Mrs. Alfia Alessandro Milana.

S. 1947. A bill for the relief of Annemarie Herrmann.

S. 2291. A bill for the relief of Paul James Branan.

H.R. 1325. An act for the relief of Mrs. Seto Yiu Kwei.

H.R. 1369. An act for the relief of Zsuzsanna Reisz.

H.R. 1394. An act for the relief of Laszlo Hamori.

H.R. 1399. An act for the relief of Mrs. Josefa Pidlaoan and daughter, Annabelle Pidlaoan.

H.R. 1422. An act for the relief of Mrs. Agavni Yazicioglu.

H.R. 1459. An act for the relief of En2c. Hideo Chuman, U.S. Navy.

H.R. 1496. An act for the relief of Aloysius van de Velde.

H.R. 1532. An act for the relief of Jeanine Ruth Tabacnik.

H.R. 1550. An act for the relief of Jesus Garza Lopez.

H.R. 1551. An act for the relief of Kini-Ok Yun.

H.R. 1569. An act for the relief of Isei Sakioka.

H.R. 1581. An act for the relief of Maria Falato Colacicco.

H.R. 1583. An act for the relief of Mrs. Chang-Huang Tang Kao.

H.R. 1614. An act for the relief of Byron T. Efthimiadis.

H.R. 1630. An act for the relief of Carma Pereira de Bustellos.

H.R. 1646. An act for the relief of Josephine Smith.

H.R. 1714. An act for the relief of Nicholas J. Katsaros.

H.R. 1898. An act for the relief of Isabel Brown.

H.R. 1901. An act for the relief of Georgia J. Makris.

H.R. 2136. An act for the relief of Hajime Misaka.

H.R. 2145. An act for the relief of Joginder Singh Toor.

H.R. 2655. An act for the relief of Mrs. Pamela Gough Walker.

H.R. 2822. An act for the relief of Gregoire A. Kublin.

H.R. 3133. An act for the relief of Mrs. Maria A. Schmoldt.

H.R. 3393. An act for the relief of Istvan Zsoldos.

H.R. 3404. An act for the relief of Elemer Christian Sarkozy.

H.R. 3718. An act for the relief of Matthias Nock, Jr.

H.R. 4221. An act for the relief of Sylvia Abrams Abramowitz.

H.R. 4384. An act for the relief of Richard Fordham.

H.R. 4499. An act for the relief of Mrs. Margaret Ruda Daniel.

H.R. 4553. An act for the relief of Zbigniew Ryba.

H.R. 5136. An act for the relief of Compton Jones and Hulbert Jones.

H.R. 5138. An act for the relief of Francisco Joaquim Alves.

H.R. 5141. An act for the relief of Vito Recchia.

H.R. 5735. An act for the relief of Steven Mark Hallinan.

H.R. 6158. An act for the relief of Adolphe C. Verheyn.

S. 1560. A bill for the relief of Yasuko Otsu.

S. 2012. A bill for the relief of Mrs. Moy York Che.

S. 2163. A bill for the relief of Saifook Chan.

H.J. Res. 453. Joint resolution relating to deportation of certain aliens.

S. 1076. An act for the relief of Nancy E. Williamson.

S. 1439. A bill for the relief of Sylvia Freda Karro and her minor children, Allan, Karro, Jennifer Karro, and Michelle Karro.

S. 1685. A bill for the relief of Brigitte Marie Kroll.

S. 2337. A bill for the relief of Athanisia G. Koumoutsou.

PRINTING OF COPIES OF "CANNON'S PROCEDURE IN THE HOUSE OF REPRESENTATIVES"

The joint resolution (H.J. Res. 558) providing for printing copies of "Cannon's Procedure in the House of Representatives," was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 960—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This joint resolution would authorize the printing and binding for the use of the House of Representatives of 1,500 copies of "Cannon's Procedure in the House of Representatives," by the Honorable CLARENCE CANNON, to be printed under the supervision of the author and to be distributed to the Members of the House by the Speaker. Section 2 of the joint resolution reserves the right of copyright to the author.

Printing cost estimate, $9,213.

PRINTING OF ADDITIONAL COPIES OF HOUSE DOCUMENT NO. 412, 85TH CONGRESS

The concurrent resolution (H. Con. Res. 12) authorizing the printing of additional copies of House Document No. 412, 85th Congress, was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 961—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This concurrent resolution would authorize the printing for the use of the House of Representatives of 500,000 copies of a revised edition of "The Capitol—A Pictorial Story of the Capitol in General and the House of Representatives in Particular" (H. Doc. 412, 85th Cong., 2d sess.).

Printing cost estimate, $90,500.

PRINTING AS HOUSE DOCUMENT PUBLICATION "WORLD COMMUNIST MOVEMENT—SELECTIVE CHRONOLOGY 1818–1957, VOLUME 1"

The concurrent resolution (H. Con. Res. 364) to print as a House document the publication "World Communist Movement—Selective Chronology 1818–1957, Volume 1," and to provide for the printing of additional copies, was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 962—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This concurrent resolution would provide that the publication entitled "World Communist Movement—Selective Chronology 1818–1957, Volume 1," released by the House Committee on Un-American Activities during the 86th Congress, 2d session, be printed as a House document; and that there be printed for the use of said committee 15,000 additional copies of said document.

Printing cost estimate, $4,229.28.

PRINTING OF ADDITIONAL COPIES OF REPORT "COMMUNIST TARGET: YOUTH—COMMUNIST INFILTRATION AND AGITATION TACTICS"

The concurrent resolution (H. Con. Res. 384) authorizing the printing of additional copies of the report "Communist Target—Youth—Communist Infiltration and Agitation Tactics" was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 963—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The Committee on Rules and Administration, to whom was referred the concurrent resolution (H. Con. Res. 384) authorizing the printing of additional copies of the report entitled "Communist Target—Youth—Communist Infiltration and Agitation Tactics," issued by the House Committee on Un-American Activities, 86th Congress, 2d session, having considered the same, report favorably thereon without amendment and recommend that the concurrent resolution be agreed to by the Senate.

Pursuant to House Concurrent Resolution 384, the Committee on Un-American Activities would have printed for its use 100,000 additional copies of the report, submitted by J. Edgar Hoover, Director of the Federal Bureau of Investigation, illustrating Communist strategy and tactics in the rioting which occurred during hearings held by the committee at San Francisco, May 12–14, 1960.

Printing-cost estimate, $2,116.77.

PRINTING OF MANUSCRIPT "HISTORY OF THE HOUSE OF REPRESENTATIVES"

The concurrent resolution (H. Con. Res. 385) authorizing the printing of a manuscript entitled "History of the House of Representatives," was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This concurrent resolution would provide that the manuscript entitled "History of the House of Representatives" be printed under the supervision of the House Administration Committee as a House document, and that there be printed 2,000 additional copies for the use of the House of Representatives. This history was prepared by Dr. George B. Galloway, Senior Specialist in American Government, Legislative Reference Service, Library of Congress, in response to a request by the House Administration Committee for a book-length history of the House of Representatives covering all important aspects of the subject since 1789.

Printing-cost estimate, $3,217.07.

WITHDRAWAL OF CERTAIN LANDS, FAIRBANKS, ALASKA

The bill (H.R. 2280) to provide for the withdrawal of certain public lands 40 miles east of Fairbanks, Alaska, for use by the Department of the Army as a Nike range, was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 965—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of H.R. 2280 is to withdraw from the public domain 607,800 acres of land near Fairbanks, Alaska, and reserve them for the use of the Department of the Army as a Nike surface-to-air missile range.

NEED FOR LEGISLATION

Enactment of this bill is required because the act of February 28, 1958 (72 Stat. 27), provides, among other things, that no withdrawal of more than 5,000 acres for any one defense project or facility may be effected except by an act of Congress.

During consideration of H.R. 2280, and four related bills involving the proposed withdrawal of lands in Alaska, which were submitted as part of the Department of Defense legislative program for 1961, Army witnesses demonstrated to the committee's full satisfaction the military need for use of the lands involved. The area described in H.R. 2280 is utilized by Army air defense units in Alaska as a range for their annual service firing of the Nike weapon.

The proposed withdrawal and reservation will be for a period of 10 years with option

to renew for an additional 5 years. This assures review by the administrative agencies involved 10 years from now and a further review at the end of 15 years. If the Department of the Army desires to extend its use beyond this term, it will have to request further legislative action, thereby assuring congressional scrutiny of the necessity for such continued use.

RESERVATION OF CERTAIN PUBLIC LANDS AT FORT RICHARDSON, ALASKA

The bill (H.R. 2281) to reserve for use by the Department of the Army at Fort Richardson, Alaska, certain public lands in the Campbell Creek area, and for other purposes, was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 966—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of H.R. 2281 is to reserve 4,706 acres of land in the Campbell Creek area, Alaska, for the use of the Department of the Army in connection with training at Fort Richardson, Alaska.

NEED FOR LEGISLATION

The Fort Richardson Military Reservation, which serves as headquarters for the U.S. Army, Alaska, is comprised of over 153,000 acres of land.

Enactment of this bill is required because the act of February 28, 1958 (72 Stat. 27), provides, among other things, that thereafter no withdrawals or reservations aggregating more than 5,000 acres for any one defense project or facility may be effected except by an act of Congress. Although the current bill involves less than 5,000 acres, there have been actions since February 28, 1958, which, added to this one, would exceed the statutory limitation.

During consideration of H.R. 2281 Army witnesses demonstrated to the committee's full satisfaction the military need for use of the lands involved. The area described in H.R. 2281 is utilized by Army units in Alaska as a tank and artillery range impact area.

The proposed reservation will be for a period of 10 years with option to renew for an additional 5 years. This assures review by the administrative agencies involved 10 years from now and a further review at the end of 15 years. If the Department of the Army desires to extend its use beyond this term it will have to request further legislative action, thereby assuring congressional scrutiny of the necessity for such continued use.

WITHDRAWAL OF CERTAIN LANDS AT FORT GREELY, ALASKA

The Senate proceeded to consider the bill (H.R. 2279) to provide for the withdrawal from the public domain of certain lands in the Granite Creek area, for use by the Department of the Army at Fort Greely, Alaska, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 4, after the word "thousand", to strike out "four hundred" and insert "five hundred and ninety", and on page 2, line 1, after the word "antemeridian", to insert "however excepting therefrom that portion of west one-half of section 26, township 12 south, range 10 east Fairbanks meridian lying east of the Richardson Highway".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 967—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of H.R. 2279 is to withdraw from the public domain 51,490 acres of land in the Granite Creek area, Alaska, and reserve them for the use of the Department of the Army as a testing and maneuver area in connection with training at Fort Greely, Alaska.

NEED FOR LEGISLATION

The basic Fort Greely Military Reservation, which had been designated previously as the Big Delta Air Force Base, is comprised of 30,791 acres of land. In addition to the main post, troops at the fort utilize two training areas. One of these is the 51,400-acre area described in H.R. 2279 and the other is a maneuver area containing 572,000 acres of public domain land, withdrawal of which is proposed under H.R. 2283, 87th Congress.

Enactment of this bill is required because the act of February 28, 1958 (72 Stat. 27) provides, among other things, that no withdrawal of more than 5,000 acres for any one defense project or facility may be effected except by an act of Congress.

During consideration of H.R. 2279 involving the proposed withdrawal or reservation of lands in Alaska, which was submitted as part of the Department of Defense legislative program for 1961, Army witnesses demonstrated to the committee's full satisfaction the military need for use of the lands involved. The area described in H.R. 2279 is utilized by the Army units in Alaska for equipment and aerial drop testing and by the Cold Weather and Mountain Training School for classes and maneuvers.

The proposed withdrawal and reservation will be for a period of 10 years with option to renew for an additional 5 years. This assures review by the administrative agencies involved 10 years from now and a further review at the end of 15 years. If the Department of the Army desires to extend its use beyond this term it will have to request further legislative action, thereby assuring congressional scrutiny of the necessity for such continued use.

WITHDRAWAL OF CERTAIN LANDS IN THE LADD-EIELSON AREA, ALASKA

The bill (H.R. 2282) to provide for the withdrawal from the public domain of certain lands in the Ladd-Eielson area, Alaska, for use by the Department of the Army as the Yukon Command training site, Alaska, and for other purposes, was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 968—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of H.R. 2282 is to withdraw from the public domain 256,000 acres of land in the Ladd-Eielson area, Alaska, and reserve them for the use of the Department of the Army as a testing and maneuver area in Alaska.

NEED FOR LEGISLATION

Enactment of this bill is required because the act of February 28, 1958 (72 Stat. 27) provides, among other things, that no withdrawal of more than 5,000 acres for any one defense project or facility may be effected except by an act of Congress.

During consideration of H.R. 2282 Army witnesses demonstrated to the committee's full satisfaction the military need for use of the lands involved. The area described in H.R. 2282 was selected in 1957 by the Department of the Army as a site for trainfire ranges and ranges for field artillery and tank firing for troops of the Yukon Command of the U.S. Army, Alaska.

The proposed withdrawal and reservation will be for a period of 10 years with option to renew for an additional 5 years. This assures review by the administrative agencies involved 10 years from now and a further review at the end of 15 years. If the Department of the Army decides to extend its use beyond this term, it will have to request further legislative action, thereby assuring congressional scrutiny of the necessity for such continued use.

WITHDRAWAL OF CERTAIN LANDS IN THE BIG DELTA AREA, ALASKA

The bill (H.R. 2283) to provide for the withdrawal from the public domain of certain lands in the Big Delta area, Alaska, for continued use by the Department of the Army at Fort Greely, and for other purposes was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 969—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of H.R. 2283 is to withdraw from the public domain 572,000 acres of land in the Big Delta area, Alaska, and reserve them for the use of the Department of the Army as a maneuver area in connection with training at Fort Greely, Alaska.

NEED FOR LEGISLATION

The basic Fort Greely Military Reservation, which had been designated previously as the Big Delta Air Force Base, is comprised of 30,791 acres of land. In addition to the main post, troops at the fort utilize two training areas. One of these is the 572,000-acre area described in H.R. 2283 and the other is a testing and maneuver area containing 51,400 acres of public domain land, withdrawal of which is proposed under H.R. 2279, 87th Congress.

Enactment of this bill is required because the act of February 28, 1958 (72 Stat. 27), provides, among other things, that no withdrawal of more than 5,000 acres for any one defense project or facility may be effected except by an act of Congress.

During consideration of H.R. 2283 Army witnesses demonstrated to the committee's full satisfaction the military need for use of the lands involved. The area described in H.R. 2283 is utilized by Army units at Fort Greely as an impact area and for maneuvers.

The proposed withdrawal and reservation will be for a period of 10 years with option to renew for an additional 5 years. This assures review by the administrative agencies involved 10 years from now and a further review at the end of 15 years. If the Department of the Army desires to extend its use beyond this term it will have to request further legislative action, thereby assuring congressional scrutiny of the necessity for such continued use.

WILSON'S CREEK BATTLEFIELD NATIONAL PARK, MO.

The Senate proceeded to consider the bill (S. 1063) to amend the act of April 22, 1960, entitled "An act to provide for the establishment of the Wilson's Creek Battlefield National Park, in the State of Missouri," which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, line 8, after the word "Act", to insert a comma and "but not more than $1,200,000", and after line 9, to insert a new section, as follows:

SEC. 2. Subsection 2(a) of said Act is hereby amended by striking out "Wilson's Creek Battlefield National Park" and inserting in lieu thereof "Wilson's Creek National Battlefield".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to provide for the establishment of the Wilson's Creek Battlefield National Park in the State of Missouri", approved April 22, 1960 (74 Stat. 76), is hereby amended to read as follows: "There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than $1,200,000."

SEC. 2. Subsection 2(a) of said Act is hereby amended by striking out "Wilson's Creek Battlefield National Park" and inserting in lieu thereof "Wilson's Creek National Battlefield".

Mr. BIBLE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement prepared by the Senator from Missouri [Mr. SYMINGTON].

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SYMINGTON

I urge favorable consideration by the Senate of S. 1063, the bill to amend the act providing for the establishment of the Wilson's Creek Battlefield National Park in the State of Missouri.

S. 1063 has two purposes: First, to authorize the appropriation of additional funds for the development of this great battlefield; and second, to redesignate the battlefield as "Wilson's Creek National Battlefield."

The law, at present, authorizes an appropriation of not more than $120,000 for the acquisition of land and interest in lands and for the development of the Wilson's Creek Battlefield.

The bill reported by the Committee on Interior and Insular Affairs authorizes the expenditure of not more than $1.2 million. The National Park Service supports this amendment and has reported that the present law does not authorize sufficient funds for the full development of this memorial to the second great battle of the Civil War.

Under the present limitation, only the barest minimum of administrative facilities could be provided. In a park of this importance, provision should be made for a battlefield tour road, restoration of the historic scene, and for a series of interpretive exhibits. Only in this way can the park be fully enjoyed and appreciated by visitors.

The National Park Service estimates, on the basis of past experience, that some 500,000 visitors can be expected to visit the Wilson's Creek National Battlefield when it is fully developed.

The State of Missouri is ready to do its part. On August 4, 1961, the Governor of Missouri signed an appropriation bill containing $351,800 for the purchase of land to be donated to the Federal Government by the State. This limits the need for any Federal expenditure for land acquisition. Adoption of the amendments contained in S. 1063 will authorize the Federal Government to do its part in the preservation and development of this historic site.

On the 9th and 10th of last month, it was my privilege to attend the centennial celebration of the Battle of Wilson's Creek, held at the site of the original conflict and the site of the national battlefield, which is the subject of the legislation today. That celebration was truly a memorable occasion. And I came away even more convinced that the Wilson's Creek National Battlefield should be developed as a fitting memorial to the second great battle—and certainly one of the most important—of the Civil War.

The VICE PRESIDENT. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 970—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The need for the enactment of the reported bill is explained in the report set forth below which was received from the Department of the Interior on August 22, 1961. The committee has adopted the recommendations of the Department but has imposed a cost limitation of $1,200,000 for the development of this project.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 22, 1961.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: Your committee has requested a report on S. 1063, a bill to amend the act of April 22, 1960, entitled "An act to provide for the establishment of the Wilson's Creek Battlefield National Park, in the State of Missouri."

We recommend the enactment of the bill and suggest an amendment.

Section 3 of the act to provide for the establishment of the Wilson's Creek Battlefield National Park, in the State of Missouri, approved April 22, 1960 (74 Stat. 76), authorizes an appropriation of not more than $120,000 for the acquisition of lands and interests in land and for the development of the Wilson's Creek Battlefield National Park. Of that sum, not more than $20,000 may be used to acquire lands. These monetary limitations would be removed by the enactment of S. 1063.

Approximately 1,730 acres of land will be required to provide adequately for the preservation and development of the area. Because this land will be donated, there will be no costs to the Federal Government for land acquisition. However, the $120,000 authorization will not be adequate for proper development of the area. With such a sum only the barest minimum of necessary administrative facilities such as a utility building (including office space and pumphouse), utilities, employee housing, signs and markers, and an entrance road and small parking area can be provided. Within a $120,000 limitation no provision can be made for the customary interpretive devices required in a park of this type. There should be provided a battlefield tour road, battlefield interpretive exhibits, and the historic scene should be restored. Moreover, a visitor center with related public use and administrative facilities is required. These facilities are essential to the visitor enjoyment and understanding of the historic events commemorated in the park. They would cost approximately $1,219,000, which would be in addition to the existing limitation.

We recommend that the name of the area be changed to Wilson's Creek National Battlefield. The present designation is unique in the national park system; certainly, designation as a national park is inappropriate for a military area such as this. It is our objective to simplify the existing nomenclature employed for the national park system. The amendment which we recommend would bring the designation of this area into conformity with the overall nomenclature being proposed.

Accordingly, we suggest that the following new section be added to the bill:

"SEC. 2. Subsection 2(a) of said Act is hereby amended by striking out 'Wilson's Creek Battlefield National Park' and inserting in lieu thereof 'Wilson's Creek National Battlefield'."

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

LINCOLN BOYHOOD NATIONAL MEMORIAL, IND.

The Senate proceeded to consider the bill (H.R. 2470) to provide for the establishment of the Lincoln Boyhood National Memorial in the State of Indiana, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments at the top of page 2, to strike out:

SEC. 2. The Secretary is authorized to acquire by donation or purchase with donated or appropriated funds, land and interest in land within the designated area. When land has been acquired in sufficient quantity to afford an initially administrable unit of the national park system, he shall establish the Lincoln Boyhood National Memorial by publication of notice thereof in the Federal Register.

And, in lieu thereof, to insert:

SEC. 2. When title to all such land, or interests therein, as is designated pursuant to section 1 hereof has been donated to and accepted by the United States, the Lincoln Boyhood National Memorial shall thereby be established and the Secretary shall publish notice thereof in the Federal Register.

And, after line 18, to strike out:

SEC. 4. There are hereby authorized to be appropriated such sums, but not more than $75,000, as are necessary to acquire lands and interests in lands pursuant to this Act.

And, in lieu thereof, to insert:

SEC. 4. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act, but not

more than $1,000,000, no portion of which shall be expended for the acquisition of lands or interests in land.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 971), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of H.R. 2470, as amended, is to provide for the donation of certain lands in the State of Indiana, including the farm on Pigeon Creek in Spencer County on which Abraham Lincoln lived from the time he was 7 until he was 21, and to create thereon the Lincoln Boyhood National Memorial. H.R. 2470 was introduced by Congressman DENTON and, as amended, incorporates certain provisions contained in S. 373, introduced by Senator HARTKE, which also provides for the establishment of the memorial.

NEED

Abraham Lincoln, 16th President of the United States, was born in Kentucky in 1809, moved to Indiana in 1816 where his mother, Nancy Hanks, died in 1818 and where he remained until 1830, and then went to Illinois. He thus spent his formative years in southern Indiana on the lands proposed by H.R. 2470 to be set aside as a national memorial. His birthplace is preserved as a national historic site established in 1916 and the house in which he died as a national memorial authorized in 1896. The White House, and particularly its Lincoln Room, serve as a reminder to all Americans of his inestimable services to his country as its President. It is fitting, the committee believes, that the farm on which he grew up should also be restored and preserved and that with it should go the traditional site of his mother's grave and of other points associated with his early life.

H.R. 2470 authorizes the acquisition of as much as 200 acres of land for the memorial. All of this land except 57 acres is owned by the State of Indiana which, by act of its legislature, has indicated its willingness to donate it and the Nancy Hanks Lincoln Memorial to the United States for the purposes of this bill. The remaining 57 acres, a part of the Lincoln farm, are now split up into small tracts and held by about 25 different owners. These lands yield a total of about $640 in State, county, and township revenues based on an assessed valuation of slightly more than $16,000. The committee has been advised by officials of the county and township that there would be no objection to having the lands removed from the tax rolls.

COST

The cost of the proposed Lincoln Boyhood National Memorial is limited to $1 million. No portion of such funds may be used for land acquisition purposes.

AMENDMENTS

Although H.R. 2470 provided $75,000 for land acquisition purposes, its Senate companion, S. 376, provided for the donation of not to exceed 200 acres for development as the proposed memorial. The sponsor of the Senate bill, Senator HARTKE, assured the committee that there was a very strong likelihood of a donation of the required lands to the Federal Government. The House bill was amended by the committee requiring the donation of all land. While units of the national park system are developed for the benefit of all the people of the Nation, it is evident that particular benefits accrue as a result of such development to a State, and its citizens, in which such development occurs. In the judgment of the committee, the States should participate whenever possible in the development of national shrines and memorials and the amendment adopted by the Senate committee in this instance would achieve that objective.

RESERVATION OF CERTAIN LANDS AT NELLIS AIR FORCE RANGE, NEV.

The bill (H.R. 6494) to provide for withdrawal and reservation for the use of the Department of the Air Force of certain public lands of the United States at Nellis Air Force Range, for defense purposes was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 972—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 6494 is to withdraw from the public domain 81,480 acres of land in Clark County, Nev., and reserve them for the use of the Department of the Air Force in connection with training at Nellis Air Force Range, Nev. When the lands are no longer required for defense purposes, the Secretary of the Interior will delineate areas to be made safe for nonmilitary uses and in such areas the Secretary of the Air Force will conduct dedudding and decontamination procedures necessary to assure that the designated areas are safe for nonmilitary use.

NEED

The Nellis Air Force Range comprises approximately 3,194,000 acres of land, of which 3,112,520 acres have previously been withdrawn from the public domain by administrative action for defense purposes. H.R. 6494 describes the remaining of 81,480 acres, which also have previously been withdrawn by administrative action but as part of the desert game range.

CHIEF JOSEPH DAM PROJECT, WASHINGTON

The Senate proceeded to consider the bill (S. 1060) to authorize the Secretary of the Interior to construct, operate, and maintain the Oroville-Tonasket unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Washington, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 8, after the word "lands", to insert "and for conservation and development of fish and wildlife resources"; on page 2, line 23, after the word "installation", to insert "operation and maintenance"; in line 24, after the word "dam", to insert "and provision for sufficient flows in the rivers below Palmer Lake"; on page 3, line 5, after the word "construction", to insert "operation and maintenance"; in line 8, after the word "purpose", to strike out the comma and "in accordance with Fish and Wildlife Coordination Act (48 Stat. 401, as amended, 16 U.S.C. 661, et seq.)" and insert a period and "The Secretary is further authorized to make provisions for access to project areas for the general public, including fishermen and hunters.", and in line 14, after the word "in", to strike out "said Act" and insert "the Fish and Wildlife Coordination Act (48 Stat. 401, as amended, 16 U.S.C. 661, et seq.)"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of furnishing a new and a supplemental water supply for the irrigation of approximately eight thousand four hundred and fifty acres of land in Okanogan County, Washington, and for the purpose of undertaking the rehabilitation and betterment of existing works serving a major portion of these lands and for conservation and development of fish and wildlife resources, the Secretary of the Interior is authorized to construct, operate, and maintain the Oroville-Tonasket unit of the Okanogan-Similkameen division of the Chief Joseph Dam project, in accordance with the provisions of the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal works of the unit shall consist of: facilities to permit enlargement and utilization of Palmer Lake storage; related canal, diversion dam, pumping plants, and distribution systems; and necessary works incidental to the rehabilitation of the existing irrigation system.

SEC. 2. The provisions of section 2 of the Act of July 27, 1954 (68 Stat. 568, 569), shall be applicable to the Oroville-Tonasket unit of the Okanogan-Similkameen division of the Chief Joseph Dam project. The term "construction costs" used therein shall include any irrigation operation, maintenance, and replacement costs during the development period which the Secretary finds it proper to fund because they are beyond the ability of the water users to pay during that period.

SEC. 3. The Secretary may make such provisions for fish and wildlife conservation, including, but not limited to, the installation, operation and maintenance of fish screens at the pump plants and diversion dam, and provision for sufficient flows in the rivers below Palmer Lake, as he finds to be required for the mitigation of losses or damages to existing fishery and wildlife resources, and, if he determines that it is practicable and desirable to reestablish anadromous fish runs in the Similkameen River, may make such provisions, including the construction, operation and maintenance of fish ladders and other control works, and downstream flow releases as he finds to be required to accomplish that purpose. The Secretary is further authorized to make provisions for access to project areas for the general public, including fishermen and hunters. An appropriate portion of the construction costs of the unit shall be allocated as provided in the Fish and Wildlife Coordination Act (48 Stat. 401, as amended, 16 U.S.C. 661 et seq.), which, together with the portion of the operation, maintenance, and replacement costs allocated to this function or the equivalent capitalized value thereof, shall be nonreimbursable and nonreturnable under the Federal reclamation laws.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 973), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

DESCRIPTION OF PROJECT

The Oroville-Tonasket unit is a proposed irrigation development in the Okanogan River Basin in northern Washington. The lands are located along the river and on benches and slopes on both sides of the river in the general vicinity of the towns of Oroville and Tonasket. The area is about 25 miles long and 3 miles wide at its widest point. It contains 8,450 acres of irrigable lands, of which about 6,950 were irrigated and 1,500 acres have no water supply. Of the total irrigable area, about 7,500 acres are within the boundaries of the presently operating Oroville-Tonasket Irrigation District. The intention is for all lands within the unit to be incorporated within the district. The objective of the plan is to construct new irrigation works and rehabilitate portions of the present district so as to provide an adequate irrigation water supply to the 1,500 acres now dry and to supply about 3,650 acre-feet of supplemental water annually to the remainder of the irrigable area. This will require a total average annual new diversion water supply of about 13,850 acre-feet.

The Oroville-Tonasket is essentially a single-purpose irrigation development, designed primarily to provide additional water and more dependable facilities to a long-established irrigated area and to permit some expansion. Except for a small amount allocated to fish and wildlife, the entire project cost is allocated to irrigation.

About 75 percent of the unit lands are devoted to apple orchards, the remainder being in hay and pasture and a small acreage to cultivated crops. The area is nationally famous for its apples, and under project development and operation the acreage and percentage of land devoted to this crop is expected to expand. The high productivity of the lands and the favorable economics of the specialty crops to which they are suited will make it possible for the water users to repay the entire cost allocated to irrigation within 50 years.

PROPOSED DEVELOPMENT

The proposed plan of development provides for the construction of control works and a pumping plant at the outlet of existing Palmer Lake. These would control the level of the lake and provide additional capacity for the storage of irrigation water. A new diversion and dam and headworks for diverting the water out of Similkameen River would be constructed, as would a new siphon across the Okanogan River.

It is also planned to construct four small auxiliary pumping plants to supplement flows in the distribution system. The existing distribution system of the irrigation district would be utilized. Fish screens to mitigate any damages to the fishery resource would be placed at the outlet to Palmer Lake, at the diversion dam and pumping plants. Power to operate the pumping plants would be obtained from Bonneville Power Administration.

Cost	
Total cost of project	$3,216,900
Allocated to irrigation and reimbursable	3,097,500
Allocated to fish and wildlife and nonreimbursable	119,400
Benefit-cost ratio:	
100 years	3.42 to 1.
50 years	1.98 to 1.

ALLOCATION OF COSTS, WAPATO INDIAN IRRIGATION PROJECT

The bill (S. 1581) for the allocation of costs on the Wapato-Satus unit of the Wapato Indian irrigation project was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall (a) designate within one year from the date of this Act the lands that are capable of being served by the irrigation works that have already been constructed on the Wapato-Satus unit of the Wapato Indian irrigation project, (b) determine the final construction costs of such works, (c) allocate the costs on a per acre basis to the land capable of being served, (d) assess the costs so allocated to land in non-Indian ownership, and (e) defer the assessment of the costs so allocated to land in Indian ownership in accordance with the Act of July 1, 1932 (47 Stat. 564).

SEC. 2. The Secretary of the Interior is authorized to install trash racks at the Yakima River diversion headworks of the Wapato-Satus unit, and the cost thereof shall be allocated and either assessed or deferred in accordance with the provisions of section 1 of this Act.

SEC. 3. The Secretary of the Interior is authorized (a) to designate additional lands that could be served by the Wapato-Satus unit if additional works were constructed, and (b) to construct such additional works: *Provided,* That no land in non-Indian ownership shall be included until an agreement satisfactory to the Secretary has been reached with the owner thereof for payment of the construction cost.

SEC. 4. If the Secretary of the Interior determines that an operation and maintenance assessment for the repair or replacement of any irrigation works that have been or may be constructed on the Wapato-Satus unit exceeds the amount that should reasonably be paid in one year, he may provide for payment over such period of time as he deems reasonable.

SEC. 5. The proportionate share of the cost incurred under sections 2 and 3 of this Act that is allocated to land in Indian ownership shall be added to the deferred construction charges determined under section 1 of this Act, and the total amount shall be assessed on a per acre basis when the deferment is terminated.

SEC. 6. The Secretary of the Interior is authorized to redesignate from time to time the lands that are capable of being served by the irrigation works of the Wapato-Satus unit. Any Indian or non-Indian land that is removed from the project by such redesignation shall bear its proportionate share of the construction costs, either deferred or assessed, and its proportionate share of the operation and maintenance cost to the date of such removal, if the removal is based on a redesignation for a higher use. If the lands removed are in Indian ownership, and the removal is based on any other factor, the lands shall not thereafter be assessed for construction charges.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 974—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The principal purposes of S. 1581, introduced by Senator JACKSON for himself and Senator MAGNUSON, are to fix the final construction costs of the irrigation works that have been constructed on the Wapato-Satus unit of the Wapato Indian irrigation project, Washington, to allocate those costs among the lands that can be served by those works, and to provide a formula for distributing construction costs hereafter incurred for serving additional lands. The portion of the costs that are allocated to non-Indian land will be assessed, and the portion that is allocated to Indian land will be deferred under the Leavitt Act of July 1, 1932.

The committee's attention has been called to the fact that a problem exists in respect to the classification of the land in the project, and some dissatisfaction has been expressed by the chairman of the Yakima Tribal Council.

The bill acknowledges the problem and directs the Secretary of the Interior to make a redesignation study before allocating the construction costs. The committee understands that the Secretary will follow established procedures when making this study, and believes that this is the proper method of resolving the problem.

NEED

The bill is the result of a desire on the part of the landowners to know with certainty the total charges against their lands arising from construction of a distribution system which serves their lands. Although construction, which began 50 years ago, is not complete, it is sufficiently advanced to designate the acreage which can be served by the works which have been completed and to which costs may be allocated.

The Wapato-Satus unit includes approximately 138,000 acres of which 130,000 are now served by the project works; 85,228 acres of the unit are owned by Indians; 44,712 acres are owned by non-Indians. The total cost of the unit to June 30, 1960, was $7,881,495, of which $2,944,404 plus interest of $17,309 has been collected. The total operation and maintenance costs to June 30, 1960, were $12,489,716 of which $12,489,716 had been collected.

COST

The installation of trashracks, provided for in the bill, will cost about $75,000. The additional works covered by section 3 are, the committee was advised, already authorized and enactment of the bill will not, therefore, result in increased expenditures by the Government. The cost will depend on the acreage served them but will not exceed $500,000.

COMPACT RELATING TO THE WATERS OF THE LITTLE MISSOURI RIVER

The bill (S. 1139) to amend the act granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to the waters of the Little Missouri River in order to extend the expiration date of such act was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to their interest in, and the apportionment of, the waters of the Little Missouri River and its tributaries as they affect such States, and for related purposes", approved August 28, 1957 (71 Stat. 466), is amended by striking out "four years" and inserting in lieu thereof "eight years".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 975—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this legislation is to allow 4 years' additional time for the negotiation of a certain compact by the States of Montana, North Dakota, South Dakota, and Wyoming for an apportionment of the waters of the Little Missouri River and its tributaries.

EXPLANATION

The act of August 28, 1957 (71 Stat. 466), gave the consent of the Congress to the negotiation of a certain water compact among the States of Montana, North Dakota, South Dakota, and Wyoming, but limited the authority to negotiate to 4 years. This legislation extends for 4 additional years that authority which expired on August 28, 1961. The sponsors of the measure feel that with the additional time requested, the respective States will be able to arrive at an equitable solution of the problem. Under the circumstances, the committee believes that the proposal for a 4-year extension is not unreasonable.

DEPARTMENT REPORTS

The reports of the Department of the Interior and the Bureau of the Budget are set forth below:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 18, 1961.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: This responds to your request for the views of this Department on S. 1139, a bill to amend the act granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to the waters of the Little Missouri River in order to extend the expiration date of such act.

This Department would have no objection to the enactment of S. 1139.

This bill would amend the act of August 28, 1957 (71 Stat. 466), to extend its provisions by an additional 4 years to a total of 8 years. The original act gave the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to their interest in, and the apportionment of, the waters of the Little Missouri River and its tributaries. This consent was given on the condition that a representative of the United States appointed by the President, should participate in the negotiations as Chairman and then should report thereon to the President and the Congress. It further provided that any compact formulated in the course of the negotiations would have to be ratified by the legislatures of the States concerned and consented to by the Congress before it would become effective.

In a report on that bill we advised you that in view of the Department's reclamation, fish and wildlife, recreational, Indian, and other interests in the Little Missouri Basin, we would be happy to furnish all possible assistance in the compact negotiation. The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

KENNETH HOLUM,
Assistant Secretary of the Interior.

DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 820.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 5968) to amend the District of Columbia Unemployment Compensation Act, as amended.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the Senate proceeded to consider the bill.

The VICE PRESIDENT. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 5968) was ordered to a third reading, was read the third time, and passed.

Mr. HUMPHREY subsequently said: Mr. President, at the request of the majority leader, I enter a motion to have the Senate reconsider the vote by which Calendar 820, House bill 5968, to amend the District of Columbia Unemployment Compensation Act, as amended, was passed today by the Senate. The bill was passed inadvertently.

The PRESIDING OFFICER. The motion will be entered.

PROPOSED TAXES ON INCOME EARNED ABROAD BY AMERICAN BUSINESS FIRMS

Mr. MORTON. Mr. President, proposals are now pending in the Senate to increase severely the taxes imposed on income earned abroad by American business firms. There have been suggestions that these proposals will be offered as Senate amendments to the first appropriate revenue measure.

The issues involved in these proposals are numerous and very complex: They affect important objectives of our foreign policy and they bear a grave import to our domestic economy.

Fundamentally, however, the arguments advanced for these proposals are twofold. First, it is said that the present provisions for tax treatment of income earned abroad grant some sort of special privilege and preference; thus, they are unsound from the viewpoint of tax equity. Second, it is said that these supposed special preferences were intended to encourage the flow of American investment funds to other parts of the world; but that such an outward investment of American capital, whether or not desirable in the past, is now harmful both to our foreign policy and, particularly, to our domestic economy.

I am convinced that these proposed changes are based on a misunderstanding of both the tax principles involved and the political and economic benefits to the United States and the free world of foreign investment by American business. I hope today to provide some background, to raise some questions, to suggest some issues for your consideration in the examination of the sweeping and drastic proposals that have been made. I shall present, and, I believe, justify these propositions.

First, the existing general provisions governing tax treatment of income earned abroad do not represent a special preference, as often claimed, but were adopted by Congress at or near the outset of our income tax system as a matter of equity, without reference to encouraging or discouraging foreign investment.

Second, under the neutral effects of present tax treatment, American funds have been invested abroad because of sound economic opportunities there, and the American vision to see them. And participation by Americans in these opportunities abroad has become a major source of American economic strength—increasing the sale of American goods, creating jobs and wages for American workers, and providing additional sources of revenue for the U.S. Government.

Third, American private investment abroad gives significant support to U.S. foreign policy objectives, encouraging economic growth and political stability and, therefore, the cause of freedom in many nations, particularly those in the so-called underdeveloped areas.

Fourth and finally, a program of retrenchment by the United States in the form of penalties to U.S. investors would materially weaken our capacity to play a constructive role in erecting new and tremendously powerful integrated European economic blocs.

1. TAX PRINCIPLES

Now let us establish the fallacy of the notion that our basic laws for taxing income earned abroad amount to a "special privilege or preference." Such phrases, even the more colorful word "loophole," have been voiced with such abandon that I fear we have here—unwittingly, I am sure—an example of the kind of widespread repetition of shibboleths which tend to foster misunderstanding and prejudice rather than objective and intelligent examination.

We may place the issues in correct perspective by examining the proposed tax changes in the light of the origin and purpose and principle of the present law.

A. FOREIGN TAX CREDIT

Perhaps the most far-reaching proposal is the provision in a pending bill, S. 749, to repeal the foreign tax credit—the arrangement under which an American business operating abroad is allowed a credit against U.S. income taxes for the income taxes already paid to the foreign country where the firm operates.

This provision was enacted by Congress in 1918, 5 years after enactment of the income tax itself, specifically to correct an inequity—not to create one. The original inequity had been overlooked under the relatively low rates of the 1913 act. With the increase in corporate taxes in both the United States and Europe due to World War I, however, it soon became evident that the combined effect of taxes imposed on American taxpayers by both foreign governments and the United States could amount in some cases to virtual confiscation of earnings.

Congress readily recognized the inequity of a situation in which the same

income was taxed twice and separately by two governments, neither considering the taxes imposed by the other. And so Congress established the principle that the foreign government has the primary right to tax, that the country in which the business was conducted and the income earned would levy its tax, and the United States would impose whatever additional taxes were necessary to equal the prevailing tax rates in this country. The provision was thus conceived as a move directly to assure equity—to make certain that the American firm operating abroad paid precisely the same total tax rate as a business in this country.

The merit of such a foreign tax credit has long been recognized not only in the United States, but abroad. Some foreign countries, aware of the benefits to the homeland of successful operations by their business firms in other countries, do not tax income earned abroad at all. In fact, among the developed countries which do impose such a tax, almost all permit a foreign tax credit similar to ours. And this principle has long been recognized in all the 21 tax treaties between the United States and foreign countries.

There can be little doubt that the circumstances and motives which prompted enactment of the foreign tax credit in 1918 are very prevalent and pertinent today. Without such a provision, an American firm operating in Britain, France, West Germany, or Canada, for example, could be required to pay income tax rates of 50 to 53¾ percent to those countries; and when the remaining income was received here, an additional tax of 52 percent of the remainder would be imposed by the United States. Thus, the effective tax rate on earnings of American firms in these countries would be about 75 percent in contrast to the indicated lower rates paid on earnings by the indigenous company in the foreign country. No American business could operate successfully or effectively compete under such tax treatment. It is my contention that true tax neutrality would be achieved if the total tax—both U.S. and foreign—were the same on earnings of a U.S. taxpayer in a particular country as on the earnings of a native taxpayer.

This administration, as have previous administrations, recognizes the equity and necessity of the foreign tax credit. The Assistant Secretary of the Treasury for Taxation, Mr. Stanley Surrey, stated the obvious truth—which is still unrecognized in S. 749—when he said in 1958 that—

> Without the foreign tax credit there would be simply no international trade or investment as far as the United States is concerned.

This is as true today as it was when the great Cordell Hull conceived of the reciprocal trade program.

So let us understand this proposal for what it is, and is not. Repeal of the foreign tax credit would not remove a special privilege, as often claimed, but would impose a unique and special penalty. And the inevitable result of this severe discrimination against American enterprise abroad would be to lead the United States toward ruinous economic isolation.

B. FOREIGN SUBSIDIARY INCOME

A second important feature of S. 749 concerns the timing of the U.S. tax on earnings of American-owned subsidiary corporations chartered and operating in a foreign country. Under existing law, these earnings are taxed at the regular rates when the income is received by the American parent corporation. Under the proposal, the United States would tax the American parent corporation on the earnings of the foreign subsidiary in the year earned, regardless of when or whether the earnings are remitted to the United States.

Again, Mr. President, there is a basic misconception of the origin and underlying principles of the present law. The structure of our present law is not, as claimed, a special privilege designed to stimulate foreign investment; it has been a part of our income tax code ever since the original act of 1913, when foreign investment was scarcely a major goal or an issue at all. It was designed for good reason, because of basic considerations of equity and appropriateness in defining just what is taxable income and what is a taxable entity.

The existing law simply recognizes the elementary principle that income must be received as a normal prerequisite to payment of income tax. It recognizes further that it is American ownership of the foreign corporation which gives rise in the first place to American taxation of the foreign business. Until the basis for American taxation is brought into play—that is, until the American owner receives income from the foreign corporation—there is little fair ground for the collection of American income taxes, or little basis to reach into a foreign country and tax the earnings of a corporation chartered and operating wholly under the laws of that country. In effect, under this proposal, the United States would attempt to tax an American taxpayer on income which it has not received; in fact, the American would be taxed on income which he might never receive because of currency restrictions or other legal or economic requirements.

This proposal to tax the foreign subsidiaries of American owners run counter to a ruling of the U.S. Supreme Court. The highest tribunal has wisely held that you cannot levy an income tax on one person based on another's income. It also flagrantly disregards the international principle that a country's tax jurisdiction cannot be exerted beyond its borders and any attempt on our part to do so would surely come back to plague us.

A misunderstanding is evident in the widespread description of the present law as a deferral of tax. This phrase assumes that a tax ordinarily due is being deferred, and hence some special privilege has been conveyed. I wonder what the reaction would be if some 10 to 15 million Americans who hold stock in U.S. companies were suddenly told that they have been enjoying a special privilege of tax deferral, and that from now on they will be taxed on the undistributed earnings of the corporation in which they hold stock, whether the corporation pays them any dividends or not. It is not that the tax is now "deferred" until the payment of a dividend—the tax on the shareholder is simply not due until the shareholder receives the income. Similarly, a domestic corporation pays no income tax on the earnings of a domestic subsidiary unless and until they are distributed as dividend to the corporation by that subsidiary. And this is precisely the same arrangement now applied to foreign subsidiaries of American corporations. The tax due is paid when the income is received by the U.S. parent corporation, but not before. The present law is thus no exception to normal principles of tax equity or the general scheme of taxation.

And so again, we find that the proposed change—to levy a tax against the American shareholder on undistributed foreign earnings—would not remove a special preference, but would impose a severe discrimination against American enterprise abroad. Such an act would be without precedent in our own country or in any of the industrialized countries of the world.

To summarize at this point, Mr. President, the arrangements with respect to the foreign tax credit and the timing of taxation of foreign subsidiary income, while providing no special privilege, have permitted American capital to develop economic opportunities abroad under tax principles long and widely recognized as fair and equitable. The proposed amendments to these two basic provisions, instead of fostering neutral tax treatment, would inject a special disincentive for foreign investment; they would create a broad and formidable tax barrier which would serve as a pressure against American participation in business opportunities abroad wholly aside from basic considerations of economic merit.

In the light of this review of the present law and the proposed changes, the next essential question, then, is this: has foreign investment on the whole served this country well, or has it produced undesirable effects which should now be curbed by a program of international economic retrenchment?

2. FOREIGN INVESTMENT AND THE U.S. ECONOMY

Some of the talk about the effects of foreign investment on the domestic economy, includes a foggy but distressingly persistent notion to the effect that because "foreign investment" has the word "foreign" in it, it is somehow almost un-American. The evidence is overwhelmingly on the side that investment abroad has produced tremendous economic benefits for Americans at home. Because some of these effects are somewhat indirect and perhaps completely unknown to most Americans, I fear that the average citizen may not fully appreciate his own stake in the venture of American business abroad.

It is often supposed, for example, that foreign operations by American business firms tend to reduce the jobs and wages available to American workers both by depressing our exports and increasing our imports. Further examination, however, shows quite conclusively that the

opposite is true—foreign investment on the whole tends to create more jobs and more wages in America. It expands our exports far more than it increases our imports.

In fact, the impact of foreign investments on U.S. exports is so great that often the exports generated by such investments exceed the value of the investments within 3 to 4 years from the time the investment is initially made. Let us understand clearly how and why this is so.

First, we should note the varied nature of the activities covered by the term "foreign investment." Critics sometimes seem to suggest that a large proportion of U.S. foreign investment results in the production of goods abroad which would otherwise be produced here. This is simply not the case.

The largest proportion of our oversea investment is in the development of raw materials not produced in sufficient quantity in the United States to meet our domestic needs. For example, of the total U.S. imports of metals and minerals, nearly 60 percent are received from U.S.-owned firms abroad.

We receive approximately 80 percent of our crude bauxite from abroad, 30 percent of our iron ore, 100 percent of our chromium metal, 80 percent of our cobalt, 100 percent of our natural rubber, 50 percent of our lead, 60 percent of our zinc, 80 percent of our manganese, 60 percent of our tungsten, 30 percent of our copper, 75 percent of our newsprint, and 100 percent of our tin. Without these materials and others which I could go on listing, our industrial machine would grind to a halt. Their availability for the United States is made possible by American investment.

Further, much foreign investment is devoted simply to the expansion of sales and distribution facilities abroad for goods produced in America. Or the investment may be neutral insofar as American commerce is concerned, but employed to produce or process raw materials in one foreign country for sale in another—bringing income from such operations to Americans and the American economy. Similarly, the investment may provide public utilities or other services which cannot possibly be competitive with economic activity in the United States. The benefits to the United States from all these forms of foreign investment, comprising a large majority of investment abroad, are so obvious, they need little exposition.

A more subtle situation develops when the foreign investment establishes a plant to manufacture goods similar to those also manufactured in the United States. If these plants sell to foreign markets which otherwise would be available to American plants, or send goods back to America to displace products made here, then obviously employment in America would be adversely affected. But all the evidence indicates that out of the total of all U.S. foreign investment, these circumstances apply to a relatively insignificant degree—they are exceptions to the general rule, although sometimes mistaken for the general rule. The Department of Commerce has reported that in 1957, for example, of the goods manufactured abroad by firms with even 25 percent or more American ownership, only 6 percent were sold in the United States.

In the overwhelming number of cases, foreign manufacturing or processing operations are established by American firms because foreign markets cannot be reached effectively with exports from America. The American investor may establish such a foreign manufacturing or processing plant for a wide variety of reasons:

To be able to operate within prohibitive foreign tariff walls, import quotas, or currency restrictions.

To meet foreign legal requirements as to licenses, use of patents, or credit.

To be closer to foreign markets and avoid prohibitive freight costs.

To be able to compete in foreign markets against lower cost production by foreign competitors.

Or, simply, to realize the benefit of better relations with the foreign government, foreign customers, employees, or public.

When American firms invest abroad for these reasons, they do not displace production in their American plants; rather, they seek markets and income for Americans which otherwise would go to foreign competitors.

Most important, what is often overlooked is the striking manner in which establishment of a foreign manufacturing or processing plant by an American firm normally serves, directly or indirectly, to expand American exports and thus to provide jobs and wages for Americans. Establishment of the plant itself often provides an immediate demand for American machinery and equipment. Operation of the plant often creates a continuing demand for American materials or components. There is usually a corollary need for American technical and advisory services, or spare parts.

And even more subtly, the successful entry into heretofore difficult foreign markets encourages the American firm—with its feet wet, so to speak—more aggressively and more effectively to establish foreign markets for its American made goods. In other words, while the foreign plant may produce one or a few items in the American firm's line, and hence open the door to a heretofore impenetrable market, the experience thus gained in the foreign market, the distribution channels thus established, the local identification, the good reputation achieved—all these make it feasible and economic for the American firm to make sales abroad of other products, made in America, which otherwise would never be realized.

I have very briefly reviewed many important ways in which foreign investment by American firms generates exports of American goods, and thus creates jobs and wages for American workers. We should not suppose that because these factors are stated in generalities, they are merely theoretical. I would urge any interested Member of this body to examine carefully and objectively the testimony presented during the week of June 5 through 9 to the House Committee on Ways and Means. Again and again, American businessmen appeared before the committee to relate from their own practical experience, in dollars and cents terms, a thoroughly convincing account of how their own foreign investments have in fact served to increase their own exports to foreign markets. Even though I knew this to be true in general, I was almost amazed at the evidence as to the extent to which this is true.

Let me cite just one impressive example among many—the composite experience of 19 large American manufacturing concerns with substantial oversea investments. These firms noted that the Secretary of the Treasury, in presenting the proposal to tax undistributed earnings of foreign subsidiaries, observed that it was difficult to establish the connection between exports and foreign investment. The companies also had in mind a statement by the Commerce Department calling attention to the lack of data on which to base conclusions as to the effects of foreign investment upon our export trade. And so the 19 firms joined in a study to supply facts. The manufacturers submitted confidential data on their own operations to an outside accountant, and employed Prof. Emile Benoit, of Columbia University, as an economic consultant for this study. They do not claim that the composite of their own data constitutes a scientific sampling of all American manufacturing enterprises abroad—but certainly the results of this study are significant and illuminating.

During the 4 years 1957 through 1960, these firms sent abroad a net capital outflow of $147 million. During the same period, these firms received from their foreign subsidiaries dividends amounting to almost $289 million. But this is only a relatively small part of the total story. These American firms also received from their foreign subsidiaries $117 million in payments for royalties, licenses, technical and management services—in effect, an export of American know-how. Much more important to the point of the stimulus to exports resulting from foreign investments, the foreign subsidiaries of these firms purchased $444 million from the American parents and $233 million from other American firms in capital equipment or components, semifinished goods, and other materials for use in manufacture abroad. Most significant of all, American firms exported $827 million to these foreign subsidiaries in products and materials for direct resale abroad. And finally, exports to foreign firms other than the subsidiaries involved, but still attributable to the foreign investments of the American firms, amounted to $692 million. Why should the United States deliberately give up this export trade that means so much to American workingmen? Who would benefit if we turned this trade over to the British, the French, the Dutch, the Italians? Certainly not the U.S. Treasury; not the American exporter; not the American investor.

In summary, Mr. President, the export of American goods generated directly by the foreign investments of these 19 firms totaled $2,196 million in this

4-year period. The jobs and wages provided to American workers by these exports clearly are very impressive. And these 19 firms account only for somewhat over 5 percent of the total American investment in manufacturing abroad, and 3 percent of total American exports in 1960.

And what about the import side of the ledger? The imports of manufactured goods from these foreign subsidiaries to the United States—goods which could conceivably displace American manufacture and American jobs—amounted to only $15 million. These 19 manufacturers did not tabulate imports of raw materials because, as already indicated, these materials generally are needed to manufacture American products and hence contribute to American employment in a different way.

Lest it be supposed that the experience of these 19 American firms is somehow atypical, I refer again to the testimony of many other businesses before the Ways and Means Committee. It should perhaps be noted that a great majority of the members of this committee from both political parties after hearing much evidence on both sides, rejected the proposal to tax earnings of foreign subsidiaries before they are distributed to the U.S. parent.

In a further effort to develop data beyond the experience of individual American firms, I have examined the trade statistics of the 20 foreign countries in which the United States has the greatest amount of direct private investment, to determine whether these countries also generally provide the largest markets for American exports.

The following table, containing export and investment figures for the latest years available, shows that 17 of the 20 countries with the greatest U.S. investment are among the top 20 countries in dollar volume of U.S. exports. Also illustrated is the fact that the yearly total of U.S. exports to many of the countries listed is equal to, and in some cases greater than, the total direct investment accumulated in the country over many years.

While it is not claimed that U.S. investment alone generated all the export shipments cited, the table does provide general support for the argument that American investment abroad does not hinder, but in fact tends to help, exports of American products.

U.S. investment and exports

[In millions]

U.S. exports, 1960:	
Canada	$3,699
United Kingdom	1,407
Japan	1,328
Germany	1,067
Mexico	807
Netherlands	711
Italy	642
India	640
France	576
Venezuela	550
Belgium and Luxembourg	435
Brazil	426
Australia	387
Argentina	349
Sweden	300
Philippines	295
Union of South Africa	277

U.S. investment and exports—Continued

[In millions]

U.S. exports, 1960—Continued	
Switzerland	$258
Colombia	246
Cuba	223
Total U.S. direct investment (cumulative as of December 1959):	
Canada	10,171
Venezuela	2,808
United Kingdom	2,475
Cuba	955
Brazil	839
Germany	795
Mexico	759
Australia	739
Chile	729
France	632
Peru	427
Colombia	399
Philippines	385
Argentina	361
Panama	328
Union of South Africa	323
Italy	313
Netherlands	244
Belgium and Luxembourg	210
Japan	210

Further on this point, we find that the outflow of American capital abroad increased from $621 million in 1950 to an estimated $1.5 billion in 1960. During this same period, however, exports of nonmilitary goods from the United States also increased from about $10 billion in 1950 to almost $20 billion in 1960. The doubling of total American exports during a period when our total foreign investment was increasing markedly also tends to support the specific experiences cited by many American business firms to the effect that foreign investment serves to increase, not displace, sales of American goods and thus to bolster production and employment in America.

Although much of the evidence already discussed bears on our balance of payments, we should give specific attention to the effects of foreign investment on this problem. For concern over the balance of payments has been advanced by the administration and others as a principal reason for the various proposals to reverse longstanding American policy, under both Democratic and Republican administrations, with respect to taxation of income earned abroad.

First, Mr. President, I would like to express some reservations about the principle of altering our fundamental tax laws in response to inevitable fluctuations in our balance of payments. This balance will vary for many causes unrelated to direct investment abroad by American business. The deficit in recent years, for example, clearly has been caused by other factors—the flow of short-term holdings abroad, Government grants and credits to foreign countries, and U.S. military expenditures abroad. To attempt to correct this imbalance by restricting direct business investment abroad is thus singularly inappropriate. The fundamental criterion for the taxation of American income earned abroad should rest on a longer term basis than fluctuations in the balance of payments—it should rest on a basic and reasonable definition of the income of Americans that should be subject to U.S. tax.

Second, and much more practical, the attempt to restrict foreign investment as a means of improving our balance of payments is strikingly shortsighted. For the effect of tax devices to discourage foreign investment would be to worsen rather than improve our balance of payments over the long run. The evidence on this is so clear it is difficult to understand why there should be any real confusion on the point.

As the following table dramatically shows, the return of income has substantially exceeded the outflow of capital for direct private investment abroad. Although naturally there are fluctuations from year to year due to special and nonrecurring situations, direct foreign investment has produced a substantial net surplus for our balance of payments in each of the past 11 years. For the total period 1950 through 1960, this surplus has amounted to $8.5 billion. The return of income from direct foreign investment, in fact, is the second largest favorable factor in our balance of payments and helps very significantly to offset deficit factors in other fields.

In millions of dollars

	Net capital outflow	Income on investments	Net surplus
1950	621	1,294	673
1951	528	1,492	964
1952	850	1,419	569
1953	721	1,442	721
1954	664	1,725	1,061
1955	779	1,912	1,133
1956	1,859	2,120	261
1957	2,058	2,313	255
1958	1,094	2,198	1,104
1959	1,310	2,235	925
1960	1,541	2,395	854
Total, 1950–60	12,025	20,545	8,520

It is very important to understand, however, that statistics on earnings returned to the United States, however impressive, provide only an inadequate measurement of the total contribution of foreign investment to our balance of payments. To the very impressive figures in the table above must be added the payments to American parent corporations for licenses, services, and other items, as documented in the composite report of the 19 manufacturing firms already cited. And further, there is the important contribution of foreign investment to our commercial trade balance through the stimulation of exports, also already cited. The excess of our exports over imports amounted to $34.4 billion in the years 1950 through 1960, and to $4.9 billion in 1960 alone, representing by far the largest single favorable factor in our total balance of payments.

In the debate on the effects of foreign investment, there has been considerable discussion of the retention of foreign earnings for reinvestment abroad. Although the return of earnings to the United States demonstrably exceeds the outflow of capital, there have been suggestions that tax devices should be employed in part to force a still greater repatriation of income earned abroad. The extent of reinvestment abroad of foreign earnings, I fear, has been exaggerated. For the period 1957 through 1959, U.S.

subsidiaries abroad distributed an average of 47 percent of their earnings to their U.S. parents. For U.S. subsidiaries in Western Europe, which have been repeatedly singled out for discussion, the percentage was higher—53 percent. More important, we should recognize that the only motive for the reinvestment of foreign earnings abroad by American business is the conviction that these investments in time will yield still greater income to the United States.

In summary at this point, Mr. President, while tax devices to reduce investment abroad, or to force repatriation, would have a relatively small temporary effect in themselves in reducing the outflow of investment and increasing the return of earnings, it is clear that in time they would destroy the seed which produces very substantial contributions to our balance of payments and to the American economy. Experience has demonstrated the tremendous value of foreign investment not only in developing raw materials needed in this country, or in providing income for American stockholders, but also in generating directly or indirectly expanded markets for American goods, and jobs and wages for American workers, and in boosting substantially tax receipts to the U.S. Government.

3. FOREIGN INVESTMENT AND FOREIGN POLICY

In addition to very grave effects on the U.S. economy, these proposals to increase taxes on U.S. private foreign investment would have perhaps even more serious consequences, in view of world conditions, for this country's basic foreign policy interests.

In considering the foreign policy aspects of the question, we must keep in mind two basic premises which have been increasingly accepted and fostered by both political parties and by all recent administrations:

First, the progress of the free world—in fact, the survival of freedom itself—depends upon lifting the standards of living for many unfortunate and deprived peoples in foreign lands. It is axiomatic that communism has its best chance to gain adherents where people have little or no hope to improve their lot through free political and economic processes.

Second, while American governmental aid plays a necessary part in the effort to bring progress and hope to those who live under intolerable conditions, there is an indispensable role for American private investment and American private enterprise.

Since the issue before us today concerns private investment as a source of development capital and as a catalyst for social advance, let me emphasize the conclusion expressed by the Department of State in its summary presentation booklet of June 1961, on the Act for International Development:

> In the decentralized structure that characterizes the U.S. economic and social system, a large portion of the resources and skills available to us lies in the private sector. If we are to approach a truly national effort in assisting the economic and social modernization of the less developed nations, we must find and utilize more effective means of enlisting these private resources. Private resources and skills are not merely additional to those of the Federal Government; in some cases they are different in kind and are, therefore, obtainable only outside the Government.

The Senate will note, Mr. President, that our foreign policy spokesmen speak not in terms of merely maintaining the current rate of private foreign investment, but of increasing the outward flow of private resources. Clearly, the pending proposals to severely increase taxes on private investment abroad are precisely contrary to one of the basic objectives of our foreign policy in these perilous times.

The new International Development Act in itself contains a thoroughgoing committment by the administration and by the Congress to the philosophy, the logic, and the economic soundness of private investment abroad. Moreover, the Secretary of the Treasury has recently pledged the hard-pressed peoples of Latin America $20 billion in public and private funds during the coming decade, indicating that nearly half would come from direct private investment and reinvestment. In the capital-starved lands of Africa, the Middle East, and Asia, too, the need for private investment grows increasingly acute. One could hardly conceive of a less appropriate time to advance the pending tax proposals, such as repeal of the foreign tax credit, which would repudiate these commitments and turn our faces against these obvious and urgent needs.

Let me mention briefly some of the distinctive advantages of private investment which may not be obtained, or at least obtained to the same extent through governmental aid. Private capital is normally invested with the expectation that the economic activity thus generated will be long term in nature, creating jobs and wages into the foreseeable future.

Private investment is not usually made for temporary or one-shot projects, leaving a gap in the economy as soon as a project is completed. Further, by its very nature, private capital tends to be self-expanding—a portion of the earnings is usually invested in further growth, thus providing steadily increasing benefits.

It is very important to recognize that private enterprise, as it demonstrates its effectiveness in serving the needs of the people, wins support for the concepts of freedom as opposed to totalitarian control. There is, in fact, no better way to convince peoples of the value of our free system than to let them see and realize the fruits of it in their own land.

Finally, of course, private development tends to reduce the need for U.S. Government aid and the burden on the American taxpayers. While there have been differences of opinion among the architects of our oversea economic programs during the course of the past 15 years as to how the load ought to be shared between public and private capital, I do not believe that anyone up until this moment has argued that private capital should be cut out of the picture entirely. Yet that is the practical consequence of such proposals as repeal of the foreign tax credit—witness the statement already cited by the Assistant Secretary of the Treasury to the effect that without this credit there would be, in his own words, no international investment as far as the United States is concerned.

If we seal off U.S. investment from the underdeveloped areas, if we cause U.S. firms to liquidate or neglect their present holdings, then we will either have to perform a massive rescue operation with additional billions of Government aid or watch the whole effort on which we have risked so much collapse.

I believe these are the inescapable alternatives if we do what has been proposed.

More subtly dangerous, but equally harmful to long-range U.S. interests, is the proposal which has been made in the name of the administration to eliminate the miscalled deferral privilege as it applies to income earned in the developed countries while continuing it in the underdeveloped countries.

Apart from the equities involved, apart from the practical and all but insoluble difficulties of separating the developed countries from the underdeveloped in a rapidly changing world, this approach would not in fact accomplish the purpose of channeling the flow of investment funds from more advanced areas to more needy areas. For the inescapable economics of the situation is that economic activity cannot be so compartmentalized and segregated. Very often it is the investment in the advanced country—marketing, distribution, or processing facilities—which makes feasible the investment in the underdeveloped country. The two are often part of an integrated, international economic activity, and you simply cannot have one without the other.

Moreover, since investment in more advanced countries may be more profitable at least at the outset, such investments provide funds for further economic development in the more needy countries. Business after business has testified before the Ways and Means Committee that in actual experience income from developed foreign countries provides, in fact, the principal source of funds for expansion in underdeveloped countries. Further, the experience and know-how obtained in foreign operations in the advanced countries can provide an important factor in the decision to expand into less developed nations.

4. INVESTMENT IN EUROPE

Finally, there is another overriding reason why we should act not to limit investment in the developed areas but, in fact, take further action to encourage such investment. This overriding reason is the emergence of powerful economic blocs in Western Europe through the development of the Common Market and the European Free Trade Association.

The ultimate significance of these developments cannot of course be foretold with accuracy. Much depends on the results of the forthcoming negotiations between the United Kingdom and other members of EFTA with members of the

Common Market. Despite these imponderables, however, events in Europe are now altering the economic balance of power in the free world.

At the end of a transitional stage due to be completed within a decade, there will exist in Europe's mighty industrial heartland at least a six-nation market free of all internal tariffs and protected from external competition by a uniform tariff wall—a market with a present population of about 170 million and a gross national product of $180 billion. In itself, this development is comparable in economic significance to the creation of the vast U.S. continental market.

The population of the seven, comprising the European free trade area, was approximately 90 million in 1960. Its total gross national product was $102.7 billion in 1959.

If these two areas were to come together in a common economic arrangement, they would have a population 44 percent larger than the United States.

We in the United States need to be aware that, whether it stops short with the 6 or extends eventually to the 13 or even to others, Europe's economic integration carries with it profound implications for our own economic well-being.

European manufacturers, in many cases for the first time, will have important economic advantages long accepted as traditional by our own firms—they will have mass integrated markets rivaling or exceeding our own; they will be in a better position to benefit from larger scale production; and they will have greater freedom for plant locations near raw materials, labor resources, and so forth, within a much larger integrated economic area than they could envisage in the past.

Under the timetable set forth in the Treaty of Rome, Common Market members had 12 to 15 years in which to reduce internal tariffs to zero and to bring external tariffs to the common adjusted level. When this process is completed, U.S. goods will be entering principal European markets at a tariff disadvantage; and the larger the Common Market becomes, the more serious that disadvantage will be.

The improved competitive position of European manufacturers will leave some American industries with the choice of participating from within the European market through investment in Europe—or losing it altogether. Already, some American firms have found that they can compete effectively only by operating from within Europe. As European economic integration proceeds, this situation will become much more prevalent.

As was pointed out in the Senate Commerce Committee's report earlier this year on "The United States and World Trade":

> The question * * * is really not whether these products will be manufactured abroad but by whom.

The question is whether American business will have an appropriate opportunity to participate in the economic acceleration already evident and likely to continue in Europe.

Yet it is at this critical juncture that some have come forward with the proposal to restrict American investments in the developed areas. If enacted, this proposal would have no other effect than to surrender a substantial portion of the European market to foreign competitors and leave American business on the outside looking wistfully in.

Far from bringing about an increase in U.S. exports, the result will be to decrease the exportation of U.S. machinery and U.S. materials and U.S. technology required to put new American plants into working order in Europe. Far from bringing about an improvement in the U.S. balance of payments, the result will be to limit the long-term growth of the investment earnings account which, next to exports, is the largest item on the positive side of the payments balance.

One of the best informed students of the subject, Prof. Emile Benoit of Columbia, has pointed out that, if not artificially tampered with, "the return on the rising volume of U.S. capital which is being attracted to Europe will more than cover the loss of profits on the maximum exports likely to be lost through trade diversion."

Finally, Mr. President, I wish to point out that by general agreement of all those who are sympathetic to Europe's economic integration, the big task for American economic statesmanship is to see to it that the reciprocal trading structure conceived by Cordell Hull and built up so painstakingly since the war does not collapse.

The job is to keep Western Europe looking outward to the rest of the free world as well as inward on its own economic development.

If the United States is to play the decisive role in this matter which the times demand, it must not itself refuse the challenge of European integration by shackling U.S. investment and participation in the growth of the European economy.

To recapitulate, Mr. President, careful examination demonstrates that:

First. The pending proposals to increase taxes on income earned abroad would alter longstanding provisions originally enacted by Congress to bring about fair treatment, and would impose instead severe penalties against private foreign investment.

Second. Such a policy in the long run would seriously hurt the American economy and our balance of payments; it would contract American earnings from investment, curtail exports of American goods, and reduce jobs and wages for American workers, and would substantially reduce revenues to the U.S. Treasury.

Third. A retrenchment in private investment abroad would conflict dangerously with our foreign policy objective of strengthening the free world economy to better withstand the blandishments of communism.

And finally, discrimination against investment in advanced areas would seriously impede American participation in the potential benefits of European economic integration.

In short, Mr. President, these proposals misconstrue the world we are living in, and they must be rejected.

INCREASE IN POSTAL RATES

Mr. ROBERTSON. Mr. President, tomorrow debate will start on a proposal to limit debate in the Senate by less than a two-thirds majority of those present and voting. Today we have an illustration of what the Founding Fathers intended the Senate to be—a brake upon hasty and perhaps ill-advised legislation on the part of the House.

Last April the Postmaster General recommended a postal rate increase bill to produce approximately $741 million against the anticipated postal deficit of nearly $1 billion. When the Postmaster General testified, this year, on the appropriation bill, he said only $63 million could be charged against public service. Now before the House, under a rule that not only limits debate but prohibits any amendment, is a recommendation that rates for first-class mail, which is now self-supporting, be increased 25 percent, which would result in an increase in revenue of approximately $409 million, but that second-class mail, which is now paying only 23 percent of its allocated cost—causing a deficit of $344.2 million—be given a small, inconsequential increase. Third-class mail—causing a deficit of $251.9 million—would be given an increase, but not too large a one.

I ask unanimous consent to have printed in the RECORD at this point a statement showing what the Postmaster General recommended in April with relation to the bill that will be brought up under a gag rule in the House; a bill, which is in my opinion unfair and hopelessly inadequate.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

POSTAL RATE LEGISLATIVE BACKGROUND

ADMINISTRATION BILL: H.R. 6418, S. 1821

1. On April 14, 1961, Mr. Day recommended to Congress a legislative program calling for an increase of $741 million in postal rates to bridge the gap between anticipated postal income and outgo in fiscal 1962.

The $741 million would be made up as follows: First-class rate increase would produce $409 million; airmail increase would produce $14 million; second-class rate increase would produce $78 million; third-class rate increase would produce $212 million; miscellaneous specialized increases would add $28 million.

In connection with rate boosts for magazines, newspapers, advertising circulars and small parcels, Mr. Day noted, "These proposals, developed by the previous administration, attempt to reach an equitable balance in postal rates by calling on large advertising mailers and the publishing industry to carry their share of the load."

Under current rates first class pays approximately 99.7 percent of its way—loses $3.9 million. Airmail pays 106.3 percent for a profit of $10.6 million. Second class pays approximately 23 percent of its way—loses $344.2 million. Controlled circulation pays 67 percent of its way—loses $3.7 million. Third class pays approximately 67.4 percent of its way—loses $251.9 million.

The postal deficit of $906 million would be eliminated thus:

	Million
Rate increases	$741
Payment for public service	63
Administrative trimming	102
Total	906

THE HENDERSON BILL: H.R. 7927, S. 2382

2. On July 1, 1961, Mr. Day placed his stamp of approval on a modified bill calling for an increase in postal rates totaling $590 million. A principal feature of the bill, described by Mr. Day as "most acceptable," is its definition of public service costs borne by the Department and its clarification of means of establishing the annual figure. The new measure would change the procedures by which this cost is determined. Under the terms of this bill the responsibility for determining the cost of these public services each year would be left to the Postmaster General. Mr. Day estimated these costs would be $235 million for fiscal year 1962 defining "total loss" as the difference between the Department's income and expenditures stemming from the performance of public services.

H.R. 7927 left unchanged the request in first class and airmail; that is, $423 million as recommended in the administration bill, but revised downward the proposals for increases in other classes of mail as follows:

Revenue produced

	Million
1st class	$423
2d class	45.7
3d class	103.6
Other	18

H.R. 7927 AS REPORTED BY HOUSE, SEPTEMBER 7, 1961

3. The revenue to be derived from this measure is estimated at $521 million a year when all rates are in effect.

The $423 million boost in first-class rates is the amount sought by the administration in its original $741 million package and its later $590 million compromise. The breakdown of additional revenue by classes of mail is as follows:

Revenue produced

	Million
1st class	$423
2d class	17.4
3d class	71.8
Other	8.8

The payment for public services would be increased from the original $63 million to well over $235 million under this bill.

A breakdown of the increases in the amended bill is attached (exhibit A).

Payment for public services

The Appropriations Committee has carefully reviewed during the past years the question of a proper charge to the general fund of the Treasury for what the Postal Policy Act defines as "public services" rendered by the Department. This is especially significant because the act (sec. 104(b)) places upon the Congress the responsibility for determining the measure of these services in the appropriation act, based upon budget estimates submitted to the Congress, and then provides that postal rates and charges are to be adjusted from time to time so that postal revenues, including payment for these public services, will cover all postal expenditures.

Public service estimates and appropriations

Estimates:	
1959 (2d supplemental)	$171,259,000
1960	172,000,000
1961	49,000,000
1962	62,700,000
Appropriations:	
1959 (2d supplemental)	----------
1960	37,400,000
1961	49,000,000
1962	62,700,000

Supplemental tables attached:

1. Dollar loss by classes of mail.
2. Comparison of cost coverages.
3. Summary of provisions of H.R. 7927 as reported by the House Post Office and Civil Service Committee, September 7, 1961.

Dollar loss by classes of mail

[In millions]

Mail class:	Dollar loss
1st class	3.9
Airmail	(+10.6)
2d class	344.2
Controlled circulation publications	3.7
3d class	251.9
4th class	113.2

Source: Cost Ascertainment Report, fiscal year 1960.

Comparison of cost coverage—Present rates and legislative proposals

[Percent]

Mail class	Cost coverage [1]			
	Current [2]	H.R. 6418 [3]	H.R. 7927 [3]	H.R. 7927, amended
1st class	99.7	124.6	124.6	124.6
Airmail	106.3	114.8	114.8	114.8
2d class:				
Publishers' regular rate and transient	25.4	45.5	38.4	30.3
Publishers' preferred rate and free-in-county	13.2	24.6	100.0	100.0
Controlled circulation	67.0	75.7	67.0	75.7
3d class	67.4	94.4	82.9	[4] 78.8
4th class: Other than zone rate	80.2	100.0	100.0	100.0

[1] Revenues include public service reimbursements using "revenue forgone" basis for current and H.R. 6418 cost coverages and applying "total loss" basis for H.R. 7927 cost coverage ($62,700,000 versus $235,000,000).

[2] 1960 experience adjusted for all known rate and cost increases.

[3] Based on estimated 1962 volume.

[4] Cost coverage may be somewhat lower. Under the proposal, the rate for single pieces weighing 1 ounce or less will be the same as 1st class and the additional revenues will appear in that class.

Revised: Sept. 7, 1961.

SUMMARY OF PROVISIONS OF H.R. 7927 AS REPORTED BY THE HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE, SEPTEMBER 7, 1961

The amended bill would increase the rates on—

First class: Letters from 4 to 5 cents an ounce; post and postal cards and drop letters from 3 to 4 cents.

Airmail: Letters from 7 to 8 cents an ounce; post and postal cards from 5 to 6 cents.

Second class: Three annual increases of 5 percent in the pound rate beginning with calendar year 1962, for advertising and nonadvertising portions of publications (outside county mailings). Minimum rate per copy from one-half to three-fourths cent for 1962; and to 1 cent after December 31, 1962 (outside county mailings). No increase for qualified nonprofit organization mailings.

Controlled circulation: From 12 to 14 cents a pound.

Third class: Increases single piece rate from 3 cents for first 2 ounces to 5 cents for first 3 ounces and retains 1½ cents for each additional ounce; except holiday greeting cards which will be increased to 4 cents per ounce or fraction.

Increases bulk rate circulars from 16 to 18 cents a pound; books from 10 to 12 cents a pound except for qualified nonprofit organizations which remains unchanged.

Retains present minimum per piece bulk rates, except for third-class matter (a) mailed under time value request, or (b) not directed to a specific individual address on which minimum rate will be 1½ cents for nonprofit organizations and 3 cents on all other. Minimum rate for odd-size mail from 3½ to 4 cents.

Increases bulk-mailing fee from $20 to $25 per year. No increase on fourth-class mail, educational, or library rates.

The revenue derived from this measure is estimated at $521 million a year when all rates are in effect.

Mr. ROBERTSON. Mr. President, in addition, the bill provides that we shall deduct as a cost of public service not $63 million as recommended by the Postmaster General and subsequently approved by the Congress for fiscal year 1962, but over $235 million, which would reduce the amount that we can say is being lost by handling magazines like the Reader's Digest and Life, and others which cause big losses.

Congress has twice turned down a measure that would require that the taxpayers be burdened with the expense of distributing franked unaddressed mail in the cities. The provision was put in an appropriation bill the year before last. We took it out. The House refused to sustain its conferees. They put in an identical proviso again this year in the fiscal year 1962 appropriation bill.

Again, after insistence by the Senate, it was taken out after a delay of over 2 months in conference on the issue. This same proviso appears again in the supplemental appropriations bill that passed the House just this week. Again I hope the Senate will take it out.

The Postmaster General testified positively that the taxpayers should not be put to the expense of distributing unaddressed franked mail in the cities. The handling of the postal rate bill in the House is a clear illustration of the difference between the way the House operates and the way the Senate operates. For that reason I give thanks for the wisdom of the Founding Fathers that provided that one cannot move the previous question and cannot bring a bill of national importance before this body under a gag rule that prohibits any and all amendments.

AWARD OF ELOY ALFARO GRAND CROSS TO CARLTON FREDERICKS

Mr. SMATHERS. Mr. President, I have been asked to have printed in the CONGRESSIONAL RECORD the highlights of the proceedings of the Eloy Alfaro International Foundation, on the occasion when my constituent, Carlton Fredericks, received the Eloy Alfaro Grand Cross, on May 15, 1961, at the Lotos Club, New York City. This honor was bestowed on him by Dr. Herman A. Bayern, Dr. John Maurice Keesing, Dr. L. Lester Beacher, and Dr. L. Nicholas Dahlman, in the presence of many of his friends and distinguished colleagues, and in recognition of his distinguished public and private services in the field of improving the health of the peoples of the world and of this kind of service to mankind.

Dr. Herman A. Bayern, American provost, outlined the aims and purposes of the foundation, and explained why Carlton Fredericks had been approved for the highest honor of the foundation, and then called on Dr. John Maurice Keesing, international provost, who said in part:

The smallness of the world has eliminated the boundaries of even hemispheres. The recipient of today's award is familiar with a formula that is applicable not only to the field of nutrition but every phase of international existence. The basic nutritional

requirements for the survival of the individual human being any place in the world are essentially the same. But the methods by which the nutrition is obtained or administered, the form in which required food is consumed, differs from country to country.

Today, while our country is vitally concerned with the whole world, we are, despite issues in other parts of the globe, attempting to step up and strengthen the concept of equality of the Americas. In attempting to carry out this intention we, in the United States, when thinking of inter-American policy and hemispheric dimensions, striving to achieve a public order, must appreciate the vital differences that exist despite many similarities between the Latin American countries. We must realize that these countries are not a homogeneous group. There are substantial differences in population, on the cultural level, in literacy, and in social constitution. Both the public and private sectors in the United States when attempting to assist in the ecnomic development of the Latin American countries will not have a successful program unless these differences between the individual countries are considered and the program modified to meet the particular situation in each country. American countries are partners, but as in life, partners in business and brothers of the blood, each have essential differences. To disregard these differences will result in an unhappy family relationship.

Today, the political movements in Latin America are brought about by the masses—that's a rather peculiar statement, but it's true. Their will is expressed by the participation of the people represented by their own leaders in the widest sharing of basic human values. The people have called for far-reaching reform of social, economic, and cultural affairs. The people expect a great transformation in the actual conditions existing today. Based on this movement, it is the aim of most of the leaders to develop the highest possible degree of economic potentiality of the nation's state. All of the countries of the Americas will go along with his desire, but the leaders of the countries and the designated leaders of the people must bear in mind that the aid between the Americas must be based firmly on the ground of enlightened mutual interest. It is not a one-way street. Not at all.

The basic change in international affairs today is that up to most recently nations granted aid to other nations—to quote Prime Minister Nehru of India: "on the ground of an enlightened self-interest." Today, aid must be based on the ground of an enlightened mutual interest. The most rapid potential for amelioration of economic conditions in the Americas is the participation of a private sector acting in concert with the public sector. We must eliminate wherever possible having aid come solely from the public sector. Government to government grants bring about the opposition of a private finance in industry whose leaders bring about progress in the country. The important thing that establishes a country as one that is self-governing, that one that can participate in international affairs, is the existence of a confirmed middle class.

Carlton Fredericks, in receiving the award, said:

I want to say very briefly because I am somewhat overwhelmed by this honor—that in essence I have accepted it not for myself, but in behalf of a public under whatever flag and living in whatever culture very much interested in self-improvement and willing to act upon it. Because without this essential ingredient in the equation, the microphone is sterile. And I think also a word should be said in behalf of the media of mass communications like radio who make this possible.

And I think, finally, that the philosophy under which I have tried to do this is a rather interesting one to cite because it so closely follows in the pathway which our international provost, Dr. Keesing, enunciated. There are two axioms. The familiar one that "no man is an island" and with international communications on a mass scale, he cannot be, and the other one which comes from an English philosopher about 200 years ago who said: "If every man would mend a man, then would all men be mended." Thank you.

The Eloy Alfaro International Foundation was organized to perpetuate and further the political moral values of the Americas by General Alfaro, for whom the organization was named, and who, from 1895 to 1901 and from 1906 to 1911, was President of Ecuador. The philosophy of General Alfaro, known as the Abraham Lincoln of South America, was based principally on service to fellow human beings and to the cause of international peace.

Others who have been similarly honored in the past include former Presidents Hoover, Truman, and Eisenhower, President John F. Kennedy, Vice President Lyndon B. Johnson, FBI Director J. Edgar Hoover, Generals MacArthur, Crittenberger, Devers, and Governors Harriman and Rockefeller. I was likewise honored on May 31, 1960, by this foundation.

I am delighted to add my congratulations to Carlton Fredericks for receiving the award.

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATIONS, 1962

Mr. MANSFIELD. Mr. President, I move that the Senate return to the business which was laid aside temporarily.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana.

The motion was agreed to, and the Senate resumed the consideration of the bill (H.R. 9033) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1962, and for other purposes.

Mr. KEATING. Mr. President, I call up my amendment 9–14–61—B, and ask that it be stated.

The VICE PRESIDENT. The amendment of the Senator from New York will be stated.

The LEGISLATIVE CLERK. On page 7, after line 23, it is proposed to insert the following:

SEC. 111. It is the sense of Congress that in the administration of these funds great attention and consideration should be given to those nations which share the view of the United States on the world crisis.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New York.

Mr. KEATING. Mr. President, we all recognize that the world is facing a crisis over Berlin. That was one of the reasons why our distinguished Vice President went to Germany and did such an effective job there.

The immediate stake is the freedom and access rights of allied nations and others to the Western sector of Berlin. But the basic issue, the long-term issue and the issue upon which the nations of NATO are taking their stand, is not just West Berlin, but the right of a people to self-determination. It is the right of the people of West Berlin and by implication also of East Berlin and of East Germany as well as West Germany to choose for themselves the form of government which they wish and to live at peace under that form of government without continual harassment and threats of aggression from the Soviet Union.

Mr. President, the last decade and a half has seen the emergence from colonialism of a myriad of nations which once considered themselves as oppressed by the rule of certain Western nations. These newly independent nations very rightly cherish their independence and resent anything which might be construed as interference in their own internal affairs. Quite naturally, too, they support other nations which are on the verge of independence. And perhaps understandably they try to avoid cold war struggles in which their own interests do not appear to be immediately involved.

But, Mr. President, the time has come for the United States to take a second look at the neutrality of some of these so-called neutral nations. When the free world is facing a crisis over Berlin, a crisis in which the freedom and independence of millions of people is at stake there can be no genuine neutrality for any nation which pays even the slightest lipservice to the ideals of freedom.

Mr. President, today a third of the world is held in a Communist colonialism that is more rigorous than Western control ever was. The continual flow of refugees from Communist-held areas, from Tibet, from China, and, above all, until a month ago from East Berlin, has revealed more clearly than any amount of Communist propaganda what the people who have to live under communism really think of it. The millions of people who have fled from Communist countries know what imperialism really is. In East Berlin and East Germany, in fact, their detestation of Communist rule was so great that the only way to keep anyone in the country was by building a wall, by making the whole state into a concentration camp, and by shooting to kill at all escapees. Today we are told that the suicide rate in East Berlin has mounted to phenomenal heights as these people, like Americans at one point, are declaring in the only way they can "give me liberty, or give me death." Mr. President, it is behind this Iron Curtain of Communist tyranny that the real imperialism, the real slavery, the real disregard of individual and national rights is taking place today. Frankly, Mr. President, it seems to me that the present Berlin crisis has made this fact unmistakably clear to all those who are really interested in the truth. But if, as it appears from the Belgrade Conference, some nations are more intimidated by Soviet threats than they are influenced or won over by U.S. aid, then the United States would certainly gain more

in the long run by spending on missiles and rockets and military equipment the funds that have been used to help these countries.

Furthermore, Mr. President, on the question of nuclear testing and above all on nuclear testing in the atmosphere where radioactivity can poison future generations of mankind, there is also no room for neutrality. By commencing nuclear testing in the atmosphere with tremendous contamination resulting, the Soviet Union has shown its complete disregard not only for public opinion in 1961 but for the future of the human race over generations. On this issue, too, Mr. President, there can be no neutrality for any nation which pays even the slightest lipservice to the ideals of human betterment.

Mr. President, we are today considering an appropriation bill to provide nearly $4½ billion of assistance to many underdeveloped or newly independent nations for the express purpose of helping them achieve economic betterment and maintain political freedom. I support the appropriation of these funds because I believe it is in the interest of the United States, both morally and practically, to help many of these countries achieve their goals. But I think it should be made very clear that the ability of the United States to underwrite economic development throughout the world is not unlimited. Our support must be channeled where it can do the most good for freedom and for economic progress. I should like to quote the statement that President Kennedy made on September 4 when he signed into law the authorization bill for this appropriation. The President said:

> With the signing into law of this bill, a decade of development begins. A long-term commitment of development funds, which the bill authorizes, will assist the underdeveloped countries of the world to take the critical steps essential to economic and social progress.
>
> The bill also continues our support of worldwide collective security arrangements essential to free world defense.
>
> I am hopeful that the Congress will provide the funds necessary to fulfill the commitments it undertook in enacting this legislation.
>
> Our adversaries are intensifying their efforts in the entire underdeveloped world. Those who oppose their advance look to us and I believe, at this dangerous moment, we must respond.
>
> It is my belief that in the administration of these funds, we should give great attention and consideration to those nations who have our own view of the world crisis.

Mr. President, I support the words of President Kennedy at that time and I particularly support the President's last sentence that "We should give great attention and consideration to those nations who have our own view of the world crisis." Mr. President, the recent Belgrade Conference, the reaction of many of the so-called neutral nations to the Berlin crisis, and even more significant their reaction to the blatant Soviet resumption of nuclear testing in the atmosphere, make us really wonder how neutral these neutral nations are. It is beginning to look as if some of them were neutral against the West, and neutral in favor of the Communist bloc. I therefore believe that it would be altogether fitting and appropriate for the Congress of the United States to take notice of this so-called neutrality in the appropriation of funds for foreign aid just as the President apparently took notice in his statement on signing the authorization bill.

Mr. President, I therefore propose an amendment to this appropriation bill to include within the bill the language used by the President of the United States. My amendment would add to the bill the sentence "It is the sense of Congress that in the administration of these funds great attention and consideration should be given to those nations which share the view of the United States on the world crisis." Mr. President, I think it is about time that the Congress is placed on record as specifically prefering the extension of U.S. aid to those countries which have a genuine appreciation of freedom and a genuine concern for the welfare of mankind. We are literally throwing our money down the drain if we give it or lend it to nations, the leaders of which are unable to appreciate what is at stake in the Berlin crisis or unwilling to condemn the belligerent nuclear testing undertaken by the Soviet Union. I realize that an amendment in this form is not absolutely binding, but I think it is important nonetheless to reaffirm this principle as stated by the President so that we can in fact concentrate our assistance on those countries which share in our own concern for the survival of freedom throughout the globe and our hope for economic and social betterment.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. SALTONSTALL. Mr. President, I have read the suggested amendment of the Senator from New York. I have talked to him about it also. It is an excellent amendment. I hope that the chairman of the committee will accept it and take it to conference.

Mr. KEATING. I appreciate very much the words of the distinguished Senator from Massachusetts. I hope that the committee will not only take it to conference, but that the conferees will succeed in conference in keeping it in the bill, because it is certainly the announced policy of the President of the United States. It simply gives Congress an opportunity to say the same thing. I am grateful for the Senator's comments.

Mr. HAYDEN. I can see no objection to the amendment. I am willing to accept it.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. LAUSCHE. During the last summer, while mutual aid was being considered by Congress, many representatives of foreign nations came to the United States, particularly to Washington. As a member of the Foreign Relations Committee, I had the privilege of being with these delegations while our course on mutual aid was being discussed. Frequently, while being with them, I saw manifest a sort of challenge about our right to deny aid to countries regardless of the stand they took. It was frightening to me, and to a substantial degree it changed my attitude on this program. One of our associates, the Senator from Iowa [Mr. HICKENLOOPER], asked one of these visitors, "If we give you this aid, what will you do for us?"

The man said, "You have no right to ask us that question."

We saw in Belgrade within the last several days a development that was rather shocking to me. There was no denunciation of the acts of the Soviets in reengaging in nuclear tests. Their silence became approval. Out of that conference went at least the beginnings of a purpose to attack our country for its alleged misconduct.

In my judgment the language contained in the amendment, if anything, is mild. However, I recognize that we cannot have rigid, inflexible language on the subject. I gladly support the Senator from New York and the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Hawaii [Mr. FONG] in urging the adoption of the amendment. I commend the Senator from Arizona for his willingness to accept the amendment.

Mr. KEATING. I appreciate the comments of the Senator. I agree with them fully. It makes one wonder sometimes whether the so-called neutrals are simply neutral against the West and neutral in favor of the Communist bloc. Sometimes we get that impression. I believe the amendment will take note of what we think of true neutrality, which we respect. We respect the views of those who are truly neutral who seek to judge issues honestly, on their merits. However in this appropriation bill we should do what the President said when he signed the authorization bill, by showing all these countries that we do not wish to exert ourselves to help people who do not have a genuine understanding and appreciation of our position.

Mr. LAUSCHE. Mr. President, will the Senator yield further?

Mr. KEATING. I yield.

Mr. LAUSCHE. I think there is becoming manifest in the attitude of some of these countries that they can play the United States against the Soviets, and the Soviets against the United States. It is an old technique in international relations. We ought not to give encouragement to it. We ought in some way to indicate that we will consider with greater affection those who share our view on this crisis of the world.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. KUCHEL. Mr. President, without any question the Senate ought to adopt the amendment offered by my able colleague from New York [Mr. KEATING] and of course it will. There will be no opposition to it. There should be none. The time is overdue for the nations of the world to stand up and be counted. The people of the United States have a responsibility for leadership in the cause of people's freedom and freedom of mankind. The Government of the United States has a responsibility,

a overpowering responsibility, to provide for the security of the American people and to cooperate with like-minded people and like-minded nations everywhere on the globe, thus having the free peoples and free nations stand up alongside the Government and people of the United States. That is what the amendment of the Senator from New York says in effect must be done. To his credit, that is what the President of the United States said must be done. I add my congratulations to the Senator from New York for the amendment he has offered.

Mr. KEATING. I thank the Senator for his eloquent statement concerning the purpose of the amendment and also for his kind comment about me.

Mr. PASTORE. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield.

Mr. PASTORE. I am pleased and honored to associate myself with this amendment which incorporates the very language of the President of the United States. The other night I was riveted for an hour to a television program which covered the so-called neutral conference in Belgrade. It was one of the most depressing performances I ever witnessed. Nation after nation, represented by their leaders; nations to which we, continually, consistently and generously, have given our moral support and financial aid disregarded entirely the fact that Khrushchev was exploding his nuclear bombs. They said not a single word in their resolution in condemnation of Khrushchev. The implication could not be stronger than that they were condemning the Western World, including the United States of America.

Nothing pleased me more than the position taken on September 4 by the President of the United States that from now on we will look to those who are helping us, who believe with us and support us; we will take a second look at our fair weather friends. Every time the Russians shoot off something, bomb or bombast, they become so terrorized that they promptly stand up and vote with the Kremlin.

The time is approaching when our position in the United Nations will be perilous. If Khrushchev is so able to maintain his intimidation of those people then they will vote under duress and not vote their free will. The United Nations will no longer be a free forum. Then it will have become the tool of Khrushchev. The votes will all be against the free world, no matter how much aid we give, no matter how hard we try to be of honest human help.

I do not know how necessary the amendment is in view of the strong statement by the President of the United States. I applaud President Kennedy for having made it. I applaud the Senator from New York for stating the judgment of the President as the consensus of the Senate. I shall vote for the amendment.

Mr. KEATING. Mr. President, I thank the distinguished Senator from Rhode Island. The President is absolutely right. The amendment shows that Congress backs the President in his position 100 percent.

Mr. AIKEN. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield.

Mr. AIKEN. The amendment offered by the Senator from New York is a good amendment. When I reported to the Senate on the United Nations in the early part of the winter I made a suggestion, germane to this proposal, that the day was at hand when we should give assistance to those people who, in turn, though they were not able to give material assistance to us, at least shared our views. I notice that the amendment of the Senator from New York contains the words "share the view."

I thought it was quite significant that at the Belgrade Conference the representative of the newest member of the United Nations, Cyprus, was the only one, apparently, who dared to stand up and express his opinion of Russia's resumption of nuclear testing. I feel certain that other so-called neutral nations which were represented there perhaps shared our views about the Russian testing but did not express them very forcefully. Had they done so, they probably would have been outnumbered by many of the 24 nations represented there.

As I have said before, the time has come when we should give our assistance to those countries which share our views. Possibly the governments of those countries may not exactly share our views; but when the overwhelming percentage of the people share our views, it seems to me that they should have preference in what assistance we are able to provide.

I listened with not very good feeling, to some of the speeches made last fall at the United Nations by representatives of the small countries, the emerging countries, who took the position that the United States owed it to them to give them whatever they demanded; and the demands would have been limitless had we yielded to them. I think we should tell those nations that we expect aid to be a two-way arrangement; that we will not continually go into debt, as we are now doing, to the extent of billions of dollars every year—and it seems now that we will continue to go billions of dollars into debt for the next few years in order to help them—without any expression or indication of gratitude, but only with the constant feeling on their part that we are not doing enough. It will never be possible to satisfy some of those countries, so why continue our generosity toward them?

Mr. KEATING. Mr. President, I express my gratitude to the distinguished Senator from Vermont, who speaks from a wealth of experience. We all look upon him as a real statesman in the field of foreign relations. To have his support is most gratifying.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. MILLER. I wish to echo the sentiments so ably expressed by the distinguished Senator from Vermont [Mr. AIKEN], the distinguished Senator from Rhode Island [Mr. PASTORE], and the distinguished Senator from New York [Mr. KEATING]. I believe this is a needed proposal; in fact, I regret that it has not been stated, at least in this fashion, in previous years.

I merely wish to add to what has been said that it seems to me the amendment is most timely in view of the impending business before the United Nations concerning the admission of Communist China to the United Nations.

I sincerely hope that the actions and the votes by the prospective recipients of the tax moneys of the United States will be very carefully watched in the coming sessions of the United Nations, and that if some nations see fit to place the so-called principle of universality above the moral principle of admission on the basis of peace-loving attitudes, such nations will not be able to expect very much of our money.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Will United States Reappraise Neutrals?" written by Crosby S. Noyes and published in the Washington Evening Star of recent date.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILL UNITED STATES REAPPRAISE NEUTRALS

(By Crosby S. Noyes)

PARIS.—Among the more dramatic results of the conference of unalined nations that ended in Belgrade this week could well be an agonizing reappraisal of American foreign policy when it comes to continued support and financial aid to some of the countries represented there.

So far as Western diplomats are concerned, this was a particularly distressing aspect of the abuse so liberally heaped on the West in the course of the 6-day meeting. With rare exceptions, the public speeches of the neutralist leaders in Belgrade added up to the most eloquent and devastating argument against the American foreign aid program ever heard. And the fact that this argument should have been made at a moment when this very American aid program is under critical attack in Congress compounded the essential stupidity of the performance.

The results could be extremely serious, indeed, when one considers the great degree of dependence of many of the most violent critics on continued American support. To cite only one case, Yugoslavia has recently presented the American Government with a large request for urgently needed assistance, including thousands of tons of wheat to offset disastrous crop failures. Most certainly, these requests are due for a critical reexamination in the face of the political attitudes expressed by Marshal Tito in the course of the conference. Within the next few weeks, the Yugoslav Government has some serious explanations to make.

ISSUE IS RESULTS

To this extent, reappraisal of past American policies seems thoroughly justified. It is not a question as some nonalined leaders loudly claim of attaching political strings to aid or interfering in the affairs of other countries. It is a question merely of whether the results of these policies, as reflected in the political attitudes of the countries involved, justify continued sacrifice on the part of the American taxpayer.

Many who sat through the recent conference came away with a feeling that the sublime arrogance of the Titos, the Nkrumahs and the Sukarnos of the world could stand a bit of healthy deflation. Those who proclaim the moral obligation of the rest of

the world to support them and then use this very aid as a club to beat their benefactors can hardly hope to escape forever the consequences of their own lack of realism. There are limits, after all, to the patience of the most dedicated advocate of American aid programs. And the reaction of some diplomats to the goings-on in Belgrade suggested that this limit was perilously close to being reached.

Nor is reappraisal strictly confined to the question of economic aid. Neutralism—including the most virulently anti-Western kind—is, after all, largely the byproduct of the policy of containment of communism. It rests entirely on an assumption of vigorous Western power and the use of this power everywhere in the world to resist the advance of Russian and Chinese domination.

THEY DEPEND ON WEST

At Belgrade, the nonalined leaders universally deplored the opposition of the two major power blocs. But it goes without saying that if these blocs did not exist or more specifically, if the Western bloc did not exist—the neutral nations would not exist, either. Even the merest suggestion that the United States is in a mood to review its commitments in certain areas of the world would produce a miraculous change in the perspective of some of the most outspoken critics of "aggressive Western imperialism."

The danger, of course, is that the reaction at home may go much too far. Today the chief concern of professionals abroad is that the meeting in Belgrade could produce a wave of bitterness in the United States which would play into the hands of isolationists and those who oppose foreign aid in general. If no distinctions are drawn and no restraint exercised, the results could be little short of catastrophic for American interests throughout the world.

Despite the shrillness of the anti-Western group in Belgrade, the fact is that the results of the meeting were by no means entirely negative. In the end, an important group of moderate neutrals, led by India's Nehru and Burma's U Nu, waged a bitter and largely successful fight to prevent domination of the conference by its radical wing. The outcome of this struggle was a final communique far more restrained in tone on most vital points than the earlier speeches had led observers to expect. Indeed, the conference, instead of unifying nonalined opinion, tended in the end to divide it more deeply than ever, with the predominant strength quite apparently on the side of the moderates.

This division must obviously be taken into account in any reappraisal of American programs and policies that may be forthcoming. The results at Belgrade may suggest the advisability of more discrimination in the future when it comes to choosing beneficiaries of aid. But any wholesale revision of reduction of effort is most certainly not what the situation calls for.

Mr. KEATING. Mr. President, I thank the distinguished Senator from Iowa for his support.

Mr. PROXMIRE. Mr. President, I support this excellent amendment. It is essential that the foreign aid program serve the cause of freedom and the best interests of the United States of America.

Obviously, when foreign aid goes to nations which are not on the side of freedom—particularly to those nations which give aid and comfort to the Communist conspiracy—it not only frustrates our purposes and wastes our tax money but also tends to defeat the cause of freedom in the world.

Mr. President, I am proud that the President of the United States, Mr. Kennedy, said only a few days ago:

It is my belief that in the administration of these funds we should give great attention and consideration to those nations who have our view of the world crisis.

This is the spirit and intent of the Keating amendment. I hope it passes, that it prevails in the conference, and that it becomes law.

Mr. President, to document my position I ask unanimous consent to have an article from the U.S. News & World Report, entitled "To Neutrals: U.S. Billions; From Them: 0" printed in the RECORD. The fact is that the so-called neutrals have received over $6 billion of foreign aid from this country since World War II. The return, as evidenced by the Belgrade Conference, has been a deeply disappointing zero.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TO NEUTRALS: U.S. BILLIONS; FROM THEM: 0

BELGRADE.—Out of a meeting here of 24 so-called neutral nations, the American people could learn the lessons that follow:

The $6 billion of U.S. aid to these "neutrals" brought no kind words, no backing, for the U.S. viewpoint.

Russia, by ignoring neutral pleas and openly testing nuclear weapons all during the Belgrade Conference, clearly got more out of these neutrals than did the United States. Final documents of the Conference criticized the United States and its allies by name, did not criticize Russia.

Yugoslavia's Tito, host of the Conference and a Communist who has received more U.S. aid than any other neutral, proved to be on Russia's side in this showdown.

Tendency among the Belgrade neutrals was to veer to the side that talked tough, showed power, stirred up war crises. That side is the Communist side.

This Conference of neutral nations ended in the early morning of September 6. On that same day India's Jawaharlal Nehru and Ghana's Kwame Nkrumah flew to Moscow to give Khrushchev the neutrals' plea not to start a war.

At the Kremlin banquet, Nehru told the Soviet dictator: "It would be illogical, nay wrong, unwise and stupid to start a war."

Khrushchev told Nehru that Russia wanted only peace, disarmament. Neither leader mentioned that Russia had just set off four nuclear explosions in 6 days, ending hope for a test ban.

American observers at the Belgrade Conference noted these things:

U.S. policy in recent years has been greatly influenced by concern over what neutrals might think of U.S. policy. There was no evidence at Belgrade that this policy has paid off.

Nikita Khrushchev in the same period has acted on the theory that neutrals respect power, threats, more than cash and kind words. This policy, it seems, has paid off for the Soviet Union.

Indonesia's Sukarno, recipient of half a billion dollars of U.S. aid and an ardent backer of Soviet policy at the Belgrade Conference, with President Keita of Mali, is taking the neutral peace appeal to President Kennedy in the United States.

Question now asked: After Belgrade, will the United States keep supplying neutrals with cash, kind words, and a voice in U.S. policymaking toward Russia?

THE NEUTRALS—WHO GOT HOW MUCH

Between the end of World War II and March 31, 1961, the United States gave and loaned more than $6 billion to 24 nonalined nations, as follows:

[In millions]

	Economic and technical aid	Military aid	Total
Yugoslavia	$1,362	$719	$2,081
India	1,906	0	1,906
Indonesia	458	21	479
United Arab Republic	346	0	346
Cambodia	191	66	257
Morocco	168	0	168
Tunisia	142	0	142
Afghanistan	116	0	116
Lebanon	76	7	83
Ethiopia	44	35	79
Burma	73	0	73
Iraq	20	49	69
Ceylon	63	0	63
Cuba	38	16	54
Sudan	31	0	31
Nepal	27	0	27
Saudi Arabia	27	0	27
Congo Republic	19	0	19
Yeman	10	0	10
Cyprus	7	0	7
Somali Republic	7	0	7
Ghana	5	0	5
Guinea	2	0	2
Mali [1]			
Total	5,138	913	6,051

[1] Small amount, except figures not available.

Now, U.S. officials are beginning to question how much longer aid should flow to neutrals who lean to Soviet Russia more than to the United States. President Kennedy, for example, added this postscript when he signed the authorization for another year of foreign aid: "It is my belief that in the administration of these funds we should give great attention and consideration to those nations who have our view of the world crisis." Some neutrals might not qualify for so much aid in the future, if the President's words were to be strictly applied.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. SALTONSTALL. Mr. President, I offer an amendment to section 102 and ask that it be read.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to add the following section:

SEC. 102. None of the funds appropriated herein under "Economic Assistance" (except funds used to make contributions to international organizations or programs administered by such organizations) shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which is not based upon a computation of benefits and costs made insofar as practicable in accordance with the procedures applied to flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States by Circular A-47 of the Bureau of the Budget, dated December 31, 1952.

Mr. SALTONSTALL. Mr. President, this is the language that the committee wished to get from the Department of State as proper language for an amendment to be offered on the floor of the Senate. I understand there is no objection to the amendment. I ask unanimous consent to have printed at this point in the RECORD a letter to the chairman of the committee from Mr. Theodore Tannenwald, Jr., special assistant to the Secretary of State.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, September 14, 1961.

The Honorable CARL HAYDEN,
Chairman, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: The foreign assistance appropriations bill as reported out by your committee, which in almost every respect is eminently satisfactory, contains one troublesome general provision.

Section 102 prohibits the use of foreign aid funds to finance the construction of any new water projects which has not met the standards and criteria of Circular A–47 of the Bureau of the Budget. The effect of this section is to impose, in a wholly indiscriminate manner, all of the provisions of Circular A–47, which was prepared to guide the preparation of only domestic water projects.

Accordingly, the application of Circular A–47 in its entirety to foreign assistance water projects puts the executive branch in the difficult position of having to determine, without any congressional guidance, which provisions can be made applicable and which cannot, recognizing that in any case the circular takes no cognizance whatsoever of conditions in underdeveloped countries.

There is attached an annex which gives some examples of the total incongruity of the application of all the provisions of Circular A–47 to foreign assistance water projects.

We do recognize, however, that one requirement of Circular A–47 does have application to such projects, that is, the computation of benefits and costs. Section 611 (b) of the Foreign Assistance Act of 1961 embodies this requirement, and the following revision of section 102, along similar lines, would be both meaningful and workable:

"SEC. 102. None of the funds appropriated herein under 'Economic Assistance' (except funds used to make contributions to international organizations or programs administered by such organizations) shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which is not based upon a computation of benefits and costs made insofar as practicable in accordance with the procedures applied to flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States by Circular A–47 of the Bureau of the Budget, dated December 31, 1952."

We would therefore very much appreciate whatever you can do to persuade the Senate to adopt this substitute tomorrow.

Sincerely yours,

THEODORE TANNENWALD, Jr.,
Special Assistant to the Secretary.

ANNEX

The literal application of Circular A–47 to foreign assistance projects would be like forcing a round peg into a square hole, as the following examples demonstrate:

1. Paragraph 8h(1) requires calculation of the benefit of electric energy and water supply projects as the value of the project measured by the cost of the cheapest alternative source of electric energy or water supply. Such standards are unworkable in some less developed countries which lack an abundance of alternatives and are often without a sufficient developed monetary economy to permit precise monetary calculations.

2. Paragraphs 13 through 21 are largely concerned with a balancing of the roles to be played by the Federal Government and the States in the development of the water resources of the United States. Therefore none of them are particularly applicable.

3. Some provisions of the circular call for expression of opinions by Federal agencies not equipped to evaluate a project in a foreign land. Paragraph 16b calls upon the Federal Power Commission to express its views and upon "the agencies concerned with marketing power produced at Federal plants in the region." Paragraph 17b calls for statements by the Secretary of the Army or Chief of Engineers and of the Secretary of Agriculture. While clearly relevant to domestic projects, the expression of views about foreign projects is not appropriate to the functions of these offices.

4. Another instance of the inappropriateness of making all of the circular applicable to foreign assistance is to be found in paragraph 11c(2). It forbids allocation of costs to pollution control or abatement unless these costs are to be reimbursed by the "States, local governments, districts, or other interests concerned."

5. Paragraph 15 suggests that if reimbursement is to be made, interest should be paid in accordance with the rate of interest on money borrowed by the Treasury. This method of determining the interest to be charged is totally inconsistent with the guidelines being established for development loans under the Act for International Development.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

Mr. ELLENDER. Mr. President, I offer an amendment and ask that it be stated.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 19, it is proposed to strike out "$1,700,000,000" and insert in lieu thereof "$1,550,000,000."

Mr. ELLENDER. Mr. President, this amendment would reduce the amount appropriated for military assistance to that which was approved by the Senate when we considered the authorization bill. If the Senate should pass the pending bill as presented, it will mean that the amount for military assistance will, in reality, be $2 billion for fiscal year 1962.

That amount is composed of an appropriation of $1.7 billion and a drawdown, under section 510 of the authorization bill, of $300 million. Mr. President, I will not restate here today all of the facts and figures that I recently presented to the Senate when the authorization bill was before this body. However, I would like to point out that in the last 15 years we have spent or obligated more than $90 billion in this foreign-aid venture, and more than one-third of this amount has been utilized for military assistance.

Last year, when the foreign aid bill was before us, Congress appropriated $1.8 billion. At that time there was a carryover of $2.3 billion—funds which were obligated, but could be deobligated at the will and whim of the military. The committee was told then that a $2.3 billion carryover was the minimum pipeline required for the military assistance program. When we appropriated $1.8 billion last year, this carryover increased by almost $300 million because expenditures lagged. So, Mr. President, today there is a carryover of almost $2.6 billion.

Mr. President, if my amendment is adopted, there will be available for the military assistance program for fiscal year 1962, $1,850 million, which is just $35 million under the estimate requested by the President. Furthermore, if it is agreed to it will provide $100 million more for this program than the Senate voted in the authorization bill.

It will be recalled that under section 510 of the authorization bill, the Senate provided for a drawdown of $200 million, and authorized an appropriation of $1,550 million for military assistance. My amendment provides an appropriation of $1,550 million, the exact amount authorized by the Senate a few weeks ago, and when the $300 million drawdown which is now in the authorization bill, is added to the appropriation it will mean that the President will have at his disposal for the current year $1,850 million for military assistance, or $100 million more than was authorized by the Senate.

Mr. President, I have always been in favor of military assistance sufficient to provide countries with internal security; however, this program contemplates more than that. As one example, I might point out that we have spent and are spending millions of dollars to create an army in Iran—not for the purpose of maintaining internal security there, but for the purpose of fighting Russia, in the event an attack were made. But, Mr. President, if we are to believe what has been said about the military strength of Russia, it would require but hours for Russia to liquidate Iran and the Iranian army. Thus, the military assistance we are now providing for Iran could easily be cut back. Instead, let us provide that country with enough assistance to enable her to maintain her internal security. Certainly this will be more practical and also less costly.

Mr. President, we have had some sad experiences with some of the armies we have created in other countries. Consider the case of Iraq: We have spent millions of dollars in that country. But today the government of Iraq is no longer with us, and there are threats that the arms we made available to Iraq may be used against some of our friends.

Consider South Korea: Mr. President, for the past 8 years we have been spending billions of dollars in that country, in order to create an army and to impose on that country a democratic form of government. But today the government of South Korea is under control of the very army we have created. It is true that it never was a democracy, but there was a semblance of a democracy when Syngman Rhee was chief of state. Because of the mismanagement of the vast amount of money that we made available to that country, Mr. Rhee was deposed, and now there is military rule in South Korea.

Mr. President, I dare say, so to speak, that we are over the barrel in Korea because we must work with the military regime there to save what we already have spent and to maintain our own two divisions in that country.

As I have pointed out, there is provided in this bill over $400 million for the prosperous countries of Western Europe. I think it is shameful for this Senate to vote a thin dime to assist those countries which are financially

able to purchase military hardware from us.

Evidence was produced before our committee to indicate that our allies in Western Europe are spending about $7 of their money for each $1 we furnished them for defense in Western Europe. But the people who presented those figures have failed to state the full case. They do not point out that for total defense expenditures we spend $3.5 for every $1 spent by our Western European allies.

As I have often said before this body, if we continue to spend at our present rate, we will destroy our country, short of war, because our economy will collapse. If our overburdened taxpayers lose their initiative, then this will be a sad day for America. This is the dilemma which faces our country today. Our economy is staggering under a fantastic national debt. If we are ever to return this country's economy to a healthy state, then we either must cut back on expenditures or increase taxes.

It seems apparent that no one is willing to insist that our so-called allies carry their just share of maintaining the defense of the free world. So the only alternative we have, if we are to continue to spend at the rate at which we are now spending and balance the budget, is to impose more taxes. This, I believe, would be a very shortsighted and a foolish thing to do. I do not know of any other action that will destroy the initiative of our people more than will the imposition of more taxes.

Mr. President, I do not want to belabor the question before us now. It is very simple. We have debated it at length in the consideration of the authorization bill. I assure Members of the Senate that, if my amendment is adopted, the President will have available for military assistance $100 million more than the Senate voted for in the authorization bill and that amount will be more than ample to take care of the worst cases that need attention.

I might also point out that under section 507 of the authorization bill, the President is empowered to sell military hardware to our friends, if they need it.

In all sincerity, I hope the Senate will vote for the amendment. I want to emphasize that, it will make available to the President $1,550 million in cash, and it will give him a drawdown authority, under section 510, of $300 million, for a total of $1,850 million, available for military assistance.

As I said a moment ago, in addition to that, there is a carryover from prior appropriations of almost $300 million more during the past fiscal year than there was during fiscal year 1960. So, with the amount we are now providing, it is entirely possible that the carryover will continue to grow.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. PROXMIRE. I wish to say first that I enthusiastically support the amendment. I think it is an excellent amendment and makes sense.

I want to be sure I understand what the Senator said. It is true that, if the amendment is adopted, the Senate will still be making available to the President more than was authorized for military assistance in the foreign aid authorization bill which was passed earlier this year. Is that correct?

Mr. ELLENDER. By the Senate, yes.

Mr. PROXMIRE. By the Senate. In addition, What is the relationship between the amount made available now to the President for military assistance and the amount made available last year?

Mr. ELLENDER. The total amount last year was $1.8 billion. This year, with the drawdown, it will be $1,850 million.

Mr. PROXMIRE. So it would be more this year than it was last year?

Mr. ELLENDER. That is correct.

Mr. PROXMIRE. Is it not true that there is a substantial sum available to our Western European allies, our NATO allies? The figure available this year, which I take it is not classified information, is $222.9 million.

Mr. ELLENDER. No. For the NATO countries the entire amount is over $700 million, but the figure for the NATO countries of Western Europe, which are well able to take care of themselves and to purchase military hardware from us, amounts to over $200 million.

Mr. PROXMIRE. Exactly. In other words, excluding Greece and Turkey, the sum for Europe is over $200 million.

Mr. ELLENDER. That is correct.

Mr. PROXMIRE. The Western European countries—countries whose standards of living have been improving more rapidly than ours, which by and large tax their people more lightly than we tax ours, which devote smaller portions of their gross national products to national defense, which have at least as much to gain as we and perhaps more—still would receive over $200 million from us in military assistance.

Mr. ELLENDER. The Senator is correct. But I may also point out that aside from that, we will spend large amounts as our share of operating NATO. We are also maintaining the 6th Fleet in the Mediterranean, which is over and above our contribution to NATO. In addition, Mr. President, we are now maintaining in Europe, as we all know, 5½ Army divisions. I noted the other day the statement which appeared in the newspapers that the President was getting ready to order 45,000 more troops to Western Europe.

It goes without saying that if we continue to be as liberal as we have been in the past, we shall lull our so-called allies into the belief that Uncle Sam will continue to carry the load.

Mr. PROXMIRE. Mr. President, will the Senator yield further.

Mr. ELLENDER. We cannot allow this state of affairs to continue. I yield.

Mr. PROXMIRE. Is it not also true that included among the beneficiary countries, so far as military assistance is concerned, is France; and included as a beneficiary of supporting assistance, presumably to shore up the economy to provide an adequate defense, is Tunisia?

Mr. ELLENDER. That is something.

Mr. PROXMIRE. In the case of France, is it not true that a great deal of the French budget has been devoted not only to war with Algeria but also to military action involving Tunisia? In the case of Tunisia, obviously a great deal of its military effort has gone into an attack on France.

As the Senator from Louisiana said, much of the effort in Pakistan has gone into actions which have necessitated expenditures on the part of India and Afghanistan.

Mr. ELLENDER. I am glad my good friend has raised the question of Pakistan. We sought to create in Pakistan a democracy ruled by the people. But today, as all of us know, there is a military leader of Pakistan.

Quite a large sum of money is in the bill—we cannot state the amount, because it is secret—to give military hardware to Pakistan. This of course irks the Indians and the Afghans. I believe that this action will lead to more trouble for us.

The same thing is the result in North Africa, with respect to Tunisia. We have made available to the French, as I remember the figures—I shall ask to correct them for the RECORD, if I either overestimate or underestimate them—over $9 billion, and over one-third of that money was for military assistance. Much of that military assistance has been used and is now being used in North Africa.

Mr. President, we have provided our allies in Western Europe with military hardware and we are continuing to do so while they develop their economies. Today their economies have increased percentagewise many times over ours during the same period of time. These countries are spending more money than they have ever spent to build their economies. Their gross national products have grown greatly.

Let us consider the case of Italy. We are making available to Italy millions of dollars, yet the record shows Italy is spending approximately 3 percent of its gross national product for defense, compared to our 10 percent.

Mr. PROXMIRE. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield.

Mr. PROXMIRE. Is it not true that the Senate has agreed to an amendment offered by the Senator from New York—an excellent amendment which I enthusiastically support—which indicates we should give preference in our aid to countries which share our views?

Mr. ELLENDER. If we follow that principle we can cut one-third of the amount from the aid bill.

Mr. PROXMIRE. We can certainly cut the military assistance program.

Mr. ELLENDER. Easily.

Mr. PROXMIRE. The fact is that Morocco and Afghanistan and many other countries have been neutrals, and on occasion less than neutrals.

Another Senator has just told me that he will support the amendment offered by the Senator from Louisiana, because while he enthusiastically supports the foreign aid program he is not so sure about which way the guns we give these beneficiaries will point. It is fantastic for us to think of giving assistance militarily to any country which is not certain

to be, or at least most likely to be, on the side of freedom.

Mr. ELLENDER. As I have often stated on this floor, I would have no objection to furnishing military hardware to some of our friends so that they could maintain internal security. But I am completely opposed to furnishing money to create armies which we may face as foes.

Let us consider the case of Laos. If the past administration had decided to treat Laos as a neutral nation, we could have gotten along without providing much military assistance and we could have provided more economic aid. The moment we created an army in Laos, so that Laos could remain in the Western camp, our troubles started.

We had trained soldiers in Laos at our own expense, but when the time came to fight there was nobody who wanted to fight.

As I said earlier if we had maintained from the beginning the treatment of Laos as a neutral, helping the country economically, then in all probability we would have spent less money and relations between our country and Laos would be better.

Mr. SALTONSTALL. Mr. President, will the Senator from Louisiana yield for a question?

Mr. ELLENDER. I yield.

Mr. SALTONSTALL. Perhaps it is a statement rather than a question.

The Senator referred to the $300 million which would be available to the President for a drawdown out of military stocks.

Mr. ELLENDER. Yes.

Mr. SALTONSTALL. I point out to the Senator that this year, for the first time, in the authorization bill it is stated that the President cannot use any of his contingency fund for military assistance. He can use that only for economic assistance. That is provided in section 451 of the Authorization Act.

If the President uses his drawdown authority of $300 million this year, repayment to the Defense Establishment of that drawdown would have to be made from next year's military assistance appropriation. This would reduce the amount available for military assistance next year from $1.7 billion to $1.4 billion.

Mr. ELLENDER. The Senator is correct.

Mr. SALTONSTALL. Under the so-called Bridges amendment, which was adopted by the committee, the President would first have to use any unprogramed military assistance funds from this year's appropriation to repay the drawdown.

It is my understanding that the $300 million drawdown will only be used in time of great emergency, and that because of the repayment provision it would not be to the administration's advantage to use it so long as there are unprogramed military assistance funds available.

The Senator spoke of $1,850 million. The effect of the Senator's amendment, which would probably force the President to use his drawdown authority this year, would be that the President next year would have only $1,400 million instead of $1,700 million, assuming that Congress should provide a full authorization.

Mr. ELLENDER. If he saw fit to use $300 million, the Senator is correct. Furthermore, the transfer authority in the authorization bill would permit the President to divert up to 10 percent allocated for economic programs to the military assistance program.

Mr. SALTONSTALL. I believe the Senator is correct in his statement. During the first year the $300 million could not come out of the contingency fund, and if it were drawn out of the stocks, it would be cut out of available funds next year, if all the other military assistance were programed.

Mr. ELLENDER. That situation could be met next year when we reconvene. If the money is needed then we can appropriate it at that time. But the point I was trying to make is that for the current fiscal year the President will have more money for military assistance than we allowed last year.

Another point I wish to emphasize to my good friend from Massachusetts is that the carryover has increased by over $200 million from fiscal year 1960 to fiscal year 1961.

Mr. STENNIS. Mr. President, sometime earlier in this session when this question arose in connection with the military aid part of the authorization bill, I voted in favor of an amendment that would reduce the amount, not then having had an opportunity to make the kind of special study that, even though it was hurried, I have made since then, in connection with the problem. My study was made partly through the staffs of the Committee on Appropriations and the Subcommittee on Preparedness, entirely independent of anyone in the military or anyone charged with responsibility in connection with this program.

As a result of the study I am compelled to oppose our good friend from Louisiana, who does such magnificent work, and I shall urge the Senate to retain in the bill the item in the amount the committee recommended.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from California for a request.

Mr. KUCHEL. Mr. President, the minority leader deems this debate an extremely important one. He has requested that the absence of a quorum be suggested, so that Senators might listen to the able Senator from Mississippi and other Senators discuss this amendment. Under the circumstances, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MONRONEY in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Continuing to address myself to the pending amendment of the Senator from Louisiana, which pertains solely to the direct military assistance program, I emphasize the fact that it pertains solely to money that is intended to be used to buy military hardware and to pay for some military construction projects and to buy some spare parts, aircraft, and related matters for the countries we are assisting under the military program.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield.

Mr. HOLLAND. Would the Senator mind placing in the RECORD at this point the amount which Congress has appropriated for these same objectives, for our own use in our own defense setup; that is, military appropriations both for operation and for construction?

Mr. STENNIS. I do not know that I have available those figures at the moment. The amount is approximately $40 billion.

Mr. HOLLAND. My recollection is that the total of the operation and construction program is close to $46 billion or $47 billion.

Mr. STENNIS. Yes, if we include direct related matters which are actually a part of the military program, even though not in the military bill, it will total around $46 billion.

Mr. HOLLAND. Will the Senator yield further?

Mr. STENNIS. I am glad to yield.

Mr. HOLLAND. That amount is to be considered against the portion of the pending appropriation bill which relates to defense assistance to our allies and which totals less than $2 billion; is that correct?

Mr. STENNIS. That is correct. Furthermore, in the bill as a whole—I want to be frank about this in the very beginning—pertaining to some major features of it, there are sums of money for loans and other assistance that are above and beyond what I think they should be, and I still reserve my right to vote in opposition to the bill as a whole, if the figures come in. I am speaking now of the military program, which I have already briefly outlined.

Only this morning I heard on the world news broadcast that former President Menderes, of Turkey, had been convicted and sentenced to death. Unless that sentence is commuted in some way, it is possible that he may be executed within less than 24 hours. Only 5 years ago this month—and I think it might even have been 5 years ago this week—along with the Senator from New Mexico [Mr. CHAVEZ] and other Senators, I spent an hour and a half in the office of President Menderes, talking to him about this very program. Turkey was then one of our main allies, up against the Soviet border. Turkey is still dependent upon us, is considered to be one of our major allies, and is still up against the Russian border. Only yesterday the United States landed 1,500 troopers on a Turkish base, Adana, which we built in 1953 or 1954. I use that situation as an illustration. No one knows exactly where we stand in reference to this program. No one knows exactly how much money should be put into it or withdrawn or exactly where

the line should be drawn. Certainly conditions are more unsettled now than they were in January, when this budget came to us. At that time the amount recommended for this particular item—and I think I have the correct figures—was $1,885 million. The authorization bill for this year provided only $1.7 billion. The effect of the Senate committee's recommendation will be to allow the $1.7 billion provided in the authorization bill.

In the past several weeks, although I have not made a thorough, exhaustive study of the military program, I have, with the assistance of staff members, examined some of the new phases of the program. I am convinced that under present conditions, even though we do not know exactly how much may be needed or where the line should be drawn, we would be making an error to assume now that the funds would not be needed for the 10 months remaining in the current fiscal year.

One of my main reasons is that 80 percent of the money in this category will be applied directly to the purchase of hardware and military assistance for nations on the periphery, the edges, the fringes, near the borders of the Soviet Union, our adversary. I repeat that for emphasis: 80 percent of the money will be spent or planned for expenditure in countries on the periphery, on the borders adjacent to the Soviet Union, our adversary.

Something has been said about Pakistan. I have never visited that country, but I have heard many military men—some of them considered the best military minds of this century, whose names are household words in America, men who have proved records—and one of the more recent ones was General MacArthur—say that they considered the well-trained soldier of Pakistan without a superior anywhere in the world as a fighting man when he is trained and equipped. He did not say all of them were, but he was talking about a particular type of man. He said that their armies are ready to go.

The overwhelming reason why I think the position of the Senate committee should be sustained on this item is that by far the greater part of the money—I cannot give the exact figures because that is a secret—will go to countries in four of the key areas around the world where we must continue to have control.

One of them is Formosa. What Senator would advocate that we abandon our position in Formosa? We have spent huge sums of money there. I think we shall have to continue to spend large sums of money there for years to come, or abandon our position. Who wants to do that?

Another major item which would be affected in the amendment now pending is military aid for Korea. Who wants to change our position in Korea? Even those who believe we made a mistake in going into the Korean war would not wish to do that. I do not know of any Senator who would propose that we pull out of or weaken our position in Korea. It is one of those spots which we have entered to maintain our policy and position, so we must remain there.

I was able to get in touch with General Magruder, who is now retired. He is one of our great soldiers. I visited him 2 years ago. His frankness was refreshing. He said that even if Korea were able to triple its economic resources and production, still South Korea itself would not be able to afford to equip itself with the necessary military forces to defend itself. Not more than 20 percent is needed for the military strength to defend that position, but South Korea herself could not support such an army, even if we tripled her economy. That is what convinced me. General Magruder had been there some 2 years ago. South Korea is one of the spots which we will have to continue to maintain, so long as it is our policy not to yield in the Pacific.

Mr. ELLENDER. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield.

Mr. ELLENDER. The Senator stated a moment ago that my amendment would affect the military strength of such countries as Turkey and Korea. The Senator knows that the appropriation measure before us today is global; it does not appropriate funds for specific countries.

Mr. STENNIS. The Senator is correct.

Mr. ELLENDER. Funds can be shifted from month to month from country to country. For example, the huge amount of military assistance in the pipeline could be directed to South Korea or to Formosa or any other area of the world if the military saw fit to do so. The Senator will agree to that, will he not?

Mr. STENNIS. That is true; it is possible to do that.

Mr. ELLENDER. So my amendment would not affect any country specifically.

Mr. STENNIS. I disagree with the Senator in this way: It would reduce the sum available for all the countries together. My point is that there are four places in the world—I shall name the other two—which we must maintain at all events, as I see it. I hope we may do so for less money, but I am not convinced that we can do it for less money. That is why I say we had better include this money in the bill.

Mr. ELLENDER. Does the Senator agree that we do not need to continue to spend a little less than $100 million, which is provided in the bill for Japan? Does the Senator believe that we must continue to send military assistance to Western Europe? The Senator will also agree, I am sure, that under the bill the President would be authorized to sell military hardware to those people. That is provided for in the bill. In other words, no other country would suffer if the amendment were agreed to; but the United States would suffer if it were not adopted.

Mr. STENNIS. I appreciate the Senator's remarks. I shall cover those points in just a moment.

Mr. SALTONSTALL. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. SALTONSTALL. I appreciate the position of the Senator from Mississippi, because he has always been reluctant to vote for larger appropriations for military assistance. I wish to ask whether his understanding is similiar to mine, namely, that the total amounts for the western European countries have been reduced from 33 percent to 22 percent at the present time, as compared with previous requests, so that, as the Senator from Mississippi has said, 80 percent of this item goes to countries on the rim of the Soviet Union.

Mr. STENNIS. Yes.

Mr. SALTONSTALL. It is my understanding that if the amendment of the Senator from Louisiana were adopted, practically the entire cut which would be made by means of his amendment would be made in the funds for force improvement items and spare parts and accompanying items. I shall not discuss the details, because we cannot do that openly; those are closed matters. But, in short, adoption of the amendment of the Senator from Louisiana would mean less modernization, would it not?

Mr. STENNIS. Yes.

Now let me mention the fourth and the fifth items which loom so large in my mind.

The fourth is Greece. Greece is a proud and noble country; and, in addition, Greece is in so strategic a position that the Western World must support her, regardless of the cost. Inasmuch as the people of Greece and the Greek economy cannot now carry that load, and I do not believe they will be able to do so during our time, we must act realistically in the face of that situation.

Mr. PASTORE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. PASTORE. I wish to congratulate the Senator from Mississippi. In my humble opinion he is making one of the most significant contributions in the discussion of the measure now before the Senate. It is unfortunate that the attendance of Senators in the Chamber at this time is not larger, in order that all Senators may have the benefit of his statement.

The important point is that if such help as is covered in the bill is not provided by us, we shall have to send, instead, American troops. It is clear that we cannot afford to lose such bastions throughout the world. They safeguard not only our own interests, but also the peace of the world. It is a matter of money now—or men later. Is it not true that if such cuts are made, we shall be compelled to replace them by sending American troops to various parts of the world?

Mr. STENNIS. Yes; and I state frankly that these areas must be defended.

Mr. PASTORE. It seems to me that the weightiest argument which could be made in defense of the position of the Senator from Mississippi is to cite the fact that if there is any Member of this body who has the reputation of not being a free spender, one who balances cost and accomplishment, it is he. Furthermore, no Member of the Senate can speak with greater authority on this subject, because the Senator from Mississippi is chairman of the Preparedness

Subcommittee of the Armed Services Committee.

Mr. STENNIS. I thank the Senator very much.

I hope that by next year we shall have a more complete picture, with the aid of the staff of the Preparedness Subcommittee—and considered entirely apart from any partisan approach by the military, the administration, or anyone else.

Mr. HOLLAND. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. HOLLAND. The Senator from Mississippi has referred to Greece and Turkey, and I am glad he has done so. I am reminded that ever since shortly after the time when he and I first came to the Senate—a good many years ago, now—and ever since the administration of President Truman, all three Presidents have had the fixed, established policy, in connection with our defense and foreign relations programs, of sustaining Greece and Turkey at all costs. So I ask the distinguished Senator from Mississippi—and I join my colleagues in their encomiums of his speech and of his position and of his learning in this field——

Mr. STENNIS. I thank the Senator from Florida.

Mr. HOLLAND. I ask him if it is true that at the time of the adoption of the Greek-Turkish program, so many years ago, Greece was on the point of collapse, and only the help given by our country, which has continued to sustain Greece since that time as she has grown stronger and stronger, averted collapse of the Greek economy which at that time was so imminent.

Mr. STENNIS. The Senator from Florida has expressed the matter very well, as he always does. It was one of the great days in the history of the United States when our country went to the rescue of that area of the world—not only Greece—and did so in time to avert complete collapse there, for I am entirely satisfied that otherwise all of that area would have been taken over.

I see on the floor at this time the distinguished Senator from Virginia (Mr. ROBERTSON). One of the most treasured memories I have is that of the Senator from Virginia standing on the Acropolis. As he stood there, I was strongly impressed with how well his classic features matched the majesty of that shrine. We were there in 1949; and I have vivid memories of what we found, and also I well recall the changes which have occurred since then and the turn of events. I share with him the conservative fiscal position the Senator from Rhode Island has mentioned; and I feel that he shares with us—regardless of how he may vote on the pending amendment—the conviction of the absolute necessity of defending Greece and that area of Europe.

Mr. ROBERTSON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. ROBERTSON. I appreciate very much the kind tribute paid by the distinguished Senator from Mississippi.

Of course I recall our visit to Greece. Over the opposition of one of the outstanding editors of Virginia, I had supported the Truman-Marshall program of aid to Greece and Turkey; and I remember how grateful the Greeks were when we were there in the fall of 1949. But during that trip—and we visited 14 European countries, to study the operation of the Marshall plan—we found, and I know the Senator from Mississippi also recalls this very well, that the rank and file of the people there did not know that the help was coming from the United States; and we found that much of it was being used by politicians to keep themselves in office.

When we returned, I recommended that the fund be cut by $1 billion; and Congress took that action.

In recent years I have been much disturbed over a continuation of what I felt was inefficient management of the fund and perhaps overindulgence of our NATO allies. The Senator from Mississippi will recall that we tried tactfully, in our report on our defense bill, to call on them to match our contributions to NATO, because, I say with all due deference, we did not feel they were doing their part.

The Senator has referred to the troops of Pakistan. In October, 3 years ago, I had the privilege of having lunch with the commander in chief of the Pakistan Army. I never saw more superb troops in all my life.

Incidentally, of course about 10 days later he took over the government; and he is quite an operator. But he has an army which I think would match in skill and courage the Turkish Army, and certainly there are no braver soldiers in all the world than the Turks.

In view of my feeling that we had been extravagant in our foreign aid and that we were not getting value received for all of it, I voted against the authorization.

Will the distinguished Senator from Mississippi state for us the nations which will be hurt if the pending amendment is adopted, with the result that the appropriation for military aid will be cut; and will he also state why it would not be appropriate for us to provide that the $300 million carryover, which constitutes a reserve in this fund from the appropriations made last year, shall now be used as current appropriation funds, to obviate the necessity of making the additional appropriation the President has requested?

Mr. STENNIS. The $300 million item has already been discussed. The Senator from Louisiana has referred to it as the drawdown item. As the Senator from Mississippi understands the item, it is authority for the President to borrow from next year's program to the extent of $300 million. I wish to make clear now that it is my understanding that that step is not to be taken unless there is a real emergency beyond that which we are now in and that which is reasonably anticipated.

Mr. ROBERTSON. So the fund is not a reserve; it is for the privilege of anticipating an appropriation that is not yet in being.

Mr. STENNIS. That is correct. The situation is more or less similar to that of a board of supervisors or a board of commissioners being permitted to anticipate next year's revenues. It is put on the basis of a superemergency.

This brings back to mind a thought I have had, that the figures we are dealing with were set before the Berlin crisis arose. I believe the words "Berlin crisis" are more than a mere phrase or terminology. Things are becoming shaky there. This morning's news stated that Soviet planes were "buzzing" airliners going to Berlin. Such a possibility has been anticipated for 10 days or more. It can mean more incidents. I am not trying to put out "scare" stories. I am not frightened by the situation, but it is serious.

I wish to make a fifth point. A part of the appropriation provided in this part of the bill, and which we are not at liberty to discuss on the floor, has to do with Vietnam. I shall be frank with the Senate. I do not want to send many of our troops into that area of the world, but I have tangible evidence that we are getting better results there. We have a new approach. There has been a change in planning and tactics with reference to the use of military aid there.

I think it is much more down to earth. The facts have proved that the aid is certainly more effective. I hope this heralds a new approach and a new day in efforts to cope with problems of guerrilla warfare in that part of the world by elements which have been gaining on the natives, and therefore gaining on us. A sizable sum of this money will go there, and this program is a forerunner, I hope, of a better day. That fact was influential with me in this particular connection.

The rest of the money will go to countries which perhaps, if it were left to my own analysis, I would not regard as the planners do. I refer to some of the Scandinavian countries, but the planners may have reasons that I do not know about. A relatively small sum of money is involved.

I agree with the Senator from Louisiana about the size of our forces in Western Europe. We pay the expenses of maintaining the military, their families, and everything else. If the present crisis can pass in part, I personally think we could get along with less manpower and fewer men in our own armies. That is where the really big money is going. But I do not think we can better our position by slowing down in military programs in countries where they have been at least partly effective.

With reference to the spending of money for military hardware, our military men have done a better job than have the civilian authorities who have handled the other moneys provided for in the aid program.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I am about through. I am happy to yield.

Mr. COOPER. During the past several years I have voted to reduce the amounts for military aid. The reason I did so was that I thought money had been wasted, and I had heard that our training program in countries in Asia, such as Vietnam and Laos was not effective. Recent news has proved that point, because in Vietnam and Laos,

where guerrilla fighting is employed, it has been shown that our programs had not properly trained the forces in those countries for the type of guerrilla fighting needed.

I think the Senator will agree with me that, if military aid is to be continued, it should be demanded that military advisers take heroic measures to improve the type of training, and make it applicable to the military needs of the countries we aid.

I should like to have the Senator's comment on that statement.

Mr. STENNIS. I had just stated that, according to my information, there has been a change of approach and tactics. I do not know that we could bring too much of it out on the floor of the Senate. I wish I could. A better approach has been taken with respect to coping with guerrilla warfare tactics used by the other side in those areas.

I very sincerely believe that, with the aid of the equipment being sent there, much better results are being obtained by the local troops. Our troops have not been sent into those areas. I hope this new approach is a forerunner of an improved situation elsewhere in Asia.

Mr. COOPER. I was glad to hear the Senator raise the question, and to hear his comments. For there has been something radically wrong when our military advisers throughout these years did not provide the most effective training in the countries we have aided.

I agree with other Senators who have spoken that no Member of this body speaks with greater authority or objectivity upon military aid than the Senator from Mississippi, Senator STENNIS. When the authorization bill was before us, I voted to reduce the military aid $250 million, but I shall vote against a cut, and to retain the amount proposed by the committee. I believe we are now in the greatest military crisis and perhaps the greatest period of danger since the Berlin blockade. There is greater danger than during the Berlin blockade because of the increased strength of the Soviet Union. It would be a grave mistake if we did anything such as the proposed cut to indicate that we were not maintaining our strong determination to aid our allies throughout the world, and to defend our country.

Mr. STENNIS. I appreciate the logic of the remarks of the Senator from Kentucky. The military money provided in the bill is the most effective provision in the bill.

Much of the criticism of the Senator from Louisiana with reference to the spending of military money is well taken, but I believe that most of the money the Senator is referring to was spent under what we called in the old days the military support program, rather than for military hardware. The military support program as a separate item is eliminated from the bill, although, under the President's emergency fund, he would be authorized to spend the funds, if he saw fit, for categories formerly called military support.

It certainly does put the burden on the executive branch of the Government for making the direct decisions.

Mr. President, I shall not detain the Senate long. I wish to read a few of the unclassified items for which the money will be spent. These are to be found on page 73 of the Appropriations Committee side slips.

Spare parts. There are spare parts of all kinds for military instruments and weapons.

Training ammunition, repair and rehabilitation of equipment.

Under "Other items" are listed aircraft, ships—small ships, of course—tanks, vehicles and weapons, missiles, electronics and communications, special programs, and items for construction.

Mr. President, these are the hard bottom military hardware items which go to the very essentials of an effective military program.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Wisconsin.

Mr. PROXMIRE. On the next page of that same memorandum I notice the countries which apparently would receive the hardware. The first list of countries includes Belgium, Luxembourg, Denmark, France, Germany, Italy, the Netherlands, Norway, Portugal, the United Kingdom—I shall skip over some which seem to have more justification—Ethiopia, Liberia, Libya, Mali, and Morocco.

I wonder if we can justify giving military hardware as assistance to these countries, most of which are quite prosperous in many cases and in almost all cases are doing far better than the United States in terms of balancing their budgets and in terms of rising standards of living. These are not loans we are considering, and under such circumstances how can we justify grants to those countries?

Mr. STENNIS. The Senator is referring to a list of countries on page 74, possible recipients of aid. No amount is given.

Mr. PROXMIRE. The Senator is correct.

Mr. STENNIS. I have seen the list of those countries with the proposed amounts they will probably receive. Those figures I saw were based upon a larger budget figure than is in the authorization bill.

I wish that information were available. I am sure the Senator can see it in the Appropriations Committee. I wish we could bring that out in the debate.

Some of those countries perhaps are listed for larger sums than would be proper, in my judgment, if I were passing on the question as a whole.

There may be some special circumstances involved, about which I do not know. For instance, a country like Denmark, which is on the list, is very prosperous, to a degree. If in the military structure, because of the geography of the country or strategic location, the country is assigned or will have to carry an unusual part of the burden, the aid would be justified, in spite of the prosperity. That is the situation in Greece, because of the location in that area of the world, which makes it necessary to send shipments to Greece in the military program.

The same reasoning would apply to some of the Scandinavian countries.

Mr. PROXMIRE. Certainly with respect to Denmark—and absolutely with respect to Germany and France, as well as other countries—the country should be able to well afford to pay for what is needed. On the basis of the record, while Denmark is a fine and noble country with splendid people, the fact is Denmark could not put up any resistance in the event of an invasion, and would fall in a matter of hours, not even days, in a conventional war, to say nothing of a nuclear war.

I should like to skip down on the same page. Virtually every Latin American country is listed: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.

All of these countries apparently will receive some hardware and some of the assistance.

Mr. STENNIS. Yes.

Mr. PROXMIRE. We had a very sad experience in giving military hardware to Batista in Cuba.

Mr. STENNIS. Yes.

Mr. PROXMIRE. Batista was an anti-Communist. But that program did not stop communism. Now there is a Communist government of Cuba.

Mr. STENNIS. Yes.

Mr. PROXMIRE. When Mr. Dulles testified before the Committee on Foreign Relations 2 years ago with regard to providing jet planes to South American countries, I recall reading the statement that it was a matter of diplomatic and political advantage to some of these countries, which did not feel they were first-class powers unless they had a jet air force.

Unless we can justify the program in terms of resistance to communism, I do not see how we can possibly justify this kind of imposition on the American taxpayers.

Mr. STENNIS. The Senator makes a very fine point. I do not think anyone could give to the Senator or to the American taxpayer any guarantee as to the program or where the line should be drawn and how much we should give, if anything, to X country. It is a question of something needing to be done on the affirmative side.

I hope and pray that the programed step-up in Latin America will be effective. There are many, many problems, as conclusively shown by what has happened in Cuba. We may not be able to do anything, but at least we shall try.

Mr. PROXMIRE. Is it not true also that this kind of arming of one South American country results in another neighboring country having to be armed, because of the balancing relationship and the quarrels and fights these countries have among themselves?

Mr. STENNIS. I am glad to yield to the Senator, but I should like to yield the floor, so that other Senators may speak.

I have one other point, Mr. President. The hardware to which we refer is composed of first-class military items, but a

great deal of it has already been used by our military forces and is being replaced, for our troops, with more modern weapons. In this way, we have an outlet for much of our used military material and are able to keep our own troops better supplied militarily.

Mr. President, I yield the floor.

Mr. KUCHEL obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KUCHEL. Mr. President, I ask unanimous consent that I may yield to my able colleague the majority leader without losing my right to the floor.

The PRESIDING OFFICER (Mr. McNAMARA in the chair). Is there objection to the request of the Senator from California? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, in behalf of the distinguished minority leader and myself, after discussing the question with all interested Senators available, I ask unanimous consent that at 12:30 o'clock the vote be taken on the pending amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. And, Mr. President, I ask unanimous consent that the time be equally divided and controlled by the Senator from Louisiana on the one hand and by the majority leader on the other.

Mr. KUCHEL. With the understanding that the time will be controlled after I conclude my comments?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. KUCHEL. Mr. President, we now deal with the question of U.S. military assistance to free nations when the President determines such assistance will strengthen the security of our country.

The Congress earlier this year authorized precisely that kind of assistance when it enacted Public Law 87–195. Thus, it continued an indispensable defense policy. In sections 503 and 504 of the present law are found the provisions for the general authority. I ask unanimous consent that the texts of those sections be set forth in full in the RECORD.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

SEC. 503. GENERAL AUTHORITY.—The President is authorized to furnish military assistance on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace and which is otherwise eligible to receive such assistance, by—

(a) acquiring from any source and providing (by loan, lease, sale, exchange, grant, or any other means) any defense article or defense service;

(b) making financial contributions to multilateral programs for the acquisition or construction of facilities in foreign countries for collective defense;

(c) providing financial assistance for expenses incident to participation by the United States Government in regional or collective defense organizations; and

(d) assigning or detailing members of the Armed Forces of the United States and other personnel of the Department of Defense to perform duties of a noncombatant nature, including those related to training or advice.

SEC. 504. AUTHORIZATION.—(a) There is hereby authorized to be appropriated to the President for use beginning in the fiscal years 1962 and 1963 to carry out the purposes of this part, not to exceed $1,700,000,000 for each such fiscal year, which sums shall remain available until expended.

(b) In order to make sure that a dollar spent on military assistance to foreign countries is as necessary as a dollar spent for the United States military establishment, the President shall establish procedures for programing and budgeting so that programs of military assistance come into direct competition for financial support with other activities and programs of the Department of Defense.

Mr. KUCHEL. In a word, those sections of the present law provide that $1.7 billion for the present fiscal year 1962 and for fiscal year 1963 may be utilized for military assistance when the President determines it is in the interest of our country to give such assistance.

Section 510 of that same law provides for a special authority, and particularly, that during the fiscal year 1962, the President may, if he determines it to be vital to the security of the United States, utilize additional defense stocks not to exceed the amount of $300 million.

Before the Senate is an amendment to cut military aid in the appropriation in the pending bill by $150 million below what we authorized last month, which I would describe as regrettable. It is true that last month, on August 15, the Senate reduced the authorization for military assistance by $500 million, after refusing to cut the amount a day earlier by $1 billion. I think it made a mistake in doing so. But in conference the figure of $1,700 million was agreed upon. What is sought to be done by the Committee on Appropriations in the bill now pending is to appropriate the full amount which Congress authorized 1 month ago to be appropriated.

What events have transpired in the ensuing 30 days to make it in the interest of the security of the American people to cut military assistance? In the intervening days, the situation in Berlin has worsened materially. In the intervening days, the Soviet Union has detonated many atomic blasts in the atmosphere. Only this morning I read on the news wire that Tass announced that yesterday Russia had fired a new and more powerful multistage rocket more than 7,500 miles into the Pacific Ocean. Incidentally, Tass described the test as successful, and indicated that the test had fully conformed with the set program of the Soviet Union. Meanwhile, our Government intends to retain the superiority of our own nuclear arsenal, and to increase its efficiency.

When the present appropriation bill was in the House of Representatives a few days ago, some Representatives desired to cut the amount of money which the bill provided for military assistance. At that time, from Gettysburg, came a statement from former President Eisenhower. General Eisenhower said:

These slashes are incomprehensible to me, especially in light of present world tensions.

He said:

I am gravely concerned to learn that after the long struggle over the financing method to be used in connection with the mutual security program and after we receive assurances on the part of Democrats and Republicans of continuing support of the program itself, an attempt is now under way to slash the program's appropriation.

It is my understanding that the House Appropriations Committee has recommended some $700 million below my own annual estimates of last January, and some $900 million below the authorization approved only recently. These reductions strike most heavily, it appears against such programs as military assistance and what was formerly known as defense support.

These slashes are incomprehensible to me, especially in the light of present world tensions. I am sure that the large majority of thinking American citizens, Democrats and Republicans alike, will join me in urging vigorous support of efforts to remedy the damage that would result from these reported committee recommendations.

General Lemnitzer, the distinguished American Army general, spoke out in favor of military assistance. He said, in part:

The Joint Chiefs of Staff regard the two programs as complementary. While the program cannot be precisely compared, we believe that dollar for dollar we do get a greater amount of defense through this program than we could get by putting an equivalent amount of money into our own defense programs.

He was asked a question by a Member of the House of Representatives:

In other words, you defend this part of the mutual security program budget as ardently as you defend the defense budget of the United States?

General LEMNITZER. I do.

These are the voices of great Americans, skilled in the complex questions—and the supremely important questions—of the security and defense of the American people. They constitute, in my view, irrefutable testimony against the amendment before us.

I was interested in the comments made by the distinguished chairman of the Committee on Appropriations, the dean of the Senate, the Senator from Arizona [Mr. HAYDEN] who when mutual security was before the committee, as shown on page 151 of the hearings, said in connection with our military assistance from 1941 through 1960:

During this period the United States has spent, on our Armed Forces, approximately $407 billion, $24 billion for the military assistance program and an additional $1 billion for the International Cooperation Administration direct forces support program. In other words, our total expenditures for military functions and assistance has been 94 percent for national security and 6 percent for military assistance for our allies.

During this period we have supplied military assistance to the NATO countries in the approximate amount of $16.4 billion. The European NATO countries, during this same period, spent from their own budgets, a total of about $126 billion on their own defense departments. Percentagewise, their expenditures amount to 88 percent, whereas

we gave them 12 percent. The United States thus has made available, for the forces of our NATO allies, approximately $1 in military aid for every $7.7 spent for their military budgets.

I do not believe that anyone on either side of the Iron Curtain will for a moment deny that the North Atlantic Treaty Organization has successfully deterred Russian desires to overrun more of Western Europe. We have a stake in the freedom of the Western European nations.

I was most interested also to read the excellent testimony by the Honorable William R. Tyler, Acting Assistant Secretary of State, for European Affairs, speaking in support of our military assistance program. I ask unanimous consent, that his comments on this subject before the Senate Committees on Appropriations, which appear, starting on page 447, of the hearings be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Mr. TYLER. The foregoing which I read to you I believe is an essential background to the contribution of the specific program which is now before you. Military assistance proposed for European country programs for the next fiscal year totals $254 million. The total for NATO countries, including Greece and Turkey, is $559 million. In addition, there are certain regional programs—infrastructure, NATO headquarters and agencies, weapons production and mutual weapons development—intended to support activities entirely or almost entirely within the NATO area. Including these regional programs, there is a total of $719 million in military assistance programed for the NATO area. Because of the interim nature of the program this in fact represents a reduction of approximately $280 million from the fiscal 1961 request.

The fundamental concept of combining the efforts of many, each by itself inadequate but together representing a major force, is what underlies the NATO alliance. And central to that alliance has been the willingness of the United States to contribute its financial assistance as well as its military forces. The Congress, by appropriating about $47 billion a year for our own Defense Establishment, has made clear its concern for adequate military defenses. The military defenses of our allies are equally vital and inseparable from our own. Our ability to deter and resist Soviet aggression does not depend on U.S. military power alone. The military assistance program for Europe proposes an amount less than 1 percent of our national defense budget to help our European allies attain a defensive capability which will make a substantial contribution to the defense of Europe and America alike. It would be unfortunate indeed if the United States spent some $47 billion on its own forces and then failed to follow through with this much smaller amount toward strengthening the forces of our allies, which are essential to our total defense concept, and without which our military expenditures would have to be vastly increased.

Senator MCGEE. You mean they would have to be increased more than by 1 percent?

Mr. TYLER. Yes, sir.

Senator MCGEE. We are getting much more in your judgment?

VALUE OF INVESTMENT

Mr. TYLER. I believe, subject to what my military colleague may say, that this investment of money in the military aid program to Europe is an investment which produces returns in contributions to our defense which exceeds the value of the money actually put in.

I believe, Mr. Chairman, that when these simple facts about mutual security are generally and fully understood, there can be no doubt that the American people will respond affirmatively in meeting this important need.

Now, to turn to another matter which in my opinion is also too little understood; I refer to the demonstrated willingness of our stronger allies to assume a greater share of the common defense burden, and to play larger roles in helping the peoples of the newly developing lands in their struggle against the evils of poverty, disease, and illiteracy.

I hope, Senator, the information which you have requested will support this statement concerning the efforts made by European countries in increasing their aid to less developed countries.

INCREASING CONTRIBUTIONS BEING MADE BY NATO ALLIES

There is a widespread illusion in our country—even among some who are otherwise well informed—that only the American taxpayer is carrying a significant share of this expense. This is simply not true. The people of Britain, France, Canada, Germany, and Italy are all making large and increasing contributions. Moreover, the smaller the per capita income and the lower the consumption level of any country, the greater is the impact on that country's economy of the proportion of national resources devoted to defense purposes. We should not lose sight of the fact that a country with a lower gross national product may be making an equivalent, or even greater, sacrifice for defense through a smaller percentage of GNP allocated for defense than countries with a higher national income. The total of defense expenditures for the European NATO countries last year was $14.4 billion, an increase of over 6 percent over 1959 and 18 percent over 1958. We should not ignore the fact that in 1953 the United States was paying about 25 percent of the total defense costs of our European allies; today we are paying less than 5 percent.

Furthermore, except for a few prior commitments for specific military items, this program does not provide for military equipment on a grant basis to Britain, France, or Germany. For all other countries in Europe military grant aid is extended after careful examination to determine how the assistance can elicit a greater or more effective effort by the country itself. In addition, certain items such as spare parts and other conventional maintenance requirements of the European NATO countries, which were formerly covered by the military assistance program, are now financed for the most part by the countries themselves.

Mr. KUCHEL. Free peoples must stand together before the peril of Communist slavery. I repeat the old axiom, "In union, there is strength." Where we can give military assistance to a friendly nation, we ought to do so. Our own security is at stake.

Mr. President, the U.S. Senate today ought to reject with an overwhelming "nay" vote the amendment pending before us. We need demonstrate to the world we are not abandoning our responsibility. We shall play our part in the struggle for man's liberty.

The lights of freedom may well be dimming in some unhappy parts of this globe. Speaking for myself, I respectfully decline to take a chance, on any assumption that there may be two sides to this argument—an assumption which I reject and which I refuse to concede. I prefer to err, if err it be—and I deny that—on the side of the military establishment. I shall not overrule the President of the United States, the former President of the United States, the Secretary of Defense, or the Joint Chiefs of Staff. We must never plead guilty to the charge of too little or too late.

Mr. MONRONEY. Mr. President, I rise in opposition to the amendment of the Senator from Louisiana [Mr. ELLENDER]. I, along with many other Senators, have in years past, and even in recent votes, sought to reduce the cost of the military assistance program. I voted consistently, wherever possible, to emphasize economic aid and have hoped that military aid could be reduced.

However, the Senate in its wisdom and the House in its wisdom came to a conference agreement less than 2 weeks ago on the amount that is needed for the military assistance program. I believe a great deal of water has gone over the dam. A lot of nuclear fallout has been spread over the world since we considered, only a few weeks ago, the foreign-aid bill. Today I find it difficult—yes, impossible—to bring myself to vote for a reduction of the foreign military aid appropriation at this time. I strongly urge Senators, in all sincerity, to consider very carefully the reports of yesterday and the reports of this morning concerning the growing tensions that exist in Berlin before they support the gamble on reducing this appropriation.

None of us is naive enough to believe that Mr. Khrushchev, however intent he is on winning his point in West Berlin, is going to let West Berlin be the only focal point that will be under increasing pressure during this period of great tension. None of us believes that he will not create other diversions along the thousands of miles of the perimeter of the Iron Curtain. We do not know where he will choose to do so.

It is true that we have lost ground in Laos, but we have sustained and improved our situation in Vietnam. Certainly there has been considerable waste in Vietnam; but now we are beginning to put in the kind of equipment that will help them to stand up against the Communist threat as we found the Malayans were able to do, after some 5 years, against a similar threat in that peninsula of southeast Asia. All around this perimeter, as the Senator from Mississippi has said, we are trying to establish a strong defense against Communist aggression so that it may not smother freedom and black out the lamps of liberty.

A great deal has been said about the fact that around $200 million of this fund will go to countries in Western Europe. I am not permitted to give the figures of the actual amounts involved—and I wish Senators could see the amounts that will go to these countries—but I will take the risk of saying that the countries in Western Europe that I consider to be world powers, the people who are economically and militarily strong enough to do without our aid, will get only a fraction of the $200 million that will go into direct military assistance to Western Europe.

The rest goes to countries which, because of their size and small population and finely adjusted economies find it absolutely impossible to mount the kind of defense that would be necessary if military action starts.

I have studied these figures very carefully, and I can say to the Senate that these countries are getting a very small fraction of the $200 million plus. We must remember that we receive as a result of this expenditure the standardization of weapons and standardization of ammunition, the use of their communication system, the use of their land for our bases and for maneuvers, and the use of their very able officers, because they have some very brilliant military men, and all of these benefits would offset the $200 million that will go to Western Europe.

In one sweep we appropriated five times this amount to give the President a new B–52 wing which he said he did not want and which the Defense Department said it did not need. I voted for it. I would rather be overarmed than underarmed. That is five times the cost of what is going directly to the NATO nations and to some of the West European nations that are not members of NATO.

I feel that we can ill afford, with the threat that is daily around us, to reduce at this time in history the funds which after careful consideration and adjustment have been approved by the House and Senate in the authorization bill.

I would hope that by giving the President of the United States and the Secretary of Defense, a very competent man, and the very able man who is managing our International Cooperation Administration, Mr. Labouisse, this ammunition, we might avert the necessity of having to use this force that we have so carefully built up.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. McGEE. By way of reinforcing what the Senator from Oklahoma said, I think it is important to note in the testimony before the committee the rising rate of contribution by our friends around the world in helping to defend themselves. I believe that is one of the hopeful signs in the change that is taking place, and it makes the point that this is no time to cut back in time of crisis.

Mr. MONRONEY. The Senator is absolutely correct. At page 155 of the hearings, the chairman of the committee, the distinguished Senator from Arizona [Mr. HAYDEN], the President pro tempore of the Senate, said:

> I have figures here with respect to military assistance for the past 11½ years, beginning July 1, 1941, through December 1, 1960.
>
> During this period the United States has spent, on our Armed Forces, approximately $407 billion, $24 billion for the military assistance program and an additional $1 billion for the International Cooperation Administration direct forces support program. In other words, our total expenditures for military functions and assistance has been 94 percent for national security and 6 percent for military assistance for our allies.

Mr. President, this is buying insurance rather cheap. Perhaps the one or two divisions supplied by the small nations, which otherwise would have none in Western Europe, would not be able to hold very long. But one division here, a division and a half there, another division somewhere else, from some of the smaller nations, not more populous than one of our States, in addition to our six divisions in Western Germany, make a formidable military deterrent, trained, equipped, and well organized, even standing in front of the vast legions of the Red armies.

I hope we have enough conventional strength—and I pray for conventional strength—so that we will have some other response than thermonuclear warfare.

If we write off these divisions, if we pull out and spend less today than we spent last year, when the tensions were not so great, then by our weakness I think we encourage, unintentionally, but definitely, stronger action on the part of Mr. Khrushchev around West Berlin. This is not the time when we can gamble.

Important as it is to save $150 million, if we can, $150 million related to our defense budget of $46 billion for this year is a minor increase, indeed, if it will buy the security we want. We should at least give the President ammunition. I feel he will use it frugally. I feel that the new administration both on the economic side and on the military side, will do much more to cut out waste.

We should not take a chance on weakening the program. I urge the program which the committee thought adequate and which would fulfill the request of the President, by the reinstatement of most of the funds which were cut out by the House, so that in the cold war we will not be without ammunition, but will provide assistance to those nations which stand ready and able to assist us in a world that is threatened always—and only in the last few hours again—with atomic blasts and with Communist power.

Mr. ELLENDER. Mr. President, I yield 10 minutes to the distinguished Senator from Idaho.

Mr. DWORSHAK. Mr. President, every year, in the closing days of the session, under a cloud of hysteria, it is always emphasized that for psychological reasons we must go "all out" to prove that we are cooperating fully with our allies, particularly our NATO allies in Europe. I recognize, as do all Senators, that as we face the Berlin crisis, it is not a question of backing away from any responsibility, from making even greater contributions in every way toward solidarity and the strength of NATO countries; but I wonder if Senators whose hearts bleed for our European allies ever stop to realize that psychology is not a one-way street.

Throughout the United States today, psychology has caused a doubt in the minds of many Americans. Why? We are told that we are doing everything to help our allies in Europe. While we have provided dollars to strengthen their financial status, what are we doing with manpower? Everyone knows that almost every day he can read in the newspapers—I was trying to check a story I saw within the past few days—that additional thousands of young Americans, most of them drafted for military service, are being sent overseas to bulwark the military strength of NATO.

I have contended that we have been rendering a disservice to our allies as they read speeches which are motivated, largely, by a sort of hysteria. Why do we not ask our NATO allies to make contributions commensurate with those we have been making every year? I know that if one reads the testimony on foreign aid before the committee—and I presume there is but a handful of Members of the Senate who read the testimony; if more Senators read it, they would not make the speeches they do——

Mr. McGEE. Mr. President, will the Senator from Idaho yield?

Mr. DWORSHAK. I yield, but briefly, because the time is limited.

Mr. McGEE. The Senator from Idaho was one of those who faithfully attended all the hearings.

Mr. DWORSHAK. As did the Senator from Wyoming.

Mr. McGEE. He read the hearings, as I did.

Mr. DWORSHAK. Yes.

Mr. McGEE. He will recall that the testimony at those hearings contains a breakdown of the increasing rate, finally, of the contributions by the NATO countries. That is found on page 448 of the record of the hearings. It is pointed out by spokesmen that the total of defense expenditures by the European NATO countries last year was $14.4 billion, an increase of 6 percent from 1959 and an increase of 18 percent from 1958; and that our own percentage of contribution to their defense, which was 25 percent in 1953, is now down to less than 5 percent.

Mr. DWORSHAK. I thank the Senator from Wyoming for that contribution. I point out that he has made no reference to manpower. The Senator from Wyoming knows, as well as I do, that although the original concept was to have 60 divisions in NATO, there have been about 21½ divisions, and even they have not been fully recruited.

The Senator from Wyoming knows, as well as I do, and as does anyone else who has followed the defense activities, that the NATO countries have glibly given us assurances. I cite the testimony of Major General Miller, a military expert with our forces in Europe. I asked him concerning manpower in the divisions of NATO:

> Do the NATO nations appreciate that we are facing a Berlin crisis? Are they building up their forces?

He said:

> Well, we have received some assurances from them.

Assurances for what? To be alerted a year after the Berlin crisis comes to a showdown? The Senator from Wyoming knows, as I do, that those nations are not building up their divisions.

The Senate and the American people owe a great debt of gratitude to the fearless, courageous Senator from Louisiana [Mr. ELLENDER], who for many

years in the Committee on Appropriations and on the floor of the Senate has contended that NATO is largely a blueprint organization. Oh, Mr. President, I pray that it will not be necessary for us to become embroiled in a hot war to prove the accuracy and the truth of the arguments which have been made constantly by the Senator from Louisiana.

The President is the Commander in Chief. It is often said that none of us recognizes the responsibility which rests upon us. Let me call attention to a report made by the House on this bill, on page 2.

For the various categories this fiscal year $10,609 million was made available; $300 million was added on the floor of the House; $600 million was added by our committee.

I think we should make a very humble confession that we are making available this year $11,500 million for the assistance of our allies—$11,500 million; not the $4 billion which we are talking about when we consider the use of obligated, but unexpended, funds and foreign currencies and the amount we will add this year.

I wonder if any Senator will say that the American people are backing away from their commitments, when we provide not only $11,500 million, but every week we are sending additional thousands of young Americans in uniform to serve abroad. I think that is a record we should be proud of, rather than stand here and abjectly claim that we are not doing enough for our allies.

So, Mr. President, the American people are faced with a psychological situation, as they are apprehensive in regard to what may happen in Berlin during the months which lie ahead, because they know that our NATO allies do not sufficiently realize what a real crisis we face. They have not "beefed up" their divisions made available to NATO commanders in Europe.

Mr. MUNDT. I suggest that the Senator place in the RECORD the breakdown of the $11 billion.

Mr. DWORSHAK. I do not think I shall do that, because it seems that there is a desire by some not to have the Members of the Senate become fully aware of the facts; some desire that hysteria and psychological reasons dominate.

Mr. MUNDT. But many studious-minded people in the country read the CONGRESSIONAL RECORD, although they do not have access to the committee report. The breakdown is in the report, and I believe it should be placed in the RECORD, so that the people can understand how these figures are arrived at.

Mr. MONRONEY. Mr. President, will the Senator from Idaho yield?

The PRESIDING OFFICER (Mr. PELL in the chair). Does the Senator from Idaho yield to the Senator from Oklahoma?

Mr. DWORSHAK. I yield briefly.

Mr. MONRONEY. Does not the Senator believe that if the American forces should have the misfortune of being called upon to fight in Europe, it would be well to have the NATO divisions well trained and well equipped, in order to be able to hold the flank? I recall how the collapse of the French Army on the flank, during World War II, resulted in the virtual entrapment of the British Army. So I believe it would be well to have the NATO troops well trained and well equipped, so as to be able to hold the flank.

Mr. DWORSHAK. Of course I agree. But the present situation there would not have developed if our NATO allies had measured up to their responsibilities. However, because they have not done so, we are now facing this emergency.

Mr. McGEE. Mr. President, will the Senator from Idaho yield to me at this point?

Mr. DWORSHAK. I am sorry I do not have time now to yield further.

I wish to refer briefly to the testimony of William Tyler, Deputy Assistant Secretary of State for European Affairs. I asked him a question, and here is his reply, as set forth in the hearings:

Mr. TYLER. Despite the progress noted above, we recognize that a number of the NATO countries are capable of doing more toward meeting their defense requirements than they are now doing or plan to do. We are continually urging them bilaterally and in NATO to greater efforts, and in this we have had some success. However, the problem is more than a financial one. Despite serious efforts of European governments to devote a larger share of national resources to defense, certain inhibiting factors such as latent neutralism—

I am sure my colleagues have heard about neutralism at the recent Belgrade conference in Europe.

So Deputy Assistant Secretary of State Tyler said:

Despite the progress noted above, we recognize that a number of the NATO countries are capable of doing more toward meeting their defense requirements than they are now doing or plan to do. We are continually urging them bilaterally and in NATO to greater efforts, and in this we have had some success. However, the problem is more than a financial one. Despite serious efforts of European governments to devote a larger share of national resources to defense, certain inhibiting factors such as latent neutralism in elements of the public and widespread demands for social and economic programs often prevent these governments from developing their military establishments in consonance with their NATO responsibilities.

I did not say that. If I had said it, I am sure the Senator from Minnesota would not believe it. But when that is stated by the Deputy Assistant Secretary of State for European Affairs, I hope the Senator from Minnesota will accept what he has stated, that it is apparent that our NATO allies have not done all they could, because they are more interested in dealing with domestic problems.

Mr. HUMPHREY. Mr. President, will the Senator from Idaho yield?

Mr. McGEE. Mr. President——

Mr. DWORSHAK. I yield briefly to the Senator from Minnesota.

Mr. HUMPHREY. I appreciate the courtesy of the Senator from Idaho in yielding to me. I have been a patient and interested listener. But now that I have been called into the fray, I suggest that the Senator from Wyoming might wish to read into the RECORD the rest of the part of the hearing to which the Senator from Idaho has referred.

Mr. DWORSHAK. So far as I am concerned, he can place the entire hearing in the RECORD.

Mr. HUMPHREY. No doubt. But I suggest that the complete statement at that point be placed in the RECORD, rather than to quote part of it out of context. If the complete statement is placed in the RECORD, I am sure it will be found that its meaning is different from that that the Senator from Idaho indicated.

Mr. DWORSHAK. Mr. President, I took nothing out of context. I did not place in the RECORD all of the testimony on NATO that was taken at the hearings, of course.

Mr. McGEE. But what the Senator left out is the significant part.

Mr. DWORSHAK. Then let the Senator from Wyoming place in the RECORD any part of the hearings he may wish to place in it.

Mr. McGEE. Will the Senator from Idaho yield to me at this time, so that I may read the full statement? He read only the first part of it.

Mr. DWORSHAK. Yes; I shall yield, because the excerpts from which I have been reading were not prepared by me, but were prepared in my office. So I shall be fair, of course.

Mr. McGEE. As appears on page 454 of the hearings, Mr. Tyler further testified as follows:

But even under the most optimistic estimates of the real possibilities for increases in European defense efforts, a significant gap between NATO minimum essential requirements and what can be done by the European NATO countries remains. I believe that it is in our own national interest to continue substantial military assistance to present NATO recipients on a selected basis, continuing to carrying out the programs so as to elicit maximum feasible effort from the aid recipients themselves.

Mr. DWORSHAK. I have that part of the hearing included in my remarks. I did not read it, for I was about to ask unanimous consent to have it printed at this point in the RECORD.

Mr. McGEE. I realize that the Senator from Idaho wishes to be fair.

The PRESIDING OFFICER. The time yielded to the Senator from Idaho has expired.

Mr. ELLENDER. I yield 1 more minute to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 1 more minute.

Mr. DWORSHAK. The next sentence in Mr. Tyler's testimony at the hearing reads as follows:

But even under the most optimistic estimates of the real possibilities for increases in European defense efforts, a significant gap between NATO minimum essential requirements and what can be done by the European NATO countries remains.

And so forth. That will be placed in the RECORD.

Mr. McGEE. The full paragraph?

Mr. DWORSHAK. Yes; and I am glad the Senator called my attention to it, because I do not have time to read all of the testimony concerning NATO.

Mr. President, I ask unanimous consent to have printed at this point in

the RECORD these excerpts from the hearings, dealing specifically with NATO.

There being no objection, the excerpts from the hearing were ordered to be printed in the RECORD, as follows:

Senator DWORSHAK. At this point may I ask for some data concerning the manpower status of the NATO alliance. We have talked about the gross national product. We have talked about the greater dollar contributions to the common defense effort. Can you give us a brief rundown on whether our allies are providing essential manpower, notwithstanding the fact that we have about 266,000 Americans in our uniform abroad. Is that about the right figure?

Mr. TYLER (Deputy Assistant Secretary of State for European Affairs). The United States has a ratio of 1 to 78 men in the armed services of the total population. France, 1 to 50. Greece, 1 to 52 ratio. Turkey, 1 to 58. All of these countries have higher ratios than we do. Some of our allies are not far off. Belgium, 1 to 82; Netherlands, 1 to 86. In other words, some of our NATO partners have put as many men on a comparative basis into the armed forces as we have. Some of the other of our allies do not show up as well, but it must be recalled that in certain countries such as the United Kingdom and Germany, the labor market is very tight, and there is intense competition. But these figures I have given I hope are responsive to your question.

Senator DWORSHAK. Except in two respects, they do have potential manpower over there and NATO countries make a contribution to the overall NATO defense effort, and they maintain their own forces within their own country. Is that correct?

Mr. TYLER. Yes.

Senator DWORSHAK. I say again, Mr. Chairman, I have tried to emphasize that point because I think that, while you may justify the inability of our NATO allies to provide financial support for military force because of their limited economic background and other factors, that there should be no limitation or restraints on what they can do in furnishing manpower. Will you agree with me on that? If they want to cooperate fully with us in our NATO effort, then there is no reason why they cannot furnish the manpower subject to what you said, that the labor situation in West Germany may be tight. That is good economically but if our allies and NATO all said we have to employ our manpower in nondefense activity, then that might rationalize the failure to provide any manpower, might it not?

General MILLER (Director, European Regional Office of the Assistant Secretary of Defense, International Security Affairs). It might, but it does not, sir.

Senator ELLENDER. Well, in West Germany the trouble there is that the Bundestaag has never passed a law where conscription was for more than 12 months.

Senator DWORSHAK. Oh, that draft is just for the American boys.

Senator ELLENDER. The point is that the moment the boys get 12 months' training, they get out of the picture. They don't want to stay in the armed services.

Senator DWORSHAK. What is wrong is that we draft young Americans to serve in the military services in Europe, while the European allies refuse to draft their own young men to support and defend their own countries?

General, will comparable effort be made by our NATO allies to call up their citizen component reserves and to increase the number of draftees called into service as we have been doing recently?

General MILLER. In general, we have assurance of this kind.

Senator DWORSHAK. The emergency exists only in this country.

General MILLER. Our returns are incomplete on this at the moment, because the United States spent a lot of time developing this program. There has been quite an amount of substantial response already, but it takes time to be definitive about this.

Senator DWORSHAK. General, I know you are a realist. If this Berlin crisis is nearly as acute as it is represented to be, then it would be folly for our NATO allies not to take comparable action to what we have done to bulwark and build up our defense forces. Is that right?

General MILLER. We will need all the strength we can get.

Senator DWORSHAK. Not after something happens in Berlin, but before it happens.

Mr. TYLER. Despite the progress noted above, we recognize that a number of the NATO countries are capable of doing more toward meeting their defense requirements than they are now doing or plan to do. We are continually urging them bilaterally and in NATO to greater efforts, and in this we have had some success. However, the problem is more than a financial one. Despite serious efforts of European governments to devote a larger share of national resources to defense, certain inhibiting factors, such as latent neutralism in elements of the public and widespread demands for social and economic programs often prevent these governments from developing their military establishments in consonance with their NATO responsibilities. But even under the most optimistic estimates of the real possibilities for increases in European defense efforts, a significant gap between NATO minimum essential requirements and what can be done by the European NATO countries remains. I believe that it is in our own national interest to continue substantial military assistance to present NATO recipients on a selected basis, continuing to carry out the programs so as to elicit maximum feasible effort from the aid recipients themselves.

In view of the very real financial limitations of our European allies, as well as the ever-present political pressures for arms reduction, I am convinced that eliminating or drastically reducing military aid to these countries will not result in increased efforts on their part.

Exactly the opposite result may be anticipated. One might ask whether we could foresee the end to the need for military assistance to our European allies and the time when they will be able to stand on their own feet. Our purpose in providing equipment and training is not to enable any one country to acquire enough military strength to stand alone against the Soviet threat, but to enable each of them to make a maximum contribution to the total power of the Atlantic defense system. The military assistance program, therefore, should continue in Europe as long as it represents, and only as long as it represents, a worthwhile investment by the United States in terms of the combined defensive power it generates.

The PRESIDING OFFICER. The additional time yielded to the Senator from Idaho has expired.

Mr. ELLENDER. Mr. President, I yield 1 more minute to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 1 more minute.

Mr. DWORSHAK. Mr. President, for many years I have recognized that we always face this difficulty. We add immeasurably to our own defense budget; and we expand our military activities, insofar as manpower is concerned, both at home and abroad. But always we face a crisis; always we are told we have to do more on foreign aid.

Mr. President, it seems to me most significant that very few Senators—with the exception of the Senator from Louisiana and a few other Members of the Senate—make any effort to insist that our NATO allies make greater contributions than they have been making. Is it because they do not recognize that there is a crisis in Berlin? Is it because they want us to defend those countries—as witnessed by the fact that when they withhold making available the amount of manpower that they should make available, we reciprocate by sending thousands and thousands of young Americans over there, to do what our NATO allies obviously have failed to do, to make up for what obviously is their failure to cooperate fully with us?

So I shall support the amendment of the Senator from Louisiana, because I think it will put backbone into our NATO allies, instead of having the psychological effect of backing down.

The PRESIDING OFFICER. The additional time yielded to the Senator from Idaho has expired.

Mr. DWORSHAK subsequently said: Mr. President, I ask unanimous consent to have printed in my remarks in support of the Ellender amendment some figures taken from the House report with the division of amounts added by the Senate, showing the adjustable total available for our foreign aid program in the current year as $11,571 million.

The PRESIDING OFFICER. Without objection, it is so ordered.

The House report said:

"In summary, the foreign assistance program will have the following sums of money available for commitment, obligation, or expenditure during the current fiscal year:

Recommended in the bill	$3,357,500,000
Reappropriation of unobligated funds to the military assistance program	50,000,000
Foreign currencies	1,917,400,000
Obligated but unexpected funds, June 30, 1961	5,284,134,000
Total	10,609,034,000
Increased by House on floor (military assistance)	300,000,000
Increases by Senate Appropriations Committee:	
Military assistance	100,000,000
Other assistance	562,000,000
Adjusted total for current year	11,571,034,000"

Mr. ELLENDER. Mr. President, I yeild 5 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I rise in support of the Ellender amendment.

The argument has been made that this is a time of military crisis. Indeed it is. The argument has been made that our European allies are exposed to Communist aggression and could be overwhelmed overnight if they did not have this military assistance. The fact is these countries could be overrun overnight with or without this assistance. It would make almost no difference.

To argue that Denmark or Norway could stop Russia today is horse-and-buggy military thinking that has no regard for the fact that, from the strictly conventional standpoint, there is no

comparison between Russian armed might and our own in Europe. They have 175 divisions well armed. They have massive organized military forces which, in the event of conventional war, would, in the judgment of experts, be virtually impossible to resist.

The reason why these countries are not overrun is that we have in Berlin 6,500 American troops, American boys who serve as hostages and 5½ divisions in Europe. It is obvious to the Russians that, if they were to begin that kind of war on our allies, they would be at war with the United States.

I think the Ellender amendment, which is a modest reduction back to the level of the military assistance authorization which had been passed by the Senate earlier this year—as a matter of fact, it is above the military authorization—is reasonable.

Our final point, Mr. President, the more military assistance we give to the South American countries the greater the burden is on their economy. It has been shown over and over again that the real threat communism poses in South America and other countries is not from external aggression. Red China and Russia are not going to invade South America. But they are working night and day right now to subvert them. Because of economic collapse, notwithstanding the kind of assistance given to these countries in the form of tanks, planes, and so forth, involved in this bill, they may not be able to resist internal communism. If communism will come there at all, it will come in the form of a military coup, most likely. It will come because their economies are not viable, are not growing, and cannot support the kind of military effort which requires jetplanes, tanks, missiles, and an economic effort which is beyond their nation's abilities. The resulting inflation and concentration of political and military power can stimulate internal Communist revolt.

I feel very strongly that the Ellender amendment, which has already been considered in effect by the Senate once before, and which was approved when the authorization bill was before us, is a reasonable amendment, which would keep the military assistance segment of the program in accord with the rest of the program. It should prevail.

I yield back the rest of my time.

Mr. SALTONSTALL. Mr. President, will the acting majority leader yield me time?

Mr. HUMPHREY. I should like to yield the Senator all the time, but I know the Senator can help us if I yield him 1 minute.

Mr. SALTONSTALL. Mr. President, I oppose the amendment for three reasons, which I shall try to set forth in 1 minute.

The appropriation last year was $1.8 billion. The authorization this year is $1.7 billion, and the committee has appropriated that whole amount.

If the amendment of the Senator from Louisiana is adopted, it will mean that the President will undoubtedly have to use his drawdown authority. If he uses his drawdown authority, it will affect the authorization and the amount of money that could be used in fiscal year 1963.

My second point is that, whereas in 1953 the NATO countries were expending $11.5 billion, they are now expending $14.4 billion. In those same years we were expending $2.8 billion in NATO countries, while we are now expending $800 million.

The military assistance program decreased from 38 percent in fiscal 1961 to 22 percent in Europe; in the Near East and south Asia it increased from 16 to 24 percent; for the Far East it increased from 38 percent to 46 percent.

This year $1.1 billion is required for force maintenance and fixed charges, and about $600 million for force improvement. Thus a $100 million cut represents a 17-percent decrease in the funds for this purpose.

For these reasons, I shall support the bill as reported by the committee and vote against the amendment of the Senator from Louisiana.

Mr. HUMPHREY. Mr. President, I yield 3 minutes to the minority leader.

Mr. DIRKSEN. Mr. President, I have gone through the so-called side slips with respect to the items in the appropriation bill, and I wish to make three or four points in opposition to the amendment of the Senator from Louisiana.

First, it must never be forgotten that a certain amount of money is a fixed charge, which is already required for maintenance of forces in being. If the testimony is accurate, this would require $1.1 billion, and $600 million for force improvement. So if a reduction of as much as $100 million were made, it would mean a 16-percent decrease. If the cut were more than $100 million, the percentage would be larger. So the impact of the cut is infinitely greater than meets the eye.

Secondly, there is the psychological effect of a cut at this time. I know how easy it is to say that those with whom we are associated in the free world should do more; but when the house is on fire and we are throwing a stream of water on it, we can look at our associates and say, "Better keep on pumping more water," but that does not keep the house from being consumed unless we do as much as we reasonably can within the capacity of the country. So there is not only a dollar impact, but a psychological impact as well.

I believe I am correct in saying that heretofore we could take funds out of the contingency fund for military purposes; but if I understand the bill correctly, that no longer can be done. I would rather not be penny wise and pound foolish at a time when there is such a perilous and critical situation in so many areas of the world. This is a small amount of money when measured against the whole sum for our national security. So I would rather not quarrel against those who are skilled in the art of providing best for our security with respect to that amount of money.

For that reason I do not believe the amendment by our good and distinguished friend from Louisiana should prevail. I hope, therefore, it will be defeated.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. I associate myself fully with what the distinguished minority leader has said and express the hope the amendment will not prevail. The times are too critical. I think the committee as a whole has done a good job, and I hope the Senate will uphold the hand of the committee.

Mr. DIRKSEN. I appreciate the contribution, and I would add only one further point. Probably we are inclined to forget that in the field of military equipment and accouterments, depreciation takes place to no less an extent than in any other field of enterprise and industry. What we have done in the past and what we have provided are always subject to attrition and depreciation forces. I think the additional money that would be provided if the amendment did not prevail would be a definite contribution to our security.

Mr. HUMPHREY. Mr. President, does the Senator wish to use his time now?

Mr. ELLENDER. No.

Mr. HUMPHREY. I yield the remainder of the time to the Senator from Florida [Mr. HOLLAND].

Mr. HOLLAND. Mr. President, it seems to me the time has come when the Senate should show its sense of responsibility and stand by its own act taken here just a few days ago in passing a foreign aid authorization bill, which was in an amount decidedly under the request of the President, and which in several of its features departed from the request of the President.

We have fought out these issues. They are the same issues which were considered in the long debates on the authorization bill. We fought them out in great detail, almost ad nauseum. We fought them out in conference. Finally, we approved the conference report. The Senate approved it by a vote of 69 to 24. In addition to those voting, the RECORD shows there were enough Senators stating positions to make the total 73 to 25, with two positions not shown. The President then approved the bill as passed.

Mr. President, insofar as the item of military aid is concerned the amount is well under what we provided last year. Last year we appropriated $1.8 billion for this particular objective. This year we were asked to appropriate $1.885 billion, but instead, after long battling on the authorization bill, we agreed to provide $1.7 billion. The act was passed in that form and that amount is now in the pending appropriation bill.

There is another important feature in the act which I strongly supported, as I did the amendments to cut the budget proposal down to its present size. I went further than that, as the RECORD will show. Another feature which I supported is the one which apparently is being relied upon in the proposal to cut the authorization for this year, because it is provided that the Appropriation Committees shall annually review the program during the 5 years of its existence and shall take such action as the committees think is proper. In the second

and through the fifth year, so far as I am concerned, I reserve the right to review the picture at these times to see whether there has been good administration, to see what is the world condition and what are our domestic needs, and to vote accordingly in the Appropriations Committee.

Speaking only for myself, I would not feel I had taken a responsible position or one in accord with the prestige of the Senate if, after the Senate passed the authorization bill, which was approved on September 4, I should vote to impose heavy cuts with respect to a money bill before us September 15, as to which testimony was being taken even while the authorization bill was being debated and was at the White House, before it was signed. I would not feel I was living up to the challenge of responsibility if I voted to impose heavy cuts this year, when there is not a single indication of any improvement in the situation since the authorization bill was passed and became law. To the contrary, if there has been any change—and it is only in a general way that it appears—the tension has grown greater and the danger has grown greater.

We are not proceeding under hysteria, as has been suggested. I was never more deliberate in my life than in my feeling we came to a definite figure for this year by voting for the authorization bill only a few days ago, with the ink of the President's signature hardly dry now. If we are to be responsible, we ought to stand by that authorization. That is what I intend to do in this matter which so greatly affects our foreign policy and our defense program.

It seems to me at this time of crisis if we continue the fight which has been going on since the beginning of this session it will indicate that, instead of having the ability to get together, to form ranks and stand by our own act taken a few days ago by a large majority, we intend to continue the fight on up to the time the last dollar is appropriated.

Mr. President, I do not think that position would uphold the tradition and prestige of the Senate. I am one who voted with the Senator from Louisiana on both his amendments to reduce the amount of the authorization, and who voted with the Senator from Virginia as to the question of annual review and appropriations. I am glad I cast those votes and I feel that the authorization bill was improved by our action following both of those changes, in a substantial way.

Mr. President, when we have taken action so solemnly, near the end of the session, so that we might have the benefit of all developments in the world situation and in our own country, I think it smacks of irresponsibility for us, without any improvement in the situation whatever, to propose to write great reductions into the appropriations we have just authorized.

Mr. President, my own position will be to oppose the amendment offered by my distinguished friend, whom I have supported on the floor not only in respect to the authorization this year but also at times previously, and to vote to uphold the hand of the President and the hands of the defense people who strongly insist that we need to use military aid to our allies in the amount authorized and now in the pending bill.

I invite particular attention to the fact that the Congress voted this year $46.6 billion for our own defense, and over a billion dollars for our military construction. We are talking here about $1.7 billion for the military support of our allies, whom we hope will stand with us.

Mr. President, I think we shall be upholding our own position and that of our own people if we recognize the fact that we are financially stronger than many of our allies. I echo everything said about the fine fighting qualities of the Pakistani. I have seen them fight. I echo what has been said about the fine fighting qualities of the Turks. My good friend General Van Fleet has told me how the Turks fought in Korea. I echo what has been said about the fine fighting qualities of the Greeks and many others of our allies.

I think we should stand by our own acts and form ranks at this time of grave crisis. We should stand by the authorization bill in regard to the question of the military aid appropriation.

The PRESIDING OFFICER (Mr. PELL in the chair). The time of the Senator from Florida has expired. The Senator from Louisiana has 5 minutes remaining.

Mr. ELLENDER. Mr. President, I yield myself the remainder of my time.

Let me say at the outset that I have listened very closely to the arguments advanced by various Senators who oppose my amendment, and particularly those made by my good friend from Florida.

But what I cannot understand is that I cannot recall any great changes in the world situation since I proposed this same amendment to the authorization bill. At that time many Senators who now oppose this amendment were in favor of it. I am at a loss to understand the reason for such changes.

Mr. President, the amendment I have offered will provide $100 million more in military assistance than the authorization which the Senate approved only a couple of weeks ago. In the meantime, the world situation has not changed, and let me also add, I do not believe it will change.

As I said only recently, I predict that following adjournment of Congress, we shall note that things will improve. As I pointed out during hearings on this bill before the Appropriations Committee, it appears to me that these "emergencies" confront our Government every year when the Congress begins consideration of foreign aid appropriations.

As I pointed out a moment ago, of the $90 billion-plus we have made available to our allies in the past 15 years over one-third went for military assistance. I wish I could portray for my colleagues the precise conditions I found in Western Europe when I visited there last year. I know that most of my colleagues would feel a sense of shock if they saw the way that our allies have been permitted to reduce their own armed forces.

Mr. President, as my good friend from Idaho stated a while ago, when the NATO Alliance was created we hoped that eventually this organization would contain as many as 60 divisions, with the United States furnishing 5½ or 6.

The overall figure has been reduced to about 20½ divisions, but the United States is still in Europe with 5½ divisions.

Mr. President, the newspapers yesterday stated that although we have 5½ divisions in Europe the President now proposes to send 45,000 more young Americans to Western Europe to assist people who should be forced to assist themselves.

In my judgment, our allies have allowed their own defense efforts to deteriorate to such an extent that they are in no position to be of assistance to American troops now in Europe. In other words, every American soldier now in Western Europe is in mortal danger because of a lack of effort on the part of our allies to live up to their obligation. Yet we go right ahead and provide more and more money for our so-called allies who are well able to bear more of this burden. We are, in addition, providing more and more manpower for their use. This will have the effect of leading Europeans to believe that good old Uncle Sam will continue to carry the load, not only moneywise, but manpowerwise. I believe that now is the proper time for us to tell these countries that our Nation is tired of carrying the full burden. We must tell them that it is high time for them to stop leaning on us. I believe the best and most telling way we can do this is to vote for the reduction in military assistance that is provided for in my amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. ELLENDER].

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mrs. NEUBERGER (after having voted in the negative). On this vote I have a pair with the senior Senator from Oregon [Mr. MORSE]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. HICKEY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Washington [Mr. MAGNUSON], the Senator from Oregon [Mr. MORSE], the Senator from Missouri [Mr. SYMING-

TON], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], and the Senator from Wyoming [Mr. HICKEY] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] is absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

On this vote, the Senator from Alaska [Mr. BARTLETT] is paired with the Senator from Tennessee [Mr. GORE]. If present and voting, the Senator from Alaska would vote "yea," and the Senator from Tennessee would vote "nay."

On this vote, the Senator from Washington [Mr. MAGNUSON] is paired with the Senator from Missouri [Mr. SYMINGTON]. If present and voting, the Senator from Washington would vote "yea," and the Senator from Missouri would vote "nay."

On this vote, the Senator from South Carolina [Mr. JOHNSTON] is paired with the Senator from New Hampshire [Mr. BRIDGES]. If present and voting, the Senator from South Carolina would vote "yea," and the Senator from New Hampshire would vote "nay."

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Connecticut [Mr. BUSH] is absent by leave of the Senate to attend the Conference of the International Fund and World Bank in Vienna.

On this vote, the Senator from Indiana [Mr. CAPEHART] is paired with the Senator from Colorado [Mr. ALLOTT]. If present and voting, the Senator from Indiana would vote "yea," and the Senator from Colorado would vote "nay."

The result was announced—yeas 29, nays 52, as follows:

[No. 203]

YEAS—29

Anderson	Dworshak	Miller
Bennett	Eastland	Morton
Bible	Ellender	Mundt
Burdick	Ervin	Pell
Butler	Fulbright	Proxmire
Byrd, Va.	Hickenlooper	Russell
Cannon	Hruska	Schoeppel
Case, S. Dak.	Jordan	Talmadge
Church	Long, La.	Young, N. Dak.
Cotton	McClellan	

NAYS—52

Aiken	Douglas	Kefauver
Beall	Engle	Kerr
Boggs	Fong	Kuchel
Byrd, W. Va.	Hart	Lausche
Carlson	Hayden	Long, Mo.
Carroll	Hill	Long, Hawaii
Case, N.J.	Holland	Mansfield
Clark	Humphrey	McCarthy
Cooper	Jackson	McGee
Dirksen	Javits	McNamara
Dodd	Keating	Metcalf
Monroney	Saltonstall	Thurmond
Moss	Scott	Wiley
Muskie	Smathers	Williams, N.J.
Pastore	Smith, Mass.	Williams, Del.
Prouty	Smith, Maine	Young, Ohio
Randolph	Sparkman	
Robertson	Stennis	

NOT VOTING—19

Allott	Goldwater	Morse
Bartlett	Gore	Neuberger
Bridges	Gruening	Symington
Bush	Hartke	Tower
Capehart	Hickey	Yarborough
Chavez	Johnston	
Curtis	Magnuson	

So Mr. ELLENDER's amendment was rejected.

Mr. HUMPHREY. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. KUCHEL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, on page 2 of the bill, at line 13, I move to strike out the words "For assistance authorized by section 214(b) for construction of the General Sikorski Trade School, Hyzna, Poland," and to insert in lieu thereof the words "At the discretion of the President, for an American sponsored trade school in Poland."

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 13, it is proposed to strike out the language commencing with the word "For," down to and including the word "Poland," and to insert in lieu thereof the words "At the discretion of the President, for an American sponsored trade school in Poland."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, returned to the Senate, in compliance with its request, the concurrent resolution (S. Con. Res. 14) saluting "Uncle Sam" Wilson, of Troy, N.Y., as the progenitor of America's national symbol of "Uncle Sam."

The message also announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H.R. 2585. An act relating to the credits against the employment tax in the case of certain successor employers;

H.R. 5852. An act to provide for the free entry of a towing carriage for the use of the University of Michigan; and

H.R. 7057. An act relating to the application of the terms "gross income from mining" and "ordinary treatment processes normally applied by mine owners or operators in order to obtain the commercially marketable mineral product or products" to certain clays and shale for taxable years beginning before December 14, 1959.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 6775) to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BONNER, Mr. GARMATZ, Mr. DOWNING, Mr. CASEY, Mr. TOLLEFSON, Mr. RAY, and Mr. MAILLIARD were appointed managers on the part of the House at the conference.

THE AMERICAN POULTRY INDUSTRY

Mr. TALMADGE. Mr. President, the junior Senator from Georgia on two recent occasions has called the attention of the Senate to the worsening economic plight of the American poultry industry.

The situation has reached crisis proportions. Poultry is selling in many areas at prices as low as 10 cents per pound against a cost of production of upward of 14 cents per pound.

It does not take an economist to understand that the continuation of such conditions will mean the destruction of the American poultry industry and economic disaster for the thousands of American farmers dependent upon it for their livelihood.

The junior Senator from Georgia and other Members of both Houses of Congress concerned about the future of the industry sought to provide machinery for relief by adding hatching eggs and poultry to the commodities made subject to marketing orders by the recently enacted omnibus farm bill. Unfortunately, a majority of the spokesmen for the industry opposed such a step and, in accordance with their wishes, the provision was deleted.

On August 18, the junior Senator from Georgia outlined to the Senate his proposal for the purchase of 6 to 8 million laying hens in breeding flocks for consumption in the school lunch program. It was his feeling then and it is his feeling now that such a course offers the best hope for immediate relief of the problem.

Mr. President, I ask unanimous consent that the text of my remarks and my letter to the Secretary of Agriculture, inserted in the RECORD on that occasion, be printed at this juncture of my remarks.

There being no objection, the remarks and letter were ordered to be printed in the RECORD, as follows:

THE AMERICAN POULTRY INDUSTRY

Mr. TALMADGE. Mr. President, it is a basic economic fact that a man in business must be able to sell his products for more than it costs him to produce them if he is to stay in business.

It is that fact which is at the root of the dire economic straits in which the American poultry industry finds itself today. Overproduction has depressed the market for poultry below the cost of production and the situation has become so grave that, unless something is done soon to give the industry some relief, its future will be jeopardized.

The problem is of particular concern to my State of Georgia, which leads the Nation in the production of broilers. The livelihood of thousands of Georgia farmers and their families is dependent upon early and effective action to solve it.

After careful study of the problem, Mr. President, I am convinced that any solution must have as its basis the elimination of the cause of overproduction—the surplus of laying hens in breeding flocks. It is out

of that conviction that I have recommended that the Secretary of Agriculture immediately initiate studies leading to an early purchase program to buy from 6 to 8 million such hens for consumption in the school lunch program.

For the future welfare of the poultry industry and the thousands of Americans directly dependent upon it for their existence, I earnestly hope such action will be taken at the earliest possible date.

I ask unanimous consent, Mr. President, that the text of my letter to Secretary of Agriculture Orville L. Freeman setting forth my recommendation be printed herewith in the body of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 17, 1961.

The Honorable ORVILLE L. FREEMAN,
Secretary of Agriculture, Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: As you are aware one of the most distressing problems confronting American agriculture today is the worsening economic plight of the poultry industry. Overproduction has depressed broiler prices well below the cost of production and, unless some effective plan to alleviate the situation is devised and implemented soon, the same or even worse conditions will prevail in 1962.

Based on the best available information, the estimated 90 million laying hens in breeding flocks will produce from 8 to 12 percent more broilers and layers next year than the market can absorb if farmers are to receive a sufficient return to stay in business. That fact makes it clear that unless steps are taken immediately to reduce the number of laying hens in breeding flocks and thereby eliminate the threat of future overproduction the future of the poultry industry will be jeopardized.

I have given long and serious thought to the problem and have conferred with knowledgeable authorities about it. I have reached the conclusion that the approach offering the most promise of immediately alleviating the distress of the poultry industry would be for the Department of Agriculture to initiate a section 32 purchase program to buy from 6 to 8 million laying hens now in breeding flocks for use in the school lunch program. I respectfully urge that the Department of Agriculture begin a immediate study with a view toward undertaking such a program within the next 60 days.

Such an approach would have the result of reducing the number of chicks available for broiler production next year as well as an immediate effect of strengthening current broiler prices. It also would permit breeding flock producers the advantage of taking capital losses in making their 1961 tax returns.

It is my considered opinion that the owners of breeding flocks would welcome such a program as an immediate means of adjusting their production more in balance with demand and of stabilizing the poultry market. I am sure they recognize, as do we, that nothing but disaster can result from prolonged continuation of present conditions within the poultry industry.

I hope you will agree with me that it is essential that speedy action be taken and I shall be deeply grateful for a report on whatever steps are taken in this connection. My staff and I are at your service for the development of any data which may be needed in conjunction with your consideration of this matter.

With kindest personal regards, I am,

Sincerely,

HERMAN E. TALMADGE.

Mr. TALMADGE. Mr. President, on August 28, the junior Senator from Georgia reiterated his recommendation for a hen purchase program. He also expressed the opinion that it will be necessary for Congress to investigate the practice of vertical integration which is responsible for the overproduction which is destroying the poultry industry. I ask unanimous consent that the text of my statement and of the accompanying article, which I had inserted in the RECORD at that time, be printed at this point in the RECORD.

There being no objection, the statement and article were ordered to be printed in the RECORD, as follows:

POULTRY PRICES

Mr. TALMADGE. Mr. President, earlier this month the junior Senator from Georgia called the attention of the Senate to the dire economic circumstances in which the American poultry industry finds itself as the result of overproduction. In those remarks, I outlined my recommendation that the Secretary of Agriculture act to afford immediate relief to the industry through the purchase of 6 to 8 million laying hens for consumption in the school lunch program.

The underlying reason for the overproduction which has depressed the poultry industry is a practice known in the trade as vertical integration—an arrangement through which large feed manufacturers subsidize increased poultry production without regard to the relationship between supply and demand. It is the opinion of the junior Senator from Georgia, Mr. President, that Congress sooner or later is going to have to look into this practice and the effect it is having upon the agricultural economy of the Nation.

The problem was placed in perspective by Farm Editor Harold Joiner, of the Atlanta, Ga., Journal in his column appearing in the Sunday, August 27, issue of that paper. I ask unanimous consent, Mr. President, that the text of it be printed herewith in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"POULTRY PRICES CONTINUE TO FALL, SOME LOOKING FOR U.S. CONTROLS

"(By Harold Joiner)

"There have been some serious charges made before a congressional committee recently concerning the important poultry industry of this Nation and the Southeast has looked on with watchful eyes.

"For this is bread and butter to hundreds of thousands of persons in Georgia and the surrounding States. The Georgia Crop Reporting Service has just issued its annual survey of 1960 cash income from the farm.

"And as could be expected, commercial broilers contributed the largest percentage of the total cash income. The 21.6 percent of the income is nearly twice the share of the next commodity.

"So it stands to reason the poultrymen, the processors, and everyone else connected with the industry is concerned with the charges, brought on by the record low prices.

"It stems from this business of integration of the industry, something that has concerned many agricultural leaders for some years now. Farmers in the beginning surrendered part of their initiative and say-so by allowing the processor or the feed dealer or some other representative share in the production management because they were going to handle the marketing end.

"We have so often said, in this corner, that marketing of Georgia farm products is one of the most vital concerns today. But, this is a place to use caution. The marketing should come through the farmers themselves.

"To surrender the marketing at this time could lead to something similar to that which has plagued the chicken farmers in the State and around the Nation.

"It has been generally conceded for many months now that the feed dealers who have furnished contracts to the broiler grower have been only breaking even or have been losing money on the broilers.

"Now anyone knows that a businessman does not lose money on some deal—not more than once. But these same dealers have been continually placing the chickens on the farm.

"So they have been making money on the feed then. This is their only chance at a profit and few people can believe they are in the business only to give the man a chance to grow chickens.

"But the price of chickens continues to suffer, going down to lower records. The grower cannot survive in a squeeze that has threatened him for many months, but now threatens his dealer who is also feeling the squeeze.

"Once again it is the giant in the industry who is feeling the least pinch. Maybe it is because they have guarded against such a moment by building toward it. Then maybe it is an attempt to drive the little man out, some of the poultry people have said.

"Georgians are anxiously awaiting the outcome. Many people see a control of some kind in the next few months as the Government begins to police the industry during a time when trouble abounds.

"It is another example of what can happen if the farmers themselves do not keep at least a sharing hand in the selling of their own 'stuff.'

"If there is evidence of any attempt to drive the little feed dealer from the scene then every Georgian should be concerned for it could be an indication of things to come in other agricultural pursuits. Let the authorities deal with the responsible persons or clear their name once and for all.

"Georgia and the Southeast have a great stake in the broiler problem and the quicker the solution the better it will be for all her citizens."

Mr. TALMADGE. Mr. President, the deterioration of the situation prompted Georgia's able commissioner of agriculture, Hon. Phil Campbell, to call a meeting of southern leaders in the poultry industry in Atlanta last Tuesday, September 12. At that session, these leaders took a new look at the situation and drafted a proposed amendment to Federal farm law which they feel will remedy it.

I ask unanimous consent to have printed at this point in the RECORD the letter I have received from Commissioner Campbell about the meeting, the text of the proposed amendment drafted by those in attendance, and the list of those who were present for the meeting, and I am introducing a bill providing what is contained in the amendment.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2559) to amend the Agricultural Adjustment Act as reenacted by the Agricultural Marketing Agreements Act of 1937, introduced by Mr. TALMADGE, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Atlanta, Ga., September 13 1961.

HON. HERMAN E. TALMADGE,
Senator, State of Georgia,
Senate Office Building,
Washington, D.C.

DEAR HERMAN: Enclosed is an amendment to the 1961 farm bill, proposed by the broiler industry of the Southern States, to bring about an adjustment of the chaotic price situation that has prevailed for several months at a daily loss of $145,000 per day in Georgia alone.

The proposed amendment is for the authorization of market orders primarily for quotas or set-asides to reduce supplies in order to effectuate an upward trend of price without Government price fixing or Government subsidies to the broiler growers as paid to the basic crop producers of the United States.

Also enclosed is a list of those present at the southwide meeting held on September 12 in the Georgia Department of Agriculture Building in Atlanta, with a special committee of one representative from each State being appointed to draw this proposed amendment. You will note commissioners of agriculture being present along with industry groups. Commissioners not present were highly sympathetic to the proposal but were unable to adjust their schedules for the meeting.

An all-out effort by the industry will be made at this session, before adjournment, to have this amendment passed out of the House Agriculture Committee and the Senate Agriculture Committee. I am certain that you could be of great help if you would immediately begin contacting members of these committees and explain to them the dire need for this action. Otherwise all independents in the broiler industry will be bankrupt and very soon there will be only three or four large feed concerns managing the broiler industry of the United States.

The loss from the consequences of such in Georgia would be equivalent to the loss annually in Georgia of the entire tobacco, peanut, and hog enterprises. Gross sales of broilers in Georgia equal these three.

I urge once again that you give every possible assistance by contacting the Agriculture Committees in order to save the broiler industry of the United States from bankruptcy.

Yours truly,

PHIL CAMPBELL.

PROPOSED AMENDMENT TO FEDERAL LEGISLATION

Add to section 8(c) a new subsection (20) to read:

"(20) Notwithstanding any other provision of law, national or regional orders applicable to broilers and/or broiler hatching eggs (and the products thereof) may be issued after consultation and consideration of the recommendations of the broiler industry, pursuant to this subsection containing one or more of the following terms and conditions, and except as provided in subsection 7, no others:

"(a) Limiting, or providing methods for the limitation of the total quantity of broilers that may be produced and/or the total quantity of broiler hatching eggs that may be produced, marketed, purchased, or set for hatching purposes during any specified period or periods so as directly to burden, obstruct or affect interstate or foreign commerce in broilers, broiler chicks, or broiler hatching eggs, or the production thereof.

"(b) Allotting, or providing methods of allotting, the quantity of broilers that may be produced and/or the number of broiler hatching eggs that any producer, handler, or hatchery may produce, handle or hatch during any specified period or periods under a uniform rule based upon the number produced, handled or hatched in such prior period as the Secretary determines to be representative to the end that the total quantity to be produced, handled or hatched during any specified period shall be apportioned equitably.

"(c) Orders authorized by subsection 6, paragraphs A, B, C, D, and I.

"(d) Such other orders as the Secretary, only upon the recommendation of the broiler industry, shall deem necessary.

"(e) Each order pursuant to the provisions of this subsection shall contain:

"(1) As to orders pursuant to the provisions of paragraph (D) of this subsection, the recommendation of the broiler industry.

"(2) Provisions protecting the interest of all persons directly affected, including the equitable proration in any reduction in the production, handling, and marketing of broiler hatching eggs and the products thereof, to the end that all directly affected interests shall share the reduction equitably.

"(3) Provisions relating to the marketing of reduced production of broiler hatching eggs, including the equitable marketing at competitive prices, to the end that the marketing of the reduced production shall not disrupt the orderly marketing thereof nor deprive any person of his equitable supply of broiler chicks.

"(4) The period or periods that the order shall remain of force and affect, provided that each order shall be effective for not less than 1 calendar year unless terminated as otherwise provided herein.

"(f) Each order pursuant to the provisions of this subsection may contain, in addition to other provisions, the following:

"(1) Provisions for recognizing and applying variable conditions and factors and to provide for the suspension, termination, reinstatement, or any combination thereof, of the order under such terms and conditions as the order may provide.

"(2) Provisions for adjustments in the order and its application upon the occurrence of events that materially affect the broiler industry and the order and its application.

G. The following shall be applicable to each order pursuant to the provision of this subsection:

1. "Directly affected" and "broiler industry," as used herein, shall mean broiler hatching egg producers, broiler hatching egg hatcheryman, broiler growers, broiler processors and feed dealers and manufacturers having a direct financial interest in the growing or production thereof.

2. Any referendum hereunder shall be conducted and held by the county ASC committee and the committee shall determine those eligible to participate in the referendum, as provided in the order.

3. In any referendum, all persons directly affected shall be entitled to one vote, but no person shall be entitled to more than one vote even though he may be directly affected in more than one category.

4. Each order shall become effective on the date specified in the order and after approval of not less than two-thirds of those voting in the referendum held for the approval of the order by those directly affected.

5. At any time subsequent to 6 months from the effective date of an order and upon petition of not less than 10 percent of those directly affected by and operating under the order, filed with the Secretary, it shall be mandatory upon the Secretary to call a referendum (to be held within 30 days from the filing of the petition) to terminate the order. If the vote thereon is at least 50 percent in favor of termination, the order shall be terminated instanter without further action.

6. Any order pursuant to the provisions of this subsection shall be suspended by operation of law upon order of the Administrator that the Agricultural Economist of the U.S. Department of Agriculture shall have determined that for a period of 90 consecutive days immediately prior thereto that the average at the farm price for broilers has been equal to or in excess of 125 percent of the average cost of production during such period. Such suspension shall remain of force and effect until the Administrator shall have determined in a like manner that for a like period the average at the farm price for broilers has been less than 125 percent of the average cost of production, or under such other conditions as the order may provide.

7. In any order hereunder consideration shall be given to:

(1) Current quantities available.

(2) Current and anticipated economic stability of the broiler industry.

(3) Available and anticipated feed supplies.

(4) Current and anticipated supplies, demands, and surpluses.

(5) Other relevant factors.

8. Any committee, advisory board or administrative body created, authorized or appointed hereunder shall be composed of members of the broiler industry and the membership thereof shall be equitably apportioned from all segments of the affected broiler interests.

PERSONS IN ATTENDANCE AT SOUTHERN REGIONAL POULTRY MEETING, ATLANTA, GA., SEPTEMBER 12, 1961

L. Y. Ballentine, commissioner of agriculture, Raleigh, N.C.

W. F. Moss, commissioner of agriculture, Nashville, Tenn.

A. M. Upshaw, Mocksville Feed Mills, Inc., Mocksville, N.C.

Stan Marshall, Marshall Farms, Belton, S.C.

H. R. Holladay, Holladay's Hatchery, Central, S.C.

Charles C. Miller, Miller Poultry & Feed Co., Piedmont, Ala.

John H. Livingston, North Alabama Poultry Co-op, Albertville, Ala.

Henry Tilford, Jr., Dixie Grain Co., Shelbyville, Tenn.

Mays Montgomery, Dixie Home Feeds, Athens, Ala.

C. W. Parks, Cotton Producers Association, Atlanta, Ga.

D. W. Brooks, Cotton Producers Association, Atlanta, Ga.

Shelley Massey, Alabama Flour Mills, Decatur, Ala.

E. O. Creel, Alabama Flour Mills, Decatur, Ala.

H. D. Smith, University of Maryland, College Park, Md.

Edward Covell, Jr., Willis & Son (representing Delaware), Easton, Md.

Webb Eassell, Mt. Hermon Hatchery, Salisbury, Md.

Paul A. Croll, Carolina Poultry Farms, Inc., Federalsburg, Md.

Henry Koerber, Harry Koerber, Inc., De Funiak Springs, Fla.

G. M. Williams, Florida Department of Agriculture.

Joe Ray, Arkansas Livestock Board, Arkansas.

Lex Killebrew, Arkansas Poultry Federation, Little Rock, Ark.

Cecil H. Payne, Payne's Hatchery, Morton, Miss.

E. C. Compton, Virginia State Poultry Federation, Stanardsville, Va.
Robert N. Beville, Lovet Mills, Chattanooga, Tenn.
H. E. Galey, Lovet Mills, Chattanooga, Tenn.
L. Reeder Tucker, Tri-County Hatchery, Royston, Ga.
T. T. Folger, Dahlonega Hatchery, Athens, Ga.
Julius Bishop, Bishop's Hatchery, Athens, Ga.
Roy M. Durr, Durr Matchery, Atlanta, Ga.
John P. Rodewolt, Rodewolt's Poultry Farm, Savannah, Ga.
Abit Massey, Georgia Poultry Federation, Gainesville, Ga.
Bob Martin, South East Poultry & Egg Association, Decatur, Ga.
R. J. Park, Tennessee Department of Agriculture, Nashville, Tenn.
Curtis Collier, Poultry & Egg National Board, Atlanta, Ga.
Blanton Smith, Blanton Smith Hatcheries, Inc., Nashville, Tenn.
Leon Carter, Tennessee Egg Co., Atlanta, Ga.
Smith Johnston, J. H. Johnston Co., Woodstock, Ga.
Paul J. Davis, Southern Empire Egg Farm, Douglasville, Ga.
Joe Fechtel, Western Hatcheries, Dallas, Tex.
Aubrey E. Pilgrim, Pilgrim Mills, Pittsburg, Tex.
Max F. Ward, Georgia Poultry Federation, Gainesville, Ga.
Tom Arrendale, Arrendale's, Clarksville, Ga.
Ralph White, Georgia Poultry Processors Association, Gainesville, Ga.
R. C. Bamberg, commissioner of agriculture, Alabama.
Phil Campbell, commissioner of agriculture, Georgia.
Members of special committee appointed at Southern Regional Poultry meeting, Atlanta, Ga., September 12, 1961:
Georgia, Julius Bishop; Florida, G. M. Williams; Alabama, John Livingston; Mississippi, Cecil Payne; Tennessee, Henry Tillford; North Carolina, A. M. Upshaw; South Carolina, Stan Marshall; Maryland, Webb Cassell; Virginia, C. C. Compton; Texas, Joseph Fechtel; Delaware, Edward H. Covell, Jr.

Mr. TALMADGE. Mr. President, because of the gravity of the situation it is the hope of the junior Senator from Georgia that the Agriculture Committees of both the Senate and House will meet before the end of the 1st session of the 87th Congress and consider what immediate legislative steps can be taken to save the American poultry industry. The junior Senator from Georgia pledges his wholehearted efforts toward that end.

The junior Senator from Georgia also urges the American Poultry Industry to get behind his proposal for a hen purchase program, and all the farmers and organizations concerned to so express themselves both to the Secretary of Agriculture and to the Senators and Representatives who represent their respective States and districts.

Mr. HUMPHREY. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I am delighted to yield to the Senator from Minnesota.

Mr. HUMPHREY. I wish to join with the Senator from Georgia in this proposal. I commend him for taking the leadership in it. I assure him of my wholehearted support and cooperation. It is absolutely vital that what he proposes be done. It will be a very helpful program in connection with the program of food for relief purposes, the school lunch program, and many other programs. The program proposed by the Senator from Georgia will lend itself to economic results which will be good for the producers.

Mr. TALMADGE. I thank the able Senator from Minnesota. I served with him on the Committee on Agriculture and Forestry. He has always been diligent in looking after the interest of farmers. I think the proposal to buy from 6 million to 8 million breeder hens for the school lunch program would have the most immediate results in curtailing overproduction, while at the same time the food could be used by the children in the school lunch program who need it so urgently.

I now yield to the distinguished Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I join with the distinguished Senator from Georgia in support of his proposal. It is a matter of the most vital interest to my State. I have done all that I know how to do, as I know the Senator from Georgia has done. I approve of his suggestion. I sincerely hope that some action may be taken along the line he has suggested.

The poultry industry has never had any support from the Government. It has been on its own. Now, due to conditions which the Senator has mentioned, it finds itself in extreme difficulties. It is one of the most important industries in the country. I think there is every justification for drastic action to be taken at this time. I believe that if such action is taken, it will prove to have been temporary, and that the difficulty will be overcome.

Mr. TALMADGE. I thank the Senator from Arkansas, who has always been zealous in protecting the interests of poultry farmers and the farmers generally throughout the Nation.

The Senator's State of Arkansas was exceptionally well represented at the Atlanta meeting, which was called by Commissioner Campbell.

I now yield to the distinguished Senator from Virginia.

Mr. ROBERTSON. Mr. President, I have been much interested in the remarks made by the distinguished Senator from Georgia. We in Virginia are deeply concerned over this problem. We do not produce as much poultry as is produced in Georgia, but we are an important producing State. I am sure Virginia was represented at the conference.

Mr. TALMADGE. Virginia was indeed well represented.

Mr. ROBERTSON. It is rather ironic that as the gross national product moves to an alltime high, estimated to be, before the end of the year, about $550 billion, and with the producer income of the Nation at a rate in excess of $400 billion, the producers of poultry face bankruptcy.

Certainly it is within the power of the Government to prevent that hardship, not only because it will be doing justice to those who are engaged in that phase of agriculture, but because if the poultry producers are forced to go out of business, the time will come when eggs will sell, as they did in World War I, for 5 or 10 cents apiece.

Mr. TALMADGE. The Senator from Virginia is eminently correct. The Senate has under consideration at present a bill involving billions and billions of dollars for many nations all over the face of the earth. What we are primarily seeking at present is to have purchased some 6 million or 8 million breeder hens for use in the school lunch program, because we believe that that action will do much to save the broiler industry, which is on the threshold of bankruptcy at this time.

Mr. President, I now yield to the distinguished senior Senator from North Carolina.

Mr. ERVIN. Mr. President, I commend the distinguished junior Senator from Georgia for taking the lead in the fight for the poultry producers of America. My State is vitally concerned in this industry. The industry has been in a bad economic State for some time.

I associate myself with the remarks of the Senator from Georgia and assure him that I shall do everything in my power to assist him in bringing to fruition the program which he suggests and which has been endorsed by the Atlanta meeting. I do not know of any persons who are more in need of more assistance in the marketing of their product than are the poultry producers.

Mr. TALMADGE. I thank the able senior Senator from North Carolina. I point out to the Senator, if he does not already know it, that the distinguished Commissioner of Agriculture of his State, the Honorable L. Y. Ballantine, was present at the meeting which drew up the program we are submitting to the Senate today.

Mr. ERVIN. The Senator's aid in any legislative matter is always most acceptable. I am grateful indeed, as I am sure the poultry farmers of the Nation are grateful, for his support.

Mr. TALMADGE. Mr. President, I yield to the distinguished junior Senator from North Carolina.

Mr. JORDAN. Mr. President, I commend the able junior Senator from Georgia for the fine step he has taken to help to remedy the plight of the poultry industry, not only in his own State of Georgia and my State of North Carolina, but all the other States which are vitally interested in the problem.

I had the pleasure and privilege of serving with the able Senator from Georgia on the Committee on Agriculture and Forestry when we drafted and drew up the last farm bill. As he has stated, the poultry industry did not ask to be included in the marketing agreements at that time. I believe that is a correct statement.

Mr. TALMADGE. That is correct. Indeed, the Senator and I sat through the hearings, hour after hour, and the position of the poultry industry then, by and large, was that they did not want marketing orders. But subsequent to that I believe they changed their minds.

Mr. JORDAN. I think that is correct. We went to that question specifically.

Mr. TALMADGE. We did, indeed.

Mr. JORDAN. We attempted to learn if the poultry people wanted to and would come under such an order, and their answer was that they did not wish to do so.

Mr. TALMADGE. That is correct.

Mr. JORDAN. Now they have reached the point where they need some relief. As the Senator from Georgia has outlined, if we can secure a program to purchase large numbers of breeder hens, that will immediately cut the crop of baby chicks.

Mr. TALMADGE. Such a program would be responsive in a matter of weeks, whereas the other program would require months before the legislation would appear on the books.

Mr. JORDAN. I associate myself with everything the Senator from Georgia has said and offer him every assistance in his effort to carry the program through to a successful conclusion.

Mr. TALMADGE. I thank the able Senator from North Carolina. I have had the pleasure and privilege of serving with him on the Committee on Agriculture and Forestry. I do not know of any member of that committee who has been more diligent and more persevering in his efforts to aid the farmers of the Nation.

Now I yield to the distinguished Senator from Alabama.

Mr. SPARKMAN. I thank the distinguished Senator from Georgia. I wish to commend him for the stand he has taken and for his excellent leadership, over a long period of time, in behalf of the poultry industry. As a member of the Committee on Agriculture and Forestry, he is in a strategic position, and certainly he has exercised in fine fashion his powers there. Not only is he a member of the Committee on Agriculture and Forestry, but he represents a State which leads in the production of poultry in the Nation. Georgia outstrips by far all the other States in the production of poultry. I believe the statistics show that Alabama and Arkansas run a neck-and-neck race, year after year, for second place in the production of poultry.

For a long time I have been greatly concerned about this problem. I discussed it with the Senator from Georgia at the time when the agricultural bill was under consideration here. I regret very much that it was not possible for us then to take action on this matter.

But certainly the time for us to act on it has come now. I assume that in other States the situation is similar to that in Alabama, namely, that the great bulk of the production of poultry is by the small farmers.

Mr. TALMADGE. That is correct.

Mr. SPARKMAN. Most of the farmers in Alabama produce poultry as a sideline, in addition to producing field crops.

What has been happening throughout the country, I am sure, is that the small, independent farmer producers of poultry products have been squeezed out, and they simply cannot continue.

Mr. TALMADGE. Yes, they have become vertically integrated by means of contracts with the large feed mills, which virtually have turned the small farmers into hired hands.

Mr. SPARKMAN. Yes, that certainly has been done by the large feed mills.

Mr. TALMADGE. Yes. They are virtually absorbing the market all over the country, in their efforts to sell their feed.

Mr. SPARKMAN. And the situation is also very bad insofar as the small independent producers in the communities are concerned, regardless of whether they are producing layers or broilers or other types of poultry. In any case, they are being squeezed out.

Mr. TALMADGE. That is correct.

Mr. SPARKMAN. So I appreciate very much the contribution the Senator from Georgia has made.

Mr. TALMADGE. I thank the Senator from Alabama very much for his support. I know that, as always, it will be highly effective.

Mr. MANSFIELD. Madam President, will the Senator from Georgia yield, so that we may have the third reading of the foreign aid appropriation bill?

Mr. TALMADGE. Madam President, I ask unanimous consent that at this time I may yield, without losing the floor, so that the bill may be read the third time.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). Without objection, it is so ordered.

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATIONS, 1962

The Senate resumed the consideration of the bill (H.R. 9033) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1962, and for other purposes.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 9033) was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the final passage of the pending bill.

The yeas and nays were ordered.

THE AMERICAN POULTRY INDUSTRY

Mr. STENNIS. Madam President——

Mr. TALMADGE. Madam President, at this time I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Georgia.

Madam President, I wish to commend the Senator from Georgia for his excellent leadership and his untiring efforts in behalf of the poultry industry. I also wish to commend him highly for his major part in the plan he has outlined here today. I do not know of any other industry that is as great a friend to the housewife, in contributing more food for less money.

Mr. TALMADGE. Yes, poultry is the cheapest farm commodity today, and it is the cheapest food in the world.

Mr. STENNIS. Yes. As the Senator from Georgia has pointed out, the poultry industry is now facing bankruptcy and ruin, and within a short time the housewife could well face a situation in which she would have to pay much, much more than a fowl is really worth, according to the ordinary standards, inasmuch as now she is paying much less.

Mr. TALMADGE. Yes. Broilers are now selling for far, far less than the price for which they sold in the worst days of the 1931 depression.

Mr. STENNIS. I can testify to that from actual experience. I remember buying them during the depths of the depression. At the present time it is almost with a sense of guilt that we purchase choice fowls in the grocery stores at such low prices—prices which many of us realize mean far less than a living wage for the producers.

So I thank the Senator from Georgia for his remarks.

Mr. TALMADGE. Madam President, I thank the Senator from Mississippi for his contribution and for his support.

Mr. RUSSELL. Madam President, will my colleague yield?

Mr. TALMADGE. I yield.

Mr. RUSSELL. I desire to congratulate my distinguished colleague on his statement, and to associate myself with all he has said.

The poultry industry is vital to the economy of the State we have the honor to represent here. However, it has never been in a more desperate predicament than the one it is in today. The Department of Agriculture has for sometime been purchasing some poultry for the school-lunch program——

Mr. TALMADGE. And I commend my colleague for that, inasmuch as it was through his leadership that the Secretary of Agriculture began to do that.

Mr. RUSSELL. I thank my colleague. But I am perfectly willing to surrender my part in the program, in favor of the one suggested by my colleague, because the purchase of the hens will do a great deal more to curtail the overproduction of poultry than would the purchase of broilers, which only encourages the purchase of more eggs and the hatching of the eggs and the production of still more broilers.

I, too, have received a letter from our very able State commissioner of agriculture, Mr. Campbell, and the resolution appended to it.

I assure my colleague that if he introduces any proposed legislation, even at this late hour in the session, I shall contribute in every way I can to undertake to advance it, although I realize the practical difficulties in undertaking to enact it into law at this time. But certainly if there is any segment of agriculture that at this moment, is entitled to the tender and sympathetic consideration of the Department of Agriculture, it is the poultry industry.

Mr. TALMADGE. I thank my distinguished colleague. I commend him for

his always effective leadership in behalf of the farmers of the Nation. I do not think any other Member of the Congress over the years has contributed as much to the welfare of the farmers as has my distinguished colleague, particularly in his position of chairman of the Agricultural Appropriations Subcommittee of the Senate Appropriations Committee. His assistance is always invaluable on any issue.

Of course I join with him in his comment that it is difficult to get proposed legislation of this nature passed by both Houses at this time, so late in the session. The only way that could possibly be done would be for the poultry producers throughout the length and breadth of the country immediately to take up arms and contact their Senators and Representatives. In that way there would be some remote possibility of having such a measure enacted into law at this session, with the result that they could obtain relief through a program by the Secretary of Agriculture to purchase breeder hens. In my opinion, that offers the possibility of some relief in connection with the problems the poultry producers face today.

Mr. RUSSELL. Madam President, again I commend my distinguished colleague for his suggestion; and I urge it on the Department of Agriculture, for, as he has said, it is the only step which could be taken at this point in the session that holds out any definite possibility of affording them relief.

Mr. TALMADGE. I thank my colleague.

Madam President, I yield the floor.

"UNCLE SAM" WILSON

Mr. KEATING. Mr. President, I move that the Senate proceed to consider the motion to reconsider the vote by which Senate Concurrent Resolution 14 was sent to conference. I have cleared with the leadership the matter of bringing it up at this time.

Mr. RUSSELL. Mr. President, may the title of the resolution be stated?

The PRESIDING OFFICER (Mr. BURDICK in the chair). The clerk will state the concurrent resolution by title.

The LEGISLATIVE CLERK. Senate Concurrent Resolution (S. Con. Res. 14) saluting "Uncle Sam" Wilson, of Troy, N.Y., as the progenitor of America's national symbol of "Uncle Sam."

Mr. KEATING. Mr. President, on September 6 the House of Representatives passed an amended version of Senate Concurrent Resolution 14. The other body saw fit to amend this resolution in spite of strong and convincing historical evidence presented to the Federal Charters, Holidays, and Celebrations Subcommittee of the Senate Judiciary Committee on July 11, 1961.

For several years citizens of Troy, N.Y., have worked with ever-increasing energy to establish that city's claim to the symbol of Uncle Sam. The people of Troy have been greatly aided in this endeavor by New York Representatives Leo O'Brien and Carlton King, as well as former Representative Dean Taylor. In addition, I know we in New York appreciate the assistance and fine cooperation received from Members of Congress representing Massachusetts and New Hampshire.

Based on the testimony to which I have referred, the Senate saw fit to pass Senate Concurrent Resolution 14 without amendment. The House of Representatives, because of an objection by a Member of Congress from Indiana, amended Senate Concurrent Resolution 14 to eliminate reference to the birthplace of Samuel Wilson and to his later life in Mason, N.H.

I am convinced that the evidence submitted to the Senate Judiciary Committee overwhelmingly substantiates the fact that Samuel Wilson lived in Arlington, Mass., and Mason, N.H. The record is extremely clear on these two points. It is interesting to note that the years in which Samuel Wilson lived—1766 to 1854—are included in the resolution and thereby it is clearly established that the Samuel Wilson saluted by the Congress is the Samuel Wilson who lived in Arlington, Mass., and Mason, N.H., and finally in Troy, N.Y., where he gained the immortal name of "Uncle Sam." Nevertheless, in order to pass this resolution at this time and recognize our national symbol properly, I think the Senate at this time should concur in the House amendments. Congressional action has been delayed long enough.

Mr. President, I urge my colleagues to agree to the House amendments to Senate Concurrent Resolution 14. In so doing the Congress of the United States will recognize Uncle Sam Wilson of Troy, N.Y., as the progenitor of America's national symbol of "Uncle Sam."

Mr. RUSSELL. I do not know why the Senator should wish to reconsider "Uncle Sam," but if he wishes to do so, I shall not interpose any objection at this stage; but I hope it does not mean that "Uncle Sam" will be laid to rest.

Mr. KEATING. The purpose of this motion is to rejuvenate "Uncle Sam." This concurrent resolution was sent to conference and we have sent for the papers from the House. We are in the process, I hope, of concurring in the House amendments.

Mr. ELLENDER. Mr. President, what method has the Senator decided to use to rejuvenate "Uncle Sam"? Is he old?

Mr. KEATING. Uncle Sam is a great name in our history, as the Senator knows. He gained his fame in Troy, N.Y., and the purpose is to say so in a legislative way.

Mr. RUSSELL. Has there not been some controversy as to where the man lived whose initials gave rise to the expression "Uncle Sam" as standing for this country?

Mr. KEATING. That is true, and the Judiciary Committee decided to conduct hearings on the question. The committee sat for 2 days and had extended hearings, taking the testimony of historians and other witnesses. Many witnesses were heard. The concurrent resolution as it passed the Senate had in it a reference to the fact that Uncle Sam had lived for a time in Mason, N.H. When it went to the House side there was some controversy as to whether that was so, but the House finally enacted the concurrent resolution in the same form except that it struck out the words "Mason, New Hampshire." and a reference to Arlington, Mass. That action made it very unacceptable to my distinguished colleagues from New Hampshire, and that is the reason why the resolution had to be sent to conference.

Mr. COTTON. Mr. President, will the Senator yield at that point? I would like to throw a little more light on the subject for the Senator from Georgia.

Mr. KEATING. I am happy to yield.

Mr. COTTON. The facts are that Samuel Wilson, who was the real person from whose name the traditional character "Uncle Sam" was derived, as indicated by the overwhelming and uncontroverted testimony, was born in 1766 in what is now West Cambridge, Mass. In 1780, when the boy was 14 years old, the family moved to the little hamlet of Mason, N.H., where the family continued to reside, and Samuel Wilson lived in Mason, N.H., from the time he was 14 years old until he was 34 years old, at which time he and his brother went to Troy, N.Y., where he spent the rest of his life. There his kindly personality and his fine traits of character, which he had acquired during his residence in Mason, N.H., made him universally loved and respected, and caused the legend to arise which has depicted through the years the picture of Uncle Sam.

As a matter of fact, there is in the town of Mason, N.H., today, the house in which he spent his boyhood. And those formative years from the age of 14 until he was 34 years old. He was educated in schools of Mason. The house in which he lived is very carefully preserved in the town of Mason, N.H., and my people in that section of New Hampshire are proud of the State's contribution.

When the matter was before the Judiciary Committee of the Senate, the distinguished Senator from New York [Mr. KEATING] and his distinguished colleague from New York [Mr. JAVITS] were both most kindly and courteous. Evidence was received, and it was established that if the man whose memory is being celebrated by Troy, N.Y., is the genuine character, then certainly he must be the one who came from Mason, N.H., to which reference was made in the resolution which went to the House.

In the House, certain Members from other States—and in deference to the rules of the Senate I will not mention which States—questioned whether this was the real Uncle Sam and implied that they had a candidate. However, they did not attempt to prove it or get it into the resolution either in the Senate or the House, but they did succeed in striking the reference to Mason, N.H.

When the resolution came back, in the absence of my senior colleague [Mr. BRIDGES], I was responsible for having the motion made that the Senate not concur and that conferees be appointed, of which, through the kindness of the leadership, I was one.

But we are up against this situation: A celebration will be held in Troy, N.Y.,

within 48 hours commemorating this man. Governors of States will be there. To hold the resolution up by sending it to conference, even though my people feel strongly about it, I am sure would not be the courteous or proper thing to do.

After all, New Hampshire, which has given so many characters in history to other States, has a reputation which does not need to be bolstered by having its name included in the resolution. I am sure my people would not wish me to delay enactment of the resolution, because we want to join the people of Troy, N.Y., and the two distinguished Senators from New York.

After all, our folks in New Hampshire were strolling under the spreading elms of our colleges and schools when the States from which those representatives, who succeeded in deleting reference to Mason, N.H., from the resolution, came were nothing but howling wildernesses.

I appreciate the courtesy of the Senator from New York. I shall not oppose the motion to discharge the conferees and concur with the House. I am very proud, however, to have had the opportunity to mention the connection of Mason, N.H.

Mr. KEATING. Mr. President——

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. KEATING. May I reply before I yield further?

What the distinguished Senator from New Hampshire has said is 100 percent accurate. Mason, N.H., I regret, is not specifically mentioned in the resolution, but there can be no question of the fact that Mason had a place in Uncle Sam's life. This is the man who was born in 1766 and who died in 1854. It is the same Sam Wilson who lived for a number of his formative years in Mason, N.H. He could not have had, if he had been living today, a more diligent advocate than the Senator from New Hampshire.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. RUSSELL. I wish first to congratulate the distinguished Senator from New Hampshire for his magnanimity, as well as his confidence in the greatness of his State, that has caused him to be willing to have the reference to the city or town of Mason, N.H., eliminated from the resolution.

I appreciate the fact that the Senator has again recounted details from the life of Samuel Wilson. I was not entirely ignorant of the life of Samuel Wilson, for within the past few months I have read an article in a magazine, the name of which escapes me at the moment, which carried the entire story of the life of Samuel Wilson, very closely paralleling what the Senator has stated. In addition, there were shown some markers which had been placed at the last resting place of Samuel Wilson and his wife. The markers apparently were somewhat recent in origin, but according to the records of the church or of the cemetery where he is now taking his last long rest, there was no doubt that the grave did include the last mortal remains of Samuel Wilson.

The only reason why I have asked the question about this subject at all is because of the fact that there was a very remarkable discovery the Senator from New York [Mr. KEATING] undertook to lay before the Senate yesterday, which I had the privilege of reading this morning.

I know that this discovery in regard to Samuel Wilson cannot all be attributed to the Senator from New York, for I know it is shared by the Senator from New Hampshire and others. Therefore, I shall not oppose the motion.

However, Mr. President, I have suffered somewhat a loss of confidence in my distinguished friend from New York as an explorer and discoverer. Yesterday he undertook to go beyond the bounds of any monumental revelations or geographical discoveries which are in the realm of science. He went far beyond Christopher Columbus, in discovering a new world; far beyond Marco Polo, the first to penetrate the Orient and live with the Chinese; beyond Einstein's contributions to splitting the atom; and beyond the more recent valuable contribution of Dr. Salk in preparing a vaccine to deal with polio.

The distinguished Senator from New York undertook in a speech, which was expressed in most learned terms and contained some very misleading quotations from the Supreme Court, to prove that the Senate of the United States had been unconstitutional for the last 200 years. That is a conclusion with which I cannot agree. While I respect the Senator's great ability, his undertaking to discover that the Senate has been illegal for the last two centuries because it has been operating under rules which he said were wholly and completely unconstitutional, was what led me to ask the question I propounded when the Senator brought up this subject.

Mr. KEATING. I appreciate the courtesy of my friend from Georgia. I shall not try to debate the speech of yesterday. I assure the Senator that the resolution with regard to "Uncle Sam" has nothing to do with the subject we were discussing yesterday.

Mr. RUSSELL. I had hoped that the Senator's respect for the relics of the past and for the great events which have transpired in other years perhaps would cause him, as he considers the nobility of the life of Samuel Wilson, enriched as it was by association with the people of New Hampshire, to modify his views that the Senate has been unconstitutional during and since the period when Samuel Wilson was achieving his great distinction.

Mr. KEATING. If my friend from Georgia will read carefully the remarks I made, he will find that the unconstitutionality started only with the opinion of the junior Senator from New York in connection with the two-thirds rule limiting debate. Before the beginning of the century we did not have any such rule in the Senate. Contrary to the words of the Senator from Georgia, I have not said the Senate has been unconstitutional for 200 years, but only for something like 40 or 50 years.

Mr. RUSSELL. The Senator's facts are a little awry, because as a matter of fact there was no limitation whatever on debate in 1817.

Mr. KEATING. The Senator is correct.

Mr. RUSSELL. So long as there was no limitation whatever a majority could not work its will, and therefore the thesis of the Senator would be that the Senate was unconstitutional because of that. The rule goes back to 1789 when the first Senate, I believe, assembled.

Mr. KEATING. I believe we shall have ample opportunity to develop that in a day or two.

Mr. RUSSELL. I was hoping the Senator would not attempt to develop it now.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield.

Mr. HUMPHREY. I am very happy to have the Senator from New York and the Senator from New Hampshire give us the historical dissertation on the life of Samuel Wilson. I appreciate the objectivity with which they approach this historical subject, because not long ago in the Senate I was much disturbed by an inaccuracy with respect to a certain matter of a more current nature. I say this in all good nature, because I have already spoken to the colleague to whom I am about to refer in regard to the question.

The senior Senator from North Dakota [Mr. YOUNG] some time ago, when Roger Maris had "belted" a couple of balls out of the ballpark, either in New York at the Yankee Stadium or at some other place, stood upon the floor of the Senate to indicate that Roger Maris was the product of North Dakota.

I observe that my good friend, the able and distinguished and competent junior Senator from North Dakota [Mr. BURDICK], under the present circumstances, is the Presiding Officer and cannot reply. For this I am deeply grateful, and the rules of the Senate ought not all be changed, I will say, for in this instance they ought to be maintained. I wish to make the RECORD clear, since we are establishing from where these illustrious characters of American life come, that Roger Maris is a product of Minnesota.

(At this point Mr. HOLLAND took the chair as Presiding Officer.)

Mr. HUMPHREY. Oh, oh. [Laughter.] In case Mr. Maris does not break the home run record, we shall be willing to share some of that sad moment with North Dakota. In case he should hit 61 home runs, we wish to have the RECORD manifestly clear that his family still lives in Hibbing, Minn.

He is really a Minnesotan. He got his start in Minnesota. He may have wandered a bit in North Dakota, but his great prowess as an athlete and as a great player on the invincible New York Yankees surely must be attributed to his days in the great North Star State of Minnesota.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. HUMPHREY. I gathered someone might have a word of response.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. HUMPHREY. I do not have control of the floor.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Does the Senator from New York yield?

Mr. KEATING. I am happy to yield to my friend from North Dakota.

Mr. BURDICK. I say to my good friend from the State of Minnesota that we acknowledge that Roger was born in the State of Minnesota.

Mr. HUMPHREY. I thank the Senator.

Mr. BURDICK. In his formative years Roger lived in Grand Forks and in Fargo. He attended the public and parochial schools in Fargo. He engaged in the American Legion baseball program with my son. So in the years which really count he was in North Dakota.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield.

Mr. HUMPHREY. Of course, the Senator from North Dakota is accurate in terms of the years Mr. Maris spent in North Dakota, but for my friends who are not acquainted so intimately with the North Dakota-Minnesota geography I wish to say that Grand Forks, N. Dak., has a real claim to greatness because it is next to East Grand Forks, Minn. [Laughter.] That is just across the river.

Fargo, N. Dak., has its claim to greatness because it is just across the river from Moorhead, Minn. [Laughter.]

The real fact of the matter is that Roger Maris never could have been in Grand Forks or Fargo if he had not been born in Hibbing.

The most important years of his life are the ones right now. I understand the pay is good, and that as a ballplayer he is superb.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. KEATING. Before we forget, let us say a word for Mickey Mantle. [Laughter.]

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. KEATING. I should like to get some action on the resolution for "Uncle Sam." Then we can take up baseball.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. KEATING. I yield to the Senator.

Mr. BUTLER. I have listened to the discussion with a great deal of interest. It seems to me that Minnesota once had Roger Maris, and North Dakota once had Roger Maris, but now New York very firmly has him.

Mr. KEATING. The Senator is correct. We appreciate having him, too. We are glad to have him.

Mr. HUMPHREY. We are glad to do any little thing we can for the Senator. [Laughter.]

Mr. KEATING. It is not the first thing that my distinguished friend has done for New York. I want him to know that we are always friendly.

Mr. HUMPHREY. We presented New York with Skowron from Minnesota, Blanchard from North High, Minn., and Elston Howard, who once lived in Duluth, Minn. I do not know how the New York Yankees would win without players from the State of Minnesota.

Mr. KEATING. Or without the Twin-Cities team. We are glad to have them in the league.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. CASE of South Dakota. The question that enters my mind is, What would Minnesota do for someone to speak so eloquently of her position and her athletes today if the Senator from Minnesota had not been born in South Dakota? [Laughter.]

Mr. HUMPHREY. I thank my colleague.

(At this point Mr. BURDICK took the chair as Presiding Officer.)

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. JAVITS. We have all had very good fun. But I do not think Uncle Sam needs either to have a baseball bat, to be lost in debate on rule XXII, or any one of our great Middle Western States to attest further to his stature. My colleague from New York has most skillfully and expertly piloted through the Judiciary Committee the bill which we both sponsored.

I wish to pay a special tribute and state our joint deep appreciation, which we shall never forget, to the Senator from New Hampshire [Mr. COTTON]. Those who are not Senators cannot understand the devotion of a community to a personality. Today will be a great historic day in Troy, N.Y., if the bill is passed, as it seems likely to be. The people of Troy feel deeply on this subject. They have Uncle Sam marching clubs. People at conventions wear the Uncle Sam uniform in order to carry out the tradition.

While we enjoy the fun, we should not miss some of the solemnity of this moment. This is a great figure. We are very proud of the figure as having been born, in its symbolic sense, in our State. Troy, N.Y., will burst with pride today, and I am delighted that my colleague has been able to achieve success in this field. Especially I know that we are both very grateful to the Senator from New Hampshire [Mr. COTTON] for his assistance in something that is dear to the hearts of so many New Yorkers.

Mr. KEATING. Mr. President, I thank my colleague and join with him in gratitude to the Senator from New Hampshire [Mr. COTTON] and to his colleague for the way in which they have helped us to expedite the measure.

I am not sure, after all the intervention, whether the Senate has agreed to the motion to reconsider.

The PRESIDING OFFICER. The pending question is on agreeing to the motion to reconsider the vote by which the concurrent resolution was agreed to.

The motion was agreed to.

Mr. KEATING. Mr. President, I move to rescind the vote by which Senate Concurrent Resolution 14 was sent to conference and conferees were appointed.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York.

The motion was agreed to.

Mr. KEATING. I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York.

The motion was agreed to.

READER'S DIGEST ATTACK ON UNEMPLOYMENT STATISTICS

Mr. PROXMIRE. Mr. President, as chairman of the Joint Economic Committee's Subcommittee on Statistics, I am deeply concerned and interested in any criticism of the statistics gathered and issued by our Government.

The statistics which measure the Nation's labor force are among the most important data which the Federal Government produces. They have become, over the years, a principal tool of analysts and officials in government and private organizations who need to analyze the conditions in the Nation's labor markets, especially the size of and changes in employment and unemployment. They provide a basis for men of diverse interests and views to analyze the past, current, and future trends in this important aspect of the performance of our economy.

People from the academic area, from business, labor, and many other groups have appeared before our subcommittee and have testified that our statistics are the best in the world without any question and by a wide margin.

Periodically these data have been the subject of criticism—a flow of criticism which, as the Joint Economic Committee observed some years ago, "seems to vary directly with the level of unemployment—as the number of persons reported out of work increases, the criticism mounts, and generally to the effect that the figure is too low"—"Employment and Unemployment, Report of the Subcommittee on Unemployment," 81st Congress, 2d session, Document No. 140, page 55.

Now an entirely different kind of attack upon these data has appeared in an article by Mr. James Daniel, entitled "Let's Look at Those 'Alarming' Unemployment Figures," published in the September issue of Reader's Digest—Mr. Daniel is listed as a roving editor of this magazine. Mr. Daniel charges that the official figures on unemployment have been systematically manipulated and changed over the past 20 years or more, so as to progressively raise the amount and proportion of unemployment revealed by the monthly survey of the labor force, and to play down the rise in employment. Mr. Daniel lays the blame for this prolonged juggling of the data on unemployment upon the Bureau of Labor Statistics. I ask unanimous consent that Mr. Daniel's article be printed in the CONGRESSIONAL RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. The charges made against the unemployment data, and in particular the Bureau of Labor Statistics, are serious ones. Questions are raised not only as to the accuracy, completeness, or usefulness of the present unemployment and employment statistics but also as to the honesty and integrity of the employees of the Federal Government responsible for their collection, processing, and publication. This is a matter of great concern to the Subcommittee on Economic Statistics of the Joint Economic Committee, of which subcommittee I have the honor of serving as chairman. The subcommittee, as well as the full committee, has evinced a continuing, close interest in the Government's statistical programs, particularly the data on employment and unemployment, since the establishment of the Joint Economic Committee under the Employment Act of 1946. These data have been the subject of investigation and hearings by the committee a number of times. Indeed, at the present time, the Subcommittee on Economic Statistics has underway a study of employment and unemployment. We have always welcomed criticism or suggestions for improvements in Government statistical programs. The committee has made a number of recommendations which have resulted in past improvements in our statistics, particularly those relating to employment and unemployment. In view of these facts, I expect that the subcommittee will invite Mr. Daniel to appear before the subcommittee when it holds hearings, probably in December, and we will be interested in finding out what documentation he can provide for his serious charges.

The immediate reaction of those who have worked for years with the personnel of our statistical agencies, has been a complete and vigorous rejection of Mr. Daniel's charges against the integrity of the Government's statisticians. An example of this attitude is a letter from Vincent P. Ahearn, managing director of the National Sand & Gravel Association, for which I ask unanimous consent to have printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PROXMIRE. I ask unanimous consent that the following attachments to Mr. Ahearn's letter to DeWitt Wallace, editor of Reader's Digest; and a memorandum prepared by the Bureau of Labor Statistics on the subject "Comments on September 1961 Reader's Digest Article—'Let's Look at Those Alarming Unemployment Figures,'" by James Daniel, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 3 and 4.)

Mr. PROXMIRE. In addition I ask unanimous consent that there be included with the above the editorial published in the Washington Post, September 14, 1961, entitled "Unemployment Statistics" in which comment is made on Mr. Daniel's article.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. PROXMIRE. The members of the Joint Economic Committee and its staff have worked closely for years with the personnel of the various statistical agencies of the Government, including the Bureau of Labor Statistics which Mr. Daniel attacks. We have always had high respect for the integrity, ability, and dedication to the public service exhibited by the statisticians and economists in these agencies. The Commissioner of Labor Statistics, Dr. Ewan Clague, is one of the Nation's outstanding statisticians and public servants, and we all have high respect for his ability and integrity. I might point out, as indicated in the materials I have inserted in the RECORD, that the Bureau of Labor Statistics does not now have complete jurisdiction over this series, and until about 18 months to 2 years ago it had no administrative control over these data. Other agencies were responsible, so these charges involve also the Bureau of the Census, and the Bureau of the Budget in the Office of the President—not merely the Bureau of Labor Statistics as Mr. Daniel indicates.

An attack upon the integrity of outstanding public servants in these several agencies of the Federal Government is a serious matter, and the issue is a completely nonpartisan one. Regardless of political views, it is of the utmost importance to have accurate and complete information about employment and unemployment which are the subject of both Government and private policy decisions.

EXHIBIT 1

LET'S LOOK AT THOSE ALARMING UNEMPLOYMENT FIGURES

(By James Daniel)

For months the U.S. Bureau of Labor Statistics has been pouring out a stream of doleful figures depicting the worst "unemployment crisis" in the United States since the great depression of the 1930's. Almost daily some administration official tells us that nearly 7 percent of our labor force is out of work. Meanwhile, Congress has passed one emergency spending bill after another on the ground, in part or in whole, that it will help employment. (It is estimated that this legislation will add $18 billion to the annual cost of our Federal Government over the next few years.)

All this unemployment news out of Washington provides excellent fodder for the Communist line, of course. Said the Communist Worker recently, "Only in the Socialist [read Communist] countries are there no crises, no mass layoffs, no unemployment. Only when socialism is adopted in the United States will such crises be done away with."

Clearly, the time has come to take a close look at the real facts behind the unemployment headlines.

Fact No. 1 is this: The unemployment "crisis" rests on the credibility of the monthly unemployment report released by the Bureau of Labor Statistics. Through the years the definitions and methods used by BLS to obtain its figures have steadily been altered to magnify the unemployment problem.

The U.S. unemployment total is not an actual count but an estimate obtained through a "probability sample" akin to a public-opinion poll. Once a month 550 part-time Census Bureau enumerators visit 35,000 households selected as representative of the United States economically, geographically and socially. They ask a few questions such as, "How many people here want a job?" They list as "employed" all residents over 14 who had a job the previous week; as "unemployed" those not working the week before but looking for work; and as "not in the labor force" those not working and not looking for jobs. On the average, each answer is multiplied by 1,400 to "inflate" the sample to correspond with the size of the U.S. population.

Originally, a person was classed as "looking for work" only if he actually looked. Then, in the 1930's, it was decided that this was unfair to nonlookers, because they were discouraged by the lack of job opportunities. In 1940, therefore, Washington started classifying anybody who wanted a job as "looking for work," even if he said he had not looked because he was sick or "guessed" that no work was available.

These inactive unemployed were separately identified until 1945. The BLS gave up making any distinction between active and inactive unemployed, and encouraged enumerators to classify non-lookers as unemployed rather than irritate interviewers by asking further questions. This gave enumerators free rein to use their own discretion as to how many persons in a household who were not at work were actually unemployed.

With such encouragement from the top, it is no wonder that enumerators have become increasingly skillful at finding hidden unemployment. In the 1940 decennial census the actual head count of the entire country turned up noticeably less unemployment than BLS was reporting. In 1950 the regular census takers found 20 percent less unemployment than BLS enumerators.

In 1954 even more dramatic evidence of the degree to which the attitudes of the enumerators can cause a rise in the number of unemployed came to light. That year BLS revamped its field forces, dispersed the households to be interviewed over a larger sample area, and gave its new enumerators intensive training in sniffing out elusive cases of marginal and occasional workers who could be classified as unemployed. In their first month the new polling personnel found 3,100,000 Americans out of work, while the old enumerators found only 2,400,000—a difference of 700,000 or 22 percent.

Since the two groups agreed on the number of Americans working, the 22-percent spread between the unemployed figures was wholly attributable to the greater zeal of the new enumerators in classing borderline cases. BLS kept the more efficient new enumerators, let the others go.

In addition to this, the BLS "unemployed" label now covers a number of categories in which the unemployment results from personal choice or at least is not dependent on "economic factors beyond the individual's control." So classified, for example, are: persons temporarily unable to work at their jobs because of labor disputes in other industries; persons who have quit their jobs to try to improve their economic status; persons who have quit from dissatisfaction and have become floaters; persons looking for part-time or temporary jobs to earn pin money; persons who are actually unable to work, but who nevertheless try to find employment; seasonal workers reentering the labor market at the opening of the period of seasonal activity; anybody who has obtained a job to start within the next 30 days.

A review of the last 20 years of the Bureau of Labor Statistics' curious operations makes it clear that the claimed rise in unemployment from recession to recession has, to a large extent, been engineered. And now the process of juggling statistics to show progressive deterioration in the U.S. economic system is about to move another step forward: under study in Washington are strongly backed proposals to count as unemployed persons working less than 40

hours a week or working at less than top grade and salary.

Why such a bureaucratic compulsion to classify people as unemployed? The answer is this: Under the Employment Act of 1946, the Federal Government committed itself to a policy of promoting maximum employment and of setting forth such levels of employment as are needed to carry out the policy. Consequently, the worse unemployment grows—or can be made to appear—the easier it is to push Uncle Sam into new Federal spending programs and new controls over the economy.

Fact No. 2: U.S. unemployment statistics cannot be compared with those of the rest of the world.

News stories frequently state, "While the United States worries about finding jobs for its five million unemployed, the concern of most other industrialized nations is to find enough workers to fill empty jobs." But in Britain, France, West Germany, Italy, the Netherlands, Norway, Switzerland, and Sweden (countries with lower reported unemployment rates than the United States), the official report of persons out of work is obtained through an actual count of persons who have registered themselves as looking for work in order to collect unemployment compensation. These individuals must report, sometimes daily, at government employment agencies to prove their availability to take a job. In these countries "marginal and occasional workers," such as housewives, children and old people, are generally excluded from consideration.[1]

Last May, when U.S. newspapers headlined "5 Million Americans Out of Work," Dr. Seymour Wolfbein, Deputy Assistant Secretary of Labor, told the New York Times: "If we applied the same measuring rod as Europe, our unemployed would be 3 million." If Britain used our system, according to a recent study reported by the First National City Bank of New York, her unemployment figure would double. In 1959 Sweden gave the U.S. measuring plan a 1-month trial. Sweden's unemployment almost trebled.

Comparisons with the Soviet Union are impossible. In 1930, with the abolition of unemployment insurance and the adoption of a system of forced and assigned labor, the U.S.S.R. "solved" its unemployment problem simply by ceasing to report any statistics.

Fact No. 3: The United States has a fine employment story to tell, but it goes largely untold.

Since World War II, the United States has been passing through what might be called a second industrial revolution. This is a revolution of increased productivity, and it has drastically affected the distribution pattern of the U.S. working force. Since 1947, manufacturing output has gone up 60 percent, with only a 10-percent increase in the number of workers required. Farm production has soared to even greater heights in spite of a 30-percent decline in the number of farmworkers.

The slack has been taken up by a 40-percent increase in the number of Americans in white-collar occupations. We are the first country in the world to attain the enviable position of having more workers performing services than producing goods. And since 1947 we've increased the number of gainfully employed workers from 58 million to nearly 67 million (an average of one and a half jobs per family). The latest report shows a record per-family income of $6,900 a year.

True, some Americans have not been able to keep pace economically with the rest of the country. These are, for the most part: young people who fail to complete high school and so start with the less desirable jobs and reach a ceiling on advancement soonest; manual laborers and unskilled workers who have been caught in advancing automation; Negroes who, starting with educational handicaps and discrimination in hiring, make up 20 percent of the unemployed; workers in the 45-to-65 age group, who compose 40 percent of the long-term (that is, out of work 15 weeks or more) unemployed; those in depressed areas left behind by the changing geography of U.S. industry (West Virginia coal mines shut down, New England textile mills abandoned, etc.) From these ranks comes our "hard core" of unemployed.

Fact No. 4: Considerably more is being done about our hard-core problem than the news out of Washington would suggest.

Each month the individual States, via their unemployment security programs (from money obtained through payroll taxes on the working population), pay out in unemployment compensation average weekly individual stipends of $34. This is far more than the working wage in most countries.

More fundamental is the point that present projections show that 70 percent of the 26 million young people growing up in the 1960's will have high-school educations or better. This compares with 60 percent of the more than 15 million who matured in the 1950's. That is the local taxpayers' contribution to the prevention of unemployment.

For persons already caught up in unemployment, the cure is harder but not impossible. When Armour & Co. closed down its Oklahoma City packing plant last year, the company offered free vocational training to as many of the 431 employees as applied, could pass an aptitude test conducted by the State Employment Service, and could show a reasonable prospect of getting a job in the field they selected. Of these, 170 applied for and 60 enrolled in courses from typing to welding. Many wound up delighted with new jobs.

Ford Motor Co's. long-established in-plant training program has been even more successful. Four years ago, Ford removed the age ceiling on employes eligible for 4 years of classroom instruction and supervised apprentice training (at wages running to more than $3 an hour). It trains, on the average, 2,000 employes a month for skilled occupations. Of those who remain with Ford, many can expect to wind up in top jobs: two Ford plants now have managers who were $1-an-hour employes before entering the company school.

Plans in the offing in Washington would supplement such company training programs with a revival of GI-style on-the-job training and a program of Federal subsidies to students enrolled in vocational schools. Also planned, subject to congressional approval, are travel allowances to enable skilled workers who are surplus in one part of the country to migrate to areas where their abilities are needed. In addition, Congress has passed an aid-to-depressed-areas bill.

These emergency actions should not overshadow the most needed action of all: the long-overdue reform of the Government's method of reporting unemployment. Before the January change of administration, President Eisenhower's Budget Director, Maurice Stans, personally inserted in the Labor Department's budget a $300,000 appropriation request to conduct a "study in depth" to discover how many of the reported unemployed actually are in the market for jobs.

Says Stans: "Modern governments are so heavily dependent upon statistics in making decisions that more and more national policies of immense importance for every American are determined by them. Billions of our dollars now ride on the accuracy of our monthly unemployment report."

[1] By contrast, the United States listed as unemployed last May 854,000 housewives living with their husbands, 876,000 teenagers and 167,000 persons over the "retiring age" of 65.

EXHIBIT 2

NATIONAL SAND & GRAVEL ASOCIATION,
Washington, D.C., September 11, 1961.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: Attached is copy of letter which I have written to DeWitt Wallace, editor of Reader's Digest, protesting what I regard as a vicious attack against Ewan Clague, Commissioner of the U.S. Bureau of Labor Statistics in an article by James Daniel in the September issue of that publication. Further enclosure is copy of the statement by the U.S. Department of Labor, exposing the unwarranted and malicious attack on an honorable and competent public servant.

I have served for many years on the Business Research Advisory Council to the Commissioner. This council is made up of men nominated by the National Association of Manufacturers and the Chamber of Commerce of the United States for Mr. Clague's consideration. The function of this council is to advise the Commissioner on procedures for carrying out his great responsibilities to the American public. There is a counterpart Labor Advisory Council.

I know, as do my fellow members of the council, that Mr. Clague is a devoted public servant. He has tremendous obligations to the American public, which he carries out faithfully. It is unfortunate that Reader's Digest should publish such a malignant article, wholly without warrant and replete with distortions and misrepresentations.

As I said to Mr. Wallace, this vicious attack on Mr. Clague comes right at a time when most of us are trying to interest young people in the public service. If public service means that one will be subjected to the kind of assault represented by Mr. Daniel's article, then young people can be forgiven if they turn away from the public service and seek other fields for the use of their talents.

I hope that you will raise your voice in protest against this attack on an honorable man.

Sincerely yours,

VINCENT P. AHEARN,
Managing Director.

EXHIBIT 3

NATIONAL SAND & GRAVEL ASSOCIATION,
Washington, D.C., September 11, 1961.

Mr. DEWITT WALLACE,
Editor, Reader's Digest,
Pleasantville, N.Y.

DEAR MR. WALLACE: The article by James Daniel in your September issue must come as a great shock to the many people who believe, as I do, that Ewan Clague, Commissioner of the U.S. Bureau of Labor Statistics, is an honorable and dedicated public servant.

I have been a member of the Business Research Advisory Council to the Commissioner for more than 10 years. Obviously, I am well acquainted with Mr. Clague and his staff. This fine group of men and women have been maligned and slandered by Mr. Daniel, and it is difficult to understand why a magazine of the stature of Reader's Digest should publish such a vicious article, replete with misrepresentations and distortions.

I have asked for and obtained copy of the statement by the U.S. Department of Labor in respect to the article. This statement may have already come to your attention, but one is enclosed in case you have not seen it. I know that Reader's Digest will not deliberately set out to destroy the reputation of an honorable man and yet, had you retained Mr. Daniel for that purpose, he couldn't have done a greater disservice than the article which he prepared and for which you accepted the responsibility of publication.

Most thoughtful Americans are convinced that we need to attract talented young people into the public service. Your article is

certainly calculated to discourage men and women from serving their Government, because if the price they have to pay is to be subjected to the kind of article published by Mr. Daniel, then one could hardly be surprised if these young people choose to use their talents elsewhere. I hope that you will take prompt and effective means to overcome what must be regarded as a vicious attack on an honorable man.

Very truly yours,

VINCENT P. AHEARN,
Managing Director.

EXHIBIT 4

COMMENTS ON SEPTEMBER 1961 READER'S DIGEST ARTICLE, "LET'S LOOK AT THOSE 'ALARMING' UNEMPLOYMENT FIGURES", BY JAMES DANIEL, U.S. DEPARTMENT OF LABOR BUREAU OF LABOR STATISTICS, WASHINGTON, D.C.

This article in the Reader's Digest asserts that the U.S. Bureau of Labor Statistics has juggled the unemployment figures over the past 20 or more years in order to magnify the unemployment problem so that new Federal spending programs and new controls over the economy could be imposed. A favorable story that might be related regarding employment, the article contends, goes untold. The article goes on to say that, in addition to overstating the problem, Washington is understating what is being done to help the unemployed. These accusations are decked out with many factual errors. The more conspicuous of these errors are listed below:

1. The suggestion that the results of the survey have been juggled through changes in methods and definitions is false. The concepts, definitions, methods of collection, and other technical matters affecting the household survey have been a Federal Government responsibility, under guidance and review of the Office of Statistical Standards of the Bureau of the Budget. The Bureau of Labor Statistics has been one of several agencies represented on the interagency committee of the Bureau of the Budget which has reviewed and approved every important development since the beginning of the survey in 1940. The only change in definition of unemployment in the past 21 years was thoroughly discussed with representatives of business, labor, and the public and was generally approved before it was adopted. Various congressional committees—Appropriations Committees, the Joint Economic Committee, and others—have been kept informed regarding these concepts and procedures and have continued to support and to rely upon the survey.

2. The accusation that the BLS has long manipulated the survey, the field work, and the definitions is not only false but absurd. There has been no such manipulation by BLS or any other Government agency. In fact, the BLS had no administrative contact with this survey until mid-1959. For about 2 years after its inception, the survey was conducted by the Work Projects Administration, thereafter by the Bureau of the Census. In July 1959, responsibility for the analysis and publication of the employment and unemployment statistics was transferred to the BLS, but the sampling, collection, and processing have remained at the Census Bureau. At no time has an employee of the BLS conducted any of the interviews.

3. The foregoing points demonstrate the falsity of the many statements which impugn the integrity of the Bureau of Labor Statistics. For example, on page 67 the author says "Through the years the definitions and methods used by BLS to obtain its figures have steadily been altered to magnify the unemployment problem." On page 69, "A review of the last 20 years of the Bureau of Labor Statistics' curious operations makes it clear that the claimed rise in unemployment from recession to recession has, to a large extent, been engineered. And now the process of juggling statistics to show progressive deterioration in the U.S. economic system is about to move another step forward."

Aside from the absurdity of charging the Bureau with actions over which it had no control, no basis exists for this undisguised attack. Under various auspices the unemployment figures have been produced for over 20 years under high statistical standards. Both Republican and Democratic administrations have approved and supported the operation of the survey that produces them.

4. The statement (p. 67) that "The unemployment 'crisis' rests on the credibility of the unemployment report released by the Bureau of Labor Statistics" is also misleading, since the trends in unemployment are clearly reflected by independent evidence. Insured unemployment—the count of persons who have lost their jobs in industries covered by the insurance systems and who have been found eligible for benefit payments—has also shown a rising trend over the past decade. After recovery from both the 1954 and 1958 recessions, the insured unemployment rate, like the total, failed to fall back to prerecession averages. The insured rate averaged 2.8 percent during 1951–53, 3.4 percent during 1955–57, and 4.6 percent in 1959 and 1960; the total rate was 3.1 percent, 4.3 percent, and 5.5 percent at comparable dates.

Another entirely different source also confirms the recent rise in unemployment. Each month, the BLS compiles data from payroll records of a sample of 180,000 establishments employing about 25 million nonfarm wage and salary workers. Between July 1960 and February 1961, nonfarm employment, as reflected in these reports, fell by 1.2 million, after allowance for seasonal changes. During the same period, total unemployment rose by almost the same amount. By July 1961, the number of nonfarm employees had returned to the level of a year earlier, but unemployment was still high because of the growth of the labor force—90,000 over the year.

5. Aside from the above, the article is marred by numerous inexcusable errors of fact.

(a) On page 68, paragraph 1, it is suggested that Census Bureau interviewers ask "How many people here want a job." This is false; no such question is asked. If it were, it would greatly inflate the estimates of unemployment since millions of people want jobs but do not look for them.

(b) The clear implication of paragraphs 2 and 3, page 68, is false. These paragraphs suggest that the questions used in identifying the unemployed in this survey in the thirties were changed to include certain persons not looking for work. In fact, the survey was not initiated until 1940. The change in 1945 was made to increase the accuracy of the statistics. The effect of this and other changes in the questions was to obtain a more complete count of persons with some employment and a reduction in the count of the unemployed.

Thus the statement that this change "gave enumerators free rein to use their own discretion as to how many persons in a household who were not at work were actually 'unemployed' " is not true.

(c) Paragraph 4, page 68, erroneously refers to differences in BLS and decennial census unemployment figures in 1940 and 1950. In fact, the BLS did not survey unemployment in either year; the "BLS enumerators" referred to did not exist. The 1940 sample survey was made by the WPA and in 1950 the Bureau of the Census conducted the sample survey as well as the decennial count. Subsequent Census Bureau research led to the conclusion that the regular census counts of unemployment were too low. The 1940 figure was later revised upward by the Census Bureau; the 1950 figure was officially declared too low.

(d) Page 68, paragraphs 5 and 6. The description of the expansion of the sample from 68 to 230 areas in 1953 and early 1954 is a distortion. It is false to attribute the changes of enumerators to the BLS, which had no administrative connection with the survey at that time. It is false to suggest that the agency conducting the survey (the Bureau of the Census) kept only the more efficient new enumerators who were more adept at "sniffing out elusive cases of 'marginal and occasional' workers who could be classified as unemployed." Enumerators were dropped by the Census Bureau only if the county in which they lived and worked did not continue in the larger sample.

Moreover, the results of the two samples were very close after the two groups of enumerators had been given the same training course.

(e) Page 70, paragraph 3. The author says, "The United States has a fine employment story to tell, but it goes largely untold." The fine employment story which he outlines comes almost entirely from the reviled household survey and has been told repeatedly by the BLS.

In every monthly report presenting the unemployment figures, the employment situation is also described. Furthermore, many special reports are prepared which examine the changing level and composition of employment. For example, between July 1960 and June 1961, articles in the Monthly Labor Review discussed the extraordinary growth of the part-time work force, the rising trends in white-collar occupations, the expansion of employment during the decade of the fifties, and the employment experience of the 1960 class of high school graduates. An important part of the BLS program is to project the demand for workers in specific occupations, and to publicize the needs for various types of workers in the future as a guide for manpower planning and for individual career decisions.

[From the Washington Post, Sept. 14, 1961]

EXHIBIT 5

UNEMPLOYMENT STATISTICS

In the September issue of Reader's Digest, Mr. James Daniel tenders an interesting explanation for high unemployment. The unemployment rate which recently stood at 6.9 percent, he says, has been manipulated upward by the Bureau of Labor Statistics to push Uncle Sam into new spending programs and new controls. These propositions are supported with a wealth of detail about new definitions of unemployment and new sampling techniques, all designed to produce more statistical unemployment, and about discrepancies among different sample survey results and census counts.

If the author had carried his research a little further, he would have discovered that it is not the Bureau of Labor Statistics, but the Bureau of the Census, which until very recently was in charge of these statistics and still continues to produce them. He would also have discovered that there are ways of analyzing the sources of error when discrepancies appear, such as recourse to the separate body of data on unemployment covered by compensation. And if he had consulted his political judgment, he might have wondered why the Eisenhower administration should have been so eager to juggle the statistics and increase the pressure for public spending. There is no reason for inventing a devil theory of unemployment.

It is true that American methods of counting unemployment yield very much higher results than British and continental methods. We obtain our data through a monthly sample survey of 35,000 households, and count everyone who is looking for a job. The British count only those who are registered with official employment exchanges.

If they used the American system, their unemployment rate would double. Consequently it would be a great mistake to make direct comparisons between the American and foreign unemployment rates. But there is every reason to think that the American is the better method.

What kind of statistics the Government collects must depend on the use it wants to make of them. Under the Employment Act of 1946, the principal function of the unemployment statistics is to give an idea how close the economy is to full capacity operation. For this purpose, the statistics should be as comprehensive as possible, and should include all who are seeking to work, regardless of how badly they need or do not need a job. From this point of view, perhaps one ought to include in total unemployment the time lost through involuntary part-time employment. This has been proposed by Senator DOUGLAS, but there are statistical difficulties. Some of these data are now stated separately.

If the data are to be used as a guide to social conditions, then a single total such as 4.5 million unemployed, and a single ratio such as 6.9 percent, will not do the job. Such figures overstate the extent of distress. Unemployment of a teenager during vacation time, of a social security pensioner, of a housewife with an employed husband, does not mean the same thing as unemployment of a family main breadwinner. Unemployment for less than 5 weeks, which accounts for about two-fifths of the present total, does not compare with long-term unemployment, nor unemployment covered by compensation with uncovered joblessness. The Bureau of Labor Statistics supplies detailed breakdowns on these and other facts. Perhaps they should be stressed more, and the large aggregates deemphasized. But in no case is there justification for trying to make things look better by tampering with the statistics, instead of dealing with the problem of unemployment itself.

COLD WAR STUDY

Mr. PROXMIRE. Mr. President, on the front page of this morning's issue of the New York Times appeared an article entitled "Kennedy Sets Up Cold War Study—Four-Man Panel Is Appraising Psychological Tactics."

I am delighted to see that the President of the United States has taken this action. I think it is about time. We have lost one propaganda contest after another with the Soviet Union. As the article indicates, this is something that has been known by our Government for a long time, and unfortunately very little has been done about it.

A number of Senators have sponsored a highly controversial bill that is related to this subject, the so-called Freedom Academy bill, the principal sponsor of which is the distinguished Senator from South Dakota [Mr. MUNDT]. The Senator from Arizona [Mr. GOLDWATER], the Senator from Illinois [Mr. DOUGLAS], the Senator from Connecticut [Mr. DODD], the Senator from New Jersey [Mr. CASE], and I are among the cosponsors of the bill.

The purpose of the Freedom Academy proposal is to provide that we have a formal institution to develop specialists in this kind of psychological cold war contest; furthermore, to give the American people a deeper opportunity to understand communism, its nature and how it operates, than is the case at the present time.

The President's action is, I hope, a first step in this direction. I ask unanimous consent to have the article printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KENNEDY SETS UP COLD WAR STUDY—FOUR-MAN PANEL IS APPRAISING PSYCHOLOGICAL TACTICS

(By Joseph A. Loftus)

WASHINGTON, September 14.—President Kennedy has set up a Cabinet-level group to give him a program for waging psychological and political warfare.

The group consists of Attorney General Robert F. Kennedy, the President's brother; Secretary of Labor Arthur J. Goldberg, Gen. Maxwell D. Taylor, military representative of the President, and U. Alexis Johnson, Deputy Under Secretary of State for Political Affairs.

The Communists' apparent ability to repress world reaction unfavorable to them, and to dominate the news as they choose with demonstrations that seem spontaneous, led to the creation of the new study group.

When the Russians resumed nuclear testing and many nations accepted the news apathetically, administration officials were appalled. They speculated on what would have happened throughout the world if the United States had unilaterally broken the moratorium on nuclear testing. U.S. embassies, they estimated, would have been picketed, perhaps stoned, and the demonstrations would have appeared to be spontaneous.

BERLIN REACTION RECALLED

The sealing of East Berlin at its western boundary aroused no strong world protest. On the other hand, if a U.S. Ambassador visits a foreign nation and is jeered or threatened by a mob, the mob action, in the opinion of President Kennedy, dominates the news of the day, and the purpose and accomplishments of the ambassador's trip become submerged.

Government officials are aware that the Communist apparatus in most cases sparks these demonstrations in foreign lands. Why neutrals and nonalined nations remain silent in the face of Soviet nuclear explosions, they believe, derives from more subtle causes.

No one has suggested that the answer is to organize groups to stone Russian embassies, but the President believes that something must be found to combat Communist techniques in cold war psychological tactics.

The informal group—the President prefers not to call it a committee—was set up to find the answers. No Government agency now has the responsibility to conduct psychological warfare or to make broad policy and plans in that area.

CUTS ACROSS AGENCIES

Such operations cut across several departments and agencies. They involve intelligence, propaganda, subversion, and diplomacy.

President Harry S. Truman, on the advice of the Budget Bureau and others, set up the Psychological Strategy Board under Gordon Gray. Represented on it were the State and Defense Departments and the Central Intelligence Agency. It lacked the power to compel action.

President Dwight D. Eisenhower set up a group under William Jackson to advise him in this field. The recommendations led to making the U.S. Information Agency independent of the State Department.

Later, the Operations Coordinating Board was established to follow through on cold war decisions of the President and the National Security Council.

President Eisenhower also appointed C. D. Jackson, who was succeeded eventually by Nelson A. Rockefeller, as special assistant for cold war planning.

In all cases, these individuals reportedly were frustrated by the statutory agencies.

ADAMS CITED DIFFICULTIES

Sherman Adams, in his book, "Firsthand Report," wrote:

"Well aware of the need for ideas to fire up positive moves in the cold war, Eisenhower had brought C. D. Jackson into the Government to work with Secretary of State John Foster Dulles. The Secretary and Jackson, contrary to what might have been expected, got along well together, but Jackson found his service in Washington a frustrating experience generally. Our Government, Jackson learned, is resourceful in its ways and means of shelving new ideas."

Soon after taking office, President Kennedy abolished the operations coordinating board, which had set up numerous subcommittees and was considered to be making doubtful headway.

Mr. Kennedy's four-man group is not an operations unit. It is understood to have held one or two meetings, and has little or no staff. Its assignment is to advise the President on what needs to be done, feasible ways of getting it done, and who should bear the responsibility.

The appointments of General Taylor and Mr. Johnson to the study group occasioned no surprise. The Attorney General, as the President's brother and closest confident, has been an active adviser in the intelligence field since the ill-fated Cuban invasion last April.

The reason for Secretary Goldberg's appointment to the group was a matter of speculation. One theory was that the assistance of international labor organizations might be sought. The World Federation of Trade Unions has been part of the Communist apparatus since World War II. Its rival in the West is the International Confederation of Free Trade Unions.

SOME ECONOMIES IN OUR DEFENSE PROGRAM

Mr. PROXMIRE. Mr. President, the Milwaukee Journal on Monday carried an excellent editorial describing the economies for our defense program that could be achieved by greater use of the St. Lawrence Seaway. Recently the 12 Senators from the chief Seaway States joined in asking Defense Secretary McNamara to take advantage of the great saving which would result from more effective utilization of St. Lawrence shipping capacity.

I ask unanimous consent that the editorial, which appeared in the Milwaukee Journal of September 11, 1961, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DEFENSE DEPARTMENT IGNORES ECONOMIES OF USING SEAWAY

As a huge oversea shipper—12 million tons last year—the Defense Department still astonishingly ignores the economic advantages of the St. Lawrence Seaway. All 12 Senators from Indiana, Illinois, Michigan, Minnesota, Ohio, and Wisconsin are now pressing this point upon Secretary McNamara.

Defense, they object, persists in its old shipping pattern of Atlantic, gulf and west coast transportation commands. Though millions of tons of its oversea cargo originate in the great industrial midcontinent, it

moved only 70,000 last year—less than sixtenths of 1 percent of its total—through the adjacent ocean ports on the Great Lakes.

It continues this slow dribble even though it acknowledged saving $638,000 on a 91,000-ton seaway movement in the very first season, 2 years ago. In contrast to that $7 a ton, the Senators base their case on a very modest savings estimate of $1 to $3.

Bigger military shipments would be a boon to Great Lakes ports, but this is no pork barrel. The Senators are not asking for more gravy to be spread among their home States. They simply want cold, hard business done with the Nation's tax money. The Senators merely ask McNamara to put the matter to the test, and see for himself. Create a separate Great Lakes transportation command. Route a specified minimum tonage—say, 500,000—through Great Lakes ports next season at fairly proportional rail rates. Study comparative costs of shipments to and through the ports in all four transportation commands.

Certainly the seaway would thereby prove itself the most economical outlet for a great deal more military cargo than now goes through it. To the fullest extent of this proof, it should thereupon be used. Could anything make more obvious sense?

TWO SOUTH DAKOTA EDUCATORS RETIRE WITH 71 YEARS OF COMBINED SERVICE

Mr. CASE of South Dakota. Mr. President, in the early stages of our preparation for World War II, a depot was established near Provo, S. Dak. In connection with the work at that time and the operation of the depot it was necessary to have a small rural community provide a school for a large number of children of employees of the contractors, and later for the children of the employees at the Black Hills depot.

A teacher by the name of Adelaide Ward was the guiding spirit of developing this school. She and her coworker are now about to retire following a very distinguished career in the educational field for both of them.

I ask unanimous consent that an article written by Leroy F. Holst in the Rapid City Journal of September 10, 1961, dealing with the work of two eminent teachers, be printed immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EDUCATORS RETIRE WITH 71 YEARS' COMBINED SERVICE

(By Leroy F. Holst)

PROVO.—Two of the best-known educators in South Dakota, who have materially aided thousands of rosy-cheeked boys and pigtailed girls along the road to success, have retired after a combined total of 71 years of teaching, counseling and guiding a couple of generations of Southern Hills children. Provo High School Principal Adelaide Ward and Provo Elementary Principal Christina M. Hajek have decided to trade jangling bells, bustling corridors, effervescent students, and riotous pep rallies for the peace and quiet of retirement.

These two dedicated women have worked and lived together for nearly 2 score years so when Adelaide Ward found it necessary to give up her profession due to health, Christina Hajek decided that she, too, would resign.

A native of Durand, Wis., Miss Ward received her bachelor of philosophy degree from Lawrence College in Appleton, Wis., in 1923 and entered the social service field in Des Moines, Iowa. Her meeting with Christina Hajek, also a social worker in Des Moines, was the start of a truly lasting friendship.

Miss Ward came to Dewey to teach in 1924 and in 1926 became high school principal and superintendent at Buffalo Gap where she remained until 1940. Miss Hajek also taught at the Gap.

The two of them practically started Provo School and Miss Ward was first superintendent in 1942, a position she held for 5 years. She left Provo School for a year and then returned as high school principal, a position she has held up to her retirement.

She has taken postgraduate work in supervision and administration.

Miss Ward has been the recipient of many honors and in 1957, at the sixth annual Honors Day convocation at the South Dakota School of Mines and Technology, she was one of three South Dakota educators to receive a certificate of meritorious achievement in education from President F. L. Partlo.

In the fall of the same year she was honored by membership in the Annie D. Tallent Club and elected to membership in Delta Kappa Gamma, an international society for women educators.

Miss Ward has been very active in Camp Fire Girls and she was the motivating force behind the first Girl Scout movement at Black Hills Ordnance Depot.

Having sponsored the National Honor Society and student council at Provo High for many years, she was honored by the Provo Future Teachers of America, when the club was named the Adelaide Ward Club.

For nearly three decades she has been a member of the South Dakota Education Association and is also a member of the National Association of Secondary School Principals.

A native of Leigh, Nebr., Miss Hajek completed most of her college work at the University of Nebraska but did postgraduate work at Columbia University, University of Wisconsin, University of Minnesota, University of Southern California, Northern State Teachers at Aberdeen, and Black Hills Teachers at Spearfish.

For the past 10 years Miss Hajek has been principal at Provo Elementary School and is affiliated with the Department of Elementary School Principals and the National Education Association.

Like her lifelong friend and colleague, she is member of the Annie D. Tallent Club which undoubtedly gives Provo the distinction of being the only school in the State with two of its faculty members of the club simultaneously.

A member of long standing of the South Dakota Education Association, Miss Hajek is also a member of Delta Kappa Gamma and the Women Educators Society.

Both of these respected, admired, highly honored and dedicated educators will be long remembered by kids, now in the throes of learning, and statesmen, soldiers, merchants, and professional people who loved and honored the inseparable friends.

CRAZY HORSE BOMB SHELTER

Mr. CASE of South Dakota. Mr. President, in South Dakota we have a sculptor, who originally came from Connecticut, by the name of Korczak Ziolkowski, who is creating a monument to Chief Crazy Horse. He has been persistent and diligent in pursuing his objective. A good review of his work appeared recently in an editorial published in the Sioux Falls Argus-Leader, which I ask unanimous consent to place in the RECORD following my remarks.

I point out that Mr. Ziolkowski is adding a bomb shelter to his studio and home. The fact that he is taking an interest in this kind of project I know will be of great interest to many people, because Mr. Ziolkowski is working in the very heart of the mountains, where he can hide around the corner, yet believes that for himself and his family he should have a bomb shelter.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CRAZY HORSE BOMB SHELTER

Korczak Ziolkowski, who is carving up a Black Hills mountain as a monument to Chief Crazy Horse, is adding a bomb shelter to his studio and home.

The sculptor thinks that his memorial will survive the atomic holocaust—if it comes. He's building the bomb shelter to increase the survival chances of himself and his family.

At 53, Ziolkowski is confident of finishing his memorial, despite the uneasy world situation. He has taken a million and a half tons of rock off Thunderhead Mountain—and has approximately 4½ million more tons to go. He started in 1948. The work now is purely a mining operation—drilling, blasting and removing granite. In 8 years he will be ready to begin sculpturing. The job will be done by 1979—when he is 71.

This is a white man's tribute to the Indian. The memorial of Chief Crazy Horse, who defeated General Custer and the 7th Cavalry, will be done in the round. It will depict Chief Crazy Horse with an outstretched arm, mounted astride a horse.

Big as Crazy Horse memorial is, it is only part of Ziolkowski's plans. He envisions a $50 million American Indian center, complete with a university, hospital, museum and airfield.

Ziolkowski is going it alone. He refused an offer of help from the Federal Government during the Eisenhower administration. His dairy herd, lumber business, and 75-cent tickets from adult spectators finance the project. There are also some donations.

It has been a rocky road for Ziolkowski. He encountered opposition at Custer and elsewhere in the Black Hills when he announced his Crazy Horse project. Many Hills residents thought that one monument—the Rushmore Memorial with its faces of our Presidents—was enough mountain carving for the region.

Today, tourists who last visited the Crazy Horse memorial, 5, 7 or 8 years ago, see visible evidence of progress on the mountain. The silhouettes of Crazy Horse's face and upper arm are apparent. Ziolkowski, a great do-it-yourself fan, has bulldozed a new road from the highway to his studio.

As you listen to this man with a full beard and a head full of positive, bold ideas about the world today, you get the impression he will win his battle with time and the mountain. Or die trying.

We, for one, hope he wins.

BREAKING THE BARRIERS OF MENTAL HEALTH

Mr. WILLIAMS of New Jersey. Mr. President, the vitality of our Nation depends on the moral, physical, and mental stamina of our people. The Congress of the United States has long been concerned with the mental health problems of our Nation.

We know that these problems are being faced on many fronts, both in research efforts of our Government as well as private research efforts of psychiatrists and the American pharmaceutical

industry. In the State of New Jersey, several of the 18 pharmaceutical firms pioneered in developing drugs which have contributed to the improvement of mental health of patients throughout the world.

Early this summer, at the annual meeting of the New Jersey Association for Mental Health, four drug manufacturing companies in our State presented a panel discussion on present and future anticipated developments in private research in the mental health field. Dr. Frank J. Ayd, Jr., chief of psychiatry of Franklin Square Hospital, Baltimore, Md., moderated this panel session. His remarks have far-reaching significance, not only to the immediate audience which heard him but, in my opinion, to the Members of Congress and the millions of Americans who are vitally concerned about the progress being made in improving mental health.

Dr. Ayd's remarks give us much reason to hope for success in combating mental illness. I ask unanimous consent to have his remarks printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS OF DR. FRANK J. AYD

This afternoon's panel is sponsored by the New Jersey pharmaceutical industry. As moderator, I have been asked to make a few introductory remarks to set the pace and to give the other panelists a starting point for taking off for their own remarks. In doing this, I will borrow some material from the preface of my most recent book, which I think will be of interest to you. What I want to bring out is that in the past decade there has been an unprecedented transformation in psychiatric treatment and in attitudes toward our Nation's No. 1 public health problem—mental illness.

The chemical revolution in psychiatry inaugurated 8 years ago by the tranquilizers, chlorpromazine and reserpine, and advanced by the advent of the antidepressant drugs has radically altered the treatment, clinical course and prognosis of various mental illnesses. Properly used, the new psychopharmaceuticals have increased the number of patients who can be treated in a physician's office; have made hospitalization unnecessary in many cases and thereby have lessened the admissions to our overcrowded public mental institutions; they have abbreviated hospitalization; accelerated the process of normal recovery; have facilitated psychotherapy and perhaps not the least important they have reduced the cost of psychiatric care.

Drugs for the mind, as I call them, have contributed immeasurably to the upsurge of interest in research on the causes and treatment of psychiatric disorders. Currently the pharmaceutical industry is spending millions in basic psychiatric research and in the development of new psychopharmaceuticals, as well as contributing large sums for the establishment of psychiatric training programs, fellowships, and clinics and for psychiatric research in hospitals, clinics, and private physicians' offices.

Our Federal Government has expanded the National Institute of Mental Health and has established the psychopharmacology center for extensive research. The psychopharmacology center is making available grants for research that otherwise might not be accomplished in this country. As a result of this research, much that is needed to be learned has already been learned and we are optimistic that the efforts of the individuals working under support from the psychopharmacology center will give us much more needed information in the not too distant future.

To give you an idea about the amount of money that is being spent, I should like to point out to you that in 1960 the final congressional appropriation for the National Institute of Mental Health was $68 million. Having been one of the individuals who testified before the Senate Appropriations Committee back in the early days when we were setting up the psychopharmacology center, I can tell you that this is fabulous. In 1954 we asked for $4 million; 6 years later we got $68 million to do the work. This year a House bill calls for an appropriation of $79,863,000.

At the same time practically every State in the Nation in recent years has set aside funds for psychiatric research. This has been particularly true in Maryland, for example, where up until a few years ago if you were to ask the legislature for money for psychiatric research, I think you would have been greeted with a lot of guffaws from the respective members of the financial committees. They didn't have the money in the first place and in the second place they didn't see that there was any need for such research. But this again indicates what has happened. Now not only has the Federal Government and the State government become interested in and supported psychiatric research, but five private foundations also are allotting more money than ever before for psychiatric purposes.

The advances in the care and treatment of the psychiatric patient have been responsible for a most favorable change in attitude on the part of insurance companies. Whereas formerly coverage by Blue Cross and commercial carriers excluded mental illness, today almost all Blue Cross policies and many of the larger commercial insurance programs make some provision for psychiatric treatment.

I'm proud that Maryland, along with Texas, was among the first States to make psychiatric care available under Blue Cross. We now cover 21 days; we hope that very soon coverage will be increased to 30 days. This is a very important development because prior to Blue Cross coverage the expense involved made it almost impossible to get a patient to go into a general hospital for psychiatric care. If you had a patient who needed only short-term care you still were forced with the prospect of placing him either in a private psychiatric hospital or in a State hospital, more often the latter. Today it is almost as difficult to talk a patient into going into a State hospital as it was once to talk him into paying for it privately in a general hospital. Patients wonder why they should go to a State hospital if they have insurance that will take care of them in a general hospital. It is interesting to note that the indications are for even broader coverage by insurance carriers in the future.

As a result of the increased insurance coverage, many people have sought treatment for emotional and mental aberrations under insurance benefits. More people are inclined toward early psychiatric care which is when the most good can be done. General hospitals in ever increasing numbers are opening their doors to the psychiatric patient. The latest joint report of the National Association for Mental Health and the American Psychiatric Association, reveals that psychiatric admissions in 1958 totaled 257,300 patients in community general hospitals as against 210,117 in the public mental hospitals. In other words, 3 years ago there were more psychiatric patients admitted to our general hospitals than were admitted to our public psychiatric hospitals. This represented a 27-percent increase since 1954 in psychiatric admissions to community-based hospitals.

During this same 4-year period the number of general hospitals accepting psychiatric patients rose from 583 hospitals to 789 in 1958, an increase of 41 percent. Among the community general hospitals the number of beds set aside for psychiatric patients increased from 10,606 to 14,383. These figures indicate strongly that the trend towards treatment of the mental patient in the general hospital is continuing throughout the United States.

Since the advent of chemopsychiatry, which is nothing more than the use of the drugs for the treatment of mental disorders, the duration of psychiatric hospitalization has been shortened. In Maryland, the average length of mental hospital stay was between 48 and 50 months in 1950; in 1959 it had been reduced to 24 months. Psychiatric hospitals are discharging many patients who have benefited from these newer therapys, especially the new drugs. In 1959 the number of resident patients in U.S. public mental hospitals dropped for the fourth consecutive year. At the end of 1959 there were 542,721 patients in 277 psychiatric hospitals; this is 2,142 fewer patients than in the previous year. Discharges from our mental hospitals totaled 167,607 compared to 156,352 in 1958. The successful community adjustment of these patients and the avoidance of relapses requiring rehospitalization is unquestionably contingent upon their continued treatment, in most cases by their general practitioner.

The current demand for psychiatric aid far exceeds the resources of psychiatry. This may come as a surprise but in the United States there are 10,558 psychiatrists, or one for every 16,400 persons, obviously an inadequate supply. The true situation, however, is even more deplorable. Only about 40 percent of psychiatrists devote some or all of their professional time to private practice. The others are occupied in research, teaching, the Armed Forces or Federal, State, and private psychiatric hospitals.

To compound the problem a little bit more—5,652 or 53.5 percent of all psychiatrists in the United States worked in 5 States; and an estimated 80 percent of private practicing psychiatrists is located in the larger cities. I can quote Maryland as an example where we have approximately 250 psychiatrists in the whole State. If you leave the city of Baltimore, you would have to travel northwest, approximately 100 miles before you would meet another psychiatrist and then you have to go to Pennsylvania before you would encounter the next one. If you head south you can go to Annapolis where there are two psychiatrists. Down on the Eastern Shore there are about two more. Of the 23 counties in the State outside of Baltimore City, only 3 counties can claim 4 or 5 psychiatrists at the most. This means that people who need the help either must travel long distances or rely on their family doctor to provide them with the care they need.

In some States of our Union, particularly in the Midwest and Far West, you can travel hundreds of miles before you can encounter a psychiatrist. Recently Newsweek magazine pointed out that in New York in a 30-block area there are 537 psychiatrists which are more than in 19 States in the United States. You can see that there is this inequitable distribution. As a consequence, thousands of people must rely on their general practitioners for psychiatric care.

This could be a very severe problem, except for what has transpired in the area of drug development. There are many people around the world, some of whom are quite expert in the administration of these drugs and who have the vision, I believe, to see what the future holds. One of these people is Dr. William Sargent, of London, England, the physician in charge of the Department of

Psychological Medicine at St. Thomas Hospital in London. He is also the registrar of the Royal Medico Psychological Association of Great Britain and the past president of the section of psychiatry of the Royal Society of Medicine. He has also written one of the best text books of psychiatry, particularly on the physical methods of treatment, that is available in the world.

Last year at the 1960 meeting of the British Medical Association, in a very important address, Dr. Sargent commented that research into new drugs would discover many more methods of chemical treatment and that by 1980 there should be no case, I repeat, no case of emotional illness that cannot be treated by the general practitioner.

Dr. Kenneth Appel, a past president of the American Psychiatric Association, stated in a recent article in the Journal of the American Medical Association that physicians and surgeons will be called upon in the future to do more psychotherapy than in the past or present partly because of the advent of these new drugs.

Fortunately, many family doctors already have shown an interest in learning more about psychiatry and methods of dealing with psychiatric problems that they see in general practice. This is apparent in the numerous papers on psychiatry and treatment and medical meetings today; the number of seminars on psychiatry and general practice and the joint programs of the American Academy of General Practice and the American Psychiatric Association. The objective is to create a union of forces in the war on mental illness. What has transpired in the last decade augurs well for the psychiatric patient and for the future of psychiatry. As more doctors become adept in recognizing the early manifestations of psychiatric disorders and as chemical developments result in more effective and even curative drugs for mental illness, it may not be too optimistic to predict that mental hospitals as we know them now will be obsolete in 50 years. Already the total patient population is decreasing. Patients improve more quickly and are discharged earlier, with the result that there will be fewer chronic patients. More patients than ever before are being treated in general hospitals or in physicians' offices.

One may ask if there will be replacements for today's incurable inmates after they are gone. I am tempted to draw an analogy between what has happened in the area of infectious diseases or particularly the contagious diseases and what is transpiring in psychiatry.

When I was an intern, patients with contagious disease were not knowingly admitted to the hospital. They were sent off—at least in Baltimore—to Sydenham Hospital. Today Sydenham Hospital is closed because the antibiotics have changed things so radically. Large tuberculosis centers throughout the country are closing their doors because of lack of patients and because patients who do need some care can get it elsewhere, in many instances.

In 1950, electroshock therapy was widely employed as a method of treating psychiatric patients, but following the introduction of the tranquilizing drugs in 1954–55, electroshock therapy started to decline. When the antidepressant drugs were introduced in 1958, electroshock dropped even more sharply. We used to do an average of 50 to 60 treatments every morning, now if we do 5 a week we are doing a lot of electroshock treatments. They are reserved only for the acutely suicidal patients. Another major form of treatment particularly for a schizophrenic was insulin shock. Insulin shock was running almost on a parallel with electroshock but in 1954 and 1955 the drugs came along and there was a decline in the use of such therapy. You cannot get insulin shock in the State of Maryland anymore. If you need it, you must go to Pennsylvania General Hospital in Philadelphia—2½ hours away—to get it.

Now this is because the drugs turned out to be very adequate replacements. Another result of these drugs is that by 1955 psychosurgery came to a dead halt in the United States. We used to do two or three a week at Franklin Square Hospital in Baltimore; now we do not average one a month.

With regard to admissions to psychiatric hospitals, starting in 1955 there was a decided drop. In recent years there has also been a marked increase in the discharge rate. The newer physical methods of treatment, combined with everything else, has had a remarkable effect in the management of the psychiatric patient. The probabilities are that this decline is due not just to the use of the drugs in the hospital itself, because not only has there been an increase in the discharge rate but the admission rates in many hospitals has declined. The reason for this is that the general hospitals are beginning to pick up these patients rather than their going to the psychiatric hospitals.

I call to your attention the annual report of the Institute of Living which is a large private psychiatric hospital in Hartford, Conn., the superintendent of which is Dr. Frank Braceland. In this beautifully phrased report, Dr. Braceland points out the decrease in the admission rate beginning in 1958; the lesser use of electroshock treatments and other developments applied to that one hospital. But any hospital who has kept accurate records can show the same trend throughout the whole United States.

So we can say that thanks to the pharmaceutical industry, and their research efforts and their development of drugs, the future looks even brighter than the past.

FREE FOOD PROGRAM IS BECOMING A NATIONAL SCANDAL

Mr. BENNETT. Mr. President, my State is experiencing a strange phenomenon, one which is taking place in many States throughout the Nation. I refer to the fantastic increase in the number of people getting free food from the Federal Government—an increase, incidentally, which is occurring at the same time as economic recovery is taking place.

In July of 1960, there were 11,378 Utahans receiving free food from the Federal Government. In July of 1961, that figure had reached 21,098—roughly double, despite the fact that insured unemployment in the State remained virtually the same, rising only two-tenths of a percentage point.

The national picture is similar. In June of last year, when we were in a recession, there were 3.3 million people on the public food rolls. By June of this year, the number had almost doubled, to 6.2 million people.

Why has this dramatic increase taken place? The reason is simply that the program, which was operated under the Eisenhower administration as a means of giving food to those who really needed it, has become in many States a way of giving food to people who want it, regardless of need.

Consider the North Carolina figures for a really dramatic indication of what handouts can do. Last January, 1,000 North Carolinians were receiving welfare food handouts. By June the number had skyrocketed to 147,000.

Many people have discovered that lining up for handouts each week is easier than working for a living. Why work, when the taxpayer is willing to give you a fairly good living for not working—with few questions asked?

The Wall Street Journal recently reported on some typical reactions among welfare recipients in Corsicana, Tex.

One farm laborer put it this way:

> This is one year people ain't going to get the grass hoed out of their cotton, because we ain't going to do it.

This laborer happened to be whiling away his day in a rocking chair on the porch of his house when the reporter found him.

The reason for his attitude is obvious. One Corsicana farmer, D. H. Allen, explained the pattern on his own farm as follows:

> My rows are almost deserted on the days of the handout. I had 24 hands in the fields the day before the last handout. On groceries day the number dropped to three and for the next 3 days the most I could get at any one time was nine.

It is obvious that a poorly administered welfare program can eventually erode work incentives. The article previously referred to cites many similar cases. For example, it mentions the case of the family which drove up to the courthouse in Jefferson County, Tex., piled four big boxes of free food into their air-conditioned 1958 Cadillac, and drove off.

And the case of the two-car family which got 873 pounds of free commodities this year, while the wife was earning $50 a week in a cafeteria and the husband was drawing $28 weekly in unemployment compensation.

And the case of the local grocer who finds that his sales of staple foods has dropped 10 percent since the Government began offering large-scale food handouts—while the same customers increase his sales of soft drinks, cake mixes, cigarettes and candy.

The laxness of the agencies administering this program, and the willingness of the administration to hand out commodities on a grandiose scale without regard to need, are a national disgrace. The effect on the moral fiber of those who are participating in this program unnecessarily—who are using free handouts as an alternative to working for a living where work is available—is obvious. By failing to keep this program within reasonable bounds, the administration is aiding and abetting a process which erodes character, destroys self-respect, and breeds contempt for the American tradition of working for a living.

During just the first 7 months of this administration we have seen this program get far out of hand, and we are told that the trend is likely to continue. I urge the administration to make a careful survey of the abuses which have been introduced into this program since the President expanded it last March. And I urge Congress to consider ways of restoring order and control to a program which is now becoming a national scandal.

I ask unanimous consent that the article and editorial from the Wall Street Journal of August 24, 1961, be printed at this point in the RECORD.

There being no objection, the article and editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Aug. 24, 1961]

FREE FEDERAL FOOD—LOCAL OFFICIALS SAY EXPANSION OF PROGRAM BOOSTS DEMAND, ABUSES—FARMERS REPORT FIELD HANDS QUIT; "NEEDY" RECIPIENTS TOP RECESSION LEVELS—KENNEDY MULE, GOOBER GREASE

(By Donald A. Moffitt)

CORSICANA, TEX.—Once a month, on a Tuesday morning, the normally quiet streets of this small cotton-country town begin to fill with slow-moving traffic. By 9 a.m. the streets downtown are choked with honking cars, parking spaces are scarce and sidewalks are crowded with hurrying pedestrians.

The scene calls to mind a typical "dollar day" sale in a rural community, but these folks aren't scrambling for retail bargains. Instead the attraction is something no Corsicana merchant can afford to offer—free food.

Ever since local Navarro County officials decided to jump on Uncle Sam's expanded relief food distribution bandwagon 4 months ago, "groceries day" has become a major event in Corsicana. At last count, 3,367 Navarro County residents—about 10 percent of the population—were collecting free vittles, including such provisions as "Mr. Kennedy's mule" (canned pork and gravy) and "goober grease" (peanut butter).

A FANCIER MENU

The rapid spurt in the number of persons receiving free Federal food has been by no means limited to Navarro county. Since the Kennedy administration last March expanded the giveaway program by adding fancier fare such as chopped meats, beans, eggs, oatmeal, powdered milk, and peanut butter to the basic list of flour, corn meal, rice, lard and butter, the food dole has been steadily expanding in size throughout the Nation. A good part of this monthly menu of relief food comes from Uncle Sam's own huge surplus stockpiles, but increasingly the Government has been purchasing supplies in the open market to make the offerings more attractive.

By mid-1961, some 6.2 million Americans, officially classed as "needy," were receiving free Federal commodities. This compares with 4.1 million on the rolls in the recession month of January and is almost double the 3.3 million who were on the free list in June, 1960. These figures do not include the 1.5 million persons in hospitals, asylums and other welfare institutions who also receive free Federal foodstuffs, nor the 15.5 million school children who pick up free Federal lunches.

Because each person on the free food list is getting larger handouts under the Kennedy Administration, the cost of providing the food is rising much more sharply than the number of recipients. In the first half of this year, the Federal Government spent $110.2 million on the program, almost quadruple the $29.2 million figure for the first half of 1960. The big jump brought total spending for the fiscal year ended June 30 to $139 million, the largest total in the program's 25-year history. This is exclusive of the local food distribution and storage costs, which must be met by the individual communities with some state aid.

And the spending splurge shows no signs of abating despite the general improvement in the Nation's economy since the first of the year. Officials of the Agriculture Department say they "see no reason to believe" that free food distribution in the current fiscal year will drop from the record levels of fiscal 1961.

LOCAL IRRITATION GROWS

But here and there around the country there are signs of local resistance to the rapid rise in the number of food claimants. Grocers complain of the difficulties of competing with Uncle Sam's free handouts. Farmers charge able-bodied free food recipients are now turning down jobs as field hands. And city and county government officials are irked at the warehousing costs and added manpower needed to run their growing supermarket operation.

"This beef-and-gravy deal has been nothing but a headache since it started," growls one Navarro County official.

Here in Corsicana, in fact, the brakes are being applied hard. A few days ago the county commissioners ruled that a person will no longer be able to obtain free food unless he can provide a physician's certificate saying he is unable to work.

"We're not trying to be another Newburgh; we're just trying to solve a local problem," says Kenneth A. Douglas, young county judge and chairman of the commissioners court—the county's chief administrative agency. (Newburgh, N.Y., attracted wide attention recently by putting tight restrictions on its welfare program in an effort to curb costs; a State court last week held most of these restrictions were illegal.) Mr. Douglas says the county is attempting to reduce future food distributions to about 1,000 persons a month, less than a third of this month's total of eligibles. So far, at least, Federal officials have not protested.

The Corsicana crackdown comes largely in response to complaints from farmers that since the food distributions began, help in the cotton fields has become hard to find. "My rows are almost deserted on the days of the handout," grumbles D. H. (Blackie) Allen, a local farmer. "I had 24 hands in the fields the day before the last handout," he recalls. "On 'groceries day,' the number dropped to three and for the next 3 days the most I could get at any one time was nine."

GRASS IN THE COTTON FIELDS

"This is one year people ain't going to get the grass hoed out of their cotton, because we ain't going to do it," L. G. Avery, a farm laborer, bluntly informs a visitor who found him whiling away his day in a rocking chair on the porch of his house.

Henry Slate, a Corsicana grocer, says sales of staple foods in his store have fallen between 10 and 15 percent since the county joined the Federal program 4 months ago. But, he says, business has increased sharply in cigarettes, soft drinks, cake mixes, and candy now that many of his customers don't have to spend their money for basic groceries. And on days when free food is being distributed, the store does a booming business in selling burlap "croaker sacks" and cardboard boxes to welfare beneficiaries so they can haul their food quotas home.

Despite the occasional cutbacks, in most areas the food lists are growing larger. In Illinois, for example, the number of recipients increased from 63,037 in January to 89,282 in June; in Indiana, from 70,871, to 118,156; and in New York, from 61,768 to 231,061. The most spectacular increase has been in North Carolina. Only 58 citizens of that State got Federal free food in June 1960, when the program began there; by January this year, the number had risen only to 1,055 In June, the count was 147,269.

Though local conditions vary, the administration's expanded food package is the principal reason for the overall increase in the number of free food recipients, most welfare administrators agree. Local governments, which hesitated to pay for warehousing and distribution of such staples as flour, rice, and lard, are willing to put up some of their own money now that meats and other tastier items are available to local voters.

"The more desirable the food, the more people are likely to try to get it," says Alan Kemper, director of the Georgia Department of Public Welfare.

GEORGIA FREE LIST GROWS

Only 40,031 Georgians got free Federal food in January. By June, the number had risen to 154,429. The number of counties taking part in the food distribution rose from 18 to 52.

"Heretofore, many laborers have been buying their groceries on credit," says H.D. Hatchett, director of food distribution for the State, "but since they saw the publicity about the improved food, they decided to get in on the program."

Other reasons besides the new food items play a part in the increases, of course. In Oregon, for example, legislation this year provided for State financing of 70 percent of the counties' costs of distributing the Federal commodities; that's the main reason the number of food recipients in the State rose from zero in January to 7,435 in June.

By fall, around 20 of Oregon's 36 counties are expected to offer the commodities, compared to only 5 now, Andrew A. Juras, director of the State welfare department, says. Frank M. Craft, Florida's welfare director, says the flood of Cuban refugees into the State had just as much effect as the addition of tastier fare in the State's decision to join the free food program. Nearly 10,000 Florida residents got free food in June.

CRACKDOWN IN MISSISSIPPI

One of the minority of States that has registered a drop in the number of welfare recipients during the new program is Mississippi. The big reason, an official reports, is that State workers carefully interview all applicants and then check to verify their applications. Moreover, each application is reviewed once every month or 6 weeks, this official says.

Only a few places, however, check applications as carefully as Mississippi. Most complain of lack of funds to do the job, and depend on catching a few violators through occasional checkups to scare would-be offenders from the welfare rolls.

Fulton County, Ga., where Atlanta is located, recently hired a team of retired city detectives to ferret out ineligibles among the 15,000 families on its welfare list. The detectives took a random sample of 650, of whom 29, or about 4½ percent, were found ineligible. Some 500 were found to be eligible for aid, and 80 are still being investigated. Carlyle Fraser, chairman of the County Commission, figures that many more obviously didn't consider themselves fully eligible since 10 percent of the food recipients voluntarily stopped drawing commodities after the checkup began.

Jefferson County, Texas, encountered a similar experience. Youthful, curly-haired James M. Farris, an assistant district attorney, began to wonder this spring why the food line across the street from the Jefferson County court house kept getting longer and longer.

"About a month ago," Mr. Farris relates, "I saw some folks pile four big boxes of food into an air-conditioned, 1958 Cadillac, and boy that really burned me up."

WAR ON CHEATERS

Mr. Farris told the county judge of the incident, and the judge, who also had suspicions about many of the welfare recipients, ordered steps taken to bar the undeserving. Applicants were required to swear to the truth of their applications—thus making cheaters subject to prosecution for a felony offense, false swearing. Welfare investigators

made a few spot checks of commodity recipients, turning up these cases:

A 43-year-old former beer truck loader who got 873 pounds of free commodities this year. Owner of two automobiles, he was collecting a $28 weekly unemployment compensation check while his wife was earning up to $50 a week working in a cafeteria.

A fully employed gravedigger who obtained Government food for 10 months by claiming he was out of work.

A man who picked up rations for four persons each month, presumably himself, his wife, and their two children. An investigator found only the man and his girl friend at home; the wife and two children lived in another State.

A bachelor who got commodities for his nonexistent wife and three nonexistent children.

The number on Jefferson County's welfare rolls dropped sharply from 8,800 in May to 5,500 in July, and officials credit the decrease to the publicity given to catching violators.

In Louisiana, where the State welfare department handles the chore of "certifying" applicants for welfare aid, the department ran out of funds to pay staff members to handle the task after the food giveaway program was expanded. Though $125,000 was budgeted for this purpose in fiscal 1961, the department had to beg $35,000 more from the State's treasury to carry through until July 1. A like total, $160,000, is reserved for certification in fiscal 1962, "but that won't be enough," says a welfare official.

"We feel like we're sitting on a keg of dynamite," says another Louisiana welfare man. "We don't have any control over this program."

One Louisiana official notes that some 200,000 people are getting Federal free food in the State now, compared to only 90,000 a year ago. The commodities are rolling into the State at a three-carloads-a-day clip, and officials reckon even more parishes (counties) would take part in the distribution if there were any more warehouse space.

[From the Wall Street Journal, Aug. 24, 1961]

THE MAN WITH THE HOE

This is one year people ain't going to get the grass hoed out of their cotton, because we ain't going to do it.

Speaking from his rocking chair is a citizen of Corsicana, Tex., and his words ought to go down as one of the more memorable remarks of the year. And in his observation, reported in a page 1 story this morning, we think the gentleman from Texas is showing one of the chief attributes of intelligence, adjusting sensibly to one's environment. He ain't going to hoe because there ain't no need to.

Without stirring from his chair, save once a month on a Tuesday morning, he can stock his larder with flour, corn meal, rice, and butter, and even feed his family with fancier fare, including peanut butter, oatmeal, beans, eggs, and meat. He hasn't struck oil; he's just found a gusher in the Federal surplus food disposal program.

So no longer is the man with the hoe bent with burdens; they have been transferred to others who must pay the taxes to provide him with his pork and beans. And for the life of us, we can't avoid a certain admiration for him and the others like him.

There are a good many others like him, as our reporter found out. Since the administration in Washington broadened the menu of the Federal food program the number of people taking advantage of it has skyrocketed. Last June when the country was suffering from a recession there were some 3.3 million people on the public food rolls. At the end of June this year the number had almost doubled, to 6.2 million people.

Since Washington broadened the free food program the number of recipients in Illinois has jumped from 63,000 to 90,000 betwixt January and June; from 70,000 to 118,000 in Indiana; in North Carolina from 1,000 to 147,000. And all this during a period in which, as Washington reminds us, we are climbing out of the recession.

No doubt there are, among these millions, many who are in true need. But nowadays need is something it is not nice to inquire about; it might embarrass men with pride. So men with no pride, but with sense enough to know a good thing when they see it, can have a field day without ever tilling the fields.

In New York City, for example, people load up with free food and use their money to carry it home in a taxi. In Corsicana, Tex., they cause traffic jams driving to the food office in their automobiles. So, not surprisingly, the local grocer finds his sales of staple foods off 10 percent since the Government started offering pork-and-beans to all comers. But the same customers boom his sales of cigarets, soft drinks, cake mixes, and candy—which is not surprising either.

Nor is it surprising that the cost of all this has also skyrocketed. In the first 6 months of this year the Federal Government quadrupled the cost of the program over the like period in 1960; at $139 million for the whole fiscal year the total is the highest in the 25 years of the program, which reaches back into the years of the great depression. And in Washington, officials say they see no reason to believe the cost will go any way but up.

For all a man has to do, in most communities, is say he needs food and the Government will give it to him. There is no need for anyone to be amazed at men—from Corsicana, Tex., to Newburgh, N.Y.—who see no need to work when they can eat without working. Lazy people are not fools.

So before you start berating the man who threw away the hoe, ask yourself a question. Who is the more intelligent? The man, like yourself, who works hard, pays taxes, and lets the politicians pass around the bounty? Or the man with emptiness in his face who sits back and enjoys the bounty in his rocking chair?

EZRA TAFT BENSON WARNS AGAINST DANGEROUS TREND TOWARD SOCIALISM IN AMERICA AND THE THREAT OF COMMUNISM

Mr. BENNETT. Mr. President, on August 26, 1961, former Secretary of Agriculture Ezra Taft Benson gave a stirring warning against the dangerous trend toward socialism in America. He spoke to graduates of Brigham Young University in Provo, Utah, at summer commencement exercises of that great institution of learning.

Among the highlights of this inspiring speech is the following ringing declaration against making concessions to socialism in America:

Others will say there is no danger in socialism—in policies that would weaken and destroy our private enterprise system. Socialism, they say, has no relationship to communism.

It is my conviction that the paramount issue today is liberty against creeping socialism. Collectivized socialism is part of the Communist strategy. Communist dupes and leftwingers use every strategem to make socialism sound appealing and seem inevitable. Their aims for the United States include greatly expanded wasteful spending, higher and higher taxes, increasingly unbalanced budgets, wild inflation followed by Government controls over our economy and lives, greater centralization of power in Washington and so on ad infinitum.

We will never win our fight against communism by making concessions to socialism.

Former Secretary Benson warns that small doses of socialism can lead to communism:

And Khrushchev is completely correct in predicting that if we accept small doses of socialism, we will wake up under communism.

Church leaders have also been correct in warning against the currently popular attack on American free enterprise, since these attacks are creating a dangerous leak in the dike that could destroy the dam behind which the waters of life and liberty are stored.

QUOTES PRESIDENT DAVID O. M'KAY ON VALUE OF FREE ENTERPRISE SYSTEM

He then quotes President David O. McKay, president of the Church of Jesus Christ of Latter-day Saints, on the great values of the free enterprise system:

Communism is antagonistic to the American way of life. Its avowed purpose is to destroy belief in God and free enterprise. In education for citizenship, therefore, why should we not see to it that every child in America is taught the superiority of our Constitution and the sacredness of the freedom of the individual; teach that free enterprise is the right to open a gas station or a grocery store, or to buy a farm if you want to be your own boss, or to change your job if you do not like the man for whom you work? Under communism you work where you are told, and you live and die bossed by hardfisted bureaucrats who tell you every move you dare make. Free enterprise has nothing to do with politics nor wealth nor class. It is a way of living in which you as an individual are important. Free enterprise has nothing to do with how much money you have or don't have, nor what your job is or is not. Free enterprise means the right to be yourself instead of some nameless number in a horde bossed by a few despots. Free enterprise is the sum of many little things—but how miserable you'd be if someone stole it from you (from an address at Logan, Utah, Mar. 8, 1954).

Former Secretary Benson then continues:

I say to you our honored graduates of 1961, and people everywhere; no true American, no true Latter-day Saint can be a Socialist or a Communist. These dangerous and evil philosophies are incompatible with our God-given freedom and the true Gospel of Jesus Christ.

WARNS GRADUATES AGAINST FALSE LIBERALISM

He then warns the graduates against "so-called liberalism" which strikes at all we hold dear in America:

Class of 1961, be ever on your guard that you do not, unwittingly, in the name of tolerance, broadmindedness, public welfare, and so-called liberalism, encourage foreign "isms," unsound theories and programs which strike at the very root of all we hold dear in America, including our faith in God. Proposals will be offered and programs will be sponsored that have wide appeal. Attractive labels are usually attached to the most dangerous programs, often in the name of public welfare and personal security.

The speech by former Secretary Benson deserves the attention of all Members of Congress, and I ask unanimous

consent that his entire address be included in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PARAMOUNT ISSUE TODAY—LIBERTY AGAINST CREEPING SOCIALISM

(Address by Elder Ezra Taft Benson of the Council of the Twelve to graduates of Brigham Young University in George Albert Smith Fieldhouse at summer commencement Saturday, August 26, 1961)

It is most satisfying to be with you tonight. Your invitation confers upon me a signal honor, a very great pleasure and a challenging responsibility. My heart swells with gratitude as I recall the cherished, happy, and profitable days I spent on this campus as a young man. I am grateful for the inspiration which brought BYU forth and for the eternal concept and spirit which have guided its course. I am grateful that five of our six children have attended this institution. The sixth is looking anxiously to a similar experience. Later, I expect that the grandchildren will follow the example of their parents. The first eight of these grandchildren are already being indoctrinated by their parents, all alumni of this institution.

May the inspiration of Heaven touch our hearts tonight as we consider together some enduring values—basic principles—directed especially to those whom we honor—the class of 1961.

I should like to set down as concisely as I can some of the positive principles and values which have come to us out of the past. Some of these may be considered economic or social, other spiritual. The Lord has said, however, that all things unto Him are spiritual. Truth is eternal and therefore of a spiritual nature. A reorientation of life around spiritual verities is our great need.

The challenge before us in this critical time of the world's history is probably without an equal. For the past 8 years I have had this prayerful statement on my desk:

"O God, give us men with a mandate higher than the ballot box."

We need now, as never before, courageous leadership, the kind of which J. W. Hamilton speaks. Says he:

"How much now we need a leadership that will tell the truth and talk straight, not about what is expedient or even what is advantageous to American interests, but about what is everlastingly right, and call our people to a crusade for it, and pledge America to the defense of it, so that all nations will be convinced that we mean it. We need men who will ignore the consequences, tell the truth, and take a long chance with God."

Such leadership must come from men and women. It is a product of individuals. But only those can make the contribution who possess unquestioned integrity and exemplify the noblest attributes of man.

Man is the crowning achievement of creation. All wholesome things, both seen and unseen, are provided for his development and blessing. These afford him opportunities for experience and growth. It seems fitting, therefore, that we should talk about you, the leaders of tomorrow, and some of those basic qualities and convictions which can be developed to assure such leadership.

PEOPLE IMPORTANT

We must come to the realization that it is people—not things—that are all-important. God is interested in building men of character, not monuments to their material accumulations. Material things may contribute much to our comfort, our opportunities, our safety. Qualities which make for sterling character and true leadership, however, can be and have been developed in all ages regardless of the physical things with which men have been surrounded.

Our whole purpose should be to build men and women of character. And we should ever remember that character is the one thing we make in this world and take with us into the next.

Let us, therefore, examine carefully some of the basic principles and standards—the eternal verities of life—which build self-reliant, honorable, courageous people and their byproducts—strong families, healthy communities, and glorious nations.

You enter a changing world. Of course, it has always been changing. One example will serve to indicate the tremendous change of the last five decades—this relating to agriculture particularly: It seems almost miraculous that 50 or 60 years ago there were no automobiles, tractors, trucks, combines, field balers, side-delivery rakes, corn pickers, milking machines or rural electricity. There were no paved highways. (Now, we have enough in the United States alone to circle the globe 56 times.)

Fifty years ago there were no busses, central schools, radios, air transport, extension services, rural credit agencies or oil heat. Duing this period agricultural production per worker has increased 100 percent. In fact, it has been calculated that every worker in the United States today has the equivalent of 99 mechanical slaves serving him.

But while change is, and will continue to be, all about us in the physical world, we must ever know that there are certain Heaven-sent verities, principles, and values which are eternal. These never change. It is well to remember with Robert Frost that "most of the change we think we see in life is due to truths being in and out of favor."

In our day, there is much emphasis upon building social and material security. Some believe these can be achieved by legislation; others propose materialistic schemes which invariably weaken or destroy initiative, self-reliance, independence, and moral fiber. Relatively few, it seems, turn their attention to those standards and principles which strengthen moral fiber and which develop spiritual and personal security from within. Yet the history of mankind testifies abundantly that lasting security comes only to people who are spiritually and morally strong. Social and economic security can arise only from such a foundation.

SOUND PRINCIPLES

"From a purely psychological viewpoint," says Dr. Henry C. Link, "nothing does so much to put order in a man's life as do sound principles. They are worth more to him than a library full of books, or a den decorated with diplomas, or a lifetime of roundtable discussions. They are standards which clarify and simplify his thinking. They are points of reference which help him to avoid complexity and confusion. They rescue him from the necessity of prolonged and useless debate. They give him a base for decision and action."

"Ye shall know the truth and the truth shall make you free." In these words the Master pointed out that the fundamental characteristic of truth is freedom. The weapon which Godless Communists fear most today is truth.

Do you, the graduates of 1961, have a solid set of principles as a base for correct decisions and sound action?

You have a rich heritage. You live in a choice part of the world. Prophecy is abundant that God deliberately kept the American continent hidden until after the Holy Roman Empire had been broken up and the various nations had established themselves as independent kingdoms. Keeping America hidden until this time was no accident.

I say to you that the American heritage of freedom is a plan of God. It was indeed no accident.

One of the first considerations given after my appointment to serve as Secretary of Agriculture was to formulate with my close associates and other interested parties a basic statement on agricultural policy. Among the fundamental concepts stated were the following:

"Freedom is a God-given eternal principle vouchsafed to us under the Constitution. It must be guarded continually as something more precious than life itself.

"Our guiding purpose will be to strengthen the individual integrity, freedom, and the very moral fiber of each citizen.

"The supreme test of any government policy, agricultural or other, should be: 'How will this affect the character, morale, and well-being of our people?'"

These concepts have a broader application than the field of agriculture. Just what do they mean to us? How do we stand with reference to our belief in those freedoms safeguarded for us under the Constitution of the United States? What is our attitude toward our Government—toward the free enterprise system and our American way of life?

TO BE SERVANTS

In the providence of God, governments were intended to be the servants, not the masters of the people. This eternal truth needs to be emphasized and reemphasized.

Thomas Jefferson, while President of the United States, expressed what I hope is the conviction of all of us. Mark carefully his wise declaration:

"I have sworn upon the altar of God eternal hostility against any form of tyranny over the mind of man. To preserve our independence, we must not let our rulers load us with perpetual debt. We must take our choice between economy and liberty, or profusion and servitude. If we run into such debts, we must be taxed in our meat and drink, in our necessities and in our comforts, in our labors and in our amusements.

"If we can prevent the Government from wasting the labors of the people under pretense of caring for them, they will be happy."

I subscribe to those words—I hope you do too, and will use your energies to get others to accept these basic truths.

Government leaders today, local, State, and Federal, would do well to follow the wise teaching and example of Thomas Jefferson.

"The government is best which governs least." So taught the courageous founders of this Nation. This simple declaration is diametrically opposed to the all-too-common philosophy that the government should protect one from the cradle to the grave. The policy of the Founding Fathers has made our people and our Nation strong. The opposite philosophy leads to moral and spiritual decay. And we must never forget that our greatest weapon is spiritual strength.

With the desire for materialistic security—government imposed or otherwise—usually comes a passive, careless attitude toward the fundamental principles basic to our form of government and way of life. People with this philosophy are easily lulled away into a false sense of security as they cry, "all is well." Every young person requires the spur of economic insecurity to force him to do his best. We must have the courage to stand against undue governmental paternalism and the cowardly cry that "the world owes me a living." Nobody owes us anything for goods we do not produce, or work we do not do.

ACID TEST

How will it affect the morale and character of the people? That is the acid test which should be applied to every proposal

and program. Can any man be politically free who depends upon the state for sustenance? A planned and subsidized economy weakens initiative, discourages industry, destroys character, and demoralizes the people. Emphasis upon materialism always breeds more fears than it cures.

I commend to you that old-fashioned philosophy of the founder of BYU that it is impossible to help people permanently by doing for them what they could and should do for themselves. This is a philosophy that believes in the supreme worth of the individual as a free man, as a child of God; that believes in the dignity of labor; that holds fast to the conviction that you cannot build character by taking away man's initiative and independence. It recognizes clearly that we are living part of eternity and that character is of a certainty one thing we make in this world which we take with us into the next.

But along with personal freedom and inner security, we need, more today than ever before, devotion to our God-given ideals of free government. I trust you are leaving this institution with faith in the Constitution of the United States. I hope you feel about it as does our former Chief Executive who said:

"You can't explain free government in any other terms than religious. The Founding Fathers had to refer to the Creator in order to make their revolutionary experiment make sense; it was because 'all men are endowed by their Creator with certain unalienable Rights' that man could dare to be free. They wrote their religious faith into our founding documents, stamped their trust in God on the faces of their coins and currency, and put it boldly at the base of our institutions. And when they drew up their bold Bill of Rights, where did they put freedom of worship? First, in the cornerstone position. That was no accident."

Today two diametrically opposed views, ideologies and philosophies are struggling for the allegiance of man. Eternal principles are involved.

Yes, involved are both our love of freedom and our Christian loyalty.

FREE SPEECH

Could you have seen, as I have, the tragedy which follows the loss of free speech, freedom of the press, assembly, and freedom of worship, you would not wonder why I say that their loss is shocking. Having visited concentration camps and having stood upon the indescribable ruins of the famous Jewish ghetto of Warsaw, under which some 200,000 bodies had been left to decay, my abhorrence of foreign freedom-destroying "isms" is deeply imbedded. It is a terrible thing to be robbed of your freedom of choice—to be denied the right to own property and access to free markets.

May I assure you that communism is not merely an economic program. It is a total philosophy of life, atheistic and utterly opposed to all we hold dear as a great Christian Nation. While we might effectively bridle or destroy every so-called Communist within our own borders, we shall not vanquish this political virus, and its common forerunner, state socialism, so long as people are determined to achieve security through state-imposed materialistic schemes rather than through righteous living and wholesome activity as free men.

The road we're traveling in much of the free world today is, according to the most widely quoted farm editorial writer, "the road to socialism, insolvency and surrender." Continuing, Tom Anderson states: "We are chasing an illusion of equality under socialism instead of the reality of freedom under States rights and local self-government. Many have been deluded into a fuzzy morality which holds that equality and equal rights are the same thing. Forced equality contradicts the dream to excel; smothers individuality; restricts rights; removes freedoms; legislates mediocrity; waters down courage, thrift, self-reliance and initiative; and nurtures tyranny. An all-powerful Federal Government is a mass denial of freedom.

"This land of the free was conceived by our Founding Fathers to preserve the inequalities of its people by a minimum restriction of their liberties. But this land where anybody could be an eagle is being forced to become a land where everybody must become an oyster."

BE ON GUARD

These are strong and challenging words. Class of 1961, be ever on your guard that you do not, unwittingly, in the name of tolerance, broadmindedness, public welfare, and so-called liberalism, encourage foreign "isms," unsound theories and programs which strike at the very root of all we hold dear in America, including our faith in God. Proposals will be offered and programs will be sponsored that have wide appeal. Attractive labels are usually attached to the most dangerous programs, often in the name of public welfare and personal security.

Here is a recent case: Regardless of the legal question, the action of the city of Newburgh, N.Y., struck a responsive cord in the hearts of many patriotic Americans. Simply put, it was decided by the city council that idleness and sin were not to be subsidized.

On August 15, an Associated Press release states "The first welfare recipient to take a job with the city under Newburgh's controversial new welfare program didn't last long on it. But city officials say they got a desired result.

"Peter Petrillo, welfare commissioner, said the man, who twice had declined city-arranged jobs with private firms, was put to work yesterday doing odd jobs around city hall.

"The man worked until noon, then failed to show up after lunch. Mr. Petrillo said the man's wife phoned the welfare office to say he had got a job on his own as a painter, and wanted to be taken off relief rolls."

What is our responsibility as citizens of this free land, choice above all others?

God placed a mandate upon the people of His Church to befriend and defend the constitutional laws of the land and see that the rights and privileges of all mankind are protected. He verified the declaration of the Founding Fathers, that God created all men free. He also warned against those who would enact laws encroaching upon the sacred rights and privileges of freemen. He urged the election of honest and wise leaders and said that evil men and laws were of an evil source (D. & C. 98: 4–10).

Concerning the United States, the Lord revealed to His prophets, however, that its greatest threat would be a vast, worldwide "secret combination" which would not only threaten the United States but seek to "overthrow the freedom of all lands, nations, and countries" (Ether 8: 25).

WHERE DO WE STAND?

Where do we stand today? All over the world the light of freedom is being diminished. Across whole continents of the earth freedom is being totally obliterated. Authorities point out that since the close of World War II, freemen have been lost at the rate of 6,000 per hour, which is 144,000 per day, or 52 million per year for each of the past 15 years. They point out that we are presently being pushed back in the Far East, in southeast Asia, in India, in Africa, in Europe and in the Americas. Sixteen nations in Europe and Asia now are for or alined with U.S.S.R. These nations, with Russia, include almost one-third of the population and one-fourth of the land surface of the world.

Never in recorded history has any movement spread its power so far and so fast as has socialism-communism in the last two decades. The facts are not pleasant to review. Communist leaders are jubilant with their success. They are driving freedom back on almost every front.

Yet in spite of this shocking achievement of godless communism our citizens here in the United States seem lulled away into a false security.

Today the eyes of the world—especially the free world—are focused on Berlin. "Communist tanks," according to Dickson Preston, an on-the-ground Scripps-Howard reporter, "have sealed off the Berlin border, making prisoners of 17 million, but they cannot obscure the fact that West Germany, under private enterprise, is giving its people today all the things Chairman Khrushchev can only promise vaguely for the future."

Writing from Bonn, West Germany, Preston states:

"Karl Marx, as a boy of 17, began his student career in this quiet university town. Today the Republic which has its capital here is in process of proving that the biggest idea Marx ever had was false.

"This is the story behind the postwar German miracle which has rebuilt a shattered country into a dynamic, booming success.

"For the West Germans, almost alone among new nations growing out of the cataclysm of World War II, placed their bet on free enterprise, and they're demonstrating that, given a chance, it really works.

"Marx thought he'd found capitalism's fatal flaw 100 years ago. Communists ever since have been parroting his doctrine that the capitalist system exploits the worker and that the proletariat—meaning, in modern Red semantics, the state—must control the means of production.

CONTEST NOT CLOSE

"The Bonn government of Konrad Adenauer believes capitalism can serve mankind better than any other system—provided the forces which compose it are in proper balance.

"And in 12 years, capitalist West Germany has so far outproduced Communist East Germany that the contest between them isn't even close."

The miracle of West Germany has been achieved because German leaders put their faith in freedom and competitive enterprise and turned down the socialistic, government-controlled and government-directed programs proposed by certain U.S. economists at the end of World War II—economists still actively helping to formulate U.S. economic policy.

The results speak for themselves. The contrast between the East and West—free enterprise and Communist-socialism—is more than Mr. Khrushchev can take. He is determined to board up the glaring Berlin show window of free competitive enterprise operated by freemen.

Socialistic-communistic policies and programs are today a dangerous threat to the freedom and peace of all the world. Are we alert to this danger?

During the general conference of the church in October 1959, President David O. McKay expressed a desire that every member of the church should study outstanding books on communism and become informed. He quoted a statement saying: "The conflict between communism and freedom is the problem of our time. It overshadows all other problems. This conflict mirrors our age, its toils, its tensions, its troubles, and its tasks. On the outcome of this conflict depends the future of mankind" (Church News, Oct. 17, 1959, p. 3).

This worldwide secret conspiracy which has risen up in our day in fulfillment of prophecy is easily identified.

President McKay has left no room for doubt as to what attitude Latter-day Saints should take toward the modern secret combination of conspiratorial communism. In a lengthy statement on communism, he said:

QUOTES PRESIDENT M'KAY

"I have been informed that some of these spurious political growths are sprouting here in our own midst, that members of these groups have even received instructions regarding what to do in case this country should become involved in war. * * * Latter-day Saints should have nothing to do with the secret combinations and groups antagonistic to the constitutional law of the land, which the Lord 'suffered to be established,' and which 'should be maintained for the rights and protection of all flesh according to just and holy principles'" (Gospel Ideals, by David O. McKay, p. 306).

Let us not be lulled away into a false security. Let us not become misguided dupes of which there are many throughout the free world. It is estimated that in the United States for every actual Communist who is maneuvering and pulling the strings behind the scenes, there are 100 to 1,000 completely misguided Americans who are not Communists, but who are being used to help the Communist cause. Some will support coexistence with communism as something we will have to learn to live with, thus writing off as lost to freedom some 700 million non-Russian, non-Communist freedom-loving people living daily lives of virtual slavery behind the Iron Curtain. "The only way to coexist peacefully with the Communists is to surrender." Coexistence must mean freedom, not slavery.

Others will say there is no danger in socialism—in policies that would weaken and destroy our private enterprise system. Socialism, they say, has no relationship to communism.

It is my conviction that the paramount issue today is liberty against creeping socialism. Collectivized socialism is part of the Communist strategy. Communist dupes and leftwingers use every strategem to make socialism sound appealing and seem inevitable. Their aims for the United States include greatly expanded wasteful spending, higher and higher taxes, increasingly unbalanced budgets, wild inflation followed by Government controls over our economy and lives, greater centralization of power in Washington and so on ad infinitum.

We will never win our fight against communism by making concessions to socialism.

WEAKENS AMERICA

The Communist conspiracy to weaken the United States involves attacks on many fronts. To weaken the American free-enterprise economy which outproduced both its enemies and Allies during World War II, is a high priority target of the Communist leaders. Their press and other propaganda media are therefore constantly selling the principles of centralized or Federal control of farms, railroads, electric power, schools, steel, maritime shipping, and many other aspects of the economy.

This carries out the strategy laid down by Nikita Khrushchev 3 weeks before he visited the United States when he is quoted as making this sobering statement:

"We cannot expect the Americans to jump from capitalism to communism, but we can assist their elected leaders in giving Americans small doses of socialism, until they suddenly awake to find they have communism."

Again, I emphasize: The paramount issue today is liberty against creeping socialism.

For years church leaders have warned against this development. Many Americans have tried to distinguish between socialism and communism. They have failed to realize that what Russia operates under today is total socialism or communism—that is why Russia is called the Union of Soviet Socialist Republics. And Khrushchev is completely correct in predicting that if we accept small doses of socialism, we will wake up under communism.

Church leaders have also been correct in warning against the currently popular attack on American free enterprise, since these attacks are creating a dangerous leak in the dike that could destroy the dam behind which the waters of life and liberty are stored.

It is in this spirit that President McKay stated:

"Communism is antagonistic to the American way of life. Its avowed purpose is to destroy belief in God and free enterprise. In education for citizenship, therefore, why should we not see to it that every child in America is taught the superiority of our Constitution and the sacredness of the freedom of the individual. Teach that free enterprise is the right to open a gas station or a grocery store, or to buy a farm if you want to be your own boss, or to change your job if you do not like the man for whom you work. Under communism, you work where you are told, and you live and die bossed by hardfisted bureaucrats who tell you every move you dare make. Free enterprise has nothing to do with politics nor wealth nor class. It is a way of living in which you as an individual are important. Free enterprise has nothing to do with how much money you have or don't have, nor what your job is or is not. Free enterprise means the right to be yourself instead of some nameless number in a horde bossed by a few despots. Free enterprise is the sum of many little things—but how miserable you'd be if someone stole it from you." (From an address at Logan, Utah, March 8, 1954.)

I say to you, our honored graduates of 1961, and people everywhere: no true American, no true Latter-day Saint can be a Socialist or a Communist. These dangerous and evil philosophies are incompatible with our God-given freedom and the true Gospel of Jesus Christ.

BE ALERT

May I plead with you to be ever alert to these very real dangers. Take an active interest in public policies and programs. Use your influence to help safeguard our liberty. Use your talents to help protect, safeguard and strengthen our free private enterprise system. This is the best system in operation in the world today. Anchor yourself to sound, tried eternal principles—economic, social and spiritual.

Graduates of 1961, be mindful that there are many phenomena in God's universe which cannot, to our present human understanding, be fully explained. There will always be those little minds who, out of vanity for intellectual display, would attempt to destroy faith in the basic principles of free government and the very foundations of life itself. Be assured, however, that no man, worthy of the name, who understands the basic concepts of freedom or who has been humbled and awed before the inexplainable wonders of this marvelous universe, will ever scoff at eternal principles—sacred things—or try to rob you of your faith in the unseen.

Our inability to explain a thing in terms of our materialism does not disprove its realtiy. By yielding obedience to your faith in God and the laws of the universe, economic, physical, and spiritual, there will come a soul-satisfying security which is priceless. You will need this anchor as you face a doubting world.

"There can be no security"—again I quote Dr. Link—"unless there are fixed foundations on which to build. There can be no maturity of character unless there are permanent principles and ideals to which a man can hold. The sailor at sea is subject to the changes of winds, currents, and weather; but the North Star, the compass and the lighthouse remain fixed. With these aids he can bring his ship to port."

May you ever be alert to safeguard, protect and strengthen our freedom, without which all other blessings are placed in jeopardy, and may you bequeath to succeeding generations an even richer heritage than that which you have been privileged to receive and enjoy.

May God bless you graduates and all of us to cherish our God-given freedom—to anchor our lives to eternal principles—and to go forward with faith in God, unafraid, to happy and rewarding lives of usefulness, meriting the blessings of Heaven, I humbly pray.

OPPOSITION TO MUZZLING OUR MILITARY LEADERS IN THEIR ANTI-COMMUNIST STATEMENTS AND SEMINARS

Mr. MUNDT. Mr. President, in a speech before the American Legion convention in Denver, Colo., on Wednesday, September 13, former Vice President Nixon made a strong and unequivocal statement against muzzling our military leaders in their anti-Communist statements and seminars. In effect he said that he wanted to make it plain to the convention that he was against muzzling our military leaders in any fashion, and that he felt that they were best equipped to educate their personnel and the public on the menace of communism. When Mr. Nixon made these remarks in his speech, the convention of Legionnaires responded with a tremendous ovation. On the following day, September 14, the convention approved Resolution 99 in support of military information and education programs on the menace of world communism.

Since it appears that the Senate Armed Services Committee is about to conduct an investigation—and I hope it does—in regard to the wisdom and the desirability of having such seminars and courses conducted, I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, the American Legion convention's Resolution 99 in support of military information and education programs on the menace of world communism; and in this connection I emphasize that the resolution adopted by the American Legion convention at Denver urges "the officers of the U.S. Armed Forces to continue to perform their duty to defend the Constitution of the United States, that they better inform themselves regarding the fundamental principles of our form of government exemplified by our Declaration of Independence and Constitution, that they transmit and impart this knowledge to the Armed Forces under their command and to the general public, that the officers of our Armed Forces familiarize themselves with the aims and purposes of the known enemy, that they earnestly and patriotically strive at all times to impart this knowledge to the men under their command and to the general public, to the end that the morale and fighting spirit of

our Armed Forces be kept at all times at the highest possible level. We further urge that the challenge of certain Government officials in high places to the established rights and duties of the officers of our Armed Forces be removed and that they be left unshackled and unhampered in the discharge of their duties to the above end."

Mr. President, that is precisely what the distinguished Senator from South Carolina [Mr. THURMOND] and a number of the rest of us have been advocating here on the floor of the Senate for a number of weeks; and, therefore, I have called attention to this important resolution adopted at the American Legion convention at Denver, Colo.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 99

Whereas the morale and fighting spirit of our Armed Forces is directly related to their knowledge and their belief in the fundamental principles upon which the Government of their homeland is founded and to their knowledge and understanding of the aims and purposes of the enemy; and

Whereas the Director of the Federal Bureau of Investigation and author of "Masters of Deceit," a most knowledgeable work on communism, has stated and warned, "We cannot hope to successfully meet the Communist menace unless there is a wide knowledge and understanding of its aims and designs"; and

Whereas, Lenin, the real architect of communism, proclaimed, "It is inconceivable that communism and democracy can exist side by side in this world." Lenin said inevitably we must perish; and

Whereas this doctrine has been iterated and reiterated many times by his successors, and their actions have consistently been in conformity therewith; and

Whereas the military officers of the U.S. Armed Forces are charged under oath with the duty to defend our country from all enemies foreign and domestic and that to accomplish fealty to this oath, the military leaders must know the enemy—his aims and purposes in order to instruct the men under their command, fortify their morale, and so defend our homeland against the enemy; and

Whereas this right and duty of the military officers of the U.S. Armed Forces has recently been challenged publicly by certain officials in high places in Government: Now, therefore, be it

Resolved, That the American Legion in convention assembled in Denver, Colo., September 9 through 14, 1961, urge the officers of the U.S. Armed Forces to continue to perform their duty to defend the Constitution of the United States, that they better inform themselves regarding the fundamental principles of our form of government exemplified by our Declaration of Independence and Constitution, that they transmit and impart this knowledge to the Armed Forces under their command and to the general public, that the officers of our Armed Forces familiarize themselves with the aims and purposes of the known enemy, that they earnestly and patriotically strive at all times to impart this knowledge to the men under their command and to the general public to the end that the morale and fighting spirit of our Armed Forces be kept at all times at the highest possible level. We further urge that the challenge of certain Government officials in high places to the established rights and duties of the officers of our Armed Forces be removed and that they be left unshackled and unhampered in the discharge of their duties to the above end.

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATIONS, 1962

The Senate resumed the consideration of the bill (H.R. 9033) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1962, and for other purposes.

Mr. JAVITS. Mr. President, I wish to call attention to two aspects of the pending appropriation bill and to raise a question about it. I hope very much that the members of the Committee on Appropriations will remain so that I may raise a question with them appropriately.

I first call attention to the fact that the Appropriations Committee has very wisely put back in the bill $3 million of the $5 million authorized for Federal participation in surveys of investment opportunities. That is the amount for which I strongly contended when the matter was before us for authorization. It represents an extremely valuable investment by the United States. It can serve as a catalytic agent to energize our international development program, and ties in directly with the amendment which was adopted in both Houses, making private borrowers eligible for participation in the Development Loan Funds, and bears upon the fact that often business will not think it advisable to spend this amount of money—Government participation is limited to 50 percent—to participate in a survey which may represent a risk expenditure, because there might be no result from the survey as representing anything in which a particular business would care to invest.

Nonetheless it is critically important to our foreign aid program that this kind of investment be stimulated, especially in less developed areas, where this situation is most likely to occur.

Hence, if we adopt this $3 million provision—and it has had no challenge, and the bill has gone to third reading—and if we stick by it in conference, we bring ourselves more and more with this amendment and the amendment to which I referred a moment ago in a position of having private enterprise take its full share in the foreign aid program of the United States.

Mr. President, this has been one of the big deficiencies of our program, in trying to meet the Russian challenge with roughly 20 to 25 percent of our economy, instead of 75 to 85 percent, which represents the private enterprise sector.

Here are two amendments, incorporated in the authorization now in the bill we are debating, which are extremely conducive to buttoning up the situation and bringing about a real participation by the private economy in our foreign aid endeavors. It is very important, indeed, and I am delighted to see that the committee has done what it has done.

I also call attention to the provisions of section 108 of the bill, which reiterate the language adopted 2 years ago in the so-called Morse-Javitz amendment, with respect to discrimination being practiced by other nations against American citizens in the granting of personal or commercial access and other rights on grounds of race or religion.

We all know what has occurred. We know that the Arab League still maintains a boycott list and that periodically American business concerns receive letters from the Arab League threatening them with blacklisting, which is inherent in the boycott, and asking them to fill out questionnaires as to whether there are any Americans of the Jewish faith in their enterprises. We also know that Americans of the Jewish faith, although they are soldiers of our country, have been barred from places like Dhahran Air Base, in violation of this basic principle of American life.

Therefore, it is with great gratification that I note that again the Appropriations Committee has taken cognizance in so deliberate a way in this bill and has written this section into the bill directing the policy of the United States against it and asking the President to apply it.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. JAVITS. I am glad to yield to the Senator from Pennsylvania.

Mr. SCOTT. Although the Senator and I and a number of other Senators have from time to time called the attention of this administration in its relevant departments to this discrimination and have mentioned the fact that American soldiers of the Jewish faith are grossly discriminated against, even as to their intended use as soldiers of the United States on American-leased bases in Arab countries, I have not heard that the administration has done a single thing about this outrageous situation. I would expect that the Department of State would write a little note or do something to get on record that they deplore or abhor or condemn or express dismay or shock or disappointment or misunderstanding, or use any of the other words which are so readily available to the State Department letter writers, and none of which have any real meaning, since they are not further implemented.

But, so far as I know—and perhaps the Senator from New York can advise me—this administration has really done nothing, has certainly done nothing, which in any way would be effective to bring an end to the discrimination. Is that not so?

Mr. JAVITS. I am unaware of what action, if any, has been taken in this administration to that end. I call the Senator's attention to the fact that one or more letters from the State Department have been placed in the RECORD, in which the previous administration, the Eisenhower administration, stated—I am drawing on my recollection; I believe it is quite accurate—that representations had been made in the countries affected, through diplomatic channels, calling attention to the situation and seeking correction. This diplomatic activity will continue.

Mr. SCOTT. I recall action when those representations were made; but my point is that since that happened, so far as I am aware, no progress has been

made, and nothing has really been done by the State Department or by the administration. Is that not correct?

Mr. JAVITS. Again, so far as I know, I have no report on what, if anything, has been done. The enactment of the bill with this provision will give the Senator from Pennsylvania, me, and other Senators who are similarly interested an opportunity, again, to call for an appropriate report from the State Department as to what is being done to implement this new, repeated, and deliberate establishment of policy by Congress. I hope in that way that we may get an accounting, first, as to what, if anything, has been done since we last had a report from the State Department, and second, as to what will be done.

Mr. SCOTT. I support the Senator's effort.

Mr. JAVITS. I am grateful to the Senator from Pennsylvania. I know he has supported us. He has been one of the most stalwart of those who have engaged in this effort throughout. It is gratifying to him, as I know it is to me, that this provision is in the bill. It gives us a new opportunity to do what he impliedly recommends, which is to go back to the authorities, especially the State Department, to learn what has been done to implement the finding of Congress. I thank the Senator from Pennsylvania for his interpolation.

Mr. President, when the Senate reaches the stage of voting on the passage of the bill, which it will quite soon, and the motion is made to appoint conferees, I shall submit an instruction to the conferees—I understand that to be the appropriate time to do it—the instruction to read as follows:

> The conferees are instructed to seek the instructions of the Senate before receding from the amount provided in the bill for the Development Loan and the Contingency Fund.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. Upon the making of such a motion to instruct the conferees, will the motion be debatable?

The PRESIDING OFFICER. A motion to instruct conferees is debatable.

Mr. JAVITS. In that case, I shall at that time explain my purposes. I may say immediately that my purposes are in no way involved with any question as to the conferees themselves and their determination, which I know will be as great as that of any other Member of the Senate—that is, those of the conferees who support the proposed legislation. However, I shall recite for the Senate the record of how we have fared in previous conferences.

I feel that when the conferees go into conference in this instance, considering what I think we and the country know they are faced with, they had better feel that they have the whole body of the Senate back of them and that they simply cannot make a deal until they come back and get our instructions to allow them to make it.

This is one situation in which I think the Senate had better show some backbone if it expects what we are doing here in the effort to correct the very serious situation in terms of national security and national position in the world, to be truly corrected as a result of the conference.

I yield the floor.

Mr. SCOTT. Mr. President, the amendment to include section 111, of which I am a cosponsor, states:

> It is the sense of Congress that in the administration of these funds great attention and consideration should be given to those nations which share the view of the United States on the world crisis.

I expect that the administration will do what the press strongly indicates is about to be done; namely, to recognize that there exists in the world a difference between the committed nations and the uncommitted nations. There is some virtue in being committed. There is considerable virtue in standing for something. There is great virtue in standing for freedom.

Some of the neutrals, as they evidenced at their recent Belgrade Conference, indicated merely that while they are not entirely for freedom, at the same time they are not entirely against freedom.

I am a little tired, as I think all of us are, of U.S. tax revenues being given to people who cannot make up their minds whether they want freedom in the world for themselves and for others, or not. I am glad there are indications that appropriations for some countries which have become notably more and more hostile to us will likely be pigeonholed for an indefinite period.

Mr. DWORSHAK. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. DWORSHAK. The Senator from Pennsylvania is a little impatient. We have been doling out our dollars for only about 12 or 14 years. We have not had sufficient time in which to influence the neutralist nations to take a position in support of the free countries of the world.

Mr. SCOTT. I thank the Senator from Idaho. I realize he is a very patient man. However, I have the feeling that while patience may have its place on a monument, it may not have its place any longer in the minds of the American people or of the Federal Legislature.

I support the bill. I have always supported foreign aid. However, it is becoming more and more difficult to support foreign aid because of the flagrant and arrogant attitude of those who take our money and then serve the other side. I am tired of paying for people to be Communist stooges with the aid of American cash. I hope that hereafter aid will be given to advance the cause of freedom and to advance the cause of free nations to advance the policies of the United States, and not merely to be spent hopefully, and perhaps wastefully, on a bunch of Communist stooges, pro-Communist fronts, or invertebrate leaders of nations who indulge in pious blackmail for the purpose of forcing us to give up our hard earned dollars so that they may spend them not only to our disadvantage but also toward the end that we shall be defeated in our attempt to preserve freedom for all men to whom freedom is now or may become possible.

Therefore, I support the bill. I hope the President will continue, as he has demonstrated he intends to do, to move with discrimination in the distribution of funds, so that the money will go where it will be helpful and will not be spent on those who surely do not deserve our solicitude and our cash.

Mr. President, I ask unanimous consent to have printed in the RECORD an editor's report entitled "Neutrals' Stand Perils Peace," written by William Randolph Hearst, Jr.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NEUTRAL'S STAND PERILS PEACE

(By William Randolph Hearst, Jr., editor in chief, the Hearst newspapers)

What with the cold war world series getting hotter by the day, isn't it about time we took a closer look behind the masks of some of the self-appointed umps who call themselves "neutral?"

No question about it, these would-be arbiters have been making some strange calls—most of them impartial-against-the-United States.

Any time "Lefty" Khrushchev curves a low one 'way outside, they call it a strike. And no matter how fair our side hits it, these "neutrals" call it foul.

That's pretty rankling to Americans when we recall that most of these "neutrals" have been or are being rescued from economic misery by Uncle Sam—and with no strings attached.

I think a good rule for future foreign aid would be that neutral is as neutral does. A really neutral nation is the Swiss variety—it sticks to the meaning of the label and minds its own business.

There has long been sentiment in Congress for restraining our compulsive largesse toward foreign regimes which show their gratitude by habitually kicking Uncle Sam in the pants. Rumblings from the White House indicate parallel thinking there.

Naturally it would be better for the world if all nations were to recognize that the Communist empire respects no neutrality and violates it whenever that course is useful to Moscow and/or Peiping. However, it is not altogether practical to fault weak and fearful nations for trying to stay out of a fight even though their course is shortsighted.

But that certainly does not go for such as Tito of Yugoslavia, Nkrumah of Ghana, Toure of Guinea, or lesser fry who did their Commie best to steer the just-closed Belgrade Conference of "neutral" nations into anti-U.S. positions. It got so bad that India's Nehru and Egypt's Nasser found themselves forced to shy away from the bad company they were in.

I am inclined to go along with those who believe that the Belgrade circus cost Tito a lot of influence among nonalined nations and added some stature to Nehru.

After all, peace is the name of the game for a sincere neutral, and support of the Soviet collision-course on Berlin is bound to work against peace, not for it.

For the record, let's review U.S. aid toward a couple of the most arrantly anti-American "neutrals"—Tito and Nkrumah. Ed Edstrom of Hearst Headline Service's Washington Bureau reports:

Aid to Tito's Yugoslavia since 1950—$2.2 billion of which $693 million has been military aid.

Aid to Nkrumah's Ghana—$6.6 million since 1956, all economic, largely in the form of food.

U.S. aid has boomed Yugoslavia's economy and greatly bolstered Ghana's. Both countries have had their hands out for bounty from the Red side, too, but Soviet aid is harder to pinpoint, being mostly in barter or project building that can bear big "Made in U.S.S.R." tags.

As a force in the world struggle, the "neutral" nations sold themselves short at Belgrade. They had a big chance when the Soviet chose their meeting time as the occasion to resume nuclear testing.

But just deploring nuclear tests without condemning the Soviet action was meaningless.

The same goes for resolutions against colonialism which failed to mention the Soviet as the biggest colonial power of our time.

However well-meaning Nehru was in carrying the "neutral" peace plea to the Kremlin, all he has gotten is the back of Khrushchev's hand. Perhaps President Kennedy can be more polite to Indonesia's Sukarno and Mali's Keita who arrive Tuesday on a similar errand, but at least he can tell them they've come to the wrong address.

It is not the United States that now or ever threatened to break the peace.

In any case, it wouldn't be a bad idea to let them know that anti-U.S. "neutrality" no longer means open sesame to Uncle Sam's purse.

Any consideration of the worth of recipients of American taxpayers' money must give high priority to the nations of Latin America. As I have said before and doubtless will say again, this should be the most important area in the world to us.

With the exception of Cuba, the Pearl of the Caribbean which Khrushchev now wears in his necktie, our neighbor nations have first claim on our help. Mut this does not mean dishing out the $20 billion earmarked for the Alliance for Progress with spendthrift affability.

Here also the administration ought to be guided by realism. If we spend our money on the principle of "See what the boys in the backroom will have," the boys are apt to call for double slugs of the same.

In brief, we have got to find some way of making as sure as we can that our money benefits the people for whom it is intended, and is not used.

1. To bolster corrupt and greedy bureaucracies, or

2. To perpetuate the intolerable division between the very rich and the very poor.

It is almost redundant to point out that either of these consequences would give aid and comfort to communism.

A case in the news at the moment is Brazil. The fourth largest country in the world and one which could be a tremendous ally in the cause of hemispheric freedom is emerging from political chaos brought on by the irresponsible conduct of former President Janio Quadros—and let's hope he remains "former."

Quadros resigned suddenly and inexplicably August 25. A couple of days ago the influential Rio newspaper Tribuna Da Imprensa said he was sure he would be called back to the Presidency with dictatorial powers and further accused him of being involved in a Communist plot.

It is certainly true that as President, Quadros was a political Jekyll-Hyde. He was becoming more and more pro-Moscow and more and more anti-Washington, and yet at the same time in his economic policy he was an austere conservative. He tried hard to pull Brazil from the quicksand of inflation, which plunged the cruzeiro from 20 to the dollar to more than 220 to the dollar. To give you an idea: A 1961 Chevrolet fetches a black market price in Rio of $12,000.

The one thing we can be firmly thankful for so far is that Brazil seems to be coming out of the crisis provoked by Quadros without devastating civil war. The rest is no more than hopeful conjecture.

The new President, Joao Goulart, for example (a very rich man, by the way), has shown disturbing Communist leanings. As Vice President, he was exchanging pleasantries with Mao Tse-tung when Quadros resigned.

It is possible Goulart is more opportunist than Communist. At one time he looked with sympathy on the Fascist Peron regime in Argentina.

Under the amendment to the Constitution just voted, the powers of the President are sharply restricted. Most authority will reside in a Prime Minister.

Two questions still hanging are:

Will President Goulart try to chisel through the restrictions built around his office?

How economically sound and politically forceful will the Prime Minister be?

Until they are answered, there is no sense in rushing to the new capital of Brasilia, saying, "Please take out taxpayers' millions."

We certainly don't want to contribute to bumping the black market price of a Chevy to—perhaps—"20 grand."

Mr. SCHOEPPEL. Mr. President, once again the American people are undertaking a long-range foreign aid program.

Initially, foreign aid was justified in order to restore war-torn economies, but now we are proposing that 181 million Americans should raise the living standards of several billion people scattered over the globe. Mr. President, I have consistently supported measures to assist other countries in developing their own military strength so as to defend their freedom. It is true economy for us to finance these efforts as we will then not be forced to commit our own manpower to this task. It is too often forgotten that our population represents only 6 percent of the world's total. If we can keep as many of our able youth productively employed so that our tax base is broadened, we can accomplish far more in combating communism than if we enlarge our own Armed Forces.

Furthermore, the cost of our Armed Forces is not merely the present budget of the Defense Department. It must also include all the contingent future liabilities, such as veterans' benefits, possible pensions, hospital and medical care, education and training, and a large portion of the interest charges on the public debt which was accumulated during previous mobilization periods. Thus, there is a sound and firm reason to support military assistance and the development of a reasonable economic base to support it in friendly countries. However, we are undertaking a program that is far more extensive.

On July 7, 1959, I made a statement with reference to this same subject. I quoted at length from a remarkable book by the late Prof. William E. Rappard, entitled "The Secret of American Prosperity." Professor Rappard, in turn, referred to comments by a young Frenchman, Michel Chevalier, who had the opportunity to visit our country during the early years of our Republic. Mr. President, once again I shall make one reference to Dr. Rappard's comments. He said:

The United States are not, in Chevalier's opinion, more favored by nature than other parts of the New World. On the contrary, they are less well off than the areas most richly endowed with minerals, for example. But they know how to turn the resources they do have to exceptionally good account, mainly because of the care they have given to the construction and exploitation of roads, canals, steam navigation, and above all, of railways, which, he says, have become since the spring of 1834 "a perfect mania" with the American public.

The spectacle of a young people, executing in the short space of 15 years, a series of works, which the most powerful states of Europe with a population of three or four times as great, would have shrunk from undertaking, is in truth a noble sight. The advantages which result from these enterprises to the public prosperity are incalculable.[1]

Mr. President, Dr. William H. Peterson, associate professor of economics at the Graduate School of Business Administration at New York University, has written a stimulating article entitled "United States Was Once Undeveloped Too, But Received No Aid." I ask unanimous consent that this article from the Commercial and Financial Chronicle of July 6, 1961 may be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES WAS ONCE UNDEVELOPED TOO, BUT RECEIVED NO AID

(By Dr. William H. Peterson, associate professor of economics, Graduate School of Business Administration, New York University, New York City)

For all their talk of foreign economic growth and production "miracles"—the West German boom, for example, or the Soviet Union's much-trumpeted but none-too-reliable 6 or 7 percent annual growth rate in gross national product—professional economists and other learned men all too often overlook the rather creditable job of growth in their own backyard: the economic development of America.

So "The Permanent Frontier: An Illustrated History of the U.S. Economy in Action" comes as a welcome reminder that soft inflation, cheap interest rates, massive public spending, permanent Government gifts and loans—to name some of the paraphernalia in the modern economic developer's kit—didn't figure constructively, if they figured at all, in the economic surge beginning several generations ago of Europe's rambunctious offspring in the New World.

Today the offspring, a geographical accident that Columbus bumped into in his search for Cathay, has grown into far and away the richest and most powerful economy on either side of the Iron Curtain, and with the highest living standards; and it behooves thinkers and politicians to keep their sights on how it was done.

For the salient point of this work originally serialized in Challenge, New York University's economics journal, is that American growth is the achievement of business. And if as Calvin Coolidge once said, "the business of America is business," this business has been a highly successful one. The testy upstart that humbled mighty Britain was from colonial times a business society,

[1] CONGRESSIONAL RECORD, vol. 105, pt. 10, p. 12844.

a business civilization, a land of do-it-yourself inventors and do-it-yourself entrepreneurs who utilized the proprietorship, the partnership, and the corporation as devices to pool savings and launch private enterprises. Many of the fledgling enterprises sputtered after a few months or a few years and then died, having failed to pass the market test—that is, win consumer acceptance. In other words, there has always been, every year, a business mortality rate in America, a symbol of consumer sovereignty; and the absence of this rate behind the Iron Curtain is a sign of consumer subservience.

But especially significant in America have been the business survival and birth rates. Enterprises by the millions, rural and commercial and industrial, have won consumer acceptance, have grown into thriving small businesses and, in a significant number of instances, into big businesses, and, big or small, have contributed greatly to American economic growth. One measure of this growth can be found in the U.S. Patent Office, authorized in article I of the Constitution. Here are the musty designs and blueprints of tinkerers and inventors of more than a century ago, the original mechanizers, automaters, mass producers, and innovators, who along with the savers and investors and entrepreneurs constantly created, accumulated, and upgraded what the accountant so dully calls fixed capital—the very sinews of industrial well-being.

Here are patents on the steel plow, the harrow, the planter, the reaper, the harvester (which not only reaped but at the same time gathered the grain in sheaves and tied a string around each sheaf and laid them down in neat rows), the steel rail for railroads, the open-hearth furnace for making steel, the sewing machine, rubber, dynamite, wire rope, the Pullman car, the safety razor, the electric streetcar, refrigeration, the electric light, the typesetting machine, and so on for thousands and now millions of patents, virtually every one of them privately owned, every successful one in its own way a propellant to economic growth and a more abundant life.

But the fact that the Patent Office is an arm of Government is testimony that business did not perform its act of growth alone, that in the wings was a silent, limited partner, which over the years has become increasingly less silent and less limited: the U.S. Government. A big reason for the limited partnership role: Mercantilism.

The editors of "Challenge" review the ineptitudes and countless frictions of the Mercantilist economic policies of Mother England. The Colonists rebelled against not so much the arrogant personality of King George III as against the tax on tea, the Molasses Act, the Stamp Act, the Sugar Act, against—to quote from the Declaration of Independence—"a multitude of new offices * * * and swarms of officers to harass our people, and eat out their substance" (shades of Parkinson's law). In short, colonial freedom and economic growth was all but stopped by excessive economic intervention.

Thus, as every schoolboy knows or ought to know, the Founding Fathers wove in limiting "checks and balances" throughout their unique design of government: a tripartite Central Government, a Federal system with coequal States, with States' rights, a written Constitution, a Bill of Rights. The design—political and economic freedom—worked. Limited government served to unlimit economic growth, and the libertarian economy and society took off.

So the architects of American growth turn out to be both thinkers and doers—political thinkers like Thomas Jefferson, Alexander Hamilton, and James Madison, industrial doers like Cornelius Vanderbilt, Andrew Carnegie, and Henry Ford. In addition, there are millions of unsung and mostly unknowing doers in the American growth story—the small investors who took a chance with shares in a canal, a railroad, an oil well, an ironworks; the workers from Europe with but a bundle on their backs or from Africa with chains on their feet who sweated in steel mills and packinghouses and road gangs; the small businessmen who plowed their savings into a country store, an agricultural implement dealership, a coastal sailing vessel, a stable, a clothing store, a filling station, and so on. Growth came in bits as well as in lumps.

But there are breaks in American growth. The upward trend line has dips along the way. In 1837, for example, a long depression climaxed Jackson's second administration, which had witnessed much wild speculation and inflation. From 1865 on defeat and reconstruction laid the South low for decades. In the depression of the 1890's, the Populists talked up free silver, the graduated income tax, and Government ownership of the railroads. And in 1929.

The American growth story is unfinished. Up to now it's been a dramatic human interest story of architects, engineers, and workmen, of strokes of genius and strokes of foolishness, of the libertarianism of Thomas Paine, the nobility of purpose of George Washington, the homely wisdom of Abraham Lincoln, the bold experimentation of Franklin Roosevelt, the sense of balance and responsibility of Dwight Eisenhower.

One may differ with the Challenge editors here and there on some of their emphasis and interpretations, just as one may differ with such late economic historians as Frederick Jackson Turner, Charles Beard, and Garet Garrett and with such modern growth theoreticians as W. W. Rostow, Colin Clark, and John Kenneth Galbraith. Who's right and who's wrong? Who talks growth and who talks growthmanship? The future holds the answer, but one thing is certain: American economic growth has been the wonder of the world, and no foreign government's aid figured in it.

Mr. SCHOEPPEL. Mr. President, it is time that we reemphasize to the so-called undeveloped countries the virtues of our system of individual liberty and a free, private enterprise society. Whatever we can now contribute to others is possible because of our adherence to these concepts since 1789 when our Government was founded. Our people stem from every country on the face of the earth. Yet, in the climate of liberty which we have evolved, they have become endowed with those attributes of industry and diligence that have placed us in a position to preserve freedom when older nations had lost their ability to do so.

I sincerely hope that before we overburden our own economy, more thought will be given to the fact that we, too, were once an undeveloped country. As Dr. Peterson points out, there was no foreign aid from any other nation to assist us during our period of development. We have only a small portion of the world's natural resources, and while our people have been well trained in modern technology, this can be achieved by others, too, if they have the will and the desire to develop their maximum potential.

Technical assistance and similar measures to enable them to achieve more rapidly the technical advances that characterize the 20th century will never require the vast outlays that are proposed in long-range development programs where our country endeavors to construct every conceivable type of facility which will ultimately extend our commitments to the point where we will be forced to default on obligations that may be more pressing.

Mr. COOPER. Mr. President, Congress will soon conclude its work on the foreign aid bill. The responsibility for an effective foreign aid program rests with the administration. I suggest there are certain decisions the President and his administration must make immediately if the foreign aid program is to be improved.

First. Aid should not be provided to a country until its development plans have been reviewed by competent U.S. personnel, and determined to have a reasonable possibility of success.

Second. The United States should assure that development plans of the countries we aid provide for governmental, social, and economic reforms.

Third. The United States should look carefully at the agricultural development plans of the countries we aid. If the democratic governments we help emphasize industrial development, at the expense of agricultural development, and are unable to provide food and clothing for their people, they may lose their support.

Fourth. The administration should encourage the assistance of the World Bank and other institutions such as the United Nations Development Fund to assist countries in the formulation and review of their development plans. In 1959, the Congress adopted a resolution sponsored by the then Senator Kennedy and myself, which resulted in a review of the plans of India and Pakistan by Mr. Hermann J. Abs of Germany, Sir Oliver Franks of the United Kingdom, and Mr. Joseph M. Dodge of the United States, representing the World Bank.

Fifth. The United States must not submit to pressure from any country, that it will seek aid from the Soviet Union unless we meet their requests.

Sixth. The administration must insist that European and other advanced industrial countries join in the program of aid to underdeveloped countries. The United States cannot continue to bear this burden alone.

I recognize that these suggestions may initially offend some of the newly developing countries, for they are jealous—and rightfully so—of their political and economic independence. But the countries we aid will respect us for insisting upon these conditions, for they will be benefited, and without loss of any independence. And, the administration owes a duty to our people who support the foreign aid program, and to the people of the countries we aid, to see to it that our funds are used effectively and without waste.

If the President does not begin the new aid program by insisting on the review of the aid plans of the countries we help, he may never have another chance to do so, and we will see the continuation of an ineffective and wasteful program.

Mr. SCOTT. Mr. President, a news story dated September 11, reads as follows:

President Kennedy's Senate lieutenants moved today to salvage the bare bones of

his education program and put off until next year his broader school-aid proposals.

Democratic Leader MIKE MANSFIELD, of Montana, called the Senate to a 9 a.m. session for debate on legislation to extend impacted areas aid to school districts crowded by children of Federal workers and military personnel. The bill would continue for 1 year the $300 million program for some 3,000 school districts.

This is actually a belated reversal of an entirely different position taken by the Democratic leadership. Republican Members of this body have attempted on three different occasions—August 2, August 4, and August 18—to extend aid to school districts impacted by children of Federal workers and military personnel. It was President Kennedy's party in the Senate which succeeded in defeating these extensions.

I remind the Senate that the original recommendation by the President would have decreased the authorization for these laws by half. I was among those who strongly disagreed with that position.

So, Mr. President, let the RECORD be made straight. It has been the Republican Members of this body, joined with some from across the aisle, who will have brought about the extension of these laws, and is not, as the news story goes, that the Democratic leadership is salvaging part of the President's program.

Notable also is the fact that the extension of 2 years instead of the 1 year proposed by the administration came about through Republican support. How odd to be told of the need for forward planning and future programing in the extension of financial aid abroad, only to have that necessity vigorously denied by the same administration spokesmen when it is a matter of extension of financial aid to our own children.

Mr. HAYDEN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on the passage of the bill. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLELLAN (when his name was called). On this vote, I have a pair with the senior Senator from Oregon [Mr. MORSE]. If the Senator from Oregon were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. HICKEY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Washington [Mr. MAGNUSON], the Senator from Montana [Mr. METCALF], the Senator from Oregon [Mr. MORSE], the Senator from Minnesota [Mr. McCARTHY], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. HICKEY], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. McCARTHY], the Senator from Montana [Mr. METCALF], and the Senator from Texas [Mr. YARBOROUGH] would each vote "yea."

On this vote, the Senator from South Carolina [Mr. JOHNSTON] is paired with the Senator from Missouri [Mr. SYMINGTON]. If present and voting, the Senator from South Carolina would vote "nay," and the Senator from Missouri would vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] is absent, by leave of the Senate, to attend the Interparliamentary Conference, in Brussels.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Connecticut [Mr. BUSH] is absent, by leave of the Senate, to attend the Conference of the International Fund and World Bank, in Vienna.

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Indiana [Mr. CAPEHART]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Indiana would vote "nay."

On this vote, the Senator from New Hampshire [Mr. BRIDGES] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from New Hampshire would vote "yea," and the Senator from Texas would vote "nay."

On this vote, the Senator from Connecticut [Mr. BUSH] is paired with the Senator from Arizona [Mr. GOLDWATER]. If present and voting, the Senator from Connecticut would vote "yea," and the Senator from Arizona would vote "nay."

The result was announced—yeas 62, nays 17, answered "present" 1, as follows:

[No. 204]

YEAS—62

Aiken	Hart	Morton
Anderson	Hartke	Moss
Beall	Hayden	Mundt
Boggs	Hickenlooper	Muskie
Burdick	Hill	Neuberger
Butler	Holland	Pastore
Byrd, W. Va.	Humphrey	Pell
Cannon	Jackson	Prouty
Carlson	Javits	Proxmire
Carroll	Keating	Randolph
Case, N.J.	Kefauver	Robertson
Case, S. Dak.	Kerr	Saltonstall
Church	Kuchel	Scott
Clark	Lausche	Smathers
Cooper	Long, Mo.	Smith, Mass.
Cotton	Long, Hawaii	Smith, Maine
Dirksen	Mansfield	Sparkman
Douglas	McGee	Wiley
Engle	McNamara	Williams, N.J.
Fong	Miller	Young, Ohio
Fulbright	Monroney	

NAYS—17

Bennett	Ervin	Stennis
Bible	Hruska	Talmadge
Byrd, Va.	Jordan	Thurmond
Dworshak	Long, La.	Williams, Del.
Eastland	Russell	Young, N. Dak.
Ellender	Schoeppel	

ANSWERED "PRESENT"—1

Dodd

NOT VOTING—20

Allott	Goldwater	McClellan
Bartlett	Gore	Metcalf
Bridges	Gruening	Morse
Bush	Hickey	Symington
Capehart	Johnston	Tower
Chavez	Magnuson	Yarborough
Curtis	McCarthy	

So the bill (H.R. 9033) was passed.

Mr. McGEE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KUCHEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McGEE. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

Mr. JAVITS. Mr. President, I send to the desk a motion to instruct the conferees.

The PRESIDING OFFICER. The motion of the Senator from New York will be stated.

The LEGISLATIVE CLERK. The Senator from New York [Mr. JAVITS] moves that the conferees be instructed to seek the instructions of the Senate before receding from the amounts provided in the bill for redevelopment loans and the contingency fund.

Mr. MANSFIELD. Mr. President, I move to table that motion.

Mr. JAVITS. Will the Senator withhold that motion so I may make a statement on it for a moment?

Mr. MANSFIELD. Yes.

Mr. JAVITS. Mr. President, I wish to give the Senate my reason for making the motion, because I was not unaware of the fact that the Senator from Montana would be likely to move to table the motion. I am grateful to him for having given me the opportunity to explain the points involved, because the explanation of the points and some possible expression of views by other Members or by the conferees themselves I think will be most helpful to the Senate.

We have had a very bad experience in conferences with the other body upon foreign aid bills. Somehow or other, the representatives of the other body in these conferences have been far more determined than have ours, and almost invariably the bill has ended up very much more like what it was when it came over to the Senate from the House than what happened to it here in the Senate.

It may be recalled that on one occasion we passed an appropriation bill here on the last day of the session. The conferees went out for about an hour and a half, and when they came back

the bill had been cut $700 million in that very short transit.

We face at this particular time a very different situation. The Senate and the House, in dealing as they did with the long-term authorization which the President sought, and which President Eisenhower had sought before him, felt that in adopting a plan of authorizing and appropriating, it was at one and the same time—because it did adopt the provision for authorization over a considerable time—satisfying two principles: One, the need of the President for certainty, so he could know where he stood and how he could proceed; and, second, the need of the Congress, which was the view of its majority, that it wished to retain absolute control over the appropriations, so it could make annual authorizations and then money could be borrowed from the Treasury.

Many of us have said, and I think it is time to say it again, that to proceed in this way involves the exercise of responsibility on our part and that we take a solemn determination to see that, certainly in the very first authorization we passed a short time ago, we should not be treated so cavalierly.

Yet let us see what happened. In the other body the provision for the development loan was cut by $175 million. We have, happily, restored it, but we know that it will not be restored in substantial part until the conference report comes to us and it is approved.

Next, the contingency fund was literally cut to ribbons on the other side of the Capitol. It was reduced from $300 million in the authorization to $175 million. That cut has been restored in the Senate, again happily. Again, it will not be restored in any final way until we approve a conference report.

In the course of the debate on the authorization bill on August 11, 1961, I put into the RECORD a table showing what has happened heretofore with respect to authorizations and appropriations. Since 1957 the authorizations have been cut on the average 30 percent.

We thought we were working out some plan by which we would have more respect for our authorizations, and also that certainly with respect to the first authorization we were trying to make a finding as to what really is the need. The Senate Committee on Appropriations has sustained the authorization in that finding.

We now shall enter into a conference. The question I wished to put before the Senate in respect to the conference—this is the appropriate time and the appropriate way to do it—is, Will we stand more firm than we have heretofore? Or will we again, as we have heretofore, see conferees come back after a relatively short time in the conference to say, We are sorry, but this is the best we can do. The best we can do is generally at the lowest possible common denominator.

Mr. President, I am thoroughly aware of the fact that even if the motion is agreed to the conferees would not be bound by it, and they could proceed nonetheless without reference to it, though I am sure they would not.

At least, by my making the motion, the conferees are offered an extremely valuable additional tool. The additional tool is the fact the Senate is determined this time, because of the exigencies of international life which we face and because we have taken the beatings before in respect to similar conferences, to stand by its position.

I think the previous actions have been very much against the national interest.

It seems to me the conferees may very well feel this is an important tool, an important backstop which will be very useful to them in the conference.

These two critical items involve major parts of the cuts—the development loans and the President's own contingency fund. The Senate conferees cannot yield, cannot recede, without coming back to the Senate to give the Senate an opportunity to decide whether it does or does not wish to recede upon those key items if the motion is agreed to.

Mr. President, this is a very unusual motion. Generally speaking, a motion of this character is not made until the conferees cannot agree. I am thoroughly aware of precisely the history and tradition involved.

As I said a minute ago, I am not a bit surprised that the Senator from Montana has made the motion he has made.

Mr. President, this is the only way of which I know, after a bill is passed and we are at the conference stage, that a Member or Members can express himself or themselves as to the kind of attitude and the kind of position it is hoped the Senate conferees will take.

This history in respect to these conferences on foregn aid appropriations has certainly been adverse to what I believe is the temper of the Senate and the temper of the country in regard to the foreign aid appropriations, especially in view of the fact that this body voted the 5-year long-term aid plan and only receded from it when it could not possibly make any progress with it. We maintained, in my opinion, a deeply implied commitment that we would, when we had the opportunity, stand up for these authorizations—and at least for the first authorization.

We are now seeking to appropriate in regard to that first authorization, which we consciously and advisedly approved as meeting the needs of the hour. Nonetheless, there is grave danger that unless our conferees do stand up very strongly—and that is what the motion is designed to enable them to do—we shall again go through the same performance we have witnessed before. The House cuts very deeply. The Senate restores the cuts. The Senate conferees go out. They come back with the House cuts and, in one case, as I said, only a few hours later. Then that is the end of that.

The time to speak is now. As one Senator, I am doing my utmost to do so.

Mr. SALTONSTALL. Mr. President, will the Senator from Montana permit a short reply?

Mr. MANSFIELD. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. As I look around the Chamber I believe I am correct in saying that I have been a member of more of those conference committees than any other Senator now in the Chamber. I assure the Senator from New York that we have done our utmost in every instance to maintain the Senate position, over many, many hours in some instances, and often quite late at night. We have attempted to get a bill nearly comparable to what the Senate stated as its wishes through its votes.

We must realize that it is necessary to pass a bill. Otherwise, we shall be worse off if we have no bill.

As a Senator who has always been in favor of this general program and as one of the conferees in this instance, as I have been for at least 8 or 10 years, I shall do my utmost to get a satisfactory bill.

The Senator from New York must realize that we must get together on a bill. This means we may have to yield in one instance and insist in another.

I hope there will be no firm instructions other than that the Senate conferees do their utmost to come back as nearly as possible with the Senate bill. I assure the Senator, knowing the members of the conference, that we shall do our utmost to do so.

I add one other thought. I have a high regard for the Senator from Louisiana, who has always been perhaps not very favorable to the program. When the Senator from Louisiana becomes a conferee he stands by the position of the Senate. For him in that regard I have a great deal of respect, because he negatives his own desires in order to stand by the position of the Senate. I am confident he will do so this time, also.

Mr. JAVITS. Mr. President, will the Senator yield further? I shall not take long.

Mr. MANSFIELD. I yield.

Mr. JAVITS. I hope the Senator from Massachusetts will give me his attention, for I wish to develop this point.

Would the Senator agree that we are in a position now which is different from the situation we faced before, in that we have had a struggle over this question of long-term authorizations and we came to the conclusion, which is at least implicit, that we have far more backing for these authorization figures than is normally the case when we deal with year-by-year authorizations and programs? Would the Senator agree that something has been added in our present situation?

Mr. SALTONSTALL. I say to the Senator from New York—and I speak frankly, because the administration is not of my party and not controlled by my party—what we have to do sometimes is to yield on items which are the more flexible items. As I have participated in these conferences, I have seen the Senate conferees insist on the items which the administration, whether Republican or Democratic, believed to be most necessary to carry out the program. As to the items with respect to which there is some flexibility, some opportunity for a new change of plans, we have tended to yield, rather than on the other items. I think we may have to do that this time.

Mr. JAVITS. Mr. President, I thank the Senator from Montana.

Mr. PASTORE. Mr. President, will the Senator from Montana yield to me for an observation?

Mr. MANSFIELD. I yield to the Senator from Rhode Island.

Mr. PASTORE. I share the apprehension of my distinguished friend from New York. I had hoped the Senator would wait until the names of the conferees had been announced before he made his motion. I think the Senator can rest assured that the Senate will send to the conference men who know the Senate's position and who will work and fight for the preservation of that position as far as it is reasonable for them to go.

I wish to point out that the prejudged conferences and instructions preceding conferences usually do not lead to a free conference, and are resented by the conferees of the other body.

That situation occurred only a short while ago. The Senate went to conference on the AEC bill, and the Senator will recall the item for the Hanford reactor which was in that bill. The House instructed its conferees, even before they went to the conference. The Senate conferees resented that.

If we are to preserve the conference system it must be a free system. If we instruct the conferees in advance as to how far they can go or cannot go we shall break down the conference system.

I understand the underlying reason of the distinguished Senator from New York for making the motion today, which is the experiences of the past we have had in conference, because of men who have not been in sympathy with amendments agreed to by the Senate. In this particular case, I think if the Senator will wait to hear the list of the names of the conferees, this time his apprehension will dissolve.

Mr. JAVITS. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I say to my colleague from Rhode Island that the motion I have made would not be in order after the conferees are named. The Senator knows, and I think the majority leader knows, that I made the motion because I wished to have the question aired.

I think it is very important.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. I was aware of the fact that what the Senator from New York wanted to do was to emphasize a particular point. I honor him for it. At the same time, I must call to the attention of the Senate the fact that the Senator from New York has every confidence in the conferees who will be appointed, as we all have. Certainly we are proud of the excellent work which has been done by the Committee on Appropriations in reporting the bill today and securing its passage.

Mr. JAVITS. Mr. President, I feel that my purpose has been served. I withdraw the motion.

The PRESIDING OFFICER appointed Mr. PASTORE, Mr. SALTONSTALL, Mr. MUNDT, Mrs. SMITH of Maine, Mr. HAYDEN, Mr. ELLENDER, Mr. MAGNUSON, and Mr. HOLLAND, conferees on the part of the Senate.

Mr. DODD. Mr. President, today I voted "present" on the final passage of the foreign aid appropriation bill. This is the first time in my service in the Congress that I have not voted for a foreign aid authorization or appropriation.

I could not vote against the bill because it contained many provisions which I feel are essential to free world resistance against Communist aggression. I could not vote for the bill, and would have done so only if my vote had been decisive, because the bill contained a number of highly objectionable provisions against which I wished to protest.

The bill provides some $62 million in military and economic assistance to the United Nations forces in the Congo which are presently imposing a Communist regime on the people of the Congo while treacherously violating the most basic and fundamental rights of the government and people of Katanga Province.

This bill contains $100,000 for the establishment of a trade school in Poland, thus under the guise of humanitarianism helping our Communist enemy to put better trained boys and girls into the field in the total war which the Communists are waging against us on all fronts.

In addition, the President is authorized, if he sees fit, to spend hundreds of millions of dollars annually on various forms of aid to Communist nations. I tried to eliminate this provision when the authorization bill was before the Senate and the vigor with which my amendment was successfully opposed indicated there was a strong intention by the administrators of this act to use the money of the American taxpayers to assist Communist regimes.

Were it not for these provisions, I would have gladly supported a foreign-aid bill even larger in scope than the one passed today. I opposed, in the Foreign Relations Committee and on the floor, all provisions aimed at reducing aid to our free world allies and to the so-called uncommitted nations. But the inclusion of aid and comfort for our Communist enemies, and for those who are doing their bidding in the Congo, have poisoned this bill and rendered it unworthy of my support.

I am only one Senator. But, as one with a long and consistent record of backing foreign aid, I hope that my refusal to support this bill will serve notice that there is a growing discontent in this Nation, discontent with the burden of foreign aid that would be willingly borne were it fully contributing to the survival of freedom but which is becoming unbearable so long as it assists both our enemies and our friends, thus financing both sides in the cold war.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker pro tempore had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2325. An act to amend the Export-Import Bank Act of 1945;

H.R. 2585. An act relating to the credits against the employment tax in the case of certain successor employers and to provide an election for past taxable years with respect to the determination of gross income from mining in the case of quartzite and clay used in the production of refractory products;

H.R. 3156. An act to make the Panama Canal Company immune from attachment or garnishment of salaries owed to its employees, and to amend the Shipping Act, 1916;

H.R. 5852. An act to provide for the free entry of a towing carriage for the use of the University of Michigan, and to increase the duty-free exemption of persons arriving in the United States and who are not returning residents thereof;

H.R. 7057. An act relating to the determination of gross income from the property for taxable years prior to 1961 in the case of certain clays and shale which were used in the manufacture of certain clay products;

H.R. 8102 An act to amend the Federal Airport Act so as to extend the time for making grants under the provisions of such act, and for other purposes; and

H.R. 8414. An act to amend section 5011 of title 38, United States Code, to clarify the authority of the Veterans' Administration to use its revolving supply fund for the repair and reclamation of personal property.

PREVENTION OF CORRUPT PRACTICES IN FEDERAL ELECTIONS

Mr. CANNON. Mr. President, I move, pursuant to the unanimous consent agreement entered into yesterday, that the Senate resume the consideration of Calendar No. 853, Senate bill 2426.

The PRESIDING OFFICER. The bill will be stated by title.

THE LEGISLATIVE CLERK. A bill (S. 2426) to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada.

The motion was agreed to; and the Senate resumed the consideration of the bill.

Mr. CANNON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CANNON. What is the pending question?

The PRESIDING OFFICER. The amendment of the Senator from Missouri [Mr. LONG], for himself and the Senator from New York [Mr. KEATING], identified as "9-7-61—B."

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CANNON. Mr. President, I ask unanimous consent that I may be permitted to yield to the Senator from Montana provided I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today, that it adjourn to meet at 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ADMISSION OF CERTAIN ALIEN ORPHANS—CONFERENCE REPORT

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. CANNON. I ask unanimous consent that I may be permitted to yield to the Senator from Mississippi without losing my right to the floor, and provided the time will not be charged to either side.

The PRESIDING OFFICER. Is there objection?

Mr. KEATING. Mr. President, reserving the right to object, I assume the distinguished chairman of our committee will submit a conference report. Several Senators wish to be heard briefly on the report. I ask unanimous consent that the proceedings for the conference report intervene at this point without the Senator from Nevada losing his right to the floor.

Mr. CANNON. And without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. EASTLAND. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2237) to permit the entry of certain eligible alien orphans. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Sept. 13, 1961, pp. 19227–19230, CONREGSSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. EASTLAND. Mr. President, the Senate conferees accepted a House amendment to the alien orphan bill which I think was meritorious. It would prevent proxy adoption of orphans. As the bill comes to the Senate, a person may have a child brought over from a foreign country and adopt that child under the laws of the State in which he resides. Otherwise, he must see the orphan and make his decision abroad.

The House added a judicial review provision to the bill which we thought was very beneficial. That was the only field of the law in which the doctrine of res judicata would not apply. Criminals and subversives, with all the money and power of the Communist Party behind them, have brought suit after suit and made a mockery of the judicial process in the United States in an effort to remain here after they have been ordered to be deported. The amendment provides that a petition for review must be brought in a circuit court of the United States.

Another important provision which we accepted from the House is that second and third preference aliens will be admitted to this country on a nonquota status. They were coming to the country regardless, but they had to wait their turn under the quota. We have provided that they may be immediately admitted.

The facts show that under the provision, 6,976 second preference aliens will be benefited, and 11,040 third preference aliens, or a total of 18,016 people. The principal countries which will be benefited will be China, 1,575; Jamaica, 408; Greece, 1,761; Hungary, 855; Italy, 8,156; Japan, 415; the Philippines, 1,085; Portugal, 521; and Yugoslavia, 522.

I ask unanimous consent to have printed at this point in the RECORD the registrations reported by consular offices to reach the Department August 1, 1961.

There being no objection, the registrations were ordered to be printed in the RECORD, as follows:

Registrations reported by consular offices to reach the Department Aug. 1, 1961

Quota	Annual limitation	I [1]	II	III	IV [1]	Non-preference	Total
Albania	100	1	10	7	15	3,029	3,062
Asia-Pacific	100	-------	1	13	3	2,162	2,179
Australia	100	77	9	-------	138	5,450	5,674
Austria	1,405	12	29	33	78	4,606	4,758
Bulgaria	100	8	7	10	28	1,821	1,874
Burma	100	-------	-------	1	-------	152	153
China	100	6	4	13	74	2,412	2,509
Chinese persons	105	1,400	921	654	966	24,263	28,204
Cyprus	100	3	7	9	265	2,588	2,872
Danzig	100	1	2	2	9	321	335
Denmark	1,175	12	1	6	6	2,748	2,773
Estonia	115	2	1	2	15	821	841
Finland	566	1	5	30	49	3,627	3,712
France	3,069	19	36	46	168	6,875	7,144
British subquotas:							
Antigua	-------	4	3	11	19	549	586
Bahamas	-------	3	8	29	19	415	474
Barbados	-------	10	24	29	410	2,441	2,914
Bermuda	-------	-------	-------	-------	1	129	130
British Guiana	-------	32	7	16	231	2,383	2,669
British Honduras	-------	1	5	12	48	2,435	2,501
British Virgin Islands	-------	-------	1	37	210	630	878
Grenada	-------	2	4	12	25	901	944
Hong Kong	-------	-------	-------	1	1	490	492
Jamaica	-------	245	282	126	675	23,256	24,584
Malta	-------	-------	1	1	309	5,366	5,677
Montserrat	-------	-------	2	6	29	433	470
St. Christopher	-------	1	6	51	24	939	1,021
St. Vincent	-------	2	1	4	13	459	479
Trinidad	-------	58	12	33	145	2,661	2,909
Greece	308	190	764	1,007	5,918	97,387	105,256
Hungary	865	104	174	681	777	17,121	18,857
Iceland	100	-------	-------	-------	-------	192	192
India	100	336	13	95	99	13,302	13,845
Indonesia	100	4	2	4	13	9,917	9,940
Iran	100	45	15	15	111	9,774	9,960
Iraq	100	63	35	31	193	6,963	7,285
Israel	100	97	15	160	126	14,818	15,216
Italy	5,666	2,552	2,351	5,805	134,724	125,518	270,950
Japan	185	203	305	112	362	9,291	10,273
Jordan	100	1	-------	52	24	3,233	3,310
Korea	100	83	15	28	70	1,679	1,275
Latvia	235	10	10	7	74	1,821	1,922
Lebanon	100	97	28	35	188	5,035	5,383
Libya	100	1	2	-------	14	875	892
Lithuania	384	13	10	13	140	2,326	2,502
Morocco	100	3	11	4	95	1,864	1,977
Netherlands	3,136	47	10	37	77	12,706	12,877
New Zealand	100	5	-------	2	3	1,515	1,525
Norway	2,364	-------	-------	14	1	868	883
Pacific Island	100	-------	-------	-------	-------	448	448
Pakistan	100	26	2	12	18	3,246	3,304
Palestine	100	3	22	198	295	8,084	8,602
Philippines	100	508	635	450	910	5,450	7,953
Poland	6,488	120	123	117	3,672	63,677	67,709
Portugal	438	30	149	382	4,530	44,911	50,002
Rumania	289	122	185	67	630	12,873	13,877
San Marino	100	-------	-------	10	21	1,075	1,106
South Africa	100	51	2	4	16	3,187	3,260
Spain	250	130	85	72	713	13,770	14,770
Switzerland	1,698	18	3	6	14	4,432	4,473
Tunisia	100	-------	5	9	233	5,002	5,249
Turkey	225	378	282	35	589	17,259	18,543
U.S.S.R.	2,697	31	58	17	252	7,240	7,598
United Arab Republic	100	220	64	62	537	16,068	16,951
Yemen	100	-------	-------	1	3	197	201
Yugoslavia	942	39	222	302	2,270	94,262	97,095
Total	-------	7,430	6,976	11,040	161,685	741,148	928,279

[1] Numbers refer to principal applicants only.

Mr. EASTLAND. I think this is a good bill, and I think the conference report should be adopted.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. PASTORE. First of all, I compliment and congratulate my distinguished friend from Mississippi for the excellent work he did with reference to the bill. The senior Senator from Rhode Island will never be satisfied until there is a real liberalization of the immigration laws. But it can be safely said here today that this is a very real step forward in bringing about the liberalization of the naturalization laws. I do not agree with every feature of the bill——

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. EASTLAND. Has the Senator ever agreed with every feature of every bill?

Mr. PASTORE. There have been times. I have agreed with the Ten Commandments. But I know the Senator is jesting.

Mr. EASTLAND. But the Ten Commandments have never been before the Senate in bill form.

Mr. PASTORE. The report is an excellent step forward. We are making a vast improvement over the very restricted naturalization laws we have today. The bill originally went over as an orphans bill and the additions were then made. For the benefit of Senators who may have some apprehension about the report, let me say that this proposal has been reviewed by the welfare agencies which over the years have been intimately associated with the problem and have been striving with diligence and devotion to bring about a liberalization of our immigration laws. While they are not completely satisfied that we have gone the whole way, they agree with me that the present proposals are a vast improvement, and they hope that nothing will happen in this Congress which will prevent the passage of this particular proposed legislation.

In conclusion I again congratulate my friend from Mississippi. The conference report represents an improvement. I support it, and I hope that it will receive the unanimous approbation of the Senate this afternoon.

Mr. EASTLAND. I thank the distinguished Senator.

Mr. President, the alien orphan legislation expired on June 30. If the conference report is not adopted, we shall lose the program. The law enforcement agencies of the Government of the United States have requested the enactment of provisions relating to the judicial review of deportation orders.

They state it is urgently needed to assist them in effecting the deportation of racketeers and other undesirable persons. As I understand it, this feature would be used probably seven or eight times a year in the case of big racketeers and subversives. The legislation will also permit the reunification of separated families.

I hope the conference report will be adopted.

Mr. KEATING. Mr. President, I refrained from signing the conference report and would like to explain briefly my reasons for doing so.

There are a number of provisions in the bill reported by the conference which I strongly favor.

For example, one section of this bill that I am extremely pleased with has to do with acceleration of the issuance of visas to aliens on the second and third preference waiting list. According to the State Department, approximately 18,000 aliens will be united with their families here in the United States if this bill is enacted. Most of these aliens will be from nations with a heavily oversubscribed quota, such as Italy and Greece.

The bill further provides that the discriminatory quota ceiling of 2,000 numbers be lifted from the Asia-Pacific triangle and that 100 quota numbers be provided for each country in that area. This provision will help demonstrate throughout the world America's rejection of racial discrimination and our respect for universal human dignity. In a similar vein, I am also gratified by inclusion in the bill of a provision similar to one I have long advocated, which would eliminate the requirement that a visa applicant supply his race and ethnic classification.

Still another section of this bill which is similar to S. 2437, a bill I recently cosponsored, moderates the TB exclusion provisions of the Immigration and Nationality Act. This section will put into the permanent law a temporary provision which expired on June 30 of this year. Through its application, families separated by the tubercular exclusion law can once again be united here in the United States where modern-day medical care may be provided for their illness.

In addition, this bill continues as a part of the permanent law substantial portions of the alien orphan program, which expired on June 30. While many people were anxious to see an extension of proxy adoptions under suitable safeguards through this legislation, an amendment to extend the present law for a 1-year period was defeated in conference. However, the conference in effect extended the present law to September 30 to take care of so-called pipeline cases, where applications were not fully processed by the June 30 expiration date. Under S. 2237 eligible orphans adopted abroad by American parents or coming to the United States for adoption in conformity with State laws would continue to be admissible as nonquota immigrants.

While there are many commendable provisions of this bill, there are several sections of the bill about which I have reservations. Section 9 of the bill provides that all new countries will have a quota total at least equal to the present quota now available for the various components making up the new country. This provision is a step in the right direction. However, in our own Western Hemisphere, where most nations enjoy a nonquota status, this provision has a tendency to be highly discriminatory. The new nation to be named the West Indies Federation, which includes the island of Jamaica, is an example of a new Western Hemisphere country not enjoying the same nonquota provisions as other nations in our hemisphere.

Although I favor tightening up deportation proceedings, the provisions of the bill dealing with judicial review of deportation and exclusion orders pose several unnecessary hazards. In Senate hearings on a previous deportation bill identical in language, several constructive amendments were suggested, all of which I would favor. These included a 1-year statute of limitations on filing a petition for review, rather than 6 months; appeals to the district courts, rather than the courts of appeal; and preservation of the declaratory judgment remedy in exclusion cases. I do not question the need for dealing with the tightening of deportation proceedings. We have witnessed several notable cases in recent years that have brought considerable publicity. However, the law should afford every opportunity for the courts of our land to correct any illegal, arbitrary or erroneous administrative determinations, and we must not deny anyone his day in court. Actually, I have considerable doubt as to whether S. 2237 will accomplish its objectives of expediting deportations unless the Immigration Service takes steps to reform its administrative proceedings to avoid multiple decisions in each case.

The bill was improved in some respects by amendments agreed to by the conferees. As I indicated, an amendment I offered gives American citizens who adopted alien orphans prior to June 30, 1961, by proxy adoption, the right to file a petition for nonquota status for the orphan with the Attorney General up to September 30. This amendment will permit a number of families who adopted alien orphans prior to June 30, without filing a petition with the Attorney General, to file the petition and bring their adopted child to this country.

Another amendment which was accepted provides that nonquota immigrant visas will be issued on the basis of petitions filed with the Attorney General prior to July 1, 1961, rather than on the basis of petitions which have been approved by the Attorney General prior to that date. This amendment will permit approval of those cases which might have been subject to administrative delay, through no fault of the alien, in which applications were filed prior to the cutoff date.

Other provisions of this bill amend certain rules of evidence, help to combat attempts by aliens to enter the United States through nonquota status by fraud, and grant to Korean veterans the same naturalization benefits given to World War I and World War II veterans. These are all useful changes in the law.

In spite of the many humanitarian provisions which I have outlined, the bill still falls far short of the pledges made to reform our immigation policy in both the Democratic and Republican platforms. The Democratic platform pledged in part:

> We shall adjust our immigration, nationality, and refugee policies to eliminate discrimination and to enable members of scattered families abroad to be united with relatives already in our midst.

The Republican platform plank on which I testified before the Republican platform committee pledged specifically:

> Immigration has historically been a great factor in the growth of the United States, not only in numbers but in the enrichment of ideas that immigrants have brought with them. This Republican administration has given refuge to over 32,000 victims of Communist tyranny from Hungary, ended needless delay in processing applications for naturalization, and has urged other enlightened legislation to liberalize existing restrictions.
>
> Immigration has been reduced to the point where it does not provide the stimulus to growth that it should, nor are we fulfilling our obligation as a haven for the oppressed. Republican conscience and Republican policy require that: The annual number of immigrants we accept be at least doubled; obsolete immigration laws be amended by abandoning the outdated 1920

census data as a base and substituting the 1960 census; the guidelines of or immigration policy be based upon judgment of the individual merit of each applicant for admission and citizenship.

Early in this session of the Congress, I introduced and cosponsored legislation which would carry out many of the principles underlying both party platforms. Under these bills, S. 551 and S. 552, several substantial changes in our immigration laws would be enacted.

Briefly, S. 551 and S. 552 would grant aliens admission to the United States as parolees when they have had to flee from areas of the world because of persecution on racial, religious or political grounds or from areas where forces are at work against the best interests of our country. After 2 years residence in the United States, the status of these parolees would be changed to that of permanent residents at the discretion of the Attorney General. This proposal is designed to provide for emergencies caused by future Hungarys or Cubas. In addition, this proposal would also provide for the issuance of 40,000 nonquota immigrant visas to refugee-escapees in a 2-year period. Many deserving refugees from all parts of the world would be eligible to enter the United States under this provision. Of the total 40,000, 5,000 would be nonresettled, hard-core refugees. To assist in the settlement of these refugees, $5 million would be made available to Government agencies and private organizations for such resettlement purposes. It is morally indefensible for us to care less or to do less.

Other sections of these bills would revise the present quota system by basing it upon the 1960 census. This would certainly be a recognition of the times in which we are living. Unused quota numbers under my proposal would be pooled and reallocated by Executive order of the President. In that connection, it is interesting to note that the State Department supports in principle the pooling of unused quota numbers. My bill would also eliminate the discriminatory provisions of the so-called Asia-Pacific triangle. The elimination of this section would provide equal treatment to all people, regardless of their racial origins. Another section would revise the present law relating to loss of citizenship due to residence overseas by naturalized American citizens. There is no reason for us to continue a policy of two classes of American citizenship. Once a person acquires American citizenship, there is no reason that he should not be granted the same rights and privileges as native-born citizens.

No consideration whatever was given to these proposals in the Senate. Instead, this is the chronology under which the present bill comes before us:

On July 10, 1961, along with several of my colleagues, I sponsored an amendment to the Educational and Cultural Exchange Act. The amendment was to extend the life of the alien orphan adoption program for a 2-year period. After defeating a motion by the majority leader to table this amendment, the Senate overwhelmingly passed the amendment. Because of the uncertainty of House action on this amendment, the Senate Judiciary Committee reported favorably to the Senate on S. 2237, which provided for a 2-year extension of the alien orphan adoption law.

Next, on July 20 the Immigration and Naturalization Subcommittee of the Senate Judiciary Committee conducted hearings on H.R. 187 and S. 2212, companion bills which are the same as the judicial review provisions of the bill we are now considering. At this 1-day hearing and the only hearing conducted on immigration legislation in this session of Congress, every witness appearing testified in opposition to the bills. While the record was left open for testimony from the Department of Justice, none was ever given.

Then, on August 14, the Senate for the second time went on record in favor of the alien orphan adoption program by passing S. 2237.

The next development in this legislative maneuvering was the amendment of S. 2237 by the House Judiciary Committee to incorporate all of the provisions I have referred to. Finally, on September 6, S. 2237, in its amended form, was passed by the House and sent to conference.

This is a typical example of the way in which immigration legislation is shaped in Congress. Instead of hearings and deliberations at which all of the interested parties can be heard and their views considered, we are presented at the end of a session with what amounts to a take-it-or-leave-it package. This method will never produce the long overdue and urgently needed basic reforms in our immigration laws to which both political parties are committed. This practice has been nurtured by acquiescence on the part of the Senate in the attempt by certain Members of the other body to dictate to both Houses the details of immigration legislation.

I would not at this stage take any steps which might jeopardize the limited improvements in the law reflected in this bill. But in the future I intend to exercise whatever prerogatives I have to make certain that these matters are given proper consideration in the future. I refrained from signing the conference report as a gesture of protest against the parliamentary maneuverings which force the Senate now to act on a woefully inadequate bill it has never considered or else get no action at all on vitally important measures.

One instrument that might be properly used to implement the congressional interest in immigration legislation is the Joint Congressional Committee on Immigration and Nationality Policy established by section 1106, title 8, United States Code. Section 1106 provides that five members of the Judiciary Committee of both the House and Senate are to be members of the Joint Committee. Section 1106 also provides that the functions of the committee will be "(to) make a continuous study of, first, the administration of this chapter, and its effect on the national security, the economy, and the social welfare of the United States, and second, such conditions within or without the United States which in the opinion of the committee might have any bearing on the immigration and nationality policy of the United States.

This committee, of which I am a member, would certainly have been of considerable value this session in working our way out of the parliamentary maneuvering taking place in order to secure passage of the bill before us.

The Joint Committee on Immigration Policy has yet to hold a meeting, since I have been assigned to the committee. The positions of chairman and vice chairman are vacant. Although the committee is authorized to employ personnel for the purposes of carrying out the functions of the committee, to my knowledge no such employees have been hired. It is my intention to press for the activating of this committee so that it can perform the useful purpose for which it was created.

While some of the provisions of the bill will alleviate the hardship and unfairness of our present immigration laws, there is no question that further revision is urgently needed. Due to what appears to many to be an apparent lack of interest in immigration legislation by the congressional committees concerned and a lack of leadership from the executive branch of Government, no really comprehensive immigration legislation has seriously been considered in this session of the Congress. It is unthinkable that when both parties and both presidential candidates actively supported revision in our immigration laws that Congress now stands unwilling to act. The desire by both political parties has been made apparent. The need for this legislation is obvious. The missing ingredient up to the present time has been leadership. I am sure that an overwhelming majority of the Members of the Senate would support substantial revision in our present Immigration and Nationality Act if given an opportunity to vote on the subject on the floor of the Senate.

Mr. President, I shall vote in favor of this legislation with the hope that in the future the other body will not succeed again in imposing its will on immigration policy. It is the responsibility of the Senate equally with the House in the days ahead to press for legislation which will bring an enlightened immigration policy to the United States. International understanding and cooperation may be achieved by a full realization of the human dignity of all men. Immigration laws in this country, tailored to meet that concept and reflecting a due concern for our own national interests, would contribute immeasurably to the acceptance by all nations of our sincerity and responsibility.

I wish to pay my respects to those who have worked hard on this legislation. I regret that I could not see my way clear to go along with the other conferees in signing the report. However, I shall vote for the conference report today.

Mr. HART. Mr. President, the point has been well made that the bill does represent some advances in some very sensitive areas. Surely the addition of the second and third preference categories is all to the good.

Mr. President, I shall vote for the acceptance of the conference report, but

I wish to express a concern. Those provisions of the bill as reported by the conferees providing for the admission of alien orphans and for the nonquota admission of aliens registered under the second and third preference are meritorious. But I am concerned lest inequity which may result from several of the provisions, added by the House, on judicial review of deportation and exclusion cases. I am not sure that these provisions will be effective in speeding the deportation of those undesirable aliens whose activities have prompted this legislation. Those aliens have ample funds to secure able legal counsel and to pay for protracted litigation. At the same time, and this is my concern, aliens of modest means may be denied the opportunity for judicial review of administrative action simple because they cannot afford it.

Mr. President, our distinguished chairman made the comment that these deportation recommendations reflect the deep concern of the Commissioner of Immigration and other persons affected by our inability to remove from the country some 7 or 10 conspicuous cases. My concern, I suppose, basically is this: That we may have brought up very heavy artillery to take care of a very tiny target. As is always the case in such a situation, we may find that the only people who are really hit are some bystanders.

As was expressed in committee, I hope there will be a review of the action taken under this section after a suitable period of trial.

The Commissioner of Immigration assured the members of the Judiciary Committee that these provisions will be used only against those aliens who have grossly misused the instruments of due process of law. I sincerely hope that this will be the case and, as was discussed in committee, I believe it would be wise for the Senate to review the actions taken under this new language after a suitable period of trial. In the meantime, I urge that the Immigration and Naturalization Service be most careful to give aliens advance notice of impending administrative action for deportation.

Finally, I am disappointed that the Congress persists in the piecemeal approach to immigration legislation. President Kennedy and President Eisenhower both have urged revision of our immigration quota system, including the pooling of unused quotas. There should be permanent provision made for the admission of refugees rather than the short-term, limited legislation now in effect which will expire in 1962. There should be provision for nonquota admission for aliens in the first preference—persons who have been certified by the Attorney General as possessing skills urgently needed in the national interest.

In view of the narrow scope of the measure before us, I am hopeful that the President, with his long and distinguished record in the Senate in behalf of humanitarian immigration legislation, will recommend early in the next session the enactment of a comprehensive revision of our general immigration laws.

Mr. EASTLAND. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an explanation of the conference report, to show legislative intent.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR EASTLAND

I do not feel that it is necessary for me to go into lengthy detail in explaining the action of the conferees in composing the differences between the Senate and House versions of the bill, S. 2237, but I do believe that it would be advisable for me to comment briefly on the provisions of the bill as reported by the committee of conference. As passed by the Senate, S. 2237 provided for the issuance of special nonquota immigrant visas to certain eligible orphans adopted or to be adopted by U.S. citizens. The bill would have in effect extended the law which expired on June 30, 1961, for a period of 2 years.

Sections 1, 2, 3, and 4 of the House version of the bill incorporate and codify into permanent law the provisions relating to the entry of certain eligible alien orphans as an amendment to the Immigration and Nationality Act, and the conferees agreed to accept the provisions as they appeared in the House version. In addition to making the provisions of the alien orphan program permanent, the essential difference between the Senate and House versions is that proxy adoptions are eliminated. It should also be pointed out that under section 25(b) of the bill, the cases of adopted alien orphans which are pending prior to September 30, 1961, may be processed under the old law within 6 months from the date of the enactment of this bill.

The remaining sections of the bill as agreed on by the conferees were contained in the House version of the bill, but not in the Senate version, and the conferee agreed to accept the House version.

Section 5 of the bill provides for the establishment of forms of judicial review of exclusion and deportation orders issued by the Attorney General under the provisions of the Immigration and Nationality Act in order to restore uniformity in the judicial review of such orders and to meet the need for expedition, orderly venue, and avoidance of repetitious court proceedings. There has never been a special statutory form of judicial review of deportation orders and the bill establishes a judicial review proceeding precisely as is contemplated by the Administrative Procedures Act. The procedure adopted for that purpose is the tested judicial procedure created under the act of December 29, 1950, for review of orders of other Federal administrative agencies such as the Federal Communications Commission, the Federal Maritime Board, and the Atomic Energy Commission.

Under the procedure established, exclusive jurisdiction to review the deportation orders is vested in the Federal courts of appeal, where an alien against whom a deportation order has been entered is not in custody, he may file a petition for judicial review of the deportation order within 6 months from the date of the final order of deportation or from the effective date of this act, whichever is later. The bill declares the venue of the petition for review to be the judicial circuit (1) where the administrative proceedings were conducted or (2) where the petitioner has his residence, but not in more than one circuit. The Immigration and Naturalization Service is made the respondent in such cases, and service of process is to be made upon the district director of the immigration district where the clerk of the court is located, as well as upon the Attorney General. The determination by the circuit court shall be made solely upon the administrative record and the Attorney General's findings of fact shall be conclusive if supported by reasonable, substantial, and probative evidence. If in such proceedings a genuine claim of U.S. nationality is presented, the court will refer the proceedings to a U.S. district court for a hearing de novo as to the alien's claim to nationality.

In those cases where the alien is in custody, the bill carefully preserves the writ of habeas corpus as the method of obtaining judicial review of deportation orders. With respect to the judicial review of orders of exclusion, the bill prescribes that the writ of habeas corpus shall be the sole method for judicial review. In order to eliminate repetitious and unjustified proceedings, the bill also provides that subsequent petitions for review or for habeas corpus will not be entertained if the validity of the order of deportation has been previously determined in any judicial proceeding unless the new petition presents grounds which the court finds could not have been presented previously or the court finds that the remedy in the previous proceeding was inadequate or ineffective to test the validity of the order.

The enactment of the provisions relating to the judicial review of deportation and exclusion orders is urged by the present administration, and the enactment of similar provisions was urged by the past administration.

The provisions of section 6 of the bill are technical in nature and merely remove from visa applications any reference to the designation of the race and ethnic classification of the applicant, inasmuch as such information has no bearing upon the admission of aliens.

Sections 7 and 8 of the bill would accord the same naturalization benefits to members of the Armed Forces who served honorably in an active duty status during the Korean conflict as are presently enjoyed by veterans of World War I and World War II under existing law.

The provisions of section 9 would provide for an adjustment of certain immigration quotas which will be necessitated upon the emergence of new independent nations in the Western Hemisphere and in Asia, such as the imminent independence of the West Indies Federation and the expected independence of western Samoa in 1962. Specifically section 9 would (1) issue to new political entities an immigration quota equal to the total of quota or quotas presently established for each of the component parts which comprise the new entity and (2) would eliminate the ceiling of 2,000 now imposed on the aggregate of all minimum quotas within the Asia-Pacific triangle.

Section 10 of the bill is designed to strengthen the provisions of the Immigration and Nationality Act with respect to the exclusion from entry of those aliens who have entered into the fraudulent marriages for the purpose of evading the law.

Section 11 modifies the provisions of existing law relating to the exclusion of aliens who are afflicted with tuberculosis in any form or with leprosy or any dangerous contagious disease, by removing the words "tuberculosis and leprosy" in accordance with recommendations of the Department of Health, Education, and Welfare.

Section 12 of the bill incorporates into the basic statute the provisions which were contained in section 6 of the act of September 11, 1957, under which waivers of the tubercular ground of exclusion could be granted in cases of certain relatives of U.S. citizens and lawful resident aliens. That temporary provision expired on June 30, 1961.

Sections 13, 14, 15, and 16 of the bill also incorporate into the basic statute provisions which have been contained in separate enactments. Those provisions relate to the

waiver of grounds of inadmissibility and deportability in the cases of certain close relatives of U.S. citizens and lawful permanent residents involving convictions of minor criminal offenses, fraudulent misrepresentations in connection with applications for visas or admission to the United States.

Section 17 is designed to correct certain interpretations that have been made in the administration of the nationality provisions of the Immigration and Nationality Act under the savings clause of that act. At the present time, petitions for naturalizations are being considered under both the Nationality Act of 1940, which was repealed by the Immigration and Nationality Act, and under the Immigration and Nationality Act, which became effective on December 24, 1952. Under the provisions of section 17 all petitions for naturalization filed after the enactment of that section must be heard and determined in accordance with the requirements of the Immigration and Nationality Act.

Section 18 of the bill amends section 340 (a) and (b) of the Immigration and Nationality Act by restoring in existing law illegality in the procurement of naturalization as a ground for revocation of naturalization.

Section 19 of the bill contains certain evidentiary rules governing the adjudication of cases involving loss of nationality and are comparable to provisions of prior laws.

Section 20 of the bill would amend section 354 of the Immigration and Nationality Act by extending the benefits of that provision to the spouse or child residing abroad with the citizen spouse or parent whose case is within the provisions of paragraph (4). At present, under paragraph (4), a naturalized citizen who has attained the age of 60 years and who has resided abroad for not less than 10 years and is in bona fide retirement from a designated type of occupation is exempted from the general rule that a naturalized citizen loses his nationality by residing continuously for 5 years in a foreign state.

Sections 21, 22, and 23 of the bill are technical in nature covering the repeal of prior laws and making certain corrections of errors in the present law.

Section 25 of the bill is in two parts. Subsection (a) of that section would grant nonquota status to certain close relatives of citizens and lawful residents who were the beneficiaries of approved petitions filed in their behalf with the Attorney General prior to July 1, 1961. Section 25(b), as previously mentioned, will permit the processing of the "pipeline" adopted orphan cases where the petition was pending or approved prior to September 30, 1961.

I feel that this is a good bill. The alien orphan adoption legislation expired on June 30. The law enforcement agencies of the Government have requested the enactment of the provisions relating to the judicial review of deportation orders, stating that it is urgently needed to assist them in effecting the deportation of racketeers and other undesirable persons. The legislation will also permit the reunification of separated families. I hope that the Senate will vote to adopt this conference report.

Mr. JAVITS. Mr. President, I think we are treating the subject altogether too cursorily. We are making our obeisances to protect what I think is very inimical to the progress of our country and a recognition of our country for what it is, the leader of the free world, in all areas, especially one of the great attributes of the free world, which is freedom of movement in the free world.

I, for one, am not satisfied to take it so quietly. Although I recognize that my vote will be misunderstood by those who devotedly wish the bill to pass, I shall vote "nay." I shall vote "nay" because I think it is high time that some one of us stood on his hind legs and demonstrated by risking his political neck what is going on. Before I do so, I shall suggest the absence of a quorum, which has not, I believe, been asked for in reference to the conference report. At least, Senators should know what is taking place on the floor of the Senate, so that if they wish to do so, they may have an opportunity to come here and express themselves.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, my reason for suggesting the absence of a quorum was that Senators might know what was taking place on the floor of the Senate. I have no illusions about the degree of interest which exists, unfortunately, in the Senate at this time with respect to immigration legislation. This may be a chronic condition. I hope very much it is not, but it may be.

Anyone who feels strongly on the question—and I do, and I believe other Senators do—however he may vote on this particular conference report, sees the picture very clearly. About a year ago we had precisely the same situation. I took occasion to denounce it on the floor of the Senate, stating that the reason we do not have an opportunity to seek to amend the immigration in a substantial way, in the way it should be amended, without leaving undone the enormous number of things which in the interest of our country and our own position in the world we should do, is precisely that year after year we accept what I think is properly called shotgun legislation on immigration.

At the very end of the session there is brought in some sort of bill which satisfies some persons, does some things which need to be done, but does them on a "take it or leave it" basis, on a basis of "If you don't like this, you can't get anything else"; and, in a sense, it is cross-ruffed between the House and the Senate, so that regardless of whether the proposal comes from the Senate or from the other body, both Houses are faced with it.

Last year, under exactly the same conditions, I took occasion to point out that we would never change that situation unless the Members of the Senate determined to reject one of the conference reports, notwithstanding what might be its manifest attractiveness in connection with the limited area to which it applied. When that is done, at long last we set our feet on the road toward doing something constructive in this field.

I thoroughly agree with my colleague from New York and with the Senator from Rhode Island about what the pending measure does. It does something which needs to be done for the alien orphans and for certain preference applicants for visas, and it does something which needs to be done in regard to certain technical provisions of the law relative to those who have committed crimes, those who have had tuberculosis, and so forth.

But what does the pending measure fail to do? As my colleague from New York has pointed out, it fails in a most important particular; and my colleague has stated that therefore he refused to sign the report, although he will vote for it. But this measure fails to do something about our outmoded quota system. Both political parties pledged themselves to change it, and President Eisenhower gave us the specifics in regard to how to change it.

Furthermore, this measure does nothing about the refugees and the escapees. Yet they constitute one of the great problems of our time. In that connection, it is most important that action be taken in behalf of the freedom fighters from Cuba, who were in Miami. No existing provision of our immigration law deals adequately with the situation in which they find themselves.

Unless we proceed to make the necessary changes in the law, they will have to leave the United States, and subsequently return, in order to have their status here regularized. Certainly the situation in regard to escapees and refugees is likewise a grave one in connection with the existing situation in Berlin, where, as we recently have witnessed, because of our immigration laws, the escapees and refugees are encountering one of the greatest dangers which faces those who escape from the Communists. Certainly a definite improvement—an improvement in favor of those who escape from behind the Iron Curtain—is needed in our immigration laws which will apply to that situation.

Mr. President, I do not need to argue the case in terms of making our immigration laws more humanitarian or in terms of our desire to improve the lot of other peoples in the world or in terms of our desire to improve the opportunities for many people in the world to find a haven in a land of peace.

All these factors call for definite revisions of these laws; and President Eisenhower favors their revision, and I have no doubt that President Kennedy will also take that position; and both political parties have done so in their platforms.

The constant frustration we encounter is not because of the general sentiment which exists in the United States. The general sentiment in our country is certainly in favor of such revisions of our immigration laws. But the fact remains that by means of these procedures we are foreclosed from doing other than the limited things the chairmen of the two committees believe should be done in connection with immigration matters. With all due respect to the chairmen of the two committees, I do not believe they are the most devoted friends—and of course I have no quarrel as to the sincerity of their views; I am sure they are

just as sincere in their views as I am in mine—but certainly they are not devoted friends of the needed changes in our immigration laws.

Therefore, until we make some change to bring about relief in this parliamentary situation, I believe the prospects of having any basic changes made in our immigration laws are absolutely nonexistent.

Mr. President, certainly in our country there are many organizations of fine citizens of the United States who are deeply and passionately convinced that our immigration laws must be revised—although there may not yet have developed throughout the country a real fever and fire in favor of such revisions. But that is all the more reason why those who, like myself, feel strongly about this matter must continue to make this point and, as I have said, must be willing to take some political risks in connection with it.

If the Senate acts in this fashion, no real risk will be involved. Under the practice, the conference report would have to be rejected, and then the bill as passed by the Senate would be sent to a further conference, and the conference process would then start over again in dealing with the provisions of the Senate version of the bill which deal with alien orphans.

So nothing would be lost; we would simply be refusing to accept this means of avoiding the fundamental issue of revising our immigration laws.

Mr. PASTORE. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER (Mr. LONG of Missouri in the chair). Does the Senator from New York yield to the Senator from Rhode Island?

Mr. JAVITS. I yield.

Mr. PASTORE. I quite agree with the arguments that impel the Senator from New York to take the position he is taking on the floor of the Senate this afternoon. But does he seriously think that if the conference report were rejected, and if a further conference were held, the measure would see the light of day during this session?

Mr. JAVITS. I have said that of course I do not think so; and that is precisely why I am making this argument. I am saying that until we come to the day when the Senate is ready to take the bit in its teeth, nothing can be done about these matters. But when the Senate is ready to take the bit in its teeth, the Senate can control the situation.

Mr. PASTORE. I understand the weight of that argument. But let us consider the human elements involved in the meantime, let us consider that by means of this measure we are providing for the unification of many families who will not be reunited unless this measure is enacted into law—and let me say that I have been in consultation with the agencies involved. As I have stated, they have been struggling with this problem for many, many years. Every day they have to deal with these human problems, the problems of parents who wish to be reunited with their children, by bringing them from abroad, and the problems of children who wish to be reunited with their parents, by having their parents come to the United States. Now, it may be a good argument to state that if we keep on taking nothing now and nothing next year and nothing the following year, eventually we may accomplish something. That may be a good argument; and certainly the Senator from New York knows how I feel about this situation. But the experience has been that we have accomplished these things bit by bit. I do not like this method very much, but I realize that in attempting to accomplish something in this field, one must be practical. I say that since human suffering is involved and inasmuch as the measure with which we are dealing will make possible the reunification of families who today are separated, and taking into consideration the numerous related moral and human situations today, I am perfectly willing to make the sacrifice of taking half a loaf instead of a full loaf. This is in the hope that by that means we can keep on fighting for the accomplishment of what we believe should be and must be achieved. We can renew our battle at the next session, and thus will be able to achieve what the Senator from New York wishes to have achieved and what all of us wish to have achieved.

But when the Senator from New York argues that if we let this measure go by the board, we shall be in a better position next year, I doubt very much that what he hopes to have accomplished in that way will be realized.

Mr. JAVITS. Of course I do not yield to the Senator from Rhode Island or to anyone else in my own devotion to the humanitarian cause involved—and I think the Senator from Rhode Island knows that—or in my own devotion to the enactment of immigration legislation. But I believe there are far more persons in the world who are involved in connection with a basic revision of the immigration policy of the United States, and certainly that group includes the very ones who, unquestionably, will be benefited by means of the measure now before us.

Furthermore, we also have an issue of fundamental national policy, in addition to the fact that many more persons are involved. Thus, so long as the Senator from Rhode Island feels as he does and so long as he is willing to accept these compromises, it is my view—although it may not be his—that there will be no fundamental revision of our immigration laws.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. If I may finish my thought first, I will then yield. I said that was my view. I think that is the fundamental issue being posed here. We are not "chipping away." If we were "chipping away" at anything fundamental, I would be inclined to go along with the Senator from Rhode Island, but we are not. All we do is pick up a small basket of 18,000 people who are involved here. The figures were given by the Senator from Mississippi. We pick up 9,000 orphans who were admitted under the bill. Therefore, in my view, we lend ourselves to the perpetuation of a situation which is inherently wrong for the country, and for which I do not see any hope of correction, unless, at long last, we do something effective about it.

Mr. PASTORE. Why does the Senator say that? After all, this is not a continuing body as to the individual. Tomorrow, next year, the year after that, new men and women may be elected to the Senate and the House. This is a continuing crusade. I am accepting the bill because the agencies interested in liberalizing the immigration laws have said to me, "Please, Mr. PASTORE, we want the bill." This involves 18,000 persons, against whom we will have closed the door.

The mere fact that we reject the bill this year does not mean our position will be any better next year. I am not compromising. The Senator from Rhode Island does not have the reputation of being a retreater. I am not retreating. I will fight just as hard next year as this year, but our position is not going to be better next year because we say "No" to 18,000 persons this afternoon. I say let us extend the hand of welcome to them, without compromising next year. I have no agreement that, if I take this bill, I will take my seat and be silent next year. I will fight just as hard, and perhaps harder, in 1962. But if this is all I can get in 1961, if I can bring happiness to the lives of 18,000 persons in this year of 1961, I am not going to turn my back on them and say, "No—I will try again in 1962." I will take this for them and then fight for the others in 1962. I know there are many persons all over the world who want to come to this land, and should have every right to come. I know we have been too constricted in our immigration laws.

All I am saying to the Senator from New York is that this is no compromise on my part. I am taking this because, if we do not take this, we get nothing. Because I take the bill this afternoon does not mean I will not fight next year for more.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. EASTLAND. Does the Senator from Rhode Island realize this is 18,000 in addition to the orphans who have come in?

Mr. PASTORE. I realize that. I have already made my position abundantly clear. Eighteen thousand does not satisfy the Senator from Rhode Island. I would like to see it 180,000; but just because I would like to see it 180,000 does not mean I would not take 18,000 now or take nothing.

There is nothing that will be done this afternoon that will prevent my fighting next year. I have heard from Father Donanzen and Monsignor Swanstrom and other devoted workers who have been interested in the liberalization of our immigration laws. They have asked me to support the report. I do not think anybody who supports the report this afternoon ought to be characterized as a compromiser. I will never compromise with principle, but I will take what I can get and fight for the remainder tomorrow.

Mr. JAVITS. The Senator from Rhode Island is too valuable a friend to the revision of the immigration laws for me to charge him with anything which would diminish for one instant his capability for fighting for that revision, and I would not do that. The Senator is taking what he can get now, as he has said. As long as the Senate lends itself to the acceptance of what we can get in this way, that is my conviction—and very distinguished people have asked me to act, as they have asked the Senator from Rhode Island to act, because they know me as a friend of humanitarian causes and immigration revision; and I am. The only question we face is: When do we want to do something real in this field? It is my conviction that we shall not do it as long as we accept shotgun measures at the end of sessions. That does not mean a compromise. It means doing something else than what we should do.

Mr. PASTORE. Mr. President, I do not think anybody fights harder for the rights of the people than does the Senator from New York. I have congratulated him in private many times and I have told the Senator of the high esteem in which I hold him.

What we are arguing this afternoon is the humaneness of the legislation as far as it goes. I do not think we ought to leave the impression on the floor of the Senate that anyone who endorses the report is compromising the future of the immigration law. I do not believe that.

Mr. JAVITS. I think the Senator has made clear what he has just said, which puts it completely in focus. In that sense we disagree. I believe that, until the Senate turns down one or more of these bills which come to it at the end of the session, we are not going to get any fundamental revision of the immigration laws. The Senator from Rhode Island disagrees with me.

What is going to happen is precisely what the distinguished Senator from Rhode Island expects. There is obviously no support on the floor for doing anything other than accepting the conference report. That is what will happen. So we shall have an opportunity next year to test the very strategy my colleague recommends. We will see whether next year, 1962, we will have a fundamental, or at least some hope of getting a fundamental, revision of the immigration laws. It is my deep conviction—and I conclude upon this note—that until we stand up on our hindlegs and effectively act in respect to one of these bills, we will not get a fundamental revision of the immigration laws; and it is for that reason that I have taken the position I have today.

Mr. FONG. Mr. President, I was one of the conferees on the bill. I shall vote for the conference report.

I commend the distinguished Senator from Mississippi for a very fine report.

I share with the distinguished Senator from New York a feeling that the bill is very restrictive, but I do not share with him the belief that because we are not able to secure a better bill than the bill now before us we should vote against the bill.

There are a lot of discriminatory provisions in our immigration laws. The distinguished Senator from New York alluded to the fact that we have not done anything for the escapees and refugees. Last year, when a similar bill was before the Senate, I offered an amendment to allow 4,500 refugees to come to the United States from the Far East and the Middle East. The Senate in its wisdom supported my amendment, but unfortunately the conference committee killed that provision.

We were advised that the House would send a team to the Far East and to the Middle East to look into the problem of escapees and refugees, and that a recommendation would be made to the Congress. So far nothing has been done at this session of Congress. I hope in the next session of Congress next year we shall be able to do something with respect to the problem.

The Senator from New York alluded to the fact that quotas are archaic. I agree that the quotas are archaic. I go further. I say there is a very discriminatory feature in the present immigration laws relating to the Asiatic Pacific Triangle. Every year approximately 154,000 immigrants come to the United States under our quota system.

Of the 154,000 immigrants, less than 2 percent come from the Asiatic Pacific triangle.

What is the Asiatic Pacific triangle? The Asiatic Pacific triangle is composed of the nations of India, Indonesia, Malaya, Japan, China, and many others in southeast Asia including many of the islands of Polynesia.

When one considers the fact that of the 154,000 quota immigrants coming to the United States only 2,000 are allotted to the Asiatic Pacific triangle, less than 2 percent, one observes how discriminatory are the immigration laws of the United States as it relates to the Asiatic Pacific triangle.

I hope that in the next year we shall have an opportunity to delete from the law this discriminatory feature and give a larger quota to the Asiatic Pacific triangle.

We are spending billions of dollars in our effort to win the hearts and minds of men all over the globe.

In our immigration laws we tell these people, "You who represent approximately one-half of the population of the world, you who are in the Asiatic Pacific triangle, you can send to the United States only 2,000 people out of 154,000." This very discriminatory feature of our law should be amended.

The bill which is now before the Senate for vote is a good bill. It will be a step forward. Since we cannot get a full loaf, at least we can expect half a loaf.

This bill will bring joy and happiness to at least 10,000 families in the United States.

The bill covers some 18,000 people who are now in the second and third preferences; those who are wives of immigrants permanently residing in the United States, unmarried daughters and sons of immigrants permanently residing in the United States, and unmarried sons and daughters of citizens who are in the United States but who are past the age of 21. These people will be allowed to come into the United States under the terms of the bill and be reunited with their families.

This bill will also bring joy to many childless couples in the United States who are unable to adopt a child in the United States because of the dearth of children available for adoption. These couples will be able to bring to the United States many alien children who are under 14 years of age, and give them the comforts of many good homes.

All in all, Mr. President, although the bill is a restrictive bill, it is a great step forward in our immigration laws. I commend the distinguished senior Senator from Mississippi, the chairman of the conference committee, for bringing the bill to the Senate. I hope all of my colleagues will vote for the conference report.

Mr. KEATING. Mr. President, will my distinguished colleague yield to me?

Mr. FONG. I yield.

Mr. KEATING. I commend the distinguished Senator from Hawaii for his work in the conference and for proposed legislation he has introduced in this field. I know the Senator shares with me the feeling that the bill by no means completes the answer to the needs in this field.

I respect the deep convictions of my senior colleague from New York. I can well appreciate his feeling that he should oppose the conference report. The temptation was strong for me to do so, also.

However, I have concluded, as did the Senator from Rhode Island, that even though the bill does not by any means come close to doing what we think should be done—and, as pointed out in my remarks, although I resent the manner in which we are forced to legislate in the field of immigration laws—I cannot close my eyes to the great humanitarian appeal of many parts of the bill. The bill will reunite many families, and will take care, as the Senator from Hawaii has said, of the childless couples who have been yearning to carry through proceedings under the adoption laws.

I shall support the conference report, but I do so with some reluctance.

I know the sentiments of the distinguished Senator from Hawaii as to the efficacy of the bill are similar to mine.

Mr. FONG. I thank the distinguished Senator from New York for his fine remarks. The Senator from New York has been in the forefront of immigration legislation. He is one of those who have tried to rewrite the laws so that a fair immigration law could be provided for the country. I know the Senator is somewhat disappointed because the bill does not reach as far as he would wish it to. I share that view with him. I hope we can work together on the Committee on the Judiciary to have a good bill reported at the next session of Congress.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi.

Mr. DIRKSEN. Mr. President, I do not wish the discussion to close—since I think originally the bill bore my name—without first paying tribute to

Mr. Fred Mesmer, the clerk of the Subcommittee on Immigration and Naturalization of the Committee on the Judiciary.

This is a highly technical field and requires great skill and constant application to keep abreast of all the technical details in all of our immigration laws and the proposals which are presented from time to time amendatory of the laws.

Fred Mesmer has done a remarkably superb job, so I pay testimony to him today for his devotion and the constructive way in which he has pursued this problem, early and late.

Not the least of his attributes is a consummate patience, because this is only one of many things engaging the attention of members of the Committee on the Judiciary, who, in the main, each serve on seven or eight subcommittees.

I pay double tribute to him today because largely as a result of his efforts we have been able to work out our differences with the House of Representatives, which has some rather fixed opinions about the whole subject of immigration, naturalization, and deportation.

We salute him today for a great job well done.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. KEATING. I do not wish to let this opportunity pass. It was shortsighted of me not to pay tribute to Mr. Mesmer before. I do not know what we would do in the Committee on the Judiciary if we did not have a man of his ability, diligence, and pleasant manner to work with in respect to immigration problems. Fred Mesmer is always available at any time to assist on any problem. He is one of the most cooperative staff members I have ever encountered in all my time on Capitol Hill.

Mr. FONG. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. FONG. I join the distinguished Senator from Illinois [Mr. DIRKSEN] and the distinguished Senator from New York [Mr. KEATING] in commending Mr. Mesmer for his very fine work in this field. His work on the conference report will result in the uniting of families which otherwise would probably have had to wait, in regular course, 50 years to come into this country.

For example, there are certain categories in which 1,500 of the second- and third-preference people would be allowed to come in on a quota of 100. The first 50 percent would be allotted to skilled people in the preferred class, known as class 1. Then 30 percent of the 100, or only 30, would be allotted to class 2, and 20 to class 3. When only 30 are taken into class 2, and that figure is related to the 1,500 people, it means a waiting period of 50 years. By one stroke of the pen, we shall allow all those people to come in instead of requiring them to wait 50 years.

I join distinguished Senators in commending Mr. Mesmer for his fine work in this field.

Mr. DIRKSEN. Mr. President, I should like to make a few personal observations. I believe it was in 1933 that one of my first assignments in Congress was to the Committee on Immigration in the House of Representatives. That was long before the McCarran-Walter Act was passed. It was long before there was any codification and simplification of the whole body of law relating to the immigration of people, their naturalization when they come here, and their deportation if and when they violate our institutions and undertake to make themselves unsocial beings.

From that time on I have had considerable interest in the subject. I am mindful of what occurred after the McCarran-Walter Act was passed. We were dealing with human values; and there were so many changes that we could not compress all the problems into words, inscribe them on a statute book, and say, "This is it," because so many equities were involved.

For example, a family might come to the United States with a visa. One child in the family might be tubercular. Obviously a father and mother would not abandon their child and leave the child abroad. So the question arose as to what they should do? Should there be a waiver? Should provision be made that when the family arrived here, the child could be properly cared for and the family not be dismembered and split? It is not an easy problem. Sometimes I suppose it would tax the wisdom of a Solomon.

No one would ever contend that a traffic violation is invested with moral turpitude. So what would one do about amending the law to make certain that the statute does not stand in the way of the issuance and approval of a visa?

I could cite may other incidents. I recall the distressed victims of the military putsches in Europe who falsified their documents in the hope that they would not be sent back to a Communist-riddled country. Under our law, they would obviously be invested with a degree of turpitude. But who should point the finger of blame and scorn?

As a consequence, as all those individual situations arose, it became necessary to modify the basic act and take care of those very human situations.

I am keenly aware of the sharp difference of opinion, philosophically, between people in all sections of the country as to whether the law ought to be markedly liberalized, whether the quota base should be changed to make it more liberal, and whether the unused quota numbers should be assigned to other countries where there is an excess of applications. What should be done?

There is a sharp difference of opinion. Nowhere is it more evident than in the attitude that has often been expressed by the House of Representatives on one side, and the Senate on the other.

Having served on the Committee on Immigration a good many years ago, I know the fixity of feeling and purpose that has marked the viewpoint of Members of the other body of the National Legislature.

I recall the great controversy over sheepherders a few years ago when I sponsored an omnibus bill. There was a dearth of sheepherders in the Western States. We were told that the sheepherders were born on the island of Corsica, I believe, and we were asked if something could not be done to liberalize the laws in order to make it possible for the sheepherders to come in, in view of the clamor of the sheep raisers in the Western States. It was a minor item, but Senators made the welkin ring on the Senate floor with sheepherder discussion only a few years ago.

The question of what to do about alien orphans arose. One is touched with a sense of pity. I know, of course, that there are some who would not have the bars lowered at all. But one cannot frown so easily upon the human values involved in a problem of that kind. In this country what might be a felony is often a misdemeanor abroad, and what might be a felony abroad is only a misdemeanor in this country. If a person is apprehended for a traffic violation, and it is a felony abroad, does that violation finally so bespeckle his record that he cannot come into the United States under a visa?

So when we deal with a problem of this kind, obviously the concurrence of both branches is necessary. When one branch says, "We will not concur in this particular item, and here are the reasons for it," finally we reach the end of the road, and then we must determine whether there shall be some bread or no bread.

Neither branch of the Legislature ever gets the whole loaf. That has been my experience in this field over a long period of time. That was true of the omnibus bill which I introduced several years ago. There were at least 12 or 13 separate categories in it dealing with different kinds of cases. We had to retreat here and advance there in order to obtain ultimate conference concurrence. So we sat around the table and composed our differences with the House of Representatives; and while the result does not represent the desires of all members of the conference, yet it is as good as can be contrived under the circumstances. It is a step forward. Therefore I trust that the conference report will be agreed to.

Mr. President, I think I am authorized to say for the chairman of the Committee on the Judiciary that there is no particular desire to have a yea and nay vote on the conference report. I think we have reached the point of voting.

The PRESIDING OFFICER (Mr. HART in the chair). The question is on agreeing to the conference report.

The conference report was agreed to.

PREVENTION OF CORRUPT PRACTICES IN FEDERAL ELECTIONS

The Senate resumed the consideration of the bill (S. 2426) to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes.

The PRESIDING OFFICER. The Chair understands that, under the unanimous consent agreement, 20 minutes are allotted on the pending amendment, offered by the Senator from Missouri [Mr. LONG], for himself, and the Senator from New York [Mr. KEATING], 10 minutes on each side.

How much time does the Senator yield to himself?

Mr. CANNON. I yield myself so much time as I may need of the 10 minutes available.

Mr. President, the amendment offered by the Senator from Missouri [Mr. LONG] and cosponsored by the Senator from New York [Mr. KEATING] would change the definition of "political committee" as it exists in present law and as it appears in the bill so as to include intrastate committees as well as those committees in two or more States. The only political committees which would come under the definition of this amendment would be those accepting less than $2,500 during the calendar year for the purpose of influencing the election of Federal candidates. As I said at that time, following the offering of the amendment, the primary purpose of the Federal Elections Act is to provide campaign expenditures under the Corrupt Practices Act of 1925.

Mr. President, I make no pretentions that the bill would cure all of the evils of a political campaign. No bill can be that carefully drawn. There are many activities which are engaged in on a voluntary basis, such as doorbell ringing, the writing of letters, and so forth, on which no dollar value can be placed or can be reported as such.

Furthermore, with candidates running for the House of Representatives every other year and, in the case of the Senate particularly, where candidates run only every 6 years, such a provision as the Senator suggests would create chaos with respect to local committees, particularly from the standpoint of county, city, town, and ward committees.

It is true that the amendment requires reports only from those who spend $2,500 or more during any calendar year in support of a Federal candidate. However, the work of an entire organization is involved with respect to expenditures on behalf of candidates on all levels, and the funds contributed are largely commingled and do not lend themselves to easy allocation among the separate candidates.

Mr. President, as I said before, we made an attempt in this area last year, and the bill died. It died because it had in it several amendments placed in it on the floor of the Senate during the debate. They were not acceptable to the other body. The distinguished minority leader said only a few moments ago that half a loaf is better than no loaf at all. I would like to extend that statement of the minority leader to the consideration of this point. If we want a clean elections bill, as I have said earlier, which will cure a great many of the evils surrounding these situations, we had better take the bill as is, and not encumber it with many extraneous amendments.

I yield the floor and reserve the balance of my time.

Mr. LONG of Missouri. Mr. President, I yield myself such time as I may require.

The distinguished chairman of the Privileges and Elections Subcommittee has presented a number of arguments why the Senate should avoid adopting the pending amendment to include intrastate committees which spend or receive $2,500 or more to influence Federal elections. In my opinion, each of the arguments presented fall of their own weight. The foremost argument presented seems to be that the Senate should back away from the amendment because the House of Representatives will never approve a bill if this provision is in the measure passed by the Senate. It has always been my understanding that in a bicameral legislature each House was equal. If there is to be a compromise, it should come in conference after both Houses have expressed their will. If the Senate attempts to meet objections of the other body before the bill even goes to the other body, we will certainly have failed our constitutional responsibility. Let us not give up our position before the issues are joined.

The Senator from Nevada has ably stated:

> The public should know who contributed funds, how much, and for what purpose.

The Senator has also stated:

> I think there should be public disclosure as to the money which is given so that everyone will know. I think all are entitled to know.

This is exactly my position, Mr. President, and that is the purpose of the amendment. The Senate should do the job which needs to be done to have a really effective disclosure bill. If the House of Representatives finds itself in disagreement, we can then go to conference.

Mr. President, the Senator from Nevada has listed other objections to the amendment. He points out that intrastate committees must already report under State law except in a few States. This is also true as to Federal candidates, but we require them to report anyway. While there are only five States, as listed by the Senator from Nevada, which do not have reporting statutes, it is my understanding that a number of the State laws do not require the most comprehensive reporting. It is my understanding that some of the States which have reporting statutes only require reports from candidates, some only require reports on primary elections, some only require reports after the elections. So even though 45 States may require some form of reporting, it does not mean that in all 45, the people have access to information concerning the financial operations of intrastate political committees in time to evaluate it before going to the polls.

The argument has been raised that because of the lack of uniformity and possible conflict in State and Federal reporting statutes, it would cause legal chaos to require intrastate committees to report. This certainly flies in the face of experience. Candidates for years have met the reporting requirements of State and Federal law and to the best of my knowledge, there has not been legal chaos. I cannot see how the problem would differ as to intrastate committees.

Mr. President, let us face the facts. We are dealing with Federal elections. In this field, the Congress has the power to regulate. Congress has exercised this power for many years. The Congress has recognized the right of the American people to know where campaign money comes from and how it is spent. Yet, the bulk of Federal campaign financing has always been left outside the disclosure requirements of law. What have we to fear? We say to the people you have a right to campaign financing information, but not much of a right. We say, you may have a peek but you cannot open your eyes.

Mr. President, if the Senate wants a disclosure bill, it will adopt the amendment. It does not invade the sovereign power of the States, it does not impugn the character and integrity of the elected officers and the citizens of the States. Certainly, the amendment does not go as far as the provision of the bill which tells the secretaries of state that they must do certain acts with respect to the reports filed with them.

Mr. President, I urge the Senate to repeat its action on this matter and again approve the extension of reporting to intrastate committees that receive or spend $2,500 or more to influence Federal elections.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is the request sufficiently seconded?

The yeas and nays were not ordered.

Mr. KEATING. Mr. President, I suggest the absence of a quorum, and ask that the time for the calling of the quorum be not charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG of Missouri. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Missouri. Mr. President, on my amendment, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were not ordered.

Mr. DIRKSEN. Mr. President, what was the ruling?

The PRESIDING OFFICER. There is not a sufficient second. The Chair will state that time remains to both sides.

Mr. CANNON. Mr. President, is the Senator from Missouri willing to yield back the remainder of his time?

Mr. LONG of Missouri. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Missouri has 4 minutes remaining; the Senator from Nevada has 8 minutes remaining.

Mr. PASTORE. Mr. President, will the Senator from Nevada yield me 2 minutes to present a conference report?

Mr. CANNON. Mr. President, I ask unanimous consent that I may yield 2 minutes to the Senator from Rhode Island without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none and the Senator may proceed.

AUTHORIZATION OF APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION—CONFERENCE REPORT

Mr. PASTORE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7576) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Sept. 13, 1961, pp. 19209–19211.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. PASTORE. Mr. President, I move that the Senate recede from its amendment to H.R. 7576.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

Mr. PASTORE. Mr. President, what the Senate has done has been to recede from the so-called Hanford amendment in its entirety, in the so-called research amendment, and has accepted the House bill.

Mr. ANDERSON subsequently said: Mr. President, in view of the limited time now available, I merely wish to state that the action taken by the Senate in agreeing to the conference report on the Atomic Energy Commission authorization bill automatically knocks out the coal-research amendment which the Senate had agreed to at the request and urging of the distinguished Senator from West Virginia [Mr. RANDOLPH]. I wish to point out that unless the conference report had been handled in that way, it would have been necessary to have had new conferees appointed by both Houses, and, as a result, long delay would have ensued.

I assure the Senator from West Virginia that we are most appreciative of what he has attempted to accomplish, and at a later date we shall do all within our power to cooperate with him in his endeavor to accomplish his purpose.

PREVENTION OF CORRUPT PRACTICES IN FEDERAL ELECTIONS

The Senate resumed the consideration of the bill (S. 2426) to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes.

Mr. CANNON. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Missouri desire to use any of his time?

Mr. LONG of Missouri. Mr. President, I yield 1 minute to the Senator from New York.

Mr. KEATING. Mr. President, I have joined with the distinguished Senator from Missouri as a cosponsor of the amendment. If we are to enact a comprehensive, up-to-date, so-called clean elections bill, we must include State and local political committees. He has made an able, persuasive presentation in support of including intrastate political committees. The limit which he has provided is sufficiently high.

I hope the Senate will reaffirm the position it previously took, in the last session of Congress, on this amendment. It is estimated that as high as three quarters of the funds spent on campaigns for the Senate and House are spent by State committees. If the goal of full public disclosure is to be achieved, to which the Senator from Missouri has referred, those committees simply cannot be left out of the bill which is now before the Senate.

I hope the amendment of the Senator from Missouri will be accepted.

Mr. CASE of South Dakota. Mr. President, will the Senator from Missouri yield me 1 minute in support of his amendment?

Mr. LONG of Missouri. I yield 1 minute to the Senator from South Dakota.

Mr. CASE of South Dakota. Mr. President, I wish to be on record in favor of the amendment. It appears that there may not be enough for a yea-and-nay vote.

As the Senator from New York has stated, if there is to be a full disclosure, the bill should include committees which are organized within a State, if they are concerned with the election of candidates for Congress. The bill does not cover all candidates; it covers only candidates for presidential electors and candidates for the Senate and House of Representatives. If we are to cover the situation which a clean elections bill is supposed to cover, we should require reports from committees which are organized for the purpose of influencing, or attempting to influence, in any manner whatsoever, the election of a candidate to either body of Congress or presidential or vice presidential electors. That is why I think the bill should cover intrastate committees as well as interstate committees.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Senator from Missouri has 2 minutes remaining; the Senator from Nevada has 8 minutes remaining.

Mr. LONG of Missouri. Mr. President, on the pending question, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. LONG of Missouri. Mr. President, I yield 2 minutes to the Senator from Oregon [Mrs. NEUBERGER].

The PRESIDING OFFICER (Mr. SMITH of Massachusetts in the chair). The Senator from Oregon is recognized for 2 minutes.

Mrs. NEUBERGER. Mr. President, though I do not deny that the Rules Committee has labored diligently, we are presented with a bill that just uses a plywood veneer over a basically weak structure, rather than rebuilding it.

By changing a reporting requirement here, and a bookkeeping responsibility there, we shall give the illusion of reforming the election laws. But we have not. The same highways of evasion are open to traffic in deception, and the public loses once again.

The most important loophole in S. 2426 is the retention of the Hatch Act definition of a "political committee." The whole bill, structured on the concept of "political committee," is undercut when a committee is defined as one operating either in two or more States or as a one-State arm of a national political party. While it would thus embrace the interstate committees operating on behalf of presidential and vice presidential candidates, this definition would omit the main committees operating on behalf of senatorial and congressional candidates. These committees may continue on their merry way, carrying out activities in one State, without reporting, recordkeeping, or disclosure. And, since the great bulk of campaign spending for Senators and Congressmen is done by single-State committees, the bill ignores the major area for potential abuse?

Even if all the other provisions of S. 2426 were good provisions, the definition of a "political committee" to which they would apply is meaningless. It would, Mr. President, be like passing a law controlling wilderness areas, and then defining a wilderness area as any section of the country with more than 5,000 inhabitants per square mile.

The Senator from New York [Mr. KEATING] has pointed out another flaw. S. 2426, in defining an "election," omits the often vital primary election. By ignoring the primary, this bill weakens any attempt to curb the excesses now present in the election process. There is no guarantee that the same excesses do not exist in the primaries.

Assuming for the moment that the definition of a "political committee" had some vigor, what limits does the bill place on campaign contributions and expenditures made by a political committee? If this law were enacted, the limit on committee expenditures would be figured by multiplying by 20 cents the total vote for presidential electors in any of the last three elections. If we use the figure of 69.2 million votes from 1960, and multiply that by 20 cents, we discover that the permitted expenditures for any political committee in 1962 would be in excess of $13 million. In other words, a committee of northwestern citizens for the reelection of Senators MAGNUSON and MORSE would be allowed to receive and expend over $13 million. My campaign cost less than $100,000. Even in more populous States, the figure in S. 2426 is so high that it provides no meaningful ceiling.

To really prevent the election abuses we have all noted, we need a law based on new principles, not a warming over of the old laws that have failed to curb the inequalities of our current system of elections.

The principle I mention is not really new, since its first expositor was Teddy Roosevelt, in 1907. It is that the Government has an affirmative responsibility

to make the dialogue of an election available to the people, even though competing candidates have unequal resources. Such a principle underlies the election finance bill that I have sponsored, along with Senators CLARK, DOUGLAS, GRUENING, and MORSE. It would provide for Federal contributions to campaign finances, to radio and TV time, and to campaign correspondence. There would be tightly drawn provisions for reporting and control over such money to a Director of Election Finance.

Of course, I appreciate that the Rules Committee considered my bill. But for the fact that we are so near the end of the session, I would have offered many of the provisions of S. 1555 as substitutes for S. 2426. I will not do this. But I do hope this speech will bring home to my colleagues another view of the committee bill. I will vote against this bill, and urge my colleagues to do likewise—not because I oppose reform of the election law, but because if the Senate does pass it, we shall have swatted flies, but not drained the swamp.

The PRESIDING OFFICER. The time yielded to the Senator from Oregon has expired.

Mr. CANNON. Mr. President, I ask unanimous consent that at this time there may be a quorum call, with the time required for it not to be charged to the time available under the agreement which has been entered into.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Then, Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada has 6 minutes remaining.

Mr. CANNON. I yield myself 2 minutes.

In recognition of the many political problems, including the separation of control between the Federal and State Governments, experienced and knowledgeable witnesses have testified that the Federal Government should concentrate upon those political committees which are interstate in character and which receive and spend large sums of money to influence the result of Federal elections.

The spirit of disclosure which is, in effect, the essence of this bill, as pertaining to Federal elections, would not be destroyed or substantially weakened by the exclusion of State and local committees. As the Senator from New York [Mr. KEATING] so well stated yesterday, the Senate would not want to make a bill of such stringent provisions as to encourage noncompliance, but, rather, is seeking to establish new controls, new ceilings, and new objectives which can reasonably be met by candidates for Federal office and by political committees supporting them.

I believe that the spirit of this Federal Elections Act will be most effectively served by the adoption of the bill including the definition of a political committee as it now stands, and I seek the Senate's support in rejecting this amendment to include intrastate committees.

Mr. LONG of Missouri. Mr. President, will the Senator yield?

Mr. CANNON. I yield for a question.

Mr. LONG of Missouri. Other than raising the amount of money which can be spent, what is there in the bill to provide for clean elections?

Mr. CANNON. As I stated yesterday in response to the question, the bill contains much more specific and detailed reporting provisions which, as many persons have indicated, would take care of the protection of the public itself, because if the public has the right to know and is furnished the information as a result of the reporting provisions, they will be able to judge what they should do in the elections. The bill requires very detailed reporting.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CANNON. I yield 2 minutes to the Senator from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. President, I think the committee brought out a good bill. The bill defines a political committee as one that operates in two or more States, or one State if it is a branch of a regularly constituted national or State committee.

The amendment proposes to designate a political committee as any committee or any association or any organization which accepts contributions or makes expenditures in an aggregate amount exceeding $2,500 in a calendar year, where Federal candidates and presidential electors are involved.

I cannot imagine any amendment that will come so close to destroying party organizations in this country than this amendment, and for a very good reason. Since there are very few county committees that, in the course of a presidential or congressional election, do not handle or disburse $2,500, the treasurer or the county chairman is responsible for reporting to the secretary of the State and the Clerk of the House of Representatives. If he fails to do so, heavy penalties are involved.

I ask any Senator to tell me how we are going to find an average citizen who is willing to serve as county chairman or treasurer, and who, on the advice of a lawyer, will lay himself in for that kind of job? It simply cannot be done. So we would be acting adversely to getting dedicated talent, persons dedicated to the well-being of the country, because they simply would not want to be bothered with the detailed reports which would be required. Every township or county committee that disburses or receives $2,500 would have to report to the Clerk of the House of Representatives and to the secretary of his State. I cannot imagine a deeper intrusion by the Federal Government into the affairs of the States and the localities that comprise the States than this kind of amendment.

I hope, therefore, the amendment will be defeated.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CANNON. I yield 1 more minute to the Senator from Illinois.

Mr. DIRKSEN. Not a dime may be spent for a Federal candidate; but there is a provision in the bill that applies to political committees. Let me read it:

> Where no expenditures were made for Federal candidates for any of such purposes there shall be charged to each Federal candidate an amount equal to the full expenditure divided by the total number of candidates, Federal and State.

Can we imagine, at the local level, village, township, city or county, anybody ever undertaking that kind of agony, with that kind of penalty prescribed in the bill? This is a destructive amendment, in my judgment, and it should be rejected.

I am prepared to vote, since the yeas and nays have been ordered on the amendment.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. LONG] for himself and the Senator from New York [Mr. KEATING], identified as "9–7–61—B." The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY (when his name was called). On this vote I have a pair with the senior Senator from South Carolina [Mr. JOHNSTON]. If he were present and voting he would vote "nay." If I were at liberty to vote I would vote "yea." I withhold my vote.

Mr. KUCHEL (when his name was called). On this vote I have a pair with the distinguished junior Senator from Nebraska [Mr. CURTIS]. If he were present and voting he would vote "nay." If I were at liberty to vote I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Virginia [Mr. BYRD], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. HICKEY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Ohio [Mr. LAUSCHE], the Senator from Washington [Mr. MAGNUSON], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Virginia [Mr. ROBERTSON], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ], is absent because of illness.

I further announce that, if present and voting, the Senator from Washington [Mr. MAGNUSON], would vote "yea."

On this vote, the Senator from Alaska [Mr. BARTLETT] is paired with the Sena-

tor from Virginia [Mr. BYRD]. If present and voting, the Senator from Alaska would vote "yea," and the Senator from Virginia would vote "nay."

On this vote, the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from Tennessee [Mr. GORE]. If present and voting, the Senator from New Mexico would vote "nay," and the Senator from Tennessee would vote "yea."

On this vote, the Senator from Wyoming [Mr. HICKEY] is paired with the Senator from Missouri [Mr. SYMINGTON]. If present and voting, the Senator from Wyoming would vote "nay," and the Senator from Missouri would vote "yea."

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from Virginia would vote "nay," and the Senator from Alaska would vote "yea."

On this vote, the Senator from Texas [Mr. YARBOROUGH] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Texas would vote "nay," and the Senator from Oregon would vote "yea."

On this vote, the Senator from Ohio [Mr. LAUSCHE] is paired with the Senator from Maine [Mr. MUSKIE]. If present and voting, the Senator from Ohio would vote "nay," and the Senator from Maine would vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] is absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], the Senator from Kansas [Mr. CARLSON], the Senator from Kentucky [Mr. MORTON], and the Senator from Texas [Mr. TOWER], are necessarily absent.

The Senator from Connecticut [Mr. BUSH] is absent by leave of the Senate to attend the Conference of the International Fund and World Bank in Vienna.

The Senator from Kansas [Mr. SCHOEPPEL], and the Senator from Wisconsin [Mr. WILEY], are detained on official business.

The pair of the Senator from Nebraska [Mr. CURTIS] has been previously announced.

If present and voting, the Senator from Indiana [Mr. CAPEHART], the Senator from Arizona [Mr. GOLDWATER], the Senator from Kentucky [Mr. MORTON], and the Senator from Texas [Mr. TOWER] would each vote "nay."

The result was announced—yeas 30, nays 43, as follows:

[No. 205]

YEAS—30

Aiken	Clark	Kefauver
Anderson	Dodd	Long, Mo.
Boggs	Douglas	Long, Hawaii
Byrd, W. Va.	Hart	Monroney
Carroll	Jackson	Neuberger
Case, N.J.	Javits	Pastore
Case, S. Dak.	Keating	Pell
Prouty	Smathers	Williams, N.J.
Proxmire	Smith, Mass.	Williams, Del.
Randolph	Smith, Maine	Young, Ohio

NAYS—43

Beall	Fong	McNamara
Bennett	Fulbright	Metcalf
Bible	Hartke	Miller
Burdick	Hayden	Moss
Butler	Hickenlooper	Mundt
Cannon	Hill	Russell
Church	Holland	Saltonstall
Cooper	Hruska	Scott
Cotton	Jordan	Sparkman
Dirksen	Kerr	Stennis
Dworshak	Long, La.	Talmadge
Eastland	Mansfield	Thurmond
Ellender	McCarthy	Young, N. Dak.
Engle	McClellan	
Ervin	McGee	

NOT VOTING—27

Allott	Goldwater	Morse
Bartlett	Gore	Morton
Bridges	Gruening	Muskie
Bush	Hickey	Robertson
Byrd, Va.	Humphrey	Schoeppel
Capehart	Johnston	Symington
Carlson	Kuchel	Tower
Chavez	Lausche	Wiley
Curtis	Magnuson	Yarborough

So the amendment of Mr. LONG of Missouri, for himself and Mr. KEATING, was rejected.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CANNON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEATING. Mr. President, on behalf of the Senator from Missouri [Mr. LONG] and myself I call up our amendment "9–7–61—D." I ask unanimous consent that the reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment of the Senator from New York [Mr. KEATING], and the Senator from Missouri [Mr. LONG] is as follows:

On page 2, it is proposed to strike out lines 4 to 6, inclusive, and insert in lieu thereof the following:

"(1) The term 'election' includes a general, special, or primary election, and a convention or a caucus of a political party held for the purpose of nominating candidates;".

On page 3, line 1, after the word "for" it is proposed to insert the following: "nomination for, or".

On page 3, line 1, after the word "as" it is proposed to insert a comma.

On page 3, line 3, after the word "is" it is proposed to insert the words "nominated or".

On page 13, line 15, after the word "election" it is proposed to insert the following: "(treating primaries, nominating conventions, caucuses, and special and general elections as separate for the purposes of this limitation)".

On page 13, line 21, after "(2)" it is proposed to insert the following: "in the case of an election other than a caucus or nominating convention,".

On page 16, strike out lines 18 to 20, inclusive, and it is proposed to insert in lieu thereof the following:

"(1) The term 'election' includes a general, special, or primary election, and a convention or a caucus of a political party held for the purpose of nominating candidates;".

On page 16, line 22, after the word "for" it is proposed to insert the following: "nomination for, or".

On page 16, line 22, after the word "as" it is proposed to insert a comma.

On page 16, line 24, after the word "is" it is proposed to insert the words "nominated or".

Mr. KEATING. Mr. President, I believe I can explain the amendment in 5 minutes. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KEATING. Mr. President, the amendment was discussed last night on the floor of the Senate, as shown beginning at page 19470 of the RECORD, if Senators would care to refer to that page in the RECORD which is before them. In order to refresh the recollection of Senators, there is a list of those who voted for and against the amendment last year. Last year the amendment carried by a vote of 50 to 39. I believe some 47 of the Senators who voted for the amendment are still Members of the Senate. I hope that they have not changed their views since last year.

The amendment is very simple. It includes primaries, caucuses and conventions within the clean elections bill. The principle is perfectly clear. The philosophy of the Federal elections law and of the bill before us is clearly stated in the report on the bill. I quote one sentence:

> The existing law rests on the theory that undisclosed and unregulated financing of political campaigns will lead to the corrupt use of money to affect elections.

If we are going to achieve the two objectives of full public disclosure and financial regulation, we simply cannot exclude primaries. In many States, perhaps about a third of our 50 States, victory in a primary is tantamount to election. I do not in any way mean to imply that there is any more or any greater illegality in primaries than in general elections. However, the purposes of the legislation before us require that we cover the entire electoral process as far as Federal officials are concerned. In a two-party system there are bound to be some one-party States and one-party congressional districts. Many Senators—and I must say I envy them—can feel a great sense of personal satisfaction and security because that is the situation in their States. There are one-party States in virtually every area of the country.

We simply cannot have a so-called clean elections bill as long as we leave the primaries unscrubbed. The Senate was on record in support of that principle last year. The amendment affords an opportunity to Senators of expressing themselves again on this same subject.

I reserve the remainder of my time.

Mr. CANNON. Mr. President, I yield myself whatever time I may need. The amendment, if agreed to, would change the definition of the term "election" as it appears in the existing law and as it is written in the bill to include primary elections, caucuses, and conventions of a political party, in addition to general and special elections.

Assuming that Congress may make laws regulating the manner of election of Senators and Representatives pursuant to section 4, article I of the Constitution, it has no such authority with

respect to presidential electors under section I, article II. The Constitution gives the States a free hand with no reservations in the selection of their presidential electors. Thus, any effort by the Federal Government, short of a constitutional amendment, to control primary elections would certainly be an infringement upon States rights.

I stated yesterday, and I will say again, that several of our States have either no primary election at all or a combination of State convention and primary election. Primaries traditionally have been considered to be clearinghouses for the settlement of intraparty squabbles and the selection of intraparty candidates most likely to succeed in the following general election.

The laws of the States lack uniformity with respect to control of primary elections, and Federal intervention in that field would create complications and legal entanglements. Early this year the subcommittee wrote the Governor of each State of the United States requesting opinions concerning the adoption of a Federal primary law. A significant preponderance of opinion from those Governors, who are experienced in the ways of politics in their respective States and cognizant of the sentiments of the citizens of those States and their political parties, opposed the adoption of any law providing the Federal Government with jurisdiction over such primary elections.

Moreover, to repeat my statement of yesterday, witnesses appearing before the subcommittee during the course of public hearings on this bill and other similar proposals disapproved of Federal control over primary elections. Those witnesses represented members of both major political parties, Members of Congress, and others acknowledged to be expert in the field.

In general, contributions to candidates or political committees are not made until after the candidate has been named either in convention or a primary election, and money expended to gain the nomination represents in many cases the out-of-pocket expenses by the candidate himself.

Notwithstanding the fact that in some States success in a primary election is tantamount to success in the general election, the principle of the existing Corrupt Practices Act and of this bill is to employ in a uniform manner identical responsibilities upon candidates for elective Federal office and the political committees which support them. Only in the general election is there a great degree of uniformity, and, with respect to the general election, this bill proposes many improvements over the existing law with respect to the filing of detailed reports of campaign finances on both the Federal and State levels.

I realize that this body is not bound by the failures of the past in its efforts to enact remedial legislation in the field of election laws, but as a practical matter consideration should be given in this area as well as any other area of law to the obstacles which have stood in the path of bills of this type.

The Senator from New York commented on the fact that the amendment was agreed to last year in the Senate. It was. But I should like to remind Senators that the bill died in the House in the last session.

If we want to make some meaningful changes in the election law, we now have an opportunity to do so. On the other hand, if Senators are opposed to the enactment of a clean elections bill and are opposed to the enactment of meaningful provisions to improve the present election laws, then they should support the amendment and not vote against it. But if Senators want some meaningful changes in the present election laws, we have an opportunity to enact some changes. To quote the statement of the distinguished minority leader a few minutes ago, "If you want a half a loaf rather than get no loaf at all," I say to Senators that they should oppose the amendment now proposed and support the bill as it stands.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. CANNON. I am happy to yield to the Senator from Illinois.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CANNON. I yield myself an additional 2 minutes.

Mr. DIRKSEN. Boiled down, does not the amendment amount to this: It would give the Federal Government control over primaries and also over party conventions. Reports would have to be made pursuant to the provisions of the bill, and penalties are involved.

Mr. CANNON. The Senator is absolutely correct. It has been absolutely established in the past, and I think adequately supported, that the preference of the people and the States themselves is that the States are perfectly capable of handling their own election affairs. We are concerned with the election of Senators to the U.S. Senate and Representatives to the House of Representatives.

We are the judges of those elections. That is true. However, the selection of the persons who will run in the election should be left entirely up to the States. It is purely a State matter.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. SMITH of Massachusetts in the chair). Six minutes.

Mr. CANNON. Does the Senator wish to yield back the remainder of his time? If so, I am willing to do likewise.

Mr. KEATING. Mr. President, may I ask how the time stands?

The PRESIDING OFFICER. The Senator has 7 minutes remaining. The Senator from Nevada has 6 minutes remaining.

Mr. KEATING. I yield 1 minute to the Senator from Missouri.

Mr. LONG of Missouri. Mr. President, the pending amendment offered by the Senator from New York is a sound one.

The Senate in 1960 recognized the need to include within the coverage of this legislation the nominating process whether by elections, conventions, or caucuses.

Primaries are an integral part of our election process. This has been recognized by the Congress and by the courts.

A number of our present laws regulating elections apply to both the general election and the primary process. The Taft-Hartley provision prohibiting contributions by corporations and labor unions to Federal elections applies to both. Also, the contribution limitation of the Hatch Act, which is included in the pending bill, is applicable to the nominating process.

The purpose of the bill is to make available to the people information on campaign financing. If the people are to make a sound judgment at the polls, they need to know the full story on the financing of the campaign. They must know where the candidate's money came from and must know how the money was spent.

To make the reporting and disclosure provisions of this bill applicable only to general elections does not do the job. The people would only be told a part of the story. Of course, only a part of the story could be quite misleading.

The primary enforcement weapon in this legislation is in the hands of the people. They should be the judge as to the propriety of the financial conduct of the campaign. If they are to make a sound decision, they must have full information and this requires reporting of primary finances.

Mr. President, I urge the Senate to again act favorably on the inclusion of primaries.

Mr. KEATING. I yield myself 2 minutes to speak briefly in answer to the arguments made by the able Senator from Nevada. The burden of this argument is that we did it last year, and, he says, we should not do it again this year. He says that we adopted the amendment last year and for that reason did not get a bill. That is a non sequitur.

It is up to us to do the best kind of job that we can and then it is up to the other body to act however they wish to act. They do not have to accept all our provisions. In conference we can iron out the differences between the two bodies. We should not permit the other body to bulldoze us into enacting inadequate or limited legislation.

The Constitution provides for a bicameral legislature, where there are bound to be differences between the two. That is a matter for the conference to thrash out in an appropriate conference.

Reference was also made to the fact that key political figures were all opposed to the bill, on both sides of the aisle. That is an inaccurate statement. My distinguished colleague from Kentucky, the former national chairman of the Republican Party, authorized me to say—he is unavoidably absent—that he favors the amendment. He voted for it last year and he favors it now. The distinguished Senator from Washington [Mr. JACKSON], the former chairman of the Democratic Party, voted for the amendment last year, and he has also told me that he supports it this year.

These national political figures on both sides of the aisle feel that we are not doing a full job unless we handle the primary situation as we did when we voted on this amendment last year.

Reference is made to the fact that this is an intrusion on the States. In the so-called Classic case, the Supreme Court clearly established the fact that the Federal Government does have jurisdiction over primaries when it comes to Federal officials. In 1947 Congress passed the Taft-Hartley Act. In section 304 of that act the principle of offenses in general elections is carried over into primaries.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KEATING. I yield myself 1 more minute. We must deal not only with general elections, but also with primaries. I call to the attention of Senators the fact—I will not read off the entire list—if Senators still feel as they did a year ago, the Senate will support the amendment. If the Senator from Nevada is prepared to yield back the remainder of his time, I shall yield back the remainder of my time also.

Mr. CANNON. Mr. President, I must answer the statement of the Senator from New York, when he intimated that I had said that all the witnesses representing both major parties were opposed to the primary provision. That was not my statement. I will refer the distinguished Senator to the RECORD as to what I said. I said that many witnesses who appeared before our committee representing members of both major political parties, Members of Congress, and others acknowledged to be experts in the field testified in opposition to the primary provision.

The distinguished Senator made the statement that the distinguished chairman of the Republican National Committee voted in favor of the primary provision last year and testified in favor of it again this year. That again is an inaccurate statement. I should like to read into the RECORD the testimony of the Senator from Kentucky [Mr. MORTON], when he appeared before our committee. This is the statement by Senator MORTON:

> Senator MORTON. Well, I have had some misgivings about, as I say, the regulation of primaries for election to the Congress of the United States.
>
> I am not as convinced today, as I was when Senator Hennings presented that bill, that it would be a wise move to get into that matter.
>
> I think inevitably it brings us into the federalization of all of the election laws, and I still—well, I think they can be improved in many of the States, I assure you of that, but I think it is up to us to educate the people in the States to do the improving rather than to superimpose from Washington a uniform code on the several States.

The Democratic national chairman also testified:

> Mr. BAILEY. Well, I think that primaries are a matter of State law. And I think they should be regulated by the States. Again, one of the problems concerns the manner in which delegates are chosen, how primaries are held, and the rest of it in the States.

I urge Members of the Senate to leave this matter with the States, where it properly belongs.

If the distinguished Senator from New York is ready now to yield back the remainder of his time, I shall yield back the remainder of my time.

Mr. KEATING. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New York has 4 minutes remaining; the Senator from Nevada has 3 minutes remaining.

Mr. KEATING. Mr. President, I believe the distinguished Senator from Nevada misunderstood me as to the views of the Senator from Kentucky [Mr. MORTON]. The Senator from Kentucky voted for the amendment last year. Before he left today, he told me that he wished to be registered in favor of the amendment. I did not state that he had testified before our committee in favor of the amendment. If I did, I certainly will correct the RECORD. However, he entertains that view and authorized me to so state. That is true also of the former Democratic national chairman, the distinguished junior Senator from Washington [Mr. JACKSON].

Mr. President, I am prepared to yield back the remainder of my time.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from New York [Mr. KEATING]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY (when his name was called). On this vote I have a pair with the senior Senator from South Carolina [Mr. JOHNSTON]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. KUCHEL (when his name was called). On this vote I have a pair with the junior Senator from Nebraska [Mr. CURTIS]. If he were present and voting, he would vote "nay." If I cast my vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. HICKEY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Ohio [Mr. LAUSCHE], the Senator from Washington [Mr. MAGNUSON], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

On this vote, the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from Missouri [Mr. SYMINGTON]. If present and voting, the Senator from New Mexico would vote "nay," and the Senator from Missouri would vote "yea."

On this vote, the Senator from Wyoming [Mr. HICKEY] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Wyoming would vote "nay," and the Senator from Oregon would vote "yea."

On this vote, the Senator from Alaska [Mr. BARTLETT] is paired with the Senator from Maine [Mr. MUSKIE]. If present and voting, the Senator from Alaska would vote "nay," and the Senator from Maine would vote "yea."

On this vote the Senator from Ohio [Mr. LAUSCHE] is paired with the Senator from Tennessee [Mr. GORE]. If present and voting, the Senator from Ohio would vote "nay," and the Senator from Tennessee would vote "yea."

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING], the Senator from Washington [Mr. MAGNUSON], and the Senator from Oregon [Mrs. NEUBERGER], would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] is absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART], the Senator from Kansas [Mr. CARLSON], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], the Senator from Kentucky [Mr. MORTON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Connecticut [Mr. BUSH] is absent by leave of the Senate to attend the Conference of the International Fund and World Bank in Vienna.

The Senator from Kansas [Mr. SCHOEPPEL] and the Senator from Wisconsin [Mr. WILEY] are detained on official business.

The pair of the Senator from Nebraska [Mr. CURTIS] has been previously announced.

If present and voting, the Senator from Arizona [Mr. GOLDWATER] and the Senator from Texas [Mr. TOWER] would each vote "nay."

On this vote, the Senator from Kentucky [Mr. MORTON] is paired with the Senator from Indiana [Mr. CAPEHART]. If present and voting, the Senator from Kentucky would vote "yea," and the Senator from Indiana would vote "nay."

[No. 206]

YEAS—30

Aiken	Douglas	Monroney
Anderson	Engle	Mundt
Boggs	Hart	Pastore
Carroll	Jackson	Pell
Case, N.J.	Javits	Prouty
Case, S. Dak.	Keating	Proxmire
Church	Kefauver	Scott
Clark	Long, Mo.	Smith, Mass.
Cooper	Long, Hawaii	Smith, Maine
Dodd	McCarthy	Williams, Del.

NAYS—44

Beall	Butler	Cotton
Bennett	Byrd, Va.	Dirksen
Bible	Byrd, W. Va.	Dworshak
Burdick	Cannon	Eastland

Ellender	Kerr	Russell
Ervin	Long, La.	Saltonstall
Fong	Mansfield	Smathers
Fulbright	McClellan	Sparkman
Hartke	McGee	Stennis
Hayden	McNamara	Talmadge
Hickenlooper	Metcalf	Thurmond
Hill	Miller	Williams, N.J.
Holland	Moss	Young, N. Dak.
Hruska	Randolph	Young, Ohio
Jordan	Robertson	

NOT VOTING—26

Allott	Gore	Morton
Bartlett	Gruening	Muskie
Bridges	Hickey	Neuberger
Bush	Humphrey	Schoeppel
Capehart	Johnston	Symington
Carlson	Kuchel	Tower
Chavez	Lausche	Wiley
Curtis	Magnuson	Yarborough
Goldwater	Morse	

So Mr. KEATING's amendment was rejected.

Mr. CANNON. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. SMATHERS. Mr. President, I move that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. KEATING. Mr. President, I call up my amendment which is identified as "9–7–61—C." In order to save time, I ask that the amendment be printed at this point in the RECORD, instead of being read. The amendment is submitted by me, on behalf of myself and the Senator from Missouri [Mr. LONG].

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment submitted by Mr. KEATING, for himself and Mr. LONG of Missouri, is as follows:

On page 2, in the table of contents, strike out the heading of section 302 and insert in lieu thereof the following:

"Overall limitation on financial aid to candidates or political committees and prohibition of certain purchases."

On page 18, strike out lines 7 and 8 and insert in lieu thereof the following:

"OVERALL LIMITATION ON FINANCIAL AID TO CANDIDATES OR POLITICAL COMMITTEES AND PROHIBITION OF CERTAIN PURCHASES"

On page 18, beginning with line 11, strike out through line 4 on page 19 and insert in lieu thereof the following:

"'SEC. 608. (a) Whoever, directly or indirectly, makes contributions or expenditures in an aggregate amount in excess of $20,000 during any calendar year, or in connection with any campaign for nomination or for election, for any or all of the following purposes—

"'(1) to or on behalf of any candidate or candidates for an elective Federal office or offices, including the offices of President and Vice President of the United States and Presidential and Vice Presidential electors, or

"'(2) to or on behalf of any committee or committees or other organizations engaged in furthering, advancing, or advocating the nomination or election of any candidate or candidates for any such office or offices or the success of any national political party, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"'This subsection shall not apply to contributions or expenditures made by a political committee."

Mr. KEATING. Mr. President, this amendment might be called the "slim" amendment; it is designed to slim down "the fat cats" that all of us hold in such great esteem and affection; I might say the amendment is a "low-calorie fat-cat amendment." It places a realistic ceiling on the overall contribution which any individual may make in a given year and a given campaign. The limit would be $20,000 per person.

Last year we adopted such an amendment, but with a $10,000 limitation. However, in order to secure the widest possible support for this amendment, I have changed the figure from that amount to $20,000. As a matter of fact, if there is sufficient support for the amendment, I shall be happy to propose that the figure be still larger, because it is apparent that there are now a number of Senators who feel somewhat differently from the way they felt a year ago in regard to the way our election laws should be framed. The switch in the votes—undoubtedly sincere—is significant.

The purpose of the amendment is to prevent any one individual from having an undue influence over a candidate for election to Federal office. Certainly the limit should be high enough to discourage anyone from taking too active a part in terms of monetary influence over a candidate.

The law now on the statute books provides a $5,000 limit on the amount which can be given to any one candidate or committee. That provision is absolutely meaningless, and has resulted in a proliferation of committees, which often takes on functions which, to say the least, are quite far-fetched.

The argument in favor of adoption of this amendment is difficult to answer, Mr. President. However, in light of the temper of the Senate today, I believe the amendment has little chance of adoption at this time. Therefore, I shall not request the ordering of the yeas and nays on the question of adoption of the amendment, although if some other Senator wishes to request that the yeas and nays be ordered on this question, I shall be glad to join in the request.

As I have stated, I am joined in sponsoring the amendment by the Senator from Missouri [Mr. LONG], who has taken up the cudgels handled so well last year by the late Senator Hennings, under whose sponsorship the amendment of last year was adopted.

THE PEACE CORPS

Mr. FULBRIGHT. Mr. President——

Mr. CANNON. I yield 1 minute to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. FULBRIGHT. Mr. President, on August 24, the Senate passed Senate bill 2000, the Peace Corps bill. On yesterday, September 14, the House passed H.R. 7500, also the Peace Corps bill.

Therefore, I now move that the Senate proceed to the consideration of House bill 7500.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower, which was read twice by its title.

Mr. FULBRIGHT. Mr. President, I submit the following amendment to House bill 7500: Strike out all after the enacting clause, and insert in lieu thereof the text of Senate bill 2000, as passed by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 7500) was read the third time and passed.

Mr. FULBRIGHT. Mr. President, I move that the Senate insist upon its amendment to House bill 7500, request a conference thereon with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. HUMPHREY, Mr. WILEY, and Mr. HICKENLOOPER the conferees on the part of the Senate.

THE 1961 WRIGHT MEMORIAL TROPHY AWARDED TO SENATOR MONRONEY

Mr. COTTON. Mr. President——

Mr. CANNON. I yield 30 seconds to the Senator from New Hampshire [Mr. COTTON].

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 30 seconds.

Mr. COTTON. Mr. President, the Senator from Oklahoma [Mr. MONRONEY] has received a very well deserved award, which is commented on in a one-paragraph editorial published today in the Washington Evening Star. I now read the editorial into the RECORD:

AIR SAFETY CRUSADER

The award of the 1961 Wright Memorial Trophy to Senator MONRONEY, of Oklahoma, is a merited recognition of his long and valuable efforts in behalf of aviation safety, convenience, and progress. As chairman of the Aviation Subcommittee of the Senate Commerce Committee he has pressed for many reforms and improvements in air control, airport facilities, and commercial aircraft and equipment. He wrote the act which created the Federal Aviation Agency, sponsored Federal aid-to-airport legislation and has supported many other proposals that have made flying safer and have advanced the cause of civil aviation. The National Aeronautics Association has made a good choice for this year's Wright Award.

Mr. President, as a member of the subcommittee of which the distinguished Senator from Oklahoma [Mr. MONRONEY] is chairman, it gives me great pride and pleasure to make this announcement and to read the editorial into the RECORD. [Applause.]

PREVENTION OF CORRUPT PRACTICES IN FEDERAL ELECTIONS

The Senate resumed the consideration of the bill (S. 2426) to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes.

Mr. CANNON. Mr. President, if the Senator from New York is willing to yield back the remainder of his time, I am willing to do likewise.

Mr. LONG of Missouri. Mr. President, will the Senator yield to me?

Mr. KEATING. Mr. President, I yield 2 minutes to the Senator from Missouri.

Mr. LONG of Missouri. Mr. President, again, I urge the Senate to act favorably on another amendment to the pending bill. As in the other instances, a similar amendment was adopted when the Senate considered the elections bill last year.

This amendment would establish an overall limitation on contributions of $20,000.

Under present law, there is no overall limitation. Instead, there is a limitation of $5,000 per contribution to a candidate or a political committee. Therefore, today, a person may make as many $5,000 contributions as he desires as long as the recipients are different.

Under present law, a number of wealthy families have made enormous contributions. The 1956 investigation by the Privileges and Elections Subcommittee revealed that members of 12 prominent families contributed a total of $1,153,735 to candidates and political committees.

It has been reported that the reports filed with the Clerk of the House show that in the 1960 elections, 18 families contributed over $600,000. Of course, these reports do not include primary contributions or contributions to intrastate political committees. If these contributions were included, it is difficult to guess how large the total amount would be.

While large contributions do not per se result in improper influence, they always give rise to suspicions. No one should be allowed to have an unlimited financial influence on our election process. The amount of $20,000 is, in my opinion, realistic. Certainly, if a person has a deep interest in Government, he should not be unduly hampered in his efforts to support the candidacy of those who he believes will best serve. However, the overriding public interest requires a maximum.

I urge the Senate to approve this important amendment offered by the Senator from New York.

Mr. CANNON. Mr. President, I yield back the remainder of my time, and I urge the Senate to reject the amendment.

Mr. KEATING. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment offered by the Senator from New York [Mr. KEATING] for himself and the Senator from Missouri [Mr. LONG].

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JAVITS. Mr. President, I had printed, and there is on Members' desks, a copy of the amendment to the bill entitled, "Prohibition Of Unreasonable Literacy Requirements."

The purpose of the amendment would be to put into effect the unanimous recommendation of the Federal Civil Rights Commission just made on voting, and would qualify, as to the literacy test, every American citizen in any State who has a sixth grade education or more.

I have talked this question over with the majority leader, and, without committing him or myself, I have every reason to believe, based upon the previous pattern in respect of so-called civil rights measures, that if this amendment were offered, a motion would be made to table it.

Also, as my colleague from New York [Mr. KEATING] very well stated a moment ago, the temper of the Senate is to get on with its business very quickly, to stick to the particular matters in hand, and to leave more extended controversies for another day.

I would not deem it proper to disadvantage this piece of legislation, which is so critically important, its importance being reflected by the unanimous recommendation of the membership of the Civil Rights Commission, whatever may be the background or sympathy of its members, whether from the East, West, North, or South, and based on findings which cry out for justice for every American.

Accordingly, I informed the majority leader, who is always very gracious, that I would make the statement today that on the third Monday in January, when Congress reconvenes, or as soon thereafter as it is possible to do so, I shall expect to take an appropriate measure on the calendar and seek to add to it the measure to which I now have referred—in other words, to raise this issue at that time in the appropriate way.

I make this statement so that Senators who are deeply interested in this question may know about it. I call the attention of my colleagues in the Senate to the fact that, obviously, it is a measure which could not have any effect until the next election succeeding this one, and to emphasize the fact that, much as we may seek to avoid these issues, as by motions to table civil rights proposals made by me and my colleague from New York [Mr. KEATING] some days ago, they cry out for decision, when we get a report so well documented and so thoroughly agreed upon as that which the eminent members of the Civil Rights Commission have given us on this matter.

It seems to me it is the very least measure of the agreed-upon justice which should be given, whether the administration does or does not move on with its own urging, a civil rights program, or whether the Senate or Congress is in the mood. All of us, in the main, have agreed time and time again that, if there is one thing that should be assured for every American, it is the voting right. That seems to be the most uncontroverted of the so-called civil rights measures. It seems to me the very elementary measure recommended by the Civil Rights Commission to avoid the circumvention of the clear intent and purpose of the Constitution and laws of the United States should, at the very least, be passed.

So I shall expect to make that move, insofar as one Member of the Senate is able to do so, and to give the Senate the opportunity to deal with the issue at a very early date in the new session, pointing out that I had every desire and intention to do so on this bill, but I believe, from the practical situation which faces me, the measure would be disadvantaged by its being turned down now on a motion to table, for reasons which are entirely separate from and have no relation to the very high merit which I consider the proposal to have.

The PRESIDING OFFICER. The bill is open to amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. CANNON. Mr. President, in summary, I believe we have a meaningful bill to revise the election laws and bring them up to date and in line with current costs of elections. We have provided for stronger reporting and disclosure provisions, to which the public are entitled. I believe the passage of the bill will go a long way toward keeping the public informed and bringing the entire election laws into proper focus in light of present-day conditions.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. MANSFIELD. I compliment and commend the Senator from Nevada, who has shown such skill and ability in handling the bill to what I hope will be unanimous passage in the Senate, and for the patience he has shown during the course of the hearings on the bill in the subcommittee of which he happens to be chairman. I think this is a red-letter day, and a great bill, and that a great Senator has brought it to passage in the Senate.

Mr. CANNON. I thank the majority leader for his very kind remarks. I want to pay tribute to the very fine work of the other members of the Subcommittee on Privileges and Elections, Senators HICKEY, PELL, CURTIS, and KEATING, who devoted so much time to the consideration of the bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 2426) was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Elections Act of 1961".

TITLE I—TABLE OF CONTENTS AND DEFINITIONS

Table of contents

SEC. 101. This Act is divided into titles and sections according to the following table of contents:

Title I—Table of Contents and Definitions
Sec. 101. Table of contents.
Sec. 102. Definitions.

Title II—Campaign Practices
Sec. 201. Organization of political committees.
Sec. 202. Reports by political committees.
Sec. 203. Reports by others than political committees.
Sec. 204. Reports by candidates.
Sec. 205. Formal requirements on filing reports and statements.
Sec. 206. Duties of the Clerk of the House of Representatives and the Secretary of the Senate.
Sec. 207. Duties of secretaries of state.
Sec. 208. Limitations upon amount of expenditures.
Sec. 209. General penalties for violations.
Sec. 210. Expenses of election contests.
Sec. 211. Effect on State laws.
Sec. 212. Partial invalidity.
Sec. 213. Repealing clause.

Title III—Amendments to Criminal Code
Sec. 301. Definitions.
Sec. 302. Financial aid to candidates or political committees and prohibition of certain purchases.
Sec. 303. Maximum contributions to and expenditures by interstate political committees.
Sec. 304. Publication or distribution of election materials.

Title IV—Effective Date
Sec. 401. Effective date of titles I to III.

Definitions

SEC. 102. As used in this title and title II, unless the context clearly indicates otherwise—

(1) The term "election" includes a general or special election, but does not include a primary election or convention of a political party;

(2) The term "candidate" means an individual whose name is presented at an election for election as Senator or Representative in, or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

(3) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;

(4) The term "contribution" includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, or transfer of funds between committees, and includes a contract, promise, or agreement, whether or not legally enforcible, to make a contribution;

(5) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift, of money, or anything of value, or transfer of funds between committees, and includes a contract, promise, or agreement, whether or not legally enforcible, to make an expenditure;

(6) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons; and

(7) The term "secretary of state" shall include such other official or authority in any State wherever an official or authority other than the secretary of state is the appropriate State official or authority to carry out any function vested in the secretary of state under this Act.

(8) The term "State" includes the Commonwealth of Puerto Rico, any possession of the United States, and the District of Columbia.

TITLE II—CAMPAIGN PRACTICES

Organization of political committees

SEC. 201. (a) Every political committee shall have a chairman and a treasurer. No contribution shall be accepted, and no expenditure made, by or on behalf of a political committee for the purpose of influencing an election until such chairman and treasurer have been chosen. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer.

(b) Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date on which received. It shall be the duty of the treasurer to see to it that all contributions received by or for a political committee shall be kept separate from any personal funds and deposited in a special account.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the name and address of every person making any such contribution, and the date thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the name and address of every person to whom any such expenditure is made, and the date thereof.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure by or on behalf of a political committee exceeding $100 in amount. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of two years from the date of the filing of the statement containing such items.

Reports by political committees

SEC. 202. (a) The treasurer of a political committee shall file reports of receipts and expenditures with the Clerk of the House of Representatives, on forms to be prescribed by him, and shall transmit a copy of such reports to the secretary of state for the State in which the principal office of the committee is located. Such reports shall be filed, complete as of June 30 and December 31 of each year, and as of the tenth day next preceding the date on which an election is to be held, and as of the thirtieth day following an election, with respect to which contributions were received or expenditures made by such committee. In each instance reports shall be filed not later than the third day following the reporting date as above provided. Each report shall contain—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the name and address of each person who has made a contribution to or for such committee in one or more items of the aggregate amount or value, within the calendar year, of $100 or more, together with the amount and date of such contribution; and for the purposes of this paragraph the term "contribution", as used herein, shall not include transfers of funds to or from political committees or candidates;

(3) the total sum of individual contributions made to or for such committee during the calendar year and not stated under paragraph (2);

(4) the name and address of each political committee or candidate from which the committee received any transfer of funds, together with the amounts and dates of all such transfers;

(5) the total sum of all contributions made to or for such committee during the calendar year;

(6) the name and address of each person to whom an expenditure has been made by such committee in one or more items of the aggregate amount or value, within the calendar year, of $100 or more, and the amount, date, and purpose of such expenditure;

(7) the total sum of all expenditures made by such committee, during the calendar year and not stated under paragraph (6);

(8) the name and address of each political committee or candidate to which the committee made any transfer of funds, together with the amounts and dates of all such transfers; and

(9) the total sum of expenditures made by such committee during the calendar year.

(b) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report only the amount need be carried forward.

(c) The report required to be filed as of December 31 shall cover the entire calendar year.

(d) In the case of political committees supporting candidates for Senator, a copy of the report filed with the Clerk of the House of Representatives under subsection (a) shall be filed with the Secretary of the Senate.

(e) The reports required to be filed by subsection (a) of this section shall also contain a list of the names of candidates in whose behalf contributions were received or expenditures made. In the case of political committees supporting more than one candidate (and State and local candidates), the amount of the total expenditures allocable to each candidate—

(1) shall be in the same ratio as expenditures on behalf of each candidate for printing and advertising, radio time, and television time bears to the total of such expenditures, or

(2) where no expenditures were made for Federal candidates for any of such purposes there shall be charged to each Federal candidate an amount equal to the full expenditure divided by the total number of candidates, Federal and State;

except that expenditures specifically designated for an individual candidate shall be charged to such candidate.

Reports by other than political committees

SEC. 203. Every person (other than those filing reports pursuant to section 202) who makes an expenditure or a contribution in one or more items aggregating $500 or more within a calendar year, other than by contribution to a political committee, for the purpose of influencing, in two or more States, election of candidates, shall file with the clerk of the House of Representatives, on a form to be prescribed by him, an itemized detailed report of such expenditures in the same manner as required of the treasurer of a political committee by section 202, and shall file a copy thereof with the secretary of state for the State in which such expenditures are made, and in the case of any expenditure in support of a candidate for United State Senator, shall file a copy of the report with the Secretary of the Senate.

Reports by candidates

SEC. 204. (a) Every candidate for election to the House of Representatives, including a Resident Commissioner, shall file with the Clerk of the House of Representatives, on a

form to be prescribed by him, and every candidate for election to the United States Senate shall file with the Secretary of the Senate, on a form to be prescribed by him, reports of receipts and expenditures and shall transmit a copy thereof to the secretary of state of the State in which the candidate resides. Such reports shall be complete as of the tenth day next preceding the date on which an election for the office for which he is a candidate is to be held, and as of the fortieth day following such election, and in each instance shall be filed not later than the first day following the reporting date. Such reports shall contain a correct and itemized detailed report of contributions received and expenditures made by him in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, in the same manner as required of the treasurer of a political committee by section 202, including amounts expended from his own funds.

(b) The reports required to be filed by subsection (a) shall be cumulative, but where there has been no change in an item reported in a previous report, only the amount need be carried forward.

(c) Every candidate shall enclose with his first report a statement, based upon the records of the proper State official, giving the total number of votes cast for all candidates for the office which the candidate seeks (or the number of persons registered to vote), in the election required to be used as a basis for the computation under section 208(b)(2).

Formal requirements on filing reports and statements

SEC. 205. The reports and statements required by this title to be filed by a candidate with the Clerk of the House of Representatives and with the Secretary of the Senate, by a treasurer of a political committee, or by any other person, with the Clerk of the House of Representatives and the copies thereof required to be filed with the Secretary of the Senate, and with the secretaries of state—

(1) shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths;

(2) shall be deemed properly filed when delivered to the specified recipient, or when deposited in an established post office within the prescribed time, duly stamped, registered, and properly addressed, but in the event it is not received, a duplicate of such report or statement shall be promptly filed upon notice of its nonreceipt by the officer with whom it is required to be filed; and

(3) a copy shall be preserved by the person filing it for a period of one year from the date of filing.

Duties of the Clerk of the House of Representatives and the Secretary of the Senate

SEC. 206. It shall be the duty of the Clerk of the House of Representatives and of the Secretary of the Senate—

(1) to preserve the reports and statements filed under this title for a period of six years from the date of receipt;

(2) to make such reports and statements available for public inspection during regular office hours;

(3) to make such reports and statements available for such inspection within twenty-four hours of their receipt by them; and

(4) to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person.

Duties of secretaries of state

SEC. 207. It shall be the duty of the secretaries of state—

(1) to receive and maintain in an orderly manner all reports and statements required by this Act to be filed with such clerks;

(2) to maintain such reports and statements for public inspection for a period of six years from the date of receipt;

(3) to make such reports and statements available for public inspection during regular office hours;

(4) to make available for public inspection each report and statement within twenty-four hours of its receipt; and

(5) to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person.

Limitations upon amount of expenditures

SEC. 208. (a) A candidate for Senator or Representative in, or Resident Commissioner to, the Congress of the United States, in his campaign for election, shall not make expenditures in excess of the amount which he may lawfully make under the provisions of this title.

(b) A candidate, in his campaign for election, may make expenditures up to—

(1) the sum of $50,000 if a candidate for Senator or Representative at Large, or the sum of $12,500 if a candidate for Representative or Resident Commissioner; or

(2) an amount equal to the higher of the following:

(A)(i) the amount obtained by multiplying 20 cents by the total number, not in excess of one million, of votes cast in the last general election for all candidates for the office which the candidate seeks, plus (ii) the amount obtained by multiplying 10 cents by the total number of such votes in excess of one million; or

(B)(i) the amount obtained by multiplying 20 cents by the total number, not in excess of one million, of persons registered to vote in the general election for the office which the candidate seeks, plus (ii) the amount obtained by multiplying 10 cents by the total number of such persons in excess of one million.

(c) Money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by paragraph (1) or (2) of subdivision (b) as the limit of campaign expenses of a candidate.

General penalties for violations

SEC. 209. (a) Any person who violates any of the provisions of this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) Any person who willfully violates any provision of this title shall be fined not more than $10,000 and imprisoned not more than two years.

Expenses of election contests

SEC. 210. This Act shall not limit or affect the right of any person to make contributions or expenditures for proper legal expenses in contesting the results of an election.

Effect on State laws

SEC. 211. This Act shall not be construed to annul, or to exempt any candidate from complying with, the laws of any State relating to the nomination or election of candidates, unless such laws are directly inconsistent with the provisions of this Act: *Provided*, That the limitations on expenditures prescribed in section 208 shall supersede any such limitations prescribed in State laws which differ therefrom.

Partial invalidity

SEC. 212. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

Repealing clause

SEC. 213. The Federal Corrupt Practices Act, 1925, and all other Acts or parts of Acts inconsistent herewith are repealed.

TITLE III—AMENDMENTS TO CRIMINAL CODE

Definitions

SEC. 301. Section 591 of title 18 of the United States Code is amended to read as follows:

"§ 591. Definitions

"When used in sections 597, 599, 602, 608, 609, 610, and 612 of this title—

"(1) The term 'election' includes a general, or special election, but does not include a primary election or convention of a political party;

"(2) The term 'candidate' means an individual whose name is presented at an election for election as Senator or Representative in, or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

"(3) The term 'political committee' includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;

"(4) The term 'contribution' includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, or transfer of funds between committees, and includes a contract, promise, or agreement, whether or not legally enforcible, to make a contribution;

"(5) The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift, of money, or anything of value, or transfer of funds between committees, and includes a contract, promise, or agreement, whether or not legally enforcible, to make an expenditure;

"(6) The term 'person' includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

"(7) The term 'Secretary of State' shall include such other official or authority in any State wherever an official or authority other than the secretary of state is the appropriate State official or authority to carry out any function vested in the secretary of state under this Act.

"(8) The term 'State' includes the Commonwealth of Puerto Rico, any possession of the United States, and the District of Columbia."

Financial aid to candidates and prohibition of certain purchases

SEC. 302. Section 608 of title 18 of the United States Code is amended to read as follows:

"SEC. 608. (a) Whoever, directly or indirectly, makes contributions in an aggregate amount in excess of $5,000 during any calendar year, or in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office, including the offices of President of the United States and Presidential and Vice Presidential electors, or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating

the nomination or election of any candidate for any such office or the success of any national political party, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization or to similar committees or organizations in the District of Columbia or in the Commonwealth of Puerto Rico or any possession of the United States.

"(b) Whoever purchases any goods, commodities, advertising, or articles of any kind or description, the proceeds of which, or any portion thereof, directly or indirectly inures to the benefit of or for any candidate or any political committee shall be fined not more than $5,000 or imprisoned not more than five years, or both: *Provided, however,* That this subsection shall not apply to the purchase and sale by candidates and committees of campaign pins, buttons, and similar materials for prices not exceeding $5 per article: *And provided further,* That nothing in this subsection shall be construed to prohibit the purchase from any political committee of any goods, commodities, advertising, or articles sold by such political committees on a nonprofit basis, nor shall it interfere with the usual and known business, trade, or profession of any candidate.

"(c) In all cases of violations of this section by any person other than an individual, any officer, director, or managing head thereof who consents to such violation, shall be punished as herein provided."

MAXIMUM CONTRIBUTIONS TO AND EXPENDITURES BY INTERSTATE POLITICAL COMMITTEES

SEC. 303. The first paragraph of section 609 of title 18 of the United States Code is amended to read as follows:

"No political committee operating in two or more States shall receive contributions or make expenditures in any calendar year in amounts greater than the amount obtained by multiplying 20 cents by the highest number of voters casting votes for all candidates for the office of Presidential elector in any one of the last three elections for that office."

Publication or distribution of election materials

SEC. 304. Section 612 of title 18 of the United States Code is amended by inserting after the word "names" wherever it appears therein the words "and addresses".

TITLE IV—EFFECTIVE DATE

Effective date of titles I to III

SEC. 401. Titles I and II and the amendments made by title III shall take effect on January 1, 1962, except that the provisions of this Act shall not apply to contributions and expenditure made prior to such date; but nothing in this Act shall relieve any person from filing any statements or reports required under the law in force prior to the date of enactment of this Act.

Mr. CANNON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CANNON. Mr. President, I ask unanimous consent that the bill (S. 2426) be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTABLISHMENT OF VOLUNTARY PENSION PLANS BY SELF-EMPLOYED INDIVIDUALS

Mr. SALTONSTALL. Mr. President, I am glad to see a bill, Calendar No. 973, H.R. 10, reported by the Committee on Finance to allow self-employed persons a tax postponement on some of the money they contribute to retirement plans.

This measure would correct a long-standing inequity in our tax structure whereby small shopkeepers, country doctors, farmers, and other self-employed individuals are denied the same treatment accorded the high-salaried executives of our largest corporations.

In 1942 Congress wisely enacted legislation designed to spur the growth of private pension plans. That legislation provided amounts contributed by an employer to an employee's retirement fund would not be subject to our Federal income tax until the money was actually paid out to the employee upon retirement. The advantage here, of course, is that most employees, after retirement, are in a lower tax bracket than when they are working.

Unfortunately, Congress failed to extend this some tax treatment to the self-employed. As a consequence, large corporations, seeking to retain the services of their top executives, have availed themselves—and rightfully so—of this tax provision. But a similar opportunity is denied the New England fisherman, the Western rancher, the Southern timber operator, and the Midwestern farmer, the doctor, the lawyer, and the dentist.

Ironically, under present law, an employer may institute and finance a retirement plan for his employees, yet be barred from receiving the same retirement privileges himself.

As reported from committee, H.R. 10 limits the maximum amount that would be tax deductible each year to $1,750, a relatively modest sum. An individual would be permitted to deduct 100 percent of the first $1,000 contributed and 50 percent of an additional $1,500—the annual ceiling on each contribution being 10 percent of a person's earned income, up to a maximum of $2,500.

This bill would serve the national purpose by encouraging more people to provide for their old age.

At the present time, some 87 percent of our working force, or about 58.4 million persons, are covered by social security. The old-age and survivors insurance program is one of the most significant pieces of legislation ever enacted by the Congress, but it is not intended to provide more than the minimum benefits necessary for a subsistence standard of living.

If our senior citizens would spend their golden years in an environment comparable to that of their productive years, they must supplement their social security payments with other retirement income.

H.R. 10 would provide an incentive for self-employed persons to establish retirement funds not only for themselves but also for their employees. This would be accomplished by the bill's requirement that, in order for their contributions to be tax deductible, self-employed persons establishing retirement plans for themselves must also cover all regular full-time employees with more than 3 years' service.

Estimates place the total number of self-employed persons and their employees at approximately 20 million. This bill would go a long way toward encouraging this key segment of our population to plan for its own retirement, rather than shift the responsibility to the Government or relatives. It would be particularly helpful in enabling doctors, dentists, and lawyers to plan their retirement.

Another advantage of this legislation is that it would serve to strengthen small business in this country by making self-employment more attractive than at present, compared to employment with a corporation. As my colleagues are well aware, a small business community that is strong and healthy is one of the greatest spurs to a dynamic, thriving national economy.

Finally, I would ask Senators to consider the national defense aspects of this measure. Recent international developments have emphasized the need for skilled manpower, for scientists and engineers.

H.R. 10 would encourage our engineers and scientists to achieve a degree of self-reliance that goes hand in hand with the fullest development of their technical competence. For example, the self-employed computer expert who is free of concern about retirement is more likely to achieve his full potential and contribute more to the technological progress of this country than the man bogged down by worries about personal security.

The scientist or engineer who feels that his retirement privileges are equal, whether he joins a large corporation or strikes out for himself, will choose the outlet likely to make the best use of his talents and give him the greatest freedom of thought and action.

Because the self-employed consultant is playing an ever-increasing role in certain research and development phases of our defense program, it is vital to our interests that we encourage a strong, creative engineering and scientific consulting force in this country. Both Government and private industry have found that the judicious use of such consultants can save time and money and bring faster results.

Moreover, the use of consultants along the lines indicated has the all-important advantage of promoting the most effective utilization of the scarce skills which plague certain parts of our defense effort.

These, then, are a few of the reasons why H.R. 10 has received strong backing from private industry and growing support among Members of Congress.

It is a bill embodying a principle which other countries, notably Canada and Great Britain, have recognized for years.

It is a bill that will help bolster our national economy and at the same time strengthen our defense against the threat of Communist aggression.

It is a bill that would extend to the self-employed nothing more, nothing less, than simple justice.

It is a bill that deserves the approval of Congress at this session.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 902) to amend the Small Business Investment Act of 1958, and for other purposes.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. GATHINGS, Mr. ABBITT, Mr. BELCHER, and Mr. TEAGUE of California were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8762) to amend the Small Business Act to increase the amount available for regular business loans thereunder.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9033) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1962, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PASSMAN, Mr. GARY, Mr. CANNON, Mr. TABER, and Mr. RHODES of Arizona were appointed managers on the part of the House at the conference.

The message further announced that the House insisted upon its amendment to the amendment of the Senate numbered 2 to the bill (H.R. 8302) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SHEPPARD, Mr. SIKES, Mr. CANNON, Mr. JONES, and Mr. TABER were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower, in which it requested the concurrence of the Senate.

ELECTIONS IN THE DISTRICT OF COLUMBIA

Mr. BIBLE. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 851, H.R. 8444.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 8444) to amend the Act of August 12, 1955, relating to elections in the District of Columbia.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia, with an amendment, to strike out all after the enacting clause and insert:

That the Act entitled "An Act to regulate the election of delegates representing the District of Columbia to national political conventions, and for other purposes", approved August 12, 1955 (69 Stat. 699; title I, ch. 11, D.C. Code, 1951 ed.), is amended as follows:

(1) The first section is amended by inserting after the word "That" the words "in the District of Columbia three electors of President and Vice President of the United States and".

(2) Paragraph (2) of section 2 is amended (a) by striking "elector" and inserting in lieu thereof "voter"; (b) by striking "and who has resided in the District continuously since the beginning of the one-year period ending on the day of the next election, or, if such period has not begun, resides in the District"; (c) by striking from clause (B) "twenty-one" and inserting in lieu thereof "eighteen"; (d) by striking "and (D)" and inserting in lieu thereof "(D)"; and (e) by striking the period at the end of such paragraph and inserting in lieu thereof "and (E) who, for the purpose of voting in an election under this Act, has resided in the District for the twelve-month period ending on the day of such election."

(3) Section 3 is amended by inserting at the end thereof the following new sentence: "The said Commissioners shall from time to time designate the Chairman of the Board."

(4) The first sentence of section 4(a) is amended by striking "an elector" and inserting in lieu thereof "a voter".

(5) Section 5(a) is amended by striking from paragraph (1) the word "permanent" and by striking paragraph (3) and inserting in lieu thereof:

"(3) provide for recording and counting votes by means of ballots or machines or both and not less than five days before each election held pursuant to this Act, publish in one or more newspapers of general circulation in the District a copy of the official ballot to be used in any such election;".

(6) Section 5 is amended (a) by striking from the first sentence of subsection (b) "The Board, and persons authorized by it" and inserting in lieu thereof "Each member of the Board and persons authorized by the Board", and (b) by striking the period at the end of subsection (c) and inserting in lieu thereof the following: ", including, without limitation, a regulation permitting qualified persons, for the purpose of voting in any election held pursuant to this Act, to register at times when such persons are temporarily absent from the District or in the case of persons not absent from the District but who are physically unable to appear personally at an official registration place, to register in the manner prescribed in such regulation: *Provided*, That the Board shall accept as evidence of registration any Federal post card application for an absentee ballot prescribed in section 204 of the Federal Voting Assistance Act of 1955 (69 Stat. 584) when such application is duly executed and filed with the Board by any person included within the categories referred to in clause (1), (2), (3), or (4) of section 101 of such Act."

(7) Section 6 is amended by adding at the end thereof the following new subsection:

"(c) Subject to the approval of the Commissioners of the District of Columbia, the Board is authorized to adopt and use a seal."

(8) Section 7(a) is amended to read as follows:

"SEC. 7. (a) No person shall vote in any election in the District unless he is a qualified voter and, except as otherwise provided in this section, he registers in the District during the calendar year in which such election is to be held."

(9) Paragraph (1) of section 7(b) is amended by striking "elector" and inserting in lieu thereof "voter".

(10) Paragraph (2) of section 7(b) of such Act is hereby stricken.

(11) Paragraph (3) of section 7(b) is renumbered as paragraph (2) and is amended to read as follows:

"(2) he executes a registration affidavit by signature or mark (unless prevented by physical disability) on the form prescribed by the Board pursuant to subsection (c), showing that he meets each of the requirements specified in section 2(2) for a qualified voter and, if he desires to vote in a party election, such form shall show his political party affiliation: *Provided*, That any person included within the categories referred to in clauses (1), (2), (3), or (4) of section 101 of the Federal Voting Assistance Act of 1955 (69 Stat. 584) may, for the purpose of voting in any election under this Act, meet the registration requirement of this subsection by duly executing and filing with the Board a Federal post card application as prescribed in the Federal Voting Assistance Act of 1955: *Provided further*, That such person shall not be required to show his political party affiliation on such application unless he desires to vote in a political party election."

(12) Section 7(c) is amended by striking "(b)(3)" and inserting in lieu thereof "(b)(2)".

(13) Section 7(d) is amended to read as follows:

"(d) The Board shall, during each presidential election year, keep a central registration office open from January 1 until forty-five days before the presidential election except for the forty-five day period which ends on the first Tuesday in May. The Board is authorized in its discretion to close such office on Saturdays, Sundays, and holidays. The Board shall also provide for registration at such other places and at such times as the Board deems appropriate. While the registry is open, any person may apply for a registration or for a change in his registration."

(14) Subsection (e) of section 7 is amended by striking "elector" wherever it appears therein and inserting in lieu thereof "voter".

(15) Section 8(a) is amended by striking "Candidates for office participating in an election" and inserting in lieu thereof "Candidates for office in a political party participating in a party election".

(16) Section 8(b) is amended by inserting after the words "elected office" the words "in a political party" and by striking "elector" and inserting in lieu thereof "voter".

(17) Section 8 is amended by inserting at the end thereof the following new subsections:

"(d) The duly authorized committee of a political party (1) whose candidates for electors of President and Vice President of the United States have been on the ballot in five or more of the States in the last preceding presidential election, or (2) which presents to the Board a petition nominating the appropriate number of candidates for electors of President and Vice President signed by at least 5 per centum of the registered qualified voters of the District as of July 1 of the year in which the election is to be held may submit to the Board nominations of its candidates for electors of President and Vice President of the United States and the names of the candidates of the political party for President and Vice

President: *Provided*, That no such nomination, whether by petition or otherwise, shall be accepted by the Board unless the same be submitted in writing to the Board. A nomination by petition shall be submitted August 15 and other nominations shall be submitted on or before September 1 next preceding the date of the presidential election in accordance with this Act and regulations promulgated pursuant to this Act.

"(e) The names of the candidates of each political party for President and Vice President shall be placed on the ballot under the title and device, if any, of that party as designated by the duly authorized committee of the organization recognized by the national committee of that party as the official organization of that party in the District or as designated by the appropriate committee of a party qualifying by petition under subsection (d) of this section. The form of the ballot shall be determined by the Board: *Provided*, That the position on the ballot of names of candidates for President and Vice President shall be determined by lot: *Provided further*, That the names of persons nominated as candidates for electors of President and Vice President shall not appear on the ballot. A vote for any of such candidates for President and Vice President shall be a vote for the electors of the political party by which such candidates were nominated and whose names have been submitted to the Board as provided in subsection (d) of this section.

"(f) No person may be elected to the office of elector of President and Vice President pursuant to this Act unless (1) he is a registered voter in the District and (2) he has been a bona fide resident of the District for a period of three years immediately preceding the date of the presidential election. Each person elected as elector of President and Vice President shall, in the presence of the Board, take an oath or solemnly affirm that he will vote for the candidates of the party he has been nominated to represent, and it shall be his duty to vote in such manner in the electoral college.

"(g) The Board shall certify in writing to the Board of Commissioners of the District of Columbia the results of each election of electors of President and Vice President. The Board of Commissioners, after receiving such certification, shall, without delay, examine the same and ascertain the electors chosen and make known the same by proclamation and cause notice of his election to be transmitted to each elector. The Board of Commissioners shall also cause such number of lists of names of electors duly made and certified to be delivered to the electors as may be required by the Act of Congress in that respect on or before the day appointed for their meeting.

"(h) The electors chosen in the District for the election of President and Vice President shall meet and give their votes at Washington, District of Columbia, on the day determined by the Congress for that purpose.

"(i) Such electors shall not be entitled to compensation for their services."

(18) Subsection (a) of section 9 is amended by striking the second sentence.

(19) Subsection (b) of section 9 is amended by striking "ballot" and inserting in lieu thereof "vote" and by inserting after the word "located" a colon and the following: "*Provided*, That the Board shall by regulation permit voting for electors of President and Vice President by any registered voter who is absent from the District or who, because of his physical condition, is unable to vote in person at the polling place in his voting precinct on election day".

(20) Subsection (e) of section 9 is amended by striking "municipal court of the District" and inserting in lieu thereof "municipal court for the District".

(21) Subsection (f) of section 9 is amended by striking "qualified elector" and inserting in lieu thereof "registered voter".

(22) Subsection (g) of section 9 is amended to read as follows:

"(g) No person shall vote more than once in any election, nor shall any person vote in an election held by a political party other than that of which he has declared himself to be a member."

(23) Subsection (a) of section 10 is amended by inserting at the beginning thereof the following new sentence: "The election of electors of President and Vice President shall be held on the first Tuesday after the first Monday in November of each presidential election year."

(24) Strike so much of the third sentence of subsection (a) of section 10, as amended, as reads "Any such election" and insert in lieu thereof "All elections referred to in this subsection".

(25) Subsection (b) of section 10 is amended by striking "said election" and inserting in lieu thereof "such elections".

(26) Section (d) of section 10 is amended by striking "dies" and inserting in lieu thereof "dies, resigns, or becomes unable to serve", and by striking "local committee" and inserting in lieu thereof "party committee: *Provided*, That such successor shall have the qualifications required by this Act for such office".

(27) Section 10 is amended by adding at the end thereof the following new subsection:

"(e) In the event that any person nominated for any office pursuant to this Act dies, resigns, or becomes unable to run, his successor shall be chosen pursuant to the rules of the duly authorized party committee: *Provided*, That such successor shall have the qualifications required by this Act for such office."

(28) Subsection (b) of section 11 is amended by striking "electors" and inserting in lieu thereof "voters".

(29) Subsection (b) of section 13 is amended by inserting after the words "a candidate for" the words "elector of President and Vice President".

(30) Subsection (d) of section 13 is amended by striking "any national committeeman" and inserting in lieu thereof "any elector, national committeeman".

(31) Subsection (e) of section 13 is amended by striking from the first sentence thereof "the election" and inserting in lieu thereof "an election".

(32) Section 14 is amended (a) by striking from the first sentence thereof "if employed in the counting of votes in such elections" and inserting in lieu thereof "if employed in the counting of votes in any election held pursuant to this Act knowingly" and (b) by inserting the word "knowingly" immediately before the words "make any expenditure".

(33) The title is amended to read as follows: "An Act to regulate the election in the District of Columbia of electors of President and Vice President of the United States and of delegates representing the District of Columbia to national political conventions, and for other purposes."

SEC. 2. (a) The term "State" shall be deemed to include the District of Columbia and the term "executives of each State" shall be deemed to include the Board of Commissioners of the District of Columbia wherever such terms appear in chapter I of title 3, United States Code.

(b) For the purposes of the Federal Voting Assistance Act of 1955 (69 Stat. 584), the word "State" shall be deemed to include the District of Columbia.

SEC. 3. The second paragraph of section 7 of the District of Columbia Alcoholic Beverage Control Act, as amended (sec. 25–107, D.C. Code, 1951 ed.), is amended by inserting after the first sentence the following new sentence: "Notwithstanding any other provision of this Act, the Commissioners shall not authorize the sale by any licensee, other than the holder of a retailer's license, class E, of any beverages on the day of the presidential election in the District of Columbia during the hours when the polls are open, and any such sales are hereby prohibited."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

REGIONAL AGENCY FOR CONTROL OF WATER AND NATURAL RESOURCES OF THE DELAWARE RIVER BASIN

Mr. BIBLE. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 968, S. 856.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 856) to create a regional agency by intergovernmental compact for the planning, conservation, utilization, development, management, and control of the water and related natural resources of the Delaware River Basin, for the improvement of navigation, reduction of flood damage, regulation of water quality, control of pollution, development of water supply, hydroelectric energy, fish and wildlife habitat, and public recreational facilities, and other purposes, and defining the functions, powers, and duties of such agency.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works, with an amendment, on page 68, after line 19, to strike out:

PART II

Article 15

Repealer

15.1 All Acts and parts of Acts inconsistent with any provision of this Act are hereby amended for the purposes of this Act to the extent necessary to carry out the provisions of this Act.

Effectuation by the President

15.2 The President is authorized to take such action as may be necessary and proper, in his discretion, to effectuate the Delaware River Basin Compact and the initial organization and operation of the commission thereunder.

Effective Date

15.3 This Act shall take effect immediately.

And, in lieu thereof, to insert:

PART II

Article 15

Reservations

15.1 In the exercise of the powers reserved to the Congress, pursuant to Section 1.4 of the Compact, the consent to and participation in the Compact by the United States is subject to the following conditions and reservations:

(a) Notwithstanding any provision of the Delaware River Basin Compact the Delaware

River Basin Commission shall not undertake any project (as defined in such compact), other than a project for which State supplied funds only will be used, beyond the planning stage until—

(1) such Commission has submitted to the Congress such complete plans and estimates for such project as may be necessary to make an engineering evaluation of such project, including—

(A) where the project will serve more than one purpose, an allocation of costs among the purposes served and an estimate of the ratio of benefits to costs for each such purpose,

(B) an apportionment of costs among the beneficiaries of the project, including the portion of the costs to be borne by the Federal Government and by State and local governments, and

(C) a proposal for financing the project, including the terms of any proposed bonds or other evidences of indebtedness to be used for such purpose; and

(2) such project has been authorized by Act of Congress.

(b) No provision of Section 3.7 of the Compact shall be deemed to authorize the Commission to impose any charge for water withdrawals or diversions from the Basin if such withdrawals or diversions could lawfully have been made without charge on the effective date of the Compact; or to impose any charges with respect to commercial navigation within the Basin, jurisdiction over which is reserved to the Federal Government: *Provided*, That this paragraph shall be applicable to the extent not inconsistent with Section 1.4 of this Compact.

(c) Nothing contained in the Compact shall be deemed to restrict the executive powers of the President in the event of a national emergency.

(d) Notwithstanding the provisions of Article 2, section 2.2 of the Compact, the member of the commission appointed by the President of the United States and his alternate shall serve at the pleasure of the President.

(e) Nothing contained in the Compact shall be construed as impairing or in any manner affecting the applicability to all Federal funds budgeted and appropriated for use by the Commission, or such authority over budgetary and appropriation matters as the President and Congress may have with respect to agencies in the Executive Branch of the Federal Government.

(f) Except to the same extent that State bonds are or may continue to be free or exempt from Federal taxation under the internal revenue laws of the United States, nothing contained in the Compact shall be construed as freeing or exempting from internal revenue taxation in any manner whatsoever any bonds issued by the Commission, their transfer, or the income therefrom (including any profits made on the sale thereon).

(g) Nothing contained in the Compact shall be construed to obligate the United States legally or morally to pay the principal or interest on any bonds issued by the Delaware River Basin Commission.

(h) Notwithstanding the provisions of section 11.5 or any other provision of the Compact, the furnishing of technical services to the Commission by agencies of the executive branch of the Government of the United States is pledged only to the extent that the respective agencies shall from time to time agree thereto or to the extent that the President may from time to time direct such agencies to perform such services for the Commission. Nothing in the Compact shall be deemed to require the United States to furnish administrative services or facilities for carrying out functions of the Commission except to the extent that the President may direct.

(i) All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating, of projects, buildings and works which are undertaken by the Commission or are financially assisted by it, shall be paid wages at rates not less than those prevailing on similar construction in the locality so determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), and every such employee shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in any workweek, as the case may be. A provision stating the minimum wages thus determined and the requirement that overtime be paid as above provided shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project. The Secretary of Labor shall have, with respect to the administration and enforcement of the labor standards specified in this provision, the supervisory, investigatory, and other authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267, 5 U.S.C. 133z–15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

(j) Contracts for the manufacture or furnishing of materials, supplies, articles, and equipment with the Commission which are in excess of $10,000 shall be subject to the provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.).

(k) Notwithstanding any other provision of this Act, nothing contained in this Act or in the Compact shall be construed as superseding or limiting the functions, under any other law, of the Secretary of Health, Education, and Welfare or of any other officer or agency of the United States, relating to water pollution: *Provided*, That the exercise of such functions shall not limit the authority of the Commission to control, prevent, or abate water pollution.

(l) The provisions of section 8.4 of Article 8 of the of the Compact shall not be construed to apply to facilities operated pursuant to any other Federal law.

(m) For purposes of the Act of June 25, 1948, 62 Stat. 982, as amended (Title 28, U.S. Code, chapter 171, and sections 1346(b) and 240(b)) and the Act of March 3, 1887, 24 Stat. 505, as amended (Title 28, U.S. Code, sections 1402, 1491, 1496, 1501, 1503, 2071, 2072, 2411, 2412, 2501), and the Act of June 11, 1946, 60 Stat. 237, as amended (Title 5, U.S. Code, sections 1001 and 1011, Title 50 App. U.S. Code, section 1900), the Commission shall not be considered a Federal agency.

(n) The officers and employees of the Commission (other than the United States member, alternate United States member, and advisors, and personnel employed by the United States member under direct Federal appropriation) shall not be deemed to be, for any purpose, officers or employees of the United States or to become entitled at any time by reason of employment by the Commission to any compensation or benefit payable or made available by the United States solely and directly to its officers or employees.

(o) Neither the Compact nor this Act shall be deemed to enlarge the authority of any Federal agency other than the Commission to participate in or to provide funds for projects or activities in the Delaware River Basin.

(p) The United States district courts shall have original jurisdiction of all cases or controversies arising under the Compact, and this Act and any case or controversy so arising initiated in a State Court shall be removable to the appropriate United States district court in the manner provided by § 1446, Title 28 U.S.C. Nothing contained in the Compact or elsewhere in this Act shall be construed as a waiver by the United States of its immunity from suit.

(q) The right to alter, amend, or repeal this Act is hereby expressly reserved. The right is hereby reserved to the Congress or any of its standing committees to require the disclosure and furnishing of such information and data by the Delaware River Basin Compact Commission as is deemed appropriate by the Congress or any such committee.

(r) The provisions of section 2.4 and 2.6 of Article 2 of the Compact notwithstanding, the member and alternate member appointed by the President and advisor there referred to may be paid compensation by the United States, such compensation to be fixed by the President at the rates which he shall deem to prevail in respect to comparable officers in the executive branch.

(s) 1. Nothing contained in this Act or in the Compact shall impair or affect the constitutional authority of the United States or any of its powers, rights, functions, or jurisdiction under other existing or future legislation in and over the area or waters which are the subject of the Compact including projects of the Commission: *Provided*, That whenever a comprehensive plan, or any part or revision thereof, has been adopted with the concurrence of the member appointed by the President, the exercise of any powers conferred by law on any officer, agency, or instrumentality of the United States with regard to water and related land resources in the Delaware River Basin shall not substantially conflict with any such portion of such comprehensive plan and the provisions of Section 3.8 and Article 11 of the Compact shall be applicable to the extent necessary to avoid such substantial conflict: *Provided further*, That whenever the President shall find and determine that the national interest so requires, he may suspend, modify, or delete any provision of the comprehensive plan to the extent that it affects the exercise of any powers, rights, functions, or jurisdiction conferred by law on any officer, agency, or instrumentality of the United States other than the Commission. Such action shall be taken by Executive order in which such finding and determination shall be set forth.

2. For the purposes of paragraph 1 hereof, concurrence by the member appointed by the President shall be presumed unless within 60 days after notice to him of adoption of the comprehensive plan, or any part or revision thereof, he shall file with the Commission notice of his nonconcurrence. Each concurrence of the member appointed by the President in the adoption of the comprehensive plan or any part or revision thereof may be withdrawn by notice filed with the Commission at any time between the first and sixtieth day of the sixth year after the initial adoption of the comprehensive plan and of every sixth year thereafter.

(t) In the event that any phrase, clause, sentence or provision of Section 1.4 of Article 1 of the Compact, is declared to be unconstitutional under the constitution of any of the signatory parties, or the applicability thereof to any signatory party, agency or person is held invalid by a court of last resort of competent jurisdiction, the United States shall cease to be a party to the Compact, except to the extent that the President deems remaining a party necessary and proper to protect the national interest, and shall cease to be bound by the terms thereof.

(u) All Acts or parts of Acts inconsistent with the provisions of this Act are hereby amended for the purpose of this Act to the extent necessary to carry out the provisions of this Act: *Provided, however*, That no act

of the Commission shall have the effect of repealing, modifying or amending any Federal law.

Effectuation

15.2 (a) The President is authorized to take such action as may be necessary and proper, in his discretion, to effectuate the Compact and the initial organization and operation of the Commission thereunder.

(b) Executive departments and other agencies of the executive branch of the Federal Government shall cooperate with and furnish appropriate assistance to the United States member. Such assistance shall include the furnishing of services and facilities and may include the detailing of personnel to the United States member. Appropriations are hereby authorized as necessary for the carrying out of the functions of the United States member, including appropriations for the employment of personnel by the United States member.

15.3 Effective Date: This Act shall take effect immediately.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby consents to, and joins the States of Delaware, New Jersey, and New York and the Commonwealth of Pennsylvania in, the following compact:

ARTICLE 1

Short title, definitions, purpose and limitations

Section 1.1. Short Title. This act shall be known and may be cited as the Delaware River Basin Compact.

1.2 Definitions. For the purposes of this compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

(a) "Basin" shall mean the area of drainage into the Delaware River and its tributaries, including Delaware Bay;

(b) "Commission" shall mean the Delaware River Basin Commission created and constituted by this compact;

(c) "Compact" shall mean Part I of this act.

(d) "Cost" shall mean direct and indirect expenditures, commitment, and net induced adverse effects, whether or not compensated for, used or incurred in connection with the establishment, acquisition, construction, maintenance and operation of a project;

(e) "Facility" shall mean any real or personal property, within or without the basin, and improvements thereof or thereon, and any and all rights of way, water, water rights, plants, structures, machinery and equipment, acquired, constructed, operated or maintained for the beneficial use of water resources or related land uses including, without limiting the generality of the foregoing, any and all things and appurtenances necessary, useful or convenient for the control, collection, storage, withdrawal, diversion, release, treatment, transmission, sale or exchange of water; or for navigation thereon, or the development and use of hydroelectric energy and power, and public recreational facilities; or the propagation of fish and wildlife; or to conserve and protect the water resources of the basin or any existing or future water supply source, or to facilitate any other uses of any of them;

(f) "Federal government" shall mean the government of the United States of America, and any appropriate branch, department, bureau or division thereof, as the case may be;

(g) "Project" shall mean any work, service or activity which is separately planned, financed, or identified by the commission, or any separate facility undertaken or to be undertaken within a specified area, for the conservation, utilization, control, development or management of water resources which can be established and utilized independently or as an addition to an existing facility, and can be considered as a separate entity for purposes of evaluation;

(h) "Signatory party" shall mean a state or commonwealth party to this compact, and the federal government;

(i) "Water resources" shall include water and related natural resources in, on, under, or above the ground, including related uses of land, which are subject to beneficial use, ownership or control.

1.3 Purpose and Findings. The legislative bodies of the respective signatory parties hereby find and declare:

(a) The water resources of the basin are affected with a local, state, regional and national interest and their planning, conservation, utilization, development, management and control, under appropriate arrangements for intergovernmental cooperation, are public purposes of the respective signatory parties.

(b) The water resources of the basin are subject to the sovereign right and responsibility of the signatory parties, and it is the purpose of this compact to provide for a joint exercise of such powers of sovereignty in the common interests of the people of the region.

(c) The water resources of the basin are functionally inter-related, and the uses of these resources are interdependent. A single administrative agency is therefore essential for effective and economical direction, supervision and coordination of efforts and programs of federal, state and local governments and of private enterprise.

(d) The water resources of the Delaware River Basin, if properly planned and utilized, are ample to meet all presently projected demands, including existing and added diversions in future years and ever increasing economies and efficiencies in the use and reuse of water resources can be brought about by comprehensive planning, programming and management.

(e) In general, the purposes of this compact are to promote interstate comity; to remove causes of present and future controversy; to make secure and protect present developments within the states; to encourage and provide for the planning, conservation, utilization, development, management and control of the water resources of the basin; to provide for cooperative planning and action by the signatory parties with respect to such water resources; and to apply the principle of equal and uniform treatment to all water users who are similarily situated and to all users of related facilities, without regard to established political boundaries.

1.4 Powers of Congress; Withdrawal. Nothing in this compact shall be construed to relinquish the functions, powers or duties of the Congress of the United States with respect to the control of any navigable waters within the basin, nor shall any provision hereof be construed in derogation of any of the constitutional powers of the Congress to regulate commerce among the states and with foreign nations. The power and right of the Congress to withdraw the federal government as a party to this compact or to revise or modify the terms, conditions and provisions under which it may remain a party by amendment, repeal or modification of any federal statute applicable thereto is recognized by the signatory parties.

1.5 Existing Agencies; Construction. It is the purpose of the signatory parties to preserve and utilize the functions, powers and duties of existing offices and agencies of government to the extent not inconsistent with the compact, and the commission is authorized and directed to utilize and employ such offices and agencies for the purpose of this compact to the fullest extent it finds feasible and advantageous.

1.6 Duration of Compact.

(a) The duration of this compact shall be for an initial period of 100 years from its effective date, and it shall be continued for additional periods of 100 years if not later than 20 years nor sooner than 25 years prior to the determination of the initial period or any succeeding period none of the signatory states, by authority of an act of its legislature, notifies the commission of intention to terminate the compact at the end of the then current 100 year period.

(b) In the event that this compact should be terminated by operation of paragraph (a) above, the commission shall be dissolved, its assets and liabilities transferred, and its corporate affairs wound up, in such manner as may be provided by act of the Congress.

ARTICLE 2

Organization and area

Section 2.1 Commission Created. The Delaware River Basin Commission is hereby created as a body politic and corporate, with succession for the duration of this compact, as an agency and instrumentality of the governments of the respective signatory parties.

2.2 Commission Membership. The commission shall consist of the Governors of the signatory states, ex officio, and one commissioner to be appointed by the President of the United States to serve during the term of office of the President.

2.3 Alternates. Each member of the commission shall appoint an alternate to act in his place and stead, with authority to attend all meetings of the commission, and with power to vote in the absence of the member. Unless otherwise provided by law of the signatory party for which he is appointed, each alternate shall serve during the term of the member appointing him, subject to removal at the pleasure of the member. In the event of a vacancy in the office of alternate, it shall be filled in the same manner as an original appointment for the unexpired term only.

2.4 Compensation. Members of the commission and alternates shall serve without compensation but may be reimbursed for necessary expenses incurred in and incident to the performance of their duties.

2.5 Voting Power. Each member shall be entitled to one vote on all matters which may come before the commission. No action of the commission shall be taken at any meeting unless a majority of the membership shall vote in favor thereof.

2.6 Organization and Procedure. The commission shall provide for its own organization and procedure, and shall adopt rules and regulations governing its meetings and transactions. It shall organize annually by the election of a chairman and vice-chairman from among its members. It shall provide by its rules for the appointment by each member in his discretion of an advisor to serve without compensation, who may attend all meetings of the commission and its committees.

2.7 Jurisdiction of the Commission. The commission shall have, exercise and discharge its functions, powers and duties within the limits of the basin, except that it may in its discretion act outside the basin whenever such action may be necessary or convenient to effectuate its powers or duties within the basin, or to sell or dispose of water, hydroelectric power or other water resources within or without the basin. The commission shall exercise such power outside the basin only upon the consent of the state in which it proposes to act.

ARTICLE 3

Powers and duties of the commission

Section 3.1. Purpose and Policy. The commission shall develop and effectuate plans, policies and projects relating to the

water resources of the basin. It shall adopt and promote uniform and coordinated policies for water conservation, control, use and management in the basin. It shall encourage the planning, development and financing of water resources projects according to such plans and policies.

3.2 Comprehensive Plan, Program and Budgets. The commission shall, in accordance with Article 13 of this compact, formulate and adopt:

(a) A comprehensive plan, after consultation with water users and interested public bodies, for the immediate and long range development and uses of the water resources of the basin;

(b) A water resources program, based upon the comprehensive plan, which shall include a systematic presentation of the quantity and quality of water resources needs of the area to be served for such reasonably foreseeable period as the commission may determine, balanced by existing and proposed projects required to satisfy such needs, including all public and private projects affecting the basin, together with a separate statement of the projects proposed to be undertaken by the commission during such period; and

(c) An annual current expense budget, and an annual capital budget consistent with the water resources program covering the commission's projects and facilities for the budget period.

3.3 Allocations, Diversions and Releases. The commission shall have the power from time to time as need appears, in accordance with the doctrine of equitable apportionment, to allocate the waters of the basin to and among the states signatory to this compact and to and among their respective political subdivisions, and to impose conditions, obligations and release requirements related thereto, subject to the following limitations:

(a) The commission, without the unanimous consent of the parties to the United States Supreme Court decree in New Jersey v. New York, 347 U.S. 995 (1954), shall not impair, diminish or otherwise adversely affect the diversions, compensating releases, rights, conditions, obligations, and provisions for the administration thereof as provided in said decree; provided, however, that after consultation with the river master under said decree the commission may find and declare a state of emergency resulting from a drought or catastrophe and it may thereupon by unanimous consent of its members authorize and direct an increase or decrease in any allocation or diversion permitted or releases required by the decree, in such manner and for such limited time as may be necessary to meet such an emergency condition.

(b) No allocation of waters hereafter made pursuant to this section shall constitute a prior appropriation of the waters of the basin or confer any superiority of right in respect to the use of those waters, nor shall any such action be deemed to constitute an apportionment of the waters of the basin among the parties hereto; provided that this paragraph shall not be deemed to limit or restrict the power of the commission to enter into covenants with respect to water supply, with a duration not exceeding the life of this compact, as it may deem necessary for the benefit or development of the water resources of the basin.

(c) Any proper party deeming itself aggrieved by action of the commission with respect to an out-of-basin diversion or compensating releases in connection therewith, notwithstanding the powers delegated to the commission by this compact may invoke the original jurisdiction of the United States Supreme Court within one year after such action for an adjudication and determination thereof de novo. Any other action of the commission pursuant to this section shall be subject to judicial review in any court of competent jurisdiction.

3.4 Supreme Court Decree; Waivers. Each of the signatory states and their respective political subdivisions, in consideration of like action by the others, and in recognition of reciprocal benefits, hereby waives and relinquishes for the duration of this compact any right, privilege or power it may have to apply for any modification of the terms of the decree of the United States Supreme Court in New Jersey v. New York, 347 U.S. 995 (1954) which would increase or decrease the diversions authorized or increase or decrease the releases required thereunder, except that a proceeding to modify such decree to increase diversions or compensating releases in connection with such increased diversions may be prosecuted by a proper party to effectuate rights, powers, duties and obligations under Section 3.3 of this compact, and except as may be required to effectuate the provisions of paragraphs IIIB3 and VB of said decree.

3.5 Supreme Court Decree; Specific Limitations on Commission. Except as specifically provided in Sections 3.3 and 3.4 of this article, nothing in this compact shall be construed in any way to impair, diminish or otherwise adversely affect the rights, powers, privileges, conditions and obligations contained in the decree of the United States Supreme Court in New Jersey v. New York, 347 U.S. 995 (1954). To this end, and without limitation thereto, the commission shall not:

(a) Acquire, construct or operate any project or facility or make any order or take any action which would impede or interfere with the rights, powers, privileges, conditions or obligations contained in said decree;

(b) Impose or collect any fee, charge or assessment with respect to diversions of waters of the basin permitted by said decree;

(c) Exercise any jurisdiction, except upon consent of all the parties to said decree, over the planning, design, construction, operation or control of any projects, structures or facilities constructed or used in connection with withdrawals, diversions and releases of waters of the basin authorized by said decree or of the withdrawals, diversions or releases to be made thereunder; or

(d) Serve as river master under said decree, except upon consent of all the parties thereto.

3.6 General Powers. The commission may:

(a) Plan, design, acquire, construct, reconstruct, complete, own, improve, extend, develop, operate and maintain any and all projects, facilities, properties, activities and services, determined by the commission to be necessary, convenient or useful for the purposes of this compact;

(b) Establish standards of planning, design and operation of all projects and facilities in the basin which affect its water resources, including without limitation thereto water and waste treatment plants, stream and lake recreational facilities, trunk mains for water distribution, local flood protection works, small watershed management programs, and ground water recharging operations;

(c) Conduct and sponsor research on water resources, their planning, use, conservation, management, development, control and protection, and the capacity, adaptability and best utility of each facility thereof, and collect, compile, correlate, analyze, report and interpret data on water resources and uses in the basin, including without limitation thereto the relation of water to other resources, industrial water technology, ground water movement, relation between water price and water demand, and general hydrological conditions;

(d) Compile and coordinate systematic stream stage and ground water level forecasting data, and publicize such information when and as needed for water uses, flood warning, quality maintenance or other purposes;

(e) Conduct such special ground water investigations tests, and operations and compile such data relating thereto as may be required to formulate and administer the comprehensive plan;

(f) Prepare, publish and disseminate information and reports with respect to the water problems of the basin and for the presentation of the needs, resources and policies of the basin to executive and legislative branches of the signatory parties;

(g) Negotiate for such loans, grants, services or other aids as may be lawfully available from public or private sources to finance or assist in effectuating any of the purposes of this compact; and to receive and accept such aid upon such terms and conditions, and subject to such provisions for repayment as may be required by federal or state law or as the commission may deem necessary or desirable;

(h) Exercise such other and different powers as may be delegated to it by this compact or otherwise pursuant to law, and have and exercise all powers necessary or convenient to carry out its express powers or which may be reasonably implied therefrom.

3.7 Rates and Charges. The commission may from time to time after public notice and hearing fix, alter and revise rates, rentals, charges and tolls and classifications thereof, for the use of facilities which it may own or operate and for products and services rendered thereby, without regulation or control by any department, office or agency of any signatory party.

3.8 Referral and Review. No project having a substantial effect on the water resources of the basin shall hereafter be undertaken by any person, corporation or governmental authority unless it shall have been first submitted to and approved by the commission, subject to the provisions of Sections 3.3 and 3.5. The commission shall approve a project whenever it finds and determines that such project would not substantially impair or conflict with the comprehensive plan and may modify and approve as modified, or may disapprove any such project whenever it finds and determines that the project would substantially impair or conflict with such plan. The commission shall provide by regulation for the procedure of submission, review and consideration of projects, and for its determinations pursuant to this section. Any determination of the commission hereunder shall be subject to judicial review in any court of competent jurisdiction.

3.9 Coordination and Cooperation. The commission shall promote and aid the coordination of the activities and programs of federal, state, municipal and private agencies concerned with water resources administration in the basin. To this end, but without limitation thereto, the commission may:

(a) Advise, consult, contract, financially assist, or otherwise cooperate with any and all such agencies;

(b) Employ any other agency or instrumentality of any of the signatory parties or of any political subdivision thereof, in the design, construction, operation and maintenance of structures, and the installation and management of river control systems, or for any other purpose;

(c) Develop and adopt plans and specifications for particular water resources projects and facilities which so far as consistent with the comprehensive plan incorporate any separate plans of other public and private organizations operating in the basin, and permit the decentralized administration thereof;

(d) Qualify as a sponsoring agency under any federal legislation heretofore or hereafter enacted to provide financial or other assistance for the planning, conservation, utilization, development, management or control of water resources.

3.10 Advisory Committees. The commission may constitute and empower advisory committees, which may be comprised of representatives of the public and of federal, state, county and municipal governments, water resources agencies, water-using industries, water-interest groups, labor and agriculture.

ARTICLE 4

Water supply

Section 4.1 Generally. The commission shall have power to develop, implement and effectuate plans and projects for the use of the water of the basin for domestic, municipal, agricultural and industrial water supply. To this end, without limitation thereto, it may provide for, construct, acquire, operate and maintain dams, reservoirs and other facilities for utilization of surface and ground water resources, and all related structures, appurtenances and equipment on the river and its tributaries and at such off-river sites as it may find appropriate, and may regulate and control the use thereof.

4.2 Storage and Release of Waters.

(a) The commission shall have power to acquire, operate and control projects and facilities for the storage and release of waters, for the regulation of flows and supplies of suface and ground waters of the basin, for the protection of public health, stream quality control, economic development, improvement of fisheries, recreation, dilution and abatement of pollution, the prevention of undue salinity and other purposes.

(b) No signatory party shall permit any augmentation of flow to be diminished by the diversion of any water of the basin during any period in which waters are being released from storage under the direction of the commission for the purpose of augmenting such flow, except in cases where such diversion is duly authorized by this compact, or by the commission pursuant thereto, or by the judgment, order or decree of a court of competent jurisdiction.

4.3 Assessable Improvements. The commission may undertaken to provide stream regulation in the main stream or any tributary in the basin and may assess on an annual basis or otherwise the cost thereof upon water users or any classification of them specially benefited thereby to a measurable extent, provided that no such assessment shall exceed the actual benefit to any water user. Any such assessment shall follow the procedure prescribed by law for local improvement assessments and shall be subject to judicial review in any court of competent jurisdiction.

4.4 Coordination. Prior to entering upon the execution of any project authorized by this article, the commission shall review and consider all existing rights, plans and programs of the signatory parties, their political subdivisions, private parties, and water users which are pertinent to such project, and shall hold a public hearing on each proposed project.

4.5 Additional Powers. In connection with any project authorized by this article, the commission shall have power to provide storage, treatment, pumping and transmission facilities, but nothing herein shall be construed to authorize the commission to engage in the business of distributing water.

ARTICLE 5

Pollution control

Section 5.1 General Powers. The commission may undertake investigations and surveys, and acquire, construct, operate and maintain projects and facilities to control potential pollution and abate or dilute existing pollution of the water resources of the basin. It may invoke as complainant the power and jurisdiction of water pollution abatement agencies of this signatory parties.

5.2 Policy and Standards. The commission may assume jurisdiction to control future pollution and abate existing pollution in the waters of the basin, whenever it determines after investigation and public hearing upon due notice that the effectuation of the comprehensive plan so requires. The standard of such control shall be that pollution by sewage or industrial or other waste originating within a signatory state shall not injuriously affect waters of the basin as contemplated by the comprehensive plan. The commission, after such public hearing may classify the waters of the basin and establish standards of treatment of sewage, industrial or other waste, according to such classes including allowance for the variable factors of surface and ground waters, such as size of the stream, flow, movement, location, character, self-purification, and usage of the waters affected. After such investigation, notice and hearing the commission may adopt and from time to time amend and repeal rules, regulations and standards to control such future pollution and abate existing pollution, and to require such treatment of sewage, industrial or other waste within a time reasonable for the construction of the necessary works, as may be required to protect the public health or to preserve the waters of the basin for uses in accordance with the comprehensive plan.

5.3 Cooperative Legislation and Administration. Each of the signatory parties covenants and agrees to prohibit and control pollution of the waters of the basin according to the requirements of this compact and to cooperate faithfully in the control of future pollution in and abatement of existing pollution from the rivers, streams, and waters in the basin which flow through, under, into, or border upon any of such signatory states, and in order to effect such object, agrees to enact any necessary legislation to enable each such party to place and maintain the waters of said basin in a satisfactory condition, available for safe and satisfactory use as public and industrial water supplies after reasonable treatment, suitable for recreational usage, capable of maintaining fish and other aquatic life, free from unsightly or malodorous nuisances due to floating solids or sludge deposits and adaptable to such other uses as may be provided by the comprehensive plan.

5.4 Enforcement. The commission may, after investigation and hearing, issue an order or orders upon any person or public or private corporation, or other entity, to cease the discharge of sewage, industrial or other waste into waters of the basin which it determines to be in violation of such rules and regulations as it shall have adopted for the prevention and abatement of pollution. Any such order or orders may prescribe the date, including a reasonable time for the construction of any necessary works, on or before which such discharge shall be wholly or partially discontinued, modified or treated, or otherwise conformed to the requirements of such rules and regulations. Such orders shall be reviewable in any court of competent jurisdiction. The courts of the signatory parties shall have jurisdiction to enforce against any person, public or private corporation, or other entity, any and all provisions of this Article or of any such order. The commission may bring an action in its own name in any such court of competent jurisdiction to compel compliance with any provision of this Article, or any rule or regulation issued pursuant thereto or of any such order, according to the practice and procedure of the court.

5.5 Further Jurisdiction. Nothing in this compact shall be construed to repeal, modify or qualify the authority of any signatory party to enact any legislation or enforce any additional conditions and restrictions to lessen or prevent the pollution of waters within its jurisdiction.

ARTICLE 6

Flood protection

Section 6.1 General Powers. The commission may plan, design, construct and operate and maintain projects and facilities, as it may deem necessary or desirable for flood damage reduction. It shall have power to operate such facilities and to store and release waters on the Delaware River and its tributaries and elsewhere within the basin, in such manner, at such times, and under such regulations as the commission may deem appropriate to meet flood conditions as they may arise.

6.2 Flood Plain Zoning.

(a) The commission shall have power to adopt, amend and repeal recommended standards, in the manner provided by this section, relating to the nature and extent of the uses of land in areas subject to flooding by waters of the Delaware River and its tributaries. Such standards shall not be deemed to impair or restrict the power of the signatory parties or their political subdivisions to adopt zoning and other land use regulations not inconsistent therewith.

(b) The commission may study and determine the nature and extent of the flood plains of the Delaware River and its tributaries. Upon the basis of such studies, it may establish encroachment lines and delineate the areas subject to flood, including a classification of lands with reference to relative risk of flood and the establishment of standards for flood plain use which will safeguard the public health, safety and property. Prior to the adoption of any standards delineating such area or defining such use, the commission shall hold public hearings, in the manner provided by Article 14, with respect to the substance of such standards. At or before such public hearings the proposed standards shall be available, and all interested persons shall be given an opportunity to be heard thereon at the hearing. Upon the adoption and promulgation of such standards, the commission may enter into agreements to provide technical and financial aid to any municipal corporation for the administration and enforcement of any local land use ordinances or regulations giving effect to such standards.

6.3 Flood Lands Acquisition. The commission shall have power to acquire the fee or any lesser interest in lands and improvements thereon within the area of a flood plain for the purpose of restricting the use of such property so as to minimize the flood hazard, converting property to uses appropriate to flood plain conditions, or preventing unwarranted constrictions that reduce the ability of the river channel to carry flood water. Any such action shall be in accord with the standards adopted and promulgated pursuant to Section 6.2.

6.4 Flood and Stream Stage Warnings and Posting. The commission may cause lands particularly subject to flood to be posted with flood hazard warnings, and may from time to time cause flood advisory notices to be published and circulated as conditions may warrant.

ARTICLE 7

Watershed management

Section 7.1 Watersheds Generally. The commission shall promote sound practices of watershed management in the basin, including projects and facilities to retard runoff and waterflow and prevent soil erosion.

7.2 Soil Conservation and Forestry. The commission may acquire, sponsor, or operate facilities and projects to encourage soil conservation, prevent and control erosion, and to promote land reclamation and sound forestry practices.

7.3 Fish and Wildlife. The commission may acquire, sponsor or operate projects and facilities for the maintenance and improvement of fish and wildlife habitats related to the water resources of the basin.

7.4 Cooperative Planning and Operation.

(a) The commission shall cooperate with the appropriate agencies of the signatory parties and with other public and private agencies in the planning and effectuation of a coordinated program of facilities and projects authorized by this Article.

(b) The commission shall not operate any such project or facility unless it has first found and determined that no other suitable unit or agency of government is available to operate the same upon reasonable conditions, in accordance with the intent and purpose expressed in Section 1.5 of this compact.

ARTICLE 8

Recreation

Section 8.1 Development. The commission shall provide for the development of water related public sports and recreational facilities. The commission on its own account or in cooperation with a signatory party, political subdivision or any agency thereof, may provide for the construction, maintenance and administration of such facilities, subject to the provisions of Section 8.2 hereof.

8.2 Cooperative Planning and Operation.

(a) The commission shall cooperate with the appropriate agencies of the signatory parties and with other public and private agencies in the planning and effectuation of a coordinated program of facilities and projects authorized by this article.

(b) The commission shall not operate any such project or facility unless it has first found and determined that no other suitable unit or agency of government is available to operate the same upon reasonable conditions, in accordance with the intent and purpose expressed in Section 1.5 of this compact.

8.3 Operation and Maintenance. The commission, within limits prescribed by this article, shall:

(a) Encourage activities of other public agencies having water related recreational interests and assist in the coordination thereof;

(b) Recommend standards for the development and administration of water related recreational facilities;

(c) Provide for the administration, operation and maintenance of recreational facilities owned or controlled by the commission and for the letting and supervision of private concessions in accordance with this article.

8.4 Concessions. The commission shall after notice and public hearing provide by regulation for the award of contracts for private concessions in connection with recreational facilities, including any renewal or extension thereof, upon sealed competitive bids after public advertisement therefor.

ARTICLE 9

Hydroelectric power

Section 9.1 Development. The waters of the Delaware River and its tributaries may be impounded and used by or under authority of the commission for the generation of hydroelectric power and hydroelectric energy, in accordance with the comprehensive plan.

9.2 Power Generation. The commission may develop and operate, or authorize to be developed and operated, dams and related facilities and appurtenances for the purpose of generating hydroelectric power and hydroelectric energy.

9.3 Transmission. The commission may provide facilities for the transmission of hydroelectric power and hydroelectric energy produced by it where such facilities are not otherwise available upon reasonable terms, for the purpose of wholesale marketing of power and nothing herein shall be construed to authorize the commission to engage in the business of direct sale to consumers.

9.4 Development Contracts. The commission may after public notice and hearing enter into contracts on reasonable terms, consideration and duration under which public utilities or public agencies may develop hydroelectric power and hydroelectric energy through the use of dams, related facilities and appurtenances.

9.5 Rates and Charges. Rates and charges fixed by the commission for power which is produced by its facilities shall be reasonable, nondiscriminatory, and just.

ARTICLE 10

Regulation of withdrawals and diversions

Section 10.1 Power of Regulation. The commission may regulate and control withdrawals and diversions from surface waters and ground waters of the basin, as provided by this article. The commission may enter into agreements with the signatory parties relating to the exercise of such power or regulation or control and may delegate to any of them such powers of the commission as it may deem necessary or desirable.

10.2 Determination of Protected Areas. The commission may from time to time after public hearing upon due notice determine and delineate such areas within the basin wherein the demands upon supply made by water users have developed or threaten to develop to such a degree as to create a water shortage or to impair or conflict with the requirements or effectuation of the comprehensive plan, and any such areas may be designated as "protected areas." The commission, whenever it determines that such shortage no longer exists, shall terminate the protected status of such area and shall give public notice of such termination.

10.3 Withdrawal Permits. In any protected areas so determined and delineated, no person, firm, corporation or other entity shall divert or withdraw water for domestic, municipal, agricultural or industrial uses in excess of such quantities as the commission may prescribe by general regulation, except (i) pursuant to a permit granted under this article, or (ii) pursuant to a permit or approval heretofore granted under the laws of any of the signatory states.

10.4 Emergency. In the event of a drought or other condition which may cause an actual and immediate shortage of available water supply within the basin, or within any part thereof, the commission may, after public hearing, determine and delineate the area of such shortage and declare a water supply emergency therein. For the duration of such emergency as determined by the commission no person, firm, corporation or other public or private entity shall divert or withdraw water for any purpose, in excess of such quantities as the commission may prescribe by general regulation or authorize by special permit granted hereunder.

10.5 Standards. Permits shall be granted, modified or denied as the case may be so as to avoid such depletion of the natural stream flows and ground waters in the protected area or in an emergency area as will adversely affect the comprehensive plan or the just and equitable interests and rights of other lawful users of the same source, giving due regard to the need to balance and reconcile alternative and conflicting uses in the event of an actual or threatened shortage of water of the quality required.

10.6 Judicial Review. The determinations and delineations of the commission pursuant to Section 10.2 and the granting, modification or denial of permits pursuant to Section 10.3 through 10.5 shall be subject to judicial review in any court of competent jurisdiction.

10.7 Maintenance of Records. Each state shall provide for the maintenance and preservation of such records of authorized diversions and withdrawals and the annual volume thereof as the commission shall prescribe. Such records and supplementary reports shall be furnished to the commission at its request.

10.8 Existing State Systems. Whenever the commission finds it necessary or desirable to exercise the powers conferred by this article any diversion or withdrawal permits authorized or issued under the laws of any of the signatory states shall be superseded to the extent of any conflict with the control and regulation exercised by the commission.

ARTICLE 11

Intergovernmental relations

Section 11.1 Federal Agencies and Projects. For the purposes of avoiding conflicts of jurisdiction and of giving full effect to the commission as a regional agency of the signatory parties, the following rules shall govern federal projects affecting the water resources of the basin, subject in each case to the provisions of Section 1.4 of this compact:

(a) The planning of all projects related to powers delegated to the commission by this compact shall be undertaken in consultation with the commission;

(b) No expenditure or commitment shall be made for or on account of the construction, acquisition or operation of any project or facility nor shall it be deemed authorized, unless it shall have first been included by the commission in the comprehensive plan;

(c) Each federal agency otherwise authorized by law to plan, design, construct, operate or maintain any project or facility in or for the basin shall continue to have, exercise and discharge such authority except as specifically provided by this section.

11.2 State and Local Agencies and Projects. For the purposes of avoiding conflicts of jurisdiction and of giving full effect to the commission as a regional agency of the signatory parties, the following rules shall govern projects of the signatory states, their political subdivisions and public corporations affecting water resources of the basin:

(a) The planning of all projects related to powers delegated to the commission by this compact shall be undertaken in consultation with the commission;

(b) No expenditure or commitment shall be made for or on account of the construction, acquisition or operation of any project or facility unless it shall have first been included by the commission in the comprehensive plan;

(c) Each state and local agency otherwise authorized by law to plan, design, construct, operate or maintain any project or facility in or for the basin shall continue to have, exercise and discharge such authority, except as specifically provided by this section.

11.3 Reserved Taxing Powers of States. Each of the signatory parties reserves the right to levy, assess and collect fees, charges and taxes on or measured by the withdrawal or diversion of waters of the basin for use within the jurisdictions of the respective signatory parties.

11.4 Project Costs and Evaluation Standards. The commission shall establish uniform standards and procedures for the evaluation, determination of benefits, and cost allocations of projects affecting the basin, and for the determination of project priorities, pursuant to the requirements of the comprehensive plan and its water resources program. The commission shall develop equitable cost sharing and reimbursement formulas for the signatory parties including:

(a) Uniform and consistent procedures for the allocation of project costs among purposes included in multiple-purpose programs;

(b) Contracts and arrangements for sharing financial responsibility among and with signatory parties, public bodies, groups and

private enterprise, and for the supervision of their performance;

(c) Establishment and supervision of a system of accounts for reimbursable purposes and directing the payments and charges to be made from such accounts;

(d) Determining the basis and apportioning amounts (i) of reimbursable revenues to be paid signatory parties or their political subdivisions, and (ii) of payments in lieu of taxes to any of them.

11.5 Cooperative Services. The commission shall furnish technical services, advice and consultation to authorized agencies of the signatory parties with respect to the water resources of the basin, and each of the signatory parties pledges itself to provide technical and administrative services to the commission upon request, within the limits of available appropriations and to cooperate generally with the commission for the purposes of this compact, and the cost of such services may be reimbursable whenever the parties deem appropriate.

ARTICLE 12

Capital financing

Section 12.1 Borrowing Power. The commission may borrow money for any of the purposes of this compact, and may issue its negotiable bonds and other evidences of indebtedness in respect thereto. All such bonds and evidences of indebtedness shall be payable solely out of the properties and revenues of the commission without recourse to taxation. The bonds and other obligations of the commission, except as may be otherwise provided in the indenture under which they were issued, shall be direct and general obligations of the commission and the full faith and credit of the commission are hereby pledged for the prompt payment of the debt service thereon and for the fulfillment of all other undertakings of the commission assumed by it to or for the benefit of the holders thereof.

12.2 Funds and Expenses. The purposes of this compact shall include without limitation thereto all costs of any project or facility or any part thereof, including interest during a period of construction and a reasonable time thereafter and any incidental expenses (legal, engineering, fiscal, financial consultant and other expenses) connected with issuing and disposing of the bonds; all amounts required for the creation of an operating fund, construction fund, reserve fund, sinking fund, or other special fund; all other expenses connected with the planning, design, acquisition, construction, completion, improvement or reconstruction of any facility or any part thereof; and reimbursement of advances by the commission or by others for such purposes and for working capital.

12.3 Credit Excluded; Officers, State and Municipal. The commission shall have no power to pledge the credit of any signatory party, or of any county or municipality, or to impose any obligation for payment of the bonds upon any signatory party or any county or municipality. Neither the commissioners nor any person executing the bonds shall be liable personally on the bonds of the commission or be subject to any personal liability or accountability by reason of the issuance thereof.

12.4 Funding and Refunding. Whenever the commission deems it expedient, it may fund and refund its bonds and other obligations whether or not such bonds and obligations have matured. It may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming or retiring any bonds (including the payment of any premium, duplicate interest or cash adjustment required in connection therewith) issued by the commission or issued by any other issuing body, the proceeds of the sale of which have been applied to any facility acquired by the commission or which are payable out of the revenues of any facility acquired by the commission. Bonds may be issued partly to refund bonds and other obligations then outstanding, and partly for any other purpose of the commission. All provisions of this compact applicable to the issuance of bonds are applicable to refunding bonds and to the issuance, sale or exchange thereof.

12.5 Bonds; Authorization Generally. Bonds and other indebtedness of the commission shall be authorized by resolution of the commission. The validity of the authorization and issuance of any bonds by the commission shall not be dependent upon nor affected in any way by: (i) the disposition of bond proceeds by the commission or by contract, commitment or action taken with respect to such proceeds; or (ii) the failure to complete any part of the project for which bonds are authorized to be issued. The commission may issue bonds in one or more series and may provide for one or more consolidated bond issues, in such principal amounts and with such terms and provisions as the commission may deem necessary. The bonds may be secured by a pledge of all or any part of the property, revenues and franchises under its control. Bonds may be issued by the commission in such amount, with such maturities and in such denominations and form or forms, whether coupon or registered, as to both principal and interest, as may be determined by the commission. The commission may provide for redemption of bonds prior to maturity on such notice and at such time or times and with such redemption provisions, including premiums, as the commission may determine.

12.6 Bonds; Resolutions and Indentures Generally. The commission may determine and enter into indentures providing for the principal amount, date or dates, maturities, interest rate, denominations, form, registration, transfer, interchange and other provisions of the bonds and coupons and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. The resolution of the commission authorizing any bond or any indenture so authorized under which the bonds are issued may include all such convenants and other provisions other than any restriction on the regulatory powers vested in the commission by this compact as the commission may deem necessary or desirable for the issue, payment, security, protection or marketing of the bonds, including without limitation covenants and other provisions as to the rates or amounts of fees, rents and other charges to be charged or made for use of the facilities; the use, pledge, custody, securing, application and disposition of such revenues, of the proceeds of the bonds, and of any other moneys of the commission; the operation, maintenance, repair and reconstruction of the facilities and the amounts which may be expended therefor; the sale, lease or other disposition of the facilities; the insuring of the facilities and of the revenues derived therefrom; the construction or other acquisition of other facilities; the issuance of additional bonds or other indebtedness; the rights of the bondholders and of any trustee for the bondholders upon default by the commission or otherwise; and the modification of the provisions of the indenture and of the bonds. Reference on the face of the bonds to such resolution or indenture by its date of adoption or the apparent date on the face thereof is sufficient to incorporate all of the provisions thereof and of this compact into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this compact and is bound thereby.

12.7 Maximum Maturity. No bond or its terms shall mature in more than fifty years from its own date and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

12.8 Tax Exemption. All bonds issued by the commission under the provisions of this compact and the interest thereof shall at all times be free and exempt from all taxation by or under authority of any of the signatory parties, except for transfer, inheritance and estate taxes.

12.9 Interest. Bonds shall bear interest at a rate of not to exceed six percent per annum, payable annually or semi-annually.

12.10 Place of Payment. The commission may provide for the payment of the principal and interest of bonds at any place or places within or without the signatory states, and in any specified lawful coin or currency of the United States of America.

12.11 Execution. The commission may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of officers of the commission, and by additional authentication by a trustee or fiscal agent appointed by the commission. If any of the officers whose signatures or counter signatures appear upon the bonds or coupons cease to be officers before the delivery of the bonds or coupons, their signatures or counter signatures are nevertheless valid and of the same force and effect as if the officers had remained in office until the delivery of the bonds and coupons.

12.12 Holding Own Bonds. The Commission shall have power out of any funds available therefor to purchase its bonds and may hold, cancel or resell such bonds.

12.13 Sale. The commission may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The commission may sell bonds at less than their par or face value but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the commission calculated upon the entire issue so sold of more than six percent per annum payable semi-annually, according to standard tables of bond values. All bonds issued and sold for cash pursuant to this act shall be sold on sealed proposals to the highest bidder. Prior to such sale, the commission shall advertise for bids by publication of a notice of sale not less than ten days prior to the date of sale, at least once in a newspaper of general circulation printed and published in New York City carrying municipal bond notices and devoted primarily to financial news. The commission may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale to any financially responsible bidder under such terms and conditions as it deems most advantageous to the public interest, but the bonds shall not be sold at a net interest cost calculated upon the entire issue so advertised, greater than the lowest bid which was rejected. In the event the commission desires to issue its bonds in exchange for an existing facility or portion thereof, or in exchange for bonds secured by the revenues of an existing facility, it may exchange such bonds for the existing facility or portion thereof or for the bonds so secured, plus an additional amount of cash, without advertising such bonds for sale.

12.14 Negotiability. All bonds issued under the provisions of this compact are negotiable instruments, except when registered in the name of a registered owner.

12.15 Legal Investments. Bonds of the commission shall be legal investments for savings banks, fiduciaries and public funds in each of the signatory states.

12.16 Validation Proceedings. Prior to the issuance of any bonds, the commission may institute a special proceeding to determine the legality of proceedings to issue the bonds and their validity under the laws of any of the signatory parties. Such proceeding shall be instituted and prosecuted in rem and the judgment rendered therein shall be conclusive against all persons whomsoever and against each of the signatory parties.

12.17 Recording. No indenture need be recorded or filed in any public office, other than the office of the commission. The pledge of revenues provided in any indenture shall take effect forthwith as provided therein and irrespective of the date of receipts of such revenues by the commission or the indenture trustee. Such pledge shall be effective as provided in the indenture without physical delivery of the revenues to the commission or to the indenture trustee.

12.18 Pledged Revenues. Bond redemption and interest payments shall, to the extent provided in the resolution or indenture, constitute a first, direct and exclusive charge and lien on all such rates, rents, tolls, fees and charges and other revenues and interest thereon received from the use and operation of the facility, and on any sinking or other funds created therefrom. All such rates, rents, tolls, fees, charges and other revenues, together with interest thereon, shall constitute a trust fund for the security and payment of such bonds and except as and to the extent provided in the indenture with respect to the payment therefrom of expenses for other purposes including administration, operation, maintenance, improvements or extensions of the facilities or other purposes shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding and unpaid.

12.19 Remedies. The holder of any bond may for the equal benefit and protection of all holders of bonds similarly situated: (a) by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the commission or assumed by it, its officers, agents or employees under the provisions of any indenture, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of the facilities, or in connection with the collection, deposit, investment, application and disbursement of the rates, rents, tolls, fees, charges and other revenues derived from the operation and use of the facilities, or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds; or (b) by action or suit in a court of competent jurisdiction of any signatory party require the commission to account as if it were the trustee of an express trust, or enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds.

12.20 Capital Financing by Signatory Parties; Guarantees.

(a) The signatory parties will provide such capital funds required for projects of the commission as may be authorized by their respective statutes in accordance with a cost sharing plan prepared pursuant to Article 11 of this compact; but nothing in this section shall be deemed to impose any mandatory obligation on any of the signatory parties other than such obligations as may be assumed by a signatory party in connection with a specific project or facility.

(b) Bonds of the commission, notwithstanding any other provision of this compact, may be executed and delivered to any duly authorized agency of any of the signatory parties without public offering and may be sold and resold with or without the guarantee of such signatory party, subject to and in accordance with the constitutions of the respective signatory parties.

(c) The commission may receive and accept, and the signatory parties may make, loans, grants, appropriations, advances and payments of reimbursable or non-reimbursable funds or property in any form for the capital or operating purposes of the commission.

ARTICLE 13

Plan, program, and budgets

Section 13.1 Comprehensive Plan. The commission shall develop and adopt, and may from time to time review and revise, a comprehensive plan for the immediate and long range development and use of the water resources of the basin. The plan shall include all public and private projects and facilities which are required, in the judgment of the commission, for the optimum planning, development, conservation, utilization, management and control of the water resources of the basin to meet present and future needs; provided that the plan shall include any projects required to conform with any present or future decree or judgment of any court of competent jurisdiction. The commission may adopt a comprehensive plan or any revision thereof in such part or parts as it may deem appropriate, provided that before the adoption of the plan or any part or revision thereof the commission shall consult with water users and interested public bodies and public utilities and shall consider and give due regard to the findings and recommendations of the various agencies of the signatory parties and their political subdivisions. The commission shall conduct public hearings with respect to the comprehensive plan prior to the adoption of the plan or any part or revision thereof.

13.2 Water Resources Program. The commission shall annually adopt a water resources program, based upon the comprehensive plan, consisting of the projects and facilities which the commission proposes to be undertaken by the commission and by other authorized governmental and private agencies, organizations and persons during the ensuing six years or such other reasonably foreseeable period as the commission may determine. The water resources program shall include a systematic presentation of:

1) the quantity and quality of water resources needs for such period;

2) the existing and proposed projects and facilities required to satisfy such needs, including all public and private projects to be anticipated;

3) a separate statement of the projects proposed to be undertaken by the commission during such period.

13.3 Annual Current Expense and Capital Budgets.

(a) The commission shall annually adopt a capital budget including all capital projects it proposes to undertake or continue during the budget period containing a statement of the estimated cost of each project and the method of financing thereof.

(b) The commission shall annually adopt a current expense budget for each fiscal year. Such budget shall include the commission's estimated expenses for administration, operation, maintenance and repairs, including a separate statement thereof for each project, together with its cost allocation. The total of such expenses shall be balanced by the commission's estimated revenues from all sources, including the cost allocations undertaken by any of the signatory parties in connection with any project. Following the adoption of the annual current expense budget by the commission, the executive director of the commission shall:

1) certify to the respective signatory parties the amounts due in accordance with existing cost sharing established for each project; and

2) transmit certified copies of such budget to the principal budget officer of the respective signatory parties at such time and in such manner as may be required under their respective budgetary procedures. The amount required to balance the current expense budget in addition to the aggregate amount of item (1) above and all other revenues available to the commission shall be apportioned aquitably among the signatory parties by unanimous vote of the commission, and the amount of such apportionment to each signatory party shall be certified together with the budget.

(c) The respective signatory parties covenant and agree to include the amounts so apportioned for the support of the current expense budget in their respective budgets next to be adopted, subject to such review and approval as may be required by their respective budgetary processes. Such amounts shall be due and payable to the commission in quarterly installments during its fiscal year, provided that the commission may draw upon its working capital to finance its current expense budget pending remittances by the signatory parties.

ARTICLE 14

General provisions

Section 14.1 Auxiliary Powers of Commission; Functions of Commissioners.

(a) The commission, for the purposes of this compact, may:

1) Adopt and use a corporate seal, enter into contracts, sue and be sued in all courts of competent jurisdiction;

2) Receive and accept such payments, appropriations, grants, gifts, loans, advances and other funds, properties and services as may be transferred or made available to it by any signatory party or by any other public or private corporation or individual, and enter into agreements to make reimbursement for all or part thereof;

3) Provide for, acquire and adopt detailed engineering, administrative, financial and operating plans and specifications to effectuate, maintain or develop any facility or project;

4) Control and regulate the use of facilities owned or operated by the commission;

5) Acquire, own, operate, maintain, control, sell and convey real and personal property and any interest therein by contract, purchase, lease, license, mortgage or otherwise as it may deem necessary for any project or facility, including any and all appurtenances thereto necessary, useful or convenient for such ownership, operation, control, maintenance or conveyance;

6) Have and exercise all corporate powers essential to the declared objects and purposes of the commission.

(b) The commissioners, subject to the provisions of this compact, shall:

1) Serve as the governing body of the commission, and exercise and discharge its powers and duties except as otherwise provided by or pursuant to this compact;

2) Determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid subject to any provisions of law specifically applicable to agencies or instrumentalities created by compact;

3) Provide for the internal organization and administration of the commission;

4) Appoint the principal officers of the commission and delegate to and allocate among them administrative functions, powers and duties;

5) Create and abolish offices, employments and position as it deems necessary for the purposes of the commission, and subject to the provisions of this article, fix and provide for the qualification, appointment, removal, term, tenure, compensation, pension

and retirement rights of its officers and employees;

6) Let and execute contracts to carry out the powers of the commission.

14.2 Regulations; Enforcement. The commission may:

(a) Make and enforce reasonable rules and regulations for the effectuation, application and enforcement of this compact; and it may adopt and enforce practices and schedules for or in connection with the use, maintenance and administration of projects and facilities it may own or operate and any product or service rendered thereby; provided that any rule or regulation, other than one which deals solely with the internal management of the commission, shall be adopted only after public hearing and shall not be effective unless and until filed in accordance with the law of the respective signatory parties applicable to administrative rules and regulations generally; and

(b) Designate any officer, agent or employee of the commission to be an investigator or watchman and such person shall be vested with the powers of a peace officer of the state in which he is duly assigned to perform his duties.

14.3 Tax Exemption. The commission, its property, functions, and activities shall be exempt from taxation by or under the authority of any of the signatory parties or any political subdivision thereof; provided that in lieu of property taxes the commission shall, as to specific projects, make payments to local taxing districts in annual amounts which shall equal the taxes lawfully assessed upon property for the tax year next prior to its acquisition by the commission for a period of ten years. The nature and amount of such payments shall be reviewed by the commission at the end of ten years, and from time to time thereafter, upon reasonable notice and opportunity to be heard to the affected taxing district, and the payments may be thereupon terminated or continued in such reasonable amount as may be necessary or desirable to take into account hardships incurred and benefits received by the taxing jurisdiction which are attributable to the project.

14.4 Meetings; Public Hearings; Records, Minutes.

(a) All meetings of the commission shall be open to the public.

(b) The commission shall conduct at least one public hearing prior to the adoption of the comprehensive plan, water resources program, annual capital and current expense budgets, the letting of any contract for the sale or other disposition by the commission of hydroelectric energy or water resources to any person, corporation or entity, and in all other cases wherein this compact requires a public hearing. Such hearing shall be held upon at least ten days public notice given by posting at the offices of the commission. The commission shall also provide forthwith for distribution of such notice to the press and by the mailing of a copy thereof to any person who shall request such notices.

(c) The minutes of the commission shall be a public record open to inspection at its offices during regular business hours.

14.5 Officers Generally.

(a) The officers of the commission shall consist of an executive director and such additional officers, deputies, and assistants as the commission may determine. The executive director shall be appointed and may be removed by the affirmative vote of a majority of the full membership of the commission. All other officers and employees shall be appointed by the executive director under such rules of procedure as the commission may determine.

(b) In the appointment and promotion of officers and employees for the commission, no political, racial, religious or residence test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be solely on the basis of merit and fitness. Any officer or employee of the commission who is found by the commission to be guilty of a violation of this section shall be removed from office by the commission.

14.6 Oath of Office. An oath of office in such form as the commission shall prescribe shall be taken, subscribed and filed with the commission by the executive director and by each officer appointed by him not later than fifteen days after the appointment.

14.7 Bond. Each officer shall give such bond and in such form and amount as the commission may require for which the commission may pay the premium.

14.8 Prohibited Activities.

(a) No commissioner, officer or employee shall:

1) be financially interested, either directly or indirectly, in any contract, sale, purchase, lease or transfer of real or personal property to which the commission is a party;

2) solicit or accept money or any other thing of value in addition to the compensation or expenses paid him by the commission for services performed within the scope of his official duties;

3) offer money or any thing of value for or in consideration of obtaining an appointment, promotion or privilege in his employment with the commission.

(b) Any officer or employee who shall willfully violate any of the provisions of this section shall forfeit his office or employment.

(c) Any contract or agreement knowingly made in contravention of this section is void.

(d) Officers and employees of the commission shall be subject in addition to the provisions of this section to such criminal and civil sanctions for misconduct in office as may be imposed by federal law and the law of the signatory date in which such misconduct occurs.

14.9 Purchasing. Contracts for the construction, reconstruction or improvement of any facility when the expenditure required exceeds ten thousand dollars and contracts for the purchase of services, supplies, equipment and materials when the expenditure required exceeds two thousand five hundred dollars shall be advertised and let upon sealed bids to the lowest responsible bidder. Notice requesting such bids shall be published in a manner reasonably likely to attract prospective bidders, which publication shall be made at least ten days before bids are received and in at least two newspapers of general circulation in the basin. The commission may reject any and all bids and readvertise in its discretion. If after rejecting bids the commission determines and resolves that in its opinion the supplies, equipment and materials may be purchased at a lower price in the open market, the commission may give each responsible bidder an opportunity to negotiate a price and may proceed to purchase the supplies, equipment and materials in the open market at a negotiated price which is lower than the lowest rejected bid of a responsible bidder, without further observance of the provisions requiring bids or notice. The commission shall adopt rules and regulations to provide for purchasing from the lowest responsible bidder when sealed bids, notice and publication are not required by this section. The commission may suspend and waive the provisions of this section requiring competitive bids whenever:

1) the purchase is to be made from or the contract to be made with the federal or any state government or any agency or political subdivision thereof or pursuant to any open end bulk purchase contract of any of them;

2) the public exigency requires the immediate delivery of the articles or performance of the service;

3) only one source of supply is available;

4) the equipment to be purchased is of a technical nature and the procurement thereof without advertising is necessary in order to assure standardization of equipment and interchangeability of parts in the public interest; or

5) services are to be provided of a specialized or professional nature.

14.10 Insurance. The commission may self-insure or purchase insurance and pay the premiums therefor against loss or damage to any of its properties; against liability for injury to persons or property; and against loss of revenue from any cause whatsoever. Such insurance coverage shall be in such form and amount as the commission may determine, subject to the requirements of any agreement arising out of the issuance of bonds by the commission.

14.11 Annual Independent Audit.

(a) As soon as practical after the closing of the fiscal year, an audit shall be made of the financial accounts of the commission. The audit shall be made by qualified certified public accountants selected by the commission, who have no personal interest direct or indirect in the financial affairs of the commission or any of its officers or employees. The report of audit shall be prepared in accordance with accepted accounting practices and shall be filed with the chairman and such other officers as the commission shall direct. Copies of the report shall be distributed to each commissioner and shall be made available for public distribution.

(b) Each signatory party by its duly authorized officers shall be entitled to examine and audit at any time all of the books, documents, records, files and accounts and all other papers, things or property of the commission. The representatives of the signatory parties shall have access to all books, documents, records, accounts, reports, files and all other papers, things or property belonging to or in use by the commission and necessary to facilitate the audit and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents and custodians.

(c) The financial transactions of the commission shall be subject to audit by the general accounting office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the comptroller general of the United States. The audit shall be conducted at the place or places where the accounts of the commission are kept.

(d) Any officer or employee who shall refuse to give all required assistance and information to the accountants selected by the commission or to the authorized officers of any signatory party or who shall refuse to submit to them for examination such books, documents, records, files, accounts, papers, things or property as may be requested shall forfeit his office.

14.12. Reports. The commission shall make and publish an annual report to the legislative bodies of the signatory parties and to the public reporting on its programs, operations and finances. It may also prepare, publish and distribute such other public reports and informational materials as it may deem necessary or desirable.

14.13. Grants, Loans or Payments by States or Political Subdivisions.

(a) Any or all of the signatory parties or any political subdivision thereof may:

1) Appropriate to the commission such funds as may be necessary to pay preliminary expenses such as the expenses incurred in the making of borings, and other studies of subsurface conditions, in the preparation of contracts for the sale of water and in the preparation of detailed plans and estimates required for the financing of a project;

2) Advance to the commission, either as grants or loans, such funds as may be necessary or convenient to finance the operation and management of or construction by the commission of any facility or project;

3) Make payments to the commission for benefits received or to be received from the operation of any of the projects or facilities of the commission.

(b) Any funds which may be loaned to the commission either by a signatory party or a political subdivision thereof shall be repaid by the commission through the issuance of bonds or out of other income of the commission, such repayment to be made within such period and upon such terms as may be agreed upon between the commission and the signatory party or political subdivision making the loan.

14.14 Condemnation Proceedings.

(a) The commission shall have the power to acquire by condemnation the fee or any lesser interest in lands, lands lying under water, development rights in land, riparian rights, water rights, waters and other real or personal property within the basin for any project or facility authorized pursuant to this compact. This grant of power of eminent domain includes but is not limited to the power to condemn for the purposes of this compact any property already devoted to a public use, by whomsoever owned or held, other than property of a signatory party and any property held, constructed, operated or maintained in connection with a diversion authorized by a United States Supreme Court decree. Any condemnation of any property or franchises owned or used by a municipal or privately owned public utility, unless the affected public utility facility is to be relocated or replaced, shall be subject to the authority of such state board, commission or other body as may have regulatory jurisdiction over such public utility.

(b) Such power of condemnation shall be exercised in accordance with the provisions of any federal law applicable to the commission; provided that if there is no such applicable federal law, condemnation proceedings shall be in accordance with the provisions of such general state condemnation law as may be in force in the signatory state in which the property is located.

(c) Any award or compensation for the taking of property pursuant to this article shall be paid by the commission, and none of the signatory parties nor any other agency, instrumentality or political subdivision thereof shall be liable for such award or compensation.

14.15 Conveyance of Lands and Relocation of Public Facilities.

(a) The respective officers, agencies, departments, commissions or bodies having jurisdiction and control over real and personal property owned by the signatory parties are authorized and empowered to transfer and convey in accordance with the laws of the respective parties to the commission any such property as may be necessary or convenient to the effectuation of the authorized purposes of the commission.

(b) Each political subdivision of each of the signatory parties is authorized and empowered, notwithstanding any contrary provision of law, to grant and convey to the commission, upon the commission's request, any real property or any interest therein owned by such political subdivision including lands lying under water and lands already devoted to public use which may be necessary or convenient to the effectuation of the authorized purposes of the commission.

(c) Any highway, public utility or other public facility which will be dislocated by reason of a project deemed necessary by the commission to effectuate the authorized purposes of this compact shall be relocated and the cost thereof shall be paid in accordance with the law of the state in which the facility is located; provided that the cost of such relocation payable by the commission shall not in any event exceed the expenditure required to serve the public convenience and necessity.

14.16 Rights of Way. Permission is hereby granted to the commission to locate, construct and maintain any aqueducts, lines, pipes, conduits and auxiliary facilities authorized to be acquired, constructed, owned, operated or maintained by the commission in, over, under or across any streets and highways now or hereafter owned, opened or dedicated to or for public use, subject to such reasonable conditions as the highway department of the signatory party may require.

14.17 Penal Sanction. Any person, association or corporation who violates or attempts or conspires to violate any provision of this compact or any rule, regulation or order of the commission duly made, promulgated or issued pursuant to the compact in addition to any other remedy, penalty or consequence provided by law shall be punishable as may be provided by statute of any of the signatory parties within which the offense is committed; provided that in the absence of such provision any such person, association or corporation shall be liable to a penalty of not less than $50 nor more than $1000 for each such offense to be fixed by the court which the commission may recover in its own name in any court of competent jurisdiction, and in a summary proceeding where available under the practice and procedure of such court. For the purposes of this section in the event of a continuing offense each day of such violation, attempt or conspiracy shall constitute a separate offense.

14.18 Tort Liability. The commission shall be responsible for claims arising out of the negligent acts or commissions of its officers, agents and employees only to the extent and subject to the procedures prescribed by law generally with respect to officers, agents and employees of the government of the United States.

14.19 Effect on Riparian Rights. Nothing contained in this compact shall be construed as affecting or intending to affect or in any way to interfere with the law of the respective signatory parties relating to riparian rights.

14.20 Amendments and Supplements. Amendments and supplements to this compact to implement the purposes thereof may be adopted by legislative action of any of the signatory parties concurred in by all of the others.

Construction and severability

14.21 The provisions of this Act and of agreements thereunder shall be severable and if any phrase, clause, sentence or provision of the Delaware River Basin Compact or such agreement is declared to be unconstitutional or the applicability thereof to any signatory party, agency or person is held invalid, the constitutionality of the remainder of such compact or such agreement and the applicability thereof to any other signatory party, agency, person or circumstance shall not be affected thereby. It is the legislative intent that the provisions of such compact be reasonably and liberally construed.

14.22 Effective Date; Execution. This compact shall become binding and effective thirty days after the enactment of concurring legislation by the federal government, the states of Delaware, New Jersey and New York, and the Commonwealth of Pennsylvania. The compact shall be signed and sealed in six duplicate original copies by the respective chief executives of the signatory parties. One such copy shall be filed with the Secretary of State of each of the signatory parties or in accordance with the laws of the state in which the filing is made, and one copy shall be filed and retained in the archives of the commission upon its organization. The signatures shall be affixed and attested under the following form:

In witness whereof, and in evidence of the adoption and enactment into law of this compact by the Congress and legislatures, respectively, of the signatory parties, the President of the United States and the respective Governors do hereby, in accordance with authority conferred by law, sign this compact in six duplicate original copies, as attested by the respective secretaries of state, and have caused the seals of the United States and of the respective states to be hereunto affixed this ——— day of ———, 19—.

PART II

ARTICLE 15

Reservations

15.1 In the exercise of the powers reserved to the Congress, pursuant to Section 1.4 of the Compact, the consent to and participation in the Compact by the United States is subject to the following conditions and reservations:

(a) Notwithstanding any provision of the Delaware River Basin Compact the Delaware River Basin Commission shall not undertake any project (as defined in such compact), other than a project for which State supplied funds only will be used, beyond the planning stage until—

(1) such Commission has submitted to the Congress such complete plans and estimates for such project as may be necessary to make an engineering evaluation of such project, including—

(A) where the project will serve more than one purpose, an allocation of costs among the purposes served and an estimate of the ratio of benefits to costs for each such purpose,

(B) an apportionment of costs among the beneficiaries of the project, including the portion of the costs to be borne by the Federal Government and by State and local governments, and

(C) a proposal for financing the project, including the terms of any proposed bonds or other evidences of indebtedness to be used for such purpose; and

(2) such project has been authorized by Act of Congress.

(b) No provision of Section 3.7 of the Compact shall be deemed to authorize the Commission to impose any charge for water withdrawals or diversions from the Basin if such withdrawals or diversions could lawfully have been made without charge on the effective date of the Compact; or to impose any charges with respect to commercial navigation within the Basin, jurisdiction over which is reserved to the Federal Government: *Provided*, That this paragraph shall be applicable to the extent not inconsistent with Section 1.4 of this Compact.

(c) Nothing contained in the Compact shall be deemed to restrict the executive powers of the President in the event of a national emergency.

(d) Notwithstanding the provisions of Article 2, section 2.2 of the Compact, the member of the commission appointed by the President of the United States and his alternate shall serve at the pleasure of the President.

(e) Nothing contained in the Compact shall be construed as impairing or in any manner affecting the applicability to all Federal funds budgeted and appropriated for use by the Commission, or such authority over budgetary and appropriation matters as the President and Congress may have with respect to agencies in the Executive Branch of the Federal Government.

(f) Except to the same extent that state bonds are or may continue to be free or exempt from Federal taxation under the internal revenue laws of the United States,

nothing contained in the Compact shall be construed as freeing or exempting from internal revenue taxation in any manner whatsoever any bonds issued by the Commission, their transfer, or the income therefrom (including any profits made on the sale thereon).

(g) Nothing contained in the Compact shall be construed to obligate the United States legally or morally to pay the principal or interest on any bonds issued by the Delaware River Basin Commission.

(h) Notwithstanding the provisions of section 11.5 or any other provision of the Compact, the furnishing of technical services to the Commission by agencies of the executive branch of the Government of the United States is pledged only to the extent that the respective agencies shall from time to time agree thereto or to the extent that the President may from time to time direct such agencies to perform such services for the Commission. Nothing in the Compact shall be deemed to require the United States to furnish administrative services or facilities for carrying out functions of the Commission except to the extent that the President may direct.

(i) All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating, of projects, buildings and works which are undertaken by the Commission or are financially assisted by it, shall be paid wages at rates not less than those prevailing on similar construction in the locality so determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), and every such employee shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in any workweek, as the case may be. A provision stating the minimum wages thus determined and the requirement that overtime be paid as above provided shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project. The Secretary of Labor shall have, with respect to the administration and enforcement of the labor standards specified in this provision, the supervisory, investigatory and other authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267, 5 U.S.C. 133z–15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

(j) Contracts for the manufacture or furnishing of materials, supplies, articles and equipment with the Commission which are in excess of $10,000 shall be subject to the provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.).

(k) Notwithstanding any other provision of this Act, nothing contained in this Act or in the Compact shall be construed as superseding or limiting the functions, under any other law, of the Secretary of Health, Education, and Welfare or of any other officer ar agency of the United States, relating to water pollution: *Provided*, That the exercise of such functions shall not limit the authority of the Commission to control, prevent, or abate water pollution.

(l) The provisions of section 8.4 of Article 8 of the Compact shall not be construed to apply to facilities operated pursuant to any other Federal law.

(m) For purposes of the Act of June 25, 1948, 62 Stat. 982, as amended (Title 28, U.S. Code, chapter 171, and sections 1346(b) and 240(b)) and the Act of March 3, 1887, 24 Stat. 505, as amended (Title 28, U.S. Code, sections 1402, 1491, 1496, 1501, 1503, 2071, 2072, 2411, 2412, 2501), and the Act of June 11, 1946, 60 Stat. 237, as amended (Title 5, U.S. Code, sections 1001 and 1011, Title 50 App. U.S. Code, section 1900), the Commission shall not be considered a Federal agency.

(n) The officers and employees of the Commission (other than the United States member, alternate United States member, and advisors, and personnel employed by the United States member under direct Federal appropriation) shall not be deemed to be, for any purpose, officers or employees of the United States or to become entitled at any time by reason of employment by the Commission to any compensation or benefit payable or made available by the United States solely and directly to its officers or employees.

(o) Neither the Compact nor this Act shall be deemed to enlarge the authority of any Federal agency other than the Commission to participate in or to provide funds for projects or activities in the Delaware River Basin.

(p) The United States district courts shall have original jurisdiction of all cases or controversies arising under the Compact, and this Act and any case or controversy so arising initiated in a State Court shall be removable to the appropriate United States district court in the manner provided by § 1446, Title 28 U.S.C. Nothing contained in the Compact or elsewhere in this Act shall be construed as a waiver by the United States of its immunity from suit.

(q) The right to alter, amend, or repeal this Act is hereby expressly reserved. The right is hereby reserved to the Congress or any of its standing committees to require the disclosure and furnishing of such information and data by the Delaware River Basin Compact Commission as is deemed appropriate by the Congress or any such committee.

(r) The provisions of section 2.4 and 2.6 of Article 2 of the Compact notwithstanding, the member and alternate member appointed by the President and advisor there referred to may be paid compensation by the United States, such compensation to be fixed by the President at the rates which he shall deemed to prevail in respect to comparable officers in the executive branch.

(s) 1. Nothing contained in this Act or in the Compact shall impair or affect the constitutional authority of the United States or any of its powers, rights, functions, or jurisdiction under other existing or future legislation in and over the area or waters which are the subject of the Compact including projects of the Commission: *Provided*, That whenever a comprehensive plan, or any part or revision thereof, has been adopted with the concurrence of the member appointed by the President, the exercise of any powers conferred by law on any officer, agency or instrumentality of the United States with regard to water and related land resources in the Delaware River Basin shall not substantially conflict with any such portion of such comprehensive plan and the provisions of Section 3.8 and Article 11 of the Compact shall be applicable to the extent necessary to avoid such substantial conflict: *Provided further*, That whenever the President shall find and determine that the national interest so requires, he may suspend, modify or delete any provision of the comprehensive plan to the extent that it affects the exercise of any powers, rights, functions, or jurisdiction conferred by law on any officer, agency or instrumentality of the United States other than the Commission. Such action shall be taken by executive order in which such finding and determination shall be set forth.

2. For the purposes of paragraph 1 hereof, concurrence by the member appointed by the President shall be presumed unless within 60 days after notice to him of adoption of the comprehensive plan, or any part or revision thereof, he shall file with the Commission notice of his nonconcurrence. Each concurrence of the member appointed by the President in the adoption of the comprehensive plan or any part or revision thereof may be withdrawn by notice filed with the Commission at any time between the first and sixtieth day of the sixth year after the initial adoption of the comprehensive plan and of every sixth year thereafter.

(t) In the event that any phrase, clause, sentence or provision of Section 1.4 of Article 1 of the Compact, is declared to be unconstitutional under the constitution of any of the signatory parties, or the applicability thereof to any signatory party, agency or person is held invalid by a court of last resort of competent jurisdiction, the United States shall cease to be a party to the Compact, except to the extent that the President deems remaining a party necessary and proper to protect the national interest, and shall cease to be bound by the terms thereof.

(u) All Acts or parts of Acts inconsistent with the provisions of this Act are hereby amended for the purpose of this Act to the extent necessary to carry out the provisions of this Act: *Provided, however*, That no act of the Commission shall have the effect of repealing, modifying or amending any Federal law.

Effectuation

15.2 (a) The President is authorized to take such action as may be necessary and proper, in his discretion, to effectuate the Compact and the initial organization and operation of the Commission thereunder.

(b) Executive departments and other agencies of the executive branch of the Federal Government shall cooperate with and furnish appropriate assistance to the United States member. Such assistance shall include the furnishing of services and facilities and may include the detailing of personnel to the United States member. Appropriations are hereby authorized as necessary for the carrying out of the functions of the United States member, including appropriations for the employment of personnel by the United States member.

15.3 Effective Date: This Act shall take effect immediately.

Mr. KERR. Mr. President, I wish to make a brief statement with regard to S. 856.

The proposed legislation represents the concerted efforts of the States of New York, Pennsylvania, New Jersey and Delaware to arrive at a basis for the allocation and utilization of the waters of the Delaware River Basin. It also has, with the proposed amendment, the approval of the executive branch and the approval of the Committee on Public Works with respect to the intent and purpose of the bill.

The compact has been ratified by each of the four States and has been acted upon by the House of Representatives. It now requires action by the Senate and approval by the President to become effective.

In that regard, the amendment which has been added to the bill by the Senate Committee on Public Works has been accepted and approved by all of the sponsors of the bill—that is, the Senators from New York, Pennsylvania, New Jersey, and Delaware, with one exception—and the amendment has been approved by the executive branch of the Government.

All the modifications suggested by the executive branch of the Government save one were adopted by the committee and put into the bill. That one provision had to do with the policy in connection with the proposed legislation on the question of the traditional provisions

in law with reference to the preference rights of certain customers for hydroelectric power. The reason the proposal was not put into the bill was that the bill does not authorize any projects. The bill ratifies a compact among 4 States and the Federal Government and sets up a working organization to effectuate the development of plans for the utilization and allocation of waters from the Delaware River Basin, but does not authorize any Federal project to be built either in part or in whole with Federal money.

It was the belief of the committee that the question of the continuing policy on the preference rights of certain customers for hydroelectric power should be left undisturbed, as is now the law and as it would be written into the law with reference to any project which might hereafter be authorized in this area by the Congress, to be built in whole or in part with Federal funds. That fact is specifically set forth in the report on the bill now before the Senate.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from Georgia.

Mr. RUSSELL. The Senator has answered in part the question I had in mind, when he discussed projects. I wondered how a project authorization could get into a compact bill. Is there anything in the bill which commits the Federal Government directly or impliedly to the construction of any project or the contribution of any financial assistance to any project?

Mr. KERR. The bill does not in any way authorize any project to be built with Federal money. In fact, the bill contains this language beginning on line 17 of page 69:

(a) Notwithstanding any provision of the Delaware River Basin Compact the Delaware River Basin Commission shall not undertake any project (as defined in such compact), other than a project for which State supplied funds only will be used, beyond the planning stage until—

(1) such Commission has submitted to the Congress such complete plans and estimates for such project as may be necessary to make an engineering evaluation of such project, including—

(A) where the project will serve more than one purpose, an allocation of costs among the purposes served and an estimate of the ratio of benefits to costs for each such purpose,

(B) an apportionment of costs among the beneficiaries of the project, including the portion of the costs to be borne by the Federal Government and by State and local governments, and

(C) a proposal for financing the project, including the terms of any proposed bonds or other evidences of indebtedness to be used for such purpose; and

(2) such project has been authorized by Act of Congress.

Mr. RUSSELL. I am somewhat reassured, except that one clause the Senator read refers to a Federal portion. We have had the experience of passing bills of this type, which did not specifically authorize projects, and later hearing sponsors of a project tell the Senate that because of passage of certain legislation the Congress was morally obligated in some way to assist in the consideration of the project.

The Senator from Oklahoma is in charge of the bill. Does the Senator consider that there is anything in the bill which would create the slightest moral obligation on the part of the Congress to authorize a project?

Mr. KERR. There is not. Let me again read briefly from the language, wherein this is set forth:

Notwithstanding any provision of the Delaware River Basin Compact the Delaware River Basin Commission shall not undertake any project (as defined in such compact), other than a project for which State supplied funds only will be used—

Mr. RUSSELL. I understand that language, but the next clause bothered me a little.

Mr. KERR. It reads:

beyond the planning stage until—

And among other things—

such project has been authorized by act of Congress.

Mr. RUSSELL. The Senator's statement that there is nothing in the bill which implies any moral obligation on the part of the Congress to respond satisfies me.

Mr. KERR. I thank the Senator.

The sponsors of the proposal legislation came before the committee. Two of the sponsors are members of the committee. They themselves wished to make it clear that such was the intent and purpose of the bill.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from South Dakota.

Mr. CASE of South Dakota. A little further assurance with respect to the possible or potential obligation of the United States may be found in the paragraph at the top of page 72 of the bill, which is:

Nothing contained in the Compact shall be construed to obligate the United States legally or morally to pay the principal or interest on any bonds issued by the Delaware River Basin Commission.

That is certainly intended to prevent any fiscal obligation or financial obligation to rest on the Federal Government growing out of any activity of the Delaware River Basin Commission.

Mr. KERR. Mr. President, in my judgment, S. 856 would provide an efficient and practical means of carrying forward a much needed program in the Delaware River Basin.

Mr. KEATING. Mr. President, I am very glad that the Senate is prepared to take action today on a piece of legislation that is of vital importance to the four States that border on the Delaware River. The compact which this legislation will approve is an interstate-Federal compact, and provides for an agency to develop the resources of the Delaware River basin in a comprehensive, multipurpose plan including facilities for water supply, pollution control, flood protection, watershed management, recreation, and hydroelectric power.

Mr. President, this legislation is the result of 40 years of effort and dedication by those who recognize the need for comprehensive planning of the entire Delaware River Basin. For the last few months representatives from the States have been working with officials of the Federal Government to iron out entirely any objections that have been raised to the compact.

All four legislatures have passed the compact with accompanying enabling legislation. In New York State, there were only two dissenting votes in both of two houses of the legislature. The House of Representatives has passed a very similar version of the bill. The Senate Judiciary Committee reported favorably on the House version, as amended, which is similar to this bill.

The greatest virtue of this compact is the provision of a single Federal representative on the agency who could represent the combined views of the dozen or so Federal agencies which are presently involved in the control and development of river basins. At present Federal and State governments have different responsibilities in the area. The Federal Government is principally concerned with flood control, navigation, and irrigation. The States administer fish and wildlife, drainage, water supply, and sewage disposal. The combining of State and Federal representatives under a system of dynamic federalism by this compact provides fair and efficient consideration of Federal and State interests in the Delaware River Basin. This bill provides in effect for a partnership, with the Federal Government and four State governments acting as equal partners, bringing all of their combined knowledge and resources to bear on the long-term problem of harnessing a tremendous river which respects no artificial distinctions of jurisdiction.

Mr. President, I congratulate the Public Works Committee for its prompt action in reporting favorably on the bill so that the Senate may take prompt action today and guarantee congressional approval of the measure before this session of the Congress has adjourned.

Mr. KERR. Mr. President, I ask unanimous consent that the committee amendment be considered and agreed to, and that the bill as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KERR. Mr. President, on the basis of the 20 or 30 years of work that have gone into the development, writing, and negotiation of an agreement upon this compact by the four great States concerned, upon the basis that the project has been approved almost unanimously by the legislature of each of the States, the bills being signed by the Governors of the four States, upon the basis of the passage of the bill by the House of Representatives of the United States Congress, upon the basis of its having been amended in accordance with all the recommendations of the agencies of the executive branch of our Government, with the one exception that I have specifically outlined, and on the

basis of its approval by the Committee on Public Works, I urge the passage of the bill by the Senate.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. KERR. I yield.

Mr. RUSSELL. I hope the questions I have asked will not create any assumption that I would necessarily be opposed to a Federal project on this river. But I have learned from experience that at times standing silent when certain bills have been passed has been construed as acquiescence on the part of those present in some kind of moral commitment. For that reason I asked the question. If any project in these four States were deserving and found desirable on a cost-plus ratio by the Board of Engineers, I would be glad to support it as I would a similar project in any other section.

Mr. KERR. No Senator has a finer record of supporting such projects than has the Senator from Georgia. The Senator from Oklahoma shares his ideas entirely with regard to the principle discussed and involved. It was the purpose of the committee to write a provision into the bill so that there would be neither moral nor legislative obligation under the act to constitute an authorization of any project for construction with Federal funds.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. KERR. I yield.

Mr. JACKSON. The Senator will recall that the House-passed measure, H.J. Res. 225, was referred to the Committee on Interior and Insular Affairs for consideration and report. The Interior Committee reported the bill yesterday, with Report No. 1032.

Mr. KERR. The Resolution was referred first to the Committee on the Judiciary and then referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. The Senator is correct.

Mr. KERR. As I understand, with one exception the measure approved by the members of the Committee on Interior and Insular Affairs is identical to S. 856 as reported by the Committee on Public Works.

Mr. JACKSON. Yes, the Interior committee approved all the amendments adopted by the Committee on Public Works, with the exception of the language that was added to the provision for congressional authorization. On what page does it appear?

Mr. KERR. On page 69, lines 20 and 21.

Mr. JACKSON. The committee was impressed by the fact that while the effort on the part of the Senate Committee on Public Works was to exclude all projects from authorization with respect to which the State had supplied funds——

Mr. KERR. Let me see if I can state it the way I understand and the way to which the Senator can agree.

The purpose of the language of which the deleted sentence is a part is that which sets forth that—

> Nothing in the act shall be construed as the authorization for the construction of any project other than a project for which State-supplied funds only will be used.

Mr. JACKSON. That is correct.

Mr. KERR. The Committee on Interior and Insular Affairs eliminated or deleted the words "other than a project for which State-supplied funds only will be used."

Mr. JACKSON. That is correct.

Mr. KERR. It was the thought of the Committee on Public Works that if this compact contemplated a plan for a project or for projects which were to be built by State funds exclusively, in accordance with the agreement of the compact and of the compacting States, that certainly should not be something that should be prohibited by the Act.

Mr. JACKSON. In general, I agree with the Senator's position. However, the point that disturbed us was the fact that the program is one involving a long-range comprehensive, basinwide development on the part of the four States. It would be possible for a State or States to build a single project with State funds, which would have an impact on the comprehensive basinwide development contemplated by the compact. That is why the committee decided that if a State project were to be undertaken, which might have an impact upon or interfere with or change the overall comprehensive development, there should be an authorization by Congress. We left that language out excepting such projects from congressional authorization. We took all the Senator's amendments completely except that we felt there should be some clear language and understanding that if there were to be an undertaking on the part of the State or States solely out of State funds, but which would have an impact on the comprehensive development contemplated by this compact, there should be an authorization by Congress.

We set that out in language accompanying the bill which we reported. I hope the Senator will delete the language making the exception, because we are concerned lest this comprehensive plan in fact be defeated by the States selecting a given project which they could undertake with their funds and which could defeat, in part at least, the comprehensive plan contemplated by the compact.

Mr. KERR. All the States affected by the Delaware River and its tributaries are in the compact. All of the States, any part of which are in the Delaware River Basin, are in the compact. They have arrived at an agreement which is acceptable to them, and which would determine the manner in which a project in the Delaware River Basin would be built and how it would be built, provided that it is built wholly with State funds, and provided that it is built in accordance with an agreement of the compacting States at the time.

The Committee on Public Works felt, and now feels, that if all the States in their river basin agree on a project that will be beneficial to those States and to the conservation of the waters of that river basin, and are willing to pay for the project, without asking the Federal Government for a penny, certainly the States should be permitted to do so without coming to Congress for an authorization.

Mr. JACKSON. Mr. President, will the Senator yield at that point?

Mr. KERR. I yield.

Mr. JACKSON. I am sure that Senators representing those States are men of good will and would not permit such a thing, but it would be possible for the Federal Government to get the "cats and dogs" authorized and to have to supply funds for them, while the States would undertake only the easier and more reimbursable projects.

Mr. KERR. But the Federal Government need not to do unless it decides to do so at the time. The bill provides that notwithstanding anything in the compact, nothing in the law shall permit the expenditure of Federal money for a project except such as may be authorized by Congress at the time. If Congress felt that the Federal Government was being mistreated, they could take the position that they would not authorize a project except on the basis of certain agreements between the compacting States.

Mr. JACKSON. What possible objection could there be to a stipulation that the State is not to undertake, even with State funds, a project which would have an impact or change or modify the overall comprehensive development as contemplated by the compact itself?

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JACKSON. I might ask further, what is the definition of State funds? The commission which is to be set up is authorized to issue and sell revenue bonds. Would the proceeds from the revenue bonds represent State funds?

Mr. KERR. The Senator from Oklahoma believes that if a State wanted to sell revenue bonds for a project within a State on waters wholly within the State it should be permitted to do so and encouraged.

Mr. JACKSON. I agree. That is not my question. A commission is to be set up. It has the power to sell revenue bonds. Would the proceeds from the sale of those bonds be State funds under the amendment adopted by the committee?

Mr. KERR. I read "other than a project for which State-supplied funds only will be used."

Mr. JACKSON. The commission has power to issue revenue bonds. I believe there are some ambiguities in the provision as adopted by the Public Works Committee.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KERR. This is the language the four compacting States want. This is the language the Senators from the four compacting States want. This is the language the Governors of the four compacting States want. This is the language that was approved by all of the executive agencies in the Federal Government.

Mr. JACKSON. Not the authorizing language. I understood the Department of the Interior submitted 21 amendments.

Mr. KERR. They did not object to this one.

Mr. JACKSON. We did not have a report from the departments as to their position on the authorizing amendment. If the Senator states that they approved it, I most certainly will take his word for it.

Mr. KERR. This language is a limitation, a modification. It is not an extension of authority.

Mr. JACKSON. I am trying to be helpful.

Mr. KERR. The Senators from the affected States are here.

Mr. JACKSON. I am trying to protect, as we all are, the Federal Government's interest. I am raising the question that it is conceivable that under the amendment as it appears now the State could undertake given projects which could affect the Federal Government's interest in other projects which might be built wholly or in part with Federal funds.

Mr. KERR. Let me say this, and the Senator will advise me if I am incorrect. The only effect the Senator's amendment would have, as contrasted with the Public Works Committee language, is this. The amendment which is supported by the Senator from Washington would say that not even for a project on which only State-supplied funds could be used could be built unless it was authorized by the Federal Government, when the Federal Government was not putting even a penny into the project.

Mr. JACKSON. The point is, however, that we are dealing with a comprehensive multi-purpose, multi-State plan. If we use State funds to effect a comprehensive plan in which the Federal Government is to be a major contributor, I believe the Federal Government has a distinct interest.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from Pennsylvania.

Mr. CLARK. Let me say to my friend from Washington I believe it is of vital importance—and I think I speak for all eight Senators from the affected States—that we do not take away from the four States powers they now have and are presently exercising.

Mr. JACKSON. I am in complete agreement with that.

Mr. CLARK. I am afraid the Senator's language does take away those powers.

Mr. JACKSON. Let me read the language of the report, Report No. 1032, that accompanies our section.

Mr. CLARK. I would like to finish my statement first. The difficulty with striking the language which the Senator from Washington wishes to strike is that it would immediately bring to an end the projects presently underway between one or more States for which Federal support is not needed or wanted. Let me give the Senator one example. There is presently underway a development of the water resources of Brandywine Creek, which originates in Pennsylvania and flows through the State of Delaware into the Delaware River. If the language which the Senator proposes to strike is taken out of the bill, the development of Brandywine Creek could not proceed without the consent of Congress.

Mr. JACKSON. I should like to read to the Senator the language that we placed in our Interior Committee report, which was filed with the Senate yesterday.

> The Interior Committee gave thorough consideration to the proposal for exemption from congressional atuhorization of projects to be built by a State, but concluded that the concept of "long-range, comprehensive basinwide development" does not admit to exceptions and exemptions on a project-by-project basis. Rather, comprehensive development calls for the kind of impartial and objective consideration that Congress can best give. This view is not intended to be in any way in derogation of the objectivity and breadth of vision of the members of the commission. However, the commissioners, with the exception of the Federal appointee, will be officials of the individual States, and will be responsible for construction and operation, as well as policy planning.

Mr. CLARK. The language in the report is very interesting.

Mr. JACKSON. This is the language that goes with the language in the resolution as reported by the Interior Committee. The language that we put in our amendment is exactly like the original language of the Public Works Committee.

Mr. CLARK. I say this in all friendliness. In the judgment of the eight Senators from the four States involved, if this language is stricken, the compact is of no further interest to us.

Mr. JACKSON. Which language?

Mr. CLARK. The language which the Senator would strike.

Mr. JACKSON. Why is that?

Mr. CLARK. Because it means that every little project in any one of the four States planned to be built with State funds must first be approved by Congress.

Mr. JACKSON. If it is a part of a comprehensive development in the four States of the basin.

Mr. CLARK. We could not do anything in accordance with the comprehensive plan, and that includes projects already underway, without first coming down to Congress to get approval. There is a little creek that runs in front of my house, and my junior colleague from Pennsylvania lives near it, too, and if it were necessary to undertake a water pollution project in connection with it, if the Senator is successful in striking the language he proposes to strike, we would have to get an act of Congress to improve that little creek.

Mr. JACKSON. I am merely trying to give the Senate an opportunity to understand this matter. The Department of the Interior requested that a preference clause amendment be added. I think this was amendment designated "(t)" in the Department's report. There were many amendments offered by the Department, and the committee accepted all but the one requiring the preference provision. As I understand, the decision on the part of the Public Works Committee was that the preference clause should not be included because Congress would have opportunity to consider each individual authorization.

I should like to make this one point. It is possible under the bill as it now reads for the States to undertake projects for power production, separate from the projects where the Federal Government will have to contribute heavily, and thereby vitiate any possible attempt on the part of the Federal Government to impose that preference clause. I want the Senate to understand that. That is a definite possibility under the language now before the Senate.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. KERR. I will yield after I have made this statement. I wish to clarify this subject with quotations, one from the compact and one from the bill. Paragraph 3.8 of the compact reads:

> 3.8 Referral and review: No project having a substantial effect on the water resources of the basin shall hereafter be undertaken by any person, corporation or governmental authority unless it shall have been first submitted to and approved by the commission, subject to the provisions of sections 3.3 and 3.5. The commission shall approve a project whenever it finds and determines that such project would not substantially impair or conflict with the comprehensive plan and may modify and approve as modified, or may disapprove any such project whenever it finds and determines that the project would substantially impair or conflict with such plan. The commission shall provide by regulation for the procedure of submission, review and consideration of projects, and for its determinations pursuant to this section. Any determination of the commission hereunder shall be subject to judicial review in any court of competent jurisdiction.

A member of the compact Commission shall be appointed by the President of the United States. In the bill before the Senate, on page 76, beginning with line 4, are these words. I think they amply protect the situation suggested by the Senator from Washington:

> *Provided*, That whenever a comprehensive plan, or any part or revision thereof, has been adopted with the concurrence of the member appointed by the President, the exercise of any powers conferred by law on any officer, agency or instrumentality of the United States with regard to water and related land resources in the Delaware River Basin shall not substantially conflict with any such portion of such comprehensive plan and the provisions of Section 3.8—

Which is the one I read—

> and Article 11 of the Compact shall be applicable to the extent necessary to avoid such substantial conflict: *Provided further*, That whenever the President shall find and determine that the national interest so requires, he may suspend, modify or delete any provision of the comprehensive plan to the extent that it affects the exercise of any powers, rights, functions, or jurisdiction conferred by law on any officer, agency or instrumentality of the United States other than the Commission.

I do not see how additional guarantees could be provided. I cannot conceive how they would be deleted.

Mr. JACKSON. I have listened carefully to the Senator's argument, but I do not see anything in the quotations from the text of the compact or the bill which would prevent any one of the four States from building a project that was solely for power, and a highly profitable one, leaving the other projects on flood control and irrigation—there is a provision for irrigation in the compact——

Mr. KERR. Power is one of the smallest elements involved in the compact. Further, if a State, in the exercise of the jurisdiction of its own water and by the expenditure of its own money, wishes to build a power project, the Senator from Oklahoma thinks it has the right to do so, and Congress should not pass an act which would deprive them of that right.

Mr. JACKSON. I would agree with that statement except if the State-constructed power project would have a direct relation to the other projects involved in the basin.

Mr. KERR. But all the States in the basin will have to agree.

Mr. SCOTT. I have a direct interest in the measure, as the Senator knows. I wondered if the Senator from Washington had considered the fact that this agency has the character of a Federal agency as well as the character of a State agency. They both have responsibility. The bill has been worked out and worked over. The senior Senator from Pennsylvania [Mr. CLARK] has already stated that the elimination of this language, which has now gone through a very long process of consideration by both the Federal and State Governments and the Federal representatives of the States, in Congress, would work very great damage to the compact. I hope the Senator from Washington will not press his intention.

Mr. JACKSON. I am supporting the measure to approve the compact. After all, the Interior Committee moved with the utmost expedition to report it favorably yesterday.

Mr. SCOTT. That is appreciated.

Mr. JACKSON. It should be pointed out that the Federal Power Commission will be superseded in this area by the Basin Commission, so it is important that we understand just what we are doing.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a report on the compact measure, dated August 15, 1961, from the Secretary of the Interior to the chairman of the Committee on Interior and Insular Affairs, the distinguished Senator from New Mexico [Mr. ANDERSON].

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 15, 1961.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: This responds to your request for the views of this Department on H.J. Res. 225, a bill "to grant the consent of Congress to the Delaware River Basin Compact and to enter into such compact on behalf of the United States and for related purposes."

In order to give your committee the benefit of the executive agencies' position on the bill before the end of the session, this Department has been authorized to make its report on behalf of all Federal executive agencies. The Federal executive agencies would not object to the enactment of H.J. Res. 225 with the amendments recommended in this report.

This legislation, without taking into account our proposed amendments, seeks to create unique governmental machinery to administer the water and related land resources of the Delaware Basin, to wit an interstate-Federal commission. This commission would be composed of Governors of Delaware, New Jersey, New York, and Pennsylvania, and one member appointed by the President of the United States. Each member would have a single vote, and in most instances majority vote would control. The duration of the compact would be 100 years. It would continue for additional periods of 100 years, unless a State legislature or Congress gave notice of termination between the 75th and 80th years.

The commission would operate as an agency and instrumentality of all participating States and of the Federal Government. The compact would mandate the commission to develop and effectuate plans, policies and projects relating to the water resources of the basin. It would grant also the commission sufficient power to control development of these resources. The commission would be empowered to construct and operate its own projects and facilities, financing them through loans, grants or the issuance of bonds. It could establish standards of planning design and operation for all projects and facilities in the basin which affect its water resources. No project having a substantial effect on the basin's water resources could be undertaken by a private, local, State, or Federal authority without approval of the commission. Its areas of control and development would include water supply, pollution control, flood protection, watershed management, recreation, hydroelectric power, and the regulation of withdrawals and diversions of water. In all these fields, the commission could cooperate in resource development and management with all other governmental agencies.

Unlike previous interstate river basin compacts, this one would bind the United States on generally the same basis as the participating States. The Federal Government would, however, be given special standing by section 1.4 of the compact which provides that adoption of the compact would not relinquish the functions, powers, or duties of Congress with respect to control of navigable waters, and that Congress could withdraw the Federal Government as a party or revise or modify the terms under which it would remain a party to the compact. Subject to this special provision, the United States would be controlled by the State-dominated commission in future Federal activities in the basin. No Federal expenditure or commitment for construction, acquisition, or operation of a project or facility affecting the basin water resources would be deemed authorized until it was first included in the commission's comprehensive plan.

As a Federal agency, the commission could be outside the jurisdiction of many Federal regulatory agencies. The repealer provision would amend all Federal acts or parts of acts inconsistent with any provision of the compact to the extent necessary to carry out the compact's provisions. In effect, the compact would substitute the commission for the Federal and State Governments in planning, operating, controlling, and regulating the water resources of the Delaware River.

The breadth of the powers, both State and Federal, which would be conferred upon the compact commission, its distribution of voting strength and the difficulties inherent in coordination of the commission's authority with national water resource policies developed by Congress raise serious questions as to the efficacy of the compact and as to its compatibility with appropriate State-Federal relationships.

On the other hand, for more than 25 years efforts to reach agreement on natural resource development in the Delaware Basin have met with failure or, at most, only partial success. Previous suggested compacts have failed of passage in one or more of the State legislatures involved. The present compact, however, has been approved in all 4 States and now awaits only congressional consent and approval of Federal participation. The States of the basin, by voting their approval, have evinced their strong desire to proceed under the pattern of the proposed compact.

Because of the urgent need for flood control and the immediate need for recreational and industrial planning and development in the Delaware River Basin, Federal representatives have met over the past 4 months with representatives of the four State Governors in an attempt to formulate mutually acceptable conditions which could be recommended to the Congress as a basis for Federal participation and enactment of consent legislation.

These discussions have resulted in agreement on proposed amendments to H.J. Res. 225 which would provide the minimum necessary protection of Federal interests. The only item on which agreement could not be reached was the applicability of the preference clause in connection with the power dispositions by the commission.

Even with these proposed amendments, the bill would not be acceptable were it not for the unique conditions and history in the Delaware Basin. We continue to hold the view that the Water Resources Planning Act of 1961 which the President proposed to the Congress in his message of July 13, 1961, provides generally a better method of Federal-State cooperation in planning for river basin development. Inadequacies of the compact, even with the amendments proposed, demonstrate the need for such legislation. Nevertheless we have reached the conclusion that the urgent needs for resource planning and development in this area of mounting congestion outweigh the negative features of the compact. We do not object to this plan for resource development in the Delaware Basin under the particular conditions set out in this report. It should, however, establish no precedent in our search for orderly maximum development of this Nation's water resources.

The amendments proposed, with the reasons for each, are attached hereto as an appendix to this report.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Copies of this report are being distributed to the Federal agencies involved and they are invited to comment directly to your committee if additional comments are necessary.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Enclosure.

ADDENDUM TO REPORT ON HOUSE JOINT RESOLUTION 225

Pursuant to our report on House Joint Resolution 225, we recommend the following amendments to the bill. Explanatory material is inserted after each subsection of the proposed amendment. While some of the subsections in the proposed amendment are identical to certain provisions of section 15.1 as it was enacted in the House, all are the result of our discussions with representatives of the Delaware Basin States, as outlined in our report. For purposes of clarity, we are including comments on all amendments deriving from these discussions.

We propose that part II, article 15 of the bill be deleted and the following part II, article 15 be substituted in lieu thereof:

"PART II, ARTICLE 15: RESERVATIONS

"15.1 In the exercise of the powers reserved to the Congress, pursuant to section 1.4 of the compact, the consent to and participation in the compact by the United States is subject to the following conditions and reservations:

"(a) No provision of section 3.7 of the compact shall be deemed to authorize the Commission to impose any charge for water withdrawals or diversions from the basin if such withdrawals or diversions could lawfully have been made without charge on the effective date of the compact; or to impose any charges with respect to commercial navigation within the basin, jurisdiction over which is reserved to the Federal Government: *Provided*, That this paragraph shall be applicable to the extent not inconsistent with section 1.4 of this compact."

The purpose of this amendment is merely to clarify the intent of section 3.7 of the compact.

"(b) Nothing contained in the compact shall be deemed to restrict the executive powers of the President in the event of a national emergency."

This amendment would assure that the President's powers in the event of national emergency are not restricted by the compact.

"(c) Notwithstanding the provisions of Article 2, section 2.2 of the compact, the member of the commission appointed by the President of the United States and his alternate shall serve at the pleasure of the President."

Section 2.2 now provides that the member apopinted by the President serves during the term of office of the President. This amendment would place the tenure of the Federal member on the same basis as that which prevails generally for principal executives in the Federal service.

"(d) Nothing contained in the compact shall be construed as impairing or in any manner affecting the applicability to all Federal funds budgeted and appropriated for use by the Commission, of such authority over budgetary and appropriation matters as the President and Congress may have with respect to agencies in the executive branch of the Federal Government."

This amendment would assure that no Federal funds are made available to the Commission unless they have been budgeted and appropriated in accordance with general law and standard Federal procedures.

"(e) Except to the same extent that State bonds are or may continue to be free or exempt from Federal taxation under the internal revenue laws, of the United States, nothing contained in the compact shall be construed as freeing or exempting from internal revenue taxation in any manner whatsoever any bonds issued by the Commission, their transfer, or the income therefrom (including any profits made on the sale thereon)."

Section 12.8 of the compact grants a tax exemption for bonds of the Commission and interest thereon for the life of the compact. This amendment would place the Commission bonds on a par with all other State bonds as respects Federal taxation.

"(f) Nothing contained in the compact shall be construed to obligate the United States legally or morally to pay the principal or interest on any bonds issued by the Delaware River Basin Commission."

Section 12.20 of the compact already states that the parties will provide only such capital funds as are authorized by their respective statutes. This amendment would merely assure that no legal or moral obligation to pay principal or interest on bonds could be inferred from other language of the compact.

"(g) Notwithstanding the provisions of section 11.5 or any other provision of the Compact, the furnishing of technical services to the Commission by agencies of the executive branch of the Government of the United States is pledged only to the extent that the respective agencies shall from time to time agree thereto or to the extent that the President may from time to time direct such agencies to perform such services for the Commission. Nothing in the Compact shall be deemed to require the United States to furnish administrative services or facilities for carrying out functions of the Commission except to the extent that the President may direct."

Section 11.5 of the Compact would pledge each signatory party to provide technical services (within the limits of available appropriations) to the Commission. This amendment would assure retention by the President and respective Federal agencies of control over the furnishing of such services, and would prevent interpretation of the Compact to require the furnishing of administrative services by Federal agencies.

"(h) All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating, of projects, buildings and works which are undertaken by the Commission or are financially assisted by it, shall be paid wages at rates not less than those prevailing on similar construction in the locality so determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), and every such employee shall receive compensation at a rate not less than 1½ times his basic rate of pay for all hours worked in any workweek in excess of 8 hours in any workday or 40 hours in any workweek, as the case may be. A provision stating the minimum wages thus determined and the requirement that overtime be paid as above provided shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project. The Secretary of Labor shall have, with respect to the administration and enforcement of the labor standards specified in this provision, the supervisory, investigatory and other authority and functions set forth in Reorganization Plan No. 14 of 1950 (15 F.R. 3176, 64 Stat. 1267, 5 U.S.C. 133z–15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c))."

Since the Commission would be a Federal instrumentality, this amendment would apply Federal labor standards to its contracting operations.

"(i) Contracts for the manufacture or furnishing of materials, supplies, articles, and equipment with the Commission which are in excess of $10,000 shall be subject to the provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.)."

This amendment is similar in purpose to that of paragraph (h). The Walsh-Healey Act provides for labor standards in connection with supply contracts.

"(j) Notwithstanding any other provision of this act, nothing contained in this act or in the compact shall be construed as superseding or limiting the functions, under any other law, of the Secretary of Health, Education, and Welfare or of any other officer or agency of the United States, relating to water pollution: *Provided*, That the exercise of such functions shall not limit the authority of the Commission to control, prevent, or abate water pollution."

The interaction of article 5 relating to water pollution and the repealer clause of the compact with present Federal laws for abatement of pollution raised the possibility that Federal powers in this area might in some way be limited by the compact. This amendment would make certain that existing Federal authority to abate or assist in the abatement of water pollution would not be affected by the compact.

"(k) the provisions of section 8.4 of article 8 of the compact shall not be construed to apply to facilities operated pursuant to any other Federal law."

Section 8.4 of the compact would empower the Commission to adopt regulations for the award of private concession contracts in connection with recreation facilities. This amendment would prevent application of Commission regulations to concessions awarded in connection with the operation of recreation facilities by other Federal agencies.

"(l) For purposes of the act of June 25, 1948, 62 Stat. 982, as amended (title 28, United States Code, chapter 171, and sections 1346(b) and 240(b) and the act of March 3, 1887, 24 Stat. 505, as amended (title 28, United States Code, sections 1402, 1491, 1496, 1501, 1503, 2071, 2072, 2411, 2412, 2501), and the act of June 11, 1946, 60 Stat. 237, as amended (title 5, United States Code, sections 1001 and 1011, title 50 App. United States Code, section 1900), the Commission shall not be considered a Federal agency."

Because the Commission would be a Federal agency, this amendment is necessary to exempt it from the Federal Tort Claims Act, Tucker Act and Administrative Procedures Act.

"(m) The officers and employees of the Commission (other than the United States member, alternate United States member, and advisors, and personnel employed by the United States member under direct Federal appropriation) shall not be deemed to be, for any purpose, officers or employees of the United States or to become entitled at any time by reason of employment by the Commission to any compensation or benefit payable or made available by the United States solely and directly to its officers or employees."

The status of the Commission as a Federal agency also necessitates this amendment to provide that employees of the Commission are not deemed employees of the United States or entitled to any compensation or benefits available only to such employees.

"(n) Neither the compact nor this act shall be deemed to enlarge the authority of any Federal agency other than the Commission to participate in or to provide funds for projects or activities in the Delaware River Basin."

This amendment is designed to assure that congressional and executive direction as to activities of Federal agencies in the basin is preserved.

"(o) The U.S. district courts shall have original jurisdiction of all cases or controversies arising under the compact, and this act and any case or controversy so arising initiated in a State court shall be removable to the appropriate U.S. district court in the manner provided by section 1446, title 28, United States Code. Nothing contained in the compact or elsewhere in this act shall be construed as a waiver by the United States of its immunity from suit."

The compact would allow court appeals from many decisions of the Commission. This amendment would establish Federal court jurisdiction over cases arising under the compact, and would assure that any such cases initiated in a State court could be removed to a Federal court.

"(p) The right to alter, amend, or repeal this act is hereby expressly reserved. The right is hereby reserved to the Congress or any of its standing committees to require

the disclosure and furnishing of such information and data by the Delaware River Basin Compact Commission as is deemed appropriate by the Congress or any such committee."

The first sentence of this amendment is a standard provision to enable Congress to alter, amend, or repeal this act at any time in the future. This sentence would also clarify any ambiguities in the language of section 1.4 of the compact. That section would allow Congress to modify the terms under which it may remain a party to the compact "by amendment, repeal, or modification of any Federal statute applicable thereto." The proposed amendment would assure that this language is not construed to apply only to existing Federal statutes and allows Congress full latitude in future legislation. The second sentence of the amendment was suggested by the Judiciary Committee of the House of Representatives.

"(q) The provisions of sections 2.4 and 2.6 of article 2 of the Compact notwithstanding, the member and alternate member appointed by the President and advisor there referred to may be paid compensation by the United States, such compensation to be fixed by the President at the rates which he shall deem to prevail in respect to comparable officers in the executive branch."

Sections 2.4 and 2.6 of the compact provide that the members of the Commission and their alternates and advisers shall serve without compensation. Since State Governors represent the States on the Commission and other State officers may serve as alternates and advisers, this provision may be appropriate for them, but in the event that the Federal member or his alternate or adviser holds no other Federal office obviously compensation would be required.

"(r)1. Nothing contained in this Act or in the Compact shall impair or affect the constitutional authority of the United States or any of its powers, rights, functions, or jurisdiction under other existing or future legislation in and over the area or waters which are the subject of the Compact including projects of the Commission: *Provided,* That whenever a comprehensive plan, or any part or revision thereof, has been adopted with the concurrence of the member appointed by the President, the exercise of any powers conferred by law on any officer, agency, or instrumentality of the United States with regard to water and related land resources in the Delaware River Basin shall not substantially conflict with any such portion of such comprehensive plan and the provisions of section 3.8 and article 11 of the Compact shall be applicable to the extent necessary to avoid such substantial conflict: *Provided further,* That whenever the President shall find and determine that the national interest so requires, he may suspend, modify, or delete any provision of the comprehensive plan to the extent that it affects the exercise of any powers, rights, functions, or jurisdiction conferred by law on any officer, agency, or instrumentality of the United States other than the Commission. Such action shall be taken by executive order in which such finding and determination shall be set forth.

"2. For the purposes of paragraph 1 hereof, concurrence by the member appointed by the President shall be presumed unless within 60 days after notice to him of adoption of the comprehensive plan, or any part or revision thereof, he shall file with the Commission notice of his nonconcurrence. Each concurrence of the member appointed by the President in the adoption of the comprehensive plan or any part or revision thereof may be withdrawn by notice filed with the Commission at any time between the first and 60th day of the sixth year after the initial adoption of the comprehensive plan and of every sixth year thereafter."

In the absence of this proposed amendment, the compact would exempt the Commission from much of the regulatory control of Federal agencies, and would require Commission approval for any Federal or federally licensed project developing the water or related land resources of the basin. This amendment would provide that the licensing and regulatory authorities of the Federal agencies and the powers of other Federal agencies to act with regard to projects in the basin would be preserved, except that where the Federal member concurred in the adoption of the comprehensive plan or any part or revisions thereof, the exercise of any of these powers by any Federal agency could not substantially conflict with that portion of the comprehensive plan. It would also provide that the Federal member could review his concurrences every 6 years. As a further safeguard the President would have the power at any time the national interest so required to suspend, modify, or delete any provision of the comprehensive plan insofar as it might affect the exercise of any Federal powers.

"(s) In the event that any phrase, clause, sentence, or provision of section 1.4 of article 1 of the Compact, is declared to be unconstitutional under the constitution of any of the signatory parties, or the applicability thereof to any signatory party, agency, or person is held invalid by a court of last resort of competent jurisdiction, the United States shall cease to be a party to the Compact, except to the extent that the President deems remaining a party necessary and proper to protect the national interest, and shall cease to be bound by the terms thereof."

All these amendments in this report are proposed to be made pursuant to the provision of section 1.4 of the compact. Ordinarily, if any party to an interstate compact conditions the terms of his participation, his consent is void unless these conditions are approved by the other parties. Here, however, in section 1.4, the other parties to this compact have agreed in advance to allow the Federal Government to condition the terms of its participation. If this section 1.4 were declared null and void, all Federal conditions would be void. In the absence of these conditions Federal interests would not be adequately protected. This amendment would assure that the Federal Government could withdraw in the event that section 1.4 was invalidated.

"(t) In making sales or leases of hydroelectric power generated pursuant to article 9 of the compact, preference shall be given to public bodies and cooperatives so defined in section 3 of chapter 720 of the Act of August 20, 1937, 50 Stat. 733 (title 16, United States Code, section 832b)."

The Commission is by section 2.1 of the compact, an agency and instrumentality of the Federal Government. It has been national policy since 1906 to provide for preference in the sale of power developed under Federal auspices. Particularly should such a requirement apply when substantial Federal funds are involved.

"(u) All acts or parts of acts inconsistent with the provisions of this Act are hereby amended for the purpose of this Act to the extent necessary to carry out the provisions of this Act: *Provided, however,* That no act of the Commission shall have the effect of repealing, modifying, or amending any Federal law."

This amendment is similar to section 15.1 of the bill, but would add a proviso to assure that, in the exercise of the broad powers granted it by the compact, the Commission could not effect the repeal or modification of any Federal law. Also in the first line of the paragraph, the words "any provision" would be changed to "the provisions" to assure that any determination of inconsistency take into account the effect of these reservations upon the body of the compact.

EFFECTUATION

"15.2(a) The President is authorized to take such action as may be necessary and proper, in his discretion, to effectuate the compact and the initial organization and operation of the Commission thereunder."

This provision is now incorporated in S. 856 as section 15.2.

"(b) Executive departments and other agencies of the executive branch of the Federal Government shall cooperate with and furnish appropriate assistance to the U.S. member. Such assistance shall include the furnishing of services and facilities and may include the detailing of personnel to the U.S. member. Appropriations are hereby authorized as necessary for the carrying out of the functions of the U.S. member, including appropriations for the employment of personnel by the U.S. member."

This amendment is recommended to insure full cooperation between the Federal member of the Commission and the Federal agencies.

EFFECTIVE DATE

"15.3 This Act shall take effect immediately."

Mr. JACKSON. Mr. President, the U.S. Government will have only one member on the Commission. He can be outvoted. I think we should understand fully what we are doing. I feel there is a serious responsibility, in connection with the interest of the Federal Government, to try to protect power rights in the area, which could be affected by the failure to include language which was considered and adopted in the Senate Committee on Interior and Insular Affairs. There can be honest differences of opinion.

If the Senator from Oklahoma can assure the Senate that, in his judgment, or from his interpretation of the bill, a project undertaken by the State or the States in the basin which would have a direct impact on the comprehensive development of the basin as a whole could not be used as a means of defeating the right of Congress to consider the preference clause, then I would feel better about it. But this is what disturbed all the members of the Interior Committee when we considered the question.

Mr. KERR. That is the opinion of the Senator from Oklahoma, and I think it is the opinion of every author of the bill.

Mr. JACKSON. Mr. President, I do not oppose the approval of the compact resolution now before the Senate. My only concern was with reference to this specific amendment, in the language to which the Senate Committee on Public Works apparently agreed in the first instance. The modification it now reads must have occurred later as the result of action on the part of the committee. I think the initial wording of the amendment of Committee on Public Works is the way the provision should read.

Mr. KERR. The Senator from Oklahoma presided at all the hearings of the Committee on Public Works on the bill. If any such concurrence ever took place, it was without the knowledge of the Senator from Oklahoma, and he will not admit on the floor of the Senate that any such possibility exists.

Mr. JACKSON. However, the language as submitted to us in the Committee on Interior and Insular Affairs had the wording, without the exception that appears in section 15.1(a) of House Joint Resolution 225 as we reported it. The original of the typewritten amendment which was submitted to us from the Committee on Public Works included in pencil the added language which contains the exception.

Mr. KERR. The amendment we are talking about, which contains the language the Senator from Washington wanted to delete, was the language of the Senator from Oklahoma and was concurred in by the Senators from all the affected States, who were all the authors of the bill.

Mr. President, I ask the approval of the bill before the Senate.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 856) was ordered to be engrossed for a third reading, and was read the third time.

Mr. KERR. Mr. President, has the bill been passed?

The PRESIDING OFFICER. The bill has been read the third time. The question now is, Shall it pass?

The bill (S. 856) was passed.

Mr. KERR. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. CLARK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERR. Mr. President, the Committee on Public Works had before it S. 856, while the Committee on the Judiciary and the Committee on Interior and Insular Affairs had before them House Joint Resolution 225. The bill and the joint resolution are similar.

I ask unanimous consent for the present consideration of House Joint Resolution 225.

The Presiding Officer laid before the Senate the joint resolution (H.J. Res. 225) to grant the consent of Congress to the Delaware River Basin compact and to enter into such compact on behalf of the United States, and for related purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of House Joint Resolution 225?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on the Judiciary with amendments, and subsequently reported from the Committee on Interior and Insular Affairs with additional amendments.

Mr. KERR. Mr. President, I move to strike out all after the enacting clause of House Joint Resolution 225 and to insert in lieu thereof the language of S. 856, as amended.

The PRESIDING OFFICER. The question on agreeing to the motion of the Senator from Oklahoma.

The motion was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the joint resolution.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 225) was read the third time, and passed.

The title was amended so as to read: "Joint resolution to create a regional agency by intergovernmental compact for the planning, conservation, utilization, development, management, and control of the water and related natural resources of the Delaware River Basin, for the improvement of navigation, reduction of flood damage, regulation of water quality, control of pollution, development of water supply, hydroelectric energy, fish and wildlife habitat, and public recreational facilities, and other purposes, and defining the functions, powers, and duties of such agency."

Mr. KERR. Mr. President, I move that the Senate reconsider the vote by which the joint resolution was passed.

Mr. CLARK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The preamble was agreed to.

The PRESIDING OFFICER. Without objection, S. 856 will be indefinitely postponed.

Mr. CLARK. Mr. President, has the House joint resolution, as amended, now been passed?

The PRESIDING OFFICER. The House joint resolution, as amended, has been passed.

ELECTIONS IN THE DISTRICT OF COLUMBIA

Mr. BIBLE. Mr. President, I move that the Senate resume the consideration of Calendar No. 851, House bill 8444.

The motion was agreed to; and the Senate resumed the consideration of the bill (H.R. 8444) to amend the act of August 12, 1955, relating to elections in the District of Columbia.

The PRESIDING OFFICER (Mr. METCALF in the chair). The question is on agreeing to the committee amendment.

Mr. BIBLE. Mr. President, the purpose of this bill is to amend Public Law 376 of the 84th Congress (69 Stat. 699), an act regulating the election of delegates representing the District of Columbia to national political conventions and other purposes, to provide in addition for the election of electors for President and Vice President of the United States.

The proposed legislation also includes certain amendments not directly connected with the new function, but which have been recommended as a result of experience and review of the operation of the basic act permitting residents of the District of Columbia to vote for delegates to the national political conventions.

The enactment of H.R. 8444, as amended by your committee, would:

First. Establish at age 18 the minimum age for qualified voters in the District.

Second. Abolish permanent registration and require all qualified voters to register in the year in which the presidential election is held.

Third. Liberalize requirements relating to absentee registering and voting.

Fourth. Establish the procedures for presidential electors to be selected in two ways: (a) By certification of the executive committee recognized by the national committee of a major political party, that is, a party which has had its candidates for electors of President and Vice President on the ballot in each of five States in the last preceding election, and (b) any other party may have its candidates for electors submitted to the Board of Elections by presenting a petition to the Board signed by at least 5 percent of the registered qualified voters of the District of Columbia as of July 1 immediately preceding the election.

Fifth. Require a person elected as an elector of President and Vice President to take an oath or solemnly affirm that he or she will vote for the candidate of the party he has been nominated to represent; and that it shall be his duty to vote in such manner in the electoral college.

Sixth. Provide that only the names of the candidates of each political party for President and Vice President shall be placed on the ballot; the names of electors must not be on the ballot.

Seventh. Make provision for the appointment of a substitute by the appropriate party committee for any candidate for elector who dies, resigns, or becomes unable to serve.

This legislation will implement the 23d amendment which was initiated by the joint resolution of the 86th Congress on January 6, 1960. This amendment, certified on April 3, 1961, as a part of the Constitution of the United States, provides:

SECTION 1. The District constituting the seat of government of the United States, shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the 12th article of amendment.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The dispatch and determination with which the various States ratified the 23d amendment demonstrate a keen awareness on the part of their citizens, that the residents of the District of Columbia should be provided the cherished right to vote in a national election. Their responsive action is, indeed, a challenge to the Congress to enact an election bill that will be looked upon as a model act.

Your committee in its consideration of the provisions of the bill was essentially concerned with eliminating unreasonable restrictions on voting procedures. Wherever possible the committee strived to adopt procedures that will allow the greatest number of responsible and qualified voters to cast their ballots.

It should be noted that the full committee conducted public hearings on the Senate version of this legislation, S. 1883, on August 4, 1961, and the suggestions and recommendations of all witnesses have been given appropriate consideration by the committee.

The bill amends the 21-year voting age requirement in existing law so that an individual to be eligible to vote must be at least 18 years of age, and must have resided in the District of Columbia without claiming voting residence elsewhere for at least 1 year as of the date of the election.

Your committee in adopting the 18 minimum age was following the lead that other States have taken in providing our young people with the right to vote in the national elections. The State of Hawaii has a 20-year minimum; Alaska has 19 years; and Georgia and Kentucky have designated their minimum voting age at 18 years. Forty-six of the States have retained the age limit at 21 years.

The committee in recommending the 18-year minimum age for the District was fully aware of the arguments, pro and con, that have centered about this issue. However, it was felt that the sputnik, Atlas, and Redstone era properly ushered in a new and greater responsibility for our young men and women. Through the medium of television, radio, magazines, and newspapers, our young people of today are much better informed than at any time in the Nation's history in both domestic and international problems and issues surrounding a race for the presidency and vice presidency. During this session of Congress, the greater and more intensified educational advantages for our youth have been detected looking to greater assurances that they have the tools to meet the challenge of this age of space.

The very strength and vigor of America's democratic heritage are dependent upon our young people being integrated into our democratic processes by being allowed to participate at an early date commensurate with their abilities.

It is true that America's 18-year-olds do think and act for themselves. We must permit them to play an active part in the Government at the earliest possible time. There is no substitute for trust and responsibility to enrich the desire for better and more effective citizenship. Accordingly, it is the view of the committee that the voting minimum age should be set at 18 years.

The committee made no change in the 1-year residency voting requirement in existing law. This period of residency was not viewed as causing any unreasonable limitation on the voting requirements for the District. The committee was informed that 35 States follow the 1-year residency requirement; 12 States require 6 months; and 3 States provide for a residency requirement of 2 years.

The bill also abolishes permanent registration and requires that each individual, otherwise qualified, must register in the year in which election is held.

The committee took a strong view that the election provisions relating to absentee balloting requirements should be liberalized to provide maximum opportunity for absentee and physically incapacitated persons to register and vote.

In this regard, the committee was informed that 48 States provide in some form for absentee voting.

In this bill, provision is made for the Election Board, as it deems necessary, to make regulations permitting qualified persons for the purpose of voting in any election held pursuant to this act, to register at times when such persons are temporarily absent from the District, or, in the case of persons not absent from the District but who are physically unable to appear personally at an official registration place, to register in the manner prescribed in such regulation. In addition, the bill contains a provision that requires the Election Board to include in regulations provisions permitting voting for electors of President and Vice President by any registered voter who is absent from the District or who, because of his physical condition, is unable to vote in person at the polling place in his voting precinct on election day.

The committee thought it most desirable to include as part of the bill, the Federal Voting Assistance Act of 1955. Through this measure the Department of Defense can administer more effectively the absentee voting of District of Columbia residents who are in the Armed Forces or who come within one of the categories defined in the Voting Assistance Act. It was reported to the committee that almost 40 percent of the eligible personnel of the Armed Forces cast a ballot in the last elections. Accordingly, there is ample reason to include this act as another means of broadening absentee balloting.

In connection with voter registration, the bill provides that the registry shall be closed 45 days both before a primary and a regular election to permit adequate time for the Election Board to prepare necessary lists and to prepare adequately for the elections.

Also provision is made in the bill for nominees for presidential electors who must in each case be fully qualified as voters, and have been residents of the District for a period of 3 years, to be selected in the following two ways:

First. By certification of the executive committee recognized by the national committee of a major political party. A major party is defined as one whose candidates for President and Vice President of the United States have been on the ballot in five or more States in the last preceding presidential election.

Second. Any other party may have its candidates for electors submitted to the Board of Elections by presenting a petition to the Board signed by at least 5 percent of the registered qualified voters of the District of Columbia as of July 1, immediately preceding the election.

The bill also requires that each person elected as an elector of President and Vice President shall, in the presence of the Board, take an oath or solemnly affirm that he or she will vote for the candidates of the party which he or she has been nominated to represent, and it shall be his or her duty to vote in such manner in the electoral college.

The committee, in regard to data to be printed on the ballots, amended the bill so as to provide that only the names of the candidates of each political party for President and Vice President shall be on the ballot under the title and device of the party.

Other provisions of the bill provide for the use of modern voting equipment, determination of the form of the ballot, and publication of the official ballot to be used in any election, in one or more newspapers of general circulation. A seal for the use of the Board is authorized subject to approval by the Board of Commissioners, and provision is made for the appointment by the Commissioners of a chairman.

Another provision of the bill provides for the appointment of a substitute by the duly authorized party committee for any candidate for elector who dies, resigns, or becomes unable to serve.

The bill also provides that, for the purposes of chapter 1, title 3, United States Code, relating to presidential elections, the District of Columbia shall be defined as a State, and the Board of Commissioners, defined as executive officials of a State.

The last section of the bill forbids the sale of alcoholic beverages on the day of the presidential election and during the hours when the polls are open, except sales by pharmacists on physicians' prescriptions.

Mr. President, I express the hope that Congress will act favorably on this proposed legislation this year, in order to give the local election officials a real opportunity to provide efficient election procedures in this great city, where the right to vote has been denied for so long.

Mr. President, I move that the committee amendment be agreed to, and that the bill as thus amended be regarded as original text for the purpose of further amendment, provided that no point of order be deemed to have been waived thereby.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MILLER. Mr. President, I have at the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from Iowa will be stated.

The CHIEF CLERK. On page 21, between lines 11 and 12, it is proposed to insert the following:

(34) Such Act is amended by adding at the end thereof the following new section:

"SEC. 15. Notwithstanding any provisions relating to residence requirements contained in sections 2 and 7 of this Act, any person who has been a resident of the District of Columbia for a period of less than one year prior to the date of a presidential election shall, if otherwise qualified under this Act, be entitled to register and vote for presidential and vice presidential electors in such

election (but for no other offices), if such person was a qualified voter in any State immediately prior to his removal to the District of Columbia and files a certificate from the appropriate qualified State, county, or municipal official of said State stating that said person was a duly qualified voter in said State immediately prior to his removal and files therewith a statement that he will vote in no other jurisdiction than the District of Columbia in said presidential election."

Mr. MILLER. Mr. President, as the distinguished Senator from Nevada has pointed out, the law we propose has been gone over very painstakingly. The feeling of the members of the committee is that this proposed law may well be regarded as a model one for the rest of the United States.

I believe the 1-year residence requirement is sound. The Senator from Nevada has pointed out that 35 States have a 1-year residence requirement. Nevertheless, there is still a gap in our model law—namely, with respect to persons who are qualified voters in other jurisdictions, but who, because of business reasons, have to move to the District of Columbia, and then find that although they were qualified to vote in the States in which they formerly lived, they have not lived in the District of Columbia long enough to qualify to vote.

My amendment provides that, if a person has been a duly qualified elector in another State, and moves to the District of Columbia and has not resided here for a 1-year period, he may still vote for President and Vice President if he files a certificate from the appropriate official from the prior resident State indicating he was a qualified voter, and, further, if he files a statement that he will not vote in any other jurisdiction but the District of Columbia.

There is an excellent article by Brendan Byrne, executive director of the American Heritage Foundation, which points out that 8 million of our citizens were disfranchised in the last election because of this mobility problem. Some States have tried to do something about it. I believe the States of Michigan and Connecticut, among others, have already changed their laws to provide that persons who move into their jurisdictions and have not resided the proper length of time may still vote if they were duly qualified voters and can present evidence thereof from a prior jurisdiction.

I ask unanimous consent that pages 3, 4, and 5, as designated in this article, be printed in the RECORD, at this time, and I am now happy to yield for any questions.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

LET'S MODERNIZE OUR HORSE-AND-BUGGY ELECTION LAWS

(By Brendan Byrne, executive director, the American Heritage Foundation)

Outmoded State election laws are robbing millions of good citizens of one of the most precious privileges of our American heritage—the right to vote in free elections.

Take the case of Louis A. Novins, president of International Telemeter Corp. He and his wife moved from California to New York in June and thereby became unable to vote in the November elections. They failed to meet New York's requirement of 1-year residence in the State.

"I have a daughter who, when she was following the fleet as her naval officer husband was being shipped around, went for 10 years without being entitled to cast a vote anywhere," says Richard S. Childs, executive committee chairman of the National Municipal League.

PENALIZING MOBILE CITIZENS

Archaic State residence requirements, many adopted a century ago, are the greatest single barrier to voting. An estimated 8 million voters out of the 33 million people who moved last year were unable to vote in the 1960 elections because of inability to meet the State, county or precinct residence requirements.

Twentieth century United States has a highly mobile population, but State residence laws have not kept pace with the mobility of our people. Despite the millions who move yearly, 35 States still require 1-year residence in the State; 3 demand 2 years; and 12 call for 6 months.

County and precinct residence requirements also present a problem. If you move to a new precinct in Milwaukee, Wis., you can reregister in 10 days. But in Natchez, Miss., you lose your right to vote for a year because Mississippi requires 1 year in the election district. In Philadelphia and other cities, you can disfranchise yourself by moving across the street to a new district a month or two before election day. Confusion is compounded by the nationwide custom of observing September 30 as "moving day."

The closeness of the 1960 presidential election pinpoints the importance of removing antiquated voting barriers. Senator Kennedy won the highest office in the land by a hairline margin averaging less than one vote per precinct. (There are 166,137 election precincts in the United States, and his plurality was 112,881.) Would the results have been different if the disfranchised could have voted? Who knows?

Americans of voting age unable to vote in the November 1960 elections

Total civilian population of voting age	107,000,000
Aliens of voting age	3,000,000
Citizens of voting age	104,000,000

Estimate of citizens of voting age unable to vote

1. Mobile adults unable to meet State, county, or precinct residence requirements	8,000,000
2. Adults kept from polls by illness at homes, hospitals, nursing homes, homes for aged, etc	5,000,000
3. Adults traveling for business, health, vacation, and other reasons, unable to obtain absentee ballots	2,600,000
4. Adult Negroes in 11 Southern States kept from polls by rigged literacy tests, poll taxes, various social pressures, etc	[1] 1,750,000
5. Adult illiterates in 25 literacy test States	800,000
6. Citizen of voting age in District of Columbia	500,000
7. U.S. citizens living abroad	500,000
8. Adult prison population	[2] 215,000
9. Adult preachers of Jehovah's Witnesses who face a religious disability to voting	225,000
Total citizens of voting age unable to vote	19,590,000
Total citizens actually eligible to vote in 1960 elections	84,410,000
Total vote in 1960 Presidential elections	68,832,818
Percentage of civilian voting population which voted	64.3
Percentage of citizens of voting age who voted	66.2
Percentage of actual eligibles who voted	81.5

[1] This is a modest estimate based on the findings of the Civil Rights Commission. The Congressional Quarterly puts poll tax and prejudice disfranchisement as high as 4 million. It is impossible to measure accurately the total number of voters kept from the polls by poll taxes, various social pressures on minority groups, and previous conviction of felony.

[2] Most States bar convicts, idiots, and the insane; others disfranchise paupers and vagrants, Mississippi bars tax-exempt Indians. Idaho denies the ballot to naturalized citizens of Mongolian descent. Florida disfranchises persons interested in an election wager. Rhode Island bars persons living on land ceded to the U.S. Government.

Sources: U.S. Census Bureau; American Heritage Foundation.

DISQUALIFYING THE QUALIFIED

Who are these mobile victims of horse-and-buggy residence requirements? They include many of our better educated and more responsible citizens—people with the initiative and character needed to pull up stakes and seek advancement in a new community. Many are educators, lawyers, clergymen; others are business executives.

A General Electric Co. spokesman reports that 6 percent of its executive personnel were disfranchised in 1960 because of being shifted from State to State.

A Newsweek editor confides, "I know a considerable number of our own executives, salesmen and editors who lost their 1960 vote because of moving."

Oil companies, chainstores, and large corporations frequently transfer engineers, managers, salesmen, and their executives. Each change of residence within a year usually disfranchises two votes and in some cases more. For example, eight executives of a New York electronics firm were assigned to its Philadelphia branch last August with the result that they and their wives could not cast their ballots in November.

THE TIME TO ACT IS NOW

"The disfranchisement of 8 million for no better reason than their having moved is a disgrace," comments a New York Herald Tribune editorial. "State legislatures can correct this before 1964, if they will. The danger is that, elections past, the disfranchised will be forgotten until again it's too late * * *. It's high time the legislatures got busy and set the laws right."

There is no good reason why mobile voters should not be permitted to vote for President and Vice President. Good reasons may be adduced why residents should not participate in electing State and local officials. But that does not apply to the election of the President and Vice President, who are nationally known and must serve all of the people in all of the 50 States.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. BIBLE. This amendment was before the committee. What bothered me about the amendment more than anything else was that we did not have independent hearings on the proposal. The amendment has merit. I am advised that five States have similar provisions

See footnotes at end of table.

at the present time, and two other States have accomplished the same result by a somewhat modified procedure.

In complete candor, I think there might be some difficulty in holding the amendment when we go to conference because of the fact that no hearings have been had on the House side on the proposal. Nevertheless, I am willing to do my best to try to hold the amendment in conference, because this is the modern trend and the proposal has some real merit. With that in mind, I will accept the amendment of the Senator from Iowa.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

Mr. RANDOLPH. Mr. President, I wish to ask the junior Senator from Iowa a question. Has the Senator considered a residency of 6 months in reference to the valid period of time within which to establish qualifications for voting for President and Vice President within the District of Columbia?

Mr. MILLER. Yes. As the Senator from Nevada pointed out, the committee went into the residency period at considerable length. It was pretty generally accepted that the 1-year requirement was a reasonable requirement, particularly in view of the fact that 35 other States have the same requirement. The Senator from Iowa recognizes that hardship can result no matter what residence period may be required. What I am trying to do with this amendment is avoid such hardships, because, even if there were a 2-year residence requirement, under the amendment, one who moved into the District of Columbia, who was a qualified voter of another district, and presented evidence thereof, could still vote.

The amendment has been drawn with an addition which I do not believe the Senator from West Virginia has on his copy, namely, that the individual must file a statement that he is not going to vote in another jurisdiction.

Mr. RANDOLPH. This is, therefore, a protective amendment. There is a necessity for residence requirements which are realistically based on the mobility and changing circumstances of our citizens. It has been said that upward of 40 million Americans shift their residences annually. It is further believed that approximately 8 million of these individuals lost their voting rights in the 1960 elections because they had not met local and State residence requirements.

I compliment the senior Senator from Nevada, who is in charge of handling this bill, and I also commend the Senator from Iowa.

I shall, Mr. President, pursue the matter further with a proposal of an amendment for the requirement of a residence of 6 months which would be a suitable period, rather than a year or 90 days. This would offer a reasonable compromise.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. BIBLE. As the Senator realizes, there is an amendment pending that would reduce the period to 90 days. I am hopeful that we may secure a unanimous-consent agreement. I understand that action on the bill cannot be completed tonight, and that it probably will go over until Tuesday. At that time, if the Senator wishes to offer an amendment to shorten the period to 6 months, in the event the 90-day provision is voted up or down, he can do so at that time.

Mr. RANDOLPH. I thank my colleague. I was not certain of the parliamentary situation or how long the Senate would be in session this evening. I am not in favor of a 90-day requirement. I think that is going to extremes. I believe there is a valid reason to lower the required period from a year to 6 months.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. KEATING. As the Senator knows, the Senator from Tennessee [Mr. KEFAUVER] and I are authors of an amendment to make the residency requirement 90 days.

Mr. RANDOLPH. Yes, I am cognizant of that fact.

Mr. KEATING. If that proposal was not favorably received by the Senate, I would certainly favor a 6 months' requirement. The modern trend is to require less than a year. This amendment is fine, and I would certainly support it as a complement to the amendment of the Senator from Iowa. I see nothing inconsistent in it. I think it adds to the amendment which we propose to offer, or would add to a 6-month requirement amendment.

I understand it is the desire of the leadership to obtain a unanimous-consent agreement as to debate. I am ready to have him to do that. The Senator from Tennessee [Mr. KEFAUVER] has left the Chamber temporarily, but I will take the responsibility of agreeing to it.

Mr. RANDOLPH. It is also my wish to be cooperative. I have been helped by the explanation of the Senator from New York. This subject will be discussed by me on next Tuesday.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. MILLER].

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, the Senate has put in long hours this week. Many of the Members are getting tired. It appears that there will be a rather lengthy debate on the District of Columbia elections bill, so I wish to propound a unanimous-consent request. I do so after consulting with the minority leader and other interested Senators.

Mr. President, I ask unanimous consent that there be 1 hour allotted to each amendment to the bill now pending, H.R.8444, and that there also be allotted 1 hour for consideration of the bill itself.

Mr. KEATING. Mr. President, reserving the right to object, I assume the time for each amendment will be controlled one-half by the Senator offering the amendment and the other half by the majority leader or by the minority leader.

Mr. MANSFIELD. The Senator is correct. There would be the usual form of agreement.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That during the further consideration of the bill (H.R. 8444) to amend the act of August 12, 1955, relating to elections in the District of Columbia, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. MANSFIELD. Mr. President, the Senate will not spend much more time, if any, on discussion of the District of Columbia election bill this evening. After consideration of conference reports, insertions in the RECORD, and whatever speeches Senators feel they wish to make, it is the intention of the leadership to have a call of the calendar of measures to which there is no objection, so that the decks may be cleared for consideration of the resolution covering a change in rule XXII tomorrow.

The PRESIDING OFFICER. When will the debate on the bill, H.R. 8444, begin tomorrow?

Mr. MANSFIELD. That will probably not begin until Tuesday, the way things are shaping up.

PROHIBITION OF COURT EXAMINATION OF COMMUNICATION OF DISTRICT OF COLUMBIA MINISTERS

Mr. BIBLE. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of calendar No. 787, H.R. 5486.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H.R. 5486) to prohibit the examination in District of Columbia courts of any minister of religion in connection with any communication made to him in his professional capacity without the consent of the party to the communication.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

There being no objection, the Senate proceeded to consider the bill (H.R. 5486), which had been reported from the Committee on the District of Columbia with amendments, on page 1, at the beginning of line 3, to strike out "That no priest, clergyman, rabbi, 'practitioner of Christian Science', or other duly licensed, ordained, or consecrated" and insert "That no priest, clergyman, rabbi, practitioner of Christian Science, or other duly licensed, ordained, or consecrated", and in line 7, after the word "religion", to insert "authorized to perform a marriage ceremony in the District of Columbia".

Mr. MILLER. Mr. President, I offer amendments to the committee amendments which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendments will be stated for the information of the Senate.

The CHIEF CLERK. On page 1, lines 5 and 6, it is proposed to strike out "Practitioner of Christian Science."

On page 1, line 8, after the word "Columbia", it is proposed to insert "or duly accredited Practitioner of Christian Science".

Mr. MILLER. Mr. President, these are merely technical amendments to take care of a special situation with respect to Christian Science practitioners. It is modeled after State laws which use the same language. I have discussed the amendments with the Senator from Nevada [Mr. BIBLE] and I understand they are acceptable to him.

The PRESIDING OFFICER. The question is on agreeing to the amendments to the committee amendments offered by the Senator from Iowa.

The amendments to the committee amendments were agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments, as amended.

The committee amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 5486) was read the third time, and passed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I announce for the information of Senators that there will be no further yea and nay votes tonight, but the Senate will consider measures on the calendar to which there is no objection.

MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961—CONFERENCE REPORT

Mr. FULBRIGHT. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 8666, to provide for the improvement and strengthening of the international relations of the United States by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information the Senate.

The Chief Clerk read the report.

(For conference report, see House proceedings of Sept. 16, 1961, pp. 19790–19795.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. FULBRIGHT. First let me say, Mr. President, that I must pay due respects to the high caliber of the conferees from both Houses with whom I met today. While the conference members from the House held strong opinions and displayed real talent for persuasion, they also impressed me deeply with their ability to dispense with trivialities and to get to the root of the matter. We had strong differences of opinion at times but they were always confined to issues of real substance and they were dealt with in an atmosphere of moderation and good feeling. In short, I cannot remember a conference with the other body which kept so close to the business at hand and refused to be distracted by irrelevancies or editorial changes.

The most important differences between the two Houses concerned section 109—dealing with amendments to the Immigration and Nationality Act, and section 110—proposing certain changes in the Internal Revenue Code and the so-called Social Security Act. The House bill had not contained the Internal Revenue Code amendments in its final, as distinct to its earlier, version and the prospect for the Senate amendment prevailing was at first exceedingly dim. However, almost at the last moment, and after necessary assurances had been obtained from interested persons in the House, conferees from the other body expressed a readiness to accept the Senate section 110 intact if the Senate conferees in turn would accept a compromise on the immigration section. Because of this very compromise regarding section 109—as distinct from our success in obtaining the Senate section 110 in toto—this body fared very well in the exchange.

Mr. President, those two sections represent the most important and extensive differences between the two Houses. I shall not list the some 30-odd further differences composed between us since many were trifling in character.

However, I should like to mention a few of the more important points. First, with respect to section 103(c) of the bill, the Senate conferees succeeded in deleting the percentage limit which the House had placed on the U.S. share in any international educational or cultural program which might be entered into as a consequence of this legislation. We came to an agreement on the point that any ceiling expressed in percentage terms would result in our always having to participate up to that percentage figure. Therefore the actual number was deleted in favor of conference report language giving our expectation that the administration would endeavor to undertake the smallest percentage figure which would be truly equitable.

Second, we accepted the House language regarding the Presidential power to delegate and transfer authority and functions under section 104(a). While there was little difference between the two versions, we settled on that which promised to give the most ample continuing ability on the part of the Congress to oversee our future experience under this bill.

Mr. President, with the adoption of the mutual educational and cultural exchange bill the Congress will have provided a solid legislative base for programs which heretofore have been conducted under various pieces of legislation with little flexibility and few provisions for strong centralizing authority. I believe that this is a moderate but very important step—important in the sense we can look forward to programs of high quality and some depth; moderate, in that we have not expected to solve all the problems at one time, but are seeking to gain experience and sureness which will permit us to see our way clearly to further advances in the future.

I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

TIME TO MODERNIZE OUR ANTIQUATED DEPRECIATION POLICIES

Mr. SCHOEPPEL. Mr. President, the impact of any economic hardship affecting the business community is particularly severe on small business, since it often lacks the capital reserves which are available to larger firms to meet the costs of modernization and the purchase of new facilities and equipment. It is vital that we encourage and protect the small business sector of the economy as the leading firms of tomorrow will probably develop in many instances from the new and venturesome small businesses of today.

One problem which affects the entire business community, although it has a special impact on small businessmen, is the inadequacy of present depreciation reserves in terms of their ability to finance the purchase of new and modern equipment to maintain a strong competitive position. It is often forgotten that if the larger firms hesitate to replace obsolete equipment because of the fact that the accumulated depreciation reserves are insufficient to do so, in many instances this means a loss of business to smaller firms who may produce many of the items that larger firms would buy.

Mr. President, the necessity and urgency of depreciation reform is widely recognized by all authorities. It is regrettable that in this session of the Congress we have failed to take action on this problem which has plagued American business for many years.

The modernization of private enterprise is the primary means of creating employment opportunities for our growing labor force. Present depreciation policies do not encourage expansion, and the impact of inflation and technological obsolescence have resulted in inadequate allowances and outmoded plant and equipment.

Mr. President, a subcommittee of the Senate Select Committee on Small Business, of which I am a member, conducted hearings in 1959 on the effects of Federal tax depreciation policies on small business. The testimony of every witness pointed out the need for a more realistic depreciation policy.

The report of the subcommittee stated:

Present depreciation policies do not sufficiently encourage the expansion of the national economy. Indeed, these policies have, in all probability, stifled economic growth.

The twin problems of inflation and technological obsolescence have become increasingly significant in recent years. In combination, they have made our depreciation policies completely out of date, though those policies may have been reasonable and perhaps necessary in the 1930's.[1]

The reason that no unusual problem for the business community was encountered during the 1930's stems from the fact that the moneys accumulated through depreciation accounts were adequate to purchase new equipment since inflationary effects had not yet taken place.

The subcommittee made three basic recommendations. First, it proposed that the period of depreciating property should be shortened. Secondly, it suggested that greater depreciation be permitted in the years immediately after purchase of property, and thirdly, that the depreciation of property on a basis other than original cost should be considered in order to combat the effect of inflation.

The report of the subcommittee further stated:

Your committee has recommended a liberalization of depreciation policy toward all business, large and small. This seems necessary if we are to have the economic growth needed to compete with other industrial nations.[2]

The seriousness of the problem, Mr. President, was vividly described by Mr. Maurice E. Peloubet, a leading certified public accountant, in his prepared statement before the subcommittee:

He said:

Thousands of taxpayers have had to cut down projected modernization programs, because they have been unable to lay aside sufficient reserves for the replacement of obsolete plant and equipment.

This was shown by a nationwide survey made this spring by McGraw-Hill Publishing Co. In answer to a question whether management would accelerate their modernization programs, if depreciation allowances were liberalized, 45 percent of all companies participating in the survey said they would spend more on new plants and equipment.

In a McGraw-Hill survey made last fall, it was shown that out of a total of $300 billion U.S. industrial capital assets, $95 billion of plant and equipment was considered economically obsolete. This $95 billion figure has been built up over a period of years because of inflation and the consequent erosion of capital assets which is inevitable under our present tax structure.

Everyone knows that it is bad business and bad financing to raise new money to do nothing more than maintain a company's investment in fixed property. The decline in value and usefulness of investment in depreciable property should be provided for entirely out of income.

It is just as true in business as it is in private life that the poor man, the man of small means, must be more prudent and sounder financially than his wealthier neighbor. He cannot live beyond his means as for or as long and he cannot borrow as much for imprudent or unnecessary purposes.

It is the same in business. A small company finds it almost impossible to borrow when it needs funds to replace machinery and equipment it should have provided for out of income.

The larger companies are often able to borrow for this purpose, improper and imprudent though it may be. They can also get along for a time by depriving their stockholders of a proper return on investment.

It is, of course, just as wrong and reckless for a large company to borrow new money for current replacements that should have been provided for out of income, but the evil day can generally be put off somewhat longer.

This erosion of capital is particularly noticeable among small businesses. In all cases there is an erosion of capital assets because of inadequate depreciation allowances which, at present, provide writeoffs merely on the original purchase price of tools of production and do not take into consideration the present purchase prices which are frequently two or three times of, say, 1940 costs.

The annual difference between what is spent for plant and equipment and what should be spent for such purposes is estimated authoritatively at about $4 to $5 billion. As pointed out above, it has now built up to $95 billion as of last autumn, and may now be $100 billion or more.

In order to acquire new equipment to replace the economically obsolete, many firms are driven into long-term borrowings which, obviously, dilute equity investments. This is an invisible drag on capital investments and on the U.S. economy as a whole.[3]

Mr. President, American industry is now faced with formidable competition in world markets from foreign countries which have built up their industrial complex since World War II and have modern and efficient plant and equipment. European countries have encouraged such investment by industry through a more flexible approach to depreciation allowances. Most Governments abroad permit faster writeoffs, and some have allowed revaluation of assets in order to compensate for higher replacement costs resulting from inflation. Others grant investment allowances over and above original costs, thereby permitting total tax deductions greater than the historical cost of depreciable property.

For example, the United Kingdom allows an investment allowance of 20 percent plus an initial allowance of 10 percent of new machinery and plant. In addition, full depreciation is permitted at accelerated basic rates developed in consultation with various trade associations. For a piece of equipment with a basic rate of 10 percent, the first year allowance would be 42½ percent.

In France, depreciation is computed at 15 percent on a straight-line basis. This rate will recover the costs of a depreciable asset in less than 7 years. In addition, a double allowance is given in the first year, or 30 percent with the remaining 70 percent depreciated at 15 percent of original cost in less than 5 years. Depreciation on a declining basis is also authorized with the result that allowances in the first 3 years for property with a 10-percent rate would total 57.8 percent. France also permits revaluation of assets by applying factors to historic cost and annual depreciation allowances since the date of acquisition. The result is that equipment completely written off can have a restored value for additional depreciation.

West Germany allows a basic rate of 10 percent for straight line depreciation of machinery. Under a declining-balance formula this may be increased by a multiplier of 2½, thus giving a write-off of 25 percent in the first year and about 58 percent of cost in the first 3 years. Liberalized depreciation has been so successful in Germany that the program has been slightly modified in order to ease the excessive pressure on its capital goods industry.

Mr. President, the result of our restrictive depreciation policies was pointed out by President Kennedy in an address before the National Industrial Conference Board on February 13.

He said:

The average age of equipment in American factories today is about 9 years. In a dynamic economy, that average should be falling, as new equipment is put into place. Instead the available evidence suggests that it has been slowly rising.

Private surveys of machine tools used by manufacturers of general industrial equipment found less than half of these tools over 10 years old in 1949, but two-thirds over that age in 1958. Nineteen percent of our machine tools were found to be over 20 years old.

Meanwhile, other countries have been lowering the average age of their fixed capital. The German example is the most spectacular—their proportion of capital equipment and plant under 5 years of age grew from one-sixth of the total in 1948 to two-fifths in 1957.

For several years we have been confronted with an unfavorable balance of payments in our international accounts. This has resulted in a loss of our country's monetary gold reserves. If we are to maintain our position in international markets, we must increase the efficiency of our producers. This in turn requires that American industry must have the most modern and efficient equipment so that we can continue to pay higher wages than prevail abroad and still compete effectively in world markets as well as meet the growing problem which faces

[1] "Tax Depreciation Allowances on Capital Equipment," report of the Select Committee on Small Business, U.S. Senate, 86th Cong., 2d sess., Rept. 1017, Jan. 7, 1960, p. 10.

[2] Ibid., p. 11.

[3] "Tax Depreciation Allowances on Capital Equipment," hearings before subcommittee of the Select Committee on Small Business, U.S. Senate, 86th Cong., 1st sess., July 24, 1959, pp. 10, 11.

American labor and industry alike of competition from imported products.

Mr. President, a good deal has been said in the past year of the need to stimulate economic growth. If we are sincerely concerned with this problem, liberalized depreciation policies are an obvious method to accomplish our objective.

An acknowledged authority on depreciation policy, Father William T. Hogan, S.J., of Fordham University, recently made some pertinent observations on this subject. I ask unanimous consent to have them printed at this point in the RECORD.

There being no objection, the observations were ordered to be printed in the RECORD, as follows:

The way taxes are levied * * * affects the advance of productivity and output. We must remain alert to the possibility of making the tax system a more effective instrument for promoting economic growth. Taxes affect the ability of individuals and corporations to save. Likewise, their impact on the risk and return of investment influences the willingness to make productive use of saving. Our tax system should give encouragement to productive effort and should facilitate the mobility and efficient use of capital. We should continue to review our tax system from these standpoints, as well as from the standpoint of equity. * * *

All industries, small and large, which use long-lived machinery that must be written off in a 20- or 30-year period are faced with this problem.

Some specific comparisons of replacement costs with original costs may serve to bring the problem into sharper focus. In 1940 the railroads paid $2,550 for a 55-ton-capacity freight car. Today the price of the same capacity car stands at $9,000. A printing press installed in 1935 at a cost of $31,400 required an investment of $128,000 when replaced in 1958. A blast furnace which is the basic production unit in the steel industry could be installed for $8 million in 1945; today, the same furnace cannot be built for less than $26 million.

In order to replace its wornout facilities, one steel company during a 10-year period had to supplement every dollar invested from depreciation accrual with $1.30 taken from profits. Thus $220 million had to be drawn from profits to supplement $170 of depreciation allowances.[4]

The current depreciation-tax system in addition to its adverse effect on employment has placed us at a disadvantage in the economic cold war with Russia. Recent developments have opened the way to an accelerated technological advancement within the Soviet Union and its satellites. Automation is being encouraged by the Kremlin as a means of boosting production and snaring export markets.

Although low by U.S. standards, Russian productivity is rising. These productivity gains, combined with low wages, already are making Russia a more important competitor in some export markets and promise to bring increased Soviet trade competition in the future.

Highly mechanized Soviet factories, concentrating on a limited range of models, turned out 26 million watches and clocks last year, more than triple the 1950 output. A $92,000 shipment of the timepieces was recently made to England.

More significant to our security, however, are the strides the Soviets have made in the capital goods field. The cost of their 1-K-62 lathe, for example, has been cut to half the average even for Soviet industry. In Western Europe the lathe is priced at only $3,800. The identical machine if produced in the United States would cost $10,000. At present the lathe is being sold in West Germany, France, Italy, and Finland.[5]

It is evident that we in the United States face a serious problem during the coming decade in providing jobs for a rapidly increasing labor force. The problem becomes more difficult in the face of foreign competition which has already made inroads on our markets at home and abroad.

The total solution will require a number of changes and adjustments, one of which is the liberalization of present depreciation allowances so that the true cost of wear and tear on capital equipment can be written off before taxes. Thus the tax system will be geared to encourage investment, which is the basic stimulant to economic activity and employment growth. However, growth must be preceded by modernization of existing facilities in order to keep our industrial plant in balance.[6]

Mr. SCHOEPPEL. Mr. President, in 1944 Prof. Harold M. Groves on behalf of the Committee for Economic Development prepared a research study entitled "Production, Jobs, and Taxes." He urged more freedom in depreciation and obsolescence accounting. Although 17 years have elapsed, his study still provides a useful guide. He said:

The Government's principal concern should be to ascertain that the cost of fixed facilities is deducted in an orderly manner and that safeguards are established to prevent duplicate deductions. It certainly seems in order to suggest that, within a wide range of tolerance, business' own judgment with reference to depreciation and obsolescence, as indicated by its books, might well be accepted in lieu of a more precise figure laboriously calculated by the Bureau of Internal Revenue.[7]

It is too often forgotten that if the cost of a facility has once been completely recovered through depreciation, then a business firm has no further offsets against its profit, and what the Government loses today it will recoup tomorrow.

Mr. President, during the first few years following a change in depreciation policies, there may be a loss in the revenues of the Federal Government, which I am not sure will ever materialize. If efficiency is increased and profits rise, the taxes on increased profits may more than offset the more liberal depreciation allowances. In any event, after a few years there will be no loss to the Treasury, and if corporate profits increase and the income of our people continues to rise at a faster rate because of a more efficient productive plant, the Federal revenues will be on an ascending scale forever after.

The principal concern of the business community during a time of inflation is to recover its cash outlays promptly. This has the added advantage that they may be used for other capital goods purchases. Experience shows that if this occurs, they will be promptly reinvested in expansion making more jobs and creating further revenues for the Government. Certainly, no firm is interested in maintaining idle funds for which it has no real use.

When the 16th amendment to the Constitution was adopted, it was the express intention of those immediately concerned to levy taxes on income, and not on capital per se. However, because of the ravages of inflation, we have in effect authorized a levy on capital.

On August 10, 1957, Mr. Roger C. Tyson, chairman of the finance committee of the United States Steel Corp., appeared before the Senate Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary during its study on administered prices in the steel industry. He described the problem confronting industry in replacing obsolescent facilities. Mr. President, I shall quote from his testimony. He said:

As basic costs continue to be forced upward, management's problem becomes especially acute with respect to covering the depreciation deficiency because it takes $2, either from cost reduction or from customers in the prices they pay, to yield $1 toward meeting the depreciation deficiency. This is because tax law refuses to treat the depreciation deficiency as a cost. Thus, I have just noted the prospective disappearance of $140 million of amortization from our recorded wear and exhaustion. If such amortization had not been available in 1956, United States Steel's depreciation deficiency would have increased from about $67 million to about $175 million. Such a deficiency is equivalent to more than $6 per ton of finished steel shipped in 1956, and to have $6 per ton after taxes requires $12 per ton in the price of steel.

I am sure that the more one studies this inflation-wrought deficiency in depreciation the more convinced he will become that part of what is conventionally labeled as income cannot be regarded as income in the former and traditional sense because it is actually required to cover realistic depreciation cost if the company is just to keep even, let alone expand. This in turn means that he who would inveigh against a reported profit margin, which is already low when compared with margins in past years of similar operating rates, had better think twice about it lest he finds himself in reality demanding that the Nation's job-creating tools of production be eroded away and the incentive to provide new ones undermined.[8]

Mr. President, the origin of the depreciation problem can be traced back to 1934 when this country was suffering from a severe depression. At that time Congress was faced with the need to raise additional revenues to finance the public works programs of the era, and was impressed by the extent which deductions for depreciation reduced taxable net income. The Committee on Ways and Means in 1933 proposed a 25 percent cut in all depreciation deductions.

Concerned about the constitutionality of the proposed reduction, the Treasury

[4] "Economic Depreciation and Employment in the 1960's," Hogan, William T., S.J., and Koelbe, Frank T., "Thought, a Review of Culture and Idea," Fordham University Press, 1960, pp. 558, 559.

[5] Ibid., p. 569.

[6] Ibid., p. 582.

[7] Groves, Harold M., "Production, Jobs and Taxes," Committee for Economic Development Research Study, McGraw-Hill Book Co., Inc., 1944, p. 64.

[8] "Administered Prices," hearings before the Subcommittee on Antitrust and Monopoly, Committee on the Judiciary, U.S. Senate, 85th Cong., 1st sess., pt. 2: "Steel," Aug. 10, 1957, p. 247.

Department recommended that the money be raised "administratively."

Mr. President, a paper entitled "Depreciation Policy for an Expanding Economy" was submitted by Mr. George H. Kitendaugh, manager of the tax accounting service of the accounting service department of the General Electric Co., to the Committee on Ways and Means of the House of Representatives in 1959 and is included in the "Tax Revision Compendium."

I ask unanimous consent to have an excerpt from Mr. Kitendaugh's statement included at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The Secretary's letter stated that the problem of having to show by clear and convincing evidence that the taxpayer's claimed depreciation allowance was unreasonable was "a particularly difficult matter" for the Bureau of Internal Revenue. The essence of the Secretary's proposal was to require taxpayers to furnish detailed schedules showing their prior experience with respect to the useful lives of depreciable assets, to spread unrecovered cost over remaining useful life, and to place squarely on the taxpayer the burden of sustaining the depreciation deduction claimed. Since the schedules furnished by the taxpayer were used by the Bureau to develop and propose extended estimated useful lives, and since the burden of proof was now on the taxpayer, most taxpayers discovered, after the new policy was placed in effect, that they could hope for no greater success in disproving lives proposed by the Bureau than the Bureau had previously had in controverting the reasonableness of the taxpayer's determination.

The justification for the new policy was stated to be that many taxpayers had built up reserves for depreciation which were out of proportion to the prior exhaustion, wear, and tear of the depreciable assets. The emphasis here was obviously on the potential physical duration of depreciable assets. Nothing was said about potential obsolescence or loss of economic usefulness. The Secretary undertook to increase tax collections through his methods by as great an amount as the subcommittee's proposal would have produced.[9]

Mr. SCHOEPPEL. Mr. President, conditions tolerable in the depression era of 1934 when the corporation income tax was 13¾ percent are hardly suited to the dynamic age of the 1960's with a corporate income tax of 30 percent plus a surtax of 22 percent on income earned over $25,000. The revolution in technology and science will hasten obsolescence in the years ahead. If we are to enjoy the material benefits which this revolution promises, then we must provide American industry with the incentives and the means to equip itself.

Mr. President, the reform of the depreciation sections of the Tax Code is an urgent necessity which must receive the careful consideration of the Congress during its next session. The Secretary of the Treasury has recommended an investment credit which is a recognition of the need for action. Without taking any dogmatic position against an investment credit, it must be realized that it will not assist a firm which has already purchased new equipment in accumulating the funds for continued modernization since it will only apply to new purchases.

As a member of the Select Committee on Small Business, I was gratified that the distinguished senior Senator from Oregon during the course of the subcommittee's hearings on depreciation problems urged the economists and tax experts who appeared to pursue vigorously an educational program so that not only Members of the Congress but all of our people may understand the need for action in this technical field. His statement was so forthright that I shall quote directly from it:

I want only to make a comment or two, Mr. Chairman, by way of a plea for more help from the first two witnesses in some matters which I think they are particularly fitted to help us.

I wish some way, somehow, we could get the sound economics of the testimony of these first two witnesses before the whole Senate and the whole Congress and understood by them, because this is a perfect example, Mr. Chairman, of where, in the legislative process, too many legislators neither have the time nor are supplied with the information to come to grips with the problems these witnesses have raised.

I happen to believe they are unanswerably right, and that we are really dealing here with some problems of abstract economics which in some way, somehow, we have to get enacted into law.

We are never going to get them enacted into law unless you can get the politicians to understand them. Not only the politicians, but you are going to have to get, may I say, to these experts here, public opinion disabused of some prejudices.

I think your economic case is made by these two presentations, and I know it will be supplemented by the others.

At the risk of taking a minute or two which eats up the time of witnesses whose testimony is more valuable than my comment, I wish to say this: There is no doubt about the fact that we have to get rid of Bulletin F. It has simply become outmoded.

Not only is there no doubt about the fact that we have to take a more enlightened approach to this problem than Canada is taking, but because, as both of these witnesses have pointed out, Mr. Chairman, the sad fact is that in applying our tax policies of this country we have violated a pretty fundamental principle, and I use it in its real sense, of American justice, namely, the lack of uniformity.

If there is anything basic to our way of life, it is at least this goal of being uniform in the application of the prohibitions and the requirements of Government. We are certainly not doing this in the administration of the tax laws.

If you would dig into the experience of these witnesses, by way of specific examples, it would not take long to prove it over and over again. I am going to take judicial notice of it on the basis of what we already know.

What I want to suggest to you gentlemen is that there are three points separate and distinct from the economics of this problem that I think you have a job to help us with, and, may I say to my liberal friends in the Congress, we have a job to do on it, too, because here is a place where we can make a great contribution, I think, to the public life, because liberals can never justify taking a stand on economic issues which are political and not economic. Too often liberals do that.

We have to get across to American public opinion the application of the sound tax economics that I think you men are advocating this morning, which does not in any way cheat the America taxpayer.

I do not have to tell you what you can do on a political platform with a subject matter like this if a politician wants to demagog to get votes rather than lead the public to the facts and get the votes on the basis of the facts.[10]

Mr. President, I am proud to associate myself with these statements, and I fervently believe that action by the Congress on this problem will constitute one of the most helpful measures that we can support to assist small businessmen to prosper and grow.

Mr. President, we have delayed action on this important problem for many years. We can no longer afford to ignore it. I sincerely hope that depreciation reform will receive our attention in the next session of the Congress. All the research has been done. What remains is for us to act.

TRADE-IN OF OBSOLETE VESSELS

Mr. HART. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of calendar No. 843, S. 1728.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 1728) to amend section 510 of the Merchant Marine Act, 1936, to provide for the trade-in of obsolete vessels in connection with the construction of new vessels, either at the time of executing the construction contract or at the time of delivery of the new vessel.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments on page 2, line 4, after the period, to strike out "Any agreement made by the Commission under this section shall provide that the", and insert "The"; at the beginning of line 6, to strike out "transferred to" and insert "acquired by; in the same line, after the word "Commission", to strike out "at the owner's election made upon execution of such agreement," and insert "if the owner so requests"; in line 9, after the word "vessel", to strike out "or at the time" and insert "within five days of the actual date"; in line 12, after the words "of the", where they occur the first time, to strike out "transfer" and insert "acquisition"; in line 13, after the word "vessel", strike out "to" and insert "by"; in line 14, after the word "is", to strike out "transferred to" and insert "acquired"; at the beginning of line 24, to strike out "transfer" and insert "acquisition"; in the same line, after the word "vessel", to strike out "to" and in-

[9] "Revenue Revision Compendium," Committee on Ways and Means, Nov. 16, 1959, vol. 2, pp. 842–843.

[10] "Tax Depreciation Allowances on Capital Equipment," hearings before subcommittee of the Select Committee on Small Business, op. cit., July 24, 1959, pp. 39–40.

sert "by"; on page 3, line 2, after the word "is", to strike out "transferred to" and insert "acquired by"; in line 4, after the word "fund", to insert "This subsection shall apply to obsolete vessels exchanged for new vessels hereafter contracted to be built, or eligible for such exchange but not exchanged in connection with a contract for new vessels executed prior to October 1, 1960"; after line 8, to strike out:

"In any case where at the time of enactment hereof a new vessel is under construction pursuant to a contract executed by an owner of an obsolete vessel, for which new vessel a credit against the transfer to the Commission of an obsolete vessel has not heretofore been allowed at the time of the execution of the construction contract, the Commission, upon application of such owner within ninety days after enactment hereof, is authorized to acquire an obsolete vessel at the time of delivery of said new vessel, in exchange for an allowance which shall be deposited in the owner's capital reserve fund."

And on page 4, line 6, after the word "is", to strike out "transferred to" and insert "acquired by", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510 of the Merchant Marine Act, 1936 (46 U.S.C. 1160), is amended by:

(1) Striking the present subsection (b) and inserting in lieu thereof the following:

"(b) In order to promote the construction of new, safe, and efficient vessels to carry the domestic and foreign waterborne commerce of the United States, the Commission is authorized, subject to the provisions of this section, to acquire any obsolete vessel in exchange for an allowance of credit. The obsolete vessel shall be acquired by the Commission, if the owner so requests, either at the time the owner contracts for the construction or purchase of a new vessel within five days of the actual date of delivery of the new vessel to the owner. The amount of the allowance shall be determined at the time of the acquisition of the obsolete vessel by the Commission. In the event the obsolete vessel is acquired by the Commission at the time the owner contracts for the construction or purchase of the new vessel, the allowance shall not be paid to the owner of the obsolete vessel, but shall be applied upon the purchase price of a new vessel. In the case of a new vessel constructed under the provisions of this Act, such allowance may, under such terms and conditions as the Commission may prescribe, be applied upon the cash payments required under this Act. In case the new vessel is not constructed under the provisions of this Act, the allowance shall, upon acquisition of the obsolete vessel by the Commission, be paid, for the account of the owner, to the shipbuilder constructing such new vessel. In the event that title to the obsolete vessel is acquired by the Commission at the time of delivery of the new vessel, the allowance shall be deposited in the owner's capital reserve fund. This subsection shall apply to obsolete vessels exchanged for new vessels hereafter contracted to be built, or eligible for such exchange but not exchanged in connection with a contract for new vessels executed prior to October 1, 1960."

(2) Striking the present subsection (d) and inserting in lieu thereof the following:

"(d) The allowance for an obsolete vessel shall be the fair and reasonable value of such vessel as determined by the Commission. In making such determination the Commission shall consider: (1) the scrap value of the obsolete vessel both in American and foreign markets, (2) the depreciated value based on a twenty or twenty-five year life, whichever is applicable to the obsolete vessel, and (3) the market value thereof for operation in the world trade or in the foreign or domestic trade of the United States. In the event the obsolete vessel is acquired by the Commission at the time the owner contracts for the construction of the new vessel, and the owner uses such vessel during the period of construction of the new vessel, the allowance shall be reduced by an amount representing the fair value of such use. The rate for the use of the obsolete vessel shall be fixed by the Commission for the entire period of such use at the time of execution of the contract for the construction of the new vessel."

Mr. MANSFIELD. Mr. President, do I correctly understand that this bill has been cleared with the Senator from Delaware [Mr. WILLIAMS]?

Mr. HART. I am advised that that is correct.

Mr. President, I move that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Michigan.

The motion was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1728) was ordered to be engrossed for a third reading, was read the third time, and passed.

THE CALENDAR

Mr. HART. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that there be a call of the calendar for the consideration of measures to which there is no objection, seriatim, beginning with Calendar No. 894.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the first measure.

ANNIE TYMOCHEK PORAYKO

The bill (S. 310) for the relief of Annie Tymochek Porayko was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Annie Tymochek Porayko shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

LIU SHUI CHEN

The bill (S. 899) for the relief of Liu Shui Chen was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of the Immigration and Nationality Act, Liu Shui Chen shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

MRS. ALFIA ALESSANDRO MILANA

The bill (S. 1793) for the relief of Mrs. Alfia Alessandro Milana was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Alfia Alessandro Milana, who lost United States citizenship under the provisions of section 401(e) of the Nationality Act of 1940, as amended, may be naturalized by taking, prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Mrs. Alfia Alessandro Milana shall have the same citizenship status as that which existed immediately prior to its loss.

ANNEMARIE HERRMANN

The bill (S. 1947) for the relief of Annemarie Herrmann was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Annemarie Herrmann, the fiancée of Kenneth D. Hobble, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided,* That the administrative authorities find that the said Annemarie Herrmann is coming to the United States with a bona fide intention of being married to the said Kenneth D. Hobble and that she is found to be otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Annemarie Herrmann, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Annemarie Herrman, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Annemarie Herrmann as of the date of the payment by her of the required visa fee.

PAUL JAMES BRANAN

The bill (S. 2291) for the relief of Paul James Branan, was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205

of the Immigration and Nationality Act, the minor child, Paul James Branan, shall be held and considered to be the natural-born alien child of Staff Sergeant and Mrs. Thomas D. Branan, citizens of the United States: *Provided*, That the natural parents of the said Paul James Branan shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

MRS. SETO YIU KWEI

The bill (H.R. 1325) for the relief of Mrs. Seto Yiu Kwei, was considered, ordered to a third reading, was read the third time, and passed.

ZSUZSANNA REISZ

The bill (H.R. 1369) for the relief of Zsuzsanna Reisz, was considered, ordered to a third reading, was read the third time, and passed.

LASZLO HAMORI

The bill (H.R. 1394) for the relief of Laszlo Hamori, was considered, ordered to a third reading, was read the third time, and passed.

MRS. JOSEFA PIDLAOAN AND DAUGHTER ANNABELLE PIDLAOAN

The bill (H.R. 1399) for the relief of Mrs. Josefa Pidlaoan and daughter Annabelle Pidlaoan, was considered, ordered to a third reading, was read the third time, and passed.

MRS. AGAVNI YAZICIOGLU

The bill (H.R. 1422) for the relief of Mrs. Agavni Yazicioglu was considered, ordered to a third reading, was read the third time, and passed.

EN2C. HIDEO CHUMAN, U.S. NAVY

The bill (H.R. 1459) for the relief of En2c. Hideo Chuman was considered, ordered to a third reading, was read the third time, and passed.

ALOYSIUS VAN DE VALDE

The bill (H.R. 1496) for the relief of Aloysius van de Valde was considered, ordered to a third reading, was read the third time, and passed.

JEANINE RUTH TABACNIK

The bill (H.R. 1532) for the relief of Jeanine Ruth Tabacnik was considered, ordered to a third reading, was read the third time, and passed.

JESUS GARZA LOPEZ

The bill (H.R. 1550) for the relief of Jesus Garza Lopez was considered, ordered to a third reading, was read the third time, and passed.

KIM-OK YUN

The bill (H.R. 1551) for the relief of Kim-Ok Yun was considered, ordered to a third reading, was read the third time, and passed.

ISEI SAKIOKA

The bill (H.R. 1569) for the relief of Isei Sakioka was considered, ordered to a third reading, was read the third time, and passed.

MARIA FALATO COLACICCO

The bill (H.R. 1581) for the relief of Maria Falato Colacicco was considered, ordered to a third reading, was read the third time, and passed.

MRS. CHUNG-HUANG TANG KAO

The bill (H.R. 1583) for the relief of Mrs. Chung-Huang Tang Kao was considered, ordered to a third reading, was read the third time, and passed.

BYRON K. EFTHIMIADIS

The bill (H.R. 1614) for the relief of Byron K. Efthimiadis was considered, ordered to a third reading, was read the third time, and passed.

CARMA PEREIRA DE BUSTILLOS

The bill (H.R. 1630) for the relief of Carma Pereira de Bustillos was considered, ordered to a third reading, was read the third time, and passed.

JOAN JOSEPHINE SMITH

The bill (H.R. 1646) for the relief of Joan Josephine Smith was considered, ordered to a third reading, was read the third time, and passed.

NICHOLAS J. KATSAROS

The bill (H.R. 1714) for the relief of Nicholas J. Katsaros was considered, ordered to a third reading, was read the third time, and passed.

ISABEL BROWN

The bill (H.R. 1898) for the relief of Isabel Brown was considered, ordered to a third reading, was read the third time, and passed.

GEORGIA J. MAKRIS

The bill (H.R. 1901) for the relief of Georgia J. Makris was considered, ordered to a third reading, was read the third time, and passed.

HAJIME MISAKA

The bill (H.R. 2136) for the relief of Hajime Misaka was considered, ordered to a third reading, was read the third time, and passed.

JOGINDER SINGH TOOR

The bill (H.R. 2145) for the relief of Joginder Singh Toor was considered, ordered to a third reading, was read the third time, and passed.

MRS. PAMELA GOUGH WALKER

The bill (H.R. 2655) for the relief of Mrs. Pamela Gough Walker was considered, ordered to a third reading, was read the third time, and passed.

GREGOIRE A. KUBLIN

The bill (H.R. 2822) for the relief of Gregoire A. Kublin was considered, ordered to a third reading, was read the third time, and passed.

MRS. MARIA A. SCHMOLDT

The bill (H.R. 3133) for the relief of Mrs. Maria A. Schmoldt was considered, ordered to a third reading, was read the third time, and passed.

ISTVAN ZSOLDOS

The bill (H.R. 3393) for the relief of Istvan Zsoldos was considered, ordered to a third reading, was read the third time, and passed.

ELEMER CHRISTIAN SARKOZY

The bill (H.R. 3404) for the relief of Elemer Christian Sarkozy was considered, ordered to a third reading, was read the third time, and passed.

MATTHIAS NOCK, JR.

The bill (H.R. 3718) for the relief of Matthias Nock, Jr., was considered, ordered to a third reading, was read the third time, and passed.

SYLVIA ABRAMS ABRAMOWITZ

The bill (H.R. 4221) for the relief of Sylvia Abrams Abramowitz was considered, ordered to a third reading, was read the third time, and passed.

RICHARD FORDHAM

The bill (H.R. 4384) for the relief of Richard Fordham was considered, ordered to a third reading, was read the third time, and passed.

MRS. MARGARET RUDA DANIEL

The bill (H.R. 4499) for the relief of Mrs. Margaret Ruda Daniel was considered, ordered to a third reading, was read the third time, and passed.

ZBIGNIEW RYBA

The bill (H.R. 4553) for the relief of Zbigniew Ryba was considered, ordered to a third reading, was read the third time, and passed.

COMPTON JONES AND HULBERT JONES

The bill (H.R. 5136) for the relief of Compton Jones and Hulbert Jones was considered, ordered to a third reading, was read the third time, and passed.

FRANCISCO JOAQUIM ALVES

The bill (H.R. 5138) for the relief of Francisco Joaquim Alves was considered, ordered to a third reading, was read the third time, and passed.

VITO RECCHIA

The bill (H.R. 5141) for the relief of Vito Recchia was considered, ordered to a third reading, was read the third time, and passed.

STEVEN MARK HALLINAN

The bill (H.R. 5735) for the relief of Steven Mark Hallinan was considered, ordered to a third reading, was read the third time, and passed.

ADOLPHE C. VERHEYN

The bill (H.R. 6158) for the relief of Adolphe C. Verheyn was considered, ordered to a third reading, was read the third time, and passed.

YASUKO OTSU

The Senate proceeded to consider the bill (S. 1560) for the relief of Yasuko Otsu which had been reported from the Committee on the Judiciary, with an amendment, on page 2, line 5, after the word "of", to insert "sections 242 and 243 of", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Yasuko Otsu, the fiancé of Ralph Allen Spellman, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months, if the administrative authorities find (1) that the said Yasuko Otsu, is coming to the United States with a bona fide intention of being married to the said Ralph Allen Spellman and (2) that she is otherwise admissible under the Immigration and Nationality Act. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Yasuko Otsu she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event the marriage between the above-named persons shall occur within three months after the entry of the said Yasuko Otsu the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Yasuko Otsu as of the date of the payment by her of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

MRS. MOY YORK CHE

The Senate proceeded to consider the bill (S. 2012) for the relief of Mrs. Moy York Che which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Act of September 11, 1957 (Public Law 85-316), Mrs. Moy York Che shall be deemed to be within the purview of section 12 of that Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

SAIFOOK CHAN

The Senate proceeded to consider the bill (S. 2163) for the relief of Saifook Chan, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, the provisions of the proviso to section 201(a) shall not be applicable in the case of Saifook Chan, a native of Malaya.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

DEPORTATION OF CERTAIN ALIENS

The Senate proceeded to consider the joint resolution (H.J. Res. 453) relating to deportation of certain aliens which had been reported from the Committee on the Judiciary, with an amendment, on page 3, after line 18, to strike out:

A-1853197, Ignotis, Leonas Louis

The amendment was agreed to.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

NANCY E. WILLIAMSON

The Senate proceeded to consider the bill (S. 1076) for the relief of Nancy E. Williamson, which had been reported from the Committee on the Judiciary, with amendments, at the beginning of line 5, to strike out "Nancy E. Williamson" and insert "Nancie Ellen Williamson", and in line 8, after the word "of", to strike out "Nancy E. Williamson" and insert "Nancie Ellen Williamson"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Nancie Ellen Williamson, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Percy Williamson, citizens of the United States: *Provided,* That no natural parent of Nancie Ellen Williamson by virtue of such parentage, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Nancie Ellen Williamson."

SYLVIA FREDA KARRO AND THREE MINOR CHILDREN

The Senate proceeded to consider the bill (S. 1439) for the relief of Sylvia Freda Karro and her three minor children, Allan Karro, Jennifer Karro, and Michelle Karro, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 4, after the word "Act", to insert "Harold and", and in the same line, after the word "and", to strike out "her" and insert "their"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Harold and Sylvia Freda Karro and their three minor children, Allan Karro, Jennifer Karro, and Michelle Karro, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Harold and Sylvia Freda Karro and their three minor children, Allen Karro, Jennifer Karro, and Michelle Karro."

BRIGITTE MARIE KROLL

The Senate proceeded to consider the Marie Kroll, which had been reported bill (S. 1685) for the relief of Brigitte from the Committee on the Judiciary with amendments, in line 4, after the name "Marie", to insert "Ida"; in line 7, after the word "to", to strike out "be" and insert "meet the", and in the same line, after the word "presence", to strike out "in the United States within the meaning" and insert "requirements"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, the periods of time Brigitte Marie Ida Kroll has resided in the United States since her admission as a lawful permanent resident on May 23, 1953, shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act, and the petition for naturalization may be filed with any court having naturalization jurisdiction.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Brigitte Marie Ida Kroll."

ATHANISIA G. KOUMOUTSOU

The Senate proceeded to consider the bill (S. 2337) for the relief of Athanisia G. Koumoutsou, which had been reported from the Committee on the Judiciary with amendments, in line 5, after the initial "G.", to strike out "Koumoutsou" and insert "Koumoutsos", and in line 9, after the initial "G.", to strike out "Koumoutsou" and insert "Koumoutsos"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Athanisia G. Koumoutsos, shall be held and considered to be the natural-born alien child of Frank Demopoulos and Christina Demopoulos, citizens of the United States: *Provided*, That the natural parents of the said Athanisia G. Koumoutsos shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Athanisia G. Koumoutsos."

IMPROVEMENT OF PORTLAND HARBOR, MAINE

The Senate proceeded to consider the bill (S. 2394) to authorize the improvement of Portland Harbor, Maine, which had been reported from the Committee on Public Works with an amendment, on page 1, line 10, after the word "in", to strike out "Senate Document Numbered ," and insert "House Document Numbered 216,"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the existing project for Portland Harbor, Maine, is hereby modified to provide an entrance channel one thousand feet wide and forty-five feet deep from deep water in Casco Bay to a line about opposite Fort Gorges, and a maneuvering basin and anchorage forty-five feet deep in the existing House Island anchorage area; all generally in accordance with the report and recommendation of the Chief of Engineers contained in House Document Numbered 216, Eighty-seventh Congress, first session, at an estimated cost to the United States of $8,340,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

EXCHANGE OF CERTAIN LAND IN MADERA COUNTY, CALIF.

The bill (H.R. 1378) to authorize the Secretary of the Interior to enter into an exchange of certain land in Madera County, Calif., with Mary Saunders Moses was considered, ordered to a third reading, was read the third time, and passed.

ADVERSE CLAIMS AND ADVERSE SUITS AGAINST MINERAL ENTRIES IN ALASKA

The bill (H.R. 2924) to repeal an act entitled "An act extending the time in which to file adverse claims and institute adverse suits against mineral entries in the district of Alaska, approved June 7, 1910 (36 Stat. 459), was considered, ordered to a third reading, was read the third time, and passed.

CONVEYANCE OF PORTION OF HENRY G. SHIRLEY MEMORIAL HIGHWAY, VIRGINIA

The bill (H.R. 8678) to provide for the conveyance of a portion of the Henry G. Shirley Memorial Highway and other highways on the Pentagon road network to the Commonwealth of Virginia, and for other purposes, was considered, ordered to a third reading, was read the third time, and passed.

HUBBELL TRADING POST NATIONAL HISTORIC SITE, ARIZ.

The Senate proceeded to consider the bill (S. 522) to authorize the establishment of the Hubbell Trading Post National Historic Site, in the State of Arizona, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 2, line 5, after the word "acres", to insert a colon and "*Provided further*, That the amount of land retained for the purpose hereinbefore stated shall not be in excess of that amount of land reasonably required to carry out the purposes of this Act.", and, after line 19, to insert a new section, as follows:

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, no more than $125,000 of which shall be spent for the acquisition of land and improvements thereon.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of establishing the Hubbell Trading Post National Historic Site, the Secretary of the Interior is authorized to purchase with donated funds or funds appropriated for the purpose, at a price to be agreed upon between the Secretary and the owner or owners, not to exceed the fair market value, the site and remaining structures of the Hubbell Trading Post at Ganado, Arizona, including the contents of cultural and historical value, together with such additional land and interests in land as in his discretion are needed to preserve and protect the post and its environs for the benefit and enjoyment of the public: *Provided*, That the total area so acquired shall not exceed one hundred and sixty acres: *Provided further*, That the amount of land retained for the purpose hereinbefore stated shall not be in excess of that amount of land reasonably required to carry out the purposes of this Act.

SEC. 2. Upon a determination by the Secretary of the Interior that sufficient land, structures, and other property have been acquired by the United States for the national historic site, as provided in section 1 of this Act, such property shall be established as the Hubbell Trading Post National Historic Site, and thereafter shall be administered by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (35 Stat. 535), as amended. An order of the Secretary, constituting notice of such establishment, shall be published in the Federal Register.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, no more than $125,000 of which shall be spent for the acquisition of land and improvements thereon.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

AMENDMENT OF CLASSIFICATION ACT OF 1949

The bill (H.R. 6007) to amend sec. 505(d) of the Classification Act of 1949, as amended, with respect to certain positions in the General Accounting Office was considered, ordered to a third reading, was read the third time, and passed.

ASSISTANCE OF CERTAIN MIGRANTS AND REFUGEES

The Senate proceeded to consider the bill (H.R. 8291) to enable the United States to participate in the assistance rendered to certain migrants and refugees, which had been reported from the Committee on Foreign Relations with amendments, on page 2, line 5, after the word "the", to strike out "Committee;" and insert "Committee."; after line 12, to insert:

(2) for assistance to or in behalf of escapees, refugees and similar selected persons from any Communist-dominated or Communist-occupied countries or areas, and any other countries or areas designated by the President, either to form such persons into elements of the military forces supporting the North Atlantic Treaty Organization or in furtherance of the objectives of the foreign policy of the United States when the President determines that such assistance will contribute to the defense of the North Atlantic area, to the security of the United States; or to the foreign policy interests of the United States;

On page 3, at the beginning of line 1, to strike out "(2)" and insert "(3)"; in line 7, after the word "from", to strike out "a country of the Western Hemisphere" and insert "Cuba."; in line 10, after the word "opinion", to strike out "(C) have not been admitted for permanent residence under the Immigration and Nationality Act; and (D)" and insert "and (C)"; in line 13, after the word "of", to strike out "life, or for education, or for transportation; and" and insert "life;"; after line 14, to strike out:

(3) for assistance to escapees from the Soviet Union, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Lithuania, Latvia, and Estonia, or the Communist-dominated or Communist-occupied areas of Germany, or any Communist-dominated or Communist-occupied area of Asia and any other countries absorbed by the Soviet Union, either to form such persons into elements of the military forces supporting the North Atlantic Treaty Organization or in furtherance of the objectives of the foreign policy of the United States when the President determines that such assistance will contribute to the defense of the North Atlantic area or to the security of the United States;

On page 4, after line 3, to insert:

(4) for assistance to State or local public agencies providing services for substantial numbers of individuals who meet the requirements of subparagraph (3) (other than clause (C) thereof) for (A) health services and educational services to such individuals, and (B) special training for employment and services related thereto;

(5) for transportation to, and resettlement in, other areas of the United States of individuals who meet the requirements of subparagraph (3) (other than clause (C) thereof) and who, having regard for their income and other resources, need assistance in obtaining such services; and

(6) for establishment and maintenance of projects for employment or refresher professional training of individuals who meet the

requirements of subparagraph (3) (other than clause (C) thereof) and, who, having regard for their income and resources, need such employment or need assistance in obtaining such retraining.

On page 5, line 8, after the word "functions", to strike out "authorized in this Act;" and insert "pursuant to subsection (c) of this section."; on page 6, line 6, after the word "such", to strike out "purposes;" and insert "purposes."; in line 15, after "(a)", to insert "(1)", and in the same line, after the amendment just above stated, to strike out "Subject to the provisions of section 301 of title 3, United States Code, the" and insert "The"; in line 22, after the word "subsection", to strike out "shall prescribe such regulations as may be necessary to carry out such functions. If the President shall so specify, any individual so designated under this subsection is authorized to redelegate to any of his subordinates any functions authorized to be performed by him under this subsection, except the function of prescribing regulations or exercising any action or authority specified in section 3 of this Act" and insert "may redelegate such functions"; on page 7, after line 5, to insert:

(2) Section 104(b) of the Immigration and Nationality Act (8 U.S.C. 1104(b)), is amended by inserting after the first sentence the following: "He shall be appointed by the President by and with the advice and consent of the Senate.". This subparagraph (a)(2) shall be effective thirty days after the date of enactment of this Act.

In line 17, after the word "Act", to insert "or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred", and on page 9, after line 5, to strike out:

SEC. 6. Subsections (a), (c), and (d) of section 405 of the Mutual Security Act of 1954, as amended, are hereby repealed.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ADDITIONAL FUNDS FOR COMMITTEE ON THE JUDICIARY

The resolution (S. Res. 201) providing additional funds for the Committee on the Judiciary in connection with the internal security of the United States was considered and agreed to, as follows:

Resolved, That the limitation of expenditures under S. Res. 49, Eighty-seventh Congress, first session, relating to the internal security of the United States, agreed to January 31, 1961, is hereby increased by $20,000, and such sum, together with any unexpended balance of sum previously authorized to be expended under such resolution, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee and covering obligations incurred under such resolution on or before January 31, 1962.

INCREASE IN LIMIT OF EXPENDITURES BY SPECIAL COMMITTEE ON AGING

The resolution (S. Res. 204) increasing the limit of expenditures by the Special Committee on Aging was considered and agreed to, as follows:

Resolved, That S. Res. 33, agreed to February 13, 1961, authorizing the creation of a Special Committee on Aging, is amended on page 4, line 5, by striking out "$150,000" and inserting in lieu thereof "$185,000".

ADDITIONAL FUNDS FOR COMMITTEE ON GOVERNMENT OPERATIONS

The resolution (S. Res. 205) authorizing the expenditure of additional funds by the Committee on Government Operations was considered and agreed to, as follows:

Resolved, That S. Res. 26, agreed to February 13, 1961, authorizing the Committee on Government Operations, or any duly authorized subcommittee thereof, to conduct a study and investigation of all matters pertaining to interagency coordination, economy, and efficiency, is amended on page 2, line 20, by striking out "$75,000" and inserting in lieu thereof "$90,000".

ROBERT A. MATTINA

The resolution (S. Res. 209) to pay a gratuity to Robert A. Mattina was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Robert A. Mattina, son of Janette V. Pernice, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

PRINTING OF CERTAIN HEARINGS BEFORE INTERNAL SECURITY SUBCOMMITTEE

The concurrent resolution (S. Con. Res. 44) to print certain hearings before the Internal Security Subcommittee of the Judiciary Committee in Spanish, French, and Italian languages was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary two thousand copies each of translations into the Spanish, French, and Italian languages of a hearing of the Internal Security Subcommittee on June 2, 1961, containing the testimony of Richard Helms, assistant director, Central Intelligence Agency, on the subject of Communist forgeries.

STATE OF NEW HAMPSHIRE

The Senate proceeded to consider the bill (S. 1942) for the relief of the State of New Hampshire, which had been reported from the Committee on the Judiciary with amendments, on page 1, at the beginning of line 6, to strike out "$72,645.77, plus interest as provided in subsection (b)" and insert "$65,049.93"; on page 2, line 5, after the word "Defense", to insert a colon and "*Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.", and, after line 12, to strike out:

(b) The amount of interest that the Secretary of the Treasury shall pay under the provisions of this Act shall be an amount equal to the amount of interest which has accrued on the judgments referred to in subsection (a) from the date on which such judgments were rendered to the date of payment by the United States under this Act, or the date of payment of such judgments by the State of New Hampshire, whichever is earlier: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the State of New Hampshire the sum of $65,049.93. The payment of such sum shall be in full satisfaction of all claims of the State of New Hampshire against the United States on account of judgments rendered against such State in connection with property damage caused by the crash of an aircraft which was owned by the United States and was, at the time of such crash (July 18, 1957), being operated by a member of the New Hampshire Air National Guard while on an active duty for training mission authorized by the National Guard Bureau, Department of Defense: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COTTON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KEATING. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ATTEMPTED ASSASSINATION OF CHANCELLOR ADENAUER

Mr. DODD. Mr. President, there was an attempt today on the life of Chancellor Adenauer through the use of an explosive device.

I believe that the entire free world will be shocked by the news of this attempted assassination.

I believe that Germans of all political parties and freemen everywhere will rejoice over the Chancellor's escape from the bomb with which some evil force sought to destroy this remarkable man who has served as the democratically

elected leader of the German people during most of the difficult postwar period.

This 85-year-old patriarch of European politics has brought to his position wisdom, statesmanship, and courage.

Out of the economic ruin of 1945, he has led Germany to new heights of economic prosperity.

In defiance of the evil heritage left by the Nazis, he has helped to create a stable and democratic postwar order in Germany.

He has set an example of firmness and courage which has inspired the entire free world to greater firmness and courage.

I believe that Chancellor Adenauer's escape from death may be considered a hopeful augury by the entire free world.

I know I speak for all my colleagues in expressing gratitude that Chancellor Adenauer has been spared to further serve the free world through his wisdom, his example, and his rare understanding of the forces of modern politics.

THE COLLEGE NEWS CONFERENCE

Mr. DOUGLAS. Mr. President, I wish to join with other Members of the Senate in extending congratulations to Ruth Hagy on the success of her efforts in bringing her famous program College News Conference back to the air for the coming television season.

All those who for 8 years enjoyed and were informed by this fine program will welcome the news of its return in late October on over 58 stations of the national educational television and radio center network, and on channel 5 in New York and Washington, D.C. Moreover, I am informed that this Peabody Award winning series will be presented in a new documentary format, its first program being produced in Colombia, South America, and others, for example, originating in Berlin, Formosa, Nigeria, and Puerto Rico.

As in the past, College News Conference will have as its guest many persons from public life. Plans for this season include having as guests Attorney General Robert Kennedy, Senator Barry Goldwater, the Secretary of Health, Education, and Welfare, Abraham Ribicoff, and USIA Director Edward R. Murrow. Such persons as these will be interviewed by panels of college students, who, as I am sure that many of my colleagues who have had the privileges of appearing on this program will agree, ask the guests provocative questions which result in good and newsworthy discussions.

Mr. President, the College News Conference is a distinguished program which represents some of the best which television has to offer to the American people. In continuing to bring it to the air, Ruth Hagy and the national educational television, are performing a public service of high caliber.

STEEL PRICES

Mr. DIRKSEN. Mr. President, in the past few weeks there has been considerable discussion pro and con on the Senate floor with respect to the question of a possible increase in the price of steel after a wage increase goes into effect on October 1. During a discussion of this subject on August 22, the Senator from Tennessee [Mr. KEFAUVER] inserted in the CONGRESSIONAL RECORD a letter written by the President of the United States to the heads of the 12 largest steel companies, urging that there be no increase in the price of steel. Inasmuch as this letter was published in the CONGRESSIONAL RECORD, I feel that it is appropriate that a reply to the President from Mr. Roger M. Blough, chairman of the board, United States Steel Corp., should also be printed in the CONGRESSIONAL RECORD, and, therefore, I ask unanimous consent that the full text of Mr. Blough's letter to the President be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTER TO THE PRESIDENT OF THE UNITED STATES FROM ROGER M. BLOUGH, CHAIRMAN OF THE BOARD OF UNITED STATES STEEL CORP.

DEAR MR. PRESIDENT: May I respectfully acknowledge receipt of your letter of September 6 in which you express concern regarding inflation and steel wage and price movements.

I am certain, Mr. President, that your concern regarding inflation is shared by every thinking American who has experienced its serious effects during the past 20 years. And although we in United States Steel cannot forecast the future trend of prices in any segment of the steel industry and have no definite conclusions regarding our own course during the foreseeable future, nevertheless it should be useful to put some of the information referred to in your letter in proper cause-and-effect perspective. Moreover, your letter does raise questions of such serious import, including the future of freedom in marketing, that I feel impelled to include a word on that score also for whatever value it may be.

First let me assure you that if you seek the causes of inflation in the United States, past, present or future, you will not find them in the levels of steel prices or steel profits.

The facts, as developed by the American Iron & Steel Institute, are that from 1940 through 1960 steel prices rose 174 percent, but the industry's hourly employment costs rose 322 percent, or nearly twice as much. I use 1940 as a starting point rather than 1947 because during the war-affected years of 1940 through 1944 steel wages rose substantially as did the level of wholesale prices; but steel prices increased not at all. Any comparison of these trends which starts with postwar 1947 as a base, therefore, obscures, rather than reveals the realities which the steel companies have had to face throughout this entire period of inflation.

In dollars and cents, wage-earner employment costs per hour worked increased from 90½ cents in 1940 to $3.82 in 1960 and far exceeded any productivity gains that could be achieved even though some $15 billion was invested in new and more efficient plant and equipment during this period. Shipments of steel per man-hour worked (a measurement which overstates the gain in true productivity) improved by less than 40 percent, in contrast to the 322 percent rise in employment cost. Prices at higher competitive levels were the inevitable result.

Your letter speaks of the uncertainty in the amount of the employment cost increases which will occur at the end of this month, and which have sometimes been inaccurately reported elsewhere as being 8 cents. While these costs will obviously vary somewhat among the several companies in the steel industry, the fact is that they will increase by about 13 cents per hour for wage earners; and beyond this the companies must face the added cost of adjusting the pay of many thousands of their salaried employees. In the aggregate, therefore, industry employment costs alone will rise by more than $200 million a year on October 1.

So far as profits are concerned, your advisers have chosen to measure them in terms of the return on reported net worth; and again I am afraid that this does more to confuse than to clarify the issue in the light of the eroding effects of inflation on investments in steelmaking facilities over the past 20 years. If we compare the 50-cent profit dollars of today to the 100-cent dollars that were invested in our business 20 years ago, the resulting profit ratio can hardly be said to have any validity.

To be meaningful, therefore, any such comparison must naturally be adjusted for the effects of inflation, and when this is done it will be found that in the case of United States Steel (the adjusted data for the industry are not available) the return on investment over the past 10 years has averaged about 3 percent and at its highest point was 5.1 percent.

The most useful measurement of the profit trend in a single industry, over an inflationary period, is of course profit as a percentage of sales. On this basis, it will be noted from the attached charts that profits in the steel industry have only once in the past 20 years equalled the 8 percent level at which they stood in 1940, and have averaged only 6½ percent in the past 5 years thus demonstrating clearly that steel prices increases during this period have not fully covered the rapid rise in total steelmaking costs.

In this connection it is interesting to note that following the steel strike which ended last year, an official Government report was prepared for the Department of Labor by Professor Livernash of Harvard University. In this report, which analyzes the cost-price relationship in steel at length, Dr. Livernash concludes:

"Obviously while price policy can be debated in the short run, in the long run all cost increases must be met. Steel has done no more than this."

Another point of caution which should be noted in any discussion of profits on an industrywide basis is that the industry's profit rate is merely an average—and averages can be dangerously misleading. Some companies will earn more than the average, while some may be suffering loses which they cannot sustain indefinitely. So it was in 1960 that among the 30 largest steel companies the profit rate as a percentage of sales ranged from a plus 9.3 percent to a loss of 5.2 percent.

Whatever figure your advisers may elect to use, however, the simple fact is that the profit left in any company, after it pays all costs, is all that there is out of which to make up for the serious inadequacy in depreciation, to repay borrowings, to pay dividends, and to provide for added equipment. If the profit is not good enough to do these things, they cannot and will not be done; and that would not be in the national interest.

So reviewing the whole picture, I cannot quite see how steel profits could be responsible for inflation especially when their portion of the sale dollar over the last 20 years has never exceeded 8 cents and is lower than that today.

As for the admittedly hazardous task which your economic advisers have undertaken in forecasting steel industry profits at

varying rates of operation, let me respectfully underline the word hazardous. Moreover it might reasonably appear to some—as, frankly, it does to me—that they seem to be assuming the role of informal price-setters for steel—psychological or otherwise. But if for steel, what then for automobiles, or rubber, or machinery or electrical products, or food, or paper, or chemicals—or a thousand other products? Do we thus head into unworkable, stifling peacetime controls of prices? Do we do this when the causes of inflation—in a highly competitive economy with ample industrial capacity such as ours—are clearly associated with the fiscal, monetary, labor, and other policies of Government?

As you note in your letter, Mr. President, the level of steel prices has not been increased in over 3 years—since 1958. In fact that level is slightly lower than it was 2 years ago, and in recent months, there have been a number of prices changes, mostly reductions. There are many competitive factors which are constantly changing and which necessarily affect prices in the steel industry or any other industry. Aside from the inescapable employment and other costs, these competitive factors include competition among domestic steel products, competition from other materials such as aluminum, glass, cement, paper and plastics, competition from foreign steel producers, and total customer demand as well as changing customer requirements, to mention only a few. The pressures of the market place are inexorable and cannot be disregarded by a steel company or any other company or, for that matter, cannot be disregarded by any nation which wishes to maintain its position in a competitive world.

In that connection, your letter mentions foreign competition in steel and that, of course, is of serious concern to producers in our industry. Between 1952 and 1959, for a composite of eight nations which are our principal competitors in steel, the average hourly employment cost rose about 35 cents, compared with a rise of $1.48 in the United States. Overcoming this growing cost disadvantage is far from simple. Moreover these employment costs at the end of 1959 averaged less than $1 per hour in those same nations compared with $3.80 for us. These facts go a long way toward explaining why we are less competitive abroad than we were.

I am glad your letter, along with emphasizing steel prices, says:

"I do not wish to minimize the urgency of preventing inflationary movements in steel wages. I recognize, too, that the steel industry, by absorbing increases in employment costs since 1958, has demonstrated a will to halt the price-wage spiral in steel."

The "will" to do what we could to halt the wage-price spiral in steel involved thousands of employees and many companies in the serious human and financial costs of a 116-day strike in 1959. The subsequent settlement resulted in a 3½ to 3¾ percent annual increase in our employment costs, and while this represented a substantial improvement from the corresponding 8-percent average annual increase that had occurred throughout the period since 1940, it was still nearly twice as great as the average long-range improvement in steel shipments per man-hour, which amounted to only 2 percent. So I am afraid there is little justification for the belief that improving productivity will offset the cost of the October 1 wage increase during any reasonable period of time.

With all due deference, moreover, I must note that during the past few months there have been a number of wage settlements which by no stretch of the imagination can be considered to be noninflationary; and in spite of your own commendable concern regarding the inflationary effect of wage movements, there seems to have been, in this same period, a noticeable absence of any observable restraint by unions in their demands.

May I also respectfully observe that it is relatively easy to say that steel is a price bellwether and to draw conclusions from that belief. Steel, of course, is a basic and important commodity, but where inflation is concerned, the price of steel is a symptom of the problem and not a bellwether cause. Simon Whitney, the Director of the Bureau of Economics, Federal Trade Commission, said in 1959:

"Over the long run, any psychological import attached to steel will hardly give it much more weight in the gross national product than the dollar figures show. I believe there is as much or more truth in viewing steel wages as the pace setter for other industries."

The historical evidence would seem to disprove this bellwether theory moreover. For example, there was no increase whatever in steel prices during the years 1940 through 1944; but this did not prevent a substantial inflation in wholesale prices generally during the same period. Conversely from 1951 to 1956 there was virtually no net change in the wholesale price level, despite the fact that steel prices advanced by about 30 percent.

Again there is little support for the theory that a steel price rise consistently pyramids. Dr. Whitney has pointed out that between 1953 and 1958, "the average steel-using item advanced only a tiny fraction of the amount that the rest of the BLS Consumer Price Index advanced."

Reducing prices or avoiding price increases has great popular appeal. As consumers we all want that. But we cannot have it both ways. We cannot have inflationary wage increases, higher taxes, and other rapidly increasing costs on the one hand, and enjoy reduced and unrealistic price levels on the other, without endangering national growth and jeopardizing jobs. I of course know that you are fully aware of this, but the sooner all of us in the great American public understand that simple fact, the better.

Mr. President, I can speak for no one except my associates in United States Steel and myself on this most important subject. We share your conviction that the national interest must be heeded. We are keenly aware of inflation's danger to our institutions and to our national growth. The Nation has already felt too greatly the damaging effects of inflation.

We are also equally aware of the national interest in maintaining strong, healthy industrial units operating under open market circumstances which permit freely entered into buyer-seller arrangements. These units are the sources of jobs and the antidote for unemployment. They are the sources of research, of new products, of more things and more useful things for everyone. These industrial units and the compensation they pay to employees are the main source of our Government's tax revenue. They are vital measures of our Nation's strength.

Each industrial unit and every individual in it does bear, as your letter infers, a serious responsibility in maintaining the economic freedom of the country. I assure you that so far as our own corporation is concerned, we have in the past made every effort to conduct our affairs in the light of that responsibility and our purpose is to do so in the future.

Respectfully yours,

ROGER M. BLOUGH.

Employment costs, prices, and net income, steel industry

Year	Employment costs [1] per hour worked [2] (Index: 1940=100)	Net income as percent of total revenue [2]	Finished steel mill product prices [3] (Index: 1940=100)
1940	100.0	8.0	100.0
1947	172.7	6.1	130.8
1948	185.5	6.7	148.8
1949	193.7	7.1	161.1
1950	210.8	8.0	169.2
1951	233.6	5.8	182.8
1952	255.8	5.0	186.8
1953	269.6	5.6	201.0
1954	277.6	6.0	209.7
1955	300.8	7.8	219.5
1956	326.4	7.3	238.0
1957	355.4	7.3	260.6
1958	388.2	6.3	269.8
1959	419.7	5.8	274.3
1960	422.1	5.7	273.9

[1] Wage employees engaged in production and sale of iron and steel products.
[2] Source: Annual statistical reports, American Iron Steel Institute.
[3] Source: U.S. Bureau of Labor Statistics.

Steel industry profits per dollar of sales

	Percent
1940	8.0
1941	6.0
1942	3.4
1943	2.8
1944	2.7
1945	3.1
1946	5.5
1947	6.1
1948	6.7
1949	7.1
1950	8.0
1951	5.8
1952	5.0
1953	5.6
1954	6.0
1955	7.8
1956	7.3
1957	7.3
1958	6.3
1959	5.8
1960	5.7

EDUCATION OUT OF THE BLUE

Mr. DIRKSEN. Mr. President, a remarkable experiment in education has begun this week in six of our Midwestern States. This venture could have a tremendous influence on the American classroom and could help to meet mass educational needs in many nations throughout the world.

Educational television programs are being beamed to nearly a million students in Illinois, Indiana, Michigan, Wisconsin, Ohio, and Kentucky, from a high-flying airplane. This plane, a DC–6, especially converted and equipped for the purpose, is based at Purdue University in Indiana. The plane is flying in a tight pattern over Montpelier, Ind., and telecasting its programs over an area of approximately a 200-mile radius. The operation is being conducted by the Midwest council on airborne television instruction, headquartered at Purdue University and created through the interest and support of the Ford Foundation.

The entire system of airborne television was originated by the Westinghouse Electric Corp., which has technical responsibility for the Midwest program.

This unique educational activity has resulted from the public spirited cooperation of educators, a charitable foundation, and a large industrial corporation.

This significant educational experiment is described in an excellent article which appeared in the September 2 edition of the Saturday Evening Post. While I thought the author made some unkind remarks about the town of Veedersburg, Ind., which seemed unnecessary, I think this article should be read by all who have an interest in improving educational techniques. I ask unanimous consent to have printed at this point in the RECORD the Saturday Evening Post article entitled "Education Out of the Blue."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EDUCATION OUT OF THE BLUE—HOW A TEXAS ENGINEER'S "CRACKPOT" DREAM—AIRBORNE TELECASTS—MAY REVOLUTIONIZE THE AMERICAN CLASSROOM

(By Evan Hill)

It is a rare day in autumn when flat little, plain little Veedersburg, Ind. (population 2,000), sends one of its healthy, bright-eyed youngsters on to college. Most of the town's 200 high school students complete their education in the patched-over halls of Veedersburg-Van Buren Consolidated High School.

Veedersburg is a clean, friendly, agricultural community. It is prudent and conservative, unstimulating, and perhaps resistant to stimulation. Its schools—some built before the turn of the century—are antiquated and dreary, if not downright ugly. Its teachers are earnest and devoted and more enthusiastic than their low salaries warrant.

While Veedersburg is not impoverished, it is hardly wealthy. "Seven hundred dollars to us is like $10,000 to another town this size," says a resident. But like its teachers, the town is rich in heart. And, beginning the week of September 11, because it had the heart to raise $700—and because of the crackpot dream of a Texas-born electronics engineer—Veedersburg's third-graders will be offered French or Spanish, and its mathematics, history, and science departments will be strengthened with some of the Nation's best teaching.

For Veedersburg spent that difficult $700 on television equipment and joined MPATI—the Midwest program on airborne television instruction. This $10 million project is reaching into six States to teach at least 1 million students now and probably will be serving twice that number by June 1962.

More than 50 educational TV stations have been fortifying the curriculums of American city schools for some years now, but the Veedersburgs of the Nation—which suffer most from intellectual and financial malnutrition—have been neglected. Those that needed help most could afford it least, and until MPATI came along there was no economically feasible method of solving the problem.

MPATI's solution is a bright, blue-sky idea, and the American classroom will never be the same again. MPATI has ripped the entrails out of a huge, 4-engine cargo plane, equipped it with 6 tons of television broadcasting equipment and sent it aloft 23,000 feet to broadcast over a 200-mile radius—into Indiana, Michigan, Ohio, Kentucky, Illinois, Wisconsin, and a narrow fringe of southern Canada. Flying a tight figure-eight pattern over Montpelier, Ind., the aircraft telecasts video-taped lessons over an area with 5 million students in 7,000 school districts. About one-third of these students are in districts too small to provide top-notch education.

Now those schools with the necessary TV sets can offer college Russian; chemistry, biology, or algebra, at either advanced-high-school or college level; American history, American government, or world history for high school; general science for junior high; or arithmetic, music, science, Spanish, French, or English for elementary pupils. In addition there is arithmetic for gifted children in the fifth and sixth grades, and a course in educational methods for practicing teachers. Courses are offered 4 days a week, Monday through Thursday from 8 a.m. to 2 p.m., c.s.t. High school lessons last for 30 minutes, elementary for 20 minutes.

Except for the costs of television receivers and antennas, these lessons are free to schoolteacher and householder alike. But there is one hitch for home viewers. MPATI broadcasts on channels 72 and 76, both in the UHF (ultra high frequency) ranges which cannot be received by the normal home television set. However, a set can be converted to receive both frequencies for about $40. Conversion will not be necessary for 1,500,000 Chicago-area families, because the city's educational TV station, WTTW (channel 11), which broadcasts on normal frequencies, will rebroadcast the airborne lessons. Thus Midwest housewives may choose between "One Nation Indivisible"—a remarkably exciting course in American government and civics—and "Truth or Consequences."

Airborne television was conceived in 1944 when Charles E. (Chili) Nobles, then a 26-year-old Westinghouse Electric Corp. radar expert, dreamed lazily aboard a commercial airliner flying over his native Texas. Before Pearl Harbor, Chili Nobles had worked on television, and now he thought about its future. He gazed at the great land spaces below him, knowing that the earth's curvature prevents most TV towers from reaching out much more than 50 miles. It would take dozens of TV towers to cover Texas alone, he thought, but if TV could be broadcast from a high-flying aircraft, one station might serve the whole State. Today Chili Nobles admits it was a weird dream of an idea, and there were those who thought he's been working to hard.

When Nobles returned to his Baltimore office, he convinced his Westinghouse superiors that the idea was worth exploring. Nobles borrowed a B–29 bomber from the Army in exchange for all data and measurements he would discover, and he went to work with other Westinghouse engineers designing telecast equipment adopted for flight. They devised a gyroscopically controlled, retractable transmitting antenna that projected 24 feet from the plane's belly, always pointing straight down regardless of the pitch of the aircraft.

During the next 3 years Nobles developed "stratovision," using the bomber as a rebroadcast station. He picked up signals from Baltimore and sent them out as far as 200 miles from the circling plane doing the job of 14 ground stations. He rebroadcast the 1948 Republican National Convention in Philadelphia. Only east coast viewers could see the event on regular network television, but stratovision sent it as far west as Michigan. Later that year he rebroadcast the final game of the Cleveland Indians-Boston Braves world's series, with reception reported from Canada, Ohio, Maryland, Pennsylvania, Virginia, and New York. Then, when it was a proved success, Nobles' stratovision had to be abandoned. Coaxial cable was linking stations into networks. The Federal Communications Commission refused to license commercial airborne TV.

So Nobles went to work on other projects. Then one day in 1959 Reuben Lee, a scholarly Westinghouse engineer, walked into Nobles' office and asked him to try stratovision again, this time for education. Nobles refused. "Go away, Reuben," he said. "You've been smoking opium again."

But Reuben Lee would not go away. A few days before, he told Nobles, he had seen the Hagerstown, Md., ETV network that serves 37 schools and more than 17,000 students. Remembering his own schooldays in West Virginia, he felt that Nobles' airborne TV held the answer for intellectually deprived rural areas. "Untrained people are educating children," he told Nobles. "With a studio in the sky even the poorest school could have the best teachers."

Doubtfully Nobles agreed to try. In a few days Lee and Nobles were explaining their scheme to Dr. J. A. Hutcheson, Westinghouse vice president in charge of engineering. Hutcheson applied to the Ford Foundation, which made an initial grant of $4,500,000—later swelled to $6 million. The search was on for an executive. He was found at New York University, holding down the chair of executive vice president at the 38,000-student institution.

A soft-spoken, unobtrusive, 42-year-old North Carolinian, Dr. John E. Ivey Jr. was a natural to pull MPATI together. He was a former university professor, a city planner and a nationally known education consultant. In addition, as a founder and then director of the Southern Regional Education Board, he had had 9 years of experience in coordinating the common goals of higher education in 16 States.

With Doctor Ivey as president, MPATI went into production. In Baltimore, Chili Nobles began to convert 2 DC–6 commercial aircraft (one is a spare) into flying television studios which could broadcast from video tape. And throughout the six-State area Doctor Ivey quietly performed what one Midwesterner calls "the slickest act of mass seduction ever accomplished by one man."

Swiftly Ivey obtained the blessings—and cooperation—of the U.S. Office of Education, the National Education Association, the parent-teachers' association, the educational testing service, and the superintendents of instruction in the six States to be involved. When his roster of participants in planning and development was completed, it contained 239 names and included a dozen university presidents, about 20 university deans, more than 30 professors of education, about an equal number of educational television specialists, curriculum experts from 6 States, and representatives from 16 industries, most of which were involved in television production or transmission.

Deliberately MPATI avoided involvement in the current American debate about academic learning versus life-adjustment education. It did not want to become controversial; it wanted no connection with reform or crusade; it wanted simply to get those planes aloft and broadcasting to the schools.

It has done this with a light-stepping harmony remarkable in so ponderous a project. The first important problem was where to orbit Chili's plane. Ironically, Reuben Lee's West Virginia did not meet the test. MPATI wanted an area with few reception-shielding hills or mountains, a region with both urban and rural schools, one with good universities and vigorous educators, and one where weather would be a minor problem. When meterologists assured Ivey that north central Indiana weather would ground his planes for probably only 2 days each school year, MPATI quickly moved into quarters offered at Purdue University in Lafayette, Ind.

Not only does Purdue have television production facilities, where some MPATI video tapes are produced, but it operates an airport. Its staff of pilots and its maintenance crews were available for airborne television duty. However, a new mile-long runway and a hangar were built for MPATI planes. While this was being done, Ivey pulled in

consultants on textbooks, curriculum, and course content. As they reached agreement on what courses should be offered, Ivey began a nationwide teacher-talent search.

A call went out to all State superintendents of public instruction, to large-city superintendents, and to the directors of educational TV systems, asking for kinescopes of their most effective teachers. Almost all of the responses came from television teachers, but MPATI paid the cost of kinescopes for classroom teachers without television experience. Eighty-eight finalists were selected from 350 candidates. When the curriculum was established, MPATI placed 15 of the finalists under a year's contract—paying them 10 to 20 percent more than their regular teaching salaries—and in the summer of 1960 they went to Purdue.

Subject-matter specialists helped outline their courses, laboriously gluing fact to fact, editing, cutting, adding, using tons of textbooks gathered from all over the world. Television experts aided them in scriptwriting, and other master teachers watched them perform before the cameras, correcting, guiding, directing, suggesting a tone or a gesture or a more effective pause. They made sample tapes, evaluated them, destroyed them and made more. They began to write the manuals for classroom teachers who would use the telecast lessons. They studied films brought in from the British Broadcasting Corp., from NBC, and from other ETV systems.

"We worked night and day 7 days a week," says science teacher John W. Burns. "But we loved it."

At summer's end the teachers were farmed out to produce their lessons in five production centers: Cincinnati, Detroit, Chicago, New York City, and Philadelphia. Last May most of the work was done. Manuals were in the hands of classroom teachers in six States. Another $1 million had been raised from industrial contributions, although $3 million more was still needed. Eleven courses were on tape, and 11 more will be completed by January, which will bring the total to the equivalent of more than 1,000 full-length movies.

Thousands of antennas had been put up on the roofs of rural schoolhouses in the six-State area and hundreds of thousands of students were waiting for the first lessons.

At 8 a.m. on Monday, May 15 of this year, the Midwest program on airborne television was born bawling in three languages over two television channels, and its voice could be heard over an area of 125,000 square miles. For 11 days, until the end of the school year, it spoke French, Spanish, and English, teaching science, music, history, government, geography, biology, and arithmetic. Teachers sampled a smorgasbord of education, flicking from one channel to the other, tasting it, judging it, and watching their pupils' reaction. With few exceptions—slight flickering on the screen where antennas were improperly adjusted, a sample lesson in civics telecast out of sequence—the program was a success.

During this demonstration period I visited some of the schools that were sampling the airborne lessons. New TV sets were scattered through old schoolhouses and the reaction was almost universal: Teachers and students were excited and fascinated. In Kalamazoo, Mich.—120 miles north of the high-flying plane—Elmer Christenson, a sixth-grade teacher, had tuned into telecast No. 73 of John Burns' "Exploring With Science." For 20 minutes his children were served "the problems of flight," learning about ailerons, altimeters, and airspeed indicators. They explored the interior of a huge wind tunnel and were told how to make a model from a cardboard box; they watched an airplane land and saw its elevators in operation. Christenson nodded in admiration. "This is a lesson we could not possibly do ourselves," he said.

One bright-eyed boy told me, "You know what? We went into a wind tunnel, that's what we did." Another excited youngster said earnestly, "Gee, it's just like television."

Western Indiana third-graders—excited and pleased with themselves—greeted me in French and Spanish after a few MPATI lessons. And, although their classroom teachers had never studied these languages, they were planning to teach them this fall. "We'll just learn from the TV along with the students," they said. "It certainly won't be the best system, but it's better than nothing." In another school a fourth-grader accurately recited the anatomical parts of an insect—knowledge he had acquired 2 days before while watching a sample ninth-grade lesson in biology.

Such results are no surprise to the TV instructors who made these tapes. Master teachers themselves, they have known for a long time what is just now being discovered by a good portion of the Midwest—that education can be exciting and that children can learn much more than most people believe is possible.

Zelik Zeff, a resident of France for 23 years and fluent in French, Spanish, and Italian, is MPATI's French teacher. Two years ago, while teaching over live TV in the Detroit school system, he proposed teaching French geography to third-graders while he taught the language. Resistance was immediate. Teachers and principals complained, "Why should they know about France when they don't know about their own country?" Many said it was impossible, that a third-grader is too immature to learn geography.

But Zeff ignored them. "If a third-grade French child can learn geography, why not a third-grade American?" he asked. In one lesson he pointed out French rivers and cities and mountains. And for the next week his mail was flooded with hand-drawn maps of France. "They were accurate and good," he says. "They included populations of cities and towns, distances, and products of the regions. The children had gone to encyclopedias. Children can learn if we're willing to teach them."

MPATI science teacher John Burns, who also has taught over live TV, once got a letter from a boy who wrote, "How come you always know what I'm interested in?"

Burns said, "Actually, I don't know. I'm interested in these things myself, and I get the students interested."

Not long ago Myles M. Platt, the airborne instructor of government and civics, telecast a lesson on the Korean war. Afterward a boy told his classroom teacher, "Now for the first time, I know why my brother was killed in Korea." One child wrote to his TV instructor: "You're the only teacher who ever understood me."

There is no magic to television instruction. Actually it is no more than another tool in the classroom teacher's kit. In this respect it is like a textbook, or a wall chart, or a classroom movie. In no sense will it replace the classroom teacher, and it will not reduce the overall cost of public education. What it can do is to increase quality throughout the Nation at about the same, or slightly higher, cost.

The advantage of filmed educational TV, especially with such audiences as MPATI's, is that it can reach near perfection every time. Lessons can be planned, rehearsed, checked for content and effectiveness, taped and retaped. Unlike classroom teaching, there are no off days for a taped TV lesson, and the teacher can take days to prepare. Take the work of John E. Dickey, for example. Dickey is a thin-haired man of 50, brown eyed, tall, and intelligent. Born near Cumberland Gap, he started teaching in a one-room Kentucky school when he was 18. He quit teaching to get two college degrees in history, and returned to the classroom. He has been a high school principal, a superintendent of schools, and a college history professor. He is now in sight of his Ph. D.

When MPATI tapped him for its American-history course, "our adventure in freedom," he was reaching 20 high schools over station WFPK–TV on Louisville, Ky. He was excited about his new work. "Every high-school librarian reported an increase in use of history books when my series started," he says. "Every day, in planning the course, I was forced to ask myself: Is this the way to say it? After all, history was made by men fired with passions and ideas, and it can be taught the same way."

To produce his 128 history lessons for airborne TV, MPATI sent him to Chicago's educational TV station WTTW, which is housed in the Museum of Science and Industry. In Louisville his resources had been limited, but in Chicago, as Dickey says, he "found a gold mine. The libraries, the universities and the historical societies are superb. The museum offered me anything that could be carried to the studio."

Dickey has displayed one of George Washington's razors and a telescope taken from the sunken hulk of the battleship *Maine*. In a lesson on the impeachment of President Andrew Johnson, he dressed in judicial robes, playing the role of Supreme Court Chief Justice Salmon P. Chase. Occasionally he sings folk songs, accompanying himself on a 10-stringed instrument called a tiple. " 'Goober Peas' was popular during the Civil War," he says, "and 'The Blue-Tailed Fly' was one of Lincoln's favorites."

Like the other TV teachers, Dickey tries to use a different stage setting for each lesson, and one of his most interesting tapes on the War of 1812 was made in the Chicago Museum of Science and Industry on a full-size replica of the deck of the 44-gun frigate *Constitution*. But Dickey warns about the "overuse of visual things. You can't let the tail wag the dog, but you must get the students' attention and keep it."

Dickey's efforts are not singular. Myles Platt filmed part of a lesson on the U.S. Constitution on the steps of the duplicate Independence Hall in the Henry Ford Museum in Dearborn. John Burns has taken his students on filmed tours of General Motors as well as into wind tunnels; and Zelik Zeff has been filmed as a waiter in a Parisian sidewalk cafe and as a baker in a French pastry shop.

However, not everyone approves of MPATI, or of educational television. When the demonstration lessons were telecast last May, the Chicago Teachers' Union said, "Instead of paying money for teachers, we will pay it to the manufacturers, installers and servicemen of quickly obsolescent TV equipment." Some educators still question the effectiveness of ETV, although studies show that television teaching is a real help to classroom teaching. Actually the classroom teacher can make or break TV instruction, for the telecasts are supplements. Myles Platt says, "If the classroom teacher has a 'let's-watch-TV-today' attitude, and then wastes the rest of the hour, the telecast can't do much good." Some critics say, "A child can't question a TV teacher," but John Dickey replies, "Any teacher who knows his subject can anticipate 90 percent of the questions. Between the TV teacher and the classroom teacher all of them can be answered."

MPATI enthusiasts like to point out the byproducts of the program. One teacher who says, "We know that every high-school civics book is a joke," feels MPATI's massive doses of "accurate, honest and complete lessons" will force a textbook reform. Another says, "The classroom door has been closed for a long time; now it will be open to any

citizen who wants to tune in." Others point out that classroom teachers will improve their techniques after seeing masters at work on TV. Some believe incompetents will tend to be weeded out.

Chili Nobles' crackpot dream is an exciting reality, and its future is even more exciting. Nobles has calculated that nineteen stratovision planes could blanket the Nation. However, it is likely that the program will eventually be telecast in a different way. John E. Ivey says, "Our aircraft system may last for 5 or 6 years. By then telecasts from orbiting satellites will probably replace us."

In the meantime Ivey is considering what he seriously calls a fly-by-night program which could bring evening adult-education courses to millions. He says, "The planes—an investment of almost $2 million—could telecast special programs for doctors, lawyers and nurses, or offer courses in the problems of metropolitan living, on religious understanding, on race relations. We could offer advanced-standing evening courses for bright high-school students. The scope is unlimited."

Already educators from Holland, France, Nigeria, Pakistan, Australia, and Latin America are investigating the project. "And this is most exciting," says Ivey. "A flying boxcar could orbit over Delhi or Calcutta, for example, reaching out 400 miles, and leaping the illiteracy barrier. It could teach sanitation, agriculture, village development, and how government works. In addition it could teach millions of Indians to read and write. This could revolutionize this Nation's approach to helping underdeveloped countries."

Ivey estimates that 10 educational TV experts could start a foreign project and soon turn it over to the nation involved; a somewhat larger number of technicians would be needed. The big problem would be battery-operated television receivers, which cost about $350 each and operate for about 5 hours before needing a recharge. "This is a matter of logistics," says Ivey, and a Kentucky superintendent of schools says such logistics "might well be handled by the Peace Corps."

But while others dream of exporting airborne television to underdeveloped nations, and Reuben Lee is hoping to export it a short distance, east to the Veedersburgs of West Virginia, Ivey is keeping Chili Noble's dream on the air. By next June the project's funds will be expended, and Ivey hopes the six States will take over and continue it. A "comfortable" annual budget for the program is $5 million. "If 2 million students participate, the cost is $2.50 per student," says Ivey. "With the Nation spending an average of $365 per pupil per year for education, such an addition is very small. The need for this kind of education is so great, and the per-pupil cost so small in large quantities, that there is a fine chance of the States' taking over. There is no real need for turning to the Federal Government." MPATI is trying to work itself out of a job.

BERLIN AND THE POSITION OF PRESIDENT EISENHOWER

Mr. SCOTT. Mr. President, someone in our Department of State has made an unintentional, or intentional, error concerning our most respected soldier-statesman, former President of the United States, Dwight D. Eisenhower.

This mistake is contained in a State Department publication just released, "Background Berlin—1961."

The passage that maligns our former President, the man who commanded the allied armies which saved the world from being crushed by the unholy juggernaut of Nazi Germany in World War II, reads as follows:

> The Western armies could have captured Berlin or at least joined in capturing it. But the supreme allied commander, General Eisenhower, believed that they could be more usefully employed against the major German forces elsewhere. As a result the Soviets captured Berlin, but when Germany surrendered, the Western armies held much more, and the Soviets much less, than the areas assigned to them by the Four Power occupation agreement of September 1944.

The key words, of course, are "the Supreme Allied Commander, General Eisenhower, believed that they—the Western armies—could be more usefully employed against the major German forces elsewhere. As a result the Soviets captured Berlin."

The clearcut implication of these words is that General Eisenhower was responsible for the decision to let the Russians enter Berlin ahead of American forces.

Nothing could be farther from the truth.

It is difficult for us who have known and worked closely with General Eisenhower to control our emotions when we read such an outright avoidance of the facts.

What makes this fabrication seem deliberate?

The fact is that publication of a background booklet on Berlin is not a new State Department project.

"Background Berlin—1961" is nothing more than a revision of similar publications issued by the State Department during the previous Republican administration, the latest being promulgated in October 1960 under the title "Background Berlin—City Between Two Worlds."

In many respects the two booklets are quite alike. But that similarity ends where the new version departs from the truth. Previous versions contained no such statement—no such distortion of the truth—as is found in this latest edition in connection with President Eisenhower.

I have in my possession today a letter from our former President refuting this attempted revision of our history. I include that letter, at this point, since General Eisenhower subsequently made the same statements at a meeting with some Members of Congress last Monday. The letter is as follows:

> SEPTEMBER 2, 1961.
>
> With the exception of this first paragraph, this is an identical letter to one I yesterday sent KARL MUNDT on the same subject.
>
> It is manifestly impractical for me to comment in detail upon all of the statements made in the document called "Background Berlin, 1961." It is sufficient to say that the document is, in certain of its statements, inaccurate, and in others seriously misleading.
>
> The basic reason underlying the beginning of our troubles with the Soviets about Berlin is found in the fact that political decisions made at the highest levels, long before the end of hostilities, determined the postwar fate of that city. Zonal occupational boundaries were so fixed within Germany as to include Berlin 110 miles inside the Soviet zone and directed that the quadripartite military government for Germany would be exercised from that city as the capital. Recommendations from my own headquarters, made prior to the Yalta meeting of heads of government in January 1945, suggested different solutions, but for reasons unknown to me they were ignored.
>
> Thank you for your courtesy in calling my attention to this document.

History is most cooperative in helping us to document the truth.

Had the State Department but referred to some of its own records it would have found overwhelming evidence to contradict its unworthy implication.

I first call attention to a speech which General Eisenhower delivered at Olympia Stadium in Detroit, June 14, 1952.

Referring to how American forces fought their way to the Elbe River and then stopped some 75 miles short of Berlin while Soviet troops continued on and captured the German capital, Mr. Eisenhower had this to say—and I quote directly:

> Our political bosses had already told us that the line we must occupy was 200 miles to the west. After we had captured the line of Elbe and captured Leipzig, we had to retreat 150 miles from there to get back to where our bosses had already told us we must go.

What part did General Eisenhower play in the political decision to let the Russians capture Berlin? This, too, was answered in the Detroit speech when Mr. Eisenhower told his audience:

> Why did I agree to the political decisions of Tehran, Yalta, and Potsdam? Well, some of you men out there were second lieutenants. Did they ask you?
>
> The political leaders and statesmen of our country, in our Federal Government, did not ask soldiers to participate in political decisions, and they should not do so. But more than that, at two of these conferences I never attended for a single minute. I knew nothing about them until later, when I read about them in the papers, exactly as you did. I did go to Potsdam and there, ladies and gentlemen, I made two recommendations, both of which were disregarded. The first was that we not divide Germany into pieces, and the second was that we do not invite or beg Russia to get into the Japanese war.

The New York Times of June 18, 1961, provides additional documentation that it was a political—rather than a military—decision that resulted in Soviet forces being the first to march into Berlin.

Under a Washington dateline, an article by New York Times columnist Arthur Krock, entitled "Berlin Enigma," declares in part:

> Finally, there is an answer in the record to critics who contend that the Americans could have captured Berlin and should have been permitted to do so. The supreme allied comander, Gen. Dwight D. Eisenhower, supplied this as follows:
>
> "Although it was not allowed to influence the military decision, the political heads of our Government had already agreed that our line of occupation would be way back, starting at the north, at Denmark, with Linz on the south."

Continuing, the article states:

> The American forces had to retreat 125 miles to get into the zone already decided by the European Advisory Commission, approved by our leaders at Yalta.

There will, of course, be those who feel that General Eisenhower should have tried again and again and again to convince our political leaders of the folly of their decisions regarding postwar Germany.

Again, the record shows that General Eisenhower did all a soldier possibly could do in an effort to dissuade our politicians from the course they had decided on.

Shedding light on these developments is a recent interview which President Eisenhower granted to Henry R. Luce, editor in chief of Life magazine. An account of this interview, carried in the Washington Evening Star of September 7, brings out these facts:

In 1944, the European Advisory Commission was working out a plan for allied occupation zones in Germany. Although Eisenhower's responsibilities were military instead of political, the scheme shaping up disturbed him. In the light of Soviet intransigence he saw the potentiality of trouble.

Eisenhower flew to Washington where he found President Roosevelt in bed with influenza.

"This is my pet," he told the President. "Let's not have separate occupation zones in Germany. Instead, let's have joint allied administration of the whole country."

"Impossible," Roosevelt replied. "I'm already committed."

Eisenhower then urged that, if it was politically necessary to allow the Soviets a separate zone, it would at least be advisable to establish joint Western control of the remainder of Germany. Roosevelt again refused.

Again in 1945, when Churchill and Roosevelt were en route to the Yalta Conference, Eisenhower sent his chief of staff, Gen. Walter Bedell Smith, to intercept them at Malta and urge that the Soviet zone be restricted and that Soviet promises should not be fully trusted.

As he later wrote in his book, "Crusade in Europe," Eisenhower "felt that the Western Allies could probably have secured an agreement to occupy more of Germany than we actually did. I believe that if our political heads had been as convinced as we were at SHAEF of the certainty of early victory in the West they would have insisted, at Yalta, upon the line of the Elbe as the natural geographic line dividing the eastern and western occupation areas."

Mr. Eisenhower gave us a summary explanation of the steps leading up to Berlin's postwar isolation, at a press conference on December 10, 1958. The Washington Evening Star of that date carried this account on that meeting with newsmen:

Postwar division of Germany that isolated West Berlin in the Communist zone was a political decision and not his idea, President Eisenhower said today.

The President said he had urged that the line between Communist-occupied Germany and the western zone should be set farther east—in the Thuringia area, closer to Poland and just north of Czechoslovakia.

Mr. Eisenhower, then commander in chief of the Allied Forces in Europe, said he recommended the line because he thought his forces could get there before the Russians.

But shortly after the hostilities ceased, he recalled, in view of the political decision taken at Yalta by Churchill, Roosevelt, and Stalin, "I had to retreat 125 miles."

The President opened his first press conference in more than a month with a review of the events that brought about the division of Berlin. These events, he said, had given the West the right and duty of preserving the peaceful and free existence of West Berlin.

The European Advisory Commission, composed of British, Russian, and American representatives, first planned the division of Germany in 1944 in London. Their plans were confirmed by British Prime Minister Churchill, United States President Roosevelt, and Soviet Premier Stalin in their late-January-early-February meeting in Yalta.

The following July and August at Potsdam, British Prime Minister Clement Attlee, President Truman, and Stalin agreed in more specific detail about the division of Germany and how Berlin should be divided and governed.

The technique employed by the State Department in this brazen effort to discredit our former Chief Executive recalls to mind the tactics employed by President Truman during the heat of the 1952 political campaign.

Most of us, I think, remember how Mr. Truman tried at the time to make it appear that General Eisenhower had been given responsibility for arranging American access to Berlin, and therefore that he was partially to blame for the Berlin blockade.

This political quackery was quickly exploded by Gen. Lucius D. Clay, who explained that arranging access routes into Berlin had been his responsibility and that the assignment was handed down, not by General Eisenhower, but under terms of a London agreement between American, British, French, and Russian representatives.

The San Francisco Chronicle of October 5, 1952, carried this United Press account of how General Clay set the record straight:

A conference of American, British, French, and Russian officials, including the U.S. Ambassador to Great Britain, had been held in London to arrange for the occupation of Germany, he (General Clay) said. There was no mention of routes to be used to enter Berlin, which was surrounded by Soviet-held territory, in the agreement finally reached, Clay said.

"But the agreement implied complete, unlimited access to Berlin by all four governments," he added.

Clay said he negotiated with the Russians and received an oral agreement providing for one highway and one rail line to be used by U.S. troops. He said he did not want anything in writing because he believed then, and believes now, that the United States had the right to use any road it chose.

"I had the responsibility for arranging access to Berlin," he added, "but not under instructions from Eisenhower from the President, but under the terms of the London agreement. Eisenhower never made any arrangements. I was in charge of the entry. My job was to make the arrangements."

Briefly, let us recapitulate how the Democratic administrations of Presidents Roosevelt and Truman involved us in situations leading up to the present crisis in Berlin—a crisis which the State Department now would like to attribute to the General who perhaps more than any other single individual helped to win the war.

At Yalta and Potsdam, Presidents Roosevelt and Truman agreed first on the broad principle and then on the specific details of how Germany and Berlin would be divided and governed.

General Eisenhower warned both Presidents against these decisions, but his advice went unheeded.

A month or two before the war ended in Europe, U.S. Ambassador John G. Winant, acting on behalf of Mr. Truman, negotiated the agreement that left Berlin in the Soviet Zone of Germany.

When the agreement was brought to General Eisenhower, he protested vehemently against the isolation of Berlin. Mr. Truman's representative, Ambassador Winant, refused to reopen the question with the Russians.

When Gen. Lucius D. Clay took over execution of the agreement, his hands were tied by this stupid political deal.

In truth, then, we have Democratic politicians—not General Eisenhower—to thank for, first the fact that Berlin was left deep in the Soviet Zone of Germany, and second, the fact that our access routes to that important city were not confirmed in writing.

In view of what we know—in view of what the record clearly shows—it seems incredible that the State Department should attempt to make President Eisenhower the scapegoat for its own ineptitude.

Even though there are officials in that agency noted for their "Alice in Wonderland" thinking, I must confess that this goes far beyond the realm of what I thought them capable of doing.

It is interesting to note that the line taken by "Background Berlin—1961" with regard to who was responsible for allowing the Russians to capture Berlin, is in a vein similar to past statements by the present Under Secretary of State, Mr. Chester Bowles.

This attempt to blame unjustly and falsely our former President is a matter that all Americans resent.

It is an action that demands no less than these immediate remedial measures:

The State Department should publicly identify and then reprimand the official or officials directly responsible for the reprehensible statement referred to previously.

The administration should destroy all copies of "Background Berlin—1961" still in its possession, and immediately issue a revision to correct the wrong that has been done to one of the most illustrious leaders of our age.

President Eisenhower is a man who has given his life to the service of his country.

He lives now in well-earned retirement on his farm in Gettysburg.

Because he has expressed a desire to live that retirement quietly and away from the din of political strife, he has apparently been singled out as a sitting target by certain elements of this administration.

Had this slander been committed against any less a person than President Eisenhower it would be no less reprehensible.

But because there is involved here one of the great generals—one of the most beloved Presidents—in our history, it must seem to Americans and foreigners

alike that we have a strange way—a strange way, indeed—of bestowing honor and recognition on a national hero.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a copy of General Eisenhower's press conference of September 11, 1961 and a copy of General Eisenhower's statement on Berlin at Detroit, Mich., on June 14, 1952.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune, June 16, 1952]

EISENHOWER'S ADDRESS IN OLYMPIA STADIUM

Ladies and gentlemen, I have been asked, and this, strangely enough, often from women: "General, why didn't you take Berlin?"

Now, this question has occurred often enough that I think it is worthy of taking a couple minutes of your time to explain. When we made up our final battle plan, our forces lay 300 miles from Berlin, and between us and Berlin was the Elbe River. The Russians, on the eastward of Berlin, were 30 miles, almost in its outskirts, and the last obstacle had been crossed. We were advancing toward those Russians as they were to advance toward us. To avoid unnecessary battles, I selected the line, thinking the Russians should be there long before I would. That line was the Elbe River.

There are many men in this audience that stopped on the Elbe and on the mountains to the south. That was so we could organize and control that battle. But, ladies and gentlemen, at that moment when we could have marched on by great heroic efforts, there were two other jobs to accomplish and one of them was to keep the Russians out of Denmark; to push forward with our left and to keep that gallant little country from being overrun by a second group of dictators, which we did.

Now, at that moment, Berlin was a destroyed city. What was the big point in attempting to capture it, particularly as our political bosses had already told us that the line we must occupy was 200 miles to the west. After we had captured the line of Elbe and captured Leipzig, we had to retreat 150 miles from there to get back from where our bosses had already told us we must go.

And, finally, is the question I want answered before I ever again mention this subject, Marshal Zukhov, a slightly different type of Russian, told me that he used 22 divisions, 2,500 guns and suffered about 10,000 casualties taking this historic city of Berlin. Not one of these brave men of 1952 have yet offered to go out and pick out the 10,000 American mothers whose sons should have made the sacrifice to capture a worthless objective.

And, then, I have been asked an even more foolish question than that, "Why did I agree to the political decisions of Tehran, Yalta, and Potsdam?" Well, some of you men out there were second lieutenants. Did they ask you?

The political leaders and statesmen of our country, in our Federal Government, do not ask soldiers to participate in political decisions, and they should not do so. But more than that, at two of those conferences I never attended for a single minute. I knew nothing about them until later, when I read about them in the papers, exactly as you did. I did go to Potsdam and there, ladies and gentlemen, I made two recommendations, both of which were disregarded. The first was that we not divide Germany into pieces, and the second was that we do not invite or beg Russia to get into the Japanese war.

DETROIT, MICH., *June 14, 1952.*

GENERAL EISENHOWER'S PRESS CONFERENCE, GETTYSBURG HOTEL, SEPTEMBER 11, 1961

General Eisenhower first explained that the Congressmen present had graciously relinquished 10 minutes of their time allotted for questions. The Congressmen would therefore have 20 minutes for questions, the press 10 minutes.

Question regarding Department of State bulletin "Berlin—1961." This statement relative to World War II appeared, and I quote, "The western armies could have captured Berlin or at least joined in capturing it, but the supreme allied command under General Eisenhower believed they could be more usefully employed in a major offensive elsewhere." The impression left in reading the article is that the decision made then is a primary cause of the troubles there now. I wonder if you would care to comment on this.

General EISENHOWER. I have read short extracts from this report. The Secretary of State called me up this morning to say there is a misapprehension—that his Department never meant this language to be critical but wanted it to be completely historical. But the problem—he mentioned this—is that when you try to compress 5 years of activity, or 5 months of activity, into a single paragraph, you probably give birth to some, if not inaccuracies, at least misinterpretations or misunderstandings. Now, according to the Secretary of State, they meant to question nothing that was then done. But without attempting to answer any of the specific statements, because I don't know what all of them are, a short background might be useful to clarify this thing.

There was in London—most of the newspaper people in this room have heard me tell this story several times—all during 1944 the European Advisory Council. This was made up of representatives from Britain, the United States, and the Soviets. It sat in London to do a lot of coordinating, but what we were interested in was that it developed the plan for dividing up Germany after it was captured. Now, this Council agreed upon certain boundaries as a political decision. These were approved by the heads of government, and they became the occupied areas. As I understood it at that time, the final approval of the three heads of government was given at Yalta, in January of 1945, but I see this document—I don't question its accuracy; it may be correct in this regard—says it was in September of 1944 that this approval was given by Mr. Roosevelt, Mr. Churchill, and the Generalissimo.

In any event, I sent my chief of staff to Malta, when Mr. Churchill and Mr. Roosevelt met there preliminary to going to Yalta, to say that we did not believe there should be a division. We felt that there should be a single Germany administered by four representatives, and here I should explain the fourth representative. France was not originally given any sector or any part in the government. Britain and the United States felt that they should have representation, but the only way we could bring that about was to take it out of our own sectors, not out of the Russians. They wouldn't give any area; they didn't care whether France was in it or not.

Now, since the "powers that be" said there had to be four sectors, and the boundaries for the sectors in such a way that they started from in Lubeck in the north, Eisenach in the middle, and then all the way down toward Linz, it was obvious that any area we captured thereafter we were going to have to evacuate. That was the situation we faced.

The area was so laid out that Berlin was 110 miles inside the Soviet zone. So the next suggestion was made. Remember—get this straight—we were then soldiers; we were just making suggestions; we were not politicos trying to make decisions, that was not our province. But we as well as some of the politicos had had experience with these Soviets and knew how difficult they were to get along with. So now we suggested the building of a cantonment type of capital. This wasn't accepted either. But we thought that if we could put this cantonment at the junction of the British, American, and Russian zones we would have less trouble. At that time, anyway, Berlin was a pit of rubble. But with the capital established there, people moved back. Construction went up, and it became again a great city.

Now, that was the situation that existed politically when we planned our last attack. The Allied forces were on the Rhine, 250 to 300 miles from Berlin, with that city lying beyond the Elbe, which is no mean military obstacle. On the other hand, the last Russian attack, had brought the Russians within 30 miles of Berlin. Already they had bridgeheads west of the Oder—this is, they were ready to move against Berlin whenever they wanted to, with no obstacle between. My job was to destroy the German forces on my front and then to gain as much of the ground as had not been given away by political decision. The remaining ground was in Austria on the right, and on the left to make sure the Russians did not get into Denmark. They did get into the island of Bornholm, and later, it was difficult to get them out.

So as soon as we got the Leipzig, which was 150 miles to the eastward of the limiting line for occupation, I shot Patton and Devers down as far as Linz and possibly a little further. We made sure that the Soviets could never go further.

Now, it is easy enough to say we could have participated in the Berlin reduction. But remember, we had the Battle of the Bulge completed in midwinter. The first crossing of the Rhine was the 7th of March at Remagen, where we captured the bridge. On the 23d Patton made a surprise crossing further up the river, and down on the left we were planning a power crossing by Montgomery, helped by the American 9th Army, on the 24th.

This was less than 6 weeks from the date when the war ended. How we could have gotten all this equipment up to cross the Elbe and made sure that we could have gone on and taken Berlin is a little beyond me, because much as we wanted to go faster, the conditions on Montgomery's flanks were such that he could not make his attack earlier than the 24th. He had floods and all that sort of thing to contend with.

So to say that any military decision, no matter what it was then, would have saved the present difficulty with Berlin, is just—well, history is being written by someone who just doesn't know what took place. That is all there is to it.

General Eisenhower then reminded his questioners that they were supposed to identify themselves before each question.

TOM ——— (Congressional Quarterly). At least one of the members that you had with you today is a member of the John Birch Society. Will you give us your opinion of the John Birch Society?

General EISENHOWER. No; and I don't think that is a proper question.

Mr. President, going back to your answer a moment ago in connection with the Berlin situation, if I recall correctly there was a military decision to mount an airborne assault on Lubeck to deny to the Russians the control of the Kiel Peninsula. Am I correct, sir, in thinking that there was also a military plan made by you or your staff about an airborne assault on Berlin, but that plan was countermanded at a higher or political level?

General EISENHOWER. No, I think there was no plan for attacking Berlin. Ridgway had the XVIII Corps; Ridgway was

turned over to Montgomery to make sure that we had the northern flank secured and Denmark safe, but I don't think we ever planned any airborne attack, and had it been done I would have had to approve it.

Mr. President, continuing this same line of thinking, your administration was criticized for brinksmanship on occasion. We have continued in the current administration to have repetitive crises. With hindsight better than foresight, would you care to comment on whether or not this is the best way to prevent communism?

General EISENHOWER. Well, you know that people like to pin labels on an idea, presumably they mean something. Take this label of "brinksmanship." Now, we say today we are going to be firm, but we are not going to get into war. That is all brinksmanship is. You are just saying you will not be shoved around. I say that is the only way that you can be best guaranteed against getting into war—to be sure that the other fellow knows every minute that you are ready to go to war if he damages your vital interests or is contemptuous of your rights and convictions when you know you are working under moral law and principles. Well, that is the only way you are going to save peace.

Now, I don't know just what is happening in Washington today. But I say this: As long as we are dealing in an atmosphere of crisis, whatever is planned and programed by our President, we have got to support, because that is the only way the United States can be unified. He is the constitutional spokesman for the United States in foreign affairs; when we are into this kind of thing we have got to stand right with him. This does not mean that when we look at things in the past, whether a week, months, 5 years or 20 years ago, we must be silent. After all, we are people of intelligence and we can comment as we please.

But when it comes to policies, I say you have to be firm, but you ought to be conciliatory, you ought never to be truculent, but you just ought to say "we cannot be pushed around." We have got the strength to make sure that we will not be. But we should always be conciliatory. We should not get up and make nasty speeches just like Khrushchev does. We are not going to be nasty. I think it is better just to say "No" and then go on about your business. And don't say "No" every day. Just say it and let them know you mean it.

BILL SCRANTON (Pennsylvania). Mr. President, in view of the present state of world tension, do you think this is a good time to start negotiating about Berlin and if so, what is negotiable?

General EISENHOWER. Well, I don't know what top people are talking about negotiation at this moment. So far as I know, Mr. Adenauer and West Germany have always been firm in their contention that the problem of Berlin could not be met except in the context of uniting Germany. And as for the Allies, I think that Britain, ourselves, and France took that same attitude all the time I was in the White House. If we are committed to preserving the status quo, then I think we are getting a little bit absurd, if we are talking about giving something away; because the status quo represents not only our rights but the principle of freedom as opposed to the principle of dictatorship. Communist domination is the issue at stake. So I don't think there is anything particularly to negotiate.

BRAD MORSE (Massachusetts). Three years ago, Mr. President, we experienced a crisis in Berlin apparently much like the one we confront today. Under your leadership, the situation was resolved without the sacrifice of American rights or the rights of the Western Allies, without a cold war mobilization or a drastic budgetary increase. In what respects, Mr. President, do you regard the current situation as being more complicated than the 1958 situation?

General EISENHOWER. Of course, here is an answer that is very difficult to give off the top of your head because the only information I have is that given normally in the newspapers. The only difference that I know of is that Mr. Khrushchev seems to be talking more loudly and more often and more bitterly, and he just keeps talking. I tried to say during all the years since this war was over, and long before it was started, that in all of this business of taking care of your own security, it is essential to develop your own defense plans to keep them up to date, to keep them vital, vigorous and adequate, but the last thing you must do is to increase your forces every time there is new alarm on the horizon or on the other hand, to reduce them when there seems to be a quiet spell in the offing.

Now, through our history, we have been too complacent, feeling too secure behind our two oceans, and getting in trouble as a result. I think that if we would pursue a properly thought out program of our own, we would not have to respond to Mr. Khrushchev every time he yells "yap" or "wow" or anything else. That is what he does. I think one thing he is trying to do is to split us away from our allies. Remember this, we are bound together by basic principle, but every nation sees certain of the results in settling a particular question differently than we do. Britain couldn't possibly, with its background, see everything the way we do. France would be different from both of us, in particular answers. What we have got to say is, "talk and try to divide all you want to, we are together, we are unified, because we are supporting humans in their dignity and their rights and their liberties." That is what we are doing. It will keep our realization of those values. Then I think his efforts to split us apart will be doomed.

——— ——— (Cowles publications) Mr. President, sir, could you——

General EISENHOWER. Wait a minute; one more congressional question.

DICK S. ——— (Pennsylvania). On the basis of your experience, what do you think the real reasons are for Khrushchev's resuming atomic tests?

General EISENHOWER. I really don't know. As I say again, I think it is basically something to try to split us apart. Many of our scientists believe that the Soviets have been testing all this time, and our scientists have been very, very impatient. I don't mind telling you that back as far as October, I thought it was time that we ourselves—having already announced the right to do so—to get ready to test again. But when I made this decision, I also decided that as long as there was a different philosophy coming into the White House as a result of the election—that unfortunate election—the hands of the new President ought to be freed, so I kept my mouth shut.

JOHN ROUSSELOT (California). Realizing this is probably a hard question, and certainly you would want to answer it within the bounds of propriety, would you favor U.S. armed intervention in Cuba if it is possible to take it back this way, or help in taking it back.

General EISENHOWER. I don't think you could answer a question so suppositious as that. If Castro tried to do something to us that I thought required armed intervention, of course I would say sure, no matter what the result. But just to move in without some better excuse or reason than just being unhappy with this man for the moment would be pretty bad. Because we are committed to two policies. One is to keep communism out of this hemisphere. The other is nonintervention in the internal affairs of every single American State. So you have to approach this in such a way that you are not intervening in the affairs of another state.

PETER DOMINICK (Colorado). I understand if you, from your knowledge of Russia and international communism, would expect probes in other areas of the world at this point in order to increase, or offset, or divert attention, from Berlin.

General EISENHOWER. Well, I don't know that they would do it just for that purpose. I would say that they will bring up more; certainly they will, in my opinion. They did in Laos. There seems now to be a sort of quiescent period there. I don't know just exactly why—maybe they have gotten what they wanted—I wouldn't know. But this morning the newspapers said there were new threats by the Soviets against Iran, telling the Iranians they had to get us out. There are going to be these things going on all over the world, not only along the periphery of the Eurasian land mass, but also in Africa, South America, everywhere.

——— BAILEY (Cowles publications). Two questions, not related. I wonder whether you could tell us first how much contact and of what kind you have had with your successor, and secondly, I wonder if you could comment on reports that were rather widely printed that you had some kind of a plan of action for Cuba under formation or study while you were still in office.

General EISENHOWER. Well, first as to contacts, I have had several telephonic or other conversations, of a briefing character, and under his direction two or three officers have at times given me information. I am not used as a consultant or as an adviser nor am I part of the administration in any way, of course.

Now, Cuba. We had done nothing further in Cuba except—realizing that these refugees did have a great desire to go back to their own country and get rid of Castro—to help refugees organize and to give them some weapons with which to train, we gave them some instructors at different places. Beyond that we could not go, because there was no recognized leader of the Cuban dissidents. I believe that a man—what is his name—was elected by the other Cuban leaders in March of 1961. We had no operational plan.

Question. Would you like to see Mr. Nixon run again in 1964?

General EISENHOWER. I think I will wait until he decides that before making myself heard.

Question. To go back to Cuba, do you mean to say that your administration had not made any positive plans about the invasion, no more than just training some of the refugees?

General EISENHOWER. Absolutely correct. Nothing more. In March—I was going to say March 17 but maybe that is wrong—in March of 1960 there was a meeting in my office as to whether or not we should go ahead and train these people and give them some equipment. That decision was made. Thereafter I set up a little group that was to keep in touch with the whole situation and keep me informed. But there was never any operational planning of any kind whatsoever.

EDWARD O'BRIEN (St. Louis Globe-Democrat). In earlier questions on the possibility of negotiations with Khrushchev, you said, "So I don't think there is anything to negotiate." Do you mean, sir, that we should not participate in talks or go in there to keep our position?

General EISENHOWER. Maybe I didn't make myself as clear as I should have. I said this, if we mean by negotiate making concessions, I don't know what concession there is to make in order to keep the status quo. Now if they give us something that we need

and want, and we can then concede something that is another story. I always believe in keeping the table open and the chair there. If these governments can get together and talk over anything that will bring us one step toward peace, I am for it more than most of the people of this world, I think. But I don't want to say negotiate, meaning that I am ready to give away something in order to keep what I have now. As I said, I think we are in Berlin as a matter of legal and moral right.

Question. What do you think is best for the Republicans in the 1962 elections; what issues do you think are best for the Republicans; what plans do you have to help them?

General EISENHOWER. First of all I would say that assuming that we are going to have a defense in which we are secure, I believe that any real issue is almost certain to be domestic. Because you can't make an issue between parties—that is, a political issue—over whether or not you should have 16 divisions or 14 divisions or 560 planes or 430. That just doesn't make sense. You have to agree that you are going to support an adequate defense and then support that defense. Thereafter I would say the finest issue I can think of is—to stop spending so blamed much money.

——— ——— (Lancaster, Pa.) As a Pennsylvania farmer, are you in favor of giving the Russians free access to our farm production methods—teach them how to grow more?

General EISENHOWER. I have not thought about that particularly. I did support such exchanges between farmers and farmers, engineers and engineers, political leaders and political leaders. The reason is this: all the people in the world want peace. There is no people that wants war, unless a few savage tribes—any literate people want peace. The only thing that keeps them from having it is governments. Therefore, I think that what we have got to do is to get peoples to understanding other peoples better, and finally they will make the governments conform. So my theory would be to exchange everything you can. I would like to do it in such numbers that the Soviets can't just select indoctrinated people to come over here who want to destroy us. We want people who want peace just as much as we do.

CHUCK VON FREMD (CBS television). I want to make sure I have correct just what you said in answer to an earlier question. You said, "We must keep our defenses adequate, but we should not have to build up every crisis that appears on the horizon." Does that indicate that you don't favor some of the moves that President Kennedy is taking?

General EISENHOWER. No. As a matter of fact I think this: Apparently this administration believes that our defenses will be much better if we have more ground forces and some other things, I forget what all they are. But if this is the kind of thing we want to carry for 50 years ahead, then I would have to say, we carry the responsibility and we have got to do it—meaning this Congress and this administration. But I do say that we must not respond to every manufactured, artificial crisis by saying, all right, we will increase our expenditures 10 percent. Finally you get to the point, indeed you can get to the point, where weapons don't defend you any more. When you have gotten all the power you need, there is no point piling more on. There is no point using a sledge hammer to drive a tack. That is exactly what we are doing at times, I think.

NIEL PIERCE (Congressional Quarterly). It has been reported that Pennsylvania Republicans are still urging you to run for the Senate next year. Is your mind closed on this question?

General EISENHOWER. I suppose I should say, "Well, how could they do better?"

ADDRESS BY SENATOR GORE AT THE INTERPARLIAMENTARY UNION

Mr. MONRONEY. Mr. President, the junior Senator from Tennessee [Mr. GORE], the president of the American group now attending the Interparliamentary Union, at Brussels, Belgium, made in his opening address at the conference one of the most statesmanlike speeches ever to come to my attention. I ask unanimous consent that his wise and historic statement on the American position and his caution to the neutralist countries in regard to their own responsibilities in these troubled times be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR ALBERT GORE, PRESIDENT, AMERICAN GROUP INTERPARLIAMENTARY UNION, BRUSSELS, BELGIUM, SEPTEMBER 1961

We meet at a sobering moment in history. Were I to be accorded one wish, it would be that I might in the next 10 minutes convey to this distinguished and influential audience the essence of my Nation; the essence of what we stand for.

Were I granted such eloquence, every delegate would pay me heed. Every delegate departing this hall would know the American people seek for others what they cherish themselves—freedom, and liberty, and justice for all, under God.

Three times in my generation the American people have gone to war. We believed we were fighting World War I for the right of self-determination of all people—to make the world safe for democracy. We believed we were fighting World War II to stave off world domination by totalitarian military dictatorships. We believed we fought the Korean war to resist aggression and to preserve the sanctity of the United Nations Charter.

Candor compels me to say that the people of my country are disturbed and some are becoming disillusioned. The ideals for which they fought are the objects of increasing transgression. Permit me to review the record so the facts may be clear. Not one of the wars did we start.

World War I was 4 years old before the United States became involved. World War II was 2 years old before the attack on Pearl Harbor. The United States sent troops to Korea when requested to do so by the United Nations.

After World War I, the United States retired to its prewar isolationism. No foreign territory was occupied. At the end of World War II, the United States was in possession of the secret of nuclear weapons. We had the world's most powerful military aggregate in being.

We disarmed. We reduced our Armed Forces from 5 million to less than 1 million; we destroyed our military aircraft; we dismantled our ships; we sold and gave away our oversea stocks of trucks and hardware and food; we removed our troops from Europe and Asia, save for small forces of occupation made necessary by the chaos and need for reconstruction in Germany and Japan.

We offered to put the horrendous power of the atom under international control. We entered fullheartedly into the United Nations, sought to create the United Nations forces invisaged by the Charter, and contributed vast moneys and resources to the United Nations, to oversea relief, and to the countries and peoples rent by war.

We urged and pressured our allies to give freedom to colonial areas. Today nearly half the membership of the United States and of this Interparliamentary Union consists of States which, with a minimum of bloodshed, gained independence from former colonial powers.

We offered to assist in the rehabilitation of war torn Europe without regard to developing schisms between East and West and without regard to friend or foe. The Marshall plan was the result.

We assisted Iran to remove foreign forces maintained there against her will. We answered the plea of Greece and Turkey to meet the theat of external force.

We have come to the aid of newly independent nations, offering them food and technical assistance and capital equipment.

We supported with funds and heart creation of the Bank, the Fund, the World Health Organization, and a dozen other specialized agencies.

I do not claim that we have done these things alone. I do not claim we have done everything well. But I do insist that the men and women of my country have supported these things and their Government. They have supported these things because they believe deeply: That all men regardless of race, or creed, or color, are entitled to live free under governments of their own choice; that all men regardless of race or creed or color are entitled to a decent standard of living; and that all men regardless of race or creed or color are entitled to build their own destiny, respectful of the rights of others and free from the threat of war.

These are the things for which America stands. These are the things we want for ourselves. These are the things we hope others will seek and attain. That we have not attained perfection at home, or in our dealings with other nations, does not lessen our ambitions and our strivings.

But in recent weeks, as I suggested earlier, Americans have become deeply concerned that some leaders do not seek these goals. Some, we fear, think: Power speaks; big bomb, big influence, massive terror; self-determination is good for the African, but not for the East European; words are more important than acts. In short, moral principle is giving way to the political expediency of power.

Though one hears with increasing frequency in my country that world public opinion is meaningless, I am not prepared to agree. Every delegate should ask himself whether there is such a thing as world opinion, and, if so, whether it is significant? Does it influence people? Or is it only power that counts?

Since World War II, the American people have looked to the United Nations, and to meetings such as this, as forums to bring world public opinion to bear to prevent aggression and oppression.

If world opinion is to have real meaning, it must be as a consequence of the actions of forums such as this, or meetings of neutrals such as recently convened in Belgrade.

World opinion—or the pronouncements of neutrals—has no significance unless it impels governments to change courses of action upon which they have embarked.

I have great respect for the concept of neutrality; or "positive" neutrality. My Nation passed its last Neutrality Act as recently as 1939. And for 150 years prior to that time we had sought to stay free from what we viewed as the power struggles of Western Europe.

The concept of neutrality or world opinion, however, is meaningless if it is nothing more than to choose a course midway between extremes. Neutrality is significant only if it is rooted in concepts more fundamental than impartiality, and more fundamental than a desire always to be on dead center. It must be rooted in morality, in concepts of the importance of the individual, in concepts of the importance of religion, in concepts of the importance of self-determination. In short, neutrality and world opin-

ion must support principles enunciated in the United Nations Charter, regardless of military power. Power cannot be a substitute for principle.

Neutrals must be more than principled bystanders to exert influence on the almost inexorable drift of the world toward war. To be neutral does not mean that a nation may not, from time to time, squarely support principles and positions taken by parties to disputes.

Disarmament must be something more than a propaganda phrase, if peace is to mean something more than the absence of shooting.

This conference of the Interparliamentary Union might become more significant than any conference ever held in our 50-year history. It will not be significant if we depart Brussels with no clear idea of where we stand on principles and if we are unwilling to support principles with acts.

It is my fervent hope that delegates assembled here will not hesitate in the days ahead to support freedom, and liberty, and justice for all, and to let the world ring with their declarations.

NATHAN STRAUS

Mr. KEFAUVER. Mr. President, I am distressed to learn of the passing on Wednesday of a great humanitarian and a dear personal friend, Mr. Nathan Straus, of New York City. Many of my colleagues, I know, share this feeling of loss.

Apart from his many successful journalistic and business endeavors, Nathan Straus will be remembered by the Nation he loved as a quiet but effective crusader for better housing, for better communities generally, and for the right of free thought.

I came to know Mr. Straus when I first came to Congress in 1939. At that time he was the National Housing Administrator, when national public housing was under fire and quite unpopular in certain areas. I was interested in public housing and appreciative of the work that Nathan Straus was doing. So I went to see him and told him of my support and backing, and I tried to give him such encouragement as I could. From that time on we were very close personal friends. In many endeavors in which I have been connected, politically and otherwise, he has been active and substantial in my support.

His convictions ran so deep that early in his career he resigned from the assistant editorship of a now-defunct New York newspaper because he could not stomach its isolationist policies.

Not only for the State of New York and the city of New York but for the Nation as a whole, Mr. Straus rendered loyal and important service. He advocated public housing when there was very meager support for it. As a result, in 1937, President Franklin D. Roosevelt named him as Administrator of the U.S. Housing Authority, and Mr. Straus served with distinction in that position until 1942.

In the following year, Mr. Straus purchased radio station WMCA in New York City and pioneered the expression of editorial opinion on the air. Some of the editorials which he wrote and delivered over that station are, in my opinion, classic products of his wonderful mind. I recall particularly the one entitled "It's Socialism," which I had the pleasure of inserting in the RECORD last March 3. While it dealt specifically with a plea for larger Federal aid to education, through it flowed the basic philosophy that Nathan Straus held throughout his lifetime: that change for the better never comes easily; that the forces for change are ever and strongly opposed by the self-satisfied, and often unfair, advocates of the status quo; but that ultimately, change for the better comes.

As an editorial in the New York Times of yesterday so well expressed it:

All forms of pomposity were poison to Nathan Straus.

He was small in stature but tall in his faith and purpose.

One of the dearest possessions in my office is a beautifully bound family Bible which Nathan Straus once presented to me on behalf of the Men's Club of Temple Israel in Great Neck, N.Y.

When I last saw Nathan Straus last spring, he was about to leave for Europe on a mission of charity. He had never forgotten how the people of the Netherlands opened their hearts and their homes to thousands of Jewish refugees from Hitler's Germany, and he wanted to do something to show his personal gratitude. So, without fanfare, Mr. Straus had asked me to make arrangements through the Ambassador of the Netherlands whereby an institution benefiting children of that country could be established to which he could contribute a large sum of money. I am advised that his mission was successful.

And so, Mr. President, the Nation and the world have lost a true friend of humanity. Nathan Straus was loyal in his service to his city, his State, and his country, and equally loyal in his service to mankind. I shall miss him.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON CONSTRUCTION OF DATA ACQUISITION FACILITY AT FAIRBANKS, ALASKA

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the construction and equipping of a data acquisition facility at Fairbanks, Alaska; to the Committee on Aeronautical and Space Sciences.

REPORT ON REVIEW OF SELECTED PHASES OF MANPOWER REQUIREMENTS FOR CLEANING ACTIVITIES, POST OFFICE DEPARTMENT

A letter from the Assistant Comptroller General of the United States, transmitting, pursuant to law, a report on the review of selected phases of manpower requirements for cleaning activities, Post Office Department, January 1961 (with an accompanying report); to the Committee on Government Operations.

REPEAL OF OBSOLETE LAWS RELATING TO MILITARY BOUNTY LAND WARRANTS

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to repeal obsolete laws relating to military bounty land warrants and to provide for cancellation of recorded warrants (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PETITION

The VICE PRESIDENT laid before the Senate the petition of Mrs. Clifton Maupin, and Mae-Merritt Wilcox, of Los Angeles, Calif., favoring an investigation of alleged efforts to muzzle the military, and certain other matters, which was referred to the Committee on Armed Services.

ADDITIONAL REPORTS OF COMMITTEES

The following additional reports of committees were submitted:

By Mr. DIRKSEN, from the Committee on the Judiciary, without amendment:

S.J. Res. 95. Joint resolution authorizing the President of the United States of America to proclaim September 17 of each year General von Steuben Memorial Day for the observance and commemoration of the birth of Gen. Friedrich Wilhelm von Steuben (Rept. No. 1043);

H.J. Res. 110. Joint resolution establishing a George Washington Carver Commemorative Commission (Rept. No. 1044); and

H.J. Res. 358. Joint resolution authorizing the President to issue annually a proclamation designating the third week in March as "National Poison Prevention Week," in order to aid in bringing to the American people the dangers of accidental poisoning (Rept. No. 1045).

By Mr. DODD, from the Committee on the Judiciary, without amendment:

S. 1895. A bill to repeal section 791 of title 18, United States Code, so as to extend the application of chapter 37 of title 18, relating to espionage and censorship (Rept. No. 1046);

S. 1954. A bill to amend chapter 35 of title 18, United States Code, with respect to the escape or attempted escape of juvenile delinquents (Rept. No. 1047); and

H.R. 5343. An act to amend section 5021 of title 18, United States Code (Rept. No. 1048).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 296. A bill for the relief of Hanna Ghosn (Rept. No. 1049);

S. 1691. A bill to provide that any juvenile who has been determined delinquent by a district court of the United States may be committed by the court to the custody of the Attorney General for observation and study (Rept. No. 1050);

S. 1888. A bill for the relief of Laura Celani (Rept. No. 1051);

S. 2096. A bill for the relief of Ding Lam Tam and Ding Yun Tam (Rept. No. 1052);

H.R. 1333. An act for the relief of A. N. Deringer, Inc. (Rept. No. 1053);

H.R. 4917. An act for the relief of Albany County, N.Y. (Rept. No. 1054);

H.R. 6834. An act to amend section 35 of title 18, United States Code (Rept. No. 1055); and

H.R. 7358. An act to amend section 4126 of title 18, United States Code, with respect to compensation to prison inmates for injuries incurred in the course of employment (Rept. No. 1056).

By Mr. DIRKSEN, from the Committee on the Judiciary, with an amendment:

S.J. Res. 91. Joint resolution to establish the Saint Augustine Quadricentennial Commission, and for other purposes (Rept. No. 1057).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 67. A bill for the relief of Col. Samuel Hale (Rept. No. 1058);

S. 1441. A bill for the relief of Cilka Elizabeth Ingrova (Rept. No. 1059);

S. 1792. A bill for the relief of Jessie Bamer (Rept. No. 1060); and

H.R. 470. An act to amend sections 1 and 8 of the Foreign Agents Registration Act of 1938, as amended (Rept. No. 1061).

By Mr. EASTLAND (for Mr. JOHNSTON), from the Committee on the Judiciary, with amendments:

S. 495. A bill to amend the Trading With the Enemy Act, as amended (Rept. No. 1062).

By Mr. HART, from the Committee on the Judiciary, without amendment:

H.R. 8490. An act to amend the act of September 2, 1958, establishing a Commission and Advisory Committee on International Rules of Judicial Procedure, as amended (Rept. No. 1063).

By Mr. KEATING, from the Committee on the Judiciary, without amendment:

S.J. Res. 27. Joint resolution to provide for the designation of the month of May of each year as "Senior Citizens Month" (Rept. No. 1064).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 4750. An act to amend section 6(a) of the Virgin Islands Corporation Act (Rept. No. 1065).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 567. An act to authorize longer term leases of Indian lands on the Torres-Martinez Reservation in Riverside County, Calif. (Rept. No. 1066); and

H.R. 3575. An act to authorize longer term leases of Indian lands on the Dania Reservation in Florida (Rept. No. 1067).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 8236. An act to authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation (Rept. No. 1068).

By Mr. CANNON, from the Committee on Armed Services, with amendments:

H.R. 2732. An act to amend section 303 of the Career Compensation Act of 1949 to provide that the Secretaries of the uniformed services shall prescribe a reasonable monetary allowance for transportation of house trailers or mobile dwellings upon permanent change of station of members of the uniformed services (Rept. No. 1069).

By Mr. RUSSELL, from the Committee on Armed Services, with amendments:

H.R. 8765. An act to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes (Rept. No. 1070).

By Mr. SALTONSTALL, from the Committee on Armed Services, with amendments:

H R. 6668. An act to amend title 10, United States Code, with respect to annuities based on retired or retainer pay, and for other purposes (Rept. No. 1071).

COLLEGE ACADEMIC FACILITIES AND SCHOLARSHIP ACT—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 1072)

Mr. CLARK. Mr. President, on behalf of the Senator from Oregon [Mr. MORSE], from the Committee on Labor and Public Welfare, I report favorably, with amendments, the bill (S. 1241) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities, and to authorize scholarships for undergraduate study in such institutions, and I submit a report thereon. I ask that the report be printed, together with the minority views of Senators GOLDWATER and TOWER.

The PRESIDING OFFICER (Mr. METCALF in the chair). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Pennsylvania.

STABILIZATION OF MINING OF LEAD AND ZINC—SUPPLEMENTAL REPORT (S. REPT. NO. 1073)

Mr. CARROLL, from the Committee on Interior and Insular Affairs, submitted a supplemental report on the bill (S. 1747) to stabilize the mining of lead and zinc in the United States, and for other purposes, which was ordered to be printed.

ADDITIONAL BILL AND JOINT RESOLUTION INTRODUCED

The following additional bill and joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as indicated:

By Mr. HART (for Mr. MUSKIE):

S. 2563. A bill to authorize the Secretary of Agriculture to permit certain property to be used for State forestry work, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. HART when he introduced the above bill, which appear under a separate heading.)

By Mr. DOUGLAS:

S.J. Res. 138. Joint resolution to create the American Negro Emancipation Centennial Commission; to the Committee on the Judiciary.

(See the remarks of Mr. DOUGLAS when he introduced the above joint resolution, which appear under a separate heading.)

USE OF CERTAIN PROPERTY FOR STATE FORESTRY WORK

Mr. HART. Mr. President, on behalf of the junior Senator from Maine [Mr. MUSKIE], who is unavoidably absent, I introduce, for appropriate reference, a bill to authorize the Secretary of Agriculture to permit certain property to be used for State forestry work, and for other purposes. I ask unanimous consent that the bill remain at the desk through September 21 for additional cosponsors.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Michigan.

The bill (S. 2563) to authorize the Secretary of Agriculture to permit certain property to be used for State forestry work, and for other purposes, introduced by Mr. HART (for Mr. MUSKIE), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. HART. I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from Maine, relating to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement presented by Mr. HART, for Mr. MUSKIE, is as follows:

STATEMENT BY SENATOR MUSKIE UPON INTRODUCTION OF A BILL TO PERMIT CERTAIN PROPERTY TO BE USED FOR STATE FORESTRY WORK, AND FOR OTHER PURPOSES

I introduce for appropriate reference a bill which would permit States to retain nursery facilities financed out of soil bank funds for tree planting operations without returning the residual value of the facilities to the trust fund.

I wish to have this bill remain at the desk through September 21, 1961, to give other Members of the Senate an opportunity to cosponsor the legislation.

I also wish to include a memorandum prepared for me on this subject and a table showing the States affected by this legislation in the RECORD at this point:

"BACKGROUND ON STATE NURSERY FACILITIES FINANCED WITH SOIL BANK FUNDS

"Nursery facilities for the production of tree planting stock up to the passage of the soil bank were inadequate to meet current demand for trees. Therefore when the Soil Bank Act was passed in May 1956, it was determined by the Department of Agriculture that the nursery facilities to produce tree planting stock would need to be expanded substantially and rapidly to meet the needs of the conservation reserve program. This determination was well founded as evidenced by the 2.2 million acres which were signed up for tree planting during the 5 contract years of the program.

"The Department of Agriculture had been cooperating with State forestry organizations since 1924 under authority of section 4 of the Clarke-McNary Act in the production of trees for distribution to landowners. Nearly two-thirds of all trees planted in the country in 1956 were produced in State nurseries under this cooperative program. Since the States had the organization and facilities to readily expand their production and distribution systems to satisfy this added demand and since the experience over the past 30 years with the States in the cooperative production and distribution of trees had been very satisfactory, it was decided to ask the States to cooperate in this expanded tree production program.

"Agreements were entered into with 34 States under which the States agreed to expand to meet Soil Bank needs the State nursery production facilities on land controlled by the State (by ownership or lease). The funds for this purpose were provided by Soil Bank appropriations. A total of $6.6 million were placed in trust funds by the Department for use by the States for this purpose. These agreements provided that at the close of the Soil Bank program the State would dispose of the facilities not needed by the State for continued tree planting stock production and return the proceeds to the trust fund.

"The States also agreed to return to the trust fund the residual value of those facilities it wished to retain for continued State use. All of the States which participated in this program have indicated the desire to retain these facilities to meet present or anticipated near future needs to grow tree planting stock. The residual value of these facilities, as determined by joint appraisal as of June 30, 1961, is $4.4 million. Most of the States will require special legislation and significant increases in appropriation to exercise their option to continue to use these facilities by returning their residual value to the trust funds established to finance the construction and acquisition of these expanded facilities as provided in their agreement with the Department of Agriculture. To accomplish this in each of the 34 States involved poses many prob-

lems and ultimate accomplishment over a long period of years is not assured.

"Based on published reports of the Department of Agriculture there is still the need to plant to trees more than 40 million acres of land most of the trees for which must come from these State nurseries. It is important that none of this nursery capacity be lost through salvage operations merely because the States cannot place in the trust funds the residual value of these facilities.

"The Department of Agriculture plans to continue to cooperate with these States with funds appropriated by Congress in the production, distribution, and planting of trees to reduce this tremendous backlog of over 40 million acres through section 4 of the Clarke-McNary Act, title IV of the Agricultural Act of 1956, and possibly other programs. The legislation currently proposed to dispense with the placing in the trust funds of the residual value of the soil bank financed nursery facilities now available to the States to meet present and future needs is in the public interest because it will facilitate the Federal-State cooperative effort in the planting of trees to protect the land and much needed to help meet our future needs for timber.

"State nursery property [1] financed with soil bank funds

State	Original cost	Residual value (June 30, 1961)
Alabama	$243,226	$159,172
Arizona		
Arkansas	497,436	331,761
California		
Colorado	192,521	142,575
Connecticut		
Delaware		
Florida	27,700	12,046
Georgia	1,260,863	875,525
Idaho	62,205	40,935
Illinois	28,137	15,198
Indiana		
Iowa	63,545	48,617
Kansas		
Kentucky	86,862	58,937
Louisiana	545,159	383,851
Maine	144,466	87,387
Maryland	23,144	14,537
Massachusetts	18,450	10,729
Michigan	181,475	146,312
Minnesota	276,345	134,545
Mississippi	499,983	336,776
Missouri	67,759	54,453
Montana		
Nebraska		
Nevada	22,108	16,276
New Hampshire	19,602	10,597
New Jersey	6,900	4,534
New Mexico		
New York	142,485	64,130
North Carolina	95,062	27,743
North Dakota	70,858	43,897
Ohio		
Oklahoma	52,861	29,210
Oregon	138,570	112,640
Pennsylvania	95,890	36,281
Rhode Island		
South Carolina	675,471	431,730
South Dakota	200,712	154,391
Tennessee		
Texas	363,955	277,677
Utah	66,873	48,655
Vermont	93,138	58,944
Virginia		
Washington	122,328	89,809
West Virginia	1,562	0
Wisconsin	251,026	153,589
Wyoming		
Average	6,638,677	4,413,459

[1] Description of this nursery property: The property having residual value consists of structures such as packingsheds, warehouses, shops, garages, offices, residences, laborers' dayrooms, subsurface irrigation and domestic waterlines, fences, seed extractory, seed-cleaning plants and seed-testing facilities, powerlines, telephone lines, wells, reservoirs, septic tanks, water tanks, refrigeration plants, and storage sheds. It also includes such personal property as pickup trucks, trucks, tractors, land tillage equipment, compost spreaders, sprayers, nursery seeders, seedling diggers, grading tables, motors, pumps, and irrigation overhead sprinklers. Most of the land alterations for which funds were expended such as surveying and layout of beds, clearing, leveling, and shaping, drainage, soil fumigation, dikes, roads, wind barriers and landscaping did not enhance the value of the land and are not feasible of recovery and therefore were determined to have no residual value."

PROPOSED AMERICAN NEGRO EMANCIPATION CENTENNIAL COMMISSION

Mr. DOUGLAS. Mr. President, I introduce for appropriate reference a Senate joint resolution to create an American Negro Emancipation Centennial Commission, and I ask unanimous consent that it be held on the table for 4 days for additional cosponsors.

Mr. President, September 22, 1962, will mark the 100th anniversary of President Abraham Lincoln's issuing of the Emancipation Proclamation, and January 1, 1963, will be the 100th anniversary of the date on which that proclamation took effect.

It would be truly appropriate and inspiring for the National Government to participate in recognizing and commemorating the hundredth anniversary of these significant historical events. The accomplishments of the American Negro in this last 100 years provide a wonderful story which should be made known to the world. A national celebration of the centennial of the emancipation of the American Negro will contribute to understanding of people in this country and abroad of the fine progress possible under a democratic government.

To bring about this objective of celebrating, and commemorating this historic action and the human progress it initiated, this bill proposes the establishment of an American Negro Emancipation Centennial Commission composed of 16 members, 5 chosen from the Senate, 5 from the House of Representatives, 5 appointed by the President to represent the religious community, the business community, science, labor, and civic organizations, and the Librarian of Congress or his representative.

Section 3 of the bill provides that the functions of the Commission shall be to develop and execute suitable plans for commemorating, during 1963, this 100th anniversary of emancipation. In developing its plans, the Commission is instructed to give consideration to similar and related plans advanced by civic, patriotic, and historic groups.

What this proposal envisions is the encouragement of numerous observances in many States. In particular, the bill directs the Commission to develop and plan, in cooperation with the American Negro Emancipation Centennial Authority, which has its headquarters in Chicago, an exhibit at the Emancipation Centennial Exposition to be held from August 16 through September 3, 1963, at McCormick Place, Chicago's new exposition center on Lake Michigan. The American Negro Emancipation Centennial Authority was incorporated in Illinois as a nonprofit organization in 1954 and is registered in all the States. Many distinguished Americans are on its Board of Trustees. Under the direction of its executive director, Mr. Alton A. Davis, it has been planning this Emancipation Centennial Exposition for many months. The authority's objectives are stated as follows:

To establish a museum of Negro history which will house his contributions to the arts, sciences, industry, and government.

To show that the democratic form of government affords opportunities for growth and development of all segments of its people.

To create a more profound understanding and good will which will encourage and inspire the eventual emancipation of all peoples of the world.

Many organizations in the United States and in other nations have indicated their interest in participation in this exposition, and I believe the careful planning of the Illinois authority will make this exposition a successful central celebration around which many others can be developed with the help of the commission. This bill, in fact, specifically intends that the commission assist in the development of a traveling "Century of Negro Progress" exhibit to be called "Democracy in Action."

Mr. President, this joint resolution proposes a very worthwhile undertaking. In order that Senators may examine the resolution with respect to possible cosponsorship during the 4 days during which it will lie on the table, I ask unanimous consent that the text of the joint resolution be printed at this point in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD, and lie on the desk, as requested by the Senator from Illinois.

The joint resolution (S.J. Res. 138) to create the American Negro Emancipation Centennial Commission, introduced by Mr. DOUGLAS, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a Commission to be known as the "American Negro Emancipation Centennial Commission" (hereinafter referred to as the "Commission") which shall be composed of sixteen members as follows:

(1) five members who shall be Members of the Senate, to be appointed by the President of the Senate;

(2) five members who shall be Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives;

(3) five members to be appointed by the President of the United States of whom one shall be a representative of the religious community, one of the business community, one of science, one of labor and one of civic organizations; and

(4) one member from the Library of Congress who shall be the Librarian of Congress or his representative.

(b) The President of the United States shall, at the time of appointment, designate one of the members appointed by him to serve as Chairman. Vacancies in the Commission shall be filled in the same manner as original appointments.

(c) Members of the Commission shall receive no compensation for their services, but shall be reimbursed for necessary expenses incurred in performing their duties.

SEC. 2. The Commission may employ, without regard to the civil service law or the Classification Act of 1949, such employees as may be necessary in carrying out its functions.

SEC. 3. The functions of the Commission shall be to develop and to execute suitable

plans for commemorating, in 1963, the one-hundredth anniversary of the emancipation of the American Negro. In developing such plans, the Commission shall give consideration to similar and related plans advanced by civic, patriotic, and historic groups. In carrying out its functions, the Commission shall develop and plan, in collaboration with the national American Negro Emancipation Centennial Authority, an exhibit at the Emancipation Centennial Exposition to be held in Chicago, Illinois, in the summer of 1963. Such exhibit shall be developed in such a manner as to show the history and progress of the American Negro subsequent to his emancipation by Abraham Lincoln in 1863.

SEC. 4. (a) The Commission shall submit to the Congress at the earliest practicable time, but in no event later than March 1, 1963, a report of its activities, together with a detailed statement of the plans and programs developed by it pursuant to this resolution.

(b) A final report of the activities of the Commission, including an accounting of funds received and expended, shall be furnished by the Commission to the Congress not later than December 31, 1963. The Commission shall terminate upon submission of such report to the Congress.

SEC. 5. The Commission is authorized to accept donations of money, property, or personal services; to cooperate with patriotic and historical societies and with institutions of learning, and to call upon other Federal departments or agencies for their advice and assistance in carrying out the purposes of this joint resolution. The Commission, to such extent as it finds to be necessary, may, without regard to the law and procedures applicable to Federal agencies, procure supplies, services, and property and make contracts, and may exercise those powers that are necessary to enable it to carry out efficiently and in the public interest the purposes of this resolution.

SEC. 6. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution.

INCREASE OF LIMITATION ON NUMBER OF POSITIONS IN TOP GRADES OF CLASSIFICATION ACT OF 1949—AMENDMENT

Mr. KERR submitted an amendment, intended to be proposed by him, to the bill (S. 1732) to increase the limitation on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearings examiners; and for other purposes, which was ordered to lie on the table and to be printed.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 15, 1961, he presented to the President of the United States the enrolled bill (S. 2325) to amend the Export-Import Bank Act of 1945.

ADDITIONAL APPENDIX MATTERS

By Mr. THURMOND:

Articles entitled "They Look to United States and Wonder," written by Constantine Brown and published in the Washington Evening Star of September 14, 1961, dealing with the Voice of America program.

Article entitled "Castro Must Go," written by Senator TOWER and published in the Charleston (S.C.) News and Courier.

By Mr. MUNDT:

Article entitled "Communism Fighter Resigns Forest Service," published in the Okanogan County (Wash.) Independent of August 31, 1961; also an editorial entitled "Keep It Honest," from the September 7, 1961, issue of the same newspaper; and an editorial entitled "Citizen Principles," published in a recent issue of an Oregon newspaper.

By Mr. CARROLL:

Articles entitled "Boomtime in the Rockies," published in the New York Times of September 15, 1961.

By Mr. HARTKE:

Letter from Marvin D. Myers, assistant in extension music, to Hon. Stewart L. Udall, Secretary of the Interior, dated September 5, 1961, dealing with the use for cultural purposes of the Carter Barron Memorial Amphitheater in Washington.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. If there is no further business to come before the Senate, I move that the Senate stand in adjournment, in accordance with the order previously entered into, until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 42 minutes p.m.) the Senate adjourned, under the previous order, until tomorrow, Saturday, September 16, 1961, at 10 o'clock a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, September 15, 1961:

DEPARTMENT OF DEFENSE

Steuart L. Pittman, of the District of Columbia, to be Assistant Secretary of Defense.

IN THE ARMY

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

To be lieutenant general

Maj. Gen. Robert William Porter, Jr., O18048, U.S. Army.

The following-named officers for appointment in the Regular Army of the United States to be grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier generals

Brig. Gen. Stephen Michael Mellnik, O18754, Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Salvatore D'Orsa, O18866, Army of the United States (colonel, U.S. Army).

Brig. Gen. Andrew Ralph Lolli, O29844, Army of the United States (colonel, U.S. Army).

Brig. Gen. James Abner Richardson 3d, O29906, Army of the United States (colonel, U.S. Army).

Brig. Gen. Roland Haddaway del Mar, O29917, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Allen Harris, O18976, Army of the United States (colonel, U.S. Army).

Brig. Gen. Herbert George Sparrow, O19003, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Joseph Lane, O19021, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ethan Allen Chapman, O19076, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ethan Allen Chapman, O19076, Army of the United States (colonel, U.S. Army).

Brig. Gen. Oren Eugene Hurlburt, O19077, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Allen Carver, O19122, Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard John Meyer, O19147, Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Edward Bastion, Jr., O19162, Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Bowes Evans, O19574, Army of the United States (colonel, U.S. Army).

Brig. Gen. David Parker Gibbs, O19189, Army of the United States (colonel, U.S. Army).

Brig. Gen. Carl Darnell, Jr., O19213, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frederick Otto Hartel, O19254, Army of the United States (colonel, U.S. Army).

Brig. Gen. Benjamin Henry Pochyla, O30103, Army of the United States (colonel, U.S. Army).

Maj. Gen. Stuart Sheets Hoff, O38766, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert George MacDonnell, O19361, Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Heber Lipscomb, O19371, Army of the United States (colonel, U.S. Army).

Brig. Gen. Austin Worthom Betts, O19373, Army of the United States (colonel, U.S. Army).

Brig. Gen. Jonathan Owen Seaman, O19385, Army of the United States (colonel, U.S. Army).

Brig. Gen. Harvey Julius Jablonsky, O19390, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Francis Franklin, Jr., O19476, Army of the United States (colonel, U.S. Army).

Brig. Gen. James Richard Winn, O19491, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Hutcheson Craig, O19526, Army of the United States (colonel, U.S. Army).

Brig. Gen. Oliver Clark Harvey, O38776, Army of the United States (colonel, U.S. Army).

Brig. Gen. Julian Alexander Wilson, O30359, Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Scott Hays, O42534, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Winston Lapsley, O19727, Army of the United States (colonel, U.S. Army).

Maj. Gen. John Lathrop Throckmorton, O19732, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Ruhlen, O19733, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Stafford Eckhardt, O19766, Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Frederick Leonard, Jr., O19829, Army of the United States (colonel, U.S. Army).

Maj. Gen. James Dyce Alger, O19848, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ralph Edward Haines, Jr., O19849, Army of the United States (colonel, U.S. Army).

Brig. Gen. Francis Mark McGoldrick, O19857, Army of the United States (colonel, U.S. Army).

Brig. Gen. Autrey Joseph Maroun, O19865, Army of the United States (colonel, U.S. Army).

Maj. Gen. Reuben Henry Tucker 3d, O19894, Army of the United States (colonel, U.S. Army).

Brig. Gen. Vernon Price Mock, O19906, Army of the United States (colonel, U.S. Army).

Maj. Gen. Charles Wythe Gleaves Rich, O19910, Army of the United States (colonel, U.S. Army).

Brig. Gen. Andrew Jackson Boyle, O19924, Army of the United States (colonel, U.S. Army).

The officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major generals

Col. Malcolm Hay O284748, Adjutant General's Corps, Army National Guard of the United States.

Brig. Gen. James Edward Taylor O376731, Army National Guard of the United States.

The officer named herein for promotion as Reserve commissioned officer of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be brigadier general

Col. Walter Woodrow Nations, O346660, Artillery, Army National Guard of the United States.

IN THE MARINE CORPS

The nominations beginning Robert A. Campbell, to be colonel, and ending Grant W. McCombs, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 5, 1961.

IN THE ARMY

The nominations beginning Francis E. Abrino, to be lieutenant colonel, and ending Donald H. Jones, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 6, 1961.

HOUSE OF REPRESENTATIVES

FRIDAY, SEPTEMBER 15, 1961

The House met at 11 o'clock a.m. and was called to order by the Speaker pro tempore, Mr. MCCORMACK.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Romans 8: 31: *If God be for us, who can be against us?*

O Thou gracious Benefactor, whose kind providence fills each day with blessedness, may we be more appreciative and worthy of Thy continuing love and care.

Inspire us with a vivid and joyous sense of the sanctity and sacredness of our high vocation and that, in the business of statecraft, we are privileged to be the chosen representatives and servants of a great nation.

We beseech Thee to enlighten our minds with Thy truth and strengthen our wills and give us the assurance that the forces of darkness which are arrayed against us are not too great and gigantic for Thy divine power to defeat and destroy.

To Thy name we ascribe all the praise. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills, a joint resolution, and concurrent resolutions of the House of the following titles:

H.R. 2280. An act to provide for the withdrawal of certain public lands 40 miles east of Fairbanks, Alaska, for use by the Department of the Army as a Nike range;

H.R. 2281. An act to reserve for use by the Department of the Army at Fort Richardson, Alaska, certain public lands in the Campbell Creek area, and for other purposes;

H.R. 2282. An act to provide for the withdrawal from the public domain of certain lands in the Ladd-Eielson area, Alaska, for use by the Department of the Army as the Yukon Command training site, Alaska, and for other purposes;

H.R. 2283. An act to provide for the withdrawal from the public domain of certain lands in the Big Delta area, Alaska, for continued use by the Department of the Army at Fort Greely, and for other purposes;

H.R. 2555. An act to authorize pay with respect to civilian employees of the United States in cases of emergency evacuations, to consolidate the laws governing allotment and assignment of pay by such employees, and for other purposes;

H.R. 3920. An act to authorize an exchange of land at the Agricultural Research Center;

H.R. 6193. An act to authorize the Secretary of Agriculture to convey certain lands in the State of Wyoming to the county of Fremont, Wyo.;

H.R. 6494. An act to provide for withdrawal and reservation for the use of the Department of the Air Force of certain public lands of the United States at Nellis Air Force Range, Nev., for defense purposes;

H.J. Res. 558. Joint resolution providing for printing copies of "Cannon's Procedure in the House of Representatives";

H. Con. Res. 12. Concurrent resolution authorizing the printing of additional copies of House document 412, 85th Congress;

H. Con. Res. 364. Concurrent resolution to print as a House document the publication "World Communist Movement—Selective Chronology 1818–1957, Volume 1," and to provide for the printing of additional copies;

H. Con. Res. 384. Concurrent resolution authorizing the printing of additional copies of the report "Communist Target—Youth—Communist Infiltration and Agitation Tactics"; and

H. Con. Res. 385. Concurrent resolution authorizing the printing of a manuscript entitled "History of the House of Representatives".

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3587. An act to amend section 612 of title 38, United States Code, to provide outpatient medical and dental treatment for veterans of the Indian wars on the same basis as such treatment is furnished to veterans of the Spanish-American War.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6775. An act to amend the Shipping Act of 1916, as amended, to provide for the operation of steamship conferences.

The message also announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. ENGLE, Mr. MCGEE, Mr. BUTLER, and Mr. MORTON to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8102) entitled "An act to amend the Federal Airport Act so as to extend the time for making grants under the provisions of such act, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the foregoing bill.

The message also announced that the Senate returns to the House the bill (H.R. 8414) entitled "An act to amend section 5011 of title 38, United States Code, to clarify the authority of the Veterans' Administration to use its revolving supply fund for the repair and reclamation of personal property," previously returned to the Senate pursuant to its request.

CALL OF THE HOUSE

Mr. VAN PELT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 206]

Alger	Hagan, Ga.	O'Hara, Mich.
Anfuso	Hall	Pfost
Arends	Hébert	Pirnie
Ashley	Hoeven	Powell
Ayres	Holifield	Rabaut
Baker	Holtzman	Reece
Blitch	Joelson	Reuss
Boykin	Johnson, Calif.	Rogers, Tex.
Brademas	Jones, Mo.	Rousselot
Bromwell	Keogh	St. George
Brooks, La.	Kilburn	Saund
Buckley	Kirwan	Siler
Carey	McDonough	Slack
Celler	McDowell	Steed
Chiperfield	McSween	Thompson, Tex.
Cooley	Macdonald	Tollefson
Dague	Machrowicz	Utt
Davis, Tenn.	May	Vinson
Dawson	Miller, N.Y.	Weaver
Denton, Ind.	Milliken	Westland
Ford	Moeller	Wilson, Calif.
Frazier	Morrison	Young
Frelinghuysen	Morse	Younger
Gray	Multer, N.Y.	Zelenko
Griffin	Norrell	

The SPEAKER pro tempore. On this rollcall 362 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AMENDING SHIPPING ACT, 1916, TO PROVIDE FOR OPERATION OF STEAMSHIP CONFERENCES

Mr. BONNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6775) to amend the Shipping Act of 1916, as amended, to provide for the operation of steamship conferences, with Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. BONNER, GARMATZ, DOWNING, CASEY, TOLLEFSON, RAY, and MAILLIARD.

COMMITTEE ON WAYS AND MEANS

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the conferees on the part of the House may have until midnight tonight to file a conference report to accompany the bill H.R. 4317.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

TO PROHIBIT SHIPMENT IN INTERSTATE OR FOREIGN COMMERCE OF ARTICLES IMPORTED FROM CUBA

Mr. HARRIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8465) to prohibit the shipment in interstate or foreign commerce of articles imported into the United States from Cuba, and for other purposes.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) no person shall introduce or deliver for introduction into interstate or foreign commerce any article imported into the United States from Cuba on or after the date of enactment of this Act.

(b) From and after the date of enactment of this Act, no person shall introduce or deliver for introduction into interstate or foreign commerce any article intended for export to Cuba.

(c) The provisions of this section shall not apply with respect to articles imported from Cuba, or intended for export to Cuba, by or on behalf of the United States in connection with the operation of any military or naval base of the United States situated in Cuba.

SEC. 2. As used in this Act, the term "interstate or foreign commerce" means commerce between a point in any State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) and any point outside thereof, or between points in the same State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) through any point outside thereof.

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read the committee amendments, as follows:

Page 2, line 6, insert the following:

"(d) Whoever violates any provision of subsection (a) or (b) of this section shall be fined not more than $5,000 or imprisoned not more than one year, or both."

Page 2, line 17, insert the following:

"SEC. 3. The provisions of this Act shall terminate on the date of publication in the Federal Register of a proclamation by the President of the United States stating, in effect, that the Government of Cuba is no longer a Communist-dominated government."

Mr. HARRIS. Mr. Speaker, I shall take only a brief moment to explain the purpose of the bill.

The purpose of this bill, H.R. 8465, is to prohibit any exchange of articles between the United States and Cuba, excluding those destined for U.S. military use at Guantanamo Bay Naval Base in Cuba.

Mr. Speaker, the Committee on Interstate and Foreign Commerce has considered this bill, introduced by our distinguished colleague on the committee, the gentleman from Florida [Mr. ROGERS]. We held hearings and the departments involved, including the State Department and the Department of Commerce, were invited to send representatives before the committee for the hearing.

The committee believes that this legislation expresses the sentiment and views not only of the members of the committee, but Members of the House and, generally, the people of the United States. I repeat this bill would prohibit the interstate shipment of any imports from Cuba or any exports to Cuba. That is, simply, the purpose of the legislation and its intent.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I am glad to find one bill that I can wholeheartedly support.

Mr. HARRIS. I thank the gentleman. I am very glad to have the gentleman's support, and I am sure it has the support of all Members of this House.

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Kansas.

Mr. AVERY. I would to ascertain from the gentleman from Arkansas [Mr. HARRIS], whether this came out of the Interstate and Foreign Commerce Committee unanimously?

Mr. HARRIS. Yes, it did come out of the committee unanimously.

The two amendments are self-explanatory, and need no further explanation.

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Florida, the author of the bill [Mr. ROGERS].

Mr. ROGERS of Florida. Mr. Speaker, the purpose of H.R. 8465 is clear; it is a step which logically follows the action already taken by the United States in its policies with the present government of Cuba. This bill will prohibit any exchange of articles between the United States and Cuba, excluding those destined for U.S. military use at the Guantanamo Naval Base in Cuba. In effect, this bill will establish an economic boycott.

The island of Cuba is located, as you well know, just 90 miles from the U.S. mainland. It has a population of approximately 6 million people. Prior to the Castro government, Cuba was a true geographical and cultural link between the United States and Latin America.

Yet today, Mr. Speaker, Communist encroachment in this hemisphere is a cold fact.

You are all aware of the events which followed Castro's possession of the Cuban Government. However, let us briefly review the steps taken by the United States in dealing with Castro: First, on July 6, 1960, the Cuban sugar quota, which for many years had amounted to a generous subsidy of the Cuban economy, was withdrawn; second, in October 1960, a partial economic embargo was imposed. These limited restrictions applied only to exports. Sugar remained the only restriction on imports; and, third, on January 3, 1961, this Government, its patience frayed by unprecedented insults, justifiably severed diplomatic relations with the Castro regime.

Mr. Speaker, the enactment of this legislation is a logical step in view of past actions taken by the United States. It would halt trade with a government we no longer recognize.

Figures supplied by the Department of Commerce show that from July 1 to August 19, U.S. imports from Cuba amounted to $4,142,762. Exports for the same period amounted to only $338,791.

Trade with Cuba is not an economic issue, it is a moral issue. Clearly, we are giving Fidel Castro American dollars to continue and expand his program of communism in the Americas.

During the hearings on this bill, testimony was heard from Assistant Secretary of State for Inter-American Affairs, Robert F. Woodward. Mr. Woodward was asked what effect an embargo such as this would have on our Latin American neighbors. His reply was—and I quote from the record:

It could have great psychological effect, yes.

The turbulence in Brazil illustrates that Latin America is becoming increasingly aware of influences alien to this hemisphere. As the United States assumes a more positive attitude in its actions, then the more it may be regarded once again as the directive influence in this hemisphere. It is my opinion that the complete economic embargo as envisioned in this bill would be such a positive action. With such action, the United States will again assert effective leadership and will encourage those forces in Latin America which share our philosophies to come forward and speak up.

Mr. Speaker, I ask unanimous consent that all Members may extend their remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DOMINICK. Mr. Speaker, in July 1960, we cut off the Cuban sugar quota. Then toward the end of last year, in October, the embargo was imposed, supposedly restricting exports to Cuba except for foodstuffs and medical supplies. However, information furnished the Committee on Interstate and Foreign Commerce, of which I am a member, shows that we have continued to supply Castro with the materials and the dollars to help keep the freedom loving people of Cuba under Communist bondage. For example, in the period of the last 3 months last year after the embargo supposedly was imposed, our citizens imported goods from Cuba amounting to $32 million. Thereafter, in the next 3 months ended March 31 of this year, shipments from Cuba entering our ports amounted to just under $21 million. In that 6-month period $53 million were thus poured through Castro's treasury. This is, in my opinion, neither morally nor economically defensible.

Furthermore, at the very time we were supposedly backing or encouraging the Cubans to strike a blow for liberty, we were still sending Castro machinery, vehicles and parts with which to defeat the Cubans fighting for their freedom from Communist oppression. Despite the words and promises from our State Department and other executive agencies, this trade it still continuing.

A check at just one Florida port during June disclosed shipments coming in from Cuba in large quantities. For instance—1,630,000 pounds of tobacco—1.1 million pounds of pineapple are among the shipments listed. Outgoing shipments to Cuba through this port included over 1 million pounds of lard and pork fats, and lard, incidentally, is one of the essentials needed in the manufacture of nitroglycerine. Also shipped from this Florida port to Cuba were almost 12,000 pounds of hospital supplies, and 1,500 pounds of dental supplies. These are shipments passing through just one seaport in Florida.

Our Government is still granting those licenses. Within the past 2 months licenses were issued to ship $338,000 worth of goods to Cuba. During that same period, we bought more than $4 million worth of goods from Cuba.

There are strong feelings being expressed that we must act decisively to put an end to the worsening threat in Cuba. I was fortunate enough to be sent a copy of an excellent speech by Mr. Carlos Todd, the former political editor of the Havana Times, in which he told the Kiwanis International Club meeting in Miami that the strong feeling running throughout the Southern Hemisphere is that if we are to survive as a nation—if we are to keep what little prestige that American power still maintains, we must act quickly. Many Members of Congress have been urging for some time that we take forthright action. I heartily endorse the action proposed by this bill, and urge its adoption.

Mr. EDMONDSON. Mr. Speaker, I want to express appreciation to the Committee on Interstate and Foreign Commerce, to its able chairman and to the distinguished gentleman from Florida, Mr. ROGERS, for the opportunity to vote on this measure.

I believe this represents our first opportunity in this session of Congress to go on record on any measure dealing directly with the critical, dangerous problem of Communist infiltration of the Western Hemisphere.

By voting for this embargo we not only move decisively in the economic field against the pro-Communist regime now controlling Cuba, but we also give expression to the strong feelings of the American people on this subject.

As the author of a similar bill, H.R. 8866, I strongly favor enactment of this measure and hope and trust it will be by unanimous vote of the House.

Mr. SELDEN. Mr. Speaker, the enactment of H.R. 8465 introduced by the gentleman from Florida [Mr. ROGERS] is urgently needed in the interests of national and hemispheric security.

The time is long past for this country to stop dealing with the Communist threat in half measures. If the free world and our hemispheric allies are to heed our call for unity in the face of this threat, we must demonstrate, in no uncertain terms, our own determination.

This we know: we have entered into a critical showdown period with our Communist enemy; the present Cuban Government, by word and deed, is allied to this enemy and is nothing less than a Communist-bloc nation located 90 miles from the U.S. mainland. As such, it represents the point of the Communist dagger aimed at this country, this hemisphere, and the entire free world.

If past history has taught us anything concerning totalitarian enemies generally and Castro's Cuba specifically, it is that we traffic with them, we bargain with them, we deal with them only at our peril. The fact that the United States, at this late date, is still importing goods and articles from Cuba, mocks the very principles this country stands for, whether at Berlin or Punta del Este.

This is no time for "business as usual." Every U.S. dollar which reaches Castro for goods imported into this country is a dollar which strengthens an enemy. Every U.S. dollar which reaches Castro for goods imported into this country is a dollar which will be used to strengthen his grip on Cuba and to throttle the hopes of those freedom-loving Cubans who would overthrow him.

As pointed out by the gentleman from Florida [Mr. ROGERS], a complete economic embargo of Castro's Cuba would hasten the day when the Cuban people can take their proper place as a free nation in this hemisphere's community of nations. This country is committed to that end, as surely as we are committed to the freedom of the people of West Berlin. We must act, and act now, to honor our commitment to free Cubans and to free peoples throughout the hemisphere. To do less in this hemisphere is to cast doubt on the seriousness of our purpose throughout the world.

Enactment of H.R. 8465 will be an important step toward letting our Communist enemies, whether in Moscow, Peiping, or Havana, know that the United States has the will to act, not merely talk, in defense of freedom. I have urged that our Government take this important step several times during the past year, and I commend the action of the gentleman from Florida [Mr. ROGERS] in submitting this bill to Congress.

Mr. SIKES. Mr. Speaker, my distinguished colleague from Florida [Mr. ROGERS] has made a significant contribution to the cause of democracy by bringing this measure to the floor for consideration. Of course it will pass, and I am confident it will pass with a unanimous vote. We have been altogether too patient in dealing with the Communist-dominated Castro government. Much of that has been due to our traditional friendship for the Cuban people. We are reluctant to see injury done to them, regardless of the circumstances. Now we know that greater injury is being done to them by their own government and that each passing day aggravates their problem.

If this measure becomes law, and it should, it will help to bring the Castro government to bay. To a surprising degree, Cuba's economy still is supported from the United States. This support should be stopped completely. The Cuban economy already is pinched from Castro's blunders. His movement is losing its glamour throughout the hemisphere. We should be doubly careful that no action of ours helps to keep it alive. When we trade with Cuba we are helping to keep the Castro government in power.

This is one step and one step only. Very probably much more will be required to rescue the Cuban people from communism. I trust that the necessary action to put those other steps in motion are now under serious preparation by our Government. Whatever is required should be done, and there should not be undue delay. The American people want it this way.

Mr. HERLONG. Mr. Speaker, I want to commend the gentleman from Florida on introducing this bill, and the Committee on Interstate and Foreign Commerce for bringing it out so that Members can demonstrate the strong feeling that exists in this body in support of a firmer policy toward Castro's Cuba.

We in Florida have had a ringside seat at the spectacle of a Communist regime establishing itself on our very doorstep. It has long seemed to us the height of folly for the United States to continue to subsidize and strengthen the entrenchment of a Communist dictatorship in Cuba through our trade.

The people I have the honor to represent are overwhelmingly in favor of the enforcement of the Monroe Doctrine and the elimination of this clear and present danger to our hemisphere. The enactment of H.R. 8465 is a first step which this Congress can take toward the isolation and containment of a political

cancer. It is a step we must take if we hope to effect a cure and prevent the spread of its contamination.

I want my colleague from Florida to know that I and the people of my district wholeheartedly support and concur in his proposal.

Mr. CASEY. Mr. Speaker, the gentleman from Florida, Representative PAUL ROGERS, has waged a vigorous battle to stop this despicable trade with Communist Castro, and I certainly want to commend him for his efforts.

It was my privilege to introduce a companion measure to his bill, H.R. 8465, and to lend my support before the committee to these measures.

The people of this country are sick and tired of seeing our great Nation turn the other cheek to a pipsqueak dictator who misses no opportunity to insult us. If national pride alone did not demand that this House act—then the fact that he has alined himself with communism, a system pledged to our ultimate defeat, would dictate that we so act in the interest of national security.

It is unfortunate that some within our country would trade with those pledged to our defeat. But it is even more unfortunate that our Government would permit such trade, not only to Cuba, but to other Communist bloc nations. It is my hope that the agencies within the executive branch will heed the expression of this House on this matter made when the foreign-aid bill was before us for action recently. At that time, I had the privilege of submitting an amendment to prohibit any aid and assistance being sent to 18 specific Communist nations, including Cuba, and a majority vote of the House adopted this amendment, only to see it deleted through conference action.

Mr. Speaker, by adopting this measure, we tell the people of this country and our friends now in bondage in Cuba that we will tolerate no more from Castro.

To our traditional friends in Cuba, let me say that we have not forgotten you, nor the mutual friendship and respect with which we held each other through many years of peaceful trade and relations. We grieve with you as each of your patriots is cut down by Communist bullets before the brick walls of your island prisons. We suffer the same humiliation that you undergo for the 3- and 4-hour psychopathic ravings before a television camera of this comic-opera dictator who holds you in bondage.

I would say to you, that we have not forgotten—and that I pray the day will soon come when you will live in freedom and liberty.

And I would say to you that if this pipsqueak sets one hand upon the U.S. Naval Base at Guantanamo—this day of freedom for which you yearn may come sooner than he expects.

In my mind, the bill we pass today to prohibit trade with Cuba is not the big stick we should be carrying in our fight for survival. But it should be an indication that we will brook no more nonsense from Castro, and I strongly urge the House to pass it.

Mr. FASCELL. Mr. Speaker, as a cosponsor of the legislation which is now before the House, I rise in strong support of it and I am sure that the vote adopting this measure will be unanimous.

By this action, the Congress again will show its strong determination to act affirmatively in dealing with the communistic Castro government and communism everywhere. This bill, Mr. Speaker, is action—not words. This legislation, Mr. Speaker, cuts off the last remaining flow of imported goods into the United States which provides dollars for the Communist government of Cuba.

By other actions of the Congress and the administration, the high level of $546 million of exports to Cuba and $527 million of imports from Cuba, have been reduced to approximately $20 million and $30 million, respectively. Only this final step remains to be taken. Notwithstanding the fact that comparatively speaking, the amount may be small; notwithstanding the fact that this action may cause distress to economic interests in our country and in my own State of Florida, I feel, Mr. Speaker, that this action must be taken to indicate to the whole world the determination of the American people in support of the President's strong position in the struggle against communism.

The issue is not a new one. I have been exhorting two administrations for a complete embargo by Executive order. I well recognize the attendant difficulties of invoking the Trading With the Enemy Act or the Emergency War Power Act, and the relationship of such acts on international agreements to which the United States is a member. Accordingly, though there is in my judgment ample provision in existing law, I submitted an amendment which was unanimously adopted by this House to this year's mutual security bill providing clear authority to the Chief Executive to invoke an embargo without the necessity thereby of calling into play the legal and technical international questions.

Now, Mr. Speaker, the bill before the House today, however, is unique in that it only indirectly engages in international affairs. Every country has a sovereign right to deal with its internal problems. This legislation deals with the question of the importation of goods from Cuba by barring their shipment in our interstate and foreign commerce.

This may be a unique way of dealing with this problem, but certainly it is effective and in my judgment, very timely. Lest it be said that the United States is engaging in economic warfare against a small, struggling, nation, let me point out Mr. Speaker, that the present Premier of Cuba has stated publicly many, many times that he will use all of his efforts to reorient the economy of the Cuban Government and its people away from the West and toward the Communists. He has dedicated himself to this position. He has thrown down the gauntlet of economic warfare, if that is what it be. We are simply saying that our patience has long since run out and that we will not consciously provide any more dollars to make it easier to sustain the present government in Cuba.

This is not a hasty action, Mr. Speaker. We acted on the curtailment of the sugar quota; we unanimously adopted in this House a resolution I was proud to cosponsor, seeking to obtain concerted action through the Organization of American States for economic sanctions against Cuba. We have waited more than a reasonable time to allow this organization to act. Regrettably, it has not yet found the opportunity to act in concert. I have maintained for over 18 months on the floor of this House and in speeches everywhere, that we should seek to act in concert on the Cuban question, asking our Latin American friends to stand up and be counted on this issue; but failing within a reasonable time to obtain such concerted action, the United States must act in its own self-interest in this fight against communism.

The action today, Mr. Speaker, by this House is an act by the people of the United States in their own self-interest in the struggle against communism. We are determined that communism shall not engulf the Western Hemisphere. We are determined that the Communist dream of world empire shall not be realized. We are determined instead, Mr. Speaker, that America's freedom doctrine shall prevail around the world.

Mr. CRAMER. Mr. Speaker, with reference to the bill to cut off trade with Cuba, which has passed the House unanimously, I joined all of my colleagues in support of this bill. At the same time, I want to state that the people of my district, especially the cigar workers of Tampa, who will be affected by such an embargo, are willing to make any necessary sacrifices; however, they insist on the President backing them up by giving the firmest possible leadership in the fight to rid Cuba of Communist Castro. They were shocked and dismayed at the abortive Cuban invasion failure, because of the lack of air coverage support. They were likewise shocked and dismayed at the tractors-for-prisoners blackmail deal. They want all aid, directly and indirectly, to Cuba cut off, the present ominous military buildup stopped, and all available pressures brought to bear against communism in Cuba and elsewhere in this hemisphere as well as throughout the world.

To this end, and because I believe it voices the sentiment of all Americans I have written a letter to the President concerning their wishes, and I include it in its entirety in the CONGRESSIONAL RECORD for all to see:

SEPTEMBER 16, 1961.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you undoubtedly know, the House unanimously passed H.R. 8465, intending to cut off all trade with Cuba, and, as is evidenced by the hearings, the area in this country most adversely affected is the great Tampa Havana cigar industry, which employs some 6,000 people, and which is reliant upon the import of Havana tobacco for its continuation. The families of

many residents of my district have been employed in the cigarmaking industry for generations past, and the largest part of this trade embargo against the present $30 million a year remaining imports is Havana tobacco.

As I said, the bill passed unanimously, and thus obviously with my support. The purpose of this letter is to tell you, Mr. President, that it is my belief that all the people of my district, including those employed in the cigar industry, are willing to take any needed calculated risks and make any necessary sacrifices to end this Cuban Communist threat some 90 miles from our shores—far too close to Tampa itself.

I believe, likewise, that the people of Florida and of the entire Nation are willing to make any sacrifices and take any necessary risks, if called upon by their President and their Congress to do so. Should this bill become law, and the people of Tampa thus be called upon by the Nation to make this sacrifice, then it is my hope that this expression of what I believe to be their willingness to do so, as evidenced by my vote, will at this critical time give you the needed strength and fortitude in the knowledge that America is willing and anxious to support a strong anti-Communist drive against Castro in Cuba.

This bill, along with other unanimous action taken by the House this session, calling for firm and resolved leadership in opposition to Communist Castro, and as evidenced by the amendments passed to the foreign aid bill and the anticommunism in the Western Hemisphere and Cuba resolutions passed, should leave little doubt in your mind of the unqualified willingness of the people of the United States to back you up as our President in marshaling every available force against Castro now before it is too late—before we have Communist imported missiles on Cuban launching sites aimed at Florida and our Nation.

I, in joining all of my colleagues in support of this bill, state the people of my district are willing to make any necessary sacrifices, but, at the same time, they insist on you as our President backing them up by giving the firmest possible leadership to this fight. They were shocked and dismayed at the abortive Cuban invasion attempt, because of the lack of air coverage support. They were likewise shocked and dismayed at the tractors-for-prisoners blackmail deal. They, fortified by the action of the House on the foreign aid bill, want all aid directly and indirectly to Cuba cut off, the present ominous military buildup stopped, all available pressures through the Organization of American States and the United Nations brought to bear against communism in Cuba and anywhere else in this hemisphere, full support of the Cuban exiles in forming a Cuban government in exile, and the proper encouragement of them toward an eventual takeover, as well as an end to all available dollar sources to Castro, including the $5 million annual drain from the Guantanamo base payroll being stolen by Castro right outside the gates when his bank forces the exchange of worthless pesos for valuable dollars.

As a matter of fact, such leadership could conceivably result in the overthrow of Castro even before the stockpiles of Havana tobacco are exhausted, assuming this bill becomes law.

I trust that the expression of willingness on the part of many citizens of my district of very moderate income—many of whom it would be almost impossible to retrain for other jobs—to make a substantial sacrifice on their part, as evidenced by my vote for this bill, will have the effect of further fortifying you in your determination to evolve a much needed effective program to rid this hemisphere of Castro and to oppose all other Communist threats throughout the world—fortifying you in the knowledge, as evidenced by this willingness of some 6,000 citizens of my district to make this substantial sacrifice if needed, that all America likewise stands ready to back your administration in such efforts. I trust that such an effective anti-Communist Cuban program will be forthcoming in the near future—as well as worldwide firmness in dealing with the threat of atheistic communism.

With kindest regards, I am,

Sincerely,

WILLIAM C. CRAMER,
Member of Congress.

Mr. HALPERN. Mr. Speaker, I rise in enthusiastic support of this legislation to invoke a complete U.S. trade embargo against Cuba.

I am privileged to have joined in the sponsorship of this legislation, my bill being H.R. 8465, and to have testified at the hearings. I fully endorse the committee amendments and I heartily commend the committee for acting quickly and decisively in bringing this proposal before us. I particularly want to compliment the gentleman from Florida [Mr. Rogers], for his superb efforts in this cause.

There is no excuse—no justification—for the continuance of trade with Cuba—no matter how much, or how little. We have withdrawn diplomatic relations, branded Cuba's Government as communistic, cut the importation of sugar from Cuba to the United States. Yet, we still allow other Cuban imports into this country in exchange for U.S. dollars, foodstuffs, and many other items, the exportation of which can only bolster the Castro regime.

Surely this policy cannot continue if we expect to advance freedom for Cuba. Positive and decisive action is vital to hasten Castro's downfall. This bill, which I am certain reflects the feelings of all Americans, would effect an embargo by banning the shipment of goods imported into the United States from Cuba and all goods destined for exportation to Cuba.

Mr. Speaker, this is what many of us in the House advocated for a long time. We have urged action by the President. We have demanded action by the State Department. And, despite repeated assurances that the matter is "under consideration," still no overt steps have been taken. I am convinced that only the enactment of this legislation can bring about the kind of results which are needed.

This is a basic moral issue. It is a bipartisan one. I hope that the House will vote overwhelmingly for this legislation and thus serve notice on the world, once and for all, how we feel about Red Tyrant Castro.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from California.

Mr. COHELAN. Mr. Speaker, I am wondering if the distinguished gentleman from Arkansas or the gentleman from Florida could tell me the position of the Department of State on this matter.

Mr. ROGERS of Florida. Mr. Speaker, the gentleman asked about the position of the Department of State. That is set forth on page 3. The Department stated that they felt this bill was unnecessary because of existing law and the fact that they desired flexibility within the executive department. I would say that it was not a strong report in opposition. It simply stated that they felt it was unnecessary because there is existing law and they can do this. But it has not been done. This bill would see that it is done.

Mr. RIVERS of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from South Carolina.

Mr. RIVERS of South Carolina. Mr. Speaker, I take it from the gentleman's colloquy with one of the Members that this did not have the strong support of the Department of State?

Mr. HARRIS. The gentleman is correct. The State Department expressed its opposition, as indicated by the gentleman from Florida [Mr. ROGERS]; they thought it was unnecessary.

Mr. RIVERS of South Carolina. I am not surprised at that position.

Mr. HARRIS. Mr. Speaker, I think all Members will enthusiastically support this bill.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and shall include therein the letter from the Department of State giving further information with reference to this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. I think it should be said that the Government has been giving close and continuous consideration of this problem since the Castro era in Cuba. When it became evident that the Castro regime was going to the Communist which I think he had in mind from the start, the trade between our country and Cuba has been reduced to a very small percentage of what it was in 1958. No strategic materials are permitted to be exported to Cuba at all.

In 1958 our Government approved exports of $546.2 million. The current rate of export now on an annual basis is only about $20 million. In 1958 we permitted imports from Cuba worth $527.8 million as compared to about $30 million per year now. It is mostly tobacco processed in Florida.

The letter explaining further the Department's position follows:

DEPARTMENT OF STATE,
Washington, August 28, 1961.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives.

DEAR MR. CHAIRMAN: I refer to your letter of August 3, 1961, transmitting three copies of H.R. 8465, a bill introduced by Representative ROGERS which, if adopted, would prohibit trade between the United States and Cuba.

You will recall that the U.S. Government in fulfilling its responsibility to insure a reliable source of sugar took the major step last year of eliminating imports of Cuban sugar which constituted over 70 percent of Cuba's normal exports to the United States. Controls over exports to Cuba were also instituted last year, effective October 20, barring all shipments of U.S. goods to that country except for certain nonsubsidized foodstuffs, medicines, and medical supplies.

Thus, in comparison with 1958, the year prior to Castro's assumption of power, when U.S. exports to Cuba totaled $546.2 million and U.S. imports from Cuba totaled $527.8 million, the current annual rate of exports and imports is about $20 million and $30 million, respectively.

Although the volume of trade with Cuba has been reduced drastically, I can assure you that the Department remains deeply concerned that the hostile Castro regime continues to obtain dollar income from sales of Cuban exports in the United States. As you know, existing legislation provides broad authority to accomplish the aim which would be achieved by passage of the legislation proposed by Representative ROGERS. The Department feels, therefore, that H.R. 8465 is unnecessary.

The administration has under consideration measures which, if applied, would result in an embargo on U.S. trade with Cuba. I shall be pleased to communicate to you as soon as possible any further developments with respect to this matter.

The Department has been advised by the Bureau of the Budget that, from the standpoint of the administration's program, there is no objection to the submission of this report.

Please do not hesitate to call on us if we can be of any further assistance.

Sincerely yours,

BROOKS HAYS,
Assistant Secretary.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., September 11, 1961.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of Defense with respect to H.R. 8465, 87th Congress, a bill to prohibit the shipment in interstate or foreign commerce of articles imported into the United States from Cuba, and for other purposes.

H.R. 8465 proposes to stop all imports into the United States from Cuba and all U.S. exports to Cuba by prohibiting from the date of enactment any sale or purchase of such goods in the United States. Imports or exports by or on behalf of the United States in connection with the operation of any military or naval base of the United States situated in Cuba would not be affected.

The present situation is that exports from the United States, except food and certain medical supplies, are controlled and the imports of sugar from Cuba are cut off. The chief remnants of the once substantial two-way trade are U.S. imports of Cuban tobacco, industrial molasses, and fresh pineapples. If all trade with Cuba were cut off, the economic effects would be felt by certain U.S. industries but they would be insignificant to the United States as a whole. The economic effects on Cuba might well be serious food shortages there.

Inasmuch as H.R. 8465 is primarily concerned with foreign policy, the Department of Defense defers to the Department of State with respect to its enactment.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely yours,

CYRUS R. VANCE.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Arkansas.

Mr. FULTON. My question is this: At the Guantanamo Naval Base we are employing and paying in U.S. dollars many Cuban workers. This is a source of supply of dollars to the Castro government. What are we doing about that? Obviously, through this large Cuban payroll we are putting into the hands of the Castro government American dollars. All we hear from the Castro government is that they are going to take over the Guantanamo Naval Base. Why do we not do something? Why do we not say, "Look, if you are going to take the Guantanamo Naval Base over, or you are going to try to take it over, we will have to give you notice that we will have to discharge some of these Cuban workers." Why are we subsidizing them with these American dollars?

Mr. HARRIS. I will say to the gentleman that that is not involved in this bill, because our committee does not have jurisdiction of that subject matter.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

SUPPLEMENTAL APPROPRIATION BILL, 1962

Mr. THOMAS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9169) making supplemental appropriations for the fiscal year ending June 30, 1962, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, one-half of the time to be controlled by the gentleman from Iowa [Mr. JENSEN], and one-half by myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. RAINS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RAINS. Have all points of order on this bill been reserved?

The SPEAKER pro tempore. The Chair understands that points of order were reserved by the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. That is correct.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. THOMAS]?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9169, with Mr. HARRIS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. THOMAS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, our subcommittee brings to you what we hope, and certainly it looks as if our hopes will be accurate this time, is the last and final supplemental appropriation bill of the year.

This bill has a good many items in it, and we respectfully suggest that you get the hearings and the report and be looking them over. There are some 80 or 85 items in the bill, and each of them has a great many details in it.

We bring this bill to you. We are your servants, but you are going to have to write this final bill. We are prepared, we hope, to give you any information you may require. We are all here. We will do our best to give you whatever you want to know. We will take it either singly or together, and we will try our best to give you that information.

This is not an easy matter for us to handle. I think I can say to you that this is just about as unanimous a bill as it is possible to get seven men to agree upon as far as all the items are concerned.

May I give you some overall figures. There is in here $646,771,447, in some 80 or 85 different items, and I repeat, each item has many details in it. There was a total request for, in round figures, about 8,000 employees. There are in this bill, in round figures again, about 5,100.

There is a reduction in the neighborhood of about $150 million. I think there is some explanation due there. That sounds like a very severe cut, but when you analyze it, it is not. There are some agencies where the committee took the position that they had merit in their requests, but they ought to go over to the regular session in January so the regular subcommittees could handle them. So the funds were denied. Therefore, that makes the cut look rather severe.

With that thought in mind, I hope the Committee will seek whatever information it wants. I, along with my colleagues on both sides of the aisle on the subcommittee, invite you to ask for that information, and we will attempt to give it to you.

Let me say generally there are four items in here that I ought to call to your special attention. They are items that deal with direct back-door spending. They are brandnew programs.

Mr. Chairman, the committee has brought back for the serious consideration of the House these four items. We submit them to you. We attempt to change by appropriate language the back-door spending and to supply the direct money and direct appropriations so that the membership of the House of Representatives each year can work its will on these appropriations and the

spending of money. We did not cripple any of the programs.

I will speak for myself personally now, and not attempt to speak for the committee on these items. I voted for the legislative authorization on the area redevelopment program. The committee has not reduced the loans and grants by one cent. May I repeat that—not one penny has been reduced on your big loan and grant money. The direct cash was supplied to replace the back-door credit authorizations.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to our beloved colleague from Florida.

Mr. SIKES. There has been some apprehension expressed about the area redevelopment appropriation, that the money which will be needed by other agencies of Government to supplement and support the area redevelopment program has been reduced.

Mr. THOMAS. That is true.

Mr. SIKES. The House has a great deal of confidence in the gentleman from Texas and his committee, but I would like to have some clarification on that point.

Mr. THOMAS. We will be delighted to give it to our friend.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMAS. Mr. Chairman, I yield myself 2 more minutes. I do not want to take up too much time. I know my colleagues want to hear other gentlemen who want to talk.

Here is what your subcommittee did. I repeat—on loans and grants, not one penny was taken out.

As to the administrative expense money—that is what my friend is referring to—we did our best to help to make this program work. As far as Mr. Batt, the Administrator, is concerned, and in my judgment he is a good one, he wanted 296 employees and we gave him every one of them.

The act says in order to be economical and to use the assets we have in this Government that these agencies shall help. It sets out seven agencies. Each one of these agencies are doing practically the same thing but the new act gives them another authority. It is just changing over to the other side of the fence. This program will work, if we do not let it get bogged down with jobholders. They have the employees now—that is the point—but we put in $300,000 and they should not need that. Mr. Chairman, that is my point.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I join with the gentleman from Florida in saying I have the utmost confidence in the gentleman from Texas, and his committee, and that confidence, of course, is shared by other Members of the House whose responsibility it is to deal with other programs. But, unless there is an allocation of funds to the regular Department for this activity, rural area redevelopment, we will be cut at the expense of the regular programs and that is a matter that the regular committees have to deal with. I ask the gentleman this question: Does this agency, and does Mr. Batt, have authority to allocate to other departments funds so that they may do this without doing it at the expense, let us say, of protecting the country from foreign insects and various other programs that we have to carry on?

Mr. THOMAS. He is the boss. The act is so written, and he can allocate his funds as he sees fit.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JENSEN. Mr. Chairman, I yield myself such time as I may need.

Mr. Chairman, here in this bill is the best example of what legislation costs when the Congress passes bill after bill authorizing certain agencies to spend the people's money in excess of what authority they have had in the past. A substantial proportion of this bill is the result of legislation which this Congress has passed during this session.

You will note there are many agencies of Government who will, under this bill, receive a lot of money, and when I say a lot of money, I mean a lot of money, to the tune of $646,771,447, in what they call a supplemental budget request.

Now, supplementals are supposed to be for emergency needs to a very great degree. We have on the statute books of this Nation of ours a law known as the antideficiency law, which provides that if an agency head spends more money during any 3-month period in a fiscal year than the Congress has permitted him to spend during such period, then that agency head is subject to a heavy fine and even a jail sentence. So, they dreamed up a word to use in lieu of the word "deficiency." They dreamed up the word "'supplemental," and hence we have deficiency appropriation bills after deficiency appropriation bills in every session of the Congress. This fiscal year was less than a month and a half old when these so-called supplemental requests came to our committee in the amount of over half a billion dollars.

My colleagues, such bills have really gotten completely out of hand. It has become a disease, it seems, by most every department, agency, commission, and bureau of Government to spend and spend irrespective of the amount of money the Congress appropriates in the regular bills and even long before they run out of money, which they do, then, of course, they know it is easy to get a supplemental appropriation from the Congress of the United States, and believe me, they are all quite expert in their appeal for more of the taxpayer dollars, by the thousands, millions, and billions.

They have some kind of society, it seems. I do not know what they call it; I would call it the "Federal Wasteful Spending Society of America, Inc." It seems they operate on the theory that if most of them do not ask for so-called supplemental requests it will make those who do look very bad in the eyes of Congressmen.

In this bill we have a number of requests for funds which the committee reduced substantially, yet if I had my way they would have been reduced a lot more. I must say that this is the first appropriation bill that has come to the floor from the committee of which I am a member or have been a member where I had reservations on many of the items that are in the bill which means, of course, that I am opposed to such items. In this bill the Areas Development Administration gets $168 million. For what? To go into hundreds upon hundreds of localities scattered in all 50 States of this Union and Puerto Rico, ferret out people who do not have jobs at the present time, and then retrain them—yes, retrain them even at the age of 55 or 60 years in some other trade and then try to move them and their families away from their present home. Mr. Chairman, it just cannot work.

I listened with utter disgust to the Federal officials who attempted to justify this great sum of money. I discovered first of all that they had little respect for our free private industry; in fact, one of those officials made the remark that industry had to build more plants in these areas of unemployment. He went on at great length. I asked him finally how much money he would like to invest to build a plant in some area and then the minute he got the plant built have labor czars move in and make it so difficult for him to make a profit in the end he would have to close shop.

No one answered that question. Any 10-year-old child knows the American way to get more employment in this Nation is to give business and capital an incentive to move into those areas and to make it easy for them to carry on their business and give employment to people who deserve and need employment. Anything and everything is done to make it difficult for people to invest capital, and Mr. Chairman, just so long as that is the order of the day we are going to have unemployment problems no end.

Mr. Chairman, I am more displeased with this bill as it comes to the floor today than with any appropriation bill which I have ever had anything to do with during the 19 years I have been a member of the Committee on Appropriations. I respect the gentleman from Texas [Mr. THOMAS]. There is no finer or more patriotic American gentleman than the chairman of this subcommittee, AL THOMAS. He has worked diligently, long, and hard to do the best job that could be done under present circumstances. But I say again so long as this Congress continues to pass authorization bills which call for these high expenditures by the billions of dollars, just so long will our Government and our Treasury be in a most precarious financial condition and at the end of that trail will surely come bankruptcy and destruction of our American blessings. Yes, finally, the American people will reap the harvest which Congress has sown.

Mr. THOMAS. Mr. Chairman, may I ask the gentleman from Iowa on the other side to yield time? There are few requests for time over here.

Mr. JENSEN. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Chairman, there are just two items in this bill I should like to discuss briefly. The first item I would like to discuss and bring to the attention of the Committee is the fact that there is in this bill money for protection of the Capitol Building that we discussed some months ago, the fire hazards that have developed over the years. The Architect of the Capitol, together with outside architects, and the Board of Fire Underwriters, have submitted reports showing the dangers to the Capitol. We now have the money in the bill to take care of the fireproofing and protection of the Capitol Building. We assured you several months ago that this would be done. It now has been taken care of.

Mr. Chairman, the other item that I should like to discuss with the Committee is a matter that is in operation but has never before been a matter of debate or discussion here on the floor of the House of Representatives. It has always been handled by the other body, and has been accepted here. I refer to the East-West Cultural Center which is located in Hawaii. I should like particularly to have the attention of the members of the Foreign Affairs Committee of the House, because this is a matter that the Foreign Affairs Committee I am sure will be interested in, as well as those of us on the Appropriations Committee and the Subcommittee on State, Justice, and the Judiciary.

Mr. Chairman, I should first like to assure the gentleman from Hawaii [Mr. INOUYE], who is on the floor of the House, and the people of Hawaii, that what I have to say does not mean that I am against an East-West Cultural Center. I think it is a good project, and should be established. Much good can be done with such a project. What I am going to say in criticism of the East-West Cultural Center is simply because I think it represents a very loose handling of the taxpayers' money of this country, and is not carrying out the will of the people.

Mr. Chairman, for those who are not familiar with the East-West Cultural Center, may I say that it has been set up in Hawaii because we bring the people from Asia into Hawaii to meet with American scholars there. It is an ideal location for such a center.

Mr. Chairman, in the mutual security bill of several years ago there was a provision in that bill providing for the Secretary of State to make a study to determine whether or not there should be a cultural center in Hawaii. The Secretary of State did that and made a report which was apparently not satisfactory to some Members of the other body, and they adopted their own proceedings.

Mr. Chairman, in another mutual security bill, by an amendment—mark you, this has never been discussed on the floor of the House, although the distinguished gentleman from Hawaii [Mr. INOUYE] has appeared before committees and testified—this provision was adopted in the mutual security bill in the other body and they put in $10 million to implement it. Again, this was done without consideration by the House on how the $10 million was to be used.

Mr. Chairman, let me point out to you what they were going to do. The testimony in the other body, and the facts that we have developed, prove that they intended to spend in the first 6 years on the East-West Cultural Center $75 million—6 years, $75 million—and in a matter of about 3 years some $30 million.

Now, we appropriated the $10 million. It is interesting to read from the testimony in reference to that.

Mr. Chairman, the gentleman from New York [Mr. ROONEY] asked this question during the course of the hearings:

> Mr. ROONEY. What is the University of Hawaii doing for the East-West Cultural Center?
>
> Mr. COOMBS. First of all, the Hawaiian Legislature appropriated $852,000 toward buildings and for administrative expenses in connection with the planning and operation of the center, and donated land to the center on which these buildings are being constructed, having a market value of $2,740,000.

Get this: "donated land." This is the Assistant Secretary of State speaking; donated lands, $2,740,000.

Further, Mr. Coombs stated the following:

> My guess would be that the university is going to put more into this center and I think the State of Hawaii is going to end up putting more in this center than it can possibly get out financially.

Mr. Chairman, the gentleman from Massachusetts [Mr. BOLAND], recognizing the situation, on page 599 of the record of the hearings, said this:

> Mr. BOLAND. I think the danger, at least in my mind—and I presume this is the fear of others—is that we still have a facility which would be built for the University of Hawaii. We do not want to just subsidize the University of Hawaii. This is one of the dangers. I suppose this would alleviate the fear if this is handled properly.

Mr. Chairman, this is the surprising fact: Contracts have been let for the construction of the building in the amount of $8,610,000. I asked the question in the hearings: "Who holds the title to the land on which we are building these buildings?"

Well, there was some confusion; but if you take the original testimony of Mr. Coombs, he said the University of Hawaii was donating land worth $2,470,000. I pressed the matter because I knew who owned the land. We are putting up buildings to the extent of $8 million and they have asked for additional funds, but we already have contracts for $8,610,000, putting up buildings on land owned not by the Government of the United States but by the University of Hawaii.

This is actually a grant, an endowment of that amount. Then I went further and checked the grant papers. It was anticipated that we would spend $75 million on this East-West Cultural Center, but when you look further into the grant papers, you find that we are putting up these buildings on the grounds of the University of Hawaii and that the University of Hawaii can give us 30 days' notice to get out.

I think this is a proper matter for the Committee on Foreign Affairs and other committees of the House to look into so that we may develop sound legislation and a sound program for a worthy cause, the East-West Cultural Center. In view of what the gentleman from Massachusetts [Mr. BOLAND], had stated about the danger of this becoming a part of the University of Hawaii and what the gentleman from New York [Mr. ROONEY] had said, let me read to you from a document that I received just this morning. I have not had a chance to study it carefully.

It is dated September 13, and it is from Dr. Laurence H. Snyder, the president of the University of Hawaii. This is part of that report and I read from page 3:

> With the signing of the agreement and the transfer of funds to the university the center became a reality as an official part of the university and the center's various institutes and divisions were placed in operation.

That was not the intent of the Congress when this was passed and I do not believe it is the intent today. I think the intent is that there shall be an East-West Cultural Center operated by the United States in conjunction with the University of Hawaii. But I do not think it is the intention to subsidize or to build up a branch of the University of Hawaii, from which we can be thrown out in 30 days.

Mr. ROONEY. Mr. Chairman, will the distinguished gentleman from Ohio yield?

Mr. BOW. I yield to the gentleman from New York.

Mr. ROONEY. I merely want to say that I am in thorough accord with the expressions made here today by the distinguished gentleman from Ohio.

Mr. BOW. I thank the gentleman from New York.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I want to compliment the gentleman on his statement and also the manner in which he pursued this item in the committee. As he indicated in the authorization legislation, he is in favor of this item, and all of us think that it is a great program. But I think there is a great danger here that we are subsidizing this university. The development of the information and the testimony within the committee will probably occasion the State Department's taking another look at it. We do not want to hurt the Center. We think it is a great thing. We think it has some great possibilities. But I do believe there is some real danger in this matter of building an institution that the taxpayers of your State and my State and all the other States are paying for in Hawaii. I am sure the gentleman from Hawaii does not want that to happen, either, and that is exactly what we do not want to happen.

Mr. BOW. I thank the gentleman from Massachusetts.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from North Carolina.

Mr. JONAS. Before the gentleman from Ohio leaves this subject I hope he will tell the Committee that our subcommittee eliminated any further construction funds until this matter can be cleared up.

Mr. BOW. Yes. I might point out that this is the fact. There were requests here for additional funds for construction and those have been eliminated by the committee until this matter can be cleared up.

We have money in for the grants to scholars. This cultural center is under way and they are doing a good job. We did not want to do anything to affect the present operation. It can be continued. What we want to see is some legislation, some method, by which the dollars that we are going to spend are going to be protected.

Mr. INOUYE. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the distinguished gentleman from Hawaii.

Mr. INOUYE. I would just like to advise the House that the vice president of the University of Hawaii is here in Washington conferring with officials of the State Department to carry out exactly what the gentleman from Ohio [Mr. BOW] has been discussing. I concur with the gentleman that this is a Federal project. As far as I am concerned, representing the people of Hawaii, this East-West center is in no way a State project. I can assure you I will do my best to see that the Federal concept is carried out.

Mr. BOW. I thank the gentleman from Hawaii. I join with him in hoping we can carry out this program of a proper East-West cultural center. The gentleman's testimony before the committees of the House and of the other body has been enlightening and certainly worth while in the consideration of this matter.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Iowa.

Mr. GROSS. I, too, want to compliment the gentleman from Ohio on the very effective manner in which he questioned the witnesses before the Appropriations Subcommittee with respect to this cultural center. He did a very great deal toward bringing out the facts of the situation before the committee and now on the floor of the House.

The question that arises in my mind is this: Why was this man Coombs, this Assistant Secretary for Cultural Affairs at the State Department, and why was the State Department so lax in this matter? Why did Coombs and the State Department permit a situation such as this to develop? Why was so little attention paid to this when Congress is providing all kinds of highly paid employees in the State Department supposedly representing the interests of the United States and the taxpayers? Will we ever get an operation in the State Department that has some semblance of a business operation?

Mr. BOW. When this matter was first put in as an amendment to the foreign-aid bill, the ICA, there was a direction for the Secretary of State to make a study and report back to the other body. The Secretary of State did do that, and he put limitations on it. His program was much more restricted than the program that was entered into. He was criticized by Members of the other body for not bringing in a larger program, for not spending more money on it, and for making it only for 1 year and not a permanent project. The Secretary of State was criticized at that time, 3 or 4 years ago, when this thing was established. Then the other body disregarded the study they had requested be made and went ahead with this program. So we cannot lay this completely at the door of the State Department at that time, because actually, as I said in the hearings, like Topsy, it just grew. I am critical of Mr. Coombs, the present Secretary, who is handling this, for his testimony before the committee when he said they donated this land when in fact we had only a 30-day right on it. I think they should study and understand this program and keep their fingers on it, and not just give a grant and turn it over to somebody else to operate.

Mr. GROSS. The hearings are replete with examples of the fact that Mr. Coombs did not know what was going on over there.

Mr. BOW. I think that was quite right. I think some of the ones who preceded him just did not do what was right in handling it. That is why I am hoping the committees of the House now will take jurisdiction of this and go into it, and we can establish something.

One other matter I might point out to the members of the committee. There is a provision in this bill for paying the Asian scholars. This seems to be something that should be considered. Asian scholars are coming over here, that is, professors from colleges in Asia. I think most of the Members of the House know about what their salaries would be. Yet they are receiving $13,500 a year to come here to live in these nice, plush quarters in Hawaii while they are studying. I think we are spending too much money on that. I think this study ought to be made; $13,500 a year is a great deal to pay to these Asian scholars to come over and take advantage of these East-West cultural centers.

Mr. THOMAS. Mr. Chairman, I yield myself 1 additional minute in order to answer an inquiry of the gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to my colleague with pleasure.

Mr. EDMONDSON. On yesterday, the Indian Claims Commission entered a judgment, one of the major judgments that the Indian Claims Commission has entered, in the sum of $14,789,000 for the Cherokee Indians. That is a final judgment representing the conclusion of nearly 10 years of litigation on this question. I talked yesterday with the Director of the Budget, Mr. David Bell, and he said it had not been possible to complete the processing of the papers to include this in the deficiency judgment, but it would be sent over within the next day or so to the other body for action there. I just want to ask the gentleman if he knows any reason why, when the Budget has approved it, and it has been sent to the other body, that it could not be accepted by this committee on behalf of the House?

Mr. THOMAS. Is the gentleman in favor of it?

Mr. EDMONDSON. I am very strongly in favor of it.

Mr. THOMAS. Are the gentleman's colleagues of the Oklahoma delegation in favor of it?

Mr. EDMONDSON. Mr. Chairman, the entire Oklahoma delegation is enthusiastically in favor of it.

Mr. THOMAS. It is my understanding that this judgment carries 6 percent interest; does it not?

Mr. EDMONDSON. That is correct.

Mr. THOMAS. If we can save 3 or 4 months' interest, that would be in the best interest of the taxpayers as well as in the best interest of our distinguished friend, the gentleman from Oklahoma and his great Oklahoma delegation. So at the proper time when the bill is open to amendment, I suggest that the gentleman offer the appropriate amendment.

Mr. Chairman, there is an item in the bill providing for judgments which are final judgments and constitute debts against the Government of the United States. There are about 40 such instances, I think, involving some $22 million.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. Mr. Chairman, I yield myself 1 additional minute so that I may yield to our distinguished friend, the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, I commend the committee for the work they have done on this bill. I call the attention of the gentleman to page 2 of the report under the Department of Commerce, under the Bureau of the Census. I notice the Congress and the Committee on Appropriations finally woke up to the necessity of having some information on imports coming into this country. Here you are making available $148,000 which is slightly less than the request which was made based on the Bureau of the Census information, and we should have a policy under which the U.S. Tariff Commission should have money available so that we could have detailed information on all imports into this country—not only textile imports but every other import coming into this country.

Mr. THOMAS. May I thank our distinguished friend, the gentleman from West Virginia [Mr. BAILEY]. His advice is always helpful, always welcome and his remarks are always to the point.

Mr. AVERY. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to our good friend, the gentleman from Kansas.

Mr. AVERY. I notice the subcommittee in its wisdom eliminated $47 million requested by the Secretary of Agriculture to relocate wheat from current storage sites to locations close to metropolitan areas—presumably in the East.

I wonder since this item has been deleted; does this mean the Secretary of Agriculture will not be able to move this wheat or does he just have to look elsewhere to put it?

Mr. THOMAS. I assume, if he does not have the funds, he cannot move the wheat. I think that would be true.

Mr. AVERY. And that would more or less be the position of the House, that this mission should not be undertaken until further authorization.

Mr. THOMAS. That is the position of your committee and we are submitting it for the consideration of the House.

Mr. AVERY. Mr. Chairman, I compliment the gentleman on the wisdom of that decision.

Mr. THOMAS. We thank our friend and we are delightful to have his support and appreciate it very much.

Mr. BOW. Mr. Chairman, I yield 15 minutes to the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS. Mr. Chairman, as has already been stated, this bill appropriates $631 million. Something was said a few minutes ago in a colloquy that we could save some interest by adopting an amendment increasing this amount. I would say with respect to that suggestion that we will have to borrow every dollar of this $631 million. We are already operating on a deficit basis. Nobody knows how much the deficit will be next June 30 but everyone admits there will be one. The prospective deficit has been estimated at from $3½ billion up to $18 billion. My own guess is it will be somewhere in the neighborhood of $8 or $10 billion. But of one thing we can all be sure—whatever we appropriate today in this bill will add to that deficit. We do not have the money; it is not in the bank; it is not in prospect from receipts from taxes, customs receipts, or otherwise. So, keep that in mind when you get to the point of considering amendments to increase this bill.

I saw the distinguished chairman of the House Committee on Appropriations on the floor a moment ago, and if I may have his attention, I would like to use his statement made on this floor a week or so ago, which should be alarming to the members of this committee and the House and to the people of the country. It is about the most dramatic way to explain what is happening. The Appropriations Committee chairman called attention to the fact that the U.S. Government has been going in the red at the rate of $1 million an hour every hour of every day and night since January 1, 1961. Yet we continue to pass authorization bills here which obligate the Committee on Appropriations to bring in appropriation bills to implement the authorizations.

There is no way to stop this spending trend and put our financial house in order until we have the courage to stop authorizing new programs and expanding existing ones.

One of the items in this bill is a small one; it contains some funds for additional employees for the President's Council of Economic Advisers. The amount is a small sum, $177,000, for 12 new positions. But what I would like to do is invite the attention to a colloquy I had with Dr. Heller in the hearings. You will find this colloquy on page 23. I had asked Dr. Heller how long we could continue to operate in the red without running into inflationary dangers or into other serious fiscal problems, and he said that he did not think that inflation would result from the present program because it only contemplated an increase in spending of some $3 or $4 billion over last year. Then I asked him what would be the effect if we should run a deficit at the end of this year of $10 billion, and quite properly he did not want to speculate on that; he did not want to say anything that he might be bound by, and I did not blame him for that. But, he did say that somewhere between a $4 and a $10 billion deficit we would run into a serious problem. I would like now to quote Dr. Heller's answer to a question as to where he would say the breaking point of trouble would be between $4 and $10 billion. I am not quoting him out of context but am not quoting everything he says; but do quote him as follows:

> I certainly think that somewhere in that range, between 4 and 10, you would find a point where you would have to take countermeasures.
>
> When I say "countermeasures" I do not, except as a last resort, mean direct controls over prices and wages; I mean a tighter monetary policy and a tighter fiscal policy.

Then Mr. JENSEN interrupted and said: "Higher taxes?"

> Dr. HELLER. That is right, higher taxes to offset the impact of spending. Of course, the very last thing we want would be direct controls over the economy.

And with that comment I certainly agree.

I refer to that colloquy because you have here a direct warning from the Chairman of the President's Council of Economic Advisers, that if we run a deficit this year ranging somewhere between $4 and $10 billion we will be in danger and will have to take countermeasures. Based on what Congress has already done this year, I think we have already entered the danger zone and that the red flags are flying.

There are some items in this bill about which I would like to comment, especially in view of these references to the colloquy with Dr. Heller. The gentleman from Ohio has indicated how your committee, by being vigilant, was able to discover something that needs correcting. Without intending to pat ourselves on the back, I would like to advert briefly to something else we learned when General Services Administration officials were before the committee along with the administrative officer of the courts. You will remember a few months ago we passed legislation here authorizing the creation of 73 new judgeships. Notwithstanding the fact that only a handful had been nominated or confirmed at the time of our hearings—I think other names were sent to the Senate yesterday—but at the time we had this hearing only four of the new judges had been confirmed, yet they were asking us for $4,650,000 to remodel, renovate, and decorate chambers in various public buildings around the country to accommodate the new judges. This might not sound like a big sum of money, $4,650,000 and it is not big in comparison with other items, but that is only the downpayment. The projects to renovate the necessary office space to accommodate the judges—this is in addition to salaries, clerk hire, and all the other emoluments involved—the total estimate cost of this program will be $17 million; $4,650,000 requested in this bill, and $13 million to be asked for next year and subsequent years.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield.

Mr. BOW. I just wonder whether the gentleman referring to this matter will speak of the fact that certain cabinets for a judge's office cost $50 each, something to put their telephones in.

Mr. JONAS. The gentleman is correct. But I intended to comment only on the items for refurbishing and renovating courtrooms and offices for the judges. They wanted $66,000 to fix up an office for one judge in Philadelphia. They wanted $38,000 for one judge's suite and a clerk's office in Chicago. In Hartford they wanted $84,000 for one judge's suite, one witness room, and one court reporter's office in a building that will be abandoned within a year when they move that judge into a new Federal building now under construction.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from New York.

Mr. ROONEY. Will the gentleman agree that the action of the subcommittee now pending for approval has adequately taken care of these extravagant items?

Mr. JONAS. I was getting ready to say that. I am glad the gentleman interrupted me to do it, because I began my comment on this situation by saying that if the membership knew what the committee did, this is one instance in which we might with due modesty claim a little credit for saving some money for the taxpayers.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I am delighted the gentleman from North Carolina points this out. As he indicated, this is a request to repair and remodel some of the old courthouses. In discussion of this item in committee some of the members pointed to courthouses that are being renovated and remodeled where they are building a new courthouse in the very same city to take care of the new judges who will be appointed and who will sit very soon.

Mr. JONAS. I thank the gentleman.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Illinois.

Mr. COLLIER. Who had the unmitigated gall to make this request in the first place?

Mr. JONAS. You cannot place the responsibility exactly. The General Services Administration asked for the money, but they did so at the request of the Administrative Office of the Courts. Actually, the Administrative Office has a regular plan. They can tell you how many square feet a judge should be allocated, how many different items of furniture he should have, and what kind of stand he should have to house his telephone. They have a regular prepared-in-advance setup for each judge, and they make their submission to the GSA. The GSA comes to the committee and asks for the money in accordance with the plan. We have put in enough money to take care of the judges that will be appointed this year and eliminated the rest with directions to restudy the proposals.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Iowa.

Mr. GROSS. Does the gentleman recall that when the bill providing for 35 new judges came on the floor of the House this year there was a hue and cry raised that justice delayed is justice denied. Does the gentleman remember that?

Mr. JONAS. I remember it. They are now asking for $2,800 per judge for travel expenses. I thought these new judges were going to stay at home and look after the courts in their home districts. But it appears they plan to do quite a bit of traveling, as their associates on the bench have been doing for years.

Mr. GROSS. Does the gentleman recall that the House this year passed a bill providing for 73 new judges and again the story was that justice delayed is justice denied. The gentleman tells us today only a handful of these judges have been appointed. Is justice still being denied?

Mr. JONAS. The gentleman from Iowa knows I cannot answer that question. I think there had been 4 or 5 judges confirmed when we had the hearings; but I notice in the morning paper some 14 to 17 additional names were sent to the Senate yesterday.

There will be some judges appointed and confirmed no doubt before the session ends; the exact number I cannot estimate.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Florida.

Mr. HALEY. Does not the gentleman from North Carolina think that immediately after the adjournment of the Congress this process of nominating judges will speed up very considerably?

Mr. JONAS. I would not comment on that. I have no way of knowing, but I do know that only about four had been confirmed when we held these hearings and when the $4,650,000 was requested.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Michigan.

Mr. CEDERBERG. It is my understanding that this supplemental appropriation bill carries an appropriation for approximately 5,000 new positions, out of approximately 8,000 requested by the administration.

Mr. JONAS. Eighty-one hundred.

Mr. CEDERBERG. Is that substantially correct?

Mr. JONAS. That is substantially correct.

Mr. CEDERBERG. It seems to me we are going far afield in connection with supplemental appropriation bills to come in here late in the session and have every agency of the Government requesting more money and new jobs when we have really in effect completed our regular subcommittee action. Some of them are not even completed. It seems to me that supplemental appropriations should be used only in a very serious emergency and should only be used in the event the Congress passes new legislation which requires that this kind of action be taken. I am personally convinced that coming in here every year with every agency wanting a supplemental appropriation is a mistake, and the Congress ought to soon recognize that something should be done about it.

Mr. JONAS. Mr. Chairman, I could not agree more with the gentleman from Michigan, and I should have made the same statement, and intended to do so. In addition, we should note this: The new fiscal year is only two and a half months old. This is the first of what I suspect will be a number of supplemental bills before the 87th Congress. Here we are, before the new fiscal year is 3 months old, with a supplemental request—over and above the regular bills—of approximately three-fourths of a billion dollars.

Mr. Chairman, I might say to the gentleman from Michigan [Mr. CEDERBERG] that we did the best we could with this bill. We made substantial reductions in the requests, amounting to $165 million. It was a difficult job, I tell you, to cut out 3,000 of the new jobs requested. You can be sure the agencies are not happy about it. However, we did that. I might say also that 2,500 of the new jobs are in the Social Security Administration, and a substantial number in the Housing and Home Finance Agency, or the coordinate agencies of that Agency. Nearly 1,000 of the jobs are there. Those increases have come about by reason of new legislation enacted by Congress at this session in 1961. And this points up the importance of slowing down on the new authorizations.

Mr. THOMAS. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, I do not think I can expand upon what our colleague, the gentleman from North Carolina [Mr. JONAS] has just so ably stated in answer to an inquiry by our friend from Michigan [Mr. CEDERBERG]. Of course, the gentleman from Michigan [Mr. CEDERBERG] is 100 percent right. We have not the slightest quibble with his observation. He is just as sound as a dollar, as he always is. But in this particular instance, since the time that the regular subcommittee passed on the matters before them, there was floor action and provision for various programs that have been signed by the President creating these extra duties. The gentleman from North Carolina [Mr. JONAS] very ably pointed out to the membership that perhaps 75 percent of the total increase is in one agency, namely, the result of the six big amendments passed by the Congress and signed by the President, enlarging the benefits of the Social Security Act.

Mr. JENSEN. Mr. Chairman, I yield such time as he may require to the gentleman from Indiana [Mr. BRAY].

Mr. BRAY. Mr. Chairman, there are times when this body performs some truly amazing feats. But I wonder if we are not outdoing ourselves when we begin passing supplemental appropriations for many bureaus almost before the fiscal year has begun.

We are slightly more than 2 months into this fiscal year. I hardly need remind anyone in this body that the budget which was approved by Appropriations was the largest peacetime budget in history. In short we already have given the administration billions of dollars to spend—more than ever before—and almost before the ink is dry on the check, so to speak, they are back with these additional requests. In fact, the President as yet has not signed the regular appropriation bill for the U.S. Information Agency; yet today we are considering a supplemental bill for $4,750,000 for that Agency.

The number of Federal employees has grown steadily during the first 7 months of this administration; from January through July more than 82,000 civilian employees were added to the Federal payroll. The President asked for funds in the supplemental appropriation to add 8,000 personnel to the Federal payroll, none of them in the Defense Department. This bill has, however, been cut by the Appropriations Committee to 5,100 extra employees.

Mr. THOMAS. Mr. Chairman, I yield myself 1 minute so that I may respond to an inquiry from our distinguished friend, the gentleman from Oregon [Mr. ULLMAN].

Mr. ULLMAN. Mr. Chairman, I first want to commend the distinguished chairman of the subcommittee and the members of the subcommittee for the excellent job they have done. I particularly want to express my personal appreciation for the inclusion of an item under the request of the Department of the Interior for $1,250,000 for use by the Bureau of Land Management for emergency reseeding of our public lands.

Mr. Chairman, our public domain in the West is a great national asset. This year, because of unusual drought, fires have destroyed the vegetation of many thousands of acres of public lands. This item will allow us to rehabilitate those ranges. I particularly want to congratulate the gentleman from Texas for allowing the full amount that was requested.

Mr. THOMAS. I thank the gentleman very much.

Mr. Chairman, may I state to our colleagues on the other side that we have no further requests for time, and that we would be delighted to rise whenever they are ready.

Mr. JENSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, this is another payday for the taxpayers of this country, and is a payday with a vengeance. This is a deficiency appropriation bill that is coming to us exactly 2½ months to the day from the beginning of this fiscal year. I shudder to think how many more deficiency appropriation bills we are going to get for this fiscal year, in light of the fact that we had, I believe, four deficiency appropriation bills for the last fiscal year and the start came much later.

I would like to ask a few questions of the gentleman from Texas [Mr. THOMAS]. I would like to ask where these buildings are going to be located that are provided for on page 6 under the heading "Buildings and facilities." What is the meaning of that item on page 6, line 6?

Mr. THOMAS. These are seven laboratories. It is our understanding that the Secretary of Health, Education, and Welfare will try to allocate one to each geographical section of the United States. When they appeared before us they had not yet picked the exact locations. We understand that there will be two in the Middle West, two on the Atlantic coast, two on the Pacific coast, and one somewhere in the gulf area.

Mr. GROSS. The figure is $1,600,000. Is that the start of it?

Mr. THOMAS. That is correct. That is the downpayment. It is our understanding, may I say to our colleague, that the completed cost of each one of the laboratories will be in the neighborhood of $2,400,000.

Mr. GROSS. On page 6 of the report I note that this bill contains a $30 million increase for housing for the elderly, which is in addition to $25 million provided in the regular bill for 1962. Then the committee goes on to say that only eight loans have been issued to date. I ask the gentleman why we have to have a deficiency for this item at this time. Why could not this have gone over to next year?

Mr. THOMAS. May I remind our distinguished friend that the Congress about 3 weeks ago passed a housing bill increasing the authorization $50 million for this purpose. We did not want to slow down the program.

Mr. GROSS. If they have made only eight loans up to this point, how do you expect them to absorb another $30 million?

Mr. THOMAS. According to the testimony, they have a good many applications. They claim they will use this amount of money. We cautioned them to go slowly and not make any mistakes. I think they are doing just exactly that.

Mr. GROSS. Under the item "Mass transportation loans and grants" you recommend $42,500,000. Yet you say that "The justifications were very vague and indefinite about the amount of money needed for loans and grants."

Under those circumstances, why did not the committee put this over until next year when some of the vagueness and indefiniteness might be removed?

Mr. THOMAS. Again may I say to our friend—and his question is a good one—this is a new piece of legislation. The House passed this bill about 3 or 4 weeks ago. It is a part of the urban renewal programs, part of the housing program. They considered it very, very vital, and we did not want to have it said that the committee was trying to wreck the program. So we supplied some funds.

Mr. GROSS. On page 7 of the report under the title "Open space land grants," you say that you are recommending an appropriation of $25 million, yet again you say that the justifications were very vague and indefinite.

Mr. THOMAS. I reiterate that, may I say to my friend. The authorization, as I recall, was $50 million. There is no limitation as to what they could spend in any town, city, or any State. Our housing law, when we started out in 1937, said only 10 percent of the amount of money involved in the bill could be spent in one State. Does that answer the gentleman's question?

Mr. GROSS. No. I do not know how in the world I could vote for a bill of this kind with all of its vagueness and indefiniteness.

Mr. THOMAS. Let me give the gentleman another minute, because he is entitled to a reasonable answer and we are trying to give him one.

Mr. GROSS. Let us move down to the appropriation for the low-rent housing demonstration program. You say in the report the Administrator now has over 525,000 occupied units covering many different projects in the present low-rent housing program.

Mr. THOMAS. That is correct.

Mr. GROSS. Each project is an existing demonstration unit. Yet you are putting more money in this bill for additional demonstration units. Tell me why.

Mr. THOMAS. That was a very important section of the new act, and they wanted $5 million. We do not want it said that this Appropriations Committee—and sometimes they have not applied the most endearing terms to your subcommittee—was trying to kill the program, so we did not give them $5 million; we gave them $2 million.

Mr. GROSS. I know you gave them $2 million, but does $2 million have no meaning around here any more?

Mr. THOMAS. I know that is a whole lot of money, but the point is we asked them to go slow. We pointed out in the hearings the defects of the act, but we said, "We are not going to try to kill your program. We want you to make it work. But go slow and try to get by with $2 million." We have a program for that, too, if the gentleman is interested in the details.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from North Carolina.

Mr. JONAS. I could not agree with the gentleman from Iowa more than I do in this instance. The gentleman is correct. But I hope he will read the language in the report along with the language in the bill. The language in the bill will show clearly what the committee is trying to do and that is to put a stop to this back-door and side-door spending.

Mr. GROSS. Let me say to the gentleman from Texas that I will probably make some points of order against this bill. I do not like this business of Appropriations Committees coming in and writing legislation on the floor of the House, any more than I like other committees of the House coming in with supergrades and other legislation which is not within their jurisdiction. I will regret to have to make some other points of order against this bill, but I think the Appropriations Committee ought to get out of the business of writing legislation in appropriation bills, regardless of whether they are deficit or regular appropriations bills.

Mr. THOMAS. I could not agree with the gentleman more, but if he wants to continue this back-door spending, his point of order, we confess, is good. Then all they have to do is march over to the Treasury and get not $2 million, as in this bill, but $5 million.

Mr. GROSS. I have no intention of making a point of order against that particular provision, because I agree with the gentleman that it is back-door financing.

Mr. THOMAS. I thank the gentleman very much.

Mr. JENSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. JOHANSEN].

Mr. JOHANSEN. Mr. Chairman, I ask unanimous consent to proceed out of order, and to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. JOHANSEN. Mr. Chairman, this week the SS *Hope*, the mercy ship of doctors, nurses, and medical technicians which has spent 11 months in Indonesia and South Vietnam, returned to San Francisco.

Simultaneously, leaders of Project Hope announced that this truly voluntary program has an $800,000 deficit.

At the same time, they disclosed that they are swamped with volunteers for similar, future expeditions of mercy and humanitarianism.

Now that a substantial majority of the Members of this House have proven their generosity with the taxpayers' money by voting approval of the Peace Corps, I respectfully suggest to my colleagues, and particularly to those who voted for the Peace Corps yesterday, that they join in personal contributions to help eliminate the deficit of Project Hope.

Regardless of the response this suggestion receives, and I hope it will be a generous one, a very serious question remains:

How long can nongovernmental voluntarism survive as a distinguishing American virtue against the competition of tax subsidized programs which, however benign in purpose, leave no freedom of choice to those who must pay the bill?

Incidentally, checks for Project Hope may be made out in the name of that organization and mailed to 1818 M Street, Washington, D.C.

Mr. JENSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Chairman, as a member of the House Science and Astronautics Committee, I rise to call attention to page 16, lines 14 to 17, of this third supplemental appropriation bill under the item labeled "Salaries and expenses," which provides not to exceed $10 million for the National Aeronautics and Space Administration may be transferred from research and development to the salaries and expenses appropriation. That is legislation in an appropriation bill. This particular appropriation bill has no rule, and this provision is, therefore, subject to a point of order.

Under the authorizing legislation, we had $1,295 million for research and development expenses for 1962 for NASA, and there was appropriated $1,220 million or a $75 million cut for the current 1962 fiscal year on the research and development item by the House Committee on Appropriations. For fiscal 1962 on salaries and expenses we had on authorization $226 million—it was $226,686,000, to be specific—and it was cut to $206,750,000 or a cut of $19,936,000. The question then comes as to why this transfer is made. No reason is given either in the bill or the committee report.

Under the authorizing legislation for NASA, there can only be a 5-percent transfer of funds from research and development for anything of a capital nature. There cannot be a transfer of funds from research and development for anything of a construction facility in excess of $250,000 without notifying the House Committee on Science and Astronautics and the Senate Space Committee.

This transfer does not fall under either of these authorized classifications. There has been no notification given to the House Committee on Science and Astronautics of this particular change in the salaries and expenses item of this third supplemental bill, to my knowledge, as one of the ranking responsible members. I have checked with several members of the professional staff of the House Committee on Science and Astronautics to find out if they had any knowledge of it, and there has been no knowledge.

My colleagues, the gentleman from Massachusetts, Congressman MARTIN; the gentleman from Colorado, Congressman CHENOWETH; the gentleman from Indiana, Congressman ROUDEBUSH; and the gentleman from California, Congressman BELL, have not known of this proposed change, on the Republican side of the House Science Committee.

I just give advance warning that I am not going to insist on the point of order; I have told my good friend, the gentleman from Texas [Mr. THOMAS], as I do not want to delay the U.S. space program in any way. This kind of provision constituting legislation should not occur in an appropriation bill without notice to the House legislative committee and at least to some of the senior members on both sides of the committee or to our professional staff.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMAS. Mr. Chairman, I yield 2 minutes to the gentleman.

Mr. FULTON. Mr. Chairman, when we take $10 million from the research and development program of the National Aeronautics and Space Agency, for salaries and expenses, we are robbing Peter to pay Paul. That means that some of the research and development programs that had been planned by the NASA Administration and authorized by our House Committee on Science and Astronautics and the House are now going to be deficient $10 million. Will this hold back and delay any space research and development programs, and if so which ones?

We are in a race with Russia on many of these space programs, and I would hate to see something like this occur without a designation as to budget items affected and an evaluation by our House Science Committee. We have been watching these research and development programs carefully. We are cognizant of what purposes they are aimed, and we are trying to be responsible to the House. But, I might say to the House it is impossible when the National Aeronautics and Space Agency does not give the courtesy to both sides of the legislative committee of notice that they want a transfer of this magnitude.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. The chairman of our committee is ill; he has been in the hospital. I was informed of this and talked to Mr. Webb at length and was convinced it was imperative that this be done. I am sorry the gentleman was not informed, because I am sure he should have been informed.

Mr. FULTON. Was anybody on the Republican side informed of this?

Mr. TEAGUE of Texas. I cannot answer that.

Mr. FULTON. I serve on the Science Committee as the senior ranking responsible member under my good friend, the gentleman from Massachusetts [Mr. MARTIN]. I have never heard of it, nor have the several staff members I talked with, nor have the other members on our side with whom I have consulted. Regardless of that, it is bad precedent to include legislation in an appropriations bill, and I oppose such procedure, which does not conform to the House rules.

Mr. BOW. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. DOMINICK].

Mr. HOFFMAN of Michigan. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and twelve Members are present, a quorum.

Mr. DOMINICK. Mr. Chairman, I take this opportunity only to ask some questions for information purposes from the chairman of the committee, and I refer to page 3 of the bill concerning the item headed "Weather Bureau Meteorological Satellite Operations."

Now, I see that in the bill we are appropriating $48 million, apparently for reporting and operating, according to the report, the weather satellite program which has formerly been under the National Aeronautics and Space Administration. I ask two questions on this: Are they actually going to be doing the operation and the reporting?

Mr. THOMAS. Mr. Chairman, if the gentleman will yield, I might say to our distinguished friend from Colorado that two outstanding, practical, everyday usable things have come out of this tremendous research and development progrom of NASA: One, weather.

Mr. DOMINICK. I agree.

Mr. THOMAS. And two, communication. Now, the Weather Bureau has come up and said that the scientific end of NASA has so reached the point that now we want to translate on a day-to-day basis and give to the American people on a day-to-day basis the results of this information, and that is what this money is for. Now they are going to build a station, sort of a facility, in Alaska.

I understand it is the greatest spot in this hemisphere for weather activities.

The other part is for computers by the use of which they can feed that information daily to the American people. We reduced the budget by $5 million, but in my opinion the Weather Bureau will do a very much better job. Does that answer the gentleman's question?

Mr. DOMINICK. Yes, in part; and I want to say at this point that I agree with the distinguished chairman that at least two good things have come out of our research: One is the weather satellite system and the other is the satellite communications system. But the point I am trying to make is this: For approximately 30 years our Weather Bureau has been trying to carry on weather forecasting, but to date they have only achieved about 38 percent success. That is hardly much better than you can do in guessing the weather by holding up your wet finger to see which way the wind is blowing. I hope the Weather Bureau will be able to do a better job of forecasting with this present system, but it looks as though it might do nothing other than distribute wrong information farther and faster unless the method of making forecasts from gathered weather data is changed.

Mr. THOMAS. The gentleman has certainly made a very fine statement and I want to commend him for it. Certainly it is the hope, and I think we can have some assurance that it will come true, that this system which is being developed will be worth its weight in gold to the American people.

Mr. DOMINICK. I am glad to hear the chairman say that. Certainly something needs to be done. Was a comparable amount reduced from the Science and Space Administration request in order to offset this?

Mr. THOMAS. No, not in this bill, but the committee certainly will look at that very carefully next year and perhaps

will earmark funds for that purpose. But we do not want to stop that research and we are not going to.

Mr. DOMINICK. Mr. Chairman, I yield back the balance of my time.

Mr. COLLIER. Mr. Chairman, will the gentleman from Texas yield me a minute that I may ask a question?

Mr. THOMAS. Mr. Chairman, I yield the gentleman a minute.

Mr. COLLIER. On page 9 of the report there is a recommendation for some $3,250,000 for completion of a radio facility on the island of Rhodes. It seems to me some 9 years ago Greece had pledged to permit the United States the use of an area in Greece for the purpose of establishing a beam for the Voice of America to the Middle East, but subsequently defaulted on its pledge. Does this item now take care of the need for Middle East transmission facilities that existed then?

Mr. THOMAS. May I say to my friend from Illinois that I will yield to the gentleman from New York [Mr. ROONEY] to answer.

Mr. ROONEY. I should like to say to the distinguished gentleman from Illinois that there is a relay station at Salonika, Greece, presently operating and has operated there for a number of years. But we must get a strong signal to the vicinity of the Middle East. For a number of years now we have had this floating transmitter tied up at the island of Rhodes and manned by 110 Coast Guard personnel. It has been a very expensive operation and has not been as effective as it should be in relaying the VOA signal.

Under the pending proposal in 3 or 4 years the savings made through it including the scrapping of the Courier will pay for what we are doing and we should have a much better signal. Full arrangements have been made to build a relay station on the island of Rhodes in the eastern Mediterranean.

Mr. COLLIER. I may say to the gentleman that I have no quarrel with that, I am simply asking whether or not it will now be necessary to pursue the request we have made for the use of land not in Salonika, but in northern Greece for a transmitter.

Mr. ROONEY. Salonika is in northern Greece.

Mr. COLLIER. I know that but there is another request pending. I am sure the gentleman knows what I refer to.

Mr. ROONEY. I must say that I do not.

Mr. JENSEN. Mr. Chairman, I yield the balance of the time on this side to the gentleman from North Dakota [Mr. SHORT].

Mr. SHORT. Mr. Chairman, I take this time to ask the gentleman from Texas if he will clarify for me and for the edification of the Members of the House the language on page 2 of the bill, lines 4 to 8, which says:

> Not to exceed $8 million of the additional loan authorization of $37,500,000 provided under this head in the Department of Agriculture and Related Agencies Appropriation Act, 1962, shall also be available for loans under the Act of August 28, 1937.

My question is, Does this $8 million relate to the authorization of agencies under the Appropriation Act of 1962, or does it relate simply to soil and water conservation loans authorized in the Act of August 28, 1937?

Mr. THOMAS. That is a good question, and it confused us a little bit. Here is what was justified before the committee and what the committee did. We consulted the gentlemen who have the regular agricultural appropriation bill in charge, and this particular earmarked item is for little waterworks systems, and such as that.

Mr. SHORT. For water conservation?

Mr. THOMAS. That is all it can be used for.

Mr. SHORT. Is the gentleman satisfied this language is clear enough so that that will be the only use the $8 million can be put to?

Mr. THOMAS. Yes, that is right.

Mr. SHORT. I thank the gentleman.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

AREA REDEVELOPMENT ADMINISTRATION

Area redevelopment assistance

For necessary expenses of the Area Redevelopment Administration in carrying out the Area Redevelopment Act (Public Law 87-27), $168,000,000, of which not to exceed $122,500,000 shall remain available until expended for loans and participations as authorized by section 6 and public facility loans as authorized by section 7 of such Act, not to exceed $40,000,000 shall remain available until expended for public facility grants as authorized by section 8, not to exceed $2,250,000 shall be available for technical assistance as authorized by section 11, and not to exceed $3,250,000 shall be available for necessary expenses, not otherwise provided for, including rent in the District of Columbia and hire of passenger motor vehicles, and any funds heretofore borrowed from the Secretary of the Treasury under section 9 of such Act shall be repaid from this appropriation and such section 9 is hereby amended to read as follows: "There are hereby authorized to be appropriated for the purpose of extending financial assistance under sections 6 and 7 such amounts as may be necessary to furnish financial assistance in the maximum amounts authorized under such sections."

Mr. RAINS. Mr. Chairman, I make a point of order against the following language, on the ground it proposes to change existing law and is legislation on an appropriation bill:

Page 4, beginning with the figure "$168,000,000", line 19, and running through line 22; and on page 5, beginning with "and any funds", line 4, running through line 12, except the period.

The CHAIRMAN. Does the gentleman from Texas care to be heard?

Mr. THOMAS. Mr. Chairman, may I address a few words to our distinguished and beloved colleague, the gentleman from Alabama, who has just made the point of order. I do hope he can find it in his conscience to not raise the point of order, because it is good.

I am not going to try to bind a single member of this subcommittee, except myself. We are your servants.

When the gentleman from Alabama [Mr. RAINS] brought his housing bill before the House——

Mr. HOFFMAN of Michigan. Mr. Chairman, I make a point of order that the gentleman is not speaking on the point of order previously raised. He has already conceded the point of order is good, if I understood him correctly.

Mr. THOMAS. Not quite yet. Will the gentleman be generous with us for just a half minute?

Mr. Chairman, I supported the housing bill in its entirety. There were some rough spots in it, and we knew it, and the gentleman from Alabama [Mr. RAINS] knows it.

Will not my friend take this into consideration? We are not trying to hurt the gentleman's program. The big money—the loans and grants—was allowed. Every 5 cents requested by the Bureau of the Budget was allowed. All this does is to change the back-door spending to direct appropriations so the Congress can exercise its constitutional privileges of reviewing expenditure of funds which come out of the taxpayers' pockets and out of the Treasury. We are not trying to hurt the gentleman's program. If the gentleman will let us, we will help the gentleman make the program work. I give the gentleman my word. I voted for it, and supported it on the floor of the House. Cannot the gentleman from Alabama go along with us to that extent?

Mr. RAINS. Will the gentleman yield?

Mr. THOMAS. I am asking the gentleman a question.

Mr. RAINS. The gentleman puts me in a rather difficult spot because, personally, there is no one on the floor of the House whom I admire and think more of than the gentleman from Texas [Mr. THOMAS]. But after a long and bitter struggle in which this House decided by a large majority, and after concurrence of the Senate of the United States in this particular language, he must give to me the same right which I gave to him. We can write legislation in the Committee on Banking and Currency and he should only appropriate in appropriation bills. Therefore, as much as I love him, I cannot concur in his request that I withdraw my point of order.

The CHAIRMAN. The Chair is ready to rule.

Mr. THOMAS. May I ask the Chair to withhold his ruling for just a split second?

The CHAIRMAN. The Chair would be glad to hear the gentleman on the point of order, if the gentleman cares to pursue it.

Mr. THOMAS. Mr. Chairman, I shall not consume too much of the time of the House. There is a great question as to who is doing the appropriating here. Let us not gloss over that so easily. When the gentleman's legislative bill was on the floor of the House I pointed out to the gentleman the back-door spending and certainly no one contested it at that time. We have learned through hard experience when our very able and distinguished friend, the gentleman from Alabama [Mr. RAINS] is in control of the time there is no need of suggesting too many motions. But if the gentleman feels that he cannot withdraw his point of order, I will join

the gentleman in his point of order and ask that the entire paragraph be stricken.

The CHAIRMAN. Does the gentleman from Texas [Mr. THOMAS] make a point of order against the entire paragraph?

Mr. THOMAS. The entire paragraph.

The CHAIRMAN (Mr. HARRIS). The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF DEFENSE—MILITARY

Mr. LAIRD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAIRD: On page 5, line 13, insert a new paragraph:

"DEPARTMENT OF THE NAVY

"For construction of a United States Ship *Arizona* Memorial, as authorized by law (Public Law 87–201), $150,000."

Mr. LAIRD. Mr. Chairman, I offer this amendment in order to carry out the provisions of Public Law 87–201, which was signed by President Kennedy on September 6.

Mr. Chairman, this public law authorized an appropriation of $200,000 to complete the memorial on the U.S.S. *Arizona* at Pearl Harbor.

There has been raised by public solicitation throughout the United States a sum of $300,000. The U.S.S. *Arizona* Memorial can be completed on the 20th anniversary of Pearl Harbor, which is December 7, 1961, if this appropriation in the amount of $150,000 is approved by the House today.

I hope the House will accept this amendment.

Mr. INOUYE. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I yield to the gentleman from Hawaii, the author of the authorization legislation now Public Law 87–201.

Mr. INOUYE. Mr. Chairman, I would like to commend the gentleman for submitting this amendment and tell him that I believe I speak for the people of Hawaii in saying that we are very happy at this action. We have been waiting for this for a long time. I would like to point out to the House that this project will cost approximately $500,000, of which $353,000 has been raised by the people in Hawaii. This remaining sum of $150,000 will complete the project.

Mr. LAIRD. Mr. Chairman, I thank the gentleman from Hawaii. One thousand one hundred and two Navy men are entombed in the battleship *Arizona* at Pearl Harbor. The time for completion of this memorial is long past due.

Mr. ROONEY. Mr. Chairman, will the distinguished gentleman from Wisconsin yield?

Mr. LAIRD. I yield to the gentleman from New York.

Mr. ROONEY. Mr. Chairman, I thank the gentleman for yielding.

I merely wish to point out that the distinguished gentleman from Hawaii [Mr. INOUYE] is always unusually modest. He has not told the Committee of the Whole that he was the author of the legislation which was signed by President Kennedy on September 6. I feel that we all should compliment him. It is evidently a very meritorious project for which $353,000 was raised by private sources and merely requiring $150,000 of Federal funds to complete this memorial.

Mr. LAIRD. Mr. Chairman, I am sure that if the bill offered by the gentleman from Hawaii had been signed by the President at the time this bill was worked up in our committe the funds to cover the cost of the legislation would have been included by our committee.

Mr. THOMAS. Mr. Chairman, may I ask our distinguished friend from Wisconsin [Mr. LAIRD] whether this $150,000 will wrap up the project, lock, stock, and barrel?

Mr. LAIRD. It will finance the entire project. I point out again that there has been raised from private sources over $300,000.

Mr. THOMAS. And so far as the taxpayers are concerned the $150,000 is all that will be required?

Mr. LAIRD. That will be the taxpayers' total and final contribution to complete this memorial.

Mr. THOMAS. Mr. Chairman, may I say that this is an item in which many, many Members of the House on both sides of the aisle have shown great interest. There is nothing partisan in it. This is a great, humanitarian thing to do. The distinguished chairman of the Committee on Veterans' Affairs, the gentleman from Texas [Mr. TEAGUE], is deeply interested in this. Our friend, the gentleman from Virginia [Mr. GARY], a member of this committee, as well as dozens of others, have come to the committee and talked to us about it.

Mr. Chairman, we should be delighted to accept the gentleman's amendment.

Mr. MORSE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MORSE. Mr. Chairman, I rise to wholeheartedly urge support of the amendment introduced by our colleague, the gentleman from Wisconsin [Mr. LAIRD] to appropriate $150,000 necessary if the U.S.S. *Arizona* Memorial at Pearl Harbor is to be completed by December 7, 1961.

As he has so eloquently pointed out in his remarks, this memorial is more than just a monument—it is the tomb of 1,102 American Navy men who gave their lives for our country in the shock attack 20 years ago.

Our fellow citizens have contributed more than three-fifths of the total cost of this memorial. I have every confidence that the Congress will not lag in approving the amount necessary for its completion. And, in so doing, I know we have the support of every American citizen.

As we do so, our hearts echo the noble words of Thucydides:

> The sacrifice which they collectively made was individually repaid to them; for they received again each one for himself a praise which grows not old * * * their glory survives, and is proclaimed always and on every fitting occasion both in word and deed. Not only are they commemorated by columns and inscriptions in their own country, but in foreign lands there dwells also an unwritten memorial of them, graven not on stone but in the hearts of men.

Mr. BOLAND. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Chairman, I support the amendment offered by the gentleman from Wisconsin, Congressman LAIRD, to appropriate $150,000 to the Department of Defense for use toward the construction of a U.S.S. *Arizona* Memorial. I am sure that Chairman THOMAS, of the Deficiency Subcommittee, has no objection to this item. This appropriation request did not come before the subcommittee when it was holding hearings. Had the Bureau of the Budget requested the sum, I am sure the subcommittee members would have no objection, and it would have appeared in the bill as it came to the floor. Therefore, as a member of the Deficiency Subcommittee, I am in favor of appropriating the $150,000.

Mr. Chairman, the Pearl Harbor Attack Veterans, chartered by the Commonwealth of Massachusetts on December 7, 1958, have expressed to me on many occasions their desire to see the U.S.S. *Arizona* Memorial constructed. All members of the organization were serving in the Armed Forces at Pearl Harbor on the infamous day of December 7, 1941. I visited Pearl Harbor in October 1959 and went aboard the temporary memorial above the sunken hulk of the battleship *Arizona*, where 1,102 officers and men are entombed, symbolizing the grim tragedy of the surprise attack that thrust the United States into World War II.

I was proud to contribute to the fund, established by the Secretary of the Navy under Public Law 344, 85th Congress, so that a U.S.S. *Arizona* Memorial could be designed and constructed. Public contributions were solicited in support of this memorial, and it was estimated that the cost of the completed memorial would be approximately $500,000. Despite the best efforts of the individuals connected with this project, the fund required approximately $150,000 to permit completion of the memorial. The Armed Services Committee favorably reported on authorization legislation for this appropriation, fully convinced that a Federal appropriation is completely justified for completion of the Battleship *Arizona* Memorial.

Mr. Chairman, the U.S.S. *Arizona* Memorial will stand as a permanent reminder to all Americans that our Nation's defenses must never again be relaxed.

Mr. JENSEN. Mr. Chairman, I feel very deeply that the action of the House today in appropriating $150,000 for this purpose would be a wonderfully heartwarming gesture to the parents and the loved ones of those boys who paid the supreme sacrifice for the country they loved and whose bodies were never recovered from the battleship *Arizona*.

We can do no less than this. I have stood on the hulk of that battleship with other Members of the House, one of whom sits in front of me now, the gentleman from Minnesota [Mr. ANDERSEN]. I know many Members of this House have stood there too in solemn reverence to those brave defenders of our priceless liberties.

Mr. Chairman, I endorse this amendment. I have counseled with all the members of the committee on this side. We are very much in favor of this amendment.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

WATER SUPPLY AND WATER POLLUTION CONTROL

For an additional amount for "Water supply and water pollution control", including an additional amount of $1,800,000 for grants to States under section 5 of the Federal Water Pollution Control Act, as amended, $5,000,000.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 6, strike out all after the comma in line 10 and all of lines 11 and 12 and insert the figure "$3,200,000" in lieu thereof.

Mr. GROSS. Mr. Chairman, the bill allows $1,800,000 of a $2 million request. The regular Health, Education, and Welfare bill carries $3 million, the full amount previously authorized. This would make $4,800,000 available.

Mr. Chairman, the fiscal year 1962 is already one-fourth gone, or will be when this bill becomes law. State agencies surely have already made up their budgets for this year. The States ought to be willing at least to put up the cost of spending the Federal grants. There is $30 million more in the bill for waste treatment construction grants. As a minimum, this ought to be deferred to the regular bill, which will come up in January, only 3 months or so from now. I ask, What is the urgency of this? I say, Mr. Chairman, it is a sad day when we have to give them money for local expenses to help spend the money we give them. I hope the Chairman will accept the amendment and save $1,800,000.

Mr. THOMAS. Mr. Chairman, I do not like to disagree with our friend from Iowa. You might say we could avoid this program altogether, grants for studying, but let us get down to business. When you get down to programs dealing with the health of the people as far as the water control programs are concerned, you are touching one of the most vital things in this country. I believe there is no more popular program that comes to the Congress for its approval than this program. Frankly, I do not want to take the responsibility for reducing this any further. The subcommittee has considered it. The budget estimate was for $2 million, and we just arbitrarily, in order to save a little money, cut it 10 percent. I think it ought to stay at that.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

The Clerk read as follows:

CIVIL DEFENSE MEDICAL STOCKPILE ACTIVITIES

For expenses necessary for procurement, storage, distribution, and maintenance of emergency civil defense medical supplies and equipment authorized by section 201(h) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C., app. 2281(h)), $13,000,000, to remain available until expended.

Mr. CLARK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLARK: On page 6, line 22, after the word "storage" insert the following: "including underground storage,".

Mr. CLARK. Mr. Chairman, the amendment I am proposing today in this supplemental appropriation bill is a very simple one. It points out that underground storage certainly should be a part of our civilian defense medical stockpile activities. It is my firm belief that we should give maximum protection against nuclear attack to a good portion of this inadequate stockpile through underground storage. Underground storage, with its controlled temperature and humidity environment provides for longer "shelflife" to medical stocks than normal warehousing, and this assures their medical usability over a longer period. According to Dr. Hundley of Public Health Service, $15 million of the $200 million supplies are obsolete. Therefore, we should act prudently and build up this stockpile at the rate requested by the President for fiscal year 1962—this will still be far short of the ultimate goal. This amendment makes it possible for protective underground facilities, and also gives us that second chance. Other countries had underground facilities during World War II and today not only have medical and civilian defense supplies in these underground storage depots but also have aircraft and machine tool factories in these underground facilities.

Mr. THOMAS. Mr. Chairman, the gentleman from Pennsylvania was nice enough to submit his amendment to the committee in advance. In our humble judgment, the language of the bill is ample to take care of this proposition. The gentleman wants to cover the matter of storage in his amendment. The language of the bill takes care of that, but in short, Mr. Chairman, let us adopt the gentleman's amendment and take it to conference. If it should develop that there is something in it that we do not know about, we reserve the liberty to take it out of the bill. With that explanation, Mr. Chairman, let us adopt the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. CLARK].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Council of Economic Advisers

Salaries and Expenses

For an additional amount for "Salaries and expenses", $170,000: *Provided*, That the appropriations under this head shall be available during the current fiscal year without regard to the limitation on salaries appearing under this head in the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962.

Mr. HOFFMAN of Michigan. Mr. Chairman, I make a point of order against the language on page 8, lines 14 to 22 inclusive, on the ground that it is legislation on an appropriation bill.

Mr. GROSS. Mr. Chairman, I make the further point of order against the language that it, in effect, amends previous law by waiving limitations.

Mr. HOFFMAN of Michigan. Mr. Chairman, the language against which the point of order is raised is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Council of Economic Advisers

Salaries and Expenses

For an additional amount for "Salaries and expenses", $170,000: *Provided*, That the appropriations under this head shall be available during the current fiscal year without regard to the limitation on salaries appearing under this head in the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. THOMAS. Mr. Chairman, we are not going to quibble with our beloved friend because of the point of order. But, we really are not accomplishing very much by this language. Will not my friend withdraw the point of order and let us proceed and maybe we can discuss something that is really worthy of the gentleman's attention. Will not the gentleman withdraw the point of order?

Mr. HOFFMAN of Michigan. Would it accomplish a little?

Mr. THOMAS. Yes, but not too much. Does the gentleman want to insist on the point of order? I ask my colleague to reconsider in view of the fact that it really does not accomplish very much.

Mr. HOFFMAN of Michigan. If it does just a little, I will have to insist on it. I do not want to help grease your political machine.

Mr. THOMAS. I do not think it will accomplish anything. Will not my friend withdraw the point of order so that we may go on about our business? We are for the gentleman.

Mr. HOFFMAN of Michigan. I would like to do that but I have consulted with my associate here, the gentleman from Iowa [Mr. GROSS] and he says "No."

Mr. THOMAS. I hope my colleagues will not force us to offer an amendment. But we will accept it, if you insist on it.

The CHAIRMAN (Mr. HARRIS). The Chair is ready to rule. The gentleman from Texas concedes the point of order.

The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

INDEPENDENT OFFICES

Federal Home Loan Bank Board

Limitation on Administrative and Nonadministrative Expenses, Federal Home Loan Bank Board

The limitation under this head in the Independent Offices Appropriation Act, 1962, on the amount available for administrative expenses is hereby increased by $140,000.

Mr. GROSS. Mr. Chairman, I make a point of order against the language on page 9, lines 1 through 7, on the ground that it changes existing law and is, therefore, a violation of the rule. The language is as follows:

INDEPENDENT OFFICES

Federal Home Loan Bank Board

Limitation on Administrative and Nonadministrative Expenses, Federal Home Loan Bank Board

The limitation under this head in the Independent Offices Appropriation Act, 1962, on the amount available for administrative expenses is hereby increased by $140,000.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. THOMAS. Mr. Chairman, we are dealing with a matter here that only affects the use of dollars. Technically, our friend is right, but you are not changing any basic substance here. You are not even dealing here with appropriated money. There is not a dime of this that comes out of the pockets of the taxpayers. Not a dime of this comes out of the Treasury. These people are spending money that they have earned from fees and other charges. Will not my distinguished friend withdraw the point of order?

Mr. GROSS. I would hope that the gentleman from Texas would stop writing legislation in appropriation bills, and I will say to the gentleman that that is the reason why I make the point of order.

Mr. THOMAS. The committee did not write it in the bill. The Bureau of the Budget sent it up. Does the gentleman insist on his point of order?

Mr. GROSS. Yes, I insist on the point of order.

Mr. THOMAS. Mr. Chairman, we will have to admit the point of order is good. It is technically correct, but this provision in the bill does not cost the taxpayers anything.

The CHAIRMAN (Mr. HARRIS.) The Chair is ready to rule. The gentleman from Texas concedes the point of order.

The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

The limitation under this head in the Independent Offices Appropriation Act, 1962, on the amount available for administrative expenses is hereby increased by $75,000.

Mr. GROSS. Mr. Chairman, I make the point of order against the language on page 9, line 8 through line 12, on the same ground, that it changes existing law. It is, therefore, in violation of the rules.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. THOMAS. Mr. Chairman, the objection came too late. We will waive that point of order because the Clerk started reading the next paragraph, and we will not press that point that his objection came too late. The point is well taken, but I would remind my friend again that not 1 penny of that expenditure is taxpayers' money. It is a limitation on the funds they have earned by virtue of that operation. Will not my friend withdraw it?

Mr. GROSS. No.

Mr. THOMAS. Well I am not going to press my point of order that his point came too late.

Mr. HAYS. Mr. Chairman, I make the point of order that the gentleman's point of order came too late.

The CHAIRMAN. The Chair observed that the gentleman was on his feet seeking recognition while the Clerk was reading.

Does the gentleman from Texas concede the point of order?

Mr. THOMAS. I do, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

ADDITIONAL COURT FACILITIES

For expenses, not otherwise provided for, necessary to provide, directly or indirectly, additional space, facilities and courtrooms for the judiciary, including alteration and extension of Government-owned buildings and acquisition of additions to sites of such buildings; rents; furnishings and equipment; repair and alteration of rented space; moving Government agencies in connection with the assignment and transfer of space; preliminary planning; preparation of drawings and specifications by contract or otherwise; and administrative expenses; $1,000,000, to remain available until expended: *Provided*, That buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356) shall be considered to be Government-owned buildings for the purposes of this appropriation: *Provided further*, That this appropriation shall be available for the provision of court facilities in places which are otherwise subject to the restrictions of section 142 of title 28, United States Code, but only if such facilities are determined to be necessary by the judicial council of the appropriate circuit.

Mr. HOFFMAN of Michigan. Mr. Chairman, I make the point of order against the language on page 11 from line 6 on down to the bottom of the page, including line 25. It is legislation. It changes existing legislation.

Mr. THOMAS. Mr. Chairman, we could not quite hear the gentleman. Will you please repeat it?

Mr. HOFFMAN of Michigan. The substance of it was that I made a point of order against the language from line 6 on down to line 25, inclusive, because it changes existing legislation.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. THOMAS. Mr. Chairman, the point of order is good. We are trying to do our best. We have 73 new judgeships authorized and 14 judges have been confirmed so far. They have asked for $4.6 million for court facilities, and we only gave them $1 million now in order to hold them down until they can get started. Does my friend really insist on this? We had a budget request of $4.6 million, and we reduced it to $1 million. You cannot beat that, can you, I ask my friend from Michigan? Suppose it goes to the other body and they restore the entire $4.6 million, then where will we be? I know my friend wants to save money, but you are costing us $2 million more.

Mr. HOFFMAN of Michigan. I have long ceased to be afraid of what the other body will do. I just expect the worst, so I am never surprised after they act. What it does is its responsibility.

Mr. THOMAS. But you do not want to spend $2 million additional, and that is what you are doing here.

Mr. HOFFMAN of Michigan. Not me. In view of the fact that the House, two-thirds Democrat, never stops spending, and in view of the fact that the Democratic chairman of the Committee on Appropriations shocked so many of us the other day, you remember, when he said we are spending $1 million an hour, what we are doing frightens me——

Mr. THOMAS. Do you want to spend an additional $2 million?

Mr. HOFFMAN of Michigan. The gentleman knows I do not. I do not want anything except insist on my point of order.

Mr. THOMAS. Withdraw your point of order and save $2 million.

Mr. HOFFMAN of Michigan. There is one disadvantage about that. If they spend it now, we will surely be out of money and then we will start on the road back to sound government.

Mr. THOMAS. Mr. Chairman, I cannot do anything but concede the point of order.

The CHAIRMAN. The gentleman from Texas concedes the point of order. The point of order is sustained.

The Clerk read as follows:

MASS TRANSPOETATION LOANS AND GRANTS

For loans including purchase of securities and obligations in connection with mass transportation facilities, as authorized by clause (2) of section 202(a) of the Housing Amendments of 1955, as amended (42 U.S.C. 1492; 75 Stat. 173), and grants in connection with mass transportation demonstration projects, as authorized by section 103 (b) of the Housing Act of 1949, as amended (42 U.S.C. 1453; 75 Stat. 166), $42,500,000, of which not to exceed $130,000 shall be available for administrative expenses in connection therewith, and on and after the date of enactment of this Act, the authority to issue notes and other obligations for the purposes of clause (2) of section 202(a) of the Housing Amendments of 1955, as amended, shall cease, and in lieu of such authority $50,000,000 is hereby authorized to be appropriated for such purpose, and the proviso to the first sentence of section 103(b) of the Housing Act of 1949, as amended, is hereby amended by inserting after the word "may" the phrase "within the limits of appropriations made available therefor and".

Mr. RAINS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RAINS. Mr. Chairman, I make a point of order against the language beginning on page 13, line 8, "for loans

including purchase of securities and obligations", and then on page 13, line 15, "$42,500,000, of which"; on page 13, line 16, the two words "in connection."

On page 13, the language beginning in line 17 and running through the language preceding the period in line 2 on page 14.

Mr. Chairman, reluctantly I make this point of order. This is not an opportunity to save money; this is an opportunity completely to change the law.

This language would terminate the authority of the Housing Home and Finance Administrator under section 202 of the Housing Amendments of 1955 to borrow from the Treasury. So it hits the big problem to provide funds for loans to public bodies to purchase mass transportation facilities.

It would also amend section 103(b) of the Housing Act of 1949 by limiting the Administrator's contract authority for grants for mass transportation demonstration projects to amounts within the limits of the appropriation made available by the contracts; and for that reason, because it is evidently legislation on an appropriation bill, I must regretfully make the point of order.

The CHAIRMAN. Does the gentleman from Texas wish to be heard on the point of order?

Mr. THOMAS. May I repeat, the committee is trying to make these paragraphs on mass transportation work, not cripple them, but make them work for loans and grants. There is no limitation on who can get the money; the only limitation is in the grant money. These are demonstration grants to be used to buy equipment if you look at it carefully. Private utilities can do it and public utilities. But, anyway, the committee went along with it. It is back-door spending pure and unadulterated, and all we did was to try to put back in the Congress control over the money.

If my friend insists on his point of order I will have to join him and make a point of order against the entire paragraph.

The CHAIRMAN (Mr. HARRIS). The gentleman from Texas makes a point of order against the entire paragraph on the ground that it is legislation on an appropriation bill.

The Chair is ready to rule. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

OPEN-SPACE LAND GRANTS

For grants to aid in the acquisition of open-space land or interests therein, $25,000,000, of which not to exceed $75,000 shall be available for administrative expenses in connection therewith and with the provision of technical assistance to State and local public bodies (including the undertaking of studies and publication of information), as authorized by title VII of the Housing Act of 1961 (75 Stat. 184), and the first sentence of section 702(a) of such Act is hereby amended by inserting after the word "authorized" the phrase "within the limits of appropriations made available therefor" and section 702(b) of such Act is hereby amended to read as follows: "(b) There is hereby authorized to be appropriated not to exceed $50,000,000 for grants and such additional amounts as are necessary to carry out all other purposes of this title."

Mr. RAINS. Mr. Chairman, I make a point of order against the language on page 14, line 4: "grants to",

Line 5, page 14, "$25,000,000, of which",

Line 11, after the "184" the rest of the paragraph, and I assign the same reasons, it is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Texas [Mr. THOMAS] desire to be heard?

Mr. THOMAS. Mr. Chairman, the same thing applies to this. This is loans and grants. All the committee was trying to do was to change the back-door spending to direct appropriations where the Congress can control the expenditure of the funds. If our distinguished friend insists upon his point of order, we must admit it, and I make a point of order against the entire paragraph.

Mr. RAINS. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Alabama.

Mr. RAINS. The gentleman fails to understand my position in the matter. I must say I am not here advocating personally the so-called slogan of back-door spending.

Mr. THOMAS. That is exactly what the gentleman is doing, he is advocating it. That is the sum and substance of the proposition.

Mr. RAINS. The Congress of the United States wrote it in. If you are willing to bring out a resolution and vote on it, that is something else. I do not know what my vote would be. But as long as our committee works diligently and the Congress approves, I do not think the gentleman has any right to change the law by this method, even though I may agree with him on certain sections. I might have accepted an amendment to some of the things the gentleman seeks to do.

Mr. THOMAS. All we can go by is past experience. The gentleman says he might have accepted it. We had a vote in here 2 years ago on your housing amendment and back-door spending. We had a record vote. The fact is the back-door spending was knocked out by 15, 18, or 20 votes. The gentlemen went to conference and it was thrown out.

Mr. RAINS. The gentleman should not make that statement. Let me put it this way: In the conference it was thrown out, and the conference report was adopted by the House of Representatives. When you attempt to change the Housing Act, enacted by the Congress by legislation on an appropriation bill, I cannot refrain from making points of order.

Mr. THOMAS. We admit the gentleman's point of order is good, and I make a point of order against the entire paragraph.

The CHAIRMAN (Mr. MILLS). The point of order made by the gentleman from Texas [Mr. THOMAS] is sustained.

The Clerk read as follows:

LOW-RENT HOUSING DEMONSTRATION PROGRAMS

For low-rent housing demonstration programs as authorized by section 207 of the Housing Act of 1961 (75 Stat. 165), $2,000,000, of which not to exceed $20,000 shall be available for administrative expenses, and such section 207 is hereby amended by inserting after the word "authorized" the phrase "within the limits of appropriations made available therefor".

Mr. RAINS. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman from Alabama will state his point of order.

Mr. RAINS. Mr. Chairman, I make a point of order against the language, the two words "low-rent" in line 20 on page 14, and on line 22, "$2,000,000, of which", and line 1 on page 15, beginning with the words "and such section 207" down to and including the rest of the paragraph.

Mr. Chairman, I make only the remark that this constitutes legislation on an appropriation bill.

Mr. THOMAS. Mr. Chairman, this is another one of the new programs just started by the recent Housing Act. They had a budget authorization for $5 million with which to build demonstration housing for low-income people. There are 500,000 such units occupied today which have been in the process of building since 1938. We have spent a total for construction alone—not subsidy, but construction alone—on these projects of $17 billion or thereabouts or, perhaps, a few thousand less. Yet we come in here now and want to demonstrate what we have been doing all this time as to what has happened to that $17 billion.

Mr. Chairman, we know and everybody knows that perhaps this is not needed. Who are you going to give this grant money to, and this loan money to?

Mr. HOFFMAN of Michigan. Mr. Chairman, I make the point of order that the gentleman from Texas is not speaking to the point of order previously raised. He is arguing the housing bill.

Mr. THOMAS. Mr. Chairman, the gentleman is right. But the committee did not want to be accused of tearing up the program as unnecessary; I will use that word. That is a polite word. Instead of granting a budget estimate of $5 million, we worked out a program where they would have 5 high-rise units, and 20 low-rise units for $2 million.

Mr. Chairman, I think the point of order is good, and I join my friend, the gentleman from Alabama [Mr. RAINS] and make a point of order against the entire paragraph.

The CHAIRMAN (Mr. HARRIS). The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

Page 15, line 5:

"LIMITATION ON ADMINISTRATIVE EXPENSES, OFFICE OF THE ADMINISTRATOR, PUBLIC FACILITY LOANS

"In addition to the amount otherwise available for administrative expenses in connection with public facility loans from the revolving fund established pursuant to title II of the Housing Amendments of 1955, as amended, $300,000 shall be available for such expenses during the current fiscal year."

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask the chairman of the subcommittee

a question about the item which appears on page 16 entitled "National Aeronautics and Space Administration, Salaries and Expenses, not to exceed $10 million for the National Aeronautics and Space Administration may be transferred from 'Research and Development' to the 'Salaries and Expenses' appropriation."

Mr. Chairman, I would like to ask the gentleman how much in salaries and expenses was in the regular bill?

Mr. THOMAS. Two hundred and twenty-six million dollars was the budget estimate, and the committee and the House, working in unison, reduced it by $20 million, or 10 percent. Now they say maybe we have crippled them too much. Frankly, to proceed to answer the gentleman's question in some detail, there was some intimation that perhaps—and I use the word "intimation" advisedly—they would be short. We suggested that, perhaps, a transfer out of existing funds would do the work and would not bring about the necessity to increase the amount of the appropriation.

Mr. Chairman, what this does, may I say to my friend from Iowa [Mr. GROSS]—and I know he is genuinely interested, and it is a good question—is to transfer from one part of the bill to another this amount. We do not increase the appropriation one bit. What it really does is to restore 50 percent of the cut which we made of their personnel.

Mr. GROSS. The gentleman from Iowa may not be very intelligent, but did you oversupply the item of research and development with money to the extent that you can now take $10 million from that item?

Mr. THOMAS. No, I will say to my friend. Let us go back to the item of research and development. In research and development you are dealing with items—dozens upon dozens of them—and as much as I love my friend, the gentleman from Pennsylvania [Mr. FULTON] who is good on such subjects, and he works at this subject very diligently, and I doubt if there is a man on this House floor who knows any more than he knows about it——

Mr. GROSS. How did the gentleman from Pennsylvania [Mr. FULTON] get into this?

Mr. THOMAS. These are indefinite estimates. They have changes of plans every week, and almost every day. So when we transfer this amount from research and development, we have not hurt them one bit.

Mr. GROSS. I do not question that, but Congress must have oversupplied them with money in order now to be able to take $10 million out of the item of Research and Development to pay salaries and other expenses. I do not understand this.

Mr. THOMAS. As well as I recall, we cut that appropriation about $40 million, and that is not exactly change; is it?

Mr. GROSS. But this Research and Development business has been peddled here as something in the nature of a sacred cow.

Mr. THOMAS. That is the point I am trying to bring out. It is sacred in one sense of the word, but they cannot go out and get contractor estimates which come within 5 percent or 6 percent or 10 percent of what an item is going to cost. That is item No. 1. Item No. 2 is that in this Research and Development business in order to make progress you have to make changes here and there, and in the changes we are trying to get them to save some money, I will say to the gentleman.

Mr. GROSS. The gentleman is saying that we can cut these research and development funds in the future, we can take a good, solid whack at them and be on good, safe ground?

Mr. THOMAS. We did it to the tune of $40 million.

Mr. GROSS. One other question, Mr. Chairman. Then does the gentleman think we will be saving money if I do not make a point of order against this language, because it is subject to a point of order—we will be saving money by so doing?

Mr. THOMAS. I think you will, because they wanted a supplemental for that much and now they will be living within what they have. I think you will be saving $10 million by withholding the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 18, line 15:

"NATIONAL PARK SERVICE

"Construction

"For an additional amount for 'Construction', for acquisition of lands, interests therein, improvements, and related personal property, $2,000,000, to remain available until expended."

Mr. BOLAND. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Chairman, I rise in support of the $2 million appropriation for the National Park Service to initiate acquisition of land for the recently authorized Cape Cod National Seashore in Massachusetts.

As a member of the Deficiency Appropriations Subcommittee, which reported this bill, and as one of the original sponsors of the Cape Cod National Seashore bill back in May of 1958, I have a deep and abiding interest in the rapid development of this beautiful shoreline as an important recreational preserve in the national park system. I am also proud of the record of Congress with respect to the Cape Cod National Seashore Park, and the Members are to be commended for authorizing the legislation in this session so that President Kennedy was able to sign the bill into law only last month.

Mr. Chairman, now we have before us the first sum of money to be appropriated so that the Cape Cod Park can become a reality. This money will be used by the National Park Service to begin land purchases in the park area. I think it is wise to start land acquisitions in this fiscal year. If the National Park Service has to wait until the next fiscal year, the land appraisals will be higher. Now is the time for the land taking. In conclusion, I want to also commend the National Park Service, its Director Conrad L. Wirth, and his assistants for the valuable work they have put into making this park bill a success before the committees and full membership in Congress.

Mr. KEITH. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. KEITH. Mr. Chairman, I want to thank my friend the gentleman from Massachusetts [Mr. BOLAND] for winning the Appropriations Committee approval for $2 million for the Cape Cod National Seashore. This substantial sum will make it possible for the owners of unimproved property within the seashore to sell their holdings to the Federal Government.

I am personally grateful to the members of the committee and to my colleagues in the Congress for their prompt action in providing these funds. Besides helping property owners within the boundaries of the seashore, it will make it possible for the National Park Service to hasten the day when the seashore will become a reality.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 20, line 17:

"INTERNATIONAL ORGANIZATIONS AND CONFERENCES

Missions to international organizations

"For an additional amount for 'Missions to international organizations', $15,000."

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to know what congressional junketing outfit is running short of money.

Mr. THOMAS. May I say to my distinguished friend that I do not know of any that is running short of money.

Mr. GROSS. This is a deficiency appropriation bill, is it not?

Mr. THOMAS. Yes.

Mr. GROSS. Can the gentleman tell me to which outfit this money goes?

Mr. THOMAS. The Interparliamentary Union, out of the House and the Senate.

Mr. GROSS. Is that the organization that is now over in Brussels solving all the problems of the world?

Mr. THOMAS. I think the gentleman is 100 percent correct.

Mr. GROSS. Are they going to be short of money while they are over there; do they need this $15,000 by telegraph tonight?

Mr. THOMAS. We will have to give it to them in due time, I think.

Mr. GROSS. How much will they spend without this $15,000?

Mr. THOMAS. This is just exactly the amount that they have had from year to year.

Mr. GROSS. How did they incur this deficiency if this is the same amount they have had from year to year?

Mr. THOMAS. May I yield to my friend, the gentleman from New York [Mr. ROONEY] to explain this more fully.

Mr. ROONEY. This would merely increase from $15,000 to $30,000 the appropriation for the expenses of the American delegates to the Interparliamentary Union. It would merely put the figure on the same level insofar as expenses and allowances are concerned as the NATO Parliamentary Conference and other parliamentary conferences. The Interparliamentary Union is about 70 years in existence and in my humble estimation is the most important of the parliamentary conferences. The American delegates are in need of this additional money.

I do not see any valid reason why we should not give it to them. They are presently meeting in Brussels in a very important conference.

Mr. GROSS. Now the light is beginning to come through.

Mr. ROONEY. I presume the gentleman knew exactly what this item was before he asked the first question. The gentleman is very religious in following the Appropriations Committee on these matters.

Mr. GROSS. Unfortunately, and I say it with the greatest regret, I did not have an opportunity to read that part of the hearings that deals with this. But the light is beginning to shine. This is a keep-up-with-the-Joneses appropriation.

Mr. ROONEY. We have to see that our American delegations are properly supplied with sufficient funds for such a very important conference attended by delegates of most of the parliaments of the world.

Mr. GROSS. So we have to put up this additional money in order to make them coequal with the newer organizations, such as the one that is still in the diaper stage, the NATO junketing outfit. I wonder with the 70-year history of the Interparliamentary Union and all the other congressional junketing outfits what world problems have been solved? It seems to me the net result has been more problems, not less.

Mr. ROONEY. I have not attended one of the Interparliamentary Union meetings in over a dozen years. The last one I went to was with the late and respected Vice President Barkley, in 1948 in Rome. It cost me so much out of my own pocket for travel and expenses and took so much of my time that I have never attended one since. I know they achieve a great deal of good and that they work very hard in the conferences with delegates of other parliaments of the world.

Mr. GROSS. The gentleman has my sympathy that he had to spend his own money. I doubt that many others do.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

I call the attention of the gentleman from New York [Mr. ROONEY] to page 20, line 19, the words "Missions to international organizations." That is the one the gentleman from Iowa was discussing. What is the significance of that word "Missions"?

Mr. ROONEY. This is the same item that has been referred to in the colloquy between the gentleman from Iowa and myself.

Mr. HOFFMAN of Michigan. That I know.

Mr. ROONEY. This is money appropriated to the Department of State in an account known as Missions to International Organizations. It is for the use of Members of the House and of the other body who make up the American Interparlimentary Union delegation.

Mr. HOFFMAN of Michigan. That I already understand. I was not asking about that.

Mr. ROONEY. What is it the gentleman does not understand?

Mr. HOFFMAN of Michigan. The thing I do not understand is the exact meaning of that word "Missions," as here used.

Mr. ROONEY. This is an American mission to an international organization. The Interparliamentary Union which is at least 70 years old is an international organization.

Mr. HOFFMAN of Michigan. While we are talking about these trips abroad, I noticed the paper last night said that members of a subcommittee of the House Committee on Education and Labor had been studying Russian, and they were going on a mission to Russia to study education. Where does that money for that trip come from, out of the contingent fund, or out of the amount appropriated to the Committee on Education and Labor?

Mr. ROONEY. I suggest the gentleman direct that question to the members of the Committee on Education and Labor. I am not familiar with it. I do not know any more about it than what I read in the paper.

Mr. HOFFMAN of Michigan. Some of those going are Republicans. I do not want to ask them.

Mr. ROONEY. I think it would greatly benefit them if they learned some fundamental Russian before they got to Moscow. I never was as fortunate as that. I did not have the time to do so before my visit to Moscow.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield back the balance of my time.

The Clerk read as follows:

ARCHITECT OF THE CAPITOL

Capitol building and grounds

Capitol Buildings

For an additional amount for "Capitol buildings", $494,000.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to ask the gentleman from Texas if this $494,000 would complete what has become known as the Texas front of the Capitol?

Mr. THOMAS. May I say to my distinguished friend, this is an item that our colleagues, the gentleman from Ohio [Mr. BOW] and the gentleman from Oklahoma [Mr. STEED] and others are agreed on for fireproofing the Capitol. It also has to do with elevator operators for the new addition, but it is mainly for the fireproofing of the Capitol.

Mr. GROSS. Then it has nothing to do with the Texas front of the Capitol?

Mr. THOMAS. You are exactly right.

Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CLAIMS AND JUDGMENTS

For payment of claims as settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in House Document Numbered 229, Eighty-seventh Congress, $21,751,161, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That, unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

Mr. EDMONDSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDMONDSON: On page 24, line 14, strike out $21,751,161 and insert "$36,540,637".

Mr. EDMONDSON. Mr. Chairman, this is to cover the amount of the judgment in Docket No. 173 before the Indian Claims Commission which was finalized on yesterday, and which I discussed earlier with the chairman of the subcommittee and the ranking Republican Member.

Mr. THOMAS. Mr. Chairman, without objection on the part of the members of the subcommittee or the Members of the House, we will accept the amendment with the privilege and reservation on taking it to conference. If anything develops that it is not a final judgment or is not a binding debt on the Government—we reserve the right to take it out of the bill in conference.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from North Carolina.

Mr. JONAS. I would like to inquire if this is, in fact, a binding judgment. It is a little unusual for us on the floor of the House to put $15 million in a bill just because someone says a judgment has been entered against the Government.

Mr. THOMAS. It is my understanding that this amount is bearing interest at the rate of 6 percent. It is being accepted now with the reservation that when we have explored it, if it turns out not to be a final judgment and a binding debt against the Government, that it will be taken out of the bill. I understand, however, that it is binding, but we can look at it in conference and we reserve the right to reject it.

Mr. JONAS. Are there no rights of appeal involved here?

Mr. THOMAS. I understand that this is a final judgment which has been granted in this matter, and the Bureau of the Budget will have an estimate here today or tomorrow.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. EDMONDSON].

The amendment was agreed to.

Mr. THOMAS. Mr. Chairman, I am going to offer an amendment, and may I suggest to our colleagues, we have not had a chance to go into it. The distinguished members of the House Committee on Interstate and Foreign Commerce have just finished doing a tremendous job with the gentlemen of the other body on what we call the airport bill. I certainly want to commend our presiding officer here, the gentleman from Arkansas [Mr. HARRIS]; the chairman of the committee, and also the other conferees of the great committee, the gentleman from Mississippi [Mr. WILLIAMS]; the gentleman from Maryland [Mr. FRIEDEL], our beloved friend, the gentleman from Oklahoma [Mr. JARMAN] and our distinguished colleague and ranking member of the committee, the gentleman from Michigan [Mr. BENNETT]; our good friend, the gentleman from Illinois [Mr. SPRINGER]; the gentleman from Illinois [Mr. COLLIER] for the tremendous job they did in the conference. The other body wrote into their bill backdoor spending on the construction of this airport.

Our distinguished colleagues of the House held their ground and they brought it back just like it should have been brought back, namely, direct appropriations over a period of 3 years, authorizing a total expenditure of about $75 million a year for the 3 years. Consequently, Mr. Chairman, I offer a committee amendment and I hope the Committee will adopt it.

The Clerk read as follows:

Amendment offered by Mr. THOMAS: On page 9, after line 1 insert:

"For grants-in-aid for airports pursuant to the provisions of the Federal Airport Act, as amended, $150,000,000, to remain available until expended, as follows: for the purposes of section 5(d)(1) of such Act, $66,500,000 for each of the fiscal years 1962 and 1963; for the purposes of section 5(d)(2) of such Act, $1,500,000 for each of the fiscal years 1962 and 1963; and for the purposes of section 5(d)(3) of such Act, $7,000,000 for each of the fiscal years 1962 and 1963: *Provided*, That this paragraph shall become effective only upon the enactment into law of H.R. 8102, Eighty-seventh Congress with provision therein of authorization for appropriations in lieu of contract authorization in advance of appropriations."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. THOMAS. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore having assumed the chair, Mr. HARRIS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9169) making supplemental appropriations for the fiscal year ending June 30, 1962, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. DINGELL. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DINGELL. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DINGELL moves to recommit the bill (H.R. 9169) to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendments:

"Page 13, lines 5 and 6 (in the matter relating to the housing for the elderly fund), strike out '$125,000' and '$30,000,000' and insert in lieu thereof '$225,000' and '$50,000,000', respectively.

Mr. DINGELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DINGELL. Mr. Speaker, if this motion to recommit with instructions carries, am I correct in inferring that the housing for the elderly fund is increased from $30 to $50 million?

The SPEAKER pro tempore. The Chair will state that the motion speaks for itself.

The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BECKER) there were—ayes 218, noes 15.

So the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ROUSH. Mr. Speaker, the supplemental appropriations bill which we just passed contains an appropriation to pay an award rendered by the Indian Claims Commission for the Miami Tribe of Indiana. Payment of this claim will satisfy the terms of a treaty made 107 years ago. There is no question but what this is a just and due claim against the Government. The Indian Claims Commission, the U.S. court of appeals, and the U.S. Supreme Court have so directed.

The Miami Indians of Indiana are now few in number. They reside as peaceful, integrated citizens making contributions to the society of my district and the area surrounding it. I represent 10 counties of Indiana, the finest farmland in the world. All of my district once belonged to the Miami Indians. Over a period of years, through several treaties, the land was granted to the U.S. Government.

The claim which is finally settled in this appropriation represents final payment of moneys granted in the treaty of 1854. This treaty capitalized the annuity granted to the tribe by earlier treaties. In paying the debt, the Government's per capita allotments over the years fell short of the treaty price by the sum of this appropriation and grant.

It seems unusual to many people that a representative from Indiana would have Indian constitutents. Indians are thought of as living in reservations out West. I am proud to have some 1,500 Miami Indians in my district. I am ashamed at times when I review the dealings our government has had with them.

Under the administration of Franklin Delano Roosevelt, the Great White Father of the American Indians finally became the Good White Father, as far as their relations were concerned. He and his successor, President Truman, approached the several Indian problems with a spirit of kindness and justice and they earnestly attempted to treat the Indians with honor. I believe the Kennedy administration is restoring this philosophy of Indian affairs.

I have reviewed, however, several of the claims made by these Indians of my home State and I find the governmental actions with regard to them leaves much to be desired. It seems that the cases were handled with the philosophy of stalling and appealing. This case, for example, was in litigation for more than 12 years. Other cases have been pending for an equally long period of time. Despite consistently unfavorable decisions, the Justice Department has filed appeal after appeal, with only hopes of stalling or discouraging the litigants.

This case is happily concluded. The manner in which the case was handled by the Government has not left a good impression on the Indians. There are many other cases, pending, some instituted by my constituents, many by other tribes and bands. I hope that the proper authorities will proceed in a spirit of cooperation on these cases, so

that the American Indians can look to the Federal Government as a friend.

There are many important problems which face the American Indians. These cases are all a part of the past, a past which is not filled with good memories. Let us get these matters cleared up with justice so that we can look to the future and proceed with the Indians toward a better and more rewarding life for them and a still greater contribution by them to the American society.

I am happy that we have the opportunity of closing the books on the Treaty of 1854. I am happy that the Miami Indians of Indiana are to realize the justice of the American juridical process.

SELECT COMMITTEE TO CONDUCT INVESTIGATION AND STUDY OF ADMINISTRATION OF EXPORT CONTROL ACT OF 1949

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 403, 87th Congress, the Chair appoints as members of the Select Committee To Conduct an Investigation and Study of the Administration, Operation, and Enforcement of the Export Control Act of 1949, and Related Acts, the following Members of the House: Mr. KITCHIN, chairman; Mr. BOLAND; Mr. SISK; Mr. LIPSCOMB; Mr. LATTA.

SMALL BUSINESS ACT AMENDMENTS OF 1961

Mr. SPENCE. Mr. Speaker, I call up the conference report on the bill H.R. 8762, to amend the Small Business Act to increase the amount available for regular business loans thereunder, and ask unanimous consent that the statement of the managers on the part of the House may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1180)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8762) to amend the Small Business Act to increase the amount available for regular business loans thereunder, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That this Act may be cited as the 'Small Business Act Amendments of 1961'.

"SEC. 2. As used in this Act, unless otherwise indicated, references to 'the Act' are to the Small Business Act, approved July 18, 1958 (72 Stat. 384), as amended.

"SEC. 3. Section 4(c) of the Act is amended to read as follows:

"'(c) The Administration is authorized to obtain money from the Treasury of the United States for use in the performance of the powers and duties granted to or imposed upon it by law, not to exceed a total of $1,125,000,000 outstanding at any one time. For this purpose appropriations not to exceed $1,125,000,000 are hereby authorized to be made to a revolving fund in the Treasury. Advances shall be made to the Administration from the revolving fund when requested by the Administration. This revolving fund shall be used for the purposes enumerated subsequently in sections 7(a), 7(b), and 8(a) of this Act, and in the exercise of the functions of the Administration under the Small Business Investment Act of 1958. Not to exceed an aggregate of $725,000,000 shall be outstanding at any one time for the purposes enumerated in sections 7(a) and 8(a) of this Act. Not to exceed an aggregate of $150,000,000 shall be outstanding at any one time for the purposes enumerated in section 7(b). Not to exceed an aggregate of $250,000,000 shall be outstanding at any one time for the exercise of the functions of the Administration under the Small Business Investment Act of 1958. The Administration shall pay into miscellaneous receipts of the Treasury, at the close of each fiscal year, interest on the net amount of the cash disbursements from such advances at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding interest-bearing marketable public debt obligations of the United States of comparable maturities.'

"SEC. 4. Section 5 of the Act is amended by adding at the end thereof a new subsection as follows:

"'(d) Section 3648 of the Revised Statutes (31 U.S.C. 529) shall not apply to prepayments of rentals made by the Administration on safety deposit boxes used by the Administration for the safeguarding of instruments held as security for loans or for the safeguarding of other documents.'

"SEC. 5. (a) Section 10 of the Act is amended—

"(1) by striking out subsection (a) and inserting in lieu thereof the following:

"'(a) The Administration shall make a report on December 31 of each year of operations under this Act to the President, the President of the Senate, and the Speaker of the House of Representatives. Such report shall include the names of the business concerns to whom contracts are let and for whom financing is arranged by the Administration, together with the amounts involved, and such report shall include information on the progress of the Administration in liquidating the assets and winding up the affairs of the Reconstruction Finance Corporation, and such other information and such comments and recommendations as the Administration may deem appropriate. The requirement contained in this subsection with respect to the inclusion of information respecting the progress of the Administration in liquidating the assets and winding up the affairs of the Reconstruction Finance Corporation in such report shall be in lieu of any requirement, pursuant to section 106(b) of the Reconstruction Finance Corporation Liquidation Act, and Reorganization Plan Numbered 1 of 1957, that progress reports with respect to such liquidation or winding up of affairs by the Administration be made to the Congress on a quarterly basis.';

"(2) by striking out 'June 30 and' from subsection (b); and

"(3) by striking out subsection (c) and inserting in lieu thereof the following:

"'(c)(1) The Attorney General is directed to make, or direct the Federal Trade Commission to make for him, surveys of any activity of the Government which may affect small business, for the purpose of determining any factors which may tend to eliminate competition, create or strengthen monopolies, promote undue concentration of economic power, or otherwise injure small business.

"'(2) The Attorney General shall submit to the Congress and the President, at such times as he deems desirable, but not less than once every year, reports setting forth the results of such surveys and including such recommendations as he may deem desirable.'

"(b) The second and third sentences of subsection (e) of section 70 of the Defense Production Act of 1950 are amended to read as follows: 'Such surveys shall include studies of the voluntary agreements and programs authorized by this section. The Attorney General shall submit to the Congress and the President at least once every three months reports setting forth the results of such studies of voluntary agreements and programs authorized by this section.'

"SEC. 6. The fifth sentence of section 2 (a) of the Act is amended by inserting after 'contracts', each place the term appears, the following: 'or subcontracts'.

"SEC. 7. Section 8 of the Act is amended by adding at the end thereof a new subsection as follows:

"'(d)(1) Within ninety days after the effective date of this subsection, the Administrator, the Secretary of Defense, and the Administrator of General Services shall cooperatively develop a small business subcontracting program which shall contain such provisions as may be appropriate to (A) enable small business concerns to be considered fairly as subcontractors and suppliers to contractors performing work or rendering services as prime contractors or subcontractors under Government procurement contracts, (B) insure that such prime contractors and subcontractors will consult through the appropriate procuring agency with the Administration when requested by the Administration, and (C) enable the Administration to obtain from any Government procurement agency such available or reasonably obtainable information and records concerning subcontracting by its prime contractors and their subcontractors as the Administration may deem necessary: *Provided*, That such program shall not authorize the Administration to (i) prescribe the extent to which any contractor or subcontractor shall subcontract, (ii) specify the business concerns to which subcontracts shall be granted, or (iii) vest in the Administration authority respecting the administration of individual prime contracts or subcontracts: *Provided further*, That such program shall provide that in evaluating bids or in selecting contractors for negotiated contracts, the extensive use of subcontractors by a proposed contractor shall be considered a favorable factor. The Secretary of Defense and the Administrator of General Services each shall promulgate regulations implementing the program as developed: *Provided*, That prior to the promulgation of such regulations, or any changes therein, the concurrence of the Administration shall be obtained, and if such concurrence cannot be obtained the matter in disagreement shall be submitted to the President who shall make the final determination. In addition, the Administrator of General Services and the Secretary of Defense may issue such other regulations concerning subcontracting not inconsistent with the small business subcontracting program as they each deem necessary or appropriate to effectuate their functions and responsibilities.

"'(2) Every contract for property or services (including but not limited to contracts for research and development, maintenance, repair and construction, but excluding contracts to be performed entirely outside of the United States or its territories) in excess of $1,000,000 made by a Government department or agency, which in the opinion of the procuring agency offers substantial subcontracting possibilities, shall require the contractor to conform to

the small business subcontracting program promulgated under this subsection, and to insert in all subcontracts and purchase orders in excess of $500,000 which offer substantial possibilities for further subcontracting a provision requiring the subcontractor or supplier to conform to such small business subcontracting program.

"'(3) The Administration shall include in any report filed under section 10(b) of this Act information, and such recommendations as it may deem appropriate, with respect to the administration of the small business subcontracting program established under this subsection.

"'(4) Nothing in this subsection shall be construed to authorize the Administrator, the Secretary of Defense, or the Administrator of General Services to secure and disseminate technical data or processes developed by any business concern at its own expense.'

"SEC. 8. Section 8 of the Act is further amended by inserting after subsection (d) (as added by section 7 of this Act) a new subsection as follows:

"'(e) It shall be the duty of the Secretary of Commerce, and he is hereby empowered, to obtain notice of all proposed defense procurement actions of $10,000 and above, and all civilian procurement actions of $5,000 and above, from any Federal department, establishment, or agency engaged in procurement of supplies and services in the United States; and to publicize such notices in the daily publication "United States Department of Commerce Synopsis of the United States Government Proposed Procurements, Sales, and Contract Awards", immediately after the necessity for the procurement is established; except that nothing herein shall require publication of such notices with respect to those procurements (1) which for security reasons are of a classified nature, or (2) which involve perishable subsistence supplies, or (3) which are for utility services and the procuring agency in accordance with applicable law has predetermined the utility concern to whom the award will be made, or (4) which are of such unusual and compelling emergency that the Government would be seriously injured if bids or offers were permitted to be made more than 15 days after the issuance of the invitation for bids or solicitation for proposals, or (5) which are made by an order placed under an existing contract, or (6) which are made from another Government department or agency, or a mandatory source of supply, or (7) which are for personal or professional services, or (8) which are for services from educational institutions, or (9) in which only foreign sources are to be solicited, or (10) for which it is determined in writing by the procuring agency, with the concurrence of the Administrator, that advance publicity is not appropriate or reasonable.'

"SEC. 9. Section 7(d) of the Act is amended to read as follows:

"'(d) The Administration also is empowered to make grants to any State government or any agency thereof, any State-chartered development credit or finance corporation, any land-grant college or university, any college or school of business, engineering, commerce, or agriculture, or to any corporation formed by two or more of the entities hereinabove described which are eligible to receive such grants, for studies, research, and counseling concerning the managing, financing, and operation of small business enterprises and technical and statistical information necessary thereto in order to carry out the purposes of section 8(b)(1) by coordinating such information with existing information facilities within the State and by making such information available to State and local agencies. The Administrator may recommend to grant applicants particular studies or research which are to be financed by such grants. The total of all grants (including amendments and modifications thereof) made under this subsection within any one State in any one year shall not exceed $40,000. The Administration may require, as a condition to any grant (or amendment or modification thereof) made under this subsection, that an additional amount not exceeding the amount of such grant be provided from sources other than the Administration to assist in carrying out the purposes for which such grant is made: *Provided*, That if such grant or any part thereof is to be utilized for the purpose of providing counseling services to individual small business enterprises the Administration shall require that such additional amount be provided and in an amount which is equal to the amount of such grant. What constitutes such additional amount may be defined by the Administration.'"

And the Senate agree to the same.

Amend the title so as to read: "An Act to amend the Small Business Act."

BRENT SPENCE,
WRIGHT PATMAN,
ALBERT RAINS,
ABRAHAM J. MULTER,
Managers on the Part of the House.

A. WILLIS ROBERTSON,
JOHN SPARKMAN,
PAUL H. DOUGLAS,
WILLIAM PROXMIRE,
EDWARD V. LONG,
MAURINE NEUBERGER,
J. GLENN BEALL,
WALLACE F. BENNETT,
J. K. JAVITS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8762) to amend the Small Business Act to increase the amount available for regular business loans thereunder, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for technical, clarifying, and conforming changes the following statement explains the differences between the House bill and the substitute agreed to in conference.

SBA PROGRAM AUTHORIZATIONS

The House bill increased the authority of the Small Business Administration to make loans under its regular business loan program by $130 million, from $595 million to $725 million.

The Senate amendment eliminated the separate limits set by existing law for the regular business loan program, the prime contract program, and the disaster loan program, and fixed a single authorization for all three programs at $806.5 million. This represented an increase of $36.5 million over the combined authorizations for these programs in existing law.

The conference substitute does not change the existing authorization for the disaster loan program. Instead, it combines the business loan authorization with the authorization for the prime contract program, and raises the combined authorization by $105 million, the amount estimated as needed to continue the business loan program through this fiscal year.

SUBCONTRACTING PROGRAM

The Senate amendment included a provision not in the House bill to authorize the Small Business Administration, the Department of Defense, and the General Services Administration, cooperatively, to develop a small business subcontracting program. Under this provision the program will be designed to insure that small business concerns participate equitably as subcontractors and suppliers to prime contractors or subcontractors performing under Government procurement contracts. This program will provide that all contracts in excess of $1 million and all subcontracts in excess of $500,000 must include provisions (1) requiring that prime contractors and subcontractors consult with the Small Business Administration through the procuring agencies when requested to do so by the Small Business Administration, and (2) enabling the Small Business Administration to obtain subcontracting information from the procuring agencies. This provision will not authorize a program which would dictate to the contractor the extent to which he should make subcontracts or the persons to whom the subcontracts should be granted. It is clearly provided that any subcontracting program developed under this section will be administered by the procuring agencies.

The conference substitute includes this provision with two amendments.

The Senate bill provided that the regulations issued by the Department of Defense and the General Services Administration to implement this program should be approved by all three interested agencies (the Department of Defense, the General Services Administration, and the Small Business Administration). The conference committee agreed to eliminate this provision and provide instead that the concurrence of the Small Business Administration must be obtained before promulgation of the regulations or any changes therein. If such concurrence cannot be obtained, provision is made for submitting the matter in disagreement to the President for final determination.

The conference substitute also provides that nothing in these subcontracting provisions shall be construed to authorize the Small Business Administrator, the Secretary of Defense, or the Administrator of General Services to secure and disseminate technical data or processes developed by any business concern at its own expense.

PUBLICATION OF PROCUREMENT ACTIONS

Section 8 of the conference substitute contains provisions relating to publication of procurement actions which were not included in the House bill. This section requires the Secretary of Commerce to obtain and publish in its synopsis of the U.S. Government "Proposed procurements, sales, and contract awards" information descriptive of all defense procurement actions of $10,000 and above and all civilian procurement actions of $5,000 and above. The section would not apply to procurements (1) which for security reasons are of a classified nature; (2) which involve perishable subsistence supplies; (3) which provide public utility services; (4) which are of such an unusual and compelling emergency that the Government would be seriously injured if bids or offers were permitted to be made more than 15 days after the issuance of the invitation for bids or solicitation for proposals; (5) which are made by an order placed under an existing contract; (6) which are made from another Government department or agency, or a mandatory source of supply; (7) which are for personal or professional services; (8) which are for services from educational institutions; (9) in which only foreign sources are to be solicited, or (10) for which it is determined in writing by the procuring agency, with the concurrence of the Administrator of the Small Business Administration, that advance publicity is not appropriate or reasonable.

GRANTS FOR STUDIES, RESEARCH, AND COUNSELING

The conference substitutes includes two provisions which were not included in the House bill relating to grants under section 7(d) of the Small Business Act.

Section 7(d) of the act now provides for a program of "grants to any State government, or any agency thereof, State-chartered development credit or finance corporation, land-grant colleges and universities, and colleges and schools of business, engineering, commerce, or agriculture for studies, research, and counseling concerning the managing, financing, and operation of small-business enterprises. * * *"

Section 9 of the conference substitute amends section 7(d) of the act to make eligible for such grants a corporation formed by two or more presently eligible grantees. It also amends section 7(d) of the act to permit the Small Business Administration to require, as a condition to any grant under this section, that an additional amount, not exceeding the amount of such grant, be provided from sources other than the Administration. If, and to the extent, a grant is used to provide counseling services to individual enterprises, matching of the grant is to be required. The section would also permit the Small Business Administration (1) to suggest topics for studies, and (2) to make more than one grant in any one year in a State, provided that the total amount does not exceed $40,000.

REPORTS BY THE SMALL BUSINESS ADMINISTRATION AND THE ATTORNEY GENERAL

Section 5 of the conference substitute relates to reports filed by the Small Business Administration and the Attorney General filed under the Small Business Act and the Defense Production Act of 1950. The Small Business Administration would be required to file annual reports, like other permanent agencies, instead of semiannual reports. The requirement now in the act that the Attorney General make surveys and reports would be clarified, and a related obsolete provision in the Defense Production Act would be deleted.

PREPAYMENT OF RENTALS ON SAFETY DEPOSIT BOXES

Section 4 of the conference substitute authorizes the Small Business Administration to prepay rentals on safety deposit boxes. No similar provision was included in the House bill. The House last year agreed to a bill containing similar authority.

BRENT SPENCE,
WRIGHT PATMAN,
ALBERT RAINS,
ABRAHAM J. MULTER,
Managers on the Part of the House.

Mr. SPENCE. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Speaker, the only two major points at issue in the conference on H.R. 8762 were the authorization for business loans by the Small Business Administration, and the proposed program to help small business concerns get a fair share of subcontracts let by Government contractors.

On the first issue, we came out of conference substantially with the figures proposed by the House for small business loans. The House provided for an increase of $130 million in the amount of loans SBA may have outstanding under its regular business loan program. The Senate authorized an increase of $36.5 million in the amount SBA may have outstanding under three programs: the business loan program, the prime contract program, and the disaster loan program. We agreed in conference that the disaster loan authorization should not be touched to make sure ample authority is held ready for unpredictable disasters such as Hurricane Carla which has ravaged so much of my home State in recent days. We did agree, however, that the $25 million prime contract authority could be merged with the business loan authorization, and we agreed accordingly to reduce the $130 million figure of the House bill by $25 million. The conference agreement, therefore, increases the new, merged authorization for both business loans and the prime contract program by $105 million. This should cover the need through the current fiscal year.

It should be emphasized that this is not intended to indicate any intention that the prime contract authority is not to be used. This is a useful weapon which SBA needs to have in its fight to get a fair share of Government procurement contracts for small business. But we did feel it could be merged with the business loan authorization without impairing either program.

The managers on the part of the House agreed to accept, with amendments, a Senate provision setting up a program to help small business concerns get a fair share of the subcontracts let in connection with Government procurement programs. Small businesses are not getting their fair share of Government procurement. The President has recognized this fact, and has directed the Defense Department to increase the small business share of military procurement by at least 10 percent in fiscal year 1962. In fiscal 1961, the small business share of military purchases hit an alltime low of 15.9 percent, compared with 25 percent in 1954. We must find some way to increase their share, through subcontracts as well as prime contracts.

Accordingly, we accepted the provisions of the Senate bill, which have been worked out over the past year to meet certain objections raised against a similar proposal that passed the Senate last year. Under the conference report, the Administrator of General Services, the Secretary of Defense, and the Small Business Administrator will jointly work out a subcontracting program. The program will provide that all contracts over $1 million and all subcontracts over $500,000 must include provisions (1) requiring prime contractors and subcontractors to consult with the Small Business Administration through the procuring agencies when requested by SBA, and (2) enabling SBA to obtain information from the procuring agencies. It will not dictate to the contractor the extent to which he should subcontract, or the person to whom he should grant subcontracts. Administration of the subcontracting program will be in the hands of the procuring agencies.

We agreed to two amendments to the Senate subcontracting provisions. First, we eliminated a provision of the Senate bill which would have required that the Secretary of Defense, the Administrator of General Services, and the Small Business Administrator all approve the regulations implementing the program. Instead, the conference agreement provides that the Small Business Administration must concur before the regulations are issued or amended. If concurrence is not obtained, the matter will be submitted to the President. Secondly, we agreed to an amendment providing that nothing in this subcontracting provision shall be construed to authorize any of the three agencies involved to secure and disseminate technical data or processes developed by any business concern at its own expense.

With these changes, I feel that this subcontracting section represents a bare minimum program. I agree with the Senate conferees that we have gone 95 percent of the way toward meeting all possible objections. Perhaps what is left is too little, but at least it will show that Congress is serious in its concern over small business, and determined to give the Small Business Administration a stronger hand in helping small business toward a fairer share of the Government's procurement dollar.

Mr. Speaker, I hope this conference report is adopted.

Mr. SHEPPARD. Mr. Speaker, will the gentleman yield for a question?

Mr. PATMAN. I yield to the gentleman.

Mr. SHEPPARD. I would like to ask the gentleman if it is his interpretation or the intent of the amendments to which he has referred, in the assignment of business to small business, that there should be any subsidy involved to accomplish the end result?

Mr. PATMAN. There is no subsidy involved in this; no, sir.

Mr. SHEPPARD. It is not the intent of the amendment that there should be, by interpretation or otherwise?

Mr. PATMAN. It is not involved.

Mr. SPENCE. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, as a member of the Small Business Committee and the Representative of an area that has a tremendous amount of small business, I am desirous of doing everything I can to promote their welfare. I certainly agree with most of the statements of the distinguished gentleman from Texas [Mr. PATMAN] particularly in his efforts to promote more business for the small business group. However, I am in complete disagreement with him on section 7 of this bill as set forth on page 3 of the conference report. The particular provision of this new section 7 is new language; and I might state that very similar language to this was put in the House bill last year by way of amendment on the other side, and when it came back it went to conference; the language was not approved.

Again this year in our bill, a week or 10 days ago when we passed the House bill, there was a colloquy between the gentleman from California [Mr. MCDONOUGH] and the gentleman from Texas [Mr. PATMAN] that we would try to stay by our House language, or words to that effect. In any event, in the conference report now there is new language on page 3, section 7, which is an entirely new program.

It is claimed that the purpose of this new language is to get more business for small business, but in my opinion and in the opinion of the small business organizations in my area, and the Strategic Industries Associated, a group of small business people throughout the county of Los Angeles and the adjoining area, this particular language will in fact do them more harm than good. And in turn there are large corporations that say that this language will give them great difficulty.

The particular language has words to the effect that within 90 days after the effective date of this subsection the Administrator—that is, the Administrator of the Small Business Administration—the Secretary of Defense, and the Administrator of General Services will have to get together cooperatively, to develop a small business subcontracting program.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. PATMAN. I appreciate the fact that the gentleman is a very sincere advocate of measures that will help small business. He is an important member of our committee and has worked with us on these measures. I want to invite his attention to the fact that this section 7 has the approval of the Secretary of Defense, except for one provision. When we went to conference, the Defense Department wrote our chairman, the gentleman from Kentucky [Mr. SPENCE] objecting to the so-called Javits amendment, which required that the regulations implementing the program be approved by SBA as well as the Defense Department and the General Services Administration. We took that provision out in conference, and substituted another provision, as I explained above, which should meet the Defense Department's objections.

Mr. SMITH of California. May I say to the gentleman from Texas that this language in my understanding was written on the other side. As a member of the Small Business Committee, may I say that we have not agreed to it. We have not held one hearing on this side as to this language. We do not know what the Secretary of Defense is going to say, what the Administrator of the Small Business Administration is going to say, or the General Services Administration. We are simply placing a noose around the neck of small business. The SBA will have a veto power. The Small Business Administration will get into procurement and subcontracting, and we will not have any idea of what small business is going to get.

Further, the prime contractors, the large contractors, want to know who their subs are. They have been dealing with some subcontractors over a period of years. If we allow the Small Business Administration to have this veto power on small business, on subs, the primes are not going to know, with any degree of certainty, with whom they can subcontract. They will have to sit around and wonder what small business concerns they can subcontract with. We have recently passed our largest defense budget in peacetime history. Approval of section 7 in this conference report may well hinder and delay our procurement efforts. It is not a good way to legislate.

Mr. PATMAN. The conferees were confronted with this situation. I stated on the floor of the House when this bill went to the Senate it was my hope we could bring the bill back without these amendments. I sincerely felt that we could. But after getting into conference we could not agree.

Mr. SMITH of California. I am not criticizing the gentleman.

Mr. PATMAN. When we went into conference we discovered the Senate had passed this provision a third time, and we had never given it consideration. Therefore, they were adamant in their demand that this provision must be in. So we had to do the best we could by changing the provision, which we did. As it has been changed, I believe it meets most of the gentleman's objections. He has criticized, and some of his criticisms were justified. I hope that what has been changed here will meet with his approval.

Mr. SMITH of California. May I state that it does not meet my objections. I know this report will probably be adopted, but I think the membership should know we are giving the veto power here to the Administrator of Small Business. I have great confidence in that organization, but we should first have hearings to find out what the Secretary of Defense, the General Services Administration and the Small Business Administrator are going to do, and then come in with a bill we can all support that will help small business, not hurt small business, and that will not materially interfere with our defense program, which will be hurt if we have to check all these programs through to avoid getting a veto from the Small Business Administration.

Furthermore, one further statement, if they do not agree, then the President of the United States is going to have to write this agreement after 90 days. Now the President of the United States is a pretty busy man. So to place this conflict on his desk is wrong. We very well know he does not have the time to do it, and it will have to be delegated to somebody else. I want the RECORD simply to show here today that, in my opinion, section 7 is wrong. It will hurt small business. It will hurt large business. It will hurt our procurement in the future. I want the RECORD to show this because we may have to come back here next year and correct our action today.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, at this point for the record, I would like the gentleman to know the minority House conferees did not sign the conference report for the basic reasons that the gentleman has just outlined. We feel we have insufficient evidence and insufficient material on which to base an acceptance of this language. I think the gentleman is perfectly correct, and I think the future will bear him out as being absolutely correct.

Mr. SMITH of California. I thank the gentleman, and I commend the three minority members for not going along with this conference report.

Mr. SPENCE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

SMALL BUSINESS INVESTMENT ACT AMENDMENTS OF 1961

Mr. SPENCE. Mr. Speaker, I call up the conference report on the bill (S. 902) to amend the Small Business Investment Act of 1958, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1179)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 902) to amend the Small Business Investment Act of 1958, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That this Act may be cited as the 'Small Business Investment Act Amendments of 1961'.

"SEC. 2. Section 103 of the Small Business Investment Act of 1958 is amended—

"(1) by striking out paragraph (3) and inserting in lieu thereof the following:

"'(3) the terms "small business investment company", "company", and "licensee" mean a company approved by the Administration to operate under the provisions of this Act and issued a license as provided in section 301(c);'; and

"(2) by striking out 'and' at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof '; and', and by adding after paragraph (6) the following new paragraph:

"'(7) the term "license" means a license issued by the Administration as provided in section 301(c).'

"SEC. 3. (a) Section 302(a) of the Small Business Investment Act of 1958 is amended by striking out the second sentence and inserting in lieu thereof the following: 'In order to facilitate the formation and growth of small business investment companies, the Administration is hereby authorized, notwithstanding any other provisions of law (but only to the extent that the necessary funds are not available to the company involved from private sources on reasonable terms), to purchase the debentures of any such company in an amount not to exceed the lesser of $400,000 or the amount of the paid-in capital and surplus of the company from other sources; but debentures of a small business investment company may be purchased by the Administration under this subsection only during such period (in no case ending more than three years after the date of the issuance of its license under section 301(c) or the date

of the enactment of the Small Business Investment Act Amendments of 1961, whichever is later) as may be fixed by the Administration.'

"(b) Section 302(b) of such Act is amended by striking out '1 percent of its capital and surplus' and inserting in lieu thereof '2 percent of its capital and surplus'.

"SEC. 4. (a) The first sentence of section 303(b) of the Small Business Investment Act of 1958 is amended by inserting after 'is authorized' the following: '(but only to the extent that the necessary funds are not available to the company involved from private sources on reasonable terms)'.

"(b) The second sentence of section 303 (b) of such Act is amended to read as follows: 'The total amount of obligations of any one company which may be purchased and outstanding at any one time by the Administration under this subsection (including commitments to purchase such obligations) shall not exceed 50 percent of the paid-in capital and surplus of such company or $4,000,000 whichever is less.'

"(c) Section 303(b) of such Act is further amended by adding at the end thereof the following new sentence: 'All loans made by the Administration under this subsection shall be of such sound value as reasonably to assure repayment.'

"SEC. 5. Section 304 of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following new subsection:

"'(d) Equity capital provided to incorporated small business concerns under this section may be provided directly or in cooperation with other investors, incorporated or unincorporated, through agreements to participate on an immediate basis.'

"SEC. 6. Section 305(b) of the Small Business Investment Act of 1958 is amended by striking out 'other lending institutions' and inserting in lieu thereof 'other lenders, incorporated or unincorporated,'.

"SEC. 7. (a) Section 306 of the Small Business Investment Act of 1958 is amended by striking out the matter following 'exceed' and inserting in lieu thereof the following: '(1) 20 per centum of the combined capital and surplus of such small business investment company authorized by this Act, or (2) $500,000, whichever is the lesser.'

"(b) The amendment made by subsection (a) shall apply only with respect to obligations and securities acquired by a small business investment company on or after the date of the enactment of this Act; except that such amendment shall not apply with respect to any obligations or securities so acquired pursuant to a commitment issued before such date.

"SEC. 8. Section 308(a) of the Small Business Investment Act of 1958 is amended to read as follows:

"'(a) Wherever practicable the operations of a small business investment company, including the generation of business, may be undertaken in cooperation with banks or other investors or lenders, incorporated or unincorporated, and any servicing or initial investigation required for loans or acquisitions of securities by the company under the provisions of this Act may be handled through such banks or other investors or lenders on a fee basis. Any small business investment company may receive fees for services rendered to such banks and other investors and lenders.'

"SEC. 9. Title III of the Small Business Investment Act of 1958 is amended by adding after section 308 the following new sections:

"'SUSPENSION OF LICENSES; CEASE AND DESIST ORDERS

"'SEC. 309. (a) A license may be suspended by the Administration—

"'(1) for false statements knowingly made in any written statement required under this title, or under any regulation issued under this title by the Administration, for the purpose of obtaining the license;

"'(2) if any written statement required under this title, or under any regulation issued under this title by the Administrator, for the purpose of obtaining the license, fails to state a material fact necessary in order to make the statement not misleading in the light of the circumstances under which the statement was made;

"'(3) for willful or repeated violation of, or willful or repeated failure to observe, any provision of this Act;

"'(4) for willful or repeated violation of, or willful or repeated failure to observe, any rule or regulation of the Administration authorized by this Act; or

"'(5) for violation of, or failure to observe, any cease and desist order issued by the Administration under this section.

"'(b) Where a licensee has not complied with any provision of this Act, or of any regulation issued under this Act by the Administration, the Administration may order such licensee to cease and desist from such action or failure to act; and the Administration may further order such licensee to take such action or to refrain from such action as the Administration deems necessary to ensure compliance with the Act and the regulations. The Administration may also suspend the license of such licensee until the licensee has complied with such order.

"'(c) Before suspending a license pursuant to subsection (a), or issuing a cease and desist order pursuant to subsection (b), the Administration shall serve upon the licensee involved an order to show cause why an order suspending the license or a cease and desist order should not be issued. Any such order to show cause shall contain a statement of the matters of fact and law asserted by the Administration and the legal authority and jurisdiction under which a hearing is to be held, and shall inform the licensee that a hearing will be held before the Administration at a time and place stated in the order. If after hearing, or a waiver thereof, the Administration determines on the record that an order suspending the license or a cease and desist order should issue, it shall promptly issue such order, which shall include a statement of the findings of the Administration and the grounds and reasons therefor and specify the effective date of the order, and shall cause the order to be served on the licensee.

"'(d) The Administration may require by subpena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to the hearing from any place in the United States. Witnesses summoned before the Administration shall be paid by the party at whose instance they were called the same fees and mileage that are paid witnesses in the courts of the United States. In case of disobedience to a subpena, the Administration, or any party to a proceeding before the Administration, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents.

"'(e) An order issued by the Administration under this section shall be final and conclusive unless within thirty days after the service thereof the licensee appeals to the United States court of appeals for the circuit in which such licensee has its principal place of business by filing with the clerk of such court a petition praying that the Administration's order be set aside or modified in the manner stated in the petition. After the expiration of such thirty days, a petition may be filed only by leave of court on a showing of reasonable grounds for failure to file the petition theretofore. The clerk of the court shall immediately cause a copy of the petition to be delivered to the Administration, and the Administration shall thereupon certify and file in the court a transcript of the record upon which the order complained of was entered. If before such record is filed the Administration amends or sets aside its order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Administration. The filing of a petition for review shall not of itself stay or suspend the operation of the order of the Administration, but the court of appeals in its discretion may restrain or suspend, in whole or in part, the operation of the order pending the final hearing and determination of the petition. The proceedings in such cases in the court of appeals shall be made a preferred cause and shall be expedited in every way. The court may affirm, modify, or set aside the order of the Administration. If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the Administration to reopen the hearing for the taking of such evidence, in such manner and upon such terms and conditions as the court may deem proper. The Administration may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file its modified or new findings and the amendments, if any, of its order, with the record of such additional evidence. No objection to an order of the Administration shall be considered by the court unless such objection was urged before the Administration or, if it was not so urged, unless there were reasonable grounds for failure to do so. The judgment and decree of the court affirming, modifying, or setting aside any such order of the Administration shall be subject only to review by the Supreme Court of the United States upon certification or certiorari as provided in section 1254 of title 28, United States Code.

"'(f) If any licensee against which an order is issued under this section fails to obey the order, the Administration may apply to the United States court of appeals, within the circuit where the licensee has its principal place of business, for the enforcement of the order, and shall file a transcript of the record upon which the order complained of was entered. Upon the filing of the application the court shall cause notice thereof to be served on the license. The evidence to be considered, the procedure to be followed, and the jurisdiction of the court shall be the same as is provided in subsection (e) for applications to set aside or modify orders. The proceedings in such cases shall be made a preferred cause and shall be expedited in every way.

"'INVESTIGATIONS

"'SEC. 310. The Administration may make such investigations as it deems necessary to determine whether a licensee or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or of any rule or regulation under this Act, or of any order issued under this Act. The Administration shall permit any person to file with it a statement in writing, under oath or otherwise as the Administration shall determine, as to all the facts and circumstances concerning the matter to be investigated. For the purpose of any investigation, the Administration is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena issued to, any person, including a licensee, the Administration may invoke

the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Administration, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found.

"'INJUNCTIONS AND OTHER ORDERS

"'SEC. 311. (a) Whenever, in the judgment of the Administration, a licensee or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or of any rule or regulation under this Act, or of any order issued under this Act, the Administration may make application to the proper district court of the United States or a United States court of any place subject to the jurisdiction of the United States for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, rule, regulation, or order, and such courts shall have jurisdiction of such actions and, upon a showing by the Administration that such licensee or other person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order, shall be granted without bond. The proceedings in such a case shall be made a preferred cause and shall be expedited in every way.

"'(b) In any such proceeding the court as a court of equity may, to such extent as it deems necessary, take exclusive jurisdiction of the licensee or licensees and the assets thereof, wherever located; and the court shall have jurisdiction in any such proceeding to appoint a trustee or receiver to hold or administer under the direction of the court the assets so possessed.'

"SEC. 10. Section 502 of the Small Business Investment Act of 1959 is amended—

"(1) by striking out '$250,000' in paragraph (3) and inserting in lieu thereof '$350,000'; and

"(2) by striking out 'ten' where it first appears in paragraph (5) and inserting in lieu thereof 'twenty-five'.

"SEC. 11. (a) Section 301(a) of the Small Business Investment Act of 1958 is amended to read as follows:

"'(a) A small business investment company shall be an incorporated body, organized and chartered under State law solely for the purpose of performing the functions and conducting the activities contemplated under this title, which has succession for a period of not less than thirty years unless sooner dissolved by its shareholders and possesses the powers reasonably necessary to perform such functions and conduct such activities. The area in which the company is to conduct its operations, and the establishment of branch offices or agencies (if authorized by the articles of incorporation), shall be subject to the approval of the Administration.'

"(b)(1) The second sentence of section 301(c) of such Act is amended by striking out 'In determining whether to approve the establishment of such a company and its proposed articles of incorporation' and inserting in lieu thereof 'In determining whether to approve such a company's articles of incorporation and permit it to operate under the provisions of this Act'.

"(2) The last sentence of section 301(c) of such Act is amended to read as follows: 'After consideration of all relevant factors, if it approves the company's articles of incorporation, the Administration may in its discretion approve the company to operate under the provisions of this Act and issue the company a license for such operation'.

"(3) Section 301 of such Act is further amended by striking out subsections (d) and (e).

"(c) The second sentence of section 308(b) of such Act is amended by striking out 'organized under this Act' and inserting in lieu thereof 'operating under the provisions of this Act'.

"(d) Section 308 of such Act is amended by striking out subsections (d), (e), and (f) and redesignating subsection (g) as subsection (d), and by striking out 'organized under this Act' in the subsection so redesignated and inserting in lieu thereof 'operating under the provisions of this Act'.

"(e) Section 309 of such Act (relating to approval of State chartered companies for operations under this Act) is repealed.

"(f) Title IV of such Act is repealed.

"(g)(1) The table of contents of such Act is amended by striking out

"'Sec. 309. Approving State chartered companies for operations under this Act.'

and inserting in lieu thereof

"'Sec. 309. Enforcement procedures.
"'Sec. 310. Investigations.
"'Sec. 311. Injunctions and other orders.'

"(2) The table of contents of such Act is further amended by striking out

"'TITLE IV—CONVERSION OF STATE CHARTERED INVESTMENT COMPANIES AND STATE DEVELOPMENT COMPANIES'.

"(h)(1) Section 202 of such Act is amended by striking out '(a)' where it appears immediately after 'SEC. 202.', and by striking out subsection (b).

"(2) Section 20 of the Small Business Act is amended by inserting before the period at the end thereof the following: 'other than those for which appropriations to the revolving fund are authorized by section 4(c)'.

"(3) So much of the first sentence of section 4(c) of the Small Business Act (as amended by section 3 of the Small Business Act Amendments of 1961) as precedes 'not to exceed' is amended to read as follows: 'The Administration is authorized to obtain money from the Treasury of the United States for use in the exercise of its functions under sections 7(a), 7(b), and 8(a) and under the Small Business Investment Act of 1958 (including the payment of administrative expenses in connection with such functions),'.

"(4) Section 4(c) of such Act (as so amended) is further amended by striking out the fourth sentence.

"SEC. 12. Section 4(c) of the Small Business Act (as amended by section 3 of the Small Business Act Amendments of 1961) is further amended—

"(1) by striking out '$1,125,000,000' each place it appears and inserting in lieu thereof '$1,200,000,000'; and

"(2) by striking out '$250,000,000,' and inserting in lieu thereof '$325,000,000'."

And the House agree to the same.

BRENT SPENCE,
WRIGHT PATMAN,
ALBERT RAINS,
ABRAHAM J. MULTER,
Managers on the Part of the House.

A. WILLIS ROBERTSON,
JOHN SPARKMAN,
PAUL H. DOUGLAS,
WILLIAM PROXMIRE,
EDWARD V. LONG,
MAURINE NEUBERGER,
J. GLENN BEALL,
WALLACE F. BENNETT,
J. K. JAVITS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 902) to amend the Small Business Investment Act of 1958, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate bill and the House amendment. Except for technical, clarifying, and conforming changes the following statement explains the differences between the House amendment and the substitute agreed to in conference.

PURCHASE BY SBA OF SUBORDINATED DEBENTURES OF SMALL BUSINESS INVESTMENT COMPANIES

Section 5 of the Senate bill amended section 302(a) of the Small Business Investment Act of 1958 to increase the maximum amount which the Small Business Administration may invest as capital in any one small business investment company through the purchase of its subordinated debentures from $150,000 to $300,000 (or the amount of the company's paid-in capital and surplus from other sources, if less). The corresponding provision (sec. 8(a)) of the House amendment increased the maximum amount to $500,000. The conference substitute increases this amount to $400,000.

Section 3(a) of the House amendment also added new language specifically providing that SBA may purchase subordinated debentures of a small business investment company only to the extent that the necessary funds are not available to the company from private sources. The conference substitute contains this provision of the House amendment, modified to make it clear that SBA would not be prevented from purchasing subordinated debentures if the necessary private funds are not available "on reasonable terms." This provision (and the corresponding restriction on operating loans under sec. 303) will incorporate in the statute a principle SBA is now following in its regulations.

BORROWING POWER OF SMALL BUSINESS INVESTMENT COMPANIES

Section 7 of the Senate bill amended section 303(b) of the Small Business Investment Act of 1958 to impose a limit of $3,000,000 on the total amount of operating loans which SBA may have outstanding to any one small business investment company at any time (retaining the provision of existing law which limits the amount of such loans to one-half of the company's paid-in capital and surplus, so that whichever of the two limits is lower would apply). The corresponding provision (sec. 4(b)) of the House amendment would have imposed a limit of $5,000,000 on such total amount. The limit as provided by the conference substitute is $4,000,000.

AGGREGATE LIMITATIONS ON ASSISTANCE TO ANY SINGLE ENTERPRISE

Section 10 of the Senate bill amended section 306 of the Small Business Investment Act of 1958 to provide that a small business investment company could not (without SBA approval) furnish assistance to any single small-business concern in an amount exceeding $500,000 (retaining the provision of existing law limiting the amount of assistance to any one small-business concern to 20 percent of the small business investment company's combined capital and surplus, so that whichever of the two limits is lower would apply).

Section 4(d) of the House amendment amended section 303 of the 1958 act to provide that a small business investment company may not furnish assistance to any one

small business concern (in the form of loans or equity capital or both) in an amount aggregating more than $500,000 so long as the furnishing of such assistance would require the use of funds obtained by such company in the form of operating loans from SBA; this would have been accomplished by requiring the small business investment company to maintain at all times (in cash, Government obligations, and investments of less than $500,000) an amount of assets equal to the unpaid principal balance of the SBA operating loan. The conference substitute follows the Senate bill, with a provision (similar in intent to sec. 4(d)(2)) of the House amendment) designed to insure that the new limitation will not apply retroactively.

ENFORCEMENT PROVISIONS

Section 12 of the Senate bill and section 8 of the House amendment add three new sections to title III of the Small Business Investment Act of 1958 designed to provide SBA with more effective enforcement procedures and administrative remedies to insure compliance with that act and the regulations thereunder, in place of the corresponding provisions of present law which require application to the Federal courts for any remedial action. These new sections are substantially similar in the two versions; the principal difference is that the House amendment authorizes SBA to revoke the license of a small business investment company in certain specified cases rather than merely to suspend the license in such cases as is provided in the Senate bill. The conference substitute follows the Senate bill.

INCREASE IN SBA REVOLVING FUND FOR EXERCISE OF FUNCTIONS UNDER THE SMALL BUSINESS INVESTMENT ACT OF 1958

Section 11 of the House amendment amended section 4(c) of the Small Business Act to increase by $150,000,000 (from $250,000,000 to $400,000,000) the maximum amount of loans which SBA may have outstanding under the Small Business Investment Act of 1958. The Senate bill did not provide any increase in the maximum amount of such loans. The conference substitute increases such maximum amount by $75,000,000 (from $250,000,000 to $325,000,000).

BRENT SPENCE,
WRIGHT PATMAN,
ALBERT RAINS,
ABRAHAM J. MULTER,
Managers on the Part of the House.

Mr. SPENCE. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Speaker, in the conference on S. 902, we were called upon to settle six major points in dispute between the two Houses, relating to the small business investment company program. This is a new program, which just got started in 1959, to encourage formation of private companies to supply long-term loans and equity capital for small business concerns. I think we came out of conference with a fair compromise, and I recommend the adoption of the conference report.

The major provision of this bill, to my mind, is the provision authorizing the Small Business Administration to make increased investments, on a 50–50 matching basis, in the minimum size small business investment companies, to increase their capitalization. The House bill authorized SBA to invest up to $500,000 for this purpose, and the Senate bill authorized $300,000. We have compromised at a $400,000 figure. This represents a very substantial boost over the $150,000 figure in existing law, and I am satisfied that it will accomplish the purpose of getting the smaller companies on a sounder operating basis.

Two other matters were settled by comprising differences in dollar figures between the two Houses. One was the limit on SBA operating loans to small business investment companies. The House imposed a limit of $5 million and the Senate a $3 million limit; we compromised at $4 million. Also, the House authorized an increase of $150 million in the amount of loans SBA may have outstanding under the Small Business Investment Act of 1958, while no increase was authorized by the Senate. We agreed on an increase of $75 million, which will be sufficient to carry the program at least through next June 30.

The conference report includes provisions strengthening SBA enforcement procedures, needed to make sure SBA has sufficient power to enforce compliance with the law and regulations under this new program. We agreed with the Senate on one point in connection with these enforcement procedures. That is, we agreed that SBA should not have the power to revoke a license without going to court. At the same time, the bill does authorize SBA to suspend licenses where necessary, subject to the safeguards of the Administrative Procedure Act.

We kept the limit imposed by the House on investments by commercial banks in these small business investment companies; namely, 2 percent of capital and surplus. The Senate authorized investments up to 3 percent but we felt the 3-percent figure, representing a 100-percent increase over existing law, was adequate to meet the need.

Finally, we accepted a limitation which is the only controversial matter, so far as I know, in this conference report. The House conferees agreed to a Senate provision limiting investments by SBIC's to not more than $500,000 in any one small business concern, without the approval of the Small Business Administration. The purpose of this limitation is to make sure that the funds made available for small business concerns through this program will be available for the smaller size businesses that need them most.

The Senate conferees made a convincing case that some of the larger small business investment companies have concentrated too heavily on investments over $500,000, and are not serving the needs of the smaller concerns. Accordingly, we agreed to take the Senate provision, with the understanding that it does allow some of these investments over $500,000 to be made with SBA approval. Obviously, there are some cases where legitimate small businesses will need more than $500,000.

Now, some fears have been expressed that this SBA approval process will require SBA to evaluate each single investment over $500,000, a job they probably do not have the manpower to handle. That is not my understanding of this provision. The purpose of the amendment is not to interfere with the investment companies' job of evaluating what investments are sound. The purpose is to reserve the major portion of the available funds for smaller business, and to discourage a trend which has been noticeable in some of these investment companies to concentrate too heavily on large investments. I see no reason why this purpose could not be accomplished by some formula SBA may develop allowing, for example, a given percentage of investments over the $500,000 limit.

I feel that the small business investment company program shows great promise. It has produced very substantial amounts of funds for investment in small businesses, in the short time it has been in operation. At the same time, we need to watch this program carefully as it develops, to make sure it meets the needs of the smaller companies as well as those in the top range of the small-business bracket. This bill will help accomplish this purpose.

I hope this conference report is adopted.

Mr. SPENCE. Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey, [Mr. WIDNALL].

Mr. WIDNALL. Mr. Speaker, it is with real regret that the House Republican Conferees on the Small Business Investment Act have found it necessary to withhold their signatures to the conference report. I wish to make our position crystal clear.

In committee, the members on our side of the aisle worked diligently and constructively and cooperatively with our friends on the other side of the aisle in developing a good bill. We succeeded. The bill that was passed by the House was a good bill.

When we went to conference, we did so with the high hope that the conferees would come out with a good bill. It came as a distinct shock and a disappointment to us to find that the splendid spirit of cooperation which had heretofore prevailed suddenly evaporated. In our opinion, a bare majority of the conferees on the part of the House yielded on the most crucial point at issue in the conference.

This relates to an unjustifiable limitation on the amount that a small business investment company can invest in a small business concern irrespective of whether the funds of the small business investment company came from Government or private sources. Of course, there is the "out" clause; namely, that the $500,000 limit provided can be exceeded with the approval of the Small Business Administration. I think that escape clause in itself introduces the very thing that was sought to be avoided in the program initially; namely, that Government not enter into the operating problems of these small business investment companies.

Mr. Speaker, whether the conferees realize it or not, what they have done is to strike a body blow at the flow of private money into these small business investment companies and, in my opinion, there is no justification for the program at all unless private capital provides most of the funds that are to be used. In placing a $500,000 limitation

on the amount of investment that a small business investment company, irrespective of the source of the funds, can make to a small business concern, we have discouraged the flow of private capital into these companies. Since such an investment company can invest no more than 20 percent of its capital surplus in a small business concern, in effect we have said that we do not want small business investment companies to grow beyond the size of $2.5 million because it is at that point at which the $500,000 limitation takes over. Mr. Speaker, this is wrong. If we can get $5, $10, and even $20 million investment companies to come into this field, we should be encouraging rather than discouraging such development. In the final analysis, it is companies of that type that are going to provide the bulk of the funds that will be available for small business concerns.

The argument was made in conference that if the limitation is too restrictive and does harm to the program it can be corrected early next year. But that overlooks one very important point. Corrective action then cannot undo the harm that will have been done to the program. Obviously, private capital is not going to go into this program if it can have no assurance of responsible action on the part of the Congress. You simply cannot change the basic rules under which such companies have been formed and expect new companies to be formed subject to unknown hazards of legislative whims. Not alone will this action discourage new companies coming into the picture, it may even force some of those already in out of the field of aiding our small business concerns.

Mr. Speaker, this is a fine program. It holds great promise for the small business concerns of our communities. It is filling a real need of providing equity financing for the small business concerns that with such financial assistance can be nurtured into really worthwhile providers of jobs and tax bases for our communities.

If this Congress would do what it really should do, it would vote down this conference report and call for the appointment of new conferees to put this legislation in the form that it should be for approval by the House. I realize it is late in the session and that this probably will not be done. But I do want the record to show that in the opinion of the conferees on this side of the aisle, a very grievous error has been made. I only hope the damage will not be too severe and that if, in the wisdom of the Congress, it approves the conference report at this time, that early corrective action will be taken next session.

Before closing my remarks, I want to say that I heard with interest the statement of Mr. PATMAN attempting to undo as much damage as he could by writing into the record through this debate that approval of over $500,000 investments made by a small business investment company does not have to be on a case-by-case basis. I hope such a practice will be followed by the administration.

Mr. BROWN. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Ohio.

Mr. BROWN. As I understand, one of the amendments adopted in the other body, the Proxmire amendment, reduces to $500,000 the amount that can be loaned.

Mr. WIDNALL. Yes, that is correct.

Mr. BROWN. Instead of $1,500,000 as in the past.

Can the gentleman tell us just what is the designation of a small business? If I recall, it is one that employs 1,000 or less workers; is that correct?

Mr. WIDNALL. Five hundred, I believe, is the average although there is administrative authority to classify larger groups of employees as small business.

Mr. BROWN. I know of one instance where it was ruled, because there were 1,074 employees it was 74 over the limitation at that time. Suppose it is 500. If we limit to $500,000 the amount to be loaned to a small business, it means under the 500 employee rule that you could obtain only enough money to invest $1,000 for each employee. Being in business myself, I happen to know it takes from $10,000 to $16,000, usually around $15,000 or $16,000, of an investment in equipment and machinery to make a single new job. This of course varies according to the industry. Does not the amendment adopted by the other body actually limit the opportunity that may be given to the average small business to create more employment and make more jobs through the investment of money in such business or industry be limited by the amount they can borrow?

Mr. WIDNALL. That is the way I feel about the matter. There is also the fact the $500,000 limit could involve just $500,000 of Government funds and no private funds. This would mean private funds would go out of the market completely.

Mr. BROWN. We hear a great deal of talk, we see a great deal of publicity, about the need for economic growth in this country, growth in production, and annual growth in employment, yet this amendment, as I understand it, this change in the law, will actually block the growth we are all seeking to develop in this country, as well as to increase employment. Is that correct?

Mr. WIDNALL. Yes, that is correct.

Mr. BROWN. I want to congratulate the gentleman on the fact he and his colleagues on the minority side refused to sign the conference report.

Mr. WIDNALL. I thank the gentleman.

Mr. SPENCE. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SCRANTON].

Mr. SCRANTON. Mr. Speaker, there are in this conference report a number of excellent provisions which will do a great deal of good for small business and small business investment corporations, which are growing like Topsy and with jet speed.

As of the beginning of this year there were comparatively few of these small business investment corporations. As of June 30 there were some 300. There was testimony before our subcommittee by the head of the SBA that they expect there may be as many as 600 of these investment corporations by the end of this year.

It is a tremendously growing part of our business economy and the future potential is astounding.

In the framing of the House bill we had the cooperation not only of the staffs of the majority and of the minority, but of the Members of both sides, and of the agency itself, the Small Business Administration, and of the National Association of Small Business Investment Corporations. We worked together in framing an excellent bill. By its provisions the House bill made it possible for the smaller corporations to become more profitable than they have been in the past. It also spurred greater growth in this vital part of our business community. It did so by inspiring the investment of greater amounts of private capital in them.

Perhaps most important at the moment—the bill provided for enforcement powers to be placed in the hands of the Small Business Administration. These are necessary in this untried field which is growing so rapidly.

Unfortunately, in the course of the conference apparently the House conferees agreed to this provision of which you have heard from the gentleman from New Jersey [Mr. WIDNALL] and the gentleman from Texas [Mr. PATMAN]. This was a well-intentioned provision, I am sure. The intention was clear, as the gentleman from Texas [Mr. PATMAN] has said, to arrange so the funds could be reserved for smaller businesses. Unfortunately, as is often the case with well-intentioned provisions, it will create in my opinion four or five results which are most unfortunate.

In the first place it will deter the growth of these small business investment corporations at the very time when they are growing most rapidly and when they are becoming a vital part of our business community.

It may even seriously hamper those that are now in existence, particularly when they bring new issues to the public for investment.

Secondly, it will brake—if not stop dead in its tracks—a beneficial trend in this field toward more and more private investment. This interest has reached new heights at this time, and is growing daily. This Congress and the Small Business Administration and the Securities and Exchange Commission will hear a great deal more about private investment in this business, unless this particular provision deters it, as it may.

Third, this provision may mean that in order to keep stimulating this vital part of America's business community, it will necessitate more Government money and therefore an unnecessary drain on the Treasury. For there is in this act, and in the previous one, the potential of a tremendous amount of Treasury money, if it is necessary. Note I have said there may be as many as 600 of these investment corporations by the end of this year, and they are still in their infancy. As you have noted from

the statement of the distinguished gentleman from Texas [Mr. PATMAN] the Government is allowed to place into these corporations some $400,000 under section 302 and some $4 million under section 303. So, just take the figure of 600 and multiply it by these figures and you will find that the potential governmental investment, although probably it will not reach that amount—and I certainly hope not, it could be tremendous unless private capital is allowed to do the job we all want it to do.

Lastly, this provision may well hurt small business rather than help it. The reason for this is obvious. If or when those who wish to borrow more than $500,000 cannot do so under this provision, they will have to go to other sources. Clearly, other sources will be available only at much higher rates. Thus this provision may make it impossible for small businesses to have the investment capital they need to go ahead.

So I say to you that this is a crude attempt to do good, and by such a crude attempt, it may easily do bad. It is unnecessary. We already have the 20 percent limitation. And the Small Business Administration itself has the power to designate what is a small business.

The provision does not have the backing of the National Association of Small Business Investment Corporations.

There was no testimony on this matter whatsoever either in the House or in the Senate.

In adopting this the conferees have discouraged the possibility of a tremendous growth in the very near future in this vital part of our business community. I am very hopeful that this provision will not do this because the remainder of the bill is good. I sincerely hope that if in the next several months we find that it does do what I predict it will do, we will have the support of the agency and of the National Association of Small Business Investment Corporations, yea, even the majority members of the conferees of the House themselves in eliminating it for the future. So doing would be in the best interest of small business.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

EXPLANATORY STATEMENT

Mr. PATMAN. Mr. Speaker, on page 19546 of the RECORD yesterday I stated that the Antitrust Subcommittee of the House on August 30 reported favorably on the bill to prevent automobile manufacturers from financing and insuring sales of their products. It has been called to my attention by the gentleman from Ohio, Judge MCCULLOCH, the ranking member of that committee, that there is a motion to reconsider pending in that subcommittee. Therefore the bill has not actually left the subcommittee yet.

I ask unanimous consent that the RECORD be corrected in that regard.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

CANCER PROGRESS YEAR

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 576, to designate calendar year 1962 as "Cancer Progress Year."

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The Clerk read the joint resolution, as follows:

Whereas in 1937 the National Cancer Institute Act was enacted by Congress and the first nationwide educational campaign was launched by the American Cancer Society; and

Whereas there has been developed in the United States the most massive research attack against cancer ever mounted against a single disease; and

Whereas the attack on cancer has been vigorously waged for twenty-five years by the National Cancer Institute and the American Cancer Society; and

Whereas great strides have been made in cancer control, public education, and patient service; and

Whereas about one hundred and sixty thousand persons had been cured of cancer in 1937 and today more than one million one hundred thousand persons have been cured of the disease; and

Whereas the American Cancer Society and the National Cancer Institute have demonstrated the need for complementary efforts by the people on a voluntary basis and by the Federal and local governments in the attack on this dread disease; and

Whereas the American Cancer Society and the National Cancer Institute are joining in observing Cancer Progress Year throughout 1962; and

Whereas the purposes of Cancer Progress Year are to report to the public where science stands in cancer research, to persuade the public to act for its own protection, to improve the care of the cancer patient, and to accelerate programs to conquer cancer: Therefore be it

Resolved, That the Congress of the United States designate calendar year 1962 as Cancer Progress Year; and be it further

Resolved, That the President of the United States be authorized and requested to issue proclamations inviting the participation of the people of the United States, government and private agencies, and all media of communication in the observation of Cancer Progress Year.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. FOGARTY. Mr. Speaker, the Mexican national program, a wartime emergency measure which has been continued and expanded during peacetime because of pressures successfully exerted on the U.S. Congress by farm lobbyists, is a disgrace to a nation which prides itself on its affluence and high standard of living.

It is a program which feeds on poverty in Mexico, and which increases poverty at home. It is a program which has been denounced by religious leaders of all faiths—both in the United States and Mexico—and has been repudiated by responsible citizens from all walks of life. In its present form, it is a black mark against the domestic policy of the United States—a black mark which should be erased as quickly as possible.

It seems incredible that the U.S. Government should continue to perpetuate such a program for the benefit of less than 2 percent of the farmers in the United States. Most of our farmers—98 percent of them—employ citizen labor exclusively. Yet, those who use foreign labor—chiefly large growers in a few Southwestern and Western States—have the audacity to tell the U.S. Congress that American workers will not do stoop labor on the farm. What is even more incredible is that some Members of Congress will believe these growers, despite all of the evidence to the contrary.

This is a program which makes a mockery of the free enterprise system. It says in effect that if U.S. workers refuse the rockbottom wages and working conditions offered them by farm employers, the U.S. Government will bring in poverty-stricken foreign workers to satisfy the employers' needs. Growers are fond of espousing their love for the free enterprise system and the law of supply and demand, but where, may I ask, does the law of supply and demand operate here? Under this program a rise in demand does not increase wages, it merely brings into the country an added supply of Mexican workers.

The effect such a program has on the workers who are displaced is disastrous. These depressed workers must pack their families, like cattle, into trucks, buses and jalopies and "hit the road." They must accept work wherever they can find it, and if the wages offered are too low for the combined efforts of the mothers and fathers to support their families, the children must go into the fields. If any of you have seen the conditions under which most of these citizen migratory laborers work and live, you know that it is not necessary to go abroad to see people living in abject poverty.

We represent the people of the United States. Can we put the American public into the position of condoning the importation of cheap labor from destitute foreign countries for the benefit of some of the richest agricultural producers in the world? Can this Nation, as the leader of the free world, remain smug in the belief that the rest of the world—the

uncommitted nations—will remain blind to the fact that we are exploiting the poor both the United States and Mexico so that 51,000 American farmers—who are already receiving as much or more from the American taxpayers than any other group in our economy—can have cheap labor?

I hope that the House will answer these questions with a resounding "No." If it does, it will accept the bill already passed by the Senate, a bill which Secretary Goldberg has labeled reluctantly as "acceptable."

H.R. 2010, in the form in which is passed the House, has been denounced by such organizations as the National Council of Churches in the United States, Catholic Welfare Conference, the bishops' committee on the Spanish speaking, the bishops' committee on migrant labor, the National Advisory Committee on Farm Labor, the Farmers Union, the Secretary of Labor, the present administration, the National Consumers League, the AFL–CIO, and the Joint United States-Mexico Trade Union Committee.

In the form in which it passed the House, this bill was supported by only one group, part—not all by any means—of the farm lobby. This segment of farm representatives has argued that Public Law 78 must be extended for an additional 2 years without providing any significant reforms although the administration and every disinterested study group has found that important reforms are necessary to protect our citizen farm workers.

In considering now this body's present attitude on this matter, we must keep in mind the deplorable conditions under which the majority of domestic farm laborers work and live. These workers earn an average of less than $1,000 a year. They can find employment on only about half the days of each year. They are excluded from minimum wage, unemployment compensation, and most workmen's compensation legislation. In addition, they are excluded from laws which protect the right of workers to organize into unions and bargain with their employers.

They are the poorest of the poor in our society. Approximately 500,000 of them are forced to migrate from harvest to harvest in order to find employment. Many of them live in housing which is not fit for animals. Many have been killed while riding in overcrowded and unsafe buses and trucks. Because they are constantly on the move, their children are denied the opportunity to receive a decent education, and restrictive residence requirements deny them public health and welfare services. About the only thing these people have to call their own is their very lives.

Although the House-passed extension bill provided for no amendment, a number of useful changes have been passed by the Senate. These changes are as follows:

There are two amendments of an essentially technical character that, I am told, are not in dispute. One of these would place in the basic authorization the provision which for several years has been a part of the appropriation act providing for employer payment through the revolving fund of all essential expenses of the program except for salaries and expenses of employees engaged in compliance activities. The other noncontroversial amendment would prevent the levying of taxes upon Mexican laborers for the support of disability insurance benefits when such taxes would represent a double charge upon the worker for benefits already assured him under the international agreement with Mexico.

Two other amendments added by the Senate are designed to make explicit what were generally considered to be limitations on the use of Mexicans at the time the law was initially enacted. The effect of these amendments is to prevent the use of Mexican nationals for employment other than seasonal and temporary, or in the operation or maintenance of power-driven machinery.

Finally, the Senate bill contains an important substantive change based on experience during the 10 years the law has been in existence, to minimize the adverse effects upon the wages of U.S. workers.

The wage issue is the central issue Public Law 78 has, in fact, established a wage ceiling for thousands of U.S. farmworkers—at the wage level at which Mexican workers are made available. In many areas of the country this wage ceiling has remained at the level of 50 cents an hour—and it has been frozen at this rate for 10 years. Recognizing that this situation is indefensible, the Senate passed a bill which would lift this wage ceiling which the Mexican labor program has imposed on U.S. workers. It would do this by requiring that Mexican workers be paid no less than 90 percent of the average farm wage in the State or the Nation, whichever is the lesser.

This is a very moderate—yes, excessively moderate—remedy for the injustices traceable to Public Law 78.

Secretary Goldberg has stated that the Senate bill, although it does not comply with some major administration recommendations, is acceptable. He has also stated that the administration is against any extension of Public Law 78 unless it is appropriately amended to provide sorely needed protection for our own workers. The House might well consider all the ramifications of the Secretary's remarks.

Mr. LAIRD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. LAIRD. Mr. Speaker, I wish to express my endorsement of House Joint Resolution 576, concerning the observance of Cancer Progress Year in 1962, which was introduced by the gentleman from Rhode Island [Mr. FOGARTY].

The progress made against disease during the past quarter century, particularly among the more advanced civilizations and especially in this country, has been remarkable. It is true that in many parts of the world, the principal health problems still pertain to sanitation. In certain other areas the infectious diseases are of paramount importance. But in countries like ours where the problems of sanitation and infectious disease have been effectively overcome, we are dealing mostly with diseases and disabilities which are chronic in nature and a problem largely related to the process of aging.

There is no question that the Congress showed great wisdom in authorizing the Public Health Service to make a start on this new research responsibility as early as 1937 when the National Cancer Institute Act was adopted. It was at that very time that malignant diseases were moving into their present position as the second leading cause of death, next to heart disease.

In observing, through Cancer Progress Year, the progress that has been made against cancer through medical research during the last 25 years, we should not lose sight of the obstacles still to be overcome in order to bring cancer under effective control. These problems are formidable, as research scientists well know. They will be solved only through continued research and public education. The National Cancer Institute and the American Cancer Society have exhibited splendid leadership in this great work and deserve the full support of the American people. I hope that the scientific and public educational projects to be conducted during Cancer Progress Year in 1962 will give every emphasis not only to the accomplishments of the past but also to those that must be realized in the future.

GENERAL LEAVE TO EXTEND

Mr. McCULLOCH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SHRIVER. Mr. Speaker, I want to warmly endorse the designation of the 1962 calendar year as Cancer Progress Year in the United States. We are fully aware of the suffering and heavy toll of lives inflicted by this chronic disease each year.

I do not believe there are many families in this Nation which have not been touched by the dreaded cancer. A few years ago cancer and diseases of the heart and blood vessels accounted for more than 70 percent of the deaths in this country. The 1957 death rate for cancer was 149.6 higher than the 132.3 rate of 10 years earlier. The toll from cancer continues to rise.

Death rates do not reveal the full significance of cancer. It contributes to individual suffering and family breakdown. It is a great drain on family and community resources.

There has been significant progress made in the diagnosis and treatment of the disease. But much remains to be

done. The importance of early diagnosis has been stressed by public and private medical and health organizations.

I believe it is most appropriate for the Congress to designate 1962 as Cancer Progress Year. The educational value alone will be worth while. It has been said that advances in medicine cannot of themselves guarantee progress. But progress is assured when a responsible, informed public is prepared to take full advantage of the benefits modern medical care has to offer.

TITLE V OF THE AGRICULTURAL ACT OF 1949

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 455 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, with the Senate amendment thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendment be, and the same is hereby, disagreed to and that the conference requested by the Senate on the disagreeing votes of the two Houses be, and the same is hereby, agreed to.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH]; and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 455 simply makes it in order to take H.R. 2010 from the Speaker's table and send the bill to conference.

Mr. Speaker, the particular legislation with which H.R. 2010 is concerned is somewhat controversial, dealing with our treaty with Mexico regarding the importation of Mexican nationals to do certain types of work in this country.

I feel that the legislation was adequately considered at the time it went through the House. We are confronted with the situation where the other body, after having considered the legislation, made certain amendments thereto. I think it is in the best interests of good legislation that the conferees be permitted to sit down together in an effort to work out a reasonable compromise, which I am sure they can do. Because of that I hope the House will adopt House Resolution 455.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, as stated by the gentleman from California [Mr. SISK] this bill will provide for sending the bill H.R. 2010 to conference, objection having been made the other day to that action being taken. This bill was somewhat controversial on the floor. I think the Senate has placed some amendments in it which will tend to ease the objections of some of the people. I know of no reason why this rule should not be adopted. I hope it will be, and that the bill will be sent immediately to conference so that it can be worked out between now and adjournment.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. COAD].

Mr. COAD. Mr. Speaker, I certainly want to express my appreciation to the gentleman from California [Mr. SISK] for the time he has made available so that this matter can at least be presented to the House.

What we are doing here is adopting a resolution making it in order for this bill to go to conference. What we are talking about is a program that involves Americans who have been tossed to and fro by the ebb and flow of the tides of seasonal labor. We are talking here about a program that affects adversely many unfortunate people in our country. From 1952 to 1959, while wages of all the rest of this country have been going up, the wage of the migratory worker has been going down a total of 18 percent on an adjusted basis.

The Mexican farm labor program, as it has been exercised during these years, has placed a virtual ceiling upon the wage of our migratory workers who are citizens of this country. There are those who are saying, "We have migratory farm labor bills before the Congress." That is true, but every one of us knows that none of those bills will see the light of day in this House before we adjourn sine die.

I believe that as our conferees go into the conference they ought to look well to the Senate bill, which is the amended H.R. 2010, for it gives just a little bit—and mind you, I must stress "little"—just a little bit of the relief that is demanded and certainly needed on the part of our domestic migratory workers.

Why is there such pressure for a mere and a simple extension of Public Law 78? Obviously there are those who do not want to amend it because if it is amended in any degree it will affect them economically, even though to amend it would help the economic plight of our depressed domestic migratory workers. Only 2 percent of the farm operators in this country use Mexican farm labor and, obviously, as you look at the statistics, these are large operators.

We are not talking about the depressed American farm, we are talking about those who own and operate large farmholdings.

As compared with the bill passed by the House, which consisted only of changing the termination date of the Mexican farm labor program, the bill passed by the Senate would make the following changes:

First. It would incorporate in the act an existing appropriation act provision which requires that all expenses of the program, except for compliance activities, be paid out of the revolving fund contributed by employers. This is a technical amendment which, I understand, is not in dispute.

Second. The Senate bill would require that, before being authorized to employ Mexican workers, an employer should offer to domestic workers working conditions comparable to those offered to Mexican workers. This is a very minor amendment, which judging from the Senate committee report, applies only to such physical conditions as safety measures. It specifically does not include terms of employment such as housing, transportation, subsistence, and work guarantees.

Third. It would prohibit the employment of Mexican workers in other than temporary or seasonal occupations or in the operation or maintenance of power-driven machinery. This amendment confirms what is generally considered to be the law's purpose when it was first enacted.

Fourth. The Senate bill provides that Mexican workers shall not be employed unless the employer pays them at least 90 percent of the average farm wage in the State of employment or 90 percent of the average farm wage in the Nation, whichever is the lesser. This provision, which bases the bracero wage on the wage prevailing among agricultural workers generally in the entire State—or Nation—is of course designed to avoid some of the wage-depressing effect that the Mexican program has had upon the wages of U.S. migratory workers. It is not sufficiently recognized that while everything in our economy has been going up, including the wages of farmworkers generally, the wages of migratory farmworkers have actually been going down since Public Law 78 was passed.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SISK. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. COAD. Mr. Speaker, this decline in wages in the face of continued shortage of this type of labor is attributable in large part to the depressing effect of the Mexican labor program.

Mr. GATHINGS. Mr. Speaker, will the gentleman yield?

Mr. COAD. I yield to the gentleman from Arkansas.

Mr. GATHINGS. The gentleman stated that the wages of migratory labor on the farm had been going down. Is that what I understood the gentleman to say, that wages of migratory workers on the farm have been going down in recent years?

Mr. COAD. On an adjusted basis for this period of time, wages have gone down from 1952 to 1959 to the extent of 18 percent.

Mr. GATHINGS. I have in my hand a report issued by our Committee on Agriculture of which the gentleman is a member. On page 5 of the report, it says:

Farm wages in U.S. agriculture have increased steadily. In 1950, the index of farm wages published by the U.S. Department of Agriculture was 432—using 1909 to 1914 equaling 100.

In 1960, that figure of 432 had moved up to 629, or an increase of 46 percent.

Mr. COAD. I am very glad we agree that in general, farm wages have gone up because what I said is that everything in our economy has been going up, including the wages of farmworkers generally—generally farm wages have been going up—but the wages of migratory workers have not been going up. On an adjusted basis, in the 7 years from 1952 to 1959, migratory farm wages have gone down to the extent of 18 percent in those 7 years. I have this information from the Department of Labor, which I received just the day before yesterday. I did not say that farm wages themselves have gone down. Generally, they have gone up. I concede that point, but the wages of migratory workers have not gone up. They are the ones who have borne the brunt of the Mexican farm labor program. That is the point we have been trying to get across before this Congress.

Fifth. Finally, there is a technical amendment, which I understand is not in dispute, designed to assure that Mexican workers are not taxed double for health insurance benefits already provided for them.

There is ample reason here for acceptance of the Senate version. It is only a matter of elemental justice that the wage depressing effect be remedied. Secretary Goldberg has said:

> As you know, the effect of the Mexican program in many areas has been to place a ceiling on the wages offered to U.S. workers, at the wage level at which Mexican workers are made available. Where an ample supply of workers (Mexicans) are available at 50 cents per hour, for instance, employers do not voluntarily offer to pay higher wages. The consequence of this system is that it has established a wage ceiling for U.S. workers often at only 50 cents per hour. In many areas using a significant number of Mexican workers this wage ceiling has remained frozen at this level for 10 years, as the direct result of the Mexican labor program. This is the fundamental vice of the present Mexican labor program and the committee bill, H.R. 2010, does nothing to correct it.

There is, of course, another important reason for acceptance of the Senate bill. That reason is this. As we approach the end of this legislative session, acceptance of the Senate bill is the one sure way that we can be assured of enactment at this session of any extension of Public Law 78. The administration has made clear that this program should be extended only if properly reformed. It has made clear that the central reform involved is the wage reform which the Senate has added to this legislation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COHELAN. Mr. Speaker, I want to at this time thank my colleagues, the gentlemen from California [Mr. SISK, Mr. SMITH, and Mr. TEAGUE] for their courtesy in this matter.

All that we are trying to do is to ask the House not to send this bill to conference, because a conference is simply not needed. As you may remember, at the time we debated the bill in the House I registered my vigorous opposition to the measure. I still am opposed to the bill. I think the measure as passed by this House is bad. I think it is a most important thing that we, as fast as we can, get rid of this particular kind of legislation. May I remind the House that 54 percent of all farmers in this country hire no domestic labor at all. Of those farmers who hire workers, over 40 percent hire domestic labor. And, as the gentleman from Iowa has pointed out, there is only a small group in the country, less than 2 percent, who are involved in this practice of hiring Mexican labor.

All we have to do today is to adopt the Senate bill and you have the extension that some of you want so badly. But you will have also done something decent by establishing at least a prevailing wage standard in the local labor market area.

Mr. Speaker, I am opposed to this resolution which would send H.R. 2010 to conference for the following reasons:

Through Secretary of Labor Arthur Goldberg, the administration has stated on numerous occasions that there should be no extension of Public Law 78 unless the law is amended to provide sorely needed protection for our own migratory farmworkers and their families. The gentleman from Iowa [Mr. COAD] introduced a bill on behalf of the administration, which would have provided such protection. This House, you will remember, rejected this bill, and passed a mere 2-year extension of the program.

The Senate has, however, adopted some of the administration's requests, chief of which is the McCarthy wage amendment. Although the Senate bill would be a vast improvement over the simple extension passed by the House, it is my opinion that neither bill is adequate. I recognize the fact that Secretary Goldberg has stated that if the McCarthy amendment remains in the bill, a 2-year extension of the program would be acceptable to the administration. It is my opinion, however, that there is no need to rush on this program.

I believe it would be the better part of wisdom to let this bill lay over until the second session of Congress when we could take a fresh look at the whole program and come up with a bill that resolves once and for all the many inequities that now exist in the law. After all, the House has deferred action on the five bills passed by the Senate which would be of aid to American migratory farmworkers and their families. The reason, furthermore, that the House has seen fit to defer action on these bills is to make certain that it has time to make a thorough examination of the legislation. By the same token, I believe that the House should follow the same procedure in regard to Public Law 78. There will be adequate time during the second session of the Congress to come up with a good bill in time to meet peak harvesting needs. Very few Mexican nationals, in fact, are employed during the months of January, February, and March, while during the same period there is a substantial surplus of unemployed domestic farmworkers.

I believe this is important legislation—so important that an inferior bill should not be pushed through the Congress at the last minute. This point was stated sharply in an editorial that appeared in Tuesday's New York Times, which I would like to quote from briefly:

> The Senate's decision to put safeguards for the wages of domestic farmworkers into its proposed extension of the Mexican farm labor program represents a bow to decency in what has long been an area of national disgrace * * *. If, as seems likely, the conferees representing the House refuse to go along with the Senate stipulation * * * it would be better to let the program die at the end of this year and thus compel reconsideration of the whole law when the Congress reconvenes in January.

Since the House has rejected the volumes of testimony presented by farm and labor groups, consumer and church organizations, the Secretary of Labor, the Secretary of Agriculture, and other distinguished citizens and respected organizations, testimony relating to the need for reform of Public Law 78, it should not attempt at this point to weaken the Senate bill through the conference procedure. In passing a simple extension of this program, the House gave its full acceptance to testimony presented by individuals and organizations who have a direct interest in the perpetuation of the bracero system as it has existed during the past 10 years. It seems to me that the House should now wait until the next session of Congress and give greater consideration to the testimony of those groups and individuals who believe there is a need for reform in this field.

Mr. Speaker, there is no need for this bill to go to conference. The Senate bill already contains the minimum, and I must add, very modest reforms which are necessary for an extension of this law. In other words, there is nothing further about which to confer—if a 2-year extension is to be passed during this session.

It is my considered opinion that it would be far better for us to vote now on the bill as passed by the Senate. If the House fails to enact the Senate bill, it would be best to table the whole question until the next session of Congress.

This legislation is too important to be subject to any hasty and ill-considered action at this time.

As I stated before, I do not think the bill passed by the Senate comes near being adequate to correct the inequities that now exist in the Mexican national

program. Nevertheless, the amendments contained in the Senate bill are absolutely necessary to any extension of this program. Certainly, without the McCarthy wage amendment, the Mexican national program should die—and in all events—will die.

The chief evil of the bracero system is that it helps create and preserve a depressed class of wage earners for a few privileged employers who believe that their labor problems are insoluble without the help of the Federal Government. These employers believe that the Federal Government should provide them with a free farm placement service. At the present time the Bureau of Employment Security of the U.S. Department of Labor spends an estimated $10 million a year recruiting domestic farm labor for American growers. The money which pays for this program comes out the pockets of nonagricultural employers who are covered by unemployment insurance. Not satisfied with having the Federal Government recruit cheap domestic labor in depressed rural areas for shipment all over the country, they have also demanded and obtained a carte blanche program for the importation of poverty-stricken Mexican nationals for work on U.S. farms—under the guise that American labor is not available.

Not available at what rate of pay, may I ask? Thirty cents an hour in Arkansas? Fifty cents an hour in several parts of Texas? Sixty cents an hour in New Mexico? It is sheer hypocrisy to say American workers are not available—unless attempts are made to recruit these workers at decent rates of pay. Statistics tell the story. According to the U.S. Department of Labor, the wages of migrant farmworkers have decreased steadily ever since the Mexican national program has been in operation. Farm wages have gone up—yes. So have taxes and the cost of living. But, the wages of domestic migratory farmworkers—those who are in direct competition with Mexican labor—have gone down. In 1952, the average daily wage earned by migrants was $6.90. Today, it is only $6. This represents a decrease of about 14 percent.

Take Arkansas, for example. This year, the opening rate in three Arkansas counties for domestic cotton choppers was between 30 and 35 cents an hour. In these same areas Mexican nationals were receiving the minimum of 50 cents an hour. It does no good for Arkansas growers to tell us that the only people available for work were a few women and children. What kind of labor can they expect to get for 30 cents an hour? What able-bodied man can support himself and his family at this rate of pay?

In several sections of Texas, the average rate for farm labor has remained at 50 cents an hour ever since the bracero program has been in operation.

It does no good for growers to say the Secretary of Labor already has the authority to protect domestic wage rates. Whenever the Secretary of Labor attempts to exert his authority under the law, he is sued in court by the growers. At the present time, right here in Washington, D.C., the growers and the whole State of New Mexico are objecting in Federal court to a prevailing wage order issued by the Secretary.

It does no good for the growers to say that braceros must be paid the prevailing rate of pay—because the prevailing rate of pay is whatever the growers want it to be. Where there is a large influx of foreign labor, there is no compunction on growers to raise prevailing wages in order to attract domestic labor. Why should wages be raised when Mexicans can be obtained at the lower rate of pay? In other words, where large amounts of foreign labor are imported into the country, there is no free labor market and the law of supply and demand no longer applies.

The whole program, as it operates at the present time is a travesty of every economic idea we in this Nation hold sacred. What would be the reaction of American cotton growers if the domestic market was flooded with cheap foreign cotton by governmental sanction? If such a system is not good as applied to commodities, it is even worse as applied to human labor.

I called the program a travesty. It is. I would call it a farce, except that there is nothing funny about the adverse effect this program has on the poorest of the poor in our society—migratory farm workers and their families.

The McCarthy wage amendment would help alleviate this situation. It would not cure it entirely. Actually, it is a very mild amendment—too mild as far as I am concerned. Nevertheless, without such an amendment it would be unconscionable to extend the Mexican national program.

All the amendment does is require growers who use Mexican workers to pay those workers 90 percent of the average farm wage rate in the State or the Nation whichever is the lower. By raising Mexican wages it might indirectly help raise domestic wages a little in those areas where Mexicans are employed.

This is not a minimum wage for agriculture. It applies only to the growers who use Mexican labor. It is not an extension of the Secretary of Labor's authority. The Secretary of Labor already has the authority to set wages for Mexican nationals. That is why there is a 50-cents-an-hour minimum for Mexican braceros. Rather than an extension of the Secretary's authority, it is actually a limitation. It sets a standard or criteria which the Secretary must follow in setting wages for Mexican nationals. The McCarthy amendment merely sets congressional guidelines as to how the Secretary may determine what the Mexican workers should receive. All the other formulas the Secretary has used throughout the years—and which have been fought tooth and nail by the growers—go out the window, and the formula contained in the McCarthy amendment would have to be followed by both the Secretary and the growers who benefit from this program.

This amendment does not remove the agricultural exemption contained in the Fair Labor Standards Act. Anyone who claims this just does not know the law. It would be legally impossible to remove an exemption contained in the Fair Labor Standards Act by amending Public Law 78. This amendment applies only to the users of Mexican nationals—less than 2 percent of the growers in the United States. It sets wages for Mexican workers, not domestic workers. The amendment might have the indirect effect of raising wages for domestic labor, but I would remind you that the 50-cent minimum imposed on growers who use Mexican labor also had this effect. In other words, the principle involved here has been in effect in relation to Public Law 78 for several years.

By voting for a simple extension of Public Law 78, the House endangered the entire program. The administration has made known that it is against any passage of this program without substantial reform.

It is my contention that the growers who benefit from the Mexican farm labor program should not push their luck too far. If they are not willing to accept the minimum reforms adopted by the Senate, they may find themselves without any bill whatsoever. Certainly, without the McCarthy wage amendment, the Mexican national program may be terminated this year.

As you know, I would personally like to see H.R. 2010 tabled until the next session of Congress. If we have to pass a bill during this session, however, then let us pass an improved bill.

Let us not be guilty once again of ignoring the plight of the migrants and their families. Let us take a step in the direction of restoring a free labor market to American agriculture. Let us begin now to eliminate a farm labor system based on poverty and destitution.

Mr. Speaker, I urge that we defeat the resolution and pave the way for early adoption of the Senate bill.

For the information of the Members, I submit a statement by the Secretary of Labor, Mr. Arthur J. Goldberg, on the McCarthy amendment:

The bill passed by the Senate yesterday for the extension of the Mexican labor program, with revisions, is a good bill, and it merits enactment into law.

The amendment proposed by Senator McCarthy and accepted by the Senate, establishing specific guidelines as to the wages that must be paid to Mexican workers brought into the country under this law, provides an acceptable remedy for the basic problem created by this foreign labor program, its depression of the wages and earnings of U.S. migratory workers.

The bill passed by the Senate constitutes a very modest attack on this problem. It requires payment to Mexican workers of only 90 percent of the average farm wage in the State of employment or 90 percent of the national farm wage average, whichever is the lesser. The indirect effect of this provision upon the wages of U.S. farmworkers will, it is hoped, reverse the downward trend in migratory labor earnings that dates from the year after Public Law 78 was enacted.

With this amendment, a 2-year extension of Public Law 78, which authorizes employment of Mexican workers on U.S. farms can be considered as in the public interest.

Mr. SISK. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Speaker, an historic breakthrough in the interest of helping some of the most destitute people in our country was achieved by the other body last Monday when the Mexican farm labor importation program was amended to include an average wage provision offered by Senator MCCARTHY.

Many of us here in the House fought for similar provisions when Public Law 78 was before us earlier this year. Unfortunately, for the migrant farmworkers whose livelihood is directly affected, these provisions were not adopted. If this bill is sent to conference, the conferees will have an opportunity to do something concrete for these suffering, impoverished and exploited people.

The principal provision added in the Senate is a moderate, but effective one. It would require growers using Mexican farm labor to pay them either 90 percent of the State average farm wage or 90 percent of the national average farm wage, whichever is the lesser. In this way Mexican workers would be given more equitable payment for their own work and, at the same time, the tendency of their low wages to depress the earnings of our own migrant farmworkers would be countered.

It is rare to find a legislative proposal which would do so much good in so simple and direct a manner. Certainly, no Member of this House wishes to countenance the exploitation of the citizens of our sister Republic of Mexico. At the same time, no Member of this House wishes low wages for our own citizens. The adoption of the average wage amendment would dramatically provide a good action to back up our good intentions with respect to the Mexican workers. This action would also help our citizen workers instead of pitting the Mexican worker against the domestic farmworker.

Mr. Speaker, recently 38 leading clergymen and lay leaders issued a statement specifically calling for a series of reforms to Public Law 78 of which the average wage amendment was the most important one. These religious leaders, who include some of the foremost churchmen in this country said:

Public Law 78, then is patently inimical to the moral interests of the United States as well as to its economy, to its farmers in general, and to its domestic farmworkers most specifically. Ideally, it should not be extended beyond December 31, 1961, its present expiration date. Certainly a definite and not distant date must be set for the program's elimination. But because its abrupt termination could entail undue disruptions and hardships, we believe it is necessary to accept a brief extension, an extension, however, which must include ironclad provisions for safeguarding the interests of all concerned—the braceros, the domestic workers, and the great majority (98 percent) of farmers who do not use Mexican workers.

In speaking of the needed reforms of Public Law 78 and underlining the average wage amendment, the religious leaders declared:

Any extension of Public Law 78 which does not include these minimum reforms would be entirely unacceptable and we would feel obliged respectfully to urge the President to veto it.

In conclusion, we speak directly to you, our elected representatives. Gentlemen, on very few issues which come before you is there such a clearcut moral urgency. On very few issues could you find greater agreement among religious groups than on the recommendations here presented.

We plead with you to vote on this issue from an enlightened and aroused conscience. Surely it is possible for you to recognize that despite the opposing pressures this is an issue where the right and courageous action is dictated by an inescapable moral responsibility.

Mr. Speaker, these religious leaders feel that the reform of Public Law 78 is a moral issue. I fully agree with them and urge the House conferees to support the average wage amendment and bring back a bill which will help the migratory farmworkers achieve some protection.

Mr. Speaker, I include the text of the joint statement submitted to the Senate Agriculture Committee on June 12, 1961, by Protestant, Catholic, and Jewish leaders and the signatories.

JOINT STATEMENT ON PUBLIC LAW 78 BY PROTESTANT, CATHOLIC AND JEWISH LEADERS—SUBMITTED TO THE SENATE AGRICULTURE COMMITTEE, JUNE 12, 1961

A cardinal fact of our democratic system is that government seldom originates social and economic progress, but rather responds to the expression of its people. It follows that when any definable segment of our population is inarticulate, it draws to itself little public attention and in consequence remains outside the range of most progressive actions. Such is the case with the migratory farmworkers of America, who, to this day, remain bereft of the benefits of most labor and social legislation enacted in recent years.

Expressly excluded from the Nation's minimum wage law, many of these farmworkers labor for 35 to 50 cents an hour and earn an average of less than $1,000 a year. With longer and more frequent layoff periods than other workers, they do not enjoy the benefits of the unemployment insurance system, and so must carry the burden of their own joblessness. Should they be hurt or otherwise become physically impaired while working in the fields, extremely few of them are covered under State workmen's compensation laws.

Perhaps the most harmful of all is the categorical exclusion of farmworkers from legislation that protects the right of other workers to organize into unions and bargain with their employers. Had farmworkers been given this protection under the National Labor Relations Act, it is reasonable to conclude they would have acquired for themselves a far more equitable position in our economy than they now occupy. In our way of life there is no substitute for properly constituted representation.

Without this protection, farmworkers are mute and impotent, relegated to the very lowest level of our economy and to the fringe of our society, truly a strange and wholly indefensible position for the workers in our greatest industry, an industry, moreover, which otherwise is rightly considered an honorable as well as a necessary part of our economy.

The errors of omission and neglect that our society has allowed to be inflicted on all farmworkers are intensified for the half-million families who are migratory. Theirs is truly a dreary and discouraging world—a world of family nomads, living for today on today's meager earnings, always uncertain of what tomorrow will bring. To earn a yearly average of less than $1,000, a migrant must subject himself and his family to the rigors of long, often haphazard travel, to the denial of society's benefits, to the loss of education for the children, because to eat is basic and urgent. He is rootless because he lacks the wherewithal to nurture roots.

Into this situation already deplorable to the extreme is introduced another element adding a further crushing burden to the backs of those least able to bear it: The importation into this country, under Public Law 78, of hundreds of thousands of directly competing workers from Mexico.

Poverty-stricken and without adequate economic opportunity in their own country, the Mexican braceros, as they are called, welcome this chance to earn a few dollars, even if it means leaving their families for many months and working in a foreign land under conditions not much different from indentured servitude.

Started as a World War II emergency measure under which less than 90,000 Mexican male workers were imported in any one year, the dimensions of this program under Public Law 78 have since expanded enormously. In 1959, 438,000 Mexican men were imported under the program; in 1960 a combination of circumstances cut the number to 316,000—all of them employed on less than 2 percent of the Nation's farm enterprises.

As could readily be expected, the continued and expanded use of these Mexican workers has had a devastating effect on the well-being of our citizen farmworkers. In 1959, a group of distinguished Americans made an exhaustive study of the situation at the request of James P. Mitchell, then Secretary of Labor. In an emergency program designed to provide supplemental labor to meet peak-season harvesting shortages, the consultants found 20,000 Mexicans employed on a year-round basis. In addition to those employed as tractor operators and ranch hands, they found thousands more engaged in skilled and semiskilled jobs. They found that domestic farm wages—already desperately low—lagged even more in areas and crops in which Mexicans were employed, and the job duration of domestic workers cut short because of the presence of the imported workers. Moreover, it is not insignificant that at the peak of harvesting they found that 60 percent of all Mexicans were employed in crops then in surplus supply—such as cotton, a price-supported crop.

These are only a few of the disturbing conditions brought to light; there are many others. The facts brought out by the consultants and by innumerable other objective studies prove conclusively that Public Law 78 by exploiting the poverty of Mexicans has appreciably worsened the already deplorable poverty of our own citizen migrants.

Public Law 78, then, is patently inimical to the moral interests of the United States as well as to its economy, to its farmers in general, and to its domestic farmworkers most specifically. Ideally, it should not be extended beyond December 31, 1961, its present expiration date. Certainly a definite and not distant date must be set for the program's elimination. But because its abrupt termination could entail undue disruptions and

hardships, we believe it is necessary to accept a brief extension, an extension, however, which must include ironclad provisions for safeguarding the interests of all concerned—the braceros, the domestic workers, and the great majority (98 percent) of farmers who do not use Mexican workers.

We urge, therefore, the passage of S. 1945, introduced by Senator Eugene McCarthy and cosponsored by many other Senators. This bill, now before this committee, embodies the minimum reforms we believe to be necessary:

1. The Secretary of Labor is given authority to limit the number of foreign workers who may be employed by any one employer.

2. To be eligible to obtain foreign workers a farm employer must first offer (and actually pay) U.S. workers terms and conditions reasonably comparable to those guaranteed Mexican workers.

3. The employer of Mexican workers must pay those workers at least as much as the average hourly rate for farmworkers in the State or Nation, whichever is lower; but any yearly increase is limited to 10 cents an hour.

4. Mexican workers are limited to seasonal and nonmachine jobs.

Any extension of Public Law 78 which does not include these minimum reforms would be entirely unacceptable and we would feel obliged respectfully to urge the President to veto it.

In conclusion, we speak directly to you, our elected representatives. Gentlemen, on very few issues which come before you is there such a clearcut moral urgency. On very few issues could you find greater agreement among religious groups than on the recommendations here presented.

We plead with you to vote on this issue from an enlightened and aroused conscience. Surely it is possible for you to recognize that despite the opposing pressures this is an issue where the right and courageous action is dictated by an inescapable moral responsibility.

SIGNATORIES TO THE ABOVE JOINT STATEMENT

From the Protestant community: Mrs. John C. Bennett, New York, N.Y.; Rev. Edwin T. Dahlberg, St. Louis, Mo.; Rev. Ray Gibbons, New York; Rev. Shirley E. Greene, St. Louis, Mo.; Rev. Cameron P. Hall, New York, N.Y.; Dr. Benson Y. Landis, Scarsdale, N.Y.; Bishop John Wesley Lord, Washington, D.C.; Miss Edith Lowry, New York, N.Y.; Rev. Victor C. Obenhaus, Chicago, Ill.; Mr. Victor G. Reuther, Washington, D.C.; Mrs. Eleanor Roosevelt, New York, N.Y.; Miss Thelma Stevens, New York, N.Y.; Mrs. William Sale Terrell, West Hartford, Conn.; and Mrs. Theodore O. Wedel, Washington, D.C.

From the Catholic community: Archbishop Edwin V. Byrne, D.D., Santa Fe, N. Mex.; Mr. Michael Coleman, Chicago, Ill.; Right Rev. Monsignor George Higgins, Washington, D.C.; Archbishop Robert E. Lucey, D.D., San Antonio, Tex.; Miss Margaret Mealey, Washington, D.C.; Rev. Edward O'Rourke, Des Moines, Iowa; Very Rev. Monsignor William Quinn, Chicago, Ill.; Mr. Robert Senser, Chicago, Ill.; Rev. John A. Wagner, San Antonio, Tex.; Mr. Martin Work, Washington, D.C.; Bishop Stephen S. Woznicki, D.D., Saginaw, Mich; and Rev. James L. Vizzard, S.J., Washington, D.C.

From the Jewish community: Rabbi Theodore L. Adams, New York, N.Y.; Rabbi Abraham J. Feldman, Hartford, Conn.; Mr. Philip Greene, New York, N.Y.; Rabbi Philip Hiat, New York, N.Y.; Rabbi Israel Klavan, New York, N.Y.; Dr. Bernard Lander, New York, N.Y.; Rabbi Julius Mark, New York, N.Y.; Rabbi Uri Miller, Baltimore, Md.; Rabbi Bernard Segal, New York, N.Y.; Mr. Albert Vorspan, Long Island, N.Y.; Rabbi Wolfe Kelman, New York, N.Y.; and Rabbi Edward P. Sandrow, Cederhurst, Long Island, N.Y.

Mr. RYAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SISK. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SANTANGELO].

Mr. SANTANGELO. Mr. Speaker, I am opposing this resolution to send the bill to conference. We should look back to see what we have accomplished this year. As you know, by treaty the wages of the Mexican braceros are 50 cents an hour. Some domestic workers are receiving less than 50 cents an hour. Since we passed Public Law 78, this House and Congress has adopted an increase in the minimum wage from $1 to $1.15 to $1.25. We should not permit a minimum wage of 50 cents an hour for these workers who are being exploited in the hot broiling sun. We should adopt the Senate version and have the prevailing wage so that we can increase the buying power and purchasing power of these farmworkers, not only of those who come from Mexico, some 400,000 of them, but also of our domestic farmworkers.

It is an outrage in this day and age that people should be working, toiling and sweating at 34 cents to 40 cents an hour in the cotton fields where the cotton producers are subsidized and are making a tremendous profit, or in the food produce industry of California where the wage is $1 and $1.25 an hour.

My own investigation of the farm fields of California has indicated that on piecework the farmworker or bracero is earning an average of $1 an hour. Why should one farmworker or bracero who is sent to California be permitted to earn from $1 to $1.25 an hour, while a fellow who is sent to Arkansas or Mississippi or to another State where the wages are so depressed earn for the same kind of work 50 cents or 60 cents an hour?

We must not permit these conditions to continue to exist. We should adopt the Senate version. We should reject this resolution which would send the bill to conference, and I respectfully urge that this body show the same kind of foresight that it did when we raised the minimum wage of the American worker. Let us raise the wages of those farmworkers who produce our food, who produce our fiber, and who produce the things which make our country an enjoyable place in which to live.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. TEAGUE].

Mr. TEAGUE of California. Mr. Speaker, I feel I could take the time to successfully rebut the point made by the prior speaker, the gentleman from New York [Mr. SANTANGELO] but I shall not take the time of the House to do so.

Mr. Speaker, I of course favor the resolution. I would, however, like to call to the attention of the Members of the House a publication issued by the U.S. Department of Labor, and not the Farm Bureau or any other organization, covering the period of July 1 through December 31, 1960, entitled "Report of the Operations of the Mexican Farm Labor Program," made pursuant to Conference Report No. 1449.

Mr. Speaker, let me state that this program does not work only to the benefit of large farmers—a few large farmers who employ hundreds and thousands of Mexican nationals. The facts brought out in this Department of Labor report indicate quite clearly that there are and there were during this period 39,307 users of Mexican nationals. They used a total of 203,979 Mexican nationals, making an average number of workers per farm of 5.2.

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, there have been charges that the McCarthy amendment contained in the bill in the other body provides a minimum wage for farmworkers. It is even charged that if this provision becomes law, then the agricultural extension in the Fair Labor Standards Act would be removed.

I have long worked on Fair Labor Standards Act as a member of the Committee on Education and Labor and as the chairman of the subcommittee specifically concerned with that law. I want to say categorically that nothing could be farther from actual fact than these charges.

In the first place, the legislation we are considering has absolutely nothing to do with the Fair Labor Standards Act. It concerns only the Mexican farm labor importation program or Public Law 78. It affects only those growers and those farms which import Mexican farmworkers—that is less than 2 percent of the farms in the United States.

If a grower imports Mexicans he would be affected by the McCarthy amendment contained in the Senate bill. He would have to pay the Mexicans he imports at least 90 percent of the State average farm labor wage or 90 percent of the national average farm labor wage, whichever is lower.

If he does not import Mexicans, there is no law in the land and there is no regulation whatsoever to require him to pay any particular wage.

Let me make a further point, Mr. Speaker. Those who throw this minimum wage smokescreen about act as if requiring a minimum wage for farmworkers is something new. It is not anything new.

In the past the Mexican Government has required that the imported Mexicans

receive at least 50 cents an hour. This requirement has been enforced by the U.S. Government.

The only thing that the McCarthy amendment would actually change is that it would substitute 90 percent of the State average farm labor wage or 90 percent of the national average farm labor wage for the present 50-cent figure.

That change is necessary—absolutely necessary—to prevent the continued undercutting of the farm labor wages of our States.

I know that despite these explanations, the growers will continue to charge that the McCarthy amendment adopted by the Senate is a minimum wage provision. They will do this because they are embarrassed at having to justify a law which depresses the wages and job opportunities of our citizen workers.

They are embarrassed by a law which has kept field labor wages in most of Texas at 50 cents an hour for 10 years. They are embarrassed by a law which has caused average daily farm labor wages to drop year after year.

They are embarrassed by a law which limits employment for American farmworkers so that they can get only 138 days of work in an entire year.

Frankly, I do not blame the growers for being embarrassed. They should be. But I know that the House will not accept the completely inaccurate assertion that the Senate bill contains an agricultural minimum wage. It contains nothing of the sort.

Mr. SISK. Mr. Speaker, I have no further requests for time.

I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. SANTANGELO) there were—ayes 77, noes 24.

Mr. SANTANGELO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 243, nays 135, not voting 59, as follows:

[Roll No. 207]

YEAS—243

Abbitt	Baldwin	Bow
Abernethy	Barry	Boykin
Adair	Bass, N.H.	Breeding
Albert	Bass, Tenn.	Bromwell
Alexander	Bates	Brooks, Tex.
Alford	Battin	Broomfield
Andersen, Minn.	Beermann	Brown
	Belcher	Broyhill
Anderson, Ill.	Bell	Bruce
Andrews	Berry	Burleson
Ashbrook	Betts	Byrnes, Wis.
Ashmore	Blitch	Cannon
Aspinall	Bolling	Casey
Auchincloss	Bolton	Cederberg
Avery	Bonner	Chamberlain
Chelf	Huddleston	Peterson
Chenoweth	Hull	Pilcher
Chiperfield	Ichord, Mo.	Pillion
Clancy	Ikard, Tex.	Poage
Collier	Jarman	Quie
Colmer	Jennings	Rains
Corbett	Jensen	Ray
Cramer	Johansen	Rhodes, Ariz.
Curtin	Jonas	Riehlman
Curtis, Mass.	Jones, Ala.	Riley
Curtis, Mo.	Judd	Rivers, Alaska
Daddario	Kilday	Rivers, S.C.
Davis, James C.	Kilgore	Roberts
	King, N.Y.	Robison
Davis, John W.	King, Utah	Rogers, Fla.
Davis, Tenn.	Kitchin	Roudebush
Derwinski	Knox	Rutherford
Devine	Kornegay	Schadeberg
Dole	Kunkel	Schenck
Dominick	Kyl	Scherer
Dooley	Laird	Schneebeli
Dorn	Landrum	Schweiker
Dowdy	Langen	Schwengel
Downing	Latta	Scott
Doyle	Lipscomb	Scranton
Durno	Loser	Seely-Brown
Elliott	McCormack	Selden
Ellsworth	McCulloch	Sheppard
Everett	McFall	Short
Evins	McIntire	Shriver
Fascell	McMillan	Sikes
Fenton	McSween	Sisk
Findley	McVey	Smith, Calif.
Fisher	MacGregor	Smith, Miss.
Flynt	Magnuson	Smith, Va.
Forrester	Mahon	Spence
Fountain	Mailliard	Springer
Frelinghuysen	Marshall	Steed
Garland	Martin, Mass.	Stephens
Gary	Martin, Nebr.	Stubblefield
Gathings	Mason	Taylor
Gavin	Matthews	Teague, Calif.
Glenn	May	Teague, Tex.
Goodell	Meader	Thompson, Tex.
Goodling	Merrow	Thomson, Wis.
Grant	Michel	Thornberry
Griffin	Miller, Clem	Trimble
Gross	Miller, George P.	Tuck
Gubser		Tupper
Hagan, Ga.	Mills	Udall, Morris K.
Hagen, Calif.	Minshall	Ullman
Haley	Moeller	Utt
Harding	Montoya	Van Pelt
Hardy	Moorehead, Ohio	Wallhauser
Harris		Watts
Harrison, Va.	Morris	Weis
Harrison, Wyo.	Mosher	Wharton
Harsha	Moss	Whitener
Harvey, Ind.	Murray	Whitten
Harvey, Mich.	Natcher	Wickersham
Hemphill	Nelsen	Widnall
Henderson	Norblad	Williams
Herlong	Norrell	Willis
Hiestand	Nygaard	Wilson, Ind.
Hoffman, Ill.	O'Brien, N.Y.	Winstead
Hoffman, Mich.	O'Hara, Mich.	Wright
Horan	Ostertag	
Hosmer	Passman	

NAYS—135

Addabbo	Donohue	Kastenmeier
Addonizio	Dulski	Kee
Ashley	Dwyer	Keith
Bailey	Edmondson	Kelly
Baring	Fallon	King, Calif.
Barrett	Farbstein	Kluczynski
Becker	Feighan	Kowalski
Beckworth	Finnegan	Lane
Bennett, Fla.	Flood	Lankford
Bennett, Mich.	Fogarty	Lesinski
Boland	Friedel	Libonati
Brademas	Fulton	Lindsay
Bray	Gallagher	McDowell
Brewster	Garmatz	Macdonald
Burke, Ky.	Giaimo	Machrowicz
Burke, Mass.	Gilbert	Mack
Byrne, Pa.	Granahan	Madden
Church	Green, Oreg.	Mathias
Clark	Green, Pa.	Monagan
Coad	Griffiths	Moore
Cohelan	Halpern	Moorhead, Pa.
Conte	Hansen	Morgan
Cook	Hays	Morse
Corman	Healey	Moulder
Cunningham	Hechler	Murphy
Daniels	Holifield	Nix
Dawson	Holland	O'Brien, Ill.
Delaney	Holtzman	O'Hara, Ill.
Dent	Inouye	O'Konski
Denton	Johnson, Md.	Olsen
Derounian	Johnson, Wis.	Osmers
Diggs	Karsten	Patman
Dingell	Karth	Pelly
Perkins	Roush	Sullivan
Philbin	Ryan	Taber
Pike	St. Germain	Thomas
Price	Santangelo	Thompson, N.J.
Pucinski	Saylor	Toll
Randall	Shelley	Tollefson
Reifel	Shipley	Vanik
Rhodes, Pa.	Sibal	Van Zandt
Rodino	Smith, Iowa	Whalley
Rogers, Colo.	Stafford	Yates
Rooney	Staggers	Zablocki
Rostenkowski	Stratton	Zelenko

NOT VOTING—59

Alger	Hébert	Rabaut
Anfuso	Hoeven	Reece
Arends	Joelson	Reuss
Ayres	Johnson, Calif.	Rogers, Tex.
Baker	Jones, Mo.	Roosevelt
Blatnik	Kearns	Rousselot
Boggs	Keogh	St. George
Brooks, La.	Kilburn	Saund
Buckley	Kirwan	Siler
Cahill	Lennon	Slack
Carey	McDonough	Thompson, La.
Celler	Miller, N.Y.	Vinson
Cooley	Milliken	Walter
Dague	Morrison	Weaver
Fino	Multer	Westland
Ford	O'Neill	Wilson, Calif.
Frazier	Pfost	Young
Gray	Pirnie	Younger
Hall	Poff	
Halleck	Powell	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Alger.
Mr. Joelson with Mr. Siler.
Mr. Slack with Mr. Poff.
Mr. Keogh with Mr. Hall.
Mr. Lennon with Mr. Hoeven.
Mr. Boggs with Mr. Kearns.
Mr. Powell with Mr. Rousselot.
Mr. O'Neill with Mr. Fino.
Mr. Morrison with Mr. Arends.
Mr. Multer with Mr. Baker.
Mr. Walter with Mr. Cahill.
Mr. Kirwan with Mrs. St. George.
Mr. Thompson of Louisiana with Mr. Weaver.
Mr. Anfuso with Mr. Wilson of California.
Mr. Frazier with Mr. Ayres.
Mr. Rogers of Texas with Mr. Ford.
Mr. Reuss with Mrs. Reece.
Mr. Roosevelt with Mr. Younger.
Mr. Johnson of California with Mr. Halleck.
Mr. Cooley with Mr. Westland.
Mr. Blatnik with Mr. Pirnie.
Mr. Buckley with Mr. Miller of New York.
Mr. Carey with Mr. Kilburn.
Mr. Celler with Mr. Milliken.
Mr. Gray with Mr. McDonough.

Mrs. GRANAHAN and Messrs. ROONEY, BRADEMAS, KARSTEN, MACHROWICZ, COOK, O'KONSKI, MOORE, and KEITH changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore. The Chair appoints the following conferees on the part of the House: Messrs. POAGE, GATHINGS, ABBITT, BELCHER, and TEAGUE of California.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed

with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 9033. An act making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1962, and for other purposes.

The message also announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HAYDEN, Mr. ELLENDER, Mr. MAGNUSON, Mr. HOLLAND, Mr. PASTORE, Mr. SALTONSTALL, Mr. MUNDT, and Mrs. SMITH of Maine to be the conferees on the part of the Senate.

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATION ACT OF 1962

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9033) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1962, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. PASSMAN, GARY, CANNON, TABER, and RHODES of Arizona.

HOUR OF MEETING TOMORROW, SEPTEMBER 16, 1961

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY AND PROGRAM FOR TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week may be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. BROWN. Mr. Speaker, reserving the right to object, can the majority whip tell us what the schedule will be for tomorrow? I understand we will finish the postal pay rate bill tomorrow.

Mr. ALBERT. There has been no change since the schedule was announced.

Mr. BROWN. No change?

Mr. ALBERT. No.

Mr. BROWN. After the action on the postal pay rate bill is concluded, then you will call up——

Mr. ALBERT. It is my judgment that that will be the last major piece of legislation today, the postal rate bill.

Mr. BROWN. That is, for today, but I understand if you cannot conclude it today and if we are to adjourn about 5:30, that it will be concluded tomorrow, and I presume it will be concluded before you call up the so-called disarmament bill.

Mr. ALBERT. That is the plan, I will say to the gentleman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT

Mr. HAYS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on the bill H.R. 8666.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COAST GUARD OCEANOGRAPHIC RESEARCH

Mr. GEORGE P. MILLER submitted a conference report and statement on the bill (H.R. 6845) to amend title 14 of the United States Code to provide for an expansion of the functions of the Coast Guard.

POSTAGE REVISION ACT OF 1961

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 464 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7927) to adjust postal rates, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Post Office and Civil Service, the bill shall be considered as having been read for amendment. It shall be in order to consider without the intervention of any point of order the amendments recommended by the Committee on Post Office and Civil Service now printed in the bill. No other amendments to the bill or the committee amendments shall be in order except amendments offered by the direction of the Committee on Post Office and Civil Service, but such amendments shall not be subject to amendment. At the conclusion of such consideration, the Committee shall rise and report the bill to the House, with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN] and at this time I yield myself such time as I may consume.

Mr. Speaker, House Resolution 464 provides for the consideration of H.R. 7927, a bill to adjust postal rates, and for other purposes. The resolution provides for a closed rule, waiving points of order, with 2 hours of general debate.

The American people, in the light of the innumerable critical national and international problems which we face today, cannot afford a postal deficit.

H.R. 7927 would increase postage revenues by approximately $520 million when all of the rate adjustments have been placed in effect. The bill is as important a part of the fiscal program of the Government, and of the measures being taken by National, State, and local governments to protect our Nation and the free world, as any reductions in comparable amount which might be made in the cost of nondefense governmental programs.

From the turn of the century to the beginning of World War II the average annual postal deficit was about $33 million—including all subsidies, such as the $75 million annual airline subsidy and the cost of handling penalty mail for other Government departments and franked mail—most of which now have been removed from the postal budget. Since World War II the annual postal deficit increased by leaps and bounds until it reached the previous high of $891 million in fiscal year 1958. The cumulative deficit from 1946 to date is over $7.5 billion—all at the expense of the taxpayers.

In a partially successful effort to reduce the deficit, the Congress enacted the Postal Rate Increase Act of 1958 to increase postal revenues by approximately $550 million. However, that increase was counteracted within 2 years by the approval of postal employee salary raises in 1958 and 1960. In addition, costs of transportation—second only to payroll in magnitude as a postal cost—and all other services, supplies, and equipment have continued a sharp upward inflationary spiral which shows no signs of abating. These factors, combined together, have brought our postal system to the most dangerous fiscal condition in its history.

When all of the rate increases are placed in effect the increased revenues, coupled with the improved postal policy incorporated therein, will place the Postal Establishment on a pay-as-you-go basis for the first time in many years.

Mr. Speaker, I urge the adoption of House Resolution 464.

Mr. SISK. Mr. Speaker, I yield 10 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Speaker, I find myself in somewhat of a dilemma. I am for this bill; but I am against the rule. I have always supported this type of legislation. I do not think we can afford to run the Post Office Department at a deficit to the tune of some $850 million,

which is the estimate for this current year, while we are engaged in deficit spending generally. We ought to do something about it.

Mr. Speaker, the distinguished Chairman of the Appropriations Committee, the gentleman from Missouri [Mr. CANNON] stood in the well of this House not too long ago and stated that we are going into the red in excess of $1 million an hour. I do not mean we are spending that much money. That is not what he meant. But we are spending more than we are taking in, to the tune of $1 million an hour. At a time like this, why should we not pass a bill that would cut down that deficit? I do not like all the provisions of this bill. I do not think, at least in my judgment, the burden is placed in the proper proportion.

For instance, the bill raises the rate on postcards from 3 to 4 cents; on first-class mail from 4 to 5 cents; and on air-mail from 7 to 8 cents, while the so-called junk mail that clutters up the Department and contributes heavily to the deficit does not pay its proportionate share.

We have a situation here where we are bringing in, for the first time, a closed rule on this legislation. That is a peculiar situation. I am traditionally opposed to closed rules. I do not vote for closed rules. I am a true liberal. I believe in the House having an opportunity to work its will. And yet we have a situation where at the beginning of this session we had a long hassle about giving the House the opportunity to work its will by reforming the Committee on Rules. I was opposed to that, as a true liberal, because I did not want to see the Rules Committee taken out of the status of an independent committee and placed under the control of anybody. So we had a long hassle about it.

I could remember then, as you can remember now, that there was a time when the Rules Committee was dominated by one man, the late Speaker Cannon, who was referred to as Czar Cannon. He was the Rules Committee. But the liberals of that day under the leadership of a truly great liberal, Mr. Norris, who afterward left the House and went over to the Senate, led the fight and set up the Rules Committee as an independent body. But the liberals of another day, this day, sought to undo that, and they did and re-formed and—you may not like the word—stacked that committee.

On yesterday—this is no secret—I am not telling anything out of school—when this bill was before the Committee on Rules, a closed rule was sought. As usual, I vigorously opposed it. And I might point out that during my 20-odd years as a member of the Rules Committee, we have reported several rules making postal rate increases. They have all been open rules.

I think the record shows that I always oppose closed rules on the theory that I have already mentioned, plus the fact that I think this House is just as capable of legislating and of assuming its share of the responsibility as is the other body. So to my—I must confess—somewhat surprise, the committee went along with my version of the type of rule that should be reported. I hope you will not take that as being egotistical, but at any rate we voted out an open rule for the consideration of this bill.

But something happened, and the committee was called back into session. As we have seen so many times, having marched up the hill we proceeded back down again. Now we are confronted with a closed rule, a rule under which, if you adopt it, you are going to vote for this bill or vote against it, and there will be not a thing you can do about it.

You cannot go home and tell your people who are so concerned about all of this increase on these first-class rates and who are so tired of this other subsidized stuff going through the mail that you were helpless because of the closed rule. You cannot hide behind the rule and state that you did not have a chance to amend it, because you will have a chance to amend it if you exercise your right. And if my liberal friends will live up to and practice what they preach, and vote down the previous question we can have an open rule, and you can have an opportunity to amend this bill if you want to.

Now I get back to where I started. I am for this legislation. I am for the objective of this legislation. I think this Congress should assume its responsibility and raise these rates. How many of you voted for the last increase in the postal employees bill that brought about and aggravated this situation where we are now faced with an excess of a $800 million annual deficit in the operation of the Post Office? How many of you next year, when we come back here and when a new postal pay increase bill is brought up, are going to vote against that? Are you going to deny now the request of the President for an increase in postal rates, and then come back next year and vote a postal employees' increase?

It is just that simple. The matter is in your hands. Do what you see fit with it.

Mr. BROWN. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, as the gentleman from Mississippi has explained, this is a closed rule providing for 2 hours of general debate on the bill. It waives all points of order and, as a closed rule, permits the offering or consideration of no amendments except committee amendments. In other words, we are back where we started a long while ago.

I am happy that the gentleman from Mississippi, who preceded me, mentioned the opposition that has arisen in the Rules Committee, and elsewhere, to the continual adoption of gag rules.

Many of you, I am sure, are aware of the fact that I have stood in the well of this House and opposed gag rules many, many times in the past, just as I am opposed to this particular gag rule. I have opposed gag rules on tax bills as well as gag rules on other types of legislation.

So we are right back where we started again. The question being before the House as to whether or not the House of Representatives and its Members have the capacity to do a bit of thinking and a bit of legislating for themselves, or whether once more we should gag ourselves by adopting this type of rule so we will not have the same rights and the same privileges which are awarded to the Members of another body where, once this bill completes its passage through this House, if it is passed, its Members can offer any amendments they wish, often regardless of whether they are germane or not, and can debate and discuss each amendment just as long as they wish—or may desire to talk—and sometimes that is a long, long time.

Yes, this is another gag rule and, yet, we were told early last winter, or soon after we met here for this new session of the Congress, that they were going to rearrange the membership of our Committee on Rules by increasing the membership of the committee. In other words, frankly, they were going to stack the Committee on Rules so that it might be easily controlled by the administration or by the leadership of the House, rather than to continue as an independent body—a body created to be independent—all for the great purpose of permitting this House of Representatives to work its will, of course. The charge was made then, despite denials by some of us, that the Committee on Rules, as constituted in the past, had prevented the membership of this body from working its will on legislation; had acted arbitrarily; had killed bills; had granted bad rules, and all this and that. Somehow or other, if I may speak in the parlance of the day, there were enough persons mislead in this House that the resolution to pack the Committee on Rules was adopted and approved by a five-vote margin.

So let us look at the record, because now we are winding up this first session of the 87th Congress. It might be interesting to know just actually what has happened in this great free body which was created, the so-called new Committee on Rules, to give even more freedom and more rights to work your will than you ever enjoyed under that "damnable Rules Committee," as it was constituted in the past.

May I read from the record, because I believe it should be made clear just what has happened in the past and present Rules Committee.

In the entire first session of the 86th Congress the Committee granted five closed rules. That was in the 86th Congress—and the old Committee on Rules. In the second session of the 86th the Rules Committee granted seven closed rules. Five and seven make twelve.

In the first session of this 87th Congress alone, 11 gag rules, or closed rules, have been granted by this great new Rules Committee, this stacked committee, stacked for the alleged purpose of permitting you, the lowly Members of the House of Representatives, to have

the opportunity to work your will. Yet, 11 times in this first session, and only 5 times in the first session of the last Congress, were gag rules reported out of the Committee on Rules and brought to the floor of the House—rules saying you must agree to bind yourselves to not even offer and consider any amendments but must take this legislation as it is handed to you.

We have reached the place now where we not only have gag rules on tax legislation, on social security legislation, on unemployment legislation, but also on postal legislation.

Let us look at the record again. In the 86th Congress, during the entire two sessions of that Congress, the Committee on Rules as then constituted only denied or deferred action on 10 bills altogether. What is the situation now? In this first session of the 87th Congress 10 rules have been denied, the same as in the entire 86th Congress in both sessions. In this first session of the 87th Congress, believe it or not, this newly constituted Committee on Rules, this free and untrammeled Committee on Rules, which permits you all to work your will, and to have an opportunity to vote upon important legislation, and not to hold up or block legislation like the old Committee on Rules was accused of doing—believe it or not—has denied or tabled 53 different bills or resolutions most of which came out of legislative committees before they came to the Committee on Rules. And then you talk about that being liberal; you talk about freeing your hands and striking off the shackles, if you please, that the old arbitrary Committee on Rules had placed upon you. Oh, yes, "We must pack the Committee on Rules." And, it was packed, not to actually permit the Members of this House to work their will, but in order that the administration and the leadership of this House, if you please, could work its will and decide what you can vote on, and what you cannot vote on. You can go to the Committee on Rules and check the record and see the bills themselves, and find out just what has happened and what has not happened, not only in this session of the Congress under this new, liberal Committee on Rules that we now have, after it was packed and stacked, but also what has happened in the past. The record speaks for itself, and that is the reason I am taking this time to spread it on the RECORD, so the House and the people of America may know just exactly what has happened, and what has happened as the result of the action taken here, in late January or early February, by a margin of 5 votes, after every kind of pressure, political and otherwise, was put on the Members of this House to agree to the stacking and/or the packing of the Committee on Rules.

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. BROWN. I yield to the gentleman from California.

Mr. SISK. I appreciate the statement the distinguished gentleman is making and, of course, some of us may disagree on some of these things. But, I would like to ask the gentleman one question with reference to the number of bills and resolutions which the gentleman says that the Committee on Rules this session has either voted down or tabled. Is it not a fact, I may say to my colleague, that a substantial percentage of this 53 were resolutions over which the Committee on Rules had original jurisdiction?

Mr. BROWN. As I said, some were and some were not—yes, of course, we have some resolutions that we have original jurisdiction over, but whether we have had original jurisdiction or secondary jurisdiction, the facts still speak for themselves. These resolutions were all tabled, they were denied rules, and they were killed, just as I said.

Now I wish to talk about the bill for just a moment or two. I am a newspaper publisher. I am also interested in a number of printing establishments. That means, of course, that I am personally interested in both second-class mail rates and third-class mail rates. So, I think I must do this. Because this bill is, in my opinion, rather beneficial to those particular classes of mail, if I vote for the bill, I will be accused of voting in my own monetary interest; if I vote against the bill, I will be accused of demagoguery, so, in all probability, as I have many times in the past when this same kind of legislation has come before the House, do what the rules of the House require: Because of my personal interest I shall not vote either "yea" or "nay," but shall vote "present."

However, I do want to say this about this legislation. If you will study this bill, you will find it increases first-class mail rates by 25 percent. It increases third-class mail rates and second-class mail rates by 18 percent. It just happens that the only class of mail which has been paying its own way, or virtually paying its own way, has been first-class mail. So we are going to increase the cost to the users of first-class mail in this bill by $408 million a year, according to the committee report. This, of course, is nothing more nor less—call it whatever you please, disguise it how you will, perfume it, tint it, or color it if you desire—is simply another tax increase, mostly on the little people of this country, all done in the great spirit of liberality, so we are going to meet the deficits, not by soaking the rich, but by soaking the little people, the first-class mail users. Some, of course, are business concerns, but most Americans buy first-class postage; not all of us are in the publishing business or the printing business, by the way.

It is interesting to see how some of our friends vote on these matters when they come before us. Yes, it is a 25-percent increase on the first-class mail users.

The question arises in connection with this legislation, of course, as it always has when we have had discussions on moot questions, whether or not we should consider the Post Office Department a business operation which should pay its own way, or a service establishment, a part of the cost of operating which should be met by general taxation. Let me say I have argued about this for a long time, in the Hoover Commission, and elsewhere, that if the Post Office Department is to be considered a business operation and must be self-financing, in spite of the fact it serves more people than any other department of the Government.

Why do not we also make the Department of Agriculture self-supporting, or make the Department of Labor a Department that takes care of the working people of the country self-supporting, or the Department of Commerce which looks after the welfare of business and industry? Why not make any and all these departments of the Government business operations and require them to support themselves? There is, of course, such a thing as fiscal responsibility.

Somebody questioned a minute ago whether this bill is an administration measure. Undoubtedly while it is not the same bill the administration sent to the Congress originally, this bill is now an administration measure. All you have to do to realize that is to go out in the halls and corridors, and notice the great number of officials from the Post Office Department—you never saw so many of them around Capitol Hill before, all asking us to support this legislation, asking us to pass it as it is. So, really, this is an administration bill and it is also, to be fair and frank about it, another type of administration tax bill. I feel that it should be considered in that light.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. CORBETT].

Mr. CORBETT. Mr. Speaker, the two gentlemen who have just preceded me are violently and intelligently opposed to what they call gag rules. Ordinarily they would find me in full agreement with them. But I learned in geometry in high school that things equal to the same thing are equal to each other. We might as well know here and now that if this postal rate increase bill is to be considered under an open rule it is dead.

We are confronted with a situation in which the committee after months of arduous hearings sat in executive session for eleven 2-hour periods and we only reached agreement finally after Members from both Houses of Congress, members of the administration, users of the mail, had all been consulted.

Mr. Speaker, I do not know of a single person who is entirely happy about this bill. It is definitely a compromise on all fronts. But it does do this much, and I say this on behalf of our committee: In our area of responsibility we have attempted to do two things—One, to bring fiscal sanity to the Post Office budget and at the same time recognize

public service features of the Post Office Department and set aside a certain amount of the budget to be considered for the purpose of public service policies inaugurated by the Congress.

I want to say that from many points of view this is an excellent bill, and you will find this so when you consider the whole problem of rates over a period of time. If we look at the rate situation for the last 10 years, we will find that third-class rates have been increased since 1951 by 150 percent; we will find that second-class rates, when this bill is adopted, have been increased by 99 percent; we will find that first-class rates have been increased by 67 percent. So, viewed over a 10-year period we have a very well balanced situation. I will grant anyone that first-class mail will be paying more than its allocated cost if this bill is passed. But I say that is true of every country in the civilized world. The post office is set up for the purpose of carrying first-class mail. These appendix services were never meant to be fully charged for, with the exception of parcel post, where the law says it must pay its approximate cost.

We hear a lot of talk around here about liberals. I believe the true conservatives should recognize that this bill will yield some $520 million, possibly another $80 million through an Interstate Commerce Commission decision, totaling some $600 million which will be available. This with $300 million marked for public service.

I submit to you under these circumstances that for the first time since World War II we will be able to go to the public and say: "There is no deficit in the Post Office Department."

With this committee having worked for all these hours, and we have to get agreement with the other body, how in the world can we come in here and consider amendments and finish this bill before Christmas, if we are going to consider amendments to every line of it.

I close as I started: things equal to the same thing are equal to each other. If we want to maintain fiscal responsibility in this area, we have got to vote for a closed rule, whether we like it or not.

Mr. JAMES C. DAVIS. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Georgia.

Mr. JAMES C. DAVIS. The gentleman from Pennsylvania has made a very splendid statement regarding this bill. I would like to say that I concur in his statement and join him in urging the adoption of the rule.

Mr. CORBETT. I thank the distinguished gentleman very much.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. In the forepart of the gentleman's statement he said if we did not adopt the closed rule—in other words, if the rule was opened up—this bill was dead. I do not exactly follow the gentleman. Could the gentleman explain what he means by that? Does the gentleman mean he is afraid that the bill might be so amended, up or down, that the House would vote against what it has voted for in the form of amendments?

Mr. CORBETT. No. I would like to answer the gentleman from Mississippi in this way. I believe that what we are gagging in this particular case is confusion, delay, and ultimately defeat. The reason I say that is because when we do pass some bill in this body it has got to be—the gentleman knows we are going to adjourn shortly—passed in the other body.

Mr. ABERNETHY. No.

Mr. CORBETT. When we do pass some bill in this body it has got to be reasonably acceptable to the other body, because if we are going to go through a long, lengthy amending process here, they are going to have to do it in the other body.

Mr. ABERNETHY. Has the other body been, by some mysterious person, polled as to what it will do? Does anyone have any information about what the other body will do?

Mr. CORBETT. I am sure someone has attempted that, but I am equally sure that if the information is over an hour old, it might be out of date.

Mr. ABERNETHY I would think so.

Mr. CORBETT. I can only tell the gentleman that it is my honest conviction, and I am simply stating my belief that if this bill is opened up and if we go through a long amending process, it will kill the bill. I am certain everyone does not agree with my remarks.

Mr. ABERNETHY. The gentleman is evidently assuming that the House would amend the bill and, therefore, the bill as presented to the House does not meet with the approval of the House?

Mr. CORBETT. No. What I am saying is not at all that we would eventually agree. but it would take hours and hours of explanation and debate to defeat the amendments that might be offered.

Mr. ABERNETHY. The gentleman has no objection to going through that, does he?

Mr. CORBETT. Yes.

Mr. AVERY. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DERWINSKI].

Mr. DERWINSKI. Mr. Speaker, the issue here before us today is one of deliberately compounded legislative abuse.

First, in applying this gag rule prohibiting amendments, the House is faced with a take-it-or-leave-it deal which was made behind the scenes by the administration and a handful of Senate and House committee members, as well as the articulate lobbyists for special interests, all to the detriment of the Treasury Department, the taxpayer and, in my opinion, the rights of the Congress.

This postal rate revision before us is totally inadequate and is an empty gesture from the standpoint of fiscal responsibility. May I direct your attention, Mr. Speaker, to the minority view which I presented in the committee report, where I indicated that I was hopeful of offering some practical amendments to make this a true rate revision, and to take a sound step in reducing the postal deficit.

However, Mr. Speaker, contrary to solemn promises made in January of this year that the "liberal" Rules Committee will permit the House to work its will on major issues, we find this gag rule applied and amendments out of order.

I submit that this is a major bill, calling as it does for approximately $52 million in revenue, and failing to call for the additional revenue needed to balance the postal deficit. It is my hope that the House will vote down this rule and that the Rules Committee will be permitted by the leadership to grant us an open rule so that we might show our fiscal responsibility by proposing a practical rate increase, truly eliminating most of the postal deficit, and giving the Bureau of the Budget, the Treasury Department, and the Post Office Department the type of bill they originally asked for.

On Tuesday, April 25, 1961, the Postmaster General, the Honorable J. Edward Day, appeared before our committee in support of the original bill—H.R. 6418—which would have raised $741 million. He was supported in his position by representatives of various employee groups, by the Bureau of the Budget, and the Treasury Department, all maintaining that the original request was needed in order to preserve the fiscal responsibility to which this administration at least publicly, is dedicated.

Frankly, the postal deficit must be eliminated if we are to maintain an effective postal service and improve its facilities in relationship to our ever-growing and changing population. As it now stands, the poor forgotten taxpayer bears the brunt of the postal rate deficit, and this bill before us is not the answer. It is a semifraud, totally inadequate to the real needs of the Post Office Department, and when compounded, as I have indicated by gag rule, proves to me, at least, complete hypocrisy in this administration's attitude on this subject.

Here we have a postal rate bill to terminate the deficit which it does not do. We have, in effect, a sellout to the pressure groups, whereas the general public and the needs of the postal service are brazenly disregarded.

This is bad government; it is bad legislative procedure; it is indefensible, especially as rushed through in the closing days of the session in this roughshod manner. It is definite proof that the pious platitudes of the New Frontier toward even a minimum of fiscally responsible government are obviously false. In the light of increasing defense costs, and the huge budget deficit, the capitulation of the administration and the majority leadership in the Congress on this issue portrays the Treasury Department, the

Bureau of the Budget, and the Post Office Department as public liars.

Therefore, Mr. Speaker, for the sake of fiscal responsibility and in order that the House might exercise its independent judgment on this matter, I urge that we reject the rule, that the Rules Committee grant us the necessary open rule, and that we then proceed to write a postal rate bill that will eliminate the basic postal deficit in keeping with the original request of the Postmaster General.

Mr. Speaker, I should like to point out that I am in favor of a postal rate bill, but I am opposed to this rule, because this bill before us is not a postal rate revision necessary to balance the deficit of the Post Office Department. Frankly, it is the biggest farce we have had on the floor of the House this year.

Mr. Speaker, the gentleman from Mississippi [Mr. ABERNETHY] who just had the colloquy with the gentleman from Pennsylvania [Mr. CORBETT], pointed to the particular problem which we have before us. If we follow the procedure of imposing a gag rule whenever someone feels an amendment might be offered that will change a bill, the next thing you know you might just disregard all debate, all amendments, and let committees jam out a bill, put a gag on it from the Rules Committee, and send it over to the other body where they will rubberstamp it. The next thing you know you have the most meaningless Congress you have ever seen.

Mr. Speaker, I would like to tell the gentleman from Mississippi—it has not been said, but it is an absolute fact—that the other body is going to take this bill after we pass it just as it is before us, and they are going to pass it on the floor over there without any hearings. They will also gag their Members. There are not going to be amendments offered to this bill either in the House or in the Senate. I do not think that is good legislative procedure.

Mr. ABERNETHY. If the gentleman will yield, I appreciate the gentleman's remarks. However, I do not want to leave the wrong impression. I think we need to pass some kind of a bill along this line. I am going to vote for this bill. My personal opinion about it is that on some of these lower rates we have not gone far enough. I think until we bring those rates up we have not done our duty in this House and in this Congress. I am going to vote for this one, but I do not think it is enough. If we are going to spend the money, I think we ought to raise it, and this is the only way to do it.

Mr. DERWINSKI. I agree completely with the gentleman. That is the very point I want to make. If you study the hearings before the Post Office Committee you will not find any reference to the bill before you. The testimony was to the bill originally produced by the Postmaster General that would raise $731 million. As a matter of fact, if we pass this watered-down version, since we are not permitted to amend this bill and we will pass a longevity bill that will add $60 million to the Post Office cost and next year we have a postal salary increase, this means when you go back to face your voters in November 1962, you are going to have to explain to them why you raised the rates on first-class and airmail and still left the Post Office with a three-fourths-of-a-billion-dollar deficit.

For that reason we ought to beat this gag rule and come back with an open rule. We ought to give the Postmaster General the sum of money he wants and he needs. We ought to be responsible and not go through this frankly phony procedure.

The rule ought to be defeated. Let us risk amendments. Let us risk debate. Let us be responsible. Let us put through a rate bill that makes some sense. This bill before you does not do that.

As the bill now stands, it is an empty gesture that does not solve the postal deficit. I have referred previously during the debate on the rule to the fact that a behind-the-scene deal between the administration, the majority party House and Senate leaders and certain pressure groups had been worked out to approve this watered-down version in which the brunt of the postal increase falls on the poor unforgotten taxpayers.

Let me repeat the cold dollar and cents situation in regard to this postal rate revision. The latest available figures indicated that the total postal deficit for fiscal 1962 will be $950 million. The bill before us raises $520 million, leaving then, a deficit of $430 million. The Senate has passed and the House is waiting to pass a longevity pay bill which will add $60 million to the postal deficit. In addition, the administration is planning an additional salary increase in 1962 which, if only a 5-percent salary increase, would add over one-fourth of a million dollars to the postal deficit.

Therefore, the net result of this combination of administration and congressional actions will be to perpetuate an annual postal deficit of approximately three-quarters of a billion dollars.

This is complete fiscal irresponsibility and is definite proof that the pious platitudes of the New Frontier toward even a minimum of fiscally responsible government are obviously false.

Incidentally, another factor to be remembered about the bill before us is that it actually was not subject to hearings. Hearings were held on H.R. 6418 which would have raised $741 million. Very brief testimony was taken from the Postmaster General on the original H.R. 7927 which would have raised $591 million.

To my knowledge, neither the Postmaster General, the Bureau of the Budget, Treasury, Commerce Department or any responsible administration official has publicly commented on the bill now before us since, as I have indicated, it has been subject to back-door maneuvering in order to slip it through in these closing days of the session.

However, Mr. Speaker, the most disturbing thing to me is the frustration we feel at being prevented from offering proper amendments. I was prepared to offer amendments restoring the basic administration request, and also writing into the postal bill the provision that future major increases in Post Office operations should automatically be covered by corresponding rate increases.

If the drain on the Treasury due to the continuing postal deficit is of concern, then it should be honestly eliminated—not met with a halfhearted gesture such as the bill before us.

However, Mr. Speaker, the bill does have one redeeming feature, and that is, the amendment offered by the gentleman from Nebraska [Mr. CUNNINGHAM], which would control the flow of postage-free Communist mail that is being sent into this country in huge amounts.

Mr. BROWN. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa, a member of the committee [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I am opposed to this gag rule and I am opposed to the bill. This is the fourth bill that the committee had before it in this session and there were never any hearings on the bill presently before you. Hearings were held on the first of the four rate-increase bills, but the original was a far different bill than this. There never was 1 minute of hearings on this bill.

I am not going to vote for a postal rate increase that loads 80 percent of the increase upon the users of first-class mail. First-class mail is available to anyone who can read and write in this country, regardless of condition of servitude. In other words, of the $520 million increase, 80 percent would be loaded on the users of first-class letters, airmail, and postal cards.

Someone awhile ago spoke about a salary increase bill. Why should there be concern about postal rates in relation to a salary increase for postal workers? No one seems to be concerned about tax revenue when a salary increase is voted for the nearly 2 million other Federal employees. I did not hear of a tax bill last year to pay the increase to the Classification Act employees in the Government. Why have Members suddenly become so worried about the deficit in the Post Office Department? Why have they become suddenly so worried about any deficit? I did not hear anybody talking about a tax increase to take care of the millions for the Peace Corps that was authorized only yesterday, or the billions of dollars poured out in foreign aid. Why, I ask again, this sudden interest in deficits.

Mr. BROWN. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS of Missouri. Mr. Speaker, of course I am opposed to the gag rule. I want to call attention to the words that I spoke here early this year on the so-called liberalization of the Rules Committee, when I said that that was not what it was—and I might say to the gentleman from Ohio that we were not fooled—but that what would probably come out was exactly this,

following the pattern of the New Deal, to bring to the floor of the House closed rules so that the House could not work its will.

Time is running out on these so-called liberals from the northern areas. You are not liberal. You are not anxious to have the House work its will. I think the people of this country are going to begin to see it. I hope we will vote down this gag rule.

Mr. BROWN. Mr. Speaker, as I understand, the gentleman from California will ask unanimous consent when we conclude this debate that all Members be given permission to extend their remarks in the RECORD on this subject?

Mr. SISK. That is right.

Mr. BROWN. Mr. Speaker, I yield the balance of the time to the gentleman from Kansas [Mr. AVERY], a member of the Rules Committee.

Mr. AVERY. Mr. Speaker, this is a most unusual situation that we face here this afternoon. I do not recall in my legislative experience that we have had another parliamentary situation just like this one we have here today.

It is hard, of course, to calculate what legislative situation may develop in respect to the adoption of this rule. There is some reason to believe that there might be an effort to defeat the motion for the previous question when the debate on the rule has been completed.

Mr. Speaker, may I submit a parliamentary inquiry to the Chair?

The SPEAKER pro tempore (Mr. MILLS). The gentleman will state it.

Mr. AVERY. If the motion for the previous question should be voted down at the appropriate stage of the proceedings, then it would be in order, would it not, to offer an amendment to the resolution before the House?

The SPEAKER pro tempore. The gentleman is correct. The resolution would be open to amendment.

Mr. AVERY. Therefore, if it was the will of the House to consider this postal rate bill under an open rule, it would so be in order.

There appeared in a local paper some months ago a reference to the Rules Committee, after they had taken independent action on several school bills, as tyrants. That would not be quite so bad if the committee had not been further referred to as little tyrants. I do not know quite what point the editorial was trying to establish.

I was reminded of the editorial after the Rules Committee marched up the hill yesterday and then had to turn around and march down again.

The lines are reforming very quickly on this so-called issue. Yesterday we had witnesses before the Rules Committee who not only voted against the last postal rate increase before the House but even spoke against it here on the floor, but yesterday they were before the Rules Committee urging the increase provided in this bill.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I yield to the gentleman from Michigan?

Mr. CEDERBERG. By reference to the CONGRESSIONAL RECORD, volume 103, part 11, page 14617, the gentleman will find that four prominent members of the Rules Committee on the Democratic side voted against the 4-cent stamp in 1957, a bill that was much fairer to second- and third-class mail than this, and it was not a gag rule at all. I think it is about time that we read back for the record some of the statements that were made when the Republicans were in charge trying to have a 4-cent rate, and compare them with what is happening here today. I just want to say publicly that I voted for the postal rate increase, and I was on the committee, but I want to see some of the people on that side of the aisle read back the record and walk down the aisle and vote for it this time. Unless there is some effort for it over there, we should not participate in this gag rule at all.

Mr. JOHANSEN. Mr. Speaker, will the gentleman yield?

Mr. AVERY. The gentleman from Kansas would like to get a few Kansas viewpoints on the record, and not get entirely Michigan viewpoints.

Mr. JOHANSEN. May I offer one sentence in regard to those who 2 years ago opposed it? I recall that there is more rejoicing in heaven over 1 sinner that repents than 99 already saved. I rejoice that they do repent.

Mr. CEDERBERG. But there is no repentance until they vote.

Mr. AVERY. I am sure neither one of the gentlemen who just addressed the House ever sinned, therefore they could not be considered as experts on repentance.

On the more serious side, very shortly after we had a postal rate increase in 1958, we had two successive increases in pay for postal workers. I recall also that President Eisenhower vetoed the last postal pay raise and then his veto was overridden.

I wonder now—several Members appearing before the Committee on Rules lately have taken the responsibility to speak for the President on his official position in connection with certain labor legislation. I wonder if anybody here would like to express an opinion, at least, as to the President's position next year, if we have another postal pay increase coming before us. Would anyone care to comment on that?

If there is to be a postal pay increase, it should be considered simultaneously with the rate increase in order that the pay cost can be fully provided for.

I want to call your attention to another editorial this morning which said that the President has already taken action to that end by addressing a letter to Dave MacDonald of the steelworkers, urging labor to show self-restraint. I would only say, I would hope that if this rate is increased, or even if it is not, that the President address that same letter to the postal workers urging them to show restraint in their demands for a postal pay increase next year so that this increased revenue will not automatically all be wiped out by another postal pay increase for the postal workers, as was the case in 1960.

Now why did we waive points of order? That is the good part about this bill. I want to cite it to you for your consideration.

Section 11 was an amendment to the bill, I understand, which was offered by the gentleman from Nebraska [Mr. CUNNINGHAM], a ranking minority member on that committee. This amendment will have the effect of prohibiting the mailing of Communist political propaganda through the U.S. mails. If that particular section was standing by itself, I would hope, Mr. Speaker, it would have the unanimous support of this House.

Contained in this bill were other controversial sections upon which the House will have to work its will.

I would urge my colleagues to give serious consideration to motion for the previous question when it is in order. If it is voted down the House may move to consider the resolution for amendment or not to consider it at all if the Members so wish.

Mr. BROWN. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I yield to the gentleman from Ohio.

Mr. BROWN. I am asking the gentleman to yield because I feel he would agree with me when I say that, in my opinion, at least, and in the opinion of many other people, some of the users of second- and third-class mail have been sold a bill of goods in this particular measure. I made the prediction when the bill was before the Committee on Rules, and I would make the prediction now, that it will not be too long before the administration and the Post Office Department will be here before a congressional committee requesting an increase in third-class and second-class mail rates—after, of course, having gotten the increase in first-class mail rates. That is where the big money is located. I think some of our friends who use second- and third-class mail have not only been sold a bill of goods, but are living in a fool's paradise.

Mr. AVERY. I certainly could not disagree with the gentleman, and I certainly would defer to his experience both as a Member of the House of Representatives and as a user of second- and third-class mail.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. SISK. Mr. Speaker, I yield 1 minute to the gentleman.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Speaker, in view of the fact that the Federal payroll is now running at the rate of $12 to $14 billion a year and increasing every month, and in view of the fact that we had under consideration earlier today a supplemental appropriation bill in which various agencies of the Government requested 8,000 new employees; do you not think

you might include among your suggestions to the President that he take action, by letter or otherwise, to cause the executive agencies to do a little belt tightening?

Mr. AVERY. I would certainly agree with the gentleman, but the records show that the trend is very definitely in the opposite direction.

Mr. Speaker, I thank the gentleman from California for yielding me the time.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has again expired.

Mr. SISK. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROYHILL. Mr. Speaker, I shall support the bill now under consideration, H.R. 7927, to increase postal rates. However, I am disappointed in the action taken by the House Post Office and Civil Service Committee because the bill which it approved increasing postal rates does not contain proper increases in all classes of mail. The original proposal of the Post Office Department recommended increased postal revenues amounting to $741 million. I was in favor of this legislation. It was introduced by the distinguished chairman of our committee, Hon. TOM MURRAY, and it provided a fair increase proportionately in all classes of mail even though it did not provide for a 100-percent cost coverage in second- and third-class mail. It represented, in my opinion, a bill which the American people would support, because it did not shift the entire burden of postal rate increases to first-class mail.

I regret to say, however, that the committee succumbed to the pressure of those who advocated much less postal rate increases for second- and third-class mail. In addition, the majority of the committee members has approved a provision setting aside this year $330 million, 7½ percent of the total postal budget, as public service costs for the Post Office Department. This simply means that the taxpayers are going to be called upon in future years to pay more than $330 million annually for the so-called public services of the Department.

Mr. Speaker, I said I was disappointed in the action of the committee because I believe in order for a postal rate bill to be completely fair it must provide reasonable increases in the postal rates for those who use the mail in their businesses. The low and preferential rates for second- and third-class mail is not action in the public interest as provided in this bill, H.R. 7927.

The committee cannot be proud of its action.

While it may be possible under the rationale which the majority of the committee adopted on paper to eliminate a substantial portion of the postal deficit, I believe the Members should realize that it is merely a bookkeeping "sleight of hand." In reality a large annual postal deficit of nearly $400 million will remain after the enactment of this legislation during the next fiscal year.

Mr. Speaker, I intend to support the legislation which has been approved by the committee because I believe that "half a loaf is better than none." But I do not condone the method by which this legislation now comes to the floor of the House under the guise of a bill which will remove the postal deficit. For, in fact, it will not do so and we should not attempt to conceal the facts from the American public who will pay the substantial portion of this revenue increase.

The postal deficit this year will be $875 million and the additional annual revenues derived from this bill are estimated at $521 million. Even if this bill were effective now the true postal deficit for this fiscal year would amount to over $610 million. As I stated earlier, during the next fiscal year the true postal deficit even after the enactment of this legislation will be almost $400 million annually or more.

Although I deplore the failure of our committee to approve the original proposal introduced by Chairman MURRAY, I believe that we must reduce the postal deficit to the extent possible. For this reason, I will support this measure and even though it is completely inadequate I urge the Members to approve the bill.

Mr. NORBLAD. Mr. Speaker, I believe that the great majority of Members of the House feel that there must be an adjustment in postal rates to stop the huge annual deficit of the Post Office Department.

However, I think it also safe to say that the majority of Members including myself feel that it is unjust to place this burden on the users of first-class mail as is provided for by this bill. Other classes of mail should carry their just share of this burden and I think that in the field of the so-called "junk mail" that this is particularly true.

Letters from my Oregon constituents indicate that they would vote to raise the "junk mail" rates to the extent of making it prohibitive.

An open rule should have been granted on this bill to allow for the consideration of equitable rate increases throughout our postal system.

Mr. ROUSH. Mr. Speaker, there is great sentiment in my district, and I believe across the Nation, in support of putting the Post Office Department on a self-supporting basis. The service of this Department is valuable. Their efficiency has complemented the progress of commerce and communications in our country. It is a valuable asset to the Nation and its citizens. It provides a valuable service to all those who use it. This service is valuable and I believe it is essential that the value be properly recognized.

I oppose parts of the bill which is to be considered. I believe that there are amendments which could be offered to make the bill more satisfactory, and I would like to extend this House the opportunity of considering such amendments.

I do not for one moment question the need for, nor do I oppose the philosophy of, the bill. I want to close the Post Office Department deficit. But I do not believe this bill properly apportions the increases necessary to do this. The bill secures nearly 80 percent of the total increased revenue from first-class mail. I believe this class of mail has long been paying its fair share, if not more than its share, of the postal costs.

The source of additional revenue should more properly be the second and third classes of mail. The handling and services rendered to mailers using this type of mail are not proportionately less than first class as the rates would indicate. I believe the users of these services should pay their way and pay their share of the cost of providing the postal services. The mailers of "junk mail," periodicals, and flyers in bulk have been subsidized by low postage costs long enough. I will support this bill if it is amended to include increases in these classes of mail. I want to have the opportunity of amending the bill to make these necessary changes. I oppose the closed rule and will support an open rule which will make these changes possible.

Mr. HECHLER. Mr. Speaker, this is a lopsided bill which gives only a meager increase in second- and third-class postal rates. It is about time that magazines and "junk mail" pay their own way. We ought to have the backbone to vote a bill which will do just that.

I disapprove of the strategy, or whatever you want to call it, of bringing in this lopsided bill under a rule which prevents amendments. What is the legislative process for, anyhow? If we are afraid of debating and amending a bill, this is tantamount to saying there is something basically wrong with the legislative process. We must have faith in the great branch of Government which article I of the U.S. Constitution created. If Congress does not have faith in its own processes, we might as well disband and go home. Did I hear someone say "Good idea"? Well, I feel we can do better than this closed rule provides, and I feel we must do better than the bill provides.

If we allow this rule to go through and then face the prospect of a bad bill or none at all, we are not keeping faith with the American people. There is no reason in the world why we have to raise first-class postal rates to 5 cents and make the poor people carry all of the burden of the postal deficit. Why not raise second- and third-class postal rates and make them pay for themselves? This would cause some big mailers to think twice before they dumped some more unwanted "junk mail" into the mailboxes of the American people.

Mr. Speaker, some reference has been made to the fact that those who voted for a postal pay raise should now vote for a rise in postal rates. I thoroughly agree with this reasoning, and as one who voted to give a well-deserved pay increase to postal employees, I want to make my position crystal clear: I am for a postal rate rise on second- and third-class rates first of all. I think these rates should be raised high enough so they will not run a deficit.

I intend to vote against the previous question, because I want to see an open rule which allows amendments to this bill. Then I hope that the bill will be amended to provide higher second- and third-class rates.

Members have stated that this bill is the best bill which can be obtained and therefore we must support it. I disagree with that reasoning. I want to see the postal deficit reduced. And there is a clear-cut way to do it by raising the rates on junk mail and magazines, instead of by the milk-and-water proposal now contained in the bill which we are being gagged in an attempt to jam it through this House.

Under unanimous consent, Mr. Speaker, I include the following editorial from the Charleston (W. Va.) Gazette:

TOKEN HIKES IN POSTAGE RATES FOR JUNK MAIL AND MAGAZINES IS GROSS FAVORITISM

The special interest in Congress has asserted itself sufficiently to make it probable that the general public will pay at least 1 penny more next year to send a first-class or air-mail letter.

At the same time second-class and junk-mail users, who, unlike the public, are organized to obtain preferential treatment from Congressmen, will be nudged with token raises. The Government is already subsidizing magazine and newspaper publishers far more than is justified while the privileges junk mailers enjoy are scandalous.

No one can argue with the thesis that the Post Office Department deficit, currently amounting to about $1 billion annually, should be reduced, but if there are any legitimate arguments why in the process wealthy industrialists should pay less than their fair share, they have yet to be announced.

Indeed, except for the outrageously high costs of delivery of second-class and junk mail, the post office debt would be considerably less. The tentative rate increases merely compound an inequity and discriminate further against the two classes of mail users who in relation to other users already pay more than their pro rata cost.

It makes no sense whatsoever for magazine magnates of the ilk of Henry Luce to be permitted to fatten their own pocketbooks at the expense of the ordinary taxpayer. To deliver only the products of the Luce octopus costs the Government millions yearly over what Luce pays for service.

Here is gross governmental favoritism, and the people should not stand for it.

Mr. SISK. Mr. Speaker, I yield 7 minutes to the gentleman from Pennsylvania [Mr. RHODES].

Mr. RHODES of Pennsylvania. Mr. Speaker, for 8 years I had the pleasure of serving with the distinguished chairman of the House Post Office and Civil Service Committee. I am quite sure that no one is better informed on Post Office matters than the gentleman from Tennessee. I believe that our views on postal rates differ very little. He will agree with me, I believe, that the giant subsidies which are made possible through low second-class postage rates are unjustifiable.

The bill before us does very little about this problem. I am opposed to this rate increase bill in its present form, because it will put an additional unfair burden on the users of first-class mail, who already pay more than their proportionate share of postal costs. I am opposed to raising first-class rates without substantially increasing second class. To raise letter postage to 5 cents would help protect and make more secure the big postal subsidies to giant publishers of magazines like Time, Life, and Reader's Digest.

This year, according to 1960 ascertainment figures by the Post Office Department, the cost to the taxpayers for these second-class postal subsidies will total $340 million. Over a million dollars a month in subsidies goes to the Luce publications, which include Time, Life, and Fortune. I am inclined to believe that this is a very conservative estimate and that this Federal aid to the Luce monopoly is much larger than estimated by postal authorities. It is interesting to note, that while these giant publishers, are the biggest individual beneficiaries of Federal subsidies, they are the most vocal and aggressive opponents of other Federal aid programs, particularly programs which help the average citizen. While the Luce publications and others like Reader's Digest use their mighty propaganda weapons to oppose Federal spending for schools, public welfare, and other liberal and progressive legislation, they are silent about Federal aid and big subsidies which they themselves receive.

In the 85th Congress, when a postal rate increase was voted, the House of Representatives approved a subsidy limitation amendment which I introduced. My proposal limited annual subsidies to any one publication to $100,000. Despite the pressure of the powerful magazine lobby, and the influence in Congress of big publishers, my amendment, after a revision upward of the subsidy limitation, received strong support in the other body, although the publishers were successful in having it defeated by a Senate vote of 57 to 33.

I again introduced a subsidy limitation bill in this 87th Congress which would reduce these annual subsidies gradually from a $5 million limitation the first year, to $100,000 over a 5-year period for any one publication. Because of the closed rule on the postal bill, no amendments can be introduced today. That is another reason why I am opposed to this bill.

I realize that many good arguments can be made for 5-cent letter mail. It is a big bargain to the people even though it would result in a good profit in first-class mail service. To be able to send a letter anywhere in the United States for 5 cents and make a profit on it is a real tribute to the Post Office Department. But I do not think we should raise first-class rates to protect big second-class publishers. My constituents object to this form of taxation to subsidize these big handouts. The U.S. Post Office is the largest individual business in the world and, despite all criticism, it gives excellent service at a very low cost.

The chief cause of the postal deficit is not inefficiency, as critics often say, but because of the many subsidies which Congress gives to private businesses which use the postal service, or which carry the mail. If there is anything very bad with this great public enterprise, it is the charge against it for subsidies which benefit private enterprises.

There is no desire on my part, Mr. Speaker, to harm the publishing industry. Certainly it has contributed much to the progress of our country and to the enlightenment of our people. But it seems quite proper to me that Congress should take a look at some of the evil practices of the large publishers. Improved standards should be adopted in determining the eligibility for second-class privileges. The offering of cut-rate subscriptions by some of the large magazines means that American taxpayers finally pay for these promotional schemes.

I was impressed by the fact that the head of the Curtis Publishing Co. has suggested that it might be a good thing for the Post Office Department to consider whether magazines who resort to such practices should be entitled to second-class postage rates.

We should consider whether the publishers who receive many millions of dollars in postal subsidies should be required to furnish information to the Post Office Department about salaries and pensions which top executives of the industry take for themselves since the American taxpayer makes a substantial contribution through Federal aid subsidies.

Federal subsidies are as old as our Government itself. They can serve a good purpose, in keeping a proper balance in our economy and in promoting services and programs which are in the public interest. As a matter of principle I am not opposed to postal subsidies, even to the larger magazines. But I do believe that Congress should take steps to correct the many evils which have developed with the growth of giant news monopolies, which are, so often in conflict with the public interest. American taxpayers should not be forced to subsidize intellectual dishonesty, deception, and the corruption which pollutes the important bloodstream of news and information in this country today.

I cannot, therefore, in good conscience support a bill like this, which places such a big increase on first-class mail users, and even on small publishers, whose rates in some cases will be doubled, while at the same time calling for only a token increase to those whose subsidies cannot be justified.

Mr. Speaker, I am opposed to the closed rule and to the bill. It should be voted down so the committee can bring back a proposal for postal rate increases which we can conscientiously support.

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. RHODES of Pennsylvania. I yield to the gentleman.

Mr. AVERY. I appreciate the gentleman's yielding. The gentleman's last sentence answered the question I had in mind. I was going to ask the gentleman if he would not support a motion to vote down the previous question so the bill can be amended to conform with the suggestion he has just made to the House.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. COLMER. Mr. Speaker, will the gentleman yield for the purpose of offering an amendment to make this an open rule?

Mr. SISK. I do not yield for that purpose.

Mr. Speaker, I move the previous question.

Mr. COLMER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. DERWINSKI. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DERWINSKI. Mr. Speaker, since we are voting on ordering the previous question, a "no" vote in effect opens up the rule?

The SPEAKER pro tempore. If ordering the previous question is voted down, then the resolution is open for amendment or further debate.

The question is on ordering the previous question.

The question was taken; and there were—yeas 142, nays 222, answered "present" 2, not voting 71, as follows:

[Roll No. 208]

YEAS—142

Abbitt	Gilbert	Murphy
Addabbo	Granahan	Murray
Addonizio	Gray	Natcher
Albert	Griffin	Nix
Alexander	Hagan, Ga.	Norrell
Ashley	Harris	O'Brien, Ill.
Bailey	Harrison, Va.	O'Brien, N.Y.
Barry	Healey	O'Hara, Ill.
Bass, Tenn.	Hemphill	O'Hara, Mich.
Beckworth	Henderson	O'Neill
Bennett, Fla.	Herlong	Osmers
Bennett, Mich.	Holland	Perkins
Boland	Holtzman	Pilcher
Bolling	Huddleston	Price
Bonner	Hull	Pucinski
Boykin	Ikard, Tex.	Rains
Brademas	Inouye	Randall
Brewster	Jennings	Rodino
Burke, Ky.	Johansen	Rooney
Burke, Mass.	Johnson, Wis.	Roosevelt
Byrne, Pa.	Jones, Ala.	Rostenkowski
Chelf	Karsten	Rutherford
Cook	Kee	St. Germain
Corbett	Kilday	Santangelo
Daddario	Kilgore	Scherer
Daniels	King, Calif.	Schwengel
Davis, James C.	Kluczynski	Scott
	Kornegay	Sheppard
Davis, Tenn.	Kunkel	Shipley
Dawson	Lankford	Sisk
Delaney	Lesinski	Smith, Miss.
Denton	Libonati	Spence
Diggs	Loser	Staggers
Donohue	McCormack	Stratton
Elliott	Macdonald	Stubblefield
Fallon	Machrowicz	Teague, Tex.
Farbstein	Madden	Thomas
Fascell	Mahon	Thompson, N.J.
Finnegan	Marshall	Thornberry
Flood	Miller, George P.	Toll
Fogarty		Trimble
Forrester	Mills	Tuck
Fountain	Monagan	Udall, Morris K.
Friedel	Montoya	Vanik
Gallagher	Moorhead, Pa.	Wallhauser
Garmatz	Morgan	Watts
Gavin	Morris	Yates
Giaimo	Moss	Zablocki

NAYS—222

Abernethy	Beermann	Byrnes, Wis.
Adair	Belcher	Cahill
Alford	Bell	Cannon
Andersen, Minn.	Berry	Casey
	Betts	Cederberg
Andrews	Blitch	Chamberlain
Ashbrook	Bolton	Chenoweth
Ashmore	Bow	Chiperfield
Auchincloss	Bray	Church
Avery	Bromwell	Clancy
Baldwin	Brooks, Tex.	Clark
Baring	Broomfield	Coad
Bass, N.H.	Brown	Cohelan
Bates	Broyhill	Collier
Battin	Bruce	Colmer
Becker	Burleson	Conte
Corman	Hosmer	Pike
Cramer	Ichord, Mo.	Pillion
Cunningham	Jarman	Poage
Curtin	Jensen	Quie
Curtis, Mass.	Johnson, Md.	Ray
Curtis, Mo.	Jonas	Reifel
Davis, John W.	Judd	Rhodes, Ariz.
Dent	Karth	Rhodes, Pa.
Derounian	Kastenmeier	Riehlman
Derwinski	Keith	Riley
Devine	Kelly	Rivers, Alaska
Dingell	King, N.Y.	Rivers, S.C.
Dole	King, Utah	Robison
Dominick	Kitchin	Rogers, Colo.
Dooley	Knox	Rogers, Fla.
Dorn	Kowalski	Roudebush
Dowdy	Kyl	Roush
Downing	Laird	Ryan
Doyle	Lane	Saylor
Dulski	Langen	Schenck
Durno	Latta	Schneebeli
Dwyer	Lindsay	Schweiker
Edmondson	Lipscomb	Scranton
Ellsworth	McCulloch	Seely-Brown
Everett	McDowell	Selden
Evins	McFall	Shelley
Feighan	McIntire	Short
Fenton	McMillan	Shriver
Findley	McSween	Sibal
Fisher	McVey	Sikes
Flynt	Mack	Smith, Calif.
Frelinghuysen	Mailliard	Smith, Iowa
Fulton	Martin, Nebr.	Smith, Va.
Garland	Mathias	Springer
Gary	Matthews	Stafford
Gathings	May	Stephens
Goodell	Meader	Sullivan
Goodling	Merrow	Taber
Grant	Michel	Taylor
Green, Oreg.	Miller, Clem	Teague, Calif.
Griffiths	Minshall	Thompson, Tex.
Gross	Moeller	Thomson, Wis.
Gubser	Moore	Tollefson
Hagen, Calif.	Moorehead, Ohio	Tupper
Haley		Ullman
Halleck	Morse	Utt
Hansen	Mosher	Van Pelt
Harding	Moulder	Van Zandt
Hardy	Nelsen	Walter
Harrison, Wyo.	Norblad	Weis
Harsha	Nygaard	Whalley
Harvey, Ind.	O'Konski	Wharton
Harvey, Mich.	Olsen	Whitener
Hechler	Ostertag	Whitten
Hiestand	Passman	Wickersham
Hoffman, Ill.	Patman	Widnall
Hoffman, Mich.	Pelly	Williams
Holifield	Peterson	Winstead
Horan	Philbin	

ANSWERED "PRESENT"—2

Aspinall	Martin, Mass.

NOT VOTING—71

Alger	Hébert	Reece
Anderson, Ill.	Hoeven	Reuss
Anfuso	Joelson	Roberts
Arends	Johnson, Calif.	Rogers, Tex.
Ayres	Jones, Mo.	Rousselot
Baker	Kearns	St. George
Barrett	Keogh	Saund
Blatnik	Kilburn	Schadeberg
Boggs	Kirwan	Siler
Breeding	Landrum	Slack
Brooks, La.	Lennon	Steed
Buckley	McDonough	Thompson, La.
Carey	MacGregor	Vinson
Celler	Magnuson	Weaver
Cooley	Mason	Westland
Dague	Miller, N.Y.	Willis
Fino	Milliken	Wilson, Calif.
Ford	Morrison	Wilson, Ind.
Frazier	Multer	Wright
Glenn	Pfost	Young
Green, Pa.	Pirnie	Younger
Hall	Poff	Zelenko
Halpern	Powell	
Hays	Rabaut	

So the motion to order the previous question was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh for, with Mr. Aspinall against.

Mr. Buckley for, with Mr. Martin of Massachusetts against.

Mr. Kirwan for, with Mr. Morrison against.

Mr. Powell for, with Mr. Thompson of Louisiana against.

Mr. Reuss for, with Mr. Hébert against.

Mr. Joelson for, with Mr. Johnson of California against.

Mr. Blatnik for, with Mr. Frazier against.

Mr. Green of Pennsylvania for, with Mr. Miller of New York against.

Mr. Barrett for, with Mr. Arends against.

Mr. Rabaut for, with Mr. Wright against.

Mr. Saund for, with Mr. Ford against.

Mr. Multer for, with Mrs. St. George against.

Mr. Celler for, with Mr. McDonough against.

Mr. Carey for, with Mr. Weaver against.

Mr. Anfuso for, with Mr. Pirnie against.

Mr. Zelenko for, with Mr. Fino against.

Until further notice:

Mr. Lennon with Mr. Hall.

Mrs. Pfost with Mr. Baker.

Mr. Rogers of Texas with Mr. Wilson of California.

Mr. Roberts with Mr. Kilburn.

Mr. Hays with Mr. Hoeven.

Mr. Cooley with Mr. MacGregor.

Mr. Brooks of Louisiana with Mr. Schadeberg.

Mr. Breeding with Mr. Poff.

Mr. Jones of Missouri with Mr. Younger.

Mr. Landrum with Mr. Anderson of Illinois.

Mr. Vinson with Mr. Ayres.

Mr. Willis with Mrs. Reece.

Mr. Boggs with Mr. Kearns.

Mr. Young with Mr. Alger.

Mr. Magnuson with Mr. Rousselot.

Mr. Steed with Mr. Wilson of Indiana.

Mr. Slack with Mr. Glenn and Mr. Mason.

Mr. ASPINALL. Mr. Speaker, I have a live pair with the gentleman from New York [Mr. KEOGH]. If he were present he would vote "aye." I voted "no." I withdraw my vote and vote "present."

Mr. MARTIN of Massachusetts. Mr. Speaker, I have a live pair with the gentleman from New York [Mr. BUCKLEY]. If he were present, he would vote "aye." I voted "no." I withdraw my vote and vote "present."

Mr. KEITH changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

Mr. COLMER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLMER, of Mississippi: After the word *"Resolved"* in line 1, strike out all of the remaining language and insert the following: "That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7927) to adjust postal rates, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendments recommended by the Committee on Post Office and Civil Service now printed in the bill. At the conclusion of such consideration, the Committee shall rise and report the bill to the House, with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit."

Mr. COLMER. Mr. Speaker, this amendment, the House having voted down the previous question, simply substitutes an open rule for the closed rule

that you voted the previous question down on. In every other instance in its provisions it is exactly the same as the rule that was offered.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from California.

Mr. ROOSEVELT. Is it not true, however, that under the proposed motion points of order would not be allowed, and therefore, if anyone had a legitimate point of order against one of the committee amendments, it would not be allowed, and therefore in that respect it is not an open rule?

Mr. COLMER. The gentleman is correct excepting that it does waive points of order, which is nothing unusual. Most of the rules that we present here do waive points of order, so there is nothing unusual about that. And, I might add, since the gentleman has reminded me of it, the primary purpose here of waiving points of order is because of the provision in the bill which would ban Communist literature under certain circumstances.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Pennsylvania.

Mr. WALTER. Was not the real purpose to make it possible to consider this so-called Communist political propaganda amendment which is so obviously unconstitutional?

Mr. COLMER. Well, of course, the gentleman is a much abler lawyer than I am, and even if time and the occasion were appropriate, I would not undertake to debate that question with him. I do not know what the Supreme Court, as now constituted, would do about this.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. Having been responsible for the committee amendment to keep Communist political propaganda from coming in here and being delivered free by our postal system, I think I know quite a bit about the legality of it. And, I might say, not relying on my own judgment but having the help of private constitutional lawyers, I know without any question of a doubt that this is a germane and a constitutional proposal.

It is unlikely that we would pass anything that would be unconstitutional. Frequently we hear threats of Presidential vetoes, yet we ignore them and work our own will. The same thing applies on the question of constitutionality: We will do what we believe to be right and let others decide whether we were wrong.

Mr. COLMER. Mr. Speaker, let me repeat, that matter can be debated. I merely wanted to clarify the atmosphere as to the purpose of this amendment.

If this amendment is adopted the gentleman from Tennessee [Mr. MURRAY] will be in position to move that the House resolve itself into the Committee of the Whole and consider this bill just as he could have done under the original rule except a different procedure will be in order.

Before I yield the floor I want to say this additional thing, repeat what I said in the initial debate, that I am strongly in favor of the enactment of this or similar legislation. I want to see these postal rates increased and this deficit cut down and something approaching a pay-as-you-go proposition developed. In other words, this particular bill would cut down about $550 million of the $800-some-odd million deficit. That is the only thing I am interested in.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield briefly to my friend from West Virginia.

Mr. BAILEY. The gentleman is not proposing the same procedure here that we used in 1955 when we defeated the previous question on the extension of the Trade Agreements Act, an open rule was ordered there. You are not offering an open rule; it is a modified rule, is it not?

Mr. COLMER. If the gentleman wants to so designate it, it is all right.

Mr. PILLION. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield.

Mr. PILLION. I think there ought to be some clarification of what this bill does in relation to the sending of Communist literature in the mail. Actually this bill does not in itself ban or prohibit the sending of Communist literature in the mail. It refers the question to the Attorney General of the United States. Is that not true?

Mr. COLMER. If the gentleman will permit me, I would like to get on with this and have a vote on the amendment, and whether we are going to consider the bill. These other questions can be debated later. I hope the gentleman will defer to me under those circumstances.

Mr. Speaker, I move the previous question on the amendment.

The previous question was ordered.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution as amended.

The resolution as amended was agreed to.

A motion to reconsider was laid on the table.

PERSONAL ANNOUNCEMENT

Mr. ROOSEVELT. Mr. Speaker, on rollcall No. 207 I am recorded as being absent. I was absent, but keeping an important appointment at the White House in the public interest. Had I been present I would have voted in the negative.

MILITARY CONSTRUCTION APPROPRIATION BILL, 1962

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H.R. 8302 making appropriations for military construction for the Department of Defense for fiscal year ending June 30, 1962, and for other purposes, with the Senate amendment thereto, insist upon the amendment of the House to the amendment of the Senate numbered 2, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. SHEPPARD, SIKES, CANNON, JONAS, and TABER.

STATUS OF APPROPRIATION BILLS AND IDENTIFIED LEGISLATIVE BILLS CARRYING BACK-DOOR PROVISIONS, 87TH CONGRESS, 1ST SESSION

Mr. CANNON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, and to include certain tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON. Mr. Speaker, for the information of the House and the country, I include up-to-date tabulations of the regular appropriation bills and identified legislative bills carrying back-door provisions of one kind or another. The conference report is filed on the District bill, and conference will be had Monday on the foreign assistance bill.

Only two bills then remain—the public works bill and the last supplemental, both pending in the other body.

Mr. Speaker, the country is becoming more aware of the evils of the irresponsible practice of back-door appropriations. And the House is beginning to insist that the special pleaders stop raiding the Treasury. In the last supplemental, passed today, we undertook to reverse some of the more recent back-door intrusions. The Wall Street Journal calls it "sloppy money." I include the editorial from its Thursday issue:

REBUFF TO SLOPPY MONEY

The big congressional row over back-door spending for foreign aid appears to be having some useful aftereffects.

It will be recalled that Congress refused to submit to the massive administration pressure to permit the foreign-aid dispensers to draw a multibillion-dollar chunk of their funds directly from the Treasury over a 5-year period, without benefit of annual congessional appropriations.

This served to dramatize the issue of congressional control of the purse, and apparently has stiffened the lawmakers' resistance to other administration efforts to diminish their responsibilities in this regard. For now, in approving a more than $631 million bill providing supplemental funds for a flock of Federal agencies, the House Appropriations Committee in a number of cases specified that the money had to be allocated by the regular appropriations process rather than the back-door route.

Why these agencies should already need $631 million in extra funds is a question that might well puzzle the frazzled taxpayer, but it is not the question that concerns us here. The heartening thing about the committee action is that it does reaffirm congressional insistence both on its own responsibilities and on sound financing methods.

The upshot may well be more fighting, as the administration seeks to get these funds back into the back door. That's all right too. The more the issue is aired, the worse will seem the administration's case for sloppy money. And the less praiseworthy its determination to thumb its nose at Congress.

Table of appropriation bills, 87th Cong., 1st sess., as of Sept. 15, 1961

[Does not include any back-door appropriation bills]

Title	Budget estimates to House	Amount as passed House	House action compared with budget estimates	Budget estimates to Senate	Amount as passed Senate	Senate action compared with—		Final conference action	Increase or decrease compared to budget estimates to date
						Budget estimates	House action		
1961 SUPPLEMENTALS									
3d supplemental	$1,235,482,769	$803,506,119	−$431,976,650	$5,275,213,127	$4,637,419,970	−$637,793,157	+$3,833,913,851	$1,694,055,637	[1] −$3,581,157,490
Inter-American program	600,000,000	600,000,000		600,000,000	600,000,000			600,000,000	
4th supplemental	88,024,000	47,214,000	−40,810,000	88,024,000	47,214,000	−40,810,000		47,214,000	−40,810,000
Total, 1961 supplementals	1,923,506,769	1,450,720,119	−472,786,650	5,963,237,127	5,284,633,970	−678,603,157	+3,833,913,851	2,341,269,637	−3,621,967,490
1962 APPROPRIATIONS									
Treasury-Post Office	5,371,801,000	5,281,865,000	−89,936,000	5,371,801,000	5,327,631,000	−44,170,000	+45,766,000	5,298,765,000	−73,036,000
Interior [2]	782,387,000	753,319,000	−29,068,000	782,387,000	813,399,850	+31,012,850	+60,080,850	779,158,650	−3,228,350
Labor-HEW	4,282,148,081	4,327,457,000	+45,308,919	5,004,281,081	5,161,380,000	+157,098,919	+833,923,000	4,915,965,000	−88,316,081
Legislative	105,646,577	104,353,335	−1,294,242	136,062,802	135,432,065	−650,737	+31,078,730	135,432,065	−650,737
State, Justice, Judiciary	795,891,202	751,300,050	−44,591,152	795,891,202	762,038,550	−33,852,652	+10,738,500	756,422,550	−39,468,652
Agriculture	6,089,244,000	5,948,466,000	−140,778,000	6,089,244,000	5,967,457,500	−121,786,500	+18,991,500	5,967,494,500	−121,749,500
Loan authorizations	(612,000,000)	(629,900,000)	(+17,900,000)	(612,000,000)	(725,500,000)	(+113,500,000)	(+95,600,000)	(725,500,000)	(+113,500,000)
Independent offices	8,625,561,000	8,404,098,000	−221,463,000	9,174,561,000	9,098,769,500	−75,791,500	+694,671,500	8,966,285,000	−208,276,000
General Government-Commerce	666,278,000	626,958,000	−39,320,000	666,278,000	650,438,200	−15,839,800	+23,480,200	641,135,800	−25,142,200
Defense	42,942,345,000	42,711,105,000	−231,240,000	46,396,945,000	46,848,292,000	+451,347,000	+4,137,187,000	46,662,556,000	+265,611,000
District of Columbia	(292,438,188)	(268,122,400)	(−24,315,788)	(292,827,398)	(270,438,360)	(−22,389,038)	(+2,315,960)	(270,067,897)	(−22,759,501)
Loan authorization	(24,600,000)	(29,000,000)	(+4,400,000)	(24,600,000)	(29,000,000)	(+4,400,000)		(29,000,000)	(+4,400,000)
Federal payment	39,753,000	32,753,000	−7,000,000	39,753,000	32,753,000	−7,000,000		32,753,000	−7,000,000
Military construction	1,047,568,000	883,359,000	−164,209,000	1,047,568,000	1,020,146,750	−27,421,250	+136,787,750	[3] 947,878,750	−99,689,250
Foreign assistance	4,993,991,000	3,835,245,000	−1,158,746,000	4,993,991,000	4,416,091,000	−577,900,000	+580,846,000		
Public works	3,732,038,000	3,662,701,380	−69,336,620						
Supplemental	604,975,447	573,040,923	−31,934,524						
Total, 1962 appropriations	80,079,628,307	77,896,020,688	−2,183,607,619	80,498,783,085	80,233,829,415	−264,953,670	+6,573,551,030	75,103,846,315	−400,945,770
Total, all appropriations	82,003,135,076	79,346,740,807	−2,656,394,267	86,462,020,212	85,518,463,385	−943,556,827	+10,407,464,881	77,445,115,952	[4] −4,022,913,260
Total, loan authorizations	(636,600,000)	(658,900,000)	(+22,300,000)	(636,600,000)	(754,500,000)	(+117,900,000)	(+95,600,000)	(754,500,000)	(+117,900,000)

NOTE.—Indefinite appropriations are included in this table.

[1] Major reductions include 2 items submitted directly to Senate (S. Doc. 19): (1) $2,960,525,000 to restore funds of Commodity Credit Corporation. Entire estimate disallowed in conference; $1,951,915,000 resubmitted for 1962 in budget estimates for Agriculture (H. Doc. 155); (2) $490,000,000 for "Payment to the Federal extended compensation account." Reduction made by Senate. Resubmitted to Senate for 1962 in Labor-HEW bill (S. Doc. 30).

[2] Includes borrowing authority as follows: Budget estimate, $15,000,000; House reported and passed, $10,000,000; Senate reported and passed, $10,000,000.

[3] Pending final disposition, with $3,812,000 not settled (and not included in this figure).

New authority to obligate the Government carried in identified legislative bills, 87th Cong., 1st sess. (public debt borrowing, contract authority, use of receipts, and authority to use existing authority)

[Please note that for some bills no amounts are shown; thus the grand totals understate the situation]

Bill and subject	Executive requests		Senate	House	Enacted	Enacted compared with executive requests—	
	Full basis	Basis comparable to enacted				Full basis	Comparable basis
1. Veterans' direct loans, multiyear (H.R. 5723; Public Law 87-84) (public debt)	[5]	[5]	$1,050,000,000	$1,050,000,000	$1,050,000,000	+$1,050,000,000	+$1,050,000,000
2. Area redevelopment, multiyear (S. 1; Public Law 87-27) (public debt)	[2] ($300,000,000)	[2] ($300,000,000)	[3] 300,000,000	[2] (300,000,000)	[3] 300,000,000	+300,000,000	+300,000,000
3. Agricultural commodities, sales for foreign currencies, for calendar year 1961 (S. 1027; Public Law 87-28) (contract authority involving subsequent reimbursement of CCC)	[4] 2,000,000,000	2,000,000,000	2,000,000,000	2,000,000,000	2,000,000,000		
4. Special milk program for fiscal year 1962 (S. 146; Public Law 87-67) (contract authority involving subsequent reimbursement of CCC)	[4] 105,000,000	[4] 105,000,000	105,000,000	105,000,000	105,000,000		
5. Special feed grain program for 1961 (H.R. 4510; Public Law 87-5) (contract authority involving subsequent reimbursement of CCC)	[5]	[5]	[5]	[5]	[5]		
6. Housing Act of 1961, multiyear (S. 1922; Public Law 87-70) (public debt and contract authority):							
(a) FNMA, special assistance (public debt)	750,000,000	750,000,000	750,000,000	[7] 1,550,000,000	[7] 1,550,000,000	+800,000,000	+800,000,000
(b) College housing loans (public debt)	1,350,000,000	1,000,000,000	1,350,000,000	1,200,000,000	[8] 1,200,000,000	−150,000,000	+200,000,000
(c) Public facility loans (public debt)	50,000,000	50,000,000	50,000,000	500,000,000	450,000,000	+400,000,000	+400,000,000
(1) Mass transportation loans (public debt)			100,000,000		50,000,000	+50,000,000	+50,000,000
(d) Urban renewal grants (contract authority)	[9] 2,500,000,000	[9] 2,500,000,000	[9] 2,500,000,000	[9] 2,000,000,000	[9] 2,000,000,000	−500,000,000	−500,000,000
(e) Public housing (contract authority):							
(1) Annual contributions	[10] 3,146,000,000	[10] 3,146,000,000	[10] 3,146,000,000	[10] 3,146,000,000	[10] 3,146,000,000		
(2) Demonstration grants	[11] (10,000,000)	[11] (10,000,000)	[11] (10,000,000)		[11] 5,000,000	+5,000,000	+5,000,000
(f) Open space land grants (contract authority)	[12] (100,000,000)	[12] (100,000,000)		[12] (100,000,000)	[12] 50,000,000	+50,000,000	+50,000,000
(g) Mass transportation demonstration grants (contract authority)	[12] (10,000,000)	[12] (10,000,000)	[12] (50,000,000)		[12] (25,000,000)	(+15,000,000)	(+15,000,000)
(h) Farm housing loans (public debt)	[14] 207,000,000	[14] 207,000,000	[14] 207,000,000	[14] 407,000,000	[14] 407,000,000	+200,000,000	+200,000,000
Total, housing bill	8,003,000,000	7,653,000,000	[15] 8,103,000,000	8,803,000,000	8,858,000,000	+855,000,000	+1,205,000,000
Loans	(2,357,000,000)	(2,007,000,000)	(2,457,000,000)	(3,657,000,000)	(3,657,000,000)	(+1,300,000,000)	(+1,650,000,000)
Grants	(5,646,000,000)	(5,646,000,000)	(5,646,000,000)	(5,146,000,000)	(5,201,000,000)	(−445,000,000)	(−445,000,000)

See footnotes at end of table.

New authority to obligate the Government carried in identified legislative bills, 87th Cong., 1st sess. (public debt borrowing, contract authority, use of receipts, and authority to use existing authority)—Continued

[Please note that for some bills no amounts are shown; thus the grand totals understate the situation]

Bill and subject	Executive requests		Senate	House	Enacted	Enacted compared with executive requests—	
	Full basis	Basis comparable to enacted				Full basis	Comparable basis
7. Cape Cod National Seashore Park (S. 857; H.R. 5786; Public Law 87-126) (contract authority)	[16] ($16,000,000)	[16] ($16,000,000)	$16,000,000	[16] ($16,000,000)	[16] ($16,000,000)		
8. Federal aid to airports, 5 years (H.R. 6580; S. 1703; H.R. 8102) (contract authority)	375,000,000	225,000,000	375,000,000	[16] (375,000,000)	[17] (225,000,000)	−$375,000,000	−$225,000,000
9. Mutual security loans, 5 years (H.R. 8400; S. 1983; Public Law 87-195) (public debt borrowing, use of certain repayments, and contract authority):							
(a) Public debt borrowing for development loans	7,300,000,000	7,300,000,000	7,987,000,000	[18]	[18] (7,200,000,000)	−7,300,000,000	−7,300,000,000
(b) Use of receipts from old loans for development loans	[20] 1,487,000,000	[20] 1,487,000,000				−1,487,000,000	−1,487,000,000
(c) Drawdown on Defense stocks and services for military assistance purposes (Defense can incur obligations in anticipation of reimbursement (sec. 510))	400,000,000	400,000,000	200,000,000	400,000,000	300,000,000	−100,000,000	−100,000,000
(d) Use of foreign currencies (House, sec. 611; Senate, sec. 612)	[21]	[21]	[21]	[21]	[21]		
Total, mutual security	9,187,000,000	9,187,000,000	8,187,000,000	400,000,000	300,000,000	−8,887,000,000	−8,887,000,000
10. Highway Act of 1961 (H.R. 6713; Public Law 87-61) (diversion of general fund revenues to "trust" fund; contract authority):							
(a) Diversion of ½ of 10 percent tax on trucks, buses, and trailers [22]			1,660,000,000	1,803,000,000	1,660,000,000	+1,660,000,000	+1,660,000,000
11. Agricultural Act of 1961 (H.R. 6400; H.R. 8230; S. 1983; Public Law 87-128):							
(a) 1962 wheat program (use of CCC funds involving subsequent reimbursement of CCC)			[5]	[5]	[5]		
(b) 1962 feed grain program (contract authority and use of CCC funds involving subsequent reimbursement of CCC)			[5]	[5]	[5]		
(c) Agricultural commodities, sales for foreign currencies (contract authority involving subsequent reimbursement of CCC)	[23] 7,500,000,000	[23] 4,500,000,000	[23] 4,500,000,000	[23] 4,500,000,000	[23] 4,500,000,000	−3,000,000,000	
(d) Famine relief (contract authority involving subsequent reimbursement of CCC)	[24] 1,500,000,000	[24] 900,000,000	[24] 900,000,000	[24] 900,000,000	[24] 900,000,000	−600,000,000	
Total, Agricultural Act	9,000,000,000	5,400,000,000	5,400,000,000	5,400,000,000	5,400,000,000	−3,600,000,000	
Grand total (as to amounts listed)	28,670,000,000	24,570,000,000	27,196,000,000	19,561,000,000	19,673,000,000	−8,997,000,000	−4,897,000,000

[1] Department endorsed need for some legislation, but no specific request was submitted by the administration. Bill extends over 6 years.
[2] Recommended usual-type authorization of appropriation to 3 revolving funds plus use of receipts derived from operations. House concurred.
[3] For 3 revolving funds plus use of receipts derived from operations.
[4] For calendar year 1961 only (to a total of $3,500,000,000).
[5] Originally submitted as part of the general farm bill, to be financed in this manner for fiscal 1962 and thereafter through the more usual annual advance appropriation.
[6] Amounts not precisely determinable.
[7] Basis for this figure is set out on pp. 54-55, H. Rept. 447.
[8] For 4-year period; full executive request and Senate bill were for 5-year period.
[9] For 4-year period.
[10] Represents estimated maximum cost of annual contributions for 100,000 units of public housing to be paid out over period 40 to 45 years. See pp. 55-56, H. Rept. 447.
[11] Regular authorization for appropriation in Executive request and Senate bill. House bill made no provision. Bill changed at conference stage to contract authority.
[12] Regular authorization for appropriation. Senate bill made no provision. Bill changed at conference stage to contract authority.
[13] Part of, and included in, item 6(d), urban renewal grant authority.
[14] Executive request and Senate bill proposed a 5-year extension of availability of the uncommitted balance of previous authority otherwise due to expire on June 30 1961. (Amount variously estimated at $207,000,000 to $235,000,000; actually turned out to be $227,612,000.) House bill and final version extend such balance and add $200,000,000 additional—limited, however, to a 4-year period. See pp. 57-58, H. Rept. 447.
[15] Excludes $1,200,000,000 carried in Senate bill for veterans' direct loans inasmuch as the program is also accounted for in the first bill listed in tabulation.
[16] Regular authorization for appropriation.
[17] Changed to 3-year period.
[18] Usual form of appropriation authorization—$1,200,000,000 for fiscal 1962 only.
[19] Authorizes this amount to be appropriated over 5 years, 1962-66, but confers authority on the President to make agreements "committing" such appropriation authorizations, "subject only to the annual appropriation of such funds."
[20] Officially estimated at $287,000,000 for 1962 and $300,000,000 for each succeeding year.
[21] Precise amounts not identified.
[22] While technically this is not "New authority to obligate the Government," it has the same effect insofar as general budget totals and results are concerned in that it is, in final effect, the same as an expenditure from the general fund. Amounts shown taken from p. 12, S. Rept. 367. "New authority to obligate the Government" carried in the law, and requested, is $11,560,000,000 for the Interstate program over the period through 1972; but it is against the highway "trust" fund, not the general fund. Not shown here are the executive proposals (1) to increase new obligating authority for the A-B-C program; (2) to shift financing of forest and public land highways from the general fund to the "trust" fund; and (3) to redivert aviation gas tax revenues from the "trust" fund to the general fund. They are not shown because action was postponed to a later time.
[23] Enacted and Senate bills for 3 calendar years 1962-64. Full executive request was 5 years 1962-66. House was for 3 years 1962-64 with no limit, but in order to avoid gross distortion of totals and comparisons, $4,500,000,000 is arbitrarily inserted.
[24] Full executive request was for 5 calendar years 1962-66. Senate, House, and enacted are for 3 calendar years 1962-64.

POULTRY GROWERS NEED RELIEF

Mr. LANDRUM. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANDRUM. Mr. Speaker, for many months now the vast poultry industry has faced critical problems relating to the price which growers receive for their broilers. All of us in Congress from poultry-producing areas have been in constant study with various representatives from the broiler industry trying to develop ways and means of providing relief to the poultry growers. Unless some relief is provided, a great majority of the independent feed dealers and growers face bankruptcy.

The importance of this industry to our economy is well known and it is of such vital significance that it is imperative that something be done as soon as possible to provide relief.

Within the last several days, meetings have been held throughout the South by representatives of the poultry industry and these small meetings terminated on September 12 in a regional meeting in the office of the Honorable Phil Campbell, commissioner of agriculture for the State of Georgia, at which agreement by those present was made on a proposed amendment to farm legislation to provide some relief to poultry growers.

I, along with other Members of Congress concerned, have talked with the leaders of the House, members of the

House Committee on Agriculture, and also conferred with Members from the other body. It is the consensus of this group that, at this late date, with Congress moving for adjournment next week, there is no possibility of getting the recommendations of this group of people into bill form, having it reported by the committees, and passed by the Congress before adjournment.

The problem is so critical, however, that I feel it is important for the Congress to have the opportunity to study these proposals and be prepared to move affirmatively in this direction early next year. At the same time, I want to urge, as many of us have been urging for the past several weeks, that the U.S. Department of Agriculture, under the authority now lodged in the Secretary, purchase from 15 percent to 20 percent of the breeder hens in the industry and can them for the school lunch program and other food programs under the jurisdiction of the Department of Agriculture and thereby provide some temporary and beneficial relief while additional study and preparation is being given to this proposed legislation.

Mr. Speaker, it is my hope that this legislation could be introduced and acted upon this year, but I am a realist and, in view of the press for adjournment and statements from various committee members that unanimous consent cannot be gotten for another meeting of the committee, I recognize that the possibility of getting satisfactory legislation prepared and passed is improbable now.

So that the Members may have the opportunity to study this latest proposal, I include with my remarks the letter from the Honorable Phil Campbell, commissioner of agriculture of the State of Georgia, dated September 13, 1961, addressed to me, together with a copy of the proposed amendment to Federal legislation for the broiler industry, dated September 12, 1961, at 5:30 p.m., the names, positions and addresses of the various persons in attendance at a southern regional poultry meeting in Atlanta, Ga., on September 12, and the names of the members of a special committee appointed at this meeting to give assistance to the Members of Congress in drafting legislation:

STATE OF GEORGIA,
DEPARTMENT OF AGRICULTURE,
Atlanta, Ga., September 13, 1961.

Hon. PHIL LANDRUM,
Representative, State of Georgia,
House Office Building, Washington, D.C.

DEAR PHIL: Enclosed is an amendment to the 1961 farm bill, proposed by the broiler industry of the Southern States, to bring about an adjustment of the chaotic price situation that has prevailed for several months at a daily loss of $145,000 per day in Georgia alone.

The proposed amendment is for the authorization of market orders primarily for quotas or set-asides to reduce supplies in order to effectuate an upward trend of price without Government price fixing or Government subsidies to the broiler growers as paid to the basic crop producers of the United States.

Also enclosed is a list of those present at the South-wide meeting held on September 12 in the Georgia Department of Agriculture Building in Atlanta, with a special committee of one representative from each State being appointed to draw this proposed amendment. You will note commissioners of agriculture being present along with industry groups. Commissioners not present were highly sympathetic to the proposal but were unable to adjust their schedules for the meeting.

An all-out effort by the industry will be made at this session, before adjournment, to have this amendment passed out of the House Agriculture Committee and the Senate Agriculture Committee. I am certain that you could be of great help if you would immediately begin contacting members of these committees and explain to them the dire need for this action. Otherwise, all independents in the broiler industry will be bankrupt and very soon there will be only three or four large feed concerns managing the broiler industry of the United States.

The loss from the consequences of such in Georgia would be equivalent to the loss annually in Georgia of the entire tobacco, peanut and hog enterprises. Gross sales of broilers in Georgia equal these three.

I urge once again that you give every possible assistance by contacting the Agriculture Committees in order to save the broiler industry of the United States from bankruptcy.

Yours truly,

PHIL CAMPBELL.

PERSONS IN ATTENDANCE AT SOUTHERN REGIONAL POULTRY MEETING, ATLANTA, GA., SEPTEMBER 12, 1961

L. Y. Ballentine, commissioner of agriculture, Raleigh, N.C.

W. F. Moss, commissioner of agriculture, Nashville, Tenn.

A. M. Upshaw, Mocksville Feed Mills, Inc., Mocksville, N.C.

Stan Marshall, Marshall Farms, Belton, S.C.

H. R. Holladay, Holladay's Hatchery, Central, S.C.

Chas. C. Miller, Miller Poultry & Feed Co., Piedmont, Ala.

John H. Livingston, North Alabama Poultry Cooperative, Albertville, Ala.

Henry Tilford, Jr., Dixie Grain Co., Shelbyville, Tenn.

Mays Montgomery, Dixie Home Feeds, Athens, Ala.

C. W. Parks, Cotton Producers Association, Atlanta, Ga.

D. W. Brooks, Cotton Producers Association, Atlanta, Ga.

Shelley Massey, Alabama Flour Mills, Decatur, Ala.

E. O. Creel, Alabama Flour Mills, Decatur, Ala.

H. D. Smith, University of Maryland, College Park, Md.

Edward Covell, Jr., Willis & Son (representing Delaware), Easton, Md.

Webb Cassell, Mt. Hermon Hatchery, Salisbury, Md.

Paul A. Croll, Carolina Poultry Farms, Inc., Federalsburg, Md.

Henry Koerber, Harry Koerber, Inc., De Funiak Springs, Fla.

G. M. Williams, Florida Department of Agriculture.

Joe Ray, Arkansas Livestock Board, Arkansas.

Lex Killebrew, Arkansas Poultry Federation, Little Rock, Ark.

Cecil H. Payne, Payne's Hatchery, Morton, Miss.

E. C. Compton, Virginia State Poultry Federation, Stanardsville, Va.

Robert N. Beville, Lovet Mills, Chattanooga, Tenn.

H. E. Galey, Lovet Mills, Chattanooga, Tenn.

L. Reeder Tucker, Tri-County Hatchery, Royston, Ga.

T. T. Folger, Dahlonega Hatchery, Dahlonega, Ga.

Julius Bishop, Bishop's Hatchery, Athens, Ga.

Roy M. Durr, Durr Hatchery, Atlanta, Ga.

John P. Rodewolt, Rodewolt's Poultry Farm Savannah, Ga.

Abit Massey, Georgia Poultry Federation, Gainesville, Ga.

Bob Martin, Southeast Poultry & Egg Association, Decatur, Ga.

R. J. Park, Tennessee Department of Agriculture, Nashville, Tenn.

Curtis Collier, Poultry & Egg National Board, Atlanta, Ga.

Blanton Smith, Blanton Smith Hatcheries, Inc., Nashville, Tenn.

Leon Carter, Tennessee Egg Co., Atlanta, Ga.

Smith Johnston, J. H. Johnston Co., Woodstock, Ga.

Paul J. Davis, Southern Empire Egg Farm, Douglasville, Ga.

Joe Fechtel, Western Hatcheries, Dallas, Tex.

Aubrey E. Pilgrim, Pilgrim Mills, Pittsburg, Tex.

Max F. Ward, Georgia Poultry Federation, Gainesville, Ga.

Tom Arrendale, Arrendale's, Clarkesville, Ga.

Ralph White, Georgia Poultry Processors Association, Gainesville, Ga.

R. C. Bamberg, commissioner of agriculture, Alabama.

Phil Campbell, commissioner of agriculture, Georgia.

Members of special committee appointed at Southern Regional Poultry meeting, Atlanta, Ga., September 12, 1961: Georgia, Julius Bishop; Florida, G. M. Williams; Alabama, John Livingston; Mississippi, Cecil Payne; Tennessee, Henry Tilford; North Carolina, A. M. Upshaw; South Carolina, Stan Marshall; Maryland, Webb Cassell; Virginia, C. C. Compton; Texas, Joseph Fechtel; Delaware, Edward H. Covell, Jr.

PROPOSED AMENDMENT TO FEDERAL LEGISLATION

Add to section 8(c) a new subsection (20) to read:

"(20) Notwithstanding any other provision of law, national or regional orders applicable to broilers and/or broiler hatching eggs (and the products thereof) may be issued after consultation and consideration of the recommendations of the broiler industry, pursuant to this subsection containing one or more of the following terms and conditions, and except as provided in subsection 7, no others:

"(a) Limiting, or providing methods for the limitation of the total quantity of broilers that may be produced and/or the total quantity of broiler hatching eggs that may be produced, marketed, purchased, or set for hatching purposes during any specified period or periods so as directly to burden, obstruct or affect interstate or foreign commerce in broilers, broiler chicks, or broiler hatching eggs, or the production thereof.

"(b) Allotting, or providing methods of allotting, the quantity of broilers that may be produced and/or the number of broiler hatching eggs that any producer, handler, or hatchery may produce, handle or hatch during any specified period or periods under a uniform rule based upon the number produced, handled or hatched in such prior period as the Secretary determines to be representative to the end that the total quantity to be produced, handled or hatched during any specified period shall be apportioned equitably.

"(c) Orders authorized by subsection 6, paragraphs a, b, c, d, and 1.

"(d) Such other orders as the Secretary, only upon the recommendation of the broiler industry, shall deem necessary.

"(e) Each order pursuant to the provisions of this subsection shall contain:

"(1) As to orders pursuant to the provisions of paragraph (d) of this subsection, the recommendation of the broiler industry.

"(2) Provisions protecting the interest of all persons directly affected, including the equitable proration in any reduction in the production, handling, and marketing of broiler hatching eggs and the products thereof, to the end that all directly affected interests shall share the reduction equitably.

"(3) Provisions relating to the marketing of reduced production of broiler hatching eggs, including the equitable marketing at competitive prices, to the end that the marketing of the reduced production shall not disrupt the orderly marketing thereof nor deprive any person of his equitable supply of broiler chicks.

"(4) The period or periods that the order shall remain in force and effect, provided that each order shall be effective for not less than 1 calendar year unless terminated as otherwise provided herein.

"(f) Each order pursuant to the provisions of this subsection may contain, in addition to other provisions, the following:

"(1) Provisions for recognizing and applying variable conditions and factors and to provide for the suspension, termination, reinstatement, or any combination thereof, of the order under such terms and conditions as the order may provide.

"(2) Provisions for adjustments in the order and its application upon the occurrence of events that materially affect the broiler industry and the order and its application.

"(g) The following shall be applicable to each order pursuant to the provision of this subsection:

"(1) 'Directly affected' and 'broiler industry' as used herein shall mean broiler hatching egg producers, broiler hatching egg hatcherymen, broiler growers, broiler processors and feed dealers, and manufacturers having a direct financial interest in the growing or production thereof.

"(2) Any referendum hereunder shall be conducted and held by the county ASC committee and the committee shall determine those eligible to participate in the referendum, as provided in the order.

"(3) In any referendum, all persons directly affected shall be entitled to one vote, but no person shall be entitled to more than one vote even though he may be directly affected in more than one category.

"(4) Each order shall become effective on the date specified in the order and after approval of not less than two-thirds of those voting in the referendum held for the approval of the order by those directly affected.

"(5) At any time subsequent to six months from the effective date of an order and upon petition of not less than 10 per centum of those directly affected by and operating under the order, filed with the Secretary, it shall be mandatory upon the Secretary to call a referendum (to be held within thirty days from the filing of the petition) to terminate the order. If the vote thereon is at least 50 per centum in favor of termination, the order shall be terminated instanter without further action.

"(6) Any order pursuant to the provisions of this subsection shall be suspended by operation of law upon order of the Administrator that the Agricultural Economist of the U.S. Department of Agriculture shall have determined that for a period of ninety consecutive days immediately prior thereto that the average at the farm price for broilers has been equal to or in excess of 125 per centum of the average cost of production during such period. Such suspension shall remain of force and effect until the Administrator shall have determined in a like manner that for a like period the average at the farm price for broilers has been less than 125 per centum of the average cost of production, or under such other conditions as the order may provide.

"(7) In any order hereunder consideration shall be given to: (1) Current quantities available; (2) current and anticipated economic stability of the broiler industry; (3) available and anticipated feed supplies; (4) current and anticipated supplies, demands, and surpluses; (5) other relevant factors.

"(8) Any committee, advisory board or administrative body created, authorized or appointed hereunder shall be composed of members of the broiler industry and the membership thereof shall be equitably apportioned from all segments of the affected broiler interests."

LEGISLATIVE PROGRAM FOR TOMORROW

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader as to the program for tomorrow.

Mr. ALBERT. Mr. Speaker, the program as previously announced for tomorrow will be in order.

The bill presently under consideration, or which has recently been under consideration, the postal rate bill, will not be programed for tomorrow, but will be called up at a later time.

Mr. HALLECK. What will be on the program for tomorrow?

Mr. ALBERT. On tomorrow we will have up for consideration the Disarmament Agency bill and the French agreement bill. We still have on the program the bill providing for an Assistant Secretary of Commerce. I do not know whether we will reach that bill on tomorrow or not.

Mr. HALLECK. In any event, we are coming in tomorrow early?

Mr. ALBERT. We will come in under an agreement previously obtained at 11 o'clock in the morning.

Mr. HALLECK. The first order of business will be consideration of the Arms Control Act?

Mr. ALBERT. The gentleman is correct.

Mr. HALLECK. The Assistant Secretary of Commerce bill will come up last, if we can reach it tomorrow?

Mr. ALBERT. That is the plan, I may say to the gentleman, and the postal rate increase bill will not come up tomorrow.

Mr. HALLECK. May I make the further observation that under the rules of the House suspension of the rules will be in order on Monday next?

Mr. ALBERT. Yes.

Mr. HALLECK. And suspensions will come up on Monday next?

Mr. ALBERT. They will.

COMMITTEE ON AGRICULTURE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight to file a conference report on a migrant labor bill, H.R. 2010.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DR. EDWARD FLOREK

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I have today introduced a bill for the relief of Dr. Edward Florek, a native Hungarian who fled his home country in the uprising of 1956. Dr. Florek, after leaving his home country, lived in various parts of Europe before coming to the United States under the medical exchange program which is sponsored by our Government. Working under this exchange program, Dr. Florek is now associated with St. Luke's Hospital in St. Louis and has become an honored member of the St. Louis community.

The bill which I have introduced would waive the 2-year foreign residence requirement which is provided in the statute for those exchange physicians who wish to make the United States their permanent home. The original concept of the exchange program was to bring doctors, as well as other students and practitioners in a wide range of fields, to this country to learn the advanced skills which are in use here with the idea that, at the end of their stay, they would return to the country of their origin to improve the society from which they came. Dr. Florek cannot return to his native Hungary. The concept of the 2-year foreign residence requirement, designed to discourage the exchange visitor from remaining in this country, does not apply in this case and I would ask that this requirement be waived.

EMPLOYMENT IN THE DYNAMIC AMERICAN ECONOMY

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, during our recent study of "Employment in the Dynamic American Economy," two study papers prepared as background material for our congressional teams were inadvertently omitted from the CONGRESSIONAL RECORD and from our subsequent compilation of study papers reprinted in RECORD form.

One paper, "Responsibility of the Community and the Private Economic Sector," was prepared by Prof. Austin Murphy, dean of the School of Business Administration at Canisius College, Buffalo, N.Y., and was used by the gentleman from New Jersey, Representative

CAHILL, and the gentleman from Pennsylvania, Representative SCHNEEBELI, as background material for their presentation of August 2.

The other, "Twenty-five Years of Unemployment Insurance," was written by Father Joseph M. Becker, of the Institute of Social Order, St. Louis, Mo. This historical study was prepared for the use of the gentleman from New York, Representative WEIS, and the gentleman from Massachusetts, Representative MORSE, as background material for their speeches of August 10.

We certainly regret that these papers were not included at the time of presentation by the congressional teams, and under leave to extend my remarks at this point in the RECORD, I include the papers. I commend them to the attention of my colleagues and to the many people from all over the Nation who have expressed previous interest in our Republican policy committee study:

EMPLOYMENT IN THE DYNAMIC AMERICAN ECONOMY: RESPONSIBILITY OF THE COMMUNITY AND THE PRIVATE ECONOMIC SECTOR

(Prepared by Austin S. Murphy, Ph. D., professor of American Enterprise and dean of the School of Business Administration, Canisius College, Buffalo, N.Y.)

I. THE FRAMEWORK OF REFERENCE OF A FREE SOCIETY

In the American tradition, the State exists to serve the individuals who compose it; political, social, and cultural groups and organizations are initiated and sustained by interested individuals in a multitudinous variety which is limited only by the conceptual patterns of freemen and the accepted premise that force is eschewed in the proselytizing of ideas.

As with our political and social system, our economy is citizen centered. Our economy exists to serve the individual consumer. In his role as consumer, the individual makes the decisions in the private sector as to which goods and services are to be purchased and produced. Through his market decisions, the consumer determines which industries are to be created; which are to prosper; which are to wither; and which are to die.

In his role as entrepreneur, the individual is free to conceive and to implement new ideas for the production and distribution of goods and services for the possible acceptance by the whole consumer group.

In his role as citizen, the individual also decides the size and composition of the public sector of the economy.

As long as we maintain a free political system, any change in the comparative shares of the public and private sectors can be accomplished in the long run only with the general acceptance of the whole group of persons who make up the United States. Leadership which seeks to promote the share of the public sector at the expense of the private sector may expect strong challenge in the long run as the consequences of its actions are felt by the individual consumer. The incidence of programs which increase the share of the public sector often may obtain gradually and only some time after the initiation of a program; or the effects may be obscured by currency manipulations or other economic devices; but the results are inexorable.

It is with this basic understanding of society in which there is respect for the thoughts and rights of the individual in all matters of a political, social, and economic nature that we must examine the question of the relative responsibilities of the governmental and private sectors of our system with respect to employment, in the sense of the provision of a suitable place for each individual in the productive structure.

All individuals within the economic system of the United States must sustain themselves by sharing in the produce of that system. As constituted, the free economy provides for that sharing in a degree which represents a rough approximation of the contribution made by the individual to the whole society. This approximation is accomplished by money, wages, and salaries paid to the employees of industrial and commercial establishments.

On the other hand, the majority of people obtain their share in national production by participating indirectly in the earnings of those who are directly employed in the productive economic system as it is generally understood. So the housewife, children, and dependent persons share in family money income although their contribution to the economic system, while real and most valuable, is nevertheless indirect. Thus the responsibility for the sustenance and well-being of the individual not directly employed in the productive system is in the first and fundamental instance a responsibility of the family or household unit.

Where the family or household unit is unable or unwilling to bear the burden of an unproductive member, the responsibility becomes that of the community. Local communities have long provided for many such categories of persons who are unable to sustain themselves, or whose family or household units are unable reasonably to sustain them. So, provision is made for the chronically ill, the destitute, the homeless, the orphaned.

Where the sustenance of the family unit itself is threatened—as may be occasioned by the loss of employment by its principal member or members—the responsibility is assumed by the local community. A multiplication of such interruptions of normal family income can in extremes threaten the well-being of the community as a whole; and it is in situations such as these that the threatened community may look to the larger community (the State) for support. Most rarely might a State unit consider its plight so desperate as to warrant a call on the entire community (the Nation). The succession of responsibility from lower to higher we have stated is in essence the principle of subsidiary by which the whole does for the part only that which the part cannot do for itself.

To sustain itself, any society must provide for a distribution of goods and services in a manner appropriate to the maintenance and reproduction of its individual members or family units. A dynamic society must in addition provide a distribution which encourages innovation and maximum individual effort.[1]

The individual-centered society which characterizes the United States contains a system which provides positive incentive and award for all individuals, not just for an elite to develop their capacities to the optimum limits. The inherent strength of our economic structure is in its historical stimulation of the individual to develop his abilities to the best capacity. Furthermore, this freedom to initiate and achieve within one's capacities has lent strength to our political and social institutions.

Meaningful participation in the productive life of the country is the prime source of political and social as well as economic stability. Our society must as a whole therefore be deeply concerned with the maintaining of a high level and a wide variety of opportunities for such meaningful participation in the productive system by the individual. Furthermore the stimulus to achieve must be maintained and intensified if we are as a Nation to continue to grow.

The question then becomes, "How best promote the earnest and fullest commitment of the individual to the productive system and how best provide the widest opportunities for individual development and achievement within the system?" Are these aims accomplished most effectively by Government direction or by a free competitive market system? Are these aims the responsibility of the Government, the local community, or industry; or must they be shared?

II. THE PROBLEM OF UNEMPLOYMENT

If participation in the productive life of the country is vitally significant to the whole life of the individual and his family in a free society, then involuntary unemployment, when it occurs, must be considered a serious problem.

In seeking to cope with the problem of unemployment, it is useful to examine the types of joblessness.

The unemployed at any specific time are composed of persons in the following categories:

1. Those who are temporarily laid off for seasonal or cyclical reasons; but whose identification with a particular industry or trade is clear and vital.

2. Those who are without jobs because of basic weaknesses of the trades or industries to which they normally look for employment.

3. Those who are without jobs because of inadequacies in their own personal characteristics which tend to make them marginal workers or chronically unemployable.

4. Those who are switching jobs or waiting to begin new jobs.

A. Temporary unemployment

Layoffs for seasonal reasons have been declining for years as a significant cause of unemployment. Diversification of industry and new processes, particularly in the agricultural industries, have considerably reduced employment fluctuations due to seasonal factors.

Under the various State unemployment compensation programs as coordinated by the National Government, industry has assumed the alleviation of temporary income cessation during periods of involuntary unemployment occasioned by seasonal and cyclical factors; and at least partially such hardship as might be a short-run consequence of temporary unemployment during change of jobs.

As long as the business cycle is of relatively short duration, unemployment, while always ugly for the individual, can be withstood with a minimum aggregate hardship under the present compensation system.

The further reduction of cyclical unemployment must depend upon our success in smoothing the business cycle and minimizing its effects.

B. Extended unemployment

In very recent years an increasing proportion of those unemployed at any one time consists of those persons who are without jobs because of basic weakness in the in-

[1] The Russians, for instance, have achieved some measure of progress in recent years only by providing special compensation for an elite chosen and maintained as a source of specialized productive talents. These achievements have occurred at the expense of the aspirations and needs of the majority of the people within their system, and quite outside of the Marxian ethic. Their system furthermore includes satellite or slave states which have been stripped of talent, goods and services to serve the productive elite. In essence, it is clearly evident in Khrushchev's speeches that the Russian system will provide an increase in economic well-being for the masses only when the special purposes of the elite have been achieved—an interesting 20th century version of the much-maligned trickle-down theory. The stability of such a society remains to be tested.

dustry or trade to which they have attached themselves or to basic personal inadequacies. The latter may be lack of education or training as well as physical or mental handicaps.

These persons make up the so-called hard core unemployed. An upturn in general business activity will frequently not solve their problem. They may continue without jobs, despite renewed general economic activity.

Job guidance, retraining, relocation, and area redevelopment appear to be the most promising approaches to the solution of their problem.

Thus there are basically two kinds of unemployment which must cause us concern in preserving the economic base of our free society. One is a result of temporary conditions, themselves a concomitant of change, and as such largely self-correcting as the cycle runs its course. The other is basically long term in nature and as such correctable only by intensive long-term methods. The purpose of this paper is to examine both problem areas to establish some policy guides in their solution within the framework of a free and dynamic society.

III. THE FORMATION OF POLICY

Some manifestation of the phenomenon which we know as the business cycle must be present in all societies in which the rate of progress is rapid. Rapid progress means change: change in wants; change in production methods; change in distribution; change in markets. As such, the economy is constantly in a state of "becoming," a state of flux; and the pulsating movement which characterizes the economy is basically the conglomerate result of all industries, running each at its own speed through the long cycle of innovation, promotion, acceptance, integration, and decline, within each industry, each firm runs through a similar succession of stages; and within each firm, each product line does the same. Furthermore, the sequence of stages may be interrupted by new innovations within the industry, within the firms; or within the product line. Wherever there is a consensus of industries, firms, and product lines in the first three stages of this sequence, we find ourselves in the upward movement of the business cycle; whenever there is a consensus in the last two stages we find ourselves in the downward phase. Nothing short of total planning can eliminate the pulsating movement from economic life. Furthermore, any diminution of the pulsation is concomitantly a diminishing of the strength and growth of the economic system.[2]

In the Employment Act of 1946, the American people chose to make the maintenance of full employment a major objective of national policy. Without discussing at this time the relative merits of the act itself,[3] it is nevertheless obvious from the discussion which preceded its passage and from the wording of the act itself, that its passage signified general agreement in the United States on the essential desirability that all citizens should be able to participate directly in the economic system of which they are a part. It did not signify any feeling that total employment was in itself a goal toward the achievement of which all other concepts—even freedom and progress—were to be subordinated.

The major commitments of the National Government regarding the minimization of the business cycle are in the broad areas of monetary and fiscal policy. The instruments of monetary policy as developed under the Federal Reserve System since 1913 offer some help in blunting or smoothing the extremities of the business cycle particularly by influencing the flow of short-term investment funds, although the effectiveness of policy decisions by the Federal Reserve Board of Governors is far from precise, despite the managed condition of our national currency.

Fiscal policy which was recognized as a factor in economic affairs by the act of 1946 has exhibited little demonstrable useful effect on the business cycle. The weight of decisions in fiscal policy has frequently run counter to specific needs in terms of timing just because Treasury operations are dependent upon decisions in the form of congressional appropriations made many months or even years preceding Treasury action.

The one consistent effect of U.S. fiscal policy since World War II has been a virtually constant diminishing of the purchasing power of the national monetary unit, the dollar, with a consequent unsettling effect upon the basic economic structure resulting from the consistent favoring of debtors and the gradual destruction of fixed incomes. Since World War II, the economy enjoyed its greatest period of stability during the years 1954–60 when the deterioration of the dollar was most nearly arrested.

A. The cycle and employment

It is not my intention at this point to minimize the very real plight of the temporarily unemployed during a recession, however mild. Nor is it my intention to derogate the efforts of the Federal Reserve to nip off the boom and blunt the dip where possible. Neither can the importance of the National Government as a spending and investment force be minimized; but fiscal policy does not lend itself well as an instrument for smoothing the kind of brief, mild swings that have characterized the American economy since World War II.

The brief duration of post-World War II recessions has made action by the National Government of little practical significance. Federal Government action is too broad and ponderous to be effective in the short run.

Industry has, through the unemployment insurance program, accepted a significant portion of the burden of providing income for workers temporarily displaced during downswings of the business cycle. Through merit-rating plans in some States, industries are encouraged to plan more carefully to balance production with market demand over longer run periods so that employment levels can be maintained for relatively long periods.

The responsibility for mitigating the swings of the cycle in the last analysis would seem quite properly to lie essentially in the private sector. Business and industry could do more thoughtful and more responsible market planning.[4] In this connection trade associations might receive more encouragement from the National Government rather than active discouragement as is frequently the case. On industry's part, there might be an attempt to reduce the amount of purely speculative production.[5] Price policies should be economically honest, covering the real costs of production and distribution. The use of deliberately below-cost prices as a competitive weapon should be forsworn and the agreement self-policed by the firms themselves under only general supervision by the Federal Trade Commission to protect the public against any possible perversion of this principle.

Without question there are distressing and sometimes disastrous effects on the individual and sometimes on whole communities as a result of the business cycle; and these demoralizing effects must be minimized or alleviated during the essentially temporary period in which they occur.

On the other hand, we can't risk the hardening of the economic arteries that must accompany any effort to minimize the business cycle by eliminating change.

To preserve a growth economy, we must on the contrary encourage change and rapid change. Free competitive forces are the most effective in promoting change. As one industry declines, another grows and takes its place * * * the history of industry in this country has generally been—

1. Innovation, usually at great cost to the innovators.
2. Promotion, also costly.
3. Acceptance, during which preliminary costs are offset and profits are made.
4. Integration into the normal way of life during which income stabilizes and costs begin to climb.
5. Decline and disappearance of the industry. Only by continuous injections of new innovation after the acceptance phase, can the industry continue to survive and maintain its strength.

If we want a dynamic economy then change must be accepted and encouraged. The elimination of specific job categories is a necessary corollary and from the economic point of view a never-ending effort which is responsible for the great growth of living standards which this country alone has achieved and for the extent of mastery by men over machines which is unique to this country.

B. Placing the displaced worker

The problem of so-called hard core unemployment which the United States faces today is not a new problem. Displacement of specific jobs from our productive pattern is part of the history of the United States; and the relative speed with which this displacement has been accomplished over the years has been a distinguishing mark of economic progress.

As soon as we seek to perpetuate outmoded jobs, or nullify by taxes the savings which accrue from new methods, or make a new process overly expensive by featherbedding, we begin the retreat from abundance and are in fact on the way to a static society.

Our press to eliminate drudgery has resulted in turning over such dirty jobs as laundering and dishwashing to machines. In so doing, we have virtually eliminated an entire class of workers in this country; namely, household servants. Hundreds of thousands of specific jobs have been destroyed systematically since the turn of the century when household servants were common even in families of modest means, and were dependent utterly on these families for their sustenance.

Is this a bad thing? Actually in a very real sense we succeeded in eliminating one of the lower rungs on the economic ladder and in so doing raised the whole U.S. worker population up an occupational step.

In practice new jobs have multiplied even faster than old jobs have disappeared. This condition is true today. White-collar positions have increased during the past 20 years at a rate more than fast enough to make up for the decline in agricultural employment and the slowing growth of manufacturing

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[2] Much heralded, but strikingly little real innovation has come from Russia in its long history or in recent years. What progress has been made has come overwhelmingly from the total acceptance as given of the innovations provided by the free Western World. The once much-remarked "middle way" state planning of Sweden has resulted in a static, sick society, which obviously lacks élan and stimulation.

[3] A meaningful definition of full employment for policy purposes remains to be found.

[4] Electronic computers offer a means by which complex marketing potentials may be plotted with reasonable accuracy in advance of production and continuously revised for changes.

[5] A further refinement and extension of merit rating in State unemployment programs could be used to induce voluntary cooperation with this principle.

jobs. Numerous job opportunities are unfilled today despite the large pool of unoccupied workers.

A growing absolute and relative shortage of persons in the 25 to 45 age group accounts for the job openings. The increase in unemployment on the other hand is largely attributable to the growth in numbers of two other age groups, the very young workers and older workers.

Those presently unemployed are for the most part not qualified for existing jobs for one of two reasons: (1) Inadequate schooling or other training (this condition is characteristic of the workers under 25 who are unemployed), and (2) training and experience are not suitable for available opportunities (this condition is typical of many of the older workers).

The great bulk of the unemployment today is made up of workers under 25 years of age and workers over 45 years of age. The first are largely poorly educated and inexperienced The latter are experienced; but are in need of retraining for changed job conditions and new usefulness.

Picking up the fragments of an interrupted education is best left to the local school facilities for continuing education. Furthermore, it is basically an individual problem, since the personal motivation must be arousable to obtain any improvement in the case of individuals who lack basic education or other skills required for employability.

Training for new and different job opportunities again is basically an educational problem which requires individual motivation best stimulated by a professional teacher. To a certain extent retraining should be an industry responsibility. Wherever possible, displaced workers of long standing with a firm should be the first considered for new job opportunities which develop within that firm; and every effort should be made to prepare them for such opportunities within their basic capabilities.

Unless we plan as a Nation to come to a standstill economically, which is certainly an unlikely national policy especially in view of Soviet taunts and boasts, we can expect an acceleration of change in the next decade with the consequent rapid evolution of employment opportunities. All Americans should be made aware that change is to be expected and that they should prepare themselves to participate in it by continuing education and learning. Here again is a job for the schools and colleges of the Nation. Motivation is best inculcated on an individual basis; it is not something to be handed down by bureau ukase.

What might be the role of the U.S. Government in meeting the problem of the hard core unemployed? Following the principle that the whole should do for its parts only what the parts cannot do for themselves, there are three areas where the National Government can play a significant role. These are:

1. To serve as a clearinghouse of job information. The present employment service in cooperation with State agencies could provide information on job opportunities on a nationwide basis to each local employment office, if the local offices were oriented to think in such terms.

2. In many cases job opportunities can be reached only with the relocation of the worker and his family unit. A revolving fund could be established on a nationwide basis to provide transportation and subsistence funds for relocation purposes on a very liberal loan basis for persons transferring to new locations to take bona fide job openings. Some system for purchase or exchange of housing facilities might also be provided to assist persons making the move.

3. A national clearinghouse for information on new jobs in the sense of new job titles and on training programs for such positions might most effectively be operated through the Labor or Commerce Departments in Washington. To be successful, such a clearinghouse should have the confidence of industry and have close working relationship with the educational systems and institutions of the Nation.

C. Research and jobs

In order to insure that new jobs continue to be created fast enough to offer opportunities to our growing population more attention should be paid by both State and National Governments to the importance of industrial research, both product and market research as well as pure research in developing new jobs. The National Government and those States which have corporate income taxes should provide generous treatment for research outlays by industry. It should be possible to lay aside a portion of income funds for future research use without incurring a tax liability. The accumulation of such funds is especially difficult for new and small firms and for established firms which wish to broaden their product lines. It should not be necessary to justify all such funds as a current expense during a tax year. Accumulation should be possible over a reasonable term of years consistent with the type of research intended, the probable cost of the program as it expands, and contingency resulting from changes in the market breakthrough in product development and similar related conditions which could be pinpointed from a study of research experience. To insure that funds exempted for research purposes would not simply be a convenient hiding place for surpluses, a separate account could be required for such funds and an accounting of their use made concurrent with subsequent annual tax reports by the firm making use of this provision.

TWENTY-FIVE YEARS OF UNEMPLOYMENT INSURANCE—AN EXPERIMENT IN COMPETITIVE COLLECTIVISM

(By Joseph M. Becker, S.J.)

In the general transition of the Western industrial world from laissez faire capitalism to welfare capitalism, the United States has differed from most other countries in the degree to which it has retained elements of individualism, even in its collectivistic institutions. The characteristically American method of managing the transition has been to employ competitive techniques even in attaining collectivistic goals. To the American mind this has represented not so much a dragging of the feet behind the chariot of progress as a cautious retention of known goods until there was reasonable certainty that they could be exchanged for something better. The recent examples of Italian, German, and Russian collectivism, as well as the second thoughts of English[1] and even Yugoslav socialism,[2] have enhanced the respectability of a cautious approach.

Unemployment insurance provides an excellent example of this American preference for what might be called competitive collectivism. On the occasion of the program's 25th anniversary, it may be appropriate to survey the program from this particular vantage point.[3] The article concentrates on the two most distinctly competitive aspects of the American program—the existence of separate state systems and the use of the tax technique called experience rating—and reaches the conclusion that 25 years of experience have left them firmly established.[4] Their survival is part of the case for the viability of competitive collective action.

Unemployment insurance, a member of the social security family, resembles the biblical Joseph in being the youngest of its family and in being somehow different, set apart, from the other members. Germany established social security programs to cover old age and sickness in the 1880's but it was 1927 before it ventured on an unemployment insurance scheme. Even today, whereas 77 countries have social security programs covering work injuries, and 59 have programs covering old age and sickness, only 26 have programs covering the risk of unemployment (only 20 pay unemployment benefits without a means test).[5]

When the United States finally came to the point of enacting a social security system, in 1935, the strategist in command of drafting the bill placed the unemployment insurance provisions last (the Committee on Economic Security had originally placed them first) in the hope that the more popular programs, old-age insurance and public assistance, would carry the most dubious one. After the enactment of the law, it was unemployment insurance that came closest to being declared unconstitutional.[6]

Furthermore, although unemployment insurance is now firmly rooted in our society, it is still the program which attracts the most criticism. This criticism reached its height in the reconversion period,[7] but a recent example can be found in the April 1960 issue of the Reader's Digest, where the lead article is entitled "The Scandal of Unemployment Compensation." Although much of the criticism is uninformed, it remains an ecological fact of importance for the growth of the program.

Another indication of the less favored position of unemployment benefits in the

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[1] "Socialism: A New Statement of Principles," presented by the Socialist Union (London, 1952), p. 55.

[2] Calvin B. Hoover, "The Economy, Liberty, and the State" (New York, 1959), pp. 411–424.

[3] This is a selective, not a general, survey of the program's history. As this is being written, such general surveys are in preparation for the fall issues of the Employment Security Review and of the Industrial and Labor Relations Review. Earlier survey articles may be found in the annual proceedings of the Industrial Relations Research Association for the years 1955, 1956, 1958; also in the following law journals, which have devoted entire issues to unemployment compensation: Law and Contemporary Problems (January 1936); the Yale Law Journal (December 1945); Ohio State Law Journal (spring, 1949); Vanderbilt Law Review (February 1955). These surveys contain abundant references to the general literature of unemployment insurance. Partly for that reason, the present article includes comparatively few references—and those few chosen less for their importance than for their convenience in developing the theme of the article; this applies especially to references to the author's own writings.

[4] For the early history of these two features of the program, see Harry Malisoff, "The Emergence of Unemployment Compensation—I," Political Science Quarterly, vol. LIV, 1939, pp. 237–258, 391–420, 577–599.

[5] "Social Security Problems Throughout the World," 1958, U.S. Department of Health, Education, and Welfare (Washington, D.C.).

[6] The first test (1936), on the New York unemployment insurance law, ended in a tie vote of the U.S. Supreme Court; the second test (1937), on the Alabama law, ended in a favorable verdict but only by a 5-to-4 vote.

[7] See Joseph M. Becker, "The Problem of Abuse in Unemployment Benefits" (New York, 1953), pp. 38–63. The Baltimore Sun won the 1946 Pulitzer Prize for a series of articles on this topic. The articles were declared to represent "the most meritorious public service rendered by an American newspaper during the year." Ibid., p. xvii.

social security system is the discrimination against the able-bodied unemployed in the social assistance (as distinguished from the social insurance) programs. The Social Security Act makes no provision for the needy in this category, and although all the States have programs of general assistance, 21 of these exclude the able-bodied unemployed.

None of the totalitarian countries has a program of unemployment insurance. Russia had a program, but suspended it in 1930.[8] Russia also saw to it that unemployment insurance was eliminated in its sector of Germany. When a commission representing the Big Four met in Germany after the war to reestablish the German social security system, Russia objected to the inclusion of unemployment insurance. "There will be no unemployment in our part of Germany for the next 20 years," the Russian delegate argued.[9]

When a social security team from the United States toured Russia in 1958 and asked about the absence of an unemployment insurance program, they were told that there was no need for one, because there was no unemployment. Our team was not permitted to investigate the claim, but they encountered a number of cases which indicated clearly that the Russian definition of unemployment was far stricter than that used in capitalistic America. There was, for example, an engineer who had been out of work for a month and whose sole source of support was his working wife; he was not unemployed because there were jobs available in lower skill classifications which he declined to take. There was a widowed waitress living with her father; sometimes she was without work during the winter, but she was not unemployed because there were snow shoveling jobs available in Moscow.

What accounts for the less popular status of unemployment insurance? One reason seems to be that the need represented by unemployment stands lower in society's list of priorities than many other needs. Sympathy rises more easily and naturally in a case of the widowed mother, the orphaned child, the sick or aged, and even for the workman injured at his job.[10] If a society is able and willing to set aside a given amount of funds to be distributed to those in need, and if there is not enough to go around for every category, the need represented by the able-bodied unemployed is likely to be left to the last. In 1958, a technical consultant from the International Labor Office visited Turkey to advise that country on whether to set up an unemployment insurance program. The advice was in the negative—not because unemployment insurance was not desirable but because there were so many other needs to be met first.

A second reason for the distinctive position of unemployment insurance in the social security scheme is that it is more closely intertwined than the other programs, even than workmen's compensation, in the competitive market process and comes closer to being an integral part of the industrial machine. Unemployment insurance pays benefits to potential workers—rather than to widows, children, the aged, the sick, the disabled—and this, besides raising difficult problems of maintaining initiative, affects the bargaining power of labor. It affects the bargaining power of labor by affecting the main brake on the use of that power, unemployment. Unemployment benefits diminish, as they are intended to diminish, the pressure on the unemployed to take other, less desirable, jobs. Unemployment benefits also diminish a social pressure that tends to limit strikes, namely the dissatisfaction of those thrown out of work by the strikes of others. Unemployment benefits are paid to unemployed nonstrikers (in the railroad industry, even to strikers).

Thus, where the other social security programs operate like Red Cross units behind the lines, unemployment insurance also operates like a troop unit at the front and has implications for such general economic issues as wages, industrial discipline, productivity, and inflation. A symbol of this industrial character of unemployment insurance, and to some extent a result of it, is to be seen in the fact that unemployment insurance is not housed with the other Federal social security programs in the Department of Health, Education, and Welfare, but dwells alone in the Department of Labor.

This background helps to explain why unemployment insurance in the United States retains so many of the individualistic and competitive characteristics of capitalism. The amalgam of capitalistic and socialistic elements is to be found throughout the program but is most manifest in two of its features—the autonomy accorded to the individual States and the use of experience rating. The first permits competition among the States; the second encourages competition among employers.

STATE AUTONOMY

The Social Security Act of 1935 made each State responsible for its own program of unemployment insurance. Each State was to decide what benefits it would pay under what conditions, and each State was responsible for meeting the resulting costs. A Federal tax was imposed on the Nation's employers, but this could be offset almost entirely (90 percent) by a similar tax enacted by the States. Moreover, after a short initial period to gain experience (3 years) each State was free to lower the tax practically as far as it wished.[11]

It would seem as if the initiators of the program had intended to have more federally imposed uniformity and less interstate competition. Everyone seemed to agree, even those who favored a maximum of State freedom, that unless the Federal Government acted to offset interstate competition, the States generally would not pass unemployment insurance laws.[12]

Given the decision to have a Federal-State system, Congress could have used one of two methods to limit interstate competition: it could have required the States to levy a uniform tax and then let them pay what benefits they could out of the proceeds; or it could have established benefit standards and then let the States pay the costs in any way they wished. Congress actually did neither; it did not establish benefit standards, and it allowed each State to vary its tax after the first 3 years. In effect, the Social Security Act left each State legally free, after a period of 3 years, to set whatever benefit standards it wished. Although the need to prevent interstate competition was given as the reason for Federal action, the law actually enacted left interstate competition almost untouched.[13]

The fact that for the past 22 years the States have been legally free to gut their programs and yet have not done so makes the history of the program essentially a measure of State performance. However, the possibility of further Federal action was always in the background and must be rated a significant factor in the development of the program.[14]

Proposals for further Federal action have taken two principal forms—the supplementation of benefits and the establishment of benefit standards. Proposals for Congress to supplement State benefits have usually stemmed from emergencies caused by war or recession. Such proposals were made, for example, in 1942, 1944, 1945, 1952, and 1958.[15] Congress declined to take action on the earlier proposals and each time subsequent developments proved that the cry of "Wolf" had been premature—the States readily weathered the emergency that had been made the basis for the proposed Federal assistance.

Congress did act, however, in 1958, when exhaustions under the State programs had reached an unprecedented level. It established the Temporary Unemployment Compensation (TUC) program, which made interest-free loans (not grants) to States that wished to extend the duration of their employment insurance benefits. Seventeen States, with 55 percent of the covered workers, participated completely in the program; 17 others participated partly. Five States (Colorado, Connecticut, Illinois, Ohio, and Wisconsin), with 16 percent of the covered workers, declined the free Federal loans and enacted TUC programs of their own.

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[8] "From 1928 through 1930, labor shortages apparently developed in certain areas. Measures to get the unemployed to work and to insure adequate manpower for expanding industry were discussed with increasing frequency. To this end, on Oct. 9, 1930, unemployment insurance was abolished, and the state labor exchanges were told to 'take all steps necessary to put the unemployed to work at once,' even though this meant accepting work outside one's specialty which might have been refused given the alternative of insurance. From that moment to the present, unemployment has officially not existed in the U.S.S.R." Warren W. Eason, "Labor Force Materials for the Study of Unemployment in the Soviet Union," "The Measurement and Behaviour of Unemployment; A Report of the National Bureau of Economic Research" (Princeton, 1957), p. 406.)

[9] Interview with George E. Bigge upon his return from Germany as American social security representative. East Germany currently has a program of unemployment benefits, but subject to a means test.

[10] This is one reason why agreed bills are more common in workmen's compensation than in unemployment compensation. See Joseph M. Becker, "Shared Government in Employment Security" (New York, 1959), pp. 485–486.

[11] The States were allowed to vary the tax only on the basis of the experience of each employer (the so-called experience rating system) but since the States were free to select any level of benefits, they could in practice assign any schedule of tax rates to fit any employer experience.

[12] For example, Edwin E. Witte: "If the States are to act at all, there will have to be uniformity in this major respect—uniformity of cost." U.S. House of Representatives (74th Cong., 1st sess.), Committee on Ways and Means, hearings on H.R. 4120, January and February 1935, p. 136. See also the many similar statements in Edwin E. Witte, "An Historical Account of Unemployment Insurance in the Social Security Act," Law and Contemporary Problems, vol. 3, Jan., 1936, pp. 158, 159, 163, 165, 167, 168.

[13] It is one of the curiosities of the 1935 legislation that this inconsistency escaped notice almost entirely. On each of the few occasions when some more perspicacious individual raised the question, it was either misunderstood, or answered incorrectly, or simply got lost in a discussion that branched off in other directions.

[14] For some examples of how the threat of Federal action has helped to spur State action, see Becker, "Shared Government in Employment Security," pp. 120–121, 228.

[15] The most intensive debate centered around the 1944–45 proposals and is reported in Becker, "The Problem of Abuse in Unemployment Benefits," pp. 3–37.

Some observers see the 1958 congressional action as a major precedent-setting break in the tradition of State autonomy. Others accord somewhat less importance to the TUC development—because it was a loan, not a grant; because it carried with it no Federal standards; and especially because it was optional, not compulsory. However, a subsequent development, connected with the TUC program, may be very important for Federal-State relations.

In 1959, after the recession, six States with 20 percent of the covered labor force enacted permanent TUC programs of their own,[16] while some of the States which had borrowed TUC funds from the Federal Government began a quiet movement to have these loans canceled. The experience of the 1958 recession has therefore developed a serious split among the States, with one group favoring individual State responsibility and the other group favoring Federal supplementation. If this split continues, it is certain to modify Federal-State relations.

The most recent form of supplementation proposal has been for equalization grants. Some States have much higher unemployment benefit costs than others. It has been proposed that the Federal Government make grants to such States in order to equalize (partially) the cost of unemployment insurance. It has been proposed, for example, that the Federal Government pay half of the additional costs of States whose unemployment benefits have averaged over a period of years 50 percent higher than the national average.

A respectable case can be made for the desirability of equalization grants. Unemployment benefits represent a sizable addition to a State's total tax burden. The average State in a normal year pays out in unemployment benefits an amount equal to at least half of its total payroll (wage and salary payments to State employees). In States that are particularly hard hit during a recession period, the costs can be even greater. In both Michigan and Pennsylvania in 1958, unemployment benefits were actually larger than the total State payroll. To grant a modicum of assistance to States experiencing abnormal difficulties is a customary neighborly gesture conducive to national unity.

Those who oppose any system of equalization grants do so because they fear that this concession to a pooling of costs will be followed by further similar proposals, and because they anticipate that any Federal aid will be accompanied by Federal standards. They also point out that States with higher than average unemployment do not necessarily have less liberal programs of unemployment benefits—on the contrary, States like California, Pennsylvania, Rhode Island, New York, have programs of more than average liberality. They note, finally, that although unemployment benefits look large as compared with State payrolls, they average less than 10 percent of the entire State budget.

Proposals for Federal benefit standards have a long history. Standards were advocated by the majority of President Roosevelt's Advisory Committee on Social Security in 1935 and were contained in the Social Security Act Amendments of 1939 as passed by the House of Representatives (the provisions were dropped when the bill reached the Senate). Several similar proposals were made between that time and the present, when the Kennedy-Karsten bill is currently before Congress.

The arguments for and against Federal standards are too lengthy to be developed here.[17] Suffice it to say that the support for Federal benefit standards is increasing and that the knowledge gained through 25 years of experience has made more feasible the task of constructing workable standards. On the other hand it can be argued that the steady trend toward improvement which has marked the State programs in the past (see below) is making Federal standards progressively less necessary.

The complete federalization of unemployment insurance is occasionally proposed as desirable in principle, but it has not been an active issue for at least a decade. The general Federal-State pattern seems to have set firmly. A number of causes have combined to bring this about. Custom itself is a powerful force; the present Federal-State structure has been in operation for a quarter of a century and has become a familiar feature of the political landscape.

Another cause is the great heterogeneity of the State programs. The differences between the States have grown rather than diminished, so that it is even more difficult now than it was in 1935 to devise one system acceptable to all. The differences are partly the result of continuing experimentation by the States, and partly they reflect the political adjustments that have been made year after year to accommodate the program to each State's changing political complexion. The unemployment insurance provisions have become an embedded part of the total power structure resting on bargains made between the various interest groups.

The States have experienced reasonable success in conducting their own programs, and this also has worked to perpetuate the present structure. Except in Alaska, the States have managed to stay solvent[18] while increasing the real protection afforded the unemployed by about 100 percent.[19] As compared with those who received benefits in 1938, the first year in which benefits were paid, the beneficiary in 1960 received his benefits sooner, for a longer time, and could buy more real goods with what he received. Most of this improvement represented decreases in the waiting period, which increased the total amount of money drawn by all except "exhaustees," and increases in duration, which did the same for "exhaustees."

The trend with regard to the amount of benefit has been mixed. The purchasing power of benefits has increased (the result of benefits rising faster than the cost of living); the ratio of benefits to net wages (net wages are gross wages minus income and social security taxes) has remained about the same;[20] but the proportion of benefits to gross wages has diminished, primarily because the maximum benefit has not risen as fast as wages.[21]

Recent studies of the adequacy of unemployment benefits indicate that the great majority of workers without dependents were receiving enough to meet their nondeferrable expenditures (defined narrowly to include only food, housing, clothing, and medical care) but that men with dependent families needed to have their benefits raised by about one-third to meet this norm.[22] This is strong evidence of the inadequacy of unemployment benefits for the most important segment of the labor force.

Eleven States have enacted some form of dependency allowances, whereby the claimant with dependents is entitled to a larger unemployment benefit. Three of these States (Illinois, Iowa, and Michigan) have adopted the relatively new system of variable maximums, which pays the claimant with dependents the same proportion of his wages as the single claimant but pays him that proportion up to a higher maximum. But there are no indications of a trend among the other 39 States toward imitating the 11. This serious inadequacy of the program seems likely to remain, therefore, unless benefits for all classes of the unemployed are raised to the level needed by the family man.

This is not the only inadequacy in the protection provided by the program. The fact that protection has steadily increased does not necessarily mean that protection is now adequate. But the fact that there has been such a trend toward expanded protection and that the same forces which brought about the expansion in the past are still operative in the present has considerable relevance for the choice of leaving the program in the hands of the States or calling upon the Federal Government to assume more control. In the lives of institutions, the direction and momentum of their movement is at least as important as their present position.

Probably the strongest argument for giving the Federal Government a greater share in shaping the substance of the program is the failure of the States to reapportion their legislatures so as to reflect fairly the great growth of the cities, in which labor has its strength. Here again, however, there is a definite trend in the direction of improvement especially among the large in-

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[16] In these States (California, Connecticut, Idaho, Illinois, North Carolina and Vermont) when unemployment reaches a given level, the duration of benefits is automatically extended.

[17] The interested reader will find the principal arguments given in Wilbur J. Cohen's contributions to "Studies in Unemployment," U.S. Senate (86th Cong., 2d sess.), Special Committee on Unemployment Problems, January 1960, pp. 323–326. The arguments are also summarized by the present writer, with a somewhat different emphasis, in an article reprinted in U.S. House of Representatives (86th Cong., 1st sess.), Committee on Ways and Means, hearings on unemployment compensation, April 1959, pp. 554–558.

[18] Michigan and Pennsylvania borrowed from the Federal loan fund toward the end of 1958 recession, but their situation improved before they actually had to use the money.

[19] In the large industrial States, in which most of the covered workers live, the increase has been even greater—about 200 percent in California, about 400 percent in New York.

[20] The ratio for claimants without dependents has increased somewhat, while for others it has decreased somewhat.

[21] The ratio of average weekly benefits to average weekly gross wages declined from 43 percent in 1938 to 35 percent in 1958. It should be recalled that the equivalent effect of decreasing the waiting period was an increase in the average weekly benefit that is not reflected in these statistics. If, for example, a claimant's weekly benefit is $30 and if he is unemployed for 5 weeks, a reduction of the waiting period was an increase in the average weekly benefit that is not reflected in these statistics. If, for example, a claimant's weekly benefit is $30 and if he is unemployed for 5 weeks, a reduction of the waiting period by 1 week is equivalent to an increase in his weekly benefit of $7.50.

[22] Six States (Florida, Missouri, New York, Oregon, Pennsylvania, South Carolina) cooperated with the Bureau of Employment Security to conduct these six benefit adequacy studies, which cover various periods between the fall of 1954 and the spring of 1958. The reports are available in the respective States.

dustrial States,[23] some of which have begun to provide alternative procedures in the event that the legislature neglects its duty to reapportion.[24]

It is difficult to say whether the total protection of the system would have been greater if it had been completely Federal. Provisions established by Congress would have been the result of compromises reached between the interests of the different sections of the country and might well have represented a lower standard of benefits than is currently paid by the major industrial States, where the great majority of covered workers live.[25]

As regards administration of the program, the Federal Government has always had the preponderance of influence. All administrative funds come from the Federal Government, raised by a tax of three-tenths of 1 percent (probably four-tenths of 1 percent after 1960) levied on covered payrolls. The Federal Bureau of Employment Security decides which State will get how much money for what functions. Although the Bureau and the States have worked with some success to develop a set of objective workload criteria to govern the allocation of administrative funds among the States, the Bureau still retains a substantial degree of discretionary judgment and therefore is in a position to exert considerable pressure on the States.

The Bureau also has a "big stick" which it brandishes on occasion. This is the threat to hold a State law out of conformity with the requirements of the Social Security Act. The threat has been used often enough to make this one of the burning current issues. The States are pushing for some adequate form of judicial review, whereby a State threatened by nonconformity can secure a stay of execution and appeal to the courts against the Secretary of Labor. The Bureau and the States are steadily coming closer to an agreement on the proper procedure for judicial review, and there is every likelihood that this issue will be settled in the near future.

EXPERIENCE RATING

In the United States, unemployment insurance is financed entirely by a tax levied on payrolls and paid by employers. The United States is almost unique in this respect; in most other countries, unemployment insurance draws additional revenue from contributions by employees or the Government or both. The decision to tax only employers represented a capitalistic choice; it was a first step toward making unemployment a "cost of doing business." But the United States went further; it took the ultimate step of taxing each employer on the basis of his individual experience, that is, in proportion to the amount of unemployment among his own employees.[26] This type of tax is called experience rating (in the early days, when the employer's personal responsibility for unemployment was being stressed, it was called merit rating) and the question of its desirability constitutes the most vigorously debated issue in unemployment insurance.

Three arguments were advanced originally in support of experience rating. The three are still used, but there has been a change in the relative emphasis accorded to each. Originally the main emphasis was on the argument that unemployment insurance would help to stabilize employment. This was understood in the narrow sense that the cost of unemployment benefits would exert direct pressure on the individual employer to avoid layoffs.

The arguments for and against this proposition are almost as theoretical today as they were 25 years ago. It is certain that the cost of unemployment benefits constitutes an added incentive to stabilize employment, and it is certain that some employers have some degree of control over the pattern of employment. It is therefore certain that experience rating is a force, pervasive and continuous, working in the direction of employment stabilization. But the exact strength of this force is a matter of conjecture. All that can be said is that, other things being equal, it is better to have a force which works with rather than against the economy in the pursuit of full employment.

A second argument for experience rating has received increasing stress in recent years. It is that experience rating makes employers more active in policing improper claims; also that it prevents collusion between employers and employees at the expense of the public.

There is no doubt that experience rating makes employers more active in policing claims. It is probably also true that there is no other effective way of securing such employer activity.[27] But it is not equally certain how advantageous this policing action is. Labor claims that such employer participation in administration constitutes a net disadvantage for the program.

Once again adequate evidence is lacking, but what evidence is available seems to indicate that on balance the policing action of employers is desirable. I have asked claims interviewers and referees in many parts of the country what their experience has been (they are the ones in the best position to judge) and practically all were of the opinion that employer participation in the administration of unemployment insurance helped rather than hindered the agency in attaining the goals of the program. The cases where employer participation hindered the agency were exceptional.

The value of employer policing is a function of the amount of potential abuse in the program. An estimate of this potential would have to rest on evidence of how many improper claims are currently being paid.[28] Here again there is a paucity of evidence. Although the control of potential abuse has undoubtedly improved in the last decade, knowledge of the extent of abuse has not. The state of our knowledge in this area has not changed significantly since this writer's investigation of the problem a decade ago.[29]

For what it is worth, my current estimate of the extent of improper payments is that from 10 to 15 percent of all beneficiaries in the course of a year of normal unemployment draw some benefits to which they are not entitled by law but that these improper payments do not constitute more than 2 to 3 percent of all benefit payments. The greater number of improper payments are made to nonworking rather than to working violators.[30]

Collusion, strictly defined, between employers and employees has been rare in this program, and experience rating has been one of the reasons for that. In the few instances that have occurred, the employer invariably was one who was paying the maximum tax rate and hence had nothing to lose by conniving with his employees to help them secure unemployment benefits to which they were not legally entitled. Even with experience rating, a kind of legal connivance occurs between employers and employees whereby unemployment benefits are made to serve as a regular supplement to wages. Instances are found chiefly among seasonal employers or among those who operate with short workweeks.

In general, if the automatic policing action of experience rating were not continuously at work, there would have to be much more policing done by administrative officials. Given the general drift of modern society toward more governmental control over individual action—a trend that is none the less dangerous because necessary—an institution that substitutes the impersonal control of competition for control by Government has definite advantages.

The third argument for experience rating is the most fundamental and underlies the other two. To the extent that a society chooses to allocate resources by means of the free price system—rather than by means of authoritative controls—it is desirable that prices reflect true costs. But unemployment benefits are a part of the true, social costs of production, and the general effect of experience rating is to cause prices to reflect these costs.

The argument does not claim more for experience rating than that this is its general effect. How the price is actually affected by the tax, and therefore how the burden of the tax is actually shared between employer, employee, and consumer, varies with each situation and is never perfectly clear in any situation. It is only certain that unemployment benefits have been made an integral part of the competitive price system. Given an initial preference for that method of allocating resources, this effect must be judged desirable—other things being equal.

But other things may not be equal. There may be clearly undesirable effects proceeding from experience rating which offset the general presumption in favor of free competition. We do not allow competition to set the relative prices of all things—for example, of milk and whisky.[31] The undesirable consequences of experience rating that are most likely to occur are four in number.

Experience rating is said to have prevented the proper development of unemployment

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[23] Large States which have reapportioned one or more houses in recent years include Michigan (1953), Pennsylvania (1953), New York (1954), Illinois (1955), and Ohio (1957).

[24] California, for example, adopted a constitutional amendment in 1942 which provides that "should the legislature * * * fail to reapportion the assembly and senatorial districts, a reapportionment commission, which is hereby created * * * shall forthwith apportion such districts" (constitution of the State of California, art. IV, sec. 6).

[25] Seven States contain half of all covered workers.

[26] The inclusion of such a tax provision in the original Social Security Act is directly traceable to the Wisconsin School and ultimately to John R. Commons.

[27] It is not a coincidence that in Rhode Island, where experience rating has not been operative (heavy unemployment has resulted in all employers paying the maximum rate), employer appeals from decisions in favor of claimants are almost nonexistent. In other States, where experience rating is operative, it is normal to have a steady stream of employer appeals, of which employers win a third or more.

[28] An improper claim is one which the agency would not pay if it knew all the relevant facts. An improper claim is not necessarily a fraudulent claim.

[29] See footnote 7.

[30] Working violators are those who manage to draw benefits and wages simultaneously; nonworking violators are those who manage to draw benefits even though they are not in the labor force.

[31] For that matter, experience rating itself is not allowed unlimited range. The maximum tax rates permitted under the system fall far short of assessing the full cost of the benefits against the employers with the greatest unemployment. To a limited extent these employers are subsidized by their fellow employers, who are sometimes their competitors.

insurance by giving employers too great an incentive to participate in the program. The desirability of employer participation on the administrative side of the program was treated above. The desirability of employer participation on the legislative side is a more complex issue and cannot be treated adequately here. But at least certain misapprehensions can be removed regarding the relation of experience rating to employer activity.

If the unemployment tax were uniform, instead of experience rated, employers would have as much incentive as they now have to keep benefit levels low if the total tax continued to be imposed directly on employers only, and they would be more united in their efforts. There would not be the division between high cost and low cost employers that exists under experience rating.[32]

Experience rating is also said to intensify competition among the States and thus again to keep down benefit levels. It is doubtful that experience rating as such has this effect. This is rather the effect of the States' freedom to set their own benefit standards and to vary their taxes accordingly. Even if the tax were uniform on all employers in the State, rather than experience-rated, the States would still be in competition with each other. Experience rating may actually lessen interstate competition. Tax rates tend to vary by industry, and two competing firms in the same industry but in different States are more likely to have comparable tax rates under experience rating than under a system that varied by State but taxed all employers uniformly within the State.

Experience rating is charged with two undesirable effects on the financing of the program. It is said to threaten solvency and to result in a tax rate which moves with rather than (as it should) against the business cycle. To the extent that solvency has been threatened [33] the effect, once again, is not attributable to experience rating as such but rather to the fact that the States are free to vary their taxes. Any other form of tax variation besides experience rating could have exactly the same effect; it is merely a historical accident that the only permissible form of tax variation up to the present has been experience rating.

The charge that experience rating results in a tax rate which moves with rather than against cyclical fluctuations may have more substance to it, but it has not yet been established. One of the few statistical analyses of the charge [34] uses an unfortunate period, 1945–57. The States began this period with excess reserves accumulated during the war, and during the period tended to lower taxes in good years as well as in bad. No great significance therefore attaches to a finding that taxes declined more rapidly in some good years than in some bad years. A more significant test in such a situation is whether States raised taxes during bad times. A cursory examination indicates that this has not been the national pattern. The average tax rate did not rise during any of the postwar recessions: During 1949 and 1958 it remained constant, and during 1954 it actually declined. During these same 3 years, moreover, benefit disbursements averaged about double the amount of tax collections (the ratio was 1.8 in 1949 and 1954, and 2.4 in 1958).

Whatever the historical relation (it has not yet been established) between experience rating and cyclical fluctations, there seems to be nothing in the nature of exprience rating as such that makes it less adaptable than any other kind of tax to countercyclical requirements. If it is difficult to devise a tax that meets the requirements both of solvency and countercyclical variability—and it is—the main reason probably does not lie in the experience-rated nature of the tax.

The Social Security Act did not require but merely permitted experience rating. The States gradually availed themselves of the permission until by 1948 the last State, Mississippi, had incorporated an experience rating provision in its law.

It is impossible to assess the extent to which the States adopted experience rating on the basis of principle. Since the federally imposed normal rate of 2.7 percent proved excessive in relation to the benefits which the States had chosen to provide, and since experience rating was the only method provided whereby the tax could be reduced, the States were in effect compelled to adopt experience rating. For a conclusive test of the extent to which the States freely choose experience rating today, it would be necessary to amend the Social Security Act to permit alternative methods of tax reduction. Some evidence of support in principle can be seen in the fact that of the various available methods of experience rating, the one most widely used (the reserve ratio method is used by 33 States) is the one that most emphasizes individual responsibility.

Although experience rating is still highly controversial after 25 years, it is also firmly established, and there is little likelihood that it will undergo any major modification in the near future.

By its nature, unemployment insurance is more closely integrated with the competitive market mechanism than the other social security programs, and in the United States the relationship is closer than in other countries. Consequently, unemployment insurance in the United States is a unique amalgam of competitive and collectivistic elements that is most manifest in the program's Federal-State structure and in its use of experience rating.

The considerable autonomy exercised by the States has resulted in a pattern of varying protection for the workers of the different States. That pattern is primarily a reflection of the differing degree of industrial development of the States. It has resulted in some workers having less protection than others, and the total pattern could be improved. But final judgment on it should assign suitable weight to the following considerations.

1. The most liberal programs are in the largest industrial States, where most covered employees work.

2. States with higher than average unemployment do not have less liberal programs, but, on the contrary, have programs of average or above-average liberality.

3. The protection provided by unemployment insurance has expanded steadily during the past 25 years, and this trend is likely to continue.

4. Whether progress would have been sounder, or even faster, under the Federal Government is debatable.

The present Federal-State structure seems likely to continue, at least as regards its essential features. If any modifications are made in the near future they will most likely take the form of Federal benefit standards, Federal equalization grants, or some permanent form of a Federal TUC program.

The competitive impact of experience rating has been modified to some extent by considerations of general welfare, but, generally speaking, experience rating has made unemployment insurance in the United States regular cost of doing business. The system is still very controversial after 25 years, and little evidence has been accumulated by which the arguments for and against experience rating can be tested. What fragmentary evidence does exist seems to indicate that the advantages of the system outweigh its disadvantages.

In 1944 Dr. Eveline M. Burns presented an important paper to the American Economic Association in which she delineated three stages of social insurance evolution.[35] The stages differ from one another in a number of ways, but in general each succeeding stage emphasizes individual responsibility less and social responsibility more. Dr. Burns correctly placed the United States of that period in stage II, indicated that we were in movement toward stage III, but was uncertain when, if ever, we would enter stage III.

Now, 16 years later, it is possible to report with respect to unemployment insurance that we have moved closer to stage III, but that we are still unmistakably in stage II and seem likely to remain there for the foreseeable future.

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[32] For examples of this division among employers see "Shared Government in Employment Security," chapters on California, New York, Pennsylvania, Rhode Island, Utah.

[33] The threat has never been a major one. The only fund actually to become insolvent is that of Alaska. After the 1958 recession, the funds of half a dozen States reached dangerously low levels, but all are in the process of rebuilding. Financial sophistication in unemployment insurance is growing rapidly. Anyone who has been out among the States cannot but be impressed by the marked development that is occurring in what might be called the science of solvency, a development that owes much to the Federal Bureau of Employment Security.

[34] Clinton Spivey, "Experiment Rating in Unemployment Compensation" (University, Illinois, 1958), pp. 63–73.

[35] Eveline M. Burns, "Social Insurance in Evolution," in American Economic Review, vol. 34, supplement, March 1944, pp. 199–211. This presentation has not received the attention it merits as an analysis of a psychological law of growth that may underlie the social security movement.

TAX ELECTIONS PROVIDED UNDER SECTION 333 OF THE INTERNAL REVENUE CODE

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. NELSEN. Mr. Speaker, it has been brought to my attention that an apparent inequity can arise under the tax elections provided under section 333 of the Internal Revenue Code, under which the shareholders of a company in liquidation may elect to realize only a limited amount of gain as a result of that liquidation. This election is contingent upon 80 percent shares in each of two classes of stockholders, electing to avail themselves of the limited gain provisions of section 333.

Mr. Speaker, I wish to insert as part of my remarks a statement illustrating the application of section 333 and the effect that it can have on a particular corporate shareholder, according to existing parts of the section:

MEMORANDUM IN SUPPORT OF PROPOSED AMENDMENT TO SECTION 333, INTERNAL REVENUE CODE

Prior to July 1961, Mesabi Iron Co. was a corporation holding iron mining property under long-term lease to a steel company for the purpose of mining low grade iron ore known as taconite. Substantially, the sole source of income of the company was,

and would be, derived from royalties. In June 1961, the company transferred its properties to trustees, and in July 1961, the company, pursuant to a plan of complete liquidation, distributed the beneficial interest in the trust to its stockholders in cancellation and retirement of all its shares. At this time the company had approximately 5,000 stockholders. Under this plan, the parties hoped that the liquidation would qualify under the provisions of section 333 of the Internal Revenue Code, pursuant to which only a limited amount of gain would be realized as a result of the liquidation. If the plan so qualified, any electing shareholder would pay a tax on only such limited part of a gain and the balance of the gain realized would not be taxed but, instead, the shareholder, by his election, would accept a reduced basis in the trust certificates received on the liquidation.

S. T. McKnight Co., a Minnesota corporation, which is taxed as a personal holding company under the Federal income tax laws, owned 7,853 shares of the stock of Mesabi Iron Co. out of a total of 1,312,001 shares outstanding immediately prior to liquidation. The holdings of S. T. McKnight Co. represented six-tenths of 1 percent of the total stock outstanding. S. T. McKnight Co. obviously had no substantial voice in the decision to liquidate Mesabi Iron Co. and the liquidation would have occurred without regard to the wishes and desires of this stockholder. As a result of this liquidation, the Federal income tax liability of S. T. McKnight Co., if the transaction qualified under section 333, would be nominal, but if the transaction did not so qualify, the tax liability would be very substantial.

The Internal Revenue Service held that the transaction described above qualified under section 333, provided only that the necessary number of shareholders elected coverage under that section. Section 333 provides, among other things, that if 80 percent of the shares owned by persons other than corporations elect coverage, such shareholders will obtain the benefit of section 333, and that if 80 percent of the shares owned by corporations elect coverage, such corporate shareholders also will obtain the benefit of section 333.

The following is a tabulation of the elections under section 333 filed by shareholders of Mesabi Iron Co.:

1. Shares owned by persons other than corporations filing an election under section 333, 1,041,207.

2. Total shares owned by persons other than corporations, 1,090,254.

3. Item 1 as a percent of item 2, 95.5 percent.

4. Shares owned by corporations filing an election under section 333, 59,387.

5. Total shares owned by corporations, 221,747.

6. Item 4 as a percent of item 1, 26.8 percent.

7. Total of all shares filing elections under section 333, 1,100,594.

8. Total of all shares outstanding, 1,312,001.

9. Item 7 as a percent of item 8, 83.8 percent.

S. T. McKnight Co. has filed an appropriate election to obtain the benefits of section 333. To date, this election is ineffective because less than 80 percent of the shares owned by corporations have filed such elections and the time for filing elections has now expired. The 162,360 shares owned by corporations which did not file elections were owned by two corporations, viz.:

(a) Ninety-three thousand five hundred shares by a foreign corporation not doing business in the United States; and

(b) Sixty-eight thousand eight hundred and sixty shares by a registered investment company under section 851.

As a result of the failure of the two corporations owning said 162,360 shares to file elections under section 333, none of the corporations which filed elections (including S. T. McKnight Co.) covering 39,387 shares will obtain the benefits of section 333 because this number represented only 26.8 percent of all of the shares owned by corporations and section 333(c)(2) requires that 80 percent of such shares file an election. However, all of the persons other than corporations who filed elections (representing 1,041,207 shares) will obtain the benefits of section 333 because such shares represent more than 80 percent of the shares owned by persons other than corporations.

It is believed that Congress originally divided shareholders filing elections under section 333 into two classes, viz: (1) Noncorporate shareholders; and (2) corporate shareholders; so as to extend the benefits of section 333 to either class, even though the other class did not desire to obtain such benefits. There would seem to be no reason why the benefits of section 333 should not be extended to the minority of either class desiring such benefits, provided only that owners of 80 percent of all shares elect to come under that section. In this case, such elections were filed by the owners of 83.6 percent of all such shares.

If section 333(c) were to be amended so as to extend the benefits of that section to all shareholders filing proper elections, provided that 80 percent of the holders of all of the stock filed such elections, S. T. McKnight Co. and other corporate owners of the 59,387 shares filing elections would then be in the same position as the noncorporate owners of 1,041,207 shares and would not be forced into a discriminatory tax burden, which they were powerless to prevent.

I also wish to insert the text of a bill which I am introducing today to amend section 333(c) in the RECORD at this point in my remarks:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 333 of the Internal Revenue Code of 1954 (relating to election as to recognition of gain in certain liquidations) is amended (A) by striking out "or" at the end of paragraph (1) thereof, (B) by striking out the period at the end of paragraph (2) thereof and inserting "; or" in lieu thereof, and (C) by adding at the end thereof the following new paragraph:

"(3) notwithstanding the provisions of paragraphs (1) and (2) of this subsection, only if written elections have been so filed by shareholders (other than an excluded corporation) which at the time of the adoption of such plan of liquidation are owners of stock possessing at least 80 percent of the total combined voting power (exclusive of voting power possessed by such stock owned by an excluded corporation) of all classes of stock entitled to vote on the adoption of such plan of liquidation."

SEC. 2. The amendments made by this Act shall be effective with respect to taxable years beginning after December 31, 1960.

PERSONAL EXPLANATION

Mr. ROBISON. Mr. Speaker, I ask unanimous consent that the RECORD show that, had I been present and voting, I would have voted for the motion of the gentleman from New York [Mr. ROONEY] on rollcall No. 198 concerning the Commission on Civil Rights, for final passage of the Public Works Appropriation Bill, 1962, rollcall No. 200, against adoption of the conference report on H.R. 7576, the Atomic Energy Commission Appropriations, Authorization, rollcall No. 202, and for the motion offered by the gentleman from Arkansas [Mr. HARRIS], which was in the nature of a substitute for H.R. 8102, an act to amend the Federal Airport Act, rollcall No. 203.

The SPEAKER pro tempore. The gentleman is not making a unanimous consent request, but a statement as to what the gentleman's position would be.

Mr. ROBISON. That is correct, Mr. Speaker.

Mr. ICHORD of Missouri. Mr. Speaker, on Wednesday, September 13, 1961, the House convened 2 hours earlier than the usual hour. I was unavoidably detained by a prior commitment, and was not able to be present. If I had been present for the RECORD on rollcall Nos. 197 and 198, I would have voted in the affirmative, "yea," and on rollcall No. 199 I would have voted in the negative, "nay."

SUMMATION OF LEGISLATIVE ACCOMPLISHMENTS, 1ST SESSION, 87TH CONGRESS, TO DATE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I am placing in the RECORD a summation of the legislative accomplishments of the 1st session of the 87th Congress to date.

Every Member of Congress can look upon this record with great pride and satisfaction:

SUMMATION OF LEGISLATIVE ACCOMPLISHMENTS

I. THE HISTORICAL PERSPECTIVE

Legislative accomplishments of recent American Presidents whose election marked a change in executive control and whose party controlled both Houses of Congress:

President F. Roosevelt, 73d Congress, 1st session, 1933. Major bills approved: 11 (all dealing with one subject: the domestic economy).

President D. Eisenhower, 83d Congress, 1st session, 1953. Major bills approved: 12 (4 extensions (trade, aid, taxes, refugees); 2 amendments (controls, customs); 3 new measures (tidelands, wheat for Pakistan, drought aid); 3 organizational. (Reorganization Act, HEW, SBA).)

President J. Kennedy, 87th Congress, 1st session, 1961. Major bills approved: 33 (more than total number approved in last 6 years combined; previous high was 14 bills in 1950).

II. THIS SESSION'S MAJOR ACCOMPLISHMENTS

A. To combat the recession:

Temporary unemployment compensation extension—passed 63 days after taking office.

Aid to dependent children of unemployed.

Area redevelopment—most comprehensive bill ever offered, first to pass.

Social security amendments—included first reduction in male retirement age (62).

B. To "get this country moving again":

Housing:

The most comprehensive housing program in congressional history.

Major expansion of urban renewal, public housing, housing for elderly, college housing.

First major middle-income housing (low interest, 35-year loans).

First private low-income housing (3 percent downpayment).

First aid to local mass transit.

First protection of open spaces in urban areas.

Water pollution control: 5-year doubling of program to benefit 5,000 communities.

Minimum wages: $1.25, and first increase in expansion (3.6 million) since 1938 original passage.

Space: Authorized effort for moon trip and beyond.

Saline water: Converted minor year-to-year program into $75 million 6-year program to achieve major breakthrough.

Community health facilities: Nursing homes for aged, hospital rehabilitation, community services for the aged (first part of our medical care for aged package).

Agriculture: The best farm income year since Korea.

Emergency feed grain program: Reduction in acreage three times larger than best prior year.

Omnibus farm bill: Most comprehensive since 1938; expanded use of marketing orders: first wheat and feed grain programs since World War II; revisions of farm credit; great plans conservation program; expanded school milk; food for peace increased—savings to taxpayers estimated at $800 million.

Cape Cod National Park: First major addition to the national park system in 14 years.

C. New ideas in foreign affairs:

Foreign aid: 5-year long-term commitment, new agency, new approach.

Peace Corps (passage predicted as of this writing).

Disarmament Administration (passage predicted as of this writing).

OECD (submitted by predecessor also).

Alliance for progress fund ($500 million): New concepts of social reform and self-help.

D. Meeting the challenge to national security:

Defense authorization (missiles, aircraft, vessels): Doubled Polaris program, increased Minuteman and other missiles, increased bomber alert, strengthened conventional and guerrilla warfare capacity (appropriation added $6 billion, or 14 percent to Eisenhower budget).

Reservists recall authority.

Civil defense: First serious shelter program.

E. To combat balance-of-payments deficit, gold outflow:

Office of International Travel: First effort to attract tourists here.

Reduce customs exemption from $500 to $100.

Tax incentives to retain assets of foreign central banks.

F. Administration of justice:

Seventy-three Federal judgeships: Adopted recommendation of Judicial Conference.

Anticrime bills (3): First such package since 1934, ban on transmitting gambling information sought 35 times in last 52 years.

Juvenile delinquency: First Federal effort after 8 years of unpassed bills.

G. Extensions or amendments of existing programs:

Civil Rights Commission: 2-year extension.

Federal Aviation and Airport Act: Expanded instead of expiring as predecessor recommended.

Reorganization Act, extended (of seven plans, four adopted without change, two with minor changes through legislation passed or will pass).

Highway Act: More of cost shifted to users, self-financing restored, antibillboard provisions retained.

Tax rate extension.

Debt-limit ceiling extension.

Postal rate increase (passage predicted as of this writing), previous administration requested unsuccessfully.

III. THE BUDGET IN RESPECTIVE

1. Total Kennedy increases in fiscal 1962 budget: $5.925 billion.

National Security and Space (68 percent), $4.035 billion.

All others, including: To be directly repaid to Treasury, $860 million; antirecession, $450 million; antifarm depression, $164 million; all other, $416 million.

2. The administration presented on March 24 a fiscal 1962 budget strictly balanced in terms of the previous administration's revenue estimates. The deficit is now estimated to be $5 billion, reflecting among other things the following changes:

Increases ordered in fiscal 1962 defense, space and foreign-aid spending, $4.035 billion; further decreases in revenues due to 1960 recession, $1.8 billion, for a total of $5.835 billion.

In short, the effects of the new challenges in national security and space, and the effects of the recession, more than account for the entire deficit—without them, all the increases in agriculture, unemployment compensation, aid to dependent children, and other domestic programs combined would not have caused a deficit.

3. No budget deficit if full employment prevailed:

	Fiscal 1961	*Fiscal 1962*
Expenditures	$81.5	$87.4
Estimated revenues if full employment prevailed	88.0	93.5
Surplus (at full employment)	6.5	6.1

4. The budget deficit reflecting this latest recession (fiscal 1961–62) is smaller than the budget deficit incurred in the latest recession (fiscal 1958–59):

[In billions]

	Fiscal 1958–59	*Fiscal 1961–62*
Total budget deficit	$15.2	$8.9
Increase in nondefense space expenditures	8.0	4.3

5. This fiscal 1962 deficit does not compare unfavorably with record of previous administration, which left five deficits in 8 years, added $23 billion to the national debt, incurred the largest peacetime deficit ($12.4 billion in 1959) in history and spent $182 billion more in its 8 fiscal years than Truman did in the preceding 8.

THE HONORABLE THADDEUS M. MACHROWICZ

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. KLUCZYNSKI] is recognized for 30 minutes.

Mr. KLUCZYNSKI. Mr. Speaker, I take the floor today along with many of my other colleagues to honor my good friend the gentleman from Michigan, THADDEUS M. MACHROWICZ. The gentleman from Michigan [Mr. MACHROWICZ] and I came to these Halls of Congress together in the 82d Congress and I can truthfully say a better friend cannot be found.

Mr. MACHROWICZ or TED as he is known to his many friends has had a full career, first as city attorney of Hamtramck, Mich., legal director of Michigan Public Utilities Commission, municipal judge in Hamtramck, Mich., then U.S. Congressman, and now is leaving us for his greatest job of all, Federal judge of the United States.

There are many attributes that would described TED MACHROWICZ, among them integrity and wisdom and his outstanding character.

The First District of Michigan has been ably represented by this fine public servant. He has been helpful not only to them, his country, the Congress, and the Ways and Means Committee of which he is a member, but also to many of his colleagues here, myself among them.

To his lovely wife, Sophie, his fine sons, Tod and Don, may I extend sincere congratulations. They are truly a fine American family, and their father deserves to be so richly honored.

I feel privileged to have served these past 11 years with this fine gentleman, and hope to continue our friendship many years. I join my colleagues in felicitating him and wishing him well and much success in his new venture.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the distinguished gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, it is with a feeling of mixed emotions that I rise today to join my colleague from Illinois [Mr. KLUCZYNSKI] and other Members of the House on this occasion. The decision of our admired and respected friend and colleague, the gentleman from Michigan, THAD MACHROWICZ, to accept a position on the Federal judiciary is truly a deep loss to the legislative branch, but by the same token, a great gain for the judicial branch. I have had the privilege of working very closely with THAD on the Committee on Ways and Means since he became a member of that committee on January 12, 1956. I know of no Member of the House who has exhibited a keener intellect or a more acute analytical ability than the gentleman from Michigan, THAD MACHROWICZ. However, in addition to these outstanding qualities, I must call attention to the judicial temperament which is truly a part of his basic personality, and which will stand him in such fine stead as he takes his seat on the Federal bench.

There is no Member of this House, in my opinion, who is more deserving of this honer. There is no one whom I know who would be a greater asset to the Federal judiciary than our friend, the gentleman from Michigan, THADDEUS MACHROWICZ.

Others have spoken, or will speak of his personal characteristics of loyalty, high integrity, and true Christian virtues. He possesses all of these. I would simply repeat the statement that I made a moment ago—that the Legislature's loss is the judiciary's gain. I extend to him and his family Godspeed and best wishes for a long and successful career in the judicial branch of the Government. I express confidence that before that career has been completed, he will leave his mark in the form of judicial precedents as he has left his mark in the Legislature through all of his attentive and conscientious work on legislative matters.

We regret that you are leaving, THAD, but we wish you and your family Godspeed in your new career.

Mr. IKARD of Texas. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from Texas.

Mr. IKARD of Texas. Mr. Speaker, it is my pleasure to join our distinguished colleague from Illinois in paying this tribute to the gentleman from Michigan, THADDEUS MACHROWICZ. As one of those who has been privileged to serve with him on the Committee on Ways and Means I have learned to respect his integrity, his intellect, his devotion to duty and his very delightful personality. I have also been privileged to know his charming family, which the gentleman from Illinois has mentioned, his wonderful wife and his two fine sons, and now a daughter-in-law.

There are few men in public life who have served so well in so many different capacities. His district, his State, and the Nation are fully justified in their pride in him. It is a tribute to our system of government that men such as the gentleman from Michigan [Mr. MACHROWICZ] who have immigrated to this country can, on their own ambitions and efforts rise to the highest positions in our Government. As has been mentioned here the gentleman from Michigan, THADDEUS MACHROWICZ, after serving with distinction in the Army has already had a distinguished career in local, State, and Federal Government. His service in the Congress has earned for him the right to be called a conscientious legislator of the first order. Among the many contributions he has made has been his steadfastness in presenting in areas of the world where not too many people have the opportunity or the courage or the ability to present the American viewpoint. He has lifted up the candle and the torch of freedom and has spoken against the tyranny of communism around the world.

He truly represents and has presented to the world, the finest traditions of our form of government.

All of us here certainly will miss him. As the distinguished chairman of the Committee on Ways and Means pointed out, it is certainly the legislative branch's loss and the judiciary's gain for this fine man to move on from the House to continued distinguished service to his country in the Federal judiciary.

Mr. HERLONG. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from Florida.

Mr. HERLONG. Mr. Speaker, as the distinguished chairman of the Committee on Ways and Means said, it is certainly with mixed emotions that we see this event take place. Of course all of us hate to lose the gentleman from Michigan, THAD MACHROWICZ, from the Congress, but we know he is going to make an excellent judge. All of us are proud of him and proud of the fact that he has been recognized for this position.

Speaking about the great courage this man has exhibited in speaking against communism throughout the world, he has even gone behind the Iron Curtain and spoken to the Polish people, and has received tributes in all parts of the world for his courageous attitude. I for one think we need to hold up the hands of people like this throughout the world.

This man has demonstrated courage beyond the call of duty. All of us honor him for what he has done. We know he is going on to a more successful career. We hate to lose him here, but we are glad the judiciary will have stronger people in it in the person of a man like the gentleman from Michigan, THAD MACHROWICZ.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, I seize the opportunity of joining with my good friend the gentleman from Illinois [Mr. KLUCZYNSKI] and a great many friends of the gentleman from Michigan [THAD MACHROWICZ], in paying tribute to our distinguished colleague, a close personal friend of mine. He is about to terminate his career as a legislator and don the judicial robes of a Federal district court judge.

The gentleman from Michigan, Congressman MACHROWICZ has been a resident since 1923 of the district he represents in Congress, comprising the east side of Detroit and the city of Hamtramck. His early schooling was in Milwaukee, Wis., and in the Alliance College at Cambridge Springs, Pa., and the University of Chicago. He graduated from the Detroit College of Law in 1924 with an LL.B degree. Subsequently he attended the University of Michigan for postgraduate extension courses.

Mr. Speaker, the gentleman from Michigan, THAD MACHROWICZ, served in World War I in the Polish Army of American Volunteers. His active duty was performed in Canada, France, and in Poland. After the war he worked as a correspondent in Poland in 1919, 1920, and 1921 with the famed Floyd Gibbons. In 1920 and 1921 he also served with the American Technical Advisory Commission to the Polish Government.

His interest in Poland and the Polish people continued through the years and reached its zenith when he served on the special House committee investigating the brutal World War II Katyn massacre of the cream of Poland's army officer corps by the Soviet Communists. In the 83d Congress he was a member of the Special Committee To Investigate Communist Aggression, and was a member of the House Public Works Committee which reported out the St. Lawrence waterway bill. He had also served on the Judiciary Committee. In January 1956, the gentleman from Michigan, TED MACHROWICZ, was named to the Ways and Means Committee.

In recognition of his services to the Democratic Party he was named vice chairman of the nationalities division of the Democratic National Committee. He is the past president of the National Advocates Association and of the Michigan division of the Polish American Congress.

Mr. Speaker, the gentleman from Michigan, Congressman MACHROWICZ, combines all the attributes that go to make a good judge—legal knowledge, trial ability, perceptive powers, patience, and understanding. The great service he has given during his tenure in this body is living testimony to his nature and personality, his way of thinking, and his philosophy. Always he has striven to keep our Nation strong, to develop our resources, and to lift the burdens of mankind.

I have been the beneficiary of the social graces and the kindnesses of the Machrowiczes. I have witnessed the wonderful devotion and the closeness of his great family, his charming wife, Sophie, and his remarkable sons, Tod and Don.

I will miss his constant friendship here in Washington, but I am compensated by the fact that he goes to a magnificent calling that again will test all of his abilities. He will meet this new challenge with the same high sense of dedication that has been the hallmark of his service here in this great legislative body.

I know I bespeak the sentiment of this House when I express my deep and sincere wish that the gentleman from Michigan, Congressman MACHROWICZ, will serve long and faithfully as a U.S. judge in the great State of Michigan.

Hail and farewell to a great American and an outstanding legislator—the gentleman from Michigan, Hon. THADDEUS MACHROWICZ.

Mr. SMITH of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from Mississippi.

Mr. SMITH of Mississippi. Mr. Speaker, it was my privilege to come to the Congress 11 years ago together with the gentleman from Michigan and the gentleman from Illinois and a number of other Members who came here as freshmen in the 82d Congress. I think we can say without a doubt that our colleague, the gentleman from Michigan, THAD MACHROWICZ, has made the most outstanding record of that large number of legislators who came to the Congress in that year. It has been my privilege to sit side by side with THAD on the Committee on Public Works for 5 years, and to work under his leadership on the passage of one of the most historic achievements in the field of legislation in the Committee on Public Works; namely, the authorization of the great St. Lawrence Seaway. That St. Lawrence Seaway, Mr. Speaker, will be a monument to the legislative achievement of the gentleman from Michigan, Congressman MACHROWICZ, for many generations to come. His achievements in the legislative field have been the result of his great abilities and intense energy which he devotes to matters that are of concern to him and to his constituents. He has been a great legislator, and I am confident that he will be a great jurist. All of us who have known and worked with him through the years share that confidence. His loss to the Congress will be a great one, as it will be a great loss to me personally. It will be a great loss not only to us, but to our families who have known and loved his lovely wife, Sophie.

Mr. Speaker, we all join together in wishing our colleague, the gentleman

from Michigan, THAD MACHROWICZ, continued success in the years ahead.

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to our colleague, the gentleman from Kansas.

Mr. AVERY. Mr. Speaker, I certainly would not want the RECORD to reflect the impression that our colleague, the gentleman from Michigan is only going to be missed by Members on the Democratic side of the aisle. I am sure had other Republican Members known that this appreciation hour was going to be taken by the gentleman from Illinois, many Republican Members would have been here to pay tribute to the distinguished gentleman from Michigan [Mr. MACHROWICZ]. I think it is very interesting to note that this might be one of the fundamental reasons why our representative form of government has been so successful over the last 175 years. I presume that the gentleman from Michigan and I probably vote alike fewer times than possibly any other two Members of the House. But, certainly, I respect his views and I respect his sincerity, and even more important than that, I respect his judgment. I hope, of course, that he has the same attitude toward my differing viewpoints.

Mr. Speaker, I do not think I can add anything to what has been said as to the many great contributions that our colleague has made to the deliberations of this body. But I think I can tell one thing that might not be generally known. Not only has the gentleman from Michigan had a distinguished career as has been outlined by my colleagues today, but he has also distinguished himself as a great and successful navigator of a nuclear-powered submarine. This has been, I think, a well kept secret up to this point. It was my privilege to spend a day on a nuclear-powered submarine with a number of other Congressmen. Included in the group was the gentleman from Michigan. As part of our indoctrination on the great capacity of this new weapon in our arsenal, each Member of the Congress was given the opportunity to navigate the submarine, shall we say, or at least to operate it up and down in the water. I should add parenthetically, of course, that we had a little advice in the matter, but not a great amount. I shall only say, Mr. Speaker, I am sure if our colleague conducts himself on the bench, as I know he will, with as much dignity and austerity as he did in navigating that submarine, everyone who pleads their case before him, even though the judgment may not be in his favor, will certainly say they received fair treatment at his hands.

Mr. Speaker, we wish our colleague, the gentleman from Michigan, THAD MACHROWICZ, well.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, I welcome this opportunity to join the gentleman from Illinois [Mr. KLUCZYNSKI] and others in paying tribute to our good friend, TAD MACHROWICZ, who is leaving us to join the Federal bench. Parting is often sweet sorrow. All of us here in the Congress have the highest regard for TAD, and we hate to see him leave. "To have a friend you must be a friend," as the old bard of Concord, Ralph Waldo Emerson, said. You have been a friend through many years. You have been one of my closest associates here in the Congress. I am only too happy to join the others in wishing you Godspeed. A noble, erudite, learned son of Michigan, we wish for you and Sophie and Tod and Don all the success that we know will come by reason of your high position.

Let me say this to you and to your fine sons, Tod and Don, so that it will be on the record:

If they ever come to Washington, or if they meet an old friend or a neighbor who, looking at them will say, "like father, like son" then they will know that they have been a success.

Good luck to you, TAD.

Mr. ROONEY. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from New York.

Mr. ROONEY. Mr. Speaker, I should like to briefly but nonetheless sincerely join in wishing TAD, my good friend for many years, Godspeed, success, and good health in the new career which opens up for him. I may say I can agree with every word that has been said on the floor of the House here this afternoon except insofar as the St. Lawrence Seaway is concerned.

But, seriously, it has been a great experience to have known the gentleman from Michigan, TAD MACHROWICZ, over these years. It was only within the past 10 days or 2 weeks that I had the pleasure of sitting on the Subcommittee on Appropriations when he came before us and made a plea on behalf of the Polish representatives for an expenditure of funds for use in connection with the trade school in Poland. He is a very convincing gentleman. He made a very fine presentation, and I am glad to see that that matter is now in the bill as passed by the other body.

So, TAD, it has been a great experience to have known you; it has been a real pleasure, and I wish you Godspeed and success and good health in the new career which lies ahead of you.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. Mr. Speaker, I would like to say that I have known the gentleman from Michigan, TAD MACHROWICZ, since he was a judge in Hamtramck. Indeed, I tried a case before him. He knew the law; he was fair; he was impartial. I knew him as a campaigner when he first ran for Congress. He was energetic; he was a fair campaigner, and he was an honorable campaigner, and I was happy to see him win.

It was a great honor to me as a freshman Congressman in this body to be asked to nominate him for the Committee on Ways and Means. TAD has brought to the State of Michigan and to the heartland of this Nation one of his real great assets when he was on the Committee on Public Works and aided in getting the St. Lawrence Seaway built. Michigan will never forget him for that. I am sure that as a Congressman he has been Michigan's best, and I know we will miss him here.

But, TAD, it was a pleasure for all of us to assist you in becoming a Federal judge, because we know that while we will miss you here, you will be a fair and impartial judge and that those who come before you will know that you are fair and impartial. You are well versed in the law, and they will not have to fear either prejudice or bias or foolishness on your part.

Unlike the others, who do not come from Michigan, we will see you again and again in Detroit, and I think I can say without fear of contradiction that every person, Republican or Democrat alike, will welcome you back to Detroit as a judge.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the acting majority leader.

Mr. ALBERT. Mr. Speaker, I thank the gentleman for yielding. I did not know that this hour was going to be used for this very important purpose, but I cannot let the occasion pass without joining those who are paying a word of tribute to our wonderful friend and outstanding colleague, the gentleman from Michigan, TAD MACHROWICZ, to whom we will soon be referring as "Judge MACHROWICZ."

Among his many important duties here in the House of Representatives, TAD MACHROWICZ has served as a member of the Democratic whip organization. He has performed the duties of that office as he has performed all legislative duties, in an outstanding manner.

He has been a man of principle; he has been a man respected in this body; he has been a man loved by his colleagues in this House. Like all Members, Mr. Speaker, I love this great legislative body and its Members, and it always comes as an element of sadness when one of our finest Members chooses to go on to other occupations. In this case I know TAD will continue to serve his Government and his country in a high and important capacity. He has all the qualities needed for the judicial office upon which he has entered.

I had the pleasure of meeting TAD and his splendid family during the first year of their congressional service here in Washington. They are wonderful people; they are the salt of the earth. We hate to see them go, but we wish them well in their new undertaking and we wish for them a long life of blessed happiness and fond memories of their days among us.

Mr. KLUCZYNSKI. I thank the gentleman from Oklahoma.

Mr. O'HARA of Michigan. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. Mr. Speaker, I wish to add my word of tribute to those already spoken by my colleagues. I am personally sorry to see the gentleman from Michigan [TED

MACHROWICZ], leave the House, although I rejoice with him and with his family in the fine honor that has been conferred upon him by his appointment as a judge of the district court for the eastern district of Michigan.

Since I came to this House 3 years ago TAD MACHROWICZ has been of inestimable help to me, ready always with sound counsel and guidance. I have profited greatly from association with him, particularly from the fine example he has given of sagacity and fairness, even in the most trying circumstances. I know that the people of the First District of Michigan will very sorely miss the talents he has devoted so fully to the advancement of their interests and of the common interest of all the people of this great country. The highest tribute that can be paid him is that, above all, TAD MACHROWICZ has been an effective Member of Congress, a Member of Congress who knew his law, who knew the legislative process, who knew this body and its will and its spirit. He acted with great effectiveness in behalf of his constituents and of the great principles he steadfastly espoused.

I congratulate TAD MACHROWICZ on his appointment to the Federal bench. I am certain that he will be a great judge as he has been a great Member of the House of Representatives.

Mr. KLUCZYNSKI. I thank the gentleman.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I desire to join with my colleagues in paying tribute to TAD MACHROWICZ on the occasion of his final days here in the House of Representatives before he takes over the heavy responsibilities of a U.S. district court judge.

I might say I had the privilege of knowing the gentleman from Michigan before I came to this body on two separate occasions, once when he came into my area in upstate New York to be the principal speaker at a gathering of Polish Americans in a nearby community. I had the privilege of meeting him them, and I know on the basis of the respect he was accorded there that he is held in very high esteem, and quite properly so, by all Americans of Polish descent, not only in his own State but throughout the country. He is certainly one of the leaders in the Polish American community in America and his associates have a right to be proud of the job he has done.

Then later on he came into my district and spoke at a dinner when I was myself a candidate for Congress. I remember marveling at the fact that TAD MACHROWICZ was able to give so much assistance to others who were campaigning for office around the whole Nation because he had such solid support in his own district. He no longer had to be concerned about campaigning for himself in his own district, so instead of relaxing he came into other areas to help. His assistance was of great benefit to me, I know.

Since coming here to this House I have been happy to work with TAD MACHROWICZ on legislation of mutual interest. I have a very high regard for his ability as a Member of this body. I know he will be as great a judge as he has been a great Congressman. I know that people of Polish descent everywhere in America will be proud of the job he will do on the bench, as they have been proud of the job he has done here in Congress.

I want to wish him well and add that I, too, will greatly miss his wonderful friendship in this body and miss the great contributions which he has made to the House of Representatives.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I would like to pay tribute to our distinguished friend from Chicago for having done something which all of us had in our hearts to do, and that is to take this brief period to pay tribute to one of the outstanding Members of this body, the gentleman from Michigan, the Honorable THADDEUS MACHROWICZ, a good friend, colleague, wise counselor to all of us, and especially to those of us who are younger Members of this body, those of us who came in at a later date, who knew him and who received the benefit of his good counsel and his careful approach to real legislative problems which we have in this body.

My family has a hereditary friendship not only with our distinguished colleague, the gentleman from Michigan, TAD MACHROWICZ, but also with his lovely wife and family. I can say my memories of him go back to the days when I was a very small boy, when he was meeting on the "rockpile" at Hamtramck with my father. It was back in those days when things were not too good.

It is indeed a high tribute to the fine traditional temperament this distinguished American has that the President has selected him for the high honor of service on the bench of the U.S. district court for the eastern district of Michigan.

The gentleman from Michigan, TAD MACHROWICZ, embodies all those things which I regard as being essential to a great jurist. He embodies in a rich measure, in fact to a degree all of us who vigorously supported his candidacy for the judgeship regard as making him not just a worthwhile candidate for that high honor but a judge whose appointment will be regarded not only as an excellent one but a judge whose ability will be outstanding in all ways.

TAD MACHROWICZ came to this country as a small boy, and as an immigrant. His rise to the high office he holds now and to the high office to which he will shortly be elevated is indeed a tribute to his ability, to his integrity and to his fine personality. He will be remembered by those of us who came here as young Members, particularly from the State of Michigan, for his fine assistance in securing us good committee assignments. Consequently, those of us who looked to him for committee assignments have almost without exception, and, indeed, without exception, derived from his good efforts positions on the committee structure which have enabled us to serve our people and to serve our country better. He will be remembered as a humanitarian and for his indelible mark on the great social legislation which has been passed by the distinguished committee of which he is a member, the fine work which he did on unemployment compensation, on medical care for the aged, on the amendments to the social security laws which have been passed during his time, and indeed legislation for the benefit of all the people of this country.

Mr. Speaker, it is a very rare and a very fine day, and I think the people of his district have cause, as do the people throughout this country, to recall with affection and gratitude the good work which he has done in this regard.

Mr. Speaker, we in Michigan know with gratitude what he did to bring us the St. Lawrence Seaway. It was his good work on the Public Works Committee that made possible the seaway coming into our part of the country. I think we can recall indeed with fondness the leadership which he has given to the various ethnic groups in this country and to others who have been striving in behalf of freedom to restore dignity and self-determination to those who are now behind the Iron Curtain.

Mr. Speaker, I think we can recall with particular pride the brave and courageous way in which he spoke out against Communist tyranny while actually within the domain of a nation which was then subject to Communist oppression, when he spoke against Communist tyranny in Poland itself, a thing which was little noted by the newspapers, but which was noted and observed by the people and which is remembered by the people of Poland to this day.

Mr. Speaker, we say to TAD there is faintness in our hearts as we witness your going to the Federal bench in that we lose you as a colleague, friend, and adviser, but there is joy in our heart that the bench will be enriched by your great wisdom, by your ability, and rare devotion to public interest.

Mr. Speaker, as a member of the bar of the city of Detroit in the State of Michigan, we have witnessed the appointment of perhaps the outstanding jurist of that bench and of that bar to serve in this high office.

TAD, you go not only with the good wishes of the Michigan delegation, but the good wishes of all of the Members of the House.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. Mr. Speaker, it is a pleasure at this time to yield to the distinguished Speaker pro tempore, TAD's good friend, the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, our dear friend, THADDEUS MACHROWICZ, leaves our presence in this body with the deep respect and strong friendship of all of his colleagues. The loss of the Congress of the United States and his continued services is going to be the gain of the Federal judiciary. The fact that he has served in this body with such distinction and ability and courage, and

with the background of experience that he has gained, as well as the knowledge, will enable him to make contributions to the Federal service that will add to the glory of our Federal judiciary. He will also carry with him a personality and a mind possessed with nobility of character. He will carry with him great legal ability but, more than that, personality and nobility of character which is so important in the journey of life for any of us, but of particular importance in one occupying a judicial position.

I like the thrill of the courtroom in the trial of a case. That has always been in my blood. I profoundly respect the judiciary and the independence of the judiciary. But the courtroom has a thrill to the advocate and as I looked at the bench and saw the presiding judge I realized that he represented the great history of the onward journey of mankind toward the attainment of a government of laws and the protection of the rights of individuals under a government of laws.

I always felt that anyone who is a judge should try and adjust himself in his own mind as nearly as possible to the life of Christ himself when he was on earth; to realize that he is dealing with human beings, to have that compassion when necessary; to realize that the members of the bar are human beings and the respect of the bar is a matter of great importance to any judge, as well as to all of his associates occupying judicial position, whether Federal, State, or otherwise.

I know that our friend, THAD MACHROWICZ, possesses those qualities. He is going to step into this new field of public service which is so important, carrying with him the experience and wisdom he has gained in and out of the Halls of Congress and he will make by his wisdom a marked contribution toward the enrichment of the Federal judiciary.

I shall miss him very much as a colleague, but I am happy that he is going into the judicial branch because it comes within the purview of his ambitions. And as he made a great legislator so do I know that he will make a great judge.

To you, THAD, and to your dear sweetheart, Mrs. Machrowicz, I extend my very best wishes for every happiness and success in the years that lie ahead.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I rise to join in this great tribute to our distinguished colleague, Congressman MACHROWICZ. I think President Kennedy certainly is to be commended for recognizing the profound talents, the judicial temperament, and the great dedication of purpose that Congressman MACHROWICZ has manifested over the years not only as a Member of this body but in his illustrious career of public service. I think the President was extremely wise in appointing our colleague to the Federal bench. I am sure that he will take to the bench all of those great attributes which every Member of this House, both on the Republican and Democratic side, have learned to respect in our colleague.

I had the great pleasure of serving with Congressman MACHROWICZ in 1952 when I was the chief investigator of the Katyn Massacre Committee, and if that committee did an outstanding service in bringing the truth to the world about this horrible massacre of Allied soldiers in World War II, it was only because of the dedication, the diligence, the perseverance, and the profound investigatory abilities of our colleague, Congressman MACHROWICZ.

He made a tremendous contribution to the work of this committee. If we can be proud of the record this committee wrote, it is only because of the determined effort and the cooperation of Congressman MACHROWICZ.

I am sure we all here share the pride of his family, his constituents, the people of Michigan, and the people of America in seeing his talents recognized again, this time both by his nomination by the President of the United States and his unanimous confirmation by the other body, in his elevation to a very responsible position as a member of the judiciary.

TED, I wish you the very best of luck in your new adventure.

Mr. O'BRIEN of Illinois. Mr. Speaker, I rise to join in the tribute being paid today to our distinguished colleague, Congressman THADDEUS MACHROWICZ, of Michigan.

I have had the privilege of serving with Mr. MACHROWICZ on the Ways and Means Committee. His sound judgment and dedicated approach to the problems confronting our Nation have been a constant source of inspiration to me.

He is a great American. While I am certain we will miss him here in the House when his resignation becomes effective and he assumes his new responsibilities as a Federal judge, I am comforted by the knowledge that his profound dedication to public service will continue to find expression in the Federal judiciary.

He assumes his new duties well prepared for the assignment. He has served with great distinction and integrity in the House. He has served with profound diligence on the Ways and Means Committee. I wish him great success in his new assignment. He brings to the Federal bench an exceptionally fine judicial temperament which I feel confident will reflect the high standards of our Federal judiciary.

Mr. ULLMAN. Mr. Speaker, the Congress and the Ways and Means Committee are losing one of their most valued and able Members tomorrow when THAD MACHROWICZ submits his resignation from this body. He has been a great inspiration and help to me and I join in paying honor to him today. He is continuing in his high tradition of public service by accepting a lifetime assignment to the Federal bench and will leave his mark there as he has done in this House.

We will all miss THAD MACHROWICZ and his fine family. I join my colleagues in wishing him Godspeed and many long years of happiness in his new assignment.

Mr. VANIK. Mr. Speaker, I want to take this opportunity to join in the many expressions of tribute to the distinguished gentleman from Michigan [Mr. MACHROWICZ] who will very shortly assume judicial responsibilities as a Federal district judge for the State of Michigan.

As a former city attorney, legal adviser of the Michigan Public Utilities Commission, municipal judge, and Congressman, few judges can claim his splendid background and legal training.

A Federal judge must be well skilled in the law, but he must also be a humanitarian, capable of deep understanding and an instinct for justice. TAD MACHROWICZ abounds in these qualifications. It is my expectation that the name of the good judge will very soon be before Congress for even higher honors.

Thousands of citizens in my city of Cleveland know TAD MACHROWICZ personally as a frequent visitor, speaker, and leader in our midst. We are filled with pride at his achievement and wish him every success and happiness.

Mr. BURKE. Mr. Speaker, I wish to join with my colleagues in the U.S. Congress and to comment on the record of one of the finest Americans I have ever had the privilege to know. The Honorable THADDEUS M. MACHROWICZ, Democrat, from Hamtramck, Mich., represents all that one would expect from a Member of the U.S. Congress. He has compiled an excellent record in the Congress of the United States since he first arrived in 1942. Possessing an outstanding career from his early childhood, Congressman MACHROWICZ has possessed the milk of human kindness and has always demonstrated a great concern for the welfare of his fellow man.

During the past year I have served with him as a member of the House Committee on Ways and Means. He has been a tower of strength. His advice and counsel have been sound and of great benefit to the newer members of the committee.

He has always had the respect of all the members of the Committee on Ways and Means. His great legal mind and his understanding has contributed untold assistance to the members in their deliberations.

Some call him "TED," some call him "TAD." I will always treasure my coming to know such a fine American. His appointment to the Federal bench will be a great gain for the Federal court and, of course, his leaving Congress will be a great loss. We, who have come to know him, wish him every success. We know the Nation will be richer because of his high dedication to public service. No man to my knowledge has a more profound appreciation of his responsibilities than Congressman THADDEUS M. MACHROWICZ.

He has all the requisites to be a great Federal judge.

I know I echo the sentiments of all the Members of Congress when I say good luck and Godspeed you on your journey into the future, Congressman THADDEUS M. MACHROWICZ.

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legisla-

tive days in which to extend their remarks in the RECORD on the life and services of our colleague, Mr. MACHROWICZ.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I would like to join with my colleagues in paying tribute to the distinguished gentleman from Michigan [Mr. MACHROWICZ] for his outstanding contribution to our legislative processes during the past decade.

His keen mind, his penetrating judgment, and his skill as a legislator, have earned him the respect of his colleagues.

Through his work on the important Committee on Ways and Means, he has contributed materially to the shaping of legislation in the field of taxation, foreign trade, and many other areas.

But over and above his concern with issues falling within the jurisdiction of the Committee on Ways and Means, THAD was always deeply interested in the whole range of problems affecting our domestic and foreign policies. In the latter area, our country's relations with the people of Poland, and of other Communist-dominated countries, always received his immediate and thorough attention.

A person with so many and diverse interests, and such outstanding capabilities, will always leave an imprint of his personality and his efforts on legislation considered in these Halls. This our friend THAD has done, and in doing so he has rendered a service to his district and to our entire Nation.

I know, Mr. Speaker, that many of us will miss him after this session, when he will leave the Congress to become a member of the Federal bench. We realize however, that he will continue his career of public service in the judicial branch of our Government, and we are happy for him.

I would like to congratulate THAD on his appointment to a Federal judgeship, and to extend to him my best wishes for the future. I hope that he will come and visit us here from time to time, when his duties will permit him to do so. We will be glad to see him.

Mr. O'HARA of Illinois. Mr. Speaker, I join with my colleagues in tribute to the Honorable THADDEUS M. MACHROWICZ.

I have many reasons for rejoicing at his elevation to the exalted position of district judge in the courts of the United States of America. He attended, and in a sense is a product of the University of Chicago, located in the district I am privileged to represent. He has served with the highest distinction as a Representative in this body from the State of Michigan, which is the State where I was born. He was born in Poland, as were so many of the men and women who with their descendants have contributed so mightily to making Chicago the first city of the world in neighborliness and in practicing democracy. But, over and above all, I rejoice because THAD MACHROWICZ has all the attributes that a judge should possess.

I predict for him an outstandingly brilliant career as a judge in the Federal courts.

He will leave this body with the admiration and affection of all his colleagues.

Mr. HARRISON of Virginia. Mr. Speaker, I cannot permit this occasion to pass without adding my voice to that of my colleagues in paying a tribute to my close and valued friend and colleague, THADDEUS MACHROWICZ.

THADDEUS MACHROWICZ came to our shores from a people and nation whose love for freedom is unsurpassed, and he can and does take justifiable pride in his Polish ancestry. He is a man of courage and integrity. He fought for freedom in three armies. He is thoroughly and completely dedicated to his adopted country. Americans can be proud of this great American patriot. He is my valued friend and colleague. The judicial branch will be strengthened by his presence and service there and our democratic form of government will be the gainer.

THAD, I congratulate you and I congratulate the judiciary on your appointment.

Mr. KEOGH. Mr. Speaker, it is a pleasure and a privilege for me to join Members of this body in paying tribute to our esteemed, admired and respected colleague and friend, the gentleman from Michigan, THADDEUS MACHROWICZ, on his appointment to be a Federal judge for the eastern district of the State of Michigan.

I congratulate THAD on his appointment to the judiciary; by the same token, I congratulate the President in his selection of THAD for that position. By ability, training, experience, and temperament I know of no individual who is better qualified for this high and important position. THADDEUS MACHROWICZ has served at all levels of our governmental system in many capacities, and he knows its principles and problems closely and thoroughly. He will therefore bring to bear on this exceedingly important position a lifetime of valuable experience and a broad perspective matched by few individuals. He without question will be a great asset to the judicial branch of the Government. Likewise, his designation to the bench will by the same token be a loss to the House of Representatives. In particular, we regret his loss to the Committee on Ways and Means on which committee we have served together for a number of years. I am aware of the contributions he has made to the matters within the jurisdiction of our committee, particularly with respect to improvements in our Federal revenue and social security programs.

I extend to you, THAD, most sincere congratulations and wish you Godspeed in your new endeavors.

INDEMNITY PROVISIONS OF ATOMIC ENERGY ACT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. PRICE] is recognized for 10 minutes.

Mr. PRICE. Mr. Speaker, I am introducing today a bill to expand the coverage of the indemnity provisions of the Atomic Energy Act of 1954 so as to cover nuclear incidents occurring outside the United States. Without objection I request that an analysis of the bill be inserted in the RECORD at the conclusion of my remarks.

I am introducing this bill at this time without any expectation or wish that it be brought to the floor for action at this session. It is my hope in introducing the bill at this time, that interested parties will have the opportunity between now and the next session to study the bill and the accompanying analysis in order that the Joint Committee on Atomic Energy may have their best thinking on this important and somewhat technical subject.

BILL ANALYSIS

The general purpose of the bill to which I have referred is to make Price-Anderson Act indemnity coverage available in the AEC contractor program for nuclear incidents occuring outside the United States.

Section 1 amends section 11 o. of the Atomic Energy Act of 1954, as amended (the definition of "nuclear incident") in two respects:

(A) The qualifying clause, "within or outside the United States," has been inserted after the word "causing" in section 11 o. The effect of this amendment is to clarify Price-Anderson Act coverage in the situation where incidents occur within the United States but cause damage outside the United States. Although the General Counsel of the Atomic Energy Commission has held that Price-Anderson Act coverage extends to this situation, it may be desirable to clarify the coverage through this amendment.

(B) A second proviso has been added to the definition of "nuclear incident" as follows: *"And provided further,* That as the term is used in section 170 d., it shall include any such occurrence either within the United States or outside the United States."

This new proviso is the heart of the amendment. Its purpose is to make clear that with respect to persons having indemnity agreements under section 170 d. (AEC contractors in the atomic energy program), the definition of nuclear incident will encompass an occurrence outside the United States.

Section 2 of the bill amends section 11 r. of the Atomic Energy Act of 1954, as amended, to establish two separate categories of coverage which depend respectively upon the place where the nuclear incident occurs.

Price-Anderson Act coverage has, from its inception, extended to any person who may be liable for public liability. This coverage was predicated on the fact that the Price-Anderson Act was meant to protect the public. As such, there was no reason to restrict coverage to those situations in which contractors or licensees of the Commission were the persons liable. This coverage has been preserved in this amendment with respect to incidents occurring within the United States and with respect to the operation of the nuclear ship *Savannah*. It is reflected in section 2, clause (1).

The theory of coverage outlined above, however, does not underlie the extension of Price-Anderson indemnity to incidents outside the United States. The principal purpose of this extended coverage is to protect AEC contractors and subcontractors Therefore, coverage in section 2, clause (2) has been limited to the contractor himself, or to any other person who may be liable for public liability provided that the other person's liability results from his activities under a subcontract, purchase order, or other agreement of any tier under the basic contract.

The class of contractors covered by Price-Anderson indemnity is not affected by the

terms of this amendment. Thus, contractors of the Commission or contractors of the Commission and another Government agency under a joint program, having an existing Price-Anderson agreement will continue to be so covered. The only change, as a result of this amendment, is that such contractors—and their subcontractors and suppliers—will have the benefits of Price-Anderson indemnity for incidents occurring outside the United States.

As a practical matter, this amendment will permit the AEC to indemnify its contractors for public liability arising out of or in connection with the contractual activity, even if the incident occurs outside the United States. For example, firms such as General Electric and Westinghouse and their subcontractors and suppliers would be covered if an incident, arising out of the operation of a nuclear submarine and traceable to their activities under an AEC contract, or a Navy contract with respect to which the Commission had extended its indemnity coverage, caused damage abroad. The same coverage would apply to contractors in the AEC–NASA joint Rover program. In general, the coverage described above would be for "products liability."

In addition, firms under contract with AEC for the operation of facilities abroad (Martin Company in Antarctica) would have the benefit of Price-Anderson indemnity coverage for incidents arising out of such operations.

Under present Commission policy in administering the Price-Anderson Act, the following persons and activities would not be covered:

(1) Suppliers of components of naval reactors to DOD under contract with DOD.

(2) Suppliers or assemblers of components of nuclear weapons.

(3) Commercial exporters of reactors or reactor components.

(4) Operation outside the United States of nuclear power plants procured by DOD; e.g., Greenland.

Section 3 of the bill amends section 170 d. of the Atomic Energy Act of 1954, as amended, by adding a proviso at the end of the second sentence. The effect of the proviso is to assure that the Commission will not be liable for indemnity payments on a judgment rendered by a foreign court in excess of the locally applicable limit of liability for nuclear incidents, whether that limit be established by national legislation or international convention.

Section 4 of the bill amends section 170 e. of the Atomic Energy Act of 1954, as amended, to establish a single place of venue over all applications for limitation of liability in connection with incidents occurring outside the United States. The place of venue established is the U.S. District Court for the District of Columbia.

Section 170 e. now provides that, in connection with the *Savannah*, applications for limitation of liability must be filed in the district court "having venue in bankruptcy matters over the location of the principal place of business of the shipping company owning or operating the ship." This amendment would bring the *Savannah* under the venue provisions established for all foreign nuclear incidents; namely, the district court of the District of Columbia.

Section 5 of the bill provides that as of the effective date of the act, the terms "nuclear incident" and "person indemnified" as used in existing indemnity agreements with AEC contractors shall have the meaning provided in sections 1 and 2 of this bill. This amendment has been suggested by the Commission in order to facilitate the incorporation of the amended definitions in this legislation into existing indemnity agreements. By including section 4 in this bill, assurances of extended coverage to AEC contractors can be given without the necessity of amending all the outstanding agreements.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1962

Mr. NATCHER submitted a conference report and statement on the bill (H.R. 8072) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1962, and for other purposes.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ANFUSO (at the request of Mr. GILBERT), for an indefinite period, on account of official business.

Mr. ROOSEVELT, for 1 week, from September 16, on account of official district business.

Mr. REUSS (at the request of Mr. MCCORMACK), for an indefinite period, on account of official business.

Mr. KEOGH (at the request of Mr. GILBERT), for Friday, September 15 and Saturday, September 16, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. KLUCZYNSKI, for 30 minutes, today.

Mr. PRICE, for 10 minutes, today, and to revise and extend his remarks.

Mr. PILLION (at the request of Mr. SHORT), for 30 minutes, on September 16, 1961.

Mr. PUCINSKI, for September 16, for 15 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to—

Mr. MATTHEWS.

Mr. BOW.

Mr. HOFFMAN of Michigan.

(The following Members (at the request of Mr. SHORT) and to include extraneous matter:)

Mr. DOOLEY in two instances.

Mr. BURNS of Wisconsin.

(The following Members (at the request of Mr. ALBERT) and to include extraneous matter:)

Mrs. BLITCH.

Mr. POWELL.

Mr. ADDABBO.

Mr. BYRNE of Pennsylvania.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H.R. 2585. An act relating to the credits against the employment tax in the case of certain successor employers and to provide an election for past taxable years with respect to the determination of gross income from mining in the case of quartzite and clay used in the production of refractory products;

H.R. 3156. An act to make the Panama Canal Company immune from attachment or garnishment of salaries owed to its employees, and to amend the Shipping Act, 1916;

H.R. 5852. An act to provide for the free entry of a towing carriage for the use of the University of Michigan, and to increase the duty-free exemption of persons arriving in the United States and who are not returning residents thereof;

H.R. 7057. An act relating to the determination of gross income from the property for taxable years prior to 1961 in the case of certain clays and shale which were used in the manufacture of certain clay products;

H.R. 8102. An act to amend the Federal Airport Act so as to extend the time for making grants under the provisions of such act, and for other purposes; and

H.R. 8414. An act to amend section 5011 of title 38, United States Code, to clarify the authority of the Veterans' Administration to use its revolving supply fund for the repair and reclamation of personal property.

SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore announced his signature to an enrolled bill of the Senate of the following title:

S. 2325. An act to amend the Export-Import Bank Act of 1945.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 2308. An act to amend the Ship Mortgage Act, 1920, with respect to its applicability to certain vessels;

H.R. 3156. An act to make the Panama Canal Company immune from the attachment or garnishment of salaries owed to its employees, and to amend the Shipping Act, 1916;

H.R. 6141. An act to amend the act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such Act, and for other purposes;

H.R. 7371. An act making appropriations for the Departments of State and Justice, the judiciary, and related agencies for the fiscal year ending June 30, 1962, and for other purposes;

H.R. 7482. An act to amend the Life Insurance Act of the District of Columbia approved June 19, 1934, as amended;

H.R. 7916. An act to expand and extend the saline water conversion program being conducted by the Secretary of the Interior; and

H.R. 8102. An act to amend the Federal Airport Act so as to extend the time for making grants under the provisions of such act, and for other purposes.

ADJOURNMENT

Mr. MACHROWICZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until tomorrow, Saturday, September 16, 1961, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1313. A letter from the Assistant Comptroller General of the United States, transmitting a report on a review of selected phases of manpower requirements for cleaning activities, Post Office Department, January 1961; to the Committee on Government Operations.

1314. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to repeal obsolete laws relating to military bounty land warrants and to provide for cancellation of recorded warran "; to the Committee on Interior and Insular Affairs.

1315. A letter from the Secretary of State, transmitting a draft of a proposed bill entitled "A bill to amend the act of September 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, and for other purposes"; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MACK: Committee on Interstate and Foreign Commerce. S. 1186. An act to facilitate the protection of consumers of articles of merchandise composed in whole or in part of gold or silver from fraudulent misrepresentation concerning the quality thereof, and for other purposes; with amendment (Rept. No. 1190). Referred to the Committee of the Whole House on the State of the Union.

Mrs. GRANAHAN: Committee on Post Office and Civil Service. S. 1459. An act to amend the provisions of law relating to longevity step increases for postal employees; without amendment (Rept. No. 1191). Referred to the Committee of the Whole House on the State of the Union.

Mr. TRIMBLE: Committee on Rules. House Resolution 466. Resolution for the consideration of House Joint Resolution 569, joint resolution to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective; without amendment (Rept. No. 1192). Referred to the House Calendar.

Mr. MILLS: Committee on Ways and Means. H.R. 8652. A bill relating to the income tax treatment of certain losses sustained in converting from street railway to bus operations; with amendment (Rept. No. 1193). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEORGE P. MILLER: Committee of conference. H.R. 6845. A bill to amend title 14 of the United States Code to provide for an expansion of the functions of the Coast Guard (Rept. No. 1194). Ordered to be printed.

Mr. NATCHER: Committee of conference. H.R. 8072. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1962, and for other purposes (Rept. No. 1195). Ordered to be printed.

Mr. MILLS: Committee on Ways and Means. H.R. 221. A bill to amend section 4071 of the Internal Revenue Code of 1954; with amendment (Rept. No. 1196). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee of conference. H.R. 8666. A bill to provide for the improvement and strengthening of the international relations of the United States by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges (Rept. No. 1197). Ordered to be printed.

Mr. POAGE: Committee of conference. H.R. 2010. A bill to amend title V of the Agricultural Act of 1949, as amended, and for other purposes (Rept. No. 1198). Ordered to be printed.

Mr. MILLS: Committee of conference. H.R. 4317. A bill to amend the Internal Revenue Code of 1954 and incorporate therein provisions for the payment of annuities to widows and certain dependents of the judges of the Tax Court of the United States (Rept. No. 1199). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 9243. A bill to amend the Civil Functions Appropriation Act, 1952, in order to designate the reservoir created by the John H. Kerr Dam as Buggs Island Lake; to the Committee on Public Works.

By Mr. PRICE:

H.R. 9244. A bill to amend the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. GALLAGHER:

H.R. 9245. A bill to amend title 10 of the United States Code to provide legal advice and assistance to members of the Armed Forces; to the Committee on Armed Services.

H.R. 9246. A bill to amend title 38, United States Code, to provide vocational rehabilitation, education, and training, mustering-out and loan guarantee benefits for veterans of service after January 31, 1955, to provide that mustering-out pay shall be paid at increased rates for persons recalled to active duty since August 1, 1961, to provide loan assistance for persons so recalled who were compelled to liquidate their business, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MARTIN of Nebraska:

H.R. 9247. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the North Loop division, Nebraska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COHELAN:

H.R. 9248. A bill to provide 300 fellowships in city planning; to the Committee on Education and Labor.

By Mr. FISHER:

H.R. 9249. A bill to strengthen democratic processes respecting the calling of strikes, to protect employees against unjustifiable pay losses from strikes, to protect employers from needless production interruptions arising out of strikes contrary to the wishes of employees, and to minimize industrial strife interfering with the flow of commerce and the national security by amending the National Labor Relations Act to require economic strikes to be authorized by a secret ballot; to the Committee on Education and Labor.

By Mr. MILLS:

H.R. 9250. A bill to amend section 305, Tariff Act of 1930, as amended; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 9251. A bill to amend section 333 of the Internal Revenue Code of 1954 with respect to recognition of gain in certain liquidations; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 9252. A bill to defer the collection of irrigation maintenance and operation charges for calendar year 1962 on lands within the Angostura unit, Missouri River basin project; to the Committee on Interior and Insular Affairs.

By Mr. BROYHILL:

H.R. 9253. A bill to permit States or other duly constituted taxing authorities to subject persons to liability for payment of property taxes on property located in Federal areas within such State; to the Committee on Interior and Insular Affairs.

By Mr. BRUCE:

H.R. 9254. A bill to promote education throughout the United States by amendments to the Internal Revenue Code of 1954 granting credit against Federal income tax for real property taxes paid for support of public elementary and secondary education; to the Committee on Ways and Means.

By Mr. ASHMORE:

H.R. 9255. A bill to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes; to the Committee on House Administration.

By Mr. BENNETT of Florida:

H.R. 9256. A bill to establish a U.S. Peace Agency for World Disarmament and Security; to the Committee on Foreign Affairs.

By Mr. ASHMORE:

H.J. Res. 577. Joint resolution expressing a declaration of war against the 98 Communist Parties constituting the international Communist conspiracy; to the Committee on Foreign Affairs.

By Mr. BASS of Tennessee:

H. Con. Res. 395. Concurrent resolution requesting the President to set aside and proclaim a National Country Music Week; to the Committee on the Judiciary

By Mr. KASTENMEIER:

H. Con. Res. 396. Concurrent resolution to provide that the Federal Government retain and exercise ownership and responsibility for the operation of communications satellite systems until same are fully operational; to the Committee on Interstate and Foreign Commerce.

By Mr. FARBSTEIN:

H. Res. 465. Resolution authorizing that the expenses of the investigation and study to be conducted by the select committee created by House Resolution 458 be paid out of the contingent fund of the House of Representatives; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRADEMAS:

H.R. 9257. A bill for the relief of Ray A. Davis; to the Committee on the Judiciary.

By Mr. BUCKLEY:

H.R. 9258. A bill for the relief of Dr. Morteza Khatami; to the Committee on the Judiciary.

By Mr. CURTIS of Missouri:

H.R. 9259. A bill for the relief of Dr. Edward Florek; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 9260. A bill for the relief of Jean Mary Haynes; to the Committee on the Judiciary.

By Mr. HERLONG:

H.R. 9261. A bill for the relief of John M. Feltman; to the Committee on the Judiciary.

By Mr. KOWALSKI:

H.R. 9262. A bill for the relief of certain retired officers of the Army, Navy, and Air Force; to the Committee on the Judiciary.

By Mr. ASHMORE:

H.R. 9263. A bill for the relief of Mack J. Davenport; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

210. The SPEAKER presented a petition of C. B. Lafromboise, president, Newspaper Association Managers, Inc., Seattle, Wash., relative to urging immediate committee approval of the bill H.R. 640, and stating that our constitutional freedoms are seriously threatened, and must be quickly reaffirmed by early passage of this important corrective measure, which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

Mamaroneck Celebrates 300th Anniversary

EXTENSION OF REMARKS
OF
HON. EDWIN B. DOOLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, September 15, 1961

Mr. DOOLEY. Mr. Speaker, on September 23 of this year, the town of Mamaroneck, N.Y., will mark with appropriate ceremonies its 300th anniversary.

Few communities anywhere in our great country are blessed with more physical assets and finer people than the town of Mamaroneck. Its very name means it is located where the fresh waters meet the salt, and it has enjoyed superb climatic conditions for many years. Centuries ago, it was a haven for New York people of means who could journey there by carriage conveniently and thus escape the heat and rigors of city life.

Many prominent persons have contributed much to the history of the town. Squire Rushmore, Mr. DeLancey, Mr. Caleb Heathcote—mayor of New York in 1711—James Fenimore Cooper, the renowned author, and a host of other prominent Americans have contributed to the lore of the community.

Today the town, in addition to its unincorporated section, embraces two villages; namely, the village of Mamaroneck and the village of Larchmont. Ample recreation facilities exist in both villages, and Mamaroneck's harbor provides a beautiful beach for the residents of the community as well as boating facilities for multitudes of yachtsmen.

On the occasion of the celebration of its 300th anniversary, the destroyer U.S.S. *Brownson* will be anchored in the harbor. Three hundred bearded citizens of Mamaroneck, whose hirsute adornments have been cultivated over a period of weeks to properly mark the celebration, will parade along with their ladies in gingham and cottons, reminiscent of colonial times. Bands will render stirring music and floats will remind people of the history of this famous area. A parade of yachtsmen will also be in evidence, and, all in all, it will be a great day for Mamaroneck.

The people of the community are indebted to Judge Charles M. Baxter, Jr., prominent citizen of the community, and to William G. Fulcher, famous historian of the town, for the work they have done to properly commemorate the occasion. The merchants of the community and the chamber of commerce have cooperated fully to help make the affair a success.

The Peace Corps

EXTENSION OF REMARKS
OF
HON. FRANK T. BOW
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Friday, September 15, 1961

Mr. BOW. Mr. Speaker, the vote yesterday on the creation of a Peace Corps was one of those occasions when heart and mind conflict.

Many eloquent speakers, none more so than the gentlewoman from Illinois [Mrs. CHURCH] for whom I have the highest regard, talked of the good will Americans would earn by sending young men and women to live with and teach the people of underdeveloped nations. They pointed out that our massive foreign-aid programs have little effect upon the people in the villages of Asia and Africa.

Others spoke with equal conviction concerning the futility of sending a few hundred Americans to improve conditions among hundreds of millions in Asia and Africa. They spoke of how blunders would react against us. They predicted the new agency would become another superbureaucracy and lose sight of its idealistic origins.

My heart is with those who believe that young Americans are both practical enough and idealistic enough to accomplish the objectives of the Peace Corps.

My experiences inform me of the dangers and pitfalls, and that we should not embark upon this kind of program as a permanent agency of Government until experience permits us to evaluate its operation and effectiveness.

We are getting such experience now. President Kennedy used authority under the Mutual Security Act to establish and finance a temporary program. Volunteers are being trained for service in Africa and Latin America. There appears no need to rush into establishment of the permanent Peace Corps agency.

I voted "no," not against the idea or the purpose of the Peace Corps, but to delay a decision until we know whether the experiment now underway is a success. I sincerely hope that it will be.

The Reverend George W. Johnson Nominated for Office of National Chaplain, VFW

EXTENSION OF REMARKS
OF
HON. ADAM C. POWELL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, September 15, 1961

Mr. POWELL. Mr. Speaker, at the national convention of the Veterans of Foreign Wars of the United States held at Miami Beach, Fla., from August 20 to August 25, 1961, the Reverend George W. Johnson, oversea veteran with the U.S. Navy during World War II, and an ordained Protestant minister, was nominated for the office of national chaplain by commander of New York State VFW, Joseph Carl Thomson.

This nomination marked a turning point in national conventions of the Veterans of Foreign Wars, as the Reverend Johnson was the first member of the Negro race to be nominated for national office in the 62 years of national conventions of the Veterans of Foreign Wars. Comrade Johnson—all members of the Veterans of Foreign Wars are called comrades—stayed with his fellow comrades from New York County at the headquarters hotel, the Fountainbleau, at Miami Beach. He attended all meetings of New York County as well as the New York State meetings. He was also present at all meetings of the national convention and had his meals with his fellow comrades at the Fountainbleau Hotel.

All the rest of this Nation can take an example from the Veterans of Foreign Wars whose ties are based on service performed on foreign soil during time of war in the armed services of the United States of America. Race, color, or creed have no bearing whatsoever on eligibility for membership, or for election to any office from the post level up in the national organization. Delegates are elected directly from their own post and any member can run for any office on any level provided he has a paid-up membership card.

The Reverend Johnson's nomination was received with applause and acclaim by the delegates from all over the country. When the Reverend Johnson learned that it had been the VFW custom for years to rotate the office of national chaplain among the various faiths and that the chaplain for the preceding year had been a Protestant minister, he went to the microphone on the convention floor and declined to run for office in favor of Father Brown—a Catholic priest from the Midwest—amid the cheers of all the delegates on the convention floor for his display of comradeship which is so much evident among the Veterans of Foreign Wars of the United States.

South Georgia Beach Resorts

EXTENSION OF REMARKS
OF
HON. IRIS FAIRCLOTH BLITCH
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Friday, September 15, 1961

Mrs. BLITCH. Mr. Speaker, as we approach the end of the session, there have recently been numerous calls to my office from my colleagues and their staff members asking about the fabulous beach resorts in south Georgia, more specifically in the Eighth District which I am proud to represent in the Congress. I refer to St. Simons Island, Sea Island, and the new Jekyll, Georgia's year-round beach resorts. Under leave to extend my remarks, to answer these several requests I would like to bring to the attention of the Congress, as well as the Nation, some descriptive information about these historic areas.

ST. SIMONS ISLAND

With its woodland drives, St. Simons, near Brunswick, Ga., arched by massive live oaks fringed with Spanish moss is unequaled in America in quiet beauty, historical memories, legends, and dramatic events. It is truly an Eden, with its mild climate, wide white beaches, flowers and sunshine.

Visitors to St. Simons may enjoy various kinds of recreation—golf, tennis, bowling, shuffleboard, pool or surf bathing, aquaplaning, boating, horseback riding, skeet shooting, and dancing.

Some of the finest year-round fishing in the South is found in the salt rivers and creeks around the island. In the sounds and offshore, larger fish, sea bass, drum, trout, sheepshead, bluefish, bonita, and tarpon provide excellent sport fishing.

Fort Frederica, a national park, where General Oglethorpe and the early Georgians turned back the Spanish in the Battle of Bloody Marsh, is one of the most historically interesting places in the United States and is well worth anyone's time for inspection.

SEA ISLAND

Further up the beach from St. Simons is Sea Island with its beautful Cloister Hotel which was owned by the late Howard E. Coffin, promoter of this seacoast resort. Architectural cue for the hotel follows the island's Spanish background. You will need reservations in advance as Sea Island is considered one of the finest resorts in the land. Created for those who expect the ultimate in gracious living, Sea Island is a resort of distinction.

JEKYLL ISLAND

Advertised as the pride of the Empire State of the South, Jekyll Island, off the coast of Brunswick, was once the private playground of a hundred of the Nation's millionaires. Because of its beauty and mild climate, Jekyll Island was purchased by the millionaires from the descendants of the Du Bignon family who had owned it from colonial times. It became nationally known as the Jekyll Island Club.

Purchased by the State of Georgia in 1947 and now managed by the Jekyll Island State Park Authority, Jekyll is the perfect place for a full vacation, a long weekend or that family day outing. After picnicking in the shady, breeze-swept nook with breathtaking beauty at your elbow, you may rest, relax and return home with new peace of mind, and new pep in your step.

Jekyll's 9 miles of snow-white beaches flanked by ancient oaks and stately palms are unparalleled in beauty. Jekyll is proud of its golf course, built for and by men who knew and played the best. For conventions and meetings, a spacious 850 seat air-conditioned combined auditorium and aquarama has been recently completed. Museums, a sun-drenched surf, picnic grounds, the best fishing grounds, historical sites, hotels, motels and restaurants, you'll find everything at the vacation resorts in the Eighth District.

Come by car, by train, by plane or by boat—but definitely you want to come. There is plenty of warm weather remaining down in the friendly south, and these Golden Isles of Georgia just off the coast of Brunswick provide everything for your enjoyment at reasonable, moderate, and the ultimate in expenditure.

Voters Should Learn Candidates' Views Before—Not After—Election

EXTENSION OF REMARKS
OF
HON. CLARE E. HOFFMAN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Friday, September 15, 1961

Mr. HOFFMAN of Michigan. Mr. Speaker, a letter which went out to inquiring and complaining constituents who protested excessive taxes follows:

A TIMID SUGGESTION

When candidates seek office, make them tell you before you vote, just where they stand and their reasons therefor on questions in which you are personally interested, on issues which affect the national welfare.

ON THE ROAD TO RUIN

On August 16, 1961, from the well of the House, Mr. CANNON, chairman of the House Committee on Appropriations, a Democrat from Missouri, said: "We are spending, and we have been spending during this entire year, every hour, $1 million more than we are taking in. Ever since this session began we have been spending in the red at the rate of $1 million every hour, day and night."

Inasmuch as the Congress continues to make appropriations calling for money which we do not have and can borrow only at an ever-increasing rate of interest, thought you might be interested in the above.

Ruinous spending is one reason why my vote is so often "No" on desirable, but, when war threatens, unnecessary legislation.

Sincerely,

CLARE E. HOFFMAN.

Steuben Parade

EXTENSION OF REMARKS
OF
HON. JOSEPH P. ADDABBO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, September 15, 1961

Mr. ADDABBO. Mr. Speaker, on Saturday afternoon, September 30, 1961, the fourth annual Steuben Parade will be held in the city of New York. This parade is sponsored by the German-American Committee of Greater New York and is an outstanding event. It honors Major General von Steuben who played such an important part in the Revolutionary War as a member of the staff of Gen. George Washington. This year's parade will have about 50 floats and more than 50 bands will be in the line of march, which will also include delegations from 8 large German cities, and German-American groups from all parts of the United States.

One of the groups coming to the United States to participate in the Steuben Parade is the Dusseldorf Fanfarenkorps. The Dusseldorf Fanfarenkorps has an interesting history which I would like to review here.

This magnificent ancient drum and trumpet corps traces its ancestry back to medieval times. Musically, the use of trumpets and kettledrums was reserved for the nobility and it is safe to assume that when Dusseldorf was elevated to the rank of a town by Count Adolf of Berg in 1288 the trumpets and drums heralded this significant step forward. The town of Dusseldorf suffered severely in the Thirty Years' War and in the War of Spanish Succession, but recovered its prosperity under the patronage of Elector John William of the Palatinate, a true patron of the arts, who dwelt in his castle, the Schloss Benrath, until his death in 1716.

Music in Dusseldorf was encouraged during the Middle Ages. The Turmer—tower men—sounded their horns at specific intervals during the day. It is also interesting to note that it was considered a great honor by the trumpeters and kettledrummers of Dusseldorf to be accepted by the Royal Trumpeters & Kettledrummers Guild, with the Elector of Saxony as its hereditary patron. Members of this guild did not receive their diplomas until they had passed

their required tests after a minimum of 4 years training.

The continuity of the existence of the trumpeters and drums of Dusseldorf was broken by the severity of World War II. However, with the emergence of the new Dusseldorf which, due to its strategic location on the Rhine—situated between the Ruhr coal and steel area and the new Federal capital of Bonn—has become the industrial and banking center of Western Germany, interest was once again centered on the proud history of its Fanfarenkorps. In 1953, the streets of Dusseldorf once more resounded to the ancient music of medieval times. Attired in authentic costumes of the Middle Ages, 22 young men of the city of Dusseldorf, proficient in the art of drumming and trumpeting, reinstituted their Fanfarenkorps. This rebirth occurred in 1953. Since that time, this Fanfarenkorps has made history with its authentic medieval music. It has traveled throughout Europe demonstrating this ancient and royal art with great success.

We, in New York City, are most happy to welcome this group to the United States, and I am sure that the people of the entire United States join this welcome. My congressional district is being honored by having the Dusseldorf Fanfarenkorps participate in the concert being given by the Seuffert Band, George Seuffert, conductor, at Forest Park, Queens County, N.Y., on Sunday afternoon, October 1, 1961.

Peace Corps

EXTENSION OF REMARKS
OF
HON. EDWIN B. DOOLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, September 15, 1961

Mr. DOOLEY. Mr. Speaker, unfortunately for the gentleman from New York, it was not possible for him to vote on the Peace Corps legislation which passed the House on Thursday, September 14, due to the fact that I was asked to attend a meeting of Congressmen with President Kennedy late that afternoon.

I would have supported the legislation by voting in the affirmative had I been present, because I think the Peace Corps represents a true indication of the idealism of the American people and their eagerness to help those peoples of the underdeveloped countries abroad.

Some feel that the Peace Corps will not attain the objective or function with the effectiveness that is desired. On the other hand, the motivation supplied by President Kennedy, together with the eager and enthusiastic administrative support given by R. Sargent Shriver, Jr., leads me to believe that much good can be accomplished along the lines prescribed by the organizers of the Corps.

History has shown that great works can be done by dedicated missionaries of various types and there is reason to believe that even in the field of world affairs, much can be done if the aims are sound and the proper support is rendered.

The Peace Corps is a nonpartisan undertaking, and intelligent men from both sides of the aisle have given it their endorsement. The world will be watching the efforts of the men and women of the Corps, and from what I have observed they are a dedicated and patriotic group who will serve the interests of America well.

Automation

EXTENSION OF REMARKS
OF
HON. HUBERT H. HUMPHREY
OF MINNESOTA
IN THE SENATE OF THE UNITED STATES
Friday, September 15, 1961

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an article entitled, "Can Automation Take Your Job?" carried in the September 2, 1961, issue of Family Weekly. I understand that something over 15 million persons probably read this excellent article relating to the problems of automation.

The article is by Secretary of Labor Arthur J. Goldberg, as told to Larston D. Farrar, and graphically points out the challenge facing the Nation's workers in the coming years—necessarily both a governmental and an individual challenge.

Mr. President, Secretary Goldberg has packed into the article a great deal of information about automation which can be helpful to the thinking of Senators.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAN AUTOMATION TAKE YOUR JOB?

(By Arthur J. Goldberg, U.S. Secretary of Labor as told to Larston Farrar)

As a nation, we are fond of catch phrases easier to remember than the facts underlying them. Automation is such a word. It's a phrase especially significant this Labor Day.

Two recent news items show why this phrase has become so important. One told of the opening of a new, fully automated mill, employing only three skilled men. These three—with a mass of machinery—will do the work which required hundreds of employees two or more decades ago. The other news item told of the abandonment of an entire steel mill, employing 1,500 persons, in Pennsylvania. The company announced that "technological developments" had made continued use of this plant "impractical and uneconomic."

Naturally, such stories prompt questions. Will automation and new techniques replace workers? Will they take away my job?

To find the long-range answer, we must look ahead—say, to 1970.

We find first that the expectation is for an increase of about 25 million in the population of the United States over the next 9 years—equivalent to adding a city the size of Chicago to the country about every 18 months. This expansion is expected to generate advanced demands for additional consumer goods, housing, highways, and considerable capital investment.

Second, we project about a 50-percent increase in the amount of goods and services we produce by 1970. This assumes, of course, that output per hour worked will continue to increase at the rate it has up to now.

These developments call for an additional 13 million jobs by 1970.

An important question is: What changes in our occupational structure will these 13 million additional jobs bring? And the question for you is—am I prepared for such changes?

One of the most impressive areas of growth is represented by the professional worker. If previous trends continue, our projections show that professional personnel may reach close to 8 million by 1965, accounting for a little more than 1 of every 10 workers. This is more than double the 1910 figure.

Taken together, the white-collar occupations actually have reached a historic position. This year they represent the single biggest group in the labor force, and they will be well ahead by 1965 and 1975.

Another important group which we expect will expand are the industrial workers at the craftsmen (skilled) and operative (semiskilled) levels.

So you see, the job outlook for the trained man or woman is excellent. The job outlook in the service industries is also encouraging.

The crux of the question, then, is not whether automation will take away jobs, but whether the individual worker, white or blue collar, will be able to withstand the forces of change in the techniques or operations of his job.

Every working person should reexamine his qualifications for the future job market. He must ask himself if he has enough education and training to meet future demands.

A command of arithmetic, for example, is essential for the office worker, who may be called upon to master a new bookkeeping machine, or for the skilled worker, who may be put to work on a machine utilizing numerical controls.

High school students have a special need to prepare themselves well. A high school diploma today is an elementary requirement for entry into most jobs. Employers are seeking workers who have the potential to learn the new skills and techniques that are appearing every day in their businesses and factories.

No one is sure today where these swift technological changes are taking us. Both industry and labor are making efforts to train and retrain workers in these fields to meet the new job demands. It is obvious that the skilled worker with better education and training will be prepared best for the job opportunities and changes that are inevitably coming.

President Kennedy and his administration also are trying to find ways to help. In the past few months an Office of Automation and Manpower has been organized in the Department of Labor to find some of the answers.

Through the Office of Automation and Manpower, we are using three strategic approaches to the challenges of automation.

First, the development of an "early warning system," so that employees, union, and management can be alerted as far as possible in advance of technological changes.

Second, softening the impact of automation for hundreds of thousands of long-term unemployed workers through legislation based on the findings of our new Office.

Third, the retraining of those workers who still are ablebodied and capable of moving into other fields, where their skills may be in demand.

In the meantime, the President has proposed several legislative programs to help train the American worker for the new types of jobs which are, or will be, available.

At this juncture we are sure of one thing: The skilled worker must have flexibility, ma-

neuverability, and adaptability. To have these three qualities he must improve his skills constantly.

All I have said amounts to this: Automation will not take your job away if you are properly prepared educationally, constantly alert to changes that are taking place in your field of work, and ready and willing to study and retrain for the new opportunities and jobs coming up.

Farm Legislation in the 1st Session, 87th Congress

EXTENSION OF REMARKS
OF
HON. D. R. (BILLY) MATTHEWS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Friday, September 15, 1961

Mr. MATTHEWS. Mr. Speaker, I want to congratulate the chairman of our House Committee on Agriculture, the Honorable HAROLD COOLEY, of North Carolina, for the excellent leadership he has given our committee during the discussion of the important legislative matters which have come before us during this session of Congress.

The first important bill passed by Congress, which was reported by the House Committee on Agriculture, was the feed grains bill. This measure proposed a 1-year emergency program to reduce the production of feed grains in 1961, and thereby make it possible for the farmer eventually to receive more for his production, and to lower the holding of grains which now amounts to nearly $4 billion. It is believed that this program will add around $750 million in 1961 as compared with 1960 to the income of corn, grain sorghum, oats, barley, and soybean producers. In addition, it will relieve the Commodity Credit Corporation from assuming the storage costs of hundreds of millions of bushels of grain. This, of course, will result in a tremendous decrease in expense to the taxpayers. The major provisions of the 1961 feed grain program provided for payment in cash or in kind for retiring 20 percent of corn and grain sorghum acreage—or up to 20 acres, whichever is greater, on individual farms. Eligibility for price support for corn and grain sorghum was contingent upon participation in this diversion of 20 percent of acreage or 20 acres.

The second provision included payment in kind for retiring an additional 20 percent of corn and grain sorghum acreage. However, this additional acreage diversion would not be required as a condition for price support eligibility.

The third feature provided an increase in the price support level for corn from $1.06 to $1.20 a bushel, an increase in the supports for grain sorghums and other feed grains. It also provided for an increase in the support level of soybeans, intended to divert at least 2 million acres from corn and grain sorghums.

The next important piece of legislation reported by the Committee on Agriculture and passed by Congress was the Agricultural Act of 1961. This act instituted for 1962 a wheat program similar to the feed grain program, setting the 1962 wheat support at a national average of $2 a bushel, or 83½ percent of parity. The feed grains program is extended for 1 year, 1962, with some minor changes. The act added certain commodities to the Agricultural Marketing Agreement Act of 1937, and extended the National Wool Act for 4 years to March 31, 1966. The omnibus agricultural bill liberalized agricultural credit, extended the school milk program for 5 years through June 30, 1967, extended the veterans and Armed Forces dairy programs for 3 years through December 31, 1964, and extended the Great Plains conservation program to December 31, 1971.

The Committee on Agriculture reported the sugar bill which extended the Sugar Act from March 31, 1961, to June 30, 1962. This bill was passed by Congress, and it is the committee's intention to give sugar legislation preferred treatment when Congress returns in January.

Other committee bills which were reported and which have become law are measures to provide a ceiling increase for the Farmers Home Administration loans; to extend time for application of the 1959 amendment to the Federal Nematocide, Fungicide, and Rodenticide Act; to amend title I of Public Law 480 and to provide $2 billion additional authority during 1961. This is the law by means of which we trade our agricultural surpluses for foreign currencies. Congress passed laws, reported by our committee, which permitted the transfer of cotton acreage allotments from flooded areas, emergency hay harvesting on conservation reserve acreage in drought areas, emergency livestock loans extension, and surplus grain sales in disaster areas.

I wish to comment on three of my bills which have become law. The first of these measures was H.R. 1022, a bill to provide for the lease and transfer of tobacco acreage allotments. The life of this bill is for 2 years, and it provides that both farmers involved in the lease and transfer of these tobacco acreage allotments must be in the same county, and the lease must be filed with, and approved by, the county committee. If the normal yield of the farm to which the allotment is being transferred exceeds the normal yield of the farm from which the transfer is being made by more than 10 percent, the transferred allotment will be adjusted downward in the same ratio as the difference in yields. Not more than 5 acres of allotment may be leased and transferred to any farm. Only farms already having tobacco allotments for the same kind of tobacco are eligible to lease allotments. The acreage is considered as having been produced on the farm from which the allotment is transferred for purposes of future allotments and referendum voting rights.

The second bill is H.R. 1021, which extends for 2 years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938, and which permits the planting of peanuts for boiling purposes without coming under the provisions of acreage allotments. There are now about 3,500 acres of peanuts planted for this purpose, and we have a new industry being developed in Florida as a result of this legislation.

The third bill is H.R. 7694, a bill to provide for a national hog cholera eradication program. Identical language to that in my bill was passed by Congress and we now hope that the Secretary of Agriculture will soon be able to institute a program which we hope will save our livestock producers approximately $50 million a year which is now the estimated cost of this dreaded disease of cholera.

I am finishing 7 years of service on the House Committee on Agriculture, and I have enjoyed associating with my colleagues on this great committee. I sincerely believe that we have made tremendous progress in solving some of the agricultural problems of America. Let us remember that agriculture is still the greatest system of private enterprise that we have in America, and that as a result of the efficiency and productivity of the American farmer, we are far ahead of the Soviet Union in this important field of feeding our people and having enough food and fiber left to render tremendous assistance to our allies throughout the world.

Sgt. Andrew Miller: World War II Hero

EXTENSION OF REMARKS
OF
HON. JOHN W. BYRNES
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Friday, September 15, 1961

Mr. BYRNES of Wisconsin. Mr. Speaker, last May I had the honor of speaking at the dedication of the Andrew Miller Memorial U.S. Army Reserve Center at Manitowoc, Wis.

This center bears the name of a Manitowoc County Congressional Medal of Honor winner, S. Sgt. Andrew Miller who made the supreme sacrifice fighting the Nazis during World War II.

The courage, devotion and love of country displayed by Sergeant Miller, who rose above and beyond the call of duty, should serve as an inspiration to us all in these perilous times when freedom is again under attack from a powerful foe.

Sergeant Miller was born in Manitowoc in 1916, the son of Mr. and Mrs. Henry Miller. He entered service from the city of Two Rivers, Wis., in June 1941 and married the former Miss Mayme Jansky of Tisch Mills, Wis., in June 1942. He was transferred to England in August 1944 and participated in the invasion of France. He saw 36 days of continuous action with Company G, 377th Infantry Regiment of General Patton's 3d Army as it marched into Germany.

Sergeant Miller was awarded this country's highest honor for a series of heroic and almost superhuman deeds during 13 days of fierce front-line infantry fighting in France and Germany from November 16 to November 29, 1944. During this period Sergeant Miller personally silenced or wiped out six enemy

gun emplacements and captured at least 29 prisoners in bitter house-to-house fighting.

On the first day, this valiant patriot was leading a rifle squad in France when his unit was pinned down by crossfire from two enemy machineguns.

Ordering his men to remain under cover and disregarding his own safety, Sergeant Miller crept into the building housing one of the machineguns and forced the five Germans manning the gun to surrender at bayonet point. He then advanced and tossed grenades into the midst of the seven-man crew of the second gun, killed two of the Germans and wounding three more. The remaining two decided to give up to this one-man army.

The next day when his platoon retreated under heavy fire, Sergeant Miller fearlessly remained behind. Seizing an automatic rifle of a fallen comrade, he ran into the fire of a blazing machinegun and exchanged bursts until the enemy weapon was silenced. His action gave his platoon time to reorganize and carry on.

"That was our closest call and that was Andy's bravest deed," a platoon member later said.

Two days later, after having crossed the Moselle River into Metz with great difficulty and heavy casualties, Sergeant Miller's company found itself without cover on a small strip of bridgehead as murderous mortar and machinegun fire rained down on them from a six-story enemy barracks directly ahead.

Sergeant Miller and three of his men pushed a wagon below a window in the barracks. Sergeant Miller was boosted through the window whereupon he promptly captured the six German riflemen in the room.

The rest of the company followed Miller through the window and, going from room to room, captured 75 prisoners while a number of Germans fled.

A little while later the very same day, Sergeant Miller volunteered with three comrades to try to capture the Gestapo officers who were preventing the surrender of the German troops in another building. After running a gauntlet of machinegun fire, Sergeant Miller was again lifted through a window. As he crawled inside, he found himself staring into the muzzle of a machine pistol, but, displaying remarkable coolness at such a dangerous time, he persuaded the four Gestapo men confronting him to surrender.

Early the next morning, the intrepid Sergeant Miller, who was often referred to by his men in a respectful and awesome tone as "Half-a-Platoon," once again took on the now familiar task of destroying a well-placed machinegun nest.

Although he was knocked down by a rifle grenade at one point in his advance, he climbed onto the roof of a nearby building and, despite this dangerously exposed position, he cooly took aim with his bazooka and scored a direct hit, wreaking such havoc that scores of Germans surrendered.

The following day he silenced another enemy machinegun and captured 12 more prisoners.

On the last day, Sergeant Miller's company, advancing up a hill, was pinned to the ground by surprise enemy fire. Sergeant Miller, however, stood up and with his squad pressed ahead.

Inspired by his leadership, the rest of the platoon followed, and one by one other platoons rose to meet the attack. As the citation reads: "The enemy position was smothered but at the cost of Sergeant Miller's life."

Capt. Herbert H. Hardy, commander of Sergeant Miller's company, said:

The German officers seemed able to give only one type of order, "Go ahead." Most American officers and NCO's say "Let's go." But Miller invariably started things moving with "I'm going," and his men would follow his electric leadership without the slightest hesitation.

It is my fervent hope that Sergeant Miller will not have died in vain, and that all of us will take renewed courage and determination from the example of a hero who gave the "last, full measure of devotion" to the cause of freedom.

National Observance of 175th Anniversary of Constitution of the United States

EXTENSION OF REMARKS

OF

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 15, 1961

Mr. BYRNE of Pennsylvania. Mr. Speaker, under unanimous consent I include in the RECORD a statement I made before Subcommittee No. 4 of the House Judiciary Committee, in behalf of House Joint Resolution 475, introduced by me in July, to amend the joint resolution providing for the preparation and completion of plans for a comprehensive observance of the 175th anniversary of the formation of the Constitution of the United States:

STATEMENT OF JAMES A. BYRNE, OF PENNSYLVANIA, BEFORE SUBCOMMITTEE NO. 4, JUDICIARY COMMITTEE, FRIDAY, SEPTEMBER 8, 1961

Mr. Chairman and members of Subcommittee No. 4, in early July of this year it was my privilege and honor to introduce House Joint Resolution 475 to amend the joint resolution providing for the preparation and completion of plans for a comprehensive observance of the 175th anniversary of the formation of the Constitution of the United States, and for other purposes.

There is little need and even less time for me, now, to dwell upon the importance of a celebration such as has been proposed and adopted by the Congress. The current Congress received, in June, the report of a duly appointed commission created to recommend plans and an adequate program to assure a proper and fitting celebration of the Constitution. The work of the commission, under the terms of the joint resolution of July 14, 1960, was to expire with the appointment of a permanent commission instructed to carry out or execute complete arrangements under terms of enabling legislation to be enacted by this present Congress. Such legislation, it was recommended, should provide for an appropriation of at least $500,000. That, in essence, is the matter to be discussed in detail by this subcommittee.

The plans recommended by the initiatory commission are quite comprehensive. Basically, the work of a permanent commission to execute the proposed plans must be in the area of public relations. Sound, sensible, consistent, and persistent publicity disseminated in every type of communications media must be pursued.

There can be no doubt, even in ordinary times, of the need for and value of such a celebration as has been proposed. But we are living today in extraordinary times. It is no exaggeration to say that in this perilous hour the very preservation of our Union is at stake. It is threatened not merely by forces beyond our national lines, but, indeed, even by insidious dangers lurking within the confines of our national boundaries. And it is this latter evil which must be recognized and corrected.

I am speaking, Mr. Chairman, of what appears to be a widespread apathy on the part of our citizens. Far too many of our numbers seem to have the attitude that "nothing can happen to us." Far too many are indifferent to the widening perils that are closing in upon us. These fears which I voice are not mere figments of an overworked imagination. They are very real. It is imperative that we, Members of this Congress, take the initiative in changing this very serious threat and I can think of no more effective course then getting our people back to a study and a love for that precious document that is the guardian and guarantor of our precious liberties—the Constitution of the United States.

While I hesitate to belabor the issue or to encroach too greatly on the valuable time of the members of this subcommittee, I feel that I cannot emphasize too much the need to alert the people to the beauty of the great document we plan to honor. The people of the Nation should be encouraged to get reacquainted with the basic law of the land. It would help them to understand the purpose and the meaning of this great national charter that is the best guarantee of our security, and the welfare of the Nation.

America is passing through perhaps the most trying period in our history as a nation. It is imperative that our people be awakened to the very real dangers that confront the Nation and to recall to the public mind the endless "blood, sweat, and tears" that have gone into the fabrication, the molding, and creation of this great country. We dare not, as a people, become indifferent to the lessons and the safeguards found in the Constitution.

America must awaken, without delay. Americans must shed any tendency to the lethargy which has been manifest all too often in recent years.

In the last quarter of a century we have gone through a Second World War, warfare in Korea, and a seemingly unending cold war that has persisted since 1945; man has emerged into an age of scientific wonders that finds mankind literally reaching for the stars; our population has increased by nearly 50 million persons, and we have thrived materially beyond all previous hopes and dreams.

But, meanwhile, we have been living alongside a Godless, communistic dictatorship, a devouring political ogre, holding virtually half the world in slavery, challenging our bright hopes of a world of peace and justice in the brotherhood of man under the fatherhood of God. Now, more than ever before, we need to renew our birthright at the wellsprings of faith and patriotism; we need to renew that spirit of old which moved the Founding Fathers to secure the blessings of liberty to ourselves and our posterity. Let us, indeed, get back to the constitution and there find the sustenance that will move us to present our example as a free people for

all the world to behold—and follow. The constitution is a wonderful document and the story of its formation and adoption is equally marvelous and delightful.

Mr. Chairman, let us not miss this opportunity to bring the message of the Constitution to the very hearts of our people and thus assure our continuance as one nation united under God for the good of all mankind. Now is the time to kindle patriotic fervor in our people.

Perhaps I have been somewhat verbose in my plea to have you pass favorably on this joint resolution before you, but, like every Member of this Congress, and countless millions of our people, I feel most strongly about the constitution of the United States and I do look with some real concern for the future of our grand country.

Much of this fear may be dissipated by the action this body takes upon this resolution today. I earnestly request that you recommend that a permanent commission to direct this celebration be created and given the sum of $500,000 to carry out the program as planned.

Castro Must Go

EXTENSION OF REMARKS

OF

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, September 15, 1961

Mr. THURMOND. Mr. President, the distinguished junior Senator from Texas [Mr. TOWER] has recently written a guest column for Mr. Holmes Alexander entitled "Castro Must Go." This column appeared in the September 11, 1961, issue of the News and Courier of Charleston, S.C., and a number of other newspapers across the country which carry Mr. Alexander's column. I am very much in accord with the viewpoint expressed in this column and have had a number of constituents write me commending this column to my attention.

I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CASTRO MUST GO

(Holmes Alexander has left on a brief European vacation. During his absence a number of prominent and interesting guests will contribute columns.)

(By Senator JOHN G. TOWER, Republican, of Texas)

The political columnist is a singularly influential force in American politics and none is more forceful than Holmes Alexander. His invitation to be guest columnist is an opportunity no man in public life would turn down lightly. I accept with pleasure. If his regular readers will bear with me, I shall use this forum as a sounding board for some "Thinking out loud" on United States-Latin American relations; a subject which is at once most critical and absorbing.

The peak in a whole range of mountainous problems concerning our foreign policy in Latin America is the Castro government in Cuba. Anyone who does not recognize Castro for what he is—a Kremlin puppet—is gullible and naive. Having accepted that reality, the first order of business is to dispose of him and to reinstate freedom and self-determination for the Cuban people.

During the past few weeks I have discussed Castroism with many American citizens experienced in Cuban and Latin American affairs. These included businessmen, journalists, and government officials. I have received hundreds of letters from people all over the United States, and a surprising number from Mexico and South America, offering opinion and advice. I have heard Castroism analyzed by prominent citizens, officials and ex-officials of Latin America, including Cuba.

While some did not wholeheartedly endorse my position that the United States must take military action against Castro in cooperation with other Western Hemisphere nations if possible, but unilaterally if necessary, none had an alternate suggestion—but all agreed that Castro must go.

My studies convince me beyond any doubt that Cuba under Castro is a staging area for Communist imperialism in our hemisphere. The primary threat is against Latin America, but the overall threat is against all of us.

The military buildup in Cuba has now progressed to the point that any invasion of that island will be bloody and costly. But it will be infinitely more difficult within a matter of weeks. Six months hence, it will have to be a major military undertaking. A year from now Castro will have weapons and the capability of launching a major counterattack against our southern cities.

In the meantime, Castro's police-state grip on the Cuban people is choking off both their means to resist and any potential uprising which might otherwise be counted on to aid invasion forces.

Clearly this is a time for action, not soothing words to the American people, not interminable negotiations in the United Nations or elsewhere, not further attempts to buy friends in Latin America—but quick, hard-hitting and decisive military action.

Attempts to strengthen Latin American ties are premature pending the disposition of Castro. Once that is done, we can move forward.

In my judgment political stability is the key to lasting freedom and resistance to communism in Latin America. This cannot be achieved while tolerating Castroism. It cannot be bought with dollars although dollars, wisely spent, can help.

The $20 billion aid program presently being promulgated by the Kennedy administration may fool some of our own people into thinking that we are effectively fighting communism in Latin America, but I can assure you that it is not fooling Latin Americans.

Due to political instability in those countries, capital is fleeing Latin America at a faster rate than we are dumping it in. So long as this instability prevails, much of our money is going to support Socialist schemes, opportunistic regimes, and the established state of political unrest. It will drive out more capital. It will strengthen the very-rich, very-poor social structure which is the basis of political instability.

The achievement of such stability will not come quickly. It will be accomplished over a long period in hard but quiet bargaining sessions, with a maximum of persuasion and a minimum of bribery.

Once political stability is achieved, our money will help tremendously, and I will favor a carefully drawn aid program.

But first, Castro must go.

HOUSE OF REPRESENTATIVES

SATURDAY, SEPTEMBER 16, 1961

The House met at 11 o'clock a.m.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

The testimony concerning the Master: Acts 10: 38: *He went about doing good.*

O Thou God of all grace and mercy, we humbly acknowledge that we cannot meet the desperate needs of our day and generation unless Thou dost gird us with faith and fortitude, with patience and perseverance.

Inspire us with the assurance that in our longings and labors for world peace there are resources and reserves of divine wisdom and strength upon which we have not yet drawn and areas of splendor in human nature which hitherto have been left unexplored.

Grant us a faith in Thee that manifests and fulfills itself in faithfulness and a concern for the welfare of humanity which reveals itself in deeds of generosity and kindness.

Hear us in the name of our blessed Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1325. An act for the relief of Mrs. Seto Yiu Kwei;

H.R. 1369. An act for the relief of Zsuzsanna Reisz;

H.R. 1378. An act to authorize the Secretary of the Interior to enter into an exchange of certain land in Madera County, Calif., with Mary Saunders Moses;

H.R. 1394. An act for the relief of Laszlo Hamori;

H.R. 1399. An act for the relief of Mrs. Josefa Pidlaoan and daughter, Annabelle Pidlaoan;

H.R. 1422. An act for the relief Mrs. Agavni Yazicioglu;

H.R. 1459. An act for the relief of EN/2 Hideo Chuman, U.S. Navy;

H.R. 1496. An act for the relief of Aloysius van de Velde;

H.R. 1532. An act for the relief of Jeanine Ruth Tabacnik;

H.R. 1550. An act for the relief of Jesus Garza Lopez;

H.R. 1551. An act for the relief of Kim-Ok Yun;

H.R. 1569. An act for the relief of Isei Sakioka;

H.R. 1581. An act for the relief of Maria Falato Colaciceo;

H.R. 1583. An act for the relief of Mrs. Chung-Huang Tang Kao;

H.R. 1614. An act for the relief of Byron K. Efthimiadis;

H.R. 1630. An act for the relief of Carma Pereira de Bustillos;

H.R. 1646. An act for the relief of Joan Josephine Smith;

H.R. 1714. An act for the relief of Nicholas J. Katsaros;

H.R. 1898. An act for the relief of Isabel Brown;

H.R. 1901. An act for the relief of Georgia J. Makris;

H.R. 2136. An act for the relief of Hajime Misaka;

H.R. 2145. An act for the relief of Joginder Singh Toor;

H.R. 2655. An act for the relief of Mrs. Pamela Gough Walker;

H.R. 2822. An act for the relief of Gregoire A. Kublin;

H.R. 2924. An act to repeal an act entitled "An act extending the time in which to file adverse claims and institute adverse suits against mineral entries in the district of Alaska", approved June 7, 1910 (36 Stat. 459);

H.R. 3133. An act for the relief of Mrs. Maria A. Schmoldt;

H.R. 3393. An act for the relief of Istvan Zsoldos;

H.R. 3404. An act for the relief of Elemer Christian Sarkozy;

H.R. 3718. An act for the relief of Matthias Nock, Jr.;

H.R. 4221. An act for the relief of Sylvia Abrams Abramowitz;

H.R. 4384. An act for the relief of Richard Fordham;

H.R. 4499. An act for the relief of Mrs. Margaret Ruda Daniel;

H.R. 4553. An act for the relief of Zbigniew Ryba.

H.R. 5136. An act for the relief of Compton Jones and Hulbert Jones;

H.R. 5138. An act for the relief of Francisco Joaquim Alves;

H.R. 5141. An act for the relief of Vito Recchia;

H.R. 5735. An act for the relief of Steven Mark Hallinan;

H.R. 6007. An act to amend section 505(d) of the Classification Act of 1949, as amended, with respect to certain positions in the General Accounting Office;

H.R. 6158. An act for the relief of Adolphe C. Verheyn; and

H.R. 8678. An act to provide for the conveyance of a portion of the Henry G. Shirley Memorial Highway and other highways on the Pentagon road network to the Commonwealth of Virginia, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and joint resolutions of the House of the following titles:

H.R. 2279. An act to provide for the withdrawal from the public domain of certain lands in the Granite Creek area, Alaska, for use by the Department of the Army at Fort Greely, Alaska, and for other purposes;

H.R. 2470. An act to provide for the establishment of the Lincoln Boyhood National Memorial in the State of Indiana, and for other purposes;

H.R. 5486. An act to prohibit the examination in District of Columbia courts of any minister of religion in connection with any communication made to him in his professional capacity, without the consent of the party to such communication;

H.R. 8291. An act to enable the United States to participate in the assistance rendered to certain migrants and refugees;

H.J. Res. 225. Joint resolution to grant the consent of Congress to the Delaware River Basin compact and to enter into such compact on behalf of the United States, and for related purposes; and

H.J. Res. 453. Joint resolution relating to deportation of certain aliens.

The message also announced that the Senate had passed with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7500. An act to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower.

The message also announced that the Senate insists upon its amendment to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. HUMPHREY, Mr. WILEY, and Mr. HICKENLOOPER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 310. An act for the relief of Annie Tymochek Porayko;

S. 522. An act to authorize the establishment of the Hubbell Trading Post National Historical Site, in the State of Arizona, and for other purposes;

S. 899. An act for the relief of Liu Shui Chen;

S. 1060. An act to authorize the Secretary of Interior to construct, operate, and maintain the Oroville-Tonasket unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Washington, and for other purposes;

S. 1063. An act to amend the act of April 22, 1960, entitled "An act to provide for the establishment of the Wilson's Creek Battlefield National Park, in the State of Missouri";

S. 1076. For the relief of Nancie Ellen Williamson;

S. 1139. An act to amend the act granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to the waters of the Little Missouri River in order to extend the expiration date of such act;

S. 1439. An act for the relief of Harold and Sylvia Freda Karro and their three minor children, Allen Karro, Jennifer Karro, and Michelle Karro;

S. 1560. An act for the relief of Yasuko Otsu;

S. 1581. An act for the allocation of costs on the Wapato-Satus unit of the Wapato Indian irrigation project;

S. 1685. An act for the relief of Brigitte Marie Ida Kroll;

S. 1728. An act to amend section 510 of the Merchant Marine Act, 1936, to provide for the trade-in of obsolete vessels in connection with the construction of new vessels, either at the time of executing the construction contract or at the time of delivery of the new vessel;

S. 1793. An act for the relief of Mrs. Alfia Alessandro Milana;

S. 1942. An act for the relief of the State of New Hampshire;

S. 1947. An act for the relief of Annemarie Herrmann;

S. 2012. An act for the relief of Mrs. Moy York Che;

S. 2163. An act for the relief of Saifook Chan;

S. 2291. An act for the relief of Paul James Brannan;

S. 2337. An act for the relief of Athanisia G. Koumoutsos;

S. 2394. An act to authorize the improvement of Portland Harbor, Maine;

S. 2426. An act to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes; and

S. Con. Res. 44. Concurrent resolution to print certain hearings before the Internal Security Subcommittee of the Judiciary Committee in Spanish, French, and Italian languages.

The message also announced that the Senate agrees to the amendment of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 14. Concurrent resolution saluting "Uncle Sam" Wilson, of Troy, N.Y., as the progenitor of America's national symbol of "Uncle Sam."

The message also announced that the Senate recedes from its amendment to the bill (H.R. 7576) entitled "An act to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8666) entitled "An Act to provide for the improvement and strengthening of international relations of the United States by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2237) entitled "An act to permit the entry of certain eligible alien orphans."

The message also announced that the Senate had appointed the Senator from Oregon [Mrs. NEUBERGER] as a delegate to the Interparliamentary Union at Brussels, vice the Senator from Oklahoma [Mr. MONRONEY], resigned.

The message also announced that the Senator from Pennsylvania [Mr. SCOTT] had been appointed a conferee on the bill (H.R. 6775) entitled "An act to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences," in place of the Senator from Kentucky [Mr. MORTON], excused.

TWENTY-FIRST ANNIVERSARY OF THE ELECTION OF HON. SAM RAYBURN AS SPEAKER OF THE HOUSE OF REPRESENTATIVES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, 21 years ago today the Honorable SAM RAYBURN was elected Speaker of the House of Representatives. He has now served in the House of Representatives longer than any man in history and he has served as Speaker longer than anyone in history. This is a very significant date which we must not permit to pass without notice. The Democratic members of

the Texas delegation in the House of Representatives have authorized me to speak for them as well as myself upon this occasion.

Henry Clay, of Kentucky, occupied the office of Speaker at intervals during the 12th, 13th, 14th, 15th, 16th, and 18th Congresses between November 4, 1811, and March 4, 1825, and held the record for length of service as Speaker until it was broken by Speaker RAYBURN.

The honor of being Speaker of the House of Representatives has been conferred upon only 44 men from the beginnings of this legislative body in 1789. It will not be long until Speaker RAYBURN will have the honor of having served twice as long as any other Speaker in history.

Seven Speakers of the House and eight Presidents of the United States have served since SAM RAYBURN took the first oath of office as a Member of this House on March 4, 1913, over 48 years ago.

In this long span of years, many important events have occurred in our Nation's history. We have gone through booms and depressions. We have had the First World War, the Second World War, the Korean war, and the so-called cold war. No other nation has accomplished so much during this period of time as the United States of America, and SAM RAYBURN is entitled to a large share of the credit for what has been achieved.

It is difficult to say anything new about Speaker RAYBURN. He breaks a record every minute that he lives and he is destined for many, many more years of constructive service.

A few years ago, I had an occasion to pay tribute to Speaker RAYBURN, and I do not believe that I can improve upon what I said at that time and I shall quote it, as follows:

> The greatness of this man is in his plain dignity, the restraint with which he exercises power, the respect he holds for an opponent's views, the humility with which he carries his responsibilities, and in his deep and abiding faith in our democratic processes and in the collective wisdom of the Congress as the direct representatives of the people.
>
> I believe it was Alexander Hamilton who said:
>
> "The amelioration of the condition of mankind and the increase of human happiness ought to be the leading objects of every political institution, and the aim of every individual according to the measure of his power, in the situation he occupies."
>
> SAM RAYBURN has always acted toward those noble ends.

So we congratulate the Speaker, the Honorable SAM RAYBURN, on the 21st anniversary of his elevation to one of the highest positions within the gift of the people of any nation on earth.

SPEAKER SAM RAYBURN HAS ACHIEVED A RECORD UNSURPASSED IN THE SERVICE OF OUR NATION

Mr. McCORMACK. Mr. Speaker, with singular wisdom, honesty, and devotion to the national interest, the Honorable SAM RAYBURN, the gentleman from Texas, has served his Nation with great distinction. On this, the 21st anniversary of his election as Speaker of the House of Representatives, we pay tribute to a truly great man.

A truly modest man, who eschews personal glorification, Speaker RAYBURN does not follow the precept of diplomacy—to say nothing, especially when speaking. On the contrary, when he speaks, there is substance and meaning and significance in every phrase he utters. This is the reason his counsel has been sought throughout the long years of his service, beginning with his election to this body over 48 years ago. His long and devoted service in the House of Representatives began during the New Freedom of President Woodrow Wilson. It embraced the era of Presidents Harding, Coolidge, and Hoover. It included the challenging years of the New Deal and World War II under President Franklin D. Roosevelt, and the trials of the Korean war under President Harry S. Truman. It included the regime of President Eisenhower. And now, under President John F. Kennedy, Mr. RAYBURN is one of the key figures in the New Frontier.

Speaker RAYBURN is a man to which tribute can be made continuously. One reflects back on earlier words of praise extended to this great man, and wonders what more can be added. It is difficult for me to express my deep feeling better than I did on the occasion when Mr. RAYBURN attained the distinction of having served as Speaker of the House longer than any other person in American history. At that time, included in my remarks were the following paragraphs which still speak my heartfelt appraisal of the man:

> Few men are accorded the privilege of partaking in the actual making of history over such a substantial and eventful portion of a nation's life. Speaker RAYBURN has played—and is today playing—a significant and influential part in the affairs of our modern times.
>
> Through it all, SAM RAYBURN has served his country faithfully and well with that reticence, honesty, and straightforward dealing which are the stamp of his character. He seeks no publicity, he avoids social glamour, shuns personal vainglory. He indulges in no long speeches. He speaks infrequently, but when he does, what he says is important and eloquent. His accomplishments in statecraft are in the field of action and not of words.
>
> With all of the prestige of his position in the high councils of the Nation, SAM RAYBURN is unchanged, except in the growth of his wisdom and experience, from the young man sent to Washington by the people of the Fourth Congressional District of Texas. He continues to serve their interests—even as he serves the national interest.

On this occasion, we note that Mr. RAYBURN not only has served in the House of Representatives—both as a Member and as Speaker—longer than any other man in history, but of great significance, he has set a record in public service that may never be matched in the years to come.

GENERAL LEAVE TO EXTEND

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members of the House may be permitted to extend their remarks in the RECORD on this subject at this point in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. DOWDY. Mr. Speaker, I rise with my fellow Texans and colleagues today, in a gesture which might be construed in some circles as typical Texan pride. For we of Texas are proud, and justifiably so, of the public service rendered in behalf of America and the free world by SAM RAYBURN, of Bonham, Tex. Today marks the 21st anniversary of his service as Speaker of this august body, a singular accomplishment indeed considering the weight of responsibility of this position is second only to the Chief Executive, in the regulation of the affairs of the Nation.

At 79 years young, the Honorable SAM RAYBURN has served his community, State, and Nation for more than half a century. His is a unique achievement, and one which will in the coming years attract the efforts of more chroniclers of history than any other man in the Halls of Congress. In the role of lawmaker, strategist, parliamentarian, or Speaker, the gentleman from Bonham has no peer.

The record of this body reflects more references to the efforts of this son of Texas to the advancement and progress of the Nation than to any other Congressman in history. By the dint of his personal labor, America is a better place; his leadership has made this body a better place; his friendship has made us better men.

As Mr. SAM passes this milestone on his journey, we of Texas wish him Godspeed.

Mr. EDMONDSON. Mr. Speaker, I appreciate the thoughtfulness of the gentleman from Texas [Mr. PATMAN] in noting the historic significance of this date in the records of both the House and the Nation.

Twenty-one years of dedicated service as Speaker of the House or as leader of the Democratic Members of Congress during periods when his party was not in the majority—this is the remarkable and historic record of our beloved colleague from Texas, the Honorable SAM RAYBURN.

We miss his wise and powerful presence in our ranks today, as he convalesces in his home at Bonham, and I know that every Member of this body joins in the hope and prayer that he will soon be with us again.

Mr. LANE. Mr. Speaker, the test of a democracy is the ability of the people to speak. When their voices are heard freedom rings, and when their voices are hushed or not represented freedom dies. That is the basic concept of representative government in a democracy. That concept is the very heart, blood, and pulse beat of the Government of the United States, and that Government is conducted by its elected representatives whose duty it is to represent the will of the people yet ever mindful of the rights of minorities.

So that the machinery of this Government may well and truly operate within the full meaning and concept of democracy the framers of the Constitution declared and provided that the House of Representatives of the people shall choose their Speaker. In essence and in effect the individual so chosen became not merely the presiding officer over this body but also the Speaker for all the people of the United States. And in the history of this country it has been well shown that the Members of this House have been ever mindful of the awesome responsibility of the Speaker and have chosen men of wisdom, courage, and character as Speaker.

This day, September 16, 1961, marks the 21st anniversary of the day our Speaker SAM RAYBURN was elected to preside over this body. So good and wise was that choice that his services were demanded by the people, through their Representatives, Congress after Congress until, on June 12 of this year, the record discloses, he has served the people of the United States twice as long as any other Speaker of the House of Representatives.

Only to one who has a deep belief in the democratic process would such an exalted office be entrusted. Time and time again, in times of war and depression as well as peace and prosperity, has Speaker SAM RAYBURN counseled and guided, advised and directed the course of debate and legislation on which hung the destiny of this Nation. Well and true has he labored and the fruits of his labor are being enjoyed by all.

To the people of the Fourth Congressional District of Texas must our heartfelt appreciation and thanks be extended for giving to the service of the United States the lawyer-farmer SAM RAYBURN and returning him again and again to this body. Whatever your contributions may have been, and may still be, little can they match your contribution in the person of SAM RAYBURN. Under the guiding hand of kind providence we, here in the House of Representatives, trust you will share our sentiments in appreciating having this noble man in our midst, and for many years yet to come.

Speaker SAM RAYBURN is described in the congressional directory as a lawyer-farmer. No prouder title can any man hold because it is indicative of the nature of the man. The lawyer whose aim is justice and the farmer whose purpose is growth; both being the highest qualities sought from man by God. SAM RAYBURN possesses those qualities. I know this of my own knowledge for I have served under him for 20 years and I do not exaggerate.

Congratulations, therefore, Mr. SAM, congratulations people of the Fourth Congressional District of Texas, on this 21st anniversary date.

Mr. ALBERT. Mr. Speaker, I am happy that the gentleman from Texas [Mr. PATMAN] has taken this time on this important occasion. Our beloved Speaker has served in this House longer than any man in history. Almost half of that unparalleled service has been spent in the Speaker's chair. When you say that, Mr. Speaker, you have said in effect that Mr. RAYBURN's service to his country matches the most distinguished service ever rendered by any American in any capacity, public or private, in the long history of this Republic. I love the Speaker as I have loved no man in my lifetime except my own father. He is the greatest man I ever knew. My fondest hope is that he may continue to preside over this House and to give this country his matchless leadership for years and years to come.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1962

Mr. NATCHER. Mr. Speaker, I call up the conference report on the bill (H.R. 8072) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1962, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1195)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8072) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1962, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 7, 10, 11, 12, 13, and 15, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$15,409,760"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$55,660,627"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$54,016,210"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$10,818,700"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,037,700"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$43,257,900"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,630,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3 and 17.

WILLIAM H. NATCHER,
CLARENCE CANNON,
JOHN J. RHODES,
JOHN TABER,
Managers on the Part of the House.

ROBERT C. BYRD,
ESTES KEFAUVER,
BENJAMIN A. SMITH II,
ANDREW F. SCHOEPPEL,
ROMAN L. HRUSKA,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8072) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1962, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

OPERATING EXPENSES

Amendment No. 1—General operating expenses: Appropriates $15,409,760 instead of $15,306,600 as proposed by the House and $15,430,560 as proposed by the Senate. The conferees have approved the following increases: $25,000 for participation of the District government in the promotion of tourism in the Nation's Capital as proposed by the Senate; $10,000 for the Board of Appeals and Review instead of $20,000 as proposed by the Senate; $8,160 for a position classifier for the Department of General Administration as proposed by the Senate; and $60,000 for disability compensation as proposed by the Senate.

Amendment No. 2—General operating expenses: Provides that $290,000 of the appropriation available for general operating expenses shall be available solely for the District of Columbia employees' disability compensation as proposed by the Senate instead of $230,000 as proposed by the House.

Amendment No. 3—Public safety: Reported in disagreement.

Amendment No. 4—Public safety: Authorizes the purchase of 62 passenger motor vehicles as proposed by the House instead of 64 as proposed by the Senate.

Amendment No. 5—Public safety: Appropriates $55,660,627 instead of $55,139,500 as proposed by the House and $55,712,366 as proposed by the Senate. The increase over the amount proposed by the House will provide for the following: $14,000 for two additional employees in the Mental Health and Collections Unit, Office of the Corporation Counsel; $133,000 for police and fire medical services and firemen's pensions and relief; $12,598 for an investigator and an auditor in the Enforcement Branch of the Licenses

and Permits Division; $10,000 for additional personnel to administer the regulations governing the home improvement business under regulations to be effective January 1, 1962; $243,534 for 71 additional police, 20 more than the number requested; and $108,000 for outside medical services for policemen injured in the line of duty.

It was agreed by the committee of conference that a thorough investigation of the medical services program of the Fire and Police Departments will be made by the Committee on Appropriations of the House to determine whether it is the most efficient and economical method of rendering adequate services.

The committee of conference agreed not to allow $5,000 requested by the District of Columbia and allowed by the Senate for a crime study on the basis that the study proposed was too superficial to yield results that would be of real value. The conferees are agreed on the desirability of a study in depth that will be thorough enough to reveal to the Police Department and the courts steps that should be taken to reduce the high incidence of crime in the District of Columbia.

Amendment No. 6—Education: Appropriates $54,016,210 instead of $53,870,800 as proposed by the House and $54,091,734 as proposed by the Senate. The conferees have approved the following increases: $28,330 for the summer school program as proposed by the Senate; $40,000 for counselors in elementary schools as proposed by the Senate; $5,180 for education of handicapped children as proposed by the Senate; $12,700 for the District of Columbia Teachers College as proposed by the Senate; $35,000 for operation of buildings and grounds (including $10,000 for additional laborers, $10,000 for repair of furniture and equipment, and $15,000 for transportation services) instead of $74,223 as proposed by the Senate; and $24,200 for the school lunch program.

Amendment No. 7—Health and welfare: Appropriates $61,993,090 as proposed by the Senate instead of $62,477,500 as proposed by the House.

Amendment No. 8—Highways and traffic: Appropriates $10,818,700 instead of $10,698,700 as proposed by the House and $10,862,300 as proposed by the Senate. The conferees have approved the following increases: $100,000 for expansion of the tree care program instead of $143,600 as proposed by the Senate; and $20,000 for the Department of Motor Vehicles as proposed by the Senate.

Amendment No. 9—Highways and traffic: Provides that $7,037,700 of the appropriation for highways and traffic shall be payable from the highway fund instead of $6,917,700 as proposed by the House and $7,081,300 as proposed by the Senate.

MISCELLANEOUS

Amendment No. 10: Inserts heading as proposed by the Senate.

Amendment No. 11—Settlement of claims and suits: Appropriates $17,188 as proposed by the Senate.

Amendment No. 12—Audited claims: Appropriates $44,022 as proposed by the Senate.

CAPITAL OUTLAY

Amendment No. 13—Capital outlay: Inserts language proposed by the Senate.

Amendment No. 14—Capital outlay: Appropriates $43,257,900 instead of $41,778,900 as proposed by the House and $43,436,700 as proposed by the Senate. The conferees have approved the following increases: $1,200,000 for Eliot Junior High School as proposed by the Senate; $149,000 for permanent improvements of the public school system, as proposed by the Senate; $60,000 to pave over the street car tracks on Georgia Avenue, as proposed by the Senate; and $70,000 to reinforce the pavement on New York Avenue Northeast, as proposed by the Senate.

Amendment No. 15—Capital outlay: Provides that $6,825,000 of the appropriation shall not become available for expenditure until after July 1, 1962, as proposed by the Senate instead of $5,625,000 as proposed by the House.

Amendment No. 16—Capital outlay: Provides that $6,630,000 of this appropriation shall be payable from the highway fund instead of $6,500,000 as proposed by the House and $6,651,800 as proposed by the Senate.

Amendment No. 17—Capital outlay: Reported in disagreement.

WILLIAM H. NATCHER,
CLARENCE CANNON,
JOHN J. RHODES,
JOHN TABER,
Managers on the Part of the House.

Mr. NATCHER. Mr. Speaker, I would like to briefly explain the action of the managers on the part of the House in the conference with the other body on the bill H.R. 8072 making appropriations for the District of Columbia for the fiscal year 1962.

The conference report now before the House for adoption carries $270,067,897. This amount is $22,759,501 less than the total budget estimates of $292,827,398. The amount agreed to in conference is $1,945,497 more than the amount contained in the bill when it passed the House and is $370,463 less than the amount contained in the bill as passed by the other body. The following table reflects more details concerning these figures and comparisons:

District of Columbia appropriation bill, 1962

Portion of the bill	Budget	House	Senate	Conference	Conference compared with—		
					Budget	House	Senate
Operating expenses	$231,891,000	$226,343,500	$226,940,450	$226,748,787	−$5,142,213	+$405,287	−$191,663
Claims and suits	61,210	----------	61,210	61,210	----------	+61,210	----------
Capital outlay	60,875,188	41,778,900	43,436,700	43,257,900	−17,617,288	+1,479,000	−178,800
Total	292,827,398	268,122,400	270,438,360	270,067,897	−22,759,501	+1,945,497	−370,463

The major items of increase over the bill as it originally passed the House are as follows: $1,200,000 for construction of an extension of Eliot Junior High School; $243,534 for 71 additional policemen; $241,000 for the Board of Police and Fire Surgeons; and $117,300 for renovation and conversion of science rooms in the public schools.

Mr. Speaker, for the first time in many years the other body accepted the amount appropriated by the House for the Federal payment. The amount, as you know, was $30 million, and the other body concurred. I should also point out that while the increase made in the bill by the other body appears to be rather substantial there were seven items submitted to the Senate as Budget amendments subsequent to the time of House action on the bill. These amounts total approximately $400,000.

Mr. Speaker, this is a unanimous report which the managers bring to the House today. We think it is a good report and trust that it will be adopted by the House.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: Page 4, line 3, insert: "the present lieutenant in charge of the Accident Investigation Unit of Traffic Division with the rank and pay of captain while so assigned, the present senior lieutenant assigned to the Robbery Squad with the rank and pay of captain while so assigned, the present lieutenant assigned as Pawn Inspector with the rank and pay of captain while so assigned."

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 17: Page 10, line 12, insert: ": *Provided further*, That the unexpected balances of the amounts previously appropriated under the accounts herewith consolidated may be transferred to this account for use for the same purposes as appropriated."

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days to extend their remarks at this point in the RECORD, and I further ask unanimous consent to extend my remarks in the RECORD immediately following the conference report and to include a table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961

Mr. HAYS. Mr. Speaker, I call up the conference report on the bill (H.R. 8666) to provide for the improvement and strengthening of the international relations of the United States by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1197)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8666) to provide for the improvement and strengthening of the international relations of the United States by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That this Act may be cited as the 'Mutual Educational and Cultural Exchange Act of 1961'.

"SEC. 101. STATEMENT OF PURPOSE.—The purpose of this Act is to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations, and the contributions being made toward a peaceful and more fruitful life for people throughout the world; to promote international cooperation for educational and cultural advancement; and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and the other countries of the world.

"SEC. 102 (a) The President is authorized, when he considers that it would strengthen international cooperative relations, to provide, by grant, contract, or otherwise, for—

"(1) educational exchanges, (i) by financing studies, research, instruction, and other educational activities—

"(A) of or for American citizens and nationals in foreign countries, and

"(B) of or for citizens and nationals of foreign countries in American schools and institutions of learning located in or outside the United States;

and (ii) by financing visits and interchanges between the United States and other countries of students, trainees, teachers, instructors, and professors;

"(2) cultural exchanges, by financing—

"(i) visits and interchanges between the United States and other countries of leaders, experts in fields of specialized knowledge or skill, and other influential or distinguished persons;

"(ii) tours in countries abroad by creative and performing artists and athletes from the United States, individually and in groups, representing any field of the arts, sports, or any other form of cultural attainment;

"(iii) United States representation in international artistic, dramatic, musical, sports, and other cultural festivals, competitions, meetings, and like exhibitions and assemblies;

"(iv) participation by groups and individuals from other countries in nonprofit activities in the United States similar to those described in subparagraphs (ii) and (iii) of this paragraph, when the President determines that such participation is in the national interest.

"(3) United States participation in international fairs and expositions, including trade and industrial fairs and other public or private demonstrations of United States economic accomplishments and cultural attainments.

"(b) In furtherance of the purposes of this Act, the President is further authorized to provide for—

"(1) interchanges between the United States and other countries of handicrafts, scientific, technical, and scholarly books, books of literature, periodicals, and Government publications, and the reproduction and translation of such writings, and the preparation, distribution, and interchange of other educational and research materials, including laboratory and technical equipment for education and research;

"(2) establishing and operating in the United States and abroad centers for cultural and technical interchanges to promote better relations and understanding between the United States and other nations through cooperative study, training, and research;

"(3) assistance in the establishment, expansion, maintenance, and operation of schools and institutions of learning abroad, founded, operated, or sponsored by citizens or nonprofit institutions of the United States, including such schools and institutions serving as demonstration centers for methods and practices employed in the United States;

"(4) fostering and supporting American studies in foreign countries through professorships, lectureships, institutes, seminars, and courses in such subjects as American history, government, economics, language and literature, and other subjects related to American civilization and culture, including financing the attendance at such studies by persons from other countries;

"(5) promoting and supporting medical, scientific, cultural, and educational research and development;

"(6) promoting modern foreign language training and area studies in United States schools, colleges, and universities by supporting visits and study in foreign countries by teachers and prospective teachers in such schools, colleges, and universities for the purpose of improving their skill in languages and their knowledge of the culture of the people of those countries, and by financing visits by teachers from those countries to the United States for the purpose of participating in foreign language training and area studies in United States schools, colleges, and universities;

"(7) United States representation at international nongovernmental educational, scientific, and technical meetings;

"(8) participation by groups and individuals from other countries in educational, scientific, and technical meetings held under American auspices in or outside the United States;

"(9) encouraging independent research into the problems of educational and cultural exchange.

"SEC. 103. (a) The President is authorized to enter into agreements with foreign governments and international organizations, in furtherance of the purposes of this Act. In such agreements the President is authorized, when he deems it in the public interest, to seek the agreement of the other governments concerned to cooperate and assist, including making use of funds placed in special accounts pursuant to agreements concluded in accordance with section 115(b)(6) of the Economic Cooperation Act of 1948, or any similar agreements, in providing for the activities authorized in section 102, and particularly those authorized in subsection 102(a)(1), of this Act with respect to the expenses of international transportation of their own citizens and nationals and of activities in furtherance of the purposes of this Act carried on within the borders of such other nations.

"(b) Such agreements may also provide for the creation or continuation of binational or multinational educational and cultural foundations and commissions for the purpose of administering programs in furtherance of the purposes of this Act.

"(c) In such agreements with international organizations, the President may provide for equitable United States participation in and support for, including a reasonable share of the cost of, educational and cultural programs to be administered by such organizations.

"SEC. 104. (a) The President may delegate, to such officers of the Government as he determines to be appropriate, any of the powers conferred upon him by this Act to the extent that he finds such delegation to be in the interest of the purposes expressed in this Act and the efficient administration of the programs undertaken pursuant to this Act: *Provided*, That where the President has delegated any of such powers to any officer, before the President implements any proposal for the delegation of any of such powers to another officer, that proposal shall be submitted to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, and thereafter a period of not less than sixty days shall have elapsed while Congress is in session. In computing such sixty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days.

"(b) The President is authorized to employ such other personnel as he deems necessary to carry out the provisions and purposes of this Act, and of such personnel not to exceed ten may be compensated without regard to the provisions of the Classification Act of 1949, as amended, and of these not to exceed five may be compensated at a rate in excess of the highest rate provided for grades of the general schedule established by the Classification Act of 1949, as amended, but not in excess of $1,000 per annum more than such highest rate. Such positions shall be in addition to the number authorized by section 505 of the Classification Act of 1949, as amended.

"(c) For the purpose of performing functions under this Act outside the United States, including participation in binational or multinational foundations or commissions, the Secretary of State may employ or assign or authorize the employment or assignment for the duration of operations under this Act of persons in or to the Foreign Service Reserve or Foreign Service Staff and alien clerks and employees in accordance with applicable provisions of the Foreign Service Act of 1946, as amended (22 U.S.C. 801).

"(d) For the purpose of performing functions under this Act outside the United States, the President is authorized to provide that any person employed or assigned by a United States Government agency shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 528 of the Foreign Service Act of 1946, as amended (22 U.S.C. 928), for persons appointed to the Foreign Service Reserve and, except for policymaking officials, the provisions of section 1005 of the Foreign Service Act of 1949, as amended (22 U.S.C. 807), shall apply in the case of such persons.

"(e)(1) In providing for the activities and interchanges authorized by section 102 of this Act, grants may be made to or for individuals, either directly or through foundations or educational or other institutions, which foundations or institutions are public or private nonprofit, and may include funds for tuition and other necessary incidental

expenses, for travel expenses from their places of residence and return for themselves, and, whenever it would further the purposes of this Act, for the dependent mem- of their immediate families, for health and accident insurance premiums, emergency medical expenses, costs of preparing and transporting to their former homes the remains of any of such persons who may die while away from their homes as participants or dependents of participants in any program under this Act, and for per diem in lieu of subsistence at rates prescribed by the President, for all such persons, and for such other expenses as are necessary for the successful accomplishment of the purposes of this Act.

"(2) Funds available for programs under this Act may be used (i) to provide for orientation courses, language training, or other appropriate services and materials for persons traveling out of the countries of their residence for educational and cultural purposes which further the purposes of this Act, whether or not they are receiving other financial support from the Government, and (ii) to provide or continue services to increase the effectiveness of such programs following the return of such persons to the countries of their residence.

"(3) For the purpose of assisting foreign students in making the best use of their opportunities while attending colleges and universities in the United States, and assisting such students in directing their talents and initiative into channels which will make them more effective leaders upon return to their native lands, the President may make suitable arrangements, by contract or otherwise, for the establishment and maintenance at colleges and universities in the United States attended by foreign students of an adequate counseling service.

"(4) The President is authorized to provide for publicity and promotion (including representation) abroad of activities of the type provided for in this Act.

"(f) All persons employed or assigned to duties under this Act shall be investigated with respect to loyalty and suitability in accordance with standards and procedures established by the President.

"SEC. 105. (a) Appropriations to carry out the purposes of this Act, to remain available until expended, are hereby authorized, and this authorization includes the authority to grant, in any appropriation Act, the authority to enter into contracts, within the amounts so authorized, creating obligations in advance of appropriations.

"(b) Funds appropriated for programs under this Act may, without regard to section 3651 of the Revised Statutes (31 U.S.C. 543), be used for the acquisition from any source of foreign currencies in such amounts as may be necessary for current expenditures and for grants, including grants to foundations and commissions in accordance with international agreements providing for the accomplishment of the purposes of this Act.

"(c) Moneys appropriated to any department or agency of the Government in furtherance of the purposes of this Act for research, technical aid, and educational and cultural programs, may be transferred by the President to any other appropriation available for like purposes, but no appropriation authorized by this Act shall be increased or decreased by more than 10 per centum by reason of transfers pursuant to this paragraph.

"(d) The President is authorized—

"(1) to reserve in such amounts and for such periods as he shall determine to be necessary to provide for the programs authorized by subsections 102(a)(1) and 102(a)(2)(i), and

"(2) notwithstanding the provisions of any other law to use in such amounts as may from time to time be specified in appropriation Acts, to the extent that such use is not restricted by agreement with the foreign nations concerned, for any programs authorized by this Act,

any currencies of foreign nations received or to be received by the United States or any agency thereof—

"(i) under agreements disposing of surplus property or settling lend-lease and other war accounts concluded after World War II;

"(ii) as the proceeds of sales or loan repayments, including interest, for transactions heretofore or hereafter effected under the Agricultural Trade Development and Assistance Act of 1954, as amended;

"(iii) in repayment of principal or interest on any other credit extended or loan heretofore or hereafter made by the United States or any agency thereof; or

"(iv) as deposits to the account of the United States pursuant to section 115(b)(6) or sections 115(h) of the Economic Cooperation Act of 1948, as amended, or any similar provision of any other law.

"(e) The President is further authorized to reserve and use for educational and cultural exchange programs and other activities authorized in subsections 102 (a) and (b) of this Act, in relation to Finland and the people of Finland, all sums due or paid on and after August 24, 1949, by the Republic of Finland to the United States as interest on or in retirement of the principal of the debt incurred under the Act of February 25, 1919, as refunded by the agreement dated May 1, 1923, pursuant to the authority contained in the Act of February 9, 1922, or of any other indebtedness incurred by that Republic and owing to the United States as a result of World War I.

"(f) Foreign governments, international organizations and private individuals, firms, associations, agencies, and other groups shall be encouraged to participate to the maximum extent feasible in carrying out this Act and to make contributions of funds, property, and services which the President is hereby authorized to accept, to be utilized to carry out the purposes of this Act. Funds made available for the purposes of this Act may be used to contribute toward meeting the expenses of activities carried out through normal private channels, by private means, and through foreign governments and international organizations.

"SEC. 106. (a) (1) For the purpose of selecting students, scholars, teachers, trainees, and other persons to participate in the programs authorized under section 102(a)(1) of this Act, and of supervising such programs and the programs authorized under section 102 (b) (4) and (6), there is hereby continued the authority of the President to appoint a Board of Foreign Scholarships (hereinafter referred to as the "Board") consisting of twelve members. In connection with appointments to such Board, due consideration shall be given to the selection of distinguished representatives of cultural, educational, student advisory, and war veterans groups, and representatives of the United States Office of Education, the United States Veterans' Administration, public and private nonprofit educational institutions.

"(2) In the selection of American citizens for participation in programs under this Act, preference shall be given to those who have served in the Armed Forces of the United States, and due consideration shall be given to applicants from all geographical areas of the United States.

"(b)(1) The United States Advisory Commission on International Educational and Cultural Affairs (hereinafter referred to as the "Commission") is hereby established to replace the United States Advisory Commission on Educational Exchange. The Commission shall formulate and recommend to the President policies for exercising his authority under this Act and shall appraise the effectiveness of programs carried out pursuant to it. The Commission shall make a special study of the effectiveness of past programs with emphasis on the activities of a reasonably representative cross section of past recipients of aid and shall submit a report to the Congress not later than December 31, 1962.

"(2) The Commission shall consist of nine members, who shall be appointed by the President, by and with the advice and consent of the Senate. Members of the Commission shall be appointed on a nonpartisan basis.

"(3) The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, cultural, scientific, technical, and public service backgrounds.

"(4) The term of each member shall be three years except that, of the first nine appointments, three shall be for a term of one year and three shall be for a term of two years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term. Upon the expiration of his term of office any member may continue to serve until his successor is appointed and has qualified.

"(5) The President shall designate a Chairman from among members of the Commission.

"(6) The Commission is authorized to adopt such rules and regulations as it may deem necessary to carry out the authority conferred upon it by this Act.

"(c)(1) There is hereby continued the Advisory Committee on the Arts (hereinafter referred to as the 'Committee') created under section 10 of the International Cultural Exchange and Trade Fair Participation Act of 1956, consisting of a Chairman and nine other members of whom at least one shall be a member of the Commission. Appointment of all members and selection of the Chairman of this Committee shall hereafter be made by the Secretary of State. In making such appointments due consideration shall be given to the recommendations for nomination submitted by leading national organizations in the major art fields.

"(2) The members of the Committee shall be individuals whose knowledge of or experience in, or whose profound interest in, one or more of the arts will enable them to assist the Commission, the President, and other officers of the Government in performing the functions described in paragraph (3) of this subsection.

"(3) The Committee shall, in connection with activities authorized under subsection 102(a)(2) of this Act—

"(A) advise and assist the Commission in the discharge of its responsibilities in the field of international educational exchange and cultural presentations with special reference to the role of the arts in such fields;

"(B) advise other interested officers of the Government in the discharge of their responsibilities in connection with such activities and in connection with other international activities concerned with the arts;

"(C) provide such other advice and assistance as may be necessary or appropriate.

"(4) The term of office of each of the members of the Committee shall be three years.

"(d) The President is authorized to create such interagency and other advisory committees as in his judgment may be of assistance in carrying out the purposes of this Act, and from time to time to convene conferences of persons interested in educational and cultural affairs to consider matters relating to the purposes of this Act.

"(e) The provisions of section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691), shall be applicable to any interagency committee created pursuant to the provisions of this Act. Members of the Board, the Commission, the Committee, and other committees provided for in this section

shall be entitled (i) to transportation expenses and per diem in lieu of subsistence at the rate prescribed by or established pursuant to section 5 of the Administrative Expense Act of 1946, as amended (5 U.S.C. 73b-2), while away from home in connection with attendance at meetings or in consultation with officials of the Government or otherwise carrying out duties as authorized, and (ii) if not otherwise in the employ of the United States Government, to compensation at rates not in excess of $50 per diem while performing services for such Board, Commission, Committee, or other committee.

"(f) The President is authorized to provide for necessary secretarial and staff assistance for the Board, the Commission, the Committee, and such other committees as may be created under this section.

"SEC. 107. The Board, the Commission, and the Committee shall submit annual reports to the Congress and such other reports to the Congress as they deem appropriate, and shall make reports to the public in the United States and abroad to develop a better understanding of and support for the programs authorized by this Act.

"SEC. 108. (a) Whenever the President determines it to be in furtherance of this Act, the functions authorized in section 102(a) (2) and (3) may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property, and the expenditure of Government funds, as he may specify.

"(b) The President shall submit annual reports to the Congress of activities carried on and expenditures made in furtherance of the purposes of this Act. Each such report shall include the texts of agreements made with other nations during the period covered by the report, a full description of the program and the funds expended with respect to each country in which activities have been carried on in furtherance of the purposes of this Act.

"(c) In connection with activities authorized by section 102(a) (2) and (3) of this Act, the President is authorized to provide for all necessary expenditures involved in the selection, purchase, rental, construction, or other acquisition of exhibits and materials and equipment therefor, and the actual display thereof, including but not limited to costs of transportation, insurance, installation, safekeeping and storage, maintenance and operation, rental of space, and dismantling.

"(d) The President is authorized to utilize the provisions of title VIII of the United States Information and Educational Exchange Act of 1948, as amended, to the extent he deems necessary in carrying out the provisions and purposes of this Act.

"SEC. 109. The Immigration and Nationality Act, as amended, is hereby amended as follows:

"(a) In section 101(a)(15)(F) insert '(i)' at the beginning thereof, strike out the semicolon at the end thereof, and add the following ', and (ii) the alien spouse and minor children of any such alien if accompanying him or following to join him.'

"(b) In section 101(a)(15)(I) change the period to a semicolon at the end thereof and add the following:

"'(J) an alien having a residence in a foreign country which he has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in a program designated by the Secretary of State, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training, and the alien spouse and minor children of any such alien if accompanying him or following to join him.'

"(c) in Section 212 redesignate subsection '(e)' to read '(f)' and add a new subsection '(e)' to read:

"'(e) No person admitted under section 101(a)(15)(J) or acquiring such status after admission shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under section 101(a)(15)(H) until it is established that such person has resided and been physically present in the country of his nationality or his last residence, or in another foreign country for an aggregate of at least two years following departure from the United States: *Provided*, That such residence in another foreign country shall be considered to have satisfied the requirements of this subsection if the Secretary of State determines that it has served the purpose and the intent of the Mutual Educational and Cultural Exchange Act of 1961: *Provided further*, That upon the favorable recommendation of the Secretary of State, pursuant to the request of an interested United States Government agency, or of the Commissioner of Immigration and Naturalization after he has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), the Attorney General may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Attorney General to be in the public interest: *And provided further*, That the provisions of this paragraph shall apply also to those persons who acquired exchange visitors status under the United States Information and Educational Exchange Act of 1948, as amended'; and

"(d) In section 248, after the language 'paragraph (15)(C)', in both instances, add 'or (J)'.

"SEC. 110. (a) Section 117(b)(2)(A) of the Internal Revenue Code of 1954 (relating to the conditions for exclusion of scholarships and fellowship grants in the case of individuals who are not candidates for degrees) is amended to read as follows:

"'(A) CONDITIONS FOR EXCLUSION.—The grantor of the scholarship or fellowship grant is—

"'(i) an organization described in section 501(c)(3) which is exempt from tax under section 501(a),

"'(ii) a foreign government,

"'(iii) an international organization, or a binational or multinational educational and cultural foundation or commission created or continued pursuant to the Mutual Educational and Cultural Exchange Act of 1961, or

"'(iv) the United States, or any instrumentality or agency thereof, or a State, a territory, or a possession of the United States, or any political subdivision thereof, or the District of Columbia.'

"(b) Section 871 of the Internal Revenue Code of 1954 (relating to tax on nonresident alien individuals) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"'(d) PARTICIPANTS IN CERTAIN EXCHANGE OR TRAINING PROGRAMS.—For purposes of this section, a nonresident alien individual who (without regard to this subsection) is not engaged in trade or business within the United States and who is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, shall be treated as a nonresident alien individual engaged in trade or business within the United States.'

"(c) Section 872(b) of the Internal Revenue Code of 1954 (relating to exclusions from gross income of nonresident alien individuals) is amended by adding at the end thereof the following new paragraph:

"'(8) COMPENSATION OF PARTICIPANTS IN CERTAIN EXCHANGE OR TRAINING PROGRAMS.—Compensation paid by a foreign employer to a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended. For purposes of this paragraph, the term "foreign employer" means—

"'(A) a nonresident alien individual, foreign partnership, or foreign corporation, or

"'(B) an office or place of business maintained in a foreign country or in a possession of the United States by a domestic corporation.'

"(d)(1) Section 1441(a) of the Internal Revenue Code of 1954 (relating to withholding of tax on nonresident aliens) is amended by inserting before the period at the end thereof the following: ', except that in the case of any item of income specified in the second sentence of subsection (b), the tax shall be equal to 18 percent of such item'.

"(2) Section 1441(b) of such Code (relating to income items subject to withholding) is amended by adding at the end thereof the following new sentence: "The items of income referred to in subsection (a) from which tax shall be deducted and withheld at the rate of 18 percent are—

"'(1) that portion of any scholarship or fellowship grant which is received by a nonresident alien individual who is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, and which is not excluded from gross income under section 117(a)(1) solely by reason of section 117(b)(2)(B); and

"'(2) amounts described in subparagraphs (A), (B), (C), and (D) of section 117(a)(2) which are received by any such nonresident alien individual and which are incident to a scholarship or fellowship grant to which section 117(a)(1) applies, but only to the extent such amounts are includible in gross income.'

"(3) Section 1441(c)(4) of the Internal Revenue Code of 1954 (relating to exceptions to withholding of tax on nonresident aliens) is amended to read as follows:

"'(4) COMPENSATION OF CERTAIN ALIENS.—Under regulations prescribed by the Secretary or his delegate, there may be exempted from deduction and withholding under subsection (a) the compensation for personal services of—

"'(A) nonresident alien individuals who enter and leave the United States at frequent intervals, and

"'(B) a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended.'

"(e)(1) Section 3121(b) of the Internal Revenue Code of 1954 (relating to the definition of employment for purposes of the Federal Insurance Contributions Act) is amended—

"(A) by striking out 'or' at the end of paragraph (17);

"(B) by striking out the period at the end of paragraph (18) and inserting in lieu thereof '; or'; and

"(C) by adding at the end thereof the following new paragraph:

"'(19) service which is performed by a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of

the Immigration and Nationality Act, as amended, and which is performed to carry out the purpose specified in subparagraph (F) or (J), as the case may be.'

"(2) Section 210(a) of the Social Security Act, as amended, is amended—

"(A) by striking out 'or' at the end of paragraph (17);

"(B) by striking out the period at the end of paragraph (18) and inserting in lieu thereof '; or'; and

"(C) by adding at the end thereof the following new paragraph:

"'(19) Service which is performed by a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, and which is performed to carry out the purpose specified in subparagraph (F) or (J), as the case may be.'

"(f) Section 3306(c) of the Internal Revenue Code of 1954 (relating to the definition of employment for purposes of the Federal Unemployment Tax Act) is amended—

"(1) by striking out 'or' at the end of paragraph (16);

"(2) by striking out the period at the end of paragraph (17) and inserting in lieu thereof '; or'; and

"(3) by adding at the end thereof the following new paragraph:

"'(18) service which is performed by a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, and which is performed to carry out the purpose specified in subparagraph (F) or (J), as the case may be.'

"(g)(1) Section 3401(a)(6) of the Internal Revenue Code of 1954 (relating to the definition of wages for purposes of withholding of income tax at source) is amended by adding at the end thereof the following new subparagraph:

"'(C) an individual who is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, if such remuneration is exempt, under section 1441(c)(4)(B), from deduction and withholding under section 1441(a), and is not exempt from taxation under section 872(b)(3), or'.

"(2) Section 3402(f) of such Code (relating to withholding exemptions) is amended by adding at the end thereof the following new paragraph:

"'(6) EXEMPTION OF CERTAIN NONRESIDENT ALIENS.—Notwithstanding the provisions of paragraph (1), a nonresident alien individual (other than an individual described in section 3401(a)(6) (A) or (B)) shall be entitled to only one withholding exemption.'

"(h)(1) The amendments made by subsections (a), (b), and (c) of this section shall apply to taxable years beginning after December 31, 1961.

"(2) The amendments made by subsection (d) of this section shall apply with respect to payments made after December 31, 1961.

"(3) The amendments made by subsections (e) and (f) of this section shall apply with respect to service performed after December 31, 1961.

"(4) The amendments made by subsection (g) of this section shall apply with respect to wages paid after December 31, 1961.

"SEC. 111. (a) There are hereby repealed—

"(1) Section 32(b)(2) of the Surplus Property Act of 1944, as amended (60 Stat. 754, 50 U.S.C. App. Sec. 1641);

"(2) Sections 2(2), 201, 203 insofar as it relates to schools, 601, 602 and 603 insofar as they relate to the Advisory Commission on Educational Exchange, 1001 insofar as it relates to persons employed or assigned to duties under this Act, and 1008 and 1009 insofar as they relate to educational exchange activities, of the United States Information and Educational Exchange Act of 1948, as amended (62 Stat. 6; 22 U.S.C. sections 1431 (2); 1434, 1439, 1440, 1446, 1448, 1466, 1467, and 1468);

"(3) The International Cultural Exchange and Trade Fair Participation Act of 1956 (70 Stat. 778; 22 U.S.C. 1991–2001);

"(4) The joint resolution of August 24, 1949, authorizing the use of Finnish World War I debt payments available for educational and technical instruction, and so forth (63 Stat. 630; 20 U.S.C. 222–224).

"(b) All Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of any provisions of law repealed by subsection (a) of this section shall continue in full force and effect, and shall be applicable to the appropriate provisions of this Act until modified or superseded by appropriate authority.

"(c) Any reference in any other Act to the provisions of law listed in subsection (a) shall hereafter be considered to be references to the appropriate provisions of this Act."

And the Senate agree to the same.

WAYNE L. HAYS,
LEONARD FARBSTEIN,
JOHN S. MONAGAN,
E. ROSS ADAIR,
HORACE SEELY-BROWN, Jr.,
Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
H. H. HUMPHREY,
ALEXANDER WILEY,
BOURKE B. HICKENLOOPER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8666) to provide for the improvement and strengthening of the international relations of the United States by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for clarifying, clerical, and necessary conforming changes, the differences are noted below:

STATEMENT OF PURPOSE (SEC. 101)

The House bill and the Senate amendment contained substantially similar statements of policy concerning the objectives and purposes of the Act. However, the Senate amendment eliminated the phrase "to promote a better understanding of the United States in other countries."

The managers on the part of the House accepted the Senate language in recognition of the fact that the phrase "to increase mutual understanding between the people of the United States and the people of other countries" which was retained in the statement of policy fully covered the idea expressed in the deleted phrase.

The managers on the part of the House desire that in the administration of the various programs authorized by this bill no discrimination as to race, creed, or color will be practiced in the selection of individuals to perform functions under this bill or to benefit from the provisions of the programs authorized in the bill. Similarly they desire that countries that practice such discrimination shall not be the beneficiaries of any of the programs authorized in this bill.

RESEARCH PROGRAMS (SEC. 102(b)(5))

Section 102(b)(5) of the House bill authorized the President to provide, among others, for "encouraging and promoting medical, scientific, cultural, and educational research and development." The Senate amendment made provision for "promoting and supporting" identical activities. The language in the House bill was intended to make clear that this paragraph did not provide authority to finance laboratories and other costly physical installations. The Senate conferees accepted this interpretation but pointed out that there would be instances where research in and the development of specialized equipment of modest cost, particularly in the teaching of foreign languages, could be supported under the terms of the Senate language. The House conferees therefore accepted the Senate language on the understanding that such programs envisioned by the Senate amendment merited support.

REPRESENTATION AT INTERNATIONAL MEETINGS (SECS. 102(b) (7) AND (8))

Sections 102(b) (7) and (8) of the Senate amendment authorized the President to provide for United States representation at international nongovernmental educational, scientific, and technical meetings; and participation by groups and individuals from other countries in educational, scientific and technical meetings held under American auspices in or outside the United States. The House bill contained no similar provisions. The managers on the part of the House accepted the Senate language which will make possible greater participation by eminent scientists and scholars in learned societies. It provides the same authority for participation as that provided with respect to cultural meetings under section 102(a)(2)(iii) and (iv) of the bill.

SUPPORT OF INTERNATIONAL ORGANIZATION PROGRAMS (SEC. 103(c))

The Senate amendment to the House bill eliminated the ceiling of 25 percent on the U.S. share in support of educational and cultural programs of international organizations.

The managers on the part of the House accepted the Senate position that the United States participation in these multilaterally supported programs should be to the maximum extent feasible and include a provision for U.S. contribution of a reasonable share of the costs. The committee of conference recognized that the spelling out of a definite percentage limitation too often becomes the floor for U.S. participation. It was felt further that the nature of these programs provides the necessary incentive for active interest, including a willingness to pay their fair share on the part of participating members of these organizations.

The managers on the part of the House accepted the Senate amendment with the understanding that every effort will be made on the part of the program administrators to keep U.S. support at a level as much below 25 percent as possible, consistent with the needs of the program.

SUPERGRADES (SEC. 104(b))

Section 104(5) of the House bill authorized the President to employ such personnel as he deems necessary to carry out the provisions and purposes of the bill and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Senate amendment contained a similar provision and authorized 15 positions that may be compensated without regard to the provisions of that act, 5 of which may receive not in excess of $1,000 per annum more than a GS–18. Such positions would be in addition to the number authorized by section

505 of the Classification Act. The committee of conference recognized that the administration of this program requires individuals of unusual skills. The managers on the part of the House accepted the Senate language with an amendment limiting to 10 the number of positions that may be compensated without regard to the Classification Act of 1949.

DEPENDENTS' TRAVEL EXPENSES (SEC. 104(e)(1))

Section 104(e)(1) of the House bill broadened the language of existing law to include dependent members of the immediate family of exchangees as those who may have their expenses financed under the House bill. The House report set forth limitations on the use of this authority. First, it was not intended to defray expenses of dependents of touring groups. It was to be limited to assistance to grantees who are pursuing a course of study abroad or providing instruction abroad or to distinguished scholars and others where the presence of the family will contribute to the success of the program. Second, "dependent members of their immediate families" means the spouse and dependent children who normally reside in the grantee's household. The Senate amendment contained no comparable authority. In accepting the House language the Senate conferees expressed concurrence in the restrictions written in the House report.

SEMINARS AND COUNSELING SERVICES SECTION 104(e)(2)

Section 104(e)(2) of the House bill authorized support for "intercultural seminars and counseling." The Senate amendment did not specify these activities. Other language in the House bill is sufficiently broad to cover "intercultural seminars." Section 104(e)(3) of the House bill, which the Senate conferees accepted, deals at greater length with counseling services. Hence the Managers on the part of the House receded from the language in section 104(e)(2).

PUBLICITY AND PROMOTION (SEC. 104(e)(4))

The Senate amendment to the House bill provided that "representation" be included as part of the promotion and publicity authorized for activities of the type covered by the bill.

The managers on the part of the House accepted the Senate language in view of the fact that occasional costs of a representational nature might have to be incurred in any publicizing or promotional activities.

LOYALTY AND SECURITY INVESTIGATIONS (SEC. 104(f))

Section 104(f) of the House bill specified an investigation of all persons employed or assigned to duties under the act with respect to their loyalty and suitability in accordance with standards and procedures established by the President. The Senate amendment contained a similar provision. The Senate conferees accepted the House language with the understanding that Executive Order 10450, as amended, would be applicable in the investigative process.

TRANSFER OF FUNDS (SEC. 105(c))

Section 105(c) of the Senate amendment authorized the President to transfer, under a 10 percent limitation, funds appropriated for like purposes under this and other acts; shifts could be made in both directions. This would provide for greater consistency and unity in similar programs conducted under different statutes. For example, the student programs in some countries are now split between the International Cooperation Administration and the State Department because of the sources of funds involved, but for all practical purposes they are a single program and should be so conducted. The section is in harmony with a more general request for such transfer authority for heads of agencies made by the President in his budget message.

The House bill contained no comparable provision.

The managers on the part of the House, recognizing the value of this transfer authority in promoting overall efficiency and effectiveness, accepted the Senate amendment.

USE OF FOREIGN CURRENCIES (SEC. 105(d)(2))

The Senate amendment deleted the limitation prohibiting the waiver of the Mutual Defense Assistance Control Act of 1951 in the use of foreign currencies. The committee of conference understands that the limitation has only a very minimal effect in that it would relate only to the use of currencies for acquiring physical facilities. Generally activities carried out in the field of educational and cultural exchange are not considered assistance and therefore would not be subject to the Mutual Defense Assistance Control Act.

In consideration of the fact that the use of these currencies would require an appropriation, the managers on the part of the House accepted the Senate language.

BOARD OF FOREIGN SCHOLARSHIPS (SEC. 106(a)(1))

Section 106(a)(1) of the House bill provided for the appointment of 10 members to the Board of Foreign Scholarships. The Senate amendment provided for the appointment of 12 members to this Board.

In recognition of the added flexibility the Board would have in establishing subcommittees with the increase of two members, the managers on the part of the House accepted the Senate language.

POLITICAL AFFILIATION OF COMMISSION MEMBERS (SEC. 106(B)(2))

Section 106(b)(2) of the House bill provided that, of the nine members of the U.S. Advisory Commission on International Educational and Cultural Affairs, not more than five shall be from one political party. The Senate amendment stated that the members of the Commission shall be appointed on a nonpartisan basis. In accepting the Senate language, the managers on the part of the House agreed that the Commission should not be a means of rewarding political supporters. The Commission is an important agency for carrying out the numerous educational and cultural programs authorized in the bill. It is a "working" commission that should include only individuals of the highest competence without regard to political affiliations.

COMPENSATION (SEC. 106(E))

Section 106(f) of the House bill provided that members of the Board of Foreign Scholarships, the U.S. Advisory Commission on International Educational and Cultural Affairs, and the Advisory Committee on the Arts shall receive only transportation and per diem for their work. The Senate amendment authorized compensation of $50 per diem for the members while performing their services if they were not otherwise in the employ of the U.S. Government. The managers on the part of the House recognized that most of the members of these several boards would be drawn from relatively low paid professions. Accordingly, they accepted the language of the Senate amendment.

AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT (SEC. 109)

Section 109 of the House bill contained language amending the Immigration and Nationality Act, as amended. It incorporated into basic law a new nonimmigrant visa, category (J), to serve solely the purposes of the Mutual Educational and Cultural Exchange Act of 1961. It thus reserves the (F) visa for students other than exchange students. It also reenacted and amplified Public Law 555 of the 84th Congress but contained one modification, namely, the requirement of the finding by the Secretary of State that the 2 years' residence abroad of an exchange alien, if not occurring in the country from which he came to the United States, is in accord with the basic purpose of the exchange program. The Senate amendment contained language similar in intent but different in wording. The Senate conferees accepted the House language with amendments.

In order to permit individuals coming to the United States on public or private programs other than those authorized by this act but which further the purposes of this act, it was necessary to broaden the new category (J) visa to include such individuals. To make available the services of exchangees who possess talents desired by our universities, foundations, and other institutions, the language of the House bill was modified to permit the waiver of the foreign residence requirement on the request of an interested U.S. Government agency. The language was also modified to permit an interested United States Government agency to request a waiver in other especial circumstances. Its terms were extended to include those who acquire exchange visitors' status under the Educational Exchange Act of 1948.

The House accepted the language of the Senate amendment which permits the alien spouse and minor children to have an (F) visa if the principal entered the United States on an (F) visa. The effect of this will be to permit an identical time period during which the family may stay in the United States.

In accepting the language for a new category (J) visa it is the intention of the conferees that the language will not preclude employment by the principal or his spouse who entered under a (J) visa when such employment is not inconsistent with the program.

AMENDMENTS TO INTERNAL REVENUE CODE (SEC. 110)

Section 110 of the Senate amendment made certain minor changes in the Internal Revenue Code of 1954, as amended, to relieve foreign students, teachers, and scholars of certain requirements which have the effect of reducing the value of their stipends while they are in this country. The House bill contained no comparable provision. The managers on the part of the House accepted the language of the Senate amendment upon the understanding that the loss of revenue resulting from changes made by section 110 is likely to be negligible.

Section 110(a) amends section 117(b)(2)(A) of the code, which relates to the conditions for exclusion of scholarship and fellowship grants from gross income in the case of individuals (nonresident and resident aliens, as well as American citizens) who are not candidates for degrees. If the individual is enrolled at an educational institution but is not a candidate for a degree, amounts received as fellowships and scholarships are exempt up to $300 a month, not to exceed 36 months, provided that the grant comes from the U.S. Government, a local government unit, or a tax-exempt organization. Section 110(a) modifies this provision to include foreign governments, international organizations, and binational foundations or commissions "created or continued pursuant to the Mutual Educational and Cultural Exchange Act of 1961."

Section 110(b) amends section 871 of the code, relating to the tax rate on nonresident alien individuals. In place of the current flat 30-percent rate, the amendment brings all alien students and exchange visitors (i.e., those in the United States as non-

immigrants under sec. 101(a)(15) (F) or (J) of the Immigration Act) under the lower regular graduated tax rates applicable to nonresident aliens in the United States who are engaged in trade or business.

Section 110(c) amends section 872(b) of the code, relating to exclusions from gross income of nonresident alien individuals. Such individuals now are taxable only on income "from sources within the United States." However, the Internal Revenue Service ruled that payments by a foreign employer to a person in the United States under the exchange program are income from sources within the United States, even if made in foreign currency to his dependents abroad. This ruling has little effect upon our revenues and causes considerable irritation and criticism. Section 110(c) would exempt such payments from U.S. tax while the alien under (F) or (J) is temporarily in this country.

Section 110(d) amends sections 1441 (a), (b), and (c) of the code, relating to tax withholding on nonresident aliens. As noted above, such individuals are subject to withholding of tax at the special rate of 30 percent. The 30 percent applies to the gross amount received. This often results in overwithholding and works a hardship on the individual, especially since the dollar funds are badly needed for expenses while he is here. The payment of a refund after he returns home does not provide the money at the time when the need is greatest, and results in sending dollars out of the United States rather than keeping them here. Section 110(d) permits all students and exchange visitors to be exempted from the 30-percent withholding rate on compensation for personal services and, in conjunction with section 110(g), subjects them to the 18-percent rate applied to resident aliens and American citizens. Section 110(d) also reduces the withholding from 30 to 18 percent in the case of amounts which are received as scholarships or fellowships by foreign students and exchange visitors who are not candidates for degrees and which exceed the amounts that are excluded from gross income under section 117.

Section 110(e) amends section 3121(b) of the Internal Revenue Code—relating to the definition of employment for purposes of the Federal Insurance Contributions Act (FICA)—and section 210(a) of the Social Security Act. Nonresident aliens are now subject to the 3-percent FICA, or social security tax. Since they are temporarily in the United States, they scarcely have any expectation of realizing benefits from such a taxpayment. Section 110(e) exempts foreign students and exchange visitors from payment of FICA tax on amounts earned in performing services to carry out the purposes for which they were admitted, such as studying, teaching, or conducting research. If they are employed for other purposes, consequent payments would not be exempt. Finally, the Social Security Act is amended specifically to deny social security benefits to those individuals, except insofar as they have contributed consequent to employment for purposes other than those governing their admission to the United States.

Section 110(f) amends section 3306(c) of the code, relating to the definition of employment for purposes of the Federal Unemployment Tax Act. This amendment would relieve employers of the obligation to pay Federal unemployment taxes on the same services that are exempted from FICA tax by the preceding section 110(e). As in the case of social security, foreign students and exchange visitors could rarely, if ever, be in a position to benefit from unemployment compensation coverage.

Section 110(g) amends sections 3401(a)(6) and 3402(f) of the code, having to do with definition of wages for withholding, and exemptions for the latter purpose. As noted above, this subsection, in conjunction with section 110(d), removes compensation paid to foreign students and exchange visitors from the 30-percent withholding rate and subjects it to the general 18-percent rate. Section 110(g) also makes it explicit that the nonresident aliens concerned will be entitled to only one withholding exemption.

Section 110(h) specifies with as much clarity and detail as possible the effective dates of the foregoing amendments to the Internal Revenue Code and the Social Security Act. In each case, the effective date is December 31, 1961.

WAYNE L. HAYS,
LEONARD FARBSTEIN,
JOHN S. MONAGAN,
E. ROSS ADAIR,
HORACE SEELY-BROWN, Jr.,
Managers on the Part of the House.

Mr. HAYS. Mr. Speaker, the managers on the part of the House met in two sessions with the conferees of the Senate. The conference got down to business immediately, and I want to express my appreciation to the conferees of the other body. There were no arguments over trivialities. There was substantial disagreement. They maintained their position, we maintained ours; and when we came to compromise we feel that the managers on the part of the House did a good job for the House.

In this bill there were three main areas of disagreement. One was the immigration and nationality provisions. The Senate accepted entirely the position of the House with several minor amendments which had been cleared and agreed to by the subcommittee of the Committee on the Judiciary headed by the gentleman from Pennsylvania [Mr. WALTER].

The Senate included a provision amending in a small way a few pertinent sections of the Internal Revenue Code which the House bill did not contain. We consulted with the chairman and the ranking minority member of the Committee on Ways and Means. Since the language did not substantially change any income that might be expected but did eliminate some bookkeeping and contribute substantially to the objectives of the exchange program, it seemed unreasonable that these students who were here only briefly should be relieved of social security payments. It was agreed that the House would accept that change.

The other item in substantial disagreement in which we yielded reluctantly, Mr. Speaker, was the matter of setting a ceiling of 25 percent on our contributions to a program under the auspices of international organizations. We did that only because the conferees of the other body said they were in agreement, that they were afraid the 25 percent would become a floor rather than a ceiling. We put some rather strong language in the report that we expected our contributions to these international programs be kept as much under 25 percent as possible.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. I regret that I have not had time to read the conference report. What did you do in the matter of supergrades?

Mr. HAYS. In the matter of supergrades, the House bill provided none, although it permitted the agency to keep those they had from the Government-wide supergrade pool. It presently has three, which were already there. The Senate bill provided 15. We compromised by giving them 10 additional, but I doubt that they will be able to retain the 3 they have from the supergrade pool.

Mr. GROSS. In other words, a total of seven?

Mr. HAYS. This will probably mean 7 new ones—a total of 10. They already had three.

Mr. GROSS. If the gentleman will yield further, there is no money figure in the conference report, is there? All financing is left to the Appropriations Committee.

Mr. HAYS. That is correct.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Indiana [Mr. ADAIR] and I would like, before I yield, Mr. Speaker, to say that I do appreciate the support and the consideration that the other conferees from the House gave to me as the chairman of the House conferees. They were stalwart in supporting the position of the House. I appreciate the consideration of my colleagues.

Mr. ADAIR. The gentleman from Ohio has correctly and adequately stated the situation. The conferees on the part of the House made every effort to maintain the position of the House, and I think that we did so within reason. Where there were points in controversy it was necessary, of course, that there be some give and take, but this was done on a very reasonable basis.

I feel that the report before us this morning is fair and proper and within the scope of the bill which passed the House and should be agreed to.

Mr. HAYS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CLARE HOFFMAN, AN ENIGMA OF THE HOUSE OF REPRESENTATIVES

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RIVERS of South Carolina. Mr. Speaker, it was not my good fortune to be on the floor on September 11 when the distinguished gentleman from Iowa [Mr. GROSS] was given permission to address the House on the occasion of the 86th birthday of the gentleman from Michigan [Mr. HOFFMAN].

Many Members joined with the gentleman from Iowa [Mr. GROSS] in paying tribute to this outstanding American for attaining this enviable milestone in life.

Among those who took note of this historic event were the gentleman from North Carolina [Mr. JONAS], the gentleman from Florida [Mr. HALEY], the gentleman from Michigan [Mr. KNOX], and others.

I should like to, even though it is late, add my humble tribute to this great American. In this day and age, more drenched with the blood of frustration, excitement, disgust, disappointment and discouragement than ever a mutinied ship, it is not easy for one to live 86 years, let alone serve in the Congress of the United States until this age. However, for one of our body to be as alert in mind, body, and estate as the gentleman from Michigan, this is historic.

Mr. Speaker, I have served in the Congress of the United States almost 21 years. Never in my memory have I met a man with a more alert mind and vigorous body than the gentleman whose birthday we celebrate. Neither I nor any Member of this body can notice the slightest effect the years have had on this remarkable public servant.

The Congress of the United States is a hard place in which to make a living. Its duties are exacting, its responsibilities are grave and its burdens are heavy. Many of us and many before us fall because of such a crushing load—but not the gentleman from Michigan.

Mr. Speaker, there is not a little pushing and shoving in the House. The gentleman from Michigan is not bothered by this procedure. He can meet any Member of the House on any terms desired because he is as physically and mentally alert as any Member of this body from the youngest to the oldest. So far as he is concerned, a push or a shove is just another opportunity to retaliate in kind—and a little more vigorously, though it must be said there is never anything showing personal dislike connected with either his actions or remarks. If there is any Republican who is more attentive to his duties, both on the floor and in committee, I have not yet met him.

Mr. Speaker, in short, CLARE HOFFMAN is an everlasting enigma of our times.

Like the gentleman from Iowa says, he keeps us on our toes, which is a good thing for this parliamentary body, the greatest on earth.

MEXICAN FARM LABOR PROGRAM

Mr. POAGE. Mr. Speaker, I call up the conference report on the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CALL OF THE HOUSE

Mr. COHELAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 209]

Alger	Hébert	Reece
Anfuso	Hoeven	Reuss
Arends	Holtzman	Rogers, Tex.
Ayres	Horan	Roosevelt
Baker	Joelson	Rostenkowski
Baring	Johnson, Calif.	Rousselot
Bass, Tenn.	Johnson, Wis.	St. George
Berry	Jones, Ala.	Saund
Blatnik	Jones, Mo.	Schadeberg
Boggs	Kearns	Shelley
Bow	Keogh	Siler
Brooks, La.	Kilburn	Slack
Buckley	Kirwan	Stafford
Cahill	Kluczynski	Staggers
Carey	Landrum	Stephens
Celler	McDonough	Thompson, La.
Cooley	McSween	Tollefson
Dague	Macdonald	Vinson
Devine	Miller, N.Y.	Weaver
Dingell	Milliken	Westland
Dooley	Moore	Whalley
Fino	Moulder	Whitten
Fisher	Multer	Wilson, Calif.
Ford	O'Brien, Ill.	Wright
Frazier	Pfost	Yates
Glenn	Pirnie	Young
Goodell	Poff	Younger
Hall	Powell	Zelenko
Harrison, Va.	Rabaut	

MEXICAN FARM LABOR PROGRAM

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT (REPT. No. 1198)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That section 502(2) of the Agricultural Act of 1949, as amended, is amended to read as follows:

"'(2) to reimburse the United States for essential expenses incurred by it under this title, except salaries and expenses of personnel engaged in compliance activities, in amounts not to exceed $15 per worker; and'.

"SEC. 2. Clause (3) of section 503 of such Act is amended to read as follows: '(3) reasonable efforts have been made to attract domestic workers for such employment at wages, standard hours of work, and working conditions comparable to those offered to foreign workers'.

"SEC. 3. Sections 504 through 509 of such Act are renumbered sections '505' through '510' respectively; the reference to 'section 507' in section 508, renumbered as section '509', is changed to section '508'; and the following new section '504' is inserted after section 503:

"'SEC. 504. No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer—

"'(1) for employment in other than temporary or seasonal occupations, except in specific cases when found by the Secretary of Labor necessary to avoid undue hardship; or

"'(2) for employment to operate or maintain power-driven, self-propelled harvesting, planting, or cultivating machinery, except in specific cases when found by the Secretary of Labor necessary for a temporary period to avoid undue hardship.'

"SEC. 4. Section 505 of such Act, as amended, renumbered as section '506', is amended by adding at the end thereof the following:

"'(d) Workers recruited under the provisions of this title shall not be subject to any Federal or State tax levied to provide illness or disability benefits for them.'

"SEC. 5. Paragraph (1) of section 507 of such Act, renumbered as section '508', is amended by changing the comma after the words 'Internal Revenue Code, as amended' to a period and deleting the remainder of the paragraph.

"SEC. 6. Section 509 of such Act, as amended, renumbered as section '510', is amended by striking 'December 31, 1961' and inserting 'December 31, 1963'."

And the Senate agree to the same.

W. R. POAGE,
E. C. GATHINGS,
WATKINS M. ABBITT,
PAGE BELCHER,
CHARLES M. TEAGUE,
Managers on the Part of the House.

ALLEN J. ELLENDER,
OLIN D. JOHNSTON,
SPESSARD L. HOLLAND,
B. EVERETT JORDAN,
GEORGE D. AIKEN,
MILTON R. YOUNG,
BOURKE B. HICKENLOOPER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 2010, to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The House bill was a simple extension for two years of the existing provision of title V of the Agricultural Act of 1949, which provides for the Mexican Farm Labor Program. The Senate amendment struck out all after the enacting clause of the House bill and substituted language consisting of six sections which extended the act for two years and made several substantive amendments therein.

The committee of conference has agreed to the Senate amendments with two major changes: (1) elimination of the subsection providing minimum wage rates other than those already provided for in the act and in the agreement with Mexico; and (2) modification of the provision relating to the use of Mexican workers to operate or maintain power-driven machinery so that this provision will apply only to power-driven self-propelled harvesting, planting, or cultivating machinery.

Following is a section-by-section explanation of the substitute to the Senate amendment agreed to by the conferees:

SECTION-BY-SECTION EXPLANATION

Section 1: The first section of the amendment makes no substantive change in the law, but incorporates in the basic act covering the Mexican farm labor program provisions now carried in appropriation acts.

The Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1961, requires reimbursements under section 502(2) of the basic act to include all expenses of program operations, except contract compliance expenses. Section 502(2) requires employers of workers recruited under the act to reimburse the United States only for essential expenses incurred by it for the transportation and subsistence of workers in amounts not to exceed $15 per worker. The first section of the amendment amends section 502(2) to require reimbursement of all essential expenses, except salaries and expenses of personnel engaged in compliance activities, in amounts not to exceed $15 per worker.

Section 2: Section 503 of the basic act prohibits workers recruited under the act from being made available in any area unless the Secretary of Labor finds that (1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed, (2) the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed, and (3) reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

Section 2 amends clause (3) just quoted to include "working conditions" along with wages and standard hours of work. The term "working conditions" is intended by the committee to refer to the physical conditions under which the work is performed, such as those concerned with sanitation and safety, and not to include terms of employment such as housing, transportation, subsistence, insurance, and work guarantees. Mexican nationals enter this country under an international agreement in accordance with the terms of a standard work contract. They are not free agents in this country. Because of this, a responsibility to remain with the employer with whom they contract is imposed upon them. They do not bring their families with them. They enter this country to do a particular job after which they return home. Domestic workers, on the other hand, are free to come and go as they please. They may seek other employment in or out of agriculture if they wish. It is not intended, therefore, to require guarantees from farmers as to housing, payment of transportation, and periods of work for workers who may not fulfill their end of the bargain.

Section 3: Section 3 adds a new section 504 to the basic act. The new section prohibits the employment of any workers recruited under the act for other than temporary or seasonal employment or to operate or maintain power-driven self-propelled harvesting, planting, or cultivating machinery. The Secretary of Labor may make exceptions from these prohibitions in specific cases to avoid undue hardship.

As passed by the Senate, this section applied to all power-driven machinery. The conference substitute limits its application to power-driven self-propelled harvesting, planting, and cultivating machinery.

The purpose of the program is to supplement the domestic labor force in peak periods, such as at harvest time, when crops may be lost through a lack of sufficient workers. It is not intended to provide Mexican workers for year-round jobs which might well be filled by domestic workers. Nor is it intended to provide Mexican workers for the higher skilled jobs for which domestic workers can be found.

The prohibition of this section with respect to machinery, of course, extends only to employment to operate or maintain such machinery. It would not prohibit the incidental handling of such machinery or employment merely involving power-operated machinery, such as the placing of produce on trucks, or the placing of hand-cut produce on vegetable harvesters, nor would it prohibit a worker employed for other appropriate purposes from incidental, emergency maintenance work such as the repair of a flat tire.

Section 4: Under the basic act and the agreement with Mexico entered into thereunder, illness and disability insurance is provided for Mexican workers. This section will provide that such workers shall not, in addition, be subject to any Federal or State tax levy to provide illness or disability benefits for them. The committee understands that California has recently enacted a law which would provide such benefits and that the State has requested that Mexican workers be exempted from this tax.

Section 5: Section 5 prohibits the furnishing of Mexican workers for certain processing activities. It excludes from the definition of the agricultural employment for which workers may be recruited under the act—horticultural employment, cotton ginning, compressing, and storing, crushing of oilseeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonal agricultural products.

This would leave covered by the act services or activities within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 or section 3121(g) of the Internal Revenue Code (which by sec. 7852(b) of the Internal Revenue Code was made applicable in lieu of sec. 1426(h) of the Internal Revenue Code (of 1939)). Section 3121(g) includes the raising of horticultural commodities, cotton ginning, and a limited amount of packaging, processing, freezing, and storing for farm operators.

Section 6 extends the program 2 years until December 31, 1963.

W. R. POAGE,
E. C. GATHINGS,
WATKINS M. ABBITT,
PAGE BELCHER,
CHARLES M. TEAGUE,
Managers on the Part of the House.

Mr. POAGE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, we are again confronted with the Mexican labor bill. Unfortunately, there seems to be more misunderstanding about this simple measure than almost any measure which periodically comes before the House.

This year the House of Representatives passed a simple extension of the existing bracero law. That extension went to the Senate, and the Senate made some rather extensive amendments to the bill. Yesterday, after some rather unusual delaying tactics, the House appointed conferees. The conferees met yesterday evening and came to an agreement. That agreement constitutes the conference report which is now before you.

Mr. Speaker, I believe we are bringing to the House a measure which should have the support of the most extreme partisan on either the right or the left, although I recognize it will have opposition from both directions. The very fact that there are extreme views on both sides by those who are going to oppose this report convinces me that the conference has done a pretty good job of trying to compromise our difficulties.

There are those who are going to oppose this report because they say it does not give all the protection it should give to the workers, and there are those who are going to oppose the report because they say it gives the worker so much protection that it in effect provides no opportunity to carry on our agricultural activities.

I believe that this conference report has followed a sound middle line. The House must know that, in the first place, the conferees of necessity had to make some concession to the Senate to get any kind of a bill. We could have gone there and simply said, "We are going to stand pat on an extension of this bill, and nothing else. That is all there is going to be in it."

We could have taken that position but if we had done so, we could not have gotten an extension. We would have come back with all of nothing. We thought that workers and farmers, alike, needed a bill and we tried to reach a reasonable compromise. I think we have done so and I hope my colleagues will accept this report in the spirit of compromise.

The most ardent critics of this bill will recognize that the conditions under this bracero program are so superior to what they were for farmworkers prior to the passage of the bill that those who are sincerely interested in the welfare of farm laborers will be deeply concerned in seeing that we have a bill even if they have no concern for our agricultural producers.

We had 400,000 wetbacks coming into the United States each year before we passed this bill. I think we can expect to have 800,000 come in if we do not continue the bracero program. We all know that we are going to have laborers coming in. The question is, Do we do it in an orderly manner, do we do it in a way that gives protection to the maximum number of our people? We believe that this bill will give this protection.

On the other hand, there are those who are most vitally interested in seeing that we are able to continue agricultural operations in some of our greatest food and fiber producing areas. In many sections of this country there are great agricultural operations that cannot be continued without a supplemental supply of labor. They, too, want a way of bringing in labor in a logical and reasonable manner. I think this bill does that.

Mr. Speaker, on yesterday the statement was made, and correctly, that since the passage of this bill the average wage of seasonal workers had dropped by 18 percent. I thought that was a rather remarkable statement, but I think it is a correct statement. So I went and looked to see what the reason was, and I find since the passage of this bill the price of agricultural products all over the United States has dropped by approximately 18 percent. In other words, there has been practically an exact correlation between the price of agricultural products and the wages of the itinerant workers. I do not think it is such a bad situation to have that correlation. The vice lies in the fact that we have allowed the income of the farmers who are paying these wages to drop by the same 18 percent.

Most of you folks claim to have some business judgment, most of you claim to have gone through at least the fourth grade in school and know that 2 and 2 make 4 and that you cannot subtract unless you have something from which to subtract.

You cannot pay a wage unless you have some income with which to pay it. Our farmers are still paying for these same itinerant workers just as much of what they are getting as they were paying before we passed the original bill. You cannot lay that result, I say to the gentleman from Iowa, to this bill. Charge it to the Congress. Charge it to the public that has done nothing for our farmers. That is where the vice lies.

Mr. Speaker, during the course of our history we have found it you will give the farmer a fair price for his production he will pay a fair wage to the men and women who help him produce. We have got to raise farm prices if we want to see these farmworkers' wages raised.

Mr. Speaker, what did we do in this bill? I think those who are primarily interested in getting a more restrictive program should have no concern about what we did. This bill is, by far, the most restrictive ever passed on this subject. On the other hand there are those who are primarily concerned that the bill may have gone too far—that it may be too restrictive. I expect that this latter group has better ground for concern, but I assure you that we feel that this bill is as broad as we could get.

We accepted the Senate provisions which provide that this work shall be seasonal only. Many of the folks in my State would like to employ some of these braceros on a year-round basis. But we were trying to get a bill. We were trying to get part of something for you. We saw no opportunity of getting the Senate to accept the House position on this item.

Mr. Speaker, the Senate placed a provision in the bill to prohibit the use of braceros in the operation or maintenance of power-driven machinery. The Senate bill included irrigation pumps. It included turning on the lights around the house if you have REA electricity power. It included practically everything. This is a power age, my friends. We are not working with oxen. We cannot afford to bring these people over here to simply to harness up mules. So we made what I think is a fair and reasonable compromise.

Mr. Speaker, nobody wants these people to come in and take the place of skilled American workers. So we provided that they could not work on the operation and maintenance of self-propelled, power-driven machinery in the planting, cultivation or harvesting of crops.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Sometime before you finish will the gentleman tell us what the basic objection to the gentleman's position is?

Mr. POAGE. Yes. I think the basic objection is twofold. As I tried to say a while ago, the extremists on the left feel that we are going to let these people do more work than they should. The extremists on the other side feel that we are not going to make them available for as much work as we should. This matter of work with machinery is one of the basic compromises. There are those who believe that we should not let these people come in and displace American-trained workmen. We agree to that. We think they should not. On the other hand, you cannot carry on a reasonable and moderate farming operation without using machines. We have ceased to use the old scythe. We do not cut our crops that way any more. You have got to use machines. So we have said these braceros cannot operate or maintain self-propelled power-driven machinery for the planting, cultivation, and harvesting of crops. That makes it quite clear that they can do irrigation, they can drive the truck to town, they can work around the barn, and they can do a thousand and one things that can be helpful around the farm. They cannot take over an $18,000 cottonpicker, and I do not know any farmer who wants them to. We think we did obtain a fair and workable compromise.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from California.

Mr. TEAGUE of California. First, Mr. Speaker, I would like to commend the gentleman from Texas [Mr. POAGE] on the splendid way in which he handled his responsibilities in the conference. I would like to urge the adoption of the conference report, and to state that in my view the amendments to which the House conferees agreed are not unreasonable. They are amendments which the farmer, the user of Mexican labor, can live with. Again I urge the adoption of the conference report.

Mr. POAGE. Mr. Speaker, the other provisions of the Senate bill which we accepted are very largely but a restatement of existing regulations. The much discussed and highly controversial McCarthy amendments were completely eliminated. I think the conference report is a fair and equitable proposition. I hope the House will adopt the conference report as we will in this way be getting a part of something for everybody and letting no one wind up with all of nothing.

Mr. Speaker, I now yield to the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Speaker, many thousands of braceros are used in the congressional district which I represent. Representatives of the Texas users of bracero labor have been in Washington this week in connection with the consideration of the pending legislation. I have conferred at length with members of the group. They are familiar with the content of this conference report.

They feel that the conference report is so restrictive, that they cannot successfully continue to use braceros as they have in the past, and they have expressed to me the feeling that they would rather have no bill at all than to have the bill in the conference report, which is before us here today.

I think this statement as to the users would probably give some aid and comfort to people who live in cities and who do not really understand farm labor problems and who feel that farm labor is being exploited by this legislation.

Mr. Speaker, farm labor is not being exploited by this legislation and, certainly, the restrictions here would make it all the more true that domestic workers would not be discriminated against or thrown out of employment. This legislation is unsatisfactory because it is too restrictive on farmers. Under the circumstances it might be better to abandon the whole idea and try another approach to this problem at a later date. It may be that some of us will feel compelled in view of the wishes of our growers to vote against the entire conference report. The members of the bracero users groups who have been in town, as I have stated, feel that the pending bill is probably worse than no bill at all. They are aware of the problems involved. If this bill becomes the law it will be a serious blow to many Texas bracero users. On the other hand, undoubtedly many users would rather have the pending bill than no law at all, even though they are deeply disappointed with the pending measure.

Mr. Speaker, this is not said in criticism of the conferees—the gentleman from Texas and the other conferees have worked diligently and have done the best they could under the circumstance and in the light of the opposition which they have encountered. I commend them for their efforts.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to my friend from Pennsylvania.

Mr. WALTER. Does not the gentleman feel that the provisions of the basic immigration code with respect to the admission of people for temporary employment are adequate? Why should not these people be paroled in the United States under whatever conditions are agreed upon, such as is the case with many other aliens.

Mr. MAHON. I would say that that represents the viewpoint of a number of users in my area. But, on the other hand, they are not absolutely certain that by the technique to which the gentleman has referred, in other words, the immigration approach, that they can get these workers and under satisfactory arrangements. What they want is to acquire these workers to do the essential work for which there is no domestic labor available.

Mr. WALTER. I should like to call the attention of the gentleman to a situation that we have found to exist in the Pacific Northwest, where there are a large number, I think 3,000, Japanese who are temporarily working in the orchards doing stoop labor work. They are there doing this work because there are no citizens available for that type of work. It seems to me, the experience we have had there would indicate that that sort of arrangement is preferable to this legislation.

Mr. MAHON. The gentleman from Pennsylvania may have a good point there. But there is considerable uncertainty involved. I repeat this pending conference report is entirely too restrictive from the standpoint of many of the farmers with whose farm labor problems I am fully acquainted.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POAGE. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. COAD].

Mr. COAD. Mr. Speaker, I think this House ought to ask itself a question: Why has every national church organization voiced its opposition to the simple extension of Public Law 78? The answer to that question is the fact that a simple extension did nothing to raise the wage benefits to the national workers from Mexico and which in turn does nothing for our domestic migratory workers.

The conference yesterday took out the Senate amendment which did the only thing toward raising the wage level in the Mexican farm labor program. So we are right back to where we were when the House voted out this bill in the beginning, of doing absolutely nothing to raise the wage benefit. So that our domestic migratory workers are right down again on their backs, without a prayer, without a plea, without even one phantom hope that next year things are going to be better, because we are going to have some of the Mexican braceros off our backs wagewise.

The Senate amendment raised the level to 90 percent of the State or national rate, whichever is lower. Also the domestic workers were to be given the first chance at the work. But the conferees took that all away. We are right back to a 50-cent minimum wage for the Mexican workers with the free market wage for our migratory workers even less than this in some places.

I would say in answer to the gentleman from Texas that it is a poor excuse to come on the floor of this House to simply legitimatize wetbacks coming into this country. If this is the only excuse we have for this legislation, it ought to be killed and killed immediately. If we killed the whole program and let it go over to the next year, the next session, it would not hurt. We could start over and get at the program, get at these bills from migratory workers in our own country, for our own citizens, and do the thing right.

Furthermore, I want the RECORD to show that I am concerned about the prices farmers are receiving. I voted for the program to lift the prices on farm commodities. What I believe is that we have to look at the whole program, the national interest, from two angles, from the wage level as well as the price level. We do not say to our workers nationwide, "Go out and get any wage you can get, but if the prices of manufactures go up, then automatically you will get some." No, we come to the Congress and say there is going to be a minimum wage and that is the least amount in interstate trade we are going to permit to be paid to our workers. I say something ought to be done for these unfortunate people who are the migratory workers in our country. They are not organized. They have no voice to speak for them. And here we are importing these workers from south of the border, and by that we discourage their plight and their economic situation in this country. I urge the conference report be voted down.

Mr. POAGE. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. MORRIS].

Mr. MORRIS. Mr. Speaker, I suppose I am one of these radicals that the gentleman from Texas was speaking about a while ago, because I do not approve of the amendments the Senate placed in this bill. I think the Department of Labor under the last administration and under this administration has been trying to use Public Law 78 as a vehicle to put into effect a minimum wage and hour law for agricultural workers. If that is what the Congress wants, a minimum wage and hour law for agricultural workers, then we should bring out a bill for that purpose, and it should be debated here on the floor of this House, and we should either vote for it or reject it. The House should be able to work its will.

I do not know whether the proponents think they cannot pass it or whether there is some other reason for trying to add more restrictions to Public Law 78. I want to ask the gentleman from Texas a question. I respect the conferees. I know the hard work they have put in on the program, and that they have tried to bring in a workable bill. But our farmers in New Mexico are very concerned about it.

Section 504, subsection 1, states:

> for employment in other than temporary or seasonal occupations, except in specific cases when found by the Secretary of Labor necessary to avoid undue hardship.

Is the Secretary going to make specific findings in each one of these cases?

Mr. POAGE. He will have the authority under this bill to make the finding just as broad as he wants to or just as narrow as he wants to.

In other words, as far as this section is concerned, the Secretary will have the authority to find that TOM MORRIS needs to employ additional labor the year around, if he can find it, or the Secretary could find that the whole State of New Mexico needs to employ labor on a yearly basis, and he could make a finding confined to one individual or applicable to a whole State. It is entirely up to the Secretary of Labor under the terms of this bill.

Mr. MORRIS. The gentleman is saying that this does give the Secretary of Labor more discretion?

Mr. POAGE. I am saying that this gives the Secretary of Labor almost unlimited discretion as to the use of these workers on a year-round basis. I am not saying how the Secretary is going to exercise that discretion or that he will exercise it at all.

Mr. MORRIS. I thank the gentleman.

Mr. POAGE. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas [Mr. GATHINGS].

Mr. GATHINGS. Mr. Speaker, as the gentleman from Texas so well stated to the House, this legislation provides that you cannot use this labor except for temporary agricultural employment in this country. It is stoop labor, that is what it is. Also he brought out the point well about the provision in the conference report which had to do with power-driven machinery. You cannot use this labor on a self-propelled combine or tractor. They can drive a truck or move irrigation equipment. The gentleman from Iowa, a very able member of our Committee on Agriculture, has discussed the matter of wages. I do not believe that this legislation here is the forum in which to set a minimum wage for agricultural workers in this country. This is not the proper place. This is a bill authorizing our Government to negotiate an international agreement with the Republic of Mexico to bring in labor when we need it to supplement our present domestic supply.

Mr. COAD. Mr. Speaker, will the gentleman yield?

Mr. GATHINGS. I yield to the gentleman from Iowa.

Mr. COAD. I agree with the gentleman that this is not a minimum wage bill and should not be used as a vehicle to bring it in, but my point is that we ought to pay a wage to the Mexican nationals that is sufficiently high so it does not depress our own migratory workers and give them the first opportunity for the job.

Mr. GATHINGS. The point is that the gentleman would like to see this legislation be a vehicle to establish a minimum wage.

Mr. COAD. Only for the Mexican nationals.

Mr. GATHINGS. There is a reason why these people from down in Texas object to certain provisions in this conference report. So many of our own people will not do this kind of work. I have in my hand here a clipping taken from the Arkansas Gazette of October 7, 1961, which is headed "Farm Jobs Go Begging, Mississippi County Cuts 17,000 From Food Rolls." So, they took that 17,000 off the rolls and said to them, "until such time as you get out there to help us harvest our crops, you cannot receive these foods." Arkansas farmers want to utilize the local supply of labor as much as possible. The cost of bringing in the Mexican labor is excessive. The cost per man averages $42.60 to recruit the worker at the border, transport him to the place of his employment in Arkansas, and deliver him back to the border after the contractual obligation has been performed. This $42.60 is not reimbursable to the farmer.

The Gazette article follows:

[From the Arkansas Gazette, Sept. 7, 1961]

FARM JOBS GO BEGGING, MISSISSIPPI COUNTY CUTS 17,000 FROM FOOD ROLLS

BLYTHEVILLE, September 6.—The Mississippi County welfare director said today that 17,000 persons would be cut off the list of county residents receiving free food.

Welfare Director Floyd Irby said the action was taken in an attempt to force able-bodied persons to take available jobs. The cotton-picking season is at hand and many farmers

in the county have reported having trouble finding workers, he said.

Mississippi County has had 27,000 persons—about 40 percent of its population—on the rolls to receive free food under a federally supported program of distributing surplus commodities.

Irby said no truly deserving cases would be cut off and all persons eliminated would have the right to have their cases reviewed. "We aren't going to take the commodities away from the people who can show us they need and deserve them," Irby said, "and we aren't going to embarrass them."

But he said the program "has snowballed until it has gotten out of hand." He said the number of persons getting the food had increased steadily.

COSTS $3,000 A MONTH

He said it was costing the county $3,000 or more a month—even with the use of county equipment and some prison labor—to transport the food from Little Rock and store and distribute it here.

Irby said complaints from farmers about the difficulty in finding seasonal help had been mounting. "We've had complaints of tractor drivers leaving their tractors in the middle of the field in order to get in and pick up commodities" he said.

He said that with the jobs available in the cotton fields this fall he didn't think any able-bodied person would have any trouble finding work. He indicated that the rules might be relaxed after the seasonal job peak passed.

In the past, persons have qualified for the free food merely by signing a statement that they earned below a minimum figure. The cutoff is $900 a year for single persons, $1,500 for two persons and $300 additional for each additional person in the family.

TEN THOUSAND LEFT ON

Of the 10,000 persons who will be left on the free food rolls, 6,000 are public assistance cases certified by the State welfare department, Irby said.

He said that in the future anyone may have to prove that he deserves it. He said his office might spotcheck the rolls and prosecute persons who fraudulently represent their economic condition.

Under the program, the Federal Government supplies the food, the State welfare department administers the program, and counties pay the transportation and distribution costs.

The principal items of the food dole are flour, rice, beans, dried milk, peanut butter, canned meat, lard, and butter.

Irby said he had conferred with regional officials of the State welfare department before taking his action today.

At Little Rock, Welfare Commissioner Carl Adams said that what Mississippi County was doing, in effect, was to remove from free food eligibility all persons except those receiving some sort of welfare grant.

Adams said several other Arkansas counties had done this in the past and some counties had this sort of limit permanently.

Some Arkansas counties—notably Pulaski, which includes Little Rock—do not take part in the program at all.

St. Francis County, Ark., has likewise removed 14,000 persons from the surplus food distribution program. An article from Forrest City (Ark.) Times-Herald of September 13, 1961, is reprinted herewith:

[From the Forrest City (Ark.) Times-Herald, Sept. 13, 1961]

COUNTY JUDGE CLARK SLASHES SURPLUS FOOD LIST TO PROVIDE LOCAL LABOR FOR COTTON HARVEST

County Judge Darrell Clark announced today that some 14,000 persons have been dropped from the surplus food commodity list in St. Francis County.

The action, taken each year, cuts into the rolls a little deeper this year because of an anticipated shortage of labor during cotton harvest in this area.

The judge said he cut the rolls down to the "actual regular welfare clients," about 5,000 persons. Some 19,000 persons were receiving food surplus in the county prior to the cut.

"We have deleted all those persons who are physically able to work," said Judge Clark.

Gov. Orval Faubus earlier this week had commended several counties for cutting welfare rolls when work is available.

Employment Security Division head for three counties, George Baskin, of Forrest City, backed up the judge's statement of a worker shortage:

"Our latest figures indicate that there will be a shortage of some 3,800 laborers, not counting Mexican, during cotton picking," he said.

The Memphis Commercial Appeal carried a splendid editorial on this subject under date of September 13, 1961.

The editorial follows:

[From the Memphis (Tenn.) Commercial Appeal, Sept. 13, 1961]

ANOTHER NEWBURGH

Some of the nationwide attention that has been going to Newburgh, N.Y., for its effort to reform welfare is being diverted to Blytheville, Ark.

In a way, the attention is misdirected. It is an old Southern custom to put aside other things, including schoolwork, while there is cotton to be picked. The cotton picking machines are changing that. While there is still hand picking, the number of pickers has declined and there is every reason to expect further decline.

There is cotton picking work available in Mississippi County this season and Blytheville has become another Newburgh by taking more than 21,000 persons off the free food list.

The point is, we suggest, that nearly 300 letters have come from all over the United States, and 4 out of 5 of them approve. Which is to say that a considerable number of persons are disturbed by welfare policies that make it easy for an able-bodied person to turn down work. When Newburgh and Blytheville contradict this trend some of those who have been disturbed take the trouble to applaud by mail.

Growing cotton in the great Alluvial Valley in the Midsouth is the most hazardous of all agricultural endeavors. In this area which includes southeast Missouri, western Tennessee, eastern Arkansas, western Mississippi and portions of Louisiana the crops depend on fallen rain. Its rarely that the majority of these farmers have good weather conditions which is so essential to success. They are at the mercy of the elements. In the current year eastern Arkansas farmers have a late crop due to excessive rains in the spring and early summer.

The cotton in a good part of the area had to be planted over as much as three times. Hailstorms wiped out quite a large acreage of all crops in parts of two counties which I am privileged to serve—now its cold weather and the threat of an early frost. All this with a greatly increased cost of farm machinery, taxes and labor makes farming an occupation of high-risk uncertainty. I hope the conference report will be agreed to.

Mr. POAGE. Mr. Speaker, I yield to the gentleman from Indiana [Mr. HALLECK].

LEGISLATIVE PROGRAM

Mr. HALLECK. I appreciate the gentleman yielding to me at this time. I expect it is rather generally known that we will have to make some rearrangement of the program for today, and in view of that fact I would like to inquire of the acting majority leader as to the proposed program for Monday next and as to the time for the convening of the House on Monday next.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, Monday is Consent Calendar Day, and there will be 14 suspensions.

Mr. HALLECK. Will the Consent Calendar be called?

Mr. ALBERT. The Consent Calendar will be called.

HOUSE MEETS AT 11 O'CLOCK MONDAY, SEPTEMBER 18

Mr. ALBERT. I would like, before announcing the bills under suspension, to ask unanimous consent, Mr. Speaker, that when the House adjourns today it adjourn to meet at 11 o'clock on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SPEAKER PRO TEMPORE EMPOWERED TO DECLARE RECESSES—CONFERENCE REPORTS MAY BE CONSIDERED THE SAME DAY REPORTED

Mr. ALBERT. And if the gentleman will yield for the purpose, I would like also to ask unanimous consent that at any time during the remainder of this session it may be in order for the Speaker pro tempore to declare recesses subject to the call of the Chair, and that during the remainder of the session it shall be in order to consider conference reports the same day reported, notwithstanding the provisions of clause 2 of rule XXVIII.

Mr. HALLECK. Mr. Speaker, reserving the right to object, may I say in connection with this request that this matter has been called to my attention. It is standard procedure as we come up to the end of a session. I sincerely hope it is not objected to, because its adoption will very materially expedite the business of the House of Representatives to the objective of sine die adjournment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. The 14 suspensions in order on Monday are:

First, S. 2393, schools, extend assistance to impacted areas.

Mr. HALLECK. Mr. Speaker, may I at that point say that while the calendar lists the bill as just dealing with

assistance to impacted areas, it is my understanding that it also includes the extension of the National Defense Education Act.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, that is my understanding. It is further my understanding that with the exception of the title of the bill it is the identical bill that was previously passed by the House.

Mr. HALLECK. I can say I have never been quite sure just why the other body did not adopt the bill we sent over there as it came from the House. Maybe there was some idea that the House bill over there might serve as a vehicle for further aid to education next year; but in my opinion it could not be so used.

I yield to the gentleman.

Mr. ALBERT. Second, S. 1459, postal service, longevity step increases.

Third, H.R. 5751, Subversive Control Act, registration of certain persons.

Fourth, H.R. 9096, television contracts, baseball, basketball, football, and hockey.

Fifth, H.R. 6145, taxes, reduced credit provisions, postponement.

Sixth, H.R. 8914, agriculture, participation feed grain program, 1962.

Seventh, H.R. 7377, Federal employees, top grade employees increased.

Eighth, H.R. 8565, Armed Forces, Federal employees, election of compensation.

Ninth, H.R. 3019, Government Printing Office building.

Tenth, H.R. 5628, Hawaii, botanical gardens.

Eleventh, S. 302, Minnesota, funds, Superior National Forest.

Twelfth, H.R. 947, Saint Mary's River lock, to be named John A. Blatnik lock.

Thirteenth, H.R. 4172, Federal Advisory Committee on Arts.

Fourteenth, H.R. 7318, supplemental air carriers.

And if the gentleman will yield further, I would like to make these additional announcements: These bills may not necessarily be called in the order in which I have listed them.

If bills under suspension are completed early enough on Monday we reserve the right to program for Monday H.R. 9118, to establish the U.S. Arms Control Agency, and House Joint Resolution 569, Atomic Energy Act, cooperation between the United States and France.

I would like further, Mr. Speaker, to advise the House that we hope to be able to announce an additional program for the remainder of the week on Monday next.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Iowa.

Mr. GROSS. Will this list of suspensions be made available in the document room so that we can get the bills before it closes this afternoon?

Mr. ALBERT. I will be glad to accommodate the gentleman in that regard, if possible.

Mr. HALLECK. Mr. Speaker, I have the list that the acting majority leader has given to me, and I will leave it on the desk. Any Member who wants to may either see it during the afternoon, or at least until we adjourn this afternoon, and he can get the information as to which bills are included.

Mr. ALBERT. I have a similar list which will be available to any Members who desire to see it.

Mr. HALLECK. How many of these bills are on the Consent Calendar for Monday?

Mr. ALBERT. I am happy to advise the gentleman, that four of them are on the Consent Calendar.

Mr. HALLECK. And they may be disposed of on the call of the Consent Calendar?

Mr. ALBERT. I am sure that some of these are not very highly controversial.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Arkansas.

Mr. HARRIS. May I ask our distinguished acting majority leader if there are bills that would ordinarily go on the Consent Calendar but they are not reported in time, would it be in order, if clearance can be obtained on both sides, to call them up on Monday during the time the Consent Calendar is being called?

Mr. ALBERT. The answer is "Yes." That applies, of course, to any day during the remainder of the session.

Mr. HARRIS. I thank the gentleman.

Mr. HALLECK. I did not hear part of that colloquy between the gentleman from Arkansas and the acting majority leader. As far as I am concerned, there has been no arrangement made for suspensions on Monday next other than those announced.

Mr. HARRIS. I did not mean suspensions. I had reference to consent matters.

Mr. HALLECK. I see.

Mr. ALBERT. It is the standard procedure that when both sides agree, including the ranking members of the committees, the chairmen of the committees, and the leadership on both sides, bills may be called up by unanimous consent at any time.

MEXICAN FARM LABOR PROGRAM

Mr. POAGE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Speaker, on yesterday when we were arguing this matter in reference to whether or not this bill should go to conference, we made it perfectly clear that we had the opportunity to adopt the provisions of the Senate bill. The simple history of the matter is the bill went to conference, the conference was clearly rather congenial, it did not take very long, so we now have the bill before us again today.

We are asked to adopt a conference report without the so-called McCarthy amendment in the bill; an amendment which simply calls for payment of the prevailing wage in the labor market area, or the national average of farm wages, whichever is the lesser.

Then I am confounded today when I hear one of the most distinguished Members of this House, the gentleman from Texas [Mr. MAHON], indicate that he too is dissatisfied with the conference report because it goes too far. This absolutely shocks me. On the other hand, I am pleased with this development because it is consistent with the position I have taken from the time we started to talk about this bill.

My good friend, the gentleman from California [Mr. GUBSER], has asked me, Why are you so opposed to this bill? I want to tell the House why I am interested in the bill. The group that we are talking about is the most defenseless, the most helpless group of workers in our American society, and at a time in world history when we are trying to win friends and influence people, little people everywhere, in our own country we continue to exploit poverty, ignorance, and destitution. That is what the Mexican farm labor bill does.

We sit around here and talk about wages. I do not want to argue this question again. I will refer you to my speech on yesterday. The time for argument has gone.

I happen to have studied some labor economics and I know enough to know what the hazards are in any industrial society.

The loss of income associated with unemployment, sickness and old age is bad enough for the ordinary citizen and worker in our dynamic system, but the migrant American worker is confronted with all these hazards completely stripped of the most basic and humane benefits offered by our economy and our society. There are even places in the United States where these American workers are not even considered fit objects of the greatest of all Christian virtues—charity.

There are but few, if any, workers in the American economy that are not covered by social security, by unemployment insurance, by workmen's compensation or by some other form of social benefits and who cannot reasonably protect their labor market through collective bargaining or legislation.

But what does the itinerant worker get? He gets nothing.

It is an example of the poor taking care of the poor.

I defy anyone to go out into the field, as the subcommittees of this House have done, and observe the conditions and study the figures and listen to the people in the Labor Department tell you what the objective situation is, and say that we can in good conscience support this kind of indifference to the most depressed group of American workers in our affluent society.

This is a bad bill. As has been indicated, we can let this bill go over and it is not going to hurt the interested States at all. We can take another look at it next year. I urge the membership of the House to vote down this conference report because it does not contain the modest but critically important McCarthy amendment. I urge the House to vote down this conference report so that next year we can give this matter the attention and consideration it both deserves and demands.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, in view of the circumstances which confront the House, and announcing that it will not in anywise be a precedent, I ask unanimous consent that it may be in order for all Members of the House today to extend their remarks in the CONGRESSIONAL RECORD and to include extraneous matter, if they so desire.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SPECIAL ORDERS FOR TODAY

The SPEAKER pro tempore. If there is no objection, those Members who have special orders for today may have permission to insert their remarks in the body of the RECORD.

There was no objection.

MEXICAN FARM LABOR PROGRAM

Mr. POAGE. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. And they want the minimum wage raised?

Mr. POAGE. Yes, they do.

Mr. HOFFMAN of Michigan. And they come principally from the cities?

Mr. POAGE. Yes; predominantly.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MATTHEWS].

Mr. MATTHEWS. Mr. Speaker, I think there are several matters that should be emphasized that I do not believe the House probably understands correctly.

In the first place, this program has been very popular with the Mexican nation. I was very pleased to hear testimony before our Committee on Agriculture pointing out what this program meant with respect to the standard of living of the people of Mexico. It is a program that has enabled Mexican nationals to become farmers, to appreciate the meaning of private enterprise, to understand something of the opportunities of a better way of life. I think I can say to you on the basis of the facts that this is a very popular program with the Mexican people.

Then we talk so much, Mr. Speaker, about the low wages of the Mexican migratory workers, and imply that there are low wages for other migratory workers, and that is agreed, but we do not hear enough about the high wages the worker with physical ability and determination can make. It is not uncommon for migratory workers to make $10 a day or $15 a day or $20 a day.

My dear friend talks of the defenseless migratory workers. But I speak about the defenseless farmer. My friends from the city who understand this problem will realize that if you have strawberries in the field, when you have celery or beets, and you need to have your crops harvested, you are defenseless, you have to have some kind of program to enable you to get help to harvest those crops. You cannot get this kind of labor in America all the time. You have to have a good program such as this to aid in getting the necessary labor.

Mr. POAGE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. GUBSER].

Mr. GUBSER. Mr. Speaker, I am glad to follow the gentleman from Florida simply to add to what he has said and emphasize it with a concrete example.

I know a fellow in Mexico by the name of Martin Ornellas, who came from Mexico into central California as a bracero in the year 1940. He returned on two other occasions. When he went back to Mexico the first time he entered into the transportation business, with the purchase of six burros. He came back two more times. He eventually bought a truck. I am proud to say that today Martin Ornellas is a very prosperous businessman in the State of Guadelajara.

This bill is responsible for the building of a thriving middle class in Mexico. The Ejido system, where public lands are dispersed free of charge to individuals in Mexico, would have failed if some of these people had not been able to come to this country and get a grubstake, the know-how, and the tools required to work their Ejido farm. Because of this, we have been able to upgrade the condition of the people of Mexico and create a new, thriving, middle class in that country.

Mr. POAGE. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SANTANGELO].

Mr. SANTANGELO. Mr. Speaker, I am opposed to this conference report; however, I compliment the conferees on taking a progressive forward step in agreeing to the restriction as to the use of power-driven machinery by Mexican workers. It was the original intention of Public Law 78 to have these workers work with their hands doing stoop labor, and to work only with their hands.

Mr. Speaker, let us face the facts here. This program in essence is a cotton program. The work that we are talking about here is the work of planting, cultivating, and harvesting the cotton crop, and chopping and hoeing; 90 percent of all braceros work on the cotton farms whose products are subsidized by our Government. What wages do you think the braceros are being paid? They are getting 50 cents an hour under a treaty with the Mexican Government. That is in Texas and Arkansas. But this is not the case in the State of California, where braceros on the food farms doing piecework earn $1 an hour or better. Local domestic help earns from 35 cents to 40 cents an hour in Texas and Arkansas. This bracero program is not a food program, it is a cotton program. In the State of California, Mexican braceros and domestic workers are being paid $1 an hour. But this proposed legislation regarding prevailing wages in the State or Nation as a minimum wage does not affect them.

Mr. Speaker, I am sorry that this body has been denied the right to pass the McCarthy amendment, which would have provided a reasonable level of wages so that the farmworkers would have reasonable purchasing power in the States of Arkansas and Texas and in the other States where wage conditions are so depressed, and where domestic help and braceros do not receive a decent wage.

Mr. Speaker, this bill is wrong. This program is un-Christian and immoral. It allows people to be used and allows their labor to be exploited at wages that are very depressed and very unfair. I say that when this bill is passed, it will subsidize in yet another way the cotton industry in America, and everyone knows that we have a surplus of cotton right now and we also know that the cotton industry is already getting a subsidy from the Government.

Mr. Speaker, this conference report, despite its good features, is bad on the whole. The bill is bad and this is a bad program which should come to a very speedy end. While I recognize the need of the American farmers to obtain labor, this need does not justify exploitation of Mexican workers under intolerable living conditions and low wages. Simple justice requires that we do not permit mankind and the worker to be used and abused. I trust that this conference report is rejected and we shall consider the bracero program next year.

Mr. POAGE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. SISK].

Mr. SISK. Mr. Speaker, I think there is a principle involved here. I have always supported minimum wages for the workers of America. I said in debate sometime earlier in the session, I would support a minimum wage for agriculture. I realize many people would oppose that, but the principle involved here is that we are being asked under the proposal of the other body to delegate our jurisdiction over this matter and to turn over to the Secretary of Labor the right to set a minimum wage for agriculture. If the House of Representatives desires to set up a minimum wage program for our farmworkers of America, then, as I said before, I will support adequate and proper legislation to do that very thing. I am concerned about the plight of a great many of our agricultural workers and of our migrant people. But, certainly, I would plead with my colleagues that this is not the way to do it. What we are actually being asked to do or were asked to do by the action of the other body is to delegate to the executive branch of the Government the right to determine, first, the amount of wage which they should receive, and then to set it as a minimum. I do not believe the Members of the Congress want to legislate in that way. That is the reason I hope this conference report will be adopted and, then, to those of you who are pleading for an improvement in the living conditions and in the wage standards for the migrant workers of our country, I say, let us approach it in a proper way with legislation which will provide for that, but not to give away our own jurisdiction over this subject to some Secretary in the executive branch.

Mr. Speaker, I think the conferees on this bill have done an excellent job. I appreciate the fact that the conferees on the part of the House in accepting some of the amendments of the other body, actually, were hurting themselves and

hurting the operation of the program in their area. As a Representative from the State of California, I want to express to our conferees my deep appreciation, because I think that some of the Senate amendments were good. In fact, at least one of them was an amendment which I supported here on the floor of the House. I want to pay tribute to the gentlemen on the outstanding job that they have done, and I hope the conference report will be adopted.

The SPEAKER pro tempore. The question is on the adoption of the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COAD. Mr. Speaker, on this I demand the yeas and nays.

The SPEAKER pro tempore. Members in favor of taking the vote by the yeas and nays will rise and remain standing until counted.

Twenty-four Members have arisen, not a sufficient number.

The yeas and nays were refused.

The conference report was agreed to.

A motion to reconsider was laid on the table.

THE HONORABLE SAM RAYBURN

Mr. IKARD of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, and to include an article.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. IKARD of Texas. Mr. Speaker, 21 years ago today, the House of Representatives elected a new Speaker of the House. SAM RAYBURN, of Texas, was chosen by the Members of the House to preside over its deliberations.

Now, in 1961, after his 21 years of almost continuous service in the Speaker's chair, and 55 years of public service, we pay tribute to our beloved "Mr. SAM." He is truly the greatest statesman of them all, and has the love and respect of not only the Members of the House of Representatives where he has presided so superbly for so many years, but the love and respect of the entire Nation.

On September 26, 1961, the Texas-Oklahoma Fair held annually in the district which I represent is honoring this great American statesman and fellow Texan on "Sam Rayburn Day." In this connection, I wish to insert into the RECORD an editorial on the subject from the Wichita Falls Record-News, as I think this editorial expresses the sentiment of us all at this time.

[From the Wichita Falls Record-News]
Sept. 8, 1961]

HONOR SAM RAYBURN

One of the most appropriate things the Texas-Oklahoma Fair at Iowa Park ever did was to dedicate the exhibition this year to Speaker SAM RAYBURN. No Texan ever deserved recognition more than Mr. SAM.

However, the occasion might be a place to start an even more important movement. Next January 6 Speaker RAYBURN will celebrate his 80th birthday. At that time, he will have spent almost 55 years in service of his fellow Texans. He was elected to Congress to start an uninterrupted service in 1913.

Previous to that he had spent 6 years in the Texas House of Representatives—including two terms as speaker of the Texas House.

That 80th birthday gives us Texans an opportunity to do something special for this the most beloved of Texans. We think it is time to start right now to make next January 6 a great day for Speaker RAYBURN and for Texas.

We feel that Texas' own Vice President LYNDON JOHNSON and our President John F. Kennedy would be glad to go along enthusiastically about anything special Texans would like to do for Mr. SAM.

But we think the movement should come from the grassroots so capably served by Speaker RAYBURN for so many decades. We feel that we who are just ordinary citizens of Texas who have felt he has represented not only his district but his whole State and his whole Nation should take the leadership in a national "SAM RAYBURN Day."

What can we do?

There are several things. Maybe it could be something for that library at his Bonham home or a memorial at Washington. It might even be more appropriate and in the true RAYBURN spirit if it were a scholarship fund to provide training for the many fine young men and women in his home district. At least that would be a living tribute to a great public servant.

We would like for this editorial to start a statewide move to make "SAM RAYBURN Day" next January 6 something that the whole Nation will remember for a long time.

PEACE CORPS ACT

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower, with Senate amendments thereto, disagree to the amendments of the Senate and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. JAMES C. DAVIS. I object, Mr. Speaker.

DELAWARE RIVER BASIN COMPACT

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the resolution (H.J. Res. 225) entitled "Joint resolution to grant the consent of Congress to the Delaware River Basin compact and to enter into such compact on behalf of the United States, and for related purposes," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the resolution.

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving clause and insert:

PART I—COMPACT

Whereas the signatory parties recognize the water and related resources of the Delaware Basin as regional assets vested with local, State, and National interests, for which they have a joint responsibility; and

Whereas the conservation, utilization, development, management, and control of the water and related resources of the Delaware River Basin under a comprehensive multipurpose plan will bring the greatest benefits and produce the most efficient service in the public welfare; and

Whereas such a comprehensive plan administered by a basinwide agency will provide effective flood damage reduction; conservation and development of ground and service water supply for municipal, industrial, and agricultural uses; development of recreational facilities in relation to reservoirs, lakes, and streams; propagation of fish and game; promotion of related forestry, soil conservation, and watershed projects; protection and aid to fisheries dependent upon water resources; development of hydroelectric power potentialities; improved navigation; control of the movement of salt water; abatement and control of stream pollution; and regulation of stream flows toward the attainment of these goals; and

Whereas decisions of the United States Supreme Court relating to the waters of the basin have confirmed the interstate regional character of the water resources of the Delaware River Basin, and the United States Corps of Engineers has in a prior report on the Delaware River Basin (House Document 179, Seventy-third Congress, second session) officially recognized the need for an interstate agency and the economies that can result from unified development and control of the water resources of the basin; and

Whereas the water resources of the basin are presently subject to the duplicating, overlapping, and uncoordinated administration of some forty-three State agencies, fourteen interstate agencies, and nineteen Federal agencies which exercise a multiplicity of powers and duties resulting in a splintering of authority and responsibilities; and

Whereas the joint advisory body known as the Interstate Commission on the Delaware River Basin (INCODEL), created by the respective commissions or Committee on Interstate Cooperation of the States of Delaware, New Jersey, New York, and Pennsylvania, has on the basis of its extensive investigations, surveys, and studies concluded that regional development of the Delaware River Basin is feasible, advisable, and urgently needed; and has recommended that an interstate compact with Federal participation be consummated to this end; and

Whereas the Congress of the United States and the executive branch of the Government have recognized the national interest in the Delaware River Basin by authorizing and directing the Corps of Engineers, Department of the Army, to make a comprehensive survey and report on the water and related resources of the Delaware River Basin, enlisting the technical aid and planning participation of many Federal, State, and municipal agencies dealing with the waters of the basin, and in particular the Federal Departments of Agriculture, Commerce, Health, Education, and Welfare, and Interior, and the Federal Power Commission; and

Whereas some twenty-two million people of the United States at present live and work in the region of the Delaware River Basin and its environs, and the government, employment, industry, and economic development of the entire region and the health, safety, and general welfare of its population are and will continue to be vitally affected by the use, conservation, management, and control of the water and related resources of the Delaware River Basin; and

Whereas demands upon the waters and related resources of the basin are expected to mount rapidly because of the anticipated increase in the population of the region projected to reach thirty million by 1980 and forty million by 2010, and because of the anticipated increase in industrial growth projected to double by 1980; and

Whereas water resources planning and development is technical, complex, and expensive, and has often required fifteen to twenty years from the conception to the completion of a large dam and reservoir; and

Whereas the public interest requires that facilities must be ready and operative when needed, to avoid the catastrophe of unexpected floods or prolonged drought, and for other purposes; and

Whereas the Delaware River Basin Advisory Committee, a temporary body constituted by the Governors of the four basin States and the mayors of the cities of New York and Philadelphia, has prepared a draft of an interstate-Federal compact for the creation of a basin agency, and the signatory parties desire to effectuate the purposes thereof: Now therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby consents to, and joins the States of Delaware, New Jersey, and New York and the Commonwealth of Pennsylvania in, the following compact:

Article 1. Short title, definitions, purpose and limitations

Section 1.1 Short Title. This Act shall be known and may be cited as the Delaware River Basin Compact.

1.2 Definitions. For the purpose of this compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

(a) "Basin" shall mean the area of drainage into the Delaware River and its tributaries, including Delaware Bay;

(b) "Commission" shall mean the Delaware River Basin Commission created and constituted by this compact;

(c) "Compact" shall mean Part I of this act.

(d) "Cost" shall mean direct and indirect expenditures, commitment, and net induced adverse effects, whether or not compensated for, used or incurred in connection with the establishment, acquisition, construction, maintenance and operation of a project;

(e) "Facility" shall mean any real or personal property, within or without the basin, and improvements thereof or thereon, and any and all rights of way, water, water rights, plants, structures, machinery and equipment, acquired, constructed, operated or maintained for the beneficial use of water resources or related land uses including, without limiting the generality of the foregoing, any and all things and appurtenances necessary, useful or convenient for the control, collection, storage, withdrawal, diversion, release, treatment, transmission, sale or exchange of water; or for navigation thereon, or the development and use of hydroelectric energy and power, and public recreational facilities; or the propagation of fish and wildlife; or to conserve and protect the water resources of the basin or any existing or future water supply source, or to facilitate any other uses of any of them;

(f) "Federal government" shall mean the government of the United States of America, and any appropriate branch, department, bureau or division thereof, as the case may be;

(g) "Project" shall mean any work, service or activity which is separately planned, financed, or identified by the commission, or any separate facility undertaken or to be undertaken within a specified area, for the conservation, utilization, control, development or management of water resources which can be established and utilized independently or as an addition to an existing facility, and can be considered as a separate entity for purposes of evaluation;

(h) "Signatory party" shall mean a state or commonwealth party to this compact, and the federal government;

(i) "Water resources" shall include water and related natural resources in, on, under, or above the ground, including related uses of land, which are subject to beneficial use, ownership or control.

1.3 Purpose and Findings. The legislative bodies of the respective signatory parties hereby find and declare:

(a) The water resources of the basin are affected with a local, state, regional and national interest and their planning, conservation, utilization, development, management and control, under appropriate arrangements for intergovernmental cooperation, are public purposes of the respective signatory parties.

(b) The water resources of the basin are subject to the sovereign right and responsibility of the signatory parties, and it is the purpose of this compact to provide for a joint exercise of such powers of sovereignty in the common interests of the people of the region.

(c) The water resources of the basin are functionally inter-related, and the uses of these resources are interdependent. A single administrative agency is therefore essential for effective and economical direction, supervision and coordination of efforts and programs of federal, state and local governments and of private enterprise.

(d) The water resources of the Delaware River Basin, if properly planned and utilized, are ample to meet all presently projected demands, including existing and added diversions in future years and ever increasing economies and efficiencies in the use and reuse of water resources can be brought about by comprehensive planning, programming and management.

(e) In general, the purposes of this compact are to promote interstate comity; to remove causes of present and future controversy; to make secure and protect present developments within the states; to encourage and provide for the planning, conservation, utilization, development, management and control of the water resources of the basin; to provide for cooperative planning and action by the signatory parties with respect to such water resources; and to apply the principle of equal and uniform treatment to all water users who are similarly situated and to all users of related facilities, without regard to established political boundaries.

1.4 Powers of Congress; Withdrawal. Nothing in this compact shall be construed to relinquish the functions, powers or duties of the Congress of the United States with respect to the control of any navigable waters within the basin, nor shall any provision hereof be construed in derogation of any of the constitutional powers of the Congress to regulate commerce among the states and with foreign nations. The power and right of the Congress to withdraw the federal government as a party to this compact or to revise or modify the terms, conditions and provisions under which it may remain a party by amendment, repeal or modification of any federal statute applicable thereto is recognized by the signatory parties.

1.5 Existing Agencies; Construction. It is the purpose of the signatory parties to preserve and utilize the functions, powers and duties of existing offices and agencies of government to the extent not inconsistent with the compact, and the commission is authorized and directed to utilize and employ such offices and agencies for the purpose of this compact to the fullest extent it finds feasible and advantageous.

1.6 Duration of Compact.

(a) The duration of this compact shall be for an initial period of 100 years from its effective date, and it shall be continued for additional periods of 100 years if not later than 20 years nor sooner than 25 years prior to the determination of the initial period or any succeeding period none of the signatory states, by authority of an act of its legislature, notifies the commission of intention to terminate the compact at the end of the then current 100-year period.

(b) In the event that this compact should be terminated by operation of paragraph (a) above, the commission shall be dissolved, its assets and liabilities transferred, and its corporate affairs wound up, in such manner as may be provided by act of the Congress.

Article 2. Organization and area

Section 2.1 Commission Created. The Delaware River Basin Commission is hereby created as a body politic and corporate, with succession for the duration of this compact, as an agency and instrumentality of the governments of the respective signatory parties.

2.2 Commission Membership. The commission shall consist of the Governors of the signatory states, ex officio, and one commissioner to be appointed by the President of the United States to serve during the term of office of the President.

2.3 Alternates. Each member of the commission shall appoint an alternate to act in his place and stead, with authority to attend all meetings of the commission, and with power to vote in the absence of the member. Unless otherwise provided by law of the signatory party for which he is appointed, each alternate shall serve during the term of the member appointing him, subject to removal at the pleasure of the member. In the event of a vacancy in the office of alternate, it shall be filled in the same manner as an original appointment for the unexpired term only.

2.4 Compensation. Members of the commission and alternates shall serve without compensation but may be reimbursed for necessary expenses incurred in and incident to the performance of their duties.

2.5 Voting Power. Each member shall be entitled to one vote on all matters which may come before the commission. No action of the commission shall be taken at any meeting unless a majority of the membership shall vote in favor thereof.

2.6 Organization and Procedure. The commission shall provide for its own organization and procedure, and shall adopt rules and regulations governing its meetings and transactions. It shall organize annually by the election of a chairman and vice-chairman from among its members. It shall provide by its rules for the appointment by each member in his discretion of an advisor to serve without compensation, who may attend all meetings of the commission and its committees.

2.7 Jurisdiction of the Commission. The commission shall have, exercise and discharge its functions, powers and duties within the limits of the basin, except that it may in its discretion act outside the basin whenever such action may be necessary or convenient to effectuate its powers or duties within the basin, or to sell or dispose of water, hydroelectric power or other water resources within or without the basin. The commission shall exercise such power outside the basin only upon the consent of the state in which it proposes to act.

Article 3. Powers and duties of the commission

Section 3.1 Purpose and Policy. The commission shall develop and effectuate plans, policies and projects relating to the water resources of the basin. It shall adopt and promote uniform and coordinated policies for water conservation, control, use and management in the basin. It shall encourage the planning, development and financing of water resources projects according to such plans and policies.

3.2 Comprehensive Plan, Program and Budgets. The commission shall, in accordance with Article 13 of this compact, formulate and adopt:

(a) A comprehensive plan, after consultation with water users and interested public

bodies, for the immediate and long range development and uses of the water resources of the basin;

(b) A water resources program, based upon the comprehensive plan, which shall include a systematic presentation of the quantity and quality of water resources needs of the area to be served for such reasonably foreseeable period as the commission may determine, balanced by existing and proposed projects required to satisfy such needs, including all public and private projects affecting the basin, together with a separate statement of the projects proposed to be undertaken by the commission during such period; and

(c) An annual current expense budget, and an annual capital budget consistent with the water resources program covering the commission's projects and facilities for the budget period.

3.3 Allocations, Diversions and Releases. The commission shall have the power from time to time as need appears, in accordance with the doctrine of equitable apportionment, to allocate the waters of the basin to and among the states signatory to this compact and to and among their respective political subdivisions, and to impose conditions, obligations and release requirements related thereto, subject to the following limitations:

(a) The commission, without the unanimous consent of the parties to the United States Supreme Court decree in *New Jersey v. New York*, 347 U.S. 995 (1954), shall not impair, diminish or otherwise adversely affect the diversions, compensating releases, rights, conditions, obligations, and provisions for the administration thereof as provided in said decree; provided, however, that after consultation with the river master under said decree the commission may find and declare a state of emergency resulting from a drought or catastrophe and it may thereupon by unanimous consent of its members authorize and direct an increase or decrease in any allocation or diversion permitted or releases required by the decree, in such manner and for such limited time as may be necessary to meet such an emergency condition.

(b) No allocation of waters hereafter made pursuant to this section shall constitute a prior appropriation of the waters of the basin or confer any superiority of right in respect to the use of those waters, nor shall any such action be deemed to constitute an apportionment of the waters of the basin among the parties hereto; provided that this paragraph shall not be deemed to limit or restrict the power of the commisison to enter into covenants with respect to water supply, with a duration not exceeding the life of this compact, as it may deem necessary for a benefit or development of the water resources of the basin.

(c) Any proper party deeming itself aggrieved by action of the commission with respect to an out-of-basin diversion or compensating releases in connection therewith, notwithstanding the powers delegated to the commission by this compact may invoke the original jurisdiction of the United States Supreme Court within one year after such action for an adjudication and determination thereof de novo. Any other action of the commission pursuant to this section shall be subject to judicial review in any court of competent jurisdiction.

3.4 Supreme Court Decree: Waivers. Each of the signatory states and their respective political subdivisions, in consideration of like action by the others, and in recognition of reciprocal benefits, hereby waives and relinquishes for the duration of this compact any right, privilege or power it may have to apply for any modification of the terms of the decree of the United States Supreme Court in *New Jersey v. New York*, 347 U.S. 995 (1954) which would increase or decrease the diversions authorized or increase or decrease the releases required thereunder, except that a proceeding to modify such decree to increase diversions or compensating releases in connection with such increased diversions may be prosecuted by a proper party to effectuate rights, powers, duties and obligations under Section 3.3 of this compact, and except as may be required to effectuate the provisions of paragraphs IIIB3 and VB of said decree.

3.5 Supreme Court Decree; Specific Limitations on Commission. Except as specifically provided in sections 3.3 and 3.4 of this article, nothing in this compact shall be construed in any way to impair, diminish or otherwise adversely affect the rights, powers, privileges, conditions and obligations contained in the decree of the United States Supreme Court in *New Jersey v. New York*, 347 U.S. 995 (1954). To this end, and without limitation thereto, the commission shall not:

(a) Acquire, construct or operate any project or facility or make any order or take any action which would impede or interfere with the rights, powers, privileges, conditions or obligations contained in said decree;

(b) Impose or collect any fee, charge or assessment with respect to diversions of waters of the basin permitted by said decree;

(c) Exercise any jurisdiction, except upon consent of all the parties to said decree, over the planning, design, construction, operation or control of any projects, structures or facilities constructed or used in connection with withdrawals, diversions and releases of waters of the basin authorized by said decree or of the withdrawals, diversions or releases to be made thereunder; or

(d) Serve as river master under said decree, except upon consent of all the parties thereto.

3.6 General Powers. The commission may:

(a) Plan, design, acquire, construct, reconstruct, complete, own, improve, extend, develop, operate and maintain any and all projects facilities, properties, activities and services, determined by the commission to be necessary, convenient or useful for the purposes of this compact;

(b) Establish standards of planning, design, and operation of all projects and facilities in the basin which affect its water resources, including without limitation thereto water and waste treatment plants, stream and lake recreational facilities, trunk mains for water distribution, local flood protection works, small watershed management programs, and ground water recharging operations;

(c) Conduct and sponsor research on water resources, their planning, use, conservation, management, development, control and protection, and the capacity, adaptability and best utility of each facility thereof, and collect, compile, correlate, analyze, report and interpret data on water resources and uses in the basin, including without limitation thereto the relation of water to other resources, industrial water technology, ground water movement, relation between water price and water demand, and general hydrological conditions;

(d) Compile and coordinate systematic stream stage and ground water level forecasting data, and publicize such information when and as needed for water uses, flood warning, quality maintenance or other purposes;

(e) Conduct such special ground water investigations, tests, and operations and compile such data relating thereto as may be required to formulate and administer the comprehensive plan;

(f) Prepare, publish and disseminate information and reports with respect to the water problems of the basin and for the presentation of the needs, resources and policies of the basin to executive and legislative branches of the signatory parties;

(g) Negotiate for such loans, grants, services or other aids as may be lawfully available from public or private sources to finance or assist in effectuating any of the purposes of this compact; and to receive and accept such aid upon such terms and conditions, and subject to such provisions for repayment as may be required by federal or state law or as the commission may deem necessary or desirable;

(h) Exercise such other and different powers as may be delegated to it by this compact or otherwise pursuant to law, and have and exercise all powers necessary or convenient to carry out its express powers or which may be reasonably implied therefrom.

3.7 Rates and Charges. The commission may from time to time after public notice and hearing fix, alter and revise rates, rentals, charges and tolls and classifications thereof, for the use of facilities which it may own or operate and for products and services rendered thereby, without regulation or control by any department, office or agency of any signatory party.

3.8 Referral and Review. No project having a substantial effect on the water resources of the basin shall hereafter be undertaken by any person, corporation or governmental authority unless it shall have been first submitted to and approved by the commission, subject to the provisions of Sections 3.3 and 3.5. The commission shall approve a project whenever it finds and determines that such project would not substantially impair or conflict with the comprehensive plan and may modify and approve as modified, or may disapprove any such project whenever it finds and determines that the project would substantially impair or conflict with such plan. The commission shall provide by regulation for the procedure of submission, review and consideration of projects, and for its determinations pursuant to this section. Any determination of the commission hereunder shall be subject to judicial review in any court of competent jurisdiction.

3.9 Coordination and Cooperation. The commission shall promote and aid the coordination of the activities and programs of federal, state, municipal and private agencies concerned with water resources administration in the basin. To this end, but without limitation thereto, the commission may:

(a) Advise, consult, contract, financially assist, or otherwise cooperate with any and all such agencies;

(b) Employ any other agency or instrumentality of any of the signatory parties or of any political subdivision thereof, in the design, construction, operation and maintenance of structures, and the installation and management of river control systems, or for any other purpose;

(c) Develop and adopt plans and specifications for particular water resources projects and facilities which so far as consistent with the comprehensive plan incorporate any separate plans of other public and private organizations operating in the basin, and permit the decentralized administration thereof;

(d) Qualify as a sponsoring agency under any federal legislation heretofore or hereafter enacted to provide financial or other assistance for the planning, conservation, utilization, development, management or control of water resources.

3.10 Advisory Committees. The commission may constitute and empower advisory committees, which may be comprised of representatives of the public and of federal, state, county and municipal governments, water resources agencies, water-using industries, water-interest groups, labor and agriculture.

Article 4. Water supply

Section 4.1 Generally. The commission shall have power to develop, implement and effectuate plans and projects for the use of the water of the basin for domestic, municipal, agricultural and industrial water supply. To this end, without limitation thereto, it may provide for, construct, acquire, operate and maintain dams, reservoirs and other facilities for utilization of surface and ground water resources, and all related structures, appurtenances and equipment on the river and its tributaries and at such off-river sites as it may find appropriate, and may regulate and control the use thereof.

4.2 Storage and Release of Waters.

(a) The commission shall have power to acquire, operate and control projects and facilities for the storage and release of waters, for the regulation of flows and supplies of surface and ground waters of the basin, for the protection of public health, stream quality control, economic development, improvement of fisheries, recreation, dilution and abatement of pollution, the prevention of undue salinity and other purposes.

(b) No signatory party shall permit any augmentation of flow to be diminished by the diversion of any water of the basin during any period in which waters are being released from storage under the direction of the commission for the purpose of augmenting such flow, except in cases where such diversion is duly authorized by this compact, or by the commission pursuant thereto, or by the judgment, order or decree of a court of competent jurisdiction.

4.3 Assessable Improvements. The commission may undertake to provide stream regulation in the main stream or any tributary in the basin and may assess on an annual basis or otherwise the cost thereof upon water users or any classification of them specially benefited thereby to a measurable extent, provided that no such assessment shall exceed the actual benefit to any water user. Any such assessment shall follow the procedure prescribed by law for local improvement assessments and shall be subject to judicial review in any court of competent jurisdiction.

4.4 Coordination. Prior to entering upon the execution of any project authorized by this article, the commission shall review and consider all existing rights, plans and programs of the signatory parties, their political subdivisions, private parties, and water users which are pertinent to such project, and shall hold a public hearing on each proposed project.

4.5 Additional Powers. In connection with any project authorized by this article, the commission shall have power to provide storage, treatment, pumping and transmission facilities, but nothing herein shall be construed to authorize the commission to engage in the business of distributing water.

Article 5. Pollution control

Section 5.1 General Powers. The commission may undertake investigations and surveys, and acquire, construct, operate and maintain projects and facilities to control potential pollution and abate or dilute existing pollution of the water resources of the basin. It may invoke as complainant the power and jurisdiction of water pollution abatement agencies of the signatory parties.

5.2 Policy and Standards. The commission may assume jurisdiction to control future pollution and abate existing pollution in the waters of the basin, whenever it determines after investigation and public hearing upon due notice that the effectuation of the comprehensive plan so requires. The standard of such control shall be that pollution by sewage or industrial or other waste originating within a signatory state shall not injuriously affect waters of the basin as contemplated by the comprehensive plan. The commission, after such public hearing may classify the waters of the basin and establish standards of treatment of sewage, industrial or other waste, according to such classes including allowance for the variable factors of surface and ground waters, such as size of the stream, flow, movement, location, character, self-purification, and usage of the waters affected. After such investigation, notice and hearing the commission may adopt and from time to time amend and repeal rules, regulations and standards to control such future pollution and abate existing pollution, and to require such treatment of sewage, industrial or other waste within a time reasonable for the construction of the necessary works, as may be required to protect the public health or to preserve the waters of the basin for uses in accordance with the comprehensive plan.

5.3 Cooperative Legislation and Administration. Each of the signatory parties covenants and agrees to prohibit and control pollution of the waters of the basin according to the requirements of this compact and to cooperate faithfully in the control of future pollution in and abatement of existing pollution from the rivers, streams, and waters in the basin which flow through, under, into or border upon any of such signatory states, and in order to effect such object, agrees to enact any necessary legislation to enable each such party to place and maintain the waters of said basin in a satisfactory condition, available for safe and satisfactory use as public and industrial water supplies after reasonable treatment, suitable for recreational usage, capable of maintaining fish and other aquatic life, free from unsightly or malodorous nuisances due to floating solids or sludge deposits and adaptable to such other uses as may be provided by the comprehensive plan.

5.4 Enforcement. The commission may, after investigation and hearing, issue an order or orders upon any person or public or private corporation, or other entity, to cease the discharge of sewage, industrial or other waste into waters of the basin which it determines to be in violation of such rules and regulations as it shall have adopted for the prevention and abatement of pollution. Any such order or orders may prescribe the date, including a reasonable time for the construction of any necessary works, on or before which such discharge shall be wholly or partially discontinued, modified or treated, or otherwise conformed to the requirements of such rules and regulations. Such order shall be reviewable in any court of competent jurisdiction. The courts of the signatory parties shall have jurisdiction to enforce against any person, public or private corporation, or other entity, any and all provisions of this article or of any such order. The commission may bring an action in its own name in any such court of competent jurisdiction to compel compliance with any provision of this article, or any rule or regulation issued pursuant thereto or of any such order, according to the practice and procedure of the court.

5.5 Further Jurisdiction. Nothing in this compact shall be construed to repeal, modify or qualify the authority of any signatory party to enact any legislation or enforce any additional conditions and restrictions to lessen or prevent the pollution of waters within its jurisdiction.

Article 6. Flood protection

Section 6.1 General Powers. The commission may plan, design, construct and operate and maintain projects and facilities, as it may deem necessary or desirable for flood damage reduction. It shall have power to operate such facilities and to store and release waters on the Delaware River and its tributaries and elsewhere within the basin, in such manner, at such times, and under such regulations as the commission may deem appropriate to meet flood conditions as they may arise.

6.2 Flood Plain Zoning.

(a) The commission shall have power to adopt, amend and repeal recommended standards, in the manner provided by this section, relating to the nature and extent of the uses of land in areas subject to flooding by waters of the Delaware River and its tributaries. Such standards shall not be deemed to impair or restrict the power of the signatory parties or their political subdivisions to adopt zoning and other land use regulations not inconsistent therewith.

(b) The commission may study and determine the nature and extent of the flood plains of the Delaware River and its tributaries. Upon the basis of such studies, it may establish encroachment lines and delineate the areas subject to flood, including a classification of lands with reference to relative risk of flood and the establishment of standards for flood plain use which will safeguard the public health, safety and property. Prior to the adoption of any standards delineating such area or defining such use, the commission shall hold public hearings, in the manner provided by Article 14, with respect to the substance of such standards. At or before such public hearings the proposed standards shall be available, and all interested persons shall be given an opportunity to be heard thereon at the hearing. Upon the adoption and promulgation of such standards, the commission may enter into agreements to provide technical and financial aid to any municipal corporation for the administration and enforcement of any local land use ordinances or regulations giving effect to such standards.

6.3 Flood Lands Acquisition. The commission shall have power to acquire the fee or any lesser interest in lands and improvements thereon within the area of a flood plain for the purpose of restricting the use of such property so as to minimize the flood hazard, converting property to uses appropriate to flood plain conditions, or preventing unwarranted constrictions that reduce the ability of the river channel to carry flood water. Any such action shall be in accord with the standards adopted and promulgated pursuant to Section 6.2.

6.4 Flood and Stream Stage Warnings and Posting. The commission may cause lands particularly subject to flood to be posted with flood hazard warnings, and may from time to time cause flood advisory notices to be published and circulated as conditions may warrant.

Article 7. Watershed management

Section 7.1 Watersheds Generally. The commission shall promote sound practices of watershed management in the basin, including projects and facilities to retard runoff and waterflow and prevent soil erosion.

7.2 Soil Conservation and Forestry. The commission may acquire, sponsor or operate facilities and projects to encourage soil conservation, prevent and control erosion, and to promote land reclamation and sound forestry practices.

7.3 Fish and Wildlife. The commission may acquire, sponsor or operate projects and facilities for the maintenance and improvement of fish and wildlife habitats related to the water resources of the basin.

7.4 Cooperative Planning and Operation.

(a) The commission shall cooperate with the appropriate agencies of the signatory parties and with other public and private agencies in the planning and effectuation of a coordinated program of facilities and projects authorized by this Article.

(b) The commission shall not operate any such project or facility unless it has first found and determined that no other suitable unit or agency of government is available to operate the same upon reasonable conditions, in accordance with the intent and purpose expressed in Section 1.5 of this compact.

Article 8. Recreation

Section 8.1 Development. The commission shall provide for the development of water related public sports and recreational facilities. The commission on its own account or in cooperation with a signatory party, political subdivision or any agency thereof, may provide for the construction, maintenance and administration of such facilities, subject to the provisions of Section 8.2 hereof.

8.2 Cooperative Planning and Operation.

(a) The commission shall cooperate with the appropriate agencies of the signatory parties and with other public and private agencies in the planning and effectuation of a coordinated program of facilities and projects authorized by this article.

(b) The commission shall not operate any such project or facility unless it has first found and determined that no other suitable unit or agency of government is available to operate the same upon reasonable conditions, in accordance with the intent and purpose expressed in Section 1.5 of this compact.

8.3 Operation and Maintenance. The commission, within limits prescribed by this article, shall:

(a) Encourage activities of other public agencies having water related recreational interests and assist in the coordination thereof;

(b) Recommend standards for the development and administration of water related recreational facilities;

(c) Provide for the administration, operation and maintenance of recreational facilities owned or controlled by the commission and for the letting and supervision of private concessions in accordance with this article.

8.4 Concessions. The commission shall after notice and public hearing provide by regulation for the award of contracts for private concessions in connections with recreational facilities, including any renewal or extension thereof, upon sealed competitive bids after public advertisement therefor.

Article 9. Hydroelectric power

Section 9.1 Development. The waters of the Delaware River and its tributaries may be impounded and used by or under authority of the commission for the generation of hydroelectric power and hydroelectric energy, in accordance with the comprehensive plan.

9.2 Power Generation. The commission may develop and operate, or authorize to be developed and operated, dams and related facilities and appurtenances for the purpose of generating hydroelectric power and hydroelectric energy.

9.3 Transmission. The commission may provide facilities for the transmission of hydroelectric power and hydroelectric energy produced by it where such facilities are not otherwise available upon reasonable terms, for the purpose of wholesale marketing of power and nothing herein shall be construed to authorize the commission to engage in the business of direct sale to consumers.

9.4 Development Contracts. The commission may after public notice and hearing enter into contracts on reasonable terms, consideration and duration under which public utilities or public agencies may develop hydroelectric power and hydroelectric energy through the use of dams, related facilities and appurtenances.

9.5 Rates and Charges. Rates and charges fixed by the commission for power which is produced by its facilities shall be reasonable, nondiscriminatory, and just.

Article 10. Regulation of withdrawals and diversions

Section 10.1 Power of Regulation. The commission may regulate and control withdrawals and diversions from surface waters and ground waters of the basin, as provided by this article. The commission may enter into agreements with the signatory parties relating to the exercise of such power or regulation or control and may delegate to any of them such powers of the commission as it may deem necessary or desirable.

10.2 Determination of Protected Areas. The commission may from time to time after public hearing upon due notice determine and delineate such areas within the basin wherein the demands upon supply made by water users have developed or threaten to develop to such a degree as to create a water shortage or to impair or conflict with the requirements of effectuation of the comprehensive plan, and any such areas may be designated as "protected areas." The commission, whenever it determines that such shortage no longer exists, shall terminate the protected status of such area and shall give public notice of such termination.

10.3 Withdrawal Permits. In any protected areas so determined and delineated, no person, firm, corporation or other entity shall divert or withdraw water for domestic, municipal, agricultural or industrial uses in excess of such quantities as the commission may prescribe by general regulation, except (i) pursuant to a permit granted under this article, or (ii) pursuant to a permit or approval heretofore granted under the laws of any of these signatory states.

10.4 Emergency. In the event of a drought or other condition which may cause an actual and immediate shortage of available water supply within the basin, or within any part thereof, the commission may, after public hearing, determine and delineate the area of such shortage and declare a water supply emergency therein. For the duration of such emergency as determined by the commission no person, firm, corporation or other public or private entity shall divert or withdraw water for any purpose, in excess of such quantities as the commission may prescribe by general regulation to authorize by special permit granted hereunder.

10.5 Standards. Permits shall be granted, modified or denied as the case may be so as to avoid such depletion of the natural stream flows and ground waters in the protected area or in any emergency area as will adversely affect the comprehensive plan or the just and equitable interests and rights of other lawful users of the same source, giving due regard to the need to balance and reconcile alternative and conflicting uses in the event of an actual or threatened shortage of water of the quality required.

10.6 Judicial Review. The determinations and delineations of the commission pursuant to Section 10.2 and the granting, modification or denial of permits pursuant to Section 10.3 through 10.5 shall be subject to judicial review in any court of competent jurisdiction.

10.7 Maintenance of Records. Each state shall provide for the maintenance and preservation of such records of authorized diversions and withdrawals and the annual volume thereof as the commission shall prescribe. Such records and supplementary reports shall be furnished to the commission at its request.

10.8 Existing State Systems. Whenever the commission finds it necessary or desirable to exercise the powers conferred by this article any diversion or withdrawal permits authorized or issued under the laws of any of the signatory states shall be suspended to the extent of any conflict with the control and regulation exercised by the commission.

Article 11. Intergovernmental relations

Section 11.1 Federal Agencies and Projects. For the purposes of avoiding conflicts of jurisdiction and of giving full effect to the commission as a regional agency of the signatory parties, the following rules shall govern federal projects affecting the water resources of the basin, subject in each case to the provisions of Section 1.4 of this compact:

(a) The planning of all projects related to powers delegated to the commission by this compact shall be undertaken in consultation with the commission;

(b) No expenditure or commitment shall be made for or on account of the construction, acquisition or operation of any project or facility nor shall it be deemed authorized, unless it shall have first been included by the commission in the comprehensive plan;

(c) Each federal agency otherwise authorized by law to plan, design, construct, operate, or maintain any project or facility in or for the basin shall continue to have, exercise and discharge such authority except as specifically provided by this section.

11.2 State and Local Agencies and Projects. For the purposes of avoiding conflicts of jurisdictions and giving full effect to the commission as a regional agency of the signatory parties, the following rules shall govern projects of the signatory states, their political subdivisions and public corporations affecting water resources of the basin:

(a) The planning of all projects related to powers delegated to the commission by this compact shall be undertaken in consultation with the commission;

(b) No expenditure or commitment shall be made for or on account of the construction, acquisition or operation of any project or facility unless it shall have first been included by the commission in the comprehensive plan;

(c) Each state and local agency otherwise authorized by law to plan, design, construct, operate or maintain any project or facility in or for the basin shall continue to have, exercise and discharge such authority, except as specifically provided by this section.

11.3 Reserved Taxing Powers of States. Each of the signatory parties reserves the right to levy, assess and collect fees, charges and taxes on or measured by the withdrawal or diversion of waters of the basin for use within the jurisdictions of the respective signatory parties.

11.4 Projects Costs and Evaluation Standards. The commission shall establish uniform standards and procedures for the evaluation, determination of benefits, and cost allocations of projects affecting the basin, and for the determination of project priorities, pursuant to the requirements of the comprehensive plan and its water resources program. The commission shall develop equitable cost sharing and reimbursement formulas for the signatory parties including:

(a) Uniform and consistent procedures for the allocation of project costs among purposes included in multiple-purpose programs;

(b) Contracts and arrangements for sharing financial responsibility among and with signatory parties, public bodies, groups and private enterprise, and for the supervision of their performance;

(c) Establishment and supervision of a system of accounts for reimbursable purposes and directing the payments and charges to be made from such accounts;

(d) Determining the basis and apportioning amounts (i) of reimbursable revenues to be paid signatory parties or their political subdivisions, and (ii) of payments in lieu of taxes to any of them.

11.5 Cooperative Services. The commission shall furnish technical services, advice and consultation to authorized agencies of the signatory parties with respect to the water resources of the basin, and each of the signatory parties pledges itself to provide technical and administrative services to the commission upon request, within the limits

of available appropriations and to cooperate generally with the commission for the purposes of this compact, and the cost of such services may be reimbursable whenever the parties deem appropriate.

Article 12. Capital financing

Section 12.1 Borrowing Power. The commission may borrow money for any of the purposes of this compact, and may issue its negotiable bonds and other evidences of indebtedness in respect thereto. All such bonds and evidences of indebtedness shall be payable solely out of the properties and revenues of the commission without recourse to taxation. The bonds and other obligations of the commission, except as may be otherwise provided in the indenture under which they were issued, shall be direct and general obligations of the commission and the full faith and credit of the commission are hereby pledged for the prompt payment of the debt service thereon and for the fulfilment of all other undertakings of the commission assumed by it to or for the benefit of the holders thereof.

12.2 Funds and Expenses. The purposes of this compact shall include without limitation thereto all costs of any project or facility or any part thereof, including interest during a period of construction and a reasonable time thereafter and any incidental expenses (legal, engineering, fiscal, financial consultant and other expenses) connected with issuing and disposing of the bonds; all amounts required for the creation of an operating fund, construction fund, reserve fund, sinking fund, or other special fund; all other expenses connected with the planning, design, acquisition, construction, completion, improvement or reconstruction of any facility or any part thereof; and reimbursement of advances by the commission or by others for such purposes and for working capital.

12.3 Credit Excluded; Officers, State and Municipal. The commission shall have no power to pledge the credit of any signatory party, or of any county or municipality, or to impose any obligation for payment of the bonds upon any signatory party or any county or municipality. Neither the commissioners nor any person executing the bonds shall be liable personally on the bonds of the commission or be subject to any personal liability or accountability by reason of the issuance thereof.

12.4 Funding and Refunding. Whenever the commission deems it expedient, it may fund and refund its bonds and other obligations whether or not such bonds and obligations have matured. It may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming or retiring any bonds (including the payment of any premium, duplicate interest or cash adjustment required in connection therewith) issued by the commission or issued by any other issuing body, the proceeds of the sale of which have been applied to any facility acquired by the commission or which are payable out of the revenues of any facility acquired by the commission. Bonds may be issued partly to refund bonds and other obligations then outstanding, and partly for any other purpose of the commission. All provisions of this compact applicable to the issuance of bonds are applicable to refunding bonds and to the issuance, sale or exchange thereof.

12.5 Bonds; Authorization Generally. Bonds and other indebtedness of the commission shall be authorized by resolution of the commission. The validity of the authorization and issuance of any bonds by the commission shall not be dependent upon or affected in any way by: (i) the disposition of bond proceeds by the commisson or by contract, commitment or action taken with respect to such proceeds; or (ii) the failure to complete any part of the project for which bonds are authorized to be issued. The commission may issue bonds in one or more series and may provide for one or more consolidated bond issues, in such principal amounts and with such terms and provisions as the commission may deem necessary. The bonds may be secured by a pledge of all or any part of the property, revenues and franchises under its control. Bonds may be issued by the commission in such amount, with such maturities and in such denominations and form or forms, whether coupon or registered, as to both principal and interest, as may be determined by the commission. The commission may provide for redemption of bonds prior to maturity on such notice and at such time or times and with such redemption provisions, including premiums, as the commission may, determine.

12.6 Bonds; Resolutions and Indentures Generally. The commission may determine and enter into indentures providing for the principal amount, date or dates, maturities, interest rate, denominations, form, registration, transfer, interchange and other provisions of the bonds and coupons and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. The resolution of the commission authorizing any bond or any indenture so authorized under which the bonds are issued may include all such covenants and other provisions other than any restriction on the regulatory powers vested in the commission by this compact as the commission may deem necessary or desirable for the issue, payment, security, protection or marketing of the bonds, including without limitation covenants and other provisions as to the rates or amounts of fees, rents and other charges to be charged or made for use of the facilities; the use, pledge, custody, securing, application and disposition of such revenues, of the proceeds of the bonds, and of any other moneys of the commission; the operation, maintenance, repair and reconstruction of the facilities and the amounts which may be expended therefor; the sale, lease or other disposition of the facilities; the insuring of the facilities and of the revenues derived therefrom; the construction or other acquisition of other facilities; the issuance of additional bonds or other indebtedness; the rights of the bondholders and of any trustee for the bondholders upon default by the commission or otherwise; and the modification of the provisions of the indenture and of the bonds. Reference on the face of the bonds to such resolution or indenture by its date of adoption or the apparent date on the face thereof is sufficient to incorporate all of the provisions thereof and of this compact into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this compact and is bound thereby.

12.7 Maximum Maturity. No bond or its terms shall mature in more than fifty years from its own date and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

12.8 Tax Exemption. All bonds issued by the commission under the provisions of this compact and the interest thereof shall at all times be free and exempt from all taxation by or under authority of any of the signatory parties, except for transfer, inheritance and estate taxes.

12.9 Interest. Bonds shall bear interest at a rate of not to exceed six percent per annum, payable annually or semi-annually.

12.10 Place of Payment. The commission may provide for the payment of the principal and interest of bonds at any place or places within or without the signatory states, and in any specified lawful coin or currency of the United States of America.

12.11 Execution. The commission may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of officers of the commission, and by additional authentication by a trustee or fiscal agent appointed by the commission. If any of the officers whose signatures or counter signatures appear upon the bonds or coupons cease to be officers before the delivery of the bonds or coupons, their signatures or counter signatures are nevertheless valid and of the same force and effect as if the officers had remained in office until the delivery of the bonds and coupons.

12.12 Holding Own Bonds. The commission shall have power out of any funds available therefor to purchase its bonds and may hold, cancel or resell such bonds.

12.13 Sale. The commission may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The commission may sell bonds at less than their par or face value but no issue of bonds may be sold at any aggregate price below the par or face value thereof if such sale would result in a net interest cost to the commission calculated upon the entire issue so sold of more than six percent per annum payable semi-annually, according to standard tables of bond values. All bonds issued and sold for cash pursuant to this act shall be sold on sealed proposals to the highest bidder. Prior to such sale, the commission shall advertise for bids by publication of a notice of sale not less than ten days prior to the date of sale, at least once in a newspaper of general circulation printed and published in New York City carrying municipal bond notices and devoted primarily to financial news. The commission may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale to any financially responsible bidder under such terms and conditions as it deems most advantageous to the public interest, but the bonds shall not be sold at a net interest cost calculated upon the entire issue so advertised, greater than the lowest bid which was rejected. In the event the commission desires to issue its bonds in exchange for an existing facility or portion thereof, or in exchange for bonds secured by the revenues of an existing facility, it may exchange such bonds for the existing facility or portion thereof or for the bonds so secured, plus an additional amount of cash, without advertising such bonds for sale.

12.14 Negotiability. All bonds issued under the provisions of this compact are negotiable instruments, except when registered in the name of a registered owner.

12.15 Legal Investments. Bonds of the commission shall be legal investments for savings banks, fiduciaries and public funds in each of the signatory states.

12.16 Validation Proceedings. Prior to the issuance of any bonds, the commission may institute a special proceeding to determine the legality of proceedings to issue the bonds and their validity under the laws of any of the signatory parties. Such proceeding shall be instituted and prosecuted in rem and the judgment rendered therein shall be conclusive against all persons whomsoever and against each of the signatory parties.

12.17 Recording. No indenture need be recorded or filed in any public office, other than the office of the commission. The pledge of revenues provided in any indenture shall take effect forthwith as provided therein and irrespective of the date of receipts of such revenues by the commission or

the indenture trustee. Such pledge shall be effective as provided in the indenture without physical delivery of the revenues to the commission or to the indenture trustee.

12.18 Pledged Revenues. Bond redemption and interest payments shall, to the extent provided in the resolution or indenture, constitute a first, direct and exclusive charge and lien on all such rates, rents, tolls, fees and charges and other revenues and interest thereon received from the use and operation of the facility, and on any sinking or other funds created therefrom. All such rates, rents, tolls, fees, charges and other revenues, together with interest thereon, shall constitute a trust fund for the security and payment of such bonds and except as and to the extent provided in the indenture with respect to the payment therefrom of expenses for other purposes including administration, operation, maintenance, improvements or extensions of the facilities or other purposes shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding and unpaid.

12.19 Remedies. The holder of any bond may for the equal benefit and protection of all holders of bonds similarly situated: (a) by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the commission or assumed by it, its officers, agents or employees under the provisions of any indenture, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of the facilities, or in connection with the collection, deposit, investment, application and disbursement of the rates, rents, tolls, fees, charges and other revenues derived from the operation and use of the facilities, or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds; or (b) by action or suit in a court of competent jurisdiction of any signatory party require the commission to account as if it were the trustee of an express trust, or enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds.

12.20 Capital Financing by Signatory Parties; Guarantees.

(a) The signatory parties will provide such capital funds required for projects of the commission as may be authorized by their respective statutes in accordance with a cost sharing plan prepared pursuant to Article 11 of this compact; but nothing in this section shall be deemed to impose any mandatory obligation on any of the signatory parties other than such obligations as may be assumed by a signatory party in connection with a specific project or facility.

(b) Bonds of the commission, notwithstanding any other provision of this compact, may be executed and delivered to any duly authorized agency of any of the signatory parties without public offering and may be sold and resold with or without the guaranty of such signatory party, subject to and in accordance with the constitutions of the respective signatory parties.

(c) The commission may receive and accept, and the signatory parties may make, loans, grants, appropriations, advances and payments of reimbursable or non-reimbursable funds or property in any form for the capital or operating purposes of the commission.

Article 13. Plan, program and budgets

Section 13.1 Comprehensive Plan. The commission shall develop and adopt, and may from time to time review and revise, a comprehensive plan for the immediate and long range development and use of the water resources of the basin. The plan shall include all public and private projects and facilities which are required, in the judgment of the commission, for the optimum planning, development, conservation, utilization, management and control of the water resources of the basin to meet present and future needs; provided that the plan shall include any projects required to conform with any present or future decree or judgment of any court of competent jurisdiction. The commission may adopt a comprehensive plan or any revision thereof in such part or parts as it may deem appropriate, provided that before the adoption of the plan or any part or revision thereof the commission shall consult with water users and interested public bodies and public utilities and shall consider and give due regard to the findings and recommendations of the various agencies of the signatory parties and their political subdivisions. The commission shall conduct public hearings with respect to the comprehensive plan prior to the adoption of the plan or any part of the revision thereof.

13.2 Water Resources Program. The commission shall annually adopt a water resources program, based upon the comprehensive plan, consisting of the projects and facilities which the commission proposes to be undertaken by the commission and by other authorized governmental and private agencies, organizations and persons during the ensuing six years or such other reasonably foreseeable period as the commission may determine. The water resources program shall include a systematic presentation of:

(1) the quantity and quality of water resources needs for such period;

(2) the existing and proposed projects and facilities required to satisfy such needs, including all public and private projects to be anticipated;

(3) a separate statement of the projects proposed to be undertaken by the commission during such period.

13.3 Annual Current Expense and Capital Budgets.

(a) The commission shall annually adopt a capital budget including all capital projects it proposes to undertake or continue during the budget period containing a statement of the estimated cost of each project and the method of financing thereof.

(b) The commission shall annually adopt a current expense budget for each fiscal year. Such budget shall include the commission's estimated expenses for administration, operation, maintenance and repairs, including a separate statement thereof for each project, together with its cost allocation. The total of such expenses shall be balanced by the commission's estimated revenues from all sources, including the cost allocations undertaken by any of the signatory parties in connection with any project. Following the adoption of the annual current expense budget by the commission, the executive director of the commission shall:

(1) certify to the respective signatory parties the amounts due in accordance with existing cost sharing established for each project; and

(2) transmit certified copies of such budget to the principal budget officer of the respective signatory parties at such time and in such manner as may be required under their respective budgetary procedures. The amount required to balance the current expense budget in addition to the aggregate amount of item (1) above and all other revenues available to the commission shall be apportioned equitably among the signatory parties by unanimous vote of the commission, and the amount of such apportionment to each signatory party shall be certified together with the budget.

(c) The respective signatory parties covenant and agree to include the amounts so apportioned for the support of the current expense budget in their respective budgets next to be adopted, subject to such review and approval as may be required by their respective budgetary processes. Such amounts shall be due and payable to the commission in quarterly installments during its fiscal year, provided that the commission may draw upon its working capital to finance its current expense budget pending remittances by the signatory parties.

Article 14. General provisions

Section 14.1 Auxiliary Powers of Commission; Functions of Commissioners.

(a) The commission, for the purposes of this compact, may:

(1) Adopt and use a corporate seal, enter into contracts, sue and be sued in all courts of competent jurisdiction;

(2) Receive and accept such payments, appropriations, grants, gifts, loans, advances and other funds, properties and services as may be transferred or made available to it by any signatory party or by any other public or private corporation or individual, and enter into agreements to make reimbursement for all or part thereof;

(3) Provide for, acquire and adopt detailed engineering, administrative, financial and operating plans and specifications to effectuate, maintain or develop any facility or project;

(4) Control and regulate the use of facilities owned or operated by the commission;

(5) Acquire, own, operate, maintain, control, sell and convey real and personal property and any interest therein by contract, purchase, lease, license, mortgage or otherwise as it may deem necessary for any project or facility, including any and all appurtenances thereto necessary, useful or convenient for such ownership, operation, control, maintenance or conveyance;

(6) Have and exercise all corporate powers essential to the declared objects and purposes of the commission.

(b) The commissioners, subject to the provisions of this compact, shall:

(1) Serve as the governing body of the commission, and exercise and discharge its powers and duties except as otherwise provided by or pursuant to this compact;

(2) Determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid subject to any provisions of law specifically applicable to agencies or instrumentalities created by compact;

(3) Provide for the internal organization and administration of the commission;

(4) Appoint the principal officers of the commission and delegate to and allocate among them administrative functions, powers, and duties;

(5) Create and abolish offices, employments and positions as it deems necessary for the purposes of the commission, and subject to the provisions of this article, fix and provide for the qualification, appointment, removal, term, tenure, compensation, pension and retirement rights of its officers and employees;

(6) Let and execute contracts to carry out the powers of the commission.

14.2 Regulations; Enforcement. The commission may:

(a) Make and enforce reasonable rules and regulations for the effectuation, application and enforcement of this compact; and it may adopt and enforce practices and schedules for or in connection with the use, maintenance and administration of projects and facilities it may own or operate and any product or service rendered thereby; provided that any rule or regulation, other than one which deals solely with the internal management of the commission, shall be adopted only after public hearing and shall not be effective unless and until filed in accordance with the law of the respective signatory parties applicable to administrative rules and regulations generally; and

(b) Designate any officer, agent, or employee of the commission to be an investigator or watchman and such person shall be vested with the powers of a peace officer of the state in which he is duly assigned to perform his duties.

14.3 Tax Exemption. The commission, its property, functions, and activities shall be exempt from taxation by or under the authority of any of the signatory parties or any political subdivision thereof; provided that in lieu of property taxes the commission shall, as to specific projects, make payments to local taxing districts in annual amounts which shall equal the taxes lawfully assessed upon property for the tax year next prior to its acquisition by the commission for a period of ten years. The nature and amount of such payments shall be reviewed by the commission at the end of ten years, and from time to time thereafter, upon reasonable notice and opportunity to be heard to the affected taxing district, and the payments may be thereupon terminated or continued in such reasonable amount as may be necessary or desirable to take into account hardships incurred and benefits received by the taxing jurisdiction which are attributable to the project.

14.4 Meetings; Public Hearing; Records, Minutes.

(a) All meetings of the commission shall be open to the public.

(b) The commission shall conduct at least one public hearing prior to the adoption of the comprehensive plan, water resources program, annual capital and current expense budgets, the letting of any contract for the sale or other disposition by the commission of hydroelectric energy or water resources to any person, corporation or entity, and in all other cases wherein this compact requires a public hearing. Such hearing shall be held upon at least ten days public notice given by posting at the offices of the commission. The commission shall also provide forthwith for distribution of such notice to the press and by the mailing of a copy thereof to any person who shall request such notices.

(c) The minutes of the commission shall be a public record open to inspection at its offices during regular business hours.

14.5 Officers Generally.

(a) The officers of the commission shall consist of an executive director and such additional officers, deputies and assistants as the commission may determine. The executive director shall be appointed and may be removed by the affirmative vote of a majority of the full membership of the commission. All other officers and employees shall be appointed by the executive director under such rules of procedure as the commission may determine.

(b) In the appointment and promotion of officers and employees for the commission, no political, racial, religious or residence test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be solely on the basis of merit and fitness. Any officer or employee of the commission who is found by the commission to be guilty of a violation of this section shall be removed from office by the commission.

14.6 Oath of Office. An oath of office in such form as the commission shall prescribe shall be taken, subscribed and filed with the commission by the executive director and by each officer appointed by him not later than fifteen days after the appointment.

14.7 Bond. Each officer shall give such bond and in such form and amount as the commission may require for which the commission may pay the premium.

14.8 Prohibited Activities.

(a) No commissioner, officer or employee shall:

(1) be financially interested, either directly or indirectly, in any contract, sale, purchase, lease or transfer of real or personal property to which the commission is a party;

(2) solicit or accept money or any other thing of value in addition to the compensation or expenses paid him by the commission for services performed within the scope of his official duties;

(3) offer money or any thing of value for or in consideration of obtaining an appointment, promotion or privilege in his employment with the commission.

(b) Any officer or employee who shall willfully violate any of the provisions of this section shall forfeit his office or employment.

(c) Any contract or agreement knowingly made in contravention of this section is void.

(d) Officers and employees of the commission shall be subject in addition to the provisions of this section to such criminal and civil sanctions for misconduct in office as may be imposed by federal law and the law of the signatory State in which such misconduct occurs.

14.9 Purchasing. Contracts for the construction, reconstruction or improvement of any facility when the expenditure required exceeds ten thousand dollars and contracts for the purchase of services, supplies, equipment and materials when the expenditure required exceeds two thousand five hundred dollars shall be advertised and let upon sealed bids to the lowest responsible bidder. Notice requesting such bids shall be published in a manner reasonably likely to attract prospective bidders, which publication shall be made at least ten days before bids are received and in at least two newspapers of general circulation in the basin. The commission may reject any and all bids and readvertise in its discretion. If after rejecting bids the commission determines and resolves that in its opinion the supplies, equipment and materials may be purchased at a lower price in the open market, the commission may give each responsible bidder an opportunity to negotiate a price and may proceed to purchase the supplies, equipment and materials in the open market at a negotiated price which is lower than the lowest rejected bid of a responsible bidder, without further observance of the provisions requiring bids or notice. The commission shall adopt rules and regulations to provide for purchasing from the lowest responsible bidder when sealed bids, notice and publication are not required by this section. The commission may suspend and waive the provisions of this section requiring competitive bids whenever:

1) the purchase is to be made from or the contract to be made with the federal or any state government or any agency or political subdivision thereof or pursuant to any open end bulk purchase contract of any of them;

2) the public exigency requires the immediate delivery of the articles or performance of the service;

3) only one source of supply is available;

4) the equipment to be purchased is of a technical nature and the procurement thereof without advertising is necessary in order to assure standardization of equipment and interchangeability of parts in the public interest; or

5) services are to be provided of a specialized or professional nature.

14.10 Insurance. The commission may self-insure or purchase insurance and pay the premiums therefor against loss or damage to any of its properties; against liability for injury to persons or property; and against loss of revenue from any cause whatsoever. Such insurance coverage shall be in such form and amount as the commission may determine, subject to the requirements of any agreement arising out of the issuance of bonds by the commission.

14.11 Annual Independent Audit.

(a) As soon as practical after the closing of the fiscal year, an audit shall be made of the financial accounts of the commission. The audit shall be made by qualified certified public accountants selected by the commission, who have no personal interest direct or indirect in the financial affairs of the commission or any of its officers or employees. The report of audit shall be prepared in accordance with accepted accounting practices and shall be filed with the chairman and such other officers as the commission shall direct. Copies of the report shall be distributed to each commissioner and shall be made available for public distribution.

(b) Each signatory party by its duly authorized officers shall be entitled to examine and audit at any time all of the books, documents, records, files and accounts and all other papers, things or property of the commission. The representatives of the signatory parties shall have access to all books, documents, records, accounts, reports, files and all other papers, things or property belonging to or in use by the commission and necessary to facilitate the audit and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents and custodians.

(c) The financial transactions of the commission shall be subject to audit by the general accounting office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the comptroller general of the United States. The audit shall be conducted at the place or places where the accounts of the commission are kept.

(d) Any officer or employee who shall refuse to give all required assistance and information to the accountants selected by the commission or to the authorized officers of any signatory party or who shall refuse to submit to them for examination such books, documents, records, files, accounts, papers, things or property as may be requested shall forfeit his office.

14.12 Reports. The commission shall make and publish an annual report to the legislative bodies of the signatory parties and to the public reporting on its programs, operations and finances. It may also prepare, publish and distribute such other public reports and informational materials as it may deem necesary or desirable.

14.13 Grants, Loans or Payments by States or Political Subdivisions.

(a) Any or all of the signatory parties or any political subdivision thereof may:

1) Appropriate to the commission such funds as may be necessary to pay preliminary expenses such as the expenses incurred in the making of borings, and other studies of subsurface conditions, in the preparation of contracts for the sale of water and in the preparation of detailed plans and estimates required for the financing of a project;

2) Advance to the commission, either as grants or loans, such funds as may be necessary or convenient to finance the operation and management of or construction by the commission of any facility or project;

3) Make payments to the commission for benefits received or to be received from the operation of any of the projects or facilities of the commission.

(b) Any funds which may be loaned to the commission either by a signatory party or a political subdivision thereof shall be repaid by the commission through the issuance of bonds or out of other income of the commission, such repayment to be made within such period and upon such terms as may be agreed upon between the commission and the signatory party or political subdivision making the loan.

14.14 Condemnation Proceedings.

(a) The commission shall have the power to acquire by condemnation the fee or any lesser interest in lands, lands lying under water, development rights in land, riparian rights, water rights, waters and other real

or personal property within the basin for any project or facility authorized pursuant to this compact. This grant of power of eminent domain includes but is not limited to the power to condemn for the purposes of this compact any property already devoted to a public use, by whomsoever owned or held, other than property of a signatory party and any property held, constructed, operated or maintained in connection with a diversion authorized by a United States Supreme Court decree. Any condemnation of any property or franchises owned or used by a municipal or privately owned public utility, unless the affected public utility facility is to be relocated or replaced, shall be subject to the authority of such state board, commission or other body as may have regulatory jurisdiction over such public utility.

(b) Such power of condemnation shall be exercised in accordance with the provisions of any federal law applicable to the commission; provided that if there is no such applicable federal law, condemnation proceedings shall be in accordance with the provisions of such general state condemnation law as may be in force in the signatory state in which the property is located.

(c) Any award or compensation for the taking of property pursuant to this article shall be paid by the commission, and none of the signatory parties nor any other agency, instrumentality or political subdivision thereof shall be liable for such award or compensation.

14.15 Conveyance of Lands and Relocation of Public Facilities.

(a) The respective officers, agencies, departments, commissions or bodies having jurisdiction and control over real and personal property owned by the signatory parties are authorized and empowered to transfer and convey in accordance with the laws of the respective parties to the commission any such property as may be necessary or convenient to the effectuation of the authorized purposes of the commission.

(b) Each political subdivision of each of the signatory parties is authorized and empowered, notwithstanding any contrary provision of law, to grant and convey to the commission, upon the commission's request, any real property or any interest therein owned by such political subdivision including lands lying under water and lands already devoted to public use which may be necessary or convenient to the effectuation of the authorized purposes of the commission.

(c) Any highway, public utility or other public facility which will be dislocated by reason of a project deemed necessary by the commission to effectuate the authorized purposes of this compact shall be relocated and the cost thereof shall be paid in accordance with the law of the state in which the facility is located; provided that the cost of such relocation payable by the commission shall not in any event exceed the expenditure required to serve the public convenience and necessity.

14.16 Rights of Way. Permission is hereby granted to the commission to locate, construct and maintain any aqueducts, lines, pipes, conduits and auxiliary facilities authorized to be acquired, constructed, owned, operated or maintained by the commission in, over, under or across any streets and highways now or hereafter owned, opened or dedicated to or for public use, subject to such reasonable conditions as the highway department of the signatory party may require.

14.17 Penal Sanction. Any person, association or corporation who violates or attempts or conspires to violate any provision of this compact or any rule, regulation or order of the commission duly made, promulgated or issued pursuant to the compact in addition to any other remedy, penalty or consequence provided by law shall be punishable as may be provided by statute of any of the signatory parties within which the offense is committed; provided that in the absence of such provision any such person, association or corporation shall be liable to a penalty of not less than $50 nor more than $1000 for each such offense to be fixed by the court which the commission may recover in its own name in any court of competent jurisdiction, and in a summary proceeding where available under the practice and procedure of such court. For the purposes of this section in the event of a continuing offense each day of such violation, attempt or conspiracy shall constitute a separate offense.

14.18 Tort Liability. The commission shall be responsible for claims arising out of the negligent acts or omissions of its officers, agents and employees only to the extent and subject to the procedures prescribed by law generally with respect to officers, agents and employees of the government of the United States.

14.19 Effect on Riparian Rights. Nothing contained in this compact shall be construed as affecting or intending to affect or in any way to interfere with the law of the respective signatory parties relating to riparian rights.

14.20 Amendments and Supplements. Amendments and supplements to this compact to implement the purposes thereof may be adopted by legislative action of any of the signatory parties concurred in by all of the others.

Construction and severability

14.21 The provisions of this Act and of agreements thereunder shall be severable and if any phrase, clause, sentence or provision of the Delaware River Basin Compact or such agreement is declared to be unconstitutional or the applicability thereof to any signatory party, agency or person is held invalid, the constitutionality of the remainder of such compact or such agreement and the applicability thereof to any other signatory party, agency, person or circumstance shall not be affected thereby. It is the legislative intent that the provisions of such compact be reasonably and liberally construed.

14.22 Effective Date; Execution. This compact shall become binding and effective thirty days after the enactment of concurring legislation by the federal government, the states of Delaware, New Jersey and New York, and the Commonwealth of Pennsylvania. The compact shall be signed and sealed in six duplicate original copies by the respective chief executives of the signatory parties. One such copy shall be filed with the Secretary of State of each of the signatory parties or in accordance with the laws of the state in which the filing is made, and one copy shall be filed and retained in the archives of the commission upon its organization. The signatures shall be affixed and attested under the following form:

In witness whereof, and in evidence of the adoption and enactment into law of this compact by the Congress and legislatures, respectively, of the signatory parties, the President of the United States and the respective Governors do hereby, in accordance with authority conferred by law, sign this compact in six duplicate original copies, as attested by the respective secretaries of state, and have caused the seals of the United States and of the respective states to be hereunto affixed this day of , 19 .

PART II

Article 15. Reservations

15.1 In the exercise of the powers reserved to the Congress, pursuant to Section 1.4 of the Compact, the consent to and participation in the Compact by the United States is subject to the following conditions and reservations:

(a) Notwithstanding any provision of the Delaware River Basin Compact the Delaware River Basin Commission shall not undertake any project (as defined in such compact), other than a project for which State supplied funds only will be used, beyond the planning stage until—

(1) such Commission has submitted to the Congress such complete plans and estimates for such project as may be necessary to make an engineering evaluation of such project, including—

(A) where the project will serve more than one purpose, an allocation of costs among the purposes served and an estimate of the ratio of benefits to costs for each such purpose.

(B) an apportionment of costs among the beneficiaries of the project, including the portion of the costs to be borne by the Federal Government and by State and local governments, and

(C) a proposal for financing the project, including the terms of any proposed bonds or other evidences of indebtedness to be used for such purpose; and

(2) such project has been authorized by Act of Congress.

(b) No provision of Section 3.7 of the Compact shall be deemed to authorize the Commission to impose any charge for water withdrawals or diversions from the Basin if such withdrawals or diversions could lawfully have been made without charge on the effective date of the Compact; or to impose any charges with respect to commercial navigation within the Basin, jurisdiction over which is reserved to the Federal Government: *Provided*, That this paragraph shall be applicable to the extent not inconsistent with Section 1.4 of this Compact.

(c) Nothing contained in the Compact shall be deemed to restrict the executive powers of the President in the event of a national emergency.

(d) Notwithstanding the provisions of Article 2, section 2.2 of the Compact, the member of the commission appointed by the President of the United States and his alternate shall serve at the pleasure of the President.

(e) Nothing contained in the Compact shall be construed as impairing or in any manner affecting the applicability to all Federal funds budgeted and appropriated for use by the Commission, or such authority over budgetary and appropriation matters as the President and Congress may have with respect to agencies in the Executive Branch of the Federal Government.

(f) Except to the same extent that state bonds are or may continue to be free or exempt from Federal taxation under the internal revenue laws of the United States, nothing contained in the Compact shall be construed as freeing or exempting from internal revenue taxation in any manner whatsoever any bonds issued by the Commission, their transfer, or the income therefrom (including any profits made on the sale thereon).

(g) Nothing contained in the Compact shall be construed to obligate the United States legally or morally to pay the principal or interest on any bonds issued by the Delaware River Basin Commission.

(h) Notwithstanding the provisions of section 11.5 or any other provision of the Compact, the furnishing of technical services to the Commission by agencies of the executive branch of the Government of the United States is pledged only to the extent that the respective agencies shall from time to time agree thereto or to the extent that the President may from time to time direct such agencies to perform such services for the Commission. Nothing in the Compact shall be deemed to require the United States to furnish administrative services or facilities for carrying out functions of the Commission except to the extent that the President may direct.

(i) All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating, of projects, buildings and works which are undertaken by the Commission or are financially assisted by it, shall be paid wages at rates not less than those prevailing on similar construction in the locality so determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), and every such employee shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in any workweek, as the case may be. A provision stating the minimum wages thus determined and the requirement that overtime be paid as above provided shall be set out in each project advertisement of bids and in each bid proposal form and shall be made a part of the contract covering the project. The Secretary of Labor shall have, with respect to the administration and enforcement of the labor standards specified in this provision, the supervisory, investigatory and other authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267, 5 U.S.C. 133z–15, and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

(j) Contracts for the manufacture or furnishing of materials, supplies, articles and equipment with the Commission which are in excess of $10,000 shall be subject to the provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.).

(k) Notwithstanding any other provision of this Act, nothing contained in this Act or in the Compact shall be construed as superseding or limiting the functions, under any other law, of the Secretary of Health, Education, and Welfare or of any other officer or agency of the United States, relating to water pollution: *Provided,* That the exercise of such functions shall not limit the authority of the Commission to control, prevent, or abate water pollution.

(l) The provisions of section 8.4 of Article 8 of the Compact shall not be construed to apply to facilities operated pursuant to any other Federal law.

(m) For purposes of the Act of June 25, 1948, 62 Stat. 982, as amended (Title 28, U.S. Code, chapter 171, and sections 1346(b) and 240(b)) and the Act of March 3, 1887, 24 Stat. 505, as amended (Title 28, U.S. Code, sections 1402, 1491, 1496, 1501, 1503, 2071, 2072, 2411, 2412, 2501), and the Act of June 11, 1946, 60 Stat. 237, as amended (Title 5, U.S. Code, sections 1001 and 1011, Title 50 App. U.S. Code, section 1900), the Commission shall not be considered a Federal agency.

(n) The officers and employees of the Commission (other than the United States member, alternate United States member, and advisors, and personnel employed by the United States member under direct Federal appropriation) shall not be deemed to be, for any purpose, officers or employees of the United States or to become entitled at any time by reason of employment by the Commission to any compensation or benefit payable or made available by the United States solely and directly to its officers and employees.

(o) Neither the Compact nor this Act shall be deemed to enlarge the authority of any Federal agency other than the Commission to participate in or to provide funds for projects or activities in the Delaware River Basin.

(p) The United States district courts shall have original jurisdiction of all cases or controversies arising under the Compact, and this Act and any case or controversy so arising initiated in a State Court shall be removable to the appropriate United States district court in the manner provided by § 1446, Title 28 U.S.C. Nothing contained in the Compact or elsewhere in this Act shall be construed as a waiver by the United States of its immunity from suit.

(q) The right to alter, amend, or repeal this Act is hereby expressly reserved. The right is hereby reserved to the Congress or any of its standing committees to require the disclosure and furnishing of such information and data by the Delaware River Basin Compact Commission as is deemed appropriate by the Congress or any such committee.

(r) The provisions of section 2.4 and 2.6 of Article 2 of the Compact notwithstanding, the member and alternate member appointed by the President and advisor there referred to may be paid compensation by the United States, such compensation to be fixed by the President at the rates which he shall deem to prevail in respect to comparable officers in the executive branch.

(s) 1. Nothing contained in this Act or in the Compact shall impair or affect the constitutional authority of the United States or any of its powers, rights, functions, or jurisdiction under other existing or future legislation in and over the area or waters which are the subject of the Compact including projects of the Commission: *Provided,* That whenever a comprehensive plan, or any part or revision thereof, has been adopted with the concurrence of the member appointed by the President, the exercise of any powers conferred by law on any officer, agency or instrumentality of the United States with regard to water and related land resources in the Delaware River Basin shall not substantially conflict with any such portion of such comprehensive plan and the provisions of Section 3.8 and Article 11 of the Compact shall be applicable to the extent necessary to avoid such substantial conflict: *Provided further,* That whenever the President shall find and determine that the national interest so requires, he may suspend, modify or delete any provision of the comprehensive plan to the extent that it affects the exercise of any powers, rights, functions, or jurisdiction conferred by law on any officer, agency or instrumentality of the United States other than the Commission. Such action shall be taken by executive order in which such finding and determination shall be set forth.

2. For the purposes of paragraph 1 hereof, concurrence by the member appointed by the President shall be presumed unless within 60 days after notice to him of adoption of the comprehensive plan, or any part or revision thereof, he shall file with the Commission notice of his nonconcurrence. Each concurrence of the member appointed by the President in the adoption of the comprehensive plan or any part or revision thereof may be withdrawn by notice filed with the Commission at any time between the first and sixtieth day of the sixth year after the initial adoption of the comprehensive plan and of every sixth year thereafter.

(t) In the event that any phrase, clause, sentence or provision of Section 1.4 of Article 1 of the Compact, is declared to be unconstitutional under the constitution of any of the signatory parties, or the applicability thereof to any signatory party, agency or person is held invalid by a court of last resort of competent jurisdiction, the United States shall cease to be a party to the Compact, except to the extent that the President deems remaining a party necessary and proper to protect the national interest, and shall cease to be bound by the terms thereof.

(u) All Acts or parts of Acts inconsistent with the provisions of this Act are hereby amended for the purpose of this Act to the extent necessary to carry out the provisions of this Act: *Provided, however,* That no act of the Commission shall have the effect of repealing, modifying or amending any Federal law.

Effectuation

15.2 (a) The President is authorized to take such action as may be necessary and proper, in his discretion, to effectuate the Compact and the initial organization and operation of the Commission thereunder.

(b) Executive departments and other agencies of the executive branch of the Federal Government shall cooperate with and furnish appropriate assistance to the United States member. Such assistance shall include the furnishing of services and facilities and may include the detailing of personnel to the United States member. Appropriations are hereby authorized as necessary for the carrying out of the functions of the United States member, including appropriations for the employment of personnel by the United States member.

15.3 Effective Date: This Act shall take effect immediately.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CRAMER. Mr. Speaker, reserving the right to object, would the distinguished gentleman from Pennsylvania indicate what the amendment of the other body was?

Mr. WALTER. The amendment made by the other body is principally a codification of the provisions in the House resolution. The only one of any significance, I think, is the one on page 78, line 12 through 15, which provides that nothing contained in the compact shall be construed to obligate the United States legally or morally to pay the principal or interest on any bonds issued by the Delaware River Basin Commission. This is the matter that caused some concern in this body, and I think that the amendment is all right. In addition to that, on page 77, in order to make it abundantly clear that the Commission would not enter into any agreements for the purpose of making improvements, the Congress would have to be consulted; providing that such projects be authorized by act of Congress. In other words, before there can be any work done in the Delaware Valley, the Congress will have to give its consent to whatever the project happens to be. The same thing is true with respect to part II, article 15, on page 76. This is new, and in substance it provides for prior congressional authorization for construction projects.

Mr. CRAMER. I thank the gentleman. I will say, Mr. Speaker, that, of course, this amendment in the other body substantially strengthens the resolution, in my opinion. It takes care of some of the objections which were raised on the floor of this body by myself and some other Members, not only from the Committee on the Judiciary but the Committee on Public Works. However, our principal objection was, as the gentleman from Pennsylvania knows, that the Federal Government's membership on this Commission is a voting membership and that by reason of being a voting member of that Commission it impliedly obligates the Federal Government and improperly injects it into State compact matters. Of course, we debated that matter at length on the floor of the House previously and lost our fight.

Mr. WALTER. I do not agree with the gentleman from Florida. However, the language makes it abundantly clear that the so-called moral obligation could not be created.

Mr. CRAMER. Further reserving the right to object, Mr. Speaker, of course the requirement that the projects involved come back for congressional approval to some extent overcomes the objection with regard to further congressional action.

I made this reservation, Mr. Speaker, to make it abundantly clear that those of us who hold the view which includes the administration or executive branch, prior and present, with regard to Federal voting membership on these interstate compact commissions, that the passage of this bill in this manner does not mean I presently in any way waive my prior objections on the basis of the Federal voting membership on these commissions which we feel is fundamentally wrong.

Mr. THOMPSON of New Jersey. Mr. Speaker, reserving the right to object, I do so only to commend the distinguished gentleman from Pennsylvania for what amounts to nothing less than a prodigious and wonderful effort on behalf of this legislation.

The reservations recently expressed by the gentleman from Florida are specifically and categorically answered by the language adopted in the other body.

Mr. WALTER. I thank the gentleman from New Jersey. He made a great contribution in the preparation of this very technical document. It is entirely novel. The contribution made by the gentleman from New Jersey makes the work a lot simpler than it otherwise would have been.

I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, I would like to take this opportunity to commend the gentleman from Pennsylvania [Mr. WALTER], a distinguished member of the Judiciary Committee, for the work he did in adopting the amendments which were accepted by the Senate and in going along with the two amendments which he has called to our attention which were adopted in the other body. I think that with the amendments that have been adopted in the other body, Congress still has complete control over all the projects that will be built in the Delaware River Basin.

Mr. WALTER. Yes; there is no question.

Mr. CRAMER. Further reserving the right to object, Mr. Speaker, I cannot let the remarks of the gentleman from New Jersey go unanswered, in which he said a moment ago the Senate amendments provided a categorical reply and complete answer to the objections raised by those of us who opposed this bill on the floor of this body because of voting Federal membership on the Commission when the matter was under consideration, because they do not so do.

The only way the objection could be fully met would be if the membership of the Commission were a nonvoting Federal participating membership rather than a voting membership. I sincerely hope this body will give further consideration to the matter when future compacts come before us.

I may say, Mr. Speaker, that all of us are in wholehearted sympathy and accord with the objectives of the Delaware Compact States working together as a team to bring about a solution of their water problems. With that I do not quarrel. The gentleman from Pennsylvania is to be congratulated for the leadership he has given to the compact and to its objectives, and likewise those of us who opposed it on the basis of this fundamental question are not opposed to the objective at all or to the matter of interstate solution of this problem. We do oppose the Federal Government injecting itself into the administrative functions and all actions of these compact commissions and we believe it is an undue invasion of Federal authority into State matters as well as committing the Federal Government in this fashion to State actions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL EXTENSION OF REMARKS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members who spoke today on the various conference reports and other legislative matters may have permission to revise and extend their remarks and, if they desire to include extraneous matter, they may have that permission; also that all Members may have 5 legislative days in which to extend their remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

A PERSON TO PERSON MEETING WITH THE CONSTITUENTS OF THE FOURTH DISTRICT OF INDIANA

Mr. ADAIR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ADAIR. Mr. Speaker, between sessions of the 87th Congress, I plan to conduct my annual official tour of the Fourth Indiana District. This will enable me to meet with interested constituents and discuss governmental and legislative matters, as well as sounding out sentiment and reaction to the record of the congressional session just finished.

I should like to point particularly to three bills I have introduced. One was a farm bill which would remove many restrictive governmental controls over agriculture. Another was a tax-revision measure. It would reduce taxes and provide for a long-range change in the present tax policies which are a burden upon the expansion of our free economy.

To lift one of the limiting provisions of the Social Security Act, I introduced a bill which would enable individuals annually to earn more without losing their benefits under this program.

Again, I would like to point to my vote against the administration's long-range back-door financing of foreign aid and my opposition to increased Federal spending. I voted against raising the debt limit again although the measure was adopted increasing the Federal debt to almost $300 billion. Moreover, I have been critical of the administration's foreign policies with particular respect to the situations in Laos, Cuba, and the incidents which led up to the Berlin Crisis.

I have supported a build-up of our defense posture in the battle against communism but also feel we should maintain a sound American dollar as one of our first lines of national security.

To continue the trend toward more socialism by expanding the Federal bureaucracy in these critical times, can only jeopardize the future security of the Nation.

In extending an invitation to constituents to meet with me during the tour, I find these tours an excellent method of getting first hand information on what is best for the Nation. I hope that as usual many will gather at the post offices nearest them to discuss issues with which they are personally concerned. From such interviews, I feel I will be in a better position to serve the district during the next session of the Congress, which will begin in January.

Also, my district office for the convenience of constituents is in room 925, Lincoln Tower, Fort Wayne. My office at Washington, D.C., room 1511, House Office Building, also will remain open as usual during adjournment.

I represent the following eight counties: Adams, Wells, Allen, Whitley, DeKalb, Noble, Steuben, and LaGrange.

The tour dates and places are as follows:

Monday, October 2, 9:30 a.m., Ossian Post Office.

Monday, October 2, 11 a.m., Bluffton Post Office.

Monday, October 2, 2 p.m., Decatur Post Office.

Monday, October 2, 4 p.m., Berne Post Office.

Tuesday, October 3, 10 a.m., Garret Post Office.

Tuesday, October 3, 11:30 a.m., Auburn Post Office.

Tuesday, October 3, 2:30 p.m., Butler Post Office.

Tuesday, October 3, 4:30 p.m., Waterloo Post Office.

Wednesday, October 4, 10 a.m., Albion Post Office.

Wednesday, October 4, 1:30 p.m., Kendallville Post Office.

Wednesday, October 4, 4 p.m., Ligonier Post Office.

Thursday, October 5, 10 a.m., Angola Post Office.

Thursday, October 5, 1:30 p.m., Fremont Post Office.

Thursday, October 5, 3:30 p.m., LaGrange Post Office.

Friday, October 6, 10 a.m., Columbia City Post Office.

Friday, October 6, 1:30 p.m., South Whitley Post Office.

Friday, October 6, 4 p.m., Churubusco Post Office.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MARTIN of Nebraska (at the request of Mr. HALLECK) indefinitely, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MACK, for 5 minutes, on Wednesday next, September 20, 1961.

Mr. ROBERTS, for 15 minutes, on Tuesday next, September 19, 1961.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 310. An act for the relief of Annie Tymocheck Porayko; to the Committee on the Judiciary.

S. 522. An act to authorize the establishment of the Hubbell Trading Post National Historical Site, in the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 899. An act for the relief of Liu Shui Chen; to the Committee on the Judiciary.

S. 1060. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Oroville-Tonasket unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1063. An act to amend the act of April 22, 1960, entitled "An act to provide for the establishment of the Wilson's Creek Battlefield National Park, in the State of Missouri"; to the Committee on Interior and Insular Affairs.

S. 1076. For the relief of Nancie Ellen Williamson; to the Committee on the Judiciary.

S. 1139. An act to amend the act granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to the waters of the Little Missouri River in order to extend the expiration date of such act; to the Committee on Interior and Insular Affairs.

S. 1439. An act for the relief of Harold and Sylvia Freda Karro and their three minor children, Allen Karro, Jennifer Karro, and Michelle Karro; to the Committee on the Judiciary.

S. 1560. An act for the relief of Yasuko Otsu; to the Committee on the Judiciary.

S. 1685. An act for the relief of Brigitte Marie Ida Kroll; to the Committee on the Judiciary.

S. 1728. An act to amend section 510 of the Merchant Marine Act, 1936, to provide for the trade-in of obsolete vessels in connection with the construction of new vessels, either at the time of executing the construction contract or at the time of delivery of the new vessel; to the Committee on Merchant Marine and Fisheries.

S. 1793. An act for the relief of Mrs. Alfia Alessandro Milana; to the Committee on the Judiciary.

S. 1942. An act for the relief of the State of New Hampshire; to the Committee on the Judiciary.

S. 1947. An act for the relief of Annemarie Herrmann; to the Committee on the Judiciary.

S. 2012. An act for the relief of Mrs. Moy York Che; to the Committee on the Judiciary.

S. 2163. An act for the relief of Saifook Chan; to the Committee on the Judiciary.

S. 2291. An act for the relief of Paul James Brannan; to the Committee on the Judiciary.

S. 2337. An act for the relief of Athanisia G. Koumoutsos; to the Committee on the Judiciary.

S. 2394. An act to authorize the improvement of Portland Harbor, Maine; to the Committee on Public Works.

S. 2426. An act to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes; to the Committee on House Administration.

S. Con. Res. 44. Concurrent resolution to print certain hearings before the Internal Security Subcommittee of the Judiciary Committee in Spanish, French, and Italian languages; to the Committee on House Administration.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2281. An act to reserve for use by the Department of the Army at Fort Richardson, Alaska, certain public lands in the Campbell Creek area, and for other purposes.

H.R. 2282. An act to provide for the withdrawal from the public domain of certain lands in the Ladd-Eielson area, Alaska, for use by the Department of the Army as the Yukon Command training site, Alaska, and for other purposes.

H.R. 3920. An act to authorize an exchange of land at the Agricultural Research Center.

H.R. 6193. An act to authorize the Secretary of Agriculture to convey certain lands in the State of Wyoming to the county of Fremont, Wyo.

H.R. 6494. An act to provide for withdrawal and reservation for the use of the Department of the Air Force of certain public lands of the United States at Nellis Air Force Range, Nev., for defense purposes.

H.R. 8762. An act to amend the Small Business Act.

H.J. Res. 558. Joint resolution providing for printing copies of "Cannon's Procedure in the House of Representatives."

THE LATE HONORABLE OVERTON BROOKS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana [Mr. PASSMAN].

Mr. PASSMAN. Mr. Speaker, it is with profound shock and heartfelt sadness that I announce to the House the death this morning at Bethesda Naval Hospital of our esteemed colleague, the highly respected and genuinely admired dean of the Louisiana delegation in Congress, and my dear personal friend, the Honorable OVERTON BROOKS.

Suffering from pneumonia, our devoted friend and distinguished colleague was readmitted to the hospital on Monday of this week. Two weeks before he had undergone a surgical operation, but had left the hospital on Labor Day for a week's rest at his Washington home. Tireless, conscientious, and faithful worker that he was, he returned to his office briefly last Saturday and had planned to be back at work full time on Monday. Instead, however, pneumonia developed, and he was returned to the hospital, where he passed on today to the other side of eternity.

The quality of the dedicated life and the invaluable work of OVERTON BROOKS is well known to every Member of this body, in which he was serving with great distinction his country, his State, and his constituency of the Fourth Congressional District of Louisiana, for the 25th consecutive year. He was first elected to the 75th Congress, and was reelected to the 12 succeeding Congresses.

A native Louisianian, OVERTON BROOKS was a resident of the city of Shreveport, in Caddo Parish. He was a graduate of Louisiana State University, having received with honors the LL.B. degree from the law school in 1923, after having served honorably and well overseas in the U.S. Army during World War I. He was a former U.S. Commissioner and a highly successful practicing attorney until his election to the Congress, to which he devoted a quarter century of faithful and outstanding service.

OVERTON BROOKS was a member of the Masonic fraternity, a member of the Episcopal Church, and was active in various veterans' and civic organizations and other affairs in his home community and State. He was president for 5 years of the National Rivers and Harbors Congress and was the incumbent board chairman of that organization.

In the Congress, he had been the ranking member of the important Committee on Armed Services, was a member of the Committee on Government Operations, and was made chairman of the major and vital House Committee on Science and Astronautics in 1959 and reappointed to this chairmanship in 1961.

He is survived by his devoted wife, Mrs. Mollie Meriwether Brooks; a lovely daughter, Miss Laura Anne Brooks; his aged and revered mother, Mrs. Penelope Overton Brooks; four sisters, and a brother. I know that each Member of the House joins with me in extending to them deep and heartfelt sympathy in their bereavement—a great loss and sorrow which we share with them.

Each of us knows that the measure of a life is in the quality, and not in the length of it. In the prime of his life in years, at the age of 63, our dear departed friend and colleague had surely measured up fully, in every respect, in the quality of his life and character, and in his service to his beloved Nation and his fellow man.

We shall keenly miss the presence of OVERTON BROOKS, but we shall long be inspired by the memory of our affectionate friendship and close association, and by the example of his devotion to duty and the value of his public service.

We all know that this world is a better place in which to live for OVERTON BROOKS having lived in it.

May his soul rest in peace. And may the God of infinite goodness comfort and sustain his loved ones.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. I yield to my colleague, the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, I learned with profound shock and regret, a matter of minutes ago, about the untimely passing of our eminent colleague, the distinguished dean of the Louisiana congressional delegation, OVERTON BROOKS.

Mr. Speaker, my friendship for Congressman BROOKS stretched over a period of many years before I became a Member of this body. But OVERTON and I became particularly close during the time of my service here for some 13 years. OVERTON had qualities of serious dedication to duty that few of us possess. OVERTON was completely conscientious and wholly sincere. His long service here of some 25 years developed a keen and penetrating awareness of the national and international issues confronting our country. His membership on the Armed Services Committee of the House put him in a particular position to know the critical nature of national posture vis-a-vis the Communist threat and conspiracy, and more lately as chairman of the House Committee on Science and Astronautics he was able to apply his great talents on a broader scale in shaping the destiny of his beloved country in these critical times.

Mr. Speaker, just lately OVERTON was cited as the best posted man in the Nation in this new and frightening space age. OVERTON was a kind, unassuming and deeply religious man. To him his church was part of his life. He was a devoted husband and a kind father. His district, his State and his Nation and his endeared Members in this body will miss him very sadly. May God have mercy on his good soul, and bring comfort to his very fine wife, Mollie, his daughter, his aged and good Christian mother, his brother, and many sisters.

Mr. GEORGE P. MILLER. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. I yield to the distinguished gentleman from California, and the ranking majority member of our distinguished colleague's committee, the gentleman from California [Mr. GEORGE P. MILLER].

Mr. GEORGE P. MILLER. Mr. Speaker, it is with a sad heart and a sense of shock that I come to the well of the House to pay my tribute to OVERTON BROOKS, with whom I have had the privilege of working intimately, first on the Armed Services Committee and then on the Committee on Science and Astronautics, for about 12 years.

Mr. Speaker, OVERTON BROOKS was a dedicated public servant, and it was through his devotion to duty that perhaps his untimely taking resulted.

He should not have come from the hospital a couple of weeks ago. He should have stayed there. But he felt the urgency of the work of the Science and Astronautics Committee, the great burdens thrown on it as the result of the decisions of the Congress. Against my judgment, at least, he left the hospital and came back down here, and then he contracted pneumonia, which took him off.

OVERTON BROOKS knew the subject born of his long service first on the Committee on Armed Services, where most of the jurisdiction now in NASA originated, and then on the Committee on Science and Astronautics. The United States is a better place and is better off in the field of space exploration as the result of his work. I assure you that his niche will be hard to fill in the Congress.

Mr. PASSMAN. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. FULTON], one of the ranking minority members of the committee headed by our distinguished colleague.

Mr. FULTON. Mr. Speaker, as one of the ranking members of the Committee on Science and Astronautics I want to put on the record our feeling of sincere loss, of tragic loss, on the death of our good friend OVERTON BROOKS, of Louisiana.

OVERTON BROOKS served well as chairman of the Committee on Science and Astronautics. During this past year he had been one of the big boosters for space programs. OVERTON BROOKS as chairman held hearings morning and afternoon, and worked at night on his own congressional work. He is one of those who have helped push America forward in the development of space and science for peaceful purposes and for the progress of all mankind.

I served on the original House Select Committee on Space with OVERTON BROOKS. We were also high ranking members on that committee when it was appointed by the Speaker to lay out the plans on how Congress should set up its jurisdiction and the National Aeronautics and Space Agency, to handle these new programs on the coming era of space. OVERTON BROOKS was one of the interested members and a hard worker on the Select Committee on Space that preceded the House Committee on Science and Astronautics. I became very well acquainted with OVERTON as a friend at that time. His enthusiasm on the House Committee on Science and Astronautics was, I think, at the level of anyone of us who feel we are special space science boosters.

It is a pleasure to advise the Congress that OVERTON BROOKS of Louisiana was this year chosen as the Congressman of the year in science. I believe he lived up thoroughly to that honor. He certainly had a fine reputation for learning and devoting his skill to these new and fantastic programs that must be translated for the average person into lay language to explain what we are doing in the United States in our space programs.

In closing, I would like to say that we members of the House Committee on Science and Astronautics on the Republican side will lose a lot of push for space progress and we will lose a lot of friendship as well in the death of OVERTON BROOKS, our chairman. It has been a pleasure to serve under him as chairman, under his experienced leadership and guidance. We who have been working with him feel that our friend has been one of the chief architects of our present U.S. space programs.

Mr. PASSMAN. Mr. Speaker, I yield to the distinguished gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Speaker, I am saddened indeed to learn of the death of a great and good man, an outstanding Member of the Congress. OVERTON BROOKS was my close friend for many years, a genuine friend for many years. He was a kindly man, a good man, a man of principle, a warmhearted family man.

He was dedicated and conscientious in the discharge of his duties in a way that few men can be. It was my privilege years ago to serve with him on the Committee on Military Affairs of the House and, subsequently, to serve with him on the Committee on Armed Forces. There I learned to know him for the very fine person that he was. He was always a hard worker, always a man with a wholehearted interest in our Nation, and in the proper discharge of his duties. Always he gave a little more of himself than was required. He had a wholehearted interest in a strong defense and a strong progressive America; in right and justice for the servicemen of our country and for our veterans and the dependents of both groups.

Mr. Speaker, his was a national reputation earned through many years of sincere endeavor and conscientious application of the outstanding talents with which he was endowed.

America needs men like OVERTON BROOKS—strong men, honorable men, courageous men. I am deeply grieved that he has gone from us. We shall miss him. The Nation shall miss him. I speak for my entire delegation and my own family when I say my deep and earnest sympathies are with each member of his family.

Mr. WINSTEAD. Mr. Speaker, I was shocked and saddened by the news of the untimely death of my good friend and colleague, the Honorable OVERTON BROOKS of Louisiana. His passing is indeed a distinct loss to this Chamber and to our entire Nation.

Prior to his appointment as chairman of the Science and Astronautics Committee, I was privileged to serve with OVERTON BROOKS for many years on the House Armed Services Committee. I also served under his chairmanship on a subcommittee which was concerned with legislation affecting our National Guard and Reserve Forces. So great was his contribution in this area of our defense program that he was often referred to as "Mr. Reserve."

OVERTON BROOKS was a dedicated American and was untiring in his efforts in behalf of his district, State, and Nation. I join my colleagues in expressing deep and heartfelt sympathy to his wife and daughter and to other members of his family. May it bring

some measure of comfort to reflect on his worthwhile life and to know that countless friends throughout the Nation share their great sorrow.

Mr. PASSMAN. Mr. Speaker, I yield to the distinguished gentleman from Oklahoma, the able majority whip and acting leader [Mr. ALBERT].

Mr. ALBERT. Mr. Speaker, I was totally unprepared for the shock which accompanied the news of the death of my friend, OVERTON BROOKS. I knew Congressman BROOKS since my very first day of service in the House of Representatives. His district and mine both lie in the famous Red River Valley of the South. We have common problems in that valley and Mr. BROOKS and I worked together in an effort to find solutions to those problems. In those efforts, OVERTON BROOKS was a tower of strength. He was one of the outstanding authorities in the field of resources development in the entire country.

Mr. Speaker, OVERTON BROOKS had an eminent career in this field in the House of Representatives.

He was also at one time one of the ranking members of the Committee on Armed Services. His contributions in that field were many. Our defense is stronger; our security is greater; our freedom is more secure because of the life and service of our late colleague, OVERTON BROOKS.

Mr. Speaker OVERTON BROOKS was the first chairman of the standing Committee on Science Astronautics. The enlightened and aggressive manner in which he accelerated our space program will, in my judgment, secure the supremacy of America in this field over all the nations of the earth.

Beyond all this, Mr. Speaker, our late lamented colleague was a great man and a great American. He was devoted; he was loyal; he was courageous; he was kind. He was a Christian gentleman, and he was a practicing Christian. He was a man of faith. OVERTON BROOKS served his day and generation in a manner that reflects the greatest credit on himself and his family. We will miss you, OVERTON. May God bless and comfort your loved ones in their hour of sorrow. They have the consolation in their time of sadness that in your life and service they have been left a noble inheritance.

Mr. PASSMAN. Mr. Speaker, I now yield to the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, the Grim Reaper has again visited this Chamber and called from us another great public servant, another great man. OVERTON BROOKS was my neighbor. His district and mine adjoined, and I have had a very close personal association with him now for some 25 years.

Mr. Speaker, I join with the Louisiana delegation in expressing deep regret in the loss of this, our friend and colleague. The record made here in this body by him and his personal record is a testimony to the life and character of OVERTON BROOKS.

He was a man devoted not only to his work, but a man who accepted challenge. As has been so well expressed, he accepted the challenge of the great responsibilities as chairman of the new Committee on Science and Astronautics; a challenge that this Nation must accept in exploration out yonder where man has not yet penetrated to the extent of becoming knowledgeable in the field and the problems that we must wrestle with in future years. This was the kind of a man that OVERTON BROOKS was, and I join in expressing our regrets in his passing. We know the life that he lived was such that as he passes on into eternity, his soul will rest in peace.

Mr. Speaker, I wish to join in expressing deepest sympathy to Mrs. Brooks, their lovely daughter, and their family.

Mr. PASSMAN. Mr. Speaker, I now yield to the gentleman from Missouri [Mr. RANDALL].

Mr. RANDALL. Mr. Speaker, it was my privilege to have been assigned as a member of the House Space Committee at the beginning of this session, and my acquaintanceship with our colleague, OVERTON BROOKS, was limited to association on that committee. But we learned to know him from the very first meetings as a chairman who was fair, a chairman who insisted that every member of the committee be given an opportunity to be heard, regardless of seniority or rank on that committee. He was not simply a fair chairman, Mr. Speaker, he was as well, a chairman of accomplishment. Day after day the committee met and worked long hours under his chairmanship on matters which will have a far-reaching effect, and yes, of great benefit and advantage to this country. Throughout every one of these long and arduous sessions he was there regularly early and late. OVERTON BROOKS was a man of vision, Mr. Speaker; a man who did not simply talk about space exploration, but stood in the well of this House and fought for it against some who may have doubted the value of space exploration and the wisdom of large appropriations. He was a real believer in the peaceful aspects of the space program as well as considerations of defense. We are saddened this morning by the news of his passing, and that goes for everyone in this body, Mr. Speaker, because from my experience as a Member, I have never heard one person express themselves as an enemy of or speak ill about OVERTON BROOKS. He was a kindly man; he was a man of high principle; he was a man dedicated to public service.

It has been said that stature is something which must be earned, which can only be gained by hard and diligent work in this life on earth. I mention this because our departed friend had great stature in the field of space activities.

In looking about for comfort today it seems we can all be consoled in knowing that he lived to receive, just a few weeks ago, the highest award that can be given, the Man of the Year for Space Achievements. We all rejoice that he lived to receive that award, even though he was then confined in the hospital. It was a reward which he most richly deserved.

May the Heavenly Father have mercy upon his good soul.

Mr. PASSMAN. Mr. Speaker, I now yield to the distinguished gentleman from Utah [Mr. KING].

Mr. KING of Utah. Mr. Speaker, it was with a feeling of profound personal sorrow that I received the news just a few moments ago of the passing of this great American, OVERTON BROOKS. There is quite a distance between Louisiana and Utah, yet that distance was easily and gracefully bridged by OVERTON BROOKS in his dealings with me. Always he was kind, understanding, ready, and willing to help everybody. His assistance to me when I came to the House as a freshman Congressman 2 years ago and first came into association with him as a member of his committee, I shall never forget. I considered him as a personal friend.

I am particularly impressed by what he did for the committee of which he was chairman 2½ years ago, when the Committee on Science and Astronautics came into being for the first time as a full-fledged standing committee. He was its first and most able chairman. At that time the committee was, in the minds of many people, perhaps nothing more than a curiosity; clearly, it was on trial. In the hands of a less able person the committee might have remained in obscurity, its contributions nondescript and uncertain, but in the hands and under the leadership of Chairman BROOKS this committee quickly forged ahead and began to carve out for itself a great and important role. Clearly the verdict was in favor of the committee.

I doubt if any committee in Congress over a comparable period of time has had such an impressive array of great scientists, great statesmen, men of affairs, men learned in all the arts and sciences, coming before it to make their statements. As a result this committee in the last 2½ years has accumulated literature on the general subject of science and astronautics which I think constitutes one of the most authoritative archives in the world on this subject. Behind all of this has been the indefatigable leadership of this great man. So, no matter what may happen in the future in the field of space I shall always feel that the contributions and the achievements this country may make in that field will be the result in part, and in large part, of the great service of OVERTON BROOKS.

So I offer at this time my hope and my prayer that God may be comforting and kind and may bring strength to the survivors of this man, and that his memory may continue among his colleagues and throughout the world.

Mr. PASSMAN. I thank the gentleman.

Mr. Speaker, I now yield to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Speaker, I rise to join my colleagues in commemorating the memory of our colleague, OVERTON BROOKS. I feel very deeply the loss of this friend.

I knew this man as a man of great talent, not only talents in the chosen field of government and political sci-

ence—he was a great Congressman—but in the things that make life better, such as courtesy, devotion, and dedication. I feel he gave his talents to the Nation in a way that made this Nation a better Nation and made this world a better place in which to live.

Sometimes when we think of eternity we think of a place where the spirits go as we leave everything else behind here. I would like to think that a good man such as OVERTON BROOKS always leaves with those whom he touches the inspiration of his life.

I hope his family and his friends may find comfort in the reflection of the kind of life he lived. I feel I am a better man to have known him, I feel this Nation is better to have had him.

And I wish for his family every comfort that comes from abiding faith.

Mr. PASSMAN. Mr. Speaker, I yield to the distinguished former Speaker of this House, the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN of Massachusetts. Mr. Speaker, it was with great sorrow that I received the word an hour ago of the death of our beloved colleague, OVERTON BROOKS, a man whose friendship I highly prized for nearly a quarter of a century.

I remember when OVERTON BROOKS first came to the House. He came here with wholehearted enthusiasm to devote his great talents to his country, and during the intervening years he has faithfully carried out his high resolve.

It was my privilege during the last 2 years to serve closely with him as a member of the Space Committee. I know the tremendous work and the long hours he has devoted to that service which he knew was so important to our country.

Words cannot adequately state the value of his service to this country. Suffice to say, he was largely responsible for the speedup of the program to such an extent that I believe today our standing in the field of space science is higher than any other nation in the world.

It was also my privilege to serve for 6 years as vice president of the Rivers and Harbors Congress of which he was president and later chairman of the board. His work for development of our rivers and harbors and for flood control was a great contribution to America.

OVERTON BROOKS was a dedicated man. He did not come here just to serve as a Member of the House of Representatives. He came here to work and to help with all his splendid talents to make this a better country for our people to live in. We have all thrilled at his patriotic work since the Committee on Science and Astronautics was inaugurated. I have been the ranking Republican member. Never was there ever displayed the slightest partisanship. His single objective was to work for what was best for America.

Mr. Speaker, we grieve at his departure from this life. He leaves the world the realization of how extremely important is the effort to conquer space. Only a few weeks ago, he was named the outstanding Congressman of the year for science, and he received a plaque on this occasion. Fortunately he was living when this fine award was made.

I join with the Louisiana delegation and the rest of our colleagues in expressing my sorrow over his untimely death, and I extend my deepest sympathy to his good wife and family in their hour of sorrow.

Mr. PASSMAN. Mr. Speaker, I now yield to my distinguished colleague from Louisiana [Mr. MCSWEEN].

Mr. MCSWEEN. Mr. Speaker, I was shocked and grieved to learn of the loss of our distinguished friend, OVERTON BROOKS, who was dean of the Louisiana delegation in this body.

OVERTON BROOKS was a great American. I believe it might be correctly said of him that he gave his life for his country, because during the past 3 years he has been chairman of that great Committee on Science and Astronautics. As members of that committee who served with him know, he labored overtime and gave his entire devotion to speeding up our work in the field of space.

I have known our friend for the greater part of my life. It so happens our respective families have been associated closely for a long period of time. As a matter of fact, I really cannot remember when I did not know OVERTON BROOKS.

He became a Member of this body when I was, I believe, 11 years old. I had always looked upon him with admiration.

Mr. Speaker, I would also like to add a personal note. It was through his encouragement that I first became interested in seeking membership in this body. So to me this is a great personal loss, as it is to many of the membership of the House who have served with him longer than I. I take this opportunity to extend on behalf of my family and myself our heartfelt sympathy to Mrs. Brooks and to his daughter and to his many, many friends throughout Louisiana.

Mr. CHENOWETH. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. Mr. Speaker, I now yield to the distinguished gentleman from Colorado [Mr. CHENOWETH].

Mr. CHENOWETH. Mr. Speaker, I was deeply shocked and saddened today when I learned of the untimely passing of our beloved colleague, OVERTON BROOKS. I knew of his illness but I had assumed that he was recovering. I want to extend my sincere sympathy to the members of the Louisiana delegation in the great loss they have sustained.

Mr. Speaker, I formed a very favorable opinion of OVERTON BROOKS when I first came to the House. This opinion was confirmed when I became a member of the House Committee on Science and Astronautics 2 years ago, at the time Mr. BROOKS became the first chairman of this new committee. It has been a great pleasure and a privilege to serve on the committee under his able direction and leadership.

Mr. Speaker, I want to join my other colleagues who have paid tribute to the outstanding service he has rendered as chairman of this important committee.

The space effort has lost a true friend and a most ardent advocate. I feel that the entire space program has suffered an irreparable loss in the passing of OVERTON BROOKS. He took great pride in the fact that he was chairman of this committee. No one could have been more dedicated to his duties and responsibilities than OVERTON BROOKS. We are engaged in a race with Russia for supremacy in outer space. I personally feel that in almost every phase of space development we are ahead of Russia at this time. This is due in no small part to the influence and efforts of OVERTON BROOKS as chairman of the House committee.

Mr. Speaker, in future years when historians recount our achievements in the space age, I am sure they will point to OVERTON BROOKS as the man who was largely responsible. They will recognize OVERTON BROOKS as one of the pioneers in our space research and development program, and will award him the preeminent place which he so richly deserves.

Mr. Speaker, OVERTON BROOKS was a good and kindly man, and a most affable person. I always enjoyed a visit with him, and he never failed to have a friendly greeting and a kind word. He was a dedicated and devoted public servant, and this Nation has suffered an irreparable loss in his passing.

Mr. Speaker, I wish to extend my deep personal sympathy to Mrs. Brooks and the other members of the family.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr PASSMAN. I yield to the gentleman from California [Mr. GUBSER].

Mr. GUBSER. Mr. Speaker, all of us are unprepared for this loss of our friend and colleague, the Honorable OVERTON BROOKS. As a result, our tributes to his memory must be spontaneous and, perhaps, lack in polish. But they will overflow with sincere reverence. At this spontaneous moment, Mr. Speaker, I presume to speak not only for myself but for the minority members of the Armed Services Committee upon which OVERTON BROOKS served so ably for so many years. As a longtime member of the Armed Services Committee and chairman of its subcommittee dealing with reserve matters, OVERTON BROOKS contributed much to his country.

If one were asked to summarize his work on this committee, about the simplest and I think the most descriptive term we could summon would be dedicated, quiet efficiency.

In addition to his work on the Committee on Armed Services it is important to point out, I think, that OVERTON BROOKS also engaged in another great activity by his close association and work with the Rivers and Harbors Congress, dedicated to conservation and to the prevention of floods all over this Nation.

After leaving the Committee on Armed Services it was well known that his talents, his very major talents, were needed elsewhere, and he left us on the committee to head up a new committee and to

assume a new responsibility for the new horizon of space. He became first chairman of the Committee on Science and Astronautics. In this new field and in this new challenge once again the best description of OVERTON BROOKS' performance is quiet, dedicated efficiency.

As America crossed the threshold of space I will always think that some of OVERTON BROOKS' work rode with the first Americans to cross that threshold, Commander Shepard and Commander Grissom. Now that OVERTON BROOKS has permanently crossed the threshold into heavenly space, I have a feeling that he is not lost to this Congress nor to his country. I have the feeling that from his new space he is still working and will continue to work with dedicated, quiet efficiency.

Mr. PASSMAN. Mr. Speaker, I yield to the distinguished gentleman from Texas [Mr. BROOKS].

Mr. BROOKS of Texas. Mr. Speaker, I rise as a friend of OVERTON BROOKS. It was a shock when I heard of his death this morning. Our districts adjoined. I always found him courteous and understanding.

While many of the Members are aware of his contribution as chairman of the Committee on Science and Astronautics, I want to say on behalf of the chairman of the Committee on Government Operations, the gentleman from Illinois, the Honorable BILL DAWSON, and our membership on that committee, that he was a respected member of the comimttee and his opinion was highly valued. He contributed significantly to the progress made by that committee. May I also point out that in addition to his activities as chairman of the Committee on Science and Astronautics, after he retired as ranking member with many years of background on the Committee on Armed Services, he was president of the Rivers and Harbors Congress. He maintained an interest in a wide variety of public services.

I am deeply shocked at his death. I want to extend to his family, his fine wife and daughter, whom I have had the privilege of knowing, my deepest sympathy in the passing of a man who dedicated his life to his district and to his country.

Mr. PASSMAN. Mr. Speaker, I yield to the distinguished gentleman from West Virginia [Mr. HECHLER].

Mr. HECHLER. Mr. Speaker, I am deeply saddened by the passing of our colleague and our friend, the Honorable OVERTON BROOKS, chairman of the Committee on Science and Astronautics, on which I serve. He was one of the most unselfish and patriotic men I have known. He had a very human side to him, and I say this based on my own experience. When I first came to the House of Representatives, in 1959, Chairman BROOKS took me by the hand and helped me over a number of very, very rough spots. He was a wonderful human being. As chairman of the Committee on Science and Astronautics, OVERTON BROOKS charted a new course in the important work which the committee supervised and undertook. I extend my deepest sympathy to his family.

Mr. PASSMAN. Mr. Speaker, I yield to the gentleman from Indiana [Mr. ROUSH].

Mr. ROUSH. Mr. Speaker, I join with my colleagues in this very sad hour to pay tribute to Chairman OVERTON BROOKS. I served on the Committee on Science and Astronautics under the leadership of Mr. BROOKS, since January of 1959, and when we refer to Mr. BROOKS as "Mr. Chairman" we did so not just because he was chairman of our committee, but we did so gladly because we had great respect for him and for his qualities of leadership. So when that expression "Mr. Chairman" was uttered, we uttered it out of great respect, for the man who was leading our particular committee.

Mr. Speaker, I, too, came to the Congress as a new Member in 1959 and I had the benefit of Chairman BROOKS' kindness, his consideration and leadership. During a very trying period of my own life, which occurred during the first 5 months of this year, I had constant reminders of his kindness and consideration. They came in the form of short notes of encouragement or, perhaps, only a newspaper clipping or a word or a pat on the back. But I was made very much aware of the fact that this great man was concerned over what, to me, was a personal problem.

Mr. Speaker, we will all miss Chairman OVERTON BROOKS. We will miss his spirit of patriotism which, I am sure, has inspired the young people of this Nation. We will miss his qualities of leadership which provide a challenge for all of us who are in positions of lesser leadership. We will miss the inspiration which he gave to the space program, which has been an inspiration for the entire Nation. We will miss his warm friendship which was a source of abiding strength for all of us. We know his family will miss him very much. Perhaps they can find some consolation in the fact that OVERTON BROOKS is now with his Maker. Perhaps they can find some consolation in the fact that he has been responsible for writing important pages in the history book of America. We will miss him. I will miss him very, very much.

Mr. PASSMAN. Mr. Speaker, I now yield to the distinguished gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Speaker, it is with profound sadness that I join my colleagues in paying tribute to the Honorable OVERTON BROOKS who was chairman of the Committee on Science and Astronautics. It was my privilege to serve on that committee where I came to know the chairman as a warm individual and a fair chairman. OVERTON BROOKS took a very special interest in the new members of the committee. I was immediately impressed by his tireless dedication and devotion to this Nation. His knowledge of space was extensive, and his determination that the United States be first in space, I believe, has contributed and will continue to contribute greatly to the rapid advance of the United States in space technology. OVERTON BROOKS recognized in a unique way the important role that science plays in today's world. He appointed a special panel on science and technology consisting of the foremost scientists in the country to meet with our committee and to advise us.

Mr. Speaker, we shall miss OVERTON BROOKS on the committee, and his country will greatly miss his ability and his devotion and statesmanship.

Mr. Speaker, I extend my deepest sympathy to the members of his family.

Mr. PASSMAN. Mr. Speaker, I yield to the gentleman from California [Mr. DOYLE].

Mr. DOYLE. Mr. Speaker, the Members of the House who knew our late departed friend and colleague Hon. OVERTON BROOKS, better than I did and who have so eloquently paid tribute to him, have said these things far better than I can. Most of you knew him longer than I did, and yet, as I came to the Congress about 14 years ago, and until he became chairman of the Space Committee about 2 years ago, we sat on the Committee on Armed Services from day to day it was my pleasure several times to sit on certain subcommittees of Armed Services of which OVERTON was chairman. I think perhaps one of the most unusual experiences I had with him, perhaps different than had any other Member of this House, was several years ago when the Honorable CARL VINSON, chairman of Armed Services, named a special hearing committee of the Committee on Armed Services, of which special hearing committee I became chairman. The matter before that special committee involved the subject matter of an oil district in Louisiana in OVERTON'S congressional district in his State of Louisiana. The issue was the question of whether or not certain governmental departments should be permitted to lease very, very valuable and extensive Federal Government oil lands which were adjoining lands proven in very substantial production and which Government land was immediately contiguous to OVERTON BROOKS' constituents' lands worth millions of dollars in oil were concerned. I never saw a man more loyal or faithful or more diligent to his constituents.

He was fully informed and ably represented his district. We on that special subcommittee recognized that in his several appearances before our special subcommittee. He recognized the fact that he, OVERTON BROOKS, was a U.S. Representative; always bearing in mind his Nation's interests, also. He was fair and diligent to his constituents, and yet always aware of the fact that the national interests must never be forgotten, and I wish to pay this just tribute to him. I also extend deepest sympathy to his beloved family and add, that whenever I met him I felt that a breath of fresh, pure air had come in with him. He was clean as a hounds tooth. He was the sort other worthy men liked to be in the company of. It was a daily inspiration to count him as a real friend as well as a dedicated Christian Congressman.

Mr. PASSMAN. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. PHILBIN].

Mr. PHILBIN. Mr. Speaker, I am greatly shocked and deeply touched and grieved to learn of the untimely passing of my dear and valued friend, OVERTON BROOKS.

I served with OVERTON BROOKS on the Military Affairs Committee and later on the Armed Services Committee for more than 16 years.

He was endowed with great gifts and outstanding ability. He was a statesman and a patriot of unexcelled quality.

Untiring in his devotion to his work, profoundly dedicated, conscientious and industrious beyond belief, this beloved son of the great State of Louisiana was one of the greatest Americans who has served in this body. Kindly and amiable by nature, he was always generous and considerate and eager to help his colleagues, his constituents, and the people.

Modest and humble of spirit, he never swerved from his convictions and he never allowed the great distinctions and honors he won as a great American leader to change his outlook.

OVERTON BROOKS leaves us a great heritage and a blessed memory—a heritage of devoted, unselfish, dedicated service, and a memory of a dear, beloved friend whose loyalty, kindness, and nobility of purpose has made the way easier for many of us who served with him. His splendid contributions to the Nation will long be remembered here and we will all sorely miss this inspiring friend and outstanding colleague, a fine Christian gentleman and a great American.

I extend most heartfelt sympathy to his devoted wife and family for the irreparable loss they have suffered.

May the good Lord continue to bless this dear friend and noble colleague, and bring him peace and rest in his heavenly reward.

Mr. PASSMAN. Mr. Speaker, I now yield to the distinguished gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. Mr. Speaker, in the untimely death of the Honorable OVERTON BROOKS, this House has lost one of its most valued Members, the State of Louisiana has lost one of its finest sons and noblest gentlemen, and the Nation has lost one of its ablest statesmen.

I say that the House has lost one of its most valued Members, because this was a man who sat as chairman of an important committee and who has had much to contribute to the knowledge and the understanding of this entire body.

I say that his State has lost one of its finest sons and noblest gentlemen, because in his experience with other people OVERTON BROOKS was a man who always exemplified the quality of kindness. I do not think I ever had contact with him, certainly in any request for his help or his guidance, in which he did not give freely of his time, of his very broad knowledge and of his understanding. This quality of kindness to others is one that I think OVERTON BROOKS personified, but beyond that and more important to us as Americans, he was an able statesman. He had perhaps the most important God-given quality of all statesmen, and that is the quality of foresight and vision. His activity as a member of the National Rivers and Harbors Congress has already been mentioned; as a matter of fact, he was president of that body which devotes its effort to building for the future, to conserving our great resources. In this sense, also, his leadership as chairman of the Committee on Science and Astronautics was typical of the man and of his statesmanship, because here also he demonstrated a long view, a statesmanlike foresight and vision which nourished and strengthened this Nation of ours at a time of terrible danger. All of us will miss him not only as his colleagues, but also as Americans who have benefited greatly by his service in this body.

To his family I extend my own deep and sincere sympathy in their grievous loss.

Mr. PASSMAN. Mr. Speaker, I now yield to the distinguished gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Speaker, much has been said this evening about the public service of our distinguished colleague, OVERTON BROOKS. I would not dwell upon those services, extensive and distinguished as they were, because they are matters of public record. All who read in every clime may know of the public achievements of our colleague.

I came to the Congress along with OVERTON BROOKS, and I have served with him here for some 26 years. It seems to me that it is appropriate that those of us who have dealt with him throughout the years should bear testimony to his human characteristics. It has been pointed out, and I would reemphasize, that OVERTON BROOKS was one of those deeply sincere, diligent, and conscientious individuals who went his way working all the time, not only for his Nation but for the individuals with whom he dealt.

It is a great thing for Members of Congress to have the personal and sincere interest in their colleagues that OVERTON BROOKS always had. Possibly I am especially impressed with OVERTON'S unfailing friendly concern for others, because he represented a district which adjoins my State of Texas and he represented a district in northwestern Louisiana where there is no Sabine River between our States, nothing but an imaginary line. People on our side deal with Shreveport, and people over there do business with folks in Texas. There is very little to distinguish the boundary.

My wife was born in the district so long represented by Mr. BROOKS. Many of the family still reside there. I know of the high opinion they have always had of OVERTON BROOKS. As I knew him here in Congress I had occasion to verify that high regard, as I know every one of you who have lived and worked with OVERTON BROOKS can testify.

So I would seek only to add to the testimony of his colleagues as to how we are going to miss this man, how we are going to try to fill a loss that we cannot fill.

Mr. Speaker, may I take this opportunity to extend to his family our sympathies and the assurance that in their grief, they may be assured of the prayers of all of his colleagues, because I know that is the wish of all of us.

Mr. PASSMAN. I yield to the distinguished gentleman from Connecticut [Mr. DADDARIO].

Mr. DADDARIO. Mr. Speaker, I was in the office of the Committee on Science and Astronautics this morning at about 11 o'clock when I learned of the death of our friend, OVERTON BROOKS, chairman of the committee. I felt a sense of profound shock at the suddenness of the news and of the fact that this great man has passed to his reward. The members of the staff who were present were also, of course, greatly affected. It indicated the strong feeling they had for the man as an individual who had the faith and confidence of those who worked under him.

There is no question about the great contribution he has rendered to this Nation here in the Congress, and especially during the last few years, when he has served as chairman of the Committee on Science and Astronautics. These contributions are of a pioneer nature since he was the first chairman of this committee. He has had to fight a battle to build up a program which would make this country preeminent in space. I think he has done that. Only recently he supported the program which will bring a man from the United States to the moon within the next decade. That will be one of the great accomplishments of all time.

These are merely parts of the responsibilities he has carried out as a Member of the Congress. He has conducted himself so that without question a strong memory of him will live in the history of this country as it is eventually written. We must not ignore the fact that he has been a close and kind friend to all of us, especially those of us who have served as members of his committee.

He has been kind to us individually. He has given us aid and assistance. He has allowed us opportunity to generate our own ideas and to reflect them within the workings of the committee itself.

Mr. Speaker, I extend his family my most heartfelt sympathy. I am confident that his work will live long after him and his memory will remain with us in the years ahead. That is, of course, as it should be when the time comes for a great man to pass to his reward, and in this we are all extremely sorry and sad.

Mr. JOHN W. DAVIS. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. Mr. Speaker, I yield to the gentleman from Georgia [Mr. JOHN W. DAVIS].

Mr. JOHN W. DAVIS. Mr. Speaker, I rise as one of the junior members of the Committee on Science and Astronautics. I wish to identify myself with the remarks which have been made on this occasion by my colleagues. It was with a sense of profound personal loss as well as one of shock that I heard the news of the passing of our distinguished chairman.

Mr. Speaker, I once heard the expression: "Lo, a mighty oak hath fallen."

That expression seems to fit this occasion. An irreparable loss has been suffered by this body—a loss of one of its Members who was many, many years in perfecting his ability to the point that he could render the type of service which he rendered, not only to this body but to his constituency and to his country. His natural ability and talent, coupled with the many years of experience he had accumulated here in the mainstream of the legislative life of this country serves to underscore the fact that in his passing this country has suffered a loss that cannot be replaced.

Mr. Speaker, I do not feel that I possess the powers of articulation to describe adequately the many fine attributes of character that Mr. BROOKS possessed. I did not know him as long as many of my colleagues who have preceded me today, but I did know him long enough to form a close personal attachment to him and to realize that in his personality was a model worthy of emulation.

Mr. Speaker, I feel it is significant that in paying tribute to his memory so many of his colleagues have used the words "kind," "dedicated," "hard working," and "conscientious." I feel that by living the life he led that he has built himself a monument in the minds and hearts of his fellow men which will be more enduring than bronze and more lasting than marble.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Speaker, I too am one of those who had the privilege of knowing OVERTON BROOKS for only 8 months. Yet I have the same respect and same affection for him as has been expressed by those that knew him nearly a lifetime.

Mr. Speaker, just this morning I signed a letter addressed to the chairman to express my appreciation for what he had done for this country, for this Congress and for us as individuals. It is with heavy heart that I realize that I shall not now mail this letter. But if I may, I would like to read the closing paragraph:

> If I may end on a personal note, I wish to convey my sincere thanks to you for the many kindnesses extended to me during committee hearings, and the very sound and important advice you have always been willing to give when I have asked.
>
> I am looking forward eagerly to our committee's work during the next session and, if political fortune smiles on me, for many sessions to come.

Mr. Speaker, I truly regret that our committee and I will be denied those future years. Yet I would observe that so long as there are Members in this House who have served with OVERTON BROOKS, his dedication and his kindness will be an inspiration to us.

Mr. PASSMAN. Mr. Speaker, I yield to the distinguished gentleman from Georgia [Mr. FORRESTER].

Mr. FORRESTER. Mr. Speaker, the gentleman from Louisiana [Mr. BROOKS] was my next-door neighbor in the New House Office Building. Additionally, he was my genuine and abiding friend.

Certainly he was one of the hardest workers I have ever had the privilege of knowing. World conditions weighed heavily upon this distinguished man. His heart was bowed down with responsibility, that I personally know. He wanted to be dead certain that he performed every service that a loyal, patriotic, and loving citizen and servant could perform.

Yes, Mr. Speaker, I am inclined to think that he gave himself so unreservedly to the public and to the times that he had none of the reserve strength left that would permit him to be victorious over this sickness that befell him. Just last week as he lay out there in the hospital he thought all the time of legislation on this floor. Daily his office force would come into my office and say to me, "The Congressman wants to know what is going on. He wants to know if they need him over there." On one occasion they said, "The Congressman is going to get out of bed and he is coming over, because he thinks he should be on the floor."

That, Mr. Speaker, to my mind typifies OVERTON BROOKS. His record and his life speak for themselves. Truly, truly, a brave soldier, a faithful soldier, a consecrated soldier has fallen. But he fell in the line of duty. I know that God will not only have mercy upon his soul but He will be kind and gracious to the wife and to the family he left behind.

Mr. Speaker, I believe his life and his service will be a model for us, particularly those who knew him and those who loved him. His country will miss him, for he loved his country.

Mr. PASSMAN. Mr. Speaker, I yield to the distinguished gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Speaker, I wish to join my colleagues in paying tribute to the memory of our departed friend OVERTON BROOKS. I had been closely associated with him throughout his service here. He was my friend and I was his. We often discussed our legislative problems together. He was deeply concerned about our defense program. He was always strongly on the side of preparedness and strength. He strove to promote the welfare of our country. He was a patriot, an able and devoted servant of his district and the Nation.

OVERTON BROOKS represented the area of Louisiana where I was born. He was the Representative of many of my relatives and dear friends. I had always wished him and his district well. I mourn the loss of a valuable friend and I extend sympathy to the family left behind.

Mr. PASSMAN. Mr. Speaker, I yield to the distinguished gentleman from Texas [Mr. CASEY].

Mr. CASEY. Mr. Speaker, it was indeed a great loss when I learned this morning of the death of a friend, the chairman of my committee. He indeed set an example that will be one for the rest of us to follow. As chairman of the Committee on Science and Astronautics he can well go down in the history of this Congress and this country as having done the most to really put the United States into the space age. His dedication and devotion to duty have been unexcelled.

I wish to extend my sincere and deepest sympathy to his family on their great loss. I know the void will be felt in the House of Representatives for many years to come. He was, indeed, dedicated not only to his country but to his beloved State and to his beloved family.

Mr. Speaker, I join with all of my other colleagues in this sad hour in extending to his family our prayers of comfort.

Mr. PASSMAN. Mr. Speaker, I yield to our beloved and distinguished majority leader and Speaker pro tempore, the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. MCCORMACK. Mr. Speaker, the death of our dear and beloved friend, OVERTON BROOKS, takes from our midst one of the outstanding Members of Congress. His passing takes from me, too, Mr. Speaker, a dear, valued, and close personal friend.

Mr. Speaker, this Chamber is filled with the memories of men who have served our country in the past in an outstanding manner. One of the memories now is the service in this body of OVERTON BROOKS. OVERTON BROOKS served with great distinction in this body—serious, a man who devoted himself to the problems that confront us; a man who served our country with great distinction as a member of the Committee on Armed Services—always on the side of strength which is so important in this trying period in the world's history. He was one who recognized the evil and destructive mind of the Communists.

When the Speaker and I were looking for a chairman of the new and important Committee on Science and Astronautics, we turned to OVERTON BROOKS. He had made a great record for himself and an outstanding record prior to being chairman of the Committee on Science and Astronautics. But, as chairman of the committee, a new committee of the Congress, with its great responsibilities, he made the great and significant contributions to the progress of our country. I consider this committee to be one of the most important in both branches of the Congress of the United States. I consider OVERTON BROOKS as its first chairman has laid a foundation for all future chairmen of the committee to follow and to emulate. As chairman of the committee, he certainly was a pioneer, and it was my pleasure not only to join with the Speaker of the House in drafting OVERTON BROOKS to be chairman of this important committee, but it also was my pleasure to serve under him as a member of the committee.

Mr. Speaker, other Members have covered the many other qualities and attributes of our dear friend so I shall not review them any further. I will close by saying that the friendship OVERTON BROOKS and I had for each other for so many years was a friendship that has enriched my life and one that I shall always treasure. The people of his dis-

trict are justified in feeling proud of the character of service that he rendered while he represented them in this body because he always reflected credit upon them.

Mrs. Brooks and her loved ones can justifiably derive great consolation from the noble life that OVERTON led, not only as an individual, but from the angle of his great contributions to our country during this trying period in the world's history.

To Mrs. Brooks and her loved ones, I extend my profound sympathy in their bereavement.

Mr. PASSMAN. Mr. Speaker, I yield to the gentleman from Georgia [Mr. DAVIS].

Mr. JAMES C. DAVIS. Mr. Speaker, I thank the distinguished gentleman from Louisiana for granting me the opportunity to express my grief and sorrow at the news which we just heard here in the House, and to express in feeble words, which do not actually carry the meaning that I would like to express, the high admiration and personal affection which I had for the gentleman from Louisiana, OVERTON BROOKS, who passed away today.

For a number of years his office was just two doors down the hall from mine on the first floor of the New House Office Building. When he moved into that location, I was amazed to see the diligence which he exhibited, the unusual hours which he worked, and the unflagging attention which he always gave to his congressional duties. I have seen him working in his office on Saturday afternoons, on Sundays, and during the late hours of the night. He was one of the most conscientious Members of the Congress that I have had the privilege to know in keeping up his work.

When he was a member of the Committee on Armed Services there was considerable technical legislation from that committee during the years, and I have on occasion asked OVERTON to join me in the weekly television program which I send down to my district each week to be exhibited to my constituents for the purpose of explaining to them some of the intricate details of legislation coming out of the committee on which he served. He always was glad to comply with my request to go on my program and explain those details. I am confident that his kindness resulted in many people in my congressional district having a clearer understanding of legislation than they otherwise would have had.

He was a kindly person; he was a humble person; he was a person who had the common touch, I believe, and knew the problems of what we commonly refer to as the common man. I learned to have great respect for him; I learned to have personal affection for him. It was a great surprise and shock to me to hear today of his passing.

I join the numerous other friends and colleagues who have already expressed themselves here in extending to his wife and to his family deep and sincere sympathy and to utter the hope that Almighty God will grant them the consolation which only He can give at a time like this.

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and also ask unanimous consent that all Members may extend their remarks in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. EVINS. Mr. Speaker, permit me to join with my colleagues from Louisiana and others in paying a brief but sincere tribute to the life and memory of our distinguished colleague and friend, Hon. OVERTON BROOKS, of Louisiana.

I learned the sad news of his passing just as I walked on the floor, hearing tributes and eulogies to his life and service in the Congress. I am certainly saddened and shocked to learn of his passing.

I admired OVERTON BROOKS as a most dedicated and conscientious Congressman. He was an untiring worker, devoted to his district and State and to the service of our country. His accomplishments were immense in the service of the Nation. He served as the first chairman of the House Committee on Space and Astronautics and devoted himself to the advancement of the art of science and space exploration. His efforts have contributed much to the advancement of the position of our country in the race for supremacy of space in which our Nation is engaged.

We shall miss his genial personality in our presence.

I extend to Mrs. Brooks and the members of his family an expression of my most sincere sympathy in their bereavement.

Mr. JENSEN. Mr. Speaker, I rise to express my deep sorrow in the passing of my esteemed friend and colleague, the Honorable OVERTON BROOKS, of Louisiana.

OVERTON was a kindly and deeply sincere gentleman and a patriot of the highest order. I learned to know him well during our services together here over the past 23 years, and the better I knew him the more I respected him and his good works for the country he so dearly loved.

May Almighty God give his good wife and family strength to bear the great loss they have suffered is my earnest prayer.

Mr. SMITH of Mississippi. Mr. Speaker, the passing of OVERTON BROOKS is a great loss to our country. His devotion to the sound and proper development of our water resources was one of his greatest legislative interests. OVERTON served for many years as president of the National Rivers and Harbors Congress.

He was a patriotic American, completely devoted to the progress and security of our country. I join with his many friends in mourning his passing.

Mr. KILDAY. Mr. Speaker, with real regret I have learned that our colleague, OVERTON BROOKS, has passed away. His untimely passing is a great loss to his district, the State of Louisiana and the Congress of the United States.

For 20 years I served with him on the former Committee on Military Affairs and its successor the Committee on Armed Services. He was totally devoted to his country and its welfare. He was always a strong supporter of our Military Establishment and of adequate national defense.

Upon creation of the Committee on Science and Astronautics in 1959 he was chosen as its first chairman and continued in that position until the time of his death. He labored incessantly to organize the new committee and to launch it upon the successful discharge of its all-important functions. Mr. BROOKS has served with distinction as chairman of that committee as he did as a member of the Committee on Armed Services and the other committees upon which he served during his 25 years of service in this body.

I extend to his wife and the other members of his family my sincere sympathy.

Mr. VAN ZANDT. Mr. Speaker, the announcement of the death of our esteemed colleague, OVERTON BROOKS, of Louisiana, is a source of deep sorrow and I extend my sincere sympathy to members of the Brooks family in the great loss they have sustained.

My good friend OVERTON BROOKS preceded me in Congress by one term, having been elected to the 75th Congress and served the 4th District of Louisiana and the Nation with honor and distinction as evidenced by his reelection to 12 succeeding Congresses.

It was my great privilege to serve with OVERTON BROOKS on the House Committee on Armed Services and during his membership on that committee among his many assignments was his chairmanship of the subcommittee concerned with legislation affecting the Reserve Forces of the Nation. As a result he was recognized as an authority on Reserve matters and the author of various laws affecting Reserve personnel.

In tendering this heartfelt tribute of love and respect for our departed colleague, I am mindful of his great contributions to the national security of this Nation by his deep devotion to his duty in various important assignments as a Member of Congress.

Finally, OVERTON BROOKS was a great American and was blessed with a brilliant mind and sincerity of purpose, using such fine characteristics in establishing an outstanding record as one of the Nation's great lawmakers. OVERTON BROOKS was a kindly individual and I am indebted to him for his wise counsel on many occasions when we discussed pending legislation affecting our Armed Forces.

Mr. Speaker, I join my colleagues in this tribute to the late OVERTON BROOKS because I sincerely mourn the death of such a great American.

Mr. ROUDEBUSH. Mr. Speaker, I would like to join the other Members of the body who have expressed their sympathy on the passing of the Honorable

OVERTON BROOKS, of Louisiana. His death distresses me very much. Although I have known Mr. BROOKS only since January last, when I was assigned to the House Committee on Science and Astronautics, of which Mr. BROOKS served with distinction as the chairman, I admired him very much and especially note the fine and impartial way in which he conducted the affairs of this important committee. Mr. BROOKS received many honors due him for his work in the field of advancing the U.S. space effort. These honors were well deserved. I know that I join with every Member of this body in the realization that our country has lost an outstanding citizen, and a fine leader. I know that his loss will be keenly felt, especially by those of us who worked so closely with him on the Space Committee.

Mr. BELL. Mr. Speaker, it is with great sadness that I learned today of the passing of Congressman OVERTON BROOKS, the dean of the Louisiana congressional delegation. The Government and the people of the United States have suffered a great loss in the demise of this very outstanding citizen. As chairman of the very important Committee on Science and Astronautics, he has contributed substantially to America's successes in its drive toward the conquest of outer space. Being a freshman member of this committee I have had the privilege to serve under Congressman BROOKS and to observe and admire his knowledge and his insight and his tireless efforts to the United States in this field. My heartfelt sympathy goes out to the family of this distinguished patriot, OVERTON BROOKS.

Mr. LIBONATI. Mr. Speaker, our beloved colleague, OVERTON BROOKS, of Louisiana, was a gentle individual who was conscientious in his legislative responsibilities to his State and Nation.

His contribution of ideas and efforts as chairman of the Committee on Space measured him as an expert in this field. His continued service for 12 terms sparkles with the true greatness of this kind and Christian individual in his work.

He was courageous and accepted every challenge presented to him. He loved his dear family and certainly the proud record that was his in public and private life will give them strength to withstand the sadness that has come to them in this critical hour.

As is the experience of every public servant, any criticisms leveled in his direction touched a sensitive core. He was a truly dedicated public servant—honest and considerate in his dealings with his fellow man. God, the ruler of the destiny of man, in His various and wondrous ways called to His own those He loves. And so be it—for it is the only way to everlasting life. He earned that happiness beyond the portals of man's mortal life on earth. May God's blessing welcome him home.

Mr. MORRIS. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to our friend and great American, OVERTON BROOKS. He was my committee chairman and also my friend. Mr. BROOKS was never too busy to help a colleague, he had a kind word for everyone, and my deepest sympathy goes to his wife and daughter.

Mr. HALLECK. Mr. Speaker, for me there are two basic attributes that serve to distinguish a Member of this body during his career in the Congress of the United States.

The first is that he be a man of convictions—and since we operate under a two-party system, all of us must recognize that honest disagreement must be respected.

The second attribute—and it is indispensable to the first—is that a man have the courage of those convictions, because here on the floor of the House of Representatives, we are put to the test, time and again.

OVERTON BROOKS, to my mind, was a Member who possessed both of those attributes.

He came to the 75th Congress, just shortly after I came to Washington, and through the years that we served here together I considered him a real friend, as I hope he did me.

He was a sound, solid American, hard working and conscientious.

His colleagues fittingly called on him to take the important assignment as first chairman of the Space Committee.

Typical of his understanding that ours is a system which gains its strength from a liaison between both sides of the aisle on problems that concern the welfare of the country, he always thoughtfully invited me to attend those functions that might be useful in the furtherance of such understanding. This I appreciated.

His devoted Americanism was reflected, for me, in the fact that he interrupted his college career to serve in the Armed Forces during World War I.

His determination to make something of himself was demonstrated in the fact that he returned to school, after the war, to complete his education.

OVERTON BROOKS' career from that time on justifies the faith he had in his own abilities.

His many contributions to a better country exemplify the American creed of self-reliance, ambition, and initiative.

The loved ones he leaves to carry on may take consolation in his achievements, and to them I offer my heartfelt sympathies in their bereavement.

Mrs. WEIS. Mr. Speaker, it is with sadness and a sense of deep regret that I rise to join in paying respect to the memory of Representative OVERTON BROOKS, the distinguished chairman of the House Science and Astronautics Committee, who passed away this morning.

It has been my privilege to serve on the Science and Astronautics Committee during this past year and, while I did not have the pleasure of knowing Congressman BROOKS as long or as well as some of his other colleagues, I can attest to the fact that there was not a more dedicated or conscientious committee chairman in the Congress than OVERTON BROOKS.

Chairman BROOKS believed deeply in the work of his committee and in the vast importance of space exploration and he gave unstintingly of his time and energies to America's space efforts. It is due in large measure to the work of devoted and farsighted men like OVERTON BROOKS that this country has made such tremendous strides in the peaceful exploration of outer space and the entire Nation is deeply in his debt.

On a more personal basis, in my association with him I found OVERTON BROOKS to be a kind and generous man. His was a cheerful, happy disposition; he always had time in his busy life for a smile and a pleasant greeting for everyone. He was tolerant and unselfish and sincerely interested in the viewpoint of others, and as a result it was a distinct pleasure for me to serve on the same committee with him.

The passing of Representative BROOKS is a great loss to the fine people of Louisiana's Fourth District, whom he represented so ably for over a quarter of a century, and to the Nation. To his family, for whom his passing is the greatest loss of all, I should like to express my most sincere sympathies.

Mr. HORAN. Mr. Speaker, I want to join with my colleagues in paying tribute to our departed colleague, OVERTON BROOKS.

It was my high privilege to know OVERTON personally and to work with him on many occasions. I was aware of his great devotion to this Nation of ours and his keen intent at all times to be fair and to work for the good of all of us—not only for his beloved State of Louisiana, but his interest extended in a personal way even to the State of Washington. It is when one observes one of his colleagues in the matter of his nationwide interest, and even his worldwide interest, that one grows to love and respect such a person as OVERTON BROOKS. Much has been said about his effective work in the Congress, his tremendous interest in the Committee on Science and Astronautics which he headed and his great contributions to progress in those fields. I merely mention them here to accentuate that phase of his great ability.

I wish to join with all of my colleagues in extending my deepest sympathy to the family of OVERTON BROOKS.

Mr. DORN. Mr. Speaker, I was saddened and shocked when informed of the passing of my warm, personal friend, the Honorable OVERTON BROOKS.

OVERTON BROOKS was an institution in this House. He was always friendly, affable, and enthusiastic. He had the type of personality that we enjoyed being associated with. He had a sense of humor and we always looked forward to going on trips with him and having meals with him. He was a gentleman of the old school—with gentle manners and radiating courtesy. He was a true son of the Old South, upholding its traditions, principles, and ideals.

OVERTON BROOKS was more than a southerner. He was more than a loyal citizen of the great State of Louisiana. He was first an American, loyal to his country and a statesman with foresight. As chairman of his great committee, he was one of the leaders of the free world. OVERTON BROOKS gave his life for his country in the heat of battle. This House is a better body having known and associated with OVERTON BROOKS. His

fellow citizens in Louisiana are to be commended for their good judgment in sending him to the service of their country for so long a period.

Mrs. Dorn joins me in extending to his lovely wife and daughter, his colleagues in the House, and his fellow citizens of the great State of Louisiana, my most heartfelt and deepest sympathy.

Mr. RIEHLMAN. Mr. Speaker, it was with considerable sadness that I learned of the passing of our good friend and colleague, OVERTON BROOKS. His presence will be sorely missed here. Having been rather closely associated with him for the past 3 years through our work on the Science and Astronautics Committee, I can attest to the zeal with which he has guided our committee through its infancy in the performance of its most difficult and demanding tasks. His untiring efforts to provide effective legislative guidance for our space program have certainly contributed greatly to the success of that program.

During his years of service, OVERTON BROOKS' recognized ability and sincere and conscientious devotion to duty have left a mark that will not soon be equaled.

I want to extend my condolences to his family in this hour of bereavement.

Mr. WHITENER. Mr. Speaker, it was with a deep sense of sadness that I learned today of the passing of our distinguished colleague and friend from Louisiana, the Honorable OVERTON BROOKS.

The people of the Fourth District of Louisiana have lost an able and devoted Representative and the Nation has lost a statesman whose vision and understanding of the problems of our time earned for him the respect of everyone who had the privilege to know him and observe his work in the Congress. OVERTON BROOKS was an outstanding Congressman and his record of more than 25 years of dedicated service in the House of Representatives stands as a lasting monument to his name.

His long and distinguished career in public service will be a source of inspiration to all of us in the Congress and to his countless friends throughout the country. I want to extend my profound sympathy to the members of his family on their great loss. May they be comforted during their bereavement by the knowledge that our Heavenly Father has opened unto him the gateway to the larger life and has received him into the Divine Presence.

Mr. FLYNT. Mr. Speaker, with the feeling of sadness that accompanies the loss of a friend and colleague, I join in paying tribute to the life and memory of the Honorable OVERTON BROOKS, late a Representative from Louisiana.

I was both shocked and saddened when news reached us a few minutes ago that Mr. BROOKS had passed away. We knew that he had been ill, but we thought that he was recovering satisfactorily. I am sure that all of us were wholly unprepared for the sad news of his death.

From the very first day that I came to Congress, I have known, liked, admired and respected him. I considered him my warm personal friend and I know that he was an able public servant and an outstanding Member of the House of Representatives.

He served as the first chairman of the Committee on Science and Astronautics after it was made a standing committee of the House of Representatives. He helped to pioneer and lead in a new and uncharted field of national legislation. He commanded the support and the respect of the membership of the House of Representatives in his capacity as committee chairman, as well as an individual Member of this body.

From the very first time that I met him until his passing today, I found him always willing and able to be helpful to me as I am sure he was to other Members of the House.

A member of a distinguished family in his native State of Louisiana, he has lived a life of service to his community, his State, his Nation and his fellow man. He will be mourned and missed by all who knew him, not only those of us who served with him in the House of Representatives but by countless thousands of loyal friends and neighbors in his home State. The State of Louisiana and our Nation have today lost an able and dedicated public servant and a fine and honorable gentleman.

Mrs. Flynt joins me in extending to Mrs. Brooks and their daughter our heartfelt sympathy.

Mr. BENNETT of Florida. Mr. Speaker, OVERTON BROOKS was a great leader for things for the betterment of mankind. He had justly earned a powerful place in American Government. Yet, in his passing most of us feel most keenly the loss of him as a daily comrade, a friend, and helper to people and causes needing assistance. I served with him for years on the Armed Services Committee and never did he do anything but helpful and friendly things to those in his large sphere of influence. Our country is more ably defended because of his work on that committee. Then, we all know of his important work as chairman of the Committee on Science and Astronautics. He demonstrated there an ability to envision the new horizons and plateaus that lie ahead for this country and this world. My deepest sympathy goes out to his family and loved ones. I hope that the knowledge that they must have of his great service to mankind will be of some comfort to them in their distress.

Mr. THOMPSON of Texas. Mr. Speaker, I join with my colleagues, particularly those from the State of Louisiana, in grief that we have lost from among us our friend of many years, the Honorable OVERTON BROOKS. Many fine words have been spoken today in tribute to this outstanding statesman. To all of them I subscribe. I would add only a personal experience of my own which I think is typical of the man and is one of those incidents by which he would have wanted to be remembered. Just about a year ago I was asked to find a speaker on the subject of the U.S. program in connection with outer space. The speaker was to address a district convention of the Kiwanis Clubs. I told OVERTON the problem and asked him to suggest someone who could and would do the job. He said, "Why, CLARK, I'll take care of that myself." So last fall, he gave of his busy time to do this for me and my people. He said that it was a small thing to do but to you and me who know so well the value of such personal and thoughtful acts it assumes, quite properly, considerable proportions. In his case it is one of hundreds of similar deeds and it tells something of the reasons why we are so grieved today. My sympathy goes to his family, to his Louisiana colleagues, to his constituents, and to the Nation he served so well.

Mr. ROONEY. Mr. Speaker, I was truly shocked this morning to learn of the unexpected passing of our distinguished colleague, the gentleman from Louisiana, Mr. BROOKS.

OVERTON BROOKS was one of the friendliest and nicest gentlemen I have had occasion to meet over my years. I came to know him well as the result of our having served together during World War II on the then House Committee on Military Affairs. In 1944 OVERTON and I were in a group that visited the battlefields of the Western and Italian fronts.

I feel that I have lost a good friend. This Nation, the State of Louisiana, and his constituents in the Fourth Congressional District of Louisiana have lost a distinguished citizen, a highly competent legislator, and a good friend. His good wife and daughter have my deepest sympathy and prayers in their great loss.

Mr. O'HARA of Illinois. Mr. Speaker, when I came to the Congress OVERTON BROOKS was in his sixth term. He was gracious, generous, and helpful to me in every way. Our friendship ripened during the years of our association together in this Chamber. I shall miss the warmth of his smile and the cheer of his greeting. He served with the 1st Regular Army in France, Belgium, and Germany in World War I, and later as a member of the Committee on Armed Services he served his country with the same patriotic dedication in the field of statesmanship. At the time of his passing he was chairman of the Committee on Science and Astronautics, a leader among the pioneers reaching out for that day when no longer man will be earthbound. His name will be linked with history. To the members of his family I extend my deepest sympathy.

Mr. VAN PELT. Mr. Speaker, I join my colleagues in commemorating the memory of our colleague, OVERTON BROOKS. I came to know OVERTON during my first years in Congress and then became more closely associated with him during the time I have served on the Science and Astronautics Committee of which he was chairman.

OVERTON was one of the most dedicated men I have known, and perhaps it was this dedication that may have contributed to his untimely passing. He was an inspiration to all of us on the committee, and I hope that his family and his friends may find comfort in the reflection of the kind of a life he lived.

I wish for his family every comfort that comes from an abiding faith.

Mr. MILLS. Mr. Speaker, I join my colleagues in the House of Representatives in paying tribute to our departed friend and colleague, the admired and esteemed OVERTON BROOKS, of Louisiana, first chairman of the House Committee on Science and Astronautics.

It was a shock to me as it was to all the Members of the House to learn of his sudden passing. As has been stated, we had been advised that he was recuperating from a recent operation, and it was our hope and expectation that he would rejoin us here on the floor this week.

OVERTON BROOKS possessed in full measure those personal qualities of honor, integrity, and patriotism, of which our colleagues have heretofore spoken. He was a leader and a statesman and his work in establishing our Armed Forces Reserve and the Committee on Science and Astronautics on a sound basis is well known to everyone.

However, I would like to address my brief comments at this time to another quality, that of conscientious devotion to duty. OVERTON BROOKS spent all his working life in taking care of the needs of his district, his committee, and the Nation. He literally worked about a 20-hour day, 7 days a week. He was a man of temperate habits who diligently devoted attention to the best interests of the Nation. He took the time and effort to thoroughly brief himself on matters within the jurisdiction of his committee. As a committee chairman, I am in a position to know what a big task this is. Members also know that in launching a new committee—the Committee on Science and Astronautics—OVERTON devoted himself completely to the task. As its first chairman he established a record of achievement for that committee which will stand the test of time. He paid a great deal of attention to our space program and he is responsible, I believe, in large measure, for the speedup of the program. His death is a loss to the Nation, to the House of Representatives, but his achievements will stand as a monument to his patriotism, devotion to duty, and his integrity in the years to come.

I extend to his family and to his many friends in Washington and Louisiana my condolences and deepest sympathy.

Mr. SISK. Mr. Speaker, I join with my colleagues in the feeling of shock at the loss of our friend and colleague, OVERTON BROOKS.

It was my good fortune to serve with OVERTON on the Select Committee on Space which was created in the shadow of sputnik in 1958 and later to serve under his chairmanship as a member of the Science and Astronautics Committee. I know of his deep concern for America's position in the space race and his determination to make America first in this important field.

At this time, Mr. Speaker, I wish also to comment upon his deep devotion to America and his strong support for the full and complete development of its natural resources, as is evidenced by his long service as an officer of the Rivers and Harbors Congress. He spared no effort in his support of programs for the building of America and those of us in the West shall ever be grateful for his support for the great water projects which have been so vital in building that part of our great country.

OVERTON BROOKS leaves a void in this body which will not be filled. I extend to his family and to his many friends in Louisiana my deepest sympathy on the passing of this great American.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, it was with deepest regret that I learned of the death of our colleague, the gentleman from Louisiana, the Honorable OVERTON BROOKS. In paying tribute I join with those Members who knew him better than I, but I am grateful for the opportunity of serving with him for the past 3 years. I shall always remember his warmth and kindness. He extended to me, as I am sure he did every new Member of Congress, the benefit of his many years of experience in this House.

The degree of admiration and respect which was felt for OVERTON BROOKS has been manifested by the tribute paid him today. But his outstanding contributions have been long recognized by his colleagues and leaders. His most recent and important assignment was as chairman of the Committee on Science and Astronautics, where he played such a crucial part in planning the flight of the first American astronaut. He will be remembered as one who helped move America forward in the field of space and science. It is gratifying to note that only recently he was named as the outstanding Congressman of the Year for Science.

To Mrs. Brooks and to other members of his family, I extend my deepest sympathy.

Mrs. NORRELL. Mr. Speaker, my feeling of regret and sorrow is exceedingly deep and keen at the death of one of my most loyal and best friends, OVERTON BROOKS. To know of the grief of his wife, Molly, and his daughter, Ann, is to live again that tragic time which many of us have experienced. I also know that the many expressions of sympathy help to ease the pain and the sorrow that comes with so great a loss.

OVERTON BROOKS was a fine man, a stalwart man, and a Christian gentleman—one whose ear and heart were attuned to the needs of his fellow man; one who was always anxious to serve the best interests of his country.

OVERTON BROOKS was a man of high ideals and principles, and a man of unquestioned integrity. He brought to the office of Representative from the Fourth District of Louisiana a wealth of knowledge and experience, ability to lead, and an insatiable thirst for information. He was constantly in search of new methods of furthering technological assistance to his beloved United States.

Congressman BROOKS has made a secure place in the hearts and memories of those with whom he served in the Halls of the Congress. His courtesy and thoughtfulness to his colleagues was unfailing.

His innate sensitivity to the needs of those close to him was demonstrated most forcefully to me and to my office staff when sorrow came our way. OVERTON came over to the office and offered his assistance in many ways. None of us will ever cease to love him for his thoughtfulness and his kindness.

To Molly, his beloved wife, and Ann, his adored daughter, may I say that your wonderful memories of many happy years with OVERTON will help you over spots which are made rough with sorrow and loss. You have my deepest sympathy, in which my daughter Judy joins me.

To those of us who had the good fortune to know Congressman BROOKS as our friend, we are indeed made richer by this friendship, and better men and women for his having passed our way.

Mr. HÉBERT. Mr. Speaker, in my 21 years of membership in this body, today marks the first day I have ever served without having OVERTON BROOKS as my colleague. I am still shocked by his death.

Down through the years I learned to know him as a tireless, diligent, and devoted Member who always gave his fullest. Eventually he became chairman of the Committee on Science and Astronautics, one of the most important posts in the free world.

Thus he was to leave this world as it stands at the threshold of the most exciting and meaningful challenge to man in history and this is a challenge that OVERTON shared.

I am not unmindful that his death has touched closely many, many others and accordingly I join with the other Members of the Louisiana delegation in expressing my deepest sympathies to his fine wife, Mollie, and to his lovely daughter, Laura Anne, as well as to the other members of his family.

Mr. ELLIOTT. Mr. Speaker, I join my colleagues in paying a tribute to the memory of OVERTON BROOKS, who departed from us no more than 2 hours ago.

OVERTON BROOKS was my friend throughout the period of my service here.

One only had to know OVERTON BROOKS a short while to realize that he was deeply dedicated to his country and to his district, and that he was wholly committed to their service.

The people OVERTON BROOKS served so long will miss his consecrated concern for their problems. The United States will miss the devotion which he paid her.

Mr. PATMAN. Mr. Speaker, in the passing of our colleague, Hon. OVERTON BROOKS, we have lost a statesman of rare foresight and stature. And my personal loss is indeed great.

OVERTON BROOKS was not only a valued friend, but a neighbor. For a quarter of a century he represented the people of the Fourth Congressional District of Louisiana, which borders on the Texas district which I have had the honor to represent over a period of time. Our geographical proximity gave us many common problems. I know that OVERTON BROOKS represented his constituents with great consideration for their welfare and the welfare of the Nation.

OVERTON BROOKS was a man of vision. He gave up his position as the ranking

member of the Armed Services Committee, which, as we all know, is one of our extremely vital committees, to become chairman of the House Committee on Science and Astronautics. This committee, under his leadership, has proved to be one of our most important committees. In recognition of his many contributions to the works of this committee, Mr. BROOKS was this year chosen as the Congressman of the Year in Science.

OVERTON BROOKS was a pioneer in space technology and we can honor him by carrying on the great work he began, continuing the battle to keep America first and strong.

It is with a deep sadness and loss that we mark the passing of our esteemed colleague and devoted friend.

Mr. BECKWORTH. Mr. Speaker, it is most distressing news to know about the untimely death of my very close congressional neighbor and longtime friend, Representative OVERTON BROOKS, of Shreveport, La.

Since January 1939 I have known well Representative BROOKS. His Louisiana District and the Texas District I have the honor to represent join. We have had many mutual problems legislatively and frequently have discussed ways by which the people of our general area could be benefited.

Representative OVERTON BROOKS has been one of the hardest workers I have ever known. He was a real leader in many lines of congressional effort. No man could have been more loyal to the people of his district, his State and his Nation and to causes destined to endure than Hon. OVERTON BROOKS.

Prior to and during World War II, Congressman BROOKS as a member of the Committee on Military Affairs shouldered a heavy responsibility as America and our allies came from behind in our state of preparation to defend ourselves and then to win in record time the greatest of all wars. The contributions to this overall effort by Representative BROOKS were great indeed.

For many months he has devoted a great deal of time and thought to his duties and obligations as a chairman of one of the most important committees in Congress, the Science and Astronautics Committee. He discharged his duties as chairman of this committee in a highly successful way and no one doubts that the progress we now are making in this realm of activity is due in a large measure to his insight and his active and constant endeavors as the chairman of this very challenging committee.

We all shall miss OVERTON in many ways. May God sustain and comfort his wife and daughter, his other relatives and his many friends in the great loss suffered by them, by us, his colleagues in Congress, and by the people of our Nation.

Mr. GAVIN. Mr. Speaker, it was with profound sadness I learned of the passing of my very good and able friend, OVERTON BROOKS. We have lost an able colleague and dear friend. To those of us who knew him well and shared his friendship, his death carries with it a sense of deep and personal loss.

He was highly respected and genuinely admired by all who knew and worked with him. It was my privilege to serve with him while he was a member of the Armed Services Committee and until he was appointed first chairman of the important Committee on Science and Astronautics.

He was a man who dedicated his life to the service of his district, State, and Nation. He was a hard, conscientious worker and on all problems he responded with a willingness to be helpful in any way that he could.

He had an abiding faith in the principles and ideals of our Government. In all things it can be said he was an outstanding citizen and a great American and his one ambition was to hand on to posterity and the generations of tomorrow, a better America than was handed to him.

Mr. MORRISON. Mr. Speaker, I was shocked to learn of the death of my esteemed and respected colleague from Louisiana, the Honorable OVERTON BROOKS, who for more than 20 years has been my dear personal friend and who has represented the Fourth Congressional District of Louisiana with distinction.

Everyone who knew Representative BROOKS was impressed with his great ability, sincerity, and dedication to the best interests of the people of the United States. As a Member of Congress he has been the ranking member of the Committee on Armed Services, a member of the Committee on Government Operations, and since 1959, he has been chairman of the influential Committee on Science and Astronautics. In each of these important capacities as a Member of Congress he has exerted tremendous influence upon the affairs of our Nation and I can say without fear of contradiction that had it not been for his outstanding service in Congress we would be less able to meet the challenges of the future than we are today.

The Honorable OVERTON BROOKS was a native Louisianian. He graduated from Louisiana State University with honors having completed his law school curriculum in 1923. Until his election to Congress in 1936 he was a highly successful attorney and he served for a time as U.S. commissioner as well as president of the National Rivers and Harbors Congress for 5 years.

Mr. Speaker, the Honorable OVERTON BROOKS lived a life of dedicated service to his fellow man. He was possessed of courage and integrity and indeed he was the kind of Representative in Congress who is desperately needed at this important and critical time in our history. It will be difficult to fill his place.

Not only was Representative BROOKS a patriotic and distinguished American but he was personable and kind—a devoted husband and father—and in every act of his official and private life he was revealed as a deeply religious man.

He is survived by his lovely wife, Mollie; his fine daughter; his wonderful mother; and his devoted brother, Lawrence, who is an outstanding attorney in Baton Rouge, La. I join with his many friends in Louisiana and with my colleagues from Louisiana and from the other 49 States in expressing deep bereavement on this occasion. Yet we know that OVERTON BROOKS, in joining his Maker, will have a special place in the great beyond as he always will have in our hearts.

I am grateful for the opportunity that was given me to serve in the House of Representatives with my distinguished colleague, OVERTON BROOKS, and I extend to his family and loved ones my deepest sympathy on this sad occasion.

Mr. MACK. Mr. Speaker, may I join my colleagues in rendering a heartfelt sympathy with the family of the late Honorable OVERTON BROOKS, a most dedicated servant of the public and this Nation.

As his neighbor in the House Office Building, I shall always remember his friendliness, and respect and admire him for his contributions to the functions of the House of Representatives.

During the past several years he has concentrated a supreme and successful effort to effect technological advancement in the field of space. His leadership as first chairman of the major Committee on Science and Astronautics was both brilliant and talented, and reflected his deep concern for the future of the United States.

Though long hours were spent on this work, this 13-times-elected Representative found time to investigate and plan the development of natural resources, and become the chairman of the Rivers and Harbors Congress.

Through all his responsibilities as have been noted here by my other colleagues, Congressman BROOKS was a fine Christian, a temperate judge, and a patriot of highest degree. He was a man of honesty, integrity and rare imagination in his ability to project upon the present scene his desires for an even better Nation of tomorrow.

Few men, upon their passing, can lay claim to a fuller life of concern, faith and friendship toward their fellow man as did this gentleman from Louisiana. The vacancy left by our colleague will, indeed, be felt by all who knew and worked with him.

Mr. MOELLER. Mr. Speaker, I would like to join my colleagues in commemorating the memory of that fine gentleman and esteemed friend, OVERTON BROOKS, whose untimely passing we all regret.

Since coming to Congress, I have had the great honor to serve with OVERTON BROOKS on the House Committee on Science and Astronautics. It was here I had an opportunity to observe Mr. BROOKS as a friend, as a Member of Congress, and as a leader of men. In addition to being dedicated to the best interests of the citizens of his district—his first allegiance—he was the first chairman of the Science and Astronautics Committee and perhaps the one person most responsible for alerting the Nation and working for a truly effective national space effort.

The people of this country shall be forever indebted to him for the outstanding service he rendered to his Nation. His contribution shall live long after all of us have passed to our eternal reward. And it shall stand as a living monument to OVERTON BROOKS, the man, the friend, and the tireless patriot.

I wish to extend my profound and most heartfelt sympathy to his family on their great loss. His untimely passing will leave a void that will be felt in their home and in the House of Representatives for many years to come.

Mr. FISHER. Mr. Speaker, the untimely passing of our friend and colleague, OVERTON BROOKS, came as a blow to all of us. Having served with him for many years on the House Armed Services Committee, I learned to appreciate his keen understanding of the many ramifications of our national defense problems. He always had a contribution to make in efforts to solve difficult problems that arose. His handiwork is reflected in many legislative acts that are vital to the defense and security of this country. More recently he served with distinction on the Committee on Space and Astronautics, of which he was chairman.

OVERTON BROOKS was a man of high ideals and possessed those sterling qualities of leadership and courage which marked his career. He was indeed an able man, and he served his country well.

I join with my colleagues in this expression of deep sympathy for his family in their bereavement.

Mr. MOSHER. Mr. Speaker, as a first-term Member, it was my privilege to know OVERTON BROOKS only for some 8 months. However, I shall forever feel profoundly grateful for the privilege of having known him and of serving on the committee which he chaired.

Despite the great demands upon his time and energy, resulting from the extremely heavy responsibilities he carried as chairman of the House Committee on Science and Astronautics, OVERTON BROOKS gave friendly and generous attention and sound advice to me as a newcomer on the committee. I am sure that all members of the committee found in him that same generosity and wise attention to them as individuals. We shall sorely miss the courteous fairness with which OVERTON BROOKS conducted our committee sessions.

That sometimes abused phrase "gentleman and scholar" is not at all trite as applied to Chairman BROOKS; I believe it describes him accurately. The intense and intelligent study he gave to the rapidly evolving and enlarging volume of knowledge in the new science of space, and to the other difficult fields of knowledge which came within the purview of his committee, demonstrated his scholarliness. And his gentlemanliness was revealed in the extraordinary traits of character and personality which were combined in him. His was a singularly gentle yet buoyant spirit. I am sure he must never knowingly have hurt another man; I am sure it was his constant wish to be a helpful friend to all with whom he was associated, and he certainly succeeded in that. He was both a courtly gentleman of the old school and a new-age leader of great foresight.

It was constantly evident that Chairman BROOKS had a profound sense of the urgent necessity for our Nation's success in its space program. Personally, I have a feeling that his untimely death may be the direct result of overwork. This mission which he felt so strongly drove him to excessive hours and to the expenditure of excessive energy. His was a great personal sacrifice.

I suggest it is to his undying credit that, although he was completely aware of the military significance of accomplishment in the space sciences, he looked well beyond those uses and beyond any mere sense of rivalry with the Russians, to the far broader, more constructive peacetime uses which he foresaw in the understanding of space. He was a great patriot, but, at the same time, distinctly a man of peace.

OVERTON BROOKS' name most certainly will go down in the records as one of the important pioneers in the vast new era of space. It is most unfortunate that he is lost to us just as we stand on the threshold of that era.

Mrs. Mosher joins with me in extending our profound sympathy to the wife and daughter, and to other members of OVERTON BROOKS' immediate family.

Mr. ALFORD. Mr. Speaker, this is a sad moment for all of us who loved and admired our fallen colleague, OVERTON BROOKS.

I am especially saddened because in the space of a few short years, there had developed a closeness between us. He constantly gave me the benefit of his helping hand as he went about his task in his ever-so-gracious manner.

OVERTON BROOKS was a modest man. Yet, I know some of the great burdens he shouldered. I know how he devoted himself to the task of serving my sister State of Louisiana, and even the entire Southland.

We shall look long before we find another man with his devotion to duty; another man who contributed more of himself to his assigned role in life.

While we shall no longer have this tower of strength to lean upon in our times of trial, we shall always cherish his memory in our hearts.

We have lost a great and a good friend and our prayerful sympathy goes out to his family in this hour of darkness.

Mr. TEAGUE of Texas. Mr. Speaker, I join with the Louisiana delegation and other Members of this body in mourning the loss of one of our colleagues, the Honorable OVERTON BROOKS. I had the privilege of serving with Mr. BROOKS on his Committee on Science and Astronautics and had firsthand knowledge of his keen interest in this subject.

Mr. BROOKS always maintained an interest in the Armed Forces of this country since his service during World War I. When he came to the Congress in 1937 he brought this interest with him and put it to work through his service on the Armed Services Committee. In addition he figured largely in the development of water resources in this country.

The State of Louisiana, the Congress and the Nation mourn the passing of this public servant and his leadership will be greatly missed.

Mr. KEARNS. Mr. Speaker, the untimely passing of our good friend and distinguished colleague, OVERTON BROOKS, of Louisiana, was a great shock to all of us.

He was a man of high ideals and worked untiringly in the cause of good government. He had a profound knowledge of our Nation's problems and gave of his time and effort unstintingly. His counsel and guidance will be greatly missed for he was a dedicated American, devoted to his country and to his congressional district.

Back in 1952, in the 82d Congress, Minority Leader JOE MARTIN appointed me to serve at large on a special Armed Services Subcommittee going to Korea during the crucial days of the Korean war. The bond of friendship I formed with the chairman, OVERTON BROOKS, on that trip will be a wonderful memory as long as I live.

As first chairman of the newly created House Science and Astronautics Committee, OVERTON BROOKS was a pioneer in developing our space program and his vision and foresight were responsible in a large part for the rapid strides we made after an admittedly slow start. His accomplishments in the short years that he served as chairman will live in our Nation's history.

In the 16 years that I served with the gentleman from Louisiana, I was always inspired by his courage, ability, and dedication to his country.

I share with his countless friends their sorrow over his sudden passing and I extend to his wife and family my deepest sympathy. His colleagues in the House will never forget him.

Mr. ARENDS. Mr. Speaker, another of our colleagues has been called to eternal rest. The untimely passing of OVERTON BROOKS is a shock to all of us. I served with him on the Committee on Armed Services and for a time his office was on the same corridor as mine in the New House Office Building. I passed it daily. And I sometimes wondered if his office was ever closed. Even on Sundays he would invariably be at his office.

He was a tireless worker who loved his work. I do not believe anyone could be more conscientious. If anything, he was too conscientious. He asked more of himself than could possibly be expected of any man. It is typical of him that he did not allow himself sufficient time to fully recover from an operation, with the result that he had to be readmitted to the hospital and a few days later passed on to eternity.

OVERTON gave his life in his conscientious effort to serve his people of Louisiana and his country. As chairman of the important Committee on Science and Astronautics, he carried more than an ordinary burden. He had the innumerable and truly perplexing problems that one faces in organizing a new committee and of a committee which would have jurisdiction over a subject only in the embryonic stages. OVERTON BROOKS

served as a pioneer and his dedication to his work resulted in the many things that have been accomplished by this new standing committee of the House.

No job was too big for OVERTON. Nor could he be assigned too many jobs. The bigger the job, the more duties and responsibilities he had, the better he liked it. He sought always to serve. And he served well. He served well on the Committee on Armed Services, but he saw an opportunity for larger service when he took over the chairmanship of the Committee on Science and Astronautics.

With the passing of OVERTON BROOKS we have lost an invaluable colleague, and I have lost a personal friend. I extend my sincerest sympathy to his wife and family. I share their loss.

Mr. PASSMAN. Peace be with you, OVERTON.

Mr. Speaker, I offer a resolution—House Resolution 467—and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That the House has heard with profound sorrow of the death of the Honorable OVERTON BROOKS, a Representative from the State of Louisiana.

Resolved, That a committee of 11 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER pro tempore. The Chair appoints as members of the funeral committee the following members on the part of the House: Mr. HÉBERT, Mr. MORRISON, Mr. BOGGS, Mr. PASSMAN, Mr. WILLIS, Mr. THOMPSON of Louisiana, Mr. MCSWEEN, Mr. GEORGE P. MILLER of California, Mr. CHENOWETH, and Mr. VAN PELT.

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect, the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 2 o'clock and 11 minutes p.m.), the House, under its previous order, adjourned until Monday, September 18, 1961, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1316. A letter from the Administrator, Small Business Administration, transmitting a report reflecting estimated obligations by principal activities of the Small Business Administration for the period January 1 through June 30, 1961, pursuant to the Small Business Act, as amended; to the Committee on Banking and Currency.

1317. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to amend section 2 of the act of July 31, 1947 (61 Stat. 681), and for other purposes"; to the Committee on Interior and Insular Affairs.

1318. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report designed to provide the Committee on Science and Astronautics of the House of Representatives with information outlined in section 3 of the act of July 21, 1961 (75 Stat. 216, 217), and is submitted to the Speaker of the House of Representatives pursuant to rule XL of the House of Representatives; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLS: Committee on Ways and Means. H.R. 7859. A bill to amend the Internal Revenue Code of 1939 to provide a credit against the estate tax for Federal estate taxes paid on certain prior transfers in the case of decedents dying after December 31, 1947; without amendment (Rept. No. 1200). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HARRIS:

H.R. 9264. A bill to authorize the Secretary of the Army acting through the Chief of Engineers to replace certain bridges in Chicot County, Ark.; to the Committee on Public Works.

By Mr. MORRISON:

H.R. 9265. A bill to amend the Federal Employees Health Benefits Act of 1959 and the Retired Employees Health Benefits Act so as to provide health benefits coverage for certain additional classes of annuitants, to permit additional choice of type of family enrollment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. O'BRIEN of New York:

H.R. 9266. A bill to assist the several States in establishing hospital facilities and programs of posthospital aftercare for the care, treatment, and rehabilitation of narcotic addicts, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS:

H.R. 9267. A bill to place certain limitations on the authority of the Federal Communications Commission to delete previously assigned VHF television channels, to give the Commission certain regulatory authority over television receiving apparatus, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Pennsylvania:

H.R. 9268. A bill to prohibit discrimination in education, housing, public accommodations, and employment, or against public officials because of race, color, religion, ancestry, or national origin, and for other purposes; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 9269. A bill to prohibit discrimination in education, housing, public accommodations, and employment, or against public officials because of race, color, religion, ancestry, or national origin, and for other purposes; to the Committee on the Judiciary.

By Mr. TOLL:

H.R. 9270. A bill to prohibit discrimination in education, housing, public accommodations, and employment, or against public officials because of race, color, religion, ancestry, or national origin, and for other purposes; to the Committee on the Judiciary.

By Mr. MARTIN of Nebraska:

H.R. 9271. A bill to prevent the application or exercise of monopoly power by employers and labor organizations in employing or representing labor, to amend the Labor Management Relations Act, and for other purposes; to the Committee on the Judiciary.

By Mr. DEROUNIAN:

H.J. Res. 578. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. PILLION:

H. Res. 468. Resolution calling for a plebiscite in West Berlin upon the question of its sovereignty; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. OSMERS introduced a bill (H.R. 9272) for the relief of Rade Kobila, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

211. The SPEAKER presented a petition of Minnie F. Koonsman and others, Pueblo Chapter, Daughters of the American Revolution, Pueblo, Colo., relative to opposing legislation to establish a U.S. Disarmament Agency, which was referred to the Committee on Foreign Affairs.

SENATE

SATURDAY, SEPTEMBER 16, 1961

The Senate met at 10 o'clock a.m., and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Lord, Thou lover of mankind, in whose hand are the final issues of life: in a day when loud voices of evil threaten to overwhelm all that gives dignity to the individual, we steel ourselves in the assurance that although the wrong seems oft so strong, Thou art the ruler yet. In that faith we dedicate all we think and speak and do this new day.

Thou hast given us our yesterdays and their record is in Thy book of remembrance. Our memories of temptations resisted and victories won are secure. Our tomorrows are within Thy loving care as the future lies before us. Today is ours. Help us to command it, to seize it, to mold it to Thy purposes, and, being true to our best selves, to serve the Nation and this ailing world in the spirit of that Holy One in whose name we pray. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, September 15, 1961, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour for the transaction of routine business. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs:

Philleo Nash, of Wisconsin, to be Commissioner of Indian Affairs.

The VICE PRESIDENT. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

U.S. ATTORNEY

The legislative clerk read the nomination of Alton A. Lessard, of Maine, to be U.S. attorney for the district of Maine for a term of 4 years.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

DISTRICT JUDGE

The legislative clerk read the nomination of Paul D. Shriver, of Colorado, to be judge for the District Court of Guam for a term of 8 years.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

Mr. MANSFIELD. Mr. President, are we still proceeding in the morning hour?

The VICE PRESIDENT. Is there further morning business?

Mr. MANSFIELD. Mr. President, we are still proceeding in the morning hour, are we?

The VICE PRESIDENT. That is correct.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MONRONEY (for Mr. MAGNUSON), from the Committee on Commerce, without amendment:

S. 2396. A bill for the relief of the State of Louisiana (Rept. No. 1074).

By Mr. JOHNSTON, from the Committee on the Judiciary, without amendment:

S. 2102. A bill to redesignate the Jefferson division of the eastern district of Texas as the Marshall division (Rept. No 1075).

BILL INTRODUCED

A bill was introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mrs. NEUBERGER:

S. 2564. A bill to amend the Federal Employees Health Benefits Act of 1959 and the Retired Federal Employees Health Benefits Act so as to provide health benefits coverage for certain additional classes of annuitants, to permit additional choice of type of family enrollment, and for other purposes; to the Committee on Post Office and Civil Service.

(See the remarks of Mrs. NEUBERGER when she introduced the above bill, which appear under a separate heading.)

RESOLUTION

RELATIVE TO THE DEATH OF THE LATE REPRESENTATIVE OVERTON BROOKS, OF LOUISIANA

Mr. ELLENDER (for himself and Mr. LONG of Louisiana) submitted a resolution (S. Res. 213) relative to the death of the late Representative OVERTON BROOKS, of Louisiana, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. ELLENDER, which appears under a separate heading.)

EXTENSION OF FEDERAL EMPLOYEES' HEALTH PROGRAM TO WIDOWS AND CERTAIN DEFERRED ANNUITANTS

Mrs. NEUBERGER. Mr. President, almost 6 million persons are participating in the two health benefit programs administered by the U.S. Civil Service Commission for Federal employees, dependents, and retirees. The program for active employees and future retirees started operation July 1, 1960, and for the already retired on July 1, 1961.

The Commission has approved 37 health plans that will participate in the Federal employees' health benefits program for the next contract year, which begins in November. Those participating and underwriting the health coverage are located in all parts of the country.

There are a number of reasons for the success of the Federal employees' health benefits program. Participation in the program is voluntary, and each Federal employee or annuitant has an opportunity to elect freely whether to participate. More than 90 percent have elected to do so.

CHOICE OF HEALTH PLANS

There is a free choice among several health benefit plans available to each person. There are the two Government-wide programs, the service benefit plan and the indemnity benefit plan. There are employee organization plans, such as the National Federation of Letter Carriers, United Federation of Postal Clerks, National Rural Letter Carriers, and the American Federation of Government Employees, to name only the four largest. There are also comprehensive medical plans, offering group practice plans, such as Group Health Association here in Washington, D.C., and individual practice plans such as offered by the National Hospital Association of Portland, Oreg.

Each employee has the choice of a high or low option, differing in cost and the extent of health coverage, and roughly 80 percent of Federal employees enrolled have enrolled in the high option coverage.

The cost of the health coverage is divided between the Government and the employee, with the employee paying approximately 60 percent of the costs. The employees' contribution is financed by payroll and annuity withholding, so that orderly payment procedures are established.

Also, the participation of such a large group of Federal employees, their dependents, and retirees, makes far broader coverage available than can be purchased on an individual or small group basis. The Federal employee health coverage program is the largest single health coverage plan in the United States and one of the largest in the world.

CIVIL SERVICE COMMISSION COMMENDED

I commend the U.S. Civil Service Commission and its Bureau of Retirement and Insurance, Mr. Andrew J. Ruddock, its Director, and Mr. David F. Lawton, Deputy Director, for the success in administration of this difficult and extensive program.

Unlike some health coverage proposals, the Federal employees health benefits program has had the active support of the American Medical Association, American Hospital Association, Federal employee organizations, and the health insurance industry. The legislation was overwhelmingly passed by the Congress, the Senate vote was 81 to 4, and the vote in the House of Representatives was 383 to 4.

When the Oklahoma program passed the Senate it was described by the Senator from Oklahoma [Mr. MONRONEY], the distinguished ranking Democratic member of the Post Office and Civil Service Committee, as one of the most important pieces of legislation for Government workers during his 21 years of congressional service. The Senator from Kansas [Mr. CARLSON], the able and ranking Republican member of the Post Office and Civil Service Committee, described the legislation as opening a new

era of security-assured independence for Federal employees. Its passage has been hailed on numerous occasions by the hardworking and distinguished Post Office and Civil Service Committee chairman, the Senator from South Carolina [Mr. JOHNSTON], who has pioneered so much in the field of favorable Government employee legislation.

Mr. President, we have had more than a year's experience under the program and a number of changes are needed to strengthen and liberalize it. Several of these changes are in the nature of housekeeping amendments which will improve the program, while two others will provide an opportunity for additional persons to elect coverage under the health program.

Mr. President, I introduce, for appropriate reference, a bill to amend the Federal Employees Health Benefits Act of 1959 and the Retired Federal Employees Health Benefits Act so as to provide health benefits coverage for certain additional classes of annuitants, to permit additional choice of type for family enrollment, and for other purposes.

Mr. President, this legislation is designed to accomplish four major objectives:

First. To allow deferred annuitants with 20 years or more of creditable Federal service to elect to participate in the health coverage program.

Second. To allow the so-called pre-1948 widows to elect to participate in the health coverage program.

Third. To permit, at her option, a married woman employee of the Government to obtain family-plan coverage and exclude from coverage a nondependent husband.

Fourth. To allow the Civil Service Commission to terminate participation of a group-practice prepayment or individual practice prepayment carrier which has less than 300 enrollees.

Under the present law, no deferred annuitant, regardless of how long he has been employed by the Federal Government, is eligible for participation in the Federal employees health benefits program after he leaves Federal service and when he retires. Under the present law an annuitant to be eligible for coverage must retire on an immediate annuity with a minimum of 12 years of service. It is possible for a person to retire on an immediate annuity with as little as 12 years Federal service and qualify for health coverage, while a person might have 20, 25, or 30 years creditable Federal service but not retire with an immediate annuity and be disqualified from participating. This is an injustice which I believe needs correction.

Under the terms of the bill I am proposing, a Federal employee who has at least 20 years of creditable Federal service might elect to participate under the health benefits program once he starts to draw his annuity benefits from the Civil Service Commission. It is worth remembering that 60 percent of the cost of the health coverage program is borne by the employees and annuitants themselves, through monthly withholdings.

Approximately 5,000 deferred annuitants with 20 years or more Federal service, presently drawing retirement benefits, would be eligible to participate in the health coverage program if this amendment were adopted. The cost of providing this extended coverage would probably be about $100,000 per year.

In 1948 Congress wisely enacted legislation providing survivor and widow retirement benefits, but the pre-1948 widows have been ruled ineligible to participate in the health benefits program. Approximately 17,000 widows would be given the option of participating in the retired health program.

My third amendment would correct an injustice involving women employees of the Government. Today a married woman Government employee, in order to obtain family health coverage, must pay the health coverage costs for her nondependent husband. In cases in which the husband and wife are separated but not divorced, the wife, in order to obtain family health coverage, must pay the entire costs for the nondependent husband. In other cases, the husband is provided coverage because of his non-Government employment, but the wife, a Government employee, is forced to provide duplicate coverage for the husband in order to obtain family health coverage. My proposal provides that the woman may, at her option, exclude a nondependent husband and avoid paying the costs of her husband's health coverage.

My fourth proposal would permit the Civil Service Commission to terminate the contract of any group-practice prepayment or individual-practice prepayment carrier at the end of a contract period. This could be done if the Commission finds that during the preceding two contract periods the carrier did not have 300 or more employees and annuitants enrolled in its plan.

The Federal employees health benefits program is designed to give employees a free choice of plans. It is obvious those attracting very few enrollees, where other suitable health plans are available, should be terminated. Under the present law there is no way that the Civil Service Commission can terminate such a carrier. The continuation of such carriers unnecessarily runs up the cost of administering the health program, and creates numerous administrative difficulties for the Commission. The rights of Federal employees would be fully protected.

Mr. President, my bill has been drawn with the cooperation of Federal employee leaders and other interested parties. I ask unanimous consent to place at this point in my remarks a letter received from Mr. Jerome J. Keating, vice president, National Association of Letter Carriers, endorsing this legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF LETTER CARRIERS,
Washington, D.C., September 12, 1961.

Mr. WALTER H. DODD,
Office of Senator Maurine B. Neuberger, U.S. Senate, Washington, D.C.

DEAR WALTER: I received the draft of the bill that Senator NEUBERGER is going to introduce and I think it is a very excellent bill. All eventualities are well covered, including coverage for deferred annuitants.

I think it is an excellent bill and I wish you would convey to Mrs. NEUBERGER our deepest appreciation for introducing this much needed legislation. We will certainly give it our complete support.

With very best wishes, I am

Sincerely,

JEROME J. KEATING,
Vice President.

Mrs. NEUBERGER. Mr. President, I am pleased to report that a companion bill to the proposal that I am introducing is being introduced in the House of Representatives by the Honorable JAMES H. MORRISON, ranking Democratic member of the Post Office and Civil Service Committee and a leader in sponsoring beneficial Federal employee legislation.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2564) to amend the Federal Employees Health Benefits Act of 1959 and the Retired Federal Employees Health Benefits Act so as to provide health benefits coverage for certain additional classes of annuitants, to permit additional choice of type of family enrollment, and for other purposes, introduced by Mrs. NEUBERGER, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

AMENDMENT OF THE CLOTURE RULE — STATEMENT BY TWO GROUPS OF SENATORS

Mr. MANSFIELD. Mr. President, yesterday there were released to the press two statements dealing with the question of the cloture rule, rule XXII. One was signed by 10 Republicans Senators; the other was signed by 27 Democratic Senators. In substance, both releases are the same. They express the feelings of these 37 Members of the Senate that the decision to consider rule XXII at the end of the session, rather than at the beginning, was ill advised and certainly not of their doing.

The Senators are entitled to their views in regard to this matter; and I have every respect for their opinion, even though I do not agree with it.

Our difference, however, may stem from the fact that we are looking at the matter in different perspectives. The leadership is not permitted the luxury of considering rule XXII in a vacuum. The leadership has had to consider this matter as one among many matters of domestic and foreign affairs, all of which have required the urgent attention of the Senate in the light of the total needs and interests of the Nation.

The fact that consideration of rule XXII has been made one of the last matters of business does not mean that it is the least important. On the contrary, it may be among the most important. What it does mean is that in the judgment of the leadership—and I mean the joint leadership—and in the light of legislative realities in the Senate, as the leadership has understood them, this order of consideration promised the best possible output of Senate business for the benefit of the Nation as a whole and all of its citizens.

Would we, we might ask, be better off with the change in rule XXII, but with no extension of unemployment insurance?

Would we, we might ask, be better off at this point with the change in rule XXII, but with no distressed areas legislation?

Would we, we might ask, be better off with the change in rule XXII, but without the expansion of the social security benefits which will bring an additional 4½ million citizens under that protection?

I do not say that those and other essential measures would not have been passed by the Senate——

The VICE PRESIDENT. The time available to the Senator from Montana, under the 3-minute limitation, has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for an additional 3 minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I repeat that I do not say that those and other essential measures would not have been passed by the Senate if rule XXII had been considered at the outset of the session, rather than at the end. All I can say, Mr. President, is that there are only so many hours in each day, only so many days in each week, and only so many weeks in each session; and one of the responsibilities of the leadership is to make judgments as to how this time may be most effectively utilized in the total interests of the Nation.

The judgments in this respect for the current session may have been right, or they may have been wrong. In any event, they have had to be made, and they were made, by the leadership of the Senate. It will be for others to judge the efficacy of these judgments.

But there is one point I wish to make with regard to the statement of the Republican Members on rule XXII, to which I have referred. It would fix the responsibility for the judgments in regard to rule XXII not only on the majority leader, but on the President, as well. Let me make a slight correction: Let me say to these Members that insofar as any matters, such as rule XXII, pertaining to the internal operation of the Senate—a matter entirely within the jurisdiction of the Senate—is concerned, it would be most improper and inaccurate to attribute, in any way, shape, or form, the decisions to the President. I am somewhat surprised that these Members would invite the President to assume responsibilities as regards a proposed change in rule XXII, or would attribute to him responsibilities which can be assumed, and which were assumed, only by the Senate and its leadership.

Let me say, incidentally, that I have never, on any occasion, discussed this matter with the President of the United States, because this is not his business. This is our business.

If I may say one thing more: If any blame attaches to the judgments which were made at this session, it should be directed to me. But to the extent that some beneficial achievements may have grown out of these judgments, I certainly wish to have the distinguished minority leader [Mr. DIRKSEN] receive a full measure of credit for them, because he deserves it, for not only has he cooperated closely as regards the judgments on rule XXII, but he has done likewise as regards the judgments on all other matters of Senate business and procedure during the current session. I am deeply grateful to him for that cooperation, for it has been an essential part of the functioning of the Senate during the 1st session of the 87th Congress.

Mr. President, I ask unanimous consent that the two press releases previously referred to be printed at this point in the RECORD.

Mr. CLARK. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield if I have time in which to do so.

Mr. CLARK. Do the press releases contain the signatures?

Mr. MANSFIELD. Yes.

Mr. CLARK. I thank the Senator from Montana.

The VICE PRESIDENT. Is there objection?

There being no objection, the releases were ordered to be printed in the RECORD, as follows:

SEPTEMBER 15, 1961.

The following is the text of a statement released today by 27 Democratic Senators concerning the Senate leaderships' decision to attempt a modification of the Senate antifilibuster rule prior to adjournment.

DECLARATION ON RULE XXII

"We are prepared if necessary to stay in session until we have an opportunity to vote for a change in rule XXII.

"But we want to make two things crystal clear. One, the end of the session is the worst possible time to try to change the Senate's rules. Two, the timing of this effort was not selected by us.

"We have said in prior debates and we say again now that the rules question can best be settled at the opening of a new Congress. At that moment, a majority of the Senate of the new Congress has the constitutional right to determine its rules without minority obstruction. In contrast, at this moment the majority and minority leaders are planning to seek a two-thirds vote of the Senate to cut off a filibuster and make it possible for a majority to change the rules.

"Last January, at the outset of the new Congress, we sought to have the Senate adopt a new rule XXII. A substantial majority of Senators, including majority and minority leaders, favored cloture by three-fifths of the Senators present and voting. A large group favored cloture by majority vote.

"But the majority and minority leaders moved on January 10 to refer all pending resolutions to change the rules to the Committee on Rules and Administration. They promised that the matter would be brought up later in the Congress. The Committee on Rules and Administration has now reported without recommendation a resolution providing for cloture by three-fifths of those present and voting and the majority leader has announced that he will bring this resolution before the Senate shortly, thus complying with his commitment to the Senate.

"This has been a long and exhausting session. It is no secret that it is only the pending appropriations bills which keep many Senators in the city. Opponents of a rules change can now filibuster with more confidence knowing that many Senators have engagements abroad (including the important Interparliamentary Union Conference commencing September 14) and many others have long-standing dates back home. Recognizing this adjournment fever, the majority leader has himself indicated that this effort to change the rules must be a short one and that, if cloture cannot promptly be obtained, the effort will be abandoned for the duration of this Congress. It is obvious that some Senators who would vote for cloture after a full debate will not do so after only a few days of discussion.

"JOSEPH S. CLARK, CLINTON P. ANDERSON, QUENTIN N. BURDICK, FRANK CHURCH, CLAIR ENGLE, PHILIP A. HART, EUGENE J. MCCARTHY, WAYNE MORSE, EDMUND S. MUSKIE, JOHN O. PASTORE, WILLIAM PROXMIRE, BENJAMIN A. SMITH II, HARRISON A. WILLIAMS, JR., FRANK J. LAUSCHE, PAUL H. DOUGLAS, E. L. BARTLETT, JOHN A. CARROLL, THOMAS J. DODD, ERNEST GRUENING, EDWARD V. LONG, PAT MCNAMARA, FRANK E. MOSS, MAURINE B. NEUBERGER, CLAIBORNE PELL, JENNINGS RANDOLPH, STUART SYMINGTON, STEPHEN M. YOUNG."

SEPTEMBER 15, 1961.

The following is a text of a statement released today by 10 Republican Senators:

"DECLARATION ON RULE XXII

"We are prepared to stay in session and fight for a change in rule XXII just as long as may be necessary. A change in rule XXII is precisely what was promised by the Republican national platform of 1960.

"But we want to make one thing crystal clear—the timing of the upcoming effort to win Senate approval for an effective curb on the filibuster is not of our choosing. It is the responsibility of the administration and the majority leadership.

"Last January, at the outset of the new Congress, we sought to have the Senate adopt a new rule XXII. A substantial majority of Senators, including majority and minority leaders, favored cloture by three-fifths of the Senate present and voting. A large group favored cloture by majority vote.

"But the majority leader moved on January 10 to refer all pending resolutions to change the rules to the Committee on Rules and Administration and promised that the matter would be brought up later in the Congress. We opposed this move, voted against it, and predicted it probably would mark the death knell of any hope for revising rule XXII in the 87th Congress. The Committee on Rules and Administration has now reported without recommendation a resolution providing for cloture by three-fifths of those present and voting and the majority leader has announced that he will bring this resolution before the Senate on September 16.

"This has been a long and exhausting session of the Senate. It is no secret that it is only the pending appropriations bills which keep many Senators in the city. Opponents of a rules change can now filibuster with more confidence knowing that many Senators have official engagements abroad and many others have longstanding commitments back home. Recognizing this adjournment fever, the majority leader has himself indicated that this effort to change the rules must be a short one and that, if cloture cannot promptly be obtained, the effort will be abandoned.

"We said in January 1961, and we say again now, that the rules question can best be settled at the opening of a new Congress. At that moment, a majority of the Senate of the new Congress has the undoubted

constitutional right to determine its rules without minority obstruction. In contrast, at this moment the majority leader is planning to seek a two-thirds vote of the Senate to cut off a filibuster and make it possible for a majority to change the rules.

"We chose the opening of Congress in January as the time to give this body the chance to work its will on the rules. The administration and the majority leadership thought differently and, exercising their prerogative, have chosen the end of the session. Although this is a bad time to win a meaningful change in rule XXII, we will support their efforts with all the strength at our command.

"But we emphasize that the responsibility is that of the administration and the majority leadership.

"GORDON ALLOTT, J. GLENN BEALL, PRESCOTT BUSH, CLIFFORD P. CASE, JACOB K. JAVITS, KENNETH B. KEATING, THOMAS H. KUCHEL, HUGH SCOTT, MARGARET CHASE SMITH, ALEXANDER WILEY.

"(NOTE.—Mr. WILEY concurs in this declaration with exception of second sentence in fourth paragraph, as he voted to recommit on January 10.)"

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The VICE PRESIDENT. The Senator from New York requests unanimous consent that he may proceed for 5 minutes. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I have heard with the greatest interest the statement of the majority leader. Of course, this is the morning when we expected this matter to be raised.

Let me remind the majority leader that in January, the Vice President, when in the chair, stated that he was prepared to rule that a majority of the Senate, acting under its constitutional powers, could close off debate in regard to the taking of a vote on a proposed change in rule XXII, whereas now we are faced with a situation in which the majority leader concedes—because of the action which we know he contemplates today in connection with a cloture petition—that debate on a proposed change in rule XXII can be closed only by the votes of two-thirds of the Members present and voting; and all of us know that is very difficult to attain, although we hope very much we can attain it. So, in our view—and I speak of the view of those who regard this matter in the way that I, myself, do—there is that very fundamental difference—a difference equivalent to the difference between life and death—in connection with any effort to make any change now in rule XXII. Let us have no misunderstanding about that. It is a great difference. It is a substantive difference. Much as I respect and admire the majority leader, whether he did it wittingly or unwittingly, there was a great handicap in the effort to amend rule XXII by the layover from January to September by that fact alone. Let us understand that 46 Members of the Senate—no inconsiderable number—15 Republicans and 31 Democrats, thought exactly that, and voted against the motion to commit to the Committee on Rules and Administration.

The next point made is that rule XXII and its revision is one among many matters of domestic and foreign concern. The majority leader says it is among the most important, but one among many.

I deeply believe, and I think many believe with me, that when we are constantly under the threat of a filibuster, not just on civil rights, but in other fields, legislation is far more influenced by a minority of the Senate than it has any right to be in this modern time and in this constitutional Republic. This is a critically important tool which goes to all legislation. I do not know whether unemployment compensation, distressed areas, or expansion of social security legislation is as good as it ought to be in terms of the interest of this country, and if it is not, I give part of the fault to the archaic rule XXII as it stands today.

Finally, Mr. President, for days we did nothing. We did absolutely nothing, and we could have been debating so critically an important matter as rule XXII. When we say Cabinet appointments had to be approved, we have time and time again in the civil rights debate set the debate aside for a conference report or some other measure the leadership wanted, without any trouble. We could have done that as to Cabinet appointments.

Finally, the point about the President and the administration. Yes, the Republican statement said the administration and, as far as I am concerned, the Republican statement meant the administration. This is why. We cannot live in a vacuum. We cannot insulate the Democratic Party of the Senate, which is the same party as that of the President of the United States——

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. We certainly can, as far as affects the Senate and the Senate only. But I want to say again this matter has not been discussed with the President, has not been, and should not be; but under all circumstances, it should be remembered by every Member of this body, this is our business, and our business alone. I would resent any intrusion by the executive branch. There has been no intrusion. There has been no advice on his part.

Mr. JAVITS. Let us test that by the facts. The President did not have any hesitancy about interfering with the rules of the House of Representatives.

Mr. MANSFIELD. This is not the House.

Mr. JAVITS. I understand, but it is a coordinate body. I thoroughly admire the majority leader, and when he makes that statement, I will take his word. But that does not change the situation. He need not talk to the President, and the President need not talk to him, but it does not relieve anybody's responsibility. The Democratic Party platform says we should do something about civil rights. We have not done it. We have tabled every attempt. We have loaded the deck——

The VICE PRESIDENT. The time of the Senator has expired.

Mr. JAVITS. I ask for 1 additional minute.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. I hope and pray it works today. Thirty-seven Members of the Senate, in a statement, have said that, notwithstanding the bad judgment as to timing, they are going to stay here and see the whole thing through. But it is certainly not well timed. It is not well starred. If one wants to get credit for great things, he must take the debit for things which, in my judgment, hurt the country.

Mr. CLARK. Mr. President——

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. CLARK. Mr. President, I commend the majority leader for the temperate statement he has made, respecting a matter which inevitably tends to arouse high feelings. As he said, it must be a matter of judgment for an individual Senator as to whether or not certain measures would have or would not have been passed had the question of a change of rule been forced to some sort of decision last January. It is my view, and that of 26 other colleagues on this side of the aisle, that it would have been wiser to have brought the matter to a decision by a vote last January, which could have been decided by a simple majority. However, the majority leader may well be right in his thought in that regard, and I have no criticism of him whatever. I did not sign the cloture petition which will be shortly presented, because, in my view, as we 27 Democrats have said, while we are prepared, if necessary, to stay in session until we have an opportunity to vote for a change in rule XXII, we also should, in my opinion, make two things clear. First, the end of the session is the worst possible time to try to change the Senate's rules. Second, the timing of this effort was not selected by us.

It is also a fact that many of my colleagues who are aware that civil rights is an important political issue did not sign the cloture petition soon to be offered. We felt strongly this was not the right time to endeavor to bring about this change. However, I will vote for cloture when the time comes, and I am sure that most Democrats will support the majority leader in his effort to bring this matter to a vote next week.

I close by stating that I approve wholeheartedly the position the majority leader has taken with respect to the President of the United States. I agree with him. I disagree with the Senator from New York. I note that John Kennedy had not even taken the oath of office as President during the Senate debate on rules last January. This is a matter for the Senate alone. What the President did during the rules debate in the House of Representatives is a matter between him and the House. Here we ought to be able to arrange our own rules as we want to arrange them, without interference by the President.

Mr. ERVIN. Mr. President, I have been thinking about a matter which I wish to submit for the consideration of the Senate, a proposal which ought to have very strong appeal for those who wish to expedite the work of the Senate and curtail the rights of Senators with whom they disagree in their efforts to represent their States.

I would suggest for the consideration of the Senate that we adopt a rule allowing each Senator 30 hours in which to speak during each session of the Senate, and providing that after he has exhausted his 30 hours, he will not be permitted to speak another word on any subject without the unanimous written consent of all other Members of the Senate. This would expedite the work of the Senate to the highest degree.

I do not intend to support the proposal, because I do not believe in limiting debate in the Senate. But I suggest this to those of our brethren who think the work of the Senate should be expedited and who think that Senators who disagree with them ought to be silenced.

Mr. MANSFIELD. Mr. President——

The VICE PRESIDENT. The Senator from Montana.

Mr. MANSFIELD. Is there further morning business?

Mr. CARROLL. Mr. President, I desire to associate myself with the remarks of the able Senator from Pennsylvania. I fully support the position of the majority leader in his presentation this morning.

I think I should say for the RECORD, I am one of those who have joined with the able Senator from Pennsylvania on other occasions in an effort to expedite action with regard to rule XXII at the beginning of the session. I differ with the Senator's position, in that I did sign the cloture petition. I think the RECORD should show why I did.

The able Senator from Pennsylvania says the Senators will vote for cloture. I thought, so long as I shall vote for cloture, I ought to sign the petition. This is meant as no criticism against the able Senator from Pennsylvania. I do not wish it in any sense to be used as a critique against the junior Senator from Colorado. That is the reason why I signed the cloture petition.

I am sure the able Senator from Pennsylvania understands my reasons in that regard.

Mr. CLARK. Mr. President, I certainly understand the views of the Senator from Colorado. I think his State is in quite a different position from mine in connection with the cloture petition. I honor him for what he has done.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial entitled "Test for the Senate," on the subject we have been discussing, which was published in the Washington Post and Times Herald September 15.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TEST FOR THE SENATE

It is unfortunate that the Senate, now approaching the end of a gruelling session, must launch into a debate on changing its rule for the control of filibusters. There is, however, no alternative to taking up the filibuster issue before adjournment. Last January a number of liberal Senators sought to amend rule XXII after Vice President Nixon had promised to rule that a change could be effected at the beginning of the session by a simple majority vote. But the votes were not at hand. Majority Leader MANSFIELD persuaded his colleagues to refer the problem to the Rules Committee in order to avoid a prolonged and futile filibuster at the beginning of the Kennedy administration. His maneuver was accompanied by a pledge that the committee would return to the floor with a tighter debate-limiting provision before adjournment, and that pledge must now be respected.

There may be some advantage in having the issue debated on its own merits at a time when no urgent civil rights bill is awaiting action. Usually in the past the question of limiting debate has arisen while the Senate has been embroiled in a civil rights controversy. Of course the present drive for a more effective cloture rule is intended to pave the way for future civil rights legislation, but the fact that it is not tied up with any specific bill may help both the sponsors and the opponents to see the issue more clearly and to debate it more moderately.

It is evident from the beginning that the sponsors of both the proposed changes—one for the closing of debate by a simple majority and the other for closing debate by three-fifths of the Senators present—are under a handicap. The debate will be governed by the existing rule, which requires the votes of two-thirds of those present to stop a filibuster. It is to be hoped that no filibuster will be undertaken and that the Senate can agree upon a reasonable tightening of the rule after the arguments on both sides have been heard. But this is admittedly a slender hope.

If the foes of any change choose to filibuster, the majority leader will request a prompt application of cloture under the existing rule. Even though a contest in windbaggery would be less disastrous now than it would have been last January, the Senate will need to remember that the country and the world will nevertheless be listening in. And they will be expecting the Senate to meet its test in the spirit of accommodation which characterizes the democratic legislative process.

ARMS CONTROL AND DISARMAMENT

Mr. CLARK. Mr. President, the House of Representatives is considering today the President's Disarmament Agency bill. I hope that it will be passed and enacted into law before adjournment.

I ask unanimous consent to have an editorial which was published in the Pittsburgh Post-Gazette September 12, entitled "Priority for Disarmament," and an editorial published in the Washington Post and Times-Herald this morning entitled "Appeal to World Law," printed in the RECORD.

I commend both these editorials to the attention of my colleagues, for they state a sound position on important issues which presently face the country.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Pittsburgh Post-Gazette, Sun-Telegraph, Sept. 12, 1961]

PRIORITY FOR DISARMAMENT

After a series of test votes in which opposition was beaten down, the Senate last Friday passed a modified version of President Kennedy's Disarmament Agency bill. The Senate-approved measure would create an Arms Control and Disarmament Agency for World Peace and Security. Its primary function would be to conduct extensive research on the requirements of disarmament and the maintenance of international peace and security, and its initial budget, under the Senate bill, would be $10 million, with no limit on when the money is to be spent. In passage the legislation was modified to make the new Agency a division of the State Department rather than an independent agency, as the administration had originally requested. This should not be a defect unless the State Department is out of sympathy with its mission.

Fortunately the Senate rejected a proposal by Senate Minority Leader DIRKSEN to shelve the measure until next year and by Republican Senator GOLDWATER to deny the Agency authority to conduct research. One of the most heated arguments of opponents was that it would be wrong to vote for a Disarmament Agency at a time when the Nation is building up its military strength because of the crisis over Berlin. This contention, of course, overlooks the points that disarmament continues to be the Nation's long-range goal, that with the technological prospect of ever more destructive weapons it offers the best hope of world stability, that the Nation's posture of strength and resoluteness has already been made so indisputably clear with regard to Berlin that it can hardly be put in a different light by the disarmament bill.

In fact, the disarmament bill has the virtue of reflecting an encouraging ray of hope in an otherwise somber national front. It shows that we have long-term confidence in the peaceful settlement of the Berlin and other ugly disputes. It helps to dispel the notion, particularly among weaker nations, that the main reliance of U.S. diplomacy is on militaristic measures. Certainly it is true that, regardless of the discouraging state of East-West relations at present, it is not too early to be putting more effort into devising substitutes for war as a means of reconciling divergent national interests. The House should now recognize this and pass the bill, thus starting the United States on the path of doing something about the opinion of every major world leader that disarmament is an issue of paramount importance.

[From the Washington Post, Sept. 16, 1961]

APPEAL TO WORLD LAW

Charles S. Rhyne, former president of the American Bar Association, has gone a step further than President Kennedy in suggesting that some aspects of the Berlin controversy be laid before the World Court. In his statement of July 25, Mr. Kennedy said: "If anyone doubts the legality of our rights in Berlin, we are ready to have it submitted to international adjudication." Mr. Rhyne, in his address to the Federal Bar Association, suggested that "the legal issues involving Berlin should go via the U.N. to the World Court for an advisory opinion."

It would be naive to suppose that the complex and far-reaching Berlin issue could be disposed of by referring it to the World Court in the same way that some domestic controversies are disposed of in the courts of the land. Some phases of the dispute do not lend themselves to legal adjudication. With Premier Khrushchev in his present mood of defying world opinion right and left, moreover, there is no reasonable probability that he would accept a verdict by the World Court or even so much as acknowledge its jurisdiction.

The adjudication of specific legal issues can nevertheless be useful in focusing world opinion and in aiding ultimate solutions. Mr. Rhyne suggested very specifically that

the United States ask for a court decree "that the 'Khrushchev wall' should be torn down." Moscow's contempt for any such decision may be taken for granted. Yet in the minds of millions of people it would confirm the illegality of the arbitrary step that Khrushchev has taken in Berlin and thus make it more difficult for him to maintain this illegal coup for any length of time.

It is of great importance that the United States continue to manifest its interest in the development of world law and international machinery of justice. Unfortunately, this facet of American policy, which has had the support of all our Presidents since Woodrow Wilson, is gravely undermined by the Connally amendment to the Senate's ratification of the World Court statute. This shortsighted reservation makes the United States the judge of whether cases involving itself shall go before the World Court and thereby confers similar self-judging rights on other countries that we may wish to bring into court. It will have to be removed before the United States can hope to make effective use of world law as an alternative to force.

THE SENATE APPROPRIATIONS COMMITTEE IS THE WATCHDOG FOR THE TAXPAYER

Mr. SCHOEPPEL. Mr. President, as this session of the Congress draws to a close and we total the costs of legislation enacted, it once again becomes obvious that there must be more effective control of Government spending if we are to avoid financial bankruptcy. Although this has been my 13th year of service in the U.S. Senate, it is the first year I have served as a member of the Senate Appropriations Committee. This experience has deepened my conviction in the wisdom of establishing a Joint Committee on the Budget, as provided for in S. 529 which was sponsored by 67 Senators and passed by this body on May 26.

Mr. President, article I, section 9, clause 7, of the Constitution states:

> No money shall be drawn from the Treasury, but in consequence of appropriations made by law.

There has never been any doubt as to the meaning of this clause, Mr. President. However, if the Congress is to carry out this responsibility, it must have adequate knowledge upon which to base its decisions as to the amount of appropriations for each of the activities of the Federal Government.

The Federal budget is a lengthy and complex document which takes some 2,000 persons many months to prepare. The budget estimates are considered first by the Appropriations Committee of the House of Representatives, which by tradition retains original jurisdiction over all appropriations. After appropriation bills are marked up by this committee, they are considered on the floor of the House of Representatives where amendments may be adopted. The Senate next considers these measures. The Senate Committee on Appropriations is charged with the task of reviewing every item included in these bills. Certainly its review should be no less thorough than that of the House Appropriations Committee. Presently, the Senate committee is under pressure to restore budget reductions made in the other body rather than considering every item in the budget.

Under our Constitution all revenue measures must be initiated in the House of Representatives. For many years the very competent staff of the Joint Committee on Internal Revenue Taxation has given invaluable assistance to the Congress in the revenue field. It is significant that the chief of staff of this committee, Mr. Colin F. Stam, has established such a reputation of objectivity that he has remained in that post when the Congress was controlled by either the Republican or Democratic Parties.

Mr. President, I am a firm believer in constitutional principles and would be the last person to challenge the functions assigned to the House of Representatives. No staff can ever substitute its judgment for that of elected legislators. However, a competent staff can make a good legislator better informed and more effective.

Mr. President, my approach to this subject is based not only on my experience with legislative problems here in Washington. My service as Governor of Kansas also acquainted me with the problems of the executive branch. I do not believe that we should ever reduce vital services just for the sake of economy. However, I am concerned, that every dollar should be spent in the most effective way. We all know there are more desirable projects than there are resources available to finance them. One of the most important tasks entrusted to any Member of the Congress is to determine the priorities of Federal expenditures. The level of expenditures and the receipts of the Federal Government in comparison with our gross national product makes it imperative that we allocate our resources in the most effective way. The decisions that we in the Congress makes involve billions of dollars and exceed in magnitude those of any board of directors of our leading corporations. Yet, no such body is expected to approve a program without first receiving more detailed analyses and information than the Senate is provided with.

In 1961, the Federal Government operated at a deficit of $3.9 billion. The surplus of $1.5 billion forecast in the Eisenhower budget for fiscal 1962 has under the Kennedy administration turned into a deficit of $5.3 billion. The Congress recently increased the public debt limit to $298 billion, but if Federal expenditures continue to rise this will prove inadequate and the Congress will be asked again to increase the limit.

These facts, Mr. President, demonstrate the need to equip the Senate Appropriations Committee with adequate staff facilities to provide the essential information so necessary if we are to carry out our responsibilities.

Mr. President, the problem confronting members of the Senate Appropriations Committee was described in the report of the Senate Committee on Government Operations accompanying S. 529. It stated, and I quote:

> Unfortunately, committee members are so heavily burdened by other legislative duties and responsibilities that they are unable personally to give the necessary attention to each budget item. Equally important, however, is the fact that they do not have adequate facilities for obtaining the information necessary to enable them to pass accurate judgment on the necessity for the budget requests. Thus, for the most part, they are forced to rely upon the representations made by the respective initiating agencies of the executive branch, whose representatives appear before these committees in an ex parte type of proceeding for the sole purpose of justifying their requests for funds. As a result, the Congress is often unable to obtain impartial information and facts to enable it to effect needed economies in the operations of the Government. Because the Congress is not adequately equipped to carry out its fiscal responsibilities, many millions of dollars have been appropriated in excess of the actual requirements of the Federal Government. These excesses have, in turn, added to the large recurring deficits which must be passed on to already overburdened taxpayers.
>
> The duties and responsibilities of the Appropriations Committees, in connection with examining and passing upon budget requests for the operation of the Federal Government, have increased tremendously in recent years. These committees are presently staffed with competent professional personnel. It is virtually impossible, however, for their relatively small staffs, to examine and evaluate the annual budget with its many thousands of items, running to approximately 1,200 pages of telephone-book size each year, within the very limited time available. This precludes the detailed analysis which is so essential to the performance of the congressional function of controlling Federal expenditures.[1]

The report further stated and I quote:

> As important as are the services rendered by the Joint Committee on Internal Revenue Taxation in the revenue field, the proposed Joint Committee on the Budget would be in a position to render far greater service to the Congress in a field that is much broader in nature and scope. Its functions would include analyses and reports on the details of program operations, a review of the actual administration of authorized functions, and the compilation of data on agency activities and program conformity with legislative authority, for the information of the Appropriations Committees and other committees, and to make such data available to individual Members of the Congress. With this information before them, the Appropriations Committees will be in a position to exercise informed judgment in supplying only such funds as are necessary. The importance of providing this type of service for the committees dealing with the appropriation of public funds is emphasized by the scope of the problems involved and the magnitude of Federal appropriations and expenditures.[2]

Mr. President, in 1930, the Federal budget receipts totaled $4.1 billion. Expenditures were $3.3 billion and the national debt was $16.2 billion. For the fiscal year ending June 30, 1961, receipts totaled $77.6 billion, expenditures were $81.5 billion and the public debt stood at $289.2 billion. When we consider that the Federal Government is absorbing 15.4 percent of the goods and services produced in this country, we begin to realize the importance of economy in Government programs and the

[1] Joint Committee on the Budget, report of the Committee on Government Operations, U.S. Senate, 87th Cong., 1st sess., Rept. No. 264, May 18, 1961, pp. 2, 3.

[2] Ibid., pp. 3, 4.

necessity of maintaining adequate controls over Federal expenditures. Every citizen of this country bears a part of the cost of Government. If Government spent less, more consumer goods and capital equipment would be available to consumers and business enterprises. The incentive to produce, the efficiency of the economy, and the rate of economic growth are all affected by the amount of spending and the level of taxation of the Federal Government.

Dr. Lewis H. Kimmel, of the Brookings Institute, in a book entitled "Federal Budget and Fiscal Policy, 1789–1958," traced the historical origin of our budgetary system. Mr. President, under unanimous consent heretofore granted, I include excerpts from his book at this point in the RECORD:

The Federal Government has operated under a budget, properly so-called, only since 1921—a period embracing about one-fifth of our national history. The budget idea, however, was clearly in the minds of leading political and financial leaders as early as the Revolutionary and formative periods. The absence of logical or systematic budget methods during the early years and throughout the 19th century should not be construed as a lack of appreciation of the role of public finance.

It is a historical fact that the Federal Government and the present Constitution owe their existence in part to financial and budgetary considerations. The absence of effective financial powers during the Revolutionary War and under the Articles of Confederation was a major reason for the convention of 1787 that framed the new Constitution. The financial resources available to the Continental Congress during the Revolution were inadequate. The system of requisitioning funds from the several colonies, which was followed under the Articles of Confederation, was plainly unworkable. Though the Congress was a feeble institution from its inception—especially on the financial side—by the mid-1780's it was rapidly approaching complete impotency.

With the ratification of the Constitution, the way was clear for the establishment of a responsible financial system. A first approach to budgeting was authorized by a law providing for the establishment of the Treasury Department enacted in September 1789. Among other provisions, this act required the Secretary of the Treasury to prepare and report estimates of the public revenues, and the public expenditures.

The book of estimates compiled under the supervision of the Secretary of the Treasury was a far cry from an executive budget. These estimates were not compiled in accordance with any one principle, or in such a way that their significance could be clearly seen. There was no budgetary message; no proper scheme of summary, analytical, and comparative tables. Moreover, expenditures were not considered in connection with revenues. In the circumstances it is not surprising that a close correspondence between receipts and expenditures was attained only at infrequent intervals and more or less fortuitously.

The Federal Government relied on customs duties for the bulk of its revenues during most of our history. Customs rates were designed for revenue as well as protection, but it was not the intention of the Congress to adjust these rates annually or periodically with a view to achieving an approximate balance between receipts and expenditures. The abundance of customs revenues during most of the 19th century made it unnecessary to weigh expenditures against revenues and brought about a progressive deterioration of the budget process.

The first important step in the movement that culminated in the Federal executive budget was taken in 1910, when President Taft appointed the Commission on Economy and Efficiency. This Commission reached the conclusion that a recasting of the system for determining and providing for the financial needs of the Government was of paramount importance. One of its first reports was entitled "The Need for a National Budget." To show how the proposed system might operate, estimates for 1914 in the form of a budget were presented in a separate report. The Congress resented this move, and the report was not even considered by the Appropriations Committee of the House of Representatives to which it was referred.

The work of this Commission had enormous educational value. The defects of the existing system (or lack of system) were pointed out, and the merits of a budget system as a corrective were emphasized. The prestige of the Commission and its strong backing by the President made budgeting an issue of national significance. The Commission's efforts did not result in the immediate adoption of a well-organized budget system. The moderate size of Federal fiscal requirements and inertia were perhaps the major reasons for setting aside the budget proposal. Almost a decade was to elapse before the movement for an executive budget reached full fruition.

The changed fiscal situation following World War I caused renewed interest in the executive budget. The war catapulted peacetime Federal expenditures to an entirely new order of magnitude—over $3 billion annually compared with about $700 million before the war. After World War I interest payments alone exceeded Federal expenditures for all purposes in the prewar years. For the first time internal revenue taxes represented a substantial burden. In this situation the effective control of Federal expenditures became a matter of prime importance. A well-conceived budget system seemed to many a logical means to this end.

The Budget and Accounting Act was approved by President Harding on June 10, 1921. It gave the President the authority to prepare and submit an annual budget to the Congress. It was provided that the budget document should give complete information regarding the condition of the Treasury, revenues and expenditures in the last completed fiscal year, estimates for the current year, and the President's program for the forthcoming year—including the manner in which the proposed expenditures should be financed. It was also provided that a Bureau of the Budget should be established, with the primary function of a service agency of the President in the preparation of the budget.[3]

Mr. President, since 1921 when the Budget and Accounting Act was enacted, the Congress has made repeated efforts to develop more adequate fiscal controls over Government spending. Under the Reorganization Act of 1939, the Bureau of the Budget was expanded and transferred to the Executive Office of the President. The Budget and Accounting Procedures Act of 1950 provided for better coordination of Federal accounting and fiscal procedures. In 1946 the Congress recognized the need to improve legislative control of Federal spending and enacted section 138 of the Legislative Reorganization Act of 1946. This section of the act created a joint committee composed of the members of the four taxing and spending committees of both Houses of the Congress. The committee was directed to compare the estimated total receipts and expenditures proposed in the budget, and to recommend a ceiling on total expenditures which would serve as a control on the total amount of appropriations. This provision proved unworkable and consequently, while there have been measures which have improved the executive budget, there has been no corresponding improvement in congressional fiscal procedures and controls.

A Joint Committee on the Budget would fill this need as it would provide the legislative branch with adequate machinery to examine carefully every expenditure item. This would result in the elimination of wasteful and unnecessary expenditures in the operation of the Federal Government.

Mr. President, the Senate has for many years attempted to enact legislation which would create a Joint Committee on the Budget. The report of the Government Operations Committee which accompanied S. 529 stated that—and I quote—

This proposed legislation is designed to remedy serious deficiencies related to appropriation procedures and the expenditure of public funds. It constitutes a positive approach to the elimination of extravagance, waste, and needless or excessive appropriations. The Senate has repeatedly attempted to enact legislation which would provide the machinery necessary to effect reductions in Federal expenditures. On recommendation of the Committee on Government Operations, the Senate approved in the 82d, 83d, and 84th, and 85th Congresses, bills similar or identical to the pending bill. The original bill (S. 913) was approved by a vote of 55 to 8 in the 82d Congress, and, after the committee had adopted further perfecting amendments, passed the Senate under unanimous consent in the 83d (S. 833), 84th (S. 1805), and 85th (S. 1585) Congresses. The House of Representatives in each instance has withheld approval of these bills, although no vote has ever been permitted on the merits of the proposal. The Congress and its Appropriations Committees continue to labor under a tremendous handicap in passing judgment on budget requests for the executive branch of the Government.[4]

Mr. President, to a large extent the Congress has little control over significant portions of Federal spending. For example, trust fund operations to finance social security, unemployment compensation, highway construction, and railroad retirement among others, have been greatly expanded, and for fiscal 1962 receipts from these funds are estimated at $26.7 billion. It must be remembered that these funds are financed by payroll taxes and certain excises.

Many other expenditure items, while subject to annual review under the appropriation process, represent long-range commitments authorized by Congress, and built-in increases in existing programs add billions of dollars to budget expenditures.

Programs which are financed by back-door spending largely escape annual re-

[3] Kimmel, Lewis H., "Federal Budget and Fiscal Policy, 1789–1958," the Brookings Institution, Washington, D.C., 1959, pp. 2–5.

[4] Joint Committee on the Budget, report of the Committee on Government Operations, U.S. Senate, op. cit., p. 4.

view through the appropriation process once they are authorized by the Congress. From 1932 when the Reconstruction Finance Corporation was permitted to borrow the money for its lending operations from the Treasury up until 1960, back-door spending programs have amounted to $121 billion. We must not forget that these programs represent a claim against budget receipts or borrowing and as any other Federal expenditure are a cost to the taxpayers of this country.

Another area of Federal expenditure which has been greatly expanded is Federal grants-in-aid to State and local governments and to individuals. In 1955 these payments totaled $4.6 billion. In 1960, they had risen to $9.2 billion.

Mr. President, one of the provisions of S. 529 would require that the annual budget include an analysis of all active long-term construction and development programs and projects authorized by the Congress showing for each of the total estimated cost, and the actual or estimated expenditures during prior, current, ensuing, and subsequent fiscal years. It would also require that all grant-in-aid programs be included in this analysis covering grants of indefinite duration and the estimated annual cost for a 10-year period.

The proposed joint committee would submit to the Congress schedules of total estimated costs of all programs and projects during the current, succeeding, and subsequent fiscal years where the programs extend for more than 1 year.

These provisions, Mr. President, would prove invaluable to the Members of the Congress in evaluating the costs of legislative proposals, and would remedy the serious deficiencies which currently exist.

Mr. President, the Congress has a serious responsibility in connection with appropriation of funds required for the conduct of the Federal Government. If we are to carry out our duties, we must establish fiscal procedures and controls which will insure sound financial practices. If we are to meet the challenges of the cold war, the worldwide competition for markets now faced by American producers, as well as aid the developing nations of the world, we must have our financial affairs in order. It is imperative that we spend wisely. Our resources are not unlimited. Every proposed expenditure must pass the test of necessity, and the Congress must bear the responsibility of imposing this standard if we are to preserve our great Republic.

AIR POLLUTION PROBLEM NOT JUST A CRANK CASE

Mrs. NEUBERGER. Mr. President, much attention has been directed recently at the problem of blowby in automobiles, and this constitutes a significant factor in air pollution. But it is well to remember that air pollution is a worldwide problem and extends far beyond car exhaust. For example, in Mexico City the average visability has decreased in the last 20 years from 15 to 5 kilometers. During fine weather about 5 tons of dust and grit are deposited per square kilometer per week over the city. In Great Britain over a million tons of smoke are emitted yearly from domestic fires alone. In France, a study made in 1957 showed that additional expenditure due to pollution on cleaning and the provision of clothes, painting, building maintenance, reduction of earnings and medical services totaled $480 million or $12 per inhabitant per year.

Miss Pauline Frederick, United Nations correspondent for the National Broadcasting Co., devoted a recent program to air pollution, and I ask unanimous consent that a copy of her informative talk be printed in the RECORD. I also ask unanimous consent that excerpts from the May–June issue of World Health, a publication of the World Health Organizations, be printed in the RECORD.

There being no objection, the talk and excerpt were ordered to be printed in the RECORD, as follows:

Air is necessary to life. Air can also cause death. There have been recent studies which prove that poison-laden smogs and fogs have had fatal results in London, Belgium's Meuse Valley, Donora near Pittsburgh, and even New York City.

Now the U.N.'s World Health Organization presents a study by doctors, meteorologists, engineers, chemists, and other experts of many countries which reveals this additional price we may be paying for our so-called civilized existence: A possible relationship between chronic exposure to a polluted atmosphere and such diseases as acute bronchitis and primary lung cancer.

It is from his technological advances that man has increasingly poisoned the air that he must breathe in order to exist. The harnessing of fire in the 13th century set up a contamination of the atmosphere for the first time—so that the burning of coal was banned in London as early as 1300 by royal proclamation. But it took 300 years more to discover that the unpleasant smell and irritation to nose and throat came from the sulfur in coal. The development of the metallurgical industry produced more sulfur dioxide—and then came still more and different fumes from lead, arsenic, copper, and other metals. As factories expanded, so did the content in the air of hydrogen sulfide, hydrogen fluoride, nitrogen dioxide, and hydrochloric acid. More recently beryllium has been added. And the end is far from being in sight.

And of course, there is always dust.

Today there is no greater contributor to air pollution than the one who may be suffering most from it—the motorist.

Of course, man alone is not responsible for the suffocating smogs and waste that may hang so heavily overhead. At the strategic moment nature may apply a devastating hand—bringing an inversion of temperature, which makes it possible for the pollutants to settle down over the earth in a smothering blanket, preventing the usual air currents from carrying the wastes into the higher atmosphere where they cannot harm human beings.

Even where the contamination has not become as evident as in areas where there has been obvious illness and death, World Health Organization experts are warning that air pollution is a major health problem that must be dealt with. World Health Organization's definition of health is "a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity."

Manmade air pollution can be eliminated, according to World Health Organization, but the price civilization will have to pay is a very high one by any standard, both in money and otherwise. For example, no one would seriously consider abolishing the automobile even if no less drastic method is found for doing away with its poisonous exhaust fumes. But while abatement of pollution is expensive, it costs even more to do nothing about it. For example, it is estimated that in 1950–51 the total losses due to pollution in the United States came to $1,500 million, or $10 per inhabitant per year. And in 1961 this undoubtedly will be greater, not to mention the cost in human life which is incalculable.

What price civilization?

THE LAW AND THE PROTECTION OF THE PEOPLE AGAINST AIR POLLUTION

Air pollution is a field in which the interests of different sections of the population may conflict and pollution abatement is an expensive undertaking; so the law needs to step in. A quick glance at legislation in different countries reveals some remarkable differences in approach.

AUSTRALIA

In Victoria, the emission of rank or dense smoke from industrial chimneys is prohibited, with certain exceptions, and no new industrial fireplaces may be installed unless they are, as far as practicable, smokeless. In addition, a clean air committee investigates problems and makes recommendations to the responsible minister.

CZECHOSLOVAKIA

A decree passed in 1954 for the control of air pollution includes provisions for fuel selection; the suppression of atmospheric pollution around schools and hospitals, and in parks, health resorts and places of recreation; and the siting of gardens in factory zones and residential areas. The hygiene and epidemic control service is responsible for supervising the abatement of air pollution.

FRANCE

Regulations governing most industrial firms in France include a clause prohibiting the discharge into the air of substances likely to be detrimental to public health and safety, agricultural production, public monuments and scenic beauty. More specific regulations were introduced nationally in 1932, particularly in the Paris region, but results have not been satisfactory and the Government has arranged for a study of the problem.

NETHERLANDS

To prevent air pollution, the construction of an industrial plant is subject to an approval procedure in which the Crown, on the advice of the Minister of Social Affairs and Public Health, has the final say.

SWEDEN

There are no legal provisions in relation to air pollution. Any person suffering damage through pollution can institute a civil action against those responsible. If pollution is causing obvious damage to health, local authorities may intervene.

UNITED KINGDOM

After the disastrous London smog of 1952, a committee was appointed by the Government to investigate air pollution, its recommendations form the basis of the Clean Air Act passed in 1956. The act is operated by local authorities and limits the emission of dark smoke and solids. In smoke control areas established under the act, regulations are especially stringent. Height of chimneys, mine refuse, and pollutants from special chemical processes are also subject to national legislation.

UNITED STATES OF AMERICA

Unlike the United Kingdom, the United States of America does not have nationwide legislation on air pollution. However, State,

county, and city regulations, backed by public opinion, have achieved some remarkable improvements—notably in the Pittsburgh area.

U.S.S.R.

No electric power station may be constructed without the simultaneous installation of equipment for dust and ash absorption. Corresponding restrictions apply to factories processing nonferrous metals, coal-tar distilleries, and iron and steel works. For air in towns, maximum permissible concentrations of noxious substances have been laid down. For sulfur dioxide, for example, the maximum permissible level at any one time is five-tenths milligram per cubic meter and on a 24-hour average fifteen one-hundredths milligram per cubic meter.

THE VALUE OF A RESEARCH LIBRARY

Mr. MOSS. Mr. President, since it appears that the Senate will not be in session later on this fall when the Nation observes Book Week I should like to make some brief observations now about the value of libraries—and especially of research libraries.

The search for knowledge often leads men along many varied paths. The geologist who would seek out clues and information about the oldest parts of earth's history must, in his research, go directly to the earth itself. The chemist who would understand the actions, interactions, and reactions of the elements must, in finding his answers, retreat to his laboratory. In a similar manner, we might consider each of the academic disciplines and indicate the particular facilities which are vital to its specific approach to research.

But no matter what discipline we we might choose to investigate, we would certainly come to realize that the research facilities of a good library must enter into the total picture. It is within the research materials of the library that will be found the records of discoveries of men who have gone before, as well as the prophecies and theories of men of the present. Undoubtedly, the library is a basic tool of research. I am especially proud of the very excellent research facilities afforded by the library of the University of Utah.

Recently, the research facilities of the university library have been under heavy use for technical source materials for Utah's fast-growing missile industry, and also for its great copper industry. Representatives of these industries have expressed appreciation for the use of these materials and have asked that their technical staff be given continued use of the engineering library facilities.

In addition, I have been told that one company which has provided a substantial payroll in Utah requested a complete list of library periodicals before they reached a decision to come to Utah. Another company publicly stated that the reason their research center went to Utah rather than to other States which wanted it was because of the university's outstanding engineering library.

I point out that the engineering library is just one of the departmental libraries maintained for the use of university divisions. Others are: the law library, the medical library, and the Stewart School Library, which is the university's student-teacher training and demonstration school. The university library also contains numerous special collections.

It is significant that although the library immediately serves the university, it also serves the State at large. Materials for study and investigation are available for all private citizens.

The statistics of the library are impressive because they indicate the resources available to students of all disciplines. It is reported that in June 1959 the library contained 386,986 bound volumes; 336,000 pamphlets and documents; 63,414 microcards; and 5,115 reels of microfilm. It is also a depository for U.S. documents, 27,000 Army maps and for the Carnegie Institution.

The library regularly receives some 60 newspapers and almost 7,000 periodicals. The large source materials such as technical periodicals have enabled the library to fulfill a real research function for some of the companies to which I made earlier reference.

I am proud of the record of service of this great library. I am pleased to take this opportunity to call attention to its good work and to its role in the total scope of research in the Nation.

Through the ages much has been written about books as they record the epic of man. Equally much has been written about the library as it makes this knowledge available to all men. Perhaps my feelings about the scope of service of the library of the University of Utah may best be expressed in these words of Bacon, who writing about the advancement of learning, stated:

> Libraries are the shrines where all the relics of the ancient saints, full of true virtue, and that without delusion or imposture, are preserved and reposed.

Mr. MANSFIELD. Mr. President, is there further morning business?

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

LEAVE OF ABSENCE FOR SENATORS WHO ARE DELEGATES TO THE INTERPARLIAMENTARY UNION CONFERENCE IN BRUSSELS

Mr. MANSFIELD. Mr. President, the distinguished Senator from Oregon [Mrs. NEUBERGER], the distinguished Senator from Utah [Mr. Moss], and the distinguished Senator from Kansas [Mr. SCHOEPPEL], will leave shortly to attend the Interparliamentary Union Conference at Brussels.

I have discussed this matter with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN]. Because of the significance of this meeting and the need for American representation, I now ask unanimous consent, on behalf of the minority leader and myself, that these Members of the Senate be given official leave of absence in order to attend this most important Conference and to do so at the request and the urging of the Senate.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, the Interparliamentary Union plays a vital role in the strengthening of democratic institutions. Meetings of the Union enable legislators from the Parliaments and Congresses of the free world to share views and exchange knowledge about common problems and concerns. This has a very beneficial effect in developing closer ties among the legislative assemblies of democratic nations, and in fostering democratic government throughout the world.

It is clearly in the national interest for the Congress of the United States to be fully represented at these deliberations.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, before I make my motion I wish to suggest the absence of a quorum, and before the clerk calls the roll I wish to say it will be a live quorum; and I ask unanimous consent to suggest the absence of a quorum with the understanding that I shall not lose my right to the floor by so doing.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 207]

Bible	Hayden	Miller
Burdick	Hill	Monroney
Byrd, W. Va.	Holland	Moss
Cannon	Jackson	Neuberger
Carroll	Javits	Robertson
Case, N.J.	Johnston	Russell
Case, S. Dak.	Jordan	Saltonstall
Church	Keating	Schoeppel
Clark	Kefauver	Smith, Maine
Dodd	Long, Hawaii	Sparkman
Douglas	Mansfield	Stennis
Dworshak	McCarthy	Talmadge
Ervin	McClellan	Thurmond
Hart	Metcalf	Yarborough

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Virginia [Mr. BYRD], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. HICKEY], the Senator from Louisiana [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Rhode Island [Mr. PELL], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Florida [Mr. SMATHERS], the Senator from Massachusetts [Mr. SMITH], the Senator from Missouri [Mr. SYMINGTON], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness, and the Senator from Missouri [Mr. LONG] is absent because of illness in his family.

Mr. KEATING. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. COTTON], and the Senator from Pennsylvania [Mr. SCOTT] are absent on official business.

The Senator from Colorado [Mr. ALLOTT] is absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senators from Maryland [Mr. BEALL and Mr. BUTLER], the Senators from Delaware [Mr. BOGGS and Mr. WILLIAMS], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Illinois [Mr. DIRKSEN], the Senator from Hawaii [Mr. FONG], the Senator from Arizona [Mr. GOLDWATER], the Senator from California [Mr. KUCHEL], the Senator from Kentucky [Mr. MORTON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Connecticut [Mr. BUSH] is absent by leave of the Senate to attend the Conference of the International Fund and World Bank in Vienna.

The VICE PRESIDENT. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ANDERSON, Mr. BENNETT, Mr. CAPEHART, Mr. CARLSON, Mr. COOPER, Mr. EASTLAND, Mr. ELLENDER, Mr. ENGLE, Mr. FULBRIGHT, Mr. HICKENLOOPER, Mr. HUMPHREY, Mr. KERR, Mr. MAGNUSON, Mr. MCGEE, Mr. MCNAMARA, Mr. MUNDT, Mr. PROUTY, Mr. RANDOLPH, Mr. SMATHERS, Mr. WILEY, and Mr. YOUNG of North Dakota entered the Chamber and answered to their names.

The VICE PRESIDENT. A quorum is present.

ELECTIONS IN THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 8444) to amend the act of August 12, 1955, relating to elections in the District of Columbia.

The VICE PRESIDENT. Without objection, the Senate will proceed to the consideration of the unfinished business (H.R. 8444).

The Senate resumed the consideration of the bill (H.R. 8444) to amend the act of August 12, 1955, relating to elections in the District of Columbia.

CLOTURE—PROPOSED AMENDMENT OF RULE XXII

Mr. MANSFIELD. Mr. President, on January 10 of this year, the Senate was advised that the Rules Committee would take action this session on a proposal for amending rule XXII. The joint leadership pledged that, insofar as it could effect the course the Senate would follow, this body would consider such a proposal before we adjourned.

The Committee on Rules has now reported to the Senate a resolution amending rule XXII. With the concurrence of the minority leader I will soon move that the Senate consider this resolution, and we urge its adoption as providing an equitable resolution of the controversy over cloture.

Mr. President, I delivered an address to the Senate in early January, preparatory to moving the reference of the rules change to committee. In that address, I spoke of my concern for the preservation of the Senate as a unique deliberative body. The uniqueness of the Senate, I said, "clearly stems in part from the concept of full debate, because it is this concept which insures our right and underscores our responsibility to bring to bear such individual wisdom as each Senator may possess on the great issues of his time."

My concern for the Senate's unique role in this Government has not abated. The task this body performs is of incalculable value to our society. It has been, on numerous occasions in the past, the best defense of free institutions. And, so long as I have the privilege of this floor, I shall never sponsor or support any proposal that would diminish its capacity for responsible service to the country.

Several weeks ago a great judge, Learned Hand, died in New York. His legal opinions and other writings are a legacy of wisdom for all men. In his book, "The Spirit of Liberty," Judge Hand wrote that the qualities that "clear the path to truth" are "skepticism, tolerance, discrimination, urbanity, some—but not too much—reserve toward change, insistence upon proportion, and above all, humility before the vast unknown."

In my opinion the U.S. Senate in its hours of highest distinction has demonstrated each of these qualities. When it has departed radically from them, some part of the country, some precious aspect of the democracy, has been threatened.

For these qualities, which Judge Hand said, clear the path to truth, are also necessary for the fair government of a plural society. Tolerance; discrimination; insistence upon proportion; these are the indispensable qualities of a body whose duty it is to make laws for rich and poor, farmer and worker, white and black, young and old. Unless the day comes when all Americans hold the same views, conceive the same ambitions, and acknowledge the same employer—a day I hope will never come—these qualities will be required of us. And I shall support any proposition, and uphold any tradition, which furthers such qualities in the Senate.

It is my judgment that full debate is such a tradition. I do not need to recall the many occasions when the determination of Senators to debate a proposal until its implications were known has prevented the adoption of a reckless law. This has happened often within the memory of Senators in this Chamber today. And while full debate has been identified by many with the issue of civil rights, it has not always been so and it is not always so even now. Whenever a majority, incensed by a public wrong or driven by emergency, seeks to affect the lives of our people by precipitate and ill-considered action, a minority of Senators may rise to expose the measure on this floor—at length. And this right of the minority is not conditioned on the correctness of its view in the eyes of the majority, or even in the eye of history. It is so vital to the responsibilities of this body that few men, conscious that matters of ultimate consequence to the people they represent may one day be similarly challenged, have seriously disputed its wisdom.

Our memories do not need to be too long to remind us that we are not immune to stampede at a moment of crisis. Just a few weeks ago, we were prepared to push through in the closing moments of an evening's work virtually without discussion a measure which would not only have dealt with the most intricate and serious question of airline hijacking but might easily have been revised into what would have amounted to a declaration of war on Cuba. The spur to this ill-considered action was a collection of incomplete news-ticker reports on the hijacking of a plane. It turned out later that the hijacking was the work of a deranged person. Cuba had nothing to do with the hijacking and released both the plane and its passengers shortly after it landed in Havana.

We did not pass that measure in haste. We did not issue an ultimatum from the Senate to Cuba. Why, Mr. President? In part because some Members of the Senate—Republicans and Democrats alike—were not carried away by and refused to be stampeded by, the rhythm of the news ticker. But it is doubtful that the wisdom of these Members would have been sufficient to stem the tide of emotion had it not been for the traditions and procedures of this body which permitted, even more, encouraged its expression.

I could not, therefore, endorse an amendment to this right that would offer a bare majority the power to shut off debate.

But like any other freedom, Mr. President, the freedom of full debate is subject to the abuse of license. There are advocates of unlimited debate in the Senate, subject to no cloture limitations whatsoever; theirs is the argument of absolutism, which every responsible society has rejected in the management of its affairs. Justice Holmes once said about free speech that every man had the right to it, but that no man had the right falsely to cry "Fire" in a crowded theater. One might say that every Senator may exercise his rights of debate on this floor, but that no Senator or group of Senators has the right unconscionably to prevent this body from doing the Nation's business.

I shall not attempt to describe the point at which full informative debate becomes a mere intractability that renders the Nation a disservice. There will never be common agreement as to where that point lies; I might define as "intractability" what others would call the necessary defense of human rights. Nor is there any magical fraction that will describe it for us—two-thirds, or three-fifths, or any other.

Most of us, however, would agree that a time does come in the extended consideration of a measure when the passions are tempered by a sufficient outflow of words, when the arguments have been repeated often enough to be heard by those who have ears to hear; when physical exhaustion, and not intellectual conversion, tends to become the apparent goal of the debate; when privileges have been fairly extended to those seeking delay, and when the rights of those seeking a decision must also be weighed in the balance. At such a time, it should be within the power of a substantial majority of the Senate to bring debate to an end, and to vote the matter up or down.

One of those qualities Judge Hand spoke of is "some—but not too much—reserve toward change." This is no standard for the absolutist—either for the man of precipitate action in the name of some ideal or interest, or for the man of intransigence toward any adjustment of the status quo. I submit that it is a standard of reason, and one that should apply in this body.

Mr. President, a rule providing cloture by three-fifths of those present and voting is not any more divinely inspired than majority cloture or two-thirds cloture; yet I think it comports with a standard of reason. It would not permit an intemperate majority—nor, for that matter, even a temperate one—to shut off debate; and thus it maintains a tradition that contributes, in my opinion, to an atmosphere of tolerance and discrimination in this Chamber. Neither would it permit a minority of one-third to obstruct the purposes of twice that number of their colleagues.

The purpose of rules should be, I think, to fix legislation under the most careful scrutiny before we act upon it; not so to paralyze our will that we cannot act at all. It is important that the Senate does not become a scene of tumult and rash action; it is also important that it does not become a wax museum.

So many decisions lie ahead of us, Mr. President. We shall confront issues the resolution of which will determine the character of our society, the security of free nations, and perhaps the continuance of human life. That is enough to inspire in us, if we lack it now, a "humility before the vast unknown," in the words of Learned Hand.

We ought to prepare for theses issues and to bring our procedures, as well as our resources of intelligence, into readiness.

Mr. President, I move that the Senate proceed to the consideration of Calendar No. 852, Senate Resolution 4, a resolution to amend the cloture rule by providing for adoption by a three-fifths vote.

The VICE PRESIDENT. The clerk will report the resolution by title.

The CHIEF CLERK. A resolution (S. Res. 4) to amend the cloture rule by providing for adoption by a three-fifths vote. Reported without recommendation.

Mr. MANSFIELD. Mr. President, I now present a cloture motion on behalf of the minority leader and myself, signed by 21 Senators, to bring to a close the debate on the pending motion to take up Senate Resolution 4.

The VICE PRESIDENT. The clerk will read the petition.

The Chief Clerk read the cloture motion, as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to take up the resolution (S. Res. 4) to amend the cloture rule by providing for adoption by a three-fifths vote.

MIKE MANSFIELD, EVERETT MCKINLEY DIRKSEN, HUBERT H. HUMPHREY, THOMAS H. KUCHEL, MAURINE NEUBERGER, LEVERETT SALTONSTALL, EDMUND S. MUSKIE, PRESCOTT BUSH, QUENTIN N. BURDICK, THRUSTON B. MORTON, WARREN G. MAGNUSON, HIRAM L. FONG, HENRY M. JACKSON, JOHN O. PASTORE, LEE METCALF, FRANCIS CASE, EDWARD V. LONG, FRANK E. MOSS, JOHN A. CARROLL, EUGENE J. MCCARTHY, J. GLENN BEALL.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Montana will state it.

Mr. MANSFIELD. Now that the cloture motion has been presented, is it not true that prior to a vote on the cloture motion on Tuesday next, the Senate cannot consider any other motion or measure except conference reports and other privileged matters, unless unanimous consent is obtained?

The VICE PRESIDENT. The petition is before the Senate. The Chair has advised with the Parliamentarian, and the Chair is of the opinion that the Senator from Montana has made a correct statement as long as the pending motion is before the Senate.

Mr. MANSFIELD. Mr. President, I proceed in this somewhat unusual fashion in consequence of some recent developments. Only in the last few days has it become apparent that quite a few Members are interested in postponing until a day certain next session, consideration of the rule XXII question, a development which was not foreshadowed when this matter was first considered early in the session and which I had not anticipated would arise at this late date. Therefore, I met yesterday with Members holding various points of view on this issue. From my conversations with these interested parties, it is apparent that any move to postpone consideration would precipitate an extended debate. To terminate that debate would necessitate an attempt to invoke cloture on the procedural issue of postponement. The question which confronts the leadership, therefore, is whether to seek a test by calling for cloture on the substance of the issue—that is, the question of a rules change to three-fifths cloture which I favor or on the procedural question of postponing consideration of this matter until a day certain next year.

An argument of equity can be made for either course. The leadership, and I speak now for the minority leader as well as myself, however, notes these facts:

First. The desire of some Members to move for postponement to a day contain has only recently become known.

Second. If the move for cloture which I am now proposing should carry, the Senate will then come promptly to grips with and vote on the substantive question of changing the rule of cloture from two-thirds to three-fifths.

Third. If the motion for cloture should fail, the pending business will still be this issue of substance and Members will still be at liberty to seek a postponement until a day certain next year.

If the attempt at cloture fails in certain circumstances, I may make a second attempt to invoke it after a reasonable lapse of time. On the other hand, in certain circumstances, it may probably be best to let the matter go over since it will still be on the calendar subject to callup at any time during the next session. Nevertheless, so long as there is a majority of Senators prepared to continue with consideration of this issue at this time, I am prepared to do so, into December and on into the next session, if necessary. I must say, however, that such a procedure, in my opinion, is not likely to be the most effective in bringing about the continuance of the output of essential and desirable legislation which has characterized the Senate during the current session.

Mr. KEATING. Mr. President, will the Senator from Montana yield for the purpose of permitting me to propound certain additional parliamentary inquiries, without his losing his right to the floor?

Mr. MANSFIELD. I yield for that purpose.

Mr. KEATING. Mr. President, would the Presiding Officer inform us by what vote of the Senate a motion to take up Senate Resolution 4 must be approved?

Mr. RUSSELL. Mr. President, I had addressed the Chair first. I regret to do so, but I shall demand the regular order, the Senator from Montana cannot yield the floor for the purpose of these inquiries while he is holding the floor.

Mr. KEATING. Mr. President, I understood it had been done by unanimous consent.

Mr. RUSSELL. I did not hear the request for unanimous consent. The Senator from Montana said he would yield. I demand the regular order. I addressed the Chair first, and the Chair had recognized me.

The VICE PRESIDENT. The regular order is that the Senator from Montana has the floor. Under the rule, he can yield only for a question, except by unanimous consent. The Senator from Montana asked unanimous consent that he might yield for a parliamentary inquiry. Is there objection?

Mr. RUSSELL. I object.

Mr. MANSFIELD. I yield the floor.

Mr. RUSSELL. Mr. President——

Mr. KEATING. Mr. President, a point of order.

Mr. JAVITS. Mr. President——

The VICE PRESIDENT. The Senator from Georgia is recognized.

Mr. RUSSELL. Mr. President, I dislike very much to be put in the position of having to appeal and to demand the regular order; but the Senator from New York has given a very clear indication, by a speech he made yesterday, that he intended to occupy the Senate for a long time by propounding a series of parliamentary inquiries dealing with the very novel proposition he advanced, that the Senate had always been unconstitutional, due to the fact that it had rules or that there was a lack of rules which would permit a majority of the Senate to gag the remainder of the Senate. I had some remarks I desired to make, and I wished to make them before the Senator from New York propounded his rules inquiries. I certainly have no intention of denying his rights. As a matter of fact, I will stay here, after I have concluded, until the early hours of tomorrow to see that he has a right to propound his inquiries, if he wishes to do so.

I wish to make one or two observations on the very eloquent speech we have just heard from the Senator from Montana. I submit in all candor and good faith that there has never been a more eloquent explanation of the reason why the Senate should not further tinker with its rules than was contained in the remarks of the Senator from Montana. I followed closely and applauded every word he said until he got down to the point where he said he would favor a change in the rules. He gave us concrete illustration after illustration indicating that the right to free debate on the floor of the Senate had prevented the passage of damaging and dangerous legislation. He even recalled one instance within the past few days when the right of free speech in the Senate had defeated a bill which, he said, could have put this country into an absolutely untenable position.

But when he came forth to undertake to support this drive to whittle away, bit by bit, the things which make the Senate the greatest parliamentary body on earth, he could not present a single illustration of a single piece of vital and necessary legislation which had been defeated under the present rules, which already constitute a curtailment of the rights of Senators to express themselves.

So I say that while the Senator from Montana concluded his remarks saying he would have to vote for three-fifths, every line of his argument was, in fact, in support of the present rules of the Senate.

Mr. President, the Senator from Montana has adverted to the petitions which were filed, 1 signed by a number of Republicans—I believe it was 10 or 11—1 signed by a number of Democrats—I have not counted the number, but I believe it was 27 to 28. I am glad that the distinguished Senator from Montana offerred these two petitions for the RECORD, where one could follow the other. I have heard from time to time, since becoming a Member of the Senate, about coalitions between Republican and Democratic Senators. I submit that a reading of these two petitions which were addressed to the leadership will prove conclusively that they were drawn either by the same man or by the same group of men. They are identical in verbiage, except for one thing: The Republicans, of course, took time out to criticize the administration and the majority leadership. That part of it is eliminated from the Democratic petition. They are almost exactly identical in every other respect.

So here we have, for the first time, evidence which proves beyond any possibility of argument the existence of a coalition, to the extent that they got together to prepare these two separate petitions to present to the leadership. I want Senators to read them.

There is one other differences: The second paragraph of the Republican Senators' statement reads as follows:

> But we want to make one thing crystal clear—the timing of the upcoming effort to win Senate approval for an effective curb on the filibuster is not—

And the word "not" is emphasized—

> of our choosing. It is the responsibility of the administration and the majority leadership.

But the Democratic Senators did not wish to make it crystal clear that they were condemning and damning the administration and the majority leadership. So the second paragraph of their statement reads as follows:

> But we want to make two things crystal clear.

Whereas the group of Republican Senators wanted to make only one thing crystal clear; namely, that they have eternally damned the administration and the Democratic leadership because the majority leader had done exactly what he told the Senate he was going to do last January 10.

It is unnecessary to pursue this matter much further; but I invite the attention of anyone who is interested in the subject of coalitions—and I hope that some of the brethren who on other occasions have falsely charged the existence of coalitions will read these statements—to the fact that we even find that there has been a shifting of paragraphs as between the two declarations. For example, the Republican proclamation or manifesto reads as follows:

> Last January, at the outset of the new Congress, we sought to have the Senate adopt a new rule XXII.

That is the beginning of the third paragraph of the statement by the group of Republican Senators But it is the beginning of the fourth paragraph of the statement by the group of Democratic Senators. In that connection, I now read from the fourth paragraph of the statement by the group of Democratic Senators:

> Last January, at the outset of the new Congress, we sought to have the Senate adopt a new rule XXII.

The remainder of the two paragraphs is exactly the same. In fact, the similarity even extends to the statement, toward the end of the proclamations, as to the reason why they oppose taking up this matter now, for both statements say:

> Recognizing this adjournment fever, the majority leader has himself indicated that this effort to change the rules must be a short one and that, if cloture cannot promptly be obtained, the effort will be abandoned for the duration of this Congress.

That statement appears in the Democratic manifesto.

The Republican manifesto reads as follows:

> Recognizing this adjournment fever, the majority leader has himself indicated that this effort to change the rules must be a short one and that, if cloture cannot promptly be obtained, the effort will be abandoned.

So, Mr. President, with the exception of the criticism of the Democratic Party and the Democratic leadership, the manifestos are identical. I hope someone will make clear here whether the Democrats who participated in drafting this proclamation or manifesto sought to get the Republicans who were participating in it to soften that criticism of the Democratic administration and the Democratic leadership of the Senate.

Mr. ERVIN. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield briefly to the Senator from North Carolina.

Mr. ERVIN. I want the Senator to yield just before he ends his presentation; I do not wish to interrupt it.

Mr. RUSSELL. I shall be happy to yield at the appropriate time.

Mr. RANDOLPH. Mr. President, I should like to ask the Senator from Georgia to yield, at the appropriate time, for a suggestion.

Mr. RUSSELL. I prefer not to yield at this time, Mr. President. Both of these proclamations have been ordered printed in the RECORD; and I went to the desk and examined them, and found them so strikingly similar that I had copies of them prepared.

Mr. RANDOLPH. I wish to have them placed in the RECORD.

Mr. RUSSELL. They have already been placed in the RECORD, one following the other. So we can end forever this business of charging that coalition is a one-way street.

I do think that as a result of the suggestions and as a result of the national curiosity of the Senate, somewhere along the line someone among those who signed these documents should at least tell us who the draftsman actually was.

Mr. MUNDT. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I prefer not to yield at this time.

Mr. President, I was interested in the observations made in these documents, particularly one which is critical of the majority leader. I wonder why they made no reference to the minority leader. I was sitting in my seat, here on the floor of the Senate when this matter came up. The majority leader rose and repeated the statement of his intentions and said he intended to follow

them out. Then the minority leader leader came forward—as we would expect of a man of his courage and stature—and stood beside the majority leader, and said that was the agreement, and that he, too, intended to live up to it. But I note that in the Republican part of this joint, two-headed manifesto there is no criticism of the minority leader.

Mr. President, since last January 10, every Member of the Senate has known what to expect in the closing hours of this session. We were put on notice then as to what would happen. There is still some time between now and January, so we have ample opportunity to discuss this matter as fully and as freely as the Senate may desire to discuss it.

I notice that both of the declarations—or, rather, the same declaration, signed by the two groups, one from each side—state that they are prepared to stay in session until there is an opportunity to vote on this issue. I can assure them that there are others who have made their plans to remain here to discuss this question, and that no one can claim any surprise over what the leadership has done.

Of course, if I had my "druthers," as we say in my part of the country, this issue would never come before the Senate. But I am well aware that those of us who would like to preserve the Senate as a great parliamentary institution, and would like to assure that those who will follow us in this body will have the same rights and privileges that we enjoy, perhaps have a certain technical advantage because this matter comes up toward the end of this session. It is about the only advantage we have had in any one of these fights, and, of course, we would not surrender it. But that is not the fault of the majority leader. He made the announcement; and we took him seriously, and prepared to discuss this issue now.

Mr. President, we are living in an uncertain period; indeed, the people of the earth have never before gone about their daily tasks under the circumstances which confront the world today. The fear of the destruction of civilization and the fear of the terrible weapons which have been constructed by the minds and the hands of men have brought about in our people, I believe, something of a feeling of indifference as to government. In other words, I do not believe that the people of the United States today follow closely the details of the administration of the Government, as was the case in the United States a few decades ago. That development is very unfortunate. It has enabled the process of whittling away the Constitution to get underway. It has enabled those who would make the Senate of the United States a mere appendage of the House of Representatives to have an opportunity to further their purposes. But still there are those who believe that the Constitution is not outmoded, that it is still the keystone of our greatness as a people, and that it remains the shield and buckler of the individual rights and liberties of every American citizen.

I lament the distortion of that Constitution or any departure from its clear intent, for I am one of those old-fashioned people who believe that if the Constitution is discarded—indeed, if it is seriously impaired—it will mark the end of the greatness and glory that attach to these United States, and enable our people to enjoy a culture, a standard of living, and a civilization that far exceed any in all history.

It was the British statesman Gladstone, I believe, who once stated that the American Constitution was the most wonderful work ever struck off at a given time by the brain and purpose of man.

Mr. President, let me say that the Senate of the United States is the most unusual, the most novel, the most imaginative instrumentality of government that was produced by the Constitution of the United States. The concept of the Senate of the United States enabled the Constitution to be ratified and to come into being. The approval of the Senate in its present fashion, and with the rights that individual Senators once enjoyed, enabled the Founding Fathers to eliminate the problem that threatened to wreck the Constitutional Convention and ended days of debate by that inspired and talented group of men who wrote this noble document. As they evaluated their work they had every reason to believe that they had conceived a government with an intricate but yet highly effective system of checks and balances.

Ah, Mr. President, there have been other parliamentary bodies in history. Even the name "senate" comes from the Roman Empire, which had great power until it began yielding to the diverse pressure groups.

I believe that all our 50 States, save one, have what is called a senate in their legislative systems. But the Senate of the United States of America occupies a different position and possesses different attributes of power from any other parliamentary body that has ever existed.

It possesses a place in our scheme of government which makes it the greatest stabilizing force in all of our complicated system of checks and balances.

Mr. President, I am proud to be a Senator of the United States; and as a citizen of the United States, I was proud of the Senate as an institution of government long before I took the oath that made me a Member of this body.

I feel a deep concern—indeed, I feel a great alarm—at the repeated assaults that are made upon the prestige and position of the Senate and the powers of individual Senators which make this a unique body. I am convinced that if this attack succeeds, even little by little, as is proposed here in the resolution—which, I am proud to say, was not reported favorably by the Committee on Rules and Administration, but was merely reported to the Senate for its consideration—it will upset our whole system of checks and balances, and in the process the very foundations of this Republic will be undermined.

Mr. President, I have been around here for a good while, and I say with infinite sadness today that the character of the Senate as a deliberative body, as the greatest single institution of our Government, is deteriorating rapidly enough without resorting to the tightening of the gag rule and curbing the freedom of speech in this body.

This Senate is supposed to be the forum of States. Under the original concept of the Senate, each Member of this body was considered an ambassador from a sovereign State. The Senate symbolized our dual system of government—the Federal system tied to a system of indestructible States. We meet here as equals, and we should meet here as men who are considered responsible and who are trusted with great power that vitally affects, if not influences and controls, the fundamental operations of our Government.

I can say to my colleagues, and every one of you in your heart knows it is true, that the power of the Senate as a body, and of individual Senators, depends upon the right of Senators to speak on this floor. It depends upon freedom of speech. Continue to curb free speech, continue to tighten the gag rule on individual Senators, and all the glory that attachés to this body and all the honor that comes from service here will be gone with the wind.

Altogether too much progress has been made in that direction already. You can gag the Senate if you will. You can continue to tighten up the rule to limit debate, but when you do it, you reduce the stature of each Member of this body as well as decrease the importance of the Senate's vital function as an agency of government.

Mr. President, under the rules of the Senate there are two distinct features that differentiate this body from the House of Representatives. The one and salient feature has been freedom of speech that was guaranteed to each Senator, and which would enable him to represent and protect the State that had honored him with its commission to serve here as a Senator. The other is the right of any Senator to offer amendments to pending legislation.

Do not doubt it, my colleagues—if you succeed in gagging individual Senators here, you may be sure that the next step on the part of those who seek shortcuts to power in this country will be the proposal of rules that will limit, if they do not eventually prohibit, the offering of amendments to legislation that will be before the Senate.

Curbs upon the rights of individual Senators bring down this body; if continued, they will subordinate the Senate to the House of Representatives. That body already has the right spelled out in the Constitution to institute tax bills, and it has assumed the right under that provision to initiate all appropriations bills. I had never agreed that the Constitution specifically gave the House of Representatives the right to institute appropriations bills. I do not know that any fight was made, even in the early days of the Republic, against that claim as made by the House of Representatives,

because the Members of this body were content with the sublime faith that here in this forum of States they had the right to speak and to offer amendments.

I believe this is the reason that the claim of the House of Representatives of the right to initiate appropriation bills has never been seriously challenged.

Senators may go on about the business of abandoning and destroying the powers Senators have enjoyed for almost two centuries. They may continue to put into effect a slow-motion "previous question" rule. But I say the Senate then will be a mere appendage, an ancillary body to the House of Representatives.

Mr. President, I have never been able to understand how men could be candidates for the Senate of the United States on a platform which was dedicated to reducing the powers of the office they sought. That has been done. Some have gone so far in some cases that promises were made which, if fulfilled, would absolutely destroy the whole power of the Senate.

I am always amazed when any Senator votes to lower the prestige, the power, and the prerogatives of the Senate and of the individuals who comprise, for the time being, the membership of this body.

I may say, Mr. President, I am surprised when any Senator takes that position. But I am completely confused and confounded when I see Senators from the less populous States, from the smallest States, vote to decrease the position of the Senate in our Government by diminishing and eliminating the power of individual Senators. This is the only place in the whole scheme of our system—in the Senate of the United States—where the little States, the small States, or indeed those which might be considered of average size, stand in the same position as do the great and populous and wealthy States.

The sole purpose for which the Senate was created was to bring equality to the States in at least one of the branches of our Government. It is the only place in our Government, I repeat, where a representative of a less-populous State can exercise any influence upon the operation of the Government which is commensurate with that of a representative from one of the more populous States. The Senate is the sole protector of the small and less-populous States. It is the only protection of the medium-sized States. It is not only the last bulwark of any rights or powers the smaller States may have, but it is also the last bulwark to protect the rights of the minority in this country against a passion-inflamed and temporary majority working its will.

Mr. President, all Senators are familiar with the workings of our entire political system. Who on the floor of the Senate would rise to challenge the statement that a citizen from one of the smallest States of the Union, regardless of his ability, integrity, or statesmanship, is hopelessly handicapped in any ambition he might have to be nominated to the exalted position of President of the United States.

The political conventions of both of the parties look to the larger States for their nominees. They look to those States only. They do that in the hope that the nominee will be able to bring into the electoral college a large group of electoral votes from the most populous States. As a practical political fact of life, the delegations from five or six of the most populous States of the Union control the nomination of a candidate for President of the United States in our political conventions. Oh, the delegations from the smaller States are seated in the hall. They are given badges to wear. They are permitted the honor of carrying their banners when there is a parade. But as a practical matter five or six of the greatest delegations control the convention. They not only nominate the candidate for President, but to a very large extent, they also decide who will be in the Government itself. Every person here knows that is true.

Mr. President, I have attended a few political conventions. While there are sometimes exceptions to the rule, in most instances the delegates from the smaller States and even the heads of delegations from these States get most of their news about what is going on at the convention from reading the daily press. Small groups control those conventions. Any person who has attended them knows that is true.

Inasmuch as each State has two Senators, the smaller States share a little bit better in the operation of the electoral college.

The Founding Fathers, I suppose, would be shocked to know that Senators would vote to strip themselves of the power of equality in the Senate—the only body envisioned by the Founding Fathers where the State representation would be equal. These wise men undertook to protect the smaller States. I do not think they ever dreamed they were protecting them against the folly of their own Senators or Representatives. When they wrote into the Constitution that the only way any State could be denied equal representation in this body was by unanimous consent, no doubt they considered they were protecting them from the power of the larger States. That constitutional provision is the only one which requires unanimous consent to change.

The electoral college is based upon the concept that the Founding Fathers had more interest in the powers and rights of the smaller States than many of those who have come to represent them since the creation of the Constitution. In the electoral college the smaller States have more rights and powers proportionately. But even with that, Mr. President, when one reads about the elections for the Presidency one finds the speculation is always, "What are the big States going to do? Where will be New York? Pennsylvania? Illinois? California? Ohio?

I can understand how Senators from those States would support a proposal of this kind, or even one to put in a "previous question" rule. That would give them complete domination of the Government and would destroy the last place left where a man from a small State can stand and demand his rights.

In the electoral college the smaller States do have a slight advantage, because they are guaranteed, under the Constitution, two Senators. Even at that, Mr. President, the electors from 11 States can elect the President of the United States over the combined and bitter opposition of the electors of 39 States.

So far we have considered the political convention, where the great States have 10 or 12 times as many delegates as the small States and we have discussed the electoral college, where the large States have many times as many electors.

Now, let us consider the House of Representatives. Under the most recent census, the number of States from which electors are sufficient to elect a President, 11, is reduced to only 9 for the passage of a bill. The Representatives from nine of the larger States can pass a bill in the House of Representatives. They can do it over the united and combined and violent opposition, under the rules, of the Representatives from 41 other States.

I have described how much power the smallest States and the average-sized States play in passing legislation in the other body. When a Senator takes his oath of office, he knows he is equal to Senators from the greatest State in the Union, and he will continue to have that position if we do not destroy the powers of the Senate, which is a forum of the States.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. RUSSELL. I prefer not to yield.

The VICE PRESIDENT. The Senator declines to yield.

Mr. RUSSELL. Mr. President, I will yield temporarily to my friend from South Dakota.

Mr. KEATING. Mr. President, a point of order.

Mr. RUSSELL. I yield for a question.

The VICE PRESIDENT. The Senator from Georgia yields to the Senator from South Dakota for a question.

Mr. RUSSELL. I yield only for a question.

Mr. CASE of South Dakota. The question which I desire to propound to the distinguished Senator from Georgia is whether he is aware that on the 150th anniversary of constitutional government in this country, a former Chief Justice of the United States and one-time Governor of the State of New York, Charles Evans Hughes, delivered to a joint session of the Congress an address in which he said that the States provided a balance between centralized authority and local autonomy, and said:

> It has been said that to preserve the balance, if we did not have States, we would have to create them, and that in our 48 States we have the separate sources of power necessary to protect local interests.

Mr. RUSSELL. I am familiar with that statement. I do not wish to go into this question in too much detail. Incidentally, most of the Chief Justices have come from the greatest States because

those States had more political power. But I do not believe that the distinguished Charles Evans Hughes, who served as Chief Justice, could envision at that time the full extent of the insidious drive that would be made throughout this country to bring every single power of government to Washington. It was difficult for Charles Evans Hughes to envision the time when the States would have no power. But in this country today thousands of people are working to bring about that condition. The States would have no power. All power would be centralized in Washington.

I am familiar with that statement. I feel that to preserve the liberties of our people, we would have to create States if there were none.

Mr. CASE of South Dakota. Mr. President, will the Senator yield further?

Mr. RUSSELL. I ask the Senator from South Dakota not to get me into trouble by deviating from the question rule.

The VICE PRESIDENT. Does the Senator from Georgia yield?

Mr. RUSSELL. I yield to the Senator for one further question.

Mr. CASE of South Dakota. Did not the great Chief Justice Charles Evans Hughes state in the same speech—

> We protect the fundamental rights of minorities in order to save democratic government from destroying itself by the excesses of its own power.

Mr. RUSSELL. I thank the Senator for reading that statement by one whom I admire very greatly. Charles Evans Hughes was a remarkable man. I had the pleasure of meeting and knowing him soon after I came to Washington and I shall never forget the time I spent in conversation with him. His view on the role of the States was eminently correct. But dire consequences that he could not even foresee will come about if we destroy the Senate, its characteristics, and the purposes for which it was created—this by gradually moving and moving and moving until we establish in the Senate the same system that exists in the House of Representatives. Then Senators could be running around and begging, "Please, Mr. Leader, can we not get at least 3 minutes in order to discuss this issue?"

We would continue to whittle away the ability to debate. We would chop it down and curtail it. That is the sad end we shall reach, and we may arrive there much faster than many think.

It is incomprehensible to me, in the face of facts that no one can dispute, that Senators, particularly those from the smaller, and average-sized States, continue to vote to diminish the powers of the Senate and curtail the power of individual Senators in our Government. They will destroy the last protection of their constituencies.

I know we shall be told that each Senator has the same size vote as any other Senator. This is true in the House of Representatives. One vote is equal to another vote in national conventions that nominate. Votes for President are not quite equal under the electoral college system, because the Founding Fathers never intended to give us a pure democracy. Anyone who has studied the history of our Government knows this.

The Senate was intended to have courageous men who would stand as sentinels from their States, who demanded the right to express themselves at length, and who could be recognized in proper order, and always before a vote is taken, in order to protect the rights of their States.

There may be some possible excuse for Senators whose States have 41, 38, or 27 Representatives in the other body voting and taking positions here which, in my judgment, would decrease and diminish, if not destroy, the power of Senators. But I have never been able to fathom or comprehend why Senators from the smaller States should vote to make people of those smaller States hostages to the caprices of future politics in this country, dominated, as it will be, by a few large States.

When a gag rule is imposed in the Senate, it will be followed by restrictions and limitations on the rights of Senators to offer amendments to proposed legislation. It will follow as surely as the day follows night.

I wish to make perfectly clear that there is nothing personal intended in my statement. I believe every word of it as firmly as I believe any part of my political creed. I realize that there are many men of unimpeachable integrity and honor who, from time to time, have stanchly committed themselves to a change in the rules of the Senate. But I also believe that when they reflect on the eventual consequences of following that course, they will discover that the effort to bring about changes always generates in the great and populous States. Where does the principal motivating pressure come from in every instance? It comes from Senators who represent States that have 25 to 43 Representatives in the other body.

I do not desire to belabor this question. I realize that since a cloture petition has been filed, other Senators wish to address themselves to this question on both sides. But if I have studied any one thing, it has been the history of the U.S. Senate. In my judgment, through the years that have come and gone, the Senate has served admirably the purpose of the Founding Fathers as the balance wheel of our entire Government.

There have been times when the Senate has been careless in enacting legislation, times when measures have not been debated at sufficient length for all Senators to understand them, and they have sometimes voted hurriedly. There have been times—and I say it with infinite sadness—when we have had to look to the other body for more responsibility and consideration. But over the past two centuries, Senators enjoyed the right of free speech and the right of amendment, and have protected the system of government that our people enjoy.

Of course, there have been attacks on the rules from time to time. When the party in control of the executive branch has a majority in the Senate, there are always efforts made to change the rules, and to change them immediately, so that it can rush through its legislative programs. The party in power has nearly always thought that the rules ought to be changed.

I know from my personal experience that when a Senator has a bill he thinks would be a blessing to mankind, and knows he has a majority in favor of his bill, he wants to vote immediately. Often there have been great frustrations. There are times when we get tired and worn out listening to long speeches. However, when we calculate the total of what the Senate means in our scheme of government, all these irritants are as nothing.

Mr. President, there have been repeated efforts made over the past—started back in 1878 or 1880—to change the rules, and every time the plea was made, "You have to change the rules of the Senate in order to gag those southerners, and to let the Senate pass civil rights legislation."

The authors of many of these bills, realizing the importance of an attractive slogan, and knowing how all American citizens are in favor of more and greater and finer civil rights, have appended that slogan to a vast variety of proposed legislation. They have literally covered the waterfront in calling various legislative proposals civil rights legislation, because when they put that tag on a proposal, they know they will rally to their support certain segments of the press and certain groups in this country, even though the legislation might in some instances be more harmful to minority groups than it would be helpful.

Thousands of columns have been printed and literally billions of words have gone over the airways designed to lead the people of the country to believe that it is necessary to reform the whole Senate, to change the rules, to gag and to limit the powers of the Members of the Senate in order to secure the passage of legislation that these people call civil rights. Such proposals are especially attractive to a minority group in this country which represents the balance of voting power in the larger States, particularly. Those who wish to impose a gag rule to limit the powers of individual Senators have made very smart use of this label and this charge. They have advanced time and time again to attach it to different legislation and with different meanings, but always, when they attack the rules, they do so under the banner of civil rights.

Of course, these charges are not justified by any fact. There has never been a more fallacious argument made over so long a period in the history of this Republic.

There was a time when there was a connection between the right of free speech in the Senate and the passage of so-called civil rights legislation. But that relationship has long since taken its place, along with other relics of history, in the limbo of the past. The South no longer can filibuster to death civil rights legislation. We have had

two illustrations of it within the past 3 or 4 years. Nevertheless, this claim will be presented today.

Let us examine the facts. This charge was made in 1957 and in 1959 when, at the beginning of the session there was a drive to make drastic changes in the rules of the Senate. The proponents said they were doing it in order to pass civil rights legislation and that they could not pass civil rights bills unless they did make these changes at the beginning of the session.

Since these two most recent attempts to rewrite the rules at the beginning of a session, the Senate has passed not one but two civil rights bills, and both of them are on the statute books today.

I opposed both of these bills as vigorously as it was possible for me to do so. I still believe that both of them contain clauses and provisions which are wholly unconstitutional. I can assure the Senate, however, that if the little band that finally voted against these bills had had the power to kill them, and had not been absolutely certain that we lacked the votes to prevent the imposition of cloture, the debate on those two bills would be in progress right here and now in this Chamber. We knew we did not have the votes to defeat cloture.

The Senate did pass two civil rights bills under the existing rules of the Senate. It is true that they were debated at some length.. However, I want to say that during the course of that debate amendments that embraced the very widest legislative ideas in the field of so-called civil rights were offered. The Senate worked its will by a majority vote on all of these amendments, as it went about shaping and fashioning the legislation for final passage.

I believe there were some 34 or 35 record votes on various legislative proposals and civil rights issues that covered a scope that would exhaust the ingenuity of man. In the consideration of the Civil Rights Act of 1960 we had one abortive attempt at a cloture petition. Some of our friends, in great haste to bring the debate to a close, offered the cloture petition—it did not receive even a majority vote. Most of the amendments that the proponents offered suffered the same fate.

The passage of those two bills demonstrated beyond peradventure that the Senate under existing rules is perfectly capable of working its will on civil rights legislation as well as on other bills.

As recently as 1960 the Senate considered almost every conceivable aspect of this subject, including investing the Attorney General of the United States with dictatorial powers. It went from that to the other range of the scale, by considering a legislative proposal relating to the poll tax, which still remains in five or six States of the Union. In the long record and in the votes that were had on these amendments, which were debated at great length, many of them might have been adopted if we had not had full opportunity to point out the inequities in these amendments. The vote on those amendments and the subsequent passage of the Civil Rights Acts in 1957 and 1960 make absurd the proposition or the charge, which is repeated so often, that the rules must be changed, that the Senate must be gagged, in order to pass civil rights proposals.

Mr. President, why, then, is this continuing effort being made to inflame the people of the country with the idea that it is absolutely essential to have a gag rule in the Senate? Why is it done in the name of the false issue of civil rights? That, for me, is a profoundly disturbing question. I cannot escape the conclusion that civil rights has been used as a smokescreen to cloak other purposes in the minds of some who are determined to let a simple majority gag their adversary, in order to rush through dubious or adverse legislation, and do it before the country can be alerted to its dangers.

I congratulate the Senator from New York [Mr. JAVITS] on the statement he made today. It is the first time I have heard any of the proponents of the gag rule say that they wish to get at a great many other issues, issues which would change the economics of the country and bring about a leveling process. He said he was not confining the proposal merely to civil rights; he thought the rule ought to be changed to get better tax laws and legislation in other fields. I think he mentioned particularly social security.

I assure the Senate that some of those who constantly debate these issues under the false banner of civil rights have in mind other things which would go into, strike at, or change the order of the American way of life. I am not impugning the sincerity of some of those who continue to repeat this ancient, outworn litany that filibusters destroy the chance of securing civil rights legislation. Some of them have been saying that for so long that they find it very difficult to change their song.

Fortunately, the facts do not bear out the charge that we have failed. No; the Senate was created to prevent hasty and ill-considered action on legislation. It was created to enable a minority to have adequate and ample time, even if it becomes trying and frustrating, to point out the implications in proposed legislation which a temporary majority might be seeking to rush through.

The Senate was not intended to be the vehicle or slave of any political party. The Senate is the forum of the States. It is the equalizer. The Senate is the only point, the only place in our Government, which is an equalizer, where any Senator may speak his piece and defend the interests of his State.

We ought always to bear in mind that the majority of today may be the minority of tomorrow. I have always believed that if some had their way—those who advocate carrying this movement so far as to move the previous question rule in the Senate—a time would come when they would have to repent in sackcloth and ashes for the part they played. We in the Senate must not eliminate this one place in our Government where it is impossible to prevent one man—one courageous and determined man—from attacking corruption in any area. Here in the Senate the great exposures of corruption which threaten our system of government come to light almost as much as the effort to gag the Senate. The rules of the Senate enable Members of this body from the less populous States to perform their sacred function of discussing and pointing out imperfections in legislation, in offering amendments to cure those errors and imperfections, and to talk and inveigh against corruption and bad government. Even though they have not the means of communication which are available, so often, to those Members from the larger States, they may talk long enough and loud enough so that simply through the CONGRESSIONAL RECORD, news will get around and the people will have an opportunity to correct the condition.

Until the most recent years, the great defenders of free speech in the Senate have been those whom history has marked as true liberals, not those who pin on themselves badges reading, "I am a liberal. I want to pass a bill to gag the Senate. I am a liberal." No, the true liberals in history have been the men who have always stood at the forefront and fought against efforts to impose a gag rule on the Senate.

It is sad irony to me that in the last few years those who have been in the forefront of the effort to curb further, if not to destroy ultimately, the freedom of speech in the Senate have been those who profess most loudly their liberalism. I wonder what is liberal about gagging a minority? What is liberal about limiting freedom of speech? Is that now one of the tenets of liberalism? The constitutional liberal will fight to the last to preserve all the powers and all the rights of this one institution of government where the States meet on equal terms.

I have, throughout the years, collected several hundred typewritten pages of statements by great Senators of the past who have discussed this question in other days. I shall not offer all of them for the RECORD or burden the RECORD with them. However, what has impressed me most about my study of the question has been that, after they had stayed here for a while, many of those who came into the Senate determined to change its rules, determined to bring about a curtailment of freedom of debate in the Senate, became the most ardent supporters of the right of freedom of speech in the Senate.

I list in that number, of course, Henry Cabot Lodge. He tried to restore the previous question rule when it was said that this was necessary to pass a force bill in the 1880's. But after he had served in the Senate for a time, he wrote an article for a boys' magazine, giving advice to the youth of the country. That was after he had come to appreciate just what the Senate means in our scheme of government.

I shall not read all of that statement, but I shall ask unanimous consent to have printed in the RECORD, the statement by Senator Henry Cabot Lodge

which was published in a boys' magazine. It contains these statements:

Debate in the Senate has remained practically unlimited, and, despite the impatience which unrestricted debate often creates, there can be no doubt that in the long run it has been most important and indeed very essential to free and democratic government to have one body where every great question could be fully and deliberately discussed. Undoubtedly there are evils in unlimited debate, but experience shows that those evils are far outweighed by the benefit of having one body in the Government where debate cannot be shut off arbitrarily at the will of a partisan majority.

The Senate, I believe, has never failed to act in any case of importance where a majority of the body really and genuinely desired to have action, and the full opportunity for deliberation and discussion, characteristic of the Senate, has prevented much rash legislation born of the passion of an election struggle and has perfected still more which ultimately found its way to the statute books.

Mr. President, I shall read a little more, to show that even so able a man could not envision the situation that would exist in 1961. He said:

The Members of the U.S. Senate have always cherished the freedom of debate which has existed in this Chamber. Senators have been reluctant to adopt any rule of cloture, and, even after the present rule was adopted in 1917, they have been reluctant to invoke it. Cloture is a gag rule; it shuts off debate; it forces all free and open discussion to come to an end. Such a practice destroys the deliberative function which is the very foundation for the existence of the Senate. It was the intent of the framers of the Federal Constitution to obtain from the upper Chamber of the Congress a different point of view from that secured in the House of Representatives. Thus, the longer term, the more advanced age, the smaller numbers, the equal representation of all States. Careful and thorough consideration of legislation is more often needed than limitation of debate.

Mr. President, I ask unanimous consent that the full excerpt from the article be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM AN ARTICLE ON AMERICAN GOVERNMENT, WITH PARTICULAR REFERENCE TO THE SENATE OF THE UNITED STATES, BY THE LATE HENRY CABOT LODGE, A SENATOR FROM MASSACHUSETTS

It is not necessary to trace the long struggle between these opposing forces which ended in the most famous compromise of the Constitution of which the Senate was the vital element, and which finally enabled the Convention to bring its work to a successful conclusion. It is sufficient here to point out that, as the Constitution was necessarily made by the States alone, they yielded with the utmost reluctance to the grants of power to the people of the United States as a whole and sought in every way to protect the rights of the several States against invasion by the national authority. The States, it must be remembered, as they then stood, were all sovereign States.

Each one possessed all the rights and attributes of sovereignty, and the Constitution could only be made by surrendering to the General Government a portion of these sovereign powers.

In the Senate accordingly the States endeavored to secure every possible power which would protect them and their rights. They ordained that each State should have two Senators without reference to population, thus securing equality of representation among the States. They then provided in article V of the Constitution that "no State without its consent should be deprived of its equal suffrage in the Senate."

Except on some rare occasions the Senate has been the conservative part of the legislative branch of the Government. The cloture and other drastic rules for preventing delay and compelling action which it has been found necessary to adopt and apply in the House of Representatives have never except in a most restricted form been admitted in the Senate. Debate in the Senate has remained practically unlimited, and, despite the impatience which unrestricted debate often creates, there can be no doubt that in the long run it has been most important and indeed very essential to free and democratic government to have one body where every great question could be fully and deliberately discussed. Undoubtedly there are evils in unlimited debate, but experience shows that these evils are far outweighed by the benefit of having one body in the Government where debate cannot be shut off arbitrarily at the will of a partisan majority.

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Mr. RUSSELL. Mr. President, I was also impressed by a statement by one who came from the House of Representatives to preside over the Senate with the opinion that a Senate of free and unlimited debate was archaic and created a dilatory attitude toward proposed legislation. I refer to Vice President Adlai Stevenson, the grandfather of the present Adlai Stevenson, and one who served as Vice President under President Cleveland. When he left the Senate, he made the following statement:

It must not be forgotten that the rules governing this body are founded deep in human experience, that they are the result of centuries of perilous effort in legislative halls to conserve, to render stable and secure the rights and liberties which have been achieved by conflicts. By its rules the Senate wisely fixes the limits of its own powers.

Listen to this, Mr. President:

To those who clamor against the Senate and its methods of procedure, it may truly be said "they know not what they do."

Mr. President, I ask unanimous consent that all of this statement by the late Vice President Adlai Stevenson may be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

It must not be forgotten that the rules governing this body are founded deep in human experience, that they are the result of centuries of perilous effort in legislative halls to conserve, to render stable and secure the rights and liberties which have been achieved by conflicts. By its rules the Senate wisely fixes the limits of its own powers. To those who clamor against the Senate and its methods of procedure, it may truly be said "they know not what they do." In this Chamber alone are preserved without restraint two essentials of wise legislation and of good government: The right of amendment and of debate.

Grave evils often result from hasty legislation, rarely from the delay which follows discussion and deliberation. In my humble judgment the historic Senate, preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentarian methods and means, which unfailingly secure action after deliberation, possesses in our scheme of government a value which cannot be measured by words.

Mr. RUSSELL. Mr. President, when we are discussing the question of liberalism and those who in the old days were frequently cast in the minority, in fights for liberal and humanitarian causes they espoused very passionately, it is well to know what some of those great liberals had to say about freedom of debate in the Senate.

I do not think anyone would challenge the assertion that the senior Robert La Follette was a liberal. He said—and I quote from one of his notable addresses:

Believing that I stand for democracy, for the liberties of the people of this country, for the perpetuation of our free institutions, I shall stand while I am a Member of this body against any cloture that denies free and unlimited debate. Sir, the moment that the majority imposes the restriction contained in the pending rule, you will have dealt a blow to liberty, you will have broken down one of the greatest weapons against wrong and oppression that the Members of this body possess.

Mr. President, I had the high privilege of serving for a while with the late Senator William E. Borah, of Idaho. Senator Borah was regarded by a great many persons as being a liberal. He did not boast of it all the time, but he was a liberal, and was so counted in this country. Here is what Senator Borah said:

I am opposed to cloture in any form. I have never known a good measure killed by a filibuster or a debate. I have known of a vast number of bad measures, unrighteous measures, which could not have been killed in any other way except through long discussion and debate.

Listen to this:

There is nothing in which sinister and crooked interests, seeking favorable legislation, are more interested right now than in cutting off discussion in Washington.

Mr. President, I served here for many years with a man I came to love, admire, and respect—Senator Joseph

O'Mahoney. He still lives; and we are proud of him, and of our acquaintance and friendship with him. Only 2 years ago, Senator O'Mahoney made a statement which impressed me very much. He said:

> I have followed Thomas Jefferson. I have followed Woodrow Wilson. I have followed Harry Truman. I have followed Franklin Roosevelt. I have enjoyed supporting Adlai Stevenson. I have always been alined in my votes on the floor of the Senate with the side of liberalism. However, I say to my colleagues in deep sincerity that if they vote to cut off free speech in the Senate, they are voting to deprive minorities of the people of the United States, whether they be farmers, whether they be laborers, whether they be small businessmen, or whatever category they may fall into, of the right to representation, and are putting them under a gag rule which is worse by far than rule XXII now on the books.

Mr. President, those are the words of men who established for themselves, by their own deeds, positions in the history of the United States which prove their entitlement to be called liberals. Their words today take on an unmistakable ring of prophetic accuracy and patriotism.

Mr. President, after Lord Macaulay studied the Government of the United States, he wrote the famous letter in which he predicted that the American Government would "be as fearfully plundered and laid waste" as was the Roman Empire. However, he said, our institutions would not be destroyed by vandals from without. Instead, he said, our institutions would be destroyed by forces "engendered within your country by your own institutions"; and he said that his reason for making that statement was "your Constitution is all sail and no anchor."

Mr. President, Lord Macaulay did not fully comprehend all that the Constitution does. He saw that powerful States with great populations would elect the President, would control the House of Representatives, would lead when political rewards were distributed, and that probably their citizens would occupy the position of Chief Justice of the Supreme Court. But he did not see the anchor of the American system which is the Senate of the United States. It will remain that anchor if individual Senators of the United States are not gagged.

Lord Macaulay did not understand that our rule which permits Senators to talk until the people are brought to a knowledge of what is transpiring gives an opportunity for the voice of reason and justice and fairness finally to be heard throughout the land. This is true even if what is reasonable, just and fair is stifled in some places by great publications, even if there are times when one feels it cannot be had on the new, fourth dimension of politics—television.

But under our rule, Senators are able to keep on appealing to the inherent fairness and sense of justice and patriotism of the American people, so that which is right will have an opportunity to assert itself and here in the Senate pressure can be brought to bear to save our system of government.

We have kept this country of ours, under the Constitution, on a course that has been steered by many men, from many political parties, over a long period of years, and which has brought us to a civilization that is the envy of the world and is the fruition of the dreams of the Founding Fathers.

I believe, with all the powers of my being, it would have been impossible to accomplish such a result if a majority in the Senate of the United States could have gagged the minority at will.

This is a body which provides the only restraint, the only opportunity, for all the small States to exercise the same power as the great. Here lies the opportunity for one man of courage to keep crying out and inveighing against something that is going wrong in this country. I implore my colleagues in this body not to do away with that anchor of stability which has kept the passions of politics from running the ship of state on the rocks for all these years by proceeding further along the course that enables ruthless and unscrupulous men in a temporary majority in the Senate to do those things that will bring this great civilization of ours down in ruins.

Several Senators addressed the Chair.

The VICE PRESIDENT. Does the Senator from Georgia yield, and if so, to whom?

Mr. RUSSELL. I yield to the Senator from Virginia [Mr. ROBERTSON] for a question.

Mr. ROBERTSON. Mr. President, would the distinguished Senator from Georgia object if I fully endorsed his brilliant discussion of a vital parliamentary issue?

Mr. RUSSELL. I cannot think of anything that would be more flattering than to answer that question in the negative. I appreciate it very much.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield to the Senator from Mississippi for a question.

Mr. STENNIS. In the same vein, will the Senator from Georgia permit me, at the end of his speech, to call it a landmark in the history of the Senate? I so denominate it, if I may, with the permission of the Senator.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from North Carolina for a question.

Mr. ERVIN. I wish to ask the Senator several questions prompted by the Senator's eloquent and unanswerable argument against revision of rule XXII.

Mr. RUSSELL. I am glad to yield for a question.

The VICE PRESIDENT. The Senator from Georgia yields for a question.

Mr. ERVIN. Does the Senator from Georgia share the view of the Senator from North Carolina that the demand for a change in rule XXII comes largely from intemperate organizations which want to centralize all the powers of government in a central Federal Government?

Mr. RUSSELL. I would not say it comes from those sources exclusively, but I would say there is not a single one of those organizations that is not seeking to change the rule and gag the Senate.

Mr. ERVIN. If the Senator will yield for a further question, does the Senator from Georgia agree with the Senator from North Carolina in the soundness of the philosophy embodied in a statement attributed to Justice Brandeis by Judge Learned Hand? namely—

> The States are the only breakwater against the ever-pounding surf which threatens to submerge the individual and destroy the only kind of society in which personality can survive.

Mr. RUSSELL. I certainly agree with the Senator's appraisal of that statement.

Mr. ERVIN. Will the Senator from Georgia yield to the Senator from North Carolina so the Senator from North Carolina may ask the Senator from Georgia whether or not he agrees with the wisdom of one of the definitions given by Judge Learned Hand about the spirit of liberty? I refer to the definition wherein he says, in substance, that the spirit of liberty believes that there ought to be a place where the smallest can be heard side by side with the greatest.

Mr. RUSSELL. I wholeheartedly agree with the Senator's appraisal, in answer to that question.

Mr. ERVIN. Does the Senator from Georgia believe that the Senate of the United States is the last legislative body on the face of the earth where the smallest do have the right to be heard side by side with the greatest?

Mr. RUSSELL. I certainly agree with the Senator, and I have undertaken to the best of my ability, to point out that the Senate is the greatest equalizer in our system of government. We talk about the famous Colt revolver equalizing the West in our early history. The Senate of the United States, with the right of free speech, is the only equalizer in our Federal Government.

Mr. ERVIN. Does the Senator from Georgia agree with the belief of the Senator from North Carolina that the attempt to alter rule XXII of the Senate, if carried out successfully, would make it impossible for the smallest to be heard side by side with the greatest in the Senate of the United States?

Mr. RUSSELL. I think the representatives from the smaller States would be more prodigal with their legacy than even the proverbial prodigal son was, if they voted to curb free speech in the Senate.

Mr. ERVIN. Has the Senator read the very fine book written about the Senate by William S. White, entitled "The Citadel"?

Mr. RUSSELL. I have.

Mr. ERVIN. I ask the Senator from Georgia if he agrees with the statement made by Mr. White in that book to the effect that a rule adopted by the Senate today to silence one whom the Senate may consider to be a troublesome demagog can be used tomorrow to silence a brave Senator fighting for a righteous cause?

Mr. RUSSELL. I agree with that statement.

Mr. ERVIN. I ask the Senator from Georgia, who has been most gracious about yielding to me, to yield for one further question which is this: Does not modern history teach over and over again the tragic lesson that, whenever a dictator desires to extinguish the lights of liberty in his country, the first thing he does is to silence the minority in his legislative body?

Mr. RUSSELL. Certainly all recent history teaches that conclusion.

Mr. ERVIN. I thank the Senator.

Mr. TALMADGE. Mr. President, will the Senator yield on that point?

The VICE PRESIDENT. Does the senior Senator from Georgia yield to the junior Senator from Georgia?

Mr. RUSSELL. For a question.

Mr. TALMADGE. Has my distinguished colleague read the book "The Rise and Fall of the Third Reich," by William Shirer?

Mr. RUSSELL. I have not read it in its entirety. I have started it, but have not completed it.

Mr. TALMADGE. I had the privilege of reading it this year. The book went into detail to point out what many people do not seem to realize—that Adolf Hitler had assumed the chancellorship of Germany in a legal fashion, by appointment of President Hindenburg. The dictatorship of Adolf Hitler occurred when the Reichstag, the German Parliament, surrendered its right to Adolf Hitler by act of that Parliament.

Does the Senator believe the dictatorship would have been obtained by free will of the German Parliament if it had had a rule XXII and some dedicated people in the Parliament ready, willing, and able to protect the Government of the German Republic?

Mr. RUSSELL. I am sure that if that parliamentary body had had the same freedom of speech the Senate had for the first 170 years of the life of this Republic, it would have been difficult, if not impossible, by legal means, for Hitler to have been granted the power he finally took to himself.

Mr. TALMADGE. I thank my colleague for yielding to me. I congratulate him on his most able and eloquent speech.

Mr. KEATING and Mr. DOUGLAS addressed the Chair.

The VICE PRESIDENT. Does the Senator yield; and, if so, to whom?

Mr. DOUGLAS. I have no questions.

Mr. KEATING. Mr. President——

The VICE PRESIDENT. The junior Senator from New York is recognized.

Mr. KEATING. First I desire to congratulate my amiable colleague and distinguished friend from Georgia on his ability to take the majority leader off his feet in debate. I consider this quite a feat, since a unanimous-consent request had been made by the junior Senator from New York for the majority leader to yield for parliamentary inquiries without losing his right to the floor. No objection was voiced. Then upon the placing of the first parliamentary inquiry, the Senator from Georgia succeeded in depriving the majority leader of the floor.

The VICE PRESIDENT. Will the Senator yield at that point?

Mr. KEATING. I, of course, yield to the President of the Senate.

The VICE PRESIDENT. The Parliamentarian informs the Chair—and the Chair concurs—that the Chair never put the request for unanimous consent, and it was not granted.

Mr. KEATING. I believe the President of the Senate is correct. The unanimous-consent request was not put.

The VICE PRESIDENT. That is correct.

Mr. KEATING. However, it was voiced by the junior Senator from New York. I request that that appear in the RECORD, because by usage in the Senate, unanimous-consent requests are made by Senators and the question is not put by the Presiding Officer, and the assumption is that the unanimous-consent request has been granted in the absence of some objection. However, the President of the Senate, in my recollection, is entirely correct. The request had not actually been put to the Senate.

Mr. RUSSELL. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator yield?

Mr. KEATING. I yield for a question.

Mr. RUSSELL. I ask the Senator if he does not appreciate the fact that I would not take him off his feet now, but if the Senator had asked unanimous consent I certainly would have interposed an objection, because the President of the Senate recognized me when he thought the Senator from Montana originally had yielded the floor.

If the RECORD is going to show that the Senator asked unanimous consent or that he intended to ask unanimous consent or something to that effect, I wish to have the RECORD also show I would have objected.

Mr. KEATING. I understand that the Senator from Georgia did object when the unanimous-consent request was placed before the Senate. All I stated was that the Senator from Georgia did not take the Senator from New York off his feet but he took the majority leader off his feet, since the Senator from New York had requested unanimous consent but the unanimous-consent request had not been put before the Senate. To that I agree.

Furthermore, I have profited from the experience because I have listened to the distinguished Senator from Georgia, whose views all of us respect, whether we agree or disagree. On those views I shall take the opportunity to comment at some greater length later, but I have profited from the privilege of hearing the distinguished Senator. I appreciate it.

I congratulate the Senator on his respect for the Senate of the United States, which we all know is supreme in all his actions. I congratulate him furthermore on the thorough manner with which he has expounded the point of view which he entertains, with which, he understands as well as I, I do not find myself in agreement.

Mr. RUSSELL. I thank the Senator not only for the compliment but also for being so magnanimous.

The VICE PRESIDENT. Does the Senator yield?

Mr. KEATING. I yield for that purpose always, Mr. President, even at the risk I shall be taken off my feet.

Mr. President——

The VICE PRESIDENT. The Senator from New York.

Mr. KEATING. I desire to propound several parlimentary inquiries.

The first is: By what vote of the Senate does a motion to consider Senate Resolution 4 have to be approved.

The VICE PRESIDENT. The Chair would say, after consulting with the Parliamentarian, since the motion to consider is pending, that is a proper parliamentary inquiry.

It would take a majority vote to consider the resolution, if and when the Senate reaches a vote.

Mr. KEATING. May I propound a further parliamentary inquiry in that connection? What provision of the Senate rules provides that the motion to consider shall be approved by a majority vote?

The VICE PRESIDENT. The Chair has consulted with the Parliamentarian. Since the question propounded is directed to the motion pending, the Parliamentarian informs the Chair that there is no rule which specifically says that, but that the precedents of the Senate since the first session of the Senate have been to that effect, unless the rules provided otherwise.

Mr. DOUGLAS. Mr. President, may I ask——

The VICE PRESIDENT. Does the Senator yield; if so, to whom?

Mr. KEATING. I yield for a clarification on that point.

Mr. DOUGLAS. I was merely going to make the request to the distinguished Vice President that he make his rulings in a somewhat louder voice, so that we could hear what they are.

The VICE PRESIDENT. The Chair is not making any rulings. The Chair is making statements in response to inquiries relating to the pending motion.

Mr. KEATING. Mr. President, the responses of the Vice President as the President of the Senate to the inquiries are ordinarily considered to constitute rulings. It is actually upon the basis of rulings that I am addressing these inquiries.

The VICE PRESIDENT. The Chair would like the RECORD to show that the present occupant of the Chair has no intention of issuing any advisory opinions or ruling on any hypothetical cases or any matters which would not permit the Senate to work its own will, where the ruling could be subject to an appeal. Under those circumstances, such an opinion or ruling could serve no purpose other than to give a particular conclusion of the Chair a propaganda effect. The Chair does not propose to get into ruling on hypothetical questions.

Mr. KEATING. I appreciate the position of the President of the Senate. I shall try to limit my inquiries to questions which are by no means hypothetical in the judgment of the junior Senator from New York.

My next inquiry is——

The VICE PRESIDENT. The Senator understands that a response to a parliamentary inquiry is not subject to an appeal, and therefore is not binding upon the Senate.

Mr. KEATING. That I recognize.

Mr. President, is the majority, which the President of the Senate has stated is required by the precedents and not by any specific rule, a majority of all Senators duly chosen and sworn, of all Senators present, or of all Senators present and voting?

The VICE PRESIDENT. The Parliamentarian says that is a somewhat hypothetical question, but a quorum must be present, under the Constitution, to transact business, and a majority of those present would be required, unless the rule or Constitution required a greater majority vote.

Mr. KEATING. In other words, it would be a majority of Senators present and voting. Am I correct in that?

The VICE PRESIDENT. A quorum being present.

Mr. KEATING. Will the Presiding Officer advise whether there is any provision of the Senate rules that action on a motion to take up shall be by a majority of the Senators present and voting?

The VICE PRESIDENT. The Parliamentarian informs the Chair that the rule is not specific on that point, and that the Senate follows precedent. But the Constitution provides that the Senate must have a quorum to do business.

Mr. KEATING. Do I correctly understand the Presiding Officer to say that it is the Constitution which provides that decisions shall be by a majority of Senators present and voting?

The VICE PRESIDENT. No. The Senator's hearing is faulty. The Chair did not make that statement.

Mr. KEATING. Mr. President, if I have misunderstood the Presiding Officer, may I request the Chair to repeat his ruling in regard to that point with respect to the Constitution.

The VICE PRESIDENT. If there is no objection, the Official Reporter of Debates will read the statement.

(The Official Reporter of Debates (Jcseph J. Sweeney) read as follows:)

The VICE PRESIDENT. The Parliamentarian informs the Chair that the rule is not specific on that point, and that the Senate follows precedent. But the Constitution provides that we must have a quorum to do business.

Mr. KEATING. Mr. President, I address another inquiry to the Chair. What vote—meaning by that a vote of what number of Senators—must a resolution to amend the Standing Rules of the Senate receive in order to be agreed to?

The VICE PRESIDENT. A majority vote.

Mr. KEATING. In adopting the Standing Rules, or amendments thereto, is the Senate proceeding under the authority vested in each House by article I of the Constitution to determine the rules of its proceedings?

The VICE PRESIDENT. Will the Senator restate his question?

Mr. KEATING. In adopting the Standing Rules or amendments thereto, is the Senate proceeding under the authority vested in each House by article I of the Constitution to determine the rules of its proceedings?

The VICE PRESIDENT. The Senate is operating under the Constitution.

Mr. KEATING. Is the majority required to adopt the rules or to amend the rules, a majority of Senators duly chosen and sworn, or a majority of the Senators present, or a majority of the Senators present and voting?

The VICE PRESIDENT. I believe the Chair has answered the question. A majority of those present, a quorum being present.

Mr. KEATING. I wish to say to the Presiding Officer that my previous question was directed to the motion to take up, and the present question is addressed to the motion to amend the rules.

May I ask the Presiding Officer under what provision of the Constitution or the Senate rules it is determined what kind of majority shall be required to determine rules of proceedings in the Senate?

The VICE PRESIDENT. The Parliamentarian informs the Chair that his question is not a proper parliamentary inquiry. The Chair has no authority to interpret the Constitution. Constitutional questions must be submitted to the Senate for determination under the uniform practices of the Senate.

Mr. KEATING. Pursuant to that statement, does the Chair decline to rule in that regard?

The VICE PRESIDENT. The Chair agrees with the recommendation of the Parliamentarian that the statement of the Senator is not a proper parliamentary inquiry.

Mr. KEATING. I can only make the comment that I have repeatedly heard the question put as to what Senate rule or what provision of the Constitution applies, and in other instances I have repeatedly heard the answer given. Obviously, as the Presiding Officer of the Senate has said, there is no way of forcing a ruling, which is admittedly advisory in character.

The VICE PRESIDENT. The Chair informs the Senator that the statement is not a ruling.

Mr. KEATING. An opinion.

The VICE PRESIDENT. The statement of the Chair is in response to a parliamentary inquiry.

Mr. KEATING. Will the Chair advise whether action in the Senate on such a resolution is by a majority of Senators?

The VICE PRESIDENT. The Chair will not, because the resolution is not before the Senate. If the resolution were before the Senate and an inquiry were made, the Chair would respond to the point of order.

Mr. KEATING. The Chair then will be willing to respond to such a point of order when and if the resolution is before the Senate.

The VICE PRESIDENT. The Chair has the responsibility when the resolution is before the Senate to respond, if a point of order is made. On the other hand, the submission of a parliamentary inquiry, in connection with a matter not before the Senate, is not authorized, as the Senator, of course, knows, under any rule of the Senate.

Mr. KEATING. It is for the purpose of establishing the basis for a point of order that the inquiries have been made.

The VICE PRESIDENT. The Chair does not look to the purpose of a Senator. The Chair states the fact, that the resolution is not before the Senate.

Mr. KEATING. Mr. President, in the light of the ruling made by the Presiding Officer of the Senate——

The VICE PRESIDENT. The Parliamentarian informs the Chair that the Chair has not made a ruling.

Mr. KEATING. Mr. President, my understanding is that the Chair has ruled that he will not rule.

The VICE PRESIDENT. The Senator's understanding is incorrect. The Chair has made a statement that the Senator is making a parliamentary inquiry on a question not before the Senate, and therefore it is not the responsibility of the Presiding Officer to so rule, and the Chair has not ruled.

Mr. KEATING. Mr. President, in the light of the position taken by the Presiding Officer of the Senate that he does not have the responsibility at this time to rule with reference to the proceedings if and when the resolution is before the Senate, I shall not at this time pursue further inquiries than those already made with reference to the motion to take up the resolution. I will reserve further inquiries for such time as the resolution is before the Senate.

The VICE PRESIDENT. The Parliamentarian further informs the Presiding Officer that the Chair does not make a ruling until the matter is before the Senate, and a point of order is made. At that time a ruling can be made, which ruling can be appealed, and therefore the Senate can work its will.

Mr. KEATING. I shall endeavor to make it possible for the Presiding Officer to make a ruling at a later time.

The VICE PRESIDENT. The Chair thanks the Senator.

Mr. KEATING. I am sure that when the Presiding Officer is presented with a point of order he will then make his ruling and discharge his responsibility, as those of us who know him are familiar with the fact that he always does.

The VICE PRESIDENT. It will be appropriate, and, the Parliamentarian informs the Chair, the Chair will be obligated under his duty to make a ruling when a matter is before the Senate and when a point of order is made; and when that ruling is made, the Senate can then exercise its right to override that ruling.

As most Senators are aware, a ruling cannot be made on matters not before the Senate, when a point of order has not

been made; therefore no ruling can be made, and consequently no appeal can be taken.

Mr. KEATING. I appreciate that. It is only because of the abundance of wisdom which the Chair has with reference to the rules that these questions have been put, in order to form the basis, later, of a possible point of order.

The VICE PRESIDENT. The Chair claims no abundance of wisdom.

Mr. KEATING. I appreciate the courtesy of the Chair in replying to the parliamentary inquiries which are so helpful to the junior Senator from New York.

The VICE PRESIDENT. The Chair claims no abundance of wisdom. The statements the Chair has made in response to the inquiries propounded are the view of the Parliamentarian, the Assistant Parliamentarian, and those others associated in our work here, and constitute the precedents of the Senate and the obligations of the Presiding Officer.

Mr. KEATING. We are deeply indebted to the Parliamentarian, the Assistant Parliamentarian, and the others who advise the Chair. In the final analysis, however, the final opinion or ruling rests with the Chair, as the one who enunciates it.

Mr. President, I intend to discuss the points made by the distinguished Senator from Georgia later in the debate. At this time, I merely wish to make a brief comment on the decision of the distinguished majority leader to file a motion for cloture before this debate has even begun. That decision on the part of the majority leader is justified, if at all, by the past experience of the Senate in trying to deal with any matters having even a remote connection with civil rights.

Personally, I have always tried to make it clear that I cherish the principles of full debate as much as I oppose what we know as a filibuster. I would be most reluctant to cut off any debate after 2 days—but I would not hesitate one moment to cut off a filibuster—which is the negation of debate at any time.

The majority leader's motion serves to confirm the thesis I discussed in the Senate earlier this week with regard to the real nature of rule XXII as a rule of substance rather than procedure. What the motion at this stage signifies is that on Tuesday the Senate, in effect, will be determining not so much whether to limit debate as whether it will take up Senate Resolution 4 and work its will on proposed rules changes.

If at any stage in these proceedings it is clear beyond doubt that the Senate has crossed the line between debate and what we call a filibuster, it will be necessary to challenge by an appeal to the Senate the right of one-third of the Members of this body to prevent the Senate from determining the rules of its proceedings. I believe a constitutional question is involved.

At this stage in the proceedings I merely wish to observe that under the amendment which I have offered to rule XXII on behalf of myself and 14 of our colleagues, 15 days of debate would be permitted before a constitutional majority of the Senate could limit debate. It is evident from the motion just filed by the majority leader that our amendment, permitting 15 days of debate would do more to protect both the right of full debate and the right of a majority of the Senate to act, than does the present rule XXII, despite its zealous defense by the defenders of unlimited debate.

It must be emphasized that in drafting our proposal, we who are of the view that a majority of the Senate must be able to act ultimately have been extremely careful to provide the fullest opportunity for thorough debate before action. We provide, first, for 15 days of debate before cloture, and after that, contrary to the provision of the present rule of 1 hour to each Senator, we have made a further concession to the privilege of the minority, by calling for equal time for the minority with the majority on an issue. We have provided that the 100 hours, which is the equivalent of 1 hour for each Senator, shall be divided equally between those who favor and those who oppose the pending business before the Senate. Our proposal may properly be characterized as rule by the majority after full debate, but by no stretch of the imagination can it be fairly termed a "gag" rule.

Mr. DOUGLAS. Mr. President, I have listened with great interest to the eloquent speech of the senior Senator from Georgia. I am sure he spoke with great sincerity as well as with deep passion. We respect the Senator from Georgia for his skill, for the great services which he has rendered, particularly in the Committee on Armed Services, and for his many talents.

NO DENIAL OF FREE SPEECH

I regret, however, that in the present instance he has presented a false issue to the Senate and to the country. He has charged that those of us who wish to change rule XXII desire to gag the Senate and to interfere with free speech and to suppress the rights of a minority to be heard.

This is not our intention, and it is not the issue. The issue is whether a comparatively small minority of the Senate ought to be permitted under the rules of the Senate, by prolonged discussion and by other delaying tactics, to prevent a vote from being taken and to prevent the majority of the Senate from expressing its will or indeed ever having the chance to vote.

In short, what the Senator from Georgia was defending was not the right of free speech, not the right of an individual Senator, swayed by his conscience, to defend on the floor of the Senate the position which he wished, or for any group of Senators so to do. What he was defending was the filibuster. The filibuster is the method whereby through prolonged discussion or other delaying tactics a comparatively small minority of the Senate can prevent a vote from being taken and thereby prevent the majority from working its will.

"TROIKA" IN THE SENATE

While I know that those who support the present rule XXII are as anti-Communist and as patriotic as any Senators here, they are in essence supporting in the Senate the "troika" principle of veto by one-third which the Soviet Union has proposed in the United Nations.

The Senator from New York [Mr. KEATING], in the brief speech which he made, quite accurately showed that it is not our intention to stifle free speech, and that we believe in the right of freedom of discussion, and of full discussion, just as much as does the Senator from Georgia [Mr. RUSSELL]. We realize that a filibuster can be carried on both on the motion to proceed to consider, which is the question now before the Senate, and on any substantive motion which may follow approval of the motion to consider, and that therefore the filibuster, under the present rules of the Senate, can be used twice, first on the motion to consider, and then on any substantive motion itself. At present, a filibuster can be broken only by an affirmative vote of two-thirds of the Senators present and voting, the provision of the rules which prevailed from 1917 to 1949, when it was made still more stringent, and to which we returned only recently.

SENATE HAS RIGHT TO VOTE

But, as the Senator from New York [Mr. KEATING] has pointed out, what we are proposing is simply that there shall be, upon a petition of 16 Senators a vote to limit debate after discussion for 15 calendar days, which will certainly include at least 12 or 13 legislative days. Even then, if the motion to limit debate carries, there will be the equivalent of an hour per Senator or there will be a total of 100 hours for further debate; and 50 of those hours can be allocated to either side, so that there could be discussion for 15 days, minus Sundays and holidays, and then at least 50 hours more, even if one side does not use its time.

That is no gag rule. This is no attempt to throttle the right of free speech. The proposal provides for abundant and full discussion. But it also provides, at long last, for ultimate rule by a majority of the Senate. I emphasize both those words: "a majority," but a majority of the Senate.

So when the Senator from Georgia makes his plea that Senators must be given the right to talk, how much talk does he want? He can have 2 weeks of talk, and then at least 50 hours more of talk. That certainly should provide for a most thorough winnowing of the pros and cons on any question, and a thorough opportunity for the Senate and the country to make up its mind on the issues which are involved.

There was complaint that both Democrats and Republicans had joined together in a statement about rule XXII. In the past a coalition of some Democrats and some Republicans have joined together to vote or work for what seemed to be bad causes. I am pleased that in this instance they have joined together

for what is a good cause; namely, a meaningful change in rule XXII.

RULE PROVIDES DOUBLE PROTECTION

It should be pointed out that this process will have to occur twice. If a minority is determined, it can talk and talk on the motion to consider. That talk can only be limited, under the amendment proposed by the Senator from New York, in which I have the honor to join with him, by a majority vote. Thereafter, there would be 15 days and 50 hours in which to talk. If and when the motion to proceed to consider carries, then on any substantive legislation the same process would be gone through again. So the minority is given, in reality, 30 days plus 100 hours. That certainly should be enough, even for a U.S. Senator.

The amendment which we are proposing is not a gag rule. It is a provision for full, free, extended, and prolonged discussion, in which every phase of the issue can be threshed out, gone into, and examined both minutely and in its other aspects.

PRESENT RULE XXII IS VETO BY ONE-THIRD

This needs to be made completely clear. What the Senator from Georgia is defending is the right of a small group, by interminable discussion or threat of discussion, to impose the negative rule of veto upon what the majority of the Senate desires and what the majority of the country desires.

SMALL STATES ADEQUATELY PROTECTED

The Senator from Georgia said that rule XXII in its present form is needed to protect small States. In an appeal to the small States of the Nation, many of them located in the Rocky Mountains, the Senator from Georgia said rule XXII must be maintained unaltered and unchanged. But the small States of the Union are abundantly protected by the Constitution as it was drafted and as it now stands.

I have been rereading James Madison's Journal of Proceedings of the Constitutional Convention of 1787. From a reading of that journal and from a reading of the debate and the commentaries on that Convention, it is clear that there were certain small States, notably Delaware, New Jersey, and Maryland, which insisted upon equality of representation of the States in the Senate. The chief delegate from Delaware at one point went so far as to say that unless Delaware obtained equality of representation with Virginia, Pennsylvania, and Massachusetts, Delaware might be compelled to seek an alliance with a foreign power. The arguments of Delaware, Maryland, and New Jersey were opposed not merely by Massachusetts and Pennsylvania, but also were opposed by Virginia.

The delegates from Virginia at the Constitutional Convention, led by Madison and others, were in favor not merely of a House of Representatives in which the States would be represented according to population, but of a Senate, in which they would also be represented according to population. This was also the attitude of South Carolina and of Georgia. For these were then very populous States.

SOUTH HAS SHIFTED ITS VIEWS

So this change of attitude, this new attitude now put forward by our southern friends, was not one which the delegates from the South at the Constitutional Convention supported. However, in order to keep the small States in the Union, in order to prevent the Nation from breaking up into three regional confederacies, the principle was put into the Constitution that in the Senate, each State, regardless of size, should have equality of representation—two Senators. This provision was anchored in for all time in the fifth article of the Constitution, which provides that no State without its consent shall be deprived of its equal suffrage in the Senate. This consent will never be given. This is the one feature of the Constitution which is outside the amending power. It cannot be amended by three-quarters of the States. This provision exists for all time.

Madison, Franklin, and Hamilton, the great framers of the Constitution and founders of the Republic, doubted the legitimacy of this principle. They were afraid it would result in domination of the country by the small States.

I wish to say that we who come from the large States do not quarrel with this principle. It was the price the large States had to pay for the formation of the Union, because of the attitude of the small States, such as Delaware, New Jersey, and Maryland. The blessings of union are such that the large States had to pay that price. But it is a high price, because one who examines the roll of the Senate will find that a majority of the Members of the Senate come from States which have about one-fifth of the population.

Mr. CLARK. Mr. President, will the Senator from Illinois yield for a question?

The PRESIDING OFFICER (Mr. DODD in the chair). Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. DOUGLAS. I yield for a question.

Mr. CLARK. Is it not true that there are 20 States, with 40 Senators, each of which has a population smaller than that of the city of Chicago?

Mr. DOUGLAS. That is correct. When I was a member of the Chicago City Council, I represented a ward which had more people than the populations of two States.

So a minority of the people of the country already control the Senate through this provision for equality of representation in the Senate. There is no majority rule here.

Mr. CLARK. Mr. President, will the Senator from Illinois yield for a further question?

Mr. DOUGLAS. I am glad to yield.

Mr. CLARK. Is it not the view of the Senator from Illinois that the Founding Fathers might be startled, if they were alive today, to see how surveyors' lines across the plains and mountains have created a large number of additional States with even smaller populations than those of Rhode Island and Delaware, the smallest of the original 13, and thus perpetuated for all time a compromise which at the time was justifiable only because of the necessities of creating a Federal Union in the first instance?

Mr. DOUGLAS. Yes, I think they would be both startled and alarmed.

Mr. President, Senators should notice what the present rule XXII does, in addition to that. It provides that a minority of one more than one-third of the Members of the Senate can prevent virtually two-thirds of the Members of the Senate from working their will.

Mr. CLARK. Mr. President, will the Senator from Illinois yield for another question?

Mr. DOUGLAS. I am glad to yield for a question.

Mr. CLARK. If one were to indulge in statistics, would it not be possible to find a situation in which as many as three-fourths of the people in the Federal Union had their will as expressed in their elected representatives in the Senate denied by Senators who constituted only one more than one-third of the Members of the Senate?

Mr. DOUGLAS. Even worse than that could be the case. I went into this subject some 12 years ago, when I first came to the Senate; and at that time a majority of the Members of the Senate represented States with only one-fourth of the population. But since then, that proportion has diminished, because the large States have been increasing in population at a greater rate than the population growth of the small States, with the result that the ratio now probably is about one-fifth. So one-third of the Senators could represent approximately only 15 percent of the population of the country; yet by interminable filibuster they could prevent the representatives of the other 80 percent or 85 percent from exercising their will.

Mr. CLARK. Mr. President, will the Senator from Illinois yield for a further question?

Mr. DOUGLAS. I am glad to yield.

Mr. CLARK. Is not the Senator from Illinois reminded by the present situation in the Senate of the condition which existed in the House of Commons before the first reform bill of 1832, when there was the so-called rotten borough system?

I hasten to add that I cast no aspersion upon any of the small States or their Senators, by referring to this analogy.

Mr. DOUGLAS. Yes.

I merely say we are not questioning the equality of representation in the Senate. We cannot question or challenge it, for that question has been settled by article V of the Constitution. So we have to live under it, but we should be conscious of what it provides. But we should not add to that burden by allowing one-third of the Members of the Senate to have the power to prevent Senators who represent the overwhelming majority of the people and the States

after full and complete discussion from acting.

Mr. CLARK. Does the Senator from Illinois prefer to finish his remarks before he yields for other questions?

Mr. DOUGLAS. No. As a matter of fact, I came here today without a prepared speech; these comments have simply been suggested by the remarks made by the Senator from Georgia. So I welcome interruptions; I have no prepared speech ready.

Mr. CLARK. I thank the Senator from Illinois. I shall comply strictly with the rule, by asking the Senator to yield only for questions.

Is it not true that among all legislative bodies in the civilized world, only the Senate of the United States is, under its rules, unable to act when a majority is prepared to take action?

Mr. DOUGLAS. Yes. I have studied, on a comparative basis, the constitution of virtually every country in the world; and I know of no country in the free world in which ultimately the principle of majority rule does not prevail in the legislative body. At one time when Norway had eight legislative Houses, if action were to be taken on a bill, it had to be passed by all eight of the Houses. But that rule has disappeared.

Mr. CLARK. Does not the Senator from Illinois also recall that, at one time, one member of the Polish Diet could prevent any matter from coming to a vote in that body; and, as a result of the continued use of that rule, Poland disappeared for over a century as an independent body?

Mr. DOUGLAS. That is correct.

Mr. CLARK. Does the Senator from Illinois agree with me that—so far as I know—nothing in the writings of the distinguished jurist, Learned Hand, including his famous essay on "The Spirit of Liberty," would indicate that he was opposed to majority rule?

Mr. DOUGLAS. Yes. Judge Hand was for many years a judge of the Second Circuit Court in New York; and the opinions of that court were majority opinions. So far as I know, Judge Hand never objected to that principle, either when he was in the majority or when he was in the minority.

Mr. CLARK. Does the Senator from Illinois agree with me that Judge Hand's references, in his famous essay on "The Spirit of Liberty," to humility and to never being too sure about what is right—although those are statements in which all can concur—in fact have no bearing on the question which now is before the Senate?

Mr. DOUGLAS. That is correct. It is very important to keep an open mind, to be humble spiritually, to consider the views of others, and to weigh them. But in a legislative body it is necessary at some time to reach a decision, to vote either "yea" or "nay," and to make up one's mind.

We are contending for the right of the majority of the Senate to reach a decision, but only after full, frank, extended, candid debate in which every point of view is entitled to be heard.

Mr. CLARK. Does the Senator from Illinois agree with me that no Member of the Senate favors gag rule, no Member of the Senate has ever suggested gag rule, and no amendment offered by any Member of the Senate to change rule XXII would in any way gag Senators from fully and freely expressing their opinions on any matter which might come before the Senate?

Mr. DOUGLAS. I know of no such Senator. I am sure that none of the advocates of the proposed change in rule XXII have any such idea in mind.

Mr. CLARK. Does the Senator from Illinois agree with me that the doctrine advocated this morning, here on the floor, by the able Senator from Georgia [Mr. RUSSELL] is in many ways the spiritual successor of John C. Calhoun's doctrine of the concurrent majority?

Mr. DOUGLAS. Yes, I think that is true. I would have liked to develop it later, but I can develop it now. John C. Calhoun said no decision should be taken by the Congress unless every significant group accepted it. What he meant was, no decision should be taken by Congress if that portion of the South which was represented in the Senate or the House of Representatives objected. Calhoun believed in slavery and human inequality and to keep the Members on top. He would have really put into effect the principle of the Polish Diet and of the Norwegian Parliament. In the Norwegian Parliament, any one of eight Houses could interpose a veto. The consent of all would have to be obtained.

The doctrine of Calhoun was rejected—rejected in the course of events—rejected, I am sorry to say, through the ultimate arbitrament of arms.

Mr. CLARK. Unfortunately, it played a very great part in bringing about the War Between the States, or the Civil War.

Mr. DOUGLAS. It certainly did.

Mr. CLARK. Would the Senator not agree that, as civilization has moved forward, with the enormous number of new inventions since the days of the Constitutional Convention, as the world has shrunk, the need of speedy decision after full debate by legislative bodies is far greater today than it was at the end of 18th century?

Mr. DOUGLAS. That is correct. And that is one of the dangers we face today.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. The Senator has very ably stated his belief that majority rule should prevail in the Senate, meaning a simple majority ought to be able to close debate. Am I correct?

Mr. DOUGLAS. There should be a way to limit debate after 15 days, after 100 hours; and this can be done twice.

Mr. HOLLAND. But the Senator has taken the position, and is taking the position now, that a majority vote should close that debate even though such action was postponed until some time in the future?

Mr. DOUGLAS. So the majority would have a chance to vote and so the minority would not have the opportunity of preventing the majority from ultimately working its will. Yes; that is correct.

Mr. HOLLAND. The Senator from Illinois knows, does he not, that a majority of the Senate, as the States are now constituted, might represent something like one-fifth of the population?

Mr. DOUGLAS. That is what I have been stating.

Mr. HOLLAND. Therefore, under the theory propounded by the Senator from Illinois, he thinks the representatives of substantially one-fifth of the population of the United States should be able to close debate regardless of the opinions of those who represent four-fifths of the population. Is that correct?

Mr. DOUGLAS. This is a very touching argument by the Senator from Florida, advocating consideration for the big States. The argument of the Senator from Georgia was that the attempt to change rule XXII was a nefarious scheme being hatched in the regions of the big States. Our amendment has been represented as a plot by the big States to overrun the small States. Now the Senator from Florida is saying that the big States are protected by rule XXII. It is not the big States which have invoked the right of unlimited debate—at least, in not such profusion as some of the other States, particularly the South.

Mr. HOLLAND. Of course, the Senator knows the big States have invoked this right, but have not had to do it as frequently as the smaller States.

The Senator from Illinois has not followed the census recently. The State represented in part by myself; namely, the State of Florida, is now tenth in population. The Senator from Florida has been told by the Census Bureau recently that Florida now is ninth in population. So we believe we have the right to think about the issue from the standpoint of protecting the majority of the people of the United States. When we see a plan here which seeks to enable the representatives of four-fifths of the population to be forced to do something by the representatives of one-fifth of the population, we cannot help bringing it to the attention of the able Senator and into the debate, because it seems to me that is the very antithesis of majority rule.

Mr. DOUGLAS. I am delighted to have the Senator from Florida assume the garment of the big States and use the garment to advance the right of unlimited debate; but we know where the impelling force for maintaining unlimited debate comes from. It comes from the Southern States and some small States which are reluctant to give up the advantage which the rule gives them. I think the Senator is speaking as a southern Senator and not as a representative of a big State as such.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield for a question.

Mr. CASE of New Jersey. This question was suggested by a part of the colloquy the Senator from Illinois had a few moments ago with the Senator from Pennsylvania. The question is this: Does not the Senator feel, as the Senator from New Jersey does, and as I think most of the proponents of cloture do, that after a sufficient time for debate has been had, cloture may be imposed by a majority vote of the Senate, somewhat uncomfortable about the precipitation with which the motion for cloture was filed this morning, before any debate at all was had upon a change in the rule?

Mr. DOUGLAS. I feel very uncomfortable about it. It is one of the reasons why the Senator from Illinois and other Senators who feel the same way would not sign the cloture petition. The Senator from New Jersey did not sign the petition. The two Senators from New York did not sign the petition. The Senators from Pennsylvania did not sign the petition. The junior Senator from Michigan did not sign the petition. The senior Senator from Illinois did not sign the petition.

We who are being accused implicitly of strangling debate in the Senate felt that, on the motion to consider, the cloture petition should not be invoked in the very beginning, but the Senate should be allowed to proceed until it became evident that a filibuster was in progress. So a third element was interposed; namely, that a motion for cloture should not be introduced until discussion, either on the motion to consider or on the substantive measure itself, had progressed for a length of time in which it was evident that the discussion was not being engaged in for the purpose of enlightenment, but merely for the purpose of delay. Only then should cloture be proposed.

I did feel uncomfortable, therefore, when the Senator from Montana, before a motion to proceed was acted on, moved to impose cloture.

This is one of the reasons why we did not sign the petition. I am not blaming the Senator from Montana. We realize this is the end of the session. We realize the Senator from Montana wants to wind up proceedings as quickly as possible.

We are not blaming the Senator from Montana. I hope that our friends who take a different position from ours will now clearly recognize we are not trying to strangle discussion. They should know, anyway, but this is abundant proof of our good faith.

Mr. CASE of New Jersey. I thank the Senator.

Mr. DOUGLAS. I thank the Senator from New Jersey.

TWO-THIRDS VOTE NOT PROVIDED IN CONSTITUTION TO LIMIT DEBATE

Mr. President, the eloquent Senator from Georgia tried to identify rule XXII with the Constitution. Again and again he said that those of us who are proposing to change rule XXII were attacking the Constitution, that we were whittling away at the Constitution.

There is nothing in the Constitution which even remotely upholds rule XXII. Rule XXII is something which was adopted by the Senate. As a matter of fact, there once grew up in the procedures of the Senate unlimited debate without any cloture. It was not until 1917, when our ships were being sunk by the Germans, when Woodrow Wilson wished to arm the merchantmen to resist attack, that the first limitation upon debate came into being, although previously, in the earliest days of the Senate, the motion for the previous question which closed debate by a simple majority vote had been part of the procedure of the Senate.

The Constitution provides for a two-thirds vote only in five specific instances. A two-thirds vote is needed to override a Presidential veto. A two-thirds vote is needed to ratify treaties. A two-thirds vote of the Congress is needed to propose an amendment to the Constitution to the States. A two-thirds vote is required for impeachment. A two-thirds vote is required for the expulsion of Members. These are specifically enumerated in the Constitution.

The universal rule has been that when a two-thirds provision is not enumerated, then the majority provision holds. That has been the interpretation of the Supreme Court, which the Senator from New York [Mr. KEATING] cites in his minority opinion on page 4, in which he quotes a decision of the Supreme Court in the case of *United States* v. *Ballin*, 144 U.S. 1, 5; namely, that "Congress 'may not by its rules ignore constitutional restraint,' but this is just what is done by those who engage in the filibuster."

It is we who are defending the Constitution. The principle of the Constitution, unless there are specific provisions to the contrary, is that of ultimate majority rule after full discussion. It is we who are defending the right of the majority in this body, and it may be of a still greater majority in the country, to pass legislation after full and free discussion.

CIVIL RIGHTS KEY ISSUE

Mr. President, the Senator from Georgia skirted over the question of civil rights. He said it was not an issue in this matter. We all know this is not correct. We all know that the question of civil rights is basic to this discussion and that a discussion of procedure is more or less a form of deciding under what rules we shall consider the question of civil rights.

It is of course true that the rule will apply to something more than civil rights. It is of course true that the filibuster has been used to defeat other forms of proposed legislation, but it is known to the country and should be known to Senators who take part in the filibusters that the primary purpose of the present form of rule XXII is to prevent action by the majority of the country, even the majority in the Senate, to protect the rights of individuals which are invaded by either local action or by State action.

I try not to touch upon this issue very much in the Senate, because I know the passions which it arouses. I have never either publicly or privately made any reflection upon the character of the white citizens of the South. It is not my intention to do so now.

We cannot escape history, however, and the history is that for 240 years we had chattel slavery in this country. A slave population of several millions was built up. These were concentrated almost exclusively in the Southern States and were referred to as "the peculiar institution." Because of the relationship of the National Government to slavery, this was the issue upon which the Nation divided for years and which, failing to be solved in the Congress, had to be settled on the battlefield. It was because the issue could not be solved in the Congress that the recourse to arms occurred.

As a result of that war the slaves were freed first by presidential proclamation and then by the 13th amendment to the Constitution which provided that—

> Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Then there was a second section asserting national authority to see that the provision was carried into effect and did not remain a dead letter:

> Congress shall have power to enforce this article by appropriate legislation.

So chattel slavery was abolished, thank Heaven. This was one of the results of the Civil War for which hundreds of thousands of men gave their lives.

FOURTEENTH AND FIFTEENTH AMENDMENTS ALSO PART OF CONSTITUTION

There followed two other amendments to the Constitution, the 14th and 15th amendments. Section 1 of the 14th amendment provided in part—I read the final three lines:

> Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

That is a national guarantee that citizens of the United States—who are all persons born or naturalized in the United States—were to be protected by the National Government in the same rights as any other citizens.

The 14th amendment was a noble amendment. It provided that there were not to be first-class citizens or second-class citizens in this country, but that all were to be citizens with equal rights, equal privileges and equal obligations. So far as the law was concerned, blacks as well as whites were citizens of the United States and, as such, entitled to the same rights and privileges as others. Nor could they be denied the equal protection of the laws.

Then in the 5th section there is the same authority given to the Congress

as in the 2d section of the 13th amendment, namely:

> Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

I have heard our southern friends make eloquent speeches against civil rights. I have heard others say that the acts to which I have referred are violations of the 10th amendment to the Constitution. The 10th amendment, as we know, provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Our southern friends say, "Where in the Constitution is there any provision for equal voting rights or for rights to attend desegregated public facilities?"

Since they do not find such specific provisions as those in the Constitution, it is then argued by them that any legislation giving to the Federal Government the power to grant such protections is unconstitutional. But they ignore the 14th and the 15th amendments to the Constitution. These are as much parts of the Constitution as the original draft of the Constitution or the original 10 amendments, or the Bill of Rights.

FOURTEENTH AND FIFTEENTH AMENDMENTS IMPORTANT

We come now to the fact that a large section of the white south has in practice refused to accept the results of the Civil War or the 14th and 15th amendments to the Constitution. They reluctantly accepted the 13th amendment, abolishing chattel slavery, but they treat the 14th and 15th amendments as inoperative and as not applying to them. They believe that in these fields the States should be supreme—uninhibited and uncontrolled by the National Government in its effort to provide equal protection of the laws to everyone.

The 15th amendment contains a provision that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State because of race, color, or previous condition of servitude. The usual provision is added that Congress shall have the power to enforce the article by appropriate legislation.

Deep in the Constitution are the 14th and 15th amendments, for which hundreds of thousands of men died and for which much blood was poured out. Not only was that war necessary to preserve the Union, but also those from the North who fought did so with the consciousness that in some way they were trying to strike the bonds of inequality, of slavery, and of exploitation from their fellow men.

But the principles of the 14th and 15th amendments have been imperfectly carried out. Only a relatively small fraction of the Negro citizens of the South are permitted to register. Only a fraction of these in turn find it possible to vote. There are still provisions in the laws of some of our States which deny to colored people the equal protection of the laws.

When I make this statement I am not indicting the South as such. There are great abuses in the North which are not sanctioned by law. They are illegal and outside the law. They exist in the fabric of practices which I believe to be unfair, but which at least are not cemented by legal action.

DESEGREGATION LAW OF THE LAND

The question is as to whether the 14th and 15th amendments of the Constitution mean anything. We have had unanimous decisions by the Supreme Court on two occasions from 12 judges, a goodly number of them from the South, saying that segregation of the races in the schools on the basis of color denies to the race which is regarded as socially inferior the equal protection of the laws, and hence these provisions are unconstitutional. The Supreme Court ruled that this practice should be changed and that the States and localities should proceed with all deliberate speed to change those practices.

GRADUALISM NOT AN EXCUSE FOR LACK OF PROGRESS

More than 7 years have passed since the Supreme Court made its decision. Great progress has been made in the so-called Border States. Until recently, very little progress had been made in the so-called Deep South. I welcome the progress that has recently been made in Atlanta under a great mayor, and in New Orleans. We hope that the progress will continue. But we must admit that on the whole progress has been very slow.

I am not opposed to the principle of gradualism. I know that progress is a human factor. Things must change gradually. For example, in India the abominable cast system was outlawed legally, but progress has been slow in effecting a practical change. I know that such changes do not occur overnight. But I and most of the citizens of this country and of the world want them to proceed at an appreciable pace. We want them to be noticeable.

Some think we are going too fast, that we can progress only if progress is unnoticeable, invisible, and infinitesimal. That is what really lies behind the whole discussion.

AMERICANS CREATED EQUAL

This country has a marvelous government, and a marvelous society based on the equality of men, and the recognition of human dignity. Before the law, people are equal—not equal in ability, not equal in fortunes, but equal as souls, equal in the sight of God, and equal in the sight of the law. That is precisely what the great Virginian and great American, Thomas Jefferson, meant when he said:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

That is the principle of Americanism upon which this country was founded. That is what our great American President, Abraham Lincoln, meant when he said at Gettysburg, a few months after that terrible battle—"and that government of the people, by the people, for the people, shall not perish from the earth."

EQUAL RIGHTS NECESSARY TO SUCCESS IN WORLD STRUGGLE

We are now in a great world struggle, a struggle between our form of government and communistic totalitarianism. We have beaten off one form of tyranny, the tyranny of nazism and fascism. We now face a struggle with Communist tyranny, with a monolithic police state which has control over propaganda and education through the secret police, using all the instruments of persuasion, brainwashing, and terror to force not only its population, but other populations under its control.

We have a different system, though imperfectly carried out. In response to our appeal to the neutral nations and peoples—and indeed to the communistic peoples—Communists have this argument: "The United States," they say, "is hypocritical. It does not grant these equal rights to the black population of America, who number 18 to 20 million. It grants them only imperfectly to the Americans of the southwest."

Therefore, the people of Africa and the people of Asia, whose skin pigmentation is darker than ours, are being told that the United States is the oppressor of their fellows.

The Communists practice race discrimination against the Jews, and they practice it against all people, including the Russians. Our failure to act, our failure to cure the abuses, and the failure of Congress to act are cited by the Communist agitators and propagandists in Asia and Africa and in Europe and Latin America. Man after man who has served this Nation abroad, whether as a diplomat or as a soldier, has told me that the greatest single obstacle we have is our practice in dealing with our colored people at home, and that this tends to give the lie to all the noble things which we advocate.

I do not want to see this Nation continue in the struggle with communism weighted down hand and foot with the chains and prejudices crystallized into law in some sections of the country.

This issue is something more than the rules of procedure of the Senate. I believe that the conscience of the people of the Nation has long since decided that at least we want to strike away the legal barriers and make it more possible for the human spirit to express itself on the basis of equality. In order to do so, we must change the rules of the Senate.

WHAT IS REAL OPINION IN THE SOUTH?

I have appealed on other occasions to the South itself. People speak of the opinion of the South. They say this is all against any change in rule XXII. I would remind my good friends that the Negroes in the South are southerners too. They are citizens of the South.

Does the argument of the senior Senator from Georgia represent their deepest aspirations and desires? It is true that some of them are indifferent, some are ignorant; but there is a tremendous stirring among them. When the Senator from Georgia speaks about the will of the South, is he speaking for the 10 or 12 million Negroes of the South? Is he, indeed, speaking for all the whites in the South? In five States which have the poll tax there are large numbers among the white population who are disfranchised—in Virginia, in Texas, and in other States. Does the Senator from Georgia speak for them?

I know from personal conversations with southerners, both in the armed services and since then as citizens, that a very large proportion of the white population of the South, not only the poor, and middle class, but also the well to do, want to make a change, but they feel themselves held powerless by the chain of laws and public opinion which has been created.

We would like to set them free. We would like to set free the Negroes of the South, the idealistic whites of the South, the poor whites of the South—set them free so that they, too, can move forward. Without being seemingly patronizing or hypocritical, I believe it would permit the political genius of the southern white population to flower much more fully than is now the case.

In the founding of this Republic it was the South, in conjunction with Massachusetts, which took the lead. Indeed, the South played a more prominent part than the North in the Continental Congress, in framing the Declaration of Independence, in the Constitutional Convention, in framing the Constitution itself, and in the Government which was set up under the Constitution.

SOUTHERN FOUNDING FATHERS AGAINST SLAVERY

During the 36 years, from 1788 to 1824, we had a Virginia President for 32 of those years: George Washington for two terms, Thomas Jefferson for two terms, James Madison for two terms, James Monroe for two terms. They were great Presidents and great Americans. The genius of the South flowered. The representatives of Virginia were always in the foreground during this period in defending human rights and liberties.

Madison, Jefferson, and George Mason were insistent on the rights of individuals. Every one of them abhorred slavery and the slave trade. Jefferson declared it was a curse upon mankind and a curse upon the South. George Mason wanted to abolish it in the Constitution. One of the reasons why George Mason would not sign the Constitution was the fact that it did not prohibit the slave trade immediately.

A blight descended on the South when slavery became more profitable, and interference with slavery meant a loss of economic power to the dominant white planters of the South. As a result of the Civil War we did help remove this burden from the South. However, a tremendous burden still rests upon the representatives of the South in Washington. Just as many southerners prior to the Civil War knew that slavery was wrong, yet felt they had to defend it, so I feel quite certain that in the still, small hours of the night, some of the present representatives may begin to wonder what they are doing in defending practices which the dominant white section of the South imposes upon the Negroes.

I know these men well. I like all of them. I dislike none of them. I have great affection for some of them. Some of the ablest and finest men in this body come from south of the Mason-Dixon line. They are held by the evil system and prevented from expressing the full flower of their abilities and humanitarianism which could be effected if we were to set them free. They are prisoners of history and geography. They too should be set free.

PRACTICE LIMITS CHANCES SOUTHERNER TO BE PRESIDENT

This is the reason why it is virtually impossible for a southerner now to become President of the United States, because of the fear that people in other sections of the country have that a southern politician or statesman, no matter how excellent he might be personally, if he became President would carry over the feelings of the dominant white population of the South with regard to the Negroes, and therefore they do not want to take a chance.

I happen to have been one who in 1952 did support a southerner for President of the United States. I supported Senator KEFAUVER, of Tennessee, for the Presidency. I supported him because I became convinced, as the result of watching him for years, and studying his votes, that on the question of the 14th and 15th amendments he took a national point of view. I supported him against the Governor of my own State. Under the same conditions I would support him again. We have men from the South who, if this issue could be removed, would deserve to be President of the United States, but whom we cannot support unless we are certain that in the matter of human rights they do not know any distinction between white and black.

UNITED STATES MUST CATCH UP

My primary purpose, and our primary purpose, is to enable the United States, at last to catch up with the movement of history and the demands of our consciences. Deep within us, Christian and Jew alike, we know that religion teaches us that God hath made of one blood all the nations of the earth; that in the sight of God all men are brothers and should be treated as people with full human dignity.

We know that when there are legal practices or social practices which violate that principle, they violate the very ethical foundations for which Jesus lived and died, upon which the Christian religion is based—yes; and the Hebraic religion, too.

It so happens that changing these practices is also necessary for survival. The world is divided, as Caesar remarked about Gaul, into three parts—the free world, the Communist world, and the uncommitted world. The uncommitted world consists largely of black, brown, and yellow people.

Mr. KEFAUVER. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I shall be glad to yield for a question.

Mr. KEFAUVER. I do not wish to interrupt the Senator's eloquent, persuasive speech, but I just walked into the Chamber and heard the Senator speak of me and some of my political efforts. He was most loyal and effective in his support in my behalf. I appreciate his remarks. One of the bright and cheerful memories I have of some of my excursions into the political field is my association with the great, able, and thoughtful senior Senator from Illinois, and his good wishes toward me.

Mr. DOUGLAS. I thank the distinguished Senator from Tennessee. I hope I have not weakened his political backing by thus affirming my faith in him. I know he has a very heavy cross to bear in Tennessee as a result of my support.

Mr. KEFAUVER. The Senator from Illinois is well known as a thoughtful Christian gentleman and great statesman all over the United States. On behalf of the people of Tennessee, I welcome his good wishes and support. It has always been helpful, rather than detrimental, as I am sure it would be to any Senator of the United States.

CONCLUSION

Mr. DOUGLAS. Mr. President, I have finished the substantive portion of what I wished to say. This is not an attempt to curb freedom of debate in the Senate. Under our proposal, debate could continue for weeks before coming to a vote. I have simply been speaking for the ultimate possibility of the majority being able to vote; that is all. The majority simply asks for the right to vote, which at present is denied them. This right is desirable, both under the Constitution and in accordance with the principles of Christianity and also to enable the United States to survive and conquer in the great world struggle in which we are inevitably involved.

I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8072) making appropriations for

the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1962, and for other purposes; and that the House receded from its disagreement to the amendments of the Senate numbered 3 and 17 to the bill, and concurred therein.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8666) to provide for the improvement and strengthening of the international relations of the United States by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H.J. Res. 225) to grant the consent of Congress to the Delaware River Basin compact and to enter into such compact on behalf of the United States, and for related purposes.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 8465. An act to prohibit the shipment in interstate or foreign commerce of articles imported into the United States from Cuba, and for other purposes;

H.R. 9169. An act making supplemental appropriations for the fiscal year ending June 30, 1962, and for other purposes; and

H.J. Res. 576. Joint resolution to designate calendar year 1962 as Cancer Progress Year.

The message communicated to the Senate the intelligence of the death of Hon. OVERTON BROOKS, late a Representative from the State of Louisiana, and transmitted the resolutions of the House thereon.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker pro tempore had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H.R. 2281. An act to reserve for use by the Department of the Army at Fort Richardson, Alaska, certain public lands in the Campbell Creek area, and for other purposes;

H.R. 2282. An act to provide for the withdrawal from the public domain of certain lands in the Ladd-Eielson area, Alaska, for use by the Department of the Army as the Yukon Command training site, Alaska, and for other purposes;

H.R. 3920. An act to authorize an exchange of land at the Agricultural Research Center;

H.R. 6193. An act to authorize the Secretary of Agriculture to convey certain lands in the State of Wyoming to the county of Fremont, Wyo.;

H.R. 6494. An act to provide for withdrawal and reservation for the use of the Department of the Air Force of certain public lands of the United States at Nellis Air Force Range, Nev., for defense purposes;

H.R. 8762. An act to amend the Small Business Act; and

H.J. Res. 558. Joint resolution providing for printing copies of "CANNON'S Procedure in the House of Representatives."

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 8465. An act to prohibit the shipment in interstate or foreign commerce of articles imported into the United States from Cuba, and for other purposes; to the Committee on Commerce.

H.R. 9169. An act making supplemental appropriations for the fiscal year ending June 30, 1962, and for other purposes; to the Committee on Appropriations.

H.J. Res. 576. Joint resolution to designate calendar year 1962 as Cancer Progress Year; to the Committee on the Judiciary.

ADDRESS BY HON. FRANK CHURCH, OF IDAHO, AT FOREIGN AFFAIRS SEMINAR OF INSTITUTE FOR CERTIFYING SECRETARIES

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the RECORD the text of an excellent address delivered yesterday by the distinguished Senator from Idaho [Mr. CHURCH] at the foreign affairs seminar sponsored by the Institute for Certifying Secretaries on some proposals concerning Berlin.

In his address, the Senator from Idaho made an interesting suggestion of the possibility of a counterblockade on our part as a method of bringing the Berlin crisis to a satisfactory conclusion without resorting to war.

His address is notable also in connection with his urging—in which I join with him—that we should continue the debate on the German and Berlin question and not keep ourselves in a frozen situation.

It occurs to me that the junior Senator from Idaho has made a real contribution in this regard, and I command his scholarly address to the Senate.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SOME PROPOSALS CONCERNING BERLIN

(An address by Senator FRANK CHURCH, Democrat, of Idaho, member of the Senate Foreign Relations Committee, concluding the foreign affairs seminar sponsored by the Institute for Certifying Secretaries)

Members of the Institute for Certifying Secretaries, members of the faculty of George Washington University, ladies and gentlemen, first of all, let me commend you for having participated in this world affairs seminar. Never has there been a time when it was more important for the American people to understand conditions abroad. The old order is dying, much of the world is in a state of revolutionary upheaval, and the ferment occurs at a time when nuclear technology makes total war a calamity of awesome and unprecedented dimension. In short, we live in a precarious world, full of perplexing problems uneasily solved.

The seminar you have attended has given you some exposure to some of these problems. With respect to the wave of revolution that has swept over so much of Asia and Africa and seems about to engulf portions of South America, I sometimes think of the basic problem in terms of an experience I had a few years ago with my oldest boy, Forrest.

Shortly after I first came to the Senate, in 1957, I asked Forrest to lunch with me at the Capitol. His mother brought him to the Senate restaurant, through the vaulted corridors, past the many marbled figures of our illustrious dead. After lunch, I took him to the great rotunda, showed him the historic paintings beneath the lofty dome, and then led him through the handsome bronze doors that open out upon the broad front steps of the Capitol.

Down the steps he went, wide eyed, to where his mother was waiting for him in our old, outmoded car. I waved them goodbye and watched as they rattled off down the street. Forrest reflected in silence on his exciting adventure. He said nothing for several blocks. Then he turned suddenly to his mother and said, "Mommy, why is it that daddy is so rich when we're so poor."

I think of that story tonight, because the same question, asked in dead earnest, haunts the whole of the underdeveloped world. Why, they ask, should they be so poor, when we are so rich, we the people of the United States, Canada, and Western Europe, in that order.

We see the world divided between two great contesting camps, the free nations against the Communist nations. Africa and Asia tend to see the world as divided between the "have and the have nots." It is the latter cleavage, which has been widening and deepening in recent years. Just a few figures will help to illustrate the point:

1. The people of the United States and Canada are less than 10 percent of the world's population, but they receive about two-thirds of the world's income.

2. In the underdeveloped areas of the world live about two-thirds of the world's people. Altogether they receive less than 10 percent of the world's income.

3. In most of these underdeveloped countries, the average worker will earn less in a year than the average American worker earns in a week.

To help bridge this gap, to promote some progress toward a better life in these underdeveloped lands, so that conditions might be realized which will permit free, independent governments to take root and grow, is the primary objective of our foreign aid program. Whether we can succeed in it remains to be seen. Much will depend upon the extent to which we can enlist a larger contribution from our prosperous, industrial allies in Western Europe. Much will hinge upon the extent to which we can improve our own administration of the program and couple it with meaningful tax and land reforms in many of the feudal countries that now receive our aid. But, in the last analysis, all will depend upon the success we have in averting another global war.

So I would like to discuss tonight the grave problem, involving the threat of another major war, which confronts us at Berlin. The President has said the United States will fight if need be, to preserve the freedom of West Berlin. The American people are prepared to back the President. Congress has already acted to grant him additional funds to strengthen our Armed Forces.

But many have written me to ask, "Why is West Berlin so important to us that we need risk war over it?" To answer that question, we must review some recent history.

THE ISSUE AT BERLIN

When the Nazis surrendered in 1945, the victorious Allies pending a peace treaty with

Germany, divided the country into four zones of occupation, the Russian Zone being what is now known as East Germany, the British, French, and American Zones comprising what has now become West Germany. With respect to Berlin, the victors agreed that this city was to be regarded as a separate area, distinct from the other zones, that it was to be jointly occupied by all four countries, and that each occupying nation would have free access into Berlin. This was necessary because Berlin, though a separate occupation area, lies about 100 miles within the Russian Zone.

The anticipated peace treaty with a reunited Germany has never been signed. However, the occupation of West Germany ended, when free elections there established the Federal Republic. Its Chancellor, Conrad Adenauer, has allied his government with NATO, has joined the Common Market in Western Europe, and has been a stanch friend and supporter of the United States.

In East Germany, the Communists have set up a puppet government under a man named Walter Ulbricht. We don't recognize his regime, because the people of East Germany have never consented to it through free elections.

Now, as these events have taken place, we have remained in Berlin under the terms of the original occupation agreement. Along with the British and the French, we have continued to occupy the sectors of the city that make up West Berlin, while the Russians have occupied the sector of the city known as East Berlin. Our presence has enabled the 2 million people living in West Berlin to elect a non-Communist government and to maintain their contact with the Western World. Indeed, they have made their part of the city a showcase of free government and free enterprise—a white island in the midst of a red sea. Through West Berlin, over the years, have come millions of refugees from East Germany, seeking sanctuary from tyranny and a new life in the Federal Republic.

These are some of the reasons why the Communists have long wanted to bite off and swallow West Berlin. Stalin tried it in 1948, blockading our access to the city on the ground for nearly a year. We responded with the airlift, with which President Truman avoided war, while keeping West Berlin alive. When Stalin was finally convinced that we meant to keep our commitment to the people of West Berlin, he lifted the blockade.

Afterward, the American people had a great Freedom Bell cast—something like our Liberty Bell but much larger—and gave it to the people of West Berlin. From the top of the city hall, it can be heard for many miles. Each day it rings out across the city to remind the people that only the brave stay free.

I first visited West Berlin in 1955, before my election to the Senate. I was one of a group of American citizens invited there to take part in the 5th anniversary of the presentation of this Freedom Bell to the people of West Berlin. In 1959 I returned again, as a U.S. Senator and delegate to the Interparliamentary Union. I interviewed Willy Brandt, the stalwart mayor of West Berlin. Since then, here in Washington, I have twice lunched with Chancellor Adenauer during his more recent visits to this country.

In the talks I have had with these German leaders, and in my conversations with the President, all agree that Berlin, surrounded as it is by Communist territory, is an unnatural remnant of an unfinished peace with Germany. We are willing to negotiate new arrangements with respect to Berlin, but, as the President has stressed, we cannot yield either the freedom of the city, or our right of access to it. For if we were to allow Khrushchev to push us out, we would not only dishonor our solemn commitment to the people of Berlin, but we would undermine all confidence in the NATO alliance as a shield against further Communist aggression. So our own security is really at stake in Berlin. This is why the President has said we will fight, if necessary, to preserve the freedom of the city, and our right of access to it.

A PROPOSAL FOR A COUNTERBLOCKADE

If a showdown is coming at Berlin, most observers have anticipated that it will take the form of another Communist blockade of our ground routes of access to the city. They forecast that the Russians, acting through the East German regime, will undertake to block the traffic moving on the autobahns, the railroads, and the canals which connect West Berlin with the Federal Republic. If that happens, the likelihood of war may depend upon the nature of our response. Faced with the same situation in 1948, we responded with the airlift. We did not attempt to pierce the barriers on the ground with armored columns. We flew over them, and supplied the city with its food and fuel in the most dramatic way possible—through the air. The gambit was immensely successful. Troops did not clash, no serious fighting broke out, and the attention of the world was riveted upon our heroic endeavor to keep the isolated city alive. In the end, the Russians decided it was a lost game. They not only were obliged to lift the blockade, but they suffered a mighty propaganda defeat as well.

Now if we had responded in Stalin's blockade in 1948 the way many advocate today, that is, if we had undertaken to send armored columns through on the ground, a war would have been the likely result. Berlin, rather than saved, would have been obliterated, and the war itself, unless somehow different from the two World Wars preceding it, would only have yielded harder problems in its aftermath than any solved upon the battlefield.

I believe, therefore, that the lesson of the airlift in 1948 should not be forgotten as we address ourselves to the new crisis gathering at Berlin. If another blockade occurs, and we at once respond with an attempt to shoot our way through, hostilities are likely to break out under the most unfavorable circumstances.

1. As much of the world would view it, the onus for commencing hostilities would be ours. We could easily be made to appear as the aggressors.

2. Russian force on the ground, we are told, is greatly superior to ours, making it doubtful that we could prevail, if the fighting were restricted to conventional warfare.

3. Any escalation of force found necessary on our part would involve recourse to nuclear weapons.

4. Central Europe is no place to fight a limited war. The introduction of nuclear weapons there, even at the tactical level, would almost inevitably lead to an all-out thermonuclear exchange, which would be tragic and suicidal. In such a war there would be no winners. Precious little would survive the awesome holocaust.

Presumably it is these very factors, and the grim choice they involve, which Mr. Khrushchev will be counting on to deter an effective response by us in the event of another Berlin blockade.

However, in addition to the airlift, I suggest there is another kind of response we could immediately initiate which might be much more effective in persuading Mr. Khrushchev to lift such a blockade, and which, at the same time, would involve a lesser risk of general war. This would take the form of matching a Communist blockade with a NATO blockade. We could readily impose a counterblockade upon the passage of Russian and Warsaw Pact shipping through the North Sea, thus sealing off their Baltic ports. Just as the closing of access routes to Berlin may be done on the pretext of making repairs, and with an implication that these routes will be reopened at some later time, so closing off the North Sea could be effectuated on the pretext of conducting NATO naval maneuvers until further notice. Indeed, there is precedent for this in the Soviet warning a few days ago that foreign shipping should avoid the Barents and Kara Seas during the forthcoming period of Soviet naval maneuvers there.

Such a blockade in the North Sea would have several advantages over an immediate attempt on our part to force our way through to Berlin:

1. The onus for the commencement of hostilities would be upon the Russians. They would have to initiate the fighting by attempting to pierce the blockade.

2. If the fighting commenced at sea, we would have greatly superior naval forces than any which the Russians could bring to bear.

3. Should the fighting at sea persist, it could be escalated on our part without recourse to nuclear weapons.

4. It is easier to sustain a naval engagement on a limited basis than any land fighting in Central Europe.

In addition to these evident advantages, a blockade in response to a blockade would probably seem, in the eyes of the world, to be punishment fitting the crime, thus minimizing the opprobrium to which we might otherwise be subjected. Moreover, it would convey an air of majesty which has been sadly lacking in our responses to Soviet challenges in more recent years, and which would not be possible in any of the other responses we might make to a Soviet blockade of Berlin.

It could well be that the loss of the use of her Baltic ports, plus the bottling up of such Soviet shipping as may be in the area at the time the blockade is imposed, could prove sufficiently unacceptable to Mr. Khrushchev as to cause him to come to terms. If this proves not to be the case, the stakes for him can be raised by extending our counterblockades to include the seas between the North Cape and Spitsbergen, thus closing off his Arctic ports. Also, the value of his Black Sea ports could be considerably circumscribed by similar blockade action in the ocean just west of Gibraltar and in the Gulf of Aden and the adjacent area of the Arabian Sea. Finally, if the danger inherent in exposing Greece and Turkey to Soviet reprisals were acceptable to those countries, Russia's single exit from the Black Sea into the Mediterranian could be cut off at the Dardanelles.

Combining such a step-by-step blockade on Communist access to the channels of world trade, with a reinstatement of the airlift to sustain Berlin during the critical interval, might well constitute an effective response to any Soviet attempt to cut off our access to Berlin. It would involve a lesser risk of war, and a better hope for limited war if fighting were to break out at sea. Of course, if it did not result in bringing the Russians to terms, then we could still undertake to force our way through to Berlin on the ground. Thus nothing would be lost by the gambit, though much might be gained.

THE NEED FOR A GREAT DEBATE

Thus far, I have discussed what action we might take in the event that the Communists attempt to deny us access to Berlin. This presumes that no agreement can be reached without a showdown. The President did not concede this to be the case in

his somber speech to the Nation 6 weeks ago. Rather, he emphasized that our "choice is not merely between resistance and retreat, between atomic holocaust and surrender." He said, "Our peacetime military posture is traditionally defensive; but our diplomatic posture need not be. Our response to the Berlin crisis will not be merely military or negative. It will be more than merely standing firm. For we do not intend to leave it to others to close and monopolize the forum and the framework of discussion. We do not intend to abandon our duty to mankind to seek a peaceful solution."

Yet the weeks pass, the situation at Berlin worsens, and the West has yet to take any diplomatic initiative. The Foreign Ministers Conference at Paris, apparently unable to reach agreement on what action to take, adjourned on the negative note that the next move was up to the Soviets. Thus far, the President's purpose goes unfulfilled. We do not appear to be doing more than merely standing firm.

I suspect that the President himself may be somewhat exasperated by the standstill. For he has commented, "We have the problem of concerting our activities with 14 other countries. Napoleon once said that he won all his successes fighting allies."

However, the external confinement imposed by the alliance may not, in the end, inhibit the President's scope of action so much as the internal pressures of a hardening political front within the United States itself. The danger is not so much that he will be frozen at Berlin, but that he may be frozen in his own precincts.

Conscious that the art of diplomacy is to avoid dead ends and aware of his need to reserve a sufficient field for maneuvers, the President was careful to say in his address: "We are willing to consider any arrangement or treaty in Germany consistent with the maintenance of peace and freedom, and with the legitimate security interests of all nations. We recognize the Soviet Union's historical concerns about their security in Central and Eastern Europe, after a series of ravaging invasions—and we believe arrangements can be worked out which will help to meet those concerns, and make it possible for both security and freedom to exist in this troubled area."

Now, if a peaceful agreement concerning Berlin is possible it will have to be based upon some kind of new arrangement. By standing firm, we do not mean that we insist upon preserving a status quo which is satisfactory to neither side, but rather that we shall not agree to any new arrangement that yields either the freedom of West Berlin, or our rights of access to the city. Should our position narrow to that of merely preserving the status quo, then obviously no meaningful negotiation could take place.

Yet this is the very danger implicit in the monolithic attitude toward the Berlin crisis whch seems to be forming in the United States. "We've got to stand firm at Berlin." Over and over again the words are repeated in my mail, in the headlines, and on the Senate floor. Each political party watches over the other for any sign of deviation. But where is the disagreement? No one suggests that we should not stand firm at Berlin, least of all the President. Why, then, the incessant clamor?

The central question we ought to be discussing is, "What should be done about Berlin?" Hypnotic repetition of the theme "stand firm" offers no answer to this question, unless we intend to forfeit serious negotiation for a peaceful settlement, and thus permit our position to be narrowed to that of merely attempting to preserve the status quo.

It is not without significance that, at a time when there should be vigorous public debate on the question of what should be done about Berlin, there is silence. To be sure, some periodicals have had suggestions to make; a few academicians have spoken up. But nearly all of our prominent public men, sensing the mood that is rapidly enveloping the people, have chosen to do no more than join in the chant, "stand firm." They are aware of what happened when the boldest among them ventured from the closed ranks. Two individual proposals have received attention—one by Senator MANSFIELD, and the other, curiously enough, by the man who stands at the center of the storm itself, Mayor Willy Brandt, of West Berlin. Both were worthy of serious consideration, but drew only hoots of "appeasement," "irresponsibility," and "disunity."

Public opinion, once it congeals, becomes the dominant force in any country subject to popular government. Unless the present trend is reversed, I fear that our situation may come to resemble that which existed in the United States before the Civil War, when increasingly bellicose, closeminded constituencies in both North and South intimidated the political leadership, restricted its range of reasonable action, and at last became a mighty impetus toward war itself.

Neither Kennedy nor Khrushchev stands beyond the reach of public opinion. Once a slogan becomes the fixation of Main Street U.S.A., the same fixation attaches to the formulation of policy in Washington. This has happened too many times for us to ignore it now. The danger is that it can deny the President the very field of maneuver which he is trying to preserve. He may try to negotiate though the closing vise in which he is caught gives him little latitude, but he will hesitate to come back home without the kind of package, tied in the kind of ribbon, that the people can at once identify. Every politician—even the President—must be able to go back to Pocatello.

What can we do to avert the perils presented by the growing rigidity of attitude toward Berlin? The only solution I can see is to commence a spirited public discussion of the many different arrangements that could possibly form the basis for a settlement of the Berlin question, the German question, and the question of what will best advance the interest of peace and security in central Europe. Open debate can dissipate the slogans that substitute for thought, and make it apparent to the people that new arrangements are needed, that proposals can be made, and agreements sought, which may improve a situation that is now highly dangerous for both sides, and yet which will constitute neither appeasement nor surrender to communism.

The principal objection to a great debate is that it might cause Khrushchev to miscalculate our determination to preserve the freedom of West Berlin and our right of access to the city. A plethora of proposals, it is argued, might be mistaken as a sign of weakness; and, moreover, might complicate the President's handling of delicate issues with our allies. It has even been suggested that diplomacy and the democratic process don't mix.

I grant there are risks involved in a general public debate, but I submit the danger is greater without one. If we do not employ our freedom of speech, the vacuum will be filled by monolithic opinion not unlike that which obtains in totalitarian societies. If Khrushchev cannot ignore public opinion in the Soviet Union, even less can the President ignore it here. The stakes are too high at Berlin to permit him to become entrapped in an appeasement-or-war dilemma, thrust upon him by a constituency that, having heard of no other alternatives, has closed its mind. For neither appeasement nor nuclear war will ever solve the problem at Berlin, but the commencement of a general debate could assure the President the room he needs to chart the course between.

PAYMENT OF ANNUITIES TO WIDOWS AND CERTAIN DEPENDENTS OF JUDGES OF THE U.S. TAX COURT—CONFERENCE REPORT

Mr. KERR. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4317) to amend the Internal Revenue Code of 1954 and incorporate therein provisions for the payment of annuities to widows and certain dependents of the judges of the Tax Court of the United States. I ask unanimous consent for the present consideration and approval of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Sept. 20, 1961, p. 20483, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. KERR. I call up the conference report on H.R. 4317. This bill, which would provide a system of survivor benefits for survivors of Tax Court judges, is substantially identical to survivor benefits afforded survivors of Federal judges under Public Law 973 of the 84th Congress.

The Senate made two technical amendments to the text of the House bill to conform the benefit computation formula to the formula contained in Public Law 973. The House receded on both of these amendments.

The Senate also added two provisions to the House bill. The first of these amendments was designed to permit employees of public school systems to exclude from their gross income amounts contributed by their employer toward the purchase price of an annuity contract, just as employees of private schools may do under existing law. However, the House conferees feared this Senate amendment might include individuals—such as elective school board members—who were not employees of public schools. The conferees agreed to an amendment of the Senate provision which makes clear that the exclusion is to apply only in the case of annuities purchased for employees of public educational institutions. Under the conference agreement, the exclusion will apply in the case of annuities purchased for teachers, clerical, and other employees of a public elementary or secondary school or a State college or university.

Under the conference agreement, public schools will not have to come in and apply for tax exemption under a specific section of the Internal Revenue Code in

order to obtain this exclusion for their employees. However, a public school which could qualify under existing law as an organization described under section 501(c)(3) would continue to be permitted to do so.

The conferees were informed that in some cases employees of certain tax-exempt organizations have entered into arrangements with their employer to reduce their salary or to forego salary increases and have the amount involved invested in retirement annuities for them. Amounts thus invested would not be currently included in the employee's income for tax purposes. The conferees agreed that the staffs of the Joint Committee on Internal Revenue Taxation and the Treasury Department should study this matter to determine whether any changes in the existing law are desirable.

The other Senate amendment would have extended the 2-percent deduction for group accident and health insurance policies written by life insurance companies to individual accident and health policies sold after 1960. The Senate amendment also would have extended this deduction for both group and individual accident and health policies to casualty insurance companies. The House conferees refused to accept this amendment and the Senate conferees were forced to recede.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

CLOTURE—PROPOSED AMENDMENT OF RULE XXII

The Senate resumed the consideration of Mr. MANSFIELD's motion to proceed to the consideration of Senate Resolution 4, a resolution to amend the cloture rule by providing for adoption by a three-fifths vote.

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. JAVITS. Mr. President, after having consulted with the Senator from Alabama [Mr. HILL], I ask unanimous consent that I may yield 3 minutes to the distinguished Senator from Michigan [Mr. MCNAMARA] and then 3 minutes to the distinguished Senator from New Jersey [Mr. CASE], without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MCNAMARA. I thank the distinguished Senator from New York.

Mr. President, once again we are engaged in an effort to make the Senate a more democratic body.

Once again this effort is directed at a modification of rule XXII.

And, once again, the fundamental purpose is being obscured in arguments over technicalities.

Technically, we are debating whether to modify rule XXII by permitting cloture to be invoked by either three-fifths of the Senators present and voting or by a constitutional majority of 51 Senators.

But, fundamentally, we once again are addressing ourselves to a basic question which in the past has been consistently answered in the negative. That question is: Shall the majority will of the Senate be allowed to express itself after a reasonable period of debate?

Or, to put the question in reverse context: Shall we continue to allow the Senate to be ruled by a determined and ruthless minority?

Even as we speak, efforts are being made to invoke cloture so that we will not have unlimited debate on the effort to end unlimited debate. In other words, we seek to prevent a filibuster aimed at the preservation of the filibuster.

The success of this attempt to invoke cloture will determine whether this "great debate"—and I use that term advisedly—will result in a meaningful change in rule XXII, or whether we will again pack the RECORD with stirring speeches for home consumption and then leave town, having again accomplished nothing.

Mr. President, I am normally an optimist. But I must say that my surprise will be exceeded only by my pleasure if we, in this 11th hour of the 1st session of the 87th Congress, can effect a meaningful change in rule XXII and diminish to any degree the power of "King Filibuster."

During my 7 years as a Member of this body, my position on this issue has been clear and consistent. I believe in the principle of majority rule. I was twice elected to the Senate through the principle of majority rule of the voters.

Both times I campaigned on the pledge that I would attempt to bring majority rule to the Senate. By working for it now, I am honoring the solemn platform pledges of the Democratic Party, made in both National and State conventions.

Because I believe in majority rule, I favor the amendment to Senate Resolution 4, proposed by the senior Senator from Minnesota [Mr. HUMPHREY] and other Senators which would provide for adoption of cloture by a constitutional majority of 51 Senators. I intend to vote for it—if "King Filibuster" allows me to record my preference.

Senate Resolution 4 in its original form, which provides for the adoption of cloture by three-fifths of the Senators present and voting, is a much less desirable alternative.

Any change from the present two-thirds rule is an improvement. But it does not represent much of an improvement. A review of past cloture votes will demonstrate that a three-fifths rule would not have been very effective in shutting off unlimited debate.

Mr. President, we will hear many stirring speeches during this discussion on the glorious tradition of unlimited debate in the Senate. I for one do not believe it to be very glorious at all. We shall hear many pious pronouncements about the need to protect the rights of the minority. But what these pleaders are really defending is the principle of minority rule.

It is ironical that those who speak most eloquently about the rights of the minority are the very ones who use the club of minority rule—the filibuster—to deny legislation which would guarantee those same rights to another substantial minority of our citizens.

It is known to every Member of this body and to a large section of the general public that the filibuster, or the threat of a filibuster, has been an ugly, frequently employed, and effective weapon against civil rights legislation.

Repeatedly, the majority of Senators who favor the strengthening of our civil rights laws—have been confronted with the cruel choice of legislative paralysis, with its ensuing chaos, or with the postponement of their efforts to ensure equality for all Americans. Almost every time, they have, through a sense of responsibility for the Nation's business, been forced to choose postponement. This will continue to be our choice until the Senate abolishes the principle of minority rule embodied in rule XXII.

The day is coming when the rules of this body will be so designed that a majority of Senators, after reasonable debate, will be able to translate their beliefs and convictions into law.

It may not be this year—or next. But majority rule is coming to the United States Senate. The day it arrives will be the day we can abandon the shadowboxing and the shallow posturing over technicalities and really do something guaranteeing equal rights for all Americans.

Mr. JAVITS. Mr. President, I have received unanimous consent to yield to the Senator from New Jersey, but before doing so I wish to propound a parliamentary inquiry. I understand that it would suit the convenience of the Chair if I did that first. Since it will take only a minute or two, I shall do so.

I propound the following parliamentary inquiry: May a point of order be made against the cloture petition which was filed this morning on the question of taking up the measure reported from the Committee on Rules and Administration for the amendment of rule XXII?

The VICE PRESIDENT. The Chair will state that, in the opinion of the Chair, the motion made and the petition filed are in accordance with the procedure outlined in the Senate Manual; and, in the opinion of the Chair, any Senator who would read the rule would be of that opinion.

Mr. JAVITS. Nonetheless, if the Chair will allow me to pursue the question, let me ask whether a Member may make a point of order that the cloture petition is not in order.

The VICE PRESIDENT. If a Senator believed it was not in order, he could, of course, make such a point of order, even though it is clear on its face that the procedure outlined in the Senate Manual has clearly been followed.

Mr. JAVITS. That is the point I wished to ascertain; and I am grateful to the Chair for making that ruling.

Mr. MANSFIELD. Mr. President, does the Senator from New York make a point of order?

Mr. JAVITS. I do not.

Mr. MANSFIELD. Does the Senator from New York intend to make a point of order?

Mr. JAVITS. I will not say that at this time, for the reason that my colleague [Mr. KEATING] is the one who has raised the legal question, and therefore I shall not presume upon him. But I wished to get some idea about the procedure.

Mr. MANSFIELD. I hope the Senate will be notified if such tactics are to be pursued, because I think we have something of substance to discuss, rather than points of order; and the minority leader and I have followed the rules of the Senate and have been advised by the Parliamentarian in connection with the procedure on every occasion.

Mr. JAVITS. Let me say that the purpose of propounding parliamentary inquiries is normally to enable Members of the Senate to be enlightened in regard to what would be their rights. That was my purpose.

I think the Senator's point is very well taken, and I think the experience in connection with such matters indicates that the Senator has always had very adequate notice. As a matter of fact, I think I have gone out of my way in that respect; and I intend to do so, and it is the right thing to do.

Mr. MANSFIELD. The Senator from New York is correct, and he has been most gracious. I was only reminding him of his past practice.

Mr. JAVITS. That is correct. I am happy to be reminded of it, and am happy to reiterate my belief in it.

The VICE PRESIDENT. The Chair wishes to observe that in the event of the making of a point of order which the Chair believed not to be fully in keeping with the Senate procedure, under the rule, the Chair would then do his best to acquaint the Senator making the point of order with the provisions of the rule, as the Chair believes them to be.

Mr. JAVITS. I thank the Chair.

Mr. President, pursuant to unanimous-consent requests heretofore made, I ask unanimous consent at this time to yield 2 minutes to the Senator from Michigan [Mr. HART].

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Mr. HART. Mr. President, I wish to speak at this time, following the remarks by my distinguished senior colleague [Mr. MCNAMARA]. He has expressed very eloquently the view of the overwhelming majority of the people of our State, who honor him and me by the opportunity to represent them in this body; and, following his remarks, little remains to be said.

I suggest that perhaps the people of the United States realize more keenly than do some of us that the clock of history runs faster in 1961 than it did a year ago or a decade ago or a century ago, and that it is increasingly clear that this body can no longer afford to permit itself to be described as one which will not permit, after ample discussion, a majority to decide what the people of the United States, to the extent that we influence that decision, may or may not do.

I have never argued that a majority is always right. No one could soundly make such an argument. But I insist that it is right that we do what a majority decides we should do.

Parenthetically, let me state that the opposite is always true: A minority is not always right, either.

But a society organized in the tradition of ours must now establish that the will of a majority in this body may have an opportunity to express itself, not alone in regard to civil rights legislation, where this "King Filibuster" most effectively operates, but also across the board. As my colleague the Senator from Michigan [Mr. MCNAMARA] has said, this time will come. We only hope it will come before history writes a footnote to any society which prevents such a decision from effectively being made.

Mr. President, I thank the Senator from New York for yielding to me.

Mr. JAVITS. I thank the Senator from Michigan.

Mr. President, I ask unanimous consent that at this time I may yield 5 minutes to the Senator from New Jersey [Mr. CASE].

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered; and the Senator from New Jersey may proceed.

Mr. CASE of New Jersey. Mr. President, I should like to comment briefly on remarks made earlier this afternoon by several of our colleagues.

I think I have never heard the Senator from Illinois [Mr. DOUGLAS] speak more eloquently or more movingly in the course of his long period of dedicated and consecrated service in the Senate. He moved all of us very deeply. I hope his remarks will have a profound influence on the vote eventually to be taken in this body on the matter now under discussion. And also that his remarks will carry far beyond these walls, to the country as a whole and to the world.

I also desire to associate myself with the statements made by other Senators who spoke on this side of the question, some before and some after the Senator from Illinois addressed the Senate.

Mr. President, I wish to emphasize a point made in the course of the colloquy the Senator from Illinois had with me and also, I believe, the Senator from Pennsylvania [Mr. CLARK]; namely, that most of us who are deeply concerned about the making of a change in rule XXII, in order to make it possible for the Senate, after sufficient deliberation in regard to a particular matter has been had, to come to a vote, are also among those who are most concerned that the Senate should not take precipitant action in regard to this matter, and that there should be ample time for the minority on any question to be heard—or double that amount of time, if you will—and that no Senator should be prevented from the fullest expression of concern in regard to any measure.

Again I point out to the Senate and to the people of this country that most of us who are most concerned about this issue at this time are also concerned about the fact that we have been asked to sign a petition to invoke filibuster control after so short a period of debate on this issue on this occasion. That is not the purpose for which the filibuster rule of the Senate exists at this time, and certainly it is not our intention to have it so used in the future in connection with any matter on which a Senator may wish to speak.

Those of us who wish to have the Senate have the right ultimately to come to a vote are among those who are most passionately in favor of supporting the minority's right to the fullest possible expression of its views; and we dislike intensely to have to make a choice which would make it appear that we are in favor of the use of a steamroller in this great deliberative body. We are not, Mr. President. But action should be had; and there does come a time when, by any test of reason, any reasonable man will agree that the time for action has come. This is what we believe the Senate should have a right to do.

Mr. President, for many years now the Senate has dallied with the question of changing its rules in order effectively to curb a filibuster. I regret to say that those of us who believe such a curb is long overdue presently find ourselves in an all too familiar situation.

At the behest of the leadership, the Senate passed over its chance to change the rules at the beginning of this session. Now, with adjournment close at hand, we are at last given an opportunity to discuss the matter—but we are already on notice that a filibuster may prevent any effective action.

This is hardly an auspicious setting for a meaningful change in rule XXII. Yet a change is urgent. Indeed, it is essential if the Senate is to redeem itself in an area—that of protecting the constitutional rights of all citizens—where we have long shirked our proper responsibilities.

The Senate has often been called the "greatest deliberative body in the world." But who can square this description, and the tradition and dignity behind it, with a situation in which a handful of Senators can, by filibuster, indeed by the mere threat of filibuster, prevent the Senate as a whole from acting? Is it really concern for preserving the essential role of the Senate in our constitutional system that opposes any effort to curb the filibuster, a relatively recent development in the history of the Senate? Can anyone really believe that it is merely coincidence that the filibuster is always threatened whenever consideration of civil rights legislation seems at all possible?

Because the position of those urging a change in the rules is so often misunderstood, and even misrepresented, I want to make clear that we do not want in any sense to do away with the "right of full and free debate."

What we want to do is eliminate the power of a few to keep the Senate from reaching a vote on a measure the majority of the Senate wants to act on. We do want to put an end to the unseemly spectacle of continuous and frequently irrelevant talk limited only by the physical endurance of the speaker and avowedly designed to bring all business to a halt until the minority gets its way—gets its way, not on the merits, but through sheer physical exhaustion of the Senate.

To my mind, an effective and democratic legislative process requires that first, the minority on any pending question has an opportunity to debate fully the merits of that question, and second, the majority, after opportunity for the minority to debate fully, has the right, if it so desires, to reach a vote on the question. Both are essential: the first, to protect the right of the minority; the second, to prevent frustration of the majority will which the Constitution established as the basis for legislative action.

Mr. President, is this an extreme position? Does this position sound as if it would destroy democracy in this country? Does this position sound as if it would tear down the institution of the Senate of the United States, which is indeed a great bulwark of democracy and of the liberties of the American people?

I have thus joined in sponsoring an amendment to the present Senate rule XXII. This would make several moderate but significant changes in the present rule. First of all, the procedure under section 2 of rule XXII for invoking cloture by a two-thirds vote of the Senators present and voting would be retained except that an equal division of time—50 hours for each side—rather than 1 hour for each Senator would be provided after cloture had been voted. Secondly, a new section 3 would be added providing for cloture by a majority vote of Senators duly chosen and sworn 15 days—excluding Sundays, holidays, and nonsession days—after a motion for cloture had been filed, and for an equal division of time after cloture had been voted.

It should be noted that our proposal would provide even greater protection to the right of the minority to express its views fully and at length, for it would not only continue to permit 100 hours of debate after adoption of cloture; it would assure the members of the minority an equal share of that time, regardless of their number.

These changes would bring the rules into line with the original rules of the Senate, rules designed to enable the Senate to carry out its constitutional duty, not just to debate, but to legislate.

Historical studies have demonstrated conclusively that it was no mere accident that the Constitution declares:

> A majority of each House shall constitute a quorum to do business (art. I, sec. 5).

The prevailing view among the delegates to the Constitutional Convention favored majority control, and they were careful to spell out precisely those instances in which a two-thirds vote should be required.

The VICE PRESIDENT. The 5 minutes yielded to the Senator have expired.

Mr. HILL. Mr. President, will the Senator from New York yield to me to propound a parliamentary inquiry?

Mr. JAVITS. Mr. President, will the Senator allow me to make a unanimous-consent request that I may yield for an additional minute to the Senator from New Jersey, and then to yield to the Senator from Alabama?

The VICE PRESIDENT. Is there objection to the Senator from New York yielding 1 minute to the Senator from New Jersey and then to the Senator from Alabama, without losing his right to the floor? The Chair hears none, and the Senator from New Jersey is recognized for 1 minute.

Mr. CASE of New Jersey. I thank the Senator. I appreciate the courtesy of Members present on the floor.

Thomas Jefferson's Manual of Parliamentary Practice, which codified the general parliamentary law in effect at the time it was compiled and was regarded as controlling on all questions not specifically covered by the Senate rules, provides in section XVII:

> No one is to speak impertinently or beside the question superfluously or tediously.

Majority rule was absolute in the early days. It is clear that the early Senate would never have tolerated being rendered impotent days and weeks by the unseemly spectacle of Senators one after another taking turns in speaking irrelevantly and tediously merely to consume time.

There is no conflict between the change we urge and the best traditions of the Senate. Rather, the change we propose would restore the Senate to full effectiveness as a legislative body. This the country has a right to expect of us. And we ought to demand it of ourselves.

Mr. JAVITS. I thank the Senator for his statement. I will comment on what the Senator has said when I get the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HILL. Mr. President, I want to submit a parliamentary inquiry. I ask if the Chair will state to the Senate the provisions of rule XXII as to the requirement under that rule for the closing of debate.

The VICE PRESIDENT. That is a proper parliamentary inquiry, because 1 hour after the Senate convenes on Tuesday, we will have the quorum call, and then the Senate will vote on the question before the Senate. At that time the question will be, "Is it the sense of the Senate that the debate shall be brought to a close?"

The rule provides:

> And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

Mr. HILL. I thank the Senator for yielding.

Mr. KEATING. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. JAVITS. Mr. President, I make the same unanimous-consent request.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from New York? The Chair hears none.

Mr. KEATING. Mr. President, my parliamentary inquiry is whether or not the statement just made by the Presiding Officer is not a ruling on this question.

The VICE PRESIDENT. No. The Chair merely read from rule XXII in response to a request by the Senator from Alabama in connection with a question now pending before the Senate.

The Chair wishes to reiterate the position of the Chair as stated earlier today, so that there may be no mistake in the mind of anyone—particularly the junior Senator from New York. The Chair is not in the business of giving advisory opinions on matters not before the Senate. The Chair does not consider it the responsibility of the Chair to act on hypothetical questions.

The Senator from Alabama proposed a legitimate inquiry in connection with a motion now pending before the Senate. He referred the Chair to the rule. In response to the question of the Senator from Alabama the Chair has read from the rule, which is available to all Senators if they will look at page 23 of the Rules and Manual of the United States Senate.

Mr. KEATING. Mr. President, my understanding is the same as that of the President of the Senate. I merely wished confirmation of the fact that what the President of the Senate has said is not a ruling upon which an appeal can be taken.

The VICE PRESIDENT. What the Chair has said is a statement in response to a legitimate parliamentary inquiry about a question now pending before the Senate and is not an advisory opinion or an advisory ruling on a hypothetical question.

Mr. KEATING. I thank the President of the Senate.

Mr. JAVITS. Mr. President, I now ask unanimous consent that I may yield 3 minutes to the Senator from West Virginia [Mr. BYRD] so that he may submit a report of a committee of conference.

The VICE PRESIDENT. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1962—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8072) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June

30, 1962, and for other purposes. I ask unanimous consent for the present consideration of the report.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The VICE PRESIDENT. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BYRD of West Virginia. Mr. President, as unanimously agreed to by the conferees, the bill before the Senate provides a total appropriation of $270,067,897. This sum is $22,759,501 under the budget estimates; $5,563,690 over the 1961 appropriations; and $1,945,497 above the House allowance.

In my judgment, the bill provides sufficient funds to carry on the important activities of the various departments and offices of the District of Columbia government in the fiscal year 1962.

Unless Senators desire to ask about the bill, I do not propose to discuss any items in detail. I ask unanimous consent to have a summary table with reference to the bill printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

District of Columbia—Summary of bill

FEDERAL PAYMENT

[Out of the general revenues of the Federal Treasury]

Item	Appropriations, 1961	Budget estimates, 1962	House bill, 1962	Senate bill, 1962	Conference action
Federal payment to the District of Columbia (general fund)	$25,000,000	[1] $37,000,000	$30,000,000	$30,000,000	$30,000,000
Federal payment to the District of Columbia (water fund)	1,661,000	1,855,000	1,855,000	1,855,000	1,855,000
Federal payment to the District of Columbia (sanitary sewage works fund)	872,000	898,000	898,000	898,000	898,000
Federal payment to the District of Columbia (metropolitan area sanitary sewage works fund)	2,700,000				
Total, Federal payment	30,233,000	39,753,000	32,753,000	32,753,000	32,753,000

LOAN AUTHORIZATIONS

[Out of the general revenues of the Federal Treasury]

Loan to the metropolitan area sanitary sewage works fund	$22,500,000				
Loans to the District of Columbia for capital outlay (general fund)	15,900,000	$16,000,000	$20,400,000	$20,400,000	$20,400,000
Loans to the District of Columbia for capital outlay (highway fund)	3,500,000				
Loans to the District of Columbia for capital outlay (sanitary sewage works fund)	700,000	8,600,000	8,600,000	8,600,000	8,600,000
Total, loan authorizations	42,600,000	24,600,000	29,000,000	29,000,000	29,000,000

APPROPRIATIONS

[Out of the revenues of the District of Columbia]

Item	Appropriations, 1961	Revised budget estimates, 1962	House bill, 1962	Senate bill, 1962	Conference action
OPERATING EXPENSES					
General operating expenses	$14,652,510	$15,819,000	$15,306,600	$15,430,560	$15,409,760
Public safety	53,333,500	55,923,000	55,139,500	55,712,366	55,660,627
Education	51,652,700	54,566,000	53,870,800	54,091,734	54,016,210
Parks and recreation	7,638,600	8,216,000	7,980,400	7,980,400	7,980,400
Health and welfare	59,363,623	64,402,000	62,477,500	61,993,090	61,993,090
Highways and traffic	10,096,600	10,989,000	10,698,700	10,862,300	10,818,700
Sanitary engineering	20,096,000	20,753,000	19,647,000	19,647,000	19,647,000
Additional municipal services, inaugural ceremonies	200,000				
Personal services, wage-scale employees	600,000	1,223,000	1,223,000	1,223,000	1,223,000
Miscellaneous, claims and suits and audited claims	52,874	61,210		61,210	61,210
Total, operating expenses	[2] 217,686,407	231,952,210	226,343,500	227,001,660	226,809,997
CAPITAL OUTLAY					
Capital outlay	46,817,800	60,875,188	41,778,900	43,436,700	43,257,900
Grand total	[2] 264,504,207	292,827,398	268,122,400	270,438,360	270,067,897

RECAPITULATION OF APPROPRIATIONS, BY FUNDS

General fund	$222,231,507	$253,495,539	$230,896,041	$232,896,601	$232,591,538
Highway fund	20,412,900	15,897,200	13,864,900	14,180,300	14,114,900
Water fund	8,513,300	9,541,959	9,539,759	9,539,759	9,539,759
Sanitary sewage works fund	10,227,500	13,474,700	13,465,200	13,465,200	13,465,200
Motor vehicle parking fund	419,000	418,000	356,500	356,500	356,500
Metropolitan area sanitary sewage works fund	2,700,000				

[1] Includes $1,000,000 contained in H. Doc. 185.

[2] In addition, $85,168 was appropriated for prior year deficiencies.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

ORDER FOR RECESS TO 12 O'CLOCK NOON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent, that when the Senate concludes its deliberations today, it stand in recess to meet at 12 o'clock noon Monday next.

The PRESIDING OFFICER (Mr. HUMPHREY in the chair). Without objection, it is so ordered.

CLOTURE—PROPOSED AMENDMENT OF RULE XXII

The Senate resumed the consideration of Mr. MANSFIELD's motion to proceed to the consideration of Senate Resolution 4, a resolution to amend the cloture rule by providing for adoption by a three-fifths vote.

Mr. JAVITS. Mr. President, I shall not detain the Senate long. I realize Senators had hoped to adjourn earlier.

There are three points I wish to make very clear. Before doing so I wish to pay tribute to the Senator from Illinois [Mr. DOUGLAS], who is literally the lion in this struggle for the rights of man and the

dignity of man, with whom I was associated long before I came to this body, and with whom I have been associated while in this body in the most truly comradely and brotherly terms in this struggle.

I have rarely heard the Senator from Illinois so eloquent and so dedicated in his views, or so deeply convincing intellectually as he was today. As my colleague from New Jersey has said, it was a most inspiring opportunity to hear him at his very best. I shall long remember this experience, and I think his words were truly historic and imperishable.

Mr. President, I also wish to pay tribute to other Senate colleagues who have spoken on this subject, particularly the Senators from Michigan [Mr. McNAMARA and Mr. HART].

I pay tribute to my colleague from New Jersey [Mr. CASE] who spoke with his customary deep and heartfelt sincerity as a great lawyer, a great human being, and a great Senator.

I pay tribute to my distinguished colleague from New York [Mr. KEATING] for his resourcefulness and new ideas in this field, in which many of us had thought we had explored about every idea there was, and for his eloquence in putting his ideas forward as he has and as he will again, I know, in the days to come.

Mr. President, when I made the parliamentary inquiry with respect to the point of order on the cloture petition I made it with a view toward making clear the distinction between the very interesting proposal which would be put before us by my colleague from New York [Mr. KEATING], as to which he has already spoken, and the views which were expressed by Vice President Nixon when he was the occupant of the chair before our most distinguished colleague who now occupies the chair, in respect to the legal right of the Senate, free of the inhibitions of the requirements of rule XXII, to deal with its rules at the beginning of any session.

Mr. President, it is very important that that distinction be made, because the Senate is being called upon or will be called upon, we now see indicated, to decide, in respect to the theory of my colleague [Mr. KEATING], a very different question. As I understand what is being put before us by my colleague from New York—I think quite properly and most interestingly—it is to test whether rule XXII is really a rule of procedure or whether time and history—and the courts have consistently held that time and history are very important in jurisprudence—have made it a rule of substantive law. If it is a rule of substantive law, says my colleague, it may not run afoul of the Constitution. If it is a rule of procedure, then we have a right, under our rules, to decide our procedure.

On the other hand, the question with which Vice President Nixon dealt earlier in this session, when we were first here and discussing this matter, related to a totally different subject, for what he held was that the Senate had for a long, long time—indeed, for its whole history—exercised its authority in respect to rule making by making its rules either by specific declaration and action or by implication because of inaction at the beginning of every new Congress. He therefore held that time and tradition had created the law—which is what was his finding—that the exercise of the constitutional power to make rules was to be carried out at the beginning of every Congress, and that that was unquestioned.

Mr. President, in that regard he did not decide and did not have to decide the issue of whether the Senate is a new body in every Congress, a very hotly controverted and longstanding issue. He decided the question strictly upon the longstanding precedents of the Senate either directly or expressly, or by implication, establishing its rules at the beginning of every Congress.

Mr. President, this is a very different issue entirely from the issue most interestingly and most importantly raised by my colleague [Mr. KEATING] as to whether we are dealing with a rule of procedure or a rule of substantive law. If it is a rule of substantive law, as he contends, then it may not run afoul of the Constitution. If it is only a rule of procedure, it would fall within our rule-making power.

What Vice President Nixon was talking about was the time when the Senate traditionally exercises the rulemaking power under the Constitution. He said that at that time there is no question about the fact that no rule can apply except the practice under the Constitution.

I think it is very important to make that distinction, so that when the Senate comes to pass upon the question, in view of the fact that it can be passed upon, as we now find from the answers of the President of the Senate, on a point of order, the Senate will understand clearly it is passing upon a question very different from and not at all in accord with the question which Vice President Nixon gave answer to in his opinion when he was the Vice President.

Mr. President, I wish to take only a brief interval longer to talk about two things which were discussed by our distinguished colleague from Georgia this morning.

Mr. President, I wish to associate myself—because it is unnecessary to go over this argument again and again—with the most erudite and brilliant views expressed especially by my colleagues from Illinois [Mr. DOUGLAS], New Jersey [Mr. CASE], and New York [Mr. KEATING] on the substantive aspect of the debate.

So I shall deal with only two subjects that I do not believe have been directly dealt with so far by my three colleagues.

First is the question of coalition. It will be recalled that the Senator from Georgia [Mr. RUSSELL] said that there is evidence of a coalition. This is an open covenant, openly arrived at. If this be a coalition, it is not covert, but overt. It is high time that we had one, because probably the greatest tradition in the whole field of effort to obtain equal opportunity for mankind in this country is a bipartisan tradition. Indeed, as I am always proud to say—and my colleague, Senator KEATING, has said the same thing many times—my State has been the leader for legislation in the field of equality of opportunity. The tradition has been enshrined that it is bipartisan. Indeed, one of the bills—the bill for fair employment practices—bears the names of Irving Ives, the then minority leader, and Senator Quinn, a Democrat.

So I welcome this finding by the Senator from Georgia. I think he comes by it a little late. We have had precisely this kind of close relationship throughout the time I have been here, and I know long before there existed a similar relationship between other and distingushed members of my own party and other and distinguished members of the other party, including, I am proud to say, our majority leader, Senator Taft, when he sat in the chair now occupied by my colleague, Senator Keating, at this moment, and our former minority leader, Senator Knowland.

So the coalition, which is a holy coalition for the right of men to have an equal opportunity, is in the highest order of the bipartisan tradition.

The second point to which I should like to address myself is the point that Congress passed civil rights legislation in 1957 and 1960, and therefore it proves that the filibuster is not a barrier to the enactment of civil rights legislation. It seems to me that those two bills are rather clear evidence of how not only a filibuster, but the mere threat of a filibuster, can be effective. Let us remember the inundation of evidence under which the Senate acted in 1957 and in 1960, including the findings of fact of the Federal Civil Rights Commission, for example, which had an overwhelming impact upon the country.

Let us remember also that we had a determined administration in office down on Pennsylvania Avenue in the person of President Eisenhower, and that we were asked by the administration in the most explicit terms for such legislation. We had the strong support and testimony of the Attorney General, and the backing of all the majesty and impact of that office for civil rights legislation.

Under those powerful circumstances, and considering the domestic and international implications of denying such legislation, it is indeed quite remarkable that the ones who oppose civil rights legislation got by with as little as they did. Certainly very little, relatively speaking, was achieved considering the issue that was drawn.

We all know that school desegregation, notwithstanding the mandate of the Supreme Court in 1954, is proceeding at a snail's pace. One of the very cases decided by the Supreme Court in 1954 affected Prince Edward County, Va. The schools of that county are now

closed, and there is still nothing done there about the mandate of the Supreme Court itself.

In respect to bus stations and airports, there is now underway a great and deeply disturbing movement of freedom riders, threatening in many cases the most outright public disorder. Indeed, that disorder has been released in a number of places in the South. Nothing has been done about any of that legislation.

Finally, we have the issue of voting itself, which most people, including those from border States and those holding relatively moderate views, agree bears upon the civil rights issue. Certainly everybody agrees that every American citizen is entitled to his voting rights. Yet the other day we received a report of the Federal Civil Rights Commission stating that voting rights had been outrageously denied in at least 100 counties in the so-called black belt in the Southern States. We must have the most elementary kind of legislation with relation to illiteracy. A sixth grade education is required in order to secure voting rights.

That is not only the finding of some of the members of the Commission, but it is the unanimous finding of the entire Commission.

Let us remember that in many States the most strenuous efforts have been made to frustrate the application of the Supreme Court's decree in the school desegregation cases and other court decisions.

In one State alone more than 50 bills were passed by the legislature which are expressly designed to further the doctrine of interposition. The doctrine of interposition is the doctrine that the power of the State could be interposed between the relationship of the Federal Government to citizens of the State, who are also citizens of the United States. Notwithstanding that action, those of us who are students of the law believe that a great civil war, at untold cost of blood and treasure, was fought to certify precisely that the doctrine of interposition is contrary to the Constitution of the United States.

So under those circumstances, when we see the meager amount of legislation which, notwithstanding the overwhelming problem, has resulted in the Federal Civil Rights Acts of 1957 and 1960, which deal essentially with voting and other elementary crimes, and notwithstanding heroic efforts in the Senate to do something about the problem, one begins to appreciate why, in respect to this subject, we are constantly operating under the gun of the filibuster. We are limited in everything we do by the fact that we are told, "If you do not take this while you can get it, you will not get anything."

That statement goes not only for civil rights legislation, but also, as we shall develop in this debate, other items of proposed legislation. It would even include the proposed immigration legislation which was discussed the other day, which has been frustrated, twisted, and shaped by the power of a minority in this body to immobilize it. As these instances develop, one begins to realize that we are talking about a fundamental issue in American public life and in American society.

I fear that we are engaged in a cause which not only involves rulemaking in the Senate, but also is very fundamental to the way in which our country and our Government shall be operated.

Notwithstanding the bad season which has been chosen, I welcome any opportunity to deal with this question. I close by reiterating what we discussed earlier today when the distinguished majority leader made his statement. Let us not forget that in the declaration made by 10 Republican Senators and 27 Democratic Senators one point stands out. Notwithstanding our disapproval of the time and the circumstances, we will stay to see it through. I think Senators should take note of that as the very basis, in essence, of our dedication to what I consider to be, and I deeply believe my associates consider to be, a fundamental cause in the interest of our country, with far-reaching ramifications upon every kind of legislation which is before us and, indeed, with real reference to the character which our country shall have at home and abroad.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. KEATING. I commend my distinguished colleague for his very powerful argument. In general, I agree with his appraisal of the issue, which it will be my intention to raise at the appropriate time on Tuesday. The contention will be that rule XXII, while it poses as a rule of procedure, operates as a rule of substance and in effect requires a two-thirds vote of the Senate for action. In my view, it is not given to us under the Constitution to provide that the Senate may act only by a two-thirds vote. Therefore, if a majority votes for cloture, cloture must then be ordered, and any ruling to the contrary would be violative of the Constitution of the United States, specifically the provisions of article I, section 5, clause 2, of the Constitution.

That is an entirely separate and distinct matter from the matter referred to by my colleague as having been ruled upon by Vice President Nixon, although Vice President Nixon also premised his ruling on the fact that rule XXII had the practical effect of preventing a majority of the Senate from determining the rules of its proceedings.

I wish to join in the views expressed by my distinguished colleague and Senator DOUGLAS with regard to the filibuster. They have explained with great wisdom and conviction the real issues confronting the Senate and the Nation in this debate. As they have so well pointed out, it is not only the filibuster, but it is also the threat of the filibuster which is constantly hanging over the heads of this body and which permits a minority to impose its will upon the majority, in violation not only of the Constitution of the United States but also of what we have come to know as the custom and the practice in legislative bodies in the States and other countries which believe in the rule of the majority.

Mr. President, rule XXII is a monkey wrench in the machinery of the Government. It is the kind of challenge to orderly procedure which it is always hazardous to ignore and which in these perilous times, and entirely apart from any issue of civil rights, could be fatal to ignore.

The filibuster could be used to defeat or prevent the passage or to prevent the bringing up of legislation affecting the vital security of our country if we do not make a substantial change in this rule at this time.

Obviously, I do not intend to impugn the motives of any Member of the Senate. However, it is conceivable that when faced with a great crisis there might be one or two or three Senators who in all sincerity would feel that it was a mistake for this body to stand up and do the things that our national security required. They could, although sincere, commit a terrible, horrible, tragic mistake. There would be no way to prevent such a catastrophe unless we made it possible for a majority of the Senate to work its will.

I am grateful to my friend and colleague for allowing me this opportunity to make these few remarks.

Mr. JAVITS. I am grateful to my colleague for his most eloquent words.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CASE of New Jersey. I wish to express my thanks to him for his, as always, clear, lucid, effective, and moving development of the points that are of great consequence in this debate, and to the issues here involved.

My colleague from New York, as it is not necessary to repeat, is a leader in this and in all fields in which human rights and decency and the dignity of the individual and also due process are involved.

Mr. JAVITS. I am very grateful to my beloved colleague. I thank him very much.

Mr. President, I yield the floor.

REIMBURSEMENT BY FEDERAL GOVERNMENT OF LOCAL DISTRICTS FOR COST OF EDUCATION

Mr. METCALF. Mr. President, S. 2393 provided for a simple extension of 1 year of Public Law 874 and Public Law 815 of the bills whereby the Federal Government reimburses local districts for costs of educating children who have placed an undue strain upon the financial ability of the district to maintain schools. The Federal Government repays the district for the cost of educating children whose parents live on Federal property and work on private property or whose parents live on private property and work on Federal property. This legislation was first enacted in 1950 and has been renewed for 1- to 3-

year periods ever since. Compensation for children whose parents both live and work on Federal property was made permanent legislation in 1957. At that time, Congress affirmed a permanent and continuing responsibility for the education of this category of federally affected children.

Just before S. 2393 passed the Senate, I circulated a periodic newsletter about the highway benefits that the Federal Government had contributed to Montana in the decade of 1950 to 1960. I ask unanimous consent that the text of my newsletter be printed at this point in the RECORD.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

AUGUST 28, 1961.

FELLOW MONTANAN: More than one-third of a billion dollars were spent in Montana during the last decade on roads and highways involving Federal funds. Almost one-quarter of a billion dollars—about 70 percent—came from the Federal Government. This gigantic program covered all 56 counties. The funds went into construction of 6,019 miles of road and 458 bridges. The map on the reverse side of this newsletter shows total expenditure and Federal expenditure, miles of road and number of bridges in each county.

The Federal contribution differs according to program. The United States pays 100 percent of the cost of military access roads, forest highways, public land highways and emergency relief projects on national forests, national parks and Indian reservations.

The largest Federal contribution went into the Interstate System. The United States paid 91 percent of the total $89 million cost of interstate construction in Montana during this 10½ year period. In miles of road on the Interstate System, Montana ranks seventh, with 1,179 miles, behind the highly populated States of California, Illinois, New York, Ohio, Pennsylvania, and Texas.

More money was actually spent on the primary system ($116.5 million) than on interstate. But the Federal Government pays only 57 percent of the bill—on the average—for primary, secondary and urban road construction. Third biggest program in the State was the secondary with $79 million total cost of construction. Fourth was the forest highway program ($19.5 million).

Like many Federal aid programs, road and highway construction money comes from three levels of government—Federal, State and local. In this particular case, the Federal Government dominates the financing of roads. Yet, it is the State highway department which runs the program within the State, along with, in some instances, the county commissioners.

Some of the strongest proponents of Federal aid to highway programs are strongly opposed to another Federal aid program—education. The United States pays 3.5 percent of education costs in our State. Yet, goes the argument, more Federal aid would lead to Federal control. A 70-percent contribution by the Federal Government to major parts of the Montana road program, over a decade, hasn't taken control of road construction and maintenance away from Helena and the county courthouse. Neither would a 7-percent contribution by the Federal Government to Montana schools.

Sincerely yours,

LEE METCALF.

Mr. METCALF. Mr. President, on the reverse side of the newsletter was published a map of Montana, showing the Federal highway benefits accruing to each county. Such a map cannot be reproduced in the RECORD, but I ask unanimous consent that the same information in tabular form be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

County	Federal funds [1]	Total cost [1]	Miles	Bridges
Beaverhead	$8,086,047	$10,306,961	197	15
Big Horn	9,484,675	11,784,623	226	17
Blaine	3,168,380	3,992,306	102	12
Broadwater	1,842,782	3,120,054	93	2
Carbon	2,551,257	4,902,776	93	4
Cascade	18,172,934	24,133,448	405	35
Chouteau	1,360,589	2,439,580	73	2
Custer	10,245,239	12,711,538	85	19
Daniels	949,187	1,758,682	49	5
Dawson	5,836,443	10,161,513	152	14
Deer Lodge	2,459,805	4,483,810	84	2
Fallon	2,619,238	4,321,601	103	5
Fergus	6,449,192	10,916,723	215	19
Flathead	7,727,420	11,353,723	220	4
Gallatin	13,995,385	16,577,723	211	20
Garfield	1,235,102	2,205,729	93	3
Glacier	5,979,922	7,210,112	160	8
Golden Valley	524,027	996,716	18	3
Granite	2,945,187	4,253,082	46	3
Hill	2,997,671	5,045,819	141	4
Jefferson	2,554,941	3,492,513	48	4
Judith Basin	1,648,561	2,544,377	59	6
Lake	6,679,367	9,699,482	180	8
Lewis and Clark	11,007,496	14,986,621	178	11
Liberty	467,612	809,319	50	1
Lincoln	1,942,967	2,800,997	89	3
McCone	1,603,560	2,860,160	113	10
Madison	2,739,788	4,135,825	67	5
Meagher	$2,229,298	$3,163,047	110	1
Mineral	7,851,732	8,656,513	86	11
Missoula	6,540,460	8,433,393	155	8
Musselshell	1,013,275	1,647,323	43	4
Park	12,440,270	15,543,342	114	19
Petroleum	419,539	785,081	39	1
Phillips	3,406,757	5,939,794	120	13
Pondera	1,222,204	1,980,932	57	5
Powder River	2,843,837	4,619,356	115	
Powell	9,108,473	12,741,137	141	19
Prairie	2,971,046	4,290,405	43	12
Ravalli	1,973,388	3,506,973	62	6
Richland	2,380,529	3,843,738	81	3
Roosevelt	5,988,134	8,490,506	201	15
Rosebud	2,167,419	3,243,757	88	3
Sanders	3,476,840	4,947,767	106	8
Sheridan	480,125	832,856	24	2
Silver Bow	7,794,079	9,828,444	32	18
Stillwater	1,737,053	2,653,201	33	2
Sweet Grass	1,147,631	1,864,002	62	1
Teton	1,809,262	3,129,952	87	3
Toole	6,394,323	8,983,371	162	10
Treasure	584,685	910,486	27	
Valley	4,528,572	7,028,659	145	19
Wheatland	715,212	1,387,388	66	2
Wibaux	1,181,158	1,869,842	50	4
Yellowstone	14,001,533	18,111,312	98	23
Yellowstone National Park	248,866,453	350,090,380	6,018	458

[1] Dollars to closest decimal.

STATE SUMMARY

Mr. METCALF. Mr. President, during the 10½-year period, January 1, 1950, to May 31, 1961, authorizations for highway work under the jurisdiction of the Bureau of Public Roads in Montana totaled $350,090,380, of which the Federal Government furnished $248,866,543 for construction of 6,019 miles of road and 458 bridges. Additional Federal road programs during this period were:

National Park Service	$4,620,400
Bureau of Indian Affairs	6,251,636
Forest Service (forest development roads and trails)	24,660,416
Total U.S. payment, other agencies	35,532,452
Total Federal payment, Montana roads	248,398,995

The following categories of road expenditures were financed in part by the Bureau of Public Roads: highway planning, Federal-aid primary, Federal-aid secondary, Federal-aid urban, Federal-aid interstate, special 1958 Highway Act, forest highway, access—Air Force—access—Army—access roads—1950 Federal-aid Highway Act—emergency relief, public lands.

The comparison between the contributions for education and for highway construction in the last paragraph of the newsletter above brought an attack on the impacted area bill as socialism from the Lieutenant Governor of Montana. He did not supply me with a copy of his release so that I didn't see his remarks until a couple of days later when the newspapers arrived from Montana. The statement was published on Wednesday, September 6, 1961, and I first saw it on Saturday, September 9, 1961. Excerpts from the newspaper article follow:

I, for one, am weary of METCALF's continuous attempts to sell us a socialistic program [the Lieutenant Governor said].

If we accept Federal aid to education, then we accept the Federal authority which goes with it. Because once again, the Federal Government will hold the purse strings.

I am opposed to our youngsters having to learn their lessons in school buildings sanctioned by the Federal Government, from books approved by the Federal Government. I want them to think as they want to think, not as the Federal Government wants them to think.

Mr. President, in the first 10 years of operation of Public Law 815 and Public Law 874, Montana school districts were benefited, as shown on a table which I ask unanimous consent to have printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Cumulative entitlements and reservations, State of Montana, fiscal years 1950 through 1960

Applicant	Cumulative entitlements, Public Law 874	Cumulative reservations Public Law 815	Grand total
School District No. 6, Columbia Falls	$245,132	$456,434	$701,566
School District, No. 33, Chester	48,788	106,101	154,889
School District No. 11, Glasgow	40,904		40,904
Elementary and High School District No. 1, Great Falls	674,167	1,185,451	1,859,618
Fort Peck School District No. 21	309,569	285,572	595,141
School District No. 13, Nashua	23,061		23,061
Gardiner School District No. 7	29,545	23,021	52,566
School District No. 3, Hamilton	26,863		26,863
Colstrip High School District	52,112		52,112
Rexford Elementary School District No. 8	3,703		3,703
Yaak School District No. 24	5,121		5,121
Sylvanite School District No. 23, Troy	498		498
Moyie Springs School District No. 15	686		686
York Consolidated School District No. 33, Helena	39,099		39,099
Kalispell School District No. 50	2,624	27,000	29,624
Nye School District No. 31	57,950	47,945	105,895
Opheim Elementary and High School District No. 9	40,561	34,226	74,787
Dixon School District No. 9	106,737	24,000	130,737
Arlee Joint School District No. 8	81,174	95,541	176,715
Wolf Point Section School District No. 45	15,588	178,000	193,588
Ronan School District No. 28	271,342	220,824	492,166
Poplar School District No. 9	51,460	121,605	173,065
Lame Deer Elementary School District No. 6	96,682	421,701	518,383
Harlem School District No. 12	20,983		20,983
Hot Springs School District No. 14	9,919		9,919
Target Range School District No. 23	26,608	38,610	65,218
Helena School District No. 1	10,950		10,950
Chester High School District No. 33	2,936		2,936
Chester Elementary School District No. 33	19,560		19,560
Helena Elementary School District No. 1	84,102		84,102
Helena High School District	35,540		35,540
Columbia Falls Elementary School District No. 6	42,142		42,142
Columbia Falls High School District No. 6	23,069		23,069
Eureka School District No. 13	4,688		4,688
Lincoln County High School District, Eureka	29,314		29,314
Browning School District No. 7, Old Agency		8,000	8,000
Glasgow High School District 1-A	79,236		79,236
Glasgow Elementary School District No. 1	145,155	1,156,505	1,301,660
Hot Springs Elementary School District No. 14	33,458		33,458
Hot Springs High School District No. 14	22,099		22,099
Havre High School District No. 16	37,756	434,398	472,154
Hamilton High School District No. 3	19,989		19,989
Hamilton Elementary School District No. 3	39,153		39,153
Harlem Elementary School District No. 12	91,296	197,861	289,157
Harlem High School District No. 13	39,047		39,047
Westby Elementary School District No. 3	8,982		8,982
White Sulphur Springs Elementary School District No. 8	$2,966		$2,966
Kessler School District No. 2, Helena	24,254		24,254
Nashua Elementary School District No. 13	34,078		34,078
Nashua High School District E	55,809		55,809
Libby High School District No. 4	14,329		14,329
Libby Elementary School District No. 4	193		193
Troy High School District	2,930		2,930
Absarokee High School District No. 52	10,387		10,387
Lolo School District No. 7	18,300	$20,000	38,300
Browning Elementary School District No. 9	78,647	502,072	580,719
Swan Valley School District No. 33, Condon	13,761		13,761
Morin-Coburn School District No. 17, Billings		24,000	24,000
Browning High School District No. 9	27,559	60,000	87,559
Seeley Lake School District No. 34	24,760	13,780	38,540
Lonepine Elementary School District No. 12	2,039		2,039
Absarokee Elementary School District No. 52		15,370	15,370
Polson Elementary School District No. 23	15,874		15,874
Polson High School District	7,795		7,795
Brockton School District No. 55	126,945	220,162	347,107
Sand Coulee School District No. 5	1,378		1,378
Box Elder School District No. 13	31,994		31,994
Edgar Public School	14,392		14,392
Elmo School District No. 22	6,929	15,857	22,786
White Sulphur Springs High School District No. 8	2,667		2,667
Miles City School District No. 1	9,877		9,877
Zortman School District No. 5	10,462		10,462
Pryor School District No. 2	29,737	149,820	179,557
Great Falls High School District No. 1	55,606		55,606
Great Falls Elementary School District No. 1	357,849		357,849
Wyola School District No. 29	20,520	69,000	89,520
Lodge Grass School District No. 27	89,737	125,000	214,737
Hardin School District No. 17-H	178,367	176,168	354,535
Blaine County School District No. 50, Hays	55,216	375,660	430,876
Belt Elementary School District No. 29	3,045		3,045
East Glacier Park School District No. 50	11,950	40,000	51,950
Babb School District No. 8	14,694	50,000	64,694
Missoula County High School District, Missoula	27,888		27,888
Valier Public School District No. 14	18,976	50,000	68,976
Heart Butte School District No. 1	100,460	255,338	355,798
Ashland School District No. 32	5,808	184,546	190,354
Frazer Elementary School District No. 2	36,292	45,000	81,292
Frazer High School District No. 2	15,033		15,033
Wolf Point Elementary School District No. 45	13,107		13,107
Malden School District No. 3, Lewistown	2,210	37,393	39,603
Lakeside School District No. 30	2,606		2,606
Total	4,626,774	7,491,961	12,118,735

Mr. METCALF. Mr. President, the foregoing does not include fiscal 1961.

Section 7 of the act—title 20, United States Code, section 242—provides:

In the administration of this chapter, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system of any local or State educational agency.

During the time that I served in the House of Representatives, I would occasionally hear a charge of a violation of that section. Of course, if there is a violation it is the duty of the person discovering it to report it to the nearest U.S. district attorney. But sometimes people are reluctant to do this. Therefore, when the charge is made, I ask that it be documented, and I will see that the responsible Federal official is prosecuted. The following colloquy taken from the hearings on extension of these acts in 1957 is in point. A representative of the National Chamber of Commerce was testifying before a subcommittee over which I was presiding:

Mr. FRELINGHUYSEN (Republican, from New Jersey). I would think that those who argue against a general construction program would almost surely, if they are going to be consistent, have to argue against not only a construction program but an operation and maintenance program in the federally impacted areas.

The reason for action may be somewhat different but the type of assistance is very similar.

The protection which is going to be provided to insure against Federal control will certainly be at least as great in the general construction program as it is under the impacted school districts program.

WITNESS. We must agree with you, Mr. FRELINGHUYSEN, that control is inevitable. We concur with that feeling.

Mr. FRELINGHUYSEN. I do not say that control is inevitable. I say it is very unlikely.

I certainly hope you do not say that I said that control is inevitable.

I hope you are not suggesting that Federal control has resulted on the part of a program which has already disbursed over a billion dollars in Federal funds.

WITNESS. Well, there we have the opinion that there is some definite control.

Mr. FRELINGHUYSEN. I would like to see any testimony to that point. I have never heard any testimony from any school district, from any State or from any responsible organization that there has been Federal control of our schools "as a result of Public Laws 815 and 874."

At the conclusion of the testimony of the witness of the National Chamber of Commerce, I said:

Early in the course of your appearance Mr. FRELINGHUYSEN suggested that he would like to have a single instance of where you know of any detrimental control resulting from Public Laws 815 or 874.

I have listened carefully to your testimony and I have not heard you meet that challenge. If you or your accompanying witness have any such information of that sort, I wish that, for the enlightenment of the present occupant of the chair, you would submit it for the committee.

The witness said:

Fine; I will be happy to do that at some later time. (Vol. 2, hearings on Federal aid for school construction, pp. 656–682.)

To this day the evidence in support of the charge of Federal control under Public Laws 815 and 874 has never been submitted. I am still awaiting a single instance in support of the charge.

In view of the inability of the National Chamber of Commerce to uncover one example of Federal control under the impacted areas program, I was startled when Montana's Lieutenant Governor alleged knowledge of school buildings "sanctioned by the Federal Government"

and "books approved by the Federal Government."

Inasmuch as debate on S. 2393 was scheduled to begin on Monday, September 11, I immediately telegraphed the Lieutenant Governor of Montana as follows:

SEPTEMBER 9, 1961.

Lt. Gov. TIM BABCOCK,
Billings, Mont.:

Inasmuch as you did not favor me with a copy of your recent release on education I did not read it until the newspapers arrived from Montana.

My newsletter that was the subject of your release stated that more than one-third of a billion dollars were spent in Montana during the last decade on roads and highways involving Federal funds and that almost one-quarter of a billion dollars—about 70 percent—came from the Federal Government.

The newsletter also pointed out that, in contrast, the United States pays 3½ percent of education costs in our State. One of the principal Federal expenditures is that for impacted areas. Since 1950, the Federal Government has contributed about $14 million to Montana schools under this program. About two-thirds has gone for construction. About a third has gone for operation and maintenance including purchase of textbooks and payment of teachers' salaries.

This bill is up for renewal Monday on the Senate floor. Following is a list of the school districts receiving Federal aid in the last 10 years. If you can get one responsible official of the districts to telegraph me confirming your charge that there has been interference with plans for construction, or an attempt to have certain textbooks approved by the Federal Government, or an attempt to interfere with the employment of teachers or course of study, I will vote against extension Monday.

The recipient school districts are:

Columbia Falls No. 6, Chester No. 33, Glasgow No. 11, Great Falls No. 1, Fort Peck No. 21, Nashua No. 13, Gardiner No. 7, Hamilton No. 3, Colstrip, Rexford No. 8, Yaak No. 24, Troy No. 23, Moyie Springs No. 15, Helena No. 33, Kalispell No. 50, Nye No. 31, Opheim No. 9, Dixon No. 9, Arlee No. 8, Wolf Point No. 45, Ronan No. 28, Poplar No. 9, Lame Deer No. 6, Harlem No. 12, Hot Springs No. 14, Target Range No. 23, Helena No. 1, Eureka No. 13, Browning No. 7, Glasgow No. 1, 1–A, Havre No. 16, Westby No. 3, White Sulphur Springs No. 8, Helena No. 2, Nashua No. "E," Libby No. 4, Absarokee No. 52, Lolo No. 7, Browning No. 9, Swan Valley No. 33, Billings No. 17, Seeley Lake No. 34, Lonepine No. 12, Polson No. 23, Brockton No. 55, Sand Coulee No. 5, Box Elder No. 13, Edgar, Elmo No. 22, Miles City No. 1, Zortman No. 5, Pryor No. 2, Wyola No. 29, Lodge Grass No. 27, Hardin No. 17–H, Hays No. 50, Belt No. 29, East Glacier Park No. 50, Babb No. 8, Missoula, Valier No. 14, Heart Butte No. 1, Ashland No. 32, Frazer No. 2, Lewistown No. 3, Lakeside No. 30.

LEE METCALF.

I have yet to hear from the Lieutenant Governor. I have not heard from any of the officials of the listed districts. On Monday morning, I did receive a telegram from Dr. Gordon L. Doering, member of the State board of education and former chairman of the board of school trustees in Helena, Mont.

The telegram read:

HELENA, MONT., *September 10, 1961.*
Senator LEE METCALF,
Washington, D.C.:

Congratulations on your decision to vote against Federal aid to education bill Monday. Through the press I'm furnishing you with the information you requested.

Dr. G. L. DOERING.

Of course, a reply through the press was not an answer, because the final vote on S. 2393 took place before Montana newspapers arrived. Last spring I specifically asked Dr. Doering to give an example of Federal control under the impacted areas and he failed to respond.

So, when the vote for final passage of S. 2393 came up, I joined every other Senator in the Senate in voting for it.

Subsequently, I received the following letter from Dr. Doering setting forth his charges of Federal control in more detail. This letter arrived on Thursday, 2 days after S. 2393 went to the President for his signature. His letter reads as follows:

STATE BOARD OF EDUCATION,
REGENTS OF THE UNIVERSITY OF MONTANA,
Helena, Mont., September 10, 1961.

SIR: Senator METCALF has stated that if one responsible official of a school district could give evidence of the Federal Government exerting influence over existing programs to the school districts presently receiving this aid, he would vote against the Federal aid to education bill before Congress on Monday.

This could very possibly be the first time Senator METCALF has voted against any Federal aid programs to schools.

In the city of Helena, we have a trade and vocational school in which we offer a course in electronics. The program, in part, is subsidized by the Federal Government and restricts us as follows: A student must be 16 years of age to enroll in this program or a junior in high school. We may have a gifted student with a natural bent or ability in electronics in grade 7, 8, 9, or 10, but if we followed the Federal regulations they could not qualify for this course because of Federal regulations.

Under State law we are obligated to provide education for students from grades 1 through 12. They, by their regulatory stipulations, have forced us to provide a postgraduate course for students who have completed their high school training or graduated from high school and are 21 years of age or under. This regulation is in violation of our State constitution.

Let us examine the school lunch program. The Government supplies certain surplus foods which we can purchase at a price below market value. If we participate in the school lunch program we must provide a certain number of calaries [sic] to each day's diet. The Federal Government employs individuals to check the number of calaries in each meal and we are constantly checked by them. We too are interested in the number of calaries we provide our children but if on a given day we use only Government beans and the remainder or balance of the meal is provided by the local school district, we resent their informing us how many calories we must have in the balance of the diet.

Many schools would like to rid themselves of the administration of the school lunch programs and would like to lease these programs to responsible people with experience in food handling. They are unable to do so as the Federal Government will not allow the schools to participate in the school lunch program if they lease the administration to experienced food handlers.

I have mentioned but a few of the controls exercised by the Federal Government over their school programs. Believe me, there are many.

I refer Senator MANSFIELD to the National Defense Education Act. This should be required reading for the Senator if he is interested in built-in controls in a Federal program. No man in Government with the exception of the President has more power or authority in his field than does the Commissioner of Education under the National Defense Education Act.

I think it is about time Senator METCALF told the people what his ultimate objectives are. It is apparent to me that he believes we do not need city or county government for the administration of dollars for education, the Federal funds can be sent directly to the school districts from the Federal Government or dispersed by the State government which will receive these funds from Washington.

Senator METCALF states that he cannot understand why, if the Federal Government sends the States 7 percent of the funds they need to finance education, why this should lead to any more Federal control. This foot-in-the-door policy of doubling the Federal funds presently being sent the States is but a prelude to 100 percent Federal financing and complete Federal control of our educational system.

Very frankly, Senator METCALF, we cannot afford the brokerage charge or the cost of administration of the welfare state and the present loose administration of our tax dollars. Nor are we interested in furthering your career as an outstanding salesman of socialistic doctrine.

Sincerely yours,

GORDON L. DOERING.

Mr. President, S. 2393 was a bill to extend Public Law 815 and Public Law 874 for 1 year. It was introduced by Senators HILL and MORSE and favorably reported from the Labor Committee. Senator MONRONEY proposed an amendment extending these laws for 2 years and, in addition, extending the National Defense Education Act for 2 years. This amendment was cosponsored by Senators KERR, FULBRIGHT, SMATHERS, HOLLAND, CASE of South Dakota, COTTON, SCOTT and GOLDWATER. As floor manager of S. 2393, Senator MORSE indicated that he proposed to amend the bill to add NDEA to the bill for a 1-year extension. The Monroney amendment was adopted and on final passage there was not a single dissenting vote.

It is obvious from an examination of Dr. Doering's letter that it was not responsive to my telegram and that it had nothing to do with the pending legislation.

The Lieutenant Governor of Montana is a public official. If he knows of a single instance of Federal control "over the personnel, curriculum, or program of instruction" of any school it is his duty to go down to the nearest U.S. attorney's office and have the official exercising such control prosecuted.

Dr. Doering's and Lieutenant Governor Babcock's opposition to school lunches, vocational education, Federal aid for scientific instruction is well known and accepted. But it will come as a surprise to many, as it did to me, to learn of this opposition to Federal aid for impacted areas. This program is almost unanimously accepted by Congress. For example, former Congressman Fjare, a conscientious opponent of Federal aid for

education, voted for aid for the impacted areas and openly advocated it. And now that more than $2 billion has been spent for such aid, instead of the $1 billion that had been expended in 1957 when Congressman FRELINGHUYSEN and I asked the representative of the chamber of commerce for documentation, there still is not a single instance of Federal control of education as a result of the impacted area program. Had the Lieutenant Governor or Dr. Doering been Members of the Senate last Tuesday they would have been the only ones to vote against this worthwhile and necessary program which has brought between $13 and $14 million to Montana for educational purposes in the last decade.

It may well be that the Federal contribution next year as a result will double that of last year and be 7 percent of the total cost of education instead of but 3.6 percent, but this is a special obligation of the Federal Government resulting from Federal activity, and its continuation is in the public interest.

Next year, as a result of increased Federal activity in the missile field, and in the construction of dams at East Bench and Yellowtail, Federal activity will increase and additional burdens will be placed on many Montana school districts, burdens which the Federal Government should assume and which, under the provisions of the extension of Federal aid for impacted areas, the Federal Government will continue to assume for the next 2 years.

CLOTURE—PROPOSED AMENDMENT OF RULE XXII

The Senate resumed the consideration of Mr. MANSFIELD's motion to proceed to the consideration of Senate Resolution 4, a resolution to amend the cloture rule by providing for adoption by a three-fifths vote.

Mr. HILL. Mr. President, earlier in the day the Senate was privileged to hear a magnificent address by the distinguished senior Senator from Georgia [Mr. RUSSELL]. The address was so able, so profound, and so prophetic, that I think I may say that in all my years in the Senate I have never heard a more eloquent address. It was most forceful, persuasive, and appealing. In fact, when the Senator from Georgia had concluded his address, I felt that practically everything had been said in opposition to the proposal to change Senate rule XXII. But, Mr. President, I would not feel that I had done my full part in opposition to the proposal to change the rule if I did not at this time express in the strongest possible terms why I feel the rule should not be changed.

Mr. President, as we recall, Prime Minister Gladstone referred to the U.S. Senate as:

> That remarkable body, the most remarkable of all the inventions of modern politics.

What is it, one may ask, that makes the Senate remarkable? Nothing more nor less than the free and unlimited debate in the Senate. Take from the Senate this right of free debate, invoke cloture in the Senate, and then our Senate is no more than the House of Representatives or any other legislative body that we might consider. It is remarkable, as Mr. Gladstone said, only because of each Senator's right to free debate.

The thing that I wish to emphasize with all emphasis I can bring to bear is that if you deny free and unlimited debate in the Senate of the United States you have changed the character of the Senate of the United States. You cannot change the character of the Senate of the United States without changing the Government of the United States.

In considering proposals for denying free debate in the Senate, we are not considering some simple matter of procedure in the Senate, some simple change of our rules. We are considering a proposed change in the Senate that would mean a fundamental and basic change in the Government of the United States as we have known that Government from the beginning down to the present.

That is the question before us. Shall we change our Government—our constitutional Republic that we have had all these years, under which we have grown to be the greatest Nation in the history of the world, and under which our people have enjoyed the greatest freedom ever known to mankind?

Mr. President, the right of a Senator to stand on the floor of the Senate, to present all the facts in connection with an issue, and to turn the light of truth and justice and fairness on that issue goes to the very heart of the freedoms of the people of these United States and to the protection not only of the freedom of the people and of the individual citizens but to the protection of the rights of the several States.

It is proposed now that this freedom of debate be cut off, be denied by simply a three-fifths vote in the Senate. The proponents of the measure before us are not content with the power to gag a third of the Senators in the U.S. Senate—now they are reaching for the power to gag as many as 40 Senators at one time.

It has been argued that it is necessary to have this power to gag that the Senate may legislate for the benefit of the country. I can answer them simply by saying that the Senate has been legislating for 172 years now and I ask, has anyone been able to suggest a single important or beneficent measure that has been killed because we have had free and unlimited debate in the Senate of the United States?

Since the Senate has had the present rule, cloture petitions have been filed, as I recall, some 23 times, and only four times has the Senate seen fit to invoke that cloture. What reason have we today, what arguments have been presented, that would justify us in changing the character of the Senate, in changing our American constitutional Republic as we have known it?

I have heard of no bill or measure that has gone down, that should have been passed. Free debate has brought about some delays, it is true; and I would be the last to deny that there have been some abuses. But so long as human nature is human nature and we are not perfect, we shall have abuses. However, the question is not whether there have ever been any abuses; to the contrary, the question before us is whether the benefits of free debate so far outweigh its occasional abuse that we should dare tamper with this priceless right which, more than any other, characterizes the United States Senate.

We know the conscientiousness, the sense of responsibility, and the devotion to duty that always triumph among the membership of the Senate of the United States. Our country is not great because of the number of its laws and prohibitions. Our country is great because of the character of its people and the character of those who represent our people in its Government.

Under the free and unlimited debate in the Senate we fought World War I, which, up to that time, was the greatest war in the history of the world. Then, we fought World War II. Nothing in the history of the world has been comparable to our deeds and accomplishments in that war. In addition, we fought the war against the most terrible depression of the early thirties. We did not have to invoke any cloture to win those great wars. We won them with free and unlimited debate.

We have heard a good deal of discussion about action by a majority. On this point I should like to remind the Senate that some of the present Members of the Senate served here when the majority party, which then happened to be the Democratic Party, had 76 out of the then total of 96 votes, and at that time the Republican Party had only 16 votes. The other four votes were divided between the Progressive Party and the Farmer-Labor Party. That situation emphasizes an important point which I want to state—namely, that parties do control this body, so far as numbers are concerned. It is precisely because of this situation that we must have available to us a means to restrain them, if need be, and to keep party spirit from running wild, so that we may not suffer from the baneful effects of party spirit.

No Senator knows when in the future his party may be in the majority or may be in the minority in this body; and I say this to you, Mr. President, that some of those who now press hardest and most determinedly for such a change in the Senate rule and for denial of our freedom of debate, may be the very ones who tomorrow will find that this free and unlimited debate is needed for the protection of their rights.

At this point I should like to say a few words about the danger of runaway party spirit, as observed by the Founding Fathers.

As Senators recall, the Founding Fathers—men such as James Madison, Gouverneur Morris, and George Washington—had a great fear when they brought our Government into being. That fear was of the danger of what they termed "party spirit"—as George Washington expressed it in his farewell address, "the baneful effects of party spirit."

Let me call attention to an excerpt from his address. I ask Senators to

weigh it well, because in my opinion what has averted this danger and has averted the baneful effects of party spirit, that Washington feared, was the same free and unlimited debate in the Senate of the United States which we are discussing today. In his farewell address George Washington said:

> I have already intimated to you the danger of parties in the States with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party generally.
>
> This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed, but in those of the popular forum it is seen in its greatest rankness and is truly their worst enemy. Without looking forward to an extremity of this kind, which nevertheless ought not to be entirely out of sight, the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

The founders of the American Government were not unaware of the fragile nature of human freedom, and they sought to protect our liberties with certain safeguards. Among the most interesting statements to be found in the Journal of the Constitutional Convention kept by James Madison, who later followed Jefferson as President, was the statement by Edmund Randolph concerning the purpose of the U.S. Senate. I wish to quote this statement by Randolph, from page 81 of Madison's journal:

> Mr. Randolph observed that he had at the time of offering his propositions, stated his ideas as far as the nature of general propositions required; that details made no part of the plan, and could not perhaps with propriety have been introduced. If he was to give an opinion as to the number of the second branch (the Senate), he should say that it ought to be much smaller than that of the first; so small as to be exempt from the passionate proceedings to which numerous assemblies are liable. He observed that the general object was to provide a cure for the evils under which the United States labored; that in tracing these to their origin, every man had found it in the turbulence and follies of democracy; that some check therefore was to be sought for, against this tendency of our governments; and that a good Senate seemed most likely to answer the purpose.

What our Founding Fathers envisioned was a Senate of free debate, not simply a legislative body, but a citadel of learning, where questions would be carefully studied and agreed upon, where no group or section of the country could ruthlessly impose a program on another group or another section of the country.

Mr. President, from the statement of Edmund Randolph, we observe that the founders of our Government, the creators of our Constitution, established the U.S. Senate primarily as a protection for American liberties and as a restraint, if need be, on the House of Representatives. The Senate was instituted as a bulwark against the enactment of hasty legislation, a gyroscope to keep us on a fixed course, and a fortress to assure the continuance of American freedoms.

Mr. President, we recall that Benjamin Franklin—and there was no wiser man than he—spoke of the Senate as the saucer. In other words, it was a saucer into which the hot coffee was to be poured, to give it time and opportunity to cool. If at any time the House of Representatives, took hasty action, if it acted with too much speed, and did not thoroughly consider and thresh out the full significance and effect of its action, there was always to be available this saucer, to make it possible for the measure to cool.

Mr. President, as we know, under our present rule XXII two-thirds of the Senators present and voting must decide in the affirmative if for debate on a measure or motion is to be brought to a close.

In defense against any weakening of the present rule, I should like to point out that a two-thirds vote is not an uncommon procedure in the Congress of the United States. The Constitution, as well as some of the amendments thereto, imposes the rule of a two-thirds majority in quite a number of instances; and I shall refer to those instances briefly:

No person shall be convicted on impeachment without the concurrence of two-thirds of the Senators present—article I, section 3.

Each House, with the concurrence of two-thirds, may expel a Member—article I, section 5.

A bill returned by the President with his objections may be repassed by each House by a vote of two-thirds—article I, section 7.

The President shall have the power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur—article II, section 2.

Congress shall call a convention for proposing amendments to the Constitution on the application of two-thirds of the legislatures of the several States—article V.

When the choice of a President shall devolve upon the House of Representatives, a quorum shall consist of a Member or Members from two-thirds of the various States of the Union—amendment 12.

A quorum of the Senate, when choosing a Vice President, shall consist of two-thirds of the whole number of Senators—amendment 12.

The Constitution, therefore, does not give recognition, in all cases, to the right of the majority to control. We have seen that a two-thirds vote is required on many important occasions.

Mr. President, at this point, I should like to review briefly the history of free debate in the Senate.

Many Senators will recall that in 1789 the first Senate adopted 19 rules, of which rule IX related to moving the previous question. The original rule IX read as follows:

> The previous question being moved and seconded, the question from the Chair shall be: "Shall the main question be now put?" And if the nays prevail, the main question shall not then be put.

But when the Senate rules were modified in 1806, reference to the previous question was omitted altogether. It had been moved only four times and used only three times during the 17 years from 1789 to 1806. After that, until 1917, as we shall see, there was no general rule limiting free debate in the U.S. Senate.

Mr. President, throughout the history of representative government, it has been recognized that the right of unlimited debate is an invaluable right for the protection of minorities, a right to check a ruthless majority. That right in the Senate has done much to hold the United States together. Had it not been for the right of unlimited debate in the Senate, in all probability the American Union, would have been broken up in 1812, when there was a serious controversy in New England and when many of the New England citizens wanted to leave the Union, because of the War of 1812. But, through the right of unlimited debate, New England Senators representing their States came here to counsel, caution, and debate with the other Senators, representing their States; and the great and complicated issues were thereby resolved for the good of all.

Under this system, Mr. President, we know that America has prospered. We have stood firm with the guiding principles on which our Nation was built.

A great challenge to free debate in the Senate occurred in 1841. On July 12, 1841, Henry Clay brought forth a proposal for the reintroduction of the "previous question," which had been eliminated in 1806, and which he stated was made necessary by the abuse which the minority had made of the privilege of unlimited debate in the Senate. But in successfully opposing Clay's motion, Senator Calhoun said:

> There never has been a body in this or any other country in which, for such a length of time, so much dignity and decorum of debate has been maintained.

Fortunately for our Nation, Clay's proposition met with stanch opposition, and was abandoned.

Probably the most famous bill ever defeated by the free and unlimited debate in the Senate was the force bill, introduced in the House of Representatives and valiantly fought for by Senator Henry Cabot Lodge, Sr., of Massachusetts, who then was a Member of the House of Representatives. Afterward, he was elected to the Senate; and, at first, he was very much opposed to free and unlimited debate, and favored strict cloture.

But after he had served in the Senate for a while, after he had gained the experience, and, as we know, he was one of the most erudite men ever to sit in the Senate of the United States; he was a great student, not only of our own Government, but also of all the governments of the world—he gave to us and to our country the benefit of his ripened and seasoned and mature judgment.

In short, he changed the opinion he had theretofore held, and then reached the definite conclusion that the Senate

should not have cloture, but that there should continue to be free debate in the Senate. In that connection, I could quote from the writings and the speeches of many very distinguished Senators.

Earlier today, the distinguished senior Senator from Georgia [Mr. RUSSELL] quoted from the late Senator Henry Cabot Lodge, Sr. As I stated a moment ago, we recall that while he was a Member of the House of Representatives, he introduced a bill commonly known as the Lodge force bill, a measure in which he was tremendously interested. That bill was defeated in the Senate by free debate; and at that time he concluded that free debate in the Senate should be abolished. But later, after he was elected to the Senate, and after he had served in the Senate for a while and had observed the operations of the Senate and the conduct of the business of the Senate, and came better to realize the purpose of the Senate as the Founding Fathers had intended it to be, he reached the conclusion that there should be no limit on debate in the Senate.

I want to take a minute to read a few excerpts from what Senator Lodge said. He was the author of the force bill, one of the very few bills in the history of the country that was killed by free and unlimited debate.

Senator Lodge said:

It is not necessary to trace the long struggle between these opposing forces which ended the most famous compromise of the Constitution of which the Senate was the vital element and which finally enabled the Convention to bring its work to a successful conclusion. It is sufficient here to point out that, as the Constitution was necessarily made by the Senate alone, they yielded with the utmost reluctance to the grants of power to the people of the United States as a whole and sought in every way to protect the rights of the several States against invasion by the national authority. The States, it must be remembered, as they then stood, were all sovereign States. Each one possessed all the rights and attributes of sovereignty, and the Constitution could only be made by surrendering to the General Government a portion of these sovereign powers. In the Senate, accordingly, the States endeavored to secure every possible power which would protect them and their rights. They ordained that each State should have two Senators without reference to population, thus securing equality of representation among the States. They then provided in article V of the Constitution that "No State without its consent should be deprived of its equal suffrage in the Senate."

Then Senator Lodge went on to state:

Except on some rare occasions, the Senate has been the conservative part of the legislative branch of the Government. The cloture and other drastic rules for preventing delay and compelling action which it has been found necessary to adopt and apply in the House of Representatives have never, except in a most restricted form, been admitted in the Senate. Debate in the Senate has remained practically unlimited, and despite the impatience which unrestricted debate often creates, there can be no doubt that in the long run it has been most important, and indeed very essential to free and democratic government, to have one body where every great question could be fully and deliberately discussed.

Senator Lodge continued:

The Senate, I believe—

Let me remind Senators that I am quoting the man whose bill was defeated by free and unlimited debate; listen to this—

The Senate, I believe, has never failed to act in any case of importance where a majority of the body really and genuinely desired to have action and the full opportunity for deliberation and discussion characteristic of the Senate. This has prevented much rash legislation born of the passion of an election struggle and has perfected still more which ultimately found its way to the statute books.

Senator Lodge closed with these words:

The Members of the U.S. Senate have always cherished the freedom of debate which has existed in this Chamber. Senators have been reluctant to adopt any rule of cloture, and, even after the present rule was adopted in 1917, they have been reluctant to invoke it. Cloture is a gag rule. It shuts off debate. It forces all free and open discussion to come to an end. Such a practice destroys the deliberative function which is the very foundation for the existence of the Senate. It was the intent of the framers of the Federal Constitution to obtain from the upper Chamber of the Congress a different point of view from that secured in the House of Representatives. Thus the longer time, the more advanced age, the smaller number, the equal representation of all the States. Careful and thorough consideration of legislation is more often needed than the limitation of debate.

Senator Lodge knew, even as we know, of the temptations and the pressures that come. He knew that, perhaps forgetful of their great responsibility of power, some might be whipped on by pressure groups or spurred by some political expediency to act without full and complete deliberation and mature consideration, and might do the very thing that George Washington warned against.

For 111 years, from 1806 to 1917, there was no general rule which limited debate in the Senate. However, in the closing days of the 64th Congress, in 1917, a filibuster defeated a bill to arm merchant ships to resist attacks by German submarines. Because of the threat of war, Congress was called into special session and, on March 8, 1917, Senate rule XXII was amended so as to provide that on the second day after the filing of a petition by 16 Senators, the Senate could, by a two-thirds vote, limit debate so that no Senator could speak more than 1 hour on any pending measure.

Of the cloture rule adopted by the Senate in 1917, Robert Luce wrote in his book on legislative procedure that:

The very mild and moderate form of cloture adopted by the Senate will permit the majority in that body to assume responsibility in time of crisis, and threatens no great harm to minorities. After all, it is in large part a question of degree. Somewhere between the extreme contentions of majority rule and minority right is a point where dangers balance. If the Senate has discovered that point, so much the better. Whether the House has been successful in like discovery is not even yet clear though almost a score of years have passed since Mr. Reed put forth his famous rules. There is grave reason to fear that a lessening of sense of responsibility has accompanied the limitation of debate, throwing too much of the burden of decision on the Senate. ("Legislative Procedure," Boston and New York, 1922, p. 301.)

I should like to emphasize the sole reason why the cloture amendment to rule XXII was ever adopted by the Senate in the first place. If one will read in the CONGRESSIONAL RECORD the debates when the resolution creating rule XXII was under consideration, one is bound to admit that it was the intention to resort to that rule only in cases involving the national defense, when war was imminent, and when cloture should be invoked in order to be able to defend the country in a grave emergency.

The great Senators in this body practically unanimously have opposed cloture and have recognized the importance of unlimited debate.

On March 4, 1925, Vice President Charles G. Dawes delivered his inaugural address to the Senate, and in that address he advocated a more stringent rule than that provided in the existing rule XXII.

In swift response to the change in the Senate rules recommended by Vice President Dawes, many great Senators, both Democrats and Republicans, immediately made strong statements opposing the proposal. They showed the fallacy of Dawes' argument, and pointed out that this country would be far better off if the rules were left as they were. I shall quote now briefly from a letter to the New York Times written by Senator Key Pittman, of the State of Nevada. The letter is dated May 13, 1925. He wrote:

The campaign of Vice President Dawes is exciting considerable interest in the West.

I have recently been requested to address semicivic societies and public service clubs upon this subject. I hoped that the majority and minority leaders in the Senate would set forth the reasons for the attitude which I believe a majority of the U.S. Senate hold in opposition to the position taken by the Vice President.

The subject is not only very interesting but, in my opinion, of vital importance to the proper functioning of the legislative branch of our Government.

Also, concerning the Dawes proposal, I should like to quote from Bent Silas, who wrote in the Outlook, in March 1928, that:

There is no need to limit the wordage output through alteration of the Senate rules, Vice President Dawes has never unlimbered his sharp tongue in a cause more ill considered than his campaign to limit debate in the upper House. Unlimited debate is a rampart erected against popular hysteria, the resistance to which is a constitutional obligation of the Senate. The rules under which this body proceeds were engendered by its function. It is the surrogate of weaker States. That is why a Nevada voter has, in effect, seven times as much power when he speaks through the voice of his Senator as a New York voter. That was why the Senate, less subject than the House to popular clamor, was set up as a barrier to Executive aggression. When the Senate rejects a Charles Beecher Warren, or compels a President to dismiss members already admitted to his Cabinet, as it has done in recent years, it is not arrogating to itself powers outside its province. It is there for just such contingencies. ("In Praise of the Senate," the Outlook, Mar. 4, 1928, p. 413.)

I think Mr. Silas put the case very well. His words, I may add, are equally applicable at the present time, when we seem to have several latter-day Daweses in the Senate.

In 1925, another gentleman, N. D. Cochran, saw through Dawes' proposal, and estimated its true worth with these words:

Mr. Dawes is leading a fight to fool the people of the United States into making the Senate surrender its constitutional power into the hands of a political party machine. An organized campaign is on to discredit the U.S. Senate, with Vice President Dawes as chief spokesman.

My belief is that the purpose is to strengthen the executive branch of the Government at the expense of the legislative.

If the Dawes scheme works and the Senate ceases to be a check on Presidential power, future Presidents will be dictators. (In the Washington News, as quoted by the Literary Digest, May 9, 1925, p. 15.)

I should like also to quote from Senator Copeland's searching comment concerning Vice President Dawes' inaugural address. In 1925, Senator Copeland, of New York, said:

I can quite understand why a citizen of Nevada might want to have the rules changed. Nevada has 77,000 population and yet it sends two Members to the U.S. Senate. If New York were represented in the same proportion, it would have 144 Members in the U.S. Senate instead of 2.

Here is another thing to think about: The States of New York, Pennsylvania, Illinois, and Michigan pay 60 percent of the Federal taxes. The combined representation of these States in the Senate is one-twelfth of the total. Therefore, these States are totally submerged so far as voting power is concerned.

New York State has as great a population as 18 other States combined. It exceeds the combined population of Arizona, Colorado, Delaware, Florida, Idaho, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oregion, Rhode Island, South Dakota, Utah, Vermont, Wyoming, Maine and Nebraska.

Add to these 18 States 7 other States—Arkansas, Louisiana, West Virginia, Washington, South Carolina, Maryland, and Connecticut, and it will be found that these 25 States, controlling 50 of the 96 votes, have a majority in the Senate. These States represent less than 20 percent of the total population of the country and they pay not more than 10 percent of the taxes. Mr. Dawes' cloture rule would give this minority in population and financial standing absolute control of the Senate.

There is just one other brief statement concerning the Dawes' proposal which I should like to read. It is from a splendid statement by Frederick Ogg and Orman Ray, appearing in their book, "Introduction to American Government." They wrote:

Not even so vigorous a critic as Mr. Dawes, could stir up much response either at Washington or throughout the country, and no early change in practice appears probable. The weight of argument, indeed, is by no means entirely on one side of the question. Quite to the contrary, Senators and others who honestly believe the existing lack of restraint to be on the whole advantageous bring forward a number of contentions, all of considerable validity: (1) that under the rules as they stand, the Senate (as Mr. Dawes was obliged to concede) gets through with a very creditable amount of business—in five recent Congresses, for example, passing 182 more bills and resolutions than did the House; (2) that the present oft-used device of unanimous consent, by which the Members agree in advance to limit speeches on a given measure after a certain day and to take a vote at a specific hour, serves all necessary purposes, being in truth itself a species of cloture; (3) that by far the greater portion of the measures killed by filibuster are not wanted by the country and are never revived, a good illustration being the ship subsidy bill sponsored by President Harding in 1922; and (4) that the vigorous protests against filibustering sometimes voiced on the Senate floor come usually from Members whose pet projects have suffered, but who, with circumstances reversed, would themselves stand quite ready to launch or aid a filibuster effort. ("Introduction to American Government," 7th ed., New York and London, p. 313.)

Senator James A. Reed, of Missouri, said something on the Senate floor in 1926 that we ought to bear in mind while we are considering this proposed rule change. The astute Senator Reed recognized the direct connection between cloture and power. He said:

Cloture means the granting of power. Whenever you grant power you must assume that power will be exercised, so when we discuss this proposed rule we must do so in the light of how it may be exercised so as to do no harm, but we must also consider how it may be exercised to do harm.

Mr. President, it is true, and is an important fact of which all of us should take notice, that after long service here, down through the years, Senators become more and more inclined to protect the right of free debate in the Senate.

To demonstrate this most significant fact, I should like to quote briefly from some of our famous statesmen of the not too distant past. The first one I shall quote is Champ Clark. Seventeen years after he first entered the House, and the year before he became its Speaker, Champ Clark wrote:

I myself once felt that it would be a good thing if the Senate had a time limit, but I have changed my mind about that, as I have about many things; for I have come to the conclusion that there ought to be some place in our system of government where measures can be thoroughly discussed, and, while some of the Senators undoubtedly waste time and abuse the privilege of unlimited debate, it is better that a few should do that than that great measures affecting the welfare of 90 millions of people should not be so thoroughly ventilated that a wayfaring man, though a fool, can understand them.

In 1897 Adlai E. Stevenson, the grandfather of our Ambassador to the United Nations, and who was at that time Vice President of the United States, delivered his celebrated farewell address to the Senate. During that splendid, outstanding address, he had much to say about the rules of the Senate. His great words are meaningful right down to this day. Let me quote briefly from the address:

It must not be forgotten that the rules governing this body are founded deep in human experience; that they are the result of centuries of tireless effort in the legislative hall, to conserve, to render stable and secure the rights and liberties which have been achieved by conflict. By its rules the Senate wisely fixes the limits to its own power. Of those who clamor against the Senate, and its methods of procedure, it may be truly said: "They know not what they do." In this Chamber alone are preserved, without restraint, two essentials of wise legislation and of good government—the right of amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured by words.

Mr. President, on this score I am sure you will be interested in the words of Senator Hoar, which are direct and to the point. Senator Hoar was another of our great Senators who mellowed with age. He said:

There was a time in my legislative career when I believed that the absence of cloture in the Senate was criminal neglect and that we should adopt a system of rules by which business could be conducted.

But the logic of my long service and observation has now convinced me that I am wrong in that contention. There is a virture in unlimited debate, the philosophy of which cannot be detected upon surface observations.

I particularly like the last sentence from those words of Senator Hoar. I repeat what he said:

There is a virtue in unlimited debate, the philosophy of which cannot be detected upon surface observations.

I believe with those words Senator Hoar put his finger upon the crux of this entire debate. He tells us why Senators change after long service in the Senate, why they favor free and unlimited debate in the Senate.

Let me quote also from Senator Burton, of Ohio, who, in 1915, set forth with clearness the cases in which he deemed a filibuster not only justifiable but salutary. He said:

The first is when a vital question of constitutional right is involved; when a proposition is brought in that a Senator cannot conscientiously support.

The second is when the measure is evidently the result of crude or inconsiderate action.

From time to time some bill is sent in here for which a first burst of enthusiasm is aroused. It seems to be all right, but on further and more careful consideration it is found to be faulty and objectionable. Until the people can be heard from, the Senate is justified in holding up the measure.

A third justification for a filibuster is when the Senate is convinced that because of some compulsion, if a vote is taken, it will not express the honest conviction of the Members.

Here is another example of a U.S. Senator who grew to feel very strongly about freedom of speech in our legislative assemblies. I quote from Senator John G. Carlisle of Kentucky, who said:

Universal freedom of speech among the people and perfect freedom of debate among their representatives is the common and unwritten law of the race to which we belong. These legislative assemblies are simply the representatives of the people and as a matter of fundamental rule or principle it might

just as well be contended that the people themselves have no right to discuss a question presented for their decision as to contend that their representatives have no right to discuss the questions presented to them for their consideration.

Mr. President, I now have a quote from the words of a former Senator from the State of Ohio. I am sure we will all be most interested in his words if for no other reason than the fact that this Senator later became President of the United States. But there is another reason, and that reason is the sincerity of his conviction that freedom of debate in the U.S. Senate is essential to the preservation of our democracy. I quote now from Senator Harding, of Ohio, who was our 29th President. He said:

While the Senate may not listen, because the Senate does not listen very attentively to anybody, I discover though Congress may not be apparently concerned and though the galleries of this body may not be filled to add their inspiring attention; I charge you now, Mr. President, that the people of the United States of America will be listening. This is the one central point, the one open forum, the one place in America where there is freedom of debate, which is essential to an enlightened and dependable public sentiment, the guide of the American public.

Mr. President, I come now to one of the most famous quotes concerning free debate in the U.S. Senate. I read now from the rich prose of Senator La Follette of Wisconsin, who said:

I stand while I am a Member of this body against any cloture that deprives free and unlimited debate. Sir, the moment the majority imposes the restriction contained in the pending rule upon this body, that moment you shall have dealt a blow to liberty; you shall have broken down one of the greatest weapons against wrong and oppression that the Members of this body possess. This Senate is the only place in our system where no matter what may be the organized power behind any measure to rush its consideration and compel its adoption that measure still may receive unlimited scrutiny.

But when there is organized power behind measures, it is all the more reason we should have unlimited debate in the U.S. Senate. There is a chance to be heard where there is opportunity to speak at length and where, if need be, under the Constitution of our country and the rules as they stand today, the constitutional right is reposed in a Member of this body to halt a Congress or a session on a piece of legislation which will undermine the liberties of the people and be in violation of that Constitution which generations have sworn to support. When I take that power away from Members of this body, I let loose in a democracy forces that in the end will be heard elsewhere, if not here.

Mr. President, there are just three more Senators I would like to quote, Senators who felt very strongly about our priceless heritage of free debate in the Senate. I will do this now before I go into another line of thought concerning our cherished right of free discussion in the Senate. These three Senators are George W. Norris of Nebraska, Charles L. McNary, of Oregon, and Kenneth D. McKellar, of Tennessee.

Senator Norris said:

The Senate is the only forum in our country where there is free and fair debate upon proposed legislation, and it is the forum where the legislation of the country is made. If we adopted majority cloture in the Senate as they have in the House, the last vestige of fair and honest parliamentary consideration would entirely vanish.

Some of us here today served in this body with the late Senator Charles L. McNary, of Oregon. He was not only a great Senator, much honored and beloved and esteemed by his colleagues as the leader of his party in the Senate, but we recall he was the vice-presidential nominee of his party in 1940. This is what he said:

Every Republican except two were for the bill—

The pending measure before the Senate—

and they were willing to remain there—

This was on the floor of the Senate—

from sunrise to evening star and from evening star to sunrise in order to have the bill passed. But, Mr. President, I am not willing to give up the right of free speech and full and untrammeled opportunity for argument. That right is the last palladium. It is the last impregnable trench for those who may be oppressed or who are about to be oppressed. It may be the last barrier to tyranny.

I quote now from the Honorable Kenneth D. McKellar, of Tennessee:

I have served nearly 6 years in the House and more than 8 years in the Senate. I am familiar with the rules of both Houses. I believe the present rules of the Senate make for greater efficiency, make for better legislation, make for the better carrying out of the people's will than do the rules of the House. In the House the previous question can be called for at any time, debate stopped and a vote had. In other words, the party in power can pass any measure without debate and without public scrutiny. It is well known that many bills are thus passed in the House. I do not believe that this unlimited right of cloture is best for the public weal. As a matter of fact, all of the legislation in the House is agreed upon by a few men occupying leading positions in the House and the great body of Members is denied freedom of speech and action.

Mr. President, at this point, in order to relax our minds from our own situation, I should like to digress for a few minutes and discuss the freedom of speech in the Roman Senate.

I think there is much for us to benefit from in Rome's experience. For 450 years the Roman Republic endured with no restrictions on debate in the Roman Senate. During all this period Rome grew in greatness and power until she occupied the overwhelmingly dominant position in the ancient world. No ancient people enjoyed the freedom of a republic for so long a time as did the Romans.

But the golden age of Roman freedom was now drawing to a close. During the first triumvirate of Caesar, Pompey, and Crassus, pleadings before the judices selecti—senatorial judges trying criminal cases—were limited to 2 hours. Cicero, one of the most farsighted statesmen of his day and a great champion of the Roman tradition of freedom, deprecated the effect of this cloture upon the cause of freedom, sensing that it foreshadowed the beginning of the end of the Roman Republic. As we know, his premonition was correct; within a few years Rome was under the authoritarian despotism of its first Caesar.

Interestingly enough, Julius Caesar had himself insisted on unlimited debate in his earlier years. At the time of Cataline's conspiracy, when Julius Caesar was praetor he was the only member of the Roman Senate who refused to vote in favor of inflicting capital punishment on the accomplices of Cataline. He insisted upon the right of unlimited debate until, tension mounting high, a group of Roman knights thrust at him with drawn swords, and only through the extreme efforts of his friends who drew their togas about him was his life saved.

Other Roman statesmen of note insisted on the right of unlimited debate. Cato the Younger, in his fight against the usurpation of power by Caesar and Pompey in later years, resorted to unlimited debate, in a vain effort to preserve the republic.

When Cato persisted in talking after Caesar ordered him to desist, he was dragged from the rostrum and ejected from the Senate. So jealous was the Roman Senate of its prerogatives, that when Cato was ejected, the entire Roman Senate walked out of the Senate chamber.

Cato and others resorted to unlimited debate when the republic itself and the freedom on which it was founded were at stake. We must admit that there is a marked similarity today in our fight to preserve freedom of a debate in the United States Senate. We must take note that, while the American Republic has maintained free debate for 172 years, the Roman Republic maintained free debate nearly three times as long—450 years. Let us take a lesson from the observations of Cicero in the declining years of Rome's freedom, and preserve the sacred right of unlimited debate so essential now, as then, to the freedom we all want to preserve.

Let us heed what Cicero said, that cloture in the Senate of a republic will destroy that republic. It was truly with a prophetic eye that he pictured what would happen in a few years to imperial Rome if Julius Caeser were listened to and cloture adopted.

Mr. President, is it not true that our historians and our educators have accepted the premise that, while history repeats itself, we may, nevertheless, by studying history benefit from the mistakes of the past?

Our Founding Fathers accepted this premise. The founders of the American Government were keenly aware of the fact that freedom in the Roman Republic had disintegrated as a result of identifiable factors which they sought to avoid in writing the Constitution of the United States of America.

May I say that a reading of the notes of the Constitutional Convention will disclose that time and again the difficulties which caused the destruction of Rome were pointed out and discussed, and an attempt was made to set up a system in this country so that which caused the decline and fall of Rome would not happen on this continent.

I have just indicated how the forces intent on destroying Roman freedom first attacked the right of unlimited debate. It may be interesting for me to go a bit further and to note how Julius Caesar, in his ambitious manipulation of the Roman mob to further his own acquisition of power, proceeded from this point to whittle down the authority of the Roman Senate.

Let me repeat for emphasis the great tradition of the Roman Senate before the rise of Caesar. Prior to Caesar's imposition of cloture, the Roman Senate had enjoyed free and unlimited debate for some 450 years. With cloture, the golden days of the Roman Senate receded into history.

Cicero, one of the great statesmen of all time, recognized the issue and warned the Roman Senate that if they adopted cloture it would mark the decline of Rome, and that within a few years there would be despotism and tyranny. He said that behind cloture the power of the Roman Senate would be whittled down, and a tyrant would then take its place and exercise its power.

And, Mr. President, that is exactly what happened to Rome. Julius Caesar was a terribly ambitious man. He desired to make himself dictator of an imperial Rome. The thing that stood in his way, the thing which prevented him, was unlimited debate in the Senate of Rome. So he said, "We are going to distribute land among certain people." He brought those people to Rome and with their aid forced the Senate to change its rule of unlimited debate. Within 2 years he had destroyed the power of the Roman Senate. He became a tyrant. Rome lost her liberty and declined and fell.

Mr. President, the turning points of history are not always on the battlefield. Here was a great turning point of Roman history when Caesar brcke the power of the Roman Senate, and, though the Senate existed in name for another 500 years, from that time on it was always more or less a rubber stamp for the Emperor of Rome.

I should like to return now to our own situation in my discussion of this measure.

Mr. President, why is it that almost all Senators who have served in this body any length of time, from the beginning down to the present time, have recognized the value of free debate and have striven to protect and preserve that right and have considered it essential to protect the people, in all areas of the country, from unbridled majorities, and also from unbridled minorities? A bill can be debated in the House of Representatives, under their rule, only an hour. I have been there and have seen Representatives beg and plead for only 5 minutes, time in which to explain their position on a major piece of legislation. Under the gag rule, if a measure came to the Senate, it would be rammed through by the power of a great lobby or great pressure groups, and the people of the Nation would not know what happened.

The majority moves the previous questions. The majority cuts off debate. There is no longer an opportunity for further debate. It is closed. No matter how many facts a Member of the House may have to bring to the attention of the House, no matter how important it is that those facts be brought to the attention of the House, that Member is denied the right to stand on the floor and bring those facts to the attention of Members of the House.

Mr. ERVIN. Mr. President, I wonder if the Senator from Alabama will yield to me for an observation, with the understanding that by so doing he will not lose his right to the floor?

Mr. HILL. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from North Carolina for an observation, with the understanding that I do not lose the floor.

The PRESIDING OFFICER. Without objection, the Senator from North Carolina is recognized to ask a question.

Mr. ERVIN. I wish to say something to corroborate, from my own experience, what the Senator from Alabama has just said in respect to the procedures in the House, where Members can be gagged. I had the privilege to serve for a time in the House. While I was a Member of the House, a question came before the House which I considered to be a question that affected the security of our Nation and the survival of the free world. I desired to speak on that subject. I was permitted to speak for 4½ minutes on a subject of that importance, and in order to get to speak for 4½ minutes on the most important subject that came before the House while I was a Member, I had to borrow 2½ minutes from the Democratic side and 2 minutes from the Republican side.

Does not the Senator from Alabama believe that if we stop operating under rule XXII and whittle off a piece here, as we did a couple of years ago, and a little piece there, we may wind up in the Senate with a rule under which we will not be allowed to speak even as much as 4½ minutes?

Mr. HILL. The Senator is correct. Once the door is opened, and we start the whittling process, Senators will find, and history teachers will find, there is no end. We will find we have finally reached the point where Members of the Senate will hardly have 4½ minutes in which to present the facts, to make their case, to bring to the attention of the Senate important matters that the Senate should know before voting on a piece of legislation.

Mr. ERVIN. I should like to ask the Senator one more question. Does not modern history teach that, whenever a dictator wishes to extinguish the lights of liberty in his country, the first thing he does in the process which brings the dictatorship to fruition is to silence the power of minorities to speak their will on the floor of the legislative body of his country?

Mr. HILL. The Senator is correct. That is the lesson, above all others, that we learned from the decline and fall of the Roman Empire. As long as there was free debate in the Roman Senate, where majorities could speak, where minorities could speak, where all Senators could protect their right to speak, the empire continued to rule the then known world; but when free debate in the Senate of Rome was cut off, that was the beginning of the decline and fall of the Roman Empire.

Mr. SPARKMAN. Mr. President, will the Senator yield for a question?

Mr. HILL. I yield to my colleague for a question.

Mr. SPARKMAN. Mention has been made of the whittling process. As a matter of fact, is it not true that the first rule providing for cutting off debate was adopted back in 1917, which, by the way, was put on the statute books largely under the leadership of southern leaders in Congress?

Mr. HILL. That is correct.

Mr. SPARKMAN. Is it not true that there has been a considerable whittling away of the rule already? For instance, when that rule was originally written, it applied only to pending bills. Is that correct?

Mr. HILL. The Senator is correct.

Mr. SPARKMAN. In other words, cloture did not apply to a motion to take up. It could be debated at length. I believe it was in 1949 that the rule was modified.

Mr. HILL. The rule did not apply to any motion to proceed to consider a bill. There could be no limitation in any way——

Mr. SPARKMAN. Only as to the bill itself.

Mr. HILL. The Senator is exactly correct, which illustrates what the Senator from North Carolina has said, that once we begin this whittling process, we will be urged to continue to whittle and whittle. Finally there will be whittled away the right of Senators to stand on the floor to speak freely and fully on matters they think they should speak on.

Mr. SPARKMAN. A few minutes ago the Senator brought out some very interesting facts, known to all of us but as to which we needed to be reminded. One was the fact that a majority is not a sacred thing, so far as our Government is concerned and so far as the Constitution is concerned. All through the Constitution we find provisions as to things to be done by a fraction different from a simple majority.

I have thought of another, which is that a yea-and-nay vote can be forced by one-fifth of the membership of the Senate.

This to my mind indicates there is nothing sacred about the majority provision.

Mr. HILL. The Senator is absolutely correct. Anyone who knows our Constitution and knows our Government recognizes the truth of what the Senator has said. There is nothing sacred about a majority.

One of the great things about the Government of the United States is the check and balance system we have. One of the instrumentalities of the check and balance system is the two-thirds vote required in many instances.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. HILL. I yield to the distinguished junior Senator from North Carolina.

Mr. JORDAN. A few minutes ago the Senator referred to partisan and bipartisan effects which could result from the application of a majority vote principle.

In this body there are two very fine and distinguished Senators who happen to be members of another party, who represent one of the largest States of the Union. If the Democrats should decide they would all get together and vote against anything for that State, could not the Democrats deny anything in the world they wished to deny?

Mr. HILL. They could indeed.

Mr. JORDAN. It would not be possible to pass a single piece of proposed legislation pertaining to that State, if a majority vote were required.

Mr. HILL. Yes.

Mr. JORDAN. As the situation now exists, the Senators do have protection.

Mr. HILL. The Senator is correct. They do have protection.

Mr. JORDAN. It is something to be feared, when everything can be cut off by a majority vote. Partisan politics sometimes hampers people in the exercise of their best judgment.

Mr. HILL. The statement made by the Senator from North Carolina relates another reason why Senator after Senator who served in this body, who began his service with the idea that perhaps free debate should be cut off in the Senate, afterwards admitted he was mistaken and stated that free debate should continue, and that we should wage a battle to continue free debate in the Senate.

I refer to Senators such as the late Royal Copeland, from the great State of New York, and the late great William Borah, from the State of Idaho. Many Senators, after they became Members of this body and observed the operations and workings of the Senate, the needs and compulsions and responsibilities upon this body, decided that they had been wrong, and came to realize that the Senate is the remarkable body it is, contributing so much to the country by its place in our system of government, because of free debate.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. ERVIN. I should like to have the benefit of the Senator's ideas upon what motive prompts people to wish to silence others. I have understood in one case why it happened. There was a justice of the peace in North Carolina who was trying a civil case between a plaintiff and a defendant. When the plaintiff had produced his evidence and rested his case the justice of the peace turned to the defendant and said, "I would appreciate it, as a great favor to the court, if you would not offer any evidence in this case, because when I hear both sides of the case I have a tendency to become confused, though when I hear only one side I have no difficulty in reaching a decision." [Laughter.]

Can the Senator from Alabama tell me why it is people do not wish to hear both sides of a question debated adequately?

Mr. HILL. I cannot understand it, to be frank with the Senator. It seems that any Senator who wishes to arrive at a proper conclusion, a fair and just conclusion which will be best for the people and for our country, should wish to hear both sides of a question and get all of the facts.

Mr. ERVIN. It would seem that should be so. I wonder if some people do not fear that if they hear all the facts on both sides they may have to go through the painful process of changing their minds.

Mr. HILL. The distinguished Senator from North Carolina has told a story about the justice of the peace in his State which is a very apt story at this time in this debate. I thank the Senator very much for his contribution.

On that very point, Mr. President, I have an excerpt from George Haynes' scholarly treatise concerning the Senate of the United States. I would like to read the most pertinent part. He wrote:

That the Senate will so amend its rules as to permit cloture upon the vote of a mere majority of those present, as in the House, is to the last degree improbable. Reluctance to make such a change is mainly due to a sincere conviction on the part of Senators (and of many outside the Senate who have studied most closely the working of our system of government) that cloture thus applied would "destroy the deliberative function of the Senate, annihilating the very reason for its existence, and making it automatically a mere annex of the House of Representatives. It was the intent of the framers of the Constitution to secure from the Senate a different point of view, a more matured judgment than that of the House. To those ends the longer term, the more advanced age, the smaller numbers, the equal representation were all expected to conduce. What is sorely needed in Congress is seldom greater speed but always more thorough consideration in lawmaking. Cloture by a vote of a chance majority in the Senate would have brought many a decision which would have accorded ill with the sober second thought of the American people.

In these days of weakened party discipline, the temporary majority that group combination may today give upon a pending measure may by no means indicate a responsible majority's conviction that the measure is wise. Nor is it safe to assume that in blocking a given piece of legislation a small minority or even a single Senator is "thwarting the will of the majority of the Senate."

Mr. President, during the famous debate on rule XXII that occurred in 1949, a remarkable article by Mr. Walter Lippmann appeared in the Washington Post and Times Herald. This most thoughtful article is entitled "Filibusters and the American Idea." I would like to read this article in its entirety because I believe it sums up in a masterful way the case against changing rule XXII.

Mr. Lippmann says:

Although the question before the Senate is whether to amend the rules, the issue is not one of parliamentary procedure. It is whether there shall be a profound and far-reaching constitutional change in the character of the American Government.

The proposed amendment to rule XXII would enable two-thirds of the Senate to close the debate and force any measure, motion, or other matter to a vote. If the amendment is carried the existing power of a minority of the States to stop legislation will have been abolished.

"Stripped of all mumbo-jumbo and flag waving," say the New York Times, "the issue, is whether the country's highest legislative body will permit important measures to be kept from a vote through the activities of a few leather-throated, iron-legged Members who don't want democratic decision."

This is an unduly scornful and superficial way to dispose of a great constitutional problem. For the real issue is whether any majority, even a two-thirds majority, shall now assume the power to override the opposition of a large minority of the States.

In the American system of government the right of democratic decision has never been identified with majority rule as such. The genius of the American system, unique I believe among the democracies of the world, is that it limits all power—including the power of the majority. Absolute power, whether in a king, a president, a legislative majority, a popular minority, is alien to the American idea of democratic decision.

The American idea of a democratic decision has always been that important minorities must not be coerced. When there is strong opposition, it is neither wise nor practical to force a decision. It is necessary and it is better to postpone the decision—to respect the opposition and then to accept the burden of trying to persuade it.

For a decision which has to be enforced against the determined opposition of large communities and regions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce. The opposition and the resistance having been overridden, will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision.

For that reason it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by vote of the majority until the consent of the minority has been obtained. Where the consent of the minority has been lacking, as for example in the case of the prohibition amendment, the democratic decision has produced hypocrisy and lawlessness.

This is the issue in the Senate. It is not whether there shall be unlimited debates. The right of unlimited debates is merely a device, rather an awkward and tiresome device, to prevent large and determined communities from being coerced.

The issue is whether the fundamental principle of American democratic decision—that strong minorities must be persuaded and not coerced—shall be altered radically, not by constitutional amendment but by a subtle change in the rules of the Senate.

The issue has been raised in connection with the civil rights legislation. The question is whether the vindication of these civil rights requires the sacrifice of the American limitation on majority rule. The question is a painful one. But I believe the answer has to be that the rights of Negroes will in the end be made more secure, even if they are vindicated more slowly, if the cardinal principle—that minorities shall not be coerced by majorities—is conserved.

For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people.

Mr. President, at this point I would like to ask some questions. But I do so not to ask for articulated answers. I ask only for silent contemplation.

Is it not true that their very concept of the Senate as a forum for complete, full and unlimited deliberation was what moved the Founding Fathers to

select the Senate as the body to share in the treatymaking power of the Government, and also to share in the appointment power of the Chief Executive?

Is it not true that the Senate is a great deal more than we might term an ordinary legislative body?

Is it not true that a State is prohibited from entering into any kind of a treaty or agreement with a foreign power, but that the States do share in the treatymaking power and in the shaping of our foreign policy through their representatives on the floor of the U.S. Senate?

Mr. President, when the American people are informed, they will do the right thing. I have always felt that we could trust the people. In fact, I think the people are more to be trusted than some political leaders think is wise. The right of unlimited debate to inform the people and let the issues sink in is a great safety valve which will do much to protect our people and to preserve our Republic. When, supported by powerful pressure groups, we rush through legislation, then the Senate is not performing its intended function.

During my remarks on this vital question, Mr. President, I have quoted from a number of outstanding American statesmen for the purpose of indicating their unanimity and strong feelings concerning the rights of the minority in the U.S. Senate.

Without regard, however, to the sufficiency of the distinguished authorities I have already mentioned, I feel that my remarks would be less than complete if I did not include at least one quote from our beloved Thomas Jefferson in view of his great concern for the rights of minorities.

Jefferson said:

> Bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful, must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression.

Mr. President, the following excerpt, on the same subject, from the writings of one of our famous historians, Charles A. Beard, in my opinion is most enlightening with respect to the question before us.

He wrote:

> Denunciations of delays (occasioned by filibustering) have often been renewed, but the Senate has been obdurate and not without reason; liberty of debate in the Senate acts as a salutary check on the administration, gives the minority the right to be heard, and assures at least one open forum in the country for the free consideration of issues which might otherwise be smothered. (American Government and Politics, 9th ed., New York, 1945, p. 135).

Mr. President, before I close my remarks on this question, I should like to again remind those who now press for this change, that they may well be the first ones most in need of the protection of the historic right of free speech in the U.S. Senate. What is even more important, I should like to remind them that our right of free speech in the Senate is particularly crucial to the protection, the endurance and the lasting genius of our republican form of government.

We, of course, recall that Benjamin Franklin when he was asked what the Constitutional Convention had done, replied with his famous, challenging answer. His answer was:

> We have given you a republic, if you can keep it.

Mr. President, for 172 years we have kept this Republic given to us by our Founding Fathers. I am here today pleading: Let us continue to keep it.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HILL. I yield to my distinguished friend from North Carolina.

Mr. ERVIN. The Senator has made a most eloquent speech. I wish to ask the Senator if he does not think that the best way to keep this Republic is to embody in the Senate rules the spirit of the statement attributed to Voltaire, the great French philosopher, when he said,

> I disapprove of what you say, but I will defend to the death your right to say it.

Mr. HILL. Mr. President, the Senator from North Carolina is absolutely right. That is the spirit of free debate in the Senate of the United States. We may disagree with other Senators, we may think they are wrong, but we know that each Senator should have and must have the right of free debate if our great Nation is to survive.

MUZZLING OF AMERICAN MILITARY LEADERS

Mr. THURMOND. Mr. President, I should like to call the attention of the Senate to new evidence of the muzzling of American military leaders and the disastrous result that it is having on our people and national security. This evidence is in a new book called "Combat Missileman" which the noted publishing house, Harcourt, Brace and World is releasing later this month. It was written by two veteran Washington newspapermen and missile-space experts, James Baar and William E. Howard, editors of Missiles and Rockets magazine.

This book contains shocking statements of warning from some of our highest military men. It tells in detail the strategic reasons why we are being pushed back step by step and undermined by Communist Russia. It discloses that a missile gap still exists and that a military space gap is rapidly growing.

The overall theme of the book is that the United States is not doing enough to combat offensively the mortal threat of Communist Russia. Moreover, the true nature of this threat and our defensive response to it is being kept from the American public.

"Combat Missileman" clearly escaped going through the Defense Department's censorship shop. As a result, here are a few refreshingly informative quotations:

Gen. Thomas S. Power, commander of the Strategic Air Command:

> So far, people just don't fully understand the Communist threat. Some people say better Red than dead. I say better dead than Red. You make up your mind what side you are on. Our policy today is that we would never strike first. Our policy today is totally defensive.

Adm. Arleigh Burke, former Chief of Naval Operations:

> We must assume the initiative. Our real objective must be to win this struggle once and for all.

Lt. Gen. Roscoe Wilson, Air Force Deputy Chief of Staff:

> Whoever dominates space is going to dominate the earth. And there is no doubt in my mind that the Russians are moving toward control of space as fast as they can.

Here is how the book's authors sum up the situation:

> One basic decision is involved: A decision by the American people to fight the cold war to victory. Meantime, the United States is only buying time and hoping the Russians will go away.

Read the current statements by our generals and admirals after these statements have passed through the Defense and State Departments' censorship shops. Do they talk as they do in this book?

"Combat Missileman" tells what our top military men really think about the world situation. It tells what is going on in their minds behind the muzzles.

DEATH OF OVERTON BROOKS, A REPRESENTATIVE FROM THE STATE OF LOUISIANA

The PRESIDING OFFICER. The Chair lays before the Senate a resolution from the House of Representatives, which the clerk will read.

The Chief Clerk read as follows:

> *Resolved*, That the House has heard with profound sorrow of the death of the Honorable OVERTON BROOKS, a Representative from the State of Louisiana.
>
> *Resolved*, That a committee of eleven Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.
>
> *Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.
>
> *Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.
>
> *Resolved*, That as a further mark of respect the House do now adjourn.

Mr. ELLENDER. Mr. President, it is with regret that I learned a few hours ago of the death of my colleague, the Honorable OVERTON BROOKS of the Fourth Congressional District of Louisiana.

Louisiana and the Nation have lost a devoted and valued servant in the death of Representative BROOKS.

This dedicated man was born into a family of public servants. His uncle and namesake was the late Senator John H. Overton, who was the senior Senator from Louisiana when I was first elected to this body. Another uncle, Winston Overton, served with distinction on the Louisiana Supreme Court.

OVERTON BROOKS was born near Baton Rouge, La., and during the First World War served overseas as an enlisted man in the field artillery. Following the end of hostilities, he returned to this country and was graduated from the Louisiana State University Law School in 1923. He practiced law for a few years.

He entered his long career as a public servant by being elected as U.S. commissioner in 1925 and served in that position until he was elected to the 75th Congress in 1936.

It was from this point forward that I grew to know OVERTON BROOKS, for we were both elected to the Congress during the campaign of 1936.

Since that time I have watched him serve his district, his State, and his Nation with honor and dignity. He was a diligent worker, ever ready to do what he could for his people. He served with distinction as a ranking member of the House Armed Services Committee for many years.

A few years ago he brought great honor to our State by being named chairman of one of the major committees of the House of Representatives, the Committee on Aeronautical and Space Sciences. He was also active in his other committee assignments—Government Operations and the Joint Committee on Smithsonian Institution Museum of History and Technology Building.

I personally mourn his passing. I know he will be greatly missed by us all. We have lost an able leader and a fine man.

I extend sincere regrets to his devoted wife and charming young daughter, who survive him.

Mr. LONG of Louisiana. Mr. President, it was with deep regret that I learned today of the passing of Representative OVERTON BROOKS, of the Fourth Congressional District of Louisiana. Representative BROOKS was a tireless, devoted servant of his country. He served as Representative of the Fourth Congressional District for a period of 25 years. He was the dean of the Louisiana congressional delegation. For a number of years he served on the Committee on Armed Services. He served on the Military Affairs Committee, which preceded the formation of the Committee on Armed Services.

He was the author of a great number of bills subsequently enacted into law setting forth the conditions and the nature of the Armed Services and the Reserves.

It was only a few days ago that I had the privilege of congratulating him because the Louisiana Ordnance Plant in the fourth district of Louisiana was about to reopen. It was a project on which he had worked diligently for a considerable period of time. This was but one of many thousands of services he had performed for the good of the people of the area which he had the honor and privilege to represent.

I know of no other Member of Congress who worked longer or harder in performing every possible service for any constituent in his district, whenever called upon.

As chairman of the House Committee on Science and Astronautics from 1959 to date, he rendered very valuable service. He also served effectively for 5 years in the position of president of the National Rivers and Harbors Congress.

Congressman BROOKS was married to Miss Mollie Meriwether, his devoted and lovely wife. They were blessed with one child, who is now a very beautiful young lady, Miss Laura Anne Brooks. I want to express my profound sympathy to these, his loved ones. As a devoted and faithful husband and father, his loss is mourned by them. As an effective and dedicated servant of this Nation, he will be missed by all of us.

Mr. HILL. Mr. President, I wish to express my regret over the sad news of the death of the late Representative OVERTON BROOKS. I was privileged to serve with OVERTON BROOKS on the old Military Affairs Committee of the House of Representatives. I know how faithful and devoted he was. I know how indefatigable he was in his work, not only for the people of his district, but also how industrious he was in his labors for our country and its defense. He was indeed an outstanding Member of the House of Representatievs, honored and respected by his colleagues. He enjoyed a position of outstanding leadership in the House of Representatives. I join my distinguished friends, the Senators from Louisiana, in paying my tribute to OVERTON BROOKS.

Mr. SPARKMAN. Mr. President, I was greatly grieved to learn of the death of OVERTON BROOKS. OVERTON and I entered Congress together. When my distinguished colleague came to the Senate about a year later, I was elected to membership on the Military Affairs Committee, of which my colleague had been chairman.

For 9 years I sat on that committee next to OVERTON BROOKS. He and I served on a subcommittee together, and we visited many military installations together. OVERTON BROOKS, his wife, and at this time, his very small daughter, Anne, lived in the same apartment house where my wife and daughter and I lived.

He was a wonderful person. He was a hard working Congressman, and an able Representative of his district. He was a fine father and husband. My wife and I certainly join all his friends and colleagues in expressing our sympathy to Mrs. Brooks and their lovely daughter Anne.

Mr. KEATING. Mr. President, I wish to join in the tributes to OVERTON BROOKS. It was my privilege to serve, along with the distinguished Senator from Montana [Mr. METCALF], whom I observe in the Chamber, on the first Special Subcommittee on Astronautics and Space Exploration, of which the chairman may have been the majority leader of the House, Representative MCCORMACK, or Representative BROOKS. Because the duties of Representative MCCORMACK as majority leader were so heavy, he was required to turn over most of the duties of the chairmanship of the special committee to Representative BROOKS.

OVERTON BROOKS was always extremely courteous in all of his dealings with members of that committee. He was diligent in his work. I never knew a man to throw himself into his work with any greater enthusiasm, sincerity, or feeling. He was particularly assiduous to make certain that the rights of the minority were always respected. He was well liked by the Members of the House. He leaves some precious memories.

I join in extending sympathy to his wife and daughter.

Mr. METCALF. Mr. President, as the distinguished Senator from New York has said, we served together, under Representative BROOKS, on the first Space Committee. Senators will recall that right after the Russians orbited the first Sputnik, we became concerned about the activities of the United States in space. In the House, a select committee was headed by the majority leader, Representative MCCORMACK; but, as has been stated by the Senator from New York, the duties of Representative MCCORMACK as majority leader or floor leader were such that many times he had to relinquish his chairmanship to Representative BROOKS.

That committee, under OVERTON BROOKS, as acting chairman, reported the first space bill which put the United States back into the space race. Then, when the permanent committee was created, he took charge, and in his usual, efficient manner brought about our leadership again in the space race.

He was always courteous and considerate; always able to work out a legislative problem; always willing to work with the minority or majority. He was a great legislator, a man of sound thinking, always courteous to the junior members.

America has lost a great man, a man who has made a contribution to America, to Congress, and to the 20th century.

Mr. ELLENDER. Mr. President, I submit a resolution and ask that it be read.

The PRESIDING OFFICER. The clerk will state the resolution submitted by the Senator from Louisiana.

The Chief Clerk read the resolution (S. Res. 213), as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. OVERTON BROOKS, late a Representative from the State of Louisiana.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate, at the conclusion of its business today, stand in recess until 12 o'clock on Monday next.

The resolution was considered by unanimous consent, and unanimously agreed to.

The PRESIDING OFFICER. The Chair appoints the senior Senator from Louisiana [Mr. ELLENDER] and the junior Senator from Louisiana [Mr. LONG] the committee on the part of the Senate to attend the funeral of the late Representative BROOKS.

KATANGA: THE SHAME OF THE UNITED NATIONS

Mr. DODD. Mr. President, this day brings more grim news from strife-torn Katanga where the government and people are defending themselves against flagrant intervention and aggression by the U.N. forces.

The fighting did not end with an easy surrender on Wednesday, as the U.N. pronouncement pretended. On the contrary, fierce fighting is raging in Elizabethville and at many points in Katanga, fighting that is without mercy on either side. President Tshombe has been interviewed by the British press and has proclaimed his intention of fighting to the death against U.N. intervention. All the indications are that he has the complete support of his people.

In my statement on the Congo crisis on Wednesday of this week, I warned the leaders of the U.N. and the U.N. representatives in the Congo that, if the Congo goes Communist in consequence of their actions, the American people and free world opinion will hold them responsible and will demand an accounting.

At the same time I appealed once again to the Administration and to the Department of State to intervene with the U.N. authorities in an effort to persuade them to terminate their illegal and arbitrary actions and to reinstate the government of President Tshombe.

I said that U.N. actions in the Congo were so arbitrary and so fraught with evil political consequences, that it was difficult for me to believe that these actions had been taken in simple innocence or muddleheadedness by so-called international civil servants, owing loyalty to neither side in the cold war.

Mr. President, the facts about this tragic situation have not been given to the American people.

One of the things that convinces me that the real facts are not being given to the press by official sources is an editorial which appeared Thursday in a metropolitan newspaper for which I have the greatest respect. The editorial in general supported the U.N. actions in terminating the secession of Katanga and described this as a wholesome development. The editorial writer said that Mr. Kasavubu and Mr. Adoula seemed to be solid moderates, but that within the coalition government—I quote "as Connecticut Senator DODD has just observed in possibly a too alarmist fashion, are some exceedingly far left personalities."

Mr. President, I cannot escape the impression that the writer of this editorial has gone not to the basic facts for his evaluation, but rather to some ostensibly knowledgeable official in our Department of State who assured him that the coalition government was really under control and that the Senator from Connecticut has a habit of seeing Communists under every bed. This, of course, is not a new situation.

I would remind my colleagues and I would remind the American people that there were certain individuals in the Department of State who told us, at the height of the Chinese civil war, that the Chinese Communists were really agrarian reformers and not Communists. It was this monstrously false definition that was ultimately responsible for the China policy disaster and for all the blood and suffering this disaster has cost us and will cost us in the future.

I would remind my colleagues that there were certain individuals in the Department of State who told us that Fidel Castro was not a Communist but some kind of agrarian or social reformer whom we ought to encourage with offers of friendship and support, and that, in line with this concept, our State Department exerted itself to topple the Batista dictatorship without troubling to prepare a non-Communist alternative to replace it.

I would remind my colleagues that we have recently been told that perhaps Cheddi Jagan of British Guiana is not really a Communist but some kind of nondescript radical who can be won over to our side if we are prepared to be nice to him and to lend him enough money. And these statements have been made, Mr. President, in the face of the massive documentation compiled by the British Royal Committee, which proved in the most conclusive way that Cheddi Jagan and his wife are Communists, and which made this charge in so many words.

Today the agrarian reformer thesis—that most shopworn political fraud in history—is again being plied, with minor variations in language, in an effort to persuade us that the coalition government established by the U.N. in Léopoldville is not really Communist or weighted in favor of the Communists, but is essentially a coalition of solid moderates like Kasavubu and Adoula.

Let us take a hard look at the facts, Mr. President.

No one challenges the fact that Antoine Gizenga, the vice premier in the Leopoldville government and boss of Oriental Province, is a Prague-trained Communist.

No one challenges the fact that the Minister of the Interior, Christophe Gbenye, who holds complete police power, indeed, the power of life and death in this key position, is also a Prague-trained Communist.

No one challenges the fact that the Minister of Justice, Remy Mwamba, is a Gizenga appointee.

The newspapers this Thursday reported that Egide Bochely-Davidson, who has been appointed Administrator of Katanga Province by Prime Minister Adoula, is an ardent Lumumbist and that he is believed by Western diplomats, in addition, to be strongly pro-Communist. Mr. Bochely-Davidson has served as High Commissioner of State in the rebel government of Antoine Gizenga in Oriental Province. I have information from a private and highly reliable source, who knows Bochely-Davidson, that Bochely-Davidson is, in fact, an agent of the Soviet secret police. Here is another set of facts.

As for the other members of the Cabinet, party membership cards may be difficult to produce. But the document from the Moscow New Times, which I introduced into the RECORD on Monday, proves that Gizenga has been given the right to designate the commander in chief of the armed forces, and that he has designated for this position, Gen. Victor Lundula, who was associated with him in Oriental Province; it also proves that Gizenga has been given the right to designate the Minister of Defense and the Ambassador to the United Nations.

As I have said, it may be impossible to produce Communist Party membership cards for all of Gizenga's designees. But it would be sheer lunacy to assume that a trained Communist would designate anti-Communists or neutralists to key government positions. Commonsense and prudence both demand that we accept the unpleasant fact that Gizenga's designees will be men who share his viewpoint and are obedient to his discipline.

So here we have a so-called coalition government in which the Vice Premier, the Minister of Justice, the Minister of the Interior, the Commander in Chief of the Armed Forces, the Minister of Defense, the Ambassador to the United Nations, and the Administrator of Katanga Province are all either proven Communists or hand-chosen designees of Antoine Gizenga, the No. 1 Communist of the Congo.

It may be possible for a coalition government to survive a minor dose of communism. But the dosage of communism prescribed for the coalition government in Leopoldville by the U.N. doctors, is far in excess of what would be lethal.

No one with even a rudimentary knowledge of how the Communists have used and exploited coalition governments in the past could believe for a minute that a coalition government so heavily weighted on the Communist side could produce anything but a regime completely subservient to Moscow.

But just as there are people in our State Department who advised the press that the Chinese Communists were agrarian reformers, and at a later date told them that Castro was an honest national revolutionary and social reformer, today, it would appear, there are people in the Department of State who are purveying to the press reports about the middle-of-the-road composition of the Leopoldville government which are just as false and potentially just as disastrous.

Mr. President, let us make no mistake about it: the U.N. has not installed any middle-of-the-road coalition government in the Congo. It has installed a pro-Communist government that is only several small steps removed from complete and total Communist domination.

I believe something should be said about the manner in which the U.N. has installed this government and has

overthrown the government of President Tshombe.

It was an operation which, for its perfidy, its careful calculation, and its utter ruthlessness, would have done credit to the Kremlin.

The U.N. proceeded step by step, employing the salami tactics that have been made famous by the Communists.

First of all, they had to get some troops into Katanga, which was solidly controlled by President Tshombe. So they gave President Tshombe their solemn assurance that the U.N. units that entered his territory would be used solely for the purpose of maintaining public law, in accordance with U.N. directives, and that there would be no interference in the internal affairs of Katanga. Acting on the basis of this assurance, President Tshombe last August gave the U.N. permission to land certain units at Katanga airfields.

After the first U.N. units entered Katanga, there was a steady buildup in their strength.

On April 2, of this year, they felt themselves strong enough to attempt to seize control of the airfield at Elizabethville. The Katanga Army and the people of Katanga reacted so vigorously that the U.N. was obliged to retreat. It solemnly agreed to restore and respect the status quo ante, by returning the airfield to Katanga control.

In the month of June, however, when President Tshombe was under arrest in Leopoldville, the U.N., ignoring its solemn agreement, took advantage of the situation to again seize control of the Elizabethville airfield. This time it maintained control and continued to build up its forces, primarily with Indian and Ghurka troops.

By the first of this month the U.N. had concentrated in Katanga 12,000 of the 16,000 troops under its command in the Congo.

On Monday morning, August 28 at dawn, the U.N. Army took the next step. In a surprise attack, it surrounded the barracks of the Katanga Army, arrested the 200 Belgian officers and several hundred white noncommissioned officers, and ordered them immediately expelled from the country.

The Katanga Army had now been decapitated, and the ground had been prepared for the next step.

Simultaneously, the U.N. command began to arrest and expel Belgian and other white technicians working in the Congo in various capacities.

They were arrested and expelled, as I have pointed out without any due process, without any hearing, without any habeas corpus, without any right of appeal. It was a police state operation, pure and simple.

Meanwhile, the U.N. representatives in Katanga, headed by Dr. Conor Cruise O'Brien, continued to assure President Tshombe that they had no intention of intervening in the internal affairs of Katanga, and no intention of employing force against him.

Only on Monday of this week, Dr. O'Brien, while not denying that he had been endeavoring to persuade Tshombe to submit to the Central Government, denied categorically that he had issued any ultimatum to Tshombe. Let me quote from the New York Times:

> Dr. Conor Cruise O'Brien, chief United Nations representative here, said he had simply told Mr. Tshombe that this was the last time he would ask him to meet with the Leopoldville leaders.
>
> "If you refuse this proposal, I will take your refusal as definitive and final and will not renew it," Dr. O'Brien said he had told the Katanga President.
>
> Dr. O'Brien said he had offered to accompany Mr. Tshombe on any visit to Leopoldville and had given a guarantee of full United Nations protection in addition to the guarantee being offered by the Central Government.

It is now clear that this statment was intended only to deceive and that, at the time it was made, the U.N. was already preparing its action against the government of President Tshombe.

On Wednesday, 2 days after Dr. O'Brien issued this statement, the U.N. troops, again striking in the early morning hours, surrounded the Post and Telegraph Building, which was of critical importance because of its control of communications and radio, and demanded its surrender. What other measures they took simultaneously is not clear. What is clear, however, is that within a matter of hours the U.N. had deposed, or claimed that it had deposed, the legal government of President Tshombe, had arrested several of his ministers, and had handed Katanga over to the control of the Leopoldville government and of an adminstrator whom everyone acknowledges to be dangerously pro-Communist.

The U.N. issued various explanations of its actions. One explanation was that it had acted in self-defense after a speech by the Katanga Finance Minister, Jean-Marie Kibme, threatening military action. Another explanation was that it had intervened in order to prevent civil strife—and this explanation was offered up in the face of the undisputed fact that there has been far more law and order in Katanga than in any other part of the Congo, and that the Katanga government has threatened no one.

These demonstrable fabrications were characteristic of the dishonesty and bad faith of the entire U.N. operation. The same newspaper articles which carried these explanations in releases from United Nations in New York, carried the following statement issued by the U.N. command to newsmen in Elisabethville:

> The United Nations action was taken at the request of the central government, which is sending a state commissioner to Katanga as soon as possible.
>
> The United Nations motives in complying with the request was to avoid the alternative—invasion of North Katanga by central government troops and a prolonged civil war.
>
> U.N. troops explained their mission to the Katanga gendarmerie (police) guarding the post office and assured them there was no intention of disarming them.
>
> Unfortunately the gendarmerie opened fire and the fire was returned. A sharp action followed, with casualties on both sides.
>
> We profoundly regret the casualties and wish to pay tribute to the Katanga gendarmerie for their valor.

The hypocrisy of the U.N. statement is almost pathetic. As the New York Times commented editorially on September 14:

> In Korea the United Nations went to war to check outright aggression. In Katanga it seeks to avert civil war by removing a potential belligerent, and not the one threatening to attack.

The same editorial warned that the United Nations was setting a precedent in Katanga "of worldwide implications and considerable risk to itself."

Mr. President, not only was the U.N. action in Katanga brutal and dishonest, but it was so arbitrary and so far in excess of the authority of the U.N. or of any international organization, that I gravely fear this action will sound the death knell for the U.N. if it is not promptly repudiated.

I have said that the U.N. action was completely without authority under international law or under the Charter of the U.N. or of the U.N. resolutions on the Congo.

Paragraph 4 of the Security Council resolution of August 9, 1960, reaffirmed the policy that the forces of the U.N. would not be party to any internal conflict, and that they would not intervene in any fashion in such a conflict and would not be utilized to influence the constitutional outcome of such a conflict. This position was again reaffirmed in the Security Council resolution of February 21, 1961. I challenge anyone to justify the U.N. action in the light of this resolution.

I do not think that those who have so blithely applauded the U.N. action in Katanga have fully weighed its historical, political, and legal implications.

Let us take the case of Dr. O'Brien's own homeland. Dr. O'Brien, as an Irishman, should know something of the meaning, should understand something of the implications, of the action he has just taken in Katanga.

If the U.N. could take this action in Katanga at the request of the central government, conceivably a U.N. task force could have taken similar action against the Irish secessionists at the time of the Irish Revolution, acting on the request of the Central Government in London. Or it could today take similar action against Northern Ireland on the request of the Dublin government and on the excuse that it had to act thus to prevent civil war because the Dublin government was threatening to invade Northern Ireland.

Does the United Nations now plan to take military action to end the secession of Senegal from the Mali Federation, if the Mali Government requests such action? Does the United Nations now deny the right of secession and does it plan to take similar action against secessionist movements on the territory of any member nation?

The chief justification advanced by apologists for the U.N. action is that the Congo could not be made economically viable without the wealth of Katanga Province, and that the incorporation of Katanga into a single unified Congo will pave the way to economic stability.

This position is false in principle and false in practice.

It is false in principle, because unity can be achieved within a federal structure as well as in a centralized state structure. President Tshombe has been willing to discuss unity on the basis of federation, and even President Kasavubu has, in previous statements, indicated a preference for a federal structure. Now, however, in the name of unity, we have rammed down the throats of the people of the Congo unity under a centralized state government, in which the Communists and pro-Communists hold the overwhelming preponderance of power.

The argument is false in practice because the mineral wealth of Katanga Province is meaningless unless these resources are intelligently and efficiently exploited.

If Katanga has enjoyed prosperity while the rest of the Congo has been going downgrade politically and economically, this is largely because of Belgian capital and Belgian know-how and the excellent relations that have existed between the Belgian technicians and advisers and their Katangese counterparts. The forced withdrawal of white advisers and personnel would be bad enough. But the U.N.'s action, in addition, is bound to result in a flight of foreign capital. Instead of taking over a prosperous Katanga that can share its well-being with the other parts of the Congo, the U.N. action will create poverty and economic chaos in this once prosperous Province. Such a situation, of course, would be grist to the Communist mill.

The argument is false for another reason. It fails completely to take into account the impact on our Belgian friends of their forced withdrawal from economic participation in the Congo. The economies of a number of European countries, including Belgium, are now very precariously balanced. I have been advised by competent authorities that the loss of Belgium's very sizable investment in the Congo may be the straw that breaks the back of the economic camel. And if a serious recession starts in Belgium, no one knows where it will stop in Europe.

There was much to criticize in the previous record of Belgian colonial rule in the Congo. But there is absolutely nothing to the charge of colonialism in the case of the Katanga-Belgian relationship of today. The Katangese are masters in their own house. The Belgians are there to help them with their capital and their know-how. There is, or was, a cooperative and mutually beneficial relationship. In destroying this relationship, we have not merely acted against our Belgian allies, and against the sentiments of all our NATO allies, we have also acted against the best interests of the people of Katanga, of the Congo, and of Africa.

I say that "we have acted," because it is now apparent that the U.N. action in Katanga was taken with the approval of the Department of State.

I must say that until Thursday afternoon, when the Department of State publicly pronounced its sanction of the U.N. action in Katanga, I was under the impression that the U.N. representatives in the Congo were arbitrarily interpreting their authority, without reference to the U.S. Government or to the other members of the Security Council.

I believed this, in part, because of previous reports in the press about differences between the United States and the United Nations administration over the handling of the Congo situation; in part, because I simply could not believe that our own State Department had been a party to the disgraceful and historical disastrous action against the Katanga Government.

It is with a heavy heart that I now realize that I was wrong in this assumption.

The shame of Katanga is not merely the U.N.'s: It is our shame, as well.

Mr. President, I still cannot believe that the President and the Secretary of State and those responsible for our policy at top level have had access to all the facts or have been properly briefed on the events in the Congo. I feel that this is still another in a long list of instances where our policy has been misguided by the nameless subordinates at desk positions who prepare analyses and position papers.

A master architect is heavily dependent on his draftsmen. And the fact is that, to a very large degree, those who are responsible for our policy are dependent on the publicly unknown, but tremendously important, subordinates whose task it is to sift all information that comes in from the field, to present the salient facts to their superiors, and to indicate general policy lines. This dependence is particularly heavy when our policymakers are called upon to deal with remote places like the Congo, about which they have little or no personal knowledge.

I believe that these nameless subordinates at desk positions have been responsible for many of our policy disasters.

I believe that the continuity of disasters under both Democratic and Republican administrations can be traced to a continuity in this personnel at desk level.

I believe the time has come for a critical review of this entire situation, and that those responsible for briefing us into disaster after disaster should be dismissed or transferred to nonpolicy-making posts where their penchant for wrong-headedness can do no harm.

It should not be necessary to make a charge of treason or disloyalty—and I make none—in order to demand dismissal. In the Armed Forces an officer who lost battle after battle would automatically be transferred to a minor position, on grounds of general incompetence.

We can afford to be no less realistic and no less firm in the field of foreign policy.

The subordinate advisers who have been wrong time after time in their facts and in their evaluations, who have got us into trouble time after time, and led us to defeat time after time, should be dismissed on grounds of general incompetence from the positions they now hold.

Perhaps the Congo disaster can be made the beginning of a fresh approach to the problem of policymaking and to the problem of staffing our policymaking departments. I believe that some setup is necessary under which the drafters of presentations and the formulators of policy papers will no longer be nameless, and under which Congress, or the relevant committee of Congress, will have access to the basic papers that play so crucial a role in determining our policy.

Mr. President, the free world has very little time left in which to realine its policies and reform its ranks. We cannot afford any more "agrarian reformer" follies. We cannot afford to indulge in wishful thinking about the Castros and the Cheddi Jagans and the Gizengas, in the face of overwhelming evidence that they belong to the enemy camp. After each of such blunders, the only explanation I have heard has been, "That was yesterday. Let us not rake over dead ashes." But, Mr. President, there are live coals in those ashes; the world is on fire, the hour is late, and we cannot afford the luxury of destroying our friends and financing the victory of our enemies.

The time has come for an end to retreats and defeats, for an end to muddle-headedness and confusion, for an end to self-deception about "agrarian reformers" and coalition governments, for an end to carelessness in policymaking, for an end to the perverse blindness that has led us, in situation after situation, to destroy our friends and support our enemies.

Let us start in the Congo, Mr. President, because if we do not, the whole of Africa will be lost to communism.

I see that in the Congo.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a copy of the parallel telegrams which I sent yesterday to Secretary of State Dean Rusk; to the Honorable G. Mennen Williams, Assistant Secretary of State for African Affairs; and to Ambassador Adlai E. Stevenson. I also ask consent to have printed in the RECORD a copy of my telegram to Secretary General Dag Hammarskjold. Finally, I ask consent to have printed in the RECORD several newspaper articles that have appeared in recent days.

There being no objection, the telegrams and articles were ordered to be printed in the RECORD, as follows:

TEXT OF WIRES SENT TO SECRETARY RUSK, ASSISTANT SECRETARY WILLIAMS, AND AMBASSADOR STEVENSON

SEPTEMBER 15, 1961.

I send this telegram to you with a heavy heart and with a sense of shame.

I had assumed until yesterday afternoon that the U.N. intervention in Katanga was due to an arbitrary interpretation of authority by the U.N. representatives on the spot, and that there had been no reference to the members of the Security Council. I was, therefore, deeply shocked to learn that the State Department supported and sanctioned the flagrant and bloody intervention of the U.N. Army against the people of Katanga and the legal government of President Tshombe.

I cannot believe that the President and our top people in the Department of State

are in full possession of the facts about the Congo. I cannot, in particular, believe that they acted in knowledge of the following incontrovertible facts concerning the composition of the coalition government in Leopoldville:

(1) That Vice Premier Antoine Gizenga is a Prague-trained Communist.

(2) That his Minister of the Interior, Christophe Gbenye, who served under him in the same position in Oriental Province, is also a Prague-trained Communist.

(3) That Gizenga, by agreement with Adoula, has been given the right to designate (a) the Minister of Defense, (b) the commander in chief of the armed forces, (c) the Minister of Justice, and (d) the Ambassador to the U.N.

(4) That Bochely-Davidson, the newly appointed administrator of Katanga, and a former Minister in the government of Gizenga, is also pro-Communist.

In connection with this last point, I have been informed by a highly reliable American, who knows Bochely-Davidson personally, that Bochely-Davidson is not only a Communist but a member of the Soviet secret police.

With so many key posts and so much power concentrated in the hands of the Communists, such a coalition government must inevitably terminate in complete Communist control of the Congo.

I believe that the bloody and unprecedented action taken by the U.N. forces in Katanga will, if this action is not countermanded, completely destroy the moral authority of U.N. as a body based on rule of law in international affairs.

The U.N. did not intervene in Katanga because the Katanga government was threatening aggression or threatening civil peace. According to its own statement, the U.N. believed that the central government was getting ready to invade Katanga and, in order to avoid civil strife, the U.N. therefore decided to intervene, not against the prospective aggressor, but against the prospective victim.

I earnestly hope that in the light of all these developments and in light of the obvious fact that the U.N. forces are acting against the will of the people of Katanga, the State Department will see fit to intercede with the U.N., with a view to arranging a cease-fire in Katanga and the countermanding of the arbitrary actions taken against the government of President Tshombe.

THOMAS J. DODD,
U.S. Senator.

SEPTEMBER 16, 1961.

Hon. DAG HAMMARSKJOLD,
Secretary General,
United Nations, New York, N.Y.:

I strongly deplore U.N. intervention in the Katanga. I believe that the bloody and unprecedented action taken by the U.N. forces in Katanga will, if this action is not countermanded, completely destroy the moral authority of U.N. as a body based on rule of law in international affairs.

The U.N. did not intervene in Katanga because the Katanga Government was threatening aggression or threatening civil peace. According to its own statement, the U.N. believed that the central government was getting ready to invade Katanga and, in order to avoid civil strife, the U.N. therefore decided to intervene, not against the prospective aggressor, but against the prospective victim.

I find it difficult to believe that you have been fully informed by your subordinates on the spot. I find it difficult to believe, in particular, that you would have approved their action, had you been fully aware of the following incontrovertible facts concerning the composition of the coalition government in Leopoldville:

(1) That Vice Premier Antoine Gizenga is a Prague-trained Communist.

(2) That his Minister of the Interior, Christopher Gbenye, who served under him in the same position in Oriental Province, is also a Prague-trained Communist.

(3) That Gizenga, by agreement with Adoula, has been given the right to designate (a) the Minister of Defense, (b) the commander in chief of the armed forces, (c) the Minister of Justice, and (d) the Ambassador to the U.N.

(4) That Bochely-Davidson, the newly appointed administrator of Katanga, and a former Minister in the government of Gizenga, is also pro-Communist.

In connection with the last point, I have been informed by a highly reliable American, who knows Bochely-Davidson, that Bochely-Davidson is not only a Communist but a member of the Soviet secret police.

Let me say, too, that I am horrified by the ruthlessness of the U.N. action, by the announcement that U.N. forces will summarily execute any civilian found carrying arms, and by the newspaper accounts of the machine gunning of ambulances and of wounded Katangese even after the cease-fire had gone into effect.

I know that the sense of indignation which I now express to you is shared by many of my colleagues in the Senate and I am confident that it is shared by the great majority of the American people.

In the interest of preserving the U.N. as a force for peace and order in the world, I consider it my duty to warn you that the American people and free world opinion at large will hold the U.N. responsible for its misbegotten and inhumane policies in the Congo. There can be no escaping the fact that if the Congo now goes Communist, it will be thanks not to Moscow's strength, but to the policies and actions of the United Nations.

I earnestly hope, Mr. Secretary, that you will see fit to countermand the orders issued by the U.N. in Katanga or to order a stay in their execution until there has been an opportunity for a reappraisal of the entire situation.

THOMAS J. DODD,
U.S. Senator.

U.N. TROOPS SEIZE KATANGA IN AN 8-HOUR STREET BATTLE

LEOPOLDVILLE.—United Nations troops seized control of secessionist Katanga Province in 8 hours of street fighting with Katangese gendarmes in Elisabethville yesterday and returned the Province to the central Leopoldville government.

[A radio station calling itself "Free Katanga" claimed last night that heavy fighting was continuing in Elisabethville, and that Katanga troops were still in control of half the city. The Associated Press reported from Ndola, in neighboring Northern Rhodesia, where the broadcast was monitored. A South African radio correspondent, arriving in Ndola from Elisabethville, said total chaos reigned in Katanga.]

Indian, Swedish, and Irish U.N. troops battled the Katanga gendarmerie from 4 a.m. until noon in an unprecedented action taken "at the request of the central government." A U.N. spokesman said the U.N. acted to prevent civil war and an invasion by central Congolese troops.

The number killed was not clear. Unconfirmed reports said at least 40 were killed. A U.N. spokesman said only that two U.N. soldiers were killed and five or six wounded. A report from Elisabethville said at least 10 Katangese were killed and many wounded.

President Moise Tshombe of Katanga fled and was in hiding. Interior Minister Godefroid Munongo, often called the power behind Mr. Tshombe's rule, and Foreign Minister Evariste Kimba were missing. Finance Minister Jean-Baptiste Kibwe was arrested by the U.N. and was being flown to Leopoldville for action by the central government.

United Nations Secretary General Dag Hammarskjold flew into Leopoldville on a peace mission only to be informed by Sture Linner, U.N. civil operations chief here, that the 13-month-old Katanga sessionist problem had been solved.

[The British Government announced in London it regretted the Elisabethville fighting and said its ambassador to the Congo was being instructed to contact Mr. Hammarskjold as soon as possible and ask him to clarify the situation.

[The Northern Rhodesian Government announced that all territorial troops in the capital of Pusaka were put on a 4-hour stand-by because of the fighting. Prime Minister Sir Roy Welensky called the Katanga action a "serious threat to our own security."]

Conor Cruise O'Brien, chief U.N. representative in Katanga, said at Elisabethville the U.N. action was taken "at the request of the central goverment."

"The U.N. motive in complying with the request was to avoid the alternative—invasion of northern Katanga by central government troops and a prolonged civil war," Mr. O'Brien told newsmen.

[U.N. diplomats said in New York they believed Mr. Hammarskjold approved the order for intervention to prevent an outright civil war. But they said it appeared evident Mr. Hammarskjold did not expect the Katanga gendarmerie to resist.]

U.N. AID REGRETS

Mr. O'Brien said the fighting began when U.N. troops asked Katangese gendarmes to surrender key posts in Elisabethville.

"Unfortunately, the gendarmerie opened fire, and the fire was returned," he said. "There was sharp action followed by casualties on both sides. We profoundly regret the casualties and wish to pay tribute to the Katanga gendarmerie for their valor."

The United Nations seized control of all communications in Elisabethville and many details of the fighting were telephoned from Bancroft in northern Rhodesia by UPI correspondent Ray Moloney, who drove there by car. Air lines canceled their flights.

Unconfirmed reports said the U.N. was carrying out other actions throughout Katanga. The U.N. Command did not comment. The U.N. has sent several thousand troops into northern Katanga in the past.

The battle started at 4 a.m. when U.N. troops attempted to seize such key establishments as the post office and radio station, and the loyal Tshombe troops opened fire. Premier Cyrille Adoula said Belgian mercenaries began the fighting.

For hours, tracer bullets and machine-gun fire turned Elisabethville's main street into a battleground. Indian troops made a bayonet charge on the Katanga radio station, captured it and held it against later counterattacks.

At dawn, the fighting was almost over, and the U.N. said the last shots were fired shortly after noon. At the height of the fighting, Katanga troops set a U.N. garage on fire and damaged several vehicles.

OFFICIALS SEEN CHEERFUL

Mr. Hammarskjold, who fought the Katanga-Congo problem through innumerable special U.N. sessions and debate and saw it become a major threat to his authority, was smiling as he stepped from the plane that brought him from New York.

The Secretary General, wearing a blue suit with a U.N. badge on the lapel, stepped from the plane to meet Mr. Linner, Premier Cyrille Adoula of the central government, Vice Premiers Antoine Gizenga and Jason Sendwe and the rest of the Congolese Cabinet. All seemed cheerful.

Mr. Gizenga's presence was in itself a triumph for the U.N. The U.N. persuaded the former Oriental Province chieftain to leave

his pro-Lumumba Stanleyville stronghold and join the central government.

Hundreds of Congolese jammed the airport for Mr. Hammarskjold's arrival. They cheered as he inspected U.N. Nigerian, Indian, and Swedish troops and units from the Congolese commandos, gendarmerie and infantry.

Premier Adoula told a news conference before Mr. Hammarskjold's arrival that he had sent Bocheley-Davidson to Katanga as Commissioner General and a Colonel Moke to head the Province's military forces.

Mr. Bocheley-Davidson, a follower of the leftist line of the slain former Premier Patrice Lumumba, has been High Commissioner of State in the Stanleyville regime of Mr. Gizenga.

Mr. Adoula said the central government had tried since August to bring Mr. Tshombe back into the Congo fold, but "we got only obstruction and bad faith from him." Those killed today, he said, lost their lives "because of the bad faith of Tshombe."

As a prelude to yesterday's operations, U.N. political expert Mahmoud Khiari said Tuesday he had invited Mr. Tshombe to come to Leopoldville and see Mr. Hammarskjold. But Mr. Tshombe said afterward he had not been invited. The U.N. action followed.

ELISABETHVILLE A BATTERED CITY

(When the United Nations clamped down on communications in Elisabethville yesterday, U.P.I. correspondent Ray J. Moloney drove 100 miles to Bancroft in northern Rhodesia to file the following eyewitness description of the fighting between U.N. and Katangese troops.)

(By Ray J. Moloney)

BANCROFT, NORTHERN RHODESIA.—The battle for Katanga Province began at 4 a.m. yesterday with wild exchanges of tracer and machinegun bullets down the main streets of Elisabethville, the capital.

The United Nations said fighting erupted when U.N. troops asked Katangese gendarmes to surrender key posts in Elisabethville, but unfortunately the gendarmerie opened fire and the fire was returned.

Indian Brig. K. A. Raja, the U.N. military commander in Katanga, said the first shots were fired by a machinegun operating from inside the Belgian consulate and that one Indian soldier was killed.

BELGIAN VOICES DENIAL

Belgian Consul Georges Hercbens denied the charge, but the front of the consulate building was pitted with bullet holes after U.N. troops tried to wipe out the alleged machinegun nest inside.

When the fighting seemed at an end, Brigadier Raja said, the Katangese gendarmes mounted a counterattack on the post office which had been seized in hand-to-hand fighting by the Indians.

I watched the counterattack from inside the U.N. Red Cross hospital which had machineguns set up along the terrace. U.N. troops were firing from the hospital in the shadow of a giant Red Cross flag.

Streams of U.N. tracer bullets converged on Katanga armored cars and pitted the walls of buildings behind them.

At the height of the fighting I saw Katanga gendarmes fire on a racing U.N. ambulance carrying wounded soldiers.

But I also saw U.N. Indian troops fire on a Kantangese ambulance as it tried to reach the twitching bodies of unarmed Katangese police who were ripped to pieces by U.N. machinegun bullets after the cease-fire sounded.

The U.N. action incensed the Belgians here. When it appeared the fighting had ended, Europeans roamed the streets, screaming insults, most of them unprintable, at the U.N. troops.

By noon, when I left by car for this village in northern Rhodesia, Katanga's 13 months of independence from the rest of the Congo had ended.

I was awakened at 4 a.m. by the sound of firing and saw a red tracer bullet zip past the window of my motel bedroom only about 5 feet away.

In the darkness, Irish U.N. armored cars moved toward the Elisabethville post office, firing steadily at Katanga gendarmerie and para-commandos entrenched inside. Elsewhere, Indian troops fixed bayonets and charged over open ground to capture the Katanga radio.

SWEDES JOIN FIGHT

Swedish units fought a battle with the Katangese around Interior Minister Godefroia Munongo's home. He had fled into hiding.

I crept from wall to wall as bullets whined and crunched into the road and shattered shop windows over my head.

I looked up and saw a Katanga gendarme fall from a second-floor post office building window, clutching his wounded stomach. He hit the ground below, then somehow struggled to his feet and staggered across the road under heavy fire from U.N. guns.

Nearby, an Indian soldier lay screaming in anguish as Italian Red Cross workers raced through a hail of bullets to drag him away to a hospital.

Elisabethville was filled with a sickly ether smell and the moans of wounded men as they were removed to safety behind walls. One of the wounded was NBC cameraman Ray Wilson, hit in the leg by machinegun crossfire. He was treated and released by the local hospital.

NEW YORK TIMES EDITORIAL, SEPTEMBER 16, 1961

The United Nations set a precedent of worldwide implications and considerable risk to itself when its troops forcibly put an end to the secession of the Congo's Katanga State liquidated the separatist regime of President Tshombe and declared Katanga to be a Congolese Province. This military operation, preceded by the removal of all white officers from the Katanga Army, reached its climax in a pitched battle when United Nations troops, in taking over Government installations, met armed resistance from Katanga forces.

The action is a further expansion of Secretary General Hammarskjold's concept of the United Nations as a "dynamic instrument of government" in a growing "organized international community" geared for "executive action." More specifically, it was based on the Security Council's mandate of February 21, authorizing "the use of force, if necessary, in the last resort" to prevent the civil war. According to Conor O'Brien, chief U.N. representative in Katanga, such a war loomed because the Congolese National Army under Premier Adoula was set to invade Katanga to do what the United Nations has now done for it.

In Korea, the United Nations went to war to check outright aggression. In Katanga it seeks to avert civil war by removing a potential belligerent, and not the one threatening to attack. If Katanga can be really reintegrated into the Congo the U.N. action could prove a boon to all concerned. It would help to reunify the Congo and do so under United Nations auspices. It would also restore Katanga's rich resources and revenues to the central government, thereby easing both its financial troubles and the burdens of the United Nations.

But everything still depends on the further actions of the United Nations and the central government. Having removed the Tshombe regime, the United Nations must now also eliminate the danger of a takeover by the forces of Vice Premier Gizenga of Stanleyville, whose army is apparently still an independent entity not yet under control of the central authorities in Leopoldville. The danger of such a takeover is already alarming neighboring African States. The United Nations forces, financed mainly by the United States, must not be tricked into facilitating a development that could be even more dangerous to peace in Africa, and to the future of the United Nations, than Tshombe's continued separatism.

ALL-OUT WAR IN KATANGA—PLANES BLAST U.N. BASE—FIGHT TO THE BITTER END

(By Peter Younghusband)

ELISBETHVILLE, KATANGA, THE CONGO, September 15.—Katanga Province President Moise Tshombe said yesterday that he and his people will fight "to the last drop of blood" to keep Katanga independent.

I spoke to Tshombe in a small villa situated in the grounds of his official residence. Mortar shell explosions and machinegun fire could be heard throughout the city.

I was astonished when a Belgian settler told me that Tshombe was not in hiding as reported Tuesday but was still in his residence—and offered to take me there.

I went and found the residency heavily defended by troops with machineguns in the gardens and armored cars in the road outside.

The President, haggard and eyes bloodshot from lack of sleep, said: "Did you think I would run away when my soldiers are fighting and dying for their country? We will fight to the bitter end and if necessary the last battle will be here in my home and I will be part of it."

President Tshombe said he was prepared to negotiate with the United Nations for a cease-fire if they would withdraw from the center of the city and refrain from attacking his troops and leave him to settle his affairs with the Central Congo Government in his own time.

"HAVE LIED TO ME"

"They have lied to me and have murdered my people," he said. "I appeal to the free world—to Britain, to France, to America—to all nations who treasure the principles of freedom and the right of a people to self-determination—to bring this terrible thing to an end."

Later, in a radio broadcast over a secret radio which is hidden in the bush near Elisabethville, Tshombe repeated his defiant decision to fight on.

Elisabethville is a terror town of shattered buildings and deserted streets, where bullets whine and ricochet.

Settlers took up arms and joined in the fighting on the side of Katanga troops. Led by a tough nucleus of former white officers in the Katanga gendarmerie, who evaded the United Nation's expulsion order by hiding in the bush, Katanga troops supported by armored cars and mortars, counterattacked the central post office taken by U.N. troops.

With colleagues I drove through backroads and side streets to reach the city center.

We passed four burnt out, shattered U.N. vehicles containing the charred corpses of two Irish soldiers.

As we neared the center of the town, bullets whined about us. A burst of machinegun fire forced us to abandon the car and run for the safety of an alleyway.

Belgian settlers who armed themselves to the teeth and joined the Katanga Army in the fight for Katanga's freedom include former war veterans and police officers.

Other civilians organized food and water supplies to the troops. All Elisabethville's hospitals are filled with wounded.

I visited Katanga radio station, which is now nothing more than the blackened shell of a building, doorless and windowless with

smashed radio equipment, furniture, telephones, steel helmets and boots all lying in a jumbled mess.

Outside I counted 13 corpses still lying in the grass nearby, all Katanga police and all inexplicably—shot in the back.

U.N. troops yesterday again fired on a Katanga Army ambulance displaying red crosses, seriously wounded the African driver and two white nurses.

AT U.N. OFFICES

I visited U.N. headquarters, where I found the executive staff living on tea and biscuits and sleeping on stretchers.

Deputy Chief Political Officer Michem Tombelaine was unshaven and hollowed eyed from lack of sleep.

U.N. Chief Conor O'Brien was tense and nervous.

Only the ebullient, smiling Indian military commander of the U.N. forces in Katanga, Brigadier Raja, seemed refreshed and at ease.

BATTERED CAPITAL IN GRIP OF TERROR

LEOPOLDVILLE, THE CONGO, September 15.—Katanga forces launched a fierce attack on the big U.N. air and military base at Kamina today, sent warplanes into the conflict for the first time, and claimed virtual control of the ravaged capital of Elisabethville.

Vowing to resist to the death, President Moise Tshombe came out of hiding in the capital of his rich, secessionist province to direct the counterblows against the U.N. forces.

The United Nations flew civilians out of Kamina and rushed in reinforcements to their hard-pressed task force, which on Wednesday had proclaimed Katanga restored to the authority of the central government of the Congo.

White settlers in Elisabethville, and tribal chiefs in the hinterland rose to Tshombe's call for a "war to the last bullet" against the U.N. to keep the Province independent.

BASE UNDER FIRE

The former Belgian base at Kamina in northern Katanga came under heavy mortar and machinegun fire as savage fighting raged for the third day. Reports reaching the U.N. in Leopoldville said the attackers were led by white officers, believed to be Belgians.

Swedish and Irish troops are defending Kamina.

Another band of 150 Irish soldiers is trapped at the Jodotville airfield, about 80 miles north of Elisabethville.

For 3 days the Irish have dug in and fought off repeated attacks by superior forces. Reports reaching here said the Katangans are using planes in bombing raids on the besieged garrison. Katanga has a small air force, mostly converted jet trainers.

BATTLE ROCKS CITY

Bayeke tribesmen were among the attacking 500 Katangan troops. One report reaching Elisabethville said seven Irishmen have been killed. A U.N. relief force was held up by Katangan troops defending a broken bridge 15 miles from the Irishmen.

UPI Correspondent Ray Moloney reported from Bancroft, northern Rhodesia:

"I had to race out of Katanga to this border point in northern Rhodesia to file this dispatch. In getting out of Elisabethville, the Katanga capital and center of the fighting, I had to dodge bullets, mortar shells, and grenades.

"An incredibly savage battle rocked the city yesterday as Katangese soldiers began a major attack on the city center post office which U.N. troops had seized Wednesday.

"Mortar shells rocketed over European homes, exploding with shattering force alongside the post office walls and the city center square.

"CITY GRIPPED WITH FEAR

"Tracer bullets whipped along the streets splintering the walls of the luxury Leopold II Hotel where many Europeans have taken refuge—sleeping in corridors, halls, and lobby chairs.

"All Elisabethville is gripped with fear. Water and electric supplies have been cut off. There are no direct communications with the outside world, except possibly private lines maintained by the U.N. forces.

"In a message smuggled out to foreign reporters, Tshombe said he was in contact with all members of his cabinet except his finance minister, Jean Baptiste Kibwe, 'who was treacherously arrested by the United Nations.'

"'We intend to fight to the last soldier and the last bullet,' the message said. 'Now is the time to stand and fight.'

"European refugees who arrived in northern Rhodesia late last night said they believed the Katanga troops still held half of Elisabethville.

"FIRE AT AMBULANCES

"They told of troops on both sides shooting at speeding ambulances and stretcher bearers clearly identified with Red Cross markings.

"Rhodesian troops remained on the alert ready to move to the border on a moment's notice if the fighting should jeopardize Rhodesia."

Heavy casualties were reported by both sides in Elisabethville with the Katanga gendarmery still holding about three-quarters of the city.

But the Katanga radio, controlled by the U.N. quoted U.N. Commander Brig. K.R.S. Raja of India as saying he had the situation "well under control." A dispatch direct from Elisabethville said such claims caused considerable amusement in the capital.

TWENTY U.N. SOLDIERS KILLED

At least 20 U.N. soldiers—Irish, Indian, and Swedes—and more than 100 Katangans were killed. The toll is expected to go much higher as the fighting continued.

The tree-lined streets of the modern provincial capital were strewn with many dead and wounded and burned-out U.N. vehicles.

There was an unconfirmed report that Tshombe was trying to approach Conor Cruise O'Brien, the U.N. civilian chief in Katanga, in an attempt to negotiate a cease-fire.

The Central Congo Government, which enlisted the support of the U.N. to unify the country, has declared it will never compromise with the Katanga leader.

The spread of the fighting caused U.N. Secretary General Dag Hammarskjold, who arrived here 2 days ago, to call a hurried conference with his military officers in Leopoldville.

Egide Bocheley-Davidson, 35, named by Leopoldville to "take over the Province of Katanga in the name of the Central Government," got only as far as the airport after being rushed to Elisabethville. He sat huddled in an armchair, apparently waiting for the shooting to taper off.

Until a month ago Bocheley-Davidson, as a ranking official on Antoine Gizenga's leftist rebel Stanleyville regime, was whipping up demonstrations against the U.N.

The United States issued a statement saying U.N. action is necessary for the "unity of the nation" to bring economic progress and stability to the Congo. India and the Netherlands gave strong support. Britain expressed concern.

The Soviet Union, which has often denounced Tshombe as a traitor, took no official stand.

U.N. troops have turned the post office in the center of town into a fortress for their headquarters. They set up a fire post on a hospital roof.

CASUALTIES IN KATANGA EXCEED 1,000—FIGHT FOR CAPITAL BECOMES FULL WAR; IRISH UNIT CUT OFF

(By Ray J. Moloney)

ELISABETHVILLE, KATANGA, THE CONGO, September 15.—The battle for Elisabethville exploded into full war today, with casualties estimated in excess of 1,000. The United Nations declared martial law and announced that any unauthorized civilians bearing arms would be executed.

Katanga President Moise Tshombe vowed a war to the death, but the U.N.-controlled radio Katanga tonight said he was on his way to confer with Conor Cruise O'Brien, U.N. civilian chief here.

Both Tshombe and O'Brien have tried in the past to reach a cease-fire.

In the meantime, Tshombe sent a plane and some armored cars against United Nations troops in Elisabethville, Jadotville, 65 miles to the northwest, and the Kamina airfield in northern Katanga. The United Nations sent out urgent calls for reinforcements.

Reports reaching Elisabethville said 57 Irish U.N. soldiers defending the industrial city of Jadotville had been killed and that the remainder of the 155-man contingent were being held as hostages. The Katanga forces threatened to kill 10 Irishmen for each Katanga man executed.

O'Brien placed Katanga dead at more than 200, with at least 500 wounded and 200 captured. He put U.N. casualties at 6 or 7 dead and another 27 wounded—not including Jadotville.

"We are most seriously concerned about the company at Jadotville," he said. "They have been under bombing and mortar attacks for days and I fear they are suffering heavy casualties."

The Irish there were cheated of reinforcements when a column of troops was stopped at the Lufira bridge, blown up by the Katanga forces, 16 miles away. Heavy fighting was reported around the bridge and there were reports that 23 Irish surrendered.

All indications were that O'Brien's casualty figures were low.

Many refugees were feared killed today when a French-built Fouga jet fighter bombed and strafed a refugee camp outside Elisabethville. The plane was reported flown by a white Rhodesian pilot.

LOADING PLANE IS STRAFED

The plane in other sorties dropped a bomb near O'Brien's house, bombed and strafed the airport control tower at Kamina and Elisabethville and strafed persons boarding a plane at Kamina, killing a number of them.

Sture Linner, director of U.N. operations in the Congo, said former white officers in the Katanga army, presumably Belgian, had reappeared to direct the fighting.

There were three main centers of fighting:

1. Elisabethville, where fighting raged for the third day. Katanga forces recaptured some of the city in night-long fighting, but the 2,400 U.N. troops appeared to have wrested control of most of Elisabethville by late today.

2. Jadotville, where heavy casualties were feared among the Irish U.N. troops reported under attack by superior Katanga forces using machineguns, mortars, and bombs dropped by plane. Direct communications ended after the Irish received a surrender order.

3. Kamina, where 430 Swedes were holding the airfield against repeated ferocious attacks by Katanga troops in armored cars and armed with heavy machineguns and mortars. The Katanga fighters also were using light planes. A Swedish relief column was reported halted outside the city.

HAMMARSKJOLD CONFERS

In Leopoldville, where the U.N. admitted for the first time that it did not have the

situation under full control, Secretary General Dag Hammarskjold held urgent conferences with Congolese central government authorities.

Three planeloads of wounded arrived in Leopoldville today; one man died en route. They were met by lines of ambulances, which took the victims to a U.N. hospital at Kamina.

Elisabethville itself was a deadly battlefield, a shambles of bullet-pocked buildings filled with terrified people. The post office was a fortress alone in the center of the city, the scene of the heaviest no-quarter fighting.

Bursts of machinegun fire kept this correspondent away, but I could clearly hear the screams and groans from inside the post office held by Indian soldiers against the steady pounding of Katanga mortar fire. Nearby two Swedish soldiers were burned alive when their car was hit.

Martial law followed a round-the-clock curfew imposed yesterday under which no persons were permitted on the streets without permission or U.N. escort.

Michel Tombelaine of France, deputy U.N. civilian commander, announced over the U.N.-controlled radio that "any civilians found in illegal possession of arms will be summarily executed."

O'Brien believed Jadotville was still being held by the U.N. Irish forces, but unofficial reports indicated it was overrun by strong Katanga forces. These reports said many Irish were captured and some of the prisoners stripped of their clothing and forced to lie face down on the ground under armed guard.

A radio broadcast identifying itself as "Radio Free Katanga" said the Irish prisoners were being held as hostage and that 10 Irish soldiers would be executed for every Katanga fighter executed by the United Nations.

O'Brien told this correspondent, "We've got about 100 Katanganese prisoners and we intend to open negotiations immediately for a prisoner exchange." But the U.N. has lost means of contact with Tshombe and it was not clear how he intended to open negotiations.

O'Brien said Tshombe was "in the hands of ultra-Belgians" and "if we could talk to him alone, without Belgians, I believe there might be a chance to reach some settlement."

O'BRIEN QUESTIONED

O'Brien was questioned by newsmen about reported indiscriminate killings by Indian U.N. troops who have been accused of firing on civilians and ambulances. He said the U.N. forces have been the constant target of sniping by Europeans hiding in villas and buildings from which they have raked U.N. soldiers with machinegun and rifle fire.

"Any troops in the world would get touchy under these circumstances," he said. "While any unfortunate events are to be deeply regretted, it must be stressed that the troops are under the heaviest strain."

[Doctors at the Italian U.N. military hospital this morning resigned en masse because, they said, the building was being turned into a support fortress for the U.N. post office troops, Reuters reported. Belgian doctors here say Katanganese have prevented them by threats from treating U.N. troops.]

U.N. ACTION IN KATANGA STIRS DISMAY IN EUROPE

LONDON, September 15.—The French Foreign Office said today Secretary General Dag Hammarskjold may have violated the United Nations Charter by ordering the military occupation of the breakaway province of Katanga in the Congo.

In Dublin, an Irish lawmaker demanded the recall of Ireland's Conor Cruise O'Brien, chief U.N. representative in Katanga. There were indications that the fighting would spark another major battle in the General Assembly over the Congo this fall.

[The Irish Government tonight announced it is sending Foreign Minister Frank Aitken to the Congo as soon as possible, on express orders of Prime Minister Sean Lemass, to confer with U.N. officials, the Associated Press reported.]

The press in Europe generally expressed shock, dismay, and anger over the United Nations attempt to seize control of Katanga by force. Madrid's newspapers summed up the consensus of European press reaction in unanimously calling the U.N. action a "fatal mistake."

Only Rome's leftwing or Communist press came out in favor of the U.N. action. The Social Democratic La Giustizia said it had succeeded "in bringing back peace," and the Communist newspaper L'Unita called the U.N. operation "a hard defeat for the colonialists and their agents."

In Africa, Nationalist leaders lauded the U.N. attack. Southern Rhodesian National Democratic Party leader, Joshua Nkomo, said the collapse of Katanga President Moise Tshombe removed an "irritating Congo obstacle." Northern Rhodesian United National Independence Party Treasurer Nalumino Mundia said it was prepared to send volunteers to help crush Tshombe's resistance.

Similar sentiments were expressed by Kenya Nationalist leader, Tom Mboya, and Nyasaland's Hastings Banda.

Congolese Information Minister Joseph Ileo, replying to the criticisms at a news conference in Leopoldville, said the central government had requested the action. He said the United Nations moved at "our request and are within their rights according to the Security Council resolutions."

But in Paris, a spokesman for the French office said Hammarskjold may have "exceeded his mandate" by ordering the large-scale military operations. He said the French Government is "disturbed by the serious consequences which these events might have on the internal situation of this part of the Congo."

He denounced the U.N. operations as "deplorable," particularly in Paris "because France has always favored the integration of Katanga in a united Congo."

Irish newspapers gave banner lines to the fighting in Katanga and reports that Irish soldiers had been killed and taken prisoner. The dispatches caused concern and angry reaction throughout the Republic.

Senator Patrick Quinland of Cork sent a telegram to Premier Sean Lemass demanding the immediate recall of O'Brien, a member of the Irish diplomatic service on loan to the United Nations.

Quinlan said Irish blood was being spilled to bring "Catholic Katanga under the heel of the pink regime in Leopoldville." He accused O'Brien of using "black and tan" methods in Katanga, a reference to the British auxiliaries sent to put down the Irish uprising in 1916.

The newspaper La Libre de Belgique in Brussels deplored the action by an international organization it said did not dare to intervene when Soviet troops crushed the Hungarian freedom revolt. It said the United Nations even "sealed off Katanga like the Russians sealed off Budapest during the repressions."

Criticisms also were voiced in United Nations circles in New York over O'Brien's announcement that the action ended Katanga's secession. Diplomats said the announcement gave the impression that the United Nations had intervened politically in the Congolese situation which it has no authority to do.

Mr. THURMOND. Mr. President, will the Senator from Connecticut yield?

The PRESIDING OFFICER (Mr. MCCARTHY in the chair). Does the Senator from Connecticut yield to the Senator from South Carolina?

Mr. DODD. I am glad to yield.

Mr. THURMOND. I congratulate the able and distinguished Senator from Connecticut for the magnificent address he has just delivered. I do not believe I have ever heard a more able or profound address on the subject of foreign affairs since I became a Member of the Senate than the one just now delivered by the able Senator from Connecticut; and I commend him for it.

Mr. DODD. I thank the able Senator from South Carolina; I am very grateful for the Senator's high compliment. I wish I deserved it. However, it is most gracious of him to say it, and I am thankful to him for it.

Mr. THURMOND. Mr. President, the able Senator from Connecticut has pointed out that under the so-called coalition government in the Congo, "the Vice Premier, the Minister of Justice, the Minister of the Interior, the Commander in Chief of the Armed Forces, the Minister of Defense, the Ambassador to the United Nations, and the Administrator of Katanga Province are all either proven Communists or hand-chosen designees of Antoine Gizenga, the No. 1 Communist of the Congo." Is that correct?

Mr. DODD. That is precisely correct; and I say to all my colleagues that those are the facts, and I stand on them. I hope that in the meantime we shall do something to correct that situation while we have an opportunity.

Mr. THURMOND. If that is correct—and I do not doubt what the Senator from Connecticut has stated; I am sure he must be correct—how can the government in the Congo be called a coalition government or a middle-of-the-road government, when the leaders the Senator from Connecticut has listed are, as he has said, "all either proven Communists or hand-chosen designees of Antoine Gizenga, the No. 1 Communist of the Congo"?

Mr. DODD. I am not able to explain how that government can be described as a coalition government. There are in it some officials who are not Communists, and Adoula, himself—so far as I know—is not a Communist. So, when speaking very loosely, one might say the government there could possibly be described as a coalition government. However, coalition governments in which Communists are in key positions of power and great strength never last very long.

Mr. THURMOND. Mr. President, the distinguished Senator from Connecticut is an able lawyer; and I should like to ask whether he knows of any ground under international law or under the United Nations Charter or under United Nations resolutions which gives the United Nations the right or the power to intervene in the Congo as it has done on this occasion.

Mr. DODD. None at all; in my judgment there is absolutely no basis at all for that action. As I have said, I consider it so outrageous and so unjustifiable that I believe it threatens the very existence of the United Nations itself. Certainly it threatens the United Nations

with the loss of confidence and respect, which alone will preserve it. If this sort of thing is what the United Nations is to do in the world, I doubt very much that the people of the United States will wish to support it any longer. For example, let us assume that Castro had several thousand followers in Florida, that they started trouble there, that the local police then found them too difficult to handle, and that the National Guard was called out, but also found them too difficult to handle—because, let us assume, Castro had sent arms to them. So let us assume that then the United Nations announced that there was civil strife in the United States, and then flew in an airborne division from the Kremlin, as part of the United Nations force, to put down civil strife in the United States. Is that what the United Nations is for? I think not; and I do not think the United Nations will be supported by the people of the United States unless the United Nations stops its present action in the Congo, and unless we have assurances that never again will the United Nations undertake such an operation.

Mr. THURMOND. Does the Senator from Connecticut know of any authority for the United Nations forces going into Leopoldville and surrounding the barracks of the Katanga Army and arresting the 200 Belgian officers and several hundred white noncommissioned officers, and ordering them immediately expelled from the country, without the approval of the Katanga Government?

Mr. DODD. None at all, of course; there is no justification.

Mr. THURMOND. I wish to commend the Senator from Connecticut for the following statement in his fine address:

> The subordinate advisers who have been wrong time after time in their facts and in their evaluations, who have got us into trouble time after time, and led us to defeat time after time, should be dismissed on grounds of general incompetence from the positions they now hold.

Is there any reason why such persons should not be dismissed? If the President of the United States and the State Department do not now have authority to dismiss them—if they are under civil service or other regulations which would prohibit their dismissal—then should not the Congress take action—and should not the President recommend that such action be taken by Congress—to correct the situation, so that such persons can be eliminated from the Government?

Mr. DODD. Certainly. I hope and expect that when the President gets all the facts, he will take such action. In fact, I am sure he will. I think that by now the President knows that he has been misinformed on several occasions. Certainly he was misinformed by someone on the lower levels in regard to Cuba. And all of us were misinformed about British Guiana. We are now getting the same kind of misinformation and misdirection about the situation in the Congo. So I strongly hope we shall find a way to get rid of these incompetents. In any other walk of life that I know of, when a man makes a mess of things, he is not given another chance to do so.

But it appears that in Government they go from one blunder to another. They are covered up because they are not known. They are not elected officials. They are not appointed officials whose nominations must be confirmed by this body. They are anonymous, faceless people; and that is where the damage is being done.

Mr. THURMOND. Is it not true that these disasters have occurred under the previous administration and the present administration, which would indicate that some of these people have continued from one administration to another?

Mr. DODD. Yes; I think there is no doubt about it. I have never said that Democrats did everything right and Republicans did everything wrong, or vice versa. I think we have blundered hand in hand for too long a time, and we cannot afford it any longer.

Mr. THURMOND. I believe that the Senator feels as I do in connection with the investigation I am requesting about members of the Armed Forces. He is not charging anyone with treason, disloyalty, or anything of that kind.

Mr. DODD. Not at all.

Mr. THURMOND. But he is going after cause and effect. He is trying to determine the problems of policymaking that allow such people to remain in position; and if the policy is wrong, the policy should be changed. I presume the Senator is trying to accomplish that.

Mr. DODD. Of course, that is what I am trying to accomplish. I am charging stupidity on a high level—stiff, white-collared stupidity.

Mr. THURMOND. On this point, I call to the Senator's attention—possibly he saw it in today's Washington Post—this paragraph in an article by Dan Kurzman, of the Herald Tribune News Service. It reads:

> But even if U.N. military power should prevail, the West may suffer a serious blow. For seated uncomfortably in the passenger lounge of Elisabethville airport, waiting to take over Katanga as the representative of the central government in Leopoldville, is Egide Bochely-Davidson, a leftist follower of the late Patrice Lumumba.

Is it not true that Lumumba was a known Communist, and that this man who is waiting to take over is a follower of Lumumba?

Mr. DODD. Yes. I have information which I believe to be completely reliable. It comes from an American whom I know. I am not at liberty to give his name, but, if he authorizes me to do so, I shall be glad to give his name to the Senator. He says he knows Davidson, and he knows he is not only a Communist, but a Soviet secret police agent. This is the man in charge of Katanga.

Mr. THURMOND. I should like to call attention to an article which appeared in today's Washington News. I do not know whether the Senator has had an opportunity to see it or not. It reads:

> A white businessman who fled Elisabethville said today he left behind a "city of hate" ruled by U.N. terror and filled with corpses.
>
> Harold Soref, a London shipping executive, arrived here last night after dodging machinegun bullets and mortar shells in a desperate dash from the Katangese capital. On his way here, he skirted U.N. roadblocks to reach northern Rhodesia.
>
> He said trigger-happy U.N. troops were leaving European women and children to fend for themselves while they shot down unarmed ambulance drivers. He accused the Indian U.N. troops of savagery and brutality.
>
> "The main hotel in the city is crowded with women and children sleeping in corridors and bathrooms. They are afraid to sleep in their rooms because of the bullets," he said. "The U.N. made not the least or slightest effort to look after their interests. They just couldn't care less."

I ask the Senator if that is a fit outfit to represent the United States and the other countries of the world in the organization known as the United Nations.

Mr. DODD. That is why I said it was a shame—a shame on the United Nations, and a shame on all of us.

Mr. THURMOND. The able Senator from Connecticut is one of the best posted men in this country on the Communist problem. Is there any question in his mind that the aim and goal of the Communists is to dominate the world?

Mr. DODD. No doubt whatever. They have told us that time and time again. They have told us they intend to bury us. As the Senator knows, Khrushchev told us our grandchildren will live under communism. We all know that is their plan.

Mr. THURMOND. Is it not true that, in following that Communist goal from the time Lenin took over in 1917, since World War II about 15 countries with 800 million people have been taken behind the Iron Curtain? Is it not further true that the deception, dishonesty, lying, and policies now being practiced in the Congo have been practiced heretofore in the conquests by the Communists?

Mr. DODD. That is the history.

Mr. THURMOND. Is it not true that not only do they take over, if necessary by Communist aggression, but that probably the most dangerous way they have taken over countries is through internal subversion and infiltration against which we must be on guard in this country?

Mr. DODD. That is one of their ways in taking over a country. It is a part of their plan.

Mr. THURMOND. I thank the distinguished Senator for his kindness in answering my questions.

Mr. DODD. I thank the able and distinguished Senator from South Carolina for his fine references and helpful contributions.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. DODD. Yes, I yield.

Mr. KEATING. The distinguished Senator from Connecticut was kind enough to furnish me with a copy of the remarks which he proposed to make today. They indicate deep research and study into this problem in the Congo, and specifically Katanga. They represent a powerful indictment of what has been going on there.

The distinguished Senator from Connecticut is so right about what happened in China. That happened at a time when I was living in the Far East. I know of my personal knowledge that the line of the Chinese Communists was one of agrarian reform and simply had nothing to do with communism. They just had a new theory.

Many of us were told as I was told by representatives of the Department of State that Mr. Fidel Castro was not a Communist; that he was an agrarian reformer; that there might be one or two Communists somewhere in his regime, but they were primarily agrarian reformers. We were also told that they had some new economic theory that was going to be better than our system.

This year we have also been told the same things about Jagan in British Guiana. As the Senator knows, we had testimony in the Senate Internal Security Subcommittee about Mr. Jagan. It was available to members of the Department of State or any responsible Government official who wanted to ask for it. The British white paper to which the Senator has referred was available as well.

Now we are faced with a situation in the Congo. We are told it is necessary to go in and to follow the tactics which the United Nations forces have followed.

The Senator has outlined for us the individuals in the Leopoldville government who are either Communists or so strongly pro-Communist that it makes no practical difference. Who are they? They include the Vice Premier, who names the commander in chief. They include the Minister of the Interior, the Minister of Justice, and others. Those are three spots which time after time we have seen the Communists take over. The primer student of communism knows the positions the Communists seek to gain control of are those which control the armed forces, which control the interior, and which control the department of justice.

These men are stated to be Communists by my distinguished colleague. These facts must be known by our Government. Those are the spots which traditionally have been selected by the Communists to take over.

Mr. President, we should be grateful that our colleague from Connecticut is disturbed about this problem. The increasing bloodshed and conflict in the Congo, where the United Nations is attempting to reassert control of the central government over the Province of Katanga, is disturbing to me. It should be the cause of dismay and distress throughout the free world. The virulence of the fighting at Elisabethville, the separatist capital, one might say, shows that the regime of Tshombe has much support from the people there.

I cannot see that the United Nations efforts to enforce the control of the central government by some of the vicious methods about which we have read, or indeed the Katanga efforts to defeat the United Nations by the barbaric threats with respect to captured soldiers about which we have heard, can in any way advance the cause of future peace and harmony in the Congo. That is what the United Nations is designed to establish, as the Senator so well indicated.

It is particularly tragic to me, as I am sure it is to the Senator from Connecticut, that the heaviest casualties in this difficulty have fallen upon the brave Irish soldiers who were the innocent victims of the struggle.

The mission of the United Nations first and foremost is to keep the peace. In the present instance, with little warning and what many regard as even less justification, the United Nations has resorted to war. Its mandate from the Security Council is certainly tenuous at best. The overall gain from this kind of brutal warfare hardly justifies the terrorism it has evoked. The continued resistance of the Katanga population shows the need for negotiation, not warfare, with that province. United Nations forces should immediately seek a cease-fire so that the status of Katanga can be determined peacefully and determined in accordance with the wishes of the people of Katanga.

Because of the seriousness of the problem and because of the very great danger that this effort may lead to an increase of Communist power in the Congo, like the distinguished Senator from Connecticut, who was the first to sense this problem and to raise the question in the Senate, I have dispatched a telegram to the Secretary of State. I have asked what measures are being taken by the United States to insure that the wishes of the inhabitants of Katanga will be respected. In addition, I have asked what steps we are taking to insure that Soviet or Communist agents will not take advantage of the ensuing confusion and discord. It is important that the United Nations maintain its independence from those forces of the left which pose a very definite danger to the independence of the Congolese, and that the interests of the free world not be weakened or betrayed by United Nations action.

The United Nations is very much on trial in the Katanga disaster. Like the Senator from Connecticut, I have always been a strong supporter of the United Nations. I wish to continue to support it. I am distressed beyond measure by the action taken, and I think it is entirely appropriate for our Government, which has such a large financial stake in the United Nations, to raise some questions about what has taken place in the Congo.

I appreciate the opportunity my friend has given me to make these observations.

Mr. DODD. I thank the Senator. I know of his great interest in the United Nations. I have heard him speak on this subject many times. He is one of the most outspoken supporters of the United Nations in this body and in this country. I assure the Senator, though I know he needs no such assurance, that I share his feelings.

I believe in the United Nations. I wish to see it preserved as a great organization to bring peace to the world.

Mr. HUMPHREY. Mr. President, will the Senator yield to me?

Mr. DODD. I am glad to yield to the assistant majority leader.

Mr. HUMPHREY. I shall take a moment only, because it is late. I am very much interested in the Senator's speech and very much interested in what the Senator from New York had to say.

The Senator will note that I am looking through the morning newspaper. The reason I do so is that in this morning's newspaper there was an article, to which I shall refer, which indicates something very disturbing to me in the light of this discussion.

I do not wish to be misunderstood. I have been deeply disturbed by the news reports as to what has happened in Katanga.

My colleagues will recall that only a few months ago we were very critical of the United Nations because it did not use force. I remember speeches in this Chamber condemning the United Nations because the United Nations seemed only to retreat and did not use force. Then the United States and other powers went to the United Nations, and a resolution was adopted which directed the United Nations to use force at the request of the central government, when such request was made.

This morning's newspaper carries the story that Nikita Khrushchev is condemning Mr. Hammarskjold for being a U.S. lackey in ordering the forces of the United Nations into active combat in Katanga. On the other hand, Mr. Khrushchev says that the Premier in Katanga, the leader, Tshombe, who is a very able man, is sort of an imperialist lackey of the West, as he calls him, and therefore is not deserving of any consideration insofar as Mr. Khrushchev would like to have it.

There is a very confused story. I appeal to my colleagues. While we should be deeply concerned about the violence and disorder, we ought to examine pretty carefully into the problem.

What was the mandate of the United Nations? I ask my colleagues to consider this in the light of our criticism of previous United Nations action in the Congo under Mr. Dayal, the representative of the United Nations, of Indian nationality. He was criticized severely for being too weak and vacillating. The United Nations forces were criticized for not taking stern enough action.

Now the United Nations forces have been buttressed. They have been given explicit orders by the General Assembly on the recommendation of the Security Council to fulfill the resolution of the United Nations, which resolution was for a central government and one Congo.

Katanga is the rich province of the Congo. Katanga has vast mineral resources. I think the Senate might wish to look and see who owns these mineral resources. It might want to find out who owns Tanganyika Mines, Ltd. How much British and Belgian capital is involved? We might even want to see how much U.N. capital is involved. When I say "capital," I mean money. I think those are factors that should be examined. Frankly, I know very little

about this question. I do not think we can judge by newspaper reports. After all, several countries are involved in the U.N. forces. I think it would be pretty difficult to keep a line under control when there are involved hundreds of Irish, Swedish, and Indian forces, as well as the forces of 12 other countries. It is very difficult to keep 15 commanders telling the same lie, if there was a lie to be told.

All of the commanders report to their respective governments, not only to the United Nations. It may very well be that the Communists are getting some advantage out of this. I wish only to say that the major blow that the Communists have taken in the last year, and the only one I know of, is their defeat in Africa. The Communists thought they were going to take over the French colonies and the Congo. They have not succeeded yet.

Mr. DODD. Not yet.

Mr. HUMPHREY. The Senator is correct. The only hope of their not succeeding is the creation of a strong central government. I wish to make clear to the Senator from New York [Mr. KEATING] that not only do the Communists take over the vice-premiership, but also the ministry of justice. Anyone who does not know that those offices are among the first three offices that any totalitarian selects has surely missed the boat. He has not done his elementary reading in totalitarian tactics. Hitler was only a vice premier when he started. But he also had a Nazi in the Ministry of Interior. He had a Nazi, not in the Ministry of Justice in the first instance, but in the Ministry of Labor, which meant that he had control of some of the labor movement.

I am deeply concerned over the structure of a government that has either sympathizers of the Communist Party, pro-Communist, or even Communists within it, because a coalition government with communism will soon no longer be a coalition. It is soon gobbled up by the brute forces of the Communist totalitarians. We know that.

I wish the Senator from Connecticut to know that I am not being critical of his remarks. The Senator from Connecticut has alerted us. I am sure he would want the most full and careful examination of these questions. Before we condemn our own Government—and there have been many mistakes and plenty of them throughout the years—it might be well to get all the facts on this very serious situation. I happen to believe—and I think my colleagues agree with me—that as Congo goes, so will Africa go, because the Congo is a central point of influence.

Mr. DODD. As always, the Senator from Minnesota has made an able contribution to the discussion. I should like to make some observations about what he has said.

The U.N. resolution which authorized the use of force, I am confident, did not anticipate that the U.N. would start trouble. I am sure force was authorized where trouble had started, and that force was to be used to put down the trouble, to stop strife, to bring order, and establish peace. But that is precisely the opposite of the situation in Katanga Province today. No one maintains that Tshombe and the people of Katanga have started any trouble. In fact, it is acknowledged on all sides that there was more law and order in Katanga than in any other place in the Congo. So we have a peaceful province which is not at war with any other nation, is not firing off guns, or using bayonets, is not committing aggression against anyone. And the U.N. enters the country with bullets and bayonets. That is not what the United Nations resolution intended. I do not believe that is what the United Nations is for.

With respect to Mr. Khrushchev's criticism of Gizenga——

Mr. HUMPHREY. No, that was Mr. Hammarskjold. I was mentioning his criticism of Mr. Hammarskjold.

Mr. DODD. Yes, of course, his criticism of Hammarskjold. First of all, Khrushchev is a devious and cunning character, as we all know. I would not put it beyond him at all to criticize Hammarskjold as a diversionary tactic—and what a wonderful tactic it would be—while the United Nations is establishing a Communist regime.

Perhaps more to the point is the situation I am about to relate. I do not think the Senator was in the Chamber last week when I read from the latest edition of the Soviet New Times. It is an edition which will not be in English translations until next week. But I had a translation made here and I read it to the Senate.

The Kremlin's own organ was boasting that it had taken over the Congo. That is the best answer to the paradox of Mr. Khrushchev's criticism. The translation will be here this week. I assume they thought that by that time the takeover would be an accomplished fact. I invite the Senator from Minnesota to read the translation. It is in the RECORD. It is undeniable.

I do not know who owns the Katanga mines, whether the Belgians or the English own them. I hope the people of Katanga do. But if they must be owned by some outsider, I would much prefer to have a Belgian or an Englishman, rather than a Communist, as the owner of those vast rich resources.

I think we all do.

The Belgians are a part of the free world and NATO. So are the English. They are on our side. But it is something else if these rich minerals and resources fall into the hands of Mr. Khrushchev. I do not want to see that happen.

It is said that we must get the facts. That is what I am trying to help us to do. I have stated the facts; and I challenge anyone to deny any fact that I have stated here. If it proves to be untrue, I will eat it on the Capitol steps at high noon any day I am asked to do so.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. DODD. I am glad to yield to my friend, the able Senator from Texas.

Mr. YARBOROUGH. I commend the distinguished Senator from Connecticut for the contribution he has made today in his statement and for the courage with which he stated it. I should like to request of him, and of the Senate, unanimous consent, that I be permitted to join as a cosponsor of his resolution for a Senate Special Committee To Investigate Conditions in the Congo.

Mr. DODD. I am very much pleased that the Senator has offered to be a cosponsor. It is very encouraging.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. DODD. I am glad to yield.

Mr. THURMOND. If the Senator would permit, I would be pleased to join as a cosponsor of the resolution also.

Mr. DODD. I am delighted and pleased that the Senator is willing to join as a cosponsor.

Mr. YARBOROUGH. Mr. President, will the Senator yield further?

Mr. DODD. I yield.

Mr. YARBOROUGH. The U.N. was established as an instrument of peace. Its forces were sent into the Congo to preserve the peace. Now the U.N. forces have broken the peace and, stealthily, and in the dark of the night, like the Russian Communists in Budapest, have assaulted people with trickery and gunfire. For 16 years I have defended the U.N. as an instrument of peace. For 16 years I have said no unkind word about the U.N., either publicly or privately. But this action to me is inexplicable and inexcusable. I support world peace through the rule of law.

I thought the defense of freedom in South Korea was the brightest hour of the U.N. But now all our bright hopes and dreams are rudely shattered by this bloody, aggressive action of the U.N. in Katanga. The United Nations are not preserving the peace in the Congo. The U.N. troops have breached the peace in Katanga. The brave Irish, the freedom-loving Swedes, and the fierce Indian troops have been ordered by someone to open fire on the only stable government in the Congo.

Who is responsible for this open-fire order? Since the Congo state could not conquer Katanga, the U.N. has gone into Katanga to conquer that state. The U.N. was not set up to conquer states or provinces or people. The U.N. in Katanga has become an aggressor against the self-determination of peoples. There is blood on the hands of the U.N. It will require a long time to wash it off. The U.N., when its force, and with the forces it is flying in, will probably win, but if the Katanga force can hold out for a few more days, in my opinion, an aroused conscience in the West will rally to Tshombe's cause and to the Katangan cause.

I am no expert on Africa. I am no expert on the Congo. I am not an expert on Katanga. However I have been receiving letters from missionaries who went there from Texas. I know those people. They have been there for years. They are not of my church denomination. They are of the Methodist Church. Katanga is not a tribe of natives. It has a government. I hold in my hand certain letters. The envelopes containing these letters bear Katanga stamps. They came through the mail of the

postal service. It is said that Katanga was not recognized. Maybe it does not belong to the International Postal Union, but those letters have gone through the mail service, and they have been carried on the air lines of the world and I have received them. I show the Senate the stamps of the state of Katanga attached to these envelopes; they are the only stamps on these envelopes; the state of Katanga stamps carry these letters to America by airmail. They have a currency in Katanga.

I hold in my hand a 10-franc note. It is issued by the National Bank of Katanga. It is a stable currency in Katanga, the most stable state in the central Congo.

If we are to have police action against Katanga without a negotiated settlement with Katanga, and if the Katanga Government is destroyed by aggressive military action by the U.N., would that not destroy the money and the resources of the people who have their money invested in Katanga? The particular money, this 10-franc note, which I hold in my hand was printed last year, in 1960. To destroy this currency is to destroy a part of the resources and the economic stability of the people in the most stable part of the Congo.

Methodist missionaries tell me that they cannot use their mission stations, and cannot receive any protection whatever in other parts of the Congo from the central government which is in control there, and that the only part of the Congo where they can get any kind of protection, or where they can feel any safety at all, and where they can build new mission stations and open them and maintain them, is in Katanga.

The Christians are safe in Katanga, whether they be Roman Catholics from Belgium or Protestant American missionaries. The blacks and the whites are protected in their rights and in their religion in Katanga, live peacefully together so long as Moise Tshombe s government is in control.

The letters from these American missionaries that have come to me tell how these rumors were started. Baluba tribesmen were told that they would be killed if they stayed there. It was part of a trick to weaken the Katanga Government, by causing some tribesmen to flee. They call Tshombe the George Washington of their country in Katanga. They tell me of conferences that Methodist missionaries have held with their native Congo religionists in Katanga. They have the complete protection of the Katanga Government. I believe all these facts are worthy of consideration, and others say that it is wrong to consider the Katanga Government as an instrument of a mining company. According to the facts that have come to me from American missionaries in that country who have been working in Africa for years to help those people set up civilized government, that is not the case at all.

Mr. HUMPHREY. The Senator from Minnesota made no such insinuation. The Senator from Minnesota said that he feels that at this time Senators do not know all the facts about Katanga.

I said that I read an article written by Robert Estabrook, one of the best informed men in Washington, who writes for the Washington Post. He wrote somewhat in sympathy with the views expressed by the Senator from Connecticut.

One of the severe critics of the Katanga operation is Lord Beaverbrook in London, who has large financial interests in Katanga.

The head of the Irish contingent of the U.N. has said that the attack that was made on them by the separatist movement in Katanga has been more than the U.N. forces could tolerate. What he has said is worthy of consideration. I have respect for my Methodist brethren, too, but I will not be influenced in my opinion on an international matter of this kind on the theory that we know all the facts.

Mr. YARBOROUGH. We are calling for the facts.

Mr. HUMPHREY. The Senator from Connecticut says, "Let us get the facts." I am all for it.

Mr. YARBOROUGH. I support the Senator's resolution.

Mr. HUMPHREY. But let us not prejudice the issue. We are prejudging the U.N. We are prejudging the whole case. We are attacking the U.N., just as Mr. Khrushchev does.

Mr. YARBOROUGH. That is a false premise of the Senator from Minnesota. That is unfair debate on the floor of this Senate. It is not fair to insinuate that all those who do not agree with the Senator from Minnesota are on the side of Khrushchev.

Mr. HUMPHREY. I did not say that at all.

Mr. YARBOROUGH. Especially when a Communist is being put in as the administrator in Katanga.

Mr. HUMPHREY. I did not say what the Senator says I said.

Mr. YARBOROUGH. The Senator has insinuated it. He has tried to put people who debate this subject on the side of the Katanganese as being on the same side as Khrushchev. That is not fair. It is not a fair insinuation. It is not fair debate, and such ought not to be made in this Senate.

Mr. HUMPHREY. The Senator knows I did not say that.

Mr. YARBOROUGH. That is not the type of debate that ought to be indulged in in the Senate.

Mr. HUMPHREY. Let us get all the facts on this subject.

Mr. YARBOROUGH. That is what I say. I have asked to join the Senator from Connecticut in sponsoring the resolution, in an effort to get the true facts on the Congo.

Mr. HUMPHREY. The Committee on Foreign Relations will look into the question. It is capable of looking into this subject. I do not want to see the United Nations weakened at a time when it is under attack. The United Nations was criticized before because it was too weak. Now the United Nations is criticized for acting too fiercely. I agree that its purpose should be to hold the peace and to maintain law and order. I do not believe that at this stage we should say that one side is right and the other side is wrong, until we have all the facts.

Mr. YARBOROUGH. We know who opened fire on the Katanganese people, and who started killing them.

Mr. HUMPHREY. I remind the Senator that his Government joined in the resolution at the United Nations for the maintenance of a central government in the Congo. This was a separatist movement. Our own country fought a war over that issue.

Mr. DODD. We would not be a free country today if there had been an international body that the British Government could have brought in to suppress the patriots in 1775.

We would not have had the wonderful developments in history, witnessing country after country winning its own freedom. We have word from Dr. O'Connor, that the U.N. force went into this country, where there was no shooting, but only peace. The Senator from Texas is absolutely correct when he says that that is the situation. We know this to be the fact, even if Dr. O'Connor says to the contrary. I should like to know when and where he said it.

Mr. HUMPHREY. The Senator is referring to Commander O'Brien, the commander of the Irish contingent, another good Irishman.

Mr. DODD. That is correct. I was mistaken about the name.

Mr. HUMPHREY. It is not correct to say that there has been no negotiation. There have been negotiations with the Government of Katanga for months.

Mr. DODD. I understood the Senator to say that Commander O'Brien said he had to go into Katanga to put down strife and violent trouble.

Mr. HUMPHREY. I did not say that.

Mr. DODD. Then we agree that there was no such situation in Katanga.

Mr. HUMPHREY. Not at that particular moment.

Mr. DODD. Not until the United Nations started it.

Mr. HUMPHREY. The reason the U.N. forces allegedly went into action—and this is a subject that needs very careful scrutiny—was that the central government, which is recognized by this Government and by the United Nations, called upon the U.N. forces to fulfill the mandate of the Security Council and the General Assembly, under the resolution which our Government, both under the Eisenhower administration and the Kennedy administration, supported and sponsored. It is a resolution calling upon the U.N. force to go in and bring this country under one central government. The Katangese Government tried to have a separatist movement.

Mr. DODD. I believe this is a very important point. I said a few minutes ago that I was confident—that it was never the intention of the U.N. resolution to have United Nations forces start shooting and bayoneting people in the Congo. I have always understood that the police are supposed to stop trouble, not to start it. I might liken this situation—if one can liken a situation like this to individuals—to the case of a

peaceful man being threatened by another man. Suppose the police are called in, and they beat up the peaceful man, but they do not arrest the troublemaker. That is what is happening in Katanga. That is what I am complaining about.

This is not the purpose of the United Nations. It was intended that it should be used to stop trouble, and not to start trouble. I want to get all the facts; but I have already stated some important facts. And if we wait too long, before making up our minds, we will have the accomplished fact of a Communist-controlled Congo.

I have spoken on two other occasions in this Chamber about this situation. Fortunately, we have some facts, and there will be more to come. This is not the end, by any means.

I am grateful to the Senator from Texas [Mr. YARBOROUGH] for his contribution to the debate. He is a careful, experienced man. I consider the letters he has received from missionaries to be first-class evidence of the true situation. In them we have word from Americans who are on the scene. They have written the Senator from Texas about the situation.

I hope no one gets the impression that any of us is interested in weakening the United Nations. I am sure the Senator from Texas [Mr. YARBOROUGH], the Senator from South Carolina [Mr. THURMOND], and the Senator from New York [Mr. KEATING] agree with me that we desire to strengthen the United Nations. I believe the way to strengthen it or to preserve it is to have it do what is right. It should not be going around the world doing this sort of thing. It should not be installing Communist governments, no matter what else it does. But that is precisely what it is up to. That is the likely result of the force in Katanga. There is no doubt about it. I am certain that that is a correct statement. I have no doubt about the verity of my information.

I did not know whether the Senator from Minnesota was in the Chamber when I said I had been told by someone who I have every reason to believe knows what he is talking about that the man who has been appointed administrator of the Katanga province is not only a Communist, but also a member of the Soviet secret police. I feel certain the Senator from Minnesota will agree that that is about as bad as things can get, if it is so.

I cite that as a fact on the basis that I believe my informer knows what he is talking about. He is in a position to know. He is an American, and he knows that part of the world. He was there not long ago. If I were free to reveal his name in the Senate at this hour, I am sure Senators would be impressed. He is not a man who speaks recklessly or lightly. It is on that basis that I have reported this evidence.

Mr. THURMOND. Mr. President, will the Senator from Connecticut yield, so that I may propound a question to the Senator from Minnesota?

Mr. DODD. I yield for that purpose.

Mr. THURMOND. Did I correctly understand the Senator from Minnesota to say that the United States supported the resolution in the United Nations to have one central government in Katanga?

Mr. HUMPHREY. That is correct.

Mr. THURMOND. The Senator would not take the position, would he, that because we took that action, we should be forever bound by it, even if we later learned that the government of Kantanga was to be a Communist government, and we were advised that the vice premier, the minister of justice, the minister of interior, the commander in chief of the armed forces, the minister of defense, the ambassador to the United Nations, and the administrator of Katanga Province have all been proved Communists or hand-chosen by Mr. Gizenga, the No. 1 Communist of the Congo? The Senator would not say, would he, that we are still bound to support the central government of Katanga, even though we know it to be a Communist government?

Mr. HUMPHREY. The government of the United States, including the President of the United States, does not believe the Congolese Government is a Communist government.

Mr. DODD. That is because it has not been given the facts.

Mr. HUMPHREY. The Senator from Connecticut asked that we look for the facts. I support that proposal. I said that was a constructive proposal. The Senator from Minnesota does not intend to have the floor of the Senate used to make the assertion that someone is a Communist sympathizer unless that is a fact. I submit that the prime minister of the Congo today is not a Communist.

Second, I submit that the reason why the Russians have attacked the United Nations in the past year is that they believe, as Khrushchev himself has said, that the United Nations has become the stooge of the United States in an effort by us to establish an imperialist policy in the Congo, thus starting the whole principle of the troika in the United Nations—speaking of the Soviets, now—because the Secretariat of the United Nations and the Secretary General of the United Nations, according to Mr. Nikita Khrushchev, are doing the work of the West in the Congo and are thus thwarting the ambitions of the Soviet Union.

It is a matter of record that the ambitions of the Soviet Union in the Congo have been thwarted. This is one of the great accomplishments of the United Nations.

What the Senator from Connecticut says may be true. I am deeply concerned about it, because a step-up of Communist activities in Africa should cause us great concern. Such activity is a possibility. Everything must be done to prevent it, and the U.S. Government must do everything it can to prevent it, because Africa is a treasure house, and the Soviets know it. They have planned for years to take over Africa. Therefore, the Senator from Minnesota is concerned about the Congo.

When I see, for example, the same U.N. being severely condemned now because of the action in Katanga, it worries me. Do not misunderstand me. If the facts are as they appear to be, as the Senator from Texas says they are, as the Senator from Connecticut says they are, as the Senator from New York says they are, and as the Senator from South Carolina says they are, then, indeed, the United Nations has committed a grave injustice, and I would be the first to say so.

But because the U.N. is under such a severe attack today from Khrushchev, I wish to view the whole subject with the greatest of caution and prudent judgment. The reason I say that is that after a few more blows on the United Nations, there will not be a United Nations. Khrushchev wants either to control it or ruin it. I know Senators want to strengthen it. That is why I appeal to them today not to make a predetermined judgment on this subject.

The Senator from Connecticut made a strong case for his point of view. If what he has said in his speech is but evidence to be considered in the inquiry, well and good. However, I am unwilling to say today that the United Nations has exceeded its authority until I know more about what has happened. I know the U.S. Government supported the resolution in the United Nations directing the United Nations forces to be fortified, to be strengthened, to be combat ready, and to apply force in behalf of what is called the unity of the Congolese Republic.

We all know that in Katanga there has been a separatist movement. I like the people who have been in charge in Katanga. I like them because they are our kind; they follow our ways. They have been friendly. I think Mr. Tshombe is one of the brilliant leaders of Africa. I believe he is friendly to the West. Great efforts were made to bring him into the parliament, into the government. He would not agree to do so. So the central government called upon the United Nations Forces. The Senator from Connecticut says that the people of Katanga were a peaceful people, but that the U.N. Forces went in to apply force. This becomes a point——

Mr. DODD. This is the point.

Mr. HUMPHREY. Did they have a legal right to go in?

Mr. DODD. No.

Mr. HUMPHREY. The point is that under the resolution of the United Nations Security Council, the U.N. Forces were supposed to go at the request of the central government of the Congo.

Mr. DODD. That is exactly the place where I will have to leave the Senator from Minnesota. I think this is the point on which we have our difference. The Senator from Minnesota feels that the United Nations force had a right to go in and use force to make the people of Katanga Province submit to the government of Leopoldville.

Mr. HUMPHREY. No; I think this is the point where we must decide whether the tactics applied were appropriate or proper tactics.

Mr. DODD. No one disputes these facts. I do not know of any person who says that what I have said is not so. There had been no previous trouble in Katanga; it was a peaceful country.

Mr. HUMPHREY. The only trouble was that they wanted to be a separate country.

Mr. DODD. They were a separate country. That is how we became an independent country. What is wrong with not wanting to live under the government of the Communist Gizenga? The man who is really running that government is not Adoula; it is Gizenga.

Mr. HUMPHREY. The man at the Belgrade Conference was Adoula.

Mr. DODD. I do not care where he was; but the man who controls the government is the man who appoints the commander in chief of the army, the minster of interior, the minister of justice, the ambassador to the United Nations——

Mr. HUMPHREY. The man who appoints the ambassador to the United Nations is the prime minister.

Mr. DODD. He is Mr. Gizengas' appointment; and Mr. Gizenga is a Communist.

Mr. HUMPHREY. The man who appoints the secretary of defense and the other officers of the government is the prime minister. It is a coalition cabinet.

Mr. DODD. It is Gizenga. He is a Communist. He was trained in Prague, Czechoslovakia, which we all know is a Communist puppet state. Gizenga is not the only one. I know who those other people are and who appointed them. I was reporting it as a fact, and I assumed everyone else knew it to be a fact. As for Khrushchev's denunciation, it is interesting that we quote Khrushchev when it serves our purpose, but——

Mr. HUMPHREY. Not at all. This is a two-way street. All I am trying to say is that, considering the difficulties in which the U.N. finds itself, and the unmerciful, unbelievable blows which the Khrushchev Communist stooges are striking at the United Nations, I do not wish to land another blow on that weary body.

Mr. THURMOND. Considering the fact that the United Nations is supporting the Gizenga government, which has in it all those Communist appointees which the Senator from Connecticut has named, does the Senator from Minnesota still not wish to attack the United Nations?

Mr. HUMPHREY. I prefer to back the United Nations until facts to the contrary are known, so as to demonstrate that it is wrong. Thus far we have heard allegations, not facts.

Mr. THURMOND. But suppose the Senator from Connecticut [Mr. DODD] was correct when he stated:

> So here we have a so-called coalition government in which the Vice Premier, the Minister of Justice, the Minister of the Interior, the commander in chief of the Armed Forces, the Minister of Defense, the Ambassador to the United Nations, and the administrator of Katanga Province are all either proven Communists or hand-chosen designees of Antoine Gizenga, the No. 1 Communist of the Congo.

That means that the so-called coalition government is in fact Communist. Does the Senator from Minnesota still want to back the central government there, under those circumstances?

Mr. HUMPHREY. No, I would not want to back the government if it is a Communist government. But I say most respectfully that I do not accept the judgment of the Senator from South Carolina as to who is a Communist; that should be manifestly clear. I think the Government of the United States is more competent than is any one Senator to determine whether the government of the Congo is Communist.

Mr. THURMOND. I am not saying who is a Communist; I base my statement on what the Senator from Connecticut said. He has the facts. I would rather trust his judgment—because he is an expert on and student of the subject—than I would the judgment of the Senator from Minnesota on that particular subject.

Mr. HUMPHREY. I did not make that judgment. I said I am of the opinion that the Government of the United States, headed by President Kennedy, with the assistance of the FBI, the CIA, the State Department, and the Defense Department, is possibly a little better able to judge whether the Congo government—whatever its nature may be—is a Communist government or a Communist-sympathizing government than is the Senator from South Carolina or myself. Surely I include myself; I do not claim to have clairvoyance.

I only say that our Government supports the United Nations and the action the United Nations has taken thus far; and I want to give the United Nations the benefit of the doubt until the questions raised by the Senator from Connecticut are answered. In the meantime, I wish to commend him for raising the questions.

Mr. THURMOND. Then when the Senator from Connecticut is proved to be correct, I assume that the Senator from Minnesota will agree with the position the Senator from Connecticut takes.

Mr. HUMPHREY. Of course.

Mr. DODD. Mr. President, I wonder whether the Senator from Minnesota recalls that the Belgrade Conference indicated that it would accept Adula only if he was accompanied by Gizenga.

Mr. HUMPHREY. Of course that indicates that Adula is a good fellow.

Mr. DODD. No; it means that Adoula is being held on Gizenga's leash.

Mr. HUMPHREY. That is a matter of individual opinion and point of view, of course.

Mr. DODD. Yes, one would go around and around on this.

I wonder why the Senator from Minnesota believes that the United Nations had authority to require a centralized government in the Congo. I understood the Senator to say that under a United Nations resolution it is necessary that there be a centralized government in the Congo. But I do not believe there has been such a resolution.

Mr. HUMPHREY. I may be in error, but I believe that is under a resolution adopted in February of this year—a resolution which strengthened the action of the United Nations in the Congo. The Senator from Connecticut may recall that we were very discouraged about the weak-kneed action of the United Nations in the Congo.

Mr. DODD. Yes, I know that. But my point is a very simple one: I think it is of importance only because we were engaged in debate, a little while ago, in regard to this matter; and I understood the Senator from Minnesota to state that there was a United Nations resolution which called for a centralized government in the Congo, as opposed to a federated government in the Congo.

Mr. HUMPHREY. That is my understanding.

Mr. DODD. But I do not think there is such a resolution.

Furthermore, I understood the Senator from Minnesota to say that another resolution, or perhaps the same one, authorized the United Nations to use force to establish unity under the centralized government. But, again, the resolution says nothing about the use of United Nations force to establish such unity. It refers to the use of force to maintain law and order. And that is vastly different.

If my understanding is correct—and I say to the Senator from Minnesota that, as he knows, I have great respect for his intellectual ability and for his ability in many other ways—would not he be inclined to change his mind considerably if he were to find that there is no such United Nations resolution and that it does not provide that force is to be used to establish unity in the Congo Government, but that, instead, the resolution provides that force is to be used only to preserve law and order? Would not the Senator from Minnesota then change his mind?

Mr. HUMPHREY. I would be very deeply disturbed—as I am—over the United Nations action in Katanga.

Let me say this debate developed at a time when I did not have any documents with me. I have read the press accounts in regard to this matter. With all respect, I must say that the press seems to have two points of view in regard to it, and it all depends on what newspaper one reads. If one reads the Manchester Guardian, one of the great newspapers of the world, he finds one point of view presented; but if one reads the London Daily Telegram, one finds another, and entirely different, point of view presented. One supports wholeheartedly the action of the United Nations; the other condemns it with equal vigor.

Here, again, I believe we need to obtain the facts. I joined in the debate only so that it would not seem to be strictly one sided.

Mr. DODD. The Senator is very effective at that.

Mr. HUMPHREY. I joined the debate in order to sound a note of caution, because I do not want the United States to seem to be strictly critical of the

United Nations at one of its moments of crisis. If it is found—after the facts are in—to deserve criticism, I will join in that criticism, as I have before.

Mr. DODD. Then I think we are saying the same thing.

Mr. HUMPHREY. The Senator from Connecticut is a great lawyer, and he has been a great judge; and he knows the rules of evidence and the rules of court procedure.

Mr. DODD. I do not deserve that compliment, I am sure.

Mr. HUMPHREY. Yes, Mr. President, the Senator from Connecticut does deserve it.

Mr. DODD. I understand the Senator's position and his viewpoint. Certainly I do not wish to be fulsome about this matter. But the Senator from Minnesota does know that I have a great deal of respect for him and that I admire him and that I have sought his opinion on many occasions, about many different matters. But I hope he will—himself—take a look, for he has a rare capacity to grasp the facts. His capacity to comprehend them is greater than that of most men. So I ask him only to take a look. I have nothing to sell, and I have no case to make, other than the case for decency and justice. That is the only reason why I am on my feet. Certainly I could find a better way to spend this Saturday afternoon than to work on matters of this kind, and I am sure other Senators could, too.

I have spoken because I feel that the actual facts have not been obtained by the responsible authorities, because I fear a repetition of the China situation and the Cuba situation and the British Guiana situation, and because I am deeply distressed about these matters.

I wish others would also try to ascertain the facts; and I shall be the first Member of the Senate or the first person in this land to say that I am wrong if I am proved wrong. I have no pride in regard to what I have said here. But I deeply and truly believe it to be true.

Mr. HUMPHREY. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I yield.

Mr. HUMPHREY. Let me say that I wish to have this debate end on a note of very sincere respect and friendship for the Senator from Connecticut. I cherish his friendship, and he knows that; and I am among the many Members of the Senate who have great regard and high respect for his courageousness, his fearlessness, and his dedication to our country.

I say most respectfully to him that my purpose in joining in the debate this afternoon was, in a sense, to sharpen the debate. I am deeply concerned about the problems our country faces. No one is more heartsick about the tragedy of Cuba than I am. I intend to speak this afternoon about what I believe will be another tragedy for our country, unless something is done about it; I refer to the atomic testing the Soviets are engaging in. I think we must be alert to such situations, when literally our very lives hang in the balance.

I say that if this debate has done nothing more than to precipitate an honest and far-reaching inquiry into the problem now facing us in the Congo and into our Government's policy in regard to the Congo, whatever may be the scratches or barbs either of us may have suffered in this brief exchange of words will be of little or no consequence.

The important thing is, Do we add something to an understanding of the problem?

I again salute the Senator for his fearlessness, and, above that, for his willingness to get up and speak out. I heard one of our friends here quote from Voltaire, and say, "I may not agree with what you say, but I will defend unto the death your right to say it." I believe much of what the Senator from Connecticut has said and will defend to the death his right to say it.

Mr. DODD. I thank the Senator.

Mr. President, the Foreign Relations Committee could handle this problem. We have an excellent committee and an excellent Subcommittee on Africa. I am privileged to serve on it. My real purpose in offering the resolution was to dramatize the situation and call it to the attention of the Senate. I thought, if we could get a resolution before the Senate, perhaps we might draw support from all segments and get some action.

Mr. HUMPHREY. The Senator has done well.

Mr. DODD. If I can get the Senator to take a look at the situation, this is indeed a good day.

Mr. HUMPHREY. I will join the Senator in the effort to call before the Foreign Relations Committee officials of the Government who have the responsibility, both in the State Department and elsewhere, for our Congolese problems. I think we ought to have an executive session to determine what the facts are.

Mr. DODD. I am proud of the fact that the Senator from Minnesota has joined in this debate. I want him to understand very clearly that my criticism is not directed at the President of the United States. I do not believe the President can know things like this. He has heavy burdens. He is carrying those burdens ably. My complaint was about those at the levels where the preparatory work is done. I think that is where much of our trouble comes from. I said that earlier, when the Senator from Minnesota was absent from the Chamber. I think we should see to it that the Secretary of State and the President are given the right information. They are great men, and if they have the facts I trust them to do the right thing. I want to strengthen the hand of the President, of the Secretary of State, and of the United Nations; but my life has taught me that, in the interest of strengthening good things, it is sometimes necessary to be harsh, firm, and strict, in order to prevent the good from being destroyed by the bad.

Mr. YARBOROUGH. Mr. President, I compliment the distinguished Senator from Connecticut for bringing this situation to the attention of the Senate so forcefully. My only objective is to see that justice is done in this situation. I asked to be a cosponsor of his resolution for an investigation in order to obtain the facts.

In the interest of time, I have not read all the letters I have received from the Congo, but I should like to read the last paragraph of the last letter I received from Leopoldville, dated September 7, from a missionary from my State. I received it on September 14. He said:

> We fly up and down the land of Katanga, building our own airstrips at mission stations, and intermediate airstrips at villages we serve, all with the complete approval and help from the Government. We cannot even return to the Central Congo to our mission stations because there is still not law and order up there. We would like to go back into that area, but there are no U.N. troops there to secure our presence there even if we did go back. All of the U.N. troops are down in the Katanga—where it has law and order and thus jeopardize none of their troops while on their paid vacation. If the U.N. does not leave, then anything can and will happen. The Katangese will never join the central government of the Congo.

He was speaking of voluntarily joining, not as a result of attacks.

I deplore the attacks of enemies on the U.N., but the worst blow the U.N. has ever suffered has been the result of its own aggressive action in Katanga. I think we ought to have an investigation to ascertain who is responsible for what has happened in the Congo, in this armed aggression against Katanga.

As I stated in the beginning, I am no expert on the Katanga, the Congo, or Africa. I have joined in this resolution in an effort to seek the true facts.

Mr. DODD. I thank the Senator.

REPORT OF INSPECTION TRIP IN TEXAS ON THE DESTRUCTION CAUSED BY HURRICANE CARLA, WITH RECOMMENDATIONS FOR FUTURE

Mr. YARBOROUGH. Mr. President, while all the estimates are not in, enough has been reported from responsible sources to indicate that the damage from Hurricane Carla in Texas will exceed $\$1\frac{1}{2}$ billion.

While in Texas this week, I received detailed estimates from the officials, including engineers, of Galveston, Texas City, Galveston County, and other cities in Galveston County. Their estimate is that there has been $200 million worth of damage in Galveston County alone.

Agricultural leaders estimate $100 million in crop damage, with a large portion of the rice crop ruined and heavy losses from cattle drowned in the pastures.

With the Galveston County and agricultural losses totaling $300 million, I think a $500 million loss a modest estimate, which is likely to be raised as the receding waters reveal new damage to homes and businesses, just as the receding waters are revealing new deaths from day to day.

Mr. President, last Wednesday I went to Texas to inspect the damage caused in Texas by Hurricane Carla. I returned to Washington at 6 a.m. today. While there, I visited and inspected the gulf coastal area from Port Arthur to Corpus Christi. I made on-the-ground inspections of Port Arthur, including Port

Acres, Groves, Galveston, Texas City, Freeport, Lake Jackson, Victoria, and Corpus Christi, and flew low, near the ground, in a small light plane and made visual examination of Port O'Connor, Port Lavaca, Matagorda, Edna, Kemah, Seabrook, Hitchcock, La Marque, Dickinson, La Porte, Rockport, Palacios, and other cities, towns, villages, farms, and ranches. I also visited Beaumont and Houston.

Some cities and counties have completed their estimates of the monetary damage done, but most have not. But no calculating machine, electronic brain, or engineer's slide rule can compute the human misery, suffering, and pain that the most devastating hurricane in our history has caused this area of the gulf coast.

While other disasters in Texas—the Galveston flood, the Texas City and New London explosions—have cost more lives, this disaster has hit and worsened the lot of a far greater number of families than any other. In terms of property damage, nothing in our history even remotely compares to Carla's destruction.

The tides and waves from the hurricane were higher than those in the Galveston disaster of 1900. A tidal wave 15 feet high rolled inland into Galveston and Brazoria Counties. Unable to break through the seawalls in front of Galveston and Freeport, the waters went many miles inland, then returned in a great wave from the rear, like a flank move and an end run, and overwhelmed 11-feet-high levees at Freeport, which had been built miles inland. Pouring over the low seawalls and levees in their rear, the salt waters of the gulf poured into thousands of homes, from a few inches deep up to the eaves of the roofs, buckling floors, ruining furniture, and wiping out the savings of a lifetime of tens of thousands of families.

At Texas City there was a similar action of the tides, and 15,000 homes in Texas City alone had salt water stand in them for days, at from 2 to 7 feet deep, depending on the location of the house. Through many blocks, I drove in Texas City and Freeport, and saw families in tragedy and courage, with the remnants of their ruined furniture dragged from their homes in their efforts to dry it out and salvage some of it. In Port Arthur we met similar views. We saw fine oak floors buckled and ruined, and saw foundations undermined in the sandy coastal plain, first by the moving salt waters and then by the standing salt waters. Yesterday water was still up near the eaves of many houses in Port Arthur, and water was several feet deep in many houses in Freeport.

Most of the city of Port O'Connor has utterly vanished. Many of the homes at Port Lavaca have disappeared, including all types, from the small, old, weak frame structures to the most modern structures. All that can be seen are the foundations where the houses once stood.

The heart of Galveston was hit by an offshoot tornado from Hurricane Carla. Stores and homes were splintered into fragments, cloven in twain, rolled up like rolls of wire, smashed down flat, turned up on the side, twisted like corkscrews or wrecked in other indescribable ways.

We went through that city block after block. Here the homes were demolished by the tornado force, though they had stood against the force of the Galveston hurricanes of both 1900 and 1915.

This hurricane has taught us some very valuable lessons. Extended and higher seawalls at Port Arthur, Texas City, Galveston, and Freeport would have prevented most of the damage done to the homes, to the businesses, and the great industrial plants located in this great industrial area. Those great plants—some of them worth hundreds of millions of dollars each—have likewise suffered damage.

Insurance against damage caused by rising waters is needed. Insurance is not now available to protect from damage caused by rising waters alone, unaccompanied by tornadoes or winds or other forces. It cannot be purchased. It is not on the market.

I propose a Federal agency to make such insurance available all over the country, for damages resulting from rising waters, whether from rivers, lakes, or the sea. This would be somewhat comparable to Federal crop insurance.

In 1957 it was my privilege to preside over hearings on the Weather Modification Act, which was finally passed by the Congress, for basic and applied research in weather modification. We are at the threshold of great discoveries in weather modification. I advocate stepped up research in weather modification. With all our efforts turned to it, it is within the realm of scientific and engineering possibility, so the scientists and engineers say, to modify hurricanes at or before the time of their formation, and thus greatly decrease their force and hold down their destructive power.

We have also learned from experience with this hurricane that we need more self-contained local disaster organizations, to supply relief with medicine, water, food, and power supplies for certain hospital and other centers in a building, or in a city or town, which would enable such unit to be self-sustaining if cut off in a disaster.

We also need to build and to better organize a preplanned line of retreat from all areas which might be affected, whether by natural or manmade disasters.

Out of our great human tragedy, the loss and destruction resulting from Hurricane Carla, we should learn and apply lessons which will be of great benefit in the future in any national disaster, whether it be natural or manmade.

Hurricane Carla was not merely a local or regional or State disaster, it was a national disaster, and the losses transcend State boundary lines. The hurricane swept across this country from the South to the North.

SAM RAYBURN ELECTED SPEAKER 21 YEARS AGO—SERVES TODAY

Mr. YARBOROUGH. Mr. President, today marks the 21st anniversary of the first election of SAM RAYBURN as Speaker of the House of Representatives. He has now served as Speaker of the House of Representatives more than twice as long as any other man in American history. He has more than doubled the longevity record of his closest competitor, the renowned Henry Clay.

Ten times the Members of the House of Representatives of the U.S. Congress have elected SAM RAYBURN, Speaker. The beloved "Mr. SAM," "Mr. Speaker," and "Mr. Democrat," as he is variously known, has become an institution in his own lifetime. His 48½ years in the House of Representatives make his record of service there the longest in American history.

As one of the most powerful of American legislative leaders during the administrations of Presidents Roosevelt, Truman, and this first congressional session of President Kennedy's first term, he has been an avalanche of power in nearly all of their reform movements.

This Tennessee born, Texas reared, son of a Confederate soldier has been the legislative tactician who has been responsible for writing into the law of our land more New Deal, Fair Deal, and New Frontier proposals and reforms, than any other American. His stamp is on our laws; it is a stamp of economic betterment of the average American family. That is his true glory; his great honor.

Mr. HUMPHREY. Mr. President, I join with the Senator from Texas in saluting the great Speaker of the House of Representatives, whom the people of this country affectionately salute as "Mr. SAM," and always address as "Mr. Speaker." His record of public service is a standard which will for years and generations to come challenge public officials to do their best.

I join the Senator in wishing the Speaker, Hon. SAM RAYBURN, good health, many more years of public service, and many more years of happiness.

Mr. YARBOROUGH. I thank the Senator for those kind remarks about the beloved Speaker.

NEGOTIATIONS ON NUCLEAR WEAPONS TESTING

Mr. HUMPHREY. Mr. President, I take the time of the Senate now to say a few words with reference to the Soviet negotiations on nuclear weapons testing. I have done some research on the question of Soviet pronouncements on atmospheric nuclear tests and related these pronouncements or statements of Soviet leaders to the facts of today.

With the resumption of nuclear testing by the Soviet Union, the cause of peace was given a very severe setback. Humanity suffered a cruel blow. It is my view that the men in the Kremlin have literally launched a war against humanity and have launched a ferocious campaign against the free nations of the world, based upon terror, blackmail, and threat.

Every one of us is deeply distressed by this situation. Our own Government has expressed its deep concern over the future and the possibilities for peace, not

only because of Berlin and the so-called central European crisis, but also because of the aggravation of that crisis by the terror tactics being employed by the Soviet Union, as witnessed by the resumption of nuclear tests.

Mr. President, on October 31, 1958, at Geneva, the Geneva Conference on the Discontinuance of Nuclear Weapon Tests convened. Negotiations took place after an exchange of notes between the Governments of the U.S.S.R., the United States, and the United Kingdom. The 340th meeting was held on September 9. The Conference is in recess until after the United Nations General Assembly.

During the past year our Nation has made redoubled efforts to arrive at an agreement with the Soviet Union to suspend further nuclear tests. We have presented a draft treaty which would give firm agreement, if ratified and signed. We made one concession after another to meet Soviet objections. Every effort we made was rebuffed. Every effort we made was turned down.

I was of the opinion that the Soviet Union was seeking to drive this country into the precipitous action of renewing nuclear tests first. I still think that was what the Soviets were attempting to do. We did not yield to that temptation, despite the pressures placed upon the President. Finally Mr. Khrushchev determined to resume nuclear testing without any advance warning. It is now very clear that the Russians had made very careful preparation for such tests. It is clear they had made such preparation because they were able to test within only a few hours after the announcement of their intention to resume nuclear tests.

At the time of the announcement the question was asked, "Why did the Soviets do this?" Some said, "How could the Soviet Union announce the resumption of nuclear tests when there is to be a meeting of the so-called neutral or nonalined nations at Belgrade, Yugoslavia?"

There were those who said, "Will not this announcement on the part of the Soviet Union cause the neutrals to turn against them?"

Others said, "Is this not unbelievably bad politics?"

Everyone was looking for a reason. I think the reason is quite obvious. Mr. Khrushchev was determined, first, to improve the technology and the sophistication of nuclear weapons in the case of the Soviet Union. He was under considerable pressure, as was our President, from his military leaders and scientists to renew the tests.

It is only through tests that weapons can be perfected. So the Soviets made the choice.

Long wanting to resume the tests, hoping, I am sure, that we would be the first to break the self-imposed moratorium on tests, the Soviets finally ran out of patience and decided to make the break on their own.

But, more significantly, I am of the opinion that the Soviet Union made this particular decision at the time it did because their action was a part of the policy of the application of power, the use of brute power and terror as an instrument of foreign policy. Persons who think as those in the Western nations do, believed that the fact that the neutral nations were gathered together at Belgrade would have acted as a brake upon a decision to start testing. But we do not seem to comprehend what I call the politics of shock, which is another way of saying the politics of power, which the Soviet Union has applied again and again.

The Soviet Union employed the politics of power in Hungary. It suppressed its own people after its own revolution. It has never been unwilling to use brute force as a demonstration of political power and determination. Everything that Mr. Khrushchev has been saying and doing in recent months, particularly since he served notice that he would sign a separate peace treaty with East Berlin, has been based upon crescendo and the ascendancy of power. He speaks with confidence, almost arrogant confidence. Every movement, every word and statement indicates complete confidence in the power of the Soviet Union. Whether that power is as great as Mr. Khrushchev indicates, he seeks to project the image of power and, indeed the fact of power. He boasts of putting men into orbit and into outer space. He boasts of the two firsts of men into orbit, a sputnik, the fantastic achievements of Soviet science and space, outer space activities, and space science. All this is a part of the Soviet pyramiding of power.

Then comes Mr. Khrushchev with the open atmospheric tests at the time when the neutrals are meeting, at the time when the foreign ministers of the Western Powers are meeting, and almost with complete disdain of world opinion; but by the naked use of power, he established his strength for the world to see.

That is an ugly, rather horrible way of doing things. But this is a totalitarian methodology. Mr. Hitler knew how to use power, and he used it without fear. He used it without concern for moral values or without concern for human beings. Nations that have secret police that can sweep down in the middle of the night upon the wrong people do not hesitate to use instruments of power on other people, or at least the threat of power.

I think we can summarize and say that Mr. Khrushchev entered upon atomic testing for two reasons. The first was scientific and military, indicating that the Soviets were behind us, seeking to catch up with us, or to gain an advantage. The second was the politics of power being demonstrated for the world to see, friend and foe alike, without any regard to what anybody might think of it, the premise being, I suppose, that if one nation has the power, people will either fear or respect the nation which possesses it.

It is very interesting to note what Mr. Khrushchev has said about atomic tests in the past. I have done a little research on this question. I believe that the journals of public opinion would do a great service for the people of the world if they would remind the readers of their press, the listeners of their radios, and the viewers of their television as to what Mr. Khrushchev and other leaders had to say about nuclear weapons.

I read a statement of Mr. Khrushchev delivered on January 14, 1960, less than a year ago:

> Should any of the states, in present-day conditions, resume tests of nuclear arms, it is not difficult to imagine the consequences of this act. Other states which possess the same weapons would be forced to take the same road. An impulse would be given to resume a nuclear arms test race of any capacity, under any conditions, and unlimited by anything. The government which would be the first to begin the nuclear arms tests would take upon itself a heavy responsibility before the (world's) peoples.

This somber statement, made to the U.S.S.R. Supreme Soviet by Chairman Khrushchev on January 14, 1960, was in a world atmosphere considerably less charged with tension and crisis than is the case today. Yet the Soviet Union in the midst of a critical phase of international affairs has commenced nuclear weapon testing.

The Soviet leader went on:

> In this connection, I would like to reemphasize that the Soviet Government, with a view to safeguarding the most favorable conditions for the working out in the very near future of an agreement on the discontinuation of tests, will continue to abide by its pledge not to renew experimental nuclear explosions in the Soviet Union if the Western Powers do not start testing atomic and hydrogen weapons.
>
> The Soviet Union will continue to seek ways of overcoming the obstacles which arose in the course of negotiations at the Geneva Conference and will exert all its efforts to bring about in the nearest future the quickest possible conclusion of a treaty on a discontinuation of all tests of nuclear weapons for all time. We consider that there are already opportunities to achieve this if all participants strive for agreement.
>
> The U.S. President's statement says that the prospects of reaching agreement on the discontinuation of nuclear tests have, allegedly, deteriorated recently. I must say frankly that it is difficult for us to agree with this assessment. The three-power Conference has done, as has been said, quite a considerable amount of work in preparing such an agreement. The Soviet Union recently put forward for the Geneva Conference's consideration new proposals for the solution of the three questions on which substantial disagreements previously existed: The composition of a central commission, the staffing of control posts and manner of adoption of decisions by the control commission on budgetary and financial questions. These proposals by the Soviet Union, in which a step is made to meet the position of the Western States, opens a possibility for further progress in the work of the Geneva Conference.
>
> We want to stress once more that the Soviet Union firmly believes that it is essential to end all forms of tests of nuclear weapons—in the air, on the ground, underground, and underwater.

The Soviet leader in a speech delivered September 23, 1960, at the U.N. General Assembly declared:

> The Soviet Government is prepared to do everything in order that nuclear weapons tests be prohibited this very day, that these means of mass destruction be banned and destroyed.

On June 4, 1961, the Soviet Premier handed to President Kennedy at Vienna

a memorandum on "The Question of the Discontinuance of Atomic and Hydrogen Weapons," which stated in part:

The Soviet Government deems it necessary to present its considerations on the question of the discontinuance of atomic and hydrogen weapons tests. As is known, the negotiations between the representatives of the U.S.S.R., the United States, and the United Kingdom at Geneva have been proceeding for more than 2½ years. However, great difficulties still remain in the way of the conclusion of an agreement.

The Soviet Union, for its part, has done and is doing everything possible to reach agreement as quickly as possible with the United States and the United Kingdom on a treaty for the discontinuance of nuclear weapon tests. In order to remove obstacles to such an agreement, the Soviet Union, as is known, made substantial concessions to the Western partners in the negotiations by accepting a number of their proposals.

The Soviet Government's position in the Geneva negotiations is simple and clear. The Soviet Union wants nuclear weapon tests of all kinds to be discontinued everywhere and for all time. But the Soviet Government cannot and never will agree to the treaty on the discontinuance of tests becoming a scrap of paper permitting further experiments with nuclear weapons to be carried out with the object of improving them and of developing new means of mass destruction. There can be no exceptions to the treaty: all kinds of nuclear weapon tests must be prohibited—in the air, underwater, underground, and in outer space.

This was the statement of the leader of the Soviet Union, within the past year, pledging his government to the renunciation of nuclear tests. He went even much further than that in some of his statements, by pointing out that countries that conducted tests in the atmosphere were guilty of contaminating the atmosphere and jeopardizing the lives of untold millions of human beings.

I digress for a moment to ask Senators to listen to this particularly:

Then, on August 31 the Soviet Union announced it would resume nuclear tests.

In rapid succession, obviously after lengthy and essential technical preparations, the Soviet Union detonated six nuclear devices—one each on September 1, 4, 5, 6, and two on September 10.

Since then there have been three or four additional tests.

On August 31 the White House, following a meeting of the President, members of the National Security Council and congressional leaders, informed the American people that the Soviet announcement was primarily a form of atomic blackmail designed to substitute terror for reason in the present international scene. To this judgment was added the sober conclusion that what the Soviet Union is obviously testing is not only nuclear devices but the will and determination of the free world to resist such tactics and to defend freedom.

What the Soviet Union shattered beyond the repair of anyone but the Soviet Union itself was the hope, however slimly held, that the word and the assurances of the leaders at the citadel of communism might be of some value. The free world must reluctantly conclude that the Soviet Union believes it to be in her national interest and in the interest of the subversive Communist movement to negotiate in bad faith and upon the principle that the end justifies the means.

The Berlin crisis, fraught as it is with peril, may prove to be even less dangerous than the crisis of confidence which so suddenly has been thrust upon the world. As the history of human affairs unfolds—and it is to this point that we invite the attention of the leaders of the Soviet Union—it will become abundantly clear that the vital interests of the Soviet Union and its peoples can only be furthered by living in a cooperative world community rather than in a jungle of deception and naked power.

My reason for citing these comments of the Soviet leaders with respect to their testing—and of course now the United States has started its underground testing—is that I am afraid we shall witness again what we saw in 1958. I want to alert our Government leaders and the American public to this possibility.

The Soviet has conducted a number of nuclear tests of many kinds. These nuclear tests have been of the kiloton range and the megaton range. They have been tests of bombs that can be carried by manned aircraft, or warheads that will be used on rocket missiles. There is reason to believe that a goodly number of them have been for what we call purposes of the anti-missile missile. The Soviet is sophisticating and improving the technology of its weaponry. They are seeking to perfect a nuclear weapon which is smaller in size but greater in yield, limiting the size of the weapon but maximizing its explosive power, its destructive power. The reason for that is that it works better on a rocket or missile. Not only does it give greater range with the same amount of thrust of the engine, but it gives greater reliability in terms of direction and of finding the target.

One of the weaknesses of the Soviet nuclear technology had been that its nuclear warheads were large, clumsy, and unwieldy, necessitating powerful rocket engines. Those rocket engines, by their size and bulk, meant that the nuclear warhead had a high degree of unreliability in terms of finding the target.

With the new tests, it is entirely possible that the Soviet Union is perfecting a nuclear warhead that is much smaller in size, and many times more powerful in destructive power, and therefore can be placed on a rocket that is small and has less engine thrust, with it going a longer distance and with greater reliability in terms of finding the target.

These are some of the technical factors involved.

It is entirely probable that the Soviet will explode its powerful megaton nuclear weapon. They say it may be a hundred megaton weapon. If they explode it, it is probable that they will explode it in what we call outer space, proving that they can do it with powerful rockets, and also to try to get away from the public condemnation of having a weapon of that size with the unbelievable amount of radioactive fallout delivered so close to the earth.

By putting it in outer space, the Soviets will claim that the radioactive fallout has been minimized. The only military purpose of such a weapon would be to reveal to the world that there is no such thing as a hardened missile base. In other words, the present missile bases are supposed to be able to take a certain amount of nuclear power. I am not sure whether the amount is classified. I know the amount. Therefore, whatever the amount is, we have the capacity to deliver it. However, missile bases can be fairly well protected today, considering present nuclear weapons. A hundred megaton weapon could destroy what we call today our fixed or hardened weapon ICBM nuclear bases.

So the Soviet may very well want to explode one of those nuclear weapons. It goes without saying that there is no great technical accomplishment in all this. The United States has been capable for years of building such a weapon. It is essentially a terror weapon. Its military value is limited. A 25-megaton weapon would have more military value than a hundred-megaton weapon. However, insofar as propaganda is concerned and political terror is concerned, the hundred-megaton bomb fits the Soviet scheme.

This is not my concern alone. The reason I take the floor at this late hour in the evening is to warn the American people that I predict that when the United Nations General Assembly convenes on September 19, the Soviet Union will announce very shortly that it has completed nuclear tests and is prepared to stop testing. It did so before.

It will have already run through its series of tests. It will already have completed its tests in the atmosphere, its tests underground, its tests with bombs, its tests of warheads, tests in outer space, and in the atmosphere; and it will have completed the series that it feels is essential for its weapons at this stage.

Then, as if they had never tested, and coming before the world with the innocent countenance of a child, with purity of mind and soul and spirit, the Soviets will say they are prepared to sign an agreement to cut off testing for the foreseeable future. At about that stage the United States will have possibly conducted its second or third nuclear test of small weapons underground. About that point the Soviet Union will say the United States intends to test in the atmosphere, and that such testing would be a horrendous crime. I know that some will say, "How in the world would anybody believe this? How would the Soviet Union be able to get by, not with 10 explosions, but with exploding as many as 4 or 5 or 6 or 8 weapons?"

They have done it before, and they can step up those weapons tests to an unbelievable degree. Then if the Soviet Union were to say, "We are through," and start criticizing the United States for testing, our people would say, "How can anybody believe the Soviets?" There will be some who will believe that statement. Why? I do not know why the so-called neutralists took a different attitude than that which they expressed in their resolutions. Why is it they seem to knuckle under to Soviet power and terror? Why did their resolutions fail to take proper consideration of what the

Soviet Union had done in terms of atmospheric testing, threatening the very health and well-being of millions of people?

People all over the world were discouraged and disheartened by the negative attitude of the neutralists about this crime against humanity. But Soviet propaganda is clever. Soviet propaganda is not based upon explanation, but upon action. Their propaganda about the testing of nuclear weapons was based upon testing and doing the job, not upon explaining. Their propaganda when they stop testing will be as if they had never tested at all. They will go before the world as the lovers of peace and justice and will call upon the United States to join with them. Mark my words, this will happen.

What can we do about it? It is not necessary to do too much thinking to figure this out. The Soviet Union will try to take advantage of the United Nations General Assembly meeting. First, it will try to take advantage of the General Assembly meeting to bring havoc upon the United Nations itself. As I said earlier today, Khrushchev is determined to harass the U.N. into impotence. He is determined to ruin it or rule it. He is determined to do everything he can to bring the United Nations under the domination, influence, or control of the Soviet Union, or to make it an unworkable, ineffective international instrument for peace and justice.

That is why the Senator from Minnesota took the floor this afternoon to caution Senators with respect to any quick criticism of the United Nations. The U.N. is important for world peace. It does not always do what we want it to do. However, what is important is that the United Nations as of now, as of this hour, is, thank God, not a tool of the Soviet Union; neither does it stand paralyzed before the threats of the Soviet Union.

First, Mr. Khrushchev intends to try to destroy the United Nations or bend it to his will.

Second, he intends to use the United Nations as a platform to speak again to the world through his emissaries or by his own tongue.

The Soviets understand propaganda. We do not. Our propagandists and our information services are a colossal failure. The main reason is that we are not sufficiently dramatic. We are even afraid of ourselves. I hope and pray, therefore, that the President of the United States will do what I expect he will do, what I hear he may do, what I have personally encouraged him to do, as his friend and as one of his supporters, namely, to be the first speaker representing a major power before the United Nations General Assembly to outline the position of the Government of the United States for effective universal disarmament, with a total plan to lift the burden of arms to this world; and secondly by stating to the Soviet Union—and not only to the Soviet Union, but to that great world forum—that on a day certain we shall be prepared again to sit down with the Soviet Union or anyone else to negotiate an agreement for the suspension of nuclear tests. Unless we take the initiative on this problem, we shall be trapped again by Soviet propaganda.

It is imperative that the United States of America establish a frame of reference in which nuclear testing and the cessation of nuclear testing will be discussed and deliberated upon; and second, to establish a frame of reference in which disarmament will be discussed. For us to do less would be to leave Mr. Khrushchev, strange as it may seem, unbelievable and incredible as it may seem, even as he has threatened world destruction, as the voice of peace, because this man has the capacity to play both tunes at the same time. He is capable, on the one hand, by a demonstration of sheer, brute, naked force, to make the world stand in fear of Soviet power; and then, secondly, to play the other tune, or, to use another simile, to walk on the other side of the street, as if he were an apostle of peace.

Those men in the Kremlin are not bothered by consistency; nor are they bothered by what we call the neatness of Western logic. They are concerned only with their ambitions for power. Khrushchev knows that power is both physical and, in a sense, spiritual. Even as they repudiate the things of the spirit, they wrap themselves, for their purposes of power and ambition, in things spiritual. That is why the Soviet Union talks consistently, on the one hand, of disarmament, and has people throughout the world believing it means it, and, on the other hand, engages in atmospheric testing, nuclear testing, building up its arms, threatening its neighbors, threatening one country after another in a demonstration of power.

I saw in one of the newspapers published in my State, the Minneapolis Star, an article entitled "Red Scientists Eat Their Words," written by Harry Schwartz, of the New York Times. Mr. Schwartz is one of the great writers on the Soviet Union. This article merely points out what the scientists have to say about nuclear testing.

Mr. Schwartz states:

> The writings of Soviet scientists in past years provide abundant material that the West can use to support the Anglo-American appeal to the Soviet Union for an end to atmospheric nuclear tests capable of producing radioactive fallout.
>
> A typical statement available is that of Soviet Prof. A. M. Kuzin, who published an article in mid-1958 estimating that if nuclear tests producing radioactive fallout were continued "then the price paid by future generations will roughly be at the rate of 7 million lives per generation, due to various diseases caused by the appearance in the atmosphere of radioactive products of nuclear explosions."
>
> An even more prominent Soviet scientist, Academician A. P. Vinogradov, 3 years ago labeled as "criminal" radioactive contamination of man's environment. He wrote:
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> "If the means of bacteriological and chemical warfare were to be tested now, the organizers of such tests would inevitably be brought to justice."

Mr. President, I ask unanimous consent that the entire article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 5, 1961]

RED SCIENTISTS EAT THEIR WORDS

(By Harry Schwartz)

NEW YORK.—The writings of Soviet scientists in past years provide abundant material that the West can use to support the Anglo-American appeal to the Soviet Union for an end to atmospheric nuclear tests capable of producing radioactive fallout.

A typical statement available is that of Soviet Prof. A. M. Kuzin, who published an article in mid-1958 estimating that if nuclear tests producing radioactive fallout were continued "then the price paid by future generations will roughly be at the rate of 7 million lives per generation, due to various diseases caused by the appearance in the atmosphere of radioactive products of nuclear explosions."

An even more prominent Soviet scientist, academician A. P. Vinogradov, 3 years ago labeled as criminal radioactive contamination of man's environment. He wrote:

"If the means of bacteriological and chemical warfare were to be tested now, the organizers of such tests would inevitably be brought to justice. Why should radioactive contamination be regarded as less criminal?"

The authoritative Soviet magazine Mezhdunarodnaya Zhizn declared in its October 1958 issue, "The radioactive products formed after each nuclear explosion contaminate the atmosphere, soil and water. The latter is happening now, in peace time, after each test. Radioactive fallout is a grave hazard to the health of the people living today and threatens the normal development of future generations."

These and other similar statements which could be quoted were made at a time when the Soviet Government was urging cessation of nuclear tests and meeting reluctance on the part of the Eisenhower administration in this country. In that period Soviet organs and writers sought in every way to point out the most disturbing possible implications of nuclear tests and their accompanying radioactive fallout on humanity.

Since last week's Soviet announcement of the resumption of testing, such statements about the consequence of nuclear tests have been conspicuously absent from Soviet sources.

On the contrary, Soviet biologists have recently been quoted as supporting their country's resumption of nuclear tests.

Yet even in the late 1950's Soviet authorities rejected suggestions that agreement be reached for halting tests of nuclear weapons on earth or in the lower layers of the atmosphere, while permitting or leaving open the question of nuclear tests that would not create fall out because they were held underground or far out in space.

Thus in 1959 Dr. E. K. Fedorov, one of the top Soviet experts in this field, denounced such proposals as being an effort to evade agreement on ending nuclear weapons tests and to guarantee their continuation or quick resumption in one or another form and under some pretext or other. That attitude could be a precedent for Soviet rejection of the British-American appeal.

Soviet, American and British nuclear tests were suspended in late 1958 and, so far as is publicly known, none of the three powers conducted a nuclear explosion until the Soviet test announced by the White House last Friday. France, however, has conducted four small nuclear tests in that period.

Mr. HUMPHREY. Mr. President, those scientists condemn Mr. Khrushchev with their own words, and they condemn the Soviet Union, as well. I want the American people—yes, the

radio broadcasters, the journalists, the information officers, and the propagandists of every nation that loves freedom, to tell the world about these things.

I am wondering why, when the Soviets resumed their tests, we were not ready with a massive program of penetration into every country of Latin America, Asia, Africa, and the Soviet Union itself. The first people to be shocked by the resumption of nuclear tests were the Russians. They had been told repeatedly by their government about the horrors of nuclear tests. But the first people to feel the impact of the resumption of those tests were the Russians themselves.

The Washington Evening Star of September 13 published an article entitled "Russia May Be Getting Fallout From Its Own Tests." The Russians themselves are today being bathed in their own radioactive debris. The Russian scientists were, indeed, warning the world. Now the Russian people, oftentimes the victims of Soviet, Communist, totalitarian leaders, are again the innocent victims of their own leaders.

Mr. President, an article entitled "Mankind's Mounting Danger—Red Blasts Threaten Worst Fallout Peril," was written by Howard Simons and was published in the Washington Post. The article explains some of the perils and dangers from atmospheric nuclear tests. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MANKIND'S MOUNTING DANGER—RED BLASTS THREATEN WORST FALLOUT PERIL

(By Howard Simons)

The Soviet Union has set off still another nuclear blast amid growing indications that the Soviet tests will pollute the world's atmosphere beyond levels of fallout recorded after any previous series of tests.

(The U.S. Atomic Energy Commission announced yesterday that the Soviet Union fired its 10th atomic blast in the current series that began 2 weeks ago. The latest detonation was reported to be another multimegaton device of a yield equal to several million tons of TNT. Yesterday's blast—set off in the atmosphere above Novaya Zemlya in the Soviet Arctic—was the third in the multimegaton range.)

The mounting danger to mankind's future this time comes ironically from a nation that once was foremost in propagandizing the dangers of atomic testing. It also comes in the midst of an eloquent silence from many other nations whose peoples resorted to strong condemnations and street demonstrations against atomic testing in the past.

Eventually, radioactive debris from the Soviets' atmospheric tests will touch every man, his animals, his food, and his shelter—Communist, capitalist, and neutralist.

RADIOACTIVITY RISES

Increases in radioactivity—ranging from slight to considerable—have already been reported from Japan, the United States, Canada, England, West Germany, the Netherlands, Norway and Sweden, as fallout-laden nuclear clouds travel slowly from the Soviet Union eastward around the world.

Health agencies in the nations affected have reassured their populations that the slight rises in radioactivity do not yet constitute a health problem.

Whether this will be the case during the spring of 1962 is conjectural, for that will be the time when the bulk of radioactive debris will rain down upon the earth. As a result, radioactivity levels should rise sharply.

The first fallout from the current Soviet tests is expected to cause radiation levels to rise approximately five times that of the natural radiation count in the northern latitudes. The spring fallout, on the other hand, could cause a rise from 100 to 200 times the natural radiation background.

FALLOUT LARGEST IN 1959

The largest fallout ever recorded, says Lester Machta, a fallout specialist at the U.S. Weather Bureau, washed down in the spring of 1959 as a result of Soviet Arctic tests during October 1958. These tests threw up radioactive fission products of an energy equal to 10 to 15 million tons of TNT. This is approximately a quarter of all the radioactive debris put into the atmosphere from all nuclear tests by all nations up to that time.

The contamination from this pollution reached such an alarming proportion in the United States that the Public Health Service undertook studies to find the best ways to divert especially contaminated food supplies, water and milk for the marketplace or from reaching the public.

There is every indication that current Soviet tests could approximate the levels of pollution recorded from the October 1958, Soviet tests. The Soviets have already detonated 10 nuclear devices, 3 of which, including yesterday's blast, were in the multimegaton range.

DANGER LEVEL FEARED

There is even greater danger, say U.S. officials and scientists, that if the Soviets carry through their stated plans to test 40-, 50-, and 100-megaton weapons in the atmosphere, the strontium 90 in wheat, milk, and other foodstuffs in the Northern Hemisphere will exceed maximum permissible levels.

Gordon Dunning, Deputy Director of AEC's Division of Operation Safety, says that scientists generally calculate that half the burst in multimegaton blasts is fission, which produces fallout, and half is fusion, which does not.

If the Soviets explode just one 100-megaton bomb under conditions similar to Russia's past testing of air bursts, Dunning says, the one bomb will produce the equivalent of 50 megatons of fallout. This would be more than half of all the world's previous fallout production.

Of course, there is no way of learning whether the Soviets have cleaned up their nuclear devices since October 1958, when they exploded the dirtiest of nuclear bombs. Premier Nikita S. Khrushchev, in reply to President Kennedy's and British Prime Minister Harold Macmillan's appeal to ban atmospheric tests, said, "The Soviet Union is taking all measures to reduce to a minimum the harmful effects of tests on living organisms."

It will be from 2 weeks to 2 months before a definite determination of what type bomb or bombs the Russians are testing can be made. It takes this long to analyze the particular matter captured from the fallout. If some U.S. agencies have this information already, they are not about to disclose it.

There is still another consideration in estimating the total fallout that will finally result from the Soviet tests. At some future date the United States may resume atmospheric testing itself, forced to do so because of the current Soviet effort.

As the Soviets continue to show disdain for mankind's future, not even the fanciful footwork of ballerinas at the Bolshoi Theater in Moscow can match the shifty maneuverings of Communist propagandists.

In September 1957, for example, Alexander Topchiev, permanent secretary of the Soviet Academy of Sciences, said, "Progressive scientists of the whole world understand that it is their sacred duty to multiply their efforts in the fight for the prohibition of atomic weapons."

NOW VISITOR IN UNITED STATES

Topchiev is now a visitor in the United States, attending the Seventh International Conference on Science and World Affairs at Stowe, Vt., where free world and Communist scientists are discussing peaceful cooperation.

Again in 1957, more than 100 top Soviet scientists representing the Soviet Academy of Sciences signed a resolution on the dangers of atomic testing, which said in part:

"It has become vitally important for scientists all over the world to warn all men of the new dimensions of the approaching danger, which threatens the health not only of those men now alive, but also of future generations of mankind."

Four years later, Pravda reported that Soviet biologists and other scientists unanimously back the Soviet decision to resume testing to "strengthen peace throughout the world."

And Khrushchev himself, in January 1960, before the Supreme Soviet, said:

"Should any of the states, in the present-day conditions, resume nuclear weapons tests, it is not difficult to imagine the consequences of this act. Other states possessing the same weapons would be forced to take the same road. * * * Should any side violate the obligations to which it has committed itself, the instigators of such violations will cover themselves with shame, and they will be condemned by the peoples of the world."

NATIONS BEGIN TO REACT

Although this condemnation has been conspicuously slow to show itself, some of those nations that have already experienced a thin blanket of new Soviet-produced fallout are beginning to react.

From Tokyo, Reuters reported that a spokesman for the Japanese Foreign Ministry yesterday called for an immediate suspension of nuclear weapons tests.

Other nuclear test developments, as reported in Reuters, included:

Oslo: A considerable increase in radioactive fallout was recorded at the Norwegian Defense Research Center near Oslo Tuesday night.

Norway will call on the Soviet Government to stop nuclear testing, a Government spokesman said.

Berlin: Rainfall Tuesday was 100 times more radioactive than during the last week.

Tananarive, Malagasy Republic: The Brazzaville group of 11 African states and Malagasy (Madagascar), ending 10 days of talks, declared they would support any proposal in the United Nations to end all nuclear tests.

The Hague: The Dutch Health Ministry said a slight increase in radioactivity had been measured over the Netherlands during the last few days, but it was not yet certain that this was a result of the recent nuclear tests.

Stockholm: Some 500 members of the Swedish Social Democratic Youth Association marched to the Soviet Embassy and delivered a letter in Sweden's first public protest against Soviet nuclear tests.

INDIAN DISCOUNTS SAFETY OF U.S. TESTS

NEW DELHI, September 14.—India's Defense Minister V. K. Krishna Menon said today the Soviet Union and the United States each conduct the kind of nuclear weapons tests they prefer.

Krishna Menon equated the Soviet tests in the atmosphere with America's plans for underground tests, implying that the United States has reasons for preferring to bury its bombs. He implied atmospheric tests would

have less fallout because they do not suck up earth and contaminate it while the American tests are potentially more dangerous because they involve the ground. He spoke to the Foreign Correspondents Association of New Delhi.

Under questioning, Krishna Menon declined to concede the Americans are going to more trouble and expense in the tests for safety's sake. Each side uses the arguments which suit it, he said.

Krishna Menon was also asked why Cuba's charges that the United States is improperly holding Guantanamo Naval Base in Cuba were included in the Belgrade nonaligned nations communique last week while other two-nation disputes were omitted.

He said Cuba was in a different class from other two-nation disputes.

"There is strong feeling in Africa about it," he said.

He said Guatemala was an example of a big nation forcing a change of government, referring to charges that the U.S. Central Intelligence Agency was responsible for the ouster of the Communist-line regime in the Central American republic several years ago. African nations are conscious of Guatemala and therefore wanted to put Cuba's charges into the Belgrade communique, Krishna Menon explained.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Tests Send Radioactive Clouds Over Red Cities," which was published in the New York Herald Tribune.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOULING THEIR OWN NEST?—TESTS SEND RADIOACTIVE CLOUDS OVER RED CITIES

WASHINGTON.—Weather scientists said yesterday that the Russians staged giant nuclear tests Sunday and Tuesday at a time when winds would waft radioactive clouds over Eastern Finland and such Soviet cities as Murmansk and Leningrad.

Dr. Lester Machta, the Weather Bureau's top expert on fallout patterns, said the Russians timed the shots in apparent disregard of wind conditions.

"It surprises the life out of us," Dr. Machta said.

On Sunday the Russians detonated two nuclear devices at their Novaya Zemlya test site in the Arctic. One was a large weapon equal in force to several million tons (megatons) of TNT. The other was in the thousand-ton (kiloton) range. On Tuesday they exploded another weapon at the Arctic site. It, too, was in the multi-megaton power range.

SOUTHWARD FLOW

Dr. Machta said a large low pressure in the Novaya Zemlya region was causing a southward flow of air from the test region. He estimated the wind speed at 30 to 40 miles an hour.

Yesterday the Soviet Union exploded two devices in the low to intermediate kiloton range, one over Central Asia and the other over the Arctic.

Most of the radioactive debris from the multi-megaton explosions would be boosted high into the stratosphere, a region of calm above the tropospheric weather zone in which the southward-flowing winds were reported. At this time of year in the North, the troposphere ends and the stratosphere begins at 30,000 to 40,000 feet.

SLOW FALLOUT

Stratospheric-fallout takes much longer to descend to the earth than tropospheric. But unless the big Soviet explosions were set off well above the troposphere, an appreciable fraction of their radioactivity would go into the "weather zone" and come down fairly quickly.

Robert List, an associate of Dr. Machta, estimated that big bomb fallout injected into the troposphere by the Russian tests might equal in amount the total radioactive debris of an atom bomb in the kiloton range. One of the Sunday Soviet shots was in this range. Presumably it put all of its fallout into the troposphere.

HAZARD UNKOWN

There was no way of estimating the hazard, if any, of the Russian explosions of the Russian and Finnish communities over which radioactive clouds may have passed.

Many scientists believe any increase in radiation, however minute, has some effect on human beings. But they have not been able to detect or measure the harm done by low doses such as come from delayed tropospheric and stratospheric fallout.

In any case, most of the radioactivity from big Soviet explosions in the Arctic will not settle to the ground until next spring, according to Dr. Machta.

Mr. HUMPHREY. Mr. President, I wish the record to be accurate and complete. An article written by John W. Finney, and published today in the New York Times, is entitled "U.S. Resumes Atom Tests With Underground Blast That Causes No Fallout—Explosion Small—Device Touched Off in Nevada Tunnel Has Military Link."

I wish to point out what the President of the United States said when the test was set off. According to the article:

In announcing the explosion, President Kennedy said the United States had been "forced reluctantly" to renew testing, because "the Soviet Union without warning but after a great deal of preparation resumed testing in the atmosphere."

The President also said that "the United States once again affirms its readiness to negotiate a controlled test-ban agreement of the widest possible scope."

I ask that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES RESUMES ATOM TESTS WITH UNDERGROUND BLAST THAT CAUSES NO FALLOUT—EXPLOSION SMALL—DEVICE TOUCHED OFF IN NEVADA TUNNEL HAS MILITARY LINK

(By John W. Finney)

WASHINGTON, September 15.—The United States resumed atomic testing today by setting off a small underground explosion in Nevada.

It was the first atomic weapons development test by the United States since October 30, 1958, when testing was voluntarily suspended by a futile attempt to reach a test-ban agreement with the Soviet Union.

In announcing the explosion, President Kennedy said the United States had been forced reluctantly to renew testing, because the Soviet Union without warning but after a great deal of preparation resumed testing in the atmosphere.

The President also said that "the United States once again affirms its readiness to negotiate a controlled test-ban agreement of the widest possible scope."

TEST CONDUCTED IN TUNNEL

The underground explosion took place at 1 p.m. eastern daylight time deep in a tunnel dug into a mesa in the Nevada desert 65 miles northwest of Las Vegas. It was described in the White House announcement as being a nuclear weapons development test of low yield.

No further elaboration was given on the exact purpose or power of the explosion. From the announcement and because of the limitations of the underground chamber, however, it seemed likely the explosive yield was well below 20 kilotons. This is the equivalent of 20,000 tons of TNT and it was the power of the Hiroshima bomb.

The announcement emphasized that the detonation had "produced no fallout." It said that "this is in marked contrast to Soviet nuclear tests in the atmosphere."

All the Soviet explosions since it resumed testing September 1 have been in the atmosphere and thus have spread radioactive debris that returns to the earth as fallout. Thus far, 10 Soviet explosions have been announced by the United States, 3 of them in the megaton (millions of tons of TNT) range of hydrogen bombs.

In ordering a resumption of tests on September 5—the date of the third Soviet explosion—the President specified that they should be conducted underground so there would be no fallout. One reason for this policy is to place the psychological burden on the Soviet Union for adding to the radioactive contamination of the world.

As United States and Soviet testing proceeds, however, the administration will be under increasing pressure to conduct some tests in the atmosphere. One such test already being urged by the Strategic Air Command is to fire an Atlas intercontinental missile with a live atomic warhead from Vandenberg Air Force Base, Calif., to Eniwetok Atoll in the Pacific to test the warhead.

The White House said today's test was the first in a series designed "to strengthen the defense of the free world." Emphasizing the military objective of the tests, the announcement said:

"The resumption of extensive Soviet testing has made this action necessary to fulfill the responsibilities of the U.S. Government to its own citizens and to the security of other free nations."

OBJECTIVES OUTLINED

According to informed sources, the new test series will have these immediate objectives:

Proof testing of recently developed tactical or battlefield warheads, such as for the Army's Davy Crockett bazooka, and development of still lighter tactical weapons with yields as low as 100 tons of TNT.

Development of lighter, higher yield warheads for such long-range missiles as the Polaris and Minuteman. Because of the limitations on the size of an underground explosion, these strategic warheads will have to be developed by projecting the information gained from smaller devices.

Beyond these objectives, the test series will be pointed at eventual development of such weapons as a warhead for an antimissile missile and a neutron bomb that would kill personnel by radiation but cause relatively little property damage.

And as in the past test series, there will be a number of experiments aimed not at any particular weapon but at weapons design.

PEACEFUL AIMS, TOO

The White House said that as the weapons program progesses the tests will be used for the indirect purposes of studying ways of improving the detection of underground explosions and the use of nuclear explosives for peaceful purposes.

Thus, the seismic shock waves produced by the weapons explosions will be studied to find some more certain method for detecting and identifying underground explosions.

One reason the United States was able to resume underground tests so quickly was that the tunnels had already been dug for nonmilitary explosions in Project Vela, the Government program on improved seismic detection methods. The weapons shots, officials said, can now serve as a substitute

for the long planned but never authorized Vela shots.

The weapons explosions can also contribute to the study of the peaceful use of atomic explosives—an Atomic Energy Commission program known as Project Sherwood—by providing information on the breakup of rock or underground storage of heat.

With today's test, the United States has announced 154 atomic explosions since it began testing in 1945. The Atomic Energy Commission has announced 65 explosions by the Soviet Union. Each side, however, is known to have conducted several tests that have never been announced. There have been 21 announced explosions by Britain and 4 by France.

The last U.S. test was a 20 kiloton underground explosion in Nevada, October 30, 1958. The Soviet Union continued testing until November 3 and then joined the voluntary moratorium that ended September 1.

The explosion was announced by the White House within minutes after it had taken place. An open telephone line was maintained between the Nevada test site and the Washington office of Dr. Glenn L. Seaborg, chairman of the Atomic Energy Commission. Dr. Seaborg, in turn, relayed word of the explosion to the President at the White House, where he was lunching with the Western Foreign Ministers.

Pierre Salinger, White House press secretary, had announced earlier that the U.S. tests would be conducted in complete secrecy, with no advance announcement or press coverage. He also said that all the tests might not be announced by the White House.

This represented somewhat of a departure from past policy on press coverage. Ever since 1952, the press has been permitted to observe at least one shot in tests at Nevada and in 1958 all the tests were open to the press. The press has also been permitted over the years to view a few of the shots in the Pacific.

Asked to explain the shift in policy, Mr. Salinger said: "It just has been determined it would not be in the national interest to announce in advance or to announce all of them."

Mr. HUMPHREY. Mr. President, it should be noted that the scientists have determined that that detonation has produced no fallout whatsoever. During this period of testing—which in itself is saddening enough—we are giving due consideration to the needs of humanity.

This morning, in its lead editorial entitled "One Voice Less," the Washington Post called attention to the tragic situation involved in the resumption of nuclear testing. I call the attention of the Senate and, in fact, the attention of the country to the editorial, which states, in part:

There ought to be a worldwide outcry against the continuation of these tests.

Indeed, there should, Mr. President.

Then the editorial states:

No great power has the moral right to put the health of peaceful people around the globe in such dread peril. This, by any rational definition, is an act of aggression against all the countries within the fallout pattern.

I ask unanimous consent that the entire editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ONE VOICE LESS

An appalling accumulation of radioactive debris has been put into the skies by the Soviet Union's 10 atmospheric tests of thermonuclear devices, and will descend, in the months ahead to poison the world's food and to imperil the health of all persons now living and the genetic integrity of all their descendants.

This is the grim scientific opinion, reported in the Washington Post yesterday. And this dreadful news is only half the story. The worst is yet to come, if and when the Soviet Union explodes the great 100-megaton bombs, 2 of which will equal all the radioactive byproducts of all atomic tests hitherto conducted.

There ought to be a worldwide outcry against the continuation of these tests. No great power has the moral right to put the health of peaceful people around the globe in such dread peril. This, by any rational definition, is an act of aggression against all the countries within the fallout pattern. Surely, the nonnuclear powers, in the United Nations, through every diplomatic channel and by every kind of appeal to the conscience of the world, should be seeking to stop the grievous and unprovoked attack upon the safety of all mankind.

War in the future may be made more terrible by the perfection of arms furthered by underground thermonuclear tests such as those the United States now undertakes; but peace itself today is made terrible by the atmospheric tests that Soviet Russia is conducting. One is a present horror; the other is a future horror which patient negotiation still may forefend.

Those who see no distinction between the two dangers are scientifically stupid, hopelessly uninformed—or Communist aligned. In any case, such apologists for the Soviet explosions, never again can speak in accents of credibility for any humanitarian cause in any forum of the world. V. K. Krishna Menon, India's Defense Minister, and its representative at the United Nations, has utterly destroyed his effectiveness in world counsels by his incredible responses to questioning at a New Delhi press conference Thursday.

In October 1957, he spoke with some force and effect when in the debate on the reduction of armaments, he told the United Nations General Assembly's main political committee:

"There is no safe level of radiation. Every explosion of a hydrogen bomb equivalent to a million tons of TNT could produce bone cancer in 1,000 people. This does not take into account the effects on children before or after birth."

He was appealing to the conscience of this country, and of all mankind, in 1956 when he angrily threatened to demand that the United States be taken before the World Court for nuclear weapons tests planned in our trust territories.

He criticized the Soviet tests in New Delhi Thursday; but he saw the Russian atmospheric tests and the American underground tests as like menaces to humanity. The Associated Press says he "implied atmospheric tests would have less fallout because they do not suck up earth and contaminate it while the American tests are potentially more dangerous because they involve the ground."

There is not one shred of scientific evidence for this assumption. Nothing in the nature of radioactive debris has escaped any underground tests hitherto conducted. There can be no explanation for this kind of mischievous, Communist-serving utterance that will leave an iota of credibility in any non-Communist audience for anything V. K. Krishna Menon may say. The most charitable inference that can be drawn from this piece of nonsense is that the military defense of India is in the hands of a scientific ignoramus. That is alarming enough. And other conclusions about these views of a man so intimately connected with the Prime Minister of India, so powerful in its military affairs, so influential in its foreign policy, are even more alarming.

The real tragedy of such misguided reactions to atmospheric testing, of course, is the destruction of one more moral restraint upon great-power thermonuclear competition. There are few enough who still speak authoritatively in the name of the nonalined people and countries. There are few enough who can be heard in the cabinets of great powers when moral issues arise. There will be one less hereafter.

Mr. HUMPHREY. Mr. President, on the day when the Soviets resumed the tests, I stood on this floor and said that the resumption of the tests by the Soviets was an act of aggression against humanity, and that it was my view that the United Nations General Assembly should be summoned into special session on that day and that we should there bring charges against the Soviet Union for that act of aggression, because radioactive fallout from the atmosphere to the extent that that will be caused by the tests the Soviets have now mounted can result in sickness, in death—in tragedy—just as much as if the atmosphere were filled with bombs and rockets delivering their fury and destructive firepower upon innocent people. The Soviet Union has committed an act of aggression not only against the other powers, including the neutralist powers, but also against the people of the Soviet Union itself.

Mr. President, in connection with that situation I ask unanimous consent to have printed at this point in the RECORD an article entitled "Russia May Be Getting Fallout From Own Tests." The article was published in the Washington Star of September 13.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RUSSIA MAY BE GETTING FALLOUT FROM OWN TESTS

It's possible that some fallout from the two latest Soviet nuclear weapons tests—the ones involving big H-bomb type devices—has blown back over Russian populated areas such as Leningrad and possibly even Moscow, Weather Bureau scientists said today.

Dr. Lester Machta and some of his associates told a reporter that world weather charts show that a low-pressure area prevailed in the atmosphere above Novaya Zemlya, the big Russian island in the Arctic region, at the time the two latest Soviet shots were fired from that point.

Unless the shots were detonated at very high altitudes in the stratosphere, Dr. Machta said, this would mean that radioactive debris at lower levels could have been blown over Russian territory instead of heading generally eastward away from Russia.

MIGHT TOUCH MOSCOW

In a low-pressure area, winds blow counterclockwise. Thus, instead of going directly eastward, any radioactive debris present in the troposphere—up to about 40,000 feet where the stratosphere starts—would be carried slightly west, then south, he explained.

Dr. Machta and his colleagues estimated that any such tropospheric debris would have passed over the northern extremity of Norway and the Murmansk area of Russia, then curved across Russia with the edge of the cloud passing over Leningrad, and over Moscow or a little to the north of it.

As to the United States, the Public Health Service said today its fallout detection station in Phoenix, Ariz., has reported an "abrupt increase" in atmospheric radiation.

But the service said the increase is "not considered significant from a health standpoint." Furthermore, it added the rise may be due to factors other than fallout.

FIGURES REPORTED

The Radiation Surveillance Center of the Health Service's Division of Radiological Health reported:

"For the 24-hour period ending 9 a.m. September 12, the Phoenix, Ariz., station reported a field estimate of 22.6 micromicrocuries of gross beta (radiation) per cubic meter of air. This compares with 9.15 for September 11; 5.9 for September 10; 3.29 for September 9, and 3.43 for September 8.

"These levels cannot be compared directly with August figures because of a changed technique adopted in order to obtain daily results more quickly since the Soviet tests began."

Federal health officials here pointed out the fallout count in Phoenix went as high as 55 during bomb tests in the fall of 1957.

Mr. HUMPHREY. Mr. President, when President Kennedy speaks as the leader of the greatest Nation on the face of the earth, I want him to let all the peoples of the world know that we are prepared to stop this; that we are prepared, as we were before, to sign an agreement to stop it, but that we are also prepared to lay the blame where Khrushchev only a few months ago said it belongs; namely, upon the nation which resumed tests in the atmosphere, which his own scientists said was a criminal act. It seems to me we have here a case which needs to be brought home even more than before to the peoples of all the world. Perhaps then the neutralists will understand.

Mr. President, speaking of those neutrals, I want it quite clearly understood that as one who has frequently stood on this floor during the last 12½ or 13 years that I have been a Member of the Senate and have defended the right of neutral countries to be neutral, I do not defend the right of any country to be neutral as regards morality. It is one thing for a nation and its leaders to be neutral in the power struggle—neutral in the sense that they do not want to be caught up in the contesting forces of the major powers. But one cannot be neutral as between right and wrong or as between decency and indecency. One is either immoral or moral—or possibly some think they can occupy a third position, that of being amoral.

Mr. President, what happened at Belgrade was, in my opinion, one of the most unbelievable, one of the most disconcerting, and one of the most depressing acts of nation-states in modern times. Some of those countries have stood for what they said was a moral position, and many a time the leader of one or another of those countries has pointed his finger at the United States or at other countries—and surely, many times, at the British and the French, condemning them for their colonialism; and many times one or another of those leaders has pointed his finger at us, and has criticized us for acts of discrimination against people in our own country because of their color. But these nations which many times have condemned nuclear tests, and which were among the first to say the nuclear bomb should be banned, and which were among the first to criticize the United States when we were testing, did not lift their voices against the Soviet Union's resumption of nuclear tests. There may be an explanation for that; and I wish to be charitable, and to afford them an opportunity to make such an explanation if there is one. But certainly the only way in which the so-called nonalined powers can be powerful is by holding to a moral position and by using good judgment on the basis of a sense of justice, not on the basis of a sense of expediency.

Mr. President, a fine editorial entitled "Unfortunately, Some Neutrals Would Pay the Atomic Blackmailers" was published in the Minneapolis Star on September 5. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

UNFORTUNATELY, SOME NEUTRALS WOULD PAY THE ATOMIC BLACKMAILERS

The United States has appropriately called the Soviet Union's resumption of nuclear tests "atomic blackmail," but, unfortunately, this modernized method of sabre rattling seems to be having its effect on some uncommitted countries.

It is true that several of the delegates at the Conference of nonalined nations at Belgrade, Yugoslavia, criticized the Soviet Union's action. Archbishop Makarios, now President of Cyprus, expressed shock at the Soviet announcement and was "still more shocked that the Soviet Union has already started nuclear testing." And Mrs. Sirimavo Bandaranaike, Premier of Ceylon, expressed regret the disarmament talks had broken down and "what is even worse, nuclear tests have been resumed by the Soviet Union."

But most of the so-called uncommitted nations—and especially those in Africa and Asia—were too much engrossed with their own problems to criticize the Soviet Union. Thus the President of Somali, a former Italian colony, condemned the small French nuclear tests in the Sahara, but did not even mention the Soviet resumption of tests.

President Tito of Yugoslavia, host to the conference, said he was surprised more by the timing of the Soviet announcement—made just before the Conference opened—than by the communique "because we could understand the reasons adduced by the Government of the U.S.S.R."

Then, to almost no one's surprise, Tito proposed a world disarmament conference as a means to halt the nuclear race. It appears now that the conference, inspired by such leadership, will indeed make a "save the peace" appeal to the big power blocs to call a truce in the cold war.

So the Soviet Union's nuclear blasts will serve at least one of its purposes: As expressed by a New York Times man in Washington, it is "to create new fears in the world that would bring pressures to bear on the Western allies to grant concessions to the Soviet Union along the whole spectrum of East-West problems ranging from Berlin to general disarmament."

In other words, the worried neutrals, fearful of Soviet might and knowing that the West—but not the Soviets—usually responds to reason, not only will urge another peace conference but then probably will support the demands of the Russians on the grounds that nothing they seek is worth war.

Under such circumstances, the Western attempt to get the Soviet Union to agree to refrain voluntarily from nuclear tests which take place in the atmosphere and which produce radioactive fallout seems to be doomed to failure.

Yet we believe that it was useful, if only for the historians, to have American delegate Charles C. Stelle also tell the nuclear test ban negotiators that "Soviet conduct at this Conference will constitute a record of the perfidy of the Government of the U.S.S.R. and of its betrayal of the hopes of mankind."

For, as he emphasized, the Soviet Union was preparing for more nuclear weapons tests even as it stalled talks on methods to ban nuclear tests. Yet the nonalined nations want the West once more to sit down to negotiate demands made by the nation which now is brandishing its nuclear weapons for all to see.

Mr. HUMPHREY. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Brokers and Prophets." The editorial was published in the Washington Post on September 13.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BROKERS AND PROPHETS

The mission of President Sukarno of Indonesia and President Keita of Mali, who conferred here Tuesday with President Kennedy, rounded out the first major effort of the nonalined nations to moderate the clash of the great powers. A companion visit to Premier Khrushchev was made earlier by President Nkrumah of Ghana and Prime Minister Nehru of India. This venture was not too auspiciously launched in the Belgrade meeting, which seemed to have a sharp perception for free-world shortcomings and a singular inability to perceive the imperfections of Soviet policy.

Even the resolutions which were laid before the President of the United States and the Premier of Russia had a somewhat unhappy coloration. The language in which the delegations of the nonalined Belgrade powers made their appeal to the Soviet Union and to the United States was the language of the broker who ventures no opinion on values involved. There are times in diplomatic affairs where this is a useful role indeed. The offer of the Belgrade states to perform it is not to be scorned.

One can wonder, however, if it is a broker that the world needs most in this crisis. One may also wonder if the role of broker is the role for which the nonalined countries are best cast. Have they another role in world affairs in which their power and influence might be greater? Is this the kind of crisis that will yield to the ministrations of a broker? Are these powers to whom the role of a broker is congenial?

These are questions that ought to be asked by those who would like to see the nonalined nations more influential. And when they are asked by such friends of the nonalined powers only one answer is possible. That answer is that, by subsequent interventions, they can if they choose to occupy a larger and nobler role.

The crisis precipitated by the resumption of unlimited atmospheric tests of thermonuclear weapons, by Soviet Russia, is one that cries out for prophets and not for brokers. It demands a voice that speaks for morality and justice, not one that whispers for compromise and accommodation. It ought to say to the great powers that the atmosphere belongs to all mankind. It ought to condemn without equivocation a radioactive slaughter of the innocents, the cruelty of which when the long rolls of the

maimed and murdered are recorded, will exceed anything that has happened in the long story of human misery.

Against such crimes, and such intended crimes, by nations however great and powerful, the nonalined nations can and should speak out. There are forces for good in every land and they ought to be summoned forth and put into the balance against the imperatives of military necessity which know no morals and know no law. If these forces are not strengthened and if they are not summoned, the great thermonuclear antagonists, driven on in dreadful and desperate rivalry, may pull us all, test by test and blast by blast, down the slippery slope into the abyss. The times demand more than cautious brokers, however honest; the times demand courageous prophets.

Mr. HUMPHREY. Mr. President, I call to the attention of the Senate the following paragraph of the editorial:

The crisis precipitated by the resumption of unlimited atmospheric tests of thermonuclear weapons, by Soviet Russia, is one that cries out for prophets and not for brokers. It demands a voice that speaks for morality and justice, not one that whispers for compromise and accommodation. It ought to say to the great powers that the atmosphere belongs to all mankind. It ought to condemn without equivocation a radioactive slaughter of the innocents, the cruelty of which, when the long rolls of the maimed and murdered are recorded, will exceed anything that has happened in the long story of human misery.

Mr. President, when the neutralist countries sent their representatives to Moscow and to Washington, to ask Khrushchev and President Kennedy to negotiate for peace, it seems to me their story and their message would have been more meaningful if they had come with a solid, moral position of having condemned the major power that broke the truce, that violated the agreement, that resumed the tests, that literally was the assassin of peace. But, instead, the leaders came and asked that only we negotiate with the Soviet Union to prevent the terrible tragedy of a third world war. Of course we are prepared to negotiate. We are prepared to negotiate honorably; we are prepared to negotiate that which is negotiable; we are prepared to sit down, as the President of the United States has stated, at any time with the Soviet Union, but not under the veil of threats or attempts at intimidation.

I wish to say that the President of the United States has conducted himself in a very courageous and very proper and honorable manner. He has demonstrated, as he said at his inaugural address, that we are not afraid to negotiate, but that we do not negotiate from fear; that we are not afraid to sit down at the conference table with the men of the Kremlin or with anyone else, but that we will not sit down at a conference table and bargain away the rights of other peoples or our own rights, nor are we going to sit there fearful of our adversary.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article, from Bombay, entitled, "Reverberations After Belgrade." The article reveals some of the thoughts which have been expressed in the subcontinent of Asia.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REVERBERATIONS AFTER BELGRADE

(By Ashwini Kumari)

BOMBAY.—Some leading political commentators here believe that both the United States and the Soviet Union are getting more "hostile" to neutral nations.

One interesting interpretation published in a leading Indian daily is that though Washington and Moscow have not disguised their "distrust" of the neutralists, "the Communists are going about it in a cleverer way, while American frankness borders on the tactless and may lead to undesirable results."

Indian newspaper correspondents have reported from Washington that the just-concluded Belgrade Conference of neutral nations has resulted in a "stiffening" of the U.S. attitude toward neutral nations. America, they say, is "extremely unhappy" that the neutralists soft-pedaled Soviet resumption of nuclear tests and did not take a forthright stand on the Berlin issue. The reference in the Belgrade resolution to the American base in Cuba—newspaper comment in India generally deplores this part of the neutralists' resolution—is also cited as contributing to American "anger."

"Neutrality seems to be on trial," reports the Washington correspondent of the Times of India. He affirms that a "reappraisal" of the administration's approach to neutralism is currently taking place.

Lengthy extracts from letters in American newspapers on the subject of neutrality are also widely printed in the Indian press and have caused bewilderment and surprise. Prominence has been given to a statement of the chairman of the Republican committee of the District of Columbia that "every dollar of foreign aid that goes from the United States to the neutralists is a contribution to our own doom."

A prominent Indian journalist stationed in the U.S. Capital said in a dispatch that "even President Kennedy appears to be moving toward the view that the foreign aid should go first to nations which share the U.S. view of the world." There is deep puzzlement at the President's statement when signing the recent bill authorizing $4.25 billion of foreign aid that it was his belief that in the administration of these funds "we should give great attention and consideration to those nations who have our view of the world crisis."

Some newspapers have interpreted the Kennedy reference to "our view of the world crisis" as an "important deviation" from his Inaugural Day speech in which he commended foreign aid as a good thing by itself. One comment heard in suburban trains, college libraries and trade union offices is that "America is deliberately blowing up the myth of aid without strings attached."

Indians are surprised as to why America should be so "touchy" about the resolutions of the Belgrade Conference when, according to them, the neutral nations have "done nothing to merit the charge of leaning toward the Soviet Union."

Many thoughtful Indians pointed out that though in his speeches welcoming Nehru to the Kremlin, Khrushchev made his contempt for neutralism clear (the Khrushchev statement that "one cannot be neutral on questions of war and peace" is regarded as a gentle thrust at his Indian guest), he was at pains to paint an impassioned picture of Indo-Soviet relations and gave the impression to the visiting Indian correspondents that Moscow is favorably inclined toward stepping up assistance to India's third 5-year plan.

There is a note of uneasiness in democratic circles here that if Washington permits the "cold war" to color its approach to foreign aid a cloud could be cast on Indo-American relations which have just been rescued from years of mutual distrust.

It is believed here that despite Khrushchev's lavish hospitality and charming speeches Prime Minister Nehru has been greatly disappointed with the attitude of the Kremlin toward the question of easing international tensions.

Qualified observers say that there is the danger that any drastic change in the American approach to neutrality, linking it to the question of foreign aid, may amount to playing into the hands of the Communists at a moment when popular sentiment in the nonalined world is restive following Moscow's unilateral resumption of nuclear tests.

It is felt here that a forthright clarification by the United States of its policy toward continued aid to the neutral needy would be a timely snub to Red propagandists and a damper to what one columnist here describes as "the irrepressible Communist confidence in Washington's infinite capacity for well-intentioned blundering."

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of President Kennedy's reply to the President of Mali and the President of Indonesia, after they had conveyed to the President of the United States the message of the Conference of the neutrals.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TEXT OF KENNEDY REPLY TO NEUTRALS

DEAR MR. PRESIDENT: I have studied with care the message from the Conference of nonalined nations which you were good enough to present in person. The U.S. Government is aware that the nonalined powers assembled at Belgrade represent an important segment of world opinion, and, especially, that their peoples share with ours a vital stake in the maintenance of the peace. In our continuing deliberations within the U.S. Government and with our allies, we will give the message from the Conference most careful consideration.

As regards the proposal that I enter into direct negotiations with Premier Khrushchev, we are prepared to use existing and appropriate channels to establish the possibility of surmounting the present impasse.

It has been, and continues to be, our policy to seek to settle our problems with others by peaceful means. We have not attempted to create crises, and we believe it is incumbent upon all responsible governments to explore all possible avenues, including negotiations at the highest levels, for mutually acceptable solutions of current international problems.

However, unless such negotiations are carefully prepared beforehand they risk failure and may lead to deterioration of the situation. We therefore feel that at a time of great tension it is particularly necessary that negotiations of the kind proposed by the Belgrade Conference not only have careful preparation but also a reasonable chance of success.

The Foreign Ministers of the Western Powers are meeting in Washington tomorrow. Next week the Secretary of State will head the U.S. delegation to the General Assembly of the United Nations. We understand Foreign Minister Gromyko will also be present. This will provide an opportunity for serious talks about Germany and other problems if the Soviet aid proves willing.

The channels of diplomacy are open for the exploration of constructive steps toward a reduction of tension. Other means are available when they can serve a useful purpose. Meanwhile, it is clearly of the utmost

importance that there be no unilateral acts which will make peaceful progress impossible.

SOLUTION HELD POSSIBLE

Given a realistic approach and a sincere desire on the other side as well as ours to reach a mutually acceptable solution, we see no reason why eventual negotiations should not be successful in coping with the present crisis. However, we do not intend to enter into negotiations under ultimata or threats. It is also clear that we do not propose to discuss either abdication of our responsibility or renunciation of the modalities for carrying out those responsibilities.

Nevertheless, we believe it possible to find a solution which can accommodate vital interests on both sides of the crisis.

The United States has carefully noted the statements in the Belgrade declaration recognizing that the Berlin and German situations are of vital importance to future developments in international relations. It has consistently been, and will continue to be, our policy to settle differences with realism and responsibility.

We would note that this crisis has been initiated by Soviet, not by American action. We endorse the declaration's reference to the rights of all nations to unity, self-determination, and independence, and its condemnation of intimidation, intervention, and interference in the exercise of the right of self-determination. We presume that these principles apply equally to the people of Germany and Berlin.

Our policies in this area have sought to respect these principles. We have absolutely no intention of resorting to force or threats of force to solve the Berlin and German problems, but we are determined to honor our commitments and are prepared to meet force with force if it is used against us.

While the United States and its allies are all agreed there must be negotiations on the problem, the Soviet Union must give indication of a readiness to engage in discussion based on mutual respect. The only conditions it has yet exhibited any willingness to consider are conditions which involve the surrender of Western rights.

The United States continues to believe that conclusion of an adequately controlled test ban agreement is a matter of greatest urgency. We wish to reaffirm, however, our belief that test ban negotiations should be resumed separately from negotiations on general and complete disarmament. The Soviet resumption of atmospheric testing has increased the urgency which attaches to the signature of a complete treaty test ban. Complex negotiation on general disarmament should not be permitted to delay the achievement of this significant step forward.

"REGRET" IS EMPHASIZED

I would emphasize again my regret that the Soviet Union has rejected the offer of the United Kingdom and the U.S. Government to halt atmospheric tests creating fallout.

Only after a searching review of vital U.S. security interests and after the utmost provocation did we announce our intent to resume underground tests. The nonalined nations may be assured of our continued willingness to negotiate an effective treaty; but, meanwhile, the national security interests of our country and of our allies in the free world must be protected.

The United States looks forward to full consideration of the test ban issue in the forthcoming United Nations General Assembly, which we hope will move the Soviet Union to abandon its opposition to effective controls and toward acceptance of a test ban agreement.

The United States is pleased to note that the participants in the recent Conference in Belgrade mentioned the importance of an effective system of inspection and control. This is the crux of the matter. It is clear from U.S. proposals in the nuclear test negotiations that the United States contemplates inspection and control procedures in the disarmament field in which the nonalined countries, as well as others, would participate.

For some months the United States has been conducting an intensive study of the problem of general disarmament which resulted in a request to Congress to create a disarmament agency. The study has also resulted in the development of a comprehensive plan for general and complete disarmament which is in the final stage of preparations for public presentation.

This plan provides for a program which will insure that the disarmament is general and complete; that war is no longer an instrument for settling international disputes; and that disarmament is accompanied by the creation of reliable procedures for peaceful settlement of disputes and maintenance of peace in accordance with the principles of the United Nations Charter.

The American commitment to these objectives goes deep. Our colleagues in the world community will not find us fainthearted in this cause.

Talks between the United States and the Soviet Union resumed September 6 in New York in a further effort to bring the two sides closer together and to work out a satisfactory disarmament forum. The proposals put forth by the United States by these talks provides for participation of nonalined countries in future broad disarmament negotiations. They also provide for negotiations under the auspices of the United Nations if the Soviet Union will agree.

The United States believes the General Assembly will have an opportunity to go into the matter since a committee on the whole exists in the form of the Disarmament Commission, which can be convened at any time.

In conclusion, let me say, Mr. President, that we found elements in the message and in the declaration which reflected a genuine desire to bring about a relaxation of tensions and which, if applied in a truly neutral and objective manner, could be of positive benefit in easing world tensions.

We respect, as always, the desire of other nations to remain nonalined. We understand with sympathy and share their passion for peace. We are, as always, prepared to cooperate with all initiatives to bring about an improvement in the world situation. We look forward to continued friendly relations with the governments and peoples participating in the Belgrade meeting.

Mr. HUMPHREY. I only hope the people of the United States will read the President's reply, and not just the headlines. One of the great sicknesses of the United States today is that we are a little headline "happy." We need to learn how to read the chapters, rather than just the titles; and to read books, rather than just articles.

Mr. President, finally, I call the attention of the Senate to an editorial in the New York Times of September 15, entitled "Our Goal: An Honorable Peace." It is to that, that I have directed my attention—the goal of this country of an honorable peace.

The first paragraph of the editorial is one of the most gripping paragraphs of editorial writing, in terms of its direct meaning, that I have read. It states:

As the pall of radioactive fallout from Soviet atomic explosions spreads around the world, the foreign ministers of the Western Big Four—the United States, Britain, France, and West Germany—convene in Washington to map out plans for meeting this Soviet strategy of terror with special reference to its immediate focal point—Berlin.

That such a meeting should be necessary at this late date is in itself a commentary on the difficulties of an alliance. Tyrants have always counted on the weaknesses of coalitions to gain their ends; but history shows that the coalitions usually "bury" the tyrants, not the other way around.

The editorial makes it quite clear that the leaders of the Western nations are prepared to negotiate sincerely and completely in terms of settlement for an honorable peace. However, it makes it equally clear that we are not willing to negotiate in the spirit of appeasement or of a false peace.

I ask unanimous consent that the editorial in its entirety be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OUR GOAL: AN HONORABLE PEACE

As the pall of radioactive fallout from Soviet atomic explosions spreads around the world, the foreign ministers of the Western Big Four—the United States, Britain, France, and West Germany—convene in Washington to map out plans for meeting this Soviet strategy of terror with special reference to its immediate focal point—Berlin.

That such a meeting should be necessary at this late date is in itself a commentary on the difficulties of an alliance. Tyrants have always counted on the weaknesses of coalitions to gain their ends; but history shows that the coalitions usually "bury" the tyrants, not the other way around.

Nevertheless, the Washington meeting faces grave and compelling tasks. The most urgent of these is to assure the defense of West Berlin as a key position in the Western defense structure. President Kennedy has just reiterated that "the position of the West and of the West Berliners will be defended," and has again warned the Soviets against unilateral acts that would "make peaceful progress impossible."

This warning can be effective only if backed by an adequate military buildup and preparation of measures short of war, including economic sanctions. The United States is doing its share; our European allies must still match our effort.

But the West proceeds on the assumption that nobody, not even Mr. Khrushchev, is insane enough to precipitate a nuclear war, whether over Berlin, over the shabby East German puppet regime or over anything that might be left after such a war. The Western Powers arm, therefore, not to wage war, but to wage peace. In Winston Churchill's words, "We arm to parley," not to parley an abject surrender to Mr. Khrushchev's ultimatum, but to negotiate on equitable terms for an honorable peace.

First contacts toward that end, to which the Russians have agreed, will be made next week during the session of the United Nations General Assembly. But the Soviets still insist that the only thing they will parley about is a "German peace treaty and a settlement on its basis of the situation in West Berlin." To counter this challenge, the West must have at least two programs. It must be able to present a genuine peace treaty draft of its own and to back it up, preferably by a personal appearance of President Kennedy before the United Nations, with a new declaration of freedom expounding the principles for which we stand. It must likewise be able to present a program of equitable accommodation over Berlin as a minimum, if larger peace discussions prove impossible at this time.

Such an accommodation cannot and will not be based on Western acceptance of a

Moscow-dictated "peace." If Premier Khrushchev does sign a separate peace treaty with his East German agents, the West cannot prevent him from doing so. Neither will it, contrary to Mr. Khrushchev's utterly false assertions, go to war over his scrap of paper. If Mr. Khrushchev makes good his promises that such a "treaty" will not mean a new Berlin blockade and will not infringe on anybody's rights or interests, the West can live with it.

Western resistance starts, however, if either he or his East German agents do so infringe; and the Western negotiators must dispel any last Soviet doubt on this point. On their effectiveness in doing so may hinge the issue of peace or war.

Mr. HUMPHREY. Charles S. Rhyne, former president of the American Bar Association, has made a very valuable suggestion to the Nation and to President Kennedy in suggesting that some aspects of the Berlin controversy be laid before the World Court. In his statement of July 25, Mr. Kennedy said:

If anyone doubts the legality of our rights in Berlin, we are ready to have it submitted to international adjudication.

Mr. Rhyne, in his address to the Federal Bar Association, suggested:

The legal issues involving Berlin should go via the United Nations to the World Court for an advisory opinion.

We are again indebted to Mr. Rhyne for his suggestion to proceed under world law and order. There are too few voices speaking out for world law and order, and all too many voices that speak out for the same type of force with which Soviet Russia speaks out—the power of force, rather than the power of peace and the noble sense of justice.

Mr. Rhyne speaks for justice, not for brute force. He speaks for law and order, not for aggression and intimidation.

I commend the former president of the American Bar Association, not only for what he is doing now, but for what he has done through the years in promoting the establishment of international law. He has led the fight for strengthening the World Court and for repeal of the Connally reservation to our joining the World Court.

A nation that bases its law on constitutional principles and upon the rule of law rather than the rule of force should be the first nation that seeks to remove from any articles of acceptance of jurisdiction of a World Court such reservations as are provided in what we call the Connally amendment.

We ought to strengthen the World Court and make it a true instrument of international justice. In fact, what we have done is make it only a symbol, rather than a living reality, of justice.

I ask unanimous consent that the editorial I have referred to be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

APPEAL TO WORLD LAW

Charles S. Rhyne, former president of the American Bar Association, has gone a step further than President Kennedy in suggesting that some aspects of the Berlin controversy be laid before the World Court. In his statement of July 25, Mr. Kennedy said: "If anyone doubts the legality of our rights in Berlin, we are ready to have it submitted to international adjudication." Mr. Rhyne, in his address to the Federal Bar Association, suggested that "the legal issues involving Berlin should go via the U.N. to the World Court for an advisory opinion."

It would be naive to suppose that the complex and far-reaching Berlin issue could be disposed of by referring it to the World Court in the same way that some domestic controversies are disposed of in the courts of the land. Some phases of the dispute do not lend themselves to legal adjudication. With Premier Khrushchev in his present mood of defying world opinion right and left, moreover, there is no reasonable probability that he would accept a verdict by the World Court or even so much as acknowledge its jurisdiction.

The adjudication of specific legal issues can nevertheless be useful in focusing world opinion and in aiding ultimate solutions. Mr. Rhyne suggested very specifically that the United States ask for a court decree "that the Khrushchev wall should be torn down." Moscow's contempt for any such decision may be taken for granted. Yet in the mind of millions of people it would confirm the illegality of the arbitrary step that Khrushchev has taken in Berlin and thus make it more difficult for him to maintain this illegal coup for any length of time.

It is of great importance that the United States continue to manifest its interest in the development of world law and international machinery of justice. Unfortunately, this facet of American policy, which has had the support of all our Presidents since Woodrow Wilson, is gravely undermined by the Connally amendment to the Senate's ratification of the World Court statute. This shortsighted reservation makes the United States the judge of whether cases involving itself shall go before the World Court and thereby confers similar self-judging rights on other countries that we may wish to bring into court. It will have to be removed before the United States can hope to make effective use of world law as an alternative to force.

RECESS UNTIL MONDAY, SEPTEMBER 18, 1961

Mr. HUMPHREY. Mr. President, under the order previously entered, as a further mark of respect and honor to the memory of the deceased Representative OVERTON BROOKS, I move that the Senate now stand in recess until 12 o'clock noon on Monday next.

The motion was unanimously agreed to; and (at 7 o'clock and 16 minutes p.m.) the Senate took a recess until Monday, September 18, 1961, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 16, 1961:

U.S. ATTORNEY

Alton A. Lessard, of Maine, to be U.S. attorney for the district of Maine for the term of 4 years.

DISTRICT JUDGE

Paul D. Shriver, of Colorado, to be judge for the District Court of Guam for the term of 8 years.

EXTENSIONS OF REMARKS

Lowell Sun Industrial Dinner

EXTENSION OF REMARKS
OF
HON. F. BRADFORD MORSE
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Saturday, September 16, 1961

Mr. MORSE. Mr. Speaker, last year the Lowell (Mass.) Sun inaugurated a unique and valuable forum to explore industrial opportunities and, hopefully, help solve industrial problems in northern Middlesex County. Last week, the second annual industrial dinner was held, once again in cooperation with the Massachusetts Department of Congress. I was among those privileged to hear an outstanding address by our distinguished Secretary of Commerce, the Honorable Luther H. Hodges. In order that I may share his remarks with my colleagues, I, under unanimous consent, include Secretary Hodges' speech in the RECORD:

SUMMARY OF REMARKS BY SECRETARY OF COMMERCE LUTHER H. HODGES TO SECOND ANNUAL INDUSTRIAL DINNER, LOWELL SUN PUBLISHING CO., VESPER COUNTRY CLUB, TYNGSBORO, MASS., SEPTEMBER 12, 1961

I appreciate, Mr. Connors, your invitation to come to Lowell, and I am delighted to join all of you at this annual Lowell Sun industrial dinner.

You know, about 100 years ago one of Lowell's most famous sons—James McNeill Whistler—came down to Washington and went to work for the Coast and Geodetic Survey, which is now part of the Department of Commerce. Whistler didn't stay too long—the truth is he got fired in 3 months—but I thought I might lend a footnote to local history by telling you his career was not without impact.

For one thing, Whistler had a habit of embellishing his coastal charts—sketching in sea serpents, mermaids, smiling whales. This had two effects: 1) it enfuriated his scientific superiors; 2) it gave us some of the first Whistler etchings, which Coast and Geodetic cherishes to this day.

Less enduring, but of even greater imprint at the time, were the drawings Whistler did on the hallway walls. These were mostly caricatures of his bosses, which he would change to suit his mood or his current opinions about them. I gather none of the bosses insisted on the preservation of this work.

Finally, Whistler made his presence felt—and I think few have ever matched him here—by his conspicuous absence. Not only did he arrive late for work, he ducked out as soon and as often as he could. He used to keep a second hat on his coat tree in the hope that his boss would think him somewhere in the building when he was, in fact, down the block, relaxing in a saloon.

Whistler so often appeared for work at noon or later that, at one point, the Coast Survey assigned another draftsman to get him in on time. It gave up the scheme, though, when both men arrived in the middle of the day.

Years after he left, Whistler got around to diagnosing his problems at the Survey. The trouble, he said, "was not I arrived too

late in the morning, but that the office opened too early."

I spent 30 years in the textile industry—all my adult business life—so I know a fair amount about Lowell. I can remember when it was called "the Spindle City," and was the greatest cotton manufacturing center in the United States. I can remember, too, back in the 1920's, when the mills began to leave, shifting southward in a migration that was to last through three decades; that was to affect woolens, worsteds, as well as cotton; and that was to change forever the economic base of this area and, indeed, much of New England.

A generation is, perhaps, too short a time for any community or region to recover fully from having its legs knocked from under it. Yet Lowell has rallied strongly, and, with more help, it might have turned the trick completely.

It has sought and won new industries and has diversified its economic structure. True, textiles are still the area's largest single manufacturing employer. But they now account for only about 12 percent of all nonfarm jobs, compared with 29 percent in 1950, and nearly all nonfarm jobs, except for service operations, 40 years ago.

Most manufacturing jobs today are in new industries—electronics, footwear, ordnance, food processing, printing, apparel. And there are more jobs than there were a decade ago. Despite the loss of 7,600 textile jobs since 1950, total nonfarm employment in the Lowell area has increased slightly in the last 11 years. Only unemployment remains implacable; since 1954 it has ranged from about 7 to 11 percent of the labor force and has not once dropped to a tolerable level.

William Knudsen used to say that "when a woman is naked, she learns to spin." But I think there is more than force of necessity to Lowell's comeback, for otherwise all mill communities would have done as well.

Here, obviously, there has been special effort, an added measure of energy, cooperation, and intelligent planning that has made a difference. Long ago you set up a development and industrial commission and backed it with funds to promote industrial employment and the construction of new plants. Some of your businessmen cooperated by forming the private, nonprofit New Industrial Plants Foundation, which built and sold three new plants with funds partly subscribed by individuals. All told, through cooperative action, you helped bring more than 50 new companies into the area, creating about 8,000 diversified new jobs to help fill the gap left by the textile industry.

I know what this effort has taken—in time, energy, and money. I know the sacrifices that have been made and I applaud you for them. By your work, you have strengthened Lowell's economy, and, just as important, the Nation's too. I think we often overlook this point—that local industrial development does contribute to the Nation's health, that the whole is made up of parts, and the whole can be no greater than the sum of those parts.

In the 8 months it has been in office, the Kennedy administration has attacked the problem of unemployment on two fronts: first, it has sought broadly to increase jobs by stimulating economic recovery and laying the basis for long-term growth; second, it has taken special steps to combat pockets of unemployment which have persisted through recession and recovery alike.

I don't mind telling you that most of us have been surprised by the vigor of the economic expansion these past few months.

Last winter, you may recall, most people figured there would be some sort of business recovery this year. But the general feeling was that the climb would be gradual and slow—saucerlike, the phrase went. Instead, we have had a sharp upturn in economic activity, a comeback that has been more V-shaped than a sensible saucer would dare to be.

What has happened shows most dramatically in the gross national product, which is the most comprehensive measure of the country's economic state. Between the first and second quarters of 1961, GNP rose nearly 3 percent, from a seasonally adjusted annual rate of $501 billion to $516 billion. This $15 billion gain was bigger than any of the increases in the initial quarter of the three previous recoveries. What is more, it carried GNP to a new record, topping the 1960 high by almost $9 billion in current dollars, and shading it even after correction for price changes.

Other figures—you can pretty much take your pick—confirm this recovery as probably the strongest since the war. The outlook now is that the economy will be running at an annual rate of $540 billion gross national product by the end of the year, and at such a level, we should eat sizably into unemployment. In fact, I think we can hope for a national rate of 5½ to 6 percent by year's end, compared with the near 7 percent we have been registering. This will still leave a way to go—even to our temporary target of 4 percent—but we will be moving in the right direction.

The surprising strength of this current recovery is largely the result of three forces: (1) A halt in inventory liquidation, which has brought production requirements more into line with consumption; (2) a rise in consumer durable purchases, particularly of autos, from the low first quarter rates; and (3) increased Government purchases of goods and services.

In addition, the Kennedy administration has stepped up the release of already authorized spending for highways and other construction, extended unemployment compensation, increased the distribution of surplus food, and speeded the payment of tax refunds and dividends on Veterans' Administration insurance. These steps were designed specifically to combat the recession, to ease the misery of unemployment and stimulate demand for consumer goods, inventories, and capital items by adding to the incomes of individuals and business firms. Their impact was felt in Lowell, just as it was in all parts of the country.

To deal with specific pockets of unemployment—areas where the rate of joblessness has been high and long-standing as in Lowell, the President proposed both area redevelopment legislation and a manpower retraining program. Congress in May passed the Redevelopment Act, and it is now being administered by the Department of Commerce through the new Area Redevelopment Administration. The manpower development and training program, which would provide $655 million over 4 years to train unemployed workers in new skills, is still awaiting final congressional action.

I understand that, just in the past few weeks, Lowell secured State approval of an overall economic development plan, which is the first step in qualifying for aid under the redevelopment program. I want to assure you now that this plan will get our prompt and careful consideration in the Department of Commerce.

The area redevelopment program, I believe, is the most significant step ever taken by the Federal Government to deal with the problem of structural unemployment—the displacement of workers that stems from technological change, industrial migration, and basic shifts in the relative importance of industries in our economy. It will be a valuable endeavor, not only for its stimulation of specific areas, but for its test of our ability to make adjustments to changing technology and shifts in marketing patterns. This sort of program has already been carried out successfully in several European countries.

To date, 663 areas—comprising all or part of 864 counties—have been designated as "redevelopment areas." Economic development plans of 25 of these areas have been submitted and approved by ARA. In addition, one community—Gassville, Ark.—has already had final approval of loans and grants totaling $160,000 to finance part of a new water system needed to help bring a new business into the area. Others will be announced shortly.

As you may know, Congress made available $300 million in loans to redevelopment areas over a 4-year period. The money is to be used to expand existing businesses, start up new plants and commercial operations, and install public facilities needed for these growth projects. In addition, the program provides grant money for public facilities and funds for the retraining of workers, subsistence payments, and technical assistance to communities.

What I want to stress here is that this program is by no means a handout. Its basic reliance is on local initiative, local enterprise, local investment. To be eligible for aid, communities themselves must prepare their overall economic development program, a step-by-step proposal of how they plan to restore permanent job opportunities. The plan must be approved by State authorities.

When it comes to loans to help industries get started or expand, communities must participate, too. Of the Federal funds, $200 million must be loaned only on a participating basis, with ARA contributing no more than 65 percent of the total cost of the projects. In actual practice, ARA's share will be considerably less than 65 percent.

In short, the redevelopment program is designed specifically to help communities, such as Lowell, that prove willing to help themselves. Further, and this is equally important, it is a program to create new employment opportunities. It does not seek to solve the problem of unemployment in one area merely by shuffling industry—and thus creating different pockets of economic misery. It is an attempt to generate added jobs, over and above those existing in the economy today.

In its new role as the "City of Diversified Industries," Lowell, I think, has great opportunities—not just to reduce employment, not just to get back on center, but to grow and absorb right here the thousands of new people who will be coming into your labor force in the next decade.

Right in your front yard, along Route 128, you have had a spectacular example of growth. In a speech in Kansas City a few weeks ago, I pointed out that much of the boom along 128 stemmed from science-oriented industry which has been drawn to the area partly because a strong science community existed in this corner of New England. I emphasized that research and development are, and will be, increasingly powerful forces in industrial development, both in terms of research laboratories and new plants. In fact, sometime during the sixties, we can expect that most capital expenditures will be by new product industries.

With your improved highways, such as Route 3 and Interstate Route 495, you should, in the future, share more fully in this science-oriented growth. Meanwhile, to the extent we are able to improve the demand for American goods by offering new products, better products, cheaper products both here and abroad, your existing industries should expand. And this includes textiles, which this adminstration has pledged to help under a seven-point program.

Now in these closing minutes let me say just a few things from my own experience in industrial development.

I think that never before has management been so interested in the health and welfare of its employees and in the hu-

man aspects of industrial location as it is today. Few businesses, indeed, will settle in a new community unless it has good schools, good recreational facilities, pleasant homes, and, in addition, is a good place to do business.

Edward M. Clark, president of Southwestern Bell Telephone Co., has said that "it doesn't do much good to have good working conditions within your plant if you don't have good conditions in which your employees exist at other hours."

This is the first thing I learned—that to attract industry communities must have and enforce good planning, provide adequate public facilities, maintain a clean city, physically as well as morally. And the second thing I found is that they must provide a good business climate.

What is a good business climate? One large company defines it to include honest and efficient government, fair taxes, a sound working relationship between employers and employees, wage rates which are fair to workers and which, at the same time allow manufacturers to compete efficiently, and community progressiveness—in short, most of the things we think of when we say this place or that is "a good town."

Finally, let me stress that there is no magic formula for building a community, a state, or a nation. It's mostly hard work, mixed with some planning, a healthy attitude, and cooperation on the part of all the people—government leaders, businessmen, labor leaders and workers, professionals, the whole rank and file of the community.

The top men must be sincerely interested, must be active, must participate—this means your mayor, your Senators and Representatives, your Governor, your State legislators, city councilmen, county leaders, your social organizations—in fact all your groups.

And you must never forget attitudes and hospitality, nor stop believing in your product, which is your city and State.

Above all you must be proud, proud and confident of Lowell, of your county and State, of this great America of ours.

Thank you for letting me be with you.

Dr. William J. Burns, Chairman of the Oratorical Contest Committee of the American Legion, Department of New York

EXTENSION OF REMARKS
OF
HON. LEO W. O'BRIEN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 16, 1961

Mr. O'BRIEN of New York. Mr. Speaker, the privilege of extending remarks in the CONGRESSIONAL RECORD affords us the opportunity, from time to time, to pay tribute to men and women of our country who contribute materially to our way of life.

Today, I should like to pay such a tribute to Dr. William J. Burns, of Albany, N.Y., who is serving his 18th year as chairman of the Oratorical Contest Committee of the American Legion, Department of New York.

On two occasions, during the last 8 years, the New York department winner has gone on to become the national champion. This year the national champion is Robert J. O'Connell of St. Helena's High School in the Bronx. There were 350,000 high school students in this year's event.

Dr. Burns wrote to me and asked that some reference to the accomplishment of young Mr. O'Connell be inserted in the RECORD, which I am happy to do.

"We are, of course, real proud of our new national champion," he wrote.

I am very sure that the young man in question will forgive me if I startle the man who wanted to honor him by inserting in the RECORD that we, in Albany, "are real proud of Dr. Burns."

Countless hours of his time have been consumed during the last 18 years in helping these young people and, through them, the Nation. I think Dr. Burns is typical of so many quiet, hard-working American citizens who give of themselves without blare of drums or sound of bugles, happy in the satisfaction of doing something for others.

Mr. Speaker, we need desperately these days young Americans who not only think straight but who are articulate enough to impress their sound thinking upon others.

The American Legion has reason to be proud of its annual speaking contest. Incidentally, the 1941 national winner was Senator FRANK CHURCH, of Idaho.

But, the Legion knows that its program is brilliantly successful because its managers include fine Americans like Dr. Burns. He has served his country well, in war and in peace. I am proud that he is a citizen of my hometown.

The William G. Goudy Elementary School of Chicago

EXTENSION OF REMARKS
OF
HON. EDWARD R. FINNEGAN
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 16, 1961

Mr. FINNEGAN. Mr. Speaker, under leave to extend my remarks, I would like to take this occasion to pay tribute to the William C. Goudy Elementary School of Chicago, one of the many fine schools of which we of the 12th District of Illinois are so very proud. The W. C. Goudy School is taking part this weekend in the Freedoms Foundation Valley Forge Pilgrimage to Valley Forge, Pa. There, Mrs. Helen van Bramer, Goudy School principal, Miss Nancy Banks, teacher, and Miss Melinda Moonahan, student of Goudy, will receive for Goudy School the George Washington Honor Medal for outstanding achievement in bringing about a better understanding of the American way of life. This award was 1 of 27 given to schools in the United States as winners of the highest school award of Freedoms Foundation at Valley Forge.

The recipients of the George Washington Honor Medal were chosen as a result of the following procedure:

First. Each year Freedoms Foundation at Valley Forge accumulates from throughout the Nation's schools outstanding expressions projects and programs which help build better understanding of the American way of life.

Second. The Freedoms Foundation selects through a nonpartisan independent awards jury the most effective and inspiring works of schools.

Third. The Freedoms Foundation then spotlights especially useful works and selects award recipients.

Fourth. Freedoms Foundation publishes and distributes programs and ideas that help in the struggle of freemen for their personal liberty and for their personal dignity against totalitarian and tyrannical forces.

I think special recognition should be given to Mrs. Hyacinth Drechney, for, as I understand it, even though Mrs. Drechney has retired, she had much to do with this outstanding work in patriotism at Goudy School. Mrs. Drechney has previously made the Valley Forge pilgrimage on two occasions when she won this honor during the time she was principal of the Frederic Chopin School and again as principal of the Minnie Mars Jamieson School.

The ICC and the Public Interest in Railroad Merger Proceedings

EXTENSION OF REMARKS
OF
HON. JOHN B. BENNETT
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 16, 1961

Mr. BENNETT of Michigan. Mr. Speaker, many Members of the Congress from all sections of the country in recent months have expressed themselves as being strongly opposed to pending railroad merger proposals as they are being handled by the Interstate Commerce Commission. Their remarks in the RECORD have incorporated many statements which have originated with, and express the opposition of, shippers, local communities, State public utility commissions, organized labor, transportation experts, and other railroads. Some railroads have stated that, if present merger proposals are approved by the ICC, they will be adversely affected so severely that they will be forced into bankruptcy and vitally needed rail services would not survive.

My own concern over the seriousness of the problem presented by the inadequate protection of the public interest existing under the present national policy governing railroad mergers was first expressed last March when I introduced House Joint Resolution 355, a resolution to temporarily suspend the authority of the Interstate Commerce Commission to approve consolidations, unifications, or acquisitions of control of railroad properties. My purpose in proposing this legislation was to give Congress time to take a new look at the problem in the light of the changed situation which has come about since 1940, when the present law was adopted.

It is certainly clear that many basic and fundamental changes have occurred

in the railroad industry since Congress last looked into this problem more than two decades ago and drastically amended the historic national policy with respect to railroad consolidations by placing the initiative for them solely in the hands of railroad management. Previously, our national transportation policy had always made it clear that the public interest was paramount. Under the Transportation Act of 1920, there was a clear requirement that railroad mergers should be permitted only when they would promote the public interest, preserve competition and the existing routes of traffic, and, in general, strengthen the industry as a whole. Recent decisions of the ICC under the amended policy adopted in the Transportation Act of 1940, however, show that the Commission has not given adequate consideration to the adverse effects of mergers upon competing railroads.

One railroad which has been particularly outspoken against the way in which decisions on railroad consolidation proposals are being handled by the ICC is the New York Central, which formally petitioned the Commission asking it to postpone action on pending merger proposals until it had looked at their impact on the future of railroad service. This request, which seems to me to be so necessary an ingredient of any intelligent action to protect the public interest that it should have been undertaken as a fundamental first step by the Commission in developing its policy toward railroad mergers in general, was, I regret to say, rejected by the Commission on grounds that the present law neither requires nor permits it to take such a long-range view.

Following the introduction of my resolution, which has since also been introduced in a similar form by several other Members of the House on both sides of the aisle, Chairman OREN HARRIS of the House Committee on Interstate and Foreign Commerce asked the Commission to report upon it for the guidance of the Committee. Under date of May 4, 1961, ICC Chairman Everett Hutchinson replied setting forth the Commission's views. This letter analyzed my resolution in detail, expressed opposition to it and then indicated that the Commission felt that the resolution was unnecessary because the timetable of the Commission was such that its action on all but two pending merger applications most likely would not be completed "prior to the close of the second session of the present Congress in 1962." Mr. Hutchinson's exact words were as follows:

> Considering the present status of the described applications, it is unlikely that a decision will be reached by the Commission prior to the close of the second session of the present Congress in 1962 upon any such applications, except possibly the two last mentioned involving the Lehigh Valley and the Central of Georgia railway companies. Thus, it would appear that Congress will have adequate opportunity to review the situation before any of the major proposals may be made effective.

Since House Joint Resolution 355 and the other similar resolutions propose to suspend the authority of the Commission to approve mergers until December 31, 1962, it was implied that this timetable made such legislative action unnecessary because the ICC did not intend to take action on pending merger applications, with but two exceptions, until almost that time in any event.

In the 4 months since Chairman Hutchinson expressed this view, however, the Commission has proceeded with its handling of the various merger applications before it at what I can only describe as an almost frantic pace. One of the most shocking evidences of this was the Commission's flat rejection of a request by the Antitrust Division of the U.S. Department of Justice for a few weeks additional time to prepare its case for the public interest in the Seaboard-Atlantic Coast Line Merger case. After several months of field hearings and a record of hundreds of exhibits running to many millions of words, the Antitrust Division requested the Commission to grant it until 30 days after the last hearing closed to permit it to study this mass of evidence and file its statement and exhibits on behalf of the public. When it is remembered that the railroads seeking merger approval had spent several years in the preparation of their case, the request of the Antitrust Division, as the agent of the general public, was extremely reasonable in my view, and clearly should have been granted. Nevertheless, the Commission turned down the Antitrust Division's request and granted it only until June 5 to prepare its case. This, as the Antitrust Division told the Commission, was obviously too short a time to permit it to examine and analyze the mass of conflicting testimony and exhibits developed at the field hearings. The result is that the record of this important proposed railroad merger—which involves the abandonment of more than a thousand miles of railroad track, the disruption of the lives of thousands of people in scores of communities, and, as the Southern Railroad has charged in its statements in opposition, the creation of "a vast monopoly" of railroad service which will adversely affect many other railroads' ability to compete—is now closed.

The Commission on other occasions recently has apparently shown a similar indifference to the needs of adversely affected railroads and others for adequate time to prepare their case in the pending proceedings. I must therefore assume that such undue haste and lack of adequate concern for full development of the public interest viewpoint in opposition to railroad mergers is a true reflection of a basic ICC policy.

Moreover, Mr. Speaker, there have been other new developments brought to light in connection with railroad mergers now pending before the Commission which cast further doubt upon the adequacy of Commission procedures at the present time. In his comments upon House Joint Resolution 355, Chairman Hutchinson in his letter of May 4, 1961, made the following comment concerning the resolution's assertion that there is currently in progress a "struggle between dominant regional railroad corporations" to gain control of other such properties without due regard for the public interest:

> To the extent it might imply that overt action has been taken by one or more railroads resulting in the power to control others, attention is called to the fact that the Transportation Act of 1940 greatly strengthened the powers of this Commission to investigate, either upon its own motion or upon complaint, any transaction which might result in the acquisition of control or the power to control one railroad by another, and its powers to enforce these provisions by ordering such action as necessary are extremely broad. The Commission has been keenly aware of the increased interest of railroad officials in possible mergers and you may be sure that it will continue to keep informed of any situations which might progress beyond mere negotiation and discussion into the realm of the power to control in violation of section 5(4) of the act. If and when this occurs, or appears to have occurred, the Commission will not hesitate to act to prevent any unlawful control.

This statement, which conveys the impression that the Commission is now diligently policing the stock purchases of various railroads, must, I think, also be questioned in view of the evidence which is now part of the official records of pending proceedings. The fact is that although, as Chairman Hutchinson says, the ICC does have considerable powers to act to prevent illegal acquisition of control of one railroad by another, the record of the proceedings in both the C. & O.-B. & O. merger proposal and in the struggle between the Southern Pacific and Santa Fe for control of the Western Pacific shows that such illegal action has been going on, even at the very time Mr. Hutchinson's letter was being written. The Antitrust Division of the Department of Justice has made formal charges before the Commission in these two cases that the railroads involved have violated the Interstate Commerce Act by actually acting to acquire control through stockownership without first obtaining ICC approval as the law clearly requires. Although I am advised that the Commission is now considering these alleged illegal activities, it certainly has been tardy in policing them. It is evident, too, from other reports of recent railroad stock purchases widely reported in the daily press that this provision of the law is being openly ignored by other railroads as they struggle to protect themselves in the mad scrambling for railroad control between rival financial interests which the current railroad merger movement has stimulated.

All recent official studies point to the need for a great expansion of our transportation capacity over the coming decade, if the needs of the national economy are to be met. No less responsible a group than the Corps of Army Engineers has estimated that the Nation will need at least double our present freight carrying capacity by 1980 and that it is probable that we will have to double this capacity again by the year 2000. With such warnings—quite different from those of the 1930 depression which shaped the thinking of the Transportation Act of 1940—it seems clear to me that the time has come when we must

reappraise our present policy of encouraging a shrinkage of the Nation's railroad network through mergers as was advocated when an excess capacity existed temporarily in a depressed economy more than 20 years ago. All the evidence now points to the fact that, rather than a contraction of transport capacity through mergers, we must act swiftly to take steps to expand such capabilities if we are not to be caught dangerously short of adequate rail transportation within a comparatively few years. Moreover, we must remember that real shortages of rail capacity during World War II showed conclusively that, if the railroad mergers advocated in the 1930's had been put into effect, our Nation would have had a near disastrous lack of rail capacity during the war years. Today's tense international situation makes the lesson to be gained from this past experience all the more significant.

For these reasons, Mr. Speaker, I do not believe that we can allow the present clearly inadequate handling of the railroad merger problem under present law to drift much longer without doing irreparable harm to our national future. Because of the developments since my resolution was introduced, as I have cited them here, I am now all the more convinced the need for immediate action by the Congress to protect the public interest in this vital matter. In order that the Congress may better understand the nature of the problems arising from the present railroad merger movement, I include, under unanimous consent, the full text of House Joint Resolution 355 in the RECORD at this point as a conclusion to my remarks:

Whereas under existing law the Interstate Commerce Commission does not have adequate authority to protect the public interest in the matter of consolidation, unification, or acquisition of control of railroad properties, since it is without power to make such developments conform to any pattern for the most efficient development of our national railroad network or to the long-range future needs of our Nation for economic expansion, national defense, and overall continuing transportation needs; and

Whereas there is now an intensive struggle between dominant regional railroad corporations to gain control of other strategic railroad properties in order to strengthen and extend their position in traffic interchange and in access to traffic producing areas without consideration of the effects of the elimination of competition and curtailment of railroad services resulting from such consolidations, unifications, or acquisitions of control on the small and weaker railroads, or on the welfare and convenience of the general public, small business establishments, shippers and industries in the respective areas; and

Whereas members of the Interstate Commerce Commission have been actively encouraging consolidations, unifications, mergers, and acquisition of control on any basis, however fragmentary and without regard for their effect upon the long-range transportation needs of the Nation; and

Whereas the Commission recently rejected an appeal from the New York Central Railroad for a suspension of mergers until it had undertaken a study to establish a proper pattern and policy for such unifications and acquisitions of control that would adequately protect the competing railroads who are now being adversely affected, or are threatened with adverse effect, if the current unification process is allowed to proceed without proper planning in the public interest; and

Whereas the comprehensive study of our national transportation problems which has just been completed by a special study group for the Senate Interstate Commerce Committee, while favoring further mergers in the industry, has nevertheless warned that the process should be halted temporarily until a proper overall plan is evolved lest irreparable damage be done to our existing railroad network; and

Whereas, consolidations, unifications, mergers, and acquisitions of control already accomplished and proposed reveal the problems of greater difficulties for weaker railroads, elimination of competition for traffic, curtailments of railroad facilities in the respective areas, and a fragmentary, negative, and adequate approach to the necessity of adjusting our railroads to the needs of a dynamic, expanding economy: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide Congress with time to review the problems arising from the present railroad merger movement, the authority of the Interstate Commerce Commission to approve future consolidations, unifications, mergers, or acquisition of control of railroad corporations is hereby suspended until December 31, 1962, and during this period of suspension of the Commission's authority in this area, the operation of provisions of antitrust laws applicable to mergers or consolidations shall again be in full force and effect.

Small Business Administration Action Responding to Catastrophe of Hurricane Donna—1960 Receives High Praise

EXTENSION OF REMARKS
OF
HON. DANTE B. FASCELL
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 16, 1961

Mr. FASCELL. Mr. Speaker, on September 9, 1960, Hurricane Donna swept across the Florida Keys. Donna was no lady. She packed a devastating punch with flattened homes and business buildings alike, played "jackstraws" with house trailers, tossed boats like matchsticks, tore up shrubbery, trees and landscaping, and her winddriven waters ruined machinery, equipment, household furnishings, personal belongings and whatever stood in her way. The main force was directed at the Keys from Key Largo to Marathon, but her side effects of wind, rain and water were felt from North Miami Beach to Key West.

After leaving the Keys, Donna roared across Florida Bay, struck full force at Cape Sable, followed the coastline north through Everglades City, Naples, and Fort Myers, then turned inland following a path over Arcadia, Wauchula and northward through the center of the State until finally on September 10 she turned out to sea just north of Daytona Beach.

In Donna's wake was the most costly destruction of property in Florida history. The stories of heroism and actions beyond the call of duty are legion. The Highway Patrol, the Sheriff's Department, the Red Cross, Civil Defense, the Navy, the National Guard, private individuals and public services all played dramatic roles in helping restore order and livability in the midst of chaos and destruction.

But this is not a story of Donna's force or the determination of the people whose homes and businesses were destroyed. Rather, it is the factual account of one Federal agency, the Small Business Administration, which without hysteria or heroics, went about its business of helping disaster victims build back to normal so that today, 1 year later, practically no visible scars of Donna's rampage remain.

The Small Business Administration is charged with the responsibility of making long-term low-interest loans to victims of natural disasters so they can restore or rehabilitate their destroyed, lost or damaged property. Almost before Donna's hurricane winds died down, SBA representatives from the Miami Branch Office under the direction of Manager James Carpenter, flew to the storm area to survey the destruction. On Sunday, September 10, while Donna still roared up the center of the State, the Keys and the lower west coast were being investigated. On Monday, the 11th, the path was followed northward, then eastward to where Donna put out to sea. On Tuesday, September 12th, it was determined what special disaster offices would need to be opened to interview victims and process the deluge of applications which were sure to come. Loan examiners and clerical assistants were recruited from all over the Southwest, the East, the Middle West and the South.

From Atlanta, Birmingham, and Knoxville they came; from Philadelphia and Cleveland; from Detroit, Chicago and Minneapolis; from San Antonio, Dallas and New Orleans. Supplies were assembled and field offices opened in Daytona Beach, Tampa, Fort Myers, Naples, Marathon and Islamorada. The nerve center was Miami with Miami personnel directing operations statewide.

In Marathon an office was set up in trailers alongside the Marathon State Bank 4 days after the storm. SBA workers took their own water from Miami because the Keys aqueduct had been broken. They joined the natives in what housing was available and their crew went to work; interviewing, helping with the application forms, inspecting damage, estimating losses and checking the credit worthiness of businesses and individuals.

Ten days after they received their first SBA loan application, the money was being disbursed for rehabilitation and repair. Donna's destruction spread over a wide area in varying degrees from Key West to Daytona Beach and in overall Florida, SBA officers interviewed 1,769 disaster victims. These were the recorded interviews, but the deluge was so great that many mass interviews were held of which no record could be kept.

In the Fourth Congressional District, which covers Dade and Monroe Counties, SBA received 482 applications, in a total dollar amount of $12,507,731. Many applications were for losses greater than

the destruction sustained. Many were for items of a personal nature that were ineligible for replacement, but in this area alone, SBA approved 395 of the 482 applications received and the total dollar amount through July 31, 1961, made available to these victims of this storm, was $5,371,576.

Many persons wanted to wait many months before they determined to rebuild. So, the Miami SBA office continued to accept applications until last June 1. Most loans were for new construction, some not yet completed, so the SBA is still closing and disbursing loans in the Keys.

Donna may be just a memory to many of the services who did a job for the disaster victims, but to the SBA Miami office employees it remains very real. In many instances, they'll be servicing the loans for 20 years to come and each month they will be reminded of the heartbreaking devastation right after September 9, 1960.

Small Business Administration Administrator John E. Horne, was formerly Administrator of the Small Defense Plants Administration, the predecessor agency of the SBA, and was for many years Administrative Assistant to Senator JOHN SPARKMAN, of Alabama, chairman of the Senate Select Committee on Small Business.

In this position, Horne assisted in the development of many legislative measures designed to aid small businesses, and gained wide knowledge of the programs which have been instituted to foster and strengthen the Nation's small business economy.

Mr. Horne's grasp of the problems of small business was demonstrated immediately by his action in assisting the residents of south Florida following Donna.

The Small Business Administration and Administrator John Horne have the heartfelt thanks and gratitude of the people of Florida for a job well done.

Citizenship Day

EXTENSION OF REMARKS
OF
HON. HERMAN TOLL
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 16, 1961

Mr. TOLL. Mr. Speaker, tomorrow, September 17, has been designated as Citizenship Day, and it will be observed by native and naturalized citizens all through our country. A special bulletin has been issued by the Immigration and Naturalization Service of the Department of Justice for the celebration of Citizenship Day and Constitution Week. This Department provided 5,000 copies of the bulletin for use by chapters of the Federal Bar Association and for other organizations cooperating with the Association in promoting Citizenship Day.

I am sure that many cities of our country made plans to observe Citizenship Day, commemorating the signing of the Constitution on September 17, 1787, and honoring our newly naturalized citizens and our native-born youths who have recently reached their majority.

I congratulate the Federal Bar Association and its officers for playing a leading role in the observance of a day which is so important in the lives of American citizens.

Religious Doctrines and Communist Doctrines

EXTENSION OF REMARKS
OF
HON. WALTER L. McVEY
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 16, 1961

Mr. McVEY. Mr. Speaker, I am baffled by some members of the clergy who have apparently confused their religious doctrines with Communist doctrines. Whether by purpose or accident, they are helping the Communist cause in America by preaching from their pulpits pleas to admit Red China to the United Nations, and also their opposition to the House Committee on Un-American Activities. This must please the Communist leaders, who disavow any belief in God, that they have succeeded in tricking God's ministers to convert about 95 percent of their audiences into believing that Red China should be recognized in the world organization.

It is significent that if these ministers are successful in both instances, they will not only open the door to Red Chinese domination of world politics, but they will also destroy one of America's greatest instruments now being used to defend itself against Communist subversion.

Ironically, communism and a belief in God are diametrically opposed to each other; but, the Communists are adept at using naive and misguided persons for their own purposes. Fortunately, the majority of our ministers have white and blue in their blood and are aware of the struggle going on today to gain control of our churches.

Perhaps the basic error in the thinking of many members of the clergy and intellectuals lies in their failure to realize that the evil of a tyrant is simply that he is a tyrant. Intellectuals are prone to ascribe good motives to tyrants on the left hand of political philosophy, and to ascribe bad motives only to tyrants on the right, when in fact, they are all evil for they seek to deny freedom to the peoples of the world.

From time to time, I receive correspondence from ministers in my district concerning this insidious subversion. In reply to one such letter from a Presbyterian minister, I stated that I was encouraged by the individual members of the clergy who are beginning to speak out in favor of American patriotism, and I made it clear that I do not wish to condemn the vast majority of the clergy who are loyal to their faiths and their country. On the other hand, I voiced my distress at the actions of the Presbyterian Church in advocating the admission of Red China to the United Nations, as well as the recent action of a Methodist youth group in my district denouncing the House Committee on Un-American Activities.

My letter was forwarded to the Board of Christian education of the United Presbyterian Church in Philadelphia, and subsequently, I received a very strong reply from Mr. H. B. Sissel, associate secretary, office of church and society, on the letterhead of the United Presbyterian Church in the United States of America. I shall enclose the full text of his letter below, but for the moment, let me state that Mr. Sissel wrote a long letter defending the position of his church in the familiar pattern long used by the so-called liberals by resorting to such terms as "McCarthy era," "professional anti-Communists of the John Birch Society" and attacking the film "Operation Abolition." Also, he included an explanation of his church's stand on the admission of Red China to the United Nations in the context of the Cleveland World Order Study Conference sponsored by the National Council of Churches.

Mr. Speaker, under leave to extend my remarks, I am setting forth herein the full text of my reply to Mr. Sissel which clearly states my thinking on this general subject. It is followed by Mr. Sissel's letter:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 13, 1961.

Mr. H. B. SISSEL,
Associate Secretary, Office of Church and Society, Philadelphia, Pa.

DEAR MR. SISSEL: I have given considerable thought to your recent letter before replying.

It was not I who said that "Communists may be attempting to infiltrate the clergy." This was the statement of a very fine bishop of the church, and frankly I do not understand how you can take issue with the bishop's statement. Everyone who comprehends the operation of the Communist apparatus knows that it is constantly attempting to infiltrate every institution of American life, and in some measure, it has been successful.

I don't believe the clergy has been infiltrated by actual Communists to any appreciable degree. The records of the congressional investigating committees, so I am informed, indicate that only three members of the clergy have been identified as one-time members of the Communist Party. One was a Methodist minister and the other two were Presbyterians identified by witnesses under oath. I am informed, however, that many members of the clergy have supported and also have been members of numerous Communist-front organizations and causes. Probably the majority joined and supported these organizations unwittingly.

I am concerned about the large number of members of the clergy who are constantly out in the frontline attacking anti-Communist organizations and congressional investigating committees.

The attitude of the congressional investigation committees concerning the Communist attempt to infiltrate religious institutions is best expressed by GORDON SCHERER, a member of that committee, during the hearings on the Air Force Manual. I am enclosing a copy of those hearings, and you will find Mr. SCHERER's statement on page 1317.

You speak of the McCarthy era and professional anti-Communist groups. I realize that Senator McCarthy made some mistakes,

but I also know that his mistakes were distorted and exaggerated beyond belief by his enemies and the leftwing crowd. The charge that he smeared innocent people's reputations and careers, as you put it, has become a "general charge without being specific" for investigations disclose that many of the so-called innocent people whom McCarthy has been accused of smearing have turned out to be just what he said they were * * * security risks.

Extreme anti-Communist groups exist largely because many people in the labor movement, in the field of entertainment, in the clergy, and in our educational institutions have associated themselves with Communist-front organizations and have loaned their names and prestige over the years to these Communist-front organizations. Many of those who now speak out against the John Birch Society and other anti-Communist organizations have remained strangely silent about the Communist-front apparatus in the United States.

A fairly prominent Protestant clergyman told me not long ago that it was his feeling that some of his colleagues were soft on communism and Communist-front operations because the Communists were giving the Catholics such a hard time. He said to me that these colleagues of his who took this position did not understand that while for the present the full fury of the Communists was directed toward the Catholic hierarchy, because of its universal control and discipline over the masses, all churches would eventually feel the intensity of the Communist lash.

You say that the Presbyterian Church is only "going along with a policy of considering" the recognition of Red China. Doesn't the church know what is happening in Red China? Red China is controlled by a clique of atheistic amoral murderers seeking to destroy all churches.

The Presbyterian clergy and all other clergy for that matter, should be out in the frontline, fighting all efforts to recognize and put the stamp of approval of the Christian church on this evil monstrosity of our time. Jesus didn't debate as to whether the evil moneychangers should be allowed in the temple. He drove them out.

The last matter you discuss in your letter of July 24 is the film "Operation Abolition." I am literally appalled that the Council of Churches and the Presbyterian hierarchy, in particular, should have injected themselves into this cotroversy and published material against the House Committee on Un-American Activities and the film "Operation Abolition." No one's fooling anybody. The leadership in the National Council of Churches and some of its constituent bodies have shown disapproval of the Committee for years, and apparently they have jumped into this fight to discredit the committee and the film in the spirit of "get even."

Over the years the House Committee on Un-American Activities has identified and exposed many Communist-front organizations. Unfortunately, too many prominent individuals in the leadership of our churches have supported, belonged to, and given their names, money, and prestige to these front organizations. The identification of these organizations by the committee has made some of the church leaders look bad, but it wasn't the committee that pointed out the clergymen who belonged to these front organizations. Rather it was laymen within the Protestant church who became sick and tired of the support of Communist-front organizations and causes by the professional leadership of the Protestant church, and it was they who put the finger on those in church leadership supporting these front organizations.

In attempting to discredit the exhaustive investigations and eyewitness accounts of the Federal Bureau of Investigation concerning the San Francisco riots, you have pointed out that the Hoover report stated that "one of the demonstrators provided the spark that touched off the flame of violence," etc. You say the Hoover report lied in this respect because the young man was acquitted and, therefore, you repudiate the whole report. The fact is, however, that the incident is recited to have taken place in the FBI report. Many times persons are acquitted who are actually guilty of the offenses charged. Occasionally, persons are found guilty who did not commit the acts charged. One of the greatest trials in all history, with which you are no doubt familiar, is that of our Savior before Pontius Pilate. I believe you would be the last to say the Jesus actually did the things with which he was charged, yet he was found guilty and crucified.

It would seem that the most reliable witnesses as to the authenticity of the film would be those individuals who were present and not identified with either side of the controversy. Would you doubt the voluntary statements of the seven ministers, who attended and were witnesses as to what took place, and who said that the film was authentic and that the charge that it was a forgery or distorted was a manifest lie? Reverend Nims, who was on the Board of the Regional Council of Churches, resigned from that board in protest of the action taken by the National Council of Churches with respect to this film. The full statements of the seven ministers and that of Reverend Nims are set forth in the attached speech from the CONGRESSIONAL RECORD, entitled "Yellow Journalism," as well as the testimony of the mayor of San Francisco and other eyewitnesses.

One of the documents which the National Council of Churches is sending out in an attempt to discredit the accuracy of the film says that the demonstrations on May 12 did not take place while the committee was in session as indicated by the film. This statement is definitely not true. The committee was in session. The National Council of Churches' document says no member of the subcommittee was in the hearing room except Congressman SCHERER who was standing at a window in the hearing room looking outside. Well, the fact is that on that date, Congressman SCHERER was incapacitated in Cincinnati, 2,000 miles away. He didn't arrive in San Francisco until Saturday morning, May 14. As long as we are talking about distortions, I thought I might comment on this little matter in one brochure of the Council of Churches.

The evidence is conclusive that the film of the San Francisco riots has hurt the Communist conspiracy within the United States as nothing else has done in many years, and it has set back their timetable for destruction of the House Committee on Un-American Activities; therefore, the Communists have tried to divert the attention of the American people from the real issues and discredit this film. For one thing, I do not know why the Council of Churches, except if it were to get even, as I pointed out above, has entered this controversy. I am shocked that they have inferred that members of the clergy who were eyewitnesses to this rioting, are not telling the truth as to the accuracy and authenticity of the film. The National Council of Churches is most certainly helping the Communists in their attempt to discredit this film and they are doing so without any justification whatsoever.

I know hundreds of laymen who are disgusted and disheartened with the policies of our church leadership and are of the opinion that we had better return to preaching basic morality in the churches, sermonizing on the goodness and omnipotence of God and man's relationship to God and his fellow men, instead of doting on so-called social justice and trying to get our people to follow a left wing political philosophy, and becoming involved in a brawl over a Communist-inspired riot, again finding ourselves in bed with the agents of the Kremlin.

Sincerely yours,

WALTER L. MCVEY,
Member of Congress.

P.S.—Shortly the Committee on Un-American Activities will release a document on the various issues raised over the San Francisco hearings and the film. I will see that you get a copy of the same and I would then appreciate your further comments.

THE UNITED PRESBYTERIAN CHURCH,
IN THE UNITED STATES OF AMERICA,
Philadelphia, Pa., July 24, 1961.

The Honorable WALTER L. MCVEY,
House Office Building,
Washington, D.C.

MY DEAR MR. MCVEY: It has come to my attention that you have voiced your concern that "Communists are (or may be) coming into the ministry," and that you are distressed by "the action of the Presbyterian Church in advocating the admission of Red China to the United Nations."

Of course, for any group to "prove its innocence" of the charge that it has been, or is being, infiltrated by Communists is impossible (and ought to be unnecessary in our society) unless the general charge is made specific and leveled against particular individuals. Even this listing of particular persons, when it has occurred, has been particularly irresponsible, tending to "identify" a person on the basis of his support of particular causes or organizations engaged in legitimate (and, to be honest, in some cases highly questionable) causes.

This country was able to weather the sowing of suspicion and dissension in the McCarthy era at considerable cost to several innocent people's reputations and careers. Today we are apparently to be subject to a similar season of suspicion, much of it sponsored by the "professional anti-Communists" of the John Birch Society and other similar groups. I am not, believe me, suggesting that you are affiliated, or even sympathetic, with such organizations (and if you were, that would be your privilege), but it is distressing to me as a clergyman and as an employee of the United Presbyterian Church U.S.A. to hear of a Congressman repeating even in a mild way the general charge of communism among the clergy. As one who went through 4 years of seminary, I can say unequivocably that it would be impossible for a Communist agent to endure one semester, let alone 3 years, the intellectual and spiritual discipline of theological training without either getting flunked out, laughed out, or giving up the effort as a waste of his time. I once stayed up half the night arguing with a Paris-trained Stalinist and found him both clever and rigid, but like a Pavlov's dog on certain subjects (for example, he could not endure any criticism of the Soviet Union), he reacted predictably and without imagination.

So please, Mr. MCVEY, if you know of Communists among the Presbyterian clergy or in theological training, name them to this church with evidence, and give their names also to the FBI. But do not dishonor us with voiced general suspicions or fears that they are somewhere in our midst.

In this same vein, I am enclosing a recent action by our general assembly last May on "The Communist Conspiracy and American Freedom," which seeks to delineate rather precisely between real and imagined threats from the Communists, and which I hope you will read.

On the second subject you raise, the alleged action advocating the admission of Red China to the U.N., I can only conclude that you were referring to an action taken

by our general assembly in 1959, which I quote in its entirety:

"INTERNATIONAL RELATIONS—CLEVELAND CONFERENCE

"Noting that the National Council of Churches for many years has, through its various departments, held study conferences on issues of public policy;

"Noting further that these conferences consist of delegates from constituent denominations and agencies of the National Council of Churches, and that the delegates and conferences speak only for themselves through statements designed to stimulate further study and free discussion in member denominations and churches;

"Observing that, among the recommendations coming from the Fifth World Order Study Conference held in Cleveland, one concerning the diplomatic recognition of the People's Republic of China by the United States and its admission to the United Nations has provoked not only responsible discussion but also irresponsible censure; and

"Acknowledging the validity of arguments on both sides of the Red China question, considering that immediate recognition of that government may not be feasible, and yet looking toward the day when diplomatic relations with the mainland government may be both feasible and desirable;

"The 171st General Assembly commends the National Council of Churches for holding its Fifth World Order Conference and dealing courageously and honestly with vital issues which were controversial;

"Urges United Presbyterian churches to resist and reject unconsidered reactions to the Red China recommendation of the Cleveland conference; and

"Calls upon the church to engage in responsible study of the reports of the Cleveland conference in connection with the interdenominational coordinated emphasis on international affairs in the program year 1959–60."

You will see that it does not advocate the admission of Red China, but in the context of the Cleveland World Order Study Conference sponsored by the National Council of Churches (and which spoke for itself only), urges Presbyterians to study the question responsibly. I understand that a similar study has been going on in the State Department for many months now, looking toward the day when the question may be decided with or without our approval at the U.N. And incidentally, while recognizing the serious repercussions that would take place among the non-Communist countries (not to mention among the American public) if and when Red China is recognized, I must say that I hope that any disarmament agreement that may be reached among the great powers has Red China as a signatory to it, with adequate inspection made mandatory.

Finally, on the subject of "Operation Abolition," it would be in bad taste for one to argue with Mr. Hoover of the FBI concerning the role played by Communists in the student demonstrations in San Francisco in May of 1960. It can be said, however, that these demonstrations were considerably more complex than either "Operation Abolition" or "Communist Target—Youth" suggest. As a matter of fact, at least three different demonstrations were taking place, and two of them would have happened anyway had there been Communists present or not. Perhaps the enclosed confidential study made by this office will cast a different light on these demonstrations for you, or at least raise questions you have not yet had brought to your attention. Certainly it goes without saying that the behavior of the students, questions of Communist influence aside, was particularly unruly and unjustified. At the same time, the assertion made by Mr. Hoover that "One of the demonstrators provided the spark that touched off the flame of violence. Leaping a barricade that had been erected, he grabbed an officer's night stick and began beating the officer over the head." (P. 8, "Communist Target—Youth"), has been called into question by virtue of the fact that Robert Meisenbach, the student here referred to, has been acquitted of that charge. The fact that no one was convicted of rioting or inciting to riot suggests that the terms, riot and violence (which are used verbally several times in the film but never shown on the film) are perhaps somewhat more vivid than the events and subsequent investigation warrant.

If this letter seems longer to you that it ought to be, it is because this office has been receiving heavy mail from all over the country from clergymen and laymen asking us how to respond to general charges of Communist infiltration in the major denominations and the National Council of Churches. Dealing with these, in my opinion, irresponsible charges is consuming an unconscionable amount of time and energy among churchmen that might well be devoted to more constructive tasks necessary to the maintaining of a free church and an open society—both of which are our best domestic bulwarks against the very real and dangerous Communist conspiracy.

Respectfully yours,

H. B. SISSEL,
Associate Secretary,
Office of Church and Society.

Legislation To Protect Consumers From Monopolies

EXTENSION OF REMARKS
OF
HON. DAVE MARTIN
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES

Saturday, September 16, 1961

Mr. MARTIN of Nebraska. Mr. Speaker, I rise to speak on a matter of compelling importance. Today I have introduced legislation designed to eliminate labor union monopolies. This legislation embodies amendments to the Sherman, Clayton, Norris-La Guardia, and National Labor-Management Relations Acts.

It is the duty and responsibility of the Congress of the United States to lay down the rules governing the conduct of labor as well as management—rules that will provide adequate protection to the long-suffering consumer and that will outlaw excessive concentrations of economic power that can and have been used to the detriment of the progress of our Nation.

Governmental control must be maintained at that minimum level which will, on the one hand, permit the forces of free business and free labor to work out their own individual and unique problems and, on the other hand, prevent excesses through massive concentrations of economic power by either labor or management.

Treatment of monopolies in the United States is nothing new. While we have recognized the perils of monopolistic interests, we have been slow to safeguard the public against them. Monopolies do exist, and legally so, in our social and economic framework. But those monopolies, and I am now referring to the broad public utility area of activity, are not permitted to run rampant; they are regulated monopolies, and properly so. The basic purpose of this regulation has been the protection of the consumer, who, alone, is powerless.

I make this comment, Mr. Speaker, because the legislation I have just introduced is aimed at the objective of insuring adequate protection for the consumer, of guaranteeing redress and due process, of initiative and incentive, of action taken voluntarily by freemen in a free society, and of returning a balance between organized labor and management in the conduct of their business.

I am opposed to any monopoly of any sort. I am as opposed to a business monopoly as I am to a union monopoly, a farmer monopoly, a political monopoly, or any other kind of monopoly. Unless an activity has been enfranchised by the state—and protected or guarded by the state—to discharge a public service which otherwise could not be provided, the power that gives rise to monopolies should have no place in our society and should be dispersed.

Essentially my bill would extend the principle of protecting the public from restraints of or interference with trade by labor unions, as that principle now applies to other organizations.

I believe we must enact my legislation if we wish to prevent monopolistic fixing of wages, production, or prices and if we wish to preserve the freedom of the employer and his employees to contract on wages, hours, and conditions of employment. This is an antiabuse and not an antilabor or antimanagement approach.

We must measure my proposal in proper perspective. It is a further step in a long line of legislative enactments bearing on the problem. We should be perfectly clear as to what I am proposing; and there should be no misunderstanding as to the full implications of this proposal.

As I have indicated earlier, my bill would amend the Sherman Antitrust and the Clayton Acts. Why?

The Sherman Antitrust Act was adopted in 1890. It says that "every contract, combination or conspiracy, in restraint of trade or commerce among the several States" is illegal (26 Stat. 209 (1890); 15 U.S.C. 1) and, as passed, did not distinguish between combinations of businessmen and combinations of unions. The law was the product of public fear of the coercive and unrestrained power of large industry and massed capital.

Today, it is mainly concerned with the preservation of legitimate competition by maintaining free markets and by the control of trusts and monopolies which are in restraint of trade. The Attorney General of the United States is authorized to secure injunctive relief against any violations and secure criminal prosecutions and any person who suffers injury as a result of the violation of the law by others can maintain a civil suit to recover triple damages against violators of the act.

LABOR UNION IMMUNITY DEVELOPS

As originally passed, the Sherman Act contained no exemption for labor union activity. Prior to its passage, however, organized labor had requested a specific exemption—see Holmes' unanimous U.S. Supreme Court opinion in *Loewe* v. *Lawlor* (208 U.S. 274, 301). The fact that this request was not accepted indicates that Congress at that time intended the law to apply to all monopolistic combinations. It therefore follows that the law was meant to cover all people and all combinations, including unions, if their activities interfered with the free flow of goods or created a monopoly resulting in restraint of trade.

While passed in 1890, it was not until 1908 in the Danbury Hatters case (*Loewe* v. *Lawlor*, 208 U.S. 274) that the U.S. Supreme Court considered its application to labor unions. In that case, the union attempted to win a strike by engaging in a national "don't buy" boycott, which had the effect of interfering with the sale of hats by a Connecticut firm to dealers and customers outside that State.

In interpreting the Sherman Act, the Court established the principle that labor unions were subject to the act if the intent to interfere with interstate commerce is proven, and if the reduction in commerce is unreasonable.

Organized labor then sought exemption from the Sherman Act. In 1914, Congress responded by passing the Clayton Act (33 Stat. 731, sec. 6, 20 (1914), 15 U.S.C., sec. 17 (1952), 29 U.S.C., sec. 52 (1952)). Although this act was widely hailed by labor unions as exempting them from the Sherman Act, it merely declared that labor organizations were not unlawful per se, and that they were not forbidden from "lawfully carrying out" their "legitimate objects."

But in a series of subsequent decisions, the U.S. Supreme Court reviewed the Clayton Act and held that unions that engaged in secondary boycotts or sympathy strikes departed from "normal and legitimate objects" and were subject to antitrust laws—see *Duplex Printing Co.* v. *Deering*, 254 U.S. 443 (1921); *American Steel Foundries* v. *Tri-City Central Trades Council*, 257 U.S. 184 (1921); *Bedford Cut Stone Co.* v. *Journeymen Stone Cutters Assn.*, 274 U.S. 37 (1927).

These decisions led to wide use of injunctions in labor disputes. Congress reacted by enacting the Norris-La Guardia Act (47 Stat. 70, 71 (1932), 29 U.S.C., sec. 101, 105 (1952)). The act virtually prohibited injunctions by Federal courts in labor disputes. It thereby legalized union conspiracies to violate the Sherman Act.

The U.S. Supreme Court in two decisions then affirmed labor union immunity from application of the antitrust laws. These were *Apex Hosiery Company* v. *Leader*, 310 U.S. 469 (1940), and *U.S.* v. *Hutcheson*, 312 U.S. 219 (1941).

In the Apex case, the High Court held the antitrust laws did not apply to an organizational "sit-down strike" when the union seized the plant and tried to eliminate non-union-made hosiery from moving in interstate commerce. The union refused to ship hosiery destined for out of State. The company sued for treble damages. The Court said there was no "restraint" of interstate commerce since no suppression of competition for the employer's product was shown.

In the Hutcheson case, the Court said that the Clayton and Norris-La Guardia Acts must be construed as exempting unions from the antitrust laws. This case stemmed from a jurisdictional dispute between the Carpenters and Machinists. The Court found the union did not violate the Sherman Act, regardless of the "wisdom or unwisdom, the rightness or wrongness, the selfishness or unselfishness of the end of which the particular union activities are the means."

Other decisions following the Apex and Hutcheson cases show the clear immunity unions enjoy under the antitrust laws. Thus, in *U.S.* v. *Corrazzo* (137 F. Supp. 191, Affirmed 313 U.S. 539 (1941)), the Court held lawful the action of a labor union in requiring contractors using ready-mixed concrete to employ the same number of men as would be needed if the concrete were mixed by hand.

In *Hunt* v. *Crumboch* (325 U.S. 821 (1945)), the Court held that the Sherman Act was not violated by a union which, because of a past dispute with an employer, refused to supply him with workers or admit to membership anyone who worked for him, thus destroying his business. Justice Jackson in his dissent in that case put it in a nutshell:

> This Court now sustains the claim of a union to the right to deny participation in the economic world to an employer simply because the union dislikes him. The Court permits to employees the same arbitrary dominance over the economic sphere which they control that labor so long, so bitterly and so rightly asserted should belong to no man.

The sole exception to union immunity is when a union acts with a nonlabor group, as for example a group of employers. (*Allen Bradley Co.* v. *Local 3, IBEW*, 325 U.S. 797 (1945).)

THE DOUBLE STANDARD

In sharp contrast with the broad labor union immunity is the strict but proper application of antitrust principles to management. I have cited instances of the union immunity. I now must cite instances of virtually similar management activity which has been held illegal.

The double standard is illustrated in the case of Hunt against Crumboch, referred to earlier. There, the union was freely permitted to destroy an employer's business. Yet, precisely the same conduct by an employer or a group of employers is prohibited by the antitrust laws and has been so held in a series of Supreme Court cases. See *Eastern States Retail Lumber Dealers Assn.* v. *United States*, 234 U.S. 600 (1914); *Fashion Originators Guild* v. *F.T.C.*, 312 U.S. 457 (1941); *U.S.* v. *Women's Sportswear Mfrs. Assn.*, 336 U.S. 460 (1949).

I noted earlier that unions are permitted free rein to prevent new techniques and to increase an employer's costs as illustrated in United States against Corrazzo where extra but unneeded men were required to be employed to make ready-mixed concrete. Yet, if employers combine to prevent others from using new techniques in their industry and thus maintain an artificial level of high prices, they are subject to antitrust violations. See *Hartford Empire Co.* v. *United States*, 323 U.S. 386 (1945).

Also, a union may try to force a manufacturer to work only with goods produced by union members, but the same conduct by a manufacturer, along with other manufacturers, which would exclude competitors, would be unlawful. See *American Tobacco Co.* v. *U.S.*, 328 U.S. 781 (1946).

Again, if unions divide up geographical areas for organizational purposes, there is no violation of antitrust laws. But if a group of employers agree not to compete in certain areas, a violation would exist. See *Timken Roller Bearing Co.* v. *U.S.*, 341 U.S. 593 (1951).

UNION PRACTICES REQUIRE CONGRESSIONAL ACTION

I have recounted the manner in which labor union immunity has developed under our law. And I indicated how a double standard has developed.

Let me cite additional reasons why my bill should be adopted.

A list of union activities which necessitate this control is headed by featherbedding and union restrictive practices. The Federal rule still appears to be that time-saving devices may be legally resisted by unions if those new techniques reduce employment. Thus, a union was able to prevent the use of paint sprayers without violating the antitrust laws. See *U.S.* v. *Bay Area Painters and Decorators Joint Committee*, 49 F. Supp. 733 (1943). See also Labor-Management Relations hearings, part 6, 1953, House Labor Committee, pages 2225–2226, for details on restrictions on spray painting, rollers, and paint products.

Other instances of restrictive practices include the refusal by the musicians' union to permit its 140,000 members to make phonograph recordings or electrical transcriptions. This had the effect of destroying manufacturing and distribution businesses, restricting labor-saving devices, and compelling radio stations, recording studios, and others to maintain obsolete or inefficient methods, but was held nonetheless not to violate the antitrust laws. (*U.S.* v. *American Federation of Musicians*, 47 F. Supp. 304, Affirmed 318 U.S. 741 (1942). Also see *NLRB* v. *Gamble Enterprises, Inc.*, 345 U.S. 117 (1953).)

More recent illustrations which point up the fantastically broad hindrance placed on the American economy include the useless crew positions on railroads which are estimated to cost $500 million per year. See Railway Age, January 25, 1960, page 42. In the printing trades, the practice of setting bogus type amounts to unneeded and expensive production. See *American Newspaper Publishers Assn.* v. *NLRB* (*345 U.S. 100, 1953*).

Payment for time not worked, excessively large crews, and union-set limits on production were recent steel industry

work practices brought to public light. See "Showdown on Featherbedding," Engineering News-Record, July 30, 1959, page 74. Limits placed on production techniques in the entertainment industry are well known.

The recent New York tugboat strike involving the number of men to man the boats and the employers' freedom to decide crew size tied up almost the entire eastern railroad network and is one indication of the vast power only one small segment of labor may exert on the entire economy.

In recent trucking industry contract negotiations, James R. Hoffa's Teamsters got Midwest truckers to agree that after February 1, 1962, they would begin paying his union a flat $5 fee for every trailer they load on a railroad flatcar. By penalizing truckers financially for engaging in piggybacking, the Teamsters count on stifling the use of railroads.

Let us look for a moment at the factual situation in 1961. Most industrialized areas are dominated by unions. The major industries are organized; nonunion members are indeed few.

What are the possibilities?

Bear in mind the possibility of a single national transportation union capable of halting the movement of everything.

Consider also the contract between the United Mine Workers signed in 1958 and the major coal companies which cut off nonunion mines from their markets by forbidding unionized companies to buy coal from them.

Add the continually increasing practice of pattern wage settlements in collective bargaining under which a wage increase in one industry is inevitably followed by similar wage increases in many other industries.

Recognize that in the automobile industry substantially identical agreements are insisted upon; in steel the identical is not only true, but most bargaining agreements expire at the same time.

Consider the power of the large international union to dictate the conditions under which all competing employers in an industry must operate, thus seriously undermining competition among employers, arresting new technological developments and hampering, if not eliminating, the stimulus for greater efficiency in production, which would result in lower prices and thus be beneficial to our American economy.

If more is needed, think seriously—very seriously—for a moment about UAW Secretary-Treasurer Emil Mazey's remarks advising union presidents to order slowdowns of work if striking steelworkers were ordered back to the jobs by a Taft-Hartley injunction in 1959. See Wall Street Journal, October 15, 1959, page 6.

Remember the strike against a Government arbitration decision by the airline engineers union causing an impossible burden on employers and the public.

From this recital, it is absurd and indefensible to continue the exemption from the antitrust laws.

Subjecting unions to antitrust principles will not impede their ability to bargain collectively, to strike or to continue their national organizations. It would simply mean that unions could no longer restrain trade or create monopolies to the detriment of the public. Union leaders will doubtless claim this proposal is antiunion. But is the Sherman Act antibusiness? Is it right for unions or any other segment of our country to be free to combine and conspire so that competition is rendered meaningless, and trade—supposed to benefit all—is restrained for the advantage of a few?

INDUSTRYWIDE WAGE FIXING

Mr. Speaker, permit me now to address myself to the second major aspect of my proposal.

Under my bill, a union may represent only the employees of one employer so that the jurisdiction of one would be as large as that particular employer. Dictation or control by internationals over local union affiliates as to wage and other bargaining matters is prohibited.

The problems which I am seeking to reach arise from bargaining practices which have developed in recent years under which national, area, regional or other substantial and large segments of an industry bargain with a single union.

Where bargaining in these industries fails to produce a settlement, the industry concerned can be throttled by a single large international union—and sometimes even by one person, the president of that union. This is the situation which has normally produced the national emergency strikes of the past several years. Where agreement is reached between the one union and management, not infrequently, prices of products sold by these employers are raised.

Requiring a union to bargain with one employer will be a boost to the economy. It will permit independent and responsible local action in bargaining activities. It will recognize differences between employers, their locations and circumstances. It will tend to discourage national emergency strikes in those industries which now practice what in effect is national or regional bargaining. These include the trucking, shipping, shipbuilding, automobile, steel, anthracite and bituminous coal, construction, railroad, and pottery industries.

What protects the public today?

Before industrywide bargaining or its modified forms, the self-interest of an employer in holding down overhead costs—which included wages paid to his employees—was a built-in protection for the public. The public could be reasonably assured that excessive union demands would be resisted and prices would not be uniformly raised. Contrast the situation today.

Bargaining on a broad industrial or geographic front is the process of setting uniform wages in a particular industry so that the overhead cost of wages on each employer is the same. Each employer is certain that his competitors will be forced to make concessions equal to his and his extravagance will not subject him to competitive disadvantages. Should a wage increase later cause him to raise his prices, he is reasonably sure his competitors will be in a similar situation.

The country should correct this problem quickly. It is an economic absurdity to discipline prices through the competitive process and, at the same time, encourage inflationary wage increases through unrestricted concentration of union power.

The public is painfully aware of the national emergency strikes caused by industrywide bargaining. My bill will reduce the national impact of a strike. Where a union bargains with one employer it may strike, but his competitors may be likely to have a different labor contract expiration date and thus remain in normal operation. The public will not suffer as it does today because an entire industry is stopped.

Industrywide bargaining stifles the growth of various regions. Differences in the growth of regions are not due only to wage levels. Our great United States is comprised of areas which are different. Some areas are more accessible to markets, transportation; others have more raw products, skilled craftsmen, climatic attractions, and so forth. Imposing uniform wage scales by industrywide bargaining will not contribute to growth.

The objective of a national antimonopoly program should be to maintain workable competition in product markets and to restrain the development of undue concentration of power in the labor market. It is a balance of antimonopoly policy which is desirable. This bill will provide this balance, help the United States to have a competitive and able economy, and will protect the consumer from monopoly power of whatever source.

What is the future of free labor-management relations in the light of recent actions and manifestations by the administration which intervenes in a tugboat strike, establishes, by executive order, a missile launching base committee to supervise no-strike, no-lockout pledges, announces that the Nation cannot stand interruptions in the vital air transportation industry—or the auto industry, and purports to conduct settlements of all disputes through the Secretary of Labor?

What will be the next form of intervention? Compulsory arbitration? More and more "factfinding" which really is a not-too-subtle way of dictating? Unless we reverse our trend, I believe the end of free collective bargaining is not very far away, and this is something which neither management nor organized labor wants.

In conclusion, let me repeat that my sole interest is in the preservation and strengthening of our free, democratic institutions. Our Nation will grow stronger only as our internal affairs are kept in order. We cannot tolerate concentrations of power at home any more than we can condone them abroad.

With responsibility fixed clearly for the conduct of both labor and management, we can provide the catalyst that will harness our strength to pull together to meet the challenges of the years ahead.

Security and the Scientist

EXTENSION OF REMARKS
OF

HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 16, 1961

Mr. CLANCY. Mr. Speaker, the Institutum Divi Thomae in Cincinnati, Ohio, is one of the most unique and exclusive graduate institutions of scientific research and study in the United States. For more than a quarter of a century it has devoted its basic activities to finding the cause and cure of cancer. Its discoveries in this field have gained for it worldwide acclaim. Its president, Dr. George S. Sperti, and its dean, Dr. Elton S. Cook, have won wide recognition for their attainments in the scientific world.

On Tuesday of this week the institutum held its 24th convocation and 22nd annual research conference. The following received degrees from Dr. Sperti:

The degree of master of science was awarded to Bernd Kroenberg, of Cincinnati.

Degrees of doctor of philosophy were conferred on Delia Marie Barreto, formerly of the Pasteur Institute, Paris, who will become a research assistant at Oxford University, England; Sister Ida Cosby, S.C.N., Nazareth College, Louisville; Nicolas J. Mamola, Cincinnati, who will join Johns Hopkins University Medical School as a research associate; and Ambrose M. Tokushige of Kyoto University, Japan, who will become a research associate at Massachusetts Institute of Technology.

I am pleased to announce, Mr. Speaker, to the Members of the House that our colleague from Ohio, Mr. GORDON H. SCHERER, had conferred upon him the honorary degree of doctor of laws.

Mr. SCHERER delivered the convocation address which follows:

SECURITY AND THE SCIENTIST

It is with mixed feelings that I address you today; a feeling of honor—that I have been asked to speak to the doctors and masters, the faculty and directors of one of the most exclusive graduate institutions of scientific research and study in this country; a feeling of satisfaction—that another group of men and women, once tyros in the field of scientific study, have become true doctors and masters of this exacting field of knowledge; a feeling of congratulation—for each one of you for a job well done; a sense of gratitude—for what you will be able to do for mankind with the knowledge and skills developed during your studies at the Institutum Divi Thomae; a feeling of humility—when I think of the scientific knowledge that is yours, singly and as a group; a feeling of pride—that the Institutum has seen fit to confer an honorary degree upon me.

As a lawyer and politician, I should, perhaps, feel something of a stranger addressing a scientific institute. Yet, in this instance, I actually feel, instead, a kind of kinship and quite at home for, as a member of the Committee on Un-American Activities of the Congress of the United States, I have for some years been engaged in work that is, in many respects, quite similar to yours.

There are many killers stalking the earth today. Cancer is one. It causes pain, suffering, death. It eventually destroys human bodies. For years the Institutum has devoted most of its research to finding the answer to the problem of cancer—what causes it, how it grows, how to treat it, how to destroy it if possible, or, barring that, how to immunize its potential victims against its ravages.

There is another killer stalking the earth today—communism. For 20-odd years the Committee on Un-American Activities has been doing research on this cancer of the body politic; What causes it, how it spreads, who and what are its carriers, how its progress can be blocked, how people may be immunized against it.

Cancer kills the human body. Communism kills bodies, too. During the last four decades it has destroyed far more than cancer has. And frequently—which is much worse—it kills human souls. It also destroys other things more precious than mere physical life, things for which countless people over the centuries have gladly died. It destroys freedom—freedom of religion, speech, press, political choice, and freedom of scientific study and research.

We, the Institutum Divi Thomae and the Committee on Un-American Activities, have similar problems. Neither of us has yet found the answers to them. Both, however, live and work in the hope that we will find the answers—and sometimes in a desperate realization that we must find the solution to these scourges of our time.

Cancer research is so exacting in its demands, requiring highly specialized knowledge and skills, that the mere layman can offer you little or nothing toward a solution of the problem it presents. We must leave the complexities of this tremendous challenge to you, the scientists.

Communism is a different kind of problem. While it is no field for the amateur, and while well-intentioned persons who have lacked sufficient knowledge have often impeded the fight against it, yet communism is a problem of such nature that all informed persons can contribute to its eradication, including, of course, the scientist.

Our century at various times has been called the age of science, the air age, the age of electronics, and now we hear it spoken of as the space age. Of all of these, I believe age of science best describes our era—because the development of aircraft and electronics, and now the exploration of space, are no more than varied manifestations of scientific advancement. This term best describes our century, too, because it is science in general that has made tremendous contributions to all phases of our life.

In view of this fact it is not surprising that the scientist is the man of the hour. Business, education, government all want the scientist—and all will pay him well.

Weighing all that the scientist has contributed to our age, the question naturally poses itself:

What has been the scientist's contribution to eradicating the cancerous growth of communism which is slowly but surely strangling our national security and threatening our very survival as a free and Christian people?

In one sense, the scientist has made the greatest contribution of all in this as in other fields. Ironically, however, it is a contribution in which many scientists take little or no pride and of which many are actually ashamed. I am referring, of course, to the development of the atomic bomb.

Granted, this is a horrible weapon of destruction. But think for a moment where humanity would be without it. For years following World War II, the only deterrent to Stalin's Communist hordes sweeping over Western Europe and other areas of the world was the U.S. monopoly of the atom bomb. We had demobilized, cut our forces at a suicidal rate to a suicidal size. Without the bomb we would have been helpless before vastly superior numbers and conventional military forces of the Kremlin. The bomb stopped them.

Translated into human terms, what does this mean? It means that millions are alive today who would be dead were it not for the bomb. It means that nations that are still free, with peoples whose minds and souls are free, would be enslaved.

Should any scientist then be ashamed of the atomic bomb or other nuclear weapons?

What is the purpose of these deadly weapons? Why were they created? Was it to wantonly kill millions? Was it to gain territory or to win domination over other men? No. The primary purpose of these weapons, as developed by scientists of the free world, is to prevent war, to save lives, to preserve nations of freemen from the scourge of Communist enslavement. So it is evident that it is the scientist who has made the greatest contribution to American security.

While this is true, it is also true that a vocal minority in the scientific community has injured and imperiled our national security.

Why and how have they done this?

Some simply because they do not understand the nature and objectives of the international Communist conspiracy. Others because they are Communists and pro-Communists. This latter group, unfortunately, has often victimized the former into serving Moscow's drive for world domination.

These scientists claim that scientific progress in this country has been impeded by a too vigorous anticommunism and a too restrictive security program. These conditions, they assert, have created an "atmosphere of fear" in scientific circles, have deterred some scientists from working for the Government and have led to the dismissal of others. They were promoting this line in 1957, when the Soviet Union beat us to the punch by launching Sputnik I. They are still peddling this line today.

What is the truth about these claims?

1. The Soviet scientists who produced the first sputnik and the missile that sent it into space—and who have since sent man into orbit—have worked under unbelievably strict security measures far more stringent than those existing in the United States. Overall, the Soviet Union is the most totalitarian nation ever to exist on the face of the earth, yet Soviet scientists are achieving results which are the envy of the free world and which are skyrocketing Communist prestige and influence.

If police state security is not impending Soviet scientists, why should strict security measures stifle our men?

2. Certainly the German scientists who produced the V-1's and V-2's which terrorized London during World War II, did not work in an atmosphere of freedom. Yet they were the pioneers in the field of rocketry.

3. The United States was the first nation to produce the atomic bomb. The scientists who made this major breakthrough worked under the tightest security regulations ever used in this country. But these measures did not create a fear complex or psychological bloc which hampered their research and development.

4. In the latter part of 1957, a Presidential Committee, established to inquire into the shortage of scientists and engineers in Government service, found what we might have expected—that it was difficult for the Government to recruit scientists and engineers because other employers were offering them better pay. In the course of its investigation, however, this Presidential Committee also carefully studied the security problem. It asked thousands of scientists in Government and industry if security regulations impeded their work in any way. Ninety-one percent of those in Government service said

they did not; 97 percent of those in industry agreed. Only 6 percent claimed that security requirements hindered their progress.

These facts show conclusively that the claim of this vocal minority I have referred to is utterly false. Yet, I regret to say this claim is constantly made by a certain clique of scientists, by certain leftwing newspapers and magazines—and accepted by many people. This false Communist-inspired propaganda, disseminated among the American public, has long been an impediment to the development of a truly effective security program.

What about the claim that U.S. security regulations, whether they impede scientific research or not, are too strict?

Here are some facts which shed light on the answer to this question.

1. Soviet agents stole the secret of the atom bomb even though its development was surrounded by the tightest security regulations ever to exist in this country.

2. Immediately after Moscow launched Sputnik I in 1957, three of the Soviet Union's top missile experts were permitted to tour the Naval Research Laboratory in Washington. They were shown how U.S. satellites were made and tested; they were permitted to inspect the control center for their operation, and given other information concerning our satellite program. Believe it or not, U.S. newspaper reporters were barred from the area because it was restricted.

3. On the other hand, the Pentagon today does not have the right to fire from defense plants persons who, it has good reason to believe, are potential espionage agents and saboteurs. Since the Greene case was decided by the Supreme Court 2 years ago, it is difficult and sometimes impossible to deprive individuals in private industry of access to highly classified scientific information even when the Government has reasonable grounds to believe that they are security risks.

4. At about the time sputnik was launched, and since that time, the Committee on Un-American Activities has revealed that members of Communist-controlled unions are employed at U.S. communications centers handling secret military messages and as key technicians in the conelrad defense warning system; that Communists hold licenses to operate various types of radio and telegraphic equipment that would enable them to sabotage conelrad—and that the Government has no clearcut power to deprive them of such licenses.

It has further been revealed that security regulations at the super-secret National Security Agency were so completely inadequate that Vernon Mitchell and William Martin, top mathematicians, were cleared for employment even when it could have been easily determined that they were sex deviates. Committee members were astounded when they learned that these men were employed even though behavior abnormalities of one of them were revealed by a polygraph test taken at the time of their employment. It has long been recognized that sex deviates are bad security risks since they can be easily blackmailed into serving the enemy.

These two mathematicians, as you will recall, defected to the Soviet Union last year and among other things disclosed to the Kremlin that the United States had broken the secret codes of some 40 nations. Naturally these codes were changed, and it is obvious that the United States has been deprived of much valuable information. Of course, the most harmful effect of their defection was the tremendous propaganda victory gained by the Soviets throughout the world when these men, after reaching the Soviet Union, attacked the policies of the United States.

It is significant that, since the committee's investigation began shortly after the defection—an investigation which is still going on—26 sex deviates have been discovered in the National Security Agency alone and removed. Just the other day we got rid of 16 more of them in the International Cooperation Administration.

I realize most of these people are unfortunates and not disloyal but in these times of great peril we cannot afford to have them in sensitive jobs in Government where they automatically become security risks, subject to blackmail.

The National Science Foundation, as you know, was set up by the Congress primarily to aid in the national defense by granting taxpayer's money for advanced scientific study and for grants to universities and other institutions for research and development of special projects for the Government. Within the past few months the Committee on Un-American Activities from its investigations has learned that the Foundation since the time of its formation in 1950 has been making absolutely no security check on persons who receive individual grants. It has made no security check on the individuals who actually do the work for the universities engaged in this Government work. Often it does not even know the identity of the supervising personnel.

I was flabbergasted the other day when I learned that a top scientist, identified as a Communist, and who gave information on the atomic bomb to a Soviet agent during World War II, is now working on a Government project at one of our universities.

Just a few months ago the committee through its investigations learned that one Edward Yellin had been given a National Science Foundation fellowship at the University of Illinois. Keep in mind that, as I have said, the National Science Foundation was created by the Congress primarily to promote scientific study and research in the interest of national defense.

In 1958 the Committee on Un-American Activities, in hearings at Gary, Ind., determined that Edward Yellin, an identified Communist, was a colonizer for the Communist Party in basic industry in the Chicago area. A Communist colonizer of industry is one who misrepresents and downgrades his educational attainments in order to get a menial job on the assembly line where he can indoctrinate his fellow workers with Communist Party policy and stir up dissension.

Edward Yellin was convicted in the Federal court for contempt of Congress for refusing to answer questions concerning such activities during the hearing of the committee at Gary. In spite of his record and in spite of this conviction, Yellin was granted first a Ford Foundation scholarship and then a National Science Foundation fellowship at the University of Illinois graduate school.

Those at the university who recommended him for the National Science Foundation fellowship felt no obligation to disclose what they knew about Yellin's colonizing activities and his conviction in the Federal court. Of course, there was no excuse for the National Science Foundation not to have known of Yellin's record. But as I have said, no security check is made.

Would you say, while such conditions exist—and I could mention many similar situations if time permitted—that our security measures are too restrictive?

What particularly disturbed the committee in its investigation of the National Science Foundation was the attitude shown by the director when he was questioned about its complete lack of security measures. He stated, in effect, that scientists were different from the average American citizen; that the National Science Foundation would not be able to get some scientists to do even basic scientific research, completely unclassified, under Government auspices if they dared bother them with questions about affiliations with Communist-front organizations and other questionable activities and associations. If the Government wanted the cooperation of American scientists, he intimated, it had to bend over backward in its efforts not to offend their delicate sensibilities by so much as raising the question of security.

He was—I believe and hope—here expressing an erroneous opinion of what scientists are like, rather than actual fact. The 1957 Presidential committee report I mentioned a few minutes ago, I believe disproves his contention—at least as far as the great majority of scientists are concerned. They are willing to work for Government in any type of research, even if it means strict security regulations and careful investigation into their personal backgrounds.

All of us must keep in mind this basic fact—that a Communist, no matter what else he may be, is a Communist first, last, and always. He may also be a scientist, a teacher, a union officer, a writer, or a government official, but dedication to communism and loyalty to the Kremlin always supersede his loyalty to his country and to the principles and ethics of his profession.

I will not repeat here the names of the scientists who were Communists first and who betrayed their country by passing to the enemy some of our most vital scientific secrets. Those scientists and others who feel they are helping humanity by insisting that all scientific discoveries be made available to the Kremlin are living in a fool's paradise. They close their eyes to the fact that international communism uses science and its discoveries not for the people but for the all-powerful, totalitarian state whose ends are evil.

For the last few minutes I have been talking about a decided minority of scientists in this country. Because they are so vocal, however, they have succeeded in leading many Americans to believe that they speak for the majority of scientists in this country. This, of course, has been to the detriment of the loyal majority. It, therefore, behooves this majority, which is often silent on major issues of our day, to speak up more often, and more loudly, to correct the erroneous impression some Americans have of the part being played by scientists in our national security.

Let me give you just one example of the part the scientist plays in our national security. One of the fateful and certainly one of the most difficult and complex decisions of our time involves nuclear testing. While the final decision in these matters is made by the President, we all recognize that his decision results to a large degree from the advice and recommendation of the scientist.

To state the obvious, it is vitally important on which particular scientists the President relies. Something more is required of these men over and above their scientific knowledge and accomplishment. They must have an abiding faith and conviction in our American heritage, and they must also fully understand the nature and objectives of the amoral, atheistic, totalitarian Communist conspiracy.

We must not forget that it was the Communists a few years ago who set in motion an intensified worldwide agitation and propaganda campaign for the cessation of all nuclear testing. We must remember that without nuclear weapons the United States is no match for the Soviet-Sino bloc with its inexhaustible manpower. We were far ahead in 1958 in nuclear weapons. We stopped testing. For almost 3 years the Soviets engaged in phony, deceitful negotiations with no intention of ever arriving at a nuclear test ban agreement. These negotiations were a farce and were carried on solely for the purpose of having the United States stop

testing the weapons which represented the balance of firepower between the East and the West.

We never learn. The Soviets have said and written time and time again that there can no more be sincere diplomacy than there can be dry water. They practice what they preach in this respect. They have flagrantly violated almost all of the 1,000 treaties and nonaggression compacts they have made with countries of the free world. They have kept only a handful which suited their purpose.

I am convinced that the Soviets during these past 3 years have been secretly and surreptitiously conducting underground nuclear tests somewhere in the wastelands of Siberia. A few days ago the Communists broke off these farcical negotiations and immediately began testing. They threatened the world with a megaton super bomb equivalent in power to 100 million tons of TNT. People were in a quandary as to why the Soviets should lay themselves open to censure by scuttling the nuclear test ban talks and openly commencing atmosphere testing. To me the answer is comparatively simple. They have now caught up or may have even gone ahead. They were worried that they could not much longer deceive the world and that their cheating would be found out. If this happened, they fully realized that the impact of adverse world opinion would be far greater than the announcement that they were resuming testing.

It is vitally necessary that all Americans, in every field of endeavor, must be absolutely convinced beyond any peradventure of a doubt that we are not engaged in a popularity contest with a competing economic system. We are not faced merely with certain annoying adjustments which should be made so that we may coexist with a different system of Government. We are now in a death grip with an enemy the like of which for debasement and inhumanity the world has never before experienced, an enemy whom we can ignore, appeals, negotiate with, only at the expense of our survival.

This is the challenge of our day to all patriots of this Republic. We must accept this challenge. We shall either dedicate ourselves to it or face slavery and destruction.

SENATE

MONDAY, SEPTEMBER 18, 1961

(Legislative day of Saturday, September 16, 1961)

The Senate met at 12 o'clock noon, on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Almighty God, Thou art the true home of our souls, whence we sprang, to whom we belong, and in whose love and fellowship we may daily renew our strength.

At the beginning of another week, comfort us, we beseech Thee, with a vivid awareness of the spiritual verities by which we are surrounded and undergirded that we may be stripped of pride and made humble and penitent.

In a world full of the clamor of the violent, the boasting of the arrogant, and the agony of tortured peoples, make us valiant for Thy truth in a day when the hearts of many turn to water.

As undefeated souls may we sustain the shocks of these volcanic days, master their handicaps, turn their threats into challenges, and at last make even the wrath of men to serve Thee.

In the Redeemer's name we ask it. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Saturday, September 16, 1961, was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On September 14, 1961:

S. 48. An act to authorize the Secretary of the Army to modify certain leases entered into for the provision of recreation facilities in reservoir areas;

S. 203. An act to declare that the United States holds in trust for the pueblos of Santa Ana, Zia, Jemez, San Felipe, Santo Domingo, Cochiti, Isleta, and San Ildefonso certain public domain lands;

S. 322. An act to make certain funds available to the Nez Perce Tribe of Idaho;

S. 344. An act to amend the Seneca Leasing Act of August 14, 1950 (64 Stat. 442);

S. 415. An act for the relief of Margaret Jean Dauel;

S. 685. An act to amend the Coast and Geodetic Survey Commissioned Officers Act of 1948, as amended, and for other purposes;

S. 888. An act to authorize the Secretary of the Interior to lease certain lands in the State of Utah to Joseph A. Workman;

S. 935. An act for the relief of certain members of the Army National Guard of the United States and the Air National Guard of the United States;

S. 1012. An act to direct the Secretary of the Interior to adjudicate a claim of the Greif Brothers Cooperage Corp. to certain land in Marengo County, Ala.;

S. 1518. An act providing for the disposition of judgment funds of the Omaha Tribe of Indians;

S. 2016. An act to give to the Walker River Paiute Tribe the reserved minerals underlying its reservation; and

S. 2216. An act to authorize the transfer of three units of the Fort Belknap Indian irrigation project to the landowners within the project.

On September 15, 1961:

S. 1540. An act to amend the law establishing the Indian revolving loan fund.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Montana will state it.

Mr. MANSFIELD. What is the pending business?

The PRESIDENT pro tempore. The pending business is the motion of the Senator from Montana that the Senate proceed to the consideration of Senate Resolution 4, to amend the cloture rule by providing for adoption by a three-fifths vote.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that despite the fact that the Senate convened today following a recess, there may be a morning hour, with the usual 3-minute limitation.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL ESTIMATES, FISCAL YEAR 1962 (S. DOC. NO. 51)

A communication from the President of the United States, transmitting proposed supplemental estimates for the fiscal years 1962 and 1961 (with the accompanying papers); to the Committee on Appropriations, and ordered to be printed.

REPORT ON ADMINISTRATIVE EXPENSES OF SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, Washington, D.C., transmitting, pursuant to law, a report reflecting estimated obligations by principal activities of the Small Business Administration, for the period January 1, through June 30, 1961 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON REVIEW OF INTERSERVICE UTILIZATION OF AERONAUTICAL EQUIPMENT AND SUPPLIES WITHIN DEPARTMENT OF DEFENSE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of interservice utilization of aeronautical equipment and supplies within the Department of Defense, dated September 1961 (with an accompanying report); to the Committee on Government Operations.

REPORT ON RECEIPT OF APPLICATION FOR LOAN UNDER SMALL RECLAMATION PROJECTS ACT OF 1956

A letter from the Secretary of the Interior, transmitting, pursuant to law, an application for a loan of $942,100 for the Klamath Basin Improvement District in Klamath County, Oreg., under the Small Reclamation Projects Act of 1956 (with accompanying papers); to the Committee on Interior and Insular Affairs.

AMENDMENT OF SECTION 2 OF ACT OF JULY 31, 1947 (61 STAT. 681)

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend section 2 of the act of

July 31, 1947 (61 Stat. 681), and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McNAMARA, from the Committee on Labor and Public Welfare, without amendment:

H.R. 4357. An act to increase monthly disability and death compensation payable pursuant to the War Hazards Compensation Act (Rept. No. 1076).

By Mr. KERR, from the Committee on Public Works, without amendments:

S. 455. A bill to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes (Rept. No. 1083);

H.R. 7854. An act to modify the project for the Duluth-Superior Harbor, Minn. and Wis., to provide for the abandonment of the 21st Avenue West Channel, and for other purposes (Rept. No. 1080); and

H.R. 7886. An act to amend the Flood Control Act of 1958 to extend the time within which land in certain reservoir projects in Texas may be reconveyed to the former owners thereof (Rept. No. 1079).

By Mr. KERR, from the Committee on Public Works, with an amendment:

S. 520. A bill to authorize certain modification of the existing projects for the Kaskaskia River, Ill., for navigation purposes (Rept. No. 1081); and

H.R. 8558. An act to amend section 303(a) of title 23, United States Code, relating to the organization of the Bureau of Public Roads, and for other purposes (Rept. No. 1078).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.J. Res. 459. Joint resolution to provide for the preservation and protection of certain lands in Prince Georges and Charles Counties, Md., and for other purposes (Rept. No. 1082).

By Mr. HRUSKA, from the Committee on the Judiciary, with an amendment:

S. 1348. A bill for the relief of the Sulzbach Construction Co. (Rept. No. 1077).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. KERR, from the Committee on Public Works:

Harold T. Council, of Mississippi, to be a member of the Mississippi River Commission.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMATHERS:

S. 2565. A bill for the relief of Michael Najeeb Metry; to the Committee on the Judiciary.

By Mr. CLARK (for himself and Mr. SCOTT):

S. 2566. A bill for the relief of the city of Arnold, Pa.; to the Committee on Public Works.

By Mr. YARBOROUGH:

S. 2567. A bill for the relief of Servanda Weda Contreras and Florencia Weda de Salas; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2568. A bill to amend the act of September 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. GOLDWATER:

S. 2569. A bill for the relief of Chang Ki Yung; to the Committee on the Judiciary.

By Mr. BIBLE (by request):

S. 2570. A bill to amend sections 2 and 5 of the act entitled "An act to regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital," approved September 22, 1950 (64 Stat. 903); and

S. 2571. A bill to authorize grants for planning and carrying out a project of construction for the expansion and improvement of the facilities of George Washington University Hospital in the District of Columbia; to the Committee on the District of Columbia.

CONCURRENT RESOLUTIONS

EXPRESSION OF REGRET ON DEATH OF DAG HAMMARSKJOLD, SECRETARY GENERAL OF THE UNITED NATIONS

Mr. HUMPHREY (for himself, Mr. MANSFIELD, Mr. DIRKSEN, and Mr. KUCHEL) submitted a concurrent resolution (S. Con. Res. 49) expressing regret on the death of Dag Hammarskjold, Secretary General of the United Nations, which was considered and agreed to.

(See the above concurrent resolution printed in full when submitted by Mr. HUMPHREY, which appears under a separate heading.)

PRINTING OF ADDITIONAL COPIES OF SENATE DOCUMENT 41 ENTITLED "PROPOSED FEDERAL AID FOR EDUCATION—A COLLECTION OF PRO AND CON EXCERPTS AND A BIBLIOGRAPHY"

Mr. MORSE submitted a concurrent resolution (S. Con. Res. 50) to print for the use of the Committee on Labor and Public Welfare additional copies of Senate Document No. 41, relating to arguments on Federal aid to education, which was referred to the Committee on Rules and Administration.

(See the above concurrent resolution printed in full when submitted by Mr. MORSE, which appears under a separate heading.)

AMENDMENT OF SMALL BUSINESS INVESTMENT ACT OF 1958—CORRECTION IN ENROLLMENT OF SENATE BILL 902

Mr. TOWER submitted a concurrent resolution (S. Con. Res. 51) to make a correction in the enrollment of S. 902, a bill to amend the Small Business Investment Act of 1958, which was considered and agreed to.

(See the above concurrent resolution printed in full when submitted by Mr. TOWER, which appears under a separate heading.)

AMENDMENT OF TUNA CONVENTIONS ACT OF 1950

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the act of September 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949, and for other purposes. I ask unanimous consent that a letter from the Secretary of State, requesting the proposed legislation, be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 2568) to amend the act of September 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. MAGNUSON is as follows:

DEPARTMENT OF STATE,
Washington, D.C., Sept. 14, 1961.

The VICE PRESIDENT,
U.S. Senate.

DEAR MR. VICE PRESIDENT: Transmitted herewith is the text of proposed legislation "To amend the act of September 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949, and for other purposes."

The Inter-American Tropical Tuna Commission's primary function is the gathering and interpretation of factual information to facilitate maintaining the maximum sustainable yield of yellowfin and skipjack tuna in the eastern Pacific Ocean. The Convention (1 U.S.T. 230) pursuant to which this Commission was created, was negotiated in 1949 by the United States and Costa Rica. In 1953 Panama adhered to it. Ecuador recently became a party. U.S. legislation to implement the Convention was originally enacted in 1950 (16 U.S.C. 951).

The Inter-American Tropical Tuna Commission was originally conceived as an investigatory body. At the time, any regulatory measures were considered to be so far in the future that little thought was given to incorporating in the implementing legislation such provisions as would be needed to act on any Commission recommendation for regulatory measures. Consequently, the existing U.S. legislation is silent in this respect, a fact that is now creating a problem.

With the very recent development of new fishing techniques and gear, namely purse seining with the nylon net and power block, the productivity of the United States tuna fleet has increased with great rapidity, particularly as regards yellowfin tuna. So much so that there is a good possibility that within the next 60 days the Commission will find it necessary, on the basis of scientific data collected and analyzed over the last decade, to recommend to the member governments catch restrictions on yellowfin tuna. If this comes to pass, the alternative to the implementation of such recommendations would be overfishing of the resource. The situation thus developing calls urgently for amendatory legislation to enable the United States

to carry out its convention obligation "to enact such legislation as may be necessary to carry out the purposes of the Convention" as well as to discharge its general responsibility to the international community to follow sound conservation practices with respect to high seas resources. It is generally acknowledged that such legislation would be in the long-range interests of the U.S. tuna industry. It is of great importance, therefore, that the United States be in a position to take action on any Commission recommendation immediately or shortly after it it received. Time is therefore of the essence. The early attention of the Congress to this matter is respectfully urged.

With respect to the cost of enforcement, it is anticipated that the only practical regulatory measure would be such as could effectively be enforced ashore, e.g., an annual yellowfin quota for the entire convention area. It is estimated that this would put the cost of enforcement on the order of $200,000 annually for the services of inspectors in the several tuna ports, including necessary logistic support for them. Of interest in this connection is the fact that in our long-standing halibut conservation regime with Canada the emphasis has been on shore-side enforcement. This should be all the more so with yellowfin tuna since it is not expected there will be different quotas for different areas, as is true in the case of halibut.

The Bureau of the Budget advises that, from the standpoint of the President's program, there is no objection to the introduction of this proposed legislation.

Sincerely yours,

DEAN RUSK.

CONCURRENT RESOLUTION OF SYMPATHY UPON DEATH OF DAG HAMMARSKJOLD

Mr. HUMPHREY. Mr. President, on behalf of the distinguished Senator from Montana [Mr. MANSFIELD], the majority leader; the distinguished Senator from Illinois [Mr. DIRKSEN], the minority leader; the distinguished Senator from California [Mr. KUCHEL], the minority whip; and myself, I submit a concurrent resolution and ask for its immediate consideration.

The PRESIDENT pro tempore. The concurrent resolution will be stated.

The concurrent resolution (S. Con. Res. 49) was read, as follows:

Whereas Mr. Dag Hammarskjold, of Sweden, served as Secretary General of the United Nations since April 1953; and

Whereas Mr. Hammarskjold worked tirelessly to strengthen the United Nations as a force for world peace and justice; and

Whereas he served the cause of peace with patience, determination, and courage; and

Whereas his wisdom and leadership for peace won the admiration and respect of peoples throughout the world; and

Whereas Secretary General Dag Hammarskjold gave his life in the service of the United Nations and for the cause of peace: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That our deep and sincere regrets are expressed to Mr. Hammarskjold's family, to the Swedish Government, and to the United Nations for the loss of a great man and a great soldier for peace.

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HUMPHREY. Mr. President, many Senators have already addressed themselves to this subject. I do not believe further elaboration is necessary. I believe the concurrent resolution submitted on behalf of the leadership on both sides of the aisle fully expresses the thoughts, the feelings, and the spirit of the Congress of the United States.

Mr. DIRKSEN. Mr. President, I feel certain that all the minority fully concur in the spirit of the concurrent resolution which has been presented for consideration.

The PRESIDENT pro tempore. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 49) was agreed to.

PRINTING OF ADDITIONAL COPIES OF SENATE DOCUMENT NO. 41, ENTITLED "PROPOSED FEDERAL AID FOR EDUCATION—A COLLECTION OF PRO AND CON EXCERPTS AND A BIBLIOGRAPHY"

Mr. MORSE. Mr. President, I submit, for appropriate reference, a concurrent resolution, and I should like to have the attention of the majority leader and minority leader on this.

The resolution would authorize the printing of an additional 5,000 copies of Senate Document No. 41, entitled "Proposed Federal Aid for Education—A Collection of Pro and Con Excerpts and a Bibliography."

It is put out under the authorization of our committee and at the request of myself and the Senator from Arizona [Mr. GOLDWATER]. We have already about exhausted the first supply.

The need for these additional copies is attested to by the information provided me to the effect that between 250 to 300 copies of the document are being mailed daily at the request of Members of Congress. Our present supply will meet requests for only about 1 more week at the present rate of demand. The 5,000 figure is an estimate of the Library of Congress and is based on the experience in previous years of similar subject materials.

The demand is further augmented by the fact that the subject of debate of high schools that engage in interscholastic debates this year will be that of education. The Senator from Arizona and I are very desirous of getting action on this proposal. We wish to have action on the concurrent resolution taken this week, if possible, because many requests for this document are coming to Members of Congress. I hope there will be an expedition of the action desired.

The PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 50) was referred to the Committee on Rules and Administration, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed, for the use of the Senate Committee on Labor and Public Welfare, five thousand additional copies of Senate Document Number 41, Eighty-seventh Congress, relating to arguments for and against Federal aid to education.

COMMUNITY HEALTH SERVICES AND FACILITIES ACT OF 1961—CONFERENCE REPORT

Mr. HILL. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4998) to assist in expanding and improving community facilities and services for the health care of aged and other persons, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDENT pro tempore. The report will be read, for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of Sept. 20, 1961, p. 20484.)

The PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HILL. Mr. President, I move the adoption of the report.

The motion was agreed to.

TEACHERS FOR TRAINING DEAF CHILDREN AND PERSONS SUFFERING SPEECH AND HEARING IMPAIRMENT

Mr. HILL. Mr. President, I ask the Chair to lay before the Senate the amendment of the House of Representatives to Senate bill 336.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 336) to make available to children who are handicapped by deafness the specially trained teachers of the deaf needed to develop their abilities and to make available to individuals suffering speech and hearing impairments the specially trained speech pathologists and audiologists needed to help them overcome their handicaps, which was, to strike out all after the enacting clause and insert:

That, in order to encourage and facilitate the training of more teachers of the deaf, the Commissioner of Education (hereinafter in this Act referred to as the "Commissioner") shall, with the advice and assistance of the Advisory Committee on the Training of Teachers of the Deaf (established by section 5 and hereinafter in this Act referred to as the "Advisory Committee"), establish and conduct a program of grants-in-aid to accredited public and nonprofit institutions of higher education which are approved training centers for teachers of the deaf or are affiliated with approved public or other nonprofit institutions which are approved for the training of teachers of the deaf to assist such institutions in providing courses of training and study for teachers of the deaf and in improving such courses. Such grants-in-aid shall be used by such institutions to assist in covering the cost of such courses of training and study and for establishing and maintaining scholarships for qualified persons who desire to enroll in such courses of training and study, the stipends of any such scholarships to be determined by the Commissioner. The Commissioner shall submit all applications for grants-in-aid under this Act to the Advisory Committee for its review and recommendations, and the Commissioner shall not approve any such application before he has

received and studied the recommendations of the Advisory Committee with respect to such application, unless the Advisory Committee shall have failed to submit its recommendations to him after having had adequate time to do so.

SEC. 2. Payments of grants-in-aid pursuant to this Act shall be made by the Commissioner from time to time and on such conditions as he may determine, including the making of such reports as the Commissioner may determine to be necessary to carry out the provisions of this Act. Such payments may be made either in advance or by way of reimbursement.

SEC. 3. For the purposes of this Act—

The term "nonprofit", as applied to an institution, means an institution owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

(b) The term "accredited", as applied to an institution of higher education, means an institution of higher education accredited by a nationally recognized body or bodies approved for such purpose by the Commissioner; and

(c) The term "approved", as applied to training centers for teachers of the deaf, means centers approved by a nationally recognized body or bodies approved for the purpose by the Commissioner, except that a training center for teachers of the deaf which is not, at the time of its application for a grant under this Act, approved by such a recognized body or bodies may be deemed approved for purposes of this Act if the Commissioner finds, after consultation with the appropriate approved body or bodies, that there is reasonable assurance that the center will, with the aid of such grant, meet the approval standards of such body or bodies.

SEC. 4. The Commissioner is authorized to delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

SEC. 5. (a) There is hereby established in the Office of Education an Advisory Committee on the Training of Teachers of the Deaf. The Advisory Committee shall consist of the Commissioner, who shall be Chairman, and twelve persons appointed, without regard to the civil service laws, by the Commissioner with the approval of the Secretary of Health, Education, and Welfare. The twelve appointed members shall be selected so as to secure on the Committee a balanced representation from among individuals identified with institutions approved for the training of teachers of the deaf, individuals identified with institutions of higher education which are affiliated with institutions approved for the training of teachers of the deaf, individuals who have responsibilities in the teaching of the deaf, and individuals identified with the general public who have demonstrated an interest in the education of the deaf.

(b) The Advisory Committee shall periodically review the operations of the grants-in-aid program established pursuant to this Act with a view to determining the extent to which such program is succeeding in carrying out the purposes for which it was established. On the basis of such reviews the Advisory Committee shall submit to the Commissioner such recommendations with respect to the operation and administration of the program as it may deem advisable, together with any recommendations for legislation which it may deem necessary or desirable to carry out the purposes for which this Act was enacted. Such recommendations, together with the Commissioner's comments thereon, shall be referred to the Secretary of Health, Education, and Welfare for transmittal by him to the Congress.

(c) The Advisory Committee is authorized to review all applications for grants-in-aid under this Act and recommend to the Commissioner the approval of such applications as, in the opinion of the Advisory Committee, contribute to the carrying out of the purposes of this Act, and the disapproval of such applications as, in the opinion of the Advisory Committee, do not contribute to the carrying out of such purposes.

(d) The Commissioner may utilize the services of any member or members of the Advisory Committee in connection with matters relating to the provisions of this Act, for such periods, in addition to conference periods, as he may determine.

(e) Members of the Advisory Committee shall, while serving on business of the Advisory Committee or at the request of the Commissioner under subsection (d) of this section, receive compensation at rates fixed by the Secretary of Health, Education, and Welfare, not to exceed $75 per day, and shall also be entitled to receive an allowance for actual and necessary travel and subsistence expenses while so serving away from their places of residence, except that any member may waive his right to receive such compensation or allowance, or both. The provisions of section 1003 of the National Defense Education Act of 1958 shall apply to members of the Advisory Committee.

SEC. 6. (a) For the purpose of carrying out the provisions of this Act there are authorized to be appropriated $1,500,000 for the fiscal year ending June 30, 1962, and $1,500,000 for the fiscal year ending June 30, 1963. Any grant for training or scholarships made from an appropriation under this Act for any fiscal year may include such amounts for providing such training or scholarships during succeeding years as the Commissioner may determine.

(b) The provisions of this Act shall terminate on June 30, 1963.

Mr. HILL. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

AMENDMENT OF LAW RELATING TO INDECENT PUBLICATIONS IN DISTRICT OF COLUMBIA—CHANGE OF CONFEREE

Mr. BIBLE. Mr. President, I ask unanimous consent that the Senator from Indiana [Mr. HARTKE] be excused as a conferee on the bill (H.R. 4670) to amend the law relating to indecent publications in the District of Columbia, and that the Senator from Oregon [Mr. MORSE] be appointed in this stead.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF SUGAR ACT OF 1948—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of September 11, 1961, the names of Mr. CARLSON and Mr. MORSE were added as additional cosponsors of the bill (S. 2526) to amend and extend the provisions of the Sugar Act of 1948, as amended, introduced by Mr. HUMPHREY (for himself and other Senators) on September 11, 1961.

NOTICE OF HEARING ON NOMINATION OF J. SPENCER BELL TO BE U.S. CIRCUIT JUDGE, FOURTH CIRCUIT

Mr. ERVIN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Friday, September 22, 1961, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of J. Spencer Bell, of North Carolina, to be U.S. circuit judge, fourth circuit, a new position.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from South Carolina [Mr. JOHNSTON], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1459. An act to amend the provisions of law relating to longevity step increases for postal employees;

S. 1990. An act to amend section 1362 of title 18 of the United States Code so as to further protect the internal security of the United States by providing penalties for malicious damage to certain communications facilities;

S. 2272. An act to disclaim interest in certain rights in certain lands in the State of Nevada; and

S. 2393. An act to extend for 2 additional years the expired provisions of Public Laws 815 and 874, Eighty-first Congress, and the National Defense Education Act of 1958, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 258) to amend the District of Columbia Sales Tax Act to increase the rate of tax imposed on certain gross receipts, to amend the District of Columbia Motor Vehicle Parking Facilities Act of 1942 to transfer certain parking fees and other moneys to the highway fund, and for other purposes; asked a conference with the Senate on the disagreeing votes of the Houses thereon, and that Mr. MCMILLAN, Mr. BURKE of Kentucky, and Mr. BROYHILL were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mrs. KELLY, Mr. MORROW, and Mr. JUDD were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments

of the Senate to each of the following bills of the House:

H.R. 2279. An act to provide for the withdrawal from the public domain of certain lands in the Granite Creek area, Alaska, for use by the Department of the Army at Fort Greely, Alaska, and for other purposes; and

H.R. 5486. An act to prohibit the examination in District of Columbia courts of any minister of religion in connection with any communication made to him in his professional capacity, without the consent of the party to such communication.

The message further announced that the House had passed a bill (H.R. 8921) to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filling of vacancies in the membership thereof, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker pro tempore had affixed his signature to the following enrolled bills; and they were signed by the President pro tempore, with the exception of the bill (S. 902):

S. 902. An act to amend the Small Business Investment Act of 1958, and for other purposes;

S. 2237. An act to amend the Immigration and Nationality Act; and for other purposes;

H.R. 1325. An act for the relief of Mrs. Seto Yiu Kwei;

H.R. 1369. An act for the relief of Zsuzsanna Reisz;

H.R. 1378. An act to authorize the Secretary of the Interior to enter into an exchange of certain land in Madera County, Calif., with Mary Saunders Moses;

H.R. 1394. An act for the relief of Laszio Namori;

H.R. 1399. An act for the relief of Mrs. Josefa Pidlsoan and daughter, Annabelle Pidlsoan;

H.R. 1422. An act for the relief of Mrs. Agavni Yazicioglu;

H.R. 1459. An act for the relief of En3c. Hideo Chuman, U.S. Navy;

H.R. 1496. An act for the relief of Aloysius van de Velde;

H.R. 1532. An act for the relief of Jeanine Ruth Tabacnik;

H.R. 1550. An act for the relief of Jesus Garza Lopez;

H.R. 1551. An act for the relief of Kim-Ok Yun;

H.R. 1569. An act for the relief of Isei Sakioka;

H.R. 1581. An act for the relief of Maria Falato Colacicco;

H.R. 1583. An act for the relief of Mrs. Chung-Huang Tang Kao;

H.R. 1614. An act for the relief of Byron K. Efthimiadis;

H.R. 1630. An act for the relief of Carma Pereira de Bustillos;

H.R. 1646. An act for the relief of Joan Josephine Smith;

H.R. 1714. An act for the relief of Nicholas J. Katsaros;

H.R. 1898. An act for the relief of Isabel Brown;

H.R. 1901. An act for the relief of Georgia J. Makris;

H.R. 2136. An act for the relief of Hajime Misaka;

H.R. 2145. An act for the relief of Joginder Singh Toor;

H.R. 2280. An act to provide for the withdrawal of certain public lands forty miles east of Fairbanks, Alaska, for use by the Department of the Army as a Nike range;

H.R. 2283. An act to provide for the withdrawal from the public domain of certain lands in the Big Delta area, Alaska, for continued use by the Department of the Army at Fort Greely, and for other purposes;

H.R. 2555. An act to authorize pay with respect to civilian employees of the United States in cases of emergency evacuations, to consolidate the laws governing allotment and assignment of pay by such employees, and for other purposes;

H.R. 2655. An act for the relief of Mrs. Pamala Gough Walker;

H.R. 2822. An act for the relief of Gregoire A. Kublin;

H.R. 2924. An act to repeal an act entitled "An Act extending the time in which to file adverse claims and institute adverse suits against mineral entries in the district of Alaska", approved June 7, 1910 (36 Stat. 459);

H.R. 3133. An act for the relief of Mrs. Marie A. Schmoldt;

H.R. 3393. An act for the relief of Istvan Zsoldos;

H.R. 3404. An act for the relief of Elemer Christian Sarkozy;

H.R. 3718. An act for the relief of Matthias Nock, Jr.;

H.R. 4221. An act for the relief of Sylvia Abrams Abramowitz;

H.R. 4384. An act for the relief of Richard Fordham;

H.R. 4499. An act for the relief of Mrs. Margaret Ruda Daniel;

H.R. 4553. An act for the relief of Zbigniew Ryba;

H.R. 5136. An act for the relief of Compton Jones and Hulbert Jones;

H.R. 5138. An act for the relief of Francisco Joaquin Alves;

H.R. 5141. An act for the relief of Vito Recchia;

H.R. 5735. An act for the relief of Steven Mark Hallinan;

H.R. 6007. An act to amend section 505(d) of the Classification Act of 1949, as amended, with respect to certain positions in the General Accounting Office;

H.R. 6158. An act for the relief of Adolphe C. Verheya;

H.R. 7576. An act to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; and

H.R. 8678. An act to provide for the conveyance of a portion of the Henry G. Shirley Memorial Highway and other highways on the Pentagon road network to the Commonwealth of Virginia, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 8921) to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filling of vacancies in the membership thereof, and for other purposes, was read twice by its title and referred to the Committee on Public Works.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. THURMOND:

Address by Mr. ROBERT W. HEMPHILL, Fifth South Carolina Congressional District, delivered at the dedication of the National Guard Armory at Clover, S.C., on September 10, 1961.

LEGISLATIVE RECORD OF THE SENATE THROUGH SEPTEMBER 15, 1961

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there may be printed in the RECORD a record of the major legislative action taken by the Senate through September 15, 1961, as prepared by the Senate Democratic policy committee.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

MAJOR LEGISLATIVE ACTION 87TH CONGRESS, 1ST SESSION, THROUGH SEPTEMBER 15, 1961

(By Senate Democratic policy committee)

The Senate has passed 1,000 measures, confirmed 47,909 of the President's nominees, and ratified 8 conventions or treaties. As we head toward adjournment, the Senate has numerous bills and one or two treaties on which we hope to take action prior to sine die adjournment, including the supplemental appropriations bill, a few conference reports, one or two major bills, several minor bills, and Senate Resolution 4, the resolution to amend Senate rule XXII—cloture rule.

IN THE ECONOMIC AREA

Omnibus farm bill: Enacted a major farm bill to reduce wheat and feed grain surpluses; authorized Secretary to consult with farmers, farm organizations, and other groups to develop new farm programs; extended the Agricultural Trade and Development Act to December 31, 1964; consolidated and modernized the Farmers Home Administration; extended the Wool Act for 4 years to March 31, 1965; extended Great Plains conservation program to December 31, 1971; authorized a 5-year extension of the school milk program to be paid by direct appropriations; and extended the Veterans' Administration and armed services milk program to 1964, with CCC furnishing the funds (Public Law 87–128).

Federal Aid Highway Act: Enacted the Federal Aid Highway Act of 1961, revising the original estimated authorization for 41,000-mile 13-year program of Interstate Highways by increasing the Federal Government's share from $25 billion to $37 billion; extended for 2 years the "incentive" bonus for States to enter into agreements for billboard controls (Public Law 87–61).

Housing Act of 1961: Enacted a housing program, authorizing $4.9 billion in new funds. The act provides for a new 2-year experimental plan of low-interest rate, 35-year mortgage loans for middle-income housing (except in hardship cases the mortgages may be extended to 40 years); requires a 3-percent downpayment on low-income housing, with a permissive inclusion of settlement costs; authorizes $75 million for mass transportation systems, and $50 million for "open space" grants; and includes a reauthorization of approximately 100,000 public housing units (Public Law 87–70).

FHA: Increased by $1 billion the mortgage insurance authorization of FHA (Public Law 87–38).

Veterans' home loans: Extended direct and guaranteed home loan programs for World War II veterans to July 26, 1967, and for Korean conflict veterans to February 1, 1975; authorized an additional $1.2 billion for direct loan program through fiscal 1967 (Public Law 87–84).

Social security: Increased minimum old-age insurance benefits and benefits to widows under the Social Security Act; provided reduced benefits to men at 62; liberalized disability provisions; increased tax for workers and employers by one-eighth of 1 percent; increased (for 1 year) the amount

of public assistance payments for old-age assistance, aid to the blind, and aid to the permanently and totally disabled (Public Law 87–64).

Manpower Training Act of 1961: Authorizes a 4-year, $455 million manpower training program to help alleviate the unemployment problem by enabling workers whose skills are obsolete to receive training which will qualify them to obtain and hold jobs, with priority to unemployed persons including those in farm families with a net income of less than $1,200 a year (S. 1991).

Water pollution control: Authorized an additional $270 million to help communities construct sewage treatment plants to control water pollution, thus raising the annual limit on grants from $50 million yearly to $80 million for fiscal 1962, $90 million for fiscal 1963, $100 million for fiscal 1964, through and including 1967. In addition, this measure increased from $3 million to $5 million the annual Federal matching grants to States to administer water pollution control programs and extended the program through June 30, 1968, and authorized $5 million a year for the Secretary to use to develop demonstration programs to treat sewage, to measure pollutants, and to evaluate the effects of sewage treatment (Public Law 87–88).

Debt limit: Increased the public debt limit by $14 billion to $298 billion through June 30, 1962 (Public Law 87–69).

Corporate-excise extension: Extended for an additional year the existing 52-percent corporate income tax rate, excise tax rates on automobiles, liquor and tobacco, and taxes on local telephone calls and passenger transportation—thus preventing a loss of revenue of some $2.5 billion (Public Law 87–72).

Federal unemployment compensation: Authorized Federal advances to permit the States to extend unemployment benefits up to an additional 13 weeks for workers who have exhausted their regular benefits during the recession, thus providing an unemployed worker with benefits up to a total of 39 weeks—in an effort to ease the unemployment problem throughout the country (Public Law 87–6).

Railroad unemployment compensation: Approved benefits of a similar nature for unemployed railroad workers under the Railroad Unemployment Insurance Act (Public Law 87–7).

Railroad retirees: To bring the railroad retirees in line with the beneficiaries of social security, this amendment to the Railroad Retirement Act permits men without 30 years service to receive reduced annuities upon reaching age 62; and reduces from 3 to 1 year the required time which must elapse after marriage before a wife or husband, otherwise qualified, may receive the annuity (S. 2395, Public Law 87–).

Aid to dependent children: Authorized a 14-month program, from May 1, 1961, through June 1962 of aid-to-dependent children, permitting States to aid needy unemployed parents and their children who are not now eligible for aid in which the Federal Government participates; and increased by $3 the minimum amount to which the Federal Government will participate on a matching basis in State programs carrying out the special medical care provisions for recipients of old age assistance (Public Law 83–31).

Minimum wage: Increased minimum wage to $1.25 (from $1) and extended coverage to 3.6 million additional workers (Public Law 87–30).

Area redevelopment: Established the Area Redevelopment Administration in the Department of Commerce, and authorized a 4-year program of $300 million in loans and $94 million in grants for industrial plants and public facilities in economically distressed areas (Public Law 87–27).

Small business loans: Increased by $20 million the amount that the Small Business Administration may commit for loans under their regular business loan program, which will enable SBA to continue its loan program without interruption for approximately 1 month (Public Law 87–198).

Small business amendments: Increased SBA's revolving fund by $105 million which, in addition to the $20 million approved in Public Law 87–198, increases the total SBA revolving fund to $1,125 million (H.R. 8762).

Small Business Investment Act: Increases capitalization of SBIC's by raising the amount of capital SBA may invest in an SBIC (on a matching basis) from $150,000 to $400,000 and raises the limit on such investments applicable to commercial banks from 1 percent of the bank's capital and surplus to 2 percent; limits to $4 million the amount of operating loans SBA may make to any one SBIC and limits loans and investments by SBIC's in any one small business concern without approval of SBA to $500,000, or 20 percent of their capital and surplus, whichever is smaller; and increases the loan limitation to State and local development companies from $250,000 to $350,000 and the maximum loan maturity from 10 to 25 years (S. 902, Public Law 87–).

ICC loans: Extended for 27 months (to June 30, 1963) authority of Interstate Commerce Commission to make loans to help ease the credit difficulties of railroads (Public Law 87–16).

Feed grains: Authorized a 1-year emergency price support for the 1961 crop of corn at $1.20 a bushel with the other feed grains to be supported at fair and reasonable levels in relation to corn, in an effort to raise the incomes of feed grain producers and to reduce the mounting surpluses of feed grains in Government hands (Public Law 87–5).

Drought relief: Enacted a temporary 1-year program authorizing the sale of Government surplus corn and feed grains to needy farmers and ranchers in drought areas at 75 percent of Government price support levels and permitting grazing of livestock on grasslands idled by the soil bank and other conservation programs or moving hay on these lands in or near drought areas (Public Law 87–127).

Midstate reclamation project, Nebraska: Authorized construction of the midstate reclamation project in Nebraska and provided for its inclusion in the Missouri River Basin project. Estimated cost is $81,467,000, repayable within the 40-year contract period (S. 970).

San Juan-Chama: Authorized $221 million in appropriation to construct the Navajo Indian irrigation project and the San Juan-Chama project, to irrigate land and help stabilize the economy of the water deficient Rio Grande and Canadian Basins (S. 107).

Small towns and rural counties: Established a 20-member bipartisan Commission on Problems of Small Towns and Rural Counties to study and investigate Federal policies and programs relating to the needs and problems of such areas (S. 1869).

AEC sales: Accelerated property sales to stimulate the economic growth of atomic energy communities (Public Law 87–174).

Metal scrap: Extended to June 30, 1962, the existing suspension of import duties on metal scrap (Public Law 87–110).

Farm loans: Increased proportion of appropriated farm loan funds available for individual farms with debt over $10,000 from 10 percent to 25 percent to help meet the rapid and increased cost of farming (Public Law 87–8).

Mexican farm labor: Extended and revised the Mexican farm labor program for 2 years, to December 31, 1963.

Cotton farmers' relief: Authorized emergency relief to cotton farmers where floods have made it impossible to plant (Public Law 87–37).

Duty-free allowance: Reduced the duty-free exemption from $500 to $100 through June 30, 1963, to counter our unfavorable balance of payments (Public Law 87–132).

Foreign trade: Expands Commerce Department services to importers and exporters and accelerates programs to promote foreign trade.

Clay and shale tax treatment: Permits miners of clay and shale to include as a depletion allowance the process of manufacturing brick and tile (Public Law 87–).

IN THE INTERNATIONAL AREA

Foreign assistance authorization: Authorized a total appropriation of $4,253,500,000 for fiscal 1962; a long-term (5-year) Development Loan Fund program authorizing an appropriation of $1.2 billion for fiscal 1962 and $1.5 billion for each fiscal year from 1963 to 1966; and established a new foreign-aid agency (Public Law 87–195).

Latin American aid: Appropriated $600 million for Latin American aid program, which includes $100 million in disaster relief for Chile, $394 million for loans by the Inter-American Development Bank, $6 million for social and economic programs of the Organization of American States, and $100 million for loans and grants by the International Cooperation Administration (Public Law 87–41).

OECD: Ratified the creation of the Organization for Economic Cooperation and Development consisting of 18 European member nations, the United States, and Canada, to promote economic stability and an orderly growth of the economies of the member states.

OECD permanent representation: Authorized the President to appoint, subject to Senate confirmation, a permanent representation of the United States to the Organization for Economic Cooperation and Development, and provided for the cost of U.S. participation in OECD including salaries of the American representative and his staff. (U.S. share is 25 percent of the OECD budget which will run to about $5 million annually) (S. 2423).

Peace Corps: Carried out the President's recommendation to establish a Peace Corps of American volunteers to carry America's skills and talents and idealism abroad to help other peoples to help themselves. The Peace Corps is designed to provide the framework through which America's idealism, her humanitarianism, and her generosity can find a personal expression in the task of helping to build with our own hands a better world for our mankind (H.R. 7500, Public Law 87–).

Disarmament: Established a Disarmament Agency for World Peace and Security to give impetus to the U.S. goals of a world which is free from the scourge of war and the dangers and burdens of armaments (S. 2180).

Battle Act revision: Strengthened U.S. policy abroad by authorizing the President to permit economic aid to Iron Curtain countries, except the Soviet Union and Communist-held areas of the Far East, when he considers it important to U.S. security (S. 1215).

Foreign bank tax exemption: Exempted foreign central banks from payments of taxes in this country on interest accrued from ownership of U.S. Government securities not used or held for commercial purposes (Public Law 87–27).

U.S. Travel Service: Established a U.S. Travel Service in the Department of Commerce to promote and encourage tourist travel from abroad (Public Law 87–63).

Cultural exchange: Consolidated all cultural and educational exchange programs in an effort to promote these programs to a more important position in our foreign re-

lations. The exchange programs combined are the Fulbright Act, the Smith-Mundt Act, the Finnish Debt Payments Act, the Mutual Security Act of 1954, as amended, the Agricultural Trade Development and Assistance Act of 1954, and the International Cultural Exchange and Trade Fair Participation Act of 1956 (H.R. 8666, Public Law 87–).

U.S. food reserve: Expressed an interest in exploring with other nations the possibility of establishing an international food and raw materials reserve under the United Nations and related international organizations to acquire and store in appropriate countries raw or processed farm products and other raw materials exclusive of minerals.

Red China: Expressed as the sense of the Congress that:

1. The United States should continue to support the Government of the Republic of China as the representative of China in the United States;

2. The United States shall continue to oppose seating of the Chinese Communist regime in the U.N. so long as that regime persists in defying the principles of the U.N. Charter; and

3. The American people support the President in not according diplomatic recognition to the Chinese Communist regime.

International Finance Corporation amendment: Amended by charter of the IFC by allowing it to purchase capital stock to aid the IFC in encouraging private investment in underdeveloped countries by creating a wider flexibility of financing to meet the varying needs of private enterprise (Public Law 87–185).

Mercy fleet: Supported the establishment by the President of a White Fleet—a force of mercy ships to assist in disaster areas in any coastal region of the world, as well as to carry on a regular program of logistics support in the public health field and other works of technical assistance.

Inter-American Children's Institute: Continued U.S. participation in and contributions to the Inter-American Children's Institute (S.J. Res. 66).

Alien Orphan Adoption Act: Made permanent and expanded the Alien Orphan Adoption Act which permits orphans adopted or to be adopted by U.S. citizens to enter the country on nonquota visas (S. 2237, Public Law 87–).

Caribbean Organization: Authorized the President to accept on behalf of the United States the agreement establishing the Caribbean Organization; the participation of Puerto Rico and the Virgin Islands in the Organization; made available to the Organization the privileges, exemptions, and immunities conferred by the International Organizations Immunity Act; and authorized the Secretary of State to appoint a U.S. observer to the Organization. (Organization is to concern itself with social, cultural, and economic matters of common interest to the Caribbean area) (Public Law 87–73).

Fulbright Act: Authorized legally classified American nationals to qualify and receive financial assistance under the Fulbright Act for advanced education abroad (Public Law 87–153).

Agricultural aid: Authorized the administration to continue and expand the use of our agricultural abundance in helping needy people in the less developed countries through development programs under title II of Public Law 480, Agricultural Trade Development Act (Public Law 87–92).

Repatriation assistance: Enacted an emergency 1-year repatriation assistance program to provide temporary assistance to U.S. citizens and dependents of U.S. citizens returning from abroad without available resources. Aid can consist of money payments, medical care, temporary billeting, or other goods or services needed for the health and welfare of the recipients (Public Law 87–64).

Surplus as aid: Authorized disposal of additional $2 billion in surplus commodities under the Agricultural Trade Development and Assistance Act (Public Law 87–27).

Sugar Act: Extended the Sugar Act of 1948 for 15 months to June 30, 1962, fixing quotas of domestic and foreign producers; and continuing the President's authority to exclude Cuban sugar imports and reallocate its quota (Public Law 87–15).

Refugee Assistance Act: Authorized aid for resettlement of refugees-escapees from Iron Curtain countries abroad and those seeking asylum here from Cuba; and authorized the President to use up to $10 million in any fiscal year in order to meet unexpected refugee and migration developments important to the national interest (H.R. 8291, Public Law 87–).

Belgium Treaty: Ratified a commercial treaty with Belgium to provide protection for property and interests of American citizens and companies in Belgium and to assure fair and nondiscriminatory treatment in commercial, industrial, and financial activities, in return for like assurances in the United States.

Brazil: Ratified a Treaty of Extradition with Brazil.

Columbia River: Ratified a treaty between the United States and Canada for Cooperative development of the Columbia River.

German war bonds: Ratified a second agreement with Germany for the validation of East German dollar bonds to enable owners of these bonds to establish they were acquired from legitimate sources and not through Soviet sources in Berlin at close of World War II.

Load line: Ratified a modification to the International Load Line Convention.

Oil pollution: Ratified the International Convention for the Prevention of Pollution of the High Seas by Oil.

Vietnam Treaty: Ratified a commercial treaty with Vietnam to provide protection for property and interest of American citizens and companies in Vietnam and to assure fair and nondiscriminatory treatment with respect to engaging in commercial, industrial, and financial activities, in return for like assurances in the United States.

Pollution of sea by oil: Implemented the International Convention for the Prevention of the Pollution of the Sea by Oil, which prohibits discharge of oil from tankers and imposes fines and penalties for violations (Public Law 87–167).

NATO: Extended through June 30, 1962, the life of the U.S. Citizens Commission on NATO, a Commission established to explore means of increasing cooperation and unity of purpose among NATO countries (Public Law 87–116).

IN THE AREA OF WELFARE AND GENERAL GOVERNMENT

Aid to education: Enacted a $2,550 million, 3-year, Federal-aid-to-education program for school construction and increasing teachers' salaries (S. 1021).

Impacted areas-NDEA extensions: Enacted bill which extends for 2 years, until June 30, 1963, Federal assistance to help build schools in districts burdened with substantial increases in their school memberships due to Federal activities, and authorizes an additional $20 million for this purpose. Also, extended for 2 years, until June 30, 1964, the provisions of the National Defense Education Act, passed in 1958, to stimulate a nationwide effort to strengthen instruction in science, mathematics, and modern foreign languages (S. 2393, Public Law 87–).

College housing: Increased the loan authorization by $300 million for each of the 4 years beginning July 1, 1961, through 1964 (Public Law 87–70).

Circuit judges: Created 73 additional U.S. district and circuit court judgeships to help ease the present workload and overcrowded court calendars (Public Law 87–36).

Community Health Services and Facilities Act of 1961: Increased from $30 million to $50 million, for each of the next 5 years, the appropriation authorization for matching grants-in-aid to States to assist them in expanding their public health services for the chronically ill and aged; authorized for a 5-year period, a new program of up to $10 million annually of special projects grants to public and nonprofit organizations for studies, experiments, and demonstrations of new or improved methods of providing health services outside hospitals, primarily for chronically ill or aged persons; and extended the Hill-Burton Act to June 30, 1964 (H.R. 4998, in conference).

Mass transit: Authorized a new $75 million program to help overcome commuting problems in cities. Twenty-five million dollars is authorized for demonstration grants (covering up to two-thirds of project cost) for projects to explore ways of overcoming mass transit problems. Fifty million dollars is authorized for low-interest loans to public bodies for acquiring, constructing, and improving transportation facilities and equipment (Public Law 87–70).

National fuels study: Approved a resolution authorizing the Senate Interior Committee to make an investigation and study of the current and prospective Government policies, to determine changes for an effective national fuels policy. Report of the findings to be submitted by January 31, 1961 (S. Res. 105).

Federal Airport Act extension: Extended the Federal Airport Act for 3 years to June 30, 1964, and authorized a total appropriation of $225 million, or $75 million annually (H.R. 8102, Public Law 87–).

Public facility loans: Provided eligibility to Indian tribes for assistance under the public facility loan program, title II of the Housing Amendments of 1955. Under present law, eligibility for loans under the public facility loan program is limited to, "municipalities and other political subdivisions and instrumentalities of States." This provision has been interpreted as not including Indian tribes which resulted not only in discrimination but an inconsistency since all tribes are eligible for low-rent public housing, housing for the elderly, and assistance under the Area Redevelopment Act (S. 2454).

Government reorganization: Restored the authority of the President to submit plans for the reorganization of the Government (Public Law 87–18).

Judgment and compromise settlement: Provided for the swift payment of judgments and compromise settlements against the U.S. Government won by State and foreign claimants (Public Law 87–187).

Farm credit: Amended the farm credit laws to: Permit installment payments on Federal land bank loans to be scheduled more frequently than semiannually if desirable to the borrower; permit Federal land bank loans to be made to corporations set up by farming families (now restricted to persons); extend from 5 to 7 years the permissible maturity of intermediate-term loans; require in applying the earnings at the end of each fiscal year that one-half of 1 percent of the loans outstanding be held in reserve up to the accumulation of 3½ percent of the outstanding loans (S. 1927).

Major disasters: Authorized assistance to be given by the Federal Government to Guam, American Samoa, and the Trust Territory of the Pacific Islands in case of a national disaster (S. 1742).

Aircraft claims: Authorized immediate payment of up to $1,000 to anyone who might suffer injury or personal damages as a result of an accident involving military aircraft or missiles (H.R. 7934, Public Law 87–212).

Saline water conversion program: Extended the saline water conversion program,

enacted in 1952 from 1962 through 1967 and authorized a total appropriation of $75 million, but does not limit the annual appropriation to a pro rata share of the total amount (H.R. 7916, Public Law 87–).

Unemployment tax credits: Prevented double taxation in the case of Federal and State unemployment taxes arising as a result of a technical deficiency in the Federal tax law (H.R. 2585).

District of Columbia revenue taxes: Increased the sales tax from 2 percent to 3 percent, with no change on present 1 percent tax on groceries; increased to 5 percent from 3 percent the tax on charges for rooms and accommodations furnished transients; increased to 4 cents from 2 cents the tax per package on cigarettes; increased to $1.50 from $1.25 the tax on alcohol per gallon; and provided for an increase in the Federal payment to the District of Columbia general fund of $4 million, thus creating a total of $36 million (H.R. 2581, in conference).

Freedmen's Hospital: Transfers Freedmen's Hospital to Howard University as its teaching hospital (H.R. 6302, Public Law 87–).

Civil Rights Commission: Extends the life of the Commission for 2 years, or until September 30, 1963 (H.R. 7371, Public Law 87–).

HEW: Authorized two additional Assistant Secretaries—one to handle international affairs, the second to handle medical and scientific matters (S. 2073).

Labor: Authorized an additional Assistant Secretary to perform functions relating primarily to the employment and effective utilization of women in our labor force (Public Law 87–137).

FTC reorganization: Provided for the reorganization of the Federal Trade Commission to expedite the present workload (plan No. 4, effective July 9).

CAB reorganization: Authorized the reorganization of the Civil Aeronautics Board to provide greater flexibility and a more expeditious handling of CAB cases (plan No. 3, effective July 3).

Maritime reorganization: Authorized reorganization of Maritime Board (plan No. 7, effective Aug. 12).

ICC: Authorized reorganization of Interstate Commerce Commission (H.R. 8033, Public Law 87–247).

FCC reorganization: Authorized FCC to delegate functions in adjudicatory cases to expedite and improve the administrative process (Public Law 87–192).

SEC reorganization: Authorized the Securities and Exchange Commission to delegate certain of its functions by published order or rule to a division of the Commission, an individual Commissioner, a hearing examiner, or an employee or employee board and provides for appeals of such delegations (S. 2135).

SEC investigation: Authorized $750,000 for the Securities and Exchange Commission to conduct a special investigation of the adequacy of its rules, for the protection of the the investor, governing stock exchanges and over-the-counter securities trading. SEC is to report its findings to Congress by January 3, 1963 (Public Law 87–196).

Dual rate contracts: Amended Shipping Act of 1916 to permanently legalize the operation of steamship conferences and dual systems of contracts for shippers provided they meet extensive safeguards administered by the newly constituted and expanded Federal Maritime Commission (H.R. 6775).

Freight forwarders: Required all independent ocean freight forwarders to obtain a license from the Federal Maritime Board to prevent unqualified persons from engaging in business as foreign freight forwarders and to regulate the activities of qualified foreign freight forwarders (S. 1368).

Educational TV: Authorized Federal grants up to $1 million for any State to purchase TV transmission equipment for educational purposes, providing the State or sponsoring agency furnish the land, building, and guarantee to operate and maintain the channel (S. 205, H.R. 132).

National conventions: The Senate adopted unanimously a resolution expressing as the sense of the Senate that the party conventions held every 4 years to nominate candidates for President and Vice President should not be commenced prior to the first Monday in September of the year in which the election is to be held (S. Res. 141).

Disabled veterans compensation increase: Provided increases in rates of service-connected disability compensation (to reflect cost of living increases since last compensation raise in 1957) ranging from 2.6 to 16.7 percent, depending upon degree of disability; restores for 2 years after January 1, 1962, the eligibility of veterans who served between October 8, 1940, and April 24, 1951, to apply for national service life insurance (H.R. 879).

Disability benefits: Increased weekly disability benefits for longshoremen and harbor workers to $70 (from $54); provided comparable increases in death cases from $81 to $105; and increased statutory maximum compensation payable for all injuries other than cases of permanent total disability or death from $17,280 to $24,000 (Public Law 87–87).

Tax Court judges' widows and dependent children: Provided a system of annuities for the surviving widows and dependent children of judges of the Tax Court of the United States (H.R. 4317, in conference).

Postal employees: Extended to employees in the postal field service the same salary retention protection in cases of reduction in grade as provided under the Classification Act since 1956 (H.R. 7043, Public Law 87–).

NSLI special dividend: Authorized the payment of a special insurance dividend averaging from $100 to $150, for those veterans who have "RS" or "W" insurance. The RS insurance is entirely term insurance and the premium increases at the end of each 5-year period. The "W" insurance is both term and permanent, with the increased rate at the end of each 5-year period (H.R. 4539).

NSLI compensation increases: Provided a new type permanent plan national service life insurance to World War II term-policy holders prior to age 65 to alleviate the high premiums on their term insurance; restored for 2 years after January 1, 1962, the eligibility of veterans who served between October 8, 1940, and April 24, 1951, to apply for NSLI; and increased disability compensation to reflect cost of living increases and increased from 3 to 7 years the presumption of service connection for multiple sclerosis (H.R. 856).

Migratory health services: Authorized $3 million annually in Federal grants to public or nonprofit agencies and organizations for paying part of the cost of establishing and operating family health clinics and special health projects for domestic migratory farm families (S. 1130).

Educational opportunities for migratory farm families: Authorized a 5-year program to aid in the education of the children of migratory workers. The Federal Government is to pay 100 percent of the program the first 2 years and the States and Federal Government will match costs for the next 3 years (S. 1124).

National Advisory Council on Migratory Labor: Established a 15-member Council to advise the President and Congress on the operation of Federal law, regulations, programs, policies, and all other matters relating to migratory agricultural labor to provide a better understanding of conditions, needs, and long-range solutions of this problem (S. 1132).

Supplemental air carriers: Provided a permanent place in the aviation industry for supplemental air carriers without adverse effect upon scheduled carriers. Provides that a carrier may request and be authorized to perform limited services supplemental to those furnished by the regular air carriers, and authorizes the Board to issue certificates of public convenience and necessity for supplemental service containing limitations on the type and extent of service authorized (S. 1969).

Shoreline areas: Authorized the Department of Interior to study means and costs of acquiring and preserving 14 ocean, lake, and river shoreline areas appropriate for recreational parks. Authorized the Department of Agriculture to study appropriate shorelines within the Nation's 186 million acres of national forests. Each Department is to report its findings and recommendations within 2 years. Authorized $400,000 for each survey and a grand total of $25 million of matching funds to assist the States in acquiring State shoreline areas (S. 543).

Wilderness bill: Established a National Wilderness Preservation System providing that any time within 10 years, the President may recommend to Congress the permanent inclusion within the wilderness system areas totaling approximately 54 million acres (S. 174).

Point Reyes National Seashore: Authorized an appropriation of $14 million to acquire land to preserve, for public recreational purposes, Point Reyes National Seashore in California (S. 476).

Migratory waterfowl conservation: Authorized a 5-year program for the purchase of wetlands in the United States to be used by wild birds, particularly waterfowl. Authorized $50 million to be repaid at the end of the 5-year period at the rate of 90 percent a year from the duck-stamp fund until the entire amount is repaid to the Treasury (H.R. 7391).

Federal savings and loan: Strengthened the Federal Home Loan Bank Act and the National Housing Act by increasing the reserves and cutting the overcapitalization of the Federal Savings and Loan Insurance Corporation created as a reserve credit facility for savings and home mortgage credit institutions (H.R. 7108, Public Law 87–210).

Interstate commerce—property destruction: Strengthened existing Federal law by making it unlawful to destroy, injure, set fire to, or otherwise damage goods moving in interstate or foreign commerce, break into or enter any railroad car, vessel, aircraft, truck, or other vehicle for such purpose (H.R. 2429, Public Law 87–221).

Alien employment: Removed the prohibition against Department of Commerce employing alien scientists and technicians in an effort to relieve a general shortage of personnel in scientific, engineering and technical areas (S. 2236).

Travel expenses: Increased the allowances of Government employees for traveling expenses when on official business. Increases include from $10 to $16 per diem allowances and from 10 to 12 cents a mile by private automobile (Public Law 87–139).

Jury commissioners: For the first time since 1884, increased the fees of jury commissioners in the U.S. district courts from the present $5 to $10 per diem for each day employed in the performance of duties (S. 1899).

Federal election laws: Passed a clean-elections bill to strengthen our electoral system, provide more realistic ceilings on campaign expenses, make available at the State level information on campaign financing, and provides for a tax credit for political contributions to candidates for Federal office or to political committees acting for such candidates (S. 2426).

Postal pay: Eliminated discrimination against postal employees with respect to longevity pay increases by providing benefits comparable to those enjoyed by regular civil service employees (S. 1459).

Oceanography: Established a national 10-year program of oceanographic and Great Lakes research to promote commerce and navigation, to secure the national defense, to expand ocean, coastal and Great Lakes resources and to enhance the public health and general welfare (S. 901).

Wabash River Commission: Established a Wabash Basin Interagency Water Resources Commission to coordinate Federal, State, and local plans for developing the water and land resources in the Wabash River Basin (S. 811).

Cape Cod Park: Established Cape Cod National Seashore Park to preserve for public enjoyment the scenic, scientific, and historic features of the cape (Public Law 87–126).

Juvenile delinquency: Authorized a program of Federal grants to communities and nonprofit agencies of $10 million a year for 3 years to aid in financing projects to combat juvenile delinquency (S. 279, Public Law 87–).

Geodetic survey: Improved and expanded the Coast and Geodetic Survey Act of 1948 to induce qualified scientists and mathematicians to join the service (S. 685, Public Law 87–).

Nurses' scholarships: Extended for 4 years (to June 30, 1965), $5 million a year program for grants and scholarships for training of practical nurses under Vocational Education Act (Public Law 87–22).

Vocational teacher training: Authorized two 1-year programs of Federal grants for training teachers of the deaf, and advanced training of speech pathologists and audiologists (S. 336).

Internal Revenue employees: Appropriated funds for an additional 4,265 Internal Revenue Service employees (Public Law 87–159).

Rural carriers: Increased equipment allowance for rural mail carriers to 12 cents a mile (S. 189).

IN THE AREA OF DEFENSE AND SPACE EXPLORATION

Ready Reserves: Granted authority, requested by the President, to call to active duty up to 250,000 ready reservists, authority to continue until July 1, 1962; and to grant discretionary authority to the Secretary of Defense to extend enlistments, appointments, and other service obligations up to 12 months, which would otherwise expire on July 1, 1962 (Public Law 87–117).

Military procurement: Authorized $12.4 billion procurement program for aircraft, missiles, and naval vessels for fiscal 1962 (Public Law 87–53).

Additional military procurement authorizations: As requested by the President, authorized additional funds to provide for additional equipment primarily to improve the nonnuclear defense capabilities of our ground forces and of the Navy and Air Force; to provide increased airlift and sealift; and to expand our antisubmarine warfare program. The overall request for additional authorization for procurement of weapons, equipment, and ammunition was for $1,753 million; however, of this amount, additional authorizations are required only for $958,570,000 (Public Law 87–118).

Military construction: Authorized $831 million for construction and improvement projects at military bases at home and abroad, including missile sites and nuclear submarine bases (Public Law 87–57).

Aeronautics and Space Council: Reactivated and strengthened the usefulness of the Aeronautics and Space Council, and provided that it be administered by the Vice President (Public Law 87–26).

NASA authorization: Authorized $1,784,300,000 for the National Aeronautics and Space Agency (Public Law 87–98).

Civil aviation insurance: Extended until 1966, for 5 years, title XII of the Federal Aviation Act of 1958, which provides that in the event of war the Nation's civil air fleet would have adequate insurance coverage for war risks (Public Law 87–89).

Marine Corps: Improved the combat effectiveness of the Marine Corps by providing for the expanded assignment of supply-duty-only officers to unrestricted duty (Public Law 87–123).

Coast Guard—Temporary appointments: Extended to January 1, 1964, the authority of the President to make temporary appointments in the Coast Guard, or until such time as the Secretary of Treasury determines that the number of officers holding permanent appointments on the active list of the Coast Guard is equal to 95 percent of the number authorized by law (S. 2376).

AEC authorization: Authorized $270,440,000 for a total of 40 new AEC projects, including the Stanford linear electron accelerator and electric generating facilities (H.R. 7576, Public Law 87–).

AEC omnibus amendments: Enacted numerous amendments to the AEC Act designed to provide a better framework and to help us keep pace with emerging developments in atomic energy. Amendments included the transfer of 3 kilograms of plutonium and 500 grams of uranium 233 to the International Atomic Energy Agency to aid in the prestige of the IAEA as a center for distribution of special nuclear materials, and the transfer of 8 additional kilograms of plutonium and 30 kilograms of uranium 233 to Euratom for research purposes and to help start an experimental plan for reprocessing fuel elements (Public Law 87–206).

Air Force promotions: Provided a temporary program through June 30, 1963, for promotion for all active duty Air Force officers below the grade of colonel (Public Law 87–194).

Reserves: Reduced from 8 to 6 years the total reserve obligation of certain military personnel and improved Armed Forces Reserve policies (H.R. 5490).

ANTI-CRIME BILLS

Agency investigations: Prohibits obstruction of any lawful inquiry or investigation by the Department of Justice or Treasury and strengthens prohibitions against injuries to persons furnishing information in connection with the inquiry (S. 1665).

Gambling devices: Broadened the definition of gambling devices to cover additional types of machines manufactured for gambling purposes, and requires detailed records of all such devices shipped in interstate commerce (S. 1658).

Plane hijacking: Made airplane hijacking a Federal crime subject to a possible death penalty (Public Law 87–197).

Racketeering enterprises: Prohibits the use of the mail or any transportation in interstate or foreign commerce for the purpose of distributing the proceeds of any unlawful activities (business enterprises involving gambling, bootlegging, narcotics, etc.) (Public Law 87–228).

Transmission of bets: Forbids the use of wire communications (telephone, telegraph, or any other means of interstate wire communications) for gambling. Exempts information carried for use of the press and wireless communication (Public Law 87–216).

Wagering paraphernalia: Prohibits interstate transportation of wagering paraphernalia for bookmaking, wagering pools, numbers games or similar games carried by means other than common carrier in the usual course of its business, but allows transportation of equipment from a State where it is manufactured into a State where parimutuel betting is legal (Public Law 87–218).

APPROPRIATIONS FOR FISCAL 1962

H.R. 7444: Agriculture and related agencies (Public Law 87–112).

H.R. 7577: General Government matters (Public Law 87–125).

H.R. 7445: Independent offices (Public Law 87–141).

H.R. 6345: Interior appropriations (Public Law 87–122).

H.R. 7035: Labor and HEW (Public Law 87–).

H.R. 7208: Legislative (Public Law 87–130).

H.R. 7371: State, Justice, Judiciary (Public Law 87–).

H.R. 5954: Treasury-Post Office (Public Law 87–159).

H.R. 7581: Defense (Public Law 87–144).

H.R. 8072: District of Columbia appropriation for 1962 (Public Law 87–).

H.R. 8302: Military construction for 1962 (Public Law 87–).

H.R. 9033: Foreign aid (in conference).

H.R. 9076: Public works—passed House September 13; to be reported to Senate September 19.

H.R. 9169: Supplemental—passed House September 15; to be reported to Senate September 20.

CHARLES C. CORTE

Mr. MANSFIELD. Mr. President, one of the truly great photographers of our generation, Charlie Corte, a veteran of the United Press International, died in Poughkeepsie, N.Y., on July 13, of traffic injuries sustained in a crash on July 7. The crash also killed his wife and an aunt, and injured his two children.

Many of us on the Hill knew Charlie Corte as a warmhearted, good, decent fellow who did his job well. He was always considerate of others, and he had great affection and love for his family.

This tragedy affects more than Charlie himself, because his entire family was involved. His daughter, Pat, was unable to return to school this month, with the other schoolchildren of America, because of injuries she suffered in the accident. Those injuries may well cause her to be a hospital case for the rest of her life.

On behalf of my colleagues in the Senate, I wish to express our deep sense of loss at the passing of Charlie and his wife and aunt; and I express to Pat, who is making a valiant fight for recovery, our deep sympathy and our very best wishes.

We know she faces an uphill struggle from now on. We want her to know that our prayers and our very best wishes are with her, and that we hope that before long she will show signs of recovery.

Mr. President, I ask unanimous consent, in connection with the remarks I made at the passing of our longtime friend, Charlie Corte, that a news story from the White House News Photographer entitled "A Legend Passes: Death Takes Charlie Corte," and also a news story written by Ed Alley in the same publication be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

A LEGEND PASSES—DEATH TAKES CHARLIE CORTE

(By Russell Forte)

Charlie Corte is dead. We all know by now how it happened. I worked with Charlie for 11 years, and during the last 5 or 6 of it had the privilege of assigning him to cover a few stories myself.

Charlie covered each job, whether the attempted assassination of a President or routine arrival with almost the same energy. Some of us used to kid him about it to his face. "Hurricane Charlie," we sometimes

called him. Rushing in with pockets jammed with holders, he made his presence known as he immediately filled the entire office with his personality, and his belongings, with overcoat draped over the editor's desk, usually covering the phone; and camera equipment hiding the thing you meant to use next. We used to berate him for it to his face, but behind his back we talked of Charlie as the guy you used when you had three jobs to cover at once. Charlie, when you had an arrival at the airport 20 miles away and only 10 minutes to get there. Charlie, when you needed a man who would produce. He made the opposition run to keep up. It seemed that he broke all the laws of nature, and half of the city's, to win.

When the GI's took Anzio, Charlie took it with them, and wore a steel plate in his head from wounds received covering the action.

Charlie was a well-trained newsman whose camera was part of his hand. He was a gentleman and a friend. Shakespeare must have been writing of him when he paid tribute to "the noblest Roman of them all." His life was gentle and with the elements so mixed in him that nature might stand up and say, "Here was a man."

Well, we've got to get along without him, but when you're in there making one for the front pages, boys, make just one more for Charlie Corte.

PARENTS KILLED—PATTIE CORTE'S VACATION ENDS IN HOSPITAL BED

(By Ed Alley)

The kids of America returned to school this month.

Pattie Corte didn't go. Chances are the only schooling she'll ever get will be from a hospital bed.

Fighting for a return to normal life—a young life, one that had ever so bright a future, petite 14-year-old Patricia, an orphan by fate, lies in a New York City hospital, paralyzed from the neck down. Odds stack against her. The outlook is dismal. The best of medical science reports she'll remain that way for the rest of her life.

Any way you look at it, there's a long, suffering pull ahead. Of course, there's a chance. The Lord works that way. Even the eminent Dr. Howard Rusk, who heads Pattie's professional talent, gives her that chance. But, medically, it's a slim one, he says.

Think of this when you kiss your kids as they trot off to school, well and happy. These are the most joyful days of their lives. When they get home, they'll raid the icebox, then off to play. These hours, Pattie Corte may never know again.

Her broken little body lies in traction in her third hospital. She has known pain, horrible pain, since the twilight hours of July 7. Pattie, with her late father and mother, brother Kevin and an aunt, were returning from an upstate New York vacation. It had been a vacation full of fun and excitement.

Pattie was content. Now she was going home. On the back seat of the family car, she sat reading. She didn't see the car veer from the highway. All she felt was a crash, a horrible impact of metal meeting solid rock. When the dust cleared, destiny had taken its toll.

Pattie was unconscious, a condition she remained in for days. Death in a matter of hours took her mother and her aunt, striking again 6 days later when her father passed away. Kevin, only slightly injured, recovered, and is with an aunt.

Because of a trick of fate, this little lady became an orphan and a family was almost destroyed.

Pattie is into her third month of her battle. Not a pleasant memory, those who have seen her report.

True, she has her bright moments, Pattie's that kind of a girl. But, she cries a lot. She's bound to for there's no mommy or daddy's loving shoulder to rest on when the pain grows strong. The few remaining relatives and the folks at daddy's UPI offices are loyal. But, it's different, so different. Parents seem to understand better.

Every moment we breathe, this story goes on, as this courageous one fights to regain some use of her arms and legs. As time continues—and it shall—Pattie's days grow longer. Can this be the future—one that was to be a wonderful world of dates, dances, high school—and fun? Instead, her only bright moments are when anyone sends her a note or a card—or better still, somebody drops by to read to her. She can't pull her little body into position to read. For, as we've told you, she's paralyzed.

It's hard for us to tell you the Pattie Corte story. In the ethics of journalism, we often mask our own true feelings, and as a result, it may seem that we are not as human as some more vocal constituents. But, still waters run deeper, because of that, and our hearts hurt even more deeply as with Pattie Corte. Our matter-of-fact approach slips a bit as members of the Washington press corps watch daily reports of her progress. Those bulletins tear at our heartstrings.

This, however, is only part of the Pattie Corte story. If she lives a normal life span—and spends it in a hospital as doctors now say—it's going to cost roughly a million dollars. That's a lot of money. Her father left modest means—but not nearly enough for the long, so long dark future of hospitals, doctors, nurses, and medicine.

For Pattie Corte, because of all this, the White House news photographers have established the Charles Corte Memorial Fund.

We wouldn't feel free to tell you of this had not our associations with you been long and pleasant. Our work has taken us to you in varied walks of life. In this contact with you, the public, we've attempted to do our best. That's the kind of a job life calls for. We've attempted to please you, the public, and over the years we've become friends in meeting deadlines, yours and ours. Until now, these deadlines, most times, have taken precedence.

But now, as friend to friend, we think that many of you would want to know of this fund, that we, the photographers of the Nation's Capital, are sponsoring.

If you desire—it's the Charles Corte Memorial Fund, in care of George R. Gaylin, Charlie's bureau manager at the UPI office, 1013 13th Street NW., Washington, D.C.

We figured that if you hadn't heard about this little girl, you'd want us to tell you, and to share with you, our Pattie Corte story and its problems. We sure would be proud to hear from you, Pat and us.

So, friends, think of our story when you tuck your kids in for the night. If you're like us—and we know you are—you'll thank God for being so good to you—and you'll remember Pattie, who, except to get well—wants only a little mail.

DAG HAMMARSKJOLD

Mr. MANSFIELD. Mr. President, I should like to express my feeling of deep personal loss at the passing of Dag Hammarskjold, the Secretary General of the United Nations. He devoted his life to peace. He tried to adjudicate differences among nations and peoples, to the end that settlements could be arrived at and conclusions of a reasonable nature achieved. Dag Hammarskjold literally gave his life in the cause of peace; and he gave it in the front lines, in the service, not of only his own country, Sweden, but also in behalf of all the countries of the world, trying to bring about reconciliation of the differences within the Congo itself.

Dag Hammarskjold was a great diplomat, a great man, and a great public servant. Not just one country, but the entire world, will miss him, and grieve at his passing.

Mr. PASTORE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. I wish to associate myself with the remarks of our distinguished majority leader.

It was my great privilege and honor personally to know Dag Hammarskjold. I met him when I served as a member of the U.S. delegation to the 10th General Assembly of the United Nations.

Dag Hammarskjold was the living, acting symbol of the United Nations as the United Nations itself is the symbol of the hopes of man for dignity and decency and the citadel of equal rights among nations large and small.

The Secretary General came to a hero's death in the very act of seeking for little people the elements of security and freedom in a land exposed to competitive intervention.

Dag Hammarskjold earned the respect of the 99 nations for whom he served as the personal administrator of its purposes for peace not only in the forum of debate but in the field of danger.

He commanded the respect even of those who might disagree with him. Surely, he deserved the love of the 2 billion people whose last best hope for peace is in the United Nations for which he lived—and died.

The entire world—the free and those who desire to be free—have lost a great advocate.

The United Nations has lost a commanding but conciliatory leader at a critical hour.

As the world mourns his loss, their earnest and sincere prayer will be to find a replacement in the mold of Dag Hammarskjold.

If we dedicate ourselves to maintain the great and noble course for peace that his life has set for us, we shall be building in our hearts and in our hopes a lasting monument to our departed friend, Dag Hammarskjold.

Mr. DIRKSEN. Mr. President, during the early years of the United Nations Organization, obviously one of the great tasks confronting it was to find a Secretary General who commanded the trust and the confidence of all. When we stop to consider the diversity of views and opinions among some 90-odd countries in the world, we realize how difficult it is to find a man who finally can merit the approval of everyone. Yet that was done in connection with Dag Hammarskjold, and I think he requited every trust and every confidence reposed in him.

Dag Hammarskjold was knowledgeable. What a task he had, first to become familiar with the problems, and then to help formulate the procedures under which the United Nations would operate. That problem was almost identical to the one which confronted our own country when it was set up, when there were no precedents for the First Con-

gress. So he had to feel his way. But he did a magnificent job in holding the United Nations together and giving it proper direction.

I do not know that I have always agreed with the actions he has taken, and I do not agree with some actions taken recently. But I do pay tribute to his knowledge, his understanding, his dedication of purpose, and his supreme effort in the cause of world peace.

It will not be an easy task to find one of equal knowledge and equal devotion to succeed him; but it will have to be done, and the work of the United Nations will go on.

Mr. SALTONSTALL. Mr. President, let me add my word of deep sorrow and sense of tragic loss at the death of Dag Hammarskjold. Certainly every citizen of the United States has grown to have great respect for his influence, his ability, his courage, and his determination that there be a more peaceful world. Today, everyone in the world has greater hopes for peace because of his service.

But, Mr. President, while we speak of our great loss because of his death, the work of the United Nations and the work of peace must go forward; and I am confident that the United Nations will proceed to pick one to fill his place who will continue to demonstrate that the United Nations is a well organized body, well established, and determined to bring about a more peaceful world. For one, I have experienced a tremendous shock today in the loss of Mr. Hammarskjold.

Mr. CHURCH. Mr. President, I am profoundly sorrowed by the press reports that the Secretary General of the United Nations, Dag Hammarskjold, has been found dead in the wreckage of his plane 7½ miles from Ndola, Africa.

The whole world should mourn the death of this great pilgrim of peace. He died as he had lived, on a mission of peace. To such a man we give little earthly reward.

In the Bible it is written, "Blessed are the peacemakers, for they shall be called the children of God."

Mr. HUMPHREY. Mr. President, the tragic death of Dag Hammarskjold makes this a very sad hour not only for the people of his own land, Sweden, but for all the peace-loving people of the world. The loss of this great diplomat, this soldier of peace, this great administrator for the United Nations, is one that is almost incalculable. Dag Hammarskjold has stood as a giant among men in his dedication to peace with justice under law for the whole world, and a world order in which the weak as well as the strong might live in tranquility.

Dag Hammarskjold to me represents the kind of quiet courage which is so imperative in the kind of world filled with the turbulence and violence that surround us. He was truly a toiler in the vineyard of peace. The Scripture speaks of "Blessed are the peacemakers." I think that passage of Scripture, more than any other, should adorn the monument which may be erected to this great soldier of peace, Dag Hammarskjold, because here was a peacemaker. Here was one who withstood the criticism of many people and many nations. Here was one who recently took unbelievable abuse from the dictator in the Kremlin.

The Secretary General died in an operation to maintain the peace.

His death can be related to the deaths of U.N. troops in Katanga—men of many names, of many nations. They were also in the field in a mission of preserving the peace.

This operation in the Congo is one of the finest examples of how executive action by the U.N. as a body can preserve peace.

The nature and the potential of the United Nations is far more promising and far better understood, thanks to the development by Secretary General Hammarskjold of the concept of executive action by the U.N.

Khrushchev said there is no such thing as a neutral man. Hammarskjold was an impartial man. He said in his final report to the United Nations:

> The exclusively international character of the Secretariat is not tied to its composition, but to the spirit in which it works and to its insulation from outside influences not stated in article 100. While it may be said that no man is neutral in the sense that he is without opinions or ideals, it is just as true that, in spite of this, a neutral Secretariat is possible. Anyone of integrity, not subjected to undue pressure, can, regardless of his own views, readily act in an "exclusively international spirit" and can be guided in his actions on behalf of the Organization, solely by its interests and principles, and by the instructions of its organs.

In the performance of his duties, Secretary General Dag Hammarskjold was both a symbol and administrator of the United Nations mission to secure peace with justice among the nations of the world. His dedicated service is living proof that men can be wholly loyal to the high ideals and universal principles of the Charter of the United Nations.

The grief of the peoples of the world is a tribute to Secretary General Dag Hammarskjold, to his native Sweden, and to the human race he served so well.

The life and works of Secretary General Dag Hammarskjold are a testament to his faith that mankind will prevail against its greatest enemy, war among the nations.

His faith in the Charter of the United Nations survives him in the aspiration of the world's peoples. As a premier architect of the world community, his vision will endure as a guide to us all.

I must say nothing could be more tragic for the world today, outside of a major war, than the loss of this great man, because now the General Assembly and the Security Council of the United Nations will be faced with the decision of finding a successor. I worry lest the Soviet Union, headed by Mr. Khrushchev, will throw the General Assembly and the Security Council into utter confusion. I worry lest the troika principle which Russia has been advocating may succeed in the place of the man who has dedicated his life to peace.

This is a sad moment for me, and I know it is for every Member of this body, because the cause for peace has suffered a great loss.

I hope wisdom will be found in the counsels of the nations so that there may be found a successor who can be judicious, just, fair, firm, patient, and courageous; not one who is neutral on issues of right and wrong, but one who is fair and just in the struggle between the great powers; who, above all, will live by the Charter of the United Nations and its proclamation of peace under law.

Mr. WILEY. Mr. President, so Dag Hammarskjold is dead. His passing calls to mind a few years back when Count Bernadotte was appointed by the United Nations to mediate between the Jews and the Arabs and he was shot and killed. Was Hammarskjold killed as he was seeking to bring about peace in Africa? Hammarskjold was a great mind, and he devoted all his energy to the job of seeking to rub out the germ of war and find the peace germ. Now he is gone, and will Khrushchev now seek to bring about his troika in the United Nations?

These questions all come to mind as we seek to find answers to the question, Was Hammarskjold killed? What will Khrushchev try now? If Khrushchev were to succeed in having his troika, it would be an ill day for all the nations. It would be an ill day for the United Nations because then there would be chaos. There would not be one policy, and unity of action.

So we shall have before us in the next few weeks the question of replacing the esteemed and respected Dag Hammarskjold, either with a troika or with an individual. Let us hope it is an individual with similar qualities to those of Dag Hammarskjold.

I called Dag Hammarskjold a friend. I knew him personally. Preventing the Soviet Union from replacing a single-headed secretariat with a three-headed troika is going to be difficult. Besides, we shall, of course, have the question coming up of an attempt to seat Red China, a realistic disarmament proposal, and the problem of protecting Western rights and obligations in Berlin.

The Soviet Union is expected again to harp upon the issue of colonialism. On this question, I hope this Nation and the other nations will "take down their hair" as to who is the great colonial power and who keeps other nations under its thumb.

Yes, Dag Hammarskjold is dead, and with him goes the passing of a great international servant.

Mr. McGEE. Mr. President, I should like to associate myself with the remarks which have been made concerning the death of Dag Hammarskjold. While we know well the difficulties and the dangers of ever developing the indispensable man, it seems to me here was a case where, because of other forces that surround the world, we had almost reached that point in the personality of Dag Hammarskjold. Perhaps more than any other single individual, he represented the continuity of efforts for progress toward peace through the United Nations.

The real test now comes as to whether in his indispensable characteristics the people and the voices of freedom around the world can rise above frustrations and petty quarrels that had plagued his determined efforts to preserve what he has come to epitomize in his personality.

Mr. President, I hope that the tragic demise of Mr. Hammarskjold will serve to galvanize the thinking of free people and to sober the judgments of reflective men everywhere as they marshal in unity, in an attempt to preserve the gains made. We must not be tempted to yield to a new move which would cause us to fall back.

Mr. COOPER. Mr. President, the death of Mr. Hammarskjold is a great loss to his country, to the world, and to the cause of peace. To say this may seem trite, but I do not think it is so. I believe Mr. Hammarskjold, as perhaps no other Secretary General, has worked against great obstacles, to make the United Nations an effective organization for world order and peace.

I say this because no other Secretary General has used, as he has, the powers given to the office of Secretary General by the Charter of the United Nations to carry out the purposes of the charter at times when the Security Council was powerless to act. He used the powers of the office to preserve peace. His work in the Congo despite recent outbursts of violence, is a recent memorial to his work.

Perhaps his greatest contribution to the United Nations is that he opposed with all his power the effort of the Soviet Union to make the General Assembly and his office ineffective, as the Security Council was ineffective by the use of the veto. If it had not been for his strength and his courage, the influence and power of his office and consequently the United Nations would have been weakened, if not ultimately destroyed. The United Nations would have been rendered powerless by the Soviet veto, as the Security Council has been.

I point out that now our country and the United Nations face a great problem, because undoubtedly at the session of the United Nations which begins this week the Soviet Union will again make its effort to weaken the power of the General Assembly and of the Secretary General to carry out the Charter. This issue in the United Nations calls for the exercise of wisdom and strength by our country, and an assumption of world responsibility by the newly emerging nations, and the nonalined nations. The United Nations as an effective organization for peace and one which can stand for their right of self-determination means as much to those nations as it does to the United States.

I hope the death of Mr. Hammarskjold and even more his outstanding service will impress all nations with their obligation to preserve the office of Secretary General of the United Nations.

Mr. YARBOROUGH. Mr. President, I join with other Senators who have expressed deep regret at the untimely passing of the Secretary General of the United Nations, Dag Hammarskjold. We all know this will pose grave threats to us, and that in all likelihood we shall be met with a new Communist effort to weaken the secretary generalship under the three-pronged plan by which the Communists would have one-third of the secretary generalship, the free nations would have one-third, and the neutral nations would have one-third. The Communist expectation is that the neutral nations would vote with the Communists, giving the Communists a two-thirds control over the secretary generalship.

So long as Dag Hammarskjold lived and was the Secretary General, the force of his personality was such, and world opinion was such, that the Communist effort was doomed to defeat.

We all know the United Nations has a rocky road ahead of it. This man, by the force of his leadership, strengthened the office of the Secretary General immeasurably. That portion of the world which seeks peaceful solutions to problems must realize it has suffered a great loss in the untimely death of this very, very able leader.

Mr. KEATING. Mr. President, I wish to join the distinguished Senator from Montana and other Senators who have spoken in tribute to Dag Hammarskjold, a true apostle of peace.

Like the distinguished Senator from Texas, who preceded me, I have criticized some of the actions taken by the United Nations. Yet, I am sure, like the Senator, we all recognize the outstanding feats which this great man has performed in the cause of peace. We admire the way he stood up against the demands for the surrender of his office and the forthright way in which he defended the institution he served.

Mr. President, the cause of world peace has lost a tireless champion and the world has lost a true statesman in the death of Dag Hammarskjold. It is symbolic that he should perish on a mission in pursuit of peace, because his whole life and all his energies since becoming Secretary General had been devoted to that cause.

He carried out his difficult tasks with diligence, tact, and patience and in so doing strengthened immeasurably the United Nations and its world role. Whether it will be possible to find a suitable replacement—in the light of indicated Soviet intransigence on this subject—can only be conjected at this time. A troika scheme would be the end of U.N. effectiveness.

Suffice to say that the tragic death of Secretary General Hammarskjold at this crucial period in history must be regarded as a severe setback to the cause of peace. I trust United Nations officials will move immediately to determine whether any kind of foul play may have been involved in this mishap.

Moreover, U.S. confidence in and support of the United Nations will be severely damaged unless the post of U.N. Secretary General can be filled by an objective and dedicated supporter of the cause of peace, freedom, and international order. The search for a successor will not be easy. If the Soviet Union blocks a single, effective Secretary General, the U.N. will be seriously impaired. The responsibility for action now rests heavily on all those nations which value freedom.

Mr. SYMINGTON. Mr. President, I wish to associate myself with the remarks made by my colleagues with respect to Dag Hammarskjold. He was a great and good man, searching fearlessly, with great experience and ability, for that which we all desire more than anything else—world peace. All nations and all people will miss him.

Mr. PELL. Many men throughout history have died a patriot's death. However, patriotism has always been identified with a single nation, a single country, a single people. But in the death of Dag Hammarskjold, we have lost one of the earliest instances in history of a man who died as a patriot of the world. Dag Hammarskjold believed so fervently in the concept of the United Nations that he lived, fought, and died for it. It is particularly interesting that 13 years ago another great Swede, Count Folke Bernadotte, died in Jerusalem; the earliest well-known soldier for this cause. And now Dag Hammarskjold has lost his life in the course of fulfilling his duty for the cause in which he believed.

He had the courage to always say and to do what he believed was right. He did not care whether he offended West or East—his course was firm, unbending, and unyielding in following what he considered the path of international peace, comity, and understanding.

His devotion to his principles placed him directly athwart the unpleasant designs of the Communists in our world. Because he was an obstacle to their efforts, the Communists did all they possibly could to emasculate his office. They sought to neutralize his effectiveness by introducing a troika, or three-headed, version of the Secretary General. And, like any creature possessed of more than one head, such a Frankenstinian creation would indeed have been a monster in every sense of the word.

A man of utter dedication, a man of highest principle, a man of tireless energy, and of deep and unyielding morality, Dag Hammarskjold was indeed a wonderful citizen, a world patriot, and died a world hero.

I salute him, and condole with his family, his friends, and his nation.

Mr. JAVITS. Mr. President, I should like to have the RECORD show my own views, which I have already stated generally, upon the very tragic development today of the death of Dag Hammarskjold.

I express the belief that the best memorial we can erect to this great figure for world peace is for the United Nations, when it meets tomorrow afternoon at 3 o'clock in New York, not to take any time with formalities but immediately to proceed to the election of an interim successor to Secretary General Hammarskjold; to make a considered judgment upon the position the United Nations should take in the Congo with respect to its actions there; and to reject, as I am sure it will have to reject, the efforts of the Soviet bloc to seek to impose under these circumstances the idea of its troika principle on the United Nations, which would destroy the United Nations.

Mr. President, more than anything else, I express the expectation that the United States will again reassert, through its delegate to the United Nations, the fact that we are not only the most powerful but also the greatest friend of the United Nations, and that

we shall expect to implement the effective decisions of the United Nations General Assembly, as we have done before. The United Nations needs this now. I can think of no greater tribute which our country could pay to Dag Hammarskjold, whose name will go down in history as one of the greatest supporters of peace mankind has ever known.

EXCHANGE OF CERTAIN LANDS BETWEEN THE U.S. GOVERNMENT AND OREGON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1018, S. 2476.

The PRESIDING OFFICER. (Mr. CHURCH in the Chair). The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 2476) to amend section 207 of the Military Construction Act of 1960 to clarify the authority granted to the Secretary of the Navy to exchange lands owned by the United States for lands owned by the State of Oregon.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment on page 4, line 3, after the word "receipt", to strike out "and (3) the amount received to defray the cost of providing a complete substitute facility shall be available to the Department of the Navy for the construction and acquisition of such complete substitute facility" and insert "and (3) the amount representing the cost to the Department of the Navy of providing a complete substitute facility on the retained lands, if any, and the State lands so acquired, shall be covered into the Treasury as a miscellaneous receipt"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 207 of the Military Construction Act of 1960 (74 Stat. 166, 175) is amended to read as follows:

"SEC. 207. (a) Notwithstanding any other provisions of law, the Secretary of the Navy is authorized, upon such terms and conditions as he may determine to be in the public interest, to convey to the State of Oregon all or part of or interest in the lands, including acquired and public domain lands, comprising the Boardman Bombing Range in the State of Oregon, as delineated on a map designated as 'War Department, Office of the Division Engineer, North Pacific Division, Real Estate, Boardman Precision Bombing Range,' approved February 17, 1947, drawing numbered O-31-52. The conveyance of such lands to the State of Oregon shall be made in exchange for a conveyance, without restriction as to the use of lands, to the United States of such lands, or interests therein, of the State of Oregon as the Secretary of the Navy shall find suitable for use, with any lands or interests retained by the Navy, as a bombing range, and upon payment by the State of Oregon to the United States of such amount as the Secretary of the Navy determines to represent the total of (1) the difference, if any, between the fair market value of the property so conveyed by the Secretary of the Navy and the fair market value of the land and interests in lands accepted in exchange therefor, and (2) the cost to the Department of the Navy of providing a complete substitute facility on the retained lands, if any, and the State lands so acquired.

"(b) The State of Oregon shall agree to be primarily liable and hold the United Staes harmless from any claims for personal injury or property damage resulting from the condition of the lands conveyed by the United States.

"(c) Of the lands retained by the Navy, if any, together with any lands conveyed to the United States by the State of Oregon, 37,320.31 acres thereof, inclusive of any retained public domain lands, as agreed upon by the Secretary of the Interior and the Secretary of the Navy, shall become public domain lands of the United States subject to all the laws and regulations applicable thereto, but shall remain withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and shall be reserved for use as a bombing range under the administration of the Department of the Navy until such withdrawal and reservation is revoked by order of the Secretary of the Interior with the concurrence of the Secretary of the Navy. The remaining acreage of the lands conveyed to the United States shall become a part of the lands comprising the substitute bombing range and shall be administered by the Department of the Navy.

"(d) The money received by the Secretary of the Navy in connection with the exchange authorized by this Act shall be disbursed as follows: (1) The difference in the fair market value between the public domain lands conveyed by the United States and the lands designated as public domain lands under subsection (c), exclusive of any retained public domain lands, shall be distributed as a receipt from the sale of public domain lands; (2) the difference in the fair market value between the remaining lands and interests exchanged shall be covered into the Treasury as a miscellaneous receipt; and (3) the amount representing the cost to the Department of the Navy of providing a complete substitute facility on the retained lands, if any, and the State lands so acquired, shall be covered into the Treasury as a miscellaneous receipt.

"(e) The Department of the Navy shall not be required to relinquish use of any lands of the Boardman Bombing Range to be conveyed to the State of Oregon until the complete substitute facility is available for use."

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an explanation of the measure.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to amend section 207 of Public Law 86-500 to allow sufficient flexibility for the Secretary of the Navy to exchange only a portion of the lands now comprising the Boardman Bombing Range for lands owned by the State of Oregon. The original provision of the law referred to above provides for a full exchange of the Boardman property for the State-owned lands.

EXPLANATION OF THE BILL

A provision was included in the military construction authorization bill for fiscal year 1961 (Public Law 86-500) authorizing the Secretary of the Navy to convey to the State of Oregon the lands, both acquired and public domain, comprising the Boardman Bombing Range in the State of Oregon in exchange for a conveyance without restriction of lands owned by the State of Oregon. The State was to pay the United States the difference, if any, between the fair market value of the property conveyed by the Secretary of the Navy and the fair market value of the lands acquired in exchange and also the cost to the Department of the Navy of providing a complete substitute facility on the lands acquired. Of the lands to be conveyed to the United States by the State of Oregon, 37,320.31 acres thereof were to become public domain lands of the United States which equal that portion of the bombing range now comprised of public domain lands. The State of Oregon desires to accomplish this exchange in order that the lands now comprising the Boardman Range and lying along the Columbia River might be utilized for its greatest economic potential as a space-age industrial park.

In pursuing the plan as originally contemplated it was found that the site originally selected was unsuitable for a training facility due to the topography and prevailing air currents. An alternative plan has been worked out between the State of Oregon and the Department of the Navy whereby only a part of the existing range would be turned over to the State of Oregon in exchange in part for State-owned lands with the difference in value being paid for by the State at the fair market value. The appraisal will be made by the Bureau of Land Management. The existing range consists of approximately 96,000 acres. Under this new plan it is contemplated approximately 48,000 acres will be turned over to the State of Oregon. The Department of the Navy will retain aviation easements over about 12,000 acres of this land and will receive some 10,000 acres or more of State-owned lands in exchange.

The difference in value will be paid for by the State at the fair market value. In order to preserve the public domain lands now making up a part of the existing range this proposed measure provides that of the lands retained by the Navy and of those to to be conveyed by the State to the Navy 37,320.31 acres thereof shall become public domain lands.

COMMITTEE ACTION

The committee approves of this measure which will allow the Secretary of the Navy sufficient flexibility under the law to carry out a partial conveyance of the lands comprising the Boardman Bombing Range. The modified language proposed contains all protective features included in the original provision. The Government's interests are fully protected and the Department of the Navy will continue to have an entirely satisfactory training facility.

FISCAL DATA

Enactment into law of this measure will not result in any increased cost to the U.S. Government.

EXPLANATION OF THE AMENDMENT

The purpose of the amendment is to eliminate from the bill language which would have reserved for Navy use a portion of the proceeds of the proposed exchange sufficient to defray the cost of building a substitute facility on the new property. This reservation would have permitted the Navy to use Federal funds for construction purposes without their having been specifically appropriated by the Congress.

The Committee on Armed Services is of the opinion that this departure from the established system of providing funds for military construction was, in this instance, not justified.

Therefore, the Committee on Armed Services amended this provision so as to require these funds to be covered into the Treasury

of the United States as a miscellaneous receipt.

The effect of the amendment is to require the Navy to obtain approval of the Appropriations Committees of the Congress before Federal funds can be used to construct the substitute facility which will be required if the proposed exchange is effected.

The Department of the Navy has advised the committee that it would not object to the amendment.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2476) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MORSE subsequently said: Mr. President, I wish to make a brief comment with regard to calendar No. 1018, S. 2476, which we passed earlier today. At that time, I did not do what I want to do now, and that is to express my very deep appreciation on behalf of myself and my colleague from Oregon [Mrs. NEUBERGER], to the majority and minority leaders, the chairman of the Committee on Armed Services, the Senator from Georgia [Mr. RUSSELL], and the ranking Republican member of that committee, the Senator from Massachusetts [Mr. SALTONSTALL], for the cooperation that they extended to the two Senators from Oregon in connection with the passage of the bill, which is of great concern and importance in our State. The bill really relates to the defense program of the United States. It was necessary that we have action on this question before adjournment, so that the Boeing Aircraft Co. may proceed with the construction of the testing facilities necessary to test certain equipment that will be vital to the defense of our country.

I wish the members of the Committee on Armed Services to know that they have not only the appreciation of the Senators from Oregon and the Members of the Oregon delegation in the House, but I am also authorized to express the deep appreciation of the Governor of the State of Oregon, with whom the Oregon delegation has worked in the closest of cooperation in our endeavor to obtain passage of the bill.

CONSTRUCTIVE ADVICE FOR THE FUTURE MORE IMPORTANT THAN CRITICISM OF THE PAST

Mr. SYMINGTON. Mr. President, it was with regret that I read a headline on the front page of a newspaper yesterday.

The first part of the headline stated: "Eisenhower Rakes Kennedy Record; Sees Indecision—Criticizes Handling of Crises in Cuba and Laos."

No one is proud of Cuba.

But I was proud of the willingness of President Kennedy to accept full responsibility; and this especially because, as a member of those committees which looked into the matter, I know that members of the government appointed by the previous administration were at least as responsible as anybody in their advice.

As to Laos, the record shows clearly that this problem was strictly an inheritance, caused by previous indecision, vacillation, and delay.

Much of it started back in 1953; and with its culminated problems, was laid on President Kennedy's doorstep last January.

Dien Bien Phu fell May 7, 1954. Let us remember that, and why.

Let us also remember that within a few weeks of his appointment in early 1953, Secretary of Defense Charles Wilson announced plans for cutting over $7 billion from the armed services.

A few months later, the previous administration adopted its policy of "massive retaliation," thereby insuring there would be inadequacies in the defense capabilities of this country between humiliation and nuclear response.

It is now all too clear how much that incredible "money first" policy cost the Nation, in prestige as well as in actual strength.

When President Eisenhower took office the U.S. Army had 20 combat divisions. When he left, on paper the divisions remaining numbered 14.

But actually there were only 11, because 3 were ineffective training divisions.

The headline on this story also says that former President Eisenhower had profound faith in the services.

That part of the headline reminded me of a recent book, "The Longest Day," a magnificent history of the Normandy landings.

In that book are pictures of four generals.

One is General Eisenhower. The other three—incidentally the first three generals to land in France during the invasion—were generals who during the past administration left the services in protest against the degree of the reduction in our conventional forces—Gen. Matthew Ridgeway, Gen. Maxwell Taylor, and Lt. Gen. James Gavin.

Faith is fine. But against Mr. Khrushchev and all that he stands for, we cannot exist on faith alone.

In that connection, on the floor of this body last June 26 I gave details of the actions by the previous administration which resulted in guaranteeing that the United States would be behind the Russians in military rocketry—as the world knows we are today.

The record is clear that the primary reason we now hold a secondary position in space is because the previous administration refused to put up the necessary money.

To those who say some of this problem goes further back, I agree.

In that connection, let them read the testimony by the then General Eisenhower, in open hearing on March 29, 1950, before the Senate Appropriations Committee; and also his answers at that time to questions, many propounded by Senators who are still Members of this body, including the able and distinguished junior Senator from Virginia [Mr. ROBERTSON], who is in the Chamber at this time.

Perhaps it was right for the previous administration to continue to reduce our Army and Marine Corps in the face of the growing danger. Perhaps we should have accepted as policy allowing the Russians to build and operate hundreds more submarines than we have. Perhaps we should have passed over to them voluntarily the previously referred to lead in space. Perhaps we should have agreed to all the reductions in our relative strength that have occurred.

But I do not believe so; and as my colleagues on this floor well know, I have never believed so.

The starts, stops, vacillations, and delays of the past, however, are just that—part of the past; and the hope for this Nation lies in the future.

Instead of criticism based on the past, therefore, which many can share, I suggest we all join together in offering constructive advice to the President, so that he may have a better chance of accomplishing his own primary aim, and that of all free people—peace with honor for mankind.

WHOLE FISH FLOUR

Mr. SALTONSTALL. Mr. President, I am glad that the Senator from Illinois [Mr. DOUGLAS] is present in the Chamber, because I know he is very much interested in the subject about which I wish to speak.

An international conference on fish in nutrition opens in Washington tomorrow. It comes here under the sponsorship of the Food and Agriculture Organization of the United Nations. Its host is the Bureau of Commercial Fisheries of our Department of the Interior.

This conference has enormous significance to the future of the world, because of the increasingly important role of fish in the diet of healthy people. Our ablest nutrition experts are urging our own citizens to consume fish four times as frequently as they do now. And our population experts advise us that the teeming millions of the near future can be fed adequately only with increased use of products of the sea.

High on the list of the important topics to be discussed at this 8-day conference is whole fish flour. Many members of Congress have been keenly interested in this uniquie product, and others may have noted the increased attention it has been receiving in the press in recent weeks. Many top officials of the Federal Government believe now that whole fish flour offers an early solution to the problem of world hunger. We have appropriated, at this session, $50,000, for further research by our Fish and Wildlife Laboratory into the manufacture and use of this new product.

Mr. President, I have been working with the Senator from Illinois [Mr. DOUGLAS], the Senator from Massachusetts [Mr. SMITH], and others in the Senate for the success of fish flour, and on the House side, with the gentleman from Massachusetts, Representative HASTINGS KEITH, and the gentleman from New York, Representative OTIS PIKE, in whose districts lie the only successful manufacturing plants in the Western Hemisphere.

We have filed with the Food and Drug Administration a request for that agency's approval of a proposed stand-

ard for whole fish flour. I speak today, Mr. President, not only to welcome this international conference to Washington, but to call the attention of Congress and the country to the petition now pending with the Food and Drug Administration.

This petition was published in the Federal Register on September 15, 1961, and appears there on page 8641. I request that this statement of the agency and the proposed standards be printed at the end of my remarks, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SALTONSTALL. Mr. President, I request, also, that there be printed immediately thereafter a letter from William W. Goodrich, Assistant General Counsel of the Food and Drug Division, to my office, describing the process which the agency is bound to follow in this instance.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SALTONSTALL. I ask my colleagues to note that they and the public are invited to submit comments, and that these views should be in writing, and submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, room 5440, 330 Independence Avenue SW., Washington, D.C., prior to November 6, 1961.

There is great interest in this product in the fishing industry, which can feed all the hungry people in the world with fish that is now going to waste, or is still in the teeming ocean uncaught, because there is no practical, approved way to use it.

There is also great interest in the food for peace program, and we have had the enlightened cooperation of Mr. McGovern and Mr. SYMINGTON. There is also great interest in the civil defense agency, where a food so rich in protein and so stable may be a staff of life in a survival program.

I am confident that if the Food and Drug Administration is alert as to all these possibilities it will approve this product and this standard. I hope it can do so in something less than the "8 to 10 months" mentioned in Mr. Goodrich's letter.

The work of this agency will be assisted, if those Federal officials, those food scientists and those consumers who are interested in this product, will write their views to the Food and Drug Administration, as they have been invited to do under the law.

EXHIBIT 1

[From the Federal Register of Sept. 15, 1961]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

[21 CFR, PT. 37]

Fish: Definitions and standards of identity; standards of fill of container

Fish Protein Concentrate, Whole Fish Flour; Notice of Proposal To Establish Definition and Standard of Identity

A manufacturer approached the Food and Drug Administration to discuss a process that he has developed for manufacturing a fish flour product which could be used as a source of protein to be marketed at a price that would be most attractive when compared with the cost of other sources of protein. The article was referred to as "whole fish flour" and was to be made by taking whole fish of varying sizes, grinding them, and, after removing the fat by a chemical process, drying the flour so produced. In some cases the flour was to be deodorized by a further process.

The Food and Drug Administration informally expressed the opinion that this "whole fish flour" should be regarded as an adulterated article under the provisions of the Federal Food, Drug, and Cosmetic Act, because it was to be made without the removal of those portions of the fish, including the intestines and intestinal contents, that are not normally regarded as acceptable for human food in the United States. Proponents of the product, however, stated that they did not agree with this view and represented that if consumers generally were fully informed of the nature of the article they would regard it as suitable for use in their food supply.

The Commissioner of Food and Drugs has received from Mr. Harold Putnam of Washington, D.C., acting on behalf of the manufacturer of this article, and others, a petition for the establishment of a standard of identity for "whole fish flour." The Commissioner has concluded that this proposal should be published in order to afford all persons interested in this article an opportunity to comment thereon.

The proposal submitted is as follows:

"Sec. 3.75 Fish protein concentrate, whole fish flour; definition and standard of identity.

"(a) Definition: Fish protein concentrate, whole fish flour, is a food supplement consisting primarily of a dried and processed fish protein and of the naturally associated vitamins and inorganic minerals. It is derived from any species of whole and wholesome fish, handled from catch to packaging in a sanitary manner.

"(b) Standard identity—(1) Protein content: Protein content (N X 6.25), measured by methods of the Association of Official Agricultural Chemists, shall not be less than 70 percent by weight of the final product (Official Methods of Analysis, A.O.A.C., 9th ed., secs. 22.011, 22.023, 22.024; ch. 22, p. 285). Biological values of the finished fish protein concentrate shall not be less than 105 percent as measured by the official A.O.A.C. method for the biological evaluation of protein quality (secs. 39.133–39.137, inclusive, ch. 39, p. 680).

"(2) Moisture and ash content: Moisture and ash contents shall not exceed 6 percent and 25 percent, respectively, by weight of the final product, measured by A.O.A.C. standards (secs. 22.003, 22.010, ch. 22, pp. 283, 284).

"(3) Fat content: Fat content shall not exceed 1 percent (sec. 18.011–18.012, inclusive, ch. 18, p. 235, or sec. 22.037, ch. 22, p. 287).

"(4) Odor and taste: The final product should have no more than a faint fish odor and taste, and when baked in bread in the ratio of 1 part of fish protein concentrate to 11 parts of grain flour, there should be no detectable fish odor or taste.

"(5) Storage stability: Fish protein concentrate, after 6 months' storage at temperatures prevailing in areas of intended use (but not exceeding 100° F. (38° C.)), and when packed in metal containers or in polyethylene bags, should show no spoilage as judged by the development of off-flavors, mold growth, production of toxic amines (mistamine, tyramine), or by deterioration in protein quality as shown by digestibility and available lysine values below the specific minimums.

"(6) Bacteriology: The product should be free of Escherichia coli, Salmonella, and pathogenic anaerobes, and have a total bacterial plate count of not more than 2,000 per gram.

"(7) Safety: The finished product should contain no additives, preservatives, or harmful solvent residues."

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the 60th day following the date of publication of this notice in the Federal Register.

Dated September 7, 1961.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

EXHIBIT 2

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE,
September 15, 1961.

MR. HAROLD PUTMAN,
Legislative Assistant to Senator Saltonstall, U.S. Senate, Committee on Armed Services, Washington, D.C.

DEAR SIR: We acknowledge your letter of September 8, in which you ask for an approximate timetable with respect to action which can be anticipated on the proposed standard for whole fish flour, which will appear in the Federal Register tomorrow, September 15.

The proposal gives interested parties 60 days within which to present their views. The Commissioner will then publish an order, acting on the proposal in the light of the comments received. The order will contain a provision giving any person who will be adversely affected by the order an opportunity to object and to request a public hearing on the objections.

After receipt of any such objections, the Commissioner will determine whether grounds for a hearing have been presented. If there are, he will, as soon as practicable, publish a notice of hearing, giving at least 30 days' notice.

The hearing will be held and time will be allowed for filing briefs, proposed findings of fact, and a proposed order. The Commissioner will act on the evidence submitted and issue a tentative order. This will be published in the Federal Register. Exceptions to the order may be filed and a final order will be issued and published. Thereafter, there is an opportunity for judicial review.

We believe that it will be a minimum of 8 to 10 months before the final order of the Commissioner can be published, depending, of course, on what comments and objections are received and, if there is a hearing, on the extent of the evidence offered.

We are required by section 701(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 371(e), and the Administrative Procedure Act, to follow the steps indicated. Please call upon us if you wish any further explanation.

Very truly yours,

WILLIAM W. GOODRICH,
Assistant General Counsel,
Food and Drug Division.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I am happy to yield.

Mr. DOUGLAS. I am very glad that the Senator from Massachusetts has

mentioned the question of fish flour. Fish flour has been developed by a very able citizen and businessman from the State of Illinois, Mr. Ezra Levin, who has been producing fish flour in Monticello, Ill., for several years, and who recently has established a plant in New Bedford, Mass. He finds it possible to produce a thoroughly pure and sanitary fish flour with one pound of flour being derived from approximately 6 pounds of fish. He is able to produce the flour at a cost in the United States of approximately 12 cents a pound. If the fish taste is removed, the cost is approximately 14 cents a pound.

Fish flour contains 85 percent protein. In fact, it is really a protein concentrate. It keeps indefinitely. It has been pronounced and admitted to be completely pure and sanitary. There is not the slightest evil effect from it. It is an ideal food, particularly for the tropics, where, because of the heat and lack of refrigeration, it is almost impossible to keep meat, fish, or milk.

Therefore, it would seem to be an ideal food for that region as well as other regions. It can be sprinkled on rice and vegetables, put in soup, and baked into bread with wheat flour or cornmeal. Fish flour can be one of the great additions to the diet of the world, and more particularly to the tropical peoples who suffer from a lack of protein. For fish abound in the tropics.

The Senator from Massachusetts has been very tactful in referring to the difficulties which we have had with the Food and Drug Administration. I shall not question the motives of that organization, but I believe they have been excessively obstructive in dealing with this question. They admit that there are no evil effects from the fish flour and that, indeed, it is extremely good as a food. Their objections, curiously enough, are esthetic objections.

The whole fish is used by Mr. Levin, including the entrails and the eyes. However, these organs are treated in such a way that the flour is completely healthy, rather than the reverse. The flour itself is a powder. The Food and Drug Administration says, however, that they object to the granting of a certificate for this type of flour on esthetic grounds.

Mr. Levin, of course, has offered to have the labels fully state that the fish flour is derived from the full fish, so that there would be no delusion practiced upon the consumers. I had never thought that the Food and Drug Administration was set up to deal with esthetics. I thought it was set up to deal with public health. Therefore, I hope very much that when this conference starts in Washington, it will go thoroughly into this matter of fish flour and the obstructive tactics of the Food and Drug Administration.

A popular columnist recently wrote a somewhat satirical article on my efforts to popularize the use of fish flour. It is my intention at an early date to invite my colleagues to lunch, at which they will be able to taste the fish flour. If they do so, I am sure they will find it to be beneficial and attractive.

A MEMORIAL TO FRANKLIN DELANO ROOSEVELT

Mr. DOUGLAS. Some days ago I made a brief speech on the floor of the Senate in which I criticized the design for the Franklin Delano Roosevelt Memorial submitted to the Franklin Delano Roosevelt Memorial Commission, and I expressed the thought that we should carry out the suggestion of the gentleman from Delaware, Representative HARRIS B. MCDOWELL, Jr., that we build instead a memorial park, of some 27 acres, in honor of President Roosevelt, one that would be a practical and living memorial benefiting the people not only of this area, but all the people of the United States.

I have since received a letter from my very close friend, Francis Biddle, who is the chairman of the Franklin Delano Roosevelt Memorial Commission, making some very interesting points in refutation of my argument. As a matter of fairness, I am very glad to ask that this letter be made a part of the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FRANKLIN DELANO ROOSEVELT
MEMORIAL COMMISSION,
Wellfleet, Mass., September 11, 1961.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR DOUGLAS: I read with interest your remarks in a recent CONGRESSIONAL RECORD accompanying the introduction of a bill to create a Franklin Delano Roosevelt Memorial Park, similar to the bill that was introduced this spring by HARRIS MCDOWELL, in the House. I have this to say:

1. You speak of the winning design in the competition for the memorial as "useless book ends," "monumental mockery," and "giant tombstones." You do not mention the very favorable reaction to the winning design of the American Institute of Architects, Progressive Architecture, of the jury which made the award, headed by Pietro Belluschi, Dean of the School of Architecture of the Massachusetts Institute of Technology, and of Jose Luis Sert, Dean of the Graduate School of Design at Harvard, and the article in the Architectural Record.

Have you ever seen the design? I suspect not. It is now on exhibit in the Office of the National Capital Planning Commission, Room 7134 Interior Building. There are also admirable lantern slides and moving pictures illustrating the effect of the model against a background of trees, and the three great memorials. I feel sure that you would not want to judge a design without seeing it, which is a little like criticizing a book without reading it.

2. You say that "a living memorial" is a more appropriate way of honoring Franklin Roosevelt than a monument. What exactly do you mean by a "living memorial?" Does not the Lincoln Memorial make living the memory of Lincoln more than—to use your words—"a garden in bloom the year round," called after him?

We plan to add a statue of Franklin Roosevelt to the present design with suitable inscriptions and the monument will be one of four memorials dedicated to four great Presidents, connected by paths, surrounded by trees, with suitable parking space, forming a great park to be used by the people who loved Franklin Delano Roosevelt, and the generations to come.

3. Finally, consider this. Congress unanimously directed a competition for a memorial to be erected at the point which you now wish to turn into a garden, under the direction of the Franklin Delano Roosevelt Memorial Commission. This has been done. The Commission has not yet passed on the winning design, or made any other suggestion as to a memorial. Do you not think it would be more appropriate to afford the Commission an opportunity to do this before proposing your alternative?

I share your desire for more open spaces, more parks, more natural forests, for which you have so constantly used your great influence in the Congress, but should that exclude monuments to great Presidents like those to Washington, Jefferson, Lincoln, and I hope to Franklin Delano Roosevelt?

Very sincerely,

FRANCIS BIDDLE,
Chairman.

Mr. DOUGLAS. In clarification of my earlier remarks, may I say, that I believe the proposal for a memorial park should not shut off the desirability of a statue in memory of Franklin D. Roosevelt. In that park, in my judgment, there should be a statue, but it need not take up the full 27 acres; it could be of a more modest nature.

Many of us have greatly admired the statue of President Roosevelt in Grosvenor Square in London, near the American Embassy, by the great American sculptor, Jo Davidson. It could well be that a replica of this statue or an original statue by another able American sculptor would be very appropriate.

I hope very much that all these suggestions may be carefully considered and that we may work on the best possible memorial to a truly noble American and a great President of the United States.

I believe that Mr. Biddle's letter should not only be read but carefully considered and that we should work cooperatively to a common end. Mr. Biddle is deserving of great praise for the time and energy he has devoted to this subject. As a distinguished lawyer, a former Attorney General of the United States, and a close friend of Franklin D. Roosevelt, his views are entitled to the fullest consideration.

CENTENNIAL OF NATIONWIDE TELEGRAPH SYSTEM

Mr. BENNETT. Mr. President, this year, which marks the centennial of the great war which temporarily split our Nation apart, is also the 100th anniversary of another important event—one which was to play an important role in unifying the Nation. I refer to the completion of the transcontinental telegraph system which linked the Nation for the first time on October 24, 1861.

Because the completion of the nationwide telegraph system, like the completion of the transcontinental railroad, took place in Utah, we Utahans have a particular interest in his historic achievement.

The construction of a transcontinental telegraph system was viewed by many people in the mid-19th century as an impractical, if not impossible, goal. Among those who expressed doubts about the feasibility of the project was Abraham Lincoln, who believed that the difficulty of transporting thousands of telegraph poles hundreds of miles

through the Plains States, where there was no timber, made the project unfeasible.

But President Lincoln later appreciated the value of this important national asset and the Government was able to use the telegraph system profitably throughout the war.

The magnitude of the task facing the courageous men who planned the transcontinental line and who risked their fortunes on its success is hard for us to appreciate today. There were innumerable obstacles connected with this great undertaking. The problem of transporting telegraph poles across the treeless plains was just one.

Hostile Indians on occasion interfered with the construction of the lines and in some cases destroyed sections of the line which had been completed. There was hostility from some of the white settlers too, some of whom believed that the telegraph was drawing electricity out of the air, causing crop failures. Perhaps the greatest challenge was to secure sufficient capital for an undertaking of such uncertain outcome.

Despite the difficulties, however, the telegraph line was completed, and was finished far ahead of schedule. The eastern line, from St. Louis to Salt Lake City, was completed on October 17, 1861, and on that date Brigham Young, the leader of the Mormons in Utah, sent the first message from Salt Lake City to assure Abraham Lincoln that Utah had not seceded, but was firm for the Union.

The line from California to Salt Lake City was completed on October 24, 1861, and on that date the first transcontinental telegraph was sent by Stephen J. Fields, Chief Justice of California, to President Lincoln expressing California's loyalty to the Union.

One interesting sidelight in connection with the construction of the telegraph lines is reported in the book "Wiring a Continent," by Robert Luther Thompson:

While building in the vicinity of Salt Lake City, Creighton was somewhat concerned as to the attitude Brigham Young might assume toward the intrusion of the telegraph into his domain. As chief elder of the Mormons, his word was law throughout the Mormon empire. To win Brigham Young's friendship, the telegraph company asked his son, who was engaged in the lumber business, to submit a bid for furnishing the telegraph poles in that section. His price, which appeared to be reasonable, was promptly accepted and a contract was drawn up accordingly. Some time later the son informed the contractors that his bid on the poles had been too low, and that he was losing money on the job. A new contract was at once made at a higher figure. Not long after the new contract had been drawn up, a messenger came saying that Brigham Young wished to see the telegraph contractor. With considerable apprehension Creighton went to the home of the Mormon leader. Upon being ushered into the library, he introduced himself as the representative of the telegraph company.

"Is it true that my son entered into a contract with you to furnish poles for the telegraph?" inquired Young.

"Yes sir," replied Creighton.

"Is it also true that the price agreed upon in this contract was subsequently raised?"

Creighton nodded his assent.

"Let me see those contracts," said Young. Creighton, taking the documents from his pocket, handed them over. After careful scrutiny Brigham Young crushed the new one in his hand and threw it into the fire.

"The poles will be furnished by my son in accordance with the terms of the original contract," he said.

Mr. President, I think it is appropriate during this year, marking the centennial of the completion of the telegraph system, that we recall the courage, foresight, and sacrifice which made this great achievement possible. Surely this important event in our Nation's history teaches a lesson which can be applied to the tasks facing us today.

TEXAS NEWS MEDIA AND DAN RATHER SPECIFICALLY LAUDED FOR SAVING OF LIVES BY COVERAGE OF HURRICANE

Mr. YARBOROUGH. Mr. President, when Hurricane Carla approached the Texas coast with all its devastating fury, the vital link between the people of the area and the civil defense and other Government and community leaders was provided by television, radio, and newspapers.

A great deal of comment along this line was made to me on my inspection tour of the hurricane devastated area last week, when I spent 2 days along the Texas gulf coast inspecting the damage. People advised me that the news media of Texas performed an outstanding service that resulted in the saving of an untold number of lives, certainly running into thousands.

One of the names mentioned as having performed in a superior way, reflecting great credit on all news media and on station KHOU–TV, channel 11, of Houston in particular, was that of Dan Rather, who was both out in the hurricane and in the studio and whose reports kept people advised of the situation.

Repeatedly, people have called to my attention the fact that Rather's accuracy and unstinting effort were directly responsible for the saving of lives.

As a member of the Subcommittee on Communications, I wish to call attention to the fact that television can and does perform a vital service to the community it serves. For 3½ days, station KHOU–TV set aside 85 percent of its commercial commitments and turned its entire facilities over to the U.S. Weather Bureau. During those 3½ days 85 percent of its time was devoted to that laudable effort.

Other television and radio stations and newspapers also concentrated virtually their entire staffs to coverage of the hurricane, the tidal waves, and the offshoot tornadoes that struck Texas.

It was the outstanding coverage of the hurricane's approach by news media that enabled authorities to put into effect the mass exodus of perhaps as many as 500,000 people from the threatened area. The performance of the news media before, during, and immediately after the hurricane is deserving of the highest tribute. It was monetarily uncompensated public service of the highest order.

I wish at this point to comment on the mass exodus. Cars were bumper to bumper from the gulf coast west at least 200 miles inland on some roads before they could disperse to find adequate shelter for the people in that mass exodus. All people did not leave their homes voluntarily, though they had had several days' warning. That was true also of the Galveston hurricane of 1900, when the people had been warned for about 4 days that a hurricane was on the way, but only a third of the population of Galveston left in that year.

This time, back of their seawall, people remained in Galveston. However, many other cities and towns did not have the protection of a 17-foot-high seawall. What actually happened was that many people refused to leave their homes, and it was then that local officials in that area rose to the emergency, and mayors declared their cities in states of emergency, and ordered the police to take people out of their homes, so that thousands of people left only because police ordered them to leave.

By that means, thousands of lives were saved. This is an important example of what can happen in case of disaster, either natural or manmade. It is good training for some other types of destruction which may strike this country. It is an example of how, without particular national machinery, individual mayors saved thousands of lives. They were roundly denounced as autocrats and dictators, but they were responsible for preventing vast loss of life.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a number of messages concerning the hurricane news coverage by Station KHOU–TV, which is the Columbia Broadcasting System's outlet in Houston, Tex., and also concerning the coverage by other news media. I think it worthy of note that one of the letters sent to KHOU–TV was from Mr. F. W. Reichelderfer, Chief of the Weather Bureau, U.S. Department of Commerce, Washington, D.C.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

HOUSTON CHAMBER OF COMMERCE,
Houston, Tex., September 14, 1961.

Mr. JAMES C. RICHDALE, JR.,
Vice President and General Manager, KHOU–TV, Houston, Tex.

DEAR JIM: The Houston Chamber of Commerce expresses its deepest appreciation to the Houston news media for demonstrating the highest type of public service during the recent hurricane "Carla."

Such action, I am sure, was responsible for the saving of untold lives and for keeping down property damage throughout the area.

Acceptance of public responsibility on the part of so many throughout the area in this instance is but another example of why this area has developed as it has and why it will continue to develop in the future.

Sincerely,

P. H. ROBINSON,
President.

BANK OF THE SOUTHWEST,
Houston, Tex., September 14, 1961.

KHOU–TV,
Houston, Tex.

GENTLEMEN: Please allow me to add my little bit to the plaudits which I am positive you have already received over the coverage you gave to "Carla." This, without a doubt, was the most complete coverage

of a public service nature that I have ever seen performed by a communicative media.

Dan Rather's complete honesty, without editorializing, reporting was amazing to me. At a time like that and considering the hours he worked, it was almost unbelievable that anyone could perform in such an outstanding manner and live up to the highest ethics required of topflight reporters.

Your station and all its personnel should take real pride in what you have done for God only knows how many lives you were responsible for saving.

Keep up the good work with my best wishes.

Sincerely yours,

J. E. WITCHER,
Assistant Vice President.

U. S. DEPARTMENT OF COMMERCE,
WEATHER BUREAU,
Washington, September 13, 1961.

Mr. JAMES C. RICHDALE
Vice President-General Manager,
KHOU Television,
Houston, Tex.

DEAR MR. RICHDALE: From all reports I have received, the unstinting help that you and your staff gave to the Weather Bureau in the distribution of warnings of Hurricane Carla, and in broadcasting with complete accuracy and commendable timeliness our observations of the storm's position and intensity, contributed very significantly to minimizing the loss of life in that terrible storm.

Please accept my thanks, on behalf of the U.S. Weather Bureau, for this timely service.

I should particularly appreciate it if you would pass on to Mr. Dan Rather, your news director, and to his entire staff who helped so mightily at Houston and at our Galveston office, our special appreciation.

Sincerely,

F. W. REICHELDERFER,
Chief of Bureau,

LEWIS & COKER, INC.,
Houston, Tex., September 14, 1961.

Mr. JAMES RICHDALE,
Manager, KHOU–TV,
Houston, Tex.

DEAR MR. RICHDALE: I want to take this opportunity to compliment KHOU–TV and its entire staff on the superior job done in reporting the developments of Hurricane Carla. The people of this area are certainly fortunate to have had such accurate coverage during those most critical hours.

I particularly wish to commend Dan Rather for his untiring efforts throughout this ordeal. Our community is certainly indebted to him for his work above and beyond the call of duty.

Sincerely yours,

LOU LEWIS.

HOUSTON, TEX., *September 14, 1961.*

The Honorable BOB CASEY,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE CASEY: Now that Hurricane Carla has passed, and we can look back over this experience, one of the things that stands out in my mind is the tremendous job done by our local news media.

Dan Rather, news director of KHOU–TV, and his staff, along with the weather people at Galveston, deserve a medal or at least some recognition for the excellent work they did.

Day and night, Saturday, Sunday, and Monday, they kept the entire gulf coast accurately advised of the exact position and direction of the storm, giving many the advanced warning needed to take precautions in time.

Any recognition which can be given these men for their fine work certainly should be accorded.

Very truly yours,

W. S. NORDSTROM.

HOUSTON, TEX., *September 13, 1961.*

KHOU–TV HOUSTON OFFICE,
Houston, Tex.

(Attention of the staff.)

GENTLEMEN: Regarding your telecasting of the terrible Hurricane Carla.

Your staff, electricians, newscasters, PBX, and all people connected, should be highly commended for your efforts, endurance, and complete coverage.

We think that Dan Rather and Al Bell should receive some sort of an award for their tremendous reporting.

Had it not been for those two, your staff, and the Weather Bureau, thousands of lives would have needlessly been lost.

I don't know how many other people will take the time to write you and thank you for possibly saving their lives, but we think it's the very least we can do.

Thanks again. Well done.

Very truly yours,

Shirley Sexton, Carmen Johnson, Bill Sims, J. T. Harriss, Mrs. J. T. Harriss, Mrs. F. J. Burstrom, W. G. Sexton, and many others.

SEPTEMBER 13, 1961.

Mr. JAMES C. RICHDALE, Jr.,
Vice President and General Manager, KHOU–TV, Houston, Tex.

DEAR MR. RICHDALE: It was with a great deal of respect and admiration that I watched and listened to the superb handling of KHOU's combined efforts in reporting on Hurricane Carla.

It certainly brought home with great clarity the vital part television now plays in the lives of all people.

To have discharged that responsibility in such an excellent manner deserves the highest praise as well as thanks for being able to expect the finest in communication during possible impending disaster.

You know, people have a right to demand par excellence on programs that are well planned in advance, but when upon short notice a television station can not only communicate vital and accurate news but program it so effectively, I say:

"Hats off to you and a very capable staff."

Cordially,

DORACE PIKE,
Director, Public Relations.

HOUSTON, TEX.,
September 15, 1961.

Senator RALPH YARBOROUGH,
Washington, D.C.:

For outstanding service rendered before, during, and after Hurricane Carla we are forever grateful to channel 11, of Houston, and particularly to Dan Rather.

E. MARTIN.

PRESIDENT KENNEDY AND THE NONALINED NATIONS

Mr. YARBOROUGH. Mr. President, I call attention to the perceptive, well written, lead editorial entitled "J.F.K. and the Nonalined," published in this morning's Washington Post. It gives proper credit to President Kennedy. It reads, in part:

President Kennedy has responded with skill and good temper to the pleas of the nonalined nations for an easing of world tensions.

Mr. President, the skill and good temper demonstrated by the President of the United States has been remarkable under the strains and stresses of the Berlin crisis. Americans realize that they have a firm leader, a leader who does not panic, a leader who is not full of bombast, but a leader who thinks.

In this crisis in American history, the people are realizing more and more, day by day, that here is a man having qualities of real leadership of the highest order; here is a man with skill. If there is one word, it seems to me, which best describes the action of the President during the Berlin crisis, it is the skill with which he has met it. He has resisted pressures to run across the line and tear down the Communist barricades, and thus start a war. He has resisted fear panic over possible war, and the temptation to give in to Khrushchev. He has resisted pressures of all sorts. He has handled himself with skill and has earned the confidence of the country.

Mr. President, I ask unanimous consent that the Washington Post editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 18, 1961]

J.F.K. AND THE NONALINED

President Kennedy has responded with skill and good temper to the pleas of the nonalined nations for an easing of world tensions. Indeed, his letter to President Sukarno of Indonesia and President Keita of Mali identified the U.S. policies with the most fundamental interests of the neutrals. Methods and tactics may differ, but beneath these are the common aspirations of all free peoples.

The nonalined countries are keenly interested in the abolition of atomic tests. President Kennedy has reiterated his desire to end testing, draw attention to the differences between the U.S. underground tests and the Soviet Union's prior atmospheric tests, and offered again an agreement to halt all tests that create perilous fallout. The Belgrade conference called for disarmament and recognized the importance of inspection and control procedures. Mr. Kennedy has responded that the United States will soon offer a new plan for general and complete disarmament, with a control system in which the nonalined countries would have an important part.

Belgrade enunciated the right of all nations to unity, self-determination and independence. President Kennedy has added his hearty endorsement to these principles and pointedly expressed his understanding that they apply to Berlin and to the people of Germany. Belgrade condemned intimidation and intervention to deprive people of their rights. The President has replied in effect that this is what the Berlin controversy is all about.

The Belgrade delegates came with a plea for East-West negotiations to ease the Berlin crisis and avert a big-power clash. The President has replied that the crisis is not of his making, that the channels of negotiation are open and the United States is willing to use them, but that it will not negotiate under threats or rush prematurely into a summit conference in which the only choices would be surrender or failure.

At the United Nations, President Keita has said that tensions could be lowered if Premier Khrushchev would act as reasonably as President Kennedy has done. How can other nonalined statesmen avoid this conclusion?

There should no longer be any confusion in the unalined capitals as to where their missionary efforts need to be concentrated if their hopes for a peaceful world are to be realized.

M–14 RIFLE PRODUCTION PROGRAM

Mrs. SMITH of Maine. Mr. President, for some time I have been concerned about the M–14 rifle production program and to a limited extent have been personally investigating it.

A few years ago I served as chairman of an armed services subcommittee investigating ammunition shortages in the Korean war. I do not want to see the errors that were made in that war on the supply of vitally needed arms repeated now when our country is in its greatest potential danger.

I have written the very able chairman of the Preparedness Investigating Subcommittee this past Saturday and made certain suggestions. I wish to read my letter to him to the Senate.

U.S. SENATE,
Washington, D.C., September 16, 1961.

HON. JOHN STENNIS,
Chairman, Preparedness Investigating Subcommittee, Committee on Armed Services, U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: As you know, for some time now I have been concerned about the aspects and implications of the M–14 rifle program. At the February 24, 1961, meeting of the Preparedness Investigating Subcommittee I suggested that the M–14 rifle program be investigated and studied by the subcommittee.

My concern stemmed from the days when I was chairman of the Senate Armed Services Subcommittee on Ammunition Shortages in the Korean War. Reports had come to me indicating conditions in the M–14 rifle program which were reminiscent of errors exposed in those hearings which I chairmaned.

At a hearing of the Senate Appropriations Subcommittee on Defense held on April 19, 1961, I raised the question of rumors and reports of political maneuverings to get a M–14 rifle production award to an unidentified West Virginia concern—raised this question with witnesses General Decker and Army Secretary Stahr who were testifying before the committee.

Despite denials made by them, I have continued to receive rumors of political maneuvering to get such an award for a West Virginia concern. Now much of those rumors has been confirmed.

I even went to the extent of preparing a speech for delivery on the Senate floor in July of this year but finally decided to wait until the Preparedness Investigating Subcommittee had made a full investigation of the matter.

That is why I was pleased to receive your letter of September 1, 1961, notifying me that the staff of the Preparedness Investigating Subcommittee, at your direction, had made a complete and thorough investigation of the circumstances surrounding the M–14 rifle program and that hearings would be held shortly.

Since that time I have received further information, which I think warrants investigation and study by the subcommittee and on which certain action should be taken and which I now specifically suggest.

1. I suggest that the subcommittee make a thorough and complete investigation of the West Virginia Ordnance Co. (one of the bidders for the production award) with specific interest centered on the (a) general management, (b) finance, (c) manufacturing, and (d) quality assurance capability or lack of capability of this concern.

2. I suggest that the subcommittee investigate this concern from its very origin and those representing it in efforts to obtain an M–14 rifle production contract.

3. I suggest that the subcommittee make a full and thorough investigation of Harrington & Richardson, Inc., and its relationship to the West Virginia Ordnance Co.

4. I suggest that the subcommittee obtain a copy of a telegram sent by Miklos Sperling, chairman of the board of the Merz-Chambers Corp., to President Kennedy on August 10, 1961.

5. I suggest that Mr. Sperling be invited to appear before the subcommittee and tell it all that he knows about this and related matters.

6. I suggest that the subcommittee investigate why the Small Business Administration acted to overrule Army Ordnance's disqualification of the West Virginia Ordnance Co.

7. I suggest that the subcommittee obtain copies of financial statements filed by the West Virginia Ordnance Co. and Harrington & Richardson, Inc., on which the Small Business Administration purportedly based its overruling Army Ordnance—including not only the original financial statements but all revised statements and the reasons given for requesting such revised statements and the basis for the revisions.

I shall be happy to have the Preparedness Investigating Subcommittee staff consult with my staff for further details and for further information which I have received but which cannot be disclosed at this time because papers received have been marked "for official use only."

Sincerely yours,
MARGARET CHASE SMITH,
U.S. Senator.

The PRESIDING OFFICER (Mr. STENNIS in the chair). The present occupant of the chair wishes to say a word of appreciation to the Senator from Maine for the timely letter she has written to me, and the very valuable information it contains.

By the time the staff could be ready, the key officials of responsibility had been compelled to go abroad; and with the pressure of other affairs, we simply have not been able since September 1 to hold hearings. But the letter of the distinguished Senator from Maine will certainly be followed up with the utmost diligence, and the Chair thanks her again for her usual timely suggestions and help.

Mrs. SMITH of Maine. I thank the Chair very much.

IMPORTATION OF BALER AND BINDER TWINE

Mr. HUMPHREY. Mr. President, I find it necessary to take the time of the Senate today to call the attention of my colleagues to a renewed threat of increasing costs to our farmers.

One of the substantial cost items to the dairy farmer and to farmers generally is the cost of baler and binder twine. Recognizing this, the Congress has always kept the imports of such farm twines on the free list, and has opposed any efforts to establish quotas or limitations on imports.

Since 1957, at least four efforts have been made to establish either quotas or duties on the imports of farm twines. Three of these efforts have taken the form of petitions to the Office of Civil and Defense Mobilization, under the Reciprocal Trade Act, alleging that imports of farm twines are such as to constitute a threat to the national security. After hearings and careful study of these petitions, the Office of Civil and Defense Mobilization has consistently held that no such threat exists. Similarly, an escape clause action was filed by the domestic cordage industry before the Tariff Commission; and one of the first decisions handed down by President Kennedy was that there was no economic threat to the domestic industry, and the petition was therefore denied. To my complete surprise, I find that now another petition is pending before the Office of Civil and Defense Mobilization, on which a decision is momentarily expected.

The effects on the American farmer of an adverse decision which would restrict the importation of farm twines into the United States would be very serious. It has been estimated that such restrictions would result in additional costs to the farmers of many millions of dollars per year. To place such a burden on an already overburdened segment of our industry would be unthinkable.

It seems to me, Mr. President, that the domestic cordage industry, which is controlled, insofar as domestic production of twines is concerned, by two large companies, has hoped to achieve its objective by a constant harassment of the Congress and the responsible agencies of the Federal Government. Through such tactics, they have apparently felt that eventually those of us who are interested in farm costs would become tired of the matter, and would fail to oppose them. This, I can assure them, will never happen.

Therefore, I call this pending decision to the attention of my colleagues, who I am certain are equally as concerned with this matter. Through this statement and through direct contacts, I shall make certain that the Director of the Office of Civil and Defense Mobilization will be fully aware of our congressional interest and intent. I am confident, of course, that he, in his wisdom, will make the proper decision in this case. But because of the fact that this is the first time that the new officials in the Office of Civil and Defense Mobilization have come to grips with this particular problem, I feel it important that he understand that the Congress does not intend that restrictions be placed on the importation of farm twines into this country.

THE ROLE OF AMERICAN AGRICULTURE IN OUR FOREIGN AID PROGRAM

Mr. HUMPHREY. Mr. President, previously, when we had before us the foreign aid bill, I made reference to the contribution which American agriculture and the U.S. Department of Agriculture could make in assisting the

world's developing nations to achieve their rightful economic stature. This is a matter of such prime importance that it merits further exploration and discussion.

We have a fairly good measure of what our agriculture can do. We have every reason to be proud of our tremendous productivity, for it can be a symbol of hope for the hundreds of millions in the world's population who still are uncertain that they will have this day's daily bread. The opportunity to share with them this productivity and the technology that made it possible, as well as the abundance of that productivity, is a challenge and a promise.

Our commodities can, and should, be used to the maximum to meet urgent human needs, to provide for food those who hunger, clothing for those in desperate need, and health for those who suffer from malnutrition.

Our commodities can, and should, also be used as items of capital investment—to be used as part of the payment for labor in projects for economic growth and development in friendly, rapidly developing parts of the world.

However, the contributions that U.S. agriculture can make in expert, technical, scientific, economic, and social know-how are too little recognized. Yet these contributions may prove to be the most essential, in both the immediate crisis of the cold war and in the longrun goal of sound economic development and social progress in underdeveloped areas.

Throughout the world, the areas where Communist infiltration and control today constitute the greatest threat are agricultural areas. True, they are backward agricultural areas where those who work the land are exploited and where land reform is needed. But, for the most part, they are areas where the great majority of the people are involved in agriculture of one kind or another. The Communist appeal is not to industrial workers, but to the peasants on the land.

It is in agriculture that today we find the greatest contrast between Communist failure and democratic success. The Communists claim that they are catching up in industrialization; and their rate of industrial growth substantiates that claim. But in agriculture their failure is almost as little publicized as is our success. In the Soviet Union, and, more spectacularly, right now in Red China, agricultural failure is causing discontent, hunger, and starvation, and is the major drag on further industrial growth.

Yet it is agricultural abundance that provides the most immediate needs for every human being. Food, clothing, and shelter come directly from agriculture. We in the United States take these things so much for granted that we fail to realize how basically important they are.

American agriculture can contribute to our foreign-aid program:

First. Technological know-how for agricultural production.

Second. Educational background and training for successful farming.

Third. Economic and social know-how for land ownership, credit needs, processing and marketing techniques—essential to improved agriculture.

Fourth. Assistance in developing peoples' institutions—primarily cooperatives and rural credit unions that will promote not only success in agriculture, but also fundamental training in democracy. I note also that such institutions provide ideal training for political leadership.

Such technical assistance programs in agriculture could involve nearly every branch and agency in the U.S. Department of Agriculture—including extension services, relations with land-grant colleges, work in the training of youth, farm credit, rural electrification, soil conservation, wise land utilization, nutrition, home economics, forestry, watershed development, and improved plant and animal production.

Trained, experienced, expert specialists who possess a wealth of knowledge in the social, economic, technological, and scientific aspects of agriculture are available.

The field of farm credit offers an admirable illustration of the kind of opportunities that exist. Any land-reform program whose goal is to enable those who work the land to become landowners is dependent for its success on the provision to the farmer of low-cost credit. In the U.S. Department of Agriculture, there are the personnel who have the know-how to help provide this credit—whether it be in the form of rural credit unions, that have shown such remarkable success both here and in less-developed countries, or in the form of supervised loans of the kind provided by the Farmers Home Administration. This supervised credit program, which was launched in the depression of the thirties, to combat rural poverty in the United States, can be very effective in underdeveloped areas throughout the world.

Along with its current domestic program, the Farmers Home Administration could well train and organize a group of specialists in this kind of supervised credit, so that whenever a plan for any underdeveloped country called for such assistance, it could be provided immediately. Both Americans and foreign nationals could be trained, both in certain county offices of the FHA and in foreign countries. Emphasis could be placed on adapting supervised credit to the needs of the country concerned. Experienced FHA fieldworkers could receive training in the special problems and techniques of oversea service while they carried on their regular work.

Properly planned, this approach would provide underdeveloped countries with a comprehensive attack on rural poverty that would be immediately operative and would embody techniques that have proven to be effective.

A further valuable aspect of such a program could be training centers for foreign nationals, set up in low-income areas where a supervised program is being operated in the United States. At these centers, foreign nationals would be able to observe how the program is being carried out in this country, and it could be interpreted by experts in terms of the background and knowledge and skills of the foreign nationals involved. This would be far superior to past efforts of routing such nationals to training locations ill adapted to their particular needs.

The PRESIDING OFFICER. The Chair must advise the Senator from Minnesota that the Senate is still proceeding in the morning hour.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. I appreciate that, Mr. President.

The U.S. Department of Agriculture has many other agencies that, like the Farmers Home Administration, have valuable know-how that can be specifically applied and adapted to programs for underdeveloped areas. This kind of coordinated technical assistance could be most effective, if planned as an integral part of our foreign aid program, to be directed within each participating country by the director assigned under the Agency for International Development, with the responsibility for its operation assigned to the agency most experienced and qualified in that function—the Department of Agriculture.

I am confident that the resources of the Department of Agriculture, as well as those of the other agencies of our Government, working in cooperation with AID, can give active, intelligent leadership that can move us rather quickly toward desirable long-range objectives. This will require not only the sharing of our technical competence, but also some reshaping of our own production, the creation of a better understanding among our farmers and trade groups of where we are going and how we shall get there, and a generally improved public understanding of our present and future problems in the trade and aid fields. It will also require better communications between the Government units involved than we have had in the past. But with some assured permanency for the foreign aid program, I am sure that these problems, too, can be worked out.

There is another aspect of this approach to foreign aid on which I should like to dwell briefly. Today the United States is deeply concerned with preventing the extension of Communist control over the uncommitted, and particularly the developing areas of the world. In our vigorous determination to combat the infiltration and encroachment tactics of the Communists, we must use every appropriate method we can use effectively.

Of the many methods, paramilitary or otherwise, that may be under consideration, two in particular offer great promise, and by their use the Department of Agriculture can make major contributions. One is the building of free institutions. The other is the seeking out and training of political leaders.

Countries just emerging into independence, and others seeking the higher standards of modern society, are most resistant to Communist encroachment if they have an institutional framework that will sustain economic activity, ex-

pand technology, and absorb human skills, in an environment of freedom. Hence, the importance of building among the people themselves institutions that the people will regard as their own, institutions that they can understand, institutions from which they can get some tangible benefit, institutions through which they can learn to practice the principles of democracy.

I believe the importance of such institutions to combat communism is highlighted by the historic fact that communism has succeeded in gaining power where the people's institutions either had broken down as a result of war or occupation, had failed to meet current needs, or never had developed in forms adequate to meet today's problems.

In many of the underdeveloped areas about which we are concerned, particularly among rural people, the development of cooperatives would be admirably adapted—at one and the same time—to increasing incomes and standards of living increasing ownership on the part of the rank and file of the people, and providing experience in democratic participation.

This experience in democratic participation could provide the most fruitful field from which native political leadership could emerge. Such leadership could play a critical role in the struggle against communism.

Within the agencies of our Government, we have resources and experience that particularly qualify us to help in the building of cooperative institutions and the development of native leadership. These resources certainly should be used to their fullest possible extent.

Mr. President, I know that many of my colleagues agree with me when I say that our Foreign Aid Administration, rather than expand its own personnel, might well utilize the personnel of the existing agencies of our Government who have the technical know-how to do the job that is required.

THE GERMAN ELECTION

Mr. KEATING. Mr. President, it seems to me that one of the most significant, although perhaps less dramatic, indications about the German election of yesterday was the way the West German people turned out, in the numbers they did, to cast their ballots in a free election. The latest reports indicate nearly 90 percent of the people in West Germany voted, and they were not dragged to the polls forcibly, like their neighbors in East Germany. That is a record that Americans would do well to ponder. It shows that democracy is establishing deep roots in West Berlin. The contrast between the free vote of West Germany and the single-slate ballot of the East Germans under Communist slavery is one that we should emphasize before the whole world.

The election results suggest that the German people recognize the great achievement of Chancellor Konrad Adenauer, but that many, perhaps particularly the younger generation, see the need for other figures to play a role in German history as well. The increased support for Willy Brandt is significant. This election was the first time the Socialist Party has supported NATO, given its full support to Atlantic solidarity, and indicated serious mistrust of Soviet tactics. Perhaps Brandt, like Hugh Gaitskell in England, will be able in the years to come to lead his party toward a more realistic analysis of East-West issues and economic programs, since it seems clear that such a program will have greater support from the body of the people.

On the whole, I do not think the results of the election will mean any significant changes in Germany's position in NATO or in the German position on the defense of Berlin. On the contrary, I think they should be interpreted as showing a German desire to resist Soviet harassment with if anything even more vigor and imagination. There will, of course, be difficulties in forming the coalition government, which will probably follow. Coalition governments never have an easy time and the present Berlin crisis will further complicate the situation. But on the whole, I think we can be very glad at the resounding vote which the German people have given to the support of the free world and to the principles of government by the people.

TRIBUTE TO SENATOR BYRD OF WEST VIRGINIA

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article entitled "Byrd Breaks Tradition, Gets What He Asks for District," written by Grace Bassett and published in the Washington Sunday Star of September 17, 1961.

As a member of the Senate District of Columbia Appropriations Subcommittee of the Committee on Appropriations, I can personally attest to this tribute to the distinguished Senator from West Virginia. I commend this article to my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BYRD BREAKS TRADITION, GETS WHAT HE ASKS FOR DISTRICT

(By Grace Bassett)

A tight-lipped freshman Senator with a compulsion to excel has made welfare, police and schools in the Nation's Capital his business.

ROBERT C. BYRD moved into these areas with the same determination he showed as a boy, when he memorized his mathematics on the 3-mile walk home through the hollow from the last school bus stop, in rural West Virginia.

The prerogatives of Senator BYRD, 43, were clear today after Congress passed a $270 million money bill carrying every major item he sought.

Few of his predecessors as Senate District Appropriations Subcommittee chairman have emerged in the same role as an overseer of the Federal city. Senators have built a sort of tradition of "giving" the city what it wants—and then yielding to more economy-minded House conferees whose demands would finally prevail.

Senator BYRD broke the tradition. He didn't ask for what he couldn't get.

ARMED WITH DATA

He talked with House Members before his own committee acted. He became convinced he'd lose more than he'd gain by insisting on a Federal payment and tax yields different from those fixed by the House. Instead, he arrayed an imposing stack of facts and figures—which he recites with almost frightening accuracy—to support his contensions there was "fat" in the welfare budget and that more policemen and elementary teachers and counselors were musts. He won continued life for a police-fire medical clinic which had been condemned as waste by House Members.

Senate changes amounted to less than 1 percent of total spending. But they involved domestic programs of interest, with local variations, all over the country.

So, Senator BYRD is in a position, whether accidental or calculated, to focus a national spotlight on welfare, crime and education problems—all subject to aggravation in a city of the size and nature of Washington.

This could mean political advantages in the usually thankless District job for Senator BYRD.

Quite apart from his own interests, the interests of good city government probably will be served by studied attention of any conscientious Member of Congress.

WORKS BEST AT NIGHT

And Senator BYRD's reputation for persistence is firm. His colleagues say he works best at night. His decision to take the district chairmanship was made at night, on a cold drive through West Virginia, between telephone conversations with Appropriations Committee Chairman HAYDEN, Democrat, of Arizona.

Then he prowled the district's precincts with police until 1:30 a.m. before hearings. He crammed on welfare statistics and talked to relief critics past 2 o'clock in the morning during the week when he was hearing witnesses on an average of 8 hours a day.

He made his decision to run for the Senate in 1958 at night, after a conference at which he got John L. Lewis' advice to stay in the House. His wife was the first to know. He called her from a "cold, little old telephone booth beside the road," the Senator said.

Senators marveled at his nocturnal stamina in 1960. He took the chair as presiding officer in the civil rights debate for 21 hours and 8 minutes—beginning in midafternoon.

And his surprisingly informed defense of a military promotion for a West Virginian against veteran Senator MARGARET SMITH, Republican, of Maine, this year was delivered at night. He'd stayed up until 3 a.m. to prepare.

REARED ON FARM

He got used to long hours on the dirt farm where he was reared in southern West Virginia.

His mother died on Armistice Day, 1918. Just before she died she asked her husband's sister to raise Robert. The Senator, born in North Wilkesboro, N.C., never lived with his father, his three older brothers or sister afterward.

When he was 3, his foster parents moved to West Virginia. His uncle, "dad" to the future Senator, worked in the mines. The boy studied at night beside an oil lamp, started the hike to school at dawn with his quart fruit jar of milk under his arm. Screech owls welcomed him home.

In school, he "loved" mathematics, liked history and had "no interest" in public speaking. His high school record—no grades below A—persisted when he started in his first of four colleges 16 years after he was valedictorian of Mark Twain High at Stotesbury.

Now he's almost earned his law degree from George Washington University.

PLAYED MOUNTAIN MUSIC

The only fiddling the Senator allows himself apparently is on the violin. A yen for Schubert gained him first chair in his high

school orchestra. After he heard some old-time fiddlers, he said, it "wasn't long before I liked mountain music better than Schubert."

He campaigned with his violin, in foot-stomping style, for Vice President JOHNSON in Texas as successfully as he has for himself in his home State.

"Way back there, when I was a little fellow in the country, I had a feeling I was going to be in this Government of ours," the Senator recalls.

Since he was elected at the age of 28 to the State house of delegates, he has held more legislative offices than any other person in the history of his State. From the State house the U.S. House of Representatives and to the Senate.

His only immediately obvious miscalculation in his political career was his membership in his early twenties of the Klu Klux Klan. "A mistake of my youth," the Senator explains now. He became an organizer for the Klan briefly because, he said, he wanted to fight communism.

He married at 18 a girl he'd courted with notes and chewing gum at the change of classes in high school. His first job was pumping gas. Later he became a butcher and meat counter manager.

"I always approached each job with an idea of how I could do it better than anyone else," recollected the Senator, proud of building a Crab Orchard (W. Va.) meat business from $3,500 to $20,000 a month.

A Sunday school class at the Crab Orchard Baptist Church was the same kind of a challenge. He built a class from 6 to 16 to 20 to 24 to 28 to 32 to 28 to 36 on successive Sundays—and he can remember every number although the class met in 1948. He spent 1 day a week calling everybody he'd invited and—typically—stayed up all Saturday night preparing his lesson.

SUSPICIOUS OF LAZINESS

His conviction that something comes, not from nothing, but from hard work probably contributes to his skepticism about the District welfare program.

"I came up from a humble background and humble surroundings," the Senator said. "I have seen hard times, and I've had a better life than the ordinary individual. Here in the District, I find a welfare situation in which there seem to be individuals getting something they shouldn't."

A suspicion of laziness hardens the hatchet face of Senator BYRD, a man who likes the Biblical reminder, "Seest thou a man diligent in his business, he will stand before kings."

But Senator BYRD is a country boy, too, and familiar with the homely tolerance of the saw he heard so long ago he can't even remember where: "I never saw a pancake so thin it didn't have two sides."

A TIME FOR GREATNESS

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a thought-provoking article entitled "Slogan Doubly True: A Time for Greatness," written by Chalmers M. Roberts, and published in the Washington Post of September 18, 1961, dealing with various problems confronting President Kennedy.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A TIME FOR GREATNESS

(By Chalmers M. Roberts)

One of President Kennedy's campaign slogans last fall was that this was "a time for greatness." If it were true then, it is doubly true today when he is plagued by a morass of problems stretching from Berlin to Laos and from the Congo to Brazil.

Mr. Kennedy needs today to lift his eyes from the daily routine, to peer into the future and to determine if the time has come for one of those bold proposals which separate the statesmen in history from the mere political office holders.

In a world of turmoil the inner core of the democratic world consists of the United States, Canada, and the democracies in Western Europe. Some of Mr. Kennedy's "thinkers" have about concluded that now is the time for an unprecedented effort to bind them together.

By coincidence, Senate Foreign Relations Committee Chairman J. WILLIAM FULBRIGHT, in the current issue of Foreign Affairs, out today, comes to the same conclusion. He advocates "a concert of free nations."

A common thread of post-World War II American policy through the Truman, Eisenhower, and Kennedy administrations has been to end the ancient Franco-German feud and to tie West Germany's new democracy securely to the other democracies of the Atlantic alliance. This is why the United States has so strongly backed the Common Market, why it favored the ill-fated European army scheme, why it has sponsored the new Organization for Economic Cooperation and Development, including American and Canadian membership, and why it favors British membership in the Common Market.

The Berlin crisis has added new pressures, however, for closer transatlantic ties. If, indeed, the outcome of the crisis is to be in part a de facto recognition of the indefinite division of Germany, then more than ever new and yet stronger ties are needed to bind the Western nations together.

Great crises bring forth great policies. Churchill offered the French joint citizenship as they were about to be overrun by the Nazis. George Marshall offered Western Europe aid in an hour of postwar despair. Harry Truman proffered the Truman doctrine in Greece and Turkey when the British said they no longer could keep those nations afloat and free.

The crisis today is certainly as great as any of those; in the view of many here, it is in fact far more consequential for the future of freedom. Whether the American and the Western European climates of opinion are ready for a new move toward "a concert of free nations" as something Mr. Kennedy will have to decide. Franklin Roosevelt was too far ahead of his time when he proposed to "quarantine the aggressors," Hitler and Mussolini, and he had to retreat.

FULBRIGHT believes the movement toward "a concert of free nations" should be "functional rather than Federal, piecemeal and pragmatic rather than general" and that "if we do not aspire to too much, it is also within our capacity." He believes it would be "utterly fatuous" to propose world federation or to radically overhaul the United Nations. The Kennedy "thinkers" agree.

The question is well put by FULBRIGHT:

"In times of clear and present danger, custom, inertia, vested interests, and traditional viewpoints give way to the needs of the times. The problem that now confronts us is whether they will give way in a time of ominous danger, but danger which is vague, ambiguous and lacking in dramatic urgency. That is the nature of the peril which confronts the free world. Unless we can forge something like the unity of purpose and common action that we so successfully forged in wartime, we may well fall victim if not to cataclysm then to creeping catastrophe."

When Mr. Kennedy took office he was hardly a "European," so strong was his desire to improve the American posture in Asia, Africa, and Latin America. But events have driven him closer to the European allies and some believe he has come to have a new appreciation of the necessity of drawing the democracies closer together.

How to do it is indeed a problem. But important as the details surely are, the critical decision for the President is whether this hour of peril presents a moment of great opportunity.

NUCLEAR ARMAMENTS

Mr. THURMOND. Mr. President, Adm. Lewis L. Strauss is recognized as being one of the foremost authorities in the United States on the matter of nuclear armaments. Admiral Strauss served as a member of the Atomic Energy Commission from 1946 to 1950 and as chairman of that body from 1953 to 1958. He is particularly noted for the role he played in the development of the hydrogen bomb. In two articles which appeared prior to the resumption of nuclear testing by the United States, Admiral Strauss pointed out the apparent folly in the voluntary moratorium which we had maintained for almost 3 years. Admiral Strauss emphasized the fact that he was opposed to the suspension from its inception. It is his opinion that the Communists have been clandestinely testing nuclear weapons for some time; indeed, that they never suspended their tests. Our decision to resume nuclear testing, as the only sensible response to the Communists' tests, no doubt was greeted with mixed emotions on the part of Admiral Strauss—relief, in that we had finally made the inevitable decision, and chagrin, in that it took the Communists to goad us into it.

Mr. President, I ask that the article entitled "Why Nuclear Testing Is a 'Must' for Freedom," which appeared in the September 1961 edition of the Reader's Digest, and an interview with Admiral Strauss which appeared in the September 11, 1961, edition of U.S. News & World Report be printed in the RECORD.

There being no objection, the article and review were ordered to be printed in the RECORD, as follows:

[From Reader's Digest, September 1961]

WHY NUCLEAR TESTING IS A "MUST" FOR FREEDOM

(By Lewis L. Strauss, former Chairman, U.S. Atomic Energy Commission)

(The message is clear: Soviet intransigence and duplicity have made U.S. nuclear supremacy crucial to the survival of the free world. For this, resumption of testing is essential.)

In 1957 an official British white paper on defense stated, "the free world is today mainly dependent for its protection upon the nuclear capacity of the United States." At the time, this was a valid assumption. The American lead in the development of nuclear strength was commanding. This superior position was the bulwark of the safety not only of ourselves and our allies but of the neutral nations as well.

Today the nuclear capacity of the United States has been impaired by 3 years of voluntary suspension of U.S. nuclear testing. While the present relative strength of the United States and the Soviet Union is unknown, the test moratorium certainly has not worked to the advantage of the free world.

This is true whether or not the Soviets have been testing nuclear weapons clandestinely—which has been their consistent

custom since 1949. The important point is that world peace and security now depend upon a stockpile of U.S. nuclear weapons some of which are 3 or more years old, and have not been proof-tested. Their readiness is therefore unknown.

Let me cite a parallel from recent history. When I reported for duty in the U.S. Navy Bureau of Ordnance in March 1941, I was astonished to learn that the torpedoes in our stockpile were in most respects the same sort of torpedoes we had used in World War I. The Navy had been so stinted for funds that not a single torpedo with a live warhead had been fired in more than 20 years.

After Pearl Harbor, U.S. submarines in the Pacific fired these untested torpedoes against enemy ships. Through their hydrophones our men could hear them strike Japanese hulls. But the torpedoes failed to explode. This was a serious setback in our early operations in the Pacific.

I think the moral is plain: No stockpile of weapons can be considered dependable unless random specimens are taken from it and subjected to periodic tests.

The United States was maneuvered into the suspension of nuclear testing largely by "world opinion"—skillfully manipulated by Soviet propaganda—which confused suspension with actual nuclear disarmament and control. Now world opinion is being engulfed by another wave of Soviet propaganda, directed this time against the resumption of nuclear tests by the United States.

The U.S. position on real nuclear disarmament has been clearly and consistently stated since 1945. Shortly after the first atomic bombs were used against Japan, President Truman announced the willingness of the United States to place atomic energy under the rigid control of an international authority. This policy was endorsed by our British and Canadian allies.

On June 14, 1946, Bernard M. Baruch, as head of the U.S. delegation, placed the American proposal before the United Nations Atomic Energy Commission, opening his address with the somber statement: "We are here to make a choice between the quick and the dead." The proposal called for the creation of an International Atomic Development Authority "to which should be entrusted all phases of the development and use of atomic energy." The Authority was to have ownership of raw materials; control or ownership of all atomic-energy activities potentially dangerous to world security; power to inspect and license all other activities, including the development of the beneficial uses of atomic energy; and responsibility for developing means to enable it to detect misuse of atomic energy. Baruch called this "a program not composed merely of pious thoughts but of enforcible sanctions—an international law with teeth in it."

Viewed as history, this daring proposal, made at a time when the Western allies had a monopoly on atomic weapons, appears as an act of altruism without parallel. It was made in good faith, and it was clearly intended to avert a disastrous arms race. But the Soviets, for all their professed interest in disarmament and the control of atomic energy, would have no part of any plan which required inspection and control. They opposed the U.S. proposal in the U.N. General Assembly and then, when it passed to the Security Council, exercised their veto.

For the next few years the Western World felt secure under what was considered a U.S. atomic monopoly. Many responsible people thought that this security might even last for a generation. The development of the atomic weapon, they maintained, would have been impossible but for our advanced science and technology and highly developed industrial resources—all of which the Soviets lacked.

This comfort I found impossible to share. In 1947, shortly after being appointed to the newly formed U.S. Atomic Energy Commission, I suggested to my colleagues that some kind of system should be set in motion to monitor possible atomic-weapons tests within Soviet territory. They agreed that this could be accomplished by aircraft equipped with devices for sampling the atmosphere well outside the Soviet borders. Since such an operation was beyond the statutory responsibility of the AEC, I proposed the program to my friend James Forrestal, then Secretary of the Navy, who was shortly to become our first Secretary of Defense.

The plan was eventually put into operation, and in August 1949 our monitors detected what was, so far as we knew, the first Soviet atomic explosion. We detected further Soviet tests of atomic weapons in 1951.

Meanwhile, against bitter opposition within our own Government and among its scientific advisers, we had gone ahead with the development of the far more potent thermonuclear weapon (the H-bomb), which was tested successfully in November 1952. Less than 1 year later, in August 1953, the Soviet Union tested its own thermonuclear weapon.

The Soviet atomic weapons program benefited initially from the espionage activities of Alan Nunn May, the Rosenbergs, Pontecorvo, Maclean, Burgess and others. Klaus Fuchs, who worked on British atom projects and in our Los Alamos laboratory, apparently gave the Soviets the facts about the thermonuclear bomb.

When President Eisenhower took office in 1953, he was determined to make every effort to banish the specter of atomic war. On December 8, 1953, he went before the General Assembly of the United Nations and offered his atoms for peace plan. The atom, he said, "must be put into the hands of those who will know how to strip its military casing and adapt it to the arts of peace."

The Soviet delegation joined in the enthusiastic applause. But when Secretary of State Dulles began conversations with the Russians, it soon became evident that they wanted nothing of the sort. It took from 1953 until 1957 to get the International Atomic Energy Agency organized with the Russians delaying and sabotaging the project at every step. Thanks to Moscow, the IAEA is today a denatured body, unlikely to execute the major part of the atoms for peace plan.

Meanwhile, the Soviet Union, although engaged actively in the testing of atomic and thermonuclear weapons, was exploiting an ingenious new propaganda line. The keynote was "fallout"—the alleged contamination of the earth's atmosphere with supposedly lethal radiation resulting from nuclear testing.

The nightmare of "fallout" had been with us ever since the first atomic bomb was exploded in a test at Alamogordo, N. Mex., in 1945 atop a steel tower. The heat of the explosion vaporized the steel tower, and wind carried radioactive debris until it fell upon a herd of cattle grazing a few miles away. The cattle at first lost some hair from their backs. Later, they were moved to Oak Ridge for observation. There they lived and reproduced—to the fifth or sixth generation, when I last saw them—and the progeny were normal animals.

But the propagandists found more abundant material with the advent of the thermonuclear weapon. In March 1954 we tested, in the Pacific Proving Ground, several thermonuclear weapons, one of which had a larger yield of radioactive material than anticipated. Some of the material, carried downwind, fell upon two inhabited atolls and upon a Japanese fishing vessel, the *Lucky Dragon*, which had disregarded published warnings and sailed into the zone of possible "fallout."

The islanders developed no casualties; the women had no stillbirths, bore no abnormal children. The fishermen abroad the *Lucky Dragon*, however, became a cause celebre—in connection with which there have been two puzzling factors. American scientists were not permitted to inspect the vessel or the crew until weeks after the incident had occurred. And at no time were we allowed to interrogate the skipper, a man who had never been in command of the ship before. There are still those who believe that the *Lucky Dragon* was sent into the forbidden area for reasons other than fishing.

A cry was heard round the world that fallout from U.S. nuclear tests was jeopardizing the future of the human race. In 1954 the Atomic Energy Commission arranged for an independent investigation of radiation and its effect on human life to be made under the auspices of the National Academy of Sciences, an agency completely independent of the Government, financed by the Rockefeller Foundation. A simultaneous study was made in Great Britain by the Medical Research Council. The findings agreed.

The National Academy of Sciences reported that the average individual, over a 30-year period, receives a dose of 4.3 roentgens from inescapable natural radiation (cosmic rays, radioactivity in the soil, etc.), plus an additional dose of 3 roentgens from medical and dental X-rays. The NAS report further stated—and this was the nub of it—that if the nuclear testing done during the period 1951–56 were continued at the same rate indefinitely, the average person's 30-year dose of radiation would be increased by only one-tenth of a roentgen or less.

Despite the publication of this evidence, the outcry over "fallout" and radioactivity continued. Then, in June 1957, while this hysteria was at fever pitch, Dr. Edward Teller, the late Dr. Ernest O. Lawrence and the late Dr. Mark M. Mills, all distinguished scientists, came to Washington with gratifying news. The laboratories at Los Alamos, N. Mex., and at Livermore, Calif., had been working on a nuclear weapon design which would reduce radioactive fallout by about 95 percent. Given 4 or 5 years of testing, they hoped to construct a weapon from which radioactive fallout would be negligible.

This was a momentous development. Among many other things, it would make possible powerful defensive weapons—such as antiaircraft and antimissile missiles—which could be used over our own or friendly territory without subjecting the inhabitants to the hazards of fallout. The scientists testified before the U.S. Congress Joint Committee on Atomic Energy, and later described their work to President Eisenhower. The President arranged a press conference at which Drs. Teller, Lawrence and Mills told their story. The weapon became known popularly as the "clean bomb."

But some scientists and Congressmen ridiculed the proposed weapon as an impossibility. Others were convinced that the scientists had dreamed up the "clean" weapon for the sole purpose of scuttling the movement to outlaw nuclear testing permanently.

Meanwhile, the Russians had been testing their nuclear bombs since 1951 with increasing frequency. They tested secretly, without advance announcement, and excluded international observers from the testing sites. Occasionally, news came from Moscow only after the United States had detected the Soviet explosion and announced the event. Yet the outcry against nuclear testing was directed not against the U.S.S.R. but against the United States.

President Eisenhower resolutely resisted the increasing pressure to suspend nuclear tests unilaterally. And he knew that even if a suspension of testing could be achieved by agreement with the Russians, there was

still no method of control or detection available to insure against clandestine testing. Nuclear explosions on the earth's surface, in the atmosphere or underseas can be detected by fairly reliable methods; but explosions below the earth's surface or in outer space cannot be reliably detected even today.

Late in 1957 a development connected with one of our tests in the Nevada desert caused considerable controversy. A small nuclear charge was detonated in a tunnel dug in a mountain, and a seismic station in College Point, Alaska, 2,300 miles away, registered the shock wave on its seismograph. Some people who were determined that U.S. nuclear testing must stop seized upon this fragment of evidence as proof of absolute detectability.

Appearing before a Senate committee in 1958, I testified, however: "I am informed by the experts that this signal would have been reported as a small earthquake had not the Atomic Energy Commission given advance notification of the location and probable burst time." I also stated the reasons for my absolute conviction that weapons could be tested secretly and without much possibility of detection by any nation determined to do so.

Early in 1958 the Soviets, after concluding a lengthy series of nuclear tests, announced that they were then prepared to suspend testing if the United States would do likewise. President Eisenhower proposed a Geneva conference of U.S., Soviet, British, French, and Canadian technicians to discuss detection and inspection systems. By August these experts agreed that it was possible to set up a system capable of detecting underground bursts as small as five kilotons. On October 31, 1958, the United States announced the voluntary suspension of nuclear testing for 1 year, and called upon the Soviet Union to do likewise.

Negotiations looking toward a treaty banning nuclear tests permanently had just begun in Geneva when news arrived from Washington. Underground tests in the recently completed Hardtack series showed that even a 20-kiloton nuclear explosion might be seismically indistinguishable from an earthquake. Seismic signals from weapons tests could be greatly reduced or even effectively concealed.

The Geneva negotiations soon demonstrated that the Soviets had no desire to reach any agreement that would provide real control and inspection. For example, the technical experts on both sides had agreed in August that any seismic event recorded by the control stations and suspected of being a nuclear explosion would have to be inspected on the site. More than 100 such "events"—which could be either earthquakes or the tests of sizable weapons—occur within Soviet territory every year.

The Soviets haggled over the number of suspicious events that might be inspected each year. We made concession after concession, finally offering to settle for as few as 12 onsite inspections per year. Abruptly, without accepting our offer, the Soviets introduced a new condition, calling for a three-man control commission (the troika) to consist of one Russian, one neutral and one representative of the West. But no inspection could be undertaken except by a unanimous vote of this commission. Thus, the Russians would have a veto of any inspection.

By late 1959 the Geneva negotiations had been going on for 14 months, and still no agreement was in sight. Whereas the United States made constant concessions, the Russians countered with increasingly impossible demands. On December 29 President Eisenhower expressed his impatience. "We will resume negotiations," he announced, "[but] the voluntary moratorium on testing will expire on December 31. Although we consider ourselves free to resume nuclear-weapons testing, we shall not resume tests without announcing our intentions in advance of any resumption."

In the autumn of 1960, President Eisenhower told various members of his administration that, in his opinion, the time had come to resume nuclear tests, either underground or in outer space, where there would be no fallout problem. However, he added, such action would necessarily extend beyond his administration, and he considered it proper to leave the incoming President a free hand.

This was the decision that President Kennedy faced when he took office last January. In his Vienna talks with Khrushchev in June, the new President tried to persuade the Soviet Premier to end the Geneva deadlock, but failed. Two weeks later, through the Soviet delegate at Geneva, Khrushchev issued to the United States what was virtually an ultimatum. We must accept the Soviet troika, with its built-in veto on inspections, or else merge the nuclear-test cessation talks with the even less promising negotiations on general disarmament.

What the Soviets obviously were seeking was an indefinite continuance of the nuclear-test moratorium without inspection. President Kennedy rejected the Soviet note in an emphatically worded reply. "For almost 3 years," he said, "the United States has been willing to assume the risk of not testing nuclear weapons without the certainty that the Soviet Union has likewise stopped its testing. The national security and the defense of the free world do not allow this risk to be assumed indefinitely."

Now, specifically, why is the resumption of nuclear testing by the United States so vital to the free world at this time?

First, if there is any validity to the belief that the U.S. stockpile of nuclear weapons is the free world's only effective deterrent to Soviet aggression, then the weapons in that stockpile must be in a state of constant readiness—which can only be ascertained by periodic testing.

Second, nuclear science—its peaceful applications as well as weapons development—will not stand still; yet advances cannot be made without nuclear testing.

Several sophisticated new nuclear weapons were on the drawing boards when we suspended nuclear testing in 1958. Whereas earlier weapons were indiscriminate in their destruction, these new devices are designed for specific types of targets—enemy missiles in the atmosphere or in outer space, missile-launching sites deep underground, lurking submarines, etc.

The basic point, however, is this: Ultimately, the destructive potentials of nuclear energy must be placed in the custody of an absolute and foolproof international authority—a goal which the United States has advocated consistently since the dawn of the atomic era, and which the Soviet Union has as doggedly resisted. Until such an authority is created, the United States and the Western democracies must be free to develop all the potentialities of nuclear power—for its control can make the deserts bloom or, in Communist hands, could end freedom on earth.

VIEWS OF FOUR DISTINGUISHED AUTHORITIES ON NUCLEAR TESTING

Secret tests can give Russia an overwhelming advantage. If we do not resume nuclear tests, we may lose our power to resist Soviet conquest (Dr. Edward Teller, associate director, radiation laboratory, and professor at large of physics, University of California).

Since Russia clearly shows no intention of making any reliable agreement to ban atomic testing and, in my opinion, has been secretly testing, our own security and that of the free world demand that we stop marking time and resume nonatmospheric testing for new weapons as well as for peaceful uses (Senator BOURKE B. HICKENLOOPER, Republican, of Iowa, member of Joint Committee on Atomic Energy).

Nuclear tests may be hidden underground or in outer space so completely that detection is impossible with the most elaborate network of devices known to man. A test-ban treaty would thus tempt our adversaries to conduct clandestine tests, and spur them to achieve the great advances in nuclear weapons which our experts believe possible. Hence, we must resume nuclear testing or risk defeat by a superior nuclear power (David T. Griss, professor of geophysics, University of California at Los Angeles).

If, through sneak testing, Soviet Russia were to score a single major technological breakthrough like the neutron bomb, it might very well cost us our freedom. As a matter of survival, we must immediately resume underground weapons tests, which would not contaminate the atmosphere (Senator THOMAS J. DODD, Democrat, of Connecticut, member of Foreign Relations Committee).

[From the U.S. News & World Report, Sept. 11, 1961]

INTERVIEW WITH LEWIS L. STRAUSS, FORMER CHAIRMAN OF THE ATOMIC ENERGY COMMISSION: "I HAVE NO DOUBT RUSSIA HAS BEEN TESTING RIGHT ALONG"

(From a man who headed the U.S. atomic program for years comes an expert's sizeup of Russia's announcement that she is resuming tests of nuclear weapons.

(Lewis L. Strauss says he doesn't believe that Russia really every stopped testing. He calls the 34-month moratorium "a clever Soviet stratagem" to delay U.S. development, and fears that Russia gained ground while the U.S. tests were halted.

(Now, says Mr. Strauss in this exclusive interview, the United States should resume its nuclear-bomb tests at once—before more valuable time is lost.)

Question. Mr. Strauss, why do you think that Russia is now resuming its nuclear tests?

Answer. Well, when you say "now," I have no doubt in my own mind that the Russians have been testing right along, and that this is an ex post facto statement, rather than a statement of intent.

Question. Is there fairly good evidence of their testing?

Answer: I would say that there are indications of it and, based on my experience with the Russians, they have tested clandestinely from the beginning.

At the time when the armed services conducted our tests at Bikini in 1946, Russian observers were invited to attend, and Russia sent representatives—scientists and journalists—but, of course, never returned the courtesy. We not only have never been invited to any of their tests, but have only discovered by our own enterprise that they had taken place.

Question. In other words, do you think that the Russians have been cheating by secret tests during these 34 months when there was supposed to have been a moratorium on both sides?

Answer. That is my belief, but I can't substantiate it—I cannot produce hard evidence. But, during the moratorium, there have been events in Russia of subatantial size which have been seismically recorded. Had those explosions—those shocks, whatever they were—been innocent, a country with a clear conscience would have permitted inspection on the sites.

Question. Why, then, do you think that Russia is suddenly announcing its resumption of tests?

Answer. It would appear to be a piece of terror propaganda designed to have a certain effect upon the people of the world. The latter part of the Soviet announcement—

which deals with the situation in Berlin, and castigates the French for testing weapons—might be a clue to the fact that there are purposes in making the statement besides the announcement of test resumption.

Question. Mr. Strauss, if the Russians have been testing secretly while the United States was not, has this endangered the American lead in nuclear weapons?

Answer. No one can say that authoritatively. But the fact remains that we have not been able to test any of our newer developments during this period, nor to proof test any weapons that have been in our existing stockpile for 3 years or more.

Question. From the American point of view, what is the effect of the Soviet announcement that Russia will resume testing? Is it a good thing or——

Answer. No, I wouldn't characterize it as a "good thing." But I hope that it will persuade the administration to resume the development and incidental testing of weapons without delay.

President Eisenhower had made up his mind last fall, and so communicated to his associates in the administration, that he intended to resume testing. His patience with Soviet tactics had worn thin by that time. But the turn of events in November presented him with a situation which made it impossible for him to resume our test program without tying the hands of his successor. He did the proper thing in leaving the new President a free hand.

Question. Now that Russia has ended the moratorium, do you think the United States should resume testing immediately?

Answer. Indeed, I have thought that for a long time. I was opposed to the suspension initially. In April of 1958, I testified before a subcommittee of the Senate Foreign Relations Committee in opposition to the project.

I viewed it then—as it now appears to have been—as a clever Soviet stratagem to delay our development of weapons.

It was clear that a nation intending to test clandestinely could do so, and I never believed they were sincere in the matter of permitting mutual free inspection.

This new statement of theirs is a farrago of untruth. For example, their claim of having been first in atomic-peace proposals is blatantly false. They ignore the offer which we made in 1946—the Baruch proposal—when we were the only nation in the world with atomic weapons. We offered to turn the control of atomic energy over to an international authority and to do away with weapons. We asked only a foolproof agreement for inspection and control.

The Russians also now make the ridiculous statement that what they want is complete disarmament. Well, if they will not accept inspection for nuclear disarmament, what would lead anyone to suppose that they will accept inspection for total disarmament? It involves exactly the same kind of inspection, and more besides. Their statement is false on its face.

Question. Does the United States have some nuclear weapons that need to be tested?

Answer. Any new development in the way of weapons needs to be tested. You cannot go into the enterprise of manufacturing and stockpiling types of weapons whose effectiveness and reliability depend only on theory. They must be proved to be sure that they will operate, and that the men who will use them if war should come will not risk their lives uselessly.

Question. What about this superbomb that the Russians talk about? Do you think they have such a bomb?

Answer. I suspect that that is a part of the terror propaganda program. But the fact is that a thermonuclear weapon can be made of any desired yield.

After the test in the Pacific proving grounds in 1954, when we tested a very large weapon, the President stated we did not intend to test larger and yet ever larger weapons. We knew, as a result of that test, that we had the capacity for making weapons of any size which military requirements might call for.

Question. Do you think that valuable time has been lost by this country during the test-ban period?

Answer. Yes, time and impetus have been lost, and I think that we should recover the latter as rapidly as possible.

Question. Do you think that Russia has gained on the United States during that time?

Answer. Probably they have. That must have been their objective. But I do not share the feeling I have heard expressed that they have surpassed us. I have reasons for doubting that.

Question. You've said in the past that one of the penalties of a test ban is the chance that weapons may deteriorate. Could you explain that?

Answer. No, not in detail. I can say this: that conventional weapons, which are far less complicated than atomic weapons, can and do deteriorate in storage over long periods.

This does not mean that the nuclear material deteriorates. The rate of deterioration of the nuclear material is so slow as to be insignificant in the human time span.

But the mechanical parts can change, and there are mechanical and electronic and other devices in some weapons which need to be looked at and tested by taking random samples from a stockpile and destroying them from time to time in order to have assurance that the remainder are operable—or, as the military say, in a "ready condition."

Question. If the United States resumes testing, is it your feeling that these tests should be confined to underground?

Answer. I wouldn't want to comment on that, either, because it will depend upon what is needed to be tested.

I think the chances are that most of the information—perhaps all of the information—which our laboratories require can be obtained, though at some cost, from tests conducted underground. I would not want so to limit tests, however, if certain essential data could not be thus obtained.

Question. Is it worth paying the extra cost of underground tests in order to prevent radioactive fallout—is that the idea?

Answer. I think that is the idea.

Question. Do you think that normal tests, as they used to be made, could be resumed without serious danger to the public?

Answer. That is my belief, but, on the other hand, it may be quite unnecessary to do that. And I think that our people will probably not test in the air.

Question. The Russians talk of a 100-megaton bomb. Could a bomb of such size be tested underground?

Answer. In a large-enough cavity. I should think so. It would require a very large hole. It's possible for them to test such a weapon, but it would require quite an operation to do it, and an unnecessary one.

Question. Do you see any possibility that Russia may have developed some weapon of fantastic power that the United States has not yet developed—some surprise weapon?

Answer. A weapon of the power which they have described is not beyond our capacity. There is nothing in the Soviet statement to indicate that.

Question. What would be the purpose of a 100-megaton bomb, anyway?

Answer. I don't know. The fact is, of course, that the radius of damage of a nuclear weapon is not directly proportional to its force—or to put it this way: A 100-megaton weapon, if that were created and used, would not destroy 10 times as large an area as a 10-megaton weapon. That is a known fact.

Question. Do you think this Russian announcement means the beginning of a new arms race?

Answer. There has been an arms race ever since they rejected our proposals in 1946 and 1947, even though they professed to be interested in atomic energy for peaceful purposes only.

Question. Except, of course, that we've had a moratorium for 3 years—

Answer. That has been a moratorium on testing—not on production. The Soviets and we, and the British and French, for that matter, have continued to produce weapons during the period.

Your question is interesting because so many people have mistakenly equated test cessation with nuclear disarmament. They are very different things. I hope that the American people are not under the misapprehension that our production of weapons stopped when testing stopped.

Question. Is it your feeling that this country and its allies have an adequate stockpile of atomic weapons for our own security?

Answer. I can say this: The Atomic Energy Commission has always provided the Nation with the numbers and kinds of weapons which each President directed them to produce, and the President directed them to produce the weapons by type and quantity which in his opinion, as Commander in Chief, were required. He had the advice of his Joint Chiefs of Staff in reaching his conclusions.

Question. Would you, as a private citizen of this country, be satisfied that we have an adequate nuclear arsenal?

Answer. Yes; I have no doubt of it whatever.

Question. It is being suggested now that Russia may not really resume tests, in spite of its announcement, and that the United States should hold off its own tests until it's absolutely sure that Russia has begun to test. What do you think of that?

Answer. If we do that, we ought to have our heads examined. The Russians will be testing as soon as they can. Perhaps they are ready to go at once. [This interview was given Aug. 31. The next day the White House announced that the Russians had conducted a nuclear test.]

Question. Do you see a real danger for this country if it does delay the resumption?

Answer. I think that every day lost is a day lost. I can't say that one day is more dangerous than another.

Question. Mr. Strauss, do you see the course ahead as one of more and more nuclear weapons and bigger weapons, up to, say, 1,000-megaton bombs?

Answer. No; I don't think bigger weapons are necessarily the answer. I think more weapons, a greater dispersal of our weapons, and more weapons which will do specific things more effectively are the answer.

We, for example, have forsworn aggression. In consequence, we have to be very much more interested than the Russians in weapons with which to defend ourselves against attack, and this is one of the reasons why we are, and have been, so interested in making weapons with reduced radioactive fallout—or, if possible, no fallout at all. Thus, they can be used over our territory, or over the territory of friendly nations in order to bring down Russian bomb-carrying planes, or Russian missiles.

Question. Is this so-called clean bomb one of those that needs further testing?

Answer. It certainly does—further development and incidental testing.

Question. It's sometimes said that a country that has forsworn the first strike needs more nuclear weapons than the aggressor. Do you share this feeling?

Answer. I've never thought of it in those terms, but, obviously, the country which

accepts the first strike will probably lose some of its potential in the course of that strike. So, even if that country started on an even footing with the aggressor, it would be at a disadvantage. Therefore, instead of an even footing, we must have a clear weapons superiority—and I believe we have and, if we test, will continue to have it.

Question. If war comes, do you think nuclear weapons will be used?

Answer. The Soviet announcement attacks the theory of limited war. It says that if there's a war in which any nuclear power is involved, nuclear weapons are going to be used.

This, I have an idea, was said for its effect on morale, but it is a statement which has substance to it. I don't believe that any nation with nuclear capacity is going to lose a war without using that nuclear capacity.

Question. You mean if a nation sees itself losing a conventional war, it will go to the big weapon?

Answer. I think nuclear weapons will be used in the reasonably early stages of such a war.

Question. Do you think that this latest development brings the threat of a nuclear war considerably closer to the world?

Answer. No, I don't. It strikes me that this flexing of muscles does not mean that.

Question. Would you interpret the Russian announcement as a sign of weakness?

Answer. No. But I think to try to read between the lines is almost as unprofitable as to believe the statements that are flatly made.

Question. What, then, in your opinion, is the real meaning of Russia's action?

Answer. That would be guesswork so soon after the statement has come to hand.

What is clearly to be derived from it now is this: The minuet in Geneva is over. We should be glad it's over. It has been an expensive party for us. And we should set about our proper business of increasing our strength.

HOW TO WIN THE COLD WAR

Mr. WILEY. Mr. President, I do not believe, and I have never believed, in being contrary merely because of partisan considerations. I have always believed in following a policy of bipartisan foreign policy whenever the world situation justified it and whenever basic agreement could be reached. Yet, at the same time, I believe very much in the value of a critical and questioning approach to the aims and policies followed by our Government.

Indeed, I believe that such critical approach may often produce constructive results. In England there is a long tradition of the "loyal opposition." It is the purpose of this opposition—while manifesting a general loyalty to the national interest—to raise questions, to challenge and to oppose, whenever opposition is justified.

In the United States, unfortunately, we have not always had a constructive, loyal opposition. Quite often the opposition in this country has been ill organized and negative rather than constructive in its approach. In recent years we have seen several changes in this picture. Sensible, responsible conservatism is gaining widespread support.

I believe that the role played by my colleague, the junior Senator from Arizona, has been an important contribution to the creation of a critical questioning opposition. I do not always agree with everything he says. But even when I disagree I always believe that he raises important questions.

In the New York Times magazine of yesterday, September 17, 1961, Senator GOLDWATER endeavors to answer the question of "How To Win the Cold War." This is a challenging statement, interspersed with such keen observations as "while the Communists have been waging a new kind of total war, we have been treating the whole matter as a part-time project." It is the further view of Senator GOLDWATER that the United States should "declare officially that it is our purpose to win the cold war, not merely wage it in a hope of attaining a standoff."

I believe that the statement by the junior Senator from Arizona should be read by all those concerned with American foreign policy. Consequently, I ask unanimous consent that this article be placed in the CONGRESSIONAL RECORD at this point of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW TO WIN THE COLD WAR—THE ARIZONA SENATOR OFFERS A PROGRAM TO ACHIEVE POLITICAL VICTORY OVER COMMUNISM—IN PLACE OF POLICIES THAT HE FEELS WILL YIELD ONLY A STALEMATE OR LEAD TO HOT WAR

(By BARRY GOLDWATER)

That we are losing the cold war is tragically apparent. Over the past decade and a half, international communism has gained millions of square miles, enslaved hundreds of millions of people and moved its threat to within 90 miles of our shores. Country after country has slipped behind the Iron Curtain during the course of the cold war. Communist inroads have been made in the Far East, in the Middle East, in Africa and in the Western Hemisphere.

On the military front, the nuclear superiority which we held at the end of World War II has slipped away from us. On the economic front, the Soviets are claiming big gains. On the psychological front, even the upstart Castro has been able to humiliate and demean us. On the diplomatic front, we have lost the initiative and subordinated our national interests to the concerns of other nations to whom timidity and appeasement have become ingrained aspects of policy.

On a tactical plane, the Communists have dwarfed our concept of the world struggle with a long-range strategy of total war, flexible enough to permit the interchangeable use of both military and political weapons. Theirs is an integrated plan, aimed at world conquest, which never changes and which makes the maximum use of territorial attrition and turns the passage of time into their stanchest ally.

While the Communists have been waging a new kind of total war with every means at their command—economic, psychological, military, and subversive—we have been treating the whole thing as a part-time project, turning our attention from one brushfire zone to another in direct response to Russian maneuvers. They call the tune while we dance. They select the areas of conflict, and we hurry to them with weakness rather than with our effective weapons.

It is certainly time for a change here. If we are to have victory in the cold war, our officials must grasp the true dimensions of the all-out struggle we are engaged in and map policy to conform to a total concept. The need is for a policy grounded in strength which is willing to run any risk in the cause of freedom. It is long past time for us to think in terms of containment and peaceful coexistence. This is playing the enemy's game. International communism cannot be contained with talk and treaty and this has been proved to our dismay over and over again in almost every part of the world.

Nor is there such a thing as peaceful coexistence. What we were fooled into thinking were brief periods of cold-war peace in the past—periods when the rantings of Khrushchev were muted and Russia was throwing us a few diplomatic bones—were actually periods of Soviet aggression under a different guise.

We cannot allow ourselves to forget for a single minute that the never-changing aim of the Soviet Union is world domination and to that end the Communists are bending all the efforts of a regimented society. The Communists are not interested in containing freedom; they want to destroy it. The Communists do not want peaceful coexistence with the forces of freedom. Their aim is consistent, while our is just the reverse. We meet the menace of international communism with all conceivable types of reaction—none of which bears any apparent relationship to the others.

At times, we resist vigorously, in full keeping with an attitude and a policy worthy of freedom's leader in the world. But we have not been consistent in acting from strength. Too often our policy and our attitude have disclosed an underlying element of softness. Too often we have wasted our determination, our energy and our substance by becoming bemused with peaceful coexistence and by exploring the paths of least resistance—and always to be brought up short and frightened with a new display of Communist duplicity and aggression.

The great need today is for leadership and direction to bring the great might of this Nation to bear on the No. 1 objective—the winning of the cold war. A stalemate will not suffice for there is no such thing as maintaining the "status quo" in a conflict where the other side never rests. This Nation desperately needs an official statement that our objective is victory and a priority list of what is required to meet that objective.

In other words, the first essential of a formula for victory is a declaration of intent on the part of the President which will end once and for all every bit of public doubt as to the purpose behind our various policies.

The second essential is an estimate of what the winning of the cold war is likely to cost in terms of taxpayers' dollars.

The third is for a list of what items in the estimate are most important and which are least important. Only thus can the American people know where they stand and what is required of them right now and what might be required of them in the future.

It is impossible to obtain any idea of our true position when the administration is busy telling the people that a housing bill is important to the national defense, when it argues as heatedly for Federal aid to education and for a disarmament agency as it does for additional military funds. Our people want to know, and need to know, what the job is so that they can get ahead with it. At the present time all they know is that everything the New Frontier asks for is an "emergency" which in some nebulous fashion gets related to the international crisis.

Nor has it lessened public confusion to have the chairman of the Senate Foreign Relations Committee, who reflects the administration's viewpoint on many matters, claim that our objective in the cold war is a process of civilizing international relations and of bringing them gradually under a

worldwide regime of law and order and peaceful procedures for the redress of legitimate grievances.

I believe the American people are well aware of our nebulous chances of civilizing international relations with Castro or Mao Tse-tung. And I believe further that they have little sympathy with an objective which has no application to the realities of our peril and which will take centuries to bring about.

Now, what do we do after we have our official sights firmly fixed on victory in the cold war and have developed the determination, as a people, to pay the price of that victory? First and foremost our job becomes one of convincing the enemy that we would rather follow the world to kingdom come than consign it to hell under communism. Having made that clear, we must seise opportunities as they arise to protect freedom and demonstrate our strength. Many such opportunities have arisen in the past, some of which we have used to good advantage.

For example, we were told by the weak of heart and the peddlers of despair that unless we yielded Quemoy and Matsu to the Communists, a terrible war would be the result. The Eisenhower administration said, in effect, very well, if the Communist world chooses to go to war to occupy these islands, then that's the way it will have to be. But the Communist world did not choose to go to war over Quemoy and Matsu and those islands are free today. And they will be free tomorrow and just as long as our determination to face the threat of force with a threat of force remains strong.

The same story was repeated in Lebanon. We sent Marines there against the advice, and despite the quaking of those who fear a display of determination and strength. And Lebanon is free today. We acted from strength, too, when Berlin was threatened in 1948—and Berlin remains free. In Korea, our trouble was that Stalin didn't know that we meant business, and the result was a costly, unnecessary war which we would not have had to fight if the Russians had been assured in advance of our determination.

On the other hand, our resolve was not strong enough in Cuba to back our intent with the strength that was required and which we possessed.

The result is that Cuba languishes in chains while a bearded Communist dictator thumbs his nose at the United States and the Communists rush to build a military and ideological bastion on our own doorstep.

And, in using our strength, we must disabuse ourselves of the feeling that every time we stand up to the Communists we are risking nuclear war. The Russians don't want nuclear war any more than we do. But this doesn't stop them from moving boldly ahead with their design for world conquest. Unfortunately, there are many in positions of influence today who would paralyze our foreign policy by advancing the alternatives that either we accommodate the Soviet Union—or we fight a nuclear war. We find these alternatives being advanced every time the Russians seek to advance their position.

Now what is the essential weakness of this reasoning? It lies in accepting the enemy's terms—in believing that the only alternative to self-destruction is to yield. First, we find ourselves yielding on one issue—completely unimportant, it appears, in the context of such a horrible alternative as nuclear war. Then, we yield on a second and a third, and a fourth, ad infinitum. So what is finally left to us except the terrible dilemma we were confronted with on that first day when the enemy said, "Yield or die"?

If we could finally satisfy the enemy's appetite by giving him one city or one country or one territory, who among us, Democrat or Republican, liberal or conservative, would not be tempted to say: Let them, in the name of peace and freedom for the rest of us—let them, once and for all—have their way and be done with it? But this is not possible. We are dealing with an enemy whose appetite is insatiable, whose creed demands slavery for everyone, Americans included. The more we give in to that enemy, the more he wants; the more we give in to him, the more he is encouraged to demand.

No matter how you reason, there is no escaping the conclusion that we cannot assure the enemy that, under no circumstances, will we ever consider war. If we are not prepared, under any circumstances, ever to fight a nuclear war, we might just as well do as the pacifists and the collaborationists propose, dump our nuclear arsenal in the ocean.

But those who propose accommodation of Communist demands do not suggest any such exercise in national suicide. They want us to save our bombs. Only they want us to act as though we did not have them, because the mere thought of having them terrifies those who are dedicated to the principle of coexistence. Thus, we are supposed to eliminate our possession of nuclear weapons from our consciousness in discussing the formulation of American foreign policy.

But can we be sure that, if we completely eliminate the possible use of nuclear weapons, the Russians will follow suit? Can we risk our future and the future of mankind on exclusive emphasis on conventional rather than nuclear weapons? Can we make any assumptions that would diminish our strength, in any field, when dealing with the Communists? Merely to ask the questions is to answer them. We can assume nothing where the Communists are concerned. We can trust nothing that the Communists say. We can accept nothing that the Communists sign as a conclusive guarantee.

Those who argue against any use of strength, against any military risk, against any unilateral action, fail to understand that political victory in the cold war is the only way to avoid a strictly military solution of the East-West crisis. It involves some risk, but our experience shows that that risk is greatly exaggerated. Every time we have stood up to the Russians, they have backed down. Our trouble is we haven't stood up to them enough.

In the final analysis the choice is not: yield, or fight a nuclear war. It is: win, or fight a nuclear war. For a nuclear war we shall certainly have to fight, from whatever beleaguered outpost we are reduced to occupying, if we continue to yield, piece by piece, all over the world. And finally, in desperation, we would see the horrible alternatives clear in view, a violent act of nuclear aggression or surrender.

Our on'y hope today is to proclaim victory as our aim, accept the cost, rid ourselves of fear and then press boldly forward on all fronts—always prepared to fight and always making sure the Communists know we are prepared to fight. And, in developing a formula for victory, there are a number of immediate steps we should take to reorient our policy for maximum U.S. effectiveness in the cold war. They include the following:

1. We must stop believing that our primary objective must be to humor the public opinion of neutral or uncommitted nations rather than to defend our strategic interests, cooperate closely with our allies, and to advance our positions of strength. This we must do the more readily because much of this so-called opinion, which entrances our coexistence proponents, is fabricated by the Communists to our detriment; and since we have no proper method by which we can judge what public opinion really believes throughout the world.

2. We must stop lying to ourselves and our friends about disarmament. We must stop advancing the cause of the Soviet Union by playing along with this great Communist-inspired deception. We must abandon the illusion that the Soviets, in their disarmament policies, are interested in furthering peace rather than baiting a trap for us. Their objective is to contrive our unilateral disarmament while they continue to arm themselves secretly as fast as they can.

It is not "dialectics" but schizophrenia when we increase our military budget by 15 percent and the Soviets theirs by 33 percent, at the same time that we proclaim disarmament to be our highest goal and a practical method of composing the present conflict. The American people can stand the truth, but they cannot prosper under an official policy of self-deception.

3. We must stop negotiating about things that are nonnegotiable, such as the rights of our allies and compromises of our security. We must not deceive ourselves and our friends into believing that nuclear weapons and modern technology can be negotiated out of existence.

4. We must stop helping communism, whether by trade, political concessions, technical disclosures, soft talk in the United Nations, recognition of Outer Mongolia, pilgrimages to Moscow or support for revolutionaries of the Castro type.

5. We must avoid economic collapse by scaling down extravagant and useless domestic programs and halt the squandering of our money on unrealistic worldwide aid programs.

ADEQUACY OF FUNDS TO CARRY ON SBA PROGRAMS UNTIL CONGRESS RECONVENES

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the following correspondence: First, a telegram which I addressed to the Administrator of the Small Business Administration on September 15; second, a copy of the Administrator's reply dated September 16; and, third, a copy of my letter of September 18 to the Senator from Arizona [Mr. HAYDEN], chairman of the Senate Appropriations Committee.

I believe the question of the adequacy of SBA funds to carry on its programs pending reconvening of Congress in January is a matter which will interest all Senators. As will be noted from the SBA Administrator's letter to me, there is serious doubt that the amount approved by the House Appropriations Committee will be adequate to enable SBA to carry out its activities during adjournment.

Of particular interest will be the statement under item 3 of the Administrator's letter: "No reserve is provided for additional disasters which may occur." Early this year when disasters occurred in my State, my constituents were extremely grateful for the assistance which SBA rendered to the victims of those disasters. I do not believe Congress should adjourn without providing sufficient funds for any future disasters, nor do I think that it is the will of Congress that SBA's regular programs be handicapped by lack of sufficient funds.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

SEPTEMBER 15, 1961.

Mr. JOHN E. HORNE,
Administrator, Small Business Administration, Washington, D.C.:

I note that as a result of the recent hurricane, you have declared areas of Texas and

Louisiana eligible for disaster loans. I know this will result in a substantial reduction of your funds available for your regular business loans and possible future disasters. With Congress on the point of adjournment, I wonder if the funds contained in the last supplemental appropriation bill will be adequate for the continuation of your programs until Congress reconvenes in January. I would appreciate information on this subject.

J. W. FULBRIGHT.

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., September 16, 1961.
Hon. J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I have your telegram of September 15, 1961, in which you inquire as to the adequacy of the SBA revolving fund for the regular programs in view of the demand for disaster loans which may result from the damage caused by Hurricane Carla in Texas and Louisiana.

Representatives of SBA have been in the area surveying the damage and making arrangements for opening SBA disaster field offices. Based on preliminary information received from the Red Cross, Office of Civil and Defense Mobilization, State officials, and insurance company representatives, estimates of SBA's participation have ranged from $20 million to $50 million. In view of the wide range, we believe it advisable to use an estimate of $35 million for planning fund requirements.

On August 31, 1961, the balance in the revolving fund was about $15 million. The $130 million included in the supplemental appropriation bill would increase the total available to $145 million. If we reserve $35 million for this disaster, this would leave a balance of $110 million for all other programs.

The net charges for business loans. Investment and development company debentures and loans, and loans to victims of other smaller disasters, averaged $28 million per month during July and August. By net charges I mean total loans approved and related expenses less repayments and income received. At this rate, the $110 million would carry us until about January 1, 1962.

However, there are certain other factors which must be considered in appraising this projection.

1. It does not reflect the potential impact of demands to be made upon us as a result of the passage of S. 902, which among other things increased the amount from $150,000 to $400,000 of subordinated debentures which SBA may purchase from each of the small business investment companies. This conceivably could create a sizable demand upon us during the next few months.

2. S. 902 also increased the maximum size from $250,000 to $350,000 for loans to local development companies, and also increased the maximum maturity period from 10 to 25 years. This very likely will stimulate a demand from these companies.

3. No reserve is provided for additional disasters which may occur, nor does it provide for disaster loans to displaced businesses as a result of Federal construction activities as authorized in the recent Housing Act.

In summary, if the factors I have noted above do not result in increased demands upon us, the revolving fund would provide for our needs until about January 1, 1962. If these potential demands do materialize, then the fund will be exhausted some time prior to next January 1.

With thanks for your interest, and with kind personal regards, I am,

Sincerely,

JOHN E. HORNE,
Administrator.

SEPTEMBER 18, 1961.

Hon. CARL HAYDEN,
Chairman, Committee on Appropriations,
U.S. Senate.

DEAR MR. CHAIRMAN: Enclosed is a copy of a telegram that I sent to John Horne, Administrator of the Small Business Administration, and a copy of his reply.

As you of course know, it was my privilege to serve both as a member and as chairman of the Senate Banking and Currency Committee, during which time I became familiar with the programs of the Small Business Administration. My interest in this agency continues and it was because of my interest that I made the inquiry of Administrator Horne.

I am taking the liberty of sending you the enclosures since I believe you also will be interested in the situation occasioned by Hurricane Carla and new authority and responsibilities imposed on the Small Business Administration by Congress since submission of the $130 million appropriation request now before your Committee.

As you will note, there is a serious question as to whether the $130 million appropriation request now before your committee would be adequate to enable the agency to carry on its programs until Congress returns in January. I hope your committee will provide sufficient funds to eliminate this doubt.

Sincerely yours,

J. W. FULBRIGHT.

PEABODY AWARD COLLEGE NEWS CONFERENCE

Mr. MORSE. Mr. President, I wish to associate myself with the remarks of Senators on both sides of the aisle in regard to what I believe to be one of the finest news and educational programs carried on national television networks—the Peabody Award College news conference.

Senators who have had the opportunity of appearing on this program will agree with me that it always was a provocative and stimulating experience. The young men and women who participated in it under the able direction and leadership of Ruth Hagy provided a wonderful opportunity for those of us who faced them to do our job of education. The questions may have been pointed at times but they did provide a national forum for debate upon the issues.

Speaking for myself, I was most sorry to learn that ABC dropped the program after a successful 8-year run. I do not think that this action on the part of a major network was in the best interests of the television audience. However, I am pleased to note that the national educational television network has taken over the program and that viewers in the Washington, D.C., area will be able to view it on channel 5.

CLOTURE—PROPOSED AMENDMENT OF RULE XXII

Mr. MILLER. Mr. President, the Senator from Colorado [Mr. ALLOTT] is in Brussels attending a meeting of the Inter-Parliamentary Union. Prior to his departure he had prepared a statement on the subject of the amendment of rule XXII, and I ask unanimous consent that this statement may be made a part of the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GORDON ALLOTT

In the waning days of this 1st session of the 87th Congress we are once again called upon to consider amending rule XXII of the Standing Rules of the Senate. This issue has been before us in the past, and I for one take a position which in no way differs from my earlier stand. My position resulted from a full and complete consideration of all the problems raised. As is so often the case, the issues are not entirely precise and many corollaries are injected which simply cloud them. I have reexamined my views on the proposition before us, in an effort to determine whether the same criteria, the same conditions apply equally well today as they did at an earlier date. I am satisfied that they do.

The Senate of the United States has the reputation of being the greatest deliberative body in the world. The process by which legislation is treated here has stood the test of time. The Senate procedure of debate has unquestionably contributed in a very meaningful way toward the decisions which are made here, and the votes which are cast here. I do not favor arresting or interfering with that process. I firmly believe that each Member of this body must have the privilege of airing his view to the fullest on whatever subject or measure is being considered. Actually, this represents more than a privilege; it is a necessity, for otherwise we are deprived of the full impact which the unfettered consideration of a matter can produce. To the extent that any amendment to the rule is offered for the purpose of limiting serious debate, I will oppose it—for, in my opinion, that right must remain inviolate. By the same token I have fought and will continue doing so, to change rule XXII in order to make more meaningful the deliberative endeavors of this body. I oppose those isolated instances in which the right to debate is abused and employed for little but unqualified obstruction.

An analysis of rule XXII in its present form discloses the key issue frequently overlooked; namely, the fact that a motion signed by 16 Senators is the sole requirement for initiating the entire process. Yet, despite this fact, history will bear out the fact that it has been very difficult to secure this number as signatories to such a motion. We all recognize that this is true for numerous reasons, among them a general antithesis toward depriving a minority of its rights as well as an unwillingness to oppose personally those individuals who may be filibuster leaders. I therefore suggest that the number of votes required to invoke cloture is subordinate to our facing up to the responsibilities as and when they arise. When debate is no longer germane, when deliberation has run its course, we should then respect our obligation, find ourselves willing, if necessary, to sign the motion under subsection 2 of the rule.

Senate Resolution 4 is too bold a departure from the present, in its amendment to section 2 of the rule. If adopted, cloture could be invoked by three-fifths of the Senators present and voting. Under ideal circumstances, in which all Members of the Senate were present, that would mean that a vote of 60 could invoke cloture. I would be comforted by that number, if assurances could be made that all Members would be present. However, the business of the Senate is not confined exclusively to the floor, and it is not unusual for 10 or more of the Members to be necessarily absent. In fact, I seriously doubt that during any record vote this session all 100 Members were present and cast their vote. More often the realities will point toward 85 or 90 Members.

Accordingly, under the proposed amendment, 51 to 54 Members voting affirmatively upon the motion to limit debate would prove sufficient for that purpose. I am not satisfied that this offers a change which would satisfy all the problems here involved.

My approach to this issue is embodied in Senate Resolution 28, which I introduced at the very outset of this session. It is framed to permit cloture to be invoked upon the affirmative vote of three-fifths of the Senators duly chosen and sworn. This represents a more moderate view than the present rule, but yet retains sufficient safeguards to assure the Members of the Senate our right to debate. Senate Resolution 28 would also provide a fixed number of votes required before the rule is invoked rather than the fluid position provided in Senate Resolution 4.

I am obligated by virtue of previous commitments to be absent during the consideration of Senate Resolution 4. As vice chairman of the U.S. delegation to the Inter-Parliamentary Union, I am compelled to be in attendance at conferences in Brussels. Plans for these conferences have been laid a considerable time ago. More importantly because I did not feel that such a serious issue as cloture should be relegated to the close of the session, I urged consideration of this issue, along with other colleagues at the outset of the 87th Congress. I regret that the administration and the majority leadership did not see fit to do so. This has been a long and taxing session, the climate appears inopportune, and extraneous considerations are likely to be brought to bear in reaching a conclusion on the resolution. This is lamentable.

I wish to make it clear that I favor an amendment to the rule, but in the manner outlined and for the reasons presented.

ALL-OUT UDALL PUBLIC POWER PROGRAM THREATENS WESTERN RECLAMATION PROJECTS

Mr. BENNETT. Mr. President, the doctrinaire all-out espousal of public power by Secretary of Interior Stewart L. Udall is seriously threatening the future of the entire reclamation program. The debate in the House of Representatives last week clearly illustrated this alarming development. At issue was who should build the disputed transmission lines to serve the upper Colorado River reclamation project—the Federal Government or private enterprise.

The House approved Federal construction by only a 42-vote margin, 224 to 182. Even the Washington Post, which is devoted to public power, acknowledged that this margin is attributable to pork-barrel politics, with Members fearing loss from the public works appropriation bill of money for projects in their own States unless they supported Federal construction. The validity of this view is given additional support by the reported meeting of Secretary Udall with certain Members of the House several days ago, when he made it very clear to them that they had better vote for public power or else.

This is the same Mr. Udall who brought great pressure to bear on Members of Congress in the Hanford power generator fight, even though it was not under his jurisdiction. And he also openly bragged about his high-powered pressure tactics to pack the House Rules Committee. His intervention in the Hanford dispute is readily explained by the obvious fact that the only reason for the generators at Hanford was to furnish an excuse for more Federal transmission lines.

UDALL PLACES POWER BEFORE WATER

Mr. Udall is so devoted to the Federal power lobby that he is willing to take $160 million away from irrigation projects in the four Upper Colorado Basin States in order to build the disputed transmission lines. This attitude of public power above all else may well mean the death of the reclamation program in the 17 Western States. As one who has always supported water conservation and development through reclamation projects, I am genuinely alarmed by Secretary Udall's indifference to water development. Member after Member in the House debate last week rose and pointedly said that if the reclamation program is going to be nothing but a public power program in disguise, then they could no longer support reclamation in the future. I warned of this possibility when I addressed the National Reclamation Association at Bakersfield, Calif., last November.

The knowledgeable correspondent for the Salt Lake Tribune, Frank Hewitt, made the following illuminating comment in the Tribune on September 14:

> It was learned, however, that the heated House battle and the closeness of the vote in both the public works appropriations subcommittee and on the House floor is a cause of considerable concern to some stanch friends of the Upper Colorado project.
>
> They say some hearings are likely soon by the House Interior Committee to try to determine whether private or public power lines, or some of both, would be in the best interest of the overall project.
>
> These sources say that some sort of a compromise with the private power companies of the area by the Interior Department may well be in the offing and for this reason insist that the defeat just suffered by the private power companies of the four-State area was not in vain.

NO NEW RECLAMATION STARTS BY KENNEDY-UDALL ADMINISTRATION

This is the first session of Congress during my service in the Senate when not a single new reclamation project has been authorized by Congress, or a dollar appropriated in the public works appropriation budget for a new reclamation start. In my opinion, this is largely attributable to Mr. Udall's strident and unyielding stand for public power. Twice this year I have asked Secretary Udall to support appropriations for the vitally needed Emery County reclamation project in Utah. Twice he has flatly refused my request. Significantly, there is no public power involved in the Emery project. Rather, it is an irrigation development for an area which has been stricken by drought for over 2 years and desperately needs water. At the same time as Secretary Udall rejected my proposal for irrigation assistance, he sent a supplemental request to Congress for several millions of dollars to build Federal transmission lines. It is obvious that he intends to sacrifice irrigation development, and the entire reclamation program if needs be, to achieve his great goal of a vast nationalized Federal power grid connecting all Federal projects throughout the United States

TEST FOR UDALL

This morning's Washington Post contains an interesting article recounting a proposal made by Secretary Udall Sunday that private and public power advocates work together to plan a nationwide electric system. It might appear from the article that the Kennedy administration is now waking up to the fact that its all-out advocacy of public power might be the death knell for the reclamation program. However, a more detailed reading of the article makes it clear that Mr. Udall wants cooperation, but cooperation only on his own terms. If Secretary Udall really meant what he said, he would direct the Bureau of Reclamation at long last to get down to real negotiations on cooperative construction of transmission lines to serve the upper Colorado River project; he would also direct the Bureau to give some thought to the welfare of irrigation projects and not public power only; and he would ask Congress to withhold final action on appropriations for the disputed lines until some real negotiation had taken place on a compromise. Mr. Udall now has an opportunity to put to the test his high-sounding Sunday statement. His decision will clearly demonstrate whether or not the Kennedy administration will continue to place public power above water conservation.

I ask unanimous consent that an editorial from the Salt Lake Tribune for September 15, 1961, also expressing concern about injury to reclamation, be included in the RECORD at the conclusion of my remarks. I also ask unanimous consent that the Washington Post article for September 18, 1961, to which I have referred, be included in the RECORD at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 18, 1961]

UDALL ACTS TO AVERT HEAD-ON CLASH—PRIVATE AND PUBLIC POWER IS URGED TO COOPERATE ON NATIONWIDE SYSTEM

(By Julius Duscha)

Secretary of the Interior Stewart L. Udall proposed yesterday that private and public power advocates work together to plan a nationwide electric system.

His proposal appeared to be an effort to avert a head-on clash between private and public power groups over as explosive an issue as the public power projects of the 1930's.

Technological advances have made it possible to transmit electricity economically for up to 1,000 miles.

Public power proponents want the Government to build extra-high-voltage transmission lines to carry electricity from dams in the West to cities in the Midwest and from West Virginia coalfields to New York and Boston.

The lines would be classified as common-carrier facilities moving electricity generated by both private and public utilities.

An Interior Department task force is now studying the feasibility of interconnecting the lines of the Bonneville Power Administration in the Pacific Northwest with those of the Central Valley project in California.

Public power forces look on such an interconnection as a big step toward a giant power grid.

Last week the Edison Electric Institute announced that private utilities plan to spend $8 billion in the next 10 years to interconnect their powerplants and transmission lines.

Udall said in a statement issued yesterday that he was "encouraged to learn of these new plans."

He declared that "the logical, next step is a cooperative industry-governmental effort" by private and public utilities and the Federal Government to develop "power interconnections and pooling."

"Wherever practicable," Udall added, "these major lines should be operated on a common-carrier basis."

The Secretary also said he had appointed a committee in April to discuss "the economics and the advantages of extra-high-voltage transmission" with the officials of the Edison Electric Institute."

He said he hoped the committee "can now be activated fully" and can determine where the pooling of private and public power production "will serve the national interest."

[From the Salt Lake Tribune, Sept. 15, 1961]

INJURY TO RECLAMATION?

The effort to block the all-Federal transmission line system for the upper Colorado storage project was lost in the House of Representatives. The Tribune favored the private utilities' proposal because after careful study we were convinced it was better for the Colorado project and for the taxpayers. We regret the decision—but it is made, and that's that.

One nagging concern remains, however.

This victory was primarily due to the strong stand of advocates of a nationwide grid of public power projects and transmission lines. And that could so involve reclamation in the public versus private power battle as to do substantial injury to the reclamation cause.

Frank Hewlett, Tribune Washington correspondent, noted worry about this among stanch friends of the upper Colorado project. Acknowledged foes of this and other similar western reclamation projects may gain support from enemies of public power expansion.

The vote on the all-Federal transmisison line was close both in the public works subcommittee of the House Appropriations Committee and on the House floor. It would require only a few vote switches, or a few new antipublic power faces in the House, to bring an adverse vote perhaps not only on some future public power reclamation proposal, but on reclamation as a whole.

Reports from Washington say the Department of the Interior and the House Interior Committee for this reason may take another look at the question with the possibility of working out a compromise private and Federal transmission arrangement.

The suggestion has merit—and any consideration should eschew partisanship, for, as far as Utah is concerned, there should be no politics involved in the upper Colorado project.

Indeed much was made by proponents of the all-Federal system of the fact that both the Eisenhower and the Kennedy administrations had approved it. Of course the truth is it was less a bipartisan decision than the decision of one man, Floyd E. Dominy, Reclamation Commissioner in both administrations and a public power advocate. Nevertheless the argument could well now be applied to the elimination of partisan considerations in any possible compromise.

TRUCKING MAIL OVER THE ALASKA HIGHWAY

Mr. BARTLETT. Mr. President, at 2:30 a.m. on Friday, September 15, a Garrison Fast Freight truck-trailer rig, jammed tight with mailsacks and parcels, pulled in behind the Fairbanks Post Office, and added another milestone to the annals of mail service in Alaska. The truck, carrying 22,330 pounds of second-, third-, and fourth-class mail completed the run over the Alaska Highway from Seattle in 83 hours, 13 hours ahead of schedule. Not since 1924, when Lt. Ben Eielson inaugurated airmail service in the State, has an equally significant contribution been made to the delivery of mail in Alaska.

Previous to this new route, announced last week by the Post Office Department, nonpreferential mail for all of Alaska had been dispatched only twice a week, by ship, from Seattle. Needless to say, this method of transport was inadequate. In order to get mail to Fairbanks, in had to be carried first by water to Seward, which took roughly 5 days, and then by rail, which took an additional 2 days. Magazines and newspapers destined for interior points in the State would generally arrive 2 or 3 weeks after they were issued and after they arrived to subscribers in the other 48 States.

In order to provide better mail service to Alaskans, the Post Office Department announced that it would inaugurate an experimental overland mail run from Seattle. Trucks will now make four round trips per week, slice delivery time by more than 3 days, and greatly improve the regularity of service. Though Fairbanks is of course the primary beneficiary, the delivery of mail will be improved over the wide areas of the State.

Celebrations marking the opening of the truck mail route from Seattle were held at 2 p.m. behind the Federal building in Fairbanks. While dignitaries and Post Office officials from throughout the State and Nation attended the event, the mail which had arrived earlier in the morning was already being delivered in Nome and other points in the interior. Addresses by William J. Hartigan, Assistant Postmaster General, and C. W. Snedden, president and publisher of the Fairbanks News Miner, and the presentation of memorial plaques by Mayor Joseph Ribar highlighted the ceremonies.

I wish to congratulate all those that made the new route possible, and to wish the Post Office Department every success in their new venture. William J. Hartigan was instrumental in bringing the service into being.

Not only did he work incessantly to improve the delivery of mail to Alaska, but also, when the fruits of his labors had been realized, he personally made the long and arduous truck trip from Seattle to Fairbanks, where I was privileged to greet him upon his arrival. Next, I wish to express my sincere gratitude to C. W. Snedden, whose editorials perhaps did more than anything else to call attention to the inadequacy of existing mail service in the State. Also, I wish to thank Christopher C. Scott, Deputy Assistant Postmaster General for Transportation, Fred Batrus, executive assistant to Mr. Scott, Miller Bodell, regional distribution and traffic manager from Seattle, Bryant Brady, field service director for the Post Office Department in Anchorage, and James Lashbaugh, senior field service officer from Seattle, who all came to celebrate the truck's arrival. Additionally, Robert E. Sheldon, who was postmaster at the Fairbanks post office from 1933 to 1940, William G. Ollikainen, present postmaster at Fairbanks, Michael J. Shepherd, postmaster at Anchorage, and Everett J. Wilde, postmaster at College, were also present to participate in the ceremonies. Others to greet Mr. Hartigan and the mail were George Sullivan, Alaska district manager for Garrison Fast Freight, Pearse Walsh, station manager at Nome for Wien Alaska Airlines, and a State Senator, Bryan Kidney, with the airlines in Fairbanks, and Art Sexauer, president of the Fairbanks Chamber of Commerce. To all these I wish to extend my thanks and appreciation for their efforts in making this important run such a success. Finally, I think tribute is also due to Oscal Noel and Dean Hart, both of Seattle, who did a magnificent job in driving the truck roughly 2,450 miles nonstop, in record time, and who, after a ham-and-eggs breakfast, immediately went on their way back to Seattle, with a load of southbound mail.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

What is the pleasure of the Senate?

AMENDMENT OF DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT—RECONSIDERATION

Mr. MORSE. Mr. President, I ask unanimous consent that the Senate take up the motion that was entered Friday, September 15, to have the Senate reconsider the vote by which Calendar No. 820, House bill 5968, to amend the District of Columbia Unemployment Compensation Act, as amended, was passed by the Senate. The bill was passed inadvertently last Friday and it is the desire of the Committee on the District of Columbia that the vote on its passage and its third reading be reconsidered.

I understand from the majority leader that has already been done. Therefore, I move that the Senate strike out all after the enacting clause of H.R. 5968 and substitute the language of the Senate bill which passed the Senate on Wednesday, September 13.

The PRESIDING OFFICER. Let the Chair state the question before the Senate. Then the Chair will state the request of the Senator from Oregon.

The question is on the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of Senate Resolution 4 to amend the cloture rule.

Is there objection to the request of the Senator from Oregon that the vote by which a bill was heretofore passed be reconsidered?

The clerk will state the bill by title.

The CHIEF CLERK. A bill (H.R. 5968) to amend the District of Columbia Unemployment Compensation Act.

The PRESIDING OFFICER. May the Chair ask whether this is a part of the call of the calendar?

Mr. MORSE. Mr. President, I have the consent of the majority leader to take the matter up at this time, and the minority leader joins in the request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORSE. Mr. President, I move that the Senate strike out all after the enacting clause of H.R. 5968 and substitute the language of Senate bill 2194 which passed the Senate on Wednesday, September 13.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to.

The amendment was to strike out all after the enacting clause of the bill (H.R. 5968), and insert the following:

That section 1(b)(5)(G) of the District of Columbia Unemployment Compensation Act (49 Stat. 946), as amended (D.C. Code, sec. 46-301), is amended to read as follows:

"NONPROFIT ORGANIZATIONS

"(G)(1) service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; (2) service performed in a sheltered workshop owned or operated by an organization described in section 501(c)(3) of the Internal Revenue Code which is exempt from income tax under section 501(a) of such Code other than service performed by instructors, foremen, or other regular staff of the workshop. As used in this subparagraph the term 'sheltered workshop' means a facility conducted for the purpose of (i) carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or (ii) of providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market;".

SEC. 2. Section 1 of said Act approved August 28, 1935, as amended (sec. 46-301, D.C. Code, 1951 ed.), is amended by adding at the end thereof the following:

"v. 'Insured work' means employment for employers."

SEC. 3. Section 3(c)(8) of said Act approved August 28, 1935, as amended (sec. 46-303(c)(8), D.C. Code, 1951 ed.), is amended by adding the following:

"iv. Any employer, at any time, may voluntarily pay into the unemployment compensation fund an amount in excess of the contributions required to be paid under the provisions of this Act, and such amount shall be forthwith credited to his reserve account. His rate of contribution shall be computed, or recomputed, as the case may be, with such amount included in the calculation. To affect such employer's rate of contribution for any year, such amount shall be paid not later than thirty days following the mailing of notice of his rate of contribution for such year and not later than one hundred and twenty days after the commencement of such year: *Provided*, That such amount, when paid as aforesaid, shall not be refunded or used as a credit in the payment of contributions in whole or in part."

SEC. 4. Subsections (b), (c), and (d) of section 7 of said Act approved August 28, 1935, as amended (sec. 46-307 (b), (c), and (d), D.C. Code, 1951 ed.), are amended to read as follows:

"(b) An individual's 'weekly benefit amount' shall be an amount equal to one twenty-third (computed to the next higher multiple of $1) of his total wages for insured work paid during that quarter of his base period in which such total wages were highest, with such other following limitations. If an individual's weekly benefit amount is less than $8, it shall be $8. The Director shall determine annually a maximum weekly benefit amount by computing 50 per centum of the average weekly wage paid to employees in insured work, and shall on or before January 1 of the calendar year in which it shall be effective announce by publication in at least one newspaper of general circulation in the District, the maximum weekly benefit amount so determined. Such computation shall be made by determining gross wages reported as paid for insured work by employers in each twelve-month period ending June 30, and dividing said gross wages by a figure resulting from fifty-two times the average of midmonth employment reported by employers for the same period. For the period from the effective date of this Act to December 31, 1961, the maximum weekly benefit amount shall be determined and announced by the Director in accordance with the foregoing formula on the basis of wages and employment in the twelve-month period ending June 30, 1960. The maximum weekly benefit amount so determined and announced for a calendar year shall apply only to those claims filed in that year qualifying for maximum payment under the foregoing formula: *Provided*, That all claims qualifying for payment at the maximum weekly benefit amount shall be paid at the maximum weekly benefit amount in effect when the benefit year to which the claim relates was first established, notwithstanding a change in said amount for a subsequent calendar year: *Provided further*, That if the maximum weekly benefit amount is not a multiple of $1, then said maximum weekly benefit amount shall be computed to the next higher multiple of $1.

"(c) To qualify for benefits an individual must have (1) been paid wages for employment of not less than $130 in one quarter in his base period, (2) been paid wages for employment of not less than $276 in not less than two quarters in such period, and (3) received during such period wages the total amount of which is equal to at least one and one-half times the amount of his wages for the quarter in such period in which his wages were the highest. Notwithstanding the provisions of clause (3), any otherwise qualified individual, the total amount of whose wages during such period is less than the amount required to have been received during such period under such clause, may qualify for benefits if the differences between the amounts so required to have been received and the total amount of his wages during such period does not exceed $70, but the amount of his weekly benefit, as computed under section 7(b), shall be reduced by $1 if such difference does not exceed $35 or by $2 if such difference is more than $35.

"An individual voluntarily leaving employment without good cause and who is receiving or has applied for a pension or retirement of any kind, whether under a governmental or private plan or under the Social Security Act, may not have wages used in the computation of a claim for benefits under this Act if—

"(A) earned prior to such voluntary leaving, and

"(B) the employer or employers involved contributed in whole or in part to the pension, retirement, or old-age and survivors insurance.

If such individual has previously established a current benefit year the claim shall be redetermined for the remainder of such benefit year, eliminating all wages coming within the conditions (A) and (B) of this section: *Provided*, That for purposes of this subsection an individual who is separated from employment because of a company rule as to maximum age or pursuant to a union-employer agreement as to maximum age shall not be deemed to have left his employment voluntarily: *Provided further*, That this subsection shall not be applicable to any person who makes application for a pension or retirement compensation and is denied such pension or retirement compensation or is found to be ineligible therefor. The Board is authorized to provide by regulation for determining whether an individual subject to the provisions of this subsection has voluntarily left his employment without good cause.

"(d) Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to thirty-four times his weekly benefit amount."

SEC. 5. Section 7(f) of said Act approved August 28, 1935, as amended (sec. 46-307(f), D.C. Code, 1951 ed.), is amended by striking "$30" and inserting in lieu thereof "the established maximum benefit amount".

SEC. 6. Clause (b) of section 9 of said Act approved August 28, 1935, as amended (sec. 46-309, D.C. Code, 1951 ed.), is amended to read as follows:

"(b) that he has during his base period been paid wages for employment by employers equal to those required by subsection (c) of section 7."

SEC. 7. (a) Section 10 of said Act approved August 28, 1935, as amended (sec. 46-310 D.C. Code, 1951 ed.), is amended by striking the second sentence from subsections (a), (b), and (c).

(b) Section 10 of said Act approved August 28, 1935, as amended, is further amended by striking subsections (d) and (e) and inserting in lieu thereof the following:

"CONDITIONS PRECLUDING DENIAL OF BENEFITS

"(d)(1) Benefits shall not be denied to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (A) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (B) if the wages, earnings, hours, or other conditions of the work offered are less favorable to the individual than those prevailing for similar work in the locality; (C) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

"(2) Compensation shall not be denied to any otherwise eligible individual for any week during which he is attending a training or retraining course with the approval of the Board, and such individual shall be deemed to be otherwise eligible for any such week despite the provisions of section 9(d) and subsection (c) of this section.

"FAILURE OF AN INDIVIDUAL TO ATTEND A TRAINING OR RETRAINING COURSE WHEN APPROVED

"(e) If any individual otherwise eligible for benefits fails, without good cause as determined by the Board under regulations prescribed by it, to attend a training or retraining course when recommended by the manager of the employment office or by the Board and such course is available at public expense, he shall not be eligible for benefits

with respect to any week in which such failure occurred."

SEC. 8. This Act shall take effect on the first day of the first calendar quarter following its enactment.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 5968) was read the third time, and passed.

ORDER OF BUSINESS—ORDER FOR CALL OF CALENDAR

Mr. ROBERTSON obtained the floor.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate may proceed to the consideration of items on the calendar to which there is no objection.

The PRESIDING OFFICER. The Chair has recognized the Senator from Virginia.

Mr. ROBERTSON. The Senator from Virginia will yield for that purpose, with the understanding that he does not lose the floor.

The PRESIDING OFFICER. I think we had better keep the record straight. The Senator from Virginia asks unanimous consent that he may yield to the Senator from Montana for the purpose of calling up bills to which there is no objection, without the Senator from Virginia losing the floor. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, if the Senator will be kind enough to yield without losing his right to the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. Mr. President, if the Senator will withhold that request, I wonder if the Senator will yield for a brief statement?

Mr. ROBERTSON. I can yield but once at a time. I yield to the request of the majority leader with the understanding that I do not lose the floor. Then I will yield for the second time with the same understanding.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia? The Chair hears none, and it is so ordered.

The Senator from Illinois.

U.S. AGRICULTURAL EXPORTS—EUROPEAN ECONOMIC COMMUNITY

Mr. DIRKSEN. Mr. President, I join the Senator from Minnesota [Mr. HUMPHREY] in expressing the concern, which I know many Members of the Senate share, with respect to the proposed actions of the European Economic Community, especially in the field of agriculture.

As the Senator from Minnesota [Mr. HUMPHREY] will recall, Secretary Benson also made strenuous representations abroad in outlining the need for keeping open the opportunities for U.S. agricultural exports.

I believe that the efforts which the U.S. Department of Agriculture is making in this area are worthy of the commendation of this body. Certainly, both sides of the aisle are cognizant of and wish to give every assistance to the administration in its efforts to maintain dollar exports.

In view of this strong bipartisan feeling, I hope that the administration will from time to time advise this body with respect to the progress being made and the problems ahead. In view of the growing importance of the European Economic Community as a world trading bloc, we need much more information than has been made available to us as yet.

The European Economic Community is a dynamic force in world affairs. It is moving well ahead of schedule to remove existing barriers to trade within the Community.

In this effort the Community has had the strong backing of the U.S. Government. This backing has been based on the premise that the orientation of the Community would be trade-expansive rather than trade-restrictive. Unfortunately, some of the proposals now being considered by the Community would be harmful to U.S. trade interests. I am thinking specifically of some of the agricultural proposals which have been made by the European Economic Commission. For some of our major agricultural export items, the Commission has suggested new trading arrangements which would greatly injure our current agricultural trade. A specific example is the case of our shipments of vegetable oil to the Community. During 1960–61 we shipped 178 million pounds of crude soybean and cottonseed oil to these nations. All of these shipments went to West Germany, the Netherlands, and Belgium-Luxembourg, where they were faced with duty payments of 5 percent. However, I understand that in the current negotiations in Geneva where the Common Market countries are negotiating with the outside countries, such as the United States, for the conversion of the individual national tariffs into a single common external tariff, the nations of the Community have proposed substantial additional protection for their processors of vegetable oil. I understand that they are proposing a duty of 10 percent on our shipments of crude vegetable oil. In other words, they are proposing that the existing duty be doubled. I understand from the trade that this increase would seriously hurt our exports. The effect would be that, instead of the Community taking action to expand trade, the higher duties would restrict trade.

The negotiations in Geneva are continuing. I hope that the nations of the Six will reexamine their position and offer the United States a duty on our good soybean and cottonseed oil which will be no more protective than the duties that we now have to pay. I think that this makes good sense since the Community still retains strong trade ties with the United States, and certainly, if they want to continue their exports to us, they should make it easy for us to continue our shipments to them. I know I speak for all the members of this body and the farm community when I call on the European Economic Community to give us fair treatment for the exports of our agricultural commodities to this market.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I renew my suggestion of the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LONG of Louisiana in the chair). Without objection, it is so ordered.

CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a call of the calendar for consideration of measures to which there is no objection, beginning with Calendar No. 981.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none; and, without objection, the clerk will state the first measure to be called.

CONSTRUCTION OF SIDINGS BY PHILADELPHIA, BALTIMORE & WASHINGTON RR. CO., IN THE DISTRICT OF COLUMBIA

The bill (H.R. 9080) to authorize the Philadelphia, Baltimore & Washington RR. Co., to construct, maintain, and operate branch sidings over K Street SW., in the District of Columbia was considered, ordered to a third reading, was read the third time, and passed.

STUDY OF HEALTH HAZARDS IN NONMETALLIC MINES

The bill (H.R. 8341) to authorize the Secretary of the Interior to conduct a study covering the causes and prevention of injuries, health hazards and other health and safety conditions in metal and nonmetallic mines was considered, ordered to a third reading, was read the third time, and passed.

A1C. PERCY J. TRUDEAU

The bill (S. 429) for the relief of A1c. Percy J. Trudeau was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Airman First Class Percy J. Trudeau, the sum

of $260, in full settlement of his claim against the United States for reimbursement of expenses incurred by him in moving his house trailer in connection with a transfer which he made pursuant to orders of December 4, 1958, from Hamilton Air Force Base, California, to Fitzsimons Army Hospital, Denver, Colorado: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

EUGENIA CHRZASTOWSKI

The bill (S. 531) for the relief of Eugenia Chrzastowski was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Eugenia Chrzastowski shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

SUSANNE RAE DEREMO

The bill (S. 1832) for the relief of Susanne Rae Deremo, was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Susanne Rae Deremo, shall be held and considered to be the natural-born alien child of Charles E. Deremo and Elene Deremo, citizens of the United States: *Provided*, That the natural parents of the said Susanne Rae Deremo shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

LUCIA BIANCA CIANTO ROSA

The bill (S. 1870) for the relief of Lucia Bianca Cianto Rosa was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Lucia Bianca Cianto Rosa shall be deemed to be within the purview of section 4 of Public Law 86-363, the Act of September 22, 1959.

DR. HAU CHEONG KWAAN AND OTHERS

The bill (S. 2385) for the relief of Dr. Hau Cheong Kwaan, his wife, Tech Phaik Loui Kwaan, and their daughter, Laura Wai Man Kwaan, was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives in the United States of America in Congress Assembled, That, in the administration of the Immigration and Nationality Act, the provisions of the proviso contained in section 201(a), and the provisions of sections 202(a)(5) and 202(b) shall be deemed not to be applicable in the cases of Doctor Hau Cheong Kwaan, a native of the British Crown Colony of Hong Kong, his wife, Tech Phaik Loui Kwaan, a native of Malaya, and their daughter, Laura Wai Man Kwan, a native of the British Crown Colony of Hong Kong.

CAPTAIN JACOB HABERLE

The bill (H.R. 1507) for the relief of Capt. Jacob Haberle was considered, ordered to a third reading, was read the third time, and passed.

ESSIE V. JOHNSON

The bill (H.R. 2179) for the relief of Essie V. Johnson was considered, ordered to a third reading, was read the third time, and passed.

WASHINGTON GEORGE BRODBER BRYAN

The bill (H.R. 2334) for the relief of Washington George Brodber Bryan was considered, ordered to a third reading, was read the third time, and passed.

DR. VICTOR WANG TA NG AND HIS WIFE

The bill (H.R. 2615) for the relief of Dr. Victor Wang Ta Ng and his wife, Alice Siu Har Ng, was considered, ordered to a third reading, was read the third time, and passed.

ADELINA BENEDICT (NEE ROSASCO)

The bill (H.R. 2666) for the relief of Adelina Benedict (nee Rosasco) was considered, ordered to a third reading, was read the third time, and passed.

ALBERTO LUCIANO (ROCCHI ROSASCO)

The bill (H.R. 3007) for the relief of Alberto Luciano (Rocchi Rosasco) was considered, ordered to a third reading, was read the third time, and passed.

LUCILLE COLLINS

The bill (H.R. 3132) for the relief of Lucille Collins was considered, ordered to a third reading, was read the third time, and passed.

SALVATORE CAIRO

The bill (H.R. 3401) for the relief of Salvatore Cairo was considered, ordered to a third reading, was read the third time, and passed.

LENNON MAY

The bill (H.R. 4028) for the relief of Lennon May was considered, ordered to a third reading, was read the third time, and passed.

MISS LIU LAI CHING

The bill (H.R. 4484) for the relief of Miss Liu Lai Ching was considered, ordered to a third reading, was read the third time, and passed.

MRS. HELENA SULLIVAN

The bill (H.R.5334) for the relief of Mrs. Helena Sullivan was considered, ordered to a third reading, was read the third time, and passed.

FERNANDO MANNI

The bill (H.R. 5613) for the relief of Fernando Manni was considered, ordered to a third reading, was read the third time, and passed.

PROTECTION OF CERTAIN INDUSTRIAL PROPERTY

The bill (H.R. 5754) to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property as revised at Lisbon, Portugal, October 31, 1958, was considered, ordered to a third reading, was read the third time, and passed.

BILL PASSED OVER

The bill (H.R. 6122) for the relief of Maria Luisa Reis (nee) Loys was announced as next in order.

Mr. HART. Over by request, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

WAIVER FOR THE U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF LOUISIANA HOLDING COURT AT LAFAYETTE, LA.

The bill (H.R. 7259) to waive section 142, title 28, United States Code, with respect to the U.S. District Court for the Western District of Louisiana, holding court at Lafayette, La., was considered, ordered to a third reading, was read the third time, and passed.

MRS. MARIA GONZALEZ FERNANDEZ LONG

The bill (H.R. 7873) for the relief of Mrs. Maria Gonzalez Fernandez Long was considered, ordered to a third reading, was read the third time, and passed.

MITSUKO NAHARA

The Senate proceeded to consider the bill (S. 1270) for the relief of Mitsuko Nahara which had been reported from

the Committee on the Judiciary with an amendment on page 2, line 5, after the word "of", to insert "sections 242 and 243 of"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mitsuko Nahara, the fiancée of Gilbert Hoehne, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months, if the administrative authorities find (1) that the said Mitsuko Nahara is coming to the United States with a bona fide intention of being married to the said Gilbert Hoehne and (2) that she is otherwise admissible under the Immigration and Nationality Act. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Mitsuko Nahara, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Mitsuko Nahara, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Mitsuko Nahara as of the date of the payment by her of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

GINKO VON WEYERHAUSEN

The Senate proceeded to consider the bill (S. 1587) for the relief of Ginko Von Weyerhausen, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "States", to strike out the colon and *"Provided,* That the natural parents of the said Ginko Von Weyerhausen shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Ginko Von Weyerhausen shall be held and considered to be the natural-born alien minor child of Captain and Mrs. Oswald S. Von Weyerhausen, citizens of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

FRANCES E. SARCONE

The Senate proceeded to consider the bill (S. 1776) for the relief of Frances E. Sarcone which had been reported from the Committee on the Judiciary, with an amendment, in line 6, after the word "of", to strike out "September 1951" and insert "September 18, 1951"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Frances E. Sarcone shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 18, 1951.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

DR. TZY-CHENG PENG

The Senate proceeded to consider the bill (S. 1791) for the relief of Dr. Tzy-cheng Peng which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Doctor Tzy-cheng Peng shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 26, 1952, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

DR. BERCHMANS RIOUX

The Senate proceeded to consider the bill (S. 1866) for the relief of Dr. Berchmans Rioux which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Doctor Berchmans Rioux shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 14, 1949, and the time he has resided and been physically present in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

HUGO KOLBERG

The Senate proceeded to consider the bill (S. 2149) for the relief of Hugo Kolberg which had been reported from the Committee on the Judiciary, with an amendment in line 5, after the word "be", to strike out "permitted to reside in Germany until September 1, 1964, without losing his United States citizenship under section 352(a)(1) of such Act" and insert "held not to lose nor to have lost his United States citizenship under section 352(a)(1) of such Act by residing in Germany: *Provided,* That he returns to the United States for permanent residence prior to September 1, 1964"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Hugo Kolberg, a naturalized citizen of the United States, shall be held not to lose nor to have lost his United States citizenship under section 352(a)(1) of such Act by residing in Germany: *Provided,* That he returns to the United States for permanent residence prior to September 1, 1964.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

KIM DOM YONG

The Senate proceeded to consider the bill (H.R. 2181) for the relief of Kim Dom Yong which had been reported from the Committee on the Judiciary, with an amendment, on page 1, after line 10, to insert a new section, as follows:

SEC. 2. Notwithstanding the provision of section 212(a)(6) of the Immigration and Nationality Act, Kim Dom Yong may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided,* That unless the said Kim Dom Yong is entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *And provided further,* That the exemption granted in this section of this Act shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RELIEF OF CERTAIN ALIENS

The Senate proceeded to consider the bill (H.R. 4797) for the relief of certain aliens which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 4, after the word "Act", to insert "Marcelino Ormaechea-Lamiquiz,".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

ADMISSION OF CERTAIN ADOPTED CHILDREN

The Senate proceeded to consider the joint resolution (H.J. Res. 542) relating to the admission of certain adopted children, which had been reported from the Committee on the Judiciary, with amendments, on page 8, after line 13, to insert a new section, as follows:

SEC. 34. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Gianpietro Vittorio Monetti, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Loranzy Dal Jackson, citizens of the United States.

In line 19, to change the section number from "34" to "35", and in the same

line, after the word "parents", to insert "or stepparents".

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

DISTRIBUTION OF BOOKS AND SPECIAL INSTRUCTION MATERIALS FOR THE BLIND

The bill (H.R. 9030) to amend the act to promote the education of the blind, approved March 3, 1879, as amended, so as to authorize wider distribution of books and other special instruction materials for the blind, and to increase the appropriations authorized for this purpose, and to otherwise improve such act was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. COOPER. Mr. President, in 1879 the Members of the 45th Congress recognized the great need for legislation to promote the education of the blind. At that time the Congress established a trust fund of $250,000 and authorized a permanent appropriation of $10,000 per year. The American Printing House for the Blind, located in Louisville, was designated as the agency through which benefits should be channeled.

This year Senator MORTON and I introduced S. 2349 to bring the Act of 1879 up to date to meet the present needs for special materials required in the education of blind children. Identical bills were introduced in the House by Congressman BURKE, of Louisville, and Congressman FOGARTY, of Rhode Island. The House has passed the bill, which is now before the Senate.

I have long been concerned with the need for increased appropriations to meet current demands for educational material for the blind. I have introduced several bills and worked in the past to raise the annual appropriation to the American Printing House for the Blind. This seems to be a necessity in light of the fact that the total number of blind children in schools increases steadily while the dollars available for the program remain at the level fixed by law in 1956.

The bill before the Senate now would accomplish these purposes. First, it would increase the authorization of appropriations by removing the statutory ceiling, now fixed at $400,000, thus leaving the annual appropriation to the normal budgetary and appropriations procedures of Congress. The Secretary of Health, Education, and Welfare would be authorized to make rules and regulations governing the administration of the program. I believe this change is urgent if we are to keep pace with the increasing costs of producing materials for the blind, and with the growing number of blind children in the schools.

Second, the bill provides that a reasonable portion of the money may be used so that experts on education of the blind may visit and benefit the staff of the printing house, and so that the printing house staff may visit State departments of education to give counsel on economical and effective use of funds.

Third, the bill would expand the ex officio board of trustees of the printing house to include the chief State school officers. This would put leaders on the executive board who could provide service to children attending regular public schools.

The bill before us has been approved by many of the agencies dealing with education of the blind. A task force of the Department of Health, Education, and Welfare; the legislative committees of the American Association of Instructors of the Blind, and the American Association of Workers for the Blind; the American Foundation for the Blind; and the National Foundation of the Blind; as well as the American Printing House for the Blind have studied this question intensively and strongly support the bill. It is essential that the legislation be passed now so that the shortage in books and aids for the current school year can be partially remedied through a supplemental appropriation.

The program to aid the education of the blind is not great in terms of cost and in terms of numbers of children involved. It is, however, a truly great program in terms of value to the individuals concerned, and to our Nation. For this small but vital program has helped, and should be able to continue to help, blind children in every State to receive an education and to become self-sufficient and creative members of their communities.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

AMENDMENT OF FEDERAL EMPLOYEES COMPENSATION ACT OF 1960

The bill (H.R. 8871) to amend the Federal Employees Compensation Act of 1960 was considered, ordered to a third reading, was read the third time, and passed.

JOINT RESOLUTION PASSED OVER

The joint resolution (S.J. Res. 135) to waive certain provisions of the Atomic Energy Act of 1954, so as to permit the agreement before the cooperation between the United States and France to be made immediately effective, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The joint resolution will be passed over.

LOAN OF NAVAL VESSELS TO FRIENDLY FOREIGN COUNTRIES

The bill (H.R. 7726) to authorize the loan of naval vessels to friendly foreign countries and the extension of certain naval vessel loans now in existence was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. Mr. President, may we have an explanation of the bill?

The PRESIDING OFFICER. An explanation of the bill is requested.

Mr. HART. Mr. President, the Committee on Armed Services, in the summary of the report it has filed, advises that the authority is desired by the President to lend not more than 16 ships to friendly foreign countries. The bill would authorize this disposition. The proposed recipients and the number of ships involved were not to exceed six to the North Atlantic Treaty Organization, not to exceed two to Southern Asia, Pakistan; and not to exceed six to the Republic of Korea and China; and a pool of not to exceed two ships to be loaned to friendly foreign nations in an emergency.

Mr. MORSE. Mr. President, am I correct in my understanding that the President desires this as part of our defense program?

Mr. HART. The Senator is correct. In addition, to complete the record, I should add that the bill would extend an authorization heretofore given for two vessels each to Portugal and Spain.

Mr. MORSE. Mr. President, I have no objection to the consideration of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with amendments, on page 2, line 17, after the word "emergency", to insert "as a replacement for a ship, covered under an existing loan, lost by enemy action or an act of God", and on page 3, line 7, after the word "government", to strike out "under the reimbursable provisions of that Act or successor legislation. In the event that a loan is terminated by the United States prior to the expiration of the loan period, the Secretary of Defense may reimburse the recipient government on a pro rata basis for funds provided by it under the reimbursable provisions of the Mutual Security Act of 1954, as amended, or successor legislation, in connection with the loan".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER

The bill (S. 2554) to amend section 303(a) of the Career Compensation Act of 1949 by increasing per diem rates and to provide reimbursement under certain circumstances for actual expenses incident to travel, was announced as next in order.

Mr. KEATING. Mr. President, over by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 383) to provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park, and for other purposes, was announced as next in order.

Mr. KEATING. Mr. President, over by request.

The PRESIDING OFFICER. The bill will be passed over.

DISPOSAL OF LANDS HELD FOR CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA, NORTH CAROLINA

The bill (H.R. 6729) to provide for the disposal of certain lands held for inclusion in the Cape Hatteras National Seashore Recreational Area, North Carolina, and for other purposes was considered, ordered to a third reading, was read the third time, and passed.

BILL PASSED OVER

The bill (S. 2008) to amend the act of September 16, 1959 (73 Stat. 561, 43 U.S.C. 615a) relating to the construction, operation, and maintenance of the Spokane Valley project, was announced as next in order.

Mr. HART. Mr. President, I ask that the bill go over as not being an appropriate part of calendar business.

The PRESIDING OFFICER. The bill will be passed over.

GENERAL VON STEUBEN MEMORIAL DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 95) authorizing the President of the United States of America to proclaim September 17 of each year General von Steuben Memorial Day for the observance and commemoration of the birth of Gen. Friedrich Wilhelm von Steuben.

Mr. KUCHEL subsequently said: Mr. President, today the Senate is about to pass Senate Joint Resolution 95, by which the President is authorized to proclaim September 17 of each year General von Steuben Memorial Day. Thus the Senate salutes the memory of a great figure in the days of America's War of Independence. Indeed, it was George Washington himself who, in his final act as general of our Revolutionary Army, wrote:

> I wish to make use of this last moment of my public life to signify, in the strongest terms, my entire approbation of your conduct, and to express my sense of the obligations the public is under to you, for your faithful and meritorious services.

That letter was addressed by George Washington to Gen. Friedrich Wilhelm von Steuben.

The strength of America's Continentals came from many races and many nations, even as the strength of our beloved country today comes from its great heterogeneous population. Thus, Mr. President, it is fitting that we pay tribute to this freedom-loving patriot who gave himself without stint to the ideals of a new, free, and independent America.

I ask unanimous consent to have printed in full at this point in the RECORD a biographical sketch of General von Steuben, from the Dictionary of American Biography.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Steuben, Friedrich Wilhelm Ludolf Gerhard Augustin, Baron von (Sept. 17, 1730–Nov. 28, 1794), professional soldier, military expert, inspector general of the Continental Army, was given this name at his christening, 7 days after his birth, in the German Reformed Church of Magdeburg. Later in life he changed it to Friedrich Wilhelm August Heinrich Ferdinand; and in America he was known as Frederick William Augustus von (or de) Steuben. His parents were Wilhelm Augustin von Steuben and Maria Dorothea von Jagow. His grandfather, Augustin Steube, a minister of the German Reformed Church, inserted the "von" in the family name about 1708. He was born in the fortress of Magdeburg, where his father was stationed as a lieutenant of engineers in the army of King Frederick William I of Prussia. He spent his early childhood in Russia, where his father served for several years in the army of the Czarina Anne. In his 10th year he returned to Germany with his father and received his education in the Jesuit schools in Breslau.

In his 17th year Steuben entered the officer corps of the Prussian Army and served therein with credit throughout the Seven Years' War, first as a regimental officer of infantry and then as a staff officer. In 1761, after active service on the staffs of Generals von Mayer and von Hulsen he became a general staff officer and soon thereafter was promoted to the grade of captain. In January and February 1762, while serving at Konigsberg, he received two personal letters from the King, Frederick the Great, thanking him for transmitting news of the death of the Czarina Elizabeth. These letters, an unusual compliment to a junior officer, are in the Prussian Archives. A few weeks later, Steuben went to St. Petersburg with Count von der Goltz, the new Prussian Ambassador, and was engaged on confidential duties in connection with the peace negotiations between Prussia and Russia. Upon his return from St. Petersburg, in May 1762, and until the end of the war, he served at the royal headquarters as a general staff officer and as one of the aides-de-camp to the King. The significance of Steubens' general staff training and service has not been sufficiently appreciated. This is partly because the German word "quartiermeister," signifying a general staff officer with troops, has been erroneously translated into English as "quartermaster." That Frederick the Great should select Steuben for general staff duty at the royal headquarters in time of war is the highest tribute to his professional standing.

It was this specific training for and experience in the duties of the general staff, an agency then little known outside of Prussia, that so peculiarly equipped Steuben for his invaluable services to the cause of American independence. He brought to Washington's staff a technical training and equipment that was unknown in either the French or the British armies at that time.

Steuben was still a captain when he was discharged from the Prussian army shortly after the Peace of Hubertusburg in the spring of 1763. The circumstances attending his discharge at the early age of 33, and so soon after gaining the royal favor, are obscure. His retirement left him without employment. In 1764, after unsuccessful negotiations to enter the Sardinian army, he was appointed chamberlain (Hofmarschall) at the Court of Hohenzollern-Hechingen upon the recommendation of Prince Henry of Prussia and his niece, the Princess Sophie Dorothea Fredericka of Württemberg. While at Hechingen he attained the rank of baron (Freiherr) and became a knight of the Margrave of Baden's Order of Fidelity. In 1771 the Prince of Hohenzollern-Hechingen, on account of financial embarrassment, decided to close his court and to reside abroad, incognito. Steuben was the only member of the court to accompany his patron and resided with him in France, principally at Montpellier. But the financial objects of the journey were not accomplished and in 1775 the Prince returned to Hechingen more embarrassed than ever. Steuben, who was always improvident, now found himself seriously in debt and sought employment elsewhere. Early in 1776 he entered into an unsuccessful negotiation to form a German regiment for the French army. Later he failed in an effort to enter the Austrian army and in April 1777 he visited Karlsruhe where he was again disappointed in an effort to enter the service of the Margrave of Baden. But while in Baden the Baron met a friend and correspondent of Benjamin Franklin who drew his attention to the American war as a field for his talents (Ebeling, post, p. 154). Accordingly, early in the summer of 1777, he set out for Paris with letters to Franklin and others.

Fortunately for Steuben, his high professional reputation as a trained Prussian staff officer had long been known to Count de St. Germain, the French minister of war. Just at that time St. Germain was making an unsuccessful effort to reform the French Army by the introduction of Prussian methods of military efficiency and discipline. He recognized in Steuben an accomplished graduate from the school of Frederick the Great who was peculiarly qualified to give the American authorities much needed advice on military training, organization, and administration. He therefore commended Steuben to Beaumarchais, who was giving secret aid to the American colonies through the commercial corporation, Hortalez & Co., which he had formed with the connivance of the French Government. Beaumarchais, Franklin, and Silas Deane recognized Steuben's merits and the importance of securing his services, but at first the negotiations failed because the American commissioners were not empowered to assure him adequate rank and pay or to make any contract with him in behalf of the Continental Congress. Later, however, it was decided that Hortalez & Co. should advance the expenses of the journey and that the Baron should go purely as a distinguished volunteer and trust to fortune for a suitable opening for his recognized talents after his arrival in America. As his actual military rank of captain did not carry sufficient prestige to assure the success of this role, it was decided that he should assume the glamor of high rank. He was accordingly given letters from Franklin, Deane, and Beaumarchais to Washington, Henry Laurens, Robert Morris, and others in which he was introduced as a lieutenant general. Indeed, in his letter to Washington, Franklin presented him as "a Lieutenant General in the King of Prussia's service" (Sept. 4, 1777, Kapp, post, p. 652). There could be no higher military prestige in the last quarter of the 18th century, and without this prestige Steuben could not have succeeded in his American mission.

The new "lieutenant general," accompanied by a military secretary and an aide-de-camp, sailed from Marseilles on September 26 and arrived at Portsmouth, N.H., on Dec. 1, 1777. After a sojourn of several weeks at Boston, where he was entertained as became his distinguished rank, he made the overland journey to York, Pa., the temporary seat of government, where he arrived on Feb. 5, 1778. He was received with high honors by the Continental Congress. When a special committee waited upon him to ascertain his

aims, he waived all claim to rank or pay and asked only that his expenses should be paid while acting as a volunteer with the army. He proposed that if his services should contribute to the eventual success of the American cause, he would then expect compensation for his sacrifices in leaving Europe and such rewards as Congress might be pleased to grant him, but that if the cause should fail, or if his services should not prove beneficial, he would make no claim whatever. This proposal to stake his fortunes upon the success of the cause made a deep impression upon the Congress. His services were accepted and he was directed to report to Washington at Valley Forge where he arrived on February 23.

Steuben made a profound impression upon the officers and men of the Continental Army. His professional reputation, so well advertised by his exalted rank, was supported by his martial bearing, his adaptability, and his picturesque personality. Washington was so favorably impressed by his practical knowledge and experience that he prevailed upon him to serve as acting inspector general and to undertake the training of the Army. This involved serious difficulties as the Baron spoke no English and was required to act through interpreters. There was no time for the preparation and publication of a complete new drill manual. Steuben therefore prepared his drill instructions in brief installments. These were translated into English and issued to the regiments from time to time as the drills progressed. Fortunately, he had the tact to rely upon the power of example. He formed a model company of 100 selected men and undertook its drill in person. The rapid progress of this company under his skilled instruction made an immediate appeal to the imagination of the whole Army. Drill became the fashion and within a few weeks the new gospel, imparted day by day to the model company, had spread throughout the Army. This is perhaps the most remarkable achievement in rapid military training in the history of the world. The Baron's success was so speedy that on April 30 Washington recommended his appointment as inspector general with the rank of major general. On May 5 the appointment was confirmed by the Continental Congress. The value of Steuben's instruction was soon manifested on the battlefield of Monmouth. There and thereafter throughout the war the Continental Army proved itself, battalion for battalion, the equal in discipline and skill of the best British regulars. Immediately before the battle Steuben served Washington as a general staff officer. He reconnoitered the enemy's position near Allentown and was first to report that his objective was Monmouth Courthouse. After the disastrous retreat of Charles Lee, in the ensuing battle, Steuben reformed Lee's disordered troops and led them back to the battlefield.

During the winter of 1778–79, Steuben prepared his "Regulations for the Order and Discipline of the Troops of the United States." This manual of drill and field service regulations contained the essentials of military instruction and procedure adapted to the needs of the American citizen-soldier. It was popularly known as the "blue book" and became the military bible of the Continental Army. No important book has ever been produced under greater difficulties. The baron first wrote each passage in his practical but inelegant French. One of his staff officers then transposed it into literary French. Another translated it literally into English and a third then transported it into correct and simple English. During most of 1779 and 1780 Steuben was busy with his duties as Inspector General, perfecting the training and discipline of the Army and developing his system of property accountability that went far to check the waste of public property which had formerly prevailed in the American Army. During this period he grew steadily in popularity throughout the Army and grew more and more in Washington's confidence. He was consulted upon all questions of strategic and administrative policy and performed all of the essential functions of a modern general staff. During the winter of 1779–80 he was Washington's representative with the Continental Congress in the efforts to reorganize the Army.

In the autumn of 1780, when Greene was sent to the Carolinas to replace Gates after the disastrous defeat at Camden, Washington sent Steuben with the new commander to assist in reorganizing the southern army. Upon their arrival at Richmond, Greene realized that most of his replacements and supplies must come from Virginia. He therefore left Steuben in command in that State. Steuben immediately took comprehensive measures to make Virginia a base of supply for Greene's army. But his efforts were thwarted to a large extent by the invading forces under Benedict Arnold and Phillips which were effectively supported by British ships in James River. With his limited forces of ill-armed militia, Steuben could offer but limited resistance to the invaders. Many of his stores were captured and many more were dispersed and wasted by the successive drafts of ill-disciplined short-service militia. Greene, however, appreciated Steuben's difficulties and gratefully acknowledged that his support from Virginia, limited as it was, had been indispensable to the success of his campaign in the Carolinas. In April 1781 Lafayette took command in Virginia and Steuben served under his orders during Cornwallis' invasion. When Washington's army was assembled before Yorktown, Steuben was assigned to the command of one of the three divisions and served in that capacity until after the surrender. He also contributed materially to the success of the final campaign by virtue of the extensive experience in siege warfare which he had acquired during the Seven Years' War.

In the interval between the surrender of Cornwallis and the final conclusion of peace, Steuben continued his duties as inspector general and as Washington's trusted adviser in all military affairs. In the spring of 1783 he assisted Washington in the preparation of a plan for the future defense of the United States and in the arrangements for demobilizing the Continental Army. This was published as "A Letter on the Subject of an Established Militia" (1784). At the same time he took a leading part in forming the Society of the Cincinnati. In August, Washington sent him to Canada to receive the frontier posts from the British, but his mission was unsuccessful as the British commander, General Haldimand, had not been authorized to treat with him. When Washington relinquished command of the Army, December 23, 1783, he deliberately made it his last official act to write a letter to the Baron commending his invaluable services to the United States throughout the war (Jared Sparks, "The Writings of George Washington," VIII, 1833, pp. 503–504; W. C. Ford, "The Writings of George Washington," X, 1891, p. 338). Steuben was honorably discharged from the Army March 24, 1784. He became an American citizen, by act of the Pennsylvania Legislature in March 1783 and by act of the New York Legislature in July 1786.

After Steuben's retirement from the Army he made his residence in New York and became one of the most popular figures in the social life of the city and State. He was the president of the German Society and of the New York branch of the Cincinnati. In 1787 he was elected one of the regents of the University of the State of New York. Always careless in his business affairs and extravagant in his charities and hospitalities, he went heavily in debt in anticipation of the grant of about $60,000 for his military services which he claimed from Congress. In 1786 the State of New York granted him 16,000 acres of wild land near the present town of Remsen, north of Utica. In June 1790 the new Federal Government granted him a pension of $2,500 per year instead of the lump sum which he had expected. Later in the year, through a friendly mortgage of his New York lands, Alexander Hamilton and other influential friends were able to settle the Baron's debts and to relieve him from bankruptcy. During the remaining years of his life he spent his winters in New York City and his summers on his estate in the Mohawk country. There he finally died of apoplexy on November 28, 1794, and there his tomb now is. He was never married. In his will he left his estates in America to his former aides-de-camp, William North and Benjamin Walker (will in Kapp, p. 702).

Steuben's likeness is preserved in contemporary portraits by Charles Willson Peale, Ralph Earle, and Pierre Eugene du Simitiere and in the equestrian figure of him in John Trumbull's "The Surrender of Cornwallis," in the National Capitol. He was of middle height. He had a fine soldierly bearing and his manners were graceful and courtly. His picturesque personality made a strong impression upon his contemporaries and the anecdotal history of the Revolution presents him as one of the most conspicuous figures in the esteem and affections of the rank and file of the Continental Army. Through his influence in converting the American Army into an effective and highly disciplined military force he was an indispensable figure in the achievement of American independence. Here he performed an essential service that none of his contemporaries in America was qualified to perform.

(The generally accepted history of Steuben's early life in Europe is taken from Friedrich Kapp, "Leben des Amerikanischen Generals Friedrich Wilhelm Steuben" (Berlin, 1858), translated as "The Life of Frederick William von Steuben" (New York, 1859), and is largely apocryphal. Kapp did not have access to the documents in the Prussian Archives relating to Steuben's service in the Prussian Army or to those in the Archives in Hechingen and Karlsruhe relating to his subsequent life in Hohenzollern-Hechingen, the south of France, and Baden, and was therefore unable to check the official records against certain questionable documents which he found in the "Steuben Papers" in the library of the New York Historical Society. The contemporary German evidence is given by C. D. Ebeling in the "Nachrichten von den Lebensumständen des Baron von Steuben," in the Amerikanisches magazine (Hamburg, 1796), vol. I, pt. 3, pp. 148–163. Steuben's ancestry and family history are given by A. B. C. Kalkhorst in the "Neue Zeit," New Ulm, Minn., Sept. 8–15, 1923, and by Herman Stöbe, "General Steuben Herkunft," in "Jahrbuch der Historischen Kommission für die Provinz Sachsen und für Anhalt" (Magdeburg, 1931). An account of his Prussian military service is contained in A. B. C. Kalkhorst, "Steubens Dienstzeit in Preussischen Heere," Erie Tageblatt, Sept. 8, 1923. This article gives full references from the Prussian Archives. Kapp's history of Steuben after his arrival in America contains many excerpts from official documents and, in general, is reliable, but much of Steuben's voluminous personal correspondence and other valuable materials were not then accessible. There is much Steuben material in the Washington papers and the papers of the Continental Congress in the Library of Congress and in the Old Records Division of the War Department. His personal papers (16 volumes) are in the library of the New York Historical Society. Letters from Steuben, both official and personal, are to be found in almost every public and

private collection of manuscripts relating to the Revolutionary period. His correspondence with his aides-de-camp, William North and Benjamin Walker, now widely scattered, gives an intimate picture of his personality and of his financial indiscretions and difficulties after the Revolution. Much material relating to his New York estate is in the collection of the Oneida Historical Society, Utica, N.Y. J. B. Doyle, "Frederick William von Steuben and the American Revolution" (1913), is based on Kapp. J. McA. Palmer has chapters on Steuben in "Washington, Lincoln, Wilson" (1930), and is preparing a full biography.)

Mr. KEATING. Mr. President, I am pleased to support Senate Joint Resolution 95, authorizing the President of the United States to proclaim September 17 of each year as General von Steuben Memorial Day.

Gen. Friedrich Wilhelm von Steuben made a significant contribution to this country's first quest for freedom during the Revolutionary War days. His training of American soldiers was a significant factor in our victory over the British Army.

General von Steuben's contribution to the United States in our early days was to be followed by the efforts of many Americans with German backgrounds to improve the economic, political and social life in which we live.

The spirit of cooperation between the German people and the United States continues today. The strong ties between the American and German people, which originated in Revolutionary War times, are now being developed even further as the United States stands side by side with the German people to meet aggression by the Communists in Europe.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Whereas the successful conclusion of the struggle of American colonists for liberty was immeasurably aided by sacrifices and services of freedom-loving nationals of many countries; and

Whereas General Friedrich Wilhelm von Steuben, following a brilliant military career in his native Germany, responded to the appeal for assistance from the beleaguered Colonies; and

Whereas General von Steuben, drawing upon his experience and his vision, instructed forces mobilized by the Continental Congress, directed training at Valley Forge, and established discipline and morale which enabled disordered, retreating forces to rally and reorganize following the Battle of Monmouth; and

Whereas General von Steuben served with distinction as inspector general of the colonial forces, in command of the district of Virginia, and during the siege of Yorktown; and

Whereas the drill regulations and rules of order and discipline for troops of the Colonies conceived and promulgated by General von Steuben were formally adopted by the Continental Congress as the governing code for forces of the Revolution; and

Whereas the ideas and methods advocated and perfected by General von Steuben were reflected in the establishment of the United States Military Academy; and

Whereas the United States regularly shows appreciation to heroes of other nationalities who were conspicuous in the fight for independence; and

Whereas the anniversary of the birth of General von Steuben and the anniversary of the completion of labors of the Constitutional Convention coincidentally fall on September 17: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized annually to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings each September 17 and urging the people of the United States to observe the day with appropriate ceremonies commemorating the birth and the services of General Friedrich Wilhelm von Steuben.

JOINT RESOLUTION PASSED OVER

The joint resolution (S.J. Res. 110) establishing a George Washington Carver Commemorative Commission was announced as next in order.

Mr. HART. Mr. President, over, by request.

The PRESIDING OFFICER. The joint resolution will be passed over.

EXTENSION OF APPLICATION RELATING TO ESPIONAGE AND CENSORSHIP

The bill (S. 1895) to repeal section 791 of title 18, United States Code, so as to extend the application of chapter 37 of title 18, relating to espionage and censorship, was announced as next in order.

The PRESIDING OFFICER. Is there objection to present consideration of the bill?

Mr. MORSE. Mr. President, I should like to have an explanation of Calendar No. 1027.

The PRESIDING OFFICER. An explanation of the bill is requested.

Mr. HART. Mr. President, both the present Attorney General and administration and the prior Attorney General and administration have recommended this agency. Espionage is a cause of action if the activity occurs within the admiralty and maritime jurisdictions of the United States, but to the surprise of many there is no statute under which criminal proceedings can be brought in event the activity involving the espionage agent occurs other than in the admiralty, navigation and maritime jurisdiction. The bill would extend the scope and reach of the espionage laws and include actions of espionage committed either in the United States or beyond. The venue would be extended worldwide as to citizens of the United States committing such offenses.

Mr. KEATING. Mr. President will the Senator yield?

Mr. HART. I yield.

Mr. KEATING. I think it will interest the distinguished Senator from Oregon, who is an eminent lawyer, to realize that some years ago we extended, we thought, the scope of the law by inserting in the law the sentence:

This chapter shall apply within the admiralty jurisdiction of the United States and on the high seas as well as within the United States.

Before that, the law said nothing applicable. After that language was inserted, it was held by the court that the measure is a limitation and does not apply to espionage that is committed abroad.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 791 of title 18, United States Code, is repealed.

SEC. 2. The analysis of chapter 37 of such title is amended by deleting the following:

"791. Scope of chapter."

Mr. HRUSKA subsequently said: Mr. President, the House and Senate have now passed identical bills repealing section 791 of title 18 of the United States Code, which thereby removes any limitation on the jurisdiction of this country to prosecute espionage offenses committed by American citizens in foreign countries. These bills are H.R. 2730 and S. 1895, respectively.

The logic of such legislation in this day and age demands no elaborate proof. Having undertaken worldwide activities in the national defense, our Government must have protection against acts of espionage, whether committed at home or abroad. It is quite apparent that espionage today is no longer a matter solely of domestic concern.

The extraterritorial effect given this criminal statute establishes no new precedents. *U.S.* v. *Bowman* (260 U.S. 94) held that American citizens in a foreign country are subject to penal laws enacted to protect this country. Without saying more, Mr. President, there is a clear and present need for this legislation.

The continued support these measures have received from both the present and previous administrations in large part permitted prompt action to be taken, as well as the diligent efforts by our colleague in the House, Representative RICHARD H. POFF, who sponsored an identical bill and guided its passage through that body earlier this year.

I am gratified that this progress has been made in this very vital field.

NATIONAL POISON PREVENTION WEEK

The joint resolution (H.J. Res. 358) authorizing the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week, in order to aid in bringing to the American people the dangers of accidental poisoning was considered, ordered to a third reading, was read the third time, and passed.

ESCAPE OR ATTEMPTED ESCAPE OF JUVENILE DELINQUENTS

The bill (S. 1954) to amend chapter 35 of title 18, United States Code, with respect to the escape or attempted escape of juvenile delinquents was con-

sidered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 751 of title 18, United States Code, is amended by inserting the subsection symbol "(a)" at the beginning thereof, and by adding, immediately following subsection (a) of such section as hereby so designated, a new subsection to read as follows:

"(b) Whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, shall, if the custody or confinement is by virtue of a lawful arrest for a violation of any law of the United States not punishable by death or life imprisonment and committed before such person's eighteenth birthday, and as to whom the Attorney General has not specifically directed the institution of criminal proceedings, or by virtue of a commitment as a juvenile delinquent under section 5034 of this title, be fined not more than $1,000 or imprisoned not more than one year, or both. Nothing herein contained shall be construed to affect the discretionary authority vested in the Attorney General pursuant to section 5032 of this title."

SEC. 2. Section 752 of such title is amended by inserting the subsection symbol "(a)" at the beginning thereof, and by adding, immediately following subsection (a) of such section as hereby so designated, a new subsection to read as follows:

"(b) Whoever rescues or attempts to rescue or instigates, aids, or assists the escape or attempted escape of any person in the custody of the Attorney General or his authorized representative, shall, if the custody or confinement is by virtue of a lawful arrest for a violation of any law of the United States not punishable by death or life imprisonment and committed before such person's eighteenth birthday, and as to whom the Attorney General has not specifically directed the institution of criminal proceedings, or by virtue of a commitment as a juvenile delinquent under section 5034 of this title, be fined not more than $1,000 or imprisoned not more than one year, or both."

AMENDMENT TO SECTION 5021 OF TITLE 18, UNITED STATES CODE

The bill (H.R. 5343) to amend section 5021 of title 18, United States Code, was considered, ordered to a third reading, was read the third time, and passed.

HANNA GHOSN

The bill (S. 296) for the relief of Hanna Ghosn was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Hanna Ghosn shall be held and considered to be the minor natural-born alien child of Mrs. Louisa Assaff, a United States citizen: *Provided,* That the natural parents of Hanna Ghosn shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

BILL PASSED TO THE FOOT OF THE CALENDAR

The bill (S. 1691) to provide that any juvenile who has been determined delinquent by a district court of the United States may be committed by the court to the custody of the Attorney General for observation and study, was announced as next in order.

Mr. MORSE. Mr. President, is that Calendar No. 1031, S. 1691?

The PRESIDING OFFICER. Yes. Does the Senator care to object?

Mr. MORSE. No; I should like to have an explanation of it. I do not know what is involved in the procedure with respect to a juvenile who has been determined delinquent by a district court of the United States. What does "custody of the Attorney General" mean?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill go to the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be passed to the foot of the calendar.

LAURA CELANI

The bill (S. 1888) for the relief of Laura Celani was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Laura Celani, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Joseph McCann, citizens of the United States: *Provided,* That the natural parents of the said Laura Celani shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

DING LAM TAM AND DING YUN TAM

The bill (S. 2096) for the relief of Ding Lam Tam and Ding Yun Tam was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Ding Lam Tam and Ding Yun Tam shall be held and considered to be the natural-born alien minor children of Daniel P. Wong, a citizen of the United States: *Provided,* That the natural parents of the beneficiaries shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

A. N. DERINGER, INC.

The bill (H.R. 1333) for the relief of A. N. Deringer, Inc., was considered, ordered to a third reading, was read the third time, and passed.

RELIEF OF ALBANY COUNTY, N.Y.

The bill (H.R. 4917) for the relief of Albany County, N.Y., was considered, ordered to a third reading, was read the third time, and passed.

AMENDMENT TO SECTION 35, TITLE 18, UNITED STATES CODE

The bill (H.R. 6834) to amend section 35 of title 18, United States Code, was considered, ordered to a third reading, was read the third time, and passed.

COMPENSATION TO PRISON INMATES FOR INJURIES INCURRED IN EMPLOYMENT

The bill (H.R. 7358) to amend section 4126 of title 18, United States Code, with respect to compensation to prison inmates for injuries incurred in the course of employment, was considered, ordered to a third reading, was read the third time, and passed.

ST. AUGUSTINE QUADRICENTENNIAL COMMISSION

The Senate proceeded to consider the joint resolution (S.J. Res. 91) to establish the St. Augustine Quadricentennial Commission, and for other purposes, which had been reported from the Committee on the Judiciary with an amendment, on page 4, after line 18, to strike out:

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this resolution.

And, in lieu thereof, to insert:

SEC. 5. There is hereby authorized to be appropriated not to exceed the sum of $10,000 to carry out the provisions of this resolution.

So as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a commission to be known as the "Saint Augustine Quadricentennial Commission" (hereinafter referred to as the "Commission"), which shall be composed of eleven members to be appointed as follows:

(1) Two members who shall be Members of the Senate, to be appointed by the President of the Senate;

(2) Two members who shall be Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives;

(3) One member from the Department of the Interior who shall be the Director of the National Park Service, or his representative, and who shall serve as executive officer of the Commission; and

(4) Six members to be appointed by the President of the United States after consideration of such recommendations as the Governor of Florida may make, upon the request of the President.

(b) The President of the United States shall, at the time of appointment, designate one of the members appointed by him to serve as Chairman. The members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other expenses actually and necessarily incurred by them in the performance of duties vested in the Commission.

(c) A vacancy occurring in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) Service of an individual as a member of the Commission shall not be considered as service or employment bringing such individual within the provisions of section 216, 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

SEC. 2. The functions of the Commission shall be to develop and to executive suitable plans for the celebration, in 1965, of the

four hundredth anniversary of the founding of Saint Augustine, Florida, the oldest permanent and continuous settlement in the United States. In carrying out these functions, the Commission is authorized to cooperate with and to assist the Quadricentennial Anniversary Commission of Florida.

SEC. 3. The Commission may employ, without regard to the civil service laws or the Classification Act of 1949, such employees as may be necessary in carrying out its functions under this resolution.

SEC. 4. (a) The Commission is authorized to accept donations of money, property, or personal services; to cooperate with patriotic and historical societies and with institutions of learning; and to call upon other Federal departments or agencies for their advice and assistance in carrying out the purposes of this resolution. The Commission, to such extent as it finds to be necessary, may, without regard to the laws and procedures applicable to Federal agencies, procure supplies, services, and property and make contracts, and may exercise those powers which it determines are necessary to enable it to carry out efficiently and in the public interest the purposes of this resolution.

(b) Expenditures of the Commission shall be paid by the executive officer of the Commission, who shall keep complete records of such expenditures and who shall account also for all funds received by the Commission. A report of the activities of the Commission, including an accounting of funds received and expended, shall be furnished by the Commission to the Congress within one year following the celebration as prescribed by this resolution. The Commission shall terminate upon submission of its report to the Congress.

(c) Any property acquired by the Commission remaining upon termination of the celebration may be used by the Secretary of the Interior for purposes of the national park system or may be disposed of as surplus property. The net revenues, after payment of Commission expenses, derived from Commission activities, shall be deposited in the Treasury of the United States.

SEC. 5. There is hereby authorized to be appropriated not to exceed the sum of $10,000 to carry out the provisions of this resolution.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

COL. SAMUEL HALE

The Senate proceeded to consider the bill (S. 67) for the relief of Col. Samuel Hale, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That Colonel Samuel Hale, 4534A, United States Air Force, is relieved of liability to the United States for the payment of so much of the aggregate amount of a loss of funds in his class B agent account that occurred during the period beginning on January 1, 1955, and ending on June 30, 1956, as has not been received by the United States before the date of enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

CILKA ELIZABETH INGROVA

The Senate proceeded to consider the bill (S. 1441) for the relief of Cilka Elizabeth Ingrova, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $15,000 to Cilka Elizabeth Ingrova, widow of General Sergej Jan Ingr, in recognition of the outstanding services the said General Ingr rendered the cause of freedom before, during, and subsequent to World War II and, in particular, his services to the United States from the date of his employment by this country in 1949 to the date of his death, June 17, 1956: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

JESSIE BAMER

The Senate proceeded to consider the bill (S. 1792) for the relief of Jessie Bamer, which had been reported from the Committee on the Judiciary with an amendment, in line 6, after the word "States", to insert a colon and "*Provided*, That the natural mother of the said Jessie Bamer shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Jessie Bamer shall be held and considered to be the minor alien child of Mr. Albert Bamer, a citizen of the United States: *Provided*, That the natural mother of the said Jessie Bamer shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

FOREIGN AGENTS REGISTRATION ACT OF 1938—AMENDMENT

The Senate proceeded to consider the bill (H.R. 470) to amend sections 1 and 8 of the Foreign Agents Registration Act of 1938, as amended, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 12, after the word "and", to strike out "any".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILL PASSED OVER

The bill (S. 495) to amend the Trading With the Enemy Act as amended was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HART. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

COMMISSION AND ADVISORY COMMITTEE ON INTERNATIONAL RULES OF JUDICIAL PROCEDURE—AMENDMENT

The bill (H.R. 8490) to amend the act of September 2, 1958, establishing a Commission and Advisory Committee on International Rules of Judicial Procedure, as amended, was considered, ordered to a third reading, was read the third time, and passed.

SENIOR CITIZENS MONTH

The joint resolution (S.J. Res. 27) to provide for the designation of the month of May of each year as "Senior Citizens Month" was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. KEATING. Mr. President, the designation of the month of May of each year as "Senior Citizens Month" focuses our attention on the problems and accomplishments of our Nation's older citizens.

The senior citizens of our land have made America what it is today. It is only fitting that our Nation recognize the contributions that have been made by these wise Americans to our growth and achievements. This resolution will help demonstrate the high esteem and respect in which Congress regards Americans who are now in the twilight years of their lives.

I urge my colleagues to approve this resolution and hope that favorable action in the Senate will be swiftly followed by approval in the other body.

Mr. HART. As long as we are commenting on this resolution, I express the hope that its signers will join others of us in the effort to enact a comprehensive medical care program for these senior citizens. This is more important than any commemorative resolution.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 27) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of May of each year as "Senior Citizens Month", and calling upon the people of the United States to observe and celebrate such month with appropriate ceremonies and activities.

The preamble was agreed to.

Mr. JAVITS subsequently said: Mr. President, the passage of the joint resolution authorizing the President to designate the month of May of each year

as "Senior Citizens Month" provides us with an opportunity to honor the contributions of our older citizens to our economic, social, and moral development. It will serve as a springboard for ceremonial programs and activities in each State and community, highlighting needs and programs for our older citizens that still must be met through appropriate legislation.

More than 50 million Americans are 45 years of age or older; and no society can afford to waste the resources of skill, experience, and talent which they represent. This is an expanding sector of our population; and we should be increasingly concerned with problems of job discrimination because of age, substandard housing, vocational retraining, and inadequate medical care.

With a genuine bipartisan effort we could have enacted at this session of the Congress a health-care insurance program for the aging. It is indeed regrettable that the administration did not give this program the priority and drive needed to get action.

But the thing to do now is not just to give health care for the aging high priority once more, next year, with a "must" tag that could prove as meaningless as it did this year. What we need for this program is administration decision and action during the recess on a bill on which agreement can be had by all who work for it and whose votes are needed in order to pass the bill.

This would be a genuine boon to those who are faced with rising medical costs at a time when their incomes and earning capacity are decreasing. We should also expand our research programs, and should provide opportunities which will enable our senior citizens to lead productive lives. We can make the month of May truly memorable for this important group of Americans.

BILLS PASSED OVER

The bill (H.R. 4750) to amend section 6(a) of the Virgin Islands Corporation Act, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HART. Over, Mr. President. The report on the bill has not yet been received.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 567) to authorize longer term leases of Indian lands in the Torres-Martinez Reservation in Riverside County, Calif., was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HART. By request, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 3575) to authorize longer term leases of Indian lands on the Dania Reservation in Florida, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HART. By request, I ask that the bill go over.

The PRESIDING OFFICER. The bill will go over.

USE OF FUNDS FROM JUDGMENTS FOR CONFEDERATED TRIBES OF COLVILLE RESERVATION

The bill (H.R. 8236) to authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation was considered, ordered to a third reading, was read the third time, and passed.

BILL PASSED OVER

The bill (H.R. 2732) to amend section 303 of the Career Compensation Act of 1949 to provide that the Secretaries of the uniformed services shall prescribe a reasonable monetary allowance for transportation of house trailers or mobile dwellings upon permanent change of station of members of the uniformed services was announced as next in order.

Mr. KEATING. I ask that the bill go over. No report has been filed on it.

The PRESIDING OFFICER. The bill will go over.

REEMPLOYMENT PROVISIONS OF UNIVERSAL MILITARY TRAINING AND SERVICE ACT

The Senate proceeded to consider the bill (H.R. 8765) to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes, which had been reported from the Committee on Armed Services with amendments, on page 1, after line 7, to strike out:

"(1) Any person who, after entering the employment to which he claims restoration, enlists in the Armed Forces of the United States (other than in a reserve component) and who serves for not more than four years, or who on and after August 1, 1961, serves any additional period not exceeding the maximum period for which he might be called into or retained in service involuntarily (plus in each case any period of additional service imposed pursuant to law) shall be entitled upon release from service under honorable conditions to all the reemployment rights and other benefits provided for by this section in the case of persons inducted under the provisions of this title."

And, in lieu thereof, to insert:

"(1) Any person who after entering the employment to which he claims restoration, enlists in the Armed Forces of the United States (other than in a reserve component) shall be entitled upon release from service under honorable conditions to all the reemployment rights and other benefits provided for by this section in the case of persons inducted under the provisions of this title, if the total of his service performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any service, additional or otherwise, performed by him after August 1, 1961, does not exceed four years (plus in each case any period of additional service imposed pursuant to law)."

And, on page 3, at the beginning of line 9, to strike out "total of such active duty performed did not exceed four years, and the total of any such additional active duty performed after August 1, 1961, does not exceed the maximum period for which he might be called into or retained in service involuntarily" and insert "total of such active duty performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any such active duty, additional or otherwise, performed after August 1, 1961, does not exceed four years".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ANNUITIES BASED ON RETIRED OR RETAINER PAY

The Senate proceeded to consider the bill (H.R. 6668) to amend title 10, United States Code, with respect to annuities based on retired or retainer pay, and for other purposes, which had been reported from the Committee on Armed Services with amendments, on page 1, at the beginning of line 3, to strike out:

That chapter 73 of title 10, United States Code, entitled "Annuities Based on Retired or Retainer Pay" may be cited as the "Retired Serviceman's Family Protection Act".

And, in lieu thereof, to insert:

That title 10, United States Code, is amended as follows:

"(1) The title of chapter 73 is amended to read as follows:

"'CHAPTER 73.—RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN'

"(2) The chapter analysis of subtitle A and the analysis of part II of subtitle A are each amended by striking out the following item:

"'73. Annuities Based on Retired or Retainer Pay---------- 1431'

and inserting the following item in place thereof:

"'73. Retired Serviceman's Family Protection Plan---------- 1431'"

On page 3, line 4, after the word "before", to strike out "he is retired or granted retired or retainer pay" and insert "the first day for which retired or retainer pay is granted"; in line 20, after the word "before", to strike out "he retires or becomes entitled to retired or retainer pay" and insert "the first day for which retired or retainer pay is granted"; in line 24, after the word "if", to strike out "the member is retired or becomes entitled to retired or retainer pay within three years after making the change or revocation" and insert "made less than three years before the first day for which retired or retainer pay is granted"; on page 5, line 1, after the word "after", to strike out "becoming entitled to retired or retainer pay" and insert "the first day for which retired or retainer pay is granted"; on page 6, line 1, after the word "no", to strike out "deductions from his retired or retainer pay" and insert "amounts by which retired or retainer pay is reduced"; in line 5, after the word "new", to strike out "sentences" and insert "sentence"; in line 11, after the word "procedure", to strike out "This subsection does not apply to actions taken under section 1445 of this title. "; on page 8, line 13, after the word "if", to strike out "he were to retire upon" and insert "the first day

for which retired or retainer pay is granted were to be", and in line 20, after the word "of", to insert "enactment of".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILL PASSED OVER

The bill (S. 1241) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities and to authorize scholarships for undergraduate study in such institutions, was announced as next in order.

Mr. KEATING. Over, by request.

Mr. MORSE. Will the Senator from New York withhold his objection for a moment so that I may make a brief comment?

Mr. KEATING. I withhold it.

Mr. MORSE. Mr. President, I would be the first in the Senate to agree that S. 1241 should not be considered on the call of the unanimous-consent calendar. It is a matter, of course, that should be considered by motion and should be subjected to thorough debate. I wish to say to the leadership of the Senate and to the Senate as a whole that S. 1241 is a matter that ought to be considered at the earliest possible date come next January, when we reconvene.

I have just returned from the west coast. While there, I talked to a considerable number of educators in higher education. They are greatly concerned about the plight of higher education in this country. In one instance I talked to a college president whose institution is bursting at the seams. They have had to put a stop order on the admission of students who want to get in but who cannot get in, because the college does not have facilities with which to accommodate them. That is typical, I say to the Senate, of scores and scores of institutions of higher learning in this country today.

What that really represents is a shocking national waste of a great wealth in America, a wealth that we cannot afford to dissipate; namely, the intellectual potential of the young people of this country, and that intellectual potential needs to be developed to its maximum in every college of the United States, so that every young man and woman in this country who wants to become a college graduate and has the ability to successfully pass a college course can get a college education.

If we want to look at it from the standpoint of a selfish national economic interest, this means in the long run a great expansion in the wealth of our country. It means a great increase in tax income in our country. The increased taxes that these college graduates will pay over the reduced amount of taxes they will pay if they never get a college education make the support of higher education in this country economically sound.

It is sound from the standpoint of our cultural development. It is sound from the standpoint of our national defense. I do not believe that the parents of America and the educators of America will long permit Congress to postpone its clear responsibility in regard to the passage of legislation such as this bill to which I am now addressing my remarks; namely, Calendar No. 1053, S. 1241, which is a must bill in connection with higher education.

Therefore, I make these comments on the last occasion we shall probably have this subject matter before us before we adjourn, probably at the end of this week.

However, we are dealing here with a bill which is of great national concern. The institutions of higher learning are clearly, from the standpoint of the welfare of our country, deserving of the Federal aid which the bill seeks to make available to them.

Mr. ROBERTSON. Mr. President, the Senator from Virginia wishes to make a point of order. He had the floor. He yielded by unanimous consent to call up bills on the calendar which could be passed by unanimous consent. He was told that that would take 10 or 15 minutes. That was almost an hour ago. So he makes the point of order that from now on if any Senator wishes to object to any of these bills, he may object, but the Senator from Virginia will object to his making a speech on it. That was the basis on which I yielded.

Mr. MORSE. Mr. President, I rise to a point of order. Under the rules of the Senate, when the Senate is having a call of the calendar, no Senator may be denied by the Senator from Virginia the right to follow the rule relating to the call of the calendar. The rule pertaining to the call of the calendar provides that a Senator has the right to speak for 5 minutes. If he wishes to speak for 5 minutes on any bill, he may do so.

The Senator from Virginia has a perfect right to object to a continuation of the call of the calendar and insist on his right to the floor; but the Senator from Virginia will never take the Senator from Oregon off his feet when the calendar is being called under the rules of the Senate.

Mr. MANSFIELD. Mr. President, I wish to say to the Senator from Oregon that I was responsible for having the Senator from Virginia yield.

The PRESIDING OFFICER. Under the rules of the Senate, any Senator has a right to speak for 5 minutes when there is objection to a bill.

Objection has been heard. The bill will be passed over.

FOR RELIEF OF THE STATE OF LOUISIANA

The bill (S. 2396) for the relief of the State of Louisiana was announced as next in order.

Mr. MANSFIELD. Mr. President, I am partially responsible for the situation now existing. The Senator from Virginia has been most kind in giving up his right, temporarily, to continue with his speech, which is of great importance to him and to many other Senators.

The Senator from Oregon was within his right in taking the floor for 5 minutes, but it was with the understanding that not much would be said in the way of objection. I think that so far the situation has been handled very well.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

The bill (S. 2396) was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby waives any and all rights it has or may have with respect to claiming a violation on the part of the State of Louisiana for failure to comply with a restriction in a deed of conveyance dated September 30, 1920, from the Rockefeller Foundation to the State of Louisiana, limiting the purposes for which income from leases on mineral lands included within the lands conveyed by such deed may be used, if the violation occurs solely as the result of the State of Louisiana apportioning and using 10 per centum of such income in accordance with article 4, section 2 of the constitution of such State, as in effect of the date of enactment of this Act, such restriction having been specifically included in the terms of such deed and all rights of the grantor under such deed having been assigned to the United States by the Rockefeller Foundation.

REDESIGNATE JEFFERSON DIVISION, EASTERN DISTRICT OF TEXAS, AS MARSHALL DIVISION

The bill (S. 2102) to redesignate the Jefferson division of the eastern district of Texas as the Marshall division, was announced as next in order.

Mr. KEATING. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

JUVENILE DELINQUENTS TO CUSTODY OF ATTORNEY GENERAL FOR OBSERVATION

Mr. HART. Mr. President, previously Calendar 1031, S. 1691, was placed at the foot of the calendar because an explanation was requested. Will the Senator from Virginia permit me to make a brief explanation?

Mr. ROBERTSON. Mr. President, the Senator from Virginia will be glad to do so. However, the Senator from Virginia was himself operating on borrowed time. Three other Senators have yielded to me to permit me to make this speech, so I am proceeding on borrowed time. However, I yield to the Senator from Michigan.

Mr. HART. Mr. President, I ask that the Senate consider S. 1691.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (S. 1691) to provide that any juvenile who has been determined delinquent by a district court of the United States may be committed by the court to the custody of the Attorney General for observation and study.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HART. Mr. President, any juvenile who has been determined by a district court of the United States to be delinquent may be committed by the court to the custody of the Attorney General for observation and study. The report filed by the committee shows that no procedure is available for a pre-sentence investigation of a youth against whom action is brought under the Youth Correction Act, although for adults this procedure is available.

The Department of Justice and the Subcommittee on Penitentiaries of the Committee on the Judiciary both suggest that this situation should be corrected so as to include a provision for pre-sentence investigation of those against whom action was filed under the Youth Correction Act.

Mr. MORSE. Mr. President, I thank the Senator from Michigan for his explanation. The explanation makes clear that the bill is sound. I find myself in complete agreement with it. I have no objection.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1691) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5034 of title 18 of the United States Code is amended by adding immediately after the third paragraph thereof the following new paragraph:

"If the court desires more detailed information as a basis for determining whether to place any juvenile delinquent on probation or to commit him to the custody of the Attorney General under the first paragraph of this section, the court may commit such delinquent to the custody of the Attorney General for observation and study at an appropriate classification center or agency. The Director of the Bureau of Prisons, under such regulations as the Attorney General may prescribe, shall, after the delinquent has been so committed, cause a complete study to be made of the delinquent, including a mental and physical examination, to ascertain his personal traits, his capabilities, pertinent circumstances of his social background, any previous delinquency or criminal experience, any mental or physical defect or other factor contributing to his delinquency, and any other factors which the Director may consider pertinent. A full and complete report of the results of such study, together with any recommendations which the Director believes would be helpful to the court in making its determination, shall be furnished to the court by the Director within sixty days after the date such delinquent is ordered committed to the custody of the Attorney General under this paragraph unless the court grants additional time for further study. No delinquent shall be committed under this paragraph for a period exceeding his minority or the term which might have been imposed had he been tried and convicted of the alleged violation for which he was determined delinquent, whichever occurs first."

Mr. HRUSKA subsequently said: Mr. President, earlier today, at the call of the calendar of non-objected-to items, the Senate passed S. 1691 which provides that any juvenile who has been determined delinquent by a U.S. district court may be committed by that court to the custody of the Attorney General for observation and study. A report of such study would then be furnished the court within a designated period of time covering numerous factors including personal traits, capabilities, social background, previous delinquency and other pertinent information—all of which is helpful in making a final disposition of the case.

The bill resulted from a recommendation which the Senator from Nebraska included in the annual report of the National Penitentiaries Subcommittee. It had been called to my attention that no procedure is available for diagnostic study of juvenile offenders although it exists for individuals committed under the Youth Corrections Act and for adult offenders.

No discussion is required to demonstrate that such studies are equally desirable for the proper disposition of juveniles who present particularly difficult problems for our courts. I was pleased to note the prompt action taken by the Juvenile Delinquency Subcommittee, under the chairmanship of the junior Senator from Connecticut [Mr. DODD], in reporting the bill and the Department of Justice in favorably commenting upon it.

The practice of presentence diagnostic studies places no heavy burden on the Bureau of Prisons, inasmuch as such studies would be made once the juvenile is committed.

However, the availability of this information and advice to the court prior to its making a final disposition gives added assurance that the best possible action will be taken in the interest both of society and the individual. The increasing use which our Federal courts are now making under the available statutes of the opportunity to secure these diagnostic studies is the best evidence of the need to have them.

By extending the system of such presentence diagnostic studies to juveniles, this bill represents another sound step in the direction of responsible law enforcement. Due to its importance, I am also pleased that the senior Senator from Oregon [Mr. MORSE] made inquiry about the nature of the bill so that it would be fully understood by the Senate.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator from Virginia yield for the purpose of permitting me to express appreciation to him for his courtesy and patience in allowing the Senate to comply with the needs of the calendar?

Mr. ROBERTSON. I thank the Senator very much. I did not wish to show any impatience over the essential need of calling the calendar or to deny to any Senator the right, if he objected to a bill, to express his objection in 5 minutes. However, the Senator from Virginia, as he said, has been operating on borrowed time. He was scheduled to speak on the issue of rule XXII last Saturday, but he could not be reached. Three other Senators were scheduled to speak today. All three of them graciously yielded to me to make my speech today, although I was scheduled to make my speech last Saturday. That is the reason why I yielded for the call of the calendar, with some restriction.

Mr. MORSE. Mr. President, I wish the Senator from Virginia to know that I gladly respected his right to take back the floor at any time he wished to do so. I do not believe he quite understood the position in which the Senator from Oregon found himself. I have my obligations on the call of the calendar; and there were certain bills on the calendar as to which I desired either to make objection or to ask questions. That is why I simply insisted of my rights during the call of the calendar.

Mr. ROBERTSON. Mr. President, the RECORD shows that the call of the calendar was conducted with full justice to all concerned.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

CLOTURE—PROPOSED AMENDMENT OF RULE XXII

The Senate resumed the consideration of Mr. MANSFIELD's motion to proceed to the consideration of Senate Resolution 4, a resolution to amend the cloture rule by providing for adoption by a three-fifths vote.

Mr. ROBERTSON. Mr. President, rule XXII of the Senate rests upon sound precedent and hallowed tradition. It harks back to the first amendment to the Constitution of the United States. This amendment, which has been in force for nearly 170 years, reads as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Rule XXII of the Senate has permitted free speech to be exercised in such a manner that the Upper Chamber has from time to time been called the greatest deliberative body in the world.

LENGTHY DEBATE

The right of free speech, of course, involves the privilege to speak on whatever subject seems appropriate. It involves the privilege to speak for whatever length of time is deemed necessary. That privilege is reserved to each and every Senator, subject to the provisions of rule XXII.

The exercise of free speech in the Senate has at times given occasion to lengthy discussions of important issues. These deliberations may be called extended debates, or they may be termed "filibusters," according to the point of view of the observer. We have seen some controversial issues debated on the Senate floor for weeks at a time with no reference made to anything except "extended debate." On the other hand, we have had pending proposed civil rights legislation when Senators making their

very first speech, on a matter vitally affecting their States, were publicly criticized as filibusterers.

In both cases, however, the deliberations embodied a principle for which our forefathers struggled and which we have the responsibility for preserving.

I would be the first to acknowledge that the debates on the Senate floor occasionally may seem repetitious, unnecessarily lengthy, and a bit irksome. Some may even appear to be in technical violation of the rules set forth in Thomas Jefferson's "Manual of Parliamentary Practice," compiled during the time Jefferson served as Vice President of the United States and President of the Senate, 1797 to 1801. Section 17 of this manual, concerning order in debate, specifies that—

> No one is to speak impertinently or beside the question, superfluously, or tediously.

Some debate in the Senate might well be dispensed with to the advantage of almost everyone, with the possible exception of the speaker.

But patience is a virtue just as freedom of speech is a right. Both should be cherished. Those impatient with lengthy debate who would seek to restrict it might well recall the wisdom of the Book of Exodus. There it is written in the fourth chapter that Moses said unto the Lord:

> O my Lord, I am not eloquent, neither heretofore, nor since Thou hast spoken unto Thy servant; but I am slow of speech, and of a slow tongue.
>
> And the Lord said unto him, Who hath made man's mouth? or who maketh the dumb, or deaf, or the seeing, or the blind? have not I the Lord?

Nor is that all. To attempt to limit unnecessary debate in the Senate would involve a decision about what deliberations are necessary and what are not. I emphatically oppose permitting any liberalization of rule XXII of the Senate which would permit anything less than a majority of two-thirds from imposing upon the minority its decision as to what debate is necessary and what is not.

EDUCATIONAL FUNCTION OF FREE SPEECH

The principal function of the right of free speech in the Senate is far from permitting what may seem to be prolonged or unnecessary debate. Freedom of speech is freedom to know. Without adequate knowledge of the varied ramifications of pending issues, the legislative function of this body could not operate properly.

In this respect, we are in the same position as that of the democratic Greek city-states in the time of Pericles. Speaking nearly 2,400 years ago to his fellow Athenians, Pericles said:

> The great impediment to action is, in our opinion, not discussion, but the want of that knowledge which is gained by discussion preparatory to action.

The function of free speech in exposing issues and sifting the truth was described by Mr. Justice Brandeis in a concurring opinion in the case of *Whitney* v. *California* (274 U.S. 375). Writing in 1927, Brandeis said:

> Those who won our independence believed that the final end of the state was to make men free to develop their faculties, and that in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to the secret of liberty. They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American Government.

In addition, Brandeis went on to say that—

> Fear of serious injury cannot alone justify suppression of free speech and assembly. Men feared witches and burnt women. It is the function of speech to free men from the bondage of irrational fears. To justify suppression of free speech there must be reasonable ground to fear that the serious evil will result if free speech is practiced. There must be reasonable ground to believe that the danger apprehended is imminent. There must be reasonable ground to believe that the evil to be prevented is a serious one.

The educational function of free speech, particularly as it applies to the legislative process, was concisely discussed over a century ago by John Stuart Mill, the 19th century English philosopher and economist. In his famous essay "On Liberty," Mill emphasized the necessity for studying all sides of the question in order to arrive at the truth:

> The greatest orator, save one, of antiquity, has left it on record that he always studied his adversary's case with as great, if not still greater, intensity than even his own. What Cicero practiced as the means of forensic success requires to be imitated by all who study any subject in order to arrive at the truth. He who knows only his own side of the case knows little of that. His reasons may be good, and no one may have been able to refute them. But if he is equally unable to refute the reasons on the opposite side, if he does not so much as know what they are, he has no ground for preferring either opinion. The rational position for him would be suspension of judgment, and unless he contends himself with that, he is either led by authority or adopts, like the generality of the world, the side to which he feels most inclination.

Mill continued his essay in these words:

> Nor is it enough that he should hear the arguments of adversaries from his own teachers, presented as they state them, and accompanied by what they offer as refutations. That is not the way to do justice to the arguments or bring them into real contact with his own mind. He must be able to hear them from persons who actually believe them, who defend them in earnest and do their very utmost for them. He must know them in their most plausible and persuasive form; he must feel the whole force of the difficulty which the true view of the subject has to encounter and dispose of, else he will never really possess himself of the portion of truth which meets and removes that difficulty.

Section 8 of the Constitution of the United States gives the Congress the privilege as well as the responsibility—

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

This responsibility carries with it the duty to become fully informed about the issues at stake. Only then can there be enacted laws which will be both "necessary and proper" for the occasion.

In order to consider necessary and proper legislation, therefore, we must preserve freedom of speech, so that knowledge will always be close at hand. I am reminded of the medieval morality play of "Everyman," where the player representing Knowledge says:

> Everyman, I will go with thee, and be thy guide,
> In thy most need to go by thy side.

John Stuart Mill, in his essay "On Liberty," suggested still another aspect of the function of free speech in clarifying pending issues. He wrote as follows:

> The peculiar evil of silencing the expression of an opinion is that it is robbing the human race, posterity as well as the existing generation—those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth produced by its collision with error.

FREEDOM OF SPEECH IN THE SENATE

This Senate floor is the bastion of free speech, and all of us must seek to preserve it as such. Prof. Lindsay Rogers, in his book "The American Senate," published in 1926, pointed out in his introduction that—

> The Senate is, generally speaking, the principal, if not the only forum of the Nation; interests are espoused and aspirations are voiced which have no chance of being presented on the floor of the House of Representatives.

The distinguished former Senator from Wisconsin, Robert M. La Follette, Sr., observed as early as 1917, while speaking on the Senate floor:

> This Senate is the only place in our system where no matter what may be the organized power behind any measure to rush its consideration and to compel its adoption, there is a chance to be heard, where there is an opportunity to speak at length.

Nor was La Follette the first to recognize this fact. Woodrow Wilson had pointed out earlier, in his book on "Congressional Government: A Study in American Politics," published in 1885, that—

> The debates of the Senate are of great value in scrutinizing and sifting matters which come up from the House. The Senate's opportunities for open and unrestricted discussion and its simple, comparatively unencumbered forms of procedure, unquestionably enable it to fulfill with very considerable success its high functions as a chamber of revision.

In his succeeding book on "Constitutional Government in the United States," published in 1908, Woodrow Wilson reiterated his viewpoint that the Senate was a unique forum of debate. Wilson said:

> Indeed, the Senate is, par excellence, the Chamber of debate and of individual privilege. Its discussions are often enough un-

profitable, are too often marred by personal feeling and by exhibitions of private interest which taint its reputation and render the country uneasy and suspicious, but they are at least the only means the country has of clarifying public business for public comprehension.

PROTECTION OF MINORITIES

The ability of the Senate to exercise and preserve the right of freedom of speech thus serves as an educational function within the legislative process. Simultaneously, it serves to protect minority rights and minority interests. Like the Bill of Rights and the constitutional prohibition against bills of attainder and ex post facto laws, the privilege of free and unlimited debate in the Senate, subject to the provisions of rule XXII, complements the protection provided under the Constitution for minority groups. Minorities can function only to the extent that their interests are known and recognized.

There are ample precedents for the protection of minority rights. Thomas Jefferson, in delivering his first inaugural address in 1801, counseled the Nation to protect minority rights through reasonable majority action. He said:

All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression.

The importance of protecting minority viewpoints within the Senate is reflected in a variety of ways. The Constitution of the United States exempts, under certain conditions, Members of both Houses from arrest in all cases except treason, felony, and breach of the peace. Article I, section 6, reads in part as follows:

The Senators and Representatives * * * shall in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

In one respect, this privilege from arrest bears greater significance for the Senate than for the House of Representatives, as Thomas Jefferson pointed out in his Manual of Parliamentary Practice. Section 3 of Jefferson's manual states the case in the following words:

This privilege from arrest, privileges, of course, against all process the disobedience to which is punishable by an attachment of the person, as a subpena ad respondendum, or testificandum, or a summons on a jury; and with reason, because a Member has superior duties to perform in another place. When a Representative is withdrawn from his seat by summons, the 40,000 people whom he represents lose their voice in debate and vote, as they do on his voluntary absence; when a Senator is withdrawn by summons, his State loses half its voice in debate and vote, as it does on his voluntary absence. The enormous disparity of evil admits of no comparison.

STATE REPRESENTATION WITHIN THE SENATE

The need to preserve freedom of debate in the Senate in order to give full opportunity to present all viewpoints was recognized by our Founding Fathers in drafting the Constitution. During the debates in the Philadelphia Constitutional Convention of 1787, one of the most delicate problems discussed was the question of representation in the Senate and the method of selecting Senators.

The delegates to the Convention first agreed that the Members of the House of Representatives should be elected by the people every 2 years, and they spelled out what the method of selection would be. Thus, article I, section 2, of the Constitution of the United States provides:

The House of Representatives shall be composed of Members chosen every second year by the people of the several States.

A subsequent provision of article I, as amended by the 14th amendment, called for Representatives to be apportioned among the several States "according to their respective numbers."

The representation and selection of Members of the House of Representatives gave concern to the smaller States about how their minority position could be adequately protected from what might be the capricious whims of a majority in the House. That this concern was well founded is suggested today by the preface to the Rules of the House of Representatives, as set forth in House Document No. 458, of the 85th Congress, 2d session. There it is stated that—

Today they [the House rules] are perhaps the most finely adjusted, scientifically balanced, and highly technical rules of any parliamentary body in the world. Under them a majority may work its will at all times in the face of the most determined and vigorous opposition of a minority.

A long debate occurred at the Philadelphia Constitutional Convention, which at times was so acrimonious that it threatened to break up the assemblage. Finally, Benjamin Franklin offered the solution—equal representation in the Senate for every State.

The compromise suggested by Benjamin Franklin has been regarded as so important that the English historian, Lord Bryce, and others have said that it, alone, made federation possible in the United States.

Later, when he emerged from the conference, at the end of hearings on the Constitution, and was asked what had been done, Franklin replied:

We have given you a Republic—if you can keep it.

As a result of Franklin's compromise, the original articles of the Constitution provided that the Senate should be elected by the State legislatures, not by popular vote, and given a term of 6 years. Thus, article I, section 3, of the Constitution of the United States specified that:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for 6 years; and each Senator shall have one vote.

Under these provisions, the respective positions of the minority and majority in the Senate, as within the Nation, were discussed at length in "The Federalist" papers. No. 32, written either by Hamilton or Madison, made the following points:

The equal vote allowed to each State is at once a constitutional recognition of the portion of sovereignty remaining in the individual States, and an instrument for preserving that residuary sovereignty. So far the equality ought to be no less acceptable to the large than to the small States; since they are not less solicitous to guard, by every possible expedient, against an improper consolidation of the States into one simple Republic.

The discussion in No. 62 of "The Federalist" continues in these words:

Another advantage accruing from this ingredient in the constitution of the Senate is, the additional impediment it must prove against improper acts of legislation. No law or resolution can now be passed without the concurrence, first, of a majority of the people, and then, of a majority of the States. It must be acknowledged that this complicated check on legislation may in some instances be injurious as well as beneficial; and that the peculiar defense which it involves in favor of the smaller States, would be more rational, if any interests common to them, and distinct from those of the other States, would otherwise be exposed to peculiar danger. But as the larger States will always be able, by their power over the supplies, to defeat unreasonable exertions of this prerogative of the lesser States, and as the facility and excess of lawmaking seem to be the diseases to which our governments are most liable, it is not impossible that this part of the Constitution may be more convenient in practice than it appears to many in contemplation.

Selection of Senators by the legislature, rather than by popular vote, was adopted in an effort to assure that representation would be of a character that would calmly consider and patriotically act on laws under which all the people would have to live. That intent of the drafters of the Constitution, as well as the intent of the States which adopted it, is clearly shown by the debates in the State ratifying conventions and by the published arguments of the federalists.

Virginia, which had the largest number of inhabitants of any of the original States, took the lead in proposing an improvement over the Articles of Confederation. Virginia was in a strategic position in the contest over ratification. James Madison, during the debate in the Virginia Federal Convention of 1788, assembled to consider the ratification of the Constitution, said frankly that if Virginia held out, the United States might never have a government.

Brief references to the debates in the Virginia Federal Convention of 1788 may help to illustrate the issues involved. The opponents of ratification were spearheaded by the revolutionary leader, Patrick Henry, who at one point said that—

I look on that paper [the Constitution] as the most fatal plan that could possibly be conceived to enslave a free people.

At still another point, Henry voiced his objections even more strongly to the proposed federation. Indeed, he feared that the Constitution, if adopted, might well lead to a monarchy, rather than a democracy. Henry said:

This Constitution is said to have beautiful features; but when I come to examine these features, sir, they appear to me horribly frightful. Among other deformities it has an awful squinting—it squints toward monarchy. And does not this raise indignation in the breast of every true American? Your President may easily become king.

Where are your checks in this Government? Your strongholds will be in the hands of your enemies. If your American chief be a man of ambition and abilities, how easy it is for him to render himself absolute. The army is in his hands, and if he be a man of address, it will be attached to him; and it will be a subject of long meditation with him to seize the first auspicious moment to accomplish his designs.

Patrick Henry continued his words of admonition as follows:

And, sir, will the American spirit solely relieve you when this happens? I would rather infinitely, and I am sure most of this Convention are of the same opinion, have a king, lords, and commons, than a government so replete with insupportable evils. If we make a king, we may prescribe the rules by which he shall rule his people, and interpose such checks as shall prevent him from infringing them; but the President in the field at the head of his army can prescribe the terms on which he shall reign master so far that it will puzzle any American to get his neck from under the galling yoke.

Patrick Henry then suggested how difficult it would be to control the situation through the enforcement of existing laws:

I cannot with patience think of this idea. If ever he [the President] violates the laws, one of two things will happen: he will come at the head of his army to carry everything before him, or he will give bail to do what Mr. Chief Justice will order him. If he be guilty, will not the recollection of his crimes teach him to make one bold push for the American throne? Will not the immense difference between being master of everything, and being ignominiously tried and punished, powerfully excite him to make this bold push? But, sir, where is the existing force to punish him? Can he not at the head of his army beat down every opposition? Away with your President; we shall have a king. The army will salute him monarch; your militia will leave you and assist in making him king, and fight against you. And what have you to oppose this force? What will then become of you and your rights? Will not absolute despotism ensue?

These, then, were some of the considerations that Patrick Henry and his followers had in mind when they opposed the unqualified ratification of the Constitution. At another point in the debate, Patrick Henry argued that the public mind, as well as his own, was extremely weary at the proposed change of goverment. He went on to argue in the following words:

I consider myself as the servant of the people of this Commonwealth, as a sentinel over their rights, liberty and happiness. I represent their feelings when I say that they are exceedingly uneasy, being brought from that state of full security which they enjoyed to the present delusive appearance of things.

And here I would make this inquiry of those worthy characters who composed a part of the late Federal Convention. I am sure they were fully impressed with the necessity of forming a great consolidated Government instead of a confederation. That this is a consolidated Government is demonstrably clear; and the danger of such a Government is to my mind very striking. I have the highest veneration for those gentlemen; but, sir, give me leave to demand what right had they to say, "We, the people"? My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask who authorized them to speak the language of "We, the people" instead of "We, the States?" States are the characteristics and soul of a confederation. If the States be not the agents of this compact, it must be one great consolidated government of the people of all the States. I have the highest respect for those gentlemen who formed the Convention; * * * The people gave them no power to use their name. That they exceeded their power is perfectly clear.

The next day, Patrick Henry argued further as follows:

Is it necessary for your liberty that you should abandon those great rights by the adoption of this system? Is the relinquishment of trial by jury and the liberty of the press necessary for your liberty? Will the abandonment of your most sacred rights tend to the security of your liberty? Liberty—the greatest of all earthly blessings—give us that precious jewel, and you may take everything else.

The arguments of Patrick Henry against ratification were supported by such eminent men as James Monroe, William Grayson, and George Mason, the drafter of the Virginia Declaration of Rights of 1776. The proponents of ratification comprised such distinguished gentlemen as James Madison, John Marshall, George Wythe, Henry Lee, Edmund Pendleton, and George Nicholas.

If the Virginia Constitutional Convention of 1788 had subscribed to the viewpoints of Patrick Henry and his followers, it might might never have ratified the Constitution in any form. As it was, the Virginia convention, after 3 weeks of debate, carried the resolution of ratification by a vote of 89 ayes to 79 nays, or by a margin of only 10 votes.

In addition to these and other debates, there were, of course, the classic discussions of the Constitution presented in the "Federalist," described as "A Commentary on the Constitution of the United States, Being a Collection of Essays Written in Support of the Constitution Agreed Upon September 17, 1787, by the Federal Convention." In these papers, Madison, Hamilton, and Jay, three advocates of the Constitution, presented the pros and cons of the issues involved, as they viewed them.

In No. 17 of the "Federalist," for example, Alexander Hamilton referred to fears that the establishment of a Federal Government would usurp State powers and functions. Hamilton wrote:

It may be said that it would tend to render the Government of the Union too powerful, and to enable it to absorb those residuary authorities, which it might be judged proper to leave with the States for local purposes.

Hamilton then pointed out that it was improbable that Federal councils would be disposed to usurp such powers as regulation of the mere domestic policy of a State or of—

the administration of private justice between the citizens of the same State, the supervision of agriculture, and of other concerns of a similar nature.

Hamilton concluded that—

It is therefore improbable that there should exist a disposition in the Federal councils to usurp the powers with which they are connected; because the attempt to exercise those powers would be as troublesome as it would be nugatory; and the possession of them, for that reason, would contribute nothing to the dignity, to the importance, or to the splendor of the National Government.

James Madison, in No. 39 of "The Federalist," suggested that the proposed government would function on a partially national and a partially Federal basis. He argued that the Federal Government would be national in the operation of its powers, but would be Federal in the extent of its authority.

Madison wrote as follows:

The idea of a national government involves in it, not only an authority over the individual citizens, but an indefinite supremacy over all persons and things, so far as they are objects of lawful government. Among a people consolidated into one nation, this supremacy is completely vested in the national legislature. Among communities united for particular purposes, it is vested partly in the general and partly in the municipal legislatures.

Madison continued his exposition in the following words:

In the former case, all local authorities are subordinate to the supreme; and may be controlled, directed, or abolished by it at pleasure. In the latter, the local or municipal authorities form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority, than the general authority is subject to them, within its own sphere. In this relation, then, the proposed government cannot be deemed a national one; since its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects.

The Virginians of Madison's day accepted with confidence his assurance that the States would continue to be recognized as sovereign units which would delegate only specific powers to the Federal Government. Madison wrote, in No. 45 of "The Federalist," that—

The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.

In another "Federalist" paper, No. 51, Madison discussed further the principle of separation of powers. Speaking particularly of the division of the Central Government into three departments, Madison wrote in terms which were applicable also to the separation of powers between the States and the Central Government. Let me quote his exact words:

But the great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be

made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of Government.

Madison continued to reflect on this subject as follows:

But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

Mr. Justice Brandeis, in 1926, also expressed this principle in his opinion in the case of *Meyers* v. *United States* (272 U.S. 52, 293), when he said:

The doctrine of the separation of powers was adopted * * * not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy.

The statements of Madison, Hamilton, and other proponents of the Constitution gave assurance that the sovereign rights of the States would be recognized and respected. Even so, Masachusetts and New Hampshire ratified the Constitution only after agreement that amendments to it would be submitted along with the notice of acceptance.

In South Carolina, Gen. Charles Cotesworth Pinckney overcame objections by assuring the legislature that the Philadelphia Constitutional Convention had omitted a bill of rights only because it was assumed that these rights already belonged to the people and the power over them had not been granted to the Federal Government either to affirm or withhold.

New York ratified the Constitution by a close vote of 30 to 27, practically upon the condition of amendments, and Virginia did so with a demand for amendments. Virginia emphasized its position by naming as its first Senators, William Grayson and Richard Henry Lee, nominees of Patrick Henry who opposed ratification, in preference to the nominees suggested by James Madison.

The amendments requested by the various State conventions were proposed by the first session of the Congress, which met in 1789. Some of the remarks made during this first session when the Bill of Rights was under discussion may further highlight the issues we are now considering.

James Madison advocated the immediate consideration of the proposed amendments. On June 8, 1789, he was reported as saying that unless the amendments were adopted, the people—

May think we are not sincere in our desire to incorporate such amendments in the Constitution as will secure those rights, which they consider as not sufficiently guarded.

At the same time, Madison referred to the "anxiety which prevails in the public mind." He went on to say:

It appears to me that this House is bound by every motive of prudence, not to let the first session pass over without proposing to the State legislatures some things to be incorporated into the Constitution, that will render it as acceptable to the whole people of the United States, as it has been found acceptable to a majority of them.

He added:

I wish that those who have been friendly to the adoption of this Constitution may have the opportunity of proving to those who were opposed to it that they were as sincerely devoted to liberty and the republican government as those who charged them with wishing the adoption of this Constitution in order to lay the foundation of an aristocracy or despotism. It will be a desirable thing to extinguish from the bosom of every member of the community, any apprehensions that there are those among his countrymen who wish to deprive them of the liberty for which they valiantly fought and honorably bled.

Madison continued by saying that there still were a great many persons who were dissatisfied with the Constitution. He felt, however, that they might join in supporting federalism if they were satisfied on one point, and said—

We ought not to disregard their inclination, but, on principles of amity and moderation, conform to their wishes, and expressly declare the great rights of mankind secured under this Constitution.

Enlarging on this point, he said:

I believe that the great mass of the people who opposed it [the Constitution], disliked it because it did not contain effectual provisions against encroachments on particular rights, and those safeguards which they have been long accustomed to have interposed between them and the magistrate who exercises the sovereign power.

Madison next went on to outline the proposed amendments which were initially intended to be inserted in the body of the Constitution itself. The original form of the proposals which eventually became the 9th and 10th amendments sheds particular light upon the thinking of Madison and others who helped to design the form of our Government.

Instead of the ninth amendment, as we know it, reading, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people," the proposal offered by Madison read:

The exceptions here or elsewhere in the Constitution, made in favor of particular rights, shall not be construed as to diminish the just importance of other rights retained by the people, or as to enlarge the powers delegated by the Constitution; but either as actual limitations of such powers, or as inserted merely for greater caution.

In the case of the 10th amendment, changes in language were made, to make more plain the fact that it was directed against the Federal Government. Thus, as proposed by Madison, this amendment read:

The powers not delegated by this Constitution, nor prohibited by it to the States, are reserved to the States respectively.

As adopted this was altered to read:

The powers not delegated to the United States by this Constitution—

Inserting the words "to the United States"—

Nor prohibited by it to the States, are reserved to the States respectively, or to the people.

In the light of this long tradition, we can better appraise the unique position that the Senate assumed in our system of government. As our forefathers contemplated, the Senate is the one place in our national legislative system where the sovereign States are represented as such, and on a basis of equality.

The objective of the ratifiers of the Constitution to assure adequate representation of minority viewpoints was, in my opinion, weakened by the 17th amendment to the Constitution. It provided for the election of Senators by popular vote, rather than by State legislatures. The amendment, whose ratification was completed in 1913, specified that:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote.

I was the first Senator from Virginia to be selected under that amendment. With all due deference to the supporters of the amendment, I feel that its adoption was a mistake. In practice it has made Members of the Senate more subject to outside group pressure than Members of the House—a weakness which the Founding Fathers sought to obviate.

In this way, the 17th amendment introduced a change which, in effect, reduced the protection of minorities that the Founding Fathers had intended to shelter from undue influences. Accordingly, the weapon of debate remains the last resort by which the questionableness of a given proposal may be adequately examined and an appeal made to reason, rather than to pressure. As a result, the senatorial privilege of free speech, must be cherished all the more strongly.

The right of each Senator to speak without limit, subject only to the dictates of his conscience and to the provisions of rule XXII, is the right to defend his State. Take away those rights and you have eliminated one of the great distinguishing characteristics of our senatorial procedure. You have taken one step further toward stilling the conflicting viewpoints upon which any legislative body like the Senate depends in the process of considering reasonable and appropriate legislation.

Changing rule XXII to allow less than two-thirds of the Senators present and voting to stifle the protests of a minority would repudiate the great compromise accepted by our Founding Fathers in providing for equal representation among the States within the Senate.

I need not remind my colleagues that each of us is a minority in a body of 100 Members. Each State, being served by only two Senators, is a minority within the whole, just as the Founding

Fathers contemplated. Only the Senate, in other words, directly represents the States on an equal basis. Only there are the wide variety of soils, climates, and natural and human resources which prevail within our Nation entitled to equal hearing.

The admission of Alaska and Hawaii to statehood has greatly increased the diversity of our physical, economic, and social resources. While some variations have been lessened by improvements in transportation, communication, and education, wide differences still are apparent in the characteristics of our geography, our economy, and our people, not the least by reason of their differing abilities and interests. For these reasons, freedom of representation in the Senate, as embodied in freedom of speech, must be carefully preserved.

James Madison in No. 10 of "The Federalist," emphasized this diversity as explaining the source of differing interests and parties:

> As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

The fundamental right of individual representation of our sovereign States, reflecting in part what Madison called "a division of the society into different interests and parties," is an essential feature of the Senate. Nowhere else in our constitutional system can the voice of the smallest State carry the same weight as the voice of the largest State. Only here can Alaska, with 226,127 inhabitants in 1960, be heard on an equal footing with New York with a population of 16,782,304. In this sense the Senate represents a body aptly described in the words of chapter 13 of the Book of St. Luke, "And, behold, there are last which shall be first; and there are first which shall be last."

SENATE RULES OF PROCEDURE

From the beginning, our forefathers recognized that freedom of debate within the Senate should be permitted only under established rules of procedure. These rules were drafted in an effort not only to provide for stable and orderly procedure, but also to permit expression of all viewpoints. The rules governing debate on the floor thus go to the heart of the privileges as well as responsibilities of all Senators to inform each other and the public of the issues involved in any pending legislation.

The Standing Rules of the Senate were first adopted in 1789. Our present rules represent an amended version of Thomas Jefferson's Manual of Parliamentary Practice. It, in turn, reflected not merely the experience of the U.S. Senate, but also the older and more tested proceedings of the British Parliament.

In the preface to his manual, Jefferson pointed out how the rules then prevailing in the Senate had been distilled from the lessons of experience. He said:

> The proceedings of Parliament in ancient times, and for a long while, were crude, multiform, and embarrassing. They have been, however, constantly advancing toward uniformity and accuracy, and have now attained a degree of aptitude to their object beyond which little is to be desired or expected.

The Standing Rules of the Senate, in other words, represent the essence of the experience of the English speaking people with the problem of preserving free speech in a representative form of government. This experience was abstracted by the author of the Declaration of Independence in his Manual of Parliamentary Practice, which has been observed by Members of the Senate for more than a century and a half.

A function of the Senate rules—to protect minority viewpoints—was clearly pointed out by Jefferson in section 1 of his manual. There Jefferson indicated that equitable rules were necessary in order to protect the weaker party from irregularities and abuses which large and successful majorities might instigate. He wrote that—

> As it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities.

AMENDMENTS TO RULES

Mr. President, from time to time throughout the history of our Nation under its present Constitution, efforts have been made to undermine the full freedom of debate with which the founders of our Republic so wisely endowed the U.S. Senate. Nearly all those efforts have failed. The Senate has steadfastly refused to place itself in the bondage of rules which would limit discussion beyond the provision that cloture may be imposed by two-thirds of the Members. Under these rules, our Government has survived and our country has prospered. It is little wonder then that efforts to effect substantial changes in the Senate rules have come almost to naught.

The British Parliament and the Continental Congress permitted resort to the device of moving the previous question to cut off debate. This device was carried over into the rules of the Senate adopted in the first session in 1789. The previous question was moved only four times and used only three times in the first 17 years of the Senate's existence. Reference to it was omitted altogether when the rules were revised in 1806. Even in those instances in the Senate there was no limitation upon debate over a motion to close debate.

Our Founding Fathers, of course, found that limitation of debate was necessary in a House of Representatives composed of several hundred members. But they knew it was not wise in the smaller Senate which was deliberately designed as a balance wheel and a check upon what might be hasty and ill-advised legislation. It was George Washington who, when talking with Thomas Jefferson, poured hot tea into a saucer to cool and said that the saucer represented the Senate.

In 1841, Henry Clay tried to revive the use of the previous question. His proposal was abandoned, however, after debate in which John C. Calhoun stated that there never had been a body in this or any other country in which, for such length of time, so much dignity and decorum of debate were maintained.

On more than one occasion in later years, the Senate rejected proposals to limit debate, except temporarily to deal with an emergency situation, until 1917. Then rule XXII was amended in a form which remained unchanged until 1949. In 1959, it was again revised to its present form.

In his Farewell Address, delivered in 1796, George Washington cautioned the people of the United States against making undue and frequent changes in established institutions whose operations have been proven by the test of time. In it, Washington warned against adopting measures solely "in the spirit of innovation," and he reminded the people that "time and habit are at least as necessary to fix the true character of governments as of other human institutions." Thus Washington said:

> Toward the preservation of your Government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown.

Washington continued his Farewell Address as follows:

> In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within

the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

One hundred and twelve years later, Woodrow Wilson again warned against substantial amendments in the Standing Rules of the Senate for conducting business. Wilson at the same time pointed out the significance of the fact that the Senate had changed those rules very little over the course of its operations. Wilson wrote in his book on constitutional government:

The fact that the Senate has kept its original rules of debate and procedure substantially unchanged, is very significant. It is a place of individual voices. The suppression of any single voice would radically change its constitutional character; and, its character being changed, the individual voices of the country's several regions being silenced, there would no longer be any sufficient reason for its present constitution.

PARLIAMENTARY AND CONSTITUTIONAL PRECEDENTS

Rule XXII of the Senate, as we all know, now provides for the compulsory closing of debate upon an affirmative vote by two-thirds of the Senators present and voting. This in itself is a departure from freedom of unlimited debate. It may be a necessary departure and it may be a wise one. Although I opposed changing the rule in 1959 to apply to the Senators present and voting rather than to the entire Senate body, the change in the rule nevertheless carried.

The principle of requiring a vote of two-thirds, however, was not then at stake. Nor is there any reason for making a change now. The ratio of two-thirds has been the rule in the Senate for the past 44 years. It is well established in general parliamentary procedure as well as in constitutional precedent.

Established parliamentary practice clearly substantiates the reasonableness of a two-thirds ratio. According to Senate Document No. 4, 83d Congress, 1st session, on Senate Rules and the Senate as a continuing body, "on the question of limitation of debate under general parliamentary rules, authorities seem to agree that a two-thirds, rather than a majority vote is required." The document continues on page 10 as follows:

Sturgis, in Standard Code of Parliamentary Procedure (1950), pages 47–48, says:

"It is unwise to make a practice of cutting off or preventing debate and deliberation on debatable questions. This is true whether debate is cut off by recognized motions or by arbitrarily bringing questions to vote without adequate opportunity for discussion. * * * Since full discussion of all proposals is a fundamental right of members, a motion which restricts or sets aside this right by closing or limiting debate requires a two-thirds vote."

Additional parliamentary authorities stating that a two-thirds vote is needed in order to limit debate are the following:

(1) Palmer, A New Parliamentary Manual (1901), section 241:

The general principles of parliamentary law require that the assembly should reach its decisions on matters that come before it (1) in the order prescribed for their introduction, (2) after full debate, (3) in accordance with its established rules. And these requirements are of such importance that a bare majority should not be permitted to disregard or alter them. They should be observed unless the reasons for proceeding contrary to them are so obvious that a two-thirds majority desire to so proceed.

The author then cites six instances, including limitation or closing debate, as requiring a two-thirds vote because they are in opposition to one or another of these three requirements.

Additional authorities are cited in material which immediately follows the excerpts that I have quoted.

The principle of requiring a two-thirds vote in order to close debate is also consistent with many constitutional provisions, although the proportion is less than the ratio required in two important instances. Article 7 of the Constitution of the United States specified that ratification by 9 States, or by 69 percent of the original 13 States, would be required before the Constitution became established. Article 5 requires ratification of any amendment to the Constitution "by the legislatures of three-fourths of the several States." Note, Mr. President, that ratification by three-fourths of the States is required in order to change any provision of the Constitution—including the terms of the first amendment, which protects freedom of speech in the Nation. In contrast, rule XXII specifies approval by only two-thirds of the Senators present and voting in order to restrict freedom of speech in the Senate.

The Constitution, as well as amendments thereto, call for a majority of two-thirds in a variety of cases. A vote of two-thirds is necessary to impeach a Federal official, to expel a Senator, to override a Presidential veto, to approve a treaty, and to propose amendments to the Constitution. In each case, the purpose is to protect minority rights.

The constitutional provisions relating to a vote of two-thirds are as follows:

In cases of impeachment, article I, section 3, provides that "no person shall be convicted without the concurrence of two-thirds of the Members present."

Article I, section 5, provides:

Each House may, with the concurrence of two-thirds, expel a Member.

In the case of legislation disapproved by the President and returned for reconsideration to the House in which it originated, article I, section 7, provides:

If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law.

The President of the United States, as provided by article II, section 2—

Shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

In considering amendments to the Constitution, article V provides:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments.

The Constitution, as well as established parliamentary procedure, thus do not permit a vote of a simple majority or even a vote of three-fifths of all Members to decide the outcome of significant issues. This, in my opinion, is as it should be. I believe that, before the right of free and unrestricted debate on a measure is cut off, a substantial rather than a simple majority of the Senate should be obtained. As Abraham Lincoln warned the Nation in 1861 in his first inaugural address:

If, by the mere force of numbers, a majority should deprive a minority of any clearly written constitutional right, it might, in a moral point of view, justify revolution—certainly would, if such right were a vital one.

Nothing could be more dangerous to our future, in my belief, than a Senate rule by which a majority of the Senate, or even three-fifths of its Members, could enact into law provisions clearly repugnant to the Constitution. There is no basis whatever, in my viewpoint, for urging that debate be terminated by anything less than a vote of two-thirds. Any lesser requirement would be inconsistent with the very spirit of our representative Federal Government.

The Constitution, which gives us ample precedent for the current two-thirds provision of rule XXII, also gives us ample reason for retaining that ratio. Walter Lippmann, writing in the Washington Post of January 5, 1961, commented on this provision. In doing so, he pointed out the various kinds of majorities and the various reasons for adopting different majority ratios. He said:

The recognition that there may be various kinds of majorities is deeply imbedded in the Constitution. Simple majority rule—one more than half a quorum—is by no means the general principle of the Constitution. Constitutional amendments, the expulsion of Members, the overriding of the President's veto, require two-thirds of all the Senators elected. Treaties and impeachments require two-thirds of those present and voting. Why these variations? Because these are questions which involve the whole Nation, it may be for war, the Constitution requires that such grave decisions shall have a large—not merely a simple—majority.

Mr. Lippmann continued his article in the following terms:

In my view it is important, indeed vital to our liberties, to preserve the principle that for great issues, for issues that affect deeply great regions or sections of the Nation, there should be required more than a simple majority. For we must never forget that majorities are not always liberal and that they may be quite tyrannical. It is, I have always thought, a short view of history to equate simple majority rule with the defense of the civil rights of Negroes. The civil rights of all Americans will be safer if within the Senate, which represents the Federal principle, we do not give absolute power to simple majorities.

Let me point out again that parliamentary practice as well as constitutional precedent provide important examples in which a vote of two-thirds or more is required to resolve a number of important issues. These constitutional provisions, of course, relate to final votes upon the passage of a law or upon the passage of amendments to a law. They in no way directly concern any vote

taken in the course of deliberations leading up to a final vote. In that sense, they provide us with significant precedents, but not with binding mandates.

Again, Mr. President, I would like to point out that while parliamentary practice ordinarily calls for a simple majority vote to pass a bill or to settle an issue finally, authorities seem to agree that a two-thirds, rather than a majority vote is required on a question of limitation of debate.

The Constitution, as I discussed earlier, permits each House to draw up its own rules of procedure governing the conduct of business, including deliberations preceding the taking of a final vote. Article I, section 5, paragraph 2, of the Constitution reads as follows:

> Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member.

In accordance with this constitutional provision, the Standing Rules of the Senate prescribe, as all my colleagues know, 40 rules. These rules relate to such matters as the appointment of Senators to the chair, the commencement of daily sessions, objection to reading a paper, appointment of committees, and many other matters in addition to debate, questions of order, and the making and precedence of motions.

The constitutional provision permitting each House to determine its rules of proceedings in no way prohibits an agreement by the Senate to adopt any rule requiring more than a simple majority to do certain things, except where expressly forbidden by the Constitution. On the contrary, the Senate itself, not the Constitution, is charged with rulemaking authority, except in specific enumerated instances.

Accordingly, Senate rules in some cases permit unanimous consent to govern some of its actions. In other cases, the rules call for a simple majority vote. In still others, they provide for a two-thirds majority. Rule X, for example, which concerns special orders, specifies a vote of two-thirds. The rule reads in part as follows:

> Any subject may, by a vote of two-thirds of the Senators present, be made a special order * * *

Rule XXII has, as I have previously pointed out, provided for a vote of two-thirds ever since 1917. Indeed, this ratio, under which a vote may be taken to cut off the voice of one or more Members, is identical with the constitutional ratio specified for expelling a Member and thereby also stilling his voice.

The requirement of rule XXII governing the precedence of motions, like all other rules, continues from session to session unless changed in accordance with established Senate procedure. In that respect, paragraph 2 of Senate rule XXXII reads:

> The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

The language of rule XXXII makes it clear that any motion or action taken with respect to a bill, resolution, or other matter must be subject to each and every provision of the standing rules. Otherwise, each motion, resolution, or other action would become a special case in itself and near chaos would reign.

Statements have recently been made on the floor of the Senate that the provisions of rule XXII are not intended to apply to proposals to change the rules of the Senate. That this assumption is false becomes evident upon reading the text of paragraph 2 of rule XXII. The provisions of this paragraph provide for closing the debate "upon any measure, motion, or other matter pending before the Senate, or the unfinished business." Obviously, this language covers proposals concerning the rules of the Senate as well as any other "measure, motion, or other matter pending before the Senate, or the unfinished business."

Statements have also been recently made in this Chamber that the Constitution, as well as the Founding Fathers, intended a majority vote to apply in all cases except those explicitly enumerated. Nothing could be further from the truth, at least with respect to Senate rule XXII, which relates, as I have indicated, not to the taking of a final vote, but to the course of deliberations leading up to a final vote. A two-thirds vote, as I said before, is required to cut off debate under parliamentary procedures which have been followed elsewhere for generations. The Constitution itself contains several instances in which a vote of two-thirds is required.

Senate rule XXII, accordingly, is in line both with parliamentary procedure and constitutional precedent, both of which helped the Senate to formulate the terms of the rule under the constitutional prerogative given to the upper House to determine the rules of its proceedings. Statements have been made from time to time in the Senate that the provisions of rule XXII make it impossible for the Senate ever to change its standing rules and make it impossible for legislation which has genuine and wide support ever to be enacted. Both statements are without foundation, in my opinion. The Senate has amended its rules on numerous occasions over the years. Rule XXII itself has been amended twice since the end of World War II. And, as I will point out later, no legislation wholeheartedly endorsed by the Nation has ever failed to pass the Senate even though subject to all standing rules.

ADDITIONAL CONSIDERATIONS

Mr. President, it is clear that both parliamentary practice and constitution precedent support the need for continuing the present cloture ratio of two-thirds in order to protect freedom of speech in the Senate. This ratio, first established in 1917, has passed the test of experience. Neither this ratio, nor any other parliamentary practice followed by the Senate to limit debate, have ever prevented the enactment of major legislation the Nation wholeheartedly wanted.

Very little legislation, even of a highly controversial nature, has ever been permanently defeated by failure to invoke cloture or by prolonged debate on the floor. During the 1st session of the 85th Congress in 1957, hearings were held on proposed amendments to rule XXII before a special subcommittee of the Senate Committee on Rules and Administration. Several tables set forth on pages 306 and 307 of those hearings indicate how few pieces of legislation were delayed or defeated by filibusters. In the entire history of the Senate, the tables show that "all but 11 [pieces of important legislation initially delayed or defeated by filibusters] eventually became law, in some cases after compromises had been made in their provisions following the failure of cloture." These 11 bills included the iniquitous force bill of 1890, which would have provided for Federal supervision of elections; the Armed Ship Resolution of 1917, no longer needed after the declaration of war; and 3 antilynch bills, 4 antipoll tax bills, and 2 fair employment practices bills, none of which ever received widespread support and all of which, in my opinion, lacked constitutional sanction.

Let me remind my colleagues of how Lindsay Rogers, in chapter 8 of his book on the American Senate, summarized the situation and came to the conclusion that the Senate "performed great services." He went on to say that:

> The force bill was passed by a partisan majority in the House of Representatives. It was defeated by a Senate filibuster. That it was the better course for the measure to fail, will not now, I think, be questioned; the will of a majority of the Senate may have been thwarted, but the minority was right. In other cases the prolonged debates in the Senate on pending legislation or treaties have been extremely useful in giving the country opportunities to form and express opinions.

Mr. Rogers continued:

> The struggle over the repeal of the Sherman silver purchase law lasted for 3 months, and this discussion of the country's financial policy was not wasted. It is worth while emphasizing the fact that, had the Senate voted quickly, the measure would have been lost; the majority for passage was secured after debate had explored the whole problem. The ship subsidy bill in the 4th session of the 67th Congress is another illustration of the utility of the Senate—or, more accurately, of Senate minorities which the rules do not make impotent. The measure would doubtless have passed if a minority had not obstructed and forced the Republican leaders (who were never much interested in the issue) to withdraw the bill.

A keen observer of the Senate, Mr. William S. White, substantiated in his book "Citadel, The Story of the U.S. Senate," published in 1957, that cloture has never effectively blocked the passage of bills for which there was a real and pressing demand.

Mr. White, on page 63 of his book, states that:

> It is equally clear beyond question to those who long have observed the institution that where a powerful majority really wants a bill it will find a means to have its way, cloture or no cloture.

These considerations all argue that further change now in rule XXII would be not only unnecessary but also unwise. An amendment to further restrict freedom of speech on the floor might well defeat its purpose in the long run. Lindsay Rogers, in chapter I of his book on the American Senate, points out the price that the Senate, as well as the

Nation, might pay in the event of additional amendment to rule XXII:

> Advocates of restrictions on debate rest their case on the cliches of democracy, and transform government by a majority from an imperfect device into an eternal principle. They completely overlook the fact that even if the filibustering minorities kill some meritorious legislation and treaties, the price will be a small one to pay for retaining some measure of legislative control of the executive.

William S. White, in chapter II of his book the "Citadel," also warns us of the dangers of further limiting the right of free speech on the floor. Mr. White says that "today's pleading minority could become tomorrow's arrogant majority." Let me read his full comments:

> And those who mock the institution, and demand of it "speed" and yet more speed and "efficiency" and yet more efficiency, might remember that there is altogether a good deal of both at present in American life. For illustration, those who denounce the filibuster against, say, the compulsory civil rights program, might recall that the weapon has more than one blade and that today's pleading minority could become tomorrow's arrogant majority. They might recall, too, that the techniques of communication, and with them the drenching power of propaganda, have vastly risen in our time when the gaunt aerials thrust upward all across the land. They might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure, even if a leisure uncomfortably prolonged.

In line with White's observation that today's arrogant majority could become tomorrow's pleading minority, is the view of another Senator observer, Franklin L. Burdette. In his book, "Filibustering in the Senate," published in 1940, he points out in chapter 7 how fleeting a majority position may be:

> Often Senate majorities do not conform to the opinion even of the popular majorities which they purport to represent. Frequently popular opinion upon a question has not been formulated, or if it has been, it is often not effectively expressed. For the formation and expression of public opinion, information, discussion, and time are necessary. Those indispensables are supplied in part by prolonged debate in the Senate, and filibuster may prevent hasty majority action which would be out of harmony with genuine popular will. Legislative obstruction apprises the public of proposals with which they may be out of sympathy and which perhaps are close to enactment without popular awareness. If the public is actually sympathetic with the proposition, time is afforded for consideration of factors perhaps overlooked and for a clear popular mandate. That time should elapse before a final decision is said to be a reasonable minority demand.

In this connection, the admonition given in No. 63 of "The Federalist," written either by Hamilton or Madison, still remains valid. There we are advised of the wisdom of retaining an adequate safeguard to protect minorities against what may be ill-advised action by a simple majority under the influence of "their own temporary errors and delusions." "The Federalist" points out that an institution like the Senate—

> May be sometimes necessary as a defence to the people against their own temporary errors and delusions. As the cool and deliberate sense of the community ought, in all governments, and actually will, in all free governments, ultimately prevail over the views of its rulers; so there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterward be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice, and truth can regain their authority over the public mind?

Any further amendment to rule XXII permitting cloture upon the affirmative vote of less than two-thirds would, as I have emphasized, weaken the protection afforded to minority rights under the unique Senate tradition favoring freedom of speech. Already, there is nothing in the rule to prevent an impatient majority from trying to invoke cloture at the very outset of the consideration of a bill and thus limit each Member's opportunity to discuss it.

Proponents favoring a reduction of the current ratio of two-thirds might well ponder the possibility that such a reduction could conceivably be used against their own interests to even a greater extent than could now be the case. If all Senators vote under the present two-thirds cloture requirement, 67 Senators may cut off debate. These Senators could, to take the most extreme example, represent only 33½ States. If they happen to come exclusively from the smallest States of the Union, they would represent no more than 54 million inhabitants, according to the 1960 census of population. Their affirmative vote would impose cloture upon 33 Senators from the largest States with populations in 1960 totaling more than 124 million persons. In this case, a two-thirds cloture requirement would permit, on the average, the representative of one inhabitant to still the voices of roughly two other inhabitants. With a cloture requirement of three-fifths rather than two-thirds, it would conceivably be possible for Senators from the smallest States with populations of 42 million persons to impose cloture on Senators from States with 136 million inhabitants—a proportion of about 1 to 3.

Now we come to what some really wish to do, Mr. President, which is to have a majority of one impose cloture and cut off debate. A 51-percent cloture requirement could permit cloture to be invoked by Senators representing barely more than 29 million persons and imposed upon 149 million others—a proportion of 1 to 5. While these extreme cases might never, in fact, occur, they are not foreign to the thinking of one of the chief advocates of the change—Mr. Walter Reuther.

The eighth chapter of the Book of St. John reminds us of the importance of preserving freedom of speech which leads toward knowledge and truth:

> And ye shall know the truth, and the truth shall make you free.

Let us keep untrammeled our present rules and traditions. Let us uphold the Senate as a place where freedom of speech may be exercised to the greatest possible degree in keeping with the inscription on our Senate Office Building, "The Senate Is the Living Symbol of Our Union of States." Let us strive to maintain the reputation of the upper House as the greatest deliberative body in the world, in the spirit of Voltaire, who said:

> I disapprove of what you say, but I will defend to the death your right to say it.

Only in this way can we hope that the upper Chamber will continue to be worthy of the description made of it many years ago by the British Prime Minister, William E. Gladstone:

> That remarkable body, the most remarkable of all inventions of modern politics, the Senate of the United States.

Mr. SPARKMAN and Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER (Mr. METCALF in the chair). The Senator from Alabama is recognized.

Mr. SPARKMAN. Mr. President, I say, for the benefit of the Senator from Wisconsin, I shall speak very briefly because I must attend a conference committee meeting.

Mr. President, I rise in opposition to the proposed changes in rule XXII which would further restrict Senators' traditional privileges of debate. This body has come to be known as the world's greatest deliberative body—and not without reason. For the rules and customs of the Senate have assured that there will be careful and thorough deliberation of every point of view on every issue. If there should be a deficiency in deliberation, it is not the fault of the rules and customs of the Senate but rather the Members themselves.

It is important to our Republic and our way of government that this body should continue to be a forum in which the voices of the States can be heard unfettered by arbitrary restrictions. Senators know this and they cherish it. They know how important it is to assure the rights of a strong minority to present its case on any given issue with such thoroughness and in such detail as that minority deems necessary and appropriate.

Basically, then, the question before the Senate involves the role this body should play in resolving a conflict between the rights of the majority on the one hand and those of a strong minority on the other. Such conflicts are not peculiar to the Senate. They take many forms, the relation between the powers of the Federal and State Governments, the relation between the rights and privileges of the individual and the power of government, and the relation of separate bodies in bicameral legislatures. Of course, there are many other examples of such conflicts, and the resolution of such conflicts, giving due regard to the views and responsibilities of each, is never an easy task.

In such controversies, Americans have seldom been willing to swallow one side of the argument whole, while completely abandoning the other. We have been prone to seek the golden mean. Unwilling to sacrifice either the rights of the majority, or those of the minority or

individual, we have tried to achieve workable compromises between the two ideals. Certainly, this is true in this body where all of us know that legislation at its best is a compromise.

Mr. President, the American way has been one of compromising, of seeking a middle road between the ideals of the rights of the many and of the few. We have rejected rule of the many by the few. But we have also long recognized that the principle of majority rule is not to be regarded as an undiluted eternal truth, to be held in awe and accepted without reservation. And I hope to show that the present cloture rule rests on just such compromise as I have described, and enables our governmental structure to give protection to both the many and the few.

To insure that the many do not dominate the few in our legislative system, we have need of restraining influences of checks on the majority. One of our greatest such checks is the Senate, and the privilege and tradition of unlimited debate has been one of the Senate's favorite instruments in causing moderation. The remark of columnist William S. White, in his 1957 book, "Citadel," seems appropriate:

> This institution came upon the scene to check bigness, a big Federal Government, the big States, the big parties, and even the big majority.

The need for a restraining influence, for calm and deliberate action, and the desirability of having the Senate serve those purposes were recognized by the Founding Fathers of this country. In this respect, I would like to refer to the comments of Mr. George Schultz, former Director of the Legislative Reference Service. Mr. Schultz wrote of Edmond Randolph's discussion, in the Constitutional Convention, of the Virginia plan, and specifically of that plan's provision for a bicameral legislature. He says of Randolph:

> If he was to give an opinion as to the number of the second branch he thought it ought to be much smaller than that of the first; so small, indeed, as to be exempt from the passionate proceedings to which numerous assemblies are liable. He held that the general object was to provide a cure for the evils under which the United States labored; that in tracing these evils to their origin, every man had found it in the turbulence and follies of democracy; that some check therefore was to be sought for against this tendency, and that a good Senate seemed most likely to answer the purpose.

James Madison similarly recognized the potential value of the senatorial branch. Writing in "The Federalist," No. 62, he argued:

> The necessity of a Senate is not less indicated by the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions and to be seduced by factious leaders into intemperate and pernicious resolutions. Examples on this subject might be cited without number, and from proceedings within the United States as well as from the history of other nations.

The respective roles of the House and Senate were summarized well by Alexander Hamilton, in a speech on June 25, 1788. Referring to the conflict between the concepts of the rights of the many and those of the few, he said:

> Good constitutions are formed upon a comparison of the liberty of the individual with the strength of government. If the tone of either be too high, the other will be weakened too much. It is the happiest possible mode of conciliating these objects, to institute one branch peculiarly endowed with sensibility, another with knowledge and firmness. Through the opposition and mutual control of these bodies, the Government will reach, in its operations, the perfect balance between liberty and power.

The perfect balance between liberty and power. I am sure my colleagues will agree that it is this which we desire today, just as did Hamilton in his time. And a factor that will help us maintain that balance, in our day as in Hamilton's, is the existence of two bodies different in nature, whose characteristics enable them to balance one another.

Of course, many changes have occurred since the days of the Founding Fathers. Senators are now elected directly by the people, the Senate has grown larger, and our business has increased, to cite only a few changes. But the important deliberative functions of the Senate must not be upset, if the Sentate is to continue to meet the grave responsibilities our forebears intended for it and our countrymen expect of it.

Some of my colleagues will argue that the proposed changes in the cloture rule will not destroy the capacity of this body to restrain hasty or arbitrary actions, but, surely, more will argue that the proposal will not weaken that capacity. And this weakening will lead to more until its very nature is changed. That seems to me to be the primary point.

For what it involves is a movement on the scale of authority—a scale that runs from the ideal of the rights of the minority to the ideal of the rights of the majority, from—in Hamilton's terms—liberty to power. And the proposal to change rule XXII advocates a movement along that scale from the rights of the minority, toward the rights of the majority—a movement from liberty, toward power.

Mr. President, I favor free and extended debate. I did not support the last proposal to limit debate. I said at the time that such a proposal would but result in another and still another until the voices of a sizable minority could only be heard in this Chamber upon the sufferance of a simple majority. And so it is that the Senate is being asked today to take another step toward that tragic result.

I have not painted a happy picture of the results that I would anticipate if the cloture rule were changed by one of the resolutions under consideration by this great body. Now, let me outline for you the reasons why I am so firmly convinced that these proposals would result in a weakening of the Senate's traditional role as the greatest deliberative body in the world.

It is my contention that this country has achieved in its system of government, not a perfect, but at least a very good balance between liberty and power, and that to disturb this balance by changing the cloture rule would be to the serious and harmful disadvantage of liberty and of minority rights. For this rule, as it now stands, is not merely an isolated procedural matter. It, and its implication of permitting extended debate, have become fundamental and integral aspects of our system of government. As I see it, the present rule rests on, and is consonant with, two compromises implicit in our system.

The first of these compromises is between the rights of the majority and those within the Senate, itself. I shall speak in a moment of this compromise. I shall then consider the other compromise, between the Senate and the House of Representatives. In each compromise, I hope to show a wise and prudent balance of rights, a balance which ought not be disturbed.

In any democratic assembly, the majority have the right to act. But also, in any such body, there is an equally fundamental right to thorough discussion. And in the Senate of the United States, there has been a tradition of permitting unlimited debate. As the late Senate majority leader, Joseph Robinson, of Arkansas, has put it:

> When a Senator once takes the floor, nobody but Almight God can interrupt him—and the Lord never seems to take any notice of him.

This is reflected by the fact that from 1806 to 1917, the Senate had no device for terminating debate which resembled what we today know as cloture.

When, in 1917, the Senate adopted a cloture rule for the first time—the previous question prior to 1806 being somewhat different in nature—it had the problem of deciding upon an equitable formula which would protect both the rights of the many and those of the few. According to the report of the Senate Rules Committee of the 1st session of the 81st Congress, the Senate in 1917 "was at that time seeking to find a safe and sensible middle ground between majority cloture and debate without limit." As the Senate knows, the rule adopted in 1917 provided for a two-thirds vote to end debate, as does the rule under which this body presently operates on pending measures, and not upon such questions as motions to take up.

Writing of the rule adopted in 1917, Prof. Franklin Burdette stated in 1940 in his historial analysis, "Filibustering in the Senate":

> The existence of filibustering in America today is evidence of a compromise between the authority of the many and the rights of the few. The principle of leadership is tinctured with restraints.

And as the very distinguished former Representative from Massachusetts, Mr. Robert Luce, argues in his 1922 book, "Legislative Procedure":

> The very mild and moderate form of cloture adopted by the Senate will permit the majority in that body to assume responsibility in time of crisis and threatens no great harm to minorities.

Mr. Luce's comments attest to the reasonableness of the compromise arrived at in 1917.

In 1917 a compromise was found, and the power of the majority remained limited. A similar compromise between

the rights of the many and those of the few was found in 1959, when a simple two-thirds majority was again pronounced the requisite vote to adopt cloture.

By not going beyond the two-thirds fraction to one of three-fifths, or of a majority, or of some other fraction, the Senate expressed its belief that a genuine limitation should be placed on the power of the majority. As Mr. Walter Lippmann has written:

> The genius of the American system * * * is that it limits all power—including the power of the majority. Absolute power, whether in a king, a president, a legislative majority, a popular majority, is alien to the American idea of democratic decision.

The Senates of 1917 and 1959 appear to have been in agreement with Mr. Lippmann on that score.

Since the problem of limiting the power of the majority is one which extends to deliberative bodies other than this one, I have been interested in what parliamentarians have to say about the matter. Gen. Henry Robert, for example, states in his "Rules of Order, Revised":

> There has been established as a compromise between the rights of the individual and the rights of the assembly the principle that a two-thirds vote is required to adopt any motion that * * * closes or limits, or extends the limits of debate.

As General Robert is regarded today as perhaps the leading authority on parliamentary law, his views on this compromise seem significant.

Mr. President, the Senate of the United States is an unique body, and its rules need not agree with those of any other body. But this should not prevent us from examining the views of parliamentarians as to what is the accepted or the desirable vote to require when debate is limited or closed. I feel no reluctance to call your attention to such views, for the advocates of a rules change have not in the past hesitated to cite examples of foreign parliaments, or of State governments, to prove the need for a change in the rules.

In an effort to determine the attitude of American writers on parliamentary law in this matter, I have examined the index cards in the Library of Congress Annex Building files, under the headings of parliamentary law, practice, procedure, and rules. I have tried to call up and examine all the books in the Library's possession under these headings, which discuss the limiting or closing of debate, with these exceptions: books not written in English, books published outside the United States or concerning practice outside this country; books which only state what the procedure is or was in Congress, or in the State legislatures; and books whose authors expressly exclude their works from application to legislative bodies. Even with these exceptions, I could not obtain copies of all the books not excluded—some being checked out or in use, others missing. But I did succeed in examining and compiling a list of 100 books on parliamentary procedure, which in my judgment do not deserve exclusion on any of the grounds I have listed. This is not an exhaustive list then, but I believe it to be a list which fairly demonstrates the attitude of this country's writers on parliamentary law.

Now, of these 100 works, about nine are not specific as to what vote is required for the previous question, or to limit or close debate. Ten books vary the vote required for different motions or different sized assemblies, while Jefferson's Manual is primarily concerned with a different form of previous question than are the other volumes. Only nine of these works suggests that a majority vote is sufficient for these purposes in a deliberative body. And the remaining 71 books, Mr. President, recommend that a two-thirds vote be required for the previous question, or to limit or close debate.

I have prepared a list of these treatises, and I ask unanimous consent that they be printed in the RECORD at this point in my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Atwood, Roswell L., "Atwood's Rules for Meetings," Atwood Corp., Melrose, Mass., 1956; two-thirds vote required to limit or close debate.

Bartlett, William H., "The Parliamentary Pathfinder," Thomas Y. Crowell & Co., New York, 1903; two-thirds vote is most "widely adopted" for previous question.

Baughman, Mrs. J. Harris, "A Compendium of Parliamentary Law," the Madison-Journal, Tallulah, La., 1928; two-thirds vote required for previous question.

Bethel, Lilian C., "A Compendium and Question Book of Parliamentary Law," published by author, Columbus, Ohio, 1893; two-thirds vote required for previous question.

Blakeley, William A., "Blakeley's Parliamentary Rules, Pacific Press Publishing Co., Oakland, Calif., 1888; two-thirds vote required for previous question, or to limit or close debate.

Bridge, Lawrence W., "The Funk & Wagnalls Book of Parliamentary Procedure," Funk & Wagnalls Co., New York, 1954; two-thirds vote required for previous question, or to limit or close debate.

Cavanaugh, George W., "Simplified Parliamentary Practice," Brennan Printing Co., East Syracuse, N.Y., 1956; two-thirds vote required for previous question, or to limit debate.

Coe, Mrs. Henry C., "ABC of Parliamentary Law," published by author, 1921; two-thirds vote required for previous question.

Coggins, Paschal H., "Parliamentary Law," the Penn Publishing Co., Philadelphia, 1909; not specific as to required vote.

Craighead, Mrs. Erwin, "Lessons in Parliamentary Law, Rev.," The Gorham Press, Boston, 1925; two-thirds vote required for previous question.

Cruzan, Rose Marie, "Practical Parliamentary Procedure," McKnight & McKnight, Bloomington, Ill., 1953; two-thirds vote required for previous question, or to limit debate.

Cushing, Luther S., "Rules of Proceeding and Debate in Deliberative Assemblies, Rev.," J. M. Ottenheimer, Baltimore, 1950; two-thirds vote required for previous question, or to limit debate.

Darvill, Fred T., "Darvill's Parliamentary Law and Procedure," published by author, San Francisco, 1941; two-thirds vote required to limit debate.

Demeter, George, "Demeter's Manual of Parliamentary Law and Procedure, Rev.," Bostonia Press, Boston, 1950; two-thirds vote required for previous question, or to limit debate.

Downward, Henry C., "Procedure: A Treatise on Parliamentary Law," Chas. H. Gray, Wilmington, Del., 1928; two-thirds vote to limit or close debate.

Fielde, Adele, "Parliamentary Procedure," published by author, 1899; two-thirds vote required for previous question.

Fish, George T., "American Manual of Parliamentary Law," published by author, Rochester, N.Y., 1879; two-thirds vote required to close debate, majority vote required to limit it.

Fowler, Leonard B., "Essentials of the Rules of Parliamentary Procedure," Franklin Press, Fresno, Calif., 1903; two-thirds vote required for previous question, or to limit or close debate.

Gaines, Charles K., "The New Cushing's Manual of Parliamentary Law and Practice," Thompson Brown Co., Boston, 1913; majority vote required for previous question, or to limit debate.

Gaskell, G. A., "Gaskell's Compendium of Forms," Fairbanks & Palmer, Chicago, 1887; majority vote required for previous question, or to limit or close debate.

Gleason, F. M., "Gleason's Parliamentary Digest for Deliberative Bodies," Kalamazoo Loose Leaf Binder Co., Los Angeles, 1920; two-thirds vote required for previous question, or to limit debate.

Gore, J. Howard, "Congressional Manual of Parliamentary Practice," C. W. Bardeen, Syracuse, N.Y., 1893; two-thirds vote required to limit or close debate.

Gross, Walter S., "Practical Parliamentary Rules," Pratt Bros., Marlboro, Mass., 1899; not specific as to require vote.

Gregg, Fred M., "Handbook of Parliamentary Law, Rev.," The Athenaeum Press, Boston, 1940; two-thirds vote required for previous question, or to limit debate.

Grubbs, W. B., Jr., "Parliamentary Tactics, or Rules of Order," Eden Street Printing Co., Cincinnati, 1890; two-thirds vote required to limit or close debate.

Hackett, Frank W., "The Gavel and the Mace," McClure, Phillips, & Co., New York, 1900; not specific as to required vote.

Haines, Elijah M., "Parliamentary Law," the Legal Adviser Publishing Co., Chicago, 1885; not specific, but apparently means majority required to close debate.

Hall, Alta B., and Sturgis, Alice F., "Textbook on Parliamentary Law," the MacMillan Co., New York, 1923; two-thirds vote required for previous question, or to limit debate.

Hallenbeck, W. E., "Rules Governing Order and Debate," Wynkoop, Hallenbeck & Co., New York, 1888; two-thirds vote required for previous question, or to limit or close debate.

Haskin, Frederic J., "Parliamentary Law," published by author, Washington, D.C., 1940; two-thirds vote required for previous question, or to limit or close debate.

Hawley, Edward W., "Principles of Parliamentary Law," A. W. Hubbard, Minneapolis, Minn., 1938; two-thirds vote required for previous question, or to limit or close debate.

Henderson, Grant, "Parliamentary Procedure," Droke House, Indianapolis, 1955; two-thirds vote required for previous question, or to limit debate.

Henderson, Melvin, and Rucker, Herbert, "A Guide to Parliamentary Practices," the Interstate Printers and Publishers, Danville, Ill., 1941; two-thirds vote required for previous question, or to limit debate.

Henry, Dale E., "Henry's Parliamentary Law," published by author, Chicago, 1895; states that it would be well to require two-thirds vote for previous question, or to limit debate.

Henry, W. H. F., "How To Organize and Conduct a Meeting," Hinds & Noble, New York, 1902; majority vote required for previous question as the custom is now, but this motion ought to be under some limitations greater than that which is customary in the case of other motions.

Hollister, Lillian M., "Manual of Parliamentary Terms and Procedures," published by author, Detroit, 1902; two-thirds vote required for previous question, or to limit debate.

Hoot, Harry, "Parliamentary Tactics," the Scientific Publishing Co., New York, 1893; two-thirds vote required in small assemblies, majority vote required in large assemblies, for previous question.

———, "The Columbian Compend," the Scientific Publishing Co., New York, 1897; two-thirds vote required in small assemblies, majority vote required in large assemblies, for previous question.

Howe, Frank William, "Howe's Handbook of Parliamentary Usage," Noble & Noble, New York, 1932; two-thirds vote required for previous question.

Jefferson, Thomas, "A Manual of Parliamentary Practice," Clark, Austin & Smith, New York, 1858; "The proper occasion for the previous question is, when a subject is brought forward of a delicate nature as to high personages, etc., or the discussion of which may call forth observations which might be of injurious consequences. Then the previous question is proposed, and, in the modern usage, the discussion of the main question is suspended, and the debate confined to the previous question. The use of it has been extended abusively to other areas: but in these it is an embarrassing procedure: its uses would be as well answered by more simple parliamentary forms, and therefore it should not be favoured, but restricted within as narrow limits as possible."

Jones, O. Garfield, "Instant Use Manual for Leadership Within a Group and Parliamentary Procedure," published by author, 1932; two-thirds vote required for previous question, or to close debate.

Karcher, Joseph T., "Handbook on Parliamentary Law," the Michie Co. Law Publishers, Charlottesville, Va., 1959; two-thirds vote required for previous question, or to limit debate.

Kerfoot, F. H., "Parliamentary Law," Chas. T. Dearing, Louisville, Ky., 1897; majority vote required for previous question, or to limit or close debate.

Lee, J. Ross, "Chromatic Chart and Manual of Parliamentary Law," Robert Clarke & Co., Cincinnati, 1888; two-thirds vote required for previous question.

Lee, Urguhart, "Parliamentary Lessons," Rand, McNally & Co., Chicago, 1899; not specific as to vote required.

Leffingwell, Sam. L., "A Manual of Rules of Order for the Use of Deliberative Assemblies," published by author, Indianapolis, 1891; two-thirds vote required for previous question.

Leigh, Robert D., "Group Leadership," W. W. Norton & Co., New York, 1936; two-thirds vote required for an "immediate vote" motion.

———, "Modern Rules of Parliamentary Procedure," W. W. Norton & Co., New York, 1937; two-thirds vote required for an "immediate vote" motion.

Leighton, Frederick, "Students Hand Book of Parliamentary Law," published by author, Oswego, N.Y., 1915; not specific as to vote required.

Lewis, Mrs. John F., "A Compendium of Parliamentary Law," Otto Ulbrich Co., Buffalo, N.Y., 1935; two-thirds vote required for previous question.

Lightfoot, L., "The Disputant's Parliamentary Guide" published by author, 1886; two-thirds vote required for previous question, or to limit debate.

Longan, Emma L., "Parliamentary Rules Made Easy," Hallman & Co., Kansas City, Mo., 1900; two-thirds vote required for previous question.

———, "Twelve Easy Lessons in Parliamentary Law," published by author, Kansas City, Mo., 1916; two-thirds vote required for previous question.

Luce, Robert, "Legislative Procedure," Houghton Mifflin Co., Cambridge, Mass., 1922; "drastic" cloture may be needed in "as large a body as the House of Representatives," but "mild and moderate" cloture (such as the Senate's 1917 rule) is preferable in the Senate.

McKelvey, Elizabeth G., "Ritual of Parliamentary Law for Ordinary Assemblies," The MacMillan Co., New York, 1934; two-thirds vote required for previous question, or to limit debate.

Martin, Thomas, "Martin's Modern Manual of Parliamentary Law and Procedure," published by author, 1939; two-thirds vote required for previous question, or to limit debate.

Mason, Paul, "Manual of Legislative Procedure for Legislative and Other Governmental Bodies," California State Printing Office, Sacramento, 1953; majority vote required for previous question, or to limit debate.

Mell, P. H., "Rules for Conducting Business in Deliberative Assemblies," Baptist Book Concern, Louisville, Ky., 1893; majority vote required for previous question.

Menchhofer, Joseph D., and Sponberg, Harold E., "Rules for Parliamentary Procedure, Revised," Michigan State College Press, East Lansing, 1951; two-thirds vote required to limit or close debate.

Mendenhall, Lewis, "Pocket Manual of Parliamentary Law," condensed, W. B. Rose, Chicago, 1916; two-thirds vote required for previous question, or to limit or close debate.

Miees, Frank P., "Parliamentary Law Simplified," Civic Extension Press, Chicago, 1945; two-thirds vote required for previous question or to limit debate.

Moore, Zoe S., and Moore, John B., "Essentials of Parliamentary Procedure," Harper & Bros., New York, 1944; two-thirds vote required to limit or close debate.

Murphy, Richard, "Making Group Decisions—Parliamentary Procedures," published by author, Boulder, Colo., 1943; two-thirds vote required a limit or close debate.

Neely, Bishop Thomas B., "Neely's Parliamentary Practice, Revised," the Abingdon Press, New York, 1925; two-thirds vote required for previous question, except that large bodies such as the House of Representatives may require a special rule, while any cloture rule at all is inadvisable for the Senate, which could have continued its efficiency without such a departure from its tradition and law.

———, "The Parliamentarian," Cranston & Curtis, Cincinnati, 1895; two-thirds vote required for previous question, or to limit or close debate.

Nolan, William I., "A Guide to Parliamentary Practices," the Northwestern Press, Minneapolis, Minn., 1938; two-thirds vote required for previous question, or to limit debate.

O'Brien, Joseph F., "Parliamentary Law for the Layman," Harper & Bros., New York, 1952; two-thirds vote required to limit or close debate.

Palmer, Clarence A., "A Compendium of Parliamentary Rules Concerning Motions, Debate, and Decorum in Business Meetings," the Minnesota Typographic Co., St. Paul, 1907; two-thirds vote required for previous question, or to limit or close debate.

Palmer, Edmond, "A New Parliamentary Manual," Noble & Noble, New York, 1927; two-thirds vote required for previous question, or to limit debate.

Parker, Elianor N., "The Key, Revised," published by author, 1952; two-thirds vote required for previous question.

Parsons, Theophilus, "Political, Personal, and Property Rights of a Citizen of the United States," National Publishing Co., Cincinnati, 1875; not specific as to vote required.

Paul, Nanette B., "Parliamentary Law," published by author, 1908; two-thirds vote required for previous question.

Payne, F. M., "Cushing Boiled Down," Excelsior Publishing House, New York, 1896; two-thirds vote required for previous question.

Plummer, Mary R., "Practical Lessons in Parliamentary Procedure," published by author, Chicago, 1922; two-thirds vote required to limit or close debate.

R., Sr. E.C.S. (sic), "The Ready Parliamentarian," published by author, 1911; two-thirds vote required for previous question, or to limit or close debate.

Read, Harry C., "Manual of Parliamentary Law," published by author, Chicago, 1941; two-thirds vote required for previous question, or to limit debate.

Reed, Thomas B., Reed's Rules, "A Manual of General Parliamentary Law," Rand, McNally & Co., Chicago, 1898; "In small assemblies there is but little use for the previous question; * * *. In large assemblies, especially of the legislative kind, there should be a special rule giving the previous question a higher place than it has under general parliamentary law."

Robert, Henry, "Robert's Rules of Order, Revised for Deliberative Assemblies," Scott, Foresman & Co., 1951; two-thirds vote required for previous question, or to limit debate, except in bodies such as the House of Representatives which do such "an enormous amount of business."

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Mr. SPARKMAN. I have prepared a good deal more material. However, time is running, and there are other Senators who wish to speak, and I am supposed to go to a conference committee meeting at this time. Therefore, I shall cease, and hope for an opportunity later in the course of this debate to speak again, when I may bring forth other information which I believe to be quite interesting and most informative.

WISCONSIN CITIZENS OVERWHELMINGLY FAVOR AGREEMENT TO SUSPEND NUCLEAR TESTING

Mr. PROXMIRE. Mr. President, I have just completed a carefully conducted poll to secure as representative a sample of Wisconsin opinion as possible. Some 10,000 Wisconsin citizens were selected at random from telephone books and rural boxholder lists to give each of Wisconsin's 72 counties representation in proportion to population. More than 2,000 responses were tabulated. A balance between rural and urban respondents was also solicited in proportion to population.

In the 1960 election Nixon defeated Kennedy in Wisconsin, receiving 53.2 percent of the State vote.

Today, according to this poll, Kennedy would defeat Nixon by a decisive 3 to 2 vote in Wisconsin if the 1960 contenders were to face each other again.

The biggest surprise of the poll was that Wisconsin citizens by a margin of nearly 4 to 1 favored reaching an agreement with Russia based on inspection and control to suspend nuclear testing, with Kennedy and Nixon supporters favoring agreement by similarly heavy majorities.

There was a sharp increase in support for such an agreement after Russia unilaterally resumed bomb testing. It was exactly the opposite of what I had expected. One-third of the responses were received before the Soviet resumption of testing, two-thirds after the Russian tests.

Respondents to the Wisconsin poll showed almost the same support for health insurance tied to social security as they did for Kennedy over Nixon. The percentage was 60.1 percent for, to 39.9 percent against.

The poll revealed a more even distribution of opinion on Federal aid for education, with 53 percent favoring and 47 percent opposing the proposal.

A resounding 73 percent majority of those responding to the poll favored reducing "spending by several billion dollars by cutting foreign and nondefense expenditures."

I ask unanimous consent that a comprehensive survey of the poll results by congressional districts be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Question 1. In view of the record of President Kennedy to date would you support him against Richard Nixon if that election were held today?

District	Largest city	Percent	
		Yes	No
1	Racine	58.5	41.5
2	Madison	59.4	40.6
3	La Crosse	50.0	50.0
4 and 5	Milwaukee	69.5	30.5
6	Sheboygan	55.1	44.9
7	Wausau	48.2	51.8
8	Green Bay	46.7	53.3
9	Eau Claire	63.9	36.1
10	Superior	76.6	23.4
Statewide		60.6	39.4

Question 2. Should we try to achieve agreement with Russia to limit testing of nuclear weapons based on inspection and control?

	Percent	
	Yes	No
1st	78.4	21.6
2d	80.0	20.0
3d	76.2	23.8
4th and 5th	83.0	17.0
6th	78.4	21.6
7th	80.2	19.8
8th	69.6	30.4
9th	84.7	15.3
10th	80.6	19.4
Statewide	78.8	21.2

Question 3. Should the Congress pass health insurance for the aged paid for by an increase in your social security tax?

	Percent	
	Yes	No
1st	59.8	41.2
2d	57.7	42.3
3d	41.8	58.2
4th and 5th	69.3	30.7
6th	48.3	51.7
7th	50.4	49.6
8th	45.5	54.5
9th	63.6	36.4
10th	80.6	19.4
Statewide	60.1	39.9

Question 4. Do you favor Federal aid for education?

	Percent	
	Yes	No
1st	45.4	54.6
2d	52.5	47.5
3d	44.4	55.6
4th and 5th	62.8	37.2
6th	45.1	54.9
7th	42.6	57.4
8th	47.1	52.9
9th	56.5	43.5
10th	65.9	34.1
Statewide	53.0	47.0

Question 5. Should the Federal Government reduce spending by several billion dollars by cutting foreign and domestic nondefense expenditures?

	Percent	
	Yes	No
1st	72.2	27.8
2d	71.2	28.8
3d	72.8	27.2
4th and 5th	68.9	31.1
6th	67.8	32.2
7th	83.9	16.1
8th	82.6	17.4
9th	71.6	28.4
10th	68.2	31.8
Statewide	73.0	27.0

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its session today, it take a recess until 11 a.m., tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE—PROPOSED AMENDMENT OF RULE XXII

The Senate resumed the consideration of Mr. MANSFIELD's motion to proceed to the consideration of Senate Resolution 4, a resolution to amend the cloture rule by providing for adoption by a three-fifths vote.

Mr. LONG of Louisiana. Mr. President, the men who labored to bring the American Government into being very carefully provided a system of checks and balances which has served to keep this Republic alive and vigorous as governments elsewhere around the world have collapsed into ruin. The framers of the Constitution worked long weeks in Philadelphia to reconcile the conflicting interests and the divergent views of the Thirteen States. The system of government they conceived, which still remains unique, was predicated upon liberty and justice for all; not upon liberty and justice for the majority, not upon liberty and justice for the minority, but liberty and justice for all the people, regardless of section, economic interests, or political views.

Numerous facets of the Constitution testify to the interest of the delegates in forming a government which would prevent the rebirth in America of the tyranny against which the Founding Fathers themselves had so recently rebelled. The interests of manufacturing New England were delicately balanced

against those of the agricultural South. The rights and privileges of the more populous States had to be balanced against those of the less populous States. Problem after problem confronted these men, and their solution on the whole was found to be in the system of government which, rather than giving the bridle to the majority, actually is constituted to restrain the majority.

To say that our Government is a pure democracy or that our forefathers ever intended that it should be is to fly in the face of the facts. The existence of the Senate itself speaks eloquently of the intent of the Founding Fathers not to have pure majority rule. They wanted certain restraints on the majority for the protection of minority rights. The constitutional provisions which require substantial majorities in certain cases are still further testimony that the Founding Fathers feared the rule of a majority in many respects and provided protection for the minority, whatever that minority, against the tyranny which too often results from the machinations of a majority.

This very body, the Senate of the United States, was created for the purpose of protecting the small States from the power of population enjoyed by the larger States. A great part in this protection has been played by the existence of free debate in this body.

Those who are attacking the idea of free debate venture the argument that our Government is based upon the principle of majority rule, and then proceed to say that a simple majority of those in this body should have the power to dictate the rules under which we operate and the legislation that we enact. In their fervor, proponents overlook safety valves built into our system of government designed to protect minorities from unadulterated majority rule.

The fathers of our country designed our Constitution with this thought uppermost in mind: That majorities swayed by passion frequently act in haste. Our Federal Government with its checks and balances was the result. There were many roadblocks put in the way of hasty and ill-conceived legislation. The Bill of Rights was added to protect the individual from the vast power of government. The most important protection of minority groups was the Senate of the United States. This great institution was itself the result of a compromise, to insure that the small States would have a strong voice in the running of our Federal Government. In this body, simple majority rule was never intended.

The Senate of the United States was not originally established as a body for the purpose of initiating legislation. This body was established as a part of a great compromise, to assure that smaller States would have the right to equal representation with larger States in at least one House. This body was described by one of the founders of our Nation as the saucer into which the hot liquid of the cup could be poured and cooled. In the Senate we have seen it demonstrated time and again that this concept still applies to defeat bad legislation. The Nation was by far the gainer, because the Senate can be depended upon to guarantee careful study where the House of Representatives has failed to do so.

I say, therefore, that every move to obstruct free debate in this body undermines the very foundations of the American Government. The stability and durability of this Government are based upon restraints to protect minorities and individuals. We must preserve these restraints. Let us not allow that violence of party spirit against which George Washington warned us to be the undoing of our great Nation.

The right of free debate works to benefit people in the defense of their customs, traditions, and societies from ruthless dictation and control by a sovereignty which often heeds pressure groups. Someday there will be other minorities just as much in need of the precious privilege of the Senate rule as today are we of the South. The weapon of free debate is the greatest protection the rank and file of our people in the United States enjoy. It guarantees them a chance to know what is going on in the Senate before something that would do great harm to them is passed.

This is the only House of Congress which has a rule of free debate. In fact, no other parliamentary body in the world has free debate to the extent practiced in the U.S. Senate. This is the greatest protection of our liberty. This is one of the reasons why the American Government, made up of people with so many divergent views and so many different classes and kinds of people has been able to survive for almost 200 years while other nations throughout the world have crumbled.

Mr. President, our Government is replete with built-in safeguards to protect the rights of minorities, of which the Bill of Rights is only one. One-third plus one of either House of Congress with the concurrence of the President can prevent legislation from becoming law. One-third plus one of the Senate can prevent the ratification of a treaty. One more than one-third of the Congress can prevent the submission of a constitutional amendment to the States. One more than one-fourth of the States can prevent the adoption of a constitutional amendment. In most States, and I believe in our Federal system generally, a single juror can prevent a man from being judged guilty, and in many States a single juror can even prevent a civil judgment from being taken against a defendant.

One of the most vital safeguards of our democratic way of life is our reliance upon orderly process. This is being whittled away. Every time we make it easier to invoke cloture in this body, we are giving away a little of our freedom. What is far more important, we are removing one of the most important safeguards of minority rights that exists under the Constitution. Let there be no mistake—every breach in the walls of full discussion in the U.S. Senate is a weakening in our structure of government dedicated to the interests of all our people. Have we become so used to the freedoms for which we have fought so many times that we would now willingly give away a cornerstone of our liberty? Are we going to say to all minorities that in the future they have no rights, that the majority, no matter how temporary, rules as it will? Surely, we would not further curtail the rights of minorities to protect themselves and, in the long run, all of us. Make no mistake—we are all in this together. A blow to one is a blow to all, and a further limitation of debate in this body would be a blow directed to the very heart of our democratic system of government.

In this great country, we have almost every racial group represented. We have innumerable sectional considerations, and probably the greatest diversity of interests of any nation in the world. Time and again we will be called upon to pass legislation harmful to a minority for the greater good of the Nation. The minorities will frequently suffer such legislation, although the Nation as a whole may benefit. Certainly it is asking little enough for the minority that its representatives may postpone and delay legislation which would perpetrate the greatest possible injury upon such minorities. Any group adversely affected by a law is entitled to a considerable number of reasonable delays in order that their case may be fully presented. Many judicial decisions have been delayed for years through procedural delay, and yet no one has found a way to do greater justice than under our tried and proven system of law. Similarly, a minority is entitled to delay in consideration of measures in order that they may be passed only after mature judgment.

Freedom of debate in the Senate protects us from pressure groups. All of us are human—all of us, besides being statesmen, are politicians. We have to be politicians to win elections from time to time. Certainly, the time may come when a Senator is facing an election and feels that some piece of legislation should be forced through the Congress because its enactment will help him obtain reelection. Certainly, Senators are no more elevated in thought and impulse than other men. With the privilege of free debate out the window, it is only a question of time until the Senate degenerates into ruin. The right of free debate is the greatest weapon we can have against a Member of the Senate casting a vote which may not be wise and correct in the light of his own conscience.

We know that pressure groups frequently have a never-ending store of laws designed to overhaul and disrupt the social pattern of our States. We know that this proposal to change the rules of the Senate stems primarily from the desire on the part of certain Senators to prevent the southern Senators from having the opportunity of a full defense under the rules against proposed legislation especially designed to affect their State. It stems from the difficulty of pressure groups to endlessly hold prisoner the Senators who may have promised their support.

Yes, Mr. President, many of those who are so determined to amend Senate rules

to limit debate seem to be propelled by a desire to help the southern Negro. The idea seems to be that, by stifling the minority of southern Senators here, it will be possible to pass legislation that will compel better relations between the Negroes and whites in the South. That this result will not be obtained in this way has amply been demonstrated, and should be apparent to even the most starry-eyed reformer. One man cannot be taught to respect another by trampling upon the first man's rights. We cannot hope to overcome the prejudice of a people by fiat, nor is it possible to legislate friendship. The conscientious majority of people in the South are trying to work out our racial problems. Those who are honestly seeking a solution are not helped in their efforts by extremists from other areas of the country who only increase tension by attempting to force their own solution down our throats.

Let there be no mistake about this fact: the southerners in this body represent the overwhelming majority of southern opinion on this question. Never in history has it proven wise to attempt to force at bayonet point a law upon a people determined to resist that law. When there is almost complete opposition to legislation in a particular section of the country, there must be more than a narrow nationwide majority supporting it. When the representatives of a section of this country are willing to fight a measure with every fiber of their being and every weapon at their command, and the people that they represent are wholeheartedly in support of their position, it is apparent that there must be overwhelming nationwide sentiment in favor of the measure if it is to have any chance of success in practice. If this overwhelming sentiment is present, then surely this majority could outlast any attempt at obstruction of this body. If not, it is better that the measure not become law.

One thing which should always be kept in mind about minorities is that today's majority is often tomorrow's minority. In a country as broad as ours, with as many divergent interests and different kinds and groups of people, the majority will differ from day to day. In the light of this, who among us can afford to dispense with the safeguard of minority rights afforded by the present cloture rule?

Today we of the South are in the minority. We insist that the rules designed to protect the minority remain unchanged. Would not any minority do the same thing? Suppose the Senators from New York were in the minority. Would not they wish to see the rules stay as they are so as to protect them? Presently, the Senators from New York are not faced with legislation expressly drawn with peculiar application to their section of the country, as we of the South see legislation of that sort being pressed upon us. If their minority were under attack, they would not wish to have this rule changed. On the contrary, they would be insisting that the rule remain unchanged, just as we of the South insist that it remain unchanged.

Suppose a bill should come before the Senate which one of the proponents of this resolution felt to be clearly unconstitutional. I believe that he or any other Senator with similar convictions would vigorously oppose the measure. Suppose he thought it was vital to the interest of the country that the bill be defeated, but found himself in the unhappy position of being in a small minority. Would not this Senator then be quite thankful that the rules of the Senate enabled him to put up an effective opposition to the measure? Mr. President, the Senate of the United States is the one place remaining in the world where a single individual can strike a really effective blow on behalf of an unalterable conviction which he holds. This is something which should not be lightly tossed away, out of regard to some momentary expediency.

Another thing which should be kept in mind about the argument that majority rule should prevail in the Senate is that quite often, a majority of Senators will not represent a popular majority. A brief look at the makeup of the Senate will demonstrate that basic fact. Each State, no matter how large or small, no matter how populous, is given the right to send two Senators. Our 7 largest States, which send 14 Members to this body, have a total population of over 80 million people. The 7 smallest States, with the same number of Senators, have a combined population of less than 3 million. Eighty million people have the same voting power in this body as 3 million who live in other States.

A Senator from one of these large States represents an average of over 11 million people, while a Senator from one of the small States represents fewer than 400,000 people. A citizen of one of the small States has 27 times the representation in the Senate as a citizen from one of the 7 largest States. It is obvious from these figures that frequently a majority in the Senate will not represent a popular majority.

The Senators from the nine largest States of the Union represent a majority of the population of the entire Nation. This means that 18 Senators, certainly a minority in the Senate, represent a popular majority. By the same token, the 25 smallest States, from the standpoint of population, have only about 16 percent of the entire population of the country. This means that a majority within the Senate could be constituted which would represent less than 20 percent of the population of our country. In my judgment, these figures demonstrate that it is ridiculous to contend that the Senate was ever designed to operate on the principle of majority rule.

Mr. President, not only is freedom of debate in the U.S. Senate an important safeguard against the encroachment upon the rights of minorities by steamroller tactics by majorities, but also it is important from the standpoint of protecting the rights of the sovereign States against the encroachments of the Federal Government. There was a time when the Supreme Court of the United States laid heavy stress upon the 10th amendment to the Constitution, which provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This maxim served long to protect the States and the people from wanton Federal power. However, nimble minds have practically read that amendment out of the Constitution in our day. According to much present thinking the 10th amendment stems from a fallacy that there is any possible power not given to the Central Government. I regret to say that today great numbers of people, some of high station, believe that the 10th amendment was not at all necessary, because they feel that the framers of the Constitution intended to give every conceivable power to the Federal Government. I cannot agree with this line of reasoning. But, judging from some of the recent decisions of the U.S. Supreme Court, I believe that this point of view finds a great deal of support there. Under such a line of decisions, no longer does the Constitution of the United States with the 10th amendment stand in the way of virtually unlimited exercise of power by the Federal Government. In view of the tendency of the decisions of the Supreme Court and of the lower Federal courts, I am inclined to believe that today the U.S. Senate is the last forum and the last stand for States rights in the United States today.

Senators were originally intended by the Founding Fathers to be more or less ambassadors from the sovereign States, to be consulted by the President when legislation vitally affecting their State in particular was presented. It was intended that the President, rather than surrounding himself with a lot of White House consultants, would consult with the Senators on legislation affecting various parts of the country. While perhaps the original theory of Senators as ambassadors to the Capital has been vitiated to an extent, there is still much validity in the theory. We are sent here to uphold the sovereignty of our States. The privilege of free debate gives us a method by which those rights may be protected from destruction. So long as this right remains, no majority may force its views upon a vigilant minority without giving the minority the opportunity to alert the Nation and the world to what is being done.

Mr. President, it is the Senators from the South who are generally considered to be in the minority on the filibuster question. But the larger issue here certainly has nothing of sectionalism in it. It is in much greater degree a question of partisan politics. With the weapon of majority cloture in the hands of the party in power, it will only be a question of time before cloture is invoked to stop debate against purely partisan, steamroller measures. It is true that the resolution figuring most prominently in the present debate does not call for majority cloture, but any Senator who looks at the history of rule XXII with an open mind will see that it is a giant step in that direction. Inevitably, a further relaxation of rule XXII will lead

to majority cloture. One of the most frequently used cliches of governmental discussion, but at the same time the most cogent, is that ours is a government of laws, not of men. The imposition of the rule of majority cloture would in effect be the submission in the Senate to a government of men.

It has often been suggested in debate on this cloture question in the past that even though we destroy the rule permitting free debate, the traditions of the Senate are going to protect us. In my opinion, this argument is completely unsound. As I have stated, ours is a government of laws, not of men. While it is true that perhaps senatorial tradition will endure for a while after the destruction of the rule, we do not know what sort of men will be elected to the Senate in the years to come. The minute we begin to rely upon the good will of the majority, we are putting rights of minorities on the block. We cannot afford to destroy the rules which protect the rights of minorities, regardless of what composition the majority may have at the moment.

By the same token, it has been argued that the imposition of cloture will not destroy free debates in the Senate, because even after the cloture rule is adopted, there will be 100 hours of debate remaining. But it must be remembered that each Senator will have only 1 hour of debate remaining to him after the cloture rule is adopted. Therefore, in order for the full 100 hours of debate to be used, it would be necessary either that every Senator use his hour, or that some Senators yield their time to other Senators. The minute we start to rely upon Senators yielding their time to other Senators, we shall again run into the problem of reliance upon men, not upon laws. With all due respect to the Members of the Senate, and to the Senate as an institution, it is dangerous to place our reliance upon the good will of individual men, upon the good will of the majority. The fact that ours is a government of laws and not of men cannot too often be reiterated. We must have rules to protect the rights of minorities. Much bad legislation can be passed against the efforts of even the most protracted filibuster. However, I am certain that legislation which actually destroys the basic American freedoms could never be passed in the U.S. Congress so long as the rules of the Senate permit free debate.

The Senate acts with deliberation and frequently spends a great amount of time discussing important issues. This is as it should be, as it was intended to be, and this is certainly in the best interests of our country. Free discussion insures that all the facts will come to light. The chance of railroading an issue through the Senate before there has been adequate discussion is precluded in this body because there is a minority of even one or two Senators who have deep convictions about the lack of virtue of the proposal. Many times we discover that what seemed at first to be necessary and sound turns out to have hidden flaws which are revealed in the light of free discussion.

Examples of legislation pushed through the House of Representatives by temporarily aroused majorities are numerous. Many of these measures, in spite of the speed with which they were acted upon, proved to be sound and quickly passed this body also. But there are other examples of hastily conceived legislation that, as we look back through the perspective of time, was not in the public interest. These, too, were pushed through the House of Representatives at breakneck speed. Many of these measures were killed in the Senate through delay, through the threat of a filibuster, or occasionally by a full-fledged filibuster. The force bill of 1890 is one; President Roosevelt's court-packing bill was another. A more recent example was President Truman's attempt to draft striking railroad workers into the Army to compel them to go back to work. Now that our passions have cooled, we realize that even though the goals desired may have been in the public interest, the suggested methods of achieving these goals were not in the American tradition.

Yet, let us not for a moment believe that this body is powerless to act when decisions are necessary. The Nation has survived two World Wars and a number of other disasters, and always Congress has been able to act with sufficient speed to meet any emergency. It cannot even be said that there is a present emergency calling for this concern over free debate in the Senate. I do not feel that we should remove one of the most cherished safeguards of minority rights that we possess for some future emergency, which, if it does materialize, can be acted upon with dispatch under our present rules.

Mr. President, it has been suggested that a filibuster in the Senate cannot be broken if a substantial number of the Members of the Senate participate in it. This is not true. Any filibuster can be broken if the majority has the same determination and the same conviction of righteousness as does the minority. But that is where a question arises. Senators cannot do here in the Senate what can be done today in the State legislatures. The Members of the Senate cannot have an issue come up and have the majority end debate if they feel that their majority is being cut away and that they are losing vote after vote because Senators are becoming convinced that they are wrong on the issue. This is unlikely to occur in the Senate today.

At present, the minority which is to be coerced in this body is composed of southerners. The excuse given is that the right of free debate gives to a determined group of southern Senators a veto power over so-called civil rights legislation. This is not true; this veto power does not exist. There is power to delay, to discuss, to obstruct, but in the face of a determined majority, there is never the power to veto.

There is no doubt in my mind that a majority can outlast any filibuster if they are firm believers in their cause. But when the majority is composed of those who are not firm believers in the rightness of their cause, inevitably they will seek a compromise that will enable them to get to work on more important issues. This feature of compromise is what makes our democracy work. This is what gives it the flexibility to survive through centuries of changing conditions. Unlimited debate frequently makes it possible for us to work out a solution acceptable to all on issues which might otherwise tear us asunder.

Experienced legislators will often say that no substantial piece of legislation has ever passed the two Houses of Congress except as the result of compromise. The freedom of debate enjoyed in the U.S. Senate often has the effect of producing a workable compromise. Senators who feel strongly enough about the inadvisability of a proposed course of action to risk their political future on a filibuster will often be able to prevail upon proponents of the proposal to work out some sort of compromise. Compromise might well be said to be the essence of our system of government. Ours is a nation of widely divergent interests and views—government here must be predicated upon compromise.

This great body has often been described as the greatest deliberative body in the world. I have always regarded it as such. The high regard in which the Senate rules are held, the courtesy with which Members treat other Members, the consideration of the rights of those who happen to be in the minority on a particular issue, even the careful guarantee of the rights on behalf of each individual Senator—these are matters which should be dear to the heart of every Member of this body.

Above all, the fact that the Senate insists upon and guarantees careful, deliberative study of legislative proposals by committees, the fact that the Senate gives those committees time to consider all matters brought before them, the fact that the Senate committees give this body carefully reasoned reports to suggest the reasons why proposals should be passed or why those proposals should not be passed—all of these things combine to make the Senate of the United States a great bulwark of freedom and individual rights. It should be maintained as such.

Mr. EASTLAND. Mr. President, the climate of the present debate over a change in rule XXII is much different than that which existed in January of this year and in January of 1959. We are not now concerned with the profound constitutional proposition as to the continuing nature of the U.S. Senate. No question can or will be raised as to the power of the Senate to change the rules by a simple majority vote. But the wisdom of the Senate in acting further to curb and limit free and open debate is just as fundamental in connection with the preservation of our established form of constitutional government as were the legal questions involved in the two previously mentioned debates. Therefore, it is my purpose and intention, as well as a solemn obligation and duty owed to the great State which I represent, to discuss fully and completely the issues involved in the present controversy. Everything that has

been said in the past could now be repeated with profit—there are many that may have forgotten those past words of logic, wisdom, and truth—and it is to be hoped that there can be advanced some new and different arguments which will be convincing to Members whose minds have not yet been fixed as regards the vote they should cast.

The issue of debate limitation should be divorced from any consideration of the subject of civil rights legislation. Unfortunately, since the late thirties every debate on this subject has involved an attempt by the proponents of cloture to equate opposition to "gag rule" with opposition to enactment of Federal civil-rights legislation. Those who support the principle of unlimited debate need apologize to no one for their stand for or against any particular piece or class of proposed legislation. Free and open debate involves a principle that transcends the men and issues of the moment, and goes to the very heart and soul of our existing form of constitutional government.

The Constitution of the United States was the result of a compromise between the conflicting interests of the large and the small States; and, as between the States, there was to be an absolute equality of representation. This equality of representation was held to be so essential that the framers wrote into the charter itself only one condition that could not be changed by constitutional amendment. The condition was that no State could be denied equal representation in the Senate without its own consent. When and if the Senators of a sovereign State are gagged by a rule of cloture, that State is then and there, in effect, denied its right of equal representation in the Senate.

While the nature and character of the Constitution were the result of great compromises between conflicting interests, it was made as a compact between the sovereign States, and was not related to the people of the United States of America, as such. Madison best described this exact and exacting nature of the compact in "The Federalist" Paper No. 39. The chief architect of the Constitution wrote, in part, as follows:

> The Constitution is to be founded on the assent and ratification of the people. * * * Not as individuals composing one entire Nation, but as composing the independent States to which they belong. * * * The act, therefore, establishing the Constitution will not be a national, but a Federal act * * * it is to result neither from a majority of the people of the Union, nor from that of a majority of the States. It must result from the unanimous assent of the several States that are parties to it.

This plan of government provides for a union of States in its operation. The States are sovereign and equal, regardless of size and population. The "people" are the people of the several States, not the people of the United States at large. The Federal Establishment was to be solely a creature of the States, as such.

Later, either Hamilton or Madison, writing in "The Federalist" No. 62, thus described the U.S. Senate:

> The equality of representation in the Senate is another point, which, being evidently the result of compromise between the opposite pretensions of the large and the small States, does not call for much discussion. If indeed it be right, that among a people thoroughly incorporated into one Nation, every district ought to have a proportional share in the Government, and that among independent and sovereign States, bound together by a simple league, the parties, however unequal in size, ought to have an equal share in the common councils, it does not appear to be without some reason that in a compound republic, partaking both of the National and Federal character, the Government ought to be founded on a mixture of the principles of proportional and equal representation. But it is superfluous to try, by the standard of theory, a part of the Constitution which is allowed on all hands to be the result, not of theory, but "of a spirit of amity, and that mutual deference and concession which the peculiarity of our political situation rendered indispensable." A common government, with powers equal to its objects, is called for by the voice, and still more loudly by the political situation, of America. A government founded on principles more consonant to the wishes of the larger States, is not likely to be obtained from the smaller States. The only option, then, for the former, lies between the proposed government and a government still more objectionable. Under this alternative, the advice and prudence must be to embrace the lesser evil; and, instead of indulging a fruitless anticipation of the possible mischiefs which may ensue, to contemplate rather the advantageous consequences which may qualify the sacrifice.
>
> In this spirit it may be remarked, that the equal vote allowed to each State is at once a constitutional recognition of the portion of sovereignty remaining in the individual States, and an instrument for preserving that residuary sovereignty. So far the quality ought to be no less acceptable to the large than to the small States; since they are not less solicitous to guard, by every possible expedient, against an improper consolidation of the States into one simple republic.

Mr. President, the last paragraph of this excerpt holds within it the advice which the Senate should observe today, and an ominous prediction of what has been characteristic in the development of our Government during these first 61 years of the 20th century. The Senate is the instrument for preserving the residuary sovereignty that is inherent in the constitutional compact. As Madison or Hamilton predicted, if the Senate does not perform its constitutional function in preserving this residuary sovereignty and guard against every possible expediency, the result will be an improper consolidation of States into one simple republic. It is shameful to say, but there are those among us today that cried so long and so loud the word "democracy" that they would even deny that this country as constituted has a republican form of government, much less one simple national republic which is fast becoming a reality as sovereign powers reserved to the States and the people are usurped and preempted by act after act of the Federal Establishment.

Regardless of preemption, usurpation, and encroachments on reserved powers, Senators are still ambassadors of sovereign States and have the right and duty to debate fully and freely as they deem best the problems which involve the very life and existence of this Nation.

The Senate of the United States was deliberately designed as a check and balance against any theory of majority rule. The Founding Fathers realized even at that early time that there then existed and would exist in the future conflicts of interest between large States and small States, between mercantile interests and agricultural interests, between geographic areas of the North, the East, the South, and the West. Thus, the terms of the compact and the organization of the Senate were designed to permit the minorities to withstand the importunities and pressures of the majority. In this body it is accomplished by full, free, and unlimited debate.

The most concern expressed by the Founding Fathers was the protection of small States against the larger. I wonder how many Members of this body realize the degree to which our Government has been dominated since its inception by the larger States of the Union. An understanding of this domination of influence throughout the executive, judicial, and legislative branches of our Government is absolutely essential if one is to appreciate how unlimited debate is the last bulwark of these small States in having any voice in the operation of either the executive or legislative branches of the Federal Government. Individuals residing in small States are just as much entitled to hold high offices in the executive and judicial branches of our Government as are those individuals who reside in the larger States; yet the cold record of history has emphatically denied such representation. Let me begin at the formation of our Government. New Hampshire, Vermont, Rhode Island, and Delaware, all of whom participated in the ratification of the Constitution, had every reason to believe that this compact was just as meaningful to them as it was to the then great States of Virginia, Pennsylvania, New York, and Massachusetts. But what happened to these small States insofar as the executive and judicial branches of the Federal Government were concerned? Washington named 12 judges to the Supreme Court bench. Not one of them was from New Hampshire, Vermont, Rhode Island, or Delaware. It was not until 1845, when James K. Polk named Levi Woodbury, of New Hampshire, that even one of these States had a representative on the Supreme Court bench. This first one is also the last one. Since then, not one Supreme Court appointment has come from one of these States. As to Cabinet posts, from Washington to Jackson, Rodney of Delaware, Jefferson's Attorney General, is the only representative from either of these four States.

The score to the present for Rhode Island, one of the Thirteen Colonies and an original State, is zero for Supreme Court appointments and zero for Cabinet representation. Delaware has had no Supreme Court appointees and only five representatives in a Cabinet post. Vermont has had no appointee to the Supreme Court and only three appointees to a Cabinet position. New Hampshire has had the one Supreme Court judge and three members of the President's Cabinet.

The balance of power in the executive and judicial branches of our Government has been loaded in the interests

of the large States as opposed to those of the small from the administration of George Washington to the present one, John F. Kennedy. In our constitutional and superconstitutional form there are deep-seated and deep-rooted evils that have continuously worked to the detriment of the small States.

Few people today realize the tremendous population shifts that have taken place since the Constitution of the United States was adopted. In order to appreciate fully the facts and figures that I am going to discuss, it is necessary to examine the background of this population shift.

At the time the Constitution was adopted, the five largest States in order were Virginia, Pennsylvania, Massachusetts, New York, and Maryland. These five States represented 53 percent of the total population. The remaining States, eight in number, represented 47 percent. From the five largest States there were selected the President of the United States, five Supreme Court Justices, and the five Cabinet members. The eight smaller States received one Supreme Court appointment. Out of a total of 12 appointments in the executive and judicial branches, 90 percent went to the large States, and only 10 percent to the small.

The census of 1790 revealed that Virginia was still the largest State. Massachusetts, Pennsylvania, and New York followed in that order, and North Carolina supplanted Maryland. The President was elected from Virginia. Three Supreme Court appointments and six Cabinet appointments were garnered by the larger States. The balance of population had not then begun to swing in favor of the smaller States and showed 55 percent in the 5 largest and 45 percent in the other 11 States.

The same five largest States reappeared in the census of 1800. The proportion of population remained 55 percent to these 5 largest and 45 percent to the other 13 States. The percentage of executive and judicial appointments was 60 percent to the 5 largest and 40 percent to the other 13.

For the first time, in the census of 1810, the pendulum of population swung so that the number of people in the other States of the Union outnumbered those in the five largest States. The five largest States were New York, Virginia, Pennsylvania, Massachusetts, and North Carolina. They contained 47 percent of our population to 53 percent for the other 18 States. Yet, when we examine the judicial and executive appointments, plus the selection of President during this time period, we find that 70 percent of the offices were garnered by individuals from the 5 largest States, while only 30 percent went to those residing in 1 of the other of the 18 remaining.

Now, let me skip a few generations and consider the census of 1860. The five largest States were New York, Pennsylvania, Ohio, Illinois, and Indiana. The population pendulum had swung to the point where the 5 largest States contained only 35 percent of the inhabitants, while the other 31 States contained 65 percent of the people; yet the proportion of top offices in the executive and judicial branches was 62 percent to individuals in the 5 largest States, and only 38 percent to the other 31.

At the time of the census of 1900, the five largest States were New York, Pennsylvania, Illinois, Ohio, and Missouri. These States then contained only 29 percent of the total population, while the other 41 States were inhabited by 71 percent. The division of representation in high offices was exactly equal—18 from the 5 largest States and 18 from the other 41.

Ironic as it may seem, in the 1950 census the five largest States were New York, Pennsylvania, California, Illinois, and Ohio. They contained 30 percent of the population of the United States. The 43 other States contained 70 percent; yet 55 percent of the top offices in the Government were held by individuals from the 5 largest States, while 45 percent of the positions went to individuals living in 1 of the other of the 43 remaining.

At this point, Mr. President, I ask unanimous consent that a table containing a tabulation of these figures be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Distribution of Presidents, Supreme Court appointees, and Cabinet positions between the five States having highest apportionment in the House of Representatives and all other States

	Percent of representation in apportionment	Presidents	Supreme Court appointees	Cabinet appointees	Total	Percent of offices
AT THE TIME OF THE CONSTITUTION						
5 largest States: Virginia, Pennsylvania, Massachusetts, New York, Maryland	53	1	5	5	11	90
Other States (8)	47	0	1	0	1	10
1790–1800						
5 largest States: Virginia, Massachusetts, Pennsylvania, New York, North Carolina	55	1	3	6	10	55
Other States (11)	45	0	5	3	8	45
1800–1810						
5 largest States: Virginia, Pennsylvania, New York, Massachusetts, North Carolina	55	2	2	8	12	60
Other States (13)	45	0	2	6	8	40
1810–20						
5 largest States: New York, Virginia, Pennsylvania, Massachusetts, North Carolina	47	1	3	12	16	70
Other States (18)	53	0	1	6	7	30
1820–30						
5 largest States: New York, Pennsylvania, Virginia, Ohio, North Carolina	46	1	2	7	10	59
Other States (19)	54	1	1	5	7	41
1830–40						
5 largest States: New York, Pennsylvania, Virginia, Ohio, North Carolina	45	1	3	6	10	40
Other States (21)	55	0	4	11	15	60
1840–50						
5 largest States: New York, Pennsylvania, Ohio, Virginia, Tennessee	39	2	3	21	26	56
Other States (26)	61	1	1	18	20	44
1850–60						
5 largest States: New York, Pennsylvania, Ohio, Virginia, Massachusetts	37	1	1	11	13	42
Other States (28)	63	1	2	15	18	58

Distribution of Presidents, Supreme Court appointees, and Cabinet positions between the five States having highest apportionment in the House of Representatives and all other States—Continued

	Percent of representation in apportionment	Presidents	Supreme Court appointees	Cabinet appointees	Total	Percent of offices
1860–70						
5 largest States: New York, Pennsylvania, Ohio, Illinois, Indiana	35	2	4	21	27	62
Other States (31)	65	0	2	15	17	38
1870–80						
5 larges States: New York, Pennsylvania, Ohio, Illinois, Missouri	35	1	3	9	13	47
Other States (31)	65	0	2	13	15	53
1880–90						
5 largest States: New York, Pennsylvania, Ohio, Illinois, Missouri	30	2	4	12	18	37
Other States (39)	70	1	4	25	30	63
1890–1900						
5 largest States: New York, Pennsylvania, Illinois, Ohio, Missouri	27	2	2	14	18	47
Other States (40)	73	0	5	15	20	53
1900–1910						
5 largest States: New York, Pennsylvania, Illinois, Ohio, Missouri	29	2	1	15	18	50
Other States (41)	71	0	3	15	18	50
1910–20						
5 largest States: New York, Pennsylvania, Illinois, Ohio, Texas	29	0	2	10	12	46
Other States (43)	71	1	5	8	14	54
1920–30						
5 largest States: New York, Pennsylvania, Illinois, Ohio, Texas	29	1	2	12	15	35
Other States (43)	71	2	3	23	28	65
1930–40						
5 largest States: New York, Pennsylvania, Illinois, Ohio, Texas	30	1	3	8	12	46
Other States (43)	70	0	4	10	14	54
1940–50						
5 largest States: New York, Pennsylvania, Illinois, Ohio, California	30	0	2	11	13	35
Other States (43)	70	1	6	17	24	65
1950–						
5 largest States: New York, Pennsylvania, California, Illinois, Ohio	30	1	3	12	16	55
Other States (43)	70	0	2	11	13	45

Mr. EASTLAND. Why should some States receive only the crumbs that fall from the table of the Federal hierarchy while others continuously feast from the carcass of the fatted calf? Consider the office of our Chief Executive, the President of the United States. Since the birth of this Republic, fond parents have always held out the dream and hope to their child that some day, if he properly strives and applies himself, even he can be chosen as the Chief Executive of this Nation. This dream and hope has always been universal and extends throughout the length and breadth and into every corner of our country.

Thirty-five natural-born citizens of the United States have attained this high office. Tyler, Fillmore, Johnson and Arthur succeeded to the office upon the death of the elected President and were never independently elected. When we examine the records of the 30 individuals who were elected under the constitutional process, certain amazing facts become apparent.

Counting Grover Cleveland twice, because of the break in his service, six of our Presidents have been elected from the State of New York. New York is one of the two States that has been among the five highest in the apportioned number of Members in the House of Representatives since the adoption of the Constitution. Since the reapportionment of 1810 to the present, it has consistently been the first State in membership in the House of Representatives.

Six Presidents have been elected from the State of Ohio. Ohio first reached the first five States in apportionment of membership in the House of Representatives in 1820 and has remained in the first five to the present. William Henry Harrison, its first President, began his term in 1841, well after the time Ohio had gained its position in the first five States.

Four Presidents have been elected from the State of Virginia. Each of these Presidents was elected at a time when the State of Virginia was either first or second in its share of the apportionment of membership in the House of Representatives.

From the Constitution through the apportionment of 1820, Massachusetts was third, fourth, or tied for fifth place in the apportionment of membership in the House of Representatives. Both of the Adamses were elected during this period. When Coolidge was elected, Massachusetts was in a tie for sixth place in the apportionment of membership in the House of Representatives. But it must also be remembered that Coolidge first became President by virtue of the death of Harding.

Two Presidents have been elected from the State of Illinois. At the time of the administration of Lincoln and Grant, Illinois had attained the fourth position among the States having the highest apportionment of membership in the House of Representatives.

Two elected Presidents have been supplied by the State of Tennessee. By 1830, Tennessee's apportionment in the House of Representatives had climbed to the point where she and two other States were bracketed in the fifth highest position. In the 1840 decade she stood alone as the fifth highest State in House membership

One President, James Buchanan, has been elected from the State of Pennsylvania. Pennsylvania along with New

York has been in the top five States in House membership throughout all apportionments.

So far, it has been illustrated that out of 30 Presidents, 23 of them have unquestionably been selected from one of the States that held a position within the 5 highest apportionments in the House of Representatives at the time of the individual election. Jackson was first elected in a transition period between the 1820 apportionment and the 1830. He can fairly be placed with the 23. Special circumstances surround Coolidge, although Massachusetts was still close to the top in sixth place among 48 States.

When Benjamin Harrison, of Indiana, was elected President, Indiana was bracketed in the sixth position in States having the greatest number of Members in the House of Representatives. He had the added advantage of having been born, reared and educated in Ohio, which ranked third from the top in apportionment at that time.

Zachary Taylor, a professional soldier and the popular hero of the Mexican War, born and reared in Virginia, was a resident of Louisiana when elected President. In 1849, although Louisiana had only four Members in the House of Representatives, Virginia was fourth from the top with 15 Members.

Woodrow Wilson was also one of those elected President from a State other than his nativity. He lived in New Jersey, but Virginia also claimed him for her own. The combined House membership of Virginia and New Jersey in the 1910 House of Representatives apportionment was 24, exceeding that of Ohio with 21 seats holding the fourth highest delegation.

There was no reapportionment in 1920. But by 1930, shortly after Herbert Hoover was elected from the State of California, California had climbed from 11 House Members in 1910 to a startling membership of 20 in the reapportionment of 1930, in sixth position. In addition, Herbert Hoover was an authentic national figure and his residency in California was more of a voting rather than living address.

Harry Truman, like Coolidge, succeeded to the Presidency. His home State of Missouri was ninth in rank in House membership in the 1940 apportionment.

Thus, prior to the present occupant of the office, only one President of the United States can claim the high honor and privilege of having been elected to the office from a small State—Franklin Pierce of New Hampshire, 1853–57. New Hampshire then had only three Members in the House of Representatives.

Here is a pattern, with only one glaring exception, that has developed consistently over a period of 169 years. With 13 States or 50 States, the Presidents have come from the most populous States—never from the middle, lower or bottom States. The dice are loaded against any child becoming President who was born in and wants to live in any State other than one of the five largest States in the United States.

Mr. President, I have not been able to find any source material where historians or political scientists have attempted to correlate in its entirety the impact of the large States in the operation and dominance of the executive and judicial establishments as opposed to the participation and influence of small States. What I am saying today is the result of independent research that has been made under my direction, and I challenge anyone to consider these figures and to deny the inevitable conclusion that the small States and the people therein have been cut out and discriminated against in having a voice in the operation of the Federal Government. This Senate is the only remaining bastion where the small States are permitted to raise their voices as equals and sovereigns around the council table, and when it is now proposed to limit and gag the individual Senators in this body, you will, in effect, obliterate completely any voice and participation of the smaller States not only in the legislative function, but also the executive and judicial operations of the Federal establishment.

Let me carry the analysis further. The importance of Cabinet posts is considered to be in the order of their establishment and organization. They were originally organized as the Departments of State, Treasury, War, Attorney General, and Postmaster General. Through the administration of President Dwight D. Eisenhower, the distribution of appointments between the five largest States and all others has been:

	5 largest States	*All others*
Secretaries of States	32	22
Secretaries of Treasury	29	26
Secretaries of War	34	25
Attorneys General	31	32
Postmasters General	19	35
	145	140

Bones have been tossed to the smaller States, or at least some of them, in minor Cabinet appointments. The table which I now ask unanimous consent to have inserted in the RECORD at this point lists all appointments by States to the Supreme Court and to Cabinet posts from the administration of George Washington through that of Dwight D. Eisenhower.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Elections of Presidents and appointments of Supreme Court Justices and Cabinet members, by States

State	Presidents (elected)	Supreme Court appointments (including tenders)	Cabinet appointments (continuous service counted as 1 appointment)
Alabama	0	3	1
Arizona	0	0	0
Arkansas	0	0	1
California	1	3	7
Colorado	0	0	5
Connecticut	0	2	10
Delaware	0	0	5
Florida	0	0	0
Georgia	0	3	9
Idaho	0	0	0
Illinois	2	2	18
Indiana	1	1	13
Iowa	0	2	11
Kansas	0	1	2
Kentucky	0	5	15
Louisiana	1	1	3
Maine	0	1	6
Maryland	0	4	15
Massachusetts	3	8	34
Michigan	0	2	12
Minnesota	0	1	5
Mississippi	0	1	4
Missouri	1	0	15
Montana	0	0	0
Nebraska	0	0	2
Nevada	0	0	0
New Hampshire	1	1	3
New Jersey	1	3	8
New Mexico	0	0	2
New York	6	13	63
North Carolina	0	2	6
North Dakota	0	0	0
Ohio	6	9	26
Oklahoma	0	0	1
Oregon	0	0	2
Pennsylvania	1	6	41
Rhode Island	0	0	1
South Carolina	0	3	7
South Dakota	0	0	0
Tennessee	2	5	12
Texas	0	1	5
Utah	0	1	2
Vermont	0	0	3
Virginia	4	5	26
Washington	0	0	2
West Virginia	0	0	5
Wisconsin	0	0	7
Wyoming	0	1	0

Elections of Presidents and appointments of Supreme Court Justices and Cabinet members, by States—Continued

Mr. EASTLAND. The State of New York has consistently held its position as one of the five largest States from the inception of our Union to the present. President Dwight D. Eisenhower was a resident of the State of New York at the time he was elevated to the Presidency. Insofar as the office of President is concerned, the record reveals that 6 out of 30 elected Presidents, through the election of Eisenhower, were selected from the State of New York. New York has also supplied a total of 10 elected Vice President. Resident lawyers or judges of the State of New York have been offered a total of 14 appointment to the U.S. Supreme Court. As to appointments in the executive branch of Government, no State even remotely approaches New York in the profusion of appointees who have participated in every conceivable phase in the operation of the executive establishments. The State of New York has supplied:

Secretaries of State	12
Secretaries of the Treasury	11
Secretaries of War	10
Secretaries of the Navy	5
Attorneys General	8
Secretary of the Interior	1
Postmasters General	6
Secretaries of Commerce and Labor	2
Secretaries of Commerce	4
Secretary of Labor	1

Secretaries of Defense	2
Secretary of Health, Education, and Welfare	1
Total	63

Regardless of the fact that New York has always been a large State, the number of elected and appointed officials that it has supplied for the major executive and judicial offices of the United States has far outweighed its proportional representation in the population of the United States. I can now make one categorical assertion. As long as the State of New York retains its preponderance of representation in the House of Representatives and in the electoral college, if the small States of this Union permit New York to gag their voices in this U.S. Senate, history will write an ever increasing domination and influence of this State in the control and operation of the Federal Government. No voices speak louder today for the gag rule than do those of the two Senators representing the State of New York in this presently organized Senate.

Appointments to the Supreme Court of the United States from individual judges or lawyers residing in one or the other of the five largest States show that these States received a grossly disproportionate share of judges as compared to all other States. From the administration of George Washington to the present, 48 Supreme Court judges were appointed from 1 or the other of the 5 largest States, to 52 judges from all the remaining.

As I previously pointed out, the balance in population swung against the 5 largest States and in favor of all the others as early as the census of 1810, when the population proportion became 47 to 53 percent; and from 1810 until 1950, the pendulum kept swinging in favor of the other States against the 5 largest until it reached the porportions of 30 percent of the population from the 5 largest States to 70 percent from the other 43. The addition of Alaska and Hawaii to the Union of States has increased the proportion even more in favor of the other States of the Union.

Permit me now to make a more detailed review of appointments of Supreme Court justices and Cabinet members by States. While it is my intention to review certain of these appointments or nonappointments in detail, State by State, I now ask unanimous consent that the table from which I am reading be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Appointments of Supreme Court Justices and Cabinet members, by States

State	Supreme Court		Cabinet	
	Justices	When appointed	Members	When appointed
Alabama (1819)	(1) John McKinley	1837	(1) Hilary A. Herbert, Secretary of Navy	1893
	(2) John A. Campbell	1853		
	(3) Hugo L. Black	1937		
Arizona (1912)	0		0	
Arkansas (1836)	0		(1) Augustus H. Garland, Attorney General	1885
California (1850)	3		7	
Colorado (1876)	0		(1) Henry M. Teller, Secretary of Interior	1882
			(2) Hubert Work, Postmaster General	1922
			(3) Hubert Work, Secretary of Interior	1923
			(4) Charles F. Brannan, Secretary of Agriculture	1948
			(5) Oscar L. Chapman, Secretary of Interior	1949
Connecticut (1788)	2		10	
Delaware (1787)	0		(1) Caesar A. Rodney, Attorney General	1807
			(2) Louis McLane, Secretary of Treasury	1831
			(3) Louis McLane, Secretary of State	1833
			(4) John M. Clayton, Secretary of State	1849
			(5) Thomas D. Bayard, Secretary of State	1885
Florida (1845)	0		0	
Georgia (1788)	(1) James M. Wayne	1835	(1) Joseph Habersham, Postmaster General	1795
	(2) William B. Woods	1880	(2) William H. Crawford, Secretary of War	1815
	(3) Joseph R. Lamar	1910	(3) William H. Crawford, Secretary of the Treasury	1816
			(4) John M. Berrien, Attorney General	1829
			(5) John Forsyth, Secretary of State	1834
			(6) George W. Crawford, Secretary of War	1849
			(7) Howell Cobb, Secretary of the Treasury	1857
			(8) Amos T. Ackerman, Attorney General	1870
			(9) Hoke Smith, Secretary of the Interior	1893
Idaho (1890)	0		0	
Illinois (1818)	2		18	
Indiana (1816)	1		13	
Iowa (1846)	2		11	
Kansas (1861)	(1) David J. Brewer	1889	(1) William M. Jardine, Secretary of Agriculture	1925
			(2) Harry Hines Woodring, Secretary of War	1936
Kentucky (1792)	5		15	
Louisiana (1812)	(1) Edward D. White	1894	(1) Edward Livingston, Secretary of State	1831
			(2) Charles M. Conrad, Secretary of War	1850
			(3) William H. Hunt, Secretary of the Navy	1881
Maine (1820)	1		6	
Maryland (1788)	4		15	
Massachusetts (1788)	8		34	
Minnesota (1858)	(1) Pierce Butler	1922	(1) Alexander Ramsey, Secretary of War	1879
			(2) William Windom, Secretary of Treasury	1881
			(3) William Windom, Secreatry of Treasury	1889
			(4) Frank B. Kellogg, Secretary of State	1925
			(5) William DeWitt Mitchell, Attorney General	1929
Mississippi (1817)	(1) Lucius Q. C. Lamar	1888	(1) Robert J. Walker, Secretary of Treasury	1845
			(2) Jefferson Davis, Secretary of War	1853
			(3) Jacob Thompson, Secretary of Interior	1857
			(4) Lucius Q. C. Lamar, Secretary of Interior	1885
Missouri (1821)	0		15	
Montana (1889)	0		0	
Nebraska (1867)	0		(1) Julius Sterling Morton, Secretary of Agriculture	1893
			(2) William Jennings Bryan, Secretary of State	1913
Nevada (1864)	0		0	
New Hampshire (1788)	(1) Levi Woodbury	1845	(1) Levi Woodbury, Secretary of Navy	1831
			(2) Levi Woodbury, Secretary of Treasury	1834
			(3) William E. Chandler, Secretary of Navy	1882
New Jersey (1787)	3		8	
New Mexico (1912)	0		(1) Albert Bacon Fall, Secretary of Interior	1921
			(2) Clinton P. Anderson, Secretary of Agriculture	1945
New York (1788)	13		63	
North Carolina (1789)	(1) James Iredell	1790	(1) John Branch, Secretary of Navy	1829
	(2) Alfred Moore	1799	(2) George E. Badger, Secretary of Navy	1841
			(3) William A. Graham, Secretary of Navy	1850
			(4) James C. Dobbin, Secretary of Navy	1853
			(5) Josephus Daniels, Secretary of Navy	1913
			(6) Kenneth C. Royall, Secretary of War	1947

Appointments of Supreme Court Justices and Cabinet members, by States—Continued

State	Supreme Court		Cabinet	
	Justices	When appointed	Members	When appointed
North Dakota (1889)	0		0	
Ohio (1803)	9		26	
Oklahoma (1907)	0		(1) Patrick J. Hurley, Secretary of War	1929
Oregon (1859)	0		(1) George H. Williams, Attorney General	1871
			(2) Douglas McKay, Secretary of Interior	1953
Pennsylvania (1787)	6		41	
Rhode Island (1790)	0		(1) J. Howard McGrath, Attorney General	1949
South Carolina (1788)	(1) John Rutledge	1795	(1) Paul Hamilton, Secretary of Navy	1809
	(2) William Johnson	1804	(2) John C. Calhoun, Secretary of War	1817
	(3) James F. Byrnes	1941	(3) Joel R. Poinsett, Secretary of War	1837
			(4) Hugh S. Legare, Attorney General	1841
			(5) John C. Calhoun, Secretary of State	1844
			(6) Daniel C. Roper, Secretary of Commerce	1933
			(7) James F. Byrnes, Secretary of State	1945
South Dakota (1889)	0		0	
Tennessee (1796)	(1) John Catron	1837	(1) George W. Campbell, Secretary of Treasury	1814
	(2) Howell E. Jackson	1893	(2) John H. Eaton, Secretary of War	1829
	(3) Horace H. Lurton	1909	(3) Felix Grundy, Attorney General	1838
	(4) James C. McReynolds	1914	(4) John Bell, Secretary of War	1841
	(5) Edward T. Sanford	1923	(5) Cave Johnson, Postmaster General	1845
			(6) Aaron V. Brown, Postmaster General	1857
			(7) David M. Key, Postmaster General	1877
			(8) Horace Maynard, Postmaster General	1880
			(9) Luke E. Wright, Secretary of War	1908
			(10) Jacob M. Dickinson, Secretary of War	1909
			(11) James Clark McReynolds, Attorney General	1913
			(12) Cordell Hull, Secretary of State	1933
Texas (1845)	(1) Tom C. Clark	1949	(1) Albert Sidney Burleson, Postmaster General	1913
			(2) Thomas Watt Gregory, Attorney General	1914
			(3) Jesse H. Jones, Secretary of Commerce	1940
			(4) Tom C. Clark, Attorney General	1945
			(5) Oveta Culp Hobby, Secretary of Health, Education, and Welfare	1953
			(6) Robert B. Anderson, Secretary of Treasury	1957
Utah (1896)	(1) George Sutherland	1922	(1) George H. Dern, Secretary of War	1933
			(2) Ezra Taft Benson, Secretary of Agriculture	1953
Vermont (1791)	0		(1) Jacob Collamer, Postmaster General	1849
			(2) Redfield Proctor, Secretary of War	1889
			(3) John G. Sargent, Attorney General	1925
Virginia (1788)	5		26	
Washington (1889)	0		(1) Richard A. Ballinger, Secretary of Interior	1909
			(2) Lewis B. Schwellenbach, Secretary of Labor	1945
West Virginia (1863)	0		(1) Nathan Goff, Jr., Secretary of Navy	1881
			(2) Stephen B. Elkins, Secretary of War	1891
			(3) William L. Wilson, Postmaster General	1895
			(4) Howard M. Gore, Secretary of Agriculture	1924
			(5) Louis A. Johnson, Secretary of Defense	1949
Wisconsin (1848)	0		(1) Alexander W. Randall, Postmaster General	1866
			(2) Timothy O. Howe, Postmaster General	1881
			(3) William F. Vilas, Postmaster General	1885
			(4) William F. Vilas, Secretary of Interior	1888
			(5) Jeremiah M. Rusk, Secretary of Agriculture	1889
			(6) Henry C. Payne, Postmaster General	1902
			(7) Julius A. Krug, Secretary of Interior	1946
Wyoming (1890)	(1) Willis Van Devanter	1910	0	

Mr. EASTLAND. Arizona was admitted to the Union 1912, and it has had no representation either on the Supreme Court or in the Cabinet.

The great State of Florida was admitted to the Union in 1845. Current census figures show that it contains a population of 4,951,560 and is the 10th ranking State. Florida has been completely ignored by the executive branch of the Government and has not had a single representative on the Supreme Court or as a member of the Cabinet.

Idaho became a State in 1890, and its score is zero in Supreme Court appointments and zero in Cabinet nominations.

Montana was admitted as a State in 1889, and its score on executive appointments is also zero for the Supreme Court and zero for Cabinet representation.

The State of Nevada has met with like fate. Its entry date into the Union was 1864, and it has been completely without representation in either the executive or judicial branches of the Federal Government.

North Dakota attained statehood in 1889, and its score is nothing—nothing in Supreme Court and Cabinet appointments.

South Dakota, admitted the same year, is also void in representation either on the Supreme Court or in the Cabinet.

The two newest States in the Union, Alaska and Hawaii, have neither yet received an appointment to either the Supreme Court or a Cabinet post.

Thus, 9 States out of the 50, which currently embrace approximately 11 million of the people of the United States, have never had representation on either the Supreme Court or in the Executive Cabinet. In the aggregate, this is tantamount to denying a State the size of Pennsylvania recognition of any kind in the executive or the highest judicial branch of the Government.

It is interesting to examine other States that have had lean pickings and sometimes long dry spells in the area of executive nominations.

Arkansas became a State in 1836. No citizen of this great State has ever been nominated to the Supreme Court Bench, and its single Cabinet appointment was Augustus H. Garland, Attorney General, appointed in 1885.

Delaware, which ratified the Constitution in 1787, has never had a Supreme Court nominee, and the last of its five Cabinet representatives was Thomas F. Bayard, Secretary of State, appointed in 1885.

Louisiana, admitted as a State in 1812, supplied to the Supreme Court that one great Justice, Edward D. White, appointed in 1884; and its last of three Cabinet appointments was William H. Hunt, Secretary of the Navy, appointed in 1881.

Mississippi, admitted to the Union in 1817, also supplied one Supreme Court Justice, Lucius Q. C. Lamar, appointed in 1888. The last of this State's four Cabinet representatives was also Lucius Q. C. Lamar, who was named Secretary of the Interior in 1885.

Nebraska joined the Union in 1867. It has had no representation on the Supreme Court, and its Cabinet nominees were Julius S. Morton, Secretary of Agriculture, 1893, and William Jennings Bryan, appointed as Secretary of State in 1913.

New Hampshire, from 1788 to date, has had one nominee for the Supreme Court, Levi Woodbury in 1845, and the last of its three Cabinet appointees was William E. Chandler, Secretary of the Navy, appointed in 1882.

New Mexico has had no Supreme Court representation, and two members of the Executive Cabinet.

Rhode Island ratified the Constitution in 1790. It has never had representation on the Supreme Court, and its sole Cab-

inet appointee was J. Howard McGrath, Attorney General, nominated in 1949.

Utah has had one Supreme Court representative, George Sutherland, and two members of the Executive Cabinet.

Vermont, from the formation of our Government to the present, has had no Supreme Court representation and three Cabinet nominees—a Postmaster General in 1849, a Secretary of War in 1889, and John G. Sargent, Attorney General, nominated in 1925.

Wyoming became a State in 1890, and its sole representative in either the judicial or executive branch of the Government has been Willis Van Devanter, nominated to the Supreme Court in 1910.

Twenty-two States have never had representation on the Supreme Court. Ten States have never had representation in the Cabinet. Sixteen States have had no Cabinet appointments in the 61 years of the 20th century.

Mr. President, a careful analysis of these executive nominations to the highest offices in the judicial and executive branches of the Federal Government can lead only to the conclusion that there has been the grossest type of discrimination against the smaller States of the Union and in favor of the larger ones. There has also been a decided discrimination on a regional basis in modern times with the omission of appointments from Southern and Western States, and a preponderance of appointments from the larger States on the eastern seaboard. The growth and development of the political body that was envisioned by the Founding Fathers at the time the Constitution was adopted has not followed the pattern they had in mind. The Senate is the only agency established by this charter which has adequately and effectively functioned as a balance wheel between the conflicting interests and the sheer weight of power generated by the representation of the larger States being out of proportion to that of the smaller ones. To thoroughly understand this development and the peculiar importance that the Senate holds today in continuing its traditional role, the elective processes by which the Chief Executive of the country is selected must receive its share of analysis and examination.

No single problem was more troublesome to the delegates attending the Constitutional Convention than the method by which the Chief Executive should be selected. Eleven different methods were suggested. Election of a President by the two Houses of Congress was three times adopted, once unanimously, and then reconsidered and rejected. Election by Congress with each State having one vote was considered. Another suggestion called for the President's selection by the State executives. Many variations of the elector system were advanced. Finally, on August 31, 1787, the committee reported the method of electors chosen by each State in such manner as the legislature thereof may direct. Wilfred E. Binkley in his book on "American Political Parties" describes the impasse and what was thought to be the solution in these words:

> The delegates from the small States were fearful that the large blocks of electoral votes cast by the populous States would enable them to elect the President. It was then pointed out that by voting blindly in their separate States, presumably without any announced candidates, the electors would fail to concentrate a majority on any candidate "19 out of 20 times," as Mason calculated the chances. The small States were then placated by the provision that the House of Representatives, casting one vote for each State, would elect the President from the five candidates standing highest in the electoral vote. Under this system, as it was explained again and again, the large States would nominate the candidates in the electoral college, and the small States would elect in the House of Representatives.

No part of the Constitution has been more perverted, distorted and, through practice, more completely violated the intention, word, and spirit of the framers than the provision for the election of the Chief Executive. George Washington and John Adams are the only Presidents who have ever been elected by the free and independent choice of the electors designated by the State legislatures. The protection that Colonel Mason visualized for the small States electing a President by State unit vote in the House of Representatives never even remotely materialized. Long before the day of political conventions, the large States with the preponderance of apportionment in the House of Representatives discovered the formula for making captives the selected electors from all the States.

By 1800 Thomas Jefferson had emerged as the unquestioned leader of the Republican Party. There is nothing in the Constitution in regard to government by parties and the whole mighty structure of party government has been built up from without and superimposed on the framework of the Constitution. While Vice President, John Adams was so dubious over the developing party lines that he declared:

> There is nothing I dread so much as the division of the Republic into two great parties, each under its leader. * * * This, in my humble opinion, is to be feared as the greatest political evil under our Constitution.

Washington had warned in his Farewell Address:

> The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. * * * all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the Nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interest.

In 1800, however there was a party. Jefferson was its leader, and the Republican Members of Congress met on May 11, 1800, in the first recognized party caucus. The Republican Members were meeting on a per capita basis and voted as individuals rather than as representatives of States. No vote was necessary insofar as Jefferson's selection as President was concerned. Burr was unanimously selected as the party candidate for Vice President. This caucus set the pattern that from that day until this has permitted the large States to completely dominate the executive and judicial branches of the Federal Government. Party discipline was so effective and the electors so completely bound to the new system that the votes of Jefferson and Burr were identical in the electoral college. This required the adoption of the 12th amendment where the elector was to name one candidate for President and another for Vice President.

The congressional caucus became the accepted method for selecting the Republican candidates for President and Vice President. With the division of representation in Congress equaling the strength of the States in the electoral college, the small States were checkmated at every point. Jefferson was reelected, then Madison.

In 1816 a considerable body of opposition had arisen against the congressional caucus. At the caucus on March 16, Henry Clay moved that it was inexpedient for a caucus to recommend candidates to the good people of the country. His motion was defeated. John Taylor, of New York, moved to the effect that the practice of nominating candidates by congressional caucus ought to be discontinued. This motion was likewise rejected. On the vote for a presidential candidate, Monroe received 65 votes, while 54 were cast for Crawford of Georgia. Tompkins of New York was chosen as the candidate for Vice President. Had the State of Georgia had a vote in the caucus equal to that of Virginia, Crawford would have had 71 votes to Monroe's 65.

No candidate was offered by the Federalist Party in the election of 1820. Monroe's reelection was so assured that there was no need for the Republicans to nominate candidates. A caucus was called, but so much opposition developed against it that only 50 Members appeared. The electoral vote was 231 for Monroe to 1 for John Q. Adams.

The friends in Congress of Adams, Clay, and Jackson, totaling almost 150, refused to participate in the Republican congressional caucus of 1824. Their plan was to wreck the caucus system and denounce Crawford as the caucus candidate. Crawford for President and Gallatin for Vice President were named by the 68 members who did attend. Adams, Clay, and Jackson all competed against Crawford for the vote of the electors. The electoral votes were: Jackson, 99; Adams, 84; Crawford, 41; and Clay, 37. With the election placed

in the House of Representatives, Clay, who was dropped from consideration, threw his strength to Adams and caused his election to the Presidency on the first ballot.

This marked the end of both the Virginia dynasty and the congressional caucus system. The pattern that was set in the congressional caucus for selecting candidate for President and Vice President was soon to be transplanted to the convention system, and the large States were thus to be perpetuated in their domination over the selection of candidates for President and Vice President. As between the two systems, at least it can be said about the congressional caucus that the participants were the authentic, elected representatives of the people of the several States. As such, even though large States far overbalanced the small in voice and representation, it more closely conformed to the letter and spirit of the Constitution than does the convention plan which supplanted it.

The Legislature of Tennessee nominated Jackson for President as early as October 1825. Calhoun, Van Buren, Crawford and others were working in various sections for Jackson. There was no congressional caucus. There were "Adams men" and "Jackson men." Calhoun, of South Carolina, and Richard Rush, of Pennsylvania, were the candidates for Vice President. Jackson's electoral vote was 178 to Adams' 73. While New York was split 20 for Jackson and 16 for Adams, the other large States were solid for Jackson: Pennsylvania, 28; Virginia, 24; Ohio, 16, and North Carolina, 15.

In 1831 and 1832 the first genuine party conventions were held. Henry Clay's supporters met as National Republicans and selected Clay for a presidential candidate and John Sergeant, of Pennsylvania, for Vice President. Jackson's administration party held a national convention in Baltimore. Jackson was the unquestioned candidate for President. The convention was called primarily to select a candidate for Vice President, and Van Buren, of New York, was nominated. Each State was given the right in the convention to as many votes as the number of presidential electors it was entitled to choose. Even though the rule requiring a two-thirds vote to nominate was adopted, the distribution of votes in accordance with a State's representation in the electoral college sealed the doom of the small States. The large States started out with an overpowering strength in convention representation. Potential candidates would always originate from a State where a big bloc of votes was assured. From the Members of Congress, the power to nomination was to be transferred to the big-city, big-State machine—the political bosses and manipulators. Delegates were to become the puppets to decisions made by a handful of kingmakers in smoke-filled rooms. From here on out the major consideration was who controlled the big States and who could deliver the votes.

Mr. President, the convention plan that was devised for nominating candidates for President and Vice President is a sheer travesty of the Constitution. It has no standing in either reason, law, or morality. Time and usage have multiplied rather than cured its fundamental evils. Regardless of how many States we now have and how much the balance of population has shifted away from the large States and into the now so numerous small ones, the big States have not only been able to maintain, but actually to increase their dominant power in the executive and judicial branches of the Government.

Currently in the House of Representatives the five largest States have 151 Members. The 6th through 10th ranking States, in accordance with the representation following the census of 1950, have 80 Members. Thus, we find that the 10 largest States, with 231 Representatives, have an absolute majority of the total representation in the House of Representatives.

The new alinement in the House of Representatives based on the 1960 census will swing the preponderance of representation even more in favor of the five largest States and the 6th through the 10th largest States that now exists in that body. Based on a House of Representatives containing 435 Members, the five largest States will have a total of 154, rather than 151 Members. The 6th through the 10th bloc of States will gain 1 Member, making a total of 81. This totals 235 Members out of 435, where in the present Congress the 10 largest States have only 231 Members out of 437. Unless there is a radical and unforeseen change in the present population trends in the United States, there is no hope in the foreseeable future for the 40 other States to offset the preponderant representation that now balances in favor of the 10 largest States in the House of Representatives.

The people of 40 States, representing almost half of the total population of the country, are, in effect, living with a noose around their neck and within the jaws of a vise that prevents them from receiving their fair share of participation in the operation of the Federal Government throughout the vast executive branch, as well as the highest councils of the judiciary, and, to a more limited extent, in the legislative branch. When Representatives of small States of the U.S. Senate cooperate and join with those who represent the larger States to change rules of procedure that would give to the larger States an even greater degree of control, influence and power, they are doing a disservice to the people they represent. If this rule is changed, residents of these smaller States will be deprived even more in the future than they have in the past of the opportunity of participating in the policy decisions, the management and the operation of the Federal establishment. The leading sponsors of the resolution that would permit the closing of debate by a mere majority vote of the Senate are, by and large, from the larger States. The distinguished senior and junior Senators from the State of New York are on this resolution. The senior and junior Senators from the State of Pennsylvania are on this resolution. The senior and junior Senators from the State of California are on this resolution. The senior Senator from the State of Illinois is on this resolution. Other large States represented are Senators from the States of Michigan, New Jersey, and Massachusetts. If the Senate is to remain a forum and council of sovereign States, every right, power, and privilege that has ever been extended to those representing the smaller States in the Union must and should be retained. There is no right, privilege or power that better protects the interests of the people of the smaller States of this Union than that of unlimited debate. If Senators destroy this privilege, they go a long way toward the complete obliteration of power and influence now residuary in the rules and costumes of this Senate since its establishment.

Mr. THURMOND. Mr. President, in the short period of slightly more than 170 years, the United States has grown and prospered from a group of scattered provincial settlements along the eastern seaboard into the foremost Nation of the world. The population in this period increased from less than 4 million to almost 180 million. Our people enjoy greater material abundance than any other people on earth and the highest standard of living in the world. Even more important, the individuals who comprise our Nation have throughout the period enjoyed freedom of thought, speech and action, and it is this very individualism in which lies the secret of our national success.

The existence of individualism in the United States is no accident, but is a direct result accomplished by the system of Government inaugurated through the Constitution. It would seem logical that all of us who share in the unsurpassed benefits of our governmental system would be both informed on the mechanics of its operation and jealous protectors of both the word and the spirit of its structure.

It is indeed a disillusioning experience to be confronted with such ignorance of the spirit of the Constitution, or disdain for its accomplishments, as that with which we are confronted in the U.S. Senate by this proposal to alter the Senate rules with regard to limitation on debate. We are confronted with arguments based on Rousseau's treacherous theory of "democracy"— a doctrine as alien to our system of government as any of the foreign "isms" which we find so repugnant. Rousseau's philosophy is no more or less than rule by the unbridled will of the majority, whether the majority be large or small, temporary or continuing. In essence it is the rule of emotion, providing neither protection for individual rights nor orderly conduct of society, which is the only reason for government's existence. Our Government is not "democratic," but is a federated constitutional republic, and under the explicit terms of the U.S. Constitution, the National Government is charged with the responsibility of insuring to the people of each State a republican

form of government, and thereby, charged with preventing the institution of a "democracy" in any State.

Individual rights cannot exist where the emotional will of the majority is absolute, and our governmental system rejects "democracy" for that reason. Throughout our entire structure of government there are checks instituted on the will of the majority. While these checks do not provide an aggressive weapon for the individual, or the individuals within a minority, they do insure the existence of a negative weapon by which individuals may defend their basic rights against assaults from even the majority.

One of the many of such checks on the will of the majority is embodied in the relative freedom of debate in the U.S. Senate. This check would be even more consistent with the purpose of our governmental structure were it to permit no cloture whatsoever. The present rule provides a minimum protection, and a forum for those individuals who find themselves temporarily in a minority insofar as representation in the Senate is concerned, if not among the populace as a whole.

The design of the Senate as an institution was intended to provide a degree of stability through deliberation, which, in its absence, would have been missing from the governmental structure. No less an authority than the Father of our Country, himself, attested to this fact. It is related that shortly after adoption of the Constitution, Thomas Jefferson upon his return from France, breakfasted with George Washington, and their conversation centered on various aspects of the Constitution. During the course of the conversation, Jefferson protested to George Washington against the establishment of two Houses in the Congress. Washington asked, "Why did you pour that coffee into your saucer?" "To cool it," Jefferson replied. "Even so," said Washington, "we pour legislation into the senatorial saucer to cool it." Unfortunately, in the last few decades the Senate has abdicated its intended function as a damper on hasty, impetuous and extreme actions by the Congress. There remains, however, by virtue of the relatively free debate permitted under rule XXII, a forum for those who cherish individualism and individual rights, even for those individuals represented by a minority in the U.S. Senate; and quite possibly this remaining check serves as a mitigant against the excesses of the majority.

The impetuosity which underlies the current effort to emasculate rule XXII constitutes more than an assault on the procedure of the Senate. This impetuosity is the embodiment of a completely radical, political philosophy, which is un-American to its very roots. Its immediate manifestation is in the form of an attack on a mode of procedure that is only one element—albeit an essential element—of the machinery by which individualism is protected in this country. It is the initial step in an effort to substitute conformity as a national characteristic for individualism, the very factor responsible for our Nation's success. It is the desire of the adherents of this new radical political philosophy to achieve absolute control of the National Government, and through its massive and numerous instrumentalities, to design a pattern of conduct for all Americans and enforce their conformity.

A distinguished columnist, Col. W. D. Workman, recently had this to say about the threat of conformity's cult:

A cult of conformity threatens to engulf America—posing the need for a 20th-century Theseus to strike down those who would force everyone into a Procrustean pattern of uniformity.

Procrustes, you will remember, was the fabled Greek bandit who fitted all his victims to his one iron bed—forcibly stretching the short ones to proper length, or lopping off the arms and legs of those who were too big to be otherwise accommodated.

His counterparts in today's society shun such violent methods, but they are equally insistent on conformity by compulsion. The modern Procrustes operates in various guises and in many fields. But always his goal is to reduce mankind to the lowest common denominator.

The political Procrustes calls for party loyalty above all else. By pressure, by ridicule, and by persuasion, he seeks to instill a sense of regularity into all participants. The individual becomes a cipher, of value only when added to other ciphers. And the independent is branded as a maverick to be derided and denounced.

The academic Procrustes advocates a vast uniformity in curriculum, in student bodies, and even in intelligence. He yearns to sail upon calm and untroubled waters of a serene scholastic sea, sacrificing everything to placidity.

The sociological Procrustes would share out the world's goods on equal terms to all comers, whether they be short in capacity or long in competence. And his ethnically motivated colleague longs for the day when all racial distinctions will fade away into one grand light-tan blend which acknowledges neither white nor black, nor brown, nor yellow.

Nowadays, the religious curtain is rising on another conformist—a Protestant Procrustes who would consolidate many of the Protestant faiths into a gigantic organization which at once achieves those twin goals of modern America—bigness and uniformity.

Theological considerations would take a back seat to the watchword—"organization." And here again, hosts of Americans would be admonished to follow this contemporary creed: To believe as others, to belong with others, and to behave like others.

Well intentioned though these advocates of merger may be, they nevertheless threaten to accelerate the already too fast trend toward conformity in all things. The individual is becoming lost in the shuffle. Divergence of opinion is becoming distasteful in the eyes of our preceptors. "Nonconformity" is a dirty word.

But let us pause long enough to weigh the words of some other men in other times who were concerned over the same problem.

William Penn, no firebrand, voiced his concern in these words:

"It is reasonable to concur where conscience does not forbid a compliance; for conformity is at least a civil virtue. But we should only press it in necessaries; the rest may prove a snare and temptation to break society. But above all (conformity) is a weakness in religion and government, where it is carried to things of an indifferent nature, since—besides that it makes way for scruples—liberty is always the price of it."

John Milton, who was as concerned as are today's churchmen over petty schisms and numerous denominations, nevertheless declared that it is "more wholesome, more prudent, and more Christian that many be tolerated, rather than all compelled."

Milton bespoke true tolerance—that willingness to accord each man the sanctity of his own beliefs. This is tolerance which neither demands nor denies conformity, for to do either is presumptuous. Man is hidebound enough with governmental inhibitions. In other realms, let him retain his individuality lest we all become automatons.

As novel as may be their approach, and despite their protests to the contrary, there is nothing new about the aim the conformists seek to achieve. It is as old as the writings of Lenin and Marx and is best known as state socialism. Nothing could be more indicative of state socialism than the intolerance which is exhibited by the proponents of majority cloture in the U.S. Senate toward the expression of views by Senators opposed to the welfare state measures and to the destruction of federalism. I am optimist enough to believe that the Senate has not yet degenerated to a point at which it will renounce its intended purpose and responsibility, and abjectly surrender to the autocratic forces of state socialism, who implore us to sacrifice the protection of individualism on the treacherous and alien altar of majority rule.

There is no solace in the fact that those attempting to limit debate by a majority vote in the Senate are satisfied to do so by stages. At the beginning of the session in 1959, they succeeded in returning to a provision for cloture by the smallest number of Senators who have ever in the history of this body held such power and it is under that rule that the Senate now operates. Just as the Senate is a continuing body, the attempts to provide a cloture rule by a majority vote of Senators is a continuing effort. This effort has already been too successful and even were concessions made to the proponents of change at this session, they would be right back in January 1963, making the same fight. They will not be satisfied until the Senate can be controlled by a bare majority of Senators.

It is my firm opinion that the rule by which two-thirds of the membership can limit debate is as restrictive of free discussion as it can be, at the present time, without seriously infringing on the right of the minority to be heard, the right of the States to equal representation, and the preservation of the Senate as a great and unique institution.

The Senate is the last forum on earth where men can discuss matters of vital importance without severe restrictions on debate. This circumstance is one reason, perhaps the major reason, why the Senate has become known as the world's greatest deliberative body and why the great English statesman, Gladstone, described the Senate as "that remarkable body, the most remarkable of all inventions of politics."

I willingly accept the fact, so frequently pointed out by those who would impose gag rule on the Senate, that the rules of this body are unusual. Indeed, the Senate is unique among parliamentary bodies. It is a great legislative

body, and all the greater because it has not been constrained to bend to any popular notion of what rules a parliamentary body should follow.

The roots of the Senate rules are founded in history. At the time our Constitution was being framed, there was a great reluctance, on the part of the individual States, to surrender any of their cherished liberties to a Federal government.

At that time, there were some unusual laws and customs in most of the individual States. The people within these States were wary of surrendering State sovereignty to a Federal government which might arbitrarily and hastily nullify State laws. They had recently freed themselves from tyranny and secured for themselves individual liberty in a great fight for independence. Consequently, numerous safeguards to protect the rights of the States were built into the Constitution. Before they would assent to the ratification of this supreme law, however, they won assurance of early approval of the first 10 amendments to the Constitution. These amendments, commonly referred to as the "Bill of Rights," constitute the greatest set of civil and individual rights to be found anywhere.

In order to illustrate the value the people placed upon preserving their individual liberties and the rights of the States, I will briefly read to this body the Bill of Rights:

ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.

ARTICLE III

No soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner prescribed by law.

ARTICLE IV

The right of the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No persons shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witness in his favor, and to have the Assistance of Counsel for his defence.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

One of the principal safeguards built into the original Constitution was the formation of a Senate in which every State was given equal representation. The Senate was envisioned by the Founding Fathers as a body where the rights of States and the views of minorities would be given unusual consideration. During the course of the debates of the Philadelphia Constitutional Convention of 1787, the delegates reached agreement upon a House of Representatives to be elected by the people every 2 years and based upon a population ratio divided into congressional districts. After this action was taken, the smaller of the participating Thirteen States wondered how their minorities could be adequately protected from the capricious whims of a majority in the House.

After long debate, which was at times most acrimonious, and which actually threatened to break up the Convention, the solution was offered by the wise and venerable Benjamin Franklin; namely, equal representation in the Senate for every State. And, to make sure that that representation would be of a character that would calmly consider and patriotically and unselfishly act on laws under which all the people would have to live, it was provided in the original instrument that Members of the Senate should be elected by State legislators and not by popular vote and given a term of 6 years.

The Founding Fathers also wrote into the original Constitution other safeguards against what the advocates of a rules change term "majority rule." They provided in certain instances for votes requiring a majority of two-thirds. Here are some of these provisions as found in the Constitution:

No person shall be convicted on impeachment without the concurrence of two-thirds of the Senators present (art. I, sec. 3).

Each House, with the concurrence of two-thirds, may expel a Member (art. I, sec. 5).

A bill returned by the President with his objections may be repassed by each House by a vote of two-thirds (art. I, sec. 7).

The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur (art. II, sec. 2).

Congress shall call a convention for proposing amendments to the Constitution on the application of two-thirds of the legislatures of the several States (art. V).

Congress shall propose amendments to the Constitution whenever two-thirds of both Houses shall deem it necessary (art. V).

When the choice of a President shall devolve upon the House of Representatives, a quorum shall consist of a Member or Members from two-thirds of the various States of the Union (amendment 12).

A quorum of the Senate when choosing a Vice President shall consist of two-thirds of the whole number of Senators (amendment 12).

The Constitution, therefore, does not give recognition, in all cases, to the right of the majority to control.

By analogy it requires a two-thirds vote of the Senate to expel one single Member.

Thus, we can see from a glance back into history how concerned our forefathers were for protecting the rights of individuals, minorities, and the States in drafting the fundamental principles of our Government. From the start, too, our forefathers recognized that these rights could only be secured if adequate protection was provided by established rules of procedure. They had the wisdom to realize that substantive rights contained in the supreme law might be later mutilated or trammeled if procedural safeguards were not provided to insure long and careful deliberations of the legislative issues which, if approved, might restrict the rights of the individuals, minorities, and the States.

Thus we find the great statesman and political philosopher, Thomas Jefferson, saying in the preface to his "Manual," which he deposited with the Senate and which became the recognized guide for all our legislative bodies:

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say it was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power. So far the maxim is certainly true, and is founded in good sense; that as it is always in the power of the majority, by their numbers, to stop any improper measure proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are to become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities.

And whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is; that there may be a

uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.

On a subsequent occasion, Mr. Jefferson had this to say concerning the protection of minority interests:

Bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate would be oppression.

In accordance with the advice of Jefferson, the rules of the Senate were framed to provide for a check on the tyranny of the majority. The tradition has been preserved to the present day, although the rules of the Senate have been altered on some few occasions. Perhaps one of the best recent commentaries on how well the Senate rules have served their purpose in preserving minority rights without adversely affecting the rights of the majority was written by Mr. William S. White, distinguished journalist and author of the book "Citadel—The Story of the United States Senate." It is appropriate that his conclusions be presented to the Senate at this time:

Conscious though one is of the abuse of senatorial power, one glories nevertheless in the circumstances that there is such a place, where big Senators may rise and flourish from small States.

For the institution protects and expresses that last, true heart of democratic theory, the triumphant distinction and oneness of the individual and of the little State, the infinite variety in each of which is the juice of national life.

It is perhaps often forgotten that the democratic ideal is not all majority; that, indeed, at its most exquisite moments the ideal is not for the majority of all but actually for the minority of one.

The Senate, therefore, may be seen as a uniquely constitutional place in that it is here, and here alone, outside the courts—to which access is not always easy—that the minority will again and again be defended against the majority's most passionate will.

This is a large part of the whole meaning of the institution. Deliberately it puts Rhode Island, in terms of power, on equal footing with Illinois. Deliberately by its tradition and practice of substantially unlimited debate, it rarely closes the door to any idea, however wrong, until all that can possibly be said has been said, and said again. The price sometimes is high. The timekilling, sometimes, seems intolerable and dangerous. The license, sometimes, seems endless; but he who silences the cruel and irresponsible man today must first recall that the brave and lonely man may in the same way be silenced tomorrow.

For illustration, those who denounce the filibuster against, say, the compulsory civil rights program, might recall that the weapon has more than one blade and that today's pleading minority could become tomorrow's arrogant majority. They might recall, too, that the techniques of communication, and with them the drenching power of propaganda, have vastly risen in our time when the gaunt aerials thrust upward all across the land. They might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure even if a leisure uncomfortably prolonged.

It is, in the very nature of the Senate, absolutely necessary for the small States to maintain the concept of the minority's veto power, having in mind that it is only within the institution that his power can be asserted or maintained.

Where a powerful majority really wants a bill it will find means to have its way, cloture or no cloture.

Throughout the history of our country, majorities have assailed the rules of the Senate, because the rules of the Senate act as a brake on the will of the majority, especially a radical majority.

I shall not assign base motives to the various majorities who, down through the years, have attempted to change the rules of the Senate. Fortunately for the United States, there have been relatively few cases in which a group of Senators, pressing for legislation, was not motivated by a sincere desire to benefit the country. We can take it as a general rule that the majority always thinks it is right.

Believing themselves to be right, the majority side, in any issue, is naturally vexed and even angry when it finds its will frustrated by a minority. It resents seeing a group which it believes to be in the wrong obstructing and delaying the enactment of legislation it believes to be useful.

This is a frustration which can cause a great mind to go astray and fall into error.

I think of Woodrow Wilson, for example. Wilson was one of the great students of our government long before his election to the Presidency. Writing in 1881, in his "Congressional Government," he observed that "the Senate's opportunities for open and unrestricted discussion, and its simple, comparatively unencumbered forms of procedure, unquestionably enable it to fulfill with every considerable success its high functions as a chamber of revision."

In further expressing his views on free debate in the Senate, Mr. Wilson made this statement:

It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constitutents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the Government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct.

The informing function of Congress should be preferred even to its legislative function. The argument is not only that discussed and interrogated administration is the only pure and efficient administration, but more than that, that the only really self-governing people is that people which discusses and interrogates its administration. The talk on the part of Congress which we sometimes justly condemn is the profitless squabble of words over frivolous bills or selfish party issues. It would be hard to conceive of there being too much talk about the practical concerns and processes of government. Such talk it is which, when earnestly and purposefully conducted, clears the public mind and shapes the demands of public opinion.

Long afterward, a minority of the Senate killed President Wilson's armed neutrality ship bill. We all remember, I am sure, his classic excoriation of the Senate:

The Senate of the United States is the only legislative body in the world which cannot act when the majority is ready for action. A little group of willful men, representing no opinion but their own, have rendered the great Government of the United States helpless and contemptible.

This is one example, a classic one. There have been many cases of Senators who have argued for greater restrictions on debate while pressing for a majority point of view, who changed their opinions when the heat of debate had cooled.

This point was deeply impressed on my mind when I recently made a thorough study of the issue of free debate in the Senate. I am sure that many others have come to this same conclusion after their research efforts on this subject. The distinguished senior Senator from Georgia [Mr. RUSSELL], one of the Senate's most able parliamentary experts of all time, made a very similar observation when testifying before the Senate Rules Committee in 1952. Here is what he had to say:

I have studied this question of the proposal to institute a more restrictive gag rule in the Senate. I once spent a couple of weeks in going back over the various occasions in the history of the Senate when these motions, these efforts, have been made to change the rules. I was interested to note two things: That almost always those who sought to change the rules to gag his adversary of the minority when he was in power became a great advocate of freedom of debate when he was translated from the majority to the minority. Further, almost invariably men who came to the Senate determined to change the Rules of the Senate, if they stayed there long enough, came to defend the rules.

Perhaps the best so-called proof of the pudding on this point lies in a statement made by a former President of the United States while serving as a Member of this distinguished body during the period of 1915–20. Listen to these words of the late Warren G. Harding:

I have been hearing about the reformation of the Senate since I first entered politics; and it was rather an ironical thing the other day that one of the most emphatic speeches made in favor of the adoption of this rule was uttered by the very latest arrival in this body.

But the reformation of the Senate has long been a fad. I came here myself under the impression that there ought to be cloture and limitations on debate; and the longer I sit in this body, the more convinced do I become that the freedom of debate in the U.S. Senate is one of the highest guarantees we have of our American institutions.

Mr. President, before I take my seat I wish to say that the length of a speech is not the measure of its merit.

While the Senate may not listen, because the Senate does not listen very attentively to anybody, I discover, though Congress may not be apparently concerned and though the galleries of this body may not be filled to add their inspiring attention, I charge you now, Mr. President, that the people of the United States of America will be listening. This is the one central point, the one open forum, the one place in America where

there is freedom of debate, which is essential to an enlightened and dependable public sentiment, the guide of the American Republic.

More than a half century ago Senator Hoar, of Massachusetts, made this point on how experience can change minds:

There was a time in my legislative career when I believed that the absence of a cloture in the Senate was criminal neglect, and that we should adopt a system of rules by which business could be conducted; but the logic of my long service has now convinced me that I was wrong in that contention. There is a virtue in unlimited debate, the philosophy of which cannot be detected upon a surface consideration.

I believe that I understand the desire of some of my colleagues to change the rules of the Senate. They are anxious to rush into law certain proposals which they believe to be right and for which they believe they can count on the support of a majority of the Senate.

Let us suppose, for the sake of argument, that the majority has been right on every occasion during the deliberation of the 86th Congress. I do not believe this for a moment, but let us suppose it. If we accept this supposition, it follows that the work of the Senate would have proceeded more quickly, and more legislation would have been passed, if debate had been severely restricted. However, those who believe that the majority has always been right during the 86th Congress would hardly have the temerity to predict that the majority will always be right in the 87th Congress, or in the 187th.

There inevitably come times when the majority is dead wrong, and these are times when the will of the majority, if unchecked, can destroy our American Government. Some of the best examples of majority mistakes and wrongs were best summed up by former Senator James A. Reed, of Missouri, during the 1917 debate over rule XXII with these words:

Majority rule. Where is the logic or the reason to be found back of majority rule except in the mere necessity to dispatch business? The fact that a majority of 1 or 10 vote for a bill in the Senate is not a certification that the action is right. The majority has been wrong oftener than it has been right in all the course of time. The majority crucified Jesus Christ. The majority burned the Christians at the stake. The majority drove the Jews into exile and the ghetto. The majority established slavery. The majority set up innumerable gibbets. The majority chained to stakes and surrounded with circles of flame martyrs through all the ages of the world's history.

Majority rule without any limitation or curb upon the particular set of fools who happen to be placed for the moment in charge of the machinery of a government. The majority grinned and jeered when Columbus said the world was round. The majority threw him into a dungeon for having discovered a new world. The majority said that Galileo must recant or that Galileo must go to prison. The majority cut off the ears of John Pym because he dared to advocate the liberty of the press.

Many other such examples could be cited down through the years of history. Since Senator Reed made his great fight to preserve free debate in the Senate, an outstanding example of majority action has cost the world the most devastating war of all times. I refer to the action of the majority in placing Hitler in power. Soon after this occurred he had a 100-percent majority in the German Parliament, but even this did not make Hitler's policies right. Nor does the alleged 99-percent votes of the people of Soviet Russia in support of the Communist Party—together with the unanimous approval of the Supreme Soviet Presidium—make the policies of the Kremlin leaders best for the people or right, in any sense of the word.

There is no worse form of tyranny than the tyranny imposed by 51 percent of the people on the other 49 percent.

The Senate rules, as they stand, are an important safeguard to individual liberty.

No doubt there have been times when desirable legislation was delayed because a minority of the Senate took advantage of the opportunities which the rules afford to block legislation. But there have been few times, if any, when important legislation of a genuinely desirable nature was permanently defeated because a minority stood against it.

The rules provide opportunities for delay. They do not provide a method for the minority to impose its will permanently on a majority. In fact, the record shows that very few pieces of legislation have been defeated by resort to extended debate. It is true that there have been delays, but of the 35 bills which have been subjected to extended debate only 5 proposals have never passed. One of these proposals, the unconstitutional bill to remove the poll tax from State election lawbooks, was offered on four different occasions. My State of South Carolina long ago removed the poll tax voting requirement, as have all but five of the States which originally enacted such legislation. The control of elections, however, is a power reserved to the States, and the Federal Government has no business repealing a State election law. That is the principal reason why the anti-poll-tax bills have been killed on four occasions.

Mr. President, the issue before us as a result of the proposals to change the Senate rules calls for the utmost in statesmanship from the men of this body. The traditions and heritages of the Senate as an institution, once renounced, will be difficult to reinstate. The Members of this body, American citizens, and, indeed, the entire world will suffer should the distinctive features from which inure the greatness of this institution be sacrificed to expediency. Now is the time for the Senate to reaffirm its confidence in a system which has been a boon to individual liberty by rejecting the proposed alterations in the character of this body.

CENSORING BY THE DEPARTMENT OF DEFENSE

Mr. THURMOND. Mr. President, the Secretary of Defense appeared before the Senate Armed Services Committee on September 6 and 7 and gave testimony relating to Senate Resolution 191, which I introduced in the Senate on August 4, 1961. In most instances he specifically touched on the matters which I have brought to the attention of the committee and the Congress, and which, in my opinion, demonstrate the need for the investigation proposed in Senate Resolution 191.

The testimony of the Secretary is lengthy and, together with the material which was subsequently submitted by the Department of Defense, constitutes a rather massive amount of material. I have attempted to review both the Secretary's testimony and the material subsequently submitted, although it is obvious that in the time available, it would be impossible to analyze comprehensively this bulk of material, which includes more than 1,500 speeches.

After a review of this material, I am convinced that the additional material already submitted, and the testimony of the Secretary of Defense, reinforce the evidence which substantiates the need for the investigation which I have proposed. I should, therefore, like to review some of the testimony which was given by the Secretary and the content of the material submitted for the record.

Initially, however, there are several matters I would like to clarify for the committee, the Senate, and the public to the best of my ability. During the hearings, I not only requested, but I pressed, the Secretary of Defense to furnish to the committee the names of the censors who reviewed each specific address submitted for review. Let me make it clear here and now, as I attempted and intended to do at the hearings, that I in no way question the loyalty or patriotism of the persons who do the censoring in the Department of Defense. I stated in one of my questions to the Secretary the reason for my desire to know the identity of each person in connection with the review of specific addresses, and I quote from page 105 of the record, where I stated:

In my opinion, this committee needs to hear personally from the individual who reviewed this address—

And in this instance I was referring to the address of Admiral Burke, which I read—

on what criteria he based the decision or recommendation and from what source did he determine the foreign policy which he considered to be discussed by this statement.

My interest in the identity of the censor on each particular speech stems from no suspicion of the individual, but rather from a desire to hear from him as to the policy on which he based his decisions, and as to the source of such policy. Were each censor to be identified with his own work, it would be much easier for the committee to determine whether whatever variations appear in such censorship patterns as appear, stemmed from variations in policy from time to time or from variations in interpretations of policy among the various implementing individuals.

Let me again give assurance, as I did at the last executive session of the Armed

Services Committee, that I am interested neither in motives nor personalities. It is cause and effect with which I am concerned.

As I stated to the Armed Services Committee in its last executive session, the evidence which has come to my attention indicates that an impression has been created, justifiably or unjustifiably, within the Department of Defense and among those associated with the Department of Defense—and, indeed, to an appreciable extent in the minds of the public—that the administration, and particularly the Defense Department, wants anticommunism soft-pedaled. This impression did not derive solely from actions taken within the Department of Defense and related agencies, but it has certainly been fostered and reinforced by such actions. This impression, together with the actions in the Department of Defense, are detracting from our strength, both military and moral. Specifically, they are retarding, and possibly even obstructing, efforts to provide the public with accurate and reliable educational information on the nature of the Communist menace and its methods of operation. They are impairing the usefulness of troop information and education programs, and thereby the proper training of our service personnel. They are impairing the morale of our military personnel, thereby decreasing their effectiveness as a force essential to the maintenance of a strong military posture.

For purposes of convenience and clarity, I have discussed the actions of the Department of Defense within the context of three separate categories, which are: first, censorship; second, troop information and education programs; and third, the use of military facilities and personnel in informational programs for the general public, which, for purposes of convenience, can be referred to as the category of seminars. I shall discuss and refer to the testimony and exhibits of the Department of Defense within the context of these three categories.

CENSORSHIP OF SPEECHES

Censorship is a serious matter which is antagonistic to our concept of society. Even in the area where security requirements make it essential, the greatest care must be taken that the censorship not be capricious or excessive. It is also necessary for military persons to refrain in official statements from speaking on foreign policy matters. Again, however, it is essential that foreign policy not be so broadly interpreted in applying censorship as to prevent statements being made on any subject which, regardless of by whom made, might conceivably influence a person in his thinking concerning foreign peoples or nations or our relations with them.

For some time now the policies of censorship of military speeches, intentionally or unintentionally—and again, motives are relatively unimportant—are contributing to the impression that the administration wants anticommunism soft-pedaled. I gave specific examples of the type phrases deleted at the last executive session of the committee and I questioned the Secretary of Defense concerning other censorship changes when he was before the committee.

In explaining why these deletions were made, the Secretary stated that—and I quote from page 30 of the hearings:

> Certain potential provocative language was removed at the time when in the minds of those responsible for our foreign policy it seemed wise to do so, specifically the period January 20–March 10.

In referring to the 10 examples of censorship, the Secretary stated—and I quote again from page 30:

> I also point out that five of them occurred in the period prior to March 10. This was a period when the RB–47 fliers were being released, and while other actions were taking place, and in the view of those responsible for our foreign policy, it seemed wise to make these deletions.

I might say that at another point the Secretary also mentioned the Vienna Conference as one of the sensitive negotiations during which period "provocative" language was deleted.

Also, when I questioned the Secretary concerning the deletions from Admiral Burke's speech of March 25, the Secretary insisted that the period of review was early March, about which period he stated—and I quote from page 107 of the hearings:

> At that particular time we were being advised to be firm, but not provocative in tone.

In the first place, the Secretary's continued reference to the period prior to March 10 as the period when the release of the RB–47 fliers was being negotiated is not accurate. The release of the RB–47 fliers was announced by President Kennedy on January 25, 1961, and the fliers were returned to this country on January 27, 1961. These negotiations, then, could hardly have been the basis of softening statements for the period of February and March. The Secretary acknowledged, incidentally, that January 25 and 27 are the correct dates as indicated by his submission for the record, which appears on page 171 of the hearings.

I would also point out that the entire speech of Admiral Burke, which was rejected by the Department of Defense on the basis of a conflict with Department of Defense Guidance No. 18 on April 6, was for delivery on April 11. Some of the previous phrases to which I had referred, and which the Secretary said were deleted during this "sensitive period" were contained in a speech for delivery on March 9, which is rather remote from January 25 or 27.

The Vienna Conference, to which the Secretary alluded, took place on June 4 and 5. The first public announcement concerning Vienna was approximately 2 weeks prior thereto. If it was the policy to censor out expressions considered to be provocative from statements during the period of the Vienna Conference, the Secretary demonstrated very clearly that his policy was not very consistently followed, for he quoted to us during the hearings—and this appears on page 50—a statement which the Secretary considered to show that very hard statements concerning communism were passed by the censors. The particular quotation to which I refer is one from an address of Gen. George Decker, Chief of Staff of the Army, which was delivered on the first day of the Vienna Conference, June 4, and which was reviewed in the preceding weeks. I quote from the hearing:

> The word "exploding" is often and aptly used to describe this environment—exploding in technology, population, and equally violently in social and political unrest. The great revolutions underway in these fields are made more dangerous by abnormal tensions created by the Communist drive for world domination.
>
> Intensifying the dangers of this world environment is the abnormal tension created by Communist ambitions for world control. This domination is sought through the use of every economic and ideological weapon, supported by the most modern and powerful military forces.

If, indeed, there existed any policy which required the softening of statements of military persons during periods of sensitive negotiations, that policy evidently did not get through to the censor or censors who reviewed General Decker's address to be delivered during the Vienna Conference. This is not the only instance I can cite to refute the Secretary's contention on this point.

I requested the Secretary to submit for the record the criteria or guidelines which were furnished to the censors from which they could determine the policy which should govern their review of speeches, and the Secretary agreed to submit this material. The material submitted appears on pages 55 through 97. The material submitted included Department of Defense Directive No. 5230.13, which appears on pages 111 and 112 of the hearings. While there is in paragraph 4 of this directive a reference to the fact that officials of the Department of Defense should avoid discussions of foreign policy matters, there is neither a definition of foreign policy matters nor any reference to material where such information can be obtained. The remaining material is similarly inadequate. Material submitted by the Secretary of Defense is not printed in the record, for it is classified. It refers solely to statements concerning weapons and weapons systems and to statements concerning nuclear devices.

Subsequent to the receipt by the committee of this information from the Department of Defense, I examined it and realized that there was not included any copy or references to Department of Defense Guidance No. 18—public statements in the foreign policy area and related activities. I requested the staff to request this document specifically, since I had cited it to the Secretary of Defense as the basis on which Admiral Burke's speech was rejected, and on the basis of which I know other materials to have been rejected. Pursuant to the request by a staff member of the committee, Department of Defense Guidance No. 18 was submitted and it appears on page 95 of the hearings. It is a transcript of

Secretary McNamara's appearance on Dave Garroway's "Today" show.

I trust the members of the committee will read the Department of Defense Guidance No. 18 and form their own opinion as to its usefulness as a basis for censoring. I have but two comments to make concerning it. First, while there is again stated the unchallenged principle that military officers in their official statements should not speak on foreign policy, there is no guideline or criteria in this directive as to what is foreign policy or from what source it may be determined. I also submit that there is a serious doubt as to whether a transcript of a television interview is the proper form, or contains the sound reasoned judgment and preciseness of language, that is essential to a proper statement of policy which is to serve as a guidance for the statements of military officers and for the censorship of those statements. I would still be very interested to know in what way Admiral Burke's speech of April 11, which I read during the hearings—and I quote from the order of rejection, signed by the Directorate of Security Review—"is a violation of the policy expressed in Department of Defense Guidance No. 18." This question still has not been answered in any fashion.

The Secretary went to great lengths to quote from Admiral Burke's press conference to the effect that military officers were not muzzled and to assure us that Admiral Burke was in no way disturbed by censorship. In the first place, one must read the entirety of Admiral Burke's remarks at his appearance before the National Press Club in order to understand the full import of his remarks. As to Admiral Burke's attitude, I can, without divulging any confidence, let Admiral Burke speak for himself by reading to you a letter addressed to me dated August 30, 1961, in the admiral's own handwriting. Beyond this, as I suggested during the hearings, Admiral Burke should be requested to speak for himself directly to the committee. The letter of Admiral Burke to me is as follows:

CEDARVILLE, MICH.,
August 30, 1961.

DEAR SENATOR THURMOND: The nice, cool fishing in this remote part of Michigan certainly is cooler and quieter than Washington appears to be these days. I do thank you for your kind letter of August 18 and the enclosed CONGRESSIONAL RECORD of August 17. I have read the RECORD—and I appreciate your stanch defense of these simple maxims which used to be in children's copybooks—and somehow now seem to have been lost.

Should you see Senator MUNDT will you please express to him my appreciation also. It is fortunate that there are so many excellent people in the Senate. I am still naive enough to believe that the truth will triumph—providing people fight for it.

I feel a bit guilty to be fishing while you are working so hard—but not sufficiently so to give up my lessons in fishing.

With warmest personal regards.

ARLEIGH BURKE.

Mr. President, during the hearings the Secretary volunteered the fact that his staff had reviewed 1,500 statements or addresses which had been submitted for review. As a matter of fact, he mentioned these addresses repeatedly. Before discussing these statements further, I would like to remove any false impression that might have been created by such statements that military officers are indiscriminate and prolific public speakers on the subject of communism, foreign policy, or things of that type. I have reviewed to the maximum extent possible in the time available the speeches to which the Secretary referred. We received machine reproductions of these speeches in boxes bound together by rubberbands in groups of 20 to 30 speeches. I selected one of these packets at random and noted the nature of the speeches in that packet. There were 23 speeches or papers within the packet.

The first was a technical address by the deputy director of Telecommunications to the American Radio Relay League.

The second was a lecture on organization of an army to the Brazilian War College by a member of one of our military assistance units.

The third was a speech on Marine Corps requirements to the Armed Forces Communication Electronics Association.

The fourth was a speech by a major general of the U.S. Marine Corps to the United Services Organization on military manpower in the world situation.

The fifth was a speech by Rear Adm. John Coldwell to the Engineers banquet during Engineers Week.

The sixth was by an unidentified instructor entitled "Financial Management as an Element of Decisionmaking," and was delivered at Fort Leavenworth.

The seventh was a speech by the Deputy Executive Director of the Military Traffic Management Agency entitled "Coordination of Transportation in a National Emergency," to the 15th Institute on Railroad Management.

The eighth was a speech entitled "A Dual Capable Force," delivered to General Motors industralists during Armed Forces Week.

The ninth was a medical paper entitled "Radiological Hazards of the U.S. Air Force," delivered to a group of medical people.

The 10th was a paper entitled "Inventory Control," delivered by Major General Schofield to one of the service schools.

The 11th was an address delivered by Comdr. E. J. Rawls to the Ohio State Movers & Warehousemen's Association on the movement of household goods of military and civilian personnel of the Department of Defense.

The 12th was an address by the Director of Transportation, Headquarters, U.S. Air Force, to the annual air freight symposium.

The 13th was an address entitled "The Air Force Role in the Development of Turbines," by the commander, Wright Air Development Division, to the American Society of Mechanical Engineers.

The 14th was an address by a judge advocate of the U.S. Air Force, who is serving as Chief Attorney, General Law, Office of the General Counsel, Federal Aviation Agency, entitled "Legal Problems of Future Space Explorations and Travel," as a part of the lectures in space medicine at the U.S. Aerospace Medical Center symposium.

The 15th was a speech by Col. R. E. Herndon, Jr., ACIC, to the Association of American Geographers on the subject of "Space Geography in Project Mercury."

The 16th was entitled "The Army's Role in Surgical Research" by a brigadier general in the Medical Corps to an unidentified audience.

The 17th was a paper prepared for presentation to the Lincoln Laboratory of Massachusetts Institute of Technology by J. W. Mayer on "The Application of Low Morse Receivers to Radar and Allied Equipment."

The 18th was an address by the Chief of Transportation of the Department of Army to the National Defense Transportation Association.

The 19th was an Armed Forces Day address by Brigadier General Austin to the annual convention of the Pennsylvania wing of the American Transportation Association.

The 20th was a speech by a Mr. Raymond Higgins, position unidentified, to the Adjutant General's Association Conference.

The 21st was an article apparently for publication by Mr. R. H. Halme describing the Armed Forces Radiobiology Research Institute.

The 22d was a speech by Mr. J. Cobb, position unidentified, entitled "Bacterial Activity in JP–4 Fuel Storage."

The 23d was a speech to ROTC candidates and their families entitled "The Army as a Career."

Mr. President, as it happened, there were no speeches within this group which touched on matters concerning the censorship discussed at the hearings. None of these addresses were to cold war seminars. It is quite obvious that the overwhelming preponderance of the speeches delivered by military officers are either made as a part of their assigned duties or in connection with some specific field of endeavor in which they specialize in the service. It is also clear from a review of the speeches submitted by the Department of Defense, as hasty as my review necessarily was, that there is no ground whatever for an assumption that military officers are engaged in the practice of speaking regularly to civilian audiences on subjects concerning which they have no special qualifications.

As I stated, the great preponderance of speeches submitted were of a technical nature and in a field of specialty, and, therefore, have no relation to the subject at hand. Those speeches which did contain material about communism or the Communist threat were almost invariably censored. Let me make it clear that there is not by any means 100 percent consistency in this censorship. For example, it appears that there are those among the censors who prefer the expression "Sino-Soviet bloc" to the expression "Communist-bloc." There are others who prefer "Communist-bloc" to "Sino-Soviet bloc." On these particular expressions there is a consistent inconsistency. There are also

a number of deletions which are so absurd that they are humorous. I would find it difficult to ascribe such censorship to another than complete stupidity. For instance, in the introduction of one proposed speech the submitting officer included a reference to the quotation from Khrushchev:

We will bury you.

The quotation was not deleted, but the censor penciled in the margin:

He has denied that he meant this literally.

One censor even went so far as to delete a reference to Khrushchev banging his shoe on the table during the U.N. session.

The pattern of censoring out hard phrases against communism, however, is relatively consistent wherever such material was submitted. Throughout the speeches, I found consistent deletion of any use of the word "victory" or the word "war."

In each and every instance that I found, such words were deleted and a substitute made therefor. Indeed, these are carried to rather ridiculous extremes. In a speech of a technical nature prepared for delivery on May 1, 1961, the officer used the following sentence:

The X-15 is the "Man of War" of the stable of research aircraft today.

The phrase "Man of War" was deleted and the censor wrote in the margin:

Let's use another steed—Zev, Gallant Fox, etc., but not this one.

Even in this remote connotation, the term "war" cannot be used.

In a number of speeches I have found that when the writer proposed to refer to "the enemy" almost invariably the censors deleted this phrase and substituted therefor something such as "a potential aggressor" or words to that effect.

In one instance I have found that the remarks of a very high ranking military officer, prepared to be delivered to a committee of Congress in reference to specific legislation, were heavily censored where they dealt with Communist techniques in a specific area. This is the only instance I noticed of remarks prepared for delivery to a congressional committee being censored, and, in the short time I have had to review speeches submitted, it is impossible to state whether there are others.

During the hearings the Secretary quoted from a number of speeches in an effort to show that the censorship policy did permit hard statements about communism to be made. Two facts seem to stand out from an examination of these quotations. Most of the speeches from which the quotations were taken were obviously designed to sell the foreign-aid program.

It appears throughout the speeches I have examined that one is allowed to say much more concerning the horrible nature of communism, and to use much stronger adjectives in describing it, when the purpose is to illustrate a need for continued foreign aid. This fact is reemphasized by the Air Force policy letter, which I inserted in the CONGRESSIONAL RECORD on August 17, 1961. It urges all commanders to speak out on behalf of the military assistance program.

It is also obvious that after I began speaking out on the floor of the Senate about muzzling the military, material which had previously been deleted was approved. As a matter of fact, from an examination of the speeches which have been furnished to the committee, this date appears to have been much more significant in the minds of the censors than any dates connected with sensitive negotiations.

Mr. President, my review of the speeches submitted by the Department of Defense has substantiated the fact that penetrating statements about communism, particularly Communist ideology and methods, are either deleted or softened. I have noted sufficient of the censorship actions in these speeches to substantiate this beyond equivocation.

The reasons and causes for such censorship have not been disclosed. As I have pointed out, the Department of Defense has revealed no directive or policy guidance which would explain the type of censorship to which I refer. There has not been forthcoming from the Department of Defense any documentation indicating that the policy on censoring remarks concerning communism should be restricted during specific periods.

It may well be that it has been administration policy to tone down statements about communism during periods of sensitive negotiation. If such a policy does, or did, exist, the policy should be exposed and changed. Such a policy reflects an abysmal ignorance of communism and Communist methods. Communist tactics do not change or react according to the words spoken by our people or our leaders. If it suits the Communist purpose to negotiate on a particular subject—and it will suit their purpose only when they clearly have something to gain—they will negotiate, regardless of what we have to say about them, or, for that matter, even if we spit in their faces. If they do not intend to negotiate—and they will not, unless they have something to gain—no sweet words from Western officialdom will induce them to negotiate. Just because we react to Communist changes in tone of speech is by no means grounds for believing that they do likewise. The Communists react only to raw power, not words.

Statements about the nature of communism and the methods used by them are not in the area of foreign policy. Those who so interpret foreign policy are interpreting it far more broadly than any logical interpretation would justify. It is completely baffling to me how statements concerning the nature and methods of communism can be considered as in the foreign policy area, while such statements as "the African countries are of more importance to the United States than Latin American countries" are interpreted as being without the area of foreign policy, and are left in the speeches of military officers.

I shall be glad to point out the speech containing the statement to which I just referred for any Senator who is interested in looking at it.

It also seems rather strange and paradoxical that although it is stated that military officers are to refrain from speaking on partisan political issues, they are obviously encouraged to speak out in behalf of the foreign-aid program.

CENSORSHIP OF MILITARY JOURNALS

Censorship in the Military Establishment has gone far beyond the speeches of military officers. In reviewing the criteria submitted by the Department of Defense for censorship actions, it would appear that at least the stated policy of the Department of Defense with regard to the private writing by Department of Defense personnel remains as it has been for some years, and can be summarized as it was in a letter by a former assistant to a Secretary of Defense:

The established policy of the Department for many years has been that key officials—civilian and military—may not, as private individuals, author for exclusive publication articles or books dealing with national defense plans, policies, or programs, except for publication in official or unofficial service journals and in recognized scientific or professional magazines, journals, encyclopedias, and the like.

In application, however, it appears that the policy has changed, for now not even the official and unofficial service journals are immune from the censors' objections.

Mr. President, professional journals must necessarily be kept free from heavy censorship, so that ideas can be exchanged within the military fraternity.

Without such a cross-fertilization of ideas among military men and students of the military, military policy and proficiency could well become sterile. For this reason, professional journals must be kept free of censorship, with the exception, of course, of security requirements. Until quite recently, service journals were allowed broad latitude, except, again, where security was concerned; and the professional journals have themselves exercised a high sense of responsibility.

On the basis of Department of Defense Policy Guidance No. 18—the transcript of Secretary McNamara's interview on the Dave Garroway show—professional journals are now being handicapped by vigorous censorship at the hands of the Department of Defense.

I should mention at this point that, although the service journals each publish in each issue a disclaimer that any article published reflects either official views or the views of the journal, not only the articles submitted by military personnel, but also those submitted for publication by persons completely without the military, must be submitted for censorship.

I shall be specific.

Recently, Capt. J. B. Carroll, of the U.S. Navy, submitted an article to be printed in the Naval Institute Proceedings. The censors objected to the publication of the article, because, in their opinion, it was contrary to Department

of Defense Policy Guidance No. 18, which is based on Secretary McNamara's television interview with Dave Garroway. The article has been rewritten by the author, and is now once again pending before the censors. Several other articles for the Naval Institute Proceedings have received similar treatment.

The Air University Quarterly Review is having similar difficulties. The entire aerospace issue is presently before the censors again, after already being delayed 3 months by rigid censorship under Policy Guidance No. 18—the Secretary's television interview with Dave Garroway.

Another professional journal experiencing difficulties is the Judge Advocate General Journal; and, as I have stated, the difficulty being experienced is not limited in its application to articles submitted by military officers, but also extends to those submitted by civilians. For example, on the 6th of April, the Department of Defense objected to the publication of an article submitted to the JAG Journal by Dr. Oliver J. Lissitzyn, a professor of international law at Columbia University. The article was entitled "Legal Implication of U–2 and RB–47 Incidents." The basis for the refusal was Department of Defense Policy Guidance No. 18—the Dave Garroway interview.

The nature of this article is deserving of further explanation. An annual course presented at the Naval War College is comprised of studies on international law. This course is designed for naval officers. There can be no question that such a course is not only necessary, but, indeed, is essential. Consider the fact, Mr. President, that naval officers, possibly more than any other agents of the U.S. Government, are concerned directly and personally with international law. For example, it was a naval officer who had to deal directly with the Russian trawlers which cut or damaged the transatlantic cables last year. It was a naval officer who had to deal directly with the Cuban ship taken over and brought into American territorial waters recently. These, of course, are but the more spectacular incidents of American naval officers dealing with international law. Less spectacular instances occur frequently and regularly, for our naval officers must make on-the-spot decisions in foreign territorial waters, in foreign harbors, and on the high seas.

Professor Lissitzyn is a recognized authority on Russian interpretation of international law. The paper on "Legal Implication of the U–2 and RB–47 Incidents" had been delivered as a part of the course at the Naval War College on international law, where Professor Lissitzyn is a regular participant as a member of the faculty. After the Judge Advocate General Journal had attempted unsuccessfully for 60 days to obtain clearance from the Department of Defense to publish this article, Professor Lissitzyn withdrew his article for the purpose of submitting it to a publication where no such censorship was applied.

Not only were naval officers deprived of the information contained in the article, which would have been available to them in a professional journal to which they regularly subscribe, but I doubt seriously whether Professor Lissitzyn was thereby encouraged to further cooperate with military educational programs. The effects of this action are not limited to the impact on Professor Lissitzyn, however, for the news—if indeed, it is any longer in the category of news—of such incidents does have a way of getting around.

TROOP INFORMATION AND EDUCATION PROGRAMS AND FILMS

Next I would like to comment on the effect of policies on the troop information and education program. During the hearing on September 7, I questioned the Secretary of Defense with reference to Department of Defense policy on material for troop information and education programs, and I quote from page 145 of the hearings, beginning with the first full paragraph:

Now, Mr. Secretary, on March 10, 1961, the Deputy Secretary of Defense, by memorandum for the Secretaries of the Army, Navy, and Air Force, stated, and I quote: "There is presently being established within the Office of the Secretary of Defense centralized procedures for evaluating materials designed for indoctrination of personnel of the Defense Department in the general area of international affairs and related fields. The evaluation will apply to all material, written, pictorial, or audio, used in training programs, in troop information programs, and will be in conformance with the security and policy review regulations of the Defense Department."

Mr. Secretary, does this mean, as it appears to, that only those materials evaluated and approved by the Defense Department may be used by the services in their troop information and education programs?

The Secretary replied:

No. It means that there will be an opportunity for the services to obtain the views of the Defense Department on the materials they proposed to utilize.

Quite frankly, the Secretary's answer left me puzzled, for the implication of the paragraph quoted to him seems very clearly to be both mandatory and exclusive in its terminology.

Immediately thereafter I directed questions to the Secretary specifically to the application of this policy to the film "Operation Abolition," the Secretary elaborated as follows, and I quote from page 146 of the hearings:

It stated that the film "Operation Abolition" will be retained in the film libraries on an on-call basis for those requesting to view it, but will not be prescribed in the training of personnel, which simply means that the commanders are not being directed to utilize this film; that they can show it to those who wish to attend the showings.

Subsequently, in furnishing information for the record in response to a question by Senator BUSH, which appears on page 150 of the hearings, the Secretary states that a local commander could not in his discretion place the film "Operation Abolition" on the list of films to be shown within his command to service personnel at scheduled training. In supplying a further answer for the record concerning the same film, the Secretary furnished the following answer, and I quote from page 151:

While the local commander could not require his troops to see this film, he could recommend that they see it.

In analyzing the testimony, I find that the Secretary of Defense, when discussing his directive of March 10, stated that the materials approved by the Department of Defense were not exclusive, but that on specific application of this directive to the film "Operation Abolition," the directive was exclusive.

An examination of the record on this point certainly indicates that whatever policy exists is very fuzzy and confusing, to say the least.

It was my belief, and still is, that "Operation Abolition" had been used in troop training, as distinguished from the information programs, by the Army and Navy prior to March 10, 1961, as a matter of official policy, and that on March 10, 1961, as a result of a memorandum issued by the Office of the Secretary of Defense, the status of the film was changed to an on-call basis—to be shown only on a voluntary basis—and, as a practical effect, this prevented any use of the film by military personnel except as they might choose to hazard their military careers.

I questioned Mr. McNamara, as did other members of the committee, specifically about this matter. On page 134 of the hearings, Mr. McNamara stated:

The memorandum of March 10 makes it available for on call, which I am told was exactly the status it had in the previous administration.

We are not requiring that it be used for training purposes because we believe to require it to be used for that purpose would utilize material that was not as effective as other material in the library.

This was in reply to the following question which I directed to the Secretary:

Mr. Secretary, I checked with the Office of the Secretary of Defense on Saturday, July 29, and was advised by the Office of the Secretary that prior to March 10 both the Army and the Navy by official policy used the film "Operation Abolition" in their training programs.

Mr. McNamara subsequently stated, and this appears on page 146:

When you say "it is taken off," it is not my understanding that it was ever on the list. The memorandum means that it will not be placed on the list, and that is my understanding of the exact status it was in in the previous period.

The Secretary of Defense was clearly not fully and accurately informed on the previous status of the film "Operation Abolition."

On the 11th of October 1960, Headquarters, Department of the Army, issued a directive over the signature of the Chief of the Troop Information Division with reference to the film "Operation Abolition." The first two paragraphs of this directive advised of the existence, whereabouts and availability of the film "Operation Abolition." The third paragraph stated:

It is recommended that MF 20–9281, "Operation Abolition" (45-minute running time)

be utilized in the troop information program to the maximum extent possible.

I believe this leaves little doubt that the film was used, prior to March 10, in training programs as a matter of official policy of at least the Army.

Subsequent to the issuance of the memorandum by the Office of Secretary of Defense on March 10, which placed the film "Operation Abolition" on an on-call basis, the Army issued another directive which quoted the memorandum from the Department of Defense.

It also appears that there was a further change in status of the film "Operation Abolition" by the Department of Defense subsequent to the memorandum issued by the Department of Defense on March 10, 1961, for on May 19, 1961, the Department of the Army issued another directive with reference to this film.

In the first paragraph of the latter directive, reference is made to the Army directive of April 10, 1961, and the second paragraph is as follows:

> The above policy still pertains. However, since publication of reference letter, additional Department of Defense policy has been received regarding use of the film as follows: "All Army procured prints of this motion picture are available in designated film and equipment exchange on an 'on call' basis for internal use only."

The Secretary was either not informed or overlooked advising us that the film had also been restricted to internal use only.

The effect of the change in status in practical effect goes far beyond the official letter of the law which was issued, and I will cite an instance to demonstrate the point.

The instance to which I refer occurred in Seattle, Wash., in June of this year. Subsequent to the issuance of the memorandum of March 10, 1961, by the Department of Defense concerning "Operation Abolition," the following TWX was forwarded to a number of units, including the 2648th Air Reserve Center in Seattle:

> Action all AF Res Reg, all trp carr WG, det SQ and Air Rescue SQ, all Conac bases, all Air Res sectors, all Air Res centers, all AF Res recovery gps, the following msg from Safol-5B Almaj 7-6-61, 8 Apr is quoted for your information: "This msg in two parts.
>
> "Part I. Effective immediately, the film 'Operation Abolition' will not be shown during training hours, or as a prescribed training or information film. The foregoing is not to be construed as a ban on the showing of the film and it will continue to be stocked in St. Louis film library for internal use only on an on-call basis for voluntary viewing."

It is quite obvious that this TWX is consistent in all details with the memorandum issued by the Office of the Secretary of Defense. Thereafter, the film "Operation Abolition," was obtained and shown to Reserve officers of the 2648th Air Reserve Center under the following circumstances: First, it was shown to reservists only; second, it was on an on-call basis in that it was requested by members of the unit; and third, it was voluntary, in that it was shown at a corollary, not a mandatory meeting.

Thereafter, on June 8, 1961, after a complaint, an Assistant Inspector General, Lt. Col. A Feldman, from Conac, made a cursory investigation.

On June 14, 1961, Lt. Col. Fred W. Holbein, commanding officer of the 2648th Air Reserve Center, was relieved of his command, and the command was vested in Capt. Charles I. Johnson. Maj. Bob E. Cooper, on the same day, was suspended from duty as director of training of the 2648th Air Reserve Center. These actions were taken by special order No. 28 of the 2477th Air Force Reserve sector—Conac—Vancouver Barracks, Wash., purportedly for violation of the Conac TWX of April 10, 1961.

I submit that the implication of an on-call status for this film is demonstrated much more emphatically and reliably by such actions as this, where Reserve officers were relieved, than by verbal explanation or interpretation before the committee.

The film "Operation Abolition" is, of course, only one film, although in my opinion a good one, and while it is quite possible that better films can be produced, I can hardly believe that the removal of an officer from command, and the director of training from his position, indicates that the decision on "Operation Abolition" was a mere establishment of priority or preference in materials to be used. It is perfectly plain to me that the memorandum of March 10, 1961, although couched in careful language, conveyed the distinct impression to discerning military personnel that this film was to be shown only at the hazard of the individual's military career. Unfortunately, it appears that Lieutenant Colonel Holbein and Major Cooper were not discerning enough to get the implied message that the film was now taboo.

The most recent of the films produced and released by the Defense Department is entitled "The Challenge of Ideas." I think I have made clear my opinion of this particular film. The Secretary stated that, in his opinion, it was an excellent film and that those with whom he had discussed it were in agreement.

I have discovered that others also share my opinion. I must admit that I am not at all proud of any association with the source of agreement to which I refer, for while this source and I are in agreement as to the content of "The Challenge of Ideas," I lament, but they rejoice in the final content of this film. Their rejoicing, I might add, concerns what was not put in the film rather than what was.

I am referring to a magazine entitled "The Californian." I will refrain from characterizing it in any manner, but I would like to describe the articles which appear in the September 1961, issue.

The first article appears on page 6 and is entitled "What the Little American Is Thinking: 'Pay More Attention to West Virginia, Less to West Berlin.'" The second article is entitled "Our New Allies," and appears on pages 7, 8, 9, 10, 11, and 12.

The article discusses West Germany and attempts to prove first, that West Germans are anti-Semitic; and second, that both the West German Government and West German business are run by Nazis. On page 12 there also appears an insert entitled "New York Herald-Tribune of March 31, 1945, Revealed Nazis' Postwar Plans." The next article is entitled "GUBSER, ROUSSELOT, UTT Among Congressmen Who Praise Nazi-Like Sudeten Germans," and appears on pages 13, 14, and 15. Also on page 15 there appears an article entitled "A Hard Look at Congressman UTT." On page 16, the next article is entitled "Christian Anticommunism Crusade Caught in False Ads for School" with the overline "Teller Won't Appear—Will DODD?" I might add that this reference refers to a seminar scheduled by the Christian Anticommunism Crusade in the Los Angeles sports arena for August 28 through September 21. In answer to the question, the Senator from Connecticut [Mr. DODD] did appear and made a splendid address, although the Defense Department refused to provide a marine color guard and band for the occasion. The remaining articles are mostly in a similar vein, and I shall be glad to make the copy of the magazine which I have obtained from the Library of Congress available to any Senator who wants to see it, or Senators can obtain it from the Library of Congress. The article in the magazine which is relevant to the film "The Challenge of Ideas," appears on pages 19 and 20 of the September issue, and is entitled "Defense Department Junks Hoover Report 'Operation Abolition' in New Film." The article speaks for itself, and I should like to read it in its entirety to the Senate:

> The Defense Department, after lengthy study of the Hoover report ["Communist Target—Youth"] and the House Un-American Activities Committee film "Operation Abolition," has now thrown both into the scrap heap. In its new film "The Challenge of Ideas," for which both the Hoover report and the HUAC film were considered as sources of information, the Defense Department has used neither.
>
> In fact, the Defense Department's new film makes no reference at all to the student demonstrations against HUAC in San Francisco.
>
> Distorting the new film and its meaning, U.S. News & World Report told its million readers upon release of the film:
>
> "PENTAGON GETS NEW ANTICOMMUNISM FILM
>
> "WASHINGTON.—A new film dramatizing the struggle against communism has been produced by the Defense Department.
>
> "Entitled 'The Challenge of Ideas,' the 30-minute movie is to substitute for 'Operation Abolition,' produced for the House Committee on Un-American Activities, and 'Communism on the Map,' privately produced. Controversy over those films led to a Pentagon order banning their use for compulsory showing.
>
> "Here are the facts:
>
> "At first, the Defense Department was using 'Operation Abolition' in its troop indoctrination program. When the uproar over the student demonstrations produced a mass of conflicting information, Defense ordered withdrawal of the film, but retained it on the shelf in an on-call status. Troop units could requisition the film if they desired to, but it was not required as a training aid.
>
> "While being kept in this status, the Defense Department was carefully reviewing 'Operation Abolition' and the Hoover report in order to determine whether or not to use them, and whether or not to tie in the student demonstrations with communism at all. Having gotten wind of the production of the

new film, the Californian queried Defense and got a reply from Assistant Secretary of Defense Arthur Sylvester stating that a 'film covering the tactics employed by Communists to manipulate youth' was being prepared through the Office of Armed Forces Information and Education. Said Sylvester:

" 'This film is being produced within the framework of material set forth in "Communist Target—Youth," a report of J. Edgar Hoover, Director of the Federal Bureau of Investigation, published as a print of the House Un-American Activities Committee. After detailed review, this film will be used in the troop information program. This film has been underway since September 1960.'

"Not long after receiving this letter, the Californian published [April issue] a blast at the Defense Department and laid out documented evidence that the Hoover report was fraudulent. The Californian asked that the Department reevaluate its plans, sending along the April issue refutation of the Hoover report to support the request. On April 14, James G. Dunton, the Department's Director of Special Activities, told the Californian:

" 'We will see that it [the April issue] is brought to the attention of the Defense authorities directly concerned.'

"Dissatisfied with this reply, the Californian sent more information on the Hoover report and 'Operation Abolition' to Defense, including news clippings on the Meisenbach case. Defense was told that both HUAC and the FBI had the Californian's information and had been unable to challenge it. On May 19, Dunton replied:

" 'Secretary Sylvester has asked me to thank you for your letter of April 21, offering additional background information for consideration of the Department of Defense in development of the new film on Communist tactics, for use in the information program of the Armed Forces.

" 'We have reviewed the San Francisco newspaper stories to which you refer, and have forwarded a copy of your letter and all other pertinent information to the Department authorities directly concerned with such materials. Your comments will be fully considered.'

"By the time the June issue had to be wrapped up, the Californian still had not received any definite answer to questions on the new film, and so again a poke was taken in print at Defense. Then, at last, Defense announced that its new film was ready and the Californian once again asked: Does the new film contain any information on the student demonstrations against HUAC and is there any attempt in the film to link this demonstration with communism—and if so, is this link based on the Hoover report? On July 28, John E. Carland, Deputy Director of Special Activities of the Defense Department, replied:

" 'In answer to your question, the film "Challenge of Ideas" contains no information on the student demonstrations against the House Committee on Un-American Activities in San Francisco.'

"In his sensitive position, this is all Assistant Secretary Sylvester—at whose direction Carland wrote this reply—could do to inform the Californian that the Hoover report had been thrown out the window. 'Operation Abolition' had been tossed out in a public announcement, carried by daily newspapers everywhere, that Defense was no longer using the film, even on an on-call basis.

"Therefore, when U.S. News & World Report told its readers that the new Defense film is a 'substitute' for 'Operation Abolition,' it was distorting the picture. The film is not a 'substitute' at all. The film serves to invalidate any attempt to link the student demonstrations with communism by omitting all such references in the new film after this had been studied for inclusion in the film.

"In fact, as admitted by Secretary Sylvester, Defense was originally planning—definitely planning [see his letter above]—to use the Hoover report and the student demonstrations in the new film. And now, after study, these plans have been scrapped.

"Further, the editor of the Californian inquired in his letter of July 19: 'If this new film has nothing on the demonstration, may I also ask whether or not the Defense Department plans to include this incident in any film? If not, may I ask whether or not information given to you by the Californian had anything to do with omitting all references to the student demonstrations in any film dealing with communism and Communist activity?' To this Carland replied:

" 'The Department is constantly revising all troop information materials in the light of current world developments. Every effort is made to insure that all facts are objectively presented and are accurate and unbiased. A thorough review is conducted under established evaluation procedures prior to release of materials into official programs. You may be assured, therefore, that nothing will be included which violates these basic principles if it can possibly be avoided.'

"This humorous reply, couched in its official language because of the sensitive position of the Department, nevertheless gets the message across.

"As a final amusing touch, there is the New York Times' coverage of the release of the new Defense Department film:

" 'WASHINGTON, July 15.—A sober, moving, and nonglutinous portrayal of what America is and the kind of threat it faces from communism has been produced [as a documentary film] by the Department of Defense as a major element in its troop indoctrination program. The iron fist of communism is shown, not by windrows of massacred Poles, but by Red freighters delivering tons of industrial equipment at the port of an undeveloped Asian country.' "

There can be no question that the original intent of the Department of Defense was to utilize Mr. Hoover's report "Communist Target—Youth" in "The Challenge of Ideas." In a letter of March 22, 1961, Assistant Secretary of Defense for Public Affairs, Arthur Sylvester, wrote to me:

> The Office of Armed Forces Information and Education is preparing a film covering the tactics employed by Communists seeking to manipulate youth. This film, underway since September 1960, is being produced within the framework of material set forth in "Communist Target—Youth," a report of J. Edgar Hoover, Director of the Federal Bureau of Investigation, published as a print of the House Un-American Activities Committee. After detailed review, this film will be used in the troop information program.

Indeed, this paragraph is a paraphrase of that quoted in the article from the Californian. Judging from this, I have no reason to doubt the authenticity of the quotas by the Californian of correspondence from Mr. Sylvester.

With a few exceptions insofar as the material in "The Challenge of Ideas" is concerned, I do not believe any harm will be done by specifying this film for troop training. The exceptions to which I refer were mentioned in my questions to Secretary McNamara, one being the the statement by Mr. Murrow:

> What we object to fundamentally is the aggresive nature of the Communist state—

And the other being the words of Mrs. Hayes, which imply that victory over communism cannot be obtained for generations. Of primary importance is the material that is not included in the film, but which was quite obviously considered and rejected.

Films as such, of course, constitute only a portion of troop information and education program. Any troop information and education programs, including that portion designed to inculcate in the servicemen both an understanding and appreciation of American traditions and institutions, and the fallacious nature of the Communist ideology, must be judged by results, rather than mere offhand estimates as to their effectiveness. The Secretary testified that a study has been initiated to determine the effectiveness of troop information and education programs, but it is far from complete at the present time. The code of conduct was promulgated in 1954, and it would appear that by now, some determination would have been made as to the effectiveness of the program, which should have been designed to insure implementation of the code of conduct.

The experience of Korea showed a crying need for a properly designed troop information and education course. When in 1954, the studies of the experiences in the Communist prisoner-of-war camps in Korea were completed and the serviceman's code of conduct promulgated, it was generally assumed that our Defense Establishment would allow through and insure the maintenance of a program of information and education which would remedy, to the maximum extent possible within obvious time limitations, the deficiencies which stood out so glaringly in the Korean war. It is obvious from both the testimony of the Secretary of Defense, and the exhibits which he submitted to the Armed Services Committee, that no such comprehensive and effective program has been maintained. Indeed, there are indications from numerous sources that those weaknesses which were demonstrated during the Korean war still prevail, and in many instances, are even more pronounced than they were 8 to 11 years ago.

The Secretary testified, and I quote from page 145 of the hearings:

> At the present time there is a wide diversity of practices here as we discussed yesterday. The services are following varying practices with respect to material, with respect to troop education and information programs, and with respect to policies for those.

I gather from this statement of the Secretary of Defense that various troop commanders are allowed, or have been allowed in the past, rather broad latitude in the formation of troop information and education programs and the emphasis which should be placed on them. Such latitude and discretion in troop commanders is obviously necessary.

The methods and materials used for training the personnel of one type of command could well be inappropriate for the personnel of a different type of unit or command.

There is no indication, however, Mr. President, that any serious effort has been made to impress commanders at all

levels with either the necessity for maintaining troop information and education programs, with the needs of the service personnel for particular training in the areas of our own system of Government and the nature of the Communist menace, and—above all—with the imperative need for conscientious and diligent attempts to instill in all service personnel a strong sense of individual responsibility. Nor is there any indication that the Defense Department has made serious and effective attempts to acquaint troop commanders with the materials and devices which are available for their use in conducting troop information and education programs.

Under such circumstances it is not surprising that the implementation of the program, when left, as it should be, to the various troop commanders, is spotty and inadequate in both application and accomplishment.

In reviewing the materials on troop information and education programs submitted by the Secretary of Defense to the Armed Services Committee, one cannot escape the conclusion that the Defense Department has been reticent—to say the least—in facing up to the problem of brainwashing techniques. One could conclude, as a matter of fact, that the word "brainwashing" is consciously avoided.

Mr. President, no one gets pleasure out of recalling the success of Communist brainwashing techniques employed on American prisoners of war in Korea.

We all realize that we cannot, and must not, recriminate against those individuals who were so unfortunate as to succumb to the skillful techniques employed against them while they were prisoners of the Communists; for the fault lies not just with these individuals, but with our system of training, and, indeed, with our entire society's relaxed emphasis on absolute values over a period of many years.

While we must exercise caution not to concentrate on the individual weaknesses of those who underwent brainwashing in the prisoner-of-war camps, we must not allow this caution to prevent us from acquainting the American public, and particularly our troop commanders, with the weaknesses which were revealed there, and the techniques successfully used to exploit those weaknesses. Unfortunately, such excess caution has prevailed and still prevails.

While I hesitate to deal in personalities, even to prove my point, I am fully cognizant that it is useless merely to state a matter in generalities. I have never met the officer about whom I am to refer, nor have I ever corresponded with him, nor for that matter have I had any contact with him whatsoever.

Maj. William E. Mayer was one of the psychiatrists who examined returnees from the Communist prisons after the Korean war. Major Mayer quite obviously became most knowledgeable in the field of brainwashing, the weaknesses on which it preyed, and the methods which were utilized in its application. Equipped with such knowledge, Major Mayer could have been used by the services to great advantage in the troop information and education field, and particularly in a job of acquainting commanders with the needs which exist, and the type of attack which it is necessary to train service personnel to resist.

Apparently Major Mayer was assigned no such responsibility. It is obvious that his studies had a major impact on Major Mayer, and having no other outlet to express the need which he realized to exist, there is evidence that upon his return to the United States, he accepted numerous speaking engagements.

Not only does it now appear that Major Mayer's experience and studies are not being utilized by the Defense Establishment, but he has been and is being discouraged, if not completely prohibited, from public speaking engagements. I am reliably informed that in compliance with either the wishes or orders of his superiors, Major Mayer has recently declined almost all speaking engagements, including invitations to speak to such groups as the Reserve Officers Association, the Navy League, and the New York Academy of Medicine.

In answer to an inquiry concerning Major Mayer, the Surgeon General of the Army stated:

> In his efforts to graphically portray the problems of immaturity in a small group of youthful soldiers, Major Mayer perhaps unduly emphasized the most undesirable characteristics of American youth. The Army Medical Service, on the other hand, prefers to bring out the positive potential.

This paragraph by the Surgeon General expresses most graphically the excess caution to which I refer. Mr. President, I ask unanimous consent that a text of a tape recording made by Maj. William E. Mayer at the University of California in 1958, which I have secured, be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

DEPARTMENT OF DEFENSE NONCOOPERATION ON SEMINARS

Mr. THURMOND. Mr. President, I have previously documented in the CONGRESSIONAL RECORD the fact that Defense Department actions are resulting in the withdrawal of support and participation by military personnel and the use of facilities in cold war seminars organized for the purpose of informing the civilian public on the menace of the cold war. During the hearings before the Armed Services Committee, at which the Secretary of Defense testified, I asked the Secretary the following question, and I quote from page 138 of the hearings:

> Mr. Secretary, does the Department of Defense maintain a list of organizations which are approved for the services to cooperate with or participate with in programs generally informing the public as to the menace of the cold war?

In reply the Secretary stated, "No, we do not. We rely on each commander to make that decision in relation to the needs and requirements of his local community, and in relation to the competency and capability of the organizations in that community."

Mr. President, I then queried the Secretary of Defense concerning a press report which appeared in the Shreveport, La., Journal of August 14, 1961, which stated—and I quote from the hearings at page 144:

> The 2-day seminar Project Alert proposed by the chamber's armed services committee with backing by the Long-McFarland Post of the American Legion, and other groups, was postponed after R. G. Singleton, committee chairman, was notified by Assistant Secretary of Defense Arthur Sylvester that military personnel cannot participate in your seminar in any manner.

In response the Secretary discussed the correspondence between Mr. R. G. Singleton, chairman of the armed services committee of the chamber of commerce, Shreveport, La., and Mr. Arthur Sylvester, Assistant Secretary of Defense for Public Affairs. Mr. Sylvester's reply to the request of Mr. Singleton is printed in full on page 236 of the hearings as an appendix, and this letter speaks for itself. The fourth paragraph of this letter states:

> In this connection we invite your attention to the enclosed copy of Department of Defensive Directive 5230.13, which promulgates Secretary McNamara's four principles of public information policy which he explained in his press conference of May 26. In accordance with this policy, the Department of Defense cannot officially sponsor or participate in your seminar in any manner.

Mr. President, I would call particular attention to the last sentence of that paragraph which states:

> In accordance with this policy, the Department of Defense cannot officially sponsor or participate in your seminar in any manner.

If, indeed, the Department of Defense does "rely on each commander to make that decision in relation to the needs and requirements of his own community," I submit that such policy is completely overridden and invalidated by such letters as that written by Mr. Sylvester to Mr. Singleton, for it is beyond my imaginative capacity to believe that a local commander would, with knowledge of Mr. Sylvester's letter, participate, nevertheless, in the seminar to which it referred. If Mr. Sylvester's letter, and the policy on which it is purportedly based, do not prohibit official participation in a seminar connected therewith, it should be quite obvious to all that, as a matter of practicality, that is the effect.

During the hearings, the Secretary of Defense was also questioned concerning a seminar which was planned in the Panama Canal Zone for the summer of 1961. The Secretary stated that a seminar had been held in the Canal Zone last year and that plans for a seminar for Reserve personnel in 1961 were made. The Secretary stated that he was looking into the matter to determine why this year's seminar was not held, but he had not yet received the answers concerning it. I specifically asked him whether in any order which had been issued, seminars of any type, conducted by the military, had been restricted to

the continental limits of the United States. Subsequently, in the record of the hearings at page 169, the Secretary submitted a statement:

There are no such restrictions.

After this reply was received from the Secretary, I communicated to the Department of Defense, through a staff member of the Armed Services Committee, the number of the order in which such restriction was placed. As yet, I have received no further comment from the Department of Defense on this matter.

CONCLUSION

Mr. President, these specific instances of censorship, inadequacies of troop information and education programs, and discouragements of cold war seminars, if examined only in the context of the single, specific instance, might in many cases appear to have no far-reaching consequences. The sum total of all of these, however, is quite another matter altogether, for when considered in its entirety, this matter goes to the heart of our ability to survive as a nation against the threat of international communism.

To deprive one audience of hearing a member of our Military Establishment speak in candid and accurate terms concerning the nature of the Communist menace, or of the inadequacies of our attempts to deal with the Communist menace, might be of relatively minor import. Repeated instances of such censorship, however, contribute to the impression among persons in our Military Establishment, and among the American public, generally, that it is the policy of our Government to soft-pedal anticommunism, and to be less than candid in statements and speeches concerning Communist aims, methods, and ideology. Similarly, official Department of Defense reluctance to support and cooperate with responsible efforts to alert and inform the American people concerning the total nature of the Communist menace again contributes to the same impression. It is small wonder, under such circumstances, that the troop information and education programs in our Military Establishment are mostly impotent, and are rarely pursued by troop commanders with vigor and effectiveness. After all, even the troop information and education materials and suggested programs, themselves, are diluted—or, at least, the impression is created that they are diluted—by such actions as those which suppressed the film "Operation Abolition" and the official reluctance to face up squarely to our proven vulnerability to brainwashing techniques.

The sum total of all these actions strikes at the very heart of what should be our principal strength in the war against the godless ideology of communism. The strength to which I refer is the morale of both the armed services personnel and the civilian American public. Without good morale, the will to win, and the belief in our ability to win, the protracted conflict with communism cannot be resolved in our favor.

This is no matter which can be remedied by a bureaucratese approach, such as continued scrutiny by the Congress. It yet remains to be determined whether our failures in this area are due to fallacious policy; to the lack of policy; to inept or inactive implementation of policy; to inadequate machinery for implementation of policy; or the combination of two or more of such inadequacies. The effect should be apparent; but the cause of our inadequacies is yet to be determined, as is the remedy—which, of course, will be contingent on the determination of the cause. The cause of our inadequacies can only be determined by a thorough study and investigation.

The consequences which will inevitably follow from failure to pursue this matter go to the heart of our ability to survive. Time is of the essence, for the enemy is aware of our weaknesses, and will pursue his advantage relentlessly. Now is the time to act, for next year—even next month—may be too late.

EXHIBIT 1

TEXT OF TAPE RECORDING BY MAJ. WILLIAM E. MAYER AT UNIVERSITY OF CALIFORNIA, 1958

Thank you, Mr. Chairman. Ladies and gentlemen, I'm going to talk about Communist indoctrination, for the very simple reason that only in the last few years have we really had a chance to learn anything about it that wasn't just horror stories, or the sometimes objective but statistically insignificant stories of individuals who'd been held in Communist captivity.

The facts I will give are facts. The opinions and conclusions I shall draw are mine and not necessarily those of any agency of the United States, particularly the Department of the Army or the Department of Defense.

Americans are in danger of something connected with lethargy. And so it's time that we slipped out of this lethargy a little and tried to understand communism, its mechanics, and its intentions, in a much more specific way. We haven't ever before overcome any kind of an adversary by calling it names and then trying not to think about it and hoping it will go away.

In 1950 the first random samples cross section of healthy young adult Americans in our history got an opportunity to live in a Communist state. They lived there for almost 3 years. We viewed these men as sources of a tremendous amount of information about communism, and so they were. More important, however, they proved to be a tremendous source of information about Americans. And so I'll try to intertwine these two things and describe to you what happened to them and how they reacted to it.

It shook us, those of us who did the study, to find that our preconceived ideas—about how invulnerable we Americans are to anything as pointless and kind of stupid and unrealistic as many Communist ideas seem to an educated man, was not as strong and as completely invulnerable as we had thought.

There were 7,000 Americans soldiers—they were mostly Army troops—who were captured in Korea—and they provided us almost with a controlled study of a sort of a microcosm of the Communist state. These men were, as I said in the beginning and I wish to reemphasize, a fair cross section of young American males: the same ones that worked in your shops, they were not garrison soldiers; they were not maladjusted civilians who sought refuge in the Armed Forces: at least half of them were drafted in honor of the occasion. And these men were also not uneducated. Compared to the troops who fought in World War II they were slightly better trained on the whole, militarily, and of a slightly higher overall public educational level.

They fell into enemy hands not because they were incompetent soldiers—which is sometimes true of prisoners. They fell into those hands because they were suddenly surrounded by such hordes of Chinese that there was no other alternative possible. Many of our troops were captured in groups of several hundreds.

Now these men behaved in a way that was so profoundly different from our expectations about the behavior of American soldiers under prolonged stress that we began searching to see if we could find reasons—reasons outside the rather narrow framework of the Armed Forces—for their behavior; not misbehavior. And in trying to search we found that the men who fought in Korea were a strikingly different group of human beings from those who fought in World War II, in spite of the fact that they were selected by the same procedure.

During the war we expected that those men who were unfortunate enough to become prisoners of an enemy would behave as Americans had, in all our recorded history, behaved when someone attempted forcibly to deprive them of their individual and collective freedom.

We knew that in the past Americans subjected to this have always reacted by forming, first of all, tight little units—called the Buddy System in the service—units of two or three or four individuals. And this Buddy System operates, before organizations develop, to preserve life of the individual. From these tight little groups develop the characteristic kinds of social organization we're used to seeing, the staff-typed organization: collections of groups of human beings who more or less voluntarily band themselves together under what they consider to be competent leadership, impose certain checks on this leadership, and then support it for the purpose of gaining strength. This never happened in Korea.

Secondly we know that Americans when confined have an almost overwhelming impulse to get away. And the Japanese and Germans both wrote at some length about the most uncooperative, noisiest, recalcitrant, stubbornest, most irreverent prisoners that they ever tried to hold; namely, the Americans, who invariably had a kind of diabolical sense of humor along with their attempts to get away. This apparently never happened in Korea.

Well, we've seen other things among prisoners. We've seen the development of a system of justice, based upon the presumption that laws and not men must govern. And what could be remembered of the laws in the code of military justice and other codes the men were familiar with have always taken precedence among groups of prisoners and been established as the laws under which men live. This never happened in Korea.

And then something new was added. Before the men came home to us their letters started coming home to us, letters written by Pfc. John Smith, U.S. Army; 8½ years of formal education, lower middle-class social and economic background, small urban community; and a letter written not as he learned it in composition class in 9th grade but in the language of the materialist dialectician exhorting mother to band together with other progressive and informed citizens and stop the senseless slaughter of innocent civilians for the profit of the imperialist Wall Street warmongers.

Now, coming from Pvt. John Smith this seemed a little odd and especially when more and more of these came.

Then we saw articles written by similar soldiers appearing in those well-known documents such as the Daily Worker and Masses

and Mainstream and the Shanghai Daily News, also written by Americans and also written in the typical Communist dialectics, and always there was something about the imperialist Wall Street warmongers "who sent us here."

Well, taking all these things into account, the letters and the newspaper articles and the fact that nobody seemed to be getting out of these camps and escaping back to our lines, and nobody ever managed to steal enough radio equipment from the Chinese to communicate with us—which incidentally they have always done in the past—all these things combined led us to believe something strange indeed had been done to this group of young men. After all they couldn't in 10 years be so profoundly different, could they, from the men who fought in World War II?

Then they came home. We took about a thousand of them and for comparative purposes had several hundred troops who had also been prisoners of other nationalities, particularly Turks, and some Colombians, and we studied them all in Japan, before they got home.

We noticed some very odd things about these American men. First of all we noticed that they wouldn't talk to each other. They would talk about each other like no Americans we had ever seen before. And then when they were checked out medically and we knew they were OK we would say, "You can go downtown on a pass if you like, and see the sights and sounds and smells of Tokyo"—which is quite a city to see—and some did, about 1 out of 5 went on a pass, after 3 years of being locked up. And those that did go on a pass went on pass by themselves, which soldiers never do.

Then we noticed what happened when the Red Cross came by with a wonderful proposition, that you could call home, call anybody you wanted, your friends or your girl or your mother or your wife, if you had one—anybody, any place in the United States, talk as long as you wanted and the Red Cross would pick up the tab—it normally, you know, costs $5 a minute from Japan and these people hadn't been paid. We found curiously enough that more than half of the returning prisoners said there wasn't anybody they thought they wanted to talk to. And that seemed odd.

Well, we jumped to the conclusion, and it was an easy one, based upon our apathetical approach to communism, that these men had been subjected to a strange and wonderful and mysterious and irresistible procedure called brainwashing.

Now, it doesn't conform to any of our preconceived ideas, really, and it didn't in North Korea as the Chinese applied it.

Contrary to popular belief among the soldiers, when they were captured nobody had burning bamboo splinters put under their fingernails; in fact the Chinese didn't even seem to be interested in what military information they had and never did interrogate them along those lines. They didn't use any special drugs to coerce our men, and we sort of thought they might.

No, what we found in use on them was a system of indoctrination, of education, really, which was of the very highest order of excellence from the standpoint of the method used and the standpoint of the stewardship shown in the application of this education. They taught them as they woke up and they taught them as they went to bed and they taught them on the way, every day, 7 days a week. And with a great deal of evident sincerity.

It was a procedure, however, which differed from most of our preconceived ideas about the nature of education in that they made an attempt to employ systematically and deliberately a number of perfectly sound and familiar and tested principles of psychology and psychiatry, the same ones we use in the treatment of patients. They used these backwards by our standards, not in any attempt to make people any better adjusted, more productive, giving adults; but certainly neither in an attempt to deprive them of their reason or their power of choice or their ability to be responsible.

They did use these principles in an attempt to devalue certain very fundamental values which we hold to be self-evident and important in our kind of social and economic system. And they used them to interfere with the basic human relationships without which we would have no commercial credit, without which we would have no free enterprise, no healthy competition; and they did this with a remarkable degree of success.

I have here a document which I would like to read to you. What I'm going to read you is a composite of two or three documents we intercepted which were written by Communists entirely for Communist eyes. These reports were evaluations of the nature of the average American soldier, the average American in other words. They were written in an attempt to be objective, not just propagandistic, and they were written by people who evidently had some social science background, as a number of the new Soviet humans do:

"Based upon our observations of American soldiers and their officers captured in this war for the liberation of Korea from capitalist-imperialist aggression, the following facts are evident:

"The American soldier has weak loyalty to his family, his community, his country, his religion, and to his fellow soldier. His concepts of right and wrong are hazy and ill-formed. Opportunism is easy for him. By himself he feels frightened and insecure. He underestimates his own worth, his own strength, and his ability to survive. He is ignorant of social values, social tensions, and conflicts. There is little knowledge or understanding even among U.S. university graduates of American political history and philosophy, the Federal, State, and community organizations, States and civil rights, freedoms, safeguards, checks and balances, and how these things allegedly operate within his own system.

"He is insular and provincial with little or no idea of the problems and the aims of what he contemptously describes as foreigners and their countries. He has an unrealistic concept of America's internal and inherent rather than earned or proven superiority and absolute military invincibility. This is his most vulnerable weakness. He fails to appreciate the meaning of and the necessity for military or any form of organization of discipline. Most often he clearly feels that his military service is a kind of hateful and unavoidable servitude to be tolerated as briefly as possible and then escaped from as rapidly as possible with as little investment as possible.

"He is what he himself calls sometimes a peacetime soldier and both of these latter types look upon military service either as a soft and a safe job or hardship and sacrifice which are unfair and unreasonable to them personally.

"Based upon these facts about the imperialist U.S. aggressors the reduction and and reindoctrination program for American prisoners procedes as planned."

They then proceeded to educate their Americans. And so, what they did with them was take them off in small groups and give them the first lesson in the indoctrination, one that was prescribed from Peiping and was given in the same words all over Korea by a large number of young Chinese instructors.

These instructors were there in a ratio of 1 to about every 20 or 30 prisoners. They were graduates of American educational institutions, university level. Mostly they were social scientists. They spoke "1950 U.S. English." They were familiar with our idiom and with our attitudes and with our primary values. They knew all about batting averages and Cadillacs and big buildings, and they were still Communists.

And one of these instructors who wore no uniform and carried no weapon would get together about 12 of his new American students and he would give this speech, which I quote almost verbatim; he would say: "Gentlemen, we welcome you to the ranks of the people. We are happy to have liberated you from the imperialist warmongers who sent you here. We know that you didn't want to come here, you didn't start the war, you really don't know why you're here"—which was true—"and therefore we have nothing against you and we want to offer a proposition. The proposition is this"—it was a deal; in fact it was almost as irresistible as the deals you hear over the radio and in the want ads and all the other materialistic "get-it-now, don't deny-yourself-a-thing" philosophy being fostered on the American public today. The deal was very simple. You hardly had to do a thing and they gave you everything. All they wanted from you was your physical cooperation: don't fight the problem; sit back; be like other people, relax, see how it goes. Just don't fight.

Now in return for this they offered (1) No work: "There are no slave camps here; that's capitalist propaganda that they feed you in the United States. We have no coal mines for you, no road gangs, no overseers."

Secondly, they said, "We will give you the best food and clothing and shelter and medical care that we possibly can. Now it won't be good; we're a poor country. It will be the best we've got."

And third, "We'll give you the thing we know you Americans really like most of all: a chance to learn the truth. We're going to tell you what we think is the truth, about your country and ours; what is going on in the world; about your system and ours; about how the people are rising up today. And you've only heard one side of the story before because it's the capitalist-imperialists who publish your papers and run your radio stations and publish your comic books and your textbooks, and after all, what other side of the story have you therefore ever been allowed to hear? And so all we ask of you is a little American fairplay. Listen to both sides. And after you've heard our side, make up your own mind what the truth is. And when the imperialist Wall Street warmongers have decided they've used enough of the excess tanks made by General Motors and the excess petroleum produced in Texas and the profits are large enough and the people have been exploited enough and they let this senseless slaughter end, we want you to go home to your own good homes and fine families and simply tell them the truth as you yourself decide the truth to be."

Well, you've got to admit, this beats burning bamboo splinters under your fingernails. It didn't turn any American soldier into a Communist but it set the tone and the atmosphere for the years that were to follow in this kind of strange new type captivity. For about 6 months there was no further indoctrination at all, and yet even during this period—and I can't believe that it was due to only one speech—during this period we saw an almost total absence of spontaneous organization among men. We saw in short what the prisoners called a "dog-eat-dog" period, a period of every man for himself, of a living out of a fantastic philosophy which has never before been comprehensible to Americans, which can be expressed in terms such as "My survival is going to be my private affair, buddy, and yours is your

private affair. You leave me alone and I'll leave you alone."

And it was during this period that out of every 10 Americans captured, 4 Americans died: the largest death rate of any group of Americans in any kind of captivity or in any war in any country in any prison since the American Revolution. Four out of ten.

Then the Communists started their education. The education was standard Communist material. It was success stories of American capitalists, with a fairly objective evaluation for a couple of months of the American economic system, the profitmaking system. But then to offset the first 2 months of reasonable objective description of how our system operates there followed 4 to 6 months of discussions about how this system depends for its profits upon the exploitation of the surplus value of labor, and how the people must be thrown sops so that they'll stand for this.

And of course everybody knows examples, like the libraries Mr. Carnegie built so we wouldn't get mad about how Mr. Carnegie got his money; and the foundations that the Fords finance, and the Rockefellers.

And in the course of this—it was a 12-phase education program; the curriculum was printed at a school I'm sure you've heard of, the Jefferson School of Social Sciences. It's the east coast equivalent of the California Labor School. It can be found under "J" on the Attorney General's list. It's in New York City and it printed a 12-page curriculum which was given to each and every student so that he'd know what his 24 months of education were going to include. Actually before he was through he had received more hours of formal structured education than in his total previous education in the United States.

They tended to emphasize chiefly the very real, perfectly true social injustices which have been committed in the name of free enterprise in our country, and in Britain also. They talked, for example, about child labor. They talked about "company script" in the Pennsylvania coal mines, and of economic bondage. They talked about slavery. They talked about the westward expansion of the railroads and what happened to the settlers who wouldn't get out of the way—which of course anyone who watches TV knows—they talked about murderous plant police which, they said, every big business hires "to shoot down innocent labor union organizers." They could show you copies of the Chicago Tribune not too many years ago that did describe some pretty bloody shootings down around Gary and Indiana Harbor.

They talked about the Oklahoma farmers who had to take off when the dust moved into Oklahoma and mentioned that some of those farmers worked a whole day for as little as a dollar in the Imperial Valley. That's a dollar for a family of five, you understand. And they had books by John Steinbeck and others to prove that.

They leaned very heavily on Steinbeck and Dos Passos and Hemingway; and on Charles Dickens, surprisingly. If you look back, Charles had a good deal to say about things like child labor, and so they used him in the camp library in every camp.

They also talked about current things and in many ways did a very realistic job.

You know, we don't do too much talking to our eighteen-year-olds about these subjects; and I suppose partly on the presumption that they're really not interested and wouldn't listen to us anyway. I grant you that the Chinese had an advantage: They had them all there in the camps. It's just remarkable the degree of participation that they managed to encourage among these kids, talking about things of this nature.

Because adolescents are concerned with values; they want to know about things of this kind. They want to find right and principle—if you give them a chance. And the Chinese gave them every chance.

Every morning there was a lecture. It started about 7, you attended it outdoors, standing up, and it lasted 4 or 5 or 6 hours, which is standard, in many Communist teaching environments.

Following the lecture the students were all divided into guided discussion groups, the seminar method. Now in such groups of 12 or 15 at the very most, you were not required to agree with the few simple points that had been presented and reiterated again and again in the morning's lecture: you were merely required to put them into your own words and comment upon them any way that you wanted. You did have to take part in the discussion. The penalty for not doing so was that your discussion group wasn't allowed to have supper until you did; which meant that the pressures of course became internal. They came from other Americans, not from the Chinese.

Now this was the basic outline of the education. Actually there was a great many extracurricular activities. For example there were athletic programs, because youngsters need athletics.

"If you want to pitch for the baseball team, you don't pitch because some accident of nature endowed you with a good pitching arm and a sharp pitching eye; no, that wouldn't be fair. You can pitch for the baseball team if you wish as long as you demonstrate in your attitude and your learning and your school work, and mostly your attitude, that you are a progressive and worthwhile and deserving member of the people's democracy.

"And just to prove it, there is a little rally that you take part in before the baseball games: no short-dressed girls twirling batons, nothing like that; a bunch of boys marching around, carrying banners and shouting slogans in unison, which is very moving; and singing rousing songs with a moral like 'solidarity forever,' the 'Communist International,' and then you play baseball."

And so, even a baseball game becomes a lesson. As did the art classes where you couldn't draw pictures of girls, because "that's not art." But you could draw pictures of the workers doing something * * * throwing off the shackles of Du Pont. Or you could draw a picture of Harry Truman with bloody, dripping claws gathering up us exploited tools of the imperialist warmongers and sacrificing us on the altar of profits in Korea, with General Motors and Standard Oil applauding in the background: this was considered art. You could draw it all you wanted. You got paid for it, in the only currency that matters in captivity, like cigarettes, or sugar, or a little currency with which to buy those things. And it was this kind of art we started seeing all over the world in Communist propaganda documents.

They had little theater groups in the 12 different camps in which they were educating their American guests. The little theater groups invariably as their first production put on the non-Communist Harriet Beecher Stowe's "Uncle Tom's Cabin" because it's such a good lesson in imperialist exploitation.

They just never let them alone, never. Well, this was the formal structure of the education but the thing that made it work so well for the overall objective was the gimmicks that were connected with it: the informing, the self-criticism, the control of the soldiers' mail. Informing is a way of life in the people's democracy. Informing becomes not a miserable, mean, nasty, renunciation of individual loyalty: it becomes an exercise in social responsibility which is exactly the way it was encouraged and exactly the way it grew even among Americans. And this is the thing that disturbs us most, that it can be done; that it can be done even to us indicates not that we have gone to pot somehow. It does indicate that some of our values are being validated because they are being so intently attacked.

It does indicate that some of these values need some further strengthening.

Now we found that men were encouraged to inform against each other about little things. Not military things: stealing a turnip; not using a latrine properly. They were encouraged to inform because they were given material rewards promptly: Communists paid on the barrelhead. They were encouraged to inform because they were given status and approval, publicly. They were held up as examples of "worthwhile members of the people's democracy who are really interested in your welfare"—the Chinese would say to the other students.

The man informed upon, on the other hand, was never punished. In the past, the man who was informed upon in a POW camp usually wound up dead, but then so did the informer. And that usually controls the informer system very nicely. In our culture we consider informing to be about as low a human activity as one can engage in. But here we saw it grow and grow and grow because the man informed upon was simply taken aside by one of these young Chinese, who would put his arm about his shoulder and would take him on what they called "walking conference."

He would say to him, "Now, George, we know you've done this, don't deny it, you're not on trial here. That isn't our way. We're disturbed that you've done this thing which is antisocial and destructive to your fellow members of the people; not to us Chinese, the other students. We want you to confess that it's wrong." Confession is terribly important in the Communist state.

"Confess that it's wrong and analyze your confession and analyze it's wrong, why it's destructive. Assert your determination not to do it again in the future. And preferably write this down and sign it. And if you do, that's all we want."

And sure enough, that was all the Chinese seemed to want. The average soldier thought, "Gee, this is silly; it's like grade school. It can't be harmful; I'm not giving away military secrets and I can't get very mad at whoever informed upon me because I didn't get hurt." This simply revealed the fact that this value about the relationships, the basic relationships between individuals, was hazy in the minds of a great many youngsters.

And finally they isolated men from one another and really introduced them into the most superbly constructed solitary confinement cell that man has ever constructed, not out of steel and concrete but out of feelings and attitudes, a psychological and emotional solitary confinement cell, the feeling of being alone in a crowd of people. They constructed this partly by simply preventing them from having their faith in their families and their homes, their communities reaffirmed by the kind of mail that every soldier wants to get. Every soldier overseas, whether he's a private first class or a lieutenant general, needs a very standard form of expression basically: it should say something about "We love you and we wait for you and we pray for you to help you, and we don't want you worrying about things here at home, about which you can do nothing. Just come home safely as soon as you can."

No matter how sophisticated a way in which it is put, or no matter how simply, this is what the soldier wants to know. This kind of communication gives men strength, because men fight not for very large abstraction; they fight for things that are meaningful in their own terms. And, so, the Chinese, knowing this, simply never let a soldier get that kind of a letter. If it was

warm and loving and reassuring, you just didn't see it. But what soldiers call "Dear John" letters, you got. Divorce subpenas you got. Notices from collection companies; complaining letters from your mother; or the notice of somebody ill in your family: this letter you got—living in a mud hut in Korea, where you could do nothing.

Well, the result at first was resentment on the part of the soldier, and then later a process of denial where he tried simply not to think about it. And to many of these youngsters such relationships became unreal; they just didn't exist in a way that gave them strength and support. It began to make us wonder just a little about how much dynamics had gone on in the families of those people to prevent such a breakdown from taking place when they just didn't get mail.

Well, this was brainwashing. Frankly it did everything the Communists wanted it to do. It didn't turn anybody into a Communist because it wasn't designed to turn anybody into a Communist. A small percentage of the people in the Communist world are Communists. The great majority are acquiescers. The great majority are simply cowed and somehow pushed along by this system which doesn't look like something you can fight; it's not very dangerous-appearing; it just controls you. You don't have to be a coward to give in to it. The majority of Americans in a sense did give in to it.

Now the majority of Americans, more than half in these camps, never did anything they could really be criticized for. But just doing nothing has never been the way that America in 168 years got the work done which produced this fabulous society. When we get to the point where we just do nothing and enjoy it, maybe we've become an old country and not a new one, and maybe we are well on the way down the western slope. This is a valid question for us to debate: whether our own success can destroy us?

If we can get so comfortable and so secure and so materialistic in our outlook, in our objectives, that we don't recognize a threat when it exists, and we don't keep vital the only kinds of principles which work against this kind of a threat, the abdication of our own sovereignty as individuals to the sovereignty of a few.

There were 229 Turks captured. They were mostly volunteer soldiers. They were not tough old professionals of a Foreign Legionnaire variety and they were subjected to exactly the same conditions of captivity as the Americans.

At the end of almost 3 years of captivity, the 229 Turks captured—exactly 229 Turks marched back through Panmunjom. The survival rate was 100 percent. Now how did they do this?

These Turks survived very largely on the basis of an exercise of the most devoted kind of love among themselves.

When a Turk was really sick, other Turks bathed him and fed him and washed his clothes and lay beside him to keep him warm and in general just let that Turk know he wouldn't die. He was a Turk and they were going to take care of him.

Well, secondly, they survived on the basis of very hardheaded practical reality. There was a major in command of the Turks. He took command. There was no voting; nobody told him "Just run along, Buster, because you're just a prisoner like we are" which is what happened to our majors and our sergeants and our colonels. He took command. He assigned this detail to dig a latrine in the camp. Some of our camps had no latrines, and then men started dying from dysentery because they were contaminated throughout the whole camp; because, simply, they rejected leadership.

Not these Turks. This group led, this group dug a latrine, this group scrounged for food, this group took care of the more seriously sick and wounded. And the major himself talked to the enemy. Nobody else talked to the enemy, under any circumstances.

So, they segregated the major as a poisonous individualist and a lieutenant took over. He did not take over three ranks below the major; he just took command, that's all. He had the same staff, he organized the same kinds of details. And he alone talked with the enemy. He was segregated as a poisonous individualist.

A sergeant took over. He was segregated.

The Turks finally got down to where all they had was a couple hundred privates and so they found out who was the senior private, had been a private longest, and he was put in command. And the Chinese would come in and throw up their hands in disgust and they'd say: "Now, look, we're appointing this man as group discussion leader, this man as daily life activities leader, and this man as political leader"; and the one Turk who was in command would stand at attention, salute them and say, "Yes, sir, we understand perfectly. Of course you might as well tell only me because I'm in command."

And they would segregate him. And the next private would take over. There were no arguments, no voting, no discussions about this. They knew somebody had to lead and the others had to support him. The Communists finally segregated so many Turks that they were all back together again. And they lived, a hundred percent.

Love your neighbor. To a great many people this just isn't meaningful. Because love is not a passive thing and that isn't what's meant in the commandment "Love thy neighbor." Love is an act.

There was a man named Gallagher. He was tried and convicted in New York in a military court on two charges of first degree murder in a POW camp. Gallagher was a monster. He was in a hut in North Korea and there were some men in the hut whom he considered socially unacceptable; they had very bad dysentery, they were smelling up the place, and so he threw them out. It was 30 degrees below zero outside that hut. And they died. Right away.

So we tried him and convicted him of murder. Now we know that nothing like saying "Don't hurt your fellow Americans" is going to reach Gallagher at all, or the few people who are like Gallagher. But they're really not our problem at all; I don't think they ever will be. They couldn't possibly be.

We've got a worse problem than that. The Gallagher-type problem you can see and you can deal with; you can fight it. The worst problem is the one that this point was designed for. It was the other 40 men in the hut. It was the witnesses we collected for the trial, who on their interrogations would go through something like this:

We'd say: "Soldier, did you see Gallagher throw these men out of the hut?" The soldier would say, "Yes, sir, I did."

"And what were you doing at the time he threw them out of the hut, soldier?"

"Well, I was huddling together with everybody else to try to keep warm; it was very cold up there and you had to just get heat from other peoples' bodies."

"Well, what were you doing to try to keep Gallagher from throwing these men out in the freezing cold?"

"Well, nothing, sir."

"And why not, soldier?" we'd ask.

And invariably or almost invariably the answer would come back: "Well, sir, I just didn't feel it was any of my business to interfere." And so men died.

When we get to the point where loving your neighbor is a totally inactive thing, where love is no longer taking the responsibility for other peoples' welfare, where we can become passive witnesses—and granted in daily life, not in a POW camp, what we witness is often not quite as dramatic as that—but no less real—and when we become passive witnesses to those who destroy us, then we're in very serious trouble.

Well, the final point I want to mention is really a one-sentence indictment on leadership. I'm not talking about two-star general leadership, I'm talking about shop foreman leadership and leadership in peoples' families and in Boy Scout troops and in school classrooms, and among kids who come up to the principal and want their names taken off the honor roll because the other kids make fun of them if they're on the honor roll.

I'm talking about being different and being aggressive, not a destructive way, but in the way that is healthy American competition because it becomes clear that somehow we are not teaching about the attitude of leadership, the willingness to take this responsibility, the willingness to be other than merely popular. Oh, we've got lots of leaders who lead on this basis: personal popularity; which is only a version of the political seduction that we're subjected to. Sort of "I'll be good to you and you be good to me."

Well, these are our problems. Each of these points reflects a very serious problem in management and in attitudes, attitudes which we know very well we can't really teach to an 18-year-old or a 20-year-old, because it's quite late then to do it. These are attitudes that have to be taught primarily in peoples' families; attitudes about loyalty, about initiative, about perseverance, about having a set of principles that you're willing to defend.

And contrary to what I hear from some educators in the country today, I think also this is the responsibility to communicate on the part of the public educational system. I'm horrified by the objectivity which leads to the point where the teacher also doesn't commit himself to his students; where no principle is taught. Just techniques or methods.

Now we know that no simple education in American history or in civics can defend an individual against a good Communist dialectician, and experts. We know that simply knowing about how this country developed and the dates the battles were fought, and that the Supreme Court and the Congress and the President have these different functions which check on each other—this by itself isn't going to defend anybody.

But knowing the whys behind those institutions, a meaningful version of American economic and political history which must be taught primarily in schools, I think, often with the help of private industry if they're interested in helping—this kind of thing can defend the man because this system is actually based ultimately on these very individualistic character traits, loyalty to other individuals, being personally responsible.

Well, I'd like to sum up by quoting a soldier who had some thoughts about this whole subject, Gen. Lemuel C. Shepherd, Jr., who was the commandant of the Marine Corps at the time of the Korean war.

General Shepherd said this: "In the struggle against communism war is no longer over when men are forced to give up. The prisoner of war camp is only another kind of battlefield. For they must be taught years before to carry on with the only weapons remaining to them: courage and faith and a sense of personal responsibility."

The only approach lies in an awakening of the consciousness of the Nation and of the individual, you, and me, to the need for a sense of conviction and dedication to our principles and our cause, which exceeds that shown by our very dedicated enemy toward his own.

AMENDMENT OF DISTRICT OF COLUMBIA SALES TAX ACT

Mr. BIBLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 258.

The PRESIDING OFFICER (Mr. PELL in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 258), to amend the District of Columbia Sales Tax Act to increase the rate of tax imposed on certain gross receipts, to amend the District of Columbia Motor Vehicle Parking Facilities Act of 1942 to transfer certain parking fees and other moneys to the highway fund, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BIBLE. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SMITH of Massachusetts, Mr. BIBLE, and Mr. BEALL conferees on the part of the Senate.

CLOTURE—PROPOSED AMENDMENT OF RULE XXII

The Senate resumed the consideration of Mr. MANSFIELD's motion to proceed to the consideration of Senate Resolution 4, a resolution to amend the cloture rule by providing for adoption by a three-fifths vote.

Mr. TALMADGE. Mr. President, each year the Senate in the exercise of its constitutional power and duty to appropriate the funds expended by the agencies of the Federal Government authorizes the spending of substantial sums to prevent and combat the erosion of our soil.

For many years now there has been virtually universal recognition of the fact that a continuing program of soil conservation is vital to our welfare and survival as a Nation.

That is as it should be and anyone who may have any doubts should make it a point to inspect for himself what happens to the soil upon which we humans are wholly dependent for our sustenance when the ravages of erosion go unchecked.

What begins as a mere trickle, widens into a gully and ends in a wasteland.

Fortunately for present and future generations, the problem has been recognized and effective measures for dealing with it have been devised and are being implemented.

I make the point, as a preface to calling the attention of the Senate to a more subtle, but nonetheless equally-devastating, erosion which threatens to undermine it as the keystone institution of our republican form of government. I refer to the continuing erosion of the right of freedom of debate in the Senate of which the pending resolution is a part.

It is an erosion which began as a trickle with the adoption of the Senate's first cloture rule in an atmosphere of war hysteria in 1917.

It is an erosion which reached the proportions of a wash in 1949 and widened into a gully in 1959.

It is an erosion which, if fed by the flood to which the proposal under consideration would open the gates, can have no conclusion but to render the Senate a parliamentary wasteland in which all opposition will be trampled and gagged by impatient and arrogant majorities of one.

Such an eventuality, would be as disastrous to our form of Government as would be the loss of our soil to civilization.

It is the earnest hope of the junior Senator from Georgia, that this debate will serve to awaken the Senate to the urgent necessity of giving at least as much attention to putting an end to the erosion of constitutional government as it already has given to stopping the erosion of our soil.

Instead of the broken-record-like agonizings about majority rule and world opinion, which are heard over and over whenever this issue arises, the Senate should give its attention to the historical and constitutional facts of its establishment as one of the principal checks and balances of our unique concept of government.

The distinguished author and columnist, William S. White, who is one of the Nation's foremost contemporary authorities on the constitutional role of the Senate, has observed with great truth that "rarely have so many been so profoundly affected by so grave an issue understood by so few." He puts it into its proper perspective in the following succinct and graphic words:

> The advanced liberals would fundamentally alter the Senate as an institution. This they bitterly deny; but it is historically and demonstrably the truth. For the Senate was deliberately designed, and for near two centuries has so operated, as a frank check on unqualified majority rule.
>
> The advanced liberals can fairly argue that the Senate ought to be a place of straight majority rule. But they cannot fairly argue that the Constitution has made it such.
>
> The ultimate victims of halting Senate debate by a simple majority would be any or every minority and any or every minority interest or issue, given a favorable atmosphere for the majority.

Mr. President, I had the privilege of reading this year one of the greatest books I have ever read, the "Rise and Fall of the Third Reich," written by William L. Shirer. The warning of William S. White is graphically illustrated in the "Rise and Fall of the Third Reich," beginning with page 198, where Mr. Shirer points out that the German Reichstag itself, by the passage of the so-called welfare legislation for the German people, surrendered the German Government to the dictatorship of Adolf Hitler.

Mr. President, I ask unanimous consent that the portion of the book I have underlined, beginning on page 198 and ending on the second line of page 200, be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The answer was given 2 days later, on March 23, in the Kroll Opera House in Berlin, where the Reichstag convened. Before the house was the so-called enabling act—the "law for removing the distress of people and Reich (Gesetz zur Behebung der Not von Volk und Reich)," as it was officially called. Its five brief paragraphs took the power of legislation, including control of the Reich budget, approval of treaties with foreign states and the initiating of constitutional amendments, away from Parliament and handed it over to the Reich cabinet for a period of 4 years. Moreover, the act stipulated that the laws enacted by the cabinet were to be drafted by the Chancellor and might deviate from the constitution. Now laws were to affect the position of the Reichstag—surely the cruelest joke of all—and the powers of the President remained "undisturbed."
>
> Hitler reiterated these last two points in a speech of unexpected restraint to the deputies assembled in the ornate opera house, which had long specialized in the lighter operatic works and whose aisles were now lined with brown-shirted storm troopers, whose scared bully faces indicated that no nonsense would be tolerated from the representatives of the people.
>
> The government [Hitler promised] will make use of these powers only insofar as they are essential for carrying out vitally necessary measures. Neither the existence of the Reichstag nor that of the Reichsrat is menaced. The position and rights of the President remain unaltered. The separate existence of the Federal states will not be done away with. The rights of the churches will not be diminished and their relationship to the state will not be modified. The number of cases in which an internal necessity exists for having recourse to such a law is in itself a limited one.
>
> The fiery Nazi leader sounded quite moderate and almost modest; it was too early in the life of the Third Reich for even the opposition members to know full well the value of Hitler's promises. Yet one of them, Otto Wells, leader of the Social Democrats, a dozen of whose deputies had been detained by the police, rose—amid the roar of the storm troopers outside yelling, "Full powers or else"—to defy the would-be dictator. Speaking quietly and with great dignity, Wells declared that the government might strip the Socialists of their power but it could never strip them of their honor.
>
> "We German Social Democrats pledge ourselves solemnly in this historic hour to the principles of humanity and justice, of freedom and socialism. No enabling act can give you the power to destroy ideas which are eternal and indestructible."
>
> Furious, Hitler jumped to his feet, and now the assembly received a real taste of the man:
>
> "You come late, but yet you come," he shouted. "You are no longer needed. The star of Germany will rise and yours will sink. Your death knell has sounded. I do not want your votes. Germany will be free, but not through you." (Stormy applause.)
>
> The Social Democrats, who bore a heavy responsibility for the weakening of the Republic, would at least stick to their principles and go down—this one time—defiantly. But not the Center Party, which once had successfully defied the Iron Chancellor in the Kulturkampf. Monsignor Kaas, the party leader, had demanded a written promise from Hitler that he would respect the President's power of veto. But though promised before the voting, it was never given. Nevertheless the center leader rose to announce that his party would vote for the bill. Bruening remained silent. The vote

was soon taken: 441 for, and 84 (all Social Democrats) against. The Nazi deputies sprang to their feet shouting and stamping deliriously and then, joined by the storm troopers, burst into the Horst Wessel song, which soon would take its place alongside "Deutschland ueber Alles" as one of the two national anthems:

"Raise high the flags. Stand rank on rank together.
Storm troopers march with steady, quiet tread."

Thus was parliamentary democracy finally interred in Germany. Except for the arrests of the Communists and some of the Social Democratic deputies, it was all done quite legally, though accompanied by terror. Parliament had turned over its constitutional authority to Hitler and thereby committed suicide, though its body lingered on in an embalmed state to the very end of the Third Reich, serving infrequently as a sounding board for some of Hitler's thunderous pronunciamentos, its members henceforth handpicked by the Nazi Party, for there were to be no more real elections. It was this Enabling Act alone which formed the legal basis for Hitler's dictatorship. From March 23, 1933, on, Hitler was the dictator of the Reich, freed of any restraint by Parliament or, for all practical purposes, by the weary old President.

Mr. TALMADGE. Mr. President, this passage demonstrates clearly how an arrogant majority can override a feeble minority when that minority does not have the will to fight or the protection of a parliamentary rule under which free debate can alert the people. If members of the German Reichstag had had freedom of debate and a minority of 80-odd members in that body had had the will to resist, they could have alerted the German people to the danger before them. Under such circumstances it is very doubtful that the dictatorship of Adolf Hitler would ever have arisen.

Thus, we are afforded an object lesson of recent history that when a parliamentary body begins to tinker with its rules to accomplish transient objectives, a dictatorship itself can result therefrom.

Mr. President, it is important that the Senate not deceive itself as to what is at stake in this debate.

The fact that opponents of free debate come back session after session with their schemes to stifle free speech in the Senate would indicate that their purpose far transcends the mere revision of rules to be followed in this Chamber.

The Saturday Evening Post has characterized the issue as one of "whether or not a majority in Congress shall be able to force into law proposals which are not accepted as valid by a considerable number of States." Columnist Walter Lippmann sees it as a constitutional question involving a determination of what is in accord with the spirit of the Constitution.

In fact, the issue is one with ramifications which extend to the very heart of our form of government and candor compels the conclusion that the effect—if indeed not the goal—of these repeated efforts, if successful, would be to repudiate the Senate's assigned constitutional role.

In truth, Mr. President, the pending resolution is an attack upon the Senate itself—upon the stature, perquisites, and prerogatives of each Senator in national affairs and every other responsibility incident to the senatorship.

It is an attack which threatens the whole fabric of our form of government—which strikes at the very vitals of representative government—which aims a death blow to the States as political entities.

It is part of the continuing attack which seeks to destroy the best aspects of our Federal-National system and substitute therefor the worst aspects of a national system—an attack which seeks to centralize more and more power in Washington and to make big government bigger and less responsive to the will of the people.

Mr. President, it is the firm conviction of the junior Senator of Georgia that the Senate, by further weakening rule XXII, will be inviting a sustained campaign to destroy it as a unique and essential institution of government and to turn it into a useless appendage to the House of Representatives. A victory for the advocates of gag rule today will be but a signal for an assault tomorrow on the seniority system and, in turn, all the other safeguards which have given stability and responsibility to the Senate of the United States.

The shape of things which would be sure to come if the Senate further compromises its rules was seen earlier this year in the threats which were made against committee chairmen who were in honest disagreement with portions of the platform on which the present national administration was elected.

It is contended, Mr. President, that rule XXII must be changed to make possible the passage of force legislation in the field of human relations. That contention falls of its own weight, because the Senate has passed two such force bills since 1957—one of them under a rule far more stringent than the compromise cloture formula presently in effect.

Mr. President, this afternoon's Washington Evening Star published an article which deals with that particular problem written by the able columnist William S. White. Mr. White points out very forcefully that the issue now before the Senate is purely political in all its aspects. I ask unanimous consent that Mr. White's article be printed at this point in the RECORD as part of my remarks.

The PRESIDING OFFICER (Mr. PELL in the chair). Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CIVIL RIGHTISTS ARE ASSAILED

(By William S. White)

The bitter determination of northern professional civil rightists to play vote-catching politics on this tragic issue to the end—and to force others in self-defense into the sleazy game—is now proved beyond all reasonable doubt.

They are going on demanding extreme extensions of Federal force in the racial field in spite of all these undeniable facts:

1. That this country faces, over Berlin, the gravest foreign crisis since the Second World War and never so needed unity at home, North and South, East and West.

2. That school desegregation is now proceeding reasonably and in good order—and in most cases voluntarily—in eight Southern States.

3. That this responsible and orderly progress has been so notable as to bring from President Kennedy himself, who is surely not anticivil rights, public congratulations to the South for giving to the world "a convincing demonstration of the American people's respect for law."

4. That the Federal Civil Rights Commission, which is anything but pro-Southern, has long since officially found that in complaints of discrimination not involving the schools—in hiring and in police brutality to Negroes, for examples—the entire South is far behind a mere handful of States in the North.

PEACEFUL ADJUSTMENT

In the face of all this, in the face of the observable fact that the South itself is peacefully adjusting to a reversal of century-old habits and customs, why do the professional civil rightists demand more and more legislation openly directed only at the South?

Do they seek progress in race relations? Hardly. For progress is now sufficient to satisfy all those, North or South, who are willing to concede that some measure of popular consent is necessary in a government resting on consent of the governed.

Do they seek only fair play for the Negro? Hardly. For no new Federal law is needed to stop the denial of jobs to Negroes—a fairly basic civil right itself to those who like to eat—in New York, in Michigan, and elsewhere.

Whatever it is they really want, what they are really doing is continuing to ride this issue for predictable political results: To use the Negroes and other minority groups in the North to drum up votes. If they really wish to see a fair settlement of this issue, everything they do runs against that wish. Everything they do can only prolong and embitter it.

So, is sensibly settling the issue actually the dominant motive? Or is it next year's congressional elections? Only those involved can say for certain. And it is also fair to observe that getting reelected is a thoroughly understandable and human ambition.

SENATE EXTREMISTS

All the same, there is an interesting fact. The three most violently intolerant extremists in all the Senate for more and more civil rights legislation are all up for reelection in 1962—Senators JOSEPH S. CLARK, of Pennsylvania, WAYNE MORSE, of Oregon, and JACOB K. JAVITS, of New York.

Their motives are their business; these motives and these men are not important in themselves. What is important is for the public to recognize at long last that every single instance of true progress in race relations has been made by moderate and temperate men, in both parties and in all sections.

It is important, too, to recognize at last that the moderates, in both parties and in all sections, have behaved with much quiet courage in this harsh and passionate matter. It was a moderate southern politician, then Senator and now Vice President JOHNSON, who caused the first genuine civil rights enactments in 80 years. It was not easy for him and other moderate southerners—men like Senators SMATHERS, of Florida, and GORE, of Tennessee—while southern extremists howled threats at their backs.

And it is not easy for such a northern politician as Senator DIRKSEN, of Illinois, to insist, as he does, upon responsible treatment of such an issue while other northern Senators whip up the vast, exploited Negro wards against him.

Mr. TALMADGE. Mr. President, arguments that Senators from sovereign States can be intimidated from voting their true convictions, out of fear of so-called filibusters, Mr. President, are a gross insult to the character and integrity of every man and woman who serves in this Senate. Those who so contend would do well to reflect upon Mr. White's observation that:

Many fairly decent men—even many liberals—are also for civil rights but reject the extreme view on how far and how soon the country can go. The extremists treat respect for constitutional traditions as hostility to civil rights.

We are told, Mr. President, that we must change rule XXII because to do otherwise would be to thwart the will of the majority.

Such a thesis ignores the very essence of our republican form of government; that is, government by the consent of the governed. As we already have noted in historical perspective, it is not a part of our heritage or of our form of republican, constitutional government that the American people are to be governed by majority rule.

As the Saturday Evening Post editorialized:

It is, of course, popular to talk of majority rule as if the majority were inevitably right, when the fact is that we have a Bill of Rights to protect minorities and individuals—and sovereign States—from the whims of majorities. And, unless we are prepared to strain the bonds of the Federal union even more than they have been strained already, Senators will give sober thought to the reasons for unlimited debate in their body before sacrificing an important permanent Federal principle to immediate political advantage.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the lead editorial of this afternoon's Evening Star. The editorial, entitled "Filibuster 'Fight,'" emphasizes that the question pending before the Senate is a political issue, and that the sole purpose of those who are sponsoring it is to influence votes in the next election.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Sept. 18, 1961]

FILIBUSTER FIGHT

The purely partisan political aspects of the antifilibuster "battle" were plainly showing as the speechmaking got underway in the Senate last week.

A group of Republicans, with future votes in mind, sought to blame President Kennedy for the failure to bring up the proposed change in Senate rules at the outset rather than at the end of this session. Majority Leader MANSFIELD, of course, stoutly disputed this, insisting that the blame, if any, rested on his shoulders.

To the extent that this exchange is to be taken seriously, we think the majority leader is right. The Senate's rules are the Senate's business, not the President's. The President, of course, can always exert his influence in such a matter. But it would have been an act of folly if the President or the majority leader had tried to launch this session with a knockdown fight over what we think is largely a specious issue.

The issue, if it can be called that, is whether a Senate rule should be changed to permit shutting off debate by three-fifths rather than two-thirds of the Senators present and voting. An effort to muster the two-thirds vote, which will be necessary if the rule is to be changed now, has been set for tomorrow. The indications are the effort will fail, and we hope it does. For the existing two-thirds rule is not a real barrier to Senate action on any measure which commands enough support to justify clamping down on debate. The proponents of change say, of course, that they are battling in the cause of civil rights. This, we believe, is a phony. What they, or most of them, are battling for is votes, come election day.

And as Mr. Lippmann observed:

The civil rights of all Americans will be safer if within the Senate, which represents the Federal principle, we do not give absolute power to simple majorities.

Through the medium of free debate, Mr. President, the Senate provides the machinery by which all measures affecting the lives, fortunes and sacred honor of the American people can be put to the critical test of unhurried examination by the collective intellect of a body expressly created as one of our governmental checks and balances.

Those who would destroy that right contend it imperils democracy and thwarts the wishes of the majority. In their zeal they forget that its very purpose is to provide a restraint upon the abuses of unbridled majority rule, and, even more important, to protect the rights of the minorities of this Nation.

Our wise Founding Fathers were aware that the excesses of democracy can be as fearful in their consequences as are the excesses of totalitarianism. To safeguard against both extremes, they gave us our republican government with its delicately contrived system of checks and balances, of which freedom of debate in the Senate is at least an implied, if not an actual part.

George Haynes in his book, "The Senate of the United States, Its History and Practice," made this point with the following apocryphal story found on page 4 of his first volume:

There is a tradition that on his return from France, Jefferson called Washington to account at the breakfast table for having agreed to a second Chamber.

"Why," asked Washington, "did you pour that coffee into the saucer?"

"To cool it," quote Jefferson.

"Even so," said Washington, "we pour legislation into the senatorial saucer to cool it."

Alexis de Tocqueville in chapter 15 of his book, "Democracy in America," offered this observation on the danger of unbridled majority rule:

If ever the free institutions of America are destroyed, that event may be attributed to the unlimited authority of the majority, which may at some future time urge the minorities to desperation, and oblige them to have recourse to physical force. Anarchy will then be the result, but it will have been brought about by despotism.

All of the great injustices of history have been committed in the name of unchecked and unbridled majority rule.

The late Senator James A. Reed, of Missouri, in one of the most forceful speeches ever delivered before the Senate, observed with great truth that:

The majority crucified Jesus Christ.

The majority burned the Christians at the stake.

The majority drove the Jews into exile and to ghetto.

The majority established slavery.

The majority chained to stakes and surrounded with circles of flame martyrs through all the ages of the world's history.

The majority jeered when Columbus said the world was round.

The majority threw him into a dungeon for having discovered a new world.

The majority said that Galileo must recant or that Galileo must go to prison.

The majority cut off the ears of John Pym because he dared advocate the liberty of the press.

Senator Reed, speaking on the same subject, also declared:

Strike down this safeguard of public discussion, apply the gag, and imagine, if you please, that it is applied only to pass good measures, only to accomplish the virtuous and the wise and the holy, only to bring the thing of rectitude; imagine that if you please. He is a fool, he is every kind of fool that has ever cursed the earth or cursed himself, who thinks that any power will always be used wisely and justly. * * * Why should there not be some place in this country where the virtues or the iniquities of proposed legislation could be exposed without gag, without rule, without limit; some place where every public act must come under the surveillance of men who have complete freedom of speech?

When we hear the cry of "majority rule" in the Senate, we should take into account a few simple facts about the origin and composition of the Senate.

It is impossible to apply to this body with any degree of accuracy the principle of popular majority rule as we usually consider it. The very composition of the United States where all States have an equal vote prevents such an application.

It is possible for various combinations of 51 Senators to represent anywhere from 20 to 80 percent of the country's population.

The Senate, in the light of history and the Constitution, is much more than another legislative body.

It is, in reality, a continuing council of States sitting as an integral part of the Federal Establishment—a protective repository on the national level for the sovereignty of the sovereign States.

It was with plain design that our founding fathers created it as a watchman over all operations of our National Government.

And it was with deliberate intent that they conferred upon it the broadest powers to act as a checkmate on unwarranted centralization of authority.

Our far-seeing forefathers well realized that the House of Representatives would be both too large and too impermanent to fulfill those desired objectives.

They knew there could never be free debate in the House and that important bills would pass that Chamber without sufficient study and deliberation.

And, perceiving those problems, they put their faith in the U.S. Senate and bestowed upon it the major responsibility for keeping faith with posterity.

The Senate has afforded continuity and stability to our Government. The Senate has stood as a bulwark against usurpations of power. Now is no time to forget the lessons of history.

Before voting to stifle freedom of speech on an issue of such vital importance to the liberty of each citizen of this Nation, Senators should ask themselves: Do we not know that when gag rule is imposed minority thought and opinion will be rendered prostrate and defenseless against the tyrannical abuses of the transient majority?

Have we forgotten that everyone, at one time or another, belongs to a minority?

Have we lost sight of the unchanging truth that unbridled majority sway without proper restraint is mob rule?

Are our memories so short that we have forgotten the maxim that free government, destroying dissenting opinion, thereby destroys itself?

Have we forgotten that in such circumstances dictatorship of one form or another steps into the vacuum thus created to wrest all rights from all people—minorities and majorities alike?

The alternative to unlimited debate is gag rule, which was aptly defined by the late Senator Reed as "the last resort of the legislative scoundrel." It was he who observed:

> As long as we can keep this forum free, as long as a vigorous and determined minority can prevent the passage of a statute, so long this country will be safe, reasonably safe, at least, for no great act of treachery can ever be consummated where there are not some brave souls to stand in its resistance and to stand to the end.

The issue at stake in the question before the Senate, as we have observed, is far more fundamental than any mere question of enacting legislation. It is as basic as freedom itself.

Gag rule, and its stepchild, censorship, are abhorrent to and incompatible with our American heritage.

Since its establishment the Senate of the United States has refused to be bound in a straitjacket.

Despite the protestations of some of its detractors, it enjoys the respect and admiration of the masses of this nation and of the world.

It is looked upon as a guardian of American liberties.

Mr. President, I consider this attack on the rules of the United States Senate far more serious than the fundamental constitutional objections to proposed force bills in the field of civil rights.

Under the guise of agitating for passage of such legislation, efforts are being made to alter our form of government.

It is not amiss to observe that throughout the course of history tyrants have seized power through the camouflage of some allegedly-worthwhile cause.

The very groups which today are advocating the imposition of gag rule in the Senate very well may be the first to suffer under it when the pendulum of national politics swings as it surely will.

The sum and substance of all good legislation can be stated in one simple rule.

It is a rule about which all Americans should know.

It is the rule that under no circumstances should extreme and far-reaching Federal legislation affecting the basic rights of all people of the Nation be adopted without substantial unanimity and support of all citizens.

National legislation should reflect mature, careful, and deliberate thought and discussion.

And, above all else, it should be conducive to unity, not division and disruption, among our people.

Historically, Mr. President, freedom of debate in the Senate is not a party or a sectional device.

It has served the whole country and both parties well at one time or another.

Legislative matters running through the whole thread of American life, relating to every conceivable facet of human endeavor, have been exposed to full debate in the Senate.

No one can say rightly that the results have been evil or that the country has suffered.

In fact, Mr. President, the benefits of freedom of debate have far outweighed the few instances in which the privilege may have been abused. Our Nation's progress furnishes ample proof of that.

Free debate is the greatest safeguard we have against hidden defects—either calculated or unintentional—in bills which might result in unfairness, discrimination, and special privilege for a favored few.

If we destroy or weaken the safeguard of free speech in the Senate, the small States will be at the mercy of the large States and very well could in the future reap the whirlwind of discrimination in the levying of Federal taxes and, particularly, in their expenditure.

Mr. President, the only real protection remaining for States which find themselves from time to time in the minority on any given issue in this Senate is in freedom of debate.

I plead with this Senate, Mr. President, not to destroy that freedom in the heat of a political passion.

I beg this Senate, Mr. President, in voting on this question to recall and heed the words of the late President Franklin D. Roosevelt when he said:

> The moment a mere numerical superiority by either States or voters in this country proceeds to ignore the needs and desires of the minority, and, for their own selfish purposes or advancement, hamper or oppress that minority or debar them in any way from equal privileges and equal rights—that moment will mark the failure of our constitutional system.

His warning, valid then, is even more valid today.

It is a concern which all Americans share in full in this hour.

It is a concern which this Senate can ignore today only at its own peril.

Mr. President, freedom is a fragile flower and must be tended by the people and their spokesmen in this Senate with that close watchfulness necessary to keep our Government responsive at all times to the will of the people.

The prayer of all Americans who cherish their freedom and their form of government today is, Mr. President, that the majority of this Senate will vote down this effort to stifle freedom of speech in the Senate of the United States.

Mr. President, I yield the floor.

AMENDMENT OF THE SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. TOWER. Mr. President, by mistake the conference report deleted subsection 308(d) of the Small Business Investment Act. It was not the intention of the conferees to eliminate this section. Accordingly, I am submitting a concurrent resolution which would rescind the signature of the Speaker pro tempore and direct the Secretary of the Senate to correct the enrolled bill.

This has been cleared with the majority and minority leadership.

I ask unanimous consent for the immediate consideration of this resolution.

The PRESIDING OFFICER. The concurrent resolution will be stated for the information of the Senate.

The legislative clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker pro tempore in signing the enrolled bill (S. 902) to amend the Small Business Investment Act of 1958, and for other purposes, is hereby rescinded; the Secretary of the Senate is hereby directed to reenroll said bill with the following corrections:

In the text of section 11(d) of the bill (1) strike out "(d), (e)," and insert in lieu thereof "(e)" and (2) strike out "(d)" the second time it appears and insert in lieu thereof "(e)".

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The concurrent resolution is open to amendment. If there be no amendment to be proposed, the question is on agreeing to the resolution.

The resolution (S. Con. Res. 51) was agreed to.

CLOTURE—PROPOSED AMENDMENT OF RULE XXII

The Senate resumed the consideration of Mr. MANSFIELD'S motion to proceed to the consideration of Senate Resolution 4, a resolution to amend the cloture rule by providing for adoption by a three-fifths vote.

Mr. TOWER. Mr. President, it is my fervent hope that the attempt to modify rule XXII will fail.

Historically, it has been the function of the Senate of the United States to protect the minority from the precipitate and emotional tyranny of a majority.

When the Constitutional Convention met in Philadelphia in 1787 there were two major plans for a new fundamental law propounded by the delegates who attended. One was known as the Virginia plan, supported by the large States; and the other was known as the New Jersey plan, supported by the small States.

So far as the Virginia plan was concerned, the organic provisions called for the establishment of a bicameral Congress to be composed of an upper House and a lower House, both to be based on proportional representation; that is, each State to be represented according to its population. According to this plan, the upper House was to be chosen by the lower House from nominations submitted to it by the States. Of course, this plan, favoring the large States, naturally was opposed by the small States.

The New Jersey plan, ably advocated by Governor Paterson of New Jersey, called for the establishment of a unicameral Congress, with each State to have equal representation.

In this instance the great and excellent statesmanship of Benjamin Franklin came into play, and the compromise plan known as the Connecticut compromise was advocated. This was subsequently adopted and became a part of our Constitution. It called for a lower House, with membership to be apportioned among the States according to their population; and for an upper House, to consist of two representatives from each State regardless of size, to be chosen by the legislatures of those States. Of course, the Constitution has been amended subsequently to provide for the popular election of Senators from the States. Nonetheless, it recognizes the fact that the small States as corporate entities have equal rights with the large States.

Because of the unique makeup of the Senate of the United States, it has performed well its historic function, which I have noted—that of protecting the minority from the precipitate and emotional tyranny of the majority.

It is true that proposed legislation can be held up by a small band of Senators representing a very small minority of the population, but also, because of the character of this body, it is possible that by virtue of rule XXII a relatively small number of Senators representing a majority of the population of the United States can hold up proposed legislation which they believe to be bad or harmful or not in the best interests of their constituents.

A few years ago a book was published authored by the noted journalist William S. White, called "Citadel: The Story of the U.S. Senate."

While I may not agree with everything Mr. White says, I think this book reveals a depth of understanding of the nature, functions, and character of this great institution of which we are privileged to be a part. I wish to read a passage from that book.

Quoting from Mr. White's book, "The Citadel":

> It is perhaps often forgotten that the democratic ideal is not all majority; that, indeed, at its most exquisite moments the ideal is not for the majority of all but actually for the minority of one. The practice of majority rule, in some things, is properly revered. But who would surrender the safeguard that 1 of 12 jurors may protect the 1 man in the dock? The right of Congress by majority vote to make the laws is admirably planned. But 20 Congresses supported in their actions by 90 percent of the American people will 20 times make their enactments, and 20 times have them thrust aside if they seek to abridge the right of a single American to publish his little paper, however odd, or take up his little religion, however strange.
>
> The Senate, therefore, may be seen as a uniquely constitutional place in that it is here, and here alone, outside the courts—to which access is not always easy—that the minority will again and again be defended against the majority's most passionate will.
>
> This is a large part of the whole meaning of the institution. Deliberately, it puts Rhode Island, in terms of power, on equal footing with Illinois. Deliberately, by its tradition and practice of substantially unlimited debate, it rarely closes the door to any idea, however wrong, until all that can possibly be said has been said, and said again. The price, sometimes, is high. The time killing, sometimes, seems intolerable and dangerous. The license, sometimes, seems endless: but he who silences the cruel and irresponsible man today must first recall that the brave and lonely man may in the same way be silenced tomorrow.
>
> And those who mock the institution, and demand of it speed and yet more speed and efficiency and yet more efficiency, might remember that there is altogether a good deal of both at present in American life. For illustration, those who denounce the filibuster against, say, the compulsory civil rights program, might recall that the weapon has more than one blade, and that today's pleading minority could become tomorrow's arrogant majority. They might recall, too, that the techniques of communication, and with them the drenching power of propaganda, have vastly risen in our time when the gaunt aerials thrust upward all across the land. They might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure, even if a leisure uncomfortably prolonged.
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> They might be interested, for example, in the estimate of responsible politicians that at one time in our history—specifically in the 1920's—the Ku Klux Klan held political control, overt or in shadow, in as many as 26 American States. The point arises that this conceivably could have meant 52 pro-Klan Senators out of a total of 96. The question follows thus: Would it really be wise to alter the Senate rules so that a simple majority could halt a filibuster by voting cloture, instead of a two-thirds majority of all Senators, or 64, as at present? It is a rhetorical question in one sense, and an academic one in another: The Senate, depend upon it, will make no such alteration.
>
> Indeed, the degree of Senate intolerance toward proposals to change its way of life is matched only by the degree of Senatorial tolerance of the first necessity of the American political method—the necessity to compromise the demands of the sections and of the interests.
>
> The body preeminently is an amalgam of the States, a national institution only in the sense that it is not possible to avoid having the parts sum up to the whole, and thus to a considerable degree it is an amalgam of the sections. It was the Senate that inspired Calhoun of South Carolina, an eminent Senator of parts, to lay down the most classical, and still the most irreplaceable dictum of our practical politics. This was the doctrine of the concurrent majority, in which Calhoun postulated that this was necessarily a country of so many harsh and fundamental divisions that the central demand of the art of politics was to accommodate and merge and thus ameliorate the divergencies lest they become inflamed beyond cure.
>
> The Senate was the ideal home for this philosophy (which probably has kept this a two-party rather than a multiparty Nation) since accommodation and compromise lie at the deepest root of its tradition. Calhoun was only stating what was, in the institution, already a great fact of its life.
>
> The fundamental meaning of the doctrine of the concurrent majority was, and is, that to pursue political differences to ultimates in the mortal, Balkan sense is not only fruitless but extremely unwise. In other words, it was not, and is not, a tenable act to press upon any minority, sectional or otherwise, policies or laws that are quite literally intolerable, though of course care must be taken not to equate the truly intolerable with the merely repugnant. This concept and practice, too, upon examination will be seen to fall very neatly into the great spirit of the Constitution. That spirit was not to form a YMCA of brothers linking arms and chanting glad hosannas of mutual love but simply to find and fix upon a reasonable modus vivendi by which the differing States and peoples could live as well as might be in the federated life.
>
> It might be urged that Calhoun's doctrine fared ill in the debates that preceded the War Between the States and far worse while the guns still were firing from Vicksburg to Gettysburg, and afterward in the Reconstruction. But then it would have to be added that the doctrine plainly lay at the bottom of the wise and sensible policy of the first and greatest Republican President, Mr. Lincoln; that had it been followed during the Reconstruction this would be a far different country, and that the doctrine has on the whole gone on gathering power and validity ever since.

Mr. President, Thomas Jefferson recognized the fact that the minority had rights which must be defended. He once said "the will of the majority is in all cases to prevail but that will to be right must be reasonable." There are times when we know the majority is unreasonable. History is fraught with many instances in which an unreasonable majority has carried a whole nation down the road to destruction.

The attempt to change rule XXII is in essence an attempt to alter the very character of the Senate of the United States. For the good of generations yet unborn, this attempt must fail.

I yield the floor.

Mr. HOLLAND. Mr. President, one of the points frequently made by those Senators who advocate the proposed change of Senate Rule XXII is that under the present rule the Senate never has an opportunity to "work its will" on civil rights proposals. I believe it is obvious in reviewing the recent history of Senate floor consideration of so-called civil rights proposals that this argument cannot be sustained.

Both in 1957 and in 1960, civil rights bills were debated and passed by the Senate. The Senate worked its will on those occasions not only by passing certain civil rights proposals but also by rejecting others. For example, on July 24, 1957, the Senate by a vote of 52 to 38 adopted the amendment offered by Senators ANDERSON, AIKEN, and CASE strik-

ing part III from the civil rights bill then under consideration. On August 1 of that year, and in the same debate, the Senate adopted by a vote of 51 to 42 the amendment offered by Senators O'Mahoney, Kefauver, and Church to guarantee jury trials in all criminal contempt cases. The six highly respected Senators who offered these two amendments are known as liberals throughout the Nation. Their will was worked by the adoption of their amendments by majority votes of the Senate.

It is true that by adopting these amendments the Senate rejected more radical proposals offered in the then pending bills under the banner of civil rights but it is equally true that the offerors of these more radical proposals had their day in court. They simply could not get their proposals approved by the conscientious votes of the majority of the Senate.

During consideration of the civil rights bill last year, the Senate not only passed the provisions which became law, but it again rejected, on motions to table, many other civil rights proposals some of which I shall enumerate:

The Johnson motion to table an amendment by Senator CASE, of South Dakota, which proposed, in substance, the same radical part III proposal which had been rejected in 1957, was agreed to 55–38 on March 10, 1960.

The Dirksen motion to table the voting registrar proposal of Senators DOUGLAS and JAVITS was agreed to 53 to 24 on March 18, 1960.

The motion by Senator MORSE to table an amendment by Senators CLARK and JAVITS and 11 other Senators which would have provided for appointment of referees or enrollment officers to take over the duties of local registration officers was agreed to 51 to 43 on March 24, 1960. No responsible person would charge that Senator MORSE is not for what he regards as sound civil rights proposals.

The Dirksen motion to table the admininistration proposal to create a statutory FEPC Commission Under Government Contracts was agreed to 48 to 38 on April 1, 1960.

The Mansfield motion to table an amendment by Senator KEATING authorizing financial grants and technical assistance for local schools complying with school desegregation decision was agreed to 61 to 30 on April 4, 1960.

The Dirksen motion to table an amendment by Senator JAVITS and others which was another version of part III was agreed to 56 to 34 on April 4, 1960.

The Dirksen motion to table an amendment by Senator HENNINGS and others permitting President to appoint Federal enrollment officers was agreed to 58 to 26 on April 4, 1960.

On August 30, 1961, only a few weeks ago, we had a debate on the floor of the Senate on a number of civil rights amendments to the State, Justice, and judiciary appropriations bill. The Senate adopted amendments to extend the Civil Rights Commission for 2 years and to increase by $586,000 funds for operation of the Civil Rights Commission. We rejected, however, other civil rights proposals by means of the following actions:

The Mansfield motion to table an amendment by Senator CLARK to extend Civil Rights Commission indefinitely and to broaden its powers was agreed to 56 to 36 on August 30, 1961.

The Mansfield motion to table an amendment by Senator JAVITS amounting to a restatement of the proposal known as part III authorizing civil actions to be instituted by Attorney General for civil rights relief, including injunctions was agreed to 47 to 42 on August 30, 1961.

The Mansfield motion to table amendment by Senator KEATING authorizing appropriations to assist States in carrying out court orders for school desegregation. Agreed to 50 to 40, on August 30, 1961.

It should be noted that these civil rights efforts were made under the procedure whereby the rules are suspended to permit legislation in appropriation bills, and that rule XXII was in no way involved.

Mr. President, I have opposed the civil rights proposals which I have just discussed, though I have supported for many years civil rights proposals which I regard as reasonable. As long ago as 1937 I supported as a State senator the repeal of the poll tax requirement in the State of Florida. Even now, I am sponsoring and I have sponsored for 12 years a constitutional amendment to prevent the imposition of poll taxes as a condition to voting in Federal elections, which I regard as a true civil rights proposal inasmuch as it would remove voting impediments in Federal elections which still exist in five States for both white and colored citizens. I believe it is obvious that the Senate has had and now has a clear opportunity to consider this proposal and to work its will regarding it. On February 2, 1960, on my motion, and by a vote of 72 to 16 the Senate added this proposal to another constitutional amendment then pending and on the same day the resolution, as amended, was passed by the two-thirds vote required by the Constitution. Chairman EMANUEL CELLER, of the House Judiciary Committee, later advised me that it had been necessary for tactical reasons to delete the antipoll tax amendment from that resolution, but he then committed himself to actively assist in its passage during the 87th Congress. This year he has reiterated that commitment.

On February 28, 1961, I reintroduced this resolution with the cosponsorship of 66 other Senators—including the leaders on both sides of the aisle—who, together with myself, comprise the two-thirds majority required for passage. In addition, I have had assurances from a number of other Senators that they will vote for the resolution. The administration has publicly stated its strong cooperation and support. With all of these favorable factors, there is every reason to hope that this resolution will pass the Senate and House during the present Congress and be submitted to the States for ratification. There can be no doubt that, regardless of rule XXII, the Senate has the power and that the votes are available to bring up this resolution, on which committee hearings have been completed and printed at least three times, whenever the leadership shall so decide.

Since the Senate has so freely debated, considered, and voted upon all of these proposals, Mr. President, there can be no real substance to the argument that rule XXII as now worded prevents the Senate from considering civil rights proposals and "working its will" thereon by majority vote. This unsound argument is advanced by those who want to go much farther in adopting so-called civil rights legislation than the majority of the Senators have shown themselves willing to go.

Mr. President, I ask unanimous consent that an editorial entitled "Filibuster 'Fight'" published in the Washington Evening Star, issue of September 18, be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FILIBUSTER "FIGHT"

The purely partisan political aspects of the antifilibuster "battle" were plainly showing as the speechmaking got underway in the Senate last week.

A group of Republicans, with future votes in mind, sought to blame President Kennedy for the failure to bring up the proposed change in Senate rules at the outset rather than at the end of this session. Majority Leader MANSFIELD, of course, stoutly disputed this, insisting that the blame, if any, rested on his shoulders.

To the extent that this exchange is to be taken seriously, we think the Majority Leader is right. The Senate's rules are the Senate's business, not the President's. The President, of course, can always exert his influence in such a matter. But it would have been an act of folly if the President or the Majority Leader had tried to launch this session with a knock-down fight over what we think is largely a specious issue.

The issue, if it can be called that, is whether a Senate rule should be changed to permit shutting off debate by three-fifths rather than two-thirds of the Senators present and voting. An effort to muster the two-thirds vote, which will be necessary if the rule is to be changed now, has been set for tomorrow. The indications are the effort will fail, and we hope it does. For the existing two-thirds rule is not a real barrier to Senate action on any measure which commands enough support to justify clamping down on debate. The proponents of change say, of course, that they are battling in the cause of civil rights. This, we believe, is a phony. What they, or most of them, are battling for is votes, come election day.

Mr. HOLLAND. Mr. President, I ask unanimous consent that an article of recent date, entitled "Civil Rightists Are Assailed," written by William S. White, be published at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CIVIL RIGHTISTS ARE ASSAILED

(By William S. White)

The bitter determination of northern professional civil rightists to play vote-catching politics on this tragic issue to the end—and to force others in self-defense into the sleazy game—is now proved beyond all reasonable doubt.

They are going on demanding extreme extensions of Federal force in the racial field in spite of all these undeniable facts:

1. That this country faces, over Berlin, the gravest foreign crisis since the Second World War and never so needed unity at home, north and south, east and west.

2. That school desegregation is now proceeding reasonably and in good order—and in most cases voluntarily—in eight Southern States.

3. That this responsible and orderly progress has been so notable as to bring from President Kennedy himself, who is surely not anticivil rights, public congratulations to the South for giving to the world "a convincing demonstration of the American people's respect for law."

4. That the Federal Civil Rights Commission, which is anything but prosouthern, has long since officially found that in complaints of discrimination not involving the schools—in hiring and in police brutality to Negroes, for examples—the entire South is far behind a mere handful of States in the North.

PEACEFUL ADJUSTMENT

In the face of all this, in the face of the observable fact that the South itself is peacefully adjusting to a reversal of century-old habits and customs, why do the professional civil rightists demand more and more legislation openly directed only at the South?

Do they seek progress in race relations? Hardly. For progress is now sufficient to satisfy all those, North or South, who are willing to concede that some measure of popular consent is necessary in a government resting on consent of the governed.

Do they seek only fair play for the Negro? Hardly. For no new Federal law is needed to stop the denial of jobs to Negroes—a fairly basic "civil right" itself to those who like to eat—in New York, in Michigan and elsewhere.

Whatever it is they really want, what they are really doing is continuing to ride this issue for predictable political results: To use the Negroes and other minority groups in the North to drum up votes. If they really wish to see a fair settlement of this issue, everything they do runs against that wish. Everything they do can only prolong and embitter it.

So, is sensibly settling the issue actually the dominant motive? Or is it next year's congressional elections? Only those involved can say for certain. And it is also fair to observe that getting reelected is a thoroughly understandable and human ambition.

SENATE EXTREMISTS

All the same, there is an interesting fact. The three most violently intolerant extremists in all the Senate for more and more civil rights legislation are all up for reelection in 1962—Senators JOSEPH S. CLARK of Pennsylvania, WAYNE MORSE of Oregon, and JACOB K. JAVITS of New York.

Their motives are their business; these motives and these men are not important in themselves. What is important is for the public to recognize at long last that every single instance of true progress in race relations has been made by moderate and temperate men, in both parties and in all sections.

It is important, too, to recognize at last that the moderates, in both parties and in all sections, have behaved with much quiet courage in this harsh and passionate matter. It was a moderate southern politician, then Senator and now Vice President JOHNSON, who caused the first genuine civil rights enactments in 80 years. It was not easy for him and other moderate southerners—men like Senators SMATHERS of Florida and GORE of Tennessee—while southern extremists howled threats at their backs.

And it is not easy for such a northern politician as Senator DIRKSEN of Illinois to insist, as he does, upon responsible treatment of such an issue while other northern Senators whip up the vast, exploited Negro wards against him.

Mr. STENNIS. Mr. President, the pending motion to consider Senate Resolution 4, which proposes to change rule XXII of the Senate, goes to the very fundamentals not only of procedure but far beyond procedural rules. It goes to the very fundamentals of the operations of our Government as well as the kind of government that we have.

The resolution before the Senate to amend rule XXII is the device by which it is proposed to take another step in a determined effort to make it easy to limit debate and readily gag this great deliberative body. Actually, the current move to amend rule XXII is not only for the purpose of heading off debate prior to further consideration of additional civil rights legislative proposals, but is an attempt to change our whole economic picture.

The advocates of these measures seek this drastic change of the fundamental rules of the Senate to pave the way for enactment of special measures often proposed as the result of political pressure to satisfy minority groups. To this end, it is proposed to remove one of the greatest safeguards to the liberties of all, majorities and minorities alike, in order to gain these temporary advantages.

Not only is such a dangerous move shortsighted and unwise, but it is unnecessary. The history of this great body reveals that proper legislation can be enacted even when debate is unlimited.

Civil rights legislation was enacted in 1957. In order to appease these same minorities who were unable to obtain all that they wanted because their proposals could not stand the test of unlimited debate; and over the objections of many Senators, the Senate amended its rules in 1959 to make it easier to invoke cloture and limit debate. This was the change in rule XXII which was to end all changes. It should stand as the end of changes in this rule.

After deep and careful consideration of this proposal to limit debate, Senators should realize and know that its purpose is not to improve the fundamental procedure of this body. No one seriously wants to limit debate generally. Actually, we all know that as a general rule it is far better that this body preserve the privilege of unlimited debate. In all candor, Mr. President, let me state again that the real purpose of this proposal is to gain the temporary advantage for special proposals, for minority groups, for political purposes, at the risk of forfeiting one of the most valuable fundamental rights in our Government.

The use of the words "unlimited debate" is not wholly accurate, because it is well known that under the present rules of the Senate there is a way to limit debate. In fact, the pending motion for cloture is an exercise of a present rule of the Senate. Instead of preserving the privilege that now exists, it is proposed further to limit debate in this body, to further whittle down, to further change, to further limit the powers and prerogatives as well as the responsibilities of each Member of this great body.

I repeat that this effort to change the Senate rules is not merely a civil rights matter. It is an attempt to change our whole economic structure.

The whole Nation—not merely the South—is vitally affected and concerned.

The time has come for those who are interested in sound, conservative constitutional government to stand firm if our Nation is to survive along the fundamental principles upon which it was founded and through which it has grown to true greatness.

Let me point out some highly significant but little observed facts on the composition of the Congress.

As is well known, the Constitution provides that each State has the same representation in the Senate, while in the House of Representatives the membership from each State is based on population. A change in the Senate rules to cut off the right to engage in extended debate could have a very serious and alarming adverse affect on the protection of the rights of the States.

For example, the six States with the largest House membership are New York, 43 members; California, 30; Pennsylvania, 30; Illinois, 25; Ohio, 23; and Texas, 22.

New York, with its 43 House Members, has 10 percent of the entire 437 House membership. Together or combined, the six largest States have a total of 173 Members or a controlling bloc on any vote.

On the other hand, the smaller States have a very minor voice in the House. For example, Wyoming, Delaware, Nevada, Alaska, Hawaii, and Vermont have only one Member each.

States with only two Members each in the House are Utah, New Mexico, South Dakota, Rhode Island, Arizona, Idaho, Montana, New Hampshire, and North Dakota.

The present Senate rules are designed to give each State—the smallest and the largest—an equal voice, and that voice can be heard with telling effect.

In the House, Vermont, for example, can get no protection with its 1 vote pitted against New York's 43 votes, while the rules of the Senate protect Vermont with the same equal vigor ascribed to New York.

The six largest States can swing 173 votes in the House, nearly 40 percent of the House vote, but in the Senate they have only 12 votes, 2 for each State.

And the effect will be even more striking after the congressional reapportionment has been made, reflecting the result of the 1960 census, which will be apparent in the membership of the House beginning in January 1963.

Any reference that I make to the House of Representatives is with the greatest respect and the utmost admiration. No one has ever taken his seat in that fine body except by the direct, expressed vote of the people of the area that the Member purported to represent.

Certainly it is a highly important, vital, and essential part of our form of Government.

To illustrate the limitations that the individual Member of the House sometimes finds himself up against, several years ago we had before Congress a major bill involving far-reaching policies, on into the decades, of the future. It was called the atomic energy bill. Included within it were far-reaching provisions changing the basic policy with reference to the Tennessee Valley Authority, which is a national institution, not merely a regional one. One of the Members in the House of Representatives from my State represented a district in which every county was served by the Tennessee Valley Authority. That was the sole source of their power—industrial power, domestic, and every other kind. He had, of course, a vital interest and the greatest concern in that bill, because his people did.

I was an observer in the House during the debate on that important measure. The able Representative from that district was permitted to speak only 5 minutes on the bill. He spoke 3 minutes under his own right as a Representative, and another Representative gave him 2 additional minutes, of which he had the control. So under the rules of the House, the Representative from the district in my State was permitted to speak 5 minutes and was not allowed to offer an amendment.

That bill passed and came to the Senate. The Senate debated it for 5 weeks, including many nights. As a result of our power of debate under the present rules, and our power to offer and adopt amendments, the bill was drastically changed, to the great protection of many fundamental rights as a majority of the Members of this body saw it and is the law of the land today.

By contrast, the Representative from my State, who represented a great majority of the people who were most directly affected by the bill, had only 5 minutes in which to speak. He had no right to offer amendments to the bill. I shall always remember that he had only 3 minutes in his own right as a Member of the House and borrowed 2 minutes from a friend. That is practical illustration of the operation and down-to-earth aspects of the operation of the rule.

The proponents of a change now in the Senate rules advocate cutting off debate with three-fifths of those Senators present and voting instead of a two-thirds majority, as the rules now require.

If that were the case, it would open up the Senate to the easy passage of bills and policies changing our whole economic structure, withdrawing the protection now granted to the small States under Senate rules, and nullifying the constitutional concept that each State—large or small—has an equal voice in the Senate.

In recent years, and particularly since 1949, there has been a concerted effort to limit debate in the Senate. The effect of the change made in 1949 was to make any motion subject to cloture.

In 1959, the number of Senators required to invoke cloture was reduced from two-thirds of those elected and sworn to two-thirds of those present and voting. At the present time 34 Senators of the 51 constituting a quorum could invoke cloture. Prior to 1959, 67 Senators would have been required to accomplish this. Proponents of free debate in the Senate saw the number required to invoke cloture cut by one-half and realized that under certain circumstances a minority of the Senate could limit debate. Current proposals now being considered would further reduce this.

It is clear to me that we are greatly accelerating the pace toward an effective gag rule, enforced at the whim of a transitory majority.

Earlier in the day I took occasion to refresh my memory and reflect again upon what I believe is one of the very best sentiments that has been expressed in stone around here at any time. It is the inscription on the New Senate Office Building.

We must be continuing to think in terms of the philosophy represented by that quotation; otherwise we would not be erecting buildings which we ourselves now occupy, including the one erected in 1956. The inscription over the entrance to the New Senate Office Building is:

> The Senate is the living symbol of the union of States.

Gradually the wings of the States are being clipped. Much of the power of the States is being taken away by Congress, by the courts, and otherwise. I am speaking now not only of the civil rights question, but of all questions. Many of the fine, strong purposes, achievements, and accomplishments of our Government are going out when the States pass over to the Federal Government their positions of responsibility and power. Much of the soul, the spirit, and the understanding of our people toward the Government is being taken away when we whittle away the responsibilities of the States, their powers, and their enjoyment.

I believe, so far as the Federal Government is concerned—and with all deference to all of us, the crowning part, so far as the States are concerned—is the body of the U.S. Senate, to which men and women are sent to represent the statewide responsibilities, the people as a whole in the States, and the States as essential, fundamental units of our Government. There, with the give and take, with the responsibility that each carries, with the deference that the rules of the Senate require us to have for the other Members of this body, and the deference, esteem, and respect that the rules require us to have for the States of the Union, I believe we find the crowning achievement of the Federal part of our entire government. As a whole, it serves the cause well. Much of the better part, much of the foundation, much of the spirit and the very soul of our Government, goes out when we reduce the status of the States and take away their responsibility and power.

We need not doubt that the proposed change in rule XXII, even though it may seem minor to some of the new Members of this body, when we reflect it against the trend which has already begun in the last few years, with a knock upon the door not to change it merely to provide for two-thirds of those present and voting, but with the insistent demand which already is being heard today, tomorrow, and every day, for a majority cloture—when weighed against that background, we see that this is a well-designed movement which is making some headway to tear apart from this body its special features, and its best features, and make of the Senate only another agency or organ of the Government, no different from others, with powers and responsibilities and limitations imposed as on others.

There is no doubt in my mind that this proposal heralds a new day, a different day, one which will not work, in the long run, for the strength or the betterment of our Nation and our people, but rather will weaken them.

TRANSITORY MAJORITIES

If the Senate is considered to be just another legislative body—an annex of the House of Representatives—then rule XXII cannot be sustained on logical grounds. But if there is any merit in my contention that the Senate has a duty to represent the States, then there should be special rules to protect the power and rights of the States.

Centralization of government is now the trend in national affairs. It is proceeding with breakneck speed. I think that the Senate on some sound occasions has attempted to brake this trend of changing seriously our form of government. I feel that its action as a restraining influence is a major part of its duty and purpose. I still believe that government should be kept close to and responsible to the people and that the effectiveness of local and State government should not be drastically reduced by ill-considered and unwise legislation.

Many politically expedient, but basically unwise, proposals have been defeated by free and open debate. They have gone unlamented into oblivion because of the deliberative power of the U.S. Senate. I believe it is dangerous to tamper with this fundamental characteristic of this institution as we know it.

I believe it would be basically unwise for the States, as well as the people, if this deliberative function of the Senate were cut off by adoption of a gag rule.

Yet with each successive change in rule XXII, we are taking giant steps in adoption of such a parliamentary device. Freedom of debate in the Senate is absolutely essential for the protection of minority rights. None of us can tell today when we may be in the minority on some future issue to be considered here. We are certain that vital issues affecting our States and people and the country will be considered soon. If debate is to be for all practical purposes eliminated and issues decided without full and free debate—but by sheer numbers—the

rights and powers of the people we are elected to protect will be greatly jeopardized.

Some minority rights should never be overridden. Individual rights are recognized in the Constitution, particularly those relating to criminal laws. An accused person is a minority of 1 in a criminal proceeding, opposing a majority of 170 million. Yet few of us would seriously consider taking steps to deprive him of the right of trial by jury, habeas corpus, or due process of law, or any other constitutional right, because of his being in a hopeless minority. There is justification for any lawful obstruction to the enactment of measures which would tamper or override any individual's constitutional right.

Nothing less should be done for the States themselves. The sovereign States, whose compact made our Federal Government possible, deserves no less consideration in interpretation of constitutional law than a person accused of a crime. Further, the States do not have the protection afforded a person undergoing criminal trial and the requirement of unanimous jury verdict required for conviction. Adoption of the rule change would render an adverse verdict by a mere majority vote to a State on matters of vital consideration to it in the only forum available for protection of that State.

I admit this rule protects minorities. By making a gag rule depend upon more than a mere majority vote, it gives Senators in a minority position on given matters an opportunity to present their views to numerically superior forces, and, more important, it provides the necessary time for public reaction to make itself felt in determining the issues then under consideration. It provides the time necessary to sound the warning against ill-considered and unwise legislation. It protects the vital rights of the States and the people against arbitrary and summary action by a temporary but insistent majority.

We must remember that a Senate majority does not necessarily represent the majority thinking of the people or even of the States. It takes time for many vital measures to be understood by the people at home or even in our State capitols. Prolonged debate on truly critical measures provides the opportunity for constructive thinking at the grassroots level by local leaders of people who will be most affected. All of us who have had experience here before have seen the volume of serious mail building up day by day during the course of debates of long duration. This time enables us to determine the thinking of our people more accurately; and, of course, full and free debate on controversial matters provide a degree of protection against hasty action and enables us to resist the clamor of well-organized groups supporting their selfish interests.

DANGER TO FUNCTION OF SENATE

The danger of a change in procedure which would erode and threaten to destroy the function of the Senate as a deliberative body should be recognized by all thinking persons as outweighing temporary advantages which partisans would gain in obtaining prompt action on a few items of politically expedient legislation. And even those partisan advocates of change who might find themselves able to ride roughshod over a helpless minority today might themselves be on the losing side tomorrow and might then regret surrender of any part of the right to discuss questions of principle for as long as is necessary to make the people of the Nation realize fully what is involved.

POINTS OF OBJECTION

I wish to discuss briefly certain additional points:

First. A material limitation on Senate debate—and permitting cloture by a smaller vote would impose a material limitation—would be contrary to the basic philosophy of our plan of government. It would violate the spirit of the compact which made our Constitutional union possible. It would upset the carefully contrived balance among the branches of our Government. It would reduce the effectiveness of the Senate as a guardian of States rights and individual liberties.

Second. It is unnecessary to change the rules under which the Senate has functioned satisfactorily for a century and a half. The present cloture rule gives adequate protection against abuse of the privilege of extended debate by a few willful men. No important legislation has been permanently blocked by filibusters.

It is extremely important to us to consider proposed changes in our rules not from the standpoint of immediate expediency but in the light of the background and traditions of their body and with an eye on the future.

SENATE IS A UNIQUE BODY

Unlike many of our institutions, the Senate was not established as a copy of some existing government unit. It was uniquely and carefully designed, after long and arduous debate to meet the specific needs of 13 proudly independent States which were willing to surrender to a union only so much of their sovereignty as was essential to promote their common welfare.

The attitude with which the making of our Constitution was approached is evident from the language of the resolution of the Continental Congress adopted February 21, 1787, calling a convention to meet in Philadelphia the following May—

> For the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the States, render the Federal Constitution adequate to the exigencies of Government and the preservation of the Union.

The difficulties this Convention faced are indicated by George Washington's statement quoted by Gouverneur Morris:

> It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and honest can repair. The event is in the hand of God.

From May to September, the Convention struggled to devise a plan of Federal Government which the delegates were willing to defend and when that task was completed, the work of obtaining approval for the new Constitution had hardly begun. Ratification by nine States was necessary before it could be adopted. The people of the States had to be made to understand the virtues of the plan and the necessity for concessions in compromise provisions that did not completely satisfy anyone, even the members of the Constitutional Convention.

BILL OF RIGHTS PROPOSED

The first Congress, which met in 1789, responded to the popular demand by proposing 12 amendments to the Constitution in a resolution which stated:

> The Conventions of a number of States having at the time of their adopting the Constitution expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the government will best insure the beneficial ends of its institution, *Resolved* • • • That the following articles be proposed as amendments.

These first amendments, 10 of which were adopted, included, as I need hardly remind you, the ninth, which says:

> The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people, and the 10th, which says: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The Chief Executive of the Nation is sworn to uphold the Constitution, but if he interprets his duties as permitting interference in fields reserved for State action, who shall check him? The courts, and especially the Supreme Court, are interpreters of the law, but when the highest court conceives of itself as a policymaking body and issues orders involving social reforms which interfere with State functions, how can this trend be checked? The Congress, in addition to having the power to make laws, has the power to impeach the President and other officials, but what if the popularly elected representatives yield to public clamor and endorse proposals which infringe on States rights?

SENATE IS DEFENDER OF STATES RIGHTS

It is when an answer to these questions is sought that the unique position of the Senate in our system of government becomes apparent. This body is the one place where the sovereign States are represented as such and on a basis of equality. Even though Senators, since adoption of the 17th amendment, are elected by the people instead of being chosen by State legislatures, they still are representatives of their States as a whole and are insulated from temporary waves of popular sentiment by 6-year terms

and by having no more than a third of the Senate seats at issue in any one election year.

Madison said:

> The use of the Senate is to consist in its proceeding with more coolness, with more system and with more wisdom than the popular branch.

As will be recalled, Washington described the Senate to Jefferson as a saucer in which legislation was poured to cool.

That traditional function of the Senate can be exercised effectively only so long as this body remains a truly open forum in which each spokesman for a sovereign State can expound his views for as long as his conscience dictates when the rights of his State or the integrity of the Constitution which protects those rights are threatened. The Senate will become no more than a slower House of Representatives in its net results if a simple majority can decide when discussion should be stopped and a vote taken.

It was Thomas Jefferson who told the Senate in its early days that the only weapons by which minorities can defend themselves from the abuses which "the wantonness of power is but too often apt to suggest to large and successful majorities" where the forms and rules of proceedings which had been adopted.

Woodrow Wilson, in his book on "Constitutional Government" said:

> An attempt was once made to bring the previous question into the practices of the Senate, but it failed of success, and so that imperative form of cutting off all further discussion has fortunately never found a place there.
>
> The Senate's opportunity for open and unrestricted discussion and its simple, comparatively, and unencumbered forms of proceeding unquestionably enable it to fulfill with very considerable success its high function as a chamber of revision.

NO JUSTIFICATION FOR CHANGE

Therefore, I say that before we tamper with a plan of proceeding which has been carried on with such distinguished approval for a century and a half, we should be very certain that there is justification for a change.

That brings me to another point, which is that a change in the existing rules is unnecessary.

We are told that a majority must be given the power to cut off debate after some specified period of time in order to "break the power of the filibuster."

What, then, is the power of the filibuster and how has it been used to the detriment of the United States?

The history of limitation of debate in the Senate and of incidents which led to attempts to impose limitation has been set forth so effectively in the Library of Congress Public Affairs Bulletin No. 64 by Dr. George Galloway and that study is so well known to Members of the Senate that I shall not repeat the details here. You will recall that the device of the previous question for ending debate, which was allowed in the Continental Congress as well as the British Parliament, was carried over into the rules of the Senate in 1789 and allowed to stand until 1806 before it was abolished and truly free debate instituted. During the first 17 years the previous question was invoked only four times and used only three times, but that was enough to make its dangers evident and when Henry Clay sought to have the rule revised in 1841 he failed.

Numerous later attempts have been made, as they are being made now, to impose restrictions on debate, but it is notable that the general tendency has been for new Members of the Senate, impatient with what seems to be its deliberate pace, to want the rules changed and then for those same Members, as they gain more experience, to recognize the virtues of free debate and to defend the existing rule.

STATES' REPRESENTATION IN THE SENATE

Damage is being done to the prestige of the States by this debate.

The President, any President, represents the Nation as a whole. His primary responsibility runs to the people themselves. The executive branch and the vast army of Federal employees are not responsible to the States. Most of the officials in the executive branch have never been elected to any office nor are they selected by the electoral process. The people cannot bring about their removal, and complicated administrative procedures for dismissal or impeachment proceedings are admittedly difficult. These are the only ways by which any official may be punished for misconduct by separation from public service. In neither of these ways do the people have a chance to act directly.

Members of the House of Representatives are elected directly by the people. Since the adoption of our Constitution they have been selected from geographical subdivisions of the State and are responsible directly to the voters of their districts. While all of them, of course, have a certain loyalty to their State, it is not in the House of Representatives that States are represented directly.

The Federal courts certainly do not represent the States; and, in fact, recent decisions of the Federal judiciary have shown an increasing contempt for and disrespect of rights to the States and the people protected by the 9th and 10th amendments. I personally believe that these decisions have gone much too far, but certainly their most ardent defenders would not contend that the Federal courts have been relentless in defense of rights held by the States.

There is only one place in the Federal Government where the States are represented directly. The Senate is the only defender of their rights and powers.

Within the Senate, each State stands on an equal footing regardless of size, section, economic interests, or population. This is the only forum in the Federal Government. It is the only place where the powers of States and rights of people, reserved by the 9th and 10th amendments, find their protectors.

If these premises be true, and they are true, then it must follow that the Senate, as an institution, and the Senators elected from their States are the trustees of the States' powers and rights under our Constitution.

None of us here had anything to do with creating these rights. That was accomplished when the Bill of Rights was adopted. We cannot enlarge these rights except by following the constitutional provision for amendment of that organic charter; but I think we do have a definite responsibility whenever Federal legislation anticipates the creation of a new Federal power, and a corresponding diminution of the States' powers to see that the State is protected. I think we have a duty to support corrective legislation when executive prerogatives, particularly in the field of Executive orders and regulations, are carried too far and infringe on matters of State jurisdiction.

I think we have a high duty to support corrective legislation and restore to the States rights and powers they have lost by judicial decree whenever the Congress feels that the decision is unwarranted. Most of us, I think, feel a deep responsibility to the State which sent us here as trustees of their power to retain that bundle of powers intact during our tenure here and to make it no more difficult for those who will succeed us to defend the sovereignty of our State against the encroaching power of the Federal Government. I think that this attack on the Senate rules has damaged the prestige of the Senate in the eyes of the people of our country and that, therefore, the States prestige and power to defend themselves have been damaged to some immeasurable degree.

To my mind, the further limiting of free debate in the Senate would be a great step forward in limiting the powers of the States to be heard in the Federal Government, and I hope that Members of this body will carefully consider the question in this context. I do not think any of us would willfully participate in the loss of an incident of sovereignty of our State; but, in my opinion, a vote to gag the Senate or hinder free debate here would be a violation of the trust of the State and its people in sending us here to represent them.

Mr. President, I cannot close on a better note than one I heard struck on the floor of the Senate by the great Senator from Oklahoma [Mr. KERR], who, on one occasion, when he addressed the Chair just before the taking of a vote, said he would never believe that the people of Oklahoma had sent him here to reduce the stature, the power, and the responsibilities of the State of Oklahoma, and that as long as they honored him with a seat in the Senate he would not vote to add further strength to the cloture rule or to limit the powers and responsibilities of a Member of this august body.

Mr. President, I am willing to rest the case on those sentiments.

I yield the floor.

Mr. JOHNSTON. Mr. President, once again we are in the midst of a battle between those, such as myself, who believe in free and unlimited debate in the U.S. Senate, and those who would impose even more limitation of debate on the Members of this august body than we now have.

First of all, I should like to point out that, contrary to popular opinion, we do not have freedom of debate at this time in the U.S. Senate, but, as a matter of fact, two-thirds of the Senators present and voting can require the other one-third, or a total representation of 16 of our sovereign States, to silently watch legislation they detest be passed by this body.

Unfortunately for those who sincerely feel that there are many legitimate reasons why the Senate should have unlimited debate, the American public has been led to believe that there is one reason, and one reason only, why a small majority in the Senate cannot shut off debate, and that the only reason why we require a two-thirds vote is that the southern Senators use freedom of debate as a weapon against civil rights legislation.

Mr. President, I can think of no greater disservice than could be done to the citizens of this country than to so mislead them about one of our greatest institutions, and to place in their minds the mistaken conception that this battle, which has been fought in the U.S. Senate ever since its inception, is a civil rights struggle.

Mr. President, there are at least 10 very good reasons why the Senate should have unlimited debate—some of them, of course, much better than others; but each on its own merits is a very valid reason for continuing this situation in the U.S. Senate as the last free forum in the world.

Mr. President, in a sincere effort to shed some light on this subject that has been so clouded by the opponents of free discussion in the Senate, I shall list some of these reasons, and shall discuss them, in the hope that we can disprove the opposition's theory that this is merely a sectional civil rights battle.

One of the reasons why we have traditionally had unlimited debate in the Senate and have not resorted to the majority rule which prevails in most of our other institutions, is the very cogent fact that minorities have rights which no majority should be able to override.

The framers of our Constitution, having full knowledge of this fact, set up the Senate as a separate entity without any reference to the population of the States, so that a simple majority of our population could not trample down the rights of a minority. Unfortunately, some of our very largest minority groups who have temporarily gained majority influence over the Congress through bloc voting and propaganda efforts unwisely lose sight of the valuable contribution the Senate has made in the protection of the rights of these very minorities. Unbelievably at this particular time, they are among the most vocal advocates of a change in the very rule which so often has protected them.

Another reason why the Senate does not have majority cloture is the realization that many times a majority of Senators do not represent a majority of the people of the United States. Many times in the past Senators of the large, populous States have fought against such changes as the one proposed here today, because, as they have pointed out, a coalition of smaller States representing a fragment of the population of our country, but a majority in the U.S. Senate, could, with a simple majority vote, overwhelm the vote of the Senators of the larger States, even though the senatorial minority represented by far a majority of the population, the wealth, and the tax contribution of the United States.

Unfortunately again, many of these Senators are at this time on the other side of this battle and now clamor for majority cloture, losing sight of, or ignoring, the fact that their predecessors in their infinite wisdom not only established unlimited debate in the Senate, but fought valiantly to protect their right to speak out at length on any subject.

The advocates of simple majority cloture, which should be termed "gag rule" in the Senate, many times have pointed out that this is the last bastion of freedom of debate anywhere in the world, and have cited foreign parliamentary bodies, as well as State Senates of the great States of our own Nation, as operating under rules which include the "previous question rule" or simple majority cloture. Each time this comparison has been made, the Senators fighting to preserve free speech in this body have pointed out, as I shall point out again, that very little parallel can be drawn between such institutions and the U.S. Senate.

First of all, the U.S. Senate has the unique duty of sitting in an appellate capacity, so to speak, in order to carefully inspect proposed legislation, to mull over it, chew on it, and digest it, and we are the only body in this Congress that has the time or the rules to allow such complete consideration. To eliminate freedom of debate in the Senate would be to make this body nothing more than a rubberstamp for the House of Representatives and to reduce the Senate to a mere shell of what it was when we were elected to office.

Furthermore, the Senate has the additional unique functions of giving advice and consent to the President on treaties and the confirmation of appointments, which are functions not served by any other body in our Government, and which, in themselves, require that we have generous debate, so we can freely discuss these things without danger of intimidation by the tremendous powers of the White House. To remove generous debate from the rules of the Senate would, for all practical purposes, eliminate the Senate's function of acting as a curb on the Presidency, since a majority of the President's party could railroad through legislation and confirmation without an opportunity for minority dissidents to speak out in opposition.

A reason frequently given by proponents of cloture in the U.S. Senate is that needed legislation is blocked by unlimited debate and we must, in fact, have majority cloture in order to pass the legislation the country needs.

A review of the debate on legislation throughout the history of the Senate indicates very strongly that the vast majority of the legislation defeated by generous debate was, in fact, later recognized as bad legislation; and the proponents of cloture are sadly lacking in examples of good legislation that has been defeated by unlimited debate. Several years ago in this body in debate on this same question it was pointed out that we must have majority cloture if we were to pass foreign aid legislation, the Federal aid to education bill, and civil rights measures.

In this very session, operating under the existing rule, as far as debate is concerned, we have seen the largest foreign aid bill ever passed go out of this body, we have seen the Federal aid to education bill pass this body, and we have seen the Civil Rights Commission's life extended for an additional 2 years, even though a large minority of the Senators feel that the Civil Rights Commission does more harm than good.

If we remove ourselves from the world of fancy for just a few moments and look to the lessons of history, a more concrete basis from which to draw our conclusions, we will see that very rarely in the past has needed legislation been defeated and that, as a matter of fact, many times unwise legislation such as the Reconstruction Act of Louisiana and the Force bill, which would have put Federal bayonets around our ballot boxes, has been defeated. I might note that later it was acknowledged by the proponents of these measures that the legislation was unwise and should not have been passed.

In every effort to sway public opinion, the proponents of this measure in the past and at the present time have misled the American people into thinking this entire Government was set up so that a simple majority would prevail in all functions. It has been pointed out time and time again, and it hardly seems necessary—but unfortunately it is required—that I point out that the very reason the Senate was set up was so that the majority of the population in this country could not run roughshod over the smaller States or the lesser or minority group. The Senate itself was a part of a compromise between the people who wanted majority rule and those who wanted to protect the rights of the States.

It saddens me that a great number of people across this land of ours have chosen to disregard or have completely forgotten the wisdom of our forefathers in framing this Constitution so that we could not have an impassioned temporary majority running wild over the rights of the minority and using the very force of Government which is supposed to protect the minorities to grind these unhappy people into the dust.

The Constitution itself provides for yeas and nays by a small minority of the Senators as a check on the majority and as a method which can be used and has been used as a dilatory tactic. Furthermore, the Constitution itself provides in several instances, which I shall enumerate later, for a two-thirds vote of the Senators. These constitutional requirements, along with the constitutional provision that no State can be deprived of its equal representation in

the Senate without its consent, certainly stand as bulwarks against a temporary majority depriving Senators or States of their votes.

One argument frequently used by those wishing to impose gag rule on the Senate is the possibility of a minority of the Senators holding up legislation that the majority thinks is important. What these people fail to see is that there is much less danger from a minority than there is from a majority. Our predecessors in this body in their wisdom established unlimited debate for the very purpose of allowing deliberations to go to any lengths necessary in order to insure good, calm, deliberative action. Nowhere in their efforts to impose this gag rule on the Senate do the proponents of this measure point out the times that a single Senator or a small handful of Senators have delayed action on unwise bills until the public indignation could rise to such a point that the small minority became a majority and the legislation was subsequently defeated.

There is not a Senator who is not aware that hasty action creates many mistakes, and that time after time the Senate in its deliberations on various measures has recognized mistakes which the House has made in bills passed in haste and corrected them, principally through the efforts of a small minority of the Senators endeavoring to shed some light on the particular subject.

A further argument for majority cloture that goes hand in hand with the contention I was just discussing is the more frightening suggestion that unlimited debate allows a small minority to block much legislation. This particular position of the proponents of majority cloture fascinates me for several reasons.

First of all, it has been pointed out that many times the Senate with relative unlimited debate passes more bills in a session of Congress than does the House with its strict cloture rule. When this fact is pointed out to proponents of majority cloture they easily shift their line of logic and maintain that this phenomenon occurs because of a fear of the majority of Senators of this body that one Senator may block some pet proposal of theirs if they block his pet proposal. Not only does this glib switch from one line of reasoning to another refute their contention that legislation is blocked by unlimited debate, but it casts aspersions on every Member of this body who is conscientiously seeking to represent his State.

It seems to me unfortunate that on an issue as vital as this which concerns the very essence of the U.S. Senate, that all the bad should be pointed out and indeed magnified, while none of the advantages of unlimited debate are given publicity.

I believe that unselfish interests, when properly instructed as to the nature of majority cloture and the very real protections the Senate offers to minority groups under its present rules, will favor the retention of the rules we now have. It seems to me especially worthy of note that many men who have used unlimited debate, even though they were in a small minority of Senators, to protest action when great, vital, constitutional issues were at hand, have been among those considered to be the giants of the Senate.

Three such men who were violently opposed to any change in unlimited debate have their portraits hanging in the Senate reception room right outside this Chamber. They represented divergent views on most other issues and they came from different sections of the country, but they were giants of the Senate and they opposed cloture. I speak, of course, of John C. Calhoun of my own State of South Carolina, Bob La Follette, from Wisconsin, and Daniel Webster, three Senators selected as among the five greatest in our history. When a vital constitutional issue was at hand in the Senate, none of these men would flinch from using every senatorial power at his command to focus public attention on what he considered to be inopportune action and thus bring great pressure on this body to act in a more wise manner.

Unfortunately in this time and age of fantastic communication devices, people can be given superficial explanations of issues and can be aroused to a fever pitch on the wrong side of any question in a matter of hours. In order to adequately educate the public on issues of vital concern to their welfare under such adverse conditions, it sometimes becomes necessary for a minority of the Senators to resort to lengthy discussion of the issues before the Senate in order to get even a cursory mention of their viewpoint.

While it is true that we have much faster communications in our day and time than this Nation had in the days of such stalwarts of oratory as Daniel Webster, John C. Calhoun, and Bob La Follette, it is also a truth that much of our communication network is in the hands of a relatively few men, and in many cases there is presented only the side of an issue favorable to selfish interests.

One of the things that will be lost if this body adopts majority cloture is the opportunity of a Senator, when he feels in his heart that the Senate is taking precipitate, unwise action, to take the floor and by sheer length of debate focus national attention on what he considers to be the true issues at stake.

Many times since I have been in this body I personally, and many of my colleagues, have been attacked as being provincial because we still believe in sovereignty of the individual States. While the press of modern affairs has required a much greater centralization of government, it does not necessarily follow that we must abolish the system of government so wisely established for these United States by the framers of the Constitution.

Certainly every Senator must concern himself with the national interest, but by no means does this require that a Senator fail to represent the interests of his State. It is sad but true in many cases that the only voices which a State may have to protect the citizens and interests of that State are those of its two Senators. Unfortunately, it is also true that many times when a Senator raises his voice in defense of his State, he is accused of provincialism and held up to ridicule before the people of the other areas as though there were no longer any sovereignty vested in our 50 States.

I think it was wise indeed to realize when this great Union was formed that, while we had much in common, there would forever be divergent interests among the States, and to provide each State of the Union with two voices in this body which could not be removed without their consent.

I want to remind every Member of this body that the U.S. Senate is the only place where the State has a voice representing it, and where the rape of the State's rights can be protested.

Unhappily, certain groups in our country have felt it to their interest to ridicule the idea of the Senators as ambassadors of their States by refusing to recognize the divergent interests of our States at all, but using the dangerous world situation to spotlight only the general welfare of the United States and, consequently, sneer at any consideration of the Senators as being their States ambassadors.

I sincerely pray that this unfortunate view will be exposed for what it is: to wit, an effort to change the very constitutional nature of our Government and to eliminate the last vestige of States rights in our country. I think when this question of unlimited debate is removed from all the trappings that have been placed around it by organized pressure groups and misguided advocates, we shall see the problem a lot more clearly and a lot more sensibly before we are moved to vote on it.

I would like to return and dwell at length on the first point I made and in order to dispel this erroneous notion that the fight over cloture is nothing more than a civil rights battle of a very recent nature, I would like at this time to call to the attention of the Senate some comments of Senators who have preceded us in this body and who have ranged over a period of a half a century, speaking of cloture. These comments are taken from the report of the Committee on Rules and Administration in 1947, 80th Congress, 1st session, Calendar No. 85, Report No. 87, and should dramatically demonstrate this is not merely a fight on one narrow legislative objective. William Alden Smith, a Senator from Michigan, 1907–19:

> The proposed new rule is intended to curtail the individual right and power of Senators. How can a Senator represent his State appropriately in a crisis if a few Senators may decree in caucus and then absent themselves, leaving the State to its fate, shorn of the power to be effective?
>
> I have never seen the present rule abused. I have been impatient at times with Senators, but good has come to the country in most instances as a result of our liberal latitude in debate.
>
> Much good and no harm has come from unlimited discussion here; and, to curtail it and deprive ourselves of this power and privilege, it seems to me, is not called for by any situation now existing.
>
> The instances where this rule of unlimited debate has been abused and has worked to the disadvantage of the Government are very rare indeed and the cases where it has

been of tremendous advantage to the Government and to the people of the United States can be counted by hundreds and hundreds.

Mr. Smith, of Michigan said:

No unlimited debate, as I define it, was such a protracted and prolonged discussion as to bring acutely to the minds of Senators the necessity of composing that particular situation.

The longer I stay here the less I speak. Some of the best men who ever served in this body have grown to dislike verbal controversy.

Men get over the fascination of their own speech; but if the occasion should require, or if some injustice was sought to be done, unlimited debate would be a very desirable and potential weapon to reside in the senatorship.

It is not that a Senator wishes to be heard at great length; it is the power to defend his State which you are attempting to curtail.

Take away the right of unlimited debate and you take away the one great distinguishing characteristic of senatorial procedure.

A great deal of agitation has been heard at varying times concerning the necessity for having some rule that would limit debate. There were those of us who did not think any rule at all was necessary. I speak now advisedly, as a member of the Committee on Rules, when I say that that rule was adopted as a compromise rule, and assurances were given that if it should be agreed to—as it was, without any controversy—it would end this matter of so-called cloture legislation. It has answered its purpose.

During my somewhat protracted membership of this body a few filibusters have been engaged in. I was the victim of one of those filibusters, Mr. President. A bill in which I was deeply interested, which had been debated for weeks in this body, as I remember it, was at the end of a session defeated by a filibuster.

At that time I felt very keenly on the subject but, when I came to look it all over, I was led to the conclusion that the evils that grew out of our present system were insignificant compared to the benefits that grew out of it.

I think I have myself participated in two filibusters during the time I have been a Member of this body, and I have never had occasion to regret it. I believed that they were justified. I believe that great good came to the country because of those protracted discussions.

Henry Cabot Lodge, a Senator from Massachusetts, 1893–1924, stated:

This is a general rule to limit all debate, indiscriminately, on every measure, whether trifling or of the gravest importance, affecting the Constitution, the welfare of the entire country, or the interests of a section of the country, or what may be the vital interests of a single State. Mr. President, I believe that a rule of that kind is thoroughly unsound in principle, and I think we ought to retain in the Senate the general debate and the latitude of debate which we now have.

The case for free debate in the Senate has never been better stated than in a paragraph I am about to read from a well-known book. It is there said:

"It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the Government, the country must be helpless to learn how it is being served: And unless Congress both scrutinize these things and sift them by every form of discussion the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct.

"The informing function of Congress should be preferred even to its legislative function. The argument is not only that discussed and interrogated administration is the only pure and efficient administration, but more than that, that the only really self-governing people is that people which discusses and interrogates its administration. The talk on the part of Congress which we sometimes justly condemn is the profitless squabble of words over frivolous bills or selfish party issues. It would be hard to conceive of their being too much talk about the practical concerns and processes of government. Such talk it is which, when earnestly and purposefully conducted, clears the public mind and shapes the demand of public opinion."

That, Mr. President, is taken from Congressional Government, pages 303 and 304, written by the present President of the United States (Woodrow Wilson), and I think it would not be easy to find a more powerful exposition to that necessity for debate which, I think, is infringed on by this proposed rule.

Warren G. Harding, a Senator from Ohio, 1915–20, said:

I have been hearing about the reformation of the Senate since I first entered politics; and it was rather an ironical thing the other day that one of the most emphatic speeches made in favor of the adoption of this rule was uttered by the very latest arrival in this body.

I have been observing the Senate at close range now for 3 years. I came with the notion that the Senate "fiddled" away a great deal of valuable time in debate, and I am still of that opinion; but the debate that needlessly consumes the time of the Senate is not reached by the proposed rule.

I want to feel that the Senate still controls its own destinies. Moreover, the new cloture rule is ample. I am opposed to the so-called reformation of the Senate in the name of a war measure.

But the reformation of the Senate has long been a fad. I came here myself under the impression that there ought to be cloture and limitations on debate; and the longer I sit in this body, the more convinced do I become that the freedom of debate in the U.S. Senate is one of the highest guaranties we have of our American institutions.

Mr. President, before I take my seat I wish to say that the length of a speech is not the measure of its merit.

While the Senate may not listen, because the Senate does not listen very attentively to anybody, I discover, though Congress may not be apparently concerned and though the galleries of this body may not be filled to add their inspiring attention, I charge you now, Mr. President, that the people of the United States of America will be listening. This is the one central point, the one open forum, the one place in America where there is freedom of debate, which is essential to an enlightened and dependable public sentiment, the guide of the American Republic.

Hiram M. Johnson, a Senator from California, 1917–45, stated:

But in this day, Mr. President, there is something else that I see as well. I see that we have transmuted in the past 14 months our Republic; I see that upon which we have prided ourselves in the past, that of which we have boasted in the past, that which we have taken unto ourselves and loved during all of the years that this Nation has been a Nation—has been transmitted under the exigency and the emergency of war, and rightly so, into an autocracy as powerful as any autocracy upon the face of the earth.

But, Mr. President, there is another day coming as well, and in transmuting our Government temporarily in the fashion that we have done, there is no reason why any man of wisdom, or foresight, with an atom of statesmanship, should not prepare against that day when it will be his duty and his obligation as great as is the obligation today to win this war, to bring back this Republic into its own, and make this Government as it has been in all the years of the past.

It is that day when we must finally face the ultimate issue and restore this Government to its pristine purity and its pristine glory and to its original character—it is this day I guard against now by permitting not the entering wedge in this body and with its Members, so that they could not do fully, freely, wholly, absolutely, and successfully their duty when the day shall come.

The last place in all this world where freedom obtains, the place where freedom of speech may be abused, abused, abused, and abused again, but the last free forum in that day will then have been destroyed, and we here this day will have commenced and made easy that destruction.

Charles E. Townsend, a Senator from Michigan, 1911–23, said:

It will be a sad day for our Republic when the Senate ceases to be a free and open forum.

Not cloture but intelligent deliberation is the present need. This is an insidious attempt, as it seems to me, to limit debate and confine it according to the wishes of people not connected directly with the Senate.

Mr. President, since I have been a Member of the Senate I have never seen, except during the last days of a Congress, any bill defeated, by a filibuster, or otherwise, which a majority of the Senate earnestly desired to pass. It has never been done, and it cannot be done. The will of the majority properly determined can always be exercised, not on the minute, not a given hour possibly, but at some time during the session, and it always will be so.

Public sentiment. Senators seem to be fearful of public sentiment. The only sentiment that I have to face is that of my constituents. I object, Mr. President, to having any Senator or number of Senators place any restriction upon me in the exercise of my duties as a representative from my State.

When I was a Member of the other House, to me one of the attractive features of service in the Senate was that there was an opportunity for debate and full consideration. I did not expect to abuse that privilege, and I never have done so.

Most new Senators are instinctively for reforming the rules.

We have been in the habit of condemning long speeches sometimes, and I confess that at times I have criticized them, too; but I have recalling that subsequent events have shown that many Senators were right in appealing to the Senate to consider the question under discussion, and it was their duty to make those appeals to the Senate if by doing so they had any hope of changing the sentiments of the Senators.

James E. Watson, a Senator from Indiana, 1916–33, stated:

If this had been the rule of the U.S. Senate after the adoption of the Constitution and the formation of the Union many of the great orations that challenged the attention of mankind and fashioned the policy of the Republic would have been but partially delivered.

If this had been the rule of the U.S. Senate for the first 50 years of its existence John C. Calhoun would not have been able to thunder forth the doctrines in which he believed; Hayne could not have announced on the floor the ideas which he so eloquently espoused; Henry Clay would have been unable to deliver in full any one of the score of speeches that accomplished so much for his country; and Daniel Webster, imperious orator of American history, could not have blazed the pathway of the future in that historic utterance in which he announced the essential policies of the Republic if its institutions are to endure, for on the floor of the U.S. Senate and in the open forum of debate he in a sense shaped the destiny of the Republic and molded the future of the Nation.

If this had been the rule of the Senate even in our day, the great debates that have occurred upon the financial and economic problems which have engaged the thought and attention of the Republic could not have taken place to the full.

Why, Senators, we are not children; we are men. We are not engaged in some sport in which a man is limited to a certain number of strikes; we are Senators, chosen because of supposed ability, fitness, and character to measure up to the great demands of statesmanship, to grapple with the eternal verities that underlie all progress and all enduring government, and why should it be thought that we must place a limitation upon ourselves else we shall trample upon the rights of the people by too great speech?

Asle J. Gronna, a Senator from North Dakota, 1911–21, said:

In my judgment this rule is an insidious effort to throttle free speech in the Senate. It is an effort to shackle the membership of this body; it is the forerunner of boss rule; it is the keystone to the foundation of a political machine. It matters not what time is allotted to any Member, the rule in itself is autocratic; it is despotic; it is contrary to democratic principles of a free government.

Reed Smoot, a Senator from Utah, 1903–33, stated:

The passage of this resolution means that running debate will be closed in the future, and I say now that there has been more information given to Senators, actual information, information that affected the votes of Senators, more real information gained, in a running debate where questions are freely asked, than there is in all the set speeches that were ever made in this body.

James D. Phelan, a Senator from California, 1915–21, said:

It is the history of this body that there are empty benches occasionally when a Senator exceeds what, in the judgment of the absentees, may be a reasonable time limit. I believe it was held in the House of Commons that, whereas a man had a right to speak, he had no right to be heard.

The Senate rules serve by arresting hasty action. Members of the House have appealed to me to save the power of the Senate on which the Members of the House themselves so often rely. On it the country relies to have time to deliberate and if necessary protest.

Men are carried away by passion, heat, and rancor, and they enact laws thoughtlessly; again, they enact laws ignorantly. Debate restrains passion: Debate restrains heat; debate restrains rancor, and at the same time debate commands deliberation. Therefore I oppose the arbitrary rule and stand for the power and dignity of the Senate which has served the country so well in this war.

Frank B. Brandegee, a Senator from Connecticut, 1905–24, stated:

Mr. President, I look at this right of debate not as a right, much less a privilege, which we are conferring upon ourselves as a matter of favor. I look upon it as a right which attaches to the sovereign States of this Union, each of which is represented here by two Senators, and whose sole method of putting its case before the people of the United States and before this body is through the voice of its two Senators.

So I say that this is the forum of the States. This is a federated government, in which the States reserved the right of equal suffrage in the Senate of the United States, and made that the only provision of the Constitution which never should be subject to amendment.

VICE PRESIDENT DAWES

At the beginning of a special session of the Senate on March 4, 1925, Charles G. Dawes, who took the oath that day as Vice President, delivered an address to the Senate, in which he said:

Reform in the present rules of the Senate is demanded not only by American public opinion, but I venture to say in the individual conscience of a majority of the Members of the Senate itself.

With special reference to rule XXII, the new President of the Senate stated:

That rule which at times enables Senators to consume in oratory those last precious minutes of a session needed for momentous decisions, places in the hands of one or of a minority of Senators a greater power than the veto power of the President of the United States, which is limited in its effectiveness by the necessity of an affirmative two-thirds vote. Who would dare to contend that under the spirit of democratic government the power to kill legislation providing the revenue to pay the expenses of government should, during the last few days of a session, ever be in the hands of a minority or perhaps one Senator? * * * Who would dare maintain that in the last analysis the right of the Senate itself to act should ever be subordinated to the right of one Senator to make a speech?

Lynn Haines, the editor of a monthly publication, "The Searchlight on Congress," wrote letters to each Member of the Senate asking for a statement as to his opinion of the proposal of Vice President Dawes. The following are extracts from some of the replies printed in the May 1925 issue of that publication.

William E. Borah, a Senator from Idaho, 1907–40, said:

I do not know what changes Vice President Dawes proposes with reference to the Senate rules. In a general way it seems that he would adopt strict cloture. I am opposed to cloture in any form.

I have never known a good measure killed by a filibuster or a debate. I have known of a vast number of bad measures, unrighteous measures, which could not have been killed in any other way except through long discussion and debate.

There is nothing in which sinister and crooked interests, seeking favorable legislation, are more interested right now than in cutting off discussion in Washington.

James Couzens, a Senator from Michigan, 1922–36, stated:

While I am a comparatively new Member and not a good parliamentarian, it seems to me that rule XXII, as amended March 8, 1917, is sufficient cloture.

When the importance of the occasion seems to demand it, all that has to be done is: 16 Senators making such a motion, same being approved by two-thirds of the Senate, they can prevent a filibuster. Two-thirds of the Senate should be required, otherwise the majority might ride roughshod over the minority at any time.

Mr. Dawes has not pointed out any real injury that has occurred to the country because of the rules he complains about. I would be interested in specific information of the damage that has been done.

Smith W. Brookhart, a Senator from Iowa, 1922–33, said:

I do not think the Senate rule of unlimited debate will be materially changed. It is this rule that makes the U.S. Senate the one great open legislative forum in all the world.

The rule sometimes delays good legislation, but never kills it. Good legislation always comes back, and finally wins. The rule kills a great deal of bad legislation. That class of legislation which cannot stand the light of publicity will always be killed by unlimited debate.

Furnifold McL. Simmons, a Senator from North Carolina, 1901–31, stated:

I am utterly opposed to Mr. Dawes' views on this subject. After 24 years in the Senate, I am satisfied that the rules which prevent arbitrary cloture of debate have been a great protection against ill-advised legislation and have brought about that thoroughness of discussion which is impossible under the rules of procedure obtaining in the House of Representatives.

Under the present rules of the Senate two-thirds of the Senate can at any time restrict debate within reasonable limits. When Mr. Dawes becomes familiar with the rules of the Senate I think he will become less radical in his views.

Royal S. Copeland, a Senator from New York, 1923–38, stated:

I can quite understand why a citizen of Nevada might want to have the rules changed. Nevada has 77,000 population, and yet it sends 2 Members to the U.S. Senate. If New York were represented in the same proportion, it would have 144 Members in the U.S. Senate instead of 2.

Here is another thing to think about: the States of New York, Pennsylvania, Illinois, and Michigan pay 60 percent of the Federal taxes. The combined representation of these States in the Senate is one-twelfth of the total. Therefore, these States are totally submerged so far as voting power is concerned.

New York State has as great a population as 18 other States combined. It exceeds the combined population of Arizona, Colorado, Delaware, Florida, Idaho, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Wyoming, Maine and Nebraska.

Add to these 18 States 7 other States—Arkansas, Louisiana, West Virginia, Washington, South Carolina, Maryland, and Connecticut, and it will be found that these 25 States, controlling 50 of the 96 votes, have a majority vote in the Senate. These States represent less than 20 percent of the total population of the country and they pay not more than 10 percent of the Federal taxes. Mr. Dawes' cloture rule would give this minority in population and financial standing absolute control of the Senate.

THE SECOND UNDERWOOD RESOLUTION

On June 4, 1926, Senator Oscar W. Underwood, of Alabama, moved that

consideration be given to Senate Resolution 225 which he had introduced on May 17 to amend the rules of the Senate to provide:

Whenever a bill raising revenue or a general appropriation bill has been under consideration by the Senate for more than 1 calendar day, as relating to such bills, there shall be a motion for the previous question, which, being ordered by a majority of Senators voting, if a quorum is present, shall have the effect to cut off all debate and bring the Senate to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection. It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage, for the presiding officer to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

2. All such motions for the previous question shall, before being submitted to the Senate, be seconded by a majority by tellers, if demanded.

3. When a motion for the previous question has been seconded, it shall be in order, before final vote is taken thereon, for each Senator to debate the propositions to be voted upon for 1 hour.

The following extracts from arguments made it indicate why the resolution was not brought to a final vote.

Joseph T. Robinson, a Senator from Arkansas, 1913–37, said:

The filibuster has been invoked comparatively few times in the history of the country, and every time it has been invoked and proved successful it has been justified in the judgment and in the conviction of the public. If it had not been for the filibuster that the Senator from Alabama himself waged, which he led and of which he boasted, we would not have been able to defeat a bill which authorized the Federal Government to permit judgments in damages against counties and municipalities for no alleged wrongful act, a bill which took away from the local governmental institutions the few remaining powers which they are permitted to exercise.

The force bill would have become a law but for the organized and persistent opposition of Senators who saw in its provisions dangers to the fundamental institutions of this Republic. They defeated it by fighting and falling back and fighting again until the hosts which were assaulting them realized that the attack had failed. Never since has a Congressman or a Senator said that Armed Forces of the United States shall be planted about ballot boxes and men and women who exercise the power to vote shall be under the coercion and intimidation of men with bayonets in their hands. The force bill and all that was associated with it went by for all time and a filibuster in the U.S. Senate accomplished it.

Mr. REED of Missouri. The late Senator Lodge, sponsor for what is called the force bill, years afterward, indeed, only a year or two before his lamentable death, stated to me upon the floor of the Senate that he was convinced that the force bill was wrong and that the result of the filibuster had been a great blessing to the country.

Mr. ROBINSON. Of course, the rules could be amended and improved, but that, Mr. President, is not the question. The proposition is, Shall the voice of the people through their Senators be stifled and suppressed? I care not whether Senators come from New England or from the South, whether they come from the West or from the East the proposition is that here is one forum which, under traditions and precedents, affords an opportunity for the public to have expression of its views through the representatives of the people.

Should we adopt the rules that apply in the House of Representatives as advocated by the Senator from Alabama, instead of correcting whatever evils may be found in the Senate rules insofar as the public interest may be concerned, we would give impetus, momentum, and power to forces that do not want open expression of opinion or free discussion anywhere.

It is far better, sir, for that flag and all it typifies, far better for the Constitution of the United States, far better for this body and the body at the other end of the Capitol, far better for the millions who are the victims or the beneficiaries of our wise or improvident action in legislating that legislation should proceed slowly and under safeguards, rather than hastily and in darkness.

When I recall the fact that under the Rules of the House of Representatives one man on one side and another man on the other side, frequently both of them, really agreeing as to the proposition in dispute, actually control all the time that is allotted; that no Member may speak except by permission of someone else, and that his only remedy is to print in the RECORD a speech which frequently he himself does not comprehend and which nobody on God's earth will ever read, I am willing to vindicate this forum of open debate where fools may be arrogant, but where men who have studied problems still have a chance to speak.

James A. Reed, a Senator from Missouri, 1911–29, said:

Cloture means the granting of a power. Whenever you grant a power you must assume that the power will be exercised. So, when we discuss this proposed rule, we must do so in the light, not of how it may be exercised so as to do no harm, but we must consider how it may be exercised to do harm.

I need not pause to add to the argument already made, that when it is proposed to bring in a great measure involving the expenditure of vast sums of money, if it be a bill for the appropriation of money, or a bill for the collection of taxes from the entire country, affecting intimately the industries of the country, an hour's debate upon such a bill is utterly insufficient, utterly inadequate, and that a rule limiting debate to 1 hour would mean the end of debate. The truth is that this measure, if adopted, will empower a majority to throttle freedom of speech upon this floor and enable sinister and wicked measures to be carried to consummation without the country being advised of the inequities they bear.

Gag rule is the last resort of the legislative scoundrel. Gag rule is the surest device of the rascal who presides over a political convention and proposes to accomplish something which will not bear discussion. Gag rule is the thing that men inexperienced in legislative proceedings always advocate at first, and if they have any sense, nearly always retire from as gracefully as possible after they have seen it in operation.

There is justification for unlimited debate in this body. I am getting a little tired of hearing about the sacred rights of the majority; that this is a country ruled by the majority; and that the majority has the right to have its way. This is not a country ruled by the majority. This is not a country of majority rule, the Constitution of the United States was written, in large part, to prevent majority rule. The Declaration of Independence was an announcement that there are limitations upon majority rule.

The rights to life, liberty, and the pursuit of happiness were declared in the Declaration to be inalienable rights. They could not be given away by the citizen himself. Much less could they be taken away by temporary agents, sitting in legislative bodies, holding a limited authority of brief duration.

THE CONSTITUTION

The Constitution itself is a direct limitation upon the majority rule. "You shall not take property without due process of law," says the Constitution, and before we can take that safeguard away what must we do? We must obtain not a majority by this body, not a majority of the House of Representatives, but a two-third majority in each House concurring in a resolution, and that resolution must be approved by three-fourths of the States. What about majority rule in connection with that proposition?

The right to trial by jury cannot be taken away by majority rule. The right for the habitation of the citizen to be free from unreasonable searches and seizures cannot be taken away by majority rule. If it could have been so taken away Volstead and his life would have invaded every home in America and fanaticism would have thrust its ugly face into every home of the land long ago. Before you can trample upon certain rights of the American people you must have more than a majority, sir, and I believe it to be true that there are certain rights which, even by amending the Constitution of the United States, we cannot take away from the citizens of the United States.

Majority rule. Where is the logic or the reason to be found back of majority rule except in the mere necessity to dispatch business? The fact that a majority of 1 or 10 vote for a bill in the Senate is not a certification that the action is right. The majority has been wrong oftener than it has been right in all the course of time. The majority crucified Jesus Christ, the majority burned the Christians at the stake. The majority drove the Jews into exile and the ghetto. The majority established slavery. The majority set up innumerable gibbets. The majority chained to stakes and surrounded with circles of flame martyrs through all the ages of the world's history.

Majority rule without any limitation or curb upon the particular set of fools who happen to be placed for the moment in charge of the machinery of a government. The majority grinned and jeered when Columbus said the world was round. The majority threw him into a dungeon for having discovered a new world. The majority said that Galileo must recant or that Galileo must go to prison. The majority cut off the ears of John Pym because he dared advocate the liberty of the press. The majority to the south of the Mason and Dixon's line established the horrible thing called slavery, and the majority north of it did likewise and only turned reformed when slavery ceased to be profitable to them.

THE PUBLIC BUSINESS

Oh, but somebody says—and we have heard it ad nauseam, indeed, until the gorge would rise in the gizzard of an ostrich at the sheer idiocy of the statement—"We must speed up the public business. We must enact more laws." We must not consider them. We must not analyze them. We must not talk about them. Of course, if we cannot talk about them we ought not to think about them. There are a good many men who do a good deal of talking in favor of stopping talking who never stop long enough talking themselves to do any thinking themselves.

What we need to do is to stop passing laws. We have enough laws now to govern the world for the next 10,000 years. Every crank who has a foolish notion that he would like to impose upon everybody else hastens to some legislative body and demands that it be graven upon the statutes. Every fanatic who wants to control his

neighbor's conduct is here or at some other legislative body demanding that a law be passed to regulate that neighbor's conduct.

FREEDOM

What is it has made this race great? It has not been the proud blood of any illustrious ancestry; it has not been because we could trace our lineage back to kings and a royal household; it has not been because of the peculiar graces or abilities of those immigrants who came to our shores and from whose loins we are sprung. It is simply because for once in the history of the world the chains were taken from the arms, the shackles from the brain, the shadows of fear were dissipated by the sunlight of liberty and freedom, and every brain of every human being, great or small, was at liberty to function, every arm and every limb was at liberty to move. So we unleashed the latent powers of a race of people; and from the cottage of poverty there came forth the genius, and from the house of man of humble estate there emerged the child who could turn the dull and inexpressive canvas into pictured harmony of color, light, and shade, and paint the rainbow's mingling hues and marvelous tints.

From the cottages of the impoverished, from the homes of ancestors who had been enslaved and enthralled, there came forth children who in the full liberty of our civilization were able to attack every problem and to undertake every great vocation of life; so that within one generation of time we produced here orators whose words of flame could fire the hearts of all the people of this land; poets whose words will be read so long as men shall love the music of our tongue, and a citizenry who have defended our soil and our flag with unexampled valor in every contest of this Republic. All these triumphs of intellect, all these great advances in the arts and in the sciences, all our wondrous advance in wealth are due to one great fact; that we have allowed the individual in this land the opportunity to develop, the opportunity to express himself.

FREE DEBATE

Mr. President, what has this to do with the question I am discussing? Everything, sir. Before any law to bind 110 million people could be passed it should somewhere be subject to free debate; somewhere it should encounter opposition; somewhere the fires of keen intellects should burn their heat about it and test it for its metal; somewhere and somehow it should be determined by all that the intellect can do and all that the tongue can express whether the particular law which is proposed is fit to be fastened upon 110 million people who think they are free and who once were free. That one forum reserved of all the places in the world is the Senate of the United States. Here a man can stand and express his views until exhaustion comes. And what of it? Some rules of commonsense and decency and gentlemanly conduct have their effect. Not in all the nearly 16 years I have sat in this body have I ever seen but two or three instances of what might be really called a filibuster.

Time and time again I have seen the opportunity under the rules for the minority to have stood and obstructed legislation, but as soon as debate was fairly over they have invariably given way and the vote has come. In the two or three instances which I remember, a very simple expedient was adopted. Freedom of speech was not denied, but continuance of speech was demanded. It was insisted that the bill was before the Senate and that the opponents or advocates of the bill should speak for or against it and that no other business should intervene.

We have been told here of two or three bills—one of them the Force bill. The Force bill, if it had been enacted, would have kept alive the fires of hatred between the North and the South almost as bright and keen and as hot as they were at the close of the great civil strife.

NEW MEXICO AND ARIZONA

Another example: It was sought here to admit New Mexico to statehood as a partisan measure and under a constitution that had been written by the corporations of New Mexico. It was insisted, upon the other hand, that New Mexico should not come into the Union except under a fairly adopted constitution, and that at the same time Arizona should be received. What happened? One or two men stood here and held their ground; and a short space of time, a few months, rolling by, both States were received into the Union with proper constitutions.

Sir, I know it is popular to attack the Senate. So many an ass has stood and brayed at the lions. He who would claim for this body perfection would prove himself a fool. But the more imperfect we are, the more we need to counsel and to take advice. The less we know, the more we ought to strive to know. There may be some men of such supernatural power of intellect that they can gain nothing by the discussions their fellows may produce; but I have never seen an important bill upon the floor of the Senate, unless there was some political organization in control determined to pass it without the dotting of an "i" or the crossing of a "t," that has not been amended and amended to its benefit.

A FREE FORUM

As long as we can keep this forum free, as long as a vigorous and determined minority can prevent the passage of a statute, so long as this country will be safe, reasonably safe, at least, for no great act of treachery can ever be consummated where there are not some brave souls to stand in its resistance and to stand to the end.

But strike down this safeguard of public discussion, apply the gag, and imagine, if you please, that it is to be applied only to pass good measures, only to accomplish the virtuous and the wise and the holy, only to bring the thing of rectitude; imagine that, if you please. He is a fool, he is every kind of a fool, that has ever cursed this earth or cursed himself, who thinks that any power will always be used wisely and justly. Power is almost invariably abused.

Has there ever been one of those important measures discussed on the floor of the Senate when it was not found that many changes were necessary, when the proponents of the measure have not been willing to accept amendment after amendment? Why should there not be some place in this country where the virtues or the iniquities of proposed legislation could be exposed without gag, without rule, without limit; some place where every public act must come under the surveillance of men who have complete freedom of speech, so that the good that is in it may be properly exemplified and the evil that exists may be properly exposed?

Mr. President, those Senators I have just quoted are not from one region, one party, or one Senate, they represent the accumulated wisdom of the Senate over many years.

Second only to the civil rights smokescreen over this question is the added confusion of that glorious phrase, "majority rule."

Mr. President, while speaking on this subject of majority rule for this great Nation of ours, I would like to make a few observations that seem to me so apparent I cannot possibly understand why they seem to be overlooked by the proponents of majority cloture, or else absolutely ignored. It has been pointed out many times in this body but sadly it needs repeating, that our Constitution itself provides instances wherein the majority rule shall not prevail.

In the interest of brevity, I shall merely mention these instances at this time and elaborate only on several which I think are of special import to this question we are here considering. For instance, in article I, section 5, it is provided that each House with the concurrence of two-thirds, may expel a Member. It is provided in article I, section 3, that no person shall be convicted on impeachment without the concurrence of two-thirds of the Senators present.

In addition, article I, section 7, requires a two-thirds vote to override a Presidential veto. Furthermore, article II, section 2, places a constitutional requirement for concurrence by two-thirds of the Senators present to complete the advice and consent of the Senate for treaties. In article 5, it is provided that Congress shall call a convention for proposing amendments to the Constitution on the application of two-thirds of the legislatures of the several States. Also under article 5, it is provided that Congress shall propose amendments to the Constitution whenever two-thirds of both Houses shall deem it necessary.

In the event the choice of President should be thrown into the House of Representatives, the quorum required by the 12th amendment consists of a Member or Members from two-thirds of the various States of the Union. A quorum of the Senate when choosing a Vice President shall consist of two-thirds of the whole number of Senators under the 12th amendment.

Mr. President, these provisions of the Constitution requiring two-thirds quorum or vote should by themselves convince the Members of this august body that simple majority rule was never intended. Without further investigation, the public responds to the siren song of their elected representatives who, in turn, in many instances, dance to the tune of an unsymphonic choir composed of political pressure groups.

The average man in the street today, when he reads in the paper that the Senators are embroiled in a debate, which seeks to provide for him through his representation in the Senate that glorious old institution, majority rule, smiles with a satisfaction that comes to a man only when he knows that his hero is embroiled in a ferocious struggle in his behalf. The prose and poetry of the large publications, many of which in a self-seeking manner have misled him as to the true nature of our constitutional Government, have done a wonderful job of convincing many modern Americans that this country always has been and should be ruled by a simple majority. Unfortunately, the many instances where the Constitution prohibits the majority from acting have had a veil drawn over them so that uninformed public opinion sees, hears, and understan is only that glorious phrase, majority rule.

Mr. President, as I pointed out earlier, when the framers of our Constitution

provided for two Houses in this Congress, the primary purpose of this institution known as the Senate of the United States was to prevent the majority of our people through their representation in that body across the way from running roughshod over the rights of the minority. I have previously discussed this question, so I shall limit my remarks on this issue to the statement that the very existence of two bodies in this Congress constituted as they are—one to represent the population, the other to represent the States—should suffice to show that we were never intended to be ruled by a simple majority in all respects of our life. Indeed, to re-create the Senate in the image of the House of Representatives with popular election of the Senators and absolute majority cloture is to undo the brilliant work done by those men who framed this Constitution and established these bodies after shedding their blood for the right of self-government.

It seems to me that a much more logical argument than majority rule for the Senate would be a proposal for the elimination of the U.S. Senate entirely. I cannot help but reach the conclusion that if the Senate is patterned after the House and endowed with majority cloture, that in place of the great deliberative body and check on the tremendous Presidential powers of the White House that the Senate now constitutes, we shall make of ourselves the most expensive rubberstamp in the history of legislation.

My study of the Congress through the years of our history and especially a look into the period when these bodies were being established leads me to the inescapable conclusion that the framers of the Constitution were endowed with an understanding of human nature and an insight into the problems of Government of an almost supernatural nature. Consequently I am saddened when I hear persons who should know better, both Members of this body and persons who have no connection with the Senate, maintain that the Senate has no function but to guarantee majority rule. My mind invariably reflects on the fact that the House of Representatives was established as one legislative body controlled and influenced by the population and therefore subject to the wishes of the majority, while the Senate was constituted not only of representatives of the States rather than the population, but instead the very Members constituting this body were elected by the State legislators rather than by direct vote of the population.

There is not a Senator in this body who is not aware of the manner in which the Senate was originally constituted and of the very excellent reasons it was so constituted. There also is no one in this body who is not aware that it was so constituted to prevent a temporary majority of the voters from running roughshod over unhappy minorities through their influence on their elected representatives.

In my opinion, as indicated already, the men who devised this governmental structure were men of such outstanding attributes as to be veritable seers. Unfortunately, over the years, with our constitutional change to direct election of Senators and the consequent reaction to a simple majority of the population, the system has seen a certain amount of deterioration. Today we stand at the threshold of a complete abolition of the role of the Senate in our governmental structure. There are those who maintain that the Senators should not only be elected in the same manner as the House of Representatives, but also that they should be similarly ruled.

The proponents of this change, however, do not concede that it is a change at all. On the contrary, they maintain that this is what our constitutional framers had in mind when they created these two bodies. Such a proposition, that our constitutional framers intended the Senate should operate just as the House does, leads to the inevitable conclusion that the men who devised this document and system were fools rather than seers. It has always seemed incongruous to me when I have heard advocates of changing our Senate into another House of Representatives, telling our people that, after all, the Senate was originally intended to operate on the basis of majority rule.

If such a proposition were true, our wise forefathers made a ridiculous gesture when they created the upper body. I can never understand how the advocates of the Senate revision can keep a straight face when they tell the people that the framers of the Constitution intended both Houses to do the same thing. Under the proposed change in our rules, this great deliberative body's only functions which would not be repetitious would be to give advice and consent to the President on treaties and nominations, and to serve a minor function in the rare impeachment proceedings brought before the Congress.

It should be evident that a so-called upper body, constituted in the same manner as the House of Representatives and responding to a simple majority of the population, would have no legitimate purpose to serve in legislation. We would all have to search our experience and our history in great detail to find anything more superfluous than a U.S. Senate so constituted.

Unfortunately, however, these cold reflections have little effect on deliberations of some of our Senators when the hot passions inspired by the organized voters' ballot are focused on their neck. I am wary of deliberations conducted under such trying circumstances.

I have made reference earlier in this talk to the great Senator from Wisconsin, Bob La Follette, and at this time, since his words are so much more inspiring than anything I could phrase myself, I should like to quote from this great giant of the Senate. Speaking on this same topic, Senator La Follette said:

> Mr. President, believing that I stand for democracy, for the liberties of the people of this country, for the perpetuation of free institutions * * * I shall stand, while I am a Member of this body, against any cloture that denies free and unlimited debate. Sir, the moment the majority imposes the restrictions contained in the pending rule upon this body, that moment you shall have dealt a blow to liberty; you shall have broken down one of the greatest weapons against wrong and persuasion that the Members of this body possess. This Senate is the only place in our system where no matter what may be the organization power behind any measure to rush its consideration and to compel its adoption * * *.

Mr. President, at this point I would like to interrupt the words of Senator La Follette to add a few of my own, because Senator La Follette is talking about the thing I fear most if the Senate revises its rules to suit the proponents of the proposed legislation.

Individual power can be a wonderful thing, and rare is the instance when I fear individual power. Organization power, too, can be a wonderful thing for good; but when organization power, as by its very nature it frequently does, seeks only self-serving ends, the rights of the people who do not belong to a powerful political organization are easily trampled under the foot of the organization. That term, "organization," it may be well for us to remember, is a euphemism for the word "mob."

I do not think that many Americans nor any of my constituents want to see mob rule in this country, even if they can be a member of the mob.

Consequently, I should like to underscore the last sentence I have quoted from Senator La Follette:

> This Senate is the only place in our system where no matter what may be the organization power behind any measure to rush its consideration and to compel its adoption.

Mr. President, there are two other points I would like to make before I close my discussion on the subject of cloture. I would like to make them as brief as possible before I am accused of engaging in a filibuster. The first of these points is that which was brought to my attention by a review of previous records and hearings on the question of cloture. The particular point I have in mind originally came to my attention in the statement of the Senator from Mississippi [Mr. EASTLAND] in the hearings conducted on Friday, January 28, 1949, by the Committee on Rules and Administration. Among other things, the Senator from Mississippi [Mr. EASTLAND] noted the very pertinent fact that the main demand for more stringent cloture has traditionally come from new men in this body and that once these men have the seasoning of experience and have the opportunity to observe the protection afforded minority groups, the States, and individual Senators under our present rules, and the importance of rule XXII plays in these safeguards, have invariably changed their mind on this question. One of the Senators, the Senator from Mississippi [Mr. EASTLAND], used as a reference for his statement was former Senator Moses, of New Hampshire, who said:

> It is to be observed that with few exceptions the demand for a change in the rules of the Senate arises from those whose contact with the Senate is either brief or nonexistent. Many a man has come into the Senate with the determinaion to tame it and almost without exception these men themselves have been tamed by the Senate

and have come to realize the true value of the Senate Rules.

There was a time in my legislative career—

Senator Hoar, saying—

There was a time in my legislative career when I believed that the absence of a cloture rule in the Senate was criminal neglect and that we should adopt a system of rules by which business could be conducted.

Note this further quote from the distinguished Senator Hoar:

But the logic of my long service and observation has now convinced me that I am wrong in that contention. There is a virtue in unlimited debate the philosophy of which cannot be detected upon surface considerations.

He goes on to say:

People who cry for a change in the Senate rules have never been in the Senate or have served only a short time.

There was also included in this statement a letter to the editor of the New York Times signed by former Senator Pittman which I should like to call to the attention of the Senate for their consideration.

TO THE EDITOR OF THE NEW YORK TIMES:

The campaign of Vice President Dawes is exciting considerable interest in the West. I have recently been requested to address several semicivil societies and public service clubs upon this subject. I hoped that the majority and minority leaders in the Senate would set forth the reasons for the attitude which I believe a majority of the U.S. Senate holds in opposition to the position taken by the Vice President.

The subject is not only very interesting but, in my opinion, of vital importance to the proper functioning of the legislative branch of our Government. Much has been presented to the public, and that by a very prominent and earnest Vice President. His life has been spent as an executive, and largely in a position of command. There is no position of command in the legislative body.

Every legislator stands upon an equality with every other member of his body. The States and districts of the United States represented by Senators and Representatives are as widely separated as the most divergent countries of Europe, and the conditions of life, commerce, and production are equally divergent. In the very nature of things, national legislation in a republic, therefore, must be accomplished through persuasion or compromise.

Every beginner in national legislative life is a crusader. On my entry into the Senate in 1913 I was classified as a fanatical crusader. For 3 years I fought for the same thing that Vice President Dawes now seeks to force upon the U.S. Senate. Experience, through long years of legislative practice has forced me to the conclusion that I was in error.

I am not in favor of unlimited debate in the U.S. Senate. Unlimited debate does not now exist in the U.S. Senate. At any time two-thirds of that body may limit debate on any question to the extent that a Senator may only speak once, and then for a period not to exceed 1 hour. This, in my opinion, is a reasonable limitation and is sufficient.

In the House of Representatives the cloture rule prevails. The country has witnessed the result of such rule in the House. I expressly disclaim any desire or any intent to criticize that body. It is composed of 435 Members, while the Senate has only 96. It is possible that business could not be satisfactorily transacted in the House were it not for such cloture rule.

Without regard to the necessity of the rule, it must be admitted that bills of great importance, containing thousands of different items, are passed within a few hours and without sufficient debate or consideration. It has been the extended and full debates in the Senate that advised the country with regard to vital legislation, and, through his information, molded public opinion.

The Senate was founded as a part of our institutions for the protection of minorities, not alone minority parties, but minority populations and minority principles. To establish a cloture such as they have in the House would nullify the very purpose of the U.S. Senate. It is true that legislation has been delayed by extensive debate, but when has such delay caused any serious harm to our Government?

Let those who contend for the cloture point to particular instances, if they can, wherein the rules of the Senate have been destructive of the progress of our people. It is possible that our country suffers from too much legislation, rather than too little.

KEY PITTMAN,
U.S. Senator From Nevada.

SAN FRANCISCO, *May 13, 1925.*

In addition, the magazine Searchlight on Congress, August-September 1925, page 14, contained a copy of an address to the Legislature of Florida by former Senator Duncan U. Fletcher which I should also like to read to the Senate so that they will have the advantage of Senator Fletcher's views.

Propagandists have been busy apparently seeking to discredit Congress and particularly the Senate in the public mind.

There must be some purpose back of the efforts to create the impression that the Senate is a huge talking machine, time wasting, inefficient, and partisan directed. We hear much about the filibuster. The Vice President, who was taking a comfortable nap at the only time he could vote after his lecture on efficiency, is going about the country advocating a change in the Senate rules in order to have cloture in the Senate.

I can illustrate very briefly what that means. The House has cloture now. The result is the Speaker of the House, who is privileged to recognize whom he pleases, will recognize the leader of the majority to make any motion he desires. The leader, we may suppose, wishes to take up and dispose of some particular bill. The chairman of the Committee on Rules can call his committee together in his room adjoining the Chamber and bring in a rule limiting debate on the bill to 2 hours or to 2 minutes. They can prevent any amendment or any discussion. So that three men in the House have it in their power, with their party backing, to say what bills shall be laid aside, what bills shall be considered, and in what form they shall pass.

Shall we amend the Senate rules in order that similar conditions will prevail there? If so, three men in the House and three in the Senate will have it in their power to enact such legislation as they may determine, and the people may know practically nothing about it until such laws are written upon the statute books.

The Senate is today the only branch of the National Legislature where full and free discussion is had of every measure it is proposed to have enacted into law, and I think it should so continue in the public interest.

Rule 22 provides that, on motion signed by 16 Senators and a vote of two-thirds in its favor, debate may be limited. My experience is that a filibuster is rarely successful, even at a short session of Congress, unless it is supported in sentiment by a majority of the Senate. As ranking minority member of the Commerce Committee, I had charge of the opposition of the ship subsidy bill. That bill, in effect, meant practically giving away our superb fleet of merchant ships, which had cost the taxpayers over $3 billion, to a few private shipowners, and then paying them $75 million a year for 10 years out of the money in the Treasury to operate those ships. So it seemed to me, and I felt it should be defeated.

Day after day, as the debate proceeded, I had assurance—sub rosa—from Republicans that they agreed with me, and offers of help if it was needed; however, if the bill came to a vote, they would feel obliged to vote for it because the administration was so strongly urging it. The bill was finally laid aside, not because of the so-called filibuster, really, but because a majority of the Senate was opposed to it, although it would have passed—if a vote had been reached.

These statements, in conjunction with those that I have previously brought to the attention of the Senate, should serve very well to show that, prior to the organization of tremendous pressure groups, once a Senator had the actual opportunity to observe the Senate in operation, he invariably came to the conclusion that generous debate was our most important safeguard.

At times when I reflect on this question of cloture I think of these men who hit the Senate at a gallop intending to gag this body but later were not only slowed down in their efforts, but stopped dead in their tracks and became a stone wall against any effort to further fetter the Members of the Senate who wished to speak on any given subject.

Unfortunately, in this day and time with the telegram, the telephone, and the special delivery letter, as well as the rapid transportation which allows lobbyists to come from any point in the United States to the Senator's door in less than 4 hours, a Senator finding himself in the same position as these earlier galloping gaggers is never allowed to slow down, much less to stop, and is forever maintained on the whirling treadmill of cloture logic, going round and round and round, kept in motion by the impetus of this deluge of organization material. A calm, deliberative consideration of the factors involved in this problem of limiting debate is drowned out entirely by the sheer physical necessity of acknowledging so many communications and parrying threats.

The other point which I should like to make in connection with this question before rounding out my statement concerns the position taken by many who advocate cloture but insist they do not want a situation such as exists in the House of Representatives whereby legislation can be railroaded through without even allowing a voice to be raised in opposition. The statements I have seen in the previous hearings on this question and in the CONGRESSIONAL RECORD invariably maintain that "Oh, we do not want that sort of situation in the Senate and it can never happen to us because the Senators would not allow such a travesty on this distinguished institution."

I want to take violent objection to such an optimistic view of the future conduct of the Senate if we so alter our

rules as to allow a bare majority of the Senators to take charge at their pleasure. I know that there are men in this body at the present time who have made such statements and who make such statements in this very debate we are now having, but, regardless of my personal feelings toward these Senators, I must reflect my own opinion which is so contrary to theirs that in many ways they appear as babes in the woods of governmental reality.

Down through the pages of history whenever we have seen a famous institution allow a simple majority to control absolutely the machinery as well as the policy of government, we have seen the majority oppress the minority. The very essence of our own constitutional setup and the beauty which has captured the hearts of men throughout the years are the safeguards instituted here in the Senate under the Constitution and subsequent rules to prevent a majority from trampling their opposition. These safeguards were maintained through the Constitution, our laws, and our Senate rules and have never had to rest on the whim of any group of men.

While I would like to think that the Members of the Senate today are, and in the future will be, of such a caliber that there could be no danger that they would ever take advantage of a simple majority power by running roughshod over unhappy foes, I must confess that the lessons of history and the nature of men give me no reason for feeling that the U.S. Senate can escape the deterioration that history shows us is inherent in allowing a simple majority of men to absolutely control the minority. I doubt very seriously that these few words spoken here will convince many of the Senators of the dangers with which their proposition is fraught, but I wanted to point out my own position and ask them to give diligent attention to the lessons of previous legislative bodies before destroying the very things that have made the Senate the great institution that demands the world's respect. To illustrate this point, I would like to cite a colloquy that occurred between the distinguished Senator from Arizona [Mr. HAYDEN], who undoubtedly has more governmental experience than any man in this body, and the distinguished former Senator from New York, Mr. Ives. This colloquy is contained in "Hearings Before the Committee on Rules and Administration," U.S. Senate, 81st Congress, 1st session, page 60:

The CHAIRMAN (Mr. HAYDEN). May I make an observation? All of this discussion, it seems to me, is based upon the assumption that the very liberal view proposed by the Senator from Oregon will be adopted by the Senate and then thereafter never change.

Now, supposing there was a period of madness and hysteria, supposing there was either a very radical or a very conservative Senate that wanted to act. Under the rule which the Senator proposes, a majority of the Senate could submit a cloture petition to amend the rule, and right there they could bring in a rule that would provide for the previous question just as it is now in the House.

That seems to me to be the danger, the great danger, of adopting a majority cloture in the Senate because it permits an amendment of the rule itself that will take away freedom of debate.

Senator IVES. I would like to comment on that, if I may.

The CHAIRMAN. Yes.

Senator IVES. Assuming that such a situation were to arise, which seems almost inconceivable, but assuming it would arise, if it were to be as violent as you indicate, I am inclined to think that the majority in the Senate would have the capacity even at that moment to go through whatever filibuster might be necessary and mow down the opposition and finally reach their ends, if the situation were as serious and violent as you indicate.

The CHAIRMAN. They would have much more difficulty if the requirement were two-thirds.

Senator IVES. More delay, but that is all. You are assuming a tremendous upheaval in the country for a situation such as you picture.

The CHAIRMAN. I would like to quote from the remarks made in the Senate in June 1926, by the very able Senator from Missouri, James A. Reed, which I think might be pertinent here. He said:

"Cloture means the granting of power. Whenever you grant power you must assume that power will be exercised, so when we discuss this proposed rule we must do so in the light of how it may be exercised so as to do no harm, but we must also consider how it may be exercised to do harm."

To me that is perfectly sound reasoning.

Senator IVES. I agree on that, but I can't see that that answers the statement I just made.

The CHAIRMAN. If there is a majority in the Senate determined to carry out a policy and do it in a hurry, the rule could be amended on one day and the policy put into effect the next.

Senator IVES. But the situation you were citing would indicate a preponderant majority and a very violent shift in political attitude in the country. The ordinary majority is something else. The ordinary majority, even under Senator MORSE's proposal, would grant to the minority, the opposition—should grant to them ample opportunity to get their case over to the country.

The CHAIRMAN. If the Senator had served as long as I have in the House of Representatives, which was some 15 years, he would have seen a majority of both political parties execute their will without permitting the opposition to make any protest.

Senator IVES. If the able Senator will permit me——

The CHAIRMAN. I do not want to see that kind of rule adopted in the Senate.

Senator IVES. I, too, served in a legislative body where that could be done, and I am not in favor of it. I am just as much opposed to that situation as is the Senator from Arizona. But this proposal will grant or should grant a legitimate time for debate.

The CHAIRMAN. That grant of a legitimate time for debate could be taken away by a mere majority of the Senate at any time.

Mr. President, I have attempted to set forth my views in as clear and concise a manner as I possibly could, documenting them with references whenever possible and depending on earlier Members of this body who were of divergent political views to protest the proposition that this is merely a civil rights squabble. I have endeavored to point out in as logical a manner as possible some of the many reasons why I oppose and fear simple majority cloture in the Senate.

I have had the pleasure of serving three terms in this body, and, in the short time since I have been here, I, myself, have heard proponents of cloture maintain that as long as rule XXII existed in the Senate we could have no effective foreign aid program, no civil rights legislation, no Federal aid to education, and no admission to statehood of Alaska or Hawaii. Using these arguments and a well mobilized group of pressure organizations, the proponents of cloture in the Senate have constantly chipped away at rule XXII. That their argument fails is evident to every Member of this body. We have passed civil rights legislation, and only this term have extended, I think unwisely, the life of the Civil Rights Commission for another 2 years. My view that this extension is unwise is held by a large minority of the Senators of this body, and, if the contentions of the advocates of cloture were true, this Civil Rights Commission would be a thing of the past today, or would never have existed in the first place. In this very session of Congress we have seen the largest foreign aid bill pass the Senate in the history of the country and this same session of Congress we saw a general Federal aid to education bill pass through the Senate with its generous debate rule, and die in the House where they not only have majority cloture, but usually a minority cannot speak out effectively in opposition to any bill. In addition, I have the honor of considering as my friends two Senators from the State of Alaska and two from the State of Hawaii who, if the advocates of cloture were correct in their views, would not be sitting in this body today unless rule XXII had been changed to allow a simple majority to shut off debate.

It is quite obvious that in addition to tremendous organized pressure some advocates of majority limitation of debate in the Senate will seize upon any issue which they feel can muster them additional support in their effort to silence opposition in this great deliberative body. The fact that their dire forewarnings have failed in every instance should suffice to awaken many Senators who have been misled into their camp and raise in them a determination to withstand any additional deterioration of their power to defend their States. I am aware that the other side on this question will say that certainly legislation has been passed in these fields but that it has been affected by the threat of a filibuster.

I do not think any wise legislation ultimately passed by this body has been materially affected by any threat of filibuster, but certainly much legislation passing through this body has been influenced by a large minority opinion. This is at it should be. I do not believe there is a single Senator, a Member of this body today, who would maintain that the views of 30 or 40 Senators should not be taken into account even though they may happen to be a minority when legislation affecting the lives and livelihoods of our people is being considered.

Mr. President, I hope that as long as this Senate exists any large minority of the Senators will have a voice in the ultimate enactment of legislation materially affecting their people. In closing, I should just like to remark as I have already pointed out in my talk, that when such giants of the Senate as

Webster, Borah, Norris, La Follette, Calhoun and Vandenberg have opposed efforts to whittle away the position of the U.S. Senate, I must protest the contention that the present fight is that of a determined, diehard, provincial group seeking to maintain decadent rules in this body. I hope that every Senator before he casts his vote will calmly consider the dangers inherent in removing the protections for our minorities and in giving absolute dictatorial power to a simple majority in the Senate of the United States.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Massachusetts in the chair). The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, the other day, when the senior Senator from Georgia [Mr. RUSSELL] made his opening speech, which I believe was one of the finest speeches on this subject that I have ever heard, I was struck by some of the points he made about the stabilizing influence of this body on our Government. I agree entirely with his comments. One of the points he discussed was the fact that the proposed rules change, which I think has been brought up nearly every year since I have been here, would lead one to believe that the Senate has been the body which has stood in the way of the enactment of what some people consider to be progressive or enlightened legislation.

It should be noted that during the last few years most of the legislation supported by Senators who are so interested in changing our rules has not failed of passage in the Senate. They have not failed of enactment through full consideration by this body. They have been passed in the Senate and have been defeated, or, rather, obstructed to the point of defeat in the other body, the body which has the kind of rules which the proponents of the change of rule XXII want.

So it is a rather ironic situation in which we find that the real action on what is usually called liberal or progressive legislation has been taken in the Senate under the existing two-thirds rule, whereas the real obstruction has arisen in the House, which has the kind of rule which does not permit freedom of debate.

I wonder if it has ever occurred to the proponents of the proposed change of rule XXII that the obstruction to much of the legislation which most of them profess an interest in has occurred in the other body.

Mr. President, it is with a sense of profound sadness that I rise once again to discuss a proposal to further limit debate in the Senate. It is very difficult to think of anything now that has not been said. As I said a moment ago with reference to the senior Senator from Georgia, I think he has covered this subject in a masterful manner and leaves me with a sense of inadequacy as to being able to say anything new or significant on the subject.

I believe that the citizens of this country are baffled by the fact that this body, year after year, spends enormous time and energy on this issue. Their bewilderment at this ritualistic jousting is justified. I share their bewilderment. I have since I first came to the Senate and participated in debate against various measures directly affecting the people of the South in the earlier period, but today more broadly menacing the rights of any minority and rights of all small States. Perhaps we should set aside a designated period of 3 or 4 weeks in the session each year to debate rule XXII and civil rights legislation. We would then be able to plan other Senate business accordingly and let those who traditionally take no part in the debate engage in more rewarding activities. At least, the Members of the Senate would know what to expect and advocates of civil rights legislation would have ample opportunity annually to reaffirm their dedication to the crusade. It would be far better than present practice when the issue is liable to be brought up at any time during a session.

I say that I have a sense of sadness today. I think in reality it is more of a sense of frustration over the Senate's being forced to undergo another useless and time-consuming debate on a dangerous proposal which, in my opinion, serves no valid national interest and is advanced for primarily political reasons and also for economic reasons.

This proposal to change rule XXII is desired at this time for no reason other than to make it easier to get any kind of radical and ill-considered legislation including so-called civil rights legislation through the Senate. The sponsors talk about the general principle of "allowing the majority to work its will on legislation" but the legislation they have had in mind in the past has been directed at the South. The accounts in the press usually link civil rights and the cloture rule. It is indeed unfortunate that this tag has been placed on a proposition which has much more fundamental significance to preservation of our form of government. The net result is that the public is greatly misled and has little, if any, exposure to the true issues involved in this debate. As long as the press and the other news media continue to link these two separate and distinct issues there is little hope that those of us who oppose further curtailment of free debate will be able to enlighten the public on what is really involved in this struggle.

The issue presently before us is not simply a proposed step toward the enactment of so-called civil rights legislation. It is really whether or not we are to change the relative power of the coordinate branches of the Government. It is an effort to use the emotional appeal of civil rights to obtain not only civil rights but other radical legislation in many other fields.

The nature of the American experiment in Government is unique. Within the historical and geographical circumstances which determined the peculiar nature of our national development, we have successfully welded together in governmental and economic unity people of greatly varying racial, religious, and ethnic origins. A great factor in shaping the national experience has been our expansive and diverse geography. Vast differences in climate, terrain, and resources occur within the boundaries of the United States. Each of these elements contributed to a particular pattern of development and growth and largely determined the forms of economic and social organization within a given section. Fortunately, the Nation's Founding Fathers found a happy solution for reconciling diversity within unity. They set up an intricate but workable constitutional balance between the power of the majority and sectional or regional interests. It was no accident that this balance was agreed upon in the Constitutional Convention. I think it would be worth while for us to review the circumstances at the convention which led to the creation of this body.

The issue which threatened to wreck the Constitutional Convention was how the second branch of the Legislature was to be constituted. The Virginia plan, which provided for proportional representation in both legislative bodies, created deep concern in delegates from the smaller States. They saw in the plan a dire threat to the interests of the smaller States. Without equal representation in the Senate the small States would be at the mercy of the large States, the delegates feared. Patterson, of New Jersey, offered a counterplan for the small States which was explicitly only a revision of the outmoded Articles of Confederation. It would have done little to effect the existing sovereignty of the separate States.

The debate became more and more bitter. Various suggestions for compromise were proposed. Franklin summed up the issue by saying:

> If a proportional representation takes place, the small States contend that their liberties will be in danger. If an equality of votes is to be put in its place, the large States say their money will be in danger.

He went on to suggest as a compromise that the States be given an equal number of Senators who would vote equally by States on matters affecting State sovereignty. But on money matters their vote would be in proportion to the "sums their respective States do actually contribute to the Treasury." Madison suggested representation by population in both branches, but counting slaves as free in one body and not at all in the other. Under this arrangement he said:

> The Southern States would have the advantage in one House, and the Northern in the other.

One delegate proposed that the Members of the Senate be appointed by the President for life to give the Nation the "benefits" of an aristocracy. Hamilton took a more extreme position and advocated doing away with the States altogether. He and other delegates feared

that unless a workable National Government was established, the European nations would step in and form alliances with the separate States or regional confederacies. This would have led to spheres of influence and probably destroy forever any hope for national union.

As tempers become more frayed and it appeared that the Convention was at an impasse, Pinckney suggested that a committee be appointed to "devise and report some compromise." With Gerry, of Massachusetts, as chairman, the committee began the difficult job of reconciling the extreme views of the small and large States. It is said that Franklin made the motion which, as modified, was agreed to by the committee. The plan provided for proportional representation in the House, equal representation for the States in the Senate, and that revenue and appropriation bills originate in the House, with no power for the Senate to amend or alter them. There was lively discussion and criticism after the compromise was reported to the Convention. The debate progressed and despair of reaching an agreement spread. Randolph favored adjourning sine die. The matter came to a head on the morning of July 17 when a number of delegates from the larger States met before the Convention reconvened. Although there was great difference of opinion at the meeting the outcome reassured the delegates of smaller States that the large States would not and could not unite in opposition to equal representation in the Senate. From that moment on the end was clearly in sight.

This settlement which is rightfully called the Great Compromise was the beginning of our Federal form of government. I have gone into this historical note in order to show that the Senate itself is the product of a drastic compromise which protected the interests of the small States. It was a deliberate plan by the Founding Fathers to provide for a check and a balance upon the majority. This "great anchor of the Government" as Madison called it was designed to represent the interests of the minority. The provision that no State shall be deprived of equal representation in the Senate without its consent is the only provision in the Constitution that cannot be changed by the usual method of amendment. This is a further restraint on possible encroachment on the States' representation in the Senate.

Madison in a letter to Jefferson following the closing of the Constitutional Convention contrasted the roles of the Senate and the House this way:

> The Senate will represent the States in their political capacity; the other House will represent the people in their individual capacity.

The House of Representatives is a body whose rules, of necessity, limit deliberation and extended discussion on legislation. In a body of its size discipline must be rigid and as a consequence it is more of a working body than a deliberative body. The Senate, in contrast, is more of a body of individuals than an organization. Its real character and significance derives from the fact that, as Woodrow Wilson said:

> It does not represent population, but regions of the country, the political units into which it has, by our singular constitutional process, been cut up. The Senate, therefore, represents the variety of the Nation as the House does not. It does not draw its membership chiefly from those parts of the country where the population is most dense, but draws it in equal parts from every State and section.

Moncure D. Conway related this story about Washington's view of the function of the Senate:

> There is a tradition that on his return from France, Jefferson called Washington to account at the breakfast table for having agreed to a second Chamber. "Why," asked Washington, "did you pour that coffee into the saucer?" "To cool it," quoth Jefferson. "Even so," said Washington, "we pour legislation into the senatorial saucer to cool it."

I urge my colleagues to think back over the last few years and remember the bills which have come over from the House after hasty action that required major surgery in the Senate to get them in reasonable shape to be the law of the land. The Senate has been guilty of sending bad bills to the House also; but, in all fairness, it must be admitted that the Senate has the only opportunity in the congressional process for closely scrutinizing legislation once it reaches the floor for debate. I know that Senators will remember in particular the civil rights bill which the House sent over in 1957. This bill as it came to us was a wicked, dangerous piece of legislation which those of us in opposition pointed out in a prolonged discussion of the measure. I doubt that there are but few Members of this body who will admit that this educational campaign, in which we engaged, resulted in a great improvement in that bill. It is not difficult to imagine what would have happened if we did not have free debate in the Senate during that period. If we were to take the action now being urged and further restrict debate in the Senate, it is quite logical to assume that this educational campaign would not have been possible.

This continuing campaign to choke off free debate in the Senate is prompted by efforts to obtain what the proponents refer to as majority rule. I submit that our Founding Fathers had no intention of providing for majority rule in all governmental affairs. The Constitution is replete with restraints upon a purely mechanical majority. I will not recite them now since they have been repeatedly mentioned during the perennial moves to change the rules.

Any constitution or political compact is in effect a limitation on the power of the majority. The late Charles Nordhoff said:

> A political constitution is the instrument or compact in which the rights of the people who adopt it, and the powers and responsibilities of their rulers, are described, and by which they are fixed.
>
> The chief object of a constitution is to limit the power of majorities.
>
> A moment's reflection will tell you that mere majority rule, unlimited, would be the most grinding of tyrannies; the minority at any time would be mere slaves whose rights to life, property, and comfort no one who chose to join the majority would be bound to respect.

There are limitations on what a majority can and should do. Rule XXII is such a limitation, in keeping with the role which the delegates to the Constitutional Convention envisioned for the Senate. The majority is not always right and if our form of government is to survive there must continue to be some way a large and significant minority can prevent the majority from taking precipitous action on an issue vital to the minority's interests. Freedom of debate in the Senate is just such an escape valve.

Haynes in his book "The Senate of the United States" defined a filibuster as follows:

> A filibuster is either a reprehensive artifice of a sinister opposition, or an ingenious and patriotic device of our friends for saving the people. A filibuster is an abomination unto the Lord, and a very present help in trouble.

Some of my liberal colleagues apparently agree with this definition since several have engaged in personal filibusters in recent years but now are in the forefront in trying to tighten rule XXII.

President Wilson's request for a cloture rule in 1917 was based on "a crisis of extraordinary peril." Earlier Wilson had said this about freedom of debate in the Senate:

> The fact that the Senate has kept its original rules of debate and procedure substantially unchanged is very significant. It is a place of individual voices. The suppression of any single voice would radically change its constitutional character; and, its character being changed, the individual voice of the country's several regions being silenced, there would no longer be any sufficient reason for its present constitution.

It is well known that Wilson changed his views after he became President, but I doubt seriously that he would look with favor on curtailing debate on the type of measures which have in recent years been subject to extensive discussion—FEPC; antilynch; anti-poll-tax; and on down the so-called civil rights list. By no stretch of the imagination can it be said that these bills are vital to the national security. In fact, those of us who oppose such legislation believe that they most certainly are not in the national interest since they create discord and dissention among the people.

In the 44 years since the cloture rule was adopted many bills have been subjected to filibusters. A list prepared by Dr. George B. Galloway, of the Library of Congress, is frequently cited by civil rights proponents as support for their case to tighten rule XXII. On examination it is obvious that little significance should be attached to this list of filibustered bills. Of all the bills listed only 11 did not eventually become law and only 1 of these was not anti-South in character. So, with the exception of this one bill no important piece of legislation has been defeated by unlimited debate in the Senate. No issue of vital importance to the Nation has ever been defeated. I have no doubt that the Senate will continue to act in a responsible

manner in a "crisis of extraordinary peril" and pass any legislation necessary to our security notwithstanding the existence of rule XXII. The real danger to our system is that, as legislation becomes more complex and prolific, bills will be passed by the Congress without adequate study and scrutiny. There have been many more bad bills passed in a hurry than there have been bills killed by extended debate.

Mr. President, the Senate has throughout its history ably fulfilled the task set for it by the Founding Fathers. I agree fully with this statement by Prof. Lindsay Rogers:

> Adopt cloture in the Senate and the character of the American Government will be profoundly changed.

The Senate has traditionally been the check and balance in our system, and unlimited debate is the vehicle by which this body is able to carry out the essential function of protecting the minority from imposition of arbitrary power by the majority. Hitler and Stalin both received tremendous mechanical majorities at the polls, but their actions against minority groups comprise some of the worst crimes against humanity in history. The majority is not always right and we as politicians know that majorities are very transient. Freedom of debate in the Senate is one of the strongest bulwarks in our constitutional system against hasty, intemperate action by a temporary majority.

In closing I wish to quote a pertinent statement made by the great liberal, Senator Robert La Follette, Sr., during a move to limit debate on a measure. He said:

> This Senate is the only place in our system where no matter what may be the organized power behind any measure to rush its consideration and to compel its adoption, there is a chance to be heard. Where there is opportunity to speak at length, and where if need be, under the Constitution of our country and the rules as they stand today, the constitutional right is imposed in a Member of this body to halt a Congress or a session on a piece of legislation which may undermine the liberties of the people and be in violation of the Constitution which Senators have sworn to support, when you take that power away from Members of this body, you let loose in a democracy forces that in the end will be heard elsewhere if not here.

Senator La Follette was, of course, eminently correct in his understanding of the significance of free and full debate in the Senate. I hope that the Senate will follow his sage advice and defeat this effort to further curtail rule XXII.

I wish to remind my colleagues that during the past 2 or 3 years democratic systems all over the world, especially some of the newer governments, which have attempted to follow the principles implicit in so-called majority rule, which is the ultimate objective, of course, of the sponsors of this change, have experienced tragic results from this approach. The Senate, with its rules permitting relative freedom of debate, remains as one of the still functioning and, I think, reasonably efficiently functioning, democratic bodies left in the world today.

I hope that the Senate will not follow the ill-considered course proposed by the sponsors of this resolution.

Mr. SMATHERS. Mr. President, I wish to congratulate the able Senator from Arkansas [Mr. FULBRIGHT] on his statement with respect to the proposed change of rule XXII.

Mr. President, we are again confronted with at least two pending proposals, the objectives of which are to further relax Senate rule XXII by permitting the cutting off of debate by a mere majority, or by three-fifths of the Senators present and voting.

In these days of crises, with the fate of mankind hanging in the balance, I do not intend unduly to take up the Senate's time but I wish to go on record as being strongly opposed to any further relaxation of this rule.

Freedom of debate in the Senate has served our great Nation well over the years. Well it may be that freedom of debate was subject to a few abuses, but the benefits which have been derived far outweigh the harm that would be done if this great principle was not preserved.

I know of no major legislation, and this includes two civil rights bills in the last 4 years, which has ever been prevented from consideration or passage by reason of extended debate. Why then is there a necessity for further relaxation of this rule?

The only reason that comes to my mind is that there are moments when individuals motivated by passion or zeal and misled by misrepresentations of interested groups call for the expediency of consideration of various measures which may later be found not to have the attraction which they appear to have at the moment.

No one attributes any ulterior motive to the good intentions that motivate individuals in these circumstances.

Without the temperate consideration of all measures affecting the public interest in an atmosphere where reason, justice, and truth can be fully explored, great harm could come to our democratic way of life. It is with this thought in mind that our Founding Fathers created this great body so as to insure the preservation of this principle.

Majority rule stampeding its will in utter disregard of minorities could in moments of great passion and excitement wreak havoc on the Nation as a whole. Such an emotional and ill-considered course of action destroys the lights of reason and right, and inevitably leads to tyranny.

In his "Manual of Parliamentary Procedure" Thomas Jefferson wrote as follows:

> The rules of the Senate which allow full freedom of debate are designed for protection of the minority, and this design is a part of the warp and woof of our Constitution. You cannot remove it without damaging the whole fabric. Therefore, before tampering with this right, we should assure ourselves that what is lost will not be greater than what is gained.

Note the careful admonition of Jefferson "that in such tampering with this right we should assure ourselves that what is lost will not be greater than what is gained." This is sage advice. It cannot and should not be taken lightly. It is the foundation upon which this great Republic has and continues to endure.

Free and unfettered debate is what gained for this great body the well deserved reputation of being the world's greatest deliberative assembly.

Any further relaxation of rule XXII would, in my opinion, unduly limit freedom of debate and dangerously destroy the fundamental basic relationship that presently exists consonant with the Constitution of the United States. Wisdom, reason, and justice dictate that only in unlimited debate can we preserve individual liberties, maintain a government of law, and fully protect the right of each State to be equally represented pursuant to the Constitution of the United States. Only by preserving this great principle can we insure that reason, truth, and justice will prevail.

Often I wonder how many of us have sufficiently pondered the intricate and interwoven nature of our political system of government. I must confess that I am continually amazed at the way in which every feature of that system leads to and from almost every other facet of the structure.

Our Federal Government, and the political system of which it is a part, is like a gigantic, three-dimensional web, with every strand intimately connected to every other. Cut one strand and the entire structure is immediately warped and weakened.

The various elements of the Federal Government, of the State governments, and of our political parties are connected by a complex of relationships, formal and informal, legal and extralegal, institutional and traditional. Each supports the others, and all depend upon the existence of certain objective conditions.

I do not mean to imply by this analogy that nothing in that system may ever be changed. While I yield to no one in my admiration for the work of the Founding Fathers, I am quite aware that our country could not have continued its growth and stability without changing in some respects some of the details of the structure they built. The Fathers themselves were quite aware of the need for flexibility and gave us ample leeway for any alterations the passage of time might make necessary.

But in certain fundamentals, the men who devised the Constitution of the United States knew about the ways in which our system of government must operate in order to remain viable. For what those men did in Philadelphia 174 years ago was to construct an edifice adapted to the peculiar circumstances and needs of this country. They based that structure upon principles rooted in the need to maintain the unity of the Nation. The political house in which we live was designed by political architects who had in mind traditions, geographical differences, and the civic rights of the people.

We have considerably expanded that house since 1787. We have built new wings to provide shelter for more diversity. But we have never altered the basic style of the building. We have known, and known only too well, that

its fundamental structure is the one in which we can best flourish and remain strong. Over the years that basic style, that devotion to especial principles of government, has been stamped upon almost every feature of our political system.

In my opinion, this is to the credit of the United States of America. To me it reflects the high degree of political sophistication we have attained. It illustrates the way in which those basic principles permeate every aspect of the way in which we govern ourselves. And it is a further proof that those basic principles do indeed nourish the liberties of our people.

One of those principles was perhaps best explained by James Madison. Addressing himself to the question of whether the Constitution he was defending in the Federalist was federal or national in character, he wrote:

> The proposed Constitution is, in strictness, neither a national nor a federal Constitution, but a composition of both. In its foundation it is federal, not national; in the sources from which the ordinary powers of the Government are drawn, it is partly federal and partly national; in the operation of these powers, it is national, not federal; in the extent of them, again, it is federal, not national; and, finally, in the authoritative mode of introducing amendments, it is neither wholly federal nor wholly national. (Federalist No. 39).

In short, the Government of the United States is both federal and national in character. To my mind, both aspects of that character must be maintained to insure the future health of the Nation.

The embodiment of that federal character lies in the States of the Union and in our own great legislative body, the Senate of the United States.

The House of Representatives represents the people of this country as groups divided into roughly equal population units. Our sister House in this Government was thus designed to give the people direct representation.

The Senate, on the other hand, was created to represent the people as States. In this sense, it serves an electorate differently from that of the House of Representatives or of the President.

Let me make it clear that the people of the United States have continued to make use of this federal aspect of our system not for sentimental reasons, not because of habit, and not solely for the sake of reverence for tradition. There is nothing mystical about the necessity for the maintenance of States rights and for the continuation of a system of sovereign States within a sovereign Union. We have kept that system for immensely practical reasons.

The first thing we believe is that the closer government is kept to the people, the more responsive it will be. There is nothing more practical than that.

We also believe, and I think the American people instinctively recognize, that our political system must take into account the difficulties created by the vast size of the United States, by its enormous diversity of geographical conditions, economic interests, social habits, racial and religious backgrounds, and sectional problems.

The vehicle for the representation of this multitude of interests is our system of States represented by the Senate. One of the great purposes of the Senate is to act as a compromiser of these interests. The unity of the Republic, and therefore its continued existence, depends upon the principle that the conflicting interests of States and sections must be reconciled and harmonized. The Senate is the preeminent guardian of this system.

Of course, the Senate has other basic functions in our system. One of these is illustrated by the story told of Thomas Jefferson, who, on his return from France, where he had served during the writing of the Constitution, called on President Washington. At the breakfast table, Jefferson demanded to know why Washington had agreed to a second Chamber in the Legislature:

> "Why," asked Washington, "did you pour that coffee into the saucer?"
>
> "To cool it," replied Jefferson.
>
> "Even so," said the President, "we pour legislation into the senatorial saucer to cool it."

James Madison, one of the great scholars among the Founding Fathers wrote:

> The use of the Senate is to consist in its proceedings with more coolness, with more system, and with more wisdom, than the popular branch.

As has been pointed out on innumerable occasions, and by every scholar of the Senate, this body was meant to be a deliberative body. It was meant to assure to the American people a forum in which full and complete debate could take place. It was meant to provide a balance to hurried consideration of important measures. It was designed as an institution in which the coolness of reason and fact could find a congenial haven, with time for consideration and assessment. It has developed into a primary organ for the enlightenment of public opinion, through extensive debate of the issues.

The reputation of the Senate as a great deliberative body was earned during the 19th century. Every great issue of that decade was pounded out in indefinite detail in this body. Internal improvements, the removal of the deposits from the U.S. Bank, the famous Clay compromises, the bitter conflict over slavery, tariff and railroad legislation, the control of monopoly—these were but a few of the great problems in which the Senate's deliberative processes played an important role.

This feature of our Government is precious to the well-being of the country. No other nation in the world possesses it. We should be all the more reluctant to give it up.

To sum up, the men who wrote the Constitution envisioned a Senate with at least this great quality: an unparalleled ability to provide full and deliberate attention to all important measures, with safeguards sufficient to compensate for momentary passions.

Here, then, we have the basic principles I mentioned earlier: a system combining the essential qualities of federalism and National Government, the elected bodies of which represent the total population organized into different electorates, with the Senate acting as the great compromiser of State and sectional interests, using as its primary defense of minorities the rights of responsible, extended debate.

Today, unfortunately, this right is widely viewed solely as a refuge for the South. This is, of course, totally untrue. In this very session of Congress we have seen that right exercised, and very ably, not by a southerner, but by a midwesterner. In the long history of the Senate that right has been used to protect minority interests of every kind and of every section of the country. It has been used by liberals and conservatives.

Frankly, and without for a moment doubting their sincerity, I find it difficult to understand the reasoning of those who, while they inveigh against the right of unlimited discussion, do not hesitate to use it whenever it suits their purposes. One who puts himself in such a position in effect condones the theory that the end justifies the means.

In my view, of course, the means in this instance is a perfectly acceptable one. Its use by virtually every minority in the history of the Senate to protect its legitimate interests is fully in accord with the basic principles of our political system. In fact, its very usage, in the face of the inevitable distaste and condemnation to which it is subject, argues for the necessity of its existence.

Which one of us is not in the minority? Which one of us does not represent some minority? Who in this country does not belong to some minority?

The fact is that this is a nation of minorities. The very concept of a majority, a word which is thrown about with great abandon, is something of a half-truth when applied to the legislative process in this country. Majorities here are conglomerations of minorities united for varying reasons on a particular issue. Who in this body is not aware of the shifting nature of these coalitions and alliances?

Politics, it is said, makes strange bedfellows. Of course it does, and not because men are unprincipled, but because they realize that legislative progress depends upon these marriages of convenience that may dissolve overnight, but bring legislation to fruition. A viable government is possible only when operated by reasonable men; and reasonable men are those who are willing to compromise.

This, in fact, is the normal course of events in both Houses of Congress. We each give a little and take a little, and arrive at the best we can obtain. If we did not, government would collapse.

But what is the situation when a minority finds itself outnumbered on an issue which it is unable to compromise, an issue it regards as vital to its very existence?

Here, I believe, we have arrived at the crux of a decisive problem in American politics. And here is where the most delicate judgment is required if the protection of minorities is to become nothing more than an empty phrase.

I recognize the complications of the situation. I sometimes wonder whether my opponents do. I acknowledge the merit of many of the arguments put forward by those who are eager to see the will of the majority triumph. I hope they will equally admit that the matter is not as simple as they sometimes make it out to be.

There is seldom any clarification as to what kind of majority we are talking about. Do we mean a bare majority, one-half plus one of those voting? Do we mean a majority of a quorum? Do we mean a constitutional majority?

Is it absolutely necessary to the furtherance of the democratic ideal that all questions be decided by one of these majorities? The Constitution itself denies this concept. That historic and cherished document declares that certain matters must command varying types of majorities for passage.

No person, says the Constitution, shall be convicted, having had impeachment action started against him, without the concurrence of two-thirds of the Senators present.

Each House has the right to expel any of its Members, but only on the concurrence of two-thirds of them.

The overriding of a Presidential veto requires a majority consisting of two-thirds of the Senate and two-thirds of the House of Representatives.

When the choosing of the President devolves upon the House of Representatives, the choice is made, not by a majority of the Members, but by a majority of all the States.

The advice and consent of the Senate to treaties negotiated by the President require a vote of two-thirds of the Senators present.

Amendments to the Constitution must be proposed by a vote of two-thirds of both Houses of Congress or by two-thirds of the several States, and become valid only on ratification by three-fourths of all the States.

I have yet to hear a reasonable explanation of these constitutional provisions and of their significance from those who protest the inviolate sanctity of majority rule. Yet the explanation is not only simple, but logical. I commented earlier on the extraordinary interdependence of every facet of our political system, and here, again, is an example of that phenomenon.

There are some decisions, the drafters of the Constitution agreed, that are so significant, so vital, so crucial to the welfare of the Nation and to the true ideals of its existence that a majority of one-half plus one will not suffice. These are decisions of such moment that a wider consensus is justified. These are decisions the nature of which is such that the bare majority of the moment cannot be entrusted with the final word.

One would think, at first glance, that impeachment proceedings have no place in such a category. Yet the explanation of these provisions given in the Federalist letters by Alexander Hamilton is of the utmost importance. Hamilton wrote:

> A well-constituted court for the trial of impeachments is an object not more to be desired than difficult to be obtained in a government wholly elective. The subjects of its jurisdiction are those offenses which proceed from the misconduct of public men, or in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated political, as they relate chiefly to injuries done to the society itself. The prosecution of them, for this reason, will seldom fail to agitate the passions of the whole community, and to divide it into parties more or less friendly or inimical to the accused. * * * In such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties than by the real demonstrations of innocense or guilt (Federalist, No. 65).

Mr. President, if any proof of the extraordinary political sagacity of our forefathers were required, if any example of their phenomenal prescience were demanded, here are the words for all to see.

How incredibly apt and accurate are those phrases, when applied to some of the issues that underlie the current attempt to further modify the rules of this body.

Some matters, observed Hamilton, "agitate the passions of the whole community, and divide it into parties more or less friendly or inimical." In such instances, he reminds us, the greatest danger arises in the possibility that the decision will be made at the whim of the majority of the moment, and not made on the basis of facts but under the onslaught of passion.

Mr. President, the so-called civil rights issues which are said to motivate the attempt to curtail minority rights in this body are among the most passionate of our day. I do not question the sincerity or the humanity of those who champion these issues. But I think it is pertinent to inquire whether they are driven by reason or by emotion.

What other matters appeared to the Founding Fathers of such consequence as to require more than the concurrence of a bare majority? The right of each House of Congress to expel one of its Members is one. The overriding of a Presidential veto, surely a momentous event, is another. The choice of a President by the House of Representatives is still another, and here we ought to keep in mind that this was expected to occur rather frequently. The approval of treaties, a rather serious check upon the power of the President, is a further instance.

But perhaps the most significant of these unusual decisions was to be the amendment of the Constitution itself. And here the sages of our early years decreed the widest possible agreement, an affirmative vote of no less than three-fourths of all the States.

Why? Why did those who so long ago wrestled with our future have no compunctions about requiring more than the usual majority for decisions of this sort?

The reason, as I have suggested, is both simple and logical. There are some matters of such consequence that no decision can be made, without endangering the very existence of the Nation, unless substantially every important minority in this country of minorities is agreed.

But are these matters enumerated in the Constitution the only ones of such phenomenal importance? Surely not. We could hardly expect even Madison, Hamilton, Franklin, Jay, and Washington to anticipate each and every issue of the decades that were to follow their labors. Instead, they and their successors provided us with this flexible instrument we call the Senate. And here they established a most extraordinary and almost automatic protection for the crucial rights of minorities.

The operation of this body depends upon the delicacy of the judgment of its Members. I do not deny that it may be open to irresponsibility. So is freedom of the press. So is the concept that a man is innocent until proven guilty. So is the condemnation of double jeopardy. But few will argue that the basic validity of these principles is diminished by the possibility that its rules may become subject to abuse.

In the day-to-day operation of the Senate, business is conducted on the basis of a bare majority. The minorities combine, dissolve, and realine themselves according to the issues, and those matters which can attract to themselves a sufficient number of minorities to achieve a bare majority of those present and voting carry the day. The conflicts which exist in the majority of the moment are compromised in the best interests of all. Surely, no one will dispute with me if I estimate that roughly 99 percent or more of the business conducted by the Senate is transacted in this manner.

But a fraction of 1 percent of the issues that come before the Senate are of transcendent importance to at least one or more of the minorities here represented. These are issues upon which the section, the interest, or the minority involved feels in its heart of hearts that it can accept no compromise. Unavoidably there are such issues, and the South is not unique in the number it has championed.

When I use the phrase "heart of hearts" I hope to imply the profundity of the feeling such issues arouse. It is only such an issue, one which plumbs the deepest principles and interests of a minority, that can persuade a group of conscientious Senators to resort to the ultimate weapon at its disposal.

No responsible Senator, no responsible group of Senators embarks upon the use of extended debate without much searching of the soul.

The physical, mental, and emotional strain is not easy to bear. The disapproval of fellow Senators, perhaps the shattering of valued friendships, is always a gloomy possibility. One is almost assured of a flaying in the press. It goes somewhat against the grain for men whose lives have been devoted to the practice of the art of the possible to have to resort to tactics so opposed to their normal activities. Finally, these men very well know that they are perhaps endangering the successful compromise of other legislative efforts of importance to them, singly and severally.

These and many other factors operate against the use of extended debate and deliberation except under the most

crucial conditions. Nevertheless, such conditions do occasionally arise. And when they do, when a minority is driven to this last extremity, it is both a symbolic and a practical act.

It is symbolic in that it brings to the attention of the country the fact that here is an issue so vital that extraordinary tactics have been decided upon. It puts the public on notice that at least one minority feels the compromises offered to it on this issue are not sufficient. Needless to say, it is a practical act in that it may prevent the passage of offending legislation.

I repeat, it may prevent such passage. There is no guarantee that it will do so. And here again there is a sort of automatic compensation in the system. A single Senator may delay matters, but seldom defeats the object of his protest. Two or three Senators will probably have little more success. But when an issue is of sufficient significance as to attract the vigorous objection of a group of Senators, the chances of success become brighter.

This, I maintain, is as it should be. It is, I believe, as the system was meant to be. For in this way the essential unity of the Nation is maintained and the vital interests of our minorities are protected. In this way the tyranny of the majority, an evil with which both liberals and conservatives are equally familiar, is ameliorated.

Of necessity, the employment of tactics to thwart such a tyranny is unpopular. Majorities almost by definition are impatient. But brave men, men who have calculated the risks and who are moved by the profound motives I have described, deserve, in my opinion, to have their rights protected.

The irony of the situation is that the protection afforded by the right of extensive debate is by no means an absolute one. Before 1917 a determined minority, if it had sufficient stamina and determination, could actually withstand an overwhelming majority. But since 1917 this has most certainly not been the case.

Since that year the situation has been something like this. A minority may, when it feels the issue to be of a vital enough nature, force the Senate into a prolonged debate. But it is always on notice that it cannot withstand the unified and determined opposition of every other important minority in the country. When and if such unity is achieved on any issue, the debate can be cut off and the desired legislation can be passed. This, in effect, is the procedure presently prescribed by rule XXII.

In other words, no single section, interest, or minority group has the power absolutely to forbid the passage of legislation if it is the true desire of the rest of the country to obtain it.

I think we have had ample demonstration that the will of the majority of minorities is usually successful. The impetus behind the proposed change in the rules for debate in the Senate, we are told, is provided by the issue of civil rights legislation. There is something ludicrous in this contention. One would think that the Senate has not been able to pass civil rights legislation in recent years. Need I remind you, Mr. President, that such legislation has in fact passed the Senate in each of the previous two Congresses? Or that the Civil Rights Commission has twice been extended over the objections of numerous Senators?

The fact is that legislation earnestly desired by the majority of minorities represented in this body is usually passed. And it is equally true that a number of propositions which were inimical to the public interest were defeated with the aid of rule XXII.

I am in favor of the present debate procedure. In my view, it is in accord with the principles established in the Constitution as well as with the practice of the Senate and the practical necessities of the country.

The question then arises: At what point, in terms of numbers, should we establish the line below which a majority does not have the right to deny action to the minorities in opposition to it? The present rule sets that line at two-thirds of those present and voting. This is considerably less than the provision for the approval of three-fourths of the States required to amend the Constitution, but it is in accord with the two-thirds vote required of each House of Congress to initiate the amendment process.

As I have said, such matters require a certain delicacy of judgment. Personally, I am willing to abide by the two-thirds rule. Any further dilution of the formula, in my view, would rob the rule of its basic character, and rob the American people of one of their primary citadels of freedom.

The issue before us is as basic as our freedom itself. Destroy the concept of unlimited debate by any further relaxation of Senate rule XXII, and we will embark upon corrosion of liberty itself.

As we all know, in the 1st session of the 86th Congress, after lengthy debate, this rule was modified by providing that two-thirds of the Senators present and voting may close debate on any measure, including rule changes. At that time the resolution also provided an affirmation that the Senate is a continuing body.

The present cloture rule provides, in my opinion, adequate safeguards against abuses upon the right of unlimited debate, and the Senate has proved itself worthy of the rules under which it now operates. No further relaxation of this rule is necessary. Let us not move in haste and repent in leisure.

Mr. President, I yield the floor.

NEW YORK WORLD'S FAIR

Mr. KEATING. Mr. President, it is my desire to speak briefly regarding the motion before the Senate and the proceedings which will take place tomorrow, but, before doing so, I wish to speak briefly on another question which arose yesterday in connection with an editorial in the Washington Star which opposed any Federal funds for a U.S. pavilion at the New York World's Fair.

I have great respect for this fine newspaper. I often find myself in complete agreement with its editorials, but on this occasion I cannot, for the life of me, understand its position, and I rise to reiterate the argument of those of us who are very much interested in the 1964–65 World's Fair.

It is continually thrown in our faces that when we asked to have the World's Fair in New York City we said that it would not involve Federal funds. It will not. The resolution pending in the Foreign Relations Committee is for Federal participation in the New York World's Fair. It does not even appropriate money for a pavilion. It simply authorizes money to conduct a study of the nature and scope of the Federal participation in the New York Fair. This is the same type of participation of the U.S. Government in fairs all over the world. We built a pavilion at Moscow. We built a pavilion at Brussels. We have had exhibits recently in India, in London, and in other capitals and major cities of the world. It is to me inconceivable that when a World's Fair is held in our own country we would have a lesser participation in our own fair.

Mr. President, I repeat, there will not be any Federal money involved in the actual operation of the New York World's Fair. My colleague and I promised this in 1959. We have kept our promise. As members of the corporation of the New York Fair, we would raise very serious objections to any request for a Federal subsidy; but there is an important and basic distinction between participation and a subsidy.

In 1959, when a world's fair bill was debated vigorously on the Senate floor, I made it clear that the only Federal money involved in the New York World's Fair would be, similar to 1939, money for a Federal pavilion. Although my remarks appear in the RECORD last week, I repeat a paragraph from my floor statement of September 13, 1959, at this point in my remarks:

> I call attention to the fact that when New York held the 1939 fair, the only Federal participation in the way of appropriations was for the financing of the Federal building at the fair. In all other respects it was completely financed either by private interests or by the State of New York.

Mr. President, I am disappointed that the Washington Star has taken a position against Federal participation in the New York World's Fair. I feel confident that those who oppose Federal participation do not have all the facts. I am concerned about Federal spending, and I want us to cut down all our expenditures wherever we can, but I do not by any means consider the World's Fair in the area of frivolous and unnecessary Federal spending.

Perhaps the most important elements of the great struggle between East and West is the battle for men's minds, the clash of ideologies. The great threat that the Soviets pose to the nations of the world who are not committed in this struggle is both economic and cultural. World fairs are square on the the battleground in this economic and cultural onslaught.

What could be more convincing to a citizen of India, or Burma, or Indonesia

than a dramatic presentation of the meaning and the strength of our free social, economic and political institutions? This is what is hoped to be achieved by the New York World's Fair. It is to be a ringing demonstration of the great appeal and meaning of free government and free enterprise. It would be incredibly unfortunate if the Russians had an exhibit at the New York World's Fair and we did not. Can you Senators imagine a citizen from a neutral nation or even a committed nation coming to the United States to a World's Fair and having a Russian Government outshine the host nation at the fair? The Russians have already indicated that they will be in New York. I have no doubt that they are making plans for a very convincing display of their powers and technological advances.

Just this morning, I talked with Governor Nelson A. Rockefeller, the Governor of New York State, who is a very strong proponent of the fair and who, along with many Members of the Congress, is deeply cognizant of its importance to American prestige. The Governor is deeply concerned about the failure of the Congress to act on this proposed legislation. If we do not get the wheels moving on a study this year, then we are very likely to be put in the position of having to make a late and hasty decision about a Federal pavilion. I have no doubt that when the chips are down the Government of the United States will be represented at the New York World's Fair.

Mr. President, on behalf of my colleague [Mr. JAVITS] and myself, sponsors of the companion bill of the world's fair bill which passed the House, and on behalf of the Governor of New York, I again express our strong hope that world fair legislation will be enacted this year.

Mr. President, I ask unanimous consent to include at this point in the RECORD a copy of the Washington Star editorial which I mentioned, and a statement from the New York Times last week, which expresses the exact opposite position, the position with which I agree.

There being no objection, the editorial and the article were ordered to be printed in the RECORD, as follows:

[From the Washington Star]

FEDERAL AID NOT JUSTIFIED

One of the reasons why a Presidential commission chose New York City over Washington as the site for the 1964 World's Fair was the asserted fact that Manhattan had the financial resources to stage such an exposition without Federal aid. It is, therefore, somewhat surprising and confusing to learn that New York now is asking Congress to appropriate $30 million for the fair. We are wholly in accord with Senator LAUSCHE's stand against the granting of any Federal money for what was ballyhooed as a New York-financed enterprise.

Washington, in making its bid for the fair, made no request for Federal funds. Neither did New York. In fact New York Senator JAVITS told the Senate "the only thing New York asks the Federal Government is * * * that the Federal Government will invite other countries to participate." And Senator KEATING stressed that New York had handled "such affairs requiring substantial amounts of money with great success in the past" and he predicted that Washington would be forced to ask the Government for help. "I doubt," he said, "that Congress would be disposed to put up the money."

We doubt that Congress now will be favorably disposed toward the cry for help from New York City, either. As Senator LAUSCHE put it, to give this aid would be "a breach of commitment" which he will fight to the limit. The Ohio Senator's fight is justified.

[From the New York Times]

U.S. PAVILION AT THE FAIR

Senator LAUSCHE, who has said he will block consideration in the Senate Foreign Relations Committee of Federal spending for the New York World's Fair, seems to think that Federal funds are being sought to help finance the fair. This is not the case. All that local officials are asking is that the U.S. Government provide a pavilion as a focal point in the fair. It would be strange if the National Government of the host city had no exhibit at an exposition in which most nations of the world will have displays.

Senator LAUSCHE should take another look at the matter, and soon, since an appropriate American pavilion cannot be built in time if Congress does not vote funds at the present session.

CLOTURE—PROPOSED AMENDMENT OF RULE XXII

The Senate resumed the consideration of Mr. MANSFIELD's motion to proceed to the consideration of Senate Resolution 4, a resolution to amend the cloture rule by providing for adoption by a three-fifths vote.

Mr. KEATING. Mr. President, tomorrow the Senate will vote on the cloture motion filed by the majority leader on Saturday. The time for debate will be very limited tomorrow. The subject I am about to discuss will be not debatable. Therefore, I think I must take a little time tonight to make the RECORD clear.

On Saturday, I propounded to the majority leader a series of parliamentary inquiries with respect to the cloture vote and the pending resolutions to amend rule XXII. The purpose of these inquiries was to lay the groundwork for a point of order I intend to raise against any ruling by the Presiding Officer which requires more than a majority vote for action on proposals to amend the Standing Rules of the Senate.

It is my opinion that the two-thirds requirement now specified in rule XXII for shutting off debate cannot be squared with the right of a majority of each House of Congress "to determine the rules of its proceedings" under article I, section 5, clause 2, of the Constitution. I explained the basis for this opinion at considerable length in remarks which I delivered in the Senate on Thursday of last week. Copies of my remarks were delivered in advance to both the Vice President and the majority leader.

I should like briefly to recapitulate the argument in support of the point of order which I intend to raise. Essentially, my argument is that unless the Constitution expressly provides otherwise—as it does in five instances—the authority it provides for action by the Senate must be subject to exercise by a majority of the Senate, a quorum being present. On this point, I do not believe there can be much dispute. All would agree that the Senate could not by rule provide for passage of a bill by, let us say, one-third of the Senate, or, conversely, provide by rule that all bills must be passed by unanimous vote.

I think that would be generally conceded to be beyond the power of the Senate.

Majority rule is the general principle of action in legislative bodies; and the Founding Fathers—by stating the few exceptions to majority rule with the greatest specificity in the Constitution—obviously intended a majority to govern in all other circumstances. For this proposition there is overwhelming evidence in the language of the Constitution, the precedents of the Senate, and the proceedings of the Constitutional Convention.

It is my contention that section 2 of rule XXII, although it purports to be simply a rule for limiting debate, is really a rule of substance under which decisions of the Senate are subject to the control of one-third of the Members of the Senate. It is, therefore, my view that the rule cannot be invoked to prevent a majority of the Senate from acting on a bill or proposal to amend the rules without violating the clear provisions of the Constitution. On tomorrow, therefore, if a majority of the Senate—although not two-thirds—should vote for the cloture petition—I shall challenge any ruling by the Chair against cloture by an appeal to the Senate itself. Such an appeal will of course be determined by a majority of the Members of the Senate.

My arguments were buttressed by three events on last Saturday. The first was the majority leader's filing of the cloture motion before the debate on the motion to take up Senate Resolution 4 had begun. We all know that the majority leader is a man of great patience. He has certainly indicated that. We all know that he strongly believes in the value of full debate in shaping the actions of the Senate. But we also know that the majority leader is a realist and that he deals with the substance and not the form of the rules. What his action on Saturday unmistakably indicated is that as a realist he recognizes that on Tuesday we will not be voting on whether to limit debate, but rather on whether we are going to amend our rules. It is unfortunate that he does not also recognize that under the Constitution such a decision must be made by a majority, not two-thirds of the Senate.

I also found substantial evidence in some of the remarks of the distinguished Senators from Georgia [Mr. RUSSELL] and Alabama [Mr. HILL] on Saturday to confirm my view that rule XXII is a rule of substance.

That has been repeated in substance today by several Senators.

I refer to the concession almost all the opponents of majority cloture make on frequent occasions—in fact, they make it as an argument for not changing the rule—that rule XXII has prevented the passage of legislation. They view it as harmful legislation. They concede that

the rule has prevented the passage of legislation. That it certainly has. Of course, it is their view that all of this legislation was bad and deserved its fate. But this really is beside the point. The significant fact is that this concession admits that rule XXII is a rule of substance which preserves in a minority of the Senate the power to kill legislation. This is a power—which I insist, contrary to their view—the Constitution does not allow the Senate to vest in any minority of its Members.

The final event from which I derived some comfort on Saturday was the response of the Vice President to some of my parliamentary inquiries. The Vice President did not exactly suggest that he agreed with my interpretation either of the Constitution or rule XXII—I would not claim that—but he did not state a contrary view, either.

He chose instead to exercise his prerogative not to give the Senate the benefit of his views until it was absolutely necessary for him to rule on a point of order which would be subject to an appeal to the Senate. Prior to taking this position, however, the Vice President did answer several parliamentary inquiries with respect to the vote on the motion to take up Senate Resolution 4. His answers established two highly significant points: one, that only a majority vote of Senators present and voting, a quorum being present, is necessary to take up Senate Resolution 4; and, secondly, that this has been the consistent practice of the Senate despite the fact that there is no explicit provision in the Constitution or the rules on what vote is required for such a motion. Of course I agree entirely with these particular statements by the Vice President since they tend to show that the Vice President accepts the position abundantly supported by other evidence, that except when otherwise explicitly provided in the Constitution a majority of the Senate must determine its action.

While these were all encouraging events, I do not want to give them more significance than they deserve. My argument would be the same even if the majority leader had not filed his cloture motion before the debate, and even if our distinguished colleagues had not admitted that rule XXII is used to kill legislation, and even if the Vice President had not answered any parliamentary inquiries. My argument does not rest upon anything so recent and temporal as Saturday's events. It rests rather on the fundamental law of the Nation—the greatest document of government ever devised by man—and the surest basis for measuring the soundness of any judgment affecting the body politic which I know—the Constitution of the United States.

It was the Constitution which Vice President Nixon relied upon in his classic opinion in 1957 when a similar situation confronted the Senate. He said at that time, quoting from article I, section 5, clause 2, of the Constitution, the following:

> The Constitution provides that "Each House may determine the rules of its proceedings." This constitutional right is lodged in the membership of the Senate and it may be exercised by a majority of the Senate at any time.

It is true that Vice President Nixon was addressing himself to the situation at the convening of a new Congress. But the point I make is that there is nothing in his reasoning which should apply only at the beginning of a session. As we all know, the Constitution requires a two-thirds vote to ratify treaties. Could the Senate anymore at the beginning of a session than at any other time adopt a rule requiring a unanimous vote to ratify a treaty? By the same token I say—as did Vice President Nixon—that the Constitution requires a majority vote to determine rules of proceedings—and any rule adopted at the beginning of the session or any other time altering this requirement is wholly inconsistent with the Constitution.

Actually, the situation is much clearer this session than it might be otherwise since the Senate at the beginning of this session expressly voted to refer the consideration of rule XXII to committee when proposals with respect to the rule were offered at the beginning of this session. It cannot therefore be said by anyone that this Senate has ever acquiesced in the rule. There was no occasion at any time prior to Saturday on which section 2 of rule XXII was utilized in any of the proceedings of the Senate during this session. Only if a majority of the Senate should determine to proceed in accordance with the provisions of this section tomorrow could it reasonably be argued that this Senate has acquiesced in this rule by any of its actions.

Vice President Nixon's opinion also pointed out that "any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional.

He went on to state specifically that the then section 3 of rule XXII "in practice has such an effect." Section 3 at that time expressly provided that there could be no debate limitation whatever on proposals to amend the Standing Rules of the Senate. There is no doubt from the reasoning of the Vice President in 1957, and his later comments in 1959 and 1961, however, that he held the same opinion with regard to the amended version of rule XXII which was adopted in 1959. This is most clear from Vice President Nixon's explanation of his previous opinion when he was presiding in the Senate on January 3 of this year, at which time he stated:

> What the Chair held as, in his opinion, unconstitutional was the attempt of the Senate in a previous Congress to inhibit the right of the Senate in a practical sense to get to the point where it could adopt rules by majority vote.

Indeed, the Senator from Georgia [Mr. RUSSELL] on that occasion asked specifically of the Vice President:

> So the rule which the Chair thinks unconstitutional in the body of the Senate rules is the one to be found in rule XXII?

To which Vice President Nixon replied:

> The Senator from Georgia is correct.

Mr. President, I have attempted in these remarks to make abundantly clear my views as to the procedure which the Senate must follow tomorrow if it is to act consistently with its authority under article I, section 5, clause 2, of the Constitution to determine the rules of its proceedings. It is my desire at this time to propound a series of parliamentary inquiries to the Chair so that the Senate may have the guidance of the Chair as to the appropriate procedure by which this issue may be raised tomorrow.

My first inquiry is this: If a majority vote of Senators present and voting but not a two-thirds vote is obtained for cloture tomorrow, will the Chair rule that the motion for cloture has been approved?

The PRESIDING OFFICER (Mr. SMITH of Massachusetts in the chair). The present occupant of the chair could not so rule. Rule XXII specifically provides that a two-thirds vote is required, and Vice President Nixon, as late as January 3, 1961, in response to a parliamentary inquiry, stated:

> If the Chair may further spell out the opinion: Once the Senate proceeds to conduct substantive business without acting upon its rules or after declining to act, as the Senate did at the beginning of the last Congress, then after that point the rules cannot be changed except under the rules previously adopted by the Senate, whenever they may have been adopted.

Mr. KEATING. I failed to hear the very first part of the Chair's response to my inquiry.

The PRESIDING OFFICER. The present occupant of the chair could not so rule, in answer to the Senator's question.

Mr. KEATING. In other words, the present occupant of the chair declines to state what the ruling tomorrow will be. Is that the position of the Chair?

The PRESIDING OFFICER. The Chair could not rule that a majority vote would invoke cloture.

Mr. KEATING. In other words, if I understand correctly, the Chair will rule that if a majority of Senators present and voting votes for cloture, but two-thirds do not vote for cloture, the Chair will rule that the motion for cloture has not prevailed?

The PRESIDING OFFICER. That is correct.

Mr. KEATING. The second inquiry is:

Would the ruling of the Chair be subject to an appeal to the Senate?

The PRESIDING OFFICER. The Chair will read rule XX. That is the applicable rule.

Mr. SMATHERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from New York yield for that purpose?

Mr. KEATING. Not until I have completed my parliamentary inquiries.

The PRESIDING OFFICER. The Senator declines to yield.

Rule XX reads:

RULE XX. QUESTIONS OF ORDER

1. A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate. When an appeal is taken, any subsequent question of order which may arise before the decision of such appeal shall be decided by the Presiding Officer without debate; and every appeal therefrom shall be decided at once, and without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer. (Jefferson's Manual, sec. XXXIII.)

2. The Presiding Officer may submit any question of order for the decision of the Senate. (Jefferson's Manual, sec. XXXIII.)

Mr. KEATING. I gather from that statement that the answer to the question, "Would the ruling of the Chair be subject to an appeal to the Senate?" would be in the affirmative.

The PRESIDING OFFICER. On the basis of rule XX; that is correct.

Mr. KEATING. At what point in the proceedings must such an appeal be taken and in what manner?

The PRESIDING OFFICER. Appeals must be taken at the time any such action occurs against which the point of order is made, and before any other business is transacted.

Mr. KEATING. Would the appeal from the ruling of the Chair be determined by a vote of a majority of the Senators present and voting?

The PRESIDING OFFICER. Under all practices of the Senate, appeals from the decision of the Chair are determined by a majority of those present, a quorum being present.

Mr. KEATING. The last clause of rule XXII provides that "appeals from the decision of the Presiding Officer shall be decided without debate." In the opinion of the Chair, would an appeal from a ruling of the Chair that a two-thirds vote was required for cloture after a majority vote had been obtained for cloture be decided without debate?

The PRESIDING OFFICER. Rule XXII specifies that such questions are decided without debate only after cloture has been invoked under rule XXII; prior thereto this provision is not applicable.

Mr. KEATING. So under rule XXII as now worded a decision to the effect that a two-thirds vote was required for cloture, and that it could not be invoked by majority vote, would be decided without debate. Is that correct?

The PRESIDING OFFICER. It would be decided without debate until cloture had been invoked.

Mr. KEATING. My question is—and I may not have made myself clear—if a point of order is made against the decision of the Chair that the motion for cloture has not carried, and the Chair overrules the point of order, is an appeal from such a ruling decided without debate?

The PRESIDING OFFICER. No; in that case it would be debatable.

Mr. KEATING. It would be debatable?

The PRESIDING OFFICER. It would be debatable.

Mr. KEATING. If it is the opinion of the Chair, as apparently it is, that such an appeal would be subject to debate, could such debate be terminated by a majority vote in favor of a motion for the previous question?

The PRESIDING OFFICER. If rule XXII should be held invalid, nothing would be left in the Senate rules to curtail general debate. General debate would then be unlimited. This, of course, is the case as opposed to motions to table, and the like.

Mr. KEATING. I have discussed on two occasions now, since the filing of the cloture petition, the basis for my view that section 2 of the rule XXII is an unconstitutional abridgment of the right of the majority of the Senate to determine the rules of its proceedings. It is my intention, if a majority of the Senators present and voting vote for cloture, to make the point of order that, under article I, section 5, clause 2, of the Constitution, the cloture motion has been adopted. Since the point would be academic if less than a majority or more than two-thirds of the Senate should vote for cloture, obviously I will not make a point of order under either of those circumstances.

It is my understanding that under the practice of the Senate a point of order raising a question involving the constitutionality of a Senate rule is submitted to the Senate for decision. Will the Chair advise whether that is a correct understanding?

The PRESIDING OFFICER. That is correct.

Mr. KEATING. It is also my understanding that such a point of order cannot be raised until the Chair announces the result of the vote on the motion for cloture. Will the Chair advise the Senator from New York if that is a correct understanding?

The PRESIDING OFFICER. A point of order cannot be made against a transaction until it has occurred.

Mr. KEATING. Let us say specifically that more than 50 Senators vote for cloture, but less than two-thirds, and the Chair announces that the motion for cloture has failed. Must the point of order be made at that point?

The PRESIDING OFFICER. The point of order would have to be made at that point.

Mr. KEATING. It cannot be made before that?

The PRESIDING OFFICER. It cannot. It is a moot question prior thereto.

Mr. KEATING. I thank the Chair. I ask the indulgence and the patience of the Chair just a little further.

Finally, it is my understanding that the point of order cannot be raised if business is transacted between the time the Chair announces the vote on the motion for cloture and the time the point of order is made. Will the Chair advise whether that understanding is correct?

The PRESIDING OFFICER. That is correct. Business may not be transacted between the two events.

Mr. KEATING. I desire to advise the Chair that I intend to raise a point of order if the conditions I have outlined should develop tomorrow, and I shall be on my feet for that purpose when the vote is announced. I am confident, therefore, that the Chair will recognize me to make the point of order after the vote has been announced, so that that opportunity will be afforded before the Senate transacts any other business.

Mr. President, in conclusion, there is only one point I wish to emphasize. My object in this debate is not to curb the right to full debate in the Senate. I would be the first to defend the right of full debate in the Senate. On the contrary, the amendment which is offered by my cosponsors and myself would provide far more debate on far more equitable terms than does the present rule XXII. Thus, instead of 2 days before a vote on cloture, our amendment provides 15 days before the vote, and, instead of 1 hour of time for each Senator after cloture, our amendment gives the minority a full 50 hours of debate—the same as for the majority—no matter how small in number the minority may be. The only objective of our amendment is to restore the right of a majority of the Senate to act after full debate—a right which I believe derives directly from the Constitution and which I regard as essential to every principle of republican government and democratic procedure.

This is a critical issue, in my opinion, and the rulings of the Chair may be of decisive importance in determining whether the Senate is to have an opportunity at this session to work its will on this subject. It is for this reason I have taken the time of the Senate to discuss this issue again before tomorrow's crucial votes. It may not be possible to have a further opportunity to do so under the procedures tomorrow, so I am very grateful to the present occupant of the chair for the courtesy and patience with which he has indulged me.

Mr. JAVITS. Mr. President, will my colleague yield?

Mr. KEATING. I yield.

Mr. JAVITS. Will the Senator, within the context of his statement today, make the distinction which he made on Saturday, that is, with direct reference to the point of order and the procedure which the Senator has developed in his parliamentary inquiries, between the situation which will face us tomorrow on the vote on the cloture petition and the situation which faced us at the opening of this Congress, in January 1961, and the advisory views expressed then by the then Vice President? Will the Senator spell out for us, as he sees it, whether the situation presented under parliamentary law is the same or is different?

Mr. KEATING. As I said the other day—and I appreciate the Senator's bringing it up again, because the point should be made clear—the issue raised by the Vice President's ruling is quite separate and distinct from the point

which I am making here. The Vice President's ruling was limited solely to the situation at the beginning of the session. It needed only to be limited to that; otherwise it would have been what we lawyers call dictum. He did not, in any way, pass upon the issue which will be raised by the point of order against a ruling by the Chair that a two-thirds vote was necessary to impose cloture.

Mr. JAVITS. I thank the Senator for making that distinction, because I think it is extremely important that, whatever may be the result of tomorrow's proceedings, it should not be deemed to preclude a procedure similar to that which was undertaken at the opening of Congress—my colleague said "session"; I think he meant "Congress"—in 1963, when we shall again be presented with the same situation, and would not wish at a different time, and under different circumstances, to be precluded in any way from considering or having Senators argue that there is a precedent in whatever action may be taken by the Senate tomorrow.

Mr. KEATING. In my judgment, this would in no way preclude that and would have no bearing on such a proceeding then.

Mr. JAVITS. I appreciate the Senator's making that point clear. I know the Senator is as interested as I am or as any other Senator is in having that distinction widely understood. This is the time to do it.

I ask the Senator whether in his parliamentary inquiries he has asked whether the Chair would rule upon such a point of order, or whether in raising a constitutional question it would, under the precedents of the Senate, be directed to the Senate without a ruling by the Chair on it.

Mr. KEATING. I did ask that question. I am informed that, under the precedents of the Senate, a constitutional question would be submitted to the Senate, and the Chair would not rule on it.

Mr. JAVITS. I thank the Senator.

Mr. President, I had in mind earlier in the day speaking a word about the situation which faces us because of the tragic developments with respect to the decease of Dag Hammarskjold. I have made a statement to that effect for the RECORD. So, for the moment at least, I shall not deal with the subject further. However, as we near a conclusion of the debate as to whether rule XXII shall be amended at this time, I wish to make a very brief reference to that situation and to the situation which we shall face tomorrow.

First, I emphasize the point just made with my distinguished colleague from New York [Mr. KEATING], who is presenting us with a novel and challenging legal question for decision tomorrow. He has indicated that there is a very clear distinction between what we shall be doing tomorrow and the situation in which we find ourselves at the beginning of a Congress. I shall be prepared, because I have analyzed the precedents and the legal briefs which were available to the then Vice President in January, and are still available to all of us, to discuss that point further tomorrow in direct connection with the consideration by the Senate of the question and the point of order.

Second, Mr. President, the other day there was considerable debate about the declaration made by a number of Republican Senators and a number of Democratic Senators in regard to the timing of this particular operation, with a strong assertion that this timing is not of our choosing, and that it is unfortunate in terms of not affording the best opportunity to amend rule XXII. I wish to reiterate that as part of our case.

Most important, however, and far above and beyond these procedural matters, I should like to state, further, what to me seems the critical element involved here; namely, that here we are dealing with a means by which civil rights legislation is frustrated by Senators who, as I developed the point on Saturday, consider any particular civil rights measure unacceptable, for whatever reason—whether because they think it includes too much, or because they think it not sufficiently inclusive, or for whatever other reason—and who therefore find the procedure for debate under rule XXII most congenial as a means to help defeat or curtail what clearly ought to be civil rights legislation, in view of the needs in connection with the situation presently existing in the country.

Mr. President, I should like to emphasize the implicit inhibition provided by the present rules for debate, which are so conducive to the type of filibuster which can at least inhibit and curtail, when it cannot prevent, the enactment of such urgently needed measures; and I also wish to call the attention of the Senate to the character or type of measure which often is at stake in connection with extended debate, as it is euphemistically called here, and which also suffers from the filibuster threat, which—as has been stated time and time again—is by no means confined to civil rights legislation, because until 1933 no civil rights legislation was involved in any of the measures against which the filibuster was used. From 1933 on, when it began to be used against some civil rights measures, it also was used against the British loan, against a bill relating to labor disputes, and against the Atomic Energy Act, as I have mentioned, in 1946 and in 1954. In addition, we know how very often bills are amended or amendments are accepted or other accommodations are made when it is known that unless that is done the filibuster weapon will be used.

Mr. President, this is an overhanging ogre of the Senate; and it is completely inconsistent with the demands of modern times and the need for a precise decision with which we are faced in connection with measure after measure.

So, Mr. President, if rule XXII is finally meaningfully amended, it will represent not only a reform of archaic rules of this body, but also will represent, as it were, the opening of this Chamber to the light of the modern day and to the influence of the modern day, in a constructive and a useful way which should be typical of a republic, rather than to enable mere rules of debate to frustrate what should be done in the interests of the country.

Finally, Mr. President, there has been so much talk about "gag" rule in regard to rule XXII and the allegation that Senators like myself are trying to inhibit or "gag" debate, that I should state that the proposal we shall put before the Senate involves, in the first place, 15 days of debate. As has been observed in connection with such debates time and time again, the Senate is always very reluctant to close debate until there has been very full debate which would satisfy anyone who was at all reasonable in his desire to have a full exposition of the subject at issue. Furthermore, even if cloture be invoked, there still will be 50 hours available to both the proponents and the opponents; and in view of the way the Senate usually proceeds with debate on a particular issue, with perhaps 5 to 6 or 7 hours a day, 50 hours will mean, in round numbers, approximately 1 week or 10 days of debate, plus the 15 days also provided by the rule for which we contend.

Furthermore, the other day we were told by the distinguished Senator from Georgia that this effort is but an opening wedge in an attempt to deprive Senators of the right of amendment. Mr. President, that argument is often made by the opponents of such measures here. But, of course, if the Senate does not like any proposed rule or any other proposed change, the Senate does not have to adopt it. We shall not be simply surrendering our prerogatives if we finally bring ourselves to act in accord with reality, under rule XXII, instead of vesting an unusual amount of power in a small minority of this body—which, for all practical purposes, is the present situation.

So, Mr. President, there is a rule of reason in connection with this effort at long last to unlock the door of this Chamber to the needs and the urgent demands of the national interest in modern times.

Perhaps the most conclusive proof of the fact that what we are proposing is not very drastic at all is to be found in the fact—as set forth in the report on the pending measure, Calendar 852—that, if our proposal should prevail, in other words, that debate may be closed, after 15 days, subject thereafter to a 100-hour-debate rule, by a constitutional majority of the Senate—history demonstrates that in only 9 times out of the 23 in which cloture has been sought would there have been success in the attempt to effect cloture.

Mr. President, under the existing rule, on only four occasions has there been a successful effort to invoke cloture; and there has been no success in connection with such an effort since 1927.

It seems to me that that fact alone—no cloture during the last 34 years—demonstrates, first, that the present rule is unduly oppressive and restrictive and operates against the best interests of a lawfully constituted constitutional body of this sort, and has the real capability of frustrating proposed legislation urgently needed in the public interest and the national interest; and, second,

that the amendment of the rule for which we contend would have resulted in cloture in connection with far less than half of all the measures to which cloture was sought to be applied during all those years, going back to 1919. Thus, it is clear what we propose is not only a moderate approach, but, indeed, as I believe, is a conservative approach and that the proponents of it are not seeking anything drastic.

I believe that the arguments about "gag" rule and about inability to make amendments and all the other "scare" arguments presented here are, in light of the facts, dissipated by the sheer reason and logic of what is here being attempted, which, I submit, in the light of history and in view of the cases to which it could have been applied is shown to be a moderate proposal.

So I express the hope that tomorrow the Senate will, at long last, by appropriate procedure assert itself as a body intending to meet such grave emergencies as those we now have to meet—including the one which has arisen only today, as a result of the very untimely and tragic death of Dag Hammarskjold; and also the situation in regard to Berlin, an area of such grave crisis for us, which may very quickly be affected by whatever governmental shift takes place in the Federal Republic of Germany as the result of yesterday's election; and also the endemic problems of Laos, other parts of Asia, the Near East, and Latin America.

I therefore believe—and I close upon this note—that we are waging a battle which is urgent in the highest national interest, and in which we have an opportunity to make progress. Though we do not believe it is the best opportunity, it is still an opportunity to be availed of; and, together with my colleagues who feel as I do, we have pledged ourselves to stay here and to do our utmost to make use of this opportunity, which we do not consider the best, but, nevertheless, is as good as can be had at this time.

Therefore, I am hopeful that the Senate, having the opportunity, will tomorrow take the action which the national interest so urgently requires, and will liberalize rule XXII so that it will come somewhere within the rule of reason. I emphasize the fact that the liberalization we propose is, based on the history, a conservative one, rather than one which is liberal or radical.

Mr. President, I yield the floor.

SYMPTOMS OF PLANNED DESTRUCTION

Mr. MUNDT. Mr. President, my colleague in the House, South Dakota's distinguished and courageous Congressman, E. Y. BERRY, addressed the national meeting of the Liberty Lobby last Saturday in Chicago. Topic of his address was "Symptoms of Planned Destruction."

Congressman BERRY shared speaking honors with South Carolina's hard-hitting, clear-thinking Congressman WILLIAM J. BRYAN DORN who, like BERRY, credited the congressional conservative coalition of southern Democrats and rural Republicans with slowing down the drive toward the welfare state and with stopping some of the most excessive extravagances of the New Frontier.

Both speakers indicated that the folks back home can get the kind of government they want in Washington and that they always receive the type of government which they deserve. Both speakers pointed out that when the day comes that conservatives at home and those desiring a return to thrift and economy in Government organize themselves across party lines to support candidates pledged to economy and dedicated to a reduction in the growing size of Government it will quickly and surely be possible in Washington to restore sanity and solvency to the national scene.

In the final analysis, waste and the zest for personal and political power do not originate in Washington; rather they result from indifference, apathy, greed, or the failure of individual voters to overcome partisan prejudice in their thinking so that they will rise above party loyalties to vote and work for public officials whose performance in Washington will be in harmony with the basic economic, political, and social policies of the folks who pay the taxes and keep the home fires burning. Only a change of heart and a change of voting habits by the home folks will consequently correct the errors of our times.

I ask unanimous consent that Congressman BERRY's address appear at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SYMPTOMS OF PLANNED DESTRUCTION

Mr. Chairman, distinguished guests, we the people, and we of the Liberty Lobby, it is a great privilege for me to be here and to have the opportunity of speaking to this wonderful gathering of conservatives from all over the Nation. We have here conservatives of both political parties who are interested, not primarily in one party, one faction, or one group, but rather in the preservation of a way of life—a way of life that has brought more good things to more people than any other way of life that has ever been conceived.

It is interesting to be in Chicago tonight. Coming in this afternoon we heard on the news that some crook had broken into the Cook County Courthouse and had stolen the returns for the next election.

Congressman DORN and I were not too sure we were going to be able to get out of Washington in time to be here tonight. The way Congress has been operating reminds me of the time several years ago when one of the Members was returning by train to Washington. The train stopped at a commuter station and the sheriff got on with about 15 people. There had been a break at the State mental institution; the sheriff had rounded them up and was bringing them back by train. The conductor counted his tickets and then counted the crowd who were seated throughout the car. He counted, "One, two, three, four, five." Coming to the Congressman, he said, "Who are you?" He replied, "I'm a Congressman from such-and-such a State." The conductor counted him in—"six, seven, eight, nine, ten."

No; it is not absolutely necessary to be crazy to be a Member of Congress, but the longer I'm in Washington the more I'm convinced it helps. You should have the opportunity to sit in the gallery down there and see the crazy ways they spend your money. You would think it is going out of style the way they are trying to get rid of it. Probably they are right. At this rate, there won't be any to be in style before very long.

But there is another reason why I'm particularly happy to be here tonight, and that is in having an opportunity to appear on the same program with my good friend from South Carolina, BRYAN DORN. BRYAN is not only one of the great conservatives of the Nation, but he is likewise one of the outstanding statesmen of the Nation, and, fortunately for all of us, he is one of the most able speakers in the Nation. I say to you, my friends, you are in for a treat tonight—as soon as I have finished—because you will hear from this great southern Jeffersonian Democrat, a Democrat who believes in constitutional government. This man has not left his party; his party has left him.

While BRYAN and I are elected from different political parties, we serve the same political faith. We are elected and serve the same great Nation. Of course, we both come from the South—the Deep South—he from South Carolina and me from South Dakota.

Tonight, BRYAN will talk to you about the conservative coalition. I want to talk to you about the symptoms of planned destruction of the free enterprise system in America. I will cover the cause—he will cover the cure.

During the 30-odd years I have served in public life in one form or another, I have come to the realization of the Socialists, or welfare staters as they prefer to be called, have but one basic purpose in mind, and that is the centralization of all Government in Washington. This is the most insidious, the most dangerous thing that is happening to the American people today.

When Khrushchev said he would bury us, he was crazy as a fox. We have the shovel. We are burying ourselves. If Khrushchev has any brains, he will just do a Rip Van Winkle and let us do the rest.

We are not fighting communism—we are promoting it. We are promoting it by political spending and by forcing our people into economic dependence upon Washington through unfair import competition, driving our farmers, our factories, our mines out of business, and our labor out of jobs, while Washington salves the idled with doles and subsidies and grants. This is what I refer to as planned destruction.

The present administration and the radicals who surround it are imbued with a philosophy that has come down to us from the medieval ages. That is the philosophy that the people are too stupid to make their own decisions, to spend their own money, and that, therefore, it is the obligation of the Central Government to take their money away from them and then to give it or loan it back to them to spend under Government direction.

Men who are advising the President have made statements that if implemented into law and public policy will bring an end to self-government as you and I know it. They contend that the people have too much money, that they are spending it foolishly on cars and clothes and TV sets and boats and personal pleasure—on "personal indulgence," as Mr. Kennedy called it. I suppose he dreamed up that phrase while he was on his luxury yacht off Cape Cod.

But their policy is to take our money away from us and spend it for us. Arthur Schlesinger, one of the top Socialists in the New Frontier, said, "There are new and potential sources of taxation we haven't even explored yet." You thought they had gotten to us about every way they could.

The fact is that even now, with these untapped "new frontiers" of taxation, the average American is turning in twice as much to the Federal Government in taxes as he

is spending on food. He works 1 hour and 39 minutes each day to pay his food bill, and 2 hours and 29 minutes to pay his tax bill.

I said it was the New Frontiersmen who were harking back to the medieval ages. Back in the middle ages of our Anglo-Saxon society, it was the king and his court who made all the decisions in that society. I seem to see a striking resemblance between the king and his court and the bunch who are running Washington today. I see in this revitalized medieval program one of the symptoms of planned destruction of our free enterprise system.

But even worse than all this is the insidious method being used to force dependence upon the centralized Government in Washington. We hear a great deal about the farm problem, about the depressed areas, about pockets of unemployment, and last fall we heard a lot about the 17 million people here in the United States who were going to bed hungry every night.

But, let me tell you, my friends, there is no farm problem. There is no depressed areas problem. There is no mining and mineral problem, and there is no problem of excessive unemployment, except as these problems are either purposely or intentionally created by the planners of destruction of this Nation through unfair and unequal and unjust import competition.

I said, there is no farm problem. By that, I mean there is no farm surplus as such, if the American farmer were permitted to raise and market just a major part of the food and fiber that goes onto the tables of the American people and upon their backs. We don't have acres enough today to produce it.

The problem is that these same planners in Washington can only make the farmer dependent upon the Central Government in Washington if they can enforce rigid controls upon his production. To accomplish this, they are constantly reducing import duties, quotas and tariffs. They are enticing agricultural imports into this country, in order to create an agricultural surplus so they can keep the farmer under the heel of the bureaucrats, and so they can make him dependent, if you please, upon the Central Government in Washington.

Permit me to explain briefly what I mean. During the past 10 years farm support programs have cost the American taxpayer about $26 billion. During the same period we imported agricultural products valued at nearly $42 billion.

While this was going on, we piled up in Government storage 1.1 billion bushels of wheat, 1.4 billion bushels of corn, 2.6 million pounds of tobacco, and about 336 million pounds of butter, cheese, and dried milk, to name just a few. Those are valued in Government inventories at $5.8 billion.

In 1960 we imported live, or the carcass equivalent of, 1,504,000 head of beef, 1,341,000 head of hogs, 1,105,000 head of sheep and lambs.

It is difficult to determine just how many acres are required to produce a beef or a lamb or a hog and put it on the market. The Department of Agriculture estimates, however, that nationwide it requires the production of about 20 acres to put a beef on the market. In other words, the 1,504,000 head of beef which were imported last year supplanted the production of about 30 million American acres. The entire national wheat base is only 55 million acres. There isn't a wheat farmer in America who wouldn't change his production from wheat to beef if he had the opportunity.

I have been unable to obtain a national average of the acreage production on hogs and sheep, but 2½ million head supplanted the production of a good many thousand acres of good farmland in this country.

Sugar imports last year supplanted the production of 1,380,000 acres. Until 2 years ago 1 million of those acres came directly from Cuba. When they took the sugar quota away from Cuba, do you think they gave it to the American farmer? They did not. They divided it among the other foreign countries of the world, paying a premium on these imports, if you please, of 3½ cents per pound over the world market in order to keep the American farmer from picking up that acreage.

It is conservatively estimated that it would require the annual production of from 50 to 75 million acres to produce the wool that is imported for use in this country. We raise only one-third of the wool that is used in this country—the balance is imported. Our farmers can produce a better grade of wool than any that is imported, yet we have to have a Brannan plan program to keep the American woolgrower from being completely forced out of business by this unjust, unfair foreign competition. Does anyone think these 50 to 75 million acres would not go a long way toward solving the so-called farm problem?

The bulk of the feed grains, other than corn, that we have in Government storehouses today has been imported. Our disappearance of feed grain over the past 10 years has been greater than our production, and yet you as taxpayers are paying some $20 million a year to store what is termed "surplus" feed grains. It is surplus, to be sure, but not a surplus created by the overproduction of the American farmer. It is created by imports.

Oh, yes, the bureaucrats tell you that our agricultural imports amounted to only $4½ billion last year and that our agricultural exports amounted to about $4½ billion and that, therefore, the American farmer is exporting as much as is being imported. But, remember this, a large portion of our agricultural exports were either given away under Public Law 480 or are very highly subsidized in order to get rid of them at all, and every dime of agricultural imports comes into this country at full market price. They go onto American tables and onto Americans' backs in full competition with the production of the American farmer.

Millions of American acres are idled by these imports and the American farmer is required to reduce his production to make room for them. Why is this being done? It is being done, my friends, so they can place the American farmer under strict, rigid controls and regulation. This is part and parcel of the overall program of Government regimentation—another of the symptoms of planned destruction.

What about American mines? Most of our miners are out of business, as our farmers soon will be. The only way our mines can operate is under a subsidy program to meet the added cost of domestic production. The only gold mine still operating in this country today is the Homestake Mine of South Dakota, and they can't last long selling their product at the 1934 price level—another symptom of planned destruction.

What about depressed areas? There is no such thing, except insofar as industry in these areas has been put out of business by cheap foreign imports. And, what is the program to meet this situation? Is it some kind of an import tax or tariff on competitive foreign imports? It is not. The Federal Government is going into those areas with subsidies to industries and with grants and doles and relief for the unemployed labor.

Yes, the 17 million people who were told last fall they were going to bed hungry every night have had their jobs stripped from under them by cheap foreign imports. And we have only seen the beginning if GATT, the international organization known as General Agreements on Tariffs and Trade, is to continue setting our tariff rates for us. This is another symptom, if you please, of planned destruction.

American farms, American mines, and American factories can meet foreign competition if given an opportunity to do so on an equal basis, but they can't hope to do it on the unequal basis that the bureaucrats in Government and the New Frontier are imposing upon them. They can't compete with planned destruction.

If it were just the difference in the standard of living, our people could meet that differential through greater efficiency of industry and labor. But the big problem is that America is spending some $50 billion every year for defense. For the defense of whom? Not for the defense of America alone, but the defense of the entire free world.

The per capita cost of that defense must be added to the sale price of everything that is produced and manufactured in this country. How can American agriculture, American mines, and American industry expect to add $265, the per capita share of defense, to the cost of their production and still compete with foreign production? How can the American farmer add that defense bill to his beef or wool and still compete with the farmer from Australia or South America? How can the American miner add that defense bill to his minerals and still compete with the miner from India or South Africa, especially when their labor is being fed with free surplus food from America, paid for by this same American taxpayer? How can American textiles compete with textiles from Japan when we sell our raw cotton to them at 8 cents per pound cheaper than we can sell it for domestic use and then reduce our tariffs so the finished product can be shipped back here virtually duty free?

Would it not be fair to ask these people to contribute something to their own defense? Of course, we cannot levy a tax against those countries to compel them to contribute directly, but we could compel them to pay their pro rata share of that defense cost, at least on the goods and production they export into this country. It can be done. Some kind of an import tax or import duty can be levied upon the sales they make to the American public at the point of entry.

This, of course, is not the plan of the welfare staters. Their plan is to further reduce our people to a state of dependency upon the National Government. This has already been accomplished to the extent that many of our people, who are out of work and out of production because of foreign imports, now think it is the function of the Federal Government to afford them a minimum standard of living.

The morale of our people is being broken. They are turning to the Federal Government—not necessarily from choice, but from necessity. We are exchanging individual initiative and individual desire for security.

The Fabian-Socialist plan is producing results. The Keynesians and the one worlders, the New Dealers, and the New Frontiersmen are beginning to reap the harvest of their insidious plans.

American people are being brought to their knees by planned destruction through excessive spending, excessive taxation, and excessive foreign imports. The problem must be attacked now and it must be attacked at its roots. You who believe in America and the preservation of the free enterprise system must redouble your efforts to remove this cancerous growth before it is too late.

There is an old French folk tale about a small village which had just been assigned a new priest. The villagers decided that each would bring some wine to be put into a large barrel which would be presented to the priest. The village blacksmith, being a wise and

frugal man, decided that since the rest were bringing wine he would bring water. No one would know the difference anyway. So when it came time to put the contents of his jug into the barrel, he poured in the water. The time came for the big presentation and when they turned the spigot on the barrel, out came pure water. All the villagers had been wise and frugal—each had depended upon others to do the job.

If you as conservatives fail in your task, if you leave the job to someone else, if you permit them to dilute our wine of energy with the water of apathy, this Nation is with certainty headed for statism.

If they can dilute our currency, if they can destroy the moral fiber of our people by wrapping the tentacles of bureaucracy around each of us, if they can supplant our industry, our labor, our farms and our mines with cheap foreign imports, then they will have accomplished their purpose and this Nation will have been destroyed, not from without, but from within.

An enemy country could lay waste our cities, our factories, our mines, and our farms, and in a generation we could rebuild them; but if our free institutions are destroyed and the morale and the desire to be free is drained from our people, then the generations yet unborn will live in a state of absolutism.

Let us as conservatives, who believe in the principles of Franklin and Jefferson not as Republicans or Democrats, but as Americans who recongize that the threat of destruction from within is much more devastating than even the threat from without—let us go forth now with the resolve that we shall turn them back at the polls in 1962 and again in 1964. Time, my friends, is running out.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

JOINT RESOLUTION INTRODUCED

A joint resolution was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HART (for himself, Mr. COOPER and Mr. CLARK):

S.J. Res. 139. Joint resolution to authorize the President of the United States to award a medal to Dr. Gordon S. Seagrave; to the Committee on Banking and Currency.

(See the remarks of Mr. HART when he introduced the above joint resolution, which appear under a separate heading.)

AWARD OF MEDAL TO DR. GORDON S. SEAGRAVE

Mr. HART. Mr. President, we all admire qualities of greatness in a man, and doubly so when this greatness is coupled with a worthwhile humanitarian cause. It is my privilege today to propose appropriate recognition to such a man—a dedicated teacher, an accomplished physician and surgeon, and, most significantly, an effective ambassador of American basic liberties—Dr. Gordon S. Seagrave.

Known to millions as the Burma surgeon, this American citizen has dedicated his life to skillfully ministering to his fellow men. While concentrating on curing bodily ills and raising health standards in Burma, his adopted country, by example he has successfully stamped out the stigma of the "ugly American." With determination and purpose, Dr. Seagrave has won millions of supporters for freedom.

A brief look at Dr. Seagrave's life is the best indication of his import and impact in southeast Asia.

Operating under both physical and financial handicaps, Dr. Seagrave has built a medical center, which has served hundreds of thousands of persons throughout the years. From one wooden shack, his hospital facilities have grown to include four hospital buildings, a nurses' residence, staff houses, a laboratory, and a storage house. Each year this hospital treats approximately 10,500 outpatients and 6,000 inpatients.

Since 1923 Dr. Seagrave also has trained some 700 Burmese girls as nurses, all who have completed a difficult 4½-year course in elementary medicine, obstetrics, and nursing. These graduate nurses in turn train village girls to assist in health centers in remote areas of Burma.

A graduate of Denison University and the Johns Hopkins School of Medicine, Dr. Seagrave was born in Rangoon, Burma, in 1897, the son of Christian missionaries. Upon completing his internship he immediately returned to Burma with his wife and baby daughter. There since the early twenties he has operated under adverse conditions but always moving forward to his goal of a complete medical facility for persons of the area.

During the Second World War he served in the U.S. Army and became renowned throughout the world for his service in the China-Burma-India theater. He and his nurses marched with Gen. Joseph Stilwell and his troops through the jungle during retreat and back again during the Allies' recovery. His hospital unit, since rebuilt, was bombed out during the Japanese occupation.

Dr. Seagrave fully recognized the dignity of the human person, ministering both to the body and the mind. For nearly 40 years he has followed the principles underlying President Kennedy's Peace Corps. An inspiration not only to our young people, but to all Americans, he is one who has spent his life "doing" for his country. It is appropriate then for his country to recognize his efforts and accomplishments by providing a medal for him—a medal as a symbol of our appreciation to him and the many others like him who are so ably representing the United States to our neighbors throughout the world.

For this purpose, on behalf of myself, and the Senator from Kentucky [Mr. COOPER], and the Senator from Pennsylvania [Mr. CLARK], I introduce, for appropriate reference, a joint resolution to authorize the President of the United States to award to Dr. Seagrave, in the name of the Congress, a gold medal.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 139) to authorize the President of the United States to award a medal of Dr. Gordon S. Seagrave, introduced by Mr. HART (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

Mr. HART. Mr. President, I ask unanimous consent that an article entitled "Kennedy Honors Burma Surgeon," published in the New York Times of September 15, 1961, and an editorial published in the same paper of September 16, 1961, be printed in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 15, 1961]

KENNEDY HONORS BURMA SURGEON

President Kennedy has commended Dr. Gordon S. Seagrave for his humanitarian services in Burma, the American Medical Center for Burma, Inc., here, said yesterday.

Dr. Seagrave will begin his 40th year of service this autumn at his "hospital in the hills" in northern Burma, just 2 miles from Communist China.

President Kennedy said the physician had "become a symbol to the entire world of the American tradition of humanitarian service abroad."

The Presidential letter of commendation was forwarded to Dr. Seagrave by John Scott Everton, U.S. Ambassador to Burma.

[From the New York Times, Sept. 16, 1961]

BURMA SURGEON

For 40 years Gordon Seagrave has been a missionary doctor in Burma. With little reward except the satisfaction of serving others, he has saved countless lives and relieved the sufferings of many thousands of human beings.

During the Japanese war he and a loyal, irrepressibly cheerful contingent of Burmese nurses were on protracted front-line duty with Allied forces in Burma treating the wounds and sicknesses of a dozen different nationalities. Today his hospital in the remote Namkham hills of North Burma, supported by contributions from the United States, ministers to more than 15,000 individuals a year.

President Kennedy has appropriately sent a personal letter of commendation to Dr. Seagrave at the beginning of his fifth decade as this country's famed "Burma surgeon." No other American in his field is more deserving of such recognition. Now 64 and often in ill health, Dr. Seagrave devotedly carries on a career that is the best representation the United States could have in his part of Asia.

NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

John A. Rowland, of South Carolina, to be U.S. marshal for the eastern district of South Carolina for the term of 4 years vice Dallas A. Gardner, Jr.;

Thomas L. Robinson, of Tennessee, to be U.S. attorney for the western district of Tennessee for the term of 4 years vice Warner Hodges; and

Thomas M. Dugan, of New York, to be U.S. marshal for the eastern district of New York for the term of 4 years vice Joseph Stockinger.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee before Friday, September 22, 1961, any representations or objections they may have concerning the above nominees, with a further statement whether it is their intention to appear at any hearings which may be scheduled.

NOTICE OF HEARINGS ON CERTAIN JUDICIAL NOMINATIONS

Mr. HART. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Friday, September 22, 1961, beginning at 11 a.m., in room 2228, New Senate Office Building, on the following nominations:

Luther M. Swygert, of Indiana, to be U.S. circuit judge, seventh circuit, a new position; and

Wade Hampton McCree, of Michigan, to be the U.S. district judge, eastern district of Michigan.

At the indicated time and place persons interested in these hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from Colorado [Mr. CARROLL], the Senator from Hawaii [Mr. FONG], and myself as chairman.

RECESS TO 11 A.M. TOMORROW

Mr. SMATHERS. Mr. President, in accordance with the previous order, I move that the Senate stand in recess until tomorrow at 11 a.m.

The motion was agreed to; and (at 8 o'clock and 12 minutes p.m.), under the order previously entered, the Senate took a recess until tomorrow, Tuesday, September 19, 1961, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate, September 18 (legislative day of September 16), 1961:

FEDERAL POWER COMMISSION

Charles Robert Ross, of Vermont, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1964, vice Frederick Stueck, deceased.

IN THE COAST GUARD

The following-named persons to be chief warrant officers, W–4, in the U.S. Coast Guard:

Hudson M. Cooper	Emile J. Dreuil
Edmond S. Handor	Augustus R. Mackriss
Thomas R. Warren	Rudolph Grady
Cecil E. Phillips	Thomas J. Kiernan
Robert H. Doyle	Harold M. Schiffbauer
Gale T. Blundell	Lloyd M. Probst
Louis Sandler	Frank J. Macedonia
James B. Gaffney	Roscoe Smith
Harold M. Ball	John H. Elliott

The following-named persons to be chief warrant officers, W–3, in the U.S. Coast Guard:

Alvin R. Rutz	Raymond J. White
Karl V. Macklin	John H. Forbing
Carl A. Simon	Burton B. Watkins
Raymond C. Buday	Donald H. Bangs
Richard R. Spencer	Herman J. Lentz
Boyd M. Smith	John C. Horton
Frank E. Smith	William O. Caverly
Albert Solberg	William T. Dickinson
Joseph W. Ellis	Starr C. Burgess
Henry T. Hutchins	Osborne Estelle
Harold A. C. Duchene	Carl F. Michael
Henry N. Marsh	Frank B. Wright
Herman H. Korf	Wendell M. Cahill
Earl R. Gard	Michael O'Connell
Norman W. Zeick	

The following-named persons to be chief warrant officers, W–2, in the U.S. Coast Guard:

William L. Taylor	Robert W. Oviatt
Paul R. Saylor	Harold F. McPherson
Laurin J. Wiersema	Chester R. Brooks
Ivey N. McClure	Robert H. Piper
Joseph A. Kalczynski	Earl F. Hauser
Wayne Kangas	Sam Haas, Jr.
Francis J. Taddei	Herbert M. Collins
Homer T. Austin, Jr.	Melvin W. Ellis, Jr.
Andrew L. Holeman	H. V. Parkin III
Delaney J. Elliott	Herbert W. Bagg
John H. Lee	Valentine Gaida
Marvin L. Olson	

SECURITIES AND EXCHANGE COMMISSION

Manuel Frederick Cohen, of Maryland, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1963, vice Edward N. Gadsby, resigned.

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

To be surgeons

F. Gentry Harris
Ray H. Hayes

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

To be senior surgeons

William Y. Chen	Alan L. Klein
Walter C. Clowers	Leon Sokoloff
Charles M. Grace	Patrick J. Sullivan
Robert F. Hansen	George N. Wagnon
Charles E. Horner	

To be surgeons

John D. Egan
Henry M. Gelfand
Lyman C. Wynne

To be senior dental surgeons

Albert C. Adams	Oscar B. Tate
Paul N. Baer	Gerson Wasserman

To be dental surgeons

William O. Engler
Colie H. Millsap, Jr.

To be senior sanitary engineers

Israel Bernstein
Norman E. Tucker
Charles L. Weaver

To be sanitary engineer

Clarence E. Cuyler

To be senior scientist

Joseph H. Schubert

To be scientist

Norman A. Clarke

To be sanitarian

John H. Fritz

To be veterinary officer

Winston M. Decker

To be nurse officers

Margret F. Carroll
Germaine S. Krysan
Bernadette T. Mesi

To be dietitian

Merme Bonnell

To be health services officers

Delbert L. Nye
Rachel S. Simmet

POSTMASTERS

The following-named persons to be postmasters:

ARIZONA

Marion L. Massey, Jr., Claypool, Ariz., in place of J. S. Raymond, retired.

R. Odie Shipp, Miami, Ariz., in place of H. P. Williams, retired.

Helen B. Roberts, Sedona, Ariz., in place of F. F. Tanner, retired.

ARKANSAS

W. Hugh Hudson, Blytheville, Ark., in place of R. S. Stevens, retired.

Norman J. Cox, Bradford, Ark., in place of H. A. Whitley, retired.

CALIFORNIA

Rose E. Tacherra, Bolinas, Calif., in place of E. S. Hamilton, deceased.

Rosalind M. Marshall, Hoopa, Calif., in place of E. C. Marshall, retired.

Katherine L. Coe, Loomis, Calif., in place of R. E. Horton, deceased.

Harry M. Overly, Novato, Calif., in place of J. M. Morris, resigned.

Ralph S. Colonell, San Diego, Calif., in place of W. E. Krenning, removed.

Richard Manfredi, Sanger, Calif., in place of Robert deJournel, deceased.

Henry Heynen, Sausalito, Calif., in place of T. M. Bradley, retired.

Frank Ledesma, Soledad, Calif., in place of W. C. Barry, resigned.

Venore M. Deisman, Strathmore, Calif., in place of L. B. Wallace, retired.

COLORADO

Manuel T. Lovato, Saguache, Colo., in place of E. M. Fuson, retired.

Robert B. Mitchell, Salida, Colo., in place of W. W. Wieck, transferred.

CONNECTICUT

Stanley B. Gregory, Cannondale, Conn., in place of R. S. Gregory, retired.

Ruth C. Soracchi, Columbia, Conn., in place of L. W. Beck, retired.

GEORGIA

Guy D. McKinney, Ball Ground, Ga., in place of G. D. McKinney, resigned.

Charles A. Smith, Chamblee, Ga., in place of E. G. Pierce, retired.

J. Stacy Roberts, Elberton, Ga., in place of L. A. Adams, retired.

Ferrell E. Carter, Pearson, Ga., in place of M. E. Harrell, retired.

ILLINOIS

Frank P. Yost, Godfrey, Ill., in place of H. E. Calame, retired.

Henry W. Roehrkasse, Red Bud, Ill., in place of A. H. Brandt, retired.

Walter D. Stephens, Rushville, Ill., in place of H. F. Markell, retired.

Leonard M. Koeberlein, Saint Elmo, Ill., in place of P. E. Ball, retired.

Harold G. Minor, Windsor, Ill., in place of D. M. Wallace, resigned.

INDIANA

Noel A. Booher, Albany, Ind., in place of F. E. Sheller, transferred.

John F. Johnson, Beech Grove, Ind., in place of Mary Rutledge, resigned.

KANSAS

Mildred L. Staats, Coats, Kans., in place of G. E. Harville, resigned.

Lois M. Bleidissel, Scranton, Kans., in place of S. P. Bell, resigned.

KENTUCKY

David S. Miranda, Ashland, Ky., in place of H. D. Shanklin, retired.

Robert S. Reed, Cynthiana, Ky., in place of J. M. Magee, retired.

Kenneth Fern, Flemingsburg, Ky., in place of Gilbert Adams, retired.

Edna C. Everidge, Garrett, Ky., in place of Willis Conley, retired.

MARYLAND

William E. Schwartz, Reisterstown, Md., in place of W. H. L. Slade, retired.

Emory L. Leonard, Salisbury, Md., in place of J. B. Rawson, retired.

MICHIGAN

Maurice E. Anderson, Gladstone, Mich., in place of B. R. Micks, retired.

Roger A. Camfield, Gobles, Mich., in place of L. A. Wauchek, resigned.

MINNESOTA

Lloyd G. Hanson, Bellingham, Minn., in place of L. V. Nelson, transferred.

Leonard A. Campe, Fairmont, Minn., in place of M. T. Huss, retired.

Marion E. Mayheu, Ironton, Minn., in place of R. J. Mayheu, retired.

Burton R. Thomas, Lake Crystal, Minn., in place of M. R. Olson, retired.

Albert J. Theismann, Wabasha, Minn., in place of S. E. Drury, retired.

Richard A. Nelson, Warroad, Minn., in place of S. V. Rader, retired.

MISSISSIPPI

Frank P. Kaplan, Drew, Miss., in place of J. P. Bullock, retired.

Ruth Black, Tutwiler, Miss., in place of A. C. Hamilton, retired.

John W. Milner, Vaiden, Miss., in place of A. B. Collins, retired.

MISSOURI

Clara A. Gibbs, Braggadocio, Mo., in place of Josie Monan, retired.

William B. Waggoner, Elsberry, Mo., in place of J. H. Powell, resigned.

Edgar G. Hinde, Jr., Independence, Mo., in place of E. G. Hinde, retired.

NEBRASKA

Ernest J. Seyler, Alma, Nebr., in place of R. H. Rennecker, retired.

Bonnie A. Hogeland, Bloomington, Nebr., in place of J. U. Malick, retired.

James I. Pedersen, Laurel, Nebr., in place of G. L. O'Gara, retired.

NEW JERSEY

William D. Hand, Edison, N.J., in place of Edward Collins, resigned.

NEW MEXICO

William Fitch, Jr., Grants, N. Mex., in place of M. B. McBride, transferred.

Patsy A. Chavez, Navajo Dam, N. Mex., office established Jan. 10, 1959.

NEW YORK

John F. Larkin, Brewster, N.Y., in place of S. B. Howes, retired.

Frank W. Palange, Camillus, N.Y., in place of B. F. Griffin, retired.

Margaret E. Bolton, Candor, N.Y., in place of C. L. Baker, deceased.

James A. Cogan, Saratoga Springs, N.Y., in place of J. T. Bryant, deceased.

NORTH CAROLINA

Horace C. McSwain, Boiling Springs, N.C., in place of Aida McClure, retired.

Irene E. Israel, McCain, N.C., in place of E. B. Satterwhite, deceased.

R. Woodrow Rader, Newton, N.C., in place of S. D. Mauney, retired.

A. Dewey Waters, Jr., Roanoke Rapids, N.C., in place of L. G. Shell, retired.

OHIO

Vernon Jeffers, Beallsville, Ohio, in place of Harry Hamilton, retired.

Hugh T. Albright, Dayton, Ohio, in place of G. H. Mundhenk, retired.

Eugene H. Schmersal, Delphos, Ohio, in place of E. H. Imber, retired.

Lavern W. Zwick, Plain City, Ohio, in place of C. B. Holycross, retired.

Kenneth W. Bodey, Saint Paris, Ohio, in place of H. H. Hill, retired.

PENNSYLVANIA

A. Thomas Carty, Lafayette Hill, Pa., in place of H. G. Mack, retired.

Marie A. Leo, New Albany, Pa., in place of F. J. Murphy, retired.

PUERTO RICO

Olga Arrillaga de Stella, Anasco, P.R., in place of C. T. de Arrillaga, retired.

Andres Velazquez Morales, Rincon, P.R., in place of A. M. de Rivera, retired.

SOUTH CAROLINA

Richard H. Rice, Bamberg, S.C., in place of H. N. Folk, retired.

Lewis G. Leverett, Langley, S.C., in place of L. F. Beard, retired.

Laura W. Rearden, Montmorenci, S.C., in place of J. L. Berrie, deceased.

Vanetha S. Matthews, Norway, S.C., in place of P. P. Able, retired.

SOUTH DAKOTA

Gregory F. Walsh, Beresford, S. Dak., in place of E. L. McMahon, retired.

Glen E. Trier, Spearfish, S. Dak., in place of G. D. Blake, retired.

TENNESSEE

Martha A. Robertson, Speedwell, Tenn., in place of C. E. Monday, retired.

TEXAS

Wayne C. Donaldson, Fairfield, Tex., in place of T. L. P. Lindley, retired.

Harry A. Tinsley, Henrietta, Tex., in place of Lem Ashinhurst, retired.

C. Max Ohr, Ranger, Tex., in place of A. E. Crawley, retired.

A. Neal Brown, Richland, Tex., in place of A. N. Brown, Jr., deceased.

UTAH

Carmela P. Peterson, Castle Gate, Utah, in place of J. W. Nielsen, retired.

VIRGINIA

J. Moeton Agnor, Fairfield, Va., in place of J. P. Arehart, deceased.

William H. Ireland, Herndon, Va., in place of J. R. McLearan, transferred.

Howell C. Franklin, McLean, Va., in place of C. S. Geier, retired.

Hugh F. Burke, Vienna, Va., in place of L. C. Ruff, retired.

WEST VIRGINIA

Mildred W. Dunn, Peterstown, W. Va., in place of E. N. Tuggle, retired.

WISCONSIN

Robert G. Colburn, Benet Lake, Wis., in place of S. A. Odenbrett, resigned.

WYOMING

George D. Holden, Cokeville, Wyo., in place of V. C. Bennion, resigned.

Frank E. Myers, Worland, Wyo., in place of P. F. McClure, deceased.

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of captain in the line, subject to qualification therefor as provided by law.

Abercrombie, Daniel W., III
Abrams, Earle B.
Adams, Robert S.
Adkins, Aubyn L.
Adrian, Robert N.
Amme, Robert G.
Anastasion, Steven N.
Anderson, Clyde B.
Aubrey, Norbert E., Jr.
Ault, Frank W.
Baney, Sidney N.
Barlow, Jerry M.
Barrett, Alcus E.
Barrett, John M.
Bartlett, Lewis C.
Beadles, Joe W., Jr.
Beling, John K.
Bennett, Milton D.
Berry, Francis J.
Blee, Ben W.
Borop, James D. W.
Boyd, William W., Jr.
Boydstun, Howard J.
Brady, Francis X.
Brambilla, Marius G., Jr.
Brand, Ferdinand L.
Brega, Richard E.
Briggs, Chester E., Jr.
Budding, William A., Jr.
Busik, William S.
Bustard, Melvin E., Jr.
Cafferata, William F.
Campbell, James M.
Caney, Lawrence D.
Cassell, George L.
Cates, Clifton B., Jr.
Champlin, Norman D.
Charles, Nelson R.
Cherbak, Alfred A.
Colenda, Frank
Colleran, Gerard F.
Collins, Cecil B., Jr.
Connolly, Bartholomew J., III
Cooke, Henry J. H.
Coonan, John J.
Cooper, Charles T., III
Cormier, Richard L.
Cornell, Leland B.
Coste, John E.
Cox, Albert W.
Cox, Dale W., Jr.
Creecy, Richard B. L.
Cummings, Edward J., Jr.
Curtis, Clifford B., Jr.
Cyr, Richard F.
Dailey, Elmer W., Jr.
Dankworth, Edwin G., Jr.
Dawkins, M. Vance
Deitchman, Vincent
Dombroff, Seymour
Donaldson, James C., Jr.
Doran, Homer M., Jr.
Dozier, William C., Jr.
Drachnik, Joseph B.
Drew, John G., II
Drewelow, Robert W.
Duborg, Robert W.
Dudley, John A.
Durham, Hugh M.
Edwards, John Q., III
Ellis, Neil L., Jr.
Emerson, Arthur T., Jr.
Erkenbrack, Phillip F.
Etheridge, Melvin R.
Fearnow, Frederick R.
Feightner, Edward L.
Fernandez, Caesar, Jr.
Field, Leonard E.
Finley, Miles R., Jr.
Folta, George W., Jr.
Ford, George E.
Fox, Elmer L.
Francis, Arthur E.
Franger, Marvin J.
Frazier, Claude R.
Fretwell, Uncas L.
Froscher, Clarence T.
Fry, Harold E.
Gaines, Robert Y.
Gallemore, Roy H.
Galvani, Amedeo H.
Gass, Shelby C., Jr.
Gaw, Benjamin D.
Gebert, Wesley R., Jr.
Gibson, Freal J.
Gift, Ronald P.
Gillette, Robert W.
Gillock, Robert H.
Glaes, James G.
Gordon, Donald
Greer, Richard D., Jr.
Griffin, Edwin C.
Griffith, John "T"
Grkovic, George
Grothjahn, Harry C.
Gulmon, Robert H.
Haisten, Homer H., Jr.
Hancock, Alex F.
Hannon, Edward J., Jr.
Hannon, Paul G.
Hanson, Ralph M.
Hardcastle, William H., Jr.
Harnish, William M.
Harris, Floyd L.
Hart, Ralph W., Jr.
Hawthorne, Robert E.
Haynie, John C., Jr.
Hazlett, William R.
Heishman, Jack "C"
Hershey, Merle M.
Heyworth, Lawrence, Jr.
Hitchcock, Edwin N., Jr.
Hoeppner, Frederick R.
Holcomb, John K.
Hollingshead, Charles W., Jr.
Hudson, William O., II
Humphrey, William S., Jr.
Hunt, Daniel, Jr.
Hunt, William T.
Hurst, Thomas C., III
Hussong, William J., Jr.
Hydinger, Marlin C.
Ischinger, Eric, Jr.
Jackson, Erwin S.
Johnson, Earl B.
Johnson, Silas R.
Jones, Jack B.
Jones, James A.
Karcher, Daniel M.
Kauffman, Hal A.
Kelley, Hugh A.
Kerr, Edward E.
Kirkland, William B., Jr.
Klein, Walter C.
Knight, Olyce T.
Kubel, Howard L.
Kuntze, Archie C.
Kurtz, Lawrence A.
Ladley, Herbert V.
Lang, Harold F.
Lanier, Samuel L.
Larsen, Frank
Lassell, Donald L.
Lavrakas, Lefteris
Law, Richard R.
Lawson, Dunbar
Lazenby, Richard D.
Leavitt, Guy C.
Leehey, Patrick
Lindstrom, Kenith V.
Loomis, David F.
Lovington, Joseph A.
Mackey, Wendell C.
Madson, Richard O.
Marshall, Walter L.
Martin, James N.
Maxwell, George T.
May, Allan E.
McCain, Audley H.
McCants, Thomas R.
McCauley, Brian
McClellan, Thomas R.
McClendon, William R.
McClure, Huston B.
McCormick, James B.
McCrerey, Homer A.
McCuddin, Leo B.
McCulley, William M., Jr.
McGann, Patrick H.
McLinn, Frank M.
McManus, Philip S.
McQuilkin, William R.
McTighe, John A.
Meyer, Edgar R.
Mitchell, John J.
Moore, Howard S.
Moore, Sam H.
Morton, Samuel L.
Moulton, Bernard W.
Newland, John W. Jr.
Newton, Arthur W.
Newton, Arthur G.
Nichols, John L.
Nolan, John J.
Obey, Roland J.
O'Brien, James M.

O'Connell, Daniel J.
Oliver, James D., Jr.
Olsen, Leslie R.
O'Neill, Martin G.
Pace, Joseph J.
Padget, Paul E.
Page, Horace C.
Pardee William M.
Pariseau, Joseph A.
Pittman, Milan L., Jr.
Potter, Edward H., Jr.
Poynter, Drexel E.
Pridonoff, Eugene
Pump, Fred W.
Rapp, Jerome A., Jr.
Rapp, William T.
Rathbun, Leon H., Jr.
Ray, Prentis R.
Regan, Robert F.
Reh, Frank J.
Reilly, Robert F.
Reinhardt, William C.
Riblett, William R.
Rich, Francis E.
Richards, John M.
Riddle, Meredith C.
Ries, Herbert H.
Riley, Richard
Ringenberg, George W.
Robie, Edgar A.
Robinson, Samuel J., Jr.
Robison, Charles D., Jr.
Rossell, Robert H.
Rowell, Ira M., Jr.
Ruffin, Chester E.
Ruiz, Charles K.
Ryan, John W., Jr.
Sahaj, Joseph
Sanders, Charles C.
Sappington, Merrill H.
Scherer, Lee R., Jr.
Scott, David A.
Seelinger, Robert A.
Sell, Leslie H.
Selmer, Robert J.
Sestak, Joseph A.
Shaw, Frank J.
Shepard, Tazewell T., Jr.
Shepherd, John T.
Shirley, James A.
Shor, Samuel W. W.
Short, James W.
Sibold, Arthur P., Jr.
Sinclair, Andrew M.
Smith, Robert G.
Snyder, Gordon A.
Sollenberger, Harold D.
Spielman, James S.
Spreen, Roger E.
Stack, Martin J.
Stark, Robert E.
Stastny, Charles E.
Stecher, Robert W.
Sterrett, David S.
Strong, Hope, Jr.
Stuart, Robert M.
Sult, George H.
Sumrall, Elton L.
Swope, James S.
Symons, Floyd M.
Taylor, Robert E.
Tazewell, John P.
Tefft, John E.
Thielges, Bernard A.
Thomas, John M.
Thorne, Fred H.
Thurmon, Norman E.
Tickle, Paul A.
Tilden, Charles E.
Tolleson, Robert T.
Toran, William P.
Traylor, James T., Jr.
Tuttle, Louis "K," Jr.
Umbarger, Bernard S.
Vanness, Harper E., Jr.
Vitucci, Vito L.
Volonte, Joseph E.
Waldman, Albert C., Jr.
Walker, Lewis W., Jr.
Wall, Maurice E.
Wallace, Kenneth C.
Walton, Donald F.
Ward, James R.
Warner, Arthur H., Jr.
Watson, Samuel E.
Welsh, John R.
Werthmuller, Roy W. F.
Westrup, Warren E.
Wharton, Claude A., Jr.
Whisler, George H., Jr.
White, Richard S., III
Wissman, Robert G.
Witmer, Robert M.
Woodall, Reuben F.
Woodward, Horace J.
Woodward, Nelson C.
Yarnell, Lawrence R.
Young, William H.
Zalewski, Chester V.
Zimmermann, Richard G.
Zoeller, Robert J.

COLLECTOR OF CUSTOMS

Robert M. Fortson, of Indiana, to be collector of customs for customs collection district No. 40, with headquarters at Indianapolis, Ind.

U.S. MARSHAL

Thomas M. Dugan, of New York, to be U.S. marshal for the eastern district of New York for the term of 4 years, vice Joseph Stockinger.

John A. Rowland, of South Carolina, to be U.S. marshal for the eastern district of South Carolina for the term of 4 years, vice Dallas A. Gardner, Jr.

U.S. DISTRICT JUDGE

Wade Hampton McCree, Jr., of Michigan, to be U.S. district judge for the eastern district of Michigan, vice a new position.

U.S. CIRCUIT JUDGE

Luther M. Swygert, of Indiana, to be U.S. circuit judge for the seventh circuit. (A new position.)

U.S. ATTORNEY

Thomas L. Robinson, of Tennessee, to be U.S. attorney for the western district of Tennessee for the term of 4 years, vice Warner Hodges.

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 18, 1961

The House met at 11 o'clock a.m. and was called to order by the Speaker pro tempore, Mr. MCCORMACK.

Rev. Thomas Scannell, pastor, St. Michaels Roman Catholic Church, Annandale, Va., offered the following prayer:

For this brief minute our minds are united and focused on Thee our God. We address ourselves to Thee first as men, then as American men, and finally as Members of the Congress of the United States.

Very rightly, as human beings created by Thee, to Thee do we pay our homage. With all our minds and hearts and souls we acknowledge Thee our Lord God. Thee alone we adore.

Next we speak as American citizens. We offer thanks, deepest heartfelt thanks, for all the tremendous gifts, spiritual and material, that You have lavished upon us and upon our country.

Next, speaking as Members of this great lawmaking body, we earnestly beg Your divine guidance. Enlighten our minds so that we may know what is best for our own people and for all the peoples of the world who depend on us. Move our wills to act always as You would have us act.

And finally we speak to You O God as sons to a loving Father. We well know the tremendous responsibilities resting on our shoulders. The future course of the world, perhaps even the survival of the human race, depends in large part on the vision, the courage, the selflessness that we exercise in the discharge of our duties.

And only too well we know our human weaknesses. Without Your help, Lord, we can do nothing; with You beside us we can and we shall do all that must be done.

So help us God. Amen.

THE JOURNAL

The Journal of the proceedings of Saturday, September 16, 1961, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed the following resolution:

S. RES. 213

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. Overton Brooks, late a Representative from the State of Louisiana.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate, at the conclusion of its business today, stand in recess until 12 o'clock noon on Monday next.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4317) entitled "An act to amend the Internal Revenue Code of 1954 and incorporate therein provisions for the payment of annuities to widows and certain dependents of the judges of the Tax Court of the United States."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8072) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1962, and for other purposes."

CERTAIN LANDS IN THE GRANITE CREEK AREA, ALASKA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2279) to provide for the withdrawal from the public domain of certain lands in the Granite Creek area, Alaska, for use by the Department of the Army at Fort Greely, Alaska, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 4, strike out "four hundred" and insert "five hundred and ninety".

Page 2, line 1, after "antemeridian)," insert "however excepting therefrom that portion of west one-half of section 26, township 12 south, range 10 east Fairbanks meridian lying east of the Richardson Highway,".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AMBASSADOR STEVENSON ON ADMISSION OF RED CHINA TO THE U.N.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. ELLSWORTH. Mr. Speaker, yesterday our Ambassador to the United Nations, Hon. Adlai Stevenson, appeared on "Meet the Press."

He said that the question of the admission of Red China to the United Nations would be the main subject for consideration at the upcoming session of the U.N. General Assembly. He also said he hoped President Kennedy would make a major speech on disarmament at the U.N. this Thursday, but that he, Stevenson, has made no calculation of the effect of such a speech upon the Red China debate. In other words, our Ambassador to the United Nations has made no calculation of the effect of a disarmament speech by the President of the United States upon the most important question that will come before the U.N. General Assembly. Mr. Speaker, I wonder who, if anyone, has made such a calculation?

Then Ambassador Stevenson said he didn't know what the American people could do about it if Red China did get admitted to the United Nations.

The American people could do plenty about it, if they should want to. The American people still have their Representatives in Congress and the Congress still has the power of the purse.

Mr. Speaker, Ambassador Stevenson's appearance on the television was a disturbing thing, and I hope he does not necessarily speak for the President in every particular on the points I have mentioned.

PEACE CORPS

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

The Chair hears none and, without objection, appoints the following conferees: Messrs. MORGAN, ZABLOCKI, KELLY, MERROW, and JUDD.

CONSENT CALENDAR

The SPEAKER pro tempore. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

PROVIDING FOR A SURVEY TO DETERMINE THE PRACTICABILITY OF ADOPTING THE METRIC SYSTEM OF WEIGHTS AND MEASURES

The Clerk called the bill (H.R. 2049) to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the United States of the metric system of weights and measures.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RECOGNIZING OFFICIAL SAN DIEGO AS THE BIRTHPLACE OF NAVAL AVIATION

The Clerk called House Concurrent Resolution 208.

The SPEAKER pro tempore. Is there objection to the present consideration of the House concurrent resolution?

Mr. HARDY, Mr. LANKFORD, and Mr. RYAN objected; and, under the rule, the concurrent resolution was stricken from the Consent Calendar.

DESIGNATING THE NEW LOCK ON THE ST. MARYS RIVER AT SAULT STE. MARIE, MICH., AS THE "JOHN A. BLATNIK LOCK"

The Clerk called the bill (H.R. 947) to designate the new lock on the St. Marys River at Sault Ste. Marie, Mich., as the "John A. Blatnik lock."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CEDERBERG. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

NATIONAL BOTANIC GARDEN IN HAWAII

The Clerk called the bill (H.R. 5628) to provide for a study and investigation of the desirability and feasibility of establishing and maintaining a National Tropical Botanic Garden.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PROTECTION OF CERTAIN COMMUNICATIONS FACILITIES

The Clerk called the bill (S. 1990) to amend section 1362 of title 18 of the United States Code so as to further protect the internal security of the United States by providing penalties for malicious damage to certain communications facilities.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1362 of title 18 of the United States Code is amended to read as follows:

"§ 1362. Communication lines, stations, or systems

"Whoever willfully or maliciously injures or destroys any of the works, property, or material of any radio, telegraph, telephone or cable, line, station, or system or other means of communication, operated or controlled by the United States, or used or intended to be used for military or civil defense functions of the United States, whether constructed or in process of construction, or willfully or maliciously interferes in any way with the working or use of any such line, or system, or willfully or maliciously obstructs, hinders, or delays the transmission of any communication over any such line, or system, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"In the case of any works, property, or material, not operated or controlled by the United States, this section shall not apply to any lawful strike activity, or other lawful concerted activities for the purposes of collective bargaining or other mutual aid and protection which do not injure or destroy any line or system used or intended to be used for the military or civil defense functions of the United States."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A motion to reconsider was on the table.

House Resolution 463 was laid on the table.

AUTHORIZING EASEMENTS IN REAL PROPERTY OF THE UNITED STATES

The Clerk called the bill (H.R. 8355) to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

Mr. McINTIRE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

SURVEYS OF WATERSHED AREAS FOR FLOOD PREVENTION

The Clerk called the bill (H.R. 3801) to authorize the Secretary of the Army and the Secretary of Agriculture to make joint investigations and surveys of watershed areas for flood prevention or the conservation, development, utilization, and disposal of water, and for flood control and allied purposes, and to prepare joint reports on such investigations and surveys for submission to the Congress, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WHITTEN. Mr. Speaker, reserving the right to object, in 1948, in the bill I have the honor to handle, the Committee on Appropriations provided that where the jurisdiction exercised by either the Corps of Engineers or the Department of Agriculture ended the other began. At that time we were having trouble getting the Corps of Engineers and the Department of Agriculture to fully meet the problem. Left was a sort of no man's land. In 1953 the Subcommittee on Agricultural Appropriations, of which I serve as chairman, set up the pilot watershed program, about 56 pilot plants over the Nation. This has led to the wonderful watershed and flood prevention programs that we have today, and

with the Department of Agriculture leading the way, the Corps of Engineers is now cooperating.

Mr. Speaker, I wonder if my colleague, the author of the bill, the gentleman from Mississippi [Mr. SMITH], is on the floor.

Mr. EDMONDSON. Mr. Speaker, if the gentleman will yield, I am familiar with the bill and if the gentleman has a question concerning it, I shall try to answer it.

Mr. WHITTEN. Mr. Speaker, when something proves good almost everyone wants to move into the act. I am pleased to have all this present interest and support. On the particular bill, back through the years, the Soil Conservation Service tells me, as does the Corps of Engineers, that we have had complete cooperation and coordination in working out these programs. Each has the privilege of going over the studies and plans of the other and does do so.

As I am sure the gentleman can see, it is highly risky, if you provide for a joint survey and a joint report as this bill originally proposed the plans of the Department of Agriculture could be held up by the corps or by the Committee on Public Works.

I have talked to the Soil Conservation Service and that Service did not and does not recommend this bill. I am sure that they, like me, would oppose it unless the committee carries through with its assurance that the bill, H.R. 3801, be amended by adding at the end of the first section the following: "*Provided*, That the project authorization procedure established by Public Law 566, 83d Congress, as amended, shall not be affected."

And further the committee's commitment to strike out section 2 as follows:

SEC. 2. When the Congress has authorized the projects recommended in such joint reports, those recommended works of improvement located on or along a stream or other waterway having a drainage area above such improvements of more than two hundred and fifty thousand acres, and those recommended local protection works situated within the boundaries of urban areas within drainage areas of two hundred and fifty thousand acres or less which constitute a substantial part of the recommended works of improvement for such drainage areas, shall be prosecuted by the Secretary of the Army under the provisions of the Flood Control Act of 1936, as amended and supplemented; and those recommended works of improvement located on or along a stream or other waterway having a drainage area above such improvements of two hundred and fifty thousand acres or less, except for such local protection works as are mentioned above, shall be carried out by local organizations with assistance from the Secretary of Agriculture under the provisions of the Watershed Protection and Flood Prevention Act, as amended: *Provided*, That such joint reports shall contain an economic justification for the recommended system of works of improvement, and no further economic justification shall be required in connection with plans for such works of improvement prepared under the provisions of the Flood Control Act of 1936, as amended and supplemented, or the Watershed Protection and Flood Prevention Act, as amended.

As I say, in 1948 we provided that where one's responsibility ceased, that of the other started. Certainly they should cooperate, and they do cooperate now and have been doing so for many years in these plans and in these programs. I do know the Corps' interest and effort in this area has lagged far behind that of the Department of Agriculture. If these changes are made in the bill I would certainly want the assurance of the gentleman that this legislation will not be used in such a way that one department could veto the program of the other, because that could lead to a slowdown of the very vital work we have been getting through the cooperation of these two departments.

Mr. EDMONDSON. Mr. Speaker, I think the gentleman makes a very fine point, and I would certainly agree with him, that if this bill were to operate in that way, it would be to the disadvantage of the overall program in which we are all interested. But it is my understanding that joint surveys of this type and joint reports would only be undertaken where both agencies have felt that it was desirable to do this and where Members of Congress have joined in and asked that it be done. It is further my understanding that the people in the Soil Conservation Service were responsible for the drafting of this bill in the first place.

Mr. WHITTEN. They advise me that it was drafted on request, that they did not request nor approve the legislation. Further, it is my opinion that unless these amendments are adopted, they are opposed to it. I am sure the gentleman is familiar with the fact that they have been cooperating in the planning so that each would fit in with the other; is that correct?

Mr. EDMONDSON. I think there has been some fine cooperation in some of the planning, but on the other hand there have been situations where there has not been a coordination of planning and where parallel planning operations have been going forward without the degree of concentration that would benefit the public and the Government that we would like to see.

Mr. WHITTEN. For the gentleman's committee to inject themselves into that area—with the best of intentions—does the gentleman think that would improve that situation or should we call on each of the services to cooperate more fully on matters of that sort?

Mr. EDMONDSON. Mr. Speaker, may I say to the gentleman that there is certainly no intention in this bill to strong-arm cooperation in a field where cooperation would seem to be in the best interests of everyone. This simply provides a mechanism for cooperative effort where it appears to be in order and where both agencies are agreeable to that approach. We do not have that mechanism in the law today for joint surveys and reports.

Mr. WHITTEN. It is not required by law, but let me say to the gentleman that in the many years that I have been here the Soil Conservation Service and the Corps of Engineers have consistently been given responsibility in different areas and have cooperated in carrying them out. It goes back to the Flood Control Act of 1946 which affected large sections of my area. Reports covering the facts were made by both services, in connection with plans for works of improvement. That act provided for the responsibility of each. May I say again that in 1948 we provided by law that where the responsibility of one ceases the other begins. May I say further that since that time we have had full coordination between the departments. I only wish we could have gotten the corps to move more speedily. On the gentleman's assurance that we will have the cooperation of the gentleman's committee to keep this bill from being used to slow down the operations that are going on now, I will withdraw my reservation of objection, Mr. Speaker.

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman.

Mr. BAILEY. Mr. Speaker, further reserving the right to object, I do so for the purpose of eliciting some information. Within recent weeks I have been processing an upstream development project before the House Committee on Agriculture. It appears from the consideration of this project that the other body has asked the General Accounting Office to make a report of the project cost, and the other body used that as a means of objecting to the consideration of the project.

May I ask the gentleman from Oklahoma or the gentleman from Mississippi, is there anything that would authorize the calling in of the General Accounting Office? I thought they were engaged in postaudit activities for the Congress and were not in the position of giving advice.

Mr. WHITTEN. Mr. Speaker, if the gentleman will yield to me, the responsibility of the General Accounting Office is rather broad. Normally they pass on whether the expenditure of money is authorized for the purposes for which it is spent.

On the assurance of the gentleman from Oklahoma that that would not be so used, I have withdrawn any objection. When you get to the General Accounting Office, may I say that those of us on the committee handling the appropriations would be glad to cooperate with the gentleman in connection with his project, but I have not had a chance to study what the General Accounting Office can do in such circumstances. I would presume they would be making some point that certain funds were not in accord with authority.

Mr. BAILEY. Does the gentleman from Oklahoma have any comment on the matter?

Mr. EDMONDSON. The gentleman is apparently referring to a project that is under the jurisdiction of the Agricultural Committee rather than the Public Works Committee. The gentleman from Oklahoma is not familiar with that particular project or with the procedure the gentleman has referred to. It does seem to be a rather unusual approach to the justification for a project, but, as I say, I am unacquainted with the background of it and would not have an opportunity to answer the gentleman.

Mr. SMITH of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. SMITH of Mississippi. Mr. Speaker, I regret that I was not in the Chamber at the time discussion on H.R. 3801 started. This legislation means much to water resource development throughout the country, but it perhaps means more to the immediate future of our flood control program in Mississippi than any other item now before the Congress. All of the leaders in water resources legislation in the Congress are familiar with the terms of the bill and concur in its passage. I have personally checked with most of them, including the gentleman from Texas, Mr. POAGE, the co-author of the Small Watershed Act. My bill has been carefully drafted to avoid any conflict of jurisdiction in the Congress. It is designated to speed up the essential work in this field which has been so long delayed.

H.R. 3801 is a product of long consideration by the House Subcommittee on Watershed Development. Members of this subcommittee have been seeking every possible means of bringing about better coordination of the important water resource programs carried on by both the Corps of Engineers and the Soil Conservation Service.

Members of our committee have specifically visited areas in Mississippi where joint programs are just beginning and we have been assured by all concerned that a program of this type will greatly benefit their operations.

I regret that there has been any delay in approval of this legislation by the House. It is one of the major steps forward that we must take in order to achieve our goal of full control of floods and soil erosion.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army and the Secretary of Agriculture, when authorized to do so by resolutions adopted by the Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives, are hereby authorized and directed to make joint investigations and surveys in accordance with their existing authorities of watershed areas in the United States, Puerto Rico, and the Virgin Islands, and to prepare joint reports on such investigations and surveys setting forth their recommendations for the installation of the works of improvement needed for flood prevention or the conservation, development, utilization, and disposal of water, and for flood control and allied purposes. Such joint reports shall be submitted to the Congress through the President for adoption and authorization by the Congress of the recommended works of improvement.

SEC. 2. When the Congress has authorized the projects recommended in such joint reports, those recommended works of improvement located on or along a stream or other waterway having a drainage area above such improvements of more than two hundred and fifty thousand acres, and those recommended local protection works situated within the boundaries of urban areas within drainage areas of two hundred and fifty thousand acres or less which constitute a substantial part of the recommended works of improvement for such drainage areas, shall be prosecuted by the Secretary of the Army under the provisions of the Flood Control Act of 1936, as amended and supplemented; and those recommended works of improvement located on or along a stream or other waterway having a drainage area above such improvements of two hundred and fifty thousand acres or less, except for such local protection works as are mentioned above, shall be carried out by local organizations with assistance from the Secretary of Agriculture under the provisons of the Watershed Protection and Flood Prevention Act, as amended: *Provided,* That such joint reports shall contain an economic justification for the recommended system of works of improvement, and no further economic justification shall be required in connection with plans for such works of improvement prepared under the provisions of the Flood Control Act of 1936, as amended and supplemented, or the Watershed Protection and Flood Prevention Act, as amended.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, such sums to remain available until expended.

With the following committee amendments:

Page 2, line 11, strike out the period and insert in lieu thereof a colon and the following: "*Provided,* That the project authorization procedure established by Public law 566, 83d Congress, as amended, shall not be affected."

Strike out "SEC. 2" and renumber "SEC. 3" as "SEC. 2".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REGISTRATION AND PROTECTION OF TRADEMARKS

The Clerk called the bill (H.R. 4333) to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes," approved July 5, 1946, as amended.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Reserving the right to object, Mr. Speaker, I note in the report on this bill a letter from the Chairman of the Federal Trade Commission, Mr. Dixon, who states on page 13 that the proposal to amend section 45 does considerable violence to the whole theory of a "service mark" because it tends to give a party rendering a service a property interest in the results or products of his service which are not related to the service which he performs.

I wonder if there is someone on the committee who can tell me whether this objection by the Chairman of the FTC, has been met.

Mr. LINDSAY. The Federal Trade Commission was the only agency that wanted to make changes of a very substantial nature to this bill. This amendment makes clear in the law the position which the trademark office has had for about 10 years. It is a clarifying amendment stating in statutory text the trademark office practice regarding service marks. If the FTC wants to change the law in this area—and it will be a substantial change—then it should be done by separate legislation and not by this bill which is primarily a housekeeping bill.

Mr. GROSS. I appreciate the gentleman's explanation, and, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representaives of the United States of America in Congress assembled, That paragraph (1) of subsection (a) of section 1 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (60 Stat. 427), as amended, is amended by striking the words "as might be calculated to deceive" and inserting in lieu thereof "as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive"; and by striking the words "or services" from the proviso thereof.

SEC. 2. Subsection (d) of section 2 is amended by striking the language beginning with the word "confusion", first appearance, and ending with the word "herewith" at the end of said subsection and inserting in lieu thereof the following: "confusion, or to cause mistake, or to deceive: *Provided,* That when the Commissioner determines that confusion, mistake, or deception is not likely to result from the continued use by more than one person of the same or similar marks under conditions and limitations as to the mode or place of use of the marks or the goods in connection with which such marks are used, concurrent registrations may be issued to such persons when they have become entitled to use such marks as a result of their concurrent lawful use in commerce prior to (i) the earliest of the filing dates of the applications pending under this Act; or (ii) the date of a registration issued under this Act; or (iii) July 5, 1947, in the case of registrations previously issued under the Act of March 3, 1881, or February 20, 1905, and continuing in full force and effect on that date; or (iv) July 5, 1947, in the case of applications filed under the Act of February 20, 1905, and registered after July 5, 1947. Concurrent registrations may also be issued by the Commissioner when a court of competent jurisdiction has finally determined that more than one person is entitled to use the same or similar marks in commerce. In issuing concurrent registrations, the Commissioner shall prescribe conditions and limitations as to the mode or place of use of the mark or the goods in connection with which such mark is registered to the respective persons."

SEC. 3. Section 6 is amended by striking the entire section and inserting in lieu thereof the following:

SEC. 6. (a) The Commissioner may require the applicant to disclaim an unregistrable component of a mark otherwise registrable.

An applicant may voluntarily disclaim a component of a mark sought to be registered.

"(b) No disclaimer heretofore or hereafter made, or made under pargaraph (d) of section 7 of this Act, shall prejudice or affect the applicant's or registrant's rights then existing or thereafter arising in the disclaimed matter, or his right of registration on another application if the disclaimed matter be or shall have become distinctive of his goods or services."

SEC. 4. The first sentence of subsection (a) of section 7 is amended by striking therefrom the word "either"; by striking the words "name printed" and inserting in lieu thereof the words "signature placed"; by striking the words "and attested by an assistant commissioner or by one of the law examiners duly designated by the Commissioner," and by striking the words "and a record thereof, together with printed copies of the drawing and statement of the applicant, shall be kept in books for that purpose" and inserting in lieu thereof the words ", and a record thereof shall be kept in the Patent Office." The second sentence of subsection (a) of section 7 is amended by striking therefrom the word "certificate" and inserting the word "registration" in lieu thereof; by striking therefrom the words "the drawing of"; and by striking the words "the grant of".

Subsection (d) of section 7 is amended by striking the entire subsection and inserting in lieu thereof the following: "Upon application of the registrant the Commissioner may permit any registration to be surrendered for cancellation, and upon cancellation appropriate entry shall be made in the records of the Patent Office. Upon application of the registrant and payment of the prescribed fee, the Commissioner for good cause may permit any registration to be amended or to be disclaimed in part: *Provided,* That the amendment or disclaimer does not alter materially the character of the mark. Appropriate entry shall be made in the records of the Patent Office and upon the certificate of registration or, if said certificate is lost or destroyed, upon a certified copy thereof."

Subsection (e) of section 7 is amended by striking the words "certificates of"; by adding an "s" to the word "registration"; and striking the words "a chief of division" and inserting in lieu thereof "an employee of the Office".

Subsection (f) of section 7 is amended by striking from the first sentence the words ", signed by the Commissioner and sealed with the seal of the Patent Office"; by striking the word "certificate", second occurrence; and by striking the word "certificate", third occurrence, and inserting the word "registration" in lieu thereof.

SEC. 5. Section 9 is amended by striking the entire section and inserting in lieu thereof the following:

"SEC. 9. (a) Each registration may be renewed for periods of twenty years from the end of the expiring period upon payment of the prescribed fee and the filing of a verified application therefor, setting forth those goods or services recited in the registration on or in connection with which the mark is still in use in commerce and attaching thereto a specimen or fascimile showing current use of the mark, or showing that any nonuse is due to special circumstances which excuse such nonuse and it is not due to any intention to abandon the mark. Such application may be made at any time within six months before the expiration of the period for which the registration was issued or renewed, or it may be made within three months after such expiration on payment of the additional fee herein provided.

"(b) If the Commissioner refuses to renew the registration, he shall notify the registrant of his refusal and the reasons therefor.

"(c) An applicant for renewal not domiciled in the United States shall be subject to and comply with the provisions of section 1(d) hereof."

SEC. 6. Section 10 is amended by changing the colon following the word "conducted" to a period and striking the words *"Provided,* That any assigned registration may be canceled at any time if the registered mark is being used by, or with the permission of, the assignee so as to misrepresent the source of the goods or services in connection with which the mark is used"; and striking the sentence "The Commissioner shall keep a separate record of such assignments submitted to him for recording." and inserting in lieu thereof "A separate record of assignments submitted for recording hereunder shall be maintained in the Patent Office."

SEC. 7. Subsection (a) of section 12 is amended by changing the period at the end thereof to a colon and inserting after the colon the following: *"Provided,* That in the case of an applicant claiming concurrent use, or in the case of an application to be placed in an interference as provided for in section 16 of this Act, the mark, if otherwise registrable, may be published subject to the determination of the rights of the parties to such proceedings."

Subsection (c) of section 12 is amended by striking therefrom the first word of the last sentence and inserting in lieu thereof the words "Marks published under this".

SEC. 8. Section 13 is amended by striking the words "notice of" each occurrence, and by adding at the end thereof the following sentence: "An opposition may be amended under such conditions as may be prescribed by the Commissioner."

SEC. 9. Section 14 is amended by striking said section in its entirety and inserting in lieu thereof the following:

"SEC. 14. A verified petition to cancel a registration of a mark, stating the grounds relied upon, may, upon payment of the prescribed fee, be filed by any person who believes that he is or will be damaged by the registration of a mark on the principal register established by this Act, or under the Act of March 3, 1881, or the Act of February 20, 1905—

"(a) within five years from the date of the registration of the mark under this Act; or

"(b) within five years from the date of publication under section 12(c) hereof of a mark registered under the Act of March 3, 1881, or the Act of February 20, 1905; or

"(c) at any time if the registered mark becomes the common descriptive name of an article or substance, or has been abandoned, or its registration was obtained fraudulently or contrary to the provisions of section 4 or of subsections (a), (b), or (c) of section 2 of this Act for a registration hereunder, or contrary to similar prohibitory provisions of said prior Acts for a registration thereunder, or if the registered mark is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services in connection with which the mark is used; or

"(d) at any time if the mark is registered under the Act of March 3, 1881, or the Act of February 20, 1905, and has not been published under the provisions of subsection (c) of section 12 of this Act; or

"(e) at any time in the case of a certification mark on the ground that the registrant (1) does not control, or is not able legitimately to exercise control over, the use of such mark, or (2) engages in the production or marketing of any goods or services to which the certification mark is applied, or (3) permits the use of the certification mark for purposes other than to certify, or (4) discriminately refuses to certify or to continue to certify the goods or services of any person who maintains the standards or conditions which such mark certifies:

"Provided, That the Federal Trade Commission may apply to cancel on the grounds specified in subsections (c) and (e) of this section any mark registered on the principal register established by this Act, and the prescribed fee shall not be required."

SEC. 10. Section 15 is amended by striking "(c) and (d)" in the first paragraph and inserting in lieu thereof the following: "(c) and (e)".

Section 15 is amended by striking "or trade name" from paragraph numbered (4).

SEC. 11. Section 16 is amended by striking therefrom the word "purchasers".

SEC. 12. Section 21 is amended by striking the entire section, and inserting in lieu thereof the following:

"SEC. 21. (a)(1) An applicant for registration of a mark, party to an interference proceeding, party to an opposition proceeding, party to an application to register as a lawful concurrent user, party to a cancellation proceeding, a registrant who has filed an affidavit as provided in section 8, or an applicant for renewal, who is dissatisfied with the decision of the Commissioner or Trademark Trial and Appeal Board, may appeal to the United States Court of Customs and Patent Appeals thereby waiving his right to proceed under section 21(b) hereof: *Provided,* That such appeal shall be dismissed if any adverse party to the proceeding, other than the Commissioner, shall, within twenty days after the appellant has filed notice of appeal according to section 21(a)(2) hereof, files notice with the Commissioner that he elects to have all further proceedings conducted as provided in section 21(b) hereof. Thereupon the appellant shall have thirty days thereafter within which to file a civil action under said section 21(b), in default of which the decision appealed from shall govern the further proceedings in the case.

"(2) When an appeal is taken to the United States Court of Customs and Patent Appeals, the appellant shall give notice thereof to the Commissioner, and shall file in the Patent Office his reasons of appeal, specifically set forth in writing, within such time after the date of the decision appealed from, not less than sixty days, as the Commissioner appoints.

"(3) The court shall, before hearing such appeal, give notice of the time and place of the hearing to the Commissioner and the parties thereto. The Commissioner shall transmit to the court certified copies of all the necessary original papers and evidence in the case specified by the appellant and any additional papers and evidence specified by the appellee, and in an ex parte case the Commissioner shall furnish the court with the grounds of the decision of the Patent Office, in writing, touching all the points involved by the reasons of appeal.

"(4) The court shall hear and determine such appeal on the evidence produced before the Patent Office, and the decision shall be confined to the points set forth in the reasons of appeal. Upon its determination, the court shall return to the Commissioner a certificate of its proceedings and decision, which shall be entered of record in the Patent Office and govern the further proceedings in the case.

"(b)(1) Whenever a person authorized by section 21(a) hereof to appeal to the United States Court of Customs and Patent Appeals is dissatisfied with the decision of the Commissioner or Trademark Trial and Appeal Board, said person may, unless appeal has been taken to said Court of Customs and Patent Appeals, have remedy by a civil action if commenced within such time after such decision, not less than sixty days, as the Commissioner appoints or as provided in section 21(a). The court may adjudge that an applicant is entitled to a registration upon

the application involved, that a registration involved should be canceled, or such other matter as the issues in the proceeding require, as the facts in the case may appear. Such adjudication shall authorize the Commissioner to take any necessary action, upon compliance with the requirements of law.

"(2) The Commissioner shall not be made a party to an inter partes proceeding under this subsection, but he shall be notified of the filing of the complaint by the clerk of the court in which it is filed and shall have the right to intervene in the action.

"(3) In all cases where there is no adverse party, a copy of the complaint shall be served on the Commissioner; and all the expenses of the proceedings shall be paid by the party bringing them, whether the final decision is in his favor or not. In suits brought hereunder, the record in the Patent Office shall be admitted on motion of any party, upon such terms and conditions as to costs, expenses, and the further cross-examination of the witnesses as the court imposes, without prejudice to the right of any party to take further testimony. The testimony and exhibits of the record in the Patent Office, when admitted, shall have the same effect as if originally taken and produced in the suit.

"(4) Where there is an adverse party, such suit may be instituted against the party in interest as shown by the records of the Patent Office at the time of the decision complained of, but any party in interest may become a party to the action. If there be adverse parties residing in a plurality of districts not embraced within the same State, or an adverse party residing in a foreign country, the United States District Court for the District of Columbia shall have jurisdiction and may issue summons against the adverse parties directed to the marshal of any district in which any adverse party resides. Summons against adverse parties residing in foreign countries may be served by publication or otherwise as the court directs."

SEC. 13. Section 23 is amended by striking from the last paragraph thereof the words "has begun the lawful use of his mark in foreign commerce and that he".

SEC. 14. Section 24 is amended by inserting in the second sentence thereof, following the word "time", the following: ", upon payment of the prescribed fee and the filing of a verified petition stating the ground therefor,"; and by inserting in the third sentence following the word "Board" the word "which".

SEC. 15. Section 29 is amended by deleting following: "In the Patent Office, may"; and by deleting "so to mark goods bearing the the principal register established by this Act, shall" and inserting in lieu thereof the following: "In the Patent Office, may"; and by deleting "so to mark goods bearing the registered mark, or by a registrant under the Act of March 19, 1920, or by the registrant of a mark on the supplemental register provided by this Act" and inserting in lieu thereof "to give such notice of registration,".

SEC. 16. Section 30 is amended by striking the word "shall" in the first sentence and inserting in lieu thereof the word "may"; and by striking therefrom all of said section except the first sentence thereof and inserting in lieu thereof the following: "The applicant may file an application to register a mark for any or all of the goods and services upon or in connection with which he is actually using the mark: *Provided,* That when such goods or services fall within a plurality of classes, a fee equaling the sum of the fees for filing an application in each class shall be paid, and the Commissioner may issue a single certificate of registration for such mark."

SEC. 17. Subsection (1) of section 32 is amended by striking the entire subsection and inserting in lieu thereof the following:

"Any person who shall, without the consent of the registrant—

"(a) use in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive; or

"(b) reproduce, counterfeit, copy, or colorably imitate a registered mark and apply such reproduction, counterfeit, copy, or colorable imitation to labels, signs, prints, packages, wrappers, receptacles or advertisements intended to be used in commerce upon or in connection with the sale, offering for sale, distribution, or advertising of goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive.

shall be liable in a civil action by the registrant for the remedies hereinafter provided. Under subsection (b) hereof, the registrant shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such imitation is intended to be used to cause confusion, or to cause mistake, or to deceive."

Paragraph (b) of subsection (2) of section 32 is amended by striking the word "published" and inserting in lieu thereof the word "publisher".

SEC. 18. Subsection (a) of section 33 is amended by striking therefrom the words "certificate of" in the first line, and changing "certificate", second appearance, to "registration".

Subsection (b) of section 33 is amended by striking the word "certificate", first appearance, and inserting the word "regisration" in lieu thereof and by striking therefrom the word "certificate", second appearance, and inserting in lieu thereof "affidavit filed under the provisions of said section 15".

Paragraph (3) of subsection (b) of section 33 is amended by striking therefrom the words "has been assigned and"; and by striking therefrom the word "assignee" and inserting in lieu thereof the words "registrant or a person in privity with the registrant".

Paragraph (5) of subsection (b) of section 33 is amended by striking therefrom the word "the" following the words "date prior to" and inserting in lieu thereof the words "registration of the mark under this Act or"; by striking therefrom "(a) or" following the word "subsection"; and by changing the period to "; or".

Paragraph (6) of subsection (b) of section 33 is amended by inserting the words "registration under this Act or" after the word "the", second appearance; by striking therefrom "(a) or" following the word "subsection", first appearance; by striking from the proviso the words "only where the said mark has been published pursuant to subsection (c) of section 12 and shall apply"; by striking the words "the date of" following the words "prior to" in said proviso and inserting in lieu thereof "such registration or such"; by striking therefrom the words "under subsection (a) or (c) of section 12 of this Act"; and by changing the period to "; or".

SEC. 19. Section 35 is amended by striking "31(1)(b)" and inserting in lieu thereof "32".

SEC. 20. Subsection (b) of section 44 is amended by striking said subsection in its entirety and inserting in lieu thereof the following:

"(b) Any person whose country of origin is a party to any convention or treaty relating to trademarks, trade or commercial names, or the repression of unfair competition, to which the United States is also a party, or extends reciprocal rights to nationals of the United States by law, shall be entitled to the benefits of this section under the conditions expressed herein to the extent necessary to give effect to any provision of such convention, treaty or reciprocal law, in addition to the rights to which any owner of a mark is otherwise entitled by this Act."

Subsection (e) of section 44 is amended by inserting after the word "a" in the second sentence the words "certification or a"; and by striking from said second sentence the words "application for or".

SEC. 21. Section 45 is amended as follows: The sixth paragraph of said section, relating to the definition of "applicant, registrant", is amended by changing "and", second appearance, to ", predecessors,".

The nintn paragraph of said section, relating to the meaning of terms "trade name" and "commercial name", is amended by inserting a comma between the words "commercial" and "agricultural".

The eleventh paragraph of said section, being the definition of "service mark", is amended by striking the definition in its entirety and inserting in lieu thereof:

"The term 'service mark' means a mark used in the sale or advertising of services to identify the services of one person and distinguished them from the services of others. Titles, character names and other distinctive features of radio or television programs may be registered as service marks notwithstanding that they, or the programs, may advertise the goods of the sponsor."

The fifteenth paragraph of said section, relating to use in commerce, is amended by changing the period at the end of said paragraph to a comma and adding the words "or the services are rendered in more than one State or in this and a foreign country and the person rendering the services is engaged in commerce in connection therewith."

The seventeenth paragraph of said section, relating to the meaning of the term "colorful imitation", is amended by changing "terms" to "term" and deleting the word "purchasers" at the end thereof.

The final paragraph of said section is amended by striking therefrom the word "commence" and inserting in lieu thereof the word "commerce".

With the following committee amendments:

1. Page 2, line 18, insert after "pending" the words "or of any registration issued".

Page 2, lines 18 and 19, strike out "or (ii) the date of a registration issued under this Act;".

Page 2, line 20, change "(iii)" to "(ii)".

Page 2, line 23, change "(iv)" to "(iii)".

2. Page 3, line 14, strike out "heretofore or hereafter made, or" and substitute ", including those".

Page 4, lines 14 and 15, change "cancellation" to "cancelation".

Page 5, line 25, change "provided" to "prescribed".

Page 5, line 17, change "attaching" to "having attached".

Page 13, line 16, change "In" to "in".

Page 18, line 6, change "distinguished" to "distinguish".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMPACT BETWEEN LOUISIANA AND TEXAS

The Clerk called the bill (H.R. 7855) granting the consent of Congress to an amendment to a compact ratified by the

States of Louisiana and Texas and relating to the waters of the Sabine River.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Reserving the right to object, Mr. Speaker, I should like to be assured that this deals only with Texas membership on this commission and has nothing whatever to do with offshore oil lands. No change in the offshore oil lands boundaries is made by this bill?

Mr. ASPINALL. As far as I know, it has nothing to do with offshore oil lands, because that was never even mentioned in the hearings by the committee when we were considering the bill. This authorization is to lengthen the time thereby permitting continuity of membership.

Mr. GROSS. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the consent of the Congress is hereby given to an amendment to the interstate compact relating to the waters of the Sabine River and to its tributaries which was ratified by the Legislature of the State of Texas and ratified by the Legislature of the State of Louisiana, which amendment reads as follows:

"ARTICLE VII—

"(C) The Texas members shall be appointed by the Governor for a term of six years; provided, however, that one of the original Texas members shall be appointed for a term to establish a half-term interval between the expiration dates of the terms of such members, and thereafter one such member shall be appointed each three years for the regular term. One of the Louisiana members shall be ex-officio the Director of the Louisiana Department of Public Works; the other Louisiana member shall be a resident of the Sabine Watershed and shall be appointed by the Governor of Louisiana for a term of four years; provided that the first member so appointed shall serve until June 30, 1958. Each State member shall hold office subject to the laws of his Sate or until his successor has been duly appointed and qualified."

SEC. 2. The right to alter, amend, or repeal this Act is expressly reserved. This reservation shall not be construed to prevent the vesting of rights to the use of water pursuant to applicable law and no alteration, amendment, or repeal of this act shall be held to affect rights so vested.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECREATION FACILITIES IN RESERVOIR AREAS

The Clerk called the bill (H.R. 4934) to authorize the Secretary of Agriculture to modify certain leases entered into for the provision of recreation facilities in reservoir areas.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Reserving the right to object, Mr. Speaker, I notice the report indicates that the bill deals only with licenses entered into before November 1, 1956. The bill strikes out that language. Can someone on the committee handling this bill tell me whether the date of November 1, 1956 is still in the bill, and if not, why not?

Mr. Speaker, I ask unanimous consent that this bill be placed at the foot of the calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CLARIFY POULTRY PRODUCTS INSPECTION ACT

The Clerk called the bill (H.R. 7866) to amend the Poultry Products Inspection Act to extend the application thereof to the Commonwealth of Puerto Rico.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Poultry Products Inspection Act (71 Stat. 441) is amended by striking section 4(a) and inserting in lieu thereof the following:

"(a) the term 'commerce' means commerce between any State or the District of Columbia, and any place outside thereof; or between points within the same State or the District of Columbia, but through any place outside thereof; or within the District of Columbia; and the term 'State' includes the Commonwealth of Puerto Rico."

With the following committee amendment:

Page 2, line 2, after "Puerto Rico" insert "and the Virgin Islands."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read:

A bill to amend the Poultry Products Inspection Act to extend the application thereof to the Commonwealth of Puerto Rico and the Virgin Islands.

A motion to reconsider was laid on the table.

ABOLITION OF FEDERAL FARM MORTGAGE CORPORATION

The Clerk called the bill (S. 1040) to abolish the Federal Farm Mortgage Corporation, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should only like to make this statement, that this ought to be a red letter day in the history of the Government, because we are now abolishing one agency, one corporation, in the Government, perhaps saving a little money. That does not happen very often.

I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Federal Farm Mortgage Corporation, established by the Act of January 31, 1934 (48 Stat. 344; 12 U.S.C. 1020), is hereby abolished; and, except as provided in subsection (d), all of the powers, duties, functions, and authority of such Corporation are hereby terminated.

(b) All right, title, and interest in or to real property other than reserved mineral interests which may appear of public record in any farm credit district to be in the Land Bank Commissioner or the Federal Farm Mortgage Corporation are hereby confirmed to be in the Federal land bank of said district, and said bank is hereby authorized in its own name or in the name of the Federal Farm Mortgage Corporation to execute any assignment, release, satisfaction, or other instrument as may be necessary or appropriate in connection therewith to perfect title of record in the true owners.

(c) All right, title, and interest to any reserved mineral interests of the Federal Farm Mortgage Corporation which have not been disposed of otherwise by the Federal Farm Mortgage Corporation are hereby confirmed to be in the United States of America to be administered by the Secretary of the Interior under the mineral laws of the United States.

(d) There are hereby transferred to the Secretary of the Treasury (1) all cash, accounts receivable, and other assets owned by the Federal Farm Mortgage Corporation, and (2) all authority of such corporation relating to the collection of notes receivable from the Federal land banks.

(e) Any cash received by the Secretary of the Treasury, and any moneys collected by him, by virtue of the transfer made under this section shall be deposited in the general fund of the Treasury as miscellaneous receipts.

SEC. 2. No suit, action, or other proceeding lawfully commenced by or against the Federal Farm Mortgage Corporation shall abate by reason of the enactment of this Act, but the court, on motion or supplemental petition filed at any time within twelve months after the date of such enactment, may allow the same to be maintained by or against the Secretary of the Treasury.

SEC. 3. (a) Sections 1, 2, 3, 4, 5, 6, 12, 17, and 18 of the Federal Farm Mortgage Corporation Act, as amended (12 U.S.C. 1020, 1020a–1020h, 992a, 723(f)), are hereby repealed.

(b) Sections 32 (except the fourteenth sentence thereof), 33, 34, and 35 of the Emergency Farm Mortgage Act of 1933, as amended (12 U.S.C. 1016–1019, except 1016 (h), second sentence) are hereby repealed, and the fourteenth sentence of such section 32 (12 U.S.C. 1016(h), second sentence) is hereby amended by deleting therefrom the word "such".

(c) The first sentence of the eighth paragraph of section 13 of the Federal Reserve Act, as amended (12 U.S.C. 347), is amended by striking out "or by the deposit or pledge of Federal Farm Mortgage Corporation bonds issued under the Federal Farm Mortgage Corporation Act,".

(d) The first sentence of section 14(b) of the Federal Reserve Act, as amended (12 U.S.C. 355), is amended by striking out "bonds of the Federal Farm Mortgage Corporation having maturities from date of purchase of not exceeding six months,".

(e) The fourteenth paragraph of section 7 of the Federal Farm Loan Act, as amended (12 U.S.C. 723(c)), is amended by striking out the fourth sentence thereof.

(f) The last paragraph of section 12 of the Federal Farm Loan Act, as amended (12 U.S.C. 722), is amended to read as follows:

"Amounts transmitted to Federal land bank associations by Federal land banks to me loaned to its members shall, at the option of the bank, be in current funds or, at the option of the borrower, in farm loan bonds."

(g) Paragraph Eighth of section 13 of the Federal Farm Loan Act, as amended (12 U.S.C. 781), is amended to read as follows:

"Eighth. To buy and sell United States Government obligations direct or fully guaranteed."

(h) Section 13 of the Federal Farm Loan Act, as amended (12 U.S.C. 781), is amended by striking out paragraphs Fifteenth, Sixteenth, and Twentieth thereof.

(i) Section 22 of the Federal Farm Loan Act, as amended (12 U.S.C. 897), is amended by (1) striking out clause (e) under the heading "In the case of a Federal land bank", and (2) striking out clause (e) under the heading "In the case of a joint-stock land bank".

(j) Section 62 of the Farm Credit Act of 1933, as amended (12 U.S.C. 1138b), is amended by striking out "the Federal Farm Mortgage Corporation,".

(k) The Act of June 4, 1936, as amended (49 Stat. 1461; 12 U.S.C. 773a), is amended by striking out "the Federal Farm Mortgage Corporation," and "the Land Bank Commissioner".

(l) Section 7(b) of the First Deficiency Appropriation Act, fiscal year 1936, approved June 22, 1936 (49 Stat. 1684; 15 U.S.C. 712a (b)), is amended by striking out item 4 thereof and by redesignating items 5 to 13, inclusive, as 4 to 12, respectively.

(m) The Act of September 6, 1950 (64 Stat. 769; 7 U.S.C. 1036), is amended by striking out section 4 thereof.

(n) Section 7(a) of the Farm Credit Act of 1953, as amended (12 U.S.C. 636f(a)), is amended by striking out the second and third sentences thereof.

(o) The second sentence of section 433 of title 18 of the United States Code is amended by striking out "the Federal Farm Mortgage Corporation Act,".

(p) The first paragraph of section 493 of title 18 of the United States Code is amended by striking out "Federal Farm Mortgage Corporation".

(q) Section 657 of title 18 of the United States Code is amended by striking out "Federal Farm Mortgage Corporation,".

(r) Section 658 of title 18 of the United States Code is amended by striking out "Federal Farm Mortgage Corporation,".

(s) Section 1006 of title 18 of the United States Code is amended by striking out "Federal Farm Mortgage Corporation,".

(t) Section 1014 of title 18 of the United States Code is amended by striking out "or the Federal Farm Mortgage Corporation,".

(u) Section 101 of the Government Corporation Control Act, as amended (31 U.S.C. 846), is amended by striking out "Federal Farm Mortgage Corporation;".

(v) The Department of Agriculture Organic Act of 1944, as amended (58 Stat. 741; 12 U.S.C. 1020a-1), is amended by striking out section 603 thereof.

(w) The last paragraph of section 32 of the Federal Farm Loan Act, as amended (12 U.S.C. 992, 993), is hereby repealed.

With the following committee amendment:

Page 4, line 8, strike out "(12 U.S.C. 722)" and insert "12 U.S.C. 772)"

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DURUM WHEAT PRODUCTION IN TULELAKE, CALIF.

The Clerk called the bill (S. 1107) to provide a 2-year extension of the existing provision for a minimum wheat acreage allotment in the Tulelake area of California.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 334(i) of the Agricultural Adjustment Act of 1938, as amended, is amended—

(1) by striking "1958 through 1961" out of the first sentence thereof, and inserting "1958 through 1963"; and

(2) by adding at the end thereof the following additional sentence: "Any provision of law providing for a general reduction in farm acreage allotments, or for an acreage diversion program, for the 1962 crop of wheat shall not be construed to apply to farms for which acreage allotments are increased under the provisions hereof unless such provision of law is made applicable specifically to such farms."

With the following committee amendment:

Page 2, line 1, after "1962" insert "or 1963".

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT TO FARM CREDIT LAWS

The Clerk called the bill (S. 1927) to amend further the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, and for other purposes.

Mr. MASON. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXCHANGE OF LANDS BETWEEN THE NAVY AND OREGON

The Clerk called the bill (H.R. 8924) to amend section 207 of the Military Construction Act of 1960 in order to clarify the authority granted under such section to the Secretary of the Navy to exchange certain lands owned by the United States for lands owned by the State of Oregon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask two or three questions: First of all, does this bill provide for the fair market value in the proposed exchange of lands where there is a difference as to value?

Mr. NORBLAD. Mr. Speaker, if the gentleman will yield, my understanding is that it does.

Mr. GROSS. Well, the gentleman understands that it does, but I should like a little more assurance than that, that it does provide for the fair market value.

Mr. NORBLAD. It does provide for the fair market value.

Mr. GROSS. All right. Now, will the gentleman please tell me the meaning of "missile park"?

Mr. NORBLAD. It is contemplated that the Boeing Aircraft Co. will go in there and do testing.

Mr. GROSS. That is what is known as the missile park; is that right?

Mr. NORBLAD. I presume so, yes.

Mr. GROSS. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 207 of the Military Construction Act of 1960 (74 Stat. 166, 175) is amended to read as follows:

"SEC. 207. (a) Notwithstanding any other provisions of law, the Secretary of the Navy is authorized, upon such terms and conditions as he may determine to be in the public interest, to convey to the State of Oregon all or part of or interests in the lands, including acquired and public domain lands, comprising the Boardman Bombing Range in the State of Oregon, as delineated on a map designated as 'War Department, Office of the Division Engineer, North Pacific Division, Real Estate, Boardman Precision Bombing Range', approved February 17, 1947, drawing numbered 0-31-52. The conveyance of such lands to the State of Oregon shall be made in exchange for a conveyance, without restriction as to use of lands, to the United States of such lands, or interests therein, of the State of Oregon as the Secretary of the Navy shall find suitable for use, with any lands or interests retained by the Navy, as a bombing range, and upon payment by the State of Oregon to the United States of such amount as the Secretary of the Navy determines to represent the total of (1) the difference, if any, between the fair market value of the property so conveyed by the Secretary of the Navy and the fair market value of the land and interests in lands accepted in exchange therefor, and (2) the cost to the Department of the Navy of providing a complete substitute facility on the retained lands, if any, and the State lands so acquired.

"(b) The State of Oregon shall agree to be primarily liable and hold the United States harmless from any claims for personal injury or property damage resulting from the condition of the lands conveyed by the United States.

"(c) Of the lands retained by the Navy, if any, together with any lands conveyed to the United States by the State of Oregon, 37,320.31 acres thereof, inclusive of any retained public domain lands, as agreed upon by the Secretary of the Interior and the Secretary of the Navy, shall become public domain lands of the United States subject to all the laws and regulations applicable thereto, but shall remain withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and shall be reserved for use as a bombing range under the administration of the Department of the Navy until such withdrawal and reservation is revoked by order of the Secretary of the Interior with the concurrence of the Secretary of the Navy. The remaining acreage of the lands conveyed to the United States shall become a part of the lands comprising the substitute bombing range and shall be administered by the Department of the Navy.

"(d) The money received by the Secretary of the Navy in connection with the exchange authorized by this Act shall be disbursed as follows: (1) The difference in the fair market value between the public domain lands conveyed by the United States and the lands designated as public domain lands under subsection (c), exclusive of any retained public domain lands, shall be distributed as a receipt from the sale of public domain lands; (2) the difference in the fair market value between the remaining lands and interests exchanged shall be covered into the Treasury as a miscellaneous receipt; and (3) the amount received to defray the cost of providing a complete substitute facility shall be available to the Department of the Navy for the construction and acquisition of such complete substitute facility.

"(e) The Department of the Navy shall not be required to relinquish use of any lands of the Boardman Bombing Range to be conveyed to the State of Oregon until the complete substitute facility is available for use."

With the following committee amendment:

On page 4, lines 3 to 6, after the semicolon substitute the following: "and (3) the amount representing the cost to the Department of the Navy for providing a complete substitute facility on the retained lands, if any, and the State lands so acquired, shall be covered into the Treasury as a miscellaneous receipt."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISCLAIM INTEREST IN CERTAIN RIGHTS IN LANDS IN NEVADA

The Clerk called the bill (S. 2272) to disclaim interest in certain rights in certain lands in the State of Nevada.

There being no objection the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby disclaims any interest in lands which it may have, prior to the date of approval of this Act, acquired by virtue of chapter 103 Stat., Nevada 1887, or by any revisions and reenactment thereof.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNUAL AUDIT OF BRIDGE COMMISSIONS

The Clerk called the bill (H.R. 8921) to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filling of vacancies in the membership thereof, and for other purposes.

Mr. ROGERS of Colorado. Mr. Speaker, reserving the right to object, I am wondering if this legislation would provide for the Congress to make an annual audit of the Port Authority of New York.

Mr. DENTON. The bill was drawn so as to specifically exempt the New York Port Authority.

Mr. ROGERS of Colorado. The title reads "to provide for the annual audit of bridge commissions and authorities created by act of Congress for the filling of vacancies in the membership thereof, and for other purposes." It is the contention of many that any compact entered into by various States constitutes a creation by Congress.

Mr. DENTON. As I say, this bill is specifically limited to these five commissions.

Mr. ROGERS of Colorado. Mr. Speaker, I withdraw my reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) each bridge commission and authority created by Act of Congress shall provide for an annual audit of its financial transactions by an independent public accountant of recognized standing in such maner as prescribed by the Governors of the States concerned and in accordance with generally accepted auditing standards. Each such commission and authority shall make available for such purposes all books, accounts, financial records, reports, files, and all other papers, documents, or property belonging to or in use by such commission or authority. The General Accounting Office is authorized and directed to make available its advice on any matter pertaining to an audit performed pursuant to this section.

(b) The commission or authority within four months following the close of the fiscal year for which the audit is made shall submit a copy of the audit report to the Governors of the States concerned and to the Secretary of Commerce. The report shall set forth the scope of the audit and shall include a statement of assets and liabilities, capital, and surplus or deficits; a statement of surplus or deficit analysis, a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the Governor of the States concerned and the Secretary of Commerce informed of the operations and financial condition of the commission.

(c) The Governor of either State concerned or the Secretary of Commerce is authorized to provide for the conduct of further audits of any bridge commission or authority created by Act of Congress if the audit report submitted under subsection (b) is not satisfactory to said Governor or to the Secretary of Commerce, respectively.

(d) The commission or authority shall bear all expenses of the annual audit of its financial transactions as required by this section. All expenses of any additional audit required under this section shall be paid by the official or agency requesting such additional audit.

SEC. 2. (a) Each person who is a member, on the date of enactment of this Act, of a bridge commission or authority created by Act of Congress shall continue in office until the expiration of his present term, except as provided under subsection (b) of this section.

(b)(1) Except as provided in paragraph (2) of this subsection, where provision is made in the Act creating a bridge commission or authority for membership thereon without limitation as to length of term of office, the Secretary of Commerce shall, on or before the expiration of ninety days after the date of this Act, reappoint not more than one-third of the persons who are members of such bridge commission or authority on the date of enactment of this Act as members of such bridge commission or authority for a term of two years from the date of reappointment, reappoint not more than one-third of the members of such bridge commission or authority for a term of four years, and reappoint the remaining members for a term of six years. Thereafter, the term of each member appointed to such commission or authority shall be six years, except when an appointment is made to fill an unexpired term or when an incumbent member whose term has expired holds over until his successor is appointed, and vacancies shall be filled as provided under subsection (c) of this section.

(2) Notwithstanding any other provision of law, the term of office of each person who is a member of the White County Bridge Commission, created by the Act approved April 12, 1941 (55 Stat. 140), on the date of enactment of this Act shall expire on the ninetieth day after such date of enactment. The Secretary of Commerce shall thereupon appoint three persons as members of the commission, one for a term of two years, one for a term of four years, and one for a term of six years. Each person appointed as a member of the commission thereafter shall be appointed for a term of six years, except that a person appointed to fill a vacancy shall serve only for the unexpired term of his predecsssor. Each person appointed under this subsection shall give such bond as may be fixed by the Secretary of Commerce, conditioned upon the faithful performance of all duties required by this Act. The cost of such bonds shall be deemed an operating expense of the commission. The Secretary of Commerce shall designate the member of the commission who shall serve as chairman and the member who shall serve as vice chairman. Vacancies in the commission shall not affect its powers, and shall be filled in the same manner as the original appointments were made. The commission shall have power to establish rules and regulations for the government of its business.

(c) A vacancy in the membership of any bridge commission or authority to which this Act is applicable occurring by reason of expiration of term, failure to qualify as a member, death, removal from office, resignation, or otherwise, shall be filled by the Secretary of Commerce. Incumbent members whose terms have expired shall hold over in office until their successors are appointed and qualified.

(d) Each member appointed under this Act shall qualify within thirty days after appointment by filing with the Secretary of Commerce an oath that he will faithfully perform the duties imposed upon him by law.

(e) Each member appointed under this Act shall be removable for cause by the Secretary of Commerce.

(f) This section shall not be applicable to ex officio members or State highway department members of such bridge commissions or authorities.

SEC. 3. Each bridge commission and authority created by Act of Congress shall submit an annual report, covering its operations and fiscal transactions during the preceding fiscal year, its financial condition and a statement of all receipts and expenditures during such period, to the Governors of the States concerned and to the Secretary of Commerce not later than four months following the close of the fiscal year for which the audit required under section 1 of this Act is made.

SEC. 4. Authority is hereby granted to transfer all functions, powers, duties, responsibilities, authority, assets, liability, obligations, books, records, property, and equipment of any existing bridge commission or authority created by Act of Congress to the highway department or other agency of the State or States concerned, or to joint agencies established by interstate compact or agreement. Such transfer shall be carried

out in a manner as may be prescribed or authorized by the laws of the State or States concerned. Upon such transfer, such bridge commission or authority shall cease to exist.

SEC. 5. (a) All provisions of Acts of Congress creating bridge commissions or authorities may be enforced or the violation thereof prevented by mandamus, injunction, or other appropriate remedy by the chief legal officer of either State concerned, in any court having competent jurisdiction of the subject matter and of the parties. The following provisions of law are hereby repealed:

Section 11 of the Act approved October 30, 1951 (65 Stat. 699);

Section 15 of the Act approved July 26, 1956 (70 Stat. 676);

Section 12 of the Act approved April 12, 1941 (55 Stat. 144).

(b) Members and employees of bridge commissions and authorities created by Act of Congress shall not be deemed to be Federal officers and employees.

(c) The members of such bridge commissions and authorities shall each be entitled to a per diem compensation for their services of $20 for each day actually spent in the business of the commission or authority, but the maximum per diem compensation of the chairman in any one year shall not exceed $3,000, and of each other member in any one year shall not exceed $2,000. The members of such commissions and authorities shall also be entitled to receive traveling expense allowance of 12 cents a mile for each mile actually traveled on the business of the commission or authority.

Payments under the provisions of this subsection shall be in lieu of any other payments for salary or expenses authorized for service as a member of any such commission or authority under the provisions of any other Federal law relating to such commission or authority, but nothing in this subsection shall affect any other Federal law with respect to the funds from which any such payments shall be made.

This subsection shall not apply to any bridge or causeway commission or authority created by an Act of Congress, the entire membership of which is ex officio.

SEC. 6. The provisions of this Act shall apply only to the following bridge commissions and authority:

(1) Arkansas-Mississippi Bridge Commission, created by the Act approved May 17, 1939 (53 Stat. 747);

(2) White County Bridge Commission, created by the Act approved April 12, 1941 (55 Stat. 140);

(3) City of Clinton Bridge Commission, created by the Act approved December 21, 1944 (58 Stat. 846);

(4) Sabine Lake Bridge and Causeway Authority, created by the Act approved October 30, 1951 (65 Stat. 695); and

(5) Muscatine Bridge Commission, created by the Act approved July 26, 1956 (70 Stat. 669).

SEC. 7. If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of the Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF TITLE II OF NATIONAL DEFENSE EDUCATION ACT OF 1958

The Clerk called the bill (H.R. 9053) to amend title II of the National Defense Education Act of 1958 with respect to the periods for which loans under that title are made.

There being no objection the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 205(a) of the National Defense Education Act of 1958 is amended by striking out "fiscal year" and inserting in lieu thereof "academic year or its equivalent, as determined under regulations of the Commissioner,".

(b) The amendment made by subsection (a) of this section shall not apply with respect to any academic year or equivalent period, as determined under regulations of the Commissioner of Education, which began before July 1, 1961.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORRECTING INEQUITY IN THE 1962 WHEAT PROGRAM

The Clerk called the bill (H.R. 8842) to amend subsection (h) of section 124 of the Agricultural Enabling Amendments Act of 1961.

There being no objection the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (h) of section 124 of the Agricultural Enabling Amendments Act of 1961 be amended by striking, following the word "subsection", "(a) or", and following the words "diverted acres" insert "of the 1962 allotment".

With the following committee amendment:

Page 1, begining on line 5 strike out the word "following" and all of line 6 and insert "striking out the words 'diverted acres' and inserting in lieu thereof 'acres diverted from the 1962 allotment' ".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PARTICIPATION IN 1962 FEED GRAIN PROGRAM

The Clerk called the bill (H.R. 8914) to amend subsection (d) of section 16 of the Soil Conservation and Domestic Allotment Act, as amended.

The SPEAKER pro tempore. Mr. Speaker, is there objection to the present consideration of the bill?

Mr. TOLLEFSON. Mr. Speaker, at the request of Members who could not be present I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. KYL. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY], may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. FINDLEY. Mr. Speaker, this bill is a classic example of the way that our farm control bills are liberalized almost immediately following their enactment. Earlier this year Congress passed the "Agricultural Act of 1961." Included in this law was a special 1962 control program for wheat farmers. It was signed by the President on August 8, 1961. Now this afternoon, just 40 days and 40 nights later, we have before the House two bills to liberalize that law. The first bill, H.R. 8842, which was just passed on the Consent Calendar, liberalized the method of calculating how much wheat can be released from the storage of a previously produced crop.

This bill, H.R. 8914, sets up special rules for wheatgrowers in western Kansas and in other summer fallow areas planting winter wheat and barley.

This bill will allow certain farmers to plant and harvest barley now and in 1962, even though they do not have a 1959–60 barley base. This would be allowed at the same time the Department of Agriculture would be paying other farmers for not growing as much barley as they did in 1959–60. It seems to me that such a procedure would be completely illogical and inconsistent.

Another aspect of this legislation which makes it wholly unacceptable is that it gives a special loophole to wheat farmers in just one part of the country. Farmers who retire wheatland under the new wheat law are paid from 45 percent to 60 percent of their normal yield for doing so. Under H.R. 8914 preferred farmers would not only receive this payment, but they would also be able to plant barley on those idled acres. If that barley turned out well next spring, they could harvest it and participate in the feedgrain program. If it turned out poorly, they could plow it under and replace it with other spring-planted feed grains. This preferential treatment does not appear to me to be warranted, especially in view of the fact that ample payment is made for establishing cover crops to prevent wind erosion.

RICE ACREAGE ALLOTMENTS

The Clerk called the bill (H.R. 9013) to provide for the transfer of rice acreage history where producer withdraws from the production of rice.

There being no objection the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 353 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1353), be amended by adding at the end thereof a new subsection (f) to read as follows:

"(f)(1) If a producer in a State in which farm rice acreage allotments are determined on the basis of past production of rice by the producer on the farm, dies, his history of rice production shall be apportioned in whole or in part among his heirs or devisees according to the extent to which they may continue, or have continued, his farming operations, if satisfactory proof of such succession of farming operations is furnished the Secretary.

"(2) If a producer in a State in which farm rice acreage allotments are determined on the basis of past production of rice by the producer on the farm withdraws in

whole or in part from rice production in favor of a member or members of his family who will succeed to his farming operations that portion of his rice history acreage as may be ascribed to such withdrawal may be transferred to such family member or members, as the case may be, if satisfactory proof of such relationship and succession of farming operations by such family member or members is furnished the Secretary.

"(3) If a producer in a State in which farm rice acreage allotments are determined on the basis of past production of rice by the producer on the farm permanently withdraws from rice production, his rice history acreage may be transferred to another producer or producers who have had previous rice-producing experience, provided the following conditions are met: (i) The transferee must acquire the entire farming operation pertaining to rice, including all production and harvesting equipment, any irrigation equipment not permanently attached to the land, and any land owned by the transferor to which any of the transferred rice history acreage may be ascribed; and (ii) the transferee must actually plant at least 90 per centum of his total producer rice acreage allotment, including the allotment determined on the basis of the rice history acreage acquired from the transferor for at least three out of the next four years following the transfer. Failure by the transferee to comply with condition (ii) above shall result in cancellation of the transfer of the rice history acreage. The transferor of rice acreage history under this subsection shall not be eligible for a producer rice acreage allotment for any year subsequent to such transfer, except to the extent that such allotment may be based on rice history acquired in a year (subsequent to the transfer) for which rice acreage allotments are not in effect.

"(4) Upon dissolution of a partnership in a State in which farm rice acreage allotments are determined on the basis of past production of rice by the producer on the farm, the partnership's history of rice production shall be divided among the partners in such proportion as agreed upon in writing by the partners: *Provided*, That if a partnership was formed in a year in which allotments were in effect and is dissolved in less than three consecutive crop years after the partnership became effective, the rice acreage allotment established for the partnership and rice history acreages credited to the partnership for each of the years during its existence shall be divided among the partners in the same proportion that each partner contributed to the allotment established for the partnership at the time such partnership was formed. The rice history acreage credited to each of the partners for the years prior to the time the partnership was formed shall revert to the person to whom it was originally credited."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. KYL. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY], may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. FINDLEY. Mr. Speaker, I believe my colleagues will want to know that this is one more nail in the coffin wherein lies freedom-of-choice farm operation.

This bill permits disposition of rice allotments under these four circumstances: First, the producer dies or is declared incompetent by a court of competent jurisdiction; second, the producer withdraws in whole or in part from rice production in favor of a son, son-in-law, grandson, or nephew; third, the producer permanently withdraws from rice production; or, fourth, a partnership is dissolved.

The bill gives statutory blessing to an administrative policy which separates the right to grow a commodity from a particular parcel of land.

In this case, rice allotments, which already can be carried out in the farmer's pocket, can be willed to anyone, and in some circumstances sold to other rice producers.

Most things which can be disposed of in a will can also be bought and sold. If the trend indicated in this bill continues, we can soon expect to see the right to grow commodities bought and sold like the commodities themselves, with Uncle Sam serving as chief broker.

In establishing the right to grow as an item of quasi-personal property, we open challenging new frontiers for the tax assessor.

An earlier Consent Calendar this year contained H.R. 1022, a bill authorizing the transfer and leasing of tobacco allotments. At that time I pointed out that a leasehold interest in property is much akin to outright ownership and cautioned that once leasing of allotments becomes habitual sale of allotments will quickly follow.

Supporters of H.R. 1022 loudly declared they would never permit the sale of tobacco allotments. H.R. 9013 should be a warning to such people, because it allows the sale of allotments in the settlement of partnership interests and opens the door for unrestricted sale.

This bill is another significant step down the road to regimentation in agriculture.

INTER-AMERICAN CHILDREN'S INSTITUTE

The Clerk called the bill (H.R. 8895) to amend the joint resolution providing for membership and participation by the United States in the Inter-American Children's Institute.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, may we have a brief explanation of this bill?

Mr. SELDEN. Mr. Speaker, the Inter-American Children's Institute is a specialized organization of the Organization of American States. It serves as a center of information, study, research, technical advice, and documentations about problems relative to child welfare in the Americas. This organization has been in existence since 1919, and the United States has been a member since 1928.

Mr. GROSS. So that we may shorten the discussion, this is another bill providing for a 40-percent contribution on the part of the United States; is that correct?

Mr. SELDEN. The assessed share of the United States in the expenses of this organization at the present time is 40 percent. Currently the total budget is $80,000, and our share of it is $32,000.

Mr. GROSS. One of the reasons for this organization is to make nutritional studies?

Mr. SELDEN. That is correct.

Mr. GROSS. Yet there are teams of nutritional experts running all around South America and most of the rest of the world, at heavy expense to American taxpayers, digging up information on the nutritional needs of the people when the health departments of those countries unquestionably have this basic information.

I wonder when we are going to demonstrate just a little bit of sanity around here, and stop this use of $50, $75, and $100 per day consultants.

Mr. SELDEN. I should point out to the gentleman that there are other programs undertaken by this group. One of its efforts during 1960 was to bring about improvement of birth registrations as well as the development of other basic statistics relating to children. The Institute during 1960 gave special consultation to Chile in connection with children's services in the earthquake-torn area. The improvement of child nutrition is only one of the programs in which this organization has been active.

Mr. GROSS. I hope the Committee on Foreign Affairs, and other committees dealing with these contributions to international agencies by the United States, will get busy and see to it that the contributions of American taxpayers are substantially reduced in all cases.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of February 16, 1960 (74 Stat. 3), which amended the Act of May 3, 1928, as amended (22 U.S.C. 269b), is hereby amended by deleting the phrase "for the fiscal years 1961 and 1962" and inserting in lieu thereof the phrase "for the fiscal years 1963 and 1964".

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. SELDEN. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 66, which is similar to the bill H.R. 8895 just passed.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There being no objection, the Clerk read the Senate joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of February 16, 1960 (74 Stat. 3), which amended the Act of May 3, 1928, as amended (22 U.S.C. 269b), is hereby amended by deleting the phrase "for the fiscal years 1961 and 1962".

Mr. SELDEN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SELDEN: Strike out all after the enacting clause and insert the following: "That the Act of February 16, 1960 (74 Stat. 3), which amended the Act of May 3, 1928, as amended (22 U.S.C. 269b), is hereby amended by deleting the phrase 'for the fiscal years 1961 and 1962' and inserting in lieu thereof the phrase 'for the fiscal years 1963 and 1964'."

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 8895) was laid on the table.

PROVIDING FOR THE COLLECTION AND PUBLICATION OF FOREIGN COMMERCE AND TRADE STATISTICS

The Clerk called the bill (H.R. 7791) to amend title 13 of the United States Code to provide for the collection and publication of foreign commerce and trade statistics, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the analysis of title 13, United States Code, immediately preceding chapter 1 of such title, is amended by adding immediately after and underneath item 7 in such analysis the following new item:

"9. Collection and Publication of Foreign Trade Statistics..... 301."

SEC. 2. Title 13, United States Code, is further amended by inserting at the end thereof the following new chapter:

"CHAPTER 9—COLLECTION AND PUBLICATION OF FOREIGN COMMERCE AND TRADE STATISTICS

"Sec.
"301. Collection and publication.
"302. Rules, regulations, and orders.
"303. Secretary of Treasury, functions.
"304. Filing export information, delayed filings, penalties for failure to file.
"305. Violations, penalties.
"306. Delegation of functions.
"307. Relationship to general census law.

"§ 301. Collection and publication

"The Secretary is authorized to collect information from all persons exporting from, or importing into, the United States and the noncontiguous areas over which the United States exercises sovereignty, jurisdiction, or control, and from all persons engaged in trade between the United States and such noncontiguous areas and between those areas, or from the owners, or operators of carriers engaged in such foreign commerce or trade, and shall compile and publish such information pertaining to exports, imports, trade, and transportation relating thereto, as he deems necessary or appropriate to enable him to foster, promote, develop, and further the commerce, domestic and foreign, of the United States and for other lawful purposes.

"§ 302. Rules, regulations, and orders

"The Secretary may make such rules, regulations, and orders as he deems necessary or appropriate to carry out the provisions of this chapter. Any rules, regulations, or orders issued pursuant to this authority may be established in such form or manner, may contain such classifications or differentiations, and may provide for such adjustments and reasonable exceptions as in the judgment of the Secretary are necessary or proper to effectuate the purpose of this chapter, or to prevent circumvention or evasion of any rule, regulation, or order issued hereunder. The Secretary may also provide by rule or regulation, for such confidentiality, publication, or disclosure, of information collected hereunder as he may deem necessary or appropriate in the public interest. Rules, regulations, and orders, or amendments thereto shall have the concurrence of the Secretary of the Treasury prior to promulgation.

"§ 303. Secretary of Treasury functions

"To assist the Secretary to carry out the provisions of this chapter, the Secretary of the Treasury shall collect information in the form and manner prescribed by the regulations issued pursuant to this chapter from persons engaged in foreign commerce or trade, other than by mail, and from the owners or operators of carriers.

"§ 304. Filing export information, delayed filings, penalties for failure to file

"(a) The information or reports in connection with the exportation or transportation of cargo required to be filed by carriers with the Secretary of the Treasury under any rule, regulation, or order issued pursuant to this chapter may be filed after the departure of such carrier from the port or place of exportation or transportation, whether such departing carrier is destined directly to a foreign port or place or to a noncontiguous area, or proceeds by way of other ports or places of the United States, provided that a bond in an approved form in the penal sum of $1,000 is filed with the Secretary of the Treasury. The Secretary of Commerce may, by a rule, regulation, or order issued in conformity herewith, prescribe a maximum period after such departure during which the required information or reports may be filed. In the event any such information or report is not filed within such prescribed period, a penalty not to exceed $100 for each day's delinquency beyond the prescribed period, but not more than $1,000, shall be exacted. Civil suit may be instituted in the name of the United States against the principal and surety for the recovery of any penalties that may accrue and be exacted in accordance with the terms of the bond.

"(b) The Secretary may remit or mitigate any penalty incurred for violations of this section and regulations issued pursuant thereto if, in his opinion, they were incurred without willful negligence or fraud, or other circumstances justify a remission or mitigation.

"§ 305. Violations, penalties

"Any person, including the owners or operators of carriers, violating the provisions of this chapter, or any rule, regulation, or order issued thereunder, except as provided in section 304 above, shall be liable to a penalty not to exceed $1,000 in addition to any other penalty imposed by law. The amount of any such penalty shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States.

"§ 306. Delegation of functions

"Subject to the concurrence of the head of the department or agency concerned, the Secretary may make such provisions as he shall deem appropriate, authorizing the performance by any officer, agency, or employee of the United States Government departments or offices, or the governments of any areas over which the United States exercises sovereignty, jurisdiction, or control, of any function of the Secretary, contained in this chapter.

"§ 307. Relationship to general census law

"The following sections only, 1, 2, 3, 4, 5, 6, 7, 11, 21, 22, 23, 24, 211, 212, 213, and 214, of chapters 1 through 7 of this title are applicable to this chapter."

SEC. 3. The sections of the Acts, and the Acts or parts of Acts, enumerated in the following schedule, are hereby repealed. Any rights or liabilities now existing under such statutes or parts thereof, and any proceedings instituted under or growing out of, any of such statutes or parts thereof, shall not be affected by this repeal.

Date	Statutes at Large				Revised Statutes	United States Code	
	Chapter	Section	Volume	Page		Title	Section
					336	15	[1] 173
					337	15	[2] 174
July 16, 1892	196	1	27	197	----------	15	[3] 177
					339	15	[4] 179
					341	15	[5] 181
					263	15	[6] 184
					251	15	[7] 185
					338	15	186
					3812	15	[8] 187
					265		
Apr. 29, 1902	637	10	32	172	----------	46	[9] 95
Do	637	10	32	172	----------	48	[9] 1486
Jan. 5, 1923	23	2	42	1110	----------	15	193
					4200	46	[10] 92

[1] As amended by acts of Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Aug. 23, 1912, ch. 350, § 1, 37 Stat. 407; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; Jan. 25, 1919, ch. 10, 40 Stat. 1055; Mar. 1, 1919, ch. 86, 40 Stat. 1256.
[2] As amended by acts of Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Aug. 23, 1912, ch. 350, § 1, 37 Stat. 407; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; Mar. 1, 1919, ch. 86, 40 Stat. 1256.
[3] As amended by acts of Mar. 3, 1893, ch. 211, § 1, 27 Stat. 689; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Aug. 23, 1912, ch. 350, § 1, 37 Stat. 407; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736.
[4] As amended by acts of Mar. 3, 1875, ch. 129, § 1, 18 Stat. 352; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Aug. 23, 1912, ch. 350, § 1, 37 Stat. 407; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; Mar. 1, 1919, ch. 86, 40 Stat. 1256.
[5] As amended by acts of Aug. 23, 1912, ch. 350, § 1, 37 Stat. 407; Mar. 1, 1919, ch. 86, 40 Stat. 1256.
[6] As amended by acts of Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Aug. 23, 1912, ch. 350, § 1, 37 Stat. 407; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; Mar. 1, 1919, ch. 86, 40 Stat. 1256.
[7] Only part referring to form of annual statements on commerce and navigation as amended by acts of Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736.
[8] As amended by acts of Jan. 12, 1895, ch. 23, § 17, 28 Stat. 603; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736.
[9] As amended by acts of Feb. 14, 1903, ch. 552, 32 Stat. 829; Mar. 4, 1913, ch. 141, 37 Stat. 736; Apr. 7, 1948, ch. 177, 62 Stat. 161.
[10] As amended by acts of June 16, 1938, ch. 476, § 2, 52 Stat. 759; June 29, 1938, ch. 821, 52 Stat. 1248.

SEC. 4. The provisions of this Act shall take effect one hundred and eighty days after approval, except that the last sentence of section 337, "Fifth" of the Revised Statutes, and the requirement for oaths as found in section 4200 of the Revised Statutes shall be repealed effective on the date this Act is approved.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

HIGHWAY POST OFFICE SERVICE

The Clerk called the bill (H.R. 6695) to amend title 39 of the United States Code with respect to the transportation of mail by highway post office service, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HAYS. Mr. Speaker, reserving the right to object, could we have a brief explanation of this bill?

Mr. HAGAN of Georgia. Mr. Speaker, these amendments to the bill were offered and approved by the Post Office Department. Enactment of this legislation will simply facilitate a more effective and economic utilization by the Post Office Department of two of its important transportation authorities, that is, the authorities to enter into contracts for highway post office service and contracts for star route service.

Three major substantive changes in existing postal policies and procedures in this respect are provided by H.R. 6695.

Mr. HAYS. Can the gentleman tell me in what way it will facilitate it? I have been having trouble in my area with these postal deliveries now. It is slowed down, and people are complaining that they are not getting their mail on time, it is a day late, and so on. Will this help that situation at all? If so, how?

Mr. HAGAN of Georgia. This bill authorizes the Postmaster General to add new segments to highway post office routes, if the original route and the new segment have a common terminus point. Another change authorizes the Postmaster General, with the consent of the contractor, to substitute star routes for highway post office service under a highway post office contract with the substituted service to put in a new negotiated rate, determined in the light of pertinent circumstances but not in excess of the existing highway post office contract rate. Whether this new authority that they have will speed up the service, I am not sure about it.

Mr. HAYS. The gentleman thinks it might not hurt?

Mr. HAGAN of Georgia. It certainly should be more effective if they can add new routes and substitute more appropriate services. This authority is given to the Postmaster General to do that.

Mr. HAYS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (b) and (c) of section 6352 of title 39, United States Code, are amended to read as follows:

"(b) The Postmaster General in contracts for highway postoffice service may provide for—

"(1) increasing or decreasing the mileage, or the addition of new route segments provided that the original route and the new segment so added have at least one common terminus point;

"(2) increasing or decreasing the hours of service required;

"(3) other service changes;

"(4) the readjustment and compensation either upward or downward to reflect the service changes and increased or decreased costs attributable to changed conditions occurring during the contract term over which the Postmaster General or the contractor have no control and which would not reasonably have been foreseen at the time the original bid was made or the proposal for renewal filed;

"(5) the imposition or remission of fines and penalties by the Postmaster General for delinquencies in the performance of the contracts; and

"(6) other matters deemed appropriate by him.

"(c) If the Postmaster General, in his discretion, shall determine that highway post office service is no longer required on a route already under contract, he may alter existing highway post office contracts so as to permit the substitution of star route service in lieu of highway post office service for the remainder of the contract period at a rate not in excess of the present rate. The Postmaster General is authorized to extend or renew said contracts for substituted star route service for successive periods of not more than 4 years at the rate of compensation prevailing at the end of the preceding contract term.

"(d) If the Postmaster General shall cancel any contract for highway post office service, he shall make the following indemnities on account of such cancellation:

"(1) not in excess of one-twelfth of the compensation which would have been earned in one year if the service discontinued had been performed; and

"(2) an equitable allowance on account of any vehicle made surplus resulting from such discontinuance of the service. The equitable allowance shall be equal to the difference between the depreciated value which the vehicle made surplus had as of the time the vehicle was first used to perform the contract, less the sum of the following:

"(A) depreciation on account of the use of the vehicle in the performance of the contract, computed by multiplying one seventy-second of the original cost of the vehicle when new by the number of months, or parts of months, the vehicle was used in the performance of the contract;

"(B) new proceeds realized by the sale or disposal of the vehicle made surplus by the discontinuance of the service.".

With the following committee amendments:

(1) Page 1, strike out line 7 and all that follows down through line 2 on page 2, and insert in lieu thereof the following:

"(1) increasing or decreasing the mileage;

"(2) the addition of new route segments if the original route and the new segment to be so added have at least one common terminus point;".

(2) Page 2, line 7, strike out "(2)" and insert "(3)" in lieu thereof.

(3) Page 2, line 9, strike out "(3)" and insert "(4)" in lieu thereof.

(4) Page 2, line 10, strike out "(4)" and insert "(5)" in lieu thereof.

(5) Page 2, line 15, strike out "would" and insert "could" in lieu thereof.

(6) Page 2, line 18, strike out "(5)" and insert "(6)" in lieu thereof.

(7) Page 2, line 21, strike out "(6)" and insert "(7)" in lieu thereof.

(8) Page 2, strike out line 22 and all that follows down through line 7 on page 3, and insert in lieu thereof the following:

"(c) If the Postmaster General determines highway post office service is no longer required on a route already under contract, the Postmaster General may, in his discretion, and with the consent of the highway post office contractor, alter the existing highway post office contract to permit the substitution of star route service in lieu of highway post office service for the remainder of the contract period at a rate which shall be determined by negotiation, taking into consideration the nature and extent of the star route service and other pertinent factors, but which shall not be in excess of the rate being paid under such existing highway post office contract. The Postmaster General is authorized to extend or renew said contracts for substituted star route service for successive periods of not more than 4 years at the rate of compensation prevailing at the end of the preceding contract term. The provisions of section 6420 of this title shall not apply to the contracts altered or renewed pursuant to the authority conferred by this subsection."

(9) Page 4, strike out lines 7 to 22, inclusive, and insert in lieu thereof the following:

"(2) an equitable allowance on account of any vehicle made surplus resulting from such discontinuance of the service. The equitable allowance shall be equal to one-half of the difference between the depreciated value which the vehicle made surplus had as of the time it was first used to perform the contract and the sum of (A) depreciation which occurs during the performance of the contract and (B) the proceeds realized by the sale or disposal of the vehicle made surplus by discontinuation of the service. For the purposes of determining depreciated value as of the time that the vehicle was first used in the performance of the contract and the depreciation which occurs during the performance of the contract, such vehicle will be deemed to have a service life of 72 months and such vehicle will be deemed to uniformly depreciate one 72d of its original sales price for each month.

"(e) If a contract is altered pursuant to subsection (c), the contractor shall not be entitled to either the indemnity or to the equitable allowance provided either in subsection (d) or by the terms of his contract."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

ELECTION OF CERTAIN EMPLOYEES TO RECEIVE COMPENSATION UNDER SECTION 401 OF THE FEDERAL EMPLOYEES PAY ACT OF 1945

The Clerk called the bill (H.R. 8565) to permit certain Government employees to elect to receive compensation in accordance with section 401 of the Federal Employees Pay Act of 1945 in lieu of certain compensation at a saved rate, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 208 of the Federal Employees Pay Act Amendments of 1954 (title II of the Act of September 1, 1954; 68 Stat. 1111; Public Law 763, Eighty-third Congress) is amended by adding at the end thereof the following new subsection:

"(c)(1) Each employee who—

"(A) is on the rolls on the date of enactment of this subsection,

"(B) is within any class of employees described in subparagraph (1) or subparagraph

(2) of section 401 of the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 926), and

"(C) is receiving aggregate compensation at a saved rate by reason of subsection (b) of this section, may elect, in his discretion, by written request to the appropriate authority concerned, to receive basic compensation for his position in accordance with law and premium compensation under such subparagraph (1) or such subparagraph (2), as applicable, in lieu of aggregate compensation at a saved rate by reason of subsection (b) of this section.

"(2) All such elections made by employees prior to the date of enactment of this subsection, and payments of compensation pursuant to such elections, which would have been authorized under paragraph (1) of this subsection if such paragraph had been in effect at the times when such elections and payments were made are hereby authorized and validated to the same extent as if such paragraph had been in effect at such times.".

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

PRINCE GEORGES COUNTY SCHOOL BOARD, MARYLAND

The Clerk called the bill (H.R. 6759) for the relief of the Prince Georges County School Board, Maryland.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I note in the report that the Air Force is very much opposed to this legislation. I read one sentence—I do not care to take a great amount of time of the House, but this is simply to explain the reason why I will ask to have this bill put over. I want to read one sentence which appears on page 5 of the report in which the Air Force says as follows:

In 1957, with full knowledge of jet aircraft activity at Andrews Air Force Base, the Prince Georges County School Board saw fit to authorize expenditure of funds to expand the school facilities at the Forestville Elementary School.

In the light of that I do not see how we can on a Unanimous Consent Calendar, enact legislation here which will undoubtedly result in a substantial payout of Federal funds to this school district in Maryland. I have no doubt that there is a lot of noise around Andrews Field, but we should not, by unanimous consent, pass a bill that may well establish a precedent, with little debate, providing that the Federal Government pay to school districts the full costs of moving schools, and so on and so forth. I am convinced that this school district ought to go first to the Federal courts rather than to Congress for a remedy.

Mr. Speaker, I do not care to prolong this statement, because I know what I am going to do.

Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMENDMENT OF THE ACT OF APRIL 29, 1941, AS AMENDED, TO AUTHORIZE ANY FEDERAL AGENCY TO WAIVE PERFORMANCE AND PAYMENT BONDS

The Clerk called the bill (H.R. 8741) to amend the Act of April 29, 1941, as amended to authorize any Federal agency to waive performance and payment bonds, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of April 29, 1941, 55 Stat. 147, as amended (40 U.S.C. 270e), is hereby amended by—

(a) striking out the word "or" before "the Secretary of the Treasury" and before "Coast Guard";

(b) adding a comma and "or the head of any other Federal agency" after "the Secretary of the Treasury";

(c) adding "or any Federal agency," after "Coast Guard,"; and

(d) adding at the end thereof the following new sentence: "The term 'Federal agency', as used in this Act, means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation, or any establishment in the legislative or judicial branch of the Government."

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

SETTLEMENT OF AIR FORCE CRASH CLAIMS

The Clerk called the bill (H.R. 8958) to remove the present $5,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the crash of a U.S. Air Force aircraft at Midwest City, Okla.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the $5,000 limitation contained in section 2733 of title 10, United States Code, shall not apply with respect to claims arising out of the crash of a United States Air Force aircraft at Midwest City, Oklahoma, on August 25, 1961.

SEC. 2. With respect to claims filed as a result of an aircraft crash described in the first section of this Act, the Secretary of the Air Force shall, within thirty months after the date of the enactment of this Act, report to Congress on—

(1) each claim settled and paid by him under this Act with a brief statement concerning the character and equity of each such claim, the amount claimed, and the amount approved and paid; and

(2) each claim submitted under this Act which has not been settled, with supporting papers and a statement of findings of facts and recommendations with respect to each such claim.

SEC. 3. Payments made pursuant to this Act for death, personal injury, and property loss claims, shall not be subject to insurance subrogation claims in any respect. No payments made pursuant to this Act shall include any amount for reimbursement to any insurance company or compensation insurance fund for loss payments made by such company or fund.

SEC. 4. No part of the amounts awarded under this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to previous order of the House, the Clerk will now read H.R. 4934 on Consent Calendar No. 318.

RENEGOTIATION OF COMMERCIAL LEASES

The Clerk called the bill (H.R. 4934) to authorize the Secretary of Agriculture to modify certain leases entered into for the provision of recreation facilities in reservoir areas.

Mr. GROSS. Mr. Speaker, reserving the right to object, it is my understanding that this bill was passed and signed by the President and therefore there is nothing to consider so far as this bill is concerned.

The SPEAKER pro tempore. Will the gentleman ask unanimous consent that it be passed over without prejudice?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. That completes the call of the bills on the Consent Calendar eligible for consideration today.

PRIVILEGED COMMUNICATIONS MADE TO ANY MINISTER OF RELIGION IN DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5486) to prohibit the examination in District of Columbia courts of any minister of religion in connection with any communication made to him in his professional capacity without the consent of the party to such communication, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, strike out lines 3 and 4 and insert: "That no priest, clergyman, rabbi, or other duly licensed, ordained, or consecrated".

Page 1, line 5, after "religion" insert: "authorized to perform a marriage ceremony in the District of Columbia or duly accredited practitioner of Christian Science".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA SALES TAX ACT

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 258) to amend the District of Columbia Sales Tax Act to increase the rate of tax imposed on certain gross receipts, to amend the District of Columbia Motor Vehicle Parking Facility Act of 1942 to transfer certain parking fees and other moneys to the highway fund, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and ask for a conference with the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina? The Chair hears none, and without objection, appoints the following conferees: Messrs. McMILLAN, BURKE of Kentucky, and BROYHILL.

EXTENSION OF PUBLIC LAWS 815 AND 874

Mr. BAILEY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2393) to extend for 2 additional years the expired provisions of Public Laws 815 and 874, 81st Congress, and the National Defense Education Act of 1958, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EXTENSION OF PUBLIC LAWS 815 AND 874, EIGHTY-FIRST CONGRESS

Amendments to Public Law 815

SEC. 101. (a) The first sentence of section 3 of the Act of September 23, 1950, as amended (20 U.S.C. 633), is amended by striking out "1961" and inserting in lieu thereof "1963".

(b) Subsection (b) of section 14 of such Act is amended (1) by striking out "1961" each time it appears therein and inserting in lieu thereof "1963", and (2) by striking out "$40,000,000" and inserting in lieu thereof "$60,000,000".

(c) Paragraph (15) of section 15 of such Act is amended by striking out "1958–1959" and inserting in lieu thereof "1960–1961".

Amendments to Public Law 874

SEC. 102. (a) The Act of September 30, 1950, as amended (20 U.S.C. 236–244), is amended by striking out "1961" each place where it appears in section 2(a), 3(b), and 4(a) and inserting "1963" in lieu thereof in each such place.

Effective date

SEC. 103. The amendments made by this title shall be effective for the period beginning July 1, 1961.

TITLE II—EXTENSION OF NATIONAL DEFENSE EDUCATION ACT OF 1958

Amendments to title II (loans to students in institutions of higher education)

SEC. 201. (a) Section 201 of the National Defense Education Act of 1958 is amended by striking out "for the fiscal year ending June 30, 1962, and such sums for the fiscal year ending June 30, 1963, and each of the three succeeding fiscal years as may be necessary to enable students who have received a loan for any school year ending prior to July 1, 1962" and inserting in lieu thereof the following: "each for the fiscal year ending June 30, 1962, and for the two succeeding fiscal years, and such sums for the fiscal year ending June 30, 1965, and each of the three succeeding fiscal years as may be necessary to enable students who have received a loan for any school year ending prior to July 1, 1964".

(b) Section 202 of such Act is amended by striking out "1962" each place where it appears therein and inserting in lieu thereof "1964".

(c) Section 206 of such Act is amended by striking out "1962" each place where it appears therein and inserting in lieu thereof "1968".

Amendments to title III (financial assistance for strengthening science, mathematics, and modern foreign language instruction)

SEC. 202. (a) Section 301 of the National Defense Education Act of 1958 is amended by striking out "three succeeding fiscal years" both places where it appears therein and inserting in lieu thereof "five succeeding fiscal years".

(b) The last sentence of section 302(a)(2) of such Act is amended by striking out "two fiscal years in the period beginning July 1, 1960, and ending June 30, 1962" and inserting in lieu thereof the following: "four fiscal years in the period beginning July 1, 1960, and ending June 30, 1964".

(c) The second sentence of section 304(b) of such Act is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "four succeeding fiscal years".

Amendment to title IV (national defense fellowships)

SEC. 203. Section 402 of the National Defense Education Act of 1958 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

Amendments to title V (guidance, counseling, and testing; identification and encouragement of able students)

SEC. 204. (a) Section 501 of the National Defense Education Act of 1958 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

(b) The second sentence of section 504(a) of such Act is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "four succeeding fiscal years".

(c) The first sentence of section 504(b) of such Act is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

(d) The first sentence of section 511 of such Act is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

Amendments to title VI (language development)

SEC. 205. (a) Section 601 of the National Defense Education Act of 1958 is amended by striking out "1962" both places where it appears therein and inserting in lieu thereof "1964".

(b) Section 611 of such Act is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

Amendment to title VII (research and experimentation in more effective utilization of educational media)

SEC. 206. Section 763 of the National Defense Education Act of 1958 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

Amendment to title VIII (area vocational education programs)

SEC. 207. Section 301 of the Vocational Education Act of 1946 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

Amendment to section 1009 (improvement of statistical services)

SEC. 208. Section 1009(a) of the National Defense Education Act of 1958 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

The SPEAKER pro tempore. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second only for the purpose of assuring debate on this bill.

Mr. KEARNS. Mr. Speaker, as the ranking minority member, will the gentleman yield to me to demand a second?

Mr. GROSS. Mr. Speaker, I yield to the gentleman from Pennsylvania.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BAILEY. Mr. Speaker, on September 6, the House suspended the rules and passed by a vote of 378 to 32, the bill H.R. 9000. This bill extended for 2 years, without change, the so-called impacted areas aid to education program and the National Defense Education Act.

The other body, for reasons best known to itself, chose to act on its own bill, which I now bring before the House. As it was sent over to us, it is identical with the bill H.R. 9000 which we have already enacted. It is now necessary for the House to pass S. 2393 so that there is a bill with a common number to send forward to the White House.

Everyone is familiar with the contents of this bill. In effect, what we are doing today is ratifying what the House has already done in passing H.R. 9000 on September 6. I see no reason for any lengthy debate, Mr. Speaker. We are just confirming what the House has already done; that is, making a 2-year extension of Public Laws 815 and 874.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. BAILEY. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Several Members have asked just what this bill contains. I think the gentleman from West Virginia has already pointed out that this bill is identical with the action taken by the House when they passed H.R. 9000, which extends the National Defense Education Act and the so-called impacted area program. There is no change made by the other body that differentiates this bill from the one already passed by this body.

Mr. BAILEY. The gentleman from New Jersey is correct.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. BAILEY. I yield.

Mr. HOFFMAN of Michigan. Is it one of the purposes of this bill to delay the overall action on the educational program?

Mr. BAILEY. I yield to the gentleman from New Jersey [Mr. THOMPSON] to answer the question.

Mr. THOMPSON of New Jersey. The answer is in the negative. Public Laws 815 and 784 expired. The consensus was that the National Defense Education Act, particularly title II, the loan sec-

tion, should be continued for 2 years. It has no connection whatsoever with the matter to which the gentleman refers.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield.

Mr. HOFFMAN of Michigan. There was some rumor that we extended it 2 years so that next year Congress would not bring in a bill on Federal aid to education. Is that right?

Mr. THOMPSON of New Jersey. It has been a rumor, but the rumor is baseless. Any law can be brought up for amendment at any time, which would make without foundation the rumor to which the gentleman alludes.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. BAILEY. I yield to the gentleman from Pennsylvania.

Mr. KEARNS. I cannot understand why the Democratic Party leadership has not brought up a bill which I introduced some time ago dealing with the provision of higher facilities, when we have continued the impacted area legislation and the National Defense Education Act for 2 years.

Mr. THOMPSON of New Jersey. I think I could answer that, if the gentleman from West Virginia will yield. The majority of the House refused to vote for consideration of the proposal when it was brought forth. The gentleman from Pennsylvania is aware, I am sure, that had the House voted for consideration it would have been the same as being before the House with an open rule, and the gentleman from Pennsylvania could have offered his bill as a substitute. I do not know whether or not the gentleman voted to consider, but if he voted in the negative he voted to deprive himself of the opportunity to offer that fine bill to which he refers. He also voted against all school construction.

Mr. KEARNS. It would have been a very easy thing for the Democratic leadership to have included the higher facilities in this bill.

Mr. THOMPSON of New Jersey. What the leadership wanted was to give the House the opportunity to work its will. The House worked its will and in so doing denied the gentleman from Pennsylvania the opportunity to offer his bill as a substitute or as an amendment. As a matter of fact the gentleman from Pennsylvania voted himself against considering his own or anyone else's school construction bill.

Mr. KEARNS. Now we will not have a chance to consider it for 2 years.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Speaker, I take this time to ask the gentleman from West Virginia several questions in regard to the bill which was placed on our desks today. The title of this bill, copies of which were distributed here, alludes to a 1-year temporary extension of the impacted aid to education bill.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. LAIRD. I yield to the gentleman from Indiana.

Mr. HALLECK. When I looked at the bill I had the same concern the gentleman has, so I went to the desk and there learned that the engrossed bill is over from the other body with a 2-year extension. That, of course, is the one we are acting on.

Mr. LAIRD. I wanted to make it very clear, because the bill that has been distributed to the House today is certainly not the bill that I understood had been passed by the Senate; is that correct?

Mr. BAILEY. Mr. Speaker, if the gentleman will yield, I am pleased to have the gentleman clarify this particular point, and I am glad to have the gentleman from Indiana clarify it. The bill we are considering is S. 2393, which provides for a 2-year extension of both Public Laws 815 and 874.

Mr. LAIRD. The copies that were distributed here are copies of another bill.

Mr. HALLECK. Mr. Speaker, if the gentleman will yield further, I discovered this when I got into the matter. The copies of S. 2393 that have been distributed do not indicate that that bill had been passed by the Senate.

Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HALLECK. The copies of S. 2393 which have been distributed seem to provide and do provide for a 1-year extension. My information is that the copy of the engrossed bill as it passed the other body is at the desk, and I would like to inquire, if it is proper as a parliamentary inquiry, whether or not it does provide for a 2-year rather than a 1-year extension.

The SPEAKER pro tempore. In response to the gentleman's parliamentary inquiry, the bill S. 2393 which is at the Clerk's desk is identical with H.R. 8900 as it passed the House, and that had a 2-year extension.

Mr. HALLECK. That does provide for a 2-year extension. I thank the gentleman.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. LAIRD. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. It is my understanding that the bill as it came from the committee in the other body did provide for a 1-year extension, as indicated in the copies made available to the Members, but because of action taken on the floor, an extension was approved for a 2-year period. There was a difference of opinion whether it should be a 1-year or 2-year extension. Formal action already taken by the other body provides for a 2-year extension, as does the bill already approved by this House.

Mr. LAIRD. I think the confusion has been cleared up here, I thought it was important before we acted to make perfectly clear what we were acting on. I am opposed to the reenactment of the impacted aid bill with its present inequitable distribution formula. The schools needing the most help because of Federal impact are not given it but the area surrounding Washington is given more help than it deserves.

Now I would like to ask another question, and that has to do with the reason why the House bill H.R. 8900 was not enacted by the other body?

I yield to the gentleman from West Virginia.

Mr. BAILEY. In my preliminary statement when I moved action on this bill, I referred to the fact that for some unknown reason the other body saw fit to substitute its own bill.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. LAIRD. I yield to the gentleman from Florida.

Mr. CRAMER. Mr. Speaker, I would like to ask, the time not to be taken out of that yielded to the gentleman from Wisconsin, that the Clerk again read the enrolled Senate bill so the Members will know exactly what is before the House. The bill is short.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. THOMPSON of New Jersey. Mr. Speaker, reserving the right to object, it is a brief bill, but I think the gentleman can be satisfied with the assurance that it is precisely the bill that passed the House with a 2-year extension of the amendments to Public Laws 815 and 874 and of the National Defense Education Act.

Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read as follows:

S. 2393

An Act to extend for two additional years the expired provisions of Public Laws 815 and 874, Eighty-first Congress, and the National Defense Education Act of 1958, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EXTENSION OF PUBLIC LAWS 815 AND 874, EIGHTY-FIRST CONGRESS

Amendments to Public Law 815

SEC. 101. (a) The first sentence of section 3 of the Act of September 23, 1950, as amended (20 U.S.C. 633), is amended by striking out "1961" and inserting in lieu thereof "1963".

(b) Subsection (b) of section 14 of such Act is amended (1) by striking out "1961" each time it appears therein and inserting in lieu thereof "1963", and (2) by striking out "$40,000,000" and inserting in lieu thereof "$60,000,000".

(c) Paragraph (15) of section 15 of such Act is amended by striking out "1958–1959" and inserting in lieu thereof "1960–1961".

Amendments to Public Law 874

SEC. 102. (a) The Act of September 30, 1950, as amended (20 U.S.C. 236–244), is amended by striking out "1961" each place where it appears in sections 2(a), 3(b), and 4(a) and inserting "1963" in lieu thereof in each such place.

Effective date

SEC. 103. The amendments made by this title shall be effective for the period beginning July 1, 1961.

TITLE II—EXTENSION OF NATIONAL DEFENSE EDUCATION ACT OF 1958

Amendments to title II (loans to students in institutions of higher education)

SEC. 201. (a) Section 201 of the National Defense Education Act of 1958 is amended

by striking out "for the fiscal year ending June 30, 1962, and such sums for the fiscal year ending June 30, 1963, and each of the three succeeding fiscal years as may be necessary to enable students who have received a loan for any school year ending prior to July 1, 1962" and inserting in lieu thereof the following: "each for the fiscal year ending June 30, 1962, and for the two succeeding fiscal years, and such sums for the fiscal year ending June 30, 1965, and each of the three succeeding fiscal years as may be necessary to enable students who have received a loan for any school year ending prior to July 1, 1964".

(b) Section 202 of such Act is amended by striking out "1962" each place where it appears therein and inserting in lieu thereof "1964".

(c) Section 206 of such Act is amended by striking out "1966" each place where it appears therein and inserting in lieu thereof "1968".

Amendments to title III (financial assistance for strengthening science, mathematics, and modern foreign language instruction)

SEC. 202. (a) Section 301 of the National Defense Education Act of 1958 is amended by striking out "three succeeding fiscal years" both places where it appears therein and inserting in lieu thereof "five succeeding fiscal years".

(b) The last sentence of section 302(a)(2) of such Act is amended by striking out "two fiscal years in the period beginning July 1, 1960, and ending June 30, 1962" and inserting in lieu thereof the following: "four fiscal years in the period beginning July 1, 1960, and ending June 30, 1964".

(c) The second sentence of section 304(b) of such Act is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "four succeeding fiscal years".

Amendment to title IV (national defense fellowships)

SEC. 203. Section 402 of the National Defense Education Act of 1958 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

Amendments to title V (guidance, counseling, and testing; identification and encouragement of able students)

SEC. 204. (a) Section 501 of the National Defense Education Act of 1958 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

(b) The second sentence of section 504(a) of such Act is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "four succeeding fiscal years".

(c) The first sentence of section 504(b) of such Act is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

(d) The first sentence of section 511 of such Act is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

Amendments to title VI (language development)

SEC. 205. (a) Section 601 of the National Defense Education Act of 1958 is amended by striking out "1962" both places where it appears therein and inserting in lieu thereof "1964".

(b) Section 611 of such Act is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

Amendment to title VII (research and experimentation in more effective utilization of educational media)

SEC. 206. Section 763 of the National Defense Education Act of 1958 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

Amendment to title VIII (area vocational education programs)

SEC. 207. Section 301 of the Vocational Education Act of 1946 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

Amendment to section 1009 (improvement of statistical services)

SEC. 208. Section 1009 (a) of the National Defense Education Act of 1958 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

Mr. KEARNS (interrupting reading of the bill). Mr. Speaker, I ask unanimous consent that the bill be considered as read, and I move its adoption.

The SPEAKER pro tempore (Mr. MILLS). Is there objection to the request of the gentleman from Pennsylvania?

Mr. CRAMER. Reserving the right to object, I do not object to the reading aspect of the request, but there may be some additional questions with regard to moving the previous question on suspension. I would like to ask in reserving the right to object, what, if any, amendments to title 2 there were in the Senate bill, the title now being read, which does not appear in the bill which we have at the desk at the present time available to Members?

Mr. BAILEY. There were none.

Mr. CRAMER. The same wording as in the House version?

Mr. BAILEY. That is right.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania that the remainder of the bill be considered as read?

There was no objection.

Mr. ALGER. Mr. Speaker, I realize that, generally speaking, Federal aid is needed in schools in impacted areas, and I have supported this in the past and shall today approve this program. However, I am aware that there are excesses in this program where Federal money is sought and obtained simply because it is available and not because it is needed.

I feel that there are examples of this in the Washington area where salaries are high and parents can well afford to pay for the education of their children without accepting Federal aid. It is my hope that citizens everywhere and my colleagues will join in eliminating abuses in order to restrict, not expand, this particular type of Federal aid for education.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken.

Mr. CLANCY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and eighty Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 342, nays 18, not voting 75, as follows:

[Roll No. 210]

YEAS—342

Abbitt	Evins	McDowell
Abernethy	Fallon	McFall
Adair	Farbstein	McIntire
Addabbo	Fenton	McMillan
Addonizio	Findley	McVey
Albert	Finnegan	Macdonald
Alexander	Fino	MacGregor
Alford	Fisher	Mack
Alger	Flood	Madden
Andersen, Minn.	Flynt	Magnuson
	Fogarty	Mahon
Anderson, Ill.	Forrester	Mailliard
Andrews	Fountain	Marshall
Ashbrook	Frelinhuysen	Martin, Mass.
Ashmore	Friedel	Mason
Aspinall	Fulton	Mathias
Auchincloss	Gallagher	Matthews
Avery	Garland	May
Bailey	Garmatz	Meader
Baker	Gary	Merrow
Baldwin	Gathings	Michel
Baring	Gavin	Miller, Clem
Barrett	Gilbert	Miller, George P.
Barry	Glenn	
Bass, Tenn.	Goodling	Miller, N.Y.
Bates	Granahan	Milliken
Battin	Grant	Mills
Becker	Green, Pa.	Moeller
Beckworth	Griffin	Montoya
Beermann	Griffiths	Moore
Belcher	Gubser	Moorehead, Ohio
Bennett, Fla.	Hagan, Ga.	
Bennett, Mich.	Hagen, Calif.	Moorhead, Pa.
Betts	Haley	Morgan
Blatnik	Halleck	Morris
Blitch	Halpern	Morrison
Boland	Hansen	Morse
Bolling	Harding	Mosher
Bolton	Hardy	Moss
Bonner	Harris	Murphy
Bow	Harrison, Wyo.	Murray
Boykin	Harsha	Natcher
Brademas	Harvey, Ind.	Nelsen
Bray	Harvey, Mich.	Nix
Breeding	Healey	Norblad
Brewster	Hechler	Nygaard
Bromwell	Hemphill	O'Brien, Ill.
Broomfield	Henderson	O'Brien, N.Y.
Brown	Herlong	O'Hara, Ill.
Broyhill	Hiestand	O'Hara, Mich.
Bruce	Hoffman, Ill.	Olsen
Burke, Ky.	Hoffman, Mich.	O'Neill
Burke, Mass.	Holifield	Osmers
Burleson	Holland	Ostertag
Byrne, Pa.	Horan	Patman
Cahill	Hosmer	Perkins
Cannon	Huddleston	Peterson
Cederberg	Hull	Philbin
Chamberlain	Ichord, Mo.	Pike
Chelf	Ikard, Tex.	Pillion
Chenoweth	Inouye	Poage
Chiperfield	Jarman	Poff
Church	Jennings	Price
Clark	Jensen	Pucinski
Cohelan	Joelson	Quie
Collier	Johnson, Md.	Randall
Conte	Jonas	Ray
Cook	Jones, Ala.	Reece
Corbett	Judd	Reifel
Cramer	Karsten	Rhodes, Ariz.
Cunningham	Karth	Rhodes, Pa.
Curtin	Kastenmeier	Riehlman
Curtis, Mass.	Kearns	Riley
Curtis, Mo.	Kee	Rivers, Alaska
Daddario	Keith	Rivers, S.C.
Daniels	Kelly	Roberts
Davis, James C.	Keogh	Robison
	Kilday	Rodino
Davis, John W.	Kilgore	Rogers, Colo.
Davis, Tenn.	King, Calif.	Rogers, Fla.
Dawson	King, N.Y.	Rooney
Delaney	King, Utah	Rostenkowski
Dent	Kirwan	Roudebush
Denton	Kitchin	Roush
Derounian	Knox	Rousselot
Devine	Kornegay	Rutherford
Diggs	Kowalski	Ryan
Dole	Kunkel	St. Germain
Dominick	Kyl	Schadeberg
Donohue	Landrum	Schenck
Dorn	Lane	Schneebeli
Dowdy	Langen	Schweiker
Downing	Lankford	Scott
Doyle	Latta	Scranton
Durno	Lesinski	Seely-Brown
Dwyer	Libonati	Selden
Edmondson	Lindsay	Sheppard
Elliott	Lipscomb	Shipley
Ellsworth	Loser	Short
Everett	McCulloch	Shriver

Sibal	Thompson, N.J.	Whalley
Sikes	Thomson, Wis.	Wharton
Sisk	Thornberry	Whitener
Smith, Calif.	Toll	Whitten
Smith, Miss.	Tollefson	Wickersham
Smith, Va.	Trimble	Widnall
Spence	Tuck	Williams
Springer	Tupper	Willis
Stafford	Ullman	Wilson, Calif.
Steed	Utt	Wilson, Ind.
Stephens	Vanik	Winstead
Stratton	Van Pelt	Wright
Stubblefield	Van Zandt	Zablocki
Sullivan	Wallhauser	Zelenko
Taylor	Walter	
Teague, Tex.	Watts	

NAYS—18

Ashley	Giaimo	O'Konski
Clancy	Green, Oreg.	Saylor
Corman	Gross	Scherer
Dingell	Hays	Smith, Iowa
Fascell	Johansen	Taber
Feighan	Laird	Udall, Morris K.

NOT VOTING—75

Anfuso	Harrison, Va.	Rabaut
Arends	Hébert	Rains
Ayres	Hoeven	Reuss
Bass, N.H.	Holtzman	Rogers, Tex.
Bell	Johnson, Calif.	Roosevelt
Berry	Johnson, Wis.	St. George
Boggs	Jones, Mo.	Santangelo
Brooks	Kilburn	Saund
Buckley	Kluczynski	Schwengel
Byrnes, Wis.	Lennon	Shelley
Carey	McCormack	Siler
Casey	McDonough	Slack
Celler	McSween	Staggers
Coad	Martin, Nebr.	Teague, Calif.
Colmer	Minshall	Thomas
Cooley	Monagan	Thompson, La.
Dague	Moulder	Thompson, Tex.
Derwinski	Multer	Vinson
Dooley	Norrell	Weaver
Dulski	Passman	Weis
Ford	Pelly	Westland
Frazier	Pfost	Yates
Goodell	Pilcher	Young
Gray	Pirnie	Younger
Hall	Powell	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Anfuso and Mr. Multer for, with Mr. Byrnes of Wisconsin against.

Mr. Frazier and Mr. Colmer for, with Mr. Hébert against.

Mr. Brooks and Mr. Powell for, with Mr. Harrison of Virginia against.

Mr. McCormack and Mr. Bell for, with Mr. Roosevelt against.

Until further notice:

Mr. Thompson of Louisiana with Mr. Arends.

Mr. Thompson of Texas with Mr. Schwengel.

Mr. Lennon with Mr. Martin of Nebraska.

Mr. Boggs with Mr. Teague of California.

Mr. Monagan with Mr. Derwinski.

Mrs. Norrell with Mr. Weaver.

Mr. Pilcher with Mr. Pirnie.

Mr. Shelley with Mr. Dooley.

Mr. Rains with Mr. Goodell.

Mr. Reuss with Mr. Kilburn.

Mr. Dulski with Mr. Hoeven.

Mr. Johnson of Wisconsin with Mr. Siler.

Mr. Yates with Mr. Ford.

Mr. Moulder with Mr. Berry.

Mr. Rabaut with Mr. Bass of New Hampshire.

Mr. Rogers of Texas with Mrs. Weis.

Mr. Cooley with Mr. Ayres.

Mr. Thomas with Mr. Younger.

Mr. Johnson of California with Mr. McDonough.

Mr. Kluczynski with Mr. Minshall.

Mr. Santangelo with Mr. Hall.

Mr. Holtzman with Mr. Westland.

Mr. Buckley with Mr. Pelly.

Mrs. Pfost with Mrs. St. George.

A motion to reconsider was laid on the table.

LONGEVITY STEP INCREASES FOR POSTAL EMPLOYEES

Mr. MURRAY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1459) to amend the provisions of law relating to longevity step increases for postal employees.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (a) and (b) of section 3558 of title 39 of the United States Code are amended to read as follows:

"(a) There are established for each employee longevity steps A, B, and C. For each longevity step to which he is entitled—

"(1) each employee, other than a postmaster at a post office of the fourth class or a rural carrier, shall receive an amount equal to one step increase for his position,

"(2) each rural carrier shall receive an amount equal to one step increase for salary level PFS–4, and

"(3) each postmaster at a post office of the fourth class shall receive an amount equal to one step increase for salary level PFS–1 or to 6 per centum of his basic salary, whichever is the lesser.

In computing the percentage increase under this subsection the amount of the increase shall be rounded to the nearest dollar. A half dollar or one-half cent shall be rounded to the next highest dollar or cent, respectively.

"(b) Each employee shall be assigned to—

"(1) longevity step A at the beginning of the pay period following the completion of ten years of service; and

"(2) longevity step B at the beginning of the pay period following the completion of thirteen years of service; and

"(3) longevity step C at the beginning of the pay period following the completion of sixteen years of service."

SEC. 2. No increase in compensation shall result from the amendment made by this Act prior to the first day of the first pay period following the date of its enactment.

The SPEAKER pro tempore. Is a second demanded?

Mr. TOLLEFSON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for 20 minutes.

Mr. MURRAY. Mr. Speaker, I yield 6 minutes to the gentlewoman from Pennsylvania [Mrs. GRANAHAN].

Mrs. GRANAHAN. Mr. Speaker, it is the purpose of S. 1459 to establish a more equitable method for granting longevity step increases for postal employees as a reward for long and faithful postal service. This legislation will make two basic changes in existing law.

First, S. 1459 will establish the principle that longevity grades should be equal to step increases provided by law for the various levels of the postal field service. Such longevity increases in an amount equal to step increases already have been made a part of the Classification Act longevity step increase system. I believe it is right and proper that the same principle should now be extended to the postal field service. The longevity increases presently prescribed for postal employees are $100 for each of the three longevity steps. Under this legislation the longevity step increases will be $130 in level 1; $135 in level 2; $145 in level 3; and $160 in level 4; and so on up to the top level. Approximately two-thirds of all postal employees, including clerks and carriers, are in level 4.

Second, S. 1459 will establish the concept that longevity pay should begin after 10 years of service rather than after 13 years of service, and that intervals between step increases for longevity purposes should be uniformly set at 3 years instead of growing progressively broader as the years of service increase. Present law provides that postal employees shall receive longevity increases after 13, 18, and 25 years of service.

The postal employee normally reaches step 7, the top automatic step of his level, after the completion of 6 years of service. This means that he must wait an additional 7 years before reaching his first longevity increase; then he must wait an additional 5 years before reaching a second increase; and finally, an additional 7 years before reaching a third increase.

By beginning the first longevity increase after 10 years of service, the second after 13 years, and the third after 16 years, the intervals will be spaced with uniformity. This legislation would assure postal employees that they could anticipate longevity increases at 3-year intervals after having reached their top automatic step in a particular level.

Open hearings were held on this proposal and all witnesses who wished to appear and testify were heard. The sponsors of the House bills and all the witnesses except representatives of the Post Office Department favor enactment of S. 1459, as passed by the Senate. The Post Office Department opposes enactment.

The main objection of the Post Office Department is that it would be better not to make any basic changes in the postal compensation system at the present time, but that we should wait until basic reconciliations can be effected between the postal service system and the Classification Act system as a matter of Government policy.

Mr. Speaker, this same argument by the executive branch has been repeated over and over again almost every time a proposal is made for a forward looking reform in our Federal compensation system. The Federal Government has been playing a foot-dragging role with its employees for the past several years. I believe the time has come for us to begin playing the pace-setting role again.

Obviously there is some merit in the desire to equate the two pay systems, but I do not believe there is any justification for delaying enactment of this legislation for this reason. The estimates of the annual cost of this worthwhile employee benefit run all the way from $45 to $60.8 million. I believe the employee benefits proposed by this bill more than justify this cost.

Mr. Speaker, this bill received very favorable consideration in our committee and I am sure it will receive favorable consideration here today.

Mr. LANE. Mr. Speaker, will the gentlewoman yield?

Mrs. GRANAHAN. I yield to the gentleman from Massachusetts.

Mr. LANE. Mr. Speaker, the Congress of the United States should be ever vigilant to do justice and see that it is done; to correct inequities whenever they appear. S. 1459 is a bill intended to correct an inequitable situation that adversely affects a large segment of devoted Government employees, namely, postal clerks and carriers, in excess of 80 percent of whom spend all their working lives in one salary level while other Federal employees who come under the Classification Act advance to other salary levels.

This bill will equate, to a degree, those postal employees who are in the postal field service with other Federal employees who commence rendering their services at the same time and at an equal starting salary.

While employees under the Classification Act are granted longevity step salary increases with 10, 13, and 16 years of service, postal employees are granted such increases only with 13, 18, and 25 years of service, and the amounts are not the same.

When a comparison of figures is made between employees in the Post Office field service level 4 and employees under the Classification Act grade 5, the inequities are obvious and the necessity for correcting them are compelling. The figures are set forth in a letter I received from the United Federation of Postal Clerks, which letter, without objection, I submit at this place in my remarks.

Therefore, I urge favorable action on this very meritorious legislation.

SEPTEMBER 16, 1961.

MY DEAR CONGRESSMAN: Please accept my apologies for sending you a mimeographed letter. However, the time element precludes addressing a personal one to you.

As you probably know, Report No. 1191 was filed Friday on S. 1459. It is expected to come up under a suspension of rules on Monday, September 18. Postal employees will appreciate your support of S. 1459 without amendment. Any amendments at this time would only delay the bill to the extent that there would be no hope of passage. The issue, in this instance, is the correction of an inequity that exists between postal and Federal longevity grades and is long overdue. We would appreciate your noting the following salary levels as listed:

Step	Post office field service, level 4	Classification Act, grade 5
1	$4,345	$4,345
2	4,505	4,510
3	4,665	4,675
4	4,825	4,840
5	4,985	5,005
6	5,145	5,170
7	5,305	5,335
Longevity:		
7A	5,405	5,500
7B	5,505	5,665
7C	5,605	5,830

Post office clerks and letter carriers are all in level 4 of the postal field service salary level, a corresponding level to the Classification Act, grade 5. They both start at exactly the same salary but in the longevity grades there is considerable variance. Postal employees in the longevity grades receive an increase of $100, while Federal employees receive an in-step increase. It is worthy of note that in excess of 80 percent of post office clerks and letter carriers spend all of their working life in the one salary level, while classified employees advance to other salary levels.

We have appreciated your support in the past, and will further appreciate it now in the passage of S. 1459, without amendment.

Sincerely yours,

JOHN F. O'CONNOR,
Legislative Director, UFPC.

Mr. ALBERT. Mr. Speaker, will the gentlewoman yield?

Mrs. GRANAHAN. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, may I commend the gentlewoman and her subcommittee of the Committee on Post Office and Civil Service for the fine job they have done on this matter. The gentlewoman has shown a high quality of leadership during her service on the committee and the entire House is indebted to her.

Mrs. GRANAHAN. I thank the gentleman.

Mr. HALPERN. Mr. Speaker, will the gentlewoman yield?

Mrs. GRANAHAN. I yield to the gentleman from New York.

Mr. HALPERN. I, too, would like to commend the gentlewoman for the splendid, indeed, superb job she has done in connection with this long-overdue, vitally needed legislation. I trust it will win the full support of every Member of this House.

Mr. FULTON. Mr. Speaker, will the gentlewoman yield?

Mrs. GRANAHAN. I yield to the gentleman from Pennsylvania.

Mr. FULTON. I wish to compliment the gentlewoman for her enthusiasm. I favor and support this postal longevity legislation, which is beneficial to the postal employees of our Government, who give good and faithful service over a period of years. Long time good service of postal employees merits adequate longevity law provisions as a matter of decent and fair treatment. This is a must for Congress to provide.

Mr. Speaker, this bill received very favorable consideration in the Post Office and Civil Service Committee, and I recommend that it receive the same type of consideration on the floor of the House.

Mr. JOHANSEN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. WALLHAUSER].

Mr. WALLHAUSER. Mr. Speaker, I rise in support of S. 1459. I served on the subcommittee under the able chairmanship of the gentlewoman from Pennsylvania [Mrs. GRANAHAN]. I believe that it should be the aim of all Members of the House and the Senate to treat all Federal employees equally and fairly.

Mr. Speaker, this fair treatment includes pay, and leave, and fringe benefits as well. Private enterprise, of course, has ways of rewarding people for long service. Private enterprise can give bonuses, or longer vacations, or in other ways can reward people who have served well and ably.

Mr. Speaker, it is a fact that the postal service employees, most of them, are in level 4. I think the figures in regard to this are rather interesting. Of a total of 505,000 postal employees, 425,000 of them are in level 4, or below. They are frozen at this level. Rarely do they ever have the opportunity to move to higher levels. So, therefore, longevity pay is very important to them.

Mr. Speaker, what began back in 1945 when the law was originally enacted and amended in 1949 as an inconsistency has now become a rank injustice and I think it should be corrected. Improved standards of living and increases in cost of living have squeezed the original $100 increase down to a point where it is only worth a fraction of what it was back in those years. Of course, it is a fact that money necessary for a family of four on the average was 40 percent higher in 1959 than it was in 1950. I believe also that adjusting the longevity rates will aid in recruitment in the postal service, because it will make it more attractive for those desiring to go into this wonderful service to do so. They will know that they will be treated fairly, as will the classified employees.

Mr. Speaker, I say to you that this House has an obligation, in my judgment, to the postal field employees, and I hope we will act responsibly and favor this legislation.

Mr. BARRY. Mr. Speaker, will the gentleman yield?

Mr. WALLHAUSER. I yield to the gentleman from New York.

Mr. BARRY. Mr. Speaker, I want to commend the gentleman from New Jersey [Mr. WALLHAUSER] for his excellent presentation and say that I, too, served on the Postal Operations Subcommittee and join wholeheartedly with him and other members of the committee in urging favorable consideration of S. 1459. This legislation received overwhelming support in the Senate and was supported by a large majority of our committee.

The purpose of this bill is to place postal employees on a comparable basis with Federal employees subject to the Classification Act with respect to the period of service required for longevity step increases.

Employees whose compensation is fixed by the Classification Act receive longevity increases after 10, 13, and 16 years of service in the same grade in an amount equal to the regular within-step increase of the grade. Within-step increases start at $105 in grade GS–1 and increase with each higher grade to a maximum of $260 at the top.

In the postal field service, however, employees receive longevity increases in the fixed amount of $100 after 13, 18, and 25 years of service.

This legislation will correct this inequity by providing that longevity increases for postal employees will be in the same amount as the regular periodic within-step increases of the various pay levels. For example, in level 4, which includes most postal employees, the within-step increase is $160.

The other major change to be made by this bill is to reduce the service requirement for longevity increases from 13, 18, and 25 years to 10, 13, and 16 years in order to correspond with the 10,

13, and 16 years within-grade requirement under the Classification Act.

In the postal service over two-thirds of the employees are in level 4 with little or no opportunity to be promoted to a higher level. In the Classification Act system, on the other hand, most employees can expect to be promoted systematically to one of the higher grades. The postal employees who enter the service as clerks or carriers in level 4, with few exceptions will remain in level 4 for the entire period of their careers in the postal service. Hence, the only equitable way for establishing a true system of longevity for these employees is to award the longevity increases on the basis of total service in the postal service.

Mr. Speaker, since this bill has received such overwhelming support in the Senate and in our committee, I am sure it will receive the same support here on the floor of the House today.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. WALLHAUSER. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, there is an inequity in this situation that ought to be taken care of. I suspect the argument will be made that this will cost some money; that we should have a postal rate increase precedent to the enactment of this legislation.

Mr. Speaker, I am one who has never placed consideration of postal workers' salaries on the basis of revenue of the Post Office Department. We do not apply that rule anywhere else in Government, and I refuse to apply it in this instance, or any other, in connection with postal workers.

Mr. Speaker, I commend the gentleman for his position and I support it.

Mr. WALLHAUSER. I thank the gentleman from Iowa very much. I want to say to the gentleman from Iowa that his word is very weighty in this case and on our committee, and I think his favorable expression should be given full consideration.

Mr. COOK. Mr. Speaker, will the gentleman yield?

Mr. WALLHAUSER. I yield to the gentleman.

Mr. COOK. Mr. Speaker, I rise in support of S. 1459 to amend the provisions of law relating to longevity step increases for postal employees.

I commend the Committee on Post Office and Civil Service for reporting out this very important piece of legislation. It will establish a more equitable method for granting longevity step increases for postal field service employees as a reward for long and faithful service.

The legislation will make two basic changes in existing law: First, it will establish the principle that longevity step increases will be equal to step increases provided by existing law for the particular grade level. Under present law longevity step increase in an amount equal to grade step increases apply to other Government employees and I believe that this principle should be extended to the postal field service. Under this legislation the longevity step increases will be $130 in level 1; $135 in level 2; $145 in level 3; $160 in level 4, and so forth. Since approximately two-thirds of all postal employees, including clerks and carriers, are classified in level 4, this change will be of great significance to the postal employees.

Second, it is only fair that the longevity pay for postal employees should begin after 10 years of service instead of 13 years, as is the present ruling, and that the time lapses between step increases for longevity purposes should be set uniformly at 3 years instead of growing progressively broader as the amount of service increases under present law. Under this law, a postal employee whose postal service generally is all in one grade level, will be able to anticipate longevity increases at approximately 3-year intervals, after having reached the top automatic step of his particular level.

As a Member of Congress who is interested in supporting legislation that will equalize the postal workers with other Government workers in this field, I intend to vote for this important piece of legislation.

Mr. MURRAY. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana [Mr. MORRISON].

Mr. MORRISON. Mr. Speaker, I am pleased that this bill, S. 1459, to correct an inequity in the law relating to longevity step increases for postal employees, has been scheduled for action today by the House. The enactment of this legislation is long overdue, and I urge my colleagues to approve the measure today so that it can become law as quickly as possible.

On March 30, 1961, I introduced a similar bill, H.R. 6092, but I believe the amendments which were adopted by the Senate and approved by the House Post Office and Civil Service Committee have strengthened the legislation.

The bill is designed to place postal employees on comparable basis with other Federal classified employees with respect to longevity increases. At the present time, Classification Act employees receive longevity increases after 10, 13, and 16 years' service in the same grade in an amount equal to the regular within-step increases of the grade. These within-step increases range from $105 in grade GS–1 to a maximum of $260 at the top.

In the postal field service, however, employees receive longevity increases in a fixed amount of $100 after 13, 18, and 25 years of service.

The bill corrects inequities in the present law in two respects: First, it provides longevity increases for postal employees after 10, 13, and 16 years of service in order to conform to present law relating to classified employees. Second, the bill provides that the amount of the longevity increase to be granted postal employees shall be the amount of the within-step increase which is the present law with respect to classified employees.

This means that for the vast majority of postal employees who are clerks and carriers the longevity increase will be $160 which is the within-step increase in level 4.

This inequity in the pay structure for postal employees which is being corrected today under the provisions of S. 1459 has existed for some time. In 1945 and again in 1949 when the step increases for postal employees in level 4 was $100 the longevity increases were set at $100 each. When the longevity bill for classified employees was passed, the longevity increases under their pay system was established at an amount equal to the step increase within the grade. All this bill does is to bring the postal employees pay structure for longevity increases in conformity to the longevity pay structure for classified employees.

Over two-thirds of the postal employees are in level 4 and most of them are clerks and carriers. The majority of these employees will stay in level 4 for the entire period of their postal service and most of them will never be afforded an opportunity for promotion to higher grades. Thus, there is a most compelling reason why this legislation is important and should be enacted at this time.

Unfortunately, the Post Office Department has expressed opposition to the enactment of this legislation. I do not believe the reasons given for opposing this legislation are meritorious and I urge the Members to approve this bill which will correct the injustices which I have cited.

Mr. JOHANSEN. Mr. Speaker, I yield such time as he may require to the gentleman from Ohio [Mr. HARSHA].

Mr. HARSHA. Mr. Speaker, I rise in support of S. 1459. It is inconceivable that the Congress would deliberately adopt two entirely different principles of remuneration for longevity in the same year, one for postal workers and one for classified employees, and yet this is exactly what Congress did.

To correct this inequity, this bill should be passed. Equality of pay treatment for all Federal employees is a worthwhile and just goal. That is all the postal employees are asking. This bill is but another step in that direction.

Federal employees who are compensated under the Classification Act receive longevity increases after fixed intervals in an amount equal to the regular within-step increase of the grade to which the position that they occupy is assigned. That, however, is not true in the case of postal employees. Postal employees under a pay provision established many years ago receive longevity increases at a fixed amount of $100. This creates a rather anomalous situation in addition to the discrimination involved as compared to the treatment received by employees under the Classification Act. The anomaly is as follows:

When an employee enters the postal service—let us say as a clerk at level 4, with a starting salary of $4,345 per annum—after the completion of 1 year's service, he received a periodic increase of $160 which raises his salary to $4,405 per annum. At the end of each additional year of service, he receives a similar periodic increase until he reaches the top of his grade.

Thereafter, the only thing he has to look forward to is the longevity increase at the end of 13 years of service, a second longevity increase at the end of 18 years of service, and a final longevity increase at the end of 25 years of service. Each such increase is a fixed amount of $100. This $100 is reduced by 6½ percent for

retirement purposes; further reduction is made for life insurance; and a further reduction is made for income tax purposes. After all of the reductions have been made, the employee receives the balance which amounts to something in the neighborhood of $2 a pay period or approximately $1 a week.

On the other hand, his counterpart under the Classification Act when he becomes entitled to a longevity increase receives the same amount as the step increase of his grade.

The bill upon which we are acting today corrects this situation by establishing the concept that longevity pay should begin after 10 years of service rather than after 13 years of service and that intervals between step increases for longevity purposes should be set uniformly at 3 years instead of growing progressively broader as the amount of service increases.

Present law provides that postal employees shall receive longevity step increases after 13, 18, and 25 years of service. The postal employee normally reaches step 7, the top automatic step of his level, after completion of 6 years of service.

This means that he must wait an additional 7 years before reaching his first longevity increase. He must wait an additional 5 years before reaching a second increase and finally an additional 7 years before reaching a third increase.

This legislation would assure a postal employee that he could anticipate longevity increases at approximately 3-year intervals after reaching the top automatic step of his particular level.

This bill merely brings the postal employees longevity increases in line with the classified employees and it is right and proper that the same principle be extended to the postal employees.

I urge your wholehearted support in this matter and ask my colleagues to give the postal employees equal treatment to which they are so justly entitled. Let us wipe out discrimination against the postal employee that exists in the present law and adopt S. 1459. It is a very fair way to reward their vigorous, able, and dedicated service.

Mr. JOHANSEN. Mr. Speaker, I yield such time as he may require to the gentleman from Nebraska [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, this legislation came out of the Postal Operations Subcommittee of which the gentlewoman from Pennsylvania [Mrs. GRANAHAN] is chairman and of which I am the ranking minority member.

Mr. Speaker, I was happy in the subcommittee to make the motion that this legislation be reported favorably. We had very thorough hearings on the matter, and as previous speakers have said, it does correct a long-standing inequity. The present setup discriminates against postal employees as compared with classified workers.

Also I want to mention that I, too, like the gentleman from Iowa [Mr. GROSS] do not believe this publicity about having to operate the Postal Establishment on a so-called businesslike basis, meaning that the income should equal the outgo. This is something that the former Postmaster General made popular. I am sorry that some people are still following that position. To show you how foolish that position is, that the income must always equal the outgo, there are going to be many increases in postal expenses in the next few years. Salaries are going to need adjustment; many things are going to be purchased at higher rates because of the inflationary spiral that is always with us, and if we follow this procedure of saying that we shall not spend more than we take in in the Post Office, we will wind up with a 25-cent first-class postage stamp in the next 10 years. So, Mr. Speaker, I do recommend this legislation.

Therefore, Mr. Speaker, I wish to join my colleagues in urging favorable consideration of S. 1459. This legislation received overwhelming support in the Senate and was supported by a large majority of our committee.

The purpose of this bill is to place postal employees on a comparable basis with Federal employees subject to the Classification Act with respect to the period of service required for longevity step increases.

Employees whose compensation is fixed by the Classification Act receive longevity increases after 10, 13, and 16 years of service in the same grade in an amount equal to the regular within-step increase of the grade. Within-step increases start at $105 in grade GS–1 and increase with each higher grade to a maximum of $260 at the top.

In the postal field service, however, employees receive longevity increases in the fixed amount of $100 after 13, 18, and 25 years of service.

This legislation will correct this inequity by providing that longevity increases for postal employees will be in the same amount as the regular periodic within-step increases of the various pay levels. For example, in level 4, which includes most postal employees, the within-step increase is $160.

The other major change to be made by this bill is to reduce the service requirement for longevity increases from 13, 18, and 25 years to 10, 13, and 16 years in order to correspond with the 10, 13, and 16 years within-grade requirement under the Classification Act.

The Post Office Department objects to the comparison of permitting postal employees to count all of their postal service for longevity purposes, whereas the classified employees are permitted to count only the service within a particular grade. I find no basis for this objection. In the postal service over two-thirds of the employees are in level 4 with little or no opportunity to be promoted to a higher level. In the Classification Act system, on the other hand, most employees can expect to be promoted systematically to one of the higher grades. The postal employees who enter the service as clerks or carriers in level 4, with few exceptions will remain in level 4 for the entire period of their careers in the postal service. Hence, the only equitable way for establishing a true system of longevity for these employees is to award the longevity increases on the basis of total service in the postal service.

Mr. Speaker, since this bill has received such overwhelming support in the Senate and in our committee, I am sure it will receive the same support here on the floor of the House today.

Mr. JOHANSEN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Speaker, I am glad to rise to support very strongly this postal worker longevity legislation. I have a bill cosponsoring this present legislation, H.R. 8473, amending the provisions of law relating to longevity step increases for postal employees. I believe these postal employees should be treated equally with the classified Government employees and recommend prompt passage of this bill for the benefit of our good U.S. postal employees.

There is a large percentage of level 4 employees. Four hundred and twenty-five thousand of the 500,000 postal employees are in level 4 grade and below. Most of these postal employees start and retire at that level, and this legislation is necessary at this time to give just treatment to these fine loyal workers.

I would state that this is not a pay increase, but puts postal employees on the same level as other Government classified employees in their treatment by the Government over the years as these employees continue to render good and satisfactory service. Improved longevity law provisions will make the postal service more efficient. We certainly should not wait for a postal rate increase as a condition precedent to the passage of this proposed legislation. Receipts clearly should not be tied as a condition to fair and good longevity rules—these postal workers are surely entitled to this consideration at this time.

I would like to discuss specific features of the present longevity legislation. The legislation is identical to that contained in my own bill, H.R. 8473, and I sincerely urge its immediate adoption. This bill will correct two major inequities that affect postal employees in present law. First, it will put postal employees on the same basis as Classification Act employees by providing for longevity increases for them after 10, 13, and 16 years of service. Second, it provides that longevity increases shall be in an amount equal to their within-step increases, which is also provided for Classification Act employees.

The longevity system for postal employees should certainly be on a basis which takes the facts into consideration that very few employees in the postal service in level 4 are ever afforded the opportunity for promotion to a higher grade.

The Post Office Department contends that this legislation is, in fact, a pay increase bill. I disagree with this position of the present administration. Bills embodying the principles of longevity pay were first introduced in the 70th Congress of 1928. The principles were established at that time that longevity increases should not be considered as pay increases. It was stated at that time that the longevity increases must be considered as a reward for continuous

service rendered. The application of this principle has been accepted continuously ever since. It is considered to be good employee practice, developing morale, increasing efficiency, and reducing turnover. The principle of longevity increases has a wide application in private employment and is being expanded constantly. It is a reward for long and faithful years of service and experience.

Mr. Speaker, this legislation is long overdue and I urge all my colleagues on both sides of the aisle to give it their favorable consideration.

Mr. MURRAY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. LESINSKI].

Mr. LESINSKI. Mr. Speaker, I wish to express my appreciation to my colleagues on the Committee on Post Office and Civil Service and to all those who are responsible for affording the Members of the House an opportunity to consider this legislation to provide a more equitable longevity system for postal employees.

I introduced H.R. 8758, which is identical to the bill passed by the Senate, S. 1459. I urge your favorable consideration of S. 1459 here today.

As we know, the principle of remuneration for longevity was first introduced in the postal pay schedules in 1945 through Public Law 134. While the formula used in prescribing the longevity steps at that time was appropriate, it now works an injustice for the postal employees as compared to the Classification Act employees. Postal employees now get longevity increases at the end of 13, 18, and 25 years of service. The increases are $100 each which were established in 1945. This $100 was worth almost double in today's dollar value. The bill provides for only $130 in level 1, $135 in level 2, $145 in level 3, and $160 in level 4. On the other hand, Classification Act employees receive longevity step increases after 10, 13, and 16 years of service in the same grade in an amount equal to the regular within-step increase of a grade.

While it is true that a Classification Act employee does not carry his longevity credit with him when he is promoted to a higher grade, the majority of postal employees on the other hand never have the promotion opportunities that the Classification Act employees have. Most of the postal employees are in the lower pay levels and by far the majority of these are clerks and carriers in level 4. These employees have little anticipation of ever reaching level 5 or any higher grade.

Longevity is supposed to be a reward for faithful service. It is supposed to be an incentive for work well done. The carrier or clerk in level 4 who goes to the third longevity step after 25 years of service will receive, under the present law, an annual increase of $100—$1.80 a pay period or 90 cents a week—and this after 25 years of faithful service. I hardly believe that this can be considered much of an incentive.

Mr. Speaker, I believe that this legislation will remove an inequity that has been placed upon the postal employees. Since my bill, H.R. 8758, is identical with the Senate-passed bill, S. 1459, I urge that favorable action be taken on the Senate bill today.

Mr. JOHANSEN. Mr. Speaker, I yield such time as he may desire to the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Speaker, I am pleased indeed that this bill is now before the House; I urge all Members to support this very worthwhile legislation.

Mr. Speaker, perhaps someday we shall bring our postal workers to a position they deserve. For many years I have felt they have been too far down the scale of Federal pay and retirement levels.

The postal workers are fine people, loyal Federal employees, and good citizens in my congressional district. I am proud to support this legislation.

Mr. JOHANSEN. Mr. Speaker, I yield such time as he may desire to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Speaker, as the original originator of longevity bills for Post Office employees I also approve this extension of it.

Mr. JOHANSEN. Mr. Speaker, I yield such time as he may desire to the gentleman from New York [Mr. FINO].

Mr. FINO. Mr. Speaker, I want to associate myself with the sponsor and supporters of this piece of legislation, which is long overdue. This bill will correct a great inequity in the postal service. I am happy to support it wholeheartedly.

Mr. JOHANSEN. Mr. Speaker, I yield as much time as he requires to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Speaker, I rise in enthusiastic accord with this legislation. As one who has long been concerned with the iniquitous situation this bill will correct, I am privileged to be identified as a sponsor of the measure, my bill being H.R. 6502.

In saying I have long been interested in this problem, I do so based not only on my role as a legislator, but as a former postal employee. I can speak from both levels with practical experience.

The workers in our postal service deserve every just consideration for the vital contribution they make to our everyday lives. Had many of us lived in countries where the post office organization is a haphazard operation and where the safe and prompt delivery of letters and packages is indeed an uncertainty, I think we would be more appreciative of the efforts of American postal workers. Unfortunately, all too often their service to the community is not properly recognized nor rewarded.

Take the case of the issue before us today. I am sure that it was not the intent of Congress when it enacted Public Law 134 in 1945 to discriminate against the postal workers in this matter of longevity increases. Yet today the postal workers are at a distinct disadvantage in relation to Federal employees subject to the Classification Act. Federal employees who are compensated under the Classification Act receive longevity increases after fixed intervals—after 10, 13, and 16 years' service—in an amount equal to the regular within-step increase of the grade they occupy. The postal workers, on the other hand, must wait until they have completed a longer period of service—13, 18, and 25 years of service—and then they receive longevity increases at a lower fixed amount of $100.

This difference in compensation schedules is more unfair than it superficially seems. For one must remember that a great majority of postal workers enter and retire from the postal service in the same grade—grade 4. For the first 6 years of his service, a postal clerk or letter carrier receives a periodic increase—$160 if he is a grade 4—every year. Then he reaches a plateau and the only thing he can look forward to is a longevity increase. He must complete his 13 years of service before he is eligible for such an increase. Thirty percent of postal workers today receive longevity pay as against only 6 percent among the classified employees. This is true because the classified workers have more opportunities for promotion to higher grade levels. They do not stay in a grade long enough to qualify for longevity. But postal workers, many of whom have few changes in the nature of their task over the years, tend to have very limited promotion opportunities. Because longevity increases are more vital to the livelihood of postal workers, it is doubly important that the law should offer them equal treatment.

This bill would rectify the present inequity in longevity increases and would put the postal workers on a comparable basis with the classified employees. I repeat that I am proud to be a cosponsor of this legislation to adjust the postal workers' longevity pay. Despite the unwarranted opposition of the administration to these bills, I feel we owe it to those in the postal service to enact this legislation before this congressional session ends. Mr. Speaker, in closing, I wish to commend the committee for the job it has done in reporting this bill. I fervently hope it will be approved overwhelmingly by the Members of this House.

Mr. JOHANSEN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I find myself in a strange and paradoxical situation, indeed. I voted against the bill S. 1459 in committee, and I intend to vote against it here today.

The paradoxical situation is that I find myself apparently the only person on either side of the aisle speaking in support, at least so far, of the position taken by the administration. The contradiction goes one step further. I find the administration, which made a great campaign issue of the fact that it was the party with a heart and the party that cares, offers strong and valid reasons why this bill should not be approved, at least this year.

Let me say first of all that I am not satisfied, after the discussions in our full committee and after the shotgun, ramrod subcommittee hearing that was held in order to vote this bill out and bring it to the full committee, as to where the equities or inequities do lie. It seems the administration has a considerable point in calling attention to the fact that postal employees, generally

speaking, become eligible for longevity ahead of the classified employees, and that arises from the fact that a classified employee must acquire 10 years of service in a given grade before he becomes eligible for longevity benefits, and if he has acquired longevity benefits and transfers to a higher grade, while he preserves the earnings and earning rate that he had at the time of the promotion, he loses his eligibility in his grade for longevity and has to again serve for 10 years in that grade.

It is the contention of the Department, and I think with valid grounds, that this legislation, instead of curing, actually creates and aggravates inequities, and it would be against the classified employee. I also happen to be impressed with the argument that with a study of differences and comparisons in an effort to eliminate inequities between postal pay and classified pay, in anticipation of a certain effort to raise both pay scales next year, it would be in order to wait until that study is completed and do the job overall. I can understand, of course, why the postal employees and those who speak for them favor this increase now because it will assure that any pay raise, any general raise voted next year, will be superimposed on the increased pay of those who receive longevity.

Now, in addition to those two points, I want to speak very frankly to my colleagues about what I think is the most compelling reason why this bill should not pass today. On last Friday this House saw fit in its wisdom to insist on consideration of the administration-supported postal rate bill under an open rule, and as the distinguished ranking minority member of the Committee on Post Office and Civil Service, the gentleman from Pennsylvania [Mr. CORBETT], told the House on last Friday, this was the death knell of any postal rate increase in this session. The House in effect last Friday refused to close or partially close the gap between operating costs and revenues of the Post Office Department.

And, let me interject right here this word of reassurance to my colleagues who have testified here today that they do not believe in the Post Office Department operating on a break-even basis. I would like to console them with the assurance that they do not need to worry about that happening if we are going to continue on the procedure that was followed last Friday and the procedure that you propose to follow today by adding $60 million a year extra cost.

I think it is not fiscal responsibility, and I want to be impartial and equitable in the distribution of my comment on this matter.

I think it is interesting to note that 89 Members of the majority party deserted their own leadership and their own administration on this matter. I would like also to point out to some of my very dear conservative friends and colleagues, Mr. Speaker, that there would not be fiscal responsibility in this matter of the operating costs as against the revenue of the Department as a result of their vote on last Friday. This bill today means a $60 million additional annual operating cost on the Department, and I am quite sure the House may very well again demonstrate that it is not going to practice fiscal responsibility in this matter. The House may very well decide that the present users of the mails will pass more of their postage bills on to their grandchildren through deficit financing.

Mr. ALGER. Mr. Speaker, will the gentleman yield?

Mr. JOHANSEN. I yield to the gentleman from Texas.

Mr. ALGER. I want to thank the gentleman for yielding and to join with him and to assure him that I realize this is not a question whether some are for or against postal workers or a pay increase as such. Certainly no one will contend that Postmaster General Day is not for the postal workers or not for increased pay, including longevity pay. I believe that all of us feel that postal workers should be adequately paid. I find myself in accord with the logic of the views of the gentleman from Michigan and the concern of Postmaster General Day as expressed in the letter in the report on page 2. Mr. Day points out that liberal pay increases were given during the past fiscal year which increased the clerks', carriers' and other postal workers' salaries approximately 8 percent.

Secondly, Postmaster General Day points out that the Postal Department is reviewing the pay structure for postal workers to determine whether present pay is in line with wages and salaries paid by private employers, the conclusions of which he expects to have by the end of this year. It seems self-evident to me, as it does apparently to him, that Congress waits until receiving this information before acting further on postal pay increases. As Mr. Day points out "piecemeal changes of this kind increase, rather than decrease, the differences because other related provisions remain unchanged." He was comparing the Postal Field Service Compensation Act and the Classification Act longevity requirements in making this statement. He pointed out if similarity were desired then this bill falls short. Whether similarity or dissimilarity is required, as I see it, we should have the Department's pay study before taking legislative action.

Finally, Mr. Day points out, "Because of our doubt as to the wisdom of an additional pay raise so soon after the increases given last fiscal year and because shortening the service time requirement for postal employees would unnecessarily add to the existing differences among Federal pay systems, we oppose enactment of these bills."

While we are agreed that postal workers' pay should not hinge solely on postal receipts balancing postal expenses, yet we cannot remain oblivious to the increased deficit of $60 million occasioned by this pay increase at this time without an increase in postal rates. This is just sound commonsense, and I refuse to believe that the Postal Department cannot be run in a sound financial manner.

The Bureau of the Budget has related in the report on page 4:

> The apparent purpose of this bill is to bring about greater comparability between the salary structures of the postal field service and the Classification Act.

And—

> The objective of achieving greater comparability between the Federal Government's two major pay systems has considerable merit. Unfortunately, H.R. 6092 would not only fall short of this objective but would actually create greater inequities than now exist.

The Budget Bureau further states:

> H.R. 6092 would be to create even greater disparities in pay treatment of Classification Act and postal employees.

And then concludes by saying:

> The Bureau of the Budget opposes the enactment of H.R. 6092, since in our view it would change the postal field service salary structure on a piecemeal basis and in an unsound way.

It is my view that invariably Congress enacts postal pay increases either hastily and/or because of the political pressure brought to bear on the Congress by the postal workers. As I see it, postal pay raises should follow careful study by this Congress rather than through submission to pressure.

I regret exceedingly that continually I am placed in a position of appearing to be against postal pay increases when this is not my position at all. I will not apologize for demanding fiscal responsibility in all phases of the operation of our Federal Government, so long as we Congressmen are charged with the responsibility of guarding the purse strings for the heavily burdened taxpayer, as we expend their money. I believe postal workers should be well paid. I believe that seniority and longevity should be recognized because this indicates faithfulness to the task. I also believe in incentive pay so that men with ability and hustle can get ahead compared to those who lack either or both.

I will concede there is much I do not know about postal pay matters, but as I read the report and see the Postmaster General and the Budget Bureau's opposition to this bill and the reasons, sensible as they are, advanced for this opposition, I am unable to approve the longevity pay arrangement in this way at this time. I think it is premature.

I want to commend the gentleman from Michigan for what he has said and associate myself with his views.

Mr. MURRAY. Mr. Speaker, I yield 5 minutes to the gentleman from Montana [Mr. OLSEN].

Mr. OLSEN. Mr. Speaker, the bill, S. 1459, is conceived in the interest of fairness and equity. It is corrective legislation that, in my opinion, is long overdue.

S. 1459 was passed by the other body on July 17 by a unanimous vote and is recommended by the House Post Office and Civil Service Committee. The purpose of the bill is to eliminate discrimination against postal employees with respect to longevity pay increases by providing benefits comparable to

those enjoyed by regular civil service employees.

Under present law, Federal employees subject to the Classification Act receive longevity increases after 10, 13, and 16 years of service within a given grade, while postal employees receive longevity increases after 13, 18, and 25 years of service. This bill, S. 1459, grants postal employees increases after 10, 13, and 16 years of service.

In one other respect the postal employees are discriminated against. Each longevity pay increase under the Classification Act is equal to the regular within-step increase of the grade. The increase in some instances is $260. Meanwhile, postal employees receive longevity increases of only $100. Under S. 1459, postal employees' longevity pay increases would be equal to the within-step pay increases for the grade or level in exactly the same manner as other Government employees.

I know there will be attempts and there have been attempts made to paint this adjustment as a pay increase. It is not a pay increase; it is merely the correction of a gross inequity. In the matter of pay, the postal employees are also greatly discriminated against. Under date of June 30, 1960, the Civil Service Commission published a study of the pay structure of the Federal civil service. This study showed the average pay of Federal employees under four pay schedules to be as follows: Classified Pay Act, the average was $5,697; wage board employees averaged $5,386; postal employees, $4,853; and employees under other acts and administrative decisions averaged $6,617. I find this most difficult to understand. The vast majority of postal employees are heads of families; they have responsible positions; and are entitled to equal consideration with other Government workers.

Again, I wish to repeat that this is not a pay bill; it is a bill to correct a long-existing inequity. This inequity should have been corrected a long time ago. Indeed, I find it most ironic to learn that the first longevity pay increases were provided for postal employees—this was in 1945. Now today we find that the postal workers are at the tail end of the parade. In 1949 the longevity provisions were amended. The amount of the longevity increase provided was $100 per year. At that time, this was exactly the same as the annual increase received by clerks and carriers. In 1949 longevity increases were provided for employees under the Classification Act; the amount of the longevity increase was defined as the amount of the step or grade increase. With the changes of the pay schedules the amounts of longevity increases for classified employees have gone up accordingly. Only the postal longevity increases have stood still. It is high time that we modernize the postal longevity schedule.

Out of the approximately 545,000 postal employees, 392,000 are in level 4. The nearest comparable pay grade under the Classification Act is grade 5. Employees in postal level 4 and classification grade 5 receive exactly the same pay in the initial step, $4,345 per annum. When it comes to longevity pay, however, the postal employee is the poor relative. He receives only $100 per year and waits longer for it than his counterpart in the general Government field; the Classification Act employee receives longevity pay of $165 per year and he receives it sooner. Are we going to pass this bill that provides simple justice and equity, or are we going home and tell our letter carriers, our clerks, our rural carriers "Cinderella, you stay with your rags, with your pots and pans—you are not as good as the other members of the family."

We must not fail to correct this gross inequity. Justice and righteousness are virtues of the soul. We must correct this problem by equal-handed justice. We cannot continue to make fish of one and fowl of the other.

I want to reemphasize one point to which I have briefly referred. There is one basic difference between the advantages for advancement in the classification service and in the postal service. In this area we find the postal employee greatly discriminated against. Out of the 545,000 postal employees, 435,000 are in level 4 or below. On the other hand, out of the 982,000 Classification Act employees, 593,000 are in grades above grade 5. The Classification Act employees move up to higher grades, but the postal employees are largely confined to the level in which they start. The letter carrier and the clerk start in those positions and also retire as letter carrier or as clerk. I know that a limited number are promoted to supervisor, but the percentage is extremely low. As a matter of fact, the letter carrier can look forward only to his longevity increase and to his retirement.

Longevity pay was established as a reward for faithful service and as an incentive to keep good men in the Government service. Let us see what type of a reward and what type of an incentive it has become. In 1945 an increase of $100 per year looked pretty good. Taxes were relatively low, the letter carrier or clerk with a family paid no income tax. The deduction for retirement purposes was 3½ percent of his salary. Actually, he received $96.50 out of the $100 increase. This $96.50 bought a pretty large basket of groceries in 1945. Today the letter carrier or clerk pays substantial income taxes to the Federal Government; he pays taxes to the State and in many cities he pays taxes to the city. He contributes 6½ percent of his pay to the retirement fund. Let us see what the $100 longevity increase means today in take-home pay.

First, we will consider a letter carrier with three dependents—he has 18 years of service and is receiving take-home pay of $171.57 for 2 weeks. Seven years later as a reward for faithful service, the Government increases his pay to $175.17. That amounts to $3.60 per pay period, or $1.80 per week.

How much of an incentive is that? Not enough to create enthusiasm, inspiration, or even thankfulness.

With the passage of this bill, the longevity step increase that a letter carrier will receive will amount to $5.58 per pay period, or $2.79 a week. I am sure that this will be a valuable incentive. This is only $1 a week more than the longevity presently granted but that $1 additional would grant $2.79 a week instead of $1.80 per week—I think a little more valuable incentive.

Let us correct our failures to take proper measures for the past 12 years by passing this legislation. Let us in the name of proper procedures put longevity on a basis where adjustments are brought about in an orderly, progressive and automatic manner. Let us in the name of commonsense and justice pass this bill before we go home to face the postal employees in the 437 districts in the 50 States. Justice is always important. Justice is always imperative; it should not now be deferred again.

Mr. MURRAY. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. JAMES C. DAVIS].

Mr. JAMES C. DAVIS. Mr. Speaker, in the matter of longevity step increases I have long felt that postal employees should be placed in the same category with other Federal civilian employees. For that reason I supported this bill in the committee, and I support it here today. I trust it will pass by an overwhelming majority.

Mr. MURRAY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ADDABBO].

Mr. ADDABBO. Mr. Speaker, I rise in support of this legislation, and wish also to inform the House that, as a member of the subcommittee which held hearings on this particular legislation, full and extensive hearings on this legislation were held for 2 days and all of those who wished to be heard were heard.

Mr. Speaker, the subcommittee unanimously favorably reported this bill out. This bill corrects the inequitable treatment of the postal workers and rewards them for long and faithful service to the people and our Government.

Mr. MURRAY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Speaker, I wish to congratulate the committee, the chairman of the full committee, and especially the subcommittee chairman, the gentlewoman from Pennsylvania [Mrs. GRANAHAN] for bringing this legislation to the floor before adjournment.

Mr. Speaker, this legislation would correct an uncalled for and undesirable inequity that exists between the longevity grades of postal and other Federal Government employees.

In addition to correcting this inequity—a correction which is long overdue—this measure would also justly reward our older postal employees for long and faithful service, and it would provide added incentive for qualified employees to advance to management positions.

Mr. Speaker, this legislation is fully merited and I urge the House to approve it today.

GENERAL LEAVE TO EXTEND

Mr. MURRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. JOELSON. Mr. Speaker, I am delighted to have the opportunity of providing equity and justice to postal workers. Campaign oratory is no substitute for action. We now have the chance to act. I will gladly support this bill for equal longevity pay treatment for all Federal employees.

Mr. RANDALL. Mr. Speaker, I wish to say that I will support S. 1459, which is an amendment to the law to provide longevity step increases for postal employees.

The reason we are dealing with a Senate bill here today is that this measure was passed by the Senate on July 17, 1961, by unanimous vote. If the purpose of this measure could be defined in a simple manner, it would be to state that this is a bill to eliminate discrimination against postal employees with respect to longevity pay increases by setting up benefits comparable to those enjoyed by regular civil service employees.

It is a bill which has as its essence fairness and equity to all postal employees. If it has been described as corrective legislation, may we hasten to add it embodies a correction which is long overdue. We submit the reasons for the above statement as follows:

Under present law, the regular civil service employees receive longevity increases after 10, 13, and 16 years of service within a given grade. While postal employees receive longevity increases only after 13, 18, and 25 years of service. This bill, S. 1459, will grant to postal employees increases after 10, 13, and 16 years exactly like other Federal employees.

We have mentioned one discrimination and yet there is another which is that under the Classification Act each longevity pay increase is equal to the regular within-step increase of the grade. This amounts in some cases to $260. On the other hand, postal employees receive longevity increases of only $100. S. 1459 would give postal employees treatment exactly the same as other Government employees.

It will doubtless be argued this is a pay adjustment—or a pay increase. It is not a pay increase, but instead is the correction of a longstanding inequity. The Civil Service Commission has some figures on the pay structure from a published study of June 30, 1960. It reviewed the average pay of Federal employees in four pay schedules: First, Classification Act, the average was $5,697; second, wage board, $5,386; third, employees under other acts averaged $6,617; fourth, postal employees averaged only $4,853.

We should all remember these postal employees are heads of families. They do have responsible positions and are entitled to equal consideration with other Government workers.

If this bill passes today, and I am sure it will, so I should say when this bill passes, we will have done something which should have been done a long time ago. It was not until 1945 that the first longevity legislation pay increase was provided and not until 1949 that the longevity provisions were amended. In that same year of 1949, longevity was provided for employees under the Classification Act as the amount of the step or grade increase. Only the postal longevity increase has stood still.

One of the members of the committee in his remarks on the floor of the House said that today we find the postal worker at the tail end of the parade. This is just about as good a description as we have heard, and at the same time, one of the strongest reasons why this postal longevity schedule should be modernized.

For my part, I do not intend to go home and say to our clerks and letter carriers and even our rural carriers that they are not as good as other Federal employees.

Before we conclude our remarks, we should like to point out that the postal worker may be under another disadvantage or the object of another discrimination and that is because advancement under the Classification Act is easier. Here is what we mean: Of about 550,000 postal employees, 435,000 are in level 4—or below. While on the other hand, out of 980,000 employees under the Classification Act, nearly 600,000 are in grade 5 or above.

The classified worker is moved to a higher grade, but postal employees many times come to retirement as clerks or letter carriers. Oh, sure, some are promoted and some even become supervisors, but the percentage is extremely low. Why do I mention this? Simply to reemphasize again the importance of making it possible for clerks and carriers to look forward to fair and ample longevity increases.

Today we can make up for some of the omissions of the past 12 years, by passing this legislation. It is only commonsense and justice that this bill should be passed.

For my part, I want to be on the record squarely and affirmatively for S. 1459, because I cannot go home and face my postal employees with the word that they will have to wait still longer or that justice must even be longer deferred.

LONGEVITY STEP INCREASES FOR POSTAL EMPLOYEES MUST BE PROVIDED

Mr. GILBERT. Mr. Speaker, I am happy to have the opportunity to cast my vote in favor of S. 1459 to amend the provisions of law relating to longevity step increases for postal employees. I have long urged that favorable action be taken on this legislation.

The bill is designed to eliminate discrimination against postal employees with respect to longevity pay increases by providing benefits comparable to those enjoyed by regular civil service employees. This is only common justice for our faithful postal employees. It has been pointed out that most of them enter and retire from the postal service in the same grade level; namely, grade 4. No matter how good a letter carrier may be, the odds are 99 to 1 that he will retire at the end of 20 or more years while still a letter carrier, at the top of grade 4, with only longevity increases to look forward to during his years of service. Postal employees in the longevity grades up to now have received an increase of $100, while Federal employees receive an in-step increase. The inequity which exists between postal and Federal longevity grades must be corrected and this consideration has long been overdue our postal workers. We should be sympathetic to the problems of our loyal and conscientious postal workers who deliver the Nation's mail; they ask no preferential treatment; they ask only that they receive the treatment now accorded other Government employees.

In view of ever-rising living costs, it is most important that our postal workers be given the assistance provided by this bill. To eliminate the inequities they now endure will also bolster their morale; it will be a recognition of the fine service they perform for us, all of which they richly deserve.

POSTAL LONGEVITY STEP INCREASES EQUITABLE

Mr. BOLAND. Mr. Speaker, I rise in favor of S. 1459, a bill to amend the provisions of law relating to longevity step increases for postal employees.

The purpose of this legislation is to establish a more equitable method for granting longevity step increases for postal field service employees as a reward for long and faithful service.

This legislation will make two basic changes in existing law. First, it will establish the principle that longevity step increases will be equal to step increases provided by existing law for the particular grade level. Longevity step increases in an amount equal to grade step increases now are part of the Classification Act longevity step increase system. Therefore, it is only right and proper that the same principle be extended to the postal field service.

Secondly, this legislation will establish the concept that longevity pay should begin after 10 years of service rather than after 13 years of service, and that intervals between step increases for longevity purposes should be set uniformly at 3 years instead of growing progressively broader as the amount of service increases. This would assure a postal employee, such as a clerk or a carrier, whose postal service generally is all in one grade level, that he could anticipate longevity increases at approximately 3-year intervals after having reached the top automatic step of his particular level.

Mr. Speaker, I urge passage of this equitable legislation.

Mr. DONOHUE. Mr. Speaker, I most earnestly hope that the great majority of the Members of this House will approve the suspension of the rule and enact this measure, S. 1459, without amendments or extended delay.

As you well know, S. 1459 is designed to provide a more equitable method for granting longevity step increases for postal employees in recognition of their loyal and faithful service.

In order to establish this more equitable and just method, two changes in the existing law are required, and the passage of S. 1459 will accomplish these changes. The language proposed in S. 1459 will, first, set up the principle that

longevity step increases will be equal to step increases provided by current law for the particular grade level, and unquestionably this is a sound principle to extend into the postal service. Second, the bill will establish the concept that longevity pay should become effective after 10 years of service rather than after 13 years, and that intervals between step increases for longevity purposes should be set uniformly at 3 years instead of growing progressively broader as the time of service increases.

Mr. Speaker, the postal employees have a history of superior duty performance and loyalty to this country, and I submit that their morale should be reasonably encouraged by passage of this proposed legislation which will also serve as a further inducement for recruitment, in the future, of the most desirable individuals for postal work.

Following this action, we should make every effort to accomplish basic reconciliations between the postal service pay system and the Classification Act system as a matter of wise Government policy but, in the meantime, as a gesture toward that objective we should take prompt action on the measure now before us. I sincerely hope our colleagues here will immediately act to pass this bill and let us move on to further important legislative business.

Mr. ROUSH. Mr. Speaker, I rise in support of the bill to provide a more equitable method of granting longevity pay increases to postal employees. I believe that it is important that the postal longevity benefits be made to more closely correspond to the civil service classification system benefits.

The employees of our postal service are important members of our Government. To many in our Nation, contact with the Post Office Department is the only regular contact they have with their Government. The dedication and the spirit of these employees has long been a valuable public relations asset to the entire Federal Government.

It is important that we make the postal service attractive. The Post Office Department must be a good employer if it is to attract and hold the type of men and women which will complement it and the Nation. The bill S. 1459 makes a step forward in this area. I support it and I urge that we pass it.

Mr. PETERSON. Mr. Speaker, I wish to identify myself with those Members of the House of Representatives who support in overwhelming fashion S. 1459 to provide longevity step increases for postal employees.

This measure eliminates discrimination against postal employees, a condition which has existed far too long. It provides them with longevity pay increases and salary benefits comparable to those which other Government employees in the civil service have always enjoyed.

This situation has been not only an inconsistency, but a genuine inequity. It has denied the postal workers of the opportunity of moving upward in salary scales. It has resulted in deteriorating morale and we owe it to these faithful and dedicated public servants to correct these inequities to which they have been subjected.

Our postal workers take pride in their work and in their Department. They are entitled to recognition for merit performance and an incentive reward. When implemented, S. 1459 will increase the efficiency of these employees to an extent that I am confident will more than offset any threatened increase in the postal deficit—and certainly that would be in the public interest.

As a friend of the American postal workers, I am gratified that this 87th Congress will eliminate this statutory inequality and remove our postal force from the category of forgotten men and women.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Tennessee that the House suspend the rules and pass the bill S. 1459.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. JOHANSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. One hundred and seventy-nine Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 359, nays 4, not voting 72, as follows:

[Roll No. 211]

YEAS—359

Abbitt	Broyhill	Durno
Abernethy	Bruce	Dwyer
Adair	Burke, Ky.	Edmondson
Addabbo	Burke, Mass.	Elliott
Addonizio	Burleson	Ellsworth
Albert	Byrne, Pa.	Everett
Alexander	Cahill	Evins
Alford	Cannon	Fallon
Andersen, Minn.	Cederberg	Farbstein
	Celler	Fascell
Anderson, Ill.	Chamberlain	Feighan
Andrews	Chelf	Fenton
Ashbrook	Chenoweth	Findley
Ashley	Chiperfield	Finnegan
Ashmore	Church	Fino
Aspinall	Clancy	Fisher
Auchincloss	Clark	Flood
Avery	Coad	Flynt
Bailey	Cohelan	Fogarty
Baker	Collier	Forrester
Baldwin	Conte	Fountain
Baring	Cook	Frelinghuysen
Barrett	Corbett	Friedel
Barry	Corman	Fulton
Bass, N.H.	Cramer	Gallagher
Bass, Tenn.	Cunningham	Garland
Bates	Curtin	Garmatz
Battin	Curtis, Mo.	Gary
Becker	Daddario	Gathings
Beckworth	Daniels	Gavin
Beermann	Davis, James C.	Glaimo
Belcher		Gilbert
Bennett, Fla.	Davis, John W.	Glenn
Bennett, Mich.	Davis, Tenn.	Goodling
Betts	Dawson	Granahan
Blatnik	Dent	Grant
Blitch	Denton	Gray
Boland	Derounian	Green, Oreg.
Bolling	Devine	Green, Pa.
Bolton	Diggs	Griffin
Bonner	Dingell	Griffiths
Bow	Dole	Gross
Brademas	Dominick	Gubser
Bray	Donohue	Hagan, Ga.
Breeding	Dorn	Hagen, Calif.
Brewster	Dowdy	Haley
Bromwell	Downing	Halleck
Broomfield	Doyle	Halpern
Brown	Dulski	Hansen
Hardy	Madden	Rogers, Fla.
Harris	Magnuson	Rooney
Harrison, Wyo.	Mahon	Rostenkowski
Harsha	Mailliard	Roudebush
Harvey, Ind.	Marshall	Roush
Harvey, Mich.	Martin, Mass.	Rousselot
Healey	Mason	Rutherford
Hechler	Mathias	Ryan
Hemphill	Matthews	St. Germain
Henderson	May	Saylor
Herlong	Meader	Schadeberg
Hiestand	Merrow	Schenck
Hoffman, Ill.	Miller, Clem	Scherer
Hoffman, Mich.	Miller, George P.	Schneebeli
Holifield		Schweiker
Holland	Miller, N.Y.	Schwengel
Horan	Milliken	Scott
Hosmer	Mills	Scranton
Huddleston	Minshall	Seely-Brown
Hull	Moeller	Selden
Ichord, Mo.	Montoya	Sheppard
Ikard, Tex.	Moore	Shipley
Inouye	Moorehead, Ohio	Short
Jarman		Shriver
Jennings	Moorhead, Pa.	Sibal
Jensen	Morgan	Sikes
Joelson	Morris	Sisk
Johnson, Md.	Morrison	Smith, Calif.
Jonas	Morse	Smith, Iowa
Jones, Ala.	Mosher	Smith, Miss.
Judd	Moss	Spence
Karsten	Murphy	Springer
Karth	Murray	Stafford
Kastenmeier	Natcher	Staggers
Kearns	Nelsen	Steed
Kee	Nix	Stephens
Keith	Norblad	Stratton
Kelly	Nygaard	Stubblefield
Keogh	O'Brien, Ill.	Sullivan
Kilday	O'Brien, N.Y.	Taylor
Kilgore	O'Hara, Ill.	Teague, Tex.
King, Calif.	O'Hara, Mich.	Thompson, N.J.
King, N.Y.	O'Konski	Thomson, Wis.
King, Utah	Olsen	Thornberry
Kirwan	O'Neill	Toll
Kitchin	Osmers	Tollefson
Knox	Ostertag	Trimble
Kornegay	Passman	Tuck
Kowalski	Patman	Tupper
Kunkel	Perkins	Udall, Morris K.
Kyl	Peterson	Ullman
Laird	Philbin	Vanik
Landrum	Pike	Van Pelt
Lane	Pillion	Van Zandt
Langen	Poage	Wallhauser
Lankford	Poff	Walter
Latta	Price	Watts
Lennon	Pucinski	Weis
Lesinski	Quie	Whalley
Libonati	Randall	Wharton
Lindsay	Ray	Whitener
Lipscomb	Reece	Whitten
Loser	Reifel	Wickersham
McCormack	Rhodes, Ariz.	Widnall
McCulloch	Rhodes, Pa.	Williams
McDowell	Richlman	Willis
McFall	Riley	Wilson, Calif.
McIntire	Rivers, Alaska	Wilson, Ind.
McMillan	Rivers, S.C.	Winstead
McVey	Roberts	Wright
Macdonald	Robison	Yates
MacGregor	Rodino	Zablocki
Mack	Rogers, Colo.	Zelenko

NAYS—4

Alger	Taber	Utt
Johansen		

NOT VOTING—72

Anfuso	Harding	Powell
Arends	Harrison, Va.	Rabaut
Ayres	Hays	Rains
Bell	Hébert	Reuss
Berry	Hoeven	Rogers, Tex.
Boggs	Holtzman	Roosevelt
Boykin	Johnson, Calif.	St. George
Brooks	Johnson, Wis.	Santangelo
Buckley	Jones, Mo.	Saund
Byrnes, Wis.	Kilburn	Shelley
Carey	Kluczynski	Siler
Casey	McDonough	Slack
Colmer	McSween	Smith, Va.
Cooley	Martin, Nebr.	Teague, Calif.
Curtis, Mass.	Michel	Thomas
Dague	Monagan	Thompson, La.
Delaney	Moulder	Thompson, Tex.
Derwinski	Multer	Vinson
Dooley	Norrell	Weaver
Ford	Pelly	Westland
Frazier	Pfost	Young
Goodell	Pilcher	Younger
Hall	Pirnie	

So (two-thirds having voted in the affirmative) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.
Mr. Shelley with Mr. Hoeven.
Mr. Frazier with Mr. Goodell.
Mr. Roosevelt with Mr. Bell.
Mr. Harrison of Virginia with Mr. Byrnes of Wisconsin.
Mr. Carey with Mr. Teague of California.
Mr. Saund with Mr. Pelly.
Mr. Young with Mr. Curtis of Massachusetts.
Mr. Slack with Mr. Hall.
Mr. Thompson of Louisiana with Mr. Ford.
Mr. Buckley with Mr. Westland.
Mr. Boggs with Mr. Dooley.
Mr. Thompson of Texas with Mr. Ayres.
Mr. Thomas with Mr. Derwinski.
Mr. Delaney with Mr. Berry.
Mr. Colmer with Mr. Michel.
Mr. Rains with Mr. Kilburn.
Mr. Rogers of Texas with Mr. Siler.
Mr. Pilcher with Mr. Martin of Nebraska.
Mr. Gray with Mr. McDonough.
Mr. Hays with Mr. Weaver.
Mr. Brooks of Texas with Mr. Pirnie.
Mr. Kluczynski with Mrs. St. George.
Mr. Powell with Mr. Younger.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The doors were opened.

COMMUNIST PROPAGANDA IN THE UNITED STATES

Mr. WALTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5751) to amend the Subversive Activities Control Act of 1950 so as to require the registration of certain additional persons disseminating political propaganda within the United States as agents of a foreign principal, and for other purposes, as amended.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Subversive Activities Control Act of 1950 is amended by inserting immediately after section 10 thereof the following new section:

"NOTICE WITH RESPECT TO COMMUNIST PROPAGANDA DISTRIBUTED BY MAIL

"SEC. 10A. In order to alert the recipients of mail and the general public to the fact that large quantities of Communist propaganda are being introduced into this country from abroad and disseminated in the United States by means of the United States mails, the Postmaster General shall publicize such fact (1) by appropriate notices posted in Post Offices, and (2) by notifying recipients of mail, whenever he deems it appropriate in order to carry out the purposes of this section, that the United States mails may contain such propaganda. The Postmaster General shall permit the return of mail containing such propaganda to local Post Offices, without cost to the recipient thereof. Nothing in this section shall be deemed to authorize the Postmaster General to open, inspect, or censor any mail. The Postmaster General is authorized to prescribe such regulations as he may deem appropriate to carry out the purposes of this section."

The SPEAKER pro tempore. Is a second demanded?

Mr. SCHERER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection a second will be considered as ordered.

There was no objection.

Mr. WALTER. Mr. Speaker, I yield myself such time as I may require.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized.

Mr. WALTER. Mr. Speaker, the legislation under consideration was reported by the Committee on Un-American Activities only after many hearings and deliberation by the committee over a long period of time.

The reason for this legislation is because of the present campaign of brainwashing in which the Communists are engaged.

The Committee on Un-American Activities was criticized by some segments of the press because of the many hearings at which Irving Fishman, the Deputy Collector of Customs, testified. Mr. Speaker, it was absolutely essential that this expert testify in order to develop the picture and to give to your Committee on Un-American Activities the kind of information that would enable it intelligently to legislate in this very sensitive field, and I say sensitive, advisedly, because we could very well adopt legislation which would impinge upon the constitutional rights of our citizens and then find ourselves in many many years of litigation with the end result of accomplishing nothing.

In an attempt to do something about the influx of this propaganda, the Treasury Department established three control posts, one in San Francisco where propaganda coming from the Orient was intercepted; one in New Orleans, to deal with the large quantity of information coming from South America; and the other in New York to deal with matter coming from Europe.

These three control points make checks on the millions, literally millions, of items of Communist propaganda. This is for the most part fine magazine material, very attractive. It goes to mailing lists that have some significance. Just recently the Communists have engaged in a different campaign, a campaign of dissemination of information through first-class mail which, of course, cannot be intercepted.

The new technique is the dissemination of information through first-class mail. This is arriving by the ton, literally. No legislation that we would conceive of would permit the opening of this first-class mail unless we would do that which is abhorrent to all Americans, namely, create a censor.

In order to call to your attention the magnitude of this problem, I direct your attention to some figures. Communist propaganda items from abroad transmitted through the U.S. postal service has increased in the year 1960 by 137 percent over the year 1959. The increase in 1959 over 1958 was only 18 percent. During the period from 1959 the U.S. Customs Service processed over 6 million packages of Communist propaganda containing over 10 million items. In 1960 over 14 million packages were processed. So this is not a trivial matter.

To deal with it your committee has considered all sorts of proposals. We considered one that was contained in an amendment to the postal rate increase bill.

The legislation proposed by the Post Office and Civil Service Committee is so vague and ambiguous as to render it incapable of a meaningful legal construction. In addition, there are substantial doubts as to its constitutionality.

The amendment seeks to bar from the U.S. mail matter determined by the Attorney General to be Communist political propaganda, but it in no way defines, describes, or otherwise creates a standard as to what constitutes Communist political propaganda.

We concluded, and our staff of experts concluded, it would be unconstitutional to designate the Attorney General to screen mail going through a department over which he had no control.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. We already screen the stuff that comes through the custom service. We do not know what is in it. It might be dope.

Mr. WALTER. I am willing to accept the judgment of the staff of the Committee on Un-American Activities and disregard my own feelings in the matter. Certainly the amendments that the gentleman in his well-understood anxiety to do something about this are entitled to attention. The gentleman has been most zealous over the years in trying to bring to the attention of the American people an appreciation of the fact that there is such a thing as a cold war. But I am afraid if we adopt something that will not stand the test of the courts this futile gesture will delay the time when we can do something constructive about this problem.

The measure before you directs the Postmaster General, by appropriate notice posted in the Post Office Department and by notifying the recipients of the mail of the campaign that is now being conducted.

This is necessary in order that the recipients of this very attractive looking material will understand just exactly what it is.

Mr. Speaker, I am not afraid of the judgment of the people so long as they are not deceived. Any program, such as that proposed by the Post Office and Civil Service Committee would create the false impression that the American people are so naive and gullible that they cannot be exposed to Communist propaganda without the danger of their being adversely influenced or corrupted by Communist doctrine. Such a program would also create the impression that the American people are incapable of recognizing and rejecting Communist political propaganda—much of which is false and absurd on its face.

We believe that the measure that we have before us today will materially assist us, and without doing violence to the Constitution, and more than that, giving an opportunity to the Communists and the well-meaning frustrated idealists to

go into the courts and delay the action that is so badly needed. It has taken more than 10 years and 3 appearances before the Supreme Court to characterize and designate the Communist Party of the United States as a Communist action organization within the terms of the Internal Security Act—and that case is still pending as a result of a petition for a rehearing. Many of the legal and constitutional considerations and impediments which were involved in that case would be involved in a program of the type contemplated by the legislation proposed by the Post Office and Civil Service Committee.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield further?

Mr. WALTER. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. The distinguished gentleman, for whom I have the greatest regard, and I have always supported everything that the gentleman has brought before us, mentioned hearings. I sent to the document room for hearings on the bill, H.R. 5751, which is now before us, and also the bill, H.R. 9120, which is the amendment that the gentleman is proposing. The page came back and said there were no printed hearings.

In the supplemental views there is mentioned that hearings and consultations have been had with Justice, the Post Office Department, Treasury, and State.

Would the gentleman from Pennsylvania [Mr. WALTER] tell me if hearings are available, and if not, is there some written evidence that those of us who are interested in this problem can peruse in order to know what the departments' views are, because there seems to be a great deal of hesitancy upon their part to take a stand on the matter.

Mr. WALTER. The gentleman from Nebraska places me in a very embarrassing position, because for months the Committee on Un-American Activities has been charged with holding too many hearings. Now the gentleman charges us with not holding any hearings. The fact of the matter is this subject matter was being dealt with when those disgraceful riots were held in San Francisco, when the first futile but obvious attempt took place to prevent the Committee on Un-American Activities from developing the fact that there was being received in the port of San Francisco millions of copies of Communist propaganda annually. That was one of the purposes of that hearing. The people who attempted to break up that hearing did it because they did not want your committee to develop the things that I have just told you about with respect to the quantity of material. Yes; the San Francisco hearings are available, the hearings which were held in Atlanta are available, the hearings held in Buffalo are available, the hearings held in New York are available, and the hearings that were held in New Orleans are available.

Mr. Speaker, all of these hearings point up the need for legislation in this field. In a general way in the hearings there is discussed the bill that was before the committee.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield further?

Mr. WALTER. I yield to the gentleman.

Mr. CUNNINGHAM. The gentleman said that I, perhaps, was making criticism of the fact that no printed hearings were held. This is not true. I only want information from these departments for our Postal Operations Subcommittee which has not had such information available to it. I thought that if there were written portions as to the stand of these departments available, as is indicated in your supplemental views, I only ask that in the matter of trying to get into this problem I might know where they might be available so I could peruse them.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Louisiana, the gentleman who conducted the hearings in San Francisco.

Mr. WILLIS. If the gentleman will look at page 5 of our report, the gentleman will see the views of the Department of Justice to the effect that "the Government should publicize the existence of such propaganda along the lines of this hearing."

The Department of Justice took a specific, affirmative position on this legislation.

Mr. CUNNINGHAM. I have page 5 before me, and I just asked a simple question: Where can I see these views?

This is a small portion of them. I would like to see the written views the gentleman is talking about.

Mr. WALTER. I have just been informed that, for some reason or other, the hearings have not been printed, but they are available. Our committee has them. The testimony of all the departments is available.

Mr. CUNNINGHAM. Were these hearings held this year?

Mr. WALTER. They were held on the 13th of September.

Mr. CUNNINGHAM. Were these department people who testified in favor of this bill? And will the hearings be printed?

Mr. WALTER. That is correct. They testified in support of this bill. I know of no opposition to the bill. It seems to me that we have been a long time in taking this step toward alerting the American people to the menace which apparently we do not recognize, and which is just as serious as any of the other activities of the common enemy.

Mr. LINDSAY. Mr. Speaker, will the gentleman yield?

Mr. WALTER. I yield.

Mr. LINDSAY. I would like to ask the gentleman some additional questions to those asked. Does the administration support this amendment that is being offered to the present bill?

Mr. WALTER. Yes, it does. I just this minute said that the Attorney General, the Postmaster General and the Treasury Department all endorse it. And I might say that the Postmaster General says that this does not impose a very difficult duty on the Department.

Mr. LINDSAY. Reference has been made to appropriate notices posted in post offices. What would those notices say?

Mr. WALTER. Those notices would say that there have been received x number of bags of mail from behind the Iron Curtain addressed to boxholders or to various clubs—things of that sort. This is probably Communist propaganda, because at the moment the Russians are engaged in a long-range program of softening up the American people.

Mr. LINDSAY. Suppose the box holder opens up his box and finds he has some literature or mail from a perfectly proper domestic organization which is advancing a point of view? Must he assume from that that there is some connection between the sign on the post office wall and the mail that he is receiving?

Mr. WALTER. I do not think so.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Louisiana.

Mr. WILLIS. If the gentleman will look at page 6 of the report he will see in answer to his question, which is a very good one, how will these proposed notices be effectuated. We even suggest a form of notice to be sent to prospective recipients of mail. In substance it would work this way. Even under the present law the postal authorities can open up—they cannot break the seal—but they can open a sack of mail. They can get the list of the people being propagandized even by first-class mailers. Then the bill reads that the Postmaster General shall do certain things; and we suggest that the Postmaster General may contact these people with this form of letter.

Unsolicited Communist propaganda is being disseminated by mail and other means to persons in this country from the Soviet Union, the Soviet-bloc countries, Cuba, and other places outside the United States. Such propaganda is one means of attempting to promote the objectives of the international Communist movement.

Then they tell those people in effect, "You are going to be receiving mail. We are not going to open your mail but you are going to be receiving these things and you should be on guard."

Mr. LINDSAY. How many persons is it anticipated will receive such notices from the Post Office?

Mr. WALTER. It depends entirely on the intensity of the drive as they are being mailed.

Mr. LINDSAY. I am just trying to get some idea of the administrative proportions of the job.

Mr. WALTER. The Postmaster General says that he is prepared to administer this sort of law no matter what the requirements may be. It would not cost as much as it did under the other provision.

Mr. LINDSAY. How will the recipient know which mail he can return? Suppose he receives a lot of junk mail? Who makes the decision whether the mail being received is entitled to be returned?

Mr. WALTER. The mail comes from abroad. The recipient is warned what

it is, and he is the first to decide that he does not want it.

I happen to have a first-class letter here. This man sent me this several weeks ago with a very pathetic letter. This has not been opened. I examined it, and I had some experts examine it. This man wrote me a letter in which he said:

> This is Communist propaganda and I do not want to receive it because if I do, then my whereabouts will be known and my sister will be affected.

Mr. LINDSAY. The Post Office sends notice to the recipient that Communist mail is coming to his home. Does the Post Office specify what it is?

Mr. WALTER. Of course not, because the Post Office does not know what it is.

Mr. SCHERER. Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, of course I am going to support this bill, but this is a powder-puff approach and it certainly will not do what the American people want this Congress to do, and that is to stop this subsidizing of Communist political propaganda.

We have a Russian tiger that is getting pretty vicious. He used to be in the woods, but now he is right on our front doorstep. This bill would give us a powder puff to fight him with when what we need is a sledgehammer to knock him between his two eyes. I do not know when the people in Government and some of the people of the United States are going to realize just how dangerous a situation we are in.

What the proposal here before you does is to partially reinstate the arrangement under President Truman and President Eisenhower wherein they would intercept this Communist political propaganda and send a notice to the recipients suggesting they may receive some Communist propaganda. Under the Eisenhower program they were asked if they wanted to receive it. Of course they would say no. Then on March 17 the President rescinded that regulation, and since then all of this Communist political propaganda has come here in huge amounts. In July I believe 1,200,000 pieces, mostly selling us and brainwashing us as far as the Communist position in Berlin is concerned, was received at ports of entry. All this was delivered free by our postal department under the Kennedy order.

The administration has the right to reimpose what President Truman and President Eisenhower had in effect. I do not know why they do not have the courage to come right out and do it. I do know that millions of people are disturbed about the administration's action on March 17 of this year.

Perhaps the administration now has no objection to this bill so that the Congress does it when in effect, they are the one who should do it. This could be done by administrative action. I said that this is a powder-puff approach to this problem. You will recall, and it has been discussed here, the amendment which I had placed in the postal rate bill, and also the separate bill, H.R. 9004, which I introduced. That is the only way we are going to stop this Red political propaganda from entering our country and being delivered free by the Postal Department.

What many Members probably do not understand is that this involves what is called the Universal Postal Union. This is a sort of unofficial treaty arrangement and is as old as this country. It provides for an interchange of mail between about 104 countries. Under this arrangement, if you want to send a letter to France, you put the appropriate American postage stamps on it, and the letter goes to France. They deliver it. The postage, which is American, we retain here in our Treasury. If you want to send a letter from France to the United States, you put the French postage on it and they retain the money and we deliver it free. This is a good arrangement, and it tends to balance itself out. But, since World War II, since communism has been on the ascendancy, trying to get at our youth, using propaganda as their major weapon, they have taken advantage of this Universal Postal Union arrangement. They have violated the terms of the agreement just as they have violated everything else. They do not deliver the material that we send over to the Communist countries. We all know that. They will not even allow our radio programs to get to their people whereas we admit all this propaganda for free delivery. So we know that they do not allow our material to go into the Russian-controlled countries and we are suckers once again. We allow their stuff to come here, and we deliver it free of charge under this agreement. I say they have violated this treaty unilaterally and I, certainly, think we ought to take cognizance of it and say that no longer are we going to be suckers and distribute their millions and millions of pieces of Communist propaganda which, as I say, goes to our youth primarily. If they have broken the treaty arrangement why should we not withdraw from it as provided in H.R. 9004?

I say again that the vast majority of the American people want to stop this Red subsidy, and I might say also to reduce the postal deficit. This bill does not touch that problem.

It was just this week that every Member of this Congress received this Communist political piece which I hold in my hand from the Russian Embassy here. It is mailed under third-class mail and it has as its purpose to brainwash us and it outlines what the Communist position is on East Berlin. This type of Communist propaganda will not be controlled and the committee's proposal before us will have no effect on it. The bill I introduced and the amendment in the postal rate bill will take care of this sort of thing.

The proposal before us has three points. It says, first of all, there shall be a notice in the post office. A notice in the post office does not mean a thing. I am a former employee of the Treasury Department, and I have had some experience which indicated whether people read notices on the post office bulletin boards. There is not one in a million who will look at a notice in the post office unless they look at the posters that say, "So-and-So is wanted" because he is the No. 1 criminal in the country.

Furthermore, the bill before us says that a person, if he gets this post office letter, may say that he does not want it. Well, you cannot do that under the present regulations on third-class mail, which most of this is. I know there has been an increasing amount of third-class mail. Only on first-class mail can you write the word "refused" and return it to the Post Office Department. I say that this is only a powder-puff approach. Of course, it is a step which this Member of Congress will support. We have no other course, unless and until we approve my amendment to the postal rate bill or pass the separate bill, H.R. 9004, which I introduced on August 31, and which many Members support through the introduction of companion bills.

Mr. Speaker, I do not want the American people to be fooled. This is not going to stop the inflow of this material. It is not going to stop us from being suckers. By delivering it free, we will continue to subsidize the Communist conspiracy.

I hope the American people will not be lulled to sleep by the passage of this bill. I hope they will continue to demand that we stop the free delivery of Communist propaganda entering this country. And the only way this can be accomplished is to support my bill, H.R. 9004. It is constitutional, foolproof, and will cut down the so-called postal deficit. The bill before us will do neither of these things. In fact, it will add to the Post Office deficit which is an intolerable situation.

Mr. SCHERER. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, propaganda is by far the most effective weapon being used against us in the so-called cold war in which we are now engaged. In fact, the Communists consider propaganda as the basic and essential weapon in their subversion of the free world.

We are spending billions to protect this Nation against the missiles and other nuclear weapons of the Soviets should the current struggle turn into a shooting war. Meanwhile, we are doing very little to combat or offset the insidious and diabolical weapon of Communist propaganda which is growing at an alarming rate.

Last year over 21 million pieces of clever, vicious, and poisonous propaganda printed in 13 different languages came into this country through the U.S. mail. This figure does not include first-class mail containing propaganda which is increasing at a tremendous rate during the past 6 months.

Under the opinion of Attorney General Robert Jackson in the Roosevelt administration, Customs and the Post Office Department held up a small part of the bulk mail which was unsolicited and unlabeled. On March 17 of this year, President Kennedy by Executive order, in effect, reversed this Attorney General's ruling and ordered all propaganda solicited or unsolicited delivered to the addresses. Since this order went into

effect, the flow of Communist propaganda into this country has increased 130 percent.

Under the Foreign Agents' Registration Act, passed in 1938, foreign political propaganda is required to be labeled so that the recipient may know that it is propaganda and the source thereof. He will then be better enabled to evaluate its content. It is analogous to our pure food and drug laws, which require certain medicines and food products to be labeled as to content so that a person might know what he is putting into his stomach.

The present Attorney General holds that, under the Foreign Agents' Registration Act, it is impossible to compel the labeling of propaganda which is mailed into this country from outside the United States. Therefore, efforts to amend the Foreign Agents' Registration Act have been abandoned.

The Committee on Un-American Activities has explored a number of legislative avenues whereby we might combat and offset the effectiveness of the flood of Communist propaganda coming into this country from abroad. Some of the procedures and programs suggested have met with practical, legal, or constitutional objections and roadblocks. Everyone consulted, including the members of the committee, feel that there cannot possibly be any legal or constitutional objections to the provisions of the Walter bill before us.

One can readily see that this bill carries out the spirit and intent of the Foreign Agents' Registration Act passed way back in 1938. Since, as I have said, under the Attorney General's opinion, we cannot force the labeling of this material which is mailed from abroad, we can and do by this bill, in effect, label this material ourselves. Those who are worried, many times unduly, about censorship should certainly support this measure since there is no censorship whatsoever.

All mail is delivered unopened to the addressee. Under this bill the Government of the United States, exercising its right of free speech, calls to the attention of the recipients of mail, its source, and the nature of the mail so the individual can better evaluate what he is reading.

This bill before us certainly is not the complete answer to the problem. It may not be the ideal counterweapon against the Communist propaganda attack. Under any test, it is better than doing nothing. How effective it will be, only time will tell. We will, in all probability, need to do something more. This legislation may prove to be a positive, effective, educational counterweapon in the fight against internal subversion.

Mr. Speaker, I know there are some people who say that the Committee on Un-American Activities is exaggerating and overemphasizing the danger of the current Communist propaganda campaign, and that this propaganda is having no substantial effect upon the people to whom it is directed. Let me give you just one or two examples of the many that have been disclosed during the hearings of our committee; of just how people who are targets of this propaganda feel and react to the material with which they are being bombarded. In the record we find this letter written by a woman to a postal official which reads in part, as follows:

> Lately I have been receiving propaganda from abroad. I do not know who sent my name in or how they found my address. Please return this material. My husband and I do not want trouble with this Government.

One person begs:

> Please do not let these things pass through. I do not need this smelly stuff.

A former resident of Berlin has this to say:

> I would like to advise you that I do not want any mail sent to me sealed from Berlin. This is a black, dirty Communist Party literature to return us new Americans to our native countries. I am loyal to my new home, the United States of America, and do not want to hear any of that kind of literature. Please destroy all that.

A group of displaced persons wrote as follows:

> We, the displaced persons, been getting by mail Communist propaganda here in five different languages. First, it started with small sheets now they are mailing large printed sheets over every other month calling us back, it is our duty to be back in your own country. We shorten the working hours and raise the pay 30 percent, don't slave there, they don't want you there where you are now slaving your life out.
>
> We are very sorry we cannot give our names and addresses in this letter; we are in fear of danger same as five Russian seamen been kidnapped from here, most of us are as citizen now. All we ask kindly to stop the propaganda mail coming over so we can live peacefully; we don't want their propaganda here and we don't want to be victims.

A professor at one of our universities said in handing the committee this magazine with three attractive girls on its cover:

> Here is a bit of East German literary work. It is to be assumed that it is being circulated in appreciable quantity in this country by mail.
>
> I am concerned about the influence of this propaganda upon the average person in this country. While one may argue that no red-blooded American could ever be affected by this literature, it is my experience that it requires more than an ordinary degree of sophistication in these matters to become fully aware of the presumptuousness of this magazine.
>
> This is obviously a government-subsidized venture; no East German publisher is in a position to finance this grade of translation which, by Iron Curtain standards, is of excellent graphic quality. They take unfair advantage of the absence of censorship by the U.S. mail to further their shady cause, which is to cast doubt upon the U.S. position toward Russia. They provide additional eyewash for those who are eager to forget the Hungarian struggle for freedom, and to break down American morale by "proving" that the Russians aren't so bad after all.
>
> This is sneaky business. It is an example of the new twist in Red psychological warfare.
>
> The stuff is poisonous. Maybe some education by your committee of potential recipients of such propaganda would help.

This bill which we are considering today, will do exactly what this professor suggests.

George Sokolsky in a recent column, in his usually effective way, pinpoints the issue. He wrote:

> I hold in my hand a magazine similar to hundreds, perhaps thousands, that have been sent Hungarians living in the United States, which shows that the Communists in Budapest have the addresses of Hungarians in the United States in detail. It is obvious that this is a propaganda magazine. The question that bothers me is how the Communists got the addresses of all the Hungarian refugees in the United States. Is the Post Office of the United States to be used to put pressure upon persons living within the United States? Hungarians in this country are incensed at receiving these unsolicited papers.
>
> The Hungarians could not have had all these names and addresses unless they maintained a large espionage system in this country. How could this magazine get these addresses in such minute detail unless someone in the United States compiled a list? It takes time, labor, and expense to get up such a list of hundreds or thousands of persons scattered all over the United States. Who does this job?
>
> Neither the State Department nor any other agency of the Government is entitled to cover up for spies on the ground that we do not wish to have bad relations with a country. Why these spies are permitted to operate is not readily explainable except that our laws give them an advantage that does not exist in any other country.

Of course, I would not want to lead you to believe that the propaganda is directed solely to nationality groups and those who have ties in Iron Curtain countries. In fact, only a small percentage of the total propaganda coming through the mails is devoted to this group. Of the more than one thousand different types of these periodicals which come to our shores each year, the great mass is printed in English and goes to native-born Americans; to our libraries, colleges, seminaries, and to people with extreme leftwing propensities who are in positions to mold American opinion.

There is another facet to this Communist propaganda offensive. Some months ago the country was flooded with what purported to be scientific radio journals from the Soviet Union. Great prominence was given in these journals to a quiz for ham radio operators. A series of prizes were offered to the winners.

It is significant that, after the contestant had answered the questions, which in themselves were filled with propaganda, he was asked to give his address, the call letters of his radio station, and other pertinent information about his activities as a ham operator. It would be presumptuous for me to detail how highly valuable such information is, not only to the propagandists but also to the Russian secret police.

Our postal and customs officials testified that of the tremendous number who participated in this contest, several thousand won the second prize. It was a copy of a publication entitled "Radio Moscow." The Communists certainly got a lot of mileage out of the rubles spent on this one.

Perhaps the most revealing development was brought to light in hearings at New York. These hearings were being held a few months after the Hungarian revolution. One of the exhibits was a

magazine dated a few months before the Hungarian freedom fighters rebelled against Communist oppression. It was published in Hungary, but printed in English, and widely distributed in the United States.

It was interesting to read, immediately after the revolution, from this propaganda sheet printed immediately before the revolution, how the Hungarian people were happy and content and how they were prospering under the Communist regime. This piece of propaganda was done so cleverly that, had not the revolution and subsequent Russian atrocities taken place, thousands of Americans, particularly those of Hungarian extraction, would have been duly convinced of the alleged success of a benevolent Communist regime in Hungary.

Just what kind of material have these people been complaining about?

Here is a highly cultural and elevating treatise, thousands of which have been distributed not only in the United States but also in most of the countries of the free world. It is part of the evidence taken from the mail sacks during the hearings of our committee in Buffalo. It was printed in Communist China in 1958. It is entitled, "Data on Atrocities of U.S. Army in South Korea." Here are a few choice, high-level quotes:

From the very first day of their occupation, the American imperialists have been trying hard to convert South Korea into a project for squeezing out maximum profit for the millionaires of Wall Street and an outpost for their aggression of the Asian continent.

A little further on we read this:

The American imperialists since 1950 have committed atrocities unprecedented in the history of mankind in their aggressive war in Korea. They have massacred at random innocent people in Korea. They have destroyed and pillaged more than 5,000 schools, 1,000 hospitals and clinics.

Again we read:

The American soldiers arrested Kim Bu Ing, a dockworker in Inchon, for the only reason that she was a member of the Women's Union. After violating and torturing her by every means, they stripped her naked, burnt her with a heated iron poker and then killed her.

On another page we find this:

That same month, the American soldiers arrested a peasant only because he was a model farmer, passed wire through his nose and ears, pierced his hands with a bayonet, nailed the words "model farmer" on his forehead and dragged him around the village before they killed him.

This highly cultural periodical then proceeds to tell what the American soldiers did to this farmer's daughter-in-law. It is so henious, vile, and filthy that I am unable to quote what it says.

As late as February 25, 1958, it is alleged that:

U.S. soldiers beat a Korean boy, aged 13, and stabbed with a knife his legs and arms on the false charge of theft. The boy was put into a box, the lid was nailed down, it was loaded into a helicopter which took the box north of Seoul where the cargo was dumped, and the boy left to die.

This piece of lying propaganda contains accounts of hundreds of other similar alleged atrocities. Being unmarked and unlabeled, people reading it after it was distributed by members of the Communist Party in the United States would have no knowledge whatsoever of the fact that it came from the propaganda mills of Red China, particularly since most of the editions were printed in English.

Under the provisions of the Walter bill, persons receiving this kind of propaganda would be notified by the Post Office Department as to the nature and source of this material.

Mr. LINDSAY. Mr. Speaker, will the gentleman yield?

Mr. SCHERER. I yield.

Mr. LINDSAY. That is the very question that has me puzzled. Who knows what is being received? Suppose a housewife receives a communication from the League of Women Voters and decides it is Communist propaganda and sends it back to the post office. Who decides whether the lady is entitled to send it back.

Mr. SCHERER. I think the gentleman is straining the gnats.

Mr. LINDSAY. Who makes the decision that the Post Office Department should return the mail?

Mr. SCHERER. If the individual recipient of the mail refuses it under this bill on the ground that it is Communist propaganda, I do not think there is any doubt but what the Post Office would pay for having it redelivered.

Let me say that experts in this field, who have been handling this propaganda for years, can spot this mail whether it comes in as first-class or some other class. They are experts. I do not have time to go into the means by which they do this, but they are able to put their finger on every piece of Communist propaganda that comes in. The customs and post office experts are aware of almost every piece of Communist propaganda that comes into this country.

Mr. LINDSAY. How does the housewife know?

Mr. SCHERER. Probably the housewife does not know, but she is warned that she has gotten Communist propaganda.

Mr. LINDSAY. Mr. Speaker, I intend to vote against this bill. This is another example of the danger of passing hastily thrown-together bills under the limited procedure of suspension of the rules in the last week of the Congress.

I have been given no answer to the questions that I have raised. The bill provides that the Post Office Department may notify recipients of Communist propaganda that they are receiving such propaganda, and the Postmaster General is required to permit the return of the mailing to the post office. There are no standards and no definitions in the bill. We do not know who is responsible for making the decision that propaganda is being mailed, and from my reading of the bill, if a housewife returns a piece of literature from the humane society to the post office under the belief that it is Communist propaganda, the Post Office is given no standard under which it can determine whether it is or not.

Apparently the Post Office will be required to assemble a list of persons in the United States receiving Communist propaganda; if not, how else will the Post Office be able to notify recipients of such mail that they are receiving it?

As I understand it from the remarks of the author of the bill on the floor, the hearings on this new legislation have not even been printed. Therefore, how can those of us who wish to examine a matter of this importance with some care be in a position to do so?

Mr. Speaker, this legislation is vaguely drafted and should be far more carefully considered.

Mr. BECKER. Mr. Speaker, will the gentleman yield?

Mr. SCHERER. I yield.

Mr. BECKER. As the gentleman knows, I have received mail that has been turned over to me by housewives in my district, who objected.

Mr. SCHERER. That is right. I have referred to some of the people who have received this type of mail and have objected.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. SCHERER. I yield.

Mr. RYAN. How is the recipient going to be notified that in the opinion of the Post Office this is Communist propaganda? Is it going to be by separate letter from the Post Office accompanying each piece of alleged propaganda to the recipient?

Mr. SCHERER. The Post Office can send a separate notice with the propaganda or a general notice before or after the same is received.

Mr. RYAN. Let me ask this further question.

Mr. SCHERER. No, let me finish. Let me say to the Members who have been worried about censorship, and many times unduly so that this bill provides no censorship. This is an exercise of free speech by this Government to advise people of the type and the source of Communist propaganda with which they are being bombarded.

It happens that the Communists have found a loophole in the Foreign Agents Registration Act and they are not labeling it. Some Members of the House have complained about our attempts to amend the Foreign Agents Registration Act because it would amount, so they claim, to censorship. We get away from possible claim of censorship in this bill.

Mr. RYAN. If the gentleman will yield for one further question: Does this require the Postmaster General to set up and maintain a list of so-called recipients of Communist propaganda?

Mr. SCHERER. No, it does not.

Mr. RYAN. How are you going to determine to whom to send this notice?

Mr. SCHERER. Because the postmaster will know. Let me give you an example. Many times when the Communists want a certain nationality group to take a certain position—is the gentleman listening?

Mr. RYAN. I am.

Mr. SCHERER. The Post Office and Customs Departments know that many times when the Communists want a certain nationality group in this country to

take a position on a certain political question before the country, that particular nationality group is flooded with Communist propaganda. All the postmaster has to do is to send a general notice to those in the particular area where the nationality group resides.

Mr. OSTERTAG. Mr. Speaker, will the gentleman yield?

Mr. SCHERER. I yield to the gentleman from New York.

Mr. OSTERTAG. May I preface my question by referring to the report in which it points out:

> The purpose of this legislation is to deal with certain aspects of the rather complex problems arising by reason of the influx from abroad, and the dissemination within the United States of millions of pieces of Communist propaganda, largely transmitted in the U.S. mails to the residents thereof.

My question: What is the situation with regard to Communist propaganda which originates here in the United States and is disseminated among the people?

Mr. SCHERER. This bill will cover the situation the gentleman outlines. Furthermore under the Subversive Activities Control Act, which I hope the Supreme Court will again sustain this month, the Communist Party here is required to label propaganda it disseminates in this country.

Mr. WALTER. Mr. Speaker will the gentleman yield?

Mr. SCHERER. I yield to the gentleman from Pennsylvania.

Mr. WALTER. The Supreme Court has held that the committee cannot expose for exposure's sake. They carry this theme as far as they possibly can in all their decisions. Is it not the fact that your committee felt this was the opportunity not to expose for exposure's sake but to make the truth known for America's sake?

Mr. SCHERER. The gentleman's observation is correct.

I do not think this bill is the final answer for combating the Communist propaganda assault. I think we are going to have to do something more. But certainly this bill is going to furnish an educational counterweapon against this vicious Communist propaganda.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. SCHERER. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I rise to support H.R. 5751, the bill to crack down further on Communist propaganda entering the United States as reported by the House Un-American Activities Committee. I am disappointed that this bill does not go as far as the Cunningham amendment which was added to the Postage Revision Act, H.R. 7927, which I supported vigorously in the House Post Office and Civil Service Committee debate.

The Cunningham amendment would have gone much further in insuring that the insidious, subtle, and devious propaganda now flooding this country from Communist Russia, its satellites, so-called neutral countries, and even our allies under false names and guises be put under a more careful control of the Attorney General's Office. The Cunningham amendment to the Postage Revision Act would have demanded a greater surveillance and participation on the part of the Government not only to inform the American public of the kind of literature entering the country but also to prevent the free use of the mails for this purpose under cultural exchange and/or other international postal agreements. The Cunningham amendment was constitutional in every respect according to extensive research by the gentleman from Nebraska, and I would have much preferred to have seen this concept written into our legislative books.

However, the bill before us under suspension of rules today by the gentleman from Pennsylvania [Mr. WALTER] is a step in the right direction and is a bill I encourage the Members to support fully. I do hope that the concepts presented in the Cunningham amendment will somehow be enacted into legislation in the very near future, if not before Congress adjourns this year.

GENERAL LEAVE TO EXTEND

Mr. WALTER. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks on this bill, H.R. 5751, in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, I strongly favor this effort to halt the dangerous flow of Communist propaganda into this country, and hope H.R. 5751 will be overwhelmingly approved. It will provide a much needed new weapon to fight subversive forces in our midst, and to check the subversion of our people from abroad.

Mr. ROGERS of Florida. Mr. Speaker, recently there has been a great deal of concern voiced in my district about the flow of Communist propaganda into this country.

The organized Communist front has been protected by the very tenets of freedom it has vowed to destroy. While millions of packages of alien literature have been delivered in this country, the Federal Bureau of Investigation, customs authorities, and Post Office Department have been helpless bystanders. If a move was made to correct this paradox, it was done on a temporary basis. Those who opposed the interception of propaganda did so with arguments based on the first amendment, crying that this country was not upholding the basic right of freedom of speech.

This example is commonplace. Literature and other forms of propaganda are delivered daily in this country. This matter would be easier to deal with if it came from one source, but the Soviet Government operates through a variety of front groups. These organizations, as official as Pravda, are located all over the world.

Mr. Speaker, 1959 saw an increase of 40 percent in the volume of this material. The danger of Communist propaganda lies in the deception of its arguments and such practices as extortion and blackmail. It represents a true threat to this country by attempting to undermine America's ideals from within. It is for this reason that I call upon the membership of this body to join me in support of this legislation to take action against this Communist propaganda.

Mr. ROUSH. Mr. Speaker, I compliment the House Committee on Un-American Activities for bringing this bill to the House for action. Communism is a constant threat—a threat which imposes itself upon us in many ways. There is the awesome and fearsome threat of the use of missiles armed with nuclear warheads. There is the economic threat which stands as a cloud on the horizon as we see the Communist-bloc nations increase their industrial capacity. But, Mr. Speaker, the most ominous and deadly of all threats is one which stands as a silent disease, which if permitted to go by uncontrolled, gradually will deprive us of our greatest strength. I refer to the threat against men's minds which comes in the form of propaganda from those who believe in the principles of communism.

Although the Subversives Control Act of 1950 was aimed at the control of the activities of those individuals and organizations adhering to the doctrines and instructions laid down by Communist theorists, the Communist conspiracy still has managed to increase the flow of propaganda items through the U.S. mail. In 1960 this volume increased 137 percent over 1959. During 1959, the U.S. customs service processed over 6 million packages of Communist propaganda containing over 10 million items of printed matter. In 1960, over 14 million packages were processed containing in excess of 21 million items of printed matter. This does not include items of first-class mail containing Communist propaganda, now increasing in amounts.

The objectives of this propaganda is to advance the policies and goal of the world Communist movement. It is designed to win men's minds using the corrupt principle that the end—which is the establishment of Communist totalitarian dictatorships in countries throughout the world—justifies any means for the accomplishment of that end and as the committee has stated, "expressly repudiates the spiritual, moral compulsion for truth and decency to which the United States and other free societies in principle adhere."

We believe that the most effective of all weapons against this propaganda is the truth for the "truth shall make us free." This legislation will inform our people of the nature, origin, and contents of Communist propaganda activity. Mr. Speaker, I urge the passage of this bill.

Mr. DOYLE. Mr. Speaker, I rise in cordial and vigorous support of H.R. 5751, authored by the distinguished chairman of the Committee on Un-American Activities of this great legislative body, on which committee I have now had the responsibility of being a member for about 14 years. In what must necessarily be a brief statement, on account of the parliamentary situation, I inform the House that a couple of years ago I was a member of a subcommittee which sat in investigation and had hearings on this very problem of

Communist propaganda being received through the U.S. mails from either the Soviet Union itself or its satellites. So, I speak with some knowledge of the vast quantities of Communist propaganda items entering our Nation as uninvited guests to American citizens who have not asked to be recipients of this Communist propaganda, some of which comes through the mail sacks of foreign embassies and some which comes through, postage paid.

Just recently have I received three pieces of mail, second or third class, according to U.S. postal rates, by postage paid and actually delivered by the letter carriers in one of the cities in my congressional district in Los Angeles County, Calif. Each of the three recipients redelivered it to the postmaster with instructions to return it to the Communist nation satellite from which it had been mailed. The postmaster thereupon, with the consent of the recipients, sent it to me for my information. This occurred just last week and I have asked the Congressional Library to furnish me full interpretation of all the contents thereof.

This bill does not entirely meet the problem, nor will any one piece of legislation, in my humble judgment, meet the difficult major problem involved. But, my colleagues, it will help stop at least some of the damage to our American way of life which was anticipated would result by those publishers or distributors of this Communist propaganda—always attractively printed. This bill put into active effect will fool the Communist propagandists in a very substantial proportion of the incidents, in my humble judgment.

It is true it does not go as far as some of us would wish, but we must always only pass legislation which is on its face constitutional and in accordance with the established laws of our beloved Nation. We should not do less, for to do so would only postpone the coming into effect of any timely legislation designed to help stop the floodgates of Communist propaganda now coming en masse to American citizens. This is the case because, in my judgment, without a doubt the Communist Party in the United States, and some of its supporters and joint propagandists, will undertake court tests in the premises to cause delay. We may anticipate that with reasonable certainty, I believe. But, Mr. Speaker, if the Supreme Court of the United States reaffirms its recent majority decision, the text of which I placed in the CONGRESSIONAL RECORD a few weeks ago, when that rehearing comes before our highest Court next month, or soon thereafter, then the Communist Party in the United States will be forced to register because the Court will have again found it to be an agent of a foreign nation. And, by that reaffirmation of its decision in the Subversive Activities Control Board case—reaffirmed as constitutional, binding and factual, the language in legislation and reports submitted to you by your House Un-American Activities Committee will again be approved.

In my judgment, this bill does nothing to interfere with the freedom of thought, freedom of worship, freedom of speech by any American citizen. When put into substantial effect, it appears to me as reasonably certain it will substantially interfere with the freedom of activity of subversive communism to infiltrate the very lifeblood of our American citizens.

And so, I would think and respectfully suggest that this bill, being a substantial beginning in an area which must needs have the most urgent and immediate effective legislative control, should receive, it is my belief and hope, unanimous approval.

Mr. Speaker, just last week I received from one of the postmasters in my district a book consisting of 317 pages printed in the Hungarian language, beautifully illustrated in color on almost every page. This book had been returned to said postmaster by a resident of his city in my congressional district with word from the citizen he did not wish to receive any mail from Hungary. So, I asked the Library of Congress to look over the book and tell me briefly what it seemed to be. Here is the report to me from the Congressional Library dated September 15, 1961:

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., September 15, 1961.

To: The Honorable CLYDE DOYLE, U.S. House of Representatives.

From: Elemer Bako, Hungarian Reference Librarian, Slavic and Central European Division.

Subject: A Magyar Hirek Kincses Kalendáriuma, 1961.

The A Magyar Hirek Kincses Kalendáriuma (Budapest, 1961) is a calendar published by Magyar Hirek, a journal of the Magyarok Világszövetsége (World Federation of Hungarians) in Budapest. It contains articles, short stories, poems, quotations, statistical, historical, and other data as well as semiofficial material on Hungary concerning political, social, economic, and other changes which have occurred since the Communist Party seized power in 1948.

While the professed policy of the publishers (as expressed on p. 36) is to avoid Communist propaganda and criticism directed at the political structure of the countries where Hungarian refugees live, the majority of the contributions to the volume contain remarks or statements against capitalism, "warmongers," "champions of the cold war strategy," emigré organizations, the Free Europe Committee, anti-Communist individuals, etc.

It also contains numerous misleading statements on the actual handling of the refugee problem by Hungarian authorities. While Hungarian newspapers publish numerous letters and articles which are critical of many aspects of collective production methods, this volume contains only praise for the present system in Hungary, and propagandizes state agencies, Communist heroes, holidays, etc.

However, derogatory or critical remarks in the form of direct references to the United States are few.

Mr. ALGER. Mr. Speaker, I want to join the gentleman from Ohio [Mr. SCHERER] and the gentleman from Pennsylvania [Mr. WALTER] and other colleagues who are so concerned about the free distribution by the postal department of Communist literature throughout the United States. It is bad enough to distribute propaganda free; it is much worse when it is material designed to subvert our society, our Government, and our free way of life. I want to commend the House Un-American Activities Committee for their valiant work in opposing the distribution of this Communist literature and join with them in this effort. It is my hope and my appeal to my colleagues that we will not rest with this bill but go much further in banning the distribution, free or otherwise, of Communist material throughout the United States.

Mr. WALTER. Mr. Speaker, I move the previous question.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania that the House suspend the rules and pass the bill, H.R. 5751, with an amendment.

Mr. WALTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 369, nays 2, not voting 64, as follows:

[Roll No. 212]

YEAS—369

Abbitt	Cook	Gubser
Abernethy	Corbett	Hagan, Ga.
Adair	Corman	Hagen, Calif.
Addabbo	Cramer	Haley
Addonizio	Cunningham	Halleck
Albert	Curtin	Halpern
Alexander	Curtis, Mass.	Hansen
Alford	Curtis, Mo.	Harding
Alger	Daddario	Hardy
Andersen, Minn.	Daniels	Harris
	Davis, James C.	Harrison, Wyo.
Anderson, Ill.	Davis, John W.	Harsha
Andrews	Davis, Tenn.	Harvey, Ind.
Ashbrook	Dawson	Harvey, Mich.
Ashley	Delaney	Healey
Ashmore	Dent	Hechler
Aspinall	Denton	Hemphill
Auchincloss	Derounian	Henderson
Avery	Devine	Herlong
Bailey	Diggs	Hiestand
Baker	Dingell	Hoffman, Ill.
Baldwin	Dole	Hoffman, Mich.
Baring	Dominick	Holifield
Barrett	Donohue	Holland
Barry	Dorn	Horan
Bass, N.H.	Dowdy	Hosmer
Bass, Tenn.	Downing	Huddleston
Bates	Doyle	Hull
Battin	Dulski	Ichord, Mo.
Becker	Durno	Ikard, Tex.
Beckworth	Dwyer	Inouye
Beermann	Edmondson	Jarman
Belcher	Elliott	Jennings
Bennett, Fla.	Ellsworth	Jensen
Bennett, Mich.	Everett	Joelson
Betts	Evins	Johansen
Blatnik	Fallon	Johnson, Md.
Blitch	Farbstein	Jonas
Boland	Fascell	Jones, Ala.
Bolling	Feighan	Judd
Bolton	Fenton	Karsten
Bonner	Findley	Karth
Bow	Finnegan	Kastenmeier
Boykin	Fino	Kearns
Brademas	Fisher	Kee
Bray	Flood	Keith
Breeding	Flynt	Kelly
Brewster	Fogarty	Keogh
Bromwell	Forrester	Kilday
Broomfield	Fountain	Kilgore
Brown	Frelinhuysen	King, Calif.
Broyhill	Friedel	King, N.Y.
Bruce	Fulton	King, Utah
Burke, Ky.	Gallagher	Kirwan
Burke, Mass.	Garland	Kitchin
Burleson	Garmatz	Knox
Byrne, Pa.	Gary	Kornegay
Cahill	Gathings	Kowalski
Cannon	Gavin	Kunkel
Cederberg	Giaimo	Kyl
Celler	Gilbert	Laird
Chamberlain	Glenn	Landrum
Chelf	Goodling	Lane
Chenoweth	Granahan	Langen
Chiperfield	Grant	Lankford
Church	Gray	Latta
Clancy	Green, Oreg.	Lennon
Clark	Green, Pa.	Lesinski
Coad	Griffin	Libonati
Cohelan	Griffiths	Lipscomb
Collier	Gross	Loser
Conte		McCormack

McCulloch	O'Konski	Sibal
McDowell	Olsen	Sikes
McFall	O'Neill	Sisk
McIntire	Osmers	Smith, Calif.
McMillan	Ostertag	Smith, Iowa
McVey	Passman	Smith, Miss.
Macdonald	Patman	Smith, Va.
MacGregor	Perkins	Spence
Mack	Peterson	Springer
Madden	Philbin	Stafford
Magnuson	Pike	Staggers
Mahon	Pillion	Steed
Mailliard	Poage	Stephens
Marshall	Poff	Stratton
Martin, Mass.	Price	Stubblefield
Mason	Pucinski	Sullivan
Mathias	Quie	Taber
Matthews	Randall	Taylor
May	Ray	Thompson, N.J.
Meader	Reece	Thomson, Wis.
Merrow	Reifel	Thornberry
Michel	Rhodes, Ariz.	Toll
Miller, Clem	Rhodes, Pa.	Tollefson
Miller, George P.	Riehlman	Trimble
	Riley	Tuck
Miller, N.Y.	Rivers, Alaska	Tupper
Milliken	Rivers, S.C.	Udall, Morris K.
Mills	Roberts	Ullman
Minshall	Robison	Utt
Moeller	Rodino	Vanik
Monagan	Rogers, Colo.	Van Pelt
Montoya	Rogers, Fla.	Van Zandt
Moore	Rooney	Wallhauser
Moorehead, Ohio	Rostenkowski	Walter
	Roudebush	Watts
Moorhead, Pa.	Roush	Weis
Morgan	Rousselot	Whalley
Morris	Rutherford	Wharton
Morrison	St. Germain	Whitener
Morse	Saylor	Whitten
Mosher	Schadeberg	Wickersham
Moss	Schenck	Widnall
Murphy	Scherer	Williams
Murray	Schneebeli	Willis
Natcher	Schweiker	Wilson, Calif.
Nelsen	Schwengel	Wilson, Ind.
Nix	Scott	Winstead
Norblad	Scranton	Wright
Nygaard	Seely-Brown	Yates
O'Brien, Ill.	Selden	Zablocki
O'Brien, N.Y.	Shipley	Zelenko
O'Hara, Ill.	Short	
O'Hara, Mich.	Shriver	

NAYS—2

Lindsay	Ryan

NOT VOTING—64

Anfuso	Hays	Rains
Arends	Hébert	Reuss
Ayres	Hoeven	Rogers, Tex.
Bell	Holtzman	Roosevelt
Berry	Johnson, Calif.	St. George
Boggs	Johnson, Wis.	Santangelo
Brooks	Jones, Mo.	Saund
Buckley	Kilburn	Shelley
Byrnes, Wis.	Kluczynski	Sheppard
Carey	McDonough	Siler
Casey	McSween	Slack
Colmer	Martin, Nebr.	Teague, Calif.
Cooley	Moulder	Teague, Tex.
Dague	Multer	Thomas
Derwinski	Norrell	Thompson, La.
Dooley	Pelly	Thompson, Tex.
Ford	Pfost	Vinson
Frazier	Pilcher	Weaver
Goodell	Pirnie	Westland
Hall	Powell	Young
Harrison, Va.	Rabaut	Younger

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Hall.
Mr. Harrison of Virginia with Mr. Arends.
Mr. Roosevelt with Mr. Bell.
Mr. Holtzman with Mr. McDonough.
Mr. Santangelo with Mrs. St. George.
Mr. Carey with Mr. Ford.
Mr. Powell with Mr. Derwinski.
Mr. Anfuso with Mr. Kilburn.
Mr. Boggs with Mr. Goodell.
Mr. Brooks with Mr. Teague of California.
Mrs. Norrell with Mr. Weaver.
Mr. Multer with Mr. Younger.
Mr. Moulder with Mr. Ayres.
Mr. Thompson of Louisiana with Mr. Hoeven.
Mr. Shelley with Mr. Byrnes of Wisconsin.
Mr. Sheppard with Mr. Westland.
Mr. Rains with Mr. Berry.
Mr. Rogers of Texas with Mr. Pelly.
Mr. Buckley with Mr. Siler.
Mr. Frazier with Mr. Pirnie.
Mr. Colmer with Mr. Martin of Nebraska.
Mr. Thompson of Texas with Mr. Dooley.

The title was amended so as to read: "A bill to amend the Subversive Activities Control Act of 1950 so as to provide for notification that the United States mails may contain Communist propaganda introduced into the United States from abroad, and for other purposes."

A motion to reconsider was laid on the table.

MILITARY CONSTRUCTION APPROPRIATION BILL, 1962

Mr. SHEPPARD submitted a conference report and statement on the bill (H.R. 8302) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes.

TELECASTING OF PROFESSIONAL SPORTS CONTESTS

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9096) to amend the antitrust laws to authorize leagues of professional football, baseball, basketball, and hockey teams to enter into certain television contracts, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the antitrust laws, as defined in section 1 of the Act of October 15, 1914, as amended (38 Stat. 730), or in the Federal Trade Commission Act, as amended (38 Stat. 717), shall not apply to any joint agreement by or among persons engaging in or conducting the organized professional team sports of football, baseball, basketball, or hockey, by which any league of clubs participating in professional football, baseball, basketball, or hockey contests sells or otherwise transfers all or any part of the rights of such league's member clubs in the sponsored telecasting of the games of football, baseball, basketball, or hockey, as the case may be, engaged in or conducted by such clubs.

SEC. 2. Section 1 of this Act shall not apply to any joint agreement described in section 1 of this Act which prohibits any person to whom such rights are sold or transferred from televising any games within any area, except within the home territory of a member club of the league on a day when such club is playing a game at home.

SEC. 3. Section 1 of this Act shall not apply to any joint agreement described in section 1 of this Act which permits the telecasting of all or a substantial part of any professional football game on any Friday after six o'clock postmeridian or on any Saturday during the period beginning on the second Friday in September and ending on the second Saturday in December in any year from any telecasting station located within seventy-five miles of the game site of any intercollegiate football contest scheduled to be played on such a date if—

(1) such intercollegiate football contest is between institutions of higher learning both of which confer degrees upon students following completion of sufficient credit hours to equal a four-year course, and

(2) such intercollegiate football contest and such game site were announced through publication in a daily newspaper of general circulation prior to March 1 of such a year as being regularly scheduled for such day and place.

SEC. 4. Nothing contained in this Act shall be deemed to change, determine, or otherwise affect the applicability or nonapplicability of the antitrust laws to any act, contract, agreement, rule, course of conduct, or other activity by, between, or among persons engaging in, conducting, or participating in the organized professional team sports of football, baseball, basketball, or hockey, except the agreements to which section 1 of this Act shall apply.

SEC. 5. As used in this Act, "persons" means any individual, partnership, corporation, or unincorporated association or any combination or association thereof.

SEC. 6. Nothing in this Act shall affect any cause of action existing on the effective date hereof in respect to the organized professional team sports of baseball, football, basketball, or hockey.

The SPEAKER pro tempore. Is a second demanded?

Mr. McCULLOCH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. CELLER. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. CELLER. Mr. Speaker, this bill is the so-called sports bill. It would amend the antitrust laws to authorize leagues of professional football, baseball, basketball, and hockey teams to enter into certain television contracts, and for other purposes.

The purpose of this bill is to enable the member clubs of a professional sports league to pool their separate rights in the sponsored telecasting of their games and to permit the league to sell the resulting package of pooled rights to a television network or other purchaser without thereby violating the antitrust laws.

H.R. 9096 is needed to supersede the decision of Judge Grimm of the U.S. District Court for the Eastern District of Pennsylvania, issued July 20, 1961, in the case of United States against National Football League. The judge held that a contract between the National Football League and the Columbia Broadcasting System which grants CBS the exclusive right to broadcast league games is unlawful. He ruled that the contract violates the antitrust laws and also violates the final judgment entered in the case in 1953 (116 F. Supp. 319). That judgment had enjoined the league and its member clubs from contracting to restrict the areas within which telecasts of league games might be made, except in the home territory of a member club when the club was playing a home game.

The practical result of this decision is that the National Football League is prevented from selling the pooled television rights of its member clubs, while, at the same time, the American Football League, a competing professional football organization, and other professional sports leagues operate under similar package contracts with networks. In consequence, an apparent inequity exists.

Proponents of the subject legislation state that a league needs the right to make package sales of the television

rights of its member clubs in order to assure the weaker clubs of the league adequate television income and television coverage on a basis of substantial equality with the stronger clubs. If the league is prohibited from doing so, they assert, only a limited number of National Football League teams will have access to television in 1962 when present commitments expire. It is anticipated that football fans in Green Bay, Minneapolis-St. Paul, Dallas, St. Louis, Detroit, and even such cities as San Francisco and Philadelphia may be unable to view the road games of their home teams on television. This is based on the prediction that the networks will refuse to televise the road games of each team back to its home territory unless a league package sale can be negotiated.

The Committee on the Judiciary believes that under Judge Grimm's recent ruling the members of a professional sports league cannot lawfully act in concert to assure member clubs with weak teams or limited home territory television markets an adequate amount of television income and of television coverage for games played away from home. Yet, should these weaker teams be allowed to founder, there is danger that the structure of the entire league would become impaired and its continued existence imperiled.

The committee believes that the great public interest in viewing professional league sports warrants some accommodation of antitrust principles in order to avoid these consequences. H.R. 9096 achieves this purpose with minimal sacrifice of antitrust principles. With two important qualifications, it exempts from the antitrust laws joint agreements under which a league sells or transfers pooled television rights of its member clubs to a purchaser.

Accordingly, section 1 of H.R. 9096 provides that the antitrust laws shall not apply to any joint agreement by or among persons engaging in the organized professional team sports of football, baseball, basketball, or hockey by which a league sells or transfers the rights of its member clubs in the sponsored telecasting of their games. The sole effect of section 1 is to remove a league's package sales of the rights of its members from under the antitrust laws. This exemption applies only to sales of rights in sponsored telecasting; it does not apply to closed circuit or subscription television.

Mr. GARY. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Virginia.

Mr. GARY. Why is it that under this decision the National League would not be permitted to make package contracts, yet the American League would?

Mr. CELLER. Because of the decision I mentioned, by Judge Grimm in the case against the National Football League, which was an interpretation of a previous ruling in 1953. There was no such original decision against the American Football League.

Mr. GARY. But if a case were brought against the American Football League the same situation would be true.

Mr. CELLER. That is correct.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield.

Mr. WALTER. I do not think it necessarily follows that if the same kind of case arose attacking a contract entered into by the American League that the precedent would be followed, because there is some doubt as to whether or not this is a valid decision.

Mr. GARY. Then if it is not a valid decision all they would have to do would be to go to the Supreme Court. It seems to me this is a legal question rather than a legislative matter.

Mr. CELLER. It is a legislative matter and the gentleman from Pennsylvania put his finger on the difficulty. It is true that the National Football League did not appeal the decision. They felt discretion was the better part of valor and that they would go to Congress for relief. If we do not grant the relief, the contingency the gentleman speaks of, namely, a suit against the American Football League, might be successful. To avoid that situation we bring forth this bill so that the football leagues and all professional sport leagues could enter into package television contracts. This bill covers baseball, basketball, hockey, and football.

Mr. GARY. On yesterday I had the opportunity of watching three different games. There were three different games on three different channels, the New York Giants playing the St. Louis Cardinals, the Baltimore Colts playing the Los Angeles Rams, and the New York American League team playing the Buffalo team.

Would this bill prevent them from broadcasting three different games at one time and permit the league to enter into a contract so that only one game would be permitted?

Mr. CELLER. The bill does not prevent what the gentleman saw yesterday. As a matter of fact the antitrust exemption provided by the bill shall not apply to any package contract which prohibits the person to whom league television rights are sold or transferred from televising any game within any area except the home territory of a member club on the day when that club is playing a home game.

Mr. GARY. Would this prevent the Washington network from broadcasting the Redskins football games?

Mr. CELLER. It would not.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. The adoption of this legislation is to make it possible for a league to enter into a television contract with a broadcasting organization, something which they have done heretofore.

Mr. CELLER. That is correct.

Mr. ROGERS of Colorado. Unfortunately, the decision in Pennsylvania placed the National Football League in such a position that if we do not approve this legislation there is the possibility that one league could do something and another league could not. This does not prevent your seeing on Sunday, Monday, or any other day of the week telecasts of any professional football games. The only thing the bill does is allow the league itself to enter into an agreement to televise particular games in their league. It does provide, consistent with Judge Grimm's 1953 decision, that there can be a blackout in the hometown of one of the teams when they are playing at home.

Mr. GARY. I am an avid sports fan. I follow football, baseball, basketball, and track, and I am very much interested in all sports. But I am also interested in the people of the United States being able to see on television the games that are played. I am interested in the television audience. I want to know that they are not going to be prohibited from seeing games that might otherwise be telecast.

Mr. CELLER. I can assure the gentleman from Virginia that he need have no fears on that score.

Mr. GARY. As I understand it, college games have been taken care of in the bill?

Mr. CELLER. We have taken care of all college football games.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. If we adopt this bill, does that in effect repeal the decision to which the gentleman from Pennsylvania [Mr. WALTER] referred?

Mr. CELLER. It would supersede that decision, yes. It would not repeal it.

Mr. HOFFMAN of Michigan. It would overrule it?

Mr. CELLER. It would nullify the effects of the decision.

Mr. HOFFMAN of Michigan. Without action by the Supreme Court?

Mr. CELLER. Without action by the Supreme Court.

Mr. HOFFMAN of Michigan. And would the judge take judicial notice of our enactment?

Mr. CELLER. I do not think the judge would refuse to take notice of the action of Congress.

Mr. HOFFMAN of Michigan. There should be no limitation that he would not receive any Federal money for salary if he goes contrary to what the Congress writes?

Mr. CELLER. Section 2 of the bill would change some of the present procedures. If I am permitted to refer to that section, it might answer some questions.

Mr. Speaker, section 2 of the bill contains the first of two significant limitations on the antitrust exemption provided by the bill. Section 2 states that the antitrust exemption shall not apply to any joint agreement transferring television rights which prohibit the televising of any game in any area, except in the home territory of a member club on a day when that club is playing a game at home. The effect of section 2 is to allow only so much of a blackout as was recognized as reasonable by the judge in the particular case.

Mr. Speaker, the Department of Justice, although opposed to the enactment of legislation of this character, has stated that if the committee believes

that a bill along these lines is in the public interest, it should include a limiting provision of the nature of section 2.

Section 3 contains a second significant limitation on the antitrust exemption, which was added as a result of testimony by representatives of the National Collegiate Athletic Association.

These spokesmen for college football state that a principal source of support for the vast expenditures on athletic programs conducted by the colleges is gate receipts from intercollegiate football games. They urge that reasonable devices to protect this source of income are in the public interest. They are convinced that uncontrolled televising of professional football games could be ruinous to what is known as in-person attendance at college games. It is their position that professional football should not be granted exemption from the antitrust laws for package television contracts at the possible expense of intercollegiate football.

Although both professional football leagues play most of their games on Sunday and have assured the committee that they intend to continue this practice, the committee believed that a legislative exemption of professional football from the antitrust laws should be specifically conditioned so that college football, upon which substantial educational programs depend, is not unduly prejudiced. Accordingly, section 3 of the bill provides that the antitrust exemption shall not apply to any joint agreement which permits the telecasting of all or a substantial part of any professional football game on a Friday evening or on any Saturday, afternoon or evening, during the period beginning the second Friday in September and ending the second Saturday in December within 75 miles of an intercollegiate football game scheduled to be played on that Friday evening or Saturday. This applies to both live and delayed broadcasts.

Mr. Speaker, I have a letter from the National Collegiate Athletic Association dated September 12, addressed to me, that reads as follows:

> We were delighted to receive the report that the Judiciary Committee of the House of Representatives had voted favorably upon H.R. 9096 with the proviso protecting intercollegiate football on Friday evenings and throughout Saturdays from the second weekend of September through the second Saturday of December.
>
> Please accept our grateful thanks and appreciation. I speak for all of our member institutions which conduct intercollegiate football programs. This is a vital piece of legislation and will prove of invaluable assistance to our intercollegiate and physical training programs.
>
> Again, our thanks.
>
> Best regards,
>
> (Signed) WALTER BYERS.

Mr. FARBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York.

Mr. FARBSTEIN. Am I to understand that the effect of this bill will be such that there will be no interference of the right of contract?

Mr. CELLER. There will be no interference with the right to make what is known as package TV contracts by the leagues which would bind the member teams of that particular league.

Mr. WHITENER. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Speaker, I want to thank the chairman of our committee for the attitude that he has taken throughout, along with other members of our committee, in showing an interest in the preservation of college and other amateur athletics. I am sure that all of us enjoy watching the professional football on television but the fact remains that had the committee not come along with this amendment we would not have done any favor to college and high school athletics. While high school athletics is not mentioned, this Friday night provision would in effect, even though it applies to colleges, be a protection of Friday nights for the high schools of the Nation.

Mr. CELLER. That is correct.

Mr. WHITENER. And is it not true that this legislation protects the Fridays from 6 p.m. through Saturday midnight from the second Friday in September through the second Saturday in December of each year?

Mr. CELLER. That is correct.

Mr. WHITENER. And that it is in keeping with the wishes of the college people as those wishes were communicated to the various members of the Committee on the Judiciary?

Mr. CELLER. That is correct; not only the colleges, but the high commissioner of baseball, Ford Frick, has agreed as to the need for this legislation. Various other professional sports leagues such as the National Football League and the American Football League have likewise agreed. We have conferred with all and sundry, as it were, who might have any interest in this matter and have fashioned a bill that recognizes the interests of all.

We now have a bill which has the approval and the support of all those whom I have mentioned.

Mr. WHITENER. Mr. Speaker, will the gentleman yield for one further question?

Mr. CELLER. I yield.

Mr. WHITENER. Is it not true that there are only 22 profitmaking sports organizations in football as opposed to thousands of high schools and many hundreds of colleges that are concerned about this legislation; and that the committee has taken the side which would protect the interests of amateur athletics by this committee amendment?

Mr. CELLER. That is correct.

Mr. FORRESTER. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Georgia.

Mr. FORRESTER. This bill as originally drawn was, of course, designed for the purpose of relief against a Federal court decision. Despite that laudable and proper purpose I was somewhat concerned, as were other members of the Committee on the Judiciary, because we thought that the legislation as originally drawn would militate against college football. However, I am delighted to report that after collaboration with various members of the Committee on the Judiciary and under the leadership of the gentleman from Pennsylvania [Mr. WALTER] we came up with an amendment which was satisfactory to the colleges of this country. In other words, we now have a bill that satisfies the professional football league, and satisfies the colleges, and one that I think is equitable and fair in every manner. I am heartily supporting this legislation, and I hope that this House will support this legislation.

Mr. GARY. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Virginia.

Mr. GARY. May I say to the gentleman that one of my colleagues got the impression a few moments ago that I was opposed to college athletics, because of the questions that I asked. As a former graduate manager of athletics of one of our colleges, I am primarily interested in college and amateur sports, but I understood they had been taken care of in the bill and was simply inquiring to find out what effect the legislation would have on the broadcasting of professional games. That is the reason my questions were limited to professional games.

Mr. McCULLOCH. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 9096, a bill to amend the antitrust laws to authorize professional sports leagues to enter into package television contracts.

As has been explained by the chairman of the Judiciary Committee, Mr. CELLER, this bill is necessary in order to overrule the effect of a decision of Judge Grimm in the U.S. District Court for the Eastern District of Pennsylvania on July 20 of this year. In that decision, Judge Grimm ruled that a 2-year contract between the National Football League and the Columbia Broadcasting System, in which exclusive rights to televise the league's games was granted, violated the antitrust laws and a prior ruling of the court.

As a result of this decision, the National Football League will not be able to enter into a package television contract for the 1962 football season. Other professional leagues, notably the American Football League, which are under no similar court decree, will be free to follow this procedure. In view of this inequity, and in view of the fact that authority to enter into a package television contract is necessary to protect the financial and business interests of the weaker teams of the leagues, the Judiciary Committee was of the opinion it would be desirable to grant a very narrow exemption from the antitrust laws. The exemption is narrowly defined for this specific purpose only and will not permit other variations from the antitrust laws.

In addition, the committee considered that the professional leagues should not be granted this authority without there being some restriction imposed for the protection of college football; even though, as a matter of actual practice, the professional football leagues have

followed a practice of not telecasting games which conflict with major intercollegiate football contests. This protection has been accomplished by providing that the antitrust exemption granted by the act shall not apply to package agreements which permit the telecasting of professional football games into areas within 75 miles of an intercollegiate game, on any Friday after 6:00 p.m., or on Saturday during the period beginning on the second Friday in September and ending on the second Saturday in December. Thus, any violation of the provision for the protection of college football will make the entire contract subject to the antitrust laws.

With the restrictions which the committee has written into this bill, I am of the opinion it permits professional leagues to negotiate contracts with the broadcasting industry which are desirable in order to insure an adequate source of income for the weaker member teams of the league. Therefore, I support the purpose and spirit of H.R. 9096, and urge the House to suspend the rules and pass the bill.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Indiana.

Mr. HALLECK. I am one who believes that the televising of professional football games is of great interest to the American people. As the chairman of the committee has pointed out, the arrangement that would here by made would provide revenues for the teams that will permit them to carry on in real competition, and likewise will make it possible for those programs to be seen by the people who are so vitally interested in that sport.

In respect to the objections of the colleges, it so happens that I am a graduate of Indiana University. Beyond that, Purdue University is located in my congressional district. I heard from the athletic departments of both of those schools when this matter first came up and there was some concern about what might be the effect on collegiate football, but I have now a letter from the director of athletics of Indiana University who, referring to this legislation, said:

> The above legislation is extremely vital to collegiate football. I urgently encourage you to cast a favorable vote for this bill whenever it comes before the House of Representatives for final vote.

From the director of athletics at Purdue:

> We are deeply grateful for the recent action of the House Judiciary Committee and would like to enlist your continued support of section 3 without amendment to H.R. 9096 on the floor of the House.

In other words, I think the committee is to be congratulated for having worked out a satisfactory solution to a very difficult situation, not only making it possible for television viewing of these very important athletic contests which are of such entertainment value to the American people but likewise protecting collegiate athletics as well.

Mr. McCULLOCH. I appreciate the contribution of the gentleman from Indiana.

Mr. Speaker, I now yield to the gentleman from Arkansas, the chairman of the Committee on Interstate and Foreign Commerce.

Mr. HARRIS. I have also been interested in this matter, particularly since it involved the televising of professional sports, and of course having to do with the protection of intercollegiate sports as well. I also want to congratulate the Committee on the Judiciary for having worked this matter out, as has been so well explained by the chairman of the committee and the distinguished ranking minority member, the gentleman from Ohio [Mr. McCULLOCH].

I also want to say that I, too, share the same views with reference to the importance of broadcasting professional sports such as football, baseball, and so forth. I would like to ask the gentleman, however, is it not true that this proposal is made necessary as the result of a decision by a Federal district court in Philadelphia with references to a problem involving the National Football League and its agreement for broadcasting professional football games as a league?

Mr. McCULLOCH. The answer is yes; and we are dealing with the law of the case, and this is important—we are dealing with the law of the case and not the law of the land, necessarily.

Mr. HARRIS. The gentleman may remember a few years ago, I have forgotten just how long ago it was, the Supreme Court issued a decision affecting baseball.

Mr. McCULLOCH. That is right.

Mr. HARRIS. If I might also invite the attention of the chairman of the committee to this, as the gentleman will recall, in that decision the practical effect was that football be considered a business and baseball considered a sport; is that not correct?

Mr. McCULLOCH. That is a correct interpretation.

Mr. HARRIS. My question is this. Does this bill in any way correct what I think is an unfortunate situation that has affected our professional sports since that decision.

Mr. McCULLOCH. As a general proposition, it does not correct the difference in the law with respect to the two sports.

Mr. HARRIS. Although I agree with the committee and with the gentleman, and I want to commend them on bringing out this legislation, I think it is unfortunate that you did not go further and correct the other situation where you have this different treatment of the two sports.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I am pleased to yield to the gentleman from Pennsylvania.

Mr. WALTER. I just want to point out the fact that unless this legislation is enacted, the contract already entered into between the American Football League and the broadcasters will be in effect, and could very well affect our intercollegiate sports.

Mr. HARRIS. If the gentleman will permit me, I think he refers to the National Football League. I do not think this affects the American Football League.

Mr. WALTER. Yes, it does.

Mr. McCULLOCH. This affects the National League only, at this time, since we are dealing with the law of the case, and we are not dealing, necessarily, with the law of the land.

Mr. HARRIS. Does this prohibit an individual or a professional team from entering into television contracts?

Mr. McCULLOCH. No.

Mr. HARRIS. And it is not a transfer of rights to the league itself?

Mr. McCULLOCH. It makes a contract that does that legal, which would otherwise be illegal.

Mr. HARRIS. I understand that. I thank the gentleman.

Mr. McCULLOCH. Mr. Speaker, I yield myself 2 additional minutes, and I yield to the gentleman from Colorado [Mr. DOMINICK].

Mr. DOMINICK. Section 1 of the act says that these agreements which are listed there shall not be under the antitrust laws. Section 2 of the act says that section 1 does not apply, which means that the agreements listed under section 2 are under the antitrust laws. Section 3 says that section 1 shall not apply, which would again indicate that the committee thinks they are under the antitrust laws. Consequently, it seems to me, the legislation as written now in its present form would mean that the very agreements you are talking about, you are leaving under the antitrust laws.

Mr. McCULLOCH. No, I could not agree with that conclusion.

Mr. CELLER. Mr. Speaker, if the gentleman will yield, these are the conditions under which the exemptions are limited, and that is why it is worded in that form.

Mr. McCULLOCH. Mr. Speaker, a careful reading of the language will show that the chairman's analysis of the question is correct.

Mr. DOMINICK. If section 1 of the act, as it is written here, says that the antitrust laws shall not apply to certain joint agreements and section 3 of the act says that section 1 of this act shall not apply to any of the joint agreements described below, it would mean that all of the provisions listed in section 3, so far as I can read English, are subject to the operation of the antitrust laws.

Mr. McCULLOCH. Of course, Mr. Speaker, the answer to that observation is this: That section is so written to protect the colleges and universities who may be playing football on Friday nights or on Saturdays during the time mentioned.

Mr. Speaker, I now yield 1 minute to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I did not want a minute. I wanted to ask the gentleman a question if this bill would, by any chance, help the Senators or the Redskins win a few games.

Mr. McCULLOCH. We would do anything that was proper to help them win a few games.

Mr. GROSS. I thank the gentleman.

GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days to extend their remarks in the RECORD at this point on the subject under discussion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McCULLOCH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and I also ask unanimous consent that the gentleman from Wisconsin [Mr. BYRNES], who has been so interested in this legislation and has been so helpful for a number of weeks, be permitted to extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, I am greatly pleased that the Committee on the Judiciary has moved promptly and effectively to overcome the serious problem confronting the National Football League teams because of a court ruling that they cannot negotiate jointly for the televising of their football games without violating the antitrust laws.

The effect of this ruling, which would apply incidentally to no other sports league, would be to jeopardize the very existence of the National Football League. Contrary to what we have come to think of as the spirit of our antitrust laws, it would make the strong clubs stronger and the weaker clubs weaker.

The reason for this is that the television networks, if the member clubs negotiated separately, would look to their own economic interests and negotiate contracts only with those teams which operate in areas of intense viewer concentration. The team which represent the largest metropolitan areas could obtain lucrative contracts while the other teams would have difficulty in obtaining any kind of contract at all.

Thus, the televising of games would be largely under the control of the networks. Many fans would be deprived of watching their home teams play its out-of-town games. Since television revenue is important in the economic structure of football, some teams would become richer and some poorer, but, in the long run, if the teams are not balanced, both financially and competitively, they would all suffer since evenly matched contests are the essence of a successfully operated league.

The situation brought about by the court ruling is of particular concern to me because I represent a city which would be most adversely affected by the bill.

The Green Bay Packers, from Green Bay, Wis., one of the first professional football teams in the Nation, have been able to compete successfully against teams representing much larger cities because of the wise policies of the National Football League which strive for balanced teams. Green Bay's population is 63,000. The team is owned by a nonprofit corporation which has had its struggles, through lean years, to field a representative club. In recent years, however, the club has strengthened its financial position through increasingly successful teams. Green Bay, in 1960, was the western division champion.

With costs mounting, however, Green Bay, like other clubs, is increasingly dependent upon television revenues. Negotiating singly, it has never been able to sell its television rights at the level of the clubs which represent the large cities. When its present contract expires, and if it is forced to approach the networks on its own, it will be competing against clubs who offer vastly greater TV markets, and it could wind up without any television contract or with one at a greatly reduced figure. The difference the size of the TV market makes can be judged by the fact that Green Bay's present contract, as champions, is $120,000 for radio-TV rights, while the Washington Redskins, who finished last in the eastern division last year, have a $250,000 contract. Under a contract negotiated by all of the clubs, and subsequently ruled out by the court, Green Bay and all other clubs would have received $325,000 in 1962 for television.

The bill before us would allow a league and its members to negotiate jointly with the television networks, while providing safeguards against interference with college football games. I urge its passage because it will remove the jeopard. in which the National Football League has been put, insure football fans of the widest possible television coverage of the out-of-town games of their favorite teams, maintain competitive and financial balance among National League clubs, and, by doing all of these things, strongly uphold the spirit of our antitrust laws.

Mr. KORNEGAY. Mr. Speaker, I rise to support this bill and to heartily congratulate the Committee on the Judiciary for bringing to the House a measure which seems to meet the needs of the situation created as a result of United States against National Football League and at the same time to meet the satisfaction of all interested parties. It goes without saying that there is a great public interest in the televising of professional athletics which should be recognized, but at the same time it is most important that provision be made to protect our amateur and intercollegiate athletics from being squeezed off the television screens across the Nation.

In my opinion, section 3 furnishes this protection very satisfactorily.

I have the honor to represent a district which has within its boundaries 14 colleges and universities, 2 of which are the University of North Carolina and Duke University and which consistently field strong and outstanding athletic teams which gain national recognition and reputation, while many of the smaller institutions of higher learning in my district have worthwhile and very fine athletic programs. The headquarters for the Atlantic Coast Conference is located in my district and its very able commissioner, Jim Weaver, resides there.

While many in the Sixth District enjoy watching the Washington Redskins on Sunday afternoons, we are mightly interested in preserving the rights and privileges of our wonderful intercollegiate teams to appear on the television screens on Friday night and Saturday. And, so, Mr. Speaker, I say again to this House that the committee has done an excellent job in bringing out a bill which I urge every Member to support.

SPRINGFIELD COLLEGE FAVORS BILL

Mr. BOLAND. Mr. Speaker, I rise in favor of H.R. 9096, to amend the antitrust laws to authorize leagues of professional football, baseball, basketball, and hockey teams to enter into certain television contracts, with amendment.

The amendment is designed to provide greater protection than contained in the original bill for in-person attendance at college football contests. This is accomplished by extending the times and dates during which network telecasting by professional football games sanctioned by the antitrust exemption may not interfere with intercollegiate football games.

Mr. Speaker, today I received the following telegram from Edward S. Steitz, director of athletics at Springfield College, in my home city of Springfield, Mass.:

> Springfield College appreciates the action of the House Judiciary Committee and urges your support of H.R. 9096, section 3, without amendment. Many thanks for your cooperation.

The amendment I am speaking of, and reported favorably by the Judiciary Committee, is section 3. It provides that the antitrust exemption authorized by section 1 of the bill shall not apply to a joint agreement which permits the telecasting of all or a substantial part of any professional football game on any Friday evening after 6 p.m. or on any Saturday, during the period beginning on the second Friday in September, and ending on the second Saturday in December, within 75 miles of an intercollegiate football game scheduled to be played on that Friday evening or Saturday.

The purpose of the legislation is to enable the member clubs of a professional football, baseball, basketball, or hockey league to pool their separate rights in the sponsored telecasting of their games and to permit the league to sell the resulting package of pooled rights to a purchaser, such as a television network, without violating the antitrust laws. A further purpose is to prevent such package contracts from being used to impair college football gate receipts through network telecasts of professional football contests at times when college games are normally played.

Mr. RANDALL. Mr. Speaker, I rise in support of H.R. 9096 and I wish to say for the record that it is now possible to support this bill while earlier, before new section 3 had been added by the committee, it would have been impossible to have been in favor of this legislation.

The president of the University of Missouri, Dr. Elmer Ellis, corresponded with us earlier and had said in effect that it was his opinion that H.R. 9096 would do great harm to intercollegiate athletics. We have listened to the debate today and we conclude that the objections to

the bill must have been entered sometime after the introduction of the bill on September 7 and prior to the time this measure was reported by the Judiciary Committee to the House calendar on September 13.

It is true that before the committee amendment contained in new section 3, the bill was silent as to intercollegiate football contests. We have been told by a member of the committee that the National Collegiate Athletic Association was consulted and that the new section 3 was added after consultation with the NCAA and that the 75 mile radius was inserted in the bill as being about that time taken to make a 1½-hour ride by motorcar and is the 75-mile limit put in by baseball and now adopted for an intercollegiate football contest.

This amendment has been put in since the objections interposed by one of the members of the Big Eight Conference in the Middle West, the University of Missouri, and it is our opinion that the bill will not now militate against college football. The bill which was heretofore silent has now spelled out in sufficient detail provisions for intercollegiate football contests and should be passed by the House.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York [Mr. CELLER] that the House suspend the rules and pass the bill, H.R. 9096.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PARTICIPATION IN 1962 FEED GRAIN PROGRAM

Mr. POAGE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8914) to amend subsection (d) of section 16 of the Soil Conservation and Domestic Allotment Act, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 105(c)(4) of the Agricultural Act of 1949 is amended by changing the parenthetical statement in the first sentence to read as follows: "(except in the case of a producer of malting barley as hereinafter described and except in the case of a producer of barley on a summer-fallow farm as hereinafter described)", and by changing the period at the end of such section to a colon and adding the following: *"Provided further,* That no producer of barley on a farm where summer fallow is the normal practice shall be required to participate in the special agricultural conservation program for 1962 for barley if he (i) does not knowingly devote an acreage on the farm to barley in excess of the average acreage devoted on the farm to barley in 1959 and 1960 plus the acreage devoted to summer fallow in 1961 which is diverted from the production of wheat under the special 1962 wheat program, and (ii) does not knowingly devote any acreage on the farm to corn, grain sorghums, and barley in excess of 80 per centum of the average acreage devoted on the farm to corn, grain sorghums, and barley in 1959 and 1960."

SEC. 2 Section 16(d)(1) of the Soil Conservation and Domestic Allotment Act is amended by changing the parenthetical statement in the second sentence to read as follows: "(other than a producer of malting barley as described in section 105(c)(4) of the Agricultural Act of 1949, or a producer of barley on a summer-fallow farm as described in such section)".

The SPEAKER pro tempore. Is a second demanded?

Mr. QUIE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. POAGE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this legislation is an attempt to deal a little more satisfactorily with the old Dust Bowl problem. In a rather extensive area of the southwestern United States, or down in the real Southwest we would say in central western United States, there is what we know now as the Dust Bowl where land blows in the winter and spring of the year to the great detriment of the soil.

Fortunately, for the last 20 years that situation has been pretty well controlled by the Soil Conservation Service and cover-cropping arrangements, and with the passage of the recent feed grain and wheat bills we find that there develops a situation, particularly in Kansas, eastern Colorado, Nebraska, and possibly the northern counties of the Panhandle of Texas and the Oklahoma Panhandle where individuals have, in good faith, prepared their wheat lands. The wheat land has already been prepared. The seeding is beginning out there; it has already started. Under the normal practices, where the farmer allows a part of his land to lie fallow during the summer and another part he seeds in wheat. He must make preparation early in the year, if he is going to plant wheat. So, he was prepared to plant, we will say, 100 acres as his allotment. Under the law that this Congress passed recently, he cannot plant but 90 acres, and we encourage him to cut that down to 60.

We hope that he will cut it down to 60 acres; but, in any event, whether he cuts it at all or whether he simply complies with the mandatory cut, he is going to have a portion of his land laying there that he cannot plant in wheat. Whether that is 10 percent or 40 percent makes no difference from the standpoint of principle. It cannot be planted. The land is ready to plant in wheat. That means that he has the land broken and disked and that he has pulverized the land. If you leave that kind of land lying out over winter in this dry area where they probably will have no rain and no snow, or very little of either, and where it is not going to freeze hard as it does in some sections of the United States, that land is going to blow during the winter and spring. Where land is to be left idle, farmers usually leave stubble on it, but there is no stubble on this land because there was not any crop there this year, and it is now too late to put a crop on it; it was too late when we passed the bill.

As a result, something has got to be done with this fallowed land. For all practical purposes, there is nothing the farmers can do to provide a winter crop except to plant barley. We had a surplus of barley last year. So, obviously, that is not a good solution, if you are simply going to put in a lot more barley and add that barley to the surplus. This bill does not do that.

What this bill says is that you can plant barley on that land provided you have a feed-grain base and that next spring you will reduce your feed-grain acreage by the amount of barley that is planted on this fallow land.

I think it is very simple. All in the world that is involved here is to give these people in that area the right to plant a winter crop to keep this land from blowing and then next summer make a comparable reduction from their corn or grain-sorghum acreage. There is no way whereby the total acreage in feed can be increased. Any increase in barley will be exactly balanced by a like reduction in corn and grain sorghums.

This bill says to them that instead of making your reduction in a winter grain crop, to-wit, wheat, or barley, which are the only known crops available to hold the land from blowing, that you can make the reduction in a summer grain—to wit, grain sorghum, or in corn—but basically it means grain sorghum as there is very little corn grown in this dry region.

It requires exactly the same total reduction in planting acres. We do not say you can get off with a smaller reduction, but say, make your reduction this summer in a crop which is not going to let the land blow. The object is to avoid a disastrous effect to the land. Let us take out of production the crop which is not going to hurt and leave these farmers the opportunity to use a winter cover crop where it is needed.

This is needed for only 1 year, and the bill is only of 1 year duration. The reason you need it for 1 year only is that these people prepared their land before we passed the wheat bill. At that time they naturally assumed that they needed to prepare the full amount of their then existing allotment. Next year they will know the amount of land they can plant in wheat and there will not be any necessity of continuing this kind of legislation.

I think it is a rather simple proposition and I am sure there is not a Member on the floor who does not believe in protecting the soil of this Nation. We certainly should know that these people in this dry area are in an especially difficult position, and we should allow them to handle their basic crops so it will do a minimum of injury.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from California.

Mr. COHELAN. Will the gentleman be good enough—I cannot find it in the report—to tell us how many acres are involved and how many people?

Mr. POAGE. There are a good many acres involved, but I cannot say how many. It is probably nearly 10 percent of the wheat acreage in these States which is involved. Those are the biggest wheat States in the United States. Kansas is by far the largest wheat State in the Nation. This bill involves a mini-

mum of 10 percent of that total acreage, and it will involve a maximum of 40 percent, but of course we know it will never reach the maximum. However, it is a rather substantial acreage, but a farmer cannot take advantage of the bill unless he has a feed grain basis, and that feed grain basis has to be reduced next year by the same amount which he plants in barley, in addition to the 20 percent reduction in feed grains which is required to qualify for participation in the feed grain program.

Mr. QUIE. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. BECKER].

Mr. BECKER. Mr. Speaker, having listened to the debate for many years on the floor of the House in reference to price supports, surplus commodity programs, and other farm programs, I have always been confused, as the farm advocates have been confused. I have heard both sides of the proponents of farm price supports argue with one another on the merits of the various programs. I have voted against these bills. No, I am confused about this bill.

I have before me the report, and I would like to take the time to ask members of the subcommittee to give me some answers.

On page 2 of the report there is a paragraph dealing with costs. It is confusing, and I want to read it:

> The committee is not aware of any additional direct cost to the Government as a result of enactment of this legislation but it believes it will bring about a wider participation in the feed grain reduction program, in which case there would be the additional cost to that program resulting from the additional participation.

To me this sounds like doubletalk wrapped up in one paragraph and in just one sentence.

I would like to direct questions to the members of the committee, if they are paying attention, and ask them if they can tell me if you take land, farmers are now being paid to take out of production so much per acre, it is then planted with a cover crop of barley, you are going to get paid price supports and have a surplus of barley that is grown on this same land. They want to get paid twice for land that is now in the soil bank; is that correct?

Mr. BREEDING. Mr. Speaker, will the gentleman yield?

Mr. BECKER. I yield to the gentleman from Kansas.

Mr. BREEDING. This land is in the soil bank and it is to reduce the acreage of this summer fallow for wheat. As I understand it, 10 percent of that must come out of production; but, actually, he would plant 90 acres instead of 100, if he had 100 to start with. But he needs to cover the 10 percent with some kind of crop. If he reduces this from his feed grain crop next summer, I can see no additional cost to the Government, because the 10 percent reduction does not have to be the summer fallow acreage. Does that answer the question?

Mr. BECKER. Is barley eligible for price supports?

Mr. BREEDING. Yes; barley is eligible for price support if you have a barley base.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. BECKER. I yield to the gentleman from Oklahoma.

Mr. ALBERT. May I answer the gentleman's question in this manner: This 10 percent the gentleman is talking about has been fallowed; it has been prepared for seeding. This land is ready to plant. This land was prepared before we passed the feed grain bill. To be eligible to participate in this program under this bill the farmer will have to have a feed grain base. He will have to lay out some of the land which he would plant to feed grain in the spring in return for land which he plants to barley under this bill. He is not increasing his total grain production. He is simply substituting barley for feed grain.

So, the effect is that he takes out the same amount of land overall on the same farm.

Mr. BECKER. But on the land he takes out he is getting paid for that; is he not?

Mr. ALBERT. That is right.

Mr. BECKER. If he plants a cover crop of barley on the land he has taken out, and for which he is getting paid, is he going to get price supports for the barley he plants as a cover crop?

Mr. ALBERT. Yes, but he is going to have to take out and not get price supports for a corresponding amount of feed grain on land somewhere else on his farm. So he is just trading one part of his farm for another.

Mr. BECKER. I might say to the gentleman that it is still very confusing. Why can they not plant something else for a cover crop rather than barley, for which price supports are being paid? There are many other things that can be planted as a cover crop.

Mr. ALBERT. What else can be planted as a fall cover crop?

Mr. BECKER. There are other things that can be planted on this land in the way of a cover crop.

Mr. ALBERT. What?

Mr. BECKER. You can plant grass or hay or anything that would prevent soil erosion. I would like to ask the gentleman from Oklahoma to give me an answer to that. I am not a farmer, but I was raised in a farm area.

Mr. ALBERT. If the gentleman will yield further, this land is fallowed and then the seedbed is prepared for fall planting. About the only thing that can be planted in the fall to keep the land from blowing away is either barley or wheat. In order to participate in the program this bill contemplates that the farmer is going to have to reduce by a corresponding amount from some other section of his land the feed grain crop which would be planted in the spring and for which he would get price supports.

Mr. BECKER. Why do they say in the first part of this paragraph that there will be no additional cost, and then wind up by saying in the last part that there would be an additional cost of that program resulting from the additional participation? Certainly they can anticipate that this is going to cost more money, because they say it right here.

Mr. ALBERT. I do not know what the report says on that.

Mr. BECKER. I am reading from the report.

Mr. ALBERT. I can assure the gentleman that any additional cost to the Government as regards this particular tract will be offset by a reduction in some other tract. The net result is zero.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. BECKER. I yield to the gentleman from Texas.

Mr. POAGE. The gentleman asked the reason for that language in the committee report. It is simply because we believe that if we can pass this legislation that we will get a much larger participation in the feed grain program, and that if we get a larger participation, obviously it is going to cost you money to get it. But we think it is a desirable thing to have a large participation in the feed grain program because we believe that that is a lot cheaper than it is to grow these surplus crops and store them.

May I also answer one other question for the gentleman from New York? The gentleman from New York asked why we did not plant something else, grass, or something of that kind, instead of barley or wheat. This is in a high altitude, dry climate country. It is an utter impossibility to seed grass in the fall of the year in that area. You just cannot do it. The Lord made that country, and He gave us less than 20 inches of rain, and He gave it to us in the summertime, and not in the winter. That is why we cannot do it.

Mr. BECKER. I might say to the gentleman that I am not convinced and therefore must oppose the bill.

Mr. QUIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this legislation is to enable farmers in the summer fallow area to raise barley who have not raised barley before or who have not raised enough barley to cover the acres they now are going to idle which represent 10 percent of their wheat acres. What they want to do also is to raise a crop on their summer-fallowed land on which they have built up the moisture throughout the year and idle some of the acres on their farm on which a grain sorghum crop has depleted the moisture.

In the feed grain program this year, one of the reasons why we are going to have a greater production than would be expected, due to the reduction in acres, is because normally farmers take their best acres to plant their crops, and idle their poor acres. Now we come upon a group of farmers, due to the new wheat and feed grains programs who find it is not easy to put their best acres into production without a change in the law. So they now want us to change the law so they can do the same thing which you are deploring that other farmers have been doing all the time.

Let us look at the controls that we have put on agricultural commodities in the past. In the past we have never really controlled production, because where the cotton farmers reduced their cotton acres, they planted something else—feed grains, in direct competition with us in the feed grains area. When we had a corn program in the feed grains areas, we reduced our acres of corn. But what did we do with the idle acres? We planted soybeans or 15 acres of wheat. In the wheat production areas, they cut back on their wheat acres, but they raised feed grains on their acres retired from wheat. Now they raise some grain sorghums down in the wheat area of the gentleman from Kansas [Mr. BREEDING], and the gentleman from Kansas [Mr. DOLE], and they want us to change the law so their farmers can raise some barley even though some of them never raised barley before. Their argument is that they want to prevent the acres retired from wheat from eroding. Let me tell you there is nothing to prevent these farmers from planting wheat on 100 percent of their wheat acres and then 30 days before harvest destroy their poorest acres and get their price supports, get their payments for idling 10 percent to 30 percent of their wheatland. We are giving these farmers an increase in price support from $1.78 to $2.00 a bushel and then paying them 45 percent of what they normally would have received on those idle acres for not raising a crop. That ought to be enough for them to put a little cover crop on their idle acres and prevent erosion. We put a cover in the feed grain areas on our land to prevent erosion, both water erosion and wind erosion, but it is mostly water erosion and aren't asking permission to harvest those cover crops. What is going to happen to the barley of these farmers who did not raise barley before but now can raise it and receive price supports on it if this bill passes? That barley is going to be in direct competition with the barley producers in the great feed grain producing areas.

Earlier this year, in the feed grain program, we did not include barley under the feed grains regulations for the 1961 crop. We just included corn and grain sorghums. But the Department came to us later and said, in the omnibus farm bill, please pass a control program for barley the same as you have for corn and grain sorghums. The only way you can get price supports on corn and grain sorghums is if you reduce your acres by 20 percent and not increase your acres of barley; the same is now true for barley.

So we have a program in the omnibus farm bill trying to prevent an increase in the production of barley, passed by the Congress, just a short time ago, and then some people come in and ask for another program to encourage their farmers to raise more barley in other parts of the country.

Mr. BATTIN. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Montana.

Mr. BATTIN. Will the gentleman concede that in some areas, particularly in Montana, North Dakota, and parts of South Dakota, as well as other areas mentioned, the small grains, wheat and barley, are about the only two things they can grow?

Mr. QUIE. That is right. And in that area, without any change in the law, you can put barley in the acres that you have summer-fallowed. There is nothing to prevent that. But in your area where you have not raised grain sorghums or other feed grains——

Mr. BATTIN. And cannot.

Mr. QUIE. And cannot, there is no way you could put additional barley in under this program and if you do not have a barley base you could raise no barley; while in the summer fallow areas, where grain sorghum is raised, a farmer under this bill could begin producing barley even though he never raised a kernel before.

You have to have the grain sorghums or some other kind of feed grain in order to plant barley on these acres. So in Montana you cannot comply with this bill since you cannot raise sorghums or corn.

Mr. BATTIN. This is different from the provision on feed grain which we passed in the Agricultural Extension Act of 1961.

Mr. QUIE. That is right, barley is considered separately from corn and grain sorghum. If they were all called feed grains, there would be no need for this bill. But we decided in the Congress that we did not want the farmers to lump them all together, we wanted to consider corn and grain sorghum as one but barley as something separate. If you want to reduce your acres of corn and grain sorghum you cannot increase your acreage of barley. If you are going to reduce your acres of barley you cannot increase your acres of corn and grain sorghum. You cannot reduce your barley acres and then raise the corn and grain sorghum to take the place of the barley that would normally be raised.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Texas.

Mr. POAGE. Apparently the gentleman suggests it would have been a good thing if the committee had lumped all these feed grains together.

Mr. QUIE. No. We thought of that and both you and I decided if we were going to make the program work we would have to treat them separately.

Mr. POAGE. That is exactly what we decided in the committee, but I understood the gentleman to tell the House it would be a good thing if we lumped them together.

Mr. QUIE. No; I did not make that statement.

Mr. POAGE. What we do do for these four States, this drought-stricken area, is to lump them together.

Mr. QUIE. That is right.

Mr. POAGE. What is wrong with that where they have special situations? The reason we did not lump them together over the Nation was that we knew there were areas in which you could grow much more corn than by growing grain sorghums, and there were other areas in which you could grow much more grain sorghum than by growing barley. In this area which is in the center of things you have almost an equality between them. An individual farmer cannot take advantage of this because he must have a feed grain base before he can substitute barley for feed grain.

Mr. QUIE. The people in that area have something that other farmers in other areas would undoubtedly like to have. If they do not like the outlook in the spring they can put in another crop and get price supports on that also. If we continue this effort, we are going to ruin the attempt we made this year to actually reduce total crop production.

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from North Dakota.

Mr. SHORT. I have been looking through the report and the bill. My memory does not recall from the conversation we had about this piece of legislation in the committee, if the provisions of this bill are taken advantage of by this wheat farmer and he elects to seed to barley the land that he is required to retire from wheat production under the provisions of the new wheat bill, is he going to be eligible for the land retirement payment which is provided for in the wheat bill, under the provisions of this bill?

Mr. QUIE. Yes; he will be eligible for the land retirement payment, because all he has to do then is to select some less productive acres on his farm that he had in sorghum, perhaps, the year before, and call those the acres he would like to idle. There is nothing to prevent him from doing that right now.

Mr. SHORT. I do not see anything in the committee report about this, either. If I may ask a further question, Does this bill give the farmer in this particular area where this problem exists, and I grant it does exist, although I would have to point out this is not the only area that makes a practice of summer fallowing—we do about the same proportion in North Dakota and sections of Montana and maybe out in the Pacific Northwest—but if this barley that the farmer plants on the retired acreage he normally would have planted to wheat, if he plants that to barley and something happens to the barley crop over the winter, if it winter kills, does he have an opportunity then to plant these same acres to some other spring crops such as grain sorghum or corn or oats or something like that?

Mr. QUIE. The gentleman recalls from our discussion in the committee that was the understanding we had, that if in the spring the barley winter kills, the farmer could then just go ahead and put grain sorghum in those same areas.

Mr. SHORT. Certainly, being a farmer, I hate to deny a farmer the opportunity to make any more money out of his farming operation. But, I think, perhaps, in all honesty, I should point out this is an opportunity that is going to be offered to these people in this particular area that is, perhaps, for reasons beyond their control or anyone else's control, an opportunity that is not available to the wheat farmers in the summer

fallow areas in the northern part of the United States where they can only plant a spring crop.

Mr. QUIE. I thank the gentleman. I realize along the same line, we can compliment the gentleman from Kansas [Mr. DOLE] for working hard for his farmers and helping them to plant barley on these acres since they would hate to see those acres lying idle when they have built up the moisture. I never blame a Member for working for his constituents, but I just disagree with the gentleman.

Mr. DOLE. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kansas.

Mr. DOLE. I might say the legislation is going to take care of one of us, Mr. BREEDING and myself, but I do not want the dust to take care of both of us. We have this peculiar problem in Kansas in the western end, and I happen to represent the northwest area and Mr. BREEDING the southwest area, and there has been some inference, perhaps, that the wheat farmers are getting a special benefit. I think this is simply an interchange of acres, and I do not know where the benefit might come or being given any special advantages. Would the gentleman point that out to me under this program?

Mr. QUIE. Well, the special advantage is that he is able to raise barley when he has no barley history. In the feed-grain program which we passed some months ago, it provided that no one who raised barley can raise more than their history showed for 1959–60. It is a special advantage for farmers in your area to raise more barley than their 1959–60 history and still receive price supports.

Mr. DOLE. He must have a feed-grain base to participate in this program, and he retires an equal number of his acres of his feed grain next spring.

Mr. QUIE. That is right. He may want to trade grain sorghum for barley. If barley was not in trouble, we would not have a barley program.

Mr. DOLE. I think that would be the only crop he can plant where he actually would have any benefit.

Mr. QUIE. Oh, no, you can plant wheat for a cover crop or you can raise rye. I imagine you could raise winter oats. There are other commodities than barley which you can put on for a cover crop, if that is all the farmer intends to do, which would work just as well. But you want them to be able to harvest the cover crop and receive price supports.

Mr. BEERMANN. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Nebraska.

Mr. BEERMANN. Page 3 of the report, section 16(a) says:

> SEC. 16. (a) The obligations incurred for the purpose of carrying out for any calendar year, the provisions of section 7 to 14, inclusive, of this Act shall not exceed $500 million.

One of the things sold to us in passing the Agricultural Adjustment Act of 1961 was that we were going to save $500 million. Did they leave this out purposely so that they could come back now? Since this program has already cost $750 million, to the extent of $2.20 per bushel for not raising corn and feed grains and while excess soybeans are being produced, is this $500 million that was supposed to be saved going to be spent now?

Mr. QUIE. I could not answer that question.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. POAGE. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. DOLE].

Mr. DOLE. Mr. Speaker, I want to appeal to the Members on my left, and use that term only in this geographic context. We have passed bills to benefit postmen and football players today, and now have an opportunity to give a little consideration to farmers. As I mentioned to the gentleman from Minnesota [Mr. QUIE] a minute ago, this happens to be a bill introduced by the gentleman from Kansas [Mr. BREEDING], we both live in western Kansas and, frankly, the bill is similar to an amendment offered in the House when the omnibus farm bill was being considered, by Congressman BATTIN. The amendment was adopted by this House, but later on in the Senate-House conference, it was eliminated. We are not doing anything revolutionary by passing this bill today. The gentleman from Kansas [Mr. BREEDING] has a farm and understands the practicalities of this legislation. We have all seen the dust fly in western Kansas and I can assure you we are not asking for any additional aid or benefits, but simply asking that our farmers be permitted to take the diverted wheat acres and plant them to barley and next spring take an equal number of acres from his feed-grain base and retire that acreage. The farmer is not getting any double shot at anything, as has been intimated here today. I think this bill should be passed without objection from anyone.

Mr. HARVEY of Indiana. Mr. Speaker, will the gentleman yield?

Mr. DOLE. I yield to the gentleman from Indiana.

Mr. HARVEY of Indiana. The issue was raised in the colloquy just a short time ago as to whether, in the final analysis, the outcome of this proposal would not be to permit these farmers to trade a fall sown crop for grain sorghum, which would be the normal spring sown crop, in terms of acres. Is that correct?

Mr. DOLE. Yes; that is correct.

Mr. HARVEY of Indiana. That would be the net effect; sow barley in the fall in place of sorghums next spring. Now, from the standpoint of dollar income to the farmer, if you put it on that basis alone, is there any general indication that a farmer would make more money sowing barley this fall than he would if he plants sorghum next spring?

Mr. DOLE. There may be some figures on that. That was discussed in committee and I think the difference is very little, if any; in fact, my offhand thinking is he might receive a little less that way.

Mr. HARVEY of Indiana. In other words, the gist of it is that in reality the average farmer in this area would not be any better off financially from this exchange. He would simply be given a better opportunity to protect this fallow land that would otherwise be left uncovered?

Mr. DOLE. Yes; the gentleman is correct, and this is the basis we should approach the bill on. This is not an attempt to give the farmer additional benefits. This is similar to H.R. 8842 which passed earlier today in that it is a corrective piece of legislation, and is needed to correct an evil discovered in the 1962 wheat program.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. DOLE. I yield to the gentleman from Iowa.

Mr. KYL. In the opinion of the gentleman, is this a farm solving device or a farm relief program?

Mr. DOLE. Whether it will solve the farm problem, I do not know, but we are going to decrease participation in the feed-grain program if this bill is not passed.

Mr. Speaker, I might state that whenever new programs are enacted mistakes are found when application of the program is initiated. H.R. 8842 passed today by unanimous consent was a bill to correct an inequity which should never have occurred, but an error was made and I was advised by the Department of Agriculture, in response to a letter dated August 16, the error would not be corrected by administrative order.

On August 17, 1961, I contacted the Department concerning the subject of the bill before us today and on August 30 the U.S. Department of Agriculture informed me legislation was necessary to cure the defect. I frankly feel the Department has authority to correct the present situation that could have been remedied under existing authority, Public Law 87–128.

The basic purposes of this law are: First, improve farm income; second, adjust feed grain production, thus saving on Government costs; and third, establish sound soil conserving measures. If large areas of the western plains are allowed to lie idle and erode, farm income will ultimately suffer.

If barley and grain sorghum acreage reduction were more interchangeable a further reduction in the production of grain sorghum would be accomplished. There is now a greater surplus in grain sorghum, barley—May 31, 1961, CCC figures show 398,873,242 hundredweight of sorghum in the inventory of CCC and 13,613,151 hundredweight under loan for a total Government commitment of $1,051,946,201, whereas there were only 53,693,536 bushels of barley in the CCC inventory and 42,173,992 bushels under loan for a total Government commitment of $96,686,817.

Your particular attention is called to the following statutory provisions:

First. In "Subtitle B: Wheat"—sections 124 (g) and (i) provide:

> (g) The program formulated pursuant to this section may include such terms and conditions, in addition to those specifically

provided for herein, as the Secretary determines are desirable to effectuate the purposes of this section.

(i) The Secretary is authorized to promulgate such regulations as may be necessary to carry out the provisions of this section.

Second. In subtitle C: Feed Grains—the new section 105(c)(4) of the Agriculture Act of 1949, as amended, provides:

(4) The Secretary shall require as a condition of eligibility for price support on the 1962 crop of corn and grain sorghums that the producer shall participate in the special agricultural conservation program for 1962 for corn and grain sorghums to the extent prescribed by the Secretary and (except in the case of a producer of malting barley as hereinafter described) shall not knowingly devote an acreage on the farm to barley in excess of the average acreage devoted on the farm to barley in 1959 and 1960. The Secretary shall require as a condition of eligibility for price support on the 1962 crop of barley that the producer shall participate in the special agricultural conservation program for 1962 for barley to the extent prescribed by the Secretary and shall not knowingly devote an acreage on the farm to corn and grain sorghums in excess of the average acreage devoted on the farm to corn and grain sorghums in 1959 and 1960.

Third. New section 16(d)(1) of the Soil Conservation and Domestic Allotment Act, as amended, provides:

(d) Notwithstanding any other provision of law—

(1) The Secretary shall formulate and carry out a special agricultural conservation program for 1962, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments in amounts determined by the Secretary, to be fair and reasonable shall be made to producers who divert acreage from the production of corn and grain sorghums, and barley, respectively, to an approved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil-conserving crops or practices including summer fallow and idle land by an equal amount. The Secretary may make not to exceed 50 percent of any payments to producers in advance of determination of performance.

Fourth. Section 134 which provides:

SEC. 134. Notwithstanding any other provision of law, the Secretary may place such limits on the extent that producers may participate in the special feed grain conservation program for 1962 authorized by this act as he determines necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of corn, grain sorghums, or barley.

In view of the general authority granted by the act, and in order to meet the purposes of this legislation, I suggested urgent consideration allowing the interchange of sorghum and barley acreage.

The Department's answer, in part, was:

We are unable to concur in the view that existing law permits such latitude. It does not appear that compliance with the barley part of the 1962 feed grain program would result in such an insufficiency of barley as to justify a general modification under section 134 of Public Law 87-128. Any exemption from the minimum compliance requirement of 20 percent of the barley base acreage presumably would have to be general over the country.

In conclusion, Mr. Speaker, I want to emphasize farmers in western Kansas are not seeking undue advantage or special consideration in this request. They do wish to operate within the framework of the wheat and feed grain program to prevent a serious erosion loss and to carry on their operations as they anticipated they would when entering the 1961 feed grain program. As previously stated, failure to grant relief will undoubtedly limit participation in the program for 1962.

Mr. POAGE. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas [Mr. BREEDING].

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. BREEDING. I yield to the gentleman from Kansas.

Mr. AVERY. I wonder if my colleague from Kansas, the author of the bill, could advise the House whether or not any hearings have been held on this measure in the other body.

Mr. BREEDING. Not that I know of.

Mr. AVERY. Well, I think it is essential that this bill pass this session of the Congress, because I understand it is an amendment to the feed grain program for 1961, so if we do not complete action on the bill during this session, it will virtually have no effect.

Mr. BREEDING. I understand it has been introduced in the Senate by our own distinguished Senator from Kansas, Senator CARLSON, and I understand that Senator BURDICK of North Dakota was introducing the bill. I had hoped that it would pass the House so that they could take it up.

Mr. AVERY. I think this will serve as an admonition to them to give further consideration to it. I thank the gentleman for yielding.

Mr. BREEDING. I thank the gentleman. I also want to make this point. I want to thank my colleague, the gentleman from Kansas [Mr. DOLE] in trying to represent one district in Kansas, and this may be the only time in this session of the Congress when we are fighting together on the same issue. I want to thank the gentleman for his efforts here, because this is bipartisan.

Mr. DOLE. It may not happen again, but it happened once.

Mr. BREEDING. This is a bipartisan approach on both of our parts to accomplish something that we know the people in our area are interested in. I have had letters and wires and telegrams from every farm organization that is represented in my area in behalf of this legislation. This morning I received a letter from the farm bureau of my State hoping that we could accomplish this today to correct a bad wrong. This is a good farm bill. I have lived in this area for 33 years, and I know that we need to plant barley in the fall of the year. In answer to the remarks of the gentleman from Minnesota [Mr. QUIE] about planting barley when we do not have any base acreage, I can say this, that in a lot of instances my farmers do not plant barley when their prospects are good. In the last 4 years we have had good wheat crops in my area and there has been little reason, if any, to plant much barley.

The consequence was that in the years 1959 and 1960 on which this barley base is established, there was not a great deal of barley acreage in my country, but I have also seen my country when there has been huge barley acreage. As I understand this bill, unless you have a feed grain program or feed grain base on your farm you would not be permitted to take part in the program outlined in this legislation.

Mr. POAGE. That is the very point that makes it so clear that there is nothing to the implication made that somebody is getting a favored position, because unless feed grain is normally about of the same productivity as barley, a man would not plant it and would not have a feed grain basis. Certainly it would be an injustice.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. POAGE. Mr. Speaker, I yield the gentleman 2 additional minutes.

Down in my country a man would not substitute barley for feed grain, because the feed grains normally produce the most. Certainly it would be an injustice in the Red River Valley of the north to substitute feed grain for barley because the barley normally produces the most; but in this particular area where the production is almost identical, as has been pointed out by the gentleman from Kansas [Mr. DOLE] he must have some way of making this substitution. We cannot let this land blow away for want of a cover crop.

Mr. BREEDING. The distinguished gentleman from Texas is exactly correct in his statements. The situation is just exactly as he states it.

Mr. POAGE. Would the gentleman comment on this further criticism that people could plant spring crops instead of fall crops, black-eyed peas, sunflowers, and other things; but the people who have made that suggestion all unfortunately live in a country where their land is protected with snow in the winter.

Mr. BREEDING. That is right.

Mr. POAGE. Those who have lived in this part of the country know that most of the winters there is no snow cover.

Mr. BREEDING. The gentleman is right, there is very little snow. I would like to point out also that grass will not grow by itself, that grass has to have a cover crop such as grain or some crop like that.

Mr. POAGE. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. ALBERT].

Mr. ALBERT. I wish to make use of this minute by inquiring of the gentleman from Kansas whether it is not true that based upon the evidence before our committee there will be no particular income difference to farmers in his area as between growing barley and feed grains? So the farmer will not stand to gain more money. The only thing he can do will be to plant a crop that he can harvest on land that might otherwise be blown away.

Mr. BREEDING. That is true in my past experience in this area. I will say that the planting of barley this fall on

this land perhaps will not yield as much income to the farmer as other crops, but he will be able to raise other crops next year.

Mr. ALBERT. So the purpose of the feed grain bill, to reduce feed grains would not be injured; this would still be consistent with that program.

Mr. BREEDING. I think so. I will also say that if the farmer is permitted to participate in this program he will automatically come under the feed grain program as far as that is concerned.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill H.R. 8910?

The question was taken; and on a division (demanded by Mr. QUIE) there were—ayes 64, noes 26.

Mr. BECKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 213, nays 151, not voting 71, as follows:

[Roll No. 213]

YEAS—213

Abbitt	Flood	McCormack
Abernethy	Flynt	McDowell
Adair	Forrester	McFall
Albert	Fountain	McMillan
Alexander	Friedel	McVey
Alford	Garmatz	Macdonald
Andrews	Gary	Mack
Ashley	Gathings	Madden
Ashmore	Giaimo	Magnuson
Aspinall	Gilbert	Mahon
Avery	Granahan	Matthews
Bailey	Grant	May
Baring	Gray	Miller, Clem
Barrett	Green, Oreg.	Miller,
Battin	Green, Pa.	George P.
Beckworth	Griffiths	Mills
Belcher	Hagan, Ga.	Moeller
Bennett, Fla.	Hagen, Calif.	Montoya
Blatnik	Halleck	Moorhead, Pa.
Blitch	Hansen	Morgan
Boland	Harding	Morris
Bolling	Hardy	Moss
Bonner	Harris	Murphy
Boykin	Harvey, Ind.	Murray
Brademas	Hays	Natcher
Bray	Healey	Nix
Breeding	Hechler	Nygaard
Burke, Ky.	Hemphill	O'Brien, Ill.
Burke, Mass.	Henderson	O'Brien, N.Y.
Burleson	Holifield	O'Hara, Ill.
Byrne, Pa.	Horan	O'Hara, Mich.
Cannon	Huddleston	O'Konski
Chelf	Hull	Olsen
Chenoweth	Ichord, Mo.	O'Neill
Clark	Ikard, Tex.	Passman
Coad	Inouye	Patman
Cohelan	Jarman	Perkins
Cook	Jennings	Peterson
Davis,	Jones, Ala.	Philbin
James C.	Karsten	Poage
Davis, John W.	Karth	Price
Davis, Tenn.	Kastenmeier	Pucinski
Dawson	Kee	Randall
Delaney	Kelly	Reifel
Denton	Keogh	Rhodes, Ariz.
Diggs	Kilday	Rhodes, Pa.
Dingell	Kilgore	Riley
Dole	King, Calif.	Rivers, Alaska
Dominick	King, Utah	Rivers, S.C.
Donohue	Kirwan	Roberts
Dowdy	Kitchin	Rogers, Colo.
Downing	Kornegay	Rooney
Doyle	Kowalski	Rostenkowski
Edmondson	Landrum	Roudebush
Elliott	Lane	Roush
Ellsworth	Lankford	Rutherford
Everett	Latta	Ryan
Evins	Lennon	Santangelo
Farbstein	Lesinski	Scott
Finnegan	Libonati	Selden
Fisher	Loser	Sheppard
Shipley	Stubblefield	Whitener
Short	Sullivan	Whitten
Shriver	Teague, Tex.	Wickersham
Sikes	Thompson, N.J.	Williams
Sisk	Thornberry	Wilson, Ind.
Smith, Iowa	Toll	Winstead
Smith, Miss.	Trimble	Wright
Smith, Va.	Tuck	Yates
Springer	Udall, Morris K.	Zablocki
Steed	Ullman	Zelenko
Stephens	Watts	

NAYS—151

Addabbo	Findley	Milliken
Addonizio	Fino	Minshall
Alger	Fogarty	Monagan
Andersen,	Frelinghuysen	Moore
Minn.	Fulton	Moorehead,
Anderson, Ill.	Gallagher	Ohio
Ashbrook	Garland	Morse
Auchincloss	Gavin	Mosher
Baker	Glenn	Nelsen
Baldwin	Goodling	Norblad
Barry	Griffin	Ostertag
Bass, N.H.	Gross	Pike
Bates	Gubser	Pillion
Becker	Haley	Poff
Beermann	Halpern	Quie
Bennett, Mich.	Harrison, Wyo.	Ray
Betts	Harsha	Reece
Bolton	Harvey, Mich.	Riehlman
Bow	Herlong	Robison
Brewster	Hiestand	Rodino
Bromwell	Hoffman, Ill.	Rogers, Fla.
Broomfield	Hoffman, Mich.	Rousselot
Brown	Holland	St. Germain
Broyhill	Hosmer	Saylor
Bruce	Jensen	Schadeberg
Cahill	Joelson	Schenck
Cederberg	Johansen	Scherer
Chamberlain	Johnson, Md.	Schneebeli
Church	Jonas	Schweiker
Clancy	Judd	Schwengel
Collier	Keith	Scranton
Conte	King, N.Y.	Seely-Brown
Corbett	Knox	Sibal
Corman	Kunkel	Smith, Calif.
Cramer	Kyl	Stafford
Cunningham	Laird	Staggers
Curtin	Langen	Stratton
Curtis, Mass.	Lindsay	Taber
Curtis, Mo.	Lipscomb	Thomson, Wis.
Daniels	McCulloch	Tollefson
Dent	McIntire	Tupper
Derounian	MacGregor	Vanik
Devine	Mailliard	Van Pelt
Dorn	Marshall	Van Zandt
Dulski	Martin, Mass.	Wallhauser
Durno	Mason	Walter
Dwyer	Mathias	Weis
Fallon	Meader	Whalley
Fascell	Merrow	Wharton
Feighan	Michel	Widnall
Fenton	Miller, N.Y.	Wilson, Calif.

NOT VOTING—71

Anfuso	Harrison, Va.	Rains
Arends	Hébert	Reuss
Ayres	Hoeven	Rogers, Tex.
Bass, Tenn.	Holtzman	Roosevelt
Bell	Johnson, Calif.	St. George
Berry	Johnson, Wis.	Saund
Boggs	Jones, Mo.	Shelley
Brooks	Kearns	Siler
Buckley	Kilburn	Slack
Byrnes, Wis.	Kluczynski	Spence
Carey	McDonough	Taylor
Casey	McSween	Teague, Calif.
Celler	Martin, Nebr.	Thomas
Chiperfield	Morrison	Thompson, La.
Colmer	Moulder	Thompson, Tex.
Cooley	Multer	Utt
Daddario	Norrell	Vinson
Dague	Osmers	Weaver
Derwinski	Pelly	Westland
Dooley	Pfost	Willis
Ford	Pilcher	Young
Frazier	Pirnie	Younger
Goodell	Powell	
Hall	Rabaut	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert and Mr. Rains for, with Mr. Kilburn against.

Mr. Frazier and Mr. Cooley for, with Mr. Hoeven against.

Mr. Thompson of Texas and Mr. Buckley for, with Mr. Pelly against.

Mr. Berry and Mr. Arends for, with Mr. Ford against.

Mr. Anfuso and Mr. Multer for, with Mr. Pirnie against.

Mr. Powell and Mr. Holtzman for, with Mr. Hall against.

Mr. Celler and Mr. Carey for, with Mr. Martin of Nebraska against.

Mr. Boggs and Mr. Bass of Tennessee for, with Mr. McDonough against.

Mr. Brooks and Mr. Harrison of Virginia for, with Mr. Younger against.

Mr. Shelley and Mr. Willis for, with Mrs. St. George against.

Mr. Roosevelt and Mr. Pilcher for, with Mr. Bell against.

Mr. Rogers of Texas and Mr. Colmer for, with Mr. Byrnes of Wisconsin against.

Mr. Morrison and Mr. Thompson of Louisiana for, with Mr. Osmers against.

Mr. Daddario and Mr. Kluczynski for, with Mr. Utt against.

Until further notice:

Mr. McSween with Mr. Ayres.
Mrs. Pfost with Mr. Saylor.
Mr. Moulder with Mr. Siler.
Mrs. Norrell with Mr. Chiperfield.
Mr. Rabaut with Mr. Dooley.
Mr. Reuss with Mr. Weaver.
Mr. Saund with Mr. Kearns.
Mr. Casey with Mr. Goodell.
Mr. Johnson of California with Mr. Derwinski.
Mr. Johnson of Wisconsin with Mr. Westland.
Mr. Young with Mr. Halpern.
Mr. Slack with Mr. Teague of California.

Mr. ADDONIZIO changed his vote from "yea" to "nay."

Mr. AUCHINCLOSS changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

PERSONAL ANNOUNCEMENT

Mr. SANTANGELO. Mr. Speaker, on rollcalls 210, 211, and 212 earlier today I was unavoidably absent on official business. Had I been present, I would have voted "yea" in each instance.

INCREASE IN TOP GRADE POSITIONS

Mr. MURRAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7377) to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearing examiners; and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—POSITIONS IN TOP GRADES OF CLASSIFICATION ACT OF 1949

Congressional findings and declaration of policy with respect to top grades of classification act of 1949

SEC. 101. (a) The Congress hereby finds that—

(1) the public interest requires that effective limitations and controls be established and maintained with respect to the allocation of positions—whether by law or by administrative action—to grades 16, 17, and

18 of the Classification Act of 1949—the so-called top grades below the Federal executive level in the Government service—in order to prevent the unwarranted allocation of positions to such grades and to promote efficiency and economy in the operation of the Government;

(2) one of the principal purposes of the Classification Act of 1949, as originally enacted and as amended from time to time, was, and continues to be, the establishment and maintenance, by specific provisions of such Act, of a coordinated and comprehensive authority and control over the allocation of positions to these top grades of such Act;

(3) under the rules of the Senate and the rules of the House of Representatives, as applicable, and the Legislative Reorganization Act of 1946, the Committee on Post Office and Civil Service of the Senate and the Committee on Post Office and Civil Service of the House of Representatives are vested with exclusive legislative jurisdiction, and charged with the duty of exercising legislative oversight and supervision, with respect to all matters within the purview of the Classification Act of 1949 and the administration thereof, including the allocation of positions to these top grades of such Act;

(4) this legislative authority, duty, and jurisdiction of such committees, and the orderly and established legislative processes of the Congress generally in this respect, are being undermined by the increasing practice, resulting from certain solicitations from individual departments and agencies in the executive branch and elsewhere, of allocating additional numbers of positions to such top grades by means of appropriation Acts and other laws and reorganization plans (other than the Classification Act of 1949) which disregarded the numerical limitations or the standards and procedures, or both, with respect to the allocation of positions to such grades;

(5) at the present time, therefore, the pertinent provisions of the Classification Act of 1949 do not reflect, even by approximation, the existing state of the law with respect to the total number of positions which may be allocated to the top grades of such Act; and

(6) this state of affairs subverts and undermines the object and purpose of the Classification Act of 1949 with respect to the allocation of positions to such top grades of such Act.

(b) It is, therefore, hereby declared to be the sense of the Congress—

(1) that the matter of requesting the allocation of additional numbers of positions to the top grades of the Classification Act of 1949, whether by groups of positions or on an individual basis, is properly within the jurisdiction of those standing committees of the Senate and House of Representatives having jurisdiction over the Classification Act of 1949 in accordance with orderly and established legislative processes—the Committee on Post Office and Civil Service of the Senate and the Committee on Post Office and Civil Service of the House of Representatives;

(2) that the Director of the Bureau of the Budget, the United States Civil Service Commission, and other authority designated by the President exercise to the fullest extent the authority and responsibility of disapproving requests of the departments and agencies in the executive branch for individual exceptions (to be attained through the enactment of laws outside the jurisdiction of the committees above referred to) from the numerical limitations or the standards and procedures, or both, imposed by the Classification Act of 1949 with respect to the allocation of positions to the top grades of such Act; and

(3) that, if need should develop for increasing such numerical limitations or waiving such standards or procedures, or both, in any case or cases, the matter should be presented promptly to the Congress in a manner consistent with the legislative authority, duty, responsibility, and jurisdiction of the respective Committees on Post Office and Civil Service of the Senate and House of Representatives.

Increase in number of authorized top grade positions under Classification Act of 1949

SEC. 102. (a) Subsection (b) of section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105(b)), relating to the maximum number of positions authorized at any one time for grades 16, 17, and 18 of the General Schedule of such Act, is amended to read as follows:

"(b) Subject to subsections (c), (d), (e), (f), (g), (j), and (m) of this section, a majority of the Civil Service Commissioners are authorized to establish and, from time to time, revise the maximum numbers of positions (not to exceed nineteen hundred and twenty-nine) which may be in grades 16, 17, and 18 of the General Schedule at any one time."

(b) Subsection (j) of such section 505, as amended (5 U.S.C. 1105(j)), relating to positions authorized for the Department of Defense in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949, is amended by striking out "three hundred seventy-two positions" and inserting in lieu thereof "four hundred twelve positions".

(c) Such section 505, as amended, is amended by adding at the end thereof the following new subsections:

"(m) The Federal Home Loan Bank Board is authorized, subject to the standards and procedures prescribed by this Act, to allot a total of not more than four positions in grades 16, 17, and 18 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).

"(n) The Director of the United States Arms Control Agency is authorized, subject to the standards and procedures prescribed by this Act, to allot a total of not more than fourteen positions in grades 16, 17, and 18 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).

"(o) In any case in which, during the Eighty-seventh Congress, provisions are included in any Act of Congress (other than those contained in this Act) which authorize any agency of the Government to place additional positions in grade 16, 17, or 18 of the General Schedule, the Commission is authorized and directed to withdraw from such agency the allotments of a number of positions (equal to the number of such additional positions authorized under such Act of Congress) made by the Commission for such agency out of the number of positions authorized by subsection (b) of this section, to the extent possible in the light of the number of positions so allotted to such agency and in the light of the number of such additional positions authorized under such Act of Congress.".

(d) Subsection (n) of section 505 of the Classification Act of 1949, as amended, as added by subsection (c) of this section, which provides top grade positions for the United States Arms Control Agency, shall not be in effect after December 31, 1961, unless, on or prior to such date, such agency shall have been established by law.

Conforming changes in existing law

SEC. 103. The following provisions of law are hereby repealed:

(1) Subsections (f), (k), and (l) of section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105(f), (k), and (l), authorizing five positions, two hundred and sixty positions, and twenty-five positions in grades 16, 17, and 18 of the General Schedule of such Act for the National Security Council, the Department of the Treasury, and the Interstate Commerce Commission, respectively.

(2) Sections 202(b) and 302(j) of the Federal Aviation Act of 1958 (72 Stat. 742 and 747; 49 U.S.C. 1322(b) and 1343(h)), authorizing eight positions and seventy positions in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949 for the Civil Aeronautics Board and the Federal Aviation Agency, respectively.

(3) The last sentence of section 5(a) of the Small Business Act (72 Stat. 385; 15 U.S.C. 634(a)), authorizing fifteen positions in grades 16, 17, and 18 of such General Schedule for the Small Business Administration.

(4) Section 205(a)(11) of the National Capital Transportation Act of 1960 (74 Stat. 543; Public Law 86-669), authorizing five positions in grades 16, 17, and 18 of such General Schedule for the National Capital Transportation Agency.

(5) The proviso in the paragraph under the heading "FEDERAL POWER COMMISSION" and under the subheading "SALARIES AND EXPENSES" in title I of the Independent Offices Appropriation Act, 1961 (74 Stat. 429; Public Law 86-626), authorizing six positions in grades 16, 17, and 18 of such General Schedule for the Federal Power Commission.

(6) The proviso in the paragraph under the heading "CIVIL AERONAUTICS BOARD" and under the subheading "SALARIES AND EXPENSES" in title III of the Department of Commerce and Related Agencies Appropriation Act, 1959 (72 Stat. 237; 49 U.S.C. 1322, note), authorizing ten positions in such grades 16, 17, and 18 for the Civil Aeronautics Board.

(7) Subsection (b) of the first section of the Act of September 23, 1959 (73 Stat. 700; 5 U.S.C. 1105, note; Public Law 86-377), containing certain provisions with respect to positions in such grades 16, 17, and 18 in the Department of Defense, which reads as follows:

"(b) The total number of positions authorized by section 505(b) of the Classification Act of 1949, as amended (5 U.S.C. 1105(b)), to be placed in grades 16, 17, and 18 of the General Schedule of such Act at any time shall be deemed to have been reduced by the number of positions in such grades allocated to the Department of Defense immediately prior to the date of enactment of this Act. The respective numbers of positions authorized by such section 505(b) to be placed in grades 17 and 18 of such schedule at any one time shall be deemed to have been reduced by the respective numbers of positions in such grades allocated to the Department of Defense immediately prior to the date of enactment of this Act."

(8) That part of the first sentence of section 601 of the Supplemental Defense Appropriation Act, 1958 (72 Stat. 8; 10 U.S.C. 1581, note), authorizing the Secretary of Defense to place ten positions in such grades 16, 17, and 18, which reads as follows: ", and to place ten positions in grades 16, 17, or 18 of the General Schedule, in accordance with the procedures prescribed in the Classification Act of 1949, as amended".

(9) The last paragraph under the heading "GENERAL SERVICES ADMINISTRATION" in title I of the Independent Offices Appropriation Act, 1957 (70 Stat. 345; Public Law 623, Eighty-fourth Congress), authorizing ten positions in grade 16 of the General Schedule of the Classification Act of 1949 for the General Services Administration.

(10) That part of the second sentence of section 8 of Reorganization Plan Numbered 1

of 1958, effective July 1, 1958 (72 Stat. 1800; 23 F.R. 4991), authorizing not to exceed ten positions of regional director of the regional offices of the Office of Civil and Defense Mobilization to receive compensation under the Classification Act of 1949 without regard to the numerical limitations on positions in section 505 of such Act, which reads as follows: "except that the compensation may be fixed without regard to the numerical limitations on positions set forth in section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105)".

(11) The paragraph under the heading "COMMODITY CREDIT CORPORATION" in chapter I of the Supplemental Appropriation Act, 1956 (69 Stat. 451; 15 U.S.C. 714h, note), authorizing the position of sales manager in the Commodity Credit Corporation to be placed in grade 17 of the General Schedule of the Classification Act of 1949.

(12) Section 302 of the Act of July 31, 1956 (70 Stat. 743; 5 U.S.C. 517c), authorizing three positions of Deputy Administrator of the Agricultural Research Service, Department of Agriculture, to be placed in grade 18 of such General Schedule.

(13) That part of the first paragraph of section 205 of the Public Works Appropriation Act, 1958 (71 Stat. 423; Public Law 85-167), which reads as follows: "the position of Administrator of the Southeastern Power Administration shall be in grade GS-18 of the Classification Act of 1949, as amended, but without regard to the numerical limitation contained in section 505 of said Act;".

(14) That part of the sixth sentence of section 3(a) of the Fish and Wildlife Act of 1956 (70 Stat. 1120; 16 U.S.C. 742b(a)), authorizing the position of Director of the Bureau of Commercial Fisheries, and of Director of the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior, to be placed in grade 17 of the General Schedule of the Classification Act of 1949, which reads: "at Grades GS-17 each".

(15) The second proviso in the paragraph under the heading "CIVIL AERONAUTICS ADMINISTRATION" and under the subheading "OPERATION AND REGULATION" in title I of the Department of Commerce and Related Agencies Appropriation Act, 1959 (72 Stat. 228; 49 U.S.C. 1343, note), authorizing ten positions in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949.

Savings provisions

SEC. 104. (a) The changes in existing law made by sections 102 and 103 of this title shall not affect any position existing immediately prior to the effective date of such changes in existing law, the compensation attached to such position, and any incumbent thereof, his appointment thereto, and his entitlement to receive the compensation attached thereto, until appropriate action is taken in accordance with this title.

(b) Positions in grades 16, 17, or 18, as the case may be, of the General Schedule of the Classification Act of 1949, as amended, immediately prior to the effective date of this section, shall remain, on and after such effective date, in their respective grades, until appropriate action is taken under section 505 of the Classification Act of 1949 as in effect on and after such effective date.

TITLE II—SCIENTIFIC AND PROFESSIONAL POSITIONS AND POSITIONS OF A SECURITY NATURE

Increase in number of positions of a security nature in the National Security Agency under the Act of May 29, 1959

SEC. 201. Section 2 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86-36), authorizing the Secretary of Defense to establish positions in the National Security Agency, is amended by striking out "Not more than fifty such officers and employees shall be paid basic compensation at rates equal to rates of basic compensation contained in grades 16, 17, and 18 of such General Schedule." and inserting in lieu thereof the following: "Not more than seventy such officers and employees shall be paid basic compensation at rates equal to rates of basic compensation contained in grades 16, 17, and 18 of such General Schedule.".

Increase in number of scientific and professional positions under the Act of August 1, 1947 (Public Law 313, Eightieth Congress)

SEC. 202. (a) The Act of August 1, 1947 (Public Law 313, Eightieth Congress), as amended (5 U.S.C. 1161-1163), is amended to read as follows:

"That (a) the Secretary of the Interior is authorized to establish and fix the compensation for not more than eight scientific or professional positions in the Department of the Interior, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

"(b) The Secretary of Agriculture is authorized to establish and fix the compensation for not more than twenty scientific or professional positions in the Department of Agriculture, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

"(c) The Secretary of Health, Education, and Welfare is authorized to establish and fix the compensation for not more than thirteen scientific or professional positions in the Department of Health, Education, and Welfare, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

"(d) The Secretary of Commerce is authorized to establish and fix the compensation for not more than thirty scientific or professional positions in the Department of Commerce, of which not less than five shall be for the United States Patent Office in its examining and related activities, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

"(e) The Postmaster General is authorized to establish and fix the compensation for not more than three scientific or professional positions in the Post Office Department, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel.

"(f) The Director of the United States Arms Control Agency is authorized to establish and fix the compensation for not more than fourteen scientific or professional positions in the United States Arms Control Agency, each such position being established to effectuate those research and development functions of such agency which require the services of specially qualified personnel.

"SEC. 2. (a) Positions created pursuant to this Act shall be included in the competitive civil service of the United States, but appointments to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the United States Civil Service Commission or such officers and agents as the Commission may designate for this purpose.

"(b) The rates of compensation for positions established pursuant to the provisions of this Act shall not be less than $12,500 per annum nor more than $19,000 per annum and shall be subject to the approval of the United States Civil Service Commission.

"(c) In any case in which, subsequent to February 1, 1958, provisions are included in a general appropriation Act authorizing an agency of the Government referred to in this Act to establish and fix the compensation of scientific or professional positions similar to those authorized by this Act, the number of such positions authorized by this Act shall, unless otherwise expressly provided, be deemed to have been reduced by the number of positions authorized by the provisions of such appropriation Act.

"SEC. 3. The head of each department or agency authorized to establish and fix the compensation of positions under this Act shall submit to the Congress, not later than December 31 of each year, a report setting forth the number of positions established pursuant to this Act in his department or agency during that calendar year, and the name, rate of compensation, and description of the qualifications of each incumbent, together with a statement of the functions performed by each. In any instance in which any such department or agency head may consider full public report on these items detrimental to the national security, such department or agency head is authorized to omit such items from his annual report and, in lieu thereof, to present such information in executive sessions of such committees of the Senate and House of Representatives as the presiding officers of those bodies shall designate."

(b) Subsection (f) of the first section of the Act of August 1, 1947 (Public Law 313, Eightieth Congress), as amended, as added by subsection (a) of this section, which provides scientific and professional positions for the United States Arms Control Agency, shall not be in effect after December 31, 1961, unless, on or prior to such date, such Agency shall have been established by law.

Increase in number of scientific and professional positions in Department of Defense under section 1581(a) of title 10, United States Code

SEC. 203. Section 1581(a) of title 10 of the United States Code, authorizing the Secretary of Defense to establish not more than four hundred fifty scientific and professional positions in the Department of Defense, is amended by striking out "four hundred fifty civilian positions" and inserting in lieu thereof "five hundred thirty-five civilian positions".

Increase in number of scientific and professional positions in the National Security Agency under the act of May 29, 1959

SEC. 204. Section 4 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86-36), authorizing the Secretary of Defense to establish not more than fifty scientific and professional positions in the National Security Agency, is amended by striking out "fifty civilian positions" and inserting in lieu thereof "sixty civilian positions".

Increase in number of scientific and professional positions in the Federal Aviation Agency under section 302(h) of the Federal Aviation Act of 1958

SEC. 205. (a) Section 302(h) of the Federal Aviation Act of 1958 (72 Stat. 746; 49 U.S.C. 1343(f)), authorizing the Administrator of the Federal Aviation Agency to establish not more than fifteen scientific and professional positions in the Federal Aviation Agency, is amended by striking out "fifteen positions" and inserting in lieu thereof "twenty positions".

(b) Section 302(f) of the Federal Aviation Act of 1958 (72 Stat. 746; 49 U.S.C. 1343(d)), which provides for not to exceed ten positions in the Federal Aviation Agency at rates of annual compensation of not to exceed $19,500, is amended by striking out "ten positions" and inserting in lieu thereof "twenty positions".

Increase in number of scientific, engineering, and administrative positions in the National Aeronautics and Space Administration under section 203(b)(2) of the National Aeronautics and Space Act of 1953

SEC. 206. (a) Section 203(b)(2) of the National Aeronautics and Space Act of 1958

(72 Stat. 429; 42 U.S.C. 2473(b)(2)), authorizing the Administrator of the National Aeronautics and Space Administration to establish not more than two hundred and ninety scientific, engineering, and administrative positions in the National Aeronautics and Space Administration, is amended by striking out "two hundred and ninety" and inserting in lieu thereof "three hundred and fifty-five".

(b)(1) The Administrator of the National Aeronautics and Space Administration shall submit to the Congress not later than forty-five days after the close of each fiscal year a report which sets forth, as of the close of such fiscal year—

(A) the number of positions established under section 203(b)(2) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(b)(2));

(B) the name, rate of compensation, and description of the qualifications of each incumbent of each position established under such section 203(b)(2), together with the position title and a statement of the duties and responsibilities performed by each such incumbent;

(C) the position or positions in or outside the Federal Government held by each such incumbent, and his rate or rates of compensation, during the five-year period immediately preceding the date of appointment of such incumbent to such position; and

(D) such other information as the Administrator may deem appropriate or which may be required by the Congress or a committee thereof.

Nothing contained in this subsection shall require the resubmission of any information required under subparagraphs (B) and (C) of this subsection which has been reported pursuant to this subsection and remains unchanged.

(2) In any instance in which the Administrator may find full public disclosure of any or all of the matter covered by paragraph (1) of this subsection to be detrimental to the national security, the Administrator is authorized—

(A) to omit in such report those matters with respect to which full public disclosure is found to be detrimental to the national security;

(B) to inform the Congress of such omission; and

(C) at the request of any congressional committee to which such report is referred, to present all information concerning such matters.

TITLE III—REALINEMENT OF COMPENSATION OF CERTAIN POSITIONS UNDER THE CLASSIFICATION ACT OF 1949 AND THE FEDERAL EXECUTIVE PAY ACT OF 1956

Removal of certain positions from the purview of the Federal Executive Pay Act of 1956

SEC. 301. (a) Section 107(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2206(a)), providing annual compensation of $17,500 for certain positions, is amended by striking out the following paragraphs:

"(2) Administrator, Bonneville Power Administration.";

"(3) Administrator, Farmers' Home Administration.";

"(4) Administrator, Soil Conservation Service, Department of Agriculture.";

"(9) Chief Forester of the Forest Service, Department of Agriculture.";

"(10) Chief of Staff of the Joint Committee on Internal Revenue Taxation.";

"(11) Commissioner of Customs.";

"(12) Commissioner, Federal Supply Service, General Services Administration.";

"(14) Commissioner of Narcotics.";

"(15) Commissioner, Public Buildings Service.";

"(17) Commissioner of Reclamation.";

"(22) Manager, Federal Crop Insurance Corporation, Department of Agriculture."; and

"(23) Director of Coal Research, Department of the Interior.".

(b) Section 107(b) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2206(b)), providing annual compensation of $17,000 for certain positions, is amended by striking out

"(2) Treasurer of the United States.".

Conforming changes in existing law

SEC. 302. (a) The proviso contained in the first sentence of section 5(d) of the Farm Credit Act of 1953, as amended (73 Stat. 387; 12 U.S.C. 636d(d)), providing annual compensation of $17,500 for not more than three positions of deputy governor in the Farm Credit Administration, is amended to read as follows: ": *Provided*, That the salary of not more than three positions of deputy governor each shall be fixed by the Board at a rate not exceeding the maximum scheduled rate of the General Schedule of the Classification Act of 1949, as amended".

(b)(1) There is hereby repealed the second sentence of section 4201 of title 18 of the United States Code, providing annual compensation of $17,500 for each member of the Board of Parole in the Department of Justice, which reads as follows: "The annual rate of basic compensation of each member of the Board shall be $17,500.".

(2) The section heading of such section 4201 is amended by striking out "; salaries".

(3) The table of contents of chapter 311 of such title 18 is amended by striking out

"4201. Board of Parole; members; salaries."

and inserting in lieu thereof

"4201. Board of Parole; members.".

(c) Notwithstanding any other provision of law, the rate of gross annual compensation of the Chief of Staff of the Joint Committee on Internal Revenue Taxation shall be an amount which is equal to $17,500, as increased in the manner provided by section 4(r) of the Federal Employees Salary Increase Act of 1958 (72 Stat. 209; Public Law 85-462) and section 117(g) of the Federal Employees Salary Increase Act of 1960 (Part B of the Act of July 1, 1960; 74 Stat. 304; Public Law 86-568).

(d) On and after the effective date of this subsection, section 116(a) of the Federal Employees Salary Increase Act of 1960 (Part B of the Act of July 1, 1960; 74 Stat. 303; Public Law 86-568) shall not be applicable with respect to the Deputy Director of the Administrative Office of the United States Courts.

(e)(1) Section 106(b) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(b)), is amended by striking out

"(1) Architect of the Capitol.".

(2) Section 107(a) of such Act, as amended (5 U.S.C. 2206(a)), is amended by striking out

"(5) Assistant Architect of the Capitol.".

(f) Section 202(e) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(e)), is amended—

(1) by striking out "$8,880" where it first appears in such subsection and inserting in lieu thereof "the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended,"; and

(2) by striking out "$8,880" at the second place where it appears in such subsection and inserting in lieu thereof "the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended".

(g)(1) This subsection is enacted as an exercise of the rulemaking power of the House of Representatives with full recognition of the constitutional right of the House of Representatives to change the rule amended by this subsection at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(2) Clause 28(c) of Rule XI of the House of Representatives is amended—

(A) by striking out "$8,880" where it first appears in such clause and inserting in lieu thereof "the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended,"; and

(B) by striking out "$8,880" at the second place where it appears in such clause and inserting in lieu thereof "the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended".

Readjustment of certain pay levels of the Federal Executive Pay Act of 1956 and realinement of compensation for positions in such pay levels and certain positions of Presidential assistants with the compensation for positions in grade 18 of the Classification Act of 1949

SEC. 303. (a) Section 106(c) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(c)), providing annual compensation of $18,000 for the Commissioners of the Indian Claims Commission, is hereby repealed.

(b) Section 107(a) of such Act, as amended (5 U.S.C. 2206(a)), providing annual compensation of $17,500 for certain positions, is amended—

(1) by striking out "$17,500" and inserting in lieu thereof "$18,500"; and

(2) by adding immediately below paragraph (23) thereof the following new paragraph (24):

"(24) Commissioner of the Indian Claims Commission (3)."

(c) Section 107(b) of such Act, as amended (5 U.S.C. 2206(b)), providing annual compensation of $17,000 for certain positions, is amended by striking out "$17,000" and inserting in lieu thereof "$18,000".

(d) Section 105 of title 3 of the United States Code, providing for the compensation of certain assistants to the President, is amended by striking out "$17,500" and inserting in lieu thereof "$18,500".

(e) Section 106(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(a)), providing annual compensation of $20,000 for certain positions, is amended by inserting

"(48) General Counsel, United States Arms Control Agency.

"(49) Public Affairs Advisor, United States Arms Control Agency."

immediately following

"(47) Commissioner of Education.".

Savings provisions

SEC. 304. Except as provided by subsections (a), (c), (d), (e), (f), and (g) of section 302 of this title, each position specifically referred to in or covered by any amendment made by sections 301 and 302 of this title shall be placed in the appropriate grade of the General Schedule of the Classification Act of 1949, as amended, in accordance with the provisions of such Act. The incumbent of each such position immediately prior to the effective date of this section shall continue to receive the rate of basic compensation which he was receiving immediately prior to such effective date until he leaves such position or until he is entitled to receive compensation at a higher rate in accordance with law. When such incumbent leaves such position, the rate of basic compensation of each subsequent appointee to such position shall be determined in accordance with the Classification Act of 1949, as amended.

Effective dates

SEC. 306. (a) The foregoing provisions of this title (except sec. 303(e)) shall become effective at the beginning of the first pay period which begins on or after the 60th day following the date of enactment of this Act.

(b) Paragraphs (48) and (49) of section 106(a) of the Federal Executive Pay Act of 1956, as amended, as added by section 303(e) of this title, which establish annual compensation of $20,000 for the positions of General Counsel and Public Affairs Advisor, respectively, in the United States Arms Control Agency, shall not be in effect after December 31, 1961, unless, on or prior to such date, such Agency shall have been established by law.

TITLE IV—POSITIONS IN TOP SALARY LEVELS IN THE POSTAL FIELD SERVICE

Increase in number of authorized top salary level positions in the Postal Field Service

SEC. 401. Section 3301 of title 39, United States Code, relating to the maximum number of positions authorized at any one time for salary levels 17, 18, 19, and 20 in the postal field service, is amended by adding at the end thereof the following new sentence: "In addition to the number of positions prescribed by subparagraphs (2) to (5), inclusive, of this section, the Postmaster General is authorized to assign a total of not more than forty positions among salary levels 17, 18, 19, and 20 as he may determine.".

Amend the title so as to read: "A bill to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes."

The SPEAKER pro tempore. Is a second demanded?

Mr. BOW. I demand a second, Mr. Speaker.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

LEGISLATIVE PROGRAM

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. MURRAY. I will be glad to yield to the gentleman.

Mr. HALLECK. I have asked the gentleman to yield for the purpose of inquiring of the acting majority leader as to the program for the balance of the day and for as much of the rest of the week as he can tell us.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, I would like to advise the distinguished minority leader and the Members of the House that we plan to continue with the suspensions that have been programed for the balance of the day.

Tomorrow is Private Calendar Day and we will go on with bills previously programed: H.R. 9118, establish U.S. Arms Control Agency; House Joint Resolution 569, Atomic Energy Act; H.R. 8847, taxes, dividend distribution. The conference report on H.R. 8302, the military construction appropriation bill will probably be called before any of these bills.

On Wednesday, H.R. 7723, Armed Forces, per diem rates increased, and the chairman of the Committee on the District of Columbia desires to call up certain bills.

Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday next for the chairman of the Committee on the District of Columbia to call up certain bills which I shall read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. S. 158, adoption petition; S. 558, exemption of fees; S. 564, operation expenses, Woodrow Wilson Bridge; S. 1291, drivers' licenses, increase fee, learners' permits; S. 2397, National Capital Transportation Agency, carry out part 1.

I am also advised that the chairman of the Committee on Ways and Means will ask unanimous consent to consider the following bills:

H.R. 221, tax on tires and inner tubes.

H.R. 7859, credit against estate tax.

H.R. 8652, income tax treatment conversion from street railway to bus operation.

S. 1750, to strengthen Federal Firearms Act.

Mr. Speaker, I ask unanimous consent that all rollcall votes, except those on procedural matters, on Wednesday, September 20, be postponed until Thursday, September 21.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HALLECK. Mr. Speaker, the gentleman refers to certain bills out of the Ways and Means Committee which will be called up under consent request. In order that there may be no misunderstanding, I have not had an opportunity to look over those bills or discuss them with our members on the Ways and Means Committee; so, as far as I am concerned, I have made no agreement with respect to them, but I will undertake to find out whether or not it is satisfactory.

Mr. ALBERT. The gentleman from Arkansas intends to call each bill individually by unanimous consent.

INCREASE IN TOP-GRADE POSITIONS

The SPEAKER pro tempore. The gentleman from Tennessee is recognized.

Mr. MURRAY. Mr. Speaker, this legislation is based on the official request of the administration for urgently needed positions at higher levels of responsibility where the Government faces difficulty in recruiting and retaining capable management, scientific, and professional personnel because of existing limitations on numbers of positions at the appropriate salary levels.

I want to take this opportunity to commend the chairman of our Manpower Utilization Subcommittee, the gentleman from Georgia [Mr. JAMES C. DAVIS] and the entire membership of his subcommittee for their excellent work on this legislation. The bill has the unanimous support of that subcommittee and of the Committee on Post Office and Civil Service. In my judgment, it represents one of the finest products of our committee system which will be considered by the Congress this year.

The subcommittee conducted extensive hearings during the period June 20 to August 18, and held a number of executive sessions before reporting this bill. Aside from the hearings, the subcommittee also made an independent study in depth of the requirements of each department and agency with respect to all of the various categories of positions which had been requested. I can personally assure the membership that, on the basis of the thorough committee scrutiny and evaluation, every request for a position and for a salary level in this bill has been fully documented and completely justified.

I strongly urge approval of H.R. 7377.

Mr. BOW. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, it is with reluctance that I rise in support of H.R. 7377.

Mr. Speaker, I base my support on these reasons: First, if additional top management jobs are to be provided the departments and agencies it must be done in an orderly and legal fashion; second, there are places within the Federal Government where some additional top management and research and engineering jobs are needed; and third, unless the Congress recognizes the request for additional top jobs then we will likely have a much more costly alternative of high-price consultants and excessive contractor costs.

The Legislative Reorganization Act of 1946 provides that the Senate and House Post Office and Civil Service Committee shall have jurisdiction over the numbers and pay of classified employees. Despite this longstanding legal requirement, we have had during this session of Congress as wild an outburst for additional supergrades from committees other than the Post Office and Civil Service Committee as I have ever witnessed during my years in Congress. We can never hope to control this very important civil service matter unless we insist upon its orderly handling as prescribed by the Legislative Reorganization Act.

After hearing from several different departments and agencies, the Manpower Utilization Subcommittee, which is charged with the responsibility by the Post Office and Civil Service Committee for controlling supergrades, came up with this bill, and our recommendations were unanimously adopted by the full committee. We believe this bill, H.R. 7377, represents the orderly and legal way for Congress to recognize the need for additional top jobs in the Federal Government.

As to my second point, H.R. 7377 by providing an additional 668 top-level jobs recognizes additional requests and more complex functional areas in such departments as Defense, National Aeronautics and Space Administration, Federal Aviation Agency, and the Post Office. The rapid growth of our country, as reflected in the operations of the Post

Office Department and the Federal Aviation Agency, and the increased complexities of some phases of Government, as revealed by the cold war and our space program, mean additional requirements for top-level people. We feel that this bill adequately meets those additional requirements.

As to my third point, unless the Congress does provide a certain number of additional top jobs to the departments and agencies we can undoubtedly expect a much more costly alternative; namely, the $75 to $100 per day consultants, or the more expensive cost-plus contractors. As for example, during the hearings this summer on H.R. 7377 our subcommittee learned from the Under Secretary of the Air Force that the Department has created a cost-plus corporation to manage its missile program; namely, Aero Space Corporation, which is paying its president $75,000 a year and five vice presidents at salaries ranging from $35,000 to $50,000 a year. I am opposed to such business and hope that this bill will at least put the brakes on such extravagant manpower costs.

Mr. Speaker, I believe, and again I say it with reluctance, that H.R. 7377 should be passed.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. BOW. Could the gentleman advise the House what this total package is going to cost?

Mr. GROSS. I would say somewhere between $3 and $5 million. It is not easy to estimate.

Mr. BOW. Does that include the supergrades we are establishing in the form of other specialist positions? Are they included in the $3 to $4 million that the record shows?

Mr. GROSS. I think that would be the fact.

Mr. Speaker, this bill is in the nature of a trial run as far as I am concerned. This is an attempt to control the supergrade situation which is rapidly getting out of hand. If this fails then we may as well throw civil service procedure into the discard insofar as trying to control top bracket salaries in the Government.

The original mistake was made when this system of supergrades was established before my time in Congress. This is an attempt to keep a bad situation from becoming worse.

Mr. MURRAY. Mr. Speaker, I yield 8 minutes to the gentleman from Georgia [Mr. JAMES C. DAVIS].

Mr. JAMES C. DAVIS. Mr. Speaker, I rise in support of H.R. 7377.

The three basic purposes of this legislation are: First, to reaffirm by declaration of congressional policy that requests for additional numbers of supergrade positions are properly within the jurisdiction of the Committee on Post Office and Civil Service of the House of Representatives; second, to increase the number of top-level positions in the Federal Government, and, third, to amend and adjust the Federal Executive Pay Act of 1956.

The Committee on Post Office and Civil Service in the House has for some time been gravely concerned by the large number of bills that each year come from other committees, other than our committee, to provide additional supergrade positions for the executive branch. During this first session of the 87th Congress, there have been some 45 bills. In my opinion, the situation simply got out of hand.

Section 101 of this bill reaffirms and puts into law the responsibility and jurisdiction of the Committees on Post Office and Civil Service in the House and in the Senate over supergrades in the Classification Act. By so reaffirming and putting into law this statement, I believe we will avoid the outbreak of supergrades from committees other than the Post Office and Civil Service, which has become so noticeable.

As to new positions, this bill provides for a total of 668 additional top-level jobs, broken down as follows: 414 supergrades, 214 scientific type, and 40 for the postal field service of the Post Office Department.

The Manpower Utilization Subcommittee, of which I am chairman, spent considerable time with the chairman of the Civil Service Commission and the heads of nine other departments and agencies concerning their needs for additional top jobs. As a result of these hearings the subcommittee arrived at the finding which I have just mentioned. I am proud to state that our recommendations were unanimously adopted by the Post Office and Civil Service Committee.

This bill provides 370 additional supergrades specifically to the Civil Service Commission for their allocation to the departments and agencies.

Several Members have asked questions as to the specific number of jobs the bill contains for particular departments and agencies. Except for two or three departments, notably Defense, the additional positions have been assigned to the Civil Service Commission to be reassigned by the Commission to the departments and agencies.

The Civil Service Commission is also given additional authority under H.R. 7377, over 451 supergrades that are currently allocated to 14 departments and agencies. We believe the Civil Service Commission should have this additional authority and that by so providing we have likewise strengthened the control of Congress over supergrade positions.

H.R. 7377 recognizes the need in the Civil Service Commission and in departments and agencies for greater flexibility in the use of supergrade jobs by removing limitations on the numbers of positions that can be in grades GS–17 and GS–18. The administration requested this removal and the committee concurred.

In recognition of the growing demands in our Government for emphasis on research and the applications of research, be it for example in the missile race, aviation, medicine, or food preservation, this bill provides for 214 scientific and engineering type jobs paying from $12,500 to $19,500 per year. The largest numbers were earmarked to the Defense Department; namely, 85, and 65 for the National Aeronautics and Space Administration.

When the Federal Executive Pay Act of 1956 was passed the positions receiving the lowest rate of compensation under that act were paid a minimum rate of $500 less than the maximum rate under the Classification Act of 1949. Since 1956 employees, subject to the Classification Act of 1949, received two increases in compensation, but no general increases have been granted positions under the Federal Executive Pay Act. This has resulted in situations whereby heads of agencies and bureaus, whose positions are under the Federal Executive Pay Act, are receiving as much as $1,000 per year less than their deputies or assistants who are under the Classification Act.

This bill removes 20 of these positions, as for example the positions of the Administrator of Farmers Home Administration, Commissioner of Customs, and Commissioner of Public Buildings Service from the Federal Executive Pay Act and places them under the Classification Act. Many comparable positions, as for example, the Director of the Weather Bureau and Director of Census, have always been under the Classification Act.

Certain other positions now under the Federal Executive Pay Act, as the Deputy Public Printer and three assistants to the President, will remain under this act but will receive salary adjustments of from $500 to $1,000 per year to conform with the increases received by the Classification Act employees.

Mr. Speaker, within recent weeks the House has on several occasions, and notably last week on the Peace Corps legislation, voted to remove supergrades from bills coming from other committees. We indicated that the committee was developing a bill to provide for these additional top management needs. In my opinion, today, we have before the House a bill that meets, for the present, the administration's requirements for additional top jobs.

Mr. Speaker, I ask the support of all the Members for the passage of H.R. 7377.

The omnibus bill, Post Office and Civil Service Committee H.R. 7377, is being amended today to include 14 scientific and professional-type jobs; namely, Public Law 313 positions, and 14 supergrade positions to meet the requirements, and two positions at $20,000 a year; namely, the General Counsel and the public affairs adviser, if and when created, of the U.S. Arms Control Agency.

The U.S. Arms and Control Agency will be discussed later today under H.R. 9118. That bill provides for 45 scientific and supergrade type positions. After several hours of discussion with the able chairman of the Foreign Affairs Committee, the gentleman from Pennsylvania, the Honorable THOMAS E. MORGAN, and with the Deputy to the Adviser to the President on Disarmament, Mr. Adrian S. Fisher, we have reached an agreement whereby the Post Office and Civil Service Committee bill, now under consideration, will provide for an adequate number of top-level jobs, if and when the Arms Control Agency is established. The number we are requesting in the Post Office and Civil Service Com-

mittee for this proposed agency is 30. This number has been agreed upon, first by Mr. Fisher, Adviser to the President on this matter and, secondly, by Dr. Morgan.

Later today when the House considers H.R. 9118, I will propose an amendment to strike out the 45 supergrades as found in the bill as presently written.

The purpose of this is merely to continue an orderly handling of the top management jobs in the Federal Government; to abide by the Legislative Reorganization Act of 1946, and by the rules of the House.

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield.

Mr. TEAGUE of Texas. Mr. Speaker, we have given Mr. James Webb, Administrator of the National Aeronautics and Space Administration, one of the most difficult jobs in our Government. Mr. Webb is very familiar with our Government, both from the standpoint of work within the Government and from the standpoint of a private citizen. Mr. Webb was Director of the Budget for a number of years and has also occupied a high office in the State Department.

In my opinion, the Congress has done very well as far as providing adequate funds for the program, but unless we provide adequate personnel we may as well not provide the funds. The Bureau of the Budget and Civil Service Commission have given their support to revising the present NASA authorizing legislation to include an additional 135 excepted positions. It is my understanding that this bill provides 65 positions.

The chairman of the subcommittee has stated that NASA could come back before his subcommittee in January, but it is my understanding that NASA has filled all but five of these positions, that research and development teams are never easy to organize and I hope, Mr. Speaker, that the other body will restore these positions and give NASA every chance to succeed in accomplishing their most difficult mission.

This is a new organization, there is no real history to go by but the personnel problems have been very carefully worked out within the executive branch of the Government and it is my understanding that within the Bureau of the Budget and the Civil Service Commission there was already a considerable cut in the number of excepted positions requested before the bill ever reached the Congress.

Mr. JAMES C. DAVIS. I am glad to comment on that at the request of the gentleman from Texas. We had the head of that agency appear before our subcommittee and discuss his needs in considerable detail. We reached the conclusion, after considering that evidence, that the 65 scientific and professional positions which are included in this bill are ample to take care of the needs this year of that agency.

Mr. TEAGUE of Texas. The gentleman is thinking about until January?

Mr. JAMES C. DAVIS. We feel that if they can fill those positions by that time and it develops that they are not enough, we will be holding sessions beginning in January.

Mr. TEAGUE of Texas. And they could come back before the committee and ask for more positions if they need them?

Mr. JAMES C. DAVIS. Yes. We will be glad to hear them.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield to the gentleman from Ohio.

Mr. HAYS. In view of what the gentleman said about the disarmament agency, what would be the position of this organization if the bill setting it up should pass and the bill we are now considering should not pass the other body?

Mr. JAMES C. DAVIS. They would be in the same position that other agencies depending on this bill would be, but I think that is a very remote possibility.

Mr. HAYS. The gentleman thinks, in other words, there is a good chance this bill will pass the other body before we adjourn?

Mr. JAMES C. DAVIS. I have been over there and discussed this with the majority leader of the other body, and was told by him that this bill or similar legislation would be called up there tomorrow or Wednesday.

Mr. HAYS. I thank the gentleman.

Mr. BOW. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HOFFMAN].

THE FINAL RESULT

Mr. HOFFMAN of Michigan. Mr. Speaker, in the olden days neighbors meeting to discuss matters of vital interest sometimes, yes, frequently, opened the meeting by the chairman's saying, "Let us pray." The House each day is opened with prayer, although very few are present. It is questionable whether the general welfare is our objective as we enact legislation.

Perhaps it would be well, in view of the statement made the other day and so often repeated that every 24 hours we are adding $24 million to our national debt, to take a closer look at the effect of each bill as it came time to vote.

This to me is a very, very unpleasant day, because Members, presumably patriotic and able and with the Nation's interests at heart, find themselves in disagreement. A great deal of pleasure was mine as my colleague from Iowa [Mr. GROSS], the champion, I might add, of economy and efficiency, explained that this bill which came from the committee of which he is a working member, while it would cost an additional $2 to $5 millions, is that not correct, will my friends advise?

Mr. GROSS. Yes, that is right; around $4 million.

Mr. HOFFMAN of Michigan. We add that to the $24 million that each day we are going in the red?

Mr. GROSS. That is right.

Mr. HOFFMAN of Michigan. Explain that; the enactment of this bill is really a saving because if we do not grant this particular increase there will be many more expensive measures forced through. Another gentleman from Iowa [Mr. JENSEN] nods his head in the affirmative. Perhaps we should open the discussion of every bill with prayer for the relief of the taxpayers of our land. In any event, here we find ourselves, and those who have voted conservative like my colleague from Pennsylvania [Mr. FULTON] who recently joined us anew in a drive for economy and efficiency, who stated the other day that he was a moderately conservative Republican—I am a moderately progressive Republican.

I do not know just exactly what the gentleman meant—"favors this legislation." He has been voting with the conservatives recently. Permit me to compliment our colleague, the gentleman from Georgia [Mr. JAMES C. DAVIS] who again made one of his scholarly, exhaustive, factual, and logical statements telling us what the situation was. He supports this bill, and I assume, he and the gentleman from Iowa [Mr. GROSS], is it correct to say that you are now in favor of this bill because you fear worse?

Mr. GROSS. That is exactly right.

Mr. HOFFMAN of Michigan. That is, if we do not take this—it is somewhat similar to the disagreeable dose when mother gave us castor oil and she would put in it a little something to make it go down easier—make it sweeter?

Mr. GROSS. That is right. That is the story.

Mr. HOFFMAN of Michigan. You have my sympathy.

Mr. GROSS. This is a little less worse than what we would get, if we do not pass the bill.

Mr. HOFFMAN of Michigan. Thank you for trying to avoid the greater evil. But I personally have little faith in an executive department head or employee asking or willingly taking less. In view of that national debt of almost $200 billion and the necessity of adding $24 million each day we might well lessen rather than increase our appropriations or authorization.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BOW. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Speaker, I do think we need some specific designations about where these people fit in this philosophical circle here because when you look around here at the two parties, it is hard to tell which party anybody belongs to. I do rate myself as a moderate conservative who balances the budget but wants progress and human welfare given their place in the sun, too.

I would like to recommend that the Congress consider further the National Aeronautics and Space Agency request for 135 increase in number of scientific, engineering, and administrative positions in NASA, which was cut by the Post Office and Civil Service Committee to 65.

For the best managed research and development U.S. program in space, the National Aeronautics and Space Administration needs an increase from 290 to 425 in the number of scientific, engineering and administrative personnel which the Administrator may appoint whose rates of compensation he may

fix up to a limit of $19,000 a year. Instead of the committee increase of 65, the figure of increase should be the 135 extra scientific, engineering, research, and administrative personnel that are necessary. There is no doubt that if these manned Mercury space programs are to keep equal with Russia, we need one-third of this increase in the central project staff, and two-thirds for development and technological competence are required in the field center activities; 90 to 95 percent of these will be scientists and engineers and only a few in the field of management. For example, we have Dr. Wernher von Braun's group at the Marshall Space Center at Huntsville, Ala., making the new giant rockets.

We have under the National Aeronautics and Space Act of 1958 the authority in the Administrator to fill 13 positions that are between $19,000 and $22,000 for these high level research and administrative personnel. I believe that should be increased to 30 positions which will be an opportunity for upgrading in legitimate cases for outstanding ability. My recommended number of increases would make the total number 425 in lieu of the 355 positions, which is the committee figure. If amendments were possible at this time I would strike out the previous position authorizing the Administrator to appoint 13 in the upper level of $19,000 to $21,000 and giving them 30 personnel in these positions.

We should not forget over the next 10 years, the National Aeronautics and Space Agency is going to spend $35 billion in advance study and advance science and technology requiring good leadership and good people. Eighty percent of these funds are going to be paid out through private industry and likewise through research and other organizations such as universities. By far, the larger part of it will be spent through private industry. In order to have good management of this large space program, we need this additional scientific, engineering, and management personnel. We are asking for 135 extra positions. I hope we will keep even with Russia, and not only keep up with them but leap-frog them into space. Think of the great gains to our people and the world through the Tiros weather satellites, to predict hurricanes, storms, floods, and droughts. Also think of the gains in worldwide communications through our communications satellite programs, television and radio. Our programs for navigation satellites will make travel by sea and air so much safer and surer. The American people have so much to gain in security and progress, through well managed space and science programs under the National Aeronautics and Space Agency; we should give this Agency the personnel to do an efficient and competent job.

Mr. BOW. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee [Mr. MURRAY].

Mr. MURRAY. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. HENDERSON].

Mr. HENDERSON. Mr. Speaker I rise in support of H.R. 7377. It was my privilege to serve on the subcommittee with the distinguished gentleman who have preceded me in urging the House to enact this bill.

Mr. Speaker, after long hours in the subcommittee we reported this bill to the full committee. It has the unanimous support of the committee. While the subcommittee in its recommendations to the full committee cut some of the requests from the various agencies, both the subcommittee and the full committee were satisfied that these cuts were justified and that perhaps some of the positions were not needed at this time; recognizing that the subcommittee would be back on the job in January. Specifically is that true in regard to the NASA request. We had evidence that about half or perhaps better than half of these requests were for promotional purposes and that it would take over a year for some of these positions to be filled. Consequently, we felt we were justified in reducing the requested amount from 135 to 65 at this time. Certainly, the action does not mean that this agency headed by a distinguished North Carolinian, the Honorable JAMES WEBB, will not be able to receive the additional spaces, if the experience of that agency justifies them to our subcommittee.

Mr. Speaker, I urge the House to enact H.R. 7377 and remind the House that the subcommittee has done its best in reducing what we thought were excessive requests from the various agencies.

Mr. BOW. Mr. Speaker, I yield myself such time as I may need.

May I say first, Mr. Speaker, in taking the time in opposition to this bill I recognize the fine work that has been done by the committee that has charge of this bill and the problems they have been faced with by various legislative committees bringing in supergrades and trying to get them into legislative bills, invading their jurisdiction. I do not think that should be done. I think it is the proper prerogative of that committee, and the language stating it specifically in the act is certainly good.

But, I recognize in this, Mr. Speaker, not an increase of new positions, but this is a pay raise, for practically everyone who will benefit by this legislation is on the payroll. And, I recognize, Mr. Speaker, that our spending budget this year has been $81 billion; that our spending budget for next year will be $88 billion. I recognize the fact that within perhaps the next 4 years we will be spending $100 billion a year, and we are going to get up to $114 billion by 1970. Just this last year we spent $9 billion in interest alone which, 21 years ago, paid for the entire cost of the Government of the United States. And, as someone has pointed out, we are spending today $1 million more every hour than we are taking in. We are going further in the red $24 million a day.

Mr. Speaker, in my opinion, this country cannot survive under those conditions. You cannot say that this missile program or national defense has caused the increase in spending. This year only one-fourth of the increase is going for national security, the rest for domestic programs. Now, we have to recognize this, Mr. Speaker, as an increase in pay for many of these people. I wonder that it has not been pointed out. I think we are also increasing salaries in the House of Representatives. I make haste to remark, not to Members. I understand that under this bill the staff members of the committees of the House may now be raised to $18,500 a year, which is a substantial increase in our own shop. And it seems to me that if there is any place where we ought to begin to cut down or keep the level and cut out increased spending it is right here. Certainly we have good people in these jobs now. We have been able to keep them. I do not believe this is a question of not being able to get good people in the positions, but this is a question of increasing the salaries of those we have.

Mr. JAMES C. DAVIS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Georgia.

Mr. JAMES C. DAVIS. I would like to say to the gentleman in line with that observation that we took that into consideration that the NASA request for 135 was reduced to 65. We discussed that with them and they very frankly told us that a number of those included in the request were already in their employ. It would result in their getting an increase, but they were not going to go outside and get new people, so we took that into consideration.

Mr. BOW. May I ask the gentleman from Georgia, who knows so much more about this than I do, this question: How many of these people who will benefit by these increases are presently on the payroll?

Mr. JAMES C. DAVIS. There is a pretty substantial percentage of them.

Mr. BOW. Would it be around 70 or 75 percent?

Mr. JAMES C. DAVIS. No, the percentage would not be that high.

Mr. BOW. Perhaps in the supergrade positions practically all of them are now on the payroll.

Mr. JAMES C. DAVIS. Not practically all of them, but a large percentage of them.

Mr. BOW. But the new positions area would be in the scientific and professional positions. Am I right about that?

Mr. JAMES C. DAVIS. I believe approximately 70 percent of the supergrades are presently employed and probably 50 percent of the G–13 positions.

Mr. BOW. I thank the gentleman. I appreciate his observations, because he does know this bill and this subject, but I say to those who are in favor of this bill who generally make the same observations I am making, that when you bring a bill of this kind before the House it ought to be recognized that our Government is in debt to the tune of $290 billion, a debt, I say to my colleagues, of more than the combined debt of every other nation in the world combined. We are increasing the debt rather than holding it steady or reducing it. It is not a question of national security, this is a domestic program. I do hope that the Congress soon will find some way to hold the line and make some savings instead

of constantly increasing the cost of Government.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Iowa.

Mr. GROSS. We can stop this business, we can stop creating new agencies and spending so much on their operation.

Mr. BOW. Yes, we can also abolish some of these temporary agencies, for the most permanent thing in Washington today is a temporary agency. Probably some of these supergrades are going into the temporary agencies.

Mr. MURRAY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. GEORGE P. MILLER].

Mr. GEORGE P. MILLER. Mr. Speaker, I will support H.R. 7377, although, frankly, I am not satisfied with some of the cuts that have been made in the supergrades.

I am particularly concerned with the National Aeronautics and Space Administration personnel. I deny that these are pay raises primarily for the people on the payroll at the present time. These raises are designed to attract new people and to hold in service competent people who have been trained and in whom the Government has a great investment. These Government scientists and technicians are attracted by private industry and by the contractors for the Government in this field. When we enter into a contract with one of these private operations for the development of a particular vehicle or some other facet of the space program, we pay the salaries. Therefore, we are the losers when such employees are attracted to better-paying jobs in private industry. Men who are competent in the specialized field which NASA offers have every opportunity to leave Federal service and to receive new employment and, I might say, very lucrative employment elsewhere.

Since May 25 this Congress has added $662 million to the budget of NASA to proceed with its present program. Are we going to spend this money with people who are not capable, or who are inefficient in handling it, or are we going to get the best people we can to administer this program?

The Administrator of NASA told me the other day that a man would come with the Government for around $21,000 a year who can make twice that much on the outside. There are dozens of companies that will pay that money.

I am conscious of the fact that some time ago I recommended a young girl for a job in the Bureau of Standards. She was just completing college and had gone through school on scholarships, graduating very high as a physicist. I do not know what her salary was then or is now. I related this story to the executive vice president of one of the biggest air corporations in this country, and as I left he said:

> Mr. MILLER, you were telling me about this girl who went to work for the Bureau of Standards. I will give her $50 more a month than she is receiving from the Federal agency.

I said:

> How do you know what she is worth? How can you say you will give her more money?

He said:

> I do not care about that. Whatever she is worth to the Bureau of Standards she is worth $50 a month more to me.

That is how you lose trained technical people. I merely make these remarks to lay a foundation for the future.

Mr. MURRAY. Mr. Speaker, I yield the balance of the time on this side to the gentleman from Michigan [Mr. LESINSKI].

Mr. LESINSKI. Mr. Speaker, I am supporting H.R. 7377 for the reason basically there are great needs for these positions. I supported the gentleman from Georgia [Mr. JAMES C. DAVIS], last week in opposition to allowing 40 supergrade positions in the Peace Corps because of the fact this bill was coming up for consideration. Regardless of the Peace Corps needs, there is no reason for giving them more than they actually should have. This bill provides positions for them.

Mr. Speaker, in the Civil Service Commission pool we have 370 supergrade positions. If an agency needs more than what is provided for in this bill, it may go to the Commission and ask for additional positions in the supergrade position.

Mr. Speaker, I therefore suggest that this bill be supported because it offers an orderly procedure for increasing the number of supergrades in the Federal Government without any chance of their hiring too many.

Referring to what the gentleman from Ohio [Mr. Bow], said, this will save the Government money for if not passed the Government will have to contract to private companies projects that charge exorbitant prices for similar work done because of overhead and cost-plus allowances.

This bill may cost money but it actually saves money.

The following are the positions and salary ranges provided in the bill:

	Number
Supergrade positions 16, 17, and 18, $15,255 to $18,500:	
Civil Service Commission pool	370
Department of Defense	40
Federal Home Loan Bank Board	4
Total	414
Scientific and professional positions, $12,500 to $19,000:	
Agriculture	5
Commerce	5
Defense	85
Federal Aviation Agency	15
Health, Education, and Welfare	3
Interior	3
National Security Agency	30
National Aeronautics and Space Administration	65
Post Office	3
Total	214
Postal field service positions:	
Post Office Department	40
Total	668
U.S. Arms Control Agency	30
Grand total	698

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill (H.R. 7377), as amended?

The question was taken.

Mr. FULTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 305, nays 53, not voting 77, as follows:

[Roll No. 214]

YEAS—305

Abbitt	Dwyer	Kirwan
Adair	Edmondson	Kitchin
Addabbo	Elliott	Knox
Addonizio	Ellsworth	Kornegay
Albert	Everett	Kowalski
Alexander	Evins	Kunkel
Alger	Fallon	Landrum
Andersen, Minn.	Farbstein	Lane
Anderson, Ill.	Fascell	Langen
Andrews	Feighan	Lankford
Ashley	Fenton	Lennon
Aspinall	Findley	Lesinski
Auchincloss	Finnegan	Libonati
Avery	Fino	Lindsay
Bailey	Flood	Lipscomb
Baldwin	Flynt	Loser
Baring	Fogarty	McCormack
Barrett	Forrester	McDowell
Barry	Fountain	McFall
Bass, N.H.	Frelinghuysen	McIntire
Bates	Friedel	McMillan
Battin	Fulton	Macdonald
Becker	Gallagher	MacGregor
Beckworth	Garland	Mack
Bennett, Fla.	Garmatz	Madden
Bennett, Mich.	Gavin	Magnuson
Blatnik	Giaimo	Mahon
Blitch	Gilbert	Mailliard
Boland	Glenn	Martin, Mass.
Bolling	Goodling	Mathias
Bolton	Granahan	May
Bonner	Grant	Meader
Brademas	Gray	Merrow
Bray	Green, Oreg.	Miller, Clem
Breeding	Green, Pa.	Miller, George P.
Brewster	Griffin	Miller, N.Y.
Bromwell	Griffiths	Milliken
Broomfield	Gross	Mills
Broyhill	Gubser	Moeller
Burke, Ky.	Hagan, Ga.	Monagan
Burke, Mass.	Hagen, Calif.	Montoya
Burleson	Halleck	Moorhead, Pa.
Byrne, Pa.	Halpern	Morgan
Cahill	Hansen	Morris
Cannon	Harding	Morse
Cederberg	Hardy	Moss
Celler	Harris	Murphy
Chamberlain	Harvey, Ind.	Murray
Chelf	Harvey, Mich.	Natcher
Chenoweth	Hays	Nix
Clark	Healey	Norblad
Coad	Hechler	Nygaard
Cohelan	Hemphill	O'Brien, Ill.
Collier	Henderson	O'Brien, N.Y.
Conte	Herlong	O'Hara, Ill.
Cook	Hoffman, Ill.	O'Hara, Mich.
Corbett	Holifield	O'Konski
Corman	Holland	Olsen
Cramer	Hosmer	O'Neill
Curtin	Huddleston	Ostertag
Curtis, Mass.	Hull	Patman
Curtis, Mo.	Ichord, Mo.	Perkins
Daniels	Ikard, Tex.	Peterson
Davis, James C.	Inouye	Philbin
Davis, John W.	Jarman	Pike
Davis, Tenn.	Jennings	Poff
Dawson	Joelson	Price
Delaney	Johansen	Pucinski
Dent	Johnson, Md.	Quie
Denton	Jones, Ala.	Randall
Derounian	Judd	Ray
Diggs	Karsten	Reifel
Dingell	Karth	Rhodes, Pa.
Dominick	Kastenmeier	Riehlman
Donohue	Keith	Riley
Downing	Kelly	Rivers, Alaska
Doyle	Keogh	Rivers, S.C.
Dulski	Kilday	Roberts
Durno	Kilgore	Robison
	King, Calif.	Rodino
	King, Utah	

Rogers, Colo.	Shriver	Tollefson
Rogers, Fla.	Sibal	Trimble
Rooney	Sikes	Tuck
Rostenkowski	Sisk	Tupper
Roudebush	Smith, Calif.	Udall, Morris K.
Roush	Smith, Iowa	Ullman
Rutherford	Smith, Miss.	Vanik
Ryan	Spence	Van Pelt
St. Germain	Springer	Van Zandt
Santangelo	Stafford	Wallhauser
Saylor	Staggers	Watts
Schadeberg	Steed	Weis
Scherer	Stephens	Whalley
Schneebeli	Stratton	Wharton
Schweiker	Stubblefield	Whitener
Schwengel	Sullivan	Wickersham
Scott	Taylor	Widnall
Scranton	Teague, Tex.	Willis
Seely-Brown	Thompson, N.J.	Wilson, Calif.
Selden	Thomson, Wis.	Yates
Sheppard	Thornberry	Zablocki
Shipley	Toll	

NAYS—53

Abernethy	Harsha	Nelsen
Alford	Hiestand	Passman
Ashbrook	Hoffman, Mich.	Pillion
Ashmore	Horan	Poage
Beermann	Jensen	Reece
Betts	Jonas	Rhodes, Ariz.
Bow	King, N.Y.	Rousselot
Brown	Kyl	Schenck
Bruce	Latta	Short
Clancy	McCulloch	Smith, Va.
Cunningham	McVey	Taber
Devine	Marshall	Utt
Dole	Matthews	Williams
Dorn	Michel	Wilson, Ind.
Fisher	Minshall	Winstead
Gary	Moore	Wright
Gathings	Moorehead, Ohio	
Haley		
Harrison, Wyo.	Mosher	

NOT VOTING—77

Anfuso	Goodell	Pirnie
Arends	Hall	Powell
Ayres	Harrison, Va.	Rabaut
Baker	Hébert	Rains
Bass, Tenn.	Hoeven	Reuss
Belcher	Holtzman	Rogers, Tex.
Bell	Johnson, Calif.	Roosevelt
Berry	Johnson, Wis.	St. George
Boggs	Jones, Mo.	Saund
Boykin	Kearns	Shelley
Brooks	Kee	Siler
Buckley	Kilburn	Slack
Byrnes, Wis.	Kluczynski	Teague, Calif.
Carey	Laird	Thomas
Casey	McDonough	Thompson, La.
Chiperfield	McSween	Thompson, Tex.
Church	Martin, Nebr.	Vinson
Colmer	Mason	Walter
Cooley	Morrison	Weaver
Daddario	Moulder	Westland
Dague	Multer	Whitten
Derwinski	Norrell	Young
Dooley	Osmers	Younger
Dowdy	Pelly	Zelenko
Ford	Pfost	
Frazier	Pilcher	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert and Mr. Buckley for, with Mr. Berry against.

Mr. Roosevelt and Mr. Shelley for, with Mr. Hall against.

Mr. Powell and Mr. Anfuso for, with Mr. Martin of Nebraska against.

Mr. Morrison and Mr. Multer for, with Mr. Harrison of Virginia against.

Mr. Boggs and Mr. Holtzman for, with Mr. Dowdy against.

Mr. Rains and Mr. Zelenko for, with Mr. Kilburn against.

Until further notice:

Mr. Rogers of Texas with Mrs. St. George.
Mr. Rabaut with Mr. Hoeven.
Mr. Whitten with Mr. Kearns.
Mr. Colmer with Mr. Arends.
Mr. Daddario with Mr. Ayres.
Mr. Brooks with Mr. Siler.
Mr. Johnson of California with Mr. Ford.
Mr. Thompson of Texas with Mr. Osmers.
Mr. Moulder with Mr. Mason.
Mr. Johnson of Wisconsin with Mr. Laird.
Mr. Thompson of Louisiana with Mr. Goodell.
Mr. Frazier with Mr. Baker.
Mr. Cooley with Mr. Byrnes of Wisconsin.
Mrs. Norrell with Mr. Teague of California.
Mr. Pilcher with Mr. Westland.
Mr. Slack with Mr. Derwinski.
Mr. Kluczynski with Mrs. Church.
Mr. Carey with Mr. Chiperfield.
Mr. Casey with Mr. Dooley.
Mr. Bass of Tennessee with Mr. Pelly.
Mr. Reuss with Mr. Belcher.
Mrs. Pfost with Mr. Pirnie.
Mr. Thomas with Mr. Weaver.
Mr. Young with Mr. Bell.
Mr. Walter with Mr. Younger.
Mr. Saund with Mr. McDonough.

Mr. GARY and Mr. BEERMAN changed their votes from "yea" to "nay."

The title was amended so as to read: "A bill to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes."

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 49. Concurrent resolution expressing regret on the death of Dag Hammarskjold, Secretary General of the United Nations.

The message also announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 1333. An act for the relief of A. N. Deringer, Inc.;

H.R. 1507. An act for the relief of Capt. Jacob Haberle;

H.R. 2179. An act for the relief of Essie V. Johnson;

H.R. 2334. An act for the relief of Washington George Brodber Bryan;

H.R. 2615. An act for the relief of Doctor Victor Wang Ta Ng and his wife, Alice Siu Har Ng;

H.R. 2666. An act for the relief of Adelina Benedict (nee Rosasco);

H.R. 3007. An act for the relief of Alberto Luciano (Rocchi) Rosasco;

H.R. 3132. An act for the relief of Lucille Collins;

H.R. 3401. An act for the relief of Salvatore Cairo;

H.R. 4028. An act for the relief of Lennon May;

H.R. 4484. An act for the relief of Miss Liu Lai Ching;

H.R. 4917. An act for the relief of Albany County, N.Y.;

H.R. 5534. An act for the relief of Mrs. Helena Sullivan;

H.R. 5343. An act to amend section 5021 of title 18, United States Code;

H.R. 5613. An act for the relief of Fernando Manni;

H.R. 5754. An act to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property as revised at Lisbon, Portugal, October 31, 1958;

H.R. 6729. An act to provide for the disposal of certain lands held for inclusion in the Cape Hatteras National Seashore Recreational Area, N.C., and for other purposes;

H.R. 6834. An act to amend section 35 of title 18, United States Code;

H.R. 7259. An act to waive section 142 of title 28, United States Code, with respect to the U.S. District Court for the Western District of Louisiana, Lafayette Division, holding court at Lafayette, La.;

H.R. 7358. An act to amend section 4126 of title 18, United States Code, with respect to compensation to prison inmates for injuries incurred in the course of employment;

H.R. 7873. An act for the relief of Mrs. Maria Gonzalez Fernandez Long;

H.R. 8236. An act to authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation;

H.R. 8341. An act to authorize the Secretary of the Interior to conduct a study covering the causes and prevention of injuries, health hazards, and other health and safety conditions in metal and nonmetallic mines (excluding coal and lignite mines);

H.R. 8490. An act to amend the act of September 2, 1958, establishing a Commission and Advisory Committee on International Rules of Judicial Procedure, as amended;

H.R. 8871. An act to amend the Federal Employees' Compensation Act of 1960;

H.R. 9030. An act to amend the act to promote the education of the blind, approved March 3, 1879, as amended, so as to authorize wider distribution of books and other special instruction materials for the blind, and to increase the appropriations authorized for this purpose, and to otherwise improve such act;

H.R. 9080. An act to authorize the Philadelphia, Baltimore & Washington Railroad Co. to construct, maintain, and operate branch sidings over First Street SW. in the District of Columbia;

H.J. Res. 358. Joint resolution authorizing the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week, in order to aid in bringing to the American people the dangers of accidental poisoning.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5968. An act to amend the District of Columbia Unemployment Compensation Act, as amended.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 336. An act to make available to children who are handicapped by deafness the specially trained teachers of the deaf needed to develop their abilities and to make available to individuals suffering speech and hearing impairments the specially trained speech pathologists and audiologists needed to help them overcome their handicaps.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4998) entitled "An act to assist in expanding and improving community facilities and services for the health care of aged and other persons, and for other purposes."

PERSONAL EXPLANATION

Mr. BRADEMAS. Mr. Speaker, I was unavoidably absent on August 28, 1961, during three rollcalls.

The first rollcall was on the engrossment and third reading of H.R. 8181, a bill to authorize construction of a National Fisheries Center and Aquarium in the District of Columbia. Had I been present, would have voted "aye."

The second rollcall was on final passage of H.R. 8181. Had I been present, I would have voted "aye."

The third rollcall was on H.R. 7176, a bill to authorize the Secretary of Agriculture to initiate a national hog cholera eradication program. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. HARDING. Mr. Speaker, on rollcall No. 211 I am not recorded. I was unavoidably detained. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. MONAGAN. Mr. Speaker, I was unavoidably absent on rollcalls Nos. 210 and 211. I ask that the RECORD show that had I been present I would have voted "yea" on both.

COMMITTEE SESSION DURING GENERAL DEBATE TOMORROW

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the House Committee on the Judiciary may sit tomorrow afternoon during the session of the House.

The SPEAKER pro tempore. During general debate?

Mr. CELLER. Yes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNEX FOR THE GOVERNMENT PRINTING OFFICE

Mr. JONES of Alabama. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3019) to provide for the construction of a fireproof annex building for use of the Government Printing Office, and for other purposes.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be constructed in accordance with plans to be prepared by the Administrator of General Services and approved by the Public Printer, a fireproof annex building for use of the Government Printing Office, including the mechanical equipment for the building, connections with the present Government Printing Office buildings and utilities, interconnections with the Capitol Power Plant in accordance with plans to be approved by the Architect of the Capitol, access facilities over or under public streets, other necessary appurtenances or facilities, and such mechanical and other changes in the present Government Printing Office buildings as may be necessitated thereby.

SEC. 2. (a) To carry out the purposes of section 1 of this Act, the Administrator of General Services is authorized to acquire on behalf of the United States, by purchase, condemnation, donation, transfer without reimbursement, or otherwise, such publicly or privately owned real property in the District of Columbia (including streets and alleys or parts thereof) as may be located in the area extending west of the property line at the rear of the Government Printing Office Building Numbered 3, along H Street west of North Capitol Street to the alley connecting G and H Streets and south to Jackson Alley, including that portion of Jackson Alley adjacent to the proposed site bordered on the south by present Government Printing Office property and to the north by lots numbered 823, 824, 47, 48, 49, 68, 67, and including the "T" shaped public alley bounded by lots 64, 65, and 66 on the north, lot 67 on the east, Jackson Alley on the south and lot 68 on the west, in square numbered 624 in the District of Columbia.

(b) Any proceeding for condemnation ordered under subsection (a) shall be conducted in accordance with the pertinent provisions of the Act entitled "An Act to provide for the acquisition of land in the District of Columbia for use in the United States", approved March 1, 1929 (16 D.C. Code, secs. 619–644).

(c) The Administrator of General Services is authorized to provide for the demolition and removal as expeditiously as possible of any buildings or other structures on, or constituting a part of, such real property as may be acquired under, or made available for the purpose of this Act.

(d) The Administrator of General Services is authorized to cause the building herein provided for to be constructed pursuant to the applicable provisions of the Public Buildings Act of 1959 (73 Stat. 479), but without regard to the requirements of sections 7 and 8(a) thereof.

SEC. 3. There is hereby authorized to be appropriated to the Government Printing Office such sums as may be necessary to carry out the purposes of this Act, and such sums may be available for transfer to the Administrator of General Services to remain available until expended.

The SPEAKER pro tempore. Is a second demanded?

Mr. AUCHINCLOSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. JONES of Alabama. Mr. Speaker, H.R. 3019 was reported unanimously by the Committee on Public Works and in the opinion of the committee is needed legislation. It authorizes the construction of a much needed annex to the present Government Printing Office. The annex will be four stories and a basement and will be used primarily for paper storage. Its estimated cost is $5,750,000.

At the present time, the Government Printing Office uses a warehouse in Franconia, Va., which is located some 15 miles from Washington. As a result of the roof collapse of this warehouse, which the Government is renting at Franconia, back on April 15 last, some $55,000 worth of paper was destroyed and there was an extensive disruption in the production and delivery schedules.

The annual estimated cost of the proposed new building would be $41,800 compared with the present operating and rental expenses in the building now being used at Franconia, which amounts to $316,454. The construction of the new building would result in an annual economy of $274,654. At this rate, the cost of this new building will be written off in 20 years and 11 months.

The construction of this new building will result in a savings to the Federal Government, and will provide for a more efficient operation of the Government Printing Office. I urge its passage.

Mr. AUCHINCLOSS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this legislation was considered carefully by the Subcommittee on Public Buildings and Grounds of the Committee on Public Works. It was unanimously reported out and endorsed by both committees.

The SPEAKER pro tempore. The question is, Shall the House suspend the rules and pass the bill H.R. 3019?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPANDING AND IMPROVING COMMUNITY FACILITIES AND SERVICES FOR THE HEALTH CARE OF AGED

Mr. HARRIS submitted a conference report and statement on the bill (H.R. 4998) to assist in expanding and improving community facilities and services for the health care of aged and other persons, and for other purposes.

SUPPLEMENTAL AIR CARRIERS

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7318) to amend the Federal Aviation Act of 1958, as amended, to provide for a class of supplemental air carriers, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301) is amended by redesignating paragraphs (32) and (33) as (34) and (35), respectively, and by inserting immediately after paragraph (31) the following new paragraphs:

"(32) 'Supplemental air carrier' means an air carrier holding a certificate of public convenience and necessity authorizing it to engage in supplemental air transportation.

"(33) 'Supplemental air transportation' means charter trips in air transportation, other than the transportation of mail by aircraft, rendered pursuant to a certificate of public convenience and necessity issued pursuant to section 401(d)(3) of this Act to supplement the scheduled service authorized by certificates of public convenience and necessity issued pursuant to sections 401(d)(1) and (2) of this Act."

SEC. 2. Subsection (d) of section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371(d)) is amended by adding at the end thereof the following new paragraph:

"(3) In the case of an application for a certificate to engage in supplemental air transportation, the Board may issue a certificate, to any applicant not holding a certificate under paragraph (1) or (2) of this subsection, authorizing the whole or any part thereof for such periods as may be required by the public convenience and necessity, if it finds that the applicant is fit, willing, and able properly to perform the transportation covered by the application

and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder. Any certificate issued pursuant to this paragraph shall contain such limitations as the Board shall find necessary to assure that the service rendered pursuant thereto will be limited to supplemental air transportation as defined in this Act."

SEC. 3. Subsection (e) of section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371(e)) is amended to read as follows:

"TERMS AND CONDITIONS OF CERTIFICATE

"(e)(1) Each certificate issued under this section shall specify the terminal points and intermediate points, if any, between which the air carrier is authorized to engage in air transportation and the service to be rendered; and there shall be attached to the exercise of the privileges granted by the certificate, or amendment thereto, such reasonable terms, conditions, and limitations as the public interest may require.

"(2) A certificate issued under this section to engage in foreign air transportation shall, insofar as the operation is to take place without the United States, designate the terminal and intermediate points only insofar as the Board shall deem practicable, and otherwise shall designate only the general route or routes to be followed. Any air carrier holding a certificate for foreign air transportation shall be authorized to handle and transport mail of countries other than the United States.

"(3) A certificate issued under this section to engage in supplemental air transportation shall designate the terminal and intermediate points only insofar as the Board shall deem practicable and otherwise shall designate only the geographical area or areas within or between which service may be rendered.

"(4) No term, condition, or limitation of a certificate shall restrict the right of an air carrier to add to or change schedules, equipment, accommodations, and facilities for performing the authorized transportation and service as the development of the business and the demands of the public shall require; except that the Board may impose such terms, conditions, or limitations in a certificate for supplemental air transportation when required by subsection (d)(3) of this section.

"(5) No air carrier shall be deemed to have violated any term, condition, or limitation of its certificate by landing or taking off during an emergency at a point not named in its certificate or by operating in an emergency, under regulations which may be prescribed by the Board, between terminal and intermediate points other than those specified in its certificate.

"(6) Any air carrier, other than a supplemental air carrier, may perform charter trips or any other special service, without regard to the points named in its certificate, under regulations prescribed by the Board."

SEC. 4. Title IV of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"SPECIAL OPERATING AUTHORIZATIONS

"Authority of Board to issue

"SEC. 417. (a) If the Board finds upon an investigation conducted on its own initiative or upon request of an air carrier—

"(1) that the capacity for air transportation being offered by the holder of a certificate of public convenience and necessity between particular points in the United States is, or will be, temporarily insufficient to meet the requirements of the public or the postal service; or

"(2) that there is a temporary requirement for air transportation between two points, one or both of which is not regularly served by any air carrier; and

"(3) that any supplemental air carrier can provide the additional service temporarily required in the public interest;

the Board may issue to such supplemental air carrier a special operating authorization to engage in air transportation between such points.

"Terms of authorization

"(b) A special operating authorization issued under this section—

"(1) shall contain such limitations or requirements as to frequency of service, size or type of equipment, or otherwise, as will assure that the service so authorized will alleviate the insufficiency which otherwise would exist, without significant diversion of traffic from the holders of certificates for the route;

(2) shall be valid for not more than thirty days and may be extended for additional periods aggregating not more than sixty days; and

"(3) shall not be deemed a license within the meaning of section 9(b) of the Administrative Procedure Act (5 U.S.C. 1008(b)).

"Procedure

"(c) The Board shall by regulation establish procedures for the expeditious investigation and determination of requests for such special operating authorizations. Such procedures shall include written notice to air carriers certificated to provide service between the points involved, and shall provide for such opportunity to protest the application in writing, and at the Board's discretion to be heard orally in support of such protest, as will not unduly delay issuance of such special operating authorization, taking into account the degree of emergency involved."

SEC. 5. (a) If any applicant who makes application under section 401(d)(3) of the Federal Aviation Act of 1958 for a certificate for supplemental air transportation within thirty days after the date of enactment of this Act shall show—

(1) that it, or its predecessor in interest, was an air carrier authorized to furnish service between places within the United States under a certificate of public convenience and necessity issued by the Civil Aeronautics Board pursuant to order E–13436, adopted January 28, 1959, or order E–14196, adopted July 8, 1959, or that it was given interim authority to operate in interstate air transportation as a supplemental air carrier under Board order E–9744 of November 15, 1955, and has pending before the Board an application for certification as a supplemental air carrier which was filed prior to July 14, 1960;

(2) that, during the period beginning on the date such certificate was issued or such interim operating authority was conferred by the Board and ending on the date of enactment of this Act, such applicant or his predecessor in interest lawfully performed (A) a substantial portion of the transportation authorized by such certificate or interim operating authority, (B) substantial operations in overseas or foreign air transportation, as a supplemental or large irregular air carrier, authorized by the Board, or (C) substantial operations for the Military Establishment of the United States authorized by the Board;

(3) that such certificate or interim operating authority had not been revoked or otherwise terminated by the Board or had not otherwise expired prior to the enactment of this Act: *Provided*, That for the purposes of this section such certificate or operating authority shall be considered to have been revoked or terminated if the Board has issued a final order to that effect on or before the date of enactment of this Act, notwithstanding a pending judicial review of such order; and

(4) that such certificate or interim operating authority is held by the original grantee or has been transferred to the applicant with Board approval pursuant to section 401(h) of the Federal Aviation Act of 1958: *Provided*, That application under this section may also be made by a person who on the date of enactment of this Act had on file with the Board an application for the approval of transfer to him of a certificate for supplemental air transportation or interim operating authority, in which case the Board shall issue to such person a new interim certificate or new interim operating authority under this section if it approves the transfer pursuant to section 401(h) of the Federal Aviation Act of 1958;

the Board, upon proof of such facts, shall issue a new interim certificate or new interim authority to such applicant to engage in supplemental air transportation to the same extent authorized in the applicant's certificate or interim authority, or both, and subject to the terms, conditions, and limitations attached thereto, pending issuance or denial of a certificate pursuant to section 401(d)(3) of the Federal Aviation Act of 1958 authorizing the whole or any part of the transportation covered by the application.

(b) If any applicant who makes application under section 401(d)(3) of the Federal Aviation Act of 1958 for a certificate for supplemental air transportation within thirty days after the date of enactment of this Act shall show that it or its predecessor has received interim operating authority from the Civil Aeronautics Board pursuant to paragraph (2) of the first section of Public Law 86–661 of July 14, 1960 (74 Stat. 527), the Board, upon proof of such facts, shall issue new interim authority to such applicant to engage in supplemental air transportation to the same extent authorized in the applicant's interim authority, and subject to the terms, conditions, and limitations attached thereto, pending issuance or denial of a certificate pursuant to section 401(d)(3) of the Federal Aviation Act of 1958 authorizing the whole or any part of the transportation covered by the application.

(c) A new interim certificate or new interim authority issued under this section shall not be deemed a license within the meaning of section 9(b) of the Administrative Procedure Act (5 U.S.C. 1008(b)).

SEC. 6. (a) If any air carrier, or its predecessor in interest, was an air carrier authorized to furnish service between places within the United States by a certificate of public convenience and necessity issued by the Civil Aeronautics Board pursuant to order E–13436, adopted January 28, 1959, or order E–14196, adopted July 8, 1959, or it or its predecessor received interim operating authority from the Board pursuant to paragraph (2) of the first section of Public Law 86–661 of July 14, 1960 (74 Stat. 527), it may perform operations under its existing authority for thirty days from the date of enactment of this Act, and if it has filed application pursuant to section 401(d)(3) of the Federal Aviation Act of 1958 within said thirty days, until the Board has granted or denied a new interim certificate or new interim authority under section 5 of this Act. Any air carrier whose application for certification as a supplemental air carrier is pending before the Board and which (A) has operated in interstate air transportation as a supplemental air carrier pursuant to authority granted under the Board order E–9744 of November 15, 1955, and (B) had such application for a certificate as a supplemental air carrier pending before the Board on July 14, 1960, may continue to operate in interstate air transportation under its existing authority for thirty days from the date of enactment of this Act, and if it has filed application pursuant to section 401(d)(3) of the Federal Aviation Act of 1958 within said thirty days, until the Board has granted or denied a new interim certifi-

cate or new interim authority under section 5 of this Act.

(b) The certificates of public convenience and necessity issued by the Board pursuant to order E–13436 adopted January 28, 1959, and order E–14196, adopted July 8, 1959, and the interim operating authority issued by the Board pursuant to paragraph (2) of the first section of Public Law 86–661 of July 14, 1960 (74 Stat. 527), and the exemption authority issued by the Board under order E–9744 of November 15, 1955, and prior authority under individual exemptions or Letters of Registration reinstated by the Board under order E–10161 of April 3, 1956, shall terminate on the date of an order of the Board granting or denying a new interim certificate or new interim authority under section 5 of this Act, or if the carrier files no application under section 401 (d) (3) of the Federal Aviation Act of 1958 within thirty days from the date of enactment of this Act, at the end of said thirty-day period.

(c) Any air carrier whose operating authority in interstate air transportation under Board order E–9744 is continuing solely by virtue of a judicial stay of a Board order which otherwise would terminate such operating authority, is hereby authorized to continue to operate, subject to the conditions and limitations contained in order E–9744 or imposed by the court, until the court shall lift such stay or until the final disposition of the judicial review proceeding of such Board order, whichever shall first occur.

SEC. 7. The provisions of this Act shall in no way affect the authority of the Board—

(1) to maintain any enforcement or compliance proceeding or action against the holder of a certificate of public convenience and necessity issued pursuant to Board order E–13436 of January 28, 1959, or Board order E–14196 of July 8, 1959, or against the holder of any interim operating authority conferred by the Board under paragraph (2) of the first section of Public Law 86–661 or under Board order E–9744 of November 15, 1955, which proceeding or action is pending before the Board on the date of enactment of this Act; or

(2) to institute, on or after the date of enactment of this Act, any enforcement or compliance proceeding or action against the holder of any certificate or interim operating authority referred to in paragraph (1) of this section with respect to any violation of—

(A) the Federal Aviation Act of 1958,

(B) the provisions of such certificate,

(C) the terms of such operating authority, or

(D) the regulations of the Board,

without regard to when such violation occurred.

Any sanction which the Board lawfully could have imposed on the operating authority of the holder of any certificate or interim operating authority referred to in paragraph (1) of this section for any violation referred to in paragraph (2) of this section, which violation occurred prior to the issuance to such holder of a new interim certificate or new interim authority under section 5 of this Act or the issuance to such holder of a certificate of public convenience and necessity to engage in supplemental air transportation under paragraph (3) of section 401(d) of the Federal Aviation Act of 1958, may be imposed on the certificate or other operating authority issued to such holder under section 5 of this Act or under paragraph (3) of section 401(d) of the Federal Aviation Act of 1958.

SEC. 8. Any application of an air carrier heretofore consolidated into the Board proceeding known as the Large Irregular Air Carrier Investigation, Docket Numbered 5132 and others, shall be deemed to have been finally disposed of upon the date of enactment of this Act.

SEC. 9. Section 901(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1471(a)) is amended to read as follows:

"Safety, economic, and postal offenses

"SEC. 901. (a)(1) Any person who violates (A) any provision of title III, IV, V, VI, VII, or XII of this Act, or any rule, regulation, or order issued thereunder, or under section 1002(i), or any term, condition, or limitation of any permit or certificate issued under title IV, or (B) any rule or regulation issued by the Postmaster General under this Act, shall be subject to a civil penalty of not to exceed $1,000 for each such violation. In the case of a violation of a provision of title IV or VII or any rule, regulation, or order issued thereunder, or under section 1002(i), or any term, condition, or limitation of any permit or certificate issued under title IV, if such violation is a continuing one, each day of such violation shall constitute a separate offense: *Provided*, That this subsection shall not apply to members of the Armed Forces of the United States, or those civilian employees of the Department of Defense who are subject to the provisions of the Uniform Code of Military Justice, while engaged in the performance of their official duties; and the appropriate military authorities shall be responsible for taking any necessary disciplinary action with respect thereto and for making to the Administrator or Board, as appropriate, a timely report of any such action taken.

"(2) Any such civil penalty may be compromised by the Administrator in the case of violations of titles III, V, VI, or XII, or any rule, regulation, or order issued thereunder, or by the Board in the case of violations of titles IV or VII, or any rule, regulation, or order issued thereunder, or under section 1002(i), or any term, condition, or limitation of any permit or certificate issued under title IV, or by the Postmaster General in the case of regulations issued by him. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged."

SEC. 10. Section 902(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(a)) is amended to read as follows:

"General

"SEC. 902. (a) Any person who knowingly and willfully violates any provision of this Act (except titles III, V, VI, VII, and XII), or any order, rule, or regulation issued under any such provision or any term, condition, or limitation of any certificate or permit issued under title IV, for which no penalty is otherwise provided in this section, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject for the first offense to a fine of not more than $500, and for any subsequent offense to a fine of not more than $2,000. If such violation is a continuing one, each day of such violation shall constitute a separate offense."

SEC. 11. (a) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "TITLE IV—AIR CARRIER ECONOMIC REGULATION" is amended by adding at the end thereof the following:

"SEC 417. Special operating authorizations.
"(a) Authority of Board to issue.
"(b) Terms of authorization.
"(c) Procedure."

(b) That portion of such table of contents which appears under the heading "SEC. 901. Civil penalties." is amended by striking out "(a) Safety and postal offenses." and inserting in lieu thereof "(a) Safety, economic, and postal offenses."

The SPEAKER pro tempore. Is a second demanded?

Mr. COLLIER. Mr. Speaker, I demand a second.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this legislation is referred to in what is commonly known to so many Members of the House and others interested in the problem as the supplemental air carrier bill. This legislation will keep the supplemental air carrier industry in business. This is a matter that has caused a great deal of concern for some time.

It may be remembered that in the last Congress we passed a stopgap bill to permit the continued operation of the supplemental air carriers for 20 months in order that there might be sufficient time to conduct hearings and make a thorough study of the problem, and arrive at an adequate solution.

Everyone recognizes the fact that the common carrier system of this Nation is very important and that we must continue our common carrier system on a sound basis. The public demands this. It is recognized that in the field of aviation, supplemental service in certain fields is very necessary.

The Committee on Interstate and Foreign Commerce has held extensive hearings into this subject and recommends to you a bill that we believe meets this problem and comes as near resolving the issue between the parties involved as we could expect or hope to arrive at.

Under this reported bill, Mr. Speaker, the Civil Aeronautics Board is authorized to issue certificates to supplemental air carriers to conduct, first, charter operations. Second, the Board would be authorized to permit carriers to furnish individual ticketed services on a temporary basis in order to meet certain situations where additional air transportation is needed such as is required for holiday seasons or resort transportation and similar cases.

Mr. Speaker, the witnesses that came before the committee and who were heard favored the continuation of the supplemental airlines. This seems to be rather unanimous.

H.R. 7318 was introduced, Mr. Speaker, at the request of the Civil Aeronautics Board. After the Subcommittee on Transportation and Aeronautics held hearings, the committee—and I think appropriately so—thought that the recommendations of the Board were a little too broad. Consequently, the bill was rewritten, and it is a substitute bill that we are presenting to you today. We feel the substitute bill more adequately establishes a program that will give true supplemental airline service. Still it provides restrictions that will protect regular scheduled airline service and the general public.

Mr. Speaker, we bring this bill to you from the Committee on Interstate and Foreign Commerce and commend it to the membership of the House.

Mr. Speaker, I urge the adoption of the bill.

Mr. SHEPPARD. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from California.

Mr. SHEPPARD. I have not had a chance to read the hearings, of course, but I would like to ask the distinguished chairman what particular language involved in the bill gives to the CAB authorization beyond what they have to grant freight carriers opportunities to function in the competitive field against the so-called scheduled people?

Mr. HARRIS. This legislation does not deal with that subject. This deals with the supplemental air carriers as such. The gentleman from California is thinking about cargo carriers?

Mr. SHEPPARD. Cargo carriers, and also carriers of military freight, and so forth. It is a combination of operations in which at the present time they do not have the same operational prerogatives as the so-called scheduled lines have.

Mr. HARRIS. This does not deal with the cargo carriers at all.

Mr. SHEPPARD. This has no influence in that field?

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. May I say to the gentleman from California [Mr. SHEPPARD] that in regard to the cargo carriers there was an amendment which was offered and accepted in the other body which would authorize the CAB to issue supplemental air carrier certificates to cargo carriers. However, our committee had not considered that. The matter had not been presented to us and, therefore, our committee did not deal with the problem.

Mr. SHEPPARD. May the gentleman from California assume from the gentleman's response that in conference with the Senate that item might be a component part of the conference?

Mr. WILLIAMS. Of course, it would be an issue to be considered in conference because the language is in the bill passed by the other body. But it is not in our bill.

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent to revise and extend my remarks made on the bill H.R. 3019.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HARRIS. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi, the chairman of the subcommittee [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, enactment of this legislation is needed to stabilize the supplemental air carrier industry, which has been existing in a state of uncertainty for many years.

In 1955, the Civil Aeronautics Board attempted to give supplemental carriers legal status by exempting them from the certification requirements of the law but this procedure was knocked down by the courts.

In 1959, with two members dissenting, the Board granted temporary certificates to 25 supplemental carriers, authorizing unlimited planeload charter service, plus authority to conduct not more than 10 flights a month between any single pair of points carrying individually ticketed passengers or individually waybilled property.

This decision was challenged in the U.S. Court of Appeals for the District of Columbia, which, on April 7, 1960, found that the Board's action was illegal in that terminal and intermediate points were not specified, that the limitations were in violation of the act, and that findings as to fitness were inadequate.

The Board then came to Congress for authority to issue limited supplemental certificates. After considering a draft bill submitted by the Board, the Committee on Interstate and Foreign Commerce last year decided that time remaining in the session would not permit a thorough study of the problem and recommended stopgap legislation to protect the rights of these carriers to operate until Congress could consider permanent legislation.

Subsequently Congress did enact stopgap legislation, which expires March 14, 1962. That was Public Law 86–661.

The bill we bring to the House today is permanent legislation. The reported bill would:

First. Permit the Civil Aeronautics Board to issue the supplemental carriers certificates to conduct charter operations.

Second. Permit the Board to authorize the supplementals to provide individually ticketed service on a temporary basis in situations where additional air transportation is needed. These situations, for example, would include holiday and vacation travel, and such things as transportation to summer resorts or vacation spots where transportation facilities are deficient.

Third. The Board could expedite procedures in the issuance of these special operating permits, so that temporary or unexpected needs for air transportation could be provided without undue delay.

Fourth. Grant interim operating authority in the nature of grandfather rights to permit operations to continue until the Board can pass upon applications for new certificates.

Fifth. Give the Board additional authority to enforce its economic regulations.

Witnesses who testified in the hearings agreed that there is a need for supplemental service. The only question in disagreement was whether the supplemental should be authorized to carry individually ticketed passengers or individually waybilled property.

The supplementals insisted that such authority is necessary if they are to survive. The scheduled industry opposed the Board's request for authority to permit such service without specifying the terminal and intermediate points to be served, on the grounds that such operations are diverting traffic from the scheduled carriers, whose earnings have reached almost the vanishing point.

It is believed that the special operating authority which the Board would be authorized to grant under the terms of the substitute bill would permit the supplementals to provide the supplemental service needed without injury to the scheduled carriers, who have the responsibility of providing service to meet the public convenience and necessity in good season and bad.

The supplemental carriers provide essential service for the Department of Defense.

During the Berlin airlift, with only 5 percent of the Nation's civil air transport capacity, these carriers moved approximately 25 percent of the passengers and 57 percent of the cargo carried by civilian aircraft.

In 1950 the supplementals supported the Korean airlift by supplying over half the commercial capability requested by the military.

The supplementals flew the first planes to Vienna in 1956 to provide airlift for the Hungarian refugees.

In the Lebanon crisis the supplementals offered the military 38 four-engine aircraft within 4 hours.

In a letter to the committee, the Department of the Air Force stated:

> The continued existence of the irregular air carrier fleet is of real value in terms of national defense, and it is evident that the future ability of the irregular air carriers to service the military, as they are doing now and have done so ably in the past, depends upon their ability to operate their planes in commercial activities when not engaged in service for the military. In this regard, the current (April 1, 1961) allocation of aircraft to the Civil Reserve Air Fleet (CRAF) program shows that there are 8 supplemental air carriers participating in this program, which now includes 22 air carriers.

In a letter to the chairman of the committee dated June 19, 1961, the Under Secretary of Commerce stated:

> Of a total of 212 aircraft allocated by the Department's Defense Air Transportation Administration to the basic CRAF program, 40 have been allocated from supplemental air carrier inventories. In addition, the aircraft remaining in such air carrier inventories after CRAF requirements have been met (approximately 123 in number) are subject to DATA's allocation authority for purposes of DOD domestic wartime requirements, such as the Navy's quicktrans and the Air Force's logair operations, and for the needs of the civil economy under the war air service pattern program.

In December 1955 the Civil Aeronautics Board characterized the supplementals as "a reserve air fleet capable of being called into action to meet emergency transportation needs with a minimum amount of notice."

The legislation under consideration is needed to stabilize this important segment of the air transportation industry.

This legislation is needed to permit the industry to make plans for future operations and to complete financial arrangements for the purchase of modern equipment requiring amortization over a period of years.

Mr. BARING. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Nevada.

Mr. BARING. Section 6(c) of the bill provides that supplemental carriers operating under judicial stays may continue to operate until the court lifts the

stay or until final disposition of the judicial review proceeding, whichever first occurs. If such a carrier is successful in the review proceeding and the court remands its case to the Board for further hearings, would this carrier have to stop operating even though it had won its appeal?

Mr. WILLIAMS. The answer is "No." If the court should remand this case to the Board for further proceedings, the carrier could continue to operate until the Board decided the case.

Section 6(c) affects four carriers given authority to perform supplemental service by order E–9744, in which the Board sought to exempt the supplementals from the certification provisions of the act. These carriers have no applications for certificates pending before the Board because their operating authority under the exemption order was terminated specifically by the Board in order E–13436. These carriers appealed the Board's order denying a certificate and revoking their exemption authority to the courts and now are operating under a judicial stay pending review. Certiorari has been denied by the Supreme Court but a petition for reconsideration is pending. Carriers in this category are Central Air Transport, Inc., Curry Air Transport, Ltd., Great Lakes Airlines, Inc., and Trans-Alaskan Airlines. Section 6(c) provided that these carriers are authorized to continue to operate subject to all conditions contained in order E–9744 or imposed by the court until the court shall lift its stay or until final disposition of the judicial proceeding.

Mr. BARING. I thank the gentleman.

Mr. COLLIER. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, as the chairman has stated, this bill was passed unanimously by the Committee on Interstate and Foreign Commerce and represents, I am sure, what the House committee believes is essential to be the proper regulation of the supplemental air carriers in the field of commercial aviation.

Because the U.S. Court of Appeals of the District of Columbia in its ruling of April 7, 1960, stated that the Civil Aeronautics Board had exceeded its authority in granting certain supplemental certificates, it became necessary for this Congress to provide the ground rules, so to speak.

It must be stated, however, that all of us recognize that there is a positive role for the supplemental airlines in the field of commercial aviation. At the same time, we also realize that this role should be limited to providing service which the scheduled carriers cannot adequately provide because of the nature of this regulated industry. In any case, supplemental air transportation, looking at the broad picture, should supplement, not replace, commercial service and the certificates granted should stand the test of public convenience and necessity. Obviously, when the supplemental carriers move into high density markets, they are not serving the purpose for which they were originally created and certificated.

Basically, the prime service for supplemental carriers is that of charter service. Within the limits of additional service, it seems only proper that the supplementals operate where there is a deficiency of service offered by the regularly scheduled lines, particularly in peak seasons. This legislation will meet this requirement. In fact, it specifically provides that the CAB may grant individually ticketed authority where public convenience and necessity can be established.

But the continuation of individually ticketed authority for supplementals as it has been conducted in the past involves the perpetuation of unsound regulatory principles. I submit that the Committee on Interstate and Foreign Commerce recognized this fact in bringing this legislation before the House today.

I believe this is sound and essential legislation—legislation which will have a very favorable long-range impact upon the business of commercial aviation in this country. I am pleased that while it is late in this already overextended session of Congress, this bill comes up for action by the House today. It is my hope that the long hours of work by the subcommittee and the full Committee on Interstate and Foreign Commerce in proposing this legislation will receive the unanimous endorsement of the membership of this House.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. ROUSSELOT].

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROUSSELOT. Mr. Speaker, this bill provides for the continuance of supplemental air carriers. There are many important aspects to the bill H.R. 7318, some of which reach into my own district and I do not feel should go unnoticed by the membership of the House.

Mr. Speaker, I have no criticism of the committee. The committee has done an excellent job in tightening up what I feel have been very loose restrictions on some of the supplemental air carriers that operate in this country. I do feel, however, that the committee has not gone far enough in demanding that the Civil Aeronautics Board be required to see that the supplemental air carriers act responsibly in the field of air safety and in their financial operations.

It so happens, Mr. Speaker, that there were two young men from my district who were members of the football team, Cal-Poly, a college in California, that were involved in a crash at Toledo, Ohio, on one of these supplemental air carriers. As was brought out in the CAB hearings, it was because very slipshod safety requirements existed that this plane went down. In a recent air disaster in Shannon, Ireland, another one of these supplemental air carriers crashed. It cannot be determined if this was the result of faulty operational procedure because the full reports of the CAB are not yet complete. However, as the House committee report, which we have here before us, indicates on page 12:

> The so-called certificates issued by the Civil Aeronautics Board to the supplementals were illegal. This illegality was not a mere technical infraction of the act. It was fundamental.

The Government shares the responsibility for these disasters, according to that language.

The point I wish to make, Mr. Speaker, is this. I do not believe this legislation goes far enough in making sure that the Civil Aeronautics Board and the FAA are required to demand adequate financial responsibility of these supplemental air carriers. I ask the Members of the Congress to read very carefully the material I am inserting in the body of the RECORD today which items fully document and very carefully point out the tremendous weaknesses that exist in the supplemental air carriers' ability to properly serve the public interest. I personally believe, that in some instances these classes of carriers operate in collusion. If I had my way, this bill would go back to committee for further study. I encourage the Members of this House to very carefully review what I feel has been an irresponsible approach to the financial capability of these air carriers. Now that does not imply that I oppose small business operators in the field of air traffic, in fact I favor small air carriers. They fulfill a needed service. But we must be sure that groups who charter these flights can be assured of safe passage. This opinion was concurred in in the case of United Air Lines versus Civil Aeronautics Board in a decision of the United States Court of Appeals handed down on April 7, 1960. I have inserted that particular court decision in the RECORD today.

Further, I do not believe we should run headlong into a situation where we in effect are giving these supplemental airlines what are commonly known as grandfather rights without assurance that the CAB will take a hard look at the financial responsibility of these carriers prior to granting such rights. I would now like to ask the gentleman from Arkansas, the chairman of the committee, if he is convinced that under this legislation, as it is now drawn, that the CAB is required to insure the financial responsibility of these supplemental air carriers.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Arkansas.

Mr. HARRIS. First, let me say I share the views of the gentleman as to the requirement for these and any other airlines that are operating and providing service to the public, to operate in safety and with safety to the public and also to be responsible for that operation. I might say to the gentleman, this bill does not, as such, provide grandfather rights in the operation. There are some 25 or so supplemental airlines that are in operation today that will be permitted to continue to operate until the CAB has sufficient time to analyze their case and process their application for supplemental carrier operations.

That includes the charter operation as well as the other service that is provided in this bill. Does the gentleman from Mississippi wish to comment on this?

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. I would like to say to the gentleman that of course the merits of his argument or the points that he has raised are quite obvious. It is not the intention or the purpose of the committee in reporting this legislation to give the Civil Aeronautics Board carte blanche authority to grant certificates in the absence of showings of fitness and financial responsibility. With respect to the safety of the operation, that is a matter that comes primarily under the jurisdiction of the Federal Aviation Agency, which Agency is charged with the duty of certificating aircraft, certificating airmen, and so forth. In the case of the Arctic-Pacific Airlines at Toledo, a very unfortunate accident which took the lives of the football team, the Federal Aviation Agency filed a complaint with the Civil Aeronautics Board that the plane was overloaded by about 2,000 pounds and took off in weather conditions near zero visibility. Now, the Board has, of course, investigated but has not made an accident report. Therefore we do not know what conclusion the Board reached with respect to the reasons for the accident. The Federal Aviation Agency had revoked the pilot's certificate of Capt. Donald Cheshire, charging eight instances of deliberate violations and the circumvention of six sections of the Civil Aeronautics regulations. But, the certificate remained valid under the Federal Aviation Act through appeal to the Civil Aeronautics Board which had not completed action on the appeal at the time for this tragic accident.

I would certainly think that in view of the court decision and in view of the statements that have been made in the House as to the legislative history of this legislation, the Civil Aeronautics Board would certainly give close attention to the fitness of these carriers to give safe operation and also as to their financial responsibility.

Mr. ROUSSELOT. I would like to ask the chairman of the committee another question: Is he convinced that this legislation will force both the FAA and the CAB to insure to a greater degree that no further occurrences of this kind will happen?

Mr. HARRIS. Mr. Speaker, if the gentleman will yield, I will say to the gentleman I cannot give him any assurance what the FAA is going to do. This bill places on the Board definite responsibilities in the issuance of certificates for supplemental air carriers. The law itself requires the Federal Aviation Agency to assume its responsibility to require safe operation, as safe as it is humanly possible to do.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. Yes.

Mr. WILLIAMS. With respect to the Arctic-Pacific Airline accident, where the plane was 2,000 pounds overloaded, and took off under weather conditions of near zero visibility, had that plane gone through to its destination without accident and had a report been made to the CAB of the conditions under which that plane took off, I am certain that the question of continuing their certificate would be a matter for consideration by the Civil Aeronautics Board.

Mr. ROUSSELOT. How often do these certificates have to come up for renewal under this bill?

Mr. WILLIAMS. That is a matter the committee leaves to the determination of the Board. On page 9 of the bill you will find in the language relating to the authority of the Board to issue a certificate for supplemental air transportation, the bill provides that the Board may authorize—"the whole or any part thereof for such periods as may be required by the public convenience and necessity, if it finds that the applicant is fit, willing, and able properly to perform the transportation covered by the application."

Does that answer the gentleman?

Mr. ROUSSELOT. I thank the gentleman. I only wish to comment that as I understand, about 85 percent of the revenue of these supplemental carriers comes from the military which pays them about $20 million a year for the transportation of troops in areas where regular airlines are not available. Since they are providing these services I feel there is a responsibility on the part of the Congress to make sure they operate responsibly.

The SPEAKER pro tempore. The time of the gentleman from California has again expired.

Mr. COLLIER. Mr. Speaker, I yield the gentleman 1 additional minute in order to clarify one point. In this legislation the Congress does not spell out any rules of financial responsibility or even fitness. That is now embodied in the act as it now exists, and it would be almost impossible for our committee or this House, for that matter, to attempt to spell out or detail rules of financial responsibility in this field, This has been entrusted to the CAB, and I think properly so; and for that reason to attempt even to deal with this subject matter in this legislation would, of course, be out of the question.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield.

Mr. WILLIAMS. With respect to the safety records of the supplemental carriers, I think it compares favorably with the safety record of our regular carriers. I would refer the gentleman to a letter signed by E. R. Quesada, Administrator of the Federal Aviation Agency, which appears at page 120 of the hearings. I read the letter:

FEDERAL AVIATION AGENCY,
Washington, D.C., March 21, 1960.

Mr. CLAYTON L. BURWELL,
President, Independent Airlines Association, Washington, D.C.

DEAR MR. BURWELL: I am impressed by the fine safety record made by your association's member airlines, and I am grateful for the reassurances such an outstanding record gives to the flying public.

You have set an enviable goal for the rest of the industry. Your achievement speaks well for rigid safety standards and careful adherence to the principles of air safety.

My congratulations for 5 years, 3½ million passengers, and 6 billion passenger-miles of safe flying.

Sincerely,

E. R. QUESADA,
Administrator.

Mr. ROUSSELOT. Mr. Speaker, I wish to have inserted in the RECORD at this point in today's proceedings material which I think every Member of this body should have a chance to review regarding H.R. 7318.

To quote from House Report No. 1171, 87th Congress, 1st session, relative to H.R. 7318:

Supplemental carriers on occasion have entered into illegal pooling arrangements to provide what amounts to scheduled service contrary to the intent of the Board. Board efforts to end such practices have been frustrated by protracted litigation. Judicial stays of Board orders have permitted the continuation of highly profitable, although palpably illegal, operations by some of the carriers.

These illegal pooling arrangements have resulted in a monopoly described in the following articles taken from the June 7–11, 1959, issue of the Los Angeles Examiner:

[From the Los Angeles Examiner, June 7, 1959]

THE STRANGE CASE OF THE SANTA CLAUS BANK—HIDDEN CHECKS FINANCE HUGE AIR OPERATIONS—U.S. AGENCY CHIEF HERE REVEALS HE WAS DUPED

(By Tom Devlin and Henry Sutherland)

When the little Sun Valley National Bank collapsed and was sold last December 1, it appeared just another routine case—with a $928,000 shortage, arrest of the cashier, and involvement of neighboring businessmen.

But inquiry by the Examiner has revealed a complex of interesting and unusual relationships extending all the way from this obscure bank in a San Fernando Valley suburb to the highest political levels in Washington.

While not illegal, these connections could trigger major explosions in national politics.

They unveil an entrenched favoritism for a select few.

They uncover a tightly organized monopoly of contracts for transportation of military personnel by nonscheduled airlines.

They reveal that resurrected World War II aircraft, some sold at surplus for ground use only for as little as $200, have become "flying cash registers" earning $200,000 and more yearly per single plane.

They disclose that two weary C–46 Curtiss Commandos have brought in more in a year for Col. George Gordon Moore, Jr., than his distinguished brother-in-law—Dwight D. Eisenhower—receives as President of the United States.

REACHES INTO MANY AGENCIES

Relationships reach into such agencies as the Small Business Administration, the Civil Aeronautics Board, the Military Establishment, and the United States Treasury.

They involve the office of the Comptroller General of the United States, which—incredibly—ordered a $3 million overseas trooplift contract given one of the men accused in the bank case 7 days after the case broke publicly.

Troubles of the Sun Valley National, the "Santa Claus bank," as it has been called, date from last November 19, when a reported "employee's tip" launched a complete audit by Federal bank examiners.

A comparatively young bank, located at 8125 San Fernando Road, Sun Valley Na-

tional had appeared to prosper since opening for business June 6, 1952, with an authorized capital of $200,000.

But bank examiners, aided by FBI auditors, found all far from well.

They found some 3,000 checks totaling approximately $928,000 hidden in at least seven different places—in desk drawers, in the bank vault, even in the basement.

Some checks dated from 1954. All had been cashed and returned to the bank, but it was alleged they never had been credited to accounts of the payors, all having insufficient funds and some actually overdrawn on November 19.

REASONS REMAIN UNCLEAR

U.S. Attorney Laughlin E. Waters charged that John E. Petersen, 48, cashier and a Sun Valley vice president since the bank's inception, had withdrawn the checks from normal banking channels and had concealed them.

Reasons for this asserted action still have not been made clear.

The case of the "Santa Claus bank" was revealed officially late December 1. It burst on public attention in the Examiner and other newspapers the following morning.

Simultaneous announcements told of the huge shortages, of Cashier Petersen's arrest, and that Sun Valley National had been sold to the Security-First National Bank of Los Angeles to "protect the interests of depositors."

Sale of the Sun Valley National, apparently arranged over the weekend with consent of the U.S. Comptroller of the Currency, became effective at the opening of business on Monday, December 1. The purchase certificate was not signed until December 9, however, and terms of the agreement never have been made public.

LOSS BORNE BY STOCKHOLDERS

In a separate announcement ex-officers of Sun Valley National said, and the U.S. Attorney's office conceded, that the entire loss was borne by stockholders, and depositors in the bank lost nothing.

By December 12 Federal authorities had arrested 13 other persons in the case, Maurice Ratner, 53, fired Sun Valley president, two other bank officials, and 10 San Fernando Valley business people accused of writing "holdout" checks for totals ranging from $3,312 to $296,067.

Then two developments upset the apparent routine of the case.

First, it was learned that Los Angeles' underworld had been referring to Sun Valley National as the "free sample bank."

Second, observers became aware of a climate of reluctance to have details of Sun Valley's business become public.

The precipitate sale of the troubled bank probably prevented its going into Federal receivership, in which case its records would have been open.

While liquidating such business as Security-First National did not take over, C. L. Killingsworth, former Sun Valley executive vice president and board chairman, and M. J. Bristol, ex-secretary, reiterated that the entire loss was borne by stockholders.

But Sun Valley's December 31, 1957, statement listed its capital stock at $300,000, and its surplus as $235,000, and Assistant U.S. Attorney Norman Neukom said that at the time of transfer these items totaled "about $600,000."

If so, where did the additional $328,000 come from to make up the $928,000 shortage? Was it contributed by the stockholders? And, if so, who were the stockholders?

CONTRIBUTORS STILL SECRET

Killingsworth and Bristol declined to name them. Their identities still remain secret, and, as far as can be learned, none of them ever has complained publicly of his loss.

When asked if he had ever heard the nickname, "Free Sample Bank," applied to Sun Valley National, Bristol said he had not, but added with a rueful laugh:

"I have heard it called the Santa Claus Bank."

First indictments in the case, returned February 11, showed Federal attention focused on 3 of the 14 persons arrested, because, Assistant U.S. Attorney Neukom said:

"We feel we can show clearly that a conspiracy existed among these three."

THREE INDICTED; WAIT TRIAL

Indicted on charges of conspiracy and misapplication of national bank funds were:

John E. Petersen, fired Sun Valley vice president and cashier.

George S. Patterson, 42, sole owner of S.S.W., Inc., doing business as Universal Airlines, Inc., a supplemental air carrier.

George E. Batchelor, 38, operator of two firms, International Airports, Inc., doing business as International Aircraft Maintenance Co., and Batchelor Enterprises.

Universal Airlines and International Aircraft Maintenance Co. are located in the same building, hangar No. 3 at Lockheed Air Terminal, Burbank.

Universal was an airline that owned no airplanes, but operated extensively under Government contracts using planes rented from Batchelor's International.

All three men pleaded innocent, and await setting of the case for trial. After several continuances this matter is now calendared for June 15 before Federal Judge Pierson M. Hall.

Patterson was accused by the FBI of writing 188 "holdout" checks for a total of $200,559 between July 15 and November 10 against his Universal account, which contained only $894 at the time of the audit.

Batchelor was accused of issuing 302 "holdout" checks for a total of $152,152.98 between February 24 and November 14, 1958.

One, for $22,887, allegedly was drawn on Batchelor Enterprises, which had a November 19 balance of $5,060, and the remaining 301 on International Aircraft Maintenance Co., which was found by the FBI to be overdrawn $43.50.

Last March, Batchelor's lawyer demanded return of all 302 checks on the ground that the $152,152.98 has since been made good, but Assistant U.S. Attorney Neukom resisted this successfully, arguing:

"Batchelor knew when he accepted some 18 of Patterson's (holdout) checks for some $54,500 that Patterson had insufficient funds in the bank (and these checks have not been made good)."

Comparatively few of the checks listed by the FBI were mentioned in the indictment, however.

CONSPIRACY COUNT ON ALL THREE

In the misapplication counts, ex-cashier Petersen was charged with hiding out 14 checks each issued by Batchelor and Patterson, and the three were linked in one count of conspiracy.

Neukom explained that a count could have been based on each check, but that this would have made an unwieldly indictment, and that the 14 checks each were equally sufficient.

Nothing in the indictment suggests the far-reaching complex of relationships uncovered by the examiner except 1 of 25 overt acts alleged in support of the conspiracy charge.

CONCERNS MATS CONTRACT

This asserted act, No. 23, reads:

"That on or about November 14, 1958, at the offices of International located in Burbank, Calif., the defendants Petersen and Batchelor had a conversation, and at said time and place the defendant Batchelor caused to be prepared and written a letter dated November 14, 1958, directed to Small Business Administration, 312 West Fifth Street, Los Angeles 18, Calif. The defendant Petersen signed said letter and a copy of said letter was directed to Mr. George S. Patterson, S.S.W., Inc. (doing business as Universal Airlines)."

The examiner has learned what lies behind overt act No. 23:

During the summer of 1958, Patterson's Universal Airlines submitted the low bid on a Military Air Transport Service (MATS) contract.

This contract called for transportation to Europe of 1,500 military personnel monthly in pressurized four-engine aircraft, and its estimated value was about $3 million.

OWNED NO AIRCRAFT

Patterson's airline owned no four-engine aircraft or, for that matter, any airplanes whatever.

A separate corporation organized by Batchelor, however, was at this time purchasing two $775,000 DC–6B aircraft from American Airlines, with an option on a third, to be rented to Universal for $23,500 per month each.

Had Universal obtained the MATS contract, the $3 million proceeds would have paid for 36 months' rental of the two aircraft, a total of $1,692,000, and an operating balance of $1,308,000.

For Batchelor's corporation, the 36 months rental would have paid the full $1,550,000 cost of the two airplanes and left a balance of $142,000 for interest and incidentals.

UNIVERSAL'S BID REJECTED

Universal's low bid was rejected by MATS Contracting Officer Robert P. Hinger, however, on the ground of inadequate finances indicating "a state of insolvency."

A few days later, September 16, MATS awarded the contract to a higher bidder, Capitol Airways, Inc., of Nashville, Tenn., headed by Jesse F. Stallings.

Universal then protested loss of the $3 million contract to the Air Force and the U.S. Comptroller General.

The Comptroller General's Office in (an October 14) letter to the Secretary of the Air Force held that regulations required the Small Business Administration—not MATS—to rule on financial competence of bids submitted by small business concerns.

ASKED TO SUBMIT EVIDENCE

A copy of this letter was sent to attorneys for Universal with instructions to "immediately submit any additional evidence of credit and capacity to the contracting officer."

Overt act No. 23 alleged a Batchelor-Petersen conversation and Petersen's signing a letter to the Small Business Administration in Los Angeles on November 14. On November 19 the Federal audit of Sun Valley National Bank began.

And 6 days later Small Business Administration here advised the Secretary of the Air Force that if it had been asked to investigate it would have certified Universal Airlines competent as to credit and capacity.

In Washington, November 26, Lyle S. Garlock, Assistant Secretary of the Air Force for Financial Management, asked the Comptroller General what to do about the $3 million contract already awarded to Capitol Airways.

SBA OFFICIALS SHOCKED

Came the morning of December 2, and Small Business Administration officials here were shocked by news of the Sun Valley National Bank shortages and cashier Petersen's arrest.

They teletyped SBA headquarters in Washington, pointing out that the decision favorable to Universal Airlines was based on a letter signed by Petersen.

Later the same day they dispatched a second message advising SBA chiefs that other Sun Valley officers disclaimed knowledge of the Petersen letter.

Donald McClarnan, regional SBA director here, has since declined to confirm reports current elsewhere that the letter asserted Sun Valley National would support Universal to the extent of $300,000.

"DUPED" SAYS OFFICIAL

But of the letter itself, McClarnan said:

"It was a fraudulent attempt to induce this office to believe that Mr. Patterson's airline was solvent, when it was not. We were duped."

Asked what steps SBA took to make sure the letter was authentic, George Rands, financial assistance division chief, said he asked Petersen, the signer, about it, and was assured by Petersen that it was bona fide.

Batchelor and 11 others were arrested in the bank case December 8, with Patterson's surrender following 4 days later.

But in Washington as of December 9, Joseph Campbell, Comptroller General of the United States, had not gotten the word. He signed a letter to the Secretary of the Air Force which ended with:

"We must conclude that rejection of the (bid) submitted by Universal Airlines was erroneous and that the contracting officer was, therefore, without authority on September 16 to award (a contract) upon higher bid prices.

AIRLINE ADJUDGED BANKRUPT

"Accordingly, cancellation of such award should be accomplished by your Department at the earliest practicable date."

Some 3 months later, on March 20, Patterson's Universal Airlines, Inc., was adjudged bankrupt by a Los Angeles Federal referee. Patterson's review of possible sources of revenue said in part:

"The bankrupt is possessed of a cause of action against the U.S. Air Force for illegal cancellation of a contract for transportation of military personnel. The amount of this claim is $500,000."

[From the Los Angeles Examiner, June 8, 1959]

THE STRANGE CASE OF THE SANTA CLAUS BANK—MONOPOLY IN U.S. NONSKED TROOP LIFT PACTS BARED

(By Tom Devlin and Henry Sutherland)

(Inquiry by the Examiner into "The Strange Case of the Santa Claus Bank"—little Sun Valley National—has revealed a complex of unusual and interesting relationships extending all the way from the San Fernando Valley to highest political levels in Washington. While not illegal, these connections could trigger major explosions in Washington. Following is second article of a series.)

George S. Patterson's success in winning back a $3 million oversea trooplift contract after rejection of his low bid on the ground of "insolvency" is less astounding when the man is viewed in his full stature.

The Air Force gave the contract to Capitol Airways, Inc., renter of one of two C–46 planes which have brought in more in a year for Col. George Gordon Moore, Jr., than the annual salary of his brother-in-law, President Eisenhower.

Patterson was not well known in Los Angeles last December when he was arrested as one of 14 persons involved in asserted manipulations which collapsed the Sun Valley National Bank with $928,000 in shortages.

But when U.S. Comptroller General Joseph Campbell ordered the $3 million contract awarded to him 7 days after public disclosure of the "Santa Claus bank" case, the examiner took another look at Patterson.

This look showed that Patterson, 42, was far more than owner-president of Universal Airlines, Inc., a small nonscheduled carrier operating with a handful of rented war surplus planes.

PATTERSON NATIONAL HERO

Actually he was a national figure—1958–59 president of the Independent Airlines Association, a powerful 21-carrier group enjoying the particular favor of the Government.

This association has held a virtually exclusive agreement with the Armed Forces for commercial air movement of military personnel in the continental United States since 1953.

Association airlines also have qualified under a "small business" allocation in the Defense Department's appropriation for oversea commercial trooplift—about 25 percent of $80 million in 1958–59.

They benefited additionally from a policy of the Civil Aeronautics Board, which authorizes no more supplemental air carriers, and thus excludes possible competitors.

REVENUES HAVE BEEN HUGE

During the 6-year life of the domestic trooplift agreement, it is estimated that IAA member airlines have grossed up to $100 million on Government contracts, and Patterson's own revenues have been huge.

His quarterly reports to the Civil Aeronautics Board show Universal Airlines, Inc., grossing $2,659,942.31 in the 21 months ending last September 30.

How Government contracts sluice from the Pentagon to IAA member airlines was described by Patterson in a Los Angeles Superior Court affidavit dated October 1, 1957.

This affidavit was filed with the Civil Aeronautics Administration in a dispute over registration of a C–46 airplane, CAA No. N111E, which in 1948 was sold as surplus by the Government for only $200.

AFFIDAVIT ON AIRPLANE

It read in part:

"N111E has been utilized by our company in commercial air movements (CAM) of military passengers. These are obtained by awards from the military, represented by an office in the Pentagon under command of General Lasher, to the Independent Airlines Association (IAA), which is the representative of the supplemental air carriers. IAA than designates the member carrier which is to handle the movement."

Brig. Gen. Edmund Chauncey Rockefeller Lasher, 52, former (1954) Army Assistant Chief of Transportation, is an imposing figure.

But IAA President Patterson, operating from association headquarters at 1328 I Street NW., in Washington, would be, as a matter of course, on first name terms with many powerful figures in and out of Government.

The association's fabulously lucrative contract with the Government is entitled, "Joint Military Air Transportation Agreement No. 6 (IAA)."

SIX AGREEMENTS

Signed June 27, 1958, for the year ending June 30, 1959, it notes cancellation of "agreement No. 5 (IAA)," indicating that there have been six such annual agreements.

Entering the 1958–59 agreement for the Government was the Military Traffic Management Agency, U.S. Army, acting for the Army, Air Force, Navy, Marine Corps, Coast Guard, National Guard Bureau, and other Government agencies.

It was signed by Brig. Gen. I. Sewall Morris, USA, for the Government and Maj. Gen. John P. Doyle, USAF (retired), then IAA executive director, for the association, the document noting that:

"This agreement applies only to the movement of military traffic on charter service by one or more of the carriers between points in the continental United States, whether or not such movement is part of a movement beyond such points."

EXCLUDES OVERSEA TROOPLIFTS

The effect of this is to exclude oversea trooplifts, which are contracted by the Air Force's Military Air Transport Service (MATS), usually under a system of competitive bidding, as in Patterson's disputed $3 million contract.

This system was protested by General Doyle on behalf of IAA at a hearing on the MATS budget request before a division of the Senate Committee on Appropriations last July 15. He told the Senators:

"It is our belief that procurement by sealed competitive bidding has no place in regulated industry. The Civil Aeronautics Board exists to protect all shippers—including the Government.

"We recommend that Congress direct the Government departments that all transportation procurement be carried out on a basis of previously filed tariffs as must be done by civilian shippers."

EXCLUSIVE EFFECT TOLD

The exclusive effect of the IAA agreement for domestic trooplifts was evidenced by testimony of Melvin N. Chapman of U.S. Aircoach in seeking Civil Aeronautics Board approval of an airplane lease last July 24.

During the hearing in Washington, Chapman's attorney, Albert F. Beitel, inquired:

Question. The organization of IAA as you describe it, does IAA procure the military business for its members?

Answers (by Chapman). They act as the bidding agency, the procurement agency.

Question. Then it would not be necessary for U.S. Aircoach to have it own personnel for the purpose of bidding?

Answer. I understand it is possible for a person to go down to some public building where these flights are posted on the board and bid on them, and so forth, but I don't believe anybody is doing that.

Question. It will be IAA who does that for you?

Answer. Yes.

Chapman's testimony also showed how Civil Aeronautics Board policy appears to exclude possible competitors of IAA airlines.

He had listed a supplemental air carrier certificate held by U.S. Aircoach as a $150,000 asset, and CAB Examiner Leslie G. Donahue asked why he believed the valuation to be legitimate.

Chapman replied:

"At this point, it is impossible for a person such as myself who is interested in starting in the supplemental air transportation business to get operating authority from the Board. I have at previous times even discussed a part 45 operation with Mr. Rosenthal.

(A part 45 certificate permits operation within a State, but not as a common carrier in interstate flights.)

"However, even with that he would experience difficulty from the association and be very restrictive insofar as operating.

CONVENIENCE TO MILITARY

"It appeared to me that actually this $150,000 valuation was put on by the previous management, but I would be willing to accept that as a fair value of the certificate, due to the fact that you can't—the Board does not authorize any more supplemental carriers."

It is apparent from the Army-IAA agreement, however, that the virtually exclusive use of IAA airlines for domestic commercial trooplift is a great convenience to the military agencies.

It provides for operation by the commercial air carriers under the familiar military system of TR's (transportation requests), using regular Army forms and pay vouchers in the same manner employed in military troop movements.

The agreement gives IAA airlines a further staggering advantage over possible competitors by authorizing the association to spot representatives at military installations to "assist" local transportation officers.

GIVES IAA INSIDE TRACK

In addition to military business, this provision gives IAA the "inside track" on so-called furlough flights, or plane charters paid for by the troops themselves during holidays when large numbers are en route to their homes.

All of this business funnels through headquarters of the Independent Airlines Association in Washington, D.C., where it is parceled out to member airlines at the association's discretion.

Members of IAA listed in the 1958–59 agreement with the Army's MTMA were:

Air Cargo Express, Inc.; Airline Transport Carriers, doing business as California Hawaiian Air Lines; All American Airways, Inc.; Arctic-Pacific, Inc.; American Flyers Airline Corp.; Associated Air Transport, Inc.

Aviation Corp. of Seattle, doing business as Westair Transport; Capitol Airways, Inc.; Central Air Transport, Inc.; Currey Air Transport, Ltd.; General Airways, Inc.; Great Lakes Airlines, Inc.; Miami Airlines, Inc.; Modern Air Transport, Inc.

Overseas National Airways; Purdue Aeronautics Corp.; Quaker City Airways, Inc.; Regina Cargo Airlines, Inc.; S.S.W., Inc., doing business as Universal Airlines; Transocean Air Lines, and Unit Export Co.

With this huge organization and multimillion-dollar operation behind him, perhaps it is no great wonder that Patterson, as IAA president, possessed influence with Government agencies.

What is amazing is that Patterson should be accused of issuing 188 "holdout" checks totaling $200,559 on Sun Valley National—the "Santa Claus bank"—during the 4 months between July 15 and November 10, 1958.

This is particularly astonishing in the light of Patterson's report to the CAB that his Universal Airlines grossed $667,103.49 during a 90-day period ending September 30.

It is almost equally amazing that George E. Batchelor, 38, from whose concerns Patterson rented planes, should be accused of writing 302 "holdout" checks aggregating $152,152.98 between February 24 and November 14.

RENTALS PAID BATCHELOR

Patterson reported that during the same July 1–September 30 period in 1958 Universal paid $52,500 in plane rentals to Batchelor's firms.

Patterson reported paying $506,250 in plane rentals during the 21 months ending September 30, a period during which he told the CAB Universal grossed $2,659,942.31.

During the first three quarters of 1958 his reports to the CAB show Universal grossing $1,558,130.26, and paying $168,000 in aircraft rentals to Batchelor's concerns.

Astonishing, still, is the fact that Patterson piled up these huge grosses and paid such large plane rentals with an average of three to six aging aircraft, most of them resurrected World War II C–46 Curtiss Commandos.

One such C–46 rented by Universal from Batchelor was the $200 surplus plane, N111E, which figured in Patterson's affidavit.

The affidavit added that N111E had been modified into what is known as a CW–20 type airplane at a cost of many thousands of dollars.

PLUSH INTERIOR REQUIRED

Aside from certain structural changes, such modifications require installation of a plush interior in the basic airframe. Patterson's affidavit said:

"There are only a few airplanes of this type in the United States today. Basic C–46's are no longer permitted to be so operated for passengers in the United States."

The expense was perhaps justified, however, for official IAA reports show that during the 13 months ending August 31, 1958, N111E grossed $237,034.37 more than 90 percent of it in flying military personnel.

So while there are many wonders connected with the case, it is no wonder at all that some pilots call the old C–46's "cash registers with wings—flying cash registers."

But a final source of wonder is this:

That no one, neither accused persons nor Federal authorities, has offered any explanation why—if such huge sums were passing through the hands of Patterson and Batchelor, or through the Sun Valley National Bank—at least some of the holdout checks were not covered?

Civil Aeronautics Board, statement of profit and loss, S.S.W., Inc., Universal Airlines, Sept. 30, 1958

Operating revenues:		
Transportation:		
1	Passenger	$501,753.18
2	Freight	0
3	Excess baggage	1,556.78
4	Contract and charter	163,820.53
5	Other transportation	0
6	Total transportation (items 1 through 5)	667,130.49
7	Other than transportation	
8	Total operating revenues (item 6 plus item 7)	667,130.49

[From the Los Angeles Examiner, June 9, 1961]

THE STRANGE CASE OF THE SANTA CLAUS BANK—IKE KIN FINANCED AIR CHIEF INDICTED IN CHECK PROBE

(By Tom Devlin and Henry Sutherland)

Criminal charges pending against George S. Patterson, 1958–59 president of the Government-favored Independent Airlines Association, become completely fantastic with disclosure that:

Patterson's personal financial agent in Washington was no less a person than the brother-in-law of the President of the United States.

This money broker is George Gordon Moore, Jr., 55, whose wife, Mrs. Frances Doud Gill Moore, is the younger sister of Mrs. Dwight D. Eisenhower.

Colonel Moore, as he is usually called, served as factor, or financial middleman, for Patterson's wholly-owned Universal Airlines, Inc., in its dealings with the Government.

He performed this service through a family-owned finance company, Air Transit Services, Inc., of 734 15th Street NW., Washington, D.C.

ACTED FOR HALF

Documents in the Examiner's possession also show that Moore has acted similarly for more than half of the carrier members of Patterson's Independent Airlines Association.

Colonel Moore's own testimony before a congressional committee appears to indicate that he has financed all IAA members at one time or another, and that this is the sole business of Air Transit Services.

For 6 years the association has held a virtually exclusive agreement with the Armed Forces for transporting of military personnel in the United States.

Additionally, a generous slice of the Defense Department's $80 million appropriation for oversea commercial trooplift in 1958–59 is earmarked for "small business," a term practically defining IAA member airlines.

EXCLUDES COMPETITORS

IAA has benefited further through a policy of the Civil Aeronautics Board, which authorizes no more supplemental air carriers, and thus excludes airmen who might compete with its members.

It is estimated that IAA airlines have grossed up to $100 million on Government contracts since 1953.

Now it appears that a substantial portion of this huge sum was discounted on a commission basis by a corporation owned by the brother-in-law, the sister-in-law, and the nephew of President Eisenhower.

Air Transit Services' 1959 report to the District of Columbia Superintendent of Corporations listed Moore as president, his wife as a director, and Richard Gill, Jr., 25, her son by a previous marriage, as vice president and secretary.

NO OTHER OFFICERS

There are no other officers save Mary Lou Hodges, treasurer, according to the report; and when asked before the congressional group, "Who is with you in this venture?" Moore replied:

"Just myself, sir.

"I have other interests, Mr. Chairman, but that is my business."

Colonel Moore is described in Washington as a man with a "passion for anonymity," who has avoided the limelight so assiduously that few of the Capital's best informed men would recognize him on sight.

However, he and Mrs. Moore are familiar figures at the White House, sometimes guests at official functions honoring foreign dignitaries.

Washingtonians seeking to telephone the Moores report that they can be reached through the White House switchboard.

SISTERS INSEPARABLE

This is, perhaps, understandable, since Mrs. Moore (nicknamed Mike) and her famous sister, Mrs. Mamie Eisenhower, are inseparable.

Some 2 years younger than the First Lady, whom she closely resembles, Mrs. Moore spends much time with her sister, and they are frequent traveling companions.

Moore emerged from the obscurity he cultivates on March 17, 1958, when he appeared voluntarily before the House Special Subcommittee on Legislation Oversight.

This was the same subcommittee which 3 months later rode roughshod over Sherman Adams, righthand man of President Eisenhower, resulting in Adams' resignation under fire the following September 22.

Earlier, in February, the subcommittee had dismissed its chief investigator, Dr. Bernard Schwartz, New York University law professor.

CHARGES CLIQUE

Dr. Schwartz then charged existence of a "White House clique," and said he had been about to expose "the manner in which votes have been bought and sold in the granting of multimillion-dollar licenses and franchises."

He named Adams, Moore, White House Counsel Gerald Morgan, Secretary of Commerce Sinclair Weeks and Thomas E. Dewey, former New York Governor and Republican presidential candidate, as members of the "clique."

This blast apparently moved Moore to go before the subcommittee, his only appearance during almost 8 years in Washington.

At one point in the hearing Representative Joseph P. O'Hara, Republican, of Minnesota, asked about the nature of his business, and Moore answered:

"The Air Transit Service, Inc., is a finance house. We buy Government receivables from undercapitalized companies.

"As an example, an airplane can fly out $10,000 or $150,000 worth of business in a month. The company flying the business does not have enough capital to wait for their money. They have to finance it in some way. I finance it, and discount the paper."

HOW SERVICES DISPENSED

How the services dispensed by Moore look to a small supplemental air carrier was revealed by testimony of Melvin N. Chapman of U.S. Aircoach in seeking Civil Aeronautics Board approval of a plane lease last July 24.

Chapman, a successful applicant for IAA membership, was asked by Herbert Elish, representing CAB's Bureau of Air Operations:

Question. Do you have any personal capital to invest in U.S. Aircoach?

Answer. I do not.

Question. Do you feel that the operation can be carried on successfully without any capital?

Answer. Yes, because (of) * * * the fact that we are factoring with Colonel Moore and getting immediate payment. His policy is immediately on receipt of the TR (military transportation request) the money is deposited in your account. We will have sufficient capital.

The banking connection through which Moore's financing business is accomplished is the American Security & Trust Co., situated at the corner of 15th Street NW. and Pennsylvania Avenue, opposite the Treasury of the United States and a block from the White House.

CONVENIENTLY LOCATED

Air Transit Services, Inc., is located conveniently next door to the bank and also opposite the Treasury, with which, Moore testified, 100 percent of its business is transacted.

Yet despite connections with this political prestige and financial power, and despite this availability of ready cash, IAA President Patterson awaits trial in Los Angeles with two others on charges of conspiracy and misapplying national bank funds.

The bank in question—the so-called Santa Claus bank—is the Sun Valley National, suburban Los Angeles institution which collapsed with $928,000 in shortages and was precipitately sold last December 1.

Patterson reported grossing $667,130.49 between July 1 and September 30, 1958—a period when Moore presumably was discounting its Government trooplift bills and providing the airline with immediate cash.

But Patterson is accused of writing 188 bad checks for a total of $200,559 between July 15 and November 10 against a Universal Airlines account containing only $894 when Federal bank examiners moved in last November 19.

Indicted with Patterson were George E. Batchelor, 38, operator of concerns from which Universal rented its aircraft, and John E. Petersen, 48, fired Sun Valley vice president-cashier accused of "hiding out" checks of both men.

INFLUENCE INVESTIGATED

At the time of Moore's appearance, the Special Subcommittee on Legislative Oversight was investigating reports that "White House influence" with the Federal Communications Commission had been used to help a subsidiary of National Airlines win a television license in Miami.

Moore denied having had anything to do with the TV matter, and testified that he was "not familiar" with any such entity as a "White House clique."

Committeemen, however, took time to inquire into Moore's spectacular success as a businessman in Washington during a period coinciding almost exactly with that of the Eisenhower administration.

As the hearings began, the chairman, Representative OREN HARRIS, Democrat, of Arkansas, inquired:

Question. At the outset, Colonel, I think we might establish the record. You married a sister of Mrs. Eisenhower?

Answer. Yes, sir.

Question. You and General Eisenhower were brothers-in-law by the fact that you married sisters?

Answer. Yes, sir.

Question. You are fairly close to the White House, aren't you?

Answer. Only in a social way, Mr. HARRIS.

Question. Well, in a family way, I would think?

Answer. In a family way, yes, but that is all.

At another point in Moore's interrogation, Representative Heselton, Republican, of Massachusetts, asked:

Question. I take it that you visit the White House occasionally?

Answer. Yes, sir.

Question. With your wife?

Answer. Yes, sir.

Question. And do you attend certain social functions at the White House?

Answer. Yes, sir.

ASKED OF WEALTH

Moore, a lieutenant colonel until 1951, when he took an Army discharge "to make money" (as he was quoted as saying), now is reputed to be wealthy.

Representative HARRIS asked:

"Now, you have heard the charge that in 1952 or 1953 * * * you started your business without any substantial capital, but that during these years intervening * * * you have become a rather wealthy man. Is there anything to that?

Moore replied:

"Well, Mr. HARRIS, I have turned over my returns, my records and everything to the staff investigators. My business makes money, but I will say this: That all of the money I have made in the last 6 years has come out of my personal business."

One physical evidence of Moore's success is that he and Mrs. Moore live in a handsome brick home in Washington's fashionable Klingle Road section.

Another is that they own a 605-acre fancy stock farm near Leesburg in the Virginia "fox-hunting country."

Moore's background, briefly, is this:

He was born in Galveston, Tex., January 1, 1904, a son of George Gordon Moore Sr., now 81, board chairman of the First National Bank of Galveston and retired president of the Galveston, Houston and Henderson Railroad.

MERCHANDISING BROKER

Educated in Galveston public schools and St. Mary's Roman Catholic Seminary at LaPorte, Tex., he later became a merchandise broker with the Eveling-Moore Company of San Antonio.

He and Mrs. Moore, formerly Mrs. Frances Doud Gill, were married at Denver in 1940, and now have two teenaged daughters, Ellen and Mamie, the later named for the First Lady.

The marriage was Moore's first, but Mrs. Moore has two sons by her previous union, Richard Gill, 25, an officer of Air Transit Services, and Michael Gill, 22, who was elected a member of the Young Republicans' National Committee a year ago.

At the outbreak of the war in 1942, Moore was commissioned a second lieutenant in the Army Quartermaster Corps.

He served in Europe and the Mediterranean, rising to major, and in 1946 he was integrated in the Regular Army in that rank. Following the war, Moore served in Panama and at San Antonio, being promoted to lieutenant colonel January 2, 1949.

The Army Register shows that he took his discharge on September 7, 1951.

Air Transit Services was incorporated at Dover, Del., a little over a year later, on October 2, 1952—33 days before the election of President Eisenhower.

AIR CARRIER AGREEMENT

IAA's agreement with the Armed Forces for commercial air movement of troops in the Continental United States dates from July 1, 1953.

By a clause in agreement No. 6 (IAA), effective from July 1, 1958, to June 30, 1959, the Government specifically reserved the right to use any form or mode of passenger transportation necessary.

Subject to that reservation, however, the association's agreement for domestic airlift of troops would appear to be virtually exclusive.

The extent to which Moore has financed carrier members of the Independent Airlines Association was implied in his testimony before the special subcommittee.

At one point he was asked by Representative JOHN BELL WILLIAMS (Democrat), Mississippi, about his relations with Trans Caribbean Airways, Inc., then an active IAA member.

Moore had testified that in 1952 he was employed by Trans Caribbean, 70 percent owned by O. Roy Chalk, 51, spectacular lawyer-real estate man-promoter who acquired the District of Columbia transit system as a subsidiary of his airline in 1956.

"When you left Trans Caribbean, did you sever all connections with that airline?" Representative WILLIAMS asked .

"Yes, sir, I did," answered Moore. "Don't forget that they had a business just like all the rest of these people where they were financing through me."

This would appear to indicate that Moore financed, or has financed, all of the members of the Independent Airlines Association. However, he added:

"I think (Trans Caribbean) did business with me for a year, maybe longer, and then I think they obtained a direct loan from a bank and did their own financing. * * *"

If Moore began "without any substantial capital," as Representative HARRIS implied, and if, as he testified, he finances "undercapitalized companies" which cannot wait for the Government to pay them for $100,000 to $150,000 worth of business, his prime asset must have been an agreement with a bank.

This would be the American Security and Trust Company, which, Moore told the subcommittee, he has used throughout his business career in Washington.

American Security and Trust is headed by one of the most respected figures in the Capital.

He is Daniel W. Bell, 67, career Treasury Department official since 1911, former acting Director of the Bureau of the Budget, and 1940-45 Undersecretary of the Treasury.

Bell ended 34 years of public service December 31, 1945, and 15 days later he moved across Pennsylvania avenue to become president of American Security & Trust Co.

HIGHEST REGARD

Both major political parties have the highest regard for Bell. A prized budget aide to President Roosevelt, he served in 1946 and 1947 as a member of President Truman's three-man Price Decontrol Board.

In 1950 President Truman appointed him a special ambassador to the Philippines, and in this capacity he probably endeared himself to the Republicans, then campaigning against "that mess in Washington."

With characteristic bluntness, Bell reported that "some $2 billion" in loans and gifts expended in the Philippines since V-J Day had been mostly squandered, much of it corruptly.

Some, not businessmen, have wondered that American Security & Trust does not itself finance supplemental airlines without the intervening brokerage of Air Transit Services, Inc.

However, one airman who explored this possibility reported that a bank official told him:

"We factor only through Colonel Moore."

THE STRANGE CASE OF THE SANTA CLAUS BANK—85 PERCENT OF MOORE'S BUSINESS IS WITH U.S. GOVERNMENT

(By Tom Devlin and Henry Sutherland)

George Gordon Moore, Jr., who less than 8 years ago gave up the Spartan life of an Army lieutenant colonel to "make money," is wealthy today, doing—he has testified—85 percent of his business with the Government.

How he managed to achieve this is one of the most fascinating Washington "success stories" of recent times.

Moore is a brother-in-law of President Eisenhower—husband of Mrs. Frances Doud Gill Moore, younger sister of the First Lady.

During an appearance before the House Special Subcommittee on Legislative Oversight last year he testified that his interests include five corporations, all concerned directly or indirectly with Government contracts.

Three of the Moore corporations are finance companies, factors clipping commissions from bills due air and ground carriers—mostly from the U.S. Treasury—in return for making the cash immediately available.

They are Air Transit Services, Inc., which Moore described as his principal business, G.B.L. (Government Bills of Lading) Services, Inc., and Air Freight Clearings, Inc.

It was through a client of Air Transit Services that the Examiner's attention was attracted to Moore's booming prosperity in the capital.

TIGHTLY ORGANIZED GROUP

This client was George S. Patterson, 42, sole owner of Universal Airlines, Inc., and 1958–59 president of the Independent Airlines Association.

IAA, a tightly-organized group of some 21 supplemental aircarriers, has held a virtually exclusive agreement with the Armed Forces for commercial air movement of military personnel in the United States since 1953.

Association airlines also qualify under the Defense Department's "small business" allocation for commercial airlift of troops overseas.

It is estimated that they have grossed $100 million on Government contracts during the past 6 years, and Air Transit Services, Inc., has financed at least half—perhaps all—of the member airlines at one time or another.

Patterson, the association president, awaits trial in Los Angeles with two others on charges of conspiracy and misapplying funds of a national bank.

He was one of 14 persons arrested for assorted manipulations which led to the collapse and precipitate sale of Los Angeles' Sun Valley National—the so-called Santa Claus bank—last December.

Patterson reported to the Civil Aeronautics Board that his Universal Airlines grossed $667,130.49 during the 3 months ending last September 30.

Yet he is accused of issuing 188 bad checks totaling $200,559 between July 15 and November 10 against a Universal account found by Federal bank examiners to contain only $894 as of November 19, 1958.

Moore, in testifying before the House special subcommittee, identified his remaining two corporations as Leaseair, Inc., and Comlease Corp.

Each has been engaged solely in leasing a resurrected World War II type Curtiss Commando plane to an airline member of IAA flying Government military contracts.

Some airmen call these aging C–46s "flying cash registers." Moore's two have brought him $112,658.64 a year in rentals—more than the $100,000 annual salary of the President of the United States.

How two of the three Moore finance companies deal exclusively in bills due on Government contracts was described in testimony before the special subcommittee when Representative JOHN E. MOSS, Democrat, California, inquired:

Question. Air Transport Services, Inc., Air Freight Clearings, Inc., and Government Bills of Lading, Inc., are those factoring firms all doing business with airlines who are dealing in Government contracts?

Answer (by Moore). No. We handle some commercial paper.

Question. In all of them or in——

Answer. No, Air Freight Clearings handles mostly commercial paper. We do not put any commercial paper in GBL.

Question. And you handle commercial paper in Air Transit?

Answer. No.

Moore explained in reply to further questions that GBL services handles bill due trucking companies for haulage of Government freight, saying in part:

"Many of these companies cannot afford to put $50,000, or $75,000, or $100,000 into a package that would take them as an example 60 days to get repaid from the Government. So they factor the paper and the house that factors it makes a very small percentage."

When asked what proportion of his business is transacted with the Government, Moore estimated about 85 percent.

BYWORD IN WASHINGTON

It was apparent from Moore's other testimony, however, that the story of his success in Washington is bound up with that of the Independent Airlines Association and his connection with one of its founders.

This man is O. Roy Chalk, 51, high-flying, flamboyant New York-Washington lawyer, real estate speculator, and promoter credited with amassing a $10 million fortune in a wide range of ventures.

Little known elsewhere until recently, Chalk's name is a byword in Washington, where his reputation for obtaining Government favors is fabulous.

He is 70-percent owner of Trans Caribbean Airways, Inc., a reputed $6-million-a-year operation which he is said to have founded in 1945 with three war surplus airplanes and $60,000 in cash.

A business magazine said of him recently that soon after the outbreak of the Korean war:

"Chalk formed the Independent Military Air Transport Association—with Trans Carib and 10 other nonskeds—to woo business from the services for his * * * aircraft. Soon the members were splitting $1 million a month worth of charter flights. The business has grown more than fourfold since."

Independent Military Air Transport Association is the same organization as IAA. It changed its name to Independent Airlines Association in 1957.

Chalk startled Washington in 1956 when he took over the District of Columbia transit system—as a wholly owned subsidiary of Trans Caribbean, then a nonscheduled airline member of IAA.

He gained possession of the $17 million D.C. Transit System, Inc., as he renamed it, with the blessing of Congress, a 20-year franchise, and only $500,000 of his own money, which he may have recovered in a "rapid tax writeoff."

Last April Chalk made more headlines by offering to buy the troubled $2 billion New York subway and bus system from the New York Transit Authority for a sum reportedly in excess of $500 million.

For airmen, however, the measure of Chalk's achievement came in 1957 when Trans Caribbean became the first nonscheduled airline to graduate to scheduled rank in 20 years, with regular flights from New York to Puerto Rico.

Moore's testimony before the special subcommittee indicated that his association with Chalk and the Independent Military Air Transport Association (IAA) began soon after he left the Army as a lieutenant colonel on September 7, 1951.

Representative JOHN BELL WILLIAMS, Democrat, of Mississippi, inquired:

Question. Prior to the year 1952 I believe you were working for this IMATA group * * * weren't you?

Answer. Yes, sir.

Question. Mr. Chalk was primarily responsible for your going to work for IMATA?

Answer. That is correct, he was president of IMATA.

WILLIAMS pursued:

Question. In early 1952 or late 1951 Mr. Chalk severed his connection with IMATA, didn't he, after having some policy disagreements with the members of the board of directors?

Answer. That is right.

Question. However, you remained on for a certain length of time, until shortly before the Republican Convention (July 7–12, 1952). Isn't that correct?

Answer. I think that is so, yes sir.

Question. What happened after you left IMATA?

Answer. I went to work for Mr. Chalk.

Question. At that time Mr. Chalk was president of Trans Caribbean, was he not?

Answer. Yes, sir.

Question. Soon after you went to work for Mr. Chalk you and Mr. Chalk attended the Republican Convention in Chicago together, did you not?

Answer. Yes, sir.

Question. You went at Mr. Chalk's expense, didn't you?

Answer. No, sir. I did not. As a matter of fact, I paid for Mr. Chalk's railroad ticket. He picked up the tab at the hotel, but you know * * *

"I stand corrected," said Representative WILLIAMS.

The Chicago convention, of course, nominated Moore's brother-in-law, General Dwight D. Eisenhower, as Republican candidate for President.

Representative WILLIAMS continued:

Question. Soon after the Republican National Convention you were elevated to the position of vice president of Trans Caribbean Airlines, were you not?

Answer. Mr. WILLIAMS, I do not know whether I went to work (for Chalk) as a vice president or whether they made me a vice president at that time. I don't recall.

Question. How long did you hold that position?

Answer. Four or five or six months. I got out and opened my own business.

Moore's Air Transit Services was incorporated at Dover, Del., on October 2, 1952, with 250 no par value shares of stock authorized and a minimum starting capital of $1,000.

Thirty-three days later, on November 4, Moore's brother-in-law was elected President of the United States.

At another point in the hearing Representative Moss inquired:

"Were you associated in any way with Mr. Chalk, or did he give you any assistance in establishing the factoring business which you are operating?"

"No, sir," returned Moore, "he did not."

President Eisenhower was inaugurated on January 20, 1953.

Exactly 2 months later, on March 20, the previously unincorporated Independent Military Air Transport Association—later IAA—was incorporated at Dover, Del.

Curiously, the original incorporators of IMATA were the same three who acted for

Moore's Air Transit Services—E. E. Boyles, M. R. Hall, and M. P. Gorsuch, all of Dover.

The resident agent of the two organizations also was the same, United States Corporation Co., 129 South State Street, Dover, Del.

CHALK HEADS DIRECTOR LIST

By this time Chalk apparently had composed whatever policy disagreements he had with the IMATA board the year before. For heading the list of directors of the newly incorporated association was the name, "O. Roy Chalk, 200 West 57th Street, New York City."

Conclusions of IMATA–IAA's first virtually exclusive agreement with the Army's Military Traffic Management Agency for commercial air movement of military personnel in the United States followed shortly.

It went into effect July 1, 1953, within 4 months after the association's incorporation, and a little less than 6 months after inauguration of President Eisenhower.

Chalk's association with Moore apparently came to an abrupt end following Moore's voluntary appearance before the House Special Subcommittee on Legislative Oversight March 17, 1953.

The next month, April, is the last in which Chalk's Trans Caribbean Airways appears in 1958 IAA reports as an active member.

And on the following July 1 Chalk's name disappeared for the first time as a member of the Independent Airlines Association board of directors.

But by that time Moore was rated a wealthy man, a familiar in the White House, living in an exclusive Washington residential district, and owning a 605-acre fancy stock farm near Leesburg, Va.

STEPSON'S VISITS TO CIA TOLD

At another point in the subcommittee hearing last year the chairman, Representative OREN HARRIS, Democrat, of Arkansas, inquired:

Question. Colonel Moore, did it ever occur to you that the fact that you are a brother-in-law of the President, in these various business adventures, might have had a great deal of influence on the decisions and outcome of them?

Moore replied that he did not understand the question, saying:

Answer. I am sorry, Mr. HARRIS. I do not know how to answer * * *.

Question. I want you * * * to understand thoroughly what I have in mind. The charge has been made that it was [through] your influence that certain things were attempted, and that [it was] because of your relationship to the White House that you had been invited on many of them.

Did it ever occur to you that [due to] the fact that you did have this relationship, they were using you in that position and relationship to affect the outcome of these various business adventures?

Answer. Mr. HARRIS, I may have been used in one instance 6 or 7 years ago, but certainly I have not been used, and I am very careful of every one of my business ventures to be sure that someone is not using me.

Question. Now, none of your business comes before the regulatory agencies?

Answer. I do not even go to the (Civil Aeronautics) Board any more, Mr. HARRIS; have not been down there in 3 years even though I own * * * airplanes and occasionally would like to go down there and find out some of the things I want to know. I have tried to be circumspect in everything I have done.

Washingtonians report, however, that Moore's stepson, Richard Gill, Jr., 25, a nephew of the President, visits the CAA. Gill has been an officer of Air Transit Services, Inc., since February of 1958 at least.

Under further questioning by Representative WILLIAMS, Moore admitted that "within recent months" Chalk had approached him "about the possibility of accepting a directorship in D.C. Transit * * * and possibly also Trans Caribbean."

He told the subcommittee he refused, because:

"I know Mr. Chalk, he is a businessman, and I think he probably asked me to be a director in D.C. Transit in the event he ever got involved with the (District of Columbia) Commissioners and wanted somebody to go down there to talk with them.

"I would have to do it, and I said, 'No, I can't. I cannot be a director in D.C. Transit.' "

Moore said he refused a directorship in Trans Caribbean Airways for the same reason, and that, "I think it would be highly improper for me to go in any regulatory agency for anything."

When Representative WILLIAMS asked, "What was the basis of your feeling in this regard?" Moore replied:

"Having lived in Washington a little longer than I was at first and began to understand some of the things that take place in Washington, I didn't think it was proper for me to accept any position that would cause me to go before any of the boards or any of the regulatory agencies, or do anything with the Government."

Representative WILLIAMS. Colonel, permit me to say or just make the observation that in refusing these directorships, I think you acted quite properly and I commend you for doing so.

MOORE. Thank you, sir.

Asked how it felt "to go before an investigating committee after a career of avoiding the limelight," Moore was quoted as replying:

"I'm thoroughly in favor of the congressional investigating process and I think it plays an important role in Government. But I never want to have to participate in one again."

Washington columnist George Dixon reported Moore as saying:

"Being Ike's brother-in-law is more of a liability than a help."

LEASED FOR $112,658 A YEAR—MOORE DOES WELL WITH TWO OLD PLANES

"I have always been interested in airplanes * * * and I feel that they will make money if they are properly handled and properly run. I think they are a good property to own."

George Gordon Moore, Jr., made the foregoing statement in testimony before the House Special Subcommittee on Legislative Oversight during a voluntary appearance March 17, 1958.

In evidence of how right he was, two World War II C–46 aircraft owned by Moore have been leased for a combined total of $112,658.64 yearly.

RENTED

The Moore planes were rented to air carrier members of the Independent Airlines Association.

Both renters, Associated Air Transport, Inc., of Miami, and Capitol Airways, Inc., of Nashville, Tenn., have reportedly discounted their bills due on Government contracts through Moore's Air Transit Services, Inc.

One of Moore's Commandos, No. N3958A, has a curious history, beginning when the Air Force released it as surplus in India following World War II, and it was acquired by the Indian Government.

On April 4, 1954, India sold the plane to C.L.F. Aviation Corp., of 233 Broadway, New York City, which registered it under its present CAA number and mortgaged it for $40,000.

In October of 1954, the Commando was sold to a Florida aviation firm. This company, in turn, sold it to Cia Aeria El Burrito (the Little Burro) S. A. of Medellin, Colombia, but bought it back almost 2 years later, on September 1, 1956.

CHANGED HANDS

The "Little Burro" plane then changed hands several times, and on May 31, 1957, wound up under ownership of Moore's Comlease Corp., subject to two mortgages totaling $258,338.50, both signed by Richard Gill, Jr., as Comlease vice president.

Civil Aeronautics Board records disclose that the largest of the two mortgages for $233,358.50 and originally negotiated by Comlease with the L. D. Smith Corp. of Ohio, is held by American Security & Trust Co. As of June 1, 1957, the "Little Burro" was flying for Associated Air Transport Service, Inc., a one-aircraft member of Independent Airlines Association at that time. The current lease, at $6,388.22 monthly, expires during the present month.

During a 13-month period ending in August 1958, official IAA reports show that the "Little Burro" grossed $322,398 for Associated, the bulk of which was paid by the Treasury of the United States for commercial military airlift.

The second Moore C–46, CAA No. N4719N, is handled by a separate corporation, Leaseair, Inc., which, as far as has been learned, has no other business.

This aircraft was one of the five bought from the Air Force along with 25,000 pounds of spare parts by Slick Airways of San Antonio, Tex., on July 21, 1947. Slick paid $110,000 for the lot.

ONE OF FIVE

In January of 1954 Slick sold N4719N to Airplane Enterprises, Inc., of 855 Sixth Avenue, New York City, which, in December of that year, sold it to Capital Airways, Inc.

Jesse F. Stallings, head of Capitol, preceded George S. Patterson as president of Independent Airlines Association in 1957–58.

On March 6, 1957—one day after Leaseair's incorporation—the Moore firm bought N4719N from Capitol under a bill of sale signed by Stallings for "$1 and other valuable considerations."

On April 18, however, Moore as Leaseair president, and Gill as secretary, filed a signed document mortgaging the aircraft to Lewis Gottlieb and James H. Boyce, in care of the Harvey Machinery Co. of Baton Rouge, La., for $100,000.

Curiously, Leaseair's 1958 report to the District of Columbia superintendent of corporations listed James H. Boyce as vice president of that firm and the 1959 report of Comlease listed Boyce as a director.

During the special subcommittee hearing Boyce was identified as "a rather substantial contributor to the Democrats for Eisenhower Organization in Louisiana," and as "very active in behalf of Eisenhower's candidacy" during the 1952 and 1956 presidential campaigns.

The change of ownership apparently did not alter operation of N4719N, however, for on March 25, 1957, Leaseair rented the plane back to Capital Airways, Inc., under a 24-months lease at $3,000 per month.

[From the Los Angeles Examiner, June 11, 1959]

SUMMARY OF THE SANTA CLAUS BANK CASE—TRIAL SCHEDULE TO START ON JUNE 15

(EDITOR'S NOTE.—Inquiry by the Examiner into "The Strange Case of the Santa Claus Bank"—little Sun Valley National—has revealed a complex of unusual and interesting relationships extending all the way from the San Fernando Valley to highest political levels in Washington. While not illegal, these connections could trigger major explosions in Washington. They probably are irrelevant to the bank case itself, however, and will not figure in trials pending here. The fifth and final article of a series follows:)

(By Tom Devlin and Henry Sutherland)

A fantastic political hinterland to the Sun Valley National Bank case has been revealed

by the Examiner, but it is unlikely that this will be developed during pending trials.

For one reason, most of it probably would be legally irrelevant. Facts of the so-called "Santa Claus bank" case, itself, are relatively simple.

Indicted on charges of conspiracy and misapplication of national bank funds February 11 were George S. Patterson, 42, George E. Batchelor, 38, and John E. Petersen, 48, former Sun Valley vice president and cashier.

The 3 were among 14 persons arrested for asserted manipulations which led to the collapse of the bank with $938,000 in shortages and its precipitate sale last December 1.

Cashier Petersen was accused of hiding some $350,000 in checks issued by Patterson and Batchelor, and of failing to apply them to business accounts having insufficient funds.

Setting of their cases for trial, continued many times, is now scheduled for 10 a.m. June 15 before Federal Judge Pierson M. Hall.

Judge Hall has indicated that trial will be assigned to Judge John D. Martin of Memphis, Tenn., chief judge of the Sixth Federal Judicial District, who is expected to sit temporarily in Los Angeles.

MILLION-DOLLAR-A-MONTH CONTRACTS

However, in delving into the background of the case, the examiner learned that Patterson, sole owner of Universal Airlines, Inc., was also 1958–59 president of the Independent Airlines Association.

IAA is an organization of 21 nonscheduled airlines which for 6 years has held a virtually exclusive agreement with the Armed Forces for domestic commercial airlift of military personnel.

This does not, of course, mean that association airlines are the sole commercial transporters of troops within the Nation.

IAA's agreement is limited to military traffic on air charter flights between points in the continental United States, and the Government reserves the right to use any form or mode of transportation necessary.

Railroads, buslines, and large scheduled airlines also bid on transportation of military personnel, with contracts awarded at Government discretion.

Also, within the past year another association was formed, the Supplemental Air Carriers' Conference, apparently as a rival to IAA.

However, the agreement has brought IAA airline members $1 million a month in Government contracts—estimated grosses ranging up to $100 million since 1953.

Nevertheless, IAA officials deprecate the implication that airline members have made large profits, saying the margin has been so slim that several carriers recently have been forced to abandon the business.

Association airlines also qualified under a "small business" allocation in the Defense Department's appropriation for oversea commercial trooplift, about 25 percent of $80 million in 1958–59.

They benefited additionally from a policy of the Civil Aeronautics Board, which authorized no more supplementary air carriers, and thus excluded possible competitors of the IAA.

However, this policy was disavowed last January 28 when a decision of the Civil Aeronautics Board stated that the "door is open" to new supplemental air carriers applying.

Patterson, who assertedly found it necessary to write bad checks on the Sun Valley National Bank, reported to the CAB that his Universal Airlines grossed $2,659,941.31 during the 21 months ending last September 30.

Further inquiry disclosed that Patterson's financial agent in Washington was Col. George Gordon Moore, Jr., brother-in-law of the President of the United States.

MIDDLEMAN FOR AIRLINE

Moore acted as factor, or middleman, for Patterson's airline, clipping commissions from bills due the carrier on Government trooplift contracts in return for making the money immediately available.

He did this through a family-owned finance company, Air Transit Services, Inc., and Washington's American Security & Trust Co., both located a block from the White House and opposite the Treasury of the United States.

Owners and officers of Air Transit Services are Moore himself; his wife, Mrs. Frances Doud; Gill Moore, younger sister of Mrs. Eisenhower; and Richard Gill, Jr., 25, Mrs. Moore's son by a previous marriage.

Moore is known to have financed more than half of the airline members of IAA, just as he did Patterson's Universal.

His testimony before a House subcommittee last year indicated that he had financed all IAA airlines at one time or another, and that this was the sole business of his family firm.

Still further inquiry disclosed that Air Transit Services was incorporated October 2, 1952—33 days before the election of President Eisenhower.

Moore, a World War II Quartermaster Corps officer integrated into the Regular Army, took his discharge as a lieutenant colonel September 7, 1951, "to make money," as he assertedly remarked.

His subcommittee testimony shows that shortly thereafter he went to work for O. Roy Chalk, whose reputation for obtaining Government favors is fabulous.

Chalk was president of Independent Military Air Transport Association, then unincorporated, which in 1957 changed its name to IAA—the Independent Airlines Association.

Shortly before the Republican National Convention of 1952 Moore left IMATA and went to work for Chalk again—with Chalk's flourishing Trans Caribbean Airways, Inc., an airline member of IMATA–IAA.

ACHIEVES SCHEDULED STATUS

In 1956 Trans Caribbean took over the $17 million book value District of Columbia Transit System as a subsidiary, in a deal blessed by Congress, which, because of tax writeoff, may have cost Chalk no cash whatever.

In 1957 the Civil Aeronautics Board smiled on Chalk, and Trans Caribbean became the first nonscheduled airline to achieve scheduled status in 20 years, with a 3-year authorization for traffic from New York to Puerto Rico.

Moore, became a vice president of Trans Caribbean in 1952, but resigned within a short time to found Air Transit Services, Inc.

Two months after the inauguration of President Eisenhower, IMATA–IAA underwent incorporation, and on the following July 1, 1953, the first of its domestic commercial trooplift agreements was installed.

Chalk remained a director of IMATA–IAA continuously until June 30, 1958, some 3 months after Moore's voluntary appearance before the House Special Subcommittee on Legislative Oversight.

By that time Moore was rated a wealthy man, a familiar at the White House, living in Washington's fashionable Klingle Road district, and owning a 605-acre stock farm near Leesburg, Va.

Moore's other interests include the corporations Comlease and Leaseair, each renting a resurrected World War II Curtiss Commando plane to an IAA airline member.

Some airmen call such aging C–46's "flying cash registers." Moore's two have produced more in annual rentals than his brother-in-law earns as President of the United States.

TWO OTHER FINANCE COMPANIES

In addition, Moore has two other finance companies, GBL (Government Bills of Lading) Services, Inc., and Air Freight Clearings, Inc.

He told the House subcommittee that Air Freight Clearings handles mostly commercial papers, but that none is placed with GBL or Air Transit Services, Inc.

When asked what proportion of his business is transacted with the Government, Moore estimated about 85 percent.

All of this, however, is probably irrelevant, legally, to the bad check charges at Sun Valley National, and it is apparent from study of the "Santa Claus bank" case that many interesting questions may go unanswered.

Batchelor, accused with Patterson, would appear to be connected with the complex background only indirectly, in that his International Aircraft Maintenance Co. rented planes to Universal Airlines, which owned none.

Patterson's reports to the CAB indicate that Universal paid $560,250 in aircraft rentals to International during the 21 months ending September 30.

When Federal bank examiners moved into Sun Valley National last November 19, they assertedly found 188 hidden checks for a total of $200,559 written by Patterson on his Universal account then allegedly containing $894.

The Patterson checks were dated during a 4-month period from July 15 to November 10, 1958.

Federal men reported finding 302 hidden checks in the bank, totaling $152,152.98 and allegedly written by Batchelor between February 24 and November 14.

They said one, for $22,887, was drawn on the account of Batchelor Enterprises, containing $5,060, and the other 301 on that of International Aircraft Maintenance Co., which was overdrawn $43.50 at the time of the audit.

Only 14 checks each, assertedly written by Batchelor and Patterson, figure in the indictment, however, and when innocent pleas were entered by the two men Assistant U.S. Attorney Norman Neukom stipulated that these constituted all of the check counts with which they were charged.

Neukom explained out of court that a count could have been based on each check, but that this would have made an unwieldly indictment and that the 14 checks each were equally sufficient.

Another tantalizing question which is likely to go unanswered is how the Sun Valley National Bank managed to pay out some $300,000 more than its capital stock and surplus totaled.

Effective as of the opening of business December 1 the bank was sold to the Security-First National Bank of Los Angeles to protect the interests of depositors.

At the same time it was announced that the entire loss, ultimately fixed at $928,000, had been borne by Sun Valley National stockholders, and that depositors would lose nothing.

Assistant U.S. Attorney Neukom said that at the time of its transfer Sun Valley's capital stock and reserves totaled about $600,000.

All of the assertedly hidden checks had been cashed. Thus the bank must have paid out $928,000, leaving the question: Where did the remaining $328,000 come from?

Sale of the Sun Valley National, apparently approved by the U.S. Comptroller of the Currency over the November 29–30 weekend, probably prevented the bank's going into Federal receivership, in which case its records would have been open.

Identities of stockholders in Sun Valley, who bore the loss, never have been made

public, nor, as far as can be learned, have any complaints been made by them.

DEMANDED RETURN OF CHECKS

Batchelor has said repeatedly, in person or through his attorneys, that all of his $152,152.98 in checks has been made good.

When he was arrested last December 8, Batchelor said he had been making restitution at the rate of $2,500 a day, and had then repaid $79,000. Next day, however, he said in a belligerent statement that:

"I don't have to return anything to the bank because I don't owe the bank a nickel. The bank has never lost a dime on our account, and this is true."

In March, Batchelor's attorneys demanded that his checks be returned to him, arguing that since they had been made good they were his property, but this was denied by Federal Judge Ben Harrison, who on March 23 ordered the checks impounded as evidence.

Thus Batchelor's checks became a matter of public record, but the 188 checks for $200,559 issued by Patterson never have been released, and the identities of payees are still largely unrevealed.

Neukom said that the Goverment had no objection to release of the Patterson checks if Sun Valley National wished to release them.

When this was proposed, however, the reply issuing from remains of the "Santa Claus bank" sounded remarkably like "Jingle Bells."

The reply was made March 27 by C. L. Killingsworth, former executive vice president and board chairman, then busy with M. J. Bristol, ex-secretary, in liquidating such Sun Valley National business as the purchasing bank did not take over.

Killingsworth, a former Federal bank examiner, said solemnly:

"As representative of the stockholders who suffered the loss, the Sun Valley Bank doesn't want to do anything to incur the enmity of anyone."

"Not even the enmity of Patterson, who is accused of clipping the stockholders of $200,559 with 188 bad checks?" he was asked.

"Not even him," the banker replied.

The facts stated in these articles taken from the Examiner have never been refuted.

We are all familiar with the recent crash in Shannon, Ireland, of the President Air Lines plane, in which 82 persons—the total number of persons aboard—were killed. This crash is reviewed in the following article which appeared in the September 11, 1961, issue of the Los Angeles Examiner:

[From the Los Angeles Examiner, Sept. 11, 1961]

MUD OF SHANNON SIFTED FOR AIR CRASH VICTIMS

SHANNON, IRELAND.—Rescue workers dug in Shannon estuary mudbanks Sunday to recover victims of the worst disaster ever to befall a U.S. commercial plane abroad.

Eighty-three persons—77 of them European farmers and their families en route for a tour of the American Cornbelt, and a 6-member U.S. crew, perished when a chartered DC–6 of President Air Lines crashed into the Shannon's swirling tides just after taking off before dawn for New York.

First reports from Shannon and a U.S. Air Force spokesman in London erroneously identified the passengers as American Army personnel, their wives, and children flying home from Germany.

Later the error was explained because a chartered plane carrying the Americans had been called for takeoff at the same time.

Sixty-five Germans and a handful of Swiss, Dutch, and Austrians were aboard the ill-fated flight. All including one infant, died in a horror of muck and tangled wreckage.

Working at times knee deep in mud, rescue workers recovered 63 bodies before the incoming tide lapped over most of the wreckage and interrupted operations late Sunday.

The Red Cross, in reporting the death total, said one body was washed ashore at Killy Dysart, 6 miles from Shannon.

The DC–6 had been chartered from President Air Lines, a charter firm based at Burbank, Calif., by Mannesmann-Regner, a German company which builds farm spraying equipment, to carry the Europeans to Chicago.

The big four-engine plane took off last night from Duesseldorf, West Germany. Shannon was a refueling stop.

The DC–6 pilot was Capt. Edward Tonnensen, 40, of Corona Del Mar, Calif.; divorced, he leaves two daughters—Kay, 16, and Kerry, 15—who lived with him in Corona Del Mar.

The line identified the other crew members as:

Copilot Robert C. Budinich, 28, Bogota, N.J., a bachelor; Flight Engineer Alvin G. Krueger, 40, Los Angeles, married, one child; Navigator Thomas P. Johnson, 38, Seattle, Wash., married, two children; Stewardess Rita Jackson, 22, Jamaica, N.Y.; and Stewardess Erika Urban, 21, Massapequa, N.Y.

The passengers planned a 3-week visit to the United States, paid for out of their own pockets, for sightseeing and studying American farming methods.

The plane reached Shannon on schedule, took off in a light fog at 3:50 a.m. and crashed in the estuary within a mile of the end of the runway.

Shannon's river rescue squad—reinforced and reequipped after an almost identical crash in which 28 died 7 years ago—sped launches with searchlights into the estuary.

The boatmen saw two bodies float away toward the Atlantic.

Then the lights picked out a girl, about 25, standing chest deep in the water. Badly injured about the head, she mumbled incoherently as the rescuers pulled her into a launch. Still unidentified, she died in the airport hospital.

In a normal takeoff the plane, by the time of the crash, should have reached 800 feet and made a right turn. Instead it made a left turn and hit the water in a banking position.

Interestingly enough, the general manager of President Air Lines is George S. Patterson. This is the man who was former president of the Independent Airlines Association monopoly, president of the bankrupt Universal Airlines, and a principal in the Sun Valley National Bank scandal. As general manager of President Air Lines, he testified before the House Interstate and Foreign Commerce Committee in favor of H.R. 7318.

The political aspects of the supplemental airlines industry are reviewed in the August 18, 1959, issue of Look magazine in an article entitled, "The Strange Story of Mrs. Eisenhower's Brother-in-Law." The text of the article follows:

[From Look magazine, Aug. 18, 1959]

THE STRANGE STORY OF MRS. EISENHOWER'S BROTHER-IN-LAW

(By Fletcher Knebel)

George Gordon Moore, Jr., an amiable 55-year-old gentleman, retired 8 years ago from the Army Quartermaster Corps as a lieutenant colonel. He had scant capital and little means.

Today, he is the talk of the Virginia horse country. He owns a 550-acre horse farm in the fashionable Leesburg area, supervises a racing stable for Texas millionaires, pays a hefty income tax, finances air-transport companies hauling Government cargo, and is on a first-name basis with big men of Government and industry.

None of this recent prosperity would be a matter of special note except for three facts. First, Colonel Moore, as he is known, is Mamie Eisenhower's brother-in-law. Second, his rise to affluence has paralleled almost precisely the Eisenhower political era from 1952 to date. Third, many of his deals have involved people doing business with the Government.

Although he has been investigated once by a congressional subcommittee, there is no evidence that G. Gordon Moore peddles influence. A study of the fringe benefits of U.S. politics, however, would find Moore an interesting case history:

He had few assets in 1952, yet he was able to gain large credits from a Washington bank to establish an airline financing operation.

Although he had no experience in the field, a foreign dictator hired him in 1955 to comanage a shipyard construction project for him.

He was a novice of only 2 years' experience in the complex business of training and racing horses, yet a group of Texas millionaires picked him to supervise their racing stable.

Colonel Moore's Holiday Hills Farm represents an investment of well over $100,000.

The farm originally concentrated on crops and cattle, including an overflow from President Eisenhower's Gettysburg property, on which gift stock had been showered. Two years ago, however, Moore switched to horse breeding and training.

This year, as a result, he has pastured and trained a half-dozen horses of the Murcain-Byars Stable, a racing syndicate composed of wealthy Texans—Clinton W. Murchison, Wofford Cain, and B. G. "Billy" Byars. They have shipped some $200,000 worth of horseflesh to Moore. One stallion, worth $30,000, was given to him outright.

Tongues wagged in the Virginia horse country over the arrangement. People ask one another whether such a newcomer to racing would have been entrusted with the stable if he had not been the brother-in-law of the wife of the President of the United States.

MOORE WAS THE MIDDLEMAN

Moore himself sees no cause for surprise. He spoke quite frankly of his various ventures in an interview in his Washington office. "They would have stabled with me regardless of who was in the White House," he said. "I've known Billy Byars for years in Texas. The group has confidence in me. The farm is centrally located for eastern tracks. Anyway, there's no money in it for me. All I get is $3 a day for each horse while it is on the farm."

But Colonel Moore was the middleman, at a fat fee, for twin deals involving the recent sale of the Charles Town, W. Va., race track, which is valued at between $4 and $5 million

On May 7, Mrs. A. J. Boyle sold the track to a Texas syndicate led by Murchison and Byars. Two weeks later, the syndicate sold to the owners of the big Pimlico track in Baltimore. Negotiations for the deals were carried on by Colonel Moore. A reliable source, familiar with details of the transactions, said that Moore's commission amounted to $140,000.

"I'd tried for a couple of years to get Mrs. Boyle to lease the track to the Texas group, but the Pimlico people got the lease," Moore explained. "The Texas people wanted the track so they could give the earnings to the Ochsner Clinic in New Orleans. Finally, I was able to get the track for them. The sale to the Pimlico group largely accomplished their purpose—the gift of a considerable amount of money to the clinic."

Despite his horse farm, his home in Washington, for which he has refused $75,000,

and a Washington business that puts him in a fairly high income bracket, Moore has the reputation of being a "slow payer" on some of his horse bills.

SON OF A RAILROADER

George Gordon Moore was born in Galveston, Tex., the son of a railroader who became president of a Texas railroad. He was schooled briefly in theology at St. Mary's Seminary at La Porte, Tex., then entered the wholesale grocery business. He met Frances (Mike) Doud, Mamie's younger sister, and they were married in Denver in 1940. They have two teenage daughters. Mrs. Moore has two older sons by a previous marriage.

A man of medium height, Moore has a ready smile and a handsome face under graying hair. He dresses neatly. His personality is easy-going, but like Ike, he has flashes of temper. He and Mrs. Moore are frequently guests at the White House and occasionally at Gettysburg. The Eisenhowers, in turn, have called at the Moore's Klingle Road home in Washington and at the Virginia farm. (Last year, Ike's use of the Presidential plane to fly Mamie and her sister, Mrs. Moore, to the plush Maine Chance beauty ranch in Arizona provoked a flurry of criticism.)

Moore spent 9 years in the Army during and after World War II. His operations in Washington began soon after he left the Army Quartermaster Corps in 1951, at a time when Eisenhower was being widely discussed as a Republican presidential possibility. As a brother-in-law of Mamie, Moore began to meet important people.

One of these was O. Roy Chalk, a self-made entrepreneur who headed Trans Caribbean Airways and presided over the Independent Military Air Transport Association, a group of small airlines specializing in hauling troops and military freight.

With Chalk's backing, Moore went to work for IMATA at the modest salary of $8,000. He was fired and rehired several times in a factional dispute. Some executives of the association wanted Moore out because they thought that the late Senator Robert A. Taft would lick Ike for the GOP nomination and that Moore's name then would be of slight value. Chalk, however, insisted that Moore retain the job.

Chalk finally left IMATA in a policy explosion. Moore followed him out and went to work for Chalk's Trans Caribbean. He became a vice president of the airline, but spent only a few months at the task.

In October 1952 as Eisenhower was driving toward election as President, Moore opened his own business in Washington. The business is that of factoring—or extending credit—to small airlines without much capital. The companies haul freight and troops for the military services, but have to wait 30 to 90 days to be paid. In need of capital, they borrow on the Government vouchers from Colonel Moore, who, in turn, borrows from the American Security & Trust Co. in Washington. Moore charges 1 percent for his services, and the bank, one-half of 1 percent. He makes approximately $40,000 a year from the factoring business.

EYEBROWS WERE RAISED

Moore's chief company was, and is, Air Transit Services, Inc., although he has several allied companies in the same field. Testifying before the House Subcommittee on Legislative Oversight, he said that about 85 percent of the business he handles for the airlines derives from Government contracts.

Moore gained an extension of credit from American Security & Trust through Robert C. Baker, then executive vice president and now president. Eyebrows have been raised in Washington over the fact that Moore made the arrangement without noticeable capital at a time when Ike was headed for the Presidency. Moore says there is another side to the story.

"It's true I didn't have any money when I came out of the Army," he said, "but what people forget is that Mrs. Moore did. Her mother, Mrs. Doud, is pretty well off. Also, if politics had so much to do with my credit in starting up in business, why did three banks—one in Washington and two in New York—turn me down? The fact is that it was a sound proposition, and American Security recognized it."

The White House once took official note of Colonel Moore's business connections. On April 13, 1954, it announced the corporate connections of 15 men invited to a Presidential stag dinner. Moore, identified as the president of Air Transit Services, Inc., was one of those listed.

At the time that he started his factoring business in October 1952, Colonel Moore also invested in U.S. Airlines, a faltering cargo carrier with a handful of old airplanes, half of which were damaged. Fred A. Miller, a former Flying Tiger executive, took over the company and installed Moore as a vice president and director. The company's stock was then selling at 24 cents a share. Moore also got the factoring business for the airline, the chief activity of which was hauling on Government contract.

In the same month that Moore became connected with the company, U.S. Airlines leased six C–46 planes from the Air Force's Air Materiel Command at $1,500 a month each. Moore was thus vice president of a company that hauled Government personnel and cargo on planes that it had leased from the Air Force. Moore said he had nothing to do with leasing the planes.

MOORE HELPED THE STOCK CLIMB

"I have been at the Air Materiel Command only once," he said, "and that was in trying to speed up payment for one of the airlines for which I was the factor. The papers were bogged down."

Moore's connection with the company helped its stock climb. It once got as high as 80 cents a share. Then, in 1953, U.S. Airlines went bankrupt, and its stock dropped to a fraction of a cent. Moore left the company around this time. Moore received $3,000 pay from the airline, but told the House subcommittee he lost about $2,500 on the stock.

In 1955, Moore became involved in two ventures in the Dominican Republic, which required the good will of Generalissimo Rafael Trujillo, the dictator of the little Caribbean nation. Moore got to know Trujillo and was entertained by him several times in Ciudad Trujillo, the capital city.

In Moore's first Dominican deal, he brought about 7,000 tons of raw, or so-called green, sugar into the United States. The value of this to Moore, acting as the broker, is not known. But he paid a legal retainer of $3,000 while doing it.

While Moore was in the Dominican Republic, he also became a good friend of Manuel de Moya, then Trujillo's righthand man and later Ambassador to the United States. Among other friends of Moore were two directors of National Airlines—his attorney, John Cross, and George W. Gibbs, Jr., a Jacksonville, Fla., shipyard contractor. The two men, in company with James H. Boyce of Baton Rouge, La., had contracted with the Dominican Republic to build a shipyard for Trujillo.

The irascible Trujillo became dissatisfied with Gibbs' handling of the shipyard and flew into a rage. De Moya suggested Moore as a replacement. Moore was summoned to the palace, where De Moya asked him to inform Gibbs that he was through. Reluctantly, Moore did so and was promptly installed as vice president of the shipyard. He stayed on the job 4 months and collected a fee of $8,000.

All this wheeling and dealing with the dictator of a foreign country, which was receiving U.S. aid from the Eisenhower administration, amazed some members of the House Subcommittee on Legislative Oversight. Under questioning, Moore admitted that he "did not know anything about a shipyard."

"Well," said Representative PETER F. MACK, Democrat, of Illinois, "for a man knowing nothing about a shipyard, I would think $8,000 was a fairly adequate fee."

Moore's name obviously had become valuable for business purposes. On September 30, 1955, the American Security & Trust Co. established a working relationship with the Central Bank of the Dominican Republic. Robert Baker of the bank, Moore's friend, wrote a letter to Trujillo, expressing appreciation for "this contact with your excellent country." He added: "Mr. Moore joins with me in extending to you our personal regards."

In the first Eisenhower term, there were some qualms among members of the White House staff about Moore's activities. After a Drew Pearson story about Moore, in which the columnist indicated that the relationship with Mamie Eisenhower was helping Moore's business, Sherman Adams, assistant to the President, called Moore and demanded an explanation.

Moore offered to open his records for inspection, and soon Government agents appeared to comb his books. This secret Government check apparently satisfied Adams. At any rate, he and Moore rode together to the Capitol in January 1958, to hear Ike's state of the Union message. Ironically, Adams himself resigned later that year after revelations that he had accepted expensive gifts from Bernard Goldfine, textile millionaire.

THE SUBCOMMITTEE WAS INTERESTED

Moore's friendship with three officials of National Airlines, Directors Gibbs and Cross and President George T. Baker, naturally brought him under scrutiny when the House Legislative Oversight Subcommittee began an investigation of the award of TV channel 10 in Miami to a National Airlines subsidiary by the Federal Communications Commission.

Bernard Schwartz, counsel of the subcommittee for a brief period, declared on February 17, 1958, that there were "numerous allegations in Florida" that Moore "was a key factor" in swinging Republican votes on the FCC to National Airlines for ownership of the TV channel.

Moore flatly denied any connection with the case, said he had never intervened on behalf of National Airlines and offered to let subcommittee investigators inspect his books. After the inspection, Moore appeared voluntarily before the subcommittee to answer questions.

No evidence was produced to show that Moore had intervened in the Miami case, but Representative MACK said later, "I think from our testimony it is clear that Mr. Baker depended heavily upon his friendship with Colonel Moore in his efforts to secure channel 10."

Moore told the subcommittee he avoided exerting political influence, but said he realized "people drop my name around in various places." He also conceded his name had commercial value. Of his position as an official of U.S. Airlines, Moore said, "In retrospect, I think they rather did not want me as much as they wanted my name."

When his friend Roy Chalk acquired control of the D.C. Transit System, Inc., he invited Moore to become a director of the company, which serves the Nation's Capital with bus and trolley transportation. Moore declined.

"He is a businessman," Moore told the House subcommittee, "and I think he probably asked me to be a director in D.C. Transit in the event he ever got involved with the Commissioners (of the District of Columbia) and wanted somebody to go down there to talk with them, I would have to do

it, and I said, 'No, I can't. I cannot be a director in D.C. Transit.'"

Moore said that his only connection with the purchase of the Washington transit system was making an introduction for Chalk. "He wanted to buy the D.C. Transit System, and I told him I knew the man who had the deal right on his desk, Bob Baker of American Security. I took Chalk around to the bank and introduced him. That was that. I didn't get any fee."

HE IS A BUSY MAN

In addition to his factoring business and the ventures already described, Moore has made money in a number of airline deals. In one operation alone, arranging $500,000, in financing for Resort Airlines, Moore received a fee of $15,000. In partnership with James Boyce, he owns two planes which are leased to airlines.

Moore is sensitive to charges that his closeness to the White House has helped his business.

"I talked to a columnist friend one day," he said. "I told him that I was operating a legitimate business and working hard. I asked him how I could stop these stories about me. He grinned and said, 'Divorce your wife and move out of town.' All I can say is I'll be glad when January 1961 comes and Ike leaves the White House."

It is no sin to make money. Perhaps George Gordon Moore would have done as well far removed from Washington and its fragile relationships of Government and business, but this course he did not pursue. The moral of the Moore story would seem to be this:

If a relative of the President's wife is willing to do business in the Nation's Capital with concerns holding Government contracts—and with a foreign government receiving U.S. aid—he is almost certain to do a thriving business.

In the case of *United Air Lines, Inc.* v. *Civil Aeronautics Board* (278 Fed. 2d 446) the U.S. Court of Appeals, District of Columbia Circuit, held that the Civil Aeronautics Board has violated the provisions of the Federal Aviation Act in certificating supplemental airline carriers. The decision of the court reads as follows:

Proceedings on petitions for review of orders of the Civil Aeronautics Board. The Court of Appeals, Prettyman, Chief Judge, held that certificates authorizing supplemental air carriers to operate between any point in any State of United States or in District of Columbia and any other point in any State of United States or in District of Columbia, with respect to persons and property, violated provision in Federal Aviation Act that certificate shall specify the terminal points and intermediate points, if any.

Order set aside and proceedings remanded.

1. Aviation ⇐75: Certificates authorizing supplemental air carriers to operate between any point in any State of United States or in District of Columbia and any other point in any State of United States or in District of Columbia, with respect to persons and property, violated provision in Federal Aviation Act that certificate shall specify the terminal points and intermediate points, if any (Federal Aviation Act of 1958, sec. 401(e), 49 U.S.C.A. sec. 1371(e)).

2. Aviation ⇐75: Certificates limiting the operations of supplemental air carriers to 10 flights each calendar month in same direction between the same 2 points violated provision in Federal Aviation Act that no term, condition, or limitation of certificate shall restrict right of air carrier to add to or change schedules (Federal Aviation Act of 1958, sec. 401(e), 49 U.S.C.A. sec. 1371(e)).

3. Aviation ⇐75; Constitutional Law ⇐77: If the requirements in Federal Aviation Act that air carrier's certificate shall specify terminal points and intermediate points of the operation, if any, and that certificate shall not restrict carrier's right to add to or change schedules interpose an insuperable obstacle to full development of supplemental air service, the problem is for Congress and the Civil Aeronautics Board should present it there, and the Board should not strike the requirements from the statute on ground that supplemental air service is in the public interest and that the overall statutory scheme and legislative history indicate an intention on the part of Congress to empower the Board to issue certificates when it finds certificates to be in the public interest (Federal Aviation Act of 1958, sec. 401(e), 49 U.S.C.A. sec. 1371(e)).

4. Statutes ⇐181(2): The courts cannot rewrite plain statutory terms, unless the inadvertent result of plain wording is absurd when applied to certain facts.

5. Aviation ⇐73: In provision in Federal Aviation Act authorizing Civil Aeronautics Board to issue to air carrier a certificate authorizing the whole or any part of the transportation covered by the applicant if the Board finds that the applicant is fit, willing and able to perform such transportation properly, the word "such" refers to the transportation authorized by the certificate (Federal Aviation Act of 1958, sec. 401(d)(1), 49 U.S.C.A. sec. 1371(d)(1)). (See publication "Words and Phrases," for other judicial constructions and definitions of "such.")

6. Aviation ⇐73: In proceeding on application of supplemental air carrier for certificate to operate between any two points in United States, the Civil Aeronautics Board could consider going-concern status and financial position of carrier only insofar as such status and position indicated qualification for the authorized operation (Federal Aviation Act of 1958, sec. 401(d)(1), 49 U.S.C.A. sec. 1371(d)(1)).

Mr. Robert L. Stern, Chicago, Ill., with whom Mr. William M. Dickson was on the brief for petitioner in No. 15025, argued for all petitioners. Mr. James Francis Reilly, Washington, D.C., also entered an appearance for petitioner in No. 15025.

Mr. E. Smythe Gambrell, Atlanta, Ga., was on the brief for petitioner in No. 15027.

Messrs. Robert C. Barnard, Washington, D.C., and John C. Pirie, New York City, were on the brief for petitioner in No. 15032.

Mr. J. D. Feeney, Jr., Chicago, Ill., was on the brief for petitioner in No. 15034.

Mr. James K. Crimmins, New York City, was on the brief for petitioner in No. 15035. Mr. James D. Simpson, New York City, also entered an appearance for petitioner in No. 15035.

Messrs. Howard C. Westwood and William H. Allen, Washington, D.C., were on the brief for petitioner in No. 15045. Messrs. Gerry Levenberg and Alfred V. J. Prather, Washington, D.C., also entered appearances for petitioner in No. 15045.

Mr. R. S. Maurer, Atlanta, Ga., was on the brief for petitioner in No. 15047. Messrs. Joseph J. O'Connell, Jr., Robert Reed Gray and James W. Callison, Washington, D.C., also entered appearances for petitioner in No. 15047.

Mr. C. Edward Leasure, Washington, D.C., was on the brief for petitioner in No. 15050.

Mr. Richard A. Fitzgerald, Washington, D.C., was on the brief for petitioner in No. 15051. Mr. Andrew T. A. MacDonald, Washington, D.C., also entered an appearance for petitioner in No. 15051.

Mr. O. D. Ozment, Associate General Counsel, Litigation and Research, Civil Aeronautics Board, with whom Mr. Franklin M. Stone, General Counsel, Civil Aeronautics Board, Mr. John H. Wanner, Deputy General Counsel, Civil Aeronautics Board, Mr. Robert L. Toomey, attorney, Civil Aeronautics Board, and Mr. Richard A. Solomon, attorney, Department of Justice, were on the brief, for respondent.

Mr. Albert F. Beitel, Washington, D.C., who was on the brief for intervenor, Modern Air Transport, Inc., and certain other intervenors, argued for all intervenors.

Mr. Dewitt T. Yates, Washington, D.C., was on the brief for intervenor, U.S. Overseas Airlines, and also entered an appearance for intervenor, Supplemental Air Carrier Conference, in Nos. 15034, 15035, and 15045. Mr. Henry F. Eaton, Washington, D.C., entered an appearance for intervenors, U.S. Overseas Airlines and Supplemental Air Carrier Conference in Nos. 15034, 15035, and 15045.

Before Prettyman, chief judge and Wilbur K. Miller and Fahy, circuit judges.

Prettyman, chief judge.

[1] This is another phase of the problem of the supplemental air carriers.[1] The Board decided to certificate in this service those carriers which qualified for certification under its views of the criteria for qualification. Accordingly it issued certificates to certain of our intervenors here (order No. E-13436). Those certificates purported to authorize operation "[b]etween any point in any State of the United States or in the District of Columbia, and any other point in any State of the United States or in the District of Columbia, with respect to persons and property."

The authority to issue certificates is conferred on the Board by section 401 of the Federal Aviation Act of 1958.[2] Paragraph (e) of that section provides in part:

"Each certificate issued under this section shall specify the terminal points and intermediate points, if any, between which the air carrier is authorized to engage in air transportation and the service to be rendered; * * *."

It seems plain beyond possibility of debate that a blanket authorization to operate between any two points in the United States is not a specification of the terminal points and the intermediate points, if there be any intermediate stopping points, of the operation. The legislative history supports this clear reading.

[2] The certificates issued here also contained a limitation of the operation to 10 flights each calendar month in the same direction between the same 2 points. Section 401(e) of the act contains this provision: "No term, condition, or limitation of a certificate shall restrict the right of an air carrier to add to or change schedules * * *." Failure of these certificates to observe this prohibitive restriction seems clear.

[3, 4] The board and the intervenors argue that supplemental air service is in the public interest and that the overall statutory scheme and the legislative history indicate an intention on the part of the Congress to empower the Board to issue certificates when it finds certificates to be in the public interest. But these generalities of intent and history cannot strike from a statute peremptory, unambiguous directives. If the requirements of section 401(e) interpose an insuperable obstacle to the full development of supplemental air service, which they may well do, the problem is for the Congress. The Board should present it there. The courts cannot rewrite plain statutory terms, unless the inadvertent result of plain wording is absurd when applied to certain facts.

[5, 6] Section 401(d)(1) of the act provides that "the Board shall issue a certificate authorizing the whole or any part of the transportation covered by the application, if

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[1] Large Irregular Carriers, Exemptions, 11 C.A.B. 609 (1950); *American Airlines* v. *Civil Aeronautics Board*, 98 U.S. App. D.C. 348, 235 F. 2d 845 (D.C. Cir. 1956).

[2] 72 Stat. 754, 49 U.S.C.A. sec. 1371.

it finds that the applicant is fit, willing, and able to perform such transportation properly * * *."

The Board gave the same nationwide cargo and passenger authority to each of the applicants to which it issued certificates. In many instances the prior operations of individual applicants had been small or specialized, and in many instances the financial resources, adequate for the types of operations theretofore conducted by the carriers, were obviously inadequate for operations of the scope authorized by the certificates.

The Board argues that it gave weight to going-concern status (which petitioners call the renewal aspect) and careful consideration to the carriers' financial position and managerial makeup. But we think some effect must be given the word "such" in the above-quoted part of section 401(d)(1). The applicant must be found fit, willing, and able to perform "such" transportation, obviously referring to the transportation authorized by the certificate. Since these certificates were nationwide in scope and broad in authority, the qualifications of the applicants for that sort and kind of operation is the statutory prescription. Within that general concept, going-concern status and financial positions are important considerations. But they must be considered only insofar as they indicate qualifications for the operation authorized in the certificate. Those considerations in less expansive measure might well be the criteria for more limited certifications.

The Board says that, based upon experience with these carriers, it determined that authority for these supplemental operations need not, and should not, be parceled out in limited segments of the overall supplemental picture. The Board says it concluded that the certification of a number of carriers, left basically free to pick and choose for themselves the phases of the program in which they would operate, would best meet the needs of the public. But the Congress put into its statute clear requirements as to certificates, and those requirements for specified terminal points and intermediate points, if any, are counter to the sweeping pick-and-choose concept which the Board says guided it. It may be that the supplemental air carrier problem had not fully developed when the original statute was enacted,[3] or it may be that Congress meant the pattern to be precisely as it delineated it, but in either event a scheme of certification different from the one Congress spelled out is a problem for the Congress.

We do not have before us in the present case exemption authority under section 416 of the act and so express no opinion on that matter.

The orders of certification embraced in Board order No. E–13436 must be set aside and the proceedings remanded.

The petitions for review also include an order of the Board[4] which denied petitioners' motions for reconsideration of the orders of the Board entered in 1955.[5] Those orders were set aside by this court in *American Airlines* v. *Civil Aeronautics Board*.[6] But the Board says its underlying findings of a public necessity for a supplemental air service were not disturbed by this court's opinion and decision, and remain available as a premise for its new order[7] granting the certificates. Petitioners say the statute requires a finding of public convenience and necessity for each grant of a certificate, i.e., for each certificated carrier. They therefore say the Board is required to reopen its old orders on this issue. Since we hold that the certificates granted are not authorized, we do not reach the question of the sufficiency of the underlying findings. Moreover we think it is not necessary that the Board reopen the old orders to supply a lack, if any there be, in whatever new orders the Board may issue. The sufficiency of the support of any such new orders must depend upon the nature and extent of the support upon which the Board then relies. That question will arise if such orders are entered and are attacked. We intimate no opinion upon that issue. We regard the problem posed by the challenge to order No. E–13435 as not now before us, in view of our action in respect to the principal order under review, the order granting the certificates.[8]

Order No. E–13436 set aside and proceedings remanded.

Fahy, circuit judge (concurring in the result and generally in the opinion).

I agree that the order of certification must be set aside and the case remanded. I also agree with the opinion of the court except that I think the Board had adequate basis in the record to find, in accordance with section 401(d)(1) of the act, that the applicants were fit, willing and able to perform the transportation properly.

Furthermore, House Report 1177, above cited, states:

The so-called certificates issued by the Civil Aeronautics Board to the supplementals were illegal. This illegality was not a mere technical infraction of the act. It was fundamental.

In the United Airlines, Inc., against Civil Aeronautics Board case, above cited, the court says:

The Board argues that it gave weight to going-concern status (which petitioners call the renewal aspect) and careful consideration to the carriers' financial position and managerial makeup.

That the CAB has not applied a stringent test of financial solvency to applicants for supplemental air carrier certificates is evident in the following hearing transcript of the CAB, docket No. 9703–9714, July 24, 1958:

DOCKET NO. 9703–9714

(Civil Aeronautics Board hearing transcript, July 24, 1958)

IN THE MATTER OF U.S. AIRCOACH AND MELVIN N. CHAPMAN, DOCKET NO. 9703–9714

The above-entitled matters came on for hearing pursuant to notice, at 10 o'clock a.m.

Before Leslie G. Donahue, examiner.

Appearances:

Albert F. Beitel, 730-15th Street, N.W., Washington, D.C., appearing for U.S. Aircoach and Melvin N. Chapman.

Herbert Elish, Civil Aeronautics Board, representing the BAO.

PROCEEDINGS

Examiner DONAHUE. We will be in order, gentleman.

The Board by notice has directed that a hearing be held at this time and place in docket No. 9703 entitled "In the Matter of the Application of U.S. Aircoach for an exemption. (To lease an airplane from a person engaged in a phase of aeronautics) for approval of interlocking relationships and in the alternative for a waiver," and also in docket No. 9714 entitled "In the Matter of the Application of Melvin N. Chapman for approval of control under Section 408 of the Civil Aeronautics Act of 1938 as amended."

Are you ready to proceed, gentleman?

Mr. BEITEL. We are ready.

Mr. ELISH. I have one matter. Attorney for the applicant did not answer all the requests for evidence of bureau counsel. I have spoken to counsel, and informed him that we are ready to proceed on the understanding that those requests will be answered on direct examination.

Mr. BEITEL. It was easier to do it on direct examination than it was to prepare exhibits.

Mr. ELISH. I just wanted to make that perfectly clear. I have no complaints.

Examiner DONAHUE. Mr. Beitel, you may proceed.

Mr. BEITEL. We will call Mr. Chapman as our witness. May he be sworn?

Melvin N. Chapman was called as a witness, and after first being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION by Mr. BEITEL:

Question. For the record, will you state your full name and address?

Answer. Melvin N. Chapman, 52 Basswood Road, Levittown, Pa.

Question. Are you the applicant in docket No. 9714?

Answer. Yes.

Question. Have you read the applications in docket 9703 and 9714?

Answer. Yes.

Question. Is the information contained in those applications true and correct to the best of your knowledge and belief?

Answer. Yes.

Mr. BEITEL. Mr. Examiner, at this time we would like to have marked for identification exhibits Nos. U.S. 1 through U.S. 8, which have been previously distributed.

Examiner DONAHUE. Exhibits U.S. 1 through 8 may be marked for identification.

(Exhibits U.S. 1 through 8 were marked for identification.)

Mr. BEITEL. I will give the original to Mrs. Beebe, and here is a duplicate set.

By Mr. BEITEL:

Question. Were exhibits U.S. 1 through U.S. 8 inclusive prepared by you or under your supervision and direction?

Answer. Yes, sir.

Question. Is there a correction to be made on exhibit U.S. 8?

Answer. Yes.

Question. What is that correct?

Answer. The articles provide for 25,000 shares of stock, or authorize 25,000 shares of stock. There are only 15,000 shares issued.

Question. With that correction, is the information contained in the exhibits true and correct to the best of your knowledge and belief?

Answer. Yes.

Question. Mr. Chapman, did you resign as an officer, as president and director of U.S. Aircoach?

Answer. Yes.

Question. And was that resignation accepted by the corporation?

Answer. Yes, sir.

Mr. BEITEL. Mr. Examiner, I have here a certified copy of the resolution showing the resignation of Mr. Chapman, and his reelection subject to the approval of the Board. Would you want that in exhibit form, or should I just present it to bureau counsel to examine at this time?

Mr. ELISH. I see no reason why it shouldn't be put into the record, if you can dispense with that copy.

Mr. BEITEL. If you will allow me to withdraw it, I will submit two copies for the record and a copy to bureau counsel and to the examiner.

Examiner DONAHUE. Do you wish to mark it for identification?

Mr. BEITEL. May it be marked for identification as "U.S. 9"?

Examiner DONAHUE. It will be so marked, and you have permission to withdraw it temporarily for purposes of duplicating it.

(Exhibit U.S. 9 was marked for identification.)

[3] The predecessor statute, the Civil Aeronautics Act of 1938, did not differ in pertinent part from the current act.

[4] Order No. E–13435.

[5] Orders Nos. E–9744 and E–9884.

[6] 98 U.S. App. D.C. 348, 235 F. 2d 845 (1956).

[7] Order No. E–13436.

[8] Order No. E–13436.

By Mr. BEITEL:

Question. Mr. Chapman, are you now an officer, director, partner, trustee, receiver, manager, attorney, agent, or controlling stockholder or employee of any business?

Answer. I am not.

Question. Can you describe what in your opinion the public benefits are which will be gained from the approval of the applications which are filed here?

Answer. At this time, it will give the military an additional supplemental air carrier to use for the movement of troops. It would also allow the U.S. Government to settle the claim the General Accounting Office has against U.S. Aircoach. I have made those arrangements with the General Accounting Office, they have released a stop order on the payments, and I have told them that I will submit substantiating data on the several flights in question that payments were made upon, and after that period whatever amount is left we will make a settlement with the General Accounting Office.

Question. As I understand it, Mr. Chapman, you have told the Government Accounting Office that all claims which the Government Accounting Office has against U.S. Aircoach will be paid by U.S. Aircoach out of the profits to be gained from the operation?

Answer. That is correct. We have substantiating data for approximately 90 percent of the claim, and the balance will be paid out of the operating profits.

Question. How much is the claim of the General Accounting Office?

Answer. $125,000.

Question. Have you examined the records of U.S. Aircoach to determine whether or not there is substantiating data available which will show that some or all of that claim is not actually a valid claim?

Answer. I have examined the records to the extent that I feel that we can substantiate at least $115,000 of the claim.

Question. Do you know of any other companies which have had claims in similar amounts presented by the General Accounting Office where they have been able to substantiate large percentages of the claims?

Answer. I believe that all of the regular carriers had these claims against them, and Mr. Forte, at the General Accounting Office, has verified the fact that most of the carriers were able to substantiate up to 90 percent of the claims which the General Accounting Office had against them.

Question. Is that because the form in which the original bills were sent to General Accounting Office did not have the necessary documentation to allow approval of the charge by the General Accounting Office?

Answer. At that time, they did not require flight papers to substantiate the charter agreements and show that the flights had been performed as bid.

Question. Well, then, the substantiation of the claim amounts to showing the General Accounting Office that the flights were performed in accordance with the charter agreements?

Answer. That is correct, to substantiate the ferry mileages, which is the greatest question in most of these cases.

Question. Is any of the stock of U.S. Aircoach under pledge at the present time?

Answer. The entire amount of the stock is pledged at this time to Flying Tiger Line—

Question. First, by whom is it pledged?

Answer. Pledged by Fritz Hucheson.

Question. And to whom is it pledged?

Answer. To the Flying Tiger Line.

Question. And what are the circumstances surrounding the pledge of that stock?

Answer. The main outstanding obligation, aside from GAO, is to the Flying Tiger Line. There is a claim in excess of $78,000 plus interest that is in litigation at present in the courts of California.

Q. Now, Mr. Chapman, turning to another subject, in the applications filed in this proceeding, a request was made for a waiver from the nonoperating provision of order 9744, that is the appendix to the decision in docket 5132 which states that if a carrier does not have revenue flights during two consecutive calendar quarters, his letter of registration or operating authority will be subject to revocation. Why did you request a waiver from that provision of the order?

Answer. Due to the fact that the Board did not allow the exemption to go through before the 30th, and we had to have a hearing——

Question. You mean the application for an exemption to lease the airplane?

Answer. To lease the aircraft. We then requested a waiver to cover this period of nonoperation due to our delay because of the Board hearing.

Question. Will you state the reasons for there being two leases, one to you and one from you to U.S. Aircoach rather than only one lease from International Aircraft Maintenance Co. to Aircoach?

Answer. Yes, because in the lease from International Aircraft Maintenance through myself there is a provision to build up equity in the aircraft. At this time, through the claims against U.S. Aircoach, we did not desire to put an aircraft into the company that would build up assets. At such time as these claims are settled, then the aircraft will be turned over to U.S. Aircoach when the equity is built up.

Question. Will you describe all of the operations of U.S. Aircoach from July 1, 1957, to date?

Answer. The records I have examined show there was one flight performed on the 17th of October, 1957. It was a charter by Great Lakes Airlines from Burbank to San Diego, carrying 20 passengers, flown by a U.S. Aircoach crew. The revenue, I believe, was $120. Exhibit U.S. 6, which is the balance sheet, shows that the revenue was $120. The operating expenses were a total of $306.58, leaving minus $186.58 operating income. The airplane was leased, and a lease was filed with the Board and had a provision for the lease to be canceled, and shortly after the flight was made—the airplane had been leased from Standard Airways, and shortly after the flight was made the plane was sold by Standard. It was a DC–3 airplane.

Question. Since then the company has had no operation whatsoever?

Answer. That is correct.

Question. What portion of your time will you devote to the operation of U.S. Aircoach?

Answer. Full time.

Question. Mr. Chapman, do you believe that the operation of U. S. Aircoach under your management can result in a profitable operation?

Answer. I do believe that it can.

Question. Would you explain, please, to Bureau counsel and the examiner why you believe you will be able to make a profit through the operation of this company?

Answer. I am going to devote my full time to it. The previous management was engaged in other businesses, such as the lumber business and things such as that, and was not devoting proper time to the business. I have been in aviation as a pilot, I had a flight school at one time, and have managed aviation businesses, off and on for the past 19 years. I am familiar with the CAM operations having flown them when I was a captain for Mohawk. I have flown as a captain with Meteor, and I have also flown some CAM operations with Capital Airways, and I believe from the operating standpoint that I will be able to successfully operate the company in this type of operation.

Examiner DONAHUE. That is with the one aircraft that you have a lease upon?

The WITNESS. Yes, and we had hoped to acquire additional aircraft, but the situation that has arisen in the past 2 weeks has made it very difficult, evidently, to secure additional aircraft at a favorable rental agreement.

Examiner DONAHUE. But in stating that the company could be operated profitably, you believe that is so with the one aircraft that you have under lease?

The WITNESS. I certainly do, or I wouldn't be contributing my full time in such an enterprise.

By Mr. BEITEL:

Question. I think what the examiner would like to have is a statement from you as to whether or not any other company has been able to operate with one airplane.

Answer. There are various companies that have started with one plane—Associated Air Transport last year started with one airplane. I believe Arctic-Pacific up to recently operated with one DC–3.

Question. And have those companies——

Answer. Those companies have stayed in business and have operated profitably.

Mr. BEITEL. There is one other point, Mr. Examiner. I would like the record to reflect the fact that in docket 5132, Examiners Wisir and Walsh, U.S. Aircoach, the applicant here, was found qualified for examination.

Examiner DONAHUE. The examiner will take official notice of the decision of Messrs. Wisir and Walsh.

Mr. BEITEL. That completes the direct examination of the witness. Should I offer my exhibits at this time?

Examiner DONAHUE. After cross-examination.

Do you care to cross-examine, Mr. Elish?

Mr. ELISH. Yes.

Cross-examination by Mr. ELISH:

Question. Mr. Chapman, could you please tell us where the principal business of U.S. Aircoach will be under your management?

Answer. The operation definitely will be started at Burbank, Calif., the reason for that being that all of the present company operated at Burbank, the CAA office is familiar with the past operation of U.S. Aircoach. We will be able to reactivate the company with the same times on the aircraft engine, and so forth, that previously were allowed. If we started in another region, we would experience much greater difficulty, because we would be a new operator, the company would be a brandnew operator in that region we were activated in.

Question. Is it true that U.S. Aircoach will be virtually a new operator at this time since it hasn't been operating to any degree, any substantial degree, for quite a bit more than a year?

Answer. To some extent, except that the same type of equipment will be operated as previously was being operated.

Question. Couldn't the same type of equipment be operated at a different location?

Answer. Yes.

Question. Do you think that there is any good will remaining which goes to the company at this time even though it hasn't been operating for better than a year?

Answer. Yes.

Question. Would you please turn to exhibit No. U.S. 3? You state there that you were employed by Mohawk Airlines as an airline pilot, and the above-described activities ceased. Could you please tell us when?

Answer. I was employed by Mohawk the 12th of December 1949, as a copilot. I became a captain with Mohawk, I believe, in 1951 and continued in that capacity until I resigned November 15, 1955.

Question. Can you tell us the reasons for your leaving?

Answer. They were more or less personal. I had marital difficulty and decided to leave.

Question. Under the heading "October 1956" you state that Chapman Air Service bought and sold aircraft and engine parts. Could you tell us the people to whom you

sold and from whom you bought these aircraft and parts?

Answer. At that time I made various trips to India, ferrying and returning surplus military aircraft to American Air Motive at Miami; I also had a ferry trip from Formosa to Miami for Delta Airlines, and on one of the C–46 aircraft they had purchased. On one of these trips, if I had the opportunity, I would purchase surplus radio or aircraft equipment that would be available and sell it to various people, dealers around the Miami Airport. I sold radio equipment to Little, I sold some DC–3 parts to Aaxico. They actually were small amounts, but we included it because there actually will be transactions in various surplus aircraft parts.

Question. Are you presently employed at this time in any capacity other than with U.S. Aircoach?

Answer. I was flying as a captain for Quaker City up until the 16th or 17th of this month.

Question. Of July?

Answer. Of July.

Question. And you resigned that position?

Answer. Right. I have severed all connections with them at this time.

Question. Would you please turn to exhibit U.S. 6, financial statements of U.S. Aircoach. May we assume that the financial statements, or the balance sheet is the same as of this date as it was on December 31?

Answer. Yes, from my inspection of the books, and I filed a third-quarter report that indicated that the balance sheet is the same, is still existing.

Question. Would you please refer to the listing under "Assets," the entry for the supplemental air carrier certificate of $150,000. Would you please explain why you believe this certificate is worth that much?

Answer. This certificate has been carried on the books at $150,000 valuation. I believe other carriers have carried them for as high as a million dollars.

Question. Do you believe that this is a fair figure?

Answer. Until docket 5132 is decided, it is difficult to answer that question, but at this time I would say "yes."

Question. If I would tell you that none of the other supplemental carriers at this time carry the certificate on their books at any valuation whatsoever, would you still say that this was a fair valuation?

Answer. At this time, as hard as I have tried to get into the business, to obtain an operating right, I feel that it is a fair valuation as far as I am concerned.

Mr. ELISH. I will ask the examiner to take official notice of the form 242 reports of supplemental carriers which will show that this certificate, this type of certificate is not carried at any asset valuation whatsoever.

Examiner DONAHUE. I will take notice of them. For what period of time? The last filing?

Mr. ELISH. The last quarter.

By Mr. ELISH:

Question. Under notes and accounts receivable, you have a listing, an entry of $46,394.19. Will you please explain what the nature of that account is?

Answer. These are various notes, various accounts receivable that have been carried forward on the books of the corporation that had not been collected. They were on the books at the time I inspected them. They have been entered on this last report. It is possible that some of them will be uncollectible items.

Question. Have you checked into them to see exactly what they were?

Answer. If we are successful in getting approval on this, we are having an auditing firm come in and audit the entire set of books and records to try to see how much of this can be recovered.

Question. Do you know how long these accounts have been carried on the books?

Answer. Some of them, some of the accounts are through 1952, 1953, and 1954.

Question. And do you know the last date on which, or the approximate date on which an account receivable was collected?

Answer. I do not know.

Question. Was it within the last year?

Answer. There have been no financial transactions in U.S. Aircoach in the last year, with the exception of the one flight that was made on October 17, 1957.

Question. In other words, as far as you know, it could be that all of these accounts will be noncollectible accounts?

Answer. That is possible.

Question. Would you please explain what the entry for $357.29 in flight equipment represents?

Answer. Yes; some spare instruments, parts, and so forth.

Question. Now, turning to the notes and accounts payable, could you please describe in full that entry?

Answer. The $78,396.41 is mainly the obligation to the Flying Tigers which is in litigation. There is also an account of $1,100 to Al Forsythe for tariffs.

Question. Would you please tell us who Mr. Forsythe is?

Answer. The tariff agent in Washington who represents U.S. Aircoach in the filing of its tariffs.

Question. Is that the only—are those the only accounts there are?

Answer. There is another account which is possibly in dispute on insurance in the amount of $15,222.

Question. Is that the Brown Co.?

Answer. That is the Brown Co., and at this point we can't even locate Mr. Brown or his company.

Question. How about the claim of the General Accounting Office?

Answer. That claim is for 125. That is in dispute also. Why it was not listed on this report, I don't know.

Examiner DONAHUE. That is $125,000?

The WITNESS. That is right.

By Mr. ELISH:

Question. In other words, the liabilities of the company should be increased by approximately $150,000 from what they are listed here?

Answer. Well, with the exception that we have the flight papers and documentary evidence which we feel is going to substantiate $115,000 to $118,000 of the $125,000 GAO claim.

Question. Then at least it would be increased by $35,000—the $10,000 to the GAO, the $11,000 to Mr. Forsythe, and the $15,000 to the Brown Co.——

Answer. I would say it is closer to $7,500 to GAO, at least from my inspection at this time. Mr. Forsythe has already offered to settle for $1,100.

Question. He has already agreed to that?

Answer. Right, and from the last efforts that Mr. Hucheson made to settle the Brown Co. claim, Mr. Brown went out of business and it appears he was willing to settle for somewhere between $500 and $1,500 for his claim.

Question. But you have not contacted him?

Answer. I have made every effort to contact him. We know he is in the employ of Boeing, I have traced him to Cape Canaveral, Fla., and there the Boeing Co. refuses to give information as to his address or whereabouts.

Question. Would you please explain how this $125,000 claim of the GAO came about specifically?

Answer. Yes, through unsubstantiated ferry mileage.

Question. In other words, you knew these flights and they refused to pay this amount of money?

Answer. U.S. Aircoach knew these flights, and U.S. Aircoach was paid, and then later on, in an audit, flight papers did not substantiate the various amounts of ferry mileage that had been flown. I believe you are familiar with the fact that this happened to be almost the entire supplemental air carrier group.

Question. And your agreement with the GAO is that you will pay the amount remaining out of the profits which you will make from U.S. Aircoach?

Answer. That is correct. We are going to start supplying them with the proper flight papers, and at such time as all of the flight papers and records have been introduced and they have agreed to accept them—we realize there will be some there will be arbitration over—then we will settle the remaining amount.

Question. You mentioned a stop order in your direct examination. Will you please explain the nature of that and its status at this time.

Answer. Yes. U.S. Aircoach and its previous management had made no effort to work with the GAO in the settlement of this claim. They had not submitted flight data, and they had been uncooperative to a high degree. The GAO as a result of new management was willing to—the GAO put a stop order on all Government payments to U.S. Aircoach. On the basis of the new management and operation, GAO was willing to lift the stop order to allow U.S. Aircoach to go back into operation so we could substantiate the claim and pay off whatever balance there was.

Question. Will you tell us what at this time your personal current investment in U.S. Aircoach is?

Answer. My personal investment to this date would consist of my travel expenses between—I have had approximately 6 or 7 trips to the west coast, and my attorney fees. I could give an approximate figure, if you want a figure.

Question. There is no more than that, just your expenses and attorney's expenses?

Answer. That is correct.

Question. Turning to exhibit U.S. 5, page 1, would you please explain what the price for the stock of U.S. Aircoach was that you agreed with Mr. Hucheson about?

Answer. Yes, I am making a settlement with Flying Tigers whose releasing—originally the Flying Tiger claim was against both Hucheson and U.S. Aircoach. I am making a settlement with Flying Tigers, and I am giving Mr. Hucheson notes in the amount of $15,000 for his remaining interest in U.S. Aircoach.

Question. How much are you going to settle the claim with Flying Tigers for?

Answer. At this time, the discussions with Mr. Benniger——

Question. Would you tell us what his position is?

Answer. He is executive vice president and treasurer of the Flying Tiger Lines. He has indicated that he will settle this for an amount in the vicinity of $15,000, his reason being that there aren't any assets in U.S. Aircoach that they can acquire even if they are successful in the final analysis in this litigation.

Question. How will you pay this $15,000?

Answer. I have arranged for a loan from the American Security & Trust, subject to the CAB approval of my acquisition.

Question. Would you tell us what the terms of that loan are?

Answer. Yes, it is a loan set up in such a manner that the TR's issued by the military are to be factored——

Mr. BEITEL. When you say "TR," you mean "transportation request" against which the Federal Government will pay money to the carrier when presented to the Government for payment?

Answer. Yes. They will be factored by air transit services. We have an arrangement whereby air transit services will deduct 10 percent from the TR's to repay the note at the American Security.

By Mr. ELISH:

Question. In other words, 10 percent of your revenue from flying for the Government will go to paying off the loan?

Answer. That is right, but this money, actually this is a judgment, and as I understand it, it is definitely—I am more or less loaning this money, making the money available for the settlement of this claim, and that is the reason it is being set up in this manner, that 10 percent of the TR's will repay the loan.

Question. Could you please tell us what arrangements you have with Mr. Hucheson for paying off your note to him?

Answer. It will be a note, a 1-year note that is renewable at 6 percent intereest.

Question. And what is the collateral for that note?

Answer. He at this point—to go back further, his attorney fees and obligations were very high in the Flying Tiger claim and he is willing to accept this as his opportunity to recover part of his investment in U.S. Aircoach and his attorney fees up to this point. He was not interested in operating U.S. Aircoach because of his interest in a lumber mill and other enterprises. That is his reason.

Question. What is the collateral on the loan, for the loan from American Security?

Answer. I have two R-2800-C engines.

Question. Are they your personal property?

Answer. Those are my personal property.

Question. Free and clear?

Answer. Free and clear.

Question. Unencumbered?

Answer. Unencumbered.

Question. The contract between you and U.S. Aircoach states that Mr. Hucheson will sell all of his right, title, and interest in U.S. Aircoach to you; is that correct?

Answer. That is correct.

Question. Your application states that you will acquire 51 percent of the stock of U.S. Aircoach.

Answer. In the original application, that was at the time of the agreement, I was going to settle the Flying Tiger claim, that was 51 percent. Since that time, the work involved with GAO, with you people, he has been willing to relinquish his entire stock of U.S. Aircoach to me for this additional $15,000.

Question. In other words, the consideration that you are paying to purchase all, complete interest in U.S. Aircoach is a note for $15,000 to Mr. Hucheson plus the settlement of the claim of Flying Tiger for approximately $15,000?

Answer. That is correct. It will not be less than $15,000, but it will be in the neighborhood of $15,000.

Question. At what time will Flying Tiger relinquish its claim on the stock of U.S. Aircoach?

Answer. At such time as I provide the cash or certified check to satisfy them, and that I can't obtain from American Security & Trust until I have approval in this case.

Question. Mr. Hucheson will still serve as director of U.S. Aircoach?

Answer. At this time, because he is the only one who is still familiar with the operation and the people who we will be in business with, as far as maintenance, and getting office space at the Burbank terminal, with the CAA, and so on, we felt we would keep him in that capacity. He will not be devoting full time to it, but only such time as is necessary to aid me in setting up the operation.

Question. He will also be vice president; is that correct?

Answer. At this time; yes.

Question. Will he receive any salary for his function?

Answer. There isn't any salary set up for him at this time.

Question. Do you intend giving him any?

Answer. I asked him if he would undertake this—I realize I have a big effort ahead of me, and he was willing to help me part time until we got started and established, so we will carry him as vice president.

Question. On page 2 of exhibit U.S. 5, Mr. Hucheson states that in the contract the only claims against the corporation are those of GAO, the Brown Co., and A. Forsythe. Shouldn't the Flying Tiger Line be included in that list?

Answer. No, because at such time as he executes this sale, it will be after approval of the Board, and when the Board gives approval, I can satisfy the Flying Tiger claim. In other words, he will not execute this until such time as the Flying Tiger claim is satisfied.

Question. It is a vicious circle.

Answer. It certainly is.

Question. What was the nature of the claim of the Flying Tiger Line in view of your statement the claim was against both Mr. Hucheson and the corporation?

Answer. Due to the fact that there weren't any assets in U.S. Aircoach, Flying Tiger Line filed a claim against both U.S. Aircoach and its only stockholder, Mr. Hucheson.

Question. Can you tell me how the Flying Tiger claim arose?

Answer. Yes. As a result of maintenance. The Flying Tiger Line at the time of this operation, when it went into debt so badly, was leasing aircraft to U.S. Aircoach. From the record it indicates that U.S. Aircoach had 27 engine failures in a period of 30 days. Flying Tiger was still charging for the maintenance they did at that time. It would seem to me if I had been in management at that time I would have had a suit filed the other way.

Mr. BEITEL. Might I ask a question there? I don't think your question was fully answered. That was the claim against U.S. Aircoach?

The WITNESS. Yes.

Mr. BEITEL. How did the Flying Tigers assert a claim against Hucheson personally?

Mr. ELISH. My understanding was that the original arrangement with Flying Tiger was one whereby Mr. Hucheson signed the agreement personally because U.S. Aircoach had no assets; is that correct?

The WITNESS. I believe that is correct.

Mr. BEITEL. All right.

Mr. ELISH. That was my understanding.

The WITNESS. There weren't any assets for them to recover, so when they sued they sued the principal stockholders.

By Mr. ELISH:

Question. In exhibit No. 5, page 3, the release, what claim would Mr. Hucheson have against U.S. Aircoach that this release took care of?

Answer. There aren't any claims. This is the general release Mr. Beitel drew up in the event at a later date he should try to make any claim or hold any claim against U.S. Aircoach.

Question. But there are none to your knowledge?

Answer. There are no claims carried on the books at this time.

Examiner DONAHUE. Has he ever asserted any claim to your knowledge?

The WITNESS. No, he has not. He has said he has no claims, but we wanted it to be taken care of in this manner.

By Mr. ELISH:

Question. In exhibit U.S. 5, page 4, the last sentence on the page reads that he—I assume that is Mr. Hucheson; no, that is Mr. Chapman—has agreed to settle all claims against U.S. Aircoach in such manner that the present owner, I assume that is Mr. Hucheson, will not be personally liable.

Answer. Yes.

Question. Does that have reference to the Flying Tiger claim solely?

Answer. Flying Tiger, GAO, and the Brown Co. Mr. Hucheson does not want to find himself involved in any proceeding he has been in in the last 3 years, as well as the stipulation that any action we have to take will secure the fact there will be no claims against him personally.

Question. In exhibit U.S. 7, you speak of your plans for the future operation. I ask you to read into the record the first paragraph of the letter from Ellen Pinney, written to the Chairman of the Board on March 19 of this year, referring to the difficulty of operating a supplemental air carrier, and ask about your views of this statement.

Answer. The first paragraph?

Question. Yes.

Answer. You want me to read that?

Question. Yes, please.

Answer. "U.S. Aircoach as a certificated supplemental air carrier has in the past year since the cessation of operation under Board order attempted to find an economically feasible operation which would be acceptable to the Civil Aeronautics Board. As you and other members of the Board are well aware from the required carrier reports when a supplemental air carrier goes into a full transcontinental feeder-type operation under the allowable 10 trips per month between any 2 given points, it operates primarily under contract to the military, and a sizable amount of operating capital is necessary before an operation can even be initiated."

I believe that they had always looked to the point that they were anticipating some type of a common carriage operation, that is why they felt, from this letter, that they would need a large amount of capital from the standpoint of setting up their various procurement agencies for the passengers, and so on. I feel that I can do it with less capital, because we are not at this time planning a common carrier operation.

Question. You mean not an operation—excuse me, go ahead.

Answer. Not a route-type operation such as Universal or USOA, or those carriers have. I do not want to rule out the possibility that at some later date, when our financial situation has improved, but I would want to be able to take advantage of the 10 trips, or whatever number of trips the Board allows supplemental carriers to operate, but we feel in order to get started and to put U.S. Aircoach back on its feet and take care of the GAO claim that we are going to operate as a CAM operator, due to the fact when we fly we are paid for it, we don't take any chance of having to take a trip across the country with 10 passengers on it, or something like that.

Question. Do you have any other personal capital to invest in U.S. Aircoach at this time?

Answer. I do not.

Question. Do you feel that the operation can be carried on successfully without any capital?

Answer. Yes. Because with the acquisition of the aircraft and the fact that we are factoring with Colonel Moore and getting immediate payment, his policy is immediately upon receipt of the TR the money is deposited to your account, we will have sufficient capital.

Question. For how long a period of time do you estimate it will take to pay the GAO claim by the siphoning off of your profits to them?

Answer. That, of course, is going to depend upon what the final figure is that is reached, but I will anticipate——

Question. Assuming it is $10,000?

Answer. Assuming it is $10,000 we anticipate payment of it in a period of not over 1 year.

Question. The arrangement with them is for what percentage of the income to go to them?

Answer. We do not have any such arrangement at this time with GAO to that effect.

Question. Have you discussed arrangements?

Answer. No. They said at such time after we have determined what the amount would be, the balance with the admission of the flight data, then we would determine the method of payment.

Question. Would you estimate what you would think would be a fair percentage or manner of payment to keep you in solvent operation?

Answer. Yes. No more than the arrangement that we now have with American Security.

Question. Ten percent?

Answer. In the amount of 10 percent.

Question. In other words, you expect that your gross revenues for the first year will be approximately $100,000?

Answer. I would hope they would be in excess of that. I would expect a gross revenue of no less than $200,000.

Question. Have you made application to the IAA for membership?

Answer. We can't——

Examiner DONAHUE. What is the IAA?

Mr. ELISH. Independent Airline Association.

The WITNESS. We have discussed it with the secretary, Mr. Roach. We have the application forms. We can't make application until such time as we have an air carrier operating certificate. We are back in the vicious circle, we can't get the certificate until we get an aircraft that can be leased.

Question. Is it true you also can't become a member of IAA until such time as you have an aircraft that is operating?

Answer. Right.

Question. Do you intend to pilot the aircraft yourself at present?

Answer. I expect to continue flying a maximum of 25 or 30 hours a month. I naturally want to maintain my proficiency and not completely stop flying after the length of time I have been flying as a pilot.

Question. You will hire a pilot to do the job right away?

Answer. Yes.

Question. You speak of drawing a reasonable salary for your future services. Could you tell us whether this salary, your income from U.S. Aircoach, how much you draw from the company, will be a constant figure, or will vary according to the income of the carrier?

Answer. My wife plans to take care of the accounting and a large part of the operations work. She was with Meteor for 3 years in the operations part of the company. Between us, we expect to draw no more than $1,000 a month, and in the event it is necessary, we are prepared to take less.

Question. In other words, it won't be a constant salary, it will be according to how much——

Answer. I hope it will be constant, but if it can't be, we will accept less. We aren't going to put the company out of business to maintain our salary.

Question. You state that you will lease aircraft to U.S. Aircoach in the future on exhibit 7, the third line from the bottom; is that correct?

Answer. We have found it the most practical way, until all claims are settled against U.S. Aircoach, to secure equity for both ourselves and U.S. Aircoach. They will be leased through me to U.S. Aircoach. When the claims are settled, I intend to turn the aircraft over to U.S. Aircoach, but at this time we are building up equity—if U.S. Aircoach was, before we completely settled the claims, it would be possible I would lose my investment and U.S. Aircoach would have nothing. That is the only reason for this type of a leasing arrangement being set up.

Question. Well, I would like, then, to turn to the current leases that are in issue.

Answer. All right.

Question. Exhibit U.S. 4, the last sentence on the page states that it is believed that this will be the best for meeting the rental obligation because the company can prepay rentals during the good months and Mr. Chapman can carry the company if necessary during the less profitable months.

Now, as I understand the lease, during the months of May, June, July, August, September, and December, you will pay international airports $6,000 per month?

Answer. That is correct.

Question. And the other months of the year you will pay them $4,500?

Answer. $4,500.

Question. My first question is why December is out of chronological order?

Answer. December, from past experience, we know that December has a high volume of business from the Independent Airline Association. The IAA secures a great number of common carriage loads from the various military bases of military personnel going home on furlough for the holidays, and in some Decembers it has almost approximated some of the poorer summer months; therefore; we feel that December is a month that the high obligation can be met.

Question. Now, the company is paying the same amount every month.

Answer. The $5,250 actually is the average of $6,000 and $4,500.

Question. You say here the company will prepay rentals during the good months. That is not actually correct. The company is not prepaying, they are paying the same amount every month.

Answer. If they are paying $5,250 to me during the month I pay $4,500, there will be a balance built up.

Question. They are paying $5,250 to you during the months when you are paying $6,000, during the good months?

Answer. Right.

Question. I don't see how this is a prepayment by them.

Answer. Well, I see what you are getting at. We felt that in the event a payment could not be made from U.S. Aircoach to me I would be able to carry them for that period.

Question. It would seem to me, then, that it would be better, if that was the purpose of this type of transaction, it might be better if U.S. Aircoach would pay less during the poorer months and more during the good months than have you carry them that way and you pay whatever amount to carry them.

Answer. As the lease was drawn up between International Airports and myself, with U.S. Aircoach we put down the average amount, the same yearly rental, and we felt if U.S. Aircoach could not make a payment of $5,250 I would have, say, in the month of November, if they paid $5,250 to me and I wanted to pay $4,500, I would be accruing a balance that could be applied to January if they couldn't make the $5,250 payment.

Question. In other words, for the purposes of these leases and the reasons for this type of payment arrangement, to all intents and purposes, you and U.S. Aircoach are one and the same.

Answer. Right.

Question. You personally will carry the company, pay more during the good months, and will pay less during the poor months?

Answer. That is right.

Question. Will there be any mingling of your funds with U.S. Aircoach?

Answer. Not at this time.

Question. The reason I ask that question is that this type of arrangement seems to me to be one where you are acting as if you were U.S. Aircoach?

Answer. No; it would just be—in other words, I would be willing to have U.S. Aircoach owe me X dollars if they were unable to make their full payment.

Question. I understand that; but my problem arises in the fact that you are paying more during the good months and they are paying less. The chances of them owing you money during the good months is much less.

Answer. May I put it this way: If it would satisfy the Board, I would be willing to negotiate a new lease with exactly the same payment schedule made up as the one that I have. If it would clarify it, or if you feel it would be more advantageous to U.S. Aircoach, I would be willing to do it.

Question. My reason for going into this so specifically is that I just wanted to see whether you were divorcing your own personal business from that of U.S. Aircoach.

Answer. I will not have any business except U.S. Aircoach.

Question. I realize that, but I mean your own personal funds from those of U.S. Aircoach?

Answer. They definitely will be separate. To be frank with you, I feel that perhaps in setting this lease up we made an error in not making it exactly the same as the other lease. We put down the average, we felt in the case they couldn't make the $5,250 payment that it would be a matter of my carrying them on the books as owing me so many dollars, and I could still make the payment myself. As I say, if it would please the Board, I would be willing to execute a lease exactly the same as the payment schedule that I have made.

Question. Just another question on the same point: Wouldn't it be better for U.S. Aircoach, considering the reasons for the splitup as you expressed them, the difference in payment during the different 6-month periods, wouldn't it be better if U.S. Aircoach would make lower payments during the poorer months and higher payments during the more profitable months?

Answer. I agree with you; I think it would be.

Mr. BEITEL. If you are leaving that subject, I want to ask about U.S. 4. I think there may have been a slight misunderstanding, where it says the company can prepay rentals during the good months, you mean prepay rentals to Chapman during the good months.

Mr. ELISH. That still leaves me in the dark, because the company is not prepaying rentals to anybody. During the good months they are paying less than Mr. Chapman is paying to international airports, which doesn't seem to me to be a prepayment by U.S. Aircoach to Mr. Chapman. I don't want a hassle over this. I think the facts are on the record.

Mr. BEITEL. But it is obvious to me if the company pays 2 months' rental in advance——

Mr. ELISH. The company could pay the rental any time they wish, but I am talking about paying in accordance with the terms of the lease.

The WITNESS. This is not so designed in any way to give me any additional income. You see, over the period of a year U.S. Aircoach will pay the same rental as I will pay, and in the event that this is not acceptable, it is perfectly all right with me to negotiate a new lease in exactly the same form as the one that I have made.

By Mr. ELISH:

Question. You stated on direct examination that the purposes for the two leases were so that you could build up equity in the aircraft which you have leased.

Answer. So that I can, but I intend to turn that equity over to U.S. Aircoach at such time as all claims have been satisfied against U.S. Aircoach.

Question. Would you please explain to me from an examination of the lease what provisions of the lease allow you to build up equity? It appears to me to be nothing more than a straight lease of an aircraft.

Examiner DONAHUE. When you are referring to the lease, which exhibit?

Mr. ELISH. Exhibit A, Mr. Examiner.

Examiner DONAHUE. For the record, exhibit A refers to an exhibit attached to the application of U.S. Aircoach in docket No. 9703.

Mr. BEITEL. Off the record.

Examiner DONAHUE. Off the record.

(Discussion off the record.)

Examiner DONAHUE. On the record.

By Mr. ELISH:

Question. Mr. Chapman, you have handed me a copy of an option to purchase the aircraft which is in issue, the lease of which is in issue in this proceeding. Will you supply copies of this for the record, please?

Mr. BEITEL. We will supply them, Mr. Examiner. May that be marked for identification as "Exhibit U.S. 10."

Examiner DONAHUE. It may be so marked for identification.

(Exhibit U.S. 10 was marked for identification.)

By Mr. ELISH:

Question. Mr. Chapman, do you expect to exercise this option?

Answer. I expect that either myself or U.S. Aircoach will exercise the option.

Question. At what time do you believe you will be able to exercise the option?

Answer. I would say probably at the end of the 2-year period.

Question. Do you have any idea at this time—I realize it is a little early to tell—do you have any idea at this time how you would go about making payment?

Answer: The reason I have the 2-year period is on the basis of this option to purchase, at that time there would be an equity in excess of $75,000 in the aircraft. Normally, then, one-third of the payment would be made on the aircraft and at that time normally you can secure financing through conventional channels.

Question. Would you please explain the situation in the last 2 weeks that has caused difficulty in acquiring additional aircraft?

Answer. Yes; the fact that the operators all feel because of the Middle East crisis that perhaps the Civil Reserve Air Fleet will go into operation, with the result that DC–4 aircraft, which would mean a lot more work for the C–46-type aircraft, and naturally with the prospect of increased work through the winter months it will make the value of the aircraft or it has made the value of the aircraft much higher.

Question. Have you deposited the $10,500 with International which you are obligated to do?

Answer. No, I have not.

Question. No money has passed?

Answer. No money has passed. That is right now a piece of contention with this increased valuation of aircraft. I have only been able to hold them back at this point because everything is subject to Board approval.

Question. How long after you acquire Board approval, if such approval is forthcoming, will it take you before you go into operation?

Answer. As a result of discussions with the local CAA office at Burbank, the fact that the manuals with only minor changes are acceptable, and new manuals are being prepared for filing, it appears it is only a matter of at the most 2 or 3 days. The chief pilot, the man who will be acting chief pilot, is a CAA designee at Burbank and acceptable to them. The crews whom I will hire they know, having flight checked through their office. The only possible delay will be getting the insurance approval through MTMA, the Military Traffic Management Agency. They have at times in the past required that an actual copy of the policy from London showing the entire group of participating brokers be on file with them. Other times they have accepted just a form from the Stewart Smith Agency stating that the insurance was in effect.

Question. You would also have to gain membership in the IAA before you began operations?

Answer. Yes. I discussed that with the secretary and with several of the board of directors, and they have assured me that upon payment of the membership fee that the board of directors, through telegrams, will give their approval of U.S. Aircoach, and that it will be fully confirmed at the next meeting.

Question. Will you please tell us what position Ellen Pinney now holds with the company, if any?

Answer. She has no position whatever with U.S. Aircoach.

Question. No connection?

Answer. No connection whatever. The only one of the former people who had association with U.S. Aircoach even listed as in the employ is Hucheson, and he is not on a salary, as I explained before.

Mr. ELISH. I have no further questions.

Mr. BEITEL. I have just one question I would like to ask to clarify the record.

Examiner DONAHUE. All right.

REDIRECT EXAMINATION

By Mr. BEITEL:

Question. The organization of IAA as you described it, does IAA procure the military business for its members?

Answer. They act as the bidding agency, the procurement agency.

Question. Then it would not be necessary for U.S. Aircoach to have its own personnel for the purpose of bidding?

Answer. I understand it is possible for a person to go down to some public building where these flights are posted on the board and bid them, and so forth, but I don't believe anybody is doing that.

Question. It will be IAA who does that for you?

Answer. Yes.

Mr. BEITEL. That is all.

Examiner DONAHUE. Very well.

Mr. BEITEL. I have no further redirect, Mr. Examiner, but I would like to offer exhibits U.S. 1 through 10 in evidence.

Examiner DONAHUE. Is there any objection?

Mr. ELISH. No objection.

Examiner DONAHUE. They may be received.

(Exhibits U.S. 1 through 10 were received in evidence.)

Mr. BEITEL. I would like to have permission to withdraw exhibits 9 and 10 for the purpose of supplying copies, the necessary copies for the record and counsel.

Examiner DONAHUE. Permission is granted.

I would like to ask Mr. Chapman a couple of questions.

What assurance have you that you will get the volume of CAM business that you anticipate here in your testimony?

The WITNESS. Only through the past records that have been published by the Independent Airline Association as to military traffic.

Examiner DONAHUE. Do you, as a member of the association when you became a member, have an absolute right to any portion of this business?

The WITNESS. The policy, the present policy of the association is to equitably divide the dollar income of the association among the carriers as far as is permissible, according to the tariffs.

In other words, they can't bid a carrier to bring his dollar volume up if his tariff should be higher than another carrier sitting beside him, but as far as it is possible, they try to keep the dollar volume of each carrier on the same level.

Mr. ELISH. Mr. Examiner, I think that the IAA operates as is explained in the opinion and Board order approving the last IAA tender, where they apportion the flights both by positioning of the aircraft, where they are positioned, according to where the flights are going to take place, as well as apportioning to volume.

The WITNESS. I can give the exact formula. On a C–46 aircraft, the military approves it for 45 passengers, military passengers. The number of days the aircraft is available to the association, on any day you may have maintenance or such, you are obligated morally to advise the association that the plan is not available. Any day you have flown it on other business that you have procured also. The number of days that the plane has been available to the association times 45 will give you so many seat-days that your aircraft has been available. They then take the total number of seat-days of all the members and through dividing your seat-days into that get a percentage of what dollar revenue you are entitled to for that month. If you have been plus or minus, the next month they try to adjust it accordingly.

Examiner DONAHUE. Is there any lack of equipment presently available for CAM movements?

The WITNESS. There are definitely during the 5 summer months, there has always been a lack of equipment available for the CAM movements.

Examiner DONAHUE. Has that been true during the current summer months?

The WITNESS. There have been days definitely during the summer months this year when the IAA could not supply the equipment to the military that was desired.

Examiner DONAHUE. But generally the presently available equipment is adequate to supply the demand for the CAM movements, is it?

The WITNESS. I know that right now in the past week they haven't been able to come anywhere near supplying the equipment to move the military personnel.

Examiner DONAHUE. That has been due to the international situation?

The WITNESS. Yes.

Examiner DONAHUE. And prior to that there was no lack of equipment, generally, was there?

The WITNESS. During the 4 or 5 summer months there is always lack of equipment. The bids come in early in the season for the movements of the Reserve and National Guard personnel and almost totally take the availability of the fleet. Then the additional movement that the normal military move, they usually are left begging to a certain extent, to a certain extent they are.

Examiner DONAHUE. And during the other months, that would be 7 or 8 months of the year, is there a surplus of aircraft available?

The WITNESS. In the past there has been a surplus, but I believe the Board is familiar with the new deal of trying to approve this air charter traffic exchanges.

Mr. ELISH. Commercial charter exchange.

The WITNESS. They feel that will alleviate the situation during the winter months.

Mr. ELISH. That exchange has been in operation for the past 3 years, I believe.

The WITNESS. Well, there is a new method of procurement.

Mr. BEITEL. The docket in that case, I don't have the number, but the docket in that case will reflect that the Association asked for the removal of certain restrictions which have prevented—

Mr. ELISH. It is docket No. 5680, I believe, and the request there is an extention for a 3-year period of this exchange for domestic traffic, and an extention of the exchange for overseas and international traffic.

Mr. BEITEL. Plus the elimination of the restriction as to number of flights which can be operated per day, I think.

Examiner DONAHUE. Well, the docket will speak for itself on that. I was trying to get the record clear that for 7 or 8 months of the year, there appears to be more aircraft available than there are requests for the use of it.

The WITNESS. For approximately seven, but we have a situation this winter that will be different in that USOA previously they supplied in excess of 25 percent of the available seats of the association.

Examiner DONAHUE. USOA, United States Overseas Airlines?

The WITNESS. Yes, and they have resigned as a member of the Independent Airline Association. I believe they have secured other contracts, Navy contracts, plus their common carriage operation which is utilizing their aircraft, which actually means this winter there should not be the large surplus of seats there previously has been.

Examiner DONAHUE. Now, referring to exhibit A attached to the application of U.S. Aircoach in docket No. 9703, in paragraph 10, what is the purpose of naming the U.S. Government and the Small Business Administration as coinsured?

The WITNESS. I went to the record section of CAA to check for liens and so forth against the aircraft and found that International Airports had secured a loan from the Small Business Administration with this aircraft and I believe two other of their aircraft.

Examiner DONAHUE. In inspecting the records, did it appear that International Air ports, Inc., was the legal owner of this aircraft mentioned here, M–74174?

The WITNESS. There was nothing to indicate otherwise. The people in the recordation section advised me that to the best of their belief, and the records on the plane indicated clear title with the exception of the Small Business Administration loan.

Examiner DONAHUE. This is not a C–46 that is owned by the U.S. Air Force and is under lease?

The WITNESS. No. As I recall, the records indicated that it was purchased from Aviation Corporation of Seattle by International Airports. There was a change from Trans-Ocean, to Seattle, to International Airports.

Examiner DONAHUE. Will you tell me the reasons that caused you to believe that the valuation of $150,000 on the supplemental air carrier certificate to U.S. Aircoach is a legitimate valuation?

The WITNESS. At this point, it is impossible for a person such as myself, who is interested in starting in the supplemental air transportation business to get operating authority from the Board. I have at previous times even discussed a part of 45 operation with Mr. Rosenthal. However, even with that he would experience difficulty from the Association and be very restrictive insofar as operating. It appeared to me that actually this $150,000 valuation was put on by the previous management, but I would be willing to accept that also on the books as a fair value of the certificate, due to the fact that you can't—the Board does not authorize any more supplemental carriers.

Examiner DONAHUE. How long would you say it would require you, if you acquire the U.S. Aircoach as your property, to earn $150,000 in profits?

The WITNESS. In profits, in cash, it would take a considerable amount of time, but as far as equity in the aircraft, to the corporation, it can be done in less than a 3-year period.

Examiner DONAHUE. The equity would have to be built up out of profits, wouldn't it?

The WITNESS. Yes, equity in the aircraft.

Examiner DONAHUE. It would be the same thing?

The WITNESS. The same thing; yes, sir.

Examiner DONAHUE. You say a considerable period of time. Could you fix that more accurately?

The WITNESS. Yes, I would say 3 years with a one-airplane operation.

Examiner DONAHUE. You could earn $150,000 in profits?

The WITNESS. You would have an equity in the aircraft of $150,000.

Examiner DONAHUE. That equity would be profits that you had invested in the aircraft.

The WITNESS. Right.

Examiner DONAHUE. So it would be profit?

The WITNESS. That is right.

Examiner DONAHUE. Are there any further questions of this witness?

Mr. ELISH. I have one question, just to clarify an answer which Mr. Chapman recently gave.

RE-CROSS-EXAMINATION

By Mr. ELISH:

Question. You spoke of the increase of the possibility of your getting more business through IAA because of the resignation of USOA from your organization. Isn't it true that USOA has joined another supplemental air carrier organization and intend to bid for the same flights as IAA does at present?

Answer. I am well aware of the fact that they are in another association, but I believe they also have obligated a large part of their equipment to the Navy contract, they also have committed, evidently, a portion of it to their route-type operation which they were not operating before. I do not know exactly the amount of aircraft the USOA has or what they have committed to the new association, but it would appear to me as an industry observer that they have considerable less equipment available to the military operation than they had a year ago when they were depending solely on IAA.

Mr. ELISH. Thank you.

Examiner DONAHUE. You may be excused, Mr. Chapman.

(Witness excused.)

Examiner DONAHUE. Is there anything further, Mr. Beitel?

Mr. BEITEL. I have no further evidence to offer, sir.

Examiner DONAHUE. Mr. Elish, do you have anything to offer?

Mr. ELISH. Nothing.

Mr. BEITEL. Off the record for a moment.

Examiner DONAHUE. Off the record.

(Discussion off the record.)

Examiner DONAHUE. On the record.

The applicants and the Bureau of Air Operations waive all further procedural steps up to the Examiner's initial decision, except that the Bureau of Air Operations will file on or before July 31 a statement of its position and its recommendation, and will serve a copy upon Mr. Beitel, attorney for the applicants.

There being no further business, the record will be closed.

(Whereupon, at 11:45 o'clock a.m., the hearing in the above-entitled matter was closed.)

Mr. Chapman's testimony at this hearing proves his lack of financial solvency and managerial experience. Yet, the CAB gave him a certificate to operate a supplemental airline.

After the court decided that the certificates issued by the CAB to supplemental air carriers were illegal, Congress quickly enacted stopgap legislation—identified as Public Law 86–661—which continues these carriers in business until March 1962.

Soon after Public Law 86–661 took effect, the tragic crash in Toledo, Ohio, of the Arctic Pacific Air Lines plane carrying 16 members of the California Polytechnic College football team occurred. Mr. Jack Germain, managing editor of the Alhambra Free Press, a newspaper published in the 25th Congressional District of California, summarized this tragedy in these words:

In the Toledo fog Saturday night, a big piece of America was lost.

The following articles taken from the Blade, a newspaper printed in Toledo, Ohio, gives a full account of this disaster:

[From the Blade, Oct. 30, 1960]

AIRLINER WITH 48 CRASHES AT AIRPORT; FOOTBALL TEAM ABOARD, 20 ARE KILLED—PLANE PLUNGES ATTEMPTING TO TAKE OFF IN HEAVY FOG—CALIFORNIA POLY JUST PLAYED AT BGSU; CRAFT BURNS AFTER FALLING TO RUNWAY

A chartered C–46 airliner—carrying members of the California State Polytechnic College football team from San Luis Obispo—crashed and burned while attempting to take off last night from fog-covered Toledo Express Airport.

Of the 48 passengers aboard, 20 were known dead, 25 were injured, and 3 were missing.

Visibility at the airport was zero when the twin-engine Arctic Pacific Air Lines plane plunged back to the runway seconds after it left the ground. It apparently fell from about 100 feet.

The passengers boarded the plane at the airport minutes before the disaster. The California football team had played Bowling Green State University at Bowling Green earlier in the day.

The airport was closed an hour and a half before the tragedy when the U.S. Weather Bureau at the airport reported visibility was less than one-sixteenth of a mile.

The plane's flight plan had been cleared through the control tower at the airport. All commercial airline flights scheduled for the airport had been canceled by 8 p.m., 2 hours before the crash.

E. D. Richards, traffic controller in the airport tower, said he talked to the pilot of the plane as it taxied onto the runway for takeoff.

Mr. Richards told reporters that because of the dense fog he could not see the burning wreckage from the control tower, although the crash was only 440 yards away.

WAITED ABOUT 2 HOURS FOR PLANE

The football party had been waiting for the plane at the airport for about 2 hours. They expected to leave the airport at about 8 p.m.

The chartered plane brought the team from Santa Maria, Calif., to Toledo Thursday. The plane continued on to Youngstown where it took aboard members of the Youngstown University football team for a flight to New Haven, Conn.

After the Youngstown-Southern Connecticut College football game there earlier yesterday, the plane returned the Youngstown team safely to Youngstown.

Reports from Youngstown indicated the plane left the airport there, bound for Toledo, at about 7:20 last night.

Leroy Hughes, head coach of the California football team, said after the game at Bowling Green yesterday that "the kids are tired and will get a chance to sleep on the flight home."

Police and ambulance crews battled heavy fog to reach the scene of the disaster.

Many emergency vehicles fought the dense fog along Chicago Pike in the race to the airport. Hundreds of residents along the way attempted to help the rescue efforts by helping direct traffic with flashlights.

TAKE EXTINGUISHERS TO SCENE

About 50 to 75 noncommissioned officers of the Ohio National Guard were taking part in a Halloween party in a hangar at the east end of the airport at the time of the crash.

"All at once we heard a tremendous explosion and roar," explained Capt. Robert Stephens of the group.

Another member of the group, Sgt. Kenneth Pence, fire chief of the air guard unit, led others to the scene with fire extinguishers.

"We just tried to pick up all the live ones," he said. "My God, it was horrible."

Other members of the group told reporters the plane was torn in half and only the tail section and what appeared to be a cargo door were distinguishable when they sighted the wreckage.

They described the scene as "a mountain of debris."

Bowling Green State University representatives accompanied the California school party to the airport from Bowling Green.

Walter Williamson, 24, El Monte, Calif., the team's backfield coach, was among the survivors. He was interviewed by a reporter at Toledo Hospital where he was treated for an ankle injury.

"The plane went up about 100 feet," Mr. Williamson said. "It seemed to lose power, veered up and then crashed."

Mr. Williamson was seated near the rear of the aircraft.

Al Bounds, 1621 Woodland Avenue, and Frank Harman, 6022 Bapst Avenue, said they heard the plane "buzz" as it started the take off.

"It might have been an engine backfire," Mr. Bounds said. "Then there was a tremendous explosion which shook the building. The tower called airport 33—the emergency signal.

Springfield Township's volunteer fire department was the first fire unit to reach the disaster scene.

"Flames shot at least 300 feet in the air," according to Capt. George Showman, of the Springfield Township rescue squad.

"Bodies," he said, "were found from 25 to 200 feet from the wreckage."

A spokesman for Eastern Airlines at the airport told a reporter at about 8 p.m., that the last commercial flight into the airport last night was an Eastern flight which landed at 6:33 p.m.

One other Eastern flight, due to land at 12:40 a.m. from Detroit, was canceled after the airport was closed, he said. The Detroit airport was not closed at the time

A Capital Airlines spokesman said a flight of that airline—from Chicago to Philadelphia—passed over the airport here at about 8:30. It did not make its normal stop here.

Decision To Take Off Left in Hands of Pilot—Airport Authorities Can Bar Landings, CAA Says, but Not Plane Departures

A pilot can exercise his own discretion as to whether he will take off, no matter how poor the flying weather, officials in the control tower at Toledo Express Airport said last night.

Even in those cases where the airport is completely blanketed by fog, they said, a plane cannot be prevented from taking off. If a pilot requests clearance, it must be given.

The tower, however, can tell the outbound pilot just when to take off and which runway to use.

Incoming flights are something else. According to Civil Aeronautics Administration officials, no plane can land at the Toledo airport if there is not at least a 300-foot ceiling and 1 mile of visibility.

Before a pilot takes off, CAA officials said, he must file a flight plan and check with the weather bureau.

The weather picture is given again to the pilot, via radio, just before takeoff, the officials said.

Last night the field was closed to incoming planes at 8:37 p.m., when visibility was less than one-half mile, and it became progressively worse, officials said.

The ill-fated C-46's flight plan had been cleared by the control tower, officials said.

Survivors Describe Night of Horror as Craft Falls, Bursts Into Flames—Intense Heat Bars Rescue of Victims Trapped in Wreck

Survivors of the plane crash at Toledo Express Airport described the experience as a night of horror.

The outline of the shattered plane against the fog-shrouded horizon, presented an eerie scene to them as flames roared through practically all of the plane except the severed tail section.

TAILS SEEMS TO DROP

Screams and moans came from the burning section of the plane as rescuers attempted to save those trapped inside, but were driven back by the intense heat.

Both F. Sheldon Harden, assistant coach of the California team, and Jim Fahey, a halfback from Gilroy, Calif., said the plane began fishtailing as it took off.

"Just as we left the ground, the tail seemed to drop and the plane fell off to the left," Mr. Harden said.

"The next thing I knew," he said, "I was on my hands and knees, trying to crawl out."

Mr. Harden pulled at least four passengers from the wreckage. Then, he said, he saw the flames creeping near and was forced to crawl to safety. "The main problem was just to get out of there."

Mr. Fahey, who escaped with head cuts, said the plane "started jumping up and down after taking off." The motors started sputtering, he said, and then the left motor apparently stopped.

TELL OF FULL FLIP-FLOP

He described the plane as "making a complete flip-flop—the tail went right over the top of it in the air."

Mr. Fahey, seated in the rear part of the plane, immediately unbuckled his seat belt after the plane crashed and jumped from the wreckage along with a teammate. Don Adams, a halfback from Modesto, Calif.

The two saw that some of their teammates were injured and in shock. They, along with the stewardess, Mrs. Danny Miller, 34, Seattle, began dragging them from the wreckage as the flames spread.

Mr. Adams finally collapsed as he was helping rescue those still in the plane and was helped to safety himself.

"It was foggy," Fred Brown, a coach, said. "We didn't want to take off to begin with. You could sense we weren't going to make it too high. I flipped over and then I got out as fast as I could.

"A lot of the guys were staggering around. I ran—and then I went back. The fire wasn't as bad as we had thought it was." He escaped with minor cuts and bruises.

The first persons to reach the scene of the crash from the airport buildings were five men who rode on a United Air Lines tractor and baggage cart.

Because of the fog, they couldn't see the wreckage, but they knew there had been a crash. Heading the tractor toward the spot from where the sounds had come, they finally reached the wrecked and burning plane.

Frank Harman, a station agent for United, said he was in the back room in the airport building when he heard a conversation over the radio between the airport tower and the captain of the plane.

He listened, he said, because he was surprised that a plane would attempt a takeoff in the dense fog. Curious, he stepped outside, but couldn't see a thing because of the fog.

HEARD PLANE STRIKE

"I heard the plane gun its engines and take off—then suddenly the engine noise stopped," he said. "Everything was quite—then I heard the plane strike the ground."

Mr. Harman said he ran to the tractor and baggage cart parked outside, grabbed a first-aid kit and fire extinguishers and drove onto the ramp. Four other men, including R. W. Coombs, senior agent here for United, and Al Bounds, a skycap for United jumped aboard and rode to the scene.

"I guess we were one of the first pieces of mobile equipment to reach the plane," he said. "We had a hard time finding the plane because of the fog, but we just followed the taxiways until we could see it.

VICTIMS WANDER IN DAZE

"The front was on fire. But the back of the plane seemed to be ahead of the front part. Uniforms, which had been packed in bags, were scattered around. Some of the boys were wandering around dazed; some were lying on the ground, and some were buried in the plane.

"There was moaning and crying. Some of the bodies were on fire. We couldn't get very close to the part of the plane that was burning. We turned the extinguishers on some of the passengers who were afire. Then we managed to pull several of them from the wreck."

Mr. Harman said everyone cooperated and pitched in. He said the entire airport crew has had training in such rescue work and has seen movies on the subject, "but this was something different."

Mr. Coombs said he heard the crash, but the reaction was hard to explain.

"There was just one, large roar," he said.

FOG SHROUDS TRAGEDY

Mr. Coombs said he heard the engine backfire and knew the plane had crashed, although he couldn't see anything because of the fog.

"When we got there," he said, "the plane was scattered around. People were lying around, moaning. Our fire extinguishers were too small, so we concentrated on getting the passengers from the parts of the plane which weren't burning."

"Al Bounds did the work of 10 men," Mr. Coombs said, "in getting the victims out of the plane. He seemed to be everywhere."

It seemed to be about 10 minutes later, Mr. Coombs said that fire equipment from the Air National Guard base and from the Springfield Township Volunteer Fire Department arrived and extinguished the blaze.

DESCRIPTIONS SIMILAR

Mr. Bounds gave a similar description of the takeoff and appearance of the wreckage.

Ray Hutchinson, Rural Delivery 1, Monclova, who was standing along the fence in front of the administration building, ran to the airport fire truck at the west end of the building, and sped to the crash scene. He and others on the truck were among the first at the scene. They tried to extinguish the blaze with foam, and were aided when other fire equipment arrived.

California College Town Incredulous at Report of Grid Team's Plane Crash—Faculty Members Called In To Aid Stricken Families

San Luis Obispo, Calif., October 29.—News of the crash of a chartered plane carrying its football team home from Bowling Green, Ohio, stunned Cal Poly and this city of 18,000 persons tonight.

All faculty members of the California Polytechnic Institute of San Luis Obispo were called to the college to assist families of football players who reported there to receive reports from the Toledo airport.

"My God, it can't be the Cal Poly team," Mrs. Gary Van Horne, Sr., mother of the team's star fullback cried when she first heard the news. Her son, Gary, was aboard the plane and she wasn't sure whether he was among the survivors.

Her cry of incredulity was the general pattern as telephone exchanges of newspapers and radio stations were jammed all through San Luis Obispo County.

Since the college team is made up principally of boys from the area, the circle of people personally involved was very wide.

Not all those aboard were football players. John Nettleship, sports editor of the San Luis Obispo Telegram-Tribune, and John Bachina, a leading insurance agent in San Luis Obispo, were passengers on the plane.

Local telephone operators said calls flooded in, some from shocked parents and relatives who were so emotionally distraught they had difficulty in making themselves understood.

John Healy, public relations director for the college, said the news came during a high school football game on the Cal Poly field. As it spread through the crowd, college officials and local newsmen hurriedly left the administrative building which was turned into a command post.

Cal Poly is a member of the California State college system. It has two campuses, the other at San Dimas, Calif. It specializes in air conditioning, agricultural, and allied engineering and other courses.

CRASH WITH ENTIRE TEAM BELIEVED FIRST IN THE UNITED STATES

NEW YORK, October 29.—The plane crash at Toledo tonight that killed members of the California Poly football team is believed to be the first of its kind in the United States.

Available records do not list any previous crashes of chartered airplanes involving an entire athletic team.

In recent years traveling by plane has become routine for major league baseball teams as well as for teams in the national basketball association and for many college football and basketball teams.

PLANE LINE OPERATES MAINLY IN PACIFIC

OAKLAND, CALIF., October 29.—Artic Pacific, Inc., operators of the chartered plane which crashed tonight with Cal Poly football team is a nonscheduled carrier based at Oakland International Airport.

It operates chiefly in the Pacific.

The line has held many Military Air Transportation service contracts for passenger flights fom the San Francisco Bay area to the Far East carrying military personnel.

The line recently was awarded a National Safety Council plaque for operational safety.

[From the Blade, Oct. 31, 1960]

SURVIVORS REACT TO CRASH WITH PRAYER, THANKFULNESS—SORROW WEIGHS HEAVILY ON 24 CONFINED IN TOLEDO HOSPITALS; ACCOUNTS VARY LITTLE

Yesterday was a Sunday of prayer and thankfulness for the 26 survivors of the crash at Toledo Express Airport which took 22 lives.

But the thankfulness was overshadowed by sorrow for their dead friends and teammates on the Cal Poly football team.

Typical of the reaction of the survivors was that of General Owens, Jr., 21, Barstow, Calif., a member of the football team who escaped with a severe nose injury.

Tears edging out of the corners of his eyes, the all-around fullback said, "Kids all around me died—kids that I had played side-by-side with. I don't know how I was spared. But I thank God that I'm alive."

Twenty-four of the twenty-six injured were in three hospitals yesterday. Twelve were in Toledo Hospital, nine in Mercy, and three in Maumee Valley.

All but four were in good or fair condition. Two were on the critical list, two on the serious list.

Accustomed to scenes of suffering, hospital attendants nevertheless were visibly affected by the sight of the young, sturdy football players lying helpless and in pain in their beds. Nurses seemed to put forth an extra bit of effort to make them comfortable.

TOLEDOANS OFFER HELP

Toledoans held out helping hands to assist the injured and their relatives. Hospital personnel reported many Toledoans telephoned and called in person yesterday to offer their homes to the injured and their families.

None of the injured wanted to think about the tragedy. And none of them was anxious to talk about it. The night was one they wanted to forget.

Reconstructing the events leading up to the crash, several of the injured recalled that they hadn't wanted to take off in the dense fog. During the bus ride from Bowling Green to the airport, the conversation centered on the possibility that the flight might be delayed until the weather cleared.

Of the injured interviewed yesterday, all of them agreed that one or both of the plane's engines had been sputtering and missing as the craft was being warmed up before takeoff.

James Fahey, 24, Gilroy, Calif., and Don Adams, 25, Modesto, Calif, teammates and good friends, were seated together in the rear of the plane. Mr. Fahey escaped with an eye injury, and Mr. Adams with severe cuts and bruises.

FORM RESCUE TEAM

Because their injuries were less severe than most of the passengers, they were able to rescue many of the injured from the wreckage. The two worked as a team to drag a victim from the plane to a safe distance from the fire, then return for another and another.

Mr. Fahey, from his hospital bed, gave a clear description of the preparations for the flight, the crash, and the rescue efforts.

"Both of the engines seemed very cold and it took a long time to warm them up," he said. "They coughed and sputtered.

"Then, when the pilot started revving up the engine for the takeoff, they sounded funny to me. I knew something was wrong. Don (Adams) had his seat reclined. I told him to put up the seat just in case something happened.

"We rode the same plane here from California, but the engines hadn't sounded like that before. We couldn't see a thing outside because of the fog.

"As the plane moved forward on the runway, it started fishtailing, just as a car would act on a sharp curve. I heard one engine missing and the plane started bouncing up and down. I didn't know if we were on the ground or off, but it seemed as if we were in the air.

"The plane veered to the right, then veered to the left. Then the engine noise stopped. The plane flip-flopped over on its left side and the nose went down.

"The next thing I knew, I was upside down in my seat. 'How are you?' I asked Don 'OK,' he said. We unstrapped our seat belts and lowered ourselves to the ground. When we got outside we saw flames in other parts of the plane.

"We worked together to drag them one by one from the plane, getting them just as far away as we thought would be safe, and then going back for another one. We tried to carry them, but couldn't. So we just dragged them. It was necessary to unfasten the seat belts from some of them so we could get them out.

"After a while, Don collapsed. He was bleeding a lot from a head wound. By that time, others had arrived and were helping get them out."

Karl Bowser, 23, Bakersfield, Calif., was seated with Billy Ross, 25, also of Bakersfield, about halfway back in the cabin.

"When I saw we were going to hit," Mr. Bowser said, "I rolled up into a ball. The next thing I knew I was in the midst of wreckage. I don't know how many times I got up and then fell down again."

PULLED FROM WRECKAGE

With flames surrounding him, Mr. Bowser pulled Mr. Ross from the wreckage. Mr. Ross was burned critically over the lower half of his body.

Richard McBride, 19, Redondo Beach, Calif., said he and Ted Tollner, 21, San Luis Obispo, Calif., had been concerned about the weather during the bus ride from Bowling Green. There was considerable discussion in the bus about the possibility of staying over, he said.

Seated together in the midsection of the plane, both were thrown clear in the crash. Neither of them could walk, but they were pulled away from the wreckage by other players.

Among the first of several parents of the football players to come here yesterday was Alfred T. Tollner, father of Ted, who arrived at Maumee Valley Hospital before noon. He fortunately was able to obtain a seat on a jet flight leaving California at midnight. His son suffered a severely dislocated ankle.

Roger Kelly, 20, San Luis Obispo, said he and Robert Johnson, 23, Birmingham, Ala., were seated together in the front part of the cabin. He said he didn't remember a thing after the crash until he found himself lying on the grass beside the runway.

NONE ESCAPED INJURY

Mr. Owens said the accident was "too terrible to describe." He said he thought he heard a popping sound when the pilot revved up the engines before taking off. "I had a feeling then that we might crash," he said.

He managed to stagger away from his seat, which was near the center of the cabin. When his stunned condition passed, he joined in the rescue efforts.

No one who was in the plane escaped injury, but those who had been seated in the rear half seemed less seriously hurt. The fire was confined to the front part of the fuselage.

TWENTY-TWO DEAD, TWENTY-SIX INJURED IN PLANE CRASH—PILOT, COPILOT, SIXTEEN MEMBERS OF TEAM ARE VICTIMS

Twenty-two persons died and 26 others were injured in the crash Saturday night of an airliner carrying the California State Polytechnic College football team from San Luis Obispo.

Among those killed were the pilot, copilot, 16 members of the team and the team manager.

The mother and sister-in-law of the copilot, also killed; were traveling to Oakland, Calif., to meet the copilot's wife of a few days.

DEAD

Donald I. Shesser, 37, Oakland, the pilot.

Howard Perkovich, 30, Martinez, Calif., the copilot.

Mrs. Mabel Perkovich, 60, Elkton, Md., copilot's mother.

Mrs. Betty Perkov, 30, Elkton, Md., copilot's sister-in-law.

Peter Bachino, 38, San Luis Obispo, insurance man and team booster.

Walter Miner, Los Angeles, team manager.

Roderick Baughn, 21, San Gabriel, Calif., tackle.

John Bell, 26, Chicago, halfback.

Victor Hall, 21, Los Angeles, halfback.

Guy Hennegan, 20, Los Angeles, tackle.

Curtis Hill, 21, Bakersfield, Calif., end.

James Ledbetter, 19, Sacramento, center.

Lynn Lobaugh, 20, Huntington Park, Calif., guard.

Wayne Sorenson, 20, Los Angeles, quarterback.

Larry Austin, 23, Bakersfield, end.

William A. Stewart, 19, Sunset Palisades in San Luis Obispo, end.

Gary Van Horn, 22, Paso Robles, Calif., halfback.

Oliver Dean Carlson, 20, Lompoc, Calif., halfback.

Ray Porras, 27, Los Angeles, fullback.

Franklin Copeland, 23, Bakersfield, Center.

Donald O'Meara, 25, Madera, Calif., halfback.

Marshall Kuiju, 20, Antioch, Calif., halfback.

INJURED

Maumee Valley Hospital

Karl Bowser, 23, fullback, Bakersfield, Calif., fair.

Ted Tollner, 21, quarterback, Redondo Beach, Calif., fair.

Richard McBride, 19, Redondo Beach, Calif., good.

Mercy Hospital

Leroy Hughes, 54, head coach, good.

Jerry Williams, 19, Santa Monica, Calif., good.

General Owens, Jr., 21, fullback, Barstow, Calif., good.

Howard O'Daniels, 52, assistant coach, San Luis Obispo, fair.

Dr. Arthur James, 38, team physician, Arrayo Grande, Calif., fair.

Brent Jobe, 19, end, Vista, Calif., fair.

James Fahey, 24, Gilroy, Calif., fair.

John Nettleship, 45, sports editor, San Luis Obispo Telegram-Tribune, poor.

Toledo Hospital

Russell F. Woods, 21, guard, of Gridley, Calif., serious.

Billy Ross, 25, tackle, Bakersfield, Calif., critical.

Fred Brown, 20, end, Albany, Calif., good.

Roy Scialabba, 18, guard, San Bernardino, Calif., good.

Gil Stork, 19, center, San Luis Obispo, good.

John Brennan, 19, tackle, Glendale, Calif., good.

Al Marinal, 20, guard, San Francisco, serious.

Donald Adams, 25, halfback, Modesta, Calif., good.

Roger Kelly, 20, halfback, San Luis Obispo, Calif., good.

Bill Daulphin, 19, tackle, Shafter, Calif., good.

Walter Shimek, 23, tackle, Picture Butte, Alberta, Canada, previously listed as dead, fair.

Robert Johnson, 23, guard, Birmingham, Ala., fair.

RELEASED FROM HOSPITAL

F. Sheldon Harden, 45, assistant coach.

Walt Williamson, 24, assistant coach, El Monte, Calif.

Mrs. Denny Miller, 34, Seattle, Wash., stewardess.

COACH SEES END OF FOOTBALL AT CALIFORNIA STATE POLY—DANGER OF AIR TRAVEL FOR TEAMS EMPHASIZED BY DISASTER, HE SAYS

F. Sheldon Harden, assistant coach of California State Polytechnic College football team, predicted that Saturday night's disaster would end football at the 5,000-student school in San Luis Obispo.

Mr. Harden, 45, has been coaching Cal Poly 12 years. He escaped with minor cuts and bruises.

"Other colleges will be doing a lot of thinking about air travel now, too," he added.

"One of the reasons Jackie Jensen quit baseball was that he was afraid of planes.

"Every time I get in a plane I get jittery. If I get in another one I'll probably panic."

LONGEST FLIGHT

The Mustang team has made frequent flights over the years, but until Saturday had never ventured further east than Peoria, Ill., Mr. Harden said.

Saturday's 50–6 loss to Bowling Green State University left it with a 1–5 record, with three games remaining on the schedule. The last three games will not be played.

"We lost a lot more than the game Saturday," the assistant coach continued. "A lot more."

He said no one yelled before or after the crash. "This was the best group of individuals I ever had dealings with in a serious situation," he said. "Everyone held his head—everyone who could helped."

Several of the injured were placed at first on the taxi strip but later were moved aside in fear they would be struck by emergency vehicles hurrying through the fog, Mr. Harden said.

COMFORTS INJURED

The assistant coach, a husky blond who played tackle and guard at Santa Clara University, puffed incessantly on a pipe as he talked, then switched to a cigar when he ran out of tobacco. "Sorry," he said apologetically, "but this seems to be the only thing that soothes my nerves."

His coat was blood-specked, his shoulder sore and he was visibly affected by the ordeal. He talked of Vic Hall, the dead halfback who could run the quarter mile in 46.3 and the 100-yard dash in 9.5. Later, he visited survivors and comforted them.

"I guess the Good Padre just was on my side this time," he said.

CAB BEGINS INQUIRY IN CRASH AT AIRPORT KILLING 16 PLAYERS, 6 OTHERS ON FOOTBALL PLANE—FIELD PHASE OF STUDY MAY REQUIRE WEEK—THRONGS OF CURIOUS GET REMOTE VIEW OF TWISTED WRECKAGE

An investigation directed by the Civil Aeronautics Board began yesterday into the fateful crash Saturday night of a chartered C–46 airliner at fogbound Toledo Express Airport.

The carrier, with 48 persons aboard, including members of the California State Polytechnic College football team from San Luis Obispo, went down while attempting to take off, then burst into flames. The smashup and fire claimed 22 lives and injured 26 other occupants. Sixteen of the dead were members of the football team.

Even as a team of investigators flew into Toledo from several points, efforts were being made to identify all of the dead.

The airport was closed to incoming planes from 8 p.m. Saturday until 7:20 a.m. yesterday. The plane wreckage caused no interference when full-scale operations resumed, but airliners were not permitted to use 3,000 feet of the eastern section of the runway.

Hundreds of curiosity seekers converged on the airport all day long for a remote glimpse of the twisted wreckage at the east end of the runway.

SAFETY UNIT INQUIRY

Inquiry into various aspects of the cause of the crash is being conducted by the safety Investigation Division of the Bureau of Safety of the CAB.

John M. Cyrocki, Washington, Assistant Chief of the Division, predicted that the field investigation would require about a week. Then will follow several other phases, and he said it might take weeks before a final report is submitted to the CAB.

"We are not in a position to guess at these things," Mr. Cyrocki said. "We are not in the business of putting the blame where it does not belong."

If the investigation uncovers some deficiency or negligence connected with the accident, then the report will recommend to the appropriate agency corrective action, Mr. Cyrocki said.

Clarence Stillwagon, from the CAB's Kansas City field office, is the investigator in charge. He will be aided by a team of about 15, covering operation, structures, powerplants, weather information, witnesses, and human factor.

AIRLINE MEN COMING

Mr. Cyrocki said representatives of the Arctic Pacific Air Line, owners of the ill-fated plane, also were due at the scene, but he did not know what role they would have in the investigation.

Headquarters for the investigators are in the Ohio Air National Guard Building.

Mr. Cyrocki said the CAB will be supported in the inquiry by specialists from the Federal Aviation Agency and from industry.

He would not comment on whether the pilot of the chartered plane should have—or had the right to—take off in the heavy fog. Nor would Mr. Cyrocki go into the question of the plane's serviceability except to say that most C46's have had at least 10,000 flying hours and some up to 40,000.

He said facts on such matters as these would have to be developed from several sources.

Officials in the Toledo Express Airport control tower said Saturday night that no matter how poor the flying weather, a pilot may exercise his own judgment as to whether he takes off. But on the other hand, the Civil Aeronautics Administration can prohibit landings if there is not at least a 300-foot ceiling and 1 mile of visibility, the officials explained.

START STUDY PROMPTLY

Several of the investigators went to work within 3 hours after they arrived and were briefed on the situation. They had been alerted by Mr. Cyrocki early yesterday, shortly after he received preliminary details of the crash from the CAB's Chicago field office.

William L. Lamb, who will direct the operations study, and Ralph E. Stokes, in charge of the structures investigation, flew here from New York City.

From Washington came Walter A. Connound, heading the powerplant phase, C. M. Anderson, in charge of the structures group, and Billy M. Hopper, supervising the human factor phase.

They were also joined by Melvin Gough, director of the safety investigation division, and John S. Leak, director of the structures engineering unit.

Dr. Lester Adelson, Cleveland, FAA pathologist consultant; Maj. Wayne Otto, Army doctor assigned to FAA; and Capt. Harrison McMichel, Air Force pathologist, also are assigned to the investigation.

Mr. Stillwagon was accompanied by R. B. Fenimore, also an investigator from the CAB's Kansas City field office.

The operations men will trace the operations of the plane from the time it left its original point until the time of the crash. The structures' investigation will attempt to document the position of the wreckage, with investigators taking out piece after piece for close examination and laboratory tests and the thorough checking of instruments for any clues to the cause of the crash.

Witness examiners will scout the area for anyone who saw or heard anything that might have some bearing on the crash—whether the men in the control tower or lay witnesses heard any indication of engine failure, for example. Mr. Cyrocki emphasized that there is no presumption of such.

Powerplant investigators will seek to determine the intensity of power on the engine at the time of impact and any indication of malfunction.

The human factor element involves autopsies, checking the position of occupants in the cockpits or passenger seats and other human factors that might lend valuable clues to future safety.

EVALUATE WEATHER DATA

While all of this is going on, William L. Halnon, a meteorologist in the U.S. Weather Bureau in Washington will be collecting and evaluating weather data to ascertain what part it played.

Mr. Cyrocki had nothing but praise for the cooperation of the State highway patrol, Toledo police, sheriff's deputies, and Lyle Koepke, Commissioner of Aviation, especially for their securing the area of the wreckage.

The value of this foresight was proved yesterday morning when many persons climbed

a fence near the airport entrance on Chicago Pike and advanced to within 150 yards of the scene. They were warded off by police and later members of the Civil Air Patrol.

State highway patrolmen banned all parking along Chicago Pike in the vicinity of the airport. But hundreds of motorists parked on private property and alongside roads and walked from a quarter to half a mile to points where they could view the crash scene from another quarter to half a mile.

Highway patrolmen also closed at least two side roads that lead around the airport property.

CRASH PLANE NOT SERVICED DURING YOUNGSTOWN STOP

The plane which crashed here Saturday night did not receive engine service when it stopped at Youngstown Municipal Airport Friday and Saturday night, Don Glass, airport manager, said today.

The Cal Poly team was brought here on the charter flight from San Luis Obispo, Calif., stopping en route at Albuquerque, N. Mex., and Kansas City.

After the Cal Poly team was left at Toledo Express Airport, the plane continued to Youngstown, where it picked up the Youngstown College football team and took it to New Haven, Conn., for a game with Southern Connecticut College.

Nearly 500 gallons of gasoline was taken on by the plane Friday at the Youngstown airport, but nothing out of the ordinary was noted, according to Mr. Glass.

On the return trip, the Youngstown team was landed at the airport about 6 p.m. Saturday (Toledo time) and the plane continued on to Toledo. It stayed at Youngstown only about 20 or 25 minutes on the return trip and received no service, Mr. Glass said.

None of the men who were on duty at the airport Saturday night could recall any indication of trouble, he said.

FOG NOT DETERRENT TO TAKEOFF, PILOTS SAY

Several Toledo pilots agreed today that fog is not especially a deterrent to the takeoff of a plane, although certain skills are required to get the aircraft up safely.

The pilots, who asked that they not be identified, said flying during foggy conditions is an accepted practice.

One pilot, who flies a plane for a Toledo industry, said he is apprehensive about taking off during a fog because of a fear that his plane might not be able to land if trouble should develop after the takeoff.

"If I would have to land after a few seconds or minutes in the air, I would be just out of luck," he said.

COPILOT'S BRIDE WIDOWED AGAIN BY TOLEDO AIR CRASH

OAKLAND, CALIF., October 31.—It has been a luckless life for Mrs. Angela Perkovich.

Several years ago her husband and their four children died in an automobile accident.

Tuesday, she married copilot Howard Perkovich, 30, of Oakland. He was killed Saturday night at Toledo in the flaming crash of the chartered C–46.

Dying with him were his mother, Mabel, and his sister-in-law, Betty. They were en route to visit the new bride.

IDENTIFICATION OF VICTIMS IS DIFFICULT TASK—FINGERPRINTS, PAPERS, DENTURES PROVE HELPFUL

The grim task of identifying the dead in the crash of the chartered C–46 airliner Saturday night at the Toledo Express Airport was not completed until 4:30 p.m. yesterday.

Dr. Harry Mignerey, assistant coroner, gave credit to Sheldon Harden, an assistant coach of the California Polytechnic State College football team, for tremendous help in identification of the bodies.

Saturday night, in the improvised morgue in the corridor of the administration building at the airport, four victims were positively identified. Three others were identified by papers and other means at hospitals.

Mr. Harden made some other tentative identifications Saturday night. Yesterday, at 9:30 a.m., he joined Dr. Mignerey, State highway patrol officers and Capt. Ted Kwiatowski, on a tour of seven mortuaries.

Fingerprinting, one of the surest means of identification proved, helpful in only three instances, so badly were the bodies burned or mutilated.

The team relied greatly on Mr. Harden's recollection of the position of players on the plane before its takeoff.

Dentures also were valuable in two instances, Dr. Mignerey said. They helped correct one mistaken identification, and also determined the identification of Mrs. Mabel Perkovich, mother of the copilot.

INSURANCE ON DISASTER HELD BY AIRLINE, COLLEGE

The crashed plane was covered by $50,000 insurance for each occupant, plus public liability and property damage coverage, according to the Independent Airlines Association in Washington.

George Ciucas, dean of finance and development at Cal Poly, said the players were covered by a National Collegiate Athletic Association medical policy which provides up to $5,000 for hospitalization of each injured person.

Another policy, he said, gives the associated student body $300,000 total maximum coverage for a major accident of this sort.

MAYOR MOVES QUICKLY TO AID IN DISASTER

After spending much of Saturday night at Toledo Hospital, where many of the injured plane victims were admitted, Mayor Damas spent most of yesterday at the Toledo Express Airport.

He had Louis Thomson, Jr., city publicity director, set up an emergency information station in the office of the aviation commissioner.

On Saturday night, Mayor Damas asked the Commodore Perry Hotel to provide accommodations for any of the survivors who were able to leave hospitals. He said that the city would take care of their expenses if necessary.

COLLEGE TOWN HOLDS SERVICE FOR PLAYERS KILLED IN CRASH—NONDENOMINATIONAL RITES ARRANGED FOR 16 IN SAN LUIS OBISPO SCHOOL'S GYM

SAN LUIS OBISPO, CALIF., October 31.—Thousands of California State Polytechnic College students will bow their heads at memorial services today for 16 members of their football team who died in a flaming plane crash at Toledo.

The solemn nondenominational services were to be held at the strikingly modern gymnasium here.

The crash Saturday night killed 22 and injured 26 more. All but five of the dead were from the college or from the town of San Luis Obispo.

There were eight married students on the trip. Five of them were killed including a father of four and star halfback Garry Van Horne, whose wife is expecting her second child.

ENTIRE CAMPUS GLUM

Sunday morning the entire campus was glum and somber. But by afternoon girls in bright capri pants talked and laughed near their dormitories. Several male students were playing basketball spiritedly on an outside court at the campus which is set against the Santa Lucia Mountains midway between San Francisco and Los Angeles.

"When the radio and TV bulletins started Saturday night, our campus almost died," one girl recalled. "I told a girl who dated one of the players about the crash and she backed up against the wall and began screaming 'you're kidding, you're kidding.'"

Mrs. Karen Watson, wife of a student living here, said: "There was a Halloween hayride and dance set for Saturday night. We were in the truck all ready to go when word came over a car radio.

"Couple by couple, everyone got up and went home. I've never seen anything like it in my life."

When the news was announced at a downtown movie, many coeds broke into sobs.

RELATIVES CALLED

Harried school officials worked through the night, calling relatives and answering calls. One observer likened the atmosphere to the hours following a mining disaster when families wait—suspecting, hoping, but not wanting to face the terror of the truth they fear.

Saturday, November 5, was to be homecoming for Cal Poly's Mustangs. A girl, her eyes glistening near tears, said, "Homecoming. There's no one left to come home."

The school canceled the homecoming game with Los Angeles State and the other two remaining games on its football schedule.

In downtown San Luis Obispo large posters read "Welcome Poly Back." Nearby newspaper racks headlined the tragedy in 2-inch type.

PLAYERS CALL STEWARDESS CRASH HEROINE—ONLY SURVIVOR OF PLANE CREW MINIMIZES HER ROLE

Surviving members of the Cal Poly football team bestowed the title of heroine on Mrs. Danny Miller, 34, Seattle, Wash., stewardess of the plane which crashed Saturday night at Toledo Express Airport.

Mrs. Miller, a veteran of 14 years as a stewardess, was the only survivor among the three-member crew of the plane. She suffered a wrist injury.

From her bed yesterday in Mercy Hospital, Mrs. Miller denied that she was anything like a heroine, but admitted she aided about 15 persons from the wreckage.

OCCUPIED REAR SEAT

Sobbing quietly, the stewardess recalled the events of the night before. "We took those boys east from California," she said, "and I got to know quite a few of them. It was a terrible thing."

Mrs. Miller said she occupied the rear seat of the plane during the takeoff, as is customary. As far as she knew, there was no engine trouble, she said.

Also, she said, there was no vibration to give a warning of an impending crash. During her years as stewardess, Mrs. Miller said she has flown often under similar weather conditions.

When the ship crashed, she climbed out through a door on the right side. Because the front half of the plane was burning fiercely, she said, nothing could be done to aid those in that section. She and passengers who were not hurt seriously concentrated their rescue efforts toward those in the tail section.

ASSISTED INJURED

She and the others began unfastening safety belts of the injured and assisted them away from the wreckage. She said she was fearful that an explosion might add to the injuries.

Mrs. Miller said she joined Arctic-Pacific Airlines about September 1. Previously she had been a stewardess for Pan-American and Northwest Airlines, as well as several charter companies.

Released from the hospital last night, Mrs. Miller said she planned to return immediately to her home in Seattle.

No less tragic than the crash is the inability of persons injured and beneficiaries of those killed in the crash to receive just compensation for their losses from the now defunct Arctic-Pacific Air

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Lines. The aftermath of the disaster is discussed in the following articles taken from the Alhambra Free Press. These articles describe the terrible plight of the survivors and the families of the dead:

[From the Alhambra Free Press, Sept. 6, 1961]

RESPONSIBLE?—FEDERAL RELIEF SOUGHT FOR AIR CRASH VICTIMS

Should the failure of a regulatory agency of the U.S. Government to properly exercise the responsibilities within its jurisdiction subject the Federal authority to liability for damages suffered by a person or persons as a direct or indirect result of such failure?

This question, loaded with explosive political, legal and moral implications, may soon be posed to the Nation's lawmakers, the Free Press revealed today, in a dramatic move designed to gain legislative relief for surviving and dependent victims of the Cal Poly football team air tragedy last October.

Basis for the move—the details of which will be made public within the next few days—is a far-reaching allegation of failures by the Civil Aeronautics Board (CAB) and the Federal Aviation Agency (FAA) to properly enforce civil air regulations in connection with the operation of the ill-fated Arctic Pacific Air Lines plane.

An unofficial, but highly informed source, in an exclusive interview prior to departure for Washington, D.C., yesterday, assured the Free Press that a strong and determined effort will be made, probably from the floor of the House of Representatives, to obtain rapid congressional approval of a measure that would—

(1) Authorize payment of an undisclosed sum of tax-free public moneys as personal and punitive damages to all passengers aboard the chartered Arctic Pacific C–47 at the time of the crash at Toledo, Ohio, and

(2) Establish by concession the responsibility of the Government aviation agencies for allowing Arctic-Pacific to operate in the face of several known violations and obvious financial insolvency.

Spurring the action is the fact that Arctic-Pacific, within days of the crash, formally declared bankruptcy and technically removed itself from any further possibility of damage payment to the survivors of the 17 young football players killed in the crash, or the half dozen others severely injured.

In addition, the CAB hearing on the accident concluded that the Arctic-Pacific plane was not airworthy, thereby allowing the insurance carrier, Lloyds of London, "off the hook" for the $50,000 policies taken out on each of the men by the college.

Since that time a total of some $6½ million in damage suits has been filed against the airline, the school, and the State of California, with currently little hope for early recovery or relief of the claimants. Six of those killed were married. A total of 11 children are listed among the dependents.

Reports indicate that at no time during the CAB hearing was any effort made to fully identify full ownership of Arctic Pacific. Airlines President James Springer said only that he "owned stock in the company," but did not state—and was not asked to state—the identity of other stockholders.

The hearings further disclosed that normal route checks by Federal aviation regulators had not been made on the Arctic-Pacific operation for "over a year" prior to the accident.

Questions raised at the hearing over the sobriety of the pilot, who was never conclusively identified, as well as the possibility that the copilot was actually at the controls on takeoff in "zero visibility" weather conditions have never been publicly answered.

These and other even more startling questions may be asked again if the new course of action at the congressional level is successful, although the Free Press was advised that "tremendous coverup pressures" could develop if the introduction of the Cal Poly relief bill leads to open debate on the floor of either House.

This warning hinted of the possible violent reaction of prominent figures in Washington, and throughout the vast network of independent airline operations from coast to coast, to any move aimed at a deeper prope of Arctic-Pacific or other "nonsked" irregularities.

Ironically, the reported legislative move comes on the heels of a bill now under consideration (S. 1969) which could give the CAB broader authority in issuing operating certificates to supplemental air carriers. And, strangely one of the carriers named in the bill in a list of exclusive corporations which the measure will benefit is Arctic-Pacific, Inc.

Prime backers of S. 1969, which was introduced at the request of the CAB, are the Independent Airlines Association and its close-knit membership of some 21 supplemental air carriers. A former IAA president and now head of IAA-member President Airlines, Inc., is George S. Patterson, one of the principal figures in the 1959 "Santa Claus Bank Scandals." Arctic-Pacific is—or was—a member of IAA, also.

The Los Angeles Examiner, in an exclusive series by Tom Devlin and Henry Sutherland covering that bank conspiracy case 2 years ago, identified Col. G. Gordon Moore, brother-in-law of former President Eisenhower, as another key figure in the independent airline industry. Moore at one time admitted handling "most of the financial matters" of the IAA which, he said, was "85 percent Government contract" operation.

Though hopes for the passage of a measure for the relief of the Cal Poly crash survivors would appear to enjoy considerable sentimental support, the entire general inference of Federal responsibility due to alleged negligence on the part of the CAB or the FAA is likely to trigger volatile opposition.

Cal Poly football coach Roy Hughes, who was among the few occupants of the plane to escape serious injury, recently reported that public donations to the Cal Poly Memorial Fund have amounted to some $75,000, all of which has already been spent for hospital and medical bills still accumulating. There remains an acute financial burden for the injured survivors as well as the widows and children of the crash victims. Total need has been estimated at a minimum quarter of a million dollars.

Some additional assistance is expected to come from the staging of the Mercy Bowl football game at the Los Angeles Coliseum on Thanksgiving Day, November 23 between Bowling Green (Ohio) University and an undetermined California college team.

The tragic crash, which stunned the American sports public last October 29, occurred at the fog-shrouded Toledo Airport a few hours after Cal Poly's grid team lost to Bowling Green in an intersectional contest.

Cal Poly, located at San Luis Obispo, was forced to cancel the remainder of its 1960 football schedule, including its planned Homecoming Day game against Los Angeles State College 1 week after the crash.

Two of the crash victims were local products, Rod Baughn of San Gabriel and Bill Stewart of Monterey Park.

[From the Alhambra Free Press, Sept. 13, 1961]

NONSKEDS FLY HIGH ON FEDERAL SUBSIDY PAID IN HUMAN LIVES

The Federal Government is saving you money. It is paying off its subsidy of nonscheduled airlines on a pay-as-you-go basis—with human lives.

And the policy is proving so successful that Congress may vote this week to make it a permanent arrangement.

Backed by the gold-plated influence of one of the most powerful combines in the history of American politics and garbed in a paper cloak of public convenience and national defense, Senate bill 1969 (or its companion House bill 7318) lies quietly on the table of a committee room in the House of Representatives today awaiting the call onto the floor for consideration and passage.

This proposed legislation, which has drawn little or no attention from the Nation's usually intrepid news brigade, is designed to create a permanent class of supplemental air carriers (nonscheduled, certificated airlines supplementing the major scheduled lines) and, as the title of the bill so modestly declares, "for other purposes."

This unimposing title page, however, belies the critical importance of the measure involved. Its passage intact can mean:

1. Millions of dollars in potential new income for one of the shrewdest, most complex and powerful monopolies ever constructed.

2. A step-up in troop airlift operations under an exclusive permanent military contract arrangement which is already providing upward of 85 percent of the total revenue of members of the Independent Airlines Association.

3. Perpetuation of financially irresponsible "front" airline companies such as the infamous Arctic-Pacific, Inc., which declared bankruptcy immediately after delivering 16 Cal Poly football players and six other persons to their deaths in a fiery crash at Toledo, Ohio, last year.

4. Continued Government sanction of passenger-carrying airlines which 2 years ago were declared by the District Court of Appeals in Washington, D.C., to be unfit for certification under the standards of the Federal Aviation Act of 1938.

A hint of the vital interest behind the total nonsked industry came when Congress, within a period of about 3 months after the court ruling, drafted and passed Public Law 86–661 which disregarded the court's fitness findings by granting the airlines involved a 20-month interim operating sanction to allow for "further study."

Three months after Public Law 86–661 was enacted, the Arctic-Pacific C–46 aircraft (flying with 16 violations against it and flown by a pilot whose license had been revoked) crashed at Toledo. Had Public Law 86–661—purely stopgap legislation—not been passed Arctic-Pacific would not have been able to accept the Cal Poly charter flight.

Two of the primary arguments offered by proponents of the stopgap legislation as well as the currently proposed bill are (1) the supplemental airline industry is a vital adjunct to the national defense in time of emergency, and (2) the supplemental carriers are not subsidized by the Government and therefore should receive every possible consideration to promote their solvency in times of peace.

With the termination of the 20-month interim operating authority granted to the supplemental carriers due in March of 1962, the continued existence of the majority of these lines rests squarely on Senate bill 1969.

With this bill also rides millions of dollars in potential military and civilian air traffic, a ready market for the existing regular scheduled airlines to dispose of obsolete equipment (a critical item during the period of conversion to jet aircraft), and the continued success of the well protected IAA and its prominent and influential stockholders.

Of interesting note among a fantastically complex web of intrigue, coverup, whitewashed irregularities and enormously wealthy personalities is the fact that President Airlines of Burbank, operators of the DC–6B which crashed on takeoff at Shannon, Ireland, Saturday night, killing all 83 aboard, is also a member of the IAA standing to benefit by S. 1969.

Ironically, 2 of the 3 planes operated by President Airlines were at Shannon Airport at the time of the crash. The death plane, as with the Arctic-Pacific plane at Toledo, was on a chartered flight. The other President craft at Shannon was on a military contract flight carrying Army personnel to Paris.

General manager of President Airlines is George S. Patterson, one of the principal figures in the sensational Sun Valley ("Santa Claus") Bank scandal in 1959. He was formerly president of the IAA and of the now bankrupt Universal Airlines. President Airlines took over the operating certificate of the now defunct Cal-Eastern Airlines. And thus the confounding web continues.

The Free Press talked to Patterson shortly after the Shannon crash. In answer to a direct question, he said that President Airlines owned all its planes and had acquired them in an outright purchase. However, a check of Civil Aeronautics Board records in Washington shows the fatal DC-6B to have been leased from the Ayers-Lines Co. of New York, a leasing firm. They had been purchased by Ayers-Lines from American Airlines, a major scheduled route carrier.

It was noted that Ayers Lines also leases planes to several other IAA member supplemental airlines.

The fact that President Airlines does not own the equipment it operates could signal the beginning of an all-too-frequent pattern such as occurred with the Arctic-Pacific tragedy, whereby the airline company, owning no physical assets of note, quickly slipped into bankruptcy and thereby escaped payment of claims by survivors and dependents against it.

This is a pattern of back-door operation which the Congress, the CAB, and the Federal Aviation Agency have sanctioned in the past and now considers condoning in the future through enactment of Senate bill 1969 or its companion House measure.

This is a pattern which has flourished for two basic reasons: (1) the failure of Congress to enact laws requiring more rigid standards of financial responsibility requisite to certification and (2) the hit-or-miss (mostly miss) enforcement of economic and safety operating regulations by the CAB and the FAA.

And these are the patterns which are currently being scrutinized by several highly incensed legislators in regards to a possible congressional move aimed at fixing Government responsibility for the Arctic-Pacific disaster and securing early financial relief for the hard-hit survivors and dependents of the Cal Poly accident.

Reports late yesterday indicated that the Senate bill could hit the floor of the House within a matter of hours. Just what course of action opponents to S. 1969 might take was still a mystery, but as of press time there still remained an almost certain potential that the year-old Arctic-Pacific crash could become the center of explosive political activity.

It is significant that the report of the CAB relative to the crash is void of any mention of a blood alcohol test on the pilot. There is evidence indicating that the pilot had been drinking alcoholic beverages immediately prior to the time of departure of the plane from Toledo.

Now, we are being asked to approve H.R. 7318 which would give grandfather rights to such airlines as Arctic-Pacific and President. I am unable to understand why the Under Secretary of Commerce Edward Gudeman in a letter to the gentleman from Arkansas, the Honorable OREN HARRIS, chairman of the House Interstate and Foreign Commerce Committee, relative to H.R. 7318 advises that his Department supports this legislation and at the same time says:

The act would also be amended to reduce the present standards of fitness required for certification as an air carrier so that only general findings of fitness need be made for supplemental service. H.R. 7512 would also provide for grant of statutory operating rights to the existing holders of supplemental air carrier certificates, in the nature of grandfather rights.

The full text of the Under Secretary's letter follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., June 19, 1961.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of June 9, 1961, requesting the views of the Department on H.R. 7318 and H.R. 7512, bills to amend the Federal Aviation Act of 1958, as amended, to provide for a class of supplemental air carriers, and for other purposes.

H.R. 7318 would amend the Federal Aviation Act so as to provide: for certification of a class of direct air carriers distinctive from the class of air carriers historically certificated under sections 401(d) (1) and (2) of the act, the new class to be known as supplemental air carriers; that such carriers may request, and be authorized to perform, limited services supplemental to those furnished by the regular air carriers; that the Civil Aeronautics Board be expressly authorized to issue certificates of public convenience and necessity for supplemental service containing limitations on the type and extent of service authorized; that the Board be authorized to grant blanket authorization without having to designate specific points.

The act would also be amended to reduce the present standards of fitness required for certification as an air carrier so that only general findings of fitness need be made for supplemental service. H.R. 7318 would also provide for grant of statutory operating rights to the existing holders of supplemental air carrier certificates, in the nature of grandfather rights.

H.R. 7512 would amend the Federal Aviation Act so as to provide: for certification of a class of direct air carriers distinctive from the class of air carriers historically certificated under section 401(d) (1) and (2) of the act, the new class to be known as supplemental air carriers; that such carriers may request a certificate of public convenience and necessity which limits the holder to performance of unlimited planeload charter operations, limited individually ticketed passenger or individually waybilled cargo operations, and the right of first refusal in the operation of all charter operations; that the Civil Aeronautics Board be authorized to grant a blanket authorization without having to designate specific points.

The act would also be amended to reduce the present standards of fitness required for certification as an air carrier so that only general findings of fitness need be made for supplemental service. H.R. 7512 would also provide for grant of statutory operating rights to the existing holders of supplemental air carrier certificates in the nature of grandfather rights.

On January 28, 1959, in the large irregular air carrier investigation, CAB docket 5132, the Board issued temporary certificates of public convenience and necessity for supplemental air carrier operation in interstate air transportation. Under these certificates, supplemental air carriers were authorized to conduct without reference to any specified terminal or intermediate points not more than 10 flights carrying individually ticketed passengers or individually waybilled property in the same direction between any single pair of points in any calendar month, and to render unlimited planeload charter services.

The issuance of such certificates was challenged in the courts by regularly authorized air carriers, i.e., air carriers certificated to render route-type service. On April 7, 1960, the U.S. Court of Appeals for the District of Columbia Circuit set aside the Board action of January 28, 1959, *United Air Lines et al. v. Civil Aeronautics Board* (278 F. 2d 446). The court found that the certificates issued for supplemental air service did not specify the terminal and intermediate points between which air transportation had been authorized, contained limitations as to the number of flights contrary to section 401(e) of the act, and were not based on standards of fitness for applicants for certificate required by section 401(d) of the act.

As a stopgap measure to avoid immediate cessation of 25 supplemental air carrier authorizations, the Congress enacted Public Law 86-661, approved July 14, 1960. Such legislation was designed to maintain the status quo of the supplemental air carriers for up to 20 months after enactment so as to permit further consideration to be given the entire matter of supplemental air transportation without interim cessation of the then-existing authority of the carriers involved.

This Department is of the opinion that the continued existence of the supplemental air carrier fleet is of real value in terms of national defense. At the present time eight supplemental air carriers have executed civil reserve air fleet (CRAF) standby contracts which provide for the furnishing of air transportation on an international scale to the Department of Defense in the event of war or national emergency.

Of a total of 212 aircraft allocated by the Department's Defense Air Transportation Administration to the basic CRAF program, 40 have been allocated from supplemental air carrier inventories. In addition, the aircraft remaining in such air carrier inventories after CRAF requirements have been met (approximately 123 in number) are subject to DATA's allocation authority for purposes of Department of Defense domestic wartime requirements, such as the Navy's quicktrans and the Air Force's logair operations, and for the needs of the civil economy under the war air service pattern program.

The Department also concludes that it would be unrealistic, as well as inherently unsound, for the continued existence of the supplemental air carriers to be entirely dependent in peacetime upon military business. Therefore, we agree that supplemental airlines should be eligible to operate their planes in peacetime in commercial air services.

The Department supports the purpose of these two similar bills but considers the provisions of H.R. 7318 as being more likely to achieve their desired aims. We recommend against the provision in H.R. 7512 that would give the supplemental carriers the right of first refusal in the operation of all charter trips in interstate, oversea, and foreign air transportation. It is our view that such a provision would give the supplemental carriers an unwarranted competitive advantage over the regularly authorized air carriers and that it could cause undue burden on those persons desiring charter flights by limiting at the outset their choice of carrier.

Furthermore, the provisions in H.R. 7512 limiting the frequency of individually ticketed or individually waybilled cargo operations to 192 flights per year appears to be arbitrary. We are of the opinion that H.R. 7318 gives authority to the Board to furnish the necessary protection without setting a limitation that may be harmful to the supplemental carriers, the regularly certificated carriers and the traveling public.

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The Bureau of the Budget advises that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

EDWARD GUDEMAN,
Under Secretary of Commerce.

The evidence presented herein compels me to ask that H.R. 7318 be passed over without prejudice so that the public interest will be protected.

Mr. HARRIS. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. HEMPHILL], a member of the committee.

Mr. HEMPHILL. Mr. Speaker, I support this measure.

Mr. HARRIS. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. ALBERT], the acting majority leader.

PROGRAM FOR WEDNESDAY AND THURSDAY

Mr. ALBERT. Mr. Speaker, I take this time first of all to advise the House that on Thursday next, September 21, at 12:30, His Excellency the President of Peru, Dr. Manuel Prado, will address a joint meeting of the Congress.

SUSPENSION OF RULES ON WEDNESDAY

Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker pro tempore at any time on Wednesday, September 20, to entertain motions to suspend the rules.

Mr. HALLECK. Mr. Speaker, reserving the right to object, and I shall not, I would like to have the acting majority leader clarify the situation as to the bills that may be called under this consent request, if it is agreed to.

Mr. ALBERT. Mr. Speaker, may I say in response to the minority leader that the bills to be called under suspension of the rules on Wednesday are:

H.R. 5628, relating to the Hawaii Botanical Gardens.

S. 302, Minnesota, funds, Superior National Forest.

H.R. 4172, Federal Advisory Committee on Arts.

All of these were on the calendar for today.

Mr. HALLECK. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER pro tempore. The question is, Shall the House suspend the rules and pass the bill H.R. 7318, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill, S. 1969.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101 of the Federal Aviation Act of August 23, 1958, as amended, is amended by redesignating paragraphs (13) through (31) as (14) through (32) and inserting therein a new paragraph to read as follows:

"(13) 'Charter service' means air transportation performed by an air carrier holding a certificate of public convenience and necessity where the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage or for the movement of property on a time, mileage, or trip basis, but shall not include transportation services offered by an air carrier to individual members of the general public or performed by an air carrier under an arrangement by which any person provides or offers to provide transportation services to individual members of the general public, other than as a member of a group on an all-expense-paid tour."

(b) Section 101 of the Federal Aviation Act, as amended, is further amended by redesignating paragraphs (32) and (33) as (35) and (36), respectively, and inserting therein two new paragraphs to read as follows:

"(33) 'Supplemental air carrier' means an air carrier holding a certificate of public convenience and necessity authorizing it to engage in supplemental air transportation.

"(34) 'Supplemental air transportation' means charter service and other air transportation rendered pursuant to a certificate of public convenience and necessity issued pursuant to section 401(d)(3) of this Act to supplement the service authorized by certificates of public convenience and necessity issued pursuant to sections 401(d) (1) and (2) of this Act."

SEC. 2. Section 401 of the Federal Aviation Act is amended by adding to subsection (d) thereof a new paragraph (3) to read as follows:

"(3)(i) In the case of an application for a certificate to engage in air transportation as a supplemental air carrier, the Board may issue a certificate, to any applicant not holding a certificate under paragraphs (1) or (2) of this subsection, authorizing the whole or any part of the transportation covered by the application, and for such period, as may be required by the public convenience and necessity, if it finds that the applicant is fit, willing, and able properly to perform such transportation and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder. In determining whether an applicant for such a certificate is fit, willing, and able within the meaning of this paragraph the Board shall give consideration to the conditions peculiar to the type of supplemental air transportation for which authority is sought, including the nature of the public need therefor and the extent to which the applicant will be required to provide such air transportation.

"(ii) Any certificate issued pursuant to this paragraph authorizing individually ticketed or waybilled service shall contain such limitations, including the term thereof, as the Board finds are required to insure that such service will not result in significant diversion of traffic from any air carrier authorized to render service between the same points by a certificate or certificates of public convenience and necessity issued pursuant to paragraphs (1) and (2) of this subsection."

SEC. 3. Subsection (e) of section 401 of the Federal Aviation Act is amended to read as follows:

"TERMS AND CONDITIONS OF CERTIFICATE

"(e)(1) Each certificate issued under this section shall specify the terminal points and intermediate points, if any, between which the air carrier is authorized to engage in air transportation and the service to be rendered; and there shall be attached to the exercise of the privileges granted by the certificate, or amendment thereto, such reasonable terms, conditions, and limitations as the public interest may require.

"(2) A certificate issued under this section to engage in foreign air transportation shall, insofar as the operation is to take place without the United States, designate the terminal and intermediate points only insofar as the Board shall deem practicable, and otherwise shall designate only the general route or routes to be followed. Any air carrier holding a certificate for foreign air transportation shall be authorized to handle and transport mail of countries other than the United States.

"(3) A certificate issued under this section to engage in supplemental air transportation shall, with respect to charter service, designate the terminal and intermediate points only insofar as the Board shall deem practicable and may designate only the geographical area or areas within or between which service may be rendered.

"(4) No term, condition, or limitation of a certificate shall restrict the right of an air carrier to add to or change schedules, equipment, accommodations, and facilities for performing the authorized transportation and service as the development of the business and the demands of the public shall require; except that the Board may impose such terms, conditions, or limitations in a certificate for supplemental air transportation when required by subsection (d)(3)(ii) of this section.

"(5) No air carrier shall be deemed to have violated any term, condition, or limitation of its certificate by landing or taking off during an emergency at a point not named in its certificate or by operating in an emergency, under regulations which may be prescribed by the Board, between terminal and intermediate points other than those specified in its certificate.

"(6) Any air carrier, other than a supplemental air carrier, may perform charter service or any other special service, without regard to the points named in its certificate, or the type of service provided therein, under regulations prescribed by the Board."

SEC. 4. Clause (3) of section 406(b) of the Federal Aviation Act is amended by inserting after "each such air carrier" the words "(other than a supplemental air carrier)".

SEC. 5. Title IV of the Federal Aviation Act is amended by adding at the end thereof a new section to read as follows:

"SPECIAL OPERATING AUTHORIZATIONS

"Authority of Board to issue

"SEC. 417. (a) If the Board finds upon an investigation conducted on its own initiative or upon request of an air carrier—

"(1) that the capacity for air transportation being offered by the holder of a certificate of public convenience and necessity between particular points in the United States is, or will be, temporarily insufficient to meet the requirements of the public or the postal service; or

"(2) that there is a temporary requirement for air transportation between two points one or both of which is not regularly served by any air carrier; and

"(3) that any supplemental air carrier can provide the additional service temporarily required in the public interest;

the Board may issue to such supplemental carrier a special operating authorization to engage in air transportation between such points.

"Terms of authorization

"(b) A special operating authorization issued hereunder shall—

"(1) contain such limitations or requirements as to frequency of service, size or type of equipment, or otherwise, as will assure that the service so authorized will alleviate the insufficiency which would otherwise exist, without significant diversion of traffic from the holders of certificates for the route;

"(2) be valid for not more than thirty days and extended not more than twice; and

"(3) not be deemed a license within the meaning of the Administrative Procedure Act (5 U.S.C. 1001, et seq., as amended).

"Procedure

"(c) The Board shall by regulation establish procedures for the expeditious investigation and determination of requests for such special operating authorizations. Such procedures shall include written notice to air carriers certificated to provide service between the points involved, and shall provide for such opportunity to protest the application in writing, and at the Board's discretion to be heard orally in support of such protest, as will not unduly delay issuance of such special operating authorization, taking into account the degree of emergency involved."

SEC. 6. Section 901 (a) of the Federal Aviation Act of 1958 is amended to read as follows:

"CIVIL PENALTIES

"Safety, economic, and postal offenses

"SEC. 901. (a) (1) Any person who violates (A) any provision of title III, IV, V, VI, VII, or XII of this Act, or any rule, regulation, or order issued thereunder or under section 1002(i), or any term, condition, or limitation of any permit or certificate issued under title IV, or (B) any rule or regulation issued by the Postmaster General under this Act, shall be subject to a civil penalty of not to exceed $1,000 for each such violation. In the case of a violation of a provision of title IV or VII or any rule, regulation, or order issued thereunder, or under section 1002(i), or any term, condition, or limitation of any permit or certificate issued under title IV, if such violation is a continuing one, each day of such violation shall constitute a separate offense: *Provided,* That this subsection shall not apply to members of the Armed Forces of the United States, or those civilian employees of the Department of Defense who are subject to the provisions of the Uniform Code of Military Justice, while engaged in the performance of their official duties; and the appropriate military authorities shall be responsible for taking any necessary disciplinary action with respect thereto and for making to the Administrator or Board, as appropriate, a timely report of any such action taken.

"(2) Any such civil penalty may be compromised by the Administrator in the case of violations of title III, V, VI, or XII, or any rule, regulation, or order issued thereunder, and by the Board in the case of violations of titles IV and VII, or any rule, regulation, or order issued thereunder, or under section 1002(i), or any term, condition, or limitation of any permit or certificate issued under title IV, or the Postmaster General in the case of regulations issued by him. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged."

SEC. 7. (a) If any applicant who makes application under section 401(d)(3) of the Federal Aviation Act for a certificate for supplemental air transportation within thirty days after the date of enactment of this Act shall show—

(1) that it, or its predecessor in interest, was an air carrier authorized to furnish service between places within the United States either by a certificate of public convenience and necessity issued by the Civil Aeronautics Board pursuant to order E–13436, adopted January 28, 1959, or order E–14196, adopted July 8, 1959, or that it was given interim authority to operate in interstate air transportation as a supplemental air carrier under Board order E–9744 of November 15, 1955, and has pending before the Board an application for certification as a supplemental air carrier which was filed prior to July 14, 1960;

(2) that between January 1, 1960, and May 25, 1961, the applicant or his predecessor in interest lawfully performed either (A) any portion of the service authorized by the certificate or interim operating authority, or (B) any operations in oversea or foreign air transportation, as a supplemental or large irregular air carrier, otherwise authorized by the Board, or (C) any operations for the Military Establishment of the United States;

(3) that such certificate or interim operating authority had not been revoked or otherwise terminated by the Board or had not otherwise expired prior to the enactment of this Act: *Provided,* That for the purposes of this section such certificate or operating authority shall be considered to have been revoked or terminated if the Board has issued a final order to that effect, notwithstanding a pending judicial review of such order; and

(4) that such certificate or interim operating authority is held by the original grantee or has been transferred with Board approval pursuant to section 401(h) of the Federal Aviation Act: *Provided,* That application under this paragraph may also be made by a person who on the date of enactment hereof had on file an application to the Board for the approval of transfer to him of a certificate for supplemental air transportation or interim operating authority, in which case the Board shall extend the authority hereunder if it approves the transfer pursuant to section 401(h) of such Act;

the Board, upon proof of such facts, shall issue a new interim certificate or new interim authority to such applicant to engage in supplemental air transportation to the same extent authorized in the applicant's certificate and/or other operating authority and subject to the terms, conditions, and limitations attached thereto pending issuance or denial of a certificate pursuant to section 401(d)(3) of such Act authorizing the whole or any part of the transportation covered by the application.

(b) If any applicant who makes application under section 401(d)(3) of the Federal Aviation Act for a certificate for supplemental air transportation within 30 days after the date of enactment of this Act shall show that it or its predecessor has received interim operating authority from the Board pursuant to section 1(2) of Public Law 86–661 of July 14, 1960 (74 Stat. 527), the Board, upon proof of such facts, shall issue new interim authority to such applicant to engage in supplemental air transportation to the same extent authorized in the applicant's interim authority and subject to the terms, conditions, and limitations attached thereto pending issuance or denial of a certificate pursuant to section 401(d)(3) of such Act authorizing the whole or any part of the transportation covered by the application.

SEC. 8. (a) If any air carrier, or its predecessor in interest, was an air carrier authorized to furnish service between places within the United States either by a certificate of public convenience and necessity issued by the Civil Aeronautics Board pursuant to order E–13436, adopted January 28, 1959, or order E–14196, adopted July 8, 1959, or it or its predecessor received interim operating authority from the Board pursuant to section 1(2) of Public Law 86–661 of July 14, 1960 (74 Stat. 527), it may perform operations under its existing authority for thirty days from the date of enactment of this Act, and if it has filed application pursuant to section 401(d)(3) of the Federal Aviation Act within said thirty days, until the Board has granted or denied interim authority under section 7 of this Act. Any air carrier whose application for certification as a supplemental air carrier is pending before the Board and which (A) has operated in interstate air transportation as a supplemental air carrier pursuant to authority granted under Board order E–9744 of November 15, 1955, and (B) had such application for a certificate as a supplemental air carrier pending before the Board on July 14, 1960, may continue to operate in interstate air transportation under its existing authority for thirty days from the date of enactment of the Act, and if it has filed application pursuant to section 401(d)(3) of the Federal Aviation Act within said thirty days, until the Board has granted or denied interim authority under section 7 of this Act. The certificates of public convenience and necessity issued by the Board pursuant to order E–13436 adopted January 28, 1959, and order E–14196, adopted July 8, 1959, and the interim operating authority issued by the Board pursuant to section 1(2) of Public Law 86–661 of July 14, 1960 (74 Stat. 527), and any exemption authority issued by the Board under order E–9744 of November 15, 1955, and prior authority under individual exemptions or Letters of Registration reinstated by the Board under order E–10161 of April 3, 1956, shall terminate on the date of an order of the Board granting or denying interim authority under section 7 of this Act, or if the carrier files no application under section 401(d)(3) within 30 days from the date of enactment of this Act, at the end of said 30-day period. Any carrier whose operating authority in interstate air transportation under Board order E–9744 is continuing solely by virtue of a judicial stay of a Board order which would otherwise terminate such operating authority, is hereby authorized to continue to operate, subject to all conditions and limitations contained in order E–9744 or imposed by the court, until the court shall lift such stay or until the final disposition of judicial review proceeding, whichever shall first occur.

(b) the provisions of this Act shall in no way affect any enforcement or compliance proceeding or action against the holder of a certificate of public convenience and necessity issued pursuant to order E–13436 or order E–14196 or against the holder of interim authority issued under section 1(2) of Public Law 86–661 pending before the Board on the date of enactment of Public Law 86–661 or this Act, or the power of the Board to institute any enforcement or compliance action against such holder subsequent to the date of enactment of this Act with respect to violations of the Federal Aviation Act or provisions of the certificate or interim authority or the Board's regulations which may have occurred prior to such date. Any sanction which the Board might lawfully have imposed on the operating authority of an air carrier for violations occurring prior to the issuance of an interim certificate or other interim authority under section 7 or the issuance to such carrier of a certificate of public convenience and necessity for supplemental air transportation under section 401(d)(3) of the Federal Aviation Act may be imposed upon such interim certificate, interim authority or certificate issued to such air carrier.

(c) Any application of an air carrier heretofore consolidated into the Board proceeding known as the Large Irregular Air Carrier Investigation, Docket Numbered 5132 et al., shall be deemed to have been finally disposed of upon the date of enactment of this Act.

SEC. 9. (a) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "TITLE IV—AIR CARRIER ECONOMIC REGULATION" is amended by adding at the end thereof the following:

"Sec. 417. Special operating authorizations.
"(a) Authority of Board to issue.
"(b) Terms of authorization.
"(c) Procedure."

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "Sec. 901. Civil Penalties." is amended to read as follows:

"(a) Safety, economic and postal offenses.
"(b) Liens.

Mr. HARRIS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Strike out all after the enacting clause of S. 1969 and insert the provisions of H.R. 7318 as just passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H.R. 7318) was laid on the table.

A motion to reconsider was laid on the table.

THE LATE DAG HAMMARSKJOLD

Mr. ALBERT. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution 49.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There being no objection, the Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 49

Whereas, Dag Hammarskjold, of Sweden, served as Secretary General of the United Nations since April 1953; and

Whereas Mr. Hammarskjold worked tirelessly to strengthen the United Nations as a force for world peace and justice; and

Whereas he served the cause of peace with patience, determination, and courage; and

Whereas his wisdom and leadership for peace won the admiration and respect of peoples throughout the world; and

Whereas Secretary General Dag Hammarskjold gave his life in the service of the United Nations and for the cause of peace: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That our deep and sincere regrets are expressed to Mr. Hammarskjold's family, to the Swedish Government, and to the United Nations for the loss of a great man and a great soldier for peace.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

Mrs. BOLTON. Mr. Speaker, the untimely death of United Nations Secretary General Dag Hammarskjold has shocked the world. That he should have met death in the pursuit of reconciling hostile factions witnesses to the singular dedication with which he approached his responsibilities.

As Secretary General of the United Nations, Mr. Hammarskjold labored endlessly to conciliate disputes between nations which threatened to erupt into world conflagration. His conception of an active role for the Secretary General inevitably brought him under bitter attack from the Communists, which resulted in Premier Khrushchev's demand last fall that he be replaced by a three-man committee. It was his support of the United Nations Force in the Congo which disappointed severely Moscow's hopes of continued chaos and early establishment of a satellite government in the heart of Africa.

A man of rare intellectual and literary ability, Dag Hammarskjold's consecrated dedication to his almost impossible job is an example to all the world. We extend heartfelt condolences to his Swedish compatriots, who have now lost two of their greatest statesmen in the service of the United Nations.

Truly the world is diminished by his death, as John Donne's sublime "Meditation No. XVII" comes to mind:

No man is an island, entire of itself;
Every man is a piece of the continent,
A part of the main;
If a clod be washed away by the sea,
Europe is the less,
As well as if a promontory were,
As well as if a manor of thy friend's
Or of thine own were;
Any man's death diminishes me,
Because I am involved in mankind;
And therefore
Never send to know for whom the bell tolls;
It tolls for thee.

Mr. BARRY. Mr. Speaker, with the announcement that the Secretary General of the United Nations, Dag Hammarskjold, is dead we realize that the world at large has lost a friend. He was the outstanding international civil servant of our time. He was a man dedicated to the peace of the world and he possessed the capacity to be an effective instrument for that peace.

What will happen to the position that is now vacant has yet to be determined. It would be a difficult task at any time to find someone to replace such an able administrator. At present, it will no doubt prove even more difficult.

Dag Hammarskjold was the embodiment of the dream that all men will one day live under the rule of law and of reason. His constant concern was for the good of all men. His capacity for impartiality and careful reason was extraordinary. His interest was for the welfare of even the smallest group of men. The staff of the U.N. Secretariat and of delegation personnel were also on his mind. He offered his strong support for World House, a project for which I have responsibility under the YMCA of Greater New York. It would provide for the recreational and temporary housing needs of U.N. personnel. He had time to discuss with us the very great need that exists and the possible ways of meeting that need.

This man is truly irreplaceable. The whole world will mourn his passing. And indeed it should. In a world torn by clashing interests and irreconcilable ideologies, the loss of a man with the Secretary General's ability to unite, to develop accord, to mediate, to persuade is like the loss of a battalion to a beleaguered army—the army of peace.

Let us hope one thing at least. Let us hope that his life will serve as an inspiration to each of us in every nation to work with our whole will for the kind of world Dag Hammarskjold strived to create, a world of peace and of understanding.

Mr. O'HARA of Illinois. Mr. Speaker, in the years and the centuries to come the name of Dag Hammarskjold will be an inspiration to those whose faith is in peace and for its attainment would give unto the last breath of life. As the chairman of the Subcommittee on Africa, I feel deep concern over the repercussions that will follow his tragic death.

When the Congo attained its independence and there were disturbances that threatened the progress of a new sovereign nation, Secretary General Dag Hammarskjold was intrusted by the United Nations with the great responsibility of both restoring peace and saving the territorial integrity of the new republic. The United Nations troops under his direction were from many nations, mostly African, and none American. He won the plaudits of the world.

Then the bitter denunciation of Khrushchev and his puppets and their loud demands that Dag Hammarskjold should be removed. Dag Hammarskjold stood firm. He was pledged to the mission of peace and the preservation of the territorial integrity of the Republic of the Congo. From that mission he could not be swerved.

Recently came the Katanga episode, and some in the West were beginning to join with Khrushchev in denouncing him. Again he stood firm in the performance of his mission of bringing peace and unity to a new nation and without violation of its territorial integrity. In his mission of peace and of preserving territorial integrity he went, as the dedicated servant of peace and of honor that he was, into an area where he must have known the dangers he faced.

His passing is a loss to the world the extent of which we cannot at this time measure. I have the faith he is now reunited, this prince of peace of our times, reunited in the heavenly home with that Prince of Peace who died on the cross that there should be on earth peace and good will among all men. With bowed head, and a prayer, I shall vote for the pending resolution.

GENERAL LEAVE TO EXTEND REMARKS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may have the privilege of extending their remarks in the RECORD on Senate Concurrent Resolution 49, and on the life and services of the late Dag Hammarskjold.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDMENTS TO FARM CREDIT LAWS

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1927) to amend further the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. POAGE]?

There being no objection, the Clerk read the Senate bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 12 of the Federal Farm Loan Act, as amended (12 U.S.C. 771), is amended—

(1) by substituting "a fixed number of one or more installments each year" for "a fixed number of annual or semiannual installments" in paragraph "Second" thereof; and

(2) by substituting in the fourth sentence of paragraph "Sixth" thereof the following for all that comes after "but no such loan shall be made to a corporation": "unless the principal part of its income is derived from farming operations and unless owners of stock in the corporation assume personal liability for the loan to the extent required under rules and regulations prescribed by the Farm Credit Administration.".

(b) Section 202(c) of the Federal Farm Loan Act, as amended (12 U.S.C., supp. II, sec. 1033), is amended by changing the word "five" to the word "seven".

SEC. 2. The Farm Credit Act of 1933, as amended, is amended—

(1) by adding the following subsection to section 5 thereof (12 U.S.C. 1131i):

"(f) The revolving funds created by subsections (a) and (e) of this section are hereby combined into a single revolving fund which shall be available for all purposes for which both such funds were heretofore available, and reference in any provision of law to the revolving fund created by said subsection (a) or said subsection (e) shall be deemed a reference to the single revolving fund created by this subsection.";

(2) by changing section 22(a) thereof (12 U.S.C. 1131f(a)) to read:

"(a) Each production credit association shall, at the end of each fiscal year, apply the amount of its earnings for such year in excess of operating expenses (including provision for valuation reserves against loan assets in an amount equal to one-half of 1 per centum of loans outstanding at the end of the fiscal year, to the extent that earnings for the year in excess of other operating expenses permit, until such reserves equal or exceed 3½ per centum of loans outstanding at the end of the fiscal year beyond which 3½ per centum further additions to such reserves are not required but may be made), first, to the restoration of the impairment, if any, of capital; and, second, to the establishment and maintenance of a surplus account, the minimum amount of which shall be prescribed by the Federal intermediate credit bank."; and

(3) by adding the following subsection to section 36 thereof (12 U.S.C. 1134l):

"(d) Notwithstanding any other provision of this Act, in the case of liquidation or dissolution of any present or former borrower from a bank for cooperatives, the bank, may, in accordance with rules and regulations prescribed by the Farm Credit Administration, retire and cancel any capital stock or allocated surplus and contingency reserves or other equity interest, in the bank owned by such borrower at the fair book value thereof, not exceeding par, and, to the extent required, corresponding shares and allocations or other equity interests held by the regional bank in the central bank shall be retired.".

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

RENEGOTIATION OF COMMERCIAL LEASES

Mr. STUBBLEFIELD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 4934) to authorize the Secretary of Agriculture to modify certain leases entered into for the provision of recreation facilities in reservoir areas.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. HALLECK. Mr. Speaker, reserving the right to object, may I ask the gentleman from what committee this bill comes?

Mr. STUBBLEFIELD. From the Committee on Agriculture.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief of Forest Service, under the supervision of the Secretary of Agriculture, is authorized to amend any lease entered into before November 1, 1956, providing for the construction, maintenance, and operation of commercial recreational facilities at a water resource development project under the jurisdiction of the Secretary of Agriculture so as to provide for the adjustment, either by increase or decrease, from time to time during the term of such lease of the amount of rental or other consideration payable to the United States under such lease, when and to the extent he determines such adjustment or extension to be necessary or advisable in the public interest. No adjustment shall be made under the authority of this Act so as to increase or decrease the amount of rental or other consideration payable under such lease for any period prior to the date of such adjustment.

With the following committee amendments:

Page 1, line 3, strike out "Chief of Forest Service, under the supervision of the".

Page 1, line 4, delete the comma after the word "Agriculture".

Page 1, line 5, strike out the words "before November 1, 1956," and insert "with respect to lands under the jurisdiction of the Forest Service".

Page 1, lines 7 and 8, strike out "water resource development project under the jurisdiction of the Secretary of Agriculture" and insert "Federal reservoir project".

Page 2, line 3, strike out "or extension".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

TO AMEND THE DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT, AS AMENDED

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5968) to amend the District of Columbia Unemployment Compensation Act, as amended, with Senate amendment thereto, disagree to the Senate amendment and request a conference with the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

The Chair hears none and, without objection, appoints the following conferees: Messrs. ABERNETHY, JAMES C. DAVIS, ST. GERMAIN, KEARNS, and BROYHILL.

UNITED SPANISH WAR VETERANS

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and to include a telegram.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, today the surviving veterans of the war of 63 years ago are gathered at Little Rock in Arkansas for the annual encampment of the United Spanish War Veterans. It had been my hope to be with my comrades on this occasion, but the legislative situation has made that impossible. I have wired to the encampment this message, which I am sure reflects the sentiment of all my colleagues in this historic body, where 92 veterans of the war with Spain have served and I remain, the last:

UNITED SPANISH WAR VETERANS ENCAMPMENT,
Adjutant General MCELROY,
Marron Hotel,
Little Rock, Ark.:

From the bottom of my heart I greet you in the unconquerable spirit of '98.

For six decades and more the veterans of the war with Spain have kept aflame the fire of patriotism handed down by the veterans of the earlier wars of our Republic.

As the evening deepens, and our ranks diminish, we still stand at attention, saluting Old Glory and proud in the knowledge that always we have kept the faith with our country and her destiny.

Our country, right or wrong, our country, and where the people rule as in our representative democracy and all decisions come from the people there is a stonewall shield against that which is wrong for mankind.

Ours has been an America unafraid of any power on earth however strong in evil design and equally unafraid of any sacrifice of our lives or property that our own security and our guardianship of the bastion of democracy might demand.

That is the spirit of '98 that as soon as the last of us has answered the final rollcall we shall leave as a heritage to succeeding generations.

In defense of freedom and international morality, Old Glory has never retreated before expediency because when dangers threatened, American hearts have never been faint. Always may it wave in dignity and in honor over a land truly of the free and the brave.

I had hoped and looked forward fondly to being with you. As the Congress is in daily session and the times are trying, I know you would wish me to remain at my post of duty. That, too, is in the spirit of '98.

God bless my surviving comrades of the war that started our country on its road of world destiny. God bless the widows and the families of our departed comrades.

BARRATT O'HARA,
Member of Congress.

GENERAL LEAVE TO EXTEND

Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks on the Spanish-American War veterans.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MILLS. Mr. Speaker, it is pleasing to me that the United Spanish War Veterans are now holding their 63d national encampment in the city of Little Rock, Ark. The encampment began on September 17 and will continue through September 21.

We in Arkansas are proud of the fact that this group of fine American patriots again selected our State and our capital city for their annual convention. I join with all of my fellow Arkansans in extending to each Spanish War veteran a welcome and best wishes for a highly successful encampment.

Mr. Speaker, I am aware of the notable work which is done by the United Spanish War Veterans through their representatives in appearances before the various agencies of the Government in carrying out the policies of the organization and, particularly, in promoting the welfare and interests of Spanish War veterans. In this regard, special mention should be made of the laudable and aggressive manner in which officials of the organization represent its members before the Board of Veterans Appeals.

I am proud to join with my Governor and my fellow Arkansans in congratulating this organization on its 63d national encampment at Little Rock, Ark., and in extending to each and every Spanish War veteran the best wishes of my entire State. I know their meeting will be a successful and pleasant one.

Mr. EDMONDSON. Mr. Speaker, I am glad our distinguished colleague, the gentleman from Illinois [Mr. O'HARA] has called attention to the national convention of the Spanish-American War veterans.

The entire Western Hemisphere owes an enduring debt of gratitude to these brave men, whose ranks include our beloved colleague from Illinois.

As they meet in their national convention, freemen in the Western Hemisphere face a new threat to freedom from an even deadlier enemy of liberty—international communism.

May we meet our challenge of the 1960's, Mr. Speaker, with the same courage and unselfish dedication to duty that marked the service of our Spanish-American War veterans, more than 60 years ago.

Mr. MURPHY. Mr. Speaker, in joining in all good wishes to the United Spanish War Veterans I wish to pay a tribute of affection to the memory of a past commander in chief of that fine veteran organization, the late Cornelius Kelly, of the district that I am privileged to represent. Cornelius Kelly was my beloved friend and was tireless as a civic leader in all good works in the ward I represented in the City Council of Chicago. He was a noble representative of the veterans of the War with Spain.

Mrs. GRIFFITHS. Mr. Speaker, I join with my colleagues in extending greetings and good wishes to the United Spanish War Veterans now convened in annual encampment.

Michigan occupies a large and honored place in the history of the War with Spain. Both Secretary of War Alger and General Shafter, commander in chief of the expeditionary force at the siege of Santiago in Cuba, were from Michigan. The second volunteer regiment to land in Cuba, following by a day or two the Rough Riders, was the 33d Michigan Volunteer Infantry, in which our colleague, the gentleman from Illinois [Mr. O'HARA], the last surviving veteran of that war in the Congress, was a corporal. Mr. O'HARA was 15 when he enlisted, and the fact that he was one of seven members of the sophomore class in the Benton Harbor High School who joined up with Company I of the 33d Michigan would indicate that there were many in the fighting force who were under the formal 18-year-old requirement.

Colonel Boynton and his 33d Michigan was at the extreme left of Shafter's attacking force on July 1 and 2, 1898, the line extending from San Juan Hill to Fort Aguadores, where the 33d Michigan was posted. The largest Michigan casualties were in Company M, composed exclusively of sons of Civil War veterans.

The Spanish War veterans have served faithfully and well their country in war and peace. I am happy that today the House is taking notice of their annual encampment.

Mr. TEAGUE of Texas. Mr. Speaker, I am happy to extend for myself and my colleagues on the Committee on Veterans' Affairs our congratulations to the United Spanish War Veterans on the most successful commencement of their annual encampment and our sincere wish that every minute of their reunion will be filled with joy and a sense of high and patriotic accomplishment. I wish to compliment the members of the legislative committee of the USWV on the fine manner in which always they have cooperated with the committee of which I am privileged to be chairman. They have set a pattern for the effective working together of the Congress and the veteran organizations in the common cause of the veterans of all our wars.

Mr. LIBONATI. Mr. Speaker, the bugle spilled its stirring notes of assembly at Little Rock, Ark., today where at their 62d encampment, the veterans of the Spanish American War are assembled. Here the heroes of that victory met to renew the old camaraderie that has been celebrated for many decades in the past. These happy and spirited veterans mull over the memories of the encampments of yesteryear. The great strength that the United States developed militarily and commercially among the nations of the world after the Spanish American War was a direct result of the respect and recognition that these valiant heroes earned for their country.

The Veterans of the Spanish American War continue during peace to contribute their services to develop the sinews of government—many of them serving in very important capacities both in public and private life. We have but to point to the career of one of the greatest of the Presidents of the United States, Theodore Roosevelt, and realize the impetus given to his political career through his distinguished and heroic services with the Rough Riders in that war.

Our versatile and brilliant orator and lawyer, BARRATT O'HARA, formerly Lieutenant Governor of Illinois, and for many terms a Member of the House of Representatives, served with honor at San Juan Hill and the Cuban campaign.

We hope there may be many such encampments in the future where these heroic veterans will meet again. It would come with a sad feeling to the Members of the Congress who each within himself understands the cruel philosophy of life, that everything passes—to so contemplate the great loss to the Nation of their influence for patriotic and civic good which can never be replaced in the future because of their patriotic devotion to duty.

Mr. Speaker, we hold the highest degree of admiration for their contribution to the welfare of our Nation and we pray that the blessings of God will rest upon them that they may continue in their valiant work for God and country.

Mr. HERLONG. Mr. Speaker, I am delighted to associate myself with the remarks of the distinguished gentleman from Illinois in connection with the annual encampment of the Spanish War veterans. A number of these veterans live in my district and while I know that not very many of them have been able to plan to make this trip, they are nonetheless interested, and because of their interest I too am interested.

It is my earnest wish that they have a wonderful meeting and I hope for them that the Congress of the United States will continue to view their problems sympathetically.

NATHAN STRAUS

Mr. RYAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, the passing of Nathan Straus last Wednesday is mourned by millions in New York and throughout the Nation who appreciated his combination of crusading idealism and practical wisdom. Although I never had the privilege of close personal friendship with him, I admired his character and achievements, and I feel a deep sense of loss.

Nathan Straus acquired his abiding interest in housing as a member of the New York State Senate from the upper West Side of Manhattan, an area which I have the honor now to represent in Congress. It is good to feel that we, his neighbors of the West Side, or our parents, had the wisdom to send this intelligent and public-spirited man to Albany, where he served the State and the West Side with distinction from 1921 to 1926 and laid the groundwork for a great career in housing. He saw the need for legislation to regulate housing, for public planning and public construction, and for public-spirited activity in the field of private housing. After his distinguished service in the State senate, he sponsored the privately owned limited dividend housing project in the

Bronx known as Hillside Homes and served as its first president.

As NRA administrator of New York State in 1934, as special housing commissioner of New York City to make a European housing survey in 1935, as member of the New York City Housing Authority in 1936, Nathan Straus built a reputation as an able executive—one who could see what needed to be done and who made sure that what needed to be done was done. In 1937 President Franklin D. Roosevelt appointed Nathan Straus head of the U.S. Housing Authority, and in this capacity he served until 1942, administering an $800 million housing program and establishing policies that have inspired governments, associations, and private investors and builders in some of the most beneficial planning and building.

Since 1943 Mr. Straus' influence has been exerted through WMCA and its associated radio stations. He has been a vigorous champion of the right and duty of radio to express editorial opinion, clearly labeled as such; and the growing importance of the brief editorial, in radio and television, is largely to be credited to his pioneering efforts.

The people of the United States, and particularly the people of New York City, owe honor and gratitude to the memory of this consistent champion of liberal and democratic causes. He was a good neighbor to all of us. Our sympathy goes out to his widow, his brother, his four sons, and his grandchildren.

In conclusion, I should like to associate with my remarks the eloquent tribute to Nathan Straus which appeared in the editorial columns of the New York Times on September 14:

NATHAN STRAUS

All forms of pomposity were poison to Nathan Straus. Born to wealth and social prestige, he spent his life crusading for slum clearance, civil rights and the amelioration of urgent community problems. As administrator of the U.S. Housing Authority under President Franklin D. Roosevelt, he carried through an $800 million public housing program. But his greatest delight was in battling the timorous traditions of the radio industry and turning his independent station, WMCA, into a forthright champion of liberal causes. His death at 72 deprives New York of one of its most enterprising and engaging citizens.

ECONOMIC PLIGHT OF NATION'S BROILER GROWERS

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ELLIOTT. Mr. Speaker, those of us from broiler-producing areas have, for many months, been watching with grave concern the continued worsening of the economic plight of the Nation's broiler growers. A crisis of the meanest proportions can now be observed when we see that in many areas the price which growers are receiving for their broilers has fallen as low as 10 cents per pound as compared to a production cost of about 14 cents. Unless some relief is soon provided for this industry which is of great economic importance to Alabama, a great majority of the independent feed dealers and growers will face certain bankruptcy.

It is apparent that the crux of the problem is overproduction caused by a surplus of laying hens in breeder flocks. Contributing to this overproduction, in large measure, is a practice which has grown up in the industry known as vertical integration—a practice by which poultry production is overencouraged by large feed manufacturers with little regard to the crucial relationship between supply and demand. One does not have to draw pictures to show what happens to the price of a commodity in which the supply greatly outnumbers the demand.

Quick relief must be found to alleviate this growing distress in the poultry industry. As one immediate solution, therefore, I urge that the Secretary of Agriculture purchase from 15 to 20 percent of the breeder hens in the industry for use in the school lunch program and other food programs under the jurisdiction of the Department of Agriculture.

Furthermore, in order to have something to work on before the House, I am today introducing a bill to amend the Agricultural Adjustment Act as reenacted by the Agricultural Marketing Agreements Act of 1937. The amendment is for the authorization of marketing orders primarily for quotas or setasides to reduce supplies. The effect of this bill, if enacted, would be to turn the price of broilers up again toward an economically feasible level without the need for Government price fixing or subsidies to the broiler growers.

This is the same bill as was introduced in the U.S. Senate by the distinguished Senator from Georgia, Senator TALMADGE, and with whom several other Senators from broiler-growing States joined in its sponsorship.

NORTHERN VIRGINIA HIGHWAY SITUATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Iowa [Mr. SCHWENGEL] is recognized for 30 minutes.

Mr. SCHWENGEL. Mr. Speaker, I rise to inform the House of a most unfortunate and uncalled for criticism made of the Congress by a member of the Virginia General Assembly and to set the record straight regarding the problem of the Shirley Highway in northern Virginia.

On Thursday, August 17 last, Mr. Speaker, the Public Roads Subcommittee of the House Committee on Public Works held a hearing on the Shirley Highway bill which was passed by the House on September 6. During the hearing, several members of the subcommittee spoke critically of the highway services provided by the State of Virginia for its taxpayers in the northern Virginia area where many Members of the House reside while Congress is in session. I took the occasion to point out that the District of Columbia and Virginia receive Federal benefits over and above those granted other parts of the United States, and that in Iowa we have to build our own bridges and do not get any extra bridges from the Federal Government.

The following day, Friday, August 18, the Northern Virginia Sun, a daily newspaper of wide circulation in Arlington and Fairfax Counties, printed on its front page a story about the hearing. It was headlined, "Congressmen Hit Virginia Traffic" and quoted, accurately, I believe, many of the criticisms voiced during the hearing.

In the column adjoining this story was an item headed, "Mann Hits Back." Its first sentence said:

Arlington Delegate Harrison Mann tossed back a few criticisms today at do-nothing Congressmen who aired their views about Virginia Thursday.

Further down, it quoted Mann as saying:

From 1955 to 1959 these blowhard critics and the 10th District Congressman, Representative JOEL T. BROYHILL, sat on their hands and did nothing to implement this agreement.

The agreement he referred to was for the improvement of Shirley Highway.

I ask unanimous consent, Mr. Speaker, that these two stories from the Northern Virginia Sun of August 18, 1961, may be printed in the RECORD at this point in my remarks.

CONGRESSMEN HIT VIRGINIA TRAFFIC—HIGHWAYS ARE CALLED JUNGLES

Congressmen living in northern Virginia aired so many views critical of Virginia traffic, and Virginia in general, that a House subcommittee ran out of time to act on a Shirley Highway bill Thursday.

An Alabama Congressman, who bucks Shirley jams every day, painted a bitter picture of rush hour Shirley:

"A jungle of vehicles in a no-man's land," where a traffic-stalled motorist will never see a policeman if he stays out there till doomsday."

Representative ROBERT E. JONES, Democrat, of Alabama, said he had left his house at 1340 Martha Custis Drive, Alexandria, at 5 minutes of 9 and didn't get to the House Office Building until 10 a.m.

He wanted assurance that Virginia will police Shirley Highway when it takes over ownership of the federally owned suburban section.

JONES and other House Roads Subcommittee members living in northern Virginia have a sort of "hometown" interest in the Shirley bill before the committee.

An "ironclad agreement," guaranteeing that Virginia will maintain the highway and Pentagon network, was demanded by subcommittee member FRANK E. SMITH, Democrat, of Mississippi, who lives at 904 Andover Drive, Alexandria.

Representative SMITH testified that—

"The only work I've ever seen done on highways in Virginia was by convict road gangs and they're always escaping. * * * The guards are so stupid that when two convicts ran off one day, my wife had to call up officials and tell them they'd escaped."

The Mississippi Congressman allowed that he's sorely disappointed at the service Virginia gives her taxpayers and added:

"Nothing's ever been done for northern Virginia—except by the Federal Government."

Like sentiments were expressed by Iowa Republican, FRED SCHWENGEL, of 4005 Nellie Custis Drive, Arlington, who complained that "out in Iowa, we build our own bridges and we don't get all these extra bridges built for us."

District of Columbia funds that finance Potomac bridge building are appropriated by Congress.

The District and Virginia get Federal benefits "over and above those granted any other part of the United States," he said.

The State of Virginia's attitude toward Federal employees swelling the population of its northern borders seemed to puzzle Representative JOHN A. BLATNIK, Republican, of Minnesota, who lives at 2900 North Kensington, Arlington.

"Virginia seems to look on Federal employees as a burden * * * I wish Minnesota had such a burden."

Representative WALTER L. MCVEY, Republican, of Kansas, of 1400 South Joyce Street, Arlington, suggested that truck traffic accounted for much of Shirley's traffic difficulties.

Federal Highway Commissioner Rex Whitton offered the comforting promise that the Capital Beltway will siphon most trucks off Shirley Highway.

MANN HITS BACK

ARLINGTON.—Arlington Delegate Harrison Mann tossed back a few criticisms today at do nothing Congressmen who aired their views about Virginia Thursday.

Virginia agreed in 1955 to take over Shirley Highway and the Pentagon network on Federal terms, Mann said, and then waited vainly for 4 years for the United States to take advantage of her agreement.

"From 1955 to 1959 these blowhard critics and the 10th District Congressman (Republican Representative JOEL T. BROYHILL) sat on their hands and did nothing to implement this agreement," Mann declared.

The Arlington delegate said that in 1959 Virginia "was forced to rescind the agreement, as conditions on Shirley Highway had become so bad that the original contract was out of date."

Mann suggested that if the critical Congressmen "do not represent their constituents any better than they represent the national interest in the metropolitan area, they're doing a sorry job indeed."

Now, Mr. Speaker, anyone actively engaged in politics becomes accustomed to being criticized and called names. I know I have been. I am sure the other members of the subcommittee and our able and distinguished colleague from Virginia's 10th Congressional District, Mr. BROYHILL, have been called names on many occasions.

Many of us do not believe in answering name callers in kind, because by so doing we would simply lower ourselves to their level. The fact is that politicians usually resort to name calling to cover up their own shortcomings. As a general rule, the practice is a mark of smallness.

In this case, my curiosity was aroused by such an unexpected spate of invective. It was particularly surprising because the harshest remarks by subcommittee members during the hearing to which I have referred, came from members of Mr. Mann's own political party—from the Democratic side—and because Mr. BROYHILL spoke not a word of criticism.

I have been making inquiries. The answers have been interesting. For one thing, I have found nothing to indicate any exception to the generalities I spoke of a moment ago about political name callers.

Morning and evening rush-hour traffic is bad on all main highways in northern Virginia, particularly in Arlington. Mr. Harrison Mann represents Arlington in the Virginia General Assembly. Residents of the area long have contended, and have cited figures to prove, that they get back from the State far less in highway and other services, than they pay in in taxes. Clearly, the State government has spent less on highway work in northern Virginia, in proportion to its population and revenue production, than in other parts of the State.

It would be interesting to know if and when Mr. Mann has spoken out strongly on this matter in the State legislature. Not only Shirley Highway but other northern Virginia arteries such as Arlington Boulevard and Lee Highway long since should have been widened and improved to ease the daily bumper-to-bumper traffic jams. There can be little doubt that they would have been improved, had Mr. Mann and his northern Virginia colleagues insisted strenuously on a fair and proper return distribution of the State's revenue income.

I can only repeat that politicians usually resort to name-calling to cover their own shortcomings, and that the practice is a mark of smallness.

Having gotten into the subject, I have also explored the history of the move for improvement of Shirley Highway, which Mr. Mann intimates would have been accomplished earlier if we "blowhard critics" and Mr. BROYHILL had not sat on our hands.

As a result of this digging, I can tell the House without fear of contradiction that there would have been no agreement for widening of Shirley Highway; there would have been no enabling legislation passed by the House, and the project still would be a matter for some time in the future, had it not been for the efforts of our colleague from Virginia's 10th District.

If there has been any foot-dragging on this project, it has been on the part of Virginia. Its officials, up until now, had steadily presented what they knew were unrealistic demands in order to prevent or delay the expenditure of even the State's tiny share of the cost of widening Shirley Highway. Congressman BROYHILL, the Bureau of Public Roads, and the appropriate congressional bodies all have realized fully the urgent need for the project and have sought diligently to bring it to fruition.

Among those who have been the most critical of the Federal Government for alleged delay in this matter, have been Arlington Delegate Harrison Mann and Arlington's State Senator Charles R. Fenwick. And yet I can find no record of any attempt by either to persuade the State highway department, over which Virginia State legislators have the same degree of influence as we in Congress have over the Bureau of Public Roads, to accept a reasonable and realistic compromise.

Officials holding elective office from the same area have an obligation to work together for their area's good, regardless of the specific jurisdiction of the office to which they have been elected. But from my search of the record in this instance, it is obvious that these Arlington County members of the State legislature complained loud and long about the Federal Government without making any effort to end the stalemate on the State end. And an end to the stalemate was what was urgently desired by residents of the area they purport to represent.

Congressman BROYHILL, on the other hand, has conferred repeatedly with Bureau of Public Roads officials, with chairmen of the appropriate congressional committees, with committee members, and all other interested officials in Washington. Not only has he worked diligently in his own official sphere, but on at least two occasions he has gone to Richmond to try to do the job of achieving State action which Messrs. Mann and Fenwick have failed to do.

I might add, Mr. Chairman, that the members of the Public Roads Subcommitee have been fully aware of the dire need to get this project in motion and have done everything they could to encourage all concerned to reach an acceptable compromise. When this finally was done, the legislative action was promptly initiated by the subcommittee.

Yet this Mr. Harrison Mann now has the effrontery to say that Mr. BROYHILL and "these blowhard critics sat on their hands."

I say again, Mr. Speaker, that the underlying reason for political name calling usually is to cover up the shortcomings of the name caller.

Now, Mr. Speaker, I would like to extend my remarks in further verification of the above by inserting a full history of the Shirley Highway negotiations.

THE SHIRLEY HIGHWAY

The Shirley Highway in Virginia was built under the Defense Highway Act of 1941, which provided for construction by the Federal Government of certain highways deemed essential to the war effort. The act stipulated that all such roads would be transferred ultimately to the States through which they traveled, under conditions agreeable to State and Federal officials. The Shirley Highway is the only highway built under this act which is still owned by the Federal Government.

There were desultory discussions between Virginia and Federal officials during the postwar years on the status of Shirley Highway but nothing definite ever occurred. In May of 1954, the Bureau of Public Roads informally asked the Virginia Department of Highways to assume the maintenance of the highway from Virginia Route 7 to the beginning of the so-called Pentagon network, near the Army-Navy Country Club. In further negotiations, the Federal Bureau proposed that the State also take over and maintain the Pentagon network.

By letter dated February 9, 1955, the Commissioner of Public Roads put this proposal in writing, and said the Bureau planned to ask legislation whereby the roads would be improved and turned over to Virginia and the State henceforth would own and maintain them.

On March 24, 1955, the Virginia State Highway Commission approved a resolution accepting the Bureau's proposal.

On April 16, 1956, the Secretary of Commerce transmitted to both branches of Congress legislation authorizing Federal improvement of Shirley Highway and the Pentagon network, and their subsequent transfer to the State for ownership and future maintenance. On June 27, 1956, the able gentleman from Maryland, Mr. FALLON, as chairman of the Public Roads Subcommittee, introduced the bill and a hearing

was held on July 11. Congress, however, adjourned before any action could be taken on the bill.

The following year, 1957, the Commerce Department resubmitted the draft legislation on February 6 and and it was introduced anew by Mr. FALLON on February 20. Mr. FALLON planned to seek action on the bill. By this time, however, the interstate highway program had been started, and there was a delay in the Commerce Department's formal report on the bill. It finally reached Congress in a letter from the Secretary of Commerce dated July 10, 1957, asking that legislative action be withheld while the Department determined whether the work could be performed as part of the Interstate System. There was, of course, no further action that year.

On October 29, 1958, Federal Highway Administrator B. D. Tallamy wrote Virginia Highway Commissioner Samuel D. May setting forth a specific proposal; briefly, it was that part of the proposed improvements would be carried out under the Interstate System with a 95–5 division of costs, and part would be undertaken entirely by the Federal Government. On November 24, the State replied; it pleaded lack of funds and asked that the agreement provide a similar 95–5 division of costs on two other major highway projects in northern Virginia. On December 31, the Federal Bureau replied that there was no legal authorization to accept these additional provisions.

From my personal knowledge as a member of the Public Roads Subcommittee, I know that throughout this period the gentleman from Virginia [Mr. BROYHILL] was doing everything in his power to bring about the quickest possible improvement of Shirley Highway. On May 19, 1959, hoping for a break in the apparent stalemate, he took it up with the Honorable Lewis L. Strauss, then Secretary of Commerce. He outlined the entire case and declared his belief that "it is time the Department of Commerce" took a firm hand in this matter, particularly by resubmitting enabling legislation under administration sponsorship.

Under date of June 8, 1959, Secretary Strauss replied in some detail. He concluded that the Department was "sympathetic to the need for Shirley improvements but that it felt it had cooperated to the utmost in trying to work out the problem, and that it felt the next move was up to the State.

On September 24, 1959, the Virginia State Highway Commission rescinded its previous resolution agreeing to accept title to the Shirley Highway and the Pentagon network.

There ensued minor exchanges of correspondence between Federal and State officials expressing hope that agreement could be arranged. From a practical standpoint, however, there was no progress toward breaking the deadlock.

This past winter, Congressman BROYHILL, impressed by the worsening of Shirley Highway traffic conditions throughout these years of futile and fruitless negotiations, determined that the deadlock had to be broken and improvement work started promptly.

In January of this year, he made a trip to Richmond to discuss the matter with State officials. He brought back a proposal whereby Virginia would accept the Shirley Highway if Federal officials would agree to permit a parallel route to be built through the corridor under the 90–10 Interstate System financing.

Back in Washington, Mr. BROYHILL discussed the matter anew with Federal Bureau of Public Roads officials. They told him there could not be more than one road through any corridor under the Interstate System. Nevertheless, on March 22 he introduced H.R. 5821, which represented the Virginia position.

He did so in the logical belief that the best way of breaking the stalemate would be to bring the entire matter into the open and subject it to the glare of public interest and pressures.

In April, Mr. BROYHILL personally asked the chairman and members of the Public Roads Subcommittee to arrange early hearings on the bill. On May 16, a hearing was held in which Federal witnesses supported the section of the bill calling for widening and improvement of Shirley Highway, but opposed the section providing for designation of a second interstate highway through the corridor.

During the next few weeks, Mr. BROYHILL engaged in numerous conferences with interested officials, including Federal Highway Administrator Rex M. Whitton, Deputy Highway Commissioner Francis C. Turner, and several of their staff aids. The net result was a softening of the Bureau of Public Roads' previous insistence that Shirley should be widened to only six lanes, instead of eight.

Next, Mr. BROYHILL again went to Richmond and again tried to persuade State officials to accept an eight-lane Shirley without insisting on a second highway; future developments showed that he did ease the State's position.

On July 12, the Public Roads Subcommittee held another hearing on Mr. BROYHILL's bill. In that hearing, Mr. H. H. Harris, the State highway commissioner, agreed that the State would accept and maintain Shirley Highway, without any reference to a second parallel highway, if the Bureau of Public Roads would agree that Shirley be widened to eight, instead of six lanes.

The State's new position met with general approval of members of the subcommittee and of Bureau of Public Roads officials present. All concerned agreed to explore the possibilities with the utmost speed and report back to the subcommittee. On Thursday, July 27, Federal Highways Commissioner Whitton and State Highway Commissioner Harris reached a final agreement. On August 4, the Department of Commerce formally recommended to the Public Works Committee new draft legislation which would in effect authorize consummation of the agreement and the bill was introduced individually by Messrs. BUCKLEY, FALLON, and BROYHILL. On August 17, the Public Roads Subcommittee held another hearing and on August 22 it recommended Mr. BUCKLEY's bill, with amendments, to the full Public Works Committee. On August 24, the full committee voted to report the bill favorably to the House.

So, Mr. Speaker, that is the story of the Shirley Highway bill we have passed. Clearly, it resulted from the dedicated, nonpartisan efforts of a few persons like Congressman BROYHILL. Clearly, it has been handled by the Public Roads Subcommittee without any injection of partisan political considerations.

THE HONORABLE F. DICKINSON LETTS

Mr. SCHWENGEL. Mr. Speaker, I rise today to pay tribute to a selfless American, one of Iowa's favorite sons and a friend of mine whom I admire, who was recently retired from the U.S. district court for the District of Columbia. I refer, of course, to the Honorable F. Dickinson Letts of whom, now in his 86th year, it may justly be said, "His youth 'gainst time and age hath ever spurned."

During his judicial career which spans a period more than 40 years on the State and Federal bench, Judge Letts has had a rich and varied experience in the different branches of our court system involving a multitude of civil and criminal cases. His retirement from the Federal judiciary after years of outstanding and dedicated service leaves a void which will not be easily filled. His life is a testimony to the Blackstonian observation: "They are the depositaries of the laws; the living oracles, who must decide in all cases of doubt, and who are bound by an oath to decide according to the law of the land."

I consider myself fortunate and indeed proud to represent the congressional district which was so ably represented by Judge Letts during the 69th, 70th, and 71st Congresses.

F. Dickinson Letts was born on a farm in Washington County, Iowa, April 26, 1875, the son of David Grove Letts and Hannah Gale Dickinson Letts, direct descendant of Nathaniel Dickinson, Hadley, Mass., who was born in Cambridge, England, and settled in Massachusetts in 1630 and of Nehemiah Letts a revoluntionary ancestor. His father served in the Civil War.

Judge Letts received his secondary education in the public school system of Iowa. The first school he attended was Pine Grove which was constructed on one corner of the family homestead, donated to the school by David Grove Letts. His first religious training was received in the Bethel Presbyterian Church erected at the opposite corner of the homestead, likewise donated by his father. He graduated with a B.S. from Parsons College. This same institution paid tribute to its outstanding alumnus by conferring upon him the degree of doctor of laws.

Ever inclined toward the law, he attended Columbia University and the University of Iowa schools of law, graduating from the latter in 1899. Admitted to the Iowa bar, he immediately entered the private practice of the law at Davenport, Iowa, a focal point from which he engaged in a wide range of civil practice. His work encompassed both trial and appellate activities. In March 1911, then Governor Carroll appointed him judge of the Seventh District. He served in the capacity of State district judge, with the exception of 2 years, until his resignation on February 28, 1925. Thereupon he was elected to this body where he served capably, always upholding the interests of his constituents. During this period he served on various committees, including Banking and Currency, Elections, Expenditures in the executive departments, Indian Affairs, Patents and Public Lands. The CONGRESSIONAL RECORD testifies to his intense and lively interest in copyrights and Indian affairs.

On May 5, 1933, President Herbert Hoover appointed him to the Supreme Court of the District of Columbia, now the U.S. District Court for the District of Columbia. He served as chief judge from November 15, 1958 until August 6, 1959. Contemporaneous with his early Federal judicial service, Judge Letts lectured in the Washington College of Law on damages and in the National University Law School on mortgages.

Judge Letts' many years in the judiciary were "sprinkled" with cases involving novel situations and problems of national significance; cases which have left a lasting imprint in the annals of the law. As a State district judge he awarded a judgment for $750,000, the largest sum up to that time in a civil suit in Iowa. In another case which involved a disputed signature, he found it necessary to render an opinion based on his own experience and the Supreme Court of Iowa in recognition thereof upheld the decision.

Soon after his appointment to the Federal bench, Judge Letts ruled against the right of apartment house proprietors to sub-meter gas to their tenants for a profit. This opinion was followed throughout the country. Another case at which he presided, which likewise received national attention, was an action brought in an attempt to restrain the Secretary of State from exercising his official duties to declare the repeal of the 18th amendment. He presided over a large number of important and much publicized criminal cases, including the wartime trial of George Sylvester Viereck, and more recently the trial of a murderer of a District law enforcement officer.

The last 3 years of Judge Letts' career have been among the most strenuous he has experienced. His name became known from length to breadth of the country in his handling of the case to enjoin James M. Hoffa's right to the office of the president of the Teamsters Union. Out of that action came the appointment by Judge Letts of a board of monitors commissioned to see to it that reforms were brought about in the union. His judicious handling of this much publicized case has led one observer to remark: "The firm and patient manner in which Judge Letts handled this difficult and tedious matter is a tribute to his career on the bench. Many younger men might have found the strain on both patience and energy too great."

Judge Letts was married to Josephine Nell Haney of Muscatine, Iowa, July 20, 1916. They have no children, but raised Dorothy Hyla Haney, a niece, as if she were their own.

Judge Letts is a 32d degree Mason and a member of the Sons of the American Revolution, State Historical Society of Iowa, Chevy Chase Club, Lawyers Club of Washington and a former trustee of Parsons College. He is a member of the Beta Theta Pi Fraternity, Phi Delta Phi Legue Fraternity and Phi Kappa Phi Honorary Fraternity. He is a member of the Chevy Chase Presbyterian Church.

All Iowans and every American has every reason to feel pride in his career, and length and devotion to public service. I know that I express the sentiments of the citizens of the State which I have the honor in part to represent when I wish for Judge Letts many years of health and happiness and continued usefulness to his fellow man.

Mr. Speaker, the following is a story published recently in the Davenport Times, Davenport, Iowa that reflects further on the marvelous record of this Iowa statesman:

F. DICKINSON LETTS, 86, DEAN OF U.S. DISTRICT COURT, RETIRES

(By Dorothy Williams)

WASHINGTON.—Anyone who thinks that Iowa-born Judge F. Dickinson Letts is quitting the Federal bench here just because he says he wants to retire is wrong.

The 86-year-old dean of the U.S. district court here still hopes to don his judicial robes from time to time and sit on the bench under a law which allows retired judges to help out in Federal courts.

GOOD REST

"If I retire," Letts explained, "I am not under a requirement to sit but I am privileged to carry on. It's my hope," he added, "that after a good rest this summer, I can go ahead with work this fall."

After his retirement, Letts hopes to go with his wife, Josephine, to Massachusetts to summer on the north side of Cape Cod—the other side of the Cape from where President Kennedy and his family have their homes.

"I found that the heavy winter here this past year tired me," Letts said, "and I want to be free, if we should have more weather like that, to go somewhere and soak up some sunshine." He could have stepped down from the bench 16 years ago at full pay, but he prefers to remain active.

LIVED IN DAVENPORT

Letts, who was born April 26, 1875 in Washington County, Iowa, and lived for many years in Davenport, first came here as a Republican Member of the U.S. House of Representatives from that area. He recalls that E. P. Adler, the late publisher of the Daily Times, was the one who persuaded him to run for that congressional seat.

His legislative service was ended when President Herbert Hoover appointed him to his present post on May 5, 1931. From November 14, 1958, to August 6, 1959, he served as chief judge of the court.

Although Letts is best known nationally for his creation of the board of monitors to supervise the International Brotherhood of Teamsters, he does not look upon this as either his most important or most interesting judicial experience.

Two other cases come to mind when he looks back over the 30 years on the bench.

One was a patent case with so many litigants from the United States and abroad that they, with their counsel, completely filled Letts' courtroom. The dispute concerned rival claims over the rights to a process of hardening gypsum for the purpose of making building material.

It developed in the course of the testimony that trade publications long had been suggesting possible ways to solve the problem of finding a suitable binder for gypsum.

EXPERIMENTS

Then came a publication that advised trying a substance derived from boiled seaweed as a binder. Apparently this recommendation led to experiments by a host of companies.

Letts found in favor of the U.S. Gypsum Co. since in his opinion that company was the first to reduce the boiled seaweed process to a commercial practice.

The Iowan also recalls with interest a case that brought another courtroom full of litigants to Washington for the sale of 200 to 300 acres of a Federal Government reservation in Alaska.

"They all had to come here," Letts explained, "because the Secretary of the Army, the necessary party, could only be sued here."

KIND MAN

A kindly man with a warm friendliness, Letts treasures most from his experience "the confidence and good will which I think I have had from members of the bar and associates on the bench.

"I think," he volunteered, "that it is important to every judge to have that relationship."

Letts expresses one of his basic beliefs when he says "I think you must always give every other person with whom you deal the benefit of good intentions until you find your faith is not justified.

TREAT OTHERS

"You can't get along well," he said, "if you treat others in a spirit of distrust.

In this Letts is practicing what he preaches when he instructs jurors that under the American system the accused is presumed to be innocent until his guilt is proven.

The jurist and his wife have one daughter, Mrs. O. R. McGuire, Jr., the wife of a member of a prominent District of Columbia law firm, and a grandson and granddaughter. The McGuires live in nearby Vienna, Va.

WHY THE DISCRIMINATION?

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia [Mr. BAILEY] is recognized for 30 minutes.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point.

Early this year it was my understanding that if I obtained 100 cosponsors to House Concurrent Resolution 4, a hearing would be granted by the Ways and Means Committee.

The resolution expresses the sense of Congress that there shall be no further concessions granted during the lifetime of the Reciprocal Trade Agreements Act which must be extended next year by the Congress or it will die.

Seventy-two of my colleagues have joined me as cosponsors, but we have had no opportunity to have our day in court.

Whereas, normally, I do not care to criticize a committee of the House, I would be remiss if I did not call attention to the fact that the Committee on Ways and Means has concluded hearings on a bill which would not only place a tariff on shrimp but would impose import quotas.

That bill had 12 sponsors.

Our bill has 73 sponsors.

Our bill does no violence to the principle of reciprocity; it merely calls for a temporary halt in concessions until a more thorough study may be made of the administration of this program and its impact upon the domestic economy.

The shrimp bill, on the other hand, is a straight protectionist bill, in the philosophy of the Smoot-Hawley Act.

How long, Mr. Speaker, must 73 Members wait for our day in court?

There is a real need to reexamine, with great care, the impact of foreign trade on our domestic economy. It is significant to note that in spite of a general economic upswing, employment continues to fall in my State.

Latest data prepared by official sources, show unemployment in July was 11.9 percent as against 11.7 percent in June, and 11.6 percent in July of 1960.

Here are some significant figures for industries directly and adversely impacted: Glass products, 15 percent unemployed; pottery and related products, 3.1 percent unemployed; coal mining, 38.9 percent unemployed.

My colleagues may wonder why I wage this fight to bring some sanity into the foreign trade program. These data are all the justification I need.

Mr. Speaker, one of the remarkable changes in today's world is the inability of our industries to compete with those of foreign countries in our own and in foreign markets. Traditionally, although we have maintained the highest standard of living in the world, we have been able to compete with other countries because of mass production methods and of technical superiority. Today we are no longer assured of primacy.

Since World War II we have been engaged in a worldwide "giveaway" program in which we have advanced financial aid to other countries in order that—in the immediate postwar years—such nations might rebuild their wartorn economies to a viable position and, inevitably, take over some of our markets. Later, we began a similar program of technical assistance and other aid to the less-developed countries so that they might industrialize in a short period of time—a process that took two to three centuries for today's industrialized nations. Here, we experienced discrimination against our products in order to permit such nations to establish an industrial base.

Concomitantly with our aid program, we have cooperated with other nations in the General Agreement on Tariffs and Trade—GATT—under what is euphemistically called a reciprocal trade agreements program. As a result, we have consistently lowered our tariff rates until today they are only a fraction of their original amount. I am sorry to say that other nations have not lowered their tariffs on a reciprocal basis. Perhaps this was inevitable given the postwar difficulties in the free world. Nevertheless, the fact remains.

Thus, today we are faced with the serious problems of import competition and competition in world markets which are largely the result of our own foreign economic policy. A stronger position against dollar discrimination might have alleviated the situation. Billions of dollars have been spent to reconstruct and modernize foreign industries, much of which has come from the pockets of American taxpayers. Lowered tariffs have permitted entry of foreign products to our domestic markets in a veritable flood—products which can sell much cheaper than our locally produced goods because wages are lower, raw material prices are more favorable and, in many cases, the industry is more modern than ours.

Small wonder that Congress has never given formal approval to the GATT and that each year there is deeper and deeper concern when the foreign-aid program comes up for consideration.

Today, the proverbial chickens have come home to roost. We find our balance-of-payments badly out of balance; with the exception of 1957 when there was a small surplus, there has been an adverse balance every year since 1950. True, only in 1958, 1959, and 1960 did it reach unmanageable proportions. We cannot permit such an outflow as occurred in these 3 years to go on for any length of time. Today, it is more favorable but it has required appeals to other nations, a costly export promotion program, restrictions on U.S. travelers abroad and other measures to alleviate the situation. I do not imply that imports are the sole cause of this anomaly, but it does seem to me that they are one of the chief bases. Indirectly, import competition has caused such other factors as increased foreign investment which contribute to the difficulty.

Indirectly the gold outflow dampens our own industrial activity because it adds to the pressure on the Treasury Department to increase interest rates on current and future borrowing. Naturally, the more costly investment is, the less there will be.

So serious has become the problem of import competition that many American firms have established branches abroad so that they can reap the benefits of lower production costs, which enables them to supply foreign markets on a competitive basis with other nations. Many American firms now produce abroad for the American market.

Needless to say, with our aid foreign countries have made tremendous strides in improving the productivity of labor. Since wage rates abroad are much lower—sometimes as much as 75 percent—American industry finds it difficult to compete, particularly in labor-intensive industries. Recently the French National Institute of Statistics and Economic Studies surveyed hourly wages and fringe benefits in manufacturing industries, April 1959, with the following results—in U.S. dollars:

Country	Hourly wage	Fringe benefits	Total cost per hour
Italy	$0.35	$0.26	$0.61
Netherlands	.44	.13	.57
France	.47	.24	.71
West Germany	.54	.24	.78
Belgium	.56	.17	.73
Switzerland	.67	.10	.77
United Kingdom	.68	.10	.78
Sweden	.94	.14	1.08
United States	2.22	[1].46	2.68

[1] Excludes 7.3 cents in paid lunch and rest periods, travel and makeready time, which are not considered social charges in other countries.

The recent action of the House of Representatives in proposing that any country receiving foreign aid must agree to limit exports of any industry aided by our mutual security program to 10 percent of annual production is a step in the right direction but will not, of itself, prove adequate.

In the remainder of my remarks, I shall address myself to the situation in three industries which are important to West Virginia and show the effect of our present program upon West Virginia's economy.

West Virginia's coal industry is struggling for survival. It is my State's most important industry. Bituminous coal production in 1958–60 was the lowest for any 3-year period since the depression of the 1930's. Gas and fuel oil have almost entirely superseded coal as home heating fuels; the introduction of electric and diesel fuel locomotives on our railroads have almost eliminated coal from a second major market. As more pipelines are constructed, both natural gas and oil penetrate into more markets where coal was either the major or the only available fuel.

In West Virginia about 30 percent of all U.S. coal is mined. Coal production in the United States was 621 million tons in 1947, but, in 1960, it had declined to about 417 million tons. The National Coal Association estimates that 1961 production will be about 423 million tons. West Virginia has suffered concomitantly with this national decline in soft coal production. State mining employment dropped from 138,000 in 1948 to 68,000 in 1958. In mid-April 1961 only 45,800 were employed, a decline of 12,300 from mid-April 1960. It would be presumptuous of me to say that all of the difficulties of West Virginia's coal industry are the result of import competition. However, I do contend that a fair position with respect to imports of residual fuel oil and natural gas would materially aid my State's coal industry.

The Federal Government has, by reducing tariffs on residual fuel in 1952 and by liberal quotas for imports of such oil in most years since that time, permitted a vast increase in the imports of residual oil in the past dozen years—from 53 million barrels in 1948 to 181 million barrels in 1958 and to approximately 200 million barrels in 1960.

In 1960 residual oil imports displaced about 48 million tons of coal production, or about 8½ percent of total production. This is a small percentage, perhaps, but it strikes with devastating effect on the coal-producing sections of West Virginia, Pennsylvania, Virginia, eastern Kentucky, and contiguous areas.

Mandatory import controls on residual imports have done little to allay this problem. In fact, they frequently have been breached to accommodate those importers who claim that their allowances were too small initially or whose customers want more oil.

Additionally, there has been a tremendous increase in the importation of natural gas from Canada. During the summertime, when demand is slack, natural gas is dumped at less than cost under utility boilers. This, I contend, is a wasteful use of a premium fuel when adequate supplies of coal are available.

American coal resources are virtually unlimited. Our known petroleum reserves could last 20 to 40 years, available natural gas fewer years than that even with Mexican and Canadian sources.

Residual imports, of course, help in prolonging the life of our petroleum and

natural gas, but what if war comes? As in the past, much reliance would necessarily be placed on coal. It is true that coal's productivity increases rank above virtually all other industries and that cost has remained practically stationary since 1950, but import discrimination must cease if the industry is to survive.

As an example of the loss from import competition, I quote from the CONGRESSIONAL RECORD of August 21, 1961:

Joseph E. Moody, president of the National Coal Policy Conference, last month gave a House subcommittee this picture:

Based on 1959 figures, coal at the mouth of a West Virginia mine was worth $5.12 a ton. Since the average production for the West Virginia, Pennsylvania, Virginia, and east Kentucky area is 10.63 tons per man a day, this would mean that—in the value of the coal alone—each million barrels of residual oil replacing coal would mean a loss of $1,229,000 at the mines.

LOSE 22,580 DAYS

The number of man-days lost would be 22,580. That would mean a pay loss of $587,000 to the miners. Supervisory, clerical, and other employees would lose another $96,000.

Since local and State taxes average about 15 cents a ton, that would represent a loss of $36,000 in tax moneys.

The United Mine Workers welfare fund, which gets 40 cents a ton royalty, would lose $96,000.

Mining concerns spend about $1.50 a ton for mine supplies, power, rental, and depreciation. That would be another $360,000.

Virtually all coal moves to the eastern markets by rail. The railroads get an average of $4 a ton for shipping costs. The rail revenue loss would be $960,000.

When all these figures—and others—are put together, Moody told the Congressman, the total loss for every million barrels of imported residual fuel which takes the place of coal runs to more than $4,400,000.

LOSE MILLION WAGES

"Imports in 1961 are expected to be about 77 million barrels greater than they were in the 1957 base year," Moody said. "When we multiply the loss of $4,400,000 per 1 million barrels by 77, I think everyone can begin to comprehend just how serious the total cumulative effect of excess residual fuel oil can be to the economy of a substantial part of the Nation.

"Wage loss alone in the mining areas for mineworkers, employees of suppliers, and railroad employees, for every million barrels of residual fuel oil which displaced coal is equal to more than $1 million."

The quotation was inserted into the RECORD by my colleague, the gentleman from West Virginia, Representative KEN HECHLER, reprinting an Associated Press article which had appeared in one of the Huntington, W. Va., papers.

In my opinion, President Kennedy made a serious error when he returned for further study the recent Tariff Commission recommendation to raise tariffs on crown, cylinder, and sheet glass. Unanimously, the six Commission members had ruled that an increase was necessary to protect the domestic industry from serious injury from import competition. Four of the six Commissioners agreed that rates should be increased by amounts ranging from 1.3 to 3.5 cents a pound, while the other two recommended even higher rates of 1⅞ to 3¾ cents per pound.

Surely anyone who has followed the vicissitudes of the American glass industry for any length of time can see the need for protection.

The ratio of imports to total domestic shipments in 1955 was 15.4 percent; by 1958 it had jumped to 27.2 percent; and in 1960 it reached the high point of 32.5 percent.

During the same period U.S. exports of sheet glass declined substantially; they now amount to less than 1 percent of total domestic shipments. Of necessity, this fact has jeopardized thousands of American jobs.

In 1950 imports of sheet glass were 31.7 million pounds; by 1959 they totaled 502.6 million pounds, an increase of 1,485 percent in a decade.

Exports declined from 13.4 million pounds to 4.3 million pounds in the same period.

Meanwhile, the tariff rates on sheet glass had declined from 60 percent in 1939 to 14.8 percent in 1959. The latest series of tariff reductions were in 1958 with a consequent jump in the import ratio to total production from 17.1 percent in that year to 27.2 percent in 1959.

The chief importer of window glass is Belgium with 40 percent of total imports. Japan is coming up rapidly. In 1956 she exported to the United States about 10 percent of our total imports; by 1959 she sent 15 percent of our total. Between 1958 and 1959 imports from Japan more than doubled.

In summary of the glass industry situation, the Tariff Commission determined that between 1955 and 1960 cylinder, crown, and sheet glass imports increased 64 percent while domestic production for the same period declined 18 percent, the quantity shipped dropped 20 percent and the dollar value of sales decreased by 25 percent. During the same period the share of the U.S. market supplied by U.S. producers declined from 87 to 75 percent. Employment in the industry declined from 8,523 in 1955 to 7,134 in 1960—these Tariff Commission estimates are for 16 U.S. plants producing sheet glass. It is no wonder that 13 glass companies in the Wheeling, W.Va. area alone have ceased operations in the last decade.

These figures should be pondered by every thinking American.

Our pottery and related products industry has declined from almost 5,000 employees in 1957 to 3,300 in April 1961. This constitutes a drop of 400 from April 1960. Average weekly earnings declined from $73.00 in April 1960 to $68.90 in April 1961.

The situation has become so serious that the International Brotherhood of Operative Potters has recently approved a resolution seeking relief from foreign competition through a "fair and just tariff."

Throughout this presentation I have neglected to mention the human factors. Many West Virginians, particularly in coal mining, have been unemployed for 1, 2 or 3 years. Once their unemployment insurance is exhausted they have relied on odd jobs, State employment, migration, and whatever other means available in order to subsist. I have previously pointed out the tremendous decline in employment in the coal mining, glass, and pottery industries.

"BACKGROUND, BERLIN, 1961"—FORMER PRESIDENT EISENHOWER COMMENTS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin [Mr. LAIRD] is recognized for 60 minutes.

Mr. LAIRD. Mr. Speaker, on Thursday, September 7, I took the floor of the House asking the State Department to withdraw its pamphlet, entitled "Background Berlin, 1961" until certain inaccuracies could be corrected. This pamphlet contained a deliberate misrepresentation regarding the background of the Berlin situation. The most glaring example was contained on page 5 of the pamphlet, and I quote:

The Western armies could have captured Berlin or at least joined in capturing it. But the Supreme Allied Commander, General Eisenhower, believed that they could be more usefully employed against the major German forces elsewhere. As a result, the Soviets captured Berlin, but when Germany surrendered, the Western armies held much more, and the Soviets much less, than the areas assigned to them by the four power occupation agreement of September 1944.

It is my understanding that following my remarks, the Secretary of State, Dean Rusk, called former President Eisenhower in Gettysburg and expressed his regret over the wording of this section. As of this date, although I received a letter from the Secretary of State, I have received no word as to whether the second printing of this pamphlet has been corrected.

Mr. Speaker, under unanimous consent I wish to include in the RECORD a letter which I received this past week from former President Dwight D. Eisenhower:

GETTYSBURG, PA., *September 12, 1961.*

Hon. MEL LAIRD,
The House of Representatives,
Washington, D.C.

DEAR MEL: Not only does the State Department pamphlet confuse history by its attempt to telescope into a sentence or a paragraph the events of months, but I think it is clear that there are erroneous implications and inferences to be drawn from the document. The Secretary of State has told me that none of these were intended.

Yesterday, here in Gettysburg, when asked in press conference about the 1944–45 events surrounding this Berlin matter, I responded in some detail. The enclosed copy of my press conference remarks may help clarify the very complex situation that existed 17 years ago.

Some salient points are these:

1. The political leaders of the day determined long before the closing campaign of the war upon dividing Germany, for occupational purposes. They decided upon this course despite contrary military advice.

2. I urged a different solution for Berlin than was agreed upon in London, and which I have always understood was finally approved by the heads of government at Yalta. (The pamphlet gives September 1944 as the date of final approval.)

3. In the light of political decisions already reached to dispose of central Germany, it was futile, especially when there were important military tasks to be performed elsewhere, to expend military resources in striving to capture and hold a region which we were obligated, by prior decision of a higher authority, to evacuate once the fighting was over.

4. Being unfettered by political decision as to other areas, I directed troop advances toward Denmark and Austria.

5. The Western Allies front being some 250 or more miles to the west of Berlin when the Soviets, with a bridgehead already established west of the Oder, were 35 miles to the east of Berlin, it is indeed a venturesome military critic who would now contend that the Western forces might have taken Berlin before the Soviets could or did.

6. Any inference that military action, taken subsequently to the political decision for occupation, played a significant role in producing the political situation today prevailing in Germany is not correct.

With warm regard.

Sincerely,

DWIGHT D. EISENHOWER.

Mr. Speaker, I ask unanimous consent to include at this point in the RECORD a transcript of the press conference held with former President Eisenhower at Gettysburg on September 11:

General Eisenhower first explained that the Congressmen present had graciously relinquished 10 minutes of their time allotted for questions. The Congressmen would therefore have 20 minutes for questions, the press 10 minutes.

Mr. BATTIN, of Montana. Question regarding Department of State Bulletin "Berlin, 1961." This statement relative to World War II appeared, and I quote: "The Western armies could have captured Berlin or at least joined in capturing it, but the Supreme Allied Command under General Eisenhower believed they could be more usefully employed in a major offensive elsewhere." The impression left in reading the article is that the decision made then is a primary cause of the troubles there now. I wonder if you would care to comment on this.

General EISENHOWER. I have read short extracts from this report. The Secretary of State called me up this morning to say there is a misapprehension—that his Department never meant this language to be critical but wanted it to be completely historical. But the problem—he mentioned this—is that when you try to compress 5 years of activity, or 5 months of activity, into a single paragraph, you probably give birth to some, if not inaccuracies, at least misinterpretations or misunderstandings. Now, according to the Secretary of State, they meant to question nothing that was then done. But without attempting to answer any of the specific statements, because I don't know what all of them are, a short background might be useful to clarify this thing.

There was in London—most of the newspaper people in this room have heard me tell this story several times—all during 1944 the European Advisory Council. This was made up of representatives from Britain, the United States, and the Soviets. It sat in London to do a lot of coordinating, but what we were interested in was that it developed the plan for dividing up Germany after it was captured. Now, this Council agreed upon certain boundaries as a political decision. These were approved by the heads of government, and they became the occupied areas. As I understood it at that time, the final approval of the three heads of government was given at Yalta, in January of 1945, but I see this document—I don't question its accuracy; it may be correct in this regard—says it was in September of 1944 that this approval was given by Mr. Roosevelt, Mr. Churchill and the Generalissimo.

In any event, I sent my chief of staff to Malta, when Mr. Churchill and Mr. Roosevelt met there preliminary to going to Yalta, to say that we did not believe there should be a division. We felt that there should be a single Germany administered by four representatives, and here I should explain the fourth representative. France was not originally given any sector or any part in the government. Britain and the United States felt that they should have representation, but the only way we could bring that about was to take it out of our own sectors, not out of the Russians'. They wouldn't give any area; they didn't care whether France was in it or not.

Now, since the "powers that be" said there had to be four sectors, and the boundaries for the sectors in such a way that they started from in Lubeck in the north, Eisenach in the middle, and then all the way down toward Linz, it was obvious that any area we captured thereafter we were going to have to evacuate. That was the situation we faced.

The area was so laid out that Berlin was 110 miles inside the Soviet zone. So the next suggestion was made. Remember—get this straight—we were then soldiers; we were just making suggestions; we were not politicos trying to make decisions, that was not our province. But we as well as some of the politicos had had experience with these Soviets and knew how difficult they were to get along with. So now we suggested the building of a cantonment type of capital. This wasn't accepted either. But we thought that if we could put this cantonment at the junction of the British, American and Rusian zones we would have less trouble. At that time, anyway, Berlin was a pit of rubble. But with the capital established there, people moved back. Construction went up, and it became again a great city.

Now, that was the situation that existed politically when we planned our last attack. The allied forces were on the Rhine, 250 to 300 miles from Berlin, with that city lying beyond the Elbe, which is no mean military obstacle. On the other hand, the last Russian attack, had brought the Russians within 30 miles of Berlin. Already they had bridgeheads west of the Oder—that is, they were ready to move against Berlin whenever they wanted to, with no obstacle between. My job was to destroy the German forces on my front and then to gain as much of the ground as had not been given away by political decision. The remaining ground was in Austria on the right, and on the left to make sure the Russians did not get into Denmark. They did get into the Island of Bornholm, and later, it was difficult to get them out.

So as soon as we got to Leipzig, which was 150 miles to the eastward of the limiting line for occupation, I shot Patton and Devers down as far as Linz and possibly a little further. We made sure that the Soviets could never go further.

Now, it is easy enough to say we could have participated in the Berlin reduction. But remember, we had the Battle of the Bulge completed in midwinter. The first crossing of the Rhine was the 7th of March at Remagen, where we captured the bridge. On the 23d Patton made a surprise crossing further up the river, and down on the left we were planning a power crossing by Montgomery, helped by the American 9th Army, on the 24th.

This was less than 6 weeks from the date when the war ended. How we could have gotten all the equipment up to cross the Elbe and made sure that we could have gone on and taken Berlin is a little beyond me, because much as we wanted to go faster, the conditions on Montgomery's flanks were such that he could not make his attack earlier than the 24th. He had floods and all that sort of thing to contend with.

So to say that any military decision, no matter what it was then, would have saved the present difficulty with Berlin, is just—well, history is being written by someone who just doesn't know what took place. That is all there is to it.

General Eisenhower then reminded his questioners that they were supposed to identify themselves before each question.

TOM SCHROCH (Congressional Quarterly). At least one of the members that you had with you today is a member of the John Birch Society. Will you give us your opinion of the John Birch Society?

General EISENHOWER. No, and I don't think that is a proper question.

Mr. MCGREGOR of Minnesota. Mr. President, going back to your answer a moment ago in connection with the Berlin situation, if I recall correctly there was a military decision to mount an airborne assault on Lubeck to deny to the Russians the control of the Kiel Peninsula. Am I correct, sir, in thinking that there was also a military plan made by you or your staff about an airborne assault on Berlin, but that plan was countermanded at a higher or political level?

General EISENHOWER. No, I think there was no plan for attacking Berlin. Ridgway had the XVIII Corps; Ridgway was turned over to Montgomery to make sure that we had the northern flank secured and Denmark safe, but I don't think we ever planned any airborne attack, and had it been done I would have had to approve it.

Mr. MCGREGOR of Minnesota. Mr. President, continuing this same line of thinking, your administration was criticized for brinksmanship on occasion. We have continued in the current administration to have repetitive crises. With hindsight better than foresight, would you care to comment on whether or not this is the best way to prevent communism?

General EISENHOWER. Well, you know that people like to pin labels on an idea, presumably they mean something. Take this label of "brinksmanship." Now, we say today we are going to be firm, but we are not going to get into war. That is all brinksmanship is. You are just saying you will not be shoved around. I say that is the only way that you can be best guaranteed against getting into war—to be sure that the other fellow knows every minute that you are ready to go to war if he damages your vital interests or is contempuous of your rights and convictions when you know you are working under moral law and principles. Well, that is the only way you are going to save peace.

Now, I don't know just what is happening in Washington today. But I say this. As long as we are dealing in an atmosphere of crisis, whatever is planned and programed by our President, we have got to support, because that is the only way the United States can be unified. He is the constitutional spokesman for the United States in foreign affairs; when we are into this kind of thing we have got to stand right with him. This does not mean that when we look at things in the past, whether a week, months, 5 years or 20 years ago, we must be silent. After all, we are people of intelligence and we can comment as we please.

But when it comes to policies, I say you have to be firm, but you ought to be conciliatory, you ought never to be truculent, but you just ought to say "we cannot be pushed around." We have got the strength to make sure that we will not be. But we should always be conciliatory. We should not get up and make nasty speeches just like Khrushchev does. We are not going to be nasty. I think it is better just to say no and then go on about your business. And don't say no every day. Just say it and let them know you mean it.

Mr. President.

BILL SCRANTON, of Pennsylvania. In view of the present state of world tension, do you think this is a good time to start negotiating about Berlin and if so, what is negotiable?

General EISENHOWER. Well, I don't know what top people are talking about nogotiation at this moment. So far as I know, Mr.

Adenauer and West Germany have always been firm in their contention that the problem of Berlin could not be met except in the context of uniting Germany. And as for the Allies, I think that Britain, ourselves, and France took that same attitude all the time I was in the White House. If we are committed to preserving the status quo, then I think we are getting a little bit absurd, if we are talking about giving something away because the status quo represents not only our rights but the principle of freedom as opposed to the principle of dictatorship. Communist domination is the issue at stake. So I don't think there is anything particularly to negotiate.

BRAD MORSE of Massachusetts. Three years ago, Mr. President, we experienced a crisis in Berlin apparently much like the one we confront today. Under your leadership, the situation was resolved without the sacrifice of American rights or the rights of the Western allies, without a cold war mobilization or a drastic budgetary increase. In what respects, Mr. President, do you regard the current situation as being more complicated than the 1958 situation?

General EISENHOWER. Of course, here is an answer that is very difficult to give off the top of your head because the only information I have is that given normally in the newspapers. The only difference that I know of is that Mr. Krushchev seems to be talking more loudly and more often and more bitterly, and he just keeps talking. I tried to say during all the years since this war was over, and long before it was started, that in all of this business of taking care of your own security, it is essential to develop your own defense plans to keep them up to date, to keep them vital, vigorous, and adequate, but the last thing you must do is to increase your forces every time there is new alarm on the horizon or on the other hand, to reduce them when there seems to be a quiet spell in the offing.

Now, through our history we have been too complacent, feeling too secure behind our two oceans, and getting in trouble as a result. I think that if we would pursue a properly thought out program of our own, we would not have to respond to Mr. Khrushchev everytime he yells "yap" or "wow" or anything else. That is what he does. I think one thing he is trying to do is to split us away from our allies. Remember this, we are bound together by basic principle, but every nation sees certain of the results in settling a particular question differently than we do. Britain couldn't possibly, with its background, see everything the way we do. France would be different from both of us, in particular answers. What we have got to say is, "talk and try to divide all you want to, we are together, we are unified, because we are supporting humans in their dignity and their rights and their liberties." That is what we are doing. It will keep our realization of those values. Then I think his efforts to split us apart will be doomed.

Mr. President, Sir, could you——

General EISENHOWER. Wait a minute, one more congressional question.

DICK SCHWEIKER of Pennsylvania. On the basis of your experience, what do you think the real reasons are for Khrushchev's resuming atomic tests?

General EISENHOWER. I really don't know. As I say again, I think it is basically something to try to split us apart. Many of our scientists believe that the Soviets have been testing all this time, and our scientists have been very, very impatient. I don't mind telling you that back as far as October, I thought it was time that we ourselves—having already announced the right to do so—to get ready to test again. But when I made this decision, I also decided that as long as there was a different philosophy coming into the White House as a result of the election—that unfortunate election—the hands of the new President ought to be freed, so I kept my mouth shut.

JOHN ROUSSELOT, of California. Realizing this is probably a hard question, and certainly you would want to answer it within the bounds of propriety, would you favor U.S. armed intervention in Cuba if it is possible to take it back this way, or help in taking it back.

General EISENHOWER. I don't think you could answer a question so suppositious as that. If Castro tried to do something to us that I thought required armed intervention, of course I would say sure, no matter what the result. But just to move in without some better excuse or reason than just being unhappy with this man for the moment would be pretty bad. Because we are committed to two policies. One is to keep communism out of this hemisphere. The other is nonintervention in the internal affairs of every single American State. So you have to approach this in such a way that you are not intervening in this affairs of another State.

PETER DOMINICK, of Colorado, I wondered if you, from your knowledge of Russia and international communism, would expect probes in other areas of the world at this point in order to increase, or offset, or divert attention, from Berlin.

General EISENHOWER. Well, I don't know that they would do it just for that purpose. I would say that they will bring up more; certainly they will, in my opinion. They did in Laos. There seems now to be a sort of quiescent period there. I don't know just exactly why—maybe they have gotten what they wanted—I wouldn't know. But this morning the newspapers said there were new threats by the Soviets against Iran, telling the Iranians they had to get us out. There are going to be these things going on all over the world, not only along the periphery of the Eurasian land mass, but also in Africa, South America, everywhere.

——— BAILEY, of Cowles Publications. Two questions, not related. I wonder whether you could tell us first how much contact and of what kind you have had with your successor, and secondly, I wonder if you could comment on reports that were rather widely printed that you had some kind of a plan of action for Cuba under formation or study while you were still in office.

General EISENHOWER. Well, first as to contacts, I have had several telephonic or other conversations, of a briefing character, and under his direction two or three officers have at times given me information. I am not used as a consultant or as an adviser nor am I part of the administration in any way, of course.

Now—Cuba. We had done nothing further in Cuba except—realizing that these refugees did have a great desire to go back to their own country and get rid of Castro—to help refugees organize and to give them some weapons with which to train, we gave them some instructors at different places. Beyond that we could not go, because there was no recognized leader of the Cuban dissidents. I believe that a man, what is his name, ———, was elected by the other Cuban leaders in March of 1961. We had no operational plan.

Question. Would you like to see Mr. Nixon run again in 1964?

General EISENHOWER. I think I will wait until he decides that before making myself heard.

Question. To go back to Cuba, do you mean to say that your administration had not made any positive plans about the invasion, no more than just training some of the refugees?

General EISENHOWER. Absolutely correct Nothing more. In March—I was going to say March 17 but maybe that is wrong—in March of 1960 there was a meeting in my office as to whether or not we should go ahead and train these people and give them some equipment. That decision was made.

Thereafter I set up a little group that was to keep in touch with the whole situation and keep me informed. But there was never any operational planning of any kind whatsoever.

EDWARD O'BRIEN, of St. Louis Globe-Democrat. In earlier questions on the possibility of negotiations with Khrushchev, you said "So I don't think there is anything to negotiate." Do you mean, sir, that we should not participate in talks or go in there to keep our position?

General EISENHOWER. Maybe I didn't make myself as clear as I should have. I said this, if we mean by "negotiate" making concessions, I don't know what concession there is to make in order to keep the status quo. Now if they give us something that we need and want, and we can then concede something that is another story. I always believe in keeping the table open and the chair there. If these governments can get together and talk over anything that will bring us one step toward peace, I am for it more than most of the people of this world, I think. But I don't want to say negotiate, meaning that I am ready to give away something in order to keep what I have now. As I said, I think we are in Berlin as a matter of legal and moral right.

Question. What do you think is best for the Republicans in the 1962 elections; what issues do you think are best for the Republicans; what plans do you have to help them?

General EISENHOWER. First of all I would say that assuming that we are going to have a defense in which we are secure, I believe that any real issue is almost certain to be domestic. Because you can't make an issue between parties—that is, a political issue—over whether or not you should have 16 divisions or 14 divisions or 560 planes or 430. That just doesn't make sense. You have to agree that you are going to support an adequate defense and then support that defense. Thereafter I would say the finest issue I can think of is—to stop spending so blamed much money. Period.

Question. As a Pennsylvania farmer, are you in favor of giving the Russians free access to our farm-production methods—teach them how to grow more?

General EISENHOWER. I have not thought about that particularly. I did support such exchanges between farmers and farmers, engineers and engineers, political leaders and political leaders. The reason is this: All the people in the world want peace. There is no people that wants war, unless a few savage tribes. Any literate people want peace. The only thing that keeps them from having it is governments. Therefore, I think that what we have got to do is to get people understanding other peoples better, and, finally, they will make the governments conform. So my theory would be to exchange everything you can. I would like to do it in such numbers that the Soviets can't just select indoctrinated people to come over here who want to destroy us. We want people who want peace just as much as we do.

CHUCK VON FREMD, CBS television. I want to make sure I have correct just what you said in answer to an earlier question. You said, "We must keep our defenses adequate, but we should not have to build up every crisis that appears on the horizon." Does that indicate that you don't favor some of the moves that President Kennedy is taking?

General EISENHOWER. No. As a matter of fact, I think this: Apparently this administration believes that our defenses will be much better if we have more ground forces and some other things—I forget what all they are. But if this is the kind of thing we want to carry for 50 years ahead, then I would have to say we carry the responsibility and we have got to do it—meaning this Congress and this administration. But I do say that we must not respond to every

manufactured, artificial crisis by saying, "All right; we will increase our expenditures 10 percent." Finally, you get to the point—indeed, you can get to the point—where weapons don't defend you any more. When you have gotten all the power you need, there is no point piling more on. There is no point using a sledge hammer to drive a tack. That is exactly what we are doing at times, I think.

NIEL PIERCE, Congressional Quarterly. It has been reported that Pennsylvania Republicans are still urging you to run for the Senate next year. Is your mind closed on this question?

General EISENHOWER. I suppose I should say, "Well, how could they do better?"

Mr. Speaker, under unanimous consent I wish to include at this point in the RECORD a letter dated September 11, 1961, which I received from Secretary of State, Dean Rusk, concerning the State Department publication, "Background Berlin, 1961." The letter follows:

SEPTEMBER 11, 1961.

Hon. MELVIN R. LAIRD,
House of Representatives.

DEAR MR. LAIRD: I have your telegram of September 7 requesting withdrawal from circulation of the Department publication "Berlin—1961" pending amendment of a statement on page 5 of the publication concerning the election of the Western armies to attack main enemy forces rather than capture Berlin in the spring of 1945. You indicate the statement is disproved by records in the Departments of State and Defense.

I should like to assure you that the Department cast no reflection on General Eisenhower or suggested that Allied military action was not fully under the direction of responsible governments. The portion of the publication which seems to have disturbed you was aimed at rejecting the Soviet claim that the capture of Berlin by Soviet forces somehow gave them some superior position with respect to that city regardless of Allied agreements. We tried to point out that Allied forces in fact captured three German provinces, with a population of 8 million people, which were turned over to the Soviets in compliance with the same four-power occupation agreement which provided for our rights in Berlin.

These political and military choices, which were made by those responsible for the conduct of the war, are a matter of full public record. Some of the military considerations which led to the continued Allied attacks on main German forces rather than attack toward Berlin were set forth in books by General Eisenhower, General Bradley, and other accounts of that period.

Let me emphasize again that the purpose of this portion of the publication was to meet a point of Soviet propaganda.

Sincerely yours,

DEAN RUSK.

Mr. Speaker, the Secretary's letter does not face up to the facts and I again call on him to immediately correct the great injustice done to General Eisenhower. Although the Secretary has expressed his regrets, I believe we are entitled to know whether a correction will be made before a new printing is authorized. This matter was called to the attention of Secretary Rusk before a second order was placed with the Government Printing Office.

Mr. Speaker, under unanimous consent I wish to include at this point in the RECORD a report from the State Department under date of September 11, 1961, covering the costs and distribution of the pamphlet, "Background Berlin, 1961." This information was secured for me by the gentleman from Ohio [Mr. BOW]:

BACKGROUND BERLIN, 1961

1. The pamphlet "Background Berlin, 1961," was printed at a cost of approximately $6,000 for the 35,000 copies requested by the Department of State. The exact cost will not be known until billing is received from GPO.

2. The distribution made is according to the attached list. GPO has requested 10,000 of State's 35,000 copies, pending a rerun, as the demand has been extensive and their stock is exhausted.

3. The preparation and printing of the paper was decided upon because of the increased demand from the press and the public for factual information regarding the Berlin situation.

4. The pamphlet was drafted in the Office of the Secretary of State.

5. The Bureau of European Affairs (several staff members) reviewed the pamphlet for factual content; the format, technical review etc., was made in the Bureau of Public Affairs.

DISTRIBUTION OF "BACKGROUND BERLIN, 1961"

P/ON: 100 copies.
Departmental distribution: 400 copies.
Foreign Service posts (list will follow): 2,400 copies.
Officials of other Government agencies and Member of Congress who have requested all our materials: 500 copies.
Distribution centers (GPO): 500 copies.
Display racks throughout the Department: 400 copies.
Display libraries (public) U.S.: 500 copies.
Nationality groups: 70 copies.
National and local organizations: 1,100 copies.
Publications and media groups requesting such materials: 300 copies.
Key individuals requesting such materials: 2,700 copies.
Mr. Paul Block, Documents Distribution Unit, USUN: 300 copies.
VS: 5 copies.
USIA/ICS—Mrs. Rose Allegretto, room 317, SA-2: 300 copies.
H—For Members of Congress: 625 copies.
USIA/IPS—Mr. Abernathy, room 240, 1776 Pennsylvania Avenue NW.: 400 copies.
Mr. James O. Dunton, Director, Office of Public Services, Department of Defense, room 2X772, Pentagon: 700 copies.
GER—Mr. Cox: 200 copies.
Additional distribution through organizations: 3,000 copies.
USIA, Mr. James Scott, Office of Private Corporation: 500 copies.
White House: 20 copies.
Belgrade Conference: 200 copies.
Congressman OLSON: 60 copies.
Congressman WRIGHT: 15 copies.
Congressman O'HARA: 50 copies.
Congressman DOWDY: 110 copies.
USIA, Office of Emergency Planning: 150 copies.
Congressman EVERETT: 50 copies.
Senator YARBOROUGH: 30 copies.
NEA: 40 copies.
FSI, Mr. Miles: 100 copies.
Congressman FASCELL: 50 copies.
Congressman GOODLING: 50 copies.
S/O (operations center): 200 copies.
Congressman CAHILL: 50 copies.
Congressman WALLACE: 50 copies.
Total copies: 16,225.
Balance will be used to meet requests similar to last 16 entries above.

Mr. Speaker, under unanimous consent I wish to include at this point in the RECORD an editorial appearing in the Washington Daily News on September 13, 1961. The editorial follows:

COPY READER NEEDED

It was gracious of Dean Rusk to call General Eisenhower in tacit apology for remarks in a State Department publication. We trust he also lectured the sleepy historian who bumbled into one of the touchiest subjects connected with American policy in the Second World War.

In a State Department pamphlet it is stated that "The Western armies could have captured Berlin or at least joined in capturing it. But the Supreme Allied Commander, General Eisenhower, believed they could be more usefully employed against the major German forces elsewhere."

A lot of unpleasant history stems from action at that time, including the peculiar nature of the present Berlin crisis. But memories differ as to how some of the key events developed.

Why this might be so is understandable if the circumstances are recalled. After nearly 6 bloody years of war the Nazis were on the run. The Soviets were the heroes of Stalingrad and our allies. Japan still was to be beaten. Death had forced a change in American Presidents. It is small wonder that Western leaders didn't anticipate later Soviet betrayal of the alliance.

General Eisenhower said in Gettysburg Monday it would have been impossible to place a major force in Berlin ahead of the Russians. And he repeated that carving Germany into sectors and leaving Berlin deep inside the Soviet zone was a political, rather than a military, decision.

According to some accounts this was a decision made much earlier by Roosevelt, Churchill, and Stalin, and confirmed by President Truman, despite growing qualms of Churchill, because events appeared to leave him no alternative.

Whether it might have been wise, or possible, for the Western troops to reach Berlin first is a matter on which military men differ. On his total war record and on his unique knowledge of the existing situation we would have to ride with General Eisenhower.

But whoever brings up this subject should realize its implications. Certainly Dean Rusk's State Department didn't intend to stir up a divisive argument at a time when national accord is vital. What the Department apparently needs is a copy reader. That is the painstaking hand around a newspaper office, who doublechecks the articles before they go to the printers, trying to keep them on the beam.

Mr. Speaker, under unanimous consent I wish to include at this point in the RECORD an editorial appearing in the Washington Evening Star on September 15, 1961. The editorial follows:

BERLIN BACKGROUND

There certainly was ample reason for the annoyance with which former President Eisenhower is reported to have received word of a State Department publication picturing him as responsible for the decision to let the Russians capture Berlin in World War II. For this, to say the least, was a grossly distorted version of history, and Secretary of State Rusk was well advised to disclaim any intent to criticize the wartime role of General Eisenhower.

Some day, presumably, the whole story of the Berlin decision—a decision which confronts us now with a monstrous dilemma—will become public property. As of today, however, only some of the facts are known.

It seems clear that General Eisenhower, as the war was drawing to its close, did not consider Berlin to be a major military objective, and advancing American forces were

held up at the Elbe some 75 miles from the capital of Nazi Germany. Under political agreements previously made, however, our troops would have had to pull back even if they had taken Berlin.

The original agreement was negotiated in London in September 1944, by the European Advisory Commission, consisting of representatives of the United States, Britain, and Russia. Our representative was the late Ambassador John G. Winant who, some 8 years later, took his own life.

It was this agreement which established the zones of occupation in conquered Germany, with Berlin 110 miles inside Communist-held territory and with no guaranteed routes of access. But who was responsible for this monumental error of judgment, later ratified by the chiefs of state at Yalta? It is hardly credible that Mr. Winant, at the level of Ambassador to the Court of St. James, made this decision on his own responsibility. He must have acted in consultation with or with the approval of his superiors in Washington. But the public record on this point reveals little or nothing. All that one can be sure of is that the political decision of 1944, based apparently on a naive trust in Russian good faith, leaves us today faced with what is probably the gravest crisis in our national history.

THE 87TH CONGRESS HAS SERVED THE PUBLIC INTEREST WELL, BUILDING OUR ECONOMY, OUR DEFENSES, AND OUR NATION'S INTERNATIONAL ALLIANCES FOR PEACE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Tennessee [Mr. EVINS] is recognized for 40 minutes.

Mr. EVINS. Mr. Speaker, as we approach adjournment of the Congress, it is appropriate that we look at the record of our achievements in this session. It has been a long and strenuous session. We have been meeting continuously for more than 8 months in one of the most significant and most productive sessions in many years.

I am aware that some of my colleagues, notably the gentleman from Texas, our distinguished Speaker—Speaker RAYBURN—have served in some of the most historic Congresses in our history. Yet, I wonder if anyone will find in the illustrious records of the Congresses of the past half century a session which was faced with more momentous, more complex, and more difficult problems and challenges than the session now approaching adjournment—the 1st session of the 87th Congress.

The legislative accomplishments of this session are many, and they bear on all aspects of our national life in all sections of our beloved country. But above all, this Congress has concentrated on the all-important task of building up the Nation's total strength to meet new challenges in the struggle to preserve liberty, both at home and abroad, against the aggressions of Communist tyranny.

As a result of programs completed and action taken during this session, our country now is engaged in a broadscale buildup of our military strength, extending to every part of our Defense Establishment. At the same time, we are embarking on long-range programs to build up our domestic economy, and third, we are building up our international alliances—allies and friends—through programs approved by Congress for economic developments and broader diplomatic initiatives. The Congress has thus set in motion legislative actions to build up and strengthen our military, economic, and international affairs. We have begun what is essentially a national mobilization—a mobilization in peacetime to meet the unprecedented conditions both at home and abroad—conditions created by the cold war of Communist aggression.

When we opened this session last January, we faced a multitude of great problems and challenges; among them:

The grievous problem of an economic recession which posed a real danger of turning into a depression.

The threat to peace posed by a growing belligerence of the more and more arrogant rulers of the Communist nations—the threat of Communist expansion.

The continued dismaying evidence that in military power and the field of space exploration and space missiles we were still disturbingly behind the Russians.

The clear evidence that despite the expenditure of billions in mutual aid funds to help underdeveloped new nations of the world, we were failing signally to win their respect and support in our great aid of extending freedom and guaranteeing peace.

The realization that as a nation and a people we lacked a sense of direction and purpose and leadership in mobilizing ourselves and our resources.

And finally, the challenges, as well as the problems, which arise from the inaugural of a new President and a change in the executive branch, not only in personnel, but in attitudes, outlook, policy, direction, and leadership.

In short, Mr. Speaker, we faced a national emergency that was different from any that our Nation has faced before, an emergency that required a new kind of national mobilization of our material, human, and spiritual resources.

It is easy to mobilize when the threat to national security is immediate, definite and brutally clear. It is far more difficult to do so when as in this period of uncertainty, the climate of world relations changes from day to day and when there are differences in opinion not only among ourselves, but also among our friends and allies as to the nature of the threat and the best methods and means of meeting the problems and challenges, with which we are today confronted.

Time and events have added additional problems and challenges. We have experienced a series of international crises, from Laos to Cuba and Berlin. We have been daily and constantly confronted with increasingly urgent domestic and foreign affairs.

During this session, President Kennedy delivered or transmitted to the Congress 15 messages on major legislative policies and programs, along with 45 major administration bills and a series of Government reorganization plans. More than 12,000 bills have been introduced during this session.

The record shows that this Congress, under the democratic leadership in the House of Speaker RAYBURN, Majority Leader MCCORMACK, and majority whip, CARL ALBERT, has approved 33 major bills, recommended by the President.

The 87th Congress has set a new high mark in the history of modern legislative achievement. The 33 major legislative enactments approved during this session contrast with the 12 approved in the 1st session of President Eisenhower's 1st Congress in 1953, and with 11 major enactments—all dealing with 1 subject—the domestic economy—approved in the 1st session of the 73d Congress in 1933 at the beginning of Franklin D. Roosevelt's administration.

Today, the sense of drifting, uncertainty and complacency, which was evident in the national mood when we began this session, is rapidly changing to a growing sense of unity of purpose.

The determination to prevent war from occurring and to achieve victory for liberty throughout the world is more evident to our friends as we build strength for America and the free world.

Our own task here in the Congress is made easier by the same growing unity of purpose of our Nation and the rising determination of our people to make voluntarily the sacrifices that must be made to achieve our national purposes. There is a growing feeling that we are once more on the move as a Nation, accepting the challenges of this difficult age, and meeting them with our characteristic American energy, inventiveness, boldness, and purposefulness.

Mr. Speaker, I repeat that this change in the national mood is the best and most significant evidence of the effectiveness of the actions which this Congress has taken in cooperation with the President and the executive branch.

Let us look in greater detail at the way this Congress has acted to meet the problems and challenges. Generally speaking the accent all along the line has been on larger undertakings, a greater national effort both at home and abroad.

THE DOMESTIC BUILDUP

The most immediate and pressing of the problems we faced in January was that of a recession which saw a postwar peak in unemployment and a reduction of national productivity in some industries by as much as 50 percent. The President and the Congress acted quickly to deal with these problems.

Under authority previously granted by congressional acts, the President eased the tight money policy which in the view of many economists had contributed to bringing about the recession. The Congress has passed a number of measures to provide for an expanding economy and to encourage a higher rate of economic growth.

The reaction has been gratifying. An upward trend is shown in nearly every economic statistic; in personal income, total employment, industrial production, average factory workweek, new orders for durable goods, retail sales, stock market averages and other reliable indicators. The consensus of economic observers is that these gains should continue,

leading us to a new high in productivity and growth—assuming that we are successful in maintaining peace.

AGRICULTURE

For the past several years we have seen our agricultural economy declining while surpluses of crops and the cost of obtaining and storing them increased by billions. The previous policies of lowering price supports with lowering production had produced a vicious circle in which farmers tried to keep their annual income up, despite falling prices, by producing more per acre. While farm incomes decreased, the cost of government programs of assistance to farmers increased, and billions of bushels of surplus crops lay unused, eating up storage costs. Efforts of the Congress in the past several sessions to return the farm program to some semblance of rationality met with stubborn presidential vetoes.

The new administration and the Congress has been able to take steps to break this vicious circle. An emergency feed grain program was enacted into law early in the session, providing for a 1-year voluntary cut in acreage of feed grain crops and increased price supports for the participating farmers. This emergency program has met with great success. Crop harvests and reports indicate that for the first time in many years this year's harvests of important feed grains will not provide an excess surplus over our annual consumption that has to be stored. In fact, in some crops we will be able to cut into the stocks of surplus grains produced in previous years.

Meanwhile the Congress considered and after much study and work enacted a broad-scale and long-range farm program—the Agricultural Act of 1961.

Under this new law the incomes of producers of wheat and feed grains should be increased by $600 million to $800 million in the 1962 wheat year, Secretary of Agriculture Freeman has estimated. Better farm incomes can also be expected as the result of provisions of the new act that expand and improve the supervised credit service of the Farmers Home Administration.

This act also provides for a 3-year extension of our surplus agricultural commodity distribution program, giving us greater opportunities to expand the utilization of our agricultural abundance to help further economic growth in other nations. It puts our food-for-peace program in operation at top pace.

The act extends the school milk program—contributing better health and nutrition to millions of American children—for 5 years. It extends the Armed Forces dairy program for 3 years.

Emergency relief in droughts and other disasters caused by the forces of nature, has also been provided in a new Federal farm assistance program.

Taxpayers will realize substantial savings in reduced storage costs under the new wheat and feed grains programs. For the 1962 crop year alone, estimated savings will be between $750 million and $1 billion, as against the costs under the old program.

A series of other important measures in the field of agriculture were enacted by this Congress and have been signed into law. These include a measure authorizing the disposal of an additional $2 billion in surplus commodities under the provisions of the Agricultural Trade Development and Assistance Act; also a program increasing the proportion of appropriated farm loan funds available for individual farms with a debt over $10,000 from 10 to 25 percent, and a new law permitting the approved harvesting on conservation reserve acreage under approved conditions.

Another important agriculture measure enacted is the new Sugar Act of 1961, fixing quotas of domestic and foreign producers, for 15 months to June 30, 1962, and continuing the President's authority to exclude Cuban sugar exports and to reallocate and embargo the quota of sugar from Cuba.

AREA REDEVELOPMENT

The Congress followed up the quick emergency measures to improve the economy with legislation for comprehensive longer range programs to strengthen and increase the growth of our productivity. One of the serious problems of our time has been the development of depressed areas in various sections of our country, and in the rural areas particularly, as a result of the movement of industry from one section to another, the depression of such formerly great industries as coal mining, and the fact that higher mechanization of farming provides fewer employment opportunities for our farm population.

For the past two sessions the Congress had attempted to deal with this problem with a program of area redevelopment. But unfortunately, this effort too was immobilized by Presidential vetoes. This year, we again passed the Area Redevelopment Act and it has become law and is now in effect.

The 4-year program launches a wide attack on the twin problem of unemployment and industrial decline in urban areas, and the growing problem of underdeveloped rural areas. The $394 million 4-year program sets up a loan fund for the development of new industrial facilities, and also authorizes both loans and grants to assist local communities in the construction of new public facilities. It provides technical aid for long-range planning at the local level. It encourages the local communities to engage in the important work of technical training and retraining, which is increasingly essential in this day of automation. This program has been rather aptly described as operation "seed corn" for the American community. It will give real impetus to industrial decentralization, which must be speeded up in the interests of a stable national economy and to promote equality of opportunity in every area of our country.

The Area Redevelopment Act provides exceptional promise for the improvement of the economy in our own State of Tennessee. For the past decade we have been greatly troubled by the fact that in most rural areas of our State, there are not enough jobs for the population. Millions of people, especially our younger people, have been forced to migrate to the cities and to other States, seeking gainful employment.

The area development program should provide assistance in helping resolve this problem by providing greater employment opportunities for our residents. Several Tennessee counties have already been designated as eligible for participation under this program authorized by Congress.

NEW HOUSING ACT

Another major legislative achievement was the passage of the 5-year $4.9 billion housing program. This greatly expanded housing program provides a vast array of tools for financing and building a better order in the towns and cities of America. The provisions for FHA mortgage financing for low- and moderate-income families have been extended on liberalized terms. The new act authorizes Federal grants for urban renewal projects and open space development. Congress has provided for loans for needed college dormitory construction.

Farm housing and housing for elderly citizens has also been authorized and extended. The public facilities loan program for cities has been extended to aid our cities both large and small in financing needed municipal improvements.

Practically every city and town in our State of Tennessee is participating in one or more aspects of this legislation, authorized and expanded by Congress, to assist community development and industrial growth and development.

SMALL BUSINESS AIDS

The Congress has granted the Small Business Administration a greater role in Federal procurement policy in order to assist small business to participate in Government contracts and subcontracts on a broader scale. We have provided additional lending authority for the Small Business Administration and for the Small Business Investment Companies in order that they may assist small business enterprises of the Nation.

As chairman of Subcommittee No. 1 of the House Select Committee on Small Business charged with overseeing the operations of the SBA, I have urged administrators of this potentially great agency to take more positive and vigorous action in using the tools provided by the Congress for assisting our small business community. It is indeed gratifying to see those potentialities being used more vigorously by the new SBA Administrator, Mr. John E. Horne.

Mr. Horne, the able Administrator, and his staff certainly are to be commended for their accomplishment.

Perhaps the better known function of the Small Business Administration entails the granting of loans to eligible small business concerns unable to obtain financial assistance from private lending institutions. These loans are all secured by collateral and are repaid with interest. Since Mr. Horne took office, a much greater number of loans has been granted, which has served to assist small business to participate in the economic growth.

During the first 7 months of 1961, SBA approved 3,705 business loans for $190,838,000, an increase of 59 percent over

the 2,234 loans approved for $110,252,000 during the like 1960 period. The 8,370 applications for $539,108,000 received was 65 percent greater than the 5,074 applications for $311,775,000 received in January-August 1960.

During the 7-month period, SBA approved 1,020 disaster loans for $11,479,000 to help persons whose homes or businesses had suffered economic injury because of drought, excessive rainfall, or other disaster. This was more than double the 395 loans for $7,904,000 approved in the same period in 1960.

These loans have been made in all cases when local banks either would not or could not make them. These loans have provided several hundred thousand jobs which otherwise would not be available and the impact on wages from these jobs has in turn greatly stimulated the Nation's economy.

RESOURCES DEVELOPMENT

In the Public Works Appropriations bill of 1961, Congress has provided funds for new starts in resources development at a faster pace than in previous years. The Corps of Engineers, the TVA, our Reclamation Bureau, the Atomic Energy Commission, our National Park Service, the Rural Electrification Administration, and our great regional power programs will all expand their activities under new legislative actions of this session of Congress. In our public works program we are making greater capital investments in America, to preserve and develop our self-financing program, which the Congress approved a few years ago. TVA's are making greater capital investments in America, to preserve and develop our natural resources in response to increasing demands of our swiftly growing population. Decreasing water, forest and mineral resources—and actual scarcities in some areas—underscore the urgency of this need which Congress has recognized as important in the public interest.

This session has marked another long stride in carrying forward the great regional development recommendations creatively expressed by the Tennessee Valley Authority. While programs for other regions in the country have received Congressional attention, TVA has continued to grow and develop, and it is expanding now largely through its self-financing program, which the Congress approved a few years ago. TVA's payment of more than $51 million into the U.S. Treasury this year—from proceeds on power sales and $301 million over the years, has demonstrated the wisdom of Congress's action in this great undertaking in the public interest.

At this session, a TVA type vigorous fight was made for congressional enactment of a proposal to harness the steam from the new atomic energy powerplant now nearing completion at Hanford, Wash., and put the resultant electricity to work producing both plutonium for weapons for defense and for serving peaceful industrial uses in the Pacific Northwest.

Although this conversion project failed of approval in the House, the public interest clearly demands that the fight for this project be pushed to a successful conclusion. The Pacific Northwest, as are other areas of our common country, is in need of additional power to assure the region's growth.

A great and significant victory in the western part of our country was achieved in the public interest when Congress approved the construction of an all-Federal transmission line system for the Colorado storage project—to use electric power from the three great multipurpose dams being built in the West to serve people of that area of the United States.

Although power production is an important feature of the great Colorado River storage project, a primary purpose is to prevent floods, provide water for irrigation, industrial and municipal uses. Like TVA, these great power dams and lines, in addition to providing new energy for the region's economic growth, create revenue sources which make the whole development largely self-financing.

The contract for a proposed corporate utility owned transmission line, which Congress rejected, would have jeopardized the economic feasibility of the whole project and cost the American taxpayers and consumers in excess of $300 million above normal cost estimates.

A new Water Pollution Control Act was approved during this session—evidencing the Nation's concern for an adequate water supply. Another act increases the funds for grants to States and interstate agencies for both operation and construction of new sewage plants, thus encouraging and stimulating the purification of our water supply throughout the Nation.

ROADS

This Congress has aided the work of building a stronger America by advancing the new Federal interstate highway construction program. To keep that program for a system of some 40,000 miles of superhighways on schedule, Congress increased the Federal Government's share from $25 to $37 billion. The new authorization extends for an additional 2 years the incentive bonus for States to enter into agreements for control of billboard advertising along the interstate highway.

SOCIAL SECURITY

Congress took action to increase the minimum old age insurance benefits for our elderly citizens, liberalized the disability provision of the act, and provided that men may exercise the option to retire at 62 instead of 65, with benefits adjusted accordingly.

The Social Security Act was amended to permit States to use matching Federal grants to aid children of the needy and unemployed.

VETERANS

Congress extended the GI home loan bill for World War II and Korean war veterans until July 25, 1967, and authorized $1.2 billion in appropriations to veterans for direct loans in rural and small-town areas.

Funds were approved for compensation and pensions, hospital and medical care programs and other vital services to our veterans in a Veterans' Administration budget of approximately $5 billion. Included were funds for continuation of our veterans' hospital construction and modernization program.

JUDGES

Legislation creating 73 new Federal judgeships, greatly needed, was approved by Congress. Three of these authorized will be in Tennessee.

TAXES

Extension of the existing corporate income tax rate and the prevailing schedule of excise taxes was authorized. President Kennedy's tax reform program, based on the principle of tax incentives for new investment, did not progress beyond the House Ways and Means Committee but the committee promised to take it up early next year and seek a quick House vote. An important new step in the tax reform field is getting underway under a measure approved at the 1961 session, broadening the authority of the House Judiciary and Senate Finance Committees for study of all matters relating to State taxation which affect business in interstate commerce.

SECURITIES

A 2-year study of the Nation's stock exchanges by the Securities and Exchange Commission was ordered by the Congress, on the initiative of the House. The stock market has recently set new alltime highs and public interest in securities has been exceeded only by the interest preceding the 1929 crash. This condition of the market plus the fact that 25 years have elapsed since a full-scale investigation of the country's stock markets prompted the House to pass this legislation.

EDUCATION

Congress extended the National Defense Education Act for 2 years and provided for a program for impacted school areas, with Federal funds to be channeled to communities with heavy concentrations of Federal employees with schoolchildren crowding local school districts throughout the country. These two bills were important parts of the administration's comprehensive education program which were considered during this lengthy session. The fight for needed assistance for public school construction, college facilities, college student loans and scholarship recommendation will be reconsidered in the next session.

TRADE, TRAVEL, AND TRANSPORTATION

Congress took positive steps to encourage development of our tourist industry, through passage of an act for establishment of a new Office of International Trade and Travel in the Department of Commerce. This program is designed to give coordinated planning and vigorous promotion both at home and abroad to measures which will stimulate travel in this country by tourists from overseas.

This legislation provides practical and realistic Federal assistance to private enterprise in a field where such concerted action long has been needed. A billion-dollar gap exists between what American tourists annually spend abroad and what foreign visitors spend in our country.

Congress has thus provided a great opportunity to make a substantial improvement in our balance of international payments through well planned and consistent efforts to develop new tourist facilities and to eliminate barriers to international travel. A large opportunity also exists to make more friends for America around the world, for experience has shown that an actual on-the-scene view of America and freedom is the best antidote for the distorted and false impressions which the enemies of our country are busily circulating.

To provide assistance to the distressed transportation industries, particularly the railroads, Congress expanded the Interstate Commerce Commission's authority to make loans to railroads for a period of 27 months—to June 30, 1963.

Congress passed several laws also to assist aviation and to promote aviation safety.

We approved a bill authorizing $300,000 for the United States to participate in the 1964–65 New York World's Fair.

REORGANIZATION

Congress approved the reorganization amendment of 1961, extending to June 1, 1963, the President's authority to submit reorganization plans which will become effective after 60 days unless disapproved by a simple majority of the House or the Senate. Congress displayed a new reorganization initiative of its own, notably in the case of the Federal Communications Commission reform, at the same time that it evidenced a cooperative attitude toward the Executive in seeking reforms that will make the independent agencies more independent as well as more efficient.

These, in the main, were the domestic legislative actions which kept Members of Congress on the double quick through the long 1961 session. There are, inevitably and as usual, some who feel that Congress accomplished too little and some who think it achieved too much. However, by any standard, this was an exceptionally productive and positive session on Capitol Hill. For a new start toward a total American effort in the domestic sphere, the 1st session of the 87th Congress set a pace that has not been matched since the 1st session of the 73d Congress, which made the first 100 days of President Franklin D. Roosevelt's administration famous.

NATIONAL DEFENSE BUILDUP

There were no recommendations before Congress this session more important than those to provide for our Nation's military buildup which President Kennedy proposed and the Congress provided.

The Congress approved a record peacetime budget of some $46.6 billion—an increase of $6.4 billion over the defense appropriations for fiscal 1961. This is $4.8 billion more than was requested for national defense in the budget of the previous administration.

The extra defense dollars are going to provide greater national strength and a better overall defense program.

This budget includes the funds needed for an all-out effort in the development of missiles and rockets and other new space-age weapons; for the continued buildup of our atomic and nuclear arsenals, and for acceleration of our nuclear-powered submarine and long-range bomber programs. Additional funds were provided for our space exploration program, which now is proceeding at a rapid pace.

Funds are provided for the development of paramilitary forces—to give us new weapons with which to meet Communist guerrilla tactics.

Funds are included for the build-up of our logistical and military transport forces, for expanded military construction, for Civil Defense shelters and other civil defense projects.

While funds are included for more rockets and more weapons of the very expensive highly technical type, funds are also included for improved light rifles and the standard military hardware necessary to fight any type of war.

Increased defense appropriations will provide for a bigger Army, Navy, Air Force, and Marine Corps.

Total U.S. Forces are to number 2,743,227. This includes an Army of 1,008,000, a Navy of 657,000, a Marine Corps of 190,000 and an Air Force of 888,227.

The new military program is designed to give us a strong nuclear striking force which could survive any initial attack and thereby provide a strong deterrent against nuclear war. It is also designed to provide a force capable of meeting any small aggressive action promptly and decisively. The overall program will give us greater power and greater flexibility—capable of meeting any war threat.

In short, the military buildup represents comprehensive and balanced preparedness on a scale that this Nation never before attempted except in a period of declared hostilities.

BUILDING STRONGER ALLIANCES

Alliance for Progress, food for peace, and the Peace Corps are works that identify a vastly expanded American effort, undertaken during this session of Congress, to strengthen our international alliances, build friends, and buttress the foundations of freedom around the world.

Most Americans apparently agree that foreign aid is an essential part of our overall defense strategy. Our military assistance programs help to support armed forces and installations abroad that would take a great many more of our American tax dollars and much of our own manpower if we were trying to go it alone. Our economic and technical assistance programs are designed to create conditions which contribute vitally to the maintenance of strong friendly governments around the world.

There exists considerable difference of opinion with respect to the means of implementing the foreign aid program. The chief difference has been between the administration and a considerable segment of the Congress on certain financing provisions of the foreign aid or mutual assistance program.

The administration asked for authority to obtain funds for long-term development loans by borrowing from the Treasury. The Congress, and particularly the House, felt that this bypassed or seriously diluted the important appropriations function of Congress, as prescribed in the Constitution.

This difference was resolved in legislation which eliminated the Treasury borrowing provision and reaffirmed the principle of congressional review and annual appropriations by Congress.

This outcome puts into force the Alliance for Progress program which marks a bold new start in the field of international development undertakings and provides funds for mutual security programs in various countries.

Another new agreement is bringing other industrial nations into more active partnership with the United States. Our allies are being called upon to assume larger shares of the financial costs and to otherwise participate in helping themselves in these cooperating endeavors.

A major step in this direction was taken during this session when the Senate ratified a treaty of the Organization for Economic Cooperation and Development. This treaty provides for American membership in the OECD with 18 other nations, implementing a consolidated effort to help and assist less-developed nations.

IN ANOTHER TREATY ACTION

Twenty of the twenty-one republics of Latin America formally joined with us in launching the Alliance for Progress in the recent Inter-American Economic Conference at Uruguay with Castro's Cuba definitely excluded from the program so long as Cuba remains under Communist domination.

Even before this alliance was breaking new ground in Latin America earlier this year the Congress provided funds for the previously authorized Latin American assistance program by appropriating $600 million. This included $100 million for disaster relief in Chile and another $100 million for loans and grants by the International Cooperation Administration.

Congress also gave new scope to strengthening our allies through passage of the Agricultural Trade Development and Assistance Act. Under an expanded food-for-peace program, $2.5 billion worth of surplus farm commodities will be shipped overseas during the months ahead for needy people around the world.

THE PEACE CORPS

Congress approved the new Peace Corps as a new aid and a new idea to give our Nation's youth a chance and opportunity to work for understanding and promotion of the cause of peace.

Too often we have provided guns to our friends instead of understanding. Too often have we tried to buy allies with impersonal dollars instead of personal relationships. This new program stresses the importance of the need today for our country to be understood for what we are, not a group of materialists serving only mammon, but a Nation of free men and free women believing in the virtues of freedom, liberty, and democracy.

The Peace Corps, recommended by President Kennedy, will screen applicants thoroughly before they are accepted into the Corps for oversea service. After 3 months of rigorous training in the United States, the volunteer Peace Corps men will be sent overseas for 21 months of service in teaching and training in designated countries.

Under provisions of the bill, those serving in the Corps will live in the foreign countries in a simple and inexpensive way. The young men and women will have the gratification of teaching their respective skills to people of the newly independent and emerging nations of the world. They will work on projects, train and teach and above all, set examples. Their service will give people of other countries an opportunity to learn more about America, Americans and American techniques in farming, roadbuilding, teaching, business, craftsmanship, and government processes—more about our country and democracy.

The Peace Corps is a new approach—a fresh approach—to telling the story of freedom and liberty. There is no guarantee of success of the program except the determination of the young Americans to help serve our country in the promotion of the cause of peace. This new plan is a move in the direction of explaining America and explaining liberty.

Properly administered, the program should do a great deal of good in promoting the cause of understanding and peace.

Other important actions taken by Congress, at this session, to strengthen America's position in international affairs, include extension of the Sugar Act, with its continuation of the Presidents' authority to exclude Cuban sugar imports; ratification of the treaty between the United States and Canada for cooperative development of the Columbia River, a bill strengthening the Fugitive Felon Act, which provides new legal weapons to deal with such international crimes as the hijacking of airplanes.

These numerous legislative actions all add up to a giant stride toward a total American effort in the economic defense and diplomatic affairs to battle for freedom.

With these new programs we are moving forward again on the path to security and peace that was charted by Tennessee's own Cordell Hull in his work for America's good neighbor policy and other enlightened policies of Democratic statesmanship.

We now face a situation that has many meaningful parallels with the international picture that confronted the Nation at the time Mr. Hull became our Secretary of State in 1933. With prophetic vision, he saw that time was running out, that the rising tyrannies of communism, fascism, and nazism in Europe and Japanese imperialism in Asia were bent on world conquest, and that the United States must hasten to put its own house in order before the storm broke.

My illustrious and distinguished predecessor in the Congress Judge Cordell Hull worked well and constantly to set a standard of decency in international relations—the standard of the good neighbor, the earnest Christian—which alone will sustain an order of freedom and peace, in honor and justice. He set for us all a standard of dedication which our Nation could well emulate to promote good will, understanding, freedom, and peace.

Once again, the hour is late. The greatest tyranny ever conceived now casts lengthening shadows across the world. For people who cherish liberty, only a total effort, a total commitment, will suffice. Toward such a mobilization of the national purpose, this Congress has worked earnestly, conscientiously and with dedication. The 87th Congress has served well the public interest, building our economy, our defenses and our Nation's international alliances for peace.

THE ORIGINAL UNCLE SAM

Mr. KYL. Mr. Speaker, I ask unanimous consent that the gentleman from Maine [Mr. GARLAND], may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GARLAND. Mr. Speaker, in view of all the recent talk about the origin of "Uncle Sam" and who he was, it behooves me to settle this matter once and for all. The following letter from Mr. John Gould, editor of the Enterprise, Lisbon Falls, Maine, should leave no doubts in anyone's mind that Uncle Sam—rugged individualist that he was—could not possibly have come from anywhere else in the United States but the glorious State of Maine:

THE ENTERPRISE,
Lisbon Falls, Maine.

Hon. PETER A. GARLAND,
House of Representatives,
Washington, D.C.

DEAR PETER: Somewhere in the outer fringe of important things, some of the Congressmen are disputing over who was the "original" Uncle Sam. We haven't heard too much about it in Maine, and haven't see that you mixed into it. Actually, it should concern you, and we take pen in hand to give you the ammunition.

Seba Smith, born in Maine in 1792, was graduated from Bowdoin College in 1818, and in 1829 founded the Portland Courier—a newspaper thoughtful people might wish was still publishing. It would be a good thing, as they say.

Now in 1830, Smith introduced into his paper an imaginary character (who was really Seba Smith) by the name of Maj. Jack Downing. He was a shrewd, simple, homespun, down-east peddler, who was to set the pace for the literary development of American humor. Also, he was to be the basis for the long line of similar political comment which has become an American journalistic tradition. Judge Pattangall, for instance, used exactly the same technique in doing the Meddybemps Letters—Stephen A. Douglas Smith who wrote letters to the Machias Union was Judge Pattangall.

Now, when Maj. Jack Downing first started, he dealt with local matters, and gained considerable attention. Later, he went off into political comments, but he did it with simple shrewdness and without seeming to become partisan. He went through a development under Seba's hand, until finally he became a confidant of Andrew Jackson, and in this connection, he was a national sensation. Historically, Mr. Dooley, Will Rogers, and about everybody else who did that sort of thing owe a great deal to Maj. Jack Downing.

Now, Maj. Jack Downing was the prototype of "Uncle Sam." When he became widely copied by other papers and began to be imitated by other editors who wrote their own "Jack Downing" pieces, the cartoonists began drawing his picture, and out of this developed the long-legged, goateed, claw-hammered "Uncle Sam" as a symbol of the United States.

You will find all this in the Congressional Library, along with collected works of Smith, copies of newspapers that carried his letters, and literary appraisals of his fame and influence. Uncle Sam, like Paul Bunyan, was born in the State of Maine—and these Congressmen who are claiming him for comelately States and strange places, are playing it pretty far from the facts. We suggest you grab the subject and nail it down. Doing so would at least lighten the moment, and insert into National Affairs a much-needed comic-relief. And so on.

Kindest regards all around. Mother has made pickles.

JOHN GOULD,
Editor, the Enterprise.

LISBON FALLS, MAINE.

COLRAIN, MASS., BICENTENNIAL—1761–1961

Mr. KYL. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD, and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CONTE. Mr. Speaker, on August 6, 1961, the little town of Colrain, Mass., nestled in the foothills of the Berkshires, celebrated its 200th anniversary.

In 1753 Colrain was settled, originally by Scotch-Irish from Northern Ireland. It is believed that the town was named for Lord Colraine, an Irish peer. In 1761 Colrain became an incorporated village.

At about the year 1818, the beginning of manufacturing brought into Colrain an influx of French-Canadians. There was then erected a Catholic church conducting services in the French language only. Just a few years ago the transition to English was made by a priest who spoke both languages.

The original settlers of Colrain were a courageous people, industrious, hardworking, frugal, and high-principled men and women. Their lives were rugged, for they had to be, to subdue the wilderness, battle the hostile Indians, and stand up to the tyranny of King George the Third.

Located nearby stands Fort Morrison, a defense bulwark against the Indians and the French from 1754 to 1763. What a thrilling story the walls of this fort could tell of the magnificent stand the people of Colrain made against the invaders. The patriotism they displayed in those days carried on to our modern civilization as the boys of Colrain marched off to war in defense of their country in 1861, 1898, 1917, 1941, and 1950. And they stand ready again today, if the need should arise, to do

their part to defend America, the great nation that their forebears helped to found.

As the years passed, Colrain advanced. Sheep raising was its most important industry until the Civil War. Today, Colrain boasts of its small cider mill, and two plants manufacturing absorbent gauze.

In May 1812, there occurred an event in Colrain, unnoticed, and without fanfare, that is today considered to be one of the finest contributions to the American way of life. I refer to the raising of the Stars and Stripes over an American schoolhouse for the first time in the history of this great land of ours. This historymaking ceremony took place at a little log schoolhouse situated on Catamount Hill, in Colrain, Mass. This ceremony led, in later years, to the establishment of a custom which we today look upon as a part of the daily life of our millions of schoolchildren. From this little-known event many years later grew a movement, an enthusiastic movement, in which educators, lawmakers, and patriotic citizens participated for compelling the exhibition of the American flag at or on schoolhouses, and still later led to the observance of June 14 each year as Flag Day. Today more than half of our States have laws on their statute books requiring the display of the Stars and Stripes on all the schoolhouses within those States. All this because a patriotic group of Americans in the little town of Colrain, Mass., on a bright day in May 1812, were so proud of their flag that they thought it should be placed on view so that all could see it. Today, at the site of that little log schoolhouse, there stands a monument, commemorative of the event, with this inscription:

The first U.S. flag raised over a public school was floated in May 1812 from a log schoolhouse which stood on this spot. It was made by Mrs. Rhoda Shippee, Mrs. Lois Shippee, Mrs. Sophia Willis, and Mrs. Stephen Hale and was raised by Amasa Shippee, Paul Davenport and the loyal families of Catamount Hill.

Mr. Speaker, in these trying days when the dimensions of life seem to be drawn to national and international scale, when our minds and efforts are directed toward the problems of the world, I want to pause for a moment and pay tribute to the little town of Colrain, Mass., on the occasion of its bicentennial, and to express the gratitude of this great Nation of ours for the heroic part this typical American community has played in the building of America, and in playing its part in the shaping of this great Republic of ours.

OZARK RIVERS NATIONAL MONUMENT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Missouri [Mr. ICHORD], is recognized for 5 minutes.

Mr. ICHORD of Missouri. Mr. Speaker, earlier this session I introduced H.R. 5712 which has for its purpose the establishment of the Ozark Rivers National Monument in southeastern Missouri. All of the said monument is located in seven counties of Missouri, and six of those counties are situated in the Eighth Congressional District which I represent. Our distinguished U.S. Senators from Missouri, Senators SYMINGTON and LONG, have introduced an identical bill in the U.S. Senate.

The area involved has long been considered for the purpose of being made a part of our national park system. The National Park Service made its first study of the area back in 1956 and in the 86th Congress, money was appropriated to the National Park Service for a more detailed study. The study was completed and report made in 1960.

The proposed monument lies within the most scenic portion of Missouri's Ozark Mountains and is readily accessible for enjoyment. It is within a day's drive for more than 20 million people and is only 175 miles from St. Louis and 250 miles from Kansas City.

During recent years considerable attention has been devoted to the need for setting aside in public ownership the unspoiled portions of our rivers, lakes, and ocean shorelines. The Current-Eleven Point River country with its natural unsurpassed beauty represents an outstanding opportunity for preservation in the interest of the Nation. Here are the beautiful, cold, clear, free-flowing streams of Jacks Fork and the Current and Eleven Point Rivers. Here are some of the largest springs in the world. Big Spring, for example, on the Current River has flowed as much as 840 million gallons a day and it has averaged over the last 20 years better than 250 million gallons a day. The area includes 6 springs which flow more than 65 million gallons per day each. It also includes 13 other springs of great size and many small ones. Within the boundaries are 13 named caves, 11 interesting geological sites, 40 archeological sites, a number of splendid ecological sites, and many sinks. It is a land of beautiful forests abounding with wildlife and over 1,500 different kinds of plant life. Its spring-fed rivers, containing plenty of bass and goggle eye, have become famous for "floating" and float fishing. It would be difficult to find any area where so much natural beauty and variety can be preserved by setting aside so little. This is made possible by the concentration of all these features in the narrow river valleys of the area.

The Department of Interior has endorsed the proposal to make the area a part of our National Park System and I am accompanying the Honorable Stewart L. Udall on an inspection tour of the area this week. It is hoped that H.R. 5712 and S. 1381 will receive favorable action during the next session of Congress.

MEDICAL AID FOR THE AGED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentlewoman from Oregon [Mrs. GREEN] may extend her remarks at this point in the RECORD, and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, there have been volumes of speeches delivered and articles written in regard to the crying need of our senior citizens for a workable health insurance program. There have been even more speeches and articles written against such legislation. As we are aware, the heart of the opposition to the President's health insurance proposal, as to the Forand bill before it, has come from the leadership of the American Medical Association.

I say the "leadership" of that organization because I have always entertained serious doubts that the AMA lobbyists and officials truly spoke for the rank and file of America's medical profession.

Recently, one of the most distinguished physicians in the city of Portland, Oreg., Dr. Morton J. Goodman, spoke before the equally distinguished forum of the Portland City Club, on this subject.

Dr. Goodman, in addition to being an outstanding medical practitioner, has also served as chairman of the Medical Care Committee of the Oregon State Welfare Commission. He has observed and participated in Oregon's frustrating attempt to devise a workable State medical care plan under the Kerr-Mills bill. He knows whereof he speaks.

Dr. Goodman's speech before the City Club, Mr. Speaker, is one of the best single expositions of the problem and a most persuasive argument for the adoption of the King-Anderson bill, as recommended by the President.

Under unanimous consent, I include the speech at this point in the RECORD.

MEDICAL AID FOR THE AGED: THE CASE FOR THE SOCIAL SECURITY APPROACH

(By Morton J. Goodman, M.D.)

Mr. Beatty, members of the City Club, and guests, it is with humility and some trepidation that I stand at this rostrum of the City Club of Portland. I have been a member of this distinguished organization for 20 years. I have listened here, to some of the great scholars, some of the outstanding personalities of my generation. I have never before presumed that I would have anything constructive to contribute to the thinking of this group. I must say at the outset that I am not well informed in many of the fields which relate to the topic which I would like to discuss with you. I am not a student of government; I have no talent in the field of political philosophy or economics. I am no expert on insurance. I am a physician, and I feel that I am somewhat knowledgeable in the field of medical care. Furthermore, I have had 4 years of experience on the State welfare commission and as chairman of its committee on medical care, I have learned something about the medical needs of our older citizens and how they are being tragically neglected today. I hope that you may be interested in my comments on suggested remedies to meet those needs. As some of you may be aware, my position is somewhat less than popular with many of my colleagues, and in order that I not be misunderstood, or misquoted, I ask your indulgence if I adhere rather closely to my manuscript.

Every student of the subject knows that the provision of better health care for the aged is a serious and rapidly growing problem. Thanks to medical progress, the number of the aged is increasing rapidly. In 1930, there were 6 million people in the United States over the age of 65. Today, there are over 16 million and by 1970

there will be over 20 million. For many of these older men and women, longer life has meant shrunken incomes, increased sickness, loneliness, and fear that costly illness will force on them the indignity of seeking public charity. Over half of these people have an income of less than $1,000 a year. Over 12 million of them have an income of less than $2,000 a year and these figures include those who are still working. Most of those in this age group have little or nothing in the form of liquid assets to fall back on in case of illness. The medical and hospital needs in this group are much higher than those of younger people. They go to the hospital more often, they stay longer than their younger neighbors, and their illnesses are far more costly. Most of them cannot afford meaningful health insurance. A third of them have some type of coverage, to be sure, but in most cases, it is very limited and inadequate. These older people represent a high cost, high risk, low income group. For them, insurance premiums are prohibitively high and the benefits are very restricted. Many of them have chronic health problems and they can't get any insurance at all. How do these people get by? The answer is that they barely do. Most of them live marginally with barely enough for the necessities of life. Even those that do have some security and moderate resources which have been built up in their working years are in constant danger of having these reserves wiped out by illness or hospitalization, forcing them to turn to their children or to public charities for aid. The issue is not is there a problem, but how to meet the problem.

Two major approaches have been developed to solve the problem of medical care for the aged. The President, in his health message to the Congress, recommended that a program of hospital insurance and other benefits be included under the social security system. This has been implemented in the King-Anderson proposal which is now before the Congress. Organized medicine is outspokenly opposed to this plan. It supports, on the other hand, the Kerr-Mills law which offers Federal matching funds to the States to expand their welfare programs. This is designed to offer health services to the "near needy," or the "medically indigent," as they are called. I hope that I am successful in keeping these two general approaches clearly in focus for you so that we can consider briefly the merits and the shortcomings of both plans.

On the one hand, the social security approach, or the King-Anderson bill, or what I like to call the Kennedy plan; on the other hand, the tax-supported welfare approach of the Kerr-Mills law.

What, in brief, is the Kerr-Mills program? This is the law which was passed by the last Congress which extends the tax-supported welfare program. The Federal Government offers generous matching grants to the States to supply limited medical care to those who are medically indigent, those who have just enough for food and shelter and clothing, but who are not able to take care of their medical needs. Each State may set its own standards, determine its own benefits, or it may choose not to enter the plan at all. The Kerr-Mills plan is financed entirely by Federal, State and county taxes. It is a program designed to help older people after they have become dependent, after their resources have been depleted, requiring them to turn to public assistance.

How many States have adopted the Kerr-Mills bill? Even though the bill went on the statute books almost a year ago, in October 1960, only eight States have a program in effect and four more have submitted the plan for approval of HEW. The program is in legislative process in 9 other States and no action is anticipated in 1961 in almost 30 others.

It has been repeatedly stated by supporters of the Kerr-Mills bill, as we were told 2 weeks ago, that "it will guarantee to every American who needs it the health care that he requires." This is virtually impossible. Most of the States are too poor even to fill out their current welfare programs up to their own minimum standards, let alone amplify them under the Kerr-Mills formula. In spite of the very generous matching grants, in some cases 4 Federal dollars for every State dollar, a number of State legislatures in the past year have passed up the offer because the State funds just weren't available. From my experience on the welfare commission, I have learned of the desperate plight of the welfare programs in many of these States. Seven or eight of the large manufacturing States in the country, and those States which have offshore oil rights are solvent. Most others can't afford any meaningful increase in State taxes to take advantage of the Kerr-Mills law. Some of the States are almost bankrupt and their Kerr-Mills plans are meaningless. In Kentucky, for instance, the Kerr-Mills plan allows only 6 days of hospital care and doctor services only for acute life-endangering emergencies. In Oklahoma, the Kerr-Mills plan permits two doctor visits per month, and then only for sight or life-saving illnesses. Some of the State programs exclude everyone with incomes over $1,000 a year, or $1,500 for a couple. Oregon has a fair plan and it will go into effect November 1. Its benefits, however, are very limited. It supplies limited hospital and nursing home care, some X-ray and laboratory service, no drugs. To make it actuarially sound, deductibles had to be inserted. The patient must pay, for instance, the first $50 of his doctor's bill. This places a very unfortunate barrier between a needy person in this age group, and medical care. Most of these people who are medically indigent don't have $50 to pay for their doctor bill if they become ill. If they do, the supermarket, the rent, and the fuel bill take priority. The result is that they neglect and delay much-needed medical care until their situation becomes desperate or incurable. The Kerr-Mills plan, in my opinion, doesn't begin to meet the medical care needs of the large group of our older citizens. It swats flies instead of draining the swamp.

I was astonished to hear from this rostrum 2 weeks ago the suggestion that if the City Club would send Rudy Wilhelm down to Salem with appropriate instructions, we could add drugs, dentures, spectacles to our Kerr-Mills program and increase the income ceiling from $1,500 to $3,000. I am sure that we all have the greatest respect for one of our ablest and most effective legislators, but Rudy isn't a magician. I am no expert in finance, so I asked one of the State tax experts for an estimate of what these increased benefits would cost. Our present budget estimate for a biennium for this program is $12 million. The estimate for the inclusion of the benefits which I have just listed would be a minimum of $35 million, and probably closer to $40 million. Where would this money come from? I am informed that it would mean a huge increase in the property tax and a substantial increase in our State income tax. Medical care is expensive and is becoming more costly all the time. To expand health care for the aged to any meaningful level under the Kerr-Mills formula would put a fantastic drain on the State treasuries.

I would like to say one more thing about the Kerr-Mills law which isn't generally appreciated. In order to qualify for help under the Kerr-Mills program, every applicant must take a means test. This is the pauper's oath. He must submit to an elaborate investigation of his needs and resources and, in many cases, his children must do likewise. It is degrading for our citizens who have been financially independent all of their lives to have to go, hat in hand, to a welfare agent in order to prove poverty or that one's children cannot, or will not, support them.

Having pointed out what I feel are the limitations and shortcomings of the Kerr-Mills approach to the medical care for the aged, I must say in all fairness that some type of legislation of this sort is needed to take care of the small group, approximately 1½ million, who cannot qualify for social security, or those under the social security program with incomes and resources that are so marginal that they will need this additional welfare type of assistance.

What about the Kennedy plan, the social security approach, as implemented by the King-Anderson bill? It is a modest, conservative approach which is fiscally sound and I cannot understand why any reasonable person who has read the bill and understands it doesn't favor it. It makes good sound sense. It is an insurance program under the social security system. It is aimed to meet the needs of those millions of Americans who want to pay their own way and don't want to receive care at the taxpayer's expense. These are the people whose savings and reserves can be completely wiped out by a large and crushing hospital bill, forcing them to go to their children or to the charities. The benefits of the Kennedy plan are substantial. Briefly, it will pay for 3 months of hospital care for any one illness; up to 6 months of nursing home care; for outpatient diagnostic services, including X-ray and laboratory studies, with a small deductible to discourage overuse and malingering. The plan will also pay for visiting nurses care and homemakers services which will enable many people to get care in their own homes without requiring costly hospital facilities. The benefits will be available for all persons over 65 who are eligible for social security. It is estimated that 14½ million people will be eligible for this program by January of 1963. It is to be financed by a small increase in the social security tax for each worker and employer and a slight broadening of the taxable base. It is a plan which would do very much like what Blue Cross has been doing for a number of years; it would pay for the hospital bills without interfering with hospital operations. In fact, the whole program could be administered through the existing Blue Cross mechanism, as suggested a few weeks ago by the American Hospital Association.

How can this generous type of health insurance be financed with such a small increase in the social security tax? The answer is, of course, that while everyone that is covered by social security, virtually the whole working force of the Nation, will contribute, not everyone eligible for benefits becomes sick. In this respect, it is like fire insurance—many contribute but not everyone's house burns down. Another reason this type of insurance can be purchased so cheaply is that the social security system is one of the most efficient operations in our national history. The administrative cost is only 2 percent of benefits paid out. The Kerr-Mills plan will run about 8 percent administrative cost. Our welfare commission operates at 11 percent. Most private insurance companies operate on a 15–20 percent "loading factor," as they call it; some as high as 25 percent or even 30 percent.

How much will it cost? About $1½ billion during the first year, and it will go up to $2 billion in 1970. The Kerr-Mills bill, incidentally, fully implemented, will cost about the same. To keep this figure in perspective, let us remind ourselves that in this country we spend $4 billion every year for face creams and deodorants, $7 billion on tobacco and $12 billion on liquor.

Under the Kennedy plan there is no degrading means test. Everyone who qualifies for social security is eligible for the care.

It is entirely in keeping with the dignity of the individual. Each person is entitled to the benefits he receives because he has paid for them over his working years. His medical care thus becomes a right and not a dole.

Let us leave the figures for a moment, and talk about people. Mr. and Mrs. C, let's call them Clark, have been patients and good friends of mine for a good many years. Mr. Clark is now 72 and his wife is 70. He had a good job in a wholesale grocery firm. Their own needs and the responsibility of paying $150 a month for the care of Mrs. Clark's aged mother in a nursing home prompted Mr. Clark to take all of his assets a number of years ago, plus a loan, and buy a small family-type grocery store. The mother died 3 years ago at the age of 92. He and his wife operated this store successfully, and they were able to save a little and maintain some private hospital insurance. Two years ago, a large supermarket was built near his store. His business dwindled and he sold out at a considerable loss. Last year he had a prostate operation and a cancer was found. He had a surgical complication and was in the hospital for 5 weeks. Total medical and hospital cost, largely hospital, was $2,600. His insurance covered only $700 of this and the policy was canceled when he left the hospital. The Clarks have now an income of $86 social security and $50 a month from rooms which Mrs. Clark rents out. Mrs. Clark has disabling arthritis and caring for roomers is becoming more difficult. Each month they dip into their rapidly dwindling reserves, now less than $3,000. Mr. Clark faces progressive deterioration and death within 2 to 3 years. Much of this time will be spent in the hospital or in a nursing home as his wife is unable to care for him. How will they afford this care?

A 71-year-old widow, we will call her Mrs. Wilson, had been a nurse prior to her marriage. Mr. Wilson was the office manager of a department store. When he died 10 years ago he left a $10,000 insurance policy, equity in their home and $6,000 in Government bonds. She gets $78 a month social security. Mrs. Wilson has been living modestly, has supplemented her income by renting out a room, but over the years her principal has dwindled. Eight months ago she fell and broke her hip. She had two operations and was in the hospital for 6 weeks and in a convalescent home for over 3 months, learning how to walk again. Total medical and hospital costs, again largely hospital, $3,200. She had two sickness and hospital insurance policies; one was canceled when she had pneumonia 3 years ago; the other expired when she reached the age of 70. She tried to have it renewed but the new premium was prohibitively high. Her only present income is the $78 social security check. Her assets are rapidly shrinking as she must maintain a part time housekeeper. She has a daughter who herself is ill and is unable to help. She called to see me a few weeks ago and asked for my best estimate of how long she would live. She has a bad heart and will probably need some type of hospital or nursing home care soon. She was specific and insistent. "I will never go on welfare," she said, "and I want to make my plans." I have known her for many years and I know exactly what she means. Neither she nor I had to spell those plans aloud. When her funds run out, rather than turn to charity, she intends quietly and unobtrusively to take her own life. She is a former nurse and knows how to do it.

I have chosen these two examples of the Clarks and Mrs. Wilson from my very current experience, as these people are average, decent, responsible Americans who have been successful in building up some moderate security and reserves for old age and because in each instance they had private hospital and health insurance when they entered the retirement period. In both instances, catastrophic hospital bills and sickness reduced them to near indigency. Every physician can supply many similar cases from his own files. What about the thousands, the millions of people who have been less fortunate and who through no fault of their own, have little or no reserves and cannot afford any meaningful sickness and hospital insurance? These are the millions who are living on their small social security checks and on other small incomes such as pensions, or are being helped by their children. What happens when they become ill and need costly hospital care? These are some of the urgent problems to which the richest country in the world must address itself. These are the problems to which the King-Anderson bill, the social security approach to health insurance, offers a reasonable, a conservative, a modest solution.

I would like to comment briefly on some of the other aspects of these plans. It has been claimed repeatedly that the Kerr-Mills program is a voluntary program and that the social security program is compulsory. This is not true. All taxes are compulsory. Kerr-Mills funds come from compulsory taxes which all of us pay to the Federal, State, and county governments. The social security tax is paid for by the potential beneficiary himself, during his working years. What is wrong with it being compulsory that a man insure himself against the needs of his old age? Why shouldn't a person earning a good salary be made to set aside a small amount each month so that when he becomes 65 he doesn't have to have his hospital bills paid for by his children or by public welfare funds?

It has been claimed that the King-Anderson bill will "destroy free choice of physicians." The social security plan has nothing to do with the physician. It has nothing to do with medical care. It is merely hospital insurance and actually I think this is one of its major shortcomings. I think the bill is not inclusive enough, and that the program should pay for physicians' services, drugs and certain other forms of medical care. And here I am delighted to find myself in agreement with the speaker of 2 weeks ago, and I quote from his tape, "The King-Anderson bill does not in any sense of the word provide total medical care. It makes no provision for the payment of doctor bills; it makes no provision for the payment of expensive drugs; all the bill provides is a limited period of hospitalization and nursing home care, and diagnostic outpatient services." (Nine months is not so "limited.") I agree that he has called attention to a major defect of the bill. I think it should provide for the payment of doctor bills, and especially for diagnostic services in the doctors' offices. The hospital outpatient departments couldn't possibly handle this load. And I think the plan should include payment for certain drugs. The speaker 2 weeks ago vigorously criticized the bill because it didn't contain these features. I would like to ask, "If these extra benefits were added to the bill, would he then support it?" "And did he report these major shortcomings of the legislation as he sees it to the congressional committee as he reported them to us?" I would like to see these benefits inserted into the plan and think the bill should be amended in this direction, and I would welcome his support.

The irony of the situation is that these benefits were in the original program as it was first outlined 3 to 4 years ago, but were removed because of the opposition of organized medicine.

Let me make it clear, in justice to my society, that the record of the American Medical Association in scientific and public health areas is brilliant—in improving the standards of medical education, in closing the diploma mills, in its relentless war on medical quackery, in sponsoring laws for purer food and drugs, in supporting the establishment of the U.S. Public Health Service, in supporting medical research in countless ways, in raising the standards of hospitals—of these accomplishments every physician is proud and every American should be grateful. But in the socioeconomic field, its record is somewhat less than distinguished or enlightened.

It has been claimed that the social security approach to medical care is socialized medicine. This is not so. This is not socialized medicine, nor will it lead to it. Under socialized medicine, the Government owns the hospitals and supervises the medical facilities and its policies, pays the salaries of the doctors and other personnel. The Marine and Veterans' Hospital Administrations, the psychiatric and tuberculosis hospitals, State and Federal, are good examples of socialized medicine. The Armed Forces Medical Services which helped to save hundreds of thousands of American lives in recent wars are pure socialized medicine. The Walter Reed Hospital, which twice saved the life of a President of the United States, is socialized medicine. The University of Oregon Medical School Hospital, to which our Governor is rushed when he becomes ill, practices pure socialized medicine. This term is a smokescreen designed to frighten the American people and the doctors, but it no longer frightens me.

I am old enough to remember back to 1932 and 1933 when prepaid medical care plans were first proposed. These programs were the precursors of what are now Blue Cross and Blue Shield. They were pointed to with alarm as forms of socialized medicine. These programs were called threats to the American way of life, which would produce poorer health care for the American people. We were warned about a Government czar who would soon tell the doctors how to practice medicine. I remember the talk about the "erosion of our democracy." Over the years we have heard the same charges every time there has been any plan to improve the welfare of the American people. We heard it when old age benefits were increased, when unemployment insurance was introduced, when disability benefits were allowed, when the maternal and child welfare program was introduced. I have heard this same old record played so many times over the years that I must confess I am getting a little tired of it. The Kennedy plan is not socialized medicine. It is merely a mechanism to aid the working people in buying hospital and other insurance which they would be otherwise unable to afford, to protect them against the expense of medical catastrophes in later years.

This type of medical insurance has been called an alien philosophy which had its origins with the dictators of Europe—Bismarck, Hitler, and Hirohito, as we were told 2 weeks ago. Actually, it goes back further than that. It goes back to John Adams, second President of the United States. In 1798 the Congress set up the first medical insurance plan under the U.S. Marine Hospital Service. The scheme was financed by deducting from the seamen's wages, contributions to pay for their hospital expenses. Walter Lippmann, who has called attention to this interesting bit of medical Americana, says that the Founding Fathers were not subject to the hobgoblins that seem to frighten so many people today. He comments wryly, "If this program was socialized medicine, the Founding Fathers were blandly unaware of it."

It is said that the Kennedy proposal might result in overcrowding of hospitals, and I think this is true. This is a distinct possibility but any increase in the use of the hospitals will be temporary. There is a tremendous backlog of needed medical services among our aged people. Tens of thousands of them need hernia repair to make them

active and useful; cataract extractions to restore useful vision. Patients with failing hearts and high blood pressure need hospital care for the initiation of their treatment. Thousands of diabetics need management and regulation in hospitals; innumerable women require neglected pelvic surgery and diagnostic biopsies to detect early cancer. Tens of thousands of older men with prostate trouble need short-term hospitalization for diagnostic studies and surgery to make them comfortable and to save them from fatal kidney damage. This is part of the tremendous backlog which will have to be overcome before the pressures on the hospitals will subside. The real pressure will be on the nursing homes. The President has submitted plans for low-cost loans to double the nursing home capacity in this country.

Actually, the King-Anderson bill implements only a small part of the President's health program which he submitted to the Congress. He calls not only for more hospitals and more nursing homes and other health facilities but called attention to the fact that we need more doctors, more dentists, and other health personnel. His other health proposals will help meet these urgent needs. He has proposed a Federal program of aid to medical and dental schools. He has proposed Federal scholarships for bright students who wish to study medicine or dentistry and who need financial help. All these proposals are of tremendous importance in our drive toward better health for all of the American people.

It has been stated, and it was stated here, that the social security approach to health needs will result in a poorer quality of medical care. This is an astonishing and a shocking statement, and I think that all conscientious physicians will challenge it emphatically. It does a disservice to the doctor and to his profession to impute that his treatment, that his care of his patients will be determined by who is paying the bill.

Finally, I feel that I must speak out on a delicate and sensitive matter which disturbs me deeply. I must say to those who profess so freely to speak on these matters for the doctors—I must say to them that they do not speak for me, and that they do not speak for a rapidly growing number of thoughtful physicians all across the land. They do not speak for a great majority of those physicians who are engaged in research, and in teaching in the medical schools. They do not represent the doctors in the Veterans' Administration, those engaged in group practices in some of our finest medical organizations and most significantly, they do not speak for a rapidly increasing number of younger doctors. They do not speak for these. I have been delighted and astonished by the number of physicians who have approached me in recent weeks since I first spoke out on this subject, and who have indicated their interest and their support. I am deeply disturbed, however, at their frequent request that I not mention their names, nor reveal their feelings on these matters. They are in real fear of professional reprisals and they remain silent in their professional contacts and are not heard from, or represented, in the councils of the medical societies, either at the local or national level.

In summary, I would like to submit that the social security system is the only effective mechanism for the American people to build up for themselves an adequate measure of health protection in their old age. We, in this richest country in the world, should no longer allow any member of our society, through no fault of his own, to be robbed of independence and dignity in his old age. We cannot, we must not permit illnesses in older people to go untreated or to permit disabilities which could be corrected to add torment and anguish to what should be the golden years of our older men and women. We need to move forward into a new era, when our senior citizens will have more of the blessings of the society which they helped to build. These are the practical, the conservative, the sound objectives of the social security approach to health insurance for the aged. This is the program which all reasonable and all informed Americans will support.

Dr. Goodman's speech did not go unnoted. In the Oregon Labor Press of September 15, there appeared an excellent editorial, pointing to the contrast between Dr. Goodman's carefully reasoned statement and the "abusive and often misleading" propaganda of the AMA. This editorial raises again the question, "Who does speak for the medical profession?"

A DOCTOR SPEAKS

Do the abusive and often misleading attacks of the American Medical Association (AMA) on the Anderson-Kerr bill reflect the opinion of its members?

The bill would provide medical assistance—chiefly hospital and nursing home care—for older citizens under the social security program.

Recent rumblings suggest that they do not. The vigorous campaign in support of the bill, launched by Stanford University medical men, caught on like a prairie fire and spread through the bay area to northern California. (See the July 14 issue of the Labor Press.)

Last Friday, Dr. Morton J. Goodman, distinguished Portland physician, spoke out courageously for the bill in a talk to the City Club.

A member of the AMA and a 25-year member of the Oregon State Medical Society, Dr. Goodman served 4 years on the State welfare commission. As chairman of the commission's medical care committee, he learned firsthand about the medical needs of older citizens and how they are being tragically neglected.

Against this background, he compared the two major approaches to solving the problem of medical care for the aged: the Kerr-Mills law, supported by the AMA, and the Anderson-Kerr bill, so stridently opposed by organized medicine.

In those States that match available Federal funds and participate in the program, the Kerr-Mills law provides limited medical care to the so-called medically indigent. There are citizens who have taken a means test—pauper's oath.

Dr. Goodman called it degrading for our citizens who have been financially independent all of their lives to have to go, hat in hand, to a welfare agent in order to prove poverty.

He gave this shocking example of an average citizen's reaction to the help available under the Kerr-Mills law:

A 71-year-old widow, who worked most of her active years as a nurse, recently broke her hip. Hospital and surgical expenses of $3,200 cut sharply into her savings. Her only income is a $78 monthly social security check.

She has a bad heart and recently she called on the doctor. She was specific. "I will never go on welfare and I want to make my plans."

"I know exactly what those plans are," Dr. Goodman said. "Rather than accept charity, when her remaining savings are exhausted, this woman intends quietly and unobtrusively to take her own life.

"The Kerr-Mills plan, in my opinion, doesn't begin to meet the medical care needs of the large groups of our older citizens," the doctor declared. "It swats flies instead of draining the swamp."

Turning to the Anderson-King bill, he called it a modest, conservative approach which is fiscally sound and I cannot understand why any reasonable person who has read the bill and understands it, doesn't favor it.

He exposed—and disposed—of two false charges made against the measure:

1. That it would destroy free choice of physicians. "This bill has nothing to do with the physician. It has nothing to do with medical care. It is merely hospital insurance and I think that is one of its major shortcomings. I think the bill is not inclusive enough," Dr. Goodman declared.

2. The charge that it would result in "socialized medicine" he called a "smokescreen designed to frighten the American people and the doctors."

"This is not socialized medicine, nor will it lead to it," he told the City Club. The marine and veterans' hospitals, State and Federal tuberculosis and psychiatric hospitals—these are good examples of socialized medicine. "The University of Oregon Medical School Hospital, to which our Governor is rushed when he becomes ill, practices pure socialized medicine," he said.

Spokesmen who make these charges against medical care for the aged under social security "do not speak for me," Dr. Goodman told the audience. Nor, he added, do they speak for a great majority of those physicians engaged in research or as teachers, nor for the rapidly increasing number of younger doctors.

Do they speak for the majority of the country's doctors? Or is it time for the AMA to make an agonizing reappraisal and move into the 1960's?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CHURCH (at the request of Mr. HALLECK), on account of official business, to attend the 16th General Assembly of the United Nations, to which she has been named a delegate for the United States.

Mr. SHELLEY (at the request of Mr. SISK), on account of illness.

Mr. MULTER (at the request of Mr. RYAN), for an indefinite period on account of official business.

Mrs. NORRELL (at the request of Mr. MILLS), for Monday, Tuesday, and Wednesday of this week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. LAIRD, for 1 hour, today.

Mr. EVINS, for 40 minutes, today.

Mr. DEVINE (at the request of Mr. KYL), for 30 minutes, on Wednesday.

Mr. ICHORD of Missouri (at the request of Mr. ALBERT), for 5 minutes today, to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. WHITTEN.

Mr. FOGARTY and to include extraneous matter.

Mr. PHILBIN and to include extraneous matter.

Mr. BOLAND, during debate on the bill H.R. 9096, and to include extraneous matter.

Mr. ALGER.

Mr. LINDSAY.

(The following Member (at the request of Mr. KYL) and to include extraneous matter:)

Mr. FULTON.

(The following Members (at the request of Mr. KYL) and to include extraneous matter:)

Mr. TOLL in two instances.

Mr. WILLIS.

Mr. GRANT.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore.

H.R. 1325. An act for the relief of Mrs. Seto Yiu Kwei;

H.R. 1369. An act for the relief of Zsuzsanna Reisz;

H.R. 1378. An act to authorize the Secretary of the Interior to enter into an exchange of certain land in Madera County, Calif., with Mary Saunders Moses;

H.R. 1394. An act for the relief of Laszlo Hamori;

H.R. 1399. An act for the relief of Mrs. Josefa Pidlaoan and daughter, Annabelle Pidlaoan;

H.R. 1422. An act for the relief of Mrs. Agavni Yazicioglu;

H.R. 1459. An act for the relief of EN/2 Hideo Chuman, U.S. Navy;

H.R. 1496. An act for the relief of Aloysius van de Velde;

H.R. 1532. An act for the relief of Jeanine Ruth Tabacnik;

H.R. 1550. An act for the relief of Jesus Garza Lopez;

H.R. 1551. An act for the relief of Kim-Ok Yun;

H.R. 1569. An act for the relief of Isei Sakioka;

H.R. 1581. An act for the relief of Maria Falato Colacicco;

H.R. 1583. An act for the relief of Mrs. Chung-Huang Tang Kao;

H.R. 1614. An act for the relief of Byron K. Efthimiadis;

H.R. 1630. An act for the relief of Carma Pereira de Bustillos;

H.R. 1646. An act for the relief of Joan Josephine Smith;

H.R. 1714. An act for the relief of Nicholas J. Katsaros;

H.R. 1898. An act for the relief of Isabel Brown;

H.R. 1901. An act for the relief of Georgia J. Makris;

H.R. 2136. An act for the relief of Hajime Misaka;

H.R. 2145. An act for the relief of Joginder Singh Toor;

H.R. 2280. An act to provide for the withdrawal of certain public lands 40 miles east of Fairbanks, Alaska, for use by the Department of the Army as a Nike range;

H.R. 2283. An act to provide for the withdrawal from the public domain of certain lands in the Big Delta area, Alaska, for continued use by the Department of the Army at Fort Greely, and for other purposes;

H.R. 2555. An act to authorize pay with respect to civilian employees of the United States in cases of emergency evacuations, to consolidate the laws governing allotment and assignment of pay by such employees, and for other purposes;

H.R. 2655. An act for the relief of Mrs. Pamela Gough Walker;

H.R. 2822. An act for the relief of Gregoire A. Kublin;

H.R. 2924. An act to repeal an act entitled "An act extending the time in which to file adverse claims and institute adverse suits against mineral entries in the district of Alaska," approved June 7, 1910 (36 Stat. 459);

H.R. 3133. An act for the relief of Mrs. Maria A. Schmoldt;

H.R. 3393. An act for the relief of Istvan Zsoldos;

H.R. 3404. An act for the relief of Elemer Christian Sarkozy;

H.R. 3718. An act for the relief of Matthias Nock, Jr.;

H.R. 4221. An act for the relief of Sylvia Abrams Abramowitz;

H.R. 4384. An act for the relief of Richard Fordham;

H.R. 4499. An act for the relief of Mrs. Margaret Ruda Daniel;

H.R. 4553. An act for the relief of Zbigniew Ryba;

H.R. 5136. An act for the relief of Compton Jones and Hulbert Jones;

H.R. 5138. An act for the relief of Francisco Joaquim Alves;

H.R. 5141. An act for the relief of Vito Recchia;

H.R. 5735. An act for the relief of Steven Mark Hallinan;

H.R. 6007. An act to amend section 505(d) of the Classification Act of 1949, as amended, with respect to certain positions in the General Accounting Office;

H.R. 6158. An act for the relief of Adolphe C. Verheyn;

H.R. 7576. An act to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes;

H.R. 8072. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1962, and for other purposes;

H.R. 8666. An act to provide for the improvement and strengthening of the international relations of the United States by promoting better understanding among the peoples of the world through educational and cultural exchanges; and

H.R. 8678. An act to provide for the conveyance of a portion of the Henry G. Shirley Memorial Highway and other highways on the Pentagon road network to the Commonwealth of Virginia, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER pro tempore announced his signature to enrolled bills of the Senate of the following titles:

S. 902. An act to amend the Small Business Investment Act of 1958, and for other purposes; and

S. 2237. An act to amend the Immigration and Nationality Act; and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and joint resolution of the House of the following titles:

H.R. 2281. An act to reserve for use by the Department of the Army at Fort Richardson, Alaska, certain public lands in the Campbell Creek area, and for other purposes;

H.R. 2282. An act to provide for the withdrawal from the public domain of certain lands in the Ladd-Eielson area, Alaska, for use by the Department of the Army as the Yukon Command training site, Alaska, and for other purposes;

H.R. 2585. An act relating to the credits against the employment tax in the case of certain successor employers and to provide an election for past taxable years with respect to the determination of gross income from mining in the case of quartzite and clay used in the production of refractory products;

H.R. 3920. An act to authorize an exchange of land at the Agricultural Research Center;

H.R. 5852. An act to provide for the free entry of a towing carriage for the use of the University of Michigan, and to increase the duty-free exemption of persons arriving in the United States who are not returning residents thereof;

H.R. 6193. An act to authorize the Secretary of Agriculture to convey certain lands in the State of Wyoming to the county of Fremont, Wyo.;

H.R. 6494. An act to provide for withdrawal and reservation for the use of the Department of the Air Force of certain public lands of the United States at Nellis Air Force Range, Nevada, for defense purposes;

H.R. 7057. An act relating to the determination of gross income from the property for taxable years prior to 1961 in the case of certain clays and shale which were used in the manufacture of certain clay products;

H.R. 8414. An act to amend section 5011 of title 38, United States Code, to clarify the authority of the Veterans' Administration to use its revolving supply fund for the repair and reclamation of personal property;

H.R. 8762. An act to amend the Small Business Act; and

H.J. Res. 558. Joint resolution providing for printing copies of "Cannon's Procedure in the House of Representatives."

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 19, 1961, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1319. A letter from the Comptroller General of the United States, transmitting a report on review of interservice utilization of aeronautical equipment and supplies within the Department of Defense; to the Committee on Government Operations.

1320. A letter from the Secretary of the Interior, transmitting a copy of an application for a loan for the Klamath Basin Improvement District in Klamath County, Oreg., pursuant to the Small Reclamation Projects Act of 1956 (as amended June 5, 1957, 71 Stat. 48); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHEPPARD: Committee of conference. H.R. 8302. A bill making appropriations for military construction for the

Department of Defense for the fiscal year ending June 30, 1962, and for other purposes (Rept. No. 1201). Ordered to be printed.

Mr. MILLS: Committee on Ways and Means. S. 1750. An act to strengthen the Federal Firearms Act; without amendment (Rept. No. 1202). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. S. 558. An act to amend the acts of March 3, 1901, and June 28, 1944, so as to exempt the District of Columbia, from paying fees in any of the courts of the District of Columbia; without amendment (Rept. No. 1204). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. S. 564. An act to provide for apportioning the expense of maintaining and operating the Woodrow Wilson Memorial Bridge over the Potomac River from Jones Point, Va., to Maryland; without amendment (Rept. No. 1205). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. S. 1291. An act to amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits; without amendment (Rept. No. 1206). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. S. 2397. An act authorizing the National Capital Transportation Agency to carry out part 1 of its transit development program and to further the objectives of the act approved July 14, 1960 (74 Stat. 537); without amendment (Rept. No. 1207). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORRESTER: Committee on the Judiciary. H.R. 5393. A bill to amend the Bankruptcy Act, as amended; with amendment (Rept. No. 1208). Referred to the Committee of the Whole House on the State of the Union.

Mr. HARRIS: Committee of conference. H.R. 4998. A bill to assist in expanding and improving community facilities and services for the health care of aged and other persons, and for other purposes (Rept. No. 1209). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN: Committee on the District of Columbia. S. 158. An act to confer upon the domestic relations branch of the municipal court for the District of Columbia jurisdiction to hear and determine the petition for adoption filed by Marie Taliaferro; without amendment (Rept. No. 1203). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL (by request):

H.R. 9273. A bill to repeal obsolete laws relating to military bounty land warrants and to provide for cancellation of recorded warrants; to the Committee on Interior and Insular Affairs.

By Mr. GRANT:

H.R. 9274: A bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying on a program of forestry research, and for other purposes; to the Committee on Agriculture.

By Mr. LAIRD (by request):

H.R. 9275. A bill to donate to the Stockbridge-Munsee community some submarginal lands of the United States, and to make such lands parts of the reservation involved; to the Committee on Interior and Insular Affairs.

By Mrs. MAY:

H.R. 9276: A bill to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan; to the Committee on Public Works.

By Mr. MOSS:

H.R. 9277. A bill to place certain limitations on the authority of the Federal Communications Commission to delete previously assigned very high frequency television channels, to give the Commission certain regulatory authority over television receiving apparatus, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KYL:

H.R. 9278. A bill to provide a government for the Trust Territory of Micronesia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SHIPLEY:

H.R. 9279. A bill to deny the use of the U.S. postal service for the carriage of Communist political propaganda; to the Committee on Post Office and Civil Service.

By Mr. ASPINALL:

H.R. 9280. A bill to amend section 2 of the act of July 31, 1947 (61 Stat. 681), and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ASHBROOK:

H.R. 9281. A bill to deny the use of the U.S. postal service for the carriage of Communist political propaganda; to the Committee on Post Office and Civil Service.

By Mr. ELLIOTT:

H.R. 9282. A bill to amend the Agricultural Adjustment Act as reenacted by the Agricultural Marketing Agreement Act of 1937; to the Committee on Agriculture.

By Mr. BURKE of Kentucky:

H.J. Res. 579. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. GRANT:

H. Res. 469. Resolution providing, that the Federal Communications Commission should not adopt any action requiring present very-high-frequency television stations to change its operation to any channel other than another of the present channels; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 9283. A bill for the relief of Tomasso DiGioia; to the Committee on the Judiciary.

By Mrs. DWYER:

H.R. 9284. A bill for the relief of Kazimierz Brzeski; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 9285. A bill for the relief of Helenita K. Stephenson; to the Committee on the Judiciary.

By Mr. KING of California:

H.R. 9286. A bill for the relief of Yung Chul Kang, his wife, Bok Nam Suh Kang, and their minor daughter, U Ri Hang Kang; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 9287. A bill for the relief of Maria Mereghetti (Mother Benedetta); to the Committee on the Judiciary.

H.R. 9288. A bill for the relief of Annunziata Colombo (Mother Cherubina); to the Committee on the Judiciary.

By Mr. RIVERS of South Carolina:

H.R. 9289. A bill for the relief of Herbert Thomas King, his wife, Si-Ling Chang King; and his stepdaughter, Hsiao-ling King; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Service on the Appropriations Committee

EXTENSION OF REMARKS
OF

HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1961

Mr. WHITTEN. Mr. Speaker, I am serving my 19th year on the Appropriations Committee. Believe me, service on the committee is quite an experience.

We hold hearings from 10 each morning until 5 o'clock in the afternoon, with an hour off at lunch—practically every day of the session. We attend to our other duties before and after, and by interruption.

Many of our constituents write us to obtain appropriations for public works projects and many other programs and, in the same mail, write us not to appropriate money.

Even our colleagues come before our committee, ask for appropriations in huge sums, and some frequently file a carbon copy of their statement with the committee, send the original to the press; then if we appropriate the money a news release is issued as to what appropriations our friend got and, of course, anything not obtained was the fault of that "old Appropriations Committee." All of this is OK, of course, under the rules of the political game. After all, those of us on the committee are no different. We, too, like to provide for those things in which we believe, especially when our people agree with us.

Actually, sometimes the inconsistencies are lots of fun to watch. A few years ago the Denver Post berated the committee for refusing to appropriate $2 million to eradicate bark beetles which plague that area—and in the same paper severely criticized the Appropriations Committee for "spending the Nation's money far too liberally."

I wrote the editor that while most people were for saving money, every section had its "bark beetles" and when you added up the cost of meeting all of them the total greatly exceeded the national income.

Incidentally, when the justification for these funds was later based on protecting the watershed, instead of the almost valueless timber, funds were appropriated.

In my own area, perhaps the best example came when I made the successful motion to override the President's veto of the Public Works appropriation bill in 1959. Most of the leadership of both parties were opposed to my motion, though for different reasons. After standing up to about a 2-hour fight within the Appropriations Committee, my motion to override the veto carried by a vote of 19 to 17. The Greenville Harbor project was saved; so were the Pascagoula and Memphis projects, along with about 60 other new starts.

When the House approved the action, the press carried smiling pictures of those leaders who had opposed my motion; and in the areas where I hoped for big headlines about my successful efforts, the press stressed the fact that in saving these projects funds for many other continuing projects had been slightly reduced, listing by name those which were reduced.

With all of that, I would not trade my place on the Appropriations Committee—where we take some beatings and where money is often appropriated for programs in which I do not believe—for any in the Congress. My membership on the committee which controls the purse strings means I am in the middle of the show and have a real opportunity for service. Certainly, my membership on this committee has contributed greatly in my own State to the Boll Weevil Laboratory, the Poultry Laboratory, the Soils Laboratory, the many flood control and watershed projects, soil conservation, REA, Extension and 4–H Club programs, the Greenville and Pascagoula Harbor projects, the Agricultural Conservation Program, and many others which I have been able to promote.

It may be that it is the President who makes appointments within the limits of the civil service law; it is the Congress, however, which makes appropriations and says what the money shall be used for.

I know my long-time membership on the Appropriations Committee has enabled me to help keep up our investment in our own country—before others give everything away in foreign aid. After all, our own country is the base on which all these other commitments must depend.

This year I am proud to say we provided increased funds for watershed protection and flood prevention, for domestic public works—including $70,725,100 in funds for the lower Mississippi, increased funds for the Big Sunflower, provided for additional surveys, increased funds for other Mississippi projects and kept work on harbor development going forward.

Whoever may get the credit, this investment in the development and protection of our country is absolutely sound. We must put our own country first.

Resolution on VHF

EXTENSION OF REMARKS
OF
HON. GEORGE GRANT
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 18, 1961

Mr. GRANT. Mr. Speaker, I have today introduced a resolution pointing out the value to rural and farm families of the very high frequency television channels—channels 2–13—through the wide-area service they deliver.

I have asked that no action be taken by the Federal Communications Commission to require any VHF facility to change to the ultra high band, and, thereby, deprive farm and rural families of high quality dependable service. In the State of Alabama many thousand rural and farm families in central and south Alabama would be deprived of all television service if the FCC requires Channel 12 in Montgomery to change from VHF to UHF. There would be far more deprived of information from the State Capital if this action were taken.

I have introduced this resolution in the sincere hope that more careful consideration can be given this measure and so that the Commission, in light of protests from central and south Alabama, will abandon its proposed intent to deprive the citizens of our State of their use of channel 12.

This resolution suggests that the Federal Communications Commission not take any action at this time until they have a chance to hear the results of the UHF experiments in New York for which the Congress authorized $2 million. And as a Member of Congress from a rural district, I oppose the Commission's taking this television service away from the farm families.

Educational and Cultural Exchange

EXTENSION OF REMARKS
OF
HON. HERMAN TOLL
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 18, 1961

Mr. TOLL. Mr. Speaker, with events in countries all over the world becoming more and more serious, it is vital that we make use of every possible means to give a favorable impression of ourselves to all other nations of the globe. Every citizen of the United States has an obligation to see that the 50,000 foreign students visiting America have a correct understanding of our country and our ways. We cannot afford to allow these students to leave the United States with wrong or biased viewpoints. It is vital, therefore, that we create a dynamic program to make sure that these students have a favorable impression of the people and policies of the United States.

Recently a study was made of 500 foreign students attending the University of Pennsylvania as a means of learning their experiences in the United States, as well as their impressions of our country. Though this study was limited to students at Penn, the authors, John F. Melby and Elinor K. Wolf, indicated that problems faced by this institution are closely related to the problems the Nation's schools face as a whole. This study brought out several specific problems which need to be exposed. It is my belief that the Federal Government must supply the initiative if we are to meet and realistically solve these problems.

First of all, the orientation program which the foreign student receives, if any, is not equipped to be the helpful program it should be. This need is especially critical when the foreign student first arrives in the country. When the student's mind is most likely to be open to all points of view, we fail miserably. This is the time when the student should be told that all Americans do not drive convertibles; that all Americans do not live in a sprawling ranch house; and that all Americans do not live by the creed of equal rights for all. Unfortunately, the student is left to find out himself. Of the 500 students at Penn, only 25 percent had any kind of orientation course, and of this group only 7 persons had an extended course over several weeks, which has proved to be the most successful type. Thirty-five percent of the group had never even known that such a course existed. The remaining part of the group pleaded lack of time or felt no need for such a course. The report stated:

> It is clear, however, that a great majority of students wanted and would have profited from the right kind of course as indicated by their own statements.

Had the money been available a much larger orientation program would have been conducted for the foreign students.

Secondly, it is pleasing to note that, except for a language problem in English, the foreign student does acceptable academic work. It is vital, however, that the student have a working knowledge of English if he is to succeed in his college work. Almost invariably the study points out a relationship between poor grades and poor English. In addition, the problem is further complicated by the fact that most of the students believe that they have a good understanding of English. Consequently, many students are not aware of their English deficiencies until it is too late. Thus, it is extremely important that we have a plan that can cope with these needs. If we are able to enact a program along these lines, we will be doing much to alleviate this problem. It is quite necessary that additional English courses be sponsored so that all foreign students will have an equal chance to be successful in their work. It can certainly be assumed that those with the greatest ability in English will have the best chance to understand the ideas and customs of our country.

Thirdly, we must enact some kind of program to aid the foreign student in finding adequate housing. Because of overcrowded dormitory conditions, 80 percent of the students were forced to seek shelter off campus. The study

describes the student as being hungry, confused, and on the verge of panic because he did not know how he was to be housed. An article in the New York Times which appeared on June 3, 1961, describes the dilemma faced by the foreign student in the area of housing. When the student is able to find housing, it is usually in subpar neighborhoods. I might add that only 27 percent found their accommodations through the university; the rest located their living places through various means. Mr. Speaker, under these circumstances, it is completely illogical to expect the foreign student, a guest of our country, to gain a favorable viewpoint of the wealthist and most advanced Nation in the world. If anything, under present conditions, seeds of hate will begin to grow within the student from the moment he arrives.

Fourthly, the study indicates that many foreign students are unable to see many of our cultural sights, because of the great cost involved. Specifically, 80 percent of the students wanted to see more works in music, the theater, and the arts, but were unable to do so because of financial difficulties. It is vital for these young men and women to see more than just a college campus while in the United States. It is paramount that we make sure these students see our historic shrines, our theaters, galleries, our movies, in other words our American way of life. We are on trial before these ambassadors from all over the world. It is important that the facts are presented before them, so that they can make a fair and objective decision. Let no foreign student be able to say that he was confused and uncertain about the United States, because he saw too little of it.

There are many ways we can seek out and attack this problem if we so desire. We could form contracts with theaters, whereby the Federal Government would pay for part of the admission. We could supplement college programs already providing such a service though on a far too limited scale. We could set up summer employment programs so that the students could pay the costs themselves. I might add that in the study 40 percent of the students were unable to find jobs when they applied. Indeed the problem is not in helping these students; it is to make ourselves interested enough to provide the means we already have to supply the help. When 78 percent of the students said they would be willing to take an extra course, completely unrelated to their regular course, on some aspect of American life, we need not fear whether they are interested.

Finally, Mr. Speaker, and most important of all, the foreign student has many confusing and conflicting ideas on American policy. A lack of general knowledge on the official policy in such controversial areas as race relations, business activities, capitalism versus socialism, and foreign affairs is a source of much concern to the foreign student. It is here that we must concentrate our most diligent efforts to correct this situation. We have a tremendous opportunity to present our side of the picture to the world. Moreover, we must not forget that every student when he returns to his native land will fan out his impressions of the United States to hundreds of his fellow countrymen. We cannot afford to allow one of these students to distribute ill feelings about the United States.

Mr. Speaker, I do not wish to mislead my colleagues. I am not advocating a huge Federal agency to solve this problem; that is wholly unnecessary. All that is needed to relieve this unsatisfactory situation is to supplement with Federal funds the programs already in existence in colleges and community centers, and make sure that these programs are effective. In a day and age when we speak of billions in foreign aid, we can certainly afford to allocate a minimum amount of money to further the true image of America.

Since the conference report on the Mutual Educational and Cultural Exchange Act of 1961 has been approved, the administration and Members of Congress can seriously consider the suggestions contained in this statement.

The Right to Equality

EXTENSION OF REMARKS
OF
HON. JAMES G. FULTON
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1961

Mr. FULTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article by the Honorable JACOB JAVITS, of New York, which appeared in the September 1961 issue of the magazine Americas:

THE RIGHT TO EQUALITY

(Article by JACOB K. JAVITS in the September 1961 issue of the magazine "Americas")

(JACOB K. JAVITS has been a U.S. Senator since 1956. He previously served four terms in the U.S. House of Representatives and 2 years as New York State Attorney General. He has consistently championed civil rights programs, sponsoring and serving as a floor leader for much of the recent legislation in this field.)

The struggle against the remaining racial and religious discrimination in the United States engaged my interest and action long before I entered public life. I cannot emphasize too strongly the primary importance of this struggle to the tranquillity of our country and its moral leadership of the free world. Patience and determination are basic qualities for success, law is the necessary equipment, but most essential of all is the support of a well-informed public opinion. This book is my contribution to the effort to provide information and to stimulate discussion and study of one of the major issues of our time.

I was born in 1904, and I remember vividly my life as a small boy, the son of Jewish immigrants, in a janitor's flat on Orchard and Stanton Streets on the lower East Side of New York City. My father made pants and doubled as janitor of the tenement, then later worked full time as the janitor for $30 a month, plus rooms. My mother sold crockery and dry goods from a pushcart. In school I read about democracy and about the equality of all in America, but to a poor Jewish boy, running errands for a candy shop, scratching for a penny, watching my father get out the vote for $2 a head paid by a saloonkeeper who was a Tammany Hall captain, the words "democracy" and "equality" seemed just so many distant, high-sounding phrases. I had little thought that I could win social acceptance, not to speak of being permitted to serve in the high public offices of Congressman, attorney general of New York State, and U.S. Senator.

My own experience is symptomatic of the social revolution which has marked American life since the turn of the 20th century. The United States of the early 1900's was a "white, Protestant, Anglo-Saxon" country, as people used to say. Millions of citizens were not white or Protestant or "Anglo-Saxon" (meaning descended from western European stock), but the dominant assumption was that they should be satisfied with the skimpier educations, the dirtier jobs, and a severely limited right to advance in the economic or political world. In 1900 the top-ranking colleges admitted only a handful of students from minority families, and most of these came from decidedly exceptional circumstances. It was difficult for a Catholic of Irish or southern European background, and still harder for an eastern European Jew, to rise high in the basic industries, in the professions, or in the realm of arts and letters. No realistic person would have thought of proposing anyone but an old-stock white Protestant for the Presidency or the Vice Presidency of the United States. As for the average Negro, in either the North or the South, he was lucky to find a livelihood that kept him in ramshackle housing and grubby food.

During the decades after World War I, the United States went on chipping away at the crust of caste. There were years when the Nation seemed to turn backward, but overall it headed toward the elimination of discrimination on the basis of race, creed, or color.

By the late 1950's, the highest prestige colleges were competing with each other to enroll outstanding students regardless of family background. More miles of trim suburbia were stretching out, now inhabited not only by the old-stock executive group but by the middle-class and working-class sons of immigrants. The only Federal civil rights law since Reconstruction days was passed in 1957, and was followed 3 years later by further civil rights legislation. In one area of U.S. life after another, Negroes scored more firsts. A particularly striking event occurred in 1958. For decades the top echelon of the U.S. diplomatic service had been considered a special preserve of the well born. On January 23, 1958, President Eisenhower appointed Clifton R. Wharton Minister to Rumania, the first Negro to be named U.S. chief of mission to a country of predominantly white population.

All the while, the 1954 Supreme Court decision ordering the end of the color line in public schools was doing its work. Desegregation was resisted by efforts ranging from the portentous to the ridiculous. In Arkansas, Gov. Orval Faubus so brazenly defied the Supreme Court that President Eisenhower ordered Federal troops into Little Rock. In Florida, Henry Balch, columnist for the Orlando Sentinel, thundered that a children's book telling about the marriage of a white and a black rabbit was a plot of the "integrating desegregationists," and hounded the volume off the shelves of the public libraries. (The author, Garth Williams, mused sadly: "It was written for children from 2 to 5 who will understand it perfectly. It was not written for adults, who will not understand it because it is only about a soft furry love and has no hidden message of hate.") Under the circumstances, desegregation moved ahead slowly. In 1960, on the anniversary of the Court decision, the statistics showed that only 6 percent of the Negro

students in the southern and border States were attending integrated schools—and the percentage was zero in Alabama, Georgia, Louisiana, Mississippi, and South Carolina. Yet, whatever the rate of speed, whatever the obstacles, the Nation was going ahead desegrating its schools.

Today, I am confident, the United States is entering a period when the walls of discrimination will go on tumbling—and being tumbled—down. The election of a Catholic to the presidency is already a fact. By the year 2000, it is conceivable that we may see the election of a Negro to the Presidency or the Vice Presidency. The appointment of a Negro Secretary of State does not seem far-fetched when a man like Ralph Bunche is considered. A former Assistant Secretary of State, this distinguished American Negro is second only to Secretary General Dag Hammarskjold at the United Nations; he has, and has richly earned, an international reputation as a peace negotiator and statesman. Negro leaders have told me that they feel it will be politically feasible to name a Negro to the Supreme Court within the next 10 years.

In the proximate future we may well see a marked increase in the number of Negroes in Congress. The National Association for the Advancement of Colored People, spurred on by the passage of the Civil Rights acts of 1957 and 1960, has launched a drive to triple Negro registration in the South and thus to put it on a par with the present 60 percent registration of eligible white voters. I believe that the number in the House of Representatives is likely to grow steadily, and that, from the Negro 10 percent of our population, between 30 and 40 qualified persons may be elected as Representatives to the 106th Congress by the year 2,000. Long before then, I expect to see the first Negro since the Reconstruction era taking his place in the U.S. Senate.

By 1965, public school integration should be well on its way even in the Deep South. The next two Congresses, those which convene in 1961 and 1963, will probably bring an end to the archaic Senate rule XXII and therefore to the filibuster, which has been the special and stubborn hurdle on the road to civil rights legislation. I make this prediction on the strength of my own experience in the Senate and on the basis of my observation of the mood of the country during the civil rights debates of 1957 and 1960. There is a new generation in the United States—and of those who live below the Mason-Dixon line. Today the South is producing an ever increasing number of enlightened citizens who, while still opposed to general civil rights legislation, do not carry over the ancient southern opposition, indeed revulsion, to the idea of accepting Negroes as the equals of whites in public affairs. For example, during the civil rights discussions of recent years, a notable number of southern leaders conceded that the full enjoyment of the ballot belongs to the Negro as well as to the white man.

If the country's past argues for a continuing social upsurge, the country's present certainly does not gainsay it. The Negro group, latest of the groups to make its bid for equal rights and equal opportunities, is certain to increase in political power and certain to use that power to win more opportunities. Since 1950, it has been estimated, the potential nonwhite vote has catapulted 25 percent in New York, 50 percent in Chicago, 62 percent in Los Angeles. By the year 2,000, one out of every three voters in New York and Chicago, and one out of two voters in Los Angeles, may well be nonwhite. Population shifts of minority groups to urban areas are creating a tide that could elect a nonwhite mayor in New York, Chicago, Philadelphia, or Los Angeles, before many years. In the South, as a result of the civil rights legislation already passed and the additional laws that are almost certain to come, the Negro will vote more and more. And, as all American groups have done, he will use the vote to broaden opportunities for himself.

Outside the South, the antidiscrimination forces can count on a hard reality of modern U.S. life; prejudice has proved to be ineffective politics. In the past, bigotry and hate may have had some success, but today they simply do not work. In my own career in politics, I have had no little experience with religious smear campaigns. In the late part of the senatorial campaign in 1956, literature appeared in New York City—which has a large Jewish population—carrying the innuendo that I had forsaken the Jewish faith. The matter was brought out into the open during a television interview when viewers telephoned in the question: "Is it true that you changed your Jewish faith?" Questions such as this, as every public figure knows, are like that old verbal trap which calls for a yes or no answer to the question: "Have you stopped beating your wife yet?" Air time ran out before I could reply that I had not changed my religion. Yet, according to my analysis of the 1956 results, the question had little or no effect on the voters of New York State.

The most spectacular proof that appeals to religious prejudice do not work in modern U.S. politics came in the West Virginia presidential primary battle in 1960 between Senator John Kennedy, a Catholic, and Senator HUBERT HUMPHREY, a Protestant. Although Senator HUMPHREY made it ringingly plain that he wanted no votes gained from religious bias, anti-Catholicism was a blatant part of the campaign. Seasoned observers thought the prejudice might well have a decisive effect: West Virginia is 95 percent Protestant and was supposed to have a strong anti-Catholic tradition. But when the votes were counted, Kennedy had won a thumping three-to-two victory. He was hurt little or not at all by the anti-Catholic campaign. On the contrary, apparently he was actually helped by it. Heavily Protestant West Virginia seemed the more determined to give the Senator, a Catholic, a victory as a way of showing that it wanted no part of elections determined by irrelevant questions of religion.

There are approximately 18 million Negroes in the United States, one-half of whom live in the South, and another third in five urban centers in the North. Statistics offer a dramatic picture of how meagerly they share in our expanding economy. In 1939, the median income for white workers was $1,112 a year; for nonwhite workers, it was $460. In 1955, white workers had a median income of $3,986, contrasted with $2,342 for nonwhite workers. These figures make plain that while the nonwhite population has shared in our general prosperity and reduced the difference between incomes, the Negro nevertheless continues to pay a severe price solely because of the color of his skin. Today, two out of every five Negro families earn less than $2,000 a year. Average Negro incomes are still far below white incomes.

There is a final fact about the results of discrimination, the most important of all. The future of our Nation—indeed, its very existence—may well depend upon whether nonwhites living in the underdeveloped countries choose communism or freedom. The great contest revolves around the 1,200 million people—largely Negro and oriental—who live in the Far East, the Middle East, and Africa. This global picture is crucially related to our domestic struggle over civil rights and the ending of discrimination. It is so importantly related because the nonwhites are watching closely to see whether we practice what we preach about equality and justice.

No U.S. domestic situation gives the Soviet Union and the international Communist Party more fuel for their propaganda machines than our two faces on civil rights. In terms of world prestige, Little Rock cost us more in 1 day of violent prejudice than the launching of all the Russian space satellites.

Even more damaging to our prestige was the reaction of the press in the uncommitted areas of Asia, the Middle East, and Africa. Typically, the Times of Indonesia declared: "It is hard to realize that this is taking place in a country proclaiming its democratic liberties for all to hear." We simply cannot hope to win the nonwhite peoples of the world conclusively to our side if they doubt that we will consider them equals. They will continue to doubt just as long as we wave our Constitution at them with one hand, and with the other tolerate the denial to a substantial part of our citizens in a broad region of our own country of their rights under the Constitution.

As the United States hurries along the road toward genuine democracy, all kinds of efforts will help. The agitation of organizations will have its importance; so, too, will the labors of dedicated individuals and the studies of psychologists, sociologists, economists, and historians. But the prime need is law—more firm, carefully formulated legislation on the Federal, State, and municipal levels directed toward making equal rights and equal opportunities ultimate realities. Law is the indispensable advance guard of social change. It gives well-intentioned men a standard to which they can repair. It nudges the indifferent and it tames the hostile.

In this connection, too little attention has been paid to the fact that the Federal Government now spends more than $30 billion a year on contracts with private firms. This means that hundreds of thousands of jobs are placed where the Government has the power—indeed, the responsibility—to see that they are filled without regard to religion or color, but the Congress has to help. In 1953, by Executive order, President Eisenhower established the Federal Committee on Government Contracts, the main purpose of which is to combat discriminatory practices in industries fulfilling Government contracts. The Committee has done some good work, but it is hampered by inadequate funds and staff and especially by the fact that it does not have the authority of an institution established by Congress. (Since 1953, it has investigated only 837 complaints, and settled to its satisfaction only 245.)

In 1959, as part of his package civil rights proposals, President Eisenhower recommended the establishment of a statutory Federal Commission on Equal Opportunity Under Government Contracts. New York State pioneered in this field with the formation of the State commission against discrimination. This agency's experience and its success fully justify the President's recommendation. The Eisenhower proposal was lost in the Senate compromises, but its ultimate enactment is of prime importance.

Action is needed to bring, in all 50 States, the enactment of legislation already existing in 5 States, which forbids discrimination in any housing aided by federally guaranteed mortgages under the Federal Housing Administration (FHA) or the Veterans' Administration (VA). The existing State laws authorize agencies or commissions to deal with discrimination on a basis of conciliation and mediation and, if these fail, by civil action in the courts. But a big share of the responsibility for driving Jim Crow out of the housing field must be assumed by the Federal Government—and it could do a great deal more than it is presently attempting. It should be fundamental Federal policy for all agencies connected with housing to push vigorously for equal opportunity to a decent home. Every effort should be made—particularly every administrative effort—to

bring about compliance by builders who seek the aid of FHA and VA mortgages. The urban renewal program shows that this can be done.

Those of us who live in States like New York, where public sentiment and every responsible governmental agency are on record against any inequality of opportunity, have a special responsibility to practice, and practice in highly positive terms, what we preach. If southern segregationalists are to be deprived of their most cherished distortion—that racial or religious discrimination which persists in the North gives a license for Jim Crowism in the South—then none among us can be a mere bystander in the fight.

It is a fight filled with its ups and downs, its nagging complexities, its shocking desertions, as I am only too well aware from my years in public office. It is also a fight peculiarly appropriate to the only nation in all of man's long history that ever dared mix so many different races, nationalities, and religions, and, having mixed them, dared to declare that the end product could be equal rights and equal opportunity for all. That the people of the United States have the desire, the strength, and the faith to go on pushing toward this goal has been said many times, but it was once said in a way that carries its special force over all the intervening decades. In 1880, U.S. Senator B. K. Bruce rose to support a pending bill. His remarks moved to the subject of the general meaning of the country's experience, and he said: "As a people, our history is full of surmounted obstacles. We have been scaling difficult problems for more than 100 years. We have been (and will continue to be) settling material, moral, and great political questions that before our era had been unsolved."

B. K. Bruce was a Negro, born into human slavery, elected to the U.S. Senate from Mississippi amid all the anti-Negro bitterness and violence of Reconstruction days. His speech was in support of a bill protecting the civil rights and extending the opportunities of the American Indian.

Many predict that racial tensions in the United States will get worse before they get better. I am well aware of these predictions and of the possibility that they could be correct, but I still have great faith in the resourceful genius of our country. When public indignation is raised here there is no denying relief. To save ourselves—and do it just in time—there must be those who will not permit themselves to be still and compliant or permit their fellow-citizens to be complacent in the face of the incendiary injustices of discrimination and segregation which persist in our society.

Washington Report

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, September 18, 1961

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following Newsletter of September 16, 1961:

WASHINGTON REPORT
(By Congressman BRUCE ALGER, Fifth District, Texas)

As adjournment nears, Congress adopted the usual procedure of pushing through, in record time, a backlog of critical legislation. This is not good government. There is danger of passing legislation without adequate debate and careful consideration. This 1st session of the 87th Congress has been marked by an unusual lack of direction and purpose. The House has met only eight Fridays since January. This week marks the first Saturday session. The Rules Committee fight held up the organization of committee assignments for weeks. The Federal fiscal year ended June 30 and here, at the middle of September, Congress has not yet cleared all the appropriation bills. Then on one day (Wednesday of this week) the House took the following action: (and this is only a partial list of Wednesday's business) approved the conference reports on military construction appropriations; State, Justice and Judiciary appropriations; Atomic Energy Commission appropriations; Federal Assistance to Airports Act; amending the Immigration and Nationality Act regarding alien orphans; expand and extend the saline water conversion program, and others. In addition the House passed a Public Works appropriation bill in the amount of $3,662,548,500 and carrying increased public power projects, amended the Universal Military Training and Service Act, granted additional authority to the Export-Import Bank, amended the Ship Mortgage Act of 1920, and on Wednesday and Thursday debated and approved the Peace Corps. Responsible government calls for responsible leadership in Congress and the orderly conduct of the peoples' business.

One victory was chalked up for the advocates of free enterprise. For the third time the House refused to approve appropriations for the Atomic Energy Commission to operate the Hanford atomic energy project for the production of public power. The Senate amendment to include the public power facility was rejected 251 to 155. I voted against it.

The fight on the Public Works Appropriation bill was marked by efforts to expand public power facilities. An attempt to reduce funds for the Upper Colorado River basin and eliminate construction of transmission lines for the development of public power was defeated, 224 to 182. I voted to reduce the funds and eliminate the transmission lines. On final passage I opposed the whole bill. This is no time to be spending millions on public works projects when it is necessary to spend so much on military preparedness to meet the Communist plans for aggression.

Most ill-advised action of the week was approval of the Peace Corps (H.R. 7500) with a budget of $40 million for fiscal 1962. Two very disturbing elements in connection with this bill (1) the absence of guidelines for carrying out the purpose of the legislation and (2) in the 50-page bill Presidential power is outlined in 63 instances. This unlimited power given to the Executive is further depletion of the constitutional authority of Congress and moves us just a little closer to dictatorship (all decisions and actions controlled by one man). Example—on just one page the bill provides "That the President may waive, such provisions of the act as he determines to be necessary (including provision for loyalty oath) the service of a volunteer may be terminated at the pleasure of the President * * * the President may enroll in the Peace Corps * * * volunteer leaders." Additional startling examples of delegations of power: "The President is authorized to carry out programs in furtherance of the purpose of this Act, on such terms and conditions as he may determine * * *. The President may exercise any functions vested in him by this Act through such agency or officers of the U.S. Government as he shall direct * * *. The President shall prescribe appropriate procedures to assure coordination of Peace Corps activities * * *. The President may enroll * * * qualified citizens * * * under terms and conditions * * * which the President may prescribe * * * volunteers shall be provided with such living, travel, and leave allowances, and such housing, transportation, supplies, equipment, subsistence, and clothing, as the President may determine to be necessary," and so on and on and on. Congressman GROSS (Iowa) summed up arguments against the bill eloquently: "We have before us today a shining example of that for which Congress is becoming notorious—legislative approval of a pig in a poke * * * this latest international gimmick was spawned some 15 months ago on the basis of a $10,000 appropriation for a study of the feasibility of establishing a Youth Corps * * * today, this latest international boondoggle, without benefit of permanent legislation, without congressional scrutiny of program or plan, has already spent and initiated projects costing some $17,500,000."

The Peace Corps was approved, 287 to 97. In my opinion, we may regret the action. The project was too hastily planned, without adequate study, gives far too much power to the President, and no provision is made for adequately training and equipping personnel for the awesome responsibility we are asking them to assume.

In spite of my efforts to include funds for the Dallas Federal Building (approved by Public Works Committee—newsletter August 12, 1961) in the deficiency appropriation bill, the House leadership failed to do so. I will do all possible to have the funds put into the regular appropriation bill next year.

Dedicatory Address by Representative Hemphill, of South Carolina, at National Guard Armory, Clover, S.C.

EXTENSION OF REMARKS
OF
HON. STROM THURMOND
OF SOUTH CAROLINA
IN THE SENATE OF THE UNITED STATES
Monday, September 18, 1961

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an address entitled "Citizen-Soldier: Backbone of the Nation's Strength" delivered by Congressman ROBERT W. HEMPHILL of the Fifth South Carolina Congressional District at the dedication of the National Guard Armory at Clover, S.C., September 10, 1961, 3 p.m.

Congressman HEMPHILL in this address has given relevant and informative information concerning the role of the citizen soldier in the defense of this country through the history of this Nation. He portrayed the important part the members of the militia, the National Guard and the Reserve have played in the defense of our Nation. The distinguished Congressman from the Fifth District is to be commended for this splendid address, and I hope as many people as possible will take occasion to read it.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CITIZEN-SOLDIER: BACKBONE OF THE NATION'S STRENGTH

Maj. Gen. Pinckney, Maj. Gen. Godfrey, Colonel Harvey, Captain Murphy, distinguished platform guests, members of the Clover, S.C., National Guard unit, ladies and

gentlemen, here today, in the shadow of Kings Mountain, we cannot but feel excitement and pride that our heritage is so great, our obligation to the citizen-soldiers of the Revolution so strong, and our purpose so patriotic that we meet here today to carry on for those who died on yonder hills that we might be free. Gathered among us, I am sure, are the spirits of those brave men of another day, and if we were not true to those of our heritage, how fruitless would be our efforts, how empty our ceremony, and how disgustingly shallow our accomplishments: We, too, should use the gifts we have been given for the preservation of freedom.

And now let us turn to the business of the day.

This armory is more than a building of cold, hard stone. It is a living thing. It symbolizes the determination of all of you here as well as the determination of the American people, to sacrifice their time, their fortunes, and even their lives in the struggle for freedom. We arm for liberty, not tyranny. That we have always built our forces on the citizen-soldier stands as testimony of our deep and profound love for peace, order, and freedom. The National Guard is the instrument of the citizen-soldier—and a mighty weapon it has been in our Nation's history.

You will remember that the fight for independence against British colonial domination was carried forwarded by the militiamen of the 13 colonies. These were the now famous minutemen who have been justly heralded in every American history book. They fought bravely and honorably for American independence. Without their efforts, we still might be under the power of foreign influences. They shed their blood at Saratoga, at Concord, and at Lexington. They also fought and died in the swamps of Georgia and the woods of the Carolinas. They were hardy men, providing us with an example which we can well follow. This armory is built and is dedicated in the spirit of these militiamen—the forerunners of the National Guard.

No less a person than Gen. George Washington, the father of our country, paid tribute to the indispensable role which the militia played in the Revolutionary War. It was largely through his untiring work that a well-regulated militia was made the basis for the Nation's national defense. In his "Sentiments on a Peace Establishment," Washington wrote: "It may be laid down as a primary position, and the basis of our system that every citizen who enjoys the protection of a free government, owed not only a proportion of his property, but even of his personal services to the defense of it, and consequently the citizens of America, from 18 to 50 years of age, should be borne on the militia rolls, provided with uniform arms, and so far accustomed to the use of them, that the total strength of the country might be called forth at short notice.

Following Washington's suggestion, Congress passed the Militia Act of 1792. It laid the basis for a truly national militia system that was to endure for over a hundred years until the passage of the Dick Act of 1903. Each State was empowered to enroll every free, able-bodied male citizen between the ages of 18 and 45 years into a State militia which was to be ready to serve in times of State or national emergency.

This was wise legislation. It provided the framework through which the States and the Nation could muster sufficient military manpower to cope with foreign and domestic adversaries. When the War of 1812 began, Army strength stood at about one-fifth of its authorized level of 35,603. The State militias were asked to make up the difference and to expand the Military Establishment in the war against England. The Congress requested 30,000 volunteers and 80,000 men from existing militia units to carry the war to the enemy. With characteristic vigor, thousands of militiamen—our first reservists—responded to the colors. They fought gallantly until the invader was driven from our shores. Who can forget the impressive victory which Jackson won at New Orleans? Many of the troops which battled behind the cotton bales he stacked across the port area of New Orleans were militia soldiers from a cross section of the States of the Union.

The next challenge to American security and independence occurred in 1846. On May 11, 1846, President James Polk sent a message to Congress which stated that "After reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory, and shed American blood upon the American soil." Congress quickly responded to the President's recommendation to declare war on the Mexican Government because it knew where it could secure the men and military tools to force the aggressors from American territory. It was certain that the State military units would be ready and willing to fight for the honor of the Nation. When General Winfield Scott marched triumphantly into Mexico City, there were hundreds of militiamen among his conquering troops. The citizen-soldier had again displayed the courage and fortitude that had marked his service during the Revolutionary War and the War of 1812.

Again in 1860 the State militia made ready for battle. Now, however, State was divided against State; brother against brother. Instead of joining their strength into an unbeatable combination, Confederate gray opposed Federal Union blue. Both President Abraham Lincoln in the North and President Jefferson Davis in the South appealed to the States under their command for troops to fight for their respective causes. The great Civil War which we commemorate this year was fought in great part by militiamen brought into the service of Confederate and Union Armies. As before, these men on both sides of the fighting lines demonstrated that rare quality of courage and devotion to duty which is the distinguishing characteristic of the citizen-soldier. For 4 painful years, the strength of the Nation was sapped in a bloody contest for noble political objectives. Although the South laid down its arms at Appomattox, it could still hold its honor high. Its brave soldiers had performed well in the cause of the South—no less than the courageous men of blue in the North.

For almost 40 years the Nation tended its wounds suffered in the great battles of the Civil War—at Gettysburg, at Bull Run, and at Antietam. Those wounds healed slowly, but they healed firmly. When the Nation went to war against Spain in 1898, a united Nation joined against the common foe. Yankee and southerner stood shoulder to shoulder against the Spanish Army. Every State of the Union contributed troops. In a very few months, the war was over. The militia system had proven adequate to the task of war.

With the advent of the 20th century, many military officials saw the need for more, not less, reliance on the militia during times of national crisis. To achieve an efficient peacetime establishment, Congress passed the Dick Act in 1903. It was designed "to promote the efficiency of the militia." This act marked a milestone in the development of the militia. The Militia Act of 1792 was now left behind, and the Nation entered the modern era with the development of the National Guard.

The Dick Act provided that the militia was to consist of every male citizen between the ages of 18 and 45, and that they were to be divided into two classes: the Organized Militia to be known as the National Guard of each State or territory, and the Reserve militia which was to be the remainder of the manpower pool of the age group. Annual drill, instruction, and target practice were required. The Secretary of War was authorized to issue arms and equipment for the State National Guard units within his charge and to provide facilities for encampment, maneuvers, and field instruction. Inspection of National Guard units was also prescribed and the Secretary of War could detail Regular Army officers for duty with the Organized Militia, subject to revocation by the State Governors. The Dick Act was further strengthened by the National Defense Act of 1916 which provided for Reserve officers and offered more assistance to the States to develop effective guard units. These laws made the National Guard the first line of the Nation's defense. Washington's dream of a well-organized and efficiently administered national militia force had become a reality. In the words of President Woodrow Wilson: "We must depend in every time of national peril, not upon a standing army, but upon a citizenry trained and accustomed to arms."

These words were prophetic. The National Guard now fully supported by the Federal Government, again was equal to the challenge during World War I. Thousands of National Guard men from every corner of America entered their country's service to fight the hated central powers. They distinguished themselves at Chateau Thierry, at St. Mihiel, and at Meuse-Argonne. When the Armistice was declared on November 11, the Nation briefly understood the value of the National Guard once more.

Unfortunately, between 1920 and 1940, the Nation quickly forgot its debt to the National Guard. Public opinion poorly supported the efforts of fighting men in every State of the Union to keep the military strength of the Nation at peak levels through the maintenance of a strong National Guard. Despite years of budgetary famine, many farsighted men gave their energies to the preservation of the guard. The Nation was grateful for their unselfish work in behalf of the guard. National Guard units were the first to fight against the Fascist powers in World War II. Even before America's entry into the war, National Guard men had been activated and deployed in foreign bases throughout the world. They were ready for the Japanese when they landed in the Philippines; they were prepared for the massive Japanese assault against Corregidor. Men like Roger Young of the Ohio National Guard gave their lives so that America could live. Such modern minutemen gave the Nation the time it needed to organize its human and material resources in the crusade for freedom.

Sadly history repeated itself after the Second World War. The Nation quickly demobilized its great military machine composed of over 12 million men and women. Again, farsighted men who saw the necessity for a trained and ready guard were ignored. The postwar era were lean years for the National Guard. Without financial aid or moral comfort, guardsmen continued to train and make themselves ready to defend their Nation in any future conflict. Thank heavens they were not submerged by a complacent public opinion. During the Korean war, the National Guard and Reserve forces formed the basis for a swift remobilization of our Military Establishment.

The American people finally learned their lesson. Today the guard is the most efficient reserve organization in the Nation's history. Note that President Kennedy turned to the guard for help to meet the Berlin crisis as well as the other Communist military threats to the free world's security. Over 75,000 reservists—men who in many instances have already served their country in two wars—have responded with characteristic enthusiasm to the President's plea for aid. These men do not like war,

nor do they honor the killing and wounding of other men. They want peace and justice, and are ready to fight for these goals when the Nation calls upon them.

This armory which we dedicate today is a tribute to the millions of guardsmen who have fought to preserve the freedom and independence of the Nation in every war in which the Nation was involved. It is an indication of our firm purpose to stand against the new tyranny which has arisen in Europe and which extends its blood-stained hands across the globe. This armory is our answer to the Communist challenge. When freemen combine against tyranny it cannot prevail. The armory will prepare men for the fight. It will give them the tools they will need to win the struggle. Let there be no doubt of the outcome. The citizen-soldier will prevail.

Reopening the National Service Life Insurance Program

EXTENSION OF REMARKS
OF
HON. EDWIN E. WILLIS
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 18, 1961

Mr. WILLIS. Mr. Speaker, the junior Senator from Louisiana has been making a valiant fight to give World War II and Korean veterans a second chance, for a limited time, to take out national service life insurance. He points out that under what is now generally known as the Long amendment some 16 million veterans could be potential beneficiaries, most of whom were at one time covered, but that these veterans allowed their policies to lapse following separation from service, partly out of ignorance that the program was to be suspended and partly out of economic necessity.

In a recent memorandum the junior Senator from Louisiana described the situation as follows:

The act of April 24, 1951, which terminated the NSLI program, went into effect immediately upon enactment, without giving these veterans any warning that the program was being ended. It had been the intention of an undeterminable number of them to reinstate their insurance at some future time, when their responsibilities and financial ability were more nearly commensurate with doing so. The measure would cost the Government relatively little, since the administrative costs of the new policies would be borne by the new policyholders themselves. The element of Government competition with commercial insurers is negligible; many insurance people feel that reopening the NSLI program for a limited period might well stimulate a hitherto untapped insurance market.

Incidentally, if Members of Congress will briefly review the advantages of Government insurance which they have provided for themselves and other Federal employees, with an added benefit occasioned by their former wartime service, they will find it difficult indeed to subscribe to the argument that veterans, having once failed to take advantage of a Government insurance opportunity, should be forever foreclosed. For a Member of Congress, for example, his period of active military service is added in arriving at retirement benefits. He is not required to pay anything at all for this additional coverage and benefit. Any Member of Congress who did not take advantage of retirement insurance available to him may pick it up even unto this day.

If it can be regarded as evil for a person to have Government insurance as a result of his connection with the Federal Government, why do we provide so much of it for ourselves? Incidentally, veterans' insurance is less than 1 percent of the volume of Government insurance for death, disability, and retirement benefits.

The foregoing and the many other arguments advanced are very persuasive. And the junior Senator from Louisiana does not stand alone. The other body adopted the Long NSLI amendment five times in the past without a dissenting vote. When added to the bill, H.R. 879, on July 17 of this year, the amendment passed the Senate by a vote of 75 to 0.

Now, I understand that members of the House Committee on Veterans' Affairs entertain different views. Mr. Speaker, that does not surprise me at all. I have been a lawyer for 35 years, a State senator, and a Member of this body for quite a spell of time. I have long since found out that except for the Ten Commandments there are usually two sides to every argument.

But to those standing on the side, so to speak, it is difficult to make an intelligent decision until the views of the contending parties are unfolded in debate. In this instance, however, it has not been possible to listen to the usual process of arguments in the House on both sides of the issue. This has been due to an unfortunate impasse of long duration between the two Houses of the Congress.

Without rehashing what took place previously, I think it might serve a useful purpose to say a few words about the action thus far taken in this session concerning the legislative effort on behalf of these veterans.

On June 5, 1961, the House passed a disabled veterans' compensation measure, H.R. 879, and the Senate added the Long NSLI amendment to it. This bill, H.R. 879, as amended by the Senate, has been lying on the Speaker's desk for quite some time.

Some time ago the House also passed the bill, H.R. 856, designed to permit certain veterans who already hold national service life insurance policies to convert them from term to some other forms of life insurance. In addition to adding the Long amendment to H.R. 856, the Senate Finance Committee also added as an amendment the substance of H.R. 879, the disabled veterans' compensation measure above referred to. In fact, the amendment to H.R. 856 contained the same provisions as the original House-passed H.R. 879. The junior Senator from Louisiana points out that the net result was that H.R. 856 as it passed the Senate became something of an omnibus veterans' bill. The provision relating to optional conversion plan for outstanding NSLI policies was amended to include the veterans' pension increase as that proposal had passed the House, as well as the Long NSLI proposal. This broad bill, H.R. 856, has also been lying on the Speaker's desk.

Then, on September 6, the House, rather than acting on H.R. 856 with the two Senate amendments, or H.R. 879, as amended, suspended the rules and added the substance of the veterans' pension bill, H.R. 879, to the orphans' education bill, S. 2051. Only a very careful reading of the RECORD on that date would reveal that the compensation amendment had been added. It was not labeled as a compensation increase. The fact that the compensation measure had been added was ascertainable only by a close reading of the entirety of the provisions of the amendment.

Mr. Speaker, I want to make it emphatically clear that I am not being critical of anyone who might disagree with the junior Senator from Louisiana. I am simply outlining the various parliamentary situations which have developed during this session of the Congress with regard to his proposal.

In fact, as indicated, maybe the junior Senator from Louisiana is wrong. And maybe the other body was wrong five times in agreeing with him. But then maybe they are right. The only way to find out would be to bring up the proposal on the floor of the House for consideration and I very much hope that the chairman of the House Committee on Veterans' Affairs, for whom I have the highest regard and warm personal affection, will see fit to reconsider his position and lend his aid in seeing this log-jam untangled in a democratic fashion by debating and voting upon each of the several proposals, including the Long NSLI amendment, on their merits. We still have time to resolve these problems during this session of the Congress. Let us bring up the Long amendment, let us debate, and let us vote on it on its merits.

Institute of Law

EXTENSION OF REMARKS
OF
HON. PHILIP J. PHILBIN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Monday, September 18, 1961

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein an article from a recent edition of the New York Times, entitled "Wide Scope Urged for Law Schools."

This article cites and describes the proposals of Dean Erwin N. Griswold of the Harvard Law School to establish several institutes of law to conduct research into a broad range of problems.

Dean Griswold referred to the problems of automobile accidents, of crime, of juvenile delinquency, of fair trial, of public service and of standards of the bench and bar. He also advocated establishment of an Institute of Foreign and Comparative Law.

There can be no question but what Dean Griswold's enumeration of certain extremely difficult problems should be carefully considered and acted upon by the Congress.

This Nation prides itself that it operates under the rule of law. Yet our

efforts to improve the functioning of our system, our legal procedures and the development of proper organization and facilities to make the law more meaningful, effective and fair in its various legal, social, and economic aspects would seem to be feeble and unrealistic.

There are two schools of thought regarding the functions of the modern law school, one believing that it should train lawyers for practice, and the other feeling that it should give more attention to research and the training and development of legal teachers and possibly judges. There is logically no reason why our law schools, in the same sense, could not perform both functions.

Dean Griswold has pointed to several fields where, clearly, much research and work need to be done in order to implement programs designed to remedy and improve certain definite shortcomings in meeting the problem of world peace in its legal and procedural aspects, as well as in substantive terms.

For example, little or no emphasis is placed in current international relations upon setting up and utilizing truly justifiable methods of handling disputes between Nations.

All too often, we tend to give lip service rather than heart service to proposals to improve the very vital, judicial, international institutions which should be the real hope of the world for substituting the civilized instruments of argument, debate persuasion and use of legal and equitable principles and procedures for the present haphazard negotiation processes which are practically devoid of suitable guiding principles having to do with providing broader instrumentalities for achieving justice that should be readily available and usable by contending parties.

In this respect, the rule of law which we are supposed to cherish and develop to maximum usefulness is swept to one side in favor of rather superficially prepared and inadequately implemented personal negotiations leaving to individual or group negotiators functions that could best be performed by judicial or quasi-judicial bodies.

The same is true of automobile accidents, crime, juvenile delinquency, fair trial, public service, the standards of bench and bar, and other vital problems to which much study has been given with practically no discernible, organized effort to try to solve these great problems by the development of additional, effective legal and judicial procedures.

Most of these problems relate to social well-being as well as political and economic rights. The question of fair trial is of primary importance as is the question of fair hearing, whether before the courts, administrative bodies or congressional or other official committees.

The Congress is very properly giving great attention to certain medical and health problems designed to enable us to make more effective attack upon killer diseases and other physical, mental, or nervous ailments presently causing untold suffering, premature death, anxiety, and high expense and huge social costs.

As the dean points out, it is important to tackle these problems with some reference to the impact of law upon them and to develop effective instrumentalities for coping with many challenging social and economic conditions which are hampering peace settlements, promoting all kinds of confusion, delay, bewilderment and injustice in our relationships, both national and international.

I hope the Congress will give its attention to this proposal for creating and supporting several institutes of law which has been suggested by Dean Griswold and give encouragement and support, assidously and comprehensively, in several important fields where some improvement is so strongly indicated.

It is an ironical fact that the Soviet Government, through its Institute of Law of the Soviet Academy of Sciences, is working in these fields and this Nation cannot afford to be behind efforts made anywhere to try to step up the effectiveness of our own rule of law and system of justice.

Admittedly, the Soviet system does not see eye to eye with the free world on basic questions relating to personal liberty of the individual and the general question of freedom.

However, this is all the more reason why we should make sure that our system of justice, that our law schools and other agencies, working in the legal field, should be given every help in developing the new techniques needed to render more effective our entire system of dispensing justice.

I am deeply interested in Dean Griswold's proposals and hope that some program along the lines he suggests can be developed and supported by the Congress:

WIDE SCOPE URGED FOR LAW SCHOOLS—GRISWOLD CALLS FOR INSTITUTES ON SOCIETY'S PROBLEMS

(By Fred M. Hechinger)

Dean Erwin N. Griswold of the Harvard Law School believes that American lawyers have a "restricted and self-centered view" of society's problems.

To counteract this, he has urged in his annual report, several institutes of law should be established in the United States to conduct research into a broad range of problems. He mentioned the maintenance of peace and ways of combating automobile accidents and crime and delinquency.

He also advocated establishment of an Institute of Foreign and Comparative Law, and suggested that the Harvard Law School was well equipped to operate such an institute.

Dean Griswold asserted that by concentrating almost entirely on the teaching of common law, American law schools contributed to what he called the United States isolation from the rest of the world.

LEGAL CENTERS CITED

He noted that a number of law schools "have come to call themselves legal centers."

But he declared that nothing short of institutes of law, doing research comparable to that being conducted in the natural sciences and medicine, could counteract the "great pressures in our law schools today toward a life which is more narrowly oriented."

Dean Griswold said that little was known in this country about Moslem or African law.

He said that this was also true about the law of India, Japan, Indonesia, and China, "particularly Communist China." Even though contacts may be limited at present, he said, "a university should be planning for the future."

He pointed to the Russian Institute of Law of the Soviet Academy of Sciences as an effort to deal with broader problems.

Last year, Dean Griswold said, the United States spent $8,400 million for scientific research, including defense research. In the same period he said, about $840,000 was spent by the Nation's law schools on legal research.

While concentrating on preparing their students for the severely limited number of clerkships in law offices, he charged, the Nation's law schools neglect both the practical needs of society and the student's idealism. Serving private clients, though important, is too much in the forefront of goals in the present American law school, he said.

He said that the problems of automobile accidents, of crime and juvenile delinquency, of fair trial, of public service and of "standards of the bench and bar" were neglected.

"The problems of automobile accidents and of crime are surely as important to society, and no less difficult, than the problem of cancer," Dean Griswold wrote.

He asked whether, in addition to the thousands of persons devoted to the essential maintenance of defense, there should not be "at least a thousand working in and out of the Government in the manifold problems of the maintenance of peace."

H.R. 4333, a Bill To Amend the So-Called Lanham Trademark

EXTENSION OF REMARKS
OF
HON. JOHN V. LINDSAY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, September 18, 1961

Mr. LINDSAY. Mr. Speaker, I am pleased by this opportunity to speak on my bill, H.R. 4333, to amend the so-called Lanham Trademark Act, and I urge its passage today.

This bill represents some 13 years of painstaking effort and experience in conjunction with the administration of the Lanham Act. The bill has wide support throughout the country among trademark owners, lawyers, and associations of the bar including the U.S. Trademark Association, the American Bar Association, the National Association of Manufacturers, the Philadelphia Bar Association, the New York County Lawyers Association, and the Bar Association of the city of New York.

The purpose of this bill is to first, correct various typographical errors that appeared by inadvertence in the present act; second, clarify the meaning of several provisions whose language is inconsistent or obscure; and third, introduce some changes in procedural details that experience has shown to be desirable.

At this point it might be well to relate some of the history of the trademark laws of the United States which led up to the legislation now at hand.

Following the enactment of the Trademark Act of 1946, usually referred to as the Lanham Act, there appeared need for some revision in the statute. That was to be expected as its administration got underway. Work toward necessary revision began in 1948 when a group of lawyers, representing various

bar associations, and the U.S. Trademark Association formed a group which was known as the Coordinating Committee. It consisted of representatives of some 26 associations. This committee held numerous meetings in Washington, Chicago, and New York and achieved substantial agreement on appropriate changes in the law. A bill, including proposed changes, was introduced in the 82d Congress as S. 1957. It became the subject of considerable study and of further suggestions from individuals, associations and Government departments. On July 31, 1953, a bill representing many such suggestions was introduced in the 83d Congress. That was S. 2540, and it was the subject of hearings before the Subcommittee on Patents, Trademarks, and Copyrights of the Senate Committee on the Judiciary on March 25, 1954. That bill was passed by the Senate, but no action was taken by the House of Representatives.

S. 215 of the 84th Congress was substantially the same as S. 2540. No action was taken on it.

S. 2429 was introduced in the 86th Congress on July 23, 1959. It was similar to the previous bills but did not cover all of the features contained in them. It was referred to as a "housekeeping bill" and was considered to be substantially noncontroversial. The various Government departments interested in the subject matter of the bill submitted reports of their views and, with the exception of certain technical amendments, there was no objection by the departments. S. 2429 was favorably reported on June 24, 1960. It passed the Senate but no action was taken by the House of Representatives.

My bill, H.R. 4333, is exactly the same as S. 2429 as reported by the Senate Judiciary Committee and passed by the Senate in the 86th Congress. The bill would make numerous amendments to the Trademark Act, none of which is considered to be of a substantive nature.

Subcommittee hearings were held on this measure on August 16th and no substantial objections to the merits of this bill were filed by any of the executive departments concerned. The full Judiciary Committee unanimously ordered this measure to be favorably reported to the House.

At this point I should like to express my appreciation to Mr. James F. Hoge, a distinguished New York attorney, well known in the trademark field. Mr. Hoge served as chairman of the bar association coordinating committee.

Mrs. Daphne Leeds, of Washington, D.C., has also been of enormous assistance to us. Mrs. Leeds is also a distinguished trademarks attorney and has written widely on the subject. She has served as Chief Administrator of the Registration provisions of the Lanham Act.

In conclusion Mr. Speaker, it is the opinion of the proponents of this legislation that the bill does not affect the substantive provisions of the Lanham Act or of the trademark law generally. I realize that the word "substantive" is subject to definition and some possible disagreement, but the amendments are advocated as being procedural or administrative and corrective. They are commonly referred to as "housekeeping" amendments and they are designed to be just that.

Mount Vernon

EXTENSION OF REMARKS
OF
HON. JOHN E. FOGARTY
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1961

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks, I would like to include a letter which I have today written to the Honorable ALAN BIBLE, Senator from Nevada, and chairman of the Public Lands Subcommittee of the Senate Committee on Interior and Insular Affairs, expressing my interest and concern regarding legislation which has been introduced in both bodies which will assure protection for the conservation of the Maryland shore opposite Mount Vernon, the home of George and Martha Washington.

Also included are copies of editorials which have appeared in the Providence Evening Bulletin and the Westerly Sun on this subject, as well as several letters I have received from Rhode Islanders expressing their views on this legislation.

I am certainly hopeful that favorable action will be taken on these measures to protect the national shrine of Mount Vernon before this Congress adjourns:

SEPTEMBER 18, 1961.

Hon. ALAN BIBLE,
Chairman of the Public Lands Subcommittee, Senate Committee on Interior and Insular Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to express to you my deep interest and real concern in pending legislation, House Joint Resolution 459 and Senate Joint Resolution 97, which will assure protection for the conservation of the Maryland shore opposite Mount Vernon, the Home of George and Martha Washington.

As you know, the Citizens Committee on Natural Resources has launched a nationwide campaign in support of these resolutions. I think you will agree with me, as a visitor many times to Mount Vernon, that it would be a shame to allow the obstruction of this view that has been preserved for so many years. I hope that you will do everything you can to have this resolution reported to the Senate and passed at this session of the Congress.

With warmest personal regards,
Sincerely,

JOHN E. FOGARTY,
Member of Congress.

A SEWAGE DISPOSAL PLANT OPPOSITE MOUNT VERNON?

The fight to preserve open space in this country against misguided urban sprawl grows more sharp every day. Seldom are the terms of the conflict stated more clearly than in the struggle to preserve the magnificent vista from Mount Vernon on the Potomac from a further ugly and unnecessary intrusion of urban sprawl.

The immediate issue is a plan to construct a large sewage treatment plant on the Maryland shore of the river across from Mount Vernon. In itself, such a plant would be a monstrous intrusion on relatively unspoiled countryside. But its construction will open square miles of land to a rash of residential plats.

Pressing for the plant is a group of real estate developers. Now there is nothing wrong with the business of developing real estate to the profit of dealers and, presumably, to the long-term benefit of families which will move into the plats. And certainly, Washington and its satellite communities are growing fast.

But we simply do not believe that the need for housing in the Washington area—the Capital is about 16 miles from the site—is so great that it must be built at the expense of a magnificent national heritage, the vista from Mount Vernon which is as much a glorious part of the shrine as the home itself.

The trouble in the immediate situation is that the developers are pressing for a start on the plant. The Maryland agency involved is the Washington Suburban Sanitary Commission, and the developers want it to use its power to condemn land to acquire the site opposite Mount Vernon for the sewage treatment plant.

Three bills are pending in Congress to enable the Government to acquire by gift or purchase about 1,180 acres opposite the home and to confirm deed restrictions on an additional 1,410 acres. But unless the bills are passed, there is every chance that a start will be made on the treatment plant.

The fight to get the bills passed is being led by the Mount Vernon Ladies Association of the Union, which has owned Mount Vernon since 1858 and has maintained the structure as an historic shrine, a major target of tourists from all over the world. The association is wholly private, a public service organization.

The association has support, of course, including "sympathetic letters" from the members of the Rhode Island congressional delegation. But it needs the massed support of every American, particularly those who have been to Mount Vernon and know firsthand what damage would be done by the proposed development across the river.

These are difficult days in Washington as Congress tries to clear its docket of business and as the tensions of the cold war tend to distract public attention from issues of lesser size than the Berlin crisis. It is this kind of situation which is tailormade to the interests of the proponents of the treatment plant.

It is our earnest hope that every Rhode Islander who is concerned with preserving the national heritage will write to members of our congressional delegation, asking them to do whatever they can do in committees and on the floors of both Houses to get action on the three protective bills.

It will be an unhappy day for the Nation if the bills fail even to get to the floor. It is a shameful kind of progress which would destroy a significant part of the national heritage. Can't this Nation preserve from change in the name of "progress" a few hundred acres of land along the Potomac River?

PROVIDENCE, R.I.,
August 11, 1961.

DEAR SIR: One more vote for passage of three bills: for the Government to acquire by gift or purchase 1,180 acres opposite Mount Vernon and to confirm deed restrictions on an additional 1,410 acres.

KATHERINE W. O'LEARY.

CHARM OF MOUNT VERNON ENDANGERED

Gen. George Washington, the first President of the United States, certainly had an

eye for a good view when he acquired the land where Mount Vernon now stands. Located on the Virginia side of the Potomac River below Washington, it overlooks a vast expanse of river frontage and the green hills of Maryland beyond.

Mount Vernon has been preserved by the American people and for the American people as one of the Nation's greatest shrines. A walk around the grounds, among the gardens, and through the mansion itself takes one back to early historymaking years of our country. One can just imagine "honest George" and wife Martha, sitting on the wide front veranda enjoying a view unparalleled anywhere.

But this magnificent view—as much a part of Mount Vernon as the grounds themselves—may be doomed, unless the American people wake up to their possible loss and act immediately. A mammoth sewage disposal plant is planned for the opposite shore.

Maryland real estate promoters wish to develop this land into housing units for rapidly growing Washington and all its governmental agencies. This requires a large sewage treatment plant—plunk in the middle of Mount Vernon's view.

While the real estate men are exerting pressure for the purchase and development of this land through the Washington Suburban Sanitary Commission, there are three bills before Congress to enable the Government to acquire part of this land and restrict deeds on other land opposite Mount Vernon. Involved in either a gift transaction or an outright purchase by the Government are 1,180 acres of land across the Potomac from Mount Vernon. An additional 1,410 acres will have deed restrictions confirmed.

Many national shrines have been preserved throughout the United States. Others, such as Cape Cod, have recently been added to the list of beauty spots of America. Mount Vernon must be preserved with its peaceful charm of the 18th century.

It can be preserved—if all of us do our part. We suggest letters, telegrams, and postal cards to the various Representatives and Senators in Congress—particularly your own from Rhode Island and Connecticut—requesting prompt action on these bills now before Congress. We cannot afford to let the international situation pigeonhole these land purchase measures.

Write to your Representatives and Senators. Do it today.

PROVIDENCE, R.I., *August 1, 1961.*

Hon. JOHN E. FOGARTY,
Washington, D.C.

DEAR MR. FOGARTY: As vice regent for Rhode Island of the Mount Vernon Ladies' Association, and its former Regent for over 10 years, I am writing to you to urge you to use your influence in all possible ways in support of the resolutions introduced in the Senate (and the House) for the conservation of the Maryland shore opposite Mount Vernon, the home of George and Martha Washington. Senate Joint Resolution 97 (introduced by Senator CLINTON P. ANDERSON, Chairman, Senate Interior Committee) and House Joint Resolution 7852 (introduced by Representative WAYNE N. ASPINALL, chairman, House Interior Committee) are shortly I believe to be under subcommittee discussion.

The Citizens Committee on Natural Resources, Dr. Ira Gabrielson, chairman, has launched a nationwide campaign in support of these resolutions.

At present the view from the mansion across the Potomac is uninterrupted and much as it was in General Washington's lifetime.

I beg your support in this matter.

Sincerely yours,

HOPE PEARL HARKNESS.
Mrs. Albert Harkness.

THE RHODE ISLAND HISTORICAL SOCIETY,
Providence, R.I., August 3, 1961.

Hon. JOHN E. FOGARTY,
House of Representatives, House Office Building, Washington, D.C.

DEAR SIR: I was shocked to hear that Mount Vernon is threatened by a proposal to construct a huge sewage-treatment plant across the river which could be seen from Mount Vernon and from the parkway approaches to the property. I understand that it would also destroy the archaeological evidence of one of the most important Indian villages in the East.

I hope that you will support House Joint Resolution 459 introduced by Representative JOHN P. SAYLOR and H.R. 7852 introduced by Representative WAYNE N. ASPINALL, chairman of the House Interior Committee.

As director of the Rhode Island Historical Society and as a citizen of the United States I cannot believe that we have come to the place where we cannot protect the property which the ladies of the Mount Vernon Ladies' Association have struggled so long and faithfully to maintain. I know that you will do your best to keep Mount Vernon a spotless shrine.

Very truly yours,

CLIFFORD P. MONAHON,
Director.

WESTERLY, R.I., *September 11, 1961.*

Representative FOGARTY, of Rhode Island,
Washington, D.C.:

Please do all you can to prevent a sewage disposal plant opposite our beautiful heritage, Mount Vernon.

Thanking you,

N. H. ANDREWS.

Genocide Convention

EXTENSION OF REMARKS
OF
HON. HERMAN TOLL
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 18, 1961

Mr. TOLL. Mr. Speaker, on May 25, 1961, I inserted in the CONGRESSIONAL RECORD a letter written by Will Maslow of the American Jewish Congress to the editor of the New York Times. This letter, which appeared in the Times of May 21, 1961, urged the ratification of the Genocide Convention of the United Nations and deplored the fact that while 64 Nations have ratified the convention, the United States has not. I am in full agreement with Mr. Maslow's position.

Genocide has always shocked mankind, but warnings have not been heeded. With the weapons that modern science has placed in our hands, we have come to a time when the ratification of the Genocide Convention is imperative. No longer can we procrastinate. A man sat recently in a glass booth in an Israeli courtroom. Had the booth been a mirror, rather than clear glass, the man could have seen his own reflection and known that the crime of Adolf Eichmann was the crime of mankind. For the first time in history, the means exist to help wipe out the scourage of genocide; the Genocide Convention must be utilized.

On December 11, 1946, the United Nations declared genocide to be a crime under international law and established the right of intervention in behalf of minorities destined for destruction. The United Nations Resolution No. 96 also called for a "Convention on the Prevention and Punishment of the Crime of Genocide." Although the United States did become a signatory state on December 11, 1948, we still have not deposited any instrument of ratification. The Genocide Convention has been in force since January 12, 1951, 90 days after 20 Nations had either ratified or acceded, as provided by the convention. Since then, 44 other Nations have ratified the convention, including the Soviet Union. The United States now occupies a conspicuously poor position as regards the convention.

Many criticisms have been hurled at the provisions of the convention, but under careful analysis they do not stand up. Perhaps the most frequent criticism concerns the Constitution and the treaty-making powers of Congress. Oliver Schroeder, a faculty member of the Western Reserve University School of Law has done extensive research on this question. He concludes:

> The Genocide Convention does satisfy the constitutional requirements as a proper exercise of the treaty-making authority: Its subject matter is international, it does not clash with any specific or fixed provision of our Constitution; it merely redefines the highly flexible boundary between Federal and State jurisdictions * * *; it rests on the judicial and legislative precedents of many decades which permit Federal protection of human rights including security from violence.

He further states:

> Article I, section 8, grants constitutional validity to a Federal statute providing for trial and punishment, domestically and internationally, of persons accused of the new world crime of genocide.

It is hoped that Mr. Schroeder's research will allay any fears still lingering concerning the effect of the ratification on our Constitution.

The convention received Executive endorsement when President Truman stated in a letter to the Senate on June 16, 1949:

> America has long been a symbol of freedom and democratic progress to peoples less favored than we have been and * * * we must maintain their belief in us by our policies and our acts. By the leading part the United States has taken in the United Nations in producing an effective international legal instrument outlawing the world-shaking crime of genocide, we have established before the world our firm and clear policy toward that crime. By giving its advice and consent to the ratification of this convention, which I urge, the Senate of the United States will demonstrate that the United States is prepared to take effective action on its part to contribute to the establishment of the principles of law and justice.

President Truman has considered in this letter two important points which must be recognized. The first is that the United States took a large part in the drafting of the convention during the United Nations sessions; yet, when it came time to ratify the convention, the United States was conspicuously absent. The second point, and most important, is

that the United States must play a leading role if genocide is to become extinct.

The United States must accept the obligation of taking the lead in furthering principles of freedom and justice. As Dean Rusk, then Deputy Under Secretary of State, said in 1950:

It is an inescapable fact that other nations of the world expect the United States to assert moral leadership in international affairs. The United States has a record of humanitarian diplomacy beginning with the early days of the Republic * * * prevailing international conditions make it imperative that the United States continue to play this role. We all know too well that millions of human beings are still subjected to the domination of ruthless totalitarian regimes, and that the spector of genocide still haunts mankind. It should be made clear to such governments that the United States and other civilized countries do not condone such conduct now any more than in the past.

Rusk's speech is as timely today as it was in 1950.

The ideas of Dean Rusk were also the conclusions of Robert B. Patterson, a member of the U.S. Committee for the United Nations Genocide Convention. He asserts the following principles:

The mass destruction of human beings according to groups on lines of nationality, race, or religion has been an abominable evil, an evil that has shocked the conscience of mankind. That it is of grave international concern because it is the concomitant of aggression against other nations; because it arouses the most deep-seated resentment in members of the group that are persecuted; and because it causes wholesale dislocations of people and the problems of caring for those people by neighboring states. That it calls for collective action by the family of nations. And that it calls for leadership, moral leadership, on the part of the United States.

Peoples of all religions lend their support to the ratification of the Genocide Convention. Jacob Blaustein, president of the American Jewish Committee testified in 1950:

First, and dwarfing all other considerations, is the fact that genocide is the most appalling crime in all recorded history. It was practiced in centuries prior to the recent excesses of the Nazis, and can occur again. Second, genocide destroys economic, cultural, and spiritual values and debases mankind. Third, genocide is a threat to the peace of the world. Fourth, the present convention, when ratified, will serve as an effective deterrent. Fifth, the Genocide Convention not only fills a gap in international law, but is fully consistent with international legal precedent and with American constitutional principles. Sixth, there is need for prompt U.S. action on this question in order to discharge our responsibilities as the foremost advocate of international morality.

The Catholic Association for International Peace endorsed ratification saying:

The position which the United States holds in the world affairs today, and in particular our belief in the good and the right, obliges us to take whatever steps we can in the defense of humanity. This occasion to ratify a convention on the prevention and punishment of the crime of genocide is a unique opportunity for us to act upon the principles by which we claim to live.

At the same time the Provincial Elders Conference, executive board of the Moravian Church in America, stated:

We further believe it is the duty of the United States to take the lead wherever possible in upholding the highest ethical and moral standards for national and international conduct.

The labor movement also came out for the ratification of the Genocide Convention. In a letter to the Senate Committee on Foreign Relations in 1950, James Carey, then secretary-treasurer of the CIO wrote:

Mass destruction of national, racial, and/or religious groups shakes the conscience of mankind and inflicts great loss on humanity. Labor suffers from this crime whether it is inflicted by Nazi, Communist, or Fascist regimes. The term applied to these sufferings is genocide. We have urged and shall continue to urge Senate approval of the Genocide Convention adopted by the United Nations General Assembly.

It is difficult to contemplate something so shocking as the crime of genocide. Genocide grows like a poisonous fungus, pulling man down to the level of mere animals. God has endowed man with the ability to think; but it is man's responsibility to use this gift. We cannot shirk our responsibility; we must use it to destroy a blight which casts a shadow on the face of mankind. I urge each Member of this body and each citizen of the United States to give careful consideration to this most urgent matter.

SENATE

TUESDAY, SEPTEMBER 19, 1961

(Legislative day of Saturday, September 16, 1961)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, with soiled faces and hands unclean with the dust of earthly toil, in this moment of communion with the unseen and the eternal, we would come to the still waters of Thy restoring grace.

As those set aside to prescribe for the ills of an ailing social order, we pray that Thou wilt first cleanse our own souls from moral pollution and that Thou wilt dispel our mental darkness.

In a world where the worst wars constantly against the best, open our eyes to the invisible allies which fight by the side of those who keep step with the drumbeat of Thy will—invincible forces which at last will bend and break the spears of evil.

When the sadness of the world creeps into our own eyes, and we are plagued with our own inadequacies in these baffling times, stand out in splendor before us like the light, like love all lovely, like the morning which slays the shadows.

We ask it in the name of that One whose life is the light of the world. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Monday, September 18, 1961, was approved without reading.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 5968) to amend the District of Columbia Unemployment Compensation Act, as amended; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ABERNETHY, Mr. JAMES C. DAVIS, of Georgia, Mr. ST. GERMAIN, Mr. KEARNS, and Mr. BROYHILL were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker pro tempore had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 8072. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1962, and for other purposes; and

H.R. 8666. An act to provide for the improvement and strengthening of the international relations of the United States by promoting better understanding among the peoples of the world through educational and cultural exchanges.

ANNOUNCEMENT OF JOINT SESSION ON THURSDAY TO HEAR ADDRESS BY PRESIDENT OF PERU

Mr. MANSFIELD. Mr. President, for the information of the Senate, I announce that on Thursday, September 21, there will be a joint meeting of the two Houses of Congress to hear an address

by the distinguished President of Peru, Dr. Manuel Prado. The joint meeting will convene at 12:30 p.m.

CLOTURE—PROPOSED AMENDMENT OF RULE XXII

The Senate resumed the consideration of Mr. MANSFIELD'S motion to proceed to the consideration of Senate Resolution 4, a resolution to amend the cloture rule by providing for adoption by a three-fifths vote.

Mr. MANSFIELD. Mr. President, the leadership will not request unanimous consent for a morning hour at this time; but in view of the fact that only 1 hour for debate remains on the pending question, I should like to propound a unanimous-consent request. I ask unanimous consent that the 1 hour be divided equally between the leadership—the distinguished minority leader and myself, on the one hand, and the Senator from Georgia on the other.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. RUSSELL. Mr. President——

The VICE PRESIDENT. The Senator from Georgia is recognized.

Mr. RUSSELL. Mr. President, I think there should be a quorum call, with the call of the roll to proceed at least for a few minutes, to permit Senators to come to the Chamber, regardless of whether or not the quorum call is concluded.

The VICE PRESIDENT. With the time required therefor charged equally to both sides?

Mr. MANSFIELD. Yes; to be equally divided.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the Senator from New York [Mr. KEATING].

The VICE PRESIDENT. The Senator from New York is yielded 3 minutes.

Mr. KEATING. Mr. President, the vote at noon today will determine whether the Senate will have an opportunity during this session of Congress to determine the rules of its proceedings. The pending motion is in the form of a limitation on debate, but every Member knows that the substance of what is before us is whether the Senate will amend rule XXII.

It is my intention to make a point of order if the motion is approved by a majority vote of all Senators present and voting. It is my hope, of course, that I shall be recognized for the purpose of making that point of order at the appropriate time and, if necessary, to appeal to the Senate. The point of order obviously will not be made if the motion receives a vote of more than two-thirds or if it receives less than a majority.

The point of order will be based on the fact that this Senate has not acquiesced in the two-thirds vote requirement specified in rule XXII, since it referred all proposals to amend this requirement to committee at the beginning of the session.

In other words, the Senate deferred a decision on whether to adopt or continue this provision of rule XXII until this very moment in the session. In this situation, in my opinion, under the precedents of the Senate the pending motion, like all other motions, requires a simple majority for approval.

I hope that the motion will be approved and that the limitation on debate will be granted so we can get on with our work. The Senate must be enabled to restore the principle of majority rule, after full debate, to this great deliberative body.

I thank the Senator for yielding to me.

Mr. MANSFIELD. Mr. President, I yield 4 minutes to the Senator from New York [Mr. JAVITS].

Mr. JAVITS. Mr. President, the Senate will have an opportunity today to decide some extremely important and interesting questions, both of law and of policy.

I notice the press, which we all love, has been advertising this as a kind of exercise in frustration. It is up to the majority of the Senate to decide whether it is. This can be an exercise in liberation and in striking down the shackles which bind our hands, if we will it. Merely because it has been written up as an exercise in frustration does not mean that people will not be delighted to be surprised by the action the Senate takes.

The opportunity is not given to us too often within the context and framework established by both the majority and minority leaders. At the beginning of the session an effort was made to amend the rules, as was done in 1953 and in 1957. I joined in the effort in 1959, representing the exercise of an effort by those who were not in the leadership. Now there is an effort by those who are in the leadership. Hence, it seems to me the framework is especially auspicious for action in the Senate, if we will take action.

People like myself have felt that, because of the length of the session, and because Members of the Senate are anxious to keep other engagements, this is a bad time to do it, but the majority, by taking the bit in its teeth, can demonstrate it is the right time, because the frame of reference is entirely appropriate now for the Senate, if it chooses, to work its will. It can work its will in an effective way on the motion to change the cloture rule from two-thirds, which we think is excessive, and also on the opportunity which will be afforded to act on the constitutional question to be raised on the point of order of the Senator from New York [Mr. KEATING], to which he has just referred.

I hope the Chair will give us the opportunity later in the day to discuss the legal question; but, for the moment, it is sufficient to say that, by means of the motion, the constitutionality of this rule will be tested in terms of inhibiting the Senate from rewriting its own rules at any time during the session of the Congress. Thereby the power of the majority may be restored to decide the question.

The majority of the Senate, if it decides to do so, can decide the question on the unconstitutional restraint on its own power, and at one and the same time decide what change should be made in the rule which inhibits it; namely, the cloture which is imposed by rule XXII, if it is held to apply to the rulemaking powers of the Senate.

I say, for that reason, that, rather than an exercise in frustration, it can prove to be an exercise in liberation.

The VICE PRESIDENT. The time of the Senator from New York has expired.

Mr. JAVITS. I thank the Senator from Montana for yielding to me.

Mr. RUSSELL. Mr. President, I yield 5 minutes to the Senator from North Carolina.

Mr. ERVIN. Mr. President, we are engaged in boxing with a strawman. One of the tragic conditions existing in our Nation today arises from the fact that it is politically profitable in certain areas to chastise the South. That is what is occurring at the present time. The charges made to justify the effort to gag Senators are without foundation in fact.

The first charge is that it is necessary to silence Senators from the South in order to get action on civil rights bills. The fact that this statement is without foundation in truth is illustrated by the action of the Senate in 1957 and in 1960.

The second charge which is made to justify this proceeding is that some 18, or 19, or 20 southern Senators will thwart the will of the other 82 or 81 or 80 Members of the Senate if they are not denied the right to speak.

When I hear that charge made, I am reminded of a cartoon of Maggie and Jiggs I saw many years ago. This cartoon showed Maggie and Jiggs in Madrid, Spain. Jiggs learned that there was a self-protective society of husbands existing there under the name of the Kazooks, whose members were bound by a solemn oath to come to the rescue of any brother Kazook whenever such brother became involved in controversy with his wife. Much to his comfort and delight, Jiggs was admitted to membership in the Kazook Society.

This cartoon showed that as Jiggs was walking along the streets of Madrid with Maggie, some argument arose between them, and Maggie began to lay Jiggs out. So Jiggs, remembering the protection to which he was entitled at the hands of the Kazook Society, gave the word of distress, which was "kazook."

In this cartoon at least 1,000 members of the Kazook Society came running to Jiggs' assistance in obedience to their oath. Maggie took her umbrella and laid out all of them.

The last picture in the cartoon showed Jiggs in the hospital, all swathed in bandages. Jiggs, philosophized in this fashion: "The idea behind the Kazook Society is good, but the trouble is that it does not have enough members."

When an assertion is made, as it has been made on the floor of the Senate time and time and time again, that a little handful of southerners—numbering 18 or 19 or 20 at most—can thwart the will of 82 or 81 or 80 other Senators, I am always reminded of Maggie, Jiggs, and the Kazooks. The South is like the Kazook Society. It simply does not have enough members to thwart the will of the Senate. Fortunately for the country, however, many Senators from other areas share the reverence of the South for the Senate as an institution.

The PRESIDING OFFICER (Mr. McGEE in the chair). The time of the Senator from North Carolina has expired.

Mr. RUSSELL. Mr. President, I yield an additional 3 minutes to the Senator from North Carolina.

Mr. ERVIN. Mr. President, a third change which is made to justify the proposal that a majority, or 60 percent, of the Members of the Senate, should be allowed to deny adequate representation in the Senate to States which are represented by Senators with whom such majority, or 60 percent, disagree, is that filibusters are used only against civil rights bills.

Since the year 1841 there have been 47 or more so-called filibusters conducted in the Senate. In giving this number, I am leaving out of consideration many talkfests which those who professed to abhor filibusters called "educational debates." I merely refer to what were undoubtedly filibusters.

One of the filibusters was directed against the Force bill of 1890. That was a bill under which it was proposed that the Army of the United States should be sent into the Southern States to take charge of elections there. That is the first filibuster which could rightly be charged to southerners.

These southerners were fighting for a constitutional principle; namely, that there should be no invasion of a State by the Armed Forces of the United States, without the consent of its Governor or legislature, except in time of foreign invasion.

Mr. RUSSELL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. ERVIN. I am delighted to yield to the distinguished Senator from Georgia.

Mr. RUSSELL. I should like to ask the distinguished Senator from North Carolina if he has noted how the alleged filibusters are treated.

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. RUSSELL. Mr. President, I yield 3 additional minutes.

Whenever a bill is aimed at the South, as mentioned, the debate is immediately heralded throughout the land as a filibuster. On other issues, debate may be carried on by one man for 1 day, 2 days, or 3 days, and that is merely an exercise of the right of the Senator to which he is entitled.

If a southerner makes a speech of that length, he is immediately damned for conducting a filibuster.

Mr. ERVIN. The Senator has noted a great truth. I venture the assertion that southern Senators probably rpend less time, per capita, speaking on the floor of the Senate than Senators from other areas of the Nation.

One of the queer things about the effort to "gag" Senators is the fact that usually those who are most zealous in such effort are the ones who are most talkative on the floor of the Senate.

The filibuster against the force bill might well be called a civil rights filibuster.

There were two filibusters against antilynch proposals, one in 1922 and one in 1938. Those who were filibustering on those occasions were also trying to uphold the Constitution of the United States, as it had been interpreted by the Supreme Court of the United States in scores of cases. This is true because the antilynch proposals were clearly unconstitutional.

Four of the filibusters against so-called civil rights bills occurred during the period between 1942 and 1948, and were conducted against proposals to outlaw State poll taxes as prerequisites to voting by a simple enactment of the Congress. It was held by the Supreme Court of the United States not later than 1937, in the case of Breedlove against Suttles, reported in 302 U.S. Reports at page 277, that a State has a constitutional right to impose a poll tax as a condition precedent to voting.

These things being true, the first seven filibusters against so-called civil rights proposals were carried on by Senators who were obedient to their oaths to support the Constitution.

There were also two filibusters against so-called FEPC bills in 1948 and 1950.

One filibuster was conducted by one Member of the Senate against the so-called civil rights bill in 1957.

The last filibuster in this category occurred in 1960 and was provoked by a majority vote of the Senate when there was no bill pending referring to civil rights.

This leaves at least 36 other filibusters which occurred subsequent to 1841. Virtually all of them were conducted by Senators from areas outside the South. None of them had any relation whatever to civil rights.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN. To recapitulate, there is no basis for the argument that southern Senators can thwart the will of the majority of the Senate. There is likewise no basis for the argument that filibusters are conducted only against so-called civil rights bills.

Mr. GORE. Mr. President, will the Senator yield?

Mr. RUSSELL. Mr. President, I yield 5 minutes to the distinguished Senator from Tennessee.

Mr. GORE. The junior Senator from Tennessee is one of those who prepared and sought adoption of the present rule requiring two-thirds of the Senators present and voting to bring about cloture. That effort was fought at the time, but we suceeded in passing that liberalization of the rule. I hold it to be a sound and good rule.

If one studies the rules of the House and the Senate, as I have done—indeed, if one studies parliamentary procedure generally, as I have done, to a lesser extent—one finds that, as a general rule, a departure from regular procedure requires a two-thirds majority. We find in the House of Representatives that suspension of the rules requires a two-thirds majority. The same rule prevails in the Senate. The two-thirds requirement has ample precedent in the Constitution—overriding a veto, ratification of a treaty, impeachment, and expulsion. I know of no precedent for 60 percent in the Constitution or in the parliamentary rules of the House, the Senate, or of any other body.

We need not follow precedent in all instances. But I submit that established rules of procedure constitute the investment of the wisdom and the experience of ages. These rules of procedure are designed, on the one hand, to promote orderly legislation and orderly consideration of legislation; on the other hand, they are designed to give protection to the rights of those who may at a particular time hold a minority view.

In supporting the present rule, which, as I have said, was a liberalization of the rule formerly obtaining, I thought the Senate would be in conformity with the general rules of parliamentary procedure, and with several constitutional provisions. I believe it is a good rule. I am prepared to support it.

I crossed the Atlantic yesterday afternoon; I read the debate that took place in the Senate on Saturday.

I commend a careful reading of that RECORD to students of parliamentary procedure and to those who treasure the Senate, who hold the Senate in high regard as an institution unique in nature, stable in character, careful in consideration, dependable in performance. I found the debates enlightening.

I rise today to urge the Senate to retain the present rule of procedure with respect to closure of debate, and to defeat the pending petition for closure.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

Mr. PASTORE. If the senior Senator from Rhode Island has any quality at all, he hopes he is a very practical man. I believe we are inviting the possibility that for this afternoon and for the remainder of the week that the country will witness one of the greatest exercises in futility that has ever been seen in the Senate. I do not believe we are going to apply cloture on the change of the rule. I am one of those who believe three-fifths is much better than two-thirds, and I think that a clear majority is the best procedure of all, in a cloture vote, moreover assuring every Member of the

Senate an opportunity to express his opinion on any important piece of legislation that is being considered by the Senate.

I know that there are many in the Senate who feel that they will not sign cloture or vote for cloture if it comes to the question of a rule change as such. The Senator from Rhode Island feels that if we can apply cloture at all, we can apply cloture specifically and immediately on civil rights as readily as we can apply it to a rule change.

Insofar as the senior Senator from Rhode Island is concerned, it would be his judgment that this whole matter should be postponed until the first part of next year, if possible. I know that the suggestion will be resisted. But I believe the best way to accomplish our objective—and I am speaking now as one who would advance civil rights—is to have the House of Representatives during the first few weeks of 1962 send us a civil rights bill. Then let us fight it out, and see if we can apply cloture to the issue of civil rights then before us.

I repeat what I have said. Otherwise we will witness here this afternoon and for the remainder of the week one of the most famous exercises in futility that will ever be recorded in the history of the Senate.

Mr. MANSFIELD. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER (Mr. JORDAN in the chair). The Senator from Montana has 9 minutes remaining. The Senator from Georgia has 8 minutes remaining.

Mr. MANSFIELD. I yield 4 minutes to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, responsive to what the distinguished Senator from Rhode Island has just said, sometimes an exercise in futility can have value also. However, there is more involved here. I recall vividly a meeting in my office on the 10th of January, when there was some consternation about the possibility that a President might be inaugurated and the Senate confronted with extended discussion of rule XXII, so that conceivably we might have a President taking the oath of office without being fortified by a Cabinet that could be confirmed by the Senate. So we met in the best of good feeling and discussed the matter at length. It was determined at that time, with every viewpoint represented, that it might be the part of prudence and discretion to send this matter to the Committee on Rules and Administration, since the distinguished majority leader is the chairman of that committee and, as every Senator knows, and as the country knows, his word is his bond. When he said that he would see to it that a measure was reported from the Rules Committee to the Senate before the session expired, he not only gave his word at that time, but he has now acted on the word. The resolution is here today.

I am not unmindful that this is a battle of fractions: two-thirds versus three-fifths. I suppose one could make a whimsical speech on the subject. I do not minimize the importance of the seven additional votes that might be involved. Involved, of course, is the good faith of the minority leader and the majority leader, for the RECORD will show that on the 10th of January, when the distinguished majority leader was speaking, he said, "Further, the minority leader joins with me in assuring the Senate that we shall do everything in our power to bring such a measure to a vote in this body."

The resolution is now here for the Senate to impress its will upon this matter.

We could not concur in any postponement without breaking faith. So let the matter come on apace and let the Senate decide whether it wants to invoke cloture on this new version of rule XXII.

I expect to support the majority leader. I have signed the cloture petition. If it should prevail, there will be at least a potential 100 hours available, an hour for each Senator, if he proposes to exercise his right to speak for an hour, for the purpose of further discussing the matter and before coming to a vote.

It may well be that the matter cannot be resolved, that we cannot determine it now.

It must go to a vote now, so that we can say in truth and in fact to the country that we who have espoused this matter and have assured those in interest that the matter would come on for action in the Senate that it has had its day in court. We can go no further, to propose that it might be postponed. We have an obligation and a responsibility to go through with the matter, and I stand shoulder to shoulder with the distinguished majority leader in the course that he is pursuing on this occasion.

Mr. RUSSELL. Mr. President, I yield 4 minutes to my distinguished colleague from Georgia.

Mr. TALMADGE. Mr. President, at the beginning of our Republic the Constitution created a Senate in which there was no limitation on debate. That situation existed until 1917, when, in a period of war hysteria, the first cloture rule was adopted. It provided that the votes of two-thirds of those Senators present and voting would be required to limit free speech in the Senate.

During the period of unlimited debate in the Senate, Mr. President, this country grew from a wilderness into a nation spanning this continent. It became the most powerful country in the world with its citizens enjoying the highest standard of living that mankind had ever experienced. And all this was accomplished while giving all citizens the greatest amount of individual liberty in the history of mankind.

In recent years, we have seen a breed of politicians develop in our country which seeks to profit politically by attacking the U.S. Senate as an institution. That is the motivation of this current attack on the Senate. Those who are pressing it do not like the Senate because it does not pass enough laws fast enough to suit certain partisan pressure groups in this country. Thus, they want to gag the Senate so they can enact their force bills immediately and without debate.

I am sure Senators can recall the circumstances under which Adolph Hitler set up the Third Reich. It happened at a meeting of the German Reichstag at which Hitler sought the passage of a so-called welfare law.

What did that law provide? In five brief paragraphs, it took the power of legislating—including the control of the Reich budget, the approval of treaties with foreign states, and the initiating of constitutional amendments—away from the lawmakers and handed it over to the Reich Cabinet for a period of 4 years. What happened when that bill went before the German Reichstag? There being no freedom to debate in the Reichstag, the bill was adopted by a vote of 441 to 84 in 2 days' time.

The PRESIDING OFFICER. The time of the Senator from Georgia has expired.

Mr. RUSSELL. Mr. President, I yield the remainder of my time to my colleague from Georgia, if he desires to use it.

Mr. TALMADGE. Mr. President, if the German Reichstag had had free debate, and if some brave soul had raised his voice against the dictatorship which was proposed, I believe the German people would have awakened and demanded that the misnamed bill be defeated.

Hitler's Nazi Party had received only 44 percent of the votes and did not have the backing of the majority of the German people. But it prevailed because no voice of protest was raised in the German Reichstag.

Do we want to run the risk of having a similar situation develop in this country?

Mr. President, one who does not profit by the lessons of history is destined to relive history. I do not want the Senate to be destroyed as an institution. I hope the Senate will not destroy itself. I beg the Senate to heed the lessons of history.

I thank my colleague, the distinguished senior Senator from Georgia, for his generosity in yielding to me.

Mr. MANSFIELD. Mr. President, how does the time stand?

The PRESIDING OFFICER. The Senator from Montana has 5 minutes remaining; the Senator from Georgia has 4 minutes remaining.

Mr. RUSSELL. Mr. President, I yield 4 minutes to the distinguished Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, yesterday the distinguished Senator from Georgia placed in the RECORD an editorial from one of the local newspapers, the Evening Star. The editorial, while sympathetic to the proposal of civil rights, pointed out clearly that the proposal before the Senate to change the rules is nothing more than politics, aimed at ingratiating certain individuals when they sought reelection, while doing great violence to the Senate of the United States.

If anyone had been seeking to pass a civil rights bill, all he would have had to do would be to get together on the kind of civil rights bill he wanted to have passed. I recall very well in 1957 when there was a so-called filibuster, and one

Senator held the floor for as long as 24 hours. At the conclusion of that speech, the majority leader, who was then the Senator from California, Mr. Knowland, took the floor and said that if Senators insisted on continuing the debate, he had the votes necessary to impose cloture, and votes to spare. We who represented the South knew that that was the situation. The same thing has been true on other occasions.

The right of free debate has made it possible to defeat many ridiculous and obnoxious provisions in some of the so-called civil rights bills; but so far as the ability to bring reasonable, sensible bills to a vote in the Senate is concerned, the right of free debate has never prevented that from occurring. That happened both in 1957 and 1959.

So Senators who wish to cram some sort of obnoxious legislation down the throat of the South are determined upon that course. If they can merely unite upon what they are seeking to do, they have the votes to do it, without doing violence to the traditions and the rules of the Senate. Of course, if all they are bent upon is simply to seek the satisfaction of going home and saying, "See what we did; we changed the rules of the Senate to make it easier to trample upon the South," then that is violence upon the rules of the Senate, and it is a course they may freely decide to choose. Any student of the U.S. Senate must agree that the right of free debate is one of the great bulwarks of minorities; indeed, it is the protection of the Constitution and the rights of the Government of the United States. In my judgment, it would be a disgrace if the Senate should make the mistake of voting to surrender the prerogatives, power, and position of the U.S. Senate merely as a matter of political expediency.

Mr. MANSFIELD. Mr. President, how much time remains on the other side?

The PRESIDING OFFICER. The time under control of the Senator from Georgia has expired.

Mr. MANSFIELD. Mr. President, I yield 1 minute to the distinguished Senator from Minnesota, provided I have the remaining 4 minutes on this side.

Mr. HUMPHREY. Mr. President, I support the cloture petition. I am a signer of it. I support a change in the rules of the Senate. I believe such a change is long overdue and needed. I have not taken the time of the Senate to address myself at length to this subject, because I think everything that could be said has been said, not once, or a dozen, but a hundred times. That is why I signed the cloture petition. I believe there is no need of further debate. I hope the rules of the Senate will be changed to make them more applicable to the needs of the legislative process.

Mr. MANSFIELD. Mr. President, I yield myself the remaining time.

We are approaching the time when a vote on the petition for cloture, signed by 21 Senators of both parties, will be taken. Before that decision is reached, I should like to call to the attention of the Senate certain pertinent factors which I think should be known.

In my opinion, Senate Resolution 4 could not have been reported favorably by the Rules Committee because the votes simply were not there for a favorable report. The Rules Committee, despite what I think was the inherent opposition of many of its members, nevertheless, in the interest of helping the leadership to keep its word, subordinated personal feelings on this most important matter and allowed the resolution to be reported without recommendation.

As far as my own personal feeling is concerned, prior to last January 10, I did not believe that a change in the present two-thirds present and voting procedure was imperative nor did I believe in signing a petition for cloture. However, there comes a time, when in a position of this nature, the interest of the Senate as a whole rises above the preference of an individual Senator. I, therefore, support without reservation the Anderson-Morton resolution and I urge my colleagues to vote affirmatively on the question of cloture now pending.

The Senate may recall that on Saturday last I made the statement that under certain conditions I would consider the filing of another petition for cloture and that under certain other conditions, I thought it would be best to let this matter go over until next year. I have not discussed with any of my colleagues what these conditions should be, but I have decided that the procedure which I will follow will be based on the vote soon to be taken. If this vote is fairly close and the proponents of this resolution lose, I shall immediately file another petition for cloture in the hope that the necessary favorable change in the vote can be achieved within the next 2 days. If the vote is not close and is not likely to change in a second test, I will not file a second petition for cloture. If no further action is taken at this time, Senate Resolution 4 will still remain on the calendar.

I make these statements to explain my position, and to emphasize the seriousness of this matter. I am deeply concerned with the question of a change in rule XXII. But I am not interested in listening to the same arguments over and over again. I am not interested in dilatory tactics and there have been none to date. I am interested in getting the business of the Senate done. If any motion is made to postpone debate on Senate Resolution 4 to a day certain next year, the Senate will understand that the motion is debatable and that we can remain here for days, weeks, or even months. I, personally, am prepared to remain here through the rest of the year, if need be, but I am not prepared to wear down the Senate through tactics which I think would be open to question.

I hope the Senate will pardon me for making a detailed explanation of my position, but I think Senators are entitled to know where I stand and I think the record should show just what the leadership contemplates in the consideration of the matter now before us.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The hour of 12 o'clock noon having arrived, the Chair, under paragraph 2 of rule XXII, lays before the Senate the motion submitted on September 16 by Mr. MANSFIELD, for himself and Mr. DIRKSEN, to bring to a close the debate on Senate Resolution 4, to amend the cloture rule by providing for adoption by a three-fifths vote.

The Chair directs the clerk to call the roll.

Mr. SALTONSTALL. Mr. President, a parliamentary inquiry: Will a "yea" vote be in favor of invoking cloture, and a "nay" vote be opposed to invoking cloture?

The PRESIDING OFFICER. That is correct.

The clerk will call the roll, for the ascertainment of the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 208]

Anderson	Gore	Morse
Bartlett	Hart	Mundt
Beall	Hayden	Muskie
Bennett	Hickenlooper	Pastore
Bible	Hill	Pell
Boggs	Holland	Prouty
Butler	Hruska	Proxmire
Byrd, Va.	Humphrey	Randolph
Byrd, W. Va.	Jackson	Robertson
Cannon	Javits	Russell
Capehart	Johnston	Saltonstall
Carlson	Jordan	Smathers
Carroll	Keating	Smith, Mass.
Case, N.J.	Kefauver	Smith, Maine
Case, S. Dak.	Kerr	Sparkman
Church	Kuchel	Stennis
Clark	Lausche	Symington
Cooper	Long, Hawaii	Talmadge
Dirksen	Long, La.	Thurmond
Dodd	Magnuson	Tower
Douglas	Mansfield	Wiley
Dworshak	McCarthy	Williams, N.J.
Eastland	McClellan	Williams, Del.
Ellender	McGee	Yarborough
Engle	McNamara	Young, N. Dak.
Ervin	Metcalf	Young, Ohio
Fong	Miller	
Fulbright	Monroney	

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. HICKEY], the Senator from Missouri [Mr. LONG], the Senator from Utah [Mr. MOSS], and the Senator from Oregon [Mrs. NEUBERGER], are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ], is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], is absent on official business.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. SCHOEPPEL] are absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Connecticut [Mr. BUSH] is absent by leave of the Senate to attend the Conference of the International Fund and World Bank in Vienna.

The Senator from Pennsylvania [Mr. SCOTT] is detained on official business.

The VICE PRESIDENT. A quorum is present.

The Chair now submits to the Senate the quesion, Is it the sense of the Senate that debate shall be brought to a close?

Under the rule, the yeas and nays are ordered; and the Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORE (when his name was called). On this vote I have a pair with the junior Senator from Utah [Mr. Moss] and the junior Senator from Colorado [Mr. ALLOTT]. Were they present and voting, they would vote "yea." Were I at liberty to vote, I would vote "nay." I withhold my vote.

Mr. METCALF (when his name was called). On this vote the junior Senator from North Dakota [Mr. BURDICK] and I have a live pair with the junior Senator from Wyoming [Mr. HICKEY]. If the junior Senator from Wyoming were present and voting, he would vote "nay." If we were at liberty to vote, the junior Senator from North Dakota [Mr. BURDICK] and I would vote "yea." I therefore withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. HICKEY], the Senator from Missouri [Mr. LONG], the Senator from Utah [Mr. MOSS], and the Senator from Oregon [Mrs. NEUBERGER], are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

On this vote, the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from Indiana [Mr. HARTKE] and the Senator from Missouri [Mr. LONG]. If present and voting, the Senator from New Mexico would vote "nay," and the Senators from Indiana and Missouri would vote "yea."

On this vote, the Senator from Kansas [Mr. SCHOEPPEL] is paired with the Senator from Oregon [Mrs. NEUBERGER] and the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Kansas would vote "nay," and the Senators from Oregon and Pennsylvania would vote "yea."

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. SCHOEPPEL] are absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Connecticut [Mr. BUSH] is absent by leave of the Senate to attend the Conference of the International Fund and World Bank in Vienna.

The pair of the Senator from Colorado [Mr. ALLOTT] has been previously announced.

If present and voting, the Senator from Nebraska [Mr. CURTIS] and the Senator from Arizona [Mr. GOLDWATER] would each vote "nay."

On this vote, the Senator from Connecticut [Mr. BUSH] and the Senator from Kentucky [Mr. MORTON] are paired with the Senator from Vermont [Mr. AIKEN]. If present and voting, the Senator from Connecticut and the Senator from Kentucky would each vote "yea," and the Senator from Vermont would vote "nay."

Mr. DIRKSEN. Mr. President——

The VICE PRESIDENT. The Senator from Illinois.

Mr. DIRKSEN. Am I recorded on the roll?

The VICE PRESIDENT. The Senator is recorded.

Mr. KUCHEL. Mr. President, I would like the Chair's indulgence——

Mr. RUSSELL. Mr. President, I demand the regular order.

The VICE PRESIDENT. The regular order is demanded.

The yeas and nays resulted—yeas 37, nays 43, as follows:

[No. 209]

YEAS—37

Anderson	Humphrey	Pastore
Bartlett	Jackson	Pell
Beall	Javits	Proxmire
Carroll	Keating	Randolph
Case, N.J.	Kuchel	Saltonstall
Clark	Lausche	Smith, Mass.
Cooper	Long, Hawaii	Smith, Maine
Dirksen	Magnuson	Symington
Dodd	Mansfield	Wiley
Douglas	McCarthy	Williams, N.J.
Engle	McNamara	Young, Ohio
Fong	Morse	
Hart	Muskie	

NAYS—43

Bennett	Fulbright	Mundt
Bible	Hayden	Prouty
Boggs	Hickenlooper	Robertson
Butler	Hill	Russell
Byrd, Va.	Holland	Smathers
Byrd, W. Va.	Hruska	Sparkman
Cannon	Johnston	Stennis
Capehart	Jordan	Talmadge
Carlson	Kefauver	Thurmond
Case, S. Dak.	Kerr	Tower
Church	Long, La.	Williams, Del.
Dworshak	McClellan	Yarborough
Eastland	McGee	Young, N. Dak.
Ellender	Miller	
Ervin	Monroney	

NOT VOTING—20

Aiken	Curtis	Metcalf
Allott	Goldwater	Morton
Bridges	Gore	Moss
Burdick	Gruening	Neuberger
Bush	Hartke	Schoeppel
Chavez	Hickey	Scott
Cotton	Long, Mo.	

The VICE PRESIDENT. On this question, the yeas are 37 and the nays 43. Two-thirds of the Senators present not having voted in the affirmative, the motion, under the rule, is not agreed to.

Mr. SCOTT. Mr. President, on this vote I have a pair with the junior Senator from Oregon [Mrs. NEUBERGER] and the senior Senator from Kansas [Mr. SCHOEPPEL]. If the Senator from Oregon were present she would vote "yea." If the Senator from Kansas were present he would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. MANSFIELD. Mr. President, I move to lay on the table the motion to consider Senate Resolution 4.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana.

Mr. JAVITS. Mr. President, I demand the yeas and nays.

The VICE PRESIDENT. The yeas and nays are requested. Is there a sufficient second?

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana to lay on the table the motion to consider Senate Resolution 4. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. MANSFIELD. Will the President of the Senate explain to the Senate the significance of the motion?

The VICE PRESIDENT. The Senator from Montana has made a motion to lay on the table the motion to consider Senate Resolution 4. If Senators favor tabling the motion to consider, they should vote "yea." If they oppose tabling, they should vote "nay."

The clerk will call the roll.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HUMPHREY. If the motion to table should be agreed to, would it mean that Senate Resolution 4 would still remain on the calendar, subject to being called up at a later date?

The VICE PRESIDENT. That is an appropriate inquiry. The Senator's conclusion is correct.

The clerk will call the roll.

The legislative clerk proceeded to call the roll, and Mr. ANDERSON voted in the affirmative and Mr. BARTLETT voted in the negative when their names were called.

The VICE PRESIDENT. The Senate will be in order. Senators will refrain from conversation. The clerk will not continue until Senators have taken their seats.

Mr. DIRKSEN. Mr. President——

The VICE PRESIDENT. The rollcall is in progress.

The legislative clerk called the name of Mr. BEALL.

The VICE PRESIDENT. The clerk will suspend until there is order in the Chamber.

The question is on agreeing to a motion by the Senator from Montana [Mr. MANSFIELD] to table a motion by the

Senator from Montana [Mr. MANSFIELD] to consider Senate Resolution 4.

The Senator from Montana made a motion to consider Senate Resolution 4. He filed a cloture petition with respect to the motion. The cloture petition lost. Now the Senator from Montana has made a motion to table the motion to consider.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. MANSFIELD. If the motion to table is agreed to, it will mean the Senate can go on to other business. Is that correct?

The VICE PRESIDENT. Yes.

Mr. DIRKSEN. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. DIRKSEN. Senate Resolution 4 would preserve its status on the calendar, and could be called up at any time, could it?

The VICE PRESIDENT. The Parliamentarian informs the Chair that is a proper parliamentary inquiry; and the Senator is correct. This would in no way affect Senate Resolution 4.

The clerk will continue the call of the roll.

The legislative clerk resumed the call of the roll.

Mr. METCALF (when his name was called). On this vote I have a pair with the junior Senator from Wyoming [Mr. HICKEY]. If he were present and voting he would vote "yea." If I were at liberty to vote I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. HICKEY], the Senator from Missouri [Mr. LONG], the Senator from Utah [Mr. MOSS], and the Senator from Oregon [Mrs. NEUBERGER], are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from North Dakota [Mr. BURDICK], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Utah [Mr. MOSS], and the Senator from Oregon [Mrs. NEUBERGER], would each vote "nay."

On this vote, the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from Missouri [Mr. LONG]. If present and voting, the Senator from Missouri would vote "nay," and the Senator from New Mexico would vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. SCHOEPPEL] are absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Connecticut [Mr. BUSH] is absent by leave of the Senate to attend the Conference of the International Fund and World Bank in Vienna.

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from Colorado [Mr. ALLOTT]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Colorado would vote "nay."

On this vote, the Senator from Arizona [Mr. GOLDWATER] is paired with the Senator from Connecticut [Mr. BUSH]. If present and voting, the Senator from Arizona would vote "yea," and the Senator from Connecticut would vote "nay."

On this vote, the Senator from Kansas [Mr. SCHOEPPEL] is paired with the Senator from Kentucky [Mr. MORTON]. If present and voting, the Senator from Kansas would vote "yea," and the Senator from Kentucky would vote "nay."

The result was announced—yeas, 47, nays 35, as follows:

[No. 210]

YEAS—47

Anderson	Ervin	Monroney
Bennett	Fulbright	Mundt
Bible	Gore	Prouty
Boggs	Hayden	Robertson
Butler	Hickenlooper	Russell
Byrd, Va.	Hill	Saltonstall
Byrd, W. Va.	Holland	Smathers
Cannon	Hruska	Sparkman
Capehart	Johnston	Stennis
Carlson	Jordan	Talmadge
Case, S. Dak.	Kerr	Thurmond
Church	Long, La.	Tower
Dirksen	Mansfield	Williams, Del.
Dworshak	McClellan	Yarborough
Eastland	McGee	Young, N. Dak.
Ellender	Miller	

NAYS—35

Bartlett	Jackson	Pastore
Beall	Javits	Pell
Carroll	Keating	Proxmire
Case, N.J.	Kefauver	Randolph
Clark	Kuchel	Scott
Cooper	Lausche	Smith, Mass.
Dodd	Long, Hawaii	Smith, Maine
Douglas	Magnuson	Symington
Engle	McCarthy	Wiley
Fong	McNamara	Williams, N.J.
Hart	Morse	Young, Ohio
Humphrey	Muskie	

NOT VOTING—18

Aiken	Cotton	Long, Mo.
Allott	Curtis	Metcalf
Bridges	Goldwater	Morton
Burdick	Gruening	Moss
Bush	Hartke	Neuberger
Chavez	Hickey	Schoeppel

So Mr. MANSFIELD's motion to lay on the table Mr. MANSFIELD's motion to consider Senate Resolution 4 was agreed to.

ELECTIONS IN THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I move that the unfinished business be laid before the Senate, and that the Senate proceed to its consideration.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 8444) to amend the act of August 12, 1955, relating to elections in the District of Columbia.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana.

Mr. MANSFIELD. Mr. President——

Mr. DIRKSEN. Mr. President——

Mr. JAVITS. Mr. President——

The VICE PRESIDENT. The Senate will be in order. Senators will take their seats. The Chair is informed by the Parliamentarian that the motion, taken up in the morning hour, is not debatable.

Mr. DIRKSEN. Mr. President——

The VICE PRESIDENT. The Chair recognizes the Senator from Illinois.

Mr. DIRKSEN. I ask unanimous consent that I may at this time make inquiry of the majority leader with respect to the calendar, now that the unfinished business, on which I think there is a time limitation, has been laid before the Senate.

The VICE PRESIDENT. The motion is not debatable. The question is on the motion of the Senator from Montana [Mr. MANSFIELD].

Mr. RUSSELL. Mr. President, reserving the right to object, is there any time limitation on the vote which would prevent final consideration of a very important national defense bill?

The VICE PRESIDENT. The question is on the motion of the Senator from Montana.

The motion was agreed to, and the Senate resumed the consideration of the bill (H.R. 8444) to amend the act of August 12, 1955, relating to elections in the District of Columbia.

CLOTURE—PROPOSED AMENDMENT OF RULE XXII

Mr. MANSFIELD. Mr. President, before I make a unanimous-consent request, which would seek to set aside an hour before the time allotted under the District of Columbia elections bill, to take care of the request of the Senator from Georgia [Mr. RUSSELL] and others, I wish to state that had the vote on the petition for cloture been close, it was my intention, in conjunction with the distinguished minority leader, to file another petition for cloture. The signatures are on the cloture petition. Those who signed the petition were ready to proceed under the right circumstances. The signatures on the second proposed cloture petition would have included the following—not that other Senators would not have signed—because many others would have:

The Senator from Montana [Mr. MANSFIELD], the Senator from Illinois [Mr. DIRKSEN], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Montana [Mr. METCALF], the Senator from West Virginia [Mr. RANDOLPH], the Senator from California [Mr. ENGLE], the Senator from Maine [Mr. MUSKIE], the Senator from Colorado [Mr. CARROLL], the Senator from California [Mr. KUCHEL], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Washington [Mr. JACKSON], the Senator

from Rhode Island [Mr. PELL], and the Senator from Alaska [Mr. BARTLETT].

Mr. JAVITS and several other Senators addressed the Chair.

The VICE PRESIDENT. Does the Senator yield; and, if so, to whom?

Mr. MANSFIELD. Mr. President, I should like to complete my statement.

Because of the fact that the vote turned out in a way that I did not anticipate—with 37 voting in favor of the motion of the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], myself, and 19 other Senators, and 43 voting against it—it was our joint opinion that there was no reasonable situation existing in which another petition to invoke cloture should be offered. Therefore, despite the fact that we were ready, able, and willing, and had the necessary signatures to do so, I wish to announce to the Senate that I do not think the moment is propitious.

DISPOSITION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I have a request to make. The Senate is operating on allotted time. I ask unanimous consent that an hour be set aside for the disposition of routine business, that hour not to be applied to the time allotted under the District of Columbia election bill, and that hour to be used before the Senate turns to the immediate consideration of the pending business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. McCLELLAN. Mr. President, reserving the right to object, may I inquire of the distinguished majority leader if he would be willing to modify the request and extend the time another 20 minutes?

Mr. MANSFIELD. Yes; I ask that an hour and a half be set aside for the purpose indicated.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a procedural question?

Mr. MANSFIELD. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, I believe I know what is in the mind of the majority leader. Do I correctly understand that the second cloture petition, to which the Senator from Montana has referred, and on which I am a signator, now that the other subject has come up to which he has referred, is no longer in operation and will not be used?

Mr. MANSFIELD. It will not, because it would be a sham gesture to use it. If there were a reasonable chance for its success, it would have been used. There was no chance, based upon the vote taken. I felt that it would be best to let the petition lie. I wanted the Senate to know that the minority leader and I had gone to this particular length and were prepared to file a similar petition anew if the time were propitious.

Mr. JAVITS. Mr. President, will the Senator yield?

The VICE PRESIDENT. The question is on the request of the Senator from Montana that an hour and a half be set aside for disposition of routine business, the time not to be taken from the time allotted under the District of Columbia election bill. Is there objection to the request? The Chair hears none, and it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON AGREEMENTS CONCLUDED UNDER AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

A letter from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a report on agreements concluded during August 1961, under the Agricultural Trade Development and Assistance Act of 1954 (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON OVEROBLIGATION OF AN APPROPRIATION

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the overobligation of the first quarter apportionment of the appropriation "Military Personnel, Army 1961" (with an accompanying report); to the Committee on Appropriations.

REPORT ON REVIEW OF NONCOMPETITIVE PROCUREMENT OF AERONAUTICAL REPLACEMENT SPARE PARTS WITHIN DEPARTMENT OF DEFENSE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of noncompetitive procurement of aeronautical replacement spare parts within the Department of Defense, dated September 1961 (with an accompanying report); to the Committee on Government Operations.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

AMENDMENT OF SECTION 4369, TITLE 39, UNITED STATES CODE

A letter from the Postmaster General, transmitting a draft of proposed legislation to amend section 4369 of title 39, United States Code, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

AMENDMENT OF TITLE 39, UNITED STATES CODE, RELATING TO OFFICIAL CORRESPONDENCE OF VICE PRESIDENT AND MEMBERS OF CONGRESS

A letter from the Acting Postmaster General, transmitting a draft of proposed legislation to amend title 39, United States Code, relating to official correspondence of Vice President and Members of Congress, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILEY:

S. 2572. A bill for the relief of the Merritt-Chapman & Scott Corp.; to the Committee on the Judiciary.

By Mr. McCLELLAN (for himself, Mr. BYRD of Virginia, and Mr. BENNETT):

S. 2573. A bill to amend the antitrust laws to prohibit certain activities of labor organizations in restraint of trade, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. McCLELLAN when he introduced the above bill, which appear under a separate heading.)

By Mr. HOLLAND:

S. 2574. A bill for the relief of Constantina Caraiscou; to the Committee on the Judiciary.

By Mr. BIBLE (by request):

S. 2575. A bill to repeal obsolete laws relating to military bounty land warrants and to provide for cancellation of recorded warrants; to the Committee on Interior and Insular Affairs.

By Mr. METCALF:

S. 2576. A bill for the relief of Chuang Han Ching; to the Committee on the Judiciary.

By Mr. CLARK:

S. 2577. A bill to amend the Federal Reserve Act, and for other purposes; to the Committee on Banking and Currency.

S. 2578. A bill to make further provision concerning the ratification of proposed amendments to the Constitution of the United States by conventions in the several States; and

S. 2579. A bill to provide for the equitable representation of the people in the legislatures of the several States in conformity with the requirements of the Constitution of the United States; to the Committee on the Judiciary.

(See the remarks of Mr. CLARK when he introduced the first above-mentioned bill, which appear under a separate heading.)

By Mr. CHURCH:

S. 2580. A bill to authorize the leasing of certain public lands within railway rights-of-way in the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JAVITS:

S.J. Res. 140. Joint resolution to amend section 315(a) of the Federal Communications Act of 1934; to the Committee on Commerce.

(See the remarks of Mr. JAVITS when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. CLARK:

S.J. Res. 141. Joint resolution proposing an amendment to the Constitution of the United States to assure equitable representation of the people in the legislatures of the several States; to the Committee on the Judiciary.

AMENDMENT OF FEDERAL RESERVE ACT

Mr. CLARK. Mr. President, I introduce, for appropriate reference, a bill dealing with the organization of the Federal Reserve System. I ask unanimous consent that the bill may remain at the desk for the remainder of this week, so that other Senators may join as cosponsors.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will lie at the desk, as requested by the Senator from Pennsylvania.

The bill (S. 2577) to amend the Federal Reserve Act, and for other purposes,

introduced by Mr. CLARK, was received, read twice by its title, and referred to the Committee on Banking and Currency.

Mr. CLARK. Mr. President, last spring, the Commission on Money and Credit made its long-awaited report, following the most comprehensive review of the Nation's money system since the Aldrich report of 1907 which led to the establishment of the Federal Reserve System.

The Commission was created by the Board of Trustees of the Committee for Economic Development. Its Chairman was Frazar B. Wilde, chairman of the Connecticut General Life Insurance Co. Its members represented a wide range of experience and leadership in the fields of finance, business, labor, agriculture, and education.

The degree of unanimity among the members in their recommendations was striking.

I believe the legislative recommendations of the report deserve the most serious attention of the Congress. To carry them into effect would require the attention of several committees. In order to provide a basis for discussion and action on some of the recommendations, the bill I introduce today incorporates those recommendations of the Commission dealing with the organization of the Federal Reserve System. While I find myself in general agreement with the views of the Commission, I do not necessarily agree on all the aspects of all of their recommendations. However, where there may be disagreement, the bill reflects their views rather than my own.

I ask unanimous consent that there may be included in the RECORD, at this point, a summary of the recommendations incorporated in the bill, crossreferenced to the pertinent page of the report and section of the bill, with a note in each case as to whether the Commission was unanimous. I ask unanimous consent that there be included, also, a list of the members of the Commission.

There being no objection, the recommendations and list were ordered to be printed in the RECORD, as follows:

Recommendations of Commission on Money and Credit covered in proposed bill

Page of report	Recommendation	Vote of Commission	Section of bill
77	The Commission recommends that all insured commercial banks should be required to become members of the Federal Reserve System.	Unanimous	6
87	The FRB Chairman and Vice Chairman should be designated by the President from among the Board's membership, to serve for 4-year terms coterminous with the President's.	2 dissents	3
87	The FRB should consist of 5 members, with overlapping 10-year terms, 1 expiring each odd-numbered year; members should be eligible for reappointment.	Unanimous	3
88	The FRB Chairman should be the chief executive officer of the Board, empowered to handle administrative matters. The law should be clarified to authorize the Board to delegate to Board committees, or to Board members individually, or to senior staff officers of the Board, any of its functions in the administration of its powers in regard to the supervision of the banking structure, such as the Bank Holding Company Act, the antitrust laws in regard to mergers, and applications for charters and branches. Any actions so delegated should be subject to review in the Board's discretion.	do	3
88	Occupational and geographical qualifications for Board members should be eliminated. Instead the statute should stipulate that members shall be positively qualified by experience or education, competence, independence, and objectivity commensurate with the increased responsibilities recommended for them in the achievement of low levels of unemployment, an adequate rate of economic growth, and reasonable stability of price levels in the economy. Salaries of top officials throughout the Government should be sharply increased, and in view of the gravity of their responsibilities, FRB members should be compensated at the highest salary level available for appointive offices in the Government.	do	3
89	The present statutory Federal Advisory Council should be replaced by an advisory council of 12 members appointed by the Board from nominees presented by the boards of directors of the Federal Reserve banks. At least 2 nominations, not more than 1 of them from any single sector of the economy, should be presented by each bank. The Board should make its selection, 1 from each district, in such a manner as to secure a Council broadly representative of all aspects of the American economy. Council members should serve for 3-year terms, not immediately renewable. The Council should meet with the Federal Reserve Board at least twice a year.	do	4
89	An important internal source of advice should be further recognized and strengthened. The law should formally constitute the 12 Federal Reserve bank presidents as a conference of Federal Reserve bank presidents, to meet at least 4 times a year with the Board, and oftener as the Board finds necessary.	do	5
90	The determination of open market policies should be vested in the Board. In establishing its open market policy the Board should be required to consult with the 12 Federal Reserve bank presidents. The determination of the rediscount rate (the same for all Reserve banks) should be vested with the Board. In establishing this rate the Board should be required to consult with the 12 Federal Reserve bank presidents. The determination of reserve requirements should continue to be vested in the Board. In establishing these requirements the Board should be required to consult with the 12 Federal Reserve bank presidents.	1 dissent in part	5
91	The Commission recommends that the present form of capital stock of the Federal Reserve banks should be retired. Instead, membership in the System should be evidenced by a nonearning certificate of, say, $500, the same for each member bank.	1 dissent	2

MEMBERSHIP OF THE COMMISSION ON MONEY AND CREDIT

Frazar B. Wilde, Chairman: chairman, Connecticut General Life Insurance Co.

H. Christian Sonne, Vice Chairman, New York, N.Y.

Adolf A. Berle, Jr., New York, N.Y. (withdrew to serve as Chairman of the U.S. State Department Latin American Task Force).

James B. Black, chairman of the board, Pacific Gas & Electric Co.

Joseph M. Dodge, chairman of the board, the Detroit Bank & Trust Co. (resigned October 7, 1960).

Marriner S. Eccles, chairman of the board, First Security Corp.

Lamar Fleming, Jr., chairman of the board, Anderson, Clayton & Co.

Henry H. Fowler, Fowler, Leva, Hawes & Symington (resigned Feb. 3, 1961, on his appointment as Under Secretary of Treasury).

Gaylord A. Freeman, Jr., president, the First National Bank of Chicago (appointed April 29, 1960).

Fred T. Greene, president, Federal Home Loan Bank of Indianapolis (died March 17, 1961).

Philip M. Klutznick, Park Forest, Ill. (resigned Feb. 8, 1961, on his appointment as U.S. representative to the Economic and Social Council of the United Nations).

Fred Lazarus, Jr., chairman of the board, Federated Department Stores, Inc.

Isador Lubin, Arthur T. Vanderbilt professor of public affairs, Rutgers University.

J. Irwin Miller, chairman of the board, Cummins Engine Co.

Robert R. Nathan, Robert R. Nathan Associates, Inc.

Emil Rieve, president emeritus, Textile Workers of America, AFL–CIO (appointed May 19, 1960).

David Rockefeller, president, the Chase Manhattan Bank.

Beardsley Ruml, New York, N.Y., (died April 18, 1960).

Stanley Ruttenberg, director, department of research, AFL–CIO.

Charles Sawyer, Taft, Stettinius & Hollister.

William F. Schnitzler, secretary-treasurer, AFL–CIO (resigned April 28, 1960).

Earl B. Schwulst, president and chairman of the board, the Bowery Savings Bank.

Charles B. Shuman, president, American Farm Bureau Federation.

Jesse W. Tapp, chairman of the board, Bank of America, N.T. and S.A.

J. Cameron Thomson, retired chairman of the board, Northwest Bancorporation.

Willard L. Thorp, director, Merrill Center for Economics, Amherst College.

Theodore O. Yntema, chairman, finance committee, Ford Motor Co.

AMENDMENT OF SECTION 315(A) OF FEDERAL COMMUNICATIONS ACT OF 1934

Mr. JAVITS. Mr. President, I introduce for appropriate reference a joint resolution to amend section 315(a) of the Communications Act of 1934 and allow debate to take place in the mayoral campaign for the city of New York between the candidates for mayor, president of the city council, and comptroller, which will be analogous to the debates we allowed to take place by such special legislation in the presidential campaign of 1960.

A similar joint resolution is being introduced in the other body.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 140) to amend section 315(a) of the Federal Communications Act of 1934, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Commerce.

SUPPLEMENTAL APPROPRIATION BILL, 1962—AMENDMENT

Mr. DODD. Mr. President, as chairman of the Senate Juvenile Delinquency Subcommittee, I would like to express a most deepfelt disappointment concerning the deliberations of both Houses of Congress which resulted last week in a

$37,500 cut in the 1962 annual budget of the District of Columbia Commissioners Youth Council.

This slash will cut the lifeline of another important youth-serving institution in the Capital—the Commissioner's Youth Council.

By cutting the $37,500 from the Council's budget, Congress has eliminated five of the seven area Board workers who organized the efforts of people in the city's most delinquency-prone sections to help themselves and to help their children stay free from the crippling disease of juvenile crime that mounts from year to year in the District and in the entire Nation.

By eliminating the five trained area workers from the Youth Council, we have not lost only five people. With a strike of the congressional pen, the Council has lost several thousand volunteer area Board members and, in turn, thousands of their affiliates in the city blocks and neighborhoods where these people worked to organize clothing distribution, juvenile gang control, youth employment training, child counseling, parent group participation, work with referrals from the police youth aid division, and other projects.

And still this is not all that has been lost. I think by this action we have lost the most important element underlying the efforts of the Youth Council and of any similar undertaking: The will of the people in the city to struggle, to work, and to hope for a better neighborhood to live in, and for a better future for their children.

The district will not save anything by this cut in the Youth Council's budget. It will lose money.

It will lose money in court costs for youngsters who have been denied this opportunity to lead more constructive lives. It will lose money in police work, it will lose it in placing and keeping children in institutions, it will lose many times over the $37,500 cut from the budget.

It seems strange to me that at the same time that Congress has denied this token amount to help prevent our youth from undertaking careers of crime, it has approved a $100,000 increase for the expansion of the tree care program; it has approved $60,000 to pave over the streetcar tracks on Georgia Avenue; and it has approved $70,000 to reinforce the pavement on New York Avenue. Important as these projects may be, shall we concede that trees and cold pavements have priority over the needs and the lives of children?

Mr. President, I submit that the failure of the House of Representatives to appropriate the full budget proposed by the District Commissioners Youth Council and concurrence in this by the Senate represents a shortsighted approach to delinquency. I propose that we reevaluate our thinking with respect to our efforts in behalf of this city's youth, or pay the penalty of seeing crime rates grow even higher than is presently the case.

I reemphasize that we have been delinquent in serving Washington's young people in several ways. The Board of Education has been frustrated by budgetary eliminations. Positions for school counselors, for teachers, for administrative officials have been stricken out. District school officials from year to year have been denied funds for school construction and for other projects of vital necessity if the schools are to absorb the increasing number of students expected to enter during the coming years. Even at present, schools are populated above capacity both in terms of student-teacher ratios and in terms of classroom space.

I hope that the appropriate committees of the Senate and each and every individual Member of this body will pay closer heed in the future to the needs of the city's youth and that we take all steps to rectify the detrimental effects of cutting the proposed budget of the Commissioners' Youth Council and of having neglected to give adequate aid to the District's schools, to the juvenile court, and thus to a large segment of the youth of our Nation's Capital.

Mr. President, I hereby propose to offer an amendment to the supplemental appropriation bill, H.R. 9169, to add $37,500 to the 1962 budget for the District of Columbia for the purpose of restoring this amount to the Commissioners' Youth Council. I ask that this measure receive favorable consideration. I also ask that in support of it there be printed in the RECORD at this point a resolution recently accepted by the national convention of the Federal Bar Association.

The VICE PRESIDENT. The amendment will be received, printed, and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The amendment was referred to the Committee on Appropriations.

The resolution presented by Mr. DODD is as follows:

On September 15, 1961, at the national convention of the Federal Bar Association held at the Mayflower Hotel, Washington, D.C., the following resolution was adopted:

Whereas the rising tide of juvenile and youth crime seriously concerns the members of the Federal Bar Association; and

Whereas the Commissioners' Youth Council of the District of Columbia has been most effective in preventing juvenile delinquency and in rehabilitating disturbed youth; and

Whereas the juvenile delinquency committee of the Federal Bar Association greatly regrets that the limited funds requested by the Bureau of the Budget for the Youth Council have been reduced by the Appropriations Committees of the U.S. Congress: Now, therefore, be it

Resolved, That the Congress be requested by the Bureau of the Budget for the Youth Council.

WAPATO-SATUS UNIT OF THE WAPATO INDIAN IRRIGATION PROJECT

Mr. MANSFIELD. Mr. President, the Senate recently passed S. 1581, a bill for the allocation of costs on the Wapato-Satus unit of the Wapato Indian irrigation project. An identical bill, H.R. 115, is pending in the Senate Interior Committee. In order that the measure may go on to the White House for Presidential action, I ask unanimous consent that the Senate Interior Committee be discharged from further consideration of H.R. 115, and that the Senate proceed to its immediate consideration.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. An act (H.R. 115) for the allocation of costs on the Wapato-Satus unit of the Wapato Indian irrigation project.

The VICE PRESIDENT. Without objection, the Committee on Interior and Insular Affairs will be discharged from further consideration of H.R. 115.

Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The VICE PRESIDENT. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 115) was read the third time, and passed.

CREATION OF AMERICAN NEGRO EMANCIPATION CENTENNIAL COMMISSION—ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Under authority of the order of the Senate of September 15, 1961, the names of Senators LONG of Missouri, DIRKSEN, and CLARK were added as additional cosponsors of the joint resolution (S.J. Res. 138) to create the American Negro Emancipation Centennial Commission, introduced by Mr. DOUGLAS on September 15, 1961.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 19, 1961, he presented to the President of the United States the enrolled bill (S. 2237) to amend the Immigration and Nationality Act, and for other purposes.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Excerpts from radio address delivered by himself over Wisconsin radio stations on the weekend of September 16–17, 1961.

By Mr. METCALF:

Article entitled "Philipsburg Has New Timber Industry To Replace Mines," published in the Great Falls (Mont.) Tribune of September 13, 1961.

By Mr. RANDOLPH:

Address delivered by himself, introducing Hon. James E. Webb, Administrator, National Aeronautics and Space Administration, at the West Virginia Kiwanis convention banquet, at Blackwater Lodge on September 18, 1961.

By Mr. CARROLL:

Address delivered by himself before National Child Welfare Commission of the American Legion, in Denver, Colo., on September 8, 1961.

CLOTURE—PROPOSED AMENDMENT OF RULE XXII

Mr. MANSFIELD obtained the floor.

Mr. JAVITS. Mr. President——

Mr. MANSFIELD. I yield to the Senator from New York.

Mr. JAVITS. I am grateful to the Senator from Montana for yielding to me with his usual graciousness and fairness. I shall be very brief. The procedure chosen in January was not of the choosing of those who seek an amendment to rule XXII to liberalize it. This cloture petition was not of our choosing.

Very briefly, the procedure adopted in January to commit this question to the Committee on Rules and Administration was not of the choosing of Senators who contended for a rules change; 43 Senators voted against the cloture petition, which most of us did not sign, and it was not of our choosing.

The time in which the question was brought up at the very end of the session was not of our choosing. Nonetheless, we loyally felt, in our devotion to the cause we espoused, that we stay here and vote for it, since it was proper to do so. I make that statement only to make it clear that I do not consider this to be a reverse for the cause for which we are contending. I consider it to be an ill-timed move which has reaped the rewards of being ill-timed, a responsibility assumed by the leadership in this Chamber, which it had a right to assume, but which miscarried.

I wish to say for myself—and probably what I say reflects the view also of many other Senators—that we should not be dismayed and have no right to be dismayed in carrying on this struggle at a more propitious time. The resolution is still on the calendar. We will have the opportunity next year, and at the opening of a new Congress in 1963, with all that that implies. I merely wanted to state for myself—and I believe I state the opinion of many others also, who feel the same way—that I consider it to be an essential cause in the interest of the Nation and its role in the world, and shall continue to fight for it.

Mr. RUSSELL obtained the floor.

Mr. KEATING. Mr. President, will the Senator from Georgia yield to me?

Mr. RUSSELL. I yield to the Senator from New York with the understanding that I do not lose the floor.

Mr. KEATING. I should like to address an inquiry to the majority leader. Perhaps he has not reached a conclusion.

Would the majority leader be able to tell us at this time whether it would be his intention to bring up a change in rule XXII early in the next session?

Mr. MANSFIELD. No, it would not.

Mr. KEATING. Or during the next session?

Mr. MANSFIELD. It would not.

Mr. DIRKSEN. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield to the minority leader.

Mr. DIRKSEN. Conserving the distinguished Senator's right to the floor, I should like to ask the distinguished majority leader this question. First of all, Senate Resolution 4 still remains on the calendar. Consequently it is my understanding that at any time, if the majority leader so desires, he can make a motion to bring a Senate resolution before the Senate for further consideration during the present session.

The VICE PRESIDENT. Any Senator can make a motion to take up anything on the calendar.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Montana.

Mr. MANSFIELD. I do not believe in sham battles. I do not believe in fake engagements. If there were a reasonable chance of having the Anderson-Morton resolution adopted, which would reduce the figure from two-thirds of those present and voting to three-fifths of those present and voting, I would be among the first to be willing to bring up the resolution again.

However, when we have a vote of 37 in favor of a particular proposal relating to the Anderson-Morton resolution, and 43, a majority, against, I do not see what can be gained. I certainly do not intend to delay the action of the Senate by any tactics; nor do I intend to engage in sham battles which will have no beneficial effect, but which will take up the time of the Senate and keep it from doing the business it is supposed to be doing in behalf of the people of the country.

If there were a chance, may I say again, I would do so. The minority leader and I were prepared and had handy a petition for cloture which we would have presented. However, I do not want to fool the Senate, nor do I want to be fooled by the Senate.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I will yield for one more observation.

Mr. DIRKSEN. I am sure that the Members of the Senate would like to know with some sense of finality whether the majority leader contemplates at the present session any further action on rule XXII.

Mr. MANSFIELD. No.

Mr. RUSSELL. I have a small matter of business that I wish to present to the attention of the Senate. Before I do so, I should like to say that I am glad that by virtue of the vote just taken the rules of the Senate still permit Senators to come to the "wailing wall" of the Senate with their lamentations over the unfavorable disposition of issues. For my part I believe the Senate has lived up to its highest and noblest traditions in the vote that has just been recorded. A majority of the Members of the Senate have voted to preserve the unique and priceless characteristics of this body.

The only regret I have is that by virtue of the majority vote against cloture I will be deprived of accompanying my distinguished friend, the junior Senator from New York, on his expedition into the Wonderland of Alice.

The VICE PRESIDENT. The Chair cannot hear the Senator. The Senator will suspend. The Senate will be in order. The Senator may proceed.

Mr. RUSSELL. My regret is that I could not accompany the Senator on his voyage to find Alice and her other associates in Wonderland, to discuss with them his proposition to declare that both Houses of the Congress have been unconstitutional ever since they were first organized.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. KEATING. This is one matter upon which we agree. I regret very much that the parliamentary situation was such that that interesting point could not be raised. I hope that the distinguished Senator from Georgia and I may be able to debate it at length on some future occasion.

Mr. RUSSELL. The Senator, of course, has planned this expedition at a rather late day in his career. He served in the House of Representatives for 15 or 16 years, I believe. He was a member of the Judiciary Committee in the House. Under the rules of that body, there are several situations which require a two-thirds vote to bring up a measure to pass it by a majority vote. The Senator did not discover during those years that the House of Representatives was unconstitutional. He has been a Member of this body now for some time. He must be familiar with the rules of the Senate which require a two-thirds vote in certain circumstances, such as to suspend a rule of the Senate. Only recently, the Senate utilized this rule requiring a two-thirds vote to amend an appropriation bill with legislation extending the life of the Civil Rights Commission.

I was intrigued by the Senator's suggestion and was looking forward with great anticipation to accompanying the Senator from New York into Wonderland to get the views of the Queen, the Mad Hatter, the Walrus, the White Rabbit, and others on the Senator's point of order that rules adopted under the Constitution specifically permitting each body to make its rules were unconstitutional.

Mr. KEATING. I believe it is correct to say that the change in the rule is the only occasion where a two-thirds vote is required, except as provided precisely in the Constitution.

Mr. RUSSELL. In the House of Representatives——

Mr. KEATING. I am referring to the Senate.

Mr. RUSSELL. In the House of Representatives, where the Senator served with great distinction, one cannot get anything before the House without approval of the Rules Committee except by a two-thirds vote. That certainly is a form of cloture that is worse than the requirements of a two-thirds vote in this body to impose cloture. The same thing applies to the suspension of rules of this body to bring up a proposal out of order. Nevertheless, in the years that lie ahead I hope that I will be able to join the Senator on that delightful and fascinating trip into that land where

our imagination can run riot and we can deal with these matters as dreams instead of realities.

PARTICIPATION IN RESERVE COMPONENTS OF THE ARMED FORCES

Mr. RUSSELL. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 5490, in order that the Senate may concur in the amendment of the House.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 5490) to provide for more effective participation in the Reserve components of the Armed Forces, and for other purposes, which was, in lieu of the matter proposed by the Senate amendment, insert:

That section 6 of the Universal Military Training and Service Act, as amended (50 U.S.C. App. 456), is amended—

(1) by amending subsection (c)(2)(E) to read as follows:

"(E) Notwithstanding any other provision of this Act, the President, under such rules and regulations as he may prescribe, may provide that any person enlisted in the Ready Reserve of any reserve component of the Armed Forces pursuant to authority conferred by this paragraph or under section 262 of the Armed Forces Reserve Act of 1952, as amended, or any member of the National Guard deferred from training and service by clause (A) of this paragraph, or any person enlisted or appointed in the Ready Reserve of any reserve component of the armed forces (other than under section 511(b) of title 10, United States Code), the Army National Guard, or the Air National Guard after the effective date of this amended clause, but prior to his attaining the age of 26, who fails to serve satisfactorily as a member of such Ready Reserve or National Guard or the Ready Reserve of another reserve component of which he becomes a member may be selected for training and service and inducted into the armed force of which such reserve component is a part, prior to the selection and induction of other persons liable therefor."; and

(2) by striking out the words "in such unit" in the seventh and eighth sentences of subsection (d)(1) and amending the fifth and sixth sentences of that subsection to read as follows: "If, at the time of, or subsequent to, such appointment, the armed force in which such person is commissioned does not require his service on active duty in fulfillment of the obligation undertaken by him in compliance with clause (B) of the first sentence of this paragraph, such person shall be ordered to active duty for training with such armed force in the grade in which he was commissioned for a period of active duty for training of not less than three months or more than six months (not including duty performed under section 270(a) of title 10, United States Code), as determined by the Secretary of the military department concerned to be necessary to qualify such person for a mobilization assignment. Upon being commissioned and assigned to a reserve component, such person shall be required to serve therein, or in a reserve component of any other armed force in which he is later appointed, until the eighth anniversary of the receipt of such commission pursuant to the provisions of this section".

SEC. 2. Section 270 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(c) Any person who becomes a member of the Army National Guard of the United States or the Air National Guard of the United States after the enactment of this subsection and who fails in any year to perform satisfactorily the training duty prescribed by or under law for members of the Army National Guard or the Air National Guard, as the case may be, as determined by the Secretary concerned, may, upon the request of the Governor of the State or territory, Puerto Rico, or the Canal Zone, or the commanding general of the District of Columbia National Guard, whichever is concerned, be ordered, without his consent, to perform additional active duty for training for not more than forty-five days. A member ordered to active duty under this subsection shall be ordered to duty as a Reserve of the Army or as a Reserve of the Air Force, as the case may be."

SEC. 3. Section 3261 of title 10, United States Code, is amended—

(1) by striking out the designation "(b)" in subsection (a) and inserting the designation "(c)" in place thereof; and

(2) by redesignating subsection (b) as subsection "(c)" and inserting the following new subsection (b):

"(b) Under regulations to be prescribed by the Secretary of the Army, a person who enlists or reenlists in the Army National Guard, or whose term of enlistment or reenlistment in the Army National Guard is extended, shall be concurrently enlisted or reenlisted, or his term of enlistment or reenlistment shall be concurrently extended, as the case may be, as a Reserve of the Army for service in the Army National Guard of the United States."

SEC. 4. Section 8261 of title 10, United States Code, is amended—

(1) by striking out the designation "(b)" in subsection (a) and inserting the designation "(c)" in place thereof; and

(2) by redesignating subsection (b) as subsection "(c)" and inserting the following new subsection (b):

"(b) Under regulations to be prescribed by the Secretary of the Air Force, a person who enlists or reenlists in the Air National Guard, or whose term of enlistment or reenlistment in the Air National Guard is extended, shall be concurrently enlisted or reenlisted, or his term of enlistment or reenlistment shall be concurrently extended, as the case may be, as a Reserve of the Air Force for service in the Air National Guard of the United States."

SEC. 5. Title 32, United States Code, is amended as follows:

(1) Section 302 is amended to read as follows:

"§ 302. Enlistments, reenlistments, and extensions

"(a) Under regulations to be prescribed by the Secretary concerned, original enlistments in the National Guard may be accepted for—

"(1) any specified term, not less than three years, for persons who have not served in an armed force; or

"(2) any specified term, not less than one year, for persons who have served in any armed force.

"(b) Under regulations to be prescribed by the Secretary concerned, reenlistment in the National Guard may be accepted for any specified period, or, if the person last served in one of the highest five enlisted grades, for an unspecified period.

"(c) Enlistments or reenlistments in the National Guard may be extended—

"(1) under regulations to be prescribed by the Secretary concerned, at the request of the member, for any person not less than six months; or

"(2) by proclamation of the President, if Congress declares an emergency, until six months after termination of that emergency."

(2) The analysis of chapter 3 is amended by striking out the following item:

"302. Enlistments."

and inserting the following item in place thereof:

"302. Enlistments, reenlistments, and extensions."

SEC. 6. The amendments made by sections 3, 4, and 5 of this Act shall not affect any enlistment, reenlistment, or appointment entered into or made before the effective date of this Act.

SEC. 7. (a) Section 29(a) of the Act of August 10, 1956, as amended (5 U.S.C. 30r), is amended by striking out the words "fiscal year" wherever they appear therein and substituting the words "calendar year" in lieu thereof.

(b) Except with respect to substitute postal employees, the amendments made by subsection (a) of this section shall become effective as of January 1, 1961, and with respect to substitute postal employees such amendments shall become effective as of January 1, 1962.

Mr. RUSSELL. Mr. President, the basic purpose of the bill is to make omnibus amendments to the laws relating to the 6-month training program and participation in the Reserve components.

The principal difference in the House and Senate versions was on whether persons enlisting in the 6-month training program should incur a 6- or an 8-year service obligation. Under existing law persons enlisting in the 6-month training program before reaching the age of 18½ incur an 8-year obligation, while persons enlisting in such programs after reaching the age of 18½ have a 6-year obligation. The House version of H.R. 5490 equalized the obligation of all 6-month trainees at 8 years. The Senate version reduced this obligation to 6 years and this reduction would have applied on a retroactive basis to all categories of personnel who now have an 8-year obligation.

The House amendment to the Senate amendment on H.R. 5490 contemplates deferment of a decision on whether this obligation should be 6 or 8 years until next year. Accordingly the law on this particular point would be left unchanged until the committees can give renewed consideration to whether the service obligation of 6-month trainees should be 6 or 8 years.

The bill that would result from Senate concurrence in the House amendment to the Senate amendment contains other important provisions. The features of the bill are:

First, to provide authority for the priority induction of persons who enlist in the 6-month training program after reaching the age of 18½ and who fail to participate satisfactorily. Existing authority for such priority induction is limited to those who enlist before reaching the age of 18½.

Second, to provide authority for requiring an additional 45 days of training for members of the National Guard who fail to participate satisfactorily in Reserve training. Existing authority for 45 days of additional active duty for training as an enforcement measure is limited to members of the Reserve.

Third, to provide flexibility in the terms of enlistment in the National

Guard. The law now provides that original enlistments in the guard shall be for 3 years and reenlistments for periods of 1 or 3 years. The bill proposes to provide that enlistments in the National Guard may be accepted for any specified term not less than 3 years for persons with no prior service and for any specified term not less than 1 year for persons who have had prior service. The requirement that original enlistments must be for 3 years has acted as a deterrent to enlistments of persons who have a remaining Reserve obligation of less than 3 years.

Fourth, to modify a requirement that ROTC graduates who are not needed on extended active duty must perform active duty for training for 6 months. The Department of Defense indicates that the necessary training can be given in less than 6 months and desires to substitute a variable period of 3 to 6 months in the discretion of the Secretary concerned but with the requirement that the initial period of active duty for training be of sufficient length to qualify the officer for mobilization assignment.

Fifth, to revert to a calendar year basis for computing the 15 days of annual leave with pay to which reservists who are Federal employees are entitled for the purpose of performing active duty for training. Until Public Law 86–559 was enacted, the 15 days of leave with pay were credited on a calendar year basis. The change to a fiscal year basis caused difficulties for a reservist who performed training duty in August of 1960, for example, and whose unit was ordered to training duty again in June of 1961.

Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate.

The motion was agreed to.

ANTITRUST LAWS AMENDMENTS OF 1961

Mr. McCLELLAN. Mr. President, I introduce for appropriate reference a bill to amend the antitrust laws so as to prohibit certain activities of labor organizations in restraint of trade, and for other purposes.

I ask unanimous consent that the measure lie on the desk for 1 week, or until the adjournment of this session of the 87th Congress, if that occurs earlier, so that other Senators who may desire to do so will have the opportunity to have their names entered as cosponsors of the measure.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, at this time I ask that the names of the distinguished senior Senator from Virginia [Mr. BYRD] and the distinguished senior Senator from Utah [Mr. BENNETT] be added as cosponsors of the bill, their requests having come to me since I came to the Senate Chamber today.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2573) to amend the antitrust laws to prohibit certain activities of labor organizations in restraint of trade, and for other purposes, introduced by Mr. McCLELLAN (for himself, Mr. BYRD of Virginia, and Mr. BENNETT), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Antitrust Laws Amendments of 1961".

SHERMAN ACT AMENDMENTS

SEC. 2. (a) Section 1 of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (26 Stat. 209, as amended; 15 U.S.C. 1) is amended by—

(1) inserting, immediately after the section designation "SEC. 1.", the subsection designation "(a)"; and

(2) adding at the end thereof the following new subsection:

"(b)(1) Notwithstanding any other provision of law, it shall be unlawful and contrary to the public policy of the United States for any labor organization in concert with any employer or with any other labor organization (whether or not affiliated with the same national or international labor organization), to call for, conduct, engage or participate in, any strike, action, plan of action, agreement, arrangement, or combination directed against any employer in trade or commerce who is engaged in the transportation of persons or property among the several States or with foreign nations if the effect of such strike, action, plan of action, agreement, arrangement or combination may be to restrain substantially the transportation of persons or property in trade or commerce among the several States, or with foreign nations.

"(2) Notwithstanding any other provision of law, every contract, agreement or understanding, express or implied, between any labor organization and any employer engaged in the transportation of persons or property in trade or commerce among the several States, or with foreign nations, whereby such employer undertakes to cease, or to refrain from, purchasing, using, selling, handling, transporting, or otherwise dealing in any of the products or services of any producer, processor, distributor, supplier, handler or manufacturer which are distributed in trade or commerce among the several States, or with foreign nations, or to cease doing business with any other person, shall be unlawful.

"(3) Every person who violates, attempts to violate, or combines or conspires with any other person to violate, the provisions of this subsection shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding fifty thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court."

(b) Section 3 of such Act (15 U.S.C. 3) is amended by—

(1) inserting, immediately after the section designation "SEC. 3.", the subsection designation "(a)"; and

(2) adding at the end thereof the following new subsection:

"(b)(1) Notwithstanding any other provision of law, it shall be unlawful and contrary to the public policy of the United States for any labor organization in concert with any employer or with any other labor organization (whether or not affiliated with the same national or international labor organization), to call for, conduct, or engage or participate in, any strike, action, plan of action, agreement, arrangement or combination directed against any employer who is engaged in the transportation of persons or property in trade or commerce in any territory of the United States or the District of Columbia, or between any such territory and another, or between any such territory or territories and any State or States or the District of Columbia or with foreign nations, or between the District of Columbia and any State or States or foreign nations, if the effect of such strike, action, plan of action, agreement, arrangement, or combination may be to restrain substantially the transportation of persons or property in any such trade or commerce.

"(2) Notwithstanding any other provision of law, every contract, agreement, or understanding, express or implied, between any labor organization and any employer engaged in the transportation of persons or property, whereby such employer undertakes to cease, or to refrain from, purchasing, using, selling, handling, transporting or otherwise dealing in any of the products or services of any producer, processor, distributor, supplier, handler, or manufacturer which are distributed in trade or commerce in any territory of the United States or the District of Columbia, or between any such territory and another, or between any such territory or territories and any State or States or the District of Columbia or with foreign nations, or between the District of Columbia and any State or States or foreign nations, or to cease doing business with any other person shall be unlawful.

"(3) Every person who violates, attempts to violate, or combines or conspires with any other person to violate, the provisions of this subsection shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding fifty thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court."

(c) Section 8 of such Act (15 U.S.C. 7) is amended to read as follows:

"SEC. 8. As used in this Act—

"(a) the term 'person', or 'persons', shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the territories, the laws of any State, or the laws of any foreign country.

"(b) the term 'labor organization' means any organization of any kind, or any agency or employer representation committee or plan, in which employees participate, and which exists for the purpose in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and includes any national or international labor organization or federation thereof, and any conference, general committee, joint or system board, joint council, or parent, regional, State, or local central labor body.

"(c) the term 'employee' shall include any employee and any individual employed by an employer, and shall not be limited to the employees of a particular employer, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute.

"(d) the term 'employer' includes any employer, any person acting as an agent of an employer, directly or indirectly, and any person engaged in any trade or industry as a manufacturer, producer, distributor, supplier, carrier, or handler of any article, commodity, or service, and in the case of any

corporate employer, includes all subsidiary corporations of the same parent corporation engaged in the manufacture, production, distribution, furnishing, transportation, or handling of articles, commodities, or services of the same kind.

"(e) the term 'strike' means any strike or other concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of or interference with operations by employees."

CLAYTON ACT AMENDMENTS

SEC. 3. (a) Section 6 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (38 Stat. 731; 15 U.S.C. 17), is amended to read as follows:

"SEC. 6. The labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws, except as provided by sections 1(b) and 3(b) of the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890 (26 Stat. 209, as amended; 15 U.S.C. 1, 3, as amended)", and

(b) Section 20 of such Act (29 U.S.C. 52) is amended by—

(1) striking out the word "That" in the first paragraph thereof, and inserting in lieu thereof the words "Except for the purpose of preventing a violation of sec. 1(b), or 3(b) of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890 (26 Stat. 209, as amended; 15 U.S.C. 1, 3, as amended); and

(2) following the word "And" where it first appears in the second paragraph thereof, insert the words "except for the purpose of preventing a violation of section 1(b) or 3(b) of the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890 (26 Stat. 209, as amended; 15 U.S.C. 1, 3, as amended);" and

(3) striking out the words "any law of the United States" in the second paragraph thereof, and inserting in lieu thereof the words "any other provision of the antitrust laws of the United States".

JURISDICTION OF COURTS

SEC. 4. The jurisdiction of courts sitting in equity to prevent and restrain violations of sec. 1(b) and 3(b) of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890 (26 Stat. as amended; 15 U.S.C. 1, as amended), as amended", in this Act, shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity and for other purposes, approved March 23, 1932 (U.S.C., Supp. VII, title 29, sec. 101–115)".

SCOPE OF JUDGMENTS

SEC. 5. Whenever a judgment for damages is granted against a labor organization under Sec. 4. of an act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes, 38 Stat. 731, 15 U.S.C.A. 15", collection of such judgment shall be limited to the assets owned or controlled by such labor organization; and such judgment shall not be enforceable against any individual member.

NONEXCLUSIVE REMEDIES

SEC. 6. The provisions of this Act and the remedies provided herein shall not be exclusive, but shall be in addition to any other statutory provisions and legal or statutory remedies provided for protection against the same or similar actions under any law of the United States or of any State.

SEPARABILITY

SEC. 7. If any provision of this Act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Act, or the application of such provision to any persons or circumstances other than those as to which its application is held invalid, shall not be affected thereby.

EFFECTIVE DATE

SEC. 8. The amendments made by this Act shall take effect on the first day of the fourth month beginning after the date of enactment of this Act.

Mr. McCLELLAN. Mr. President, for the information of Senators and others who may be interested, I have prepared a concise, factual analysis of the bill. I ask unanimous consent that the analysis be printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ANALYSIS

The proposed bill, to be known as the "Antitrust Laws Amendments of 1961" would amend the antitrust laws (the Sherman and Clayton Acts), to prohibit certain activities by labor unions which may have the effect of restraining trade or commerce in industries engaged in the transportation of persons or property among the several States and territories and with foreign nations.

Under existing Federal law, as construed by the courts, labor unions are, for all practical purposes, wholly immune from the prohibitions of the Federal antitrust laws. The sole exception is the rare situation in which a labor union combines or conspires with an employer to engage in conduct which the Sherman Act or the Clayton Act, as construed, now makes unlawful when engaged in by employers.

The bill amends section 1 of the Sherman Act to make it unlawful for any labor union, as defined in the bill, acting in concert with any employer, as defined in the bill, or with any other labor union, even if it is a sister local of the same national or international union, to call for or to engage or participate in any strike or any other form of conduct such as picketing, blacklisting, boycotting, placing on an unfair list, refusing to patronize, using threats, coercion or violence, if such conduct is directed against any employer (1) who is engaged in the business of transporting persons or property between two or more States or between any State and any foreign nation, and (2) if the effect of such conduct may be to restrain transportation of this type substantially, that is, where it may reduce appreciably the availability of this type of service to the public.

The bill further amends section 1 of the Sherman Act by outlawing every form of "hot cargo" agreement between a labor union and an employer engaged in the business of transporting persons or property between States or between any State and any foreign nation.

Violations, attempts to violate, or conspiracies to violate the foregoing provisions are misdemeanors punishable by a fine not exceeding $50,000, or by imprisonment not exceeding 1 year, or by both.

The bill amends section 3 of the Sherman Act by adding to that section the identical provisions described above with this sole difference—that the employers protected against the prohibited conduct are those engaged in the transportation of persons or property in any territory of the United States or in the District of Columbia, or between any territory, State, foreign nation, or the District of Columbia. This separate treatment for employers operating in the territories or the District of Columbia is identical with the separate treatment given such employers in the existing provisions of the Sherman Act.

The bill amends section 8 of the Sherman Act, which defines the term "person," by adding definitions of the terms "labor organization," "employee," "employer," and "strike."

All of these definitions, except that of the term "strike," are based, with some necessary modifications, on the definitions in the Taft-Hartley and Landrum-Griffin Acts. The term "labor organization" is defined broadly so as to include any organization in which labor unions participate for any purpose which has a concrete bearing on the relations between labor and management in the field of collective bargaining and its necessary accompaniments. Thus, it includes not only unions which directly engage in such bargaining, but also any organization to which labor unions belong or in which they participate, like a State federation, a district council, or a central labor body, which plays any role, even if indirect, in collective bargaining or in connection with strikes, boycotts, blacklists, unfair lists, or any other type of union activity designed to make the unions collective bargaining activities more effective. The approach involved here is that used in the definition in the Landrum-Griffin Act, but broadened so as to include labor organizations which the Landrum-Griffin Act fails to cover such as State or local central bodies.

The term "employee" is defined substantially as it is in both Taft-Hartley and Landrum-Griffin, to mean any employee of any employer, including employees who are on strike. The definition omits the limitations which are in the Taft-Hartley and Landrum-Griffin definitions and which are appropriate only to those statutes.

The term "employer" includes all employers in the dictionary sense of that term, any agent of an employer, any manufacturer, producer, distributor, supplier, carrier, or handler of any article, commodity, or service, and any subsidiary of a parent corporation performing the foregoing functions. It is broader than the definitions in Taft-Hartley and Landrum-Griffin because it does not include the exemptions contained in those statutes.

The term "strike" is defined to include any concerted stoppage, slowdown or interruption of work by employees.

The bill amends section 6 of the Clayton Act, which provides that labor unions shall not be held to be illegal combinations or conspiracies in restraint of trade, by adding language denying this immunity to unions which have violated the new provisions which this bill would add to the Sherman Act and which have been described above.

It also amends section 20 of the Clayton Act, which, subject to certain qualifications, limits the authority of Federal courts to issue restraining orders and injunctions in labor disputes and against certain conventional types of union activity, by removing such limitations on the judicial power in cases involving violations of the new provisions which this bill would add to the Sherman Act, as described above.

The bill also contains a provision which would remove the restrictions on the jurisdiction of Federal courts under the Norris-La Guardia Act in cases involving labor disputes, where the case brought before a Federal court involves a violation of the new provisions added to the Sherman Act by this bill and described above.

The bill specifically provides that the collection of any judgment granted against a labor union under section 4 of the Clayton Act shall be limited to the assets owned or controlled by such union, and that such judgment shall not be enforceable against any individual member of the union.

And finally, there is a provision in the bill which prevents the Federal Government from preempting this field of law by providing specifically that the bill's provisions and remedies shall not be exclusive, but shall be in addition to any other provisions and remedies in the same area which are available under any other Federal law or under any State law.

Mr. McCLELLAN. Mr. President, an examination of the foregoing analysis will clearly show, this proposed legislation would apply the antitrust laws in a limited way to certain activities of labor unions which represent or attempt to represent employees in the transportation industries. It would amend sections 1 and 3 of the Sherman Antitrust Act and would also make appropriate amendments to the Clayton and Norris-LaGuardia Acts to restore the authority of the Federal courts to protect the public by restraining violations.

It will be noted, Mr. President, that the effects of this proposed law would be limited strictly to the transportation industries. I have restricted its application and effects to unions in the transportation industries purposely and with the intent to deal with a problem that is immediate, the danger and menace of which is increasing, and the dire consequences of which must not be permitted to occur.

Every strike in the transportation industry, even the most insignificant one, has some undesirable side effects; every such strike burdens or injures someone who is not a party to the dispute. Of course, the more nearly the effects of a strike—of any strike—can be confined to the participants only, the less harm and injury results to others who are not involved and the less concern such strike may be of public law.

A shutdown of any major part of transportation, however, even in one community, can immediately become a public disaster. The very life today of a metropolitan community depends upon its day-to-day external and internal transportation systems. Whoever has the power to control or stop the operation of those transportation systems, or any major part of them, has in his grasp the power of economic life or death over the community. The exercise and use of such lethal power, as we all know, may be inspired by the personal vanity, greed, exhibitionism, caprice, or whim of the person possessing it, or for some undefined, unannounced, and ulterior purpose wholly inconsistent with the national interest and the public welfare.

When fallible human beings are permitted to possess such an exorbitant power, the economic life of a community and the well-being and happiness of its people may well hang upon such frailties of human nature, unless we, the Members of Congress, whose duty it is to do so, act to invoke the restraining hand of law to protect it. It is that protection for our society and economy and the collective rights of our citizens that I am seeking to provide by the amendments which I am proposing in this bill to amend our existing antitrust laws.

The stoppage of any one of the major forms of transportation alone can menace the economic life of a community, of an area, or even of the entire Nation. One may ask: Does any such tremendous unrestrained power now exist in the transportation labor unions and the leaders thereof? It does. And, one may also ask: Is there any threat or danger of such power being used and abused? There is.

There is an active and persistent threat, already publicly announced. Men in control of international unions which dominate several forms of transportation are scheming and striving to achieve a combination, a federation, or an overall understanding and working arrangement for mutual help, whereby unions in these key industries would cooperate, lend mutual assistance and support to each other in labor disputes, and act in concert in applying power pressure to impose their will and to attain their objectives.

Thus, by combining competing or supplementary forms of transportation, or all forms of transportation, under the heavy hand of a single union czar, or even under the hands of a few men, the public more quickly could be brought to a state of helpless desperation in any matter or issue involving an interest of or controversy with these unions. The resulting situation could easily become so intolerable and unendurable that there would be no alternative to the employer and the public except abject surrender and submission to the exorbitant and oppressive demands that an arbitrary and dictatorial union leadership might impose.

In those situations, the public becomes the principal victim of such combinations and power plays. The pressures upon the individual employer are not necessarily increased by such tactics; the individual employer becomes only the nominal target and party at interest. The lethal pressure of this sort of combination in restraint of trade is directed mainly to a prime target, the public; and, through the public, to a secondary target, the Government itself.

When a community or an area or the entire Nation is deprived of access to the necessities of life by a stoppage of transportation, in desperation it turns to the one force—to the one source—which it believes has the authority to act effectively in its behalf—to the Federal Government. Yet, we have witnessed in the past certain governmental unwillingness, if not impotence, to exercise the necessary authority and to take appropriate action to deal adequately with the problem.

Such tremendous unrestrained power to stop the wheels of transportation and produce such a crisis should not be possessed by any man, by any union, or by any group of men. No business or owner thereof is entrusted with such power; and no labor union or leader thereof should be.

A stoppage of public transportation by order of the owner or business management, resulting in a restraint of trade that deprives the public of the necessities of life, would bring prompt action to punish and prevent repetition. The same action by order of the owner or management of a labor union, producing the same result, should also be subject to restraint and quick relief. Justice and equity dictate that the real test should be not merely "who committed the offense?" but rather "does the offense, irrespective of its source, result in public injury?" The inconvenience, loss, suffering, and injury to the public can be just as severe and great, whether the stoppage is caused by the action of management or labor, or both. And the remedy provided by law in each instance should be fully adequate for the protection of the public.

The International Brotherhood of Teamsters, the largest union in the transportation field, is powerful enough by itself to put a strangle hold on our Nation's economy by the calling of a nationwide strike.

It is true that Mr. Hoffa stated in his "Meet the Press" interview on July 9, 1961, that while he could as head of that union call a nationwide strike of the teamsters, he does not intend to do it—he would not do it. It is very nice to have that reassurance; but I would rather have, and I believe the American people would rather have, some law to rely upon for protection, rather than the mere word of the head of the Teamsters' Union. This is a direct admission by him that the power is present, that it is reposed in him, and that he can use it if and when he will. That compelling power—power to compel obedience to his will—should not be entrusted to Mr. Hoffa or permitted to remain in his possession, or in the possession of any other man.

During the past 3 years, Mr. Hoffa has vigorously promoted a pact of transportation unions. He has quite openly been lining up a master contract for his truckdrivers with a common expiration date—making it possible and tremendously easy to call a countrywide strike to intimidate and coerce the trucking industry and the public into capitulation, forcing them to yield to his arbitrary and excessive demands.

I think it should be observed, and it is quite significant, that Mr. Hoffa has in recent years been enthusiastically wooing Harry Bridges, the Red-sympathizing boss of the Longshoremen's and Warehousemen's Union on the west coast. As early as December 17, 1958, the Internal Security Subcommittee of the Senate published a study entitled "The Alliance of Certain Racketeer and Communist-Dominated Unions in the Field of Transportation as a Threat to

National Security." This study clearly pointed out the danger to the country from an alliance between Harry Bridges and Jimmy Hoffa and the unions respectively controlled by them.

Many of those who have made a study of communism and who know the records of both Bridges and Hoffa appear to feel that Jimmy Hoffa is no match for Bridges and are apprehensive that the Hoffa-Bridges association will open opportunity for Communist infiltration of the Teamsters—with the strong probability that Bridges ultimately will dominate both unions.

Harry Bridges, as we all know, is reputed to be one of the top Communists in the United States, and one of the most important from the standpoint of the interest of the U.S.S.R. Mr. Bridges is not so coy as Mr. Hoffa regarding a nationwide paralyzing strike in the transportation industry.

According to the April 10, 1961, issue of the Los Angeles Mirror, Mr. Bridges is quoted in his interview with reporter Dan Swinton as saying that any Government attack on him and Mr. Hoffa would mean a paralyzing strike on the Nation's land and sea transportation system.

He further said:

> We have the power. We can tie up the country from coast to coast. * * * The President of the United States, in a campaign speech, said he would get me. Me and Hoffa. Let them try it.

Who will say there is no danger? Is this not a threat? Does it not menace the security and well being of our country?

There can be no doubt about a growing alliance between Hoffa and Bridges. According to the June 19, 1961, issue of the New York Times, these two international unions had formed a regional pact in northern California. The Teamsters, I understand, also have a mutual assistance pact with the Red dominated Mine, Mill & Smelter Workers Union which quite some time ago was kicked out of the CIO because it was Communist controlled.

In a speech at Atlantic City on July 7, 1960, to the Over-the-Road and General Hauling Trade Division of the Eastern Conference of Teamsters, Mr. Hoffa said:

> When I came to this office, I recognized the futility of trying to fight and pit one union against the other and I traveled to the west coast to sit down with Harry Bridges and his organization.

In an article in the Los Angeles Mirror April 11, 1961, issue by Dan Swinton, Mr. Hoffa was quoted as saying in a long distance telephone address to a joint Teamsters-Longshoremen's meeting in Oakland, Calif., last December:

> I have dreamed of a night like this for a long time—the Longshoremen, Warehousemen, and Teamsters under one roof with international officers talking from the same platform. We used to fight like hell. Now we are holding hands. I hope the brotherly love keeps up for a long time.

Bridges reciprocated and personally appeared at the Miami conference of the International Brotherhood of Teamsters, where—according to the Communist paper the Worker of July 16, 1961—he got a tremendous ovation from the Teamsters as he reached a new high in rabble-rousing with the shout:

> To hell with the Kennedy-Landrum-Griffin law.

This same Worker article quoted Bridges as having told the Teamsters:

> [Jimmy and I] have a number of things in common. Among them the many efforts the Government has made to jail us—but without success.

The National Guardian of July 17, 1961, on page 4, reported on the "economic fruits of unity" as being "verified" with a consummation of a joint effort of Bridges and Hoffa.

Today, these two men, if not Mr. Hoffa alone—and I think he has—have the greatest unrestrained and the most potential economic power in the United States. It is distressing to think of what he or they can and may do with it. But even more frightening and unthinkable would be the realization of Hoffa's ambition to create a so-called conference on transportation unity which would involve a mutual aid arrangement between all or most of the approximately 50 transportation unions in this country with more than 3 million members who are engaged in maintaining and operating facilities for the transportation of goods and people on land, on sea, and in the air.

I propose with this legislation to curb those powers and insure that the supremacy of Government shall not be thus challenged.

I digress to say, Mr. President, that the Government of the United States at this moment, under the Constitution, does not have the power to legally close down the transportation facilities of this country. Both Hoffa and Bridges acknowledge they have such power. Where did they get it? How are they going to keep it? Are they going to keep it? A promise by one of them that they will not use it is not adequate when the other one boasts that they have the power and can use it.

Where is the responsibility for the continuation of the threat and the menace of which I speak? It is right here in the Congress of the United States. Do we have the vision, the understanding, the wisdom, and the courage to deal with it effectively? I hope we have. On them may well depend the welfare and safety of this country in the critical period immediately ahead of us. Nobody knows yet just how great is the crisis confronting us. Nobody knows what perils tomorrow may bring. If we are told they will not strike in time of war, I answer that the record refutes it. They will if they think they can use the power and pressure they have to enforce and compel obedience to their will. I did not think they would strike at our defense and missile plants when we were in a race with a deadly enemy. I did not think they would strike on frivolous issues. But they have, and they did, and we are further behind Russia today because of those strikes at our missile sites.

Whose fault is that? In the final judgment the fault lies with the Congress of the United States, which has the power and the constitutional duty to enact laws which are fair and right for labor and management as well. Our laws in this area of enterprise should protect the public interest and be designed to preserve the public welfare.

I propose this legislation to curb the excessive powers now reposed in these unions and their leaders. I propose that we maintain and defend the supremacy of Government over the power and authority of any union or any leader thereof.

We should no longer by neglect or indifference fail to pass laws to protect our economy and our society against actions in restraint of trade that do violence to the principles of right and justice as well as insufferable injury to the public welfare.

In conclusion, I make no contention that the bill I am introducing today will in its present form reach and treat every situation that may cause substantial restraints of trade in the transportation field and that may be of sufficient importance to warrant legislative attention and relief. It is hardly possible for a single statute to be effective against every evasive practice which later may be devised and attempted in order to nullify its purpose and effect.

I expect this measure to meet with stubborn opposition.

I am not unmindful of the political risks one takes when he insists that we should have a rule of law and not a rule of economic force in those areas involving the national security and welfare. We need a rule of law to diminish the area of labor disputes in our transportation industries and to protect the public.

I know what I am doing is not popular politically, but I am persuaded that what I seek to do will make the Government more secure. It will prevent paralyzing strikes which could occur, and which I predict some day will occur, if this union of these interests continues to grow, to season and strengthen. Their word—a promise that they will not use this power to bring about a paralyzing strike in transportation—is of doubtful validity at best, and it simply is not enough to give us that assurance upon which we can rely. We should have the law say "they shall not do it."

I call on my colleagues to join in this effort. Let us pass a law which is right and fair and just, which will protect our country, our economy, and our society.

There are ways to obtain proper wages and working conditions. The President recently appointed a commission. It has no sanction of law. However, there might well have been passed a statute to create such a commission, invested with the same powers the President has conferred upon it by Executive order, to settle the problems, rather than to let the public be made the victim of the whim, caprice, unreasonableness, and arbitrariness of some labor leaders who have the power that we have let them

have and now hesitate to take away from them, for various reasons, I suppose.

The bill I have introduced today ought to be examined critically. I know it is not perfect.

No one wants to do an injustice to organized labor or to the working people of this country. If I thought this bill would have that overall effect, I would not introduce it. On study and careful consideration, it may well be found that changes and revisions are needed in the language it now contains. It may need some modifications. On the other hand, thorough consideration may well indicate that it needs strengthening.

Anyway, this bill marks an important step in applying the principle of antitrust laws to restrain the use of excessive union power under certain circumstances in an indispensable industry. The amendments I have proposed in this measure at least provide a starting point for study of this grave problem. I hope that public hearings on this measure will be held early in the next session of the Congress and that all interests will be given an opportunity to be heard. I shall so request. I invite all of my colleagues who will do so to cosponsor this measure with me and join me in urging its enactment.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield.

Mr. COOPER. I do not address myself to the bill which the Senator has introduced, which I have not read, but I wish to say that the Senator has laid before the Senate a challenge which it ought to meet in its deliberations next year.

I served for 5 years on the Committee on Labor and Public Welfare, a controversial committee, and one on which it is difficult to get Senators to serve. I believe that Members of the Congress believe that true collective bargaining ought to be protected, encouraged, and strengthened.

The Senator has brought to our attention circumstances which have been developing in the last few years, and which lead us to inquire whether true collective bargaining is practiced always and whether the national interest is protected.

First, the Senator brought to our attention several months ago, following the work of his committee's investigations, the great abuses of the principle of collective bargaining taking place at our missile and defense bases. The Congress ought to face up to this situation, which is a threat to our national security. I do not think we can always leave action to the President or to the executive branch. The Congress should legislate to protect its Defense Establishment against the abuses of collective bargaining, against unwarranted strikes.

Mr. McCLELLAN. I plan to introduce—I hope I can do so this week—a bill to deal with the problem of strikes in our defense installations. It is a difficult bill to draft. So was the bill I have today introduced.

No one wishes to do anything to hurt the men. No one wishes to deprive the workingmen of their proper rights. However, we would like to do something to keep the men from being used by their leaders, or misled into striking for frivolous reasons and to shut down the work on our defense plants.

Mr. COOPER. It seems to me the criteria could be spelled out, by the Congress relating immediately and directly to unwarranted or continued strikes at defense plants which affect the security of this Nation, and procedures could be established to protect the national interest. Some of the strikes at the missile plants were actually strikes against the United States.

Mr. McCLELLAN. What the Senator has stated is all that I am asking in the bill, I believe.

Mr. COOPER. I believe that legislation could be spelled out relative to strikes at defense plants vitally connected with national security without violating the principles of true collective bargaining.

Second, it has become more apparent, I believe, in the past few years that the provisions of the Taft-Hartley Act which relate to strikes which affect national security and health are not wholly adequate. I believe the Congress ought to go into this issue again next year to see if these provisions could be made more adequate. Such action would not be with the purpose of restricting true collective bargaining, but to meet the issue that when collective bargaining has failed, there ought to be more effective procedures to protect the security of the country and the public welfare and interest. Surely industry and labor cannot object to protecting the country.

As I said, I do not address myself to the bill introduced by the Senator, but he has raised the issue which should be considered by Congress.

Mr. McCLELLAN. I thank the distinguished Senator. I hope—as I am sure they will—that all members of the Committee on the Judiciary will give careful study to the measure. As I pointed out, it is not perfect. It may need modifications.

I would not press the bill, or any provision in it, if I thought it would do real violence to proper collective bargaining.

I do not believe I mentioned in my prepared remarks that legitimate labor, including the AFL–CIO and its leadership, which expelled Mr. Hoffa's union from the house of labor, had better take warning. The power that is reposed in this union and this combination of unions is such that it can, and in my judgment probably will, unless restraints are applied, swallow up what we know today as the AFL–CIO. There is no limit to the ambition, the purpose, or the restriction against the aims of what is in the making in this scheme. We should face it. Congress needs to face the issue early next year. I am not sure that time will not be too late.

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed in the RECORD, after the Senator from Arkansas has introduced his bill to make transportation unions subject to the antitrust laws, the testimony which I gave in February 1950, before a subcommittee of the Committee on the Judiciary on S. 2912, a bill I had introduced to make all unions subject to the antitrust laws, including all the exhibits which I presented to that subcommittee; and also a statement made before the subcommittee in behalf of my bill by Mr. Edward H. Miller, formerly of St. Louis, Mo., who was a Phi Beta Kappa honor graduate of Washington & Lee University; an honor graduate of Harvard Law School, and, in my opinion, the ablest lawyer who has served in the Antitrust Division of the Attorney General's Office since I have been a Member of Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. A. WILLIS ROBERTSON, A U.S. SENATOR FROM THE STATE OF VIRGINIA

Senator ROBERTSON. Mr. Chairman and gentlemen of the committee, it is the boast of our Anglo-Saxon system of legal jurisprudence, as you distinguished lawyers well know, that there is no wrong without a remedy; and yet we face a situation in which many segments of our national industry are being grievously hurt and in which all consumers of coal are being hurt, with apparently no adequate remedy. A partial remedy is now being sought in the courts under the injunctive processes of the Taft-Hartley Act. We are waiting with interest to see whether or not that is even a partial and temporary remedy. Certainly it can be no more, at best, than a temporary remedy. So I appreciate this opportunity to discuss with you my bill, S. 2912, which is intended to protect trade and commerce against unreasonable restraint by labor organizations.

This bill was written following hearings which I conducted on behalf of the Banking and Currency Committee. The committee report, following these hearings, concluded that "the order of the United Mine Workers imposing a 3-day workweek is the very antithesis of collective bargaining. If this usurpation and abuse of the power to control production and price is tolerated by the Congress, its unbridled use will quickly spread from union to union, from industry to industry, and the Congress will never regain its own narrowly circumscribed power to control the economy of the Nation consistently with the Constitution of the United States."

My bill was predicated upon these findings in the belief that labor leaders and labor unions have the power, and will continue to have the power until Congress acts, to unreasonably restrain trade to any extent their whims dictate, including control of production and prices by unlawful means as well as lawful means.

At this point I would like to offer for the files of your committee, the printed hearings upon the economic power of labor organizations which were held by the Senate Banking and Currency Committee from July 25 to August 26, 1949.

Senator DONNELL. May I inquire, Mr. Chairman, whether a copy of those hearings will be available separately to each member of the subcommittee?

Senator EASTLAND. They will be.

I would like to place in the record a copy of a report by the Library of Congress containing a brief history of antitrust legislation in this country.

(The report referred to is as follows:)

THE LIBRARY OF CONGRESS,
Washington, D.C., February 17, 1950.

Mr. MAURICE W. COVERT,
Counsel, Senate Judiciary Committee, Room 424, Senate Office Building, Washington, D.C.

DEAR MR. COVERT: I am attaching a corrected copy of a report on the antitrust laws and union activity. This was originally prepared at the request of Congressman Win-

gate H. Lucas, of Texas. Although the report was practically completed by the time Senator ROBERTSON introduced the bill which is presently the subject of hearings by the Senate Judiciary Committee, mention was made of the bill without any attempt at analysis.

In accordance with the policy of the Legislative Reference Service, the report is an analysis of the problems involved and makes no recommendations for or against specific legislation.

Sincerely yours,

GUSTAV PECK,
Senior Specialist in Labor.

"ANTITRUST LAWS, COMPETITION, UNIONS, AND UNION ACTIVITY—THE APPLICATION OF ANTITRUST LAWS TO LABOR PRACTICES HARMFUL TO MARKET COMPETITION

"(Prepared at the request of Congressman Wingate H. Lucas by Gustav Peck, senior specialist in labor, assisted by Charles D. Matthews, January 27, 1950)

"Combinations which tend to limit the scope or intensity of competition in business are discouraged or prevented by the application of the antitrust laws. The intention of the antitrust laws is that competition should prevail in all business transactions and that monopoly or attempts to achieve monopoly should be prohibited. After a checkered history of the application of the antitrust laws to unions and union activity, the Supreme Court has finally ruled that restraints of the antitrust laws apply as a general proposition only with respect to combinations of businessmen and to such of their practices as tend to limit competition and create monopolies. However, the antitrust laws do apply to unions and union activity when such activity is carried on in association with employers to limit competition or to tend to create a monopoly. In the Allen Bradley case the Supreme Court ruled that the union could not have been restrained under the antitrust laws if it had achieved the same monopolistic results but had acted without the cooperation of employers.

"BRIEF HISTORY OF APPLICATION OF ANTITRUST LAWS TO UNIONS AND UNION ACTIVITY

"The immunity of unions under the antitrust laws has not always been as extensive as it is today. This immunity developed partly out of specific legislation exempting unions and some of their activities from the application of the antitrust laws, partly from changing judicial interpretations, and partly from the evolution of labor policy in other legislation designed to encourage the growth of combinations of workers and exempting practices of unions from the restraints upon combinations and monopolistic practices imposed upon business.

"Analysts of these phenomena mark out an early period long before the existence of the antitrust laws when the organization of workers into unions for purposes of mutual aid and bargaining with employers was illegal. Concerted action by a union of workers was considered a conspiracy against the public interest. Workers were indicted and held guilty under the conspiracy laws for combining to raise their wages. Combinations of workers or, as we would say today, the forming of a union and making demands for the workers as a unit had been illegal for centuries under British law and this was carried over into American law. In other words, it may be said that during the period of industrial history extending until approximately the third quarter of the 19th century, society, as expressed through the legislature and the courts, was hostile to the development of combinations or unions among workers.

"In the meanwhile small unions of journeymen continued to develop in the United States and to endeavor by united action to improve their position with respect to their employers. Distinctions began to be made in cases before the courts between lawful and unlawful acts of unions—a recognition that unions might act lawfully. While some union activities were restrained, others were not. In the United States, particularly after the decision in *Commonwealth* v. *Hunt* (Mass.) in 1842, the legality of unions as such was recognized. However, in the subsequent period the problem remained that of determining which actions of unions were legal and which illegal.

"It was in this second phase of public reaction to unions—the one frequently characterized as that of toleration rather than hostility—that the controversy as to whether unions should be subject to the antitrust laws developed. The antitrust laws grew out of fear of the consequences of the growth of trusts and business combinations and the power such combinations exercised over other business and consumers. There has been a historic controversy as to whether contracts in restraint of trade made illegal by the Sherman Antitrust Act of 1890 included or were intended to include the activities of trade unions. This controversy has been more or less effectively determined by successive legislative acts and by Supreme Court decisions regarding congressional intent and the full meaning of the antitrust laws.

"When the Sherman Antitrust Act was under discussion, specific question was raised in the Senate Judiciary Committee considering the bill and also on the floor of the Senate as to whether the activities of trade unions might be considered as in restraint of trade. The act as passed said nothing specific about trade unions. Thus, after the act became effective the controversy continued as to whether union activity could be restrained under it. In case after case the courts were confronted with problems of apparent restraints on trade in which unions were involved. The Supreme Court finally had to act on such a case, the famous Danbury Hatters case. The court ruled that the secondary boycott instituted by the United Hatters of America against Loewe & Co. was 'a combination in restraint of trade and commerce among the several States, in the sense in which those words are used in the [Sherman] act.' Thus we arrived at the position that, while unions as such were legal—at least the act of organizing into a union was no longer regarded as a conspiracy against the public—their activities could be restrained by the provisions in the Sherman Antitrust Act. In this case a peaceful boycott was declared illegal and damages imposed because the boycott interfered with interstate transactions.

"With the growth of corporations, larger business units, and trusts, there developed not only an increasing fear that business combination and monopoly would take the place of competition among many smaller units, but also a more favorable reaction to the arguments of labor spokesmen that labor was not a commodity and should not be subject to the laws enacted relative to monopolies in production and commerce and to the conduct of competitive business. If the final version of the Sherman Antitrust Act did not succeed in making this distinction prevail, the Clayton Act, passed in 1914, attempted to do so more emphatically.

"This act, while it deals with restraints of trade and monopolies like the Sherman Act, also tried to spell out the applicability of the restraining measures to unions and union activity. It avers that nothing in the antitrust laws shall be construed to forbid the existence or operation of labor organizations and that labor organizations shall not be construed to be illegal combinations or conspiracies in restraint of trade. There are a number of other provisions in the Clayton Act regarding the protection of unions and limitations on the issue of injunctions in labor disputes.

"The passage of the Clayton Act was enthusiastically received by the spokesmen for organized labor and they thought that now at last they were freed from the restraints of the Sherman Act. However, the courts interpreted the act in actual cases before them in such a way as to restore the uncertainty as to whether some of the activities of labor organizations, if not labor organizations as such, were still subject to the antitrust laws. In *Duplex Co.* v. *Deering* (1921) the Supreme Court restrained the Machinists Union from engaging in a secondary boycott. 'By no fair or permissible construction,' said the Supreme Court, 'can it (the Clayton Act) be taken as authorizing an activity otherwise unlawful, or enabling a normally lawful organization to become a cloak for an illegal combination in restraint of trade as defined by the antitrust laws.' In a number of other cases criminal prosecutions and actions for damages were sustained even though the cause of the action were ordinary objectives of unions in a labor dispute. Labor-union activity which obstructed interstate commerce continued to be subject to the antitrust laws.

"In subsequent years suits continued to be brought against union activities both under the Sherman Act and the Clayton Act. In *Apex Hosiery Co.* v. *Leader* (1940) the Supreme Court held that union activity which does damage to a plant or a business or interrupts interstate commerce is not therefore a conspiracy in restraint of trade or commerce within the meaning of the Sherman Act. This left out of the sphere of antitrust law action all those union activities which were designed to cope with an employer in a labor dispute and might be hurtful to such an employer but which had only incidental effects on the market and prices. This case made clearer than ever that the antitrust laws were to apply to attempts to restrict production or control the market to the detriment of purchasers and consumers of goods and services rather than to union activity. it left serious doubt whether any of the normal activities of labor unions in their own interest were subject to the antitrust laws. The opinion of the Supreme Court in *United States* v. *Hutcheson* (1941) reinforced this conclusion. The immunity was made wellnigh airtight in *Hunt* v. *Crumboch* (1945), in which the Court held that a union's action's in refusing to admit to membership employees of a nonunion employer, while at the same time refusing to permit union employees to work for this employer, did not violate the antitrust laws though these actions destroyed the business.

"In 1932 Congress had passed the Norris-La Guardia Act, which is generally regarded as an act dealing with the issue of injunctions in labor disputes. However, one other provision of the Norris-La Guardia Act is an important landmark in the removal of union activity from the restraints of the antitrust laws. This was the broadening of the definition of a labor dispute to include issues not only between an employer and his employees, but also between a union or group of employees and an employer, or between several unions and one or more employers or employers' associations. The persons involved, therefore, need not stand in the relation of employer and employee. One who is engaged in the same industry, trade, craft, or occupation in which the dispute occurs may be considered a participant. One who has a direct or indirect interest in the dispute may be considered a participant. A member, officer, or agent of a union or an employers' association, engaged in the same industry, trade, craft, or occupation in which the dispute occurs may be a participant. The union or association may be composed either in whole or in part of persons engaged in the industry, trade, craft, or occupation.

"This broadened definition of a labor dispute not only greatly widens the range of

activity of unions by making it possible for unions or their officers to engage in disputes with employers who may not even employ any members of the union or may be hundreds or thousands of miles away from the locale of a union which regards its interests as affected, but also, because in this and in other laws, actions performed in the course of a labor dispute are frequently exempted or given special treatment under the terms of such laws. Broadening the definition of a labor dispute broadens the exemption or area of special treatment for all matters which come up or are tied to a labor dispute.

"In the Hutcheson case this broadened definition of a labor dispute played an important part. The Court ruled that the facts charged were within the free scope accorded workers by the Clayton Act, 'unless the defendants cannot invoke that act because outsiders to the immediate dispute also share in the conduct.' The Court then went on to say: 'Congress in the Norris-La Guardia Act has expressed the public policy of the United States and defined its conception of a "labor dispute" in terms that no longer leave room for doubt.' This broadening of the immunity of union activity was made possible by the definition of a labor dispute in the Norris-La Guardia Act. No longer did it make any difference if outsiders to the immediate dispute also shared in the strike and boycott.

"In *Allen Bradley Co. v. Local Union No. 3* (1945), the immunity of unions and union activity from the operation of the antitrust laws was limited when the Supreme Court ruled that unions cannot with impunity aid and abet businessmen who are violating the antitrust laws and that business activities in restraint of trade cannot hide under the immunity of unions, while at the same time the Court acknowledged that, if the union had been able to achieve the same monopolistic results without the cooperation of employers, it could not have been restrained under the antitrust laws. The peaceful activities of unions pursued in their own interest in a labor dispute were not to be regarded as coming within the restraints of the antitrust laws, even though it could be shown that an obstruction to interstate commerce has resulted.

"Other cases in the Supreme Court and in the lower courts have since followed the rulings in the Apex, Hutcheson, Crumboch, and Allen Bradley cases. As this is not a legal brief, no attempt has been made to cite all the cases. The object is to point out the steps by which the original doubt as to whether unions and union activity were subject to the antitrust laws have been resolved in favor of union immunity from these laws.

"GOVERNMENT POLICY WITH REFERENCE TO COMBINATIONS OF EMPLOYEES

"While combinations of business which tended to restrain competition and to achieve monopoly were made illegal under the antitrust laws, combinations of workers for mutual aid and protection came to be encouraged as a national policy. We have reviewed the earlier history when unions were first regarded as conspiracies against the public and then legalized as organizations which had as their purpose the benefits of employees rather than harm to third parties or to the public.

"There are students of the antitrust laws who hold the position that Congress never intended labor organizations to be subject to this legislation. Whatever the conclusions might be regarding congressional intent in the Sherman Antitrust Act of 1890, it is clear that in the Clayton Act of 1914 and in the Norris-La Guardia Act of 1932, Congress did intend to give labor organizations some sort of immunity from the antitrust laws. We have traced through a few of the leading cases to show how the Supreme Court finally arrived at this conclusion.

"Beginning with the Norris-La Guardia Act and continuing through the National Industrial Recovery Act of 1933 and the Wagner Act of 1935, successive Congresses clearly developed the policy not merely of tolerating unions but of protecting the conditions of their development and encouraging their growth. The Norris-La Guardia Act emphasized the public importance under modern economic conditions of protecting the right of employees to organize into unions and to engage in concerted activities for the purpose of collective bargaining and other mutual aid and protection. Now unions are combinations of workers which attempt to have within their membership all employees of the same class, craft, or industry, depending upon the particular way in which they are organized.

"Having foreshadowed the public policy of protecting unions, widened the concept of industrial disputes, and greatly relieved unions from the injunctive process in the Norris-La Guardia Act, the Government embarked on a program in 1933 in the NIRA which, under section 7(a), established the right of workers to organize and to bargain collectively with their employers. When this right was challenged or when question about its application arose, the Government sent agents into the field to try to effectuate the national policy. The first National Labor Relations Board was established under the NIRA, with Senator Wagner himself as Chairman, and this Board tried to give meaning and content to the right to organize and to the right of workers to select unions of their own choosing embodied in the NIRA.

"The National Labor Relations Act, which was passed in 1935, avowedly adopted this same principle of protecting the right to organize and to combine into unions. No serious question seems to have been raised in responsible legislative councils that some labor combinations might tend to lessen competition or create monopoly. Unions were very weak at the time, with hardly more than 3 million members in the whole Nation at the time of the passage of the Norris-La Guardia Act, and these were concentrated in a few industries like mining, railroads, newspaper printing, and the apparel trades. At that time there was practically no effective union organization in such basic manufacturing industries as steel, chemicals, automobiles, rubber, and electrical products or in the utilities or services.

"The foundation of the NLRA, as indicated in its preamble, is that employers are strong—strong enough to dictate the terms of employment—and that individual workers are weak and helpless in dealing with these aggregations of capital which are our representative corporations. Employers have fought unions in the past and had in a measure been protected in their opposition by older legal concepts. All this was now to be changed. Employers were told that they must cease and desist from engaging in specific practices which would hinder workers who desired to combine into unions and also that they must bargain with such union as the workers selected to represent them.

"After a period of operation, the Wagner Act came to be regarded as one-sided by many critics, in that it placed obligations on the employer to do certain things and to refrain from doing other things, while it placed no obligations on the unions with respect to collective bargaining. Collective bargaining was not defined under the Wagner Act. Thus, later on employers charged that, when unions were strong enough, some of them refused to bargain or tried to dictate terms to the employers. At the other extreme, all sorts of subjects later were brought to the bargaining table which never had been regarded as matters for collective bargaining at the time of the passage of the Wagner Act.

"However, the historical record is clear that the Congress purposely and intentionally made the NLRA one sided. It did so because of the prevailing opinion that, despite the existence of the antitrust laws for some 40-odd years, business had grown big and powerful and that individual workers were not able to bargain effectively regarding the terms and conditions of employment. The purpose of the Wagner Act was to carry out the promise of section 7(a) of the NLRA: to protect the right to organize; to penalize employers who interferred with such right; and to encourage the growth of trade unions or combinations of workers for mutual aid and protection.

"Experience with the Wagner Act created problems which had not been anticipated when the act was first passed. Some of the individual States, having passed little Wagner Acts, soon began to modify these acts to place obligations upon unions and to develop other procedures and controls on the course of collective bargaining. The Congress seriously considered, and the House of Representatives passed, a radical revision of the Wagner Act in 1941; but, after the attack on Pearl Harbor, efforts at such modifications were dropped until the conclusion of the war. Numerous bills were introduced after the war, and in the debates in Congress these finally eventuated in a new law—the Taft-Hartley Act—which is an elaborate amendment to the Wagner Act and contains many new provisions which have the effect of placing obligations on labor organizations and greatly influencing the practices of collective bargaining.

"However, the Taft-Hartley Act, like the Wagner Act, continues the national policy of encouraging combinations of employees into unions. It attempts to eliminate coercion with respect to such organization and its severest critics allege that it has the effect of reverting to a large degree to individual bargaining. But this view is rather extreme; it is made by those who, having become accustomed to the relative freedom of activity of unions, revolted against the limitations on union activities which are embodied in the Taft-Hartley Act. It is true that under the Taft-Hartley Act unions may not now engage in certain practices. The act also makes certain strikes illegal. But the fundamental proposition in the Taft-Hartley Act remains that of creating conditions under which it is made possible by legal means for workers to organize into unions and to select representatives of their own choosing.

"QUESTIONS RAISED BY THE GROWTH OF UNION POWER

"There is no doubt that the positive provisions in the National Labor Relations Act have protected the right of workers to organize free of the opposition or interference of employers and that it has resulted in a sharp increase in union activity and union power. The increase in union membership is most striking. From a low point of approximately 3 million members in 1932, union membership has increased to approximately 16 million members today. Moreover, this is not a membership dispersed over many plants without real power in the shops. It represents the consummation of some 50,000 or more contracts with employers in all the industries of the country. There are no longer any industries of importance that do not recognize and deal with their workers as combinations of employees represented by a union.

"The increase in union membership and union contracts has been accompanied by a steady increase in the subjects concerning which collective bargaining is conducted. At first such bargaining was necessarily on a

local basis; but, as unions increased in power and influence, the national organization and even the federations played increasingly important roles in the bargaining process. There has been a steady growth of national and industrywide bargaining in one form or another. In such bargaining, union representatives have used whatever devices were at hand and practically all of them were legal. Some devices proved more effective than others. Even the simplest and most generally approved device, that of refraining from work under conditions not acceptable to the workers, takes on entirely different aspects and consequences when indulged in by a union of 50,000 or 100,000 or several hundred thousand workers in an industry where the union controls all the employees of such an industry. Strikes originally were called against individual companies as a means of forcing them through competitive pressure to accede to union conditions. Throughout most of the history of unions there was generally a nonunion sector in all industries and this tended to preserve competitive conditions and to make the union shop competitive as well. Even the powerful United Mine Workers, whose history as an effective union of workers goes back to the 19th century, had to contend with important nonunion mines right up to the period of the NRA and the National Labor Relations Board. When a mine or an area or a district was struck, the rest of the industry located in different States in the Nation continued to operate. The same was true in the apparel industry or in various machine shops and foundries where a certain amount of union organization was to be found.

"With the centralization of union activity and the growth of regional, national, and industrywide bargaining, the power to withhold the labor supply of the entire industry and effectively to prevent others from working was seen as the power to determine when and on what terms such industries were to operate. In recent years at different times, although somewhat overlapping, the coalmining industry, the steel industry, the automobile industry, and the electrical manufacturing industry were effectively shut down and for weeks or months no member of the industry under the control of the union in that industry engaged in production at all.

"It is this power to determine when and on what terms whole industries shall operate which is now pointed to when critics speak of 'labor monopoly.' The term 'labor monopoly' does, however, have a more generalized meaning. In earlier discussions, 'labor monopoly' meant the closed shop, while the 'open shop,' now regarded as the nonunion shop, implied that union and nonunion workers might be employed side by side. Successful unions are or try to be monopolies in this sense because they have as their aim inclusion within their membership of all the workers employed in the craft, trade, or industry. The condition when unions bargained only for their members while there were large numbers of nonunion members in the plant was short-lived in American history.

"The closed shop as such as now illegal under the Taft-Hartley Act, but the union shop is legal if favored in an election by a majority of those eligible to vote. The union shop means that only members of the union may be employed in the occupation or industry after a probationary period and that the employer must discharge a worker who refuses to pay union dues. While regarded as less monopolistic than the closed shop, since it leaves with the employer rather than the union power to enlarge and select his employees, the union nonetheless represents all the employees and acts for them as a unit. If the test of monopoly is the ability to control the entire labor supply or to withhold the services of the entire labor supply until some matter or other of interest to the union as a whole is settled to its satisfaction, all successful unions are labor monopolies, or at least they strive to become labor monopolies. The established right to 'monopoly' in this sense is only another term for 'union.'

"However, it should be noted that such a generalized concept of monopoly carries over into the field of industrial relations, where 'monopolies' of this sort are encouraged, concepts which grew out of purely business transactions. Under our laws, to control the market for commodities with the purpose of eliminating competition and creating monopolies is illegal; but to control the market for labor for the purposes of permitting one or more designated representatives of labor to bargain over wages and other conditions of their work has been encouraged as public policy and is perfectly legal.

"There is now a powerful tradition, buttressed by law and court decisions, that Government should protect the weak against the strong. In labor relations this has meant that Government should protect the right of workers to organize in order to be able to deal on equal terms with aggregations of capital and that it should lay down minimum standards regarding employment, wages, hours, and working conditions. Beyond these minimum standards collective bargaining is depended upon to attain fair adjustments which the economy can afford and can bear. To interfere with the organization or practices of either side in collective bargaining is regarded as unfair or discriminatory by those who have come to believe that collective bargaining always results in an ideal solution for the parties at interest and for the general public. Particularly they feel that the alternatives to collective bargaining—individual bargaining or the Government fixing of wages and prices—would be even less satisfactory.

"However, dissatisfaction with the effects of certain practices of collective bargaining upon the public interest and upon the competitive economic system has brought forth numerous proposals and legislative enactments in both the States and the Federal Government to modify laissez-faire in collective bargaining. This means modifying the law and practice of collective bargaining and the conduct of industrial relations. Considering both State legislation and the Taft-Hartley Act, complete freedom of the parties has already been modified in numerous ways, such as formalizing the steps which must be taken before any strikes are permitted, making strikes for certain objectives illegal and outlawing certain types of strikes, prohibiting the inclusion of specified matters in collective-bargaining agreements, imposing legal obligations and responsibilities on unions, designating unfair labor practices of unions and eliminating certain union practices, such as the closed shop, secondary boycotts, and jurisdictional disputes. In addition, legal requirements have been imposed on the internal management of unions, such as limitations on initiation fees and dues, the publication of financial statements, protection of members from dismissal and laying down conditions of qualification for union officers. Modifications of law have also been made with respect to employers, such as granting them the right to petition for an election for union representation, guaranteeing their right to noncoercive free speech, limiting the type of employee concerning whom they are obligated by law to bargain collectively, and stipulating the conditions under which they might be permitted to handle individual grievances without the intervention of union representatives.

"Thus, even though unions and union practices are now effectively outside the scope of the antitrust laws unless unions combine in restrictive practices with employers, they are not free of regulation by law. If certain union activity is regarded as not in the public interest, such activity could be restricted or eliminated by law. Restraints on the freedom of action of unions are not, however, limited to the antitrust laws.

"QUESTION OF UNION INFLUENCE ON PRODUCTION, PRICES, AND COMPETITION

"The influence of unions and union activity on production, prices, and competition has come under increasing scrutiny in recent years. One school of thought, objecting to treating union activity and labor cost in the same frame of economic reference as other economic phenomena—regarding such treatment as odious because labor is not a commodity—emphasizes the numerous differences between commodity markets and labor markets, between commodity pricing and the behavior of unions and the workers they represent. This school tends to emphasize the noneconomic rationale in the behavior of unions and in the wage-making process. Their emphasis is on wages as income and on unions as comprehensive institutions representing the industrial, social, and even political interests of the working man. Another school of economists is deeply concerned with the influence of union practices and union wages and wage policies on labor costs, on the efficiency of industry, and on the competitive system. Part of their analysis has to do with the alleged monopoly power of organized labor, regarding wages and other labor cost factors in nonunion plants as competitive, even if not perfectly competitive.

"To the degree that unions influence wage rates and wage rates influence prices, unions have always had some influence on prices. Unions claim to be able to increase wages; and there is abundant evidence that they have a marked influence on money wages, although their influence on real wages and on wages as a whole is still a matter of fundamental uncertainty. In this connection it must be noted that the union aim is not wage discrimination within the particular class, but rather the imposition of uniform labor costs on all competitors by establishing a union scale—national in scope, if possible—and preventing competition in wages below such scale. In ruling that the Sherman Antitrust Act was not intended to consider the effect on competition inherent in the union efforts to raise wage standards, Justice Stone, speaking for the majority of the Supreme Court in the Apex case, stated: 'Successful union activity * * * may have some influence on price competition by eliminating that part of such competition which is based on differences in labor standards. * * * (But) since, in order to render a labor combination effective, it must eliminate the competition from nonunion goods, * * * an elimination of price competition based on differences in labor standards is the objective of any national labor organization.' Moreover, since union contracts extend for a fixed period—generally a year or more—union rates could be more stable than nonunion rates, at least for short periods. But, say the critics, such 'stability' is a very touchstone of monopoly.

"Collective bargaining for a union wage is a means of inducing employers to pay the highest wages they are willing to pay or to run the risk of halting production for an indefinite period. Even if the employer permits the cessation of production, he may still come to the conclusion finally, after a strike of greater or lesser duration, that it is better to meet the union demand and reopen shop. This control or attempted control of a union over the buyer of labor—the employer—is the source of union power. The question is whether this is a 'monopoly' power. Since the employer cannot generally

under the present laws and policies substitute other workers willing and able to work at the wages the present employees rejected, even if such workers could be found in the volume needed, the union has removed the most important factor in the determination of a competitive price for labor within that field. The purpose of the union is to prevent just such competition among workers by controlling the labor supply and preventing the employer from hiring other workers not under its discipline and control. Of course, this is occasionally done by an employer dealing with a weak union; but, where an employer is successful, he has broken the union. Such replacement of workers in an 'economic' strike is legal; but it is rarely practical, and the unions do all they can to prevent it.

"There are supplementary devices which a union might use to establish a favorable position, such as restrictions on union membership or limitations on hours or days worked; but the final effectiveness of a union lies in its control over the employer who is pledged to abide by the union rate and to deal only with the union in wage determination.

"Such union power, even if regarded as essentially restrictive, does not mean that there are no limits to the heights which union wages may reach. The employer may not be able to hire nonunion workers or individual members of the union who might agree to a rate lower than the union is demanding; but he may resist the union demand effectively by persuasion or by outlasting it in a strike. The union, in turn, because of fear of possible consequences, such as high prices or unemployment or because of internal politics, public opinion, or Government intervention, may moderate its demands to levels below 'what the traffic will bear.' Labor leaders know that there is more to competition than competition among workers in the same trade or industry. Competition and price relations between industries, the need and wisdom of differentials in wages based on skill and responsibility, and comparisons in wages in different industries continue to play important parts in limiting union demands.

"There are those who regard this usual collective-bargaining situation as monopolistic; that is, endeavoring to bring all (competing) workers under the control of the union, bargaining for all of the workers as a unit, exerting pressure against employers, preventing the employer from substituting new workers for those on strike. With the growth of unionism on a more extensive scale and in the key industries, the power to do these things was seen as the power to have much to say about the tempo of production and the level of prices, even when such decisions are not always made unilaterally.

"The power of unions to cause an increase in costs and prices is inherent in their functioning. Such power is increased when unions are able to bargain on a regional or an industrywide basis. They are then able to get employers to agree on industrywide wage rates and thus 'take wages out of competition.' Competition among firms in the industry with reference to this important element in cost and prices disappears. In practice this means that the basic cost factor in most materials and products is determined by the results of the collective-bargaining process. Competition on the basis of other elements in price remains and, of course, there is interindustry competition among different items for the consumer's dollar. But even the wage rates in different industries may be affected by 'settlements' in other industries. However, the ability of different industries to pass on cost increases into higher prices will differ, since the demand for their products and their place in the economy will differ. The 'monopoly power' of unions is said to run roughshod over such distinctions.

"Industrywide bargaining has the further effect of forming a united front in absorbing the gains of productivity in higher wages rather than in lower prices. Since all the firms in the industry tend to be equally affected in their wage costs in industry-wide bargaining and the demands on all the firms in the industry are made when their 'ability to pay' is great, cost reduction is not permitted to work itself out in lower prices, but rather in a higher level of wages. How much expected continuing increases in wage costs restrain the more efficient firms from making price reductions—feeling that the time to hold on to their larger margin of profits is when they have them—cannot be known.

"As a consequence of some of the inherent forces in trade-unionism and collective bargaining, the local union of employees in a particular plant has been subordinated to the increasing control of national unions. These national unions and their officers are generally more skilled and experienced negotiators than local officers and they are better informed regarding conditions in the entire industry. With better technical equipment and facilities they are able to assist locals to hold out for terms which they know have been obtained elsewhere or which their economists and leaders say the industry can afford to pay. The union is relieved from the limitations of the influences of the local labor market as local weaknesses are covered by national strength and greater power is generated than is possessed by most, if not all, of the firms with which the union has to deal.

"Without going into all the factors which have increased the influence and power of the national unions in relation to their locals, it is clear that this centralizing tendency has its roots in the increasing size of plants and the concentration of industry, wider areas of competition and commodity competition, increasing union functions, the elimination or improvement of substandard conditions, the control of strikes by the national office, and the constant quest for stability. Some nationals have authority to supervise or remove local officers and revoke local charters, while in a few cases they may even be able to 'reorganize' locals. It is not uncommon for nationals to prevent concessions to local employers which might possibly cause an increase or prevent a decrease in local employment, but which are believed to be harmful to the interests of the union membership as a whole. Aside from the more serious effects on the public of work stoppages involving all workers in an industry, the influence of the national union may be as great whether the negotiations are actually conducted on an industry-wide basis or on a more limited basis, such as collective bargaining for a geographical area, or with various types of employers' associations, or 'pattern' bargaining, where the terms agreed to by a dominant company become the terms for an entire industry. In addition, there are other ways in which a national union may exert its influence on a local, such as having its representatives present when local negotiations take place, developing a standard or uniform agreement to be used by all locals, requiring the approval of the national office, and, in some instances, by the national's control of the union label.

"The principle of unionism is to establish and hold the wage rate and to make industries compete on the basis of the existing union scale, which they continue to try to improve. New or expanding companies have to be at least as efficient overall to pay the level of wages already attained in the industry. With reference to possible employment at lower wages in new industries or lower-cost locations, the position of the union is that they should not sacrifice their interest in established locations for the possible benefit of some possible larger employment at lower wages of workers who are not even members of the union or who, if they were to become members, could be instruments for reducing existing labor standards. Anyway, to attain such an objective, unionism as it has developed in the United States would have to become inoperative or ineffective, since their very purpose is the elimination of competition based on differences in labor standards. Thus the end product of union pressure is industry-wide bargaining, although for one reason or another this may take different forms. Uniform labor-cost standards, however achieved, enable the union to establish what it regards as a fair base for competition.

"Industrywide bargaining is thus a historical development of collective bargaining at the local level because the standardization and maximization of wage rates is the goal of all collective bargaining. The aim is a uniform or standard wage for similar work on the operation of the joint principles of equal pay for equal work and taking wages out of competition.

"Those who regard industry-wide bargaining as monopolistic want to hold bargaining to local areas and individual firms to give greater scope to local labor market conditions and to the particular economic status of individual firms. Their argument is that bargaining on a wider basis, particularly industry-wide bargaining, tends to promote collusion among employers, to raise prices, squeeze out the smaller firms, make it difficult for new firms to enter business, and favor the more established industrial areas. It further restricts competition by making employers feel they are no worse off than their competitors, and by reducing the inducements for capital to migrate or to be invested in the less industrialized and lower-wage areas. As the employer's resistance to wage demands made on all firms in an industry is lowered, he becomes an unwilling ally of the union, hoping, if he cannot absorb the additional cost, to be able to recoup wage concessions in price increases.

"It has been said by some critics that unions tend to be aggressive enterprises whose wares are manpower rather than commodities but who use all the devices of the monopolist to obtain the best possible price for that which they control. Among these are to limit competition by exclusive representation and by restricting membership and by the device of seniority; charging what the traffic will bear by negotiating during peaks of production; keeping the strike threat overhead and insisting on open end contracts; giving as little for as much as possible by establishing standards of production and make-work rules and featherbedding where possible; by resisting change and opposing mechanization and migration; and by avoiding excessive production on the lump-of-labor theory that they could work themselves out of a job. While all these practices are not common with all unions at all times, they have characterized the activities of some unions at different times. In these and in other respects there is a distinction between monopoly behavior and tough bargaining.

"The use of the term 'labor monopoly' for industry-wide bargaining is ridiculed by labor spokesmen who regard such development as inevitable if we are to have strong and effective unions. Behind the whole development of industry-wide bargaining is the quest of both sides—the unions almost universally, and on the management side, particularly by the smaller employer—for equality of bargaining power, for stability in labor cost and industrial relations and for rational and improved labor standards. The monopoly issue is sensed as a factor in this quest,

but it is a term loosely used to describe a variety of courses of action.

"The rules and regulations concerning which collective bargaining has been broadened in recent years frequently have important influences on costs, prices, and the operation of the competitive system. There are some formal provisions and more informal understandings which fix prices directly, as among barbers and other service trades. There are rules and practices which restrict the number of competing employers and prevent the start of new enterprises. These are union rules which require installation workers to use products manufactured only by certain unions or in certain localities. There are all those 'uneconomic' union actions which the Department of Justice attempted to prevent in the antitrust suits it brought before World War II against different unions—refusal to use cheaper materials, improved equipment, and more efficient methods; compulsion imposed by unions to hire unnecessary labor or to compel payment of graft or extortion; the use of economic or other coercion to compel the observance of fixed commodity prices; pressure to disrupt legally established collective-bargaining relations. While the Supreme Court had ruled that such actions were not remedial under the antitrust laws, two of these practices have since come under control in the adoption of the Taft-Hartley Act.

"In addition to the effects on wages, prices, production, and competition which grow out of union activity, the industry-wide bargaining attempted and effected, and the cost of union rules and regulations, there is the cost of strikes and stoppages which also have an effect on production, prices, and competition. A strike is a stoppage of production and it carries with it in the major industries secondary and tertiary losses in production as its effects are felt in the economy. An example is a nationwide coal strike, which causes the shutdown of steel plants and the layoff of railroad workers engaged in transporting coal, which reduces employment in the automobile and other steel-using industries, which further lessens shipment and employment by railroads and trucks, and which may further reduce trade in almost every locality in the country.

"The effects of union activity on the operation of the economy are thus very extensive. The part played by unions in promoting equality of bargaining power, making it possible for workers to participate in the decisions which so vitally affect their lives, stimulating increased output, and creating machinery for the fair handling of matters of mutual interest must be balanced against the effects of abuses that are possible. Neither individual bargaining nor the Government fixing of wages and prices is an acceptable substitute for collective bargaining. The problem is to have collective bargaining without its abuses, and the prevention of the abuses without weakening the beneficent values in collective bargaining.

"CONTROL OF UNION ACTIVITY BY OTHER MEASURES THAN THE ANTITRUST LAWS

"Whatever the original intent and the tortuous history of the antitrust laws in relation to unions, the major activities of unions are, as of the present, outside the sphere of these laws. Little room was left in successive Supreme Court decisions for distinctions in union actions, so long as they were performed in connection with a labor dispute as defined under the Norris-La Guardia Act. The only important distinction remaining was when union activities were combined with employer connivance to restrain trade and then it was charged against the employer under the antitrust laws, although the union too, was not permitted to aid and abet the employer to restrain competition.

"Presumably this development of union immunity from the antitrust laws could be reversed by a modification of the pertinent provisions in the three laws which pertain to combinations in restraint of trade and the relation of labor disputes thereto: the Sherman Act, the Clayton Act, and the Norris-La Guardia Act. Whether that would put all union activity under the same jeopardy which existed before the passage of these acts and the favorable judicial rulings under them is not at all certain, because the combination of workers into unions, the protection of the right to organize, and the procedures and practices of collective bargaining have since been given very great latitude by specific legislative enactment.

"An attempt to amend the Clayton Act with respect to the activities of labor organizations was made in section 11 of H.R. 4908 of the 79th Congress (the Case bill). This bill sought to make secondary boycotts by unions in restraint of commerce unlawful and subject to prosecution of restraint under the antitrust laws. Such boycotts were placed within the provisions of the Sherman Act and the Clayton Act by amending sections 6 and 20 of the latter act to provide that such activities in restraint of trade should not be considered as legitimate activities of labor organizations.

"This amendment sought to resolve the longstanding controversy of nearly 60 years as to whether or not it was the legislative intent that the antitrust laws should apply to certain activities of labor organizations. Had it been approved, these laws thereafter would have applied to secondary boycotts. Taken in conjunction with the change in the definition of 'labor dispute' as embodied in section 2(a)(3) of this bill, a substantial change would have been effected in the field of labor legislation.

"The President, in vetoing the bill, objected that the scope of section 11 went far beyond the interdiction of the secondary boycott and could be used against legitimate union activities. While agreeing that the jurisdictional strike was unjustifiable, he was nevertheless convinced that the antitrust laws were not designed to solve labor problems unless they involve combinations between employers and unions to restrain competition. Section 11(c), he said, in effect would rescind the Norris-La Guardia Act with respect to antitrust actions against labor organizations and would invite the return of government by injunction. While he opposed the use of injunctions by private employers, he made clear his position on injunctions requested by the Government itself and designed to restrain strikes against the Government which produce a condition of national emergency. Such injunctions, he said, are an essential element of Government authority. The Taft-Hartley Act later adopted this point of view.

"After the failure of the 79th Congress to override the President's veto of the Case bill, the newly organized 80th Congress set to work to write a new labor law. The first part of title III of H.R. 3020 (the Hartley bill) as reported, dealt with monopolistic practices of labor organizations, and provided changes in the Clayton Act and the Norris-La Guardia Act which would have the effect of removing some of labor's immunities from antitrust action. In the words of the report:

" 'Section 301 contains the amendments to the Clayton Act that were included in the Case bill of last year and which at that time passed the House by an overwhelming majority.'

"The minority opposed this provision of the bill, their position being that the history of attempted applications of the antitrust laws to labor-management relationships was strong evidence that such laws were of little use in the promotion of harmonious labor-management relations.

"In spite of the vigorous opposition of many Members, H.R. 3020 was passed on April 17, 1947, and sent to the Senate for their action.

"The Senate began debate on S. 1126, the Senate labor bill, on April 23, 1947. This bill as reported did not contain provisions regulating unlawful combinations of labor organizations as did section 12 of H.R. 3020, and no provisions comparable to title III. The supplemental views of Senators Taft, Ball, Donnell, and Jenner in the Senate Report No. 105 on S. 1126, however, did suggest possible amendments embodying restraints on illegal combinations of workingmen.

"On the fourth day of debate, Senator Ball introduced an amendment on behalf of himself and Senators Byrd, George, Smith, and Jenner, restricting to some extent industry-wide bargaining. This amendment was defeated by one vote on May 7, 1947.

"The amendment suggested by Senators Taft, Ball, Donnell, and Jenner in the supplemental views to Senate Report No. 105 were subsequently incorporated into S. 1126. The bill was agreed upon by the Senate, and under a unanimous-consent agreement, the House bill was considered as being amended by striking out all after the enacting clause and S. 1126 substituted in lieu thereof. So H.R. 3020, as amended, was passed by the Senate on May 13, 1947.

"During the course of the conference on the two different bills, the provisions of section 301 of the Hartley bill were omitted from H.R. 3020. The House Conference Report No. 500, in explaining to the Members of the House the reason for this omission, said:

" 'Section 301 of the House bill contained a provision amending the Clayton Act so as to withdraw the exemption of labor organizations under the antitrust laws when such organizations engaged in combinations or conspiracies in restraining of commerce where one of the purposes or a necessary effect of the combination or conspiracy was to join or combine with any person to fix prices, allocate costs, restrict production, distribution, or competition, or impose restrictions or conditions upon the purchase, sale, or use of any product, material, machine, or equipment, or to engage in any unlawful concerted activity (as defined in sec. 12 of the National Labor Relations Act under the House bill). Since the matters dealt with in this section have to a large measure been effectuated through the use of boycotts, and since the conference agreement contains effective provisions directly dealing with boycotts themselves, this provision is omitted from the conference agreement.'

"Thus it was that the subjection of unions to the antitrust laws was finally omitted from H.R. 3020, which was passed over the President's veto on June 23, 1947, and became the Labor-Management Relations Act of 1947 (the Taft-Hartley Act).

"However, the Taft-Hartley Act did outlaw both secondary boycotts and jurisdictional strikes by making them unfair practices of labor organizations. A number of other union practices are made unfair and thus prohibited by the Taft-Hartley Act. Still other practices and procedures of unions are brought under one or another type of control by that act.

"INVESTIGATION OF ECONOMIC POWER OF LABOR ORGANIZATIONS

"The debate in both the House and the Senate at the opening of the first session of the 81st Congress on the elimination or modification of the Taft-Hartley Act dealt with the effects of the act as a whole and with the operation of specific provisions. There was a little further discussion of the type of economic activity and effect with which this report is concerned. However, the irregular stoppages in the coal industry since the summer of 1949 and the establishment of

the 3-day week by order of the union has revived discussion of the power of unions to limit the production of an industry, to determine which parts of it should operate and which they should not, and thus greatly to influence costs, prices, and competition in the industry. Through its secondary effects on the steel industry, on transportation and on the automobile and other manufacturing industries, this combination of strike and restricted production has served to revive the controversy regarding additional controls on union activity which have undesirable effects on the economy.

"To look further into this matter, hearings were held by a subcommittee of the Senate Committee on Banking and Currency in July and August of 1949. These are printed in two volumes under the caption of 'The Economic Power of Labor Organizations.' They deal principally with the economic effects of the 3-day week in the coal industry and the operation of the miners' welfare fund, but also with other phases of union activity in the coal industry and its effects on other industries. A number of proposals were made by various witnesses to handle the specific problem of coal and the general problem of preventing union activity which has an adverse effect on the economy.

"On January 10, 1950, the committee issued a report based on the hearings and investigation, also under the title of "The Economic Power of Labor Organizations." The report reviewed the adverse effects of the 3-day week imposed by the union on production, prices, credit, small business, retailing, and the economy as a whole. The conclusion of the report is that the 3-day week severely limits the amount of coal available to industry and consumers, while it also causes a wastage of coal and greater hazards on account of frequent shutdowns; it raises coal prices substantially by limiting the use of facilities, causing idle overhead costs, and in effect subsidizing high-cost mines while it lowers profits; it starves those industries which depend on a free flow of coal for efficient or profitable operation; it causes losses to many types of business further removed from coal production, such as retailing, lumber, and bus transportation; in all these ways it cumulatively causes a great loss to the economy as a whole and lowers national income. The committee is concerned to point out that while it is a Committee on Banking and Currency, it felt impelled to go into these matters because of the far-reaching influence of this type of union activity over banking and credit, prices and production, small business and economic stabilization—matters which are within its jurisdiction.

"The committee concluded that, as the present status of the antitrust laws and their interpretation by the courts precludes effective prosecution under the antitrust laws, and as it has no power to recommend amendments to the Antitrust Act—this being within the jurisdiction of the Judiciary Committee—it can do no more than forward the report and the record of the hearings to that committee of the Senate. The minority members stated that they were willing to transmit the report without recommendation to the Judiciary Committee for its information, but added that this did not mean that they approved of its contents.

"A short time thereafter the chairman of the subcommittee of the Committee on Banking and Currency which had submitted the report, introduced a bill (S. 2912) which would apply the antitrust laws 'when a labor organization or the members thereof have unreasonably restrained trade or commerce among the several States, or with foreign nations, in articles, commodities, or services essential to the maintenance of the national economy, health, or safety, or any substantial segment thereof.' As phrased, this bill would amend the Sherman Act, the Clayton Act, and the Norris-La Guardia Act.

"WHAT WOULD BE ACCOMPLISHED BY PLACING UNION ACTIVITY UNDER THE ANTITRUST LAWS

"The antitrust laws, beginning with the Sherman Act, assert as a major principle of public interest and policy the maintenance of market competition for the products of industry and trade. Six decades of judicial interpretation have established, within this broad principle, clear and certain standards for the protection of the public interest in the market. Borderline uncertainties occur, but the major criteria of actions which violate the antitrust laws are sharply defined.

"Monopoly behavior which infringes the antitrust laws is judged with respect to purpose, means, and effects. The essence of monopoly behavior by industry is found in the attempt to restrict the freedom of the market, and to control its operation. In particular, attempts to restrict or prevent access to the market by new enterprises or potential competition, efforts to fix prices, to restrict output, to cut off supply of a commodity, to prevent the introduction of new technology, to use 'tying' contracts, or to engage in deliberate discrimination against suppliers, competitors, or customers for the purpose of eliminating competition in the market for a product, all of these restrictive practices are violations.

"Injury to the public interest in competition is therefore the necessary outcome of attempts to impose unreasonable restraints upon the market. Whether it involves collusion concerning prices, or 'sharing' markets by fixing conditions of sale for products, or creating artificial scarcity as a means of controlling supply or price, the crux of the monopolistic behavior is restrictive action aimed at the public interest in competitive conditions in the purchase and sale of commodities.

"The demand for labor, like the demand for industry itself, is in reality a demand for the products of labor. Hence, an extension of the antitrust laws to include anticompetitive behavior by labor, as a major factor in the process of production, is to be viewed from the standpoint of the public interest in the market. The existence of labor organizations, and their relations with employers where such conduct affects only the exclusive interests of management and employees would not be at issue. The standards of the antitrust laws would apply to those restrictive practices which, on the part of labor, correspond in purpose, means, or consequences in the market to restraints by industry. Thus, attempts by labor, like attempts by corporations singly or in concert, to restrict access to the market, to fix prices for commodities, to control techniques in order to eliminate competition, to engage in discrimination for the purpose of monopolizing a commodity, to restrict output by an unreasonable restraint upon the market for products, or to employ methods resulting in direct and substantial injury to the public interest in competition among products would automatically cross the bounds of legitimate conduct.

"Neither the right to strike nor reductions in supply resulting merely from stoppages of work would be involved until and unless the extent or degree of the behavior was clearly aimed at coercing the market, or attempting to use public necessity as an instrument to achieve monopoly control of the product or seeking to control market operations subsequent to the production of the commodity. With exactly parallel application, the basic national policy of competitive markets for commodities, and the public interest in prohibiting restrictive devices intended to control the supply or price of commodities permit definite distinctions to be made when either management or labor imposes restraint upon commerce. The standards now well recognized by industry and the courts with respect to restrictive practices are capable of providing fully developed criteria of difference between those labor practices which are a part of the bargaining process of industrial relations and those which overreach these limits and aim at the market.

"In consequence, it would appear from this perspective that inclusion of restrictive labor practices within the scope of jurisdiction of the antitrust laws would not encroach upon labor organization and bargaining any more than upon corporate organization and bargaining in the productive process, but would prevent the monopolization of commerce, the exclusive control of supply of commodities, or the use of unreasonable restrictions upon the market. The public interest as defined in the antitrust laws would then include both industry and labor to the end that genuine competition in the market for production should prevail."

Senator ROBERTSON. I might add there if I may, Mr. Chairman, that I have had the privilege of seeing that report and naturally was pleased and gratified to find in that report of that group of distinguished lawyers, acting in a very impartial way, of course, a concluding paragraph stating that putting restrictive labor practices under the antitrust laws would prevent unreasonable restrictions upon the market which are against the public interest.

Now, Mr. Chairman, I also should like to offer, as part of your record, Senate Report No. 1234, 81st Congress, 2d session, which resulted from these hearings and, as an exhibit, a topical digest of the testimony.

Senator EASTLAND. Without objection, it will be received and made a part of this record.

(The said report is as follows:)

"[S. Rept. No. 1234, 81st Cong., 1st sess.]

"THE ECONOMIC POWER OF LABOR ORGANIZATIONS

"JANUARY 10, 1950.

"The hearings held by the Senate Banking and Currency Committee from July 5 to August 26, 1949, have fully justified the decision of this committee to investigate the economic power of labor organizations.

"Part I. Matters falling particularly within the jurisdiction of the committee

"No one will deny that banking and credit, price and production controls, consumer prices, national stabilization, and small business fall categorically within the jurisdiction of this committee.

"Banking and Credit

"Testimony under oath has definitely established that certain policies of labor organizations have an adverse effect upon our banking and credit structures.

"For instance, Mr. George H. Love, president of the Pittsburgh Consolidation Coal Co., testified as follows:

" 'Operators cannot go to a banker and get money and build a new coal mine if the banker knows that this mine may work only 2 or 3 days. There is no way for operators to amortize their investments' (hearings, p. 15).

"Mr. Love explained further as follows:

" 'Discontinuance or slowdown of operation in the coal industry means losing the return on investment' (hearings, p. 40).

"This has a serious effect upon the business of our banking institutions, because, as pointed out by Mr. Love:

" 'In a modern mine there is an investment of from $10,000 to $15,000 per employee' (hearing, p. 40).

"Mr. Harry M. Moses, president of the H. C. Frick Coke Co., concurred when he stated:

" 'Many substantial investments will prove to be ill advised, in view of the 3-day week' (hearings, p. 24).

"Mr. John D. Battle, executive vice president of the National Coal Association, after stressing that the 'bituminous coal industry is becoming highly mechanized' (hearings, p. 53), asserted:

" 'Industry has been unable to attract risk capital because of labor troubles' (hearings, p. 53).

"Attorney Rolla D. Campbell, of Huntington, W. Va., explained the effect of union policies upon local credit, as follows:

" 'The miners' earnings are reduced by 40 percent or more. This has the very harmful effect on the miners and their families by reducing their standard of living, on the merchant and the local businessman by reducing sales. Local credit has to be tightened. The railroads and trucklines lose inbound traffic and everybody in the whole community suffers' (hearings, p. 132).

"Mr. John D. Rhodes, vice president and general manager, American Association, Inc., offered the following graphic account of the effect of the 3-day week upon credit policies:

" 'I serve the city of Middlesboro [Kentucky] as sanitation commissioner. In this capacity I manage the operation of the sanitary sewer system and disposal plant. I am trying to repay an overdue loan of $200,000 made to the city on revenue bonds by the RFC. The increase in delinquent subscribers has been alarming. There are some 2,000 connections, 80 percent of which are at the minimum rate of $1.15 per month. Most of the subscribers are quite positive that this is a service least likely to be discontinued and for that reason allow their accounts to fall in arrears' (hearings, p. 598).

"To the same effect Mr. James H. Harless, president, Gilbert Lumber Co., of Gilbert, W. Va., testified as follows with regard to the consequences of the 3-day week in the coal industry:

" 'After learning that I was to testify before this committee I began canvassing the supply houses, hardware establishments, and stores over an area of four counties. I found that all of them noticed a decline in business ranging from 25 to 60 percent of their normal volume since the imposition of the 3-day week by Mr. Lewis.

" 'I also found that some of the smaller merchants were allowing their stock to dwindle to practically nothing. After questioning I found the reason. Most of the miners and workers in affiliated industries were insisting upon so much credit that the small merchant was not financially able to carry them. Instead of the merchant saying "No" when asked for credit he pursued the policy of not having the merchandise to sell. If this short workweek continues, this situation will gradually grow worse and spread to the larger stores and supply houses.

" 'I also thought that the committee would be interested in any information which I could obtain from banks situated in the coalfields. After questioning I found that there had been a noticeable increase in withdrawal of savings, and increase in the number of savings bonds being cashed and a tighter credit policy being pursued' (hearings, p. 619).

"Price and Production Controls

"Most witnesses who discussed the imposition of a 3-day week upon the coal industry regarded this policy as a method of curtailing the production of coal and its price.

"Mr. John D. Battle expressed himself as follows upon the matter:

" 'If the United Mine Workers of America decree [of a 3-day week] can stand the legal test, the whole matter rests in the union and any and all production can be controlled with the ultimate result that prices will be controlled and this highly competitive industry become no more than a pawn in a game, to be moved around as the union sees fit. * * * If the power rests with the union to decide how many days an industry or any substantial segment thereof can use its facilities to produce, then we have reached the stage where all of us should understand that we live and function at the discretion of the labor unions and that there is no equality under the law' (hearings, pp. 56 and 57).

"Other sworn statements to the same effect follow:

" 'Economic stabilization of the industry has been long an objective of the United Mine Workers of America. They have sought this stabilization heretofore through legislation.

" 'Now it has come out for the direct use by the union of its own economic power to control output. We think this is something new. We think it gives evidence of an intent and desire that the union has long entertained, and which it has actually exercised in the past under the pretense of something else such as the memorial period strikes, and the strikes against the Taft-Hartley Act, and the strikes against this and that, but they all had the same effect, which was to decrease the supply of coal and to cause an increase in price, hardship on the buyers, and to soften up the producers so they would grant the demands of the miners' (Attorney Rolla D. Campbell, Huntington, W. Va., hearings, p. 125).

" 'I understand that the union claims that the decree of the 3-day workweek is a plan to reallocate demands, that the entire industry may operate in a restricted output and at the same time maintain the uniform conditions of an industry-wide contract. The union, to maintain economically unjustifiable standardized conditions of employment, resolves to use its monopoly of labor to impose regulation of output on the industry' (Mr. J. E. Moody, president, Southern Coal Producers Association, hearings, p. 164).

"The danger of the present status of the antitrust laws is, in the words of former trustbuster Thurman Arnold, that 'it forces employers into combinations to restrict production and, if allowed to thrive, employers will quickly give in' (hearings, p. 74).

"(Other references to the same subject may be found at the following pages of the hearings: pp. 2, 3, 8, 13, 18, 21, 24, 32, 75, 119, 123, 443, 468, 685.)

"Increase in Price to Consumer

"All witnesses appearing before the committee agreed that the United Mine Workers of America's 3-day week will increase the price of coal substantially even more than the cost, because it creates, in addition to higher costs, a scarcity.

"Mr. Harry M. Moses asserted unequivocally that 'consumer interest and product prices are completely controlled by the labor organization in the coal-mining industry' (hearings, p. 24).

"Mr. Moses went into particulars, when he stated:

" 'The increased cost of coal to the consumer ranges between different mines, the characteristic of the mine, the thickness of the seam, and other general characteristics make the cost range from a few mines where with 3 days a week, the United States Steel Corp. is able to break even or make a little profit, to a larger group where the losses range from 20 to 30 cents, and to the older group where the losses are as high as $1.10, the old mines, with a range through the month of July [1949] of about 20 cents a ton loss on its [the corporation's] entire production over and above the selling price' (hearings, pp. 30 and 31).

"The eventual cost to the consumer will be still higher because of irreparable losses of coal from failure of coal pillars caused by abandonment of the mines under the 3-day week. Mr. Moses explained that point as follows:

" 'Losses from failure of coal pillars is unestimated. Most of United States Steel Corp.'s mines use this method of pillar extracting. It is an efficient method of mining and the safest. The failure of coal pillars may cause damage for years and it is impossible to go into the mines safely and extract the coal' (hearings, pp. 30, 31, and 33).

"Mr. George H. Love reported upon the increased cost to the consumer which is bound to result for the consumer as follows:

" 'As a result of the 3-day week, there is a loss ranging from 30 cents to considerably over 60 cents per ton. Pittsburgh Consolidation Coal Co. thinks in terms of 40 to 45 cents per ton' (hearings, p. 40).

"Mr. John D. Battle testified that reports coming to the National Coal Association indicated an increase in cost of production, as a result of the 3-day week, of 25 to 75 cents per ton of coal (hearings, p. 56). Mr. Battle pursued the subject to its natural conclusion, as follows:

" 'Many companies will try to stand the increased costs of the 3-day week for a while in the hope that it will soon be over. Otherwise they must do one of two things—raise prices or quit' (hearings, p. 56).

"Mr. Lee C. Gunter, president of the Appalachian Coal Operators Association, Knoxville, Tenn., supplied the following information upon increased costs in Tennessee and Kentucky:

" 'Such a setup of operations [due to the 3-day week] is bound to increase costs. In our district a survey of 24 miles showed an increased cost of 69 cents per ton. To add this figure to an already high-priced product is to further narrow an already shrinking market' (hearings, p. 100).

"Mr. Gunter followed this up with the following warning:

" 'Coal companies generally cannot absorb an increased cost of production due to the inefficiency of the 3-day week. They can't help but pass that increased cost to the consumer' (hearings, p. 104).

"Mr. Justin Potter, president of the Crescent Coal Co., Central City, Ky., faced the issue squarely as follows:

" 'Of course, we will attempt to raise our prices so we can come out.

" 'At the prices at which we were selling coal, the present indications are that we would lose money, due to the fact that our costs we think will go up about 80 cents at our Crescent mine and probably 45 or 50 cents a ton at our Williams mine [because of the 3-day week].

" 'Coal is now selling somewhere around $3.50 a ton, f.o.b. mine. That is, for the average of all sizes.

" 'That was our sales price. Our cost at that particular mine, I think, was about $3. That would make it about $3.80 (with 50 cents' profit, it would be $4.30 sales price), in the neighborhood of slightly under a 30-percent increase' (hearings, p. 144).

"Admiral Ben Moreell, chairman of the board of directors and president, Jones & Laughlin Steel Corp., summed up the whole subject clearly and concisely with this observation:

" 'The price increases and restrictions on production which result from formal agreements between labor and management are not so clearly evident to the public. But the public pays the bill just the same.

" 'In the rising market of recent years, increases in wages in any industry, which have not been balanced by increases in production or reductions in other costs, have been passed on to the consuming public. When labor cost increases are not counterbalanced

by increased production, it means that labor gets a bigger slice of the pie, and since the size of the pie remains the same, the rest of the public gets a smaller portion' (hearings, pp. 711 and 712).

"The above remarks assume an even greater importance, when one realizes, as pointed out by Mr. George H. Love and Mr. John D. Battle, that '60 percent of the cost of coal is labor' (hearings, pp. 41 and 53).

"(Other testimony pertaining to the increased cost of coal to the consumer may be found at the following pages of the hearings: pp. 3, 9, 12, 15, 16, 17, 18, 24, 30, 32, 35, 43, 100, 108, 109, 126, 132, 141, 148, 230, 234, 244, 279, 288, 290, 291, 292–298, 299, 300, 565, 567, 568, 569, 618, 619, 711, 712, 714.)

"National Stabilization

"This Nation is still on a coal economy (hearings, p. 9). Therefore, the effects of allowing a labor organization to control the production and prices of coal are not limited to the coal industry alone. They spread to several other allied industries and have a serious impact upon our whole economy.

"Mr. Harry M. Moses had this to say about this matter:

" 'A national wage agreement, plus the union's power to shut off production at any mine or group of mines, gives it an economic power which, if abused, becomes detrimental to the industry and the entire national economy. The United Mine Workers of America have demonstrated an arbitrary abuse of this economic power that should cause grave concern as to our ability to continue the levels of production which are required by our economy, as well as our ability to maintain the efficiency of our operations.

" 'The wage agreements which have been brought about in the bituminous-coal industry, during and since the recent war, were not negotiated agreements. They were the result of ultimatums that were enforced under manufactured crises by the force to the economic power wielded by the union.

" 'The United Mine Workers of America has evidenced a complete contempt of laws which were intended to bring a restraint to such power, and it has demonstrated its ability to enforce pressure upon the industry to accept bargaining results which the union now claims removes it from obligation either under the law or under the wage agreement. It has called national strikes, memorial periods, and a so-called stabilizing period of inaction at will, and now has created a situation whereby the production facilities in Eastern United States are arbitrarily restricted to operate the first 3 days of each week and those in Western United States to the first 5 days of each week. This creates the unheard-of situation of the United Mine Workers of America, without benefit of contract of any kind and without agreement with anyone, saying to the coal-mine owners of America "We will permit you to operate your wholly owned facilities 3 days a week because we, the officers of the United Mine Workers of America, by means of the public press and letters to our local unions, are advising our membership that after Wednesday of each week they, the membership, are not willing or able to work until the following Monday." This can be changed to 1 day or to 4 days, or production can be stopped entirely by the same means, without notice to anyone and without regard for the public need, the welfare of the miners, or the solvency of the industry.

" 'The impact of these arbitrary actions will, in my opinion, be severely damaging to the economy of the coal industry and to our national economy. Coal-producing facilities are brought into being by substantial investments of private capital. Those who thus invest their money do so in the belief that they will be privileged to operate their facilities to satisfy the markets for which they are designed.

" 'The restrictions which are now being imposed by the union make it quite apparent that many substantial investments may prove to be ill advised, inasmuch as the production which is being realized under the union's restrictive action does not justify the capital investment involved. Certainly no rational person will make or authorize further substantial investments in coal-producing facilities without some guarantee that the facilities thus created will be able to produce in the volume for which they are designed.

" 'My conception of a wage agreement does not accept the theory that a labor union be empowered to arbitrarily shut off production when, in its opinion, a period of overproduction exists. The economic requirements of the coal industry cannot be met by restricting production to a level that is lower than market demand. In my opinion, any interruption of the free flow of commerce in our industry by a restriction of production by any means is a backward step that can only lead to a deterioration of the industry in efficiency, safety, and progressive management.

" 'The United Mine Workers of America has made it plain that it will attempt to impose some form of production restriction. Last year at its convention in Cincinnati, Ohio, the president of the United Mine Workers is reported to have made a number of statements bearing on this matter, among which were the following:

" ' "So, if needs must, the mine workers are prepared to move into that field of stabilization of this industry, and if we are going to starve in this industry at any time, we will just all starve together.

" ' "So, next year, in 1949 or at any other time, when evil days come upon this industry you will find the United Mine Workers of America moving in, and if there are only 3 days' work in this industry we will all have 3 days' work' " (hearings, pp. 23 and 24).

"Mr. George H. Love stressed the national importance of the orderly development of the coal industry in these words:

" 'In addition to making numerous useful chemicals out of coal, we could convert it back to fuel. Coal is a very valuable natural resource, the production and distribution of which should be on a sound and fundamental economic basis. This country will be as progressive as its coal industry, and we should not do anything to retard the progress of coal mining' (hearings, p. 45).

"To the same effect was the testimony of Mr. John D. Rhodes, when he stated:

" 'Any attempt to stabilize as highly competitive business as bituminous coal production is bound by the very standard of free enterprise to be unsuccessful. The most stable and progressive operators feel that they should not be required to carry along to market the less efficient mines. "By fair competition let the most fit survive" has long been the policy under the the free enterprise system. Do away with competition and there will not only be less ambition and progressive thinking in production industries, as in the coal mines, but in all other businesses' (hearings, p. 509).

"(Other testimony to the same effect may be found in the hearings at the following pages: 14, 44, 230, 443.)

"Small Business

"Mr. George H. Love testified that 'progressive and efficient small business enterprises will be adversely affected by the 3-day week in the same manner as large enterprises' (hearings, p. 9).

"Mr. Harry M. Moses stated: 'Small business enterprises in the coal mining industry are often better off than larger ones, because of less overhead, etc., when mines are shut down' (hearings, p. 24).

"It is significant that the heads of the two largest coal producers in the Nation were the only witnesses before the committee discussing this point who did not assert that small business is particularly and more seriously injured by the 3-day week.

"There are many small business mines in the United States. Upon this point, Mr. John D. Battle testified as follows:

" 'Mines producing less than 200,000 tons of bituminous coal per year account for some 213 million tons, which is in excess of one-third of the entire production for the year 1947.

" 'No one bituminous coal company produces more than 5 percent of the total output of bituminous coal or of the total capacity to produce.

" 'There are only a few companies that produce as much as 1 percent of the total production of bituminous coal' (hearings, p. 52).

"Mr. Lee C. Gunter discussed the effect of the order for a 3-day week as follows:

" 'The point which interests me most is the effect of this order on the small coal producer. I represent an area in Tennessee and southeast Kentucky which is composed entirely of coal operators who would be classed as small operators; the average production of our membership is about 150,000 tons annually per member. * * *

" 'The plight of these operators, who might be called the little businessmen of the coal industry, is serious under the operation of the 3-day week. * * * Some of the smaller mines in our district have already lost tonnage on account of the limited workweek' (hearings, p. 100).

"Many other small businessmen have been affected adversely, according to Mr. Gunter, who proceeded as follows:

" 'Retail merchandising has lost business very materially as a result of the 3-day week. The same has happened to lumber, mine supplies, automobile and bus transportation, etc.' (hearings, p. 112).

"Attorney Rolla D. Campbell concurred as follows:

" 'The effect of this labor monopoly on small coal producers is very drastic and very marked' (hearings, p. 126).

"Mr. Justin Potter, president of Crescent Coal Co., which has a daily capacity of 70 carloads per day, and of Williams Coal Co., which has a daily capacity of 30 carloads of coal per day, explains that his mines have no contact whatsoever with those that negotiate with Mr. Lewis for them. The operators of his small mines are not asked their advice or consent to wage agreements. They just read about it in the newspapers. They are not given a chance to vote upon whether or not certain provisions or all provisions are agreeable to them (hearings, p. 152).

"Mr. Fred A. Virkus, chairman, Conference of American Small Business Organizations, expressed his views as follows:

" 'I am very glad to know that the Banking and Currency Committee, which has that most efficient Subcommittee on Small Business, has made this investigation. I know this subcommittee and the Banking and Currency Committee is doing a better job for small business than has ever been done before, and personally I would like to see this jurisdiction over small business remain in this committee (hearings, pp. 605 and 606).

" 'You know, when big business, as in the case of coal, which we have before us now, enters into an agreement with labor on certain provisions in contracts, increased wages, shorter hours, pensions, and all the rest of it, which in 1947 was called merely a bust, small business has got to follow the lead, and

it suffers more because it can afford less; and, in labor-union monopoly, that is our principal cause of worry today' (hearings, p. 606).

"The hearings are replete with similar testimony, such as that of J. Raymond Tiffany, general counsel, National Small Business Men's Association, who stated for his association:

" 'Any practice that totally ignores local and competitive conditions is prejudicial to small business and will inevitably drive small manufacturers into mergers, because only big business can stand up to big union tactics' (hearings, p. 674).

"Mr. Tiffany then added:

" 'These actions [abuses] by unions adversely affect small businessmen—affect them more disastrously than they do big business because small businessmen do not have the financial strength to withstand the attacks—they are compelled to surrender or be put out of business' (hearings, p. 679).

"Adm. Ben Moreell spoke in the same vein when he stated:

" 'In the process described above smaller enterprises have usually been injured competitively more than the large companies because the demands of labor have been geared to the paying abilities of the large mass producers who operate with greater efficiency and at lower unit cost' (hearings, p. 713).

"Similar examples were given by witnesses testifying about other industries, such as by Judge Thurman Arnold (hearings, p. 73), Attorney Theodore R. Iserman (hearings, pp. 235, 236, 245), Attorney George B. Christensen (hearings, pp. 251 and 253), Col. H. W. Shawhan, president, Appalachian Wood Preserving Corp., Charleston, W. Va. (pp. 614–616), Mr. James H. Harless, president, Gilbert Lumber Co., Gilbert, W. Va. (pp. 617–620).

"(Additional testimony to the same effect may be found in the hearings at the following pages: 4, 40, 130, 140, 158, 466, 467, 468, 567, 568, 595, 664, 673, 684, 685, 721, 722, 729, 730.)

"From the above-quoted testimony, it becomes evident that labor organizations wield a very far-reaching economic power over banking and credit, price and production controls, consumer prices, national stabilization and small business. These are objects particularly committed to the jurisdiction of the Senate Banking and Currency Committee under the Legislative Reorganization Act of 1946. No one could deny that this committee possesses the inherent power to report to the Senate legislation to correct any adverse effect that any person, group, or entity may have upon these objects. Otherwise, this committee would not possess the power to protect the objects committed to its care and supervision by that act. This committee, therefore, could report legislation whereby any person or organization would be shorn of the power to impose undesirable restrictions on industry—restrictions which directly control production, materials, prices, and quality, or which unduly hamper the orderly development of small business enterprises.

"However, if the most direct means of accomplishing this result is through the amendment of specific legislation committed primarily to another committee, this committee may, out of deference to this other committee, bow to its traditional handling of such problems. A study of the particular problem involved will reveal the wisdom of this procedure.

"Part II. The problem—The 3-day workweek in the coal mining industry

"The necessity for the investigation of the coal industry was originally suggested by the report that a single individual would be authorized to speak for the coal industry in contract negotiations and that he, with a single representative of labor in the industry, could determine not only wage but also production levels.

"The committee was pleased to be reassured by Mr. George H. Love that 'No segment of the bituminous coal industry ever contemplated establishing a czar to bring stabilization in limiting or controlling production' (hearings, p. 6).

"Mr. Harry M. Moses likewise denied the existence of such a plan (hearings, pp. 20 and 33).

"The current 3-day week in the coal industry and 'stabilization' strikes emphasized the need for an investigation of the economic power of labor organizations.

"The 3-Day Workweek, the Creature of the United Mine Workers of America

"The 3-day workweek was first proposed by Mr. John L. Lewis, president of the United Mine Workers of America, to mine operators on a voluntary basis.

"Mr. George H. Love testified that Mr. Lewis made the suggestion that the coal industry be closed down 3 days a week, at a meeting at White Sulphur Springs that Mr. Love had with him (hearings, p. 45; see also pp. 12 and 46).

"Mr. Harry M. Moses, who was individually in one of the three conferences apart from the northern operators, received the same proposal from Mr. Lewis. Mr. Moses gave the details of this proposal as follows:

" 'Well, the only suggestion I have about it was following a meeting of the northern conference in which Mr. Love was the spokesman. I had a scheduled meeting with Mr. Lewis at some hour following this meeting. I ran into him in the corridor of the hotel where the meetings were being held, and we had an informal discussion of it just standing in the corridor, and he told me the proposal that he made to the northern conference, and made the same proposal to me at that time' (hearings, p. 34; see also p. 21).

"Mine operators were opposed to the 3-day week from the start (hearings, pp. 10 and 45).

"The following colloquy establishes clearly what took place thereafter:

" 'Mr. MOSES. I did not agree [to the 3-day week], and reported back to him [Lewis] later.

" 'Senator ROBERTSON. But you do have the 3-day week?

" 'Mr. MOSES. Yes, sir.

" 'Senator ROBERTSON. Then it was forced on you over your objection?

" 'Mr. MOSES. Yes, sir' (hearings, p. 34).

"It becomes important at this point to consider the status of the coal industry at the time the United Mine Workers of America imposed the 3-day workweek upon them.

"The Coal Industry in the United States—Coal Mining

"Bituminous coal mining in the United States is an industry of about 7,500 mines of commercial size which are managed by more than 5,000 individuals or operating companies (hearings, p. 21).

"The United Mine Workers of America is recognized by and has a wage agreement with coal operators who produce about 80 percent of the national production of coal (hearings, p. 21).

"Bituminous coal mines are spread throughout the Nation—28 or 29 States (hearings, p. 51).

"About 83 percent of the coal produced at bituminous mines is moved by railroad and the remainder is moved by water or truck or some of it may be used locally at the mines (hearings, p. 53)

"From a financial standpoint the bituminous coal industry has not been a prosperous one over a period of years. In order to keep up as best it could with the competitive situation from outside as well as from within the industry, it has been necessary to plow back into the industry every dollar possible. A study of the record of Treasury reports and annual reports of publicly held companies indicate that over the period of years from 1929 through 1948, after taxes, the actual profit per ton was 2.6 cents, while during this same period of time the industry paid in Federal taxes 4.04 cents per ton (hearings, p. 53).

"A compilation of the net income of the anthracite industry and the bituminous coal industry from 1920 to 1947, inclusive, simply shows that the anthracite industry has a loss for 1931 to 1940, inclusive, every year; and the working capital of the anthracite industry (current assets minus current liabilities) decreased from 1926, when it was $111 million to a deficit of $27 million in 1938. That means that in 1938 the anthracite industry had, as a total, current liabilities exceeding current assets by $27 million (hearings, p. 59).

"The record of the bituminous coal industry is just as bad. The bituminous coal industry began losing money in 1925 and continued to lose money until 1939. Both the anthracite industry and the bituminous coal industry began to make money under the impact of World War II, and they probably had the best year in the history of both industries in 1948 (hearings, p. 59).

"The coal industry is now facing the conditions of the decade of 1939–48 (hearings, p. 60).

"There is a probability that the coal industry will lose money in the next 10 years (hearings, p. 60).

"From 1920 until World War II, through 1945 (excluding Canada, to where always a substantial portion, about 25 million tons, is exported), exports were negligible—about 1 percent of the supply (hearings, p. 60).

"In 1945, 1946, 1947, and 1948, we exported to Europe, especially in 1947, as much as 40 million tons of coal in order to help out Europe—a little more than 7 percent of the supply. These exports are now way down. They were exports under the Economic Cooperation Administration and some before that agency was set up.

"There is good reason to believe exports of coal to Europe will fall off. The ECA has published a report which indicates that exports of U.S. coal to participating countries will be about 10 million tons, in the year ending June 30, 1950, as compared to approximately 41,100,000 net tons in 1947 (hearings, pp. 62 and 63).

"Industry in general has fared better than bituminous coal mining (hearings, p. 261).

"Each man turns out about 6 tons of coal per day in the Pittsburgh Consolidation Coal Co., for example. That is about four times the per-man production in British mines (hearings, p. 40).

"In 1948, Pittsburgh Consolidation Coal Co., the largest commercial coal producer in the world, earned $22 million after taxes, or about 75 cents a ton, but the earnings have not amounted to the amount of money put into the properties. The company reinvested more than its earnings each year. This was done by sale of capital assets, sale of coal lands, things not directly connected with the coal industry (hearings, p. 41).

"Seventy-five cents a ton is the highest profit Pittsburgh Consolidation Coal Co. has ever had. Over 5,000 stockholders share those profits (hearings, p. 42).

"(For more data upon the coal industry, see hearings at pp. 8, 9, 12, 15, 17, 18, 21, 22, 25, 30, 32, 37, 38, 39, 40, 41, 42, 44, 45, 51, 52, 53, 59, 60, 61, 62, 63, 82, 104, 105, 110, 111, 115, 117, 131, 154, 156, 259, 260, 261, 262, 264, 265. 267, 268, 269, 272, 278, 286, 287, 443, 446, 447, 448–450, 451, 457, 459, 462, 501, 502, 503, 564, 565, 568, 607–610, 683.)

"Wages and Hours

"With respect to the status of the miners the basic wage rate in the coal industry beginning in 1941, has advanced rapidly from $6 a day to $14.05 a day. The average earnings of the employees in United States Steel Corp.'s mines during the 6-day-week period prior to June 1, 1949, were $17.13 (daily) per man employed, productive worker. That has nothing to do with the management rate (hearings, p. 36).

"The average wages earned per miner in 1948 was $3,774. This is an average and includes those men who worked only 1, 2, or 3 days, as well as those who worked full time (hearings, p. 53).

"Wages were increased in the middle of 1948. The high rates and earnings are, of course, outside of any special funds paid to the union for welfare, insurance, or pension purposes. The miner's rate of pay is the highest of any major group reported by the U.S. Bureau of Labor Statistics (hearings, p. 53).

"The hours of work under the last (1948) agreement with the union are 5 days per week, with overtime at the rate of time and one-half for any time in excess of 8 hours per day or 40 hours per week. The actual worktime today is about 6½ hours daily, or 32½ hours per week on the 5-day-week basis. Besides the 30-minute period for lunch paid at the full rate, travel time to and from the mine entrance to the working place is also paid for at the full rate (hearings, p. 53).

"(For more data on wages and hours of miners, see hearings, pp. 9, 30, 36, 47, 48, 53, 62, 93, 103, 110, 125, 126, 130, 139, 230, 277, 279, 305–311, 504, 505, 700, 847.)

"It was in this setting that the United Mine Workers of America imposed the 3-day week upon the coal industry.

"Effects of the 3-Day Workweek

"The disastrous effects of the 3-day week upon banking and credit, price and production controls, consumer prices, national stabilization, and small business have already been discussed above. However, a large number of other evils flow from the imposition of this Monday, Tuesday, and Wednesday workweek which we will but briefly mention here as follows:

"For instance, about 400,000 tons of coal were not produced by some of Pittsburgh Consolidation Coal Co.'s mines in August 1949 and customers turned to oil (hearings, p. 14).

"The coal industry will lose many customers through the 3-day week (hearings, p. 14).

"The 3-day week will cause employment to drop. Sixty percent of the cost of coal is charged to labor, as compared to 8 percent of the cost of oil, to which fuel many are converting (hearings, p. 15).

"For instance, Pittsburgh Consolidation Coal Co. has closed a mine operating for 40 years and it will remain closed because it couldn't operate on a 3-day week (hearings, p. 18).

"Coal is lost forever by props falling in because of the 3-day week. This constitutes a waste of a great natural resource and adds to the cost of production (hearings, p. 19).

"Miners, especially those in debt, receive inadequate pay during a 3-day week period (hearings, p. 32).

"Employment in the railroad industry has dropped because of the 3-day week (hearings, p. 33).

"Communities dependent upon mining operations suffer (hearings, p. 40).

"The 3-day week restricts production, disarranges markets, and generally makes the operation of the mines costly and more unprofitable as time goes on (hearings, p. 55).

"Coal mines are now generally operating in the red (hearings, p. 55).

"The union will next demand a 5-day pay for a 3-day week because the earnings are inadequate (hearings, p. 126).

"The 3-day week is hampering the coal industry and gives a competitive advantage to other fuels (hearings, p. 8).

"Technological improvement, so sorely needed if real wages are to continue to increase and prices are to be lowered, will cease under the 3-day week (hearings, pp. 15, 39, 43, 53, 278, 279, 585, 713).

"Employment in the mines will now decrease as competition with gas and oil grows (hearings, p. 109).

"(For more data on competition which coal is receiving from other fuels, see hearings at pp. 42, 43, 52, 54, 58, 64, 100, 101, 109, 130, 141, 144, 156, 157, 175, 234, 267 268, 299, 301–304, 451, 462, 565, 569, 598, 706, 707.)

"Despite these drastic effects upon the miners, their families, mine operators, allied industries, and consumers, the United Mine Workers of America took it upon themselves to usurp the Congress' exclusive right to legislate upon production and price controls. Their spokesman, Mr. Lewis, did not consult with a representative of the consumer interests (hearings, p. 35). In fact, he made no request to bargain with independent operators (hearings, p. 92). He made no proposal at all to the southern operators (hearings, p. 100). By July 27, 1949, the UMWA had not told the Southern Coal Producers Association what it wanted incorporated in a new contract (hearings, p. 113). The order of the UMWA imposing a 3-day workweek is the very antithesis of collective bargaining. If this usurpation and abuse of the power to control production and price is tolerated by the Congress, its unbridled use will quickly spread from union to union, from industry to industry, and the Congress will never regain its own narrowly circumscribed power to control the economy of the Nation consistently with the Constitution of the United States.

"Part III. The solution

"It would seem that the above-described usurpation of a power which was committed exclusively to the Congress by the Constitution of the United States and its abuse causing such widespread and disastrous effects upon our national economy, would already be condemned as criminal by existing law. A study of the present status of the antitrust laws makes it quite doubtful whether a prosecution under the antitrust laws could be sustained in the present state of judicial precedents.

"Only two witnesses indicated that they believed a successful prosecution of Mr. John L. Lewis might be initiated under the present status of our antitrust laws.

"Attorney H. A. Toulmin, Jr., of Dayton, Ohio, ventured the following opinion:

" 'Now I would approach this question, if I was in the Attorney General's office, by suing Mr. Lewis not because he is a union, but I would sue him because he is in business, and then I would put the burden on him for the exemption instead of permitting the reverse' (hearings, pp. 581 and 582).

"The following colloquy reveals Attorney Donald Richberg's thinking upon the matter:

" 'Senator CAPEHART. At the moment do you feel that either John Lewis or the mine workers are violating any law in respect to their 3-day week?

" 'Mr. RICHBERG. If you ask my opinion as a lawyer, having no clients on either side of the situation and speaking just ex cathedra, I would say it was a clear violation of the existing laws; yes, that is my personal opinion.

" 'Senator CAPEHART. I might ask this question: Do you think he could be successfully prosecuted in the Supreme Court?

" 'Mr. RICHBERG. I would not say that he could not be, because of the fact that although it was a one-sided activity, and the mine operators were wise enough or well enough advised so that they did NOT agree to it, a prosecution might lie on the basis of the showing of the surrounding facts as to the purposes, and so forth, which were not in pursuit of a legitimate activity.

" 'The danger of the situation, in view of the Supreme Court decisions, is that since he claims to restrict production, in the interest of maintaining a fair wage scale, with the latitude that has been given under the decisions of the Supreme Court of the United States, it would be far from certain what decision the Court would arrive at' (hearings, p. 639).

"Status of the Antitrust Laws

"Almost all the witnesses appearing before the committee felt keenly that those who enacted our antitrust laws never intended by exempting unions from their provisions that such exemptions would be used to restrict production, destroy values, and bring about a production limitation of an industry by the union simply because of the immunities granted under the act.

"This asserted power of labor organizations to control production and prices came about as a direct result of laws which were adopted by Congress. The basic law affecting all groups is the Sherman Antitrust Act, which primarily consists of sections 1 and 2 dealing with restraints of trade and monopolies.

"In 1914, Congress passed the Clayton Act, and section 6 of that act stated that the labor of a human being is not a commodity or article of commerce. It goes on to say:

" 'Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof.'

"That act, however, did not have the effect, according to decisions of the Supreme Court, of exempting unions from the prohibitions of sections 1 and 2.

"In 1932, however, Congress passed the Norris-La Guardia Act, vastly limiting the jurisdiction of the Federal courts in labor-relation cases, and the Supreme Court, construing provisions of the Clayton Act and the Norris-La Guardia Act as evidentiary of congressional intent, has now held that where a union acts by itself it can exert its economic power free from any penalties of the antitrust laws. That was very clearly held in the *Allen Bradley Co.* case (325 U.S. 797) in 1945.

"Theoretically, if a union conspires with an employer or a group of employers to restrain trade, or to monopolize trade, the exemption of the antitrust laws does not apply.

"In former trustbuster Thurman Arnold's words, the Supreme Court of the United States read the words 'legitimate objects' out of the Clayton Act and left the union free from either injunction or criminal indictment regardless of the objectives which they sought to obtain (hearings, p. 70).

"(For other views upon the development of the antitrust laws, see hearings at pp. 8, 21, 69, 70, 71, 74, 75, 77, 79, 98, 172, 173, 247, 248, 249, 250, 251, 466, 555, 556, 574, 578, 581, 582, 631 639, 640, 680, 681, 851–853, 858, 859.)

"What then can be done to curb the power of labor organizations which are left free, under the antitrust laws as judicially interpreted, to upset the banking and credit structures of the country, regiment industry under production and price controls, raise consumer prices at will, affect adversely national stabilization, and drive small business enterprise out of the national economy or allow it an estate by sufferance at the

whim and caprice of a labor organization? Surely, our forefathers have not left the Congress defenseless in the face of such an unexpected development.

"Recommendations

"Almost every witness before the committee agreed that the United Mine Workers of America had a complete monopoly, not only over the labor supply in the coal industry, but over the management and business of the industry itself, as demonstrated by its imposition of a 3-day workweek upon that industry.

"(For a discussion of the efficacy of this monopoly, see hearings at pp. 3, 4, 6, 8, 9, 13, 18, 21, 22, 24, 26, 27, 28, 30, 32, 34, 35, 44, 45, 48, 51, 56, 64, 68, 69, 71, 72, 75, 79, 101, 117, 119, 120, 121, 122, 124, 127, 128, 136, 139, 142, 144, 145, 150, 151, 152, 153, 159, 234, 235, 236, 237, 238, 241, 242, 243, 253, 254, 466, 567, 572, 603, 619, 632, 633, 642, 664, 665, 666, 667–669, 675–680, 711–716, 779–787, 841, 846, 847.)

"Because of the great stress placed upon this monopoly phase of the problem, a number of witnesses recommended an amendment to the antitrust laws aimed at the curtailment of the monopoly itself (hearings, pp. 101, 102, 137, 138, 139, 140, 144, 145, 164, 188, 238, 239, 240, 241, 254, 255, 256, 257, 663, 664, 674, 682, 715–717, 720, 764, 891).

"No one can doubt that a bill forbidding in general terms the monopolization of labor would straighten out the present situation. Judge Thurman Arnold conceded that point. However, he proceeded to explain that it is not a practical solution. That power is recognized in unions today. 'Give them that power,' Arnold stated, 'but define the objectives for which that power can be used.'

" 'There is no way of defining the objectives precisely,' he explained. 'In all antitrust cases, you will have to trust the Court to make findings of fact,' he concluded (hearings, p. 75).

"Judge Charles I. Dawson, of Louisville, Ky., concurred when he stated:

" 'I do not think Congress should prohibit industry-wide bargaining' (hearings, p. 561).

"This was the view taken by the sponsors of the Labor-Management Act of 1947. This act presupposes, or at least it does not negate the idea, that unions may organize indefinitely and infinitely, vertically and horizontally, and, with but minor exceptions, exercise any degree of economic power and control which they can muster (hearings, pp. 247 and 248).

"Recommendations of amendments to the antitrust laws ranged from the extremely stringent approach of wiping away all distinctions in the exemptions to the antitrust laws between labor and management (hearings, p. 578), and the comparatively mild but direct approach of making illegal and criminal such admittedly nefarious means as direct production and price controls, and the use of a labor organization's coercive power to restrain trade for purposes which are not reasonably related to wages, hours of labor, health, and safety of its members.

"As the more direct approach is through a special amendment of the antitrust laws, and therefore within the specific type of legislation committed by the Legislative Reorganization Act of 1946 to the Committee on the Judiciary, we forward this document and the problems it and the hearings reveal for their study and consideration.

"(For additional recommendations for amendments to the antitrust laws, see hearings at pp. 8, 24, 35, 72, 73, 74, 75, 79, 80, 81, 136, 466, 556, 557, 558, 561, 567, 572, 573, 574, 575, 578, 579, 584, 631, 634, 636, 637, 638, 765, 766.)

"MINORITY VIEWS

"JANUARY 12, 1950.

"In the consideration of the report on the economic power of Labor Organizations submitted by Senator ROBERTSON (Democrat, Virginia) to the Banking and Currency Committee, January 10, 1950, we, the undersigned, were willing to join our colleagues in transmitting the report without recommendation to the Judiciary Committee for its information.

"But we, the undersigned, did not intend by this vote to signify approval of all the contents of the report. It was our understanding that the committee action was likewise limited to approval of its transmission, not of its contents.

In this respect the minutes of the committee action seem to us correct in stating merely that the committee agreed to send the report to the Judiciary Committee.

"GLEN H. TAYLOR,
"PAUL H. DOUGLAS,
Senators."

Senator ROBERTSON. I thank you. I might point out here that although these hearings were held at my suggestion because of an acute situation which existed with regard to the coal industry, our inquiry was not confined to that industry but covered the whole industrial field.

I might interpose there to say that that testimony was under oath as I put every witness under oath before he testified in those hearings.

At these hearings we asked witnesses to tell us whether or not labor unions were using monopolistic powers in an effort to control prices or production in a manner that was adverse to the public interest in any industry and we also asked those concurring in this view to suggest possible remedies.

Witnesses heard by the Banking and Currency Committee told us that labor monopolies exist in various stages of the process of making numerous commodities. Detailed information was given as to how this monopoly power has been exercised by the United Mine Workers Union and the direct and indirect effect of this on transportation, manufacturing, and other industries, on commercial enterprises, and on private individuals.

It was testified, for example, that John L. Lewis first proposed to the coal-mine operators that a 3-day workweek be instituted on a voluntary basis. If the operators had consented, of course, they would have been subject to action under the antitrust laws for entering into a conspiracy with the union to control production. The possibility of such prosecution was clearly shown by the action in the case of *Allen Bradley* v. *Local Union No. 3, International Brotherhood of Electrical Workers* (325 U.S. 797).

But when the operators refused to join in such a conspiracy, Mr. Lewis, on June 30, 1949, addressed a letter to all of his local unions in which he "advised and instructed" the miners as follows:

"All members in all mines heretofore under contract will return to work Tuesday, July 5, and produce coal 3 days, namely, Tuesday, Wednesday, and Thursday. Each following week thereafter, until you are further advised, the workdays will be Monday, Tuesday, and Wednesday, on which days coal will be produced. All other work except the production of coal may be performed without restrictions in accordance with the usual practice."

Note that statement, if you please. Here was a nationwide industry which is basic to our industrial system and which is essential to the health and welfare of the people of our Nation. Yet one individual writes a letter and says that hereafter Monday, Tuesday, and Wednesday are the only days on which coal will be produced.

I do not have to tell you that this order was effective and for most of the time since it was issued, coal has been produced only on those 3 days in each week.

At the end of his letter Mr. Lewis said: "The cooperation of each member with this policy is requested." He did not have to remind the miners of what might happen to anyone who failed to "cooperate."

But to let the coal operators know where they stood in the matter he also said in this circular letter:

"Operators of all mines will be expected under this policy to maintain the same terms, wages, hours, and conditions of employment heretofore existing under the agreement expiring June 30. Local unions will immediately report to their proper district the identity of any coal company refusing to cooperate with this policy."

Here, then, in this country which boasts it is the home of free enterprise, we have a spokesman for labor, who is vested with monopolistic powers, able to use and using that power to tell the owners of the coal mines when and how they can operate their businesses and use their property.

Of course, if the union can say coal will be mined only 3 days a week it can say coal will be mined only 2 days or 1 day, and it might just as logically say that coal shall not be mined unless it is to be sold for a certain price. It is a clear-cut case of the use of union power not to increase wages or to improve working conditions but to control prices and production.

The future of small companies was jeopardized because they could no operate profitably on a 3-day-week basis or were unable to meet their commitments to fill orders. Much coal was lost permanently because of cave-ins where supports were not adequate during the layoff periods.

Senator DONNELL. May I inquire, if the Senator will permit an interruption, inasmuch as this matter involves the interests of labor as well as those of management and those of the public, I assume that labor representatives have been notified of this hearing? I understand, from the letter that Mr. Covert was kind enough to show me a little while ago, that Mr. Lewis has specifically known of this hearing. Is that correct?

Senator EASTLAND. Yes, sir. The chairman has a letter from Mr. Lewis in which he states the following:

"Due to our preoccupation in meetings this week required by the U.S. District Court for the District of Columbia, the United Mine Workers of America will have to defer appearance before your committee until a later date."

Senator DONNELL. Is that a letter from Mr. Lewis to the chairman?

Senator EASTLAND. Yes. If you so desire, I will put it in the record.

Senator DONNELL. I think it would be well to do that.

Senator EASTLAND. Without objection, the letter dated February 13, 1950, from Mr. John L. Lewis, president of the United Mine Workers of America, will be placed in the record.

(The letter referred to is as follows:)

UNITED MINE WORKERS OF AMERICA,
Washington, D.C., February 13, 1950.

Hon. JAMES O. EASTLAND,
Chairman, Subcommittee, Committee on the Judiciary, U.S. Senate, Washington, D.C.

MY DEAR SENATOR EASTLAND: Acknowledgment is hereby made of your letter of February 9, with respect to the hearings scheduled to begin on S. 2912, Thursday, February 16, at 10 a.m., before the subcommittee of the Committee on the Judiciary of the U.S. Senate.

Due to our preoccupation in meetings this week required by the U.S. District Court for the District of Columbia, the United Mine Workers of America will have to defer appearance before your committee until a later date.

Trusting you will understand the circumstances, I am,

Sincerely yours,

JOHN L. LEWIS.

Senator EASTLAND. I will place in the record at this point, copies of letters sent to a number of persons informing them of these hearings.

The letters were sent to the following:

Mr. A. E. Lyon, executive secretary-treasurer, Railway Labor Executives Association, 10 Independence Avenue SW., Washington, D.C

Mr. John T. Corbett, national secretary, Brotherhood of Railway Engineers, 10 Independence Avenue SW., Washington, D.C.

Mr. Harry See, national secretary, Brotherhood of Railway Trainmen, 130 Third Street SE., Washington, D.C.

Hon. J. Howard McGrath, the Attorney General, Department of Justice, Washington, D.C

Hon. Maurice J. Tobin, Secretary of Labor, Department of Labor, Washington, D.C.

Mr. Philip Murray, president, Congress of Industrial Organizations, 718 Jackson Place NW., Washington, D.C.

Mr. William Green, president, American Federation of Labor, 901 Massachusetts Avenue NW., Washington, D.C.

Mr. John L. Lewis, president, United Mine Workers of America, 900 15th Street NW., Washington, D.C.

(The letters referred to are as follows:)

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
February 10, 1950.

Mr. A. E. LYON,
Executive Secretary-Treasurer, Railway Labor Executives Association, Washington, D.C.

MY DEAR MR. LYON: This is to inform you that hearings are scheduled to begin on S. 2192 in room 424 of the Senate Office Building on Thursday, February 16, 1950, at 10 a.m. Said hearings are to be held before a subcommittee of the Committee on the Judiciary of the U.S. Senate, the subcommittee consisting of Senator O'Connor, Senator Donnell, and myself. A copy of S. 2192 in herewith enclosed.

You are invited to be present or to have someone present to represent you at said hearings.

Sincerely,

JAMES O. EASTLAND,
Chairman, Subcommittee.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
February 10, 1950.

Mr. JOHN T. CORBETT,
National Secretary,
Brotherhood of Railway Engineers,
Washington, D.C.

MY DEAR MR. CORBETT: This is to inform you that hearings are scheduled to begin on S. 2192 in room 424 of the Senate Office Building on Thursday, February 16, 1960, at 10 a.m. Said hearings are to be held before a subcommittee of the Committee on the Judiciary of the U.S. Senate, the subcommittee consisting of Senator O'Conor, Senator Donnell, and myself. A copy of S. 2192 is herewith enclosed.

You are invited to be present or to have someone present to represent you at said hearings.

Sincerely,

JAMES O. EASTLAND,
Chairman, Subcommittee.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
February 10, 1950.

Mr. HARRY SEE,
National Secretary,
Brotherhood of Railway Trainmen,
Washington, D.C.

MY DEAR MR. SEE: This is to inform you that hearings are scheduled to begin on S. 2192 in room 424 of the Senate Office Building on Thursday, February 16, 1950, at 10 a.m. Said hearings are to be held before a subcommittee of the Committee on the Judiciary of the U.S. Senate, the subcommittee consisting of Senator O'Conor, Senator Donnell, and myself. A copy of S. 2192 is herewith enclosed.

You are invited to be present or to have someone present to represent you at said hearings.

Sincerely,

JAMES O. EASTLAND,
Chairman, Subcommittee.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
February 10, 1950.

Hon. J. HOWARD MCGRATH,
The Attorney General,
Department of Justice,
Washington, D.C.

MY DEAR MR. ATTORNEY GENERAL: This is to inform you that hearings are scheduled to begin on S. 2192 in room 424 of the Senate Office Building on Thursday, February 16, 1950, at 10 a.m. Said hearings are to be held before a subcommittee of the Committee on the Judiciary of the U.S. Senate, the subcommittee consisting of Senator O'Conor, Senator Donnell, and myself. A copy of S. 2192 is herewith enclosed.

You are invited to be present or to have someone present to represent you at said hearings.

Sincerely,

JAMES O. EASTLAND,
Chairman, Subcommittee.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
February 10, 1950.

Hon. MAURICE J. TOBIN,
Secretary of Labor, Department of Labor,
Washington, D.C.

MY DEAR MR. SECRETARY: This is to inform you that hearings are scheduled to begin on S. 2192 in room 424 of the Senate Office Building on Thursday, February 16, 1950, at 10 a.m. Said hearings are to be held before a subcommittee of the Committee on the Judiciary of the U.S. Senate, the subcommittee consisting of Senator O'Conor, Senator Donnell, and myself. A copy of S. 2192 is herewith enclosed.

You are invited to be present or to have someone present to represent you at said hearings.

Sincerely,

JAMES O. EASTLAND,
Chairman, Subcommittee.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
February 9, 1950.

Mr. PHILIP MURRAY,
President, Congress of Industrial Organizations, Washington, D.C.

MY DEAR MR. MURRAY: This is to inform you that hearings are scheduled to begin on S. 2192 in room 424 of the Senate Office Building on Thursday, February 16, 1950, at 10 a.m. Said hearings are to be held before a subcommittee of the Committee on the Judiciary of the U.S. Senate, the subcommittee consisting of Senator O'Conor, Senator Donnell, and myself. A copy of S. 2192 is herewith enclosed.

You are invited to be present or to have someone present to represent you at said hearings.

Sincerely,

JAMES O. EASTLAND,
Chairman, Subcommittee.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
February 9, 1950.

Mr. WILLIAM GREEN,
President, American Federation of Labor,
Washington, D.C.

MY DEAR MR. GREEN: This is to inform you you that hearings are scheduled to begin on S. 2192 in room 424 of the Senate Office Building on Thursday, February 16, 1950, at 10 a.m. Said hearings are to be held before a subcommittee of the Committee on the Judiciary of the U.S. Senate, the subcommittee consisting of Senator O'Conor, Senator Donnell, and myself. A copy of S. 2192 is herewith enclosed.

You are invited to be present or to have someone present to represent you at said hearings.

Sincerely,

JAMES O. EASTLAND,
Chairman, Subcommittee.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
February 9, 1950.

Mr. JOHN L. LEWIS,
President, United Mine Workers of America,
Washington, D.C.

MY DEAR MR. LEWIS: This is to inform you that hearings are scheduled to begin on S. 2192 in room 424 of the Senate Office Building on Thursday, February 16, 1950, at 10 a.m.. Said hearings are to be held before a subcommittee of the Committee on the Judiciary of the U.S. Senate, the subcommittee consisting of Senator O'Conor, Senator Donnell, and myself. A copy of S. 2192 is herewith enclosed.

You are invited to be present or to have someone present to represent you at said hearings.

Sincerely,

JAMES O. EASTLAND,
Chairman, Subcommittee.

Senator ROBERTSON. Mr. Chairman, if I may be permitted to do so, may I ask whether or not the committee has received a report on this bill from the Department of Justice and from the Department of Labor?

Senator O'CONOR. We have not as yet.

Senator EASTLAND. The chairman is informed that no reports have been received at this time, but that the Department of Labor has promised a report this afternoon.

Senator ROBERTSON. May I ask whether the chairman plans to ask the Department of Justice, whose duty it is to enforce antitrust laws, to make a report?

Senator EASTLAND. A letter has been placed in the record which was addressed to the Attorney General.

Senator ROBERTSON. In connection with the question raised by the distinguished Senator from Missouri, I would like to tell the committee that on several occasions, as chairman of the Senate Banking and Currency group conducting the hearings on the monopolistic power of labor unions, I publicly announced that our committee would be very glad to hear all representatives of labor on the issue. I sent letters to Mr. John L. Lewis, Mr. William Green, Mr. Philip Murray, and Mr. Walter Reuther personally inviting them to appear and testify. None of them accepted. Most of them did not even answer the letter, but Mr. Lewis did answer and said, in effect, that if anything developed in the hearings which he thought was worthy of his notice, he would let me know about it. There the matter rested.

Senator DONNELL. He has not let you know of anything that has developed thus far?

Senator ROBERTSON. Apparently nothing developed that concerned him. He did not ask to be heard on it.

If you will take the trouble to analyze the testimony which you have been good enough to permit me to make a part of this record, the synopsis of important portions, I think you will agree with me that there were some things that developed that should have been of concern to him.

The coal industry as a whole lost to competitors such as gas and oil because industries were unable to get or were afraid to depend on their accustomed source of fuel.

Employment figures and payrolls dropped sharply because 60 percent of the cost of producing coal is labor cost as compared

with 8 percent for the oil to which many plants shifted. Railroad traffic and railroad employment were reduced. Communities dependent on mining operations had general business depressions.

May I pause there to say that the morning papers indicate that the railroads have been required by the Interstate Commerce Commission to discontinue about one-half of their coal-burning engines. Some of the railroads run diesel engines which burn oil, and those are still operating. The interruption in railway traffic in this Nation now is very serious.

Yesterday I saw an item in the Roanoke Times, which newspaper is published where the Norfolk & Western, a very large coal-hauling railroad, is located, which indicated that that railroad has been forced to lay off nearly 5,000 men because of this coal shortage. Those are laboring men. They are members of a union, and they are suffering because the head of another union says: "You cannot have the coal necessary to run your trains, and you cannot have the freight," which for the Norfolk & Western is about 80 percent of its freight revenue, "to haul." Norfolk & Western was forced to say to its men, "We want to protect you. We are being wronged, but there is no remedy. All we can do is to lay you off until Mr. John L. Lewis gives us permission to haul coal again or until the Congress says that no one individual is more powerful than this Nation and that in a contest of that kind the public interests must be given priority."

Tomorrow this committee will hear considerable testimony from retail coal dealers showing how they have been put out of business and how they have been unable to fill the orders from their local customers because of the situation.

Senator EASTLAND. Is that not true in every case where you have an industrywide strike?

Senator ROBERTSON. To a considerable extent, sir, it is. During our coal hearings, we were presented with alternative methods of reaching this problem. Some of the witnesses strongly urged that we recommend an amendment to the Taft-Hartley law prohibiting industrywide bargaining.

Senator EASTLAND. Well, is that not, in effect, what this bill would do?

Senator ROBERTSON. Oh, by no means, sir. This bill does not destroy a labor monopoly. This bill does not prohibit industrywide bargaining. This bill does say that where you are dealing with a commodity or service affecting the national economy, health, or welfare, no labor union shall use its monopolistic power to unreasonably control production or to unreasonably control prices.

Senator EASTLAND. If there is any industrywide strike in any basic industry in the United States to enforce wage demands, this bill would not apply?

Senator ROBERTSON. This bill, I will be frank to say, will not reach that situation. It does not prohibit, in any sense, bona fide collective bargaining affecting wages and working conditions, nor does it prohibit a strike to enforce reasonable demands for those legitimate purposes.

All that it does is to go beyond a strike affecting wages to one which is clearly an effort to control production. The court can then say, if it is of national import or a major segment thereof affecting the national economy, health, or welfare whether it is reasonable or unreasonable. It is the very essence of our antitrust laws as written and so construed through the years that you cannot write in specific prohibitions or specific allowances to do this, that, or the other. It all turns on what the court, in each particular case, shall determine is reasonable or unreasonable. If it is unreasonable with respect to the control of production or prices, under this bill the court can make the union subject to a civil suit or triple damages. It can also be made subject to a criminal charge, and so forth.

Senator O'CONOR. Are there any standards prescribed as to what is reasonable?

Senator ROBERTSON. There are absolutely none because we could not undertake to bind the hands of the court. Some very expert lawyers in the field of antitrust legislation worked for weeks to try to spell it out, and they could not, at least to my satisfaction, do so. They spelled out some things, but when you spelled out those things, you had to spell out what they could do, and I finally discarded all of that effort as being utterly unworkable and impractical, and I fell back upon the established language of our antitrust laws. I just followed those laws and, in a word, just said that hereafter the ruling in the Hutcheson case, interpreting the Norris-La Guardia Act, shall not apply to the monopolistic control of production of prices.

Senator O'CONOR. Do you consider that this act would amend the Norris-La Guardia Act?

Senator ROBERTSON. It does not amend the Norris-La Guardia Act to the extent that Congress intended that act to apply, but it does amend the Norris-La Guardia Act as construed by Mr. Justice Frankfurter in the Hutcheson case where he said that if you cannot, under the Norris-La Guardia Act, bring an injunction against a strike no matter what the strike is doing, then nothing that a labor union can do is subject to control by the courts.

Senator O'CONOR. At that point, Senator, because of your knowledge and grasp of this whole situation, I would like to read one sentence from that decision in the Hutcheson case, the Supreme Court decision, which decision I was reading this morning in order to refresh my memory, and which case was decided in 1941:

"The relation of the Norris-La Guardia Act to the Clayton Act is not that of a tightly drawn amendment to a technically phrased tax provision, but the purpose of the bill is to protect the rights of labor in the same manner that Congress intended when it enacted the Clayton Act."

Senator ROBERTSON. May I interrupt you there?

Senator O'CONOR. Yes.

Senator ROBERTSON. That grew out of what was known as the yellow-dog contract where the employer would make them sign an agreement called a yellow-dog agreement that they would work without joining the union. The union would want to strike over that thing, and then the employer would get an injunction against them. The Norris-La Guardia Act was aimed at wiping out that situation. If a majority of the employees wanted to go into a union, they could do so, and the company would have to recognize that and could not get an injunction over that issue.

Senator O'CONOR. To your knowledge has the Hutcheson case, which, if I recall correctly, was decided in 1941—9 years ago—ever been overruled?

Senator ROBERTSON. On the contrary, it has been followed. I am going to discuss that case as I get to it and the case that followed it, the Court feeling bound by the decision. The Hutcheson case was a 5-to-4 decision, and Mr. Justice Roberts gave a very vigorous dissent which I will get to in a few moments.

Senator O'CONOR. The reason I ask that at all is this: Do you consider that this act in any sense modifies or amends the Clayton Act?

Senator ROBERTSON. It is difficult for me to say just how much the Court was influenced by the Clayton Act and how much it was influenced by the Norris-La Guardia Act. The Clayton Act was an act passed solely for the protection of labor. When the Court had held, under the Sherman Act, that all combinations of labor were violative of the antitrust laws, the Congress after that decision made three or four different attempts to get a bill through declaring that labor was not an article of commerce. Finally in 1914 the Clayton Act was passed which said that labor is not an article of commerce and that strikes that do not affect interstate commerce are not violations of the Sherman Act.

Now my bill says that notwithstanding what the Clayton Act says on that subject and notwithstanding what the Norris-La Guardia Act says on that subject, the ruling of the Court in the Hutcheson case is no longer law. It will free their hands because numerous members of the Court—and I will quote from Mr. Justice Black later on—have declared that abuses exist that ought not to be tolerated, but they say that it is up to the Congress and that their hands have been tied by Congress.

Senator O'CONOR. The Clayton Act, if I remember, in one of its sections, section 6, I believe, says that none of the antitrust laws are to apply to the operation of labor organizations or any individual members.

Senator ROBERTSON. That is correct. That is the reason I told your distinguished chairman that my bill does not reach collective bargaining. It does not reach industrywide bargaining. It does not break up strikes. They can still strike, but it must be for a legitimate purpose.

Senator EASTLAND. That is what I wanted to ask. If there was a strike, an industrywide strike, in a basic industry of this country for increased wages, better working conditions, would it be a question of fact then for the Court as to whether or not those demands were reasonable?

Senator ROBERTSON. Oh, no. The Court would have no jurisdiction, under my bill, to enter the field of collective bargaining for wages and safety and general working conditions. The only thing that the Court can pass on is whether or not the action goes beyond anything relating to the legitimate objectives of collective bargaining and very definitely restrains production in an unreasonable manner.

Senator EASTLAND. It goes beyond collective bargaining and considers whether the purpose is to control production?

Senator ROBERTSON. That is right. The only criticism I have heard from any source about my bill was that it was too mild, that it does not really come to grips in a firm way with the problem that confronts us.

Senator EASTLAND. What about Mr. Lewis, what have his demands been? Have they been to increase wages?

Senator ROBERTSON. He started his negotiations in May on a contract that expired on June 30, and up to this date coal friends have told me that he has never yet specifically told them what his exact demands are. Never. But there have been hints and suggestions that he wanted 95 cents a day more so as to raise the wages up to $15. They are already the highest in the Nation and in the world, for that matter. He wants a 30-cent royalty fund, and he wants an able-and-willing-to-work clause under which he can shut down production whenever he wants a mourning period. Any time that he thought production was going better than he thought it should, they could shut down and mourn for a while.

Senator EASTLAND. Is it your contention then that his demands are not for better wages, I mean, that his strike was not for better wages, not for better working conditions, and not for a welfare fund, but to control the production of coal?

Senator ROBERTSON. Well, I had better state it rather than accept your analysis of it. I think he started out to ask for things

that definitely related to wages and welfare funds and safety and that kind of thing. When he found that the operators were unwilling to voluntarily say, "We cannot afford to be shut down, and we will give you this and give you that," he would say, "Oh, no, that is not enough." He would say, "How much am I bid?" until they got it up to the point he had in mind. They would not do that. Then to force them to their knees and to penalize the consuming public of our Nation, he engaged in what I claim was an improper and an unreasonable method; namely, taking charge of production.

Senator EASTLAND. If he was striking to enforce, say, a wage scale of $1.50 an hour, plus a 50-cent-per-ton contribution to the welfare fund, would your bill apply to those conditions?

Senator ROBERTSON. I do not think so. If he just called a strike and sat tight on that, I do not think my bill would reach him. That is the reason why I have been told by some that my bill is not strong enough.

I am not hostile to labor. I spent the early part of my legislative career in the State senate working for more liberal provisions for labor. I started out without anything. I came out of college with a big debt that I had to pay at 6 percent compound interest, and my sympathies were with the man who was not born with a silver spoon in his mouth, and who had to work for what he got. I saw the discrepancy, between the haves and the have-nots, and the selfishness of the haves and of the big corporations, and I saw the struggle of the have-nots to get even the necessities of life. I went to work for a workman's compensation act and for women's protection and children's protection in industry. Then when I came to Congress, spending 10 years working on tax laws, I tried to frame tax laws that would be geared to the ability to pay. All through my legislative career—as I hope my votes show—I have believed in the fundamental Jeffersonian principle of equality for all. But Jefferson was just as much opposed to special privilege for any group as anybody could be, and that is my approach to special privileges.

Senator EASTLAND. Of course, I know that what the Senator has said is absolutely correct about his record. Your position, as I understand it, is that the coal strike is now penalizing labor; is that it?

Senator ROBERTSON. It is penalizing all labor. Why, of course it is, and it is hurting the miners. I will say later on in my prepared statement that I want to protect them from dictatorial action. They are never permitted to vote. They have never, insofar as I know, in the last 10 years ever had the privilege of voting as to whether they would have a strike or would not have a strike or as to what kind of a contract they would be permitted to accept. They were told, as I will say later, that they would work on certain days and on no other days. They were told, "You will go back," or "you will come out," and that is all it is for 400,000 men.

Before I finish I will cite the case of one man who said, "Well, I think a man who does that to us is a dictator," and they then kicked him out of the union, took his union card away from him, yet he does not know how to do anything except dig coal. They have said to him that he will never dig any more coal unless he goes to some nonunion mine in the West.

Senator DONNELL. Senator, so that the record may contain a succinct statement of just what the legal basis of your bill is, let me ask you whether or not this is a correct statement of it: First, you proceed on the assumption that under the Sherman Antitrust Act of 1890, it is unlawful for a labor organization or the members thereof to unreasonably restrain trade or commerce among the several States or with foreign nations in articles, commodities, or services essential to the maintenance of the national economy, health, or safety, or any substantial segment thereof?

Senator ROBERTSON. That is correct.

Senator DONNELL. In the second place, what your bill does or would do if enacted is to provide that such conduct as I have just stated which, under your theory, is illegal under Sherman antitrust law shall not be made lawful by the Clayton Act or the Norris-La Guardia Act nor shall the jurisdiction of any court of the United States to issue an injunction against any such conduct be restricted or removed by either the Clayton Act or the Norris-La Guardia Act?

Senator ROBERTSON. That is exactly right.

Senator DONNELL. Then there is a correlative section relative to territories, the States, and the District of Columbia.

Senator ROBERTSON. That was put in to make it all embracing.

Senator DONNELL. But that is the theory of your bill; is it not?

Senator ROBERTSON. The distinguished Senator from Missouri, with his usual keen and analytic mind, has gone right to the heart of this bill. That is just what it does and no more. But there will probably be witnesses appearing before this committee that will put several long horns and a long tail on this bill and claim that its purpose is to destroy labor unions. They may even label it a slave-labor bill before they finish. This bill is as mild an approach as I know which would give us any relief from what I regard as an intolerable situation.

Senator DONNELL. The term "slave-labor bill" has been applied to some other pieces of legislation; has it not?

Senator ROBERTSON. Yes; but it did not affect my vote thereon.

The effects of allowing this labor organization to control the production and prices of coal were not limited to the coal industry. They spread to other allied industries and had a serious impact upon our whole economy. The country has refused to accept monopolistic dictation by industrial leaders and it should not be required to accept any such dictation by a labor leader.

It is true that Congress has given certain immunity to labor unions and the interpretation of the law by the Supreme Court has also contributed to making all labor and pseudo labor activities safe from any corrective action by any court. Rightness or wrongness, wisdom or unwisdom, selfishness or unselfishness and the gravity of the effect on the national welfare and security have now become factors which labor unions can, if they desire, disregard.

Not only do we here have an example of monopoly by a labor leader over business, but I call your attention to an editorial of the Washington Evening Star commenting upon the monopoly exercised by this same leader in suspending from the union for 6 months one of its members who spoke out in disagreement to the actions of this leader. In this connection, I also call your attention to a letter printed by the Philadelphia Inquirer, February 3, in their column the "Voice of the People." I ask unanimous consent to insert those two editorials in the RECORD without taking the time to read them.

Senator EASTLAND. Without objection, it is so ordered.

(The editorials referred to are as follows:)

"[From the 'Voice of the People' in the Philadelphia Inquirer, Feb. 3, 1950]

"MINER'S WIFE SPEAKS OUT

"To the EDITOR OF THE INQUIRER:

"I wish I were an important person who could make everyone sit up and pay attention to the sentiments I express in this letter, but being only a miner's wife they will pass unnoticed. However, every miner's wife feels as I do and that makes them important.

"In the first place, we are all beginning to wonder what our forefathers died for when it is getting so that no one can express his feelings in free speech. A union is a wonderful thing until it begins dictating what a person should do and when he shall work and what he shall pay.

"The men want to work but the "great" John Lewis says "No," so everyone has to suffer for it. The news in our Pottsville Republican, January 27, shows to what despair men are being driven when their wives and children are going hungry and they can do nothing about it.

"Is this anything for the mine union to be proud of? Why can't the men themselves vote when it comes to an important decision? And then there is the probability that Lewis will not be retired at the age of 70. Isn't it time soon he gave up his dictating and let another man have a chance, one who will give the men a voice in the union?

"A coal miner from Library, Pa., is being called before his union local because he called Lewis a dictator. How right he is, and he should be upheld in expressing his opinion because everyone feels the same but is afraid to say so because it would cost him his job.

"A MINER'S WIFE.

"MINERSVILLE, PA., *January 31.*"

"[From the Evening Star, Washington, D.C., Feb. 6, 1950]

"MR. LEWIS ON 'FREEMEN'

"In his letter to President Truman, John L. Lewis said that the mine workers are 'free citizens in a free country' and that they have an 'inherent right' to pass upon the considerations under which they will work. The experience of Joseph Dickmon shows just how 'free' the miners really are, just how destitute they are of the most elementary rights of free citizens in a free country.

"Mr. Dickmon, a young Navy veteran, married and father of a child, wanted to work 5 days a week instead of the 3 decreed by Mr. Lewis. He said that Mr. Lewis was a dictator, and that the miners should ignore his 3-day week. He wrote to Pittsburgh newspapers, pointing out that Mr. Lewis is not 'starving.'

"For this he was hauled before a meeting of his local branch of the United Mine Workers, and charged with violating a section of the mineworkers' constitution which forbids 'false statements' about union leaders. Mr Dickmon's statement in his letter was not false. John L. Lewis enjoys a salary from the mine workers of $50,000 a year. He definitely is not starving. Was it false to say that Mr. Lewis is a dictator? Mr. Dickmon's local evidently thought so, for he was adjudged guilty and suspended for 6 months, which means that he cannot work at his trade during that time.

"Other people may differ with that judgment. It is perfectly clear that no individual miner can openly oppose Mr. Lewis without penalty. Most of them probably have no desire to oppose him. But for any who may wish to do so, the experience of Joseph Dickmon stands as lesson and warning. Within the union, the power of John L. Lewis is absolute. And he uses that power, not only to crush opposition within his union, but in an attempt to impose his will on the people of the United States.

"It is in this power enjoyed by union bosses, not in the Taft-Hartley Act, that one finds real enslavement of the American worker. Under the Taft-Hartley Act, if the mineworkers were compelled to obey it, Joseph Dickmon could not be expelled for opposing Mr. Lewis. That is one reason why Mr. Lewis does not like the law. And it may be hoped that the President of the United States will remember the case of Joseph Dickmon when he again considers lending

the prestige of his office to the attack by the union bosses on what they like to call the Taft-Hartley 'slave labor' law."

Senator EASTLAND. Would the bill apply to a condition such as you have just described, the suspension of a man for 6 months who took issue with Mr. Lewis?

Senator ROBERTSON. No. That would be arbitrary action on the part of the union which we would deplore, but this bill would not reach that situation. It would put the union in a position where I do not think it would undertake to do what it is now doing. If that should happen, then it would not be an occasion for a member of the union to complain of dictatorial powers, and if he did not complain of dictatorial powers, he would not be put out of the union. So indirectly, the bill would reach him, but directly it would not.

This monopoly power in all of its ramifications and arrogance has, since the close of our hearings and the introduction of my bill, been exercised and abused daily. I need not detail for your committee the manner in which this monopoly, accompanied with utter defiance and disregard of public needs, rights, and interests, has aroused our entire Nation to a recognition and demand for some corrective legislation. In any contest for power between the public represented by the Government and any group, large or small, there should no longer be any doubt as to which contestant must win. This country can not afford dictators—Government or private.

I shall not at this time go into the testimony offered as to the potentiality, at least, of something similar happening in other basic industries, but you will find it in the hearings. And there are numerous such instances.

The evidence at our hearings, in general, gave point to the warning of another Member of the Senate, the Honorable James E. Murray, who cannot by any stretch of the imagination be regarded as biased against labor. In January 1947 this colleague aptly said: "If democracy is to survive, it must be vigilant, strong, and constantly able to defend itself against any force or organization which sets itself up to dictate to the Government. When rules of industrial umpires, when rulers of big unions, when any economic power grows so big and becomes so arrogant as to threaten the state, then indeed is the people's government in jeopardy. This has become such a time. I underscore the words "such a time."

Senator DONNELL. May I ask the Senator another question. You were asked by one of the other members of the committee whether or not your bill sets forth any standards on which unreasonableness or restraint of trade shall be determined. I ask you, Senator, whether any such standards are set forth in the Sherman Act and whether it is true or not true that, notably in the Standard Oil case some years ago, the Supreme Court applied a rule of reason without the necessity of any definition existing in the statutes, specifically; is that correct?

Senator ROBERTSON. As usual, the distinguished Senator from Missouri is absolutely correct. The Sherman Act did not fix any standards, but the Supreme Court did lay down certain standards, and they have been satisfactorily followed since that time. As each antitrust case against industry has come up the Court has analyzed the facts and has then attempted to apply the rule of reason as to whether what had been done was reasonable or unreasonable with respect to precise competitive actions or restraint of trade in any other way.

Senator DONNELL. The Senator may recall the language to that general effect in the case of *Board of Trade* v. *The United States* (246 U.S. 231):

"The true test of legality is whether the restraint imposed is such as merely regulates and perhaps thereby promotes competition or whether it is such as may suppress or even destroy competition."

Senator ROBERTSON. That is the thought that I had in mind in framing this legislation. I tried to parallel the language of what had been interpreted, as I thought, satisfactorily through the years, and then I was willing to trust the Court.

Now, with all due deference, some persons have told me: If you trust the Court on labor matters and as to what is reasonable and unreasonable, you may wind up like Asa of whom it is said he put his faith in the doctors and slept with his fathers, but I am willing to trust the Court.

I happen to know personally most of the members of that Court; and in a matter where the real welfare of this Nation is at stake, if we fix the language of t_is statute which does not bind them, as Mr. Justice Frankfurter held they were previously bound and are now bound, I am willing to trust this Court in determining what is unreasonable restraint of production by a labor union. I cannot imagine why any Member of Congress or any member of any labor union should object to being subjected to that extent to the same kind of laws that everybody insists shall apply to an industry.

Senator DONNELL. Mr. Chairman, may I ask the Senator just one more question?

Senator EASTLAND. Proceed.

Senator DONNELL. I take it that in the case of an injunction proceeding ordinarily the question of reasonableness or unreasonableness would rest with the Court itself as distinguished from the jury?

Senator ROBERTSON. Absolutely.

Senator DONNELL. I would like to ask whether or not, in the case of criminal proceedings for damages, the question of reasonableness or unreasonableness would be a question of law to be decided by the Court or a question of fact to be decided by the jury?

Senator ROBERTSON. As the Senator knows, I have been out of active practice for 17 years. When I was elected to the Congress, I figured that this was a full-time job and that it needed more than all of my brains and all of my time to do it right. So I retired at some financial sacrifice from the practice of law and have devoted my attention to the making of law.

But my assumption is that the jury would find the facts and apply the law as the court instructed them to. Then, of course, the court would have the right to review the findings and if there was no evidence, it could set them aside. The judge certainly would give the jury, where the matter went to a jury, instructions on what the law was with reference to reasonableness.

Senator DONNELL. Thank you, sir.

Senator O'CONOR. Senator, I have just one question. Would you, for the record, indicate what would be accomplished that could not be accomplished under the present Taft-Hartley bill. For example, we have had an experience here in the District of Columbia in the last few days as to the issuance of an injunction by Justice Keech.

Senator ROBERTSON. That is the reason why at the opening I said that, if we got any remedy at all, the next few weeks would determine whether we got any because, as I understand, Mr. Lewis is going to claim that he told the men to go back to work and that, if they did not go back to work, it was not his fault. Now, the distinguished Justice Goldsborough, with whom I served in the House and who is from the great State of Maryland, met the issue head on and said: "I will brush aside this technicality and act on the reasonable assumption that the man who has always had power to tell them when to go in and when to go out is still exercising that power; Mr. Lewis, you are fined." Mr. Lewis took it to a higher court, and they said: "Mr. Lewis, you stay fined."

Now, just what is going to happen in this next hearing I do not know. But Mr. Lewis is a smart man, and his lawyers are smart. I predict that they will not make the same mistake twice, and it will not be as easy this time as it was before. I do not know how he is to come out; but, even if they get the injunction and even if they can force the men to work under that injunction, it will last for only 80 days. Now, when that ends, your remedy is gone. Suppose that it would start all over again. Where are you? Up "Salt Creek."

And so I say we should have permanent legislation. The railroads have lost not less than $750 million by reason of this unreasonable restraint of the production of coal. Suppose that the union starting that knew that the railroads could sue them for triple damages? Suppose they knew that all of these coal retailers who are being put out of business, each one in his own jurisdiction, would start a suit for triple damages? Suppose these mine operators, who say that this thing is costing them from 45 to 50 cents a ton increase, and who are unable, on the basis of 3 days a week, to pull the pillars, as they cut, out of the room in time so that the pillars give way and the coal falls in and can never be recovered again, sue the union for all of the accumulated damages? Do you not imagine that the leader of that union would think twice before he would risk a court decision on all of those cases all over the United States on the question of triple damages as well as on whether he had acted reasonably or unreasonably. I cannot imagine a better restraining influence than to have a law of this kind to which the public could resort in the last analysis if anybody were to be so ruthless as to force them to that ultimate remedy.

But, as the matter now stands, I frankly do not see any remedy except what the distinguished member from Maryland referred to: that is, a temporary injunction which may or may not work temporarily but, under which, after it is over, the unions are still free to start all over again, doing whatever they please. That is the reason I am sponsoring this bill. That is the reason I hope the Congress will join with me in writing it into law.

Senator EASTLAND. Let us proceed, Senator.

Senator ROBERTSON. If, then, action is required against a condition which jeopardizes the peoples' Government, the next question is: Where shall we find the remedy?

The objective of my bill is to restore to the Sherman Act the meaning which Congress always intended it to have. In fact, the Supreme Court accepted that meaning until in 1941 five members of the Court gave it a new interpretation. They then declared that the Norris-La Guardia Act (29 U.S.C.) had modified the antimonopoly laws so as to give immunity to all labor activities. Up to that decision in 1941 the Supreme Court had previously said, time after time, that this had never been intended by Congress.

Under Justice Frankfurter's decision in the Hutcheson case of 1941 (*United States* v. *Hutcheson*, 312 U.S. 219), no injunction can be issued and nothing can be a criminal offense or the subject of a suit if it arises out of any kind of labor dispute. This state of the law gives labor an unlimited license to do anything it chooses, by unlawful as well as lawful means, and still be safe from prosecution, injunction, or liability under the Sherman Act.

My bill would modify the ruling in the Hutcheson case, supra, to the extent that when a labor union or its members have unreasonably restrained trade in commodities or services essential to the national economy, health, or safety, they cannot use the cloak of the Norris-La Guardia Act to escape a criminal prosecution or injunction.

The public can be hurt just as badly when restraints are imposed by a labor union as it can when these restraints are imposed by business combinations. In fact, no business combination of which I have ever heard has achieved the kind of arbitrary power and control that John L. Lewis now possesses and wields.

In the case of coal, John L. Lewis has been dictating to the industry in such a way as to govern production and prices. If this continues, the whole industry will be run at the discretion of one man. That tends to drive out small business and put the remaining big business under the control of a monopolist. My interest is in the general public and the health of the national economy. I am also interested in the mine workers. They too have been hurt.

In the Supreme Court decision in the Allen Bradley case, supra, in 1945, Mr. Justice Black, speaking for the Court acknowledged the inconsistency of a law which allows labor unions to destroy competition provided they act alone. He said:

"This, it is argued, brings about a wholly undesirable result—one which leaves labor unions free to engage in conduct which restrains trade. But the desirability of such an exemption of labor unions is a question for the determination of Congress."

Let us see, then, briefly, how labor obtained its exemption from application of the antitrust laws when it restrains trade in a manner which is prohibited to the managers of industry.

Generally speaking, until 1842, organizations of wage earners were held to be criminal conspiracies in restraint of trade. In that year, in the case of *Commonwealth* v. *Hunt* (45 Mass. (4 Metcalf) 111), Massachusetts held to the contrary and thereafter peaceful combinations of workers to better working conditions were generally recognized as lawful. As we developed more complicated processes of manufacture calling for greater capital investments than any one man could command, or any partnership could conveniently handle, we developed of economic necessity the corporate form by which sufficient capital could be assembled to construct the large plants and acquire complicated and expensive machinery. The growth of unions followed, on the correct theory that the individual could not bargain on terms of equality with employers.

Because industrial units became larger and more powerful and some tended to engage in monopolistic practices, the Congress in 1890 passed the Sherman Act (26 Stat. 209; 15 U.S.C.), which declared unlawful "every contract, combination, in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States."

Enforcement of the Sherman Act has varied from time to time, but, generally speaking, it has succeeded in preventing any single corporation or combination of capital (excluding labor organizations) from gaining a throttlehold on any section of the economy and has prevented any business group from exercising the same autocratic powers now possessed by unions.

In 1908, the Supreme Court of the United States, in the Danbury Hatters case (*Loew* v. *Lawler*, 208 U.S. 274), held that the Sherman Act applied to labor unions as well as to business organizations. The Court stated in its opinion that the act "made no distinction between classes. It provided that 'every' contract, combination, or conspiracy in restraint of trade was illegal."

Senator DONNELL. Indeed, Senator ROBERTSON, in that case the Supreme Court sustained the view that there was individual liability on the part of the individual members of unions for damage judgments rendered against the organization; is that correct?

Senator ROBERTSON. Yes, and wiped them out in a damage suit.

Senator DONNELL. Now, that the Taft-Hartley Act does not follow that theory, but contains a specific provision to the effect that judgments against labor unions shall be against the entity itself, and money judgments are not enforceable against the members; is that correct?

Senator ROBERTSON. That is correct.

The records of Congress shows that several efforts were made to exempt, by legislation, organizations of farmers and laborers from the operation of the act and that all such efforts failed.

Then, in 1914, Congress passed the Clayton Act (38 Stat. 731), and section 6 of that act stated that the labor of a human being is not a commodity or article of commerce. It goes on to say:

"Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purpose of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof."

Senator DONNELL. Do you mind putting in the concluding clause of that section 6 also?

Senator ROBERTSON. Will the Senator do that for me, please?

Senator DONNELL (reading):

"Nor shall such organizations or the members thereof be held or construed to be illegal combinations in restraint of trade under the antitrust laws."

Senator ROBERTSON. That act, however, did not have the effect, according to decisions of the Supreme Court, of exempting unions from the prohibitions of sections 1 and 2 of the Sherman Antitrust Act, dealing with restraints of trade and monopolies. Historically, the Supreme Court has taken the position that labor was subject to the antitrust laws as evidenced by *Loewe* v. *Lawler* (208 U.S. 274); *Duplex Printing Press Co.* v. *Deering* (254 U.S., 443); *Coronado Coal Co.* v. *United Mine Workers of America* (268 U.S. 295); *U.S.* v. *Brins* (272 U.S. 549); *Bedford Cut Stone Co.* v. *Journeyman Stone Cutters' Association* (274 U.S. 37).

I might pause here to add that when my present testimony is over I have a brief synopsis of all these cases I have mentioned which I do not discuss in full later in this statement. The committee may want to question me about the holding in those specific cases, or may want me to put those analyses in the record.

Senator EASTLAND. I think they should be placed in the record.

Senator DONNELL. So do I.

Senator ROBERTSON. Then, at the conclusion of my statement, I will offer for the record the analyses of the cases which I am not discussing in my prepared statement.

Senator EASTLAND. That will be ordered.

Senator ROBERTSON. The jurisdiction of the Federal courts in labor relations cases was further restricted in 1932 when Congress passed the Norris-La Guardia Act, which was in name an anti-injunction act.

The public generally, and I am sure most Members of Congress, regarded that law merely as a law regulating court procedure and greatly limiting the use of injunctions in labor cases. Actually, however, it has been construed as an amendment of the Sherman Act and Clayton Act and has resulted, through its interpretation, in giving unions almost complete exemption from the antitrust laws.

Senator DONNELL. Do you mind if I state for the record the official title of the Norris-La Guardia Act?

Mr. ROBERTSON. I would like to have it.

Senator DONNELL. The Norris-La Guardia Act is—"An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes."

Senator ROBERTSON. That indicates just what I have said. It never was intended as an amendment of either the Sherman Act or the Clayton Act; but, as I will point out, it has been so construed by the courts, and that is what we are trying to get away from.

Reverting from a long line of decisions that labor was subject to the antitrust laws, the Supreme Court, in the Apex case (*Apex Hosiery* v. *Leader*, 310 U.S. 469), concluded that labor is not liable under the antitrust acts where its conduct did not result in controlling price and restraining competition. The court justified its position by holding that "the congressional end was the prevention of restraints of free competition in business and commercial transactions which tended to restrict production, raise prices, or otherwise control the market to the detriment of purchasers or consumers of goods and services, all of which had come to be regarded as a special form of public injury."

I underscore those last words, a special form of public injury, because that is the very issue that we are dealing with now.

The court developed the "price and competition" test from the legislative history and reviewed earlier decisions only to find that the activities "affecting interstate commerce were directed at control of the markets and were so widespread as substantially to affect it."

Shortly thereafter, in the case of *United States* v. *Hutcheson* (312 U.S. 219), the Court asserted the legality of a union's conduct even when directed against interstate sales and customers, so long as it is peaceful and otherwise within the Clayton and Norris-La Guardia Acts.

Against this reasoning, Mr. Justice Roberts vigorously dissented, saying:

"By a process of construction never, as I think, heretofore indulged by this Court, it is now found that, because Congress forbade the issuing of injunctions to restrain certain conduct, it intended to repeal the provisions of the Sherman Act authorizing actions at law and criminal prosecutions for the commission of torts and crimes defined by the antitrust laws. The doctrine now announced seems to be that an indication of a change of policy in an act as respects one specific item in a general field of law, covered by an earlier act, justifies this Court in spelling out an implied repeal of the whole of the earlier statute as applied to conduct of the sort here involved. I venture to say that no court has even undertaken so radically to legislate where Congress has refused to do so."

That is the end of dissenting opinion in that case by Mr. Justice Roberts. Since, as I have previously indicated, the Supreme Court has, in the words of Mr. Justice Roberts, undertaken so radically to legislate where Congress has refused to do so, it now becomes necessary for the Congress to legislate again on what the Court has legislated on. That is the purpose of my bill—to overrule the decision of the Court in the Hutcheson case, if this becomes a law.

As Mr. Thurman Arnold put it, the Supreme Court in the Hutcheson case (supra) read the words "legitimate objects" right out of the Clayton Act and left the union free from either injunction or criminal indictment regardless of the objectives which it sought to obtain.

The Hutcheson case, as some of you may recall, grew out of a dispute between machinists and carpenters over who should install machinery for a brewing company in St. Louis. The carpenters attempted to boycott the brewery's products all over the United States, and they practically stopped all building operations in St. Louis because of their dispute with another union, yet the court refused to uphold an indictment against them under the Clayton Act.

In another case that originated in New Orleans the Teamsters Union prevented a group of truckers from entering the city because the truckers were dealing with a

CIO union which had been certified as the proper bargaining agent by the National Labor Relations Board but the Supreme Court refused to hear and affirmed without opinion a dismissal of the indictment against the teamsters (*U.S.* v. *Building and Construction Trades Council of New Orleans et al.*, 313 U.S. 539).

In a third case arising in Chicago, the hod carriers insisted that ready-mixed concrete should not be used; that concrete should be mixed by the old puddle method, or, if the employer chose to use these concrete mixers, then he should have enough people standing around to fill the complement which would be necessary if the puddle method had been used. That prevented the importation of concrete mixers in Chicago. It raised the cost of building and lowered the quality of building materials. Thurmon Arnold thought surely that was not a legitimate union purpose. However, a dismissal of the indictment in that case was affirmed by the Court without opinion and without even the opportunity of filing briefs (*United States* v. *International Hod Carriers and Common Laborers District Council of Chicago and Vicinity et al.*, 313 U.S. 539).

Thurman Arnold then took the cue from the Court and concluded that it seemed there was no limitation whatever upon the power of a labor union to engage in any activities whatever.

Even the Antiracketeering Act of 1934, which makes criminal the use of force, violence, or coercion to obtain money or other valuable consideration was incapable of halting featherbedding by unions. The Supreme Court (*United States* v. *Local 807*, 315 U.S. 521) held that the exemption in this statute for "the payment of wages by a bona fide employer to a bona fide employee applied to instances where members of the Teamsters forced payment of wages from employers or nonunion truckdrivers to members who tendered their services by riding in trucks."

The Supreme Court said this exemption may be applied to a union which uses or threatens violence to find employment for its members, though the offer to work is rejected and payment is made for protection rather than for services rendered. After that case had been decided, Congress patched the loopholes by repealing this exemption in the Hobbs bill (60 Stat. 420, 18 U.S.C. 1951, Supp. 1948).

Again, in *Junt* v. *Crumboch* (325 U.S. 821), decided in 1945, a union refused to permit members to work for one employer and refused to permit his employees to join the union. So they completely destroyed his business in revenge for his previous hostility. The majority of the Supreme Court held that such a conspiracy to punish an employer was a legitimate exercise of the rights of concerted action with which labor organizations have been endowed by Federal law. Four Justices of the Supreme Court dissented in that case, holding that the conspiracy was within the prohibition of the Sherman Act and not within any immunity conferred by the Clayton Act. Mr. Justice Jackson, in one of the dissenting opinions, made the following trenchant observation:

"With this decision, the labor movement has come full circle."

After pointing out how the workers had struggled long for their freedom from economic oppression, he continued:

"This Court now sustains the claim of a union to the right to deny participation in the economic world to an employer simply because the union dislikes him. This Court permits to employees the same arbitrary dominance over the economic sphere which they control that labor so long, so bitterly, and so rightly asserted should belong to no man."

Now, mind you, that language was used by a great liberal on the Court, Mr. Justice Jackson.

As a result of these decisions we find ourselves with no protection against the abuse of labor's power except the limited declaration in the Allen Bradley Co. case (supra) that the antitrust laws apply to labor unions when, and only when, they conspire with business organizations to restrain trade.

It is this inconsistency that I wish to correct through S. 2912. I wish to put an end to this unlimited license granted to the union to do anything it chooses by unlawful as well as lawful means, and still be safe from prosecution, injunction, or liability under the antitrust laws. I am convinced that Congress never intended such a result.

The text of the bill which I have offered is an amendment to section 1 of the Sherman Act (15 U.S.C., sec. 1), as follows:

"Section 1 of the act of July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' as amended (U.S.C. title 15, sec. 1), is amended by inserting before the period at the end thereof the following: '*Provided further*, That when a labor organization or the members thereof have unreasonably restrained trade or commerce among the several States, or with foreign nations, in articles, commodities, or services essential to the maintenance of the national economy, health, or safety, or any substantial segment thereof, such conduct shall not be made lawful, and the jurisdiction of any court of the United States to issue an injunction against any such conduct shall not be restricted or removed, by the act of October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies and for other purposes" as amended, or the act of March 23, 1932, entitled "An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes." '"

There is a second section identical in language to what I have just read, amending section 3 of the Sherman Act which deals with trade and commerce involving the District of Columbia and the territories of the United States, as distinguished from commerce among the several States and with foreign nations. This second section of the amendment merely conforms section 3 to section 1.

The objective of the bill is not to change the Sherman Act itself in any way, but to restore to the Sherman Act the meaning which Congress always intended it to have, and which the Supreme Court had always said it had, until five members of that Court, speaking through Mr. Justice Frankfurter in the *Hutcheson* case (312 U.S. 219), declared in 1941 that the Norris-La Guardia Act, an act purporting to deal, and intended by Congress to deal, solely with the availability of injunctive relief, was interpreted by the Court to have modified both the Sherman Act and the Clayton Act so as to immunize all labor activities from the Sherman Act, a result which the Supreme Court had previously said time after time had never been intended by Congress.

The amendment I have proposed would overrule the Hutcheson case to the extent that when a labor union or its members have unreasonably restrained trade in commodities or services essential to the maintenance of the national economy, health, or safety they cannot use the close of the Norris-La Guardia Act or the Clayton Act to escape a criminal prosecution or injunction which Congress in the Sherman Act itself declared were the appropriate and necessary methods for dealing with unlawful activity of this kind.

Senator DONNELL. In addition, there would be the right to triple damages, if not double damages. That right was created under the Sherman Act, was it not?

Senator ROBERTSON. Absolutely, and that would all be restored. In my opinion, that would probably be the most valuable feature of my bill in its restraining influence.

Senator EASTLAND. Do you refer to the triple damages?

Senator ROBERTSON. That is right, in its restraining influence.

In the course of our subcommittee hearings, a number of other kinds of legislation were proposed for dealing with this situation. One proposed method was to outlaw union activity on a nationwide basis. An extreme measure of that kind cannot enlist my sympathy or support. Another method proposed was to define especially and to spell out the particular kinds of labor-union activities which are legal, and those which are illegal. Such a task has seemed to me, after studying all the proposals that were made, an almost impossible objective. The difficulty is that, once a list is made of the specific activities which are declared to be unlawful, the list must always be qualified by some sort of exemption of activities of these kinds when they are clearly pursued with the primary purpose of furthering a legitimate union objective.

Mr. Chairman, that is in line with your suggestion as to what is permitted and what is not permitted under my bill. I just could not undertake to spell it out, and I do not believe anybody else could do a proper job if they were to spend months on it, because we know that no matter how much we look forward to the future there are cases when something new arises that we never thought about.

Once such a qualification is introduced, the whole matter of intention and purpose—i.e., whether the primary purpose is in furtherance of legitimate union objectives like bettering working conditions, or whether the primary purpose is to control production or prices—becomes controlling. Thus the final decision of whether the conduct is lawful or unlawful again comes back to a finding by the court to which the matter is submitted, and I believe that the better approach is to let the original, general language of the Sherman Act itself stand, making no attempt to spell out particular kinds of conduct which are lawful or unlawful, but merely prohibiting unreasonable restraints of trade and monopolies.

Some suggestions have been made of modifying the Sherman Act by outlawing labor monopolies rather than by attacking unreasonable restraints of trade by labor. In other words, such a proposal would amend section 2 of the Sherman Act, dealing with monopolies, rather than section 1, which deals with restraints of trade.

I think there is a bill on the House side that does just what I am talking about. It just outlaws labor monopolies. I do not care for that approach, and I did not put that in my bill.

However, although either business or labor can engage in restraints of trade which to any fairminded court would seem to be unreasonable obstructions to the free flow of commerce, and the free play of competition, the monopoly provisions of the Sherman Act cannot be said to have the same sort of application to labor unions as they have to business combinations. At least, that is my personal viewpoint. Every labor union is seeking to monopolize the supply of labor, either on a comparatively limited scale or on a national scale. That kind of monopolization is the avowed objective of labor unions, and it has been approved as a matter of public policy by Congress, not only in the Wagner Act but also in the Taft-Hartley law. I have no intention or desire of asking that Congress outlaw that type of labor monopolization, strongly as I do feel that restraints of trade by labor can be as vicious and far reaching as any restraint of trade ever attempted by a business combination.

The original purpose of the Sherman Act was to prevent restraints of trade and monopolizations intended to restrict production, fix prices, or otherwise control the

market to the detriment of the consuming public. The public can be hurt as badly when restraints are imposed by a labor union as when these restraints are imposed by business combinations; and, in fact, no business combination of which I have ever heard has achieved the kind of arbitrary power and control that John L. Lewis now possesses and wields. My bill will not abolish, or even threaten, the existence of nationwide unions, or their right to strike. It will not destroy industrywide bargaining, as will be obvious to anyone who reads cases like *United Mine Workers* v. *Coronado Coal Co.* (259 U.S. 344 (1922)); (268 U.S. 295 (1925)). Nor will my bill undertake to police interstate commerce, or to regulate the internal affairs of unions. Under the doctrine of the Apex Hosiery Co, case, supra, decided less than a year before the Hutcheson case, the Supreme Court declared that the regulation of union affairs is not governed by the Sherman Act, but is to be controlled by the acts dealing with labor, such as the Wagner Act.

My bill would overrule the Hutcheson case. It would not overrule the Apex case or any of the other cases through which over a period of 50 years, the Supreme Court of the United States had forged the Sherman Act, pursuant to the will of Congress, into a vital and potent force in keeping our economy a free one—free not only from the unreasonable restraints imposed by business combinations but also free from the unreasonable restraints which labor had imposed and might seek to impose. The Apex case shows that, buried beneath the artificial veneer with which Mr. Justice Frankfurter in the Hutcheson case had coated the Clayton and Norris-La Guardia Acts, the Sherman Act still condemns restraints of trade, by labor as well as by business, in the same forceful language this Congress enacted in 1890. Labor unions today are immune only because of what I believe was a completely erroneous interpretation by the Supreme Court, in the Hutcheson case, of these two subsequent acts of Congress. The control of production and the fixing of prices by union action, in commodities or services essential to the public welfare of the United States, seems to me just as objectionable from the standpoint of the ultimate effect on our economy as similar action by employer groups. The bill which I have offered would in plain and simple language remove the immunizing effect of the Clayton and Norris-La Guardia Acts from conduct which up until 1941 had been almost universally branded as illegal and against the public interest, and which had always been regarded as outlawed by the Sherman Act. It would leave the Government free to go into a court, and it would leave the court free to put a stop to labor-union practices which are so detrimental to the national welfare that some remedy, beyond the temporary stopgap remedy of the Taft-Hartley Act, is essential to protect the people of this country. The Sherman Act would then again serve, as it originally served, as a brake on unions which seek to put their own activities ahead of the national welfare.

Mr. Chairman, may I now have permission to file for the record the synopses of the various cases I have referred to but have not discussed in my prepared statement?

Senator EASTLAND. Without objection, it is so ordered.

(The synopses referred to are as follows:)

"'APEX HOSIERY' *v.* 'LEADER' (310 U.S. 469), 1940

"This case was a civil action for treble damages under the Sherman Act against the union which had shut down the employer by use of sitdown-strike tactics. The strike was marked by considerable violence and, although the jury only found an intent by the union to conduct a sitdown strike, there was specific testimony to the effect that strikers had refused to permit the withdrawal of finished merchandise from the manufacturer's factory for shipment to fill out-of-State orders.

"The union argued that union activities should be granted an immunity under the Clayton and Sherman Acts. The Court rejected this theory as such but held that the Sherman Act did not apply in any case, whether or not involving labor organizations or activities, unless there was some form of restraint upon commercial competition in the marketing of goods and services and could not apply in cases of local strikes conducted by illegal means in a production industry except where it was shown that the restriction on shipments had operated to restrain commercial competition in some substantial way."

"THE CORONADO CASES

"I. 'The United Mine Workers' v. 'Coronado Coal Company' (259 U.S. 344)

"This case decided in 1922 was known as the first Coronado case. The facts are that some Arkansas mines which had been operating under union contracts decided to attempt to operate on an open-shop basis. A strike followed and there was considerable violence, including fighting and the flooding of certain mines. An injunction was secured and nonunion miners were brought in from outside of the State. Some of the strikebreakers were shot in an attack by the union forces.

"The Supreme Court reversed the judgment against the union, holding that the obstruction to coal mining was not a direct interference with interstate commerce in coal, notwithstanding the fact that it may be affecting it by reducing the amount of coal carried in commerce. The fact that the UMW pressed the unionization of mines not only as a direct means of bettering conditions of the workers but also as a means of lessening interstate competition for union operators was held to be only an ancillary motive. In effect, the Court held that the evidence did not show any primary plan to control competition.

"II. Coronado Coal Company v. United Mine Workers of America (268 U.S. 295)

"This case which was decided in 1925 was known as the second Coronado case. It grew out of a new trial which was granted in connection with the above case. New evidence was introduced at the second trial which tended to show that the major purpose of the strike was to prevent the nonunion coal from competing with coal produced by union mines. Evidence about union meetings and testimony by former union officials indicated that great concern of the union over that part of the industry not covered by union contracts. The new evidence also showed that the productivity of the mines in question was much greater than had been indicated in the first opinion of the Court and would have an effect upon the general price level of coal.

"The Supreme Court held in the second case that there was substantial evidence to show that the real purpose of the strike was to stop the production of nonunion coal and to prevent its shipment to markets in other States where it would be in competition tending to reduce the price of the commodity and affect injuriously the maintenance of wages for union labor in competing mines. On the basis of this evidence, the Supreme Court ruled against the union."

"'HUNT' *v.* 'CROWDOC' (325 U.S. 821), 1945

"This case, decided in 1945, emphasized the position of the Supreme Court taken in the Hutchison case to the effect that motive and wisdom are immaterial in considering whether the union is subject to the Clayton Act. In the Hunt case, the union's grievance stemmed wholly from a personal dislike for the employer and, as a result of this dislike, the union withheld its labor from the employer for the specific purpose of destroying the employer's business. Notwithstanding the fact that the employer offered to sign a closed-shop contract, the union refused to permit its members to work in his shop. Such conduct was held to be lawful under the doctrine of the Hutchison case on the theory that laborers may sell or not sell their labor on such terms as they please. The employer was destroyed but left without legal recourse.

"(NOTE.—A brief outline of the facts in this case is set forth in the text of Senator ROBERTSON'S statement)."

"'BEDFORD CUT STONE COMPANY' *v.* 'JOURNEYMAN STONE CUTTERS' ASSOCIATION' (274 U.S. 37), 1927

"In this case the union issued a general order directing stone cutters under its jurisdiction not to work on stone which had been partly cut by nonunion labor and which was transported to various parts of the country in interstate commerce. The Supreme Court held that the order constituted undue and unreasonable restraint of interstate commerce within the meaning of the Sherman Act inasmuch as the necessary consequences of the union order resulted in restraint of commerce and it was immaterial that the means adopted to bring about the contemplated restraint was effective only after the physical transportation of the stone had ended."

"'ALLEN BRADLEY COMPANY' *v.* 'LOCAL UNION NO. 3, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS' (325 U.S. 797), 1945

"The question in this case is whether it is a violation of the Sherman Act for labor unions and their members to combine with employers and with manufacturers or to restrain competition and to monopolize the marketing of goods when their motivation is the desire to secure and hold jobs for themselves at good wages and under high working standards. The facts are that the plaintiffs were manufacturers of electrical equipment and their places of manufacture were outside of New York City with a majority being outside of the State as well. They brought the action against the union because of their desire to sell their products in New York City, a market area that had been closed to them by the union and others. The union waged an aggressive campaign to obtain closed-shop agreements with all local electrical-equipment manufacturers and contractors. Under these agreements contractors were obligated to purchase equipment from none but purely local manufacturers who also had closed-shop agreements with the local and the manufacturers themselves were obligated to confine their New York City sales to contractors employing local union members. In the course of time this individual employer-employee agreement expanded into industrywide understandings as to price and market control.

"The Supreme Court held that this combination by the union and the employers constituted a violation of sections 1 and 2 of the Sherman Act."

"'LOEWE' *v.* 'LAWLER' (208 U.S. 274), 1908

"This case was decided in 1908 and is better known as the Danbury Hatters case. The action was initiated for treble damages against the union and was brought by a hat manufacturer employing approximately 230 people. The union, through a nationwide secondary boycott, attempted to exert pressure against wholesalers and retailers for the purpose of keeping them from buying the plaintiff's hats for the end purpose of forcing the hat manufacturer to consent to the closed shop.

"The Supreme Court ruled against the union and construed the Sherman Act as

prohibiting any combination whatever which essentially obstructed the free flow of commerce between the States or restricted the liberty of a trader to engage in business. Thus, under this decision, any distinction between labor and business combinations under the Sherman Act was repudiated by the Supreme Court at its first opportunity."

" 'DUPLEX PRINTING PRESS COMPANY' v. 'DEERING' (254 U.S. 443), 1921

"In this case the defendant union and a larger organization of national scope with which the union was affiliated entered into a combination to interfere with and restrain the manufacturer's interstate trade by means of a secondary boycott centered particularly in New York City and vicinity where many of the manufacturer's presses were marketed. The purpose of the secondary boycott was to enforce the imposition of a closed shop after failure to accomplish this end through a strike. The union also sought to secure an 8-hour day and the union scale of wages. Customers of the manufacturer in and near New York were warned, under the threat of sympathetic strikes in other trades, not to purchase or install the manufacturer's presses; a trucking company usually employed by customers was notified not to haul the presses; repair shops were instructed not to repair them; and union men were coerced by threats of the loss of union cards if they assisted in installation of the presses. All of the above activities seriously interfered with the interstate trade of the manufacturer and caused great loss in business.

"The Supreme Court held that this constituted a combination and conspiracy in restraint of interstate commerce against which the manufacturer was entitled to relief by injunction under the Sherman Act as amended by the Clayton Act."

Senator EASTLAND. Senator, you have made a fine statement.

Senator Donnell, Do you have any questions?

Senator DONNELL. No questions.

Senator EASTLAND. Can you give us an illustration of the type of dispute to which your bill would apply?

Senator ROBERTSON. Well, the best one that I could give you is the present coal dispute. If we had had this, Mr. Lewis could not have told his men: "You will work Mondays, Tuesdays, and Wednesdays," and have gotten away with it.

Senator EASTLAND. Well, if its purpose was to get higher wages, would it have applied if he had told them: Now, you work on Mondays, Tuesdays, and Wednesdays? In other words, if his purpose had been to slow down production so as to enforce demands for higher wages, would the bill apply?

Senator ROBERTSON. The bill absolutely would apply because the bill says that you cannot have a legitimate objective which you are trying to reach in an illegitimate manner. Now you can do legitimate things, but you cannot do certain things that are unreasonable and are not legitimate.

Senator EASTLAND. Suppose he had said: "We are not going to work any days. We want a dollar and a half an hour." Would the bill have applied?

Senator ROBERTSON. If they had called a strike over a dollar and a half—we had better make it a little more realistic and make it two dollars and a half an hour.

Senator EASTLAND. All right.

Senator ROBERTSON. If he had then closed the mines down and had said: "That is all; that is the issue. We get $2.50 an hour or we do not work." If the union then were to vote and go out or follow the direction of Mr. Lewis, as they have done in the past, frankly, I do not think this bill would reach them.

Senator EASTLAND. It would not reach them if they did not work at all, but it would reach them if they worked 3 days a week.

Senator ROBERTSON. It would reach them if, instead of calling a strike over a specific wage issue, he declined to specify his wage and other demands and then put a stranglehold upon production to soften them up, to beat them to their knees, so that they would be in a more receptive mood when finally he said: "These are my demands."

I will tell you again that, so far as I am advised—and I may be in error—from last May up to this time Mr. Lewis has never told them in direct terms his specific demands for wages and welfare funds and other provisions of the contract.

Senator DONNELL. May I ask this question, Senator: Under the Sherman Act you have, as I understand it, in effect, conceded that the United Mine Workers could not have been enjoined from shutting down the mines completely for 7 days a week if the object of that strike was to increase wages?

Senator ROBERTSON. That is right.

Senator DONNELL. Well, now, do you think that that is a concession that you are forced to? Do you think that your concession should have been made? The thought I am getting at—and I would like to get your ideas on this—is as follows: Where there is a public utility, for instance, involved, and let us take as an example a light company or a water company or a street-railway company or something of the sort, do you think that a labor union has the absolute right to strike in such cases as those where the result would be the shutdown of a public utility? Do you think that labor has the absolute right to strike in the case where it is employed by government?

Senator ROBERTSON. The rights of people to the necessities of life rise above the rights of labor to strike in a monopolistic manner in control of those essentials to life.

Senator DONNELL. Well then, if that be true, does not the same reasoning apply, or does it, to a great industry, such as the coal industry which, when it shuts down, shuts down industry of all kinds throughout the country? In other words, the point I am making, Senator, and the point I am asking you about—and I am not stating a position on it at the moment—is this: Suppose that the Norris-LaGuardia Act had not come into existence and that the Clayton Act had not come into existence and that the Hutcheson decision and subsequent decisions had not come into existence and that we just had the Sherman Antitrust Act. Suppose further that Mr. Lewis had issued an order shutting down all the mines or substantially all of them in the United States. Are you sure, in your own mind, that the Sherman Act would not have been applicable there? Are you sure that an injunction could not have then been granted by the courts on the basis that it was an unreasonable restraint of trade and commerce, regardless of the purpose for which a strike was called?

Senator ROBERTSON. I think that if we did not have the Clayton Act and Norris-LaGuardia Act, a union would clearly be subject to action under the Sherman Act.

Senator DONNELL. Your view, as I take it, from your last answer, is that, if we did not have the Clayton Act nor the Norris-LaGuardia Act nor the Hutcheson decision nor the subsequent decisions of the Supreme Court, but just had the Sherman Act of July 2, 1890, and if Mr. Lewis had called a strike the sole purpose of which was to bring about an increase in wages to $2.50 an hour, and if the effect of that strike would be to shut down all the mines in the country, thereby making people cold and hungry, interfering with the railroads, and so forth, as I understand your statement just now, under the Sherman Act the Court would have caused to issue an injunction to restrain Mr. Lewis and the United Mine Workers from putting into effect such a strike notwithstanding that the purpose of it was solely for the increase in wages. Am I correct?

Senator ROBERTSON. Undoubtedly so, especially if the shutdown lasted to the point where the aboveground supply of coal was virtually exhausted and grave damage was immediately threatened to the consuming public of the Nation.

Senator DONNELL. Is it not a fact, Senator, that back at the time of a certain noted strike in Massachusetts, Mr. Coolidge issued a statement, and I have forgotten whether that took place when he was Governor of Massachusetts, although I rather think he was, to the effect that there is no such thing as an absolute right to strike?

Senator ROBERTSON. He did, and that did as much to elect him President as anything he did, as far as I know.

Senator DONNELL. Is it not a fact also that the Taft-Hartley Act changed the language of the Wagner Act which asserted an absolute right to strike, and that the Taft-Hartley Act recognized only a limited right to strike?

Senator ROBERTSON. That is correct.

I want to frankly confess that I do not regard myself as an expert in antitrust legislation. Neither would I expect the Supreme Court to be bound by any interpretation I may give to a bill that I secured the best experts I could find to help me draft. I am just giving you what I think the bill means. I may not be fully advised as to what it means.

Senator DONNELL. Is it not correct also, Senator ROBERTSON, that in the case of *United States* v. *Kansas*, the citation of which I do not recall, the Supreme Court of the United States expressly declared that there is no such thing as the absolute right to strike?

Senator ROBERTSON. Undoubtedly that is true.

Senator DONNELL. That is what the Supreme Court of the United States held in that case, was it not?

I will supply the citation, Mr. Chairman. (See citation at p. 57, these hearings.)

Senator ROBERTSON. The Supreme Court has always held, as I recall, no matter what any Member of Congress may say as to what his intention was or what he thought was the meaning of the language, that they, that is, the Court, had the final say-so as to what a bill meant; and, if the language in it was clear, they construed it according to the language and not according to what anybody in Congress said he thought it means.

Now, I have tried to draw a bill that just follows right along the language of the old Sherman Act. I have not tied the hands of the Court, but have left the whole thing right up to the Court.

Senator DONNELL. I would like to say this, too, Senator ROBERTSON, if I may. I am not implying by any question I have asked or any observation that I have made that I necessarily concur in this bill. I am not passing on that at this moment, that is, whether I am for it or against it. But I want the Senator to know also that various points have occurred in the course of his testimony which I regard as very valuable to our committee. I would like to concur with the chairman in expressing appreciation for the scholarly and thorough treatment of the subject which has been given to us.

Senator EASTLAND. Are there any further questions?

Senator DONNELL. No, sir.

Senator EASTLAND. Is there anything else, Senator?

Senator ROBERTSON. I just want to say this: In my opinion, my bill is a relatively mild approach. Now, I do not know what those who are experts in the language I have used may think. There may be a great difference of opinion. Some persons may say

that it is very much weaker than I say it is and will not amount to anything. Others may say that this thing just wipes out all the powers that labor unions have and could permit the courts to say in any strike: "No; that is not reasonable as a wage demand. You are vitally affecting commerce, production, or something."

There may be great differences of opinion. I have just given you my own opinion without claiming to be even an expert in the field of antitrust laws.

Senator EASTLAND. Thank you, Senator.

STATEMENT OF EDWARD H. MILLER, ATTORNEY AT LAW, WASHINGTON, D.C.

Senator O'CONOR. You are Edward H. Miller, are you not, sir?

Mr. MILLER. Yes, sir.

Senator O'CONOR. Mr. Miller, for the record, would you kindly give us your address?

Mr. MILLER. 1523 L Street NW., Washington, D.C.

Senator O'CONOR. Do you have a prepared statement, sir?

Mr. MILLER. Yes.

Senator O'CONOR. Would you prefer to just read your statement completely, or would it at all interfere with the presentation of your statement if questions were to be propounded to you during the progress of the statement, Mr. Miller?

Mr. MILLER. Mr. Chairman, that would not bother me.

I might say I am not proposing to read the entire statement, which is rather lengthy, but to read excerpts from it, if I may, and I would ask leave to file the statement.

Senator O'CONOR. If it will be agreeable to you, we will consider the statement as part of the record and you may proceed as you wish.

I might also suggest that you might indicate the pages to which you have reference as you proceed so as to enable us to follow your statement.

Mr. MILLER. All right, sir. I may chop it up a little bit but when I do any major skipping I will let you know.

Senator O'CONOR. Very well. You may proceed now.

Mr. MILLER. My name is Edward H. Miller. I am a practicing lawyer in Washington and am appearing before this subcommittee at the invitation of its chairman. I represent no one in presenting this statement, and the views I express are entirely my own.

Before I entered the private practice of law in Washington, I served for over 4 years as a special assistant to the Attorney General of the United States in the Antitrust Division of the Department of Justice. In the course of that experience, I was working constantly with problems arising under the Sherman Act and the other antitrust laws, an experience which, I believe, prompted Senator A. WILLIS ROBERTSON to ask me to testify during the course of the hearings he conducted on behalf of the Senate Banking and Currency Committee last July and August. I have given careful consideration to Senator ROBERTSON'S proposed amendment to the Sherman Act embodied in S. 2912, as well as to other possible methods of approach to the problem with which this bill attempts to deal, and I am convinced that Senator ROBERTSON'S approach is the soundest, fairest, and most practical solution for this difficult, but most urgent, problem.

Today the Sherman Antitrust Act is, for practical purposes, a nullity as far as labor union activities are concerned. Labor unions can do practically anything they please to impose unreasonable restraints on the interstate commerce of this Nation, free from any fear of injunction, criminal prosecution, or treble damage suit. For whatever value it may have to this committee, I shall try to analyze some of the vagaries of the antitrust laws as they have been applied to labor unions, by sketching the evolution of these laws to their current state, and by pointing out how they immunize labor unions from all the normal legal sanctions applicable to other groups. Naturally, any future antitrust legislation will be interpreted against the background of past experience under the Sherman, Clayton, and Norris-LaGuardia Acts. Therefore, it is necessary to examine the past application of these acts to unions, and thus gain a realization of the steps by which labor has achieved its present immunity from the antitrust laws.

Under the common law of England, all combinations of labor for any purpose were originally outlawed, and the cases so holding were the very cases relied on by our Supreme Court in defining and building up the nonstatutory concept of criminal monopoly by business. The British Parliament gradually liberalized by statute the common law restrictions on labor unions, just as the restrictions on combinations of capital were also eased. Thus restraints of trade and monopolies by labor were not entirely foreign to the antitrust problem where the Sherman Act was passed in 1890.

With this background in mind, it is not surprising that the Sherman Act was originally interpreted to apply to labor unions, although it was not passed in my judgment with that specific purpose in mind. Section 1 of the Sherman Act provides:

"Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal."

This language is unambiguous and unqualified. Read literally, it includes every combination and conspiracy in restraint of trade, whether engaged in by labor organizations or others. Thus, those who contend that the Sherman Act was not originally intended to apply to labor are forced to rely chiefly on the Sherman Act's legislative history. In the debate in the Senate it was argued that the bill if enacted in its original form—for which Senator Hoar was largely responsible—would be employed to oppress labor and agricultural organizations. Senator Sherman offered a proviso exempting the activities of such organizations from the act. Senator Edmunds attacked this proviso on the floor of the Senate and the bill was then referred to the Judiciary Committee, of which Senator Edmunds was chairman. The language of the bill was materially altered by the committee and no proviso exempting labor was included. Senator Edmunds, who had vehemently opposed the exemption, professed himself satisfied, and no reference to the labor problem appears in the subsequent debates in either the Senate or the House.

It has been argued that the elimination of Senator Sherman's labor-exemption proviso clearly indicates that Senator Edmunds' view prevailed. If so, why then did not the protagonists of labor voice their objection to it? On the other hand, it has been contended that the revised bill, by using language normally applicable only to business combinations, made any specific exemption of labor unions unnecessary, but the latter argument begs the question and leaves Senator Edmunds' acquiescence unaccounted for. A solution which will explain the reconciliation of the conflicting senatorial positions is that while the revised bill was regarded as not exempting labor entirely, it was accepted as applying only to unlawful labor activities. The bill to which the proviso had been appended originally gave justifiable grounds for believing that activities of labor unions which had been previously regarded as lawful would be in violation of its terms. The removal of this threat by the revision of the bill sufficed to satisfy the advocates of the proviso, without giving to labor a blanket immunity which would have met with the continued opposition to Senator Edmunds.

The Supreme Court first applied the Sherman Act to labor unions in *Loewe* v. *Lawlor* (208 U.S. 274 (1908)), known as the Danbury Hatters case. This case was a treble damage action against a union brought by a hat manufacturer employing about 230 people.

Three years later the Supreme Court in *Standard Oil Co.* v. *United States* (221 U.S. 1 (1911)), held that illegal combinations could be dissolved under the Sherman Act. This caused union leaders to become apprehensive that unions might be dissolved under the act regardless of the extent of their activities. Concurrently—and of more immediate importance to labor—the labor injunction was assuming a more prominent role in labor disputes as a strikebreaking device. Organized labor trained its guns on both the labor injunction and the application of the Sherman Act to union status and activities, and protection against these threats was promised in the Democratic platform in the presidential campaign of 1912. These promises to labor were dealt with in the Clayton Act of 1914.

Section 20 of the Clayton Act prevents the granting of injunctions by Federal courts against certain specific labor activities which even at that time were generally considered legal, such as peaceful picketing. By implication it left undisturbed the illegality attached to certain other conduct.

Section 6 of the Clayton Act, after declaring that "the labor of a human being is not a commodity or article of commerce," provides:

"Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor * * * organizations * * * or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws."

This section was the answer to the other promise made in 1912, following the apprehensions engendered by the Standard Oil Co. decision. It removed all doubt of the right of labor to organize in unions, and affirmed the legality of their status. However, by the use of such language as "legitimate objects," and by legalizing not the acts of labor organizations or their members but only the organizations and members themselves, it is plainly confined to an attempt to protect labor unions against a charge of an unlawful status.

With the Clayton Act, as with the Sherman Act, the Supreme Court took the first opportunity to refute, in very explicit language, the suggestion that the Clayton Act had created any blanket immunity for labor unions. In *Duplex Printing Press Company* v. *Deering* (254 U.S. 443 (1921)), a majority of the Court held that section 6 of the Clayton Act protected only the existence of labor organizations. The act was said to be merely declaratory of the prior substantive law—merely declaratory of what the best practice always had been for the granting of injunctions.

Since the Clayton Act allowed individuals as well as the Government to seek injunctions, the injunction problem became increasingly acute in the eyes of labor organizations. The question of what a union could or could not do legitimately to further its interests was frequently litigated in the twenties, and the now famous labor dissents of Justices Holmes, Brandeis, and Stone were mostly concerned with the question of the justifiable extent of a labor union's interest in industrywide conditions, in how far a union could go to further the welfare of its members.

In addition to those decisions, there was a majority decision which recognized the rights that labor had, including the opinion of Chief Justice Taft in the American Steel Foundries case.

In spite of these favorable legal demonstrations, unions still found the Sherman and Clayton Acts embarrassingly restrictive, and the use of the injunction as a strikebreaking weapon increasingly onerous, as unions expanded and sought greater power.

The result of labor's hue and cry was the Norris-La Guardia Act of 1932, which broadly and unequivocably removed the jurisdiction of any Federal court to issue any restraining order of injunction in practically any case arising out of a labor dispute. Thus, labor finally secured immunity from the injunctions that had plagued so many of its organizing campaigns.

The main object of the Norris-La Guardia Act was to remedy what was felt to be an existing evil, namely, a too-liberal use by the Federal courts of their equity power to issue injunctions in labor disputes. Labor unions and their partisans had contended that whatever power labor might possess through collective action was effectively canceled by the ability of employers to secure temporary restraining orders against strikes, picketing, and other concerted activities, merely by filing an affidavit, in a Federal district court, without notice to the opposing party. To remedy this situation, the act provided in substance that the Federal courts should no longer have jurisdiction to issue restraining orders or temporary or permanent injunctions in any case involving or growing out of a labor dispute.

With the law in this posture, the Department of Justice in 1939 began a Nation-wide campaign against racketeers in the building trades, where labor unions were prohibiting the use of new building techniques, imposing wasteful feather-bedding practices on employers, and, in general, restraining trade through callous abuse of their power. No clearer example of restraints of trade can be conceived than the policy of certain unions of excluding from a geographical area the products of companies in competition with local employers of union labor.

Criminal prosecutions under the Sherman and Clayton Acts were begun on a Nation-wide basis, and numerous indictments secured. The whole campaign, however, came to naught when the Supreme Court held in *United States* v. *Hutcheson*, 312 U.S. 219 (1941), that labor activities exempted from injunction by the Norris-La Guardia Act were by implication exempted completely from the prohibitions of the Sherman Act. This case involved an employer caught in the middle of a jurisdictional dispute between the Carpenters Union and the Machinists Union. The majority opinion by Mr. Justice Frankfurter was based on the theory that the Norris-La Guardia Act had in effect amended both the Clayton Act and the Sherman Act to immunize all concerted labor activities where pursued by labor unions acting in their own interests and where such activities were involved in or grew out of labor disputes as defined in the Norris-La Guardia Act. This bombshell was fatal to the Department of Justice's attempts to remove these logjams in the stream of interstate commerce and explains why the Department cannot adequately deal with problems like the present coal situation.

The Hutcheson case marked the practical realization of the complete immunity of labor from the antitrust laws. Between 1914 and 1941 the courts were considering the extent and scope of the statutory immunity of labor created by the Clayton and Norris-La Guardia Acts. While the statutory immunity was still regarded as incomplete, the courts also were considering the companion problem of what types of union restraints were illegal under the Sherman Act itself. This is now a purely academic question to most lawyers, but peculiarly of interest to this committee, since the effect of removing by legislation part of labor's immunity will be to reinvigorate and rejuvenate the concept of unreasonable restraints of trade as developed prior to the Hutcheson case.

While the basic language of the Sherman Act is unchanged the Supreme Court's version of its meaning has been subjected to modifications. The rule as to which restraints are illegal adopted in *Loewe* v. *Lawlor*, which held illegal a secondary nationwide boycott of a small hat manufacturer, was thus stated by the Court:

"The act prohibits any combination whatever to secure action which essentially obstructs the free flow of commerce between the States, or restricts, in that regard, the liberty of a trader to engage in business."

This concept was subjected to modification by the Standard Oil case (221 U.S. 1 (1911)). That case first established the "rule of reason," which declared that only those contracts which "unreasonably" restrained trade were outlawed by the Sherman Act. The opinion contains an elaborate analysis of the common law dealing with monopolies. Later, the rule of reason was declared applicable to labor restraints, in *National Association of Window Glass Manufacturers* v. *United States* (263 U.S. 403 (1923)).

A different approach is reflected in *United Mine Workers* v. *Coronado Coal Co.* (259 U.S. 344 (1922)). Chief Justice Taft, speaking for a unanimous Court, reversed and remanded a judgment against a union entered as a result of a strike accompanied with considerable violence in the Arkansas coalfields. Some Arkansas mines which had been operating as union mines decided to operate as an open shop. The strike, fighting, and flooding of the mines followed. An injunction was secured, and nonunion miners were brought in from outside the State. Some of the strikebreakers were shot in an attack by the union forces.

The Court held that obstruction to coal mining is not a direct obstruction to interstate commerce in coal, although it may be affecting it by reducing the amount of coal to be carried in commerce. The UMW pressed the unionization of the mines not only as a direct means of bettering the conditions of the workers there but also as a means of lessening interstate competition for union operators. But this latter was held to be only an ancillary motive, with the actuating force in a given case necessarily dependent upon the particular circumstances to which it is sought to make it applicable. According to the Court, if unlawful means had been used by the union to unionize miners whose product was important, actually or potentially, in affecting prices in interstate commerce, the union would be guilty of an actionable conspiracy under the Sherman Act, but here the evidence was held not to show any primary plan to control competition. *Loewe* v. *Lawlor* was distinguished on the ground that the direct subject of attack there was interstate commerce. The Supreme Court said that the capacity of the mines affected was not shown to be large enough to affect substantially the market price of coal, and the decision of the lower court was reversed.

A new trial was granted, which resulted in a directed verdict for the defendants, and the case was brought to the Supreme Court for a second time (268 U.S. 295 (1925)). New evidence was introduced at the second trial to show that a major purpose of the strike was to prevent the nonunion coal from competing with coal produced by union mines. Evidence about union meetings, and testimony by former union officials, indicated the great concern of the union over that part of the industry not covered by union contracts. New evidence also showed that the productivity of the mines in question was much greater than had been indicated in the first opinion of the Court and could have an effect upon the general price level of coal. The Supreme Court held that there was substantial evidence at the second trial to show that the purpose of the strike was to stop the production of nonunion coal and to prevent its shipment to markets in other States where it would be in competition tending to reduce the price of the commodity and affect injuriously the maintenance of wages for union labor in competing mines.

This confusion remained relatively static until in 1940 the Supreme Court decided *Apex Hosiery Co.* v. *Leader* (310 U.S. 469), a civil action for treble damages under the Sherman Act against a union which had shut an employer down by use of sitdown-strike tactics. The strike was marked by violence; and although the jury only found an intent by the union to conduct a sitdown strike, there was specific testimony that the strikers refused to permit the withdrawal of finished merchandise from the manufacturer's factory for shipment to fill out-of-State orders.

The union argued once again that union activities should be granted an immunity under the Clayton and Sherman Acts. Once again this was rejected. Stating that mere violent interference with interstate commerce, such as a train robbery, is not necessarily a violation of the Sherman Act, Mr. Justice Stone conceived the question as "* * * whether a conspiracy of strikers in a labor dispute to stop the operations of the employer's factory in order to enforce their demands against the employer is the kind of restraint of trade or commerce at which the act is aimed, even though a natural and probable consequence of their acts and the only effect on trade or commerce was to prevent substantial shipments interstate by the employer."

In other words a restraint on competition in the course of trade in articles moving in interstate commerce is not enough unless the restraint is shown to have, or have been intended to have, an effect upon prices in the market, or otherwise to deprive purchasers or consumers of the advantages which they might derive from free competition. It was observed that in each of the cases where the act was held applicable to labor unions, the activities affecting interstate commerce were directed at the control of the market and were so widespread as to affect it substantially.

Thus, after 13 years, an attempt at a definitive statement of the application to labor unions of the antitrust acts was finally given. Unfortunately, it has had little practical value yet, because the next year, in the Hutcheson case, labor unions were accorded the immunity from the Sherman Act which they had been denied in the Apex case.

The Apex case shows that, if this Congress should strip away from the Clayton and Norris-La Guardia Acts a meaning which this Congress, in my judgment, never intended those acts to have—a meaning which was read into those acts by the majority opinion in the Hutcheson case—the Sherman Act would again emerge, not really amended but rather restored, to condemn restraints of trade in the same forceful and unequivocal language as in 1890. Labor unions are immune only because of the Supreme Court's construction of the subsequent statutes, and the Supreme Court has recently held that there is no constitutional ground requiring the exemption of any group from the antitrust laws.

As I see it, Senator ROBERTSON's bill would accomplish only one result, but that result would be an extremely important one from the standpoint of our national welfare. Today, under the Hutcheson case, labor has what amounts to an absolute immunity

from criminal prosecution, injunction, or treble-damage suit based on the Sherman Act. The Sherman Act, until the decision of the Supreme Court in the Hutcheson case in 1941, was the only really effective deterrent to unreasonable restraints imposed by labor unions on interstate commerce. If the Hutcheson case were nullified, as it would be by S. 2912, the Government could, in the event a labor union undertook to impose restraints on interstate commerce so unreasonable as to prejudice the national economy, health, or safety, move against the union either by a criminal prosecution or a suit for an injunction, or both. To bring about this change in the law would require no modification of the language of the Sherman Act. Congress would merely read out of it and out of the Clayton Act a meaning which this Congress, in my judgment, never intended either of those acts to have—a meaning which was read into those two acts by the Supreme Court's interpretation of the Norris-La Guardia Act in the majority opinion in the Hutcheson case.

Today the courts of the United States are closed to the Government, as far as applying the Sherman Act to labor union activity is concerned. Senator ROBERTSON'S bill would open that door. Once the Government had then come into a Federal court and named a labor union as a defendant, the Government would have the burden of convincing the court that the labor union activity complained of was not legitimate labor union activity but was so unreasonable and so unrelated to any legitimate labor union objective that it fell within the prohibition of the Sherman Act as an unreasonable restraint of interstate commerce. The Government would have the further burden of showing that, however unreasonable the restraint the union had imposed, the restraint had been imposed on articles, commodities, or services essential to the maintenance of the national economy, health, or safety. Under these qualifications and this heavy burden of proof, the Government could not be expected to proceed against a labor union under the Sherman Act unless the union had gone far beyond what any fairminded citizen would believe was legitimate union activity, and unless the case was so important that the union activity was really seriously prejudicing the national welfare.

In each case it would be up to the court, or up to a jury, under appropriate guidance from the court, to decide the ultimate question of whether or not an unreasonable restraint of trade had been imposed.

Senator DONNELL. Might I interrupt, Mr. Miller?

Mr. MILLER. Yes, sir.

Senator DONNELL. You say: "In each case it would be up to the court, or up to a jury, under appropriate guidance from the court, to decide the ultimate question of whether or not an unreasonable restraint of trade had been imposed."

Can you state, in your judgment, who will have the ultimate judgment in that decision? Will it be the court or the jury?

Mr. MILLER. I was thinking that in a criminal case it would be up to the jury under the guidance of the court, and in a treble damage suit, it might be up to the jury under the guidance of the court; but in an injunction suit it is always up to the court.

Senator DONNELL. Of course, in an injunction suit the court could ask the jury to adversely decide on the facts.

Mr. MILLER. Certainly. So it could be a jury in any of the three.

In each case it would be up to the court, or up to a jury, under appropriate guidance from the court, to decide the ultimate question of whether or not an unreasonable restraint of trade had been imposed. Of course, a union could not come into court and successfully insist, no matter what it had been doing, that its primary purpose was to obtain better wages or working conditions, and thus preclude the court or jury from looking behind that statement and determining whether such a motive was a primary one. On the other hand, neither could the Government preclude the court or jury from determining that the primary purpose of the union was to obtain better wages or better working conditions. In each case it would be a question of fact, although there are certain activities which any court would be obliged to hold, under controlling Supreme Court decisions, are per se violations of the Sherman Act, such as price fixing and nationwide secondary boycotts.

Nothing in Senator ROBERTSON'S bill would prevent the right of labor to organize, to strike, or to work for legitimate union objectives, on a nationwide basis or otherwise. The sole purpose of this act, as I see it, is to give the Government a chance to go into a court and to convince that court that certain labor-union activity has been so outrageous, so shocking to principles of rightness and wrongness, so unrelated to any legitimate union objective, and so far reaching as to prejudice the national economy, safety or health, that the court, if it agrees with the Government, can take appropriate steps to stop conduct which carries with it all these elements of shocking unreasonableness. I have difficulty in understanding why anyone who has the welfare of this Nation at heart should object to entrusting his Government with this kind of power.

Senator O'CONOR. Mr. Miller, we are indebted to you for your very well considered statement.

I would like to ask whether or not, in addition to what you have already stated, you have any further comments to make as to the inclusion or exclusion of the word "unreasonably," as mentioned on page 1, line 8, of the bill?

Mr. MILLER. Do you mean as to whether it would be advisable to try to define the word "unreasonably"?

Senator O'CONOR. That is right.

Mr. MILLER. Senator, I gave that matter a good deal of thought, and I have seen a good many attempts at definitions of what is reasonable and what is unreasonable. I reached the definite conclusion that the most effective way of dealing with this problem would be not to try to define it. I say that for this reason: That it is quite possible to spell out a list of activities which Congress might feel should be in the unreasonable categories.

On the other hand, it is very difficult to spell those out, and perhaps impossible, without making a qualification to the effect that these things may become unreasonable if they are carried on with a motive which is not the motive which appears on the face of them.

In other words, if there has to be such a qualification, a list of practices that would be declared reasonable or unreasonable, I think you cannot get away from using the word "reasonable" somewhere in the definition or the exception, and I think that brings you right back to where you are with the broad, general language, which has been so effective with business, at least, as far as the business is concerned.

Senator O'CONOR. Mr. Miller, do you have any apprehensions about different or differing interpretations by district courts that might affect adversely the right to strike, with, of course, the resultant delays on appeals to the CCA and ultimately to the Supreme Court?

Mr. MILLER. It was my thought, Senator, that this ultimate decision had to be entrusted to someone to decide whether the particular circumstances were really unreasonable and really to the detriment of the national welfare. Perhaps since every case would be different, since each case would involve a real inquiry into what the true motives were, to get at this question of reasonableness and unreasonableness, the most appropriate place to leave that would be in the hands of a Federal court. I think it is virtually certain that different judges would have different ideas about what way to apply the standard of reasonableness. That has been true in the Supreme Court. It has been true in the lower courts.

That was the real purpose I had in mind in not trying to spell anything out but rather leaving it just the way the Sherman Act had always been.

Of course, I do not think that adding the word "unreasonable" here may mean very much, because the rule of reason has already been read into the act just as if it had been there originally. But I did think that by the restrictive language of making this bill only apply to where the restraints were so serious and widespread as to affect the national economy or health or safety, that there would be some safeguard as to how far a court could go in, let us say, a small local labor controversy. It would keep it to cases where the general public interest is involved.

Senator O'CONOR. Do you have any questions, Senator Donnell?

Senator DONNELL. Mr. Miller, you touched on a distinction in your statement which I did not observe in the bill. You speak about a strike which would prejudice the national economy, safety, or health. I see nothing in the bill that restricts the operation of the bill to such strikes, except to the extent that it is only commerce in articles, commodities, or services essential to the maintenance of the national economy, health, or safety that the bill has application.

The point I am getting at is this: You say in your statement in one place: "If the Hutcheson case were nullified, as it would be by S. 2912, the Government could, in the event a labor union undertook to impose restraints on interstate commerce so unreasonable as to prejudice the national economy, health, or safety, move against the union either by a criminal prosecution or a suit for an injunction, or both."

I do not see that there is anything in this bill that limits the Government from proceeding against the unions to cases in which the restraints are so unreasonable as to prejudice the national economy, health, or safety. I would like to know where you find that in this bill.

Mr. MILLER. The language of the bill, of course, is general, Senator. What I understood it to mean is that, in the first place, it would only apply where it was trade or commerce in certain types of articles. In other words, it would not apply maybe to a case involving, well, lollipop sticks or something like that.

In the second place, the use of the word "national" there indicates to me that even if it were something like milk, that if it were strictly a local milk situation, in a particular small area, a small town, for example, the word "national" would keep the act from applying to that situation because the word "national" implies something that is the national health or safety or welfare.

Senator DONNELL. It seems to me that the bill makes its only reference to the national economy, health, or safety in a definition of the articles of trade or commerce to commerce in which the bill applies. I do not see where it says that when a labor organization or the members thereof have unreasonably restrained trade or commerce among several States in such articles, that it follows that this bill would only have application in—to quote your language—"cases in which union activity had been so outrageous, so shocking to principles and rightness and wrongness, so unrelated to any legitimate union objective, and so far reaching as to prejudice the national economy, safety, or health."

I am really just testifying here for the moment, if you will permit me, Mr. Miller. I can see how the union can come in here and perfectly reasonably say that what they are afraid of here is that this bill will prohibit, make unlawful, any nationwide restraint of trade in these particular articles no matter whether it is an unreasonable restraint, or not. True, it says "unreasonable restraint," but the union may say "We fear that this bill would prevent the right of labor to strike on a nationwide basis in an industry which deals in articles, commodities, or services essential to the maintenance of the national economy, health, or safety."

Therefore, the union might say that this bill would in effect absolutely prohibit a nationwide strike in coal.

Do you think the bill would prohibit a nationwide strike in coal, ipso facto?

Mr. MILLER. No, I do not, Senator.

Senator DONNELL. What would be necessary, in your judgment, in addition to the fact that the strike would be applicable nationwide and applicable to coal, which is, I take it, we will agree, essential to the national economy? What other element would have to exist before there would be an illegality in that strike?

Mr. MILLER. I will tell you how I see it.

Senator DONNELL. I am referring to illegality under S. 2912.

Mr. MILLER. Exactly; and I think that is one of the most difficult questions to resolve about this bill. It seems to me, Senator, that I would have no hesitation in answering your question that it would not ipso facto prohibit a nationwide strike in any commodity. It seems to me that there would have to be circumstances about the conduct of the labor union in connection with that strike which would appear to the court unreasonable.

Senator DONNELL. Do you mean, for instance, that violence would be employed or something like that?

Mr. MILLER. It might possibly be the method which was used. For example, it might be, as in the Coronado coal case, the second Coronado case, it might be that the means used by labor were so unreasonable and so shocking that a court would feel that the whole restraint was unreasonable.

In other words, as I see it, every strike, every work stoppage, in fact, even every contract, is a restraint of trade. A contract between businessmen restrains their ability to engage in trade freely. Any strike by labor is a restraint of trade. But if you tie the word "unreasonable" to that language "restraint of trade," then I would say that if a labor union, for example, stopped the production of coal on a nationwide basis, if they stopped it and refused to negotiate, a court might well feel that that was such unreasonable conduct that the unreasonableness tainted the restraint and made it illegal. It might be that the strike, even though negotiations were entered into—suppose the labor union took the position that unless wages were trebled immediately they would produce no further coal, that might be so unreasonable a demand as to destroy the bona fideness of the bargaining and therefore taint the restraint.

Senator DONNELL. Let me give you this illustration: Suppose that a labor union, the United Mine Workers, would advocate, we will say, a comparatively small increase in wages. This is just to illustrate my point. Suppose that they would strike, demand a dollar a day additional increase in wages for all their members on the average. All right, that is the sole purpose of the strike. But the strike is nationwide. It closes every mine operated by the United Mine Workers in the United States, and they stay closed down day after day because the operators say, "We cannot pay another dollar a day for these miners."

Would the maintenance of that strike, in your judgment, constitute an unreasonable restraint on trade prohibited by S. 2912?

Mr. MILLER. I do not believe it would, Senator. But I believe that if the demand were $20 additional a day it probably would.

Senator DONNELL. So that in determining the unreasonableness of the restraint, which would be prohibited by this bill, you think that a court or jury would have to go into the question of the reasonableness of the demands made by the labor union; is that right?

Mr. MILLER. I do, Senator. I think it is unfortunate, but I think it is true.

Senator DONNELL. Might not that lead to what Senator O'Conor was referring a little while ago, to a situation in which one jury, in one part of the country, as, for illustration, a jury in Pennsylvania, a jury might be sympathetic there to the miners and they would hold that it would be perfectly proper to ask for an increase of a large amount per day, perhaps not $20, but $6 or $8 per day. They would say their living costs are such that it is perfectly reasonable to ask for that increase, whereas a jury out in St. Louis, Mo., might hold exactly the contrary.

So on the same identical state of facts, might you not have situations in which one court, in passing on a statement of facts, would say that the action of the labor union was unreasonable, and the other one would hold it was reasonable?

Mr. MILLER. I think that is exactly true.

Senator DONNELL. I am interested to know your construction of this bill, to the effect that the purpose of the strike, as I take it, would have to be inquired into by the court or jury.

Mr. MILLER. That is, I think, correct.

Senator DONNELL. Possibly they would have to inquire also into the means employed in the strike, such as, for illustration, violence or the absence of it.

You referred to having in mind a certain purpose in not spelling out the meaning of "unreasonably." If this violates any professional confidence, Mr. Miller, please do not feel obligated to tell us and I will strike the question, but I am wondering whether or not you are quite familiar with the preparation of this bill from its conception.

Mr. MILLER. Yes. I consulted with Senator ROBERTSON in its preparation.

Senator DONNELL. Let me repeat that if you feel it is a violation of confidence I will strike that question. I just thought it would be of interest to know whether or not anyone connected with the authorship of this bill was testifying.

Mr. MILLER. I won't mind.

Senator DONNELL. Would you tell us, then, what you had to do with the preparation of the bill?

Mr. MILLER. Senator ROBERTSON is an old and very warm friend of mine. When he became interested in this problem he knew of my experience in antitrust work and he asked me if I would consult with him about an appropriate kind of bill. I discussed it with him and I discussed the various other approaches to this problem. He was interested, I think, in trying to find some solution that would be a fair one. So I worked rather closely with him when the bill was being drafted.

Senator DONNELL. May I ask you: Did you draft the bill?

Mr. MILLER. I helped him draft it.

Senator DONNELL. You and he together drafted it, is that right?

Mr. MILLER. I think that is a fair statement.

Senator DONNELL. This bill does not say, in using the word "unreasonably," that by the term "unreasonably" is meant such "as to prejudice the national economy, safety or health," does it? It does not say that, does it?

Mr. MILLER. No, sir; it does not.

Senator DONNELL. But the jury or the court might use wide discretion in determining the meaning of the word "unreasonably," is that correct?

Mr. MILLER. That is correct.

Senator DONNELL. One jury might place great emphasis on the effect on the national health, economy, or safety, and another jury might not place so much emphasis on it. That is true, is it not?

Mr. MILLER. I would think so; yes.

Senator DONNELL. One jury might place emphasis on the amount that is asked by the union in the strike, the amount of increase in wages, we will say, and another jury might regard that quite differently from what the first one did; is that not correct?

Mr. MILLER. That is correct.

Senator DONNELL. You say that is an unfortunate situation but it is one that you think cannot be avoided and that it is the best we can do, to handle it in that manner; is that right?

Mr. MILLER. That is my feeling, Senator.

Senator DONNELL. Thank you very much, Mr. Miller.

Senator O'CONOR. We are very much obliged to you, Mr. Miller. You have certainly been of great assistance to the committee.

Senator DONNELL. I would say that the statement Mr. Miller has given us is an extremely interesting, historical statement.

Senator O'CONOR. Yes; it was very well prepared.

HURRICANE CARLA

Mr. SYMINGTON. Mr. President, we all share with the citizens of Texas the hope that the tremendous damage done by Hurricane Carla last week will be quickly repaired; and that normal life can be resumed in the devastated areas in the near future.

While the high winds of the hurricane were dissipated, the hurricane traveled many miles northwest and into the central part of the United States, bringing heavy rains and great damage to parts of Missouri and the Middle West.

And now we are faced with a new hurricane emergency, here on the east coast.

As the Senate is about to consider the public works appropriations bill, I respectfully ask that we remind ourselves of the need for continued investment in reservoirs, dams, and levees which will provide protection from these damaging floods in the future.

Much has been done in the past, but much work remains before the goal of full protection from flooding can be achieved, as last week's disasters have shown. Once again, heavy losses in terms of dollars and property show what a high return is received from the investment in water control and flood protection projects.

Mr. President, I ask unanimous consent that a telegram from the Honorable H. Roe Bartle, mayor of Kansas City, Mo., an article from the Kansas City Times of September 14, 1961, entitled "Huge Loss in Blue River Flood"; an article from the Kansas City Star of September 14, 1961, entitled "Water Bogs Big Plants"; an article from the Kansas City Star of September 13, 1961, entitled "Flood Woes Growing Here"; an article from the Kansas City Star of September 14, 1961, entitled "Threat

Easing"; an article from the St. Joseph Gazette of September 14, 1961, entitled "Danger Rises in Tributary Flooding"; an article from the St. Louis Post-Dispatch of September 17, 1961, entitled "Flood Damage in Missouri put at $28 million"; a telegram from Mr. W. D. Hollis, president of the Salisbury, Mo., Chamber of Commerce, dated September 15, 1961; and a telegram from Bishop G. Leslie DeLapp, dated September 14, 1961, be printed at this point in the RECORD.

There being no objection, the articles and telegrams were ordered to be printed in the RECORD, as follows:

SEPTEMBER 14, 1961.

Hon. JOHN M. DALTON,
Governor of the State of Missouri,
Jefferson City, Mo.:

Kansas City has suffered its most devastating flood insofar as the Blue River area is concerned in its corporate history. The total damage is estimated at $9,415,814. The industrial, commercial, and railroad losses exceed $5,200,000. The loss of individuals insofar as their homes and personal property are concerned is estimated at $500,000 plus. The losses to Kansas City municipal property are currently estimated at $1,798,314, consisting of water department, $3,000; sewer department, $298,000; public works department, $935,000; welfare department, $22,555; fire department, $500,000; park department, $14,362; public schools, $10,000.

An additional $1 million is estimated as the governmental loss outside the corporate limits of Kansas City in the Blue Valley Basin including county, State, and highway departments and other units of government. The agricultural loss including crops and livestock is estimated in excess of $750,000. I respectfully request and petition you in my capacity as the mayor of the city of Kansas City to request the President of the United States to declare the Blue Valley Basin as a disaster area. Our municipality is operating on the closest and the tightest budget since the depression three decades ago. Our budgetary program does not have any funds allocated or available for contingencies. In spite of our financial plight all departments of governments have been used and will continue to be used in order to cope with the problems that relate to the disaster area.

Your deep and sincere cooperation during these trying hours is deeply appreciated by our citizenry.

H. ROE BARTLE.

[From the Kansas City (Mo.) Times, Sept. 14, 1961]

HUGE LOSS IN BLUE RIVER FLOOD—MANY PERSONS ARE DRIVEN FROM THEIR HOMES AND INDUSTRIAL PLANTS IN THE BLUE VALLEY SUFFER DAMAGES AMOUNTING TO SEVERAL MILLION DOLLARS—A BIG TIEUP OF TRAFFIC—THREATENED AREA IS DECLARED UNSAFE AND BARTLE AND WEATHERFORD ASK HELP OF 110TH ENGINEERS IN HOLDING DOWN LOSS AND PREVENTING LOOTING

(By Arthur Huey)

Floodwaters from the swollen Blue River last night swept into homes and industrial plants, causing damages estimated at several million dollars.

At the scene of a rescue about 10:30 o'clock of 50 to 60 men from the Union Wire Rope Co., 2100 Manchester Avenue, City Manager Robert P. Weatherford said total damages would amount to at least $3 million.

The recordbreaking crest was expected to reach Independence Avenue near the mouth of the river at 1 o'clock this morning. As the crest moved downstream past critical points, the flood water behind began to recede.

The heavy rains ceased as remnants of the tropical storm Carla moved eastward, and the weather bureau predicted no further rain. In a 24-hour period ending at 6 o'clock yesterday 5.43 inches of rain fell in Kansas City.

The inundation of the low-lying areas near the Blue and the Little Blue Rivers forced hundreds of persons to flee their homes.

Plants invaded by the flooding water included the Sheffield Steel Co., the Old American Asphalt Co., the Butler Manufacturing Co., Black, Sivalls & Bryson, Inc., the Vendo Co., the Certain-teed Roofing Co., and the Chevrolet plant in the Leeds industrial district.

The Little Blue flood disrupted the Independence sewage disposal plant. Dan Thurman, plant superintendent, said it was hoped the facility would be operating today.

He said the pressure from the high water prevented the plant, 3 miles east of Independence on the Lake City-Buckner Road, from discharging the sewage.

On the request of Mayor H. Roe Bartle, the 450 members of the 110th Engineer Combat Battalion of the Missouri National Guard were ordered into inundated districts to do whatever was necessary to preserve lives and property.

QUICK TO BRING AID

Racing the moving crest, the Red Cross units were the first to begin evacuation operations. With streams flooding in a four-county area, shelters were established at schools, churches, and other institutions.

Seven shelters were set up east of the Blue River. Shelters also were being operated in the city, north of the Missouri River and in Wyandotte and Johnson Counties.

Only three routes were open yesterday afternoon across the Blue River, and heavy traffic jams resulted. On U.S. 40, cars were lined up with motorists attempting to get to their homes east of the river.

Cars were backed up as far as the Paseo. The police department had 100 men on the street in an effort to unsnarl the traffic.

The only alternate routes for motorists were U.S. 24 and 23d Street.

SOME REFUSE TO GO

One of the largest areas evacuated was in the Leeds industrial district, where floodwaters threatened the Chevrolet plant. Although some residents refused to leave, the Red Cross used six trucks in moving residents and belongings from homes in an area east of the Blue bounded by 35th Street, 40th Street, and Bennington Avenue.

City Manager Robert P. Weatherford declared the district unsafe at 1:30 o'clock after consulting Stanley Palmer, city engineer. Keeping a close watch on flood conditions, the city manager set up emergency headquarters in the office of the city engineer in the city hall.

The Bendix Corp. plant at 95th Street and Troost Avenue announced that operations had been suspended for a week after flooding damaged some of the facilities.

POWERPLANT FLOODED

William F. Sharpe, labor relations manager, said a powerplant and other buildings were flooded. Only maintenance crews will be used the rest of the week to restore the facilities and clean up the buildings.

The rising water also caused the Rival Manufacturing Co., the General Diecasting Co., and Waverly Products, all in the Leeds district, to send employees home.

Anticipating the big job of cleanup after the water has receded, Willard R. Wilkinson, secretary of the Missouri Building and Construction Trades Council, said several thousand workers would be available early this morning for any work needed.

The Heavy Construction Laborers Locals Nos. 663 and 1290; Hoisting Engineers Local No. 101, and Teamsters Local No. 541 plan to open their offices at 6:30 o'clock this morning.

SEE A CAR DISAPPEAR

An unidentified man, who, according to two youths, disappeared with his car in the flood waters of the Blue River in Swope Park, has not been found.

DISREGARDS A WARNING

Tom Allen, 18, of 2244 West 77th Street Terrace, and Ralph Benton, 17, of 8132 Oak Street, said the car was swept into water estimated to be 40 to 50 feet deep. They said the car was being driven on Gregory Boulevard toward Oldham Road, and the driver failed to heed their warning about the water.

CREST OF 44.5 FEET

The Blue River began receding at Bannister Road when the rain stopped early in the afternoon. The crest was 44.5 feet, nearly 23 feet above flood stage. As the crest moved downstream, other residential communities and industrial districts were threatened.

The crest was scheduled to reach 23d Street at midnight and Independence Avenue about 1 o'clock.

Although there was no immediate estimate on the damage, Mayor Bartle called the flood the worst in the history of the Blue River.

The mayor and other city officials met at 3 o'clock in the armory at 3620 Main Street with representatives of the Red Cross and the National Guard to organize evacuation procedures and security precautions.

"The provost marshal will command all territory in distress," the mayor said.

GUARD AGAINST LOOTING

The provost marshal, Lt. Col. Norman H. Gosney, commander of the 110th, said the flood area would be patroled by armed men to prevent looting.

The colonel said there were many hundreds of sandbags ready to build walls against the floodwater and 35 trucks were available for use in evacuation.

Clarence Kelley, police chief, said that members of the police department would be working on 12-hour shifts.

The police dispatcher, Lt. Mike Borello, said traffic jams continued into the night.

"I was a dispatcher in the 1951 flood," Borello said, "and the calls I am receiving are very similar."

A 12-hour fight to save the quarter-mile clay dam at Weatherby Lake in Platte County was won at 4 o'clock yesterday afternoon.

About 300 Clay and Platte County civil defense volunteers and sheriff's officers and Parkville and Platte City firemen participated.

WALL ON TOP OF DAM

A 5-foot wall was constructed on top of the dam, using hundreds of tons of gravel hauled by trucks from rock quarries and spread by two bulldozers.

Stan McKee, 17, Weatherby Lake, said waves about knee deep were going over the dam when he arrived about 3:30 o'clock. He said he had slept in his clothing expecting such an event.

Strong winds hampered sandbagging operations.

George H. Pease, a deputy who lives at the lake, said five families were taken to the Presbyterian Community Church in Parkville.

A 30-foot break appeared in the dam of Dunlop Lake, a 20-acre fishing lake just below Weatherby, when the lake was filled by the excessive overflow from Weatherby. A farmhouse near the lake was surrounded by water.

The Platte County Red Cross chapter provided food and hot coffee during the operation.

J. E. Vandiver, a volunteer, said that about 1,800 acres of farmland he owns south of the lake was under water.

FLOOD AT EXCELSIOR

The high school football field at Excelsior Springs was flooded as Fishing River broke its banks. Most of the lumber that had been hauled to the field to construct new bleachers floated away.

City officials said water was 5 feet deep in the administrative building basement and 4 feet deep in the fire station basement. Residents complained of flooded basements from sewers which backed up.

Mrs. Ruth Whitney, teacher at the Mosby country school on Lancaster road in Clay County, just east of Liberty, said the electric power was off about 2 hours yesterday.

Seven families left their homes in Mosby.

A Red Cross unit served coffee and placed several cots in the school building. However, the families elected to stay with relatives and friends.

Mayor Neil McCrary said the river started receding about 5:30 o'clock.

ONE ROAD LEFT OPEN

Water swamped sections of four access roads, blocking traffic for several hours. The principal access road from U.S. 71 remained open. No major road goes through the town.

A four-passenger airplane, piloted by Gene Schley, city marshal, cleared the river by only a few feet as it took off on a muddy runway. Schley decided to fly the plane out when it appeared the field would be flooded. It was later flooded.

Families evacuated were those of Warren Mollohan, Paul Hankins, a councilman, Henry Parsons, Tom Boley, Harold Knox, Marion Roberts and Virgil Ealey.

RECEDES AT SMITHVILLE

Civil Defense officials reported that floodwater from the Little Platte River began receding at Smithville about 6 o'clock last night.

Bill Bliar, civil defense warning coordinator for Clay and Platte Counties, said the water reached a depth of 6 feet in the north section of town, inundating six houses. The families found temporary quarters.

A wall of sandbags was built around the Smithville community hospital and business district.

Residents and operators of businesses at Knobtown at U.S. 50 and Noland Road were evacuated yesterday morning as water from the Little Blue inundated the valley.

C. J. Smith, operator of the Hi 50 bait shop, said the water rose to a depth of 4 feet in a service station next to his shop. In 1951, Smith said, the floodwaters reached at the most a depth of 6 inches.

CATTLE SWEPT AWAY

Smith said he and several other men lost a fight to save six Hereford cattle stranded on a highway bridge. One was rescued, but the others were swept away.

Two miles up the river near Old Bannister Road four families abandoned their homes. Mr. and Mrs. Oscar Mattocks waded in hip-deep water and climbed a steep hill to safety

The Little Blue River inundated the Independence Memorial Airport 2 miles east of Independence on R. D. Mize Road under about 4 feet of water.

Maj. Harry S. Palmitier, 705 the Paseo, commanding officer of squadron 1 of the Civil Air Patrol, said about 30 volunteers led by Lt. George Willis, 3534 Cherry Street, moved all but about 15 of the 60 airships to higher ground before the water became too high for further rescue operations. About half of the airplanes at the private airport belong to the patrol or members of the patrol, Major Palmitier said.

Louis Sohn and his brother, Chris Sohn, were trapped 5 hours in their home on Old Bannister until rescued by boat. Mrs. Louis Sohn said water rose to the window sill of the house, the highest the water had reached in 90 years, four generations, in which the family had lived there.

Sohn lost 45 hogs.

At Belton, an earthen dam in the north part of town overflowed and endangered occupants of a trailer park and several homes, Robert Saunders, an administrative aid, said.

READY AT BELTON

At a special meeting of the city council, Mayor William J. Mosby declared a state of emergency and preparations were made to house evacuees in churches. The water receded late in the afternoon, removing the threat that the dam would break.

Four families in the Selsa station area, 39th and Selsa Road east of Independence, were evacuated late in the afternoon, Robert White, Jackson County sheriff's dispatcher, said, and two families northeast of Grain Valley were rescued after Sni-a-Bar Creek overflowed.

A Gulf, Mobile & Ohio Railroad freight train was derailed yesterday at Sni Creek, 5 miles west of Odessa, Mo., apparently because flooding had weakened the roadbed. No one was injured.

A dispatcher for the G.M. & O. said 42 cars were off the track, tying up the road's main line. Of the cars off the track 25 were loaded and 17 empty.

An eastbound train was stopped at Blue Springs and sent back to Kansas City. The derailed train was westbound.

High water plagued many families who were not in direct line of the flooding. The 5.43-inch rain filled hundreds of basements with water, and resulted in heavy demand for pumps.

[From the Kansas City (Mo.) Star, Sept. 14, 1961]

WATER BOGS BIG PLANTS—SHEFFIELD STEEL IS LARGEST OF INDUSTRIES IN BLUE VALLEY AREA OUT OF OPERATION BECAUSE OF FLOODING FROM RAMPAGING BLUE RIVER—DAMAGE IS HIGH—TOTAL INCLUDES MUCH HEAVY EQUIPMENT IN THE MANUFACTURING UNITS—AT WORK ALL NIGHT—EMPLOYEES STAY ON JOB ATTEMPTING TO PROTECT VALUABLE MACHINERY

Factory personnel and homeless families waded through the receding floodwaters of the Blue River today to count up a toll of damage in the millions of dollars and clean up the mess the river left behind.

Although the crest of the flood reached the Missouri River long before dawn, water remained in many buildings and homes along the Blue.

CROWD THE SHELTERS

Red Cross shelters throughout the southern half of Greater Kansas City were crowded with families whose homes were inundated by the muddy water.

"The water is still 6 feet deep in our plant," said E. K. Campbell, board chairman of the E. K. Campbell Co., which is located at 1809 Manchester Trafficway, directly on the river bank.

"As soon as we can get in, we'll go back and clean up and get back into business."

The company manufactures heating equipment.

Damage was heaviest in the Leeds and Blue Valley industrial districts, where industrial equipment was covered with water in many plants. Although hundreds of electric motors and other pieces of equipment were raised to keep them above flood waters, damage probably will be higher than in any previous Blue River flood.

A RECORD HIGH

The weather bureau said the river crested at 44.5 feet at Bannister Road yesterday, 5½ feet above the crest of the worst previous flood in 1928.

Work-bound traffic this morning again was clogged by the swollen Blue. Raytown Road, U.S. 50, and Truman Road were closed by high water, leaving the city with only three major entry points from the east.

Motor cars crept bumper-to-bumper along U.S. 24 from Fairmont to the Sheffield Steel plant. Traffic was hampered at Blue Ridge cutoff at U.S. 40.

At the Sheffield Steel plant, where the Blue River courses through the company's 900 acres of land, water inundated about one-half of the plant's facilities with the heaviest damage in the furnaces.

"We can't produce a pound of steel," a spokesman said today.

A company official said it may be a week before the damage can be fully assessed.

FURNACES IN DANGER

Preliminary estimates, however, indicate the damage at "well over $500,000," a spokesman said. It appeared that of the plant's six steel furnaces, the two expensive electric furnaces were damaged heavily with water still about 2 feet high around them at midmorning, and two open-hearth furnaces received substantial damage.

The damage estimate does not include the loss on the electric furnaces, the spokesman said. Plant officials hope to get the bolt plant and part of the wire mill in operation tomorrow.

The Sheffield operation, which normally produces 1,800 tons of steel daily, was under 8 feet of water in some of the storage areas.

Only supervisors, maintenance and clean-up crews and electricians were working today at the plant, where about 3,500 persons are employed.

Management and union employees battled through the night, aided by the plant's two-way radio system, sandbagging vital areas and moving equipment to higher ground.

The employees were commended today by Robert F. Kuhnlein, general manager.

Plant employees were told to contact their immediate supervisors to find out when they will be called back to work.

UNION WIRE ROPE HIT

Damage at the Union Wire Rope Corp., located at 2100 Manchester Avenue near the river, was expected to be heavy. Water rose 11 inches on the floor of the office building, highest building at the plant.

In the rest of the plant it was 5 or 6 feet deep this morning. A plant spokesman said the water had receded from the office building.

Milo Sawyer, president of the Chrome Fixture Manufacturing Co., 164th Street and Mission Road in Johnson County, said his plant suffered $100,000 in damage.

He said 5 feet of water rushed into the factory yesterday when the Blue River topped dikes in the area. Officials of Damen Mills, Inc., said several thousand bushels of wheat stored in former oil tanks in the same area may have been ruined by the water.

ESCAPES THE DAMAGE

Narrowly missed by heavy flooding was the Vendo Co., 7400 East 12th Street. Duane Byrom, maintenance superintendent, said he watched as the river rose 5 inches an hour until about 1 o'clock this morning.

"It was just 11 inches from getting into the plant," he explained. "We kept pumps going all night to keep down the leakage in the basement."

Other plants missed by heavy flooding were the Old American Ruberoid Co., 7600 Truman Road, the Certain-teed Products Corp., 1248 Crystal Avenue and Black, Sivalls & Bryson, 7500 East 12th Street. The Certain-teed firm was not touched by the rising water.

STILL SOME WATER

Water receded from the floor of the Chevrolet plant in Leeds, but was still present

today in pits which carry conveyor belts on return trips along the motorcar assembly lines.

The water caused the wood floor of the plant to buckle. Extra help was called in to replace the floor of the strike-tied plant. No estimate of the damage had been made.

Members of the 110th Engineer Combat Battalion of the Missouri National Guard were policing the Heart of America trailer court today to prevent looting. The big court, at 7000 East U.S. 40, was still under water.

Salvage operations were permitted in a few trailers after the identities of persons entering were checked.

Creeks in other areas of greater Kansas City caused considerable damage. A plank bridge, probably more than 30 years old, was washed out at the 103d Street crossing of Indian Creek.

In the creek valley from Martin City to U.S. 71 many families were returning to homes today that were under water yesterday. The foaming, muddy waters of the creek were still high today but were confined to the creek bed.

Along the upper watershed of the Blue River near the flooded Kenneth community, residents returned to homes and began cleaning up.

Buildings in the area around Kenneth and Redel have been hit before by the high waters. Little permanent damage was visible today.

Furniture was piled outside on porches to dry out while shovels and brooms were applied inside. Cities in northeast Johnson County reported some streets damaged and repair crews out on the job.

OUT IN FORCE

More than 100 employees of the Jackson County Highway Department today were removing debris and mud from county roads and bridges, particularly those in the Little Blue watershed.

Jack Bell, maintenance superintendent of the highway department, said that damage to small bridges in the county was extensive.

Bridges were washed out on Twyman Road and on Hamilton Road in southeast Jackson County, he said.

Roads closed because of high water included Selsa Road, Valley View Road and Necessary Road, all east of Independence, Velie Road south of Independence, Chipman east of Lee's Summit, Howell northeast of Grain Valley and Sam Peterson in eastern Jackson County.

The bridge over Old Bannister Road east of Raytown Road was dangerously damaged, Bell said, and schoolbuses are not allowed to pass over it.

A 200-foot section of pavement on Raytown Road at 123d Street was washed away. The road will be open only for one-lane traffic for several days.

MISSING MAN SAFE

A young man believed missing in a boat on the floodwaters last night returned home at 2 o'clock this morning. Melvin Goin, Blue Springs, told his family he was unable to call because flood waters had put telephones out of operation near where he was conducting rescue operations.

[From the Kansas City (Mo.) Star, Sept. 13, 1961]

FLOOD WOES GROWING HERE—EVACUATION OF FAMILIES IN LOW-LYING AREAS NEAR RIVERS AND CREEKS IS UNDERWAY—MANY ARTERIES ARE BLOCKED AND FLOODING OF BASEMENTS IS WIDESPREAD—FEAR FOR LAKE DAMS—ABOUT 300 VOLUNTEERS USE SANDBAGS TO RAISE LEVEL AT WEATHERBY—RESIDENTS ON CEDAR CREEK NEAR LAKE OLATHE MOVE TO HIGHER GROUND

Slanting in on 30-mile-an-hour gusts of wind, rain from the fading tropical storm Carla pushed the swollen Blue River to record levels today and threatened to bring it tonight to a point at least 3 feet above the worst previous flood in 1928.

The 5.32 inches of rain that fell here yesterday and up until 11:30 o'clock today drove some families to the roofs of their homes as basements and ground floors were flooded.

Small rivers and creeks throughout Greater Kansas City were flooding, and many traffic arteries were blocked. Police dispatchers reported receiving dozens of calls from persons asking for help in leaving homes surrounded by water.

ON BOTH STREAMS

Both the Blue River and the Little Blue were expected to flood along most of their length through Kansas City. The flood on the larger stream was expected to be the most severe.

At 10 o'clock this morning the Blue had reached a record high at Bannister Road with a stage of 40.78 feet, 19 feet above flood stage. It was expected to reach 59 feet at 71st Street by 9 o'clock tonight and 29 to 30 feet at Independence Avenue by 5 o'clock tomorrow morning.

Workmen at manufacturing plants in the Blue Valley worked feverishly to prepare for the flood. Buildings were being sandbagged to keep out water, and equipment was being moved to upper floors.

"All we can do is do all we can and then swim out," commented J. H. Hatch, general manager of the Union Wire Rope Corp.

SHELTERS SET UP

The Kansas City and Jackson County chapter of the American Red Cross set up facilities to care for temporarily homeless families at the Red Cross building, 417 East 13th Street, and at the Seventh-day Adventist Church at Linwood Boulevard and Charlotte Street.

Dams on two area lakes, Lake Olathe and Weatherby Lake, were being threatened by the rising water. About 300 volunteers worked to raise the level of the Weatherby Lake dam. Most of the homes around the lake have been evacuated.

One of the first volunteers at Weatherby Lake was Bruce Moseman, 17, son of Mr. and Mrs. Fred Moseman, who live on a farm near Parkville.

"About 4 o'clock this morning waves were coming over the center of the dam about knee deep," he said.

Residents on Cedar Creek south of Lake Olathe were alerted to move to higher areas.

Meanwhile, the weather bureau forecast continuing and occasionally heavy rain for the rest of today. The rain was expected to diminish tonight. Strong northerly winds blowing today are expected to diminish tonight. Cooler temperatures were expected tonight.

HELICOPTERS IN USE

Rescuers turned to helicopters after dawn today in efforts to move stranded residents from the tiny community of Kenneth on the Blue River in Johnson County.

The Blue rose swiftly, surrounding and inundating the town. James Martley, who made his way to safety from his farm home near Kenneth, said about 80 persons still were stranded.

[From the Kansas City (Mo.) Star, Sept. 14, 1961]

THREAT EASING—WATERS CONTINUE RETREAT IN MOST MISSOURI-KANSAS AREAS—RISING AROUND OTTAWA—MARAIS DES CYGNES WATERS EXPECTED TO CREST ABOVE FLOOD LEVEL

The worst appeared to be over this morning in much of the Missouri-Kansas area battered or threatened by floodwaters yesterday and last night.

The major remaining threat appeared to be the Marais des Cygnes River, a longtime offender in Kansas flood history. Serious flooding downstream from Quenemo toward Ottawa and Osawatomie was expected as the crest moves eastward toward Missouri.

UP 3 INCHES HOURLY

The Marais des Cygnes had risen to 41.4 feet at 11 o'clock this morning at Osawatomie and was continuing to rise 3 inches an hour. Flood stage is 28 feet.

The Corps of Engineers expects the crest at some time tonight. In the devastating flood in 1951, the river reached 51 feet.

Adding to the peril at Osawatomie was overflow from Pottawatomie Creek, which joins the Marais des Cygnes in the southeast part of town. Between 90 and 100 families had been forced to flee their homes and a shelter for the homeless and for rescue workers was set up in the Methodist church.

HOSPITAL TO AID

Patients, employees, and trucks of the Osawatomie State Hospital answered a call from Kenneth Cook, Osawatomie chief of police, and many of them worked all night helping evacuate residents and remove property from flooded homes here as the water rose to depths of a foot or more in streets and yards in low-lying sections of the city.

The patients working included 20 teenagers and about 60 adults who had been carefully selected by nurses and doctors after answering the call for volunteers to assist in the rescue work.

Elsewhere the flood picture in Kansas was brighter. The crest of the Marmaton River passed Fort Scott during the night but the overflow remained high in the area. In the east-central and southeastern part of the State, the Neosho below Burlington and the lower Verdigris Rivers still were flooding some areas.

SOLOMON ON RAMPAGE

The Solomon River, always quickly responsive to heavy rains, pushed its crest to near Glasco this morning but the river had flattened out somewhat, the Weather Bureau reported. It will not reach as high as had been expected earlier.

There was less runoff than expected along the big Kansas River between Lawrence and Manhattan, reducing the flood threat there.

To the east in Missouri, the Missouri River went over flood stage at Lexington this morning, reaching 25.26 feet. Flood stage is 22 feet.

A levee broke at Willow Creek, north of Lexington, but damage was light. The overflow covered M–13 but traffic was moving through.

UNDER CLEAR SKIES

Clearing skies throughout the two-State area hit by heavy rains in the wake of Hurricane Carla added a bright note to the huge cleanup task that is just beginning.

A Weather Bureau prediction of no more rain proved heartening to those engaged in the rescue work.

Many roads inundated yesterday had been opened this morning in both States and more were expected to be open later in the day.

The Kansas Highway Department said 12 roads remained closed but that 11 have been reopened.

The Missouri Highway Department reported 16 roads still closed.

AREA BRIDGE OUT

Only on K–32 south of Edwardsville in Wyandotte County will there be much delay in getting the road back into service. A bridge was washed out there.

At Ottawa, Kans., residents were thankful for a Corps of Engineers project underway there on the Marais des Cygnes. The work is not completed but damage was much less

than it would have been without the channel-widening project that is partly completed.

The water was at 29½ feet at Ottawa at 8 o'clock today and was expected to rise about 2 feet more by midnight.

It was estimated that the work completed by the Corps of Engineers was responsible for holding the water level about 3 feet under what it would have been before the work was done.

WATER GOING DOWN

At Pleasant Hill, the water from Big Creek and an overflow at the Rock Island and Missouri Pacific Lakes was receding.

Fears last night that the overflow from Weldon River at Princeton, Mo., might again reach the city's electric and water plants west of town were past this morning. The water reached to within about 5 feet of dikes around the two plants, which were extensively damaged in the 1951 flood.

There was heavy loss to soybean and corn crops in the Princeton area. It was estimated as much as 20,000 acres had been covered by water.

Many families moved out or were helped from the flooded areas in both States.

FLEE FROM HOMES

At Ottawa, about 40 families in the east part of town were moved out of danger. They went to the homes of friends or to a Red Cross shelter set up in the First Baptist Church.

National Guard troops were assisting with the task.

At Osawatomie, Kans., between 40 and 50 families in low-lying areas were helped to safety by National Guard troops and other rescue workers. Water closed U.S. 169 in the business district, which was flooded in the south part of town.

The Gerald McDowell family in the south part of Osawatomie suffered a double loss during the night. Approximately 3,000 turkeys were swept away by the flood after the family had moved to a safer location. A fire damaged their home.

DAMAGE TO CROPS

Heavy crop losses were reported near Ottawa, but no estimate of the number of acres covered by water was available. Corn and soybeans were buried under overflow from the Marais des Cygne.

[From the St. Joseph (Mo.) Gazette, Sept. 14, 1961]

DANGER RISES IN TRIBUTARY FLOODING—CROP LOSSES MAY BE HIGH IN LOWLANDS—SOME HOMES EVACUATED; SEVERAL ROADS CLOSED

(By Bob Waldrop)

Numerous midland empire rivers and streams were flooding last night after prolonged rain Tuesday night and Wednesday morning.

Runoff from waterlogged soil prompted the evacuation of families in several communities.

Swollen streams and creeks already have seriously endangered thousands of acres of crops.

Many highways and roads have been blocked by water or are still partially closed. High water has forced the removal of some live stock to higher ground.

Officials in many areas last night were attempting to estimate the extent of the damage.

The Clay County sheriff's office at Liberty, Mo., reported that overflow from the east fork of the Platte River forced at least 10 families to be evacuated at Smithville. The sheriff's office said last night that water had entered at least a half-dozen homes, and other families had been evacuated as a precautionary measure. Smithville hospital, however, had not been evacuated, they said.

FAMILIES FLEEING

The Weldon River in Mercer County inundated thousands of acres of land in that county and last night was threatening the power and light plants at Princeton. Several families were reported preparing to evacuate their homes in Princeton last night as the Weldon continued to rise.

The river was rising at the rate of about 4 inches an hour and was creeping up to a dike protecting the power and light plants. However, officials said the river was not expected to flow over the dike.

A 5-foot dike was constructed around the plants after a flood in 1959, and is situated on top of a former railroad right-of-way. The water was lapping at the top of the right-of-way but was expected to be held back by the dike.

A 40-foot gap which had been left in the dike to provide truck access to the plants was closed hurriedly yesterday by using two heavy earthmovers in order to prevent flooding at that point.

BEANS DAMAGED

No major highways were reported closed in Mercer County, but several county roads were out, including one west of Mercer and another west of Mill Grove. Livestock near Mill Grove was moved to higher ground.

Crop damage was said to be heavy in the lowlands in Grundy County. Beans particularly were in danger. With a flood stage of 21 feet, the Grand River yesterday evening had reached 21.05 feet and was still rising. A total of 5.25 inches of rain was reported during the 24-hour period including the downpour.

Roland Hill, highway engineer, said Honey Creek had covered Highway 65 6 miles south of Trenton and the route was limited to one-way traffic. Stoop's salvage yard northwest of Trenton was under water, but the house there was safe on higher ground.

Corn and soybean crops in Gentry County were reported to be heavily waterlogged, with additional damage by strong winds. Spokesmen there said the foremost danger is the fear of any additional moisture.

HOMES EVACUATED

About 12 homes were evacuated in Bethany, Mo., along the north side of Big Creek. Harrison County residents said the water level was the highest in 30 years.

Several roads in Harrison County were closed and livestock was moved from the county farm to higher ground. A total of 5.94 inches of rain was reported.

Roads closed included U.S. 69 a mile north of Bethany, Route A between 69 and Ridgeway and other rural roads. Route B near Mount Moriah was open but covered with water. Highways 136 and 69 south of Bethany were covered with water and it was anticipated that both would be closed.

The Platte County sheriff's office at Platte City, Mo., reported the Platte River was near flood stage and still rising. Officers there said that while much bottomland was covered, serious trouble was not expected for about 48 hours, when crests from farther north reach the Platte County area.

Route Z between Dearborn and Edgerton was closed in Platte County. Other roads, including 92 and several county routes, were closed earlier but opened by late yesterday.

SURGE IN RIVER

Independence Valley School north of Atchison, Kans., was closed yesterday when Independence Creek covered Highway 7, but the road was open later in the day. Walnut Creek south of Atchison earlier was over Highway 7, and Highway 9 at Monrovia was covered by water, but was open.

The Grand River at Chillicothe, Mo., by 6 p.m. yesterday climbed to 28.8 feet, with a flood stage of 24 feet. The river posted a reading of 7.30 feet at 7 a.m., and jumped to 26.35 feet by 1 p.m.

This morning the 102 River is expected to crest at 18 feet, with a flood stage of 14 feet at Maryville. The Platte River will crest about noon at Agency at 24 feet, with a flood stage of 20 feet.

The Grand River was to crest at 1 this morning at Pattonsburg at 33 or 34 feet, with a flood stage of 25 feet. At Gallatin the crest will be 28 or 29 feet at 6 a.m., with a flood stage of 24 feet.

[From the St. Louis Post-Dispatch, Sept. 17, 1961]

FLOOD DAMAGE IN MISSOURI PUT AT $28 MILLION

KANSAS CITY, MO., September 16.—This week's floods in Missouri caused $28 million damage in Missouri and $8 million in Kansas, the Army Corps of Engineers estimated today. The Missouri figure includes a previous estimate by the corps of $9,500,000 damage in the Blue River Valley in Kansas City.

Lt. Col. Earle L. Valenstein, acting district engineer, said there would be further flooding, particularly on the Missouri River and on the Osage River, which will be taking the load from the Marais des Cygnes in Kansas.

The Missouri crested at 26.4 feet this morning at Boonville, 5½ feet above flood stage. The crest at Jefferson City is expected to be about 26 feet at 1 a.m. Sunday.

The second crest on the Grand River passed Chillicothe in the night, hitting 31.9 feet, 8 feet above flood stage. Sumner is expected to get a crest of 37½ to 38 feet, about 13 feet above bank full, Sunday morning.

The Army Engineers said it appeared about 850,000 acres would be included in the flooded areas of the two States. This figure includes 225,000 acres along the Missouri downstream from Kansas City, 175,000 acres upstream from Kansas City, and 200,000 acres in tributary streams, such as the Grand, Blue, Blackwater, Osage, and smaller streams.

Included in the Kansas total, the engineer estimate said, were 250,000 acres, mainly along the Marais des Cygnes, Solomon, Saline, Republic, and Big Blue.

The Marais des Cygnes flood, which set a record at Osawatomie, Kans., will cause the second major flood of the year on the Osage when the crest reaches Schell City, Mo., about the middle of next week. The crest is expected to be 34½ feet, 10 feet above bank full. The Osage is expected to crest at 24 feet, 2 feet above flood stage, at Osceola, Mo., next Saturday.

The North Grand, which joins the Missouri at Brunswick, Mo., was at a stage of 17.8 feet. Flood stage is 12 feet. A Monday morning crest of 20 feet was forecast. Upstream as far as Gallatin the North Grand was still about flood stage, but falling.

On the Chariton River, the level at Novinger, Mo., was only 11.77 feet, against flood stage of 20 feet, but the Weather Bureau forecast a crest of 23 feet at Novinger Monday morning.

The Blackwater River at Blue Lick, Mo., was at 36.2 feet. Flood level is 25 feet.

SALISBURY, MO., *September 15, 1961.*

Hon. STUART SYMINGTON,
Senator, care of U.S. Senate,
Washington, D.C.:

Heavy rains causing worst floods in history of Chariton Basin. Approximately one-third of crop lands in Chariton County inundated. Heavy loss to farmers and to our business economy in the area. Extremely urgent you do all possible to assure approval of $18,000 appropriation for survey funds of tributaries of East Fork, Middle Fork, and Mussel Fork of Chariton River. This will enable Corps of Engineers to complete survey now under way.

W. D. HOLLIS,
President, Salisbury, Mo., Chamber of Commerce.

INDEPENDENCE, MO., *September 14, 1961.*
Senator STUART SYMINGTON,
Senate Office Building,
Washington, D.C.:

Extensive flood damage Blue and Little Blue Rivers, flanking Independence, Mo. Property and work-hour losses high. Any help for study of eliminating problem appreciated.

BISHOP G. LESLIE DELAPP.

ACTION NEEDED TO HELP BROILER PRODUCERS

Mr. SYMINGTON. Last Friday the able junior Senator from Georgia presented to the Senate more facts about the crisis in one of our biggest agricultural enterprises, the broiler poultry industry.

This crisis results from bankruptcy prices; and those prices result from overproduction, which independent members of the industry cannot prevent under present circumstances.

Some 4 months ago, representatives of the broiler industry appeared before the Senate Committee on Agriculture and Forestry. At that time they said they did not want authority for marketing order provisions of the 1961 farm bill.

But 2 months later, last July, at the season of peak demand for broilers, the very bottom fell out of the broiler market; and many members of the poultry industry thereupon changed their minds.

Whereas it costs about 14 cents to produce a pound of broiler chicken, the price first fell to 12, then 11 and then 10 cents in the great broiler-raising territories of the South, including the broiler district of my State of Missouri.

Now, prices have gone down to 9 cents, and may soon touch 8.

And the production trend is still up. Many of the producers face bankruptcy, whether they cut back production or keep it up.

This will mean wholesale ruin for independent producers unless they find a way to stabilize the total national production of their industry.

When the crisis became apparent nearly 2 months ago, at the time the 1961 farm bill was before the Senate, I suggested, and Senator MCCARTHY offered, an amendment to allow the broiler industry—if it so decided through hearings and referendums—to adopt the one method foremost authorities on this problem say could properly stabilize the broiler industry; namely, a system of marketing orders and agreements.

The Senate accepted the amendment. But this plan failed of passage in the other body by a vote of 94 to 97.

Therefore, authority for marketing orders on chickens and chicken hatching eggs was dropped from the farm bill, in conference. I believe it was dropped because members of the broiler industry did not impress a sufficient number of the Congress that they had reconsidered, and changed their views since May.

Last Friday, however, the distinguished junior Senator from Georgia presented evidence of a rapid and massive crystallization of opinion within the industry, pointing out that it needs the right to resort to marketing orders.

The Senator from Georgia placed in the RECORD Friday a report on action taken at a meeting in Atlanta, Ga., September 12, by over 40 broiler industry representatives from 12 Southern States—including most of the principal broiler-producing States, and including most States whose representatives opposed marketing orders only last May.

That meeting in Atlanta drafted and endorsed a proposed amendment to existing farm law which would give the broiler industry the right to adopt marketing orders.

The Senator from Georgia introduced that draft measure as S. 2559, and urged that Congress rise to the emergency before we end this session; and, in effect, pass the enabling measure that failed to survive with the farm bill some 6 weeks ago.

Similar recognition of the need for emergency action now was voiced at that time on this floor by eight Members of the Senate.

I join in urging that the Congress correct the recent omission and act before adjournment to empower broiler producers to stabilize their own industry through marketing orders and agreements—on broiler chickens, or hatching eggs, or both—according to their own decision.

This economic crisis is now; and, therefore, the industry should have freedom now, so as to find the most effective means for saving itself.

I have heard it remarked that 6 months or a year of further delay will mean that even if broiler production eventually is stabilized, it will be too late to benefit many, if not most, of the producers now in the business. They will be bankrupt.

We acknowledge that time for legislative action this year is limited; that time for extensive hearings is past until next year; and that the Agriculture Committee of the House has ended its business for this session unless its members agree to reconvene by unanimous consent.

But I submit that it is not beyond the capacity of Congress to act on this matter before the session ends—with such overwhelming evidence of urgency, and with this rising sentiment for marketing order authority within the industry.

The hearings and referendums incident to the formulation of a marketing order program insure that only the will of a majority of the industry will be done.

Mr. President, in this connection, I ask unanimous consent to have inserted at this point in the RECORD a letter from Assistant Secretary Ralph of the Department of Agriculture. This letter outlines how a marketing order might be adapted to chicken hatching eggs.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., August 7, 1961.

Hon. STUART SYMINGTON,
U.S. Senate, Washington, D.C.

DEAR SENATOR SYMINGTON: Pursuant to a request of Mr. Stanley Fike, of your office, we are outlining below suggestions as to how a marketing order might be adapted to chicken hatching eggs.

If the Agricultural Marketing Agreement Act of 1937 as amended were further amended to include chicken hatching eggs, the following steps would have to be taken in the development and promulgation of an order for this commodity. First, it would be necessary for a producer group to request an order, and if after appropriate study and consultation with producers it was determined that an order was feasible and in the public interest, the following procedure would be followed.

A public hearing would be held, a recommended decision based on the evidence in the record would be issued subject to exceptions being filed thereto, and a final decision would then be issued subject to approval by two-thirds of the producers voting in the referendum that were to be affected by the order. If an order were approved, an administrator or administrative committee would be appointed to administer the program.

There would be many problems in developing a marketing order on chicken hatching eggs, and a program would have to be developed in a manner that would be beneficial to the broiler industry and at the same time not have adverse effects on other segments of the poultry industry. With this thought in mind it might be possible to develop a program to operate over a production period (a year or more) by diverting hatching eggs from incubation when such action was determined to be in the best interest of producers and the public, as indicated by the egg setting and chick placement statistics of the Department. Our poultry economists have found these statistics useful and reasonably accurate in providing background for projecting producer prices a period ahead. The amount of diversion required, both in terms of absolute quantity and percentage in order to stabilize the marketings of broilers, would usually be very small. If, for example, we were approaching a period where these statistics indicated marketings would be excessive 10 to 13 weeks ahead, a program could be put into effect requiring that egg settings in subsequent weeks not exceed the level for the most immediate preceding week or weeks. In other words, if egg settings and chick placements appeared to be in excess of a level which would result in stable marketings and fair producer returns some 13 weeks ahead, restricting hatchings to the level of some preceding week's level would, in most instances, stabilize marketings and effect the designed results.

An outlet would have to be found for the diverted eggs such as a commercial egg market, or diverting into egg products (frozen or dried), export outlets, or such other outlets that might be developed. It would be necessary of course, as stated above, to avoid disrupting the market of the commercial egg producer.

This is one approach that has occurred to us that might be adopted in an order program for chicken hatching eggs.

Sincerely yours,

JAMES T. RALPH,
Assistant Secretary.

Mr. SYMINGTON. Mr. President, for immediate assistance to this industry, I urge that the Department of Agriculture continue to buy broilers for the school lunch program.

In order to reduce broiler production to what the market will take at reasonable prices, I would also like to associate myself with the junior Senator from Georgia's proposal that the Department

of Agriculture buy at least 6 to 8 million broiler laying hens for serving under the school lunch program.

I further urge that these birds be pullets which have just started laying the eggs that will be broilers 3 months from now.

In this connection, I ask unanimous consent to insert in the RECORD at this point a letter from Mr. Charles Dixon, of Monett Hatcheries, Monett, Mo., president of the Missouri Broiler Council.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MONETT HATCHERY,
Monett, Mo., September 7, 1961.

Hon. STUART SYMINGTON,
U.S. Senate, Washington, D.C.

DEAR SENATOR SYMINGTON: Thank you for keeping me informed on the actions of Congress and the various committees working on the broiler industry situation. I certainly appreciated this information.

With reference to your letter of August 29 from the Department of Agriculture regarding their buying 6 to 8 million laying hens which I assume would be under a subsidized price. I think this is fine but may I make one suggestion? The hens they are considering buying should be pullets which were hatched in February, March, April, and May of 1961. In other words, these are the hens that will be laying eggs for hatching more broiler chicks starting about October or November of this year.

The sale of this many hens which will come into production soon will definitely help correct the broiler prices for the next 12 months. Figures show we had about a 14- to 16-percent increase in broiler pullet placements during the first 5 months of this year.

If something isn't done to stop this extra surplus of pullets from laying eggs, we will be back into the same situation by January or February of 1962. It is my opinion that enough hens have already been sold to curtail the egg surplus for broiler chick hatches from now until the first of October.

Sincerely yours,

CHARLES DIXON,
President, Missouri Broiler Council.

Mr. SYMINGTON. Mr. President, we would not advocate any permanent relapse into the discredited business of coping with a surplus by having the Government buy it up.

But there is legitimate use for a large quantity of broilers and broiler-producing pullets in the Nation's school lunch diet.

If we could give some help on broiler prices right now and, at the same time, remove 10 percent of the pullets now beginning to lay eggs for hatching broiler chicks, the effect would be to ease broiler overproduction in coming months; and this could be during the period the necessary long-range measures for stabilizing this industry were being worked out.

DAG HAMMARSKJOLD

Mr. MILLER. Mr. President, the United Nations and all peace-loving nations have lost a great statesman, the Secretary General of the U.N., Dag Hammarskjold. His stature and effectiveness in working for world peace is perhaps no better attested to than the opposition of the Communist imperialists of the Soviet Union, through their delegation to the United Nations, to the action of the Security Council yesterday in praising him as an outstanding leader who had strengthened world peace. There are some who no doubt sincerely disagreed with Dag Hammarskjold's concept of the role the United Nations should play in preserving world peace; but there could be no one who doubted his complete dedication to the cause of world peace. Thanks to the free press, it is well known throughout much of the world that this great Secretary General had the strength of character to politely but firmly resist all efforts on the part of the Soviet imperialists to impose their policy of rule or ruin over the United Nations. That he possessed the courage to do so no doubt sprang from his deep and abiding faith in the United Nations as an instrument of moral law, as distinguished from the cynical and materialistic concept of the Communists that the United Nations should serve as a vehicle for Communist aggression through domination of its policies and its officers by the Soviets.

One of Dag Hammarskjold's greatest displays of courage came when the Soviet delegation stupidly but viciously demanded his resignation and coupled this demand with a proposal to replace him with a three-man secretariat, representing the free world, the Communist world, and the so-called neutral nations, with a veto power in each of the three secretaries. As was not unexpected, Mr. Hammarskjold steadfastly refused to resign and rejected the so-called troika proposal.

Now that he is gone, the Soviets will no doubt threaten to use their veto in the Security Council unless the Council, which must recommend a successor to the General Assembly for appointment, proposes someone who either agrees with them or does not appreciate the menace of communism or recommends the so-called troika system as a change in the U.N. Charter. I sincerely trust that the other members of the Security Council, including particularly the United States, will maintain a solid wall of opposition to such action and will do so in a way which will point out before all the world precisely the rule-or-ruin policy of the Soviets. Indeed, this might offer a suitable occasion for action to expel the Soviets from membership so that the United Nations may truly exist as a group of peace-loving states.

After the Belgrade conference of so-called neutral nations, the danger of the troika system should be all too apparent. We now know that the neutral nations are neutral in name only; that their use of this word is artificial and carries with it no more depth than the friendship which rises or falls—not on the roots of morality and loyalty but on the slender thread of expedience. The mere action of this group of nations permitting the delegation from Cuba to sit in at the so-called neutral conference tipped their hand, as did their failure to do more than wink their eyes at the resumption of nuclear testing in the atmosphere by the Soviets. There are some who try to explain the situation by saying that these so-called neutrals are still suspicious of free world nations because of their past history of colonialism, but the answer, of course, is that if this is really so then they should be at least equally suspicious of the imperialistic actions of the Communist world. Others say, and perhaps accurately, that the so-called neutrals are not afraid of Western aggression but they do fear Communist aggression and so do not want to antagonize the Soviets. The answer to this one is that there can be no such thing as neutrality where moral principles are involved. The Communist philosophy of aggression is immoral, and the sooner these so-called neutrals get enough backbone to recognize this, to realize that you can't be neutral with a cancer, the better off they and the world will be. However, what I have said merely points up the fact that a troika system would mean that the free world would be outvoted and outvetoed whenever it was to the interests of the Soviets to do so.

And so, Mr. President, the curtain has run down on a truly great character on the world stage. Dag Hammarskjold's native Sweden can be entirely proud of him and particularly of the principles for which he stood. But in his passing, let us remember that his greatest wish would have been that "the show must go on." This is not the end of the United Nations. Indeed, it really is only the beginning of a new drama, with newer and greater challenges. New leaders are available to fulfill the roles, and who among us would suggest that Dag Hammarskjold would have desired it otherwise?

Mr. President, I ask unanimous consent that various editorials in praise of Dag Hammarskjold appearing in today's editions of the New York Times, the New York Herald Tribune, the Washington Post, and the Philadelphia Inquirer be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 19, 1961]

DAG HAMMARSKJOLD

But for the patient, indefatigable leadership of Dag Hammarskjold, the United Nations might not exist today. Quietly, shrewdly, persistently he labored to maintain it against heavy odds and to enhance its effectiveness in a world that teeters on the brink of catastrophe.

Mr. Hammarskjold established his office and the United Nations as instruments of a code of moral law. If humanity survives the menace of a nuclear holocaust that he strove so valiantly to avert, history will surely mark his career as one of the great forces for a better world.

He began his tenure at the United Nations modestly, the epitome of a devoted international civil servant. By displaying absolute neutrality and fairness, by showing absolute discretion in keeping confidences, he gained the trust of all parties and built up his role as peaceful arbiter.

Such successes as his quiet negotiation of the Arab-Israeli withdrawal from the Gaza strip, the establishment of the United Nations Emergency Force to keep the peace there and his handling of the confused Congo situation are outstanding examples

of his diplomatic and organizing abilities. In these and other moves he based his authority on the spirit of the charter and a liberal interpretation of United Nations instructions which he often inspired. This enabled him to act with independence in the pattern of the responsible leader of a world parliament.

Mr. Hammarskjold's death is an incalculable loss. He had built himself and his office into one of the great hopes for world peace. He came to represent what was honorable and rational in a chaotic world full of hate and suspicion. There could be no better tribute to him than to bring his body back in state and bury it in United Nations ground under a fitting monument to remind all men of the values for which he lived and died.

[From the New York Herald Tribune, Sept. 19, 1961]

HE LIVED AND DIED FOR THE U.N.—DAG HAMMARSKJOLD

The death of Dag Hammarskjold in a plane crash in Africa is a threefold tragedy.

It is, of course, an overwhelming personal tragedy. Few men at any time in history have worked more diligently and devotedly for world peace; few men have brought to the task keener qualities of mind and sturdier traits of character.

If intellect and patience alone could have solved the world's problems, Dag Hammarskjold's 8 years at the U.N. might have brought the nations closer to lasting peace than they seem today. The U.N., quite literally, was his life.

Although few outsiders knew him when he succeeded Trygve Lie as Secretary General, his labors over the years brought Hammarskjold international renown and made his name respected throughout the world. He met and mastered more than one crisis, working, for the most part, silently and circumspectly in accordance with his concept of quiet diplomacy.

Perhaps the best measure of the admiration in which he was held, here no less than elsewhere, was the open shock expressed by people on the streets of New York yesterday—people for whom "Dag" personified the U.N. and who instinctively knew this rather aloof and intellectual diplomat as a friend.

For the Congo also, the death of Dag Hammarskjold is calamitous. However opinions may vary on the motives and methods of the U.N. intervention in Katanga, there can be no doubt at all of Hammarskjold's intent: to bring peace and unity to a riven and warring land.

It is tragic that despite the best endeavors of the U.N. the Congo, more than a year after it received its independence, remains a political jungle and a world danger spot. With Hammarskjold gone, the simple mechanics of arranging and maintaining a cease-fire take on a new complexity.

But to the world at large, the greatest tragedy of all is that the crash of the Secretary General's plane may have struck a severe blow at the foundations of the U.N. itself. There is no doubt that the world organization is confronted by the gravest challenge of its 16-year-old history.

That challenge did not begin with the Congo: it began when the Communist bloc of nations announced their intention of unseating Mr. Hammarskjold and replacing him with a three-headed directorate subject to Soviet veto. For those who would wreck or ruin the U.N. the death of Dag Hammarskjold provides a new opportunity which undoubtedly will be exploited with brutality and cynicism.

To guard against such a disaster now becomes an essential and urgent task.

When the League of Nations became futile and ineffective, World War II followed. There is no reason to doubt that another world calamity would ensue were the U.N. to collapse. Men of good will in all nations must bend their wills and their minds to see to it that this ultimate catastrophe is averted. No cause, certainly, could be a more worthy memorial for Dag Hammarskjold, who gave his life to it.

[From the Washington Post, Sept. 19, 1961]

DAG HAMMARSKJOLD

Dag Hammarskjold, the Secretary General of the United Nations, is dead. The tragedy must afflict personally all who knew him; but that private tragedy is overwhelmed and eclipsed by the public tragedy that has taken place. The dimensions of that tragedy at the moment cannot be known. The world now knows only that he is dead; it will not know for many months how much of the United Nations died with him.

Private grief may be felt that he died far short of the span of years of useful life that might have been his; but it will be swallowed up in the sense of public calamity that he died far short of the fulfillment of his purpose at the head of the United Nations.

To say that a public man is irreplaceable and indispensable is a commonplace of the language of bereavement so often used as to be divested of much of its import, but this may be said of Dag Hammarskjold in full truth and with all accuracy. His whole service to the United Nations was marked by dedication to the spirit and letter of the charter and he uniformly conducted his high office with an appropriate regard to the long shadow that his every act would cast across the future conduct of international affairs. There would have been an enormous sense of loss at his departure from the United Nations at any time; but that loss is multiplied manyfold by the nature of the unsettled issues that presently envelop the United Nations.

First, and most immediately, there is the Congo crisis that led to the death of the Secretary General. For the first year in the Congo, the United Nations, in Hammarskjold's own words, "refused to permit the weight of its (United Nations) resources to be used in support of any faction so as to thereby prejudge in any way the outcome of a choice which belonged solely to the Congolese people." It was as Secretary Hammarskjold said, "a thankless and easily misunderstood role for the Organization to remain neutral in relation to a situation of domestic conflict." But he thought it, "the only manner in which the Organization can serve its proclaimed purpose of furthering the full independence of the people in the true and unqualified sense of the word."

This policy, however, he intimated in his introduction to the annual report of the Secretary General, was binding up to the point when Parliament reassembled and invested a new national government with power. Since then, the United Nations has edged toward the use of power, at the request of that government. The conflict in Katanga is the result. Hammarskjold died in the midst of this policy transition, with events still to settle the effectiveness or justice of the change.

Second, and even more ominous, is the larger issue of the character of the United Nations itself. As the Secretary General pointed out, the charter contemplated an executive that is the servant of no national power and one beyond instructions by any member state; but the Soviet Union projected a very different kind of United Nations—a sort of continuing international conference with a secretariat representative of member states, inferentially responsive to their instructions. This fundamental conflict might have been put off until the end of Mr. Hammarskjold's term in April of 1963. Now it becomes an immediate order of business. To attempt the compromise of these two views is to attempt the reconciliation of irreconcilables. It will be difficult, if not impossible for the Security Council to find a Secretary General who can subscribe at once to these two views of the United Nations executive. Perhaps some sort of interim caretaker executive may be the only way out. A more awkward time to settle the basic conflict hardly could have been picked.

The greatest tribute that can be paid to Secretary General Dag Hammarskjold is to say that at this unhappy juncture no man's loss could have more diminished the world's already declining hope for peace.

[From the Philadelphia Inquirer, Sept. 19, 1961]

HE LIVED AND DIED FOR PEACE

Dag Hammarskjold died as he had lived—in dedicated service to the United Nations in the cause of peace.

His untimely death is a grave, perhaps disastrous, blow to the U.N. and to the hopes of mankind that orderly solutions may be found for chaotic problems that plague this turbulent and tumultuous world.

Mr. Hammarskjold was one of the great men not only of our time but of all time. He pioneered on paths without precedent in the practice of international diplomacy for the promotion and preservation of peace. Only in the perspective of historians of the future, and possibly only in the aftermath of global catastrophe, will his ideas for the advance of world order be fully appreciated.

As President Kennedy said in a stirring tribute to Mr. Hammarskjold, "his name will be treasured high among the peacemakers of history."

In his 8 years of dedicated, devoted service as Secretary General of the United Nations Mr. Hammarskjold gave to that office the qualities of patience and perseverance that were so sorely needed in the never-ending confrontation of crisis upon crisis.

Never before in the history of international diplomacy has one man been entrusted so often, by so many, to do so much, with the stakes so high.

It is a tribute to Mr. Hammarskjold that he not only served the U.N. faithfully and well but that he did so while maintaining a delicate state of equilibrium in his negotiations with conflicting forces, an unflinching impartiality consistent with peace and justice, and a firm loyalty to the principles of the United Nations Charter.

His missions for peaceful and humanitarian purposes during the past 8 years—to Moscow, Peiping, Suez, Gaza, Lebanon, Laos, Kashmir, Tunis, the Congo, among others—recall troubled times and explosive situations in which, were it not for U.N. decisions translated into action by the Secretary General, big wars might have begun.

Mr. Hammarskjold was the target of bitter denunciations and ouster attempts by the Soviet Union. Peace and order do not fit into the Communist scheme of things. To the everlasting credit of Mr. Hammarskjold, he vigorously opposed the Soviet proposals for a "troika," or three-headed Secretariat that would paralyze the U.N. and make it ineffective in time of crisis.

The Soviets, we may be sure, will renew their efforts to weaken the U.N. in the wake of Mr. Hammarskjold's death.

Although the U.N.'s operations in the Congo remain inconclusive and surrounded by uncertainty, much of the progress made there during the past 14 months is attributable to the leadership of Secretary General Hammarskjold. The U.N.'s present activities in Katanga unfortunately have been dealt a severe setback by Mr. Hammarskjold's death just as he was en route to a conference that might have brought about a peaceful solution.

The serious state of affairs in the Congo and other trouble spots of the world makes the death of Mr. Hammarskjold even more tragic than it would be under any circumstances. Now, of all times, the U.N. needs to be a strong force on the side of peace. Loss of Mr. Hammarskjold is irreparable.

He was truly a man of peace. He lived and died for the United Nations and for the peace of all men.

FRUSTRATED LEGISLATION

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks an editorial from the New York Times of yesterday entitled "Frustrated Reform," which bears out my argument in opposition to the conference report on the immigration bill—the truncated and most inadequate immigration bill which we passed by approving the conference report the other day.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FRUSTRATED REFORM

Under circumstances which are at the very least deplorable, Congress has again been denied an opportunity to vote on reasonable revisions of our immigration laws.

The bill that has now cleared Congress makes some belated concessions. Some 18,000 close relatives of immigrants already established in this country, who have been kept out by the discriminatory workings of the national origin quota system, can now be admitted. The alien orphan adoption program, which was allowed to expire in June, is revived and made permanent under very tight regulation. Racial and ethnic questions are to be removed from immigration questionnaires, and there are other limited improvements. But in the end, according to its sponsor, Representative WALTER, "this bill does not provide for the admission of one more person" than would have been admitted anyhow. Mr. WALTER has merely juggled some quotas.

Moreover, Mr. WALTER managed to burden these small changes with a widely opposed retraction of the judicial due process of aliens facing deportation. The targets here are the "racketeers and subversives" who have "mocked and abused judicial process," Mr. WALTER says. But the American Bar Association has found that "less than 2 percent" of all deportation orders are appealed in the courts, and that all but a fraction of these are settled without trial.

In refusing, as it has three times since 1956, to approve unwarranted limitations of aliens' civil rights, the Senate at least sensed that compounding infrequent abuse of the courts by a sweeping abuse of due process was not the answer. President Kennedy has often indicated that he would sign revisions into law. He has specifically endorsed steps to liberalize rather than restrict the rights of aliens. The necessity of his signing this bill, which Attorney General Kennedy supported, may well be an unpleasant decision.

MAJOR CHALLENGES CONFRONTING THE U.N. GENERAL ASSEMBLY

Mr. WILEY. Mr. President, the 16th session of the U.N. General Assembly promises to be explosive.

On the agenda are great issues of real significance to the free world and to peace.

The tragic death of Secretary General Dag Hammarskjold casts a veil of sorrow over the U.N. The high stature of statesmanship in Mr. Hammarskjold's work reflects high credit not only upon himself but upon the Secretary General.

The U.N., of course, now faces the difficult task of finding a replacement. Undoubtedly, the job will be complicated by efforts of the Soviet Union to change the nature of the office of Secretary General to a triumvirate—representing the Communist, free world, and so-called non-Communist blocs.

The major issues confronting the Assembly, then, include the following:

Replacing the esteemed and respected Dag Hammarskjold with an individual of similar high qualities.

Preventing the Soviet Union from replacing the single, workable Secretariat with a three-headed, self-nullifying monster called the Troika—representing the Communist, Western, and so-called neutral blocs, each with a veto power.

Blocking the seating of Red China.

Presenting a realistic disarmament proposal to the world.

Protecting Western rights and obligations in Berlin, including emphasis on the universally recognized right of self-determination by the citizens of Berlin and Germany.

The Soviet Union is expected again to harp upon the issue of colonialism. Today, however, communism represents the greatest colonial power in the world. Consequently, the West can—and should—stuff the issue down their throats.

Currently, too, there are whisperings of an effort to move the U.N. out of the United States. The U.N., itself, of course, must determine whether or not this should be done. Because of costs alone, however, such a move—estimated at millions of dollars—seems extremely unlikely in the immediate future. If a decision is reached, however, I believe it is absolutely essential that the United States oppose efforts to transfer headquarters to any area within the Soviet bloc—and this includes West Berlin. Why? By unhappy experiences, we have learned how the Communists are willing to interfere with anyone and everyone not willing to conform to their way of thinking.

This, I am sure, could well include harassment of the delegates to the United Nations—if things do not go their way.

The agenda of the Assembly, of course, includes a great many other significant issues. In these critical times, the world will be watching to evaluate the effectiveness with which the General Assembly—as a significant subdivision of the U.N.—contributes to its responsibilities in promoting peace.

WEST VIRGINIA'S SENATOR ROBERT C. BYRD CONTINUES TRADITION OF SERVICE TO DISTRICT OF COLUMBIA BY MEMBERS OF WEST VIRGINIA CONGRESSIONAL DELEGATION

Mr. RANDOLPH. Mr. President, in the September 17 issue of the Washington Star there is a most perceptive article by Staff Writer Grace Bassett, and previously referred to by the senior Senator from Wyoming [Mr. MCGEE], which carries high praise for the work of my colleague from West Virginia, Senator ROBERT C. BYRD, as chairman of the District of Columbia Subcommittee of the Senate Appropriations Committee. I join in this commendation of the Senator from West Virginia [Mr. BYRD] for the diligent and effective discharge of his responsibilities in a position which is generally not considered the most desirable which this body offers.

As one who served 14 years in the House of Representatives on the House District Committee and 7 years as its chairman, I am cognizant of the many problems which my colleague faces in his present committee assignment. I am familiar also with the unique features of representing a voteless constituency as chairman of one of the congressional District Committees.

But these are hazards which have not deterred West Virginians from serving the District of Columbia in this capacity. On the contrary, my predecessor, Frank L. Bowman, in the House had also served as chairman of the District Committee, as did West Virginia's Representative Stuart F. Reed in the 68th Congress. And the late Senator Matthew M. Neely, to whose unexpired term I was elected in 1958, served as chairman of the Senate District Committee.

My diligent and respected colleague is, I believe, the first Senator from our State to occupy this particular Appropriations Subcommittee chairmanship. In his brief tenure in that position he has already brought added distinction to the "tradition," one might say, of West Virginians' service in Congress to the District of Columbia. I am most pleased, therefore, to join with the writer of the article in the Washington Star, and to associate myself with the comments of praise from the senior Senator from Wyoming [Mr. MCGEE].

TRIBUTE TO B. H. TRIERWEILER, PRESIDENT, NATIONAL ASSOCIATION OF COUNTY AGRICULTURAL AGENTS

Mr. MCGEE. Mr. President, last week one of Wyoming's outstanding county agricultural agents, Mr. B. H. Trierweiler, from Torrington, Wyo., was elected the 1962 president of the National Association of County Agricultural Agents.

We in Wyoming are very proud of the recognition that has been given to Mr. Trierweiler, and we have always been proud of the vital roles that our county agents play in assisting our Wyoming farmers and ranchers. The consistent and invaluable assistance which our 23 county agents have so tirelessly given is a principal reason why farming and ranching play such a significant role in the economy of Wyoming.

Mr. President, I ask unanimous consent that the transcript of a recent radio broadcast interview with Mr.

Trierweiler, carried over Mutual network's "Farm World" program, be included at this place in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

Mr. KRAEFT. Here is the new president of the National Association of County Agricultural Agents, B. H. Trierweiler, of Goshen County, Wyo.

Mr. TRIERWEILER. Well, the county agent, an employee of the extension service, came into being with the passage of the Smith-Lever Act of 1914, and his work was to "aid and diffuse among the people of the United States useful and practical information on related subjects of agriculture and home economics, and to encourage the application of same." This has been true through the years and still is, because education is a duty of extension workers. They are teachers and their classrooms are the entire county. The role of the county agent is changing and expanding to include providing more information on efficiency in production, conservation and use of resources, and in marketing and utilization of farm products and, of course, more help is needed for problems of family living, community resource development, and in working with our most precious of all—that is youth. The county agent is doing more to teach people to understand each other and to bring the farmer and the businessman and the consumer closer together so that they may understand one another's problems. County agents are spending more time telling the story of agriculture so consumers will have a better understanding of why Americans are the best fed and the best clothed people on earth.

Allow me to give an example: Food for the American worker is the best buy in the world. Only 7 years ago a factory employee had to work 51 hours to feed an average-size family a month. Today he works less than 40 hours to do the same. And labor receives almost as much of the consumer's dollar as the farmer. Of the $57.7 billion Americans spent for food in 1958, for example, the producer received $20.8 billion, and labor received $17.5 billion. The remainder went for processing, transportation, taxes, and other costs.

With the migration of people to urban areas, county agents are called upon to help urbanites with their problems. Nothing is so constant as change, and the county agents must change with the times.

LAS VEGAS: IDEAL CONVENTION SITE

Mr. CANNON. Mr. President, several days ago I requested that an entry be made in the CONGRESSIONAL RECORD. The item was an editorial that had appeared in a newspaper in my home city, the Las Vegas Review Journal. It castigated the American Medical Association for issuing a public statement that the city of Las Vegas was not a fit place to hold their annual convention.

As a result, I received many letters from doctors throughout the United States, all of whom indicated an interest in visiting Las Vegas as soon and as often as possible. One doctor stated that he would much rather go to Las Vegas than attend an AMA convention.

My purpose in bringing this matter to the attention of the Senate is to remind the American Medical Association that many of their kindred organizations have enjoyed well-attended conventions in the greatest convention city of them all, Las Vegas, Nev. A partial list is as follows:

American College of Foot Surgeons, February 16–18, 1959.

Western Society of Periodontology, March 15–17, 1959.

American Surgical Trade Association, western region, April 21–22, 1959.

Pacific Coast Oto-Opthalmological, May 3–7, 1959.

California Society of American College of General Practitioners in Osteopathic Medicine and Surgery, educational conference, September 19–20, 1959.

Western States Osteopathic Society of Proctology, October 5–7, 1959.

American Academy of General Practice, San Diego, Calif. chapter, November 12–14, 1959.

Pacific Coast Fertility Society, November 12–15, 1959.

Intermountain Pediatric Society, March 27–28, 1960.

Western Society of Periodontology, March 27–29, 1960.

Southwestern Surgical Congress, March 28–31, 1960.

Society of Orthotists and Prosthetists, May 14–15, 1960.

Southwest Obstetrical and Gynecological Society, Pacific Coast Fertility Society, November 10–13, 1960.

International College of Surgeons, western region, November 20–22, 1960.

American Urological Association, western section, February 6–9, 1961.

Western Society of Periodontology, March 1961.

American Surgical Trade Association, western region, May 18–19, 1961.

National Chiropractic Association, June 11–16, 1961.

In addition to the above is the following partial list of medical meetings scheduled for the future.

American Osteopathic Association, January 15–18, 1962.

American Pharmaceutical Association, March 25–31, 1962.

American Academy of General Practice, April 8–12, 1962.

American College of Proctology, spring, 1963.

American Society of Oral Surgeons, November 4–7, 1964.

American Dental Association, November 1965.

American Society of Plastic and Reconstructive Surgery, fall, 1967.

I suggest that the Secretary of the American Medical Association contact the various groups and request a report on the experience their conventions have had in Las Vegas.

REPORT OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, 1ST SESSION, 87TH CONGRESS

Mr. ANDERSON. Mr. President, as the 1st session of the 87th Congress draws to a close, I would like to submit a summary of the activities of the Committee on Interior and Insular Affairs during this session, together with an estimate of what we shall try to accomplish during the next session.

This has marked my first session as chairman of this committee, having succeeded the late, beloved Senator from Montana, Jim Murray.

Beginning with a new Congress and a new administration, our work began early with processing the executive nominations for Cabinet and other high level positions requiring Senate confirmation. We have continued with a great number of hearings into all phases of committee jurisdiction.

The goals set by the committee have been important, and in my estimation we have accomplished a great deal. We have also set the stage to accomplish more in the second session of this Congress in the areas of unfinished business. Thus far, 42 bills have been processed by our committee and signed into law by the President. We recognize that numbers alone are not significant, but it is important to remember that the legislation before the Interior and Insular Affairs Committee covers diverse subjects from minerals to territories. I believe the number of bills referred to our committee is the second highest referred to any committee of the Senate, with only the Judiciary Committee receiving more.

I would like to summarize the major areas of activity and accomplishment for the record, bearing in mind that the overall goal we are trying to achieve is the conservation and wise utilization of our natural and human resources.

RECREATION RESOURCES

Our Subcommittee on Public Lands, chaired by the distinguished senior Senator from Nevada [Mr. BIBLE], has reported 36 bills relating to the National Park Service. Outdoor recreation resources are among the most valuable we possess as a Nation. As our population mushrooms we must increase our activities in this area.

During this session the committee achieved many of the goals we set out to accomplish.

One of the Nation's most pressing needs is the development of adequate facilities for our people to secure healthy outdoor exercise and recreation. Our fine system of national parks and forests along with our growing system of State parks and forests provide America with great scenic and recreational assets.

A major accomplishment which deserves special mention was the passage of S. 174, the wilderness bill. By using the unique opportunity to preserve existing Federal lands for the permanent good of all of the people, a relatively small but vital scenic, scientific, and recreational resource may be kept forever natural. This bill is the culmination of many years of hard work by many dedicated people. I believe the committee found a way to provide sensible protection for existing rights and to preserve the great natural beauty of our wilderness areas for all time.

America's coastal shorelines and inland waters have a great recreational potential. S. 543, which passed the Senate almost unanimously, will provide for Federal-State cooperation in a great national undertaking of encouraging the retention for public use of the now fast

shrinking unspoiled areas on seashores, lakes, and rivers. The Secretary of the Interior will study 16 specific areas, on both coasts and the Gulf of Mexico, and the Great Lakes, as well as Lake Tahoe and Great Salt Lake. The 12,000 lakes and 21,000 major streams in the national forests which lie in 41 States will be reviewed by the Secretary of Agriculture. The States will be aided in a positive way to acquire, develop, and maintain coastal, lake, and river shoreline.

Early in the session the Congress extended the reporting date of the Outdoor Recreation Resources Review Commission study. This action will permit a comprehensive and complete report from that agency, which was established through the efforts of the Interior Committee.

Several specific recreational areas bills were considered and passed. Cape Cod is now a new addition to our great system of national parks. The C. & O. Canal way along the Potomac River is protected. The threat that the view from President George Washington's home at Mount Vernon would be marred by a sewage treatment plant and hodge podge development has been stopped.

The Senate passed committee bills to create new parks at Point Reyes, Calif., and at Great Basin in Nevada.

Work has gone forward on suggested park areas at Padre Island, Tex., the Current and Eleven Point Rivers in Missouri, Sleeping Bear and Pictured Rocks on the Great Lakes, and Oregon and Indiana Dunes. Further field hearings will be held during the recess so that action may be taken on a number of these proposals in the next session.

WATER AND LAND RESOURCES DEVELOPMENT PLANNING

America's expanding population will require by the year 2000 that this Nation apply a degree of prudence to land and water management which will dwarf whatever achievements we believe we have reached today.

The key to the success of our type of society will be the wisdom we show in finding water and resource management techniques which enhance the vigor of our political structure. Extensive hearings have been held on two major bills, S. 239 and S. 2246. If enacted, S. 239 would create a Council of Conservation Advisers in the Office of the President. A water resources planning council would be created at the Cabinet level if S. 2246 is adopted.

These bills constitute major legislation and thus will receive careful scrutiny and review. While the work of the committee on this legislation is well underway it is far from complete, and we expect to proceed with our deliberations in the second session.

The committee acted on 11 bills dealing with irrigation and reclamation which were subsequently passed by the Senate.

These ranged from the authorization of the Navajo-San Juan projects as participating units of the upper Colorado River storage project to committee approval of extending compact negotiations among the States along the Little Missouri River.

Three other bills, S. 230, authorizing the Garrison diversion project, S. 970, the Nebraska mid-State project, and S. 2008, amending the Spokane Valley Project Act, have been reported to the Senate by the committee.

Hearings have been held on other bills in this subject area by the committee. Irrigation and reclamation activity continues to be an important function of the committee.

SALINE WATER

On much of the earth's surface man is foreclosed from real opportunity because of chronic shortages of usable water. In many places the available water is either salty or alkaline and thus unusable.

Projects to make water usable have occupied much of man's effort since the beginning of time but, at long last, we hope we are reaching the point where the removal of salts and alkalies from water will be an economic reality.

Our committee recognizes that success in this important scientific endeavor requires meaningful efforts by the Congress. The Interior Committee reported S. 2156, a bill to extend and revitalize the saline water program. After a conference with the House we sent the President a bill which authorizes $75 million over a 6-year period for research and development.

We also extended the period for the construction and operation of plants from 7 to 12 years as well as protected the right of the public to enjoy the benefits of research done with public funds.

Five demonstration plants are now in process; the Freeport plant was temporarily disabled by Hurricane Carla. We expect the cost of converting water to go down below $1 per thousand gallons soon. With the accelerated research authorized this year we hope we will have the cost come closer to the average of 30 cents per thousand gallons which is the average in the Nation.

It is recognized that the beneficial conversion of saline water is one of the great hopes of mankind. It is a powerful weapon with which great good can be done not only in our own country but in the arid regions throughout the world.

I think the action of Congress to continue our advance in this field is one of the most constructive acts accomplished this year.

MINERALS AND FUELS

The Subcommittee on Minerals under the able leadership of the Senator from Colorado [Mr. CARROLL] has given consideration to two major bills. One, by the Senators from Washington [Mr. MAGNUSON and Mr. JACKSON], S. 981, would extend the authority of the Geological Survey to areas outside the national domain. This bill passed the Senate. If enacted, it will facilitate our research and knowledge of the ocean and other areas outside the continental limits of the United States, to which the Geological Survey is now limited.

S. 1747 would stabilize the lead and zinc industry. The Minerals Subcommittee held several public hearings this year on the problems facing this troubled domestic industry. The solution appears to be a tighter control of the abundant supplies available for a reduced market. The oversupply is caused by excessive imports of foreign production. S. 1747 is intended to bring a balance to the market whereby both the domestic and foreign producer will benefit. Because of a tariff feature in the bill, after it was reported by the Interior and Insular Affairs Committee, it was referred to the Finance Committee.

One of the more significant actions taken by the committee was the approval of Senate Resolution 105, providing for a national fuels and energy study.

It was felt by the committee that it is important for Congress to have a careful appraisal of our present and potential fuel supplies and requirements. The committee has already undertaken the preliminary efforts toward a complete and thorough study.

With the passage of Senate Resolution 105, the Senate has authorized the necessary funds for the committee to complete this work.

INDIAN AFFAIRS

The Government's responsibility in the field of Indian affairs continues to be an important one, involving the lives of nearly a half million Indians in this country.

The Subcommittee on Indian Affairs, under the chairmanship of the Senator from Idaho [Mr. CHURCH] held numerous meetings and was confronted with considerable legislation. Twenty-nine bills reported by the committee relating to Indians have passed the Senate. Many of these have become law.

S. 108 is intended to aid Indians in securing industrial and economic development by allowing a longer leasing of Indian lands. Present law limits leases to 25 years. S. 108, which passed the Senate, permits leases up to 99 years, thus attracting long-term development.

The Indian Claims Commission Act was amended to extend the life of the Commission to April 10, 1967. Additional time is needed to complete action on pending dockets.

One of the most perplexing and difficult problems in Indian matters relates to Indian heirship lands. Last January the committee issued a two-part study on heirship lands. A bill on this subject, S. 1392, was introduced based on the study, and hearings were held during this session. About 50 percent of all Indian allotted lands are in heirship status. The cost of administering this land is high and the benefits to the Indians appear to be little. Proper disposition of these lands is a major target of the committee and would be in the best interests of the Indians and the Government. Although action could not be taken this year, it is one of the "must" items for the next session of Congress by the committee.

INSULAR AFFAIRS

The responsibility of the Interior and Insular Affairs Committee includes jurisdiction over the territories owned by the United States far from the continent. This involves the welfare of the people

of Guam and American Samoa in the Pacific and the Virgin Islands and Puerto Rico in the West Indies.

The committee approved legislation to increase self-government in Puerto Rico by removing a federally imposed limitation on borrowing authority by the Commonwealth and its municipalities.

In the Virgin Islands recent growth has greatly increased the need for additional electric power generating facilities. Two 5,000-kilowatt generators will be installed in the islands as a result of the passage of a bill to permit the Government-owned Virgin Islands Corporation to increase its borrowing authority.

Further inquiry will be made into legislation pending before the committee to authorize representation in Washington by an elected delegate from Guam and the Virgin Islands.

PROGRAM FOR 2D SESSION, 87TH CONGRESS

Despite the good progress that has been made in this session substantial tasks remain before the committee. During the fall hearings will continue on pending business and staff work will progress on work commenced during this session.

During the second session I look forward to advancement in the following fields:

First. National water resources planning and achievement based on comprehensive river basin development with full participation by State, Federal, and local governments.

Second. A continuation of the national fuels study begun this year.

Third. Revision of the public land laws and assurance of multiple-use management when applicable to public lands.

Fourth. Authorization of specific outdoor recreation facilities and continued appraisal of the resumption of interest in our national park system.

Fifth. Consideration of the final report by the Outdoor Recreation Resources Review Commission and development of a national recreational policy.

Sixth. Improvements in our Indian policy including concentrated efforts toward solution of the heirship problem.

Seventh. Consideration of a minerals policy for this country. This question of an overall policy is one that must be answered. We have jumped from one temporary program to another since the close of World War II. It would be in the best interest of the Nation for Congress to define the policy guidelines relating to our domestic minerals industry.

The committee members have been diligent in attention to bills upon the calendar and in their consideration of national resource policy improvements. I believe that the progress we have made is substantially greater than this summary would indicate because we have broken new ground and created a new zeal and interest in facing the problems before us. All of the members deserve credit for the hard work they have done. and I want to express my deep personal appreciation for their efforts.

I am particularly pleased that when it was necessary for me to be absent from the city due to a recent illness, members of the committee carried out the program of the committee in an excellent fashion. I particularly wish to thank the ranking member of the committee, the Senator from Washington [Mr. JACKSON], who acted as chairman in my absence.

I also wish to express my appreciation for the cooperation the committee has received from the able majority leader, the Senator from Montana [Mr. MANSFIELD], in scheduling Senate consideration of bills reported by the committee. I am looking forward to next year with the utmost confidence in continued progress by the Committee on Interior and Insular Affairs and by the U.S. Senate under his able and dedicated leadership.

TREASURY POSITION ON DEPLETION CUTOFF POINT FOR THE URANIUM AND CRUSHED STONE INDUSTRIES

Mr. BENNETT. Mr. President, the uranium and crushed stone industries have been very much concerned about a recent retroactive change in the policy of the Treasury Department with respect to the cutoff point for depletion purposes as it applies to their industries. The effect of the change was to disallow the concentrating of uranium into yellow cake as part of mining for depletion purposes; and to disallow crushing and grinding as part of mining for depletion purposes with respect to the crushed stone industry, including limestone, granite, and marble.

As a result, I introduced S. 2452 to restore the historical practice of allowing such processes and intended to offer it as an amendment to H.R. 7057 when it was considered by the Senate Finance Committee August 30. However, Assistant Secretary of the Treasury Stanley E. Surrey agreed at the August 30 meeting to reverse the new Treasury policy, with respect to years prior to 1961. Therefore, I did not offer my bill as an amendment.

I ask unanimous consent that the exchange of correspondence between myself and Secretary Surrey confirming this understanding be included in the RECORD following my remarks.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

SEPTEMBER 6, 1961.

Mr. STANLEY S. SURREY,
Assistant Secretary, Department of the Treasury, Washington, D.C.

DEAR MR. SURREY: As you know, I introduced S. 2452 with the intention of pressing for its approval by the Senate Finance Committee. However, during the discussion of H.R. 7057 before the Finance Committee, I and other members of the committee were pleased by your statement that the Treasury felt that it could handle administratively the problems which S. 2452 sought to handle legislatively for the uranium industry and the crushed stone industry (including limestone, granite, marble, and the like), at least for the years prior to 1961.

In accordance with our brief personal conversation after the meeting, this letter is a request that you confirm in writing the statements you made to the committee with respect to the cutoff point for years prior to 1961 for uranium and for the crushed stone industry. It is my understanding that the Treasury position is as follows:

1. The concentrating of uranium into yellow cake will be treated as part of mining for depletion purposes for all years prior to 1961, as has been the practice in the past.

2. For the crushed stone industry, including limestone, granite, marble, and the like, for years prior to 1961 crushing and grinding but not fine pulverization will be regarded as part of mining for depletion purposes. It is my further understanding that the Service proposes to modify revenue ruling 61–17 to reflect this decision.

As you have pointed out, there is a problem in determining where grinding ends and fine pulverization begins, but this is a problem that the service and members of the industry have had to face for many years. It is my understanding that the commitment which you made in the executive session of the Finance Committee last week on behalf of the service to allow crushing and grinding but not fine pulverization to the crushed stone industry is not intended to foreclose either the service or members of the industry from arguing as to where fine pulverization begins.

I would appreciate receiving confirmation of my understanding as above set forth at your earliest possible convenience.

Sincerely,

WALLACE F. BENNETT.

TREASURY DEPARTMENT,
Washington, D.C., September 19, 1961.

Hon. WALLACE F. BENNETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENNETT: This is in reply to your letter of September 6, 1961, in which you request the position of the Treasury with respect to the cutoff point for depletion purposes for uranium and for the crushed stone industry for years beginning before January 1, 1961.

In the case of uranium, several unpublished ruling letters have been sent to taxpayers in the past. These ruling letters took the position that the cutoff point for uranium occurs after the uranium has been processed into so-called yellow cake. This position is to be maintained for all taxpayers processing uranium into yellow cake for the years prior to 1961. If, because of additional information acquired as to the operation of the uranium industry, the Internal Revenue Service proposes a change in this cutoff point at some time in the future, such change would be applied prospectively from the time the new position is taken.

In the case of the crushed stone industry, the question of the cutoff point for years prior to 1961 has been raised by various industry members. Several conferences have been held at the Internal Revenue Service at which these industry representatives have been given an opportunity to express their views. As a result of these conferences, the Revenue Service has reached the conclusion that, for years prior to 1961, crushing and grinding should be treated as allowable mining processes. In order to reflect this decision, the Revenue Service proposes to modify Revenue ruling 61–17.

Although it has been contended that there are no clear-cut definitions of the terms "crushing" and "grinding" in the crushed stone industry, it is clear that neither term includes fine pulverization. Therefore, the Service is also actively considering the question of the point at which further size reduction of crushed stone should be disallowed as fine pulverization. It is my hope that this question can be resolved in the near future.

I hope that this confirms your understanding of the Treasury position with respect to these matters.

Sincerely yours,

STANLEY S. SURREY.

VAST MAJORITY OF THE PEOPLE OF UTAH OPPOSE FEDERAL CONSTRUCTION OF UPPER COLORADO PROJECT TRANSMISSION LINES

Mr. BENNETT. Mr. President, a vast majority of the people of Utah oppose Federal construction of transmission lines to serve the upper Colorado River storage project. They believe that water conservation and development is much more important than public power. Therefore, they resent the loss to irrigation projects of $160 million to build public power transmission lines. Likewise, they oppose the initial Federal investment of $136 million by the Federal taxpayers, which should go to vitally needed irrigation projects rather than to unneeded powerlines which duplicate existing private lines.

The people of Utah know that power from the upper Colorado project will be delivered to load centers in the upper basin at a cost of 6 mills, regardless of who builds the lines. They know that preference customers can obtain the power at these load centers at 6 mills.

I ask unanimous consent that a list of some of the leading Utah organizations which have passed resolutions in opposition to Federal construction of the lines be included in the RECORD following my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF UTAH ORGANIZATIONS WHICH HAVE PASSED RESOLUTIONS IN OPPOSITION TO FEDERAL CONSTRUCTION OF POWER TRANSMISSION LINES TO SERVE THE UPPER COLORADO RIVER STORAGE PROJECT

Apartment Association of Utah.
Associated General Contractors of America.
Central Utah Federation of Labor, AFL-CIO.
Farm Bureau Federation.
First Federal Savings & Loan Association.
Home Builders Association of Greater Salt Lake.
Illuminating Engineering Society.
Industrial Relations Council.
Intermountain Electrical Association.
International Brotherhood of Electrical Workers, Local 57.
Liberty Fuel Co.
Metropolitan Water District of Salt Lake City.
Ogden Chamber of Commerce.
Provo Water Users Association.
Salt Lake Association of Insurance Agents.
Salt Lake Butchers & Grocers Association.
Salt Lake City Chamber of Commerce.
Salt Lake City Jaycees.
Salt Lake Real Estate Board.
Salt Lake Retail Grocers Association.
Twenty-One Counties Committee.
Utah Bankers Association.
Utah Building & Construction Congress.
Utah Consumers Finance Association.
Utah Engineering Council.
Utah Furniture Association.
Utah Home Builders Association.
Utah Manufacturers Association.
Utah Mining Association.
Utah Motor Transportation Association.
Utah Plumbing and Heating Contractors Association.
Utah State Medical Association.
Utah State Restaurant Association.
Utah Savings & Loan Association.
Utah Taxpayers Association.
Utah Water Users Association.
Utah-Wyoming Coal Operators Association.
Weber County Industrial Bureau.

CENTRAL UTAH FEDERATION OF LABOR AFL-CIO OPPOSES FEDERAL CONSTRUCTION OF UPPER COLORADO PROJECT TRANSMISSION LINES

Mr. BENNETT. Twice in the past 6 months the Central Utah Federation of Labor, AFL-CIO, has advised me of its opposition to Federal construction of transmission lines to serve the upper Colorado River storage project. The federation is obviously motivated solely by its wish to do what is best for Utah and for Utah workers.

I join the federation in its position, and ask unanimous consent that a copy of a letter which I have received from Mr. Robert M. Lamont, secretary of the federation, be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CENTRAL UTAH FEDERATION OF LABOR, AFL-CIO,
Salt Lake City, Utah, September 12, 1961.

Hon. WALLACE F. BENNETT,
Senate Office Building, Washington, D.C.

DEAR SENATOR: At our meeting held recently by the Central Utah Federation of Labor in Salt Lake City, our members instructed me write to you and protest the action taken by the House of Representatives on House bill 9076.

We, the affiliated unions of the Central Utah Federation of Labor, still feel that these transmission lines should not be built by the public power interests but by private power utilities whose employees are local people and who have the interests of the State of Utah at heart, and whose jobs at this time are being threatened by this bill.

I am asking you at this time that when this bill comes up to the Senate for action please vote "no."

Very truly yours,

R. M. LAMONT,
Secretary.

FIVE IMPORTANT UTAH PREFERENCE CUSTOMERS OPPOSE FEDERAL CONSTRUCTION OF UPPER COLORADO PROJECT TRANSMISSION LINES

Mr. BENNETT. Mr. President, it has been represented to Congress that certain public power groups speak for all of Utah's preference customers, who under Federal laws are given first preference to buy power from reclamation projects. I have received communications from five municipalities in Utah—the cities of Blanding, Brigham City, Helper, Monticello, and Price—who make it quite clear that they oppose Federal construction of the transmission lines to serve the upper Colorado River storage project. Rather, they believe that the private utilities should be permitted to do the job and save an initial investment cost to the Federal taxpayers of $136 million.

I ask unanimous consent that these letters appear in the RECORD following my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 20, 1961.

Re transmission of power to preference users from the Colorado River storage project.

The Honorable CARL HAYDEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HAYDEN: At a special meeting of the Blanding City Council, held on the above date, the referenced matter was thoroughly discussed. Following the discussion, this letter as an expression of the councils' feeling, was ordered submitted.

Our interpretation of the law is to the effect that we have certain rights as preference users to power which will be generated in connection with the Colorado River storage project. With respect to those rights and our position regarding them, please be advised that although certain associations or groups have indicated that they speak for us and represent us in this matter, we have not affiliated with any group or association and this letter represents solely the position and attitude of the governing body of this city as well as an overwhelming majority of the citizens whom we represent. We have not been and do not now choose to be represented by, or intervened for, by any intermediate group, and elect to deal directly with the Bureau of Reclamation ourselves in this matter.

For the past several years our electric energy needs have been served by the Utah Power & Light Co. Our association with them has been highly satisfactory and it is our hope that the future will afford them and others in the public utility field, the opportunity to continue in the free enterprise service which has proved so worthwhile and necessary in the growth of our great land.

Further, it is our feeling that for the Federal Government to construct power transmission lines, duplicating the already existing lines of privately owned power companies is not only a waste of the tax dollar but a marked encroachment upon the free enterprise system to which this Nation owes its existence.

We shall appreciate your consideration of these views during the period of your deliberations concerning appropriations for the Colorado River Storage project.

Respectfully submitted.

By order of the Blanding City Council:

WILLIAM RILEY HURST,
Mayor.

BRIGHAM CITY CORP.,
Brigham City, Utah, June 29, 1961.

The Honorable Senator CARL HAYDEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HAYDEN: This letter concerns our feelings relative to the transmission of electric power from the Colorado River storage project to preference users such as our city.

We should like to make it clear that the Intermountain Consumers Power Association officials do not, in fact, represent this community's thinking in this matter, nor does the Colorado River Basin Consumers Power, Inc., represent our community. It is our feeling that, under the law, we have rights as preference users of this power and that these rights are valid without the intervention of an intermediate party. It would be our choice to deal directly with the Bureau of Reclamation ourselves, providing

there is benefit to our city to purchase power from the Colorado River project.

Further, we have had satisfactory relations with the Utah Power & Light Co. on our power supply for many years. Inasmuch as there will be necessity to further transport the power from lead centers, we feel that satisfactory agreements can be worked out with the Utah Power & Light Co. to wheel the project power to the preference customers. It is also our feeling that, since we would deal directly with the Bureau of Reclamation in any event, that the Bureau too, should work out wheeling agreements with the utility to avoid unnecessary duplication of facilities which cost us all, as taxpayers, additional money. We believe that the cost of power to preference customers would be no more under this arrangement than if the Bureau undertook to build duplicating transmission lines.

In your deliberations, concerning appropriations for the Colorado River storage project, would you please consider these views.

Very truly yours,

RUEL M. ESKELSEN,
Mayor.
VERL L. PETERSON,
OLOF ZUNDEL,
JOHN HADFIELD,
DON E. CHASE,
Councilmen.

HELPER MUNICIPAL CORP.,
Helper, Utah, July 3, 1961.

The Honorable Senator CARL HAYDEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HAYDEN: Officials of the Intermountain Consumers Power Association, Inc., have stated that they represent all of the communities operating municipal electric systems in Utah. In the case of Helper City, this simply is not true.

For many years Helper City has purchased electric power from Utah Power & Light Co., at resale or wholesale rates. These rates compare very favorably with other areas, our relations with the investor-owned utility have been good and said utility pays taxes for the support of our schools, roads, local and Federal governments. We are also very much interested in the investor-owned company's steam generating plants which are located in our county, using coal that is mined by our people.

We feel that the job of wheeling project power to customers should be done by the investor-owned utilities who pay taxes in support of our schools and government. We believe that these companies can deliver the project power at a saving to the taxpayer and at no increase in cost to the project customers. We do not think the Federal Government should be in competition with its taxpaying citizens.

We respectfully request that your committee consider these views in appropriating funds for the upper Colorado storage project.

Very truly yours,

CHRIS P. JOUFLAS,
Mayor.
STAN J. DIAMANTI,
LUKE CORMANI,
ALBERT S. VELTRI,
WILLIAM J. HUNTER,
ARTHUR DALPIAZ,
Councilmen.

JULY 6, 1961.

Hon. CLARENCE CANNON,
House Appropriations Committee,
House Office Building, Washington, D.C.

DEAR SIR: This letter concerns our feelings relative to the transmission of electric power from the Colorado River storage project to preference users such as our city.

We should like to make it clear that the Intermountain Consumers Power Association officials do not, in fact, represent this community's thinking in this matter, nor does the Colorado River Basin Consumers Power, Inc., represent our community. It is our feeling that, under the law, we have rights as preference users of this power and that these rights are valid without the intervention of an intermediate party. It would be our choice to deal directly with the Bureau of Reclamation ourselves, providing there is benefit to our city to purchase power from the Colorado River project.

Further, we have had satisfactory relations with Utah Power & Light Co. on our power supply for many years. Inasmuch as there will be necessity to further transport the project power from load centers to our city, and our present supplier already has facilities in place to do this job, we feel that we can work out satisfactory agreements with Utah Power & Light Co. to wheel project power to us. It is also our feeling that, since we would deal directly with the Bureau of Reclamation in any event, that the Bureau too, should work out wheeling agreements with the utility to avoid unnecessary duplication of facilities which cost us all, as taxpayers, additional money. We believe that the cost of power to us would be no more under this arrangement than if the Bureau undertook to build duplicating transmission lines.

In your deliberations concerning appropriations for the Colorado River storage project, would you please consider these views.

Very truly yours,

MORRIS E. NELSON,
Mayor, City of Monticello, Utah.
PHILIP K. PALMER,
Office Manager.

JULY 11, 1961.

The Honorable Senator CARL HAYDEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HAYDEN: At our regular meeting of July 10, 1961, the subject of transmission of electric power from the Colorado River storage project was discussed as it relates to preference users, which includes our city.

It has been brought to our attention that possibly the Intermountain Consumer Power Association and the Colorado River Basin Consumers Power, Inc., may be representing themselves as spokesmen for our city. This is to advise that neither of these organizations represent us nor are we members of either association.

It is quite plain to us that we have rights as preference users to use of Colorado River storage power and we desire to make use of these rights by other means and agencies that are open to us, rather than through either of the above mentioned associations. We feel that if it is of benefit to our people that we would prefer to deal directly with the Bureau of Reclamation in the use of these rights.

We have been purchasing power from the Utah Power & Light Co. for many years and have found this to be a most convenient arrangement. Our relationship with the U.P. & L. Co. is one that we value highly and we appreciate the investments that they have placed in our area and the use to which they have put our resources.

The investments of the U.P. & L. Co. include transmission lines near the area of the source of Colorado River storage power and we agree that we can work out any necessary arrangements with the utility to wheel project power to us. We also believe that it would be most economical to have the Bureau of Reclamation work out wheeling arrangements with the utility since we conceivably could be dealing directly with the Bureau. It appears to us that the best method would be to use already existing facilities of the utility to accomplish the task of wheeling the power.

It does not seem to us that the cost of the power to us would be no more under an arrangement of this type than if the Bureau of Reclamation undertook to build duplicating transmission lines.

We would sincerely appreciate your giving our views your consideration and ask that they be placed in the RECORD.

Respectfully yours,

WILLIAM J. WELSH, Jr.,
Mayor.
WALTER T. AXELGARD,
HAROLD O. PATTERICK,
WALTER H. MAYNARD,
KENNETH MASSEY,
MURRAY MATHIS,
Councilmen.

OPERATION ALERT—CAMPAIGN AGAINST COMMUNISM

Mr. JOHNSTON. Mr. President, I would like to call to the attention of my distinguished colleagues an important and vital program called Operation Alert, which has recently been initiated throughout the United States. Every American citizen should be made aware of Operation Alert—a program whose ultimate goal is to stop the insidious spread of communism within our country.

This drive is based primarily on the massive distribution of one of the finest books ever written on communism in America. This is J. Edgar Hoover's new and enlightening novel "Masters of Deceit," which gives an authentic and realistic account of domestic Communists and their method of operation. Communism is threatening every facet of our American way of life, and I commend Mr. Hoover on making such a worthwhile document available to the people.

I am proud to say that the Myrtle Beach, S.C., Operation Alert organization is doing one of the most significant jobs of distributing the book throughout our Palmetto State. Last month they shipped 5,500 copies of Mr. Hoover's book to freshmen entering 24 South Carolina universities and colleges. These men and women are doing their country a great service, as their work on Operation Alert will help to preserve the freedom and democracy our country cherishes.

We must not hide the fact that danger from Communist subversion lies within our own midst. I hope men and women in every State will take note of the Myrtle Beach Operation Alert and begin a similar program in their State.

Mr. President, as a member of the Senate Internal Security Subcommittee, I am keenly aware of Communist activity in the United States.

We have received information—and I understand this has been made public through the press—that the Communists intend this week in New York to open up a new Communist front against the Supreme Court in an attempt to reverse certain Supreme Court decisions which have placed Communists on the run.

The movement takes on the name of the "National Assembly for Democratic Rights," but behind this drive is the Communist Party of the United States of America, which has as its ultimate goal the penetration of political, labor,

racial, religious, educational, professional, and other organizations. The Communists thus have come out in the open with their drive against the anti-Communist movements and organizations in this country.

The first goal of the Communist Party is to obtain a reversal of the Supreme Court decision upholding convictions under the Smith and McCarren Subversive Acts.

I call on Americans everywhere to join Operation Alert as one of the finest movements in this country to alert all of our people, especially our young people, of the dangers of Communist activity and how communism spreads and tries to take over the minds of our people.

I think Edgar Hoover's book "Masters of Deceit" is a natural reply to the Communist conspirators in the battle to capture the minds of men.

Mr. President, I ask unanimous consent that an important editorial written by Lyle C. Wilson entitled "Operation Alert," which appeared in the September 15 edition of the Washington Daily News be printed in the RECORD following my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Sept. 15, 1961]

OPERATION ALERT

(By Lyle C. Wilson)

Operation Alert is a prime answer to the worried patriot who wants to do something to hold the line against communism inside the United States.

"What can I do?" is a question Members of Congress are hearing from the voters back home. Senator KARL E. MUNDT, Republican, of South Dakota has been hearing a lot of that from his constituents.

Senator MUNDT is telling these worried voters about Operation Alert. This South Dakota Senator is among the too few Members of Congress who are aware of the threat of American Communists to the American way of life. Operation Alert is intended to inform the next generation of the facts of communism inside the United States.

The alert program is based primarily on the distribution to secondary school and college students and to educators copies of the best book available on communism in the United States. This book is "Masters of Deceit," written by the FBI's J. Edgar Hoover, the best informed U.S. citizen on domestic Communists and their ways.

For example, in Midland, Tex., a civic organization called Midland-for-America distributed more than 500 copies of "Masters of Deceit" to Midland high school seniors.

The Veterans of Foreign Wars, the American Legion, the Indianapolis (Ind.) Chamber of Commerce, the Religious Emphasis Foundation of San Diego, Calif., radio stations, individuals, banks and other institutions have distributed copies of the book to students.

The alumni of universities and colleges in South Carolina are financing the most ambitious program recorded so far. The Myrtle Beach (S.C.) Operation Alert last month shipped 5,500 copies of Mr. Hoover's book to freshmen entering 24 South Carolina colleges and universities.

With each volume was this message: "This book is given to you by the alumni of your college through Operation Alert of Myrtle Beach, an organization dedicated to fighting communism."

When all of the alumni of all the institutions of higher learning in a great State are mobilized to get something done, things are likely to begin to happen. The South Carolina Operation Alert is just beginning. The Myrtle Beach operators are making a mail appeal to all alumni for more financial aid.

"Masters of Deceit" was published by Holt, Rinehart & Winston, Inc., 383 Madison Avenue, New York 17, N.Y. The publishers probably will make a price concession on the book for larger orders.

The patriotic individual who wants to contribute toward distribution of Mr. Hoover's book should not approach the publishers. Contributions should be to a local organization, town, city, county or State. When a sizable sum is collected, buy the books and put them in the mails.

Any college or university should be willing to furnish its alumni mailing list for such a cause.

THE SITUATION IN THE CONGO

Mr. CHURCH. Mr. President, the tragic report we have received concerning the loss of the U.N. Secretary General will give rise to incalculable difficulties in the perilous months ahead. I hope with all my heart that the American people will understand how this great loss should cause us to reflect most soberly about the world conditions which confront us. Just now I want to attempt a partial clarification of one situation which has been approached with anything but the sober, judicial temper which should mark our deliberations.

Mr. President, it is much too soon for any conclusive interpretation of what is happening in the Katanga or for any analysis in depth of specific occurrences. However, I think it very important that the American public be warned against coming to any hasty conclusions about what is going on, not only in the Katanga but in the Republic of the Congo as a whole. Such developments stem from a highly complex background and they defy interpretation through the use of phrases which are commonly applied to the cold war or, more aptly, to the conflicting interests of the great powers.

As a member of the Senate's Subcommittee on African Affairs, and as one who visited Elisabethville and Leopoldville last December, I am keenly aware that nothing will add less to our understanding of the Congo situation than attaching oversimplified labels to the political forces and individuals in that vast and baffling country. Yet we seem incurably addicted to the habit of creating doctrinaire explanations for whatever occurs in the world and forcing them onto situations where they have scarcely any relevance.

It has come to my attention that a translation of an article on the Congo appearing in the Moscow New Times of September 8 was inserted in the RECORD on September 13 as a guide to an explanation of the current developments in the Congo. I am somewhat astonished that we would seek guidance from a second-line Soviet publication which, I am told, is largely designed to purvey propaganda to foreign audiences. In this connection, let me say that this particular article in the Moscow New Times is a reasonably typical example of the deliberately misleading tripe which is spewed out from the Communist bloc on a daily basis. It is literally crammed with distortions and inaccuracies.

For example, according to our best information, the number of ministers and state secretaries who could be termed "possible Gizengists" in the Congo Government created in early August is probably about 14, as against the Moscow New Times claim of 27. At least two-thirds of the portfolios are held by appointees of the central, or Kasavubu, Congolese regime, now headed by Prime Minister Cyrille Adoula. Thus, the implication that people opposed to the central government constitute any sort of majority is completely false. Obviously, since the Soviet-supported Stanleyville regime has come to terms with the central government, the Communist bloc has to try to deny its setback by exaggerated claims that Gizenga supporters control the Adoula government. If the Congo Parliament is supposedly controlled by infiltrators, why did they fail to elect Gizenga as Premier in the first place?

Because the article in question is written in wholly distorted language, it is fruitless to go through it sentence by sentence, challenging the interpretation. On the other hand, the recital of certain points, which are in accord with the best information we have been able to obtain, should make it clear that the whole article is without any foundation in truth.

The facts as we know them are these. Prime Minister Adoula retains the portfolio of Minister of Defense in his own hands and shows no inclination whatsoever to relinquish it. Second, General Mobutu remains commander in chief of the Congolese Army and there is no known agreement or decision to replace him with Gen. Victor Lundula. Third, the U.N. appointee of President Kasavubu remains as chargé d'affaires of the Congo mission to the United Nations, and there is no evidence whatsoever that there has been any decision to replace him with someone selected personally by Mr. Gizenga. Fourth, there is absolutely no basis for a statement that the Adoula government is committed "to carry out all decisions made earlier by the Lumumba government." But enough of this distasteful examination of a piece of Communist propaganda.

Mr. President, from all the information which I have received over a period of many months, Prime Minister Adoula is highly regarded by Western diplomats as a moderate, capable, and tough administrator dedicated to the attempt to maintain one Congolese nation against all efforts to divide it into a collection of tribally based states carrying on civil warfare against each other. He is also dedicated to the absolute independence of his country, free of any outside control. The very fact that Antoine Gizenga has abandoned his attempt to maintain an independent Stanleyville regime indicates the new vitality and strength of the central government at Leopoldville, which is the only one recognized by most Western nations, as well as by most African-Asian and bloc

countries. Efforts to support Mr. Tshombe and his regime in a contest against the Adoula government—especially on the basis that Tshombe is an anti-Communist—seem to me to invite just those centrifugal forces and chaotic conditions which the Soviet bloc seeks to establish anywhere it can in Africa. Apparently we have forgotten that only a matter of weeks ago Mr. Tshombe called a press conference to announce that he was going to seek the support and assistance of the Soviet bloc. Under these circumstances, I am more inclined to regard Tshombe as an opportunist whose personal interest in political power is dividing the Congo and creating a danger to African peace and stability. Acceptance of bloc aid by an uncommitted and underdeveloped country just does not tell us very much about the ideological views and political opinions of the nation's leaders.

Now, at least one point should be made with reference to the action of the United Nations in Katanga. There has been talk about the U.N. operation being in some way illegal, as distinct from unjustified. In this regard, I hope the distinguished senior Senator from Wyoming and the distinguished junior Senator from Utah will not object if I quote from the joint report we made to our respective Senate committees following our return from Africa at the beginning of the year:

> We left the Congo with the following impressions. First, the role of the U.N. should be clarified and strengthened, especially in terms of military activity and control designed to make a political settlement possible. Secondly, a new constitutional conference of the leaders of the various political and geographical segments should be called, to include representatives of all factions. In the third place, there is an urgent need for the reestablishment of parliamentary backing for a Congo government.

In fact, the United Nations last February adopted the sort of resolution which we considered urgently required to prevent civil war and the dissolution of the Congo as a nation. The Security Council resolution, also endorsed by the General Assembly, certainly provides a legal basis for the operations of the U.N. forces in the Congo as a whole.

In saying this, I do not imply that I am not greatly concerned about the developing events in the Katanga. I just do not know whether or not there was any alternative to the actions which are taking place. But let us look at this question with open minds and with the knowledge that the U.N. has acted in complete concert with the one recognized government of the Congo. I say this in full awareness that the days ahead will be extremely difficult and fraught with danger, and without any feeling of satisfaction that the problem has had to be confronted in this way.

In closing, Mr. President, I would like to stress once more the urgent need for Americans to study the true situation in the Congo and for reflection about its meaning before we leap to conclusions which have little or no relevance to what is actually going on in the heart of Africa.

Mr. President, I ask unanimous consent to have printed in the RECORD the Moscow New Times article of September 8 to which I referred, and an incomparably more trustworthy piece from the New York Times of September 13.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

U.N. ENDORSED USE OF FORCE IN CONGO—COUNCIL AUTHORIZED STRONG STEPS TO BAR CIVIL WAR

(By Thomas J. Hamilton)

UNITED NATIONS, N.Y., September 13.—The United Nations' intervention in Katanga today was apparently based on a Security Council resolution authorizing the organization to use force in the last resort to prevent civil war in the Congo.

A United Nations spokesman declined to give any explanation of today's action on the ground that no report had yet been received here of what the United Nations had actually done in Katanga.

However, one close student of the Congo situation drew attention to a section of a resolution that was adopted by the Security Council last February 21 and was subsequently endorsed by the General Assembly.

In this section the Security Council:

"1. Urges that the United Nations take immediately all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for cease-fires, the halting of all military operations, the prevention of clashes, and the use of force, if necessary, in the last resort;

"2. Urges that measures be taken for the immediate withdrawal and evacuation from the Congo of all Belgian and other foreign military and paramilitary personnel and political advisers not under the United Nations command, and mercenaries."

According to a cabled summary of a news conference held in Leopoldville today by Cyrille Adoula, the Congolese Premiere, the United Nations intervened at the request of the central government.

For several weeks the United Nations, with the support of the Congolese Government, had been exerting pressure on the Katanga Government to dismiss foreign officers and noncommissioned officers—mostly Belgians—serving with the Katanga Army.

Some of these men—described as "mercenaies" in the Security Council resolution—were recruited directly by the Katanga Government. Others were Belgians who had been assigned to the Congolese Army and stayed on with the Katanga units when the province declared its secession shortly after the Congo gained independence last year.

It was understood that Secretary General Dag Hammarskjold, who arrived in Leopoldville today, was attempting to obtain a final settlement of the Katanga issue before the General Assembly opens its 16th session next Tuesday. Premier Khrushchev's campaign to oust the Secretary General, which began last year, is based on charges that the United Nations followed a pro-Western policy in the Congo and did not restrain the secessionist Katanga Government.

Another possible basis for the United Nations' action in Katanga is the original Security Council resolution on the Congo adopted July 14, 1960, after the Congolese Government had appealed for the withdrawal of Belgian forces. These troops were flown in after Belgium's grant of independence to the Congo was followed by a mutiny in the Congolese Army and attacks on Belgian residents.

This resolution authorized the Secretary General to provide the Congo "with such military assistance as may be necessary until, through the efforts of the United Nations, the national security forces may be able, in the opinion of the Government, to meet fully their task."

This declaration has been generally interpreted as meaning that the United Nations force, which Mr. Hammarskjold then organized and sent to the Congo, should keep order until Congolese forces were able to do so.

No resolution by either the Security Council or the General Assembly specifically authorizes the United Nations force to end the secession of any part of the Congo. However, supporters of Mr. Hammarskjold maintain that the United Nations has the implied power to prevent the Congo from breaking up into separate provinces.

Neither the United States delegation nor any other was willing to comment on today's developments pending more complete information.

(Excerpts from the article by E. Primakov, "The Development of the Events in Congo," Moscow New Times, No. 37, Sept. 8, 1961)

"On August 2, a new government was formed in the Congo composed of 27 ministers and 17 state secretaries. Cyrille Adoula was appointed Prime Minister. According to the Stanleyville newspaper, Uhuru, the members of political parties of the national bloc which was headed by Patrice Lumumba have 23 seats in this government, or an absolute majority. The composition of this new Cabinet proves that the adventurous effort to liquidate the government of Lumumba completely failed.

The decision of the Parliament commits the new government to carry out all decisions made earlier by the Lumumba government, and factually cancels as illegal the decisions of the so-called Ileo government. In accordance with this decision Adoula invited all the countries recognizing the legal government of Lumumba-Gizenga who had their diplomatic missions in Stanleyville to transfer their missions to Leopoldville.

On August 16–19, Cyrille Adoula carried out in Stanleyville negotiations with Antoine Gizenga on different questions of internal and international character. Valentin Lubuma, chief of Antoine Gizenga' Chancery, announced:

"In the course of negotiations Gizenga and Adoula expressed mutual desire to liquidate the crisis and help to pacify the country, continuing the work of the Congolese Parliament in this direction."

In accordance with this, Prime Minister Adoula and First Vice Premier Gizenga made important decisions which are indicated in the telegram from Gizenga to Cyrille Adoula, released by Valentin Lubuma at his press conference on August 28. Gizenga is asking Adoula to inform him how the decisions about the appointment of Gen. Victor Lundula as commander in chief of the United Congolese Army and about appointments of Gizenga followers to the posts of Minister of Defense and representative in the United Nations have been carried out. Gizenga in his telegram emphasized immediate necessity of transfer of the post of commander in chief of Congolese Army to Lundula "in order to stop mass murders of civilian population in different areas of the country, to end the separatist activity in Katanga, to preserve the territorial unity of the Republic within the framework of the policy of Patrice Lumumba, our adherence to which we have declared."

Lubuma released to the journalists the text of another telegram sent by Gizenga to Adoula. Here is the text:

"Simultaneously with taking the necessary measures in relation to Mobutu as we agreed in Stanleyville, it is necessary to remove from the arm all soldiers and officers

who are against the unity of the country. The complete restoration of security in the country is impossible without solution of the army problem."

Antoine Gizenga at the meeting on August 18 declared:

"The genuine nationalists realize that certain persons who played very negative roles in the fate of our country had entered into the new government."

The participation of such elements in the government became possible as a result of direct intervention of imperialist forces. The Secretariat of the United Nations has broken its promises to guarantee the complete freedom of self-expression to the members of the Congolese Parliament during the formation of the government and discussion of the candidacy for the ministerial posts.

Mr. HUMPHREY. Mr. President, I am very much pleased that the distinguished Senator from Idaho has taken the floor of the Senate today to discuss developments in the Congo and the role of the United Nations in the Congo. The Senator knows that I share some of his views on this subject. We both sat through a hearing of the Committee on Foreign Relations when the experts from the Department of State, including the Assistant Secretary of State for African Affairs and the technicians of that particular division, explained to us some of the developments in the Congo, particularly the developments in the province of Katanga, and the relationships of the United Nations forces to those developments.

It was on Saturday, September 16, rather late in the day, I regret to say, that the senior Senator from Minnesota joined the issue in the Senate in very much the same words of caution the Senator from Idaho has expressed today. I urged then that we should not prejudge these matters, or make up our minds entirely on the basis of newspaper reports.

I remind the Senate of a newspaper report out of the Congo only yesterday morning, telling of the conference between the now deceased Dag Hammarskjold and Moise Tshombe, a conference which never took place. Yet the newspaper article was written as if it had all happened—the events, the personalities, where they met, and the car in which they drove off. It was complete fiction.

Mr. CHURCH. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. CHURCH. I join with the Senator from Minnesota in this statement. I think it is particularly unfortunate to make charges on the floor of the Senate based on reports published in a Communist publication. This seems to me to be quite incredible.

What I have called for today is a calm, objective appraisal of what has actually taken place in the Congo in the light of all the facts, when we have assembled them, because my own experience there leads me to feel that the situation is most complex. It simply is not susceptible to the easy attachment of labels.

Mr. HUMPHREY. I commend the Senator from Idaho. He has acquired experience in this area. He has visited the Congo and is acquainted with some of the persons involved. I feel certain he would be the first to say that this is one of the most difficult and trying situations that the U.S. Government and the United Nations have ever faced.

The Soviet Union declared war on Dag Hammarskjold and the United Nations after the United Nations, under the leadership of Dag Hammarskjold, had thwarted efforts of the Soviet Union and the Communist International movement to take hold of and control the Congo. The Congo is the prize of Africa, and it was to the Congo that the Communist movement was sending its infiltrators and its conspirators for the purpose of taking control. It was the United Nations that stopped the Communists in the Congo, and thereby thwarted the Communist plan to use the Congo as a center for controlling all of Africa. Rather than criticizing the United Nations, I think we ought to be encouraged by the success of the United Nations in stabilizing the situation in the Congo, and preventing the Communists from gaining power.

The United Nations actions in the Congo has been so successful in blocking the Communists, as a matter of fact, that Mr. Khrushchev said the Soviet Union would never again permit the United Nations to make a decision or to take an action which was contrary to Soviet interests. On that day Mr. Khrushchev said that the Secretary General had to be removed. The Secretary General is now gone. Throughout the world there are people grieving because of his death. They know full well that it is not only the death of a man, but that it may be the death of the United Nations itself.

I intend to address this body on the same subject matter, because I think it is very dangerous for the U.S. Senate or the U.S. Government to prejudge the situation on the basis of rather loose reports.

When I heard, for example, as if it were a fact, that Gizenga was to appoint the chief of staff, I was concerned. But it is not a fact. When I heard, as if it were a fact, that Gizenga was to appoint the ambassador from the Congo to the United Nations, I was concerned. Of course, it is not a fact.

It is a fact that Kasavubu, the anti-Communist, is President of the Congo and that Adoula, the Premier, is the leader of the Congo.

ELECTIONS IN THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER (Mr. METCALF in the chair). The hour of 2 o'clock having arrived, under the unanimous-consent order previously entered, the Chair lays before the Senate House bill 8444, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 8444) to amend the act of August 12, 1955, relating to elections in the District of Columbia.

THE SITUATION IN THE CONGO

Mr. BIBLE. Mr. President, I yield 5 minutes on the bill to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 5 minutes on the bill.

Mr. CHURCH. I thank the Senator from Nevada.

Mr. President, I desire to thank the Senator from Minnesota [Mr. HUMPHREY] for his remark.

Let me say that yesterday I attended a meeting of the subcommittee inquiring into this matter; and I took up with the representatives of the State Department there the very charges contained in the Communist publication which has been referred to, and I asked them whether they had any information, through their regular channels, which would tend to corroborate any of these charges. The answer in each case was that there was no information to corroborate any of the charges.

Let me say that in the Second World War, when we were engaged in mortal combat against Nazi Germany, certainly we did not rely on Mr. Goebbels' reports from Hitler's propaganda ministry in Berlin for our battle information. Is it so different to make such serious charges regarding the activities of the United Nations in the Congo on the basis of a Communist publication? Yet I submit the record shows that is what has been done, and the press has soberly repeated it to the Nation.

I merely wish to set the record straight: So far as our own sources of information are concerned, the charges in the Communist publication are entirely without foundation; I think the hearing yesterday bore that out.

Finally, I wish to say that in connection with any matter so important as the United Nations mission in the Congo, it is a disservice, even on the basis of normally reliable reports, to hastily condemn the United Nations and associate it with some kind of Communist conspiracy, but I must say it is no less than astonishing to do so on the basis of charges contained in a Communist publication.

Mr. HUMPHREY. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. HUMPHREY. I wish to commend the Senator from Idaho. He has done a great service to his country, again, and he has also done a service to the cause of justice and peace.

Let the RECORD show clearly that today Mr. Kasavubu, the President of the Congo, is an anti-Communist. Mr. Adoula, the Prime Minister of the Congo, is an anti-Communist. The Minister of Defense of the Congo is an anti-Communist. Mr. Mobutu, his Chief of Staff, surely is an anti-Communist.

So I do not think we should let such charges go unanswered, and I did not intend to let them go unanswered the other evening.

I wish to say that the United Nations is at the crossroads of its very life. Now that Dag Hammarskjold has passed away, the Soviet Union will do everything within its power to destroy the U.N. Not only will the Communists try to control selection of a new Secretary General; more significantly, they will seek, as they have been seeking, to

change the whole basic structure of the executive machinery of the United Nations.

I warn the Senate that the United Nations may be nearing the end of its existence as an effective instrument unless we are able to put a stop to Soviet aggression against its very charter and its very purpose.

Tomorrow, I shall address the Senate on the subject of the Congo, to support the work and the words of the Senator from Idaho.

Mr. CHURCH. I thank the Senator from Minnesota very much. I am sorry that I shall not be able to be present tomorrow, due to a mission I have to undertake in the West, for the Senate Subcommittee on Indian Affairs. But, on that account, I doubly appreciate the effort the Senator has made to be here during the course of these remarks.

Mr. HUMPHREY. I thank the Senator from Idaho.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1927) to amend further the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, and for other purposes.

The message also announced that the House had passed the following bills and joint resolution of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 1040. An act to abolish the Federal Farm Mortgage Corporation, and for other purposes;

S. 1107. An act to provide a 2-year extension of the existing provision for a minimum wheat acreage allotment in the Tulelake area of California;

S. 1969. An act to amend the Federal Aviation Act of 1958, as amended, to provide for supplemental air carriers, and for other purposes; and

S.J. Res. 66. Joint resolution to amend the joint resolution providing for membership and participation by the United States in the Inter-American Children's Institute.

The message further announced that the House had agreed to the following concurrent resolutions of the Senate:

S. Con Res. 40. Concurrent resolution authorizing the printing as a Senate document of the 40th biennial meeting of the Convention of American Instructors of the Deaf; and providing for additional copies;

S. Con. Res. 44. Concurrent resolution to print certain hearings before the Internal Security Subcommittee of the Judiciary Committee in Spanish, French, and Italian languages;

S. Con. Res. 49. Concurrent resolution expressing regret on the death of Dag Hammarskjold, Secretary General of the United Nations; and

S. Con. Res. 51. Concurrent resolution to make a correction in the enrollment of S. 902, a bill to amend the Small Business Investment Act of 1958.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H.R. 6668. An act to amend title 10, United States Code, with respect to annuities based on retired or retainer pay, and for other purposes; and

H.R. 7726. An act to authorize the loan of naval vessels to friendly foreign countries and the extension of certain naval vessel loans now in existence.

The message further announced that the House had agreed to the amendment of the Senate to the joint resolution (H.J. Res. 453) relating to deportation of certain aliens.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 3019. An act to provide for the construction of a fireproof annex building for use of the Government Printing Office, and for other purposes;

H.R. 3801. An act to authorize the Secretary of the Army and the Secretary of Agriculture to make joint investigations and surveys of watershed areas for flood prevention or the conservation, development, utilization, and disposal of water, and for flood control and allied purposes, and to prepare joint reports on such investigations and surveys for submission to the Congress, and for other purposes;

H.R. 4333. An act to amend the Act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes," approved July 5, 1946, as amended;

H.R. 4934. An act to authorize the Secretary of Agriculture to modify certain leases entered into for the provision of recreation facilities in reservoir areas;

H.R. 5751. An act to amend the Subversive Activities Control Act of 1950 so as to provide for notification that the U.S. mails may contain Communist propaganda introduced into the United States from abroad, and for other purposes;

H.R. 6695. An act to amend title 39 of the United States Code with respect to the transportation of mail by highway post office service, and for other purposes;

H.R. 7791. An act to amend title 13 of the United States Code to provide for the collection and publication of foreign commerce and trade statistics, and for other purposes;

H.R. 7855. An act granting the consent of Congress to an amendment to a compact ratified by the States of Louisiana and Texas and relating to the waters of the Sabine River;

H.R. 7866. An act to amend the Poultry Products Inspection Act to extend the application thereof to the Commonwealth of Puerto Rico and the Virgin Islands;

H.R. 8565. An act to permit certain Government employees to elect to receive compensation in accordance with section 401 of the Federal Employees Pay Act of 1945 in lieu of certain compensation at a saved rate, and for other purposes;

H.R. 8741. An act to amend the act of April 29, 1941, as amended, to authorize any Federal agency to waive performance and payment bonds, and for other purposes;

H.R. 8842. An act to amend subsection (h) of section 124 of the Agricultural Enabling Amendments Act of 1961;

H.R. 8924. An act to amend section 207 of the Military Construction Act of 1960 in order to clarify the authority granted under such section to the Secretary of the Navy to exchange certain lands owned by the United States for lands owned by the State of Oregon;

H.R. 8958. An act to remove the present $5,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the crash of a U.S. Air Force aircraft at Midwest City, Okla.;

H.R. 9013. An act to provide for the transfer of rice acreage history where producer withdraws from the production of rice;

H.R. 9053. An act to amend title II of the National Defense Education Act of 1958 with respect to the periods for which loans under that title are made; and

H.R. 9096. An act to amend the antitrust laws to authorize leagues of professional football, baseball, basketball, and hockey teams to enter into certain television contracts, and for other purposes.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred, or placed on the calendar, as indicated:

H.R. 3019. An act to provide for the construction of a fireproof annex building for use of the Government Printing Office, and for other purposes; and

H.R. 3801. An act to authorize the Secretary of the Army and the Secretary of Agriculture to make joint investigations and surveys of watershed areas for flood prevention or the conservation, development, utilization, and disposal of water, and for flood control and allied purposes, and to prepare joint reports on such investigations and surveys for submission to the Congress, and for other purposes; to the Committee on Public Works.

H.R. 4333. An act to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes," approved July 5, 1946, as amended;

H.R. 5751. An act to amend the Subversive Activities Control Act of 1950 so as to provide for notification that the United States mails may contain Communist propaganda introduced into the United States from abroad, and for other purposes;

H.R. 8741. An act to amend the act of April 29, 1941, as amended, to authorize any Federal agency to waive performance and payment bonds, and for other purposes; and

H.R. 8958. An act to remove the present $5,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the crash of a U.S. Air Force aircraft at Midwest City, Okla.; to the Committee on the Judiciary.

H.R. 4934. An act to authorize the Secretary of Agriculture to modify certain leases entered into for the provision of recreation facilities in reservoir areas;

H.R. 7866. An act to amend the Poultry Products Inspection Act to extend the application thereof to the Commonwealth of Puerto Rico and the Virgin Islands;

H.R. 8842. An act to amend subsection (h) of section 124 of the Agricultural Enabling Amendments Act of 1961; and

H.R. 9013. An act to provide for the transfer of rice acreage history where producer withdraws from the production of rice; to the Committee on Agriculture and Forestry.

H.R. 6695. An act to amend title 39 of the United States Code with respect to the transportation of mail by highway post office service, and for other purposes;

H.R. 7791. An act to amend title 13 of the United States Code to provide for the collection and publication of foreign commerce and trade statistics, and for other purposes; and

H.R. 8565. An act to permit certain Government employees to elect to receive compensation in accordance with section 401 of the Federal Employees Pay Act of 1945 in lieu of certain compensation at a saved rate, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7855. An act granting the consent of Congress to an amendment to a compact ratified by the States of Louisiana and Texas

and relating to the waters of the Sabine River; to the Committee on Interior and Insular Affairs.

H.R. 8924. An act to amend section 207 of the Military Construction Act of 1960 in order to clarify the authority granted under such section to the Secretary of the Navy to exchange certain lands owned by the United States for lands owned by the State of Oregon; placed on the calendar.

ELECTIONS IN THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (H.R. 8444) to amend the act of August 12, 1955, relating to elections in the District of Columbia.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KEATING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from New York mean to have the time required for the quorum call taken out of the time available on the bill?

Mr. KEATING. Mr. President, I ask unanimous consent that the time required for the quorum call not be charged to the time available to either side on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The absence of a quorum has been suggested; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

COAST GUARD OCEANOGRAPHIC RESEARCH—CONFERENCE REPORT

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the distinguished Senator from Washington [Mr. MAGNUSON] may submit a conference report, without charging it to the controlled time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 6845, to amend title 14 of the United States Code to provide for an expansion of the functions of the Coast Guard. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of September 21, 1961, p. 20547, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MAGNUSON. Mr. President, for the RECORD, there was practically no disagreement between the House and the Senate conferees. The Senate had language in the bill which allowed the Coast Guard, when it did oceanographic work, to assemble the data, which provision was not contained in the House language, and the House accepted that language. The report was signed by all members of the conference.

I move that the Senate agree to the conference report.

The report was agreed to.

AMENDMENT OF DISTRICT OF COLUMBIA COMPENSATION ACT

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 5968, to amend the District of Columbia Unemployment Compensation Act, as amended.

The Presiding Officer laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 5968) to amend the District of Columbia Unemployment Compensation Act, as amended, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BIBLE. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MORSE, Mr. SMITH of Massachusetts, and Mr. PROUTY conferees on the part of the Senate.

LOGJAM ON DISABILITY COMPENSATION

Mr. BIBLE. Mr. President, I yield 10 minutes on the bill to the Senator from New York [Mr. KEATING].

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes.

Mr. KEATING. Mr. President, I should like to call the attention of the Senate to a rather alarming situation with regard to important legislation affecting veterans with service-connected disabilities. My remarks are somewhat in the form of a reminder, as I know, even in the rush of business of the closing days of the present session, that this subject is not far from the minds of most Senators.

I refer to the logjam that appears to have developed on the passage of necessary increases in compensation for disabled veterans of the American armed services. These increases themselves are in no way controversial. It is perfectly clear that the rising cost of living has made it essential that increased benefits be provided for these brave men who suffered up to 100 percent disability while defending the American cause in time of war. Both Houses of Congress have in the current session on two separate occasions voted their approval of these increases.

The controversy revolves around a different but related matter on which there is disagreement. Because of the failure of the other body to give separate consideration to the reopening of eligibility for national service life insurance, a measure which is favored by an overwhelming majority of Senators, the Senate has twice insisted that the insurance measure be considered along with the compensation increases.

The last time this matter was before us, the junior Senator from Kentucky made a rather appealing case for capitulating on this issue in order to assure passage of the compensation increases in the other body. A number of Senators, moved no doubt by humanitarian feelings and their sense of duty to the veterans, voted with him at that time.

Other Senators, however, pointed out with great eloquence that the whole question of equality between the two Houses of Congress had become involved in this issue. The Senate was not stubbornly sticking to its position in the face of the opposition of the other body. Not at all. The Senate had no way of knowing the view of the other body on this matter. The fact is that the proposal to reopen national service life insurance has never been considered by the House of Representatives. Senator LONG and other Senators rightly pointed out that if the other body is unwilling to accept this proposal, it should express its opposition, and we would then iron out the problem in a reasonable way in conference committee, as is done on so many other issues. For the Senate to submit, before the other body had even considered the matter, would indeed place the Senate in a subservient and ignoble position.

Along with the majority of Senators, I accepted this argument for maintaining the dignity and the equality of the Senate. We were told that the matter would not rest there and that every effort would be made to have the matter considered in the other House. Appeals would be directed to high authority to assure an honorable settlement of this difference.

But what has happened since? Absolutely no progress, so far as I can tell, has been made toward persuading the other body to take our differences to a conference at which a satisfactory settlement could be reached.

Last week the House once again sent us the compensation increases as a rider to the Philippine education bill. We responded by sending back the Philippine education bill as a rider to the Indian Wars veterans bill.

There now seems every prospect that we will continue to engage in this game of legislative badminton until the end of the session. The result will be that Congress will adjourn with neither the compensation increases nor the reopening of national service life insurance enacted. I simply do not believe that we can offer this result to the disabled veterans of this country, many of whom are in dire need, with a clear conscience.

I urge the leadership of the Senate—and I know that they are greatly concerned over this matter—to strain all of their resources to find some way to break this unfortunate impasse. There is good will on all sides of this question. The

need is clearly recognized. Surely we can find some means to give our veterans the help that they so richly deserve.

AIR POLLUTION CONFERENCE

Mr. KEATING. Mr. President, many urban areas in this Nation are faced with a serious problem of air pollution.

The problem differs in different parts of the country. In some cities, the primary cause of pollution is the introduction of fumes from industrial plants into the atmosphere. In others, the trouble springs chiefly from the exhaust fumes from the motors of vast numbers of automobiles. In still others, a combination of smoke and fog, commonly referred to as "smog," may be the major problem.

Although the exact nature of the problem differs, its general character is the same.

At its recent meeting, the National Air Pollution Control Association called upon the President to convene a national conference to study and review all of the knowledge that is now available on this complicated subject. I ask unanimous consent that the resolution of the National Air Pollution Control Association be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the contamination of our Nation's community air supplies have become an important national problem; and

Whereas many public and private groups and associations are conducting activities directed toward the solution of this problem; and

Whereas a better common understanding of the goals, requirements, and problems of these many groups and communities would facilitate a more rapid solution to the basic problem; and

Whereas the Air Pollution Control Association has long supported all constructive efforts to further understanding of the causes and dimensions of the air pollution problem, and to provide an effective exchange of views and opinions relevant to its solution; and

Whereas these purposes were served in an outstanding fashion by the 1958 National Conference on Air Pollution, convened by the U.S. Department of Health, Education, and Welfare: Now, therefore, be it

Resolved—

1. That the Air Pollution Control Association does hereby urge the President of the United States, the Secretary of Health, Education, and Welfare, and the U.S. Surgeon General to convene another National Conference on Air Pollution during the year 1961 or 1962.

2. That the Air Pollution Control Association extend its cooperation to the Department of Health, Education, and Welfare in the development of a suitable program.

RELATIONS BETWEEN UNITED STATES AND CANADA

Mr. KEATING. Mr. President, between the United States and our neighbor to the north, the great nation of Canada, there is a long history of basic good will and understanding. But at the same time there is an increasing amount of criticism, of misunderstanding, of what we might call "Irritationitis Americanus." In view of the serious crisis becoming steadily more urgent between the free world and the Communist bloc, it is important for both nations to make a greater effort to understand one another and to respect the important distinctions and differences between our two great and free nations.

Mr. President, I ask unanimous consent to include at this point in the RECORD a challenging article by Clifford Carpenter, editor of the Rochester Democrat and Chronicle, in which Mr. Carpenter presents a very shrewd and perceptive analysis of some of the gripes on both sides of the border. This article makes a significant contribution to the cause of understanding between our two nations, and I hope that it will be widely seen and read in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS IT OUR FAULT OR CANADIAN ULTRASENSITIVITY?—WHY OUR GOOD NEIGHBOR, CANADA, RAPS US

(By Clifford Carpenter)

Our great and good neighbor, Canada, only a 3-hour outboard motorboat ride to the north of Rochester, keeps breaking out in a rash we might call "Irritationitis Americanus." With some Canadians, Uncle Sam is about as popular as the man who came to dinner * * * and stayed on and on and on.

This newspaper office gets a steady trickle of literature, magazine and newspaper clippings, relayed to us by our friends who think there ought to be more medication applied to this "Irritationitis Americanus."

Why does our northern friend wax hypersensitive about us, and even cranky? Why do we catch brickbats when we think we ought to get posies? Why does such a major North American newspaper as the Toronto Globe and Mail, in a lead editorial entitled "Shadows of War," charge the United States with "applying the fatal spark" to the Berlin problem and to further charge that "There is always the possibility that in a moment of crisis the wild men in the Pentagon, or the Central Intelligence Agency, may take matters into their own hands."

Why does another Province of Ontario newspaper, the Kitchener-Waterloo Record, say that "Canada's striving to achieve the status of an independent nation, and to retain her national integrity, requires a special quality of alertness to the almost overpowering attraction exerted by the United States?"

The Record made this remark in endorsing the recommendations of the Royal Commission on Publications which would divert to Canadian publications, advertising money now spent by Canadian firms in U.S.-owned periodicals. Behind the commission's recommendation, says the Record, is "recognition that an effective periodical press is necessary so long as Canada pretends to be a sovereign society. Critical analysis, the informed discourse and dialog which are indispensable to national independence, could be provided only by a truly Canadian printing press."

Those are powerful words.

We sought the answer the other day in one of those exquisite miniature gardens in the Georgetown section of Washington, listening to two people who have the answers if anybody does. They are Mr. and Mrs. Robert Allan Farquharson. Urbane, cultured Bob Farquharson is Minister-Counselor at the Canadian Embassy in Washington, in charge of Canadian information in the United States. At one time he was director of information for NATO; for 9 years previous to that, managing editor of the Toronto Globe and Mail. His wife, Maude, has an impressive newspaper background including coverage of Canadian national affairs, and has been and still is a radio personality in Canada.

What follows now is our synthesis of the Farquharsons' frank and friendly answers.

First of all, Canada still suffers "intellectual hangovers" and psychological shock from what is called the brinksmanship of the late Secretary of State John Foster Dulles, and the epidemic of McCarthyism, even longer ago.

Many Canadians just cannot understand a political system in which a McCarthy ranges freely, spreading scathing indictments of public figures, conducting hearings which seem to violate all the rules of fairplay. They do not quite understand the American system of politics. They expect that when a McCarthy pops off, somebody in an official Government capacity should answer him—all proper political give and take in the British pattern—challenge by the critic, response by the Government.

Along the same line, neither do the Canadians understand how in public hearings of congressional committees, generals and admirals can say things which might be directly against Government policy. Who speaks for our Government? The picture is fragmented, * * * it has no resemblance to deliberate and orderly government, which is more to the Canadian liking.

Here the painfully fair Mr. Farquharson quickly interpolated that Canada is accustomed to the pleasures of more deliberate government because in a bilingual nation, nothing can happen very fast, * * * it takes too long to translate.

The Canadian attitude toward "brinksmanship" goes about like this: "Why do you Americans always have to say that you are going to fight for something or other? * * * Why are you so emotional? * * * Why do you plunge into attitudes and statements before the facts are in? Why does your Senate meet in angry public session over a plane hijacking, while the plane is still in the air and nobody really knows what happened?"

The Canadians want it better understood in America that they can and do criticize our global politicking in some cases (as with the Globe and Mail editorial), but at the same time can and do side with us against Russia * * * in fact Canada reports to the contrary, have not much faith in the chances of rapport with Russia.

Lest we place Mr. Farquharson in a diplomatic jam here, let it be repeated that he and his wife—in this synthesis—are trying to project Canadian feeling, not necessarily their own. We don't want the charming couple conked by a vodka bottle.

The Canadians are convinced, on what they see and hear, that any American politician with a cause can push doorbells in Congress or the Pentagon, and soon find somebody to support that cause vociferously * * * however extreme the cause. And this in turn is why some Canadian politicians find they can make capital by charging America with dangerous foreign policy hijinks.

There is probably no such creature as the average Canadian * * * any more than there is an average American. Trying to create an average Canadian from the two great blocs of British and French Canadians is as impossible as creating an average American from the ingredients of this melting pot of ours.

So Canadian scratchiness doesn't cut through the public * * * it is more apt to be found on academic levels.

Canada has a giant inferiority complex. And it doesn't seem to do much good for Americans to say that they don't mean to do this to Canada. The crushing weight of American culture does it, whether we want to be responsible for some of our shady culture or not.

On one point the Farquharsons are firm: Americans don't know enough about Canada; in fact there is a general failure of communication between the two countries. Verbiage? Yes, plenty. But almost all of it is written by Americans for Americans, or by Canadians for Canadians. A seminar conducted at Goddard College in Vermont came to the conclusion that this resulted "in a dearth of information on the other side."

The Globe and Mail does not necessarily represent Canadian editorial sentiment. Many Canadian papers are saying that "anti-Americanism is a luxury Canada cannot afford" * * * a diplomatic way of saying let's stop raking America over the coals and get on with building a vigorous Canada.

Yes, there are strong, fresh currents of Canadian nationalism; they stem from such "Irritationitis Americanus" as American majority holdings in Canadian businesses. But this feeling doesn't necessarily funnel down to the man on the street in Canada * * * too often, he just wants to come to America to live.

Another area of irritationitis rash has to do with tourists.

Why can't Americans understand—Canadians want to know—that the American tourist business isn't one massive boon to Canada? Actually Canadian tourists for the last 5 years spent more money in America than vice versa; the Canadian Government estimates a $100 million tourist trade deficit for those 5 years in America's favor.

Why can't Americans understand that roving Canadian tourists hit America in such numbers that nearly 250,000 of them go to Florida in the winter?

But if Americans don't quite understand these points, nevertheless they—through their industries—are doing a better job in Canada than ever before; their branch plants and operations in Canada are being tightly oriented to Canadian governmental and civic affairs.

Thus some of the elements of Canadian feeling, as the Farquharsons thought them over aloud. Oh—but no question of Canadian attitudes is complete without a reference to Canada's doing business with Red China, such as shipping wheat. When we resent this, Canadians shake their heads patiently and try to point out that other nations all over the earth are doing business with Communist lands, and still are powerful Western Allies, because the business they do is not in strategic commodities. Why do you Americans worry about this anyway, they ask * * * there aren't enough dollars in Red China to make wheat-shipping much of a business.

Summing it up, the Farquharsons are not concerned over the spats and frictions, for beneath these evidences of "Irritationitis Americanus" they see powerful new bonds forming. They see a growing understanding in America that wants to be treated on a completely equal footing * * * and they see a growing understanding in Canada that the almost oppressive impact of American movies, magazines, industrial products, television shows and even fashions and gadgets, is not an international evil, but simply a spilling over of the American economy.

The good neighbors are better neighbors than ever because the mutual respect is growing.

Mr. BIBLE. Mr. President, I am glad to yield 5 minutes to the Senator from South Dakota [Mr. CASE] from the time on the bill.

DAG HAMMARSKJOLD AND THE UNITED NATIONS

Mr. CASE of South Dakota. I have a few remarks with reference to the future of the United Nations. It happens that on the day Dag Hammarskjold met his untimely and unfortunate death there was published in the magazine Together for October 1961, an article written by Dag Hammarskjold entitled "The U.N. Is Here To Stay."

In the article, which seems prophetic, Dag Hammarskjold speaks of the problems of the peacemaker. Oddly enough, in the article he refers to the life of a Chinese philosopher who lived 350 years before Christ, and cites a quotation from a biography of this Chinese philosopher to tell the lot of the man who went from one group to another seeking to compose their differences and to avert war in that time. The problems found by the Chinese philosopher in that day bear striking similarity to the problems which Dag Hammarskjold himself found as he went from one nation to another seeking to adjust differences and to persuade people there was a better way than war to settle their rivalries.

The article is probably one of the last statements of Dag Hammarskjold on the problems of peace and the shape of the United Nations. I think it will be of interest to readers of the CONGRESSIONAL RECORD, and I therefore ask unanimous consent that the article entitled "The U.N. Is Here To Stay," written by Dag Hammarskjold and published in the magazine Together for October 1961, may be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE U.N. IS HERE TO STAY

(By Dag Hammarskjold, Secretary General of the United Nations)

Eight years ago I was inducted into my present office, to which I had been catapulted without previous soundings; indeed, without any prewarning. I felt that it was my duty to accept it, not because of any feeling of confidence in my personal capacity to overcome the difficulties which might arise, but because, under the conditions then prevailing, it seemed to me that anyone to whom the call was issued was duty bound to respond.

The tumultuous situation that faced me at the very outset has proved not to be unique. Others equally grave have arisen several times in the past few years. I was reminded of this the other day as I read a book by Arthur Waley, well known as one of the great interpreters of Chinese thought and literature and as one of those great students of humane letters who have so splendidly enriched our cultural tradition. In the book, Waley quotes what an early Chinese historian had to say about the philosopher Sung Tzu and his followers some 350 years before Christ. To one who works in the United Nations, the quotation strikes a familiar note. It is this:

"Constantly rebuffed but never discouraged, they went round from state to state helping people to settle their differences, arguing against wanton attack and pleading for the suppression of arms that the age in which they lived might be saved from its state of continual war. To this end, they interviewed princes and lectured the common people, nowhere meeting with any great success, but obstinately persisting in their task, till kings and commoners alike grew weary of listening to them. Yet undeterred they continued to force themselves on people's attention."

Is this a description of a quixotic group, whose efforts are doomed to failure? The wording, with its tone of frustration, may lead us to think so. However, I believe that this interpretation would be wrong. The historian tells us about a group engaged in a struggle he considers very much worthwhile, and one which will have to go on until success is achieved.

The half-ironical, half-sad note which he strikes indicates only his knowledge of the difficulties which human nature puts in the way of such work for peace. His pessimism is tempered by the mild sense of humor and the strong sense of proportion of a man seeing his own time in the long perspective of history. Today, we can learn from his attitude, both in our efforts to move toward peace and in our work for universal recognition of human rights.

We know that the question of peace and the question of human rights are closely related. Without recognition of human rights, we shall never have peace, and it is only within the framework of peace that human rights can be fully developed.

In fact, the work for peace is basically a work for the most elementary of human rights: the right of everyone to security and to freedom from fear. We, therefore, recognize it as one of the first duties of a government to take measures in order to safeguard for its citizens this right. But we also recognize it as an obligation for the emerging world community to assist governments in safeguarding this elementary human right without having to lock themselves behind walls of armaments.

The dilemma of our age, with its infinite possibilities of self-destruction, is how to grow out of the world of armaments into a world of international security, based on law. We are only now at the very beginning of such a change. The natural distrust in the possibility of progress is nourished by unavoidable setbacks, and when distrust is thus strengthened, this in turn increases our difficulties.

The effort may seem hopeless. Certainly it will prove hopeless unless peoples and governments alike are willing to take some immediate risks in order to have a better chance of avoiding the final disaster threatening us if we do not manage to turn the course of developments in a new direction.

The United Nations finds itself in a difficult stage of its development. It is still too weak to provide the security desired by all, yet it is strong enough and alive enough to point out effectively the direction in which the solution must be sought. In its present phase, the organization may look to many like a preacher who cannot impose the law he states or realize the Gospel he interprets. It is understandable if those who have this impression turn away in distrust or with cynical criticism, forgetting that setbacks in efforts to implement an ideal do not prove that the ideal is wrong, and overlooking, also, that at the beginning of great changes in human society there must always be a stage of such frailty or seeming inconsistency.

It is easy to say that it is pointless to state the law if it cannot be enforced. However, to do so is to forget that if the law is the inescapable law of the future, it would be treason to the future not to state the law simply because of the difficulties of the present. Indeed, how could it ever become a living reality if those who are responsible for its development were to succumb to the immediate difficulties arising when it is still a revolutionary element in the life of society?

The United Nations is something definite also in the sense that the concepts and ideals it represents, like the needs it tries to meet, will remain an ineluctable element of the world picture. That does not mean, however, that the present embodiment of the groping efforts of mankind toward an organized world community represents a

definite shape for all time. The United Nations is, and should be, a living, evolving, experimental institution. If it should ever cease to be so, it should be swept aside for a new approach.

The growth of social institutions is a phase during which, step by step, the form which adequately meets the need is shaped through selection or out of experience. Thus, an effort that has not yielded all the results hoped for, has not failed if it has provided positive experience on which a new approach can be based. An attempt which has proved the possibility of progress has served the cause of progress, even if it has had to be renewed again and again, and in new forms or settings in order to yield full success.

When we look back at the experiences in the United Nations over the past few years, we may differ among ourselves as to the wisdom of this or that particular stand, and we may have doubts about the end result of this or that step. But I think we can't dispute the value and historical importance of certain developments.

First of all, it proved possible in an emergency to create for the first time a truly international force. This force, although modest in size and, for constitutional reasons, also modest in aim, broke new ground which inevitably will count in future efforts to preserve peace and promote justice.

Lasting peace is not possible without recognition of fundamental human rights, and those human rights cannot reach their full development unless there is peace. The United Nations cannot lay down the laws for life within any national community. Those laws have to be established in accordance with the will of the people as expressed in the forms indicated by their chosen constitution. But just as the United Nations can promote peace, so it can, in joint deliberations, define the goals of human rights which should be the laws of the future in each nation. Whatever the distance between these goals and the everyday reality we meet all around the world, it is not vain thus to set the targets as they present themselves to the most mature political thinking of our age.

The universal declaration of human rights, adopted by the General Assembly 13 years ago, is not, of course, a treaty. It has in itself no force of law; but as a common standard of achievement for all peoples and all nations, it crystallizes the political thought of our times on these matters in a way influencing the thinking of legislators all over the world. The relationship of man to society is a relationship for which every generation must seek to find a proper form. In a world where the memory is fresh of some of the worst infringements on human rights ever experienced, the declaration should be our guide.

The United Nations has for years struggled with the problem of how to translate the declaration of human rights into the text of an international convention or conventions. It is not surprising that in a world with very different cultural traditions, and among countries showing very different degrees of advancement of social institutions, such a translation has proved difficult. But the failure so far to reach agreement over the whole field should not lead us to believe that the work to realize fundamental human rights has come to a standstill.

The work for peace must be animated by tolerance, and the work for human rights by respect for the individual. A student of the growth of human rights through the ages will recognize its close relationship to the development of tolerance inspired by ethical concepts of religious origin. Attempts are made to link the development of human rights exclusively to the ideas which broke through to predominance in the age of enlightenment. However, to do so seems to me to be overlooking the historical background of those ideas. It means cutting our ties to a source of strength that we need in order to carry the work for human rights to fruition and to give to those rights their fitting spiritual content.

To some, the word "tolerance" may sound strange in a time of cold war and of negotiations from positions of strength; it may have an overtone of meekness or appeasement. And yet, have we reason to believe that what was true in the past is no longer true? It is not the weak but the strong who practice tolerance, and the strong do not weaken their position in showing tolerance. On the contrary, only through tolerance can they justify their strength in the face of those counteracting forces that their own strength sets in motion.

I am sure that this holds true of all those in the present world situation who may be, or may consider themselves to be, strong—be it the industrialized West in relation to the underdeveloped countries, be it the powers whose military resources give them key positions, or be it those who have achieved a state of democracy toward which others still are groping.

I remember in this context words from another translation by Arthur Waley, this time from Tao Te Ching. Its paradoxical form and mystical background should not lead us to overlook its realism: "Heaven arms with pity those whom it would not see destroyed."

Over the ages and over the continents these words join with those of the psalmist: "There is forgiveness with Thee, that Thou mayest be feared."

Mr. CASE of South Dakota. Mr. President, the fate of the United Nations probably will be determined by the ability of the nations of the world to establish human rights. Dag Hammarskjold calls attention to declarations on that subject. He also notes that the United Nations should not be regarded as a static organization, but should be a growing, living organism. For that reason from time to time changes in its structure or composition may be expected.

In this connection I wish to observe that one of the problems of the United Nations as to its acceptance among the people of the world today is the unit vote which is given to all members of the General Assembly, regardless of their population and regardless of their contribution to the budget of the United Nations. It has always seemed to me that was a weakness in the structure of the organization of the United Nations which ought to be corrected, if it could be, at some date.

I believe originally there was a provision in the United Nations Charter that the provisions of the Charter should be reviewed at the end of 10 years. It is entirely probable that today, before the U.N. succeeds in selecting a satisfactory successor to Mr. Hammarskjold, that consideration will be given to the question of the voting strength of the individual members, along with other possible questions on the structure and functioning of the organization. To those who struggle with that question, I commend the article I have had printed in the RECORD.

I also venture the personal suggestion that it seems to me the voting strength which has been adopted by the Interparliamentary Union for its membership offers a clue to a solution to the problem. The Interparliamentary Union antedates the United Nations by many years, having been organized in 1885 or thereabouts. The Interparliamentary Union discovered it was necessary to weight the votes of the different delegations in order to have a viable organization. Two measures of weighting the votes are provided in the regulations of the Interparliamentary Union.

Each member nation in the Interparliamentary Union has a certain number of votes as a minimum. Each member nation has a basic vote based upon its population. It also has an additional quota of votes based upon the number of members in its largest parliamentary body. The vote of the United States, in part, is based upon our population. In part, it is based upon the membership of the House of Representatives. Through this system of weighted votes, the Interparliamentary Union has achieved a viability which commends the idea for consideration. I mention it at this time in this connection because I think the question of weighted votes may be a part of the mechanics by which the future of the United Nations will be determined.

I yield back the remainder of my time, and thank the Senator from Nevada for his courtesy in yielding to me.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 29. An act for the relief of Ok Nyu Choi (Ann Wollmar);

S. 158. An act to confer upon the domestic relations branch of the municipal court for the District of Columbia jurisdiction to hear and determine the petition for adoption filed by Marie Taliaferro;

S. 262. An act for the relief of Constantinos Georgiou Stavropoulos;

S. 263. An act for the relief of Guiseppe Glorioso;

S. 264. An act for the relief of Mr. and Mrs. Franklin Leong;

S. 547. An act for the relief of Young Jei Oh and Soon Nee Lee;

S. 553. An act for the relief of Olga G. Coutsoubinas and Spyridon G. Coutsoubinas;

S. 592. An act for the relief of Nishan Der Simonian;

S. 976. An act for the relief of Maria Trela Terpak;

S. 1053. An act for the relief of David Lew Huie;

S. 1234. An act for the relief of Max Haleck;

S. 1355. An act for the relief of Helen Harolan;

S. 1537. An act for the relief of Mrs. Renee Deri;

S. 1585. An act for the relief of Margherita Ferrelli D'Amico;

S. 1750. An act to strengthen the Federal Firearms Act;

S. 1786. An act for the relief of Heripsime Hovnanian;

S. 1787. An act for the relief of Giovanna Vitiello;

S. 1880. An act for the relief of Johann Czernopolsky;

S. 1906. An act for the relief of Fares Salem Salman Hamarneh;

S. 1947. An act for the relief of Annemarie Herrmann;

S. 2070. An act for the relief of Kabalan Farris; and

S. 2118. An act for the relief of Dr. John Lopinto Arzaga.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 470) to amend sections 1 and 3 of the Foreign Agents Registration Act of 1938, as amended.

The message further announced that the House had agreed to the report of the committee of further conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8302) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes.

ELECTIONS IN THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (H.R. 8444) to amend the act of August 12, 1955, relating to elections in the District of Columbia.

Mr. BEALL. Mr. President, I yield myself 5 minutes. This is a happy task which we perform today, for we are providing the legal machinery which finally will bring to the citizens of the District of Columbia a little bit of that most precious right—self-government.

That we have made great strides in the struggle to enfranchise the citizens of the District is best illustrated by the question debated here today. Some of us can remember when the question was whether anyone who resided in the District of Columbia would ever vote. Now we are concerned with how soon one may vote after moving into the District of Columbia. So, again I say, this is a glad occasion and if we did nothing more than approve the House bill with its 21-year age limit, 1-year residence, and more restrictive absentee voting privileges—it would still be a happy event for the vote-starved citizens of the District.

However, that is not the case for we have in the best tradition of our legislative system, made important changes in the bill received from the House.

It is, of course, important to provide legal machinery which will give every qualified voter who is a bona fide resident of the District of Columbia, a full opportunity to exercise the franchise extended to him by the 23d amendment. It is my opinion that H.R. 8444, as amended by the committee and on the floor of the Senate, does just that.

Since we have provided the District of Columbia with a model elections bill, our efforts now must be to hold that bill in the conference that will follow. However, we must not let such efforts prevent passage of an adequate election law this year for time is of the utmost importance.

All of the witnesses who appeared to testify on this bill, urged prompt action. The record shows that representatives of both the Republican and Democratic District Central Committees were most forceful in asking for action during this session of Congress. The president of the Board of Commissioners made a special point of asking that there be no delay. Speed is necessary if the District Board of Elections is to complete all of the work needed to prepare for the next presidential election. The Board, for instance, must be prepared to handle five or six times as many voters as voted in the disappointingly small primary election turnouts of 1956 and 1960. One of the most important jobs facing the Commissioners is that of securing adequate appropriations. The estimates for such appropriations must be submitted in the appropriation requests for fiscal 1964. We must not forget that the Board of Elections of the District of Columbia had no funds to conduct its first election until 1½ months prior to the actual election day. So while I think that considerations of age, residence, and absentee voting are important, I must say, at this time that any differences between H.R. 8444 as it passed the House of Representatives and as it was amended by the Senate, are not important enough to allow them to jeopardize passage of a bill during this session.

In closing, I take this opportunity to thank the chairman of the committee, Senator BIBLE, for his patient, considerate and able leadership, not only on this bill, but on all of the committee's work. The District of Columbia, the Nation, and the Senate are, indeed, most fortunate to have him as chairman of the Senate Committee on the District of Columbia.

Mr. BIBLE. Mr. President, I desire to express my appreciation to the distinguished Senator from Maryland. I wish to reciprocate and tell him what a pleasant and profitable experience it has been to work with him on the committee.

Mr. CASE of South Dakota. Mr. President, may I make an inquiry of the Senator?

Mr. BIBLE. Yes. I yield myself 2 minutes for the purpose of answering the question of the Senator from South Dakota.

Mr. CASE of South Dakota. What voting age is provided in the text of the bill?

Mr. BIBLE. As reported by the Senate Committee on the District of Columbia, the bill provides for a voting age of 18 years.

Mr. CASE of South Dakota. Was there any move within the committee to change that age, or to make it 21, which is the minimum voting age in most States?

Mr. BIBLE. A motion was made in the committee to change the minimum age to 21. The motion lost by a vote of 4 to 3. The committee is a 7-member committee.

Mr. CASE of South Dakota. Apparently the committee was pretty evenly divided on the subject.

Mr. BIBLE. Almost as close as the Detroit Tigers and the New York Yankees in some of their recent games.

Mr. CASE of South Dakota. I think a 4-to-3 vote might have been a little closer than some of the New York Yankees and Tigers games.

If the Senator will indulge me, I should like to make an observation. We are here plowing new ground so far as voting rights within the District of Columbia are concerned. It seems to me that conservatism would be in order. A large body of new voters would be brought into voting rights under the proposed legislation. The Senator from Nevada is aware of the fact that I have been interested in voting rights for the citizens of the District of Columbia, both on the local level and the presidential level.

My personal judgment is that we would make a great stride forward by establishing the right of citizens of the District of Columbia to vote for President and Vice Preseident, or for the electors. It would be more judicious if the voting rights were established for those 21 years of age and over. That is the voting age in most States of the Union.

My understanding is that, as reported to and passed by the House of Representatives, the bill provides 21 years as the minimum voting age. Therefore I express the hope that, in view of the fact that the House has voted for the 21-year age as the minimum, and that the vote in the Senate committee was as closely divided as 4 to 3, when the conferees meet with the House conferees they may yield to the House position and establish the minimum age at 21. I recognize that any Senator would be within his rights in offering an amendment to change the proposed voting age. I would not want to propose such an amendment if it would lead to a yea-and-nay vote. I have no objection to stating my own feeling in this regard, but I hesitate, in view of the other legislation to be considered today and in view of what has already transpired, to inject another yea-and-nay vote at this time. But I express my hope, as one who has demonstrated his friendship for voting rights in the District of Columbia, that on this point, the House having voted for a 21-year-age minimum, and the Senate committee having been divided 4 to 3 on the question, the Senate conferees will yield to the House provision.

Mr. BIBLE. I very much appreciate the observation of the Senator from South Dakota. He has been one of the great friends of the District of Columbia, particularly in the area of voting rights, and the constitutional amendment, which was finally adopted, and now on the enabling legislation. The problem of reaching the correct voting age limit is one that is subject to a great deal of debate and a considerable difference of opinion. It is true that in 46 States the age limit is 21. Two States have a limit of 18 years for the voting age. It is equally true that our most recent States, Alaska and Hawaii, have voting ages of 19 and 20, respectively. The feeling in the committee was, as the vote indicates, very close. I am very glad to have the observation of the Senator from South Dakota. I yield 1 minute to the Senator from Tennessee.

Mr. KEFAUVER. I should like to express myself on this subject. The Senator from New York and I have sponsored constitutional amendments on the subject of the voting age. The Committee on the District of Columbia did exactly right in fixing the voting age at 18.

We know of the modern methods of communications, the advancements in education, the interest of young people

in public affairs, and the fact that people are living longer than they used to live. In order to get a fair balance of the electorate and in order to give our young people a chance to participate, there is every reason why the voting age should be set at 18, as was decided upon by the committee. I hope that the conference committee, if this bill is passed in this form, will insist upon its position because it is right, fair, just, and forward looking.

Mr. BIBLE. I yield 1 minute to the Senator from New York.

Mr. KEATING. I wish to associate myself with the remarks of the distinguished Senator from Nevada and the distinguished Senator from Tennessee. For a long time I have had a constitutional amendment proposal before the Senate to provide that in presidential elections we should set the age at 18.

The argument is often made that if a man is old enough to fight, he is old enough to vote. That is not the only reason why I believe in setting the age limit at 18. Our young people today have more education in government, a better balance, and more knowledge about what goes on in the world and are better able to select those who should govern them than certainly was the case when I was 21. I believe that would be true of a good many Senators.

I am glad that the committee has reported a bill with the age of 18 included in it.

Mr. BIBLE. I appreciate the comment of the Senator from New York. It is significant that the two latest States to join the Union, Alaska and Hawaii, set the limit at 20 and 19, which shows a trend in the direction in which the Senator from New York is speaking.

I yield 3 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator has only two minutes remaining on the bill.

Mr. KEATING. Mr. President, I yield 3 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am gratified that the Committee on the District of Columbia has recommended establishing age 18 as the minimum age for qualified voters in the pending bill.

As is known to my colleagues, I have long advocated a constitutional amendment which would extend the voting right to 18-year-olds and above. During the period of my service in the House of Representatives, a hearing was held on a proposed constitutional amendment for that purpose. I am sure the Senator from Tennessee remembers the testimony well. It included a very forthright and helpful statement by the then Governor of Georgia, Ellis Arnall, with reference to voting right for 18-year-old citizens, which I advocated in the House and have advocated in the Senate.

I have a proposed constitutional amendment on the subject which is pending in the Senate. I was privileged to testify, as was the Senator from Tennessee, who has been an ardent and articulate advocate of this proposal, in hearings before the Judiciary Committee.

With reference to the rights of the electorate in the District of Columbia, on August 22, 1961, I addressed a letter to the Chairman of the Committee on the District of Columbia, the diligent and knowledgeable Senator from Nevada [Mr. BIBLE]. In that communication I presented my reasons for enfranchising 18-year-old citizens. I ask unanimous consent that the letter to which I have made reference may be printed in the RECORD at this point. It sets forth my thoughts not only on the question of the 18 year age, but also on the period of time of residency in the District.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON LABOR
AND PUBLIC WELFARE,
April 22, 1961.

Hon. ALAN BIBLE,
Chairman, Senate District of Columbia Committee, New Senate Office Building, Washington, D.C.

DEAR ALAN: The 23d amendment was a signal achievement in the extention of democracy, and it is now the privilege and responsibility of your committee to help implement this advancement by the recommendation of realistic and modern voting regulations for the District of Columbia.

In this regard, I would respectfully restate my long advocacy of voting rights for 18-year-olds and above. As you may know, Mr. Chairman, in 1942 I submitted, as a Member of the U.S. House of Representatives, a House joint resolution for a constitutional amendment which would lower the voting age to 18 years.

Hearings were conducted by the House Judiciary Committee on my resolution in October 1943, at which Gov. Ellis Arnall, of Georgia, testified—its having been during his administration that Georgia became the first State to reduce the voting age to 18. Since that time, measures to reduce the voting age to 18 have passed in at least one house in the legislatures of 14 States, and the States of Hawaii, Alaska, and Kentucky have voting ages of 20, 19, and 18, respectively.

The voting age of 21, established originally on medievalistic premises regarding the age of manhood, has long since been outmoded in the United States by the advancement of free public education and the extension of the arts of communication. It would seem to me most fitting that the District of Columbia would take its place in the vanguard of those jurisdictions which have acknowledged this change and adjusted their voting regulations accordingly. I therefore sincerely hope that your committee will report a bill which will enfranchise the many District citizens between the ages of 18 and 21 who already bear the responsibilities of citizenship without its privileges.

Of equal importance is the necessity for residence requirements which are realistically attuned to the mobility and changing circumstances of the American people. It is reliably estimated that some 40 million Americans change their places of residence every year, 8 million of whom were disfranchised in the last presidential election because of their failure to fulfill local and State residence requirements. With more than 20 percent of our population on the move every year, it is most incongruous that the majority of the States still retain residence requirements established during a period of considerably less advanced technology and mobility. For this reason, the requirement which prevails in Maryland, Virginia and my own State of West Virginia, among others, of a year's residence prior to voting in presidential elections is, I believe, unjust and unrealistic.

However, I do not believe we should go to the other extreme which has been recommended and adopted in some States. A residence requirement of 6 months would offer a reasonable compromise between providing for a highly mobile population and the need to maintain a proper regard for the importance and gravity of participating in presidential elections.

Sincerely,

JENNINGS RANDOLPH.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. KEATING. I yield 1 more minute to the Senator from West Virginia.

Mr. RANDOLPH. I referred to the hearings held in the House in 1943. However, I should like to state that since that time measures to reduce the voting age to 18 have been passed in at least one house in the legislatures of 14 States, and the States of Alaska, Hawaii, and Kentucky have voting ages of 20, 19, and 18, respectively.

The voting age of 21, established, in my opinion, on a medieval premise regarding the age of manhood, has long since been outmoded in the United States by the advancement of free public education and the extension of means of communication. It would seem to me most fitting that the District of Columbia would take its place in the vanguard of those jurisdictions which have acknowledged this change and adjusted their voting regulations accordingly.

I therefore sincerely hope that action on this bill today will embrace the 18 rather than the 21 year criterion as the age for voting eligibility, with the privileges appertaining thereto.

I commend the chairman of the committee, the Senator from Nevada [Mr. BIBLE] and the Senators on both sides of the aisle who worked on this important matter. I express my appreciation to the Senator from New York [Mr. KEATING], for affording me an opportunity to speak at this time.

The PRESIDING OFFICER. The time of Senator has expired.

The bill is open to amendment.

Mr. KEATING. Mr. President, I call up my amendment identified as "9–8–61—B."

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 11, beginning with "(E)" on line 22, strike out all through the period on line 2, page 12, and insert in lieu thereof the following:

(E) who, for the purpose of voting in a presidential election under this Act, has resided in the District for the ninety-day period ending on the day of the presidential election, or for the purpose of voting in any other election held pursuant to this Act, has resided in the District for the twelve-month period ending on the day of such election.

Mr. KEATING. Mr. President, I ask unanimous consent that the distinguished Senator from Tennessee [Mr. KEFAUVER] may be added as a sponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. I yield myself 10 minutes.

The amendment places a 90-day limit on residence requirements for voting in presidential elections only. It is identical to the provision recommended by the Kennedy administration in its proposed District of Columbia Election Code. It is also identical to a constitutional amendment which the distinguished Senator from Tennessee and I have introduced calling for a national maximum of 90 days on residence requirements for voting in presidential elections. The Senator from Tennessee [Mr. KEFAUVER] is the chairman of the Subcommittee on Constitutional Amendments of the Judiciary Committee which has conducted hearings on a number of proposed electoral reforms. I believe that this view represents a realistic position on this issue. Our residence requirement resolution for national elections has been reported favorably by the Subcommittee on Constitutional Amendments.

Mr. President, this is the direction of the future. The District of Columbia cannot use an outmoded election code rooted in the past. Congress must set the pace. With modern techniques and careful vigilance, there is no question in my mind that 90 days is an adequate residence requirement. Why should anyone be prohibited from voting in a presidential election, so long as he is a citizen, because he moved from one place to another shortly prior to election day?

This does not apply to local elections. In local elections, the issues are such that a longer residence requirement can be justified, but this is certainly not true of presidential elections.

I have taken a deep interest in this issue. Several months ago, I canvassed all of our Governors on residence requirements. It is reassuring to know that five States have already taken steps to lower residence requirements for voting for President and Vice President below 90 days. They are: Wisconsin, Ohio, California, Missouri, and Oregon. Six States have legislation pending to liberalize residence requirements for presidential elections.

All of us are quite familiar with the problem of voters being disenfranchised because of residence requirements. In the 1960 election, I received hundreds of letters from citizens who were very much disturbed about this situation. It is estimated that as many as 7 million Americans were not permitted to vote in 1960 because of stringent residence requirements.

Who is hurt by these requirements? A great part of the time it is the intelligent, educated citizen, who moves from one job to another. Raymond Moley made this very clear in a recent column in which he said:

> Great corporations engaged in manufacturing or oil production and distribution or chainstores must of necessity shift managers, salesmen, and other executives constantly.

The Saturday Evening Post made the same point in an article:

> By and large, the "lost voters" are the better educated, more informed people who reasonably could be expected to ballot with the welfare of the Nation in mind and not for selfish reasons.

A number of large corporations have urged the liberalizing of residence requirements because they find it necessary to move their personnel frequently and because it is disturbing to them to thereby deprive active and intelligent citizens of their right to vote.

Mr. President, the main argument against lower residence requirements is that fraud is possible. Fraud is always possible. But, in an area as compact as the District of Columbia, with an active and energetic press, and with close surveillance of the processes of government, I firmly believe that a 90-day requirement is adequate. Who is going to spend 90 days here just to get the vote for President, when to do so would jeopardize his vote in his previous residence? The laws of every State prevent voting twice. It would seem to me to be economically infeasible if nothing else to bring a sufficient number of voters into the District of Columbia to affect the outcome of a presidential election. To sneak them in is fraud anyway, regardless of a residence requirement.

This amendment, I believe, is sensible in terms of the period prescribed. It would permit adequate enforcement through the legislative process, and it would, above all, give more Americans the right to vote, which is our bread and butter in the Senate.

Mr. President, this issue has been discussed on so many occasions that I do not believe it is necessary to pursue it further.

I was delighted to read in the Washington Post this morning a penetrating editorial which supports the amendment. I call attention also to editorials which were published in the Superior, Wis., Telegram of September 2, 1961; the Providence, R.I., Journal of September 6, 1961; the Springfield, Mass., Union of September 2, 1961, and the Rochester, N.Y., Times Union of September 1, 1961, all of which support the joint resolution sponsored by the Senator from Tennessee [Mr. KEFAUVER] and me with respect to other elections, but which, of course, by inference, would certainly cover the District of Columbia, where the only offices for which we are providing the right to vote are those of President and Vice President.

Similar editorials also appeared in a number of other newspapers throughout the country.

Mr. President, I ask unanimous consent that the editorials published in the newspapers I have named be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 19, 1961]

DISTRICT OF COLUMBIA VOTE BILL

The end to be sought through the District Presidential vote bill, scheduled to come up for a resumption of debate today, is a maximum participation of qualified voters. As voting in the final elections here will necessarily be limited to presidential and vice presidential candidates, it is especially important to make it as attractive as possible. The modern trend is toward broadening of the electorate, and this is wholly in accord with sound democratic practice.

It follows that arbitrary restrictions on voting should be eliminated. Probably the most arbitrary restriction in the bill before the Senate, as well as in the House bill, is the provision that citizens must live in the District for 1 year before they can vote. Because of the large number of transients in Washington this requirement would make serious inroads into the potential vote here.

A 1-year resident requirement in local elections can be defended because newcomers require time to get acquainted with local candidates and issues. But citizens moving here from Maine, Texas, or Idaho shortly before election day will be as well prepared to vote for or against the presidential candidates as are oldtime residents. The Senate would show good judgment, therefore, by adopting the proposed Keating-Kefauver amendment reducing the residence requirement of the District vote bill from 1 year to 90 days.

Another device for broadening voter participation, which is already in the Senate District Committee's bill, is the minimum-age requirement of 18 years. This seems to us less important than a short residence requirement, but in any event the Senate would do well to retain the provision in its bill. If the 90-day residence provision is accepted by the Senate and if it becomes necessary to compromise with the House to keep it there, the votes-at-18 proposal could be sacrificed. The country has not yet made up its mind about votes at 18, but there ought to be no controversy anywhere about helping people of voting age to register their views at the polls.

[From the Superior (Wis.) Telegram, Sept. 2, 1961]

A BILL OF RIGHT

Americans of any State and of any political party should heartily support a proposed constituitonal amendment that would enfranchise millions of citizens who find themselves denied the vote at every presidential election.

These are the people who, simply because they have moved to a new State and have not yet met residence requirements, are not able to participate in the choice of the man who is supposed to represent all Americans.

The amendment has been introduced by Senators ESTES KEFAUVER, Democrat, of Tennessee, and KENNETH B. KEATING, Republican, of New York. It would waive length-of-residence requirements and allow any voter who was qualified to vote at his former home to vote at his new one in a presidential election.

[From the Providence (R.I.) Journal, Sept. 6, 1961]

MOBILITY OF AMERICANS CALLS FOR VOTING LAW CHANGES

A serious effort has been launched in Congress to broaden the opportunity of Americans to vote in presidential elections in this age of mobility. Surveys report that one of every five Americans moves every year, and residence requirements in State election laws tend to deprive anyone who moves in a presidential election year of his right to vote for his candidate for the White House.

A constitutional amendment to make it easier for the mobile voter to cast a presidential ballot has been offered by Senators ESTES KEFAUVER, Democrat, of Tennessee, and KENNETH B. KEATING, Republican, of New York. The bipartisan nature of the sponsorship indictates that the problem of temporarily "lost" voters concerns both parties. In fact, bipartisan support may win speedy approval of the amendment.

Under its terms, a voter newly arrived in any State would face a maximum residence requirement of only 90 days for presidential

voting. It also would specify that any voter, qualified to vote in the district from which he moved, shall be premitted to vote in his new residence even if he has lived there f.r less than 90 days, providing he meets other qualifications in his new jurisdiction.

The amendment would not interfere in any way with State laws governing participation in elections for State and local offices. This fact will make it easier for States to accept the amendment if it clears the Congress and gets to State legislatures. Even a hint of Federal interference in State and local elections would spell sure death for the amendment.

The proposal, in fact, does no more than make it easier for voters to take part in an election of profound importance to their country and to the world. By easing requirements first fixed in an age of far less mobility than the country now enjoys, it would extend simple justice in the exercise of the franchise without damaging the Nation's political structure.

[From the Springfield (Mass.) Union, Sept. 2, 1961]

BILL OF RIGHT

A constitutional amendment has been proposed that would enfranchise millions of citizens who find themselves denied the vote in every presidential election.

These are the people who, because they have moved to a new State and have not yet met State residence requirements, are unable to participate in the choice of the man who is supposed to represent the entire Nation.

The amendment has been introduced by Senator KEFAUVER, Democrat, of Tennessee, and Senator KEATING, Republican, of New York. It would waive length-of-residence requirements and allow any person qualified as a voter at his former home to vote from his new one in a presidential election. Americans of all States and political affiliations can support it.

[From the Rochester (N.Y.) Times Union, Sept. 1, 1961]

RESIDENCE SHOULDN'T BAR PRESIDENTIAL VOTE

Only 68 percent of New York civilians over the age of 21 cast ballots in the presidential election last November. Most of the disenfranchised were those who couldn't meet the State's stiff 1-year residence requirement. Similar restrictions cost millions their ballots in other States.

Whatever the merits of residence requirements in State and local elections, they shouldn't apply to national presidential elections. A proposed constitutional amendment has been introduced in Congress to set a maximum residence requirement of 90 days for voting for President and Vice President.

The amendment was introduced by Senators ESTES KEFAUVER, Democrat, Tennessee, and New York's Republican KEN KEATING. Congress ought to pass that amendment, or one like it. If that happened during this congressional session, the ratification process could be completed well before 1964 voting.

Mr. KEATING. I hope that my amendment will be adopted. This is a position which I have taken for quite some time and an issue in which I and many other Senators are deeply interested. It supports the administration. It represents an important forward step.

Mr. President, I yield 10 minutes to the distinguished Senator from Tennessee.

Mr. KEFAUVER. Mr. President, first, I congratulate the distinguished Senator from New York [Mr. KEATING] upon his leadership in this field and upon being the chief sponsor of the 23d amendment, which confers voting rights upon the people of the District of Columbia for presidential electors. I congratulate the Senator from New York also upon the interest he has taken in having progressive, far-seeing, modern provisions included in the proposed enabling legislation, setting forth the age limit and the resident requirements for voters in the District of Columbia. I am happy to be associated with him in this effort to amend the Senate committee's bill so as to provide a 90-day residence requirement for voters in the District of Columbia.

Mr. President, the 23d amendment to the Constitution, extending the right to vote in presidential elections to the District of Columbia, was a milestone in the development of our democracy. Whether the Nation be regarded as a republic or a democracy, this was a long overdue correction of a great injustice. There was never any logical or just reason why the citizens of the United States living in the District of Columbia, containing its seat of government, should not participate in the choice of the President. Extending the franchise to them compares with the amendments which followed the War Between the States, and for the direct election of Senators and women's suffrage. It is another step toward a more perfect realization of the principle that the Government of the United States should be a Government of, by, and for all the people who are governed by it.

We are now concerned with the implementation of this constitutional gain, and we should be most careful that the fruits of this victory are not lost. The right to vote can be diluted by arbitrary restrictions which unnecessarily or unfairly prevent large numbers of citizens from exercising the franchise.

Mr. President, I wish to commend the distinguished Senator from Nevada [Mr. BIBLE] chairman of the Committee on the District of Columbia, and the other members of the committee, for the work they have done and for the many progressive and sensible features of the proposed legislation which they have reported. I am particularly pleased that fair and liberal absentee balloting provisions are contained, and that the voting age was set at 18, both as recommended by the President and the District Commissioners.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter which I wrote to the Senator from Nevada [Mr. BIBLE], the chairman of the Committee on the District of Columbia on August 17. In the letter, I urged that the voting age be 18 years, that there be liberal provision for absentee balloting, and that the residence requirement be only 90 days.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 17, 1961.

The Honorable ALAN BIBLE,
Chairman, Committee on the District of Columbia, New Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: I was keenly disappointed to read of the District of Columbia voting law which has been recommended by the House District Committee. I am particularly concerned about residence requirements, the age for voting, and absentee balloting provisions.

The Subcommittee on Constitutional Amendments has held extensive hearings on proposed amendments concerning the Federal elections system. Included among these are proposals concerning residence requirements for voting in presidential elections (S.J. Res. 14 and S.J. Res. 90) and proposals for lowering the voting age to 18 (S.J. Res. 20, 54, 67, and 71).

The evidence developed at our hearing clearly demonstrated a crying national need for modernization of residence requirements for voting in presidential elections. Figures published by the American Heritage Foundation point up the unnecessary and unfair disfranchisement of millions of mobile adult Americans. The foundation estimated that 8 million of our citizens were denied the right to vote in the 1960 presidential election because they were unable to meet State, county, or precinct residence requirements. Many were unable to meet lengthy residence requirements in States to which they had recently moved and could not vote by absentee ballot in the State from which they came.

The residence requirements of most States are obsolete and are not geared to the mobility of our present-day population. Thirty-five States require 1 year of residence in the State, 3 demand 2 years, and 12 call for 6 months. Victims of these "horse and buggy" restrictions include many of our better educated and more responsible citizens—educators, business executives, professional persons, and Government officials. No proof is needed that the District of Columbia is uniquely subject to influx of people of this type.

The Council of State Governments has been engaged in a program since 1953 to encourage the States to lower residence requirements for voting in presidential elections. It is recognized that some period to become acquainted with local problems and issues may be desirable before voting for State and local officials, but merely moving across a State line should not influence the voter's choice, or affect his right to vote for President. Ohio now requires only 40 days' residence for new residents. In California, the period is 54 days and in Missouri it is 60 days. Wisconsin and Oregon allow new residents to vote in presidential elections if they meet other requirements and were qualified to vote in the States of their prior residence. Similar legislation was passed recently in New Jersey but was vetoed by the Governor upon advice that it violated the State constitution. As a result, the New Jersey Association of County Boards of Election petitioned the Congress to take action in this area.

A 1959 Gallup survey showed that three out of four American adults favor uniform State residence requirements for all general elections with 6 months as the maximum period.

Thus, there is a clear and worthwhile trend toward liberalization of residence requirements for voting in presidential elections. However, many of these obsolete requirements are built into State constitutions and cannot be easily remedied. For this reason, Senator KEATING and I favor a Federal constitutional amendment on this subject. But Congress can act now for the District of Columbia and it would be most unfortunate for Congress to ignore this trend to enfranchise our mobile population.

I believe that S. 1883, of which you are the principal sponsor, provides for a 90-day residence period. This is certainly adequate to guard against possible voting frauds and I hope it is favorably reported by the District Committee and enacted into law by the Congress.

I also hope the committee will recommend the establishment of the voting age at 18 in accordance with your bill and the President's recommendations. I am enclosing a copy of part I of the hearings of the Subcommittee on Constitutional Amendments, which contains statements by Senators KEATING and RANDOLPH and myself in support of lowering the voting age to 18. The national chairmen of both parties wholeheartedly endorsed 18-year-old voting at later hearings. Here, too, the District of Columbia should be in the forefront of the movement to broaden the franchise and end the unrealistic and unfair discrimination against our citizens between the ages of 18 and 21.

I also hope that your committee will not concur in the recommendation of the House District Committee which limits absentee voting to servicemen. Only five States have no absentee balloting procedure of any sort for civilians.

The American Heritage Foundation estimates that 5 million adults were unable to vote in 1960 because they were kept from the polls by illness, hospitalization, etc. Another 2,600,000 who were traveling were unable to obtain absentee ballots under their State's laws. According to a Gallup poll, 79 percent of the American people approve absentee ballots for travelers and 87 percent favor some legislation to make it easier for the ill, disabled, and hospitalized to vote by mail.

All States extend the privilege of absentee voting to members of the Armed Forces. There is no good reason why a civilian voter who is otherwise qualified should forfeit his ballot because he is physically unable to go to the polls on election day.

I urge your committee to recommend some provision for liberalized absentee balloting. You might specifically consider the approach of my own State of Tennessee where an absentee ballot may be used by any qualified voter, or the wife of any such voter accompanying her husband, who by reason of business, occupation, health, education, or travel, is required to be, or who expects to be absent from the county of residence on election day, or by reason of illness or physical disability is unable to appear at the polls on election day.

The battle to enfranchise the citizens of the District was long and difficult. The 23d amendment is a milestone for democracy, comparable to the amendments following the War Between the States, direct election of Senators, and women's suffrage. It would nullify this victory to a great extent for Congress to obstruct the ballot box with archaic voting laws.

Sincerely yours,

ESTES KEFAUVER,
Chairman.

Mr. KEFAUVER. However, Mr. President, I respectfully believe that in one important respect the bill reported falls short of the mark.

The President and the District Commissioners recommended a residence requirement of 90 days. However, the committee reported a provision requiring a full year of residence before voting in the presidential election. The Senator from New York [Mr. KEATING] and I feel, as evidenced by the constitutional amendment which we are supporting, and which has been approved by the Subcommittee on Constitutional Amendments, that 90 days is more than sufficient to accomplish the legitimate purpose of a residence qualification for voting in presidential elections.

Mr. President, I believe it should be pointed out again, as the Senator from New York [Mr. KEATING] has already noted, that in the Washington Post of this morning this proposal was highly commended in a thoughtful editorial, and I believe he has placed the editorial in the RECORD. It has been pointed out that persons who move into other counties, cities, or States would have to reside there for some time in order to learn the local problems and the candidates, in order to be able to vote intelligently; but that when persons move into the District of Columbia, whether they come from Alaska, from Tennessee, or from any other part of the country, it certainly does not make any difference where they have previously lived in the United States, insofar as voting in presidential elections is concerned, because regardless of where they previously had been living, they certainly would know the names of the presidential candidates, the parties under whose auspices they were running, and the issues they were sponsoring. Thus they would be able to vote as intelligently after living for only a short time in the District of Columbia as they would when living in the State from which they had come.

The Subcommittee on Constitutional Amendments was shocked, at its recent hearings on the Federal elections system, to learn of the great number of otherwise qualified American citizens who are barred from the ballot box in presidential elections by outmoded residence requirements for voting. The American Heritage Foundation estimates that 8 million adult Americans were disqualified in the 1960 presidential election by State, county, or precinct residence requirements. These requirements in the States have not kept pace with the requirements of 20th century America. Our population is increasingly mobile, as people move about the country to take advantage of new opportunities. Great business and industrial organizations freely move people about the country, as they progress within their organizations and as new divisions and branches are opened.

In the July 1960 issue of Good Housekeeping magazine, there appeared an article by Mr. Eugene Burdick, coauthor of "The Ugly American," entitled "The Iron Curtain Around the Ballot Box." Mr. Burdick discussed and illustrated very dramatically the effects which outmoded residence requirements have upon the citizens who are penalized by them. Referring to residence requirements, he stated:

Who are the people hurt by the invisible wall around the ballot box? In general, they are precisely the people who act in the best American tradition—those who have the gumption to pull up stakes and move to take advantage of new opportunities. William Whyte, author of "The Organization Man," the study of the business executive, has proved that the person who moves most often is usually in the higher income brackets. The authors of "They Went to College" have discovered that the higher the educational level of an individual, the more he will move about the country, seeking the best opportunities.

Mr. Burdick went on to consider the effects of depriving such people of their vote for such trivial reasons. Of course, the possible effect upon election results is an obvious consequence. However, the effect upon the citizens themselves is equally disturbing. Mr. Burdick stated:

It is not, however, the final result of the elections which causes sociologists and psychologists to be concerned. They are much more worried about the psychological damage to a citizen who is, time after time, denied the right to vote. Part of the American promise, a glowing part of our tradition, driven home to us from childhood, is that each of us can share in the shaping of our political life by casting a ballot. But for utterly trivial reasons we now find millions of citizens deprived of the right to vote.

Mr. President, I ask unanimous consent that Mr. Burdick's entire article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE IRON CURTAIN AROUND THE BALLOT BOX

(By Eugene Burdick)

Most States provide that ex-felons, insane persons, and noncitizens cannot vote in elections. This seems reasonable. But there is a huge group of people who are intelligent and sane, who have not been in prison, and who are citizens—but who cannot vote. They cannot vote for a single reason: They are mobile. No one thinks this is particularly reasonable, but no one is doing much about it. Meanwhile, there are a vast and steadily growing number of Americans who are currently disenfranchised.

Most States require that before you can vote, even for the President of the United States, you must have lived in your State, county, and voting district certain lengths of time. Usually the periods are 1 year in the State, 90 days in the county, and 30 days in the district, but they are much longer in some States. If you merely move across the street 30 days before an election, you can lose your right to vote. Only recently have we come to realize that this antiquated voting requirement is depriving a great many people of one of their most fundamental rights as citizens of the United States—that is, their right to vote.

Take the case of Jim Mainard as an example of how the system works. The name is changed, but the facts are true. Jim, 35 years old and a college graduate with an IQ of 132, is regarded by his corporation as a promising executive. His wife is also a college graduate, and they have three children. Jim was recently transferred from New York to California as the result of a promotion, which also raised his salary to $9,600 a year. The company plans for Jim to spend 2 years in Los Angeles and then to move to San Francisco and there take over management of its west coast headquarters.

The Mainards were unable to vote for the Governor and U.S. Senator and Congressman in California last year, and this year they will be unable to vote for the President of the United States—to say nothing of the possibility of a whole range of ballot propositions which could affect them very directly. The Mainards—to put it quite bluntly—have been disenfranchised.

"We have been moving around so much," Jim says, "that I haven't voted even once since I left college. To have been able to vote in New York, I would have had to have lived in the State 1 year, the county 4 months, and the district 30 days. I lived in the State 1 year all right, but I was on a training program which moved me from one branch of the company to another, each in a different county. Also, the company, like most large organizations, makes a point of moving you in the middle of the summer so that your children can start the school year without missing time. As a result, we

always arrived in the new county in August. This never gave us time to qualify for the 4 months' county residency before the November election rolled around."

Not only do most companies move their executive personnel during the summer, but in many large cities the fall is moving time. As a result, there is a great flow from the city to the suburbs and from one district within the city to another. Many of these people, unless they have taken elaborate precautions, have found themselves unable to vote when the next election came. This August, when Jim Mainard is transferred to San Francisco, he will again have to meet a county residency requirement in time to vote this year.

This is, you might say, an exceptional situation, one of the tiny, but unavoidable, cases that occur in a complex modern society. You would be wrong. Bureau of the Census abstracts and sociological studies indicate that somewhere between 5 and 10 million people move in the United States every year. Most of these mobiles, as they are called, will be unable to vote in the year they move. Indeed, it is quite possible that if these people were allowed to vote many State and even presidential elections would turn out differently. Scholars have noted, for example, that presidential elections are usually decided by very narrow margins. Even in the landslide choice of President Eisenhower in 1956, if 4 percent of the voters had voted differently, Adlai Stevenson might be President today.

It is not, however, the final result of the elections which causes sociologists and psychologists to be concerned. They are much more worried about the psychological damage to a citizen who is, time after time, denied the right to vote. Part of the American promise, a glowing part of our tradition, driven home to us from childhood, is that each of us can share in the shaping of our political life by casting a ballot. But for utterly trivial reasons we now find millions of citizens deprived of the right to vote.

Who are the people hurt by the invisible wall around the ballot box? In general, they are precisely the people who act in the best American tradition—those who have the gumption to pull up stakes and move to take advantage of new opportunities. William Whyte, author of "The Organization Man," the study of the business executive, has proved that the person who moves most often is usually in the higher income brackets. The authors of "They Went to College" have discovered that the higher the educational level of an individual, the more he will move about the country, seeking the best opportunities.

There are a substantial number of mobiles who do not fit this description, of course. This group is made up of migratory workers; workers in such seasonal jobs as lumber, construction, and dam building; drifters; and a sizable number of what we used to call hoboes. In general, these people, psychologists tell us, have little political interest and little political information. They seldom wish to register, and they seldom vote. However, there is considerable evidence that if there were a simple, understood manner of registration their political interest would be stimulated. It is altogether possible that they might be turned into active, participating citizens. We should, in any case, make the effort.

There is a third great group of Americans discriminated against by the present voting laws. This consists of the hundreds of thousands of loyal Americans who make their careers in the Army, Navy, Air Force, or Marine Corps or who spend several years in these branches of the Armed Forces as part of their military obligation. The theory is that a serviceman and his family will keep up political ties in their home State. The simple fact is that many career people never serve in their home State, know little or nothing of its politics, and, at the same time, are denied the right to vote in the localities in which they live. A revision or elimination of the residency laws would allow these people to enter the political life of the communities in which they are stationed.

Residency requirements grew out of the need to prevent rigged elections. Candidates used to organize their supporters like small armies, having them march from poll to poll and vote again and again, giving new name and address at each polling place. Some city machines began to import voters. For example, large numbers of voters were brought into Memphis from Arkansas, across the Mississippi River. These visitors voted and revoted in the city. In cities such as Philadelphia, it was not unusual to have 60,000 illegal votes cast in a single election. The only restraint on multiple and corrupt voting was the ability of the opposition to stop it. Voting, originally conceived as a right of every citizen, was becoming a right which was exercised in an atmosphere of guerrilla, rowdy, alcoholic warfare.

By 1890 most States were moving to correct these flagrant outrages through a registration procedure calling for a residency requirement, which stated that a voter had to have lived in the State, county, and district a set time. The residency requirement made sense for two reasons. First, it allowed voting officials to verify the voters by checking their names against the addresses. Second, it was reasonable to assume that it would take a new resident some time to learn the issues and personalities involved in State and local politics.

Today, however, the conditions which made fraudulent voting possible have almost completely disappeared. The big city boss, for example, no longer has great masses of newly arrived, politically ignorant immigrants to deploy and have vote as he sees fit. Voting officials have also developed sound techniques, along with a corps of people who understand them well. Today both the voting officials and representatives of the political parties watch elections like hawks, ready to pounce at the faintest sign of irregularity.

There are available any number of sensible procedures which would make it possible for newcomers to vote and which would still eliminate fraudulent voting. One ingenious possibility, among many, would take advantage of the rapidity and skill with which modern electronic machinery can handle cards and information. With this system, each newcomer would merely identify himself properly when he entered a new State. He would then be issued a voting license, which would indicate the district and county in which he lived. This information would be coded onto a card and kept in the State capital, along with separate cards for all other voters. At voting time the voter would receive a keyed card, which would tell him where to vote. A duplicate of the card would go to the designated polling place. When the voter moved out of the district or county, he would merely drop his "license" in the mail, indicating his new address, and the machines would automatically assign him to a new precinct. Such a procedure not only would be workable and avoid the ponderous registration procedures now effective in most States, but would, in all probability, be cheaper than the present system.

Today, moreover, it is no longer necessary for a person to have lived a year in a State before he understands its politics. In recent years we have developed our means of communication and education in enormous strides. If a person has been in a State a short time, he has had access to enough information on which to base a political decision—through newspapers, television, and radio, and through the activities of such nonpartisan organizations as the League of Women Voters. Also, all candidates and parties go to elaborate pains to put their programs before the voters.

There is every indication that American mobility will increase, rather than decrease, in the future. Air travel is getting even quicker and less expensive. Railways have developed family plans that make it easier to move cross country. The unrolling of the freeways across America is a constant invitation to the venturesome to strike out for new frontiers. Whole communities of trailers now dot the Nation. Around the cities are thick belts of suburban homes which are built, financed, and designed for a rapid turnover in occupancy. It has become almost effortless for a family to wind up its affairs, move a thousand miles, and set up a new home. The rotation and training plans of big corporations and Government agencies, the natural impulse of Americans to move on, the increased ease of moving—all assure sociologists that an increasing number of our population will become mobile.

The need for doing something to protect the voting rights of this growing number of mobile citizens is made more urgent by the fact that this year we will again vote for a President. If the voting laws remain unchanged, at least 5 million intelligent voters will be denied the privilege of casting their ballot.

This is not a party issue. The denied vote cuts across party lines. It is a national issue, and it is time something was done about it on a nationwide basis.

Mr. KEFAUVER. Mr. President, many have recognized the need for corrective legislation in the States, to remedy this disfranchisement of mobile Americans. Since 1952, the Council of State Governments has been working within the States to secure liberalized residence requirements for presidential elections. It is generally recognized that some period of time within a State may be logically required before voting for local officials; but the President of the United States represents all the people of the United States, and a person's intelligent choice for President is not likely to be affected merely by moving from one State to another. At this point, let me emphasize that we are dealing for the District of Columbia with an election which will be exclusively presidential. The unfairness resulting from State residence requirements is caused by the fact that in most States no distinction is made between presidential and local elections. The residence requirement for State and local officials, therefore, applies in presidential elections. The Congress, in legislating for the District of Columbia, will have no such excuse if it adopts an unfair and unreasonable residence requirement.

As a result of efforts at the State level, a clear but slow trend has developed to alleviate this inequity. Since the Council of State Governments began its efforts, Missouri has adopted a 60-day requirement for new residents to vote in presidential elections. California has adopted a 54-day residence period, and Ohio a 40-day period. Wisconsin and Oregon allow new residents to vote in presidential elections if they are otherwise qualified to vote and if they would have been qualified to vote had they remained in the States from which they moved. As a result, a new resident in Wisconsin need be present only 10 days before the election, in order to register

before the election books are closed. Connecticut has adopted a sort of reverse approach, by allowing a voter who moves from Connecticut to continue to vote there by absentee ballot for as long as 2 years if he does not become qualified to vote under the residence requirements of another State.

The PRESIDING OFFICER (Mr. PELL in the chair). The 10 minutes yielded to the Senator from Tennessee have expired.

Mr. KEFAUVER. Mr. President, will the Senator from Nevada yield additional time to me?

Mr. BIBLE. I yield the Senator from Tennessee 2 minutes of the time under the control of the Senator from New York—inasmuch as I am running out of time.

Mr. KEFAUVER. Then, Mr. President, since I am associated with the Senator from New York in connection with this amendment, I yield myself 2 minutes.

Mr. BIBLE. Very well.

The PRESIDING OFFICER. The Senator from Tennessee may proceed for an additional 2 minutes.

Mr. KEFAUVER. Mr. President, the Congress should do no less for citizens of the District of Columbia than these progressive States have done for their citizens. It will be a great blow to this worthwhile movement for the Congress to take a backward step for the District by adopting a 1-year residence requirement. I understand that proposed legislation is pending in several other States which will follow this lead. Unfortunately, some State constitutions are a barrier to correction of residence requirements by legislative action. The Congress has a unique opportunity in legislating for the District, since we are starting afresh without the obstacle of any constitutional prohibition. We should seize our opportunity to set an example for the States in this vitally important area. Toward this end, I urge adoption of the amendment proposed by the Senator from New York [Mr. KEATING] and myself.

Mr. BIBLE. Mr. President, I yield myself such time as may be required to respond to the arguments presented by the Senators from New York and Tennessee.

The question of length of residence to be required in voting for President and Vice President was very carefully and exhaustively considered by our full committee. As a result of that deliberation, the full committee by a vote of 6 to 1 agreed that the residence period should be 1 year.

I think I should point out that in the United States today 35 States require a 1-year residence, 12 States require a 6 months' residence, and 3 States still require a 2-year residence. There have been arguments in practically every constitutional convention called in each of the various States over the years as to what the length of residence should be. I think one of the last indications came from the most populous State, New York, where, in 1938, the constitutional convention adopted a 1-year residence requirement for voting for President and Vice President.

In making their comment, the convention did it very briefly and succinctly. They stated:

> The question of residence requirements has been argued in every constitutional convention. It has been a question of adopting them as much as possible to the convenience of the legitimate voter, without letting down the barriers against fraud.

I would say, in this connection, in arriving at the residence requirement of 1 year, the committee was motivated by the fact that this would be the first time in the entire history of our Nation that residents of the District of Columbia would be allowed to vote for President and Vice President.

I think it should also be pointed out that the residents of the District of Columbia have not voted for almost 90 years. Some 90 years ago, in 1865 or 1870, they did elect a mayor and council. They have never exercised the right of franchise in the District of Columbia to vote for President and Vice President. They have never had that right, and in the case of some elective officials they have not had that right for 90 years.

It was felt that since this was to be a new experiment and experience in the District of Columbia—strengthened, of course, by the adoption of a constitutional amendment—it would be wise to be a little cautious in adopting the residence requirement.

In addition to those reasons, I think it can well be said that the present law, which permits the selection of delegates to national conventions and permits the people of the District of Columbia to vote for national committeemen and committeewomen, delegates, and alternates, from the District of Columbia, prescribes a 1-year residence.

This is the experience the people of the District of Columbia have had. I think we have moved considerably in the direction indicated by the Senators from New York and Tennessee in the adoption of the so-called Miller amendment when we completed our deliberations last Friday evening. The Miller amendment was adopted after experience in a number of the States which the Senator from Tennessee has mentioned. In those cases, where one was qualified in the State of Tennessee, for example, or in the State of New York, or in my own State of Nevada, to vote, and later moved into the District of Columbia and was a resident short of the 1-year period of time, upon a certification from the proper officer—I presume the county clerk of the county in which he was registered or the registrar of the county in which he was registered in any one of those three States—to the registrar in the District of Columbia, with the further affidavit that he did not intend and would not vote elsewhere, the registrar in the District of Columbia would be permitted to allow that particular individual to vote in the District of Columbia.

This seems to be a trend in the right direction. If my memory is correct, five States have written such a provision into their statutory law. Two other States have a somewhat modified procedure, in order to avoid the very criticism the two Senators have been making about the vast number of people in the United States who, come election day, find themselves without the right of franchise.

I think we have gone a long, long way, in the bill that is now before the Senate, in an attempt to take care of this very situation in the adoption of the so-called Miller amendment.

Reference was made to the liberalization of the absentee voter provision. I could not agree more with the Senator from Tennessee in his observations on that score. I felt the bill as it came to the Senate was too restrictive in that connection and permitted only those in the military service to vote in absentee ballots. It did not take care of people who might be ill on election day, who might be engaged in pursuits elsewhere and who had to be absent from the city, particularly those in the transportation industry.

The Senate version contains what I believe is a liberalization in the exercise of the very important privilege of exercising the franchise by means of an absentee voter's ballot.

As I have said, the 1 year's residency requirement was carefully analyzed by the committee. We felt the decision which was made by the committee was one that not only conformed with the great majority of the requirements of the other States, but here, where it was being used in the initial voting experiment in the Nation's Capital, it was a wise safeguard. When read in connection with the Miller amendment, I believe it is a sound, workable, and fair requirement as to residence.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. BIBLE. I am delighted to yield to the distinguished Senator from Tennessee.

Mr. KEFAUVER. I think the Miller amendment is some improvement, all right, but the trouble with the amendment is that it discriminates against some people, according to the States they come from. As I recall, the Miller amendment provides that if a citizen is otherwise qualified in the State he came from, he could vote in the District of Columbia without waiting a year.

Mr. BIBLE. That is correct.

Mr. KEFAUVER. The trouble is that, if the 18-year-old provision is adopted, and a citizen came from a State which had a requirement that a voter be 21 years of age, he would not be able to vote in the District of Columbia without waiting for the full year. If he came from the State of Georgia, where there is an 18-year-old requirement, or from other States with a similar requirement, then he could vote in the District of Columbia. So there would be discrimination against citizens from States that had other requirements from what we are going to adopt for the District of Columbia. Is that correct?

Mr. BIBLE. I think the statement is partly correct, but not entirely correct, because there are only four States which have an age requirement of under 21 years for voting. Georgia and Kentucky have an 18-year-old provision.

The States of Alaska and Hawaii have a requirement of 19 and 20 years of age, respectively. In any event, if the amendment of the Senator from New York and the Senator from Tennessee was to be adopted, the voting age requirement would not be changed. It would simply go to the question of residence.

My analysis is: First, that a year's requirement is a sound, safe, and workable requirement; second, if a citizen is qualified in any State, he can qualify in the District of Columbia. As a practical matter, this argument would go only to those States that have different requirements.

Mr. KEFAUVER. Under the Miller amendment, if the voting requirement were an age of 21 in the State from which the citizen came, or if the voter were required to pay a poll tax, the citizen would not be permitted to vote in the District of Columbia until he waited 1 year. He would not be permitted to vote unless he had paid a poll tax in the State from which he came, if the State required the payment of a poll tax.

Mr. BIBLE. I think the citizen would have to be qualified in the State from which he came. By the same token, the amendment of the Senator from Tennessee and the Senator from New York relates to a question merely of residence and not of age.

Mr. President, how much time do I have remaining on the amendment?

The PRESIDING OFFICER (Mr. PELL in the chair). The Senator from Nevada has 20 minutes remaining.

Mr. BIBLE. Mr. President, I reserve the remainder of my time and I yield to the distinguished Senator from Mississippi [Mr. STENNIS] who wishes to call up a conference report, which is of course a privileged matter.

MILITARY CONSTRUCTION APPROPRIATION BILL, 1962—CONFERENCE REPORT

Mr. STENNIS. Mr. President, I submit a report of the committee of further conference on the disagreeing votes of the two Houses on the amendment of the Senate No. 2, and the amendment of the House thereto, to the bill (H.R. 8302) making appropriations for military construction for the Department of Defense, for the fiscal year ending June 30, 1962, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. STENNIS. Mr. President, the conferees have submitted a unanimous report. All items in the bill heretofore have been approved by the House and the Senate except the one relating to Natick, Mass. This has been settled and agreed to on the amount being kept in the appropriation bill. The Senate amendment will prevail.

Mr. President, I ask unanimous consent to have an explanation printed in the RECORD at this point.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

The conferees have approved $3,812,000 for the Quartermaster Research and Development Center, Natick, Mass., as proposed by the Senate with the understanding that no part of these funds shall be obligated until specific approval has been obtained from the Committees on Appropriations of the House of Representatives and the Senate. Prior to requesting such approval the Secretary of Defense is expected to conduct a fair and impartial study of the proposed move of the Food and Container Institute from Chicago, Ill., to the Quartermaster Research and Development Center, Natick, Mass. Detailed analysis should be made of other possible solutions to the provision of adequate facilities for the Food and Container Institute including continuation of this function in the Chicago area at the present site or other locations that might be available from governmental or private sources. Adequate time should be allowed for the proper presentation and impartial analysis of proposals from responsible interested groups in the Chicago area.

Mr. STENNIS. Mr. President, I ask unanimous consent to have printed in the RECORD a table setting forth the appropriations for military construction, Department of Defense, for fiscal year 1962.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Appropriations for military construction, fiscal year 1962, showing 1961 appropriations, 1962 estimates, and congressional action

Amendment No.	Title	Appropriations, 1961	Budget estimate, 1962	House action	Senate action	Senate compared with—		Conference action
						Budget estimate	House	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Military construction, Department of Defense		$27,000,000	$15,000,000	$27,000,000		+$12,000,000	$27,000,000
	Loran stations, Department of Defense	$19,000,000	10,000,000	10,000,000	10,000,000			10,000,000
2	Military construction, Army	148,407,000	194,977,000	147,450,000	176,512,000	−$18,465,000	+29,062,000	157,934,000
3	Military construction, Navy	162,519,000	205,211,000	181,387,000	201,259,000	−3,952,000	+19,872,000	192,278,000
4	Military construction, Air Force	609,501,000	560,380,000	479,522,000	539,243,000	−21,137,000	+59,721,000	498,346,000
5	Military construction, Army Reserve	16,038,000	13,000,000	13,000,000	14,381,000	+1,381,000	+1,381,000	14,381,000
	Military construction, Naval Reserve	4,000,000	7,000,000	7,000,000	7,000,000			7,000,000
6	Military construction, Air Force Reserve	4,000,000	4,000,000	4,000,000	4,608,000	+608,000	+608,000	4,608,000
7	Military construction, Army National Guard	17,540,000	12,000,000	12,000,000	21,868,750	+9,868,750	+9,868,750	21,868,000
8	Military construction, Air National Guard	13,850,000	14,000,000	14,000,000	18,275,000	+4,275,000	+4,275,000	18,275,000
	Total	994,855,000	1,047,568,000	883,359,000	1,020,146,750	−27,421,250	+136,787,750	951,690,750

Mr. STENNIS. Mr. President, unless there are questions, that completes my explanation of the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

ELECTIONS IN THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (H.R. 8444) to amend the act of August 12, 1955, relating to elections in the District of Columbia.

Mr. BIBLE. Mr. President, I am prepared to yield back the remainder of my time, and I think the Senator from New York is prepared to do likewise, but before doing so I wish to suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator yield back his remaining time?

Mr. BIBLE. I reserve the remainder of my time.

The PRESIDING OFFICER. Then the Senator must request unanimous consent to suggest the absence of a quorum. Otherwise the time necessary for the call of the roll will be taken from the time allotted to the Senator.

Mr. BIBLE. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum and that the time necessary for the call of the roll not be charged to either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada? The Chair hears none, and it is so ordered.

Mr. BIBLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. BIBLE. Mr. President, I yield back the remainder of my time.

Mr. KEATING. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time for debate has been yielded back. The

question is on agreeing to the amendment of the Senator from New York [Mr. KEATING]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Colorado [Mr. CARROLL], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. HICKEY], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], and the Senator from Oregon [Mrs. NEUBERGER] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Colorado [Mr. CARROLL]. If present and voting, the Senator from Louisiana would vote "nay" and the Senator from Colorado would vote "yea."

On this vote, the Senator from Wyoming [Mr. HICKEY] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Wyoming would vote "nay" and the Senator from Oregon would vote "yea."

I further announce that, if present and voting, the Senator from North Dakota [Mr. BURDICK], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Missouri [Mr. LONG], the Senator from Utah [Mr. MOSS], and the Senator from Oregon [Mrs. NEUBERGER] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. SCHOEPPEL] are absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Connecticut [Mr. BUSH] is absent by leave of the Senate to attend the conference of the International Monetary Fund and World Bank in Vienna.

The Senator from Maryland [Mr. BUTLER], the Senator from Kansas [Mr. CARLSON], and the Senator from Wisconsin [Mr. WILEY] are detained on official business.

If present and voting, the Senator from Colorado [Mr. ALLOTT] and the Senator from Kentucky [Mr. MORTON] would each vote "nay."

The result was announced—yeas 28, nays 49, as follows:

[No. 211]

YEAS—28

Bartlett	Church	Gore
Boggs	Clark	Hart
Case, N.J.	Dodd	Hruska
Case, S. Dak.	Douglas	Humphrey
Javits	McNamara	Scott
Keating	Metcalf	Smith, Mass.
Kefauver	Muskie	Williams, N.J.
Kuchel	Pell	Williams, Del.
Long, Hawaii	Proxmire	
McCarthy	Randolph	

NAYS—49

Anderson	Hickenlooper	Prouty
Beall	Hill	Robertson
Bennett	Holland	Russell
Bible	Jackson	Saltonstall
Byrd, Va.	Johnston	Smathers
Byrd, W. Va.	Jordan	Smith, Maine
Cannon	Kerr	Sparkman
Capehart	Lausche	Stennis
Cooper	Long, La.	Symington
Dirksen	Magnuson	Talmadge
Dworshak	Mansfield	Thurmond
Eastland	McClellan	Tower
Engle	McGee	Yarborough
Ervin	Miller	Young, N. Dak.
Fong	Monroney	Young, Ohio
Fulbright	Mundt	
Hayden	Pastore	

NOT VOTING—23

Aiken	Chavez	Long, Mo.
Allott	Cotton	Morse
Bridges	Curtis	Morton
Burdick	Ellender	Neuberger
Bush	Goldwater	Moss
Butler	Gruening	Schoeppel
Carlson	Hartke	Wiley
Carroll	Hickey	

So Mr. KEATING's amendment was rejected.

Mr. BIBLE. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEATH OF FORMER SENATOR MON C. WALLGREN, OF WASHINGTON

Mr. MAGNUSON. Mr. President, it is with deep personal sadness that I announce the death of a distinguished former Member of this body, the Honorable Mon C. Wallgren, of the State of Washington. The distinguished junior Senator from Washington [Mr. JACKSON] and I have lost a close friend, as have many other Members of this body who served with Senator Wallgren.

Senator Wallgren had a distinguished career in American politics. He served as an able Member of the House of Representatives for 4 terms. He was elected to the Senate in 1940. In 1944, he decided to run for Governor of the State of Washington and was elected. He distinguished himself in all three positions.

Senator Wallgren was a member of the famous Truman committee. With his service on that committee began his long personal friendship with Senator Truman, who afterward became President of the United States.

After serving a term as Governor of the State of Washington, Mr. Wallgren was called upon by the President of the United States to serve as Chairman of the Federal Power Commission.

During all that time, I had the privilege of working practically alongside Senator Wallgren during his many political campaigns and political battles throughout his distinguished career both in Congress and as Governor of my State.

One could point to many accomplishments both in my State and throughout the Nation in which Senator Wallgren played a prominent part as a sponsor; but I suppose he will be remembered in the State of Washington longer than any other person, perhaps, because of his help and encouragement of President Franklin D. Roosevelt in creating the majestic Olympic National Park. I remember that at the dedication of the park by Franklin D. Roosevelt, the former President suggested that perhaps the park should be named the Wallgren National Park instead of the Olympic National Park.

I could name many other achievements and accomplishments which were a part of this distinguished American's career. He was a fighter for the things in which he believed; yet he was a friend of those with whom he disagreed. Senators who are present today and who served with Senator Wallgren will, I believe, agree with me when I say that he was one of the best liked Members of the Senate. I know of no one who harbored any malice toward Mon Wallgren.

Senator Wallgren had always been in good health. However, he suffered a serious accident a few weeks ago from which he did not recover, although some of us thought he might. I grieve at his loss because I considered him one of my closest friends.

To his most charming and devoted wife, Mabel, who was at his side when he died, and who also is very ill, and who also is a good friend of Senator JACKSON's and myself, I offer my deepest sympathy.

The funeral of Senator Wallgren will be held in his hometown of Everett, Wash., on Thursday afternoon, at the Trinity Episcopal Church.

I regret that it will not be possible for me to attend the funeral of my dear friend. However, I feel certain that if Senator Wallgren could speak now, he would suggest that my colleague from Washington and I remain here and do for the State of Washington and the Nation the kind of work which he did so well.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article relating to the death of former Senator Wallgren, published in the New York Times of today, September 19, 1961. The article is significant of the national standing of Senator Wallgren and is evidence of his great public career.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MON WALLGREN, EX-SENATOR, DIES—GOVERNOR OF WASHINGTON, 1944–48, LED FPC

OLYMPIA, WASH., September 18.—Mon C. Wallgren, former Democratic Governor of Washington, U.S. Senator and Representative, died in a hospital tonight. He was 70 years old.

Mr. Wallgren had been in the hospital for injuries sustained July 8 in an automobile accident. He suffered a relapse early today.

Several bones had been fractured in Mr. Wallgren's legs. His right leg was amputated and his left was placed in a cast.

IN POLITICS 20 YEARS

Mr. Wallgren went into politics during the national Democratic landslide of 1932 and stayed in for nearly 20 years.

Born in Des Moines, Iowa, he was named Monrad Charles. After moving with his

parents to Galveston, Tex., and then to Everett, Wash., he graduated from the Washington State School of Optometry in 1914. He practiced optometry for a time and helped in his father's jewelry and watch-repair business.

He enlisted as a private during World War I and was discharged as a lieutenant. He subsequently became active in civic affairs and in 1932 he ran for the U.S. House of Representatives seat from Washington's Second Congressional District. He won handily, becoming the first Democrat ever elected from the district.

He was reelected in 1934, 1936, and 1938. While in Congress, he quickly made a reputation as a soft-spoken New Dealer and, like many of his Western colleagues, a stanch advocate of the development of public power facilities.

Mr. Wallgren's chief legislative triumph during these years was the act creating a new national park on Washington's Olympic Peninsula, over the heavy opposition of the lumber interests.

In 1940, he decided to run for the U.S. Senate. After defeating Eric Johnston, then a chamber of commerce official and now president of the Association of Motion Picture Producers, in the Democratic primary, he won the election from his Republican opponent by 62,000 votes.

ON TRUMAN COMMITTEE

One of the committees he served on in the Senate was the special Senate committee investigating contracts under the national defense program (the Truman committee, headed by then Senator Harry S. Truman). This led to a lifetime friendship with Mr. Truman.

In 1944, Mr. Wallgren resigned to run for Governor against the Republican incumbent, Arthur B. Langlie, and won by 22,000 votes.

During his administration, Mr. Wallgren was credited with modernizing the State's school system, introducing a comprehensive Forest Act to check exploitative practices and developing model flood-prevention and soil-conservation programs. However, when he ran for reelection in 1948, he was defeated by Mr. Langlie.

Soon afterward, President Truman announced that he was nominating Mr. Wallgren for Chairman of the National Security Resources Board. This touched off a heated congressional battle.

The Senate Armed Services Committee, prompted by Senator Harry B. Cain, Republican, of Washington, decided that Mr. Wallgren lacked the necessary industrial experience for the job and refused to approve the nomination.

Mr. Truman withdrew the nomination, declaring publicly that his faith in Mr. Wallgren remained "undiminished." However, Mr. Truman named his friend as a member of the Federal Power Commission and the Senate approved. Mr. Wallgren later was named Chairman of the Commission, and he retired in 1951.

Mr. Wallgren, a tall, well-built man with clear blue eyes, was among other things, expert at billiards and at telling Swedish-dialect stories.

Mr. JACKSON. Mr. President, I wish to associate myself with the remarks of my able and distinguished senior colleague from Washington.

Mon Wallgren came from my hometown of Everett, Wash. I had the privilege of knowing him all my life. He was born in Iowa. When he was a young child, his family moved to Galveston, Tex., where he lived for 2 or 3 years. In 1901, the family was washed out in the great Galveston flood. They then moved to the State of Washington, where Mon Wallgren grew up and spent his formative years in Everett.

He served in World War I. After his return from service, he resumed his retail jewelry business in Everett.

He was the first member of his party to be elected to Congress from the Second Congressional District of the State of Washington. I had the honor of succeeding him in that office. He was the first man in the history of our State to have served in the U.S. House of Representatives, the U.S. Senate, and as Governor.

Following his service as Governor, he served as Chairman of the Federal Power Commission. In recent years, he had been engaged in business in California and in the State of Washington.

Mon Wallgren was a warm and friendly man. Everyone who was associated with him knew of his fine character and his devotion to public service.

As my senior colleague has stated, Mon Wallgren's great contribution in Congress was in the field of resource development. He, more than anyone else, was responsible for the creation of the Olympic National Park.

He worked closely, in the initiation of the Grand Coulee Dam and the development of irrigation in the Columbia River Basin.

Mon Wallgren was a distinguished citizen of the State of Washington. All of us, who knew him personally will miss his presence.

I extend to his wife, Mabel, and to the other members of his family, my deepest sympathy.

Mr. SYMINGTON. Mr. President, will the Senator from West Virginia yield to me?

Mr. RANDOLPH. I yield 2 minutes to the Senator from Missouri.

Mr. SYMINGTON. I should like to associate myself with the remarks of the distinguished Senators from the great State of Washington. I have known Governor Wallgren for many years. He was a close and dear friend. To know him was to love him. He was one of the most delightful persons who ever lived. Like former Vice President Barkley, Mon Wallgren covered much of his wisdom by the brilliance of his intellect and his humor. Basically he was a great American. My wife and I wish to extend our deep sympathies to his family on the passing of this great American.

Mr. YOUNG of Ohio. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield 1 minute to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, years ago, on the first day I commenced service in the House of Representatives, I became acquainted with Mon Wallgren. Over the years he was my close personal friend. I desire to attest my devotion to this great American and to associate myself with the remarks made by other Senators today. Mon Wallgren had a fine record of public service. In his lifetime he enjoyed the friendship and respect of another great American, former President Harry S. Truman, who appointed him as a member of the Federal Power Commission. Mon Wallgren was a dedicated public servant. He was a most personable and kindly man. He will be missed by all of us who knew him and who were privileged to enjoy his friendship.

I feel that the State of Washington and the entire Nation which he served so outstandingly have lost a fine citizen whose career was truly that of a great American public servant.

Mr. MANSFIELD. Mr. President——

Mr. RANDOLPH. I yield 1 minute to the majority leader.

Mr. MANSFIELD. Mr. President, I wish to join my colleagues from the Northwest, the distinguished Senators from Washington [Mr. MAGNUSON and Mr. JACKSON], the distinguished Senator from Missouri [Mr. SYMINGTON], the distinguished Senator from Ohio [Mr. YOUNG], and other Senators who have spoken on the passing of Mon Wallgren.

Mon Wallgren was a Governor of the State of Washington, a Representative in the National House of Representatives from the State of Washington, and a Senator of the United States from the State of Washington. In those capacities he was well known and well liked in Montana. Our contacts with Mon Wallgren were close and intimate. He was always helpful to us when we needed help, and he was a real public servant of the Northwest.

I wish to extend to his family the deep regret of Mrs. Mansfield and myself. I desire to say to them that we greatly sympathize with them in their loss, and that we shall miss him greatly.

Mr. RANDOLPH. Mr. President, it was my privilege to serve in the House of Representatives with Mon Wallgren. I am greatly saddened at the news of his passing. I associate myself with the sentiments so genuinely expressed, first by the able and distinguished Senators from the State of Washington, and subsequently by many other Members of this body.

I recall well, as do all those who served with Mon Wallgren in the House of Representatives, his quality of kindness, and yet on occasion his firmness. He always had a sincere desire to approach legislative matters from an affirmative and objective viewpoint.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 221. An act to amend section 4071 of the Internal Revenue Code of 1954;

H.R. 7859. An act to amend the Internal Revenue Code of 1939 to provide a credit against the estate tax for Federal estate taxes paid on certain prior transfers in the case of decedents dying after December 31, 1947; and

H.R. 8652. An act relating to the income tax treatment of certain losses sustained in converting from street railway to bus operations.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H.R. 221. An act to amend section 4071 of the Internal Revenue Code of 1954;

H.R. 7859. An act to amend the Internal Revenue Code of 1939 to provide a credit against the estate tax for Federal estate taxes paid on certain prior transfers in the case of decedents dying after December 31, 1947; and

H.R. 8652. An act relating to the income tax treatment of certain losses sustained in converting from street railway to bus operations.

ELECTIONS IN THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (H.R. 8444) to amend the act of August 12, 1955, relating to elections in the District of Columbia.

Mr. RANDOLPH. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 11, beginning with "(E)" on line 22, it is proposed to strike out all through the period on line 2, page 12, and insert in lieu thereof the following:

(E) who, for the purpose of voting in a presidential election under this Act, has resided in the District for the six-month period ending on the day of the presidential election, or for the purpose of voting in any other election held pursuant to this Act, has resided in the District for the twelve-month period ending on the day of such election.

Mr. RANDOLPH. Mr. President——

Mr. BIBLE. Mr. President, will the Senator from West Virginia yield briefly to me?

Mr. RANDOLPH. I yield.

Mr. BIBLE. Mr. President, the Senator has indicated that he will request the ordering of the yeas and nays on the question of agreeing to his amendment.

Mr. RANDOLPH. Yes, I will.

Mr. BIBLE. In view of the present attendance of Senators, perhaps we can have the yeas and nays ordered now.

Mr. President, on the question of agreeing to the amendment of the Senator from West Virginia, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. BIBLE. I thank the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the pending amendment is a subject on which I spoke briefly in remarks in this forum last week—that subject being, of course, the residence requirement for voters within the District of Columbia in the exercise of their responsibility and privilege in voting for President and Vice President of the United States. Notwithstanding the colloquy which transpired on this subject last Friday, September 15, I still advocate a residence requirement shorter than 1 year.

With all respect to the diligent and generally laudable deliberations of the Senate District of Columbia Committee, the recommended residence requirement of 1 year seems inconsistent with the other more modern provisions of the pending measure. On the subject of the residence requirement, the committee has invoked in support of its recommendation the fact that 35 other States have such provisions; and the junior Senator from Iowa [Mr. MILLER] stressed the importance of this matter in connection with the committee decision when he stated in debate, last Friday:

It was pretty generally accepted that the 1-year requirement was a reasonable requirement, particularly in view of the fact that 35 other States have the same requirement.

I would respectfully note, Mr. President, that this logic was abandoned when the committee recommended a voting age of 18 and above, while 46 States retain the age 21 limitation.

I would further observe that the committee decision begs the question. When one is confronted with the task of stipulating modern voting regulations which are relevant to the habits of a mobile population, it is hardly the soundest logic to justify one's decision by reference to regulations established in the 19th century and the early decades of this century.

The validity of my objection is strengthened, I believe, when we consider the difficulties of amending the constitutions of many of our States. In this respect, I would suggest that the fact of the existence of such residence requirements is no assurance that they serve the needs of the democratic process or that they would be approved by the electorate if it were less difficult to alter them.

The amendment offered by the thoughtful junior Senator from Iowa [Mr. MILLER] has genuine merit, and it would enfranchise those with less than a year's residence who have been qualified voters in another jurisdiction. But it does not touch upon the problems of young persons who have never qualified, nor does it address the problems of persons who have moved to the District from other States which may have more stringent voting regulations.

Therefore, I offer the amendment that residence requirements for voting in presidential elections in the District of Columbia be established at 6 months, a period which is, I believe, consistent with the increasing mobility of our populations, but which still retains a sufficient waiting period to impress the voter with the significance of presidential elections. It would seem appropriate in this regard, as in the matter of voting age, that the District of Columbia would be in the vanguard of those States and jurisdictions which have adopted truly 20th century voting regulations.

Mr. BIBLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BIBLE. How much time remains to the Senator from West Virginia and how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nevada has 30 minutes remaining on the amendment; the Senator from West Virginia has 10 minutes.

Mr. BIBLE. I shall speak very briefly in opposition to the amendment of the Senator from West Virginia.

It seems to me the same basic reasons which I gave in my colloquy with the Senator from Tennessee and the Senator from New York apply with equal force to the argument made by the Senator from West Virginia. Let me run down those arguments very briefly.

I think we by now have made it abundantly clear that 35 States have a 1-year residence requirement. I think we have also made it clear that three States have a 2-year residence requirement. I think it is equally clear that 12 States have a 6 months' residence requirement.

I think it is significant that here in the District of Columbia this will be the first time in their entire history that they have ever voted for a President and Vice President. They have never exercised the right of franchise for nearly 90 years. This is a new experience, a long overdue experience to the disenfranchised voters in the District of Columbia, and I think it should be approached on the cautious side.

I would also add this: A few years ago a law was passed enabling residents of the District of Columbia to vote for national committeemen and national committeewomen, delegates, and alternates to the national conventions. This law, which is now on the statutes of the United States and governs residence requirements in the District of Columbia, prescribes a 1 year's residence.

I point out, just as I did earlier, this question had the thoughtful consideration of the committee. By a vote of six to one, a 1-year residence requirement was voted out of the committee. I think it is workable. I think it is sound. I think, particularly when read in connection with the helpful amendment of the distinguished Senator from Iowa [Mr. MILLER], who is now present on the floor, this bill makes a fine election measure in the case of voting for President and Vice President, as residents of the District of Columbia will be allowed to do under this implementing legislation. The proposal implements the 23d amendment of the Constitution.

I am prepared to yield back my time.

Mr. PROXMIRE. Mr. President, will the Senator yield for a question?

Mr. BIBLE. I yield for a question.

Mr. PROXMIRE. Is it not true that this amendment simply provides that where a person was qualified to vote for President and Vice President in another State, by reason of residence requirements, and so forth, and he comes to the District of Columbia and lives in the District of Columbia for 6 months, he will be qualified to vote for President and Vice President in the District of Columbia after living here 6 months?

Mr. BIBLE. Does the Senator from Wisconsin allude to the Miller amendment or to the Randolph amendment?

Mr. PROXMIRE. I allude to the Randolph amendment.

Mr. BIBLE. That amendment requires a 6 months' residence. That is correct.

Mr. PROXMIRE. This amendment would not affect the people who, as the Senator from Nevada has stated, have lived in the District for years and have never voted, because those people would not be able to vote, anyway. It would be only those who had lived in Iowa, Idaho, and certain other States, who came to the District of Columbia and lived here for 6 months, who would be able to vote. The others still would be disfranchised because they had not lived here for the full 1 year.

Mr. BIBLE. There is an alternate in the amendment. For example, if a person lived in the State of Wisconsin, which I believe has a requirement——

Mr. PROXMIRE. In Wisconsin we have a 30 days' residence requirement for voting for the President, but a 1-year requirement for voting for other officials.

Mr. BIBLE. If a person was qualified under the laws of the State of Wisconsin and came into the District of Columbia, under the Miller amendment, and if he carried with him a certificate from the registrar or the proper officer in the county or precinct in Wisconsin, and presented it to the registration official in the District of Columbia, he would be entitled to vote in the District of Columbia, regardless of the fact that he had not lived here for a year, or 6 months, or 3 months, because the Miller amendment provides any period less than 1 year.

Mr. PROXMIRE. If that person were a Negro from a Southern State who had not been able to vote in that State and he came into the District of Columbia, he obviously would not be able to have such relief; but if he were a white person from a Northern State who had been able to vote, he would be able to vote in the District of Columbia.

Mr. BIBLE. I would not analyze it as to a particular specific situation, but I think the amendment generally qualifies a person who was qualified under the laws of the State from which he came.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. MILLER. Much of what the distinguished Senator from West Virginia has said is undoubtedly true. It is a matter of where to draw the line. I do not think this involves a question of whether this is the 20th century or whether we are talking about the horse-and-buggy days, so far as residence requirements are concerned. We are talking about proof. The problem is how to prove or disprove how long a person has been a resident in a jurisdiction. The amount of proof necessary would ordinarily be much easier to sustain if there were a 1-year requirement, compared to 30 days. It would be easier to sustain if the requirements were for 6 months instead of 30 days.

Thirty-five States have decided that 1 year is a period which gives rise to reasonable proof and is a pretty good standard. To that extent I do not think it makes any difference whether we are dealing with 1961 or whether some of the residence requirements were legislated in 1900. It is all a matter of proof.

What I object to is not covering the gap provided by current mobility. That was the purpose of my amendment. I like to think the trend is such that in the years ahead we shall find many States, particularly as they look at the District of Columbia election law, providing similar requirements.

I look forward to the day when many States will have similar provisions, using the District of Columbia law as a model and as a standard, to cover the mobility of at least most people.

I do not think we should lose sight of the importance of proof. I am sure I do not need to remind any Senator of the fact that over the years evidence has been disclosed of voting frauds, of people who have voted in one jurisdiction in the morning and in another jurisdiction in the afternoon. When the prosecution of such people is attempted, often it is difficult to prove a person did not reside in one place 30 days or 60 days, or in some other place 30 or 60 days. When there is a 1-year period of residence required, the standard is better.

I would take exception to the logic or to the arguments of my good friend from West Virginia on that point. As I have said, many of the other things he pointed out in his remarks are quite true.

I think this involves the matter of proof. The 1-year provision should be adhered to, particularly since it is recognized by 35 States as being a reasonable period.

Mr. BIBLE. Mr. President, I yield 3 minutes to the Senator from Illinois [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. President, I voted for the Keating amendment. It is my intention to vote for the Randolph amendment. I think this is one opportunity the Federal Government has to try to remove one of the great barriers to voting in this country and to prevent the virtual disfranchisement of millions of people.

About 5 million people cross State lines each year, yet voting provisions are cumulative. Voting authority is claimed by each State. The general provision is that one must be a resident of a State for a year and, in addition, one must be a resident of a county for varying periods of time from 3 months to 6 months, and a resident of a precinct for 30 days. If one moves from one precinct to another, in many States, one loses his right to vote for county officials, for State officials, and even for the President of the United States.

It is very difficult to disentangle these qualifications which, as I say, are cumulative in nature.

In the District of Columbia we shall have an election solely national in character, not local in character. It seems to me we should provide for mobility of people. These people have been citizens of the United States throughout their lives. They would have been eligible to vote had they stayed in the States in which they previously resided. Why should we pile on a further qualification of a year?

Frankly, I should like to see an interchangeability of qualifications to vote for President as among the States. Since the standards are set by the States, the Federal Government has no power to so provide. The one opportunity we have to set an example is in connection with the District of Columbia. I thought the 3-month requirement of residence for voters, if otherwise qualified, was proper. Certainly I think the 6-month requirement is proper. I hope very much the Senate will agree to the amendment offered by the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I yield myself 1 minute.

My colleague from Iowa has indicated that my logic is in part correct and that it is in error in another respect. He speaks about the mobility of our population. I am sure he must associate that mobility with the era of which I spoke, the 20th century, not the 19th or 18th centuries. This is a condition of the 20th century, is that not correct, I ask my colleague from Iowa?

Mr. MILLER. Mr. President, indeed it is. That is the point I was endeavoring to make. The mobility is a mobility of the 20th century. That is the reason why I offered my amendment to take care of the problem of mobility.

I parted company with the Senator from West Virginia, I believe, in respect to his effort to relate the 20th century and the era in which we live to some of the 1-year residence requirement statutes enacted by legislatures, by pointing out that we are not considering that so much as the question of evidence or proof for the purpose of preventing fraudulent elections.

Mr. President, I cannot think of anything which would be worse than for us to pass an election law covering the District of Columbia out of which might grow some election frauds.

The PRESIDING OFFICER. The time yielded by the Senator from West Virginia has expired.

Mr. BIBLE. Mr. President, I yield the Senator an additional 2 minutes from the time on the bill.

Mr. RANDOLPH. I have time remaining.

Mr. BIBLE. I thought the Presiding Officer announced the time had expired.

The PRESIDING OFFICER. The Senator from West Virginia yielded himself 1 minute.

Mr. BIBLE. Very well. The Senator may use his own time.

Mr. RANDOLPH. Mr. President, I yield 2 minutes to the Senator from New York.

Mr. KEATING. Mr. President, I wholeheartedly support the amendment offered by the distinguished Senator from West Virginia. I regret that Senators did not see fit to go along with the "three K" amendment, and to march down the aisle with the President of the United States, President Kennedy, the Senator from Tennessee [Mr. KEFAUVER], and the junior Senator from New York. We wished to travel the road of reducing the residence requirement to 90 days.

At least, we ought to go halfway. One might say that the pending amendment represents a rather weakened Presidential position. The Senate has

shown an unwillingness to go all the way. I hope Senators will go part of the way.

I commend the distinguished Senator from West Virginia for the commendable interest he has taken in the important subject of electoral reform. Unless we make a start in the District of Columbia we shall have little hope of achieving what many of us feel are necessary national electoral reforms.

I hope very much the amendment will be agreed to.

Mr. RANDOLPH. Mr. President, I yield 1 minute to the Senator from Ohio [Mr. LAUSCHE].

Mr. LAUSCHE. Mr. President, I contemplate supporting the amendment offered by the Senator from West Virginia. I think the 6-month period will guard against two contingencies which are intended to be protected. First, the time is adequate to prevent a rapid transition from one State to another, and thus prevent the perpetrating of a fraud in elections. Second, the 6-month period deals with elections on a national scale and not on a State scale, and therefore the period of 6 months not only will prevent frauds but also will provide justice to all voters who, because of circumstances, have to move.

The 90-day period was too short. I think the 6-month period guards against both contingencies; and I will support the amendment.

Mr. RANDOLPH. Mr. President, I thank the Senator from Ohio.

Mr. BIBLE. Mr. President, I am prepared to yield back the remainder of my time, if the Senator from West Virginia is prepared to yield back the remainder of his time.

Mr. RANDOLPH. Mr. President, I yield back the remainder of my time.

Mr. BIBLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BIBLE. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered. All time has been yielded back. The question is on the amendment of the Senator from West Virginia [Mr. RANDOLPH]. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alaska [Mr. GRUENING], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. HICKEY], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. Moss], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Virginia [Mr. ROBERTSON], are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from Louisiana [Mr. ELLENDER]. If present and voting, the Senator from Pennsylvania would vote "yea," and the Senator from Louisiana would vote "nay."

On this vote, the Senator from Wyoming [Mr. HICKEY] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Wyoming would vote "nay," and the Senator from Oregon would vote "yea."

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from Virginia would vote "nay," and the Senator from Utah would vote "yea."

I further announce that, if present and voting, the Senator from North Dakota [Mr. BURDICK], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Michigan [Mr. HART], the Senator from Missouri [Mr. LONG], and the Senator from Oregon [Mrs. NEUBERGER] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. SCHOEPPEL] are absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Connecticut [Mr. BUSH] is absent by leave of the Senate to attend the Conference of the International Fund and World Bank in Vienna.

The Senator from Maryland [Mr. BUTLER] and the Senator from Kansas [Mr. CARLSON] are detained on official business.

If present and voting, the Senator from Kentucky [Mr. MORTON] would vote "yea."

On this vote, the Senator from New York [Mr. JAVITS] is paired with the Senator from Colorado [Mr. ALLOTT]. If present and voting, the Senator from New York would vote "yea," and the Senator from Colorado would vote "nay."

The result was announced—yeas 33, nays 43, as follows:

[No. 212]

YEAS—33

Anderson	Gore	Mundt
Bartlett	Hruska	Muskie
Boggs	Humphrey	Pell
Byrd, W. Va.	Keating	Proxmire
Carroll	Kuchel	Randolph
Case, N.J.	Lausche	Scott
Case, S. Dak.	Long, Hawaii	Smith, Mass.
Church	Magnuson	Wiley
Cooper	McCarthy	Williams, N.J.
Dodd	McNamara	Williams, Del.
Douglas	Metcalf	Yarborough

NAYS—43

Beall	Dirksen	Hayden
Bennett	Dworshak	Hickenlooper
Bible	Eastland	Hill
Byrd, Va.	Engle	Holland
Cannon	Ervin	Jackson
Capehart	Fong	Johnston
Cotton	Fulbright	Jordan
Kefauver	Pastore	Symington
Kerr	Prouty	Talmadge
Long, La.	Russell	Thurmond
Mansfield	Saltonstall	Tower
McClellan	Smathers	Young, N. Dak.
McGee	Smith, Maine	Young, Ohio
Miller	Sparkman	
Monroney	Stennis	

NOT VOTING—24

Aiken	Clark	Javits
Allott	Curtis	Long, Mo.
Bridges	Ellender	Morse
Burdick	Goldwater	Morton
Bush	Gruening	Moss
Butler	Hart	Neuberger
Carlson	Hartke	Robertson
Chavez	Hickey	Schoeppel

So Mr. RANDOLPH's amendment was rejected.

Mr. BIBLE. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to table was agreed to.

Mr. LONG of Louisiana. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 11, line 18, beginning with "(C)" strike all down to and including "eighteen" on line 19; and renumber the other sections.

Mr. LONG of Louisiana. Mr. President, I submit this amendment on behalf of myself and the senior Senator from Florida [Mr. HOLLAND]. The purpose is very simple. I would merely let the voting age stay at 21, instead of reducing it to 18.

So far as the junior Senator from Louisiana in concerned, he sees no particular point in qualifying a man or woman to vote prior to the age at which he is responsible for signing a contract or prior to the time when he would be responsible for a tort or civil wrong. I realize that the argument is made that if a man is old enough to fight, he is old enough to vote. That argument has never had very much appeal to the junior Senator from Louisiana, for the reason that I can show a great many freshmen football players on Louisiana State University team who at the age of 17 are the physical equal of any man in this body. That does not mean that they are as qualified to vote today as they will be after they have acquired more maturity at a more advanced age.

Upon that basis, it seems to me that 21 is a desirable age. It is the accepted age when a young man or woman assumes responsibility. I feel that the voting age should remain the same as it is in the House bill. Upon that basis, I should like to ask for the yeas and nays on the amendment, to keep the age at 21.

The yeas and nays were ordered.

Mr. BIBLE. The committee position, of course, is opposed to the amendment of the Senator from Louisiana. The vote in committee was very close on this point. This point could be argued all day and far into the night, that is, whether the age should be 18 or 19 or 20 or 21, before a person is permitted to vote. The record is very clear that 46 States permit a person to vote at

age 21. The State of Georgia permits a person to vote at age 18, and Kentucky at 18. I believe the trend in the right direction was shown when the last two States joined the Union. The State of Alaska permits a person to vote at age 19. That provision was adopted after a long deliberation. The State of Hawaii permits a person to vote at age 20.

I submit that in this age, with the improvements in education and the greater alertness of our young people, the age should be 18. This was one of the strong recommendations of the President of the United States when he sent the measure to us. He said he felt the youth of today was qualified to vote. I strongly urge that the amendment of the Senator from Louisiana be rejected.

Mr. CASE of South Dakota. Mr. President, will the Senator from Nevada yield for a question?

Mr. BIBLE. I yield.

Mr. CASE of South Dakota. Is it not correct that the bill as it passed the House placed the age at 21?

Mr. BIBLE. That is correct.

Mr. CASE of South Dakota. Is it not true that the vote in the committee on this proposal was 4 to 3, which is a very close vote?

Mr. BIBLE. I said it was a close vote. As I told the Senator from South Dakota earlier today, it is like some of the baseball scores lately. The vote was close.

Mr. McCARTHY. Mr. President, will the Senator from Nevada yield?

Mr. BIBLE. I yield 1 minute to the Senator from Minnesota.

Mr. McCARTHY. It is my opinion that the matter of the voting age should be a matter of national legislation.

The Senator from West Virginia [Mr. RANDOLPH] has proposed a constitutional amendment which would establish the national minimum age for voting. I think that is the right approach, rather than by State-by-State approach, to establish the minimum voting age.

For that reason, since a great majority of the States, including my own State, still retain age 21 as the voting age, I intend to support the amendment of the Senator from Louisiana [Mr. LONG].

Mr. DODD. Mr. President, will the Senator from Nevada yield for a question?

Mr. BIBLE. I yield.

Mr. DODD. In the District of Columbia, persons 18 years of age are subject to the jurisdiction of the juvenile court. Apparently, we take the view that they are not so responsible as persons over 18, so far as the administration of the criminal law is concerned.

If we take this step, it seems to me we shall be placed in a contradictory position. We will be saying that up to age 18 a person is not so responsible; yet we propose to say that we are willing to allow persons to vote at age 18. What is the answer to that?

Mr. BIBLE. I do not know that I completely understand the Senator's question.

Mr. DODD. I understand that in the District of Columbia, young persons up to the age of 18 are under the jurisdiction of the juvenile court if they violate the law.

Mr. BIBLE. That is true.

Mr. DODD. This proposal suggests that at age 18 they are old enough to vote. To me, that is a conflict. On the one hand, we say they are not old enough to be held responsible for their actions; whereas persons over 18 are held responsible. It seems to me we are creating a conflict.

Mr. BIBLE. There may be some slight conflict. The bill provides that a person may not vote until he is 18. I cannot see the conflict.

Mr. CARROLL. Mr. President, will the Senator from Nevada yield?

Mr. BIBLE. I yield.

Mr. CARROLL. I do not know whether I am correct in my understanding, I say to the Senator from Connecticut; but I think the jurisdiction in juvenile court is up until age 18. I think what is proposed in the bill is plain. I do not agree with the views of the Senator from Louisiana and the Senator from Minnesota. It is true that there ought to be a constitutional amendment, but I believe that in the Nation's Capital we can set up exhibit A. I think we can permit persons to vote when they have passed the age of the jurisdiction for juvenile delinquency. As I look upon some adults, I think there is some adult delinquency, too.

In my opinion, the time has come to take a step forward. I intend to support the provision of the bill in this particular.

Mr. BIBLE. I thank the Senator from Colorado. I am prepared to yield back the remainder of my time.

Mr. LONG of Louisiana. Mr. President, I yield 1 minute to the distinguished Senator from Texas.

Mr. TOWER. Mr. President, as the youngest Member of this body, I am inclined to favor youth. However, I intend to support the amendment of the Senator from Louisiana and oppose the provision of the bill which would fix the voting age in the District of Columbia at 18 years of age.

It has been said that with the better educational facilities which are available these days, young people are better able to make decisions. It is true that their intellectual ability may be better, but is their maturity of judgment any better than it has been traditionally? Under our Anglo-Saxon system of jurisprudence, as it has developed in this country, age 21 is recognized as the age of discretion. So it should remain.

Mr. BIBLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nevada will state it.

Mr. BIBLE. Do I correctly understand that a vote "yea" is a vote for age 21; and a vote "nay" indicates a vote for age 18?

The PRESIDING OFFICER. The Senator is correct. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. LONG]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alaska [Mr. GRUENING], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. HICKEY], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from North Dakota [Mr. BURDICK], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Alaska [Mr. GRUENING], the Senator from Missouri [Mr. LONG], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], and the Senator from Oregon [Mrs. NEUBERGER] would each vote "nay."

On this vote, the Senator from Virginia [Mr. BYRD] is paired with the Senator from Pennsylvania [Mr. CLARK]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Louisiana would vote "yea," and the Senator from Oregon would vote "nay."

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Michigan [Mr. HART]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from Michigan would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. SCHOEPPEL] are absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Connecticut [Mr. BUSH] is absent by leave of the Senate to attend the Conference of the International Fund and World Bank in Vienna.

The Senator from Maryland [Mr. BUTLER] and the Senator from Kansas [Mr. CARLSON] are detained on official business.

If present and voting, the Senator from Kentucky [Mr. MORTON] would vote "nay."

The result was announced—yeas 38, nays 36, as follows:

[No. 213]

YEAS—38

Anderson	Hayden	Mundt
Beall	Hickenlooper	Prouty
Bennett	Hill	Russell
Capehart	Holland	Saltonstall
Case, S. Dak.	Hruska	Scott
Church	Johnston	Smathers
Cotton	Jordan	Sparkman
Dodd	Kerr	Stennis
Dworshak	Lausche	Talmadge
Eastland	Long, La.	Thurmond
Engle	McCarthy	Tower
Ervin	McClellan	Wiley
Fulbright	Miller	

NAYS—36

Bartlett	Humphrey	Pastore
Bible	Jackson	Pell
Boggs	Keating	Proxmire
Byrd, W. Va.	Kefauver	Randolph
Cannon	Kuchel	Smith, Mass.
Carroll	Long, Hawaii	Smith, Maine
Case, N.J.	Magnuson	Symington
Cooper	Mansfield	Williams, N.J.
Dirksen	McGee	Williams, Del.
Douglas	McNamara	Yarborough
Fong	Metcalf	Young, N. Dak.
Gore	Monroney	Young, Ohio

NOT VOTING—26

Aiken	Clark	Long, Mo.
Allott	Curtis	Morse
Bridges	Ellender	Morton
Burdick	Goldwater	Moss
Bush	Gruening	Muskie
Butler	Hart	Neuberger
Byrd, Va.	Hartke	Robertson
Carlson	Hickey	Schoeppel
Chavez	Javits	

So the amendment was agreed to.

Mr. LONG of Louisiana. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. CASE of South Dakota. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question now is, Shall the bill pass?

Mr. KUCHEL. Mr. President, I understood that no Senator desires to have further debate on this measure. Therefore, the minority is prepared to yield back the remainder of the time under its control, provided, of course, the able acting majority leader will do likewise.

Mr. BIBLE. Mr. President, let me ask how much time remains under my control.

The PRESIDING OFFICER. Two minutes.

Mr. BIBLE. Mr. President, I am happy to join in the request; I yield back the remainder of the time under my control.

The PRESIDING OFFICER. All remaining time has been yielded back.

The question is, Shall the bill pass?

Mr. BIBLE. Mr. President, on this question, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alaska [Mr. GRUENING], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. HICKEY], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from North Dakota [Mr. BURDICK], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. HICKEY], the Senator from Missouri [Mr. LONG], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], and the Senator from Oregon [Mrs. NEUBERGER] would each vote "yea."

On this vote, the Senator from Georgia [Mr. RUSSELL] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Georgia would vote "nay," and the Senator from Oregon would vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. SCHOEPPEL] are absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Connecticut [Mr. BUSH] is absent by leave of the Senate to attend the Conference of the International Fund and World Bank in Vienna.

The Senator from Maryland [Mr. BUTLER], the Senator from Kansas [Mr. CARLSON], and the Senator from North Dakota [Mr. YOUNG] are detained on official business.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Connecticut [Mr. BUSH], the Senator from Maryland [Mr. BUTLER], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], and the Senator from Kentucky [Mr. MORTON] would each vote "yea."

The result was announced—yeas 66, nays 6, as follows:

[No. 214]

YEAS—66

Anderson	Fulbright	McNamara
Bartlett	Gore	Metcalf
Beall	Hayden	Miller
Bennett	Hickenlooper	Monroney
Bible	Hill	Mundt
Boggs	Holland	Pastore
Byrd, W. Va.	Hruska	Pell
Cannon	Humphrey	Prouty
Capehart	Jackson	Proxmire
Carroll	Johnston	Randolph
Case, N.J.	Jordan	Saltonstall
Case, S. Dak.	Keating	Scott
Church	Kefauver	Smathers
Cooper	Kerr	Smith, Mass.
Cotton	Kuchel	Smith, Maine
Dirksen	Lausche	Sparkman
Dodd	Long, Hawaii	Symington
Douglas	Long, La.	Wiley
Dworshak	Magnuson	Williams, N.J.
Engle	Mansfield	Williams, Del.
Ervin	McCarthy	Yarborough
Fong	McGee	Young, Ohio

NAYS—6

Eastland	Stennis	Thurmond
McClellan	Talmadge	Tower

NOT VOTING—28

Aiken	Curtis	Morton
Allott	Ellender	Moss
Bridges	Goldwater	Muskie
Burdick	Gruening	Neuberger
Bush	Hart	Robertson
Butler	Hartke	Russell
Byrd, Va.	Hickey	Schoeppel
Carlson	Javits	Young, N. Dak.
Chavez	Long, Mo.	
Clark	Morse	

So the bill (H.R. 8444) was passed.

LEGISLATIVE PROGRAM

Mr. MANSFIELD and Mr. DIRKSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MANSFIELD. I yield to the Senator from Illinois.

Mr. DIRKSEN. Mr President, I should like to ask the distinguished majority leader about the schedule for today, and when he contemplates convening tomorrow, and also what will be considered tomorrow.

Mr. MANSFIELD. In response to the question raised, there will be no further legislation considered today, but it is my understanding that the Senator from Vermont [Mr. PROUTY] has a speech to make. That statement does not mean, however, that noncontroversial bills will not be brought up tonight, provided there is not much time taken up on them; but there will be no rollcalls.

For tomorrow, the nomination of Philleo Nash to be Commissioner of Indian Affairs will be the first order of business. Then, but not necessarily in this order, the Senate will proceed to the consideration of:

Calendar No. 749, H.R. 468, a bill to amend section 1073 of title 18, United States Code, the Fugitive Felon Act.

Calendar No. 888, H.R. 4682, to authorize the Secretary of Agriculture to sell and convey certain lands in the State of Iowa.

Calendar No. 960, S. 1732, to increase the limitation on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearings examiners; and for other purposes.

Other measures may also come along.

Mr. President, if the Senator from Vermont will allow me to retain the floor briefly, I should like to bring up a few noncontroversial matters at this time. Will he yield for that purpose?

Mr. PROUTY. I yield.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. DIRKSEN. Mr. President, will the Senator indicate when the Senate will convene tomorrow?

ORDER FOR ADJOURNMENT TO 12 NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it adjourn to meet at 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAYMENT OF ANNUITIES AND RETIRED PAY TO OFFICERS AND EMPLOYEES OF THE UNITED STATES

Mr. MONRONEY. Mr. President, the Senator from Pennsylvania [Mr. CLARK] is unavoidably absent, and has asked me to insert in the RECORD a memorandum answering a part of the debate of the Senator from Delaware [Mr. WILLIAMS] on the so-called Hiss Act amendment.

I ask unanimous consent, on behalf of the Senator from Pennsylvania [Mr. CLARK], that the memorandum may be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

Senator WILLIAMS of Delaware's Senate statements in 1960 and 1961 on bill to limit the application of the act of September 1, 1954 (Public Law 83–769) to cases involving the national security (H.R. 6141–87; H.R. 4601–86).

Colloquy between Senator WILLIAMS of Delaware and Senator CLARK after passage of H.R. 6141 by Senate on September 12, 1961:

"Mr. CLARK. I regret that, in my judgment what he said 2 years ago and what he said today is substantially inaccurate.

"Mr. WILLIAMS of Delaware. I challenge the Senator from Pennsylvania to cite one specific point I made which was inaccurate" (p. 19112).

A. Errors in Senator Williams' statements, September 12, 1961

Error No. 1

Statement: "What we shall do, if we pass the bill, as presented by the committee, is to restore retroactively full retirement benefits of every convicted crook and scoundrel who has ever worked for the U.S. Government" (p. 19107).

Facts: The bill would not restore retirement benefits (1) to those convicted of crimes involving the national security; (2) to those who had plead the fifth amendment in such cases; (3) to those who had applied for and received the funds they had paid into the retirement system.

Error No. 2

Statement: "On two preceding occasions the bill was overwhelmingly defeated and sent back to the committee" (p. 19107). (Similar statement on p. 19111.)

Facts: The bill was recommitted to committee once, on May 12, 1960, by voice vote without opposition, with a handful of Senators on the floor.

Error No. 3

Statement: "The present law relates only to certain crime(s) such as embezzlement, accepting bribes, and so forth, in situations connected direct(ly) with their official duties as Government employee(s)" (p. 19107). (Similar statement on p. 19110.)

Facts: Federal employment is not an element under many criminal statutes listed in the 1954 act; e.g.: 18 U.S.C. 201 (making offer or gift to a Government employee to influence decision); 18 U.S.C. 204 (offer or gift to Member of Congress); 18 U.S.C. 286 (conspiracy to defraud Government); 18 U.S.C. 287 (presenting false claim against United States); most of the listed posted offenses in the 1954 act, etc.

Error No. 4

Statement: "Any crime which might be committed by the employee after he leaves the U.S. Government has no bearing on the argument here" (p. 19107).

Facts: Conviction of one of a number of crimes listed in Public Law 83–769 (see examples listed in third error above) "committed by the employee after he leaves the U.S. Government" has operated to terminate (from conviction date) an annuity already earned and granted.

Error No. 5

Statement: "When the bill concerning this question came to the Senate (in 1954), the Senate, knowing full well what it was doing, enlarged the bill to exclude from retirement benefits public officials who" (accepted bribes or embezzled). (P. 19107.)

Facts: The Senate, when it approved the bill which became Public Law 83–769 in 1954, did not adopt any amendments enlarging its scope, and it had reason to believe the bill was limited in its application to persons convicted of more limited offenses than was actually the case, to wit;

(a) Senator MUNDT (Aug. 12, 1954): "This makes a very closely drawn, clear-cut legal instrument for depriving Alger Hiss, and others like him, from receiving their pensions. * * *"

Senator WILLIAMS: "The Senator is correct."

Senator MUNDT: "I am perfectly willing to waive consideration of our bills and have the House bill passed, because any one of the three bills would achieve the desired result, namely, to deny to Alger Hiss, who will be eligible for parole sometime in the next 60 or 90 days, the opportunity to live the rest of his life on the taxpayers of America * * *." (CONGRESSIONAL RECORD, vol. 100, pt. 11, p. 14780.)

(b) Senator WILLIAMS (Aug. 17, 1954): "All we are passing upon is the right of a Government employee who has misused his office or who has betrayed his country to be carried on the retirement rolls" (CONGRESSIONAL RECORD, vol. 100, pt. 11, p. 14782).

Error No. 6

Statement: "The bill before us would restore to the retirement rolls every Director of the Internal Revenue Service and every top official in the revenue department who was convicted of soliciting and accepting bribes for fixing tax cases. I challenge anyone to deny this assertion" (p. 19108). (Similar statement on p. 19110.)

Facts: Convicted revenue officials not restored by the bill would include those (1) who have applied for and received funds paid to the retirement system; (2) those who have received pardons.

Error No. 7

Statement: "(Referring to convicted high public officials) * * * now we are ask to say that the offenses which they committed were not too bad * * *" (p. 19112).

Facts: H.R. 6141 does no such thing. The bill merely recognizes that criminal penalties in the nature of fines or imprisonment for conviction of crimes other than national security offenses constitute full and sufficient payment of debt to society without additional civil penalties in the nature of removal of retirement benefits.

Error No. 8

Statement: Senator WILLIAMS asserted that Senator CLARK had cited an automobile accident case as falling within the purview of the 1954 act (p. 19107, col. 1).

Facts: Senator CLARK referred to no such case. It should be noted, however, that if a Federal employee whose job is to drive a Government vehicle, is convicted of manslaughter or any other felony under the laws of the District of Columbia, while driving such vehicle during the course of his employment, he might be denied benefits under section 2(A) of Public Law 83–769.

Error No. 9

Statement: Senator WILLIAMS referred on page 19108 (col. 2) and on page 19110 (col. 1) to administrative denials of retirement benefits before passage of Public Law 83–769, during its operation and after passage of H.R. 6141 and asserted that "the argument has been made that it is only under this law that the pension right is taken away * * *" (p. 19110).

Facts: Such administrative action has no application to employment under the civil service retirement system. No such argument as Senator WILLIAMS referred to on page 19110 (see above) was made.

B. Errors in Senator Williams' statements, May 12, 1960

Senator CLARK placed in the CONGRESSIONAL RECORD, volume 106, part 11, pages 14530–14534, memorandums prepared by the Civil Service Commission under the Eisenhower administration detailing a number of inaccuracies and misleading irrelevancies in Senator WILLIAMS' statement in the Senate on May 12, 1960, during the debate on a bill (H.R. 4601) to amend the act of September 1, 1954 (Public Law 83–769). There were additional inaccuracies in Senator WILLIAMS' statements on May 12, 1960, which could be detailed upon request.

SPOKANE VALLEY PROJECT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1023, S. 2008.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2008) to amend the act of September 16, 1959 (73 Stat. 561, 43 U.S.C. 615a), relating to the construction, operation, and maintenance of the Spokane Valley project.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 2, line 21, after the word "irrigators", to strike out "may" and insert "shall", and on page 3, line 3, after the word "figure", to strike out "$7,230,000" and insert "$7,232,000"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of September 16, 1959 (73 Stat. 561, 43 U.S.C. 615a) be amended as follows:

SECTION 1. By amending section 1 thereof to add domestic, municipal, and industrial uses as purposes thereof.

SEC. 2. By amending section 2 to read as follows: "In constructing, operating, and maintaining the Spokane Valley project, the Secretary shall be governed by the Federal reclamation laws, Act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto), except that (1) he may extend the base period of any contract entered into under section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187; 43 U.S.C. 485(h)), as amended, to not more than fifty years, exclusive of a development period if he finds such to be proper; (2) interest on the unpaid balance of the allocation to domestic, municipal, and industrial water supply shall be at a rate determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue; (3) the remaining cost of the project beyond the amount to be reimbursed or returned by the water users shall be accounted for in the same manner as provided in item (c) of section 2 of the Act of July 27, 1954 (68 Stat. 568) and power and energy required for irrigation pumping for the Spokane Valley project shall be made available in the same manner as provided for therein. The amount to be repaid by the irrigators shall be collected by the contracting entity through annual assessments based upon combination turnout and acreage charges and through the use of such other methods as it and the Secretary may agree upon."

SEC. 3. Section 3 thereof is amended by deleting therefrom the figure "$5,100,000" and insert in lieu thereof the figure "$7,232,000".

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1042), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The Spokane Valley project was authorized by the act of September 16, 1959, Public Law 86-276. The authorization was specific as to acreage of lands to be served with irrigation water and as to maximum project cost and minimum water-user repayment. However, it developed that about 30 percent of the landowners did not desire to participate in the project, that a need for domestic water service exists, and that certain design modifications which would increase the capital cost were desirable. Accordingly, S. 2008 was introduced for the purpose of modifying the authorization in those respects. As reported favorably by the committee with two minor clarifying amendments, S. 2008 will accomplish this purpose.

DESCRIPTION OF THE PROJECT

As now proposed, the Spokane Valley project would provide a replacement water supply for irrigation to 7,250 acres of land in the Spokane River Valley in the northeast corner of the State of Washington, and water for domestic use. Irrigation water service to the project lands and adjacent lands has for many years been furnished through a gravity surface water system utilizing water of the Spokane River. The existing works are in a seriously deteriorated condition, and continued operation and maintenance of those works is becoming progressively more difficult and more expensive.

The project plan is to abandon the works now serving the project lands and to substitute closed-pipe pressure distribution systems utilizing water pumped from wells in the abundant ground water aquifer underlying the area. Turnouts from this system will provide water for irrigation of farms and small tracts as well as for delivery to non-Federal domestic water distribution and delivery systems.

The estimated cost of the development is $7,178,000, based on January 1961 cost indexes. Of this total, $6,141,000 is allocated to irrigation and is reimbursable without interest, and $1,037,000 is allocated to domestic water service which, together with $54,000 interest during construction, is reimbursable with interest. The primary reasons for the increase in cost over the authorized project are the addition of capacity and facilities to serve domestic water requirements and the substitution of corrosion-resistant pipe for the plain steel pipe originally specified in recognition of difficulties which have been encountered by use of plain steel pipe on other valley lands under similar conditions.

Repayment of all reimbursable costs by the water users, except for about $1,269,000 of the irrigation allocation is in prospect during a 50-year repayment period. The $1,269,000 would be paid from revenues derived from sale of power and energy at Chief Joseph Dam.

The project is economically justified, with a benefit-cost ratio of 3.89 to 1, based on a 100-year period of analysis. An overall irrigation district has been formed under the laws of the State of Washington, and representatives of the district have expressed their agreement with the plan and the report and their willingness to enter into a repayment contract.

IDAHO LANDS

It is the understanding of the committee that of the 190 acres of land in the State of Idaho, included in the original Spokane Valley project, authorized September 16, 1959, owners representing approximately 30 acres of land still desire and expect to be serviced through the presently proposed project.

The committee position in reference to these Idaho lands, is that the Bureau of Reclamation shall cause to be made available to this area, and through this project, water and service, comparable to that served project lands in the State of Washington, at the same cost, and under the same conditions.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2008) was ordered to be engrossed for a third reading, was read the third time, and passed.

REDESIGNATION OF JEFFERSON DIVISION, EASTERN DISTRICT OF TEXAS, AS MARSHALL DIVISION

Mr. MANSFIELD. Mr. President, I move that the the Senate proceed to the consideration of Calendar No. 1055, S. 2102.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2102) to redesignate the Jefferson division of the eastern district of Texas as the Marshall division.

PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1075), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to amend section 124(c)(5) of title 28, United States Code, so as to make the now Jefferson division of the eastern district of Texas the Marshall division of the eastern district of Texas.

STATEMENT

This legislation is approved by the judicial council of the fifth circuit, of which the State of Texas is a part.

For many years Jefferson has been the place of holding court in the Jefferson division of the eastern district of Texas. According to information received by the committee, due to the age of the courthouse in Jefferson, it is not economically feasible to invest Government funds for the improvement of court facilities there; whereas, in the city of Marshall, such is not the case. The city of Marshall has a building which can easily be converted into proper court facilities and would answer the purpose for many years in the future. The committee is further informed that the facilities in the Jefferson division, at the best, could only be patched up and made to work, at a great inconvenience to everyone, and in due time would have to be abandoned.

It will be noted that there is no change in the composition of counties made by this legislation. They remain exactly the same. The only effect that the legislation will have will be to rename the Jefferson division to the Marshall division and change the place of holding court from Jefferson to Marshall. Jefferson is in Marion County, Tex., while Marshall is in Harrison County, Tex. The two cities are only 16 miles apart, so that from the standpoint of accessibility for attorneys and others, there is no difference in this respect. The 1950 census showed Jefferson to have a population of 10,172, while Marshall had a population of 47,745. The 1960 census indicated that Jefferson had dropped down to 8,049, and Marshall to 45,594. It will be seen that Marshall is over five times as large as Jefferson, and the accommodations which would be available to

court personnel, attorneys, and litigants would be much greater in Marshall than they would in Jefferson.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2102) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 124(c)(5) of title 28, United States Code, is amended to read as follows:

"(5) The Marshall Division comprises the counties of Camp, Cass, Harrison, Hopkins, Marion, Morris, and Upshur.

"Court for the Marshall Division shall be held at Marshall."

MODIFICATION FOR NAVIGATION PURPOSES OF KASKASKIA RIVER, ILL.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of calendar No. 1061, S. 520.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 520) to authorize certain modification of the existing project for the Kaskaskia River, Ill., for navigation purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with an amendment on page 1, line 7, after the word "the", where it appears the second time, to strike out "District Engineer, Saint Louis District, Corps of Engineers, Department of the Army" and insert "Chief of Engineers contained in Senate Document Numbered 44, Eighty-seventh Congress"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the modification of the existing project for the Kaskaskia River in the State of Illinois in order to improve the channel for modern barge transportation between Fayetteville and the Mississippi River, as recommended in the report of the Chief of Engineers contained in Senate Document Numbered 44, Eighty-seventh Congress, is adopted and authorized to be prosecuted under the direction of the Secretary of the Army and the supervision of the Chief of Engineers in accordance with the plan recommended in such report and subject to the conditions set forth therein, at an estimated initial cost of $58,200,000.

SEC. 2. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

Mr. DIRKSEN. Mr. President, the Kaskaskia River is a small stream which flows in a southwesterly direction from a point in east-central Illinois to the Mississippi River at a point about 70 miles below St. Louis.

It flows through an area of Illinois which is underlaid with some of the finest coal deposits anywhere in the world and it is estimated that within 15 miles of the streambed there is a potential of 1,800 millions tons of coal which can be utilized and sent to market if there is a prospect that competitive prices through proper freight rates can be developed.

In August of 1954 the Senate requested a review of the Kaskaskia project and from that day to this it has been the subject of survey and examination and these have been intensively conducted so that every aspect of the matter could be presented in the report which was filed in the form of Senate Document No. 44, this Congress, and only recently released.

This report has had the attention of Army Engineers, the Secretary of the Army, the Bureau of the Budget, the Governor of Illinois, the Department of the Interior, the Department of Agriculture, the Secretary of Commerce, the Board of Engineers for Rivers and Harbors, and on this basis, the Board of Engineers for Rivers and Harbors has recommended the improvement of the Kaskaskia River for navigation with a 9-foot deep channel 200 feet wide from the mouth of the river to Fayetteville, Ill. This will require the enlarging of the present channel, eliminating sharp bends and the installation of a single dam and a lock which will be 84 feet wide and 600 feet long. The estimated cost is $58,200,000 and the Army Engineers report that on an amortization basis of 50 years the benefit-cost ratio is 1.9 to 1. On the basis of 100 years it would be 2.7 to 1.

Already there is a real indication that this improvement will bring industry to this area, including additional steam powerplants which depend upon adequate supplies of a good grade of coal.

On page 19 of the Engineers report is a summation showing the availability of this coal reserve ranging from 1 to 15 miles from the streambed.

The report contained all appropriate requirements with respect to local cooperation, the removal of bridges, including railroad bridges, flood control, storage, the availability of an adequate water supply, even in slack and dry seasons, and every other factor which must be taken into account in connection with a proposal of this kind. I know of no single thing that has been overlooked in the 70-page report which the Engineers have filed and I am certain that on the basis of cost versus benefit ratios this project is fully justified.

It will serve an area in Illinois not too far from areas that have been heretofore cataloged as distressed and in need of area redevelopment. Here is the best solution anyone can imagine for this type of a problem because this transportation artery will make it possible to utilize a larger and almost inexhaustible resource in this area and supply jobs in quantity to provide a durable solution for the unemployment problems which have beset this area in years gone by. I hope, therefore, this can have the immediate approval of the Senate.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1081), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 520, as amended, is to authorize modification of the existing project for the Kaskaskia River, Ill., in accordance with the recommendations of the Chief of Engineers in Senate Document No. 44, 87th Congress, at an estimated Federal cost of $58,200,000, and to authorize appropriation of amounts necessary to carry out the improvements.

DESCRIPTION OF PROJECT

Location: The Kaskaskia River rises in Champaign County in eastern Illinois and flows southwesterly about 325 miles to the Mississippi River at a point 60 miles downstream from St. Louis, Mo., a short distance above Chester, Ill.

Authority for report: Senate Public Works Committee resolution adopted August 17, 1954. The report has been transmitted to Congress and printed as Senate Document No. 44, 87th Congress.

Existing project: The original Federal improvement of the river for navigation by deepening to 3 feet to mile 12, and removing snags to mile 22, was abandoned in 1895. The river is not used by commercial craft at the present time. The existing Federal project for flood control and other purposes on the Kaskaskia River provides for dams and reservoirs at Carlyle and Shelbyville, and levees between Cowden and Vandalia, below Carlyle, and New Athens. Carlyle Reservoir is under construction and planning is underway on the Shelbyville project. Work has not started on the levees. The reservoirs, in addition to reducing floodflows, would aid navigation by augmenting flows in the Mississippi River, provide municipal and industrial water supply, benefit fish and wildlife, and afford opportunity for recreational developments.

Navigation problems: Local interests desire a 9-foot navigation channel in the lower 50 miles of the Kaskaskia River to facilitate the outbound movements of coal and grain, and to augment the local economy.

Recommended plan of improvement: Provides for a channel 9 feet deep and 200 feet wide from the mouth of Kaskaskia River to Fayetteville, Ill., by enlarging the present channel where required, and making overbank cuts to eliminate sharp bends; and a dam at mile 4 with a single lock 84 feet wide and 600 feet long. The plan of improvement also provides for modification of the storage allocations in the Carlyle and Shelbyville Reservoirs, to provide water for Kaskaskia River navigation in lieu of Mississippi River navigation; and future reallocation of storage in the two reservoirs when additional water is needed for navigation, if the use of such storage is found by the Chief of Engineers to be feasible and more economical than pumping water from below the dam into the navigation pool.

Estimated cost

[Price level, January 1960]

Federal	$58,200,000
Non-Federal	2,300,000
Total	60,500,000

Project economics

	Federal	Non-Federal	Total
Annual charges:			
Interest and amortization	$2,223,300	$119,000	$2,342,300
Maintenance and operation	270,000	0	270,000
Replacements	17,700	0	17,700
Navigation aids	19,000	0	19,000
Total	2,530,000	119,000	2,649,000

Annual benefits: Transportation savings on coal movements, $5,120,000.

Benefit-cost ratio: 1.9.

Local cooperation: Provide without cost to the United States all lands, easements, and rights-of-way; hold and save the United States free from damages; make all necessary alterations to sewer, water supply, drainage, and other utility facilities; bear a proportionate share of the costs of relocations of railroad and highway bridges; remove one highway bridge at own expense; maintain all bridges over the improved waterway; provide necessary loading and mooring facilities; provide terminal and transfer facilities; and establish agency for controlling withdrawal of water from river below Carlyle Dam.

COMMENTS OF THE STATE AND FEDERAL AGENCIES

Department of the Interior: No objection.
Department of Agriculture: No objection.
Department of Commerce: No objection.
State of Illinois: Approve project.

COMMENTS OF THE BUREAU OF THE BUDGET

The Bureau of the Budget notes that the Acting Chief of Engineers refers to the uncertainty of railroad rate adjustments that may be proposed in the future and the action that the Interstate Commerce Commission may take thereon, and that he recommends, if the project is authorized, a reevaluation of project economic justification in light of rates then existing, would be made when funds are requested for construction. The Bureau of the Budget concurs in this recommendation. The Bureau of the Budget further advises that there would be no objection to the submission of the proposed report to the Congress.

Benefits: The major benefits that have been assigned to the improvement of the lower Kaskaskia River for navigation are transportation savings for movement of coal. Coal reserves adjacent to the Kaskaskia River are substantial, with an estimated 1.8 to 2 billion tons located within 15 miles of the proposed navigation project. Coal requirements for market areas in which this coal can compete are said to be increasing rapidly. The improved waterway would permit the movement of a maximum of about 20 million tons of coal annually. The estimated annual benefits are based on an average annual waterborne movement of about 15,200,000 tons throughout the life of the project, at a transportation saving of about $0.35 per ton. Benefits from the improvement in the economic conditions of the area are real, but have not been evaluated. The economic ratio for the project is 1.9 to 1.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 520) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

VIRGIN ISLANDS CORPORATION ACT—AMENDMENT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1046, H.R. 4750.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 4750) to amend section 6(a) of the Virgin Islands Corporation Act.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment in line 7, after the word "figure", to strike out "$13,500,000" and insert "$16,000,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1065), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 4750, as amended, is to increase by $5 million the amount which the Virgin Islands Corporation is authorized to borrow from the U.S. Treasury. The additional funds will be used to purchase electrical generating equipment in order to take care of load growth over the next few years.

H.R. 4750 was introduced following receipt of an executive communication dated January 13, 1961, from Fred A. Seaton, formerly Secretary of the Interior and Chairman of the Board of Directors of the Corporation, requesting that this be done. The request was renewed in a further communication from Secretary Udall dated March 3, 1961. An identical bill was introduced by Senator JACKSON, S. 1743.

NEED

The Virgin Islands Corporation, a Government owned and controlled organization, was created by the act of June 30, 1949 (63 Stat. 350, 48 U.S.C. 1407–1407l). One of its principal functions is that of supplying electric energy to consumers on the islands.

The growth rate of the power systems in the Virgin Islands has been exceptional and far exceeds any normal growth pattern in the continental United States. From January 1 through August 31, 1961, the monthly increase in peakloads for the St. Croix and St. Thomas power systems, as compared with the same period for 1960, has averaged 16 and 27 percent respectively.

The most serious problem facing the Corporation is the lead time necessary to meet the expected power demands. The necessary engineering studies, placement of orders, and installation of equipment require approximately a 2-year period after funds are available. If the Corporation is to meet the demand for power which will exist in the years 1963–64, it is essential that immediate steps be taken to acquire the necessary generating equipment. According to information provided the committee, it is the plan of the Corporation to install two 5,000-kilowatt steam turbine units—one on each island—at an approximately cost of $5 million.

In view of the clear need for additional power in the Virgin Islands, the committee has amended H.R. 4750 by increasing the amount of borrowing authority available to the Corporation by $5 million.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 4750) was read the third time, and passed.

LIMITATION OF NUMBER OF POSITIONS IN TOP GRADES OF THE CLASSIFICATION ACT OF 1949

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 960, S. 1732, and that it be made the pending business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1732) to increase the limitation on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearings examiners; and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service, with an amendment, to strike out all after the enacting clause and insert:

That (a) section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105), is further amended as follows:

(1) Subsection (b) is amended to read as follows:

"(b) Subject to subsections (c) to (l), inclusive, of this section, a majority of the Civil Service Commissioners are authorized to establish and, from time to time, revise the maximum numbers of positions (not to exceed fourteen hundred and twenty-seven) which may be in grades 16, 17, and 18 of the General Schedule at any one time, except that under such authority such maximum number of positions shall not exceed three hundred and fifty-seven for grade 17 and one hundred and sixty for grade 18, and not to exceed an additional one hundred such positions may be established by the Commission upon a determination by the President of initial need therefor."

(2) Subsection (g) is amended by inserting before the period at the end of the first sentence the following: "and a total of six positions in grade 16 of the General Schedule"; and by inserting the word "grades" in place of the word "grade" in the second sentence;

(3) In subsection (j) strike out "three hundred seventy-two" and insert "four hundred".

(b) Subsection (b) of the first section of the Act of September 23, 1959 (73 Stat. 700), is hereby repealed.

(c) Positions in grade 16, 17, or 18, as the case may be, of the General Schedule of the

Classification Act of 1949, as amended, immediately prior to the effective date of this section, shall remain, on and after such effective date, in their respective grades, until other action is taken under the provisions of section 505 of the Classification Act of 1949 as in effect on and after such effective date.

SEC. 2. Section 2 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86-36), is amended by inserting "sixty-two" in place of "fifty".

SEC. 3. (a) The first section of the Act of August 1, 1947, as amended (Public Law 313, Eightieth Congress; 5 U.S.C. 1161), is further amended as follows:

(1) In subsection (d), by inserting "eight" in place of "five";

(2) In subsection (e), by inserting "eighteen" in place of "fifteen";

(3) In subsection (f), by inserting "thirteen" in place of "ten"; and

(4) In subsection (g), by inserting "twenty-eight" in place of "twenty-five".

(5) Such section is further amended by adding at the end thereof the following new subsections:

"(i) The Postmaster General is authorized to establish and fix the compensation for not more than three scientific or professional positions in the Post Office Department, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel.

"(j) The Librarian of Congress is authorized to establish and fix the compensation for not more than four scientific or professional positions in the Library of Congress, each such position being established to carry out research and development functions of the Library which require the services of specially qualified pesonnel."

(b) Section 2 of such Act is amended by adding the following new sentence: "This section shall not apply to positions in the Library of Congress."

(c) Section 3 of such Act is amended by inserting after "Secretary of Health, Education, and Welfare" a comma and the following: "the Postmaster General," and by inserting after "Department of Health, Education, and Welfare" a comma and the following: "the Post Office Department,".

SEC. 4. (a) Section 1581(a) of title 10 of the United States Code is amended by inserting "five hundred twenty-five" in place of "four hundred fifty".

(b) Section 4 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86-36), is amended by inserting "sixty" in place of "fifty".

(c) Section 302(f) of the Federal Aviation Act of 1958 (72 Stat. 746; 49 U.S.C. 1343(d)) is amended by inserting "twenty-five" in place of "ten".

(d) Section 302(h) of the Federal Aviation Act of 1958 (72 Stat. 746; 49 U.S.C. 1343(f)) is amended by inserting "twenty" in place of "fifteen".

(e) Section 203(b)(2) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 2473(b)(2)) is amended by inserting "four hundred and twenty-five" in place of "two hundred and ninety".

U.S. IMMIGRATION POLICY

Mr. SALTONSTALL. Mr. President, before the 1st session of the 87th Congress draws to a close, I wish to comment on our immigration policy.

Except for the full-blooded Indian, all of us are immigrants or descendants of immigrants. Throughout our history immigrants have brought talents, ambitions and a sense of patriotism of incalculable value to our land. They have seen America with a fresh enthusiasm and a new idealism. The newcomer has reawakened native-born Americans as to their great good fortune to live in this land blessed by divine providence. The willingness of the immigrant to work and accept hard knocks without complaint has many times served as a reminder that sweat and toil have helped build the standard of living we enjoy.

Consider these famous names, and consider how much poorer America would have been without them: John Barry, from Ireland, to found our Navy; Alexander Hamilton, from the West Indies, to fight for independence and then become one of the architects of our new Nation; Carl Schurz, from Germany, to fight against slavery and then serve in the Senate; Edward Bok, from Holland, to become a great journalist and reformer.

Or consider but a few of those who have made their mark in our own time: Felix Frankfurter, from Austria, to become a famous professor of law and Supreme Court Justice; Jaques Barzun from France, to become a great teacher at Columbia; Enrico Fermi, from Italy, to continue his great research in atomic physics; David Sarnoff, from Russia, to pioneer in the field of electronics and become Mr. RCA; Spyros Skouras, from Greece, to become a leader in the motion picture industry; and Albert Einstein, from Germany, to change our concept of the universe.

Mr. President, we must continue to encourage this transfusion of new blood and muscle and brainpower to refresh and revitalize America.

We must, as well, give hope to those who would leave their native land or some refugee camp because of injustice or totalitarian oppression. America must still provide a chance for those who would come here because of lack of opportunity or overpopulation in their homeland.

Admittedly sections of our immigration laws have long been in need of major revision. A reading of both party platforms for 1960 shows agreement on this point.

The Republican platform recognized the importance of the immigrant in the growth and intellectual enrichment of America. It pointed out:

> The Republican administration had given refuge to over 32,000 victims of Communist tyranny from Hungary, ended needless delay in processing applications for naturalization, and had urged other enlightened legislation to liberalize existing restrictions.

The Republican platform then stated:

> Immigration has been reduced to a point where it does not provide the stimulus to growth that it should, nor are we fulfilling our obligations as a haven for the oppressed.

Finally, the Republican platform proposed:

1. The annual number of immigrants we accept be at least doubled.
2. Obsolete immigration laws be amended by abandoning the outdated 1920 census date as a basis and substituting the 1960 census.
3. The guidelines of our immigration policy be based upon judgment of the individual merit of each applicant for admission and citizenship.

The 1960 Democratic platform made sweeping criticisms of existing immigration laws, and especially the national origins quota system; it also said that sweeping revisions of these laws—as opposed to piecemeal changes—could be expected in the event of a Democratic victory.

In an effort to carry out our Republican platform pledge, I was a cosponsor of S. 551, introduced on January 23, 1961, by my distinguished colleague from New York [Mr. JAVITS], and of S. 552, introduced on the same date by my other distinguished colleague from New York [Mr. KEATING]. These bills were intended to correct obvious defects in our immigration laws.

The first major defect in the present law is that the quota system is based on national origins as determined by the 1920 census.

Second, the larger quotas are given to such nations as Great Britain, with no overpopulation problem or with little pressure to migrate. Consequently these quotas have always gone unfilled.

Third, much smaller quotas are given other nations faced with strong pressures for migration due to poverty or overpopulation—Greece and Italy, for example.

Under the 1924 law, the total number of immigrants was made proportionate to the 1920 total population. Since then, our population has increased between 70 and 80 million. S. 551 therefore, would double the total to over 300,000 immigrants per year.

Next, the national origins quotas would be based upon the 1960 census, and the quotas would be increased for countries where there is a strong pressure for migration. These two changes would increase the annual quota of Italy from about 5,700 to almost 20,000; for Greece, the increase would be from a little over 300 to almost 3,000.

S. 552 is concerned with improving the laws relating to refugees and victims of totalitarian oppression. It would improve the machinery with respect to processing refugee applications for admission to the United States.

It would authorize the issuance of 40,000 special nonquota immigration visas for refugees-escapees from Communist tyranny and other areas.

It would allow the President to direct the Attorney General to accept into the U.S. refugees from an uprising similar to the fight for freedom in Hungary, or the Cuban situation.

I have mentioned only some of the major aims of these two bills. They also contain provisions aimed at correcting many other inequities or failings in our present law.

These proposals are not new. Many of them were contained in S. 3225, introduced by our minority leader, the Senator from Illinois [Mr. DIRKSEN], at the request of President Eisenhower, on March 18, 1960. I joined him in sponsoring that bill.

Some charged that President Eisenhower was playing election-year politics in requesting such legislation, but the truth was that he had sent similar messages and legislative proposals to Congress ever since the first year of his administration.

I had hoped for favorable action on the problems contained in S. 551 and S. 552 in the present session. I have been working for these goals for many years.

But as the hour for adjournment of the 1st session of the 87th Congress approaches, all we can point to for immigration legislation is S. 2237, enacted last Friday. This is a family-reuniting and alien orphan bill, and it does some helpful things in those limited areas. But it is more of the piecemeal legislation, which does not really solve the fundamental problems.

We have not considered nor approved the major changes promised by both parties. Many of the old inequities still remain. Many of the campaign promises are unfulfilled.

Has the situation changed? Is there no longer a need for immigrants in our country? Is there no longer a heartfelt desire on the part of people from many lands, or refugees from Communist tyranny, to come to America? I suggest that we agree now to pass some immigration laws in our next session. We should not evoke promises at campaign time, only to forget them. The problem deserves the serious and sympathetic consideration of all of us.

Let us remember the Statue of Liberty, sculptored by an Italian, given to us by France, welcoming immigrants from all over the world to a city founded by the Dutch.

HEALTH CARE UNDER SOCIAL SECURITY

Mr. HUMPHREY. Mr. President, recently it was my privilege to write an article in support of the social security approach to financing health care for elderly Americans, which appeared in the September 9, 1961, issue of the Journal of the American Medical Association.

I ask unanimous consent that it be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HEALTH CARE UNDER SOCIAL SECURITY

(By Senator HUBERT H. HUMPHREY)

The White House Conference on the Aging was an eye opener for many of the delegates who came to Washington early this year. They learned for the first time that reasonable, responsible citizens—who are completely opposed to socialized medicine—can support social security financing of health care for elderly Americans. I want to emphasize the word "financing." As President Kennedy declared: "This is not a program of socialized medicine. It is a program of prepayment of health costs with absolute freedom of choice guaranteed. Every person will choose his own doctor and hospital."

Too often, members of the medical profession foresee bureaucratic controls and Federal redtape interfering in their freedom, lowering the high quality of medical care, and imposing dismal mediocrity on America's doctors. As I pointed out in my television debate with Dr. Edward Annis, I have a high regard for the American Medical Association and for the contributions of American medicine to the health and welfare of the American people. I know that American doctors contribute a great deal of work for which they get no compensation. Therefore, I have been deeply concerned about the widespread misunderstanding that I have encountered among my friends in the medical profession on the subject of social security financing of health care for aged people.

I give full credit to the wonders of modern medical science and to the medical profession for the startling increases in the proportion of our population over 65 years of age. We now have about 17 million Americans over 65, and by 1970 this number may reach 20 million. These elderly people spend twice as many days a year in hospitals and have two to three times as great an incidence of illness as the rest of the population. Less than half have any kind of health insurance.

What about the Kerr-Mills program? Doesn't it meet the need of low-income elderly people for health insurance? This program increases Federal payments to the States to expand existing public assistance medical care programs, and it sets up a new program, authorizing Federal payments on a matching (formula) basis to the States, to help people over 65 who cannot afford adequate medical care, even though they are not on the public relief rolls. There is no limit on the Federal liability under the Kerr-Mills program. If all the States took advantage of this law, the cost to the Federal Government would go sky-high—and it would all come out of general taxes, out of the Federal budget. This is the worst kind of fiscal irresponsibility. Furthermore, the Kerr-Mills program fails to include the vitally important principle of freedom of choice, a principle I supported last year during the debate on this program. The Senate adopted my "freedom of choice" proposal this year, but, unfortunately, the joint Senate-House conference committee dropped this amendment to the Kerr-Mills program. I might add that the freedom of choice protection for doctor and patient is specifically included in our social security health care program. The Federal Government puts up 50 to 80 percent of the money under the Kerr-Mills Federal-State program. Even with this inducement, the program has stalled because most States simply cannot afford this added cost. They cannot or will not put up the necessary matching money.

This does not mean that I regard the Kerr-Mills program as completely useless. On the contrary, I believe it can supplement the social security health care program. If health care for the vast majority of elderly people is financed through social security, the Kerr-Mills program can be used to pay for medical services to needy people who are not eligible for social security retirement benefits.

Can private insurance solve the health cost problems of our elderly citizens? Unfortunately the answer is "No." Premium costs are high because aged people are poor health risks. Policies are often canceled, cancelable, or not available for people over 65. And for those who do have some kind of health insurance, protection is too often inadequate or hedged about with restrictive limitations. A typical health policy for a person over 65 costs $6.50 a month, but offers only $10 a day for 31 days in the hospital, a $200 maximum for surgery, and a $100 maximum for other expenses. This premium is too high for the average oldster whose monthly social security check is less than $75, and the benefits are certainly not adequate when serious, disabling, long-term illness strikes.

Let me outline the social security health care program which I am sponsoring with Senator CLINTON ANDERSON on behalf of the Kennedy administration. This program will provide hospitalization, nursing home, and home nursing services to the 14 million men and women aged 65 and over who are receiving social security retirement benefits. The plan includes hospital outpatient diagnostic services, but it does not pay for physicians' services in the home or office, and it does not include fees for surgery. A hospital patient could get up to 90 days of hospital care for each illness, but he would have to pay $10 a day for the first 9 days, with a minimum payment of $20. Skilled nursing home services—up to 180 days—would be available after a patient is discharged from a hospital, and up to 240 days of visiting nursing services in the home. There is a maximum of 150 units of benefits, with 1 unit equal to 1 day of hospital care, 2 days of nursing home care, and 2⅔ days of home care. This legislation establishes the policy that less expensive nursing home and home care services shall be utilized whenever possible in lieu of hospitalization.

To reassure those who fear Federal controls, I want to quote from the opening statement of our proposal, where we state that these health benefits will be provided to elderly people—"in a manner consistent with the dignity and self-respect of each individual, without interfering in any way with the free choice of physicians or other health personnel or facilities by the individual, without the exercise of any Federal supervision or control over the practice of medicine by any doctor or over the manner in which medical services are provided by any hospital."

If the burden of hospital expenses is eased for our elderly citizens, I am convinced that they will be in a better position to pay the remaining expenses of doctors' fees for consultation, diagnosis, treatment, or surgery. Thus, social security financing for hospitalization and related services will improve the prospects for payments to physicians and will virtually eliminate the need for unpaid charity care of elderly people by American doctors.

How will we pay for these health benefits? The same way we pay for social security retirement benefits. We will use the time-tested, proven principles of social insurance to spread the costs of retirement benefits over the citizens' working, earning years. Congress has been scrupulously careful to keep payments for social security benefits in line with income of the social security trust fund over the past 25 years. Here is what Mr. Marion S. Folsom, former Secretary of Health, Education, and Welfare under President Eisenhower, said last August about the social security system:

"The record of Congress in the past 25 years in maintaining the system on a sound basis has been good. The latest estimates indicate that the present system is, for all practical purposes, on a sound actuarial basis. That is to say, the cost of benefits now provided as projected ahead over a long period of years is about in balance with contributions as presently scheduled and likewise projected."

Thus, we have already the records, the statistics, the administrative know-how, and the trained personnel to set up the health insurance program under social security without great expansion of administrative costs. These costs come to less than 2 percent of the present social security program. Private insurance carriers are fortunate if administrative costs are as low as 5 percent, and they often reach 10 or 20 percent of benefit payments.

We propose to raise the base income in which social security taxes are paid from $4,800 to $5,000. Furthermore, we propose to increase the tax rate paid by employers and employees by one-quarter of 1 percent, raising the total payroll contribution by one-half of 1 percent. Self-employed people covered by social security would pay only three-eighths of 1 percent. These two changes will bring $1,500 million a year into the trust fund. With these two small changes, the social security trust fund will be actuarially sound. There is no danger that outgo will exceed income. We have

carefully limited and delayed benefits to make sure that this program will be properly financed with an adequate reserve on sound insurance principles.

This program will lift an enormous burden from private commercial and nonprofit insurance plans and enable them to provide health insurance for younger people with lower health risks at lower cost. Furthermore, local welfare agencies, hospitals, and private charities—not to mention doctors—now providing so much free service for elderly people will also be relieved of serious financial sacrifices. If the major costs of hospitalization and nursing home care are met by social insurance, these elderly people will be in a better position to meet necessary costs of physicians' services. Similarly, the Federal Government, which now spends more than a third of a million dollars a year on health care for the aged under public assistance and veterans' programs, would save substantial sums from its general tax revenues.

I hope that I have made it clear that a program of health benefits for the elderly is not socialized medicine. Our proposal for social security financing of these benefits is designed to minimize the need for unpaid charity by putting the major costs of health care for the elderly within a soundly financed, proven social insurance program. By so doing, we will enhance the dignity and freedom of America's medical profession.

SMALL BUSINESS ADMINISTRATION PERFORMING IMPORTANT SERVICE

Mr. HUMPHREY. Mr. President, as a member of the Senate Select Small Business Committee, I have been keenly interested in and have followed very closely the problems of small businesses throughout our country.

President Kennedy and this administration have focused sharp attention on the increasingly significant role of this vital sector of our economy can—and should—fulfill in strengthening and expanding the economic development of the Nation.

It is therefore with very great pride and considerable enthusiasm that I cite the unprecedented performance of the Small Business Administration which has provided greater service in each of its major programs in the last 7 months than in any comparable period in the agency's history.

In following the directives of President Kennedy and the expressed desires of the administration and the Congress, John E. Horne, Administrator of the Small Business Administration, has effectively inaugurated new and expanded programs for the benefit of small firms. Under his guidance, accelerated activities and liberalized policies have resulted in an across-the-board increase in services to small businesses and provided maximum aid to small firms and communities in areas of substantial unemployment.

This enthusiasm, this warm and practical determination to bolster the Nation's 4½ million small firms, employing 30 million people and accounting for more than 40 percent of the country's total business activity, is both a credit to this administration's philosophy and to the Small Business Administration's record progress of assistance in the past 7 months.

It would seem to me that we should all be proud of the efficiency and stepped-up activity of the SBA in its efforts to provide greater services and assistance to the deserving little fellows of our business community.

I note with particular interest and complete concurrence, that the SBA, for example, established a record high in business loans made during the month of June—a 70-percent increase in number and 91 percent in dollar amount over the loans made in June of last year. It is particularly encouraging to me, and, I am sure, to my colleagues, that during the past 7 months the agency approved 59 percent more loans and received 65 percent more loan applications than in the comparable 1960 period. I am more than pleased to note that 155 small firms received loans totaling more than $6 million to expand and modernize during this period.

The accelerated programs of the agency—all designed to give encouragement and assistance to this vital sector of our economy—have resulted in record set-asides for exclusive bidding by small firms on Government contracts and actual contract awards during this period. In Minnesota alone 250 contracts, totaling $12.5 million, were awarded small firms. Nationally, contract awards to small firms were up 74 percent over like 1960 period.

Local development company loans to help communities and speed employment more than doubled during the period, with eight approved for $220,485 in my own State of Minnesota. Disaster loans, provided to help persons and businesses suffering injury from natural disasters, were more than double those provided in the like 1960 period.

Twice the number of certificates of competency were issued by the SBA during January–July which enabled small firms to receive contracts totaling $63.5 million—and which saved the U.S. Government an estimated $4.1 million.

In the field of private finance, the agency has done a remarkable job of licensing 177 small business investment companies during this time—a number equal to those licensed in the prior 2½ years. This makes available nearly $300 million for investment in small firms which have difficulty securing needed equity capital and long-term loans.

In those areas of substantial labor surplus, SBA has instituted special and priority programs of assistance and provided a 4-percent interest rate on its loans to firms in these areas.

Similarly, small businesses sustaining economic injury and forced to relocate because of federally aided urban renewal, highway, and other construction programs, are now eligible for low-interest, long-term loans from SBA under legislation enacted by Congress this spring.

The following illustrations clearly show—much more clearly than words or statistics—just how valuable this agency's services can be. In my own State of Minnesota a local development company wanted to help in establishing a new small business—a producer of dehydrated mashed potatoes—by constructing a building to lease to the firm. This development corporation raised $40,000 by popular subscription and applied to the SBA for a loan of $60,000 to complete requirements.

The agency was impressed by local initiative and the soundness of the plan and agreed to assume a 90 percent participation in a 10-year loan of $60,000 at 5½-percent interest. A local bank provided the other 10 percent of the loan. This agreement created 40 new jobs.

The Small Business Administration is now serving the Nation's small businessmen in a much improved and accelerated manner under the liberalized policies and expanded program instituted by the agency's capable administrator.

This expansion of its services and programs is based on solid and practical operations and a policy geared to strengthening and maintaining a free enterprise system.

It most certainly would not be in the public interest—particularly at a time when we need every resource at our command—to curtail any of the services of this agency and particularly the program of financial assistance to small businesses.

Instead, I feel—as I am sure most of my colleagues do—that the SBA should be provided every encouragement and assistance in fulfilling its responsibilities assigned by this Congress.

AMERICAN LEGION FOURTH ESTATE AWARD TO JACK WARNER

Mr. KUCHEL. Mr. President, earlier this month the American Legion at its national convention presented the Fourth Estate Award to a distinguished American, a recognized leader in the motion picture industry, Mr. Jack Warner, of Warner Brothers Motion Picture Studios, in California.

Americans are proud of leaders like Mr. Warner. His fellow Californians are particularly proud that he was recognized by the group of American veterans who belong to the American Legion for this distinguished award, recognizing the service he has performed in the field of communications.

I ask unanimous consent that the text of Mr. Warner's address in accepting the Fourth Estate Award be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY J. L. WARNER IN ACCEPTING AMERICAN LEGION FOURTH ESTATE AWARD

I am indeed honored to accept this plaque. I will always be proud of your recognition of my efforts in the field of communications. I join, sincerely, with you in recognizing the real importance of all communications in the struggle raging throughout the world today.

We in the United States cherish our tradition of a free and responsible press—one which is responsive to the needs and best interests of the American people. The eye of motion picture and television cameras, the voice of radio microphones, are free to span our Nation from coast to coast.

The great American ideal of freedom and justice freely flourishes because we have nothing to hide. Contrast this with Soviet

Russia, Red China, Castro Cuba, and other areas of the world which suffer under the yoke of fear and oppression.

There is no freedom of the press in the Communist world. Nor can there ever be under communism.

Russian communication with the free world is erratic and deceitful. It is as distorted and as devious as Soviet diplomacy.

During the past decade, the Communist press has given new meaning to as pure a word as "peace." The same Khrushchev who speaks of "peaceful coexistence" also has warned that he plans to bury us. To the Soviet Union peace actually means surrender—surrender of the free world—on the installment plan.

Since communication between Russia and the United States has become little more than a one-way concourse, I question the validity of so-called cultural exchanges. These cultural exchanges were launched years ago for a very noble purpose; but from the outset, they have unquestionably been distorted by the Kremlin to promote the international Communist cause.

Let us remember at all times that the musicians, the dancers, the athletes, and others who have visited the United States as emissaries of the Soviet Union are merely a facade. Behind the overtures of friendship made by these talented Russians, there continues to flow an endless stream of anti-American vilification, conspiracy, and intrigue.

We must remember—and never forget—if and when the Communists feel we are sufficiently softened and ready to have the Iron Curtain close around us, if and when the Soviets are confident that we have been sufficiently subjugated morally, mentally, and spiritually, and are ready to be physically subdued—you can be sure they will not send divisions of ballet dancers over here to try to do it.

In the past quarter century, the deadly tentacles of Communist imperialism have reached out from Russia until today they enmesh approximately one-fourth of the earth's surface and one-third of her people. Nearly 1 billion men, women, and children are now slaves under Communist oppression.

To these people, communications are little more than instruments for spreading propaganda.

Contrast this with the communication facilities of the United States which have made tremendous strides forward during your lifetime and mine. Never before have so many people been given the benefit of so much knowledge * * * concerning so broad a field of subjects * * * as is true in our country today.

Motion pictures have played a vitally important role in this cultural and educational advancement—providing a basis for greater trust and understanding not only here in the United States but wherever American films are permitted to be shown.

We at Warner Bros. are proud to have been a part of the film industry since the inception of silent movies. I am proud that Warner Bros. gave sound and voice to motion pictures and I'm also proud of our company's tradition of defending Americanism and exposing subversive enemies, both foreign and domestic, who would destroy our democratic heritage.

Since I have been in the motion picture business I have always been cognizant of what motion pictures can do—and have been aware of our industry's responsibility in alerting Americans to dangers confronting them.

When America entered World War I in 1917, Warner Bros. filmed "My Four Years in Germany," by James W. Gerard, the then American Ambassador to Germany, which exposed conditions which were soon to embroil America in the First World War. Some 20 years later, we produced "Confessions of a Nazi Spy," a film which served as a major weapon in warning the world of the Hitler menace. More recently, we have helped to focus the spotlight of public attention upon the treacherous nature of world communism through productions such as "I Was a Communist for the FBI" and "The FBI Story."

Some people of doubtful loyalty have infiltrated the motion picture industry—just as they have sought to corrupt all other areas of endeavor in the United States. We at Warner Bros. recognize that Communist writers, directors and actors are completely lacking in the qualities of intellectual honesty and integrity. That is why we instituted a policy more than 15 years ago of not knowingly engaging Communists at our studios.

Frankly, I cannot understand why any legitimate motion picture company or individual would engage a known Communist or a person whose very actions prove that he is subject to the Communist Party's bidding. In our industry, propaganda does not have to be aggressive to make a telling impression. By subtly deriding and tearing down the high ideals which we hold sacred, a handful of Communists can do irreparable harm. We will not tolerate them at Warner Bros.; and we stand completely opposed to the actions of any American film producer or distributor who does.

There were commies, party liners, fellow travelers and sacred cows who, in 1947, took the fifth amendment and hid out abroad.

Many of these people have worked under phoney names, a few have been brazen enough to use their own names.

I am very thankful none of them were working at our studios then, nor have they worked here since, nor will they ever work here.

In the latter 1940's my brothers and I joined in helping sponsor the Friendship Train, a train which crossed the United States collecting many carloads of food for the hungry people of Europe. Now I would propose another special train, an Express for Anti-Americans, to provide transportation for all home-grown Communists who profess to prefer life under the Soviet system to that in the United States. Let's offer them free rides to the nearest international air terminal or seaport; and then let's hand them one-way tickets to the Soviet Union or any other part of the Communist world. There won't be many takers among those who really know what conditions are like behind the Iron Curtain. You can bet on that.

As America looks to the future, we see the need for continued vigilance, continued strength, continued determination. No one recognizes this fact more fully than the American Legion, and no one has been more forceful in protecting the American way of life.

Before closing may I digress for a moment to touch on a subject that is close to each of you. I know it is to me. It has been an integral part of the American Legion since the Legion's inception.

I want to talk briefly about a much maligned and abused subject called patriotism and its imperative need today.

In some circles it has become unfashionable to profess patriotism. Many Americans appear to be embarrassed by the richness of our way of life. Some strange complex seems to compel an attitude of apology for our great strength and this Nation's productiveness. I suspect that this attitude may have been inspired by our enemies. If some Americans go along with it, I am sure they don't really mean to. Because most Americans do recognize that this Nation's might is power for good, for the whole human race.

I want to sound a call to all Americans to join with this organization of patriots, the American Legion, in a reaffirmation of positive, outspoken pride of citizenship in these United States. To fly the flag in their homes, in their shops, in their hearts, and in all their thoughts.

The Communist nightmare that threatens the world today calls for positive patriotism. The headlines today from Berlin remind us of the overwhelming demands for readiness, preparedness, for ready power. Our efforts to negotiate disarmament have failed. The nuclear testing truce has been wantonly violated. Only strength can prevent the possibility of Communist domination of the whole world in our lifetime. The strength of character of the individual American and of the Nation. The strength of a powerful and ready Army, Navy, Air Force, and Marine Corps.

It appears to be a fact that nobody, not even a Soviet madman, is willing to jump on a man with a baseball bat in his hands.

Patriotism—it is more than pride and allegiance. It means devotion and determination to serve the best interests of the Nation.

Americans can convert patriotism into positive action through education. Through being informed about the Communist menace in all its devious devices and insidious infiltration. Through refusal to be deluded. Hitler invented the big lie—but the Communists have perfected it. Do not accept or circulate poison-pen pictures of our allies—or ourselves. Do not contribute in any way to the besmirchment and destruction of a true American image at home and abroad. Beware of the enemy's use of scorn, ridicule, cynicism—they still are potent Communist weapons.

Every American should be proud to raise his hand with schoolchildren across the land as they recite the pledge of allegiance to our flag. And by the same token, I can see absolutely no justification for the repeated attacks which have been launched against loyalty oaths, the Government employees security program and related measures involving offices of public trust and responsibility.

Give our youth constructive aims in education and in work. Don't be used as a dupe by Communists or their fellow travelers. Be careful about any loan of a precious personal possession, your name, in connection with any doubtful cause or questionable crusade.

Support your Government, your President, your FBI, your local organizations of law and order.

To sum it up: Be informed and aware; be on guard; be strong and ready; be united; be determined—be Americans, and be proud of being Americans.

Our significant gains in the art of living will not soften our determination to survive and to preserve our way of life. Let the Communist predators beware of any delusions to the contrary, as we continue to endeavor to share our advancements in living with all the peoples of all the world.

Never be afraid to exclaim, "I believe in my God; I believe in my country; I believe in myself." With these simple but powerful sentiments we will never be forced to live under slavery.

Legionnaires, I salute you. And I thank you very, very much.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. HUMPHREY. I join my friend from California in paying tribute to a fine American, and congratulate Mr. Warner upon receiving this outstanding award from the American Legion. I think it is fitting and appropriate that the Senator from California should commend Mr. Warner and the Legion,

and I wish to be associated with him in his remarks.

Mr. KUCHEL. I thank my able friend very much.

FEDERAL FLOOD INSURANCE ACT OF 1956 NEEDS IMPLEMENTATION NOW

Mr. YARBOROUGH. Mr. President, one of the most tragic consequences of Hurricane Carla, which I observed in my survey of its damages last week, was the destruction and heavy damage to the many dwelling places of Texas coastal residents. Many homes that had been secure through many previous severe storms and hurricanes were washed away in this latest disaster. For many families the savings and investment of a lifetime were washed away by the hurricane's tides. Many of them will still owe substantial sums on mortgages for these homes now washed away, but sadly enough no commercial insurance is generally available against damages from floods or rising waters.

Congress recognized this fact in 1956 when it passed the Federal Flood Insurance Act, a wise and sound measure sponsored by many Senators over the years and endorsed by Presidents Truman and Eisenhower. This act was to have provided a beginning program of flood insurance similar to Federal crop insurance to cover the gap left in commercial policies. The 1956 act would have established a Federal Government pilot program, and through example, and reinsurance provisions, encouraged the writing of commercial flood insurance.

Unfortunately this act has never been implemented. Problems of its administration were never adequately resolved in 1956 and 1957 and no appropriations have ever been made for its implementation.

Mr. President, I submit that the Hurricane Carla disaster illustrates once again the great need for a program of this nature. I call upon the administration to throw itself with vigor into the problems of effectively implementing the 1956 Federal Flood Insurance Act in order that homes may be protected; I pledge my cooperation to the administration on this score.

I am sure that Congress stands ready to enact any further legislation that may be needed to clarify the responsibilities under the program and to appropriate the funds needed to begin.

LOCATION OF THE SPACE LABORATORY OF HOUSTON, TEX.

Mr. YARBOROUGH. Mr. President, the Space Research Laboratory for Manned Flight is an event of the first magnitude. Its location in Texas will have a great and beneficial effect on the economy of the State; its scientific and educational life as well.

This scientific research center will utilize the skills and the intellects of the largest single concentration of scientists of this decade, as man prepares for his first voyage to the stars.

As a Texan, I am proud of this great coming of the scientific age to the gulf coast of our State. I commend NASA for their good judgment in choosing this spot—with its availability of a dedicated labor force, good water, transportation facilities, and mild climate, enabling a maximum number of working days a year, and fine scientific educational centers—for the location of one of mankinds greatest scientific efforts of all time.

The location of the space vehicle manufacturing plant, on the lower Mississippi River, and the location of the space laboratory at Houston, will cause a great wave of intellectual activity around the rim of the Gulf of Mexico. All scientific learning will be stimulated there; its universities will expand greatly, both in quantity and quality of work done; men will strive for great things, and the human race may well witness an intellectual advance around the gulf rim rivalling that which swept the Greek world around the rim of the Mediterranean more than 20 centuries ago.

THE UNITED STATES VERSUS UNNEUTRAL NEUTRALITY

Mr. PROUTY. Mr. President, we may be staggering blindly on the road to disaster; and the American people have a right to know it. We not only fail to see the light; we seem not even to know that we are in the dark.

"What is good for the country?" has become "What will the world ever think of us?" We encourage, and even reward, nations whose policies would lead us into the valley of our own undoing.

Is the face of America the same? Has the picture in the window to the world been changed? Is the image of bold Uncle Sam now the image of the timid old J. Alfred Prufrock who cautiously wonders each morning?

Do I dare?
Do I dare?
Do I dare
Disturb the Universe?
No! I am not Prince Hamlet, nor was meant to be;
Am an attendant lord, one that will do
To swell a progress, start a scene or two,
Advise the prince; no doubt, an easy tool,
Deferential, glad to be of use,
Politic, cautious, and meticulous;
Full of high sentence, but a bit obtuse;
At times, indeed, almost ridiculous—
Almost, at times, the fool.

I am tired of our fawning and truckling to win the allegiance of the uncommitted nations. We often act "as if we were engaged in a debate with the Communists in a sort of Oxford Union where the uncommitted or neutral nations act as moderators and award a prize after hearing all arguments"—"The New Cult of Neutralism," Henry A. Kissinger, page 26, the Reporter, November 24, 1960.

To avoid offending what is called world opinion, President Kennedy refused to let his country resume nuclear testing. I am sure that this action met with widespread approval.

Glory was to be ours and shame would fall upon the Soviet Union when Khrushchev became the first to break the test ban. This was the theory.

What price glory?

Indeed, what a price for no glory at all.

Assuming the stance of dictator of the world, Khrushchev did not just take the lead in resuming nuclear testing—including testing of the most powerful hydrogen bombs the world has ever known. He started testing above ground—the method that causes the greatest poisoning of the earth's atmosphere.

Twenty-four so-called neutral nations were sitting in the jury box at Belgrade when the Soviet Union announced its intention—since carried out—to resume nuclear explosions.

And what was the verdict of this jury we have been so assiduously courting? "Not quite guilty."

Nehru said:

I am not in a position and I suppose no one else here is in a position to know all the facts underlying the decision—military, political or nonpolitical, whatever they may be. But I know this decision makes the situation much more dangerous. This is obvious to me. Therefore, I regret it deeply.

President Tito of Yugoslavia said he understood why Moscow had decided to resume nuclear testing; Nasser was simply shocked. The rest were eloquently silent.

The shrieking shame on you, Russia hoped for by the White House, turned out to be a whispered version of "Miss Otis regrets she is unable to lunch today."

About the only character missing from the very tragic comedy in Belgrade was the fictional creation of Lewis Carroll who said:

I am very brave generally only today I happen to have a headache.

Joseph Alsop nailed to the wall for all time the naive code of leading U.S. policymakers—the code that lets a synthetic world opinion—not enlightened self-interest—shape the policies of this Nation. Alsop said:

If you listen to persons of this school of thought you might suppose that foreign policy could be conducted on the principle of Sir Galahad—"my strength is as the strength of 10, because my heart is pure." The truth is, alas, that naked power counts far more in this sad world than virtuous intentions.

Mr. Khrushchev did not give a hoot about world opinion. He was brutally frank about his reason for resuming nuclear weapons tests at this time.

According to the New York Times, Khrushchev told some leftwing British visitors, he is doing it to terrorize the Western Powers into negotiations on Berlin, Germany, and disarmament—on his own terms.

The so-called neutral nations issued a communique summing up their 5-day parley.

The communique called for peace but dealt chiefly with colonialism.

The neutralists saw colonial exploitation in the existence of the U.S. naval base at Guantanamo Bay. The base, they said, "affects the sovereignty and integrity of Cuba."

The neutralists demanded immediate evacuation of French armed forces from Tunisian soil.

The neutralists also called for immediate freedom for Portugal's African colony of Angola.

No neutralist at Belgrade said anything about the cruel treatment of the citizens of East Berlin, the Chinese occupation of Tibet, or India's refusal to allow a plebiscite in Moslem Kashmir.

There was no sorrow expressed in Belgrade about the enslavement of Hungarians and other Eastern Europeans.

The Soviet Union's breach of the ban on the testing of thermonuclear weapons brought no rebuke—not even a scolding—from the neutralist delegates.

President Sukarno of Indonesia did find time, however, to demand that the West accept the Soviet solution for Berlin and Germany.

Tragic to say, the $6 billion of U.S. aid to the 24 neutralist nations evoked no kind words, no support for the American viewpoint.

Naked power, does, indeed, count for more in this sad world than pureness of heart.

Sukarno has received from the United States since the end of World War II nearly half a billion dollars.

Nehru and Tito, during the same period, got $2 billion apiece in U.S. aid.

Mr. President, it appears that it is now more profitable to oppose us than to appease us.

I have a table, taken from U.S. News & World Report, which breaks down the $6 billion we gave the 24 neutralist nations and I ask unanimous consent that the table be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SIX BILLION DOLLARS TO THE "NEUTRALS"—WHO GOT HOW MUCH?

Between the end of World War II and March 31, 1961, the United States gave and loaned more than $6 billion to 24 "nonalined" nations, as follows:

[In millions]

	Economic and technical aid	Military aid	Total
Yugoslavia	$1,362	$719	$2,081
India	1,906	0	1,906
Indonesia	458	21	479
United Arab Republic	346	0	346
Cambodia	191	66	257
Morocco	168	0	168
Tunisia	142	0	142
Afghanistan	116	0	116
Lebanon	76	7	83
Ethiopia	44	35	79
Burma	73	0	73
Iraq	20	49	69
Ceylon	63	0	63
Cuba	38	16	54
Sudan	31	0	31
Nepal	27	0	27
Saudi Arabia	27	0	27
Congo Republic	19	0	19
Yemen	10	0	10
Cyprus	7	0	7
Somali Republic	7	0	7
Ghana	5	0	5
Guinea	2	0	2
Mali	(1)	(1)	(1)
Total	5,138	913	6,051

[1] Small amount, exact figures not available.

Mr. PROUTY. It is said that what's past is prologue and what is to come may be the formless ruin of oblivion.

If we wish to avoid oblivion, we would do well to look back at the years the locusts have eaten. There are, indeed, traces in the devastation. I shall examine but one of them.

India has left its mark in the United Nations—a mark of support for Moscow or a mark of abstention from any issue that might embarrass the Soviet Union. Here is a part of the record:

Germ warfare, October 21, 1952: India abstained from voting on a motion demanded by the Soviet Union to investigate charges that the United States used germ warfare in Korea. The free world overwhelmingly voted against it.

Red China, October 25, 1952: The General Assembly voted to postpone considering Red China for membership in the United Nations. The Communist bloc voted against postponement. So did India.

U.S. spying, March 26, 1953: When the Communists accused the United States of "spying" behind the Iron Curtain, the resolution was defeated by the votes of the free world. India abstained from voting.

Germ warfare, March 27, 1953: The Communists again demanded a hearing on charges that the United States used germ warfare in Korea. India voted with the Soviet bloc but the proposal was beaten again.

Red China, September 15, 1953: The General Assembly again postponed the question of Red China entering the United Nations. The Soviet bloc opposed delay. So did India.

Korean atrocities, December 3, 1953: When a U.S. resolution was offered in the U.N. Assembly to condemn Red atrocities which had caused 30,000 deaths in Korea, and the resolution was adopted by the free world, India abstained from voting.

Red China, September 21, 1954: The consideration of a U.N. seat for Red China was postponed again. The Russian bloc supported China. So did India.

American prisoners in China, December 10, 1954: When the General Assembly condemned the Red Chinese Government for keeping war prisoners in violation of the Korean truce, the Communist bloc voted against the resolution. Nehru abstained from voting.

Red China, September 20, 1955: The General Assembly again voted to postpone considering Red China's request for a seat in the United Nations. The Communist bloc voted against delay. So did India.

Hungary, November 9, 1956: When the U.N. Assembly passed a resolution denouncing Soviet intervention in Hungary and demanding that Russian troops be withdrawn and free elections held, India was the only non-Communist government in the world to vote against the resolution.

Hungary, November 21, 1956: The General Assembly demanded Soviet troops withdraw, that U.N. observers be permitted to enter Hungary, and that deportations to Russia stop. India supported observers but abstained on the two parts of the resolution relating to troop withdrawal and deportations.

Hungary, December 4, 1956: The General Assembly repeated the demand for Russian troop withdrawal from Hungary and entry of United Nations observers. The Soviet bloc voted against. India again abstained.

Hungary, December 12, 1956: On this day, one of the most important in the history of the U.N., the General Assembly voted to condemn Russian intervention in Hungary and repeated its demand that troops pull out. Communist bloc opposed the resolution and India abstained.

In a speech on November 9, 1956, Nehru justified India's abstention on the November 4 resolution by referring to the military action in Hungary as civil conflict, and the situation as very confusing. In the same remarks, he is reported to have given in detail and without a trace of counterbalance the justification for the Soviet attack that he had received from Bulganin.

How different was Nehru's attitude when he attacked repeatedly and in the harshest terms the Anglo-French invasion of Egypt in the fall of 1956. He sent a vigorous message to Secretary General Hammarskjold, stating that India was profoundly shocked and urging the United Nations to take "strong" measures.

The Hungarian crisis which had been in process since October 1956, called forth no public statement from Nehru until November 5 of that year when he expressed dissatisfaction with the two major world powers.

Nehru's unwillingness to recognize the threat of world communism has been evident even since the Hungarian revolt in 1956.

Two years later we saw the revolt in Tibet, followed in 1959 by the violation of the traditional northern frontier of India by the Red Chinese. In each case Nehru reacted more slowly and more mildly than informed opinion in India.

In his work, "Nehru, Nasser, and Nkrumah on Neutralism," Ernest W. Lefever has this to say:

Nehru's mild response to Peiping harassment of Indians in Tibet drew sharp criticism from some journalists and politicians. The Times of India commented: "Is there no limit to the humiliation we are prepared to accept at China's hands?" One correspondent said that for the first time since 1937 when Nehru became India's foreign affairs expert, "Indian opinion affirmed itself instead of waiting" to hear from Nehru. He added: "Indians are fed up with China and weary of Nehru's wisdom."

When China violated the border of India, Nehru's response was criticized by Parliament and the press. Opposition members charged him with appeasement.

Robert Trumbell, writing in the New York Times on September 5, 1959, said:

A study of leading Indian newspapers suggests that Mr. Nehru has been so far behind public opinion on Communist China in recent months that he may have to run to catch up.

In the General Assembly of 1960 attacks on the West by such leaders as Nehru, Nasser, Sukarno, and Nkrumah, were sharp and direct; those on the Communist bloc blunted, cautious, and ambiguous.

Henry A. Kissinger characterizes the action of the neutralists as follows:

> Almost every speech by these leaders attacked Western imperialism. Not a single reference was made to the unprovoked Soviet threat against Berlin—not to speak of other Soviet policies in Eastern Europe.

Nor did the uncommitted nations that were supposed to have been alienated by Mr. Khrushchev rush to the defense of the Secretary General when he was under the sledge-hammer blows of Kremlin spokesmen.

While Nehru did fail to support the Russian proposal for a change in the U.N. Charter with respect to the Secretary General, he later proposed, as Kissinger suggests, organizational changes whose practical consequence came very close to meeting Mr. Khrushchev's aims.

This persistent pattern was in bold relief last year when the neutralists voted yes with the U.S.S.R. while the United States abstained, on three arms control resolutions.

Indeed, there has never been a time in the history of the United Nations when the so-called uncommitted voted together to challenge or condemn a policy of a Communist nation.

This is the record, Mr. Neutralist.

> Nor all your piety nor wit
> Shall lure it back to cancel half a line,
> Nor all your tears wash out a word of it.

NEUTRALITY

Neutrality and neutralism each mean different things in different places and at different times. They can even mean different things in the same place and at approximately the same time—see "Neutrality: Varying Tunes." Hamilton Fish Armstrong; Foreign Affairs, October 1956, page 57. Armstrong points out that on June 6, 1956, President Eisenhower defended the right of nations to be neutral and 3 days later Secretary Dulles said that neutrality is "immoral." The President and Mr. Dulles were talking about different things.

The traditional meaning of the term "neutrality" is legal in nature and refers to a state's position of nonparticipation in time of war. Neutrality brings certain legal rights and responsibilities to the neutral state and the states in combat, and international law declares the rules that should govern this relationship.

Neutrality in a specific instance is often termed "ad hoc" neutrality. An example of this type would be the neutrality followed by the United States in the early stages of the First World War.

Another variation of this concept is that of permanent or perpetual neutrality. This type of neutrality, sometimes called "institutionalized" neutrality and exemplified by Switzerland, is frequently recognized in some legal form. A permanently neutral state attempts to be neutral in every war.

In Europe two countries are "neutralized" by international agreement. They are Switzerland and Austria—the former by an agreement of 1815, and the second by international law and international recognition by the United States, Britain, France, and the Soviet Union in 1955.

Finland, under the shadow of the sword of the Soviet Union, has been neutral by law since the end of World War II.

Sweden and Ireland have both been neutral as a matter of policy for a great number of years—the former, since the Napoleonic wars.

In Asia there have been at least two internationally neutralized states. Laos and Cambodia were forbidden by the Geneva Armistice Agreement of 1954 from entering military alliances or allowing foreign military bases on their territory.

Throughout a great part of its history the United States pursued a policy of genuine neutrality, and even acted as the protagonist for the rights of neutrals to carry on activities without hindrance from the parties at war.

NEUTRALISM

The term "neutralism" entered the vocabulary of the cold war about 15 years ago.

Although the dictionaries frequently define neutralism as a synonym for neutrality nothing could be more harmful than to confuse the two as they relate to the present world situation.

At the heart of neutralism, Eugene Lyons suggests, is the intolerable premise that the cold war is simply a conventional conflict between two power-hungry countries, the United States and the U.S.S.R.; that the Soviet bloc of nations and the American bloc are really the same breed of animal—"The Anatomy of Neutralism." Eugene Lyons; National Review, July 18, 1856, page 9.

By explaining away the Kremlin's crimes, said Lyons, and inventing or exaggerating American sin, the neutralist seeks to obliterate the moral gulf that separates the two worlds—Lyons, Eugene, in the work cited, page 10.

Thus, craft and credulity stifle reason and morality.

How has the United States reacted toward neutralism? Let us for a moment turn back the pages of history.

The division of the world in two major armed camps began with Soviet expansion into eastern Europe at the end of the Second World War.

By 1948, Albania, Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, and Rumania were forced under Soviet control.

In the Far East Communists took over in Outer Mongolia, China, North Korea, and North Vietnam.

Facing the threat of further Soviet advancement, the free nations of Western Europe and the United States and Canada formed the North Atlantic Treaty Organization.

After Communist China became poised for aggression in a second theater, the United States took the lead in bringing about the Southeast Asia Treaty, the Baghdad Pact and other collective security arrangements. These pacts are the backbone of our defense system.

Americans did not express much concern about "neutralism" until the bloody fighting of the Korean war. As lists of American dead and wounded grew larger and larger, many in the United States became bitter toward the countries that failed to assist the United Nations.

American awareness of the neutralist question mounted as the United States joined or encouraged SEATO and other military defense pacts and as neutralists became sharply critical of these pacts.

Consciousness of the question also grew as the Soviet gradually extended its influence into Africa and Asia through aid and trade.

Before the war in Korea was over, the free world community proved itself a myth.

In the words of Arnold Wolfer:

> The world had been divided not into two, but into three parts, one of which consisted of nations determined to remain uncommitted to either of what they called the military blocs and to take no share, therefore, in the U.S. collective defense effort.[1]

What motivates newly independent countries to become neutralists? A Library of Congress study gives this answer:

> Their strong anti-Western, anticolonial feeling. They are so emotionally antagonistic to those who were only a short time ago their rulers and, in their view, their exploiters, that they find the idea of cooperating with them now emotionally repugnant.[2]

John Foster Dulles drew no real distinction between neutrality and neutralism. He saw in them both a pretense "that a nation can best gain safety for itself by being indifferent to the fate of others. This," he said, "has increasingly become an obsolete conception and, except under very exceptional circumstances, it is an immoral and short-sighted conception."

After the death of Dulles, the pendulum began its dramatic swing in another direction. On October 14, 1960, President Eisenhower told 15 African leaders:

> You cannot afford to waste your money which is needed to build the hospitals, the schools, the roads that your people need—you cannot afford to put that money into costly armaments.

PAST AND PRESENT ATTITUDES OF THE SOVIET UNION TOWARD NEUTRALISM

The attitude of the Soviet Union is friendly toward neutralism and tries to encourage it. Things were not always thus.

In a recent article, George Ginsburgs shows the zigzag course of Soviet conduct in this area of international diplomacy—"Neutrality and Neutralism and the Tactics of Soviet Diplomacy," George Ginsburgs, the American Slavic and East European Review, December, 1960, pages 531–560.

In 1946, he said, Moscow seemed to think the moment ripe and the Soviet Foreign Office, apparently counting on the success of its prolonged propaganda

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[1] "Allies, Neutrals and Neutralists in the Context of U.S. Defense Policy." Arnold Wolfers. This article appears in Neutralism, a volume published by the Washington Center of Foreign Policy Research, p. 49.

[2] "The Problem of Neutrality," Foreign Affairs Division, Legislative Reference Service, Library of Congress, p. 11.

campaign against neutrals in general, and Turkey in particular, presented Ankara with the demand for a Communist role in the straits of the Dardanelles. Turkey's rejection of the Soviet plan met with the strongest kind of vituperation—Ginsburgs, George, in the work cited, pages 535–536.

Mr. Ginsburgs summarizes Moscow's attitude toward neutrals in the immediate postwar period as follows:

> Even those nations which, like Sweden, indicated early in the cold war that they would adhere to a policy of neutrality in peace or war, met no encouragement from Moscow and were indiscriminatingly relegated to the camp of imperialism to the destruction of which the U.S.S.R. declared itself dedicated. Nor did Asian neutralists fare any better at this stage of Soviet diplomacy.[3]

When the growing strength of Western Europe deterred advances there by the Soviet Union, the Kremlin sought consolation in Asia and Africa.

There were practical considerations behind this decision.

By sponsoring neutralist tendencies the Soviet statesmen hope to:

First. Surround the U.S.S.R. with a buffer zone of friendly, or at least uncommitted, nations;

Second. Deny the use of lands bordering on the U.S.S.R. to foreign military installations;

Third. Weaken any Western collective security system by wooing away from it as many candidates for membership therein as possible;

Fourth. Deprive the Western powers of their sources of essential raw materials;

Fifth. Aggravate the struggle by the allied states for fast dwindling world markets by depriving them of colonial outlets and by expanding them in the newly independent areas—Ginsburgs, George, in the work cited, page 555.

In pursuit of these goals, the Soviet Union flatters neutralists about the "positive role" they have played in the interests of peace. It constantly espouses all neutral claims against pro-Western states regardless of their merits. From time to time the Kremlin expresses the view that war is no longer inevitable so long as the so-called zone of peace—the Soviet Empire and the friendly neutralists—is adequately strengthened.

Khrushchev continually attempts to identify the interests and policies of the neutralist countries with those of the Communist bloc.

This has been reflected in the United Nations and other organizations. The Soviet Union has been urging a much larger role for neutrals in the composition of the international bodies newly established and has tended to equate neutrals with Communist countries in counting the members of international bodies in order to obtain a kind of equality between East and West. The United States has opposed these attempts to link neutrals with the Communist camp. But many of the neutralist countries have given an impression of supporting the Soviet theory of membership.

When the Communist states boycotted the United Nations Commission on the Peaceful Uses of Space, both the United Arab Republic and India boycotted it also.

The Soviet bloc has also supplied economic, technical, and military aid to many of the uncommitted states. Among these are Yugoslavia, the United Arab Republic, Iraq, Yemen, Ethiopia, Afghanistan, India, Nepal, Burma, Cambodia, Ceylon, and Indonesia.

How long will Moscow's present support of neutrality and neutralism last? Probably until the Soviet Union has overturned the balance of power in its favor.

If that day ever comes, the neutrals will one by one be pinned, wriggling, to the wall like stuck butterflies.

Before the Berlin crisis began to heat up, it was often said that the struggle between the East and West was transferred from the military sphere to the economic and ideological sphere.

This represents the worst kind of wishful thinking. The so-called peaceful competition campaign has a direct connection with military power and policy.

NEUTRALISM VERSUS U.S. DEFENSE POLICY

There are three categories of nations lying between the United States and the Soviet bloc, and changes in the attitudes of any of them could result in a weakening of the U.S. defense position.

The first category consists of allies of the United States, countries bound by agreement or otherwise to support the U.S. collective defense effort; second, are the genuinely neutral countries which neither support the United States nor the Communist camp; and finally, there are the new neutralists whose marked bias against the West brings trouble to American defense policies.

The Communist bloc will be the winner if there is any transfer of U.S. allies to the category of neutrals, of neutrals to the category of neutralists, of neutralists to the category of complete satellites of the Soviet Union or Red China.

The studies of one observer disclose that no country except Cuba and Iraq—the latter never directly allied with the United States—has ever voluntarily changed from alliance to either neutrality or neutralism.

A switch, however, of one of America's major European allies from alliance to neutrality could make NATO unworkable.

In an excellent article, Arnold Wolfers points out that it is not always appreciated abroad why the United States set out to establish a widespread alliance system and why it stands to suffer if additional areas of the world come under neutral rather than allied control.

Wolfers had this to say:

> In order to be able to contain the Sino-Soviet bloc inside the Eurasian land mass, the United States must be able to project its military power across the great oceans. It can do so only if given adequate opportunity for the deployment of American forces and facilities overseas and if assured of military cooperation by local allied forces stationed in the Eurasian danger zones. Thanks to its geographic location, the Soviet Union has no similar need—whether for its own protection or that of its allies—of engaging in peacetime deployment of forces beyond the borders of the bloc. This asymmetry of the geographic position of the two great powers gives the Soviet Union a marked propagandistic advantage. It has nothing to fear and much to gain from arousing hostility against military blocs and the stationing of troops on foreign soil.[4]

I do not suggest that the United States would profit if all non-Communist nations were prepared to join our alliance system.

If a country has little attraction, militarily, and is so exposed that an effort to safeguard it exceeds U.S. capabilities, there is a peril that failure to live up to a commitment to defend it may have the much feared "domino" effect of driving other allies into the arms of the Soviets. Furthermore, efforts to protect such a country may be so expensive or provocative that the United States is worse off as a result of the alinement than if the country in question remained uncommitted—Wolfers, Arnold, in the work cited, page 50.

Even though many Americans disapprove of neutrality, it is here to stay and we might as well resign ourselves to it. Certainly genuine neutrality is less harmful to the United States than neutralism or neutralist unneutrality of the type practiced by the newly independent nations.

Each time a part of a colonial empire disappears and is supplanted by a neutralist government antagonistic to the West, our ability to fight limited wars is cut back sharply.

The newly governed territory becomes unavailable for possible American and allied oversea bases and staging areas.

The sharp difference between genuine neutrality and neutralism rests in the fact that those who advocate the latter demand a "positive" role in world affairs.

It is hard to take seriously their professions of neutralism. One is reminded of the Irishman who, when told that his country was neutral, asked: But who are we neutral against?

The world trend toward neutralism would be slightly less disturbing if the new neutralist leaders would but recognize that they are able to strike such a pose only because of the power of the United States and its allies.

The more they condemn American bases overseas, the more the neutralists prevent the deployment of our forces abroad, the more they weaken U.S. strength, the only safeguard of their independence.

One expert has said that the neutralists have all been more interested in inveighing against the nuclear arms race than in examining concrete proposals for tackling the control problem. For this reason, he said, they have almost always endorsed tacitly or explicitly the Soviet propaganda position in the United Nations and outside.

An escapist version of neutralism now endangers the relationships between America and her allies.

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[3] Ginsburgs, George, op. cit., p. 536.

[4] Wolfers, Arnold, op. cit., p. 49.

The majority of delegates to the 1960 Conference of the British Labor Party went on record in favor of the unilateral nuclear disarmament of Great Britain.

Only a short time ago about 1,300 Britons were arrested for carrying on civil disobedience in support of their "Ban of the Bomb" demonstration.

This attitude does not represent majority thinking in the United Kingdom and probably never will. Official approval of such a view would mean, God forbid, no bases on British soil and quite likely no NATO.

CONCLUSION—WHERE WE ARE AND WHERE WE SHOULD BE GOING

For a time we acted as if the only importance of the new nations was as future military allies; neutrality was scorned as "immoral." Our policy now goes 180 degrees in the opposite direction.

We do not just encourage neutralism; we exalt it.

In the view of leading U.S. policymakers, our paramount object is to engage in a race to please the uncommitted and to avoid at all costs offending the myth called world opinion.

The worshipers of world opinion prevailed upon the White House to deny air cover to the Cuban rebels and the invasion was a flop.

The worshipers of world opinion envisioned a great victory if the Communists broke the nuclear test ban and they saw their victory turn into a handful of dust—radioactive dust.

As Hans J. Morgenthau, writing for the New York Times has so wisely said:

> It will avail the United States little to try to curry favor with the neutralists by trimming its policies to their preferences; neutralism feeds on this kind of weakness. Rather, we must pursue clearly defined, strongly executed and ably presented policies to a successful conclusion, thereby demonstrating to all concerned that we know what we are about and that it does not pay to cross us.

Tragic to say, there are some in high places in this country who have not turned deaf ears to those who would have us pursue the cult of world opinion rather than enlightened self-interest.

Our situation calls to mind the story that is told of a man in Paris during the upheaval in 1848, who saw a friend marching after a crowd toward the barricades. Warning him that they could not be held against the troops, that he had better keep away, and asking why he followed those people, he received the reply, "I must follow them. I am their leader."

It is possible, as Kissinger suggests, to accept the desire of a new nation to remain neutral without transforming that acceptance into "an exaltation of noncommitment."

We ought at least to acknowledge that some of the new countries are in need of a time of peace and unentanglement to put their domestic house in order.

Moreover, we should harbor no illusions about pushing our precise form of government on peoples who do not yet have the sophistication to operate it.

Our Anglo-Saxon concepts of liberty and our American values evolved and have been refined over a number of centuries.

We cannot expect the newest of the emerging societies to gain a full appreciation of them overnight.

Let it be said also that as a nation we welcome the aspirations of the new countries for a better life for their people.

If the time ever comes when we can have arms reduction under a realistic, enforceable agreement, the United States and all the Western Powers will have at hand resources which can be used to further these aspirations.

NEUTRALS AS ARBITERS

To attain respect for their sovereignty, many of the new neutralists use the United Nations as a forum from which their voices can be heard.

While this activity does not solve their disquieting problems at home, it does give them a heady feeling about playing a role in the affairs of the world, and they rather like it.

But when the tumult and the shouting die, they ought to ask themselves whether they can really abandon the passivity practiced by traditional neutrals and still expect the prerogatives of genuine neutrals, and even more.

At this very hour the group from the Belgrade debacle is attempting to impose its will upon President Kennedy.

Some of the neutralists attempt to play the arbiter in highly technical disputes such as the arms-control inspection controversy when they have no fellow countrymen expert enough to tell them what some of the problems really are.

V. K. Krishna Menon, India's Defense Minister, criticized the Soviet tests in New Delhi on September 14, but he viewed the Russian atmospheric tests and the American underground tests as equal menaces to humanity.

Indeed, the Associated Press says he "implied atmospheric tests would have less fallout because they do not suck up earth and contaminate it, while the American tests are potentially more dangerous because they involve the ground."

The propaganda weed has been snuffed out by the Washington Post. On September 16 the Post said:

> Those who see no distinction between the dangers are scientifically stupid, hopelessly uninformed, or Communist alined. There is not one shred of scientific evidence for [Krishna Menon's] assumption.

I ask unanimous consent that the Post editorial be inserted in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROUTY. Mr. President, we are on the wrong road—and I have gone far enough.

The American people did not believe that the $6 billion we gave the Belgrade neutralists would buy us friends, least of all reliable friends; they had a right to expect that we would not be purchasing enemies.

We draw the designs of our policies for this world jury and they will not see them; we plead our case and they will not hear it.

Their tactics call forth memories of an African fable which suggests how smaller neutralist nations can benefit by the cold war. The fable goes like this:

A clever weasel who desires to become king of the beasts challenges the strongest animals to a contest. He proposes a tug of war, but makes the rope so long that the contestant cannot see his opponent on the other end.

The wily weasel puts one large beast against another and then claims victory over the loser. He repeats the performance and eventually calls himself king of the beasts.

I hope the Belgrade neutralist does not draw too much comfort from this fable because if the West should fall in the East-West struggle, he will find the rope in the hands of the Red beast and it is quite long enough to encircle his neck.

Although Khrushchev has given some aid to neutralist nations, basically he has acted on the theory that "neutrals respect power and threats more than cash and kind words." This policy has paid off for Moscow.

We cannot give aid in great quantities forever and ever to neutralists who lean to Russia more than to the United States.

President Kennedy added a significant postscript when he signed the foreign aid bill, which I hope represents a definite change in policy more than "pique."

The President said:

> It is my belief that in the administration of these funds we should give great attention and consideration to those nations who have our view of the world crisis.

Perhaps I should say at this time that the distinguished junior Senator from New York [Mr. KEATING] offered an amendment, which was accepted and included in the foreign aid appropriation bill, and which carries out almost verbatim the President's views, which he expressed at the time of the signing of the bill.

I commend the junior Senator from New York most highly for his action in incorporating this provision in the bill. This, I hope, will encourage the President to make his statement the germ of a new approach which will end indiscriminate American support for alined, as well as nonalined, and neutralist countries.

For my own part—I strongly recommend that we scale down, and where appropriate end, all foreign aid commitments to neutralist nations who manifest varying degrees of bias in favor of the Communist bloc.

I recommend with equal vigor a complete reappraisal of our official position on all issues in which allies, as well as neutralists, have a stake. In truckling to "neutralist" opinion—too often we overlook our friends.

At the outset of my remarks, I said:

> We may be staggering blindly on the road to disaster.

I mean every word of it.

Arnold Wolfers says, and I agree:

> Our failure to differentiate between types of nonalinement will put a premium on the most radical forms of neutralism and will

counteract the dynamic which tends to confine the radical type of policy to a small minority.

Mr. President, the opening session of the 16th General Assembly of the United Nations in New York today marks a grave turn in world affairs.

This is particularly true since the tragic death of Secretary General Dag Hammarskjold. He was a great man, a man dedicated to peace. He will be sorely missed.

For the first time since the beginning of the U.N. in 1945, the Communist bloc, with the aid of sympathetic neutrals, may well be in effective parliamentary control of the United Nations machinery.

One observer has said:

The newly consolidated Red bloc will not be strong enough to enact their own reorganization scheme for the U.N.—a step which requires a two-thirds vote in the Assembly—but it will be sufficiently powerful to frustrate virtually all affirmative proposals for peace and orderly development, as offered by the West. Thus, the session promises only frustration and humiliation for the dues-paying NATO powers.[5]

Lawrence Sullivan points out the great drive for Kremlin direction of the U.N. which began with Khrushchev's arrival in New York last September. On an Assembly rollcall on October 5, 1960—on only a routine procedural question—the West garnered but 1 vote out of 24 in Africa; 7 out of 21 in Asia; and 13 out of 20 in Latin America—for a total of 21 out of 65 among the so-called underdeveloped countries.

Analysis of the U.N. rollcall—now 99 members—suggests this division as between the three principal blocs:

West, 50; Communist, 12; neutrals, 37.

This precarious alinement may mean that the U.N.—once the beacon hope of freedom—may become an instrument of chaos and world disorder.

The words I have spoken today do not come easily from the throat of one who has given his voice and his vote to measures which would aid the underdeveloped nations.

The world has revolved a number of times since I first gave my wholehearted support to our aid program. I have tried to understand the misjudgments and indeed the folly of the infant and more advanced emerging societies.

Now, however, we are but minutes away from the hour of vital decision when all may be won or lost.

Let us talk dollars to the neutralists only when they talk sense to us.

EXHIBIT 1

ONE VOICE LESS

An appalling accumulation of radioactive debris has been put into the skies by the Soviet Union's 10 atmospheric tests of thermonuclear devices, and will descend, in the months ahead to poison the world's food and to imperil the health of all persons now living and the genetic integrity of all their descendants.

This is the grim scientific opinion, reported in the Washington Post yesterday. And this dreadful news is only half the story. The worst is yet to come, if and when the Soviet Union explodes the great 100-megaton bombs, two of which will equal all the radioactive byproducts of all atomic tests hitherto conducted.

There ought to be a worldwide outcry against the continuation of these tests. No great power has the moral right to put the health of peaceful people around the globe in such dread peril. This, by any rational definition, is an act of aggression against all the countries within the fallout pattern. Surely, the nonnuclear powers, in the United Nations, through every diplomatic channel and by every kind of appeal to the conscience of the world, should be seeking to stop this grievous and unprovoked attack upon the safety of all mankind.

War in the future may be made more terrible by the perfection of arms furthered by underground thermonuclear tests such as those the United States now undertakes; but peace itself today is made terrible by the atmospheric tests that Soviet Russia is conducting. One is a present horror; the other is a future horror which patient negotiation still may forefend.

Those who see no distinction between the two dangers are scientifically stupid, hopelessly uninformed—or Communist alined. In any case, such apologists for the Soviet explosions, never again can speak in accents of credibility for any humanitarian cause in any forum of the world. V. K. Krishna Menon, India's Defense Minister, and its representative at the United Nations, has utterly destroyed his effectiveness in world councils by his incredible responses to questioning at a New Delhi press conference Thursday.

In October 1957, he spoke with some force and effect when in the debate on the reduction of armaments, he told the United Nations General Assembly's main political committee:

"There is no safe level of radiation. Every explosion of a hydrogen bomb equivalent to a million tons of TNT could produce bone cancer in 1,000 people. This does not take into account the effects on children before or after birth."

He was appealing to the conscience of this country, and of all mankind, in 1956 when he angrily threatened to demand that the United States be taken before the World Court for nuclear weapons tests planned in our trust territories.

He criticized the Soviet tests in New Delhi Thursday; but he saw the Russian atmospheric tests and the American underground tests as like menaces to humanity. The Associated Press says he implied atmospheric tests would have less fallout because they do not suck up earth and contaminate it while the American tests are potentially more dangerous because they involve the ground.

There is not one shred of scientific evidence for this assumption. Nothing in the nature of radioactive debris has escaped any underground tests hitherto conducted. There can be no explanation for this kind of mischievous, Communist-serving utterance that will leave an iota of credibility in any non-Communist audience for anything V. K. Krishna Menon may say. The most charitable inference that can be drawn from this piece of nonsense is that the military defense of India is in the hands of a scientific ignoramus. That is alarming enough. And other conclusions about these views of a man so intimately connected with the Prime Minister of India, so powerful in its military affairs, so influential in its foreign policy, are even more alarming.

The real tragedy of such misguided reactions to atmospheric testing, of course, is the destruction of one more moral restraint upon great-power thermonuclear competition. There are few enough who still speak authoritatively in the name of the nonalined people and countries. There are few enough who can be heard in the cabinets of great powers when moral issues arise. There will be one less hereafter.

[5] Draft of newspaper article by Lawrence Sullivan, coordinator of information, U.S. House of Representatives.

Mr. SCOTT. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I am glad to yield.

Mr. SCOTT. I commend the distinguished Senator from Vermont for a thoughtful and important message, one which I hope will receive wide attention. The Senator from Vermont has forcefully and plainly put into words what has disturbed many of us who, for a long time, have supported, as he has, the general concept of foreign aid. I congratulate the Senator from Vermont.

If I may have his permission, I should like to add some further comments.

Mr. PROUTY. I am happy to yield to the Senator from Pennsylvania.

Mr. SCOTT. Recently we heard much about a possible deal with the Russians whereby the United States would recognize Outer Mongolia, or would support Outer Mongolia, for admission to the United Nations if the Russians, in turn, would support the admission of Mauretania. This was a "heads I win, tails you lose" proposition. It was about as great a piece of folly as could have been conceived; it is difficult to understand how sensible men could even have toyed with the idea, considering it on its merits. It is more understandable if one concludes that perhaps some persons toyed with the idea as a means of opening the door to the admission of Red China; or if, perhaps, they were considering that once the Soviet's oldest satellite and ally was admitted, the doors would be open to others.

But let us consider for a moment the effect of that proposal, which appears to have been considered seriously in some quarters in this country.

The Senator from Vermont has clearly pointed out the tenuous situation in the United Nations, with 50 nations presumably committed to the forces of freedom; 37 unalined, as they call themselves; and 12 Communist. The proposal of the Russians, which was nibbled at as tempting bait by some persons in this country, would have offered to us and to the world the addition of one Communist nation and one more unalined nation, but no nation clearly and overtly alined with the forces of freedom. In other words, we were expected to be willing to settle in order to admit another Communist nation and another unalined nation, and thus further reduce the effectiveness of the free forces of the world Is that not correct?

Mr. PROUTY. That is absolutely correct, as I see it. I am glad the Senator from Pennsylvania has brought out that point. It is vitally important. I think the American people should be conscious of what might have been done except, perhaps, for the pressure of public opinion, which is being developed by such persons as the distinguished Senator from Pennsylvania.

Mr. SCOTT. Public opinion is our last refuge in the legislature, because if we can find out soon enough, and if the public can find out soon enough, what some misdirected and rather fuzzy and unclear thinkers are up to, we can trust public opinion, because public opinion in the United States is informed.

I am glad the Senator from Vermont has made a distinction regarding what is sometimes known as world opinion, because world opinion implies that throughout the world people are well informed on matters of great importance to their freedom and to world freedom; whereas we know that the percentage of literacy is very low in many countries. Throughout the world, most people have no idea of the fight which is taking place between the enslaved and the free peoples of the world. Thus, when we hear of some person getting up and saying, "I speak for this country," or "that country," we too often tend to assume that, in fact, he does.

Mr. PROUTY. That is true. But obviously it is impossible.

Mr. SCOTT. Does not the Senator agree that we should revise our thinking, and recognize that the so-called spokesmen of some of the so-called undeveloped countries very often are expressing something they learned at Oxford or something they learned while they were in jail, or something they learned in their home countries or under certain other circumstances which color and temper their views and, because of the illiteracy or the unsophistication or the lack of political awareness of the people of their countries, is accepted as the view of millions of people? Does not the Senator from Vermont agree that that is very misleading?

Mr. PROUTY. Certainly it is. Furthermore, the people of some of these countries are just emerging from the tribal level, and we cannot expect them to understand all the facts of life as we see them.

Mr. SCOTT. Within the hour the press has carried stories to the effect that Mr. Gromyko, the representative of the Soviet Government, has positively asserted that the Soviet Government not only will fight for the appointment of a Secretary General of the United Nations upon whose views they feel they could reasonably rely, but that they also intend to resume their fight for a three-headed, impotent-monster Secretariat; and Mr. Gromyko when asked whether they would consider the appointment of a Secretary General, bluntly replied in three words, "Troika, troika, troika."

The Russians know how to be blunt, and they know the usages of naked power. They understand that the so-called unalined nations understand that naked power can compel even men of reason and good will to fail to take their stand alongside the peoples of the free world.

The free nations of the world, led by the United States, should not be intimidated by mere threats of the use of naked power, but should realize the great force which is operating against those who, I believe, would be our friends if they dared.

I assume—and I ask the Senator from Vermont whether he agrees with me—that some of them might be willing to become our friends if we did two things: first, what the Senator from Vermont and the President of the United States have suggested, namely, use more care and be more alert with respect to those who share our concerns and our cause and those who are our friends and are willing to be our friends; and, second, be more positive, more alert, more affirmative, and more willing to make clear to the world that we, too, have power—in fact, greater power than that of the Soviet Union and all its satellites—and that that power will not be intimidated by blustering or shoe hammering on desks, but that that power is dedicated to the cause of holding the line for freedom and to advancing that line wherever we see an opportunity to advance it. Does the Senator from Vermont agree that those two points could be better made?

Mr. PROUTY. I agree wholeheartedly. I think that is something we must do; and if we fail to take direct action in that respect, I believe we are going to lose the cold war. We must convince the neutralist nations and other nations that we are more powerful than any other country in the world, and that we are not going to back down; that we will negotiate where that is possible, that we will search for every avenue for peace; but that if there is no alternative to fighting, we are prepared to fight, and to die, if necessary, because there are some things worth more than life itself, and one of them is the right to be free.

Mr. SCOTT. If the Senator from Vermont will yield briefly once more, I should like to state that last Friday, I stated on the floor that some of the so-called neutralist or unalined nations have assumed the position that while they are not entirely for freedom, they are not entirely against it, either. Does not the Senator from Vermont believe that is a highly unsatisfactory position from our standpoint? If the unalined nations cannot make up their minds in regard to whether they are entirely for freedom or entirely against it, perhaps it devolves upon us, Great Britain, France, Italy, and the rest of the free world to make it clear that alinement with the free world is not only the way of right, but is also the way of ultimate security in this world. We must convince them it is to their interest to dare something for freedom; and that we are not so much concerned with the position which some of them now hold; namely, that they are willing to take cash from us, but take their instructions from the Russians.

Mr. PROUTY. I could not agree more with the Senator from Pennsylvania. I think that is a responsibility which we must exercise. Certainly we must do our level best to show them the advantages of freedom and show them that their security rests entirely on us. Surely if they accept blandishments and propaganda and even some aid from the Russians they must realize that they will be taken over by the Russians lock, stock, and barrel. We have no territorial ambitions. Our only purpose is to secure peace in the world and to enable all the people of the world to enjoy peace in their own countries.

Mr. SCOTT. I thank the Senator from Vermont. I hope all will realize that the defense of the United States depends upon the vigor with which our country maintains its policies and the courage and determination with which it expounds its principles.

Mr. PROUTY. I thank the Senator from Pennsylvania, I agree with him.

Mr. KEATING. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I yield.

Mr. KEATING. The Senator from Vermont was kind enough to provide me with a copy of the fine address he has made; and I commend him for his excellent presentation and for his thorough research and for the penetrating comments he has made on the subject of the "Not-So-Neutral Neutral Nations."

Mr. PROUTY. I thank the Senator from New York.

Mr. KEATING. The distinguished Senator from Vermont has had a long and conscientious record of support of the United Nations and of support of economic assistance to underdeveloped countries. The call he has so eloquently stated for reevaluation of U.S. policies toward the giving of aid to so-called neutral nations therefore carries unusual weight.

As the Senator from Vermont has said, during the consideration of the foreign-aid appropriation bill the Senate adopted an amendment which would express the sense of Congress that great attention and consideration should be given to the nations which share our view in regard to the world crisis. Although the amendment does not mention the neutral countries by name, it means that the United States must concentrate its efforts and energies on helping nations which have a real recognition of the values of freedom and a real comprehension of the motives and objectives of the United States.

I am constrained to refer to a comment made by the distinguished Senator from Pennsylvania; namely, his comment about the admission of Outer Mongolia to the United Nations. My understanding is that it is certainly not a dead issue, but, instead, that it is still very much alive, and that in the administration there are those who are pressing it with great vigor. I think there is still a danger that the "deal" to which the Senator from Pennsylvania has referred might be consummated.

I regret that up to this point the Congress has not seen fit to express its views on that subject. I feel sure Members of Congress would be unitedly opposed to recognition of Outer Mongolia or admission of Outer Mongolia to the U.N. Such opposition should have considerable bearing on the views of those who are seeking—if not openly, then by other means—to bring about that result.

Mr. PROUTY. I think if that issue were put to a vote in either House of Congress, few, if any, would support it.

Mr. KEATING. I feel confident that that is so. A number of us were considering amending the foreign aid appropriation bill with a sense of Congress resolution, but the idea was abandoned because of the fact that it might not have been considered germane to the bill. It might have raised complications which we wanted to avoid in order not to imperil in any way the foreign aid appropriation bill. However, I think we must

continue to be alert to the possibility that efforts may be made in that direction.

The distinguished Senator from Vermont, in his fine address, has made an important distinction between neutrality—that is, the position traditionally taken by such nations as Switzerland and Sweden—and neutralism, which seems to be more and more a synonym for pro-Communist sympathies. Insofar as neutralism seems to arise from a calculated unwillingness to see and understand the Western point of view on international issues, insofar as neutralism seems to stem from a complete acceptance of Soviet-spawned propaganda, and insofar as neutralism seems to flourish as a result of the direct threats and intimidations of the Soviet Union and Communist China, it is clearly not a position that the United States should encourage or in any way support through foreign aid expenditures in the countries where this attitude persists.

Mr. President, it is my understanding that the conferees on the foreign aid appropriation bill will not meet until Thursday. I sincerely hope that at that time the Senate conferees will make a real effort to retain this Senate amendment in the bill. Even though the amendment only expresses the sense of Congress, I believe it is important to retain this provision in the appropriation bill to make it very clear that the Congress of the United States is disturbed and disappointed by the actions of these so-called neutralist nations and that we would be foolish indeed if we did not take this factor into consideration in planning our foreign aid programs. I am sure the Senator from Vermont, who has made such a careful study of this subject, will agree that the Senate should strongly insist on the retention of this amendment in the foreign aid appropriation.

Mr. PROUTY. I certainly agree with the Senator, and I can think of no reason why there should be any objection to it on the part of any of the conferees.

Mr. KEATING. It seems to me that is true.

With the coming session of the United Nations which will be faced by some of the most difficult decisions and hardest problems in the history of the United Nations to date, it is important for the United States to make its position very clear to these neutral nations. It is the small nations, many of whom are now in neutral ranks, which have the most to gain from a strong and independent United Nations organization which is able and ready to take action to combat aggression and preserve peace. In the conflicts which will surely ensue over a successor to Dag Hammarskjold—indeed, over the whole problem of whether we will continue to have a Secretary General or whether an effort will be made to impose the so-called troika plan—which would be the death of the United Nations—and in the conflicts which will ensue over Outer Mongolia, the admission of Red China, and possibly over the crisis in Berlin, the future of the United Nations as an effective peacemaking body will be at stake. Neutralism will be on trial in these considerations, and I sincerely hope President Kennedy, in his address and in his conferences and his contacts, will make it very clear that a heavy responsibility rests on every single independent member of the United Nations. If neutralism continues to outweigh objective criteria of right and wrong in the minds and policies of certain United Nations members, then the United States will have to weigh very seriously not only its foreign aid commitments, but also its support for the United Nations, both moral and financial. There is no room in the world today for neutralism between the forces of freedom or tyranny, of world peace or nuclear warfare, and of effective U.N. operations or Communist belligerence and aggression.

That is something which I trust the so-called neutralist members of the United Nations will continue to bear in mind.

Again I unreservedly commend the distinguished Senator from Vermont for his fine address. It will go down in the record as one of the great addresses of this session of the Congress. It shows such deep thought and research and is so well phrased that I hope it will receive wide attention.

Mr. PROUTY. I am very grateful to the Senator and thank him most sincerely for the contribution he has made.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. COOPER. I, too, wish to commend the Senator from Vermont for a very well organized speech—one which shows detailed research, and eloquent style. I commend him also for raising an important issue before the Senate, the Congress, and our country—and because his speech expresses his own deep conviction.

I wholeheartedly agree with many of the basic conclusions he reaches in his speech. I agree, and I think all of us agree, that the foreign policy of the United States should primarily and fundamentally be based upon the vital interests of our security, upon our own national interest, and upon the preservation of our freedom. We cannot subordinate our vital interests of security and freedom to those of other countries, and certainly not to evanescent world opinion. In fact these vital interests coincide with the interests of the nonalined countries.

Also, as one who has at times spoken in the Senate, approving the right of the new nations to be truly nonalined, I must say that I was not only disappointed, but shocked, by the resolutions approved by the Belgrade conference. I thought that its failure to place responsibility upon Russia for the commencement of nuclear tests in the atmosphere—nuclear tests against which the nonalined nations have long protested—and the failure to express correctly the situation in Berlin, was not only incorrect upon the facts, but also showed an unwillingness on the part of those nations to face up to the world crisis which affects them as well as the United States, and to meet their world responsibilities as nonalined nations.

The Soviet Union showed a lack of regard, if not contempt, for their opinion and feeling, by initiating nuclear tests at the commencement of the Belgrade meeting, and I fear that some of the countries succumbed to the Soviet Union's threat.

While I am in basic agreement with those conclusions of the Senator that I have noted, I raise certain questions about the intent of his speech—as to what policy he advises we should follow toward these nations. I have experienced some difficulty in studying the Senator's speech, as I often find true with my speeches, in determining the recommendations he makes as to our policy toward these countries.

I gather the Senator thinks we ought to use our aid program as an instrument to bring the nonalined countries of the world into closer alinement with the United States. Such a proposal—if it is intended—has always seemed to me to be a very unsatisfactory method of securing support—and would be more likely to have the opposite effect.

I have made several speeches in this body on our foreign aid program during the last 5 years. I suppose not many people remember them, but I did set out my ideas as to the ways our foreign aid program could be strengthened and made more effective.

Last year, and several times this year, I suggested four or five points to make our aid more effective.

One point was that we should not be coerced by any country requesting aid—which said to us in effect, "We will go to the Soviet Union." It is my view that we should tell them to go to the Soviet Union and that we will conduct our program in our own way.

I have said also that we should not advance aid to countries unless their plans, which we should study thoroughly, and their own efforts, gave reasonable promise of success.

I believe also that we should be more selective, regarding the countries we aid, and certainly the volume of aid we advance.

I have made these points in Senate speeches, and also in specific recommendations to the State Department, and to President Kennedy.

I am not unacquainted with the argument that our aid program ought to be withheld from the neutralist or nonalined countries. In giving our aid, we should take into account whether the countries have at least some sympathy and understanding of American foreign policy. We can be wise in the advancement of aid, even to withholding aid. But I am sure it would be a grave mistake to try to use our aid program as a club to bring these countries into agreement with our foreign policy. It would have exactly the opposite result. It would only drive those countries further away from the United States.

We are in a very perilous situation today. We are perhaps—in the Berlin crisis—in the most dangerous situation we have faced since World War II. We have spent billions of dollars for security. Yet we act as if we are unsure about our national defense and our security. We have helped countries all over the world. And we feel frustrated

and angry because we are not sure where they stand in this crisis.

The situation we face creates a mood of frustration and exasperation which calls for action—sometimes for any kind of action, and perhaps wrong action as well as right action. We should have more confidence. For I do not think our alternatives are only those of impulsive or wrong action and defeat. And an impulsive action, a mistaken action, would be to cut off aid as a matter of policy to the nonalined nations.

These countries are groping their way up out of colonialism and their peoples suffer low living standards—and millions are illiterate. The great mass of their peoples live at the very bedrock of existence, of food and clothing.

It is one objective of our foreign policy, as we look to the future, that these countries will become stronger politically and economically—strong enough to resist the Soviet and Communist power, and to become a stronger—if nonalined—force for democratic values in the world.

Whether we admit it or not, the Soviet Union and the Communist powers of the world, and the United States and the democratic countries of the world, are attempting to alter the balance of power in the world, and that balance of power rests with the 1 billion people in the nonalined countries of the world.

I do not think the Senator means that we should give up our efforts to strengthen the forces of freedom and independence in these countries. If the Senator means that, then I disagree with him. If we did this, it would show a lack of faith in our objectives and in democracy itself.

Looking to the future, I have more confidence in the objectives, the purposes, the democratic ideas of our country, and in the belief that they will be recognized ultimately by many of the nonalined countries. I would not dismiss them and say, "Let them go to the other side."

I do not believe the Senator means that the United States should do this. But in this time of crisis, of exasperation and frustration, some people urge, and urge only—as I judge from letters I receive—that there must be action. And unfortunately, the only reaction of some people in this country today is, "We must act, even if we act wrongly." I do not agree this is a proper policy.

I suggest to the Senator that I think we must continue our effort to reach the 1 billion people of the world—our effort to form closer associations and understanding with them. Disappointed as we are with the Belgrade Conference, our long-term aims should rule our minds.

Mr. PROUTY. I am certainly not suggesting that we should completely write those people off. We should make every effort to understand their problems, as we have done in the past. Many of those people are illiterate and backward from our standpoint, but their leaders certainly should be wise enough to realize what is going on in the world.

Let us consider the problem of atomic testing. We can remember the mid-forties, when the United States voluntarily offered to turn over our atomic monopoly to the United Nations.

In 1957 the Russians sabotaged the United Nations Disarmament Committee.

At Geneva for the past 3 years the United States has been trying to negotiate on the question of nuclear weapons or control of nuclear weapons. Probably for at least 2 years of this period the Russians have been planning the explosions which they set off in recent days and weeks.

I think the neutralist leaders, at least, should be able to distinguish between our attitudes and those of Russia.

I think the principal consideration of any sovereign nation is its own enlightened self-interest. If these nations are going to ignore us, if they are going to side with Russia in the United Nations and perhaps destroy the United Nations as well as deny to themselves a forum in world affairs, I do not think we owe them any great responsibility.

I think we should use all the persuasion at our command to make them see and feel much the way we do. We are not attempting to mold them into our image; that would be impossible.

I, for one, feel that the leaders of those countries, at least, should understand very clearly that the security of their nations and their hopes for the future rest with the Western Powers.

If fear motivates the neutrals at the present time, let us make them feel very sure that we are as strong as any other power in the world, if not stronger.

In all probability our country faces its greatest peril in history. But so do the Russian people. I believe we should keep that point before the world as much as we can. Certainly, we want to avoid war. We are going to every possible and honorable length to avoid war. But we must be realistic. I think in this day and age the people of the underdeveloped nations, and some others, respect power. I think we have not exercised sufficient influence to bring them to our way of thinking. What I have said is not a criticism of the present administration. It has been our policy for quite a number of years. I have gone along with some of the thinking that has prevailed. I have supported foreign aid ever since I became a Member of Congress, and have hoped that it would be helpful to the underdeveloped nations. But I think we have now reached a point at which these nations must definitely consider our point of view. The underdeveloped nations had better give a great deal of thought to what is taking place in the world. I hope that they will recognize before too long that their interests are our interests as well.

Mr. COOPER. Mr. President, will the Senator yield further?

Mr. PROUTY. I yield.

Mr. COOPER. Commenting on Mr. Hammarskjold's death yesterday, and several days ago while speaking about the Belgrade Conference, I said that the present session of the U.N. would test the newly independent and nonalined countries, as to the attitude they take toward the so-called troika proposition of the Soviet Union. Whatever their local interests, I hope that the neutral countries of the world will understand that a United Nations that can act—unshackled by the Soviet veto—is as important to their security and independence and freedom as it is to ours. We shall see what happens at this session of the General Assembly.

Mr. PROUTY. I think their attitude on that particular question will be a conclusive test as to whether they will be at least partially friendly to us, or go the other way.

Mr. COOPER. I see the Senator from Minnesota [Mr. HUMPHREY] is waiting. I shall address myself to another point in the Senator's speech and then I shall take my seat. The Senator was kind enough to send me a copy of his speech and it is an important speech. It was a good speech. The Senator did not tell me so, but I believe he sent me a copy of his speech because a part of it refers to India, and to Prime Minister Nehru. I assume the Senator sent me a copy because I served as Ambassador to India for 18 months.

While in India I made a number of speeches in which I tried to lay out the basis of American foreign policy—in Europe, in Asia, on disarmament, and on economic issues. In those speeches I said many times that while the Indian Government found fault with our alliances, I thought history would prove that our determination to defend our freedom and the freedom of other countries had a great part in protecting the newly emerging countries, and in giving them a greater opportunity to develop independent policies.

I pointed out the chain of events initiated by the Soviet Union which had caused us to enter alliances to protect our freedom, and the independence of other countries, against the aggressive action of the Soviet Union and its expressed aim of world domination.

Also, in talks with Prime Minister Nehru I expressed the reasons for our policy. India opposes communism very strongly in her own country. She does not take a similarly strong position in international affairs. I believe that it must be taken into account that Russia and Communist China are on the borders of India. This is a geographical situation which we do not face.

The Senator from Vermont has enumerated certain statements of Prime Minister Nehru, and decisions taken by India against the interests of the United States. The Senator has mentioned four or five occasions on which India voted to have the question of Communist China's admittance to the United Nations debated in the United Nations—a position opposite from ours. I am opposed to the admission of Communist China to the United Nations. But I point out that several of our allies, such as Great Britain, have recognized China. Some of our allies support the admission of Communist China to the United Nations, or at least having a vote upon the issue.

While I disagree with India's position in this case, its position is not different from other countries, including our Western allies. I believe that India's position on Hungary and on germ warfare, enumerated by the Senator, was wrong—and particularly on Hungary.

I make this statement about India not merely because I represented our country there but to bring what I believe are proper elements of balance into this discussion. And I can do this with the knowledge that while in India, my first desire and duty was to represent the United States. I was sympathetic to their great problems and efforts, but my first interest was that of my country.

Mr. PROUTY. The Senator has every right to be, and we are proud of the work he did as Ambassador.

Mr. COOPER. I return to the point that if freedom, the right of people and nations to determine their governments, law and order are to ultimately prevail—and I have faith that they will prevail—one of the elements will be that hundreds of millions of people throughout the world in the nonalined countries will be able to assert themselves strongly on the side of freedom and independence.

The Senator has referred to Prime Minister Nehru in his speech. I have talked with him many times and I believe that I know him. He is not a totalitarian in any sense of the word, and the use of force is against his convictions. The Senator may say that my statement is not represented in positions taken by his country where the Soviet Union is concerned, but I know it is his inner feeling. And our country should not forget that Nehru's efforts are directed to strengthening India as an independent and democratic country. His country is next to Russia and Communist China with their power—and yet he does not vary from his efforts to strengthen India as an independent country—with democratic values.

And at Belgrade it was Nehru who said to the conference that colonialism was not the immediate and pressing issue but the issue of war or peace.

India has a freely elected parliament, independent courts, and public opinion. The Senator himself referred to the fact that public opinion in India had at times expressed itself before the Prime Minister. He is correct. India does assert public opinion. And the people accept democratic values as easily as we do.

The same statement can be made for the economic drive of India. Despite the example of Russia and China north, and their easy promises for quick advancement, India has not accepted their coercive methods. Its economic advance has been directed by democratic methods. I foresee that in time this great country, with a great population and great leadership, will be a great force for freedom in the world.

I make these points to balance the comments that the Senator made in his speech.

I return to my theme, I point out that in this time of crisis we should have faith that our principle of freedom is more vital and more powerful than the Soviet Union's communism. Having that faith, we will feel no need to take impulsive action in every situation with which we are displeased. I believe that our country will solve the Berlin crisis with honor and that democratic values and freedom will be strengthened in the world.

Mr. PROUTY. I am very grateful to have the Senator's comment.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. HUMPHREY. The Senator has delivered a very thought-provoking speech. It is extraordinarily well prepared. It shows considerable research. The Senate is indebted to the Senator from Vermont for laying before it a point of view which he espouses, and for being willing to discuss that point of view in good spirit for constructive purposes.

Mr. PROUTY. I am grateful to the Senator for his comment.

Mr. HUMPHREY. We need to take a kinder look at the interests of our allies. By a kinder look I mean we need to have more than a military interest in them. I believe we must have a kinder look in terms of the economies of our allies, and a kinder look from the standpoint of information, propaganda, and political policy. I believe that one of the real weaknesses in American foreign policy, which has persisted through the years, is its constant military orientation. I do not mean so much military orientation, as the fact that it is not properly balanced with the other. We need the military posture. We need more of it than we have now. However, although we have a united military command in NATO, we do not have a united economic policy with our allies. Even if tomorrow we were to declare an economic embargo against the Soviet Union, there would be no machinery to bring our allies into concerted action. We need to have a propaganda policy with our allies. We have no basic political policy with our allies. We have been acting like 19th century generals and colonels.

Congress is the most guilty in that respect. It is certainly more guilty than the executive branch. We equate power with guns. The Senator's speech proves beyond the shadow of a doubt that public opinion is more important than guns. Let me tell the Senate why.

Before I go any further, I should say that I believe it is time for us to look carefully at our policy relating to the so-called nonalined nations. I do not take exception to much of what the Senator has said. What I do take exception to is only for the purpose of discussion, because I believe that what we need is frank discussion, such as the Senator from Vermont intended to precipitate. That is what the Senate is for. We are not here to be angry with each other. We are here to discuss these subjects. We talk about the Senate being the greatest deliberative body in the world. We deliberate less and do more maneuvering and take up more time with procedural gymnastics than any other political body in the world. Frank, open debate in this body is about as unusual as a flood in the Sahara Desert. Both are needed occasionally. At least, a moderate rain would be of help.

Some of the references the Senator has used have great appeal to me. Dr. Kissinger is a man for whom I have great respect. Dr. Ernest LeFever also is an expert in his field. He worked for me for 2 years. He is an outstanding political scientist. He is a capable writer. He is a keen student of international affairs.

The Senator has emphasized the point that we have been overly concerned with what we call the opinion of the neutralists, the opinion of the so-called nonalined nations. I believe there has been a considerable amount of truth in our deep concern over what their opinion is. However, the Senator's speech is conclusive evidence to me that public opinion is important. Why do the neutralists act as they do?

They acted that way before Belgrade, before Khrushchev started to threaten the world. They have acted that way for a long time. They have been critical of the United States. They have been critical of the British and critical of the French. One might ask, Why, then, have they not been equally critical of Russia?

I was a delegate to the United Nations in 1956, when the Hungarian rebellion took place, when the Hungarian freedom fighters made headlines all over the world. I remember that little Burma stood by the United States. I remember that Ceylon stood by our point of view. It stood by what I thought was just. The Soviet Union took a beating in public opinion throughout the world, and it has spent years trying to repair or reestablish its image with other nations.

I say with full respect for my colleagues in the Senate that they need to wake up to the fact that the Soviet Union spends more money in propaganda in 1 year in the subcontinent of Asia than we do in 5 years throughout the world.

Mr. PROUTY. I am glad to have the Senator's observation on that point.

Mr. HUMPHREY. The Soviet Union spends more of its personnel and resources in information and propaganda in 1 year throughout the world than we spend in 10. We put military assistance all over the world. We have military bases all over the world. At one time we had a monopoly on atomic power. We have B–47's and B–52's. They have not frightened the Soviets. Nor do they frighten the neutralists.

However, a Communist-sponsored paperback book program in Latin America today is doing more to bring Latin America around to communism and Castroism than we are doing to bring them around to what we call freedom, notwithstanding all the money we are spending. A great deal of the money that we put into a country never gets down to the people. When we start a book program, we send them books that sell for $5 a copy. The leading family in the province has money, but they already have a family library.

We are cutting back on our book programs. We have reduced our library program, because Congress does not seem to understand the power of ideas as well as it understands the power of guns.

We can put through the Senate a defense budget of $45 or $50 billion without anyone asking questions or making any comment, except possibly to say, "I wish to associate myself with this budget," or "I wish to associate myself

with this defense budget against communism." However we fail to provide adequate money to build a stronger radio station, to be used in broadcasting to Latin America, than the one that Castro has. Cuba we say is on the economic rocks but it has a radio transmitter which is used in broadcasting to Latin America that is many times more powerful than anything we have, yet we are the richest nation on the face of the earth.

The argument of the Senator from Vermont is conclusive evidence of the importance of public opinion. To be sure, some of the neutralists do not always identify themselves with us—but let us look down the years. India was a colony for many years. There is anti-British feeling still in this country. We had our fight with Britain in 1776. Most of us remember that Bill Thompson was elected mayor of Chicago in the 1920's in a campaign against King George. He was elected on the platform literally, "I will spit right in the eye of King George." That was one of his campaign slogans.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. YARBOROUGH. Did he not say, "I'll bust King George in the snoot"?

Mr. HUMPHREY. He said that, too. Let us take another country. Indonesia is a former Dutch colony. The issue of colonialism runs deep. It will not be erased in a few years. We say we are anticolonial. I know this to be true but we have had some instances in Congress of what we called guilt by association. We have seen people fired from Government because their neighbor was a Communist, or because their cousin read the Daily Worker. Guilt by association. If we are going to dismiss people from the Government of the United States on the shallow evidence of what we call guilt by association, we shall not expect some of those countries, whose people had their lives demeaned and their homes destroyed, to be very much in love with the Western industrial nations who ruled them for years.

Of course we have problems. The main problem we have with the neutrals is that we have no real identity with them. When we talk about those countries—and they are all poor, every last one of them—what does Khrushchev do? He says he is for the poor. I have never been able to understand this in our democracy. We say we are a Judeo-Christian society. The Bible says, "Blessed are the poor." But do we believe it? I am afraid we believe, "blessed are the rich." But, very few rich people are left in the world.

Khrushchev spends his time identifying Soviet Russia with the sick, the weary, the heavy laden, and the poor.

That goes over big, because there are so many of them. Then he says, "What do the British, the Americans, and the French identify themselves with? The steel companies, the rich, the powerful." I know this is not true. I know there is no society in which there is more basic social justice than our own society. I know and you know that Khrushchev lies, but the people of these faraway countries do not know this.

No amount of money and no amount of military assistance can blot out racial discrimination. Let me make it clear. We could pave the streets of the African villages with gold; but until the white man accepts the black man as an equal, particularly in countries where the white and the black live alongside each other, there will never be a favorable public opinion in Africa or Asia and they will never join with us. Racial prejudice in America is a danger to our security.

What about the Russians? The Russians do not have Africans. The black men have never been under Russian imperialism, but they have been under French and British colonialism. They have never been under Russian imperialism, but they have been under English, Dutch, or Portuguese colonialism. I happen to like the British, the Dutch, the French, and the Portuguese. I like them because I know them. I think they are basically good people. Their history is, in a sense, a part of our history. That is why we are a part of them.

But every time when someone in America is denied full justice, full equality, throughout the colored areas of the world we have suffered a defeat. The Soviet Union points that out. We say, "Wait until those Communists get you. They are much worse." The trouble is that the Communists have not got them yet.

It is very difficult to make people understand by admonition, what will happen to them. I have spent some time trying to tell my children, "You ought not to do this; you ought not to do that. Your dad has been through this and that." Other Senators have done the same thing. What do our children say? They say, "Oh, dad, things are different now." They will never understand until it happens to them. We learn by and from the experience of living.

If such things happen in our own families, they can and do happen in the world. I am of the opinion that until the United States finds out that its money will not buy friends, there is no hope for this country, or any other country similarly situated.

We have just as big a bomb as Khrushchev has, and the people know it. But Khrushchev has been spending his time identifying his country with other countries. What is the background and the backdrop of Khrushchev's plan? I will tell Senators what it is. There are no Russians shooting down people in Angola. Let us face it. Perhaps Russians have stirred up the natives in Angola. Or perhaps they may not have been Russians, but native Communists trained in Russia. I only say that the Russians did not shoot down Angolans. But the Portuguese did. So when the neutrals or the Soviets say they want freedom for Angola, that goes over big in Angola. When the United States abstained in the U.N. from voting on this question, it hurt us. Yet, when we voted against our Portuguese ally in the recent session of the United Nations, many nations said, "There is a nation which is leaving its ally."

Many countries have good reason not to be very happy about us. If I lived in Tunis or Tunisia, I would not want the French to be in Bizerte, Tunisia—I want to make that quite clear—any more than I would want to have the British occupy part of America. Tunisians want Tunisia for the Tunisians. Moroccans want Morocco for the Moroccans. Their young and their old have been shot down in the sand. Is it any wonder that they occasionally turn against us when we fail to support them. It is pretty hard to wipe this blood from one's hands. It is easy for Americans to say, "I do not understand why they do not like us," but I think we really understand why they do not always support us—we seem not to be genuinely close to them in their hour of travail and sorrow.

Many people learned during the depression that the rich could be generous with their gifts. But this was not enough. The bank had closed its doors, or it was required to call in a loan and the people did not like the banker. No matter how many alms and gifts he gave to the poor, the people did not like him. Every Member of this body knows that, because he is a politician.

What is the secret of politics? It is the understanding of human nature. Why is it, I ask Senators, that some persons are elected, and some are not? It is because those who are elected identify themselves with people. They have learned that that is the first thing they must do. One can have all the so-called special interests on his side—but there are not enough of them in a country where public opinion counts—and everywhere public opinion counts to some extent. It may not count very much in totalitarian countries, to be sure; but all countries are not totalitarian.

Tunisia has a free government. Morocco has a free government. India has a free government, Ceylon, Burma, and other nations have free governments. I think one of the reasons why the leaders of some of these countries act the way they do is that they are as smart as we are. They have their political finger up all the time, feeling the political winds. When they are in Belgrade, they find it is not good politics, back home, to be for the United States, and not to be for the Soviet Union. The Soviet Union has done a better job on convincing their people.

I noticed the other day that the President appointed a committee to find out why we were in such trouble with the nonalined nations. I should like to help him a little on that committee. One of the reasons why we have had so much trouble is that we have had ambassadors—not like the distinguished Senator from Kentucky [Mr. COOPER]—who went down to Argentina and put their arms around Peron 30 days before Peron was kicked out of the Argentine by his own people; ambassadors who rode down the street with Batista; ambassadors who went around spending their time with Jimenez, of Venezuela, and with the former chief of police of Caracas, who was a brute. Then we

wonder why we are not liked by other people.

It is pleasant to spend time in social clubs. I enjoy it, too. But we ought to understand, better than anyone else, that it is necessary to have an identity with the basic needs of the people. That is why I want to see our foreign aid program get close to the people. Still, when I offered an amendment to the foreign aid bill to support farm cooperatives, it was said, "What do you mean? Are you not for private enterprise?" Yes, I am, but how much of the world has private enterprise? There is very little of it in many areas of the world. What little private enterprise there is in some parts of the world is all too often owned by people who are neither enterprising nor do they believe in freedom, but rather in exploitation.

When we see in Latin America an average income of under $100 a year; when we go to Nicaragua or Honduras or go to the colonies and see people groveling to live on $75 or $100 a year; and then we see them get their independence; do Senators think they like us? Not on your life. It is really very hard, then, to go around and explain that we are good fellows; that we are misunderstood; that we want to realine our policy.

I, too, am discouraged by what happened in Yugoslavia. But I have no doubt that if Nehru fails in India, the balance of power in this world will have irretrievably moved into the hands of the Communists. If the 375 million people of India lose their political freedom even with all the limitations of Nehru, and considering all the unbelievable things that Krishna Menon says—if India falls over the precipice into totalitarianism, then we in the United States will live on borrowed time. The balance of power will be in the hands of the Communists. I am not so sure that if I were the leader of India and had 700 million Chinese with one of the most powerful armies in the world breathing down my back, I would not be careful about what I said.

If I were the leader of the people of India and if right next to me was the Soviet Union, with a common frontier, I, too, would be a little concerned. It is very easy for us to talk when we are so far away. But the people of India are very close to a billion people of China and Russia armed to the teeth.

It is understandable that Mr. Nehru becomes a little worried about saber rattling. Yet let this RECORD show that Mr. Nehru saved the United Nations a year ago when he took his stand in support of Dag Hammarskjold as Secretary General. He did not give in to the Communists.

In this connection, I am reminded of the attitude of the Labor Party in Britain, in regard to the pacifist movement. Yes, in 1960, the Labor Party supported the pacifist movement. But the Labor Party reversed that position in 1961, and since then the leaders of the Labor Party have been fighting the neutralist element.

One of the great things about our country is its spirit and its great, abiding desire to find ways and means for people to live in peace.

Certainly I believe in a speeded up program for our defenses. I support it, as does the Senator from Vermont. And I believe in foreign aid.

Incidentally, Mr. President, it is time that we begin to be realistic about the foreign aid we give. If some country says to the United States, "If you do not give us what we want, we will get it from Russia," my advice is that we tell that country to go ahead and get it from Russia. Similarly, if one of the underdeveloped countries says to the United States, "If you do not give us the steel plant we want, we will get it from Moscow," my advice is that we invite that country to take a one-way ticket to Moscow, and then see just how happy it is, once it gets the steel plant from Moscow.

Mr. PROUTY. I agree 100 percent.

Mr. HUMPHREY. We must begin to get our message to the hearts and minds of the people of these countries; and we must also begin to develop long-term plans and programs.

I was in Moscow at the time the recent 7-year plan was announced. There were thousands of students there; and when I reached the airport, it was jammed with students. The Russians train them by the thousands, and do not worry about whether, later on, the students will like them. The 7-year plan was not a reality, but it was a promise; it was a promise, 7 years ahead, to the Russian people. They live on promises, too. The Russians make promises 7 years ahead to the peoples of other parts of the world, too. Of course, we laugh about that; but there is not one Member of this body who did not, before he was elected, make some promises which have not been fulfilled. We are the discoverers and designers of promises beyond human comprehension. But when it comes to dealing with international matters, we say, we must be careful. We must not promise too much. So we do not make long-range plans nor do we excite the imagination of people.

For example, have we announced that we would be interested in helping with the training of more teachers in Latin America and in helping with the construction of more classrooms there? I should like to see our country start making some of these promises and I think we could fulfill a big share of them. Why don't we say to the world that we are prepared to educate and train and remove from the bondage of illiteracy some 25 million people for the next 10 years, and that we give our bond and our oath that we are prepared to do that? We can do it.

But, no; we do not say it. Instead, we all too often say, "Join with us, and we will give you tanks over a period of 10 years." But many of the people of these countries do not want tanks. I have seen rusting tanks sitting on the desert, where no one seems to know how to run them.

When we visit those countries, we often ask the personnel of our agencies there, "Where are the books?"

They reply, "We had to cut them out; we can't do everything."

And we ask, "Where are the libraries?" But many of the libraries are closed.

Of course, Mr. President, the most popular book in many of these countries is the Sears, Roebuck catalog. But our agencies and libraries there say they do not have the money or do not have the space to keep the Sears, Roebuck catalog available to those who would like to read it. Instead, we propose to give the people of those countries armaments.

I suggest that the speech the Senator from Vermont is a convincing exposition of the importance of public opinion.

The only trouble is that world opinion is not on our side—because we have not tried to get it on our side.

I say to the Senator from Vermont, yes, we must reexamine our policies with the nonalined and the so-called neutralist countries. We must consider why we have not done better with them.

I realize that in a country that is ruled by a dictator, public opinion means very little. But certainly we could do better in our relationships with some of the countries that are free. It is our responsibility to do better.

As the Senator from Kentucky has said, we must have patience. We are going to need these countries badly, and we are also going to need our friends in Latin America.

I was in the United Nations when the leader of the Latin American delegation said to me, "Senator, you North Americans have taken us for granted far too long, and we are tired of it."

I reported this to Mr. Lodge, our Ambassador.

But the Latin American leader said to me, "You have taken us for granted far too long. You think you own us."

Yet our Government continued to insist, "We always have 22 votes from Latin America." It is true that we delivered the votes, but no longer can we deliver them. They are standing on their own. They do not want to be had. Neither do I. The only way to gain their respect is to earn it. We will earn it when we identify ourselves with what the people of these countries want and need.

Incidentally, the things the people of these countries want and need are the same things that all Members of the Senate work for. I watch Senators work for their constituents.

I have served notice on this administration—of which I am a part—that I am going to watch it like a detective and see whether it stops fattening those who already are fat and stops helping enrich those who already are too rich, and I am going to make sure that it begins to do the job that needs to be done for the people who need help.

I know the Senator from Vermont will cooperate with us in doing that, because this is the only way to get the nonalined countries on our side.

I thank the Senator from Vermont.

Mr. PROUTY. I thank the Senator from Minnesota for his contribution.

Mr. President, I yield the floor.

Mr. PELL. Mr. President, I know many more Senators would be here except for the lateness of the hour. The

attendance is small, but I have rarely heard the cause of democracy and the exposition of the fact that the way one makes a friend is by letting him do a favor, too, and the exposition of the direction in which we are trying to go, expressed as well and as lucidly as was done by the Senator from Minnesota.

When we are in a difficult position with respect to some of our bills, I wish an argument could be presented as forcefully as was done this evening by the Senator from Minnesota; then there would be no question of the vote.

Also, I point out that in the last dozen years not a single nation or area where the people have been reasonally well fed and educated has gone under Communist rule.

We have heard a great deal from opponents of foreign aid to the effect that it does no good, but none of those opponents have ever been able to show that a nation well fed and well educated has succumbed to communism.

Therefore, I go back to the argument of the Senator from Minnesota. It is our hope that, before our children, or perhaps our grandchildren, die, the whole world will be well fed and well educated. I do not believe that is too far-reaching an objective to have.

SOVIET UNION'S ECONOMIC BANDITRY

Mr. HUMPHREY. Mr. President, the Soviet Union is using a form of economic banditry as another weapon in its imperialistic scheme.

I urge a greater cooperative effort among nations to meet the commercial offensive of the Soviet Union.

This offensive may not be as dramatic as the disputes over Berlin and in the United Nations, but its effects may be just as significant in the long struggle between the Soviet Union and the free world nations.

The Soviet Union's economic offensive is a carefully thought-out plan to disrupt normal commercial cooperation between the industrial nations of the West and the underdeveloped nations which need capital.

It is an offensive designed to snare other nations into economic dependence on the Soviet Union and to promote friction within the Western alliance.

The Soviet Union has stepped up its purchases of new products and manufacturing equipment in the West.

The procurement agents of the Kremlin come out well in these deals. They pay for the physical equipment, to be sure, but not for the costs and hazards in developing the new ideas embodied in the equipment.

They are not bound by any international patent rights, and their internal laws do not recognize industrial property rights.

The technological value to the Soviet Union from such deals—many with Western Europe nations—are immense, but the dollar value of their purchases for the West is relatively small.

The Soviet Union recently has increased its efforts in petroleum trade.

The Soviet Union is now offering petroleum products in selected markets at 20 to 35 percent below going market prices. In addition, it offers to accept payment in local currency or in local export products.

The volume of oil thrown in by the Russians dealt a distinct shock to an already saturated market.

The Soviet Union is attempting to induce less developed nations to expell Western oil companies as both producers and sellers.

I deplore the feast and famine pattern of Soviet trade with smaller or less developed nations.

As examples, Soviet exports to India dropped 50 percent in 1959, and the Soviet Union all but halted rice purchases from Burma in 1958.

The mere threat of pulling out of a market is often enough to force a small country in line politically.

The Soviets do not hesitate to suspend negotiation on an annual trade agreement, as it did to Finland in December; 1958, to remind a trade partner of its dependence on Soviet bloc trade.

The Soviet commercial offensive is closely coordinated with the permanent political campaign conducted from Moscow against the unity, prosperity, and stability of the free world.

Concerted, cooperative action in commerce by Western nations and the promotion of industry in less developed nations are needed to improve the international trade climate and halt the economic offensive of the Soviet Union.

EXPANDED OPERATIONS OF SMALL BUSINESS ADMINISTRATION

Mr. HUMPHREY. Mr. President, I commend the operations of the Small Business Administration and the work of its Administrator, John E. Horne.

The Small Business Administration has provided greater service in each of its major programs in the last 7 months than in any comparable period in the agency's history.

The SBA approved 59 percent more loans in 7 months this year than during the same period in 1960.

I wish to report the following figures on the SBA's operations during 7 months of 1961: first, 155 small firms received loans totaling more than $6 million to expand and modernize; second, Government contract awards to small firms increased 74 percent over 1960. In Minnesota alone, 250 contracts worth $12.5 million were awarded to small firms; and third, local development company loans and disaster loans doubled over the same period of 1960.

I wish to laud the work of the Small Business Administration to help speed recovery in economically depressed areas.

In those areas of substantial labor surplus, SBA has instituted special and priority programs of assistance and provided a 4-percent interest rate on its loans to firms in those areas.

The Small Business Administration is now serving the Nation's small businessmen in a much improved and accelerated manner, under the liberalized policies and expanded program instituted by the agency's capable Administrator.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 7377) to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL PLACED ON CALENDAR

The bill (H.R. 7377) to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes, was read twice by its title, and placed on the calendar.

ADJOURNMENT

Mr. HUMPHREY. Mr. President, under the order previously entered, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 7 o'clock and 13 minutes p.m.), under the order previously entered, the Senate adjourned until tomorrow, Wednesday, September 20, 1961, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 19 (legislative day of September 16), 1961:

COLLECTOR OF CUSTOMS

John C. Schweers, of South Carolina, to be collector of customs for customs collection district No. 16, with headquarters at Charleston, S.C.

SECURITIES AND EXCHANGE COMMISSION

Jack Melville Whitney II, of Illinois, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1964, vice Earl Freeman Hastings, resigned.

NATIONAL CAPITAL TRANSPORTATION AGENCY

Edwin T. Holland, of Virginia, to be a member of the Advisory Board of the National Capital Transportation Agency.

HOUSE OF REPRESENTATIVES

TUESDAY, SEPTEMBER 19, 1961

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. MCCORMACK.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Ephesians 6: 11: *Put on the whole armor of God, that ye may be able to stand against the wiles of the Devil.*

Almighty God, as we go forth to meet the duties and responsibilities of the new day, may we eagerly and earnestly accept and avail ourselves of the over-

tures of Thy divine companionship and counsel.

Grant that Thy spirit may be the determinating and dominating influence in our life, inspiring us to lead groping and struggling humanity out of darkness and despair into the wonder and greatness of Thy love.

May our hearts expand with pride that our beloved country is seeking to mobilize those great intangible moral and spiritual resources and that there is a rising tide of loyalty and enthusiasm among the young people who are ready to enlist as the messengers and ambassadors of peace and good will.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 115. An act for the allocation of costs on the Wapato-Satus unit of the Wapato Indian irrigation project.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H.R. 470. An act to amend sections 1 and 3 of the Foreign Agents Registration Act of 1938, as amended;

H.R. 2181. An act for the relief of Kim Dom Yong;

H.R. 4797. An act for the relief of certain aliens;

H.R. 6668. An act to amend title 10, United States Code, with respect to annuities based on retired or retainer pay, and for other purposes;

H.R. 7726. An act to authorize the loan of naval vessels to friendly foreign countries and the extension of certain naval vessel loans now in existence;

H.R. 8765. An act to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes; and

H.J. Res. 542. Joint resolution relating to the admission of certain adopted children.

The message also announced that the Senate had passed bills, joint resolutions, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 67. An act for the relief of Col. Samuel Hale;

S. 296. An act for the relief of Hanna Ghosn;

S. 429. An act for the relief of A1c. Percy J. Trudeau;

S. 531. An act for the relief of Eugenia Chrzastowski;

S. 1270. An act for the relief for Mitsuko Nahara;

S. 1441. An act for the relief of Cilka Elizabeth Ingrova;

S. 1587. An act for the relief of Ginko Von Weyerhausen;

S. 1691. An act to provide that any juvenile who has been determined delinquent by a district court of the United States may be committed by the court to the custody of the Attorney General for observation and study;

S. 1776. An act for the relief of Frances E. Sarcone;

S. 1791. An act for the relief of Dr. Tzycheng Peng;

S. 1792. An act for the relief of Jessie Bamer;

S. 1832. An act for the relief of Susanne Rae Deremo;

S. 1866. An act for the relief of Dr. Berchmans Rioux;

S. 1870. An act for the relief of Lucia Bianca Cianto Rosa;

S. 1888. An act for the relief of Laura Celani;

S. 1895. An act to repeal section 791 of title 18, United States Code, so as to extend the application of chapter 37 of title 18, relating to espionage and censorship;

S. 1954. An act to amend chapter 35 of title 18, United States Code, with respect to the escape or attempted escape of juvenile delinquents;

S. 2096. An act for the relief of Ding Lam Tam and Ding Yun Tam;

S. 2149. An act for the relief of Hugo Kolberg;

S. 2385. An act for the relief of Dr. Hau Cheong Kwaan, his wife, Tech Phaik Loui Kwaan, and their daughter, Laura Wai Man Kwaan;

S. 2396. An act for the relief of the State of Louisiana;

S. 2476. An act to amend section 207 of the Military Construction Act of 1960 in order to clarify the authority granted under such section to the Secretary of the Navy to exchange certain lands owned by the United States for lands owned by the State of Oregon;

S.J. Res. 27. Joint resolution to provide for the designation of the month of May of each year as "Senior Citizens Month";

S.J. Res. 91. Joint resolution to establish the Saint Augustine Quadricentennial Commission, and for other purposes;

S.J. Res. 95. Joint resolution authorizing the President of the United States of America to proclaim September 17 of each year General von Steuben Memorial Day for the observance and commemoration of the birth of Gen. Friedrich Wilhelm von Steuben; and

S. Con. Res. 51. Concurrent resolution to make a correction in the enrollment of S. 902, a bill to amend the Small Business Investment Act of 1958.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 258) entitled "An act to amend the District of Columbia Sales Tax Act to increase the rate of tax imposed on certain gross receipts, to amend the District of Columbia Motor Vehicle Parking Facility Act of 1942 to transfer certain parking fees and other moneys to the highway fund, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SMITH of Massachusetts, Mr. BIBLE, and Mr. BEALL to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5968) entitled "An act to amend the District of Columbia Compensation Act, as amended," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MORSE, Mr. SMITH of Massachusetts, and Mr. PROUTY to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the Senate amendment to the bill (H.R. 5490) entitled "An act to provide for more effective participation in the Reserve components of the Armed Forces, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6845) entitled "An act to amend title 14 of the United States Code to provide for an expansion of the functions of the Coast Guard."

The message also announced that the Senator from Indiana, Mr. HARTKE, had been excused as a conferee on the bill (H.R. 4670) entitled "An act to amend the law relating to indecent publications in the District of Columbia," and that the Senator from Oregon, Mr. MORSE, had been appointed in his stead.

COMMITTEE ON WAYS AND MEANS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to advise the House that the chairman of the Committee on Ways and Means will call up four bills which he planned to call up tomorrow, and which are listed on page 20073 of the CONGRESSIONAL RECORD for yesterday. The reason for calling these up today is that we understand the Senate Committee on Finance will hold its last meeting tomorrow.

AMENDMENT OF SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. SPENCE. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution 51.

The Clerk read the concurrent resolution as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker pro tempore in signing the enrolled bill (S. 902) to amend the Small Business Investment Act of 1958, and for other purposes, is hereby rescinded; the Secretary of the Senate is hereby directed to reenroll said bill with the following corrections:

In the text of section 11(d) of the bill (1) strike out "(d), (e)," and insert in lieu thereof "(e)" and (2) strike out "(d)" the second time it appears and insert in lieu thereof "(e)".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, may we have the attention of the gentleman from Pennsylvania [Mr. WALTER]. In the morning issue of the Washington Post, which intimates its concern about the expenditure of public funds, there is a statement that the House provided for the printing of 36,000 additional copies of the report by the Committee on Un-American Activities entitled "Communist-Led Riots Against the House Committee on Un-American Activities in San Francisco," that raises this question. Does the gentleman think the committee should be abolished or something done to suppress it?

Mr. WALTER. Of course, the gentleman from Michigan must understand by this time that the moving picture taken by the San Francisco newspapers showing the un-American activities of Communist-led young people has hurt the Communists a great deal, and all of the leftwing press, particularly the Washington Post, have been very critical of this motion picture. Now I would like the gentleman from Michigan to get this straight.

The Committee on Un-American Activities had nothing whatsoever to do with the filming of that motion picture. We had nothing to do with the manufacture and distribution of it.

Mr. HOFFMAN of Michigan. That is my understanding, but the gentleman from Pennsylvania referred to the leftwing press; does he mean the Washington Post, from my experience here.

Mr. WALTER. I am not so sure that editorial was not written by a former member of the Communist fronts who writes editorials for the Washington Post. It sounds like the line he usually indulges in.

Mr. HOFFMAN of Michigan. As I have read the Post over the years they seem to be a part of the Communist Party.

Mr. WALTER. They are lending great aid and comfort to this international conspiracy.

INTERFERENCE WITH TRAFFIC ON INDEPENDENCE AVENUE

Mr. AVERY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. AVERY. Mr. Speaker, I realize Mr. McCloskey is not an ordinary contractor, but I wonder if there is anything in his contract that permits him to completely block Independence Avenue in the rush hour of the morning. If it is not completely blocked it is cut down to one lane. It seems to me some arrangement should be made between him and the Capitol Building Commission whereby Independence Avenue would not be blocked or even partially blocked during the rush hour when Members and their staffs are trying to get to work.

MILITARY CONSTRUCTION APPROPRIATIONS 1962, CONFERENCE REPORT

Mr. SHEPPARD. Mr. Speaker, I call up the conference report on the bill H.R. 8302, making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1201)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 2, and the amendment of the House thereto to the bill (H.R. 8302) "making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 2. That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by the House insert "$157,934,000"; and the House agree to the same.

HARRY R. SHEPPARD,
ROBERT L. F. SIKES,
CLARENCE CANNON,
CHARLES R. JONAS,
JOHN TABER,
Managers on the Part of the House.

JOHN STENNIS,
R. B. RUSSELL,
MIKE MONRONEY,
HARRY F. BYRD,
LEVERETT SALTANSTALL,
STYLES BRIDGES,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on amendment numbered 2 of the Senate to the bill (H.R. 8302) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to this amendment, namely:

Amendment No. 2—Military construction, Army: Appropriates $157,934,000 instead of $147,450,000 as proposed by the House and $176,512,000 as proposed by the Senate. The conferees have agreed to the reduction as proposed by the Senate and the following additions to the amounts and line items as proposed by the House:

Fort Benning, Ga.: Academic building	$300,000
Fort Leonard Wood, Mo.: Health facility	375,000
Army Chemical Center, Md.: Supertoxic laboratory	3,234,000
Fort Belvoir, Va.: Flying facilities	248,000
Redstone Arsenal, Ala.: Consolidated facility	250,000
Quartermaster Research and Development Center, Natick, Mass.	$3,812,000
U.S. Military Academy, N.Y.: Library	222,000
Sandia Base, N. Mex.: Communication facilities	750,000
Fort Buckner, Okinawa: Hospital	1,251,000
Montmorillon, France: Trainfire range	140,000
Minor construction	750,000
Access roads	250,000

In addition the conferees have reduced the total funds available for this appropriation by $3,000,000 instead of $5,000,000 as proposed by the House, and will expect the Army to meet this funding reduction by recoupment of funds from prior appropriations.

The conferees have approved $3,812,000 for the Quartermaster Research and Development Center, Natick, Mass., as proposed by the Senate with the understanding that no part of these funds shall be obligated until specific approval has been obtained from the Committees on Appropriations of the House of Representatives and the Senate. Prior to requesting such approval the Secretary of Defense is expected to conduct a fair and impartial study of the proposed move of the Food and Container Institute from Chicago, Ill., to the Quartermaster Research and Development Center, Natick, Mass. Detailed analysis should be made of other possible solutions to the provision of adequate facilities for the Food and Container Institute including continuation of this function in the Chicago area at the present site or other locations that might be available from governmental or private sources. Adequate time should be allowed for the proper presentation and impartial analysis of proposals from responsible interested groups in the Chicago area.

The approval of the funds for the installation at Natick, Mass., is the only change made in the amendment previously approved by the House of Representatives to the amendment of the Senate numbered two.

The conferees have deleted the amount of $382,000 added by the Senate for the construction of an elementary school at Fort Clayton, Canal Zone, and are in agreement that the cost of this school should be provided from funds available to the Canal Zone Government.

HARRY R. SHEPPARD,
R. L. F. SIKES,
CLARENCE CANNON,
CHARLES R. JONAS,
JOHN TABER,
Managers on the Part of the House.

Mr. SHEPPARD. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and to include a tabulation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHEPPARD. Mr. Speaker, previously the House and Senate have agreed on all amendments to this bill except amendment No. 2, involving the military construction program of the Army. The only project in disagreement in this program was the proposed move of the Quartermaster Corps Food

and Container Institute from Chicago, Ill., to Natick, Mass. The conferees have reached an agreement which approves funds for this move subject to an impartial review by the Secretary of Defense and further approval by the Committee on Appropriations of the House and Senate. It is my understanding that this procedure is concurred by those concerned in the respective congressional delegations. I urge the adoption of the conference report. I am inserting in the RECORD at this point a table showing the result of the conference action.

Military construction appropriations bill, fiscal year 1962

Title	Budget estimates (revised)	Passed House	Passed Senate	Conference	Conference action compared with—		
					Estimates	House	Senate
Military construction, Department of Defense	[1] $27,000,000	$15,000,000	[1] $27,000,000	[1] $27,000,000		+$12,000,000	
Loran station	10,000,000	10,000,000	10,000,000	10,000,000			
Military construction, Army	194,977,000	147,450,000	176,512,000	157,934,000	−$37,043,000	+10,484,000	−$18,578,000
Military construction, Navy	205,211,000	181,387,000	201,259,000	192,278,000	−12,933,000	+10,891,000	−8,981,000
Military construction, Air Force	560,380,000	479,522,000	539,243,000	498,346,000	−62,034,000	+18,824,000	−40,897,000
Military construction, Army Reserve	13,000,000	13,000,000	14,381,000	14,381,000	+1,381,000	+1,381,000	
Military construction, Naval Reserve	7,000,000	7,000,000	7,000,000	7,000,000			
Military construction, Air Force Reserve	4,000,000	4,000,000	4,608,000	4,608,000	+608,000	+608,000	
Military construction, Army National Guard	12,000,000	12,000,000	21,868,750	21,868,750	+9,868,750	+9,868,750	
Military construction, Air National Guard	14,000,000	14,000,000	18,275,000	18,275,000	+4,275,000	+4,275,000	
Total	1,047,568,000	883,359,000	1,020,146,750	951,690,750	−95,877,250	+68,331,750	−68,456,000

[1] Includes budget estimates of $12,000,000 in H. Doc. 179 not considered in the House.

FORTIETH BIENNIAL MEETING OF THE CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up Senate Concurrent Resolution 40, and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the proceedings of the fortieth biennial meeting of the Convention of American Instructors of the Deaf, held in Salem, Oregon, in June 1961, be printed with illustrations as a Senate document; and that four thousand additional copies be printed for the use of the Joint Committee on Printing.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HEARING OF THE INTERNAL SECURITY SUBCOMMITTEE

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up Senate Concurrent Resolution 44, and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary two thousand copies each of translations into the Spanish, French, and Italian languages of a hearing of the Internal Security Subcommittee on June 2, 1961, containing the testimony of Richard Helms, assistant director, Central Intelligence Agency, on the subject of Communist forgeries.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPENSES OF INVESTIGATION CONDUCTED BY SELECT COMMITTEE

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 453, and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That the expenses of the investigation and study to be conducted by the select committee created by H. Res. 403, not to exceed $60,000, including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman thereof, and approved by the Committee on House Administration.

The official stenographers to committees may be used at all meetings held in the District of Columbia unless otherwise officially engaged.

With the following committee amendment:

Page 1, line 3, strike out "$60,000" and insert "$40,000".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING TITLE 10, UNITED STATES CODE

Mr. KILDAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6668) to amend title 10, United States Code, with respect to annuities based on retired or retainer pay, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 1, strike out lines 3, 4, and 5, and insert: "That title 10, United States Code, is amended as follows:

"(1) The title of chapter 73 is amended to read as follows:

"'CHAPTER 73.—RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN'

"(2) The chapter analysis of subtitle A and the analysis of part II of subtitle A are each amended by striking out the following item:

"'73. Annuities Based on Retired or Retainer Pay ..... 1431'"

and inserting the following item in place thereof:

"'73. Retired Serviceman's Family Protection Plan ..... 1431'"

Page 2, lines 15 and 16, strike out "he is retired or granted retired or retainer pay." and insert "the first day for which retired or retainer pay is granted."

Page 3, lines 5 and 6, strike out "he retires or becomes entitled to retired or retainer pay" and insert "the first day for which retired or retainer pay is granted."

Page 3, line 8, strike out all after "if" down to and including "revocation." in line 10 and insert "made less than three years before the first day for which retired or retainer pay is granted."

Page 4, lines 7 and 8, strike out "becoming entitled to retired or retainer pay," and insert "the first day for which retired or retainer pay is granted,".

Page 5, lines 4 and 5, strike out "deductions from his retired or retainer pay" and insert "amounts by which retired or retainer pay is reduced".

Page 5, line 7, strike out "sentences" and insert "sentence".

Page 5, lines 13 and 14, strike out "This subsection does not apply to actions taken under section 1445 of this title."

Page 6, line 7, after "chapter;" insert "and".

Page 6, line 23, strike out "value" and insert "amount".

Page 6, line 24, strike out "to be".

Page 7, lines 10 and 11, strike out "if he were to retire upon" and insert "the first day for which retired or retainer pay is granted were to be".

Page 7, line 16, after "of" insert "enactment of".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING LOAN OF NAVAL VESSELS TO FRIENDLY FOREIGN COUNTRIES

Mr. HARDY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7726) to authorize the loan of naval vessels to

friendly foreign countries and the extension of certain naval vessel loans now in existence, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 2, line 18, after "emergency" insert "as a replacement for a ship, covered under an existing loan, lost by enemy action or an act of God".

Page 3, line 7, strike out all after "government" down to and including "loan" in line 14.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. GROSS. Mr. Speaker, reserving the right to object, this does not in any way increase the number of ships to be loaned?

Mr. HARDY. It does not increase the number of ships. As a matter of fact, it tightens the matter up a little because of the conditions which are imposed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Senate admendments were concurred in.

A motion to reconsider was laid on the table.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day.

The Clerk will call the first individual bill on the Private Calendar.

MIN-SUN CHEN

The Clerk called the bill (S. 316) for the relief of Min-Sun Chen.

Mr. WALTER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GIUSEPPE ANIELLO

The Clerk called the bill (H.R. 1352) for the relief of Giuseppe Aniello.

Mr. AVERY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

CONSTANTINOS GEORGIOU STAVROPOULOS

The Clerk called the bill (S. 262) for the relief of Constantinos Georgiou Stavropoulos.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Constantinos Georgiou Stavropoulos shall be held and considered to be the minor natural-born alien child of Mr. and Mrs. John D. Stavropoulos, citizens of the United States: *Provided,* That the natural parents of Constantinos Georgiou Stavropoulos shall not, by virtue of such parentage be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GUISSEPPE GLORIOSO

The Clerk called the bill (S. 263) for the relief of Guisseppe Glorioso.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Act of September 22, 1959 (Public Law 86-363), Guisseppe Glorioso shall be deemed to be within the purview of section 4 of that Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MR. AND MRS. FRANKLIN LEONG

The Clerk called the bill (S. 264) for the relief of Mr. and Mrs. Franklin Leong.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, the provisions of the proviso to section 201(a) shall not be applicable in the cases of Mr. and Mrs. Franklin Leong, natives of Burma.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OLGA G. COUTSOUBINAS AND SPYRIDON G. COUTSOUBINAS

The Clerk called the bill (S. 553) for the relief of Olga G. Coutsoubinas and Spyridon G. Coutsoubinas.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Olga G. Coutsoubinas and Spyridon G. Coutsoubinas shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NISHAN DER SIMONIAN

The Clerk called the bill (S. 592) for the relief of Nishan Der Simonian.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Nishan Der Simonian shall be held and considered to be the natural-born alien child of Bearge M. Hagopian, a citizen of the United States: *Provided,* That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. CHOW CHUI HA

The Clerk called the bill (S. 1934) for the relief of Mrs. Chow Chui Ha.

Mr. AVERY. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ARLIN DAVID ENGLISH

The Clerk called the bill (H.R. 6226) for the relief of Arlin David English.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Arlin David English, who lost United States citizenship under the provisions of section 349(A)(3) of the Immigration and Nationality Act of 1952, may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (2) of section 310 of the Immigration and Nationality Act or before any naturalization court in the United States, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Arlin David English shall have the same citizenship status as that which existed immediately prior to its loss.

With the following committee amendment:

Page 1, line 4, strike out "349(A)(3)" and insert "349(a)(3)".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAUL VASSOS (PAVLOS VEIZIS)

The Clerk called the bill (H.R. 1720) for the relief of Paul Vassos (Pavlos Veizis).

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act,

Paul Vassos (Pavlos Veizis) shall be held and considered to be the natural born alien minor child of Charles G. Smith, a citizen of the United States.

SEC. 2. Notwithstanding the provision of section 212(a)(17) of the Immigration and Nationality Act, Paul Vassos (Pavlos Veizis) may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert:

That for the purposes of the Act of July 14, 1960 (74 Stat. 504), Paul Vassos (Pavlos Veizis) shall be held and considered to be eligible for parole into the United States and for adjustment of his status as provided in that Act.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

DR. SERAFIN T. ORTIZ

The Clerk called the bill (H.R. 5324) for the relief of Dr. Serafin T. Ortiz.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Serafin T. Ortiz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 22, 1955.

With the following committee amendment:

Page 1, line 6, strike out "June 22, 1955" and insert "June 23, 1955".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIE TALIAFERRO

The Clerk called the bill (S. 158) to confer upon the domestic relations branch of the municipal court for the District of Columbia jurisdiction to hear and determine the petition for adoption filed by Marie Taliaferro.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) jurisdiction is hereby conferred upon the domestic relations branch of the municipal court for the District of Columbia to hear, determine, and render a final or interlocutory decree of adoption upon, the petition for adoption filed by Marie Taliaferro and now pending before such court (adoption numbered A52-60).

(6) Proceedings for the determination of such petition shall be in the same manner as in the case of a petition for adoption regularly filed under the provisions of the Act entitled "An Act to prescribe and regulate the procedure for adoption in the District of Columbia", approved June 8, 1954 (68 Stat. 240), except that the provisions of section 4 of such Act providing that no petition shall be considered by the court unless petitioner's spouse, if he has one, joins in the petition shall not be applicable.

SEC. 2. Nothing in this Act shall be construed as directing the domestic relations branch of the municipal court for the District of Columbia to grant the petition for adoption referred to in the first section of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELATING TO DEPORTATION OF CERTAIN ALIENS

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the resolution (H.J. Res. 453) relating to deportation of certain aliens, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the resolution.

The Clerk read the Senate amendment, as follows:

Page 3, strike out line 19.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

OK NYU CHOI (ANN WOLLMAR)

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 29) for the relief of Ok Nyu Choi (Ann Wollmar).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HEMPHILL. Mr. Speaker, reserving the right to object, is this a bill that would have been on the Private Calendar?

Mr. WALTER. This bill, as well as the other bills, would have been on the Private Calendar. They have all been approved unanimously by the committee and they come within the category of private bills that we always pass. This one happens to be an adoption proceeding, involving the adoption of a minor by an employee of the International Cooperation Administration, formerly stationed abroad.

Mr. HEMPHILL. I just wanted to make sure that we are not being derelict in our duty in this particular instance, because we have not even seen the legislation. I am not going to object, but I want the gentleman to assure me that so far as my obligation is concerned here, I am fully protected.

Mr. WALTER. Well, the gentleman has the assurance of the chairman of the Subcommittee on Immigration and Nationality that each of these bills comes within the category of bills that are passed unanimously. They are all Senate bills with the exception of one. They are called up now because of an agreement that we had with the Senate to call their bills if they would call ours, and I trust that when we dispose of these bills, the Senate will do the same thing for Members of the House.

Mr. HEMPHILL. I withdraw my reservation of objection, Mr. Speaker.

Mr. AVERY. Mr. Speaker, further reserving the right to object, do I understand from the gentleman from Pennsylvania [Mr. WALTER] if I could have his attention, that there are a number of these bills which the Judiciary Committee intends to ask unanimous consent for consideration this morning?

Mr. WALTER. There are 15 Senate bills, and 1 House bill for the adoption of a minor child who has lived in the family of an American Army officer who has just received orders to come back to the United States.

Mr. AVERY. I do not want to create the impression that the objectors on this side, at least, in any way question the judgment of the Judiciary Committee, although from time to time we do find that it is our responsibility to object to an occasional bill. I wonder, however, if the gentleman could assure us that this procedure will largely end the consideration of private bills, or may we anticipate others?

Mr. WALTER. This will end the consideration of private bills for this session, and I might say that but for the urgency in each one of these cases they would not be called up today. They come within the category of this case of an Army officer coming home, and things of that sort.

Mr. AVERY. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Ok Nyu Choi (Ann Wollmar) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee: *Provided*, That the natural parents of the said Ok Nyu Choi (Ann Wollmar) shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

YOUNG JEI OH AND SOON NEE LEE

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 547) for the relief of Young Jei Oh and Soon Nee Lee.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor children, Young Jei Oh and Soon Nee Lee, shall be held and considered to be the minor alien children of Mr. and Mrs. Robert J. Riddell, citizens of the United States: *Provided,* That no natural parent of the beneficiaries, by virtue of such parentage, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIA TRELA TERPAK

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 976) for the relief of Maria Trela Terpak.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Maria Trela Terpak, shall be held and considered to be the natural-born alien child of Mr. and Mrs. George Terpak, Junior, citizens of the United States: *Provided,* That the natural parents of the said Maria Trela Terpak shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARGHERITA FERRELLI D'AMICO

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1585) for the relief of Margherita Ferrelli D'Amico.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Margherita Ferrelli D'Amico, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Vincent D'Amico, both citizens of the United States: *Provided,* That the natural parents of the said Margherita Ferrelli D'Amico shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GIOVANNA VITIELLO

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1787) for the relief of Giovanna Vitiello.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Giovanna Vitiello, shall be held and considered to be the natural-born alien child of Antonio Vitiello, a citizen of the United States: *Provided,* That the natural parents of the said Giovanna Vitiello shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FARES SALEM SALMAN HAMARNEH

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1906) for the relief of Fares Salem Salman Hamarneh.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Fares Salem Salman Hamarneh, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Sami Khalaf Hamarneh, citizens of the United States: *Provided,* That the natural parents of the said Fares Salem Salman Hamarneh shall not, by virtue of such parentage, by accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KABALAN FARRIS

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2070) for the relief of Kabalan Farris.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Act of September 22, 1959 (Public Law 86-363), Kabalan Farris shall be deemed to be within the purview of section 4 of that Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

YOKO TAKAYASHIKI

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 2640) for the relief of Yoko Takayashiki.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27(A) and 205 of the Immigration and Nationality Act, the minor child, Yoko Takayashiki, shall be held and considered to be the natural-born alien child of Chief Warrant Officer and Mrs. Daniel I. Aiso, citizens of the United States: *Provided,* That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DAVID LEW HUIE

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1053) for the relief of David Lew Huie.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, David Lew Huie shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. RENEE DERI

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1537) for the relief of Mrs. Renee Deri.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Renee Deri shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the enactment of this Act, the Attorney General shall reduce by one number the number of refugees who may be paroled into the United States pursuant to sections 1 and 2(a) of the Act of July 14, 1960 (74 Stat. 504) during the fiscal year ending June 30, 1962.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HELEN HAROIAN

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1355) for the relief of Helen Haroian.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(6) of the Immigration and Nationality Act, Helen Haroian may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health Education, and Welfare, may deem necessary to impose: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act: *And provided further,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HERIPSIME HOVNANIAN

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1786) for the relief of Heripsime Hovnanian.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (25) of section 212(a) of the Immigration and Nationality Act, Heripsime Hovnanian may be issued an immigrant visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided,* That this Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHANN CZERNOPOLSKY

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1880) for the relief of Johann Czernopolsky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(6) of the Immigration and Nationality Act, Johann Czernopolsky may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided,* That unless the beneficiary is entitled to care under chapter 55, title 10, United States Code, a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *Provided further,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAX HALECK

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1234) for the relief of Max Haleck.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Max Haleck shall be held to have been born in American Samoa, and be regarded as residing therein on February 16, 1900, and shall further be held to be within the purview of section 325 of the said Act, and he may be naturalized in any court having naturalization jurisdiction.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. JOHN LOPINTO ARZAGA

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2118) for the relief of Dr. John Lopinto Arzaga.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor John Lopinto Arzaga shall be deemed to be within the purview of section 319(a) of that Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNEMARIE HERRMANN

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1947) for the relief of Annemarie Herrmann.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to say to the gentleman from Pennsylvania that I have the greatest confidence in and respect for him. I am sure he knows that. But I should like to say that if I am back here next year I do not see how I could consent to permit this sort of legislative action on so many bills. I took the time to read the Private Calendar—and I do not mean to emphasize the personal pronoun—over the last weekend. I had a fair knowledge of what was contained in the bills passed on the House Private Calendar. I have not the slightest knowledge of what is being done in all these bills. I am relying upon the good judgment of the gentleman from Pennsylvania and so are the other Members of the House. But in the future I will be constrained to object to this sort of procedure because I think the panels on the Private Calendar on both sides of the aisle ought to have the opportunity to look at these bills. I say that again with all the respect in the world for the gentleman from Pennsylvania.

Mr. WALTER. Mr. Speaker, all I can say to the gentleman is that but for the unusual conditions surrounding each of these cases we would not have called up these Senate bills today. For example, in the case of the last bill, the person involved is the fiance of an honorably discharged airman who has returned from Germany and who wants to bring her here with him. I do not know whether we should wait until next year to let him do that or not. It seemed to all of us—and it came out of the committee unanimously, as did all these bills—that these cases all involved urgency. For that reason we determined to take advantage of the good nature of the Members of the House and call the bills up today in this fashion.

Mr. GROSS. I understand. If it had been two or three bills, they could have been explained. I am not going to object to the schedule the gentleman has because it would break the agreement he has with the other body. But I insist this procedure not occur again next year.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to my friend from Illinois.

Mr. MASON. Mr. Speaker, the situation confronting us simply means that the Senate has held up our bills to the last minute and now they are saying, "We want these bills passed before we pass your bills." I do not like that kind of action.

Mr. WALTER. That is part of the situation.

On the other hand, we held up quite a few Senate bills ourselves in order to make sure they acted on the House bills. Maybe we have contributed somewhat to this situation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Annemarie Herrmann, the fiancée of Kenneth D. Hobble, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided,* That the administrative authorities find that the said Annemarie Herrmann is coming to the United States with a bona fide intention of being married to the said Kenneth D. Hobble and that she is found to be otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Annemarie Herrmann, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Annemarie Herrmann, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Annemarie Herrmann as of the date of the payment by her of the required visa fee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LOSSES SUSTAINED IN CONVERTING FROM STREET RAILWAY TO BUS OPERATIONS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8652) relating to the income tax treatment of certain losses sustained in converting from street railway to bus operations, which was unanimously reported favorably by the Committee on Ways and Means, with amendments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(a) IN GENERAL.—In the case of a corporation which sustained a net operating loss for any taxable year beginning after December 31, 1960, and before January 1, 1959, principally as the result of conversion from street railways to bus operations with respect to part or all of the company's operations, then its unused conversion loss will be subject to the treatment provided in subsection (c).

(b) UNUSED CONVERSION LOSS DEFINED.—The amount of the unused conversion loss shall be the aggregate of the losses for years described in subsection (a) reduced to the extent that they have been used as net operating loss carryovers or carrybacks to reduce taxable income for any taxable year beginning before January 1, 1960.

(c) TREATMENT OF UNUSED CONVERSION LOSS.—If a taxpayer has an unused conversion loss, then for taxable years beginning after December 31, 1959

(1) such loss shall be treated as a net operating loss incurred in the latest taxable year which began before January 1, 1960, and

(2) the net operating losses entering such unused conversion loss shall not otherwise be taken into account for purposes of section 172 of the Internal Revenue Code of 1954.

This subsection shall apply only for years in which the taxpayer is engaged in the furnishing or sale of transportation (as defined in section 1503(c)(1)(A) of the Internal Revenue Code of 1954).

(d) REGULATIONS.—The Secretary of the Treasury, or his delegate, may prescribe by regulation such rules as may be necessary to carry out the purposes of this section.

With the following committee amendments:

Page 1, strike out lines 4, 5, and 6, and insert:

"(a) IN GENERAL.—If a corporation has a net operating loss for the taxable year ending December 31, 1953, or the taxable year ending December 31, 1954,".

Page 2, line 2, strike out "losses" and insert "net operating losses".

Page 2, strike out lines 6 to 15, inclusive, and insert:

"(c) TREATMENT OF UNUSED CONVERSION LOSS.—If a taxpayer has an unused conversion loss, then in determining the amount of the net operating loss carryover from the taxable year ending December 31, 1959, to each of the 5 taxable years following such taxable year for purposes of section 172 of the Internal Revenue Code of 1954, such unused conversion loss shall be treated as a deductible loss sustained during the taxable year ending December 31, 1959."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MASON] and I may extend our remarks following each of these bills from the Committee on Ways and Means in explanation of them.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, the bill, H.R. 8652, which, with amendments, was unanimously reported by the Committee on Ways and Means, provides that in the case of a net operating loss sustained by a corporation in the years 1953 or 1954, which was principally the result of the conversion from street railway to bus operations, this loss, to the extent not offset against income in the years before 1960, will be available to the corporation as a net operating loss carryover for the year 1960 and the 4 subsequent years.

Mr. Speaker, under present law, net operating losses incurred in 1 year may be carried back to the three immediately preceding years and then, to the extent not absorbed by income realized in those years, may be carried forward to the 5 succeeding years after the year in which the losses occurred. In effect, this provides a limited averaging device to provide relief in situations where business income fluctuates markedly, since most companies earn sufficient income during the carryback and carryover period to absorb most of any business losses against business income.

As Members of the House are no doubt aware, rapid transit companies in recent years have been faced with a special problem due to the very large losses they have incurred in converting from streetcar to bus operations. Ordinarily, these conversion losses are spread over a number of years so that a sufficiently long period will be available to insure that these losses may be offset against income of other years. However, a situation has come to the attention of your committee in which the conversion from streetcar operations to bus operations was completed in an 18-month period. As a result of the concentration of losses in this short period, the carryback and carryover period available to the corporation was too short to permit these losses to be absorbed by income realized during the carryover period. Your committee was advised that this imprudent concentration of conversion losses in a short period was attributable to company mismanagement which failed to follow the advice of financial counsel to the effect that the losses were of such a magnitude that they could not be absorbed within the carryforward period provided under our tax laws.

Your committee believes that in cases of this type, where ordinary prudent management would have spread the conversion over a number of years, the extension of a longer carryforward of any unused conversion losses attributable to a situation of this sort is justified. This treatment seems warranted in view of the serious problem faced by rapid transit systems because of the inadequacy of our mass transportation systems. Moreover, it is likely that the users of this particular transportation service will be called upon to make up this company's unused conversion losses in the form of

increased fares unless the company is permitted to utilize such losses as an offset against income in future years.

The bill, H.R. 8652, provides that any unused conversion losses that are principally attributable to the conversion from streetcar to bus operation shall be considered a net operating loss which may be offset against income for the year 1960 and the 4 subsequent years. However, this treatment is to apply only for years in which the taxpayer is engaged in furnishing or sale of transportation on an intrastate, suburban, municipal or interurban transit system in a situation in which the rates for such transportation must be approved by a governmental unit, a public service or public utility commission, or some similar governmental entity.

In the particular case brought to your committee's attention, there is an unused conversion loss of some $5 million for the years 1953 and 1954 and it is estimated that based upon anticipated revenues of the company involved, from $2 to $3 million of this loss may be offset against income in the additional 5-year carryover period provided under the bill.

I should point out that had this conversion been made under prudent management, the company would have been able to offset its losses against income under present law and would have not needed legislation. This means, of course, that had this situation prevailed, the effect on revenue would be the same as that proposed here.

I urge passage of this bill.

Mr. MASON. Mr. Speaker, in many of our Nation's urban areas the mass transportation companies have been confronted with a special problem that has arisen from the substantial income losses that have been incurred in converting from streetcar to bus operation. The magnitude of such losses has prompted the transit company management in the respective cities to spread the conversion over a period of many years so that sufficient income will be realized to absorb the losses under the net operating loss provisions of our tax law. It will be recalled that under existing law the net operating loss carryback and carryforward provides that business losses incurred in 1 year can be carried back to the 3 prior years and then carried forward to the 5 succeeding years.

It has been brought to the attention of the Committee on Ways and Means that one transit company has been unable to offset its losses against income because of fraudulent acts on the part of its previous management. In the case of this particular transit company the conversion from streetcars to buses was completed within an 18-month period. Information was presented to the Committee on Ways and Means indicating that the conversion in this short period of time was a part of the scheme of fraudulent acts by the previous management.

The company involved has since been reorganized and those guilty of the fraudulent acts have been punished. However, the tax consequences of the conversion from streetcars to buses in the 18-month period could not be undone. To assist the new company to maintain itself in a solvent condition and to make available to that company a tax consequence that ordinarily would have been available to a company under prudent management, the Committee on Ways and Means approved the bill which has just passed the House to provide that in the case of net operating losses incurred in the calendar years 1953 and 1954 which primarily resulted from a conversion from streetcar to bus operations, an additional 5-year carryforward will be allowed.

Mr. Speaker, it is appropriate that this legislation should be approved.

CREDIT AGAINST ESTATE TAX FOR TAX ON CERTAIN PRIOR TRANSFERS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7859) to amend the Internal Revenue Code of 1939 to provide a credit against the estate tax for Federal estate taxes paid on certain prior transfers in the case of decedents dying after December 31, 1947, which was unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. BROWN. Reserving the right to object, Mr. Speaker, I wonder if the chairman of the Committee on Ways and Means could not take just 1 minute or maybe 2, if necessary, to let the less-informed Members of the House know just what these bills may do.

Mr. MILLS. I will be glad to do that.

Mr. Speaker, the bill, H.R. 7859, which was reported unanimously by the Committee on Ways and Means, would amend the Internal Revenue Code of 1939 to provide a credit against the estate tax for Federal estate taxes paid on certain prior transfers in the case of decedents dying after December 31, 1947. During the last Congress, a similar bill was unanimously passed by the House.

Section 812(c) of the Internal Revenue Code of 1939 provided a deduction in computing estate tax, as distinguished from a credit, for the value of property left to a decedent within 5 years of his death if such property had been taxed as a part of the estate of the donor-decedent or had been subject to gift tax. However, because of difficulties presented by the interrelationship of section 812(c) and the marital deduction provided by section 812(e), no deduction for prior-taxed property was allowed to the extent that property in question exceeded 50 percent of the decedent's estate and had been acquired from the decedent's spouse. As a result, double taxation resulted where more than 50 percent of a decedent's estate was acquired from his spouse, because no marital deduction had been allowed to the extent of the excess over 50 percent. To eliminate this double taxation, the 1954 code in section 2013 provided a credit, which was in turn extended to estates of decedents dying after December 31, 1951, and before August 16, 1954, by Public Law 417, 84th Congress.

H.R. 7859 will extend the treatment provided by Public Law 417 to the estates of decedents dying after December 31, 1949, in cases where the death of the husband or wife of the decedent occurred within 3 years of the decedent's death but after December 31, 1947. By so doing, H.R. 7859 will eliminate cases of hardship which have come to the attention of the Committee on Ways and Means since the enactment of Public Law 417.

Mr. BROWN. I want to thank the gentleman for his explanation. It was very enlightening, and I am certain every Member of the House understands the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 814 of the Internal Revenue Code of 1939 is hereby amended—

(1) by striking out in subsection (a) of such section "December 31, 1951" and inserting in lieu thereof "December 31, 1949";

(2) by striking out "within two years" wherever appearing in subsections (a) and (b) of such section and inserting in lieu thereof "after December 31, 1947, and within three years"; and

(3) by adding at the end of subsection (c) of such section the following new paragraph:

"(3) REDUCTION OF CREDIT IN CERTAIN CASES.—If the transferor predeceased the decedent by more than two years, the credit shall be 80 percent of the amount determined under subsections (b) and (c) (1) and (2)."

SEC. 2. A timely claim based upon a deduction for property previously taxed under section 812(c) of the Internal Revenue Code of 1939 may be deemed to be a claim based upon a credit for prior taxed property under section 814 of such Act as amended by the first section of this Act.

SEC. 3. No interest shall be allowed or paid on any overpayment resulting from the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MASON. Mr. Speaker, this legislation would amend the Internal Revenue Code of 1939 to provide that a credit would be available against the estate tax for estate taxes paid on certain prior transfers in the case of decedents dying after December 31, 1947.

Prior to the enactment of the 1954 code, the 1939 code provided a deduction from gross estate for the value of property left to a decedent within 5 years of his death where such property was taxed as part of the estate of a prior decedent. However, where such property passed to a spouse, the 1939

code deduction under certain circumstances resulted in the double taxation of such property for estate tax purposes and as a consequence the Congress substituted a credit for this deduction in the 1954 code. It will be recalled that the 1954 code was prospective in its application. However, in 1956 the Congress recognized that a hardship resulted from limiting this credit to cases coming under the 1954 code and as a consequence Public Law 417 of the 84th Congress made the 1954 code change applicable to years coming under the 1939 code provided the current decedent died after December 31, 1951.

The effect of the bill which has just passed the House is to make that code change applicable to estates of decedents dying after December 31, 1949, so that the credit would be available where the death of the first spouse occurred within 3 years prior to the death of the surviving spouse but after December 31, 1947. In addition the bill would provide that where the deaths of the husband and wife occurred more than 2 years apart, the credit for prior estate taxes would be 80 percent instead of 100 percent.

This legislation was unanimously approved by the Committee on Ways and Means and it is appropriate that it should pass the House at this time.

STRENGTHENING THE FEDERAL FIREARMS ACT

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1750) to strengthen the Federal Firearms Act, which was also reported unanimously by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Federal Firearms Act, as amended (52 Stat. 1250; 15 U.S.C. 901–909), is further amended by repealing paragraph (6), by deleting the words "crime of violence" in paragraph (7) and inserting in lieu thereof the words "crime punishable by imprisonment for a term exceeding one year", and by renumbering paragraphs (7) and (8) as paragraphs (6) and (7).

SEC. 2. Section 2 of such Act is amended by deleting the words "crime of violence" in subsections (d), (e), and (f) and inserting in lieu thereof the words "crime punishable by imprisonment for a term exceeding one year".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, the bill, S. 1750, would expand the scope of the provisions of the Federal Firearms Act which deal with prohibiting the transportation of firearms and ammunition in interstate or foreign commerce. As passed by the other body, this bill is identical to the bill, H.R. 7191, which was unanimously approved by the Committee on Ways and Means.

Mr. Speaker, under present law, it is unlawful for any person who is a fugitive from justice with respect to, or who is under indictment for or who has been convicted of a crime of violence, to ship or receive firearms or ammunition in interstate or foreign commerce. The term "crime of violence" includes the more serious criminal offenses such as murder, manslaughter, rape, mayhem, and the like. Under present law, it is also unlawful for anyone to ship firearms or ammunition to any such person if the shipper has knowledge or reasonable cause to believe that the recipient is within the prohibited category.

The bill, S. 1750, would expand this prohibited category to include persons indicted, convicted, or fugitives from justice with respect to any crime that is punishable by imprisonment for a term exceeding 1 year. Imprisonment for this period of time is the Federal standard of what constitutes a felony.

Mr. Speaker, legislation to strengthen the Federal Firearms Act in this regard has been recommended by the Attorney General of the United States as an aid to Federal law enforcement officers in their effort on organized crime. The National Rifle Association of America is also on record as being in favor of this legislation.

I strongly urge the passage of this bill.

Mr. MASON. Mr. Speaker, under existing law there is a prohibition on the shipment of firearms in interstate or foreign commerce by persons under indictment or convicted of a crime of violence. In addition there is a prohibition in the receipt of firearms by persons convicted of such crimes or by fugitives seeking to avoid prosecution for such crimes or endeavoring to avoid giving testimony in any criminal proceedings. These prohibitions apply under a definition of the term "crime of violence" to certain prescribed offenses.

The purpose of this legislation is to amend the Federal Firearms Act so as to make the prohibitions to which I have referred applicable to persons indicted, convicted, or fleeing as a consequence of any crime which measures up to the Federal standard of a felony.

The committee was unanimous in favorably reporting this legislation.

IMPOSITION OF TIRE TAX ON TIRES DELIVERED TO MANUFACTURER'S RETAIL OUTLET

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 221) to amend section 4071 of the Internal Revenue Code of 1954, which was reported unanimously by the Committee on Ways and Means, with amendments.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4071 of the Internal Revenue Code of 1954 (relating to tax on tires and inner tubes) is amended by redesignating subsections (b) and (c) as (c) and (d) and by inserting after subsection (a) the following new subsection:

"(b) SPECIAL RULE FOR MANUFACTURERS WHO SELL AT RETAIL.—Under regulations prescribed by the Secretary or his delegate, if the manufacturer, producer, or importer of any tire or inner tube delivers such tire or tube to a retail store or outlet of such manufacturer, producer, or importer for the purpose of being sold by him at retail, he shall be liable for tax under subsection (a) in respect of such tire or tube in the same manner as if it had been sold at the time it was delivered to such retail store or outlet. This subsection shall not apply to an article in respect of which tax has been imposed by subsection (a). Subsection (a) shall not apply to an article in respect of which tax has been imposed by this subsection."

(b) The amendments made by subsection (a) shall take effect on the first day of the first calendar month which begins more than 20 days after the date on which this Act is enacted.

SEC. 2. Section 4226 of the Internal Revenue Code of 1954 (relating to floor stocks taxes) is amended by adding at the end thereof the following new subsection:

"(e) TAX ON CERTAIN TIRES AND TUBES.—On any tire or inner tube which, on the first day of the first calendar month which begins more than 20 days after the date of the enactment of this subsection, is held at a retail store or outlet of the manufacturer, producer, or importer of such tire or tube for the purpose of being sold by him at retail, he shall be liable for tax under section 4071(a) in the same manner as if such tire or inner tube had been sold by him on such first day. This subsection shall not apply to an article in respect of which tax has been imposed by section 4071 of the Internal Revenue Code of 1954. Such section 4071 shall not apply to an article in respect of which tax has been imposed by this subsection."

With the following committee amendments:

Page 2, line 1 strike out "outlet" and insert "retail outlet".

Page 2, line 2, strike out "for the purpose of being sold by him at retail".

Page 2, line 11, strike out "month" and insert "quarter".

Page 2 line 19, strike out "month" and insert "quarter".

Page 2, line 21, strike out "outlet" and insert "retail outlet".

Page 2, line 22, strike out "for the purpose of being sold by him at retail".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, H.R. 221, which was introduced by our colleague on the Committee on Ways and Means, the Honorable BURR P. HARRISON, of Virginia, and which, with amendments, was unanimously reported by your Committee on Ways and Means, provides that if a manufacturer of tires and tubes delivers such items to a retail store or outlet that is owned by such manufacturer, the excise tax on such items is to be imposed at the time of delivery.

Under present law, the manufacturer's excise tax in such a situation is not imposed until the items are sold by the manufacturer from his retail store or outlet. This permits manufacturers who have their own retail outlets to accumulate an inventory of items at such outlets without having paid tax thereon

whereas competing independent dealers are only able to accumulate such an inventory after tax has been paid.

The bill removes the competitive discrimination against independent dealers in this situation by providing for the imposition of tax on the manufacturer at the time of the delivery of the items to their retail stores or outlets. Delivery to a "retail store or outlet" includes delivery to the immediate vicinity of such locations for use therein, such as to a local warehouse, and so forth. The bill also imposes a floor stock tax on tires and tubes held at manufacturer-owned retail outlets as of the effective date of the bill on the first day of the first calendar quarter beginning more than 20 days after enactment.

It is estimated that this bill will result in a nonrecurring revenue gain of about $2 million.

Mr. MASON. Mr. Speaker, the legislation which has just passed the House would amend the Internal Revenue Code so as to provide that the manufacturer's excise tax on tires and inner tubes in the case of manufacturer-owned retail stores will be imposed at the time of delivery to such stores rather than at the time the articles are sold.

The purpose of this legislation is to seek to eliminate an existing tax inequity that affects the competitive situation existing between manufacturer-owned stores and independent tire dealers.

The legislation was unanimously reported by the Committee on Ways and Means, and it is appropriate that it should be favorably considered by the House.

TO ESTABLISH A U.S. ARMS CONTROL AGENCY

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 462) and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9118) to establish a United States Arms Control Agency, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 215]

Alexander	Frazier	Pilcher
Anfuso	Goodell	Pirnie
Arends	Gray	Powell
Ayres	Hall	Rabaut
Bass, Tenn.	Harrison, Va.	Rains
Battin	Hébert	Reece
Bell	Hoeven	Reuss
Berry	Ichord, Mo.	Roosevelt
Blitch	Johnson, Wis.	St. George
Boggs	Jones, Ala.	Saund
Buckley	Jones, Mo.	Scherer
Byrnes, Wis.	Kearns	Shelley
Carey	Kilburn	Short
Celler	Laird	Sikes
Church	McDonough	Siler
Colmer	MacGregor	Spence
Cooley	Martin, Nebr.	Thompson, La.
Dague	Michel	Thompson, N.J.
Dent	Miller, N.Y.	Vinson
Derwinski	Morrison	Weaver
Dooley	Moulder	Westland
Dowdy	Norrell	Willis
Farbstein	O'Brien, N.Y.	Younger
Fisher	Osmers	Zelenko
Fogarty	Pelly	
Ford	Pfost	

The SPEAKER pro tempore. On this rollcall 356 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts [Mr. O'NEILL].

Mr. JOELSON. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from New Jersey.

PERSONAL EXPLANATION

Mr. JOELSON. Mr. Speaker, last Friday, on rollcall No. 208 I was absent. I should like the RECORD to indicate that had I been present I would have voted "nay."

TO ESTABLISH A U.S. ARMS CONTROL AGENCY

Mr. O'NEILL. Mr. Speaker, I yield myself such time as I may require, following which I yield 30 minutes to the gentleman from California [Mr. SMITH].

Mr. Speaker, House Resolution 462 provides for the consideration of H.R. 9118, a bill to establish a U.S. Arms Control Agency. The resolution provides for an open rule, waiving points of order, with 2 hours of general debate.

H.R. 9118 does not reflect any intention that the United States give a higher priority to disarmament than to defense, or that we intend to disarm in the face of a military threat.

We believe that the day will come when it will be possible to assure our own security and world peace with only a fraction of the manpower and the resources now devoted to military functions. It has been and will continue to be our policy to hasten the realization of this objective.

At the same time we do not intend to disarm when such a course will endanger our security.

The horrors of nuclear warfare, combined with the existence of the United Nations to focus world opinion on arms control and disarmament and to facilitate negotiation, assure that the United States will be increasingly concerned with problems of the limitation, reduction, and control of armaments.

These problems are complex and highly technical, involving considerations of scientific development, foreign policy, and military strategy. We can best assure that our security will not be endangered if we are able to bring to bear on these problems all of the pertinent knowledge and skill which we possess.

It is the purpose of this bill to provide the organization and the resources to accomplish this objective, not in the belief that disarmament is just around the corner, but to make sure that what we do is consistent with our ultimate objective as well as with our security.

Functions authorized to be performed by the Agency include:

First. Research with regard to such matters as nuclear disarmament proposals, regional disarmament plans, the appropriate structure of international control organizations, measures for the control of conventional forces and arms, techniques for monitoring missiles and other weapons delivery systems, avoidance of war by accident or miscalculation, and methods of preventing surprise attack and many other problems.

Second. Negotiation for treaties relating to arms control and disarmament, supplying personnel for delegations engaged in negotiations, communicating instructions to delegations during negotiations, and drafting treaty language.

Third. Supplying information concerning U.S. disarmament proposals and guiding the U.S. Information Agency's disarmament information programs.

Fourth. Preparation for or, as may be authorized by law, operation, direction, or otherwise assuming responsibility for U.S. participation in inspection and control systems which may result from U.S. disarmament activity.

Mr. Speaker, I urge the adoption of House Resolution 462.

Mr. SMITH of California. Mr. Speaker, I yield myself 5 minutes.

Mr. SMITH of California. Mr. Speaker, House Resolution 462 authorizes consideration in Committee of the Whole of the bill H.R. 9118, with 2 hours of general debate. This is an open rule, with the exception that points of order are waived, which I understand is necessary because there is involved some transfer of funds.

H.R. 9118 I think started out with a number of other bills as more or less a disarmament agency. H.R. 9118 now is entitled "To Establish a U.S. Arms Control Agency." It will be a new agency.

It would appear to me from the testimony before the Committee on Rules and from reading the bill and the report that this will be a rather elaborate setup. They will start out, as I understand it, with a Director, an Assistant Director, and four Deputy Assistant Directors, anticipating probably about 243 employees, an authorization of $10 million, with the anticipation that some $6 million will probably be used the first

year. It can grow like Topsy. As a new agency, it is almost unlimited under the language of the bill. I am informed there will be some amendments offered thereto. Possibly they will improve the measure, if possible.

We are placed again in a position something like the juvenile delinquency bill. If we oppose a measure like this we may be accused of being against motherhood or in favor of sin. There is no one in this body or in the United States that is not in favor of arms control, that is not in favor of disarmament. We want to do everything we can. If $10 million would do that we would certainly proceed immediately to spend that or a much larger sum if we could have any certainty in our minds we could accomplish that purpose.

I personally feel that until Mr. Khrushchev and all the people that follow him will say to the world: "Yes, I want peace; we will disarm, we will have an appropriate inspection system." Until that time comes I am unable to see in my own mind that we will be able to have appropriate arms control. But at the same time we must look forward to these things, I believe, and try to be the leader of the world and at least indicate that we are in favor of arms control.

I rather think that under the present setup of the last administration and this one—they have been working on this—they probably in my opinion should be able to handle it, but the testimony indicates that they want to have this separate Agency. As I understand, it will not be under the control of the Secretary of State. It has a sort of tie-in with the State Department and with the President.

Personally, I find myself a bit confused. We passed a defense bill, the largest in our history. Subsequently, President Kennedy made a speech requesting more money. In conference we added several billions more. Following the defense bill we passed the foreign aid bill. We will have a conference report probably Thursday on that, with several more billions of new money. Then we had a Peace Corps. That is in conference. There will be a large number of employees in that new agency—defense on the one side and now the Peace Corps to go out and handle the authority that that particular bill gives to them. Now we come along with this Arms Control Agency, a new setup, to try to control arms. Then following this bill we will have a resolution which will permit the waiving of the 60-day waiting period so that the agreement recently entered into between President Kennedy and France can take immediate effect and we can send our atomic weapons over to France for possible necessary use over there. So I do not wonder that some of us find ourselves confused, and undoubtedly many of the public are also confused.

I find further confusion on my part that one of my constituents, Maxine Miller, a writer, teacher, and lecturer, who has spent a good many years assisting the Government of Iran, was recently awarded the highest medal of Iran, for having written a book about Iran entitled "Bright Blue Beads." It is a best-seller. She went over there and it was presented to her, the only time a woman has received such a medal. During the 10 days she was over there being entertained by the Shah and royalty, and so forth, not once did any member of our American Embassy contact her, attend any of the meetings, or express any interest at all. It was quite embarrassing to the Shah and the Iranian Government. They brought it to her attention and they brought it to the attention of some of us over here, because if in our country we had extended such an honor to one of their citizens their Embassies and all the officials would have attended and expressed appreciation to the U.S. Government for doing it.

At the same time while they were over there, the U.S. Armed Forces was showing certain television programs. One of them was the program "The Untouchables." The people in Iran who have television, saw it. Immediately they went to the Millers and said, "If that is the way you operate in the United States, we fail to see how you or the Peace Corps or anything else from the United States can help us, if those are the conditions in the United States."

So I find myself confused with the State Department and with the USIS and the USIA in these particular programs. Yet, here we are now attempting to establish a new agency to control arms. I, however, know of no objection to the rule. I think there will possibly be some objection to the bill and some amendments offered. With that in mind, Mr. Speaker, I now yield 3 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN. Mr. Speaker, this legislation is one of those rather odd measures which comes before the Congress ever so often. It is for a very, very great objective, and, of course, its purpose is seeking to find a way to disarm and to bring about peace in the world. It is a bill which is difficult to vote against. Yet, as the gentleman from California has stated, the measure does carry within it a number of provisions which are questionable, to say the least.

It is my understanding there will be offered here on the floor of the House when the appropriate times comes several amendments to correct or even delete certain sections of this bill. Personally, I expect to offer one amendment that would delete the section which would authorize this new Agency to set up a publicity branch in the United States to propagandize the American people. If we need to do any propagandizing, we should propagandize foreign peoples rather than our own.

Of course, it is realized by all of us who have been here for some time that ever since the end of World War II these same kind of activities have been underway through different officials, committees, or persons. Down at the White House, in the Office of the President, we have had special Presidential assistants or commissioners named to arrange and attend conferences in the attempt to obtain some sort of disarmament or arms limitation agreement, to get something down in black and white by which all nations might be bound. I realize fully we have just recently, through Mr. John McCloy, the representative of the President of the United States, in Moscow, to discuss arms control or disarmament with Mr. Khrushchev and other Russians. Of course, it is well known to all of us that Russia has consistently and constantly propagandized the world as to how Russia seeks peace and seeks disarmament, but the Russians always have been unwilling to agree to any sort of arrangement proposed by many representatives of this country to set up a system of inspection that would guarantee no nation, no country, no peoples could possible violate any disarmament or arms limitation agreement which might be reached.

Of course, it is necessary, in my opinion, to continue our efforts, through one way or another, to attain peace in this world. Mankind has been attempting to do that for thousands of years. I believe such efforts must be continued. It is the prayer of all of us that in some way or another, the proper answer may be found.

However, I do think we should look at this bill very closely and, while we may support the objectives, we should be very careful to write into the bill any limiting amendments which may be necessary for the full protection of the American people themselves.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. O'NEILL. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT of Florida. Mr. Speaker, I am very much for this rule and for this bill. There may be some amendments needed to make it a better bill and strengthen it, but basically it is something very much needed. It, of course, does not provide for unilateral disarmament nor does it even provide for worldwide disarmament. It does provide for technical disarmament research and for training disarmament negotiators.

The testimony shows there are good sound reasons for this bill. In the first place, we are already talking, and have been talking for a long period of time, at pretty regular intervals, holding discussions about disarmament. We have done this and must continue to do it, although in many instances we have not had people representing us who were properly researched to do the work, properly trained to do the work, and we did not in all instances have the coordination and cooperation we should have had.

We know we are going to have these discussions, we know we are going to conduct disarmament talks; there is no way to avoid them, we ought not to avoid them, but we ought to be able to handle these things for the security of our country with quickness and alacrity.

On page 31 of the testimony you will see where ex-President Eisenhower and others have pointed out that this is the safest way to proceed. As to quickness, former Ambassador Lodge at page 59 points out that it is necessary to be able to handle such matters in a prompt manner.

We need specialists in this sort of work. We have them to a degree in

our Government at the present time. Considerable work is being done in this area right along. As a matter of fact, something in excess of $100 million is spent every year by the Federal Government in this field of disarmament. Presently the work is not coordinated, but is spread out through various agencies of Government. Those engaged in this work should have a degree of security of employment. That is another thing this bill will do by establishing a permanent agency. We will give a degree of security or permanency to the people who are going to be employed. This should be a permanent agency in order to attract the best qualified employees. If these people are to be in a temporary agency they will not be attracted to stay on. Unquestionably you can get better service from people who know they are going to have some degree of retention rights in Federal service. This bill will have the result of attracting the best people to this work.

General Lemnitzer, on page 83, and former Secretary Gates, at page 94, have stated that this Agency will enhance the security of the United States. They point out why this is so. Secretary Gates goes on to say that the timing of the creation of this Agency by law is good. He says on page 93 that he thinks it is fortunate that we have such a strong posture, that this is the time to talk, that you cannot talk from weakness.

I am going to offer an amendment to change the title because of the testimony given before the committee and because of my deep conviction. It is said in the testimony by former Ambassador Lodge that the U.S. Government is not organized as it should be for big, bold strokes in the field of foreign relations.

Dr. JUDD, on page 83, testifying before this committee, stated that people are assuming that the Russians "are trying to get the same thing we are after; but it is not so. We want peace; they want conquest."

I think there should be a change to get away from the limiting view of restricting this title to disarmament. Where it says "U.S. Disarmament Agency," we should call it "U.S. Peace Agency for Disarmament and World Security." In other words, we should stress the thought of peace wherever possible.

"Arms control" as defined by witnesses means something, but just what? They leave the definition in fuzziness.

Secretary Gates suggested "Agency for World Peace and Security" as a good title.

The words "disarmament" or "arms control" in the title, would lead some people to believe that we are going to do things unilaterally whereas the desirable end to be achieved is world peace and nobody approves of unilateral disarmament, certainly not myself—

So at the proper time I shall offer this amendment to the title to emphasize the fact that this is a peace agency.

I do hope we can enact this important piece of legislation.

Mr. SMITH of California. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. HOFFMAN].

U.S. ARMS CONTROL AGENCY

Mr. HOFFMAN of Michigan. Mr. Speaker, presumably the purpose of this legislation is similar to what we had in mind when the House passed the bill to establish the Peace Corps, that is, to implement Christianity. No appropriation would be too great if the possibility of establishing permanent world peace is attainable.

It has been my privilege to have listened to very eloquent and persuasive oratory—John A. Logan, candidate for Vice President; Teddy Roosevelt, a crusader who headed the Bull Moose with the slogan, "We never quit until the hearse comes around"; Henry Woodfin Grady from the South; then later Tom Reid, William McKinley, William Borah, Hiram Johnson, and our own Senator Vandenberg. All very eloquent and very persuasive. But never did listeners hear more persuasive, emotional arguments than those which came to us a few days ago from the Member from Ohio [Mrs. BOLTON] and from our colleague from Illinois [Mrs. CHURCH].

Between 5 and 20 votes may have been changed on the floor from opposition to support of the Peace Corps bill by their heartbreaking pleas. It seldom happens here that even one vote is changed by the debate.

Our colleague from Illinois said it had been charged she would make an emotional appeal. She did, and reminded us that we should "be understood for what we are, not a group of materialists serving only mammon, but a group of freemen and freewomen believing in the virtues of liberty as applied on our own soil and proven by our competency."

As everyone knows, it was the desire of our forefathers for liberty and their willingness to make sacrifices that gave us freedom as a nation, liberty as citizens.

Unfortunately, because of our desire to reform the world, force people to conform to our way of thinking and living by joining international organizations, we have lost a part of our national sovereignty, much of our freedom, for no longer are we the masters of our own policy.

If memory serves correctly, appeals to the emotions are the ones that move us.

It was the desire for freedom of our citizens, our anger at Great Britain, that brought the War of 1812, the humiliation of the British Navy, and demonstrated that Britain was no longer mistress of the seas.

It was emotion, was it not, forgiveness, compassion, generosity, that caused Christ to say, "Father, forgive them; for they know not what they do"?

Is that not the spirit in all of us when we get right down to fundamentals? Is there anyone who does not want to be kind, generous, forgiving, and helpful? So it was with the two colleagues we listened to the other day when they told us of their experiences abroad.

Our colleague from Illinois [Mrs. CHURCH] told of her trips abroad. She wished we could have bee i with her; could have attended a club meeting of native women where one had carried a 10-day-old baby 17 miles in order to attend; of another who had been taken to a village for an operation and, on her return, had told the women of her tribe many of the things she had learned.

Permit me most humbly to suggest to our colleague that she need but to step in my car at the Capitol door and within 5 minutes I can show her privation, want, suffering, and misery right here in Washington, similar to that she found in deepest Africa.

Permit me to suggest that all people are not wealthy; that all people cannot appropriate other people's funds for the relief of misery here at home or abroad, but that some, yes, many, not only can but do, as they go about their daily living, ease the want, the misery and the sorrow of those they meet.

True charity, kindness, and generosity are not confined to gifts made to charitable agencies. True helpfulness originates in the heart—a willing spirit translates it into action—not now and then—not occasionally when emotionally aroused, but day by day as we meet those in dire distress.

Our colleague from Illinois said that while we doled out millions of dollars, while we have given material things to people throughout the world, we did not hit the spot, we had made no appeal, at least a successful appeal, for the minds of men.

Unless I am mistaken, the gentleman from Minnesota [Dr. JUDD], as have others, for years has brought that issue before us. We have spent millions, done many, many things in the attempt to reach the minds of men.

While we are talking about that, it occurs to me that perhaps here at home, before we start to impose our superiority, because that is what it means, upon other people throughout the world, we should take a look at our own housekeeping.

Just a few days ago the House passed a bill which created an agency or a committee to learn some way of taking care of delinquents here in our own hometown, right here in Washington. That was a step in the right direction, but not necessarily the best one. But there is a housecleaning job that might well be done before a Peace Corps goes abroad.

The Peace Corps recruits are undoubtedly fine, self-sacrificing, sincere, patriotic young Americans; but, if they are to leave our soil to teach others, they should not carry with them any false ideas as to our own decency, patriotism, or willingness to obey the law. They should have in their minds, as they go into other lands, an idealistic America. It might be a little difficult to teach the people of other countries good habits, clean living, if they carried with them, a smeared image of the homeland.

An example? Permit me to give you one. Sunday morning, over here in the Methodist Building, where I live, there came to me at least four calls from strangers wanting to know—and why they called me I do not know—why the Congress did not do something about looking after the welfare of our own young people.

My colleague, the gentleman from Iowa [Mr. GROSS], handed me this Peace Corps pamphlet put out by the agency here in Washington, giving pictures and

the records of many of these young people, young men and young women, who have joined the Peace Corps. And I wonder what we are doing to protect their minds, to reach their minds, to get them on the straight and narrow road before they leave.

Will they depart with, in their minds, a picture, not only of a comfortable, prosperous land, but of the ideal American citizen, family, and community—of a people who have the highest ideals; who live constructive, orderly, moral lives? Without such a remembrance, they will be able to teach but little that is good to the people of other nations.

But back to the Sunday phone calls. When those calls came in I wondered what it was all about, and some said, "We want to tell you about this play, 'A Taste of Honey,' shown down here at the National Theater last night." They did. I listened awhile and then said, "Well, let me look at the review in my paper." Reading, what did I find? That here in Washington, right down on a main street there is a theater which is showing this play and which this review states was written by a young woman some 19 years of age who lives in England. The reviewer wondered where she got her information as to what the play was about. Here is the substance of the review.

One of the principal characters in the play, the mother, was a tramp. You know what "tramp" means. The daughter, well, she made a misstep. They cannot leave out the segregation issue, so the show plays that up. And, all through the dialog were obscene, dirty words, and profane words—I do not know why. And then the daughter goes to bed with a colored sailor, and the result is a child. And then, who is the hero? Who, in this deplorable situation, comes along and helps out? The only one in the cast to offer help is a homosexual, the hero.

The reviewer comments that the author of the play feels "a womanly pity" and that "the effects of this feeling, combined with the style of her writing, imbue the play with a freshness that puts an altogether different face upon elements of the play which, in other hands, seem not merely shocking, but calculated to shock." Few will agree with the reviewer.

Dirt, filth, and immorality cannot in this world of ours be described as having a freshness, and no form of writing can glorify it. In fact, several who saw the play say they were nauseated and left at the end of the first act.

Is it not time that the Congress take a look at what we are doing, corrupting the minds of the young folks here at home, before we send them overseas to teach other people how they should live and what they should do?

The volunteers to the Peace Corps, as pictured in this pamphlet which I have just shown you and in which the descriptions that are given indicate they are fine young Americans, between the ages of 20- and 30-odd, and, presumably, if they are going to teach others Christianity and how to become prosperous, contented citizens in another land, are themselves of the highest type—should carry with them pictures of the United States and its citizens as honest, clean, moral Christians.

Then our colleague from Illinois [Mrs. CHURCH] said she sent out a questionnaire, and I think 61 percent of the answers were in favor of the Peace Corps. Well, to my mind that was like asking kids around the 5th or 10th of December whether or not they want a Christmas tree.

Question 29 reads: "Do you approve of a Peace Corps for oversea service if the volunteers are carefully selected and trained?" There was nothing to indicate what the Peace Corps would cost, what it would do, or under whose directorship it would act, nor what the volunteers would do after they ended their service and returned to this country.

Some of the advocates of this measure before us today and of the Peace Corps seem to suppose they not only have superior knowledge of what can be done, but are the exclusive possessors of all Christian virtues, and that those of us who do not go along with them are heathens, love and advocate sin of all types, favor war.

In opposing the Peace Corps bill, attention was called by me to the 10 crusades centuries ago where hundreds of thousands of lives were lost, many of them children, in an effort to retake the Holy Land.

I also said that long ago, a desired objective was peace on earth, good will toward men. Our colleague from Illinois commented that despite all the failures, truth and hope remained, the dream of peace on earth, and good will to men still exists, the crusades are still going on.

True, and no one would have them end, but some desire they be made effective, have something other than just an idea, a hope, or a prayer. There is no reason and less sense in sacrificing needlessly, wastefully, with ultimate harm to many.

In substance, our colleague said: "We are all in favor of crusades." Sure we are. What did I hear last night again over the radio? From the crowd in Philadelphia, the cradle of liberty, singing at a Billy Graham revival meeting, "I love to tell the story of unseen things above, of Jesus and his glory, of Jesus and his love. I love to tell the story, because I know 'tis true, it satisfies my longings as nothing else can do."

Are we not all for a better life, a better world? Sure, we are all willing to keep on trying, but let us do it in some practical way so we know what we are doing, and let us use tools that will be effective. Let us not send a group of young folks over there who have been subjected to this rotten propaganda such as we have down here right in our own Capital City, under the nose of the Congress.

Our colleague from Illinois [Mrs. CHURCH] opening her statement said: "Mr. Chairman, it is not easy to follow the gentleman from Iowa [Mr. GROSS] and to find oneself immersed in the aroma which he shed upon those who support this bill."

She followed that statement by adding, "Neither is it easy to accept as a definition of what I believe to be a magnificent sample of American youth, the appellation, 'kiddie corps.' "

Knowing our colleague from Illinois to be a kind, generous, considerate, superlatively well educated woman who would never resort to sarcasm—inasmuch as "aroma" is defined to be a "distinctive, agreeable fragrance," in which the supporters of the Peace Corps were immersed, it is a little difficult to understand why it was "not easy" to accept that classification.

The aroma one gets from the review of the play to which reference has just been made is something else again.

Even on the Hill with the doors closed, we can still smell something wrong. Until we do something about it, the volunteers to the Peace Corps might well be isolated from the theater and any other similar place.

Mr. Speaker, last night, I listened to Billy Graham. He has a crusade going on, and may God bless and help him. He told us we left our Christianity behind when we left home. That we should take and keep it with us always.

Our colleague also cited the crusades that our young people have gone into in recent years and the wars that have been fought. I could not get it out of my mind, because I occasionally drive past the Lincoln Memorial and walk up the hill to Arlington Cemetery, and there as I reach the top of the hill, I see that big monument which marks the burial place of what was left of 2,200 Americans who died in the Civil War. Down across the field, if one cares to go, there is row on row of little white stones which tell of another American who died to make the world a better place to live.

Some may have been down toward Fredericksburg, Va., just across the Rappahannock River, and gone up that little hill to St. Marye's Heights, and what do you see again? Just stones; no names. Just a mark sometimes where 22 are buried in 1 grave. Sure; they were on a crusade. Sure; in that particular case, the result was worth the cost to the Nation, to us. But what do we have here?

No one for one moment would abandon in the slightest degree the desire, the effort, to give us a better world—peace instead of war.

Proof that that is the American determination and that our people are willing to sacrifice in every way to bring it about is found in the fact that, in the last few years, millions of American fathers, mothers, wives, sisters, and brothers have been deprived forever of their loved ones who lie buried in other lands or in the seas.

For years, it was the proud boast of the British Empire that the sun never ceased to shine on the British flag. Today, it may be truthfully said that, because of our desire to help others, to carry freedom and a better life to other people throughout the world, wherever darkness falls—on land or sea—there lies buried an American man or boy.

And thousands of American women, serving with our Armed Forces or as missionaries, have shared a like fate.

Let not those who support a United Nations, mutual security, a peace corps or disarmament, assume they are the

only ones who want, or are willing to work for, a better world.

All those of us, who cannot go along with some of their planning, desired or asked is that we face the facts as we go, and be permitted to insist that the goal, if not attainable, may at least be brought nearer; that the lives of our people be not sacrificed needlessly and in vain.

As other Members have many times pointed out, it is the responsibility of the State Department to attempt, and it has attempted, to solve the issue of disarmament and permanent peace.

Everything which this Agency can do, everything which the Peace Corps can do, can be done under existing Federal agencies.

The interest charge on our national debt is now approximately $9 billion a year. Repeatedly we have been reminded that our national debt is approaching, if it has not exceeded, $300 billion, and that to that debt we are adding $1 million every hour of every 24 hours. (Authority: Mr. CANNON, Democratic chairman of the House Committee on Appropriations.)

The President just called to the colors the 24th Wisconsin Division and the armored division from Texas. This was considered necessary to protect our country from an enemy who threatens us.

Such being the situation, I cannot bring myself to vote for measures, which, however acceptable, because of our great need at this time, might impair our ability to make secure the future of our Nation.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HOSMER].

Mr. HOSMER. Mr. Speaker, we live in a risky world, full of hazards. Anything we can do to reduce those hazards is a good idea. It is a good idea not only for ourselves, but even for those who oppose us. But there is a lot of difference between a reduction of hazards, which is what arms control implies, and disarmament, which is a hazardous business for any nation that gets into it unless it does so with complete and absolute realism, and to the limited extent only which such realism dictates.

Mr. Speaker, past generations have lived in risky, dangerous and hazardous times, too. Sometimes past generations, goaded by emotional hysteria and fear, have bought one peace panacea or another, of which unrealistic disarmament very easily can be one. When they have done so, their corpses have become strewn on the pages of history.

If this rule passes, those who favor this legislation must assure us that the proposed Agency is going to function in behalf and for the benefit of the United States by ferreting out means for the reduction of hazards, and not propose naive schemes which can only result in the increase of hazards by propelling us into areas where the traps and dangers are manifold. We are going to have to be assured that the Agency is not going to get into the hands of nutballs, or the bleeding hearts, or the "peace at any price" crowd or the "better Red than dead" bunch. We must be assured that it will be manned by brave and patriotic Americans who will steer us away from dangers, not into them. Americans who are as ruthless in their determination to keep our country from being exterminated as are the people who are determined to exterminate us.

Mr. Speaker, if these assurances given and the Agency's work actually carried on coldly, calculatedly, and intelligently, with an unswerving determination not to yield an inch as regards the security of our country, then this bill can be a good idea, and the Agency can be beneficial. If it gets into the hands of the wrong people then it can be suicide. I sincerely hope these assurances can be given because it is to the interest of everyone that we employ our best efforts toward making this world a safer place in which to live. If they are given, I will support the legislation.

I state this because arms control aims at a multilateral approach to armament policy, including not only the amount and kinds of weapons and forces in being, but also their development, deployment and utilization in periods of relaxation, tension or war. It seeks the reduction of international hazards below levels existing without agreement, rather than a reduction of armaments per se.

Arms control may be accomplished by formal agreement such as that concerning Antarctica or by tacit agreement such as that which limited the scope and intensity of the Korean war. It is to be distinguished from disarmament which connotes a general reduction of armaments to minimum levels prescribed by some authority.

To be negotiable a specific arms control proposal must offer a reduction of hazards to all the parties involved. It is naive to expect one power to negotiate a proposal reducing the hazards facing another, but which does little to reduce its own.

To be realistic a specific arms control proposal must in fact reduce hazards. If its short- or long-range effect so weakens one side that an inviting opportunity for successful armed aggression is presented to the other, it is defective because it increases rather than reduces hazards.

Basically armaments are servants of the national purposes, one of which is survival. Minimum armaments necessary for survival are difficult to assess since the word, in this context, means more than just physical survival of individual persons. It also encompasses survival as a nation, survival of standards of living and survival of the society or civilization of which the nation is part.

Abstract questions have been raised as to the morality of certain armaments, particularly nuclear weapons. However, from the standpoint of arms control, the question is not so much the morality of particular weapons stocked in defense arsenals to guarantee survival as the immorality either of failing to make the guarantee or using more violence than needed to meet it.

As to national purposes over and above survival, the extent to which particular nations are willing to employ armaments to achieve them is a matter of individual policy. Brief consideration of these particulars is essential in achieving an intelligent military posture and engaging on safe and sane courses of arms control.

Often we regard our own national purposes only in the restricted scope of defense and survival. Actually, and more apparent to others than ourselves, they are wider in scope. The United States was born in revolution against the older orders of tyranny. Always it has stood for the right of all people to national and individual freedom. In this regard the United States today remains as truly a revolutionary force in the world as it was in 1776. As such we pose a steady threat to societies rejecting the principles of freedom. Its significance from the Sino-Soviet bloc's viewpoint is emphasized by De Tocqueville's still valid observation made over a century ago, "the principal instrument of America is freedom, of Russia, servitude."

The American threat is generally regarded as moral, not military, in nature since rather consistently we have reserved the use of arms for defensive security purposes and employed nonmilitary means to implement our external goals. But to the Sino-Soviet bloc this amounts only to a difference in the nature of the threat. It does not diminish its magnitude. To the non-Communist world U.S. armaments in and of themselves are not seriously regarded as threats to world peace. But U.S. goals, laudable though they may be, are regarded by many as possibly dangerous enough in Communist eyes to provoke an attack, to which U.S. armaments, having failed to deter, would respond. That is the fear.

The fear is heightened because the Sino-Soviet bloc consistently has made clear its purpose that the world shall be communized. It views itself locked in total conflict with all that is non-Communist for as long as needed to achieve this end. Further, its philosophers view the conflict extending across the full spectrum of human activity—from the least violent to the most violent actions in which man can indulge. Communist dogma insists that the degree of violence employed at a particular time shall be fixed by historical circumstances. It is that degree which best advances Communist goals. Thus to the Communists cold war and hot war are but the two sides of the same strategic coin, conflict, to be rotated as needed best to reflect circumstances of the moment.

With the possibility of war above zero, the basic goals of East and West in conflict and mutual distrust high, discussion of arms control may seem academic. It is not because there are hazards and costs of mutual advantage to all to reduce. Accidental war is an example. Spiraling costs of competition in weapons technology is another. However, the difficulties of going about it are immense.

Basically involved is determining what is to be controlled, how to control it, the consequences of violation to innocent parties and the penalties for

violation upon guilty parties. Each is interdependent with the other.

What is agreed to be controlled must be inherently controllable, otherwise means for control cannot be devised. Actual control of even inherently controllable subjects will not be achieved in fact unless the control system confronts a potential violator with more than a nominal risk of getting caught. The consequences of violation must not be so disastrous to one party that noncompliance by another is encouraged. Nor can the penalty facing a would-be violator be too insignificant to create a reasonable deterrent to violation.

It is obviously unwise to negotiate on arms control proposals that fail to meet these criteria. At most only an illusion of hazards reduction can be achieved. At best only time and opportunity for meaningful negotiation are lost, At worst, whole nations could be entrapped and perish.

How to approach arms control proposals to meet these criteria is more difficult to assess than how not to. But at least, risk of entrapment can be lessened and meaningful avenues spotlighted by discussing and eliminating past failures. Amongst these are:

First. Unilateral disarmament: Admitting its patent inadequacies, unilateral disarmament is nevertheless urged by some on the theory that nuclear war would destroy the human race and life, even in slavery, is preferable to extinction. The theory is defective in that as terrible as the consequences of nuclear war may be—and thus vital the need to reduce its possibility—they do not include extinction of the human race and to most people they are preferable to the consequences of surrender to communism.

Second. Uncontrolled disarmament: The idea of reducing tensions by progressive arms reduction, eventually to police force levels, was popular in the period between the World Wars. Controls in the nature of self-enforcing mechanisms were not common in the many proposals suggested. However, establishment of some kind of an international security system of mutual guarantees and pledges of assistance were conditions precedent in many of them. Uncontrolled disarmament proved infeasible because even among Western nations the problem of treaty violation proved insurmountable. Vis-a-vis the Communists who actively have utilized treaty violation as an instrument of policy, this approach is even more naive.

Third. Supranational authority: Article VIII of the League of Nations Covenant and chapter VII of the United Nations Charter envisioned a supranational authority to spike aggression, otherwise police international friction, and thereby sharply diminish the necessity for large national arms establishments. In both cases implementation foundered upon the troublesome matter of persuading nations to surrender up any of their sovereignty. A more basic weakness of this approach is that should international amity reach the point where surrender of sovereignty could be negotiated, it would already have passed the point where the less complicated job of negotiating out troubles calling for a supranational authority could be accomplished.

Fourth. Supranational technology trust: This approach was conceived by the Baruch plan freely offering up the U.S. nuclear technology monopoly to internationalization. Unfortunately this historic magnanimity failed to prevent proliferation of nuclear weapons. Even though the United States agreed to destroy its nuclear stockpile, erasing the technology from the minds of our scientists was impossible and the Soviets were unwilling to forgo acquiring it for themselves. Apart from this circumstance, a general handicap to establishing international technology trusts is that weapons develop so swiftly and negotiations proceed so slowly that new systems become entrenched in military strategy before agreement to keep them out can be consummated.

Fifth. Prevention of surprise attack: Exemplified by the Soviet ground-observer and Eisenhower open-skies proposals, this approach to hazard reduction proved nonnegotiable because of the large gap between the value assigned to "internal privacy" by the Communist world's closed society and the free world's open society. Its feasibility is somewhat doubtful anyway due to first, the indistinguishability of training alert sorties by manner aircraft from a surprise attack sortie; and, second, the unlikelihood of a missile attack warning arriving before the maximum 30 minutes intercontinental flight time elapses. A unilateral approach to the problem is being taken by the United States in developing its SAMOS spy in the sky orbital surveillance system.

Sixth. Self-enforcing mechanisms: These various approaches have insufficiently satisfied the realistic criteria for hazards reduction in the nuclear era, and the need for it mounting, the United States proceeded to the Geneva test ban negotiations in 1958 with a fresh and promising new idea. It involves writing into formal agreement, along with the promises, so-called self-enforcing mechanisms to make more certain they are kept. Essentially this amounts to inspection and violations detection machinery aimed not at 100-percent efficiency, but posing enough risks of cheating being detected to deter it.

Unfortunately application at Geneva of this principle was clouded by the extension of negotiations into areas where it cannot be applied. This occurred because scientific data available at the beginning of the negotiations was inadequate to assess what testing can, and what testing cannot, be policed, either first, at all within the limits of present technology, or, second, within the limits of acceptability of available system to closed societies.

In any event, even trying this approach was rejected by the Soviets when they torpedoed the Geneva Conference and resumed their testing.

Throughout their course these futile negotiations at Geneva were plagued by the legitimate side issue of the wisdom or unwisdom of the United States continuing its self-imposed weapons test moratorium while the negotiations dragged on. In any event, the abrupt resumption of testing by the Soviets as of September 1 amply illustrates that negotiation was never undertaken in good faith on their part. Their sole objective was to prolong a condition of U.S. nontesting without controls on themselves for so long as it suited their purposes.

Thus the traps, pitfalls, and blind alleys inherent in the subject of arms control are manifold and the extent to which arms control can achieve a reduction of international hazards below existing levels is limited.

Moreover, unless those dealing with the subject for our country are wholly realistic, unless they realize these limitations and are constantly aware of dangers consequent from illusory arms control schemes, much more harm than good can come from the proposal before us today.

They must acknowledge and base their efforts on the firm conviction that this proposal does not contemplate disarming ourselves in face of the Red threat. It does not contemplate entering any treaty with the Russians whereby we would disarm and they would break the treaty and do what they please. In fact, the legislation does not contemplate disarmament at all.

What this Agency should aim at is not a reduction of armaments but the reduction of international hazards and tensions which contribute to the outbreak of war. It should not aim at reducing all hazards, willy-nilly, but only those which are to the mutual advantage of all sides to reduce—and therefore in which all sides have a self-interest in complying. Thereby the fatally risky business of "trusting" the Communists to comply can be eliminated. Since Communists will never comply with anything that does not benefit them, there should be no time whatsoever devoted by the Agency to matters in that category.

Of course, going about this business of reducing international hazards involves some risks. We cannot go into it half-cocked, otherwise the Communists will skin us alive. But if we go about it intelligently and with commonsense, the risks need not be great. In fact, they can be less than the risks involved in not going about it.

Thus, the way I see it is simply that our own risks from not attempting the reduction of international hazards by a try at arms control are greater than those of attempting it. Therefore, it is a value to our country to do so.

I may be quite wrong in this analysis, but it has been arrived at after very many hours of thought, research, and study. I feel the odds are that my analysis is right, rather than wrong. This does not involve advance approval of anything such an agency or the President might come up with—which should be scrutinized realistically and minutely. And, most importantly, it presupposes assurances will be given and carried out that the personnel of this Agency shall be hardheaded realists who are fully capable of spotting and dealing effectively with all the dirty tricks the international Communist conspiracy can and will toss in our direction.

Mr. O'NEILL. Mr. Speaker, I yield such time as he may require to the gentleman from New Jersey [Mr. RODINO].

U.S. DISARMAMENT AGENCY FOR WORLD PEACE AND SECURITY

Mr. RODINO. Mr. Speaker, for 8½ months we have considered some of the most vital legislation ever to come before this body. Public laws resulting from our actions affect the welfare of millions of not only Americans but citizens now living in all nations of the free world.

I am not unmindful of the importance of the bills that have passed, and of many on which action has been deferred. But before us now is a bill that transcends all present expediencies and temporal requirements. In deliberating upon disarmament, we are dealing with destiny.

But many have asked from around the country and in this very building why do we discuss disarmament at this time? We are now even more aware of Russia's threat to peace. In the past few weeks we have seen the Red terror strike in East Berlin. In the past few days we have breathed the air contaminated once again by their bombs. We are perhaps closer to a general war today than at any other time since 1945. We know this. The world knows it.

Our President has responded promptly and courageously in the face of the threat to peace. Under his leadership, all components of our military system are already being strengthened. By his actions and those of the Congress, Russia and the world must realize that we will neither be forced out of Berlin nor coerced into compromise.

It is because of our present military strength that this bill now before us is so vital at this very moment. Were we to speak from a position of weakness, our words would have no meaning. But from our position of strength, our words and the enactment of this bill will resound throughout the world, bringing hope to those millions on all continents who so desperately yearn for a life free from the threat of arms.

Russia's recent actions could have ignited the spark of war. Our action today can ignite the spark of peace.

By establishment of the U.S. Disarmament Agency for World Peace and Security, we shall not immediately guarantee the achievement of disarmament, and a secure peace. It may be even after our generation that progress is made toward such achievement. But by establishment of the Agency as a permanent arm of our Government, we shall dramatize before the eyes of the world our sincere dedication to the cause of peace.

There are those who fear the Director of the Disarmament Agency may at some unknown future date be somehow perverted from his mission and initiate a unilateral disarmament program which would be inimical to our national security. They cite the tragic Disarmament Conference held in Washington 40 years ago this coming winter. They remember that while we actually scrapped major combatant vessels, England only tore up plans and Japan ignored the whole treaty. Under the terms of the Disarmament Act, such a perversion from his mission could not happen, for the Director serves under the Secretary of State and the President.

The President has expressed himself well and often on his fundamental belief in the utter need to retain our military preeminence. In our many meetings, none of the 50 of us from both sides of the aisle who cosponsored the legislation in this body ever harbored a thought that we should not continue to improve and strengthen our Armed Forces. The prompt and near-unanimous vote by the Congress in approving the President's request for manpower buildup and procurement authorization is further evidence of the determination of all to keep our defenses as strong as possible.

Rearmament efforts and disarmament studies are not incompatible. We must continue to prepare for the worst. We must no less vigorously continue to seek what has been impossible.

I shall not cite the organization and specific functions of the Agency. These were carefully scrutinized by the distinguished and learned gentleman from Pennsylvania and his equally distinguished committee colleagues. I believe I should point out, however, that the committee, well known for the intellectual attainment and independence of all its Members, was unanimous in its report to the House.

President Kennedy has said that "peace cannot be brought about by concentrating solely on measures to control and eliminate weapons." The reverse is also true: lasting, honorable peace for the world will not ever persist without disarmament. As one of my constituents put it, "We must end the arms race before the arms race ends the human race."

There is a marked, perhaps fateful, historical significance to the choice before us today. For 165 years ago today, on the occasion of his Farewell Address, our first President delivered this counsel to all Americans, not only his own contemporaries, but citizens and leaders of the future:

> Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence.

At this moment we stand with our Nation and the entire world at what may be the crossroads of all human destiny. Let us now give to all mankind the example the Father of our great Country urged in his prophetic valedictory.

I pray that today will be remembered by unborn generations of free men everywhere. It will be if we now enact this Magna Carta of humanity.

Mr. SMITH of California. Mr. Speaker, I yield the remaining 8 minutes on this side to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I take this time to ask some questions about this bill because I doubt very much there will be any time in general debate; there seldom is when the Foreign Affairs Committee controls the time. I should like to ask the chairman of the committee a question or two. I would like to know first of all why the word "disarmament" was dropped from the title of the bill. Can the gentleman shed any light on that?

Mr. MORGAN. I think "arms control" is more accurate and more realistic.

Mr. GROSS. Could the word "disarmament" have been dropped from the title because, as was stated in the gentleman's committee, the American Legion and other veterans' organizations are opposed to disarmament as I am under the conditions that are likely to prevail for a long time? That was suggested in the gentleman's committee, was it not?

Mr. MORGAN. I am not sure that I remember it quite that way.

Mr. GROSS. I would be glad to read the statement in the hearings in that respect.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Briefly.

Mr. ADAIR. I would say to the gentleman that in my opinion the title of the bill was changed because some of us wanted to make it very clear that this was not going to be unilateral disarmament.

Mr. GROSS. Whether it is unilateral, multilateral, or any other kind of lateral the committee dropped the word "disarmament" from the bill.

Mr. ADAIR. I am trying to tell the gentleman from Iowa why we did it.

Mr. GROSS. I think I know; because in the committee hearings it was said in effect that, "We wanted to get the American Legion and other veterans' organizations off our backs."

Mr. ADAIR. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I cannot yield at this time. I want to ask the chairman of the committee a question, which is: Why, since the United Nations Charter provides for arms control and disarmament, this subject is not before the United Nations?

Mr. MORGAN. I am sure it will be this fall.

Mr. GROSS. What is that?

Mr. MORGAN. It is on the United Nations agenda every year.

Mr. GROSS. Arms control and disarmament?

Mr. MORGAN. Disarmament; yes.

Mr. GROSS. And it has been before the United Nations for 16 long years and nothing has been done about it?

Mr. MORGAN. Negotiations have been carried on for 16 long years.

Mr. GROSS. Let me ask the gentleman if Mr. Harold Stassen, who had some years of experience in this field, was called to testify before the Foreign Affairs Committee on this disarmament bill?

Mr. MORGAN. No, he was not called.

Mr. GROSS. And why not, since he has had a good deal of experience in this field?

Mr. MORGAN. We did not call on anybody to testify. All the witnesses

who appeared before the committee appeared voluntarily.

Mr. GROSS. They were all voluntary witnesses?

Mr. MORGAN. That is right.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Briefly.

Mr. HAYS. After all the statements the gentleman and his party have made concerning Mr. Stassen, we did not think he would be a credible witness.

Mr. GROSS. Enough money was spent on Mr. Stassen and this matter of disarmament in years gone by to have produced some results.

Mr. Speaker, let me ask the gentleman about this provision in the bill on page 13 regarding advisory boards:

> Establish advisory boards to advise with and make recommendations to the Director on U.S. disarmament policy and activities. The members of such boards may receive the compensation and reimbursement for expenses specified for consultants by section 41(d) of this act.

How many advisory boards are you going to have? Are you going to have 1 in each of the 50 States? This language is unlimited.

Mr. MORGAN. There will be one principal advisory board, just as in the Atomic Energy Act. In addition there will be advisory groups of scientists and others working on specific problems.

Mr. GROSS. Why did you not put a limitation in this bill on that? You can have under this language any number of boards with any number of members, so far as this provision is concerned. Why was there not a limitation put on it in the bill?

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I know the gentleman, as is his custom to carefully read all bills, reports, and hearings, did note in the hearings that the gentleman from Wisconsin was concerned about the number of advisory boards that would be made available. The gentleman asked Mr. McCloy to provide an estimate for the record, but the answer was not received prior to the printing of the hearings. The committee has received a letter dated September 15 from Mr. McCloy, the President's adviser, who states:

> It is the intent of the drafters of the legislation that advisory boards and consultants be utilized only when the personnel of the agency is inadequate to perform all the necessary functions of research and the evaluation of arms control proposals.

The gentleman from Wisconsin is therefore satisfied that the boards will be limited.

Mr. GROSS. In the first place, Mr. McCloy is on his way out, and the gentleman knows it. Moreover, the gentleman knows that a letter from Mr. McCloy has no meaning so far as the law is concerned.

Mr. ZABLOCKI. Will the gentleman yield further?

Mr. GROSS. No, I cannot.

Mr. ZABLOCKI. The legislative history, however, will limit the number of boards.

Mr. GROSS. Maybe the legislative history will limit it and maybe it will not. Legislative history is not mandatory.

As to these advisory boards, the members will be paid $100 per day and expenses as are individual consultants, and this pay can run for 100 days. But consultants may also be hired through contract organizations at $100 per day, plus expenses, and there is absolutely no limit in this bill on that kind of hiring. I defy anybody to tell me any different. You can hire them through organizations at $100 a day. It is unlimited. The pay for the members of the advisory boards is also $100 a day plus expenses, and this for 100 days. The only limit on this is the amount of money provided by the Appropriations Committee.

Mr. MORGAN. Certainly the limit in the bill is $6 million.

Mr. GROSS. I just got through saying it is subject only to the action of the Appropriations Committee. They can be hired at the annual rate of $36,000 a year. The only limitation you put on is $100 and 100 days for the individual. There is no limitation on the number you can employ under contract. This is a super-duper, plush organization such as we have not had before this House in a long, long time.

I assume that the 45 supergrades and scientific and professional people will go out of this bill since the House provided 30 of these to start off this organization only yesterday.

Now, the conflict-of-interest provision on page 15: I doubt if there is going to be anything left of the conflict-of-interest, dual-compensation limitation in terms of this section 44. I hope all Members will read this provision before they vote for this bill. Here is where the retired military personnel will be hired.

Then it is proposed, as I understand it, that this organization be so equipped with authority and money that they can go out and contract for laboratories. They may not be able under the terms of this bill to construct laboratories but they can go out and contract for them. Why in the world should we permit this sort of thing with all kinds of laboratories, research and development, and experts already in this Government? Why all this expensive duplication?

Mr. O'NEILL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON GOVERNMENT OPERATIONS

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations have until midnight to file a report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OF FOREIGN AGENTS REGISTRATION ACT OF 1938

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 370) to amend sections 1 and 3 of the Foreign Agents Registration Act of 1938, as amended, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

> Page 2, line 12, strike out "any".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. BROWN. Mr. Speaker, reserving the right to object, we cannot hear the gentleman's request.

Mr. LIBONATI. This has to do with the Foreign Agents Registration Act.

Mr. BROWN. What is the Foreign Aid Registration Act?

Mr. LIBONATI. It is the Foreign Agents Registration Act. The term "any" was removed from the bill by the other body because it was considered superfluous, and was not part of the amendment that we sent to the other body.

Mr. BROWN. What is the act about?

Mr. LIBONATI. It has to do with the Foreign Agents Registration Act.

Mr. BROWN. I thought the gentleman said "foreign aid," and that, perhaps, it might be an improvement in that operation.

Mr. LIBONATI. I am sorry the gentleman misunderstood, and I appreciate the gentleman's inquiry to clarify the situation.

Mr. BROWN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

COMMITTEE ON GOVERNMENT OPERATIONS

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight Wednesday to file a report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ESTABLISHING A U.S. ARMS CONTROL AGENCY

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9118) to establish a U.S. Arms Control Agency.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9118, with the gentleman from Tennessee [Mr. DAVIS] in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania [Mr. MORGAN] will be recognized for 1 hour and the gentlewoman from Ohio [Mrs. BOLTON] will be recognized for 1 hour.

The Chair recognizes the gentleman from Pennsylvania [Mr. MORGAN].

Mr. MORGAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in support of the bill H.R. 9118.

Mr. Chairman, there is more misunderstanding concerning what this bill is all about than any piece of legislation which I can recall. A good many people apparently have the idea that the President wants to set up a special agency to deal with matters relating to disarmament to work against the Defense Department and the Atomic Energy Commission. They seem to think the proposed Agency is supposed to favor disarmament as opposed to defense. I note that there are various groups with pacifist leanings who favor the bill because they think it is antimilitary, and various veterans organizations oppose the bill apparently for the same reason.

The fact of the matter is that there is nothing antimilitary about the bill. The new Agency will make our defenses stronger rather than weaker.

The committee received testimony strongly supporting the bill from the Honorable Roswell L. Gilpatric, Deputy Secretary of Defense in the present administration—Secretary McNamara was unavailable at the time—and from the Honorable Thomas S. Gates, Jr., who was Secretary of Defense during the Eisenhower administration. Gen. Lyman L. Lemnitzer, Chairman of the Joint Chiefs of Staff, also testified in favor of the bill.

The bill received strong support from former President Eisenhower; from Hon. John McCloy; from Gen. Albert Gruenther; from Arthur Dean; from Frederick Eaton; from General Hull; from Leland Hayworth; from Hon. Christian Herter; from Gen. Lucius Clay; from the Honorable Henry Cabot Lodge, our former representative to the United Nations; from the Honorable Adlai E. Stevenson, and, of course, from Secretary of State Dean Rusk and from the President. None of these people can be regarded as having pacifist leanings and none of them is in favor of weakening our defenses in the face of the present Communist threats.

I am sure that all of us believe in disarmament and favor disarmament by the United States when and if we can do so without endangering our security. Most of us believe also, as did all of the witnesses who testified before our committee on the subject, that the only way to attain progress toward disarmament is to work for it and that the United States should be ready and willing to work toward disarmament whenever there is an opportunity to do so.

At the same time, none of the witnesses who appeared before us foresaw any immediate prospect of disarmament, and all agreed that it would take a long time and that a long hard road lies ahead.

The need for a new agency devoted to arms control and disarmament is to enable our Government to do a better job in the conduct of disarmament negotiations than we have been able to do in the past. Doing a better job does not mean the planning of more enticing concessions to offer to the Russians but primarily the working out of realistic plans which assure adequate protection of our own defenses. This is a highly technical matter which involves full acquaintance with military strategy and complete knowledge of the latest scientific developments, particularly with respect to nuclear weapons, together with the skill and understanding of foreign policy and diplomacy. It requires the focusing of the best brains of the country on problems of disarmament and providing the possessors of these brains with access to military information, the latest developments in atomic science, and the foreign policy guidance of the Department of State.

It has been our experience in the past that responsibility for disarmament has not fitted very well into any one of the executive departments which is directly involved. While the State Department probably is most directly concerned, there are matters involving atomic energy and military strategy which are outside the normal functions and responsibility of the State Department. In the same way, the Defense Department is not well suited for disarmament responsibility either. There are matters of foreign policy and atomic weapons which are outside the Defense Department sphere of operation, as well as the fact that the whole attitude and emphasis of the Defense Department should be pointed in the opposite direction from disarmament.

In the past, both Democratic and Republican administrations have met this situation by appointing ad hoc commissions or groups, usually reporting directly to the White House, to either conduct or to backstop disarmament negotiations. President Kennedy called in the Honorable John J. McCloy, a Republican and one of our most able and distinguished Americans, to study this entire problem and to make recommendations. Mr. McCloy stated that study and research must be a prime function of the new agency. He said in the hearings:

> In the course of the past several years, an attempt has been made to fill the need for research and study by a number of investigations of various aspects of disarmament by ad hoc panels of distinguished scientists, weapons specialists, military strategists, lawyers, political scientists, military officers, and other experts. These efforts have been of great value in supplementing the small but dedicated disarmament staff of the State Department, but it is generally agreed that the panel technique is no substitute for the thorough research required. Consultants will continue to be important but an adequate research program also requires the full-time service of highly competent professionals who are continuously concerned with the problems of disarmament. These competent professionals can be obtained only if there is a permanent organization which has been given express authority to perform the necessary research.

The bill which I am presenting today is the result of Mr. McCloy's work. He, as well as the several present and previous Cabinet members to whom I have referred, is convinced that we need a permanent organization of highly qualified people working continuously on disarmament problems if we are not to be at a disadvantage in conducting negotiations in this field.

The bill sets up an agency which I think can be most accurately described as independent, although it has a rather special relationship to the Secretary of State. The Director of the Agency under this bill will serve as the principal adviser to the President on disarmament matters but shall be under the direction of the President and the Secretary of State. He will have, however, primary responsibility within the Government for disarmament matters.

The bill provides also that the Agency shall rely upon the Department of State for general administrative services in the United States and abroad, and it is anticipated that the Agency will be housed within the Department of State.

The Director of the Agency under the law will function under the direction of the President and the Secretary of State, but the President pointed out in his letter to the Speaker of the House transmitting the draft legislation on the matter before us that the Director of the Agency, since he serves as the principal adviser to the President in the disarmament field, will have direct access to the President, but will notify the Secretary of State as to the occasion and the substance of the advice he offers.

One of the major functions of the Agency is research. The Director is required to exercise his powers in such manner as to insure the acquisition of a fund of theoretical and practical knowledge concerning disarmament. He is to insure the conduct of necessary research by other agencies, both governmental and private, and when necessary, is authorized to conduct research himself. He is to serve as the coordinator of research in the field of disarmament by or for other Government agencies.

The Agency is also given responsibility for the formulation of disarmament policy. The conduct of negotiations concerning disarmament will be under the direction of the Secretary of State, and the Director is authorized to communicate and consult with representatives of other nations or international organizations and with diplomatic representatives of the United States.

The bill authorizes the Director to hire personnel and make expenditures necessary to conduct the operations for which he is responsible. His estimated annual budget is $6 million and the bill authorizes an appropriation of $10 million for the Agency, the funds to remain available until expended. The purpose is not to provide the Director with more than the $6 million he estimates he needs for the first year, but to give him an authorization adequate for him to get into operation with the expectation that when he needs more money, he will come back to the Congress and ask for it.

The Director himself is to receive a salary of $22,500 per year, which is the rate of compensation given to an Under Secretary; a Deputy Director at $21,500

per year is authorized, together with four Assistant Directors at salaries of $20,000 per year.

The committee redrafted the provisions of the bill covering security requirements. These are as tight or tighter than any agency of the executive branch.

The bill provides:

Standards applicable with respect to the security clearance of persons within any category referred to in this subsection shall not be less stringent, and the investigation of such persons for such purposes shall not be less intensive or complete, than in the case of such clearance of persons in a corresponding category under the security procedures of the Government agency or agencies having the highest security restrictions with respect to persons in such category.

That is the language of the bill. It simply states that an officer or employee of the Agency who has contact with any officer or employee of any other agency pertaining to any function of the other agency must have a security clearance equal to the person with whom he is in communication, if not higher. In other words, any employee of the Agency who handles sensitive and classified information will have a security clearance no less stringent than any employee of another agency who has access to and handles information of a comparable nature. This in itself appears to me to be a protection which will safeguard the proposed Agency from any possible difficulties arising from personnel who would not be worthy of our confidence.

The bill establishes rigid security requirements for all personnel of the Agency, as well as consultants, persons detailed from other Government agencies, members of the Agency's advisory boards, contractors, subcontractors and their officers and employees. All are required to have a full field investigation by Federal Bureau of Investigation.

The bill requires the submission to the Secretary of State, for transmittal to the Congress, not later than January 31 of each year, a report concerning activities of the Agency. The Congress will receive, for the first time I might add, detailed and systematic information on the progress of our disarmament efforts and the results of our disarmament studies.

In conclusion let me remind my colleagues that we have in this Congress attempted to give our Government a defense establishment that is fully adequate to protect our security. We can do no less than to give our Government, in addition, an organization that can effectively and safely work for peace.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Virginia.

Mr. HARDY. I would like to ask the gentleman in connection with the functions now being performed by Mr. McCloy. How much of a staff operation does he have at the present time?

Mr. MORGAN. Seventy-three people.

Mr. HARDY. Is it contemplated that his existing staff will be taken over by this new Agency?

Mr. MORGAN. Yes. There is a transfer clause in the bill.

Mr. HARDY. I understood there was a transfer clause. But is there any indication as to whether Mr. McCloy himself will continue to play a major part in this Disarmament Agency?

Mr. MORGAN. Mr. McCloy indicated during the hearings he would be glad if invited to do so to serve as a member of the Advisory Board, but was not available to serve as the Director of the new Agency.

Mr. HARDY. Over a period of time, as the gentleman has pointed out, there have been a number of different temporary agencies or ad hoc committees working on this problem. Would this be a continuation of or the bringing together of the several different groups that are working in this field?

Mr. MORGAN. This would be a permanent agency that brings them all together.

Mr. HARDY. There are several agencies working in the area of disarmament now, are there not?

Mr. MORGAN. This bill would coordinate their work and bring them together.

Mr. HARDY. And would the Secretary of State have any supervision over this new Agency at all?

Mr. MORGAN. Well, the Secretary of State would have supervision over the housekeeping portion of the Agency and he serves under the direction of the President and the Secretary of State.

Mr. HARDY. Notwithstanding the fact that the major aspect of diplomacy has to do with disarmament, the Secretary of State would have no control over the Agency?

Mr. MORGAN. All international negotiations are required to be under the direction of the Secretary of State and it is the President's direction that the Director has access to the President, but that he is to inform the Secretary of State as to the occasion and the substance of his advice to the President.

Mr. HARDY. I thank the gentleman.

Mrs. BOLTON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of H.R. 9118. As the chairman has gone pretty much in detail on the bill, I will not attempt to do so. Instead I want to emphasize the purpose of the bill, which is very simple. It is to provide a central agency within the Government to deal with disarmament policy and planning, disarmament negotiations, and meeting the Soviet propaganda on disarmament. Underlying its ability to perform these tasks in a manner which will increase our national security will be strategic studies and research on inspection and control systems. Such study and research must be conducted by an agency having primary responsibility for and interest in this field.

All too often the United States has gone to conferences ill prepared; she has not had the benefit of careful study and real consideration, deep consideration of the problems that had to be met.

Mr. Chairman, I want to speak for a moment on the title. We felt in the committee that if we came out with a bill for disarmament as such, it sounded a bit as though we were just saying to the world "Here we are laying down our arms." That, Mr. Chairman, is just the last thing we are doing; we are not laying down our arms. We are preparing to do so, yes, but when? In the somewhat distant future. I am afraid that as long as the Russians are still sending off their bombs and their missiles, as long as they are still untrue to everything we believe in, as long as they negate everything that is real to us, that is honorable to us, that mean loyalty in our way of life, until such time arrives actual disarmament will not be possible.

Mr. MONAGAN. Mr. Chairman, will the gentlewoman yield?

Mrs. BOLTON. I yield to the gentleman from Connecticut.

Mr. MONAGAN. I am very happy to hear the gentlewoman make the point she is making at the present time, because I have received, and I am sure many Members have received, communications which ask us not to support this legislation on the ground that it does constitute appeasement or unilateral disarmament. I have just received a card which I hold here which says that this bill would abrogate our right to defend our national integrity and security, and I should like to ask the gentlewoman if this legislation would in any way have a tendency toward that end.

Mrs. BOLTON. May I say to the gentleman that it seems to me if this legislation does anything, it improves our whole situation in the matter of security. If we cannot find adequate ways of controlling the situation of arms, then we are certainly unsecure.

Mr. MONAGAN. I thank the gentlewoman.

Mrs. BOLTON. Mr. Chairman, as the chairman of the committee has told you, the agency will coordinate the various research programs; it will bring together the work done by many others.

It seems to me that we can take no action that will so strengthen our hand in the immediate years ahead than to pass H.R. 9118.

Mr. Chairman, it is my very earnest hope that this House—this Congress—will see fit to pass the bill.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. ZABLOCKI].

Mr. ZABLOCKI. Mr. Chairman, I rise in support of H.R. 9118, the Arms Control Agency.

It is my earnest conviction that no one who understands this bill will oppose it. I am sure that the reaction of many has been the same as my own initial attitude when I first heard references to a proposed disarmament bill. I had the feeling that in view of the present critical world situation we should be concentrating on armament rather than disarmament and that the whole concept was badly timed.

After hearing the explanation and discussions of the distinguished witnesses who appeared before the committee and supported the bill, and after the careful study of the bill made by the committee and the revisions adopted during the markup, I am convinced that this legislation is urgently needed and will increase our security.

I have never found anyone who was opposed to disarmament when and if the United States can safely do so. The key to the disarmament problem is for us to be able to move in that direction without letting down our guard and making ourselves vulnerable to a sneak attack.

The legislation before us does not provide for unilateral disarmament. The fundamental objective of this bill is to provide the United States at all times with a staff of experts and a fund of knowledge in order that we are always fully ready to negotiate in the field of disarmament with complete confidence that we know what we are doing. We want to be ready to evaluate any proposals made by others, including our avowed enemies, so that we can see all of their implications; and we want to be sure that any proposal or counterproposal we make is based on complete understanding of its significance to our own defenses and our own security.

Gen. Lyman L. Lemnitzer, Chairman of the Joint Chiefs of Staff, among others, appeared before our committee and strongly supported this bill. There is no one who doubts General Lemnitzer's capacity as a military man nor his patriotism and zeal for our defense. General Lemnitzer made clear that in view of the fact that the United States has been almost continuously engaged in disarmament negotiations during recent years and the probability that we will continue to be so engaged during the years immediately ahead, we need to be better equipped to conduct such negotiations in the future than we have been in the past. General Lemnitzer made this statement:

> Our natural desires to make progress toward this goal (disarmament) must, however, be tempered with the understanding of the hard practicalities of the situation in which we find ourselves. We can hope for progress only if we maintain such clear military strength that others will also be made to hope for progress. We cannot afford to let our guard down at any time, and we must—at all steps along the way—be sure beyond doubt that we do not jeopardize our security.

An idea apparently has been accepted by a number of people and certain organized groups that this bill is being proposed in order to set up a new agency to try to counteract the efforts of our Defense Department and the Atomic Energy Commission so that we can give disarmament priority over defense. Nothing could be further from the truth.

This bill has the strongest support from the present Secretary of Defense and from his predecessor, the Honorable Thomas S. Gates, Jr., who testified before our committee. It has, as I have mentioned, the support of General Lemnitzer, of former President Eisenhower, of Gen. Lucius D. Clay, and other outstanding Americans whose backgrounds and interest have been primarily military.

There are two basic problems involved in conducting disarmament negotiations.

First. The subject matter has become so highly technical that decisions have to be made and agreements reached on matters involving the most advanced phases of scientific research as well as considerations of military strategy and foreign policy.

Second. The subject matter involved is such that none of the existing executive departments is organized in such a way that its personnel or its responsibilities encompass the entire field, as the chairman of the Foreign Affairs Committee, the gentleman from Pennsylvania [Mr. MORGAN] has pointed out.

During the past several years we have set up ad hoc committees and working groups to conduct and to backstop disarmament negotiations, usually reporting directly to the White House. Although these committees and groups have on the whole done a good job, they have been handicapped by the lack of continuity of their personnel and the absence of a permanent staff of highly qualified specialists working continuously to keep up to date in the disarmament field. The purpose of this bill is to provide an organization to do just this.

The current estimate is that the cost of the Agency will be $6 million for fiscal 1962, of which about one-half will be spent for personnel and administration and about one-half for research. The bill authorizes $10 million, which permits a certain amount of flexibility in case the Agency finds greater need for research funds than has been anticipated but at the same time is small enough to require that the Agency return to Congress for additional authorization if it is to continue operations on the scale contemplated for longer than 1 year.

The committee gave careful consideration to the possibility that the Arms Control Agency might duplicate research facilities or actual research activities already in existence or underway. The bill clearly indicates the intent of the committee that there should be no duplication in either facilities or in research. Section 31 of the bill directs the Agency to insure the acquisition of a fund of theoretical and practical knowledge concerning disarmament, but it is anticipated that this fund of knowledge will be developed as a result of the coordination of research being done by others, the conduct of research by both governmental and private agencies under contract with the Agency, and only as a last resort by the research activities of the Agency itself.

In closing, let me say that none of the officials of the executive branch urging the approval of this legislation indicated any belief that disarmament was just around the corner. All made very clear their realization that it would take years before the United States could expect significant results. They all recognized, however, that disarmament is one of the major international issues of the day. Disarmament ranks high on the agenda of the United Nations, and the United States must always be ready to discuss disarmament matters or to engage in serious negotiations if we are to make clear to the world our attitude on this matter. We cannot afford to allow the Russians to assume the role of the principal advocates of disarmament.

This bill not only gives notice to the world that arms control has a major place in our national policy, but it gives assurance to our own people that we will be able to enter into disarmament negotiations fully equipped with the necessary facts which will enable us to maintain our security.

Mrs. BOLTON. Mr. Chairman, I yield 5 minutes to the gentleman from New Hampshire [Mr. MERROW].

Mr. MERROW. Mr. Chairman, I rise in support of H.R. 9118, a bill to establish a U.S. Arms Control Agency. The purpose of this measure, as stated in section 2 of the act, is as follows:

> An ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. It is the purpose of this Act to provide impetus toward this goal by creating a new agency of peace to deal with the problem of reduction and control of armaments looking toward ultimate world disarmament.

The purposes of the proposed Agency are set forth in the same section:

> (1) The conduct, support, and coordination of research for disarmament policy formulation; (2) the preparation for and direction of United States participation in international negotiations in the disarmament field; (3) the dissemination and coordination of public information concerning disarmament; (4) the preparation for, operation of, or, as appropriate, direction of United States participation in such control systems as may become part of United States disarmament activities.

The U.S. Arms Control Agency is to be headed by a Director. This legislation provides for a Deputy Director and for four Assistant Directors. There is to be a general advisory committee not to exceed 15 members who will be appointed with the advice and consent of the Senate.

The Director is given power to establish within the Agency such offices, bureaus and divisions as he deems essential to carry out his responsibilities.

This Agency is a necessary part of wise planning for national security. The reasons for the generally uniform belief that the Agency will enhance our national security are most realistic. Our search for workable plans for controlling armaments will greatly reinforce the will of our allies and the desire of neutral nations to support us in this difficult period. I hasten to say that in the light of current developments, we must be fully and adequately prepared for any emergency and we must have the will, if it becomes necessary, to employ our forces.

There is need for competence in negotiations and planning in connection with the control of arms and this is the compelling reason why the proposed Agency will help in promoting national security. The United States has set itself the goal of designing effective inspection and control systems to verify compliance with disarmament agreements. There will be negotiations with respect to the subject of disarmament unless and until we are actually engaged in a war. We therefore must be able to evaluate promptly and, if necessary, refute; also, if possible, accept proposals which will continue to

be made by others across the negotiating table or in international forums.

During the current session of the 16th General Assembly of the United Nations—which has been made critical and most difficult by the tragic death of the Secretary General, Dag Hammarskjold—the question of arms control will be most virorously debated. In view of Communist activities, we cannot entertain much hope of success, but it is a fact that there will be talks and we must be prepared to state our positions to the world. The fact that conversations about the control of arms are going to continue makes it necessary for the establishment of such an Agency as we propose today which might properly be called a Peace Agency.

We must ourselves continue to design and put forward practical, realistic, and understandable proposals. These proposals must be strategically sound in that they must not impair our national security. This careful analysis from the military point of view must, in the first instance, be accomplished by persons within the Agency of great military competence in order that our plans may be militarily sound from the begining. The scope of their competence must be comparable to that of the persons doing a strategic analysis for the Joint Chiefs of Staff and in the office of the Secretary of Defense.

Mr. Chairman, I am for the passage of the Arms Control Act. I was one of the 70 Members who introduced bills relating to the establishment of an Agency to study and present proposals for disarmament. I am of the opinion that it is necessary to establish such a Peace Agency, but I emphatically state that under no circumstances must we disarm unilaterally for such action would jeopardize most seriously our national security. This is what the Soviet Union would like to have us do. We must produce weapons adequate to protect ourselves and—in view of increasing world tensions, as is evidenced by the critical situation in Berlin—our Armed Forces must be increased. It is essential to be in such a strong position that no one will dare attack us.

We must keep in mind that the Communists will break agreements with impunity when such action serves their purpose. It appears that negotiations to them are only a means of carrying on the cold war. We can move to the control of arms when the Communists are willing to accept an ironclad system of inspections and control. Unless, and until, this is accomplished, there is little hope of reaching an understanding on the the control of arms. An ironclad inspection and control system is the only insurance that the Communists will honor any agreement they make on arms control.

The proposed Arms Control Agency is necessary. It can be most helpful in subsequent arms negotiations. It is a step forward in our struggle to win the peace. There certainly is opportunity for a most essential contribution by this new Agency which, as the measure states, is to deal with the problem of reduction and control of armaments working toward ultimate world disarmament.

Mr. HAYS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. PRICE].

Mr. PRICE. Mr. Chairman, anyone who has been remotely concerned with disarmament negotiations over the last 16 years either as a participant or as an interested citizen, has realized that our planning and preparation for these international conferences has been perilously casual. It is with a great deal of feeling, therefore, that I urge the passage of H.R. 9118 for I am convinced that it will give this country something which has been long overdue—an organization which will strengthen our Government's capability to deal with the disarmament problem dynamically, vigorously, and continuously, insuring the mobilization and steady application of our best talents to one of the most urgent questions of our time.

From the Geneva summit meeting in 1955, through the London Conference of 1957, the Surprise Attack Conference in 1958, the nuclear test ban talks, right up to 1960 and the Ten-Nation Conference on Disarmament, our approaches in this field so vitally concerned with our national security have been characterized by a lack of continuity in top personnel and a paucity of planning and research efforts. Henry Cabot Lodge, who was responsible for the handling of practically all the disarmament debates in the United Nations from January 1953 to September 1960, put it this way when he appeared before the House Committee on Foreign Affairs:

> From this experience has come the conviction that the executive branch of the U.S. Government is not organized as it should be for big, bold strokes in the field of foreign relations. We have often done extremely well, but it is often more in spite of the system than because of it.

During the years since the close of World War II, the U.S. Government has not developed a sufficient corps of professional experts in the arms control field; in many areas it has not even evolved fundamental policy objectives.

Here is the experience of General Hull, who as commander in chief, Far East Command, and of the United Nations Forces in Korea from 1953 to 1955, had first-hand experience with the difficulties involved in arms control and in carrying adequate inspections in the administration of the Korean armistice agreement. General Hull appeared before the House committee by letter, a paragraph of which reads as follows:

> In the late summer of 1958, I was asked by President Eisenhower to head a delegation which would negotiate with Soviet Russia on the establishment of measures to prevent a surprise attack. In looking into this problem during several days of intensive study, I was surprised to find that, prior to selecting the delegates, no preparation had been made for the negotiations, no U.S. position had been developed or existed, and in fact no personnel with prior experience in disarmament were as yet a part of the delegation to be. After obtaining some appreciation of the length of time involved in this assignment, I reluctantly asked the President to relieve me.

Fredrick M. Eaton, our negotiator to the 10-Nation Conference in March 1960, recalled similar circumstances in his Senate testimony supporting the creation of a new agency. Stated Mr. Eaton:

> I believe that a future negotiator should not be put in the position in which our delegation found itself in January of last year when we were scheduled to sit down on the 15th of March in a multination conference, without an agreed-upon position within our own Government, let alone an agreed position with our allies.
>
> I am hopeful that that situation has improved today * * *, but nothing will take the place of getting a centralized control where directions and lines of authority are clear.

The record indicates, Mr. Chairman, that we have gone into each successive disarmament conference with positions hastily and often superficially prepared. It has been the rule rather than the exception for ad hoc groups to be called to Washington to prepare policies and positions on a crash basis. The contributions of these dedicated individuals have been important, but placing the responsibility for disarmament studies and policy formulation on an ad hoc committee or on part-time consultants is as inappropriate as placing our defense policy in the hands of part-time generals. General Hull, who worked as the chairman of one of these panels in developing the latest U.S. position on disarmament told the House committee that he was shocked to find that:

> Since World War II different groups or committees had worked on the problem but without any apparent continuity of policy or, in fact, of U.S. position.

The general went on to say:

> These personal experiences have convinced me of the necessity of an established agency of Government, staffed with the most competent people we can find, to give continuous attention to the development, review, and finalization of the U.S. position in matters of disarmament and arms control. I cannot emphasize too strongly that, in my view, this is too important to our national security to leave in the hands of temporary or ad hoc groups brought together from time to time, with inadequate background and experience, to recommend a position and to participate in negotiations on this most complicated matter.

The record also indicates, Mr. Chairman, with the exception of our distinguished Ambassador Arthur H. Dean, that we have failed to continue to use the outside man with special skills, the fresh approach, or the wide public recognition, who has come in from private life to lead our delegation to these negotiations. In the course of a lengthy conference he will learn a great deal about his staff, about disarmament, and about the negotiating process in general. When he returns, he will be on his way to expertise. But when the text conference takes place, someone else will lead the delegation. In comparison with Soviet delegations, American representatives who come to their tasks de novo are—to put it mildly—at a disadvantage. The Soviet teams are composed of seasoned veterans who have had long experience in both arms control and American affairs—well grounded in languages, weapons systems, and previous negotiations.

Mr. Chairman, as an American who believes sincerely in the cause of peace, I am concerned over our apparent failure to mobilize our efforts to overcome the shortcomings to which I have referred. Any perpetuation of these inadequacies in the future will render stillborn the hope that a solution to world catastrophe will be found before we are all overtaken by the holocaust of nuclear war.

The stakes are too high—the risks too great to play so lightly with our national security. Arms control is not an amateur's game. It is clearly worth the full-time attention of a staff of highly trained specialists of many different backgrounds, the frequent counsel of experts in all phases of Government policy, and the continuous interest of the highest officers of Government. It seems to me a matter of national prudence, and of simple commonsense, that we organize ourselves to meet the challenges that lie ahead just as quickly and as effectively as possible. Every one of the expert witnesses appearing before the House Committee on Foreign Affairs testified that this could best be done by enacting H.R. 9118.

Speaking from the negotiator's point of view, Mr. Lodge was most specific. He said:

> It is essential for the man who represents the United States at the conference table—and I speak with personal feeling about this—to have an agency in Washington which gives him imaginative, energetic, and timely backing. As one who has been on the receiving end for almost 8 years, I know that it is indispensable for the U.S. representative to be in a position to make counter-proposals promptly and to show up fallacies promptly. In fact, no forward motion on the disarmament question is possible unless there is an agency capable of rapid and penetrating analysis, of detection of errors, and of imaginatively creating new and constructive proposals. The need to do these things is essential if progress is going to be made on disarmament.

President Kennedy in his inaugural address eloquently stated that "we must never negotiate out of fear, but we must never fear to negotiate." Thank God we have never been afraid to come to the conference table. The West has always been and always will be ready to enter into honest, meaningful negotiations for the settlement of disputes.

Disarmament discussions, Mr. Chairman, are surely going to continue, for they have become the focus of East-West conversation. There can be no doubt that our Government will be intensively engaged in these negotiations and that they will be increasingly important. We are living in a period in which we can expect the recurrence of political and military crises. It just may be that the ebb of tension as a particular crisis passes new possibilities will open for discussion and negotiation. If we are prepared, we will be able to exploit every chance for useful agreement. We must meet these opportunities with imagination and initiative—with constructive policies that are more than just an inch or so ahead of the editorial page of the New York Times. If our failure or inability to do so is rooted in the lack of skillful and determined preparation, disaster will only be a question of time, for each new crisis will be made more dangerous by the relentless advances in weapons technology, production and proliferation. The passage of H.R. 9118 will give us the best assurance of being "at the ready" for these future conferences of high moment to our own security and that of the free world.

Mrs. BOLTON. Mr. Chairman, I yield such time as she may desire to the gentlewoman from Washington [Mrs. MAY].

Mrs. MAY. Mr. Chairman, I rise in support of H.R. 9118, to establish a U.S. Arms Control Agency. If we in Congress are making an all-out effort to build military strength, then it is even more urgent and imperative to make a similar effort to end the arms race and wage a relentless search for genuine worldwide peace. An excessive reliance upon defense measures and armed strength—vital though these are—would preclude the hope of achieving some measure of control over the ever expanding upward spiral of armaments. The tragedy of the arms race is that it has been forced upon the United States and many other nations who tried sincerely in 1945 to save succeeding generations from the scourage of war, which twice in our lifetime has brought untold sorrow to mankind. The American people bear arms regretfully and only because of necessity.

Ever since its onset, Mr. Chairman, the cold war has been marked by crises. The spotlight has shifted as the drama has ebbed and flowed from one world stage to another; from Greece to Korea, to Indochina, to Hungary, to Suez, to Algeria, to the Congo, to Cuba, to Berlin. Nor are these all. While these events have captured the world's attention, a quiet drama has been taking place in the conference rooms and at the negotiating table. Yet it is a drama which is as fraught with vital consequences for humanity as the more spectacular events which get the headlines. I am referring, of course, to disarmament, a multifaceted, agonizingly complex problem on which we have been trying to reach agreement with the Russians for 15 years. More than once we have seemed close to an agreement, only to have our hopes dashed.

The United States has conducted these long and difficult negotiations in good faith, but we have not been well served in the publicity they have received. All too often the impression has been gained abroad that the Russians really want disarmament, and that we have blocked it by insistence on unnecessary technicalities. There is no question that by seizing on glittering generalities, by making sweeping proposals, the Russians have often gained a propaganda advantage on us. We need to tell our story better, because it is thoroughly creditable. If people really understand the problems involved, I am confident that public opinion will swing to our side. Indeed, there is some evidence that by their recent and deadly resumption of nuclear testing the Russians have drawn down their spurious credit as champions of peace. At any rate, Mr. Chairman, I should like to address myself to the problems of disarmament, and outline what each side has wanted, where they disagree, what has been accomplished, and what the picture looks like for the future.

At the outset, disarmament proposals were fragmented. They concerned atomic disarmament or conventional disarmament. Then disarmament proposals began to be tied together in packages, nuclear disarmament combined with so much conventional force reduction. Finally, the question of nuclear testing was brought into those packages, and they became more complicated than ever. But nevertheless, I think it is fair to say that the fundamental difference between ourselves and the Russians has always been the same. We have always wanted genuine international inspection and control. The Russians have always essentially opposed this, even though they have at times given it lipservice. At present things appear to have reached an impasse. The prospect is certainly discouraging, but I believe the conscience of the world demands that we keep on trying.

The first significant step toward disarmament which this country took after World War II was the Baruch plan, advanced in the Atomic Energy Commission of the United Nations on June 14, 1946. These proposals called for the setting up of an international authority, under the Security Council, which would own, control, or license all activities in the atomic energy field, from mine to finished product. This international control body would have conducted continuous inspection of all phases of the production of fissionable materials, and it would have had exclusive rights to conduct atomic weapons tests and to carry on research in atomic weapons.

The Baruch plan did not mean an immediate shift to international control. Things would proceed step by step. Once an adequate control system had been worked out, the manufacture of A–bombs would stop, and existing bomb stocks would be disposed of. Most important of all, the Baruch plan called for "condign punishments" for violators, and provided that the veto could not apply. In short, the United States favored giving the U.N. a complete monopoly of atomic energy for peace. There would be no atomic energy for warlike purposes.

Remember, Mr. Chairman, the Baruch plan was advanced when the United States had an atomic monopoly. Yet we proposed to give up this advantage, for the benefit of all mankind, provided that there were adequate safeguards that this great new force would be used only for peaceful purposes. This was only right and prudent.

But the Soviet Union utterly rejected the plan. Instead they said, "Let us outlaw immediately the production and use of atomic bombs, and then let us destroy all stockpiles as quickly as possible." And how did they propose to accomplish this? Simply by a treaty. Of course, the Soviets made a gesture in the direction of international control machinery, but they were pretty vague about particulars. Atomic energy would be developed by individual nations, rather

than internationally. Furthermore they insisted that the veto must apply to any recommendation made by international authority. In summary, the Soviets professed to believe that an unenforced treaty would be sufficient to control atomic weapons. This sounds terribly naive, but if we remember that it was coupled with a demand for the destruction of atomic stockpiles, we see that it would have left the Soviet Union with an enormous advantage in conventional armaments, an advantage sufficient for her to dominate the world scene. But the Soviets made our perfectly understandable opposition appear to be mere obstruction—at least to the uninformed—and they found an effective slogan in "ban the bomb." A number of trusting souls the world over could never seem to understand why America did not just ban the bomb.

In November 1946, the Soviet Union also advanced a rather transparent proposal concerned with conventional arms limitation. They said that the members of the U.N. should report the number of troops they maintained in foreign countries, but tied that proposal to a demand for the reduction of armaments and the prohibition of atomic production for military purposes. The proposal was transparent, for it was patently a means for pressuring us to remove our troops from overseas while, with no provisions for any international supervision, Soviet troops would remain in the compliant satellites.

In 1948 the Soviets called for a one-third reduction in the armed forces of the permanent members of the Security Council. Again this could be taken as a reasonable proposal, were it not for the fact that it was coupled with a demand for the unconditional banning of all atomic weapons. Once again, America would have been placed at a tremendous disadvantage. What is more the whole thing was meaningless, since the Soviet Union never bothered to reveal the extent of its armed forces, and then opposed all measures of real verification, even going so far as to veto a French proposal for the collection, verification, and publication of information on conventional armed forces.

Thus, Mr. Chairman, an impasse was reached, with respect to both nuclear and conventional weapons. But the basic situation was to be changed when the Soviet Union exploded its first atomic bomb in 1949. From a situation characterized by a balance of power between our atomic monopoly and Soviet conventional superiority, where decisive power was essentially in our hands, the world moved to what has been called a balance of terror, where each side possessed the capacity to destroy the other. What is more, given what is delicately called the state of the art, with nuclear production constantly increasing, it became apparent that it would be virtually impossible to detect the existence of each and every stockpile of nuclear weapons. But it was to take the nations several years to realize this.

With the outbreak of the Korean war this country became concerned, quite naturally, with the reconstruction of its conventional military strength. Yet we did not abandon the search for disarmament. We agreed to permit both nuclear and conventional disarmament to be considered together, which was a concession to the Soviet point of view. But we continued to insist on progressive disclosure and verification of all armed forces and weapons first, with such verification to be based on effective international inspection. The Soviet Union clung to its demand for an immediate unconditional ban on atomic weapons, and now switched its argument and called for separate discussion of conventional and atomic arms control. Furthermore the Russians stated that they would disclose no information about their forces unless we accepted the principle of reduction by one-third. Needless to say, their proposal was unacceptable to the West, but they rigidly insisted on it. It was their way or no way at all. Any attempt to set up a genuine inspection system was denounced as a cover for seeking intelligence information about Soviet armaments. So disarmament negotiations got nowhere during the Korean conflict, and the Russians went so far as to make the infamous charge, in the U.N.'s Disarmament Commission, that we were engaging in bacteriological warfare in Korea. We not only vigorously denied the charge, but used the occasion to propose that a system of disclosure and certification which would rule out the use of bacteriological weapons. The point was lost on the Russians, however.

In 1953 President Eisenhower offered his famous atoms-for-peace proposal at the United Nations General Assembly. He called upon the governments principally involved to contribute from their atomic stockpiles to an International Atomic Energy Agency which would be set up under United Nations auspices. This Agency would cooperately utilize these contributions for the peaceful development of atomic energy. Strictly speaking, the proposal was not a disarmament measure, but it struck a responsive chord with the delegates, particularly those from the smaller and weaker nations. As a result the Soviet Union indicated a willingness to participate in talks growing out of this proposal, but it turned a deaf ear to pleas for a positive approach as far as disarmament generally was concerned.

During this period I suppose it could be alleged that the Russians had a good reason for their standpat attitude. Do not forget that 1953 marked the death of Stalin, following which there had to be the process of elimination by which a new Russian leader would be selected. While this was going on the Soviets could not very well commit themselves to important changes in policy. Once Mr. Khrushchev felt sure of himself, however, the peaceful coexistence line began to get a heavy play. Part of this campaign involved new Soviet initiatives on disarmament.

Now the British and the French had advanced a plan in 1954 which would have established an operating control commission, then would have passed to a reduction of armed forces and conventional weapons, and finally to the prohibition of nuclear weapons. The United States had adhered to a revised version of this plan in 1955. Then the Soviets came along with what seemed to be important concessions. They professed themselves willing to accept the Western view that reduction of conventional weapons must precede complete prohibition of nuclear armaments. They even abandoned their previous insistence on a one-third, across-the-board cut in conventional weapons and forces. Instead the Soviets accepted ceilings on conventional forces embodied in the previous British and French proposals. But the Russians spoiled the picture by linking these reasonable concessions to one the West could only reject; namely the abandonment of U.S. oversea bases. In addition they spoke of the need for safeguards against surprise attack, but their plan did not really provide them.

However, the mere mention of surprise attack indicated recognition of the fact that the technological situation had changed. As I stated earlier, the nations were slow to recognize that not all atomic materials could be tracked down. But by 1955 they knew. This knowledge was reflected in President Eisenhower's open-skies plan, advanced at the summit conference of 1955. The President simply proposed that both sides exchange complete blueprints of their respective military establishments, with each country being afforded facilities for the aerial inspection of the other. Presumably an effective early warning system would thus be established, massive surprise attack would become improbable, if not impossible, and the resultant relaxation of tensions might bring further settlements in its train. The Russians displayed little enthusiasm for the idea, although outwardly appearing reasonable about it. But at a subsequent foreign ministers' conference they made it clear that they regarded it as a final, rather than an initial, step. They stated that it would actually intensify fear of surprise attack, and would not prevent attack from oversea bases. In 1958, when there was a conference on surprise attack, held at our initiative, the Soviet Union again showed reluctance toward accepting aerial surveillance as the key to prevention. This gulf has still not been bridged. Our interest has not flagged, however, and President Eisenhower was going to propose aerial reconnaissance by the United Nations at the summit conference a year or so ago, which Khrushchev so rudely torpedoed.

In 1956 and 1957 there was again reason to hope that the Soviet Union was coming around. In their proposal at the U.N. Disarmament Subcommittee in 1956 the Russians indicated that the inspectors of any international control commission should have unimpeded access at all times to all objects of control, including financial records. They also indicated that this control organ should be set up "in good time" to carry out its functions. This may sound innocuous, but the fact is that for years the Russians had insisted that the prohibition of atomic weapons and the establishment of international control should come about simultaneously, which meant, of course, that the organ of international control would not be in a position to ob-

serve the implementation of disarmament for some time after it was supposed to have begun.

Of course, the Soviets again attached unacceptable conditions, and the next year, 1957, they retreated from their seeming acceptance of a powerful international control body. But they modified their demand for the complete liquidation of foreign bases. Well, we need not go into all the details. The point is that in those 2 years the Russians gave us some reason to think that there was give in their position, that they were prepared to move. The result was for the West to undertake thoroughgoing consultations, and emerge with a comprehensive plan covering stoppage of nuclear production, cessation of nuclear testing, reduction of existing stockpiles, first-step conventional force reduction, aerial inspection against surprise attack, and the establishment of an international control organization. But whatever hopes we had that this plan would serve even as a basis for negotiations with the Russians were dashed when the Soviet delegate suddenly made a bitter attack on the West on August 27, 1957, and then abruptly rejected the Western plan 2 days later. But the U.N. General Assembly endorsed it, and it is on the record.

Since 1957, then, Mr. Chairman, the drive for general disarmament has been like an ancient automobile. It has ground along, creaking and whining, but seemingly going nowhere. Since negotiations within the United Nations had generally failed, an attempt was made to work something out outside that body. The Big Four foreign ministers, meeting in Geneva in 1959 agreed to entrust new disarmament talks to a 10-nation group, consisting of the United States, the U.S.S.R., the United Kingdom, France, Bulgaria, Canada, Czechoslovakia, Italy, Poland, and Rumania. You can see that the group was evenly balanced between Western and Iron Curtain representatives.

This group had to operate against the background of the plan that Khrushchev had presented to the U.N. General Assembly on his visit here in 1959. In that speech Khrushchev called for a "general and complete disarmament," a nice sweeping phrase of the kind of which the Russians are so fond. They have a neat propagandistic value but mean very little. What is more Mr. Khrushchev said we ought to bring about this blissful consummation in 4 years' time. He did propose an international control organ, but its powers were extremely vague.

In any event, the Russians presented a proposal at the 10-nation conference based on this Khrushchev proposal. The West's counterproposal stressed the need for verifying compliance with a proposed three-stage disarmament plan. A stalemate was quickly reached, and the Conference was recessed to await the summit meeting between Khrushchev and President Eisenhower scheduled for May 1960.

The outcome of that meeting we know only too well. It didn't have an outcome, really, for Mr. Khrushchev torpedoed it at a tumultuous press conference in his real or simulated fury at the U–2 incident. Despite this, the 10-nation conference reconvened, with the Russians in attendance. This time the Soviet Union appeared to endorse a 1959 French proposal to abolish the means of delivering nuclear weapons in the first stage of any disarmament plan. They also called for a U.N. police force, and for the liquidation of our oversea bases.

Once again there seemed to be elements of compromise in their position, and our delegate flew home for instructions. He returned to Geneva with new proposals, but before he could present them the Russians, apparently taking their cue from their leader, launched a series of violent attacks on the West, and the conference broke up. But the American proposals were entered in the record, and they show once again our concern with preventing surprise attack, and this time with the possible elimination of the means of delivering a nuclear attack.

Last year there was one more try at general disarmament. In both the U.N. Disarmament Commission and the General Assembly the United States proposed either the immediate or gradual stoppage of all production of fissionable material for use in nuclear weapons. We even offered to transfer 30 tons of enriched uranium from weapons stockpiles to peaceful purposes, provided of course, that the Russians would do the same, and provided also that there would be effective verification.

The Russians had a new proposal of their own. They still talked about "general and complete disarmament," but they dropped their insistence on its attainment in 4 years. They seemed to accept a U.N. police force under Security Council control, and inspection of all disarmament measures. But this time the Russians added a demand for a three-man directorate to replace the Secretary-General of the U.N., Mr. Hammarskjold. This is the famous "troika" principle, named after a Russian sleigh drawn by three horses, advanced by Mr. Khrushchev in his flamboyant shoe-pounding visit to the United Nations last fall. This proviso rendered the whole Soviet proposal unacceptable to the West. Is is a very dangerous change, Mr. Chairman, for by it the Soviets are attempting to alter the whole basis of international negotiation. Now what they are trying to say is that if things do not come out their way, they will not play. "There are no neutral men," said Mr. Khrushchev, hence, he implies, there can be no impartial international civil servant or tribunal, hence the Soviet Union must have a veto over just about everything. To introduce this kind of a concept into a disarmament proposal is to nullify it by its very terms. Suffice it to say that since last year there have been no formal discussions on general disarmament. Occasional informal meetings, yes, and there may be some proposals at the upcoming General Assembly meeting. But as long as the Berlin issue remains at fever heat, progress seems highly improbable.

As a matter of fact, it seems that progress on any phase of disarmament is highly improbable at this point. Take the Nuclear Test Ban Conference, which was going on, on and off, at Geneva, since October 31, 1958. The United States did not test all that time, although President Eisenhower ended a voluntary moratorium at the close of 1959 and although he indicated we would not resume testing without prior announcement. Now there is intense pressure to resume testing, for many think our security demands it. The Russian decision to resume testing makes the point even stronger.

Yet this was not always the case. In the first year of negotiations a number of articles of a draft treaty were agreed upon, covering such points as the treaty's duration—as long as its terms were carried out—the principle of control and inspection and the broad outlines of a control organization, the periodic review of controls to evaluate their effectiveness, consent to explosions for peaceful purposes, and the adherence of other nations.

Now such agreement as had been based on inspection procedures elaborated at a conference of experts, which was held in 1958 just before the opening of the Test Ban Conference. But in 1959 a panel of American scientists headed by Dr. Lloyd V. Berkner, an outstanding authority in the field, recommended an improved detection program. This report pointed out that it was possible by what is known as decoupling—conducting explosions in large underground cavities, to muffle seismic signals. For months the Soviets chose to ignore this evidence, and declined to admit the existence of a detection problem. Eventually, the Soviet Union agreed in principle, however, to a treaty which would ban all aboveground tests, and all underground tests above a certain magnitude. The Russians also agreed to an Anglo-American request for a research program to work out effective inspection techniques. In return the West accepted the Soviet request for a moratorium on underground tests below a certain point, although we did not relish it because we felt such tests were necessary if adequate detection methods were to be evolved. Then the Soviets said they had no objection to a strictly limited number of such tests after all.

But it was not long before the Soviets lost interest in improving seismic detection capabilities. Their delegate, Mr. Tsarapkin, even repudiated the views of his own scientists on this point, and the Russians have since done absolutely nothing along these lines. At the beginning of 1961 it was still a point of disagreement.

In addition, there was continuing disagreement as to the number of on-site inspections. Although the experts had agreed on a worldwide network of 180 inspection stations, both sides would not be able to identify all underground explosions that might be conducted in violation of a test ban treaty. The difficulty lay in distinguishing such explosions from earthquakes, and onsite inspection teams were necessary for this. The

West felt that at least 20 onsite inspections a year were necessary for this purpose, but during 1960 the Soviets held out for no more than 3. This number the West considered utterly inadequate. Once again the Russians demonstrated their aversion to effective inspection.

Finally, the Soviet Union was not keen on international inspection teams. She wanted to inspect herself. After much negotiation, the Russians agreed to let experts from other nations be placed on the teams, but they insisted that half the personnel of inspection teams as well as the chief of each control post or inspection unit be a national of the state being inspected. We were most reluctant to accept this.

This was the state of affairs, Mr. Chairman, when the new administration assumed office. High hopes were held out for success when the test ban talks resumed in March, and our delegation made a number of important concessions to the Russian point of view, which I will not elaborate lest we be drowned in details. Obviously, our spirit was willing. Obviously, we were willing to walk the extra mile, to exert every effort to lift the shadow of the nuclear cloud which hangs over mankind.

What was the Soviet response? It was to reverse its own position, suddenly and inexplicably, as it has done before when man's hopes for disarmament progress were pinned on it. This reversal of position came about through a new insistence on the troika in a demand that the control commission now be composed of a Communist, Westerner, and a neutral, in contrast to Russia's previous acceptance of a single head for the organization. As the State Department white paper on the test ban talks puts it, "Under the Soviet proposal, in short, no staff would be hired, no control posts established, no instruments set up, no interpretation of seismic data made, and this in effect no onsite inspections undertaken without the consent of the Soviet representative on the troika." In addition, the Russians demanded that the French cease nuclear testing, arguing that France was passing along information from such tests to the United States and the United Kingdom. This ignored the fact that the United States and the United Kingdom both opposed French testing, and it assumed that we could somehow eradicate General de Gaulle's determination that France would have her own nuclear capability. If it were not for the tragic circumstances, this contention would be laughable.

The Russian attitude almost broke up the Conference, but not quite. We went back again, with yet another proposal, but the Soviets said that the test ban talks would have to be merged with talks on general disarmament. This was another repudiation of a long-held Russian view, for the Soviets used to say that banning nuclear tests was something wholly separate, and a solution of this problem was independent of other disarmament problems. They seemed to hope that if they combined all the disarmament issues, the test ban problem, and their sorry record on it, would just fade away. Then came their announcement that they were resuming tests. Thus after almost 3 years of work, there was another failure; and the blame can be laid squarely at the Soviet's door.

There you have the situation. Mr. Chairman. It is immensely complicated and technical, and I have not even attempted to list all the proposals that both sides have made. But I am proud of America's record in seeking disarmament. I think it is wholly honorable. I think, as I said at the outset, that the story has to be told better. People can be made to understand that our insistence on adequate inspection was because we were sincere.

Most of all, I am encouraged by the fact that we have not let continuing rebuffs dim our determination to pursue this matter. We have concrete evidence of that determination in the bill now before Congress to set up an Arms Control Agency. I am proud to be the sponsor of a similar bill. It seems to me that the establishment of such an agency will be a landmark, for as far as I know, this will be the first nation in the world to create a government agency devoted solely to disarmament. Not only is this Agency necessary to accomplish the broad research that must underlie intelligent planning for disarmament, but its establishment will be a brilliant stroke of psychological warfare as well. It will constitute proof positive of America's commitment to the search for peace. It will put the Soviet Union on the defensive, or force it to negotiate in good faith. For these reasons I fervently hope that this body today completes the favorable action already taken in the other body.

In my enthusiasm for the Arms Control Agency, I do not mean to disparage the efforts of the dedicated and devoted people who have worked in this field for a number of years. I am confident that the comprehensive American disarmament plan now being prepared under the direction of Mr. McCloy, the President's disarmament adviser, will be a positive contribution to the settlement of this most complex and difficult problem. I hope that the Soviet Union will prove more receptive to our genuine overtures. But whatever fate awaits this plan, I believe we must continue to think and plan about disarmament on a long-range basis, that we must continue to work for it however the odds may be against us. In my view, Mr. Chairman, if America is to be true to its highest principles, it can do no less.

Mrs. BOLTON. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Chairman, I rise in support of H.R. 9118 to establish an Arms Control Agency.

During the hearings on this bill before the House Foreign Affairs Committee, a number of witnesses testified that this new Agency would provide our Nation with a focal point upon which our arms control and disarmament planning could be based.

There are those who claim that there is only one way to achieve national security, and that is through the creation, the invention and the production of bombs with a bigger bang, with greater destructive power, and with surer and more deadly means of delivery.

The world is fast aproaching the point where all of us have the feeling that we are living in one gigantic powder magazine. All somebody has to do is light a match, and up we will go.

Is there an alternative to this race toward total armament? I think there is, and I believe we have one of the alternatives before us today.

Deputy Secretary of Defense, Mr. Roswell Gilpatric told our Committee on Foreign Affairs that there are ways of achieving national security without increasing arms expenditures and the dangers they present to the lives of our citizens and the economy of our Nation.

He said, and I quote:

> There are conditions under which our security may be enhanced by reductions in military power. This possibility is illustrated by international arrangements which involve all-around reductions in arms in a balanced, controlled, and verified way.

If we, the Russians and the other major powers of the world could agree on arms control with absolute guarantees against "cheating," then we and the world have gained. We have removed one point of possible conflict. We have made possible the reduction of our military budget, thereby permitting us to expand necessary domestic programs, or even more desirable, permitting our Federal Government to take off the backs of our taxpayers some of the load which is such a burden to them.

There are those who say that this is no time to be talking about arms control and disarmament because we have the matter of Berlin and atomic tests on our hands. These are the precise reasons why I believe that this is the proper time for these discussions, because the need for arms control should never be more apparent than today.

Certainly, we don't want war and we believe that the people of Russia don't want war. So let us give ourselves and the world a chance for peace, not peace at any price, but peace based upon justice. Let's give ourselves an agency which can help turn peace into a positive force for building—not destroying—the world.

In its final goal, this Arms Control Agency would be working to make peace as effective and vital a consideration as the waging and preparation for war.

I think General Clay, who was a hero of many battles in World War II, who again was a hero during the Berlin blockade and who once again is in Berlin as the personal representative of our President, stated the case for this bill very well.

He said:

> It is my strong feeling that the most serious challenge which this country, and indeed mankind, faces is the necessity of control, if not eliminating the use, of nuclear and thermonuclear weapons of mass destruction by the nations of the world. If we do not do so, we and our children are at best faced with a life of constant fear and danger, destruction not only of our morale, but of our traditional institutions and way of life. To remove this debilitating and con-

stant threat is one of the great demands of statesmanship today.

Let us put some of our great creative abilities to work as vigorously toward construction as we have toward destruction. Let us renew our belief in the basic dignity of man and take steps to see that he simply does not become fodder for an atomic furnace.

Commonsense and our traditional concern for the welfare of our fellow men requires the establishment of an agency of this kind.

So does our national security. Former Secretary of Defense Gates shares this view. He told our committee that the ultimate effective control of modern arms must assume equal importance with our military power when we plan for our national security.

Mrs. BOLTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Chairman, there are some basic questions that need to be kept in mind concerning this legislation.

First of all, it does not provide for a completely new function. There are people now—today—in the Department of State performing to the degree that they can do so under existing orders, laws, and budgetary limitations these functions. Under the proposed legislation, that group would become a part of the new Agency. If this legislation is enacted, it will define, to a considerable degree, their responsibilities and place wholesome limitations upon their activities. It will also authorize funds. The bill carries an authorization of $10 million, of which $6 million are expected to be used.

A question was raised a little while ago as to why the title of the bill had been changed from "Disarmament" to "Arms Control Agency." I think the answer to that is very simple but very significant. We wanted to make it entirely clear that those who vote for this legislation are not voting, for an instant, for any weakening of our defense posture.

This is the last thing that I as an individual would support, and it is the last thing that this House would support. Rather, what we are trying to do, if we adopt this legislation, is to provide ourselves with the means by which at appropriate times and places, wise and informed negotiators may represent our country.

Such men would be prepared and qualified to protect our national interests.

Too often in the past we have found that when we sent teams of negotiators, men who were trying to reach determinations of great international questions, they went with inadequate preparation; they went without the basic knowledge, the detailed information that they should have had. This frequently put our negotiators at a disadvantage. If this legislation is enacted we will have a continuing flow of information which will strengthen the arm of our negotiators and, accordingly, our national strength. But, I repeat, I think that we must all remember this is not designed in any way to weaken our defense posture, to weaken our military situation. This we must not and will not do. It is designed to supplement our armed strength—even on occasion to see that we do not improperly reduce our armaments.

We are here providing ourselves the means by which we can engage at proper times and places in international conferences in such way that our point of view can be presented in the strongest and best possible manner. This does not mean that we are about to begin to believe the promises which the Communists make. This does not indicate that we are going to put credence in the things which they say to us; but it does mean, Mr. Chairman, that we are going to put ourselves in a position where we have the facts with which to answer and confront them.

There is another thing that ought to be said about this bill. To a considerable degree it takes this organization away from the State Department and makes it directly and primarily responsible to the President of the United States. I think this is a good thing. Under our Constitution the President has the basic responsibility for our foreign relations and this bill makes it clear that the responsibility is squarely upon him.

Of course, there are several places in the bill where reference is made to the fact that consultations shall be had, information shall be supplied, or negotiations carried on under the Secretary of State, but the basic responsibility is that of the President.

Finally, Mr. Chairman, I should like to point out that we have made provision for the very strongest type of security check on the people who are to become a part of this organization. It is required by the express terms of this legislation that there shall be security checks, and that if there is anything found which would lead to questions as to their loyalty, those things shall be brought to the attention of the Director, and it is up to him, to assure himself beyond doubt before any individual is taken into or retained in the Agency.

In short, we want to make stronger our great country and yet prepare for the day—for in the future, I fear—when serious international negotiations can be undertaken looking to the reduction of armaments throughout the world. Honorable and just peace lies in that direction.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MOORHEAD].

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, America and the entire free world face hostile Communist foes bent on the conquest not just of land but of the souls of men. Communist propaganda about disarmament has been part of the struggle for the souls of men.

Today, barbed wire in Berlin and nuclear fallout from Siberia show to the world the true face of international communism.

Today, the U.S. Congress should show to the world the truth about America's honest desire for a just and lasting peace.

Today, America should take the initiative. Too often we have merely reacted in a faltering way to Communist propaganda.

Today, we have the right opportunity, at the right time to act in the right way.

Today, Mr. Chairman, the representatives of the American people, the U.S. Congress, should, at this time of worldwide tension, enact H.R. 9118, to establish a U.S. Arms Control Agency. For a year and a half I have supported such legislation. In 1960, I introduced a bill to create a National Peace Agency, and again this year I introduced the administration-sponsored bill to create a Disarmament Agency.

At a time of barbed wire in Berlin and deadly fallout from Siberia the international psychological effects of such an action by the representatives of the American people would be tremendous.

To Americans this Agency would be a concrete step toward our universally accepted goal of peace with honor.

Today, there is a need for bold, imaginative, creative thinking by an Agency, subject to the direction of the Secretary of the State, but unfettered from other normal duties of diplomacy.

In actual practice what might such an Agency do?

Any major step toward disarmament seems out of the question at this moment in history.

The most we can hope for at this time is a stabilization of the world situation which will discourage the Soviets from starting all-out nuclear war and minimize the risks of nuclear war beginning by accident or as a result of escalation of limited war.

To accomplish these objectives the Arms Control Agency, extraordinary as it may seem, would undoubtedly concur in the increases and changes in emphasis in our military budget. The fact that these decisions are backed by an Agency, whose personnel have as their prime function the search for peace, will give these decisions greater acceptance both at home and abroad.

The present instability of the world situation results in part from our military posture. We adopted policies which, with the benefit of hindsight, were clearly erroneous. We relied on a policy of "massive retaliation" to answer every situation from brushfire war to Berlin. We neglected our conventional forces. We relied on a deterrent force which we did not make invulnerable to surprise attack.

This military posture is being changed. A portion of our Strategic Air Force is now always airborne and invulnerable. Our invulnerable Polaris submarine system is being increased. Our missile sites are being hardened. Our long-neglected conventional forces are being modernized and expanded.

When these programs are completed we can say to the Communists that war, though possible, can no longer be a rational part of their strategy. If they start a brushfire war we can defeat it. We need not resort to nuclear weapons unless they escalate the war. Surprise Soviet nuclear attack, though possible, will no longer be rational because of the absolute certainty that our invulnerable missiles would destroy Russia.

There would be less chance of an accidental war because our missiles would be so secure that we would not have to rush to fire them to save them from destruction by what appeared to be a Russian attack.

This does not mean peace. It means a more stable world—a world where there may be hope for significant negotiations.

When that time comes, negotiation may be meaningful. In the words of President Kennedy:

> We dare not tempt them with weakness. For only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed.

In the meantime what can the Agency accomplish?

America desperately needs study and research into the whole problem of arms control in a nuclear age. In the past our disarmament negotiating groups have been hastily assembled and not well prepared. Arthur T. Hadley in his excellent book, "The Nation's Safety and Arms Control," says that the 1958 Geneva Conference "exposed dramatically the lack of any adequate U.S. homework on disarmament."

When William C. Foster reported to the Senate after representing America at the Surprise Attack Conference, he said:

> I think that by hard work and deep thought and putting together competent people to work on this, not on a part-time basis but on a full-time basis, something very valuable could be established. This is something we had not really done prior to the intensive preparations which we engaged in this fall.

The Arms Control Agency will do just that.

Then even if the Communists are not ready to negotiate the United States can demonstrate to the world its true desire for peace by announcing, in the words of President Kennedy:

> Serious and precise proposals for the inspection and control of arms * * *.

Before that time the Agency can explore limited areas where there is some hope for negotiation. Such areas might include Antarctica and outer space. The Agency could use the occasion of our proposed underground nuclear tests to develop and perfect our detection methods.

What immediate question should concern such an Agency?

Particularly in view of the tragic death yesterday of the first citizen of the world, Dag Hammarskjold, the Agency might well begin with the explosive problem of Berlin. If a deadlock in the Security Council should occur in providing for a new Secretary General, the future of the United Nations as a whole could become dark. The vetoless General Assembly could become the world's great hope for peace. I would like to have the U.S. Agency consider whether a special session or the next regular session of the United Nations General Assembly should be held in Berlin. Such a proposal, not subject to Communist veto, would give the United States the initiative in a situation where we have merely been responding to Soviet pressure tactics. If a General Assembly meeting were held in Berlin, it would be difficult for the Communists to block access to Berlin to the representatives of the nations of the world, and it would be almost as difficult to block access to others when a United Nations session was in progress or in prospect. If such a session could be held, the contrast between free and Communist Berlin would be brought home dramatically to the peoples of the world. The holding of such a session would be of great benefit to the morale of the embattled people of West Berlin. If the Communists, by pressure tactics, successfully blocked the adoption of such a resolution in the United Nations, I believe that world opinion would favor our attempt to seek a peaceful solution to the Berlin crisis and would tend to restrict Communist action over Berlin in the future.

Almost 2,000 years after they were first uttered, the words "peace on earth, good will toward men" remain the eternal goal.

Today, when the death of civilization, and even of all life on earth, is a possibility, this goal deserves our greatest attention.

Today, Mr. Chairman, the scientific, technological, legal, and economic problems in achieving this goal require an unfettered agency which can carry on the study and research which will prepare us so thoroughly that if that fleeting moment comes—when the political situation in international communism is such that they are willing to negotiate meaningful arms control or disarmament—we will be prepared.

Otherwise, without intensive research and study by the Agency we ought to be reluctant to negotiate with the Communists because we might not know when we had given too much away. Our increased military strength and the studies of the Disarmament Agency work together to make us ready and competent to negotiate. Both are necessary if we are to carry out the President's pledge in his inaugural address when he said: "Let us never negotiate out of fear, but let us never fear to negotiate."

Mr. Chairman, I should like to include in the RECORD two excellent editorials from the Pittsburgh Post-Gazette in support of this legislation:

[From the Pittsburgh Post-Gazette and Sun-Telegraph, Aug. 14, 1961]

IF PEACE BROKE OUT

If the prospect for peace were suddenly to loom on the diplomatic horizon, would the United States be prepared to take advantage of it? A bipartisan group of Senators, with Senator HUBERT HUMPHREY as their spokesman, thinks the United States is not well enough prepared to meet such a contingency. Therefore they have introduced, with the administration's backing, a bill to create a Federal Disarmament Agency for World Peace and Security. The measure not only has the support of a bipartisan group in Congress, but also has been endorsed by former President Eisenhower and was recommended by John J. McCloy, a Republican who is special adviser to the President on disarmament.

The bill would not set up just another unwieldy Federal bureaucracy. The Agency would be under the direction of the Secretary of State. It would not formulate or implement policy independently of the State and Defense Departments. Rather it would work in conjunction with these Departments. But it would represent the first organized Government effort, pursuant to the expressed will of Congress, to conduct research on how war may be prevented, arms reduced, and peace preserved. As Senator HUMPHREY explained it, the Agency would attempt to gather together a limited number of highly qualified and well-trained people from many fields who would combine their talents and energy for solving some of the political, legal, and technical problems of verifying the reduction and control of national arsenals; devising plans to prevent surprise attack, war by miscalculation, subversion of free governments, and threats of war through the rise of political, economic, and social tensions among rival states.

While the chances for disarmament look dim at the moment, the United States should always be prepared for changes in national attitudes caused by shifts in regimes or by new consciousness of the disaster threatened by the continuation of the arms race. Such preparation requires that the United States keep abreast of modern weapons development in order to determine what technical system of inspection and control are needed. In some past negotiations this country has been technically unprepared at a time when the possibility for agreement seemed promising.

The Senate Foreign Relations Committee is scheduled to hold hearings this week on the Disarmament Agency legislation. It deserves favorable consideration. The time should never occur when the United States, for lack of effort, is unready for the outbreak of peace.

[From the Pittsburgh Post-Gazette and Sun Telegraph, Sept. 12, 1961]

PRIORITY FOR DISARMAMENT

After a series of test votes in which opposition was beaten down, the Senate last Friday passed a modified version of President Kennedy's Disarmament Agency bill. The Senate-approved measure would create an Arms Control and Disarmament Agency for World Peace and Security. Its primary function would be to conduct extensive research on the requirements of disarmament and the maintenance of international peace and security, and its initial budget, under the Senate bill, would be $10 million, with no limit on when the money is to be spent. In passage the legislation was modified to make the new Agency a division of the State Department rather than an independent agency, as the administration had originally requested. This should not be a defect unless the State Department is out of sympathy with its mission.

Fortunately the Senate rejected a proposal by Senate Minority Leader DIRKSEN to shelve the measure until next year and by Republican Senator GOLDWATER to deny the Agency authority to conduct research. One of the most heated arguments of opponents was that it would be wrong to vote for a disarmament agency at a time when the Nation is building up its military strength because of the crisis over Berlin. This contention, of course, overlooks the points that disarmament continues to be the Nation's long-range goal, that with the technological prospect of ever more destructive weapons it offers the best hope of world stability, that the Nation's posture of strength and resoluteness has already been made so indisputably clear with regard to Berlin that it can hardly be put in a different light by the disarmament bill.

In fact, the disarmament bill has the virtue of reflecting an encouraging ray of hope in an otherwise somber national front. It shows that we have long-term confidence in the peaceful settlement of the Berlin and other ugly disputes. It helps to dispel the notion, particularly among weaker nations, that the main reliance of U.S. diplomacy is on militaristic measures. Certainly it is

true that, regardless of the discouraging state of East-West relations at present, it is not too early to be putting more effort into devising substitutes for war as a means of reconciling divergent national interests. The House should now recognize this and pass the bill, thus starting the United States on the path of doing something about the opinion of every major world leader that disarmament is an issue of paramount importance.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include an editorial.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HAYS. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. MOELLER].

Mr. MOELLER. Mr. Chairman, I rise in support of H.R. 9118, the clean bill to establish an Arms Control Agency to gather together all the work of the Federal Government in this vital field and propose concrete and specific proposals that can serve as alternatives to nuclear war.

As a longtime supporter of such legislation, I am most gratified to have an opportunity to speak in behalf of this bill.

During the 86th Congress, I introduced H.R. 10505, to create a National Peace Agency. Then in January of this year, I joined some 30 of my colleagues in sponsoring similar legislation.

On June 29 of this year, after our efforts to gain consideration for this measure appeared to be bearing some fruit, I again joined with other Members of this body in sponsoring H.R. 7941, to establish a U.S. Disarmament Agency for World Peace and Security.

Earlier, on March 6, 1961, I wrote to the President, commending him for his interest in this vital subject and assuring him of the support of a large segment of the House for such legislation.

It is, therefore, with great pleasure that I urge the Members of the House to give their bipartisan support to H.R. 9118. To my mind, this bill represents a notable step forward in our Nation's quest for a just and lasting peace. It stands in striking contrast to the recent missile rattling and nuclear blackmail attempts of the Communist camp.

We should note the wide support this bill has already mustered. Former President Eisenhower and the 1960 Republican vice presidential candidate—and former U.N. Ambassador from the United States—Mr. Henry Cabot Lodge, in particular, have made strong statements in favor of a real, concerted effort to explore the fields of arms control, nuclear test bans, and controlled disarmament.

The arms control bill now under consideration is in no way inconsistent with our increased military buildup to counter the threatened Communist advances in Europe and around the world. We are, by this buildup, impressing the Russians with our firm resolve not to allow any further encroachment, but, at the same time, we must initiate specific and concrete measures to prepare for peace, to insure that the chances for an enforceable nuclear test ban and a controlled system of disarmament do not fall by the wayside.

The Berlin crisis and the resumption of nuclear weapons testing merely add urgency to our endeavors. We must find a way out of our present difficulties if we are to defend and preserve our freedoms and our American way of life.

Mr. JUDD. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. OSTERTAG].

Mr. OSTERTAG. Mr. Chairman, the recent deterioration of international conditions caused by the aggressive moves of the Communists, has prompted a new buildup of our military forces to deal with the threats against freedom. At the same time the critical situation has served to underscore the need for greater efforts to resolve international differences and reduce chances of the nuclear holocaust which would result from a conflict using today's horrendous weapons.

I believe this proposal to create a U.S. Arms Control Agency can give great impetus to our efforts for peaceful solutions, without weakening our national defense in any way. For many years I have urged the creation of a strong and separate department or agency within the Federal Government to concentrate our efforts for improving international relations, and have introduced legislation for that purpose on several occasions. The proposal for a separate Arms Control Agency follows that pattern, even if on a more limited basis than I proposed.

With the same goals in mind, President Eisenhower last year created a U.S. Disarmament Administration within the Department of State to coordinate and step up our efforts in this critical area.

This latest proposition before the Congress encompasses that idea and provides an independent agency, with greater authority, resources and responsibilities—all important to the achievement of desirable results and a workable disarmament agreement among nations of the world.

The new Arms Control Agency would have primary responsibility for our arms control efforts, coordinating the activities in this field by the Departments of State and Defense, the Atomic Energy Commission, and other public and private groups. The Agency would carry out much needed research and study on the many phases of arms control—detection, inspection, monitoring, and limitations, to list a few—and on the economic and political consequences of disarmament. The Agency Director would be the principal adviser to the President and the Secretary of State on policy matters in this field and would handle negotiations and our participation in any system of arms reduction and control.

In our experiences of recent years, arms control has proven to be a very difficult and complex matter. Admittedly, efforts for arms reduction entail certain risks, for our national security is intertwined with the entire program. An inadequate disarmament agreement, for example, could give an enemy a military advantage and increase the danger to our national security, rather than improve conditions. There must be caution that disarmament efforts never produce an unwarranted lowering of our guard.

At the same time a workable and enforcible agreement would be a major stride toward averting a war that could destroy our civilization. A satisfactory agreement, including a thorough inspection system to assure compliance and prevent cheating, would safeguard the security of all nations and release tremendous added resources and manpower for building and improving civilization. The opportunity to attain such an agreement is what continues to demand our constant efforts.

As I mentioned earlier, my previous proposals to Congress in this field have encompassed more than our disarmament efforts. I proposed the establishment of an entire Department of Peace to coordinate and concentrate all our programs for improving international relations. The Department would bring under single direction our programs of foreign economic assistance, surplus food disposal, international information and education, and cultural exchanges, as well as disarmament. Under coordinated direction these programs could be made much more effective and meaningful in the struggle for world peace.

My proposal also included the recommendation to establish a National Peace College, dedicated to waging peace. The College would carry out training and research on international relations with particular reference to the causes and prevention of conditions which lead to wars.

Certainly the great need and desire to head off a nuclear war requires that we spare no effort to seek ways of reducing the tensions and threats which exist. Of course, any agreement requires two parties; we cannot afford to reduce arms unilaterally so long as the Communists retain their arrogant and treacherous policies. However, marshaling our arms control efforts in a new and stronger agency should improve our efforts in this direction if and when conditions for a realistic agreement do develop. We must be totally prepared for all phases of the search for peace. For these reasons, Mr. Chairman, I support the objective of this legislation creating a U.S. Arms Control Agency and I hope that it will receive the approval of Congress before final adjournment.

Mr. JUDD. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey, a member of the committee [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, with the problem of Berlin coming increasingly to the forefront, there are those who argue that now is no time to be discussing disarmament. I do not agree. I feel it entirely appropriate that Congress should now be considering this legislation, that would set up a U.S. Arms Control Agency. I feel it should be enacted now.

To quote from the bill, "an ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has

been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully." A new agency, specifically set up to formulate and carry out this country's policy on disarmament, could be of major importance in reaching this goal.

Establishment of an Arms Control Agency should in no sense be considered a sign of softness. It should not be taken as an indication that the United States would be gullible enough to disarm unilaterally in the face of Soviet threats. Quite to the contrary. What is sought is a buttressing of the means by which the Nation's security is assured.

The threat of a devastating war has produced pressing demands for discussing disarmament. To develop sound policies in this area we need adequate machinery for the evaluation of policy, for research into the many complex issues involved, and for the coordination of policies within the various Government agencies. While we have no alternative but to maintain our military strength, we need also to show our readiness to agree to a suitable relaxation of tensions.

There has been impressive testimony in favor of the bill now before us to create an Arms Control Agency. The bill has been carefully designed to achieve a specific purpose. It will authorize better machinery than we now have available to us. It will enable us to deal more competently, with more continuity and effectiveness with the complex, frustrating, and compellingly important subject of disarmament.

An Arms Control Agency would be useful, I believe, in helping to make such decisions as to whether or not the United States should halt, or resume, nuclear testing. It is apparent now that at the time we ceased testing not enough was known about methods of inspection and detection, so the Soviet Union may in fact have continued its own testing program since 1958. In other words the decision to suspend tests was not backed up by proper research. Had an agency such as we are now considering been functioning there might not have been a moratorium unless the Soviet Union first gave certain assurances.

Again, to what agency can the President now turn, when, as he did 2 weeks ago, he made his decision to resume testing? Were all factors, scientific, political, and psychological, taken into account so that this country's case would be stated in the proper manner? I do not mean that the President does not have final responsibility for a decision of this kind. Of course he does, and should. And yet an Arms Control Agency could have been of great value to him in weighing the pros and cons about resuming tests.

Let me take another example of the way in which the new Agency could be useful. Section 31(h) of the bill authorizes research into "the economic and political consequences of disarmament, including the problems of readjustment arising in industry and the reallocation of national resources."

The significance of this provision may not be fully appreciated on first reading. Nonetheless it could be of great significance should the time ever come when expenditures for military purposes could be significantly reduced. An agency specifically charged with responsibility for exploring this whole question and planning for the necessary readjustments could ease what otherwise could be a severe shock to the Nation's economy.

As a specific illustration, I should like to mention the recent decision of the Department of Defense to close a major military installation in my own district. Raritan Arsenal, with 2,600 employees, is to be closed down during a 3-year phaseout period. This is to occur in an area which had almost 9 percent unemployment at the time of announcement. In this case the Federal Government is assuming the responsibility for trying to ease the impact. But if the impact were widespread throughout the country the economic consequences might be disastrous. Planning ahead for such contingencies is surely of major importance.

It is significant that the urgent need for such an agency has been stressed by so many responsible officials from both the past and present administrations. These men have been primarily involved with the national security. Some have been key figures in the Defense Department. Others have been charged with important negotiating functions under the State Department. Not only did Deputy Secretary of Defense Gilpatric urge this step on behalf of the Defense Department, joined by General Lemnitzer, but also former Defense Secretary Gates urged passage now. Former Secretary of Defense Robert Lovett, former Defense Director of Research and Engineering York, and General Gruenther also submitted statements supporting this legislation.

Postponement, in my opinion, would be a grave mistake. Probably there will never be an ideal time to consider an issue of this kind. On the contrary, the world situation, being what it is now, may be a wise time for this country to improve its disarmament machinery. Everyone who testified stressed the importance, from both a military and a foreign affairs viewpoint, of a focus within Government for intelligent policymaking in this field.

This bill will enable us to obtain the key people whose continuous judgment we need in this area. The need for such people is great, and will continue for an indefinite period. Just as surely as I am standing here today we will be discussing arms control and disarmament in the U.N. tomorrow, and negotiating about it again in the near future. We must be prepared to talk and negotiate competently. We must be able to arrive quickly at sound conclusions on disarmament proposals which other nations may submit. That is why the need is immediate and serious.

As Henry Cabot Lodge, former Ambassador to the United Nations, stated before the Foreign Affairs Committee:

> Let me also recall my preceding statement that this proposed Disarmament Agency could, by bringing about greater unity within the U.S. Government, advance the unity within the U.S. Government, advance the unity of the free peoples. It is easy to imagine, when you see the paper this morning, that a crisis will arise over Berlin which will increase the need and the desire for interallied unity to a degree greater than we have ever dreamed to be conceivable. This possibility makes the present a particularly appropriate time to create this new Agency, which will greatly improve the decisionmaking capacity of the Government, and thus will put the United States in a better position to advance with other free nations toward free world unity.

As Secretary Rusk stated:

> The Berlin crisis brings into sharp focus the need for this Agency and the urgency of the task.

This view was echoed by Secretary Gilpatric in saying:

> I believe in a time of crisis and of great military strength on both sides it is important that more attention be given to the latter two of these ways of improving U.S. security; namely, to arms reduction and to arms control.

Witnesses were in general agreement on the immediate need for a new agency, the basic purpose of which will be to design sound proposals in this area. Only thus can we improve this country's effectiveness in dealing with Soviet negotiating tactics. We must not ignore the need for improving our governmental machinery, and the skilled men whose minds can contribute so much, because of the Berlin crisis. We must keep in mind that the gathering of an effective organization requires time. We must remember also that even more time will be needed to do the research which may be required to develop sound inspection and control systems.

Dr. Herbert York, who was Defense Research and Development Director under President Eisenhower, had this to say to the Senate Foreign Relations Committee:

> The practical fact is, in my opinion, that we should have established such an organization several years ago, at the very least.

The phrase "long overdue" was used by Secretary Lovett. Such negotiators as the Honorable Frederick Eaton and the Honorable James Wadsworth were even more detailed in expressing this attitude.

It seems to me that those expressing concern that the crisis in Berlin requires postponement of congressional consideration of this problem are mistaken. They are doing exactly what I am sure they would decry. They are simply reacting to Soviet pressure.

Given the Berlin crisis, I myself am confident that our own people and our allies, and indeed the neutrals also, expect us to behave wisely with our strength. I believe also that by creating this Agency which we admittedly need, we reassure the world of our peaceful purposes. I would not for one minute suggest the creation of a new Agency simply to secure a propaganda victory, or to make a shallow gesture for support in the U.N. next month. But given the real need for the Agency it would be sheer stupidity to delay its creation and throw away those beneficial public effects.

Mr. HAYS. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Chairman, I want to comment briefly on only two aspects of this bill, and thereby join with my colleagues who have already commented somewhat on other points; namely, the need for such an agency, and the need for such an agency now.

Mr. Chairman, I do not believe it is necessary to go into detail to demonstrate to the House that we already have been lax in our arms control and disarmament research. Anyone acquainted with the problem is well aware of the inadequacies. However, the words of a few people who are eminently qualified to testify to this may be useful.

Mr. Chairman, Frederick M. Eaton, who was appointed by President Eisenhower as the Ambassador of the United States to the Ten-Nation Conference on Comprehensive Disarmament, testified for the bill as follows:

> I believe it is crucial that the committee act favorably on this legislation at this time, even though international tensions do not make negotiations with the Soviets particularly propitious.

He further stated:

> The executive branch has never been adequately organized or staffed to handle the complicated problem of disarmament.

He goes on to say:

> From firsthand experience I know that extremely competent men are engaged in disarmament work in our Government. Their number is inadequate, their authority undefined, and their effectiveness severely limited by lack of any central direction.

Mr. Eaton is one man who was at "the end of the wire" waiting for instructions from the State Department which were never adequate. But he is not the only one who has testified to the need for this Agency. He has been joined by former President Eisenhower, Secretary of State Dean Rusk, former Secretary of State Christian Herter, Deputy Secretary of Defense Roswell Gilpatric, former Secretary of Defense Robert Lovett, former Secretary of Defense Thomas Gates, Gen. Lyman Lemnitzer, Chairman of the Joint Chiefs of Staff, General Gruenther, and many other renowned men who have looked into this problem.

Mr. Chairman, clearly the issue is neither partisan nor political. Statesmen, politicians and military leaders have volunteered their opinions that we have not done enough and we must do more. In fact, the man who wrote this bill—Mr. John J. McCloy—is a man who is both statesman and experienced in the military.

Let anyone who says we do not need this Agency look further into the question himself—or ask those respected and eminent Americans who have investigated the question. I believe the only informed answer is that we have not been doing our disarmament and our arms control homework.

A second problem immediately arises: Even if it is admitted that we have not been doing our disarmament research, some would say that there is absolutely no point in it anyway. Frankly, I do not understand this sort of fatalism. My belief is that there is one common ground which all men share. We know that we have the ability to destroy each other. Humankind now knows that war would be not only disastrous for the participants but for the unwarring as well. And for this reason, everyone has an interest in what Gen. Douglas MacArthur recently called "the blunt truth that the further evolution of civilization cannot take place until global war is abolished." The general was not talking merely about arms control. To come to terms on even the most modest control measures, we need solid research and hard work. This means an agency which can do the job right.

Some have said that even though it is clear that we need this Agency—we do not want to establish it now, in the midst of the present crisis.

Others have testified to the need at the moment.

John J. McCloy has said:

> There are incidents in the arms race that do create a certain instability and * * * it is imperative of statesmen to * * * bring the best talents to bear that we know how to find and produce to cope with this problem.

When asked specifically whether the moment was opportune, Thomas Gates, Deputy Secretary of Defense, said:

> When you are engaged in a cold war with an adversary who has unchanged objectives for world domination, there is never going to be a good time. We are going to live with crises, depending on what kind of tactics our adversaries want to use.
>
> I think it is a good time under stress to assert our moral responsibilities and to stand up for our long-term principles for peace and world law and justice, and I take some comfort in the fact that we can do so from a position of great strength, both political and military, today.

And he goes on to say:

> So I think that timing is an asset, and the timing is good.

I would add only that the President is to speak to the U.N. within a week, presumably on the subject of disarmament as well as others. Passing this bill would be a great asset to him and it would be a concrete demonstration of our concern with disarmament.

So I believe that there is a great need for this agency and a need for it now.

Mrs. BOLTON. Mr. Chairman, I yield such time as he may need to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, I introduced a companion bill. I strongly favor the bill before us today.

As I rise today in support of this bill, I am very conscious of the rapid advance which man has made in order to bring about his own destruction. The consequences of fission and fusion have led to a revolution in scientific thinking and practice which still has a good way to go, but it is clear enough already that our civilization can be destroyed overnight if ever these great forces are released for our destruction, to remove this debilitating and constant threat is one of the great demands on statesmen today—and so it should be—providing that our natural desires to make progress are tempered with an understanding of the harsh practicalities of the world situation in which we find ourselves.

The case for a disarmament agency is simple, and in my belief, unquestionable. Negotiations on disarmament and related subjects are among the key diplomatic matters of the future; and as a world power, we should be as expertly prepared as possible for any negotiations. In the past, America's efforts in this field have been hampered by the lack of specific organization and the resources needed to prepare adequately for negotiations and to prosecute our interest in them. Unfortunately for us, the essential political and scientific research in this area has been retarded by the absence of such concentrated and coordinated activity and, as a result, during a period of over 15 years, this major aspect of our foreign policy is being dealt with by scattered, uncoordinated groups at many different levels all over the Nation. This is an impossible situation for the United States to find itself in, for if we are to competently meet the challenge of our adversaries when negotiations take place, we must be as expertly prepared as possible. I shudder to think how inadequately equipped we have been on arrival at the international conference table during these years and I want to impress upon my colleagues the remarks made by Arthur Dean, one of America's current disarmament negotiators when he recently pointed out that since 1945, at least 19 different people have had the responsibility for our disarmament negotiations. Do we realize the full significance of this, I wonder? It means that there has been a change, on an average, every 10 months in the individual responsible for this major category of U.S. foreign policy. The result has been lack of continuity, lack of expert advice, lack of research, and a general lack of information that hurt the United States when negotiations were undertaken.

I submit that the complexities of this problem need sustained and dedicated attention if we are to realize the beginnings of progress. Hence, there is a real necessity for an agency to focus its attention solely on disarmament and related subjects—an agency with no other responsibilities to divert it from this vital concern. This Agency whose establishment we are contemplating today, would be independent of the regular bureaus and channels of the Department of State, but its head would report to the Secretary of State and the President. This arrangement would assure that disarmament affairs were closely coordinated and integrated at all times with the related facets of our dealings with other nations and international institutions.

Some have contended that an agency of this nature would only foster the making of concessions by this country to its adversaries. I submit that this criticism misses the point entirely. It would strengthen the hand of the United States by giving our Government the highest technical competence in the complex field of disarmament. We need such competence in the very interests of protecting our national security and

it would give us the advantage of knowing what we can safely do and what we cannot safely do. This knowledge has not always been available to us in the past. The administrator and staff of a disarmament agency would see to it that we are always adequately prepared for disarmament negotiations and meetings and make certain that our policies are given carefuly scrutiny to determine their proper relationship to the objective of the United States in strengthening the prospects and institutions of peace—to our commitments under the United Nations Charter and regional and bilateral agreements and to our long-held principle that arms reduction must always be accompanied by sufficient international inspection and control. As I see it, the Agency would have primary responsibility for all U.S. disarmament activities, including research and studies, policy formulation and coordination, international disarmament negotiations, public information, and the participation, along with other nations and international organizations, in the operation of any control system established by international agreement. A maximum of cooperation would be required on a mutual basis between the Agency and the Department of State, the Department of Defense, and other Government agencies to insure intimate collaboration so that in all of their activities U.S. disarmament policies would be kept continuously coordinated.

It is essential that the Agency be staffed with people of the highest caliber and competence recruited from both governmental agencies and outside sources. Throughout its history, this country has held an attraction to men and women who have felt that our free competitive society presented the required stimulant for the development of their talents. This has resulted in a society richly endowed with people well-qualified in technical, scientific, and visionary genius. I would hope that the President, in appointing the permanent advisory committee, will employ the best minds this country has available to advise and render judgment on any matter referred to it by the administrator. The Agency would issue reports to the Congress and in this way keep it regularly and currently informed regarding its functions and the extent of its success in making progress toward the goal of reducing the threat of war, curbing the arms race, and furthering the cause of peace.

If we are to give life to this Agency—and I very much hope that the Congress will do so—it must have the means to deal with all the aspects of the disarmament problem to which I have referred. It should not, for example, have to rely primarily on other agencies for the study and research on which disarmament and arms limitation proposals are based, but it should be able to request and contract for certain kinds of research from expert groups in other parts of the Government and in private institutions and industry.

To those people in this country who are afraid we may be accused of appeasement because we desire to establish a Government agency whose ultimate objective is the insurance of peace in the world, I would say this: When it comes to disarmament, no sign of weakness or appeasement is shown by having the courage to take the initiative and face one's adversary in negotiation. Far too many people are intimidated by the fear of being labeled appeasers if they dare raise their voices to challenge the everlasting sanctity of status quo. We must never allow ourselves to decide questions on life or death by epithets like appeasement. I certainly do not believe it is necessary to cut a jugular vein to prove we are virile people.

In closing my remarks, let me make one point more with which I am most concerned. It is this. It is the lack of understanding—the lack of information—on the part of the leaders and governments of the newly emergent nations which has led them to accept too readily the Soviet position. Further, I wonder if the absence of informed opinion in these areas is the only cause? I wonder if it is that some leaders are intimidated by the expansionist policies of the Soviet Union that they tend to equate the Soviet and United States position. It is certainly disappointing that at the Belgrade Conference, the nonalined countries did not take a more forthright stand against the atmospheric testing by the Soviet Union. Perhaps the answer lies in the weakness in our foreign policy in that everything we do tends to be directed toward the Soviet Union in an attempt to convince them of our sincerity, whereas there is a considerable area of opinion outside the Soviet bloc in which we can maximize our influence. I believe the very act of establishing a disarmament agency will have an encouraging impact upon the peoples of the world—it will put the United States in the forefront of the peacemakers and be living proof that as a nation we are ready and able to initiate serious and practical efforts to insure a more peaceful world.

In conclusion, I must stress that organization, machinery and competent people alone will not guarantee the success of the mission of this country to create lasting conditions of peace. But this mission is so vital that we must not hesitate to provide it with all possible means to encourage its success. Peace is worthy of no less than our best efforts.

Mrs. BOLTON. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. BARRY].

Mr. BARRY. Mr. Chairman, ever since the end of World War II the great powers have been searching for a formula for disarmament. In the interim, weapons have grown increasingly complex, and the difficulties of reaching a disarmament agreement have increased in proportion. One of the most exasperating aspects of the disarmament negotiations has been the on-again, off-again attitudes of the Soviets. At times they have appeared genuinely to seek areas of agreement. At other times they have been bitter, sarcastic, and recalcitrant. More than once, when agreement has appeared imminent, they have dashed Western hopes. But in all this time the West has been learning, learning about the possibilities of inspection and control, and our proposals have improved to the point where the U.S.S.R. often loses the world opinion battle on disarmament.

Disarmament, or more accurately arms control, has several phases. There is the key question of inspection and control, which affects every aspect of the issue. Then there are the questions of general disarmament, of conventional arms limitation, of safeguards against surprise attack, of the cessation of nuclear weapons tests, of the control of outer space, and of regional disarmament. Our basic disagreements with the Soviets are on inspection and control and on whether disarmament should be a step-by-step process or an overnight affair.

Ever since it offered the Baruch plan of 1946, the United States has stood for strict inspection to insure compliance by signatories to any arms limitation agreement, under an international control agency, while the Soviet Union has exhibited a continuing reluctance to agree to real inspection. It is true that once or twice the Soviet Union appeared to accept the Western position on inspection, only to back off when their position was proved, claiming that inspection was nothing but a plot by the Western World to get spies into the Soviet Union.

Insofar as general disarmament is concerned—that is, plans for combining conventional and nuclear features—the Soviet Union is now proceeding on the basis of Khrushchev's "general and complete disarmament" formula, the kind of proposition the Soviets love to put forward, since it involves a minimum of detail and a maximum of propaganda appeal. The West has advanced a sensible and comprehensive disarmament plan, one that would provide for adequate controls to see that every step was faithfully carried out. In the wake of the abortive summit conference in Geneva in May 1960, the Russians walked out of the Ten-Nation Disarmament Conference, however, and then at the United Nations session last year they followed up Mr. Khrushchev's shoe pounding with a disarmament plan linked to the troika idea, whereby a three-man directorate would be substituted for the Secretary General. They have made a very crucial decision, that no man can be truly neutral. This rendered their proposal wholly unacceptable, and since that time formal discussions on general disarmament have been in abeyance.

I would hope that within the next few days Russia could bury the hatchet enough to join with peace-loving people all over the world in selecting a Secretary General to take the place of Dag Hammarskjold.

In the matter of reduction of conventional forces the West insists on measures of verification which are more stringent than those the Soviets profess to be satisfied with. The Soviet Union has linked substantive disarmament measures to the prevention of surprise attack, while the United States feels safety against surprise attack lies in

aerial reconnaissance and inspection of the weapons by which surprise attack might be launched.

Perhaps the greatest disappointment of all has been the outcome of the almost 3 years of interrupted conferences on a nuclear test ban. Agreement seemed so close. In March our new negotiating team went back to Geneva with seven concessions to the Soviet point of view, only to be met by a new demand for the troika, the three-headed inspectorate, despite the fact that they had previously agreed to a single administrator for the control agency. This plan would impose a Soviet veto upon the launching of any investigation of a seismic disturbance. Nevertheless, we walked the extra mile. We came back with new proposals, and were answered by the Soviet announcement that they were resuming nuclear testing. This compelled us, for our own security to resume U.S. testing, though our tests are underground and carry with them no danger of fallout. Even then we made one more proposal to the Soviets, asking for a ban on atmospheric tests. No inspection machinery would be necessary as with our present detection devices we can accurately determine whether or not there has been a test anywhere in the world down to quite a small bomb.

During all this time our proposals have become more and more effective as we have learned more about the technological problems of arms control. It has been increasingly difficult for the U.S.S.R. to talk its way out of accepting our offers. Nonetheless, there is much to be done in the study of arms control. We must have our position on disarmament researched in even greater depth. We need to be prepared for the twists and turns of the Soviet line. It should not be necessary for our negotiators to return to Washington for instructions every time the U.S.S.R. proposes something new. A disarmament agency, working full time on the immensely complex and challenging problems posed by arms control, should enable this Government to anticipate and counter both genuine Soviet initiatives and continuing Soviet obstructionism. Moreover, the more we develop our understanding of the extremely complex problems of disarmament, the greater degree of unanimity we can expect among the Western powers and this, of course, will put us in a much better bargaining position as to the U.S.S.R.

In addition, there is the respect we will gain by being the only Government in the world with a bureau devoted to the full-time study of the problems of disarmament. It will not be easy for Soviet propaganda to counter this evidence of genuine concern for the future of arms control in the world. It would go far toward discrediting the impression that the Soviet Union is the champion of the cause of peace which has been all too convincing abroad, where the complexities of the problem of disarmament are not always understood, and where the Soviet proposals of complete and immediate—though uninspected—disarmament are most appealing. It will help to put the Soviet Union in a position of having to prove its good faith.

Nor is the establishment of a disarmament agency inconsistent with the buildup of our military strength. The latter is necessary if negotiations with the Soviet Union are to have a chance of success. The U.S.S.R. will make no arms control agreement if they feel they can win by force of arms. It is certainly commensurate with our highest interests to search out the paths to peace, and continue to press for them. The benefits to mankind, and to the advancement of the cause of democracy, which would result from the creation of the Disarmament Agency would be immense.

Mrs. BOLTON. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. FINDLEY].

Mr. FINDLEY. Mr. Chairman, arms control and disarmament are laudable goals, but in a period when we are actually at war with an international conspiracy, an accelerated effort to achieve these goals is at best confusing both at home and abroad.

I compliment the Foreign Affairs Committee for renaming the Agency "Arms Control" instead of "Disarmament." Unhappily, this action is unlikely to change the terminology in which the public speaks of this Agency. It was Disarmament in the papers last night, and it will be Disarmament tomorrow and next month.

I have received several letters from constituents urging support for this proposal. They are from sincere, thoughtful citizens who seek a way to reduce the awful tax burden of the armaments race, and to reduce, too, the hazard of nuclear war.

In my judgment, they overlook several important considerations.

First. You cannot do business with a crook like Khrushchev. To the Communists, words are but weapons of the cold war, to be used to suit their own ugly purposes. Even if Khrushchev signed an ironclad arms control agreement in his own blood, what would it amount to? Nothing. The Communists have broken almost every major agreement concluded since the end of World War II.

Second. Any plan for arms control must necessarily include Red China. Otherwise, the disarmed nations would be at the mercy of Red China. Are we ready to give the diplomatic recognition to Red China which would be required in order to enter into disarmament negotiations with that government? If we are unwilling to go that last essential mile, what is the purpose in starting?

Third. In this critical hour, the creation of a disarmament agency—or arms control, if you prefer, would cause dismay and confusion among our allies and among the so-called unalined nations. Coming on the heels of the unfortunate affair in Cuba, would it tend to give them confidence in our understanding of the Communist threat? Quite the contrary. It would cause them to wonder at a great nation which in this hour places such emphasis on signing one more worthless document with a bunch of international criminals.

Our time and money would be better spent trying to convince all the peoples of the world that the United States is alert to the Communist conspiracy, that we will not yield an inch of free territory to Khrushchev, and we are determined to have the military, moral, and spiritual resources with which to meet the Communist threat whenever and wherever it may appear.

Our need in this hour is not for arms control or for arms reduction, but for superior weapons backed by firmness in the right.

The CHAIRMAN. In order to equalize the time, the Chair recognizes the gentlewoman from Ohio since she has 32 minutes remaining and the gentleman from Pennsylvania [Mr. MORGAN] has 27 minutes remaining.

Mrs. BOLTON. I thank the Chairman.

Mr. Chairman, at this time I yield 5 minutes to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Chairman, I am particularly privileged to rise in support of H.R. 9118 because of my strong conviction of the need for this legislation and my close identity with it.

Ever since I came to Congress I have been concerned with the need for organizing machinery in our Government for the purpose of planning and studying means for achieving a peaceful world.

During the 86th Congress I sponsored H.R. 11676 to establish a National Peace Agency. On January 25 of this year, in the spirit of bipartisanship, I joined with the distinguished gentleman from Wisconsin [Mr. KASTENMEIER] in introducing similar legislation, H.R. 3282. In April of this year, following considerable deliberation to perfect the legislation, a new bill was drafted in cooperation with the administration and the President's adviser on disarmament, Mr. McCloy.

I was privileged to join the able chairman of the Foreign Affairs Committee and Mr. KASTENMEIER, who has done such an effective job in this field, in the early sponsorship of the bill. This is the same legislation which has now won over 70 sponsors, representing both sides of the aisle. This, Mr. Speaker, is what we can truly call nonpartisanship in the Nation's interest. This has been further evidenced by the strong advocacy of this bill by the President and by former President Eisenhower, as well as by national leaders of both parties.

The legislation now under consideration provides for the establishment of an advisory council appointed by the President, research on economic impact of disarmament, training of personnel for control functions, and annual reports of Congress.

All of these provisions are in response to the vast need, which many of us felt, for a focal point of effort within the Government to design ways by which we might achieve a more stable and peaceful world. In general, there has been a necessity for hard facts before we could build a sensible policy on disarmament and other related world issues.

The legislation that you are now considering today would serve all of the

functions of the earlier proposals I mentioned with one important improvement—that the Director of the proposed Agency shall report both to the Secretary of State and to the President, and this provision in the bill assures that the results of the research and study carried out by this new agency and the policies resulting from its work will have a practical day-to-day impact upon our constant negotiations concerning this matter.

In view of the primary jurisdiction of the Secretary of State over negotiations, it is essential that the Director be responsible to the Secretary in this regard, and, therefore, section 34 of this bill emphasizes such a relationship. The same emphasis is placed upon the relationship of the Director to the Secretary in section 34(b), providing information to the USIA with respect to disarmament as it affects our foreign information program. But in the last analysis only the President can coordinate research and development in this field as it affects other agencies of the Government, and only the President can make the final decisions affecting disarmament, decision which would, in effect, create national policy. Therefore, it seems to me a practical necessity that the Director serve as the principal adviser to the President on disarmament matters, and provision for this is made in section 22 of the bill.

I understand from the committee testimony of my distinguished colleague, the able gentleman from Minnesota [Mr. JUDD] that a similar right to go to the President, enjoyed by the Director of the Economic Cooperation Administration, was essential and highly effective in permitting him to carry out the duties of that office in the late 1940's.

The Agency will participate in the formulation of overall policy in areas related to disarmament, such as basic national security policy, strengthening of the peace-maintaining machinery of international institutions, and procedures for the settlement of international disputes and the reduction of tensions among nations. Here are the things the Agency will be responsible for: First, the conduct, support, and coordination of research for disarmament policy formulation; second, the preparation for and direction of U.S. participation in international negotiations in the disarmament field; third, dissemination and coordination of public information concerning disarmament; and fourth, the preparation and operation of any international control system that might become part of the U.S. disarmament activity.

Mr. Chairman, again I emphasize my support for this legislation, not simply because it will permit us to deal with this acute problem more effectively but because it offers hope in the years ahead that we may be able to advise a practical program to end the arms race, to reduce tension, and to begin to create a more rational and safer world.

In his inaugural address, President Kennedy said, "Man holds in his mortal hand the power to abolish all forms of human life." The sensitive situation in the world today, with scientific know-how tied so closely to international tensions, the chance of an accidental war being brought on by the mistaken use of nuclear weapons is very great.

If the arms race continues at the pace it is going, I can see nothing short of total destruction for civilization. The only answer is U.S. leadership toward world disarmament. The agency proposed by this bill would be the focal point for such action. This does more, Mr. Chairman, than anything else we could possibly do to gain the respect and allegiance of the peoples of the world.

There are some who say this may not be the time for such legislation. In answer, I say that there can be no timetable for peace. Actually, however, there could be no better time than now. At this point, Mr. Khrushchev has overplayed his hand. Russia's massive resumption of the tests has had a boomerang effect and has disgusted all decent humans throughout the world. What better time to convince the world that we are a peaceful nation and that we are doing something about it in contrast to the Russian sloganism concept.

Russia's greatest conquests thus far have been psychological. Let us think of the psychological effect such legislation as this—as well as the practical effect—will have.

None of us should minimize the need for such firm determination to meet the current crisis and the similar crisis which we may expect to follow. To consider the massing of arms and to continue to use them as our only hope for the future would be to fail in our fundamental duty as legislators to plan wisely for a more hopeful tomorrow.

Mr. Chairman, I heartily and urgently appeal for the approval of this legislation. I reiterate, the need for it could not be greater than at this most critical moment.

Our action here today will serve notice on the world that America means what it says about peace; that our deeds back up our words; that we have effectuated meaningful permanent machinery to strive for this goal; that as much as we are prepared to meet the threat of war, we are fully prepared to meet the challenge of peace.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. JOHNSON].

Mr. JOHNSON of Maryland. Mr. Chairman, all the peace-loving people of the world are looking for one thing, and that is what we are discussing today, ultimate peace. We cannot just hope toward that end; it is something that we have to work for, and I am happy to state that we are in unity, both Democrats and Republicans, in joining our efforts toward that final end.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Maryland. I yield.

Mr. HALEY. I would like to have the gentleman tell me just exactly what powers this bill confers on the President of the United States that he does not now have; I think that is important.

Mr. JOHNSON of Maryland. At the present time, the Agency, as established in September, the USDA is merely an agency under the State Department. It has no power other than that given by the State Department, with no direct access to the President.

The bill before us will give statutory status to the Agency. U.S. disarmament efforts in the past have suffered from lack of expert advice, lack of research support, lack of adequate preparation, and lack of coordination.

To answer the gentleman, it does give statutory status and some semblance of permanency and authority to an agency which is recognized as a needed organization to meet the great challenge of nuclear catastrophe.

Mr. HALEY. I thank the gentleman.

Mr. JOHNSON of Maryland. I would like to state that since World War II we have had 70 international discussions toward peace. We know that in those conferences we have not had the leadership, we have not had the means of research, nor the information to intelligently participate in these international meetings. It is hoped that through the medium of this bill, having statutory status, such an agency would put the United States in the forefront of the peacemakers. I feel that America should be the leader not only in the great fight against the cold war, but should be the leader toward world peace.

I believe, Mr. Chairman, that the neutral nations and the smaller countries look to the United States for leadership. And I am afraid in the past America has failed to give the leadership that is expected of as great a country as ours. Through this Agency it would be the first comparable Agency at this level of government in the world.

May I say, that action on this important measure is timely. We have been branded by the Russians as a warmonger, that we are the ones that are advocating war. There are neutral countries that have taken the position that Mr. Khrushchev is correct in his statement. If nothing more, the measure before us, when enacted, would show to those friendly countries that we are peace loving, that we have for our aim living under God in a peaceful world.

Unfortunately the original title of the bill is somewhat a misnomer in that part of the public looks on this as solely a disarmament bill. Certainly at this time of grave crisis, we do not intend to disarm when such a course will endanger our security.

There is nothing new in this program. This is a continuation of an agency that has been in existence for some years under both Republican and Democratic administrations.

Mr. Chairman, I realize that disarmament is not just around the corner, but believe by giving statutory recognition to this Agency we can go forward and build for tomorrow some semblance of peace in the world what is needed.

U.S. ARMS CONTROL AGENCY

Mr. JOHNSON of Maryland. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS], may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BRADEMAS. Mr. Chairman, I am glad to rise in support of H.R. 9118, a bill to establish a U.S. Arms Control Agency.

This legislation has received strong and widespread support from many distinguished American citizens of both political parties. President Kennedy has urged that Congress pass the bill at this session. Former President Eisenhower has given it his warm endorsement. Secretary of State Dean Rusk and his predecessor, Christian Herter; U.S. Ambassador to the United Nations Adlai E. Stevenson and his predecessor, Henry Cabot Lodge; Presidential Disarmament Adviser John J. McCloy; the Chairman of the Joint Chiefs of Staff, Gen. Lyman L. Lemnitzer, and other high officials of the Defense Department of both the present and past administrations; and former NATO commander, Gen. Alfred M. Gruenther have all strongly endorsed this legislation.

Recently the distinguished President of the University of Notre Dame, in my congressional district, the Reverend Theodore M. Hesburgh, C.S.C., wrote a letter to Senator HUBERT H. HUMPHREY, giving his strong support to this bill.

Mr. Chairman, one of the best statements I have seen in support of the establishment of an arms control agency is the following editorial from the South Bend (Ind.) Tribune of August 16, 1961, which I ask unanimous consent to include at this point in the RECORD:

[From the South Bend (Ind.) Tribune, Aug. 16, 1961]

SEARCH MUST GO ON

If President Kennedy has his way, Congress will in its current session create a national peace agency bearing the formal title of the U.S. Disarmament Agency for World Peace and Security. It would have top-level responsibility for all U.S. disarmament activities. It would be semi-independent, under the direction of the President and Secretary of State.

Whether this new approach will be any more successful than previous efforts to start the ball rolling toward practical disarmament remains to be seen. There can be no doubt, however, over the question of whether this is the time for continued action along this line or whether further efforts aimed at disarmament should be abandoned until things quiet down on the international scene. The United States must champion the cause of disarmament at all times, even when it is beefing up militarily as it is now to face a potential emergency.

Democrats and Republicans are in agreement on this.

The proposed Agency, in fact, would supersede one set up last September by President Eisenhower as a division of the Department of State. It would have a staff at least three times the size of the Eisenhower Disarmament Administration staff and, if President Kennedy's proposal is approved, have $6 million to work with compared with $800,000 as the yearly budget of the Disarmament Administration.

The presence of the Agency is intended to make certain that research on inspection and detection systems and all political, military, and economic aspects of disarmament continue on a planned and orderly basis. This is intended to guarantee that workable disarmament plans could be ready at any moment that tensions have eased or there is evidence of possibility of reaching substantial international agreements.

There is, of course, little if any evidence to indicate that a breakthrough may be forthcoming on the disarmament horizon. The Soviet Union and the West are poles apart on even a treaty to ban further nuclear weapons tests. And the Russians walked out on the Ten-Nation Disarmament Conference at Geneva. Red China, meanwhile, stands in the wings trumpeting the inevitability of war between capitalist society and the Communist bloc.

Nevertheless, the United States must keep trying. To give up would only encourage the Reds to crank up to a new high pitch their propaganda that the United States-led free world is a warmonger in peace's clothing. Somehow we must seize the initiative and hold it.

Mr. Chairman, if we are to move in the direction of an enduring peace, we must maintain a strong defense, on the one hand, and we must work toward an effective control of arms, on the other. Obviously, unilateral disarmament is no solution to the problem of war but would only invite intensified Communist aggression. If we mean business about negotiating soundly based and effective agreements to control arms, however, we must pay more attention to the highly complex and technical problems that are inevitably involved in this field.

The establishment of a U.S. Control Agency would not only make clear to the peoples of the world that we in the United States are genuine in our desire for peace and that we do not wish to see our planet plunged into the horrors of nuclear war. The establishment of this Agency will also enable us to get down to the practical business of getting the best information possible on the control of armaments and to study its implications for our foreign and defense policy.

Mr. Chairman, the Agency to be established by this legislation will prove a valuable contribution to the security of our country as well as an essential instrument for the forging of a peaceful world. I am glad to give H.R. 9118 my strong support.

Mrs. BOLTON. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. ROUSSELOT].

Mr. ROUSSELOT. Mr. Chairman, I rise in opposition to the bill, H.R. 9118, now before us, which would establish a U.S. Disarmament and Arms Control Agency.

My reasons for objecting to this bill do not take into account my strong feeling that there is a great need to begin to reduce armaments. That this need exists cannot be denied. My reasons are based on the conviction that we cannot afford to even consider disarmament when our mortal enemy, the international Communist conspiracy, devotes full time to massing armaments and armed forces for our ultimate destruction.

None of us would throw away our rifles if we lived with our families in remote and wooded jungle areas in the deepest heart of Africa where the health and welfare of our families could be imperiled at any moment by attacks of savages. I think there is a similarity between this kind of situation and the one by which we are faced today.

So again I say I am opposed to this legislation, not because I am against peace—as a matter of fact, I am one of its strongest advocates—but because we cannot afford to run the risk of weakening our position by even discussing this subject while our mortal enemy, the Communists, continue their massive production and headlong direction toward increased armaments.

H.R. 9118 has several bad features which make it impossible for me to support it.

First. Section 34 of title III, entitled "Negotiations and Related Functions," gives the Director the power to "consult and communicate with or direct the consultation and communication with representatives of other nations or of international organizations and communicate in the name of the Secretary with diplomatic representatives of the United States in this country and abroad."

As I interpret this section, and apparently many others read it as I do, it means that the Director of the Agency would, in conjunction with the Secretary of State, be able to complete negotiations with international organizations which could well abridge the sovereign rights of our country to build armaments. It also could mean that we would allow this new Agency to negotiate away our rights as a sovereign people to establish military policies which are necessary to maintain the kind of armed capability that is presently needed to keep this country strong and free. In addition, we should maintain the right to determine our defense, independent of international intervention. If the international organizations that deal in the field of disarmament guaranteed us certain basic rights, that would be one thing; but they do not. As one Congressman, I refuse to vote for a bill that will permit any agency of the Federal Government to even have the remotest ability to deal away our right to maintain a vigorous Defense Establishment.

Second. Section 47 of title IV entitled "Transfer of Activities to Agency," provides as follows:

The President, by Executive order, may transfer to the Director [of the Arms Control Agency] any activities or facilities of any Government agency which relates primarily to disarmament. In connection with any such transfer the President under this section or other applicable authority provides for appropriate transfer of records, property, civilian personnel, and funds.

Although this section gives Congress 60 days in which to veto transfers which the section would allow, the fact is the real power of transfer would rest with the President. The President could order a transfer while Congress is not in session, thus making the transfer a fact before Congress can exercise its veto powers.

Major changes in the organization of the executive branch should be made and initiated by Congress. It is conceivable that this section would allow the President to move entire segments of the military to the Arms Control Agency. The transfer could be made so firm that Congress would have to accept it by acquiescence.

Third. I believe that psychological views apparent to the rest of the world resulting from the passage of this bill would indicate a definite letdown and

weakness on our part to defend vigorously not only ourselves but our allies and friends against the international Communist conspiracy. It is my view that the Communists would herald passage of this legislation as a major victory for peace—that is, on their terms—and that by even considering disarmament at a time when we need to maintain the offensive both militarily and psychologically, we will lose the confidence of the free world.

Fourth. We are presently spending nearly a million dollars annually on disarmament studies in the present Division of Arms Control. There is no sense to this proposal that we increase these expenditures by creating an agency with broad powers to deal away our sovereignty and ability to protect ourselves.

Fifth. In section 3 of title I entitled "Definitions," the term "disarmament" includes the phrase:

> Elimination of armed forces and armaments of all kinds under international agreement including the necessary steps taken under such an agreement to establish an effective system of international control.

I do not believe that we can look forward to the time in the near future or in the far future when we, as a nation, can afford to eliminate armed forces and armaments of all kinds. The definition under this act to include the word "elimination" is inappropriate. It would be like saying all policemen will no longer carry guns for the enforcement of law. To me this is a very bad feature.

Sixth. It is my belief that under title IV the Director of the Agency is delegated far too broad a scope of power which he could utilize without the concurrence of the President and the Secretary of State. This does not mean that he would not normally check with the President and Secretary of State, but this title does give him the authority to move in the direction of disarmament without proper checking from either the Congress or the President.

There are many other very undesirable features of this bill which would prevent Congress from exercising a check on actions of international agencies participating in the disarmament program outlined in the bill. For these reasons and several others, Mr. Chairman, I must rise in opposition to this loosely drawn legislation.

Mrs. BOLTON. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. ASHBROOK].

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Ohio.

Mr. BOW. I would like to say to the gentleman and members of the Committee that I sincerely hope in the balance of the debate somebody will discuss the bill before us and not the ideals. The ideals are all splendid, we all approve of them, but nobody has yet discussed this bill.

Mr. ASHBROOK. Mr. Chairman, the average reasonable mind might well suggest that we have done just about everything we can in honor do to go halfway—more than halfway—in the accomplishment of peace in our times. However, our national purpose today seems to be reflected more by a penchant toward conciliation, appeasement, and negotiation than in winning from our godless adversary, communism. I mention our foe because in most of these debates on this subject, Members of the House appear to be forgetting, first, our enemy; second, the record of Communist perfidy; third, the terrible Communist record of negotiations on disarmament, nuclear testing and anything which requires faith in word and honor in action.

From the start, the present administration has adopted a policy of civility toward the Communist conspiracy with the charitable but impractical idea that by treating the Russians and satellites as if they were civilized members of the community of nations, they would respond in kind. That policy has been bankrupt from the start and has seen Khrushchev meet concession with provocative advance, offer with abuse, weakness with a show of strength. That policy has been impractical and I fear that the proposal for the establishment of a U.S. Arms Control Agency will be likewise. One gets the distinct impression that the Kennedy administration looks with official horror upon the prospects of winning in this struggle with the Communists who are bent on our annihilation. The time to seriously consider disarmament is after the fall of or destruction of communism. We cannot wish this threat away.

A high-ranking member of the Kennedy team recently set the tone for this appeasing doctrine by rejecting the spirit which has always caused Americans to stand patriotically for their country and fight, if necessary, to prove the right. In a recent speech this leader of politicians if not leader of men referred to the minutemen, the Alamo, the winning of the West, and the charge up San Juan Hill as exhilarating adventures and added:

> But that was in the days of our youth, and we now live in a far more difficult and more dangerous world—a world in which we must come of age.

This approach to the lofty problems of the world represents the thinking of many who want the United States to "come of age." I cannot help but offer the thought that those who look upon these epic moments in our history as youthful impetuosity are already signaling an advanced cancer on our national body which means we have lost the courage to keep the faith of those who secured our heritage. How can we ever hope to win, how can we ever hope to encourage our allies that we mean business in this life and death struggle when we move in this conciliatory direction at a time when our unbending foe is moving in the direct opposite?

We have urged our NATO allies to increase their military effort. We have told our people that we must add $6 billion over and above the $40 billion contained in the original Federal budget to prepare ourselves for a war we may not want but which might be forced on us, for a war which will be headed off not by negotiation of this type, already shown fruitless, but in resolute strength of the type which is now so matter-of-factly disparaged. All history shows that power and a willingness to use it are the sine qua non which hold back tyrants and aggressors. Mr. Khrushchev knows that we have power. Our Cuban fiasco and the general lifelessness of our foreign policy during these past few months may have already given him confidence that he may justifiably doubt the President's willingness to use it. To add this further evidence of our national posture might be the crowning blow.

Am I saying that we should not constructively make efforts to control arms and continually work for world peace through mutual respect and law? Absolutely not. We must continue our efforts even though we know they are completely one sided. The point we need to make here is threefold: First, we do not need to prove to the world that we seek peace and a control of arms. Our entire history gives testimony to our good intentions. Our recent history, however, shows us as the uneasy guardian of the peace and we increasingly see doubts throughout the world as to whether we are winning the cold war, whether we have the fortitude or even the desire to win. Only the blindness of an enemy could envision America as the aggressor, the warmonger, and the threat to peace. We do not need an agency to underscore our preoccupation with peaceful pursuits. Second, we are not ill equipped with the tools to work for peace. Nor is this something new. Our Government is currently doing this without a super-agency or supra-agency and not even the sponsors can show that the enactment of this bill will make our efforts any more sincere, any more exhaustive, any more fruitful. Quite the opposite, it could well increase tensions and the prospect of war by showing weakness. Third, this Agency will in my judgment play completely into the hands of the one-worlders, the "I'd rather be Red than dead" boys and those who think that no sacrifice of sovereignty, honor, or principle is too great to make in pursuit of the illusive goal of peace. Judging by the past record of the State Department, this Agency might better be called the Surrender Agency.

The testimony is replete with evidence which indicates that this Agency may well be the back door for the one-worlders to accomplish their goal of the mandatory international world court, a repeal of the Connally reservation, and a subservience of American sovereignty to some superbody. It is also the back door to the recognition of Red China diplomatically. Charles S. Rhyme, former head of the American Bar Association, recently wrote this in a letter of support of this measure:

> I am certain that nations will not abandon the protections they now find in their arms until security is provided by another means. We should be first in looking for that other means. We cannot replace arms with nothing. We will get rid of arms only by replacing them with law rules and legal institutions plus a legally controlled international police force.

Pass this bill, set up this Agency and I predict you will see this international police force. Will it curb the Russians? No. Will it circumvent your individual rights and constitutional protections?

Unfortunately, I am sure the answer to this will be "Yes."

This Agency has been referred to as a "Peace Agency," as a "Disarmament Agency" and has ended up with a softer classification as "a U.S. Arms Control Agency." The broad powers which are delegated here make it entirely possible that these bureaucrats who head this Agency can negotiate with foreign nations, commit the United States to international agreement and circumvent the constitutional safeguards which give to the peoples' representatives control over this area. The language of the bill is so broad that this superagency can gain access to the atomic energy secrets and could well undercut the work of the Defense Department.

The most important single objection to the bill is this: By approving this bill, the administration will have an expression of intent from this body which will, in my judgment, encourage it to make broad advances toward world government.

The New York Times of August 17 carried a news story which suggested that the United States would propose to the United Nations a broad, new, comprehensive program to include worldwide disarmament, the increase of power of the World Court, and the setting up of a world police force. This would be a long step toward world government in the spirit of the U.N. Charter and could make the U.N. a world government. A world government at this time would be a world Socialist-Communist government and we should have nothing to do with it.

The time may come when reasonable minds may achieve a reasonable solution to the problem of world insecurity but we would only play into the Communists' hands at this time. Do you realize that world government could be the end of our constitutional rights? Do you realize that U.N. law and treaty law could well be over the law of the land? This would be no step forward but retrogression to slavery and absolute control of our lives. A strong America is the only hope for world peace and freedom throughout the world and we should be considering means of strengthening our country rather than weakening it.

Another leading member of the Kennedy team recently stated that a U.S. plan for disarmament should contain the following elements:

1. Complete disarmament of all nations rather than reduction or limitation of armaments.

2. Permanent world police force under international authority to forestall or suppress any breach of disarmament or other violation of world law.

3. As a part of the disarmament treaty, a world law, in constitutional and statutory form applicable not only to nations but also to individuals whose activities endanger international peace.

4. World judicial tribunals to interpret and apply this world law.

5. Extensive revision of the United Nations Charter which would include—

(a) Universal membership in the world organization.

(b) Revision of voting procedures to assure larger and more powerful nations having equitable voice and vote in one General Assembly with no veto.

(c) One development authority to administer economic and social council among underdeveloped nations of the world.

(d) Executives elected to this Assembly holding much the same relationship to the Assembly as the British Cabinet does to the House of Commons.

(e) Its own revenue system for the world organization to provide operating budgets to sustain the world police force, for the annual cost of operating the limited world organization outlined above, and for proposed development authority.

Now, just how stupid can we get? The first premise is fallacious—that we can get all nations to disarm. Russia does not have any intention to disarm and we should not believe this traitor nation if the Reds would say they were willing. Their plan has not changed from communism's inception—eventual subjugation of the world and the establishment of their brand of freedom and workers' paradise. In the first place, they will not disarm because it does not suit their objectives—objectives which those who are supporting this bill either fail to see or do not want to see. Second, how can you consider their disarmament while the uneasy tyrant over 800 million oppressed, captured people? The entire record of the Communists is one of lies, deceit, murder, and treachery which makes this gesture verge on the ridiculous. The real danger comes from the strong likelihood that we are foolish enough to proceed with a plan of the type described without Russian participation or based on their fraudulent promises.

In an age in which we find ourselves carrying on a reckless romance with socialist-internationalist theories which will do nothing, I fear, but destroy our hard-earned freedoms, I do not suppose many here in this Chamber today will find the statement of Patrick Henry germane at this time. However, to my way of thinking, he well answered our present deliberations in his historic speech to the Virginia House of Delegates, March 23, 1775, a time which, I might add, was equally critical in our Nation's history. He said:

It is vain, sir, to extenuate the matter. The gentleman may cry, peace! peace! But there is no peace. The war has actually begun. The next gale that sweeps from the north will bring to our ears the clash of resounding arms. Our brethren are already in the field. Why stand we here idle? What is it that the gentlemen wish? What would they have? Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God. I know not what course others may take; but as for me, give me liberty, or give me death.

I suggest that we will come closer to peace when our leadership displays a strength that gives neutral nations a meaningful choice in this cold war. I suggest that we are not in a popularity contest but a struggle with a foe whose purpose has been unswerving in its brief and bloody history. I suggest the idea that "we should be first" is bankrupt. We heard the same type of people suggest unilateral cessation of nuclear testing. We hear these same people suggesting unilateral disarmament on our part to encourage our foe to do likewise. I suggest that this bill is the avenue to internationalize this country "first" in the hopes that others will do likewise. Each of us truly hopes that we will see a day when all people can be secure in their individual freedom without a resort to war. Anyone who thinks that time is here now is blind to world events, to our Communist enemy's goals and policies and to the mortal danger of this country. I do not think we should follow the one-worlders' idea that we be "first" in conciliation, "first" in laying down our arms, "first" in submitting to the international control of some superbody. To be "first" in this would be the last of us.

An agency of this type would, in my opinion, be all we need for a national nervous breakdown. Loaded with bureaucrats of the type who readily put everyone's interest before that of the United States—and we already see this in the areas of our fiscal policy and our foreign economic and trade policies—they would cause us to resemble the brick mason who lays one brick with the right hand and removes two with the left hand. Again we see the same facade that covered the Peace Corps. High sounding in purpose, lofty in ideals, but with a foundation in quicksand. We are always told of the promise in these bills but never the danger. We were given the same platitudes at the time we adopted the reciprocal trade agreement, when we joined the United Nations, and, in fact, at the start of each and every frustrating disarmament conference.

A far more appropriate action at this time would be the adoption of House Joint Resolution 444, the "victory resolution" which would categorically state that we intend to defeat international communism. This resolution, introduced by my distinguished colleague from Indiana [Mr. BRUCE] is sound in every respect but of course makes too much sense to a State Department committed to concession, weakness, and bankrupt policies and they have voiced their opposition to it and similar resolutions. The world will be a far safer place when we assert leadership of the type which will signal the beginning of the end for Russian communism. Regardless of its motives, the proposal for a U.S. Arms Control Agency would not be a forward step. Combined with a resolute statement of our will and determination to win such as that embodied in House Joint Resolution 444, this proposal might have true promise. Standing alone, it is but one more indication of our weakness and national posture.

Mr. MORGAN. Mr. Chairman, I yield 4 minutes to the gentleman from Connecticut [Mr. MONAGAN].

Mr. MONAGAN. Mr. Chairman, I rise in support of H.R. 9118, and I am happy that the clarification of its purpose has been offered by the chairman and by the gentlewoman from Ohio and by other speakers to the effect that neither this bill nor the Agency it establishes is in any way an instrument of unilateral disarmament or an instrument of appeasement, but that these

constitute an attempt on the part of our Government, looking ahead to an opportune time as we have had opportune times in the past, to have negotiations and, above all, to have the knowledge and the information and the technical know-how to proceed with negotiations when the opportunity may arise.

Now, I think that there are specific things in the bill that are worthy of some comment, and in the brief time that I have I should like to point out some of them, because these are specific points of operation that this Agency would direct itself to. For example, on page 2 we find this language:

> It (this organization) must be able to carry out the following primary functions: (1) the conduct, support, and coordination of research for disarmament policy formulation.

As Mr. McCloy and others have pointed out, this is a very complicated and increasingly complicated field, and therefore there is the need that men of science and men of information get the facts that are necessary just to talk with people on the other side about this subject.

There is as set out in section 2 the "preparation for and direction of U.S. participation in international negotiations in the disarmament field" which is more or less the same thing.

Mr. Chairman, we have had, as the gentleman from Maryland [Mr. JOHNSON] has pointed out, some 70 meetings in an attempt to reach some agreement in this field. While it is true that present times appear not to be particularly appropriate for discussion, nevertheless we hope that at some time in the future there may be others. This section would permit a basis for those negotiations.

Section 3 concerns the dissemination and coordination of public information. I think, contrary to what some have said in this debate, that the public needs to be informed in the greatest possible detail about this subject.

No. 4, and finally, in this section has to do with the preparation for, operation of or participation in by the United States in such control system as may become a part of U.S. disarmament activities.

There is another section of this bill that is also specific in its delineation of the functions of this agency and I think it should be noticed. That is the section beginning on page 6, of the bill under Title III: Functions, that has to do with research. That sets forth specifically some of the operations and some of the functions that might be performed by such an agency. First of all is the detection of weapons. Paragraph (b) touches the techniques and systems of detecting nuclear tests. That is something, I might say parenthetically, which would have great importance at the present time. Section (c) concerns the study of expenditures by other countries for armaments. These and the other paragraphs under this section set out in detail the field of activity of the Agency and the Director under this legislation.

It is important, therefore, that we formalize this Agency that has been actually working for some time. While it is true that our efforts have not proven successful in the past, still contrary to others, I feel that this is no reason to stop trying and I look at this legislation as a guarantee that, while remaining strong, we leave no stone unturned in our national quest for lasting peace.

I should like to close with a quotation from the testimony of Mr. McCloy before our committee when he asked "Why talk about a disarmament bill at this time?" and answered "on the one hand, we are trying to build up our forces and maintain our strength, at the same time we talk about a disarmament agency and the necessity for having a bill by the Congress of the United States to give it this impetus at this time. The only thing I can say to that, and I think it is a complete answer, is this: I believe this situation in the world is so precarious today—there are these fires around, these dangers around—and this is the time, of all times, when we ought to be directing our attention to it.

Mrs. BOLTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, I should like to thank the distinguished gentlewoman from Ohio [Mrs. BOLTON], for this time.

Mr. Chairman, I support this measure. I came to this conclusion, however, only after the most profound examination and debate. When the proposal was first advanced for the establishment of an arms control agency as a separate agency in the governmental establishment, I immediately asked myself "Why do we need a separate agency for peacemaking and the promotion of peace?" Does not this leave the implication that all other agencies are engaged in warmaking? Every agency in the governmental establishment ought to have one goal in mind only: that of working toward arms control, disarmament, and peace, consistent with safety and good judgment. I was concerned that by implication and exclusion we so compartmentalize our foreign policy that we consider arms control as a subject apart from and independent of foreign policy.

The second question that I had related to the further dissipation and dilution of the powers of the Secretary of State as the chief lieutenant of the President under the Constitution as the person responsible for the conduct of foreign policy. If arms control and the waging of peace are not part of foreign policy, then our foreign policy is woefully inadequate.

Mr. Chairman, I finally concluded that legislation of this kind was eminently worthy of support, for several reasons. First, the business of arms control has become so complex and so technical that it is virtually impossible for any negotiator or diplomat to deal in this dangerous and complex area of foreign affairs, without having at his fingertips at all times a total knowledge of the techniques and scientific language that accompany the problem of arms control.

Our negotiator in Geneva, Mr. Arthur Dean, for example, has been required to master an entirely new language. He has had to merge his skills as a negotiator and a diplomat with the thinking and knowledge of a scientist. The Secretary of State has to be equipped to talk in terms of megatons and not just in the traditional language of diplomacy.

Therefore, Mr. Chairman, I concluded that it was necessary to give statutory authority and statutory status to this very important subject. The President and the Secretary of State must have the tools at hand which will enable them to deal with this subject.

Now, what about my second question—the dilution of the powers and responsibility of the Secretary of State? I am frank to say that I am disappointed that the Foreign Affairs Committee did not report out the Senate version of this bill. The Senate bill places the Arms Control Agency in the Department of State and the Director is made responsible directly to the Secretary of State, with power also to report directly to the President. The Senate bill thereby gives solid recognition to the principle that arms control is an aspect of and a function of foreign policy. If it is not, then our foreign policy is delinquent.

Mr. Chairman, I had considered offering amendments under the 5-minute rule to bring this aspect of this bill in line with the Senate bill, to put this Agency in the State Department and not diminish or dilute the powers of the Secretary of State as the principal peacemaker under the President. But on reconsideration I can see these amendments would be far too complex at this stage, and that too many changes to too many sections of the bill would be required at a time when the bill has troubles enough. But I hope that in conference the Senate version will emerge over this one.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman.

Mr. JUDD. It is also true to say that the armed services, the Pentagon, are an arm of our foreign policy. But surely the gentleman does not suggest that they be put under the Secretary of State?

Mr. LINDSAY. I will say to the gentleman that one of the things that worries me about this administration is the running of foreign policy out of the Pentagon instead of out of the State Department. That is my answer.

Mr. JUDD. I do not think it is an adequate answer. If what he says is true, this bill will help correct it. It enables the Secretary of State clearly to direct policy, but it does not tie him down to the day-to-day operations any more than he should be tied down to supervision of day-to-day operations of the Pentagon as it supports and carries out our foreign policy.

Mr. CURTIS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman.

Mr. CURTIS of Massachusetts. Mr. Chairman, with regard to putting this Agency in the Department of State, the Secretary of State himself testified on page 40 of the hearings that this Agency "should not be simply another bureau

in the Department of State." And Gen. Lucius D. Clay testified at page 32:

I do not believe, however, that this highly important subject is one which should be dealt with in a bureau of a department of the Government subjecting it to all the layers of authority which that involves.

I also suggest to the gentleman that this Agency is going to have to deal with other independent agencies, as provided in section 35 of the bill; and in order that it can deal with them on a footing of equality it also should have similar status.

The gentleman says he is not going to offer an amendment, so we may not have occasion to discuss this later. I therefore express the hope our conferees will stick very strongly to the House version in preference to the Senate version.

Mr. LINDSAY. As the gentleman knows, I respect his views, but under present circumstances I have seen too many instances where the powers of the Secretary of State have been diminished and where the subject of foreign policy has been removed from the area where it ought to be concentrated. That is why I adhere to my view that the Senate version is the better version.

Mr. MORGAN. Mr. Chairman, I yield such time as he may require to the gentleman from California [Mr. CLEM MILLER].

Mr. CLEM MILLER. Mr. Chairman, I rise in support of H.R. 9118. In spite of the gloomy prospects for world stability existing at the present time, it is an essential bill. In point of fact, the present situation makes such legislation all the more necessary. We are not prepared with the facts of disarmament and arms control. We must have them if we are to maintain our position when the occasion arises.

The fundamental problem of the bill lies in section 22. The greatest difficulty lies in how the authority for the work of disarmament shall be distributed. It is an integral part of the Department of State. Its orientation, direction, and policy must be meshed with overall departmental policy. At the same time, this work is of immediate and intimate concern to the Department of Defense, the Atomic Energy Commission, and the Department of Commerce. It must have the flexibility to coordinate with these other agencies of government.

Further, because world peace is the highest goal of our civilization, the decisions on disarmament must be always available directly to the President.

To accomplish all of this is most difficult. There is no convenient form of organization which will respond completely to the varying need.

It seems to me that H.R. 9118 performs this delicate task in the best terms available to us. There are those who would like to see the Agency completely independent. Those of us who worked on the original language of the bill leaned in this direction. There are others who would like to see disarmament a completely subordinate unit of the State Department or the Department of Defense. It is a tribute to all of those fundamentally interested in the most workable and yet most responsive form, that there was substantial agreement on section 22 of H.R. 9118.

For this reason, I am gratified to observe the wide support in this body for the bill, and for the bill in its present form. I have great hopes that it survives as it is now. I also hope that we on our side shall prevail when the bill goes to conference with the other body. It seems to me that the other body could not have fully comprehended the consequences of its action in modifying this section. I am sure that the logic of maintaining the Agency with semi-autonomous status will prevail. It is fully responsive to the Department of State, to the other departments of interest, and yet, with access to the President, its overriding obligations are fully recognized.

Mr. MORGAN. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Chairman, perhaps I could best use my time by yielding it to my Republican colleagues to continue their disagreement. However, in the spirit of bipartisanship, I seek agreement between both parties and the existing divisions therein.

I am interested in one of the points that was brought up in the debate earlier. I believe that the greatest problem that has entered into this debate is that of a misunderstanding of the intent of the bill. There are some who feel that this bill is based on an argument between defense and disarmament, which is really not the issue at all. I believe that we must remain strong and firm, and it would be unthinkable to enter into any unilateral contract of disarmament. But if the world is to enter into the next century, then the day must be anticipated when we will have a desire for multilateral disarmament.

I think that what this arms control agency will do, however, is to fortify our thinking when and if the day arrives when disarmament can be a matter that we can properly discuss. The complicated aspects and the complex nature of the disarmament issue, in my opinion, absolutely compel having a highly technical agency established that can evaluate any offers made by our adversaries and at the same time properly evaluate any concessions that we ourselves may enter into. All of this will require a thorough technical knowledge that is necessary in this highly complicated field of weaponry, rocketry, and missilery. The real issue of this bill, is whether or not we will have a highly complex agency that can handle all the technical ramifications of disarmament. There must be research, development of methods, countless details of detection, inspection, and control, as well as knowledge of our own Armed Forces so that we are not yielding any strength that we may possess and are not yielding anything that may be in the interest of national security.

Well-meaning negotiators who are appointed on an ad hoc basis may mean well, but unless they have a source of competent information at their fingertips they may well be jeopardizing our own security. So this bill is in the interest of our national security. I believe that we should desire peace, but our desire for peace should not be greater than our will to resist.

We daily recognize the increase in radioactivity in the atmosphere, so that war itself is not the great danger to humanity but the testing of the tools of war is daily endangering the possibility of continuing existence on this earth.

I believe further that we should demonstrate our willingness to exercise our responsibility to humanity by exerting every effort to preclude the carrying out of the suicide pact of another war. We should demonstrate our willingness to believe in the possibility as well as the desirability of peace. I strongly urge passage of this bill.

Mrs. BOLTON. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. Mr. Chairman, I rise in support of H.R. 9118. I am suffering under no delusions that we will enter into any type of disarmament in the near future. I have strongly supported the continual arming of our country to make sure we have an adequate defense. I think we need to be tough. I think passing this legislation is also being tough with our enemy so that we might know what should be done in studying the economic aspects of our arms expenditures and arms control of the future and that we might know and might be able to tell other countries what we will propose in the way of arms control in the event the present crisis should diminish and we might find a way to live together without war. I look at this as an opportunity by which we can continue to wage the cold war without turning to arms and weapons and actually fighting a war.

I think it is shortsighted if we think the only way we are going to push back the Communist influence is by the use of weapons. I think it was because of a lack of knowledge on our part that the Communist influence is spreading throughout the world as far as it has today. I look at that influence infiltrating any type of arms and armed might just as we saw in a movie, "The Ten Commandments," when the angel moved through the streets in Egypt to kill the first born of the Egyptians, no matter what kind of weapons the Egyptians had, we saw that cloud infiltrating through. This is the way the influence of the Communist ideology is infiltrating through the world right now. I think unless we know quite clearly how we are going to be able to detect nuclear tests and nuclear explosions, and unless we know through research what the economic effect of arms buildups and arms changes are going to be in this country and in other countries, we will be shortsighted. Unless we continue this kind of study so that we may know all the facts, we cannot negotiate effectively. Unless we know what we are doing, what the possibilities are, and what direction we are going, we will be shortsighted.

Mr. MORGAN. Mr. Chairman, I yield such time as he may require to the gentleman from North Carolina [Mr. KORNEGAY].

Mr. KORNEGAY. Mr. Chairman, I strongly and enthusiastically supported

the President's three separate requests to increase the budget for the Department of Defense when the appropriation bill for this purpose was before the House. It might appear at first glance that the approved program to increase our military strength and national preparedness, and the proposal to establish an arms control agency, are mutually exclusive propositions and that it might be inconsistent, if not downright hypocritical, to endorse and support both propositions. When we keep in mind, however, President Kennedy's words in his May 25 message to the Congress, and if we recall the temper of this House when we passed the increased Department of Defense budget—which, in my opinion, reflected the President's views—we will realize that there is no inconsistency and no hypocrisy in our supporting this, the first U.S. agency dealing with arms control to be given statutory status by action of the Congress.

Let me repeat the President's words:

> Our arms do not prepare for war. They are efforts to discourage and resist the adventures of others that could end in war. That is why it is consistent with these efforts that we continue to press for properly safeguarded disarmament measures.

Let us face it: in the past few years our military might has been far more effective than our diplomatic abilities in maintaining our position and world peace. In creating an arms control agency, we are placing an emphasis on and making an effort to improve our diplomacy in the cause of world peace that is long overdue.

It is relatively recently, in terms of years, that the United States has been catapulted into the position of world leadership as a result of our military might and potential, which were brought about almost overnight as a result of our capabilities to produce, our inventive genius, and our abilities for mass production. Now the time has come, if we are to be the true leaders of the free world and lead the way to avoidance of a catastrophic war, when we must realistically assess the failure on the part of our diplomatic efforts to attain this most desirable end. We must put forth every effort and exert every concentrative power on the developing of an effective diplomatic medium, such as this kind of agency, which should possess the ability, the trained and technical personnel, and the sufficient mandate to cope successfully with international problems at the conference table which concern the most basic of all problems which confront us, and that is, shall civilization as we now know it be wiped from the face of the earth, or shall we agree as nations to harness the awesome power of the atom for the advancement of man's welfare in a still more civilized world.

Such an agency as this would gain an enviable "first" for the United States, since it would be the first comparable agency at this level of government to be established in the world. When we review the postwar efforts and types of organizational structures set up to deal with the problem of arms control and attendant matters, we realize that from 1946 to the present we have, in a certain meaning of the phrase, been sending a boy to do a man's errand. This is not intended to minimize, in any way, the efforts of the individuals and organizations to do a first-rate job with the ammunition they had. The difficulty was that the ammunition was insufficient, that the organization lacked both sufficient stature and statute. This legislation is an effort to put peace on a par with preparedness, to have law rule instead of armed larceny, and to achieve world order instead of world chaos and confusion.

This new Agency, although small—it will operate on a budget far less than the cost of one missile—can set in motion an idea that may ring around the world and capture the imagination of people everywhere. It is a modest beginning, it is true, but as the mighty oak springs from the minute acorn, so may this small Agency, with proper backing and support, perform a great service to our Nation and the world in the years and generations which we hope and pray lie ahead.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota [Mr. KARTH] may extend his remarks at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KARTH. Mr. Chairman, I rise in support of H.R. 9118 the bill to establish a U.S. Arms Control Agency.

Today, more importantly than ever, it is imperative that people, all over the world carry the image of the United States as a peace-loving and a peace-seeking nation. It is only appropriate that this be recognized and known, for it is the indisputable truth.

Some well-meaning, serious-minded and unquestionably loyal Members will argue that the passage of this bill obviates a sign of weakness. Each time, they will point out, that we made super efforts to maintain our status as a peace-loving nation, we became embroiled in war. In World War I and World War II, our respective U.S. Presidents maintained we would not become engaged in the conflict. In spite of the oft-repeated position we were uncontrollably involved. It has therefore been claimed that our peace talk caused our involvement.

Mr. Chairman, those periods of history and our unwilling, but subsequent participation in war cannot be compared with the history of today. I should like to point out, that during the two great World Wars, while we were talking peace, we were not prepared for war. No one at that time cared whether we participated or not because of our lack of preparation and power. Today we speak for peace, but we have learned, Mr. Chairman, we are prepared for war. We are prepared not only to defend ourselves, but also we are prepared to defend free nations everywhere from aggression. Well have we learned to speak softly and carry the big stick. We are the greatest military power on earth. Everyone, including Mr. Khrushchev, should know that.

In conclusion Mr. Chairman, I submit, that if the great powers fail to seek the peace, then peace cannot possibly be ours. Then the only eventual outcome will be world devastation. And so we must be the leader in the universal quest for peace while remaining powerful to deter the aggressor whoever or wherever they be. This bill is a step in that direction.

Mr. MORGAN. Mr. Chairman, I now yield 3 minutes to the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Chairman and members of the committee, I wish I had more time. As you know, I am a member of the Committee on Armed Services, and in that capacity I have had the opportunity to become keenly aware during the last 3 years of some of the problems and requirements of our defense posture.

In addition to that, this year it was my good fortune to be invited to Columbia University's Arms Control Conference under the sponsorship of the American Assembly at Arden House in New York. You may recall that at my request, the assembly very kindly sent to all Members of the Congress a book which was published as a result of this conference, entitled "Arms Control: Issues for the Public."

Subsequently, it was my good fortune in July of this year to attend an international conference on the same subject in Switzerland. I sincerely hope Members of the House will be sent copies of any published results of this conference as well. There are two publications issued recently, which I understand we all have on our desks, and which I strongly urge you to read. These are the books which were authored by Mr. Arthur Hadley, "The Nation's Safety and Arms Control," and still another and more substantial volume edited by the distinguished MIT scientist, Dr. Donald Brennen, treating on the subject of arms control. If you can find time to read any of these books I have no doubt that the urgent need for this kind of legislation will be clearly understood.

Mr. Chairman, in these perilous times which we find ourselves living in today, there is no legislation more important than this bill to establish a U.S. Arms Control Agency to promote world peace and security.

In the limited time I have available, Mr. Chairman, there is one point in particular I would like to make. We are asking for arms control and disarmament which is verified and balanced. By balanced I am referring to strategic balance so that the stages of disarmament will not adversely affect the national security of the United States. Very careful study, indeed, is needed if we are to determine what constitutes such balance and how much room there is for error in any calculations which must be made. This function alone will require a highly experienced staff of strategic planning and weapons development experts; this function alone emphasizes the importance of the research function of this new Agency.

The control system and the means of inspection and verification of compli-

ance constitute an exceptionally difficult task. It is obvious that we must be reassured of such compliance for none of us would trust the Soviets in its absence. But adequate inspection of the Soviet land mass, its industry, its laboratories, and its people is not something we can plan with a panel of ad hoc experts in a 90-day period. This is an extremely complex industrial and scientific problem and we must have men of exceptional competence whose judgment we can trust.

I emphasize the importance of personnel because this Agency will be competing for these skilled persons with organizations such as the Rand and Mitre Corps., as well as colleges and industry, and I do not think that anything should be done which would cripple this Agency's ability to obtain the very best people available.

Mr. Chairman, this point was made very clear by James Killian, who served as Chairman of former President Eisenhower's Science Advisory Commission, and who is now Chairman of President Kennedy's Foreign International Advisory Board, when he said:

> We badly need an agency which is free of departmental commitments to provide the essential staff work and to coordinate the views of the several Government departments and agencies involved. Experience convinced me that no single existing department or agency of our Government is in a position to serve the President and the Congress in this way.
>
> I attach great importance to such an agency's being so planned that it is in a position to have access to the President so that he may have the direct benefit of its analysis, research and planning in dealing with the broad policy questions which are his responsibility.
>
> I urge, too, that the agency be so constituted that it can build a high-level staff and avail itself of highly competent consultants. The competence of its personnel should embrace all the elements involved—political, military, and technical. Only by achieving a proper combination of political, legal, military and technical factors, can a balanced approach to arms limitation be achieved. Only by such a balanced approach can we achieve the essential understanding to insure adequately safeguarded policies and plans.

Mr. Chairman, I do not need to emphasize the magnitude of the arms race confronting us today. When we note that every day over $330 million is spent on weapons—a figure which amounts to more than $120 billion per year, or the equivalent of the total income of the world's underdeveloped nations in 1957—the dimensions are obvious.

Mr. Chairman, recognizing these factors, I urge the Members of the House to approve this bill today; I urge them to approve it for arms control and ultimate disarmament are moral imperatives in a world fraught with tensions and an uneasy peace.

Mrs. BOLTON. Mr. Chairman, I yield the remainder of my time to the gentleman from Minnesota [Mr. JUDD].

The CHAIRMAN. The gentleman from Minnesota [Mr. JUDD] is recognized for 13 minutes.

Mr. JUDD. Mr. Chairman, the other day we had the Peace Corps bill before us. When that bill was first proposed, I was all for it, but the more I examined it, the more doubts I had about whether it would actually do what we know needs to be done. When this arms control bill was first proposed under the title disarmament bill, my first reaction was to be against it, but the more I studied it the more I became for it.

I had doubts about it because of the misrepresentations regarding it that I had heard and which I find have become current in our country. I had doubts about passing it right when we have got to be stronger and tougher than we have been. It might weaken our position vis-a-vis the Soviet Union to pass a bill to set up a so-called Disarmament Agency at the very time we are trying to convince Khrushchev that we will not yield on Berlin, and so on.

But I listened to all the testimony, and I must say that in all the years I have been here I have never heard more able and convincing statements before a committee than by the witnesses on this bill, consisting of distinguished and experienced officials of previous administrations and of this administration, eminent civilians volunteering to appear on behalf of this legislation because they believe it is so important.

Perhaps the best thing I could do would be to read parts, for example, of Secretary Rusk's statement beginning at page 43 of the hearings. After presenting his official written statement, he went ahead out of his heart to make an extemporaneous statement on our world situation and America's remarkable record of sincere efforts to get peace down through the years that was as comprehensive, as penetrating, as pertinent, and as moving as anything I have ever heard in Congress, in church, or anywhere else.

Former Secretary of Defense Gates came before us, and if I have time later I will read parts of his persuasive statement from the hearings. It begins on page 90. Remember, he has worked day and night for years to build up our military strength, yet he is convinced today that to approach this arms control effort in the right way from a position of strength can increase our security, not weaken it.

The concise statement by former Ambassador to the United Nations, Henry Cabot Lodge, of six or seven sharp reasons why and how this legislation would strengthen the position of the United States and its security in today's troubled world begins on page 59.

Please read also the testimony of General Lemnitzer, Chairman of the Joint Chiefs of Staff. He thinks this can help, not hurt, our efforts to protect our country and world peace.

Perhaps we can begin by saying what the legislation does not do. We have all had letters from some of the peace groups and from groups that are pinks or pro-Communist, urging passage of this legislation. Why? Because they thought it meant that we are going to throw our arms away. We have also had letters from patriotic groups, such as veterans' organizations, strongly opposing this legislation. Why? Because they thought it meant that the United States is going to throw its arms away. In both cases the views—for and against—were based on total misconceptions of the purpose and nature of the bill. This is not a bill for unilateral disarmament or for unilateral weakening of our defenses. We must make sure above all else that Mr. Khrushchev does not have such a misunderstanding and think this bill would mean we are going soft. We must make sure that our allies do not misunderstand and think we are going to weaken ourselves and not be able or willing to assist them in accordance with various pacts and agreements we have made with them for mutual defense.

Again, this bill does not set up an agency to operate outside the regular agencies dealing with this general problem: such as the State Department, the Defense Department, the Atomic Energy Commission, the Treasury Department, and so forth. Quite the contrary—that is what we have had in much of the past and which we want to correct. We have gone to disarmament conferences under 16 different chiefs since 1946. Their staffs were temporarily put together on an ad hoc basis. Some were in the State Department.

Others were outside it. It has been tried with an informal agency directly under the President, that is in the White House—getting its wires crossed with the regular departments and other agencies.

After all of these not-too-successful experiences, this is an attempt to put authority in one agency under the direction of the President and the Secretary of State so that we can make a comprehensive, correlated, better prepared, and therefore more effective effort in this field. Diplomacy is involved, science is involved, economics is involved, defense is involved. All of these are necessary components. They must all be used and correlated if we are going to have an intelligent, a respected, successful program in support of our own and world security through world control and reduction of arms. Since we have to work in this field, let us get ourselves into position to work competently.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Iowa.

Mr. GROSS. Well, now, there are others who have said this is an independent Agency. The gentleman says it is not.

Mr. JUDD. The answer is, look at the bill.

Mr. GROSS. I have looked at the bill. I would like to know whether it is or is not.

Mr. JUDD. It is a separate Agency under the direction of the President and the Secretary of State, but it is not within the State Department, because it must deal with so many factors and forces not managed by the State Department.

Mr. GROSS. So it is like all the rest of these organizations, it is under the Secretary of State.

Mr. JUDD. It is under the direction of the Secretary of State, but there is one absolutely essential proviso which enables the Director of this Agency, if he cannot get coordination of the various

agencies or cooperation of the Department of State, to go to the President himself, with the knowledge of the Secretary.

I would like to refer to our experience under the Marshall plan. The ECA Act as it was proposed to us in 1948 established the Economic Cooperative Administration as a separate agency, somewhat like this, but under the overall direction of the Secretary of State to make sure it carried out our foreign policy. The bill had a provision in it which gave the Secretary by statute the right to go to the President in case of any unresolved disagreements with the Administrator of the new ECA. Some of us said that if that was good one way, it ought to be good the other way too. So we reversed the names and provided that the ECA Administrator had the right to go to the President if he could not resolve any disagreements he had with the Secretary of State. Paul Hoffman told our committee later that without that authority, he never could have succeeded. He said he never had to use the authority, but the fact that everyone in the State Department, especially the lesser officials, knew he had by statute the right, with the knowledge of the Secretary, to go to the President, enabled him to get cooperation and results.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from New York.

Mr. LINDSAY. The gentleman knows that in the case of the ECA, after being kicked around all over the place, at one point being in State, at another being independent, they at long last discovered it should be reorganized and they now call it the Agency for International Development and put back under the Secretary of State because it is considered to be an arm of foreign policy.

Mr. JUDD. The ECA was set up as a separate agency and operated that way 4 years very successfully. The trouble developed when its status was changed and made unclear. I am still not sure its present location in State will solve its problems.

Look at the testimony of Mr. Lodge:

I believe the bill meets its prime purpose, which is to give the Director of the proposed Agency a clearly established right to go to the President. This is the very heart of the matter. We may as well face the fact that the man who occupies this post will have to step on a great many toes. There will always be sincere differences of view in the various agencies of Government on matters which are far reaching and which involve the most vital interests of the country. After the Director has exhausted the procedure of trying to compose the differences between the departments himself—which eventually he will in many instances—he must go up to the President, and I believe the bill makes this possible.

Mr. LINDSAY. Mr. Chairman, if the gentleman will yield further, if the gentleman will examine the bill voted out by the Senate, he will know that the Director has the right to go directly to the President. I do not quarrel with that.

Mr. JUDD. If you put an agency within a department, it does not have the authority or the stature to enable it to go to other departments or to bodies like the Atomic Energy Commission, as it must, and get real cooperation or coordination from them. If the Director is an Under Secretary or Assistant Secretary of State, he is an Under Secretary or an Assistant Secretary, and he does not have the authority and cannot hope to have adequate authority or influence—call it rank—to correlate the activities of others to whom he is inferior.

Mr. PILLION. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from New York.

Mr. PILLION. I think the gentleman will agree that the United States has been losing the cold war to the Soviet Communist conspiracy for the past 25 years until we have reached the point where we are endangered and are most worried about our survival. These losses throughout the world were not caused by our military inferiority or by war; they were caused solely by the pro-Communist attitudes that exist in the State Department. Whether we look at Berlin, the crisis in Berlin, which was a diplomatic fiasco and a diplomatic loss, or whether we look at the loss of Cuba, the takeover of Cuba, or look back at the continuous losses and pro-Communist attitudes of the State Department, does the gentleman now believe that the State Department is going to change its attitude? Does the gentleman entrust this important measure to the hands of the—I would not say "gentlemen"—people in the State Department?

Mr. JUDD. The first answer to the gentleman's question, insofar as I can give it, is that this bill does not put the Director of this Agency in the State Department.

I have great confidence in the present Secretary of State. I know that there are some within his Department who resist any change and have recommended policies all during the years that if we will just let down our friends, that will somehow convince our enemies that they ought to become our friends, so we can do the same to them.

Mr. PILLION. In consultation with our experts upon disarmament, this bill is not necessary. This bill will be reported throughout the world as a disarmament bill passed by the Congress, another sign of weakness, another sign of our willingness to surrender and retreat and give away Berlin. This is a bad time, a very bad time, to pass such a bill as this.

Mr. JUDD. It is your job and mine to tell the people here and abroad the truth, and make clear that it does not do that. Anybody who represents it asking what you have said is misleading people or has not taken the time to study it carefully. As I started to say earlier, this is not a unilateral disarmament bill. It is not to weaken our security, but an effort to strengthen our security and that of all free peoples. The arms race is here, the deadly weapons are here. Let us be in a position to deal with the problem competently and comprehensively and not on a more or less hit-or-miss basis as we have done in some 70 previous conferences.

It does not represent a change in national policy; it represents, we hope, an intelligent, constructive effort to pursue our national policy more successfully.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from New York.

Mr. BARRY. In answer to the previous question by the gentleman from New York [Mr. LINDSAY] in the colloquy between yourself and Secretary Rusk, which appears on page 50 of the hearings, the following colloquy occurred:

Mr. JUDD. Harold Stassen led a disarmament agency that was supposed to be under or a part of, or at least related with the State Department, but there obviously wasn't proper coordination either in policy or in day-to-day management. You think there is enough change in this setup to be able to avoid the difficulties that arose at that time?

Secretary RUSK. I do think this arrangement will be entirely workable. I would comment, however, that any arrangement will work only because we are in it and determined to make it work. I think this is something that we can move on with, with considerable competence.

I believe Mr. McCloy discussed with you yesterday this point, but the Disarmament Agency will be having some oversight functions on behalf of the President with respect to certain agencies and activities over which the Secretary of State himself does not have normal control, for example, in the research programs in the Department of Defense or the Atomic Energy Commission. So we think this arrangement by which the Secretary of State is in full direction of policy on behalf of the President and those aspects which are central to the functions of the Department of State, such as negotiations and guidance and information policy, will be clearly under the direction of the Secretary of State. The Director of the Disarmament Agency would carry out certain other coordinating functions in effect on direct authority of the President, but I would be closely informed and in close touch with it at all stages.

Mr. JUDD. And you would be cognizant of even its relations with other organizations like the AEC and so on? Nothing would be done in that field without your being in general charge. You wouldn't have immediate control over all activities, but you would be aware of them, so that if either you or the Director wished he could go to the President——

Secretary RUSK. That is right. The agencies that are most directly involved in this arrangement do meet frequently at the Cabinet level for arrangements for anything that has to be done in this field.

Mr. JUDD. I thank the gentleman from New York.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DOYLE].

Mr. DOYLE. Mr. Chairman, I rise in support of this timely bill. This Congress and several of our congressional committees for years past have declared as policy a determination to triumph over the Communist conspiracy; both domestic and international. So, it is not a matter of mere declaration of policy any longer that is longer necessary. It is one of efficient, positive action. In early August I filed the bill, H.R. 8733, for the same purpose as stated in the bill before us today. I look forward to the passage of this bill as another major step toward a safe and sound America, in a world of enduring peace. We must never weaken our mili-

tary defenses unless we have satisfactory evidence and are absolutely safe in so doing, in good faith cooperation with any possible antagonist, for the same high purpose of achieving, in good faith, a world status of a gradual lessening of the burdensome race in arms for war.

This bill does not anticipate unilateral disarmament by us, either a little or a lot. I do not favor that. But this bill does take a major advance which, together with our keeping militarily ready with our defenses against any possible bad faith or deception, we can then safely join other nations in good faith and in a fully informed status. So, we can more safely negotiate to a peace status than we ever have heretofore. Let us work and lead for a negotiated status which will lead to a safe America in a world safe from world war.

Mr. MORGAN. Mr. Chairman, I yield myself 1 minute.

Mr. HAGAN of Georgia. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Georgia.

Mr. HAGAN of Georgia. I would like to ask the distinguished chairman this question: Does this proposed law give this Agency or the President and/or the Secretary of State any power or authority to embark on a program of disarmament without the consent of the Congress?

Mr. MORGAN. No. I want to read from the report:

> It is clear that there is no authority to commit the United States to any such control system unless the action is taken pursuant to an international agreement which was ratified by the Senate or otherwise authorized or approved by the Congress.

I want to also tell the gentleman from Georgia that during the reading of the bill under the 5-minute rule the gentleman from North Carolina has a further perfecting amendment to tighten this up. The committee is going to accept the amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Chairman, as I have previously observed, this is the age of the perilous peace. Although I suppose that most of us thought that World War II would be followed by a protracted era of warmth and international cooperation, what we have actually experienced is the onrush of revolutionary change, taking place against the backdrop of the unrelenting struggle between the United States and the Soviet Union. The cold war has indeed grown bitter cold and chills the marrow of mankind's hopes for peace. Yet, as long as the cold winds have not been transformed into a nuclear fire storm, there is reason to hope. More than that, there is an obligation incumbent on every one of us to join actively in the search for sanity and to continue with every available means at our disposal the quest for peace, while we maintain our defenses.

I was pleased to take a positive step in this direction by sponsoring this legislation. I have introduced H.R. 7959, one of the bills to establish a Disarmament Agency for World Peace and Security.

As far as I know, the United States will be the only nation in the world, if an agency for disarmament is created, to have a Government agency devoting its entire effort to the problem of eliminating arms. We will be able to let the peoples of the world know that, in the words of Franklin D. Roosevelt, "America actively engages in the search for peace."

What is the need for such an agency?

Although the Assistant Secretary of Defense for International Security Affairs, within the Pentagon, and the Atomic Energy Commission have been concerned with aspects of the disarmament problem, the only group devoted to the issue full time is the Disarmament Administration within the State Department. I have had the privilege of meeting some of the personnel of the Disarmament Administration and have been greatly impressed with their ability and devotion. However, there are between 65 and 85 persons working full time in this area. So short handed is the U.S. Disarmament Administration that legal advisers have been known to have to do their own sliderule work to figure out disarmament statistics.

The total annual budget for disarmament study has been around $1 million. Compare this figure with about $50 billion the American taxpayers will spend on defense this year. It boils down to the fact that we are spending $1 million for strategies for peace and $50 billion for strategies for war.

Some may ask whether it is appropriate to pass a bill directed toward achieving disarmament at a time when Khrushchev is building 100-megaton bombs.

The reckless action of the Soviet Union in resuming nuclear tests is a grim reminder of one of the great paradoxes of the nuclear age. Although the United States is stronger militarily now than ever before in its history, its security is threatened as never before. The way out of this dilemma is disarmament with effective controls. This goal will not be achieved unless we are willing to allocate the resources, employ the best talent available, and are determined to conduct extensive research into the problem. The establishment of the proposed Agency will not only show the world our sincere dedication to peace, but will enable us to travel the long, hard road toward national security through disarmament.

The proposed Agency would be headed by a Director, appointed by the President with the advice and consent of the Senate, who would be under the direction of the Secretary of State and have direct access to the President. Although the Director would work in complete cooperation with the Secretary of State, the Agency would be semiautonomous. This is an important feature of the bill. This is recognition of the fact that there is perhaps no more important issue facing us than disarmament. Gen. Lucius Clay stated the need for this bill on August 24. He said:

> I believe that the Agency charged with conducting the studies and making recommendations in this field should have statutory authority, a budget of its own, and confirmation of its high officials by the Senate, and submit a yearly report to Congress. I do not believe that this highly important subject should be dealt with in a bureau, subjecting it to all the layers of authority which that involves.

The Agency will be charged with the responsibility for negotiations and for basic research. The categories into which the new Agency will be authorized to conduct research illustrate the sweeping range of problems which any comprehensive inquiry into disarmament policy must cover. In addition to the technical questions of "detection, identification, inspection, monitoring, limitation, reduction, control and elimination of armed forces and armaments, including thermonuclear, nuclear, missile, conventional, bacteriological, chemical and radiological weapons," the Agency will have the authority to investigate such areas as "the economic and political consequences of disarmament, including the problems of readjustment arising in industry and the reallocation of national resources." The latter considerations go hand-in-hand with the other areas of research and are vitally important. Disarmament is a political question as well as a technical one. The history of disarmament negotiations has shown that political factors have played a highly important role. By investigating this area, the new Agency can make a real contribution toward achieving the goal of arms elimination.

The new Agency will have to do a tremendous amount of economic research, analyzing national budgets, determining the amounts of money and percentages of their income that various countries spend for arms and suggesting proposals for reallocation of natural resources. The economic consequences at home, where, after all, a considerable portion of our industry is tied to defense expenditures, need analysis.

While I heartily approve of establishing an agency devoted to disarmament, I would like to point out a few changes in the present bill which I consider desirable.

Section 32 of the original administration bill provides that the Director "may construct such new laboratories as he deems necessary." Unfortunately, there is no mention of this authority for a laboratory in the bill before us. Without its own laboratory, the new Agency will have to depend upon outside scientific research. While it will be possible to engage the services of highly regarded scientists on an ad hoc basis, it might be difficult to employ highly skilled scientists full time without providing them with laboratory facilities. At least the Agency should have the authority to construct a laboratory if the Director deems it necessary.

As far back as January, I and other Members of Congress introduced legislation to create a Peace Agency. The administration revised the Peace Agency bill and approved a bill called the U.S. Disarmament Agency for World Peace and Security. Hearings were held on that bill, and H.R. 9118 is substantially the same as the Disarmament Agency for World Peace and Security bill. However, the name has been changed again, this time to "U.S. Arms Control Agency."

The name of the Agency is important as it denotes the goal and spirit of the Agency. While arms control may be an important step up the tall ladder of disarmament, it is disarmament and peace to which we are committed as our ultimate goals. To make that crystal clear, I think that it would be preferable that the name of the Agency include the words "disarmament" and "peace."

Before I close, may I sum up the reasons for my enthusiasm concerning the establishment of the proposed Agency.

First. It will forcefully demonstrate that the United States not only understands but fully sympathizes with the most deep-seated desire of the people of the world—the desire for peace.

Second. It will indicate that we are ready to go beyond mere expressions of sympathy and place the full resources of the U.S. Government behind the search for paths to a relaxation of tensions and, ultimately, to the establishment of lasting peace.

Third. It will centralize and place on a continuing basis the fragmented and somewhat episodic past efforts of the United States to develop a policy on disarmament.

Fourth. It will mean that our disarmament negotiators will have the benefit of consultation with those who are continuously investigating, thinking, and writing on the problems of disarmament.

Fifth. It will be a propaganda stroke of the best kind in the cold war—an action which will be considered admirable because its very purpose is admirable. Here is an endeavor in which the interests of the United States and those of all mankind indisputably coincide.

An agency for peace and disarmament has been a long time in coming. In fact, it is overdue. I hope and believe that Congress will approve it, for we need to begin the steps toward converting the quest for peace into the reality of peace.

Mr. RYAN. Mr. Chairman, I ask unanimous consent that the gentlewoman from Oregon [Mrs. GREEN] may extend her remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mrs. GREEN of Oregon. Mr. Chairman, on July 3, when I had the privilege of introducing H.R. 7996, a companion bill to the original Disarmament Agency bill, I said:

> As the stockpiles of H-bombs and other incredible weapons grow, there grows with them the incontestable certainty that there is no sane alternative to disarmament and to peace.
>
> The creation of a top-level agency, of the sort envisaged in this administration proposal, bringing together the talents and all the authority needed for this task, may well be the most important single thing this 87th Congress can do.

Since I spoke those words, much has happened to make this bill even more urgent, even more essential legislation for this House to consider.

This bill, as has been said, will create an agency which will bring together the talent and the authority needed to conduct research, to evaluate disarmament proposals, to make useful and reliable assessments of inspection plans, to plan for the impact which disarmament would have upon our economy. The Disarmament Agency will not, of course, be as mammoth as the Pentagon; it will not spend as much money, or have—sad to say—anywhere near as impressive a public relations budget. But it will be able to do a job that desperately needs doing—that is, literally, as necessary to the very survival of the Nation as is the work of the Defense Department.

The contention is heard on so many sides that disarmament is an unattainable ideal. Nothing in the desirability of a goal ensures its attainability. But if we do not make the effort—if we assume beforehand that it is not worth trying—if we think it is too much trouble, we will have, in Lincoln's words, "meanly lost the last, best hope of earth."

Some of those who have supported this bill have been accused, falsely, of being inspired by the motto, "Better Red than dead." There are many things worth dying for, Mr. Chairman, and none of us are going to live forever anyway. But I do say that we would be better off to "try than to die." We would be better off, even dead, if we can say to ourselves that every avenue of disarmament was explored. If we join the brontosaurus—who also died of stupidity—because our minds were in the last analysis incapable of finding a way to lay down our arms—then at least there will have been a reason for our perishing. But if we plunge into world war III—if the deadly mushroom of the H-bomb grows on our universal funeral pyre—and we have not had the courage or the will to have tried to avoid it, then we shall have richly deserved the oblivion into which millenia of human striving will disappear.

Mr. Chairman, the people of this country—and, I suspect—the people of other nations, too, know what to expect. In a recent Gallup poll it was demonstrated that over 60 percent of the American people do not expect to survive a thermonuclear war. We could leave this Chamber if we reject this bill and tell the people who have asked us to dedicate our lives and honor in their cause that we did not believe in again trying to find the road to disarmament. We can do that, if we wish. But I could not return to my neighbors and tell them that their lives and their hope of a future were that unimportant to me.

We will hear, during this debate, as we have already heard on some sides, the contention that we have to arm in order to survive. It may be that we must continue to arm. But, Mr. Chairman, let us not fool ourselves, and let us quit trying to fool the American people. We will not use the weapons in our thermonuclear stockpiles in order to survive, because their use and survival are mutually incompatible terms. Use them—we may find ourselves compelled to do. But we will not be using them to guarantee our survival. On the contrary, we will use them only in the sure knowledge that much of the rest of the world dies with us.

Unfortunately, war is not impossible just because it is unthinkable. The fact that it is insane does not mean that it will not happen. And, Mr. Chairman, the fact that our grandfathers were fortunate enough to be able to talk realistically about winning a war does not mean that we should lie to ourselves and to those whom we are governing and talk about "winning" world war III. Wishing we were in the 19th century will not make it so, and wishing that the H-bomb would not kill most of us will in no way save a single one of us.

War, Mr. Chairman, is a possibility. But it is a possibility which no sane, responsible public official, in any country whatever can possibly rationally desire. The world has been likened to two scorpions in a bottle, each capable of killing the other, neither capable of self-protection, nor of escape. It is with frankly diminishing optimism that I voice the hope that we are possessed, as human beings, of a little more intelligence than those scorpions. Certainly all the centuries of human experience, all the wisdom of the world's teachers and philosophers, all the counsel of mankind's religious leaders and prophets—all of these, Mr. Chairman, spurred on by simple self-interest, ought to be able to help us find, as the scorpions cannot find, a way out of the bottle.

I am not suggesting that the enactment of this bill in and of itself will save the world. It will take more work, more creative thinking, more applied commonsense than has been seen in the field of international relations in many generations if we are to save the world. But the defeat of this bill may well be the straw that breaks the proverbial camel's back. This may well be one of our last opportunities to be rational about our future.

It is easy, of course, to ridicule the idea of disarmament. It is easy to wave the flag—and say only those who arm patriotic. It is easy to say that the Russians would not agree to a workable disarmament plan. I say, let us try. Let us try once more, and once more after that, and right up to the edge of Armageddon itself. We take no risks, we drop none of our guard, we do nothing that will make our times any more precarious than they already are—if, indeed, that is possible. All we do in passing this bill is to equip ourselves to make wiser decisions than the ones we have been able to make in the past.

Mr. MORGAN. Mr. Chairman, I yield the balance of the time on this side to the gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Chairman, I rise to support the bill (H.R. 9118) which establishes a U.S. Arms Control Agency. I believe that it is imperative that the House, along with the other body, pass this bill and cause its enactment into law at this session.

In my work on the Joint Committee on Atomic Energy, of which I now have the honor to serve as chairman, and also in my work as chairman of the House Government Operations Subcommittee on Military Operations, I have been concerned for years with the problems of our defense and our disarmament policies also for many years. Much of my efforts as a member of these committees

involved strengthening the defenses of the United States.

I supported the development of the hydrogen bomb in 1949–1952. I backed Admiral Rickover in his fight to build a nuclear fleet. And I say that that fleet operates today as one of the most invulnerable bastions of our defense; and it is invulnerable because of the fact that it is evasive, it is hard to find, and each one of its submarines carries four times the power of all the bombs dropped in World War II.

Our Joint Atomic Energy Committee has devoted many hours of hearings to the issues of radiation and fallout from nuclear weapons tests and detection and identification of these tests when there was hope for an effective test ban agreement that could be negotiated with the Soviet Union. And when that hope was dashed to the ground by Soviet intransigence and by their destructive efforts I saw early, more than 2 years ago, the fact that we needed to resume those tests.

In addition to strengthening our military defenses I have also urged that the Government press forward with an aggressive program in civil defense to protect our citizens in the event of war.

In my work on these vital projects related to our national security I have learned a great deal about the nature of modern weapons. I know their destructive power. I have seen them exploded in the South Pacific to the tune of millions of tons of explosive force. And I know what they could do to humanity if they are ever used in an all-out nuclear war.

It is for this reason that I have strongly supported efforts in the arms control field which could bring us greater and more stable international security than modern armaments under unrestrained national control can provide.

When I look back on the 16 years since World War II it is unfortunate that time after time we have lacked organized preparation for the more than 70 disarmament conferences which have taken place during that period. We went into those conferences unprepared and we made mistakes time and time again.

To be candid, the United States has not been able to do its homework in the disarmament negotiations in the past. We lacked good technical advice based on solid research. This has resulted in our not obtaining important answers to some of our questions on inspection and control.

In the test ban conference, for example, we were placed in the embarrassing position of having to modify our own technical evaluation of the proposed control system. We made a mistake. We gave a formula to the Russians, or we offered a formula to them based on one underground test, and it was afterwards found to be fallacious because we had not done our homework. It put the United States and the free world people in an embarrassing position because we were not prepared to do the job that needed to be done when we started to talk about controlling these terrible weapons. We had not done the necessary research on the requirements for a test ban control system.

I helped to get the program passed which appropriated $60 million for a detection system which included seismological and acoustical devices so we could know what is being done behind the Iron Curtain, which we have not been able to penetrate. So I yield to no man in patriotism and the claim of being interested in the defense of the United States and the free world.

The great shield of the United States has an eagle on it. In one of its claws it holds 13 spears and in the other claw an olive branch. We want to make that olive branch just as effective as we have made the spear.

I know that the creation of this new Agency will not give us security or arms control as we would like to have it in this world we live in, and it will not make the Soviets act the role of a responsible world power. But I do not think we can proceed in our arms control in a half-hearted way.

This is a serious business, this world we live in today. It is a terrible world to contemplate. President Eisenhower once said that nuclear war was unthinkable. It is unthinkable when you think about the damage that can be caused. Our job as Representatives today is to think about the unthinkable and do everything in our power to prevent this kind of war from happening. If we can spend $47 billion on a defensive mechanism which cannot defend this Nation against intercontinental ballistic missile delivery and intermediate range ballistic missile delivery, which leaves the people of this country naked to an attack by a ruthless and Godless enemy, then I say the effort we could make under this Disarmament Control Agency is a vital effort; it is an effort we can put a few million dollars in for God's sake and the sake of the people of the United States and the free world.

Mr. Chairman, I urge the passage of this bill.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Montana.

Mr. OLSEN. I wish to subscribe to the remarks of the gentleman from California and applaud him for making them. I introduced a resolution for a research agency here, and a companion bill to the administration bill this summer, and I support H.R. 9118.

Mr. Chairman, in conclusion I wish to call attention to the vital problem of organization and staffing.

The Agency, which H.R. 9118 would establish, should correct many of the glaring inadequacies in the formulation of our disarmament policy. There would be created for the first time a group in Government whose primary purpose would be arms control research and arms control policy.

The Agency needs to be staffed with personnel of the highest quality. This means that the provisions in H.R. 9118 for a certain number of excepted positions, that is supergrades, must be retained. The Government today is having difficulty recruiting scarce skills. Weapons designers, scientists with knowledge in fields of weapons detection, and military strategists are some of the specialists that the new Agency will need. Such talent has been attracted to private industry and to private research institutions. The salary scales there have been higher generally than in the Government. But it would be dangerous for the new Agency not to have high caliber people working on our disarmament studies and proposals. These will involve our national security and our survival just as much as our military preparedness. We must be sure that any matter which affects our national security receives only the best of talent.

Mr. DONOHUE. Mr. Chairman, as a sponsor, in this Congress, of a similar bill (H.R. 7950) I most earnestly urge my colleagues here to conscientiously consider the basic objective of the legislative proposal contained in this measure (H.R. 9118) to establish a U.S. Arms Control Agency.

To my mind the fundamental objective of this, and companion bills, is to provide a concrete demonstration of our willingness to explore every honorable means and avenue of reducing and eliminating the terrible potentialities of a nuclear catastrophe being visited upon this Nation and the world.

I realize there are some very sincere individuals who question the timing of this legislation toward arms control agreement when the two strongest nations in the world are engaged in an arms race. However, in my considered opinion, it is indeed just the time when there is the greatest urgency to deal with this problem. The heightening tensions, and the increasing arms race, is just the period when we ought to devote our best efforts to find the means to avoid war and cut down the arms development competition because of the frightening dangers, that are contained in such competition, of a worldwide holocaust.

Associated with this primary purpose of conscientiously attempting to prevent total destruction of humanity, there is the vitally important propaganda benefit that surely would accrue to us, in the eyes of the world, from the creation of an official agency of this Government to seek peace through honorable agreement for arms control.

Thus far, and unfortunately, we are forced to admit that the deceptions and falsifications of Communist propaganda announcements have been extremely difficult to overcome and have tended to influence unwitting and unknowing peoples elsewhere toward the conviction that it is the Kremlin leaders rather than ourselves who are honestly seeking peaceful negotiations.

The United States has certainly been most earnest, most serious, and most honest in its aims for world peace; we are not an aggressor nation. We are not, however, a spineless people who shun war when the alternative is base servitude; as our glorious history demonstrates, we can fight, when forced to, and we can win, but as a God-fearing people and Nation we prefer honorable peace.

What this new Agency, proposed to be established in our Government by this

legislation, would do for us would be to find realistic ways to bring about a reduction in armaments, to find formulas which would protect the national interest, and at the same time promote the cause of peace.

Very likely some well-intentioned persons, will be inclined to say that the creation of an Arms Control Agency implies that we may be bowing to the opposition and moving toward a modified pacifism as a national policy. An examination of our history, our traditions and our intentions clearly demonstrates that nothing could be further from the fact.

What we are demonstrating to the world, however, is that the United States, first among all the nations, has established in its official Government pattern a conscientious effort for a policy of peace. An effective Arms Control Agency certainly does not mean, or imply, that we are willing to settle for peace at any price; but it will most surely prove to any enemy, and the world, that we are not afraid to pay the price of peace.

Mr. Chairman, I earnestly urge the Members here to exercise their patriotic judgment of the merit and value this legislation would contribute to the strengthening of our position of world leadership today and approve this measure without extended delay.

TALON OF THE OLIVE BRANCH

Mr. BOLAND. Mr. Chairman, I rise in support of H.R. 9118, the bill to establish a U.S. Arms Control Agency. I was one of the many House sponsors of this vital and necessary legislation, my bill being numbered H.R. 8710. The Committee on Foreign Affairs has recommended a change in the name of the Agency from U.S. Disarmament Agency for World Peace and Security, but the purpose of the Agency remains the same. I think that the new title better explains the mission of the Agency.

Since filing my bill, H.R. 8710, on August 15, 1961, I have received letters from constituents concerned about disarmament legislation in Congress at a time when the United States is engaged in a crisis with the Soviet Union over Berlin and Germany; and is strengthening the armed services through a speedup in draft calls, a callup of reserve units, and in appropriations of additional millions of dollars for the Army, Navy, Air Force, and Marines.

Mr. Chairman, I think we should allay these fears. President Kennedy warned our potential enemies and notified the American people in his state of the Union address last January 30 of administration policy, in these words:

> On the Presidential coat of arms, the American eagle holds in his right talon the olive branch, while in his left is held a bundle of arrows. We intend to give equal attention to both.

President Kennedy has thrown his full support behind this bill and has said it is "must" legislation in this session of Congress. The committee report plainly states that this legislation does not reflect any intention that the United States give a higher priority to disarmament than to defense, or that we intend to disarm in the face of a military threat.

The United States believes that the day will come when it will be possible to assure our own security and world peace with only a fraction of the manpower and the resources now devoted to military functions. It has been and will continue to be our policy to hasten the realization of this objective. At the same time we do not intend to disarm when such a course will endanger our security.

The Western nations and the Soviet bloc both possess the military and technological capacity to laurch an all-out nuclear war. Each has the weapons of destruction. Each has the method of delivering nuclear weapons to target areas, military, or civilian.

Mr. Chairman, if our civilization is to be saved from destruction and our freedom preserved, we must maintain our military strength, help raise the living standards of the underdeveloped and new-emerging nations of the world, and take the lead in developing world conditions in which nations can reduce their armaments, without risking freedom, thus minimizing the dangers of an uncontrolled arms race and accidental nuclear war.

In January 1961, John J. McCloy was appointed as Adviser to the President on Disarmament. During the last several months groups of experts met to discuss and formulate recommendations on U.S. disarmament policies. Their reports were submitted to Mr. McCloy and President Kennedy in June and July. In his May 25, 1961, special message to Congress on urgent national needs, President Kennedy stressed the importance of the creation of such an agency in these words:

> I cannot end this discussion of defense and armaments without emphasizing our strongest hope: the creation of an orderly world where disarmament will be possible. Our arms do not prepare for war—they are efforts to discourage and resist the adventures of others that could end in war * * * we are determined to keep disarmament high on our agenda * * * to make an intensified effort to develop acceptable political and technical alternatives to the present arms race. To this end I shall send to the Congress a measure to establish a strengthened and enlarged Disarmament Agency.

Mr. Chairman, under this legislation the U.S. Arms Control Agency will have primary responsibility in dealing with policies, problems, and efforts to reduce and control armaments among the nations of the world. The Director of the Agency would be appointed by the President, with the advice and consent of the Senate. He would be the principal adviser to the President on disarmament, and would work under the direction of the Secretary of State and the President in coordinating U.S. disarmament activities.

The legislation also authorizes research on such subjects as nuclear disarmament proposals; structure of international control organizations; techniques for control of conventional forces and monitoring nuclear weapons systems to avoid war by accident; methods of preventing surprise attacks and related problems. It also authorizes activities relating to U.S. participation in arms control and disarmament negotiations, the supplying of personnel fcr delegations engaged in such negotiations, and drafting of treaty language.

Mr. Chairman, I urge the Members to unanimously pass this legislation so that a real effort can be made immediately to achieve the ultimate goal of the United States: a world which is free from the scourge of war and the dangers and burdens of armaments; a world in which the use of force has been subordinated to the rule of law and in which international adjustments to a changing world are achieved peacefully.

Mr. GILBERT. Mr. Chairman, I am heartily in favor of the administration's bill to establish a U.S. Arms Control Agency which is before us for consideration. I indicated my support by cosponsoring the measure.

It is conceded that we must maintain our military strength and take all necessary measures to insure our adequate defense and preservation of our freedom, and that of the Western nations. In view of the Berlin crisis, increased Soviet threats, resumption of Soviet nuclear testing, it is only wise that we give full attention to maintenance of a military force sufficient to meet attack; this in itself is a deterrent of war.

At the same time, the United States should take the lead in improving and developing world conditions in which nations can reduce their armaments without jeopardizing their freedom; the dangers of an uncontrolled arms race and accidental nuclear war will thus be minimized.

Passage of the bill before us will clearly indicate to the entire world that the United States sincerely seeks peace. We will have a permanent agency established working toward disarmament and arms control. To achieve success we must have a workable international plan for arms control developed by the coordinated application of our knowledge, research, energy, and resources, through a highly competent Arms Control Agency in our Government. These are the aims of the bill before us.

One of our foremost concerns is to help raise the living standards of the underdeveloped and newly emerging nations of the world. Once a workable international plan for arms control is achieved, nations will be relieved of their present crushing and demanding military burdens; resources now utilized in the arms race and defense areas can be rechanneled for the benefit of the people, to raise living standards, promote education, increase the health and well-being of all.

This Congress has met its responsibility regarding our military and defense programs. It should now give its favorable consideration to this bill creating an agency for disarmament and arms control, for both policies must be pursued if we are to avert disaster. Patience, sound judgment, strong leadership are required on our part if we are to achieve the creation of an orderly world where disarmament will be possible. This is the hope of our President and of all of us who pray for a lasting peace.

Mr. RHODES of Pennsylvania. Mr. Chairman, I rise in support of H.R. 9188 which implements President Kennedy's proposals to create a U.S. Disarmament Agency for World Peace and Security.

This measure is before us today not as a partisan or political measure, Mr. Chairman, but as a bipartisan proposal which may well determine the peace and security of future years. Leading members of the previous administration have appeared before House and Senate committees in support of this meritorious legislation.

The need for this legislation is evident. In light of the recent resumption of testing on part of both the Soviet Union and the United States there can be no doubt that there will be many pleas for a workable disarmament system at this year's session of the United Nations which opens today.

In coming years more and more nations will come to possess nuclear weapons. France has already begun testing. China is expected to have nuclear weapons by 1962. Other nations are also expected to begin planning and testing in the next several years.

As former President Eisenhower has said, "There is no longer any alternative to peace." Today a nuclear war is unthinkable as a means of settling international disputes. In the coming years it will be even more so.

While many may think that the increasing tensions over Berlin will precipitate war, it can also be said that the growing threat of a nuclear war and its total devastation will also make men realize the horror of an atomic holocaust and increase these efforts toward a workable disarmament program.

Yet in spite of the growing need for some arms-control system it is ironic that a question of such great importance has received so little attention in the past. Our previous efforts in this area have been shallow and uncoordinated. Our diplomats have had little time or money to study this problem intensively or to learn the techniques of negotiating intelligently with the Soviet experts across the bargaining table. It was recently revealed that we are now spending $50,000 on armaments for every dollar on disarmament.

In light of these facts there is little wonder why no progress has been made in previous negotiations. One would also be led to suspect any agreement with the Soviets or any nation which would be made under such conditions. Could we ever expect to achieve any real disarmament program which would provide us with peace and security when our experts in this field are so unprepared?

There can be no doubt that the preparation of even a limited disarmament agreement will require a painstaking amount of research, study, planning, and diplomatic skill. As things stand now, none of these essential prerequisites appear to have been met.

The purpose of the President's proposals, which I had the pleasure of introducing along with 30 of my colleagues, is to redress this imbalance in our disarmament planning and negotiations.

This bill would provide a central unit in which all aspects of this problem would be coordinated. This new Agency would conduct disarmament research, train our diplomats in conducting disarmament negotiations, and act in an advisory capacity to the President and the Secretary of State.

I feel that the need for this legislation is greater than ever before. The world cannot stand a nuclear war, nor can it afford the more subtle dangers of world contamination and slow death by fallout from nuclear testing. We must begin anew and make every effort toward a workable arms control agreement—our survival may depend upon it.

I include, under unanimous consent heretofore granted, with my remarks, Mr. Chairman, the following thought-provoking article by Sydney J. Harris, which was published recently in the Harrisburg, Pa., Patriot:

THE NEXT WAR—THERE'S NO LONGER A NOBLE CHOICE

(By Sydney J. Harris)

I had a strange and disturbing dream last night. I dreamed that the atomic war had finally burst upon us. And I dreamed also that the United States had won it.

Of course, 60 million of our citizens were dead, and millions of others were dying. But we had knocked out Russia and China; the Communist threat was no longer with us.

Our side was now the undisputed victor in the war for world supremacy. Now it was our task to rebuild our economy and our society from the wreckage—almost a half of our people were dead or dying, our industry was reduced to a fraction of its productive power and our biggest cities were destroyed.

What could we do? Of course, it immediately became evident that the Central Government would have to assume extraordinary powers—perhaps for 10, 20 or 30 years. Prices would have to be regulated and strict priorities given to everyone.

A free society as we now understand it, was no longer possible. In order to survive its dreadful wounds, the Nation would have to forego the luxuries of competition and concentrate on collective welfare rather than on individual benefit.

The men who had pulled us into war crying, "Life wouldn't be worth living under communism" found that, having won the war we were now living under something very much like communism. We had defeated the enemy abroad only to find it among us at home.

For the tragic paradox of the next war is that, in order to fight it, survive it and win it (if such a word has meaning), we will grow more and more to resemble our enemies. We no longer have Patrick Henry's noble choice between liberty and death. There will be no such thing as liberty for those who survive the next war.

There is now a qualitative difference in war that has never existed before. The next war will not be merely bigger, noisier and more expensive than any of the others, it will be lost before it is begun, for its devastation will be so great that only a rigidly controlled and collectivized nation will be able to recover from it within a century.

This is why war as an instrument of national policy is no longer possible. If we lost it, we would perish or become slaves; if we won it, we would be forced to enslave ourselves to the rules of an ant society, and would have no choice but state socialism for the indefinite future. The military effort required to crush communism would so deplete us that the state here would have to be more powerful and centralized than ever.

As I say, this was only a dream; perhaps a nightmare; perhaps a vision.

Mr. ROOSEVELT. Mr. Chairman, a primary and explicit objective of the U.S. Government is, and has long been, the securing of a peaceful international order with freedom and justice. We have expressly pledged that we shall strive toward the establishment of a world free of the terrible scourge of war. We joined in the creation of the United Nations principally for these reasons, and have participated in the activities of that organization since its inception. Our foreign policy has been continuously oriented toward the attainment of a world in which nations and peoples may live and work together in peace and freedom, and where the use of force may be eliminated as an instrument of national policy.

Crucially related to the endeavor to secure a peaceful world order have been our honest and tireless efforts to devise an acceptable program for disarmament. Of all the great and trying concerns of mankind, that of disarmament makes others appear Lilliputian in contrast. The poignant human desire to live in peace and security, to be rid of the dreadful threat of cataclysmic war, has persisted throughout the period of recorded history. It is a universal aspiration. It is an ancient and beautiful dream which has transmuted itself into a vital and significant force in our modern world. The plea for an end to the armaments race, with its inherent threat of virtually total annihilation, emanates from every region of our planet. We have been sincerely responsive to that ubiquitous plea, but not sufficiently effective.

The proposal to establish an Arms Control Agency within the State Department, but with a semi-independent status, is an important and valuable step in the direction of making our disarmament efforts more efficacious.

It is quite proper that the Arms Control Agency be established within the jurisdiction of the Department of State. And it is also quite proper that it maintain a semiautonomous character. The work of the Agency will principally come within the purview of our foreign policy planning and program. However, the very nature of the complex problem of disarmament makes it imperative that the Agency be given broad authority and status, commensurate with such authority, to deal with other agencies outside of the State Department, such as the Defense Department, the Atomic Energy Commission, and the Treasury Department, which are highly involved in and necessary to this operation. I believe that this proposal comprehends the complexity of the problem and deals with it in an effective manner.

Among the primary defects and inadequacies of the past has been a lack of coordination and cooperation in the areas of disarmament research, policy formulation, and communication among all of the parties involved. I feel that this lack of coordination and cooperation will be largely eradicated by the enactment of this bill into law. I particularly refer to section 22, which provides

that "the Director shall serve as the principal adviser to the President on disarmament matters." Vesting the responsibility for the coordination of the various activities involved in the total disarmament program in the hands of one person, who may be held accountable by the Congress and the President, will eliminate a major cause of many present difficulties.

The creation of a central agency for study and implementation of disarmament policy is necessary for the evolution of an effective disarmament program. The diverse ramifications of disarmament activities, with a view directed toward the eventual acceptance of a workable agreement, are so extensive as to be beyond the ken of any single individual. These ramifications extend deeply into political, scientific, technical, military, and economic areas. We must explore each of these areas to learn just how greatly we shall be affected by disarmament. For example, we must know in advance exactly what dislocations would occur in our economy if our defense program was significantly eliminated and, also, we would have to apprise ourselves as to the minimum military force that would be essential for internal and external police action following the elimination of national armies. It is toward the understanding of these and similar problems that the Agency would be working in addition to the more obvious research into systems of inspection and verification of disarmament agreements. It is mandatory to the complete success of our efforts that the answers to these serious and perplexing questions be sought and discovered.

It is to be noted that the Agency, and even disarmament itself, is not an end, but rather a means to the end of securing a peaceful and just world order. The establishment of this Agency is only the beginning of what will undoubtedly be a long and difficult task. It is a slight opening of a gateway to the realization of an old dream.

Because we are aware that disarmament is not our ultimate goal, but rather a step which will carry us closer to our destination of a free world at peace, we shall proceed with the utmost caution. The superficial paradox of increasing military preparedness while simultaneously seeking disarmament agreements is, upon further objective consideration, not a paradox at all. We are being perfectly consistent. We arm as a necessity to deter aggression. We arm strictly for defensive purposes. We arm to purchase the time necessary to construct the better world toward which we all aspire. As a constant threat to our aspirations we are faced with the efforts of a ruthless, rogue nation. A rogue who repetitiously threatens our destruction.

A nation which must erect an iron curtain in order to hide from its people the success and achievement of free countries so that its own people will not, but contrast, recognize the monumental disgrace of the system imposed upon them. And yet, it is a nation whose leaders must soon recognize the insanity of the arms race. It is a nation whose leaders must soon recognize the intrinsic dangers in the maintenance of weapons stockpiles. It is a nation which, without either altruistic or humanistic motives, must soon reach the conclusion that disarmament is vital to its own security and well-being. However, until the Soviets reach this inevitable conclusion and honestly subscribe to the cause of disarmament, we must in the cause of peace maintain adequate defenses to deter a Soviet initiated conflagration which would forever destroy our hopes for a free and peaceful world. We arm for the exigencies of today. We prepare to disarm to realize the full potential of the future.

The establishment of an Arms Control Agency assures us that our first steps toward the elimination of the arms race will not be ill timed, that we shall not stumble. It will provide us with the advance knowledge and information necessary to successfully cope with this complex problem while burdened with the pressures of international conferences and negotiations. It will equip our negotiators with wise and pertinent proposals and prompt and meaningful counterproposals. It will provide our conferees with the information necessary to point out and rebut the fallacies contained in the proposals of others with the rapidity which is so vital in such matters. As Henry Cabot Lodge related to the Foreign Affairs Committee:

> No forward motion on the disarmament question is possible unless there is an agency capable of rapid and penetrating analysis, of detection of errors, and of imaginatively creating new and constructive proposals.

The enactment of this bill into law will back up our representatives at the conference tables with the tools, supplied by the Arms Control Agency, which are necessary to progress in this endeavor.

I find it very pleasing to note the bipartisan support that this proposal is receiving, not only in the Committee on Foreign Affairs, but in the country in general. Persons with the diverse political views of John J. McCloy, Henry Cabot Lodge, Dean Rusk, and former President Eisenhower wholeheartedly support this proposal. I also note the great number of cosponsors of this proposal. I am proud and honored to be among this group.

The abandonment of force as a means of satisfying national ambitions has long been the policy of the United States. Though in the world today many consider the Soviets to be the primary advocates of disarmament, it was in reality our country which originally urged arms control following the cessation of hostilities of World War II. This, it should be emphasized, was at a time when we were without peers in terms of sheer national power. We were then the sole possessor of the atomic bomb. We were in a position, if we were so disposed, to make any demands upon a helpless world. But it was contrary to our national character to make unilateral demands and, instead, we took the unique position of advocating arms control to an anxious and eager world. It has been the Soviets who have continuously blocked any progress toward this objective. Their effective propaganda has not been matched by sincere deeds. It is time that the truth be made known.

We must make it clear to the world that we are sincere in our efforts. We must demonstrate that we are true and faithful advocates of world peace and, that if there are obstructions in the path toward this goal, they arise as a consequence of the cruel ambitions of the Soviet Union. Our allies applaud our intentions and share in our desires. It is apparent that a concrete expression of our desires would tend to create a greater unity between us. The neutrals must be impressed with the sincerity of our common aspirations. The Disarmament Agency, while certainly not a panacea, would be a significant advance in the right direction.

Before I conclude, I should like to quote from a recent address by a man thoroughly acquainted with the art of war. Urging an alternative to the spiraling arms buildup, General of the Army Douglas MacArthur said:

> We are in a new era. The old methods and solutions no longer suffice. We must have new thoughts, new ideas, new concepts. We must break out of the straitjacket of the past. We must have sufficient imagination and courage to translate the universal wish for peace—which is rapidly becoming a universal necessity—into actuality. And until then, at whatever cost or sacrifice, we must be fully prepared—lest we perish.

Mr. Chairman, I urge favorable consideration of H.R. 9118 to establish a U.S. Arms Control Agency as an affirmation of our faith in humanity, our desire for disarmament, and our quest for a true and just peace, and in addition, because it is a sound proposal with respect to our own long-range national interests.

Mr. ALGER. Mr. Chairman, to consider disarmament at a time of accelerated arming of our Nation is almost unbelievable. What we need is a firm foreign policy based on our enormous military power, a policy so unmistakably clear and firm that no nation will dare challenge us, for fear of their own extinction. Unfortunately, this world is not yet ready for disarmament. Any efforts now on our part to do this will only project the wrong image of U.S. military power, and, further, the administration's failure to assess accurately the present danger of communism's goal of enslaving the world by arms or subversion. When the world is ready for disarmament we can pass the necessary legislation. Prior to that time we are playing into the hands of the enemy by legislation such as this. I am heartily opposed to this resolution.

Mr. RHODES of Arizona. Mr. Chairman, I must oppose this bill. At this time, when the radioactive fallout from Russian bomb tests is infecting our atmosphere, it ill behooves us to talk of disarmament, lest even such talk be misconstrued as weakness. When uncommitted nations which respect strength note this crying of "Peace, peace," when there is no peace, we can hardly expect them to resolve their doubts in our favor.

Further, this sets up a lavish establishment to deal with foreign nations, without the necessity of working through the Secretary of State. It can,

in those negotiations, take positions which might not be recommended by our Defense Establishment.

Mr. Chairman, everyone is for disarmament, honorably negotiated and adequately policed. However, in my opinion, this is the wrong approach at the wrong time and will not contribute to a lasting peace.

Mr. McDOWELL. Mr. Chairman, I rise in support of H.R. 9118, a bill to establish a U.S. Arms Control Agency.

Disarmament or arms control has been a major aspect of official U.S. foreign policy since the end of World War II. As such it has been one of the responsibilities of the State Department.

The above has not always been an ideal arrangement. As many critics in and out of Government have pointed out, disarmament is not just a matter of diplomatic negotiations. It requires strong leadership—not only on the part of the President and the Secretary of State but on the part of his adviser on disarmament as well. The disarmament function needs leadership which sees the total picture of U.S. needs and goals. It needs an agency that has the staff and resources to formulate disarmament programs that are grounded in solid research and study.

The U.S. Government has been involved in the nuclear test ban treaty negotiations in Geneva for the past 2½ years, and there have been numerous instances in which the negotiations have been lacking in a clear-cut program. Too often the U.S. Government, at past disarmament sessions, has not been prepared, either in offering proposals of its own or in responding to Soviet proposals.

In the past numerous advisers, panels, commissions, and committees have been appointed. However, none has had clear-cut authority. None has had a clear directive on the job it was to do. None has had the staff to do the sufficient research and study. None has had the status necessary to coordinate and integrate Government activities in this field.

The first real effort to give status to U.S. disarmament activities came in March 19, 1955, when President Eisenhower appointed Harold Stassen as his Special Assistant on Disarmament Policy. In July 1955, the Senate Disarmament Subcommittee, with Senator HUBERT H. HUMPHREY as chairman was created. Mr. Stassen, in turn recruited what came to be known as the White House disarmament staff, numbering about 50, to provide research and other support for disarmament negotiations. Mr. Stassen also appointed eight task forces to work on various aspects of the inspection problem. These task forces were headed by Dr. Ernest O. Lawrence, Gen. James H. Doolittle, Vice Adm. Oswald S. Colclough, Lt. Gen. Walter Bedell Smith, Benjamin Fairless, Walter L. Cisler, Dr. Harold Moulton, and Dr. James B. Fisk. The appointees were concerned with inspection for nuclear materials, aerial inspection, army inspection, navy inspection, budget and financial inspection, communication, industrial and power inspection, and steel inspection. The reports of these groups were never made public. In the fiscal year 1956, White House disarmament staff expenditures amounted to some $452,500; in 1957, $527,000; and in 1958, $375,000. Senate Disarmament Subcommittee expenditures amounted, for the same period, to $36,690, $44,448, and $50,000.

While many legislators and students of the disarmament subject welcomed the elevated status given to the disarmament subject by its transfer from the State Department to the White House, a question remained: Would Mr. Stassen be given the authority needed to do his job?

Almost from the beginning there were misunderstandings between the late Secretary of State, John Foster Dulles, and Mr. Stassen as to the extent of the latter's responsibility and the U.S. disarmament position itself. When Mr. Stassen resigned from his post, February 1958, responsibility for disarmament research and negotiations was returned to the State Department, under the direction of Mr. Dulles.

Mr. Dulles, reassigned the responsibility of disarmament to a group including Ambassador James J. Wadsworth, U.S. Representative on Negotiations on Agreements for Limitations of Armaments; Phillip Farley, a Special Assistant for Disarmament and Atomic Energy Affairs; an advisory panel consisting of Gens. Alfred Gruenther and Walter B. Smith, John J. McCloy, and Robert Lovett; and a small disarmament staff of about 20.

In a number of speeches, as chairman of the Senate Disarmament Subcommittee, Senator HUBERT H. HUMPHREY called attention to the reduced disarmament staff of the State Department, the apparent reduced efforts on the part of the U.S. Government to realize some progress on arms control, and the lack of U.S. preparation for disarmament negotiations. His subcommittee called for an expanded disarmament effort and the creation of "special advisory groups of nongovernmental experts who are especially knowledgeable regarding problems related to disarmament."

In July 1959, President Eisenhower appointed a Committee—Joint Disarmament Study—under the chairmanship of Charles A. Coolidge, a Boston lawyer, to prepare a long-range U.S. disarmament plan for use at forthcoming disarmament negotiations. The Committee's report was submitted in December 1959. The report was never made public, but the administration announced that the report would be only one of the "input" items for the new U.S. position. Meanwhile plans were made for the convening of a 10-nation disarmament committee—5 nations from each side. Before the scheduled date of the conference, March 15, 1960, the United States and its Allies—Great Britain, France, Canada, Italy—met in Washington to coordinate their disarmament positions. Unfortunately, the United States was not yet ready to present its position, and, in fact, did not present a plan acceptable to its Allies until after the Soviet Union broke up the conference by walking out and charging the West with procrastination.

A number of nongovernmental groups noted the U.S. lack of preparedness for disarmament negotiations. For example, the National Planning Association, an independent, nonpolitical research establishment maintained jointly by leaders of agriculture, business, labor, and the professions, issued a report on the subject in mid-1960. Its committee on security through arms control, composed of experts from the many scientific and technical areas concerned with arms control, concluded in its report on "Strengthening the Government for Arms Control" that "the only continuous features of our efforts in the disarmament field have been a lack of continuity in top personnel and paucity of planning and research efforts." It recommended that "we should proceed now to strengthen the Government's capability to deal with the problems of arms control vigorously, dynamically, and continuously."

On March 7, 1960, then Senator John F. Kennedy, in a speech at the University of New Hampshire, called for the creation of an Arms Control Research Institute designed to alleviate the glaring omissions in our preparation for peace and disarmament. Said Senator Kennedy:

> Peace like war has become tremendously complicated and technological. * * * Research can give us the vitally important knowledge which we must have if we are to lay the groundwork for effective control of today's vast and complex weapons systems.

Later, the Senator introduced a bill in the Senate to establish such an agency, but it was never acted upon.

Following Senator Kennedy's speech in New Hampshire, the chairman of the Senate Disarmament Subcommittee, in a major speech in the Senate, offered a disarmament policy for all Americans. He noted:

> No single agency has been given the responsibility or the means or funds to do an adequate job of studying the control problem. Today at least six Government agencies are involved in and concerned with the technical problems connected with the controlled cessation of nuclear weapons tests. There is no one agency or person to coordinate this research or to see that decisions are made.

On September 9, 1960, President Eisenhower established in the State Department the U.S. Disarmament Administration to develop and coordinate U.S. policies and activities in the field of arms limitation and control. The agency currently has a staff of about 85 and a budget of about $600,000. It is responsible to the Secretary of State. The existing U.S. Disarmament Administration, while a step forward, has significant weaknesses. As a special division of the State Department, it does not have direct access to the President. It does not sit in on National Security Council meetings where disarmament is discussed. It does not have the status within the Government to deal directly with the heads of other agencies on disarmament policy formulation. It does not have the research staff that is needed to investigate and study the problems of inspections and control, and all the other political, technical, legal,

economic aspects of a disarmament program.

On January 30, 1961, President Kennedy, in his state of the Union address said:

> I have already taken steps to coordinate and expand our disarmament effort—to increase our programs of research and study—and to make arms control a central goal of our national policy under my direction. We must make certain that our negotiators are better informed and better prepared—to formulate workable proposals of our own and to make sound judgments about the proposals of others.

At a press conference on March 1, the President said he had discussed with his disarmament adviser, John J. McCloy, "the setting up of a long-range operation on disarmament and nuclear testing, and we are now considering whether that should be established as a separate agency in the executive branch or in the State Department with permanent personnel and a budget under a statutory act by the Congress."

In a special address before the Congress on May 25, 1961, the President noted:

> We are determined to keep disarmament high on our agenda; to make an intensified effort to develop acceptable political and technical alternatives to the present arms race. To this end, I shall send to the Congress a measure to establish a strengthened and enlarged Disarmament Agency.

On June 29, the President sent to the Congress a draft of legislation for the establishment of a U.S. Disarmament Agency for World Peace and Security. A bill to establish such an agency was introduced in the Senate—S. 2180—on June 29, 1961, by Senator HUBERT H. HUMPHREY, Democrat, of Minnesota, cosponsored by 11 other Senators and referred to the Senate Foreign Relations Committee.

Bills were similarly introduced in the House on the same date. The basic House bill is H.R. 7936, introduced by the gentleman from Pennsylvania, THOMAS E. MORGAN, and identical bills were introduced by 51 other Representatives. The House bills were referred to the House Foreign Affairs Committee.

Why does the United States need a new Disarmament Agency?

Mr. Chairman, U.S. disarmament efforts in the past have suffered from lack of expert advice, lack of research support, lack of adequate preparation, and lack of coordination. If "the creation of an orderly world where disarmament will be possible," as President Kennedy puts it, is to be a major national U.S. goal, disarmament cannot be treated halfheartedly as a part-time job. It cannot be buried deep in existing Government agencies, to be hauled out from time to time when the international climate suddenly seems favorable. It requires continuing strong leadership at the highest level of Government, imaginative thinking, resources to prepare for peace comparable to the resources that we throw into our defense efforts. The proposed Agency would provide the center for U.S. disarmament efforts on a full-time basis at a high governmental level.

Why should the United States pursue disarmament? As President Kennedy pointed out in his inaugural address:

> Man holds in his mortal hands the power to abolish all forms of human life. * * *

In the current arms race, both sides have such fantastic and powerful weapons—and more are being added almost daily—that military planners are able to talk, not just of wiping out populations with an initial blow, but of having enough weapons to wipe out countries several times over. As the arms race continues and weapons systems become more and more complex, the danger arises—apart from any deliberate, calculated attack—that an accidental, misplaced finger on a missile-launching button could start a war that no one wants. Responsible nations cannot sit back and wait for inevitable nuclear catastrophe. They must seize every opportunity, take every step, prepare for any opening that might lead to world peace. The United States cannot sit back and hope for peace; it must work for peace. The proposed Agency would be a concrete expression of purpose by the U.S. Government to examine every route conceivable to peace.

Does it make sense to establish a new Disarmament Agency while international tensions such as the Berlin crisis provoke an arms buildup?

Obviously, prospects for peace or disarmament are not bright in times of tensions. The United States must be ready for any military emergency, but it must also be prepared for any breakthrough on the peace front, too. In his May 25 message to the Congress, the President noted:

> Our arms do not prepare for war. They are efforts to discourage and resist the adventures of others that could end in war. That is why it is consistent with these efforts that we continue to press for properly safeguarded disarmament measures.

Is the control of weapons the main objective of a disarmament program?

The disarmament program is not only concerned with ways and means of controlling and limiting armaments. There is no such thing as treating disarmament in a vacuum. It is part of an overall peace program. Disarmament goes hand-in-hand with all the other efforts to achieve international order. Its director would sit in on National Security Council meetings where matters of disarmament and related subjects are being discussed.

How does the proposed Agency differ from previous U.S. disarmament organizations?

The U.S. Disarmament Agency for World Peace and Security would be the first U.S. agency dealing with disarmament to be given statutory status; that is, made permanent by legislative act of the Congress. It would have its own budget and it would defend its request for appropriations before the Congress. The proposed Agency would have its own personnel. Employees of the Agency would not be subjected to transfer to jobs outside the Agency. The Agency would be able to recruit its own specialists, its own scientific and technical personnel to research the technical, political, economic, and legal problems involved in disarmament. Most important, the proposed Agency would have its own special status, not as a division or bureau or office of some other Government agency.

How does the proposed Agency compare to efforts of other governments?

The new Agency would be the first comparable Agency at this level of government in the world. It would put the United States in the forefront of the peacemakers.

Mr. ASHLEY. Mr. Chairman, as one of the original sponsors of legislation establishing a U.S. Arms Control and Disarmament Agency, I wholeheartedly endorse the bill before us and hope that it will soon become law.

In times of crisis, when the threat of nuclear holocaust hangs over us and our efforts are directed to countering Communist threats and aggressions in every part of the world, it is not surprising that we sometimes tend to lose sight of our primary purpose and goal in foreign policy: the establishment of a just and lasting peace.

It becomes difficult to look beyond the reality of a world which today is locked in conflict to the time when mankind will finally abandon terror and strife as a means of imposing his will upon others. Yet however difficult and far away it may be, this is our goal—and it can only be achieved if it is pursued.

It has been said that it is inconsistent for the United States to maintain and bolster its Military Establishment on one hand while creating an agency for disarmament with the other. This reasoning has little merit. We are all in agreement that wise policy requires us to maintain a military force sufficient to deter or meet aggression wherever it may occur. But this is not to say that this is the only policy which can or should be followed. It seems to me that the more dangerous the military situation confronting us, the more necessary it is to create conditions under which nations can safely reduce their armaments and thereby alleviate the dangers inherent in an uncontrolled arms race.

It is true, of course, that we have been engaged in disarmament talks with the Soviet Union over a period of many years, and that these talks have been paralyzed by Soviet intransigence. The same tragic pattern exists with respect to nuclear testing. But we live in a changing world, Mr. Chairman, and who can foretell with any certainty what Soviet attitudes may be tomorrow? Our responsibility is to work unstintingly toward a realistic and workable program to control and reduce nuclear arms. This calls for the coordinated application of our knowledge, research, imagination, energy, and resources through a highly competent Arms Control Agency.

By adopting the bill before us, Mr. Chairman, we can take a positive step toward disarmament and arms control, and at the same time we can prove to watchful nations in every part of the world our sincere desire to achieve a lasting peace. This will be in sharp contrast to the terror tactics now being employed by the Soviet Union over Berlin.

H.R. 9118 establishes a semiautonomous U.S. Arms Control Agency to have primary responsibility in dealing with policies, problems, and efforts to reduce and control armaments among the nations of the world. The Director of the Agency would be appointed by the President, with the advice and consent of the Senate. He would be the principal adviser to the President on disarmament and would work under the direction of the Secretary of State and the President in coordinating U.S. disarmament activities.

One of the principal functions of the Agency is a continuing program of research on such subjects as nuclear disarmament proposals, structure of international control organizations, techniques for control of conventional forces and monitoring nuclear weapons systems to avoid war by accident, methods of preventing surprise attacks, and related problems.

Mr. Chairman, this is the first real effort to coordinate the policies and activities of our country which relate to control and disarmament. I feel strongly that it deserves the overwhelming support of this body.

Mr. DANIELS. Mr. Chairman, I rise in support of H.R. 9118, to establish a U.S. Arms Control Agency. As the sponsor of a similar bill, I have long believed that the creation of such an agency is imperative if the United States is to achieve its fundamental objectives.

The severe crises of the immediate present must not obscure the long-term needs of this Nation in its basic pursuit of peace and freedom. Neither the Berlin situation, nor the promised Russian intransigence at the U.N., nor whatever new crises may be forthcoming, must be allowed to dissuade us from establishing the machinery which we must have if we are to be prepared to make intelligent decisions in the field of arms control in the years to come.

Those of us who introduced legislation for such an agency did so for several reasons. We were convinced that only this program could provide us with the necessary research, the necessary study, and the necessary independence of thought which would permit the United States to seize the initiative with sound, realistic proposals in this most critical of all fields. These reasons are as valid today as they ever were. The gap which has existed in U.S. arms control policy will continue to exist so long as we fail to establish the kind of machinery contemplated by the measure before us today.

The Soviet resumption of atmospheric tests, and their apparent cynical duplicity at Geneva, do not indeed provide the kind of climate we might like for a debate on this proposal. They certainly do not encourage optimism about the chances of any kind of disarmament agreement in the near future. But I believe that the current state of world tensions, the terror which exists in the heart of every citizen in every nation, should if anything only spur us to give this bill our full approval. Surely we must support a measure which promises to strengthen our country's hand in its basic objective of achieving at some point in the future a meaningful control of arms and a meaningful peace.

Mr. CASEY. Mr. Chairman, I am sure that there is not a Member of this House who does not agree that we should explore every avenue which may lead to world peace. Certainly the day when fear of nuclear war ends is the dream of all our citizens.

We owe our efforts to this end, and even more, to the millions of our citizens who would die in a nuclear war.

But, Mr. Chairman, I am concerned over provisions of this bill now before the House, which would set up a separate agency which would in effect take over the traditional function of the Department of State in the field of foreign policy. To say that the people I represent are concerned over the ramifications of this bill would be a mild understatement. And in my opinion, after studying this bill, they have reason for such concern. In my opinion, creating such an agency is but driving a wedge between the President and the Secretary of State in the delicate balance of foreign policy at a time when we need cohesion and strength.

It is interesting to note that since 1946, our efforts within the field of disarmament negotiations have been conducted within the authority and the framework of the Department of State, which in turn is fully responsible to the President and to Congress. I cannot see the need to change this now, for in my opinion, the U.S. Disarmament Administration created by former President Dwight Eisenhower is well able to function in this field.

Furthermore, in my opinion, passage of such a bill by Congress could well be interpreted across the world as a sign of weakness, a sign that we are preparing to capitulate on all fronts across the world in face of Communist aggression. This, at a time when we should be strengthening our defenses in the face of possible armed conflict with the Communist conspiracy, is unthinkable to me and I would class it a grave tactical error.

Mr. Chairman, the ramifications of this bill cannot be accurately gaged by the Members of this House at this time.

There is no need for haste in passage of this bill. Certainly it does not strengthen our bargaining position on Berlin, on Laos, or Red China, or the other pressure points of Communist penetration. In fact, if it accomplishes anything, it tends to weaken our position. History has taught us that in dealing with the Communists, you must negotiate from strength, not weakness.

Mr. Chairman, if there is need for passage of this measure to create a Disarmament Agency, then the need will still be with us in January. I strongly urge my colleagues to join with me in opposing this measure, for I am convinced that these functions should be conducted within the Department of State by personnel responsible to the Secretary and to the President.

Mr. ANDERSON of Illinois. Mr. Chairman, even as we discuss this bill to create a Disarmament Agency, the afternoon newspapers here in the city of Washington carry banner headlines: "President Orders Two More Divisions to Active Duty." There is turmoil in the Congo, and the Russians carry out their 13th atomic test explosion. In the third paragraph of the report by the House Committee on Foreign Affairs that accompanies this bill there appears this statement:

> At the same time we do not intend to disarm when such a course will endanger our security.

It is not, therefore, sheer hypocrisy on our part to pass a bill creating a Disarmament Agency when literally in the same breath we concede that disarmament in the light of present world conditions is not only unthinkable but would be suicidal? I firmly believe that were it not for our nuclear deterrent strength Russian bombs and rockets would long ago have rained down upon our cities to bludgeon us into submission.

Some Members may say we must take this action to convince the world and particularly the so-called neutral nations that America wants peace. This is the most specious argument of all. America has poured out the blood of its young manhood and also its material resources for peace. We have dispensed over $100 billion to more than 100 nations to show our concern for humanity. Running through all of the testimony taken at the hearings conducted on this bill was the wholly unwarranted and at times almost abject suggestion that America has not done enough to show its desire for world peace, and that this bill will somehow convince our people and the peoples of the world that America really does want peace and world disarmament.

Mr. Chairman, I reject that suggestion completely. America, down through the course of its history, has time and time again demonstrated its sincere desire for peace.

Our negotiator at Geneva attended almost 400 separate negotiating sessions at Geneva in attempting to get a nuclear test ban treaty. The apocryphal story is told that after Mr. Tsaparin, the Russian counterpart of our own Arthur Dean, had concluded the series of 399 talks, he said to another Russian:

> We now have enough.

He was then asked:

> Do you mean enough talks?

It is said that his reply was:

> No, I mean that we now have enough atom bombs.

Mr. Chairman, there is a deep yearning in the hearts of all of us for peace and world understanding. But we do not want a Communist peace. We do not want a "peace of the tomb." This bill, Mr. Chairman, has had the support of many sincere people, particularly among our church groups. But as the great evangelist, Billy Graham, has been telling us almost nightly on the telecasts of his Philadelphia crusade, we are living in a sin-sick world. Until the cancer of atheistic, materialistic communism has been excised from the body of our world community, there will be no real peace. Until men everywhere accept the teachings of the Master rather than the diabolical and cunning lies spewed from the

mouths of men like Lenin, Stalin, and Khrushchev there will not be peace. We should not delude ourselves; we should not attempt to delude others with the thought that the creation of a new Government agency dedicated to disarmament can succeed until these other conditions have been met.

I do not attack the sincerity of the able men who support this bill. But, Mr. Chairman, I take what is probably the politically unpopular position that this move is ill timed. I pray God that the day will come when we can disarm. That day, however, will only come when the hearts of men have changed, and when as a result there has been a political settlement of the grave international issues now outstanding.

I voted for the Peace Corps, albeit with grave misgivings, for one reason. It was specifically stated that these Peace Corps volunteers would be enabled and permitted to work with volunteer religious organizations in various parts of the world to bring the ideals of our Western world with its Judeo-Christian tradition to the peoples of uncommitted nations. I believe in a people-to-people exchange where an effort is made to export our American and Christian ideals. This is one way that we, and our young people in particular, can work for the cause of peace. I am deeply disturbed at the failure of people in some of these emerging nations to really understand our American way of life and the principles on which our Nation was established. Perhaps through a Peace Corps we can clear away some of the fog of suspicion and misunderstanding.

Mr. Chairman, I do not believe that these people of whom I speak will understand our actions in establishing a Disarmament Agency. They will either interpret it as blatant propaganda or utter hypocrisy in view of our current $47 billion arms budget or what would be even worse, they may interpret it as a weakening of our resolve and courage to stand up to the crude assaults of the Soviet Union. We can certainly ill afford either misinterpretation.

Mr. Chairman, it is for these reasons that after sober reflection and thought I cannot find it in my heart to support this bill.

FACING BOTH WAYS

Mr. HOFFMAN of Michigan. Mr. Chairman, today we have before us, H.R. 9118, a bill to establish a U.S. Arms Control Agency.

During the past few months, we have appropriated almost $5 billion for armament, ways and things to make ourselves strong.

It is conceded by most people, that following a previous war, we started Russia on her way to become a powerful, productive nation. We have continued to burden our taxpayers to make Russia and her Communist satellites strong, both economically and from a military standpoint.

For some time, we spent $41 million a year to arm Laos, and we continued that policy, even though we knew Laos would not support us if war came.

Just how long will we continue to strengthen our potential enemies; help them to improve their competitive economic position?

From the Saturday Evening Post of September 23, permit me to read an editorial:

WE TALK TOUGH BUT STEP UP SALES TO THE RED EMPIRE

At the height of the latest manifestation of the Berlin crisis the Associated Press sent out from Washington a news story by Frank Cormier in which it was stated that "the volume of American goods licensed for shipment to Communist countries increased by more than 800 percent in the 3 weeks following President Kennedy's address to the Nation on Berlin." Although the Battle Act is supposed to prohibit export to Iron Curtain countries of goods calculated to increase their warmaking potential, goods which may be legally licensed for export included rubber, industrial instruments, chemicals, rail equipment, and carbon black. Earlier this year the severest pressure by Senator THOMAS J. DODD, of Connecticut, was necessary to prevent issue of an export license for ball-bearing-making machines considered essential for the Soviet missile program and unobtainable elsewhere.

One piece of leverage that might have been used to retaliate against Khrushchev's squeeze on Berlin was a crackdown on this trade. It was not used. The loosening of restrictions upon trade with Communist countries, which had been going on steadily under the New Frontier and earlier, was supposed to help "reduce tensions" and create a saner attitude in the Communist countries by promoting their economic well-being. Such hopes were based on a completely false analysis of Communist objectives and methods. As Senator DODD pointed out in the Senate during debate on one of the proposals to ease tensions, "When we aid a Communist government anywhere we are aiding an avowed enemy and at the same time depriving our friends and allies of assistance which could otherwise have gone to them."

The easing-tensions fallacy died hard, for right in the middle of the Berlin crisis Secretary of Commerce Luther Hodges urged reporters to treat the subject with care because "we must keep flexible the whole question of relationships." The relationships, it is to be assumed, are those with the British, who, while not so concerned as we are with the relaxation of tensions, are very much concerned with trade. Secretary Hodges said later at a press conference that the figures had been exaggerated and that his Department was "leaning over backward" to prevent war materials from being sent to Communist countries. He added that our allies were sending the Reds much more stuff than we were. Nevertheless it would appear that the law needs stiffening.

If the administration is moving behind the scenes to discourage shipments from this country and to persuade the British and other allied traders that there isn't much sense in supplying the Communist gravedigger with spades for burying us, that is welcome news indeed. In any event attention might be given to the views on this subject of the present Attorney General, Robert F. Kennedy. When he was counsel for the Senate Committee on Permanent Investigations, Mr. Kennedy wrote a letter to the New York Times (Mar. 13, 1956) in which he cited a long list of machines, metals, and other items which, he charged, had been downgraded to permit their export to Communist countries. He conceded that this trade might be profitable to those engaged in it, but added: "The profits that came from the sale of scrap steel to Japan were undoubtedly economically helpful to some of our citizens. The lives that that economically profitable trade cost the United States during the 1940's should have taught our allies and ourselves a lesson."

So it should.

Mr. MEADER. Mr. Chairman, I regret that I must oppose H.R. 9118, to establish a U.S. Arms Control Agency.

I use the word "regret" because I yield to no one in my desire for peace and reduction of armaments, and a vote against the bill might be interpreted by the unthinking as a vote in favor of war and against peace.

My opposition to the bill is that it is completely unnecessary. There already exists adequate authority in the executive branch of the Government, and, specifically, in the Department of State, for the conduct of research, planning, and negotiation working toward international bilateral and multilateral treaties providing for the limitation of armaments. The chairman of the Foreign Affairs Committee during debate conceded that all of the functions of the proposed new Agency could presently be performed by the U.S. Disarmament Agency in the Department of State.

That is where these functions should be performed.

If the personnel of the existing Agency is insufficient, or if the funds for these purposes are insufficient, all the administration has to do is to ask for additional appropriations to strengthen the Agency.

Not only is the establishment of a new independent Agency outside the State Department unnecessary but, in my opinion, it is harmful.

It will further weaken the State Department when it desperately needs to be strengthened. It will fragment and diffuse the conduct of our foreign relations when the need is for a clearer and more definite pinpointing of responsibility in the arm of our Government responsible for conducting our relations with foreign governments.

Mr. Chairman, my belief that the State Department needs to be strengthened is one of long standing. During the Eisenhower administration, I vigorously opposed two reorganization plans in 1953 which removed from the Department of State certain functions previously vested in the Department, and created new autonomous, independent agencies with only nebulous, if any, supervision and control remaining in the Department of State. I refer to Reorganization Plan No. 7 creating the Foreign Operations Administration and Reorganization Plan No. 8, which removed the U.S. Information Agency from the Department of State and gave it independent status.

Mr. Chairman, it is significant that my position with respect to Reorganization Plan No. 7 has been vindicated. After a few years' experience with the autonomous foreign aid agency, it was returned to the Department of State. I have long urged that the same return to the Department of State be taken with respect to the U.S. Information Agency.

Because I believe H.R. 9118 moves in exactly the wrong direction by splitting off from the State Department one of the most important of its responsibilities in

the conduct of foreign relations, and for that reason would impede rather than promote progress toward disarmament and peace, I feel compelled to vote against the bill.

The CHAIRMAN. All time has expired.

The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE, PURPOSE, AND DEFINITIONS

Short title

SECTION 1. This Act may be cited as the "Arms Control Act".

Mr. MATTHEWS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to support this legislation which would create an Arms Control Agency. I want to congratulate the House Committee on Foreign Affairs for using the words "arms control" rather than the word "disarmament." Extreme solutions in this awful field of disarmament are impossible utopias as we face the world conditions of today, and we do not want to make cynical feints to take the eyes of the world off the terrible problems involved in the peace of the world. Surely the dream of all of us is to come to that day when we can have disarmament. This is certainly the end desired result of arms control. In my opinion, however, to use the word "disarmament" in consideration of this bill will do more damage than good at the present time. It is my opinion that complete disarmament would increase rather than decrease the dangers of nuclear war. If we were to use the word "disarmament," it would make our people believe that we are returning to a state of mind that we had after World War I, when we sank our Navy. They would recall the rapid demobilization of our vast military forces, the most powerful that the world had ever seen, after World War II, while the aggressor rebuilt his military strength.

If we use the word "disarmament" the neutral and emerging nations will show us less respect than they do now. Let us remember delegates at the recent Belgrade Conference expressed a greater respect for the bully than for the modest man—a faint appreciation for the forces of light, but an obsequious demeanor toward the protagonists of darkness. As further evidence of the greater respect that some of the so-called neutral and emerging nations have for the bully than they have for the modest man, let us consider the daily talk of many of the representatives of these nations. They talk in mumbo-jumbo when they speak of the colonialism of the Communists: Russia's seizure of Poland, Hungary, Czechoslovakia, East Germany; and Red China's merciless aggression in North Korea, Tibet, and other vast areas of Asia. But they talk precisely—and in articulate fashion when they speak of the colonialism of our allies—a colonialism which is today a dead issue.

They talk in mumbo-jumbo when Russia renews atomic testing to bully the world; but they talk precisely and in articulate manner when they urge our abandonment of Berlin to insure peace, as the Russians visualize peace.

They talk in mumbo-jumbo when cannibals of their own nations actually eat the nationals of our allies; but they speak so eloquently in criticism of our law officers who insist that their diplomats obey the laws of our land.

If we use the words "arms control" this expression will make the emerging nations understand that we are not abdicating to the enemy. We do not want the emerging nations to think we are giving up our armament while the adversary continues to build up his military power. We should impress upon the so-called neutrals and the emerging nations that America is determined to remain strong enough to defend our freedom, but that we are earnestly dedicated to the task of arms control and we fervently hope that this will eventually lead to disarmament.

If we use the word "disarmament" the Russian tyrants would gloat in anticipation of what they would see as a softness on our part. They pervert the idea of disarmament, and their conception of the word is a program which permits Russia to continue building her military power, while the free world becomes defenseless. Let us not make the mistake of having a noble ideal misunderstood. Let us not give that which is holy unto the dogs, neither cast our pearls before swine, lest they trample them under their feet and turn again and rend us.

We need more earnest, dedicated, and intelligent work in the field of arms control. Since 1945, when the first atomic bomb was dropped, we have presented to the world seven major disarmament plans, and the Soviet Union has proposed eight. Yet during this time, for as long as a year at a time, there have often been four officials or less in the entire United States working full time on the problems of arms control.

One facet of the future that should receive considerable study on the part of an Arms Control Agency is how to devise ways and means for us to increase the responsibilities of our States, and reverse the trend toward overwhelming Federal concentration. Recently we have been engrossed with the so-called problems of Federal aid to education. In my opinion, we should be thinking about how we can help our various State governments to obtain more revenue so that they can better solve the problems of education without sending the revenue first to Washington and then receiving less in return. When the glorious day arrives when we can look forward to peace again, what are we going to do with the approximately $45 to $50 billion a year that we now spend on armaments? I think one answer is to permit this vast amount of money to remain in the States so that they can build their schools; so the municipalities and States can build more libraries, hospitals, parks, and roads—so that they can do for themselves the jobs that are so essential. Many of us in Congress have suggested through the years that the best way to help with our problems of financing education would be to return to the States a certain portion of the income tax collected, or a certain portion of the excise taxes collected in the States with the specific proviso that these moneys be spent for education. This, I believe, is one of the great problems that an Arms Control Agency should consider.

Yes, let us study every possible honorable avenue for arms control. Let us never lose faith in the noble prophecy of the Prophet Isaiah who said:

> They shall beat their swords into plowshares, and their spears into pruninghooks: nation shall not lift up sword against nation, neither shall they learn war any more. (Isaiah 2: 4).

Mr. JOHANSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I arise in opposition to H.R. 9118.

I know of no more compelling reason why this legislation should be defeated than is found in the opening paragraph of the report of the Committee on Foreign Affairs which accompanies this bill:

> This legislation, providing for the establishment of a U.S. Arms Control Agency, does not reflect any intention that the United States give a higher priority to disarmament than to defense, or that we intend to disarm in the face of the military threat.

The fact that the committee finds it necessary or expedient to preface its arguments as to the need for this legislation with such a disclaimer is, in my judgment, all the reason needed to defeat it.

I wonder if the supporters of this bill and the authors of this disclaimer think Mr. Khrushchev is going to read it, or, reading it, is going to believe it.

The simple truth, of course, is that Mr. Khrushchev is interested in only one form of disarmament and that for his enemies alone. His whole aim and purpose is the spiritual and moral disarmament of the United States and its people. His one aim is to paralyze or destroy our will to resist. His one aim is a campaign of terror, of nuclear blackmail, of alternate smiles and scowls, that will frighten and confuse us into the course of appeasement.

In addition to all of his other efforts to this end, there is no question that Mr. Khrushchev will in the days immediately ahead use these same tactics to capitalize on the death of Dag Hammarskjold. Following the collapse of the 1960 summit conference, Khrushchev reportedly referred to the United States in the presence of satellite and foreign correspondents in these vile and venomous words:

> You spit in their faces and they call it dew.

Never will I knowingly contribute to the corroboration of this contemptuous appraisal of the American people.

I do not propose, in the face of his terroristic threats and missile-rattling blackmail, to support legislation which in the remotest way gives Khrushchev the basis of believing or asserting that the United States is divided in its purposes or wavering in its firmness.

Mr. STAGGERS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman:

Brief words, when actions wait, are well;
The prompter's hand is on the bell;
The coming heroes, lovers, kings,
Are idly lounging in the wings;
Behind the curtain's mystic fold
The glowing future lies unrolled.
—*Francis Bret Harte.*

The drama is global tragedy, and the audience is humanity as a whole. The play is another Götterdämmerung, a twilight of the gods. What heroes will emerge as the curtain rises and the play unfolds? The prompter is in the act of pushing the button.

Several recent books discuss the role of the State Department in promoting the interests of the United States. An attempt is made to draw a distinction between what is called power diplomacy and moral diplomacy. Essentially, power diplomacy is an assertion like this: We deem it wise or expedient to do a certain thing, to follow a certain course; we have the power, military or economic, to do it; therefore we will do it. Moral diplomacy, on the other hand, requires some consideration for the rights and interests of other people, a respect for world opinion. Power diplomacy is available only to the stronger nations. The weaker nations must rely on moral diplomacy, unless they wish to take the risk of annihilation.

The thesis of the books referred to above is that the United States has tried to make a judicious admixture of power diplomacy and moral diplomacy. In some instances, power factors prevailed; in others, moral issues gained the ascendancy. Jefferson prefaced his Declaration of Independence with the statement that a decent respect for world opinion demanded some moral justification for an act of rebellion. Monroe's doctrine, on the other hand, was plain power politics. Monroe said, in effect, that it was contrary to the interests of the United States to permit any European nation to establish itself in the Western Hemisphere, and that we would fight to prevent any such action.

A careful survey of American history indicates that during the 19th century we have usually practiced power politics, but that we have hesitated to apply power until we could rationalize its use. , The Civil War is a good example. The great moral issue of slavery summoned the Nation to arms in opposing camps. Once the conflict was joined, power took over. Each side used whatever resources it could command to advance its viewpoint. The war itself, and its aftermath, raised a whole series of questions both moral and constitutional which remain unanswered a hundred years later. At the conclusion of the Spanish-American War, a question arose as to what disposition to make of the Philippines. Power politics argued that possession of the Philippines was essential to the advancement of American interests in the Far East. The trouble was to find sufficient moral grounds on which to base the seizure of the islands. The administration is said to have been convinced that it was the duty of the United States to bring the benefits of Christianity and civilization to the peoples of the archipelago, an obligation insufficiently acknowledged by the former Spanish rulers. So the Philippines were conquered and held for many years.

It is hardly necessary to cite instances to demonstrate that European nations—indeed, all great powers, ancient and modern—uniformly play power politics. The difficulty of doing otherwise lies in the facts of life. One of those facts is that morality itself is a quite indefinite concept. There is no code of morals which is universally accepted and practiced. We like to think that as people become more civilized they attach greater importance to keeping their pledged word, to adjusting their differences under the rules of reason, to observing the principles of honor and justice in all their dealings. Unfortunately we find too few nations inclined to be guided by such ideals.

There is little doubt that the United States today is hampered in its international relations by moral considerations. In the last half-century we have built up enormous military and economic power. But uneasy rumblings of conscience prevent us from using that power in situations which quite plainly and importantly involve our national interest. We have developed and produced an atomic weapon capable of unimaginable destruction. We say that we will use that weapon only after attack by a similar weapon. Meanwhile, we fear, we believe, that other great powers are not stirred by similar qualms of conscience. We realize, too, that a hostile attack would seriously cripple our capability to retaliate. A successful attack might even reduce us to complete impotency.

Should we, then, have used power diplomacy in Cuba last spring as we did some 60 years ago under circumstances less provocative? Should we anticipate onslaught in East Germany today? I try to think what I, as an individual, would do if I were confronted by a ruthless enemy both able and willing to accomplish my destruction. With no help in sight, would I wait for him to thrust home his pointed dirk or to fire the fatal shot? All my life I have been trained in principles of morality. I feel that at times I have made some small sacrifices to the ideals of morality. But in the situation I have described, I am inclined to think that I would, that I should, throw away the book and act in my own defense before it is too late. Should I hold a similar view when nations, rather than individuals, are involved?

I raise the question not for the purpose of answering it, but to point out the great necessity for some higher agency to consider the whole problem.

It is currently proposed to create a Disarmament Agency in the Federal Government. It is not enough. It is an ad hoc answer to an already fairly developed problem. We need to treat the whole problem of diplomatic power and diplomatic morality at its source, and in advance of concrete situations.

The Department of State deals with all international relations. It must at times be more alert to power applications, and at others to general principles of such morality as is known to exist. It must at all times try to maintain a delicate balance between the two.

I have heretofore proposed a more precise and, I think, more pointed instrument. I have urged the creation of a full-scale and permanent Department of Peace in Federal administration. A Department of Peace would be invested with the function of foreseeing the situations which give rise to difficulties, and of studying and proposing alternatives to conflict. It would give all its attention to the promotion of peace.

Happily, we are not the only Nation in the world which is confused by the struggle between power and morality. Other nations would prefer a moral approach to international differences. But few of them are so situated that they can rely on morality in an immoral world. Power is all that stands between them and extinction. An American department consecrated to fundamental peace would be an example which would elicit a sympathetic response, perhaps some of it in unsuspected quarters. The Hague Peace Conference set up a half-century ago was the germ of the idea, a germ untimely blasted by a sudden resurgence of power. Hopefully, in a world under the hourly threat of a devastation more horrible than any in all history, the really peace-loving nations of the earth could cooperate in the formation of a workable code of morals acceptable to all men and enforced by world opinion. A Department of Peace in the United States, the only Nation in a position to create such an innovation, is the place to begin.

Mr. JOELSON. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, at this moment in history when we are on the edge of war, or well may be, we are discussing arms control. I am not saying this critically—I think this is a proper thing, I think it is a wonderful thing, and I think it is a tribute to the human spirit. It is an affirmation of faith in our ultimate survival.

We have heard the word "appeasement" bandied about here. I have voted to commit $46 million of the wealth of the American people to arms, so I am not worried about bring called an appeaser.

We have heard unilateral disarmament discussed. I do not know one man in this Congress who would urge unilateral disarmament, because to do this you would have to be a certified lunatic. Frankly, I do not think anybody in this Congress is that bad.

I have also been hearing that we should remind ourselves of what Khrushchev will think if we talk about arms control. I think we ought to forget about what Khrushchev thinks, stop hanging on Mr. Khrushchev's every mood and start devising an affirmative policy of our own by which we act against Mr. Khrushchev instead of reacting to Mr. Khrushchev. I say we must explore all avenues toward ultimate peace. We must realize that the yearning and aspiration toward peace being desirable, we must look forward to the day when nations will study war no more.

Mr. Chairman, I gladly support this bill.

Mr. FULTON. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, my recommendation to begin with would be to make this not a permanent agency but make it an agency for a term of 3 years to see how it works.

Mr. Chairman, I have some questions I would like to ask.

First, I would like to read portions of the Constitution of the United States. The Constitution says in the preamble:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence—

And so forth. So we American people are united for the purpose of common defense under the Constitution. That is important and it is placed in the very first part of the U.S. Constitution.

Section 8 of the Constitution states:

> The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States.

I point out the power to provide for the common defense is placed specifically by the U.S. Constitution in the U.S. Congress.

In article I, section 8, Congress is given the following specific powers:

> To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years; to provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress.

My question is this, and I would like an answer authoritatively:

Either the U.S. Arms Control Agency is an agency which operates and has power, or it is an advisory agency. If it is an advisory agency, its authority and functions are to make recommendations to the President and Secretary of State.

This bill provides in section 31:

> The Director is authorized and directed to exercise his powers in such manner as to insure the acquisition of a fund of theoretical and practical knowledge concerning disarmament.

But in other portions of the bill, it is made an operating agency. Second, it is made a direct negotiating agency with foreign powers; and, third, it will have Foreign Service officers both in the Reserve and Regular status.

Likewise, it has authority to handle various things, under subsection 1, page 8, such as scientific, economic, political, legal, social, psychological, military, and technological factors related to the prevention of war with a view to a better understanding of how the basic structure of a lasting peace may be established.

> (k) Methods for the maintenance of peace and security during different stages of disarmament.
>
> (M) Such related problems as the Director may determine to be in need of research, development, or study in order to carry out the provisions of this Act.

My question is, Does the U.S. Arms Control Agency in any way derogate from the power of Congress under the Constitution to provide for the common defense or its control over the military? Second, if the Agency does not derogate from that power, does it delegate the power of Congress in advance to the U.S. Arms Control Agency in these respective fields set out in the Constitution?

I would like that specifically answered, because in some places this Agency is an advisory agency and in others it is an operational and control agency, as well as an agency to make executive contracts and execute agreements abroad, which do not require the advice and consent of the Senate.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield to the gentleman from Minnesota.

Mr. JUDD. The answer to the questions asked by the gentleman is "No."

Mr. FULTON. In neither respect?

Mr. JUDD. To both of his questions the answer is "No."

Mr. FULTON. It is not a delegation or derogation of power of Congress?

Mr. JUDD. It does not derogate or delegate the powers of the Congress.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield to the gentleman from Ohio.

Mr. HAYS. I agree with the gentleman from Minnesota [Mr. JUDD]. It is spelled out in the bill as plain as you can see it.

In order to make it more clear, the chairman has agreed to accept an amendment which spells out that no action taken under this or any other law that will obligate the United States to disarm, and so forth, except pursuant to treatymaking powers.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FULTON. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FULTON. On page 6, section 31 deals with research, development, and other studies, and on page 7, line 8, we find this language:

> (c) The analysis of national budgets, levels of industrial production, and economic indicators to determine the amounts spent by various countries for armaments.

Further down, subparagraph (f):

> The training of scientists, technicians, and other personnel for manning the control systems which may be created by international disarmament agreements.

And, under (g):

> Including (but not limited to) improvements in the methods of communications between nations.

Subparagraph (h):

> The economic and political consequences of disarmament, including the problems of readjustment arising in industry and the reallocation of national resources.

I object to that subparagraph (h), strongly, because I think not one agency of this Government should have any authority with the readjustment arising in industry and the reallocation of national resources. If this is not national planning, I would like to know what it is and I would like to have an explanation.

Mr. HAYS. Mr. Chairman, if the gentleman will yield, this is for a study of these problems. It does not say anywhere that they shall have the power to make those regulations.

Mr. FULTON. The question comes when is Government study a study, and when is the study the step toward Government action in the peacetime control of private industry under the guise of disarmament?

Mr. JUDD. Mr. Chairman, if the gentleman will yield, the language is very clear:

> The authority of the Director with respect to research, development, and other studies shall be limited to participation in the following—

Which list the gentleman read—

> insofar as they relate to disarmament.

Mr. FULTON. So then the Director is not to make any recommendations whatever to the public or the Government; he is only to study it and do research and other studies. But, on page 8, line 1, there is this language, "problems of readjustment arising in industry and the reallocation of the national resources," which of course refers to changes of private industry and national resources by Government action in peacetime because of disarmament policies and agreements.

Mr. JUDD. Please look also at page 9, line 8:

> The Director is authorized and directed to prepare for the President, the Secretary of State, and the heads of such other Government agencies as the President may determine, recommendations concerning U.S. disarmament policy.

He will make those studies, and out of those studies he can and shall make recommendations to those particular officials whose duties concern U.S. disarmament policy.

Mr. FULTON. Would you please answer me specifically, he is not to make recommendations including the problems of readjustment arising in industry and the reallocation of national resources.

Mr. JUDD. Not unless it concerns U.S. disarmament policy. He is authorized to do what the language says; no more, no less.

Mr. FULTON. That is one of the broadest authorities I ever heard of in a bill.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. BARRY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York.

There was no objection.

Mr. BARRY. Mr. Chairman, I would like to call to the attention of the House the very strong support which has been given to this bill by a large number of persons who were responsible for dealing with this subject in the last administration. In the first place, President Eisenhower himself has endorsed this extension by act of Congress of the establishment in October of 1960 of the present Disarmament Administration. Secretary Herter, who was responsible for the order establishing the present Disarmament Administration, testified before the Senate that he hoped very much that action would be taken on this bill and that—

> From a practical, very practical point of view, this would give the Secretary of State an arm which I think would be much more effective than anything which he would set up in the Department itself, which has been the practice up to now, and from that point of view I feel it is a move in the right direction.

Ambassador Lodge was even more pointed in stressing the need for a single place within the Government where policy could be created in advance of negotiations on disarmament and where quick answers could be made to the negotiating moves of others. He emphasized the importance of a Director's access to the President; described it as "the very heart of the matter."

Former Secretary of Defense Gates was eloquent in urging the creation of this Agency and I commend to you the quotation in the report of the committee from Secretary Gates' statement. The Director of Research and Engineering, Under Secretary Herbert York, was equally emphatic, stressing that this step should be taken earlier and that the research needed in this field could not be continually done by panels assembled at the last moment.

Both Ambassador Eaton and Ambassador Wadsworth, who have, like Mr. Lodge, endeavored to negotiate with the Soviets in this field, were emphatic in stressing the need for this Agency to create plans and to back up the negotiations. In the absence of war we will continue to study and negotiate on the subject of arms control, disarmament, and the means to reduce tension, the danger of surprise attack and miscalculation.

I think it is significant in considering the timing on this bill that both Mr. McCloy, who was former High Commissioner of Germany, and General Clay at the time of his most recent trip to Berlin, both urge so strongly that this bill be passed at this session. We cannot afford to wait in developing our competence in this field. During these periods of continuing crises, we can do no less than our best to plan calmly and with a sense of our great strength for the possibility of a better, a more stable, and a more peaceful world. This is the hope which gives our courage meaning. This is why so many able people urge that the creation of this Agency will be a source of national strength and purpose.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I was interested in the remarks of the gentleman from Florida [Mr. MATTHEWS] in which he expressed so much appreciation over the fact that this is called an arms control act. If he had turned to page 2, line 6, he would have found that the aim of this bill is disarmament.

The gentleman from Florida seemed so satisfied that this was an arms control rather than a disarmament bill.

Mr. JUDD. Does not the gentleman believe in world disarmament?

Mr. GROSS. Of course I believe in it, if universal and effective. But I do not think you are about to get world disarmament.

Mr. JUDD. Neither do we at this time. But we must do all we can.

Mr. GROSS. I say to the gentleman from Minnesota that where he and I differ, as usual, is that fact that if I understand the record right, we have been spending some $700,000 to $1 million on disarmament each year. Is that about right—about $1 million a year?

Mr. JUDD. Yes.

Mr. GROSS. Where we come to the parting of the ways is the fact that the gentleman from Minnesota wants to increase that 10 times, or to $10 million.

Mr. JUDD. Since this Congress has been in session, we have increased appropriations for our Armed Forces by $6 billion. This bill proposes appropriations for this effort of one-tenth of 1 percent of that amount.

Mr. GROSS. The gentleman can amplify that on his own time. The gentleman always tries to make a speech on my time.

Mr. JUDD. The gentleman asked the question. The bill establishes an agency to deal with the problem of reduction and control of arms, looking toward ultimate world disarmament.

Mr. GROSS. You say it any way you want to, but the professed aim of this bill is disarmament. It is not limited to the control of arms. But the gentleman wants to spend $10 million instead of $1 million. That is typical of the gentleman when it comes to something of this kind.

Mr. PILLION. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. PILLION. Mr. Chairman, I would like to submit that the question before this House is not whether the gentleman in the well of the House believes in disarmament or not. The question is, Does Mr. Khrushchev believe in disarmament; did Mr. Lenin in his writings, and Stalin in his writings and actions, give us any hope for disarmament?

Mr. GROSS. Of course, they gave us no hope whatsoever for disarmament.

Mr. PILLION. It takes two to disarm.

Mr. GROSS. I am perfectly willing to vote to continue the appropriations for the U.S. Disarmament Administration we have now. I say to you you can spend 10 times $10 million, and you will not get any further in the foreseeable future with disarmament than you are getting today.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Not at this point.

Mr. Chairman, the gentleman from Maryland [Mr. JOHNSON], although speaking in behalf of this bill, says that he is sure the United States is going to have a stronger and stronger Military Establishment. You cannot have disarmament and at the same time a stronger and stronger Military Establishment. I wish somebody would tell me how it is possible to have stronger and stronger military establishments and at the same time have disarmament.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York. I yield to anybody who can answer the question.

Mr. BARRY. I am not certain that I can answer it to the satisfaction of the gentleman from Iowa.

Mr. GROSS. The gentleman can make an attempt.

Mr. BARRY. I can say this: I think the gentleman would agree that we should be prepared to go forward with the disarmament program at a time when other nations, and especially our adversaries, might be in a weakened position, where it might be well to enter into a disarmament agreement; whereas, if we do not do anything about it——

Mr. GROSS. I think I have the gentleman's idea. I understand what the gentleman is talking about.

Mr. BARRY. If the gentleman will yield further—I realize that the gentleman has the time.

Mr. GROSS. In reading the hearings before your committee I did not see a single witness that appeared—Mr. McCloy, Mr. Rusk, or anyone else—who did not say that the present Disarmament Administration had been and is doing a good job. Does the gentleman know of anybody that said otherwise?

Mr. BARRY. I read into the RECORD a while ago comments made by the distinguished Congressman from Minnesota.

Mr. GROSS. I am not interested in that. I am talking about the people who have been running the present U.S. Disarmament Administration. I did not find a single one that did not say they had been doing a good job. The gentleman can say that I am inaccurate or accurate, one or the other. It is necessary for the gentleman to make a speech on my time.

Mr. BARRY. I would be glad to say that the gentleman is inaccurate.

Mr. GROSS. The story is this: The present U.S. Disarmament Administration has been doing a good job but the desire to spend and expand the Federal bureaucracy is rampant although there is no money in the Treasury.

Mr. Chairman, there is nothing that the Agency here proposed can do that the present U.S. Disarmament Administration cannot do at a cost of $1 million as compared with the $10 million

requested in this legislation. I am not opposed to continuing negotiations with respect to disarmament. I am opposed to this costly, permanent bureaucracy which I predict will accomplish nothing but a further waste of the taxpayers' money. And I again call attention to the fact that the United Nations, on which the taxpayers of this country spend $150 million a year, is responsible under the Charter of that organization for negotiations dealing with control of arms and disarmament. Why, if disarmament is possible, has this outfit been such a miserable failure? The truth is that until Russia and the other Communist countries show a real desire for disarmament it is futile to waste millions on an enterprise of this kind in this country.

Mr. HALEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to direct a question to the chairman of the committee. On page 6, under the heading "Research," section 31, we have this language:

To this end, the Director is authorized and directed, under the direction of the President—

On page 9, under "Negotiations and Related Functions," section 34, it says:

Under the direction of the Secretary of State—

I would like to have some explanation of why the research would be under the direction of the President of the United States and the negotiations and related functions would be under the direction of the Secretary of State.

Mr. MORGAN. Mr. Chairman, I will say to the gentleman from Florida that they are two different functions. The language on page 6, "under the direction of the President" would include research and the authority would cross many lines, including the Department of Defense, the Atomic Energy Commission, and so forth. On page 9 the language "under the direction of the Secretary of State" would have to do strictly with international negotiations that come directly under the Secretary of State, as do all negotiations with foreign nations.

Mr. HALEY. If the gentleman can enlighten me a little further. Under "Negotiations and Related Functions," is this going to give the Director authority to negotiate without the consent of the President of the United States and thereby take away some of his constitutional prerogatives?

Mr. MORGAN. No, sir. It gives him no power to negotiate without approval by the President and the Secretary of State. The Secretary of State, of course, works under the direction of the President.

Mr. HALEY. I thank the gentleman.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. HALEY. I yield.

Mr. ZABLOCKI. If the gentleman will refer to pages 62 and 63 of the hearings I am sure he will get a further explanation to his question.

Mr. HALEY. I might say to the gentleman that I do not happen to have those hearings before me. Of course, the gentleman, as a member of the committee, has more knowledge of what the hearings contain.

Mr. ZABLOCKI. The hearings are available at the desk.

Mr. HALEY. I thank the gentleman.

Mr. PILLION. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I would like to address my remarks to the chairman of the committee, if he is present, or the acting chairman.

I consider that the proposed recognition of Outer Mongolia and her entry into the United Nations as proposed by the State Department to be an issue most vital to the survival of this country.

On August 16, the House accepted an amendment to the foreign aid bill expressing the sense of this House in opposition both to the diplomatic recognition of Outer Mongolia and to the admission of Outer Mongolia to the United Nations. This amendment was stricken out in the Senate conference. When the Senate resolution opposing the admission of Red China came to this floor, I refrained from offering an amendment to include Outer Mongolia. I did so on assurances of the gentleman from Minnesota [Mr. JUDD] that the Foreign Affairs Committee would meet, hold hearings, and consider two resolutions on this subject.

One of the resolutions is sponsored by the gentleman from Texas [Mr. BURLESON]. The other is sponsored by myself.

The State Department has not rejected the proposed diplomatic recognition of Outer Mongolia. It has merely suspended its intent to do so.

Last Sunday, much to my shock and astonishment, on the Meet the Press program, Adlai Stevenson, the U.S. Ambassador to the United Nations, stated that the United States would not oppose the entry of Outer Mongolia to the United Nations. He further went on to state that the United States would not veto the entry of Outer Mongolia to the United Nations and would permit that question to be decided by Nationalist China, and place the burden of vetoing the entry of Outer Mongolia upon that nation, our ally.

I should like to ask this question, if I may. Will the Committee on Foreign Affairs meet and consider the Burleson and Pillion resolutions expressing the opposition of this House to the recognition and to the admission of Outer Mongolia to the United Nations, and will this House and the people of America be given an opportunity to register the will of this country on this pro-Communist proposal?

Mr. HAYS. I think the gentleman is aware that the Committee on Foreign Affairs has either been meeting in full committee or in conference practically every morning and afternoon. The chairman discussed this matter with me just the other day. The chairman has just now reentered the Chamber, in the midst of the gentleman's question, and I again broached the matter to him and I am authorized to say that we have every intention of holding such hearings at the earliest opportunity.

Mr. PILLION. I thank the gentleman. I have full confidence in the chairman and the members of the committee. I know you are doing a wonderful job under most difficult conditions.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. PILLION. I yield to the gentleman from Minnesota.

Mr. JUDD. As the person who, on behalf of the House conferees on the Foreign Aid Act, gave the assurance to the gentleman from New York that the committee would hold hearings on this matter, I wish to state here that it was the understanding of the House conferees in the conference with the other body when we agreed to eliminate the gentleman's language on Outer Mongolia, that he and other interested Members would be given an opportunity to appear before the committee in behalf of their resolutions. I must say I am embarrassed that our committee has not yet been able to hold those hearings. I have pressed for them and will continue to press for them.

Mr. PILLION. I have every confidence in the integrity of the gentleman from Minnesota. The question of the recognition of Outer Mongolia is more important than the resolution we passed here opposing the entry of Red China, because in this case we are helping the stronger of our enemies, the Soviet. Red China is not our present and clear dangerous enemy. It is the Soviet, and we would be helping her in the admission of Outer Mongolia.

Mr. DADDARIO. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of H.R. 9118, which I conceive to be an excellent legislative measure and one designed to promote peace in the world. I must, however, sound a warning to this bill in connection with section 32, which deals with patent rights.

Last Wednesday, when the House was considering the conference report in regard to the saline water bill, I endeavored to point out the dangers in a provision dealing with research patent rights. I called attention to the fact that, at the insistence of the chairman of the Senate Antimonopoly Subcommittee, it is becoming a habit for Congress to insert a certain clause into all research bills—a clause which is having the effect of undermining our Federal patent system.

This is a very curious thing. Just a few days ago, for example, the Congress passed House Joint Resolution 499 commemorating the 125th anniversary of our patent system, a system which has provided one of the greatest of all incentives to American free enterprise to innovate, to invent, and to advance the technological capability of the United States. This we have done on the one hand. On the other, we have been inserting patent clauses in all recent research legislation, the only effect of which can be to retard the interest of American enterprise to invent—and particularly to deter small business from entering into research contracts with the U.S. Government.

Such a clause was passed last year in the Coal Research Act. It has been placed this year in the Marine Sciences

and Research Act, which now pends before the Merchant Marine and Fisheries Committee. It was incorporated into the Saline Water Conversion Act by the Senate and agreed to by House conferees.

Now, while this provision does not exist in H.R. 9118, it has been included in a companion bill, S. 2180, which passed the Senate on September 11.

The clause in question has never been recommended by the Judiciary Committees of either House. It has never been debated by this body and has only been casually discussed in the other body. It is habitually being incorporated through mere committee processes in the Senate. Here is the way the clause reads as it exists in the Senate bill:

SEC. 32. No appropriated funds may be expended pursuant to authorization given by this Act for any technological research or development activity unless such expenditure is conditioned upon provisions effective to insure that all information, uses, products, processes, patents, and other developments resulting from that activity will (with such exceptions and limitations as the Director may determine to be necessary in the interest of the national defense) be made freely and fully available to the general public. Nothing contained in this section shall be construed to deprive the owner of any background patent relating to any such activity of any right which he may have under that patent.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield.

Mr. MOORHEAD of Pennsylvania. I should like to commend the gentleman on the excellent statement he is making, and to tell the Committee that he is a generally recognized authority on patent law and is the author of an article in the July issue of the American Bar Association Journal entitled, "A Patent Policy for a Free Enterprise Economy."

Mr. DADDARIO. Mr. Chairman, I thank the gentleman.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield to the gentleman from Connecticut.

Mr. MONAGAN. In reading section 32 of the bill having to do with patents, it seems to be a pretty general section providing merely that they should be disposed of in a manner calculated to protect the public interest and the equities of the individual or organization with which the contract or other arrangement is executed. I wonder if the gentleman would not be more specific on that point.

Mr. DADDARIO. I will be glad to do so.

Mr. MONAGAN. I thank the gentleman.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I appreciate the gentleman's statement on the subject because I know that the subject of patents was before the House last year in the bill sponsored by our late colleague from Louisiana, Hon. Overton Brooks, which would loosen up some of the tight provisions in the atomic energy bill to the extent that they would at least parallel the present patent situation regarding defense contracts. Does the gentleman believe this language would authorize any policy more restrictive than the one that now applies to the Department of Defense? If it does, I would think this would be a very serious problem.

Mr. DADDARIO. It is my position that we support the position of the House and resist the position of the other body. I think the Senate bill is unnecessarily restrictive. It binds the hands of the Director of this Agency and I think it will make it practically incumbent upon him to take title in every case. I believe that what this does rather than help the situation, is to throw all patents into a sort of Federal grab bag. Rather than help research it will retard it.

Mr. STRATTON. In other words, if we do not stand by the House position in the House bill, we might find this Agency being put in a position similar to the Atomic Energy Commission which the Brooks bill has been trying to correct; is that not correct?

Mr. DADDARIO. I would say that it would not be a position similar to the Atomic Energy Commission. I think, perhaps, in this particular area it might even go further.

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield to the gentleman from Pennsylvania.

Mr. FULTON. I wish to compliment the gentleman on his statement and for his interest in private enterprise. Second, I have served with the gentleman under his chairmanship of the Subcommittee on Patents of the House Committee on Science and Astronautics where he has done good work. I had looked at this particular patent provision that you speak of, section 32, and had felt it did not change the current patent provisions under the Department of Defense regulations, and unless it is specifically changing those regulations, I believe this House should adopt the intrepretation that it is no change in the Department of Defense regulations and conforms to them. Would you not agree to that?

Mr. DADDARIO. I would agree to that and go back to my original statement that we should insist that this section be retained in the bill and that we do not accept the provision of the other body.

Mr. FULTON. I agree with the gentleman thoroughly.

Mr. CURTIS of Missouri. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield to the gentleman from Missouri.

Mr. CURTIS of Missouri. I commend the gentleman for calling this very serious matter to the attention of the House. It is these seemingly little things that frequently are the most important. Certainly, this whole question of patents has a great deal to do with whether the private enterprise system is to flourish and I again thank the gentleman for calling this to the attention of the House.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield to the gentleman from Iowa.

Mr. GROSS. I am unable to understand why this new organization should be in this field at all, with the language in the bill which provides that they can call upon any other agency of Government and in this case, on research and development or anywhere else in the Government. I cannot understand why this provision is in the bill.

Mr. DADDARIO. I think the provision is in here because the Director will be submitting himself to contracts, and these contracts will, therefore, be under the provisions of this bill, and as a result of this he should have the flexibility so that he can contract in a manner to properly conform to the patent provisions of other agencies of the Government.

Mr. GROSS. Contract to do what? To get into the field of research and development?

Mr. DADDARIO. As a result of this bill there will be contracts and under section 32 there will be an impact in the field of patents.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield.

Mr. JUDD. I just want to make sure that I understand correctly that the gentleman favors section 32 as it is in the House bill.

Mr. DADDARIO. I think I have made it entirely clear that I favor section 32 as it is in the House bill. We should reject the section 32 provision in the Senate bill.

There is no question in my mind that this systematic effort to incorporate a restrictive patent clause in all research legislation, regardless of its worthwhile objective, represents a serious threat to a patent system which has been extremely valuable to America for a good many years. I do not make this statement lightly. I have been a member of, and presently chair, the Patent Subcommittee of the Committee on Science and Astronautics, which for 2 years has been investigating the merits of Government or public ownership of inventions produced under Federal space research contracts. It is a very complex problem, and the solution to it certainly does not lie in a piecemeal effort to throw all inventions produced in connection with Federal research into one big grab bag.

We are deluding ourselves if we go on such an assumption, for the net result is that of a boomerang—we only hamper the research we are trying to buy.

Let me assure the House that no part of the Congress has put more time or effort into determining the effects and needs of invention ownership in connection with scientific research than has our subcommittee. In view of our efforts, I can state categorically that the provision governing patents in H.R. 9118 is distinctly superior to the Senate version. The House version simply requires that any inventions produced in the course of this legislation shall be governed in a manner which will protect both the public interest and the equities of the contractor. This is a good approach under the circumstances, and I

believe one which will properly empower the head of the proposed Agency with adequate authority. I do not offer an amendment because I sincerely believe this subject deserves additional study before being submitted to the House for full debate. I expect that this opportunity will present itself when Congress reconvenes.

Mr. BARRY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I shall take only a part of my time to reply to the gentleman from Iowa who asked if anyone in the executive branch had intimated or stated during the hearings that the present system was not working as well as desired. I wish to call to his attention the testimony of Mr. John McCloy on page 22 of the hearing:

> Today, due to the fact that we haven't such an agency as this, there are a number of disarmament studies, disarmament attitudes, that are present around the Government * * * they are uncoordinated.

Speaking again on page 23, Mr. McCloy further stated:

> Today, when you propose a position, for example, for Mr. Dean at Geneva, before he can take that position, this is tagged in with the Department of Defense, the Atomic Energy Commission, the Joint Committee on Atomic Energy up here, the President of the United States. It is sometimes like walking through mud to get it cleared. But you go through that process, and we have got it cleared. An agency that has this stature could do it more expeditiously and more soundly than I think we are now organized to do it.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BARRY. I yield.

Mr. HAYS. I would just like to follow what the gentleman from New York has said by quoting the Honorable Henry Cabot Lodge, former Senator, Ambassador of the United States to the United Nations, and candidate for Vice President. He speaks of sitting across the table from representatives of the Soviet Union at the United Nations; and he says:

> I believe this experience has given the conviction that the executive branch of the U.S. Government is not organized as it should be for big, bold strokes in the field of foreign policy.

And he was testifying in favor of this legislation.

Mr. BARRY. I thank the gentleman. I think we now have answered the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BARRY. I yield.

Mr. GROSS. On page 17 of the hearings, Mr. ADAIR asked the following question and Mr. McCloy made the following answer:

> Mr. ADAIR. Finally, Mr. McCloy, you have the Disarmament Administration working now in the State Department. Do you feel it is doing a fairly effective job?
>
> Mr. MCCLOY. I think under the circumstances it is doing a good job and has done a fine job in the past, but it has been handicapped, handicapped mainly—

And so on, and so forth.

Mr. BARRY. Would the gentleman agree that the phrase "under the circumstances" would indicate that improvement is possible and that they have the hope and desire under better circumstances to do a better job?

Mr. GROSS. I cannot conceive of the need of $10 million. I predict there will be no more accomplishment than there has been with the present disarmament organization costing $1 million a year.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. BARRY. I yield.

Mr. KYL. The gentleman from New York has quoted from page 22 of the hearings:

> You would not repose this, presumably, in the Department of Defense. You wouldn't expect the Department of Defense to be particularly alert to find the means by which it could destroy itself.

Mr. BARRY. I think that is ample reason why it should be an independent agency under the partial direction of the President.

Mr. HOLIFIELD. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, when individuals or corporations invest funds in research and development they are entitled to any and all patents developed from such expenditures. This is a well established principle of our capitalistic system. Few individuals would quarrel with this principle, and certainly I would not.

This principle is equally applicable to research and development which is conducted under contract with the U.S. Government. When the Federal agencies contract with an individual or a corporation and pay for research and development with public moneys, then the Government is entitled, under the same well established principle, to claim and patent such patentable discoveries as may be developed.

The Federal Government is spending approximately $8 billion per year in research and development and most of this expenditure is with privately owned corporations. The Federal Government agencies, in their contracts, are realizing more and more that the public interest in these expenditures must be protected. Beginning in 1946 with the passage of the original Atomic Energy Act, clauses were inserted in legislation which gave the Government the right and in fact the duty of claiming patents developed with public tax moneys. A long list of Federal agencies have now fulfilled their public trust by using patent clause authorization language to claim patents. In addition to the Atomic Energy Commission the following agencies have protective patent language in their basic acts:

The National Institutes of Health, the National Coal Research Agency, the saline water project, the National Science Foundation, and the National Aeronautics and Space Agency, all of these agencies are now protecting the public against appropriation by private corporations of valuable patent rights paid for by public monies.

Under the National Defense Act, I regret to state there is inadequate protection of the public's rights. For years the great corporations engaged almost completely in defense contracts have been reaping a bountiful harvest of unearned patents. They have in effect purloined for their own financial benefit the patents they have acquired through contracts with the Federal Government. These corporations force their own employees to sign in their contract of employment all rights to patents conceived during their employment.

Some of these corporations scream in simulated anguish when the Federal employer requires the same waivers. But let me say here that the argument sometimes heard to the effect that corporations will refuse to engage in defense work because of Government patent protection clauses is as phony as a $3 bill. None of the agencies which I have listed have any trouble spending their funds. All of these agencies have made tremendous technological gains. The Atomic Energy Commission has claimed over 1,100 patents as a result of their program of research and development. They have immediately upon application made these patent rights available to all elements of American business, large and small. The phony cry of protection for small business is ridiculous. Under the Atomic Energy patent clause thousands of small businesses have access to the patents of the AEC which were developed by a relatively few large corporations under research and development contracts. This has placed them on a more equal basis for competitive bidding, it has kept down extortionate patent monopoly prices, and it has accelerated the development of this great new atomic industry.

In conclusion I appeal to my colleagues to return to the basic American patent principle of giving to the entity that spends the money the traditional right to obtain the patent.

I am sure that they do not wish to deny all of American industry the fruits of tax money expenditures by the Federal Government in research and development.

Mr. O'HARA of Illinois. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I have asked for this time to state that the gentleman from Iowa did not give Mr. McCloy's complete answer to the question asked by Mr. ADAIR. The issue, Is the present setup sufficient to handle problems related to disarmament and control of arms as well as the proposed new Agency?

Mr. ADAIR had directed to that issue his question of Mr. McCloy, who started his reply with a polite statement, they were doing a pretty good job under the circumstances. That was the portion of his reply that the gentleman from Iowa quoted.

Let me read further from Mr. McCloy's statement, the part the gentleman from Iowa did not quote:

> They do not have the help and the people they have under the present setup have been tipped in, so to speak, from the Foreign Service or the Defense Department, people whose eyes are on ambassadorships and generalships rather than this. Bear in mind that we cannot do anything in this thing unless we take it all around town, getting clearances, and you need stature to do that.

That is the full answer of Mr. McCloy to Mr. ADAIR's question. It conclusively proves the case against the gentleman from Iowa.

Mr. PILLION. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. PILLION moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. PILLION. Mr. Chairman, I again address myself to the distinguished chairman of the Foreign Affairs Committee:

The question of West Berlin is of vital import, not only to the United States, but also to the world.

Mr. Khrushchev has deeply committed himself to the Soviet campaign for the capture of Berlin as his next immediate objective.

This goal, of course, would be followed by the breakup of the NATO alliance and the piecemeal takeover of Europe.

Mr. Khrushchev has staked his prestige both as commander in chief of the Communist International and his leadership of the Soviet bloc nations, upon this issue.

This country's leadership of the free world, the continuance of NATO, our survival as a free nation, are also at stake.

President Kennedy, on June 6, said:

We are determined to maintain those rights at any risk and thus our obligation to the people of West Berlin and their right to choose their own future.

On July 25, 1961, President Kennedy said:

I hear it said, West Berlin is militarily untenable, so was Bastogne. Any dangerous spot is tenable if—brave men—will make it so.

President Kennedy further said:

The freedom of the city of Berlin is not negotiable.

Mr. Khrushchev firmly believes that the United States will surrender Berlin. Mr. Menshikov has reported to Khrushchev that the United States will arrange a face-saving formula for the surrender of West Berlin.

The pro-Communist State Department is now in the process of selling out West Berlin.

It has begged for and is now in the process of negotiating with the Soviet over West Berlin.

The State Department is now advancing the proposal to include East Berlin with West Berlin into a "free city." This merger is a mere device, the same technique used in Laos for a Communist takeover.

Other Communist nations are proposing to move the United Nations to Berlin. That, too, is a pro-Communist proposal. It would serve only to make Berlin a Communist "free city."

Mr. Chairman, I do not believe this Congress should adjourn until it has expressed the will of the American people not to surrender West Berlin. It is the key to our survival.

The President is in great need of an expression of support from this Congress and the American people for a firm and determined stand on the question of West Berlin.

I have introduced a resolution which is now pending in the House Foreign Affairs Committee.

The resolution would propose a plebiscite for the people of West Berlin on these three questions:

First. The retention of West Berlin in its present status integrated within West Germany, or

Second. The incorporation of West Berlin into Communist East Germany, or

Third. Detachment of West Berlin from East Germany and transforming it into a "free city" under conditions and restrictions to be imposed by Communist East Germany and the Soviet.

It is my conviction, that the voters of West Berlin would choose to remain in their present status by a vote of more than 90 percent.

This action would glaringly expose to all of the world, the falsity, the fraudulence of Mr. Khrushchev's campaign to strangle West Berlin.

I, now, propound this question to the distinguished chairman of the Foreign Affairs Committee: Will the chairman convene a meeting of the House Foreign Affairs Committee to act upon my resolution or any similar resolution expressing the intent and will of the American people not to permit the pro-Communist State Department to barter away, to negotiate away, the city of Berlin?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PILLION. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. That request is not in order on a preferential motion.

Mr. HAYS. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I, of course, am opposed to the preferential motion, but I would like to take this time to query the gentleman about some of the statements he made. I do not have a copy of his statement, but I thought I heard him talking about the pro-Communist State Department. Now, could the gentleman identify the individuals that he is talking about, or does he mean the entire State Department, 98 percent of whom have been down there under the previous administration for 8 years, as being pro-Communist?

Mr. PILLION. Mr. Chairman, if the gentleman will yield, let us define what a pro-Communist is. A pro-Communist is a person who gives aid and comfort and assistance to the Soviet or the Communist cause, whether he does it innocently, naively, or whether he does it as a member of the Communist Party.

Mr. HAYS. I want to try to get at this, and I do not yield any further at this point.

Mr. PILLION. I am trying to answer the gentleman.

Mr. HAYS. If the gentleman has any concrete evidence of any pro-Communists in the State Department, I will be glad to call a meeting of the Subcommittee on State Department Personnel yet tonight and hear it. But, because the gentleman comes in and says the State Department is pro-Communist, that does not necessarily make it so. Better still, if the gentleman knows any pro-Communists in the State Department, let him name them now.

Now, the gentleman made another statement that I wonder where he got. He said the State Department is actively, as I understood him, engaged in negotiating the surrender of Berlin.

Mr. PILLION. I said that and I mean it.

Mr. HAYS. Yes, you said it, but that does not necessarily make it so. You are just as wrong as you can be.

Mr. Chairman, I do not yield any further.

Since we got into this, I recall there were some other statements which the gentleman made this afternoon. He said Mr. Khrushchev believes so and so. Maybe he knows what Mr. Khrushchev believes. He said Mr. Lenin believes so and so, and Stalin believes so and so. Well, I can testify to the gentleman that I have been to Moscow and those two characters are dead. They are lying there as dead as dodo birds. In fact, Lenin is a little moldy around the edges.

Mr. PILLION. That is true.

Mr. HAYS. It does not make any difference. I do not know whether the gentleman is in communication with the spirit of Lenin and Stalin. He did not say they thought something. He said they think something.

Mr. Chairman, I submit that I want to be as reasonable as I can with the gentleman, and if the gentleman has any concrete evidence that there are pro-Communists in the State Department; that there is anybody in the State Department who is active in negotiating for the surrender of Berlin, if he has any evidence or can produce anything besides the fact that he says so, then I am ready for him to come before the committee with his evidence. I am just as interested, the chairman, Dr. MORGAN, is just as interested, Dr. JUDD is just as interested, Mr. BARRY, Mrs. BOLTON, Mr. FRELINGHUYSEN, all Members on both sides who are sitting here are just as interested in ferreting out any pro-Communists as the gentleman from New York is.

Mr. PILLION. Mr. Chairman, will the gentleman yield?

Mr. HAYS. Not for a speech.

Mr. PILLION. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield briefly.

Mr. PILLION. Who is responsible for the takeover of Cuba? Who is responsible for the present crisis?

Mr. HAYS. I cease to yield right there, and ask the gentleman from New York a question. Was not Cuba taken over during the previous administration?

Mr. PILLION. Who is responsible for this series of defeats that have brought us to this present position?

Mr. HAYS. The gentleman asked me a question, and I am attempting to answer it.

Mr. PILLION. The gentleman is making a joke of our conditions throughout the world.

Mr. HAYS. I am not making a joke at all. If anybody is making a joke, I think the gentleman from New York is

making a joke of it. I am trying to point out the absurdity of standing down here and making unsubstantiated charges off the top of your head. I do not know whether they came out of the gentleman's head, and I will state that it would be better if I knew. The gentleman can stand down here and say the State Department is pro-Communist, but that does not make it so.

Mr. Chairman, I just heard the gentleman from Iowa stand here and say that he believed in peace, but he was not going to get it. I assume he also believes in heaven. I am not going to be pessimistic about his chances of getting there as he is about peace. I might say that he was not going to, but I am not going to say that. I am going to say he has a chance, or I hope he has a chance. I want to be an optimist about it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. I do not think the gentleman could give me very much help one way or the other.

Mr. HAYS. I do not know about that. I am sure the gentleman does not need any help in one direction.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from New York [Mr. PILLION].

The motion was rejected.

Mr. FULTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, on page 3, line 3, may I ask why is the word "dissemination" put in the section which says "The dissemination and coordination of public information concerning disarmament," that this Agency should only have the power to coordinate and not to disseminate, because we have the U.S. Information Service and the State Department, and many other Government facilities already. Why is the word "dissemination" put in there?

Mr. HAYS. Will the gentleman yield?

Mr. FULTON. I yield to the gentleman from Ohio.

Mr. HAYS. Because the committee did not agree with the gentleman, and we thought they should have the power to disseminate and unanimously so decided.

Mr. FULTON. I think that is having two agencies doing the same thing.

Mr. Chairman, also on page 3, line 5, section 4, it says as follows:

> The preparation for, operation of, or, as appropriate, direction of United States participation in such control systems as may become part of United States disarmament activities.

That really means the operation of participation, not the operation of control systems, does it not? What does the language mean? Does it mean operation of the control systems or does it mean operation of U.S. participation, which means the negotiations and the conferences?

Mr. HAYS. The language seems to me——

Mr. FULTON. I would like a statement definitely of legislative intent. I am being a little more technical about it.

Mr. HAYS. I will put it this way. The language is pretty specific. I do not know how anyone can make it any more clear. I would suggest the gentleman again read the language.

Mr. FULTON. There is an inconsistency in the language and it needs legislative statement of intent and direction. I cannot understand it.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield to me?

Mr. FULTON. I yield to the gentleman.

Mr. FRELINGHUYSEN. It seems to me——

Mr. FULTON. I would ask the gentleman not to use the word "seems."

Mr. FRELINGHUYSEN. I am only expressing an opinion, if the gentleman will yield to me.

Mr. FULTON. What I want is the legislative intent.

Mr. FRELINGHUYSEN. I do not know of any other way of expressing an opinion than to say it seems to me. If the gentleman would prefer me not to say it, I will be glad to try to say it another way.

Mr. FULTON. I would like the legislative intent of the committee.

Mr. FRELINGHUYSEN. I am trying to reply to the gentleman, if he will let me complete the sentence.

The intent of the committee, Mr. Chairman, in my opinion, is that the operation of such control systems as may become part of the U.S. disarmament activities should be among the primary functions of this Agency. I hope this clarifies the situation for the gentleman from Pennsylvania.

Mr. FULTON. That is a very satisfactory answer. The question then is, How far does the word "operation" go? Does it mean that we will have this Disarmament Agency operating the communications satellites or the satellites which are to make surveillance or to check installations as they go over various countries? Does it include that kind of operations in space? I am a member of the Committee on Science and Astronautics. I would like to know whether the Disarmament Agency or the National Aeronautics and Space Agency will control the satellites. Who does it? Does anybody on the committee know?

It is my view of the legislative intent that it is the National Aeronautics and Space Agency that will control and operate satellites or any particular vehicle in space. NASA will then coordinate and agree on a contract basis for any purpose that the Director of the Disarmament Agency would like to place on the vehicles.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman be good enough to yield further?

Mr. FULTON. Yes, I will be glad to yield.

Mr. FRELINGHUYSEN. I think a full reading of the bill will clearly indicate that the Director of the Agency would have the responsibility of securing coordination from other Government agencies with respect to such items as control systems. If there should be a difference of opinion between the Agency and NASA, for example, there might be the necessity for the President to resolve those differences. I do not think under any circumstances there could be read into this language that NASA has control over control systems which may become part of U.S. disarmament activities. Certainly this would not be the case if this legislation is enacted. This will give, as a primary function to this new Agency, control over the operations of these control systems.

Mr. FULTON. I would like to advise the gentleman that already in the statute law of the United States the control for peacetime purposes and operations in space is in the National Aeronautics and Space Agency. My position is that this legislation does not change the Space Act nor the present statutory authority on space research and development, or operations or control for peaceful purposes. This act of course does not apply to space operations for a military purpose.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent that all debate on section 1 and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DOMINICK. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. DOMINICK. Mr. Chairman, every Member of this House desires peace and every Member of this House would like to see disarmament to the extent that such disarmament would promote the cause of peace as we understand it. But the cause of peace as we understand it is a system under which each nation engages in negotiations with other countries for the purpose and with the intent of working out mutual problems on a peaceful basis, and with the fundamental principle that this Nation and the other nations with which we are negotiating will fulfill their agreements and will compete in advancing their respective standards of living, rather than engaging in subjugation of other countries and people. From the very beginning of this country, it has been found advisable for our own self-interest and self-protection to have a central armed force by which we could preserve our territorial integrity and political system. One of the great weaknesses of the federation of the Thirteen States was the fact that there was no central force and in recognition of this the Constitution of this country requires Congress to provide for the common defense of the United States.

Every Member of this great body would like to see the great burden of our existing Armed Forces reduced, but in the present day and age and in the situation in which we now find ourselves, in which

we are engaged in a war with international communism which operates in the most ruthless and tyrannical manner ever seen in the history of the world, it seems to me that creation of a Disarmament Agency as a separate and independent Agency of this Government will react adversely to our own interests. The administration under the leadership of the President has taken a firm stand in the Berlin crisis and has indicated in a number of speeches that if it is necessary, and God grant that it may not be, we will use our full armed strength for the purpose of protecting our rights and the rights of 2 million people in Berlin from the threat of subjugation and annihilation by the Russian Communists. We are faced with increasingly belligerent actions on the part of the Soviet Communists and the Chinese Communists. We are faced with a Communist government 90 miles from our shore in Cuba which on a 24-hour-a-day basis is attempting to create additional beachheads of communism in this hemisphere. At this very moment we are trying to persuade our NATO allies to increase their armed forces in the NATO alliance for the protection of Western Europe. We have just passed legislation increasing the funds for our own Armed Forces. We have just passed a foreign aid bill in which we substantially increased the amount of military assistance to be given to other countries in order to enable them not only to stabilize their own political situation but to prevent loss of liberty and loss of individual human rights through the aggressive action of international communism.

We have just seen the Soviet Communists explode their 13th nuclear blast with testing renewed by their own unilateral action. Free countries have been threatened with annihilation by Soviet rockets. Mr. Khrushchev has said that our grandchildren would exist only under Communist rule. We have tried for years to obtain an agreement on nuclear disarmament and each meeting has been deliberately stalled and broken up by the Soviet Communists. From a handful of fanatics in 1916, international communism now tyrannizes over one-third of the population of the world and it continues to grow not by the force of argument and principle, but by force of arms and terror.

It seems to me that for this country to enact a law dedicated to disarmament at the very moment in history when we are faced with this battle; when we are doing our best to persuade our allies to increase their armament and when we are trying to convince the Communists that we mean what we say and that we are willing to risk war in order to preserve the principles of liberty and justice for all, is at the very least a risky proposition because of the doubt which it may create on the firmness of our principles. Any such doubt, Mr. Chairman, will, in my opinion increase the risk of war rather than decrease it.

The theory behind this bill is one which we all sincerely desire. The sooner the nations of this world can live in peace with freedom and justice, the sooner the principles set forth in our Declaration of Independence will be available to all men. But to date international communism respects only strength and the unalterable will of free people to remain free backed up by a willingness to fight to preserve it.

Proponents of this measure have pointed out, however, that a disarmament branch consisting of 73 people are already operating in the State Department and that this will increase in any event in order to provide our leaders with the information needed to discuss this subject before the United Nations, to convince the neutrals of the problems concerning inspection and discovery of nuclear tests, and to obtain the information necessary for future use in disarmament discussions.

Although I am sure there is merit in these arguments it seems to me that with the present world situation, with the present efforts being employed on disarmament, we should not run the risk of diluting our efforts further and run the risk of creating a new and additional agency which may be in direct conflict with our foreign policy and our need for strength. Because I believe that the dangers are so great, it is with a heavy heart that I find myself compelled to vote against a great and idealistic principle.

The Clerk read as follows:

PURPOSE

SEC. 2. An ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. It is the purpose of this Act to provide impetus toward this goal by creating a new agency of peace to deal with the problem of reduction and control of armaments looking toward ultimate world disarmament.

The formulation and implementation of United States disarmament policy in a manner which will promote the national security can best be insured by a central organization charged by statute with primary responsibility for this field. This organization must have such a position within the Government that it can provide the President, the Secretary of State, other officials of the executive branch, and the Congress with recommendations concerning United States disarmament policy, and can assess the effect of these recommendations upon our foreign policies, our national security policies, and our economy.

This organization must have the capacity to obtain and provide the essential scientific, economic, political, military, psychological, and technological information upon which realistic disarmament policy must be based. It must be able to carry out the following primary functions:

(1) The conduct, support, and coordination of research for disarmament policy formulation.

(2) The preparation for and direction of United States participation in international negotiations in the disarmament field.

(3) The dissemination and coordination of public information concerning disarmament.

(4) The preparation for, operation of, or, as appropriate, direction of United States participation in such control systems as may become part of United States disarmament activities.

Mr. FULTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FULTON: On page 3, line 3, strike out "dissemination and".

Mr. FULTON. Mr. Chairman, the purpose of the amendment is this: On page 3, line 3, the Agency is given the power of dissemination as well as the coordination of public information concerning disarmament. I believe that this Agency should have the power of coordination of public information concerning disarmament but I believe that the U.S. Information Agency should have the obligation of dissemination. It is their prime function abroad. At home the State Department has adequate facilities, as well.

I think we are making a mistake if we divide among all the agencies of the Government this power of general information. I think that should be kept where it has been, under the U.S. Information Service. I think that is a good place for it.

If the Members will refer to page 5, section 25, you will see that in line 12 there is the authority of the Director of the U.S. Arms Control Agency to establish an Office of Public Affairs. I feel that is likewise a mistake, that we are again dividing among the various agencies of the Government the equipment and the power to disseminate. If we are going to fragment that power through all the agencies, Congress should know it.

I would, therefore, respectfully ask you to vote for my amendment, which on page 3, line 3, in subsection (3) strikes out the word "dissemination and" so that the section after the amendment is in effect would read, "The coordination of public information concerning disarmament."

Mr. BROWN. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield to the gentleman from Ohio.

Mr. BROWN. I feel that the gentleman's amendment is one that is very worthy of consideration because I not only feel but know that our news agencies here in America and throughout the world will disseminate any information that may be coordinated without the necessity of establishing some particular agency to do so and spend a lot of money on it.

Mr. FULTON. If we set up a new group in this particular U.S. Disarmament Agency it will be an overlapping force and cost more money.

We already have the methods and the equipment to disseminate so why give this particular director the power further to set up another such disseminating agency in the disarmament field?

Mr. BROWN. Efforts have been made throughout the years with reference to an arms limitation, but there has been no problem at all so far as getting publicity is concerned.

Mr. FULTON. That is right.

Mr. BROWN. This is unnecessary, and for that reason I expect to offer an amendment to section 25 to strike out the "Office of Public Affairs."

Mr. FULTON. I thank the gentleman and I will join with him in support of that amendment.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield to the gentleman from New York.

Mr. BARRY. I would like to ask the gentleman—who would disseminate the information to the American public since the USIA is limited to the dissemination of information abroad?

Mr. FULTON. The gentleman is a member of the House Committee on Foreign Affairs, and I would say to you that the State Department seems to have no trouble whatever in disseminating all the information it needs. The State Department has the public relations officers. On the releases that are given by the U.S. Disarmament Agency, they certainly will be carried by all the newspapers and carried for free.

Mr. BARRY. In other words, it is the contention of the gentleman that they could utilize other agencies for the dissemination of information to the American public and utilize the USIA for the dissemination abroad of information relative to disarmament policies, is that it?

Mr. FULTON. Yes, and wherever such facilities may be in the Government service just as this Director of the U.S. Disarmament Agency will use many other Government agencies for various purposes. Likewise, they will use whatever facilities there are in the Government now available for this purpose.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. A little earlier the gentleman raised some question about the field of outer space. The gentleman served with me on the select committee of which I was chairman. I can assure the gentleman that in my opinion, there is no conflict at all between this bill and NASA. On the question of dissemination, knowing the fairness of the gentleman, and I respect him very much, it would seem to me as an American citizen, I would like to get as much information as I can. I think dissemination of information is very important. If anything, I would rather have dissemination. To eliminate dissemination and just have the bill contain the word "coordination" means that it may be kept secret and within their discretion as to whether they disseminate information or not. I think the more we let the American people know, the more we can rely upon the sound judgment of the American people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would just like to say what the majority leader says is exactly the purpose of this language, in other words, to keep as much of this information as possible before the public. It is the intention under this section that the U.S. Information Agency shall do the publicizing and disseminating abroad. That is their function. All that the Director under this bill will do is to turn over to them the information which he thinks can safely be disseminated and broadcast around the world. The USIA is specifically barred by law from performing this function in the United States. There is no inclination to set up a publicity bureau. This is just to do some of the things that the Members of the Congress have been complaining about, to make information that is not harmful to the security of the United States, available to the people of the United States.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Minnesota.

Mr. JUDD. Of course, each of these various departments concerned with this matter already has an office to disseminate public information and is disseminating public information on this subject all the time. A purpose of this provision is to focus responsibility for information disseminated in this field so that if there are conflicting stories or reports going out, we can find out who is responsible. One of the difficulties in public understanding of this complicated issue in our country is that there are so many different reports of what our position is.

Mr. HAYS. This is to coordinate this to let out the proper information.

Mr. JUDD. That is right. If people cannot get accurate information, they will know where to get it; or if they get information that they think wrong or dangerous, they will know where to pinpoint the responsibility for dissemination of such information. This does not grant any new powers, but focuses the powers already existing. The provision is a good provision and should be left in the bill.

Mr. HAYS. I agree with the gentleman. Mr. Chairman, the amendment should be defeated.

Mr. Chairman, I ask that the amendment be rejected, and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

Mr. MORGAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORGAN: On page 2, line 2, after the word "peacefully" insert a period.

The amendment was agreed to.

The Clerk read as follows:

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "disarmament" includes the control, elimination, reduction, limitation, inspection, verification, or identification of armed forces and armaments of all kinds under international agreement including the necessary steps taken under such an agreement to establish an effective system of international control, or to create and strengthen international organizations for the maintenance of peace.

(b) The term "Government agency" means any executive department, commission, agency, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of Government.

(c) The term "Agency" means the United States Arms Control Agency.

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: On page 3, line 12, strike out the word "elimination."

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. QUIE. Mr. Chairman, if we strike out the word "elimination" in line 12, the definition will read:

(a) The term "disarmament" includes the control, reduction, limitation, inspection, verification, or identification of armed forces and armaments of all kinds.

I think it would be unwise, dangerous, foolish, to state in a bill that disarmament means the elimination of armed forces and armaments of all kinds. There would be nothing more dangerous for this country, there would be nothing more dangerous in the cause of world peace than to have any important country lay down its arms completely. There is no nation in the world today that is not dominated by another nation, that has eliminated its arms or its armed forces completely. You can see the way the people who have called themselves the noncommitted nations in Belgrade look to a country like Russia that has great arms, and who has talked and acted tough. I think that is why they talked mostly about colonialism, but did not object strenuously to the testing of the atomic bomb by Russia or any of colonialistic and aggressive acts. You can imagine what would happen in case we, under an international agreement, eliminated all armed forces, even every soldier, and all weapons whatsoever. All another nation would have to do would be to secretly have a few armed forces and a few devastating weapons, and immediately we would be unable to defend ourselves now that there are these new kinds of weapons, especially nuclear weapons.

Quite a bit has been written on this subject. There could be arms control at a reasonable level with inspection and an identification of these weapons. Then if, in a sneaky way, some country should add a few more troops, should add a few more weapons, it would be difficult for us to protect ourselves. It is just like some people want in this country, for nobody to have any weapons at all. Should that happen in this country we would find the police force unable to cope with the criminals. We have to have an armed force, and under any international agency I imagine not only would they have their own police force but they would have access to the armed forces of those countries in the international agreement who are friendly to the cause in case of an aggression against a peaceful country.

So I believe if we are to have a meaningful arms control we should take out this word "elimination" and remove it from this bill.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield.

Mr. HAYS. The gentleman from Minnesota is making a very cogent argument. I think there is a good deal of substance to it. I would just like to ask him whether should his amendment carry he would have any objection to there being the understanding that we would strive to eliminate germ warfare, nuclear warfare, and so forth?

Mr. QUIE. That is correct.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield.

Mr. HOSMER. I congratulate the gentleman because this is a definite realistic approach. This bill must be written and this agency set up in a realistic fashion. Otherwise it will be a danger to the country. The gentleman has done what he should do. I support his amendment.

Mr. O'HARA of Illinois. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. Mr. Chairman, I have listened to the argument made by my good friend from Minnesota. I wish I could agree with him but I cannot agree with him. I have a little more faith than he has. I think that some day we will reach a period in this world of ours when we will have peace and we will have no armament. Just as a matter of the meaning of words, does the gentleman mean to say disarmament does not mean the elimination of arms?

Mr. QUIE. That is what we have been led to understand today, when we are talking about disarmament we do not mean eliminating all arms.

Mr. O'HARA of Illinois. We have a lot of people in this Chamber who are ready to take the place of Mr. Webster and kick his dictionary into the ocean. I trust the gentleman's amendment does not carry. I shall vote against it because I shall continue to have faith in the dream that sometime we will practice good will among men.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. QUIE].

The question was taken; and on a division (demanded by Mr. QUIE) there were—ayes 52, noes 80.

So the amendment was rejected.

Mr. FOUNTAIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOUNTAIN: On page 3, line 11, after the word "disarmament" strike out the word "includes" and insert the word "means."

Mr. FOUNTAIN. Mr. Chairman, my amendment means just what it says. It strikes the word "includes" and inserts the word "means", we then know what the word "disarmament" means, and are not left to conjecture, or to an interpretation outside of the legislation.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. FOUNTAIN. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. The committee accepts the gentleman's amendment.

Mr. FOUNTAIN. I thank the chairman of the committee and the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. FOUNTAIN].

The amendment was agreed to.

Mr. SCHWENGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHWENGEL: On page 3, strike out line 11 and all that follows through the word "steps" in line 15 and insert:

"(a) The term "disarmament" includes the indentification, verification, inspection, limitation, control, reduction, or limitation, of armed forces and armaments of all kinds under international agreement including the necessary steps."

Mr. SCHWENGEL. Mr. Chairman, as usual, when it comes time for me to speak, we get into a situation where everybody is impatient, because they have places to go and things to do, and I have some place to go tonight, so I will not take the 5 minutes.

My amendment does not change the bill at all. I think it makes it more logical in its reading. The principle recognized in the bill originally was what I would call the descending principle, and if you adopt my amendment, you recognize the ascending principle.

Mr. Chairman, I have given much thought to the problems of arms control, am well aware of the importance of this question. I said when the first version was proposed that I would support it if certain amendments were adopted.

The committee has dealt favorably with some of the shortcomings in the original bill—they have improved it materially but there are still some refinements and changes needed. I will present some amendments later. First I want to say this is consistent with an unwritten law or general policy in this regard. Our record is clear.

What we are doing is different than the action taken by the adversary of freedom. Communism—what we are doing is a reflection of what our people are thinking and want the action of true representative government.

What the Russians do in this regard is the reflection of the politburo—the tyranny of Russia.

As I have said, I have given much thought to the proposed Disarmament Agency. I am well aware of the importance of this question, but I feel that certain changes should be made in this legislation before I am prepared to endorse this bill without reservations.

I wish to suggest the following amendments to this bill:

First. The title of the act, I think, should be an "Act for world peace with justice and security through disarmament." Currently the phrase, "with justice," is omitted.

Second. The statement of purpose should be revised to read:

The goal of the United States is a world where justice and freedom are assured through the rule of law to all people; a world which is free from the scourge of war and the dangers and burdens of armaments.

The bill as now written does not stress that the paramount goal of the United States is and must be a system of freedom and justice guaranteed by the rule of law. While we must seek some type of arms control or disarmament, we must insure that liberty, freedom, and justice will be maintained. The maintenance, continuance, and expansion of the rule of law must be our primary objective. Without this, peace and disarmament would mean nothing.

Third. The proposed Disarmament Agency should be subordinate to the Secretary of State rather than an independent Agency. A great many serious problems could result if this Agency was not subordinated to the Secretary of State.

Fourth. Three provisions of the bill should be deleted completely: (1) that exempting actions of the Director from provisions of law relating to controls and expenditures; (2) that allotting $25,000 for entertainment; and (3) that allotting $50,000 for confidential expenditures.

Fifth. As now written the term "disarmament" "includes the elimination, reduction, control, limitation, inspection, verification, or identification." These should be listed in reverse order. Elimination of armed forces and armaments is the logical end point of such efforts while identification and verification are the points where efforts to achieve disarmament can and must begin.

Sixth. The General Advisory Committee should be composed of 11 members appointed by the President with the advice and consent of the Senate. In addition there should be two Members of the Senate and two Members from the House of Representatives on this Committee. In each instance, there should be one member from the majority party and one member from the minority party from each House.

We so urgently need a "Gettysburg-like" statement of our foreign policy goals and objectives. Until and unless we have an understanding of what our goals and objectives are, legislation such as the disarmament bill is not likely to be very successful. Such a statement must be prepared.

I hope that consideration is given to these charges which would make the proposed Disarmament Agency more sound, more workable, and more practical.

Mr. HAYS. Mr. Chairman, if the gentleman will yield, we just adopted an amendment offered by the gentleman from North Carolina to change the word "includes" to "means." Now the gentleman's amendment changes it back to "includes."

Mr. SCHWENGEL. No. I accepted that amendment.

Mr. HAYS. Well, then, you should ask unanimous consent to have your amendment read "means" instead of "includes."

Mr. SCHWENGEL. Mr. Chairman, I ask unanimous consent that my amendment be amended to read "means" instead of "includes."

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa.

Mr. GROSS. I object, Mr. Chairman.

Mr. SCHWENGEL. Mr. Chairman, I move, then, that we agree to the amendment as part of my amendment.

The CHAIRMAN. Some other Member may offer an amendment to your amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I would like to offer a perfecting amendment to strike out the word "includes" and substitute the word "means."

Mr. GROSS. Mr. Chairman, I make the point of order that the amendment is not written and at the desk.

The CHAIRMAN. The gentleman must reduce it to writing.

Mr. HAYS. Mr. Chairman, I rise in opposition to the gentleman's amendment in order to give him time to reduce it to writing. The committee discussed the amendment with the gentleman from Iowa and, as he said, all this would do would be to rearrange the language in this section in what he considered and the committee agreed was a better order.

Mr. FRELINGHUYSEN. Mr. Chairman, I offer a perfecting amendment.

The Clerk reads as follows:

Amendment offered by Mr. FRELINGHUYSEN to the amendment offered by Mr. SCHWENGEL: Delete the word "includes" and insert the words "means."

Mr. GROSS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Is this a substitute? What is this amendment?

The CHAIRMAN. This is an amendment to the amendment.

Mr. GROSS. It was not so read. It was read as an amendment.

The CHAIRMAN. The Clerk will again report the amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. FRELINGHUYSEN to the amendment offered by Mr. SCHWENGEL: Delete the word "includes" and insert the word "means."

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment as amended.

Mr. QUIE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to propound a question to the gentleman from Iowa. As the definition would read, if your amendment is adopted, it would be:

The term "disarmament" means the control, elimination, reduction, limitation, inspection, verification, or identification of Armed Forces and armaments of all kinds.

Is that correct?

Mr. SCHWENGEL. That is correct.

Mr. QUIE. Then, if you took out the words "identification, verification, inspection, elimination, reduction and control," and read it using just the one word "elimination," the definition would read: "The term 'disarmament' means 'elimination of Armed Forces and armaments of all kinds under international agreement.' "

I cannot accept a bill which has that meaning. I believe in the Arms Control Agency, but I do not see how we could ever pass a piece of legislation which advocates the elimination of all Armed Forces and armaments of all kinds. How can we in the United States of America ever expect to do that and still under the Constitution provide for the common defense?

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Minnesota.

Mr. JUDD. The rest of the language in the section makes clear that any elimination or reduction could only be done "under international agreement including the necessary steps taken under such an agreement to establish an effective system of international control, or to create and strengthen international organizations for the maintenance of peace." Nobody is suggesting that we disarm unilaterally. It is wholly beyond anyone's thought or intent to suggest that this would include police forces.

When the bill mentions elimination, reduction, and so forth of "Armed Forces and armaments," it would in no sense restrict the ability of every nation to police itself and maintain order.

Mr. QUIE. Does the gentleman from Minnesota [Mr. JUDD] consider the National Guard to be a part of the Armed Forces?

Mr. JUDD. The National Guard is a part of our Armed Forces.

Mr. QUIE. And you want to eliminate the National Guard? Does the gentleman consider the Coast Guard as part of our Armed Forces?

Mr. JUDD. I hope the day will come when we will have international agreements for reducing and ultimately eliminating all Armed Forces and armaments that could be used in international conflicts and at the same time we and every nation could continue a National Guard for use in international disasters or riots, or whatever urgent domestic situation arose. Yes; I certainly think the National Guard ought to be kept for that purpose. And I certainly would thank God if and when the day comes that we do not have to have a National Guard for our defense in international conflicts, because all will have given up offensive armaments.

Mr. QUIE. If this is the meaning that some day we hope to eliminate the National Guard, the Coast Guard, and anything like that, I could no longer support this Agency.

Mr. BRUCE. Mr. Chairman, will the gentleman yield so that I may address a question to the gentleman from Minnesota [Mr. JUDD].

Mr. QUIE. Yes; I yield to the gentleman from Indiana.

Mr. BRUCE. In the recent conflict in the Congo the United Nations forces issued an ultimatum that has been reported in our press that anyone who is in possession of a firearm would be shot on sight. This is an international peace organization that issued this ultimatum. I can, personally, agree strongly with the point being made by the gentleman from Minnesota [Mr. QUIE], in projecting this under certain conditions that could possibly put out of use firearms.

Mr. JUDD. As the gentleman knows, I feel strongly that the recent actions of the United Nations forces in the Congo were wrong and in violation of a part of the U.N. resolution under which it was supposedly operating.

Mr. BRUCE. But it was an international peace force.

Mr. JUDD. The fact that it operated improperly in this instance does not mean that we should fail to try to get proper control and regulation of international forces that might be used in international war.

Mr. BRUCE. Will the gentleman yield further?

Mr. QUIE. I yield briefly to the gentleman from Indiana.

Mr. BRUCE. The point is, however, that in this age of dialectics in which we live, and things suddenly turn upside down, we are creating an instrument through this phraseology that could very quickly under given circumstances be turned against us.

Mr. QUIE. Mr. Chairman, I only want to say that it grieves me greatly if this is the meaning of this piece of legislation. I was wholeheartedly in support of it. I think it is tremendously important that we consider the control, reduction, limitation, inspection, verification, or identification of armed forces, but to eliminate them—I cannot be a party to this in our country.

The CHAIRMAN. The question is on the amendment as amended.

The amendment, as amended, was agreed to.

Mr. BENNETT of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT of Florida:

Page 4, line 4, strike out "United States Arms Control Agency" and insert "United States Peace Agency for World Disarmament and Security;" and on page 4, lines 5 and 6, strike out "United States Arms Control Agency" and insert "United States Peace Agency for World Disarmament and Security;" and at page 4, line 2, strike "Arms Control Agency" and insert "Peace Agency for World Disarmament and Security".

Mr. HAYS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HAYS. I have no wish to bar the gentleman's amendment, but I submit that the gentleman is offering one amendment which applies to two sections of the bill, one of which has not yet been read. He should offer the amendment, it seems, to lines 1 and 2 and then another amendment to the rest of the bill when it is read.

Mr. BENNETT of Florida. Mr. Chairman, I understand that I may do that by unanimous consent, and I ask unanimous consent that these amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT of Florida. Mr. Chairman, the sole purpose of this amendment is to change the title of this organization from U.S. Arms Control Agency to U.S. Peace Agency for World Disarmament and Security. These words that I have used as the proposed title are words which are agreeable to the administration. Bear in mind the word

"World" is inserted before "Disarmament." So we are not talking about unilateral disarmament. As far as I am concerned, I really would like to have seen the title of this agency as the U.S. Peace Agency. For some reason or other, in the administration they feel that it would be better internationally, or some other way, to have these other words in there. And if this is going to be of great help to us internationally, I go along with those words. After all the title does not give or detract from the powers given by legislation.

Mr. Chairman, I think it is very important that we consider the challenge of creating a U.S. Peace Agency. This paints it in bold strokes, as we had testimony concerning it before this committee.

This Congress can scrounge around, if it wants to, when we are on the edge of a cliff, and when we may all be fried during our lifetimes. We can pick up the crumbs. We can deal with the little things, if we want to. But if we create this Agency and give it a title which will be of help to us among the literate and illiterate people throughout the world, I think it would do something for us internationally, as a token, as an indication, of what the U.S. Government is trying to do, to dedicate a major portion of its activities toward bringing peace. That is why I thought we should consider using the basic words "United States Peace Agency."

This would be an asset to our country. It would in nowise increase or decrease the power of this organization.

As I am about to sit down, I would like to say this. I do not think this is a trivial amendment. This amendment does give us an opportunity to do something really worthwhile with this organization. It does not increase its power. It has nothing to do with security. It gives us a symbol which I think would be important throughout the world in 1961. Many of us may not live through the holocaust which may come in our lifetime. Many of us are trying to preserve life and civilization for those here on earth today and who may be yet born. I think it is important in 1961 that we at least set our hopes toward this goal. There is no danger whatsoever in this amendment. It does not increase the power of this organization, but it gives us a symbol of hope and an expression of the desire on the part of our Government for peace.

Mr. Chairman, I hope this amendment will be agreed to.

Mr. O'HARA of Illinois. Mr. Chairman, I offer a substitute amendment to the amendment of the gentleman from Florida.

The Clerk read as follows:

Amendment offered by Mr. O'HARA of Illinois as a substitute for the amendment offered by Mr. BENNETT of Florida:

Substitute "United States Disarmament Agency for World Peace and Security" for "United States Arms Control Agency" in lines 4 and 5 on page 4 and wherever elsewhere in the bill the words "United States Arms Control Agency" appear.

Mr. O'HARA of Illinois. Mr. Chairman, the matter of naming the agency has been more perplexing than naming a child when the family relatives are in a brawl. I was privileged to be at the White House Conference with the President and Mr. McCloy, with a group of sponsors of the bill headed by the gentleman from Wisconsin [Mr. KASTENMEIER] and the title was discussed at that time at considerable length, I would say the better part of an hour. Most of the participants in the conference seemed agreed that the words "disarmament" and "World Peace and Security" should be in the title. Mr. McCloy gave an accurate summing up when he told our committee, as you will find on page 6 of the hearings:

"I don't say we are wedded to that particular name. That seemed the best we could come up with. The President himself had something to do with the naming of it, but I don't believe he is too wedded to it either. Maybe some of you gentlemen and ladies have other ideas for a name that would be more effective. That is about what we thought the thing covered.

It was clear in my mind when we left the President that he thought definitely that the words "disarmament, world peace and security" should be in the title, in whatever order arranged, as they expressed with crystal clearness and plain honesty the objectives sought—world peace and security through world disarmament under agreements that would be binding and foolproof as regards inspection and enforcement.

The title was discussed with many Members of the Congress, both Democratic and Republican, and it was my understanding that there was pretty much an agreement that "world disarmament" and "world peace and security" were not terms to be avoided, that to the contrary they were most desirable as showing to the world the earnestness and sincerity of the United States in its quest for a path to permanent peace.

But by the time the bill reached our committee there had emanated from some source, the identity of which I do not know, a flood of misinformation. As a result the members of our committee were receiving many letters from persons, sincere I am sure, but reacting to the misinformation given them. My own mail, however, was mainly from outside of Illinois, largely from two or three States far remote from Illinois, and I did not receive more than two or three letters of this nature from my own district while I did receive several hundred letters from constituents warmly approving the bill, the title and the objectives of the proposed Agency.

Nevertheless, the effect of the letters based on the flood of misinformation I have mentioned did have its influence on the thinking of our committee, and this, I would say, was responsible for a change in the name of the proposed Agency. On the committee I voted to retain the original name as I was satisfied that the commonsense of the American people would assert itself, as always it has, when misinformation was answered with truth.

Many of the letters that emanated from this flood of misinformation stressed that the proposed Agency would undermine our security and surrender our national sovereignty.

When the Honorable Thomas S. Gates, Jr., Secretary of Defense in the last years of President Eisenhower's administration, was before our committee, I asked him this question, as you will see on page 94 of the hearings:

Mr. O'HARA. Is there anything in the pending legislation that could be construed as a surrender in any measure of our national sovereignty? I am asking this question because I have been mystified by letters I have received I think from sincere sources that have raised the question. As a former Secretary of Defense, and one who has never been branded as an internationalist, whatever that means, your remarks would serve a useful purpose in quieting any fears that may exist on that score.

Here is the answer from President Eisenhower's Secretary of Defense:

Mr. GATES. I don't read anything into this bill that affects our national sovereignty in any way, shape, or form. I just read into this a better way to organize an effort that already exists, and to proceed with it more effectively and perhaps more sensibly. I don't see any surrender of sovereignty.

As to an endangerment of our national security by the creation and operation of the proposed agency it seemed to me that the very best authority was the Chairman of the Joint Chiefs of Staff. I quote now from pages 83–84 of the hearings, covering the testimony before our committee of Gen. Lyman L. Lemnitzer:

Mr. O'HARA. General Lemnitzer, I think it is news of major importance when the Chief of Staff comes before the Committee on Foreign Affairs and recommends an agency, the goal of which is the end of arms. I wish that the widest publicity could be given your testimony.

It would quiet the apprehensions of uninformed persons who have been writing us letters in opposition to the Disarmament Agency bill, because of misinformation spread about that in some mysterious way it would undermine our national security and sovereignty. Certainly it will be heartening to the American people and will place our country in a most favorable light throughout the world to know that the Chief of Staff, dedicated to the task of keeping our country strong to meet any challenge of war, has his eye on the ultimate goal of peace, a world without arms and threats of war.

General LEMNITZER. As I indicated in my statement, I think this Agency will enhance our national security interests. We have been dealing with disarmament for many years and I have been involved personally since 1946, on the basis of ad hoc committees. This is not to underestimate the capabilities and the talents of the individuals who participated in those committees. They deserve great credit for leaving their businesses and devoting their energies to this difficult problem. But we do not deal with the other important problems of Government, particularly problems associated with the security of our country, by using groups assembled for relatively short periods of time and then disbanded. Such groups have no library or experience to guide them. Each new group needs time before they can understand the problems involved. The background of experience needed in order to deal with a new proposal is missing. To deal with this problem most effectively, a permanent organization that can attract and hold top talent is needed. Such an organization will be in a much better position to deal with these important problems.

General Lemnitzer under the questioning of Mr. FASCELL, which you will find on page 85 of the hearings, the Chairman of the Joint Chiefs of Staff stated that from a military standpoint, disarmament is a possibility. He added that complete disarmament he thought a long way in the future but by starting with a degree of control and regulations, which he said meant reduction, progress would be made toward the objective of complete disarmament. And disarmament, he had said as I have stated, was a possibility from a military standpoint.

Another witness before our committee was the Honorable John J. McCloy, Adviser to the President on Disarmament. I call the attention of the committee to his testimony under the questioning of Mr. BECKWORTH on pages 21–22 of the hearings:

Mr. BECKWORTH. Your statement indicates you have given a lot of thought to it over a long period of time. Would you enumerate, if you think of any, what the hazards might be if we have this type of agency?

Mr. MCCLOY. The hazards?

Mr. BECKWORTH. Yes.

Mr. MCCLOY. I think it is difficult for me to say what the hazards might be. I think the hazards are, if we don't have the Agency, hazards as I have indicated in terms of putting forward proposals that are not well thought out, that don't really take into account the full strategic and security interests of the United States. There has been a suggestion of hazard in terms of the type of people that might get into the Agency, but we have tried to cover that better than it is covered now by making the appointment subject to the approval of the Senate.

I don't think that—I don't see any hazards. I wouldn't put it forward if I felt there were hazards.

Mr. BECKWORTH. Do you think there will be no confusion that could arise on the part of our allies because of this movement on our part?

Mr. MCCLOY. I don't think so. I think, in fact we have communicated with all our allies and I think they applaud this, again as an earnest of not only our intent, but by reason of their association with us, of the Western and free world's intent to view this thing practically and sincerely.

Mr. BECKWORTH. After World War I, particularly, as I view it, a number of the nations that have been most interested in world peace and world order became very, very careless. As a result of that carelessness we may have somewhat blundered into another great struggle. You don't think this could conceivably cause a force to go into effect which would see us become careless?

Mr. MCCLOY. The whole idea of this bill is that we shouldn't be careless about putting forward disarmament proposals, putting forward ill-thought-out proposals. I can only say I know perfectly well disarmament itself doesn't bring peace. You have to have something besides disarmament. I do believe this arms race, with the terrific hazards that are involved, has produced an instability and insecurity to us and to mankind that has to be faced and has to be dealt with.

I think if we have a well-equipped, well-financed, well-supported group in the Government, that can give all their thought to it, that are dealing with this subject, that the country is simply more secure, more secure in respect to any possible wars that might develop, more secure in the sense that we may be able to avoid a cataclysm of a thermonuclear war.

As I have said, at the time the bill came before our committee there was some misunderstanding throughout the country. As the result of it, I think the members of our committee decided on this name of arms control. It may be the best name; I do not know. Personally, I think the Agency should be named as originally decided by the administration. The retreat from that name would imply that America is losing heart in her hunt for a permanent peace, a peace safeguarded from violation. The dream of a world of peace may be a bubble, but I have too much faith in the prayers for peace that are said in every American home to believe that we cannot attain that which General Lemnitzer says, from a strictly military standpoint, is a possibility. Former Secretary of Defense Gates' statement, I am sure, will be accepted in every quarter, where there may have been uneasiness due to a flood of misinformation; as completely and finally settling the question of surrender of national sovereignty. Mr. McCloy's statement of the hazards we take if we stumble along without the proposed agency certainly is not to be disregarded.

Mr. Chairman, I hope that the committee will accept my substitute amendment. This that we are about to create is the U.S. Disarmament Agency for World Peace and Security. Let us not be afraid of the shadow of misstatements. Let us give the agency its right name. Let us not retreat from that name because of the spread of false information that witnesses before our committee have knocked into a mess of poppycock.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Illinois. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. I want to compliment the gentleman on his amendment, as I do the gentleman from Florida on his amendment. We are currently operating under a U.S. Disarmament Administration. There is nothing evil about the word "disarmament." Not only the people at home but those around the world understand it, which cannot be said about "arms control," which is a fairly technical concept. I hope it does not end up as the title of this Agency. I am sure the President for one would prefer the title we now have.

Mr. O'HARA of Illinois. It seems to me, Mr. Chairman, it would raise our stature throughout the world if we came out and proclaimed by the title of this bill that we have an agency for Disarmament and for World Peace and Security. We should not be ashamed of the title. We stand for that. We have faith that in the end there will be peace and there will be disarmament. Why should we run away from our own prayers? To pray and to run isn't my conception of American character.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JUDD. Mr. Chairman, I rise in opposition to both amendments.

Mr. Chairman, I offered during our committee considerations of this bill essentially the same, in fact I think, word for word, the titled proposed by our colleague, the gentleman from Florida [Mr. BENNETT]. After a good deal of discussion, it was rejected by the committee. I modified the language in two or three different ways, and each form was rejected. The more we studied it, the more we came around to support of the title I finally suggested, Arms Control Agency. The more I have thought of it since that time, the more I have become convinced that the choice was the right one.

May I first read, further down on page 94, another part of the statement of former Secretary of Defense Gates, from which our beloved colleague, the gentleman from Illinois [Mr. O'HARA] quoted. Mr. Gates said:

I think, that the word "disarmament" to most people means total disarmament. I think a lot of the confusion about this that is reflected in your mail is coming from that.

I think total disarmament—"disarmament" is all too inclusive a word. I think the small steps we proceed over the years to take and negotiate out will be steps toward reduction and control and limitation and inspection of those small steps. I would personally, if I were doing it, change the name of the bill.

Mr. Chairman, it was the testimony of people like that which confirmed us in the belief it would be advisable to adopt this less exciting and less glamorous, but more accuate title for the Agency. I grant you that to call it a peace or disarmament agency may raise our stature in the opinion of some; but it may also increase the danger of war because it can encourage our enemies to think that perhaps we are going soft.

Just the other day, Mr. Khrushchev said there would not a war over Berlin because Mr. Kennedy and Mr. Macmillan were too sensible to have a war. Of course, he meant that they would give in rather than have a war. He, apparently, believes that we are about ready to yield on Berlin and even give up our freedom in order to avoid atomic war. Anything that may seem to confirm that view increases our danger.

Mr. Chairman, I believe this Agency can enhance our security and the security of all peoples of the world, if it is not misrepresented or misunderstood.

Let us not take a chance on its being misunderstood by giving it a somewhat inaccurate title that might suggest we are going soft or sentimental. Let us not encourage the cruel dictator that we face, to overreach himself and thus perhaps get us into the very war that we are seeking to avoid.

Mr. O'HARA of Illinois. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. I might say to my friend, and I know he will agree with us, that the only purpose of the debate on this is an educational purpose.

Mr. JUDD. That is right.

Mr. O'HARA of Illinois. After all, it is a ticklish job that the conferees will have, to decide on the differences in the two bills.

Mr. JUDD. I grant you that and, therefore, I think we should send our bill to the other body with the title as reported out by the committee. The title in the Senate bill is more like the

title that the gentleman has offered, and in the conference they can have further testimony or discussion before deciding.

The most important thing about this name is that it be accurately descriptive so that nobody among our allies or our enemies misunderstands it or misinterprets our real intent. Danger comes from permitting miscalculation or misunderstanding. I believe that we ought to give this bill and the Agency the nonglamorous but accurate title that describes what we expect it to be able to do.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I just wanted to point out that the committee agreed that the name or the title of the Agency should be brief. As a practical matter, what precedes the word "Agency" will determine how it will be popularly known. Both of these proposed amendments have long phrases after the word "Agency"—"for world disarmament and security" in one case and the words "for world peace and security" in the other. I think that is an additional reason why we in the committee felt that a simple, short descriptive title would be preferable. That is why I feel also that we should vote down both the amendment and the substitute therefor.

Mr. JUDD. It is important that we do not fool ourselves and our own people; and that we do not fool our allies and make them think that we may be weaker or softer than we are. It is most important of all that we do not mislead Mr. Khrushchev. However much the neutrals or others who are called world opinion, may be interested in which side most sincerely desires peace, the outcome depends on what the Soviet Government thinks. It is imperative that we make sure it understands that ours is a wholly hardheaded and realistic effort, not a stargazing or wishful-thinking effort at arms reduction and control looking toward ultimate disarmament just as soon as others will accept workable controls to prevent cheating and surprise attacks by anyone. So I trust both amendments will be defeated.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield.

Mr. MORGAN. The title adopted in the Senate was "United States Arms Control and Disarmament Agency for World Peace and Security." In any event the final legislation will be written by the conference committee.

The CHAIRMAN. The question is on the substitute amendment.

The substitute amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Florida.

The question was taken; and on a division (demanded by Mr. BENNETT of Florida) there were—ayes 25, noes 88.

So the amendment was rejected.

The Clerk read as follows:

TITLE II—ORGANIZATION

United States Arms Control Agency

SEC. 21. There is hereby established the United States Arms Control Agency.

Director

SEC. 22. The Agency shall be headed by a Director. He shall be appointed by the President, by and with the advice and consent of the Senate. He shall receive compensation at the rate of $22,500 per annum. The Director shall serve as the principal adviser to the President on disarmament matters. Under the direction of the President and the Secretary of State, the Director shall have primary responsibility within the Government for disarmament matters.

Mr. BOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bow: On page 4, line 12, after the word "on" strike out the word "disarmament" and insert "arms control"; and on line 15, after the word "for" strike out "disarmament" and insert "arms control".

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. HAYS. The gentleman from Ohio [Mr. Bow] has submitted his amendment to the committee. Inasmuch as it makes the language conform to the title which has been adopted by the rejection of the previous amendments, the committee has no objection to the adoption of the amendment.

Mr. HORAN. Mr. Chairman, will the gentleman from Ohio yield? My colleague, the gentleman from Ohio [Mr. Bow] happens to serve on the subcommittee that will have to pass judgment on the activities under this bill if it is passed, and to bring to the Congress the recommended appropriations for its functioning.

I would like to ask the gentleman if he has any idea of what this program is going to cost on an annual basis. I understand that we are appropriating $10 million under section 49 to remain available until expended. There will be annual appropriations for this program. Section 47 (a) and (b) allows for the present appropriation, $1,017,000 of the so-called disarmament administration to be transferred to this Agency if the bill is passed that we are considering now. Section 47 also allows pretty broad powers of transfer from other agencies. Does the gentleman know what the total cost of this Agency is?

Mr. BOW. I may say to the gentleman the present bill authorizes $10 million a year. Whether or not that will be the amount appropriated, I do not know. However, we have for the present existing agency within the State Department appropriated, as I recall it, something over a million dollars, perhaps, that is unexpended, which under this bill will be transferred.

I yield to the chairman of the Committee on Foreign Affairs to make a statement.

Mr. MORGAN. For the fiscal year 1962 there will be $6 million.

Mr. HORAN. I have a breakdown of $5,200,000, which seems to be reasonable. However, there is a supplemental that came up yesterday for $2,900,000, which is contingent upon the passage of this measure before us now.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Iowa.

Mr. GROSS. How did you arrive at this round figure of $22,500 for the Director?

Mr. MORGAN. This is the rate of pay of all Under Secretaries.

Mr. GROSS. Are there any qualifications for the Director? Is he a political appointee, or what is he? Does the gentleman have any idea about that?

Mr. MORGAN. I am sure that whoever is appointed Director will have the necessary qualifications. Mr. McCloy, who did the basic work on this bill is one of the greatest Americans we have, is well qualified to fill the job. However, Mr. McCloy says he does not want to continue as Director. I am sure there are other Americans well qualified for the position.

Mr. GROSS. Why was the figure 22,500 put in there?

Mr. MORGAN. The figure was put in as appropriate for the rank of an Under Secretary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. Bow].

The amendment was agreed to.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point, and that all debate on the bill and all amendments thereto close at 7 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. Mr. Chairman, I object.

The Clerk read as follows:

Deputy Director

SEC. 23. A Deputy Director of the Agency shall be appointed by the President, by and with the advice and consent of the Senate. He shall receive compensation at the rate of $21,500 per annum. The Deputy Director shall perform such duties and exercise such powers as the Director may prescribe. He shall act for, and exercise the powers of, the Director during his absence or disability or during a vacancy in said office.

Mr. BOW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to point out that I have an amendment that will come on page 13 of the bill. It is to the language in paragraph (g) on that page which delegates to the Deputy Director and all other officers of the agency any authority conferred upon the Director by the provisions of this act.

I am going to offer an amendment to strike that language. I take this time to point out that you have a Deputy Director at $21,500 that can do all the work of the Director. In the next paragraph, section 24, you have four Assistant Directors at $20,000 a year who can do all the work of the Director.

Mr. Chairman, I think it is a mistake to have in a bill the authority of a director to turn over to all officers of the Agency or assign or delegate them all of his duties. And, I point this out at this time to show that here is the Deputy Director and four assistants that can do this. So, when we get to page 12 I would offer an amendment to strike out paragraph (g), which transfers authority to other officers of the Agency.

Mr. HAYS. Mr. Chairman, in the interest of saving time, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. GROSS. I object, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Assistant Directors

SEC. 24. Not to exceed four Assistant Directors may be appointed by the President, by and with the advice and consent of the Senate. They shall receive compensation at the rate of $20,000 per annum. They shall perform such duties and exercise such powers as the Director may prescribe.

Bureaus, offices, and divisions

SEC. 25. The Director may establish within the Agency such bureaus, offices, and divisions as he may determine to be necessary to discharge his responsibilities under this Act, including, but not limited to, an Office of Public Affairs and an Office of the General Counsel.

Mr. BROWN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN: On page 5, lines 12 and 13, delete "an Office of Public Affairs and"

Mr. BROWN. Mr. Chairman, I am hopeful, of course, that the Committee will accept this amendment for very obvious reasons. The Office of Public Affairs is undoubtedly meant to be, and the only reason for it being so described, an office of public information; in other words, a propaganda or publicity office.

Now, this Agency comes under the Office of the Secretary of State, also under the direction of the Office of President. The Secretary of State has a very good and very ample information and public relations service and agency within his Department which does handle all publicity matters for the Department and the various divisions of it. Certainly, the White House has a good public relations organization of its own.

Of course, this amendment would simply eliminate a duplication of effort by preventing the establishment of another public relations or propaganda office within this particular Agency. There are some of us who are hopeful that we may be able to so amend this bill that it will be in such a form we can vote for it; after we eliminate some of the waste and extravagance, unnecessary expenditures, and some questionable language we see in the bill.

Mr. Chairman, I hope the Committee may see fit to adopt the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BROWN].

The amendment was agreed to.

The Clerk read as follows:

General Advisory Committee

SEC. 26. The President, by and with the advice and consent of the Senate, may appoint a General Advisory Committee of not to exceed fifteen members to advise the Director on disarmament policy and activities. The President shall designate one of the members as Chairman. The members of the committee may receive the compensation and reimbursement for expenses specified for consultants by section 41(d) of this Act. The Committee shall meet at least twice each year. It shall from time to time advise the President, the Secretary of State, and the Director respecting matters affecting arms control, disarmament, world peace, and world law.

Mr. FOUNTAIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOUNTAIN: On page 6, strike out all of lines 1 and 2 and insert the words "matters affecting arms control, disarmament, and world peace."

Mr. FOUNTAIN. Mr. Chairman, this means exactly what it says. It means that this General Advisory Committee established by this section will advise the President, the Secretary of State, and the Director respecting matters affecting arms control, disarmament, and world peace. It strikes out the words "world law."

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. FOUNTAIN. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Does the gentleman's amendment merely strike the words "world law" leaving rest of the sentence exactly as contained in the bill?

Mr. FOUNTAIN. Exactly as in the bill.

Mr. MORGAN. The committee has no objection to the amendment.

Mr. FOUNTAIN. I thank the chairman and the committee. The bill is rapidly becoming more palatable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. FOUNTAIN].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—FUNCTIONS

Research

SEC. 31. The Director is authorized and directed to exercise his powers in such manner as to insure the acquisition of a fund of theoretical and practical knowledge concerning disarmament. To this end, the Director is authorized and directed, under the direction of the President, (1) to insure the conduct of research, development, and other studies in the field of disarmament; (2) to make arrangements (including contracts, agreements, and grants) for the conduct of research, development, and other studies in the field of disarmament by private or public institutions or persons; and (3) to coordinate the research, development, and other studies conducted in the field of disarmament by or for other Government agencies in accordance with procedures established under section 35 of this Act. In carrying out his responsibilities under this Act, the Director shall, to the maximum extent feasible, make full use of available facilities, Government and private. The authority of the Director with respect to research, development, and other studies shall be limited to participation in the following insofar as they relate to disarmament:

(a) the detection, identification, inspection, monitoring, limitation, reduction, control, and elimination of armed forces and armaments, including thermonuclear, nuclear, missile, conventional, bacteriological, chemical, and radiological weapons;

(b) the techniques and systems of detecting, identifying, inspecting, and monitoring of tests of nuclear, thermonuclear, and other weapons;

(c) the analysis of national budgets, levels of industrial production, and economic indicators to determine the amounts spent by various countries for armaments;

(d) the control, reduction, and elimination of armed forces and armaments in space, in areas on and beneath the earth's surface, and in underwater regions;

(e) the structure and operation of international control and other organizations useful for disarmament;

(f) the training of scientists, technicians, and other personnel for manning the control systems which may be created by international disarmament agreements;

(g) the reduction and elimination of the danger of war resulting from accident, miscalculation, or possible surprise attack, including (but not limited to) improvements in the methods of communications between nations;

(h) the economic and political consequences of disarmament, including the problems of readjustment arising in industry and the reallocation of national resources;

(i) the disarmament implications of foreign and national security policies of the United States with a view to a better understanding of the significance of such policies for the achievement of disarmament;

(j) the national security and foreign policy implications of disarmament proposals with a view to a better understanding of the effect of such proposals upon national security and foreign policy;

(k) methods for the maintenance of peace and security during different stages of disarmament;

(l) the scientific, economic, political, legal, social, psychological, military, and technological factors related to the prevention of war with a view to a better understanding of how the basic structure of a lasting peace may be established.

(m) such related problems as the Director may determine to be in need of research, development, or study in order to carry out the provisions of this Act.

Mr. HALLECK (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the section be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. COLLIER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this means to briefly attempt to get an answer to a question that was asked several times today, but the answers were void of any directness.

In reviewing the functions as listed or set forth in this section of the bill, is it

not true that there is not one single function as set up in the legislation before us that the present Armed Services Control Section of the State Department does not have the jurisdiction to perform?

Mr. MORGAN. If the gentleman will yield; yes, but they are too small to really do the job efficiently and properly, and do not function as they should.

Mr. COLLIER. In other words, that is the point I want to make for my own edification. I am not enthusiastically for the bill, and I am not enthusiastically against it. But in order to boil this down, what we are doing here in this legislation is increasing the present personnel to perform the same functions that the Agency or the section within the Department now has the authority to perform, and we are giving it a name, and we are increasing it by a rough estimate of, say, 150 or 160 personnel, is that correct?

Mr. MORGAN. That is essentially correct.

Mr. JUDD. If the gentleman will yield, one other point is this: It gives this Agency stature that the present one does not have. This will have been established by act of Congress, and not by Presidential directive. The head of this agency will have greater authority in dealing with the heads of other Government departments than he has under the present arrangement.

Mr. COLLIER. I have no quarrel with that. I am for every agency having stature.

Mr. O'HARA of Illinois. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. I would suggest to the gentleman that he read Mr. McCloy's testimony in the middle of page 21, and I think he will find much in that.

Mr. COLLIER. Yes; I did. But I believe I was able to get the information and everything I needed from the chairman, the gentleman from Pennsylvania [Mr. MORGAN].

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to say that with a price tag of $10 million this is going to be a real expensive stature—yes, real expensive stature—that will be given this new outfit.

Now, what is the reason for this Agency? I want to turn to the hearings where the question was asked of Mr. Rusk:

> Why has the U.S. Disarmament Administration failed, if it has failed, and why is the measure now before us a better approach to this problem?

Secretary of State Rusk replied:

> I would not attribute this proposal to the failure of the other organization.

Then, omitting a few lines here, he goes on to say:

> There are many reasons why we urge that this Agency be established with a legislative base along the lines of these proposals. One of them is to have a declaration of national policy by the President and the Congress that we do take this field seriously.

Mr. Chairman, I was of the opinion that we were taking disarmament seriously all the time. I did not know that anyone was not taking it seriously. Then Mr. Rusk goes on to say this—and I want you to pay particular attention to this language:

> Secondly, we want to get this subject out of any possible framework of interdepartmental or bureaucratic rivalries, rivalries of the sort that would plague the subject.

Have we had bureaucratic rivalries? Have we had incompetence? Have we had maladministration? What have we had in this field and why has it been allowed, if that is the case?

This reminds me of what we had the other day when we were considering the Peace Corps. The gentlewoman from Illinois [Mrs. CHURCH] spoke of the trips that she had made around the world. I am sorry she is not here. She spoke of the many trips she had made around the world and of how "abjectly and often" the foreign aid programs have failed. And yet, as in this case, the same officials go right on with their failures. This organization will be under the direct supervision of the Secretary of State as will be the Peace Corps. The failures of these various agencies and bureaucracies have been commented upon and indicted, yet Congress goes right ahead establishing new bureaucracies and agencies under the same people, as with this one today.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. HAYS. I do not know about the comments of the gentlewoman from Illinois [Mrs. CHURCH], but I would say the gentleman from Iowa should be glad that she is not here.

Mr. GROSS. Mr. Chairman, I do not yield any further.

Mr. HAYS. That was part of the gentleman's discussion and I was just commenting on it.

Mr. GROSS. Mr. Chairman, I decline to yield.

It is impossible to understand how there can be so many admissions of failure and criticism of programs and policies yet the only answer seems to be to create more new agencies, administered by the same individuals who are responsible for the failures, and equip them with more millions of dollars. This is the record that is becoming all too apparent in Government today. The only answer for failure seems to be to spend more millions to produce more failures.

Mr. HAYS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I had not intended to do more than comment on the remark of the gentleman from Iowa [Mr. GROSS] concerning the gentlelady from Illinois [Mrs. CHURCH]. But since I was here and heard particularly the speech that the gentleman from Iowa made, and then heard the reply that the gentlelady from Illinois made to his speech, I again repeat that if I were he I would be glad that she was not here today. I think it is too bad she is not here, from my point of view.

Now as to the rivalries that the gentleman was talking about, I wanted to answer the question. I can only state what the Secretary of State said to us. I think it is a well-known fact that regardless of who is the President and what administration is in there are interdepartmental rivalries. The fact of the matter is that right over in the Pentagon there have existed since I have been in this city, and that goes back for 13 years, interdepartmental rivalries between the Air Force, the Army and the Navy. I would assume that what the Secretary—in fact, I shall go further than assume; I will say that what the Secretary was after was to create an agency which would rise above these rivalries and work for arms control without a lot of pulling and hauling by bureaucracies that were afraid of a diminution of their own power and afraid that some of their empire was going to be dispensed with.

The Clerk read as follows:

PATENTS

SEC. 32. Each contract or other arrangement executed pursuant to this Act which relates to scientific research shall contain provisions governing the disposition of inventions produced thereunder in a manner calculated to protect the public interest and the equities of the individual or organization with which the contract or other arrangement is executed: *Provided, however,* That nothing in this Act shall be construed to authorize the Director to enter into any contractual or other arrangement inconsistent with any provisions of law affecting the issuance or use of patents.

POLICY FORMULATION

SEC. 33. The Director is authorized and directed to prepare for the President, the Secretary of State, and the heads of such other Government agencies, as the President may determine, recommendations concerning U.S. disarmament policy.

Mr. FOUNTAIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOUNTAIN: On page 9, line 12, strike out the period and insert a semicolon and the following provision: "*Provided, however,* That no action shall be taken under this or any other law that will obligate the United States to disarm or to reduce or to limit the Armed Forces or armaments of the United States, except pursuant to the treatymaking power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States."

Mr. FOUNTAIN. Mr. Chairman, if the members of the committee will turn to page 9, for emphasis, I will read the present "Policy Formulation" statement in section 33 and then my amendment.

> The Director is authorized and directed to prepare for the President, the Secretary of State, and the heads of such other Government agencies, as the President may determine, recommendations concerning United States disarmament policy.

The amendment which I propose to add to that in the form of a proviso is as follows:

> *Provided, however,* That no action shall be taken under this or any other law that will obligate the United States to disarm or

to reduce or to limit the armed forces or armaments of the United States, except pursuant to the treatymaking power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States.

I regret that I am not one of those who believe that in our lifetime the full dream of this legislation will ever become a reality. And I must frankly state that without the amendment I am offering, there will continue to be grave fears about this legislation and its timeliness at this crucial moment in the life of our Nation.

This amendment is designed to insure that on the subject of arms control no President of the United States, whoever he may be, will ever take any action that is not in conformity with the Constitution of the United States. No matter how meritorious any arms reduction proposal of the future may be, and regardless of what the rest of the world may be willing to agree to, the President cannot under this amendment commit America to it, except pursuant to the treatymaking power under the Constitution, or by affirmative legislation by both the House and the Senate. It forbids a President acting on his own. This is no reflection upon our present great President. It is a source of protection to him and to those who succeed him and to the security of the United States.

If the prayed-for time should ever come in the history of the world and of mankind when reason wants to strike from the hand of force the sword of hate, and pluck from the heart of war the germ of greed; when all governments everywhere want to be regulated by a constitution, and supported by an established system of jurisprudence; when the people of the world appear to be really ready and determined that love and justice and liberty and understanding and permanent peace shall march up and down the nations of the earth making their abode in the hearts and minds of themselves and their governments; when all tongues and all nations are awakened to a realization that civilization cannot survive an all-out nuclear war, and thus appear willing to follow that luminous peaceful pathway which leads to a destiny beyond the reach of vision but within the providence of Almighty God, even then—even then, I believe that no action should be taken by the then President under this or any other law, to disarm or to reduce or to limit the Armed Forces or armaments of the United States, except in a duly constitutional way upon the approval of two-thirds of the U.S. Senate or by affirmative legislative action of the entire Congress.

In the interest of preserving constitutional government in this most delicate and dangerous era of our Nation's existence, I urge the committee to accept this amendment.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. FOUNTAIN. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. The committee will accept the gentleman's amendment. We have no objection to the gentleman's amendment.

Mr. FOUNTAIN. I thank the distinguished chairman of the committee. You have done your country a great favor.

The CHAIRMAN. Without objection, the amendment is agreed to.

There was no objection.

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Mr. Chairman, is there not a rule that a chairman must support a bill when it comes to the House floor? Does that apply to general legislation or only to appropriation bills?

The CHAIRMAN. That is not a parliamentary inquiry.

The Clerk read as follows:

NEGOTIATIONS AND RELATED FUNCTIONS

SEC. 34. Under the direction of the Secretary of State—

(a) the Director, for the purpose of conducting negotiations concerning disarmament or for the purpose of exercising any other authority given him by this Act, may (1) consult and communicate with or direct the consultation and communication with representatives of other nations or of international organizations and (2) communicate in the name of the Secretary with diplomatic representatives of the United States in this country and abroad.

(b) the Director shall perform functions pursuant to section 2(c) of Reorganization Plan 8 of 1953 with respect to providing to the United States Information Agency official United States positions and policy on disarmament matters for dissemination abroad.

(c) the Director is authorized (1) to formulate plans and make preparations for the establishment, operation, and funding of inspection and control systems which may become part of the United States disarmament activities and, (2) as authorized by law, to put into effect, direct, or otherwise assume United States responsibility for such systems.

Mr. ADAIR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADAIR: On page 9, strike out line 15 through line 23 and renumber the subsections accordingly.

Mr. ADAIR. Mr. Chairman, the effect of this amendment would be to remove subsection (a) of section 34. In general, it will be observed that section 34 provides that under the direction of the Secretary of State, the Director of the Agency shall do certain things. He shall—

First. Conduct negotiations—speaking generally.

Second. Provide information to the U.S. Information Agency.

Third. Have to do with plans concerning control systems.

I should like to read to the Members of the House certain of the wording which my amendment would take out. Please keep in mind this is power given to the Director. It would authorize the Director under the Secretary of State to consult and communicate with, or direct, the consultation and communication with representatives of other nations or of international organizations, and communicate in the name of the Secretary with diplomatic representatives of the United States in this country and abroad.

A number of Members earlier today have expressed concern as to whether or not this Agency, if established, would be authorized to go out and negotiate or whether it would be one to gather information to make recommendations and to provide these recommendations and this information to the Secretary of State to the President and to other appropriate officers.

My amendment, if adopted, Mr. Chairman, would make it very clear, I think, that this organization did not have the authority to become a negotiating organization.

It seems to me, that should be left a direct responsibility of the Secretary of State under the President and not a responsibility or a right of this Director under the Secretary of State. I think my amendment, if adopted, would clarify the bill very much.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Minnesota.

Mr. JUDD. Who does the gentleman think ought to carry on such negotiations with other countries? Who would be so well qualified as the Director, under the direction of the Secretary of State?

Mr. ADAIR. I think the negotiations should be carried on by the Secretary of State. I think the Director ought to be prepared to say, "Mr. Secretary, here are the things we find. Here are the recommendations we make."

But, I think the negotiations ought to be made by the Secretary.

Mr. JUDD. Does the gentleman believe that the Secretary of State should spend months at a time in Geneva or elsewhere, away from his many other duties?

Mr. ADAIR. No.

Mr. JUDD. He has to have somebody to carry on the day-to-day negotiations. Actually, I believe, he has the full authority to delegate such authority to the Director without this language; I am sure he would want to delegate the conduct of negotiations in this field to the Director of this Agency; and that is what the bill provides.

Mr. ADAIR. I would agree with the gentleman that the Secretary has power to delegate this responsibility, but I think he ought not to be tied to the Director. I think he ought to be able to say—you and you or you can carry on these negotiations and then whoever performs the negotiations may have the benefit of the knowledge that has been acquired by the Director. It seems to me, this is unduly restrictive on the Secretary of State in that respect.

Mr. JUDD. I respect the gentleman very highly, as the gentleman well knows. But I cannot read it as being thus restrictive. It seems to me just commonsense to authorize the Director, under the direction of the Secretary of

State, to carry on the day-to-day consultations, communications, and negotiations in this particular field.

Mr. ADAIR. I will point out to the gentleman that this does give the Director the right to communicate with representatives of other nations and international organizations. I will say to the gentleman, I think there is considerable danger involved in that. I think that responsibility should be the responsibility of the Secretary or in someone whom he says should have the responsibility.

Mr. JUDD. Of course, it does not say that the Director shall conduct negotiations. It says, "Under the direction of the Secretary of State, the Director may consult and communicate." So he could do it only as the Secretary of State instructs him to do so.

Mr. ADAIR. If the gentleman takes that position, then this is not necessary because the Secretary could do it. I think it ought to be removed for the purpose, as I said earlier, of giving the Secretary more latitude.

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment.

I would like to say, Mr. Chairman, that I have a great deal of respect for the gentleman from Indiana who offered the amendment. I have worked with him on the committee for many years. He has been on my subcommittee. He has contributed a great deal to bills which we brought out, and he has a viewpoint that I respect at all times. But I think in this particular instance, Mr. Chairman, he is going at this thing in the wrong way.

I think the gentleman is unduly concerned about the kind of power that was given to the Director, and I think one of the criticisms the gentleman—and I have discussed this and we discussed it with State Department personnel—one of the problems, I will put it that way, that the Secretary of State has today is the fact that he has to be in so many places making so many decisions, doing so many things, that he really is beset by duties that he cannot adequately perform.

I think it is only commonsense, Mr. Chairman, that the Director of this organization be allowed to negotiate. Certainly the directions of the negotiations are going to be set by the President and the Secretary of State. Certainly he is not going to negotiate in anyway that would be contrary to the desires of the President or the Secretary of State or contrary to the policy of the United States; and I think this makes sense from the point of view of trying to take away from the top policymaking officers some of the detail work that could be carried on by the Director of this Agency.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield.

Mr. ADAIR. I would say to the gentleman that I certainly do not want to add to the burdens the Secretary of State carries or make it impossible for him to get rid of them. As I said to the gentleman a minute ago I would think my amendment would give him more latitude in this respect.

Mr. HAYS. I cannot agree with the gentleman and I would just point out to him that both Secretary Herter and the present Secretary of State, Mr. Rusk, have asked for this very language. It would seem to me with these two gentlemen in agreement on this, men who are really in a position to analyze the situation, I am satisfied that the language in the bill is the right language.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield.

Mr. FRELINGHUYSEN. I would just like to point out that I think the gentleman from Ohio has taken a very sensible attitude. There seems to be no question but what the Secretary could delegate part of his responsibilities to the Director, or if the language were taken out, to other individuals, not necessarily the head or the Director. I think as a practical matter we should surely leave it in and build up the new Agency and have responsible officials at the head of that Agency rather than to leave undefined the responsibility which, of course, the Secretary would have with that language.

I hope the amendment is defeated.

Mr. HAYS. I could not agree more with the gentleman.

I ask that the amendment be rejected.

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

Mr. HALEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALEY: On page 9, line 14, strike out all of line 14 and insert instead the following:

"Sec. 34. Under the direction of the President and the Secretary of State"; and on page 9, line 21, insert after the word "of" and before the word "the" the following: "the President and the".

Mr. HALEY. Mr. Chairman, if I may have the attention of the chairman of the Committee on Foreign Affairs, this will improve his bill. It will remove all doubt as to whether this bill will take away from the President any of the constitutional privileges he now enjoys under the Constitution.

I hope, Mr. Chairman, that the chairman of the Committee on Foreign Affairs will accept my amendment.

Mr. BECKER. Mr. Chairman, will the gentleman yield?

Mr. HALEY. I yield to the gentleman from New York.

Mr. BECKER. I would like to compliment the gentleman. I have an amendment at the desk which is similar in nature to his, but as long as the gentleman has offered this amendment I will be happy to support it. I think it is a good amendment.

Mr. COAD. Mr. Chairman, will the gentleman yield?

Mr. HALEY. I yield to the gentleman from Iowa.

Mr. COAD. It is my understanding, in line 21, page 9, the amendment reads: "And the President"—and—"the" which is to come between the words "of" and "the".

Would this not make two "the's"?

Mr. HALEY. It should read: "In the name of the President and the Secretary."

Mr. COAD. The way the Clerk read it, after the word "of" and before the word "the" the amendment was to read "the President and the". This, in effect, would make two "the's" immediately preceding the word "Secretary."

Mr. HALEY. Mr. Chairman, I ask unanimous consent that the amendment be corrected to take out the additional "the".

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MORGAN. With the correction, the committee has no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. HALEY].

The amendment was agreed to.

Mr. ZABLOCKI. Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The balance of the bill follows:

Coordination

SEC. 35. The President is authorized to establish procedures to (1) assure cooperation, consultation, and a continuing exchange of information between the Agency and the Department of Defense, the Atomic Energy Commission, the National Aeronautics and Space Administration and other affected Government agencies, in all significant aspects of United States disarmament policy and related matters, including current and prospective policies, plans, and programs, and (2) resolve differences of opinion between the Director and such other agencies which cannot be resolved through consultation.

TITLE IV—GENERAL PROVISIONS

General authority

SEC. 41. In the performance of his functions, the Director is authorized to—

(a) with the consent of the Secretary of State or other officer or agency concerned, utilize or employ the services, personnel, equipment, or facilities of the Department of State, or any other Government agency, to perform such functions on behalf of the Agency as may appear desirable. It is the intent of this section that the Director rely upon the Department of State for general administrative services in the United States and abroad to the extent agreed upon between the Secretary of State and the Director. Any Government agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Director, without reimbursement, supplies and equipment other than administrative supplies or equipment. Transfer or receipt of excess property shall be in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended;

(b) appoint officers and employees, including attorneys, for the Agency in accordance with the civil service laws and fix their compensation in accordance with the Classification Act of 1949, as amended, except that, to the extent that the Director deems such action necessary to the discharge of his responsibilities, not to exceed forty-five scientific, technical, administrative, and professional personnel may be appointed, compensated, and removed without regard to the provisions of any other law, of whom

not to exceed twenty may be compensated at annual rates not more than $500 in excess of the compensation now or hereafter fixed by law for grade 18 of the General Schedule, and of whom not to exceed two may be compensated at annual rates not more than $1,500 in excess of that now or hereafter fixed by law for grade 18;

(c) enter into agreements with other Government agencies, including the military departments through the Secretary of Defense, under which officers or employees of such agencies may be detailed to the Agency for the performance of service pursuant to this Act without prejudice to the status or advancement of such officers or employees within their own agencies;

(d) procure services of experts and consultants or organizations thereof, including stenographic reporting services, as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $100 per diem for individuals, and to pay in connection therewith travel expenses of individuals, including transportation and per diem in lieu of subsistence while away from their homes or regular places of business, as authorized by section 5 of said Act, as amended (5 U.S.C. 73b–2): *Provided,* That no such individual shall be employed for more than one hundred days in any fiscal year unless the President certifies that employment of such individual in excess of such number of days is necessary in the national interest: *And provided further,* That such contracts may be renewed annually;

(e) employ individuals of outstanding ability without compensation in accordance with the provisions of section 710(b) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2160), and regulations issued thereunder;

(f) establish advisory boards to advise with and make recommendations to the Director on United States disarmament policy and activities. The members of such boards may receive the compensation and reimbursement for expenses specified for consultants by section 41(d) of this Act;

(g) delegate, as appropriate, to the Deputy Director or other officers of the Agency, any authority conferred upon the Director by the provisions of this Act; and

(h) make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary or desirable to the exercise of any authority conferred upon the Director by the provisions of this Act.

Foreign Service Reserve and Staff officers

SEC. 42. The Secretary of State may authorize the Director to exercise, with respect to Foreign Service Reserve officers and Foreign Service Staff officers and employees appointed or employed for the Agency, the following authority: (i) The authority available to the Secretary of State under the Foreign Service Act of 1946, as amended, (ii) the authority available to the Secretary under any other provision of law pertaining specifically, or generally applicable, to such officers or employees, and (iii) the authority of the Board of Foreign Service pursuant to the Foreign Service Act of 1946, as amended.

Contracts or expenditures

SEC. 43. The President may, in advance, exempt actions of the Director from the provisions of law relating to contracts or expenditures of Government funds whenever he determines that such action is essential in the interest of United States disarmament and security policy.

Conflict of interest and dual compensation laws

SEC. 44. The members of the General Advisory Committee created by section 26 of this Act, and the members of the advisory boards, the consultants, and the individuals of outstanding ability employed without compensation, all of which are provided in section 41 of this Act, may serve as such without regard to the provisions of section 281, 283, 284, or 1914 of title 18 of the United States Code, or of section 190 of the Revised Statutes (5 U.S.C. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States Government, except insofar as such provisions of law may prohibit any such individual from receiving compensation from a source other than a nonprofit educational institution in respect to any particular matter in which the Agency is directly interested. Nor shall such service be considered as employment or holding of office or position bringing such individual within the provisions of section 13 of the Civil Service Retirement Act (5 U.S.C. 2263), section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a), or any other Federal law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities.

Security requirements

SEC. 45. (a) The Director shall establish such security and loyalty requirements, restrictions, and safeguards as he deems necessary in the interest of the national security and to carry out the provisions of this Act. The Director shall arrange with the Federal Bureau of Investigation for the conduct of full-field background security and loyalty investigations of all the Agency's officers, employees, consultants, persons detailed from other Government agencies, members of its General Advisory Committee, advisory boards, contractors and subcontractors, and their officers and employees, actual or prospective. In the event the investigation discloses information indicating that the person investigated may be or may become a security risk, or may be of doubtful loyalty, the report of the investigation shall so indicate. All reports shall be turned over to the Director of the Agency for final determination. No person shall be permitted to enter on duty as such an officer, employee, consultant, or member of advisory committee or board, or pursuant to any such detail, and no contractor or subcontractor, or officer or employee thereof shall be permitted to perform any services under the contract or to have access to any classified information relating thereto, until he shall have been investigated in accordance with this subsection and the report of such investigation made to the Director, and the Director shall have determined that such person is not a security risk or of doubtful loyalty. Standards applicable with respect to the security clearance of persons within any category referred to in this subsection shall not be less stringent, and the investigation of such persons for such purposes shall not be less intensive or complete, than in the case of such clearance of persons in a corresponding category under the security procedures of the Government agency or agencies having the highest security restrictions with respect to persons in such category.

(b) The Atomic Energy Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee, or prospective licensee of the Atomic Energy Commission or any other person authorized to have access to Restricted Data by the Atomic Energy Commission under section 2165 of title 42, to permit the Director or any officer, employee, consultant, person detailed from other Government agencies, member of the General Advisory Committee or of an advisory board established pursuant to section 41(f), contractor, subcontractor, prospective contractor, or prospective subcontractor, or officer or employee of such contractor, subcontractor, prospective contractor, or prospective subcontractor, to have access to Restricted Data which is required in the performance of his duties and so certified by the Director, but only if (1) the Atomic Energy Commission has determined, in accordance with the established personnel security procedures and standards of the Commission, that permitting such individual to have access to such Restricted Data will not endanger the common defense and security, and (2) the Atomic Energy Commission finds that the established personnel and other security procedures and standards of the Agency are adequate and in reasonable conformity to the standards established by the Atomic Energy Commission under section 2165 of title 42, including those for interim clearance in subsection (b) thereof. Any individual granted access to such Restricted Data pursuant to this subsection may exchange such data with any individual who (a) is an officer or employee of the Department of Defense, or any department or agency thereof, or a member of the Armed Forces, or an officer or employee of the National Aeronautics and Space Administration, or a contractor or subcontractor of any such department, agency, or armed force, or an officer or employee of any such contractor or subcontractor, and (b) has been authorized to have access to Restricted Data under the provisions of sections 2163 or 2455 of title 42.

Comptroller General audit

SEC. 46. No moneys appropriated for the purpose of this Act shall be available for payment under any contract with the Director, negotiated without advertising, except contracts with any foreign government, international organization or any agency thereof, unless such contract includes a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of, and involving transactions related to such contracts or subcontracts: *Provided, however,* That no moneys so appropriated shall be available for payment under such contract which includes any provisions precluding an audit of the General Accounting Office of any transaction under such contract: *And provided further,* That nothing in this section shall preclude the earlier disposal of contractor and subcontractor records in accordance with records disposal schedules agreed upon between the Director and the General Accounting Office.

Transfer of activities to Agency

SEC. 47. (a) The United States Disarmament Administration, together with its records, property, personnel, and funds, is hereby transferred to the Agency. The appropriations and unexpended balances of appropriations transferred pursuant to this subsection shall be available for expenditure for any and all objects of expenditure authorized by this Act, without regard to the requirements of apportionment under section 665 of title 31.

(b) The President, by Executive order, may transfer to the Director any activities or facilities of any Government agency which relate primarily to disarmament. In connection with any such transfer, the President may under this section or other applicable authority, provide for appropriate transfer of records, property, civilian personnel, and funds. No transfer shall be made under this subsection until (1) a full and complete report concerning the nature and effect of such proposed transfer had been transmitted by the President to the Congress, and (2) the first period of sixty calendar days of regular session of the Congress following the date of receipt of such report by

the Congress has expired without adoption by either House of the Congress of a resolution stating that such House does not favor such transfer. The procedures prescribed in title II of the Reorganization Act of 1949 shall apply to any such resolution.

Use of funds

SEC. 48. Appropriations made to the Director for the purpose of this Act, and transfers of funds to him by other Government agencies for such purposes, shall be available to him to exercise any authority granted him by this Act, including, without limitation, expenses of printing and binding without regard to the provisions of section 11 of the Act of March 1, 1919 (44 U.S.C. 111); purchase or hire of one passenger motor vehicle for the official use of the Director without regard to the limitations contained in section 78(c) of title 5 of the United States Code; entertainment and official courtesies to the extent authorized by appropriation; expenditures for training and study; expenditures in connection with participation in international conferences for the purposes of this Act; and expenses in connection with travel of personnel outside the United States, including transportation expenses of dependents, household goods, and personal effects, and expenses authorized by the Foreign Service Act of 1946, as amended, not otherwise provided for.

Appropriation

SEC. 49. (a) There are hereby authorized to be appropriated not to exceed $10,000,000 to remain available until expended, to carry out the purposes of this Act.

(b) Funds appropriated pursuant to this section may be allocated or transferred to any agency for carrying out the purposes of this Act. Such funds shall be available for obligation and expenditure in accordance with authority granted in this Act, or under authority governing the activities of the agencies to which such funds are allocated or transferred.

Report to Congress

SEC. 50. The Director shall submit to the President, for transmittal to the Congress, not later than January 31 of each year, a report concerning activities of the Agency.

Mr. JAMES C. DAVIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JAMES C. DAVIS: Page 12, line 2, strike out the comma immediately following "as amended" and all that follows down through line 14 on page 12, and insert in lieu thereof a semicolon.

Mr. JAMES C. DAVIS. Mr. Chairman, I propose an amendment on page 12 of H.R. 9118. The purpose of this amendment is to delete the 45 scientific, technical, administrative, and professional type jobs to be provided for the proposed U.S. Arms Control Agency.

H.R. 9118, as presently written in section 41(b), provides for 25 positions that may be paid up to $18,500 a year; 18 that may be paid up to $19,000 a year; and 2 that may be paid $20,000 a year.

Yesterday, September 18, the House passed under suspension of the rules the Post Office and Civil Service Committee's omnibus bill for additional supergrade and scientific and engineering type jobs; namely, H.R. 7377.

Based on an agreement with the chairman of the Foreign Affairs Committee—Hon. THOMAS E. MORGAN—our supergrade bill included an additional 30 top-level jobs for the U.S. Arms Control Agency.

The 30 include: 2 positions at $20,000, 14 scientific and professional type—Public Law 313—and 14 supergrades.

Mr. Chairman, for the continuation of an orderly control of compensation for our Federal employees and in accord with the action of the House yesterday, I urge the adoption of this amendment.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. The gentleman from Georgia and I had a long discussion about this amendment on Saturday. I arranged with Mr. Fisher to drop around to the gentleman's office. I understand that an agreement was reached and the 32 positions that Mr. Fisher justified for the year 1962, were put in.

I would like to ask the gentleman one question, whether the bill as passed yesterday, H.R. 7377, will be passed by the other body before adjournment.

Mr. JAMES C. DAVIS. Well, as I stated to the gentleman from Ohio yesterday in answer to a question on that same subject, I have discussed the matter with the majority leader in the other body and he told me on Saturday that legislation similar to this, similar to H.R. 7377, will be taken up in that body either today or tomorrow.

Mr. MORGAN. Then, you have some assurance from the majority leader that it will be considered in the other body before adjournment.

Mr. JAMES C. DAVIS. He told me they considered it important legislation, and it will be considered.

Mr. MORGAN. I have no objection to the amendment, Mr. Chairman.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I would like to ask the chairman of the committee in the event H.R. 7377 is not enacted into law, whether there is reasonable confidence that the conferees will not omit all reference to the advisability of getting additional personnel. In other words, if the bill passed by the other body has reference to these additional supergrades, whether the conferees would accept some additions if the bill H.R. 7377 is not enacted.

Mr. MORGAN. I have a great deal of confidence in the majority leader of the other body, and I personally will join with the chairman of the Manpower Subcommittee to do all we can to assure action on the bill and to see that the bill is not passed without provision for the supergrade positions. I can assure the gentleman from New Jersey and the gentleman from Georgia that I will do everything I can to see that that is done.

Mr. JAMES C. DAVIS. I would like to assure the chairman that I will do everything I possibly can to see that this matter is straightened out.

Mr. MORGAN. I certainly will cooperate with the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. JAMES C. DAVIS].

The amendment was agreed to.

Mr. BOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bow: On page 13, line 24, strike out all of paragraph (g).

Mr. BOW. Mr. Chairman, this is the amendment that I referred to earlier in the reading of the bill. May I call the attention of my colleagues to page 13, the bottom of the page, to paragraph (g). This delegates, as appropriate, to the Deputy Director or other officers of the Agency, any authority conferred upon the Director by the provisions of this act. This is a general delegation of all the authority that we are giving to the director under this bill to anyone who might be designated an officer in the agency.

As I pointed out previously in the reading of the bill, you have a deputy director at $21,500; you have four assistant directors that are also appointed by the President with the consent of the Senate. Now, it is all right to delegate this authority to officers who are appointed by the President and confirmed by the Senate, but it seems to me that we are taking a chance when we pass legislation with the broad authority in it, the great authority contained in this bill, to say that we will delegate to anyone in that agency, who may be designated, these broad and great powers of negotiation, scientific research, and of all of this power in this bill, this powerful bill. If we will limit that to those who are appointed by the President with the advice and consent of the Senate, then I think we are perfectly safe and in proper bounds, but to delegate this authority to all the people seems to me to be taking quite a chance.

Mr. MORGAN. Mr. Chairman, if the gentleman will yield, the gentleman does not believe that the Secretary of Defense does not delegate some of his powers over in the Pentagon to Assistant Secretaries and others down the line. In a huge operation like that, there has to be great delegation of power.

Mr. BOW. Yes; to Assistant Secretaries—not to all officers in the Department as we provide in this bill.

Mr. MORGAN. I understand that this is mostly a housekeeping delegation so that routine duties such as signing vouchers and efficiency ratings do not require the personal attention of the Director.

Mr. BOW. If I may say to the distinguished gentleman from Pennsylvania, perhaps it is housekeeping, but under the language of this bill all of the power that we are putting—and it is great power not just housekeeping—into this Director he can delegate to any officer he has. I think he can call in most anybody he has got and tell them to do a job and report back to him. But you have enough people in this Agency appointed by the President and confirmed by the Senate to take on these executive jobs, and go ahead and call these people and have them to do the work. But let us have them report to someone who is responsible to the President and to the people and not just some public servant who may be there, called an officer in this Agency, and give him this power. It

seems to me this is a dangerous precedent. We have had this before, and we have changed it, and I think we ought to change it in this bill. I think we ought to strike out this broad and sweeping delegation of power and put it where it belongs. That is in those appointed by the President with the consent of the Senate.

Mr. HARVEY of Indiana. Will the gentleman yield?

Mr. BOW. I yield to the gentleman from Indiana.

Mr. HARVEY of Indiana. In accord with the comment which the gentleman has just made, I call to the gentleman's attention the situation which has previously been discussed on the floor of the House where we have a case of an assistant to one of the Secretaries in the Office of the Secretary of State who is a civil service appointee—who is not appointed by the President—but who claims that he has authority and has exercised that authority without regard to the will of the Congress as set forth in the policy of the extension of the Sugar Act. I think that is a case in point and a very glaring example of what can happen when you have authority delegated to those who are not responsive to the Congress. I commend the gentleman from Ohio [Mr. Bow] for his amendment.

Mr. BOW. I thank the gentleman from Indiana.

Mr. Chairman, I hope that this amendment will be adopted so that we can protect ourselves.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Iowa.

Mr. JENSEN. Mr. Chairman, the gentleman from Ohio [Mr. Bow] is a member of the Deficiencies Subcommittee of the House Appropriations Committee. I am sure the gentleman remembers that when the Assistant Secretary of State appeared before us he testified to the fact that there were some 500 people in the State Department that had authority to obligate the Government of the United States.

Mr. BOW. The gentleman is correct. The purpose of this amendment is to limit the power and the delegation of these powers that we are granting under this bill.

Mr. GALLAGHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I might say that there is no other delegation of authority in this legislation or in this bill, and that if this is stricken from the bill there would be no authority to delegate otherwise routine duties such as signing vouchers, preparing efficiency reports, and the more or less housekeeping requirements that are necessary. He could delegate authority to a deputy or there can be no delegation at all. As such, I hope that this amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. Bow].

The question was taken; and on a division (demanded by Mr. Bow) there were—ayes 36, noes 92.

So the amendment was rejected.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I congratulate the chairman and members of the Committee on Foreign Affairs for the statesmanlike manner in which they considered in public and executive sessions the pending bill.

Within the past few months President Kennedy and the Congress have taken many important steps to protect the national security of our country in the present serious world crisis.

The President, a few months ago, recommended a sharp increase in appropriations for our national defense, with the Congress quickly responding. This unity of action by the Chief Executive and the Congress was a message the Soviet part of the world clearly understands.

We also witness the firm and courageous leadership of President Kennedy on a world scale and particularly that our country will not relinquish its rights in Berlin; for President Kennedy and the Congress will not tolerate appeasement, for we know that appeasement is the road to war. Hitler showed this a little over 20 years ago.

While we want peace, we know that sometimes war comes because the aggressor believes either that he can win or that his adversary will not bear arms in a showdown of strength.

We must do everything possible to guard against such miscalculations by Khrushchev and his cohorts throughout the Communist world. While our national defense must be powerful, necessary to assure peace through strength, nevertheless, there are other things we can and should do, such as negotiations, when the Soviets show a desire to sincerely do so, on many problems, assuring our commitments to Berlin, of European security, of the Far East, in fact, from a worldwide angle, including efforts to bring about an honorable disarmament and arms control.

Such problems cannot be negotiated safely or successfully unless our Government has given them full study by highly competent and responsible public officials.

In particular, the control of weapons of mass destruction involves delicate questions of national security and it involves enormously complex questions concerning the technology of these weapons and how they operate. We face an enemy that is ruthless and whose word we cannot trust. Therefore in devising any plan by which we might agree to control our weapons, we must have a very workable and effective inspection system. The bill before us would authorize the Government to study these vast and complicated questions of inspection and control over the weapons of war.

It is important that we embark on this effort now even when the storm clouds of immediate world danger from the Soviet Union are perilously low. We must demonstrate that even in a time of great crisis, that while we prepare for defense and preservation, if necessary, we do not panic and we do not relinquish our efforts for peace. We can, even in these trying circumstances, take important steps to contribute toward a more peaceful and better world. In the past the United States has entered negotiations concerning armaments and disarmament in times of crisis. In such times we have usually gone into these negotiations unprepared and without knowing clearly our policy and our objectives. The crises of today are so serious that we must no longer allow ourselves to enter negotiations minus the necessary study and preparation.

Our tradition and uppermost desire is for peace. We must be prepared to seek peace honorably and to be sure that whenever we consider any arrangement to curb the weapons of war, we do so only in a way which increases and does not detract from the security of the free world. I believe that the way in which the new proposed Agency for Arms Control would be set up, it will enhance this Nation's security. It will be a great tribute to our desire for peace and to our desire to curb the present costly armaments race which, in the event of war, would result in indescribable destruction.

In the text of President Kennedy's letter to the Presidents of Mali and Indonesia, which was released a few days ago, which letter was also a message to Mr. Khrushchev, the President said:

> We have absolutely no intention of resorting to force or threats of force, but we are determined to honor our commitments and are prepared to meet force with force if it is used against us.
>
> While the United States and its allies are all agreed there must be negotiations on the problem, the Soviet Union must give indication of a readiness to engage in discussions based on mutual respect.
>
> The only conditions it has yet exhibited any willingness to consider are conditions which involve the surrender of Western rights.

Those are the thoughts and the words of a man of vision and of courage—our President.

President Kennedy, the sole repository under the Constitution in the field of foreign affairs, and the Commander in Chief of our Armed Forces, strongly feels that the Agency the pending bill will establish is of great importance to our country.

Such eminent men and dedicated Americans as former Secretary of State Christian Herter, and former U.N. Ambassador Henry Cabot Lodge, and John McCloy, and many others, agree with and support the President.

The establishment of this Agency is an important step in meeting and ultimately defeating the sinister intent and purpose of international communism.

During the course of his campaign President Kennedy commented often upon the deplorable state of affairs which found us devoting billions of dollars and millions of men to the task of maintaining the Nation's capacity to wage war while at the same time only 50 people were devoting themselves to the specific task of maintaining the Nation's capacity to wage peace. I say wage peace, because peace is never a state in which a nation finds itself. It is a state into which a nation must project itself, and lead other nations with

it. I agree completely with the President's position that 50 men are too few to entrust with so serious a task.

In the present state of world affairs, with the Soviet Premier hurling threats of aggression should the West refuse to bend to his will, the cause of peace would suffer if the United States diverted one dollar or one man from the task of maintaining the Nation's capacity to wage war. But the cause of peace will likewise be lost unless we marshal the Nation's energies, unless we mobilize our national talents and devote them to a creative quest for the modern grail, the cup of peace. Unless the world drinks deeply, thinks deeply of peace, the dry dust of nuclear fallout will envelop us all

Senator HUMPHREY, for himself and 13 of his colleagues, has introduced S. 2180 to establish a U.S. Disarmament Agency for World Peace and Security. Some 36 bills with a similar purpose have been introduced in the House of Representatives. Without discussing the details of any of the bills, let me say that I am firm in my support of their common purpose. We must treat peace as a problem to be solved in much the same way we solved the problem of splitting the atom and are now engaged in the problem of hitting the moon. Unless we put our best scientists to work in a peace laboratory as we have already put other kinds of scientists to work in chemistry and physics laboratories, then we shall never find the light of peace and the days ahead will be dark indeed.

Mr. PRICE. Mr. Chairman, I move to strike cut the last word.

Mr. Chairman, the argument has been made in recent days that the proposed U.S. Arms Control Agency would be a large and unnecessary addition to our Government. I have heard it said that there are already enough persons working in the field of disarmament and arms control. These arguments raise legitimate questions. They deserve a forthright and honest answer.

At the present time there are 78 persons working in the Department of State's U.S. Disarmament Administration which was established by Department Order in October 1960. In addition there are eight persons on Mr. John McCloy's staff. There is also a small staff—less than 10—under the Assistant Secretary of Defense for International Security Affairs, which acts as the focal point for the interest of the Defense Department in disarmament matters. There are two people on the White House staff who spend a part of their time on disarmament matters, one as assistant to the President's science adviser and one as assistant to the President's adviser on national security affairs. The Department of Defense also has several persons who are working on research to improve our detection of atomic weapons tests; and there are a few military officers who advise the Joint Chiefs of Staff on disarmament proposals. There are also some people connected with the Atomic Energy Commission who are dealing with disarmament, but I will discuss that later.

One might ask, since the present does not appear to be a time of very great disarmament activity, what absorbs the time and energies of those who are at present working within the U.S. Disarmament Administration? A look at the present, which is considered to be a period of low disarmament activity in terms of the prospects for success, will show how much work must be done even in such a period.

First, there are now going on bilateral disarmament discussions in New York between Mr. McCloy, representing the United States, and Mr. Zorin, representing the Soviet Union. The purpose of these discussions is to work out the framework and the forum for the resumption of multilateral negotiations for disarmament. In New York, to assist Mr. McCloy, are at a minimum two to three strong political officers and one or two representatives of the Department of Defense. In Washington there must be personnel responsible for clearing all policy statements which will be discussed at these bilaterals.

Second. There is the task of preparing for the coming disarmament debate at the United Nations General Assembly. This involves the formulation of a basic U.S. policy and plans for its presentation.

Third. There is the need for careful research and analysis on each part of a basic U.S. paper outlining a proposal for comprehensive disarmament. For example, the military officers on the staff must be sure that the proposal is consistent with our defense strategy and that it is balanced with respect to the military power of potential adversaries; political officers must consider such matters as the relationship of the disarmament proposal to the policies of our allies and of neutral countries.

The above tasks are going on now, at a time when major negotiations are not being held. There are no important and long-term research projects being conducted by the existing staff because they must devote available time to the discussions currently underway. If negotiations are to be resumed, there are many problems of a technical, scientific, and political nature which must be solved. And in this effort, our disarmament policy will suffer if the staff is occupied with answering today's cable, preparing for tomorrow's debate, and meeting next week's deadline.

There must be an organization which has sufficient staff to do not only the immediate tasks, but which has time and talent to prepare for the questions which will arise in the near future. That is why the bill before us should be passed without delay.

I would now like to deal with the Atomic Energy Commission where the Commission has advised the Congress that it has 194 persons working on arms control matters. I am not advised that the Commission stated what these people were doing so I have checked myself, and here are the results:

First, only eight of them are employees of the AEC itself, working on arms control matters. They include such persons as the head of the Division of Military Application who must advise the AEC on the state of the development of certain atomic weapons, and a Special Assistant to the General Manager on Arms Control. The figure does not include any people within the AEC who are spending full time on research projects affecting control of nuclear weapons.

There are a number of people working under AEC contract at the Livermore Laboratories and at Los Alamos who are working on projects which affect arms control. The biggest single such project, and the project which absorbs roughly 150 people, is the Vela project on the detection of nuclear weapons tests. These people are all contractors of AEC, people working in the laboratories at Livermore, Los Alamos, and Sandia. It is important to stress that this is all one project. It covers only one small part of the total control problem.

There are some 15 people, employees of the AEC, who work on the problem of devising safeguards for the AEC program for sending fissionable material abroad for use by other nations for peaceful purposes. Such people are meeting with representatives of other countries on the safeguard problem. Although such activity can be looked upon as affecting arms control, it is not actually part of an arms control program.

Finally, there are a few, about seven, persons working on the problem of the cutoff of fissionable materials production for weapons purposes.

The total I have discussed comes to 180. Perhaps the difference between that and 194 is due to the addition of clerical help. But it is important that the Members of the House not be led to think that there are today 194 people within the AEC working on a variety of arms control projects, because it simply is just not true.

This indicates that the figure of 194 which looks so large at first, reduces itself to 7 or 8, and not all of these full time.

Mr. MORGAN. Mr. Chairman, I move that all debate on the bill and all amendments thereto close at 7:20.

The CHAIRMAN. The question is on the motion.

The motion was agreed to.

Mr. QUIE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to propound a question to the chairman of the committee, Mr. MORGAN. I would like to ask you, in your interpretation of the definition of disarmament, where it says: "The term 'disarmament' means elimination of armed forces and armaments of all kinds," does the gentleman feel this means the elimination of the National Guard, the Coast Guard, the Air Force, the Army, the Navy, the Marines, as forces to protect the United States against outside aggressors?

Mr. MORGAN. No, I certainly do not. I certainly believe that there would be enough forces which are strong enough to defend us against aggressors.

Mr. QUIE. So that whatever kind of international agreement we might have we would still have strong forces to protect ourselves from outside aggressors?

Mr. MORGAN. That is correct.

Mr. QUIE. I thank the gentleman.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 13 strike out lines 18 through 23.

Mr. GROSS. Mr. Chairman, this amendment would strike out the advisory boards. As set up in this bill the number is unlimited. I doubt very much that the chairman of the committee can tell us how many there will be. There is an advisory board in everyone of the 50 States of the Union, and the members could be paid, because this refers back to section 41(d) of the act, $100 a day plus expenses for 100 days. That is much too rich for my blood.

I do not know why it is necessary to have this high-priced setup, plus a commission of 15 members. There is no limitation as to the advisory boards except as provided in a letter from Mr. McCloy which the gentleman from Wisconsin earlier this afternoon referred to.

While I have a minute or two remaining, I would like to ask the gentleman from Pennsylvania, the chairman of the committee, a question about the purchase or hire of one passenger motor vehicle for official use of the Director. Does this mean that the Director of this new outfit is going to join the Cadillac brigade in Washington?

Mr. MORGAN. No, it does not.

Mr. GROSS. What kind of an automobile is he going to have, if the gentleman knows? Is it going to be a Cadillac or a Volkswagen?

Mr. MORGAN. All that citation means is that the Director can drive this car back and forth between his home and his work.

Mr. GROSS. No. It provides for the purchase or hire of one passenger motor vehicle for the official use of the Director. That certainly does not mean he is going to drive his own car back and forth to work.

Mr. Chairman, I urge the adoption of my amendment.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as I indicated earlier, I am just as concerned as the gentleman from Iowa that there was no limitation in the bill on the number of boards. The letter I received from Mr. McCloy, to which I referred earlier in the debate, is as follows:

THE WHITE HOUSE,
Washington, D.C., September 15, 1961.

Hon. CLEMENT J. ZABLOCKI,
House of Representatives.

DEAR MR. ZABLOCKI: The purpose of this letter is to comment on a provision of the bill, H.R. 9118, regarding the appointment of advisory boards. Subsection 41(f) of H.R. 9118 provides that the Director of the Agency is authorized to "establish advisory boards to advise with and make recommendations to the Director on U.S. disarmament policy and activities. The members of such boards may receive the compensation and reimbursement for expenses specified for consultants by section 41(d) of this Act."

In the past, very substantial reliance has been placed upon similar panels of experts. While the creation of this Agency would reduce the need for reliance on such advisory boards, it is believed that the need would still exist. There will continue to be specific problems in disarmament which will require the attention of diversified and exceptionally able groups of experts who could not be retained by the Agency on a full-time basis.

It is the intent of the drafters of the legislation, however, that advisory boards and consultants be utilized only when the personnel of the Agency is inadequate to perform all the necessary functions of research and the evaluation of arms control proposals.

Also the security features of the legislation would preclude heavy reliance on the use of advisory boards and the use of consultants because of the considerable time delay in clearing the members of such boards. Finally, the need for advisory boards should be reduced considerably if the authority for hiring up to 45 people in the supergrades is retained in the legislation. This authority should give the Director the means to hire obviously competent personnel which in the absence of such authority he could not hope to bring into Government service.

I hope that this explanation will give you a clear intent of the purpose of this subsection regarding the use of advisory boards.

Sincerely,

JOHN J. MCCLOY,
Adviser to the President on Disarmament.

Other agencies have similar boards and have not abused that authority, and I am sure this Agency will not abuse the authority given them.

Mr. GROSS. Many other agencies have consultants and advisory boards whom they pay $50 a day, yet these advisers are to be paid $100 a day, and expenses.

Mr. ZABLOCKI. I agree that certain agencies do have a per diem of $50. However, this is an agency that will require the services of scientists and specialists, and such men have to be paid commensurate with their ability.

Mr. Chairman, I hope the amendment is not adopted.

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

Mr. JUDD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JUDD: On page 20, line 14 strike out "or facilities".

Mr. JUDD. Mr. Chairman, there is a division in the committee as to whether or not these words were stricken out in committee. It was the impression of some of us that an amendment to delete them was agreed to, and of others that it was not. I think we ought to strike them now and settle it in conference.

The reason I proposed to strike the words out is that the existing language would permit the President by Executive order to transfer even such facilities as atomic energy plants, and so forth, to the Director of this Agency. I am sure that is not intended. The committee tried to guard against any possible misuse of the transfer authority by adding the lines at the end of the section which would allow a transfer to go into effect only if the Congress did not pass a resolution within 60 days disapproving such transfer. But to make sure of it, I believe these two words should be stricken.

Mr. MORGAN. If the gentleman will yield, we accept the amendment.

The CHAIRMAN. Without objection, the amendment is agreed to.

There was no objection.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee will rise.

Accordingly the Committee rose, and the Speaker pro tempore [Mr. MCCORMACK] having resumed the Chair, Mr. DAVIS of Tennessee, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee having had under consideration the bill (H.R. 9118) to establish a U.S. Arms Control Agency, pursuant to House Resolution 462, he reported the bill back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The SPEAKER pro tempore. The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. JOHANSEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. JOHANSEN. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. JOHANSEN moves to recommit the bill, H.R. 9118, to the Committee on Foreign Affairs.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 290, nays 54, not voting 91, as follows:

[Roll No. 216]

YEAS—290

Abbitt	Bolling	Conte
Abernethy	Bolton	Cook
Adair	Bonner	Corbett
Addabbo	Bow	Corman
Addonizio	Boykin	Cramer
Albert	Brademas	Cunningham
Andersen, Minn.	Bray	Curtin
	Breeding	Curtis, Mass.
Andrews	Brewster	Curtis, Mo.
Ashley	Bromwell	Daddario
Aspinall	Brooks	Daniels
Avery	Broomfield	Davis, John W.
Bailey	Brown	Davis, Tenn.
Baker	Broyhill	Dawson
Baldwin	Burke, Ky.	Delaney
Baring	Burke, Mass.	Dent
Barrett	Byrne, Pa.	Denton
Barry	Cahill	Diggs
Bass, N.H.	Cannon	Dingell
Bates	Cederberg	Donohue
Becker	Chamberlain	Downing
Beckworth	Chelf	Doyle
Belcher	Chenoweth	Dulski
Bennett, Fla.	Clancy	Durno
Betts	Clark	Dwyer
Blatnik	Coad	Edmondson
Blitch	Cohelan	Elliott
Boland	Collier	Ellsworth

Everett	Kilgore	Philbin
Evins	King, Calif.	Pike
Fallon	King, Utah	Poage
Fascell	Kitchin	Poff
Feighan	Kluczynski	Price
Fenton	Knox	Pucinski
Finnegan	Kornegay	Quie
Fino	Kowalski	Randall
Fisher	Kunkel	Reece
Flood	Kyl	Reifel
Flynt	Landrum	Rhodes, Pa.
Fogarty	Lane	Riehlman
Forrester	Langen	Rivers, Alaska
Fountain	Lankford	Roberts
Frelinghuysen	Latta	Robison
Friedel	Lennon	Rodino
Fulton	Lesinski	Rogers, Colo.
Gallagher	Libonati	Rogers, Fla.
Garland	Lindsay	Rogers, Tex.
Garmatz	McCormack	Rooney
Gary	McDowell	Rostenkowski
Giaimo	McFall	Roush
Glenn	McIntire	Ryan
Goodell	McMillan	St. Germain
Granahan	McSween	Santangelo
Grant	Macdonald	Schneck
Gray	Mack	Schneebeli
Green, Oreg.	Madden	Schweiker
Green, Pa.	Magnuson	Schwengel
Griffin	Mahon	Scott
Griffiths	Mailliard	Scranton
Gubser	Marshall	Seely-Brown
Hagan, Ga.	Martin, Mass.	Selden
Hagen, Calif.	Mathias	Shipley
Halleck	Matthews	Shriver
Halpern	May	Sibal
Hansen	Merrow	Slack
Harding	Miller, Clem	Smith, Miss.
Hardy	Miller, George P.	Smith, Va.
Harris	Milliken	Springer
Harvey, Ind.	Mills	Stafford
Hays	Minshall	Staggers
Healey	Moeller	Stephens
Hechler	Monagan	Stratton
Hemphill	Moore	Stubblefield
Henderson	Morehead, Ohio	Sullivan
Herlong	Morhead, Pa.	Taylor
Holifield	Morgan	Thompson, N.J.
Holland	Morris	Thompson, Tex.
Horan	Morrison	Thomson, Wis.
Hosmer	Morse	Thornberry
Huddleston	Mosher	Tollefson
Hull	Moss	Trimble
Ikard, Tex.	Murphy	Tuck
Inouye	Murray	Tupper
Jarman	Natcher	Ullman
Jennings	Nelsen	Van Zandt
Joelson	Nix	Vanik
Johnson, Calif.	Norbald	Wallhauser
Johnson, Md.	Nygaard	Walter
Jonas	O'Brien, Ill.	Watts
Jones, Ala.	O'Hara, Ill.	Whalley
Judd	O'Hara, Mich.	Whitener
Karsten	Olsen	Wickersham
Kastenmeier	O'Neill	Widnall
Kee	Ostertag	Wright
Keith	Patman	Yates
Kelly	Perkins	Young
Keogh	Pillion	Zablocki
Kilday	Poage	

NAYS—54

Alford	Gavin	Rhodes, Ariz.
Alger	Goodling	Riley
Anderson, Ill.	Gross	Rivers, S.C.
Ashbrook	Haley	Roudebush
Ashmore	Harrison, Wyo.	Rousselot
Beermann	Harvey, Mich.	Rutherford
Bennett, Mich	Hiestand	Saylor
Bruce	Hoffman, Ill.	Scherer
Burleson	Hoffman, Mich.	Smith, Calif.
Casey	Jensen	Taber
Davis, James C.	Johansen	Teague, Tex.
Derounian	King, N.Y.	Udall, Morris K.
Devine	Lipscomb	Utt
Dole	McVey	Van Pelt
Dominick	Meader	Williams
Dorn	O'Konski	Wilson, Ind.
Findley	Passman	Winstead
Gathings	Ray	

NOT VOTING—91

Alexander	Chiperfield	Harsha
Anfuso	Church	Hébert
Arends	Colmer	Hoeven
Auchincloss	Cooley	Holtzman
Ayres	Dague	Ichord, Mo.
Bass, Tenn.	Derwinski	Johnson, Wis.
Battin	Dooley	Jones, Mo.
Bell	Dowdy	Karth
Berry	Farbstein	Kearns
Boggs	Ford	Kilburn
Buckley	Frazier	Kirwan
Byrnes, Wis.	Gilbert	Laird
Carey	Hall	Loser
Celler	Harrison, Va.	McCulloch
McDonough	Pirnie	Spence
MacGregor	Powell	Steed
Martin, Nebr.	Rabaut	Teague, Calif.
Mason	Rains	Thomas
Michel	Reuss	Thompson, La.
Miller, N.Y.	Roosevelt	Toll
Montoya	St. George	Vinson
Moulder	Saund	Weaver
Multer	Schadeberg	Weis
Norrell	Shelley	Westland
O'Brien, N.Y.	Sheppard	Wharton
Osmers	Short	Whitten
Pelly	Sikes	Willis
Peterson	Siler	Wilson, Calif.
Pfost	Sisk	Younger
Pilcher	Smith, Iowa	Zelenko

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Toll for, with Mr. Hébert against.

Mr. Farbstein for, with Mrs. Norrell against.

Mrs. Church for, with Mr. Dowdy against.

Mr. Byrnes of Wisconsin for, with Mr. Battin against.

Mr. McCulloch for, with Mr. Short against.

Mrs. Weis for, with Mr. Auchincloss against.

Mr. Sikes for, with Mr. Hall against.

Mr. Roosevelt for, with Mr. Bell against.

Mr. Kirwan for, with Mr. Laird against.

Mr. Arends for, with Mrs. St. George against.

Mr. Buckley for, with Mr. McDonough against.

Until further notice:

Mr. Frazier with Mr. Ayres.

Mr. Alexander with Mr. Chiperfield.

Mr. Loser with Mr. Harsha.

Mr. Thompson of Louisiana with Mr. Martin of Nebraska.

Mr. Karth with Mr. Osmers.

Mr. Johnson of Wisconsin with Mr. Weaver.

Mr. Ichord with Mr. Wilson of California.

Mr. Bass of Tennessee with Mr. Wharton.

Mr. Boggs with Mr. Dooley.

Mr. Montoya with Mr. Ford.

Mr. Harrison of Virginia with Mr. Derwinski.

Mr. Moulder with Mr. Kearns.

Mr. Rains with Mr. Hoeven.

Mr. Rabaut with Mr. MacGregor.

Mr. Powell with Mr. Michel.

Mr. Celler with Mr. Pirnie.

Mr. Gilbert with Mr. Pelly.

Mr. Multer with Mr. Schadeberg.

Mr. Anfuso with Mr. Siler.

Mr. Holtzman with Mr. Westland.

Mr. Zelenko with Mr. Berry.

Mr. Steed with Mr. Kilburn.

Mr. Sheppard with Mr. Younger.

Mr. Shelley with Mr. Miller of New York.

Mr. WINSTEAD and Mr. GATHINGS changed their vote from "yea" to "nay."

The vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, S. 2180, to establish a U.S. Arms Control and Disarmament Agency for World Peace and Security, strike out all after the enacting clause and insert the text of the bill just passed, H.R. 9118.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. JOHANSEN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

GENERAL LEAVE TO EXTEND

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed, H.R. 9118.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PEACE CORPS ACT

Mr. MORGAN submitted a conference report and statement on the bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower.

AGREEMENT FOR COOPERATION BETWEEN UNITED STATES AND FRENCH REPUBLIC

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 466 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. J. Res. 569) to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective. After general debate, which shall be confined to the resolution, and shall continue not to exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. HOFFMAN] and pending that I yield myself such time as I may consume.

Mr. Speaker, I know of no controversy whatsoever on this rule and I understand that the House joint resolution consideration of which this rule provides was reported from the Joint Committee on Atomic Energy by a unanimous vote. Therefore, I reserve the balance of my time.

Mr. HOFFMAN of Illinois. Mr. Speaker, I agree with the gentleman from Missouri [Mr. BOLLING]. This is the same agreement that we entered into in 1959 with the Governments of Turkey, Greece, the Kingdom of the Netherlands, Germany, and Italy.

Mr. Speaker, I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H.J. Res. 569) to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H.J. Res. 569), with Mr. FOGARTY in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

Mr. HOLIFIELD. Mr. Chairman, on September 7, 1961, the President submitted to the Congress a proposed agreement between the United States and the Government of the French Republic for cooperation in the operation of atomic weapons systems for mutual defense purposes. The proposed agreement is similar to other agreements entered into between the United States and the Governments of the Netherlands, West Germany, Greece, and Turkey in 1959 and Italy in January of this year.

This agreement will permit the United States and France to exchange classified information necessary to the development of defense plans, the training of personnel in the employment of, and defense against, atomic weapons and other military applications of atomic energy, and the development of delivery systems. The agreement also will permit the United States to transfer by sale, loan or lease, nonnuclear parts of atomic weapons systems for the purpose of improving the state of training and operational readiness of the French military forces.

The agreement does not provide for nor permit the transfer of atomic weapons or any parts of an atomic weapon.

Equipment that may be transferred and which is designated as nonnuclear parts of atomic weapons systems consists of parts of aircraft or missile launching devices as distinct from parts of a bomb and also various lugs and other devices for attaching the bomb to its plane or its carrier. This will permit the French delivery systems to be readily adaptable to delivering our nuclear weapons in the event of an emergency.

With regard to the information that may be communicated pursuant to this agreement, it will not involve information to assist France in the design, development, or fabrication of nuclear weapons.

As in the case with all agreements for cooperation of this nature, classified information will be communicated and equipment will be transferred only when there is a specific finding by the President that the communication or transfer will permit and will not constitute an unreasonable risk to the common defense and security. The cooperation will take place only to the extent that France is participating with the United States in an international arrangement—in this case NATO—and is making a substantial contribution to the mutual defense and security.

In accordance with section 123d of the Atomic Energy Act of 1954, as amended, agreements for cooperation for military defense purposes must be submitted to the Congress and must lie before the Congress and the Joint Committee for 60 days while Congress is in session prior to taking effect. The proposed agreement for cooperation with France was submitted to the Congress on September 7, 1961. In view of the expected adjournment of the Congress this month, this proposed agreement normally would not be able to meet the statutory requirement of lying before the Congress for 60 days until some time next year when Congress reconvenes.

In his message to the Congress when he submitted the agreement, the President of the United States called attention to the gravity of the current international situation and the role of France in firmly supporting the United States in the current Berlin crisis. The President urged the Congress to take appropriate action to permit the agreement to take effect this session.

House Joint Resolution 569, which is before you, would waive the 60-day waiting period of section 123 of the Atomic Energy Act and would permit the agreement to take effect without the statutory waiting period.

The Joint Committee went into great detail concerning the background and scope of this agreement with representatives of the State Department, Defense Department, and the Atomic Energy Commission in executive session on August 17 and August 22, 1961, prior to its submission to the Congress. In addition, the committee held open hearings on September 12, 1961, at which representatives of the three agencies testified in support of it.

Mr. Chairman, the Joint Committee, without a dissenting vote, reported favorably on the resolution without amendment. I recommend that all Members vote favorably on House Joint Resolution 569.

Mr. VAN ZANDT. Mr. Chairman, I wish to associate myself with the remarks of the chairman of the Joint Committee on Atomic Energy in support of House Joint Resolution 569.

This resolution will permit the proposed agreement for cooperation between the United States and France to take effect this session rather than being delayed until sometime next year.

As the gentleman from California stated, the Joint Committee in executive session on August 17 and August 22, 1961, reviewed with representatives from the Departments of State and Defense, and the Atomic Energy Commission the background of the agreement and the manner of cooperation to assure ourselves that this agreement would be in the best interests of the United States.

The agreement permits cooperation with French military forces similar to our current cooperation with the military forces of the Netherlands, West Germany, Turkey, Greece, and Italy.

This agreement in no way alters the U.S. basic policy not to encourage additional nations to develop independent nuclear capability. As the representatives from the Atomic Energy Commission and the Department of State testified during the hearings on this agreement, the United States has not at any time or in any way assisted the French Government in the design, development, or fabrication of nuclear weapons. This agreement in no way changes or alters that situation.

We have been assured that any information communicated or any equipment furnished to the French pursuant to this agreement will be adequately safeguarded. We have been assured that the French military forces receiving information or equipment pursuant to this agreement will maintain adequate security standards to properly protect classified information and prevent such from falling into the hands of unauthorized persons.

The French military forces have worked out with our security experts in the Defense Department, State Department, and Atomic Energy Commission agreed security procedures and standards.

This agreement is permissive in nature. Prior to any communication of information or transfer of equipment, the President, under the Atomic Energy Act of 1954, must determine the action will promote and will not constitute an unreasonable risk to the common defense and security.

Under Executive Order No. 10841, dated September 30, 1959, that determination is made jointly by the AEC and the Department of Defense. Under a recent Executive Order No. 10956, issued on August 10, 1961, that joint determination will be referred to the President and unless disapproved by him will become effective 15 days after the referral to him. In addition, prior to any communication of information or transfer of equipment pursuant to this agreement, the AEC and Defense Department will advise the Joint Committee of the pending transaction. Accordingly, the President personally will have knowledge of the specific items to be transferred and so will the Joint Committee prior to the action taking place. In my opinion, this will assure adequate control over the AEC and the Defense Department in their cooperation with our NATO allies pursuant to these types of agreements.

I join my good friend, the gentleman from California, in urging Members to vote favorably on Joint Resolution 569.

Mr. HOLIFIELD. Mr. Chairman, I ask unanimous consent that all Members desiring to do so may extend their remarks at this point in the RECORD on the subject matter covered by this joint resolution.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Chairman. The Clerk will read the joint resolution for amendment.

The Clerk read as follows:

Whereas on September 7, 1961, the President submitted to the Congress pursuant to section 123 d. of the Atomic Energy Act of 1954, a proposed agreement for cooperation between the Government of the United States of America and the Government of the French Republic, signed at Paris, July 27, 1961; and

Whereas section 123 d. of the Atomic Energy Act of 1954 provides in effect that such an agreement may not enter into force for the United States until sixty days have expired while the Congress is in session after the submission of the agreement, without adverse action thereon by the Congress; and

Whereas it appears that the full sixty-day period will not have expired during this session of the Congress and that the proposed agreement, therefore, would not in the ordinary course of events be brought into force until Congress reconvenes; and

Whereas the Congress is satisfied that the proposed agreement is within the scope of the Atomic Energy Act of 1954, particularly sections 91 c. (1) and 144 b.; and

Whereas the proposed agreement is similar to the agreements for cooperation already in effect with the Federal Republic of Germany, Greece, Italy, the Netherlands, and Turkey; and

Whereas recent international developments warrant proceeding with such cooperation with France as expeditiously as possible; and

Whereas the Congress recognizes that the early entry into force of this proposed agreement would contribute to the strength of the free world and thus enhance the common defense and security: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 123 d. of the Atomic Energy Act of 1954, which provides for a sixty-day waiting period before agreements for cooperation for mutual defense purposes may be made effective, the proposed agreement for cooperation between the Government of the United States of America and the Government of the French Republic, submitted on September 7, 1961, by the President to the Congress, may be made effective at any time after the approval of this resolution.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. McCORMACK] having resumed the chair, Mr. FOGARTY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 569) to waive certain provision of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective pursuant to House Resolution 466, he reported the joint resolution back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

DISTRIBUTIONS OF STOCK PURSUANT TO ORDERS ENFORCING ANTITRUST LAWS

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 461) and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8847) to amend the Internal Revenue Code of 1954 so as to provide that certain distributions of stock made pursuant to orders enforcing the antitrust laws shall not be treated as dividend distributions but shall be treated as a return of basis and result in gain only to the extent basis of the underlying stock is exceeded, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Ways and Means and now in the bill. No other amendment to the bill or committee substitute shall be in order except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but such amendments shall not be subject to amendment. At the conclusion of such consideration, the Committee shall rise and report the bill to the House, with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit with or without instructions.

Mr. DELANEY. Mr. Speaker, I yield one-half of my time to the gentleman from Ohio [Mr. BROWN] and now yield myself such time as I may consume.

Mr. Speaker, House Resolution 461 provides for the consideration of H.R. 8847, a bill to amend the Internal Revenue Code of 1954 so as to provide that certain distributions of stock made pursuant to orders enforcing the antitrust laws shall not be treated as dividend distributions but shall be treated as a return of basis and result in gain only to the extent basis of the underlying stock is exceeded. The resolution provides for a closed rule, waiving points of order, with 1 hour of general debate.

H.R. 8847, as amended by the Committee on Ways and Means, would add several new provisions to the Internal Revenue Code of 1954 relating to the income tax treatment of the recipients of stock distributed in an antitrust distribution.

The bill would add to the code a new section which provides, in general, that where stock is received in an antitrust distribution by an individual shareholder—or any shareholder which is not entitled to the corporate dividends received deduction—the distribution will be treated as a return of capital, and its full fair market value will reduce the basis of the stock with respect to which it is made. If, however, the fair market value of the stock distributed exceeds the basis of the stock with respect to which the distribution is made, then gain is recognized to the extent of the excess and is taxable as any other gain would be. This is the same as the income tax treatment of distributions made by corporations which have no earnings and profits.

Also, the bill would add to the code a new section which provides special treatment for a corporation entitled to the dividends received deduction which receives stock in an antitrust distribution. In such a case the amount of dividend income and the amount of the dividends received deduction will both be determined by the fair market value of the stock distributed—without regard to the basis of such stock in the hands of the distributing corporation. However, the basis of the stock to the receiving corporation will be the fair market value of such stock diminished by that portion of the dividends received deduction attributable to the unrealized appreciation, if any, in the hands of the distributing corporation.

The amendments made by the bill apply with respect to distributions made after the date of enactment.

Mr. Speaker, I urge the adoption of House Resolution 461.

Mr. BROWN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from New York [Mr. DELANEY] explained, this resolution provides for 1 hour of general debate on H.R. 8847 under a closed rule waiving points of order. The bill, H.R. 8847, comes from the Committee on Ways and Means and provides that certain relief shall be granted under the internal revenue laws to certain stockholders of the Du Pont Co. so far as General Motors stock is concerned, which is owned by that corporation, which the Supreme Court had ordered the Du Pont Co. to divest itself of within a certain period of time. As I said in the beginning, this is a closed or gag rule, but because of the lateness of the hour, I waive my usual opposition to the adoption of closed or gag rules and yield back the balance of my time.

Mr. DELANEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

The resolution was agreed to.

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8847) to amend the Internal Revenue Code of 1954 so as to provide that certain distributions of stock made pursuant to orders enforcing the antitrust laws shall not be treated as dividend distributions but shall be treated as a return of basis and result in gain only to the extent basis of the underlying stock is exceeded.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the con-

sideration of the bill, H.R. 8847, with Mr. PRICE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas [Mr. MILLS] will be recognized for 30 minutes and the gentleman from Tennessee [Mr. BAKER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Arkansas [Mr. MILLS].

Mr. MILLS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, in discussing the provisions of H.R. 8847 I will particularly direct your attention, with your permission, to the substitute amendment that has been developed in the committee replacing the language in the original bill, and also replacing the printed language in the bill with reference to an amendment that was previously adopted in the committee as contained in the committee report.

Mr. Chairman, the amendment that will be offered as a committee substitute deals with the situation in which a corporation distributes stock of another corporation to its stockholders pursuant to an order enforcing the antitrust laws by providing special rules for the income tax treatment of such stock in the hands of the shareholder recipients. These special rules apply only to divested stock that is sold under an antitrust order entered after January 1, 1961, in a court proceeding which began on or before January 1, 1959, which order requires the divestiture of such stock within certain time limits.

The bill would apply only with respect to such stock distributions as are made after the date of its enactment.

Mr. Chairman, this legislation I think is absolutely essential to the orderly divestiture of the stock of the General Motors Corp. owned by the Du Pont Co. in conformity with the decision of the Supreme Court this year.

Mr. Chairman, the Du Pont Co. owns 63 million shares of General Motors stock. That represents 23 percent of the total shares of General Motors stock outstanding.

Without this provision that we are discussing, Mr. Chairman, a distribution of that stock by the Du Pont Co. to the stockholders of Du Pont would be treated as a dividend distribution and would be taxable at ordinary income tax rates on the fair market value of the stock at the time of distribution. If that were done, Mr. Chairman, under the provisions of existing tax law, there would be a tax imposed upon the stockholders of the Du Pont Co. of such a magnitude to certainly discourage any ownership of Du Pont stock at the moment or at any time in the immediate future. Certainly the Du Pont Co. would not take such a step upon legal advice under present law.

The Du Pont Co., without this legislation, will have to follow a method of divestiture that could have an adverse impact on market values. What would happen pursuant to any possible method of distribution under existing law that is open to the company is that 63 million shares of stock will be placed upon the market probably within a 10-year period under the Court's order. That is, an average of 6,300,000 shares a year on a market that already has available for purchase 7½ million shares of General Motors stock. For one thing we are told, Mr. Chairman, such an advent would bring about a depression in the price of General Motors stock that would lead perhaps to some other problems in the stock market itself. But, if the General Motors stock in the hands of Du Pont is sold by Du Pont and otherwise distributed as Du Pont would under present law there would be a capital gains tax paid of some $330 million. Should that happen Du Pont would divest itself of about one-third of its earning capacity. About one-third of the dividends produced by Du Pont come from its General Motors stock. But the stock of Du Pont which is now valued at about $225 on the market would of necessity drop as Du Pont divested itself of this part of its capital assets, with a drop of one-third of its earnings.

What effect would that have upon innocent stockholders of Du Pont who are not in the least involved in this, against whom no charges have ever been made of any wrongdoing? We are told that there would likely be a drop in their $225 stock of about 25 percent in value and there would be nothing they would receive in return for that loss in value.

What we are proposing to do here, Mr. Chairman, is to permit the Du Pont Co. to follow what we think is a more orderly procedure for the divestiture required by the Court, allowing the corporation to hand to the stockholders of the Du Pont Co. a pro rata share of General Motors stock for each share of Du Pont stock.

In the process we are saying to the stockholders of Du Pont, if that is done the Du Pont stock is reduced by the market value of the General Motors stock and if there should be a gain where the value of the divested GM stock exceeds the cost of Du Pont stock it would be taxed as any other gain.

Let me give you an example. If you had Du Pont stock today at a cost of $225 and you receive $60 of General Motors stock under this divestiture for that share of Du Pont stock, your Du Pont basis would be reduced from $225 to $165, that is by the $60 value of the GM stock so that when you disposed of your Du Pont stock you would pay a capital gain on any excess amount received over that reduced valuation. If, however, you bought Du Pont stock many years ago, when it was worth $6 a share, and you get this $60 of General Motors stock, you would pay immediately a capital gains tax on the difference between the $6 and the market value of your General Motors stock of $60, a capital gains tax on $54 immediately.

Under this program we bring to you, the stockholders will over this period of 3 years, within which the divestiture will have to occur, will pay a capital gains on the stock received in the amount of approximately $350 million. Actually more taxes will be collected under this bill than would be collected through the capital gains resulting from the sale by Du Pont of its stock to the public after it has used the various means available to it under present law to divest the GM stock. There will not be the consequences in the market places under this bill that would occur under present law, in the opinion of the committee.

Mr. Chairman, the committee has worked this matter out in an equitable manner. We have safeguarded the public interest, and in the process of passing this legislation we are further protecting the innocent public from the harsh and adverse effects that would flow under existing law.

I hope the House will see fit to pass this legislation so that it may be considered by the Senate before adjournment.

The Court will hear on October 15 the parties to the litigation, the Government and Du Pont, with respect to the method of divestiture that is to be followed and which must begin in the calendar year 1962. It is therefore absolutely essential that we pass it during this session of the Congress if a sound method of divestment is to be followed by the Du Pont Co.

Mr. Chairman, I would now like to explain the differences between the committee substitute amendment I have been referring to and the amended bill as we reported it to the House. The committee substitute for the amendment made to H.R. 8847, as reported by your committee, would add several new provisions to the Internal Revenue Code of 1954 relating to the income tax treatment of the recipients of stock distributed in an antitrust distribution. An antitrust distribution is a distribution made in pursuance of an order enforcing the antitrust laws.

Section 1 of the committee substitute—like section 1 of the reported bill—would add to the code a new section 1111 which provides, in general, that where stock is received in an antitrust distribution by an individual shareholder—or any shareholder which is not entitled to the corporate dividends received deduction—the distribution will be treated as a return of capital, and its full fair market value will reduce the basis of the stock with respect to which it is made. If, however, the fair market value of the stock distributed exceeds the basis of the stock with respect to which the distribution is made, then gain is recognized to the extent of the excess and is taxable as any other gain would be. This is the same as the income tax treatment of distributions made by corporations which have no earnings and profits.

The return of capital treatment provided for by new section 1111 may be illustrated by an example. An individual owns a single share of the stock of B corporation which has a basis to him of $100. In a distribution pursuant to the terms of an antitrust order he receives from that corporation 1⅓ shares of X corporation stock worth $60. Because of the distribution his basis for the B stock—$100—is reduced by the fair market value of the 1⅓ shares of X

stock received—$60—so that after the distribution his basis for the B stock is $40—$100 minus $60. Thus, no income or gain is recognized to this shareholder because of the distribution. However, if his basis for the B stock were $40, then on the receipt of $60 worth of X stock a gain of $20—$60 minus $40—would be recognized. Under existing law, in both cases the shareholder would have $60 of dividend income taxed at ordinary income rates. Of course the basis of the stock received to the recipient is always its fair market value.

Under section 1 of the committee substitute amendment—like under the reported bill—in order for the treatment described above to apply in the case of individual shareholders, the stock they receive must constitute so-called divested stock which is subject to an antitrust order entered after January 1, 1961. However, the committee substitute amendment restricts the definition of the term "antitrust order" to mean, in the case of a corporation, a final judgment rendered after January 1, 1961, by a court with respect to such corporation in a court proceeding under the antitrust laws to which the United States is a party, if such proceeding was commenced on or before January 1, 1959.

Section 1 of the committee substitute amendment also amends the definition of the term "divested stock" to require that in order for stock to qualify as such stock, the antitrust order that directs divestiture must fix the period within which the stock must be disposed of and that such period must expire not later than 3 years from the date on which the order becomes final—appeal time having run or appeal having been completed.

Section 2 of the committee substitute would add to the code new section 301(f) which provides special treatment for a corporation entitled to the dividends received deduction which receives stock in an antitrust distribution and which is a party to the suit in which the divestiture is ordered. In such a case the amount of dividend income and the amount of the dividends received deduction will both be determined by the fair market value of the stock distributed—without regard to the basis of such stock in the hands of the distributing corporation. However, the basis of the stock to such a receiving corporation will be the fair market value of such stock diminished by that portion of the dividends received deduction attributable to the unrealized appreciation—if any—in the hands of the distributing corporation.

Under existing law a dividend in kind paid by one corporation to another is measured by the basis of the property distributed in the hands of the distributing corporation if this basis is less than fair market value. Accordingly, if under present law, B corporation were to distribute one share of X stock—having a fair market value of $45—as a dividend to a corporate shareholder, and this stock had a basis to B corporation of $2, this would be a $2 dividend to the receiving corporation. The 85-percent dividends received deduction would be $1.70, so that only 30 cents would be subject to tax at the full corporate rate because of the receipt of the X stock. Thus, the tax would generally be 16 cents—52 percent of 30 cents—to the receiving corporation, although the X stock had a fair market value of $45.

Under section 301(f), which would be added by the committee substitute amendment, in the case of an antitrust distribution received by a corporation which is a party to the suit ordering divestiture, the tax to the receiving corporation would be computed on the $45 fair market value of the stock received. This entire amount—$45—would go into dividend income and there would be a dividends received deduction of 85 percent of $45—$38.25—so that the tax at the full corporate rate would be paid on $6.75—$45 minus $38.25. The tax would, therefore, be 52 percent of $6.75 or $3 51.

Except for conforming changes, the text of section 3 of the committee substitute amendment is the same as the text of section 3 of the reported bill.

The amendments made by the committee substitute amendment would apply with respect to distributions made after the date of enactment.

Mr. BAKER. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. MASON], may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. MASON. Mr. Chairman, it was my privilege to be one of the sponsors of legislation dealing with the tax consequences of the problems inherent in an antitrust divestiture proceeding. Among other bills that I sponsored on this subject was H.R. 8190. In essence that legislation adopted the tax philosophy that a divestiture that would qualify under the bill was in reality a return of capital and accordingly tended to tax the gain as a capital gain to the extent the gain exceeded the shareholder's basis in the qualifying stock.

It was my bill, H.R. 8190, which was one of the bills considered during the recent public hearing held by the Committee on Ways and Means. The bill that is now before the House, H.R. 8847, was introduced by my distinguished and esteemed colleague the gentleman from Louisiana [Mr. BOGGS] and was also considered during the course of those public hearings. It is quite similar to my proposal.

At the beginning of those public hearings I made a statement for the record which pointed out that this legislation is not tax relief legislation but instead is a proposal to provide for the orderly disposition of the shares of General Motors stock held by the Du Pont Co. I pointed out that the legislation sought to make a procedure of divestiture possible that would prevent a loss in market values that might otherwise be caused by the wholesale dumping of General Motors stock on the securities markets.

Mr. Chairman, the vast majority of the stock in General Motors Corp. held by the Du Pont Co. was purchased over 40 years ago. The Supreme Court now finds what was lawful 40 years ago is today unlawful on the tenuous theory that there is a possibility at some future time there may be an antitrust violation because of Du Pont ownership of this General Motors stock. In anticipating such a possibility the Supreme Court expressly found that the stockholders were truly innocent and that those persons in positions of executive capacities have conducted themselves in such a way as to be above reproach.

I have no General Motors stock. I have no Du Pont stock. My only interest in this matter is sound tax policy, equity for the American people, and proper administration of our antitrust laws. Those were the motives and objectives that prompted my original support of the legislation, and they are the reasons for my actions at this time.

I regret the fact that presumably an amendment is to be offered to the reported bill that will change the legislation in important respects from the way in which it was reported by the Committee on Ways and Means. This amendment apparently has been dictated by the executive branch of our Government and concurred in by the majority leadership in the House of Representatives. This amendment contributes in no way to the improvement of this legislation, and I believe it may well serve to hinder antitrust law administration in the future. The amendment is in my judgment another example of the willingness of this administration to be disdainful of the needs of our free enterprise system and the jobs it provides. The amendment, in short, is a reflection of this administration's hostility to American business; it indicates the extent to which this administration will go to further encumber free enterprise with the dictates of a Federal bureaucracy largely headed by people with no practical experience in the market place.

My Chairman, the chairman of the Committee on Ways and Means has already referred to the amendment that is to be offered to this bill so that I will not further delay the committee in its proceedings. I will simply state that I am opposed to the committee amendment, but I am for the passage of H.R. 8847. Even if the substitute amendment is adopted I will support H.R. 8847. as amended.

Mr. BAKER. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin [Mr. BYRNES], may extend his remarks at this point in the RECORD and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Chairman, my distinguished committee colleagues who preceded me in speaking on the bill that is now before the committee have explained the technical aspects of the bill and the impendency of the Du Pont and General Motors divestiture matter with its far-reaching implications that has prompted the consideration of this legislation at this time.

I do not now propose needlessly to burden the debate with a detailed description of the technical aspects of the legislation or with a repetitious comment on the merits of the proposal. However, I do deem it important that the bill presently before us should be

put in proper context with respect to the problem the bill is designed to deal with and the way in which it would accomplish its intended purpose. Consequently, I will for a few minutes offer some explanatory observations that may be useful in evaluating the merits of this important legislation.

This legislation would amend the Internal Revenue Code to provide rules for the tax treatment of a stock distribution pursuant to an antitrust decree or order. In essential part the rules would deal with two general categories of recipients. First, with respect to an individual shareholder or a shareholder not eligible to use the corporate dividends received deduction, the bill would provide that a distribution to such a recipient would be treated as a return of capital. The basis of the stock qualifying the recipient for the distribution would be reduced by the fair market value of the distribution; and taxable gain would result to the extent the value of the distribution exceeded the basis of the qualifying stock.

The second essential part of this bill would provide that, with respect to a recipient eligible for the corporate dividend received deduction, a distribution would be measured according to fair market value in determining amounts of income and the dividend received deduction with a special rule for determining stock basis in the hands of the recipient. In addition to these two essential parts the bill would provide necessary technical amendments as well as provide a prospective effective date applicable to distributions made after date of enactment.

Apparently it is now planned to offer an amendment to the proposal and it will be my purpose to refer to that amendment at a later time in my remarks today.

It is appropriate to inquire as to the revenue consequence that would be entailed in the enactment of these tax changes. Information presented to the Committee on Ways and Means and concurred in by Government spokesmen indicates that tax revenues from divestiture if H.R. 8847 is enacted would amount to $350 million; if the methods of divestiture are selected in the light of existing tax law, the greatest possible tax revenue would be $330 million, or $20 million less.

It has been suggested that divestiture could be accomplished under existing law that would produce as little as $130 million in added revenues so that it is clear that the revenue impact of this legislation is a plus from the standpoint of the Federal Treasury. In fact, if there were no divestiture, there would be no revenue. Thus, it is clear that this bill is not motivated by a design to achieve tax reduction.

I have asserted that this legislative proposal is not a tax reduction measure. I would make it clear that there are two other things that this bill is not. It is not a proposal to shift a tax burden from a corporation to its shareholders. Indeed, a substantial portion of the increased tax burden resulting from this legislation would fall on the corporation rather than the shareholders. Again, this bill is not a proposal to relieve wrongdoers from the consequences of their deed. The Supreme Court specifically found:

> All concerned in high executive posts in both companies acted honorably and fairly, each in the honest conviction that his actions were in the best interests of his own company and without any design to overreach anyone, including Du Pont's competitors.

Mr. Justice Frankfurter pronounced the shareholders to be "truly innocent."

If this legislation is not the things that I have said it is not, then what is it? Mr. Chairman, that is a valid question and I will endeavor to provide an answer.

This legislation represents an effort to assure that our tax laws do not impede or impair the administration of our antitrust laws. As Dean O'Meara of the Notre Dame Law School has said:

> I cannot see that the purposes of the antitrust laws would be furthered by taxing as ordinary income stock received pursuant to a divestiture ordered in an antitrust proceeding. The reverse, it seems to me, would be true; for certainly there would be an understandable reluctance to order divestiture if it results in taxing the divested stock as ordinary income to the individual recipients.

Dean Rostow of the Yale Law School observed with respect to the antitrust laws:

> Their deeper purpose is to help guide the development of the economy in a more competitive direction. That purpose will be advanced if the tax barrier to decrees of divestiture and divorcement is removed or at least diminished.

The present Assistant Attorney General, Tax Division, commented on the foregoing observation by Dean Rostow by saying:

> I do not think that is inconsistent with the suggestion that we made.

Mr. Chairman, with respect to the participation of the Justice Department in the present consideration of this legislation, I must express some disappointment over that Department's failure to deal realistically and straightforwardly with this important matter. Indeed, that Department's attitude and actions on this subject were characterized by vacillation instead of "vigor" and instead of "moving ahead" there was an ostrich-like disregard of the realities of the situation on the part of the Department of Justice.

In the printed record of the recent hearings held by the Committee on Ways and Means, on page 38, the Justice Department went on record first, favoring a divestiture in less than the maximum 10-year period prescribed by the Supreme Court; second, acknowledging that under existing law the full 10-year period would likely be utilized; third, recognizing that a shortening of the period under existing law would presumably intensify the possible impact on the market; and fourth, then admitting that if the tax consequences were changed by amending existing law "a divestiture to which the return of capital theory applied could undoubtedly be effected in a much shorter period." Thus, the confused and conflicting essence of the testimony offered by the present Justice Department is that the objective from the standpoint of antitrust policy should be to dispose of the pending matter in less than 10 years but the Department opposed the very tax law changes that would tend to facilitate the expeditious disposition of the matter. The Justice Department opposed the legislation for a mishmash of reasoning that failed to delineate clearly any definable policy position.

This present attitude by the Department of Justice suffers in comparison with the more straightforward position taken by that same Department on this same matter of antitrust divestiture when it was before the Committee on Ways and Means in 1959. At that time the Assistant Attorney General, Antitrust Division, frankly stated that a bill of this sort now before us "would lower tax hurdles to effective antitrust relief." He recognized that there was real basis for concluding that some of the benchmark antitrust divestiture cases in the past might well have not been decreed if existing tax rates had been in effect at the time of their disposition. In appearing before the committee in 1959 the Justice Department spokesman recognized the need for ameliorating tax burdens in order to achieve appropriate antitrust remedies.

Mr. Chairman, present Justice Department policy on this matter leaves much to be desired from the standpoint of considered judgment in policymaking and from the standpoint of dealing wisely with matters of vital interest to our citizens and our free enterprise system. In this regard I would refer to the committee substitute amendment that I anticipate the chairman will later offer to H.R. 8847.

The bill as it was reported to the House was a good bill that would have enabled the Federal District Court to devise a plan for putting divestitures into effect without the risk of doing violence to market values. The reported bill would have avoided needless restriction of the efforts of the Court to achieve some tax equity for the innocent shareholders. However, since the time the bill was reported, the administration and the House majority leadership have embarked upon a course of second guessing the membership of the Committee on Ways and Means in the formulation of tax policy as it relates to this antitrust matter. The executive branch and the majority leadership have dictated the terms on which this legislation is to be considered on the House floor.

Mr. Chairman, if events had not reached the point of making the passage of this proposal in the next few days virtually an emergency situation, I would be vehemently opposed to the substitute amendment to the reported bill. As it is, I am vehemently opposed to the high-handed tactics engaged in by the executive departments involved and by the majority leadership in prescribing this unwise amendment as a condition precedent for the floor consideration of the bill.

The substitute blindly ignores the fact that the problem posed is more than just the matter of the Du Pont divestiture of General Motors stock. Efficient and effective antitrust enforcement requires a

neutral tax consequence. Penalties as applied to a particular case, if warranted at all, should be court prescribed rather than fixed by Congress. The restriction of the applicability of this amendment solely to the Du Pont matter is a grevious mistake that suggests that the Congress will be forced to deal with each case involving similar considerations as it may come along.

Another aspect of the substitute amendment that disturbs me is concerned with the requirement that the divestiture be completed within a 3-year period from the time of the final order and that the period is being made a matter of statute in the Internal Revenue Code. It seems to me that if any aspect of this matter should be left to the discretion and wisdom of the court, it is the time element involved. There are immensely complicated market factors and other complex considerations that must be weighed in reaching a conclusion with respect to the details of such a matter and, frankly, I doubt the ability of either the Executive or the Congress to reach the correct solution as to the very important details of divestiture.

Mr. Chairman, I am at a loss to understand the interest of either the Justice Department or the Treasury Department in sponsoring in the first instance the changes that the substitute amendment would make in the committee reported bill. To propose the restriction of the scope of the committee bill to the Du Pont matter and the limitation of the period for divestiture to 3 years is to support a defective amendment that is unwise and dangerous. The tactics used to obtain the approval of the amendment by use of bluster and bludgeon is a regrettable commentary on the willingness of this administration to assault American free enterprise, millions of American shareholders and the prerogatives of Congress.

Mr. Chairman, I categorically assert that the attitude of the Treasury and Justice Departments on this matter is both unreasoned and unsustainable; I urge that Treasury and Justice officials give very earnest attention to a reconsideration of their Departments' position so that they can make a more constructive contribution during any further deliberations that may follow on this bill. These Departments would be well advised to support the bill as reported by the committee rather than persisting in their present course.

With that observation I will end my comment on the substitute amendment to the bill as reported to the House by the Committee on Ways and Means. I will return now to brief reference as to the need for legislation dealing with this subject matter of the tax effects of antitrust divestiture.

Earlier in my remarks, I observed that one reason for this legislation was to assure neutrality in our tax laws as they relate to antitrust law administration so as to further conditions of maximum competition in our free enterprise system.

Mr. Chairman, another reason for the favorable consideration of this legislation relates to tax equity on behalf of the more than a million shareholders of Du Pont and General Motors stock.

There are today more than 200,000 shareholders of the Du Pont Co. and more than 800,000 shareholders of General Motors Corp. In addition millions more of the investing public have a direct interest in this legislation because they participate in mutual funds, life insurance, and other forms of savings that hold equity interests in these corporations. I am sure it is safe to say that in every congressional district there are people living who would benefit from and merit the tax equity this proposal represents.

The tax equity is fully warranted by the absolute freedom from wrongdoing on the part of the shareholders; such equity is made necessary by the tax impact that would devolve upon them under present law. In this context it must be realized that 30 years elapsed between the time of original stock acquisition and the bringing of suit by the Federal Government. Of the 63 million shares of General Motors common stock owned by Du Pont, 60 million shares were acquired in the period from 1917 to 1919. It was not until 30 years later in 1949 that the Government first moved in the courts to charge a law violation. During the history of the litigation that began in 1949, the Government lost every time in the lower courts but in 1957 finally obtained a 4 to 2 Supreme Court decision holding a violation of section 7 of the Clayton Act on the novel rationale that Du Pont's stockholdings in General Motors created a "reasonable probability" that Du Pont might monopolize General Motors' purchases of paints and fabrics. Notice, if you will, that the violation found by the Court was not the fact of monopoly but only the tendency toward monopoly.

This bill would move in the direction of providing tax equity by treating the court ordered divestiture as a return of capital rather than as the receipt of ordinary income. This is a proper result because the recipients of the divested stock will be no better off than they were prior to the divestment; they will in effect be holding two pieces of paper instead of one to represent the same value of ownership.

Mr. Chairman, another factor favoring the passage of the bill, H.R. 8847, is concerned with impact that a divestiture can have upon market values of the stock that may be held by people who are not parties to the divestiture. For example, in the case of the Du Pont divestment of General Motors stock there is a potential of 63 million shares of stock being directly involved. The average annual trading in General Motors stock on all domestic exchanges has been under 9 million shares. One need not be a market expert to contemplate the impact on present GM stock prices if a sudden dumping of Du Pont-held GM stock were to occur. The depressive consequence of flooding the market with a mass of GM stock would impair the market value of GM stock to the detriment of all GM stockholders. Therefore, it is important that legislation such as H.R. 8847 be approved so that the transition in stock ownership can be accomplished on an orderly basis without doing violence to normal market values.

Mr. Chairman, I wholeheartedly support the passage of H.R. 8847 as it has been reported from the committee. If the committee substitute is approved, I will support the bill as it will then be amended although I must in all candor express my grave reservations with respect to that substitute. It is most important that this legislation be passed this year because of the time limitation for beginning divestiture prescribed by the Supreme Court in its decision of this past spring. I urge my colleagues to vote for the passage of H.R. 8847.

Mr. Chairman, I will include at this point in my remarks two letters I have received from Dean Edward H. Levi of the University of Chicago Law School. I have previously referred to communications from Dean O'Meara of the Notre Dame Law School and Dean Rostow of the Yale Law School.

THE UNIVERSITY OF CHICAGO,
Chicago, Ill., August 23, 1961.

The Honorable JOHN W. BYRNES,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BYRNES: This letter is written in response to your telegram of August 22 in which you ask for an expression of my views with respect to H.R. 8190. In general it is desirable that the tax laws should not operate as a deterrent to effective antitrust enforcement. Indeed, it is to be hoped that the impact of the tax laws upon the structure of American business would be in the direction of encouraging greater competition. The present tax laws which treat a distribution of acquired stock by a corporation as income to its recipient stockholders penalizes those stockholders and causes economic hardship as a part of the price for the restoration of competitive conditions. As I wrote to Senator Frear on May 25, 1959, in response to a somewhat similar inquiry, "The hope of successful antitrust enforcement is that it will be accepted not as punitive but as good for American enterprises. A good case can be made out that where divestiture has taken place in the past, it has in fact been good for all, including the stockholders of the companies involved. Under the present tax situation this would not be true."

Nor can such a penalty upon the stockholders be justified on the ground that they have indirectly received the benefit of an antitrust violation, and therefore should be willing to pay the consequences, whatever they may be, of the violation. In the first place, section 7 of the Clayton Act proceeds upon the basis of incipient violations and requires no showing of actual effects. In the second place, the civil remedy is directed toward the prohibition of future violations and the restoration of competitive conditions. It would be difficult to show that the payment of a higher tax by stockholders has any relationship to the dissipation of monopoly power or the surrender of monopoly profits. Indeed, if a penalty for antitrust violations were desirable in civil proceedings, the supposition must be that it would be imposed upon the corporation and not upon its shareholders, and would not take the quixotic form of treating the distribution as income rather than as capital gain.

The entire history of antitrust enforcement shows a natural reluctance upon the part of the courts to grant divestiture. It is to be expected that this natural reluctance will continue despite the passage of new section 7 of the Clayton Act. I realize that Mr. Justice Brennan in the Du Pont opinion

on relief characterized divestiture as a remedy "simple and relatively easy to administer and sure," which should "always be in the forefront of a court's mind when a violation of section 7 has been found," and indicated that resulting economic hardship only could be taken into account to influence choice among "two or more effective remedies." The fact remains that determination that divestiture in a given case is the only effective remedy is of necessity somewhat subjective. Indeed, the law as to when section 7 has been violated is not free from doubt. Mr. Justice Brennan's encouragement of the use of divestiture will be given added force if the unintended economic hardships on stockholders resulting from the tax laws are removed or minimized. H.R. 8190 in its provisions is not as favorable to stockholders as was S. 200, but in my judgment it moves in the right direction in that it will aid in the enforcement of the antitrust laws.

I would raise a question as to the usefulness of that portion of the definition of divested stock which reads "but no stock shall be divested stock if the court finds that its divestiture is required because of an intentional violation of the Sherman Act, or the Clayton Act, or both." I assume this provision was put in to close the door against arrangements or conduct contrived solely to take advantage of the measure of tax relief which the bill affords. If this is so, I would assume language could be suggested which would speak more directly to that point. In any event, the present language is likely to cause difficulty in interpretation. The concept of an intentional violation plays an uncertain role in the antitrust laws; it seems doubtful that the distinctions there made between inferred and specific intent are germane to the operations of the proposed legislation.

Sincerely,

EDWARD H. LEVI.

THE UNIVERSITY OF CHICAGO,
Chicago, Ill., August 28, 1961.

The Honorable JOHN W. BYRNES,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BYRNES: I should like to add a postscript to my letter of August 23 as follows: "This letter is not intended as a comment on either section 2 or section 3 of H.R. 8190 since these sections appear to raise general questions of tax policy, and are not limited, as I read them, to situations where divestiture is necessary or appropriate to effectuate the policies of the Sherman Act or the Clayton Act."

Sincerely,

EDWARD H. LEVI.

Mr. BAKER. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. KNOX], may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. KNOX. Mr. Chairman, I urge the enactment of H.R. 8847. I do so in order to protect millions of our citizens from economic penalties that will be placed upon them as a consequence of being compelled to change the character of their property ownership because of an antitrust divestiture order brought about by action of the Supreme Court directing Du Pont to divest itself of approximately 60 million shares of General Motors stock.

If the ordered divestiture occurs under today's law a heavy tax penalty will be imposed on a Du Pont stockholder simply because he is compelled to take possession of property he already owns indirectly; in addition, there will be a depressing effect on stock market levels. Congress has heretofore treated other involuntary distributions by deferring all tax liability until the recipient actually sells the stock.

By enactment of H.R. 8847 we would be limiting the unfair penalty on investors by providing that upon divestiture the shareowner would realize a capital gain to the extent that the fair market value of the distributed stock exceeded his tax basis for the underlying stock. The fair market value of the divested stock would be applied against and reduce the basis of the underlying stock in the hands of the distributee shareowner.

In helping these people we will not cause the Treasury to suffer any revenue loss. The Treasury would take in about $350 million under the bill as against about $330 million under a possible three-pronged flexible program of divestiture. This is not a bill for tax relief but is a bill to protect innocent investors from damaging market consequences. It is highly important that workers who invest their hard-earned funds through a monthly investment plan, or through direct purchases of equity shares, be assured of fair treatment.

In my opinion neither the Supreme Court nor the executive branch of our Government has been sufficiently concerned with the harsh and unfair tax consequences and other economic results growing out of this divestiture order under present law. The situation under today's law represents a clear and present danger to the millions of shareowners in American business who in the future may be caught in a similar circumstance.

We should do everything possible to encourage more people to invest in American business in order to provide the necessary capital for the sound growth of our economy. We should not encourage Government policies that threaten to wreck American free enterprise.

To be fair, stock distributions pursuant to antitrust decrees should not result in a recipient suffering a tax penalty. No taxable income or gain should be recognized upon distribution of stock pursuant to an order enforcing the antitrust laws. No tax obligation should arise until a shareowner actually realizes a gain until the divested stock is actually sold.

While I support passage of the bill, H.R. 8847, I am concerned over the implications of the committee-approved amendment that is to be offered to the bill. This amendment would have the effect of limiting the application of this legislation to the Du Pont situation and would prescribe that the divestiture would occur within 3 years' time of the court order becoming final.

It seems to me that it is dangerous for the Congress to prescribe in the statute the period within which the divestment must occur. It is very important that this legislation not result in any action that will impair the market value of the General Motors stock. If divestiture is required in too short a time it is possible that an impairment may occur. For that reason I would have preferred that the statute abide by the Supreme Court's mandate that the divestment must occur within a 10-year period with discretion vested in the Federal district court judge to prescribe the exact details of the arrangement for divestment.

However, it is important that this legislation be approved in some form and at this late hour it is apparently necessary that we acquiesce in this unwise substitute amendment. Therefore I will support passage of the bill even though it may be amended.

Mr. BAKER. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, this bill is a matter involving simple justice and equity. The matter involves a great many innocent stockholders in Du Pont and General Motors in this country. The Supreme Court of the United States said, in the language of Mr. Justice Frankfurter, that these parties are truly innocent. The Court held also that the executives of General Motors and Du Pont were prompted only by the best of motives and were completely free of any wrongdoing. There was no wrongdoing whatever in connection with the purchase of this stock—certainly not at the time the greatest part of the stock was acquired in 1917–19.

The chairman of the Committee on Ways and Means has fully and ably explained the legislation. The Treasury will receive approximately $350 million in revenue as the result of this legislation. The proposal is in the interest of effective antitrust enforcement. It is fair, it is just and reasonable. I strongly urge the passage of the bill.

Mr. Chairman, I now yield 5 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS of Missouri. Mr. Chairman, I am sorry I have to throw a sour note into this nice little party. I do not happen to agree with the presentation, neither with the chairman of the committee nor the overwhelming majority of the Committee on Ways and Means in this matter. There are some very serious questions of antitrust legislation involved in this matter. There are some very serious questions of the passivity of stockholders, and I happen to think that stockholders should not be passive if we are going to continue the private enterprise system. I happen to think that the base of the private enterprise system lies in strong, adequately enforced antitrust legislation.

Let me say one thing about the stockholders. We are talking about changing from ordinary income treatment of stock to the capital gains treatment. A 25-percent capital gains means very little to the people in this room, because the majority of us do not come close to benefiting from the 25-percent capital gain treatment. We are talking about stockholders in the higher income bracket when we are talking about giving capital gains treatment instead of ordinary income treatment.

Now, here is what worries me about this legislation. The Du Pont case is by no means the only case. There are many cases of divestitures ordered as the result of antitrust decrees, and this committee knows of many cases. This bill has been amended, and the amendment that is going to be offered here is not general. It is special legislation that fits only the Du Pont Co.'s special problem. Now, if we need to do something in the field of antitrust legislation so that we have a flexibility on the divestiture orders that the courts can decree, then let us come in and modify our antitrust legislation and our tax laws on divestiture to provide that flexibility. And, that is what I have been urging be done for over a year in this area. This is not new, and there is no reason in my judgment why we should come to the last days of the Congress for us to consider a matter this serious. We have had this matter before us for some time, and there is no reason, in my judgment, if we need to amend our antitrust laws in a general way by changing our tax method, we cannot do so. And, maybe we should do it generally across the board; that is the basis upon which legislation should be considered, in my judgment. It should be on the general basis.

Now, one other thing. The courts heard this case. This was an antitrust violation in the court's decision. I happen to have thought that the Du Pont case was not a well-decided case, but it is the decision of the High Court of the land. I do not like to see the Committee on Ways and Means of this House or this Congress acting as a court of appeals from a decision of the Supreme Court.

Now, every argument of equity that was presented to the Committee on Ways and Means in this case was presented to the courts. That was the question I asked the Justice Department, and I asked other people from the executive branch of the Government who testified before us: Did not they have every one of these pleas in equity our committee has heard presented to the courts? And, the answer was, of course they did, and the courts rendered their decision of divestiture with full knowledge of this situation and what would ensue.

Now, part of this business of antitrust legislation is that, of course, the stockholders have benefited—and I daresay they do benefit if it is in violation of antitrust laws—have benefited for years because of the combination of Du Pont and General Motors.

If there are those who do not want to listen to this and do not care, I would request, Mr. Chairman, that you ask them to leave the Chamber. This matter is serious, and I happen to think that the private enterprise system is involved in this thing. It comes down to this question, indeed, whether or not equity stockholders are going to risk the detriments as well as the benefits from economic change, from court decisions, and from decisions in the Congress changing the laws.

They gain those benefits. I suggest risk capital, which I fought for so strongly and will continue to do so, ought also to bear the risk of untoward court decisions and untoward legislative decisions.

Mr. Chairman, this is no time to bring this legislation before the House, at 8:00 o'clock this evening, without any chance for proper consideration. I know this was not the plan of the chairman of the committee, the gentleman from Arkansas [Mr. MILLS]. It was the intention to debate this thing fully, but I did not think the way it was passed out of the Ways and Means Committee was the correct way. This bill has been cut back to only one thing, the Du Pont case. Yet the issues involved, I again suggest, involve antitrust legislation and involve the very important issue of passivity of stockholders.

Mr. Chairman, I would urge that this be voted down.

Mr. ALGER. Mr. Chairman, I share the views of the gentleman from Missouri and join with him in deep concern over the passage of this special tax bill which applies only to the Du Pont divestiture of stock.

Mr. HECHLER. This is a good conservative piece of legislation and deserves the support of all fairminded people. There is no reason why many innocent stockholders should be penalized and made to pay through the nose when they are not guilty of any wrongdoing. This bill not only provides fair treatment for these stockholders, but it also prevents depressing the market which would happen if millions of shares of stock were dumped on the market. I urge the passage of the bill.

Mr. MONAGAN. Mr. Chairman, I am happy to support H.R. 8847. It seems to me to be a matter of simple justice to take this legislative action in order to give fair treatment to those stockholders who have been affected by action of law and not by any action on their own part.

I feel that the committee has acted fairly in providing that a tax shall be payable only to the extent that the receipts would exceed the basis at which the old stock was held.

Through H.R. 8847, thousands of stockholders will be treated fairly without any loss or injury to the Government.

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of this measure. It is the answer to an urgent need to prevent severe economic harm from coming to the more than 1 million innocent citizens who hold stock in these two companies. There are more than 200,000 of these citizens with stock in Du Pont, and 850,000 holding some share of the ownership of GM. Many of these stockholders are educational and charitable institutions. And these citizens reside in every State of the Union.

Mr. Chairman, this measure does not represent preferential treatment for any one group in America. These stockholders are for the most part average citizens, who have had the foresight to protect their incomes and, in many cases, their life savings, from the inflationary trend of our modern economy. For many, particularly those retired and living on partially fixed incomes, it represents a crucial moment. If this legislation is not acted upon with favor, the margins of their incomes may be further diminished.

For these reasons, I ask the membership of this body to enact this legislation, and in so doing, give proof that they respect the free enterprise system.

Mr. McDOWELL. Mr. Chairman, I rise in support of H.R. 8847, as well as the amendments thereto, which the Committee on Ways and Means has offered today.

This legislation is urgent and is designed to grant tax relief to innocent shareholders who would otherwise be penalized as a result of the Supreme Court decision ordering the divestiture of General Motors stock.

I am able to support H.R. 8847 with these amendments because they carry out the intent of my own bill, H.R. 8868, in a number of significant and important ways.

My own bill, H.R. 8868, was primarily concerned with the Du Pont shareholder whose stock is the subject of the Supreme Court decision ordering the divestiture of General Motors stock.

Second, my bill called for a relatively short period during which the divestiture should be carried out.

The Treasury Department took the position on August 1, 1961, in a letter to the Chairman of the Ways and Means Committee with regard to H.R. 8190 that:

> In our report of July 18, we also urged that as a condition to granting the relief which H.R. 7349 would provide, the duration of time for divestiture of shares be limited to a relatively short period. We note that this suggestion has not been included in H.R. 8190, and we continue to urge its consideration by your committee.

Sam Hanna, the able Washington correspondent of the News-Journal papers of Wilmington, Del., in an article printed in the Wilmington, Del., Evening Journal on September 18, 1961, gave the following report on the developments leading up to the bill and amendments we are considering today:

> Bowing to pressure from the Justice Department, the committee amended a bill sponsored by Representative HALE BOGGS making it apply strictly to the Du Pont case.
>
> BOGGS' bill, approved by the committee 2 weeks ago, was drafted to apply a capital gains tax formula to any company forced, like Du Pont, by a court decision to dispose of stock it owns in another company.
>
> The bill was unopposed by the Treasury Department and endorsed by the Du Pont Co., but the Justice Department took the position the legislation was unneeded to obtain Government victories in antitrust suits and demanded that the bill be limited strictly to the single case.
>
> The committee amendments, which will be offered on the House floor when the bill comes up for consideration late today or tomorrow, limit the tax formula changes to the Du Pont Co., and the Christiana Securities Co., and require Du Pont to divest its GM stockholdings within 3 years.
>
> A letter from Du Pont President Crawford H. Greenewalt to Committee Chairman WILBUR D. MILLS said the company would not object to the amendments if they are considered necessary to get legislation enacted before Congress adjourns this weekend.
>
> Supporters of the bill, including Senator JOHN J. WILLIAMS, had strongly favored a general bill.

I am gratified that the Committee on Ways and Means, in offering its amendments to H.R. 8847, has now arrived at the view which I developed in my own H.R. 8868 and which I strongly supported in my statement to the committee on August 24, 1961.

I said at the time I introduced H.R. 8868—CONGRESSIONAL RECORD, August 23, 1961, page 16892—and I reiterate today, that I am convinced it is neither necessary nor wise to try to solve all of the problems which may arise in all of the antitrust divestiture cases in the future before we provide a fair solution for those problems directly involved in the Du Pont case.

That this has now become the position of the Ways and Means Committee testifies to the good judgment and sense of fairness which motivates the members of this great committee of the Congress.

The Du Pont case must not be allowed to drag on and on until everyone concerned loses hope of a just solution. This case must be concluded promptly and it must be concluded fairly.

It was for these reasons that I developed H.R. 8868, and it is for these reasons that I advocate enactment of, and shall vote for, H.R. 8847 as amended by the Committee on Ways and Means.

DU PONT'S GM STOCK DIVESTITURE REQUIRES TAX REMEDY FOR RETIREES

Mr. BOLAND. Mr. Chairman, I rise in favor of H.R. 8847, a bill to give tax relief for stockholders who are adversely affected by distributions of stock made pursuant to court orders enforcing the antitrust laws. This bill provides that the stock distributed shall not be treated as dividend distributions, but shall be treated as a return of basis and result in gain only to the extent that the basis of the underlying stock is exceeded.

We are all aware, I am sure, that this legislation is before us because of the problems arising out of such distributions necessitated by the Supreme Court decisions in the cases of United States against E. I. du Pont de Nemours & Co., et al. The Du Pont Co. owns 63 million shares of common stock of General Motors Corp. In 1957, after protracted litigation, the Supreme Court found that Du Pont's ownership of 23 percent of the stock of General Motors was a violation of section 7 of the Clayton Act, since this ownership might enable Du Pont to prevent other suppliers of automotive paints and fabrics from selling to General Motors. The Court reached this conclusion although it believed that "all concerned in high executive posts in both companies acted honorably and fairly." The decision accordingly returned the case to the district court for proper equitable relief. Subsequent district court rulings led to new litigation. On May 22, 1961, the Supreme Court ruled that no less a remedy than complete divestiture is required by Du Pont, and that such divestiture must be completed within 10 years.

Mr. Chairman, the Supreme Court decision would have a depressing market effect upon the stock owned by the 226,640 Du Pont stockholders and 830,873 shareholders. It could cost these innocent people an estimated $1 billion in taxes. The effect will also be felt by millions of mutual fund shareholders whose investment is represented to some degree by Du Pont and General Motors holdings. In Massachusetts alone there are 12,502 Du Pont shareholders, and 35,608 General Motors shareholders. I have received letters from many of these shareholders in my congressional district supporting this remedial legislation. Some of these constituents are widows whose incomes are limited and dependent on stock dividends. Others are retired people who have invested their life savings in American industry. All of them need the stock dividends for annual income. They cannot afford to sell some of their stock to pay taxes because they have been placed in an unfavorable position through no fault of their own.

Under existing law, an individual Du Pont shareholder receiving General Motors stock will be taxed on dividend income to the extent of fair market value of the stock received. Thus, he will owe a large tax but may have no cash in hand with which to pay it. In these circumstances it will frequently happen that he will be obliged to sell some or all of the stock received. This will be a severe jolt to Du Pont shareholders, particularly retired persons, since they were not violators of the antitrust laws and were not parties to the proceedings. In addition, serious harm would result to the General Motors shareholders. Their stock would be depressed in price and value because of the increase in supply of this stock on the market.

Mr. Chairman, it is the purpose of this legislation to prevent both the application of an unreasonably high tax rate to the individual shareholders of Du Pont and to save the General Motors shareholders from having the value of their investment seriously diminished by reason of events beyond their control.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Chairman, I ask unanimous consent that all Members desiring to do so may extend their remarks on this bill at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Chairman there are no further requests for time on this side.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment, and it shall be in order to consider the amendment in the nature of a substitute, now in the bill. No amendments are in order to the bill or committee substitute except amendments offered by direction of the Committee on Ways and Means, and such amendments shall not be subject to amendment.

The Clerk will read the committee amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter O of chapter 1 of the Internal Revenue Code of 1954 (relating to gain or loss on disposition of property) is amended by adding at the end thereof the following new part:

"PART IX—DISTRIBUTIONS PURSUANT TO ORDERS ENFORCING THE ANTITRUST LAWS

"Sec. 1111. Distribution of stock pursuant to order enforcing the antitrust laws

"Sec. 1111. Distribution of stock pursuant to order enforcing the antitrust laws

"(a) GENERAL RULE.—Notwithstanding sections 301, 312, and 316, a distribution of divested stock (as defined in subsection (f)), to a qualifying shareholder (as defined in subsection (b)), to which section 301(c)(1) would, but for this section, apply, shall be a distribution which is not out of the earnings and profits of the distributing corporation for purposes of this subtitle.

"(b) QUALIFYING SHAREHOLDER.—For purposes of this section, the term 'qualifying shareholder' means any shareholder other than a corporation which may be allowed a deduction under section 243, 244, or 245 with respect to dividends received.

"(c) SPECIAL RULES.—

"(1) DISTRIBUTIONS TO AVOID FEDERAL INCOME TAX.—Subsection (a) shall not apply to any transaction one of the principal purposes of which is the distribution of the earnings and profits of the distributing corporation or of the corporation whose stock is distributed, or both.

"(2) STOCK.—For purposes of this section, the term 'stock' includes rights to fractional shares.

"(d) DEFINITION OF ANTITRUST ORDER.—For purposes of this section, the term 'antitrust order' means a judgment, decree, or other order of a court or of a commission or board in a suit or proceeding under the Sherman Act (26 Stat. 209; 15 U.S.C. 1–7) or the Clayton Act (38 Stat. 730; 15 U.S.C. 12–27), or both, to which the United States or such a commission or board is a party.

"(e) DEFINITION OF COURT.—For purposes of this section, the term 'court' means a court or a commission or board issuing an antitrust order.

"(f) DEFINITION OF DIVESTED STOCK.—For purposes of this section, the term 'divested stock' means stock meeting the following requirements:

"(1) the stock is the subject of an antitrust order entered after January 1, 1961, which—

"(A) directs the distributing corporation to divest itself of such stock by distributing it to its shareholders (or requires such distribution as an alternative to other action by any person); and

"(B) specifies and itemizes the stock to be divested; and

"(2) the court finds—

"(A) that the divestiture of such stock, in the manner described in paragraph (1)(A), is necessary or appropriate to effectuate the policies of the Sherman Act, or the Clayton Act, or both;

"(B) that the application of subsection (a) is required to reach an equitable antitrust order in such suit or proceeding; and

"(C) that the period of time for the complete divestiture fixed in the order (or orders) is the shortest period within which such divestiture can be executed with due regard to the circumstances of the particular case;

but no stock shall be divested stock if the court finds that its divestiture is required because of an intentional violation of the Sherman Act, or the Clayton Act, or both."

(b) The table of parts for subchapter O of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

"Part IX. Distributions pursuant to orders enforcing the antitrust laws."

(c) The amendments made by this section shall apply only with respect to distributions made after the date of the enactment of this Act.

SEC. 2. (a) Section 301 of the Internal Revenue Code of 1954 (relating to distributions of property) is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following new subsection:

"(f) SPECIAL RULES FOR DISTRIBUTIONS OF ANTITRUST STOCK TO CORPORATIONS.—

"(1) DEFINITION OF ANTITRUST STOCK.—For purposes of this subsection, the term 'antitrust stock' means stock received in a distribution made after September 6, 1961, either pursuant to the terms of, or in anticipation of, an antitrust order (as defined in subsection (d) of section 1111).

"(2) AMOUNT DISTRIBUTED.—Notwithstanding subsection (b)(1) (but subject to subsection (b)(2)), for purposes of this section the amount of a distribution of antitrust stock received by a corporation shall be the fair market value of such stock.

"(3) BASIS.—Notwithstanding subsection (d), the basis of antitrust stock received by a corporation in a distribution to which subsection (a) applies shall be the fair market value of such stock decreased by so much of the deduction for dividends received under the provisions of section 243, 244, or 245 as is, under regulations prescribed by the Secretary or his delegate, attributable to the excess, if any, of—

"(A) the fair market value of the stock, over

"(B) the adjusted basis (in the hands of the distributing corporation immediately before the distribution) of the stock, increased by the amount of gain which is recognized to the distributing corporation by reason of the distribution."

(b) The amendments made by this section shall apply only with respect to distributions made after the date of the enactment of this Act.

SEC. 3. (a) Section 312 of the Internal Revenue Code of 1954 (relating to the effect on earnings and profits) is amended by adding at the end thereof the following new subsection:

"(k) SPECIAL ADJUSTMENT ON DISPOSITION OF ANTITRUST STOCK RECEIVED AS A DIVIDEND.—If a corporation received antitrust stock (as defined in section 301(f)) in a distribution to which section 301 applied, and the amount of the distribution determined under section 301(f)(2) exceeded the basis of the stock determined under section 301(f)(3), then proper adjustment shall be made, under regulations prescribed by the Secretary or his delegate, to the earnings and profits of such corporation at the time such stock (or other property the basis of which is determined by reference to the basis of such stock) is disposed of by such corporation."

(b) Subsection (b) of section 535 of the Internal Revenue Code of 1954 (relating to accumulated taxable income) is amended by adding at the end thereof the following new paragraphs:

"(9) DISTRIBUTIONS OF DIVESTED STOCK.—There shall be allowed as a deduction the amount of any dividend distribution received of divested stock (as defined in subsection (f) of section 1111), minus the taxes imposed by this subtitle attributable to such receipt, but only if the stock with respect to which the distribution is made was owned by the distributee on September 6, 1961, or was owned by the distributee for at least 2 years prior to the date on which the antitrust order (as defined in subsection (d) of section 1111) was entered.

"(10) SPECIAL ADJUSTMENT ON DISPOSITION OF ANTITRUST STOCK RECEIVED AS A DIVIDEND.—If—

"(A) a corporation received antitrust stock (as defined in section 301(f)) in a distribution to which section 301 applied,

"(B) the amount of the distribution determined under section 301(f)(2) exceeded the basis of the stock determined under section 301(f)(3), and

"(C) paragraph (9) did not apply in respect of such distribution,

then proper adjustment shall be made, under regulations prescribed by the Secretary or his delegate, if such stock (or other property the basis of which is determined by reference to the basis of such stock) is sold or exchanged."

(c) Section 543 of the Internal Revenue Code of 1954 (relating to personal holding company income) is amended (1) by adding at the end of paragraph (1) of subsection (a) the following new sentence: "This paragraph shall not apply to a dividend distribution of divested stock (as defined in subsection (f) of section 1111) but only if the stock with respect to which the distribution is made was owned by the distributee on September 6, 1961, or was owned by the distributee for at least 2 years prior to the date on which the antitrust order (as defined in subsection (d) of section 1111) was entered."; and (2) by adding at the end thereof the following new subsection:

"(d) SPECIAL ADJUSTMENT ON DISPOSITION OF ANTITRUST STOCK RECEIVED AS A DIVIDEND.—If—

"(1) a corporation received antitrust stock (as defined in section 301(f)) in a distribution to which section 301 applied,

"(2) the amount of the distribution determined under section 301(f)(2) exceeded the basis of the stock determined under section 301(f)(3), and

"(3) such distribution was includible in personal holding company income under subsection (a)(1),

then proper adjustment shall be made, under regulations prescribed by the Secretary or his delegate, to amounts includible in personal holding company income under subsection (a)(2) with respect to such stock (or other property the basis of which is determined by reference to the basis of such stock)."

(d) Subsection (b) of section 545 of the Internal Revenue Code of 1954 (relating to undistributed personal holding company income) is amended by adding at the end thereof the following new paragraphs:

"(10) DISTRIBUTIONS OF DIVESTED STOCK.—There shall be allowed as a deduction the amount of any income attributable to the receipt of a distribution of divested stock (as defined in subsection (f) of section 1111), minus the taxes imposed by this subtitle attributable to such receipt, but only if the stock with respect to which the distribution is made was owned by the distributee on September 6, 1961, or was owned by the distributee for at least two years prior to the date on which the antitrust order (as defined in subsection (d) of section 1111) was entered.

"(11) SPECIAL ADJUSTMENT ON DISPOSITION OF ANTITRUST STOCK RECEIVED AS A DIVIDEND.—If—

"(A) a corporation received antitrust stock (as defined in section 301(f)) in a distribution to which section 301 applied,

"(B) the amount of the distribution determined under section 301(f)(2) exceeded the basis of the stock determined under section 301(f)(3), and

"(C) paragraph (10) did not apply in respect of such distribution,

then proper adjustment shall be made, under regulations prescribed by the Secretary or his delegate, if such stock (or other property the basis of which is determined by reference to the basis of such stock) is sold or exchanged."

(e) Subsection (b) of section 556 of the Internal Revenue Code of 1954 (relating to undistributed foreign personal holding company income) is amended by adding at the end thereof the following new paragraphs:

"(7) DISTRIBUTIONS OF DIVESTED STOCK.—There shall be allowed as a deduction the amount of any income attributable to the receipt of a distribution of divested stock (as defined in subsection (f) of section 1111), minus the taxes imposed by this subtitle attributable to such receipt, but only if the stock with respect to which the distribution is made was owned by the distributee on Setpember 6, 1961, or was owned by the distributee for at least 2 years prior to the date on which the antitrust order (as defined in subsection (d) of section 1111) was entered.

"(8) SPECIAL ADJUSTMENT ON DISPOSITION OF ANTITRUST STOCK RECEIVED AS A DIVIDEND.—If—

"(A) a corporation received antitrust stock (as defined in section 301(f)) in a distribtuion to which section 301 applied,

"(B) the amount of the distribution determined under section 301(f)(2) exceeded the basis of the stock determined under section 301(f)(3), and

"(C) paragraph (7) did not apply in respect of such distribution,

then proper adjustments shall be made, under regulations prescribed by the Secretary or his delegate, if such stock (or other property the basis of which is determined by reference to the basis of such stock) is sold or exchanged."

(f) Subsection (b) of section 561 of the Internal Revenue Code of 1954 (relating to deduction for dividends paid) is amended to read as follows:

"(b) SPECIAL RULES APPLICABLE.—

"(1) In determining the deduction for dividends paid, the rules provided in section 562 (relating to rules applicable in determining dividends eligible for dividends paid deduction) and section 563 (relating to dividends paid after the close of the taxable year) shall be applicable.

"(2) If a corporation received antitrust stock (as defined in section 301(f)) in a distribution to which section 301 applied and such corporation distributes such stock (or other property the basis of which is determined by reference to the basis of such stock) to its shareholders, proper adjustment shall be made, under regulations prescribed by the Secretary or his delegate, to the amount of the deduction provided for in subsection (a)."

(g) The amendments made by this section shall apply only with respect to distributions made after the date of the enactment of this Act.

Amend the title so as to read: "A bill to amend the Internal Revenue Code of 1954 so as to provide that a distribution of stock made to an individual (or certain corporations) pursuant to an order enforcing the antitrust laws shall not be treated as a dividend distribution but shall be treated as a return of capital; and to provide that the amount of such a distribution made to a corporation shall be the fair market value of the distribution."

Mr. MILLS (interrupting the reading of the committee amendment). Mr. Chairman, I ask unanimous consent that the committee amendment be conconsidered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Chairman, I offer a committee amendment as a substitute for the committee amendment printed in the bill.

The CHAIRMAN. The Clerk will report the substitute for the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert "That (a) subchapter O of chapter 1 of the Internal Revenue Code of 1954 (relating to gain or loss on disposition of property) is amended by adding at the end thereof the following new part:

"'PART IX—DISTRIBUTIONS PURSUANT TO ORDERS ENFORCING THE ANTITRUST LAWS

'SEC. 1111. Distribution of stock pursuant to order enforcing the antitrust laws.

"'*Sec. 1111. Distribution of stock pursuant to order enforcing the antitrust laws*

"'(a) GENERAL RULE.—Notwithstanding sections 301, 312, and 316, a distribution of divested stock (as defined in subsection (e)), to a qualifying shareholder (as defined in subsection (b)), to which section 301 (c)(1) would, but for this section, apply, shall be a distribution which is not out of the earnings and profits of the distributing corporation for purposes of this subtitle.

"'(b) QUALIFYING SHAREHOLDER.—For purposes of this section, the term "qualifying shareholder" means any shareholder other than a corporation which may be allowed a deduction under section 243, 244, or 245 with respect to dividends received.

"'(c) SPECIAL RULES.—

"'(1) DISTRIBUTIONS TO AVOID FEDERAL INCOME TAX.—Subsection (a) shall not apply to any transaction one of the principal purposes of which is the distribution of the earnings and profits of the distributing corporation or of the corporation whose stock is distributed, or both.

"'(2) STOCK.—For purposes of this section, the term "stock" includes rights to fractional shares.

"'(d) DEFINITION OF ANTITRUST ORDER.—For purposes of this section, the term "antitrust order" means, in the case of any corporation, a final judgment rendered after January 1, 1961, by a court with respect to such corporation in a court proceeding under the Sherman Act (26 Stat. 209; 15 U.S.C. 1–7) or the Clayton Act (38 Stat. 730; 15 U.S.C. 12–27), or both, to which the United States is a party, if such proceeding was commenced on or before January 1, 1959.

"'(e) DEFINITION OF DIVESTED STOCK.—For purposes of this section, the term "divested stock" means stock meeting the following requirements:

"'(1) the stock is the subject of an antitrust order entered after January 1, 1961, which—

"'(A) directs the distributing corporation to divest itself of such stock by distributing it to its shareholders (or requires such distribution as an alternative to other action by any person);

"'(B) specifies and itemizes the stock to be divested; and

"'(C) fixes the period of time within which the distributing corporation must divest itself of all stock to be disposed of by it by reason of the suit, and such period expires not later than 3 years from the date on which such order becomes final (appeal time having run or appeal having been completed); and

"'(2) the court finds—

"'(A) that the divestiture of such stock, in the manner described in paragraph (1)(A), is necessary or appropriate to effectuate the policies of the Sherman Act, or the Clayton Act, or both;

"'(B) that the application of subsection (a) is required to reach an equitable antitrust order in such suit or proceeding; and

"'(C) that the period of time for the complete divestiture fixed in the order is the shortest period within which such divestiture can be executed with due regard to the circumstances of the particular case;

but no stock shall be divested stock if the court finds that its divestiture is required because of an intentional violation of the Sherman Act, or the Clayton Act, or both.'

"(b) The table of parts for subchapter O of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

"'Part IX. Distributions pursuant to orders enforcing the antitrust laws.'

"(c) The amendments made by this section shall apply only with respect to distributions made after the date of the enactment of this Act.

"SEC. 2. (a) Section 301 of the Internal Revenue Code of 1954 (relating to distributions of property) is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following new subsection:

"'(f) SPECIAL RULES FOR DISTRIBUTIONS OF ANTITRUST STOCK TO CORPORATIONS.

"'(1) DEFINITION OF ANTITRUST STOCK.—For purposes of this subsection, the term "antitrust stock" means stock received, by a corporation which is a party to a suit described in section 1111(d) (relating to definition of antitrust order), in a distribution made after September 6, 1961, either pursuant to the terms of, or in anticipation of, an antitrust order (as defined in subsection (d) of section 1111).

"'(2) AMOUNT DISTRIBUTED.—Notwithstanding subsection (b)(1) (but subject to subsection (b)(2)), for purposes of this section the amount of a distribution of antitrust stock received by a corporation shall be the fair market value of such stock.

"'(3) BASIS.—Notwithstanding subsection (d), the basis of antitrust stock received by a corporation in a distribution to which subsection (a) applies shall be the fair market value of such stock decreased by so much of the reduction for dividends received under the provisions of section 243, 244, or 245 as is, under regulations prescribed by the Secretary or his delegate, attributable to the excess, if any, of—

"'(A) the fair market value of the stock, over

"'(B) the adjusted basis (in the hands of the distributing corporation immediately before the distribution) of the stock, increased by the amount of gain which is recognized to the distributing corporation by reason of the distribution.'

"(b) The amendments made by this section shall apply only with respect to distributions made after the date of the enactment of this Act.

"SEC. 3. (a) Section 312 of the Internal Revenue Code of 1954 (relating to the effect on earnings and profits) is amended by adding at the end thereof the following new subsection:

"'(k) SPECIAL ADJUSTMENT ON DISPOSITION OF ANTITRUST STOCK RECEIVED AS A DIVIDEND.—If a corporation received antitrust stock (as defined in section 301(f)) in a distribution to which section 301 applied, and the amount of the distribution determined under section 301(f)(2) exceeded the basis of the stock determined under section 301(f)(3), then proper adjustment shall be made, under regulations prescribed by the Secretary or his delegate, to the earnings and profits of such corporation at the time such stock (or other property the basis of which is determined by reference to the basis of such stock) is disposed of by such corporation.'

"(b) Subsection (b) of section 535 of the Internal Revenue Code of 1954 (relating to accumulated taxable income) is amended by adding at the end thereof the following new paragraphs:

"'(9) DISTRIBUTIONS OF DIVIDEND STOCK.—There shall be allowed as a deduction the amount of any dividend distribution received of divested stock (as defined in subsection (e) of section 1111), minus the taxes imposed by this subtitle attributable to such receipt, but only if the stock with respect to which the distribution is made was owned by the distributee on September 6, 1961, or was owned by the distributee for at least 2 years prior to the date on which the antitrust order (as defined in subsection (d) of section 1111) was entered.

"'(10) SPECIAL ADJUSTMENT ON DISPOSITION OF ANTITRUST STOCK RECEIVED AS A DIVIDEND.—If—

"'(A) a corporation received antitrust stock (as defined in section 301(f)) in a distribution to which section 301 applied,

"'(B) the amount of the distribution determined under section 301(f)(2) exceeded the basis of the stock determined under section 301(f)(3), and

"'(C) paragraph (9) did not apply in respect of such distribution,

then proper adjustment shall be made, under regulations prescribed by the Secretary or his delegate, if such stock (or other property the basis of which is determined by reference to the basis of such stock) is sold or exchanged.'

"(c) Section 543 of the Internal Revenue Code of 1954 (relating to personal holding company income) is amended (1) by adding at the end of paragraph (1) of subsection (a) the following new sentence: 'This paragraph shall not apply to a dividend distribution of divested stock (as defined in subsection (e) of section 1111) but only if the stock with respect to which the distribution is made was owned by the distributee on September 6, 1961, or was owned by the distributee for at least 2 years prior to the date on which the antitrust order (as defined in subsection (d) of section 1111) was entered.'; and (2) by adding at the end thereof the following new subsection:

"'(d) SPECIAL ADJUSTMENT ON DISPOSITION OF ANTITRUST STOCK RECEIVED AS A DIVIDEND.—If—

"'(1) a corporation received antitrust stock (as defined in section 301(f)) in a distribution to which section 301 applied,

"'(2) the amount of the distribution determined under section 301(f)(2) exceeded the basis of the stock determined under section 301(f)(3), and

"'(3) such distribution was includible in personal holding company income under subsection (a)(1), then proper adjustment shall be made, under regulations prescribed by the Secretary or his delegate, to amounts includible in personal holding company income under subsection (a)(2) with respect to such stock (or other property the basis of which is determined by reference to the basis of such stock).'

"(d) Subsection (b) of section 545 of the Internal Revenue Code of 1954 (relating to undistributed personal holding company income) is amended by adding at the end thereof the following new paragraphs:

"'(10) DISTRIBUTIONS OF DIVESTED STOCK.—There shall be allowed as a deduction the amount of any income attributable to the receipt of a distribution of divested stock (as defined in subsection (e) of section 1111), minus the taxes imposed by this subtitle attributable to such receipt, but only if the stock with respect to which the distribution is made was owned by the distributee on September 6, 1961, or was owned by the distributee for at least two years prior to the date on which the antitrust order (as defined in subsection (d) of section 1111) was entered.

"'(11) SPECIAL ADJUSTMENT ON DISPOSITION OF ANTITRUST STOCK RECEIVED AS A DIVIDEND.—If—

"'(A) a corporation received antitrust stock (as defined in section 301(f)) in a distribution to which section 301 applied,

"'(B) the amount of the distribution determined under section 301(f)(2) exceeded the basis of the stock determined under section 301(f)(3), and

"'(C) paragraph (10) did not apply in respect of such distribution,

then proper adjustment shall be made, under regulations prescribed by the Secretary or his delegate, if such stock (or other property the basis of which is determined by reference to the basis of such stock) is sold or exchanged.'

"(e) Subsection (b) of section 556 of the Internal Revenue Code of 1954 (relating to undistributed foreign personal holding company income) is amended by adding at the end thereof the following new paragraphs:

"'(7) DISTRIBUTION OF DIVESTED STOCK.—There shall be allowed as a deduction the amount of any income attributable to the receipt of a distribution of divested stock (as defined in subsection (e) of section 1111), minus the taxes imposed by this subtitle attributable to such receipt, but only if the stock with respect to which the distribution is made was owned by the distributee on September 6, 1961, or was owned by the distributee for at least two years prior to the date on which the antitrust order (as defined in subsection (d) of section 1111) was entered.

"'(8) SPECIAL ADJUSTMENT ON DISPOSITION OF ANTITRUST STOCK RECEIVED AS A DIVIDEND.—If—

"'(A) a corporation received antitrust stock (as defined in section 301(f)) in a distribution to which section 301 applied,

"'(B) the amount of the distribution determined under section 301(f)(2) exceeded the basis of the stock determined under section 301(f)(3), and

"'(C) paragraph (7) did not apply in respect of such distribution,

then proper adjustment shall be made, under regulations prescribed by the Secretary or his delegate, if such stock (or other property the basis of which is determined by reference to the basis of such stock) is sold or exchanged.'

"(f) Subsection (b) of section 561 of the Internal Revenue Code of 1954 (relating to deduction for dividends paid) is amended to read as follows:

"'(b) SPECIAL RULES APPLICABLE.—

"'(1) In determining the deduction for dividends paid, the rules provided in section 562 (relating to rules applicable in determining dividends eligible for dividends paid deduction) and section 563 (relating to dividends paid after the close of the taxable year) shall be applicable.

"'(2) If a corporation received antitrust stock (as defined in section 301(f)) in a distribution to which section 301 applied and such corporation distributes such stock (or other property the basis of which is determined by reference to the basis of such stock) to its shareholders, proper adjustment shall be made, under regulations prescribed by the Secretary or his delegate, to the amount of the deduction provided for in subsection (a).'

"(g) The amendments made by this section shall apply only with respect to distributions made after the date of the enactment of this Act."

Mr. MILLS. Mr. Chairman, I ask unanimous consent to dispense with the further reading of the substitute amendment, and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Chairman, let me say briefly that this is the substitute amendment I referred to in my remarks.

The CHAIRMAN. The question is on the substitute for the committee amendment.

The substitute amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended by the substitute amendment.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore having resumed the chair, Mr. PRICE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8847) to amend the Internal Revenue Code of 1954 so as to provide that certain distributions of stock made pursuant to orders enforcing the antitrust laws shall not be treated as dividend distributions but shall be treated as a return of basis and result in gain only to the extent basis of the underlying stock is exceeded, pursuant to House Resolution 461, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. CURTIS of Missouri. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman from Missouri opposed to the bill?

Mr. CURTIS of Missouri. I am, Mr. Speaker.

The Clerk read as follows:

Mr. CURTIS of Missouri moves to recommit the bill H.R. 8847 to the Committee on Ways and Means.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SISK. Mr. Speaker, on rollcall No. 216 this afternoon on the arms control bill I was on the floor, but due to a telephone call I had to answer I failed to answer my name. I should like the RECORD to show that had I been present to answer, I would have voted "yea."

LEGISLATIVE PROGRAM

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I take this time to inquire of the acting majority leader as to the program for tomorrow or for the rest of the week, or as much as he can inform us at least at this time.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. ALBERT. Mr. Speaker, I advise the gentleman that we do have several conference reports coming in; one on the Peace Corps, for one, will be in tomorrow. There will be others.

We also have, by previous agreement, suspensions and District bills that will be in order tomorrow.

Beyond that we are hoping to move to conference reports on legislation which we have already cleared and which will be cleared tomorrow, just as quickly as we possibly can. I hope we will be able to dispose of the legislative business by the end of the week, speaking for myself.

Mr. HALLECK. Mr. Speaker, may I say to the gentleman that I heartily concur in that expression of hope. Likewise may I indicate that in my opinion there is no reason why we cannot wind up here by the end of the week. I know that that will certainly suit the convenience of many Members.

Mr. ALBERT. Mr. Speaker, I thank the gentleman.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. BONNER. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries have until midnight tomorrow to file a conference report on the bill H.R. 6775.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

OIL IMPORTS

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. WICKERSHAM. Mr. Speaker, it is my understanding that, within the next 30 days, revisions in the oil imports control program will be announced. It is clear that total permissible imports must be reduced if the objective of a healthy domestic industry is to be realized in the interest of national security.

I realize fully the need for cautious procedure, however. The Interior Department, as Secretary Udall has pointed out, should not move too hastily in formulating its recommended changes because there are many factors which must be considered.

I trust that these thorough deliberations are taking into full account depressed conditions in the independent oil producing segment of this country and the local and State economies which rely on it so heavily. These are matters of grave importance which might be overlooked while national security prop-

erly is stressed as an overriding reason for a healthy domestic oil producing industry.

In the State of Oklahoma, for example, the oil and natural gas producing industry is depressed to the point that 7,600 jobs have had to be eliminated in the last 5 years. In mid-1956, more than 50,000 Oklahoma wage earners were supporting their families through employment in the producing industry. By June of this year, that number had dropped to 42,500—a decline of 15 percent.

In 1956, crude oil production in Oklahoma averaged 590,000 barrels per day. Last year, the average had fallen to 525,000 barrels per day—an 11-percent drop. So far this year, production is about the same as last year's depressed level, not because of any inability to increase production, but because of a restricted market for Oklahoma oil.

Conditions being what they are in the domestic industry, the individuals and companies that drilled more than 8,000 wells in Oklahoma in 1956, drilled fewer than 5,000 last year. These declines have occurred during a 5-year period when the economy generally has been expanding.

The Federal Reserve Board reports that industrial production in August increased for the sixth month in a row, and established an alltime record at 113 percent of the 1957 average. This includes output from the Nation's factories, mines, and utilities. One segment of this category—U.S. crude oil production—was only 98 percent of its 1957 average, not 113 percent as was the group as a whole.

Cause for even more grave concern is the trend in reserves of crude oil found. In the 10 years following World War II, the oil industry expanded by about 15 billion barrels the petroleum reserves of the United States. In the last 5 years, however, with drilling activity severely depressed, less than 3 billion barrels has been added to this vital arsenal which will have to fuel us through any future emergency.

In Oklahoma, reserves actually have declined slightly each year since 1956. It does not take a statistical wizard to see that this decline will become more widespread and severe unless there is an improved market for domestic production, which would give the industry more funds to increase employment and the search for additional reserves.

As long as employment and number of wells drilled are on the decline, the danger of having inadequate reserves to meet a national emergency will be on the increase.

Oklahoma is not an isolated case at all, but, rather, is typical of most of this Nation's 33 oil- and gas-producing States in that imports of foreign oil are having a stifling effect on employment and the economy by holding the domestic oil producing industry well back from its capabilities.

It is my sincere hope that the administration will keep these facts well in mind as the revised oil imports program is formulated. If the changes are not sufficient to promote a stable, healthy, producing industry, Congress, of necessity, will be compelled to take such action as will carry out the national security objective of the import program.

THE UNITED NATIONS

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, the tragic death of Dag Hammarskjold, Secretary General of the United Nations, comes as a shock to all people who love freedom. His loss underscores the intense struggle that is sure to come between the Russians and the rest of the world over who shall replace the late Secretary General. The settlement of this issue will have much to do with whether or not the United Nations is reorganized and if so, whether it will be reorganized along lines proposed by Khrushchev or whether it will be reorganized along lines which meet the needs of the free world community. Khrushchev has long advocated the reorganization of the United Nations into a three-headed monster, that is, a Secretary General for the Communists, a Secretary General for the so-called uncommitted nations, and a Secretary General for the cause of human freedom. The results of such an arrangement are self-evident. The Belgrade Conference which ended in a complete fiasco exposes Khrushchev's intentions; it is now clear that the Secretary General for the so-called uncommitted nations would, in fact, be a second Secretary General for the Russian Communists.

It is time that the United Nations was reorganized. It is time that the United Nations was reorganized along the lines which give hope to the people of the world that the purposes of the charter of the United Nations will be fulfilled. This is the most urgent need of the day.

In the course of reorganizing the United Nations, for which the United States should take the initiative, steps should be taken to cause the Russians either to conform with the letter and spirit of the United Nations Charter or be expelled from membership in the United Nations.

There are many ways this step can be accomplished. The important thing is to bring this issue to a solution. The Russians must not be allowed to retain membership in the United Nations while at the same time working overtime on a global basis to destroy the very purposes of the United Nations.

In the process of reorganizing the United Nations, steps should also be taken to remove the precedent which holds that the Russians are entitled to a permanent Under Secretary in the United Nations whose role has been guardian of the security of the United Nations. The Russians have no right whatever to hold a key position in the United Nations by an ill-advised precedent, because they will use that position to hasten the total collapse of the United Nations. The record clearly indicates that the Russians have used the undersecretaryship, which they have held by custom, to protect the security of the Communist cause while wreaking havoc upon the security of the free world. It is time that the United States and the other free nations took a realistic look at this problem and took immediate steps to remove this special privilege which the Russians hold within the structure of the United Nations.

PAUL J. KILDAY

Mr. IKARD of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include an editorial.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. IKARD of Texas. Mr. Speaker, in the Army Times of September 9, 1961, there is a most timely article about the many years of splendid service rendered by my good friend and colleague, Congressman PAUL KILDAY, of Texas.

This article sets out in graphic detail the numerous pieces of legislation which PAUL KILDAY has sponsored to benefit military personnel, and the success and skill with which he guided this legislation through the Congress.

In accepting a position as judge on the Court of Military Appeals, PAUL KILDAY is moving into a different field of service in connection with military personnel, and the members of all branches of the Armed Forces will not lose his unique talents; these talents will only be utilized in a different manner. But the congressional district which he has served so long and well is losing him, and the State of Texas is losing him and his ability and influence in the Texas Democratic congressional delegation.

The U.S. House of Representatives is losing him, and this is a loss which will be irreparable, because PAUL KILDAY leaves a vacancy which cannot be filled in the hearts of his friends and colleagues in the Congress.

I wish to insert Mr. John Ford's article in the Army Times in the CONGRESSIONAL RECORD, because I feel this article expresses in some measure the respect and devotion which the Members of the House of Representatives have for our friend, PAUL KILDAY:

[From the Army Times, Sept. 9, 1961]

SERVICES LOSING A GREAT FRIEND IN CONGRESS

(By John J. Ford)

The men and women of the military services are losing as good a friend as they ever had on Capitol Hill.

That's because PAUL J. KILDAY, the gentleman from Texas, is retiring from Congress. Members of Congress are always called gentleman all the time but Mr. KILDAY always was one. He was also the most knowledgeable man in the Congress on military personnel legislation and the champion of service people at every turn. He fought a great many battles for them and he very seldom lost any. I can't help but wonder if their battles will be won as often in the future when he's not there.

There are good men and true in the House and in the Senate who are concerned about

the welfare of servicemen and their families. But there is only one PAUL KILDAY. The subcommittee on which he was chairman has undoubtedly written more legislation of benefit to military personnel than any other in the history of the Congress. The dependent medical care law, career improvement bills for doctors, nurses, trailer owners, pilots, divers and many other groups needing special help, the improvements to the Justice Code, the Career Compensation Act—all were written by Mr. KILDAY's subcommittee. And after they were written he guided them through the committee and through the House.

There are 37 members on the Armed Services Committee. That's a lot of politicians to bring into agreement and on difficult legislation they can get themselves embroiled in some monumental confusion. Time and again in such situations, Mr. KILDAY would ask for recognition, explain the situation clearly and lucidly and suggest the most reasonable solution. The committee would accept it, like men shown the light, and that would be that.

I have spent the better part of the last 7 years listening to politicians talk. It is not an occupation calculated to increase one's appreciation for the spoken word. But PAUL KILDAY was a joy to listen to. He has as good a voice, as clear a mind, and as even a temperament as any man I ever knew.

One place where this showed so clearly, and where the Armed Services Committee is likely to miss him so much, is on the floor of the House. His great prestige in the House helped to gain passage for bills that might have had a rough time without him. A case in point was the recent accrual flight-pay bill debate.

For those who do not understand the background of the bill it would be easy to criticize it as a measure to "pay officers for not flying." An unskilled floor manager would have had a very unhappy afternoon defending the bill. But Mr. KILDAY handled it so skillfully that by the end of the debate he had the arch midwestern conservatives congratulating him for saving the taxpayers' money.

The bills he handled were often, of necessity, extremely complex but his explanations of them were wonderfully lucid. He could always put the problems of the military into clear focus for the Members of the House. They relied on him and few indeed were willing to do battle with him. Fortune magazine called him 1 of the 10 most influential men in the House and Senate on military affairs.

PAUL KILDAY was born with a temperament for leadership. Over the last 7 years I must have covered 90 percent of his committee hearings and most of his floor debates. I never saw him lose his temper. I never saw him angry. I never saw him lose control of a political situation. He was always calm and he was always in command.

He also has those rare political qualities of humor and humility. Political leaders are vain by nature. If you can get them intelligent and honest and energetic that is usually the most you should hope for; you must expect them to be towering egotists. But KILDAY looks at the world and his place in it with humility and detachment. He will probably be less impressed with a column like this than just about anyone else in the Congress.

In the nature of things most military people will be unaware of the debt they owe to PAUL KILDAY. But they should not be.

Mr. KILDAY won't be entirely out of military personnel matters. He has been appointed a judge on the Court of Military Appeals.

But I hope those of you in the military service will pause to think of what PAUL KILDAY has accomplished in 22 years in the Congress. I am sorry to see him go. When he is gone, reporting will not be as much fun for me—and the living might not be as good for you.

THE SUPPLYING OF STRATEGIC ITEMS TO CUBA

Mr. LIPSCOMB. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include a letter from the Assistant Secretary of State and my answer thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LIPSCOMB. Mr. Speaker, on September 5, 1961, when the Foreign Assistance Appropriation Act, 1962, was under consideration in the House, I discussed the fact that under the malaria eradication program of the Pan American Health Organization-World Health Organization, various items having military potential were being supplied to Cuba.

Foremost among these items is a quantity of 32 Soviet-made four-wheel-drive jeeps that have been procured for Cuba under what in my view are unusual and questionable procedures. At that time I stated to the House that I had requested Secretary of State Rusk to oppose delivery to Cuba of any of these jeeps that have not as yet been shipped.

My communication to the Secretary read as follows:

My understanding is that during the third or fourth quarter of 1961, under the World Health Organization-Pan American Health Organization malaria eradication program 13 four-wheel-drive Soviet jeeps are to be supplied to Cuba. I would draw your attention to language in the House Appropriations Committee report accompanying the foreign assistance bill for fiscal 1962 endorsing restrictions on aid to Cuba and urge that every reasonable means be pursued toward stopping delivery of these jeeps. If delivery has not been accomplished on a quantity of 19 Soviet jeeps scheduled for prior delivery to Cuba under the WHO–PAHO malaria eradication program action toward stopping such shipment is also strongly urged.

For the information of the House, I am setting forth the reply received from the Department of State, which in my view is unresponsive and otherwise unsatisfactory, and my reply to that communication.

It is my hope that the Secretary of State will take appropriate action in opposition to the supplying of strategic items to Cuba.

DEPARTMENT OF STATE,
Washington, September 15, 1961.

DEAR MR. LIPSCOMB: The Department has received your telegram of September 5, 1961, concerning the jeeps supplied for the malaria program in Cuba by the World Health Organization-Pan American Health Organization.

It is important to keep in mind that these vehicles have not been given to the Cuban Government. They remain the property of the PAHO and their use is supervised by international personnel. If they are still serviceable after the operation in Cuba they will be sent to where they can be most effectively used.

When it became necessary to obtain vehicles for the program, the decision was made by the PAHO to use Soviet jeeps that were available in Trieste. As you know the U.S.S.R. made a voluntary contribution to the WHO malaria eradication special account in rubles and in kind. This contribution included the jeeps. International organizations have a difficult problem in utilizing this kind of tied contribution. The Organization has found that it can more readily utilize the contributions of the U.S.S.R. in the form of supplies, such as vehicles for transportation, than in the form of experts. In this case, furthermore, it was certainly preferable to have used the Soviet jeeps which required no outlay by the PAHO than to spend international funds, part of which would have been our own, to purchase the needed vehicles.

The malaria eradication program in the Americas, from its inception, has been strongly supported by the United States. In the national interest of the United States, it is clearly to our advantage to see that malaria is eliminated from all areas from which it might easily be reintroduced into this country, in view of the fact that the malaria-bearing mosquito is present in the southern part of this country.

The Department is aware of the language in the House Appropriations Committee report accompanying the foreign assistance and related agencies appropriation bill, 1962, and shares the desire of the committee that every reasonable means be used to prevent the strengthening of the Castro regime. However, in seeking to implement this objective in international organizations in particular cases, the Department must bear in mind other foreign policy considerations as well, such as the need to preserve the integrity of these institutions against cold war pressures. An attempt by the United States to render Cuba ineligible for assistance in such fields as health could prompt other nations to retaliate by attempting similar action to have assistance withheld from countries like the Republic of China and Israel.

The Department will always oppose the use by international organizations of funds from the foreign assistance appropriation for any activities contrary to the national interest of the United States. It will oppose the use of such funds for activities in Cuba except in cases such as the malaria eradication program considered to be in the national interest.

Sincerely yours,

BROOKS HAYS,
Assistant Secretary
(For the Secretary of State).

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 19, 1961.

The Honorable BROOKS HAYS,
Assistant Secretary of State for Congressional Relations, Department of State, Washington, D.C.

MY DEAR MR. HAYS: This is in further reference to my telegram of September 5, 1961, to Secretary of State Rusk concerning the matter of Soviet jeeps being supplied by the Pan-American Health Organization-World Health Organization to the malaria eradication program in Cuba, and your reply to me of September 15, 1961, in behalf of the Secretary of State.

I feel compelled to make various comments concerning the reply.

It appears possible from your letter that the full text of my telegram was not brought to your attention. For this reason, I am setting forth here its full text, which is as follows:

"My understanding is that during the third or fourth quarter of 1961, under the World Health Organization-Pan American Health Organization malaria eradication pro-

gram 13 four-wheel drive Soviet jeeps are to be supplied to Cuba. I would draw your attention to language in the House Appropriations Committee report accompanying the foreign assistance bill for fiscal 1962 endorsing restrictions on aid to Cuba and urge that every reasonable means be pursued toward stopping delivery of these jeeps. If delivery has not been accomplished on a quantity of 19 Soviet jeeps scheduled for prior delivery to Cuba under the WHO–PAHO malaria eradication program, action toward stopping such shipment is also strongly urged."

You state in reply, for example, that "when it became necessary to obtain vehicles for the program, the decision was made by the PAHO to use Soviet jeeps which were available in Trieste."

It should be pointed out that when negotiations were begun for the procurement of these jeeps, they were not available in Trieste. On December 16, 1960, following an earlier conversation in Mexico City with Dr. M. G. Candau, Director General of the World Health Organization concerning these jeeps, Dr. Abraham Horwitz, Director of the Pan American Sanitary Bureau, formally inquired as to the possibility of the World Health Organization supplying 32 vehicles, utilizing the ruble account.

During the conversation in Mexico City, Director General Dr. Candau had suggested that Cuba be first consulted to see whether it was possible for the Government of Cuba to obtain spare parts for the Soviet-made vehicles. Upon being consulted in that regard, Dr. Escalona, Subsecretary of Health of Cuba assured PASB that it was possible for his government to obtain spare parts for such vehicles, and these assurances were forwarded to Dr. Candau.

In January 1961, WHO informed Dr. Horwitz that it expected a consignment to WHO of 20 GAZ–69 jeep vehicles as part of the 1960 U.S.S.R. MESA contribution, which were to have been shipped on December 22, 1960, but for which WHO had not as of that time received shipping documentation. WHO informed PASB that it could allocate 19 of these jeeps to the Cuban program provided PASB decided promptly as to whether they wanted that particular vehicle. PASB was also advised that it might be possible for WHO to deliver 13 vehicles to Cuba out of the U.S.S.R. 1961 MESA contribution, but that delivery would be somewhat protracted.

It was known by PAHO in January 1961 that the Cuban Government had already obtained a certain number of vehicles to begin program activities. Even though the PAHO Washington headquarters did not actually know what equipment was already available for the program in Cuba, but did know that the GAZ–69 was not suitable for spraying purposes, it suggested to its field officials that the Russian jeeps could be procured and could be used to supervise spraying operations by sector chiefs, engineers, etc., and for evaluating personnel. In other words, it was understood, and suggested, that the jeeps be used for transport purposes.

Any investigation undertaken by the Department of State should have shown that the Government of Cuba agreed with the Pan American Sanitary Bureau, regional office of the World Health Organization, to provide materials, equipment, transports, and other facilities necessary for the development of the malaria eradication program in Cuba. Thus, under that agreement the Government of Cuba was supposed to provide transport equipment—the very thing for which these jeeps were supplied to Cuba.

From the foregoing it is clear that the Soviet jeeps were not actually in Trieste at the time in question. Furthermore, it is clear that the words "when it became necessary to obtain vehicles for the program" is an inaccurate, after-the-fact description of the situation that prevailed. Certainly it cannot be said to have been a situation under which these vehicles had become "necessary." Instead, it is a case of officials of the various international organizations involved simply arranging for the vehicles to be placed in Cuba.

Another aspect of this matter must be commented upon. Is it known to the Department that if the Government of Cuba had attempted to obtain jeeps to carry out their obligations under the agreement discussed above, they could not have obtained them either directly from the United States or from the United States through PAHO–WHO? The United States, acting in our national interest, has placed an embargo on the shipment of such items to Cuba for any purpose, health or otherwise. We are therefore participating in and contributing heavily to a program which circumvents, in effect, the embargo the United States has placed on such shipments.

It may well be asked also at this point: How can any U.S. Government official conclude the jeeps are "necessary" for any program in Cuba when our official policy prohibits sale of jeeps to Cuba?

Your letter further indicates that the Soviet jeeps would remain the property of PAHO and that their use is supervised by international personnel. Has any attempt been made by the United States to determine actually what their use is or will be? Concerning the likelihood of the jeeps being transferred elsewhere after the Cuba operation, in my view it is significant that prior to the time the arrangements to send these jeeps to Cuba were concluded, an inquiry was made to the Government of Cuba as to whether it could supply spare parts.

Your letter also states as follows:

"An attempt by the United States to render Cuba ineligible for assistance in such fields as health could prompt other nations to retaliate by attempting similar action to have assistance withheld from countries like the Republic of China and Israel."

One of the major points of my objections is that the items provided have a military potential. In acting to stop such shipments, the United States would not be acting in opposition to or against rendering assistance in the field of health, but rather we would be objecting, as I believe we should, to supplying military equipment to Cuba under the guise of a health purpose. The claim that other nations would be prompted to retaliate by attempting to have assistance withheld from certain other nations apparently is based on an assumption that any retaliatory claims would be based on legitimate grounds, and furthermore, that they would be successful.

With the United States the prime contributor to the international organizations discussed herein and to numerous other international organizations, and, as well, a provider of billions of dollars of aid on a unilateral basis, is it honestly believed that the United States should timidly abstain from objecting to actions contrary to the security of the United States on grounds that such action could give rise to spurious attempts calculated to deny aid to certain nations you cite in your letter?

It will be recalled that in my telegram I urged that if delivery has not been accomplished on the 13 Soviet jeeps to Cuba scheduled for later delivery to Cuba under the PAHO–WHO malaria eradication program, that action toward stopping such shipment be taken. No direct comment is contained in your letter pertaining to this request. I would appreciate knowing specifically whether the Department will oppose shipment of any of these jeeps not yet shipped to Cuba, or whether it will not oppose such shipment.

I have in this letter discussed only the problem of Soviet jeeps being supplied to Cuba under the malaria eradication program. Other items of strategic importance are also being shipped to Cuba under the program. For your information I am enclosing a reprint of my remarks to the House of Representatives September 5, in connection with the Foreign Assistance Appropriation Act, 1962, in which this entire program is discussed in detail. I believe it is imperative that the United States act at once to halt this flow of strategic materials to the Castro government.

Sincerely yours,

GLENARD P. LIPSCOMB,
Member of Congress.

DAG HAMMARSKJOLD

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an editorial.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, the House of Representatives mourns the tragic death of Secretary General Dag Hammarskjold of the United Nations. It is a shocking and devastating blow. He epitomized the great good of this world Organization. More than anyone else, when it was buffeted by political storms and about to crash on the reefs of war, he put it back on course and patiently, painstakingly proved that without this Organization, designed to lift the terrible burdens of war and inequities from the shoulders of mankind around the globe, the world we know would surely be doomed.

The prayers of all humanity, interested in perpetuating the reasons for the very existence of the United Nations, should be raised to heed his pleas. Without the United Nations, barbarism would stalk the world, the little, nonpowerful, and independent nations would be ground into dust. The arena of world struggle and politics would be left solely to the big powers. All that the United Nations stood for and proclaimed would be gone.

Mr. Speaker, in this solemn hour, let nations concerned with freedom and liberty ring out with the pledge that the United Nations cannot and must not die. Let them join in the sentiments expressed by the magnificent editorial in today's New York Times:

DAG HAMMARSKJOLD

But for the patient, indefatigable leadership of Dag Hammarskjold, the United Nations might not exist today. Quietly, shrewdly, persistently he labored to maintain it against heavy odds and to enhance its effectiveness in a world that teeters on the brink of catastrophe.

Mr. Hammarskjold established his office and the United Nations as instruments of a code of moral law. If humanity survives the menace of a nuclear holocaust that he strove so valiantly to avert, history will surely mark his career as one of the great forces for a better world.

He began his tenure at the United Nations modestly, the epitome of a devoted international civil servant. By displaying

absolute neutrality and fairness, by showing absolute discretion in keeping confidences, he gained the trust of all parties and built up his role as peaceful arbiter.

Such successes as his quiet negotiation of the Arab-Israeli withdrawal from the Gaza strip, the establishment of the United Nations Emergency Force to keep the peace there and his handling of the confused Congo situation are outstanding examples of his diplomatic and organizing abilities. In these and other moves he based his authority on the spirit of the charter and a liberal interpretation of United Nations instructions which he often inspired. This enabled him to act with independence in the pattern of the responsible leader of a world parliament.

Mr. Hammarskjold's death is an incalculable loss. He had built himself and his office into one of the great hopes for world peace. He came to represent what was honorable and rational in a chaotic world full of hate and suspicion. There could be no better tribute to him than to bring his body back in state and bury it in United Nations ground under a fitting monument to remind all men of the values for which he lived and died.

THE PRESIDENT DOESN'T PRACTICE WHAT HE PREACHES

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MICHEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, the following is a message from the President prefacing an article on fallout shelters which appears in the most recent issue of Life magazine:

THE WHITE HOUSE,
September 7, 1961.

MY FELLOW AMERICANS: Nuclear weapons and the possibility of nuclear war are facts of life we cannot ignore today. I do not believe that war can solve any of the problems facing the world today. But the decision is not ours alone.

The Government is moving to improve the protection afforded you in your communities through civil defense. We have begun, and will be continuing throughout the next year and a half, a survey of all public buildings with fallout shelter potential, and the marking of those with adequate shelter for 50 persons or more. We are providing fallout shelters in new and in some existing Federal buildings. We are stocking these shelters with 1 week's food and medical supplies and 2 weeks' water supply for the shelter occupants. In addition, I have recommended to the Congress the establishment of food reserves in centers around the country where they might be needed following an attack. Finally, we are developing improved warning systems which will make it possible to sound attack warning on buzzers right in your homes and places of business.

More comprehensive measures than these lie ahead, but they cannot be brought to completion in the immediate future. In the meantime there is much that you can do to protect yourself—and in doing so strengthen your Nation.

I urge you to read and consider seriously the contents of this issue of Life. The security of our country and the peace of the world are the objectives of our policy. But in these dangerous days when both these objectives are threatened we must prepare for all eventualities. The ability to survive coupled with the will to do so therefore are essential to our country.

JOHN F. KENNEDY.

FALLOUT SHELTER—A NEW URGENCY, BIG THINGS TO DO AND WHAT YOU MUST LEARN

The President's letter to all Americans—preceding this article—emphasizes the urgency which could be felt across the Nation last week. As the warlike rattle rolled out of Moscow and as small amounts of fallout from the daily successions of Soviet nuclear tests floated over the United States, the people woke up to the fact that they ought to be doing something to protect themselves.

This was a new idea. For years, most people have had the fatalistic idea that it was no use trying to do anything about protection against a nuclear bomb. If the blast did not kill them, they felt, radiation certainly would. The man down the street with a backyard shelter was considered odd. But he is actually a solid, sensible man—and a responsible citizen.

If the enemy attacks, he will probably aim first at military targets like missile and SAC bases. Large cities and industrial centers, which do not have the capacity to strike back, will be secondary targets. If a military objective attack should come now to an unprepared nation, 45 million Americans—a fourth of the population—would die. Some would die in the blast. But the greatest danger to by far the greatest number would come from fallout, the deadly cloud of radioactive dust and debris which would blow across the land.

Hundreds of miles from the target, people would come into contact with destructive fallout, which they could not necessarily see, touch, or smell. They could get enough on their skin to cause burns and sickness. Fallout might also contaminate their food and water and damage their vital organs.

But if Americans took precautions against fallout the mortality could drop sharply. About 5 million people, less than 3 percent of the population, would die. This in itself is a ghastly number. But you have to look at it coldly. Unprepared, there is one chance in four that you and your family will die. Prepared, you and your family could have 97 chances out of 100 to survive.

Basically, fallout protection consists of covering your body, food, and water so the radioactive particles cannot contaminate them. If you have sufficient shielding between you and the fallout you are safe. You should be prepared to take cover for at least 2 weeks.

Obviously, this will not always be easy to do. What if you are in a city like New York? Though some notable steps have been taken [above], most cities are far behind in their preparations for fallout protection. People must know instantly where to go. But your chances of surviving fallout in a big city would be good. If you are in a large apartment house or office building you could either go to the basement or stay in an inner corridor on one of the middle floors.

A subway system or any city tunnels offer an excellent shelter. Wherever you live or work, you should try to keep a portable supply of water ready. You can live for several weeks without food, but not without water.

It is likely that any attack will come at night while you are at home—so the enemy will have daylight to prepare for the retaliation. (When it is midnight in New York, it is 8 a.m. in Moscow.) If you own a home, you can build a family shelter there. No civilian shelter will stand up against a direct or nearby blast. And the 97-percent survival figure is the optimum, based on good protection and some warning. There is no guarantee that any of your defenses—or even the Nation's defenses—will be adequate if the enemy attacks all out with complete surprise. But they will increase your odds. And every family shelter will contribute to the Nation's total deterrent. For if the United States is so well prepared that it cannot be knocked out, the enemy may never attack.

Fallout preparation will take effort, money—and time. On these pages, Life shows practical ways in which you can protect yourself and your family and a rundown on what to do in an attack. If you want a rudimentary shelter, you can dig a cave in a hillside or build wooden double walls in your basement, filling them with earth. But good shelters can be built at modest expense. The next six pages give detailed plans for three types, based on information in official civil defense publications.

SIMPLE ROOM IN BASEMENT BUILT WITH CONCRETE BLOCKS

One of the simplest and least expensive ways to build a shelter is to wall off part of the cellar with concrete blocks. The drawing above [not printed in the RECORD] shows such a shelter in cutaway form. The plans on the opposite page explain how it is put together. First, you pick a corner where there are no windows, mark your dimensions on the floor and put down a layer of wet mortar at least three-eighths of an inch thick to hold the first row of cement blocks. Build up layers, consulting a how-to-do-it book or manufacturer's pamphlet on best way to apply mortar. Use a level diligently to keep layers straight and even. Leave four ventilation holes in second layer. Stop when you are within 16 inches of the ceiling to leave room for shelter roof. Build baffle wall (next to the garbage cans above) to the same height as other walls. Baffle will stop most radiation, which behaves like light and does not go around corners, from entering the shelter door.

Place three upright 4- by 4-inch posts against one basement wall (wall at left in drawing, above [not printed in the RECORD]). Nail a 4- by 6-inch beam across the top of them. When mortar is dry lay the ceiling joists on edge with 12½ inches between their centers and with one end of each joist resting on the beam and the other end resting on the block wall, 4 inches from the outer edge. On remaining 4 inches, put blocks laid on edge to form top layer of walls.

Nail the first planks of 1-inch sheathing across the beams. Stack two layers of concrete blocks, unmortared, on top of sheathing. Move forward a foot or two at a time, adding sheathing and blocks until the roof is completed.

The materials for this shelter should cost no more than $200. It offers no protection against blast, but it would reduce radiation to at least one one-hundredth of what it is outside. The shelter requires no air blower, since the family would breathe air circulating through a fairly well protected basement. In periods of safety, which would be announced over the radio, the family could dash out of the shelter for extra water cans (next to ping-pong table above) or to use the pails outside. The large one is for garbage, which should be wrapped in thick paper. The smaller pail is for human waste, which should be deposited in cans or plastic bags and sprinkled with disinfectants and deodorants until it can be buried. A camping toilet can be bought for $8.95.

One word of warning: if a nuclear warhead should hit within 10 to 15 miles of you, the house might catch on fire or be blown down around you. For this reason some people prefer to place their shelter outside, as far from the house as possible. Aside from that possibility, the shelter above is a good one. The materials listed at right are measured for this shelter. Any change in dimensions will require some new measurements.

BIG PIPE IN THE BACKYARD UNDER 3 FEET OF EARTH

If you have no basement—or decide not to use it—you can dig in outside and construct a reinforced concrete bunker in the ground, then cover it up with earth. But reinforced concrete requires the services of a contractor since it must be mixed, poured and cured with precision to make it safe. An easier and less expensive backyard shelter is shown here. It consists of a section of galvanized corrugated steel which almost any steel distributor can provide because it is of a standard type and size used in road underpasses. The pieces for the hatchway would have to be cut to order. The shelter should be closed in at both ends with steel bulkheads and fitted with the entrance before being buried. A wall of cement blocks jutting more than halfway across the width of the shelter serves as a shield against any radiation which might get in through the entrance hatch.

Although you can do much of the work on this shelter yourself, you will probably want to hire a contractor to dig out the hole in your yard with a bulldozer and to cover up the shelter when you are ready. You will also need the services of a welder to seal up the ends and help construct the entrance. Materials for this shelter cost approximately $700. The fees for the welder and the bulldozer might run to another $150. The completed shelter would reduce radiation to less than one one-thousandth of what it was outside. And it would even give fairly good protection against nuclear blasts several miles away.

You can bury a fallout shelter like this as deep as you want—completely underground, or only part way as shown here. A high water level or the presence of rocks on your property might prevent you from digging deep. You should pile at least 3 feet of earth on the shelter which will act as a shield and absorb radiation. The shelter should be watertight to keep out seepage from any rainfall which might have become contaminated by fallout. One way to do this is to bury a thick sheet of polyethylene plastic over the shelter to drain away seepage. Then place earth over and around the shelter, tamping it well. Plant the top with sod to keep it from washing away in a heavy rain and exposing the shelter to radiation.

As in any outdoor shelter, you must be more self-sufficient than you would be in a basement. You must provide your own fresh air and take pains to see that it is not contaminated. The best way is to install an air intake pipe at one end of the shelter and an exhaust pipe at the other. A hand-powered blower—the electricity might go out—is attached to the intake pipe to pull air in. Vents on top of both pipes should be topped by screen to filter fallout. Both pipes should have at least one elbow bend in them to keep out radiation.

The hatch, which the man above is closing, should be sealed as soon as everyone is inside to keep the pure air in and the contaminated air out. The entire family can take turns working the blower. A family of six sealed up inside a shelter will need a minimum of 18 cubic feet per minute. With an average blower capable of providing 60 cubic feet per minute, they need turn the crank only a few minutes at a time every hour or so. Motor-run blowers are available, but your power may go out.

A DOUBLE-WALLED BUNKER FOR SAFETY ABOVEGROUND

In rocky or watery areas where you cannot dig down far enough to sink a metal shelter, the shelter shown here provides a good solution. It is put together from double walls of concrete blocks built on a footing of reinforced concrete. The gap between the walls is filled with well-tamped earth or gravel. The roof supports a 28-inch pile of bank-run gravel which should be packed down tight and can be topped off with a layer of grass. Sheets of roofing felt, set in tar, line the top and walls of the roof, turning it into a pan which will catch water and drain it off at the corners through small pipes.

Here again a baffle wall forms a corridor between the outer entrance of the shelter and the safe inner sanctum. The outside corridor is stocked with some of the family's needs—closed cans of drinking water, emergency tools and tightly sealed pails for garbage and human waste. Extra concrete blocks should be stacked up in the corridor to help block the outside door against radiation. A blower mounted near the commissary shelves sucks in fresh air, and a pipe jutting up at the far right serves as an outlet.

Except for the concrete floor, the shelter could be built by any enterprising do-it-yourself family. The blocks can be hollow to save effort in laying them. But the cores should be filled with mortar, sand, or plain dirt to add to the shielding. There are a few other tricks to know. The blocks should be laid two or three layers at a time to make it easier for you to tamp down the earth which fills them. Steel ties should be placed between the two walls at regular intervals while the mortar is still soft to hold them together. Take care when tamping the earth or gravel that you do not crack the mortar. You should tamp the fill down about 4 inches at a time. If you use gravel fill, tamp it down in 8-inch layers. In cold climates, where fill might freeze and crack walls, make entire wall from blocks.

The materials needed for this shelter, which provides almost complete protection against fallout, run to about $700. Contractor's fees would run the cost higher if you decide not to build it yourself. One contractor in Florida, for example, is building a similar model, complete with bunks, shelves, a blower and a chemical toilet for a total of $2,195.

A $700 PREFABRICATED JOB TO PUT UP IN 4 HOURS

U.S. manufacturers are hitting the market with all kinds of survival gadgets, including prefabricated shelters. Some are ill-conceived models which might be both unsafe and uncomfortable. There is one good check on fly-by-night shelter engineers: you can get an FHA-insured loan for your fallout shelter—with no downpayment—provided it meets civil defense specifications. One shelter which does is shown above and to the right [not printed in the RECORD]. Designed for the basement, it consists of 73 prefabricated steel sections which can be delivered to your home for under $700. The Kelsey-Hayes Co. of Detroit which thought it up is now turning out 5,000 copies of it per month, and Sears, Roebuck & Co. will make it available in some stores this fall.

Choosing a shelter and putting it up is only part of your problem. Next comes the question of what to put in it. A variety of equipment is on the market. A plastic suit to protect your skin and clothing from radioactive dust sells for $21.95. But you do not have to buy any of them. All you really need is a 2-week stock of covered, nonperishable foods—canned goods are best—and a supply of water. The water must be covered to keep it safe. It would form algae if stored in bottles, but you could tap the hot-water heater if you ran out. And you can buy water in cans, too.

FAMILY IN THE SHELTER, SNUG, EQUIPPED, AND WELL ORGANIZED

Inside the Kelsey-Hayes shelter which he and his son have put together, Art Carlson and his family demonstrate how a family might divide the responsibility for making it safe and livable. Here Carlson shows a table full of equipment which he would care for. It includes emergency tools like shovel and pick for digging out through debris, a fire extinguisher, first aid kit and bottled gas stove for cooking. Mrs. Carlson sits next to the larder of canned foods and the supply of water which she will keep fresh by frequent changes. Daughter Charlene is in charge of bedding for the folding cots and foldup bunks. Son Claude looks after the candles, flashlights, transistor radio and a fresh supply of batteries. Daughter Judy is the shelter librarian with a stock of books and games to help pass the time. The shelves also contain paper napkins, cups and plates, toilet tissue, cooking utensils, and changes of clothing for everyone. The inside walls of the shelter are painted bright colors to add a note of cheerfulness and increase illumination.

RUNDOWN OF THINGS TO REMEMBER IN CASE ATTACK SHOULD COME

The standard civil defense signal for an alert is a steady 3- to 5-minute blast of a siren or whistle. The warning to take cover is a 3-minute period of short blasts or a wailing siren. If an attack should come, however, the first warning you may get could be the flash itself. Your first move should be to close your eyes and bury your head in your arms or clothing to block out the light. The flash may last for several seconds, so keep covered until it begins to dim.

The shockwave will come next. Take cover so you will not be knocked down. If you are in a car, roll down windows to avoid flying glass and lie on the floor. Try to count the seconds between the flash and shockwave. This will help you estimate how far away the bomb has hit and how long you have to find better cover before the fallout can reach you. To get the distance of the blast in miles count the seconds and divide them by five. The fallout would travel at a minimum speed of a mile in 3 minutes.

Wherever you are, try to reach a radio—preferably a battery radio since the electricity may be out—and tune it to 640 or 1240 on your dial, which are the conelrad frequencies for emergency instructions. If you have a shelter, go to it immediately. If there seems to be time, you should turn off all electrical appliances so they will not start a fire if subsequent blasts damage your home. Close windows and doors. Shut off your furnace or heaters and gaslines. Close your chimney dampers to keep out dust. Turn off the inlet valve to your water heater so that the water supply will be cut off before it becomes contaminated. Fill available tubs and utensils with water. Water from underground reservoirs and deep wells will be safe, uncontaminated by fallout. Remember that water will probably be needed not just for drinking but for washing off fallout dust.

Rogers Cannell, civil defense expert at Stanford Research Institute, emphasizes the importance of having you and your family ready with a rehearsed plan for survival so that each member knows exactly what to do. Unless advised to do so you should not try to evacuate, for you may only move from a relatively safe area to one where fallout is greater. Your children should remain at school—unless they are advised to the contrary—and comply with the school survival plan rather than risk exposure by heading for home.

If you have no shelter and there is an hour or so left before the fallout is due to reach your area, you can block up the windows

of your basement with 1 foot of earth, and take shelter there under tables on which you have piled books and magazines for extra shielding. You should also get together a supply of food and water and take it to the basement with you.

If you think you have been contaminated by fallout, remove all your clothing as soon as possible and wash off your skin and especially your hair. You may eat canned or packaged food (after washing off the container) and even fresh fruits and vegetables, provided you peel them first. The best first aid for radiation sickness—whose symptoms are nausea, fatigue and fever—is to take hot tea or a solution of baking soda to combat the nausea and aspirin for the fever. You can recover from a mild case of radiation sickness just as you recover from a cold. It is not contagious.

Radiation loses its deadliness rapidly. It is only one-tenth of its original strength 7 hours after an attack. After several days you may be able to leave your shelter to pick up extra supplies of food and water. In any event, before your family leaves the shelter you should wait for official instructions over the two conelrad frequencies.

Mr. Speaker, I am sure we all noted that the President stated in his letter:

Nuclear weapons and the possibility of nuclear war are facts of life we cannot ignore today.

However, from all appearances, the President cannot convey the real import of his words to even his own official family. To point this up I wish to insert at this point an article from the September 16 issue of the Washington Star. However, since the President is spending about as much time at Cape Cod and Glenora as he is at the White House, I feel the article might have made mention of these locations. The article follows:

TOP OFFICIALS APATHETIC TO HOME SHELTERS

President Kennedy is spurring Americans on to build home fallout shelters to cut the Nation's losses in case of nuclear war—but to his official family the idea seems to be a yawn.

Of 14 high officials who sit with Mr. Kennedy on the National Security Council or in the Cabinet, not a single one has yet built a home shelter.

Postmaster General Day, however, has picked out what looks like a pretty safe corner in his basement and is stocking it with canned goods and other survival items.

A few others are arranging for shelters, or thinking about it in a nonurgent way, but in most cases the reaction appears to be: "Who, me?"

The high officials who are minus shelters aren't explaining, for the most part, but among the lower echelons an air of jaunty fatalism is widespread. One subordinate official said:

"If the big bangs begin, Washington will be a prime target. I live in Georgetown, close to the center of things. I'd be vaporized, shelter or no shelter, so why bother?"

This attitude isn't universal by any means, and quite a few shelters have been built in the Capital, though not by the real bigwigs.

Here's a rundown on the top-rankers:

President Kennedy: The White House has an elaborate bomb shelter built during the war. Mr. Kennedy has several secret shelters to go to within a 2-hour auto drive or 20-minute helicopter trip from Washington.

Vice President JOHNSON: He recently bought a French chateau-type home in Spring Valley, but is living in a hotel while the house is revamped. The revamping does not include a fallout shelter, aids said.

Secretary of State Rusk: He and Mrs. Rusk have been talking over the shelter idea but are undecided yet.

Secretary of Defense McNamara: He's arranging to have a shelter installed in the big house he rents on Kalorama Circle. He really has to have a shelter to set an example, if for no other reason. Mr. Kennedy recently gave him command of the nationwide shelter program.

Frank B. Ellis, Civil Defense Director: He rents a house, and is trying to get a shelter designed that can be readily moved if the next tenant doesn't want it.

McGeorge Bundy, Presidential Assistant for National Security Affairs: No shelter, aids said.

Secretary of the Treasury Dillon: No shelter.

Attorney General Kennedy: No shelter.

Secretary of Agriculture Freeman: No shelter.

Secretary of Commerce Hodges: He's an apartment dweller and can't have a shelter of his own.

Secretary of Labor Goldberg: Has two homes, in Washington and Chicago. Doesn't contemplate a shelter.

Secretary of Welfare Ribicoff: He rents in Georgetown and feels he cannot do anything about a shelter.

One high official who is really shelter conscious is Roswell L. Gilpatric, Deputy Secretary of Defense. He has two, one at his Long Island home and one at his house at Gransonville on Maryland's Eastern Shore.

Mr. Speaker, what is even more interesting is that a previous article in the August 8 issue of the Washington Star pointed up that only one of seven Civil Defense chiefs in the area has a shelter. Indeed, the gross lack of regard by the very people espousing these civil defense programs is shameful. How can they expect the American public to take these programs seriously?

This is most unfortunate because I feel that our chances of avoiding a nuclear war may hinge largely on how well we prepare to survive an H-bomb attack. An enemy who knows that a large proportion of the American population would live through a nuclear bombing might be less inclined to unleash these weapons of horrible destruction. Dr. Edward Teller, noted atomic scientist, who has made extensive studies of the problem recently indicated that one third of our people would not be in danger because they do not live near targets and a great majority of the remaining two-thirds could be saved by proper defense preparations. Following is the interview with Dr. Teller as reported in the September 13 issue of the Washington Star:

NUCLEAR WAR AND SURVIVAL—ACT NOW, TELLER SAYS, TO PROTECT POPULATION

(By Alton Blakeslee)

NEW YORK, September 13.—The date is some dreadful tomorrow.

The holocaust of nuclear war suddenly sweeps the United States.

But 90 percent of Americans could actually survive, declares Dr. Edward Teller of H-bomb fame.

And in 3 to 4 years, they could rebuild desolated industries, cities, schools, homes. Democratic institutions would function again.

Lingering radiation would be a problem, but not insuperable, he says. The human race would not perish. Nor would future generations be destined to be born as misshapen monsters.

Dr. Teller is convinced this country and other nations could survive despite the "doomsday" fear which grips and paralyzes millions of people in the face of nuclear war.

Indeed, he regards this attitude and lack of defense as a temptation for a well-prepared nation to launch thermonuclear war.

And it is an invitation to panic and wholesale needless loss of life if bombs ever fall, says the famous physicist of the Lawrence Radiation Laboratory of the University of California.

SURVIVAL STEPS

Three steps could create the defense for insurance against war, or for national survival if it comes, Dr. Teller said in an interview challenging many general conceptions:

1. Building shelters against fallout and against the blast and fire from nuclear bombs.

2. Stockpiling surplus food, machinery, machine tools, generators, building materials—the essentials to generate power, start factories, build more machines, transport people and goods, and assure communications.

3. Planning organized efforts to carry people through the terrible early days, and the hard, demanding, cooperative labor to rebuild modern civilization.

It would cost billions of dollars, perhaps an average of $4 billion for some years, Dr. Teller says.

"A first step could be simply to distribute our surplus foods to strategic places throughout the country. This could be done in half a year."

"I believe the Russians will be more likely to attack if we are not prepared," he asserted.

"It is quite clear the Russians are doing more than we are in creating a defense. I have heard they have good shelters for at least a fraction of their population. They are not in fine shape, but they are ahead of us.

"With a system of defense, and organization, we could win a war. By showing we are prepared, we could avoid it," says the Hungarian-born scientist.

Dr. Teller warns the time is short.

Soviet resumption of nuclear testing is frightening, he says. For it could mean the Soviets have been testing new weapons secretly underground in the past 2 or 3 years, and have decided to make open tests simply to answer some final questions.

The Soviets knew open testing would force or irritate the United States into more testing, and arouse adverse opinion.

But an edge won through secret testing could mean "they are so far ahead in weaponry they don't care what we do."

Dr. Teller says "if we don't prepare, 100 million Americans could die in the first days of an all-out nuclear war. Thirty to forty million more could die from starvation and disease. The United States would cease to exist.

"But I firmly believe 90 percent of our population could be saved."

Nuclear war "would be one of the most horrible things imaginable, and everything should be done to prevent it," Dr. Teller says.

NOT END OF EVERYTHING

But, he says he is dismayed by "those who say that a nuclear war necessarily means the end of everything," adding:

"The fear of radiation is much greater than it deserves to be. It is not true that radiation, even from an all-out war, would destroy all forms of life.

"And it is simply not true that if war came, everything is hopeless.

"We can prepare.

"One-third of our people would not even be in danger, because they don't live near targets the bombs hit.

"One-third could be protected well enough by fallout shelters.

"One-third would be in trouble, but they could have a 70-percent chance of survival, if given decent shelters."

Brig. Gen. William Barrett, retired, civil defense consultant, of Burlington, Vt., told the Associated Press:

Fallout shelters are ratholes. I'd rather go out in a flash than be burned slowly to a crisp.

Despite such ridiculous statements, Dr. Teller is convinced that a majority of the free world can survive. I for one feel that Dr. Teller knows a great more about nuclear war than does Brigadier General Barrett and Dr. Teller has summed up Barrett's attitude by emphasizing:

The fear of radiation is much greater than it deserves to be. It is not true that radiation, even from an all-out war, would destroy all forms of life. And it is simply not true that if war came everything is hopeless. We can prepare.

Mr. Speaker, until we remove stupidity and inefficiency from the civil defense program, the American public will remain completely confused. A good example of what I mean is the following letter from a constituent:

PEORIA, ILL.,
September 8, 1961.

DEAR MR. MICHEL: We are trying very hard to build a bomb shelter for ourselves. We are finding it almost impossible to do because of some recommendations listed in the civil defense Government pamphlets.

About 6 weeks ago, Dr. [her husband] wrote away [and enclosed checks] to two different companies recommended in the Government booklets. One: the Olson Electric Co. in Toledo, Ohio, for our lighting unit; and also to Buffalo Forge, Buffalo, N.Y., for our ventilating system.

Now, after 6 weeks, the Olson Co. says we might wait 2 months or longer (and it will be longer for our lighting unit). And Buffalo Forge says they will ship our ventilating system as soon as possible. That means nothing to me. It might not be possible for them to deliver in 2 years.

The Olson Co. it seems (from the sales representative we heard this a week ago) has many Government orders to fill as does Buffalo Forge. I didn't realize this was only a governmental crisis, and not an individual one as well.

The Office of Civil Defense has no business in recommending companies to purchase from, when they already know by their own ordering that it will be months before an individual order will be filled. I would appreciate any recommendation you might give in order to keep the Russians away from my door or maybe once again we are being used as Government "whipping boys" and there really isn't any emergency at all.

Thank you, and,
Sincerely,

_____.

Frankly, I do not blame this lady for being disgusted. If civil defense leaders are going to recommend various firms to do the work on fallout shelters, it is imperative that the materials be furnished promptly and that they meet specifications.

Mr. Speaker, once again I call upon the administration to produce less talk and more action.

WBZ CELEBRATES ITS 40TH ANNIVERSARY OF BROADCASTING

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, WBZ, Boston, Mass., broadcasts the wonders of radio entertainment, news, and special features into millions of homes in the Northeastern States. Forty years of service have earned the respect and affection of such a large audience that WBZ is almost like another member of the family.

Westinghouse has always been one of the great names of the communications industry. When the infant called radio was born, Westinghouse was one of the first to realize its potentialities for bringing the blessings of recreation, information, and inspiration to folks at home. On September 19, 1921, it engineered a remote broadcast from the Eastern States Exposition in Springfield, Mass. That was the beginning of radio station WBZ. Through the years it has constantly improved the balance and the quality of its programing, and has nurtured a close and responsive relationship with its listening audience.

It was H. P. Davis, vice president of the Westinghouse Electric & Manufacturing Co., who inaugurated the era of radio broadcasting which is described as the first means of instantaneous collective communication.

Westinghouse opened the world's first commercial radio station, KDKA, Pittsburgh, on the night of November 2, 1920, with a "public service" program. As it received the returns of the Harding-Cox presidential election by telephone from the Pittsburgh Post, it broadcast them to the "new audience." That first-night audience was a small one, composed of officials and friends sitting in their respective homes, as they tuned in the simple receiving sets manufactured by Westinghouse and adjusted the earphones that were clamped like a vise over and around their heads.

After that successful experiment, KDKA went on a regular schedule, broadcasting every evening from 8:30 to 9:30.

The second Westinghouse station, WBZ, Springfield, Mass., opened on September 19, 1921; followed by a third, WJZ, Newark, N.J., on October 1, 1921; and a fourth, KYW, Chicago, Ill., on Armistice Day, 1921.

Westinghouse pioneered four in a row.

We, in New England, are proud of WBZ for its leadership in developing this democratic means of communication that gives happiness, consolation, helpfulness, and companionship to so many persons.

When it became possible to send moving pictures as well as voice and sound over the airwaves WBZ leaped at the opportunity to provide greater service for its audience. Earlier this summer, WBZ-Television celebrated its 13th anniversary. In 1948, WBZ–TV's first program reached 5,000 TV homes. Today that same program could be seen by 1¾ million TV homes, or approximately 6½ million people.

It is this confident faith in progress, and the generous spirit of sharing its fruits with an ever-widening circle of human beings that characterizes the management and staff of WBZ. And it is representative of the alert and enterprising spirit of New England.

On the 40th anniversary of WBZ-Radio, we offer our sincere congratulations on its accomplishments, and best wishes for the future.

POLITICAL PROPAGANDA DICTATORIAL METHODS

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, always progressive and sometimes out even beyond the new frontier, the Kennedy political machine misses no opportunity to propagandize the press, especially that section of which gave favorable support during the campaign.

Not content with using Federal employees on the Federal payroll to build up its very efficient, well-greased political machine by creating new jobs and putting in them, as well as in other positions where Federal employees can be displaced, Kennedy supporters, the administration never fails to solicit the support of a sometimes susceptible press. The Kennedy machine never ceases to be progressive, to look toward the future, always strengthening its power at the public expense.

One of the latest incidents is told by Willard Edwards, of the Chicago Tribune, who seldom, if ever, misses an opportunity to keep midwestern readers advised of the real political, as well as other happenings, in Washington.

Permit me to read the latest story by Edwards:

"VOICE" OF PRESIDENT GHOSTS FOR REPORTERS

(By Willard Edwards)

WASHINGTON.—Theodore "Ted" Sorensen, special counsel to President Kennedy, was an hour late but 30 newspapermen awaiting his arrival in a private Washington home last Thursday night did not complain.

Drinks were plentiful, and the conversation spirited. When the tall, slightly stooped figure of Sorensen appeared, he was hailed jovially. Peering through his horn-rimmed glasses, he flashed a boyish grin, then got down to business.

He was not really prepared, the President's closest adviser remarked, but he did happen to have with him some information of value. He dug into his brief case, pulled out a stack of three-page mimeographed statements, and distributed them.

MANUFACTURED NEWS

"This is for your information in writing your stories," Sorensen warned. "It is not to

be attributed in any manner whatever to the White House or the administration. It is to be used by you as your own without any hint as to its source."

The statements, it developed, claimed that President Kennedy had far outperformed former Presidents Franklin D. Roosevelt and Dwight D. Eisenhower in their initial encounters with Congress. The famous "100 days" of F.D.R.'s first year in 1933 were comparatively unproductive in comparison with Kennedy's dazzling list of accomplishments.

WON'T SWALLOW THE BUNK

Many of those present accepted this assertion respectfully. The guests had been carefully selected. Carefully excluded from the briefing were representatives of such newspapers as the Chicago Tribune, the Los Angeles Times, the Kansas City Star, the Dallas News, and others presumably resistant to administration propaganda.

But some recalcitrance developed. One correspondent, as Sorensen delivered a running commentary on his thesis, kept interrupting with rude questions.

"Do you expect us to swallow this bunk?" he kept demanding.

Another reporter, representing the Wall Street Journal, found himself suddenly under attack by Sorensen. He was accused of writing "the worst story" of the year in a recitation of Kennedy's relations with Congress which carried the heading: "On Balance, the New Frontier Is Still Far From Opened."

To the credit of a number of newspapermen present, they later disclosed reactions ranging from irritation to disgust at what they frankly labeled "a brainwashing session." It is upon their accounts that an uninvited reporter bases this narrative.

FRAUDULENT RESEARCH

So-called background briefings for the information of the press are not uncommon in Washington. A prominent administration official holds an off-the-record session with a group of reporters on the understanding that he will not be quoted.

The candid purpose of such briefings is to spread a point of view without pinning responsibility upon one individual. Newspaper stories based upon such interviews carry such terms as, "high administration officials think," or "the administration is known to believe."

The Sorensen briefing advanced the propaganda technique one step beyond what has hitherto been attempted. Under the rules he laid down, the material he supplied was to be presented as the product of the writer's own research. Its White House source was to be concealed.

The guests at this latest briefing were Washington correspondents covering Capitol Hill. One of the routine duties confronting them in the near future is the writing of a survey of congressional accomplishments during the 1961 session now nearing adjournment.

PICKED HIS BROADCASTERS

In such summaries, the success or lack of success of the President in obtaining approval of his program is always a prominent feature.

Sorensen arranged to meet the newspapermen after some reports appeared that indicated President Kennedy hadn't done too well. Sorensen expressed a desire to counteract these misleading dispatches, privately, off the record, and under conditions guaranteeing secrecy.

A local newspaperman offered his home for the meeting and agreed to select the guests. Associated Press and United Press International reporters were invited, together with about 28 correspondents from New York City, Washington, Baltimore, Chicago, St. Louis, Denver, the South, and the west coast, with the exceptions noted above.

Lawrence F. O'Brien, special White House assistant and congressional liaison man, was present to lend Sorensen a helping hand, when needed.

EVERY ONE'S A MAJOR BILL

Here is what Sorensen urged the reporters to write in summarizing White House achievements of the congressional session:

President Kennedy recorded 33, "major legislative accomplishments" in the 1961 session. He thus proved himself three times as persuasive as President Roosevelt, who got only 11 "major" measures from Congress in 1933, and equally superior to President Eisenhower, who obtained only 14 "major" bills when he started his term in 1953.

This claim created some astonishment among certain listeners, who demanded a list of the 33 accomplishments. Sorensen solemnly listed creation of the Cape Cod National Park in Kennedy's home State of Massachusetts as a major accomplishment, noting that it was "the first major addition to the national park system for 14 years."

HE LISTS ALL OF THEM

Another major accomplishment negotiated by Kennedy, Sorensen said, was the passage of a bill limiting American tourist spending abroad to $100 instead of the $500 previously permitted. Another was the creation of an International Travel Agency to attract foreign tourists to this country. These were powerful measures in combating a balance-of-payments deficit and a gold outflow, he contended.

To pad the list of major accomplishments, Sorensen listed the Peace Corps, a juvenile delinquency bill, anticrime bills, and a measure creating 73 new Federal judges. A 2-year extension of the Civil Rights Commission, the only fragment left of a big civil rights package, was listed as a major feat.

MORE MAJOR STUFF

Other major accomplishments listed by Sorensen included increased funds for a project to land a man on the moon, legislation to speed up saline water conversion, and a farm bill which has produced the "best farm income year since Korea."

The addition of $6 billion to the military budget and authority to call up reservists to active duty added two more items to the list. Even a bill to keep the national debt ceiling at a record $298 billion was recorded as a major accomplishment.

Sorensen also listed temporary unemployment compensation increases, the depressed areas bill, social security amendments, a housing bill, water pollution control, a hike in the minimum wage, and community health measures to get his total.

IT IS MAGNIFICENT

The Kennedy record was magnificent, Sorensen asserted, in view of the "mathematical situation" in Congress. Any talk about the preponderant Democratic majorities in Congress (64 to 36 in the Senate and 260 to 174 in the House) was ridiculous.

The potential Republican-southern Democratic strength in the House was 280, he said, and the same coalition could muster 57 votes out of 100 in the Senate.

"We presented on March 24 a budget for fiscal year 1962 strictly balanced in view of the previous administration's revenue estimates," Sorensen told the reporters. "The deficit is now estimated to be $5 billion because of an increase in defense spending and a decrease in revenue because of the 1960 recession."

THE UNEXPECTED DID IT

"In short," Sorensen wound up, "the effects of the new challenges in national security and space, and the effects of the recession more than account for the entire deficit—without them, all the increases in agriculture, unemployment, and other domestic programs would have not caused a deficit.

"This deficit does not compare unfavorably with the Eisenhower administration, which incurred the largest peacetime deficit in history, $12.4 billion in 1959, and spent $182 billion more than the Truman administration did."

The reporters were told that they could use these statements as their own and again warned not to attribute them to White House sources.

Mr. Speaker, my wonderment is how can the supposedly astute Republicans directing the political activities of the party discover they are being taken for a ride while, like Rip Van Winkle sleeping on, at cocktail parties at their top strategy conferences?

THE PEACE CORPS AND THE DISARMAMENT AGENCY

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, if there have been two pieces of legislation before the 87th Congress thus far that have captured the imagination, the enthusiasm—the hopes of the people of my district—and, I suspect—the people of the Nation as a whole, they have been the Peace Corps bill and the bill which was today before the House to establish a Disarmament Agency.

Whatever may be our own preoccupation—with the problems that loom large before our own committees, or have a major impact in our own districts, the people of the Nation have fastened their attention on more fundamental questions.

A recent Gallup poll indicates that over 60 percent of the people of this country do not expect to survive a thermonuclear war. I think it is safe to say that never before in our history have we faced a situation so grim that a majority of the courageous—and traditionally optimistic—people of this great country expected to die in a war which could be only a matter of months away. A people wise enough and courageous enough to face up to this awful reality without giving way to panic is a people we are fortunate to represent—and whose views deserve the most careful consideration.

In my own home city of Portland, Oreg., recently, Mrs. Carol Urner wrote a letter, out of which grew a spontaneous meeting of more than 100 women. From that meeting, which had no partisan or pressure group backing, there went a telegram to the President, and a reaffirmation of doing whatever could be done to avoid what Mrs. Urner calls so rightly "a fool's finale"—in a hydrogen war. The letter, which appeared in the

Portland Reporter on August 29, reads as follows:

DEAR SEYMOUR FREIDEN: I am interested in your column (Reporter, Aug. 23) that mourns the failure of the general public to become properly excited about the Berlin crisis, or to show the iron determination to back the decision of the Allied Governments to ride this one through, even if it means a final showdown.

But you must know the answers yourself.

What is there for us to do but go about our little lives? The final answers now seem more than ever out of our hands.

To us, the simple people involved in simple tasks, the Berlin crisis has a ring of the unreal. I bake my bread, tend my garden, bathe my child, kiss my husband—and I know that in Moscow and London and New Delhi, despite the differences in culture, wealth and political government, I would find women in other parts of the world like myself.

There would be women with a tenacious love of life through pain, suffering and poverty; women who find strength and fulfillment in the close circle of their husband's arms; who swell with love as they watch their children, their own greatest gifts to the world.

How can I face with iron determination the destruction of a hundred thousand, or a million, of these women and their children and their mates in Moscow, Berlin or New York? What is there so tremendous at stake in the Berlin crisis (or the Congo crisis, the Suez crisis, the Cuban, Formosa or Hungarian crises) that it is worth the death of these, and of the cities and the cultures they have built?

It is not that I, one of the general public, am apathetic. I think of these things—even as I go about my daily tasks with the same singing and laughter as always.

I watch my small son at play—sturdy, bright, and filled with promise. I think how we have raised him in love and gentleness, protected him from accident and disease, prayed that he might grow into a useful vocation—and I think how helpless we are to protect him from this greatest danger of which we've never told him, how perhaps all our dreams and hopes for him will suddenly end, and with them the dreams of millions of parents for their young.

I take my holiday at the beach, as always. But (perhaps the Paris native does it, too) I pick up a seashell and turn it in my hand, and I think, "Perhaps after December or January, no human being will walk here again."

What can I, a tiny fragment of the general public, do? For centuries great men among us—Gandhi and Jesus and Buddha and St. Francis—have lived and loved and taught us that real freedom cannot be purchased with outward weapons, that real life cannot be purchased with the blood of another, that real love will suffer death before it will destroy—and even on the cross it will transcend death and reach out to those who inflict the suffering.

If these men have not been enough, what can I, a tiny fragment, do?

What can I do but go about my life in the usual way, and pray that this crisis (we have heard the cry of "wolf" before), too, will pass? What can any of us, the general public, do, but continue with our child raising and our doctoring and our planning and our painting and our building?

The ending is not in our hands. Perhaps we will be spared. Perhaps a few cities, somewhere, will be spared. Perhaps a few people—some remote tribes in Africa, or Australia, or Asia—will be spared to love and learn and start again. Yet, even so, how great the loss, how great the tragedy.

How small the Berlin crisis, with all its tremendous problems, seems (how small even the conflict between communism and capitalism) against the total context of human life.

May the fools' finale never come.

MRS. CAROL URNER.

The Oregon Journal, on September 8, carried a moving account of that meeting:

KENNEDY, CEYLON CHIEF GET WIRES

A hundred women met in Lloyd Center auditorium Thursday night to explore what mothers can do to preserve lives and futures of their children in the race of nuclear peril.

Sparked by a letter written by Mrs. Carol Urner, 4515 Northeast 12th Avenue, the mothers staged a 2-hour session which produced a telegram to President Kennedy and a cablegram to the Prime Minister of Ceylon, plus a determination to move in any way possible to lessen the danger of nuclear war.

The group declined to adopt a name or a formal organization, at least at this time, preferring as several of the mothers put it, "to remain individuals devoted to our ideas and not become bogged down in just another organization."

A second meeting is tenatively scheduled September 21.

Mrs. Raymond Graap, 4131 Northeast Alameda, acted as moderator. In opening the meeting, she said, "We are here to think creatively about what women can do. To do this we must first divest ourselves of particular prejudices and predilections."

"I am sure many of us have been giving this a great deal of thought over the sink and dishes and we want those thoughts tonight."

Rita Feingold, 2332 Southwest Kanan Street, one of the early speakers, said, "We face many problems in our world today but if we don't survive there will be no worry left. Nothing short of overwhelming public demand is going to change the situation. Our primary problem now is survival so we can settle our differences on another front."

She continued, "Sometimes, when I leave my children to drive across town, I wonder if I will ever see them again. That's a frightening thought. They say, the experts say, that 50 percent will survive. If I apply that to my own family it means that three of my children and either my husband or I must die and I don't feel I can spare that many of my family."

She suggested a campaign of circulating pictures of the children of Hiroshima, Japan, scarred by the atom blast during World War II, as an effective deterrent.

Other suggestions brought forth at the meeting included proposals for a delegation of women from Portland to call on the President and Secretary Rusk, invitations to foreign students to visit local homes to bring about a better understanding, individual letters to national and world figures, expansion of the study of foreign languages and customs, use of displays to point out dangers of nuclear war, and spreading of the mothers' campaign to other parts of the country through letters and friends and acquaintances.

The cablegram sent by the group went to Mrs. Sirimavo Bandaranaike, Premier of Ceylon, and read: "We as women and mothers of Portland, Oreg., appreciated your statement at the Belgrade Conference regarding the dangers of a nuclear war. We wish to join under your leadership in a worldwide movement of women to insure the futures of children everywhere in the face of nuclear peril."

The telegram to President Kennedy said: "We, having met tonight and being alarmed by the nuclear peril affecting the future of children everywhere, implore the continued suspension of nuclear testing and urge presentation of constructive proposals of complete universal enforcible disarmament at the United Nations opening session, September 19." (Signed "72 mothers.")

COMPTROLLER OF THE CURRENCY, FEDERAL DEPOSIT INSURANCE CORPORATION, AND BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM WITHHOLD INFORMATION CONCERNING BANK MERGERS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, on three occasions I have raised my voice in criticism of the way our various Federal banking agencies have handled two recent giant bank mergers—first, the Chicago merger involving the fusion of City National Bank & Trust Co. into Continental Illinois Bank & Trust Co., and then the New York merger which brought together Manufacturers Trust Co. and the Hanover Bank. These mergers have seriously augmented the flood of bank mergers which have gone unabated for many years, and which I predict, if salutary action is not taken, will eventuate in the creation of one giant branch banking system throughout the Nation.

At the root of the bank merger problem is the fact that under the Banking Act of 1960, four separate governmental agencies assess bank mergers in regard to their impact on competition. The Comptroller of the Currency passes on mergers involving national banks. The Federal Reserve passes on mergers involving members of the Federal Reserve System other than national banks. The Federal Deposit Insurance Corporation has jurisdiction over mergers involving insured banks which are neither national banks nor members of the Federal Reserve System. The Antitrust Division of the Department of Justice considers the competitive aspects of all bank mergers. As might be expected, this has caused conflict between governmental agencies. The Antitrust Division opposed both the Chicago and New York bank mergers. The Federal Reserve and the FDIC opposed the Chicago merger, but that merger was approved by the Comptroller of the Currency. The Comptroller had no jurisdiction over the New York merger. It was approved by the Federal Reserve Board following a closed-door hearing which lasted only slightly more than 1 hour.

BANKING AGENCIES TAKE DIVERSE POSITIONS ON BANK MERGERS

The Comptroller of the Currency has taken an exceedingly consistent position in favor of bank mergers—the record seems to be completely barren of any example where he has disapproved of a bank merger because it might hurt competition. The encumbent Comptroller of the Currency, on the basis of the record, clearly does not view the rash

of bank mergers as inimical to the public interest, for he does not consider competition among banks as an essential ingredient to the public interest.

LETTER TO SECRETARY DILLON SETS FORTH PUBLIC INTEREST CONSIDERATIONS WHICH SHOULD BE OBSERVED BY NEW COMPTROLLER OF THE CURRENCY

Because of my deep concern over the merger movement in banking—which can only beget more industrial mergers and create a vicious circle of monopoly creating monopoly—on September 6 I wrote a letter to Secretary Dillon setting forth certain public interest considerations which should govern the choice of a successor to Mr. Gidney as Comptroller of the Currency. I include that letter at this point in the RECORD, together with Mr. Dillon's reply:

SEPTEMBER 6, 1961.

Hon. DOUGLAS DILLON,
Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: On September 1 I issued a statement in the CONGRESSIONAL RECORD calling for the resignation of the Comptroller of the Currency, Mr. Ray M. Gidney. Mr. Gidney's approval of the merger of Continental Illinois Bank & Trust Co. with City National Bank & Trust Co. constitutes a complete breakdown of the so-called accord between the Attorney General and the Comptroller of the Currency and is fanning the fires of merger activity in banking throughout the country. The only logical outcome of this trend is the creation of a giant branch banking system throughout the Nation. Mr. Gidney has demonstrated time and again that his concept of the public interest is in sharp opposition to that of those who oppose monopoly and concentration of economic power.

I believe it imperative that Mr. Gidney's successor be one whose concept of the public interest is in keeping with the free enterprise objective of maintaining a competitive economic system and opposing an increase in economic concentration. Mr. Gidney has demonstrated his lack of interest or sympathy with this point of view—a fact which is underlined by his failure to disapprove a single merger application on the basis of a substantial lessening of competition. The House Antitrust Subcommittee some 6 years ago noted that "Mr. Gidney's statement that his Office will disapprove any bank merger that might jeopardize competition must be taken with a grain of salt." The subcommittee also pointed out that Mr. Gidney holds the view that even if a merger takes place between the only two banks in a community, "there is," to quote Mr. Gidney, "still competition in the community." In short, Mr. Gidney looks with favor upon a banking structure more akin to the notorious European cartels than one in keeping with American tradition.

It is my hope that Mr. Gidney's successor will be one who is concerned about the fact that the number of commercial banks in the United States has dropped from nearly 31,000 in 1920 to less than 13,500 today. In other words, there are only 43 banks today where there were 100 some 40 years ago. The population per bank in the United States was only about 3,400 in 1920. Now the population per bank exceeds 13,000. So the average bank now has 3.8 times the customer potential that prevailed in 1920.

Some proponents of branch banking point to the increase in the number of bank branches from about 1,200 in 1920 to more than 10,000 today and conclude that the availability of banking services is adequate. I would hope that the new Comptroller of the Currency will have the vision to see through this fallacy. It is almost too obvious to bear mentioning that branches of the same banking organizations do not compete among themselves in any genuine economic sense. A borrower is obviously restricted in his alternative sources under a branch banking system. But the most serious danger of a branch banking system such as Mr. Gidney would welcome is the fact that local enterprise may be stifled. The local independent banker is interested in promoting local enterprise. He does not have to clear with a home office located in some remote metropolis. He is interested in bringing employment opportunities to the community. The branch bank, however, caters to the large, well-established businesses, and would look with disfavor on any new concern which might represent a competitive threat to its well-established accounts.

I cannot overemphasize the dangers we face in the growth in banking concentration in this country. We already suffer from a high degree of industrial concentration, but the dangers of industrial concentration will be even more severe if we permit banking concentration to proceed at the current pace. In this connection I call to your attention an observation made by my colleague, Senator DOUGLAS, in the course of the hearings last month before the Joint Economic Committee on the report of the Commission on Money and Credit. Senator DOUGLAS pointed out that in conferring with officials of Canada and Great Britain he had been informed that the concentration in banking in those countries had greatly influenced the concentration in industry.

The breakdown of the "accord" on bank mergers can only be remedied by the appointment of a Comptroller of the Currency who will defer to the opinion of the Attorney General in respect to whether competition will be adversely affected by any given bank merger. Moreover, he should look with favor on the granting of charters to qualified entrants and not be complacent regarding communities which need more banks. Too often in the past banking officials have unduly restricted new entrants in commercial banking by permitting new banks only when the market could provide profitable business for the new bank without reducing the business of existing banks. In other words, any concept of the public interest which disregards competitive factors is alien to American concepts.

It is my ardent hope that these public interest considerations will be borne in mind when the new Comptroller is selected.

Sincerely yours,

WRIGHT PATMAN.

THE SECRETARY OF THE TREASURY,
Washington, September 14, 1961.

DEAR MR. PATMAN: Your letter dated September 6 concerning the Comptroller of the Currency, Mr. Ray M. Gidney, was brought to my attention upon my return from out of town yesterday. I agree with your observation that any successor to Mr. Gidney should be one whose concept of the public interest is in keeping with the free enterprise objective of maintaining a competitive economic system.

Without attempting to pass on the merits of the particular case, a responsibility which Congress has delegated to the Comptroller with no provision for review by the Secretary of the Treasury, I do not agree that his approval of the merger of the Continental Illinois Bank & Trust Co. with the City National Bank & Trust Co. constitutes a complete breakdown of the so-called accord between the Attorney General and the Comptroller of the Currency. The Attorney General and I agreed to make an exception in the case of this particular merger in the light of evidence submitted to me to the effect that a deferral of the case would result in substantial hardship to City National. The three parties to the accord are in full agreement that it continues in accordance with its terms.

You may be sure that the public interest considerations recited in your letter concerning the importance of competitive factors in the administration of the banking laws will be borne in mind by the President and me in filling any vacancies that occur in the Office of the Comptroller.

Sincerely yours,

DOUGLAS DILLON.

I am pleased to note that Mr. Dillon agrees with my observation that any successor to Mr. Gidney should be one whose concept of the public interest is in keeping with the free enterprise objective of maintaining a competitive economic system. I am also gratified by Mr. Dillon's further statement on this matter:

You may be sure that the public interest considerations recited in your letter concerning the importance of competitive factors in the administration of the banking laws will be borne in mind by the President and me in filling any vacancies that occur in the Office of the Comptroller.

Mr. Dillon seems to feel that the approval of the Chicago bank merger did not constitute a complete breakdown of the so-called accord between the Attorney General and the Comptroller of the Currency, and stresses that it was an exception. Time will only tell whether more exceptions will be granted or whether the accord will be junked.

FEDERAL RESERVE IN SHARP CONFLICT WITH COMPTROLLER ON CHICAGO BANK MERGER

It has been well publicized that the Federal Reserve and the Comptroller of the Currency were in sharp disagreement on the Chicago bank merger. Because of this, I made a request for the opinions, together with the underlying factual analyses relating to the competitive aspects of the Chicago bank merger, of the Comptroller of the Currency, the FDIC, and the Federal Reserve. Today I received a reply from Mr. Gidney, stating that he is unable to comply with my request since, as he says, "it has been the consistent practice of Comptrollers of the Currency in making decisions on banking matters to consider all of the pertinent factors and to reach a determination which reflects their appraisal thereof but not to prepare opinions with respect thereto."

I include Mr. Gidney's letter in the RECORD at this point:

SEPTEMBER 18, 1961.

DEAR MR. PATMAN: Because his departure for Vienna prevented Secretary Dillon from replying to you directly, the Secretary requested that this office furnish you with a reply to your letter of September 8, 1961, in which you requested a copy of any opinion which the Comptroller prepared relating to the competitive aspects of the recent merger of City National Bank & Trust Co. of Chicago and Continental Illinois National Bank & Trust Co. of Chicago.

We regret that we are unable to comply with your request. As you know, it has been the consistent practice of Comptrollers of the Currency in making decisions on banking matters to consider all of the pertinent factors and to reach a determination which reflects their appraisal thereof but not to prepare opinions with respect thereto. In

keeping with this practice no opinion, either formal or informal, was rendered by the Comptroller in connection with this case as a whole or with respect to the aspect of it dealing with effect on competition, about which you specifically inquired and, accordingly, no opinion is available.

Sincerely yours,

RAY M. GIDNEY,
Comptroller of the Currency.

FDIC DECLINES TO FURNISH INFORMATION ON CHICAGO BANK MERGER

A few days earlier, a somewhat parallel reply from the Chairman of the Federal Deposit Insurance Corporation, Mr. Erle Cocke, Sr., stated:

It has been, and continues to be, the position of the Corporation that the memoranda submitted by the Corporation to the Federal bank supervisory agencies under the provisions of the Merger Act are privileged and confidential.

I include Mr. Cocke's letter at this point. I also include here a copy of my reply to Chairman Cocke.

FEDERAL DEPOSIT
INSURANCE CORPORATION,
Washington, September 11, 1961.

DEAR MR. CONGRESSMAN: Receipt of your letter of September 9, in which you request a copy of any opinion, together with factual analysis, prepared by the Corporation relating to the competitive aspects of the recent merger of the City National Bank & Trust Co. of Chicago, Ill., and the Continental Illinois National Bank & Trust Co., of Chicago, Ill., is acknowledged.

It has been, and continues to be, the position of the Corporation that the memorandum submitted by the Corporation to the Federal bank supervisory agencies under the provisions of the Merger Act are privileged and confidential. The merger you refer to, as well as several others, is presently the subject matter of litigation and, therefore, it is necessary that the privileged and confidential status of such memoranda be strictly maintained.

However, may I suggest that if you wish, the undersigned and other members of the Board will be pleased to discuss this matter with you in person on a confidential basis. In view of the fact that I am leaving on Thursday afternoon to attend the annual meeting of the World Bank and Monetary Fund in Vienna, I recommend that, if convenient, you fix the time for a conference on this matter tomorrow afternoon, Tuesday, or the following morning, Wednesday.

With best personal wishes,

Sincerely yours,

ERLE COCKE, Sr.
Chairman.

SEPTEMBER 12, 1961.

Hon. ERLE COCKE, Sr.
Chairman, Federal Deposit Insurance Corporation, Washington, D.C.

DEAR MR. CHAIRMAN: I have been thinking over your letter of September 11 and the telephone call you made to me in regard to it. You state that the opinion and the factual analysis prepared by the Federal Deposit Insurance Corporation relating to the competitive aspects of the merger of City National Bank & Trust Co. and Continental Illinois National Bank & Trust Co. are presently the subject matter of litigation and, therefore, it is necessary that the privileged and confidential status of such memoranda be strictly maintained.

In view of your conclusion that this material is "privileged and confidential," I feel that no useful purpose will be served by discussing the matter further.

With kindest regards, I am

Sincerely yours,

WRIGHT PATMAN.

FEDERAL RESERVE SUPPLIES FULL ANALYSIS OF CHICAGO BANK MERGER—COMPTROLLER AND FDIC REMAIN SILENT

Mr. Speaker, in sharp contrast to the silence of the Comptroller of the Currency and the FDIC in regard to the basis for approval of the Chicago bank merger, the Federal Reserve supplied a 12-page analysis showing why it disapproved of the merger, which I would like to include in the RECORD at this point:

REPORT BY THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM TO THE COMPTROLLER OF THE CURRENCY, UNDER SECTION 18(c) OF THE FEDERAL DEPOSIT INSURANCE ACT, AS AMENDED, ON THE COMPETITIVE FACTORS INVOLVED IN THE PROPOSED MERGER OF CITY NATIONAL BANK & TRUST CO. OF CHICAGO, ILL., INTO CONTINENTAL ILLINOIS NATIONAL BANK & TRUST CO. OF CHICAGO, ILL.

I. THE PROPOSAL

City National Bank & Trust Co. of Chicago Ill. (City deposits, $391,880,000) and Continental Illinois National Bank & Trust Co. of Chicago, Ill. (Continental deposits, $2,481,717,000) have applied to the Comptroller of the Currency for consent to merge under the charter and title of Continental Illinois National Bank & Trust Co. of Chicago, Ill. (resulting bank). Neither bank now operates any branches, and since the State of Illinois does not permit branch banking, it is presumed that the present quarters of City would be abandoned as a banking office.

II. THE COMMUNITIES

City and Continental are both located in the heart of the central business district (Loop area) of Chicago at the intersection of Quincy and La Salle Streets. Their offices are cater-corner from each other with their main entrances less than 300 feet apart, and from the standpoint of location, each has the potential to serve the same area. Applicants contend that Continental and City are each engaged in banking on a national, regional, and local level with Continental also serving the international field of banking.

Chicago, the second largest city in the United States, had, according to the 1960 census, a population of 3,550,404. It has long been established as one of the country's leading centers of trade, finance, manufacturing, and transportation, in addition to serving as the hub of the great Midwest agricultural area.

The major source of trade for each of the merging banks appears to originate from within the Chicago metropolitan area. In addition to serving this area, which had a population of 6,794,000 in 1960, each of the banks also appears to be serving, although to a different degree, the Midwest and the Nation. International banking is also conducted by both banks, with Continental the only one having a sufficient volume of international trade to be considered an international bank of significance.

Geographic areas discussed hereinafter in this memorandum and in the application relative to the competitive situation include the following:

(A) City of Chicago: (1) central business district (loop area); and (2) area outside of central business district;

(B) Chicago metropolitan area (includes all of Cook and Du Page and parts of Kane, Lake, and Will Counties in Illinois, and part of Lake County, Ind.);[1]

(C) Seventh Federal Reserve District (includes the five-State area of Illinois, Indiana, Iowa, Michigan, and Wisconsin, which roughly approximates the Seventh Federal Reserve District with minor exceptions); and

(D) National service area (includes all of the United States).

III. COMPETITION BETWEEN THE TWO INSTITUTIONS

On the basis of total deposits, Continental and City rank second and sixth, respectively, in the city of Chicago. Continental is much the larger of the two, having more than 6.3 times the deposits of City as of December 31, 1960.

The deposit and loan functions of a bank are so basic a part of banking that they form fair criteria for determining the type of business involved. A comparative analysis of the loans and deposits of Continental and City as of October 3, 1960, follows:

[In thousands of dollars]

	Continental	Percent	City	Percent
Loan account:				
Commercial and industrial loans	$888,129	62.0	$78,125	44.2
Loans to farmers	606		17	
Single payment loans to individuals	44,663	3.1	9,103	5.1
Real estate loans	41,144	2.9	13,353	7.5
Brokers and dealers in securities	42,260	3.0	11,115	6.3
Other loans on securities	14,670	1.0	17,663	10.0
Installment loans	72,049	5.0	13,088	7.4
All other loans	329,198	23.0	34,449	19.5
Total loans and discounts (gross)	1,432,719	100.0	176,913	100.0
Demand deposits:				
IPC	1,194,306	49.1	218,157	61.1
U.S. Government	197,929	8.1	16,176	4.5
States and political subdivisions	115,453	4.8	3,737	1.0
Banks	514,229	21.1	71,245	20.0
Certified and officers' checks	34,107	1.4	2,998	.8
Total demand deposits	2,056,024	84.5	312,313	87.4
Time deposits:				
IPC	335,765	13.8	44,443	12.5
U.S. Government	1,000			
States and political subdivisions			400	.1
Banks	40,717	1.7		
Total time deposits	377,482	15.5	44,843	12.6
Total deposits	2,433,506	100.0	357,156	100.0

The majority of the trade of each of the two institutions is derived from individuals, partnerships, and corporations. Correspondent bank accounts form a significant percentage of the total deposits of each bank, 22.8 percent and 20 percent for Continental and City, respectively; therefore, it must be concluded that there is substantial competition between the two institutions for this type of business. Both banks also appear to

[1] The application does not include Lake County, Ind., as a part of the Chicago metropolitan area.

be competing with each other for the deposits of the U.S. Government and other public funds.

The application indicated that there were 48 common borrowers of both institutions. Their loans totaled $118.8 million (8.3 percent) in Continental and $23.2 million (13.1 percent) in City. Of these related customers, seven had loans in amounts of $1 million or more from each of the banks and may be placed within the category of national borrowers. Of the remaining 41 borrowers, 38 had banking relationships with other commercial banks indicating that alternative choices are open to each of them. City had a total of 25 loans of $1 million or more each and was sharing to the extent of $4,785,000 with other banks in four loans originated by City aggregating $8,287,000. Apparently City is not materially hindered by its size in competing with Continental for business of this type.

As for the depositors in the two institutions, there were 379 common demand depositors having IPC deposits of $274.3 million (23 percent) in Continental and $67.1 million (30.8 percent) in City and 1,200 common time depositors having IPC deposits of $3.2 million (1 percent) in Continental and $2.8 million (6.3 percent) in City as of October 3, 1960.

The following schedule shows a distribution of the deposits of Continental and City by areas of source and includes the amount of deposits and the number of deposit accounts as of October 3, 1960:

AMOUNT OF DEPOSITS

[In thousands of dollars]

	Areas					Areas			
	(a)	(b)	(c)	(d)		(a)	(b)	(c)	(d)
Continental Illinois National Bank:					City National Bank:				
Demand IPC deposits	$722,625	$130,460	$853,085	$341,221	Demand IPC deposits	$173,335	$25,577	$198,912	$19,245
Percent of total	60.5	10.9	71.4	28.6	Percent of total	79.5	11.7	91.2	8.8
Time IPC deposits	$310,759	$9,337	$320,096	$15,669	Time IPC deposits	$40,130	$1,580	$41,710	$2,733
Percent of total	92.5	2.8	95.3	4.7	Percent of total	90.3	3.6	93.9	6.1
Total IPC deposits	$1,033,384	$139,797	$1,173,181	$356,890	Total IPC deposits	$213,465	$27,157	$240,622	$21,978
Percent of total	67.6	9.1	76.7	23.3	Percent of total	81.3	10.3	91.6	8.4
States and political subdivisions	$276,275	$35,818	$312,093	$2,289	States and political subdivisions	$19,783	$530	$20,313	
Percent of total	87.9	11.4	99.3	.7	Percent of total	97.4	2.6	100.0	
Banks and bankers	$76,723	$277,605	$354,328	$200,618	Banks and bankers	$26,142	$38,359	$64,501	$6,744
Percent of total	13.8	50.0	63.8	36.2	Percent of total	36.7	53.8	90.5	9.5
Total deposits	$1,405,888	$459,646	$1,865,534	$567,972	Total deposits	$261,532	$66,656	$328,188	$28,968
Percent of total	57.8	18.9	76.7	23.3	Percent of total	73.2	18.7	91.9	8.1

NUMBER OF DEPOSIT ACCOUNTS

Continental Illinois National Bank:					City National Bank:				
Demand IPC deposits	$24,602	$674	$25,276	$1,899	Demand IPC deposits	$11,503	$1,067	$12,570	$1,030
Percent of total	90.5	2.5	93.0	7.0	Percent of total	84.6	7.8	92.4	7.6
Time IPC deposits	$109,393	$1,654	$111,047	$1,553	Time IPC deposits	$14,472	$664	$15,136	$364
Percent of total	97.1	1.5	98.6	1.4	Percent of total	93.4	4.3	97.7	2.3
Total IPC deposits	$133,995	$2,328	$136,323	$3,452	Total IPC deposits	$25,975	$1,731	$27,706	$1,394
Percent of total	95.8	1.7	97.5	2.5	Percent of total	89.3	5.9	95.2	4.8
State and political subdivisions	$251	$28	$279	$16	States and political subdivisions	$46	$2	$48	
Percent of total	85.1	9.5	94.6	5.4	Percent of total	95.8	4.2	100.0	
Banks and bankers	$170	$1,338	$1,508	$1,171	Banks and bankers	$86	$222	$308	$87
Percent of total	6.4	49.9	56.3	43.7	Percent of total	21.8	56.2	78.0	22.0
Total deposits	$134,416	$3,694	$138,110	$4,639	Total deposits	$26,107	$1,955	$28,062	$1,481
Percent of total	94.2	2.6	96.8	3.2	Percent of total	88.4	6.6	95.0	5.0

(a) Chicago metropolitan area.
(b) 7th Federal Reserve District outside of Chicago metropolitan area.
(c) 7th Federal Reserve District.
(d) Areas in the United States outside of the 7th Federal Reserve District.

From the Chicago metropolitan area alone more than 60 percent of Continental's demand IPC deposits, 92 percent of its time IPC deposits, and 67 percent of its total IPC deposits originate. As for City, more than 79 percent of its demand IPC deposits, 90 percent of its time IPC deposits, and 81 percent of its total IPC deposits originate from within the same area. Most of the trade of each of the applicant banks appears to be the result of their proximity to the centralized business district. It is stated in the application that Continental receives approximately 75 percent of its demand deposits by mail, but notwithstanding this fact, it is felt that personal contacts are frequently made by most customers in the normal course of banking, and that the centralized business district will continue to be a practical location from this standpoint. The Chicago metropolitan area supplies the major source of trade (more than two-thirds of the total IPC deposits) for each of the applicant banks.

On the basis of the area from which the depositors themselves originate, we find that more than 89 percent of each of the applicant banks' total IPC depositors are located in the Chicago metropolitan area and that more than 88 percent of all the depositors of each bank come from that same area.

In addition to serving the Chicago metropolitan area, each of the banks also serves the Seventh Federal Reserve District. From this area approximately 71 percent of Continental's demand IPC deposits, 95 percent of its time IPC deposits, and 76 percent of its total IPC deposits originate. Approximately 91 percent of City's demand IPC deposits, 93 percent of its time IPC deposits, and 91 percent of its total IPC deposits also originate from this area. According to the Reserve bank much of this trade stems from the location in Chicago of suboffices of businesses located in the larger Seventh Federal Reserve District, but outside of the Chicago metropolitan area, and from recognition by regional firms that Chicago is the financial center of the Midwest. It is normal for such firms to gravitate to the largest nearby financial center for financial services.

The most noticeable difference in the areas served by the two institutions is the greater relative effect of Continental on the nationwide trade. That this should be the case is both obvious and natural, for it generally holds true that the larger the bank the more far reaching and effective it is in acquiring such trade. Loans extended by Continental to firms and individuals headquartered in areas outside the Seventh Federal Reserve District aggregate in excess of $500 million. City has a significant amount of nationwide trade, but not to the degree of Continental; therefore, this area is not one of the areas of primary competition between the two institutions.

International banking is also conducted by each bank, although on a much different scale. Continental is a major factor in the foreign exchange market. Its traders are in constant contact with the principal exchange centers of the world, including Canada, France, Germany, Switzerland, and the United Kingdom. Continental's International Banking Department as of November 29, 1960, had total assets of $108.5 million, while City's foreign department as of September 12, 1960, had total assets of approximately $1 million.

The services offered by the two institutions and the rates charged for such services are nearly identical. The same rates of interest are being paid on time deposits by both banks.

There are approximately 15,000 shareholders owning stock of Continental and approximately 1,200 shareholders owning stock of City. Applicants made a review of shareholders owning more than 0.03 percent of the outstanding stock of both institutions and found that there was no major area of common ownership. Applicants also stated that the two banks are now and have always been completely independent of each other and that there has never been any trace of common management in the history of the banks.

Both institutions operate trust departments. Continental's trust department as of February 26, 1960, had total assets of $5,732 million, making it more than 6½ times larger than City's which, as of November 16, 1960, had total assets of $864 million. Concerning the trust departments of both institutions, the application stated:

"By and large Continental and City offer the same types of trust services, both corporate and personal, to their customers."

From the foregoing, it is apparent that these banks are directly competitive serving generally the same types of trade and customers.

IV. EFFECT ON OTHER INSTITUTIONS

As of December 31, 1960, the total deposits of Continental and City were $2,482 million and $392 million, respectively. On a pro forma basis, the resulting bank would have total deposits of $2,874 million, based on the assumption that the resulting bank would

retain all the deposits of both Continental and City.

Continental and City, presently the second and sixth largest banks in the city of Chicago, are both located in the central business district of Chicago, wherein there are located a total of 16 banks. The following schedule shows the relationship of the merging banks with the other banks located in the central business district and the approximate distances of the banks from the location of Continental:

Name of bank	Approximate distance in miles	Dec. 31, 1960		Oct. 3, 1960			
		Total deposits		IPC deposits		Loans and discounts	
		Amounts	Percent	Amounts	Percent	Amounts	Percent
		Millions		*Thousands*		*Thousands*	
Continental		$2,481.7	29.47	$1,530,071	26.91	$1,375,508	30.26
City	0.05	391.9	4.65	262,599	4.62	175,880	3.87
Total for resulting bank		2,873.6	34.12	1,792,670	31.53	1,551,388	34.13
First National Bank	.2	2,776.3	32.96	1,868,500	32.86	1,739,651	38.27
Harris Trust & Savings Bank	.2	945.5	11.23	664,072	11.68	479,678	10.55
Northern Trust Co	.2	729.3	8.66	545,304	9.59	305,899	6.73
American National Bank	.4	443.8	5.27	296,020	5.20	176,139	3.88
La Salle National Bank	.1	166.6	1.98	122,591	2.16	78,226	1.72
Exchange National Bank	.15	117.4	1.39	97,109	1.71	50,076	1.10
National Boulevard Bank	1.3	93.0	1.10	75,170	1.32	44,841	.99
Merchandise National Bank	1.0	80.5	.96	62,400	1.10	34,864	.77
Mercantile National Bank	.5	66.2	.79	56,838	1.00	29,909	.66
Michigan Avenue National Bank	.7	40.1	.48	33,416	.59	17,363	.38
Amalgamated Trust & Savings Bank	.3	39.6	.47	33,264	.58	15,959	.35
Madison Bank and Trust Co	.7	19.0	.22	[1] 15,175	.27	[1] 8,020	.18
Mid-America National Bank	.9	18.5	.22	13,791	.24	7,871	.17
Illinois State Bank	.4	12.9	.15	[1] 9,937	.17	[1] 5,301	.12
Total, central business district		8,422.3	100.00	5,686,257	100.00	4,545,185	100.00

[1] As of Nov. 28, 1960.

Apparently the only changes in the competitive effectiveness of the resulting bank in comparison with that of Continental in its present form would be changes that relate to size. If the proposed merger were consummated, the resulting bank, on the basis of total deposits, would become the largest bank in the central business district of Chicago, in Chicago, in the Chicago metropolitan area, in the State of Illinois, and in the Seventh Federal Reserve District. If, however, instead of total deposits, IPC deposits or loans were used as the basis for comparison of size, the resulting bank would remain the second largest bank in the above-designated areas.

Two of the 16 banks located in the central business district of Chicago, Continental and First National Bank of Chicago, in the aggregate controlled as of December 31, 1960, 62.43 percent (29.47 percent and 32.96 percent, respectively) of the total deposits of that area. Any increase to either of these large banks resulting from the elimination of one of the smaller banks in the area from the competitive scene tends to create a situation involving a lessening of competition.

Continental and City are to some extent in competition with all of the 227 banks located in the Chicago metropolitan area. However, the two applicant banks are primarily in competition with the immediately nearby banks and banks within the area that are of sufficient size to serve adequately the somewhat larger businesses. For purposes of comparison the following schedule includes the total deposits and loans, with the percentages of each, for all the nearby banks (those located in the central business district of Chicago), and for all other banks located in the Chicago metropolitan area having deposits as of December 31, 1960, of more than $50 million:

Name of bank	Dec. 31, 1960			
	Total deposits		Total loans	
	Amount	Percent	Amount	Percent
Applicant banks:	*Millions*		*Millions*	
Continental	$2,481.7	23.5	$1,500.5	26.7
City	391.9	3.7	164.6	3.0
Total for resulting bank	2,873.6	27.2	1,665.1	29.7
Other central business district banks:				
First National Bank	2,776.3	26.3	1,762.8	31.5
Harris Trust & Savings Bank	945.5	9.0	483.1	8.6
Northern Trust Co	729.3	6.9	363.7	6.5
American National Bank & Trust Co	443.8	4.2	170.4	3.1
La Salle National Bank	166.6	1.6	73.6	1.3
Exchange National Bank	117.4	1.1	50.8	.9
National Boulevard Bank	93.0	.9	47.7	.8
Merchandise National Bank	80.5	.8	38.1	.7
Mercantile National Bank	66.2	.6	29.7	.5
Michigan Avenue National Bank	40.1	.4	18.1	.3
Amalgamated Trust & Savings Bank	39.6	.4	27.0	.5
Madison Bank & Trust Co	19.0	.2	8.3	.1
Mid-America National Bank	18.5	.2	8.5	.1
Illinois State Bank	12.9	.1	5.4	.1
Subtotal	8,422.3	79.9	4,752.3	84.7
Other Chicago banks:				
Lake View Trust & Savings Bank	191.1	1.8	112.1	2.0
Pioneer Trust & Savings Bank	149.9	1.4	18.7	.4
Sears Bank & Trust Co	122.3	1.2	56.7	1.0
Chicago City Bank & Trust Co	108.8	1.0	48.7	.9
Central National Bank	106.5	1.0	63.1	1.1
Other Chicago banks:—Continued				
Northwest National Bank	$101.1	1.0	$45.7	$0.8
Drovers National Bank	93.5	.9	29.1	.5
Lake Shore National Bank	83.8	.8	42.0	.8
Pullman Trust & Savings Bank	82.7	.8	51.9	.9
National Security Bank	81.5	.8	37.8	.7
Mutual National Bank	76.4	.7	28.4	.5
South Chicago Savings Bank	69.1	.7	14.5	.3
Uptown National Bank	68.0	.6	21.8	.4
Mid-City National Bank	62.3	.6	22.2	.4
South Shore National Bank	52.9	.5	13.3	.2
Southeast National Bank	52.4	.5	25.8	.5
Livestock National Bank	50.9	.5	15.5	.3
North Shore National Bank	50.8	.5	22.9	.4
Manufacturers National Bank	50.5	.5	9.6	.2
Other Chicago metropolitan area banks:				
Gary National Bank, Gary, Ind	131.1	1.2	50.7	.9
State Bank & Trust Co., Evanston, Ill	76.2	.7	18.3	.3
First National Bank & Trust Co., Evanston, Ill	75.9	.7	41.6	.7
First National Bank of East Chicago, Ind	63.6	.6	23.1	.4
Oak Park Trust & Savings Bank, Oak Park, Ill	59.8	.6	18.8	.3
Citizens Bank & Trust Co., Park Ridge, Ill	52.8	.5	22.6	.4
Total, Chicago metropolitan area	10,536.2	100.0	5,607.2	100.0

A decided lessening of competition in the Chicago metropolitan area would result if the proposed merger were consummated since City would be withdrawn completely from the competitive picture and Continental, which already has a sizable deposit and loan advantage over all but one bank in the area, would be further strengthening that position.

When looking at the proposed merger on a national scope, we find that Continental as of October 3, 1960, was the 10th largest bank in the United States. Its relative position compared with the 14 largest banks in the United States, by deposit rank, as of October 3, 1960, was as follows:

	In millions of dollars
Bank of America, San Francisco	9,681
Chase, New York	6,873
First National City, New York	6,138
Chemical, New York	3,545
Morgan Guaranty, New York	3,183
Manufacturers, New York	3,140
Security First, Los Angeles	3,132
Bankers, New York	2,807
First National, Chicago	2,627
Continental, Chicago	2,434
Wells Fargo, San Francisco	2,343
Mellon, Pittsburgh	1,814
National Bank of Detroit	1,754

	In millions of dollars
Hanover, New York	1,672
Continental	2,434
City	357
Resulting bank	2,791

The resulting Bank on a pro forma basis would be the ninth largest bank in the country. As of June 15, 1960, Continental's deposits accounted for 2.99 percent of the total deposits of the 50 largest banks in the United States and 1.12 percent of the total deposits of all U.S. banks. After adjusting for the proposed merger, these percentages would be increased to 3.42 and 1.28, respectively. It is not believed that the elimination of City as a unit bank or the change in Continental's standing from that of 10th to the 9th largest bank in the country would have a material effect on competition when viewed on a national or an international basis.

The maximum interest rate which may be paid on time deposits by national banks is now current in the city of Chicago. Neither the resulting bank nor any other Chicago bank could, in view of the competitive conditions now existing and which will inevitably continue to exist, offer a lesser rate of interest on time deposits than any of the other banks located in the vicinity. As for loans, competition again will require interest rates to be kept as low as possible and still permit profitable banking operations. It is felt that it would be impossible for the resulting bank to increase its interest rates beyond that of its local and national competitors.

Chicago is also served by various types of nonbanking financial institutions. Savings and loan associations, many of which are offering a 4½ percent dividend, are quite active in the vicinity. There are 237 such institutions operating in the Chicago metropolitan area, 136 of which are located in Chicago with 11 having deposits of more than $50 million. Credit unions, finance companies, factors, and currency exchanges also abound in the area. Insurance companies, which are considered important in competing for prime credit risks or well secured credit and for whom real estate loans form a large part of their lending activity, are particularly active in the Chicago metropolitan area. All of these nonbanking institutions have same influence on the competitive structure in the areas in which Continental and City are a part.

V. CONCLUSION

The proposed merger of the second and sixth largest banks in the area would substantially lessen both existing and potential competition. As both banks serve similar clienteles, the elimination of the smaller bank would remove an alternative source of competitive credit and deposit facilities as well as terminate its future capability for growth and enhanced competitive capacity. The competitive position of the applicant, already one of two dominant banks in the city, would be strengthened. As a consequence the preservation of effective competition in the area would be more difficult.

I appreciated receiving such a complete analysis of the Chicago bank merger from the Federal Reserve and would have felt that the Comptroller of the Currency and the FDIC would want to support their conclusions with full opinions. This would serve the public interest. I was not unaware, of course, of the fact that the Federal Reserve had already submitted a copy of its adverse opinion on the Chicago bank merger to the Attorney General and that it had been presented in the district court by the Antitrust Division in its unsuccessful effort to secure a restraining order. So the Federal Reserve analysis was already a matter of public record before it was transmitted to me.

FEDERAL RESERVE FAILS TO FURNISH COMPLETE INFORMATION ON NEW YORK MERGER

While the Federal Reserve issued a full analysis of the Chicago bank merger—which it was against—it has declined to submit a well-documented opinion on the New York bank merger, which it approved. In fact, while the Federal Reserve made a 12-page analysis of the Chicago bank merger, its "Basis for Approval" of the New York merger constituted a total of 3 paragraphs on 2 pages.

I include here a copy of the Board's report of its approval of the New York merger, which, incidentally, was unusual and apparently a result of my prodding, for the practice has been in the past for the Federal Reserve—as well as the Comptroller of the Currency and the FDIC—to give the basis for approval of mergers only with annual reports.

Basis for approval by the Board of Governors (Sept. 6, 1961)

Name of bank and type of transaction	Resources	Banking offices	
		In operation	To be operated
Manufacturers Trust Co., New York	*Thousands* $3,845,364	120	130
to merge with—			
The Hanover Bank, New York	2,156,415	10	

As of December 31, 1960, there were in New York City 33 banks conducting a general commercial banking business; they operated 569 banking offices and had aggregate deposits of approximately $37.3 billion. In terms of deposits, Manufacturers Trust Co. and Hanover Bank were the fifth and eighth largest of the commercial banks; they held, respectively, 9.3 and 5.1 percent of the deposits of such banks and 21.1 and 1.8 percent of commercial banking offices. The proposed merger would combine these two banks to form the third largest commercial bank in New York City, which would hold 14.4 percent of total commercial deposits and 22.9 percent of commercial banking offices.

While banking comparisons on a national basis are in general less significant than local or regional comparisons, it may be noted that in terms of deposits Manufacturers and Hanover ranked 6th and 14th among all commercial banks of the country, and held 1.5 and 0.8 percent, respectively, of the deposits of those banks. The total deposits of the 22 commercial banks in the United States having deposits of $1 billion or more aggregated $68.9 billion, of which Manufacturers had 5 percent and Hanover 2.7 percent. The resulting bank would rank fourth in size nationally, with 2.3 percent of deposits of all commercial banks and 7.8 percent of deposits held by the $1 billion group.

Although Manufacturers Trust Co. has many large accounts, through its widespread branch system it has long emphasized retail banking, that is, the serving of large numbers of relatively small depositors and small borrowers. The business of Hanover Bank is confined almost exclusively to banks and large corporate customers, and it is characterized as a wholesale bank. The combining of these two generally different and complementary banking functions would serve the public interest and the convenience and needs of the community through greater opportunity for diversification of risks, improved specialization, and broader banking services. While the proposed merger would increase the percentage of deposits held by the five largest commercial banks in the city from 71.9 to 77 percent and the offices of these banks from 73.5 to 75.3 percent, this is more than offset by the resulting advantages. The continuing bank, with its increased diversification and larger lending limit, would be able to compete more effectively, particularly in the national and international fields, with the two largest banks in New York. The merger would tend to stimulate competition without significantly affecting the number or competitive strength of alternative sources of banking services.

I had requested Chairman Martin to supply me with two things: First, a statement on the Board's approval of the New York merger; and, second, a copy of the materials presented to the Board of Governors for consideration in connection with their determination of competitive aspects of the merger. Some days after the New York merger was approved, I received the brief "Basis for Approval", together with a transcript of the closed-door hearing—at which only the officials of the merging New York banks appeared—plus the material contained in the applications of Manufacturers Trust and Hanover presented to the Board. Mr. Martin declined to supply me with any examiner's reports, staff memoranda, or analyses which may have been submitted to the Board for its consideration, so we remain in the dark as to whether or not the members of the Board of Governors followed the suggestions of its staff or whether there were differences of opinion as between the various governors. The public still does not know how the individual members of the Board voted on the New York merger.

NEED FOR PUBLIC DISCLOSURE

Mr. Speaker, I wish to explain why I am so concerned with the failure of the banking authorities to disclose the basis for their decisions on these bank mergers. In the first place, I think the public is entitled to know the full facts so it can see whether the banking authorities have been using good judgment in the public interest on these bank mergers. Second, it was the professed objective of the Banking Act of 1960 that the three different banking agencies use the same standards in passing on mergers. Finally, and most important, the banking agencies have been delegated powers by Congress. Congress is the master, not the servant; and Congress, in turn, is the servant of the public. The Con-

gress has a right to know whether the agencies to which it has delegated broad powers are acting in the public interest.

BANKING AGENCIES NOT MEETING SPIRIT OF BANKING ACT OF 1960

In failing to issue full and complete opinions, and in operating behind closed doors, the banking agencies are not meeting the specific objectives of Congress. In discussing the Banking Act of 1960, the chairman, Mr. BROWN, of the Subcommittee of the House Banking and Currency Committee, which considered the bill, made the following statement:

We want to be sure that the three different banking agencies are all using the same standards in passing on mergers; so the bill requires the agency handling the application to request reports from the other two banking agencies as to the competition factors involved before it approves or disapproves the merger.

The Banking Act of 1960 itself states:

In the interest of uniform standards, before acting on a merger * * * the agency * * * shall request a report on the competitive factors involved from the Attorney General and the other two banking agencies referred to in this subsection.

Further, the act instructs the Comptroller, the Board, and the Corporation each to include in its annual report to Congress a description of each merger, a summary by the Attorney General of his report, and a statement by the banking agency "of the basis for its approval."

ANNUAL REPORTS OF COMPTROLLER OF THE CURRENCY, FEDERAL RESERVE, AND FDIC INADEQUATE TO MEASURE COMPARATIVE STANDARDS OF THREE DIFFERENT BANKING AGENCIES IN PASSING ON MERGERS

Mr. Speaker, I have perused all three of the 1960 annual reports of the banking agencies—the Comptroller of the Currency, the Federal Reserve, and the FDIC. I find that in no case are the recommendations or analyses of all three of the banking agencies set out. All that is set forth in the respective annual reports of these agencies is a brief statement of the basis for approval of the agency in question plus a statement from the Attorney General regarding the competitive aspects of the merger. In no case are the opinions of the other two banking agencies included. In short, the banking agencies are following the letter of the statute, but not its spirit. It is obvious that the desires as stated by the subcommittee chairman are not being met. We have no basis for determining the standards of the three different banking agencies in passing on particular bank mergers.

NECESSITY FOR STANDARDS TO BE UNDERSTOOD

Mr. Speaker, a number of my colleagues expressed the hope that the Banking Act of 1960 would provide safeguards against bank mergers which might lessen bank competition or tend to monopoly in the banking field. The gentleman from New York [Mr. CELLER], an ardent opponent of monopoly, expressed this hope. As he said:

This measure is, in my considered judgment, the minimum necessary to maintain a sound, vigorously competitive unit banking system in this country and to arrest a merger trend which is contributing substantially to the control of the Nation's banking business by fewer and larger financial institutions.

The gentleman from New York also pointed to the dangers of concentration in banking in the following eloquent words:

Such concentration is contrary to the fundamental premise that the banking system of the United States should rely for its vitality on vigorous competition by a multitude of independent banks, locally organized, locally financed, and locally managed. For unlike other countries, such as Great Britain, France, and Germany, where a few mammoth institutions control nearly all the banking facilities, the American system is based on competition as one of the strongest factors safeguarding a sound banking system.

A corollary matter of serious concern resulting from merger activity is the gradual decline in the total number of banks in the Nation. The fact is that the banking population of our country is at a 38-year low despite the postwar boom, despite the 286-percent growth in bank assets, despite the new high level of loans and deposits, despite the greatly increased use made of banking services, and despite the enormous growth in the number of depositors. As a consequence of this diminution of banks through mergers, competition among banking institutions has been lessened in communities through the Nation. Over 76 counties in the United States have no commercial banking facilities whatsoever; hundreds of small American communities have become bankless towns; and many others are served by only one bank in place of the two or three which existed in the 1920's.

WHAT DO THE BANKING AGENCIES CONSIDER "UNDUE LESSENING OF COMPETITION" AND "TENDENCY TO MONOPOLY"?

A careful reading of the annual reports of the Federal Reserve, the Comptroller of the Currency, and the FDIC sheds little or no light on how our banking agencies construe the terms "undue lessening of competition" and "tendency to monopoly," which are standards set out in the Banking Act of 1960. The authors of the Banking Act purposely injected the word "undue" in connection with lessening of competition to contrast it with a "substantial" lessening of competition, as contained in section 7 of the Clayton Act. The Banking Act of 1960, however, uses the phrase "tendency to monopoly" in the same phraseology as appears in section 7 of the Clayton Act. Therefore, it would be interesting to know whether the banking agencies have analyzed the New York and Chicago bank mergers, in particular, in respect to whether they might constitute a "tendency to monopoly."

Without full publicity and well-reasoned and publicized opinions, we must remain in the dark as to these considerations. The banking agencies are not fulfilling their obligations.

FULL PUBLICITY A NECESSITY

I have called for both the Comptroller and the Federal Reserve to hold open hearings on these merger matters, in which oral argument is heard. I have also requested that reports submitted by the examiners which formed the basis for conclusions reached by the Comptroller and the Federal Reserve Board should be made public.

I should add to both of these recommendations a similar request in regard to the Federal Deposit Insurance Corporation.

After full hearings, where all sides are heard, including the Department of Justice, the respective banking agencies should issue full, not perfunctory, written opinions, containing any majority and minority findings.

Finally, I have urged that bank mergers approved by the banking agencies be stayed for 30 days pending the filing of antitrust proceedings by the Attorney General. Only in this way is it possible to forestall bank mergers before the business of the respective banks has been "scrambled." Only in this way can we protect the public interest.

CIVIL DEFENSE: DANGEROUS FALSE SECURITY OR INDISPENSABLE PROTECTION?

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. RYAN] is recognized for 45 minutes.

Mr. RYAN. Mr. Speaker, on September 12 I introduced a resolution to create a joint select committee of Congress to investigate the ramifications of civil defense. The committee would be empowered to explore what effect civil defense would have upon the U.S. military position, upon U.S. foreign policy, and upon our economy, society, and form of government.

Such an investigation, Mr. Speaker, would differ greatly from past studies in the field of civil defense. Committees of the Congress have previously examined civil defense chiefly as an element in the operations of our Government. The basic approach has been to ask, "How effective is our organization for civil defense?" Attention has been directed to the procedures involved in building a civil defense agency rather than to the basic questions of the goals of civil defense, the effects of civil defense upon our country, and the serious question of whether the objectives sought can be achieved by any civil defense program that would be compatible with our principles and traditions.

Now that, for the first time, there is serious interest in the executive department in creating a workable civil defense program, the Congress should examine basic questions. In addition, the Soviet resumption of nuclear tests with the announced purpose of producing bombs equivalent to 100 million tons of TNT requires us to appraise our civil defense posture. A major question which arises from the Soviet Union's reckless determination to increase the destructive power of nuclear weapons is whether or not any nation can devise a civil defense system which would provide effective protection? A civil defense program which is designed to guard against existing weapons may encourage our adversaries to build even more destructive weapons to offset our civil defense efforts.

We have a duty to the people of the United States to ask questions. We must not allow basic problems to remain unfaced because we would not face them. We must not allow civil defense to be

built upon false assumptions because we would not question those assumptions. If we fail to raise basic questions and to challenge assumptions, our society may be adversely affected before, during, and after an attack by the very measures adopted.

These are some the major questions:

What would the United States be like if we built particular kinds of civil defense?

What would the United States be like if we did other things and built no civil defense?

What effects would particular civil defense programs have upon our society if they were never used?

What result would such programs have if war came and they were used?

Such questions cannot be answered without the knowledge of experts in various fields representing our entire society and economy. Civil defense would have an effect upon individual American homes, businesses, and local governments even more far reaching than the effect of the draft program at the height of World War II. For through civil defense every American citizen would, in effect, be drafted into the military program of the United States. Even if the civil defense system were never used, it would change enormously the way American society operates. For these reasons I propose that Members of Congress from each of a number of committees whose fields would be affected by a civil defense program contribute their joint knowledge to an examination of the basic assumptions and probable results of a civil defense program.

I propose that a joint select committee be formed consisting of one member each from the following House committees: Committee on Agriculture, Committee on Appropriations, Committee on Armed Services, Committee on Banking and Currency, Committee on Education and Labor, Committee on Foreign Affairs, Committee on Government Operations, Committee on Interstate and Foreign Commerce, Committee on the Judiciary, Committee on Public Works, Committee on Science and Astronautics, and Joint Committee on Atomic Energy; and from the following Senate committees: Committee on Aeronautical and Space Sciences, Committee on Agriculture and Forestry, Committee on Appropriations, Committee on Armed Services, Committee on Banking and Currency, Committee on Foreign Relations, Committee on Government Operations, Committee on Commerce, Committee on the Judiciary, Committee on Labor and Public Welfare, Committee on Public Works, and Joint Committee on Atomic Energy.

This select committee should, on behalf of Congress, conduct an overall examination from every angle of how possible civil defense programs and policies would affect American society. It should not prejudge any issue; it should not be committed in advance to support of or opposition to civil defense as a whole or any particular kind of civil defense. Instead, the committee should be prepared to probe deeply into the problem and to make recommendations to Congress and the American people.

Undoubtedly, the committee, under its general mandate from the Congress, would explore a number of facets of civil defense which no one now foresees. But in advance it is possible to see a number of specific issues that the committee would certainly have to face. I should like to outline these to show both the necessity for the select committee and the areas to be explored.

1. EFFECT OF CIVIL DEFENSE ON MILITARY PLANNING AND DETERRENCE

First, of course, the committee would need to examine the impact of civil defense upon the military posture of the United States. There is great disagreement among experts as to whether civil defense would improve or impair the U.S. deterrent posture.

For example, there is growing support among many defense experts for what is often called stabilized deterrence. Such deterrence would exist, according to some strategists, if both the United States and the Soviet Union had every reason to avoid even the bare possibility of striking first with atomic arms against the other and if both the United States and the Soviet Union knew that the other felt this way. Stabilized deterrence is sometimes said to require that the United States and the Soviet Union both have the very well protected ability to mount a second atomic strike against the other and that both powers have no protection, on the other hand, for their populations and industries. It is argued that this would mean that neither nation would be willing to use its atomic striking force first out of fear of overwhelming retaliation that would destroy its society. But, on the other hand, each nation would be willing to strike second since an attack upon it would so nearly destroy the country that nothing worse could be expected in return for mounting an attack upon the aggressor. Thus, this so-called suicide machine would presumably guarantee to both nations that neither would strike first and, therefore, would presumably prevent atomic war.

It is fairly clear that acceptance of this strategy would mean that the United States and the Soviet Union ought not to have any civil defense at all. Thus each nation would be offering up its entire population as potential hostages in the hope of preventing atomic war from beginning. The investigating committee I propose should certainly examine this theory carefully to try to determine whether it does offer the greatest safety to the population of the United States, a safety achievable by 100-percent deterrence of atomic war rather than by an attempt to protect the people after an atomic war has occurred. Does this view of stabilized deterrence offer a path toward arms control or disarmament?

Other strategists in the Defense Department disagree vigorously with this view of stabilized deterrence, and frequently support the strategy of counterforce war. This theory argues that, if U.S. atomic forces are separated from our populations, and if our populations are protected against atomic blast or fallout, it would be to the advantage of any attacker to spare the populations and attack only the atomic forces. Counterforce strategists argue that by attacking forces only the aggressor would make it worth our while to retaliate only against forces. Thus both American and enemy populations would be relatively undamaged. Since counterforce strategists expect our atomic forces, such as missile and bomber bases, to be separated as far as possible from populations, they feel that fallout would be the only major danger to most populations. They, therefore, argue in favor of building fallout shelters for populations both in cities which would be deliberately separated from atomic forces and in rural areas that might not be damaged by direct blast. Despite inevitable casualties and deaths among civilian populations, resulting from accidental and mistaken attacks on nonforce areas, they argue most civilians would be protected from the consequences of atomic war.

The Select Committee on Civil Defense should certainly examine this strategy carefully, with a view to determining whether or not it is, in fact, feasible to separate atomic forces from populations and whether or not, in fact, opposing powers would see advantages in sparing each other's populations. The select committee should certainly examine whether or not an attacking power would consider industrial centers as too important to be spared, whether or not it would regard financial and transportation and governmental centers as mere centers of population or as military targets, and other questions relative to the probable results of adopting a counterforce strategy with its concomitant fallout shelters.

The committee should also attempt to investigate the implications of counterforce strategy for the dangers of preemption—that is, an attack intended to forestall an enemy attack expected to take place within the next few hours. Similarly, the select committee should try to determine whether or not adopting counterforce tactics plus a fallout shelter program would merely bring about an increase in the destructive power of the enemy's intended attack.

In this way the Select Committee could determine whether or not a program of fallout shelters would make sense and, particularly, whether or not fallout shelters would be of any help in large cities. The committee could examine the figures that counterforce strategists set forward as the expected number of deaths even with civil defense—generally around 30 million—and measure these against the likely effects of other strategies.

A third major defense strategy proposed for the United States is that of massive retaliation at times and places of our own choosing. This strategy suggests that various kinds of aggression, even with conventional weapons or political subversion, might be punished by an atomic attack on the Soviet Union. Supporters of massive retaliation have sometimes argued for the establishment of huge shelters protected against blast as well as fallout and reachable only by evacuation. It is argued that the United

States would evacuate its population to such huge underground cities at times of high tension, when either an enemy attack was feared or a U.S. attack was intended.

The select committee ought to investigate carefully the implications of this strategy. Would the strategy lead directly to an attempted first strike by both sides in periods of crisis? Would evacuation be seen as the signal for war and thereby encourage a preemptive attack? Or would the building of great blast shelters actually protect civilians from the results of an atomic war?

All of the strategies I have outlined so far, with their implications for different kinds of civil defense policy, are based on the assumed crucial importance of the atomic deterrent. Some military strategists, drawing on the experience of Korea and of conventional or guerrilla wars since Korea, feel that limited wars are the real danger that America must face. Many limited-war theorists feel it is much more important to expand the numbers of men in our ground forces and to increase the mobility of these forces than it is to put money into a civil defense program that will not help fight limited wars. Other limited-war theorists feel that the United States would be more willing to take on any enemy in a small war if there were minimal protection for civilians at home. The Select Committee would investigate this whole problem of the impact of civil defense on our limited-war capabilities.

In summing up what the Select Committee might examine in the area of military effects of civil defense, I would say the basic problems would be: Would certain kinds of civil defense be necessary to support a particular military strategy chosen by the United States? Would particular forms of civil defense nullify desirable strategies? Would civil defense actually protect civilians, or would it increase both the chances of war and the preparation for making war devastating and long lasting, so that even civil defense would be useless for preserving lives? These questions should be answered if the United States is to choose intelligently among the various possible civil defense policies.

2. CIVIL DEFENSE AND FOREIGN POLICY

The next major concern of the Select Committee would be the effect that various kinds of civil defense would have upon U.S. foreign policy. Both in the cold war against our Communist opponents and in our relations with the uncommitted and underdeveloped countries outside the cold war, an American civil defense program might change the tenor of our diplomacy.

The committee should ask whether in the cold war a government possessing civil defense would be more or less likely to respond to crises with a willingness to negotiate on reasonable and honorable terms. Would policymakers in some future and unknown administration become more belligerent if they thought the United States were ready to absorb an atomic attack? Would negotiations, therefore, be more likely to fail and collisions more likely to result in war? Or would civil defense encourage on the part of our Government moderation and firmness in times of crises? Would civil defense make the population more belligerent toward our enemies and more indifferent toward the risks of nuclear war?

The effects of civil defense upon our policy toward underdeveloped countries would also be a major concern of the Select Committee. How would such countries react to efforts by the United States to save its own population from the results of atomic war, when they cannot afford the heroic measures that would be necessary to protect their own people from the after effects of such a war? Would a civil defense program here arouse the same kind of antagonism in the newly emerging countries that the testing of H-bombs aroused? Would a civil defense program force us to curtail the amount of money we could devote to aiding economic development in these countries? If the uncommitted world did react negatively to a U.S. civil defense program, how much damage and what kind of damage could we expect to our overall foreign policy? These questions must be faced by Congress and the American people if we are not to let an ill-considered policy on civil defense stultify our basic foreign policy.

3. THE ECONOMICS OF CIVIL DEFENSE

The impact that various kinds of civil defense would have upon our economy is another area that the Select Committee should investigate. How much expense would various programs of civil defense entail? Under various possible programs for raising the revenue what segments of the economy—business, large or small; labor, organized or unorganized; agriculture, family or corporate—would actually bear the expense? What would be the effects of paying for civil defense through taxes, or tax writeoffs, or family expenditures, or corporate spending to be recovered from higher prices to consumers? What changes in the level of the economy could be expected? Would civil defense be inflationary? Or might it bring about higher employment without inflation?

Aside from these questions of economic level and distribution, there would be problems of economic controls that the Select Committee might examine. Would new controls, and a new bureaucracy to enforce them, be required for allocating construction materials, food, and survival tools to the shelters? Would it be necessary to intensify city planning and to get up regional or national planning to facilitate evacuation or to bring about dispersal of major industries? Would the Government have to purchase large tracts of land for shelters?

What dislocations in the normal economy would be made necessary by a civil defense program? The committee would find it useful to estimate what alternative civil defense programs would do to other possible private and public expenditures. For example, how many schools, which would have been built if no money were spent on shelters, would remain unbuilt? How many new homes would not be built if economic resources were going into the addition of shelters to old homes? In other words, such a Select Committee ought to ask not only what new commitments civil defense would require of America, but what old goals and intended new ones would have to be forsaken.

4. THE POLITICAL AND SOCIAL RAMIFICATIONS OF CIVIL DEFENSE

The most careful consideration would have to be given to changes that a civil defense program would require in our cherished political system. Certain programs of civil defense, for example, hidden shelters or emergency stockpiles, might require much greater government secrecy and in enforcing this secrecy much greater control over the press and over travel. The planning required by civil defense might make necessary much greater centralization of power in the Federal Government, as against the States and localities. Certain kinds of civil defense might bring about an enormous increase in the influence of the military over ordinary civilian decisions. A committee of the Congress, well versed with the fabric of American liberty, would be well prepared to examine the implications of each proposed civil defense policy for our national liberty.

Finally, more subtle changes in American life might result from certain kinds of civil defense. For example, what would be the psychological effects on children of intensified shelter drills or on the entire population of repeated sheltertaking drills? What would be the effects on inhabitants of our 10 largest cities—or possible 100 or 200 largest cities—if they were to be told clearly that a particular civil defense program assumed that they would die and was aimed only at preserving the rest of the population? Would the Federal Government insist that all shelters be racially integrated? Or would some States insist on preserving racial distinctions in the shelters? The decision where to place military installations might involve the question of which cities live or die in a nuclear war. Will civil defense make citizens more aware of this risk and, therefore, will the public resist the establishment of military installations?

Since a civil defense program would have far-reaching effects on our country along the lines I have indicated even before or in the absence of a war, it is necessary for Congress to examine carefully what such effects might be before adopting a particular kind of civil defense program.

But in any intelligent study of civil defense it is necessary to ask what the effects of particular kinds of civil defense will be if our Nation is involved in war and actually needs to use the civil defense that has been built. We need to anticipate how much of our country would survive and what kind of country it would be, depending on what kind of civil defense policy had been followed.

The obvious question to ask is, How many lives would civil defense save? The question can, of course, make sense only if it is asked about some particular form of civil defense at some particular level

of attack. Any calculation of the lives to be saved must take into account the weapons level likely to obtain in the world at some future date when a particular kind of civil defense has been provided. It is also necessary to estimate whether the very existence of civil defense in particular forms would change the level of the attack made upon us. For example, let us assume the United States starts now to build a civil defense system capable of protecting millions of people against present thermonuclear weapons. Will that form of civil defense protect anyone at all, if it is finished 5 years hence and a weapons revolution has intervened that raises the scale and changes the nature of the usable weapons? To take another example, might an American program of fallout shelter aimed at 2 weeks' residence stimulate an opponent to prepare a second thermonuclear salvo to be fired 2 weeks after the first? If an enemy did react in this way, the very creation of the civil defense would have brought about the kind of attack that would make civil defense useless; no lives at all would have been saved by the civil defense effort.

Thus, always keeping in mind the responses of the potential enemy and the likelihood of a weapons revolution, the Select Committee would attempt to work out what forms of civil defense would have to be built to make it reasonably possible to restrict the number of deaths to 50 million dead, 100 million dead, and so forth. The committee might also examine which citizens would be saved. Certain kinds of attack upon the United States would almost inevitably destroy inhabitants of the largest cities, probably including most of the people who keep things going—skilled mechanics, public health experts, railroad-operating men, trained administrators, and so forth. Other similar questions of differential deaths would have to be faced if the United States is to make any intelligent decision as to what kinds of civil defense it wants. The distinguished gentlewoman from Michigan [Mrs. GRIFFITHS] has pointed out the danger that women of child-bearing age might under certain circumstances be worst hit.

As these questions suggest, there are serious problems concerning what kind of nation the United States would be after a nuclear war, depending partly on what kind of civil defense we had set up. Would the United States remain a world power? Would we be reduced to the relative position of, say, Portugal, today? Of Cambodia? Would society be rebuilt within a democratic framework within the postattack period? Would communications possibly be so damaged and wide areas left so radioactive that several independent nations would grow out of the present United States? More important, perhaps, would whatever kind of government remains be one member of an international system similar to our present one, and would the world simply move again toward a repetition of the disastrous war?

Different programs of civil defense might even condition much of the internal political and economic freedom in the United States after the war. Depending on level of attack and forms of civil defense, would the United States recover economically to its present industrial capacity? Would the destruction of material and intellectual capital be so great as to reduce us to a much lower economic order? Or, because of the elimination of outdated machinery, would it be possible that the Nation could quickly recover to a more advanced economic level? Again, particular kinds of civil defense might push the country in the direction of near anarchy, if, for example, large shelters were made totally self-sufficient and communications were destroyed, or in the direction of old-fashioned military dictatorship, if, for example, an attempt were made at strict military command through martial law.

Questions of how many people could be saved and what kind of life they could live are broad general questions that can only be answered by examining very specific details of the practical operation of any proposed civil defense shelter program. The day-to-day operation of shelters under atomic attack will decide how many people survive, whether they live afterward under a dictatorship, and whether any industrial knowledge or machinery survives with them. The Congress, therefore, must examine the details of operating various kinds of civil defense shelters.

If large shelters are to be built, who will run them and how will these leaders be chosen? How will leaders and citizens be adequately trained? How will trained leaders actually get to the shelters? How effectively will shelters be stocked with food and water, and what arrangements will be made for fair sharing? What medicines will be stocked in the shelter? Who will be allowed in and who will be kept out? If schools are used, for example, who will be let into the schools? Should school shelters be limited to children and their families or should the surrounding community be let in? Who will decide? How much space will there be for each individual? What will be done to keep separated families from leaving the shelter to search for loved ones? Will the threat of radiation be sufficient to keep a mother from searching for a child? Such questions can be multiplied indefinitely. Each is important if the Congress is to be able to make an informed judgment on the nature of civil defense.

Mr. Speaker, I have tried to show that the long-range goals and the immediate details of civil defense are closely interconnected. No examination of the one can be of value without an understanding of the other. The kind of civil defense we adopt will help determine the nature of American society during the cold war, even if it is never used; the nature of military strategy and weapons development both in the United States and among our enemies; the number of lives that might be saved depending upon what kind of atomic attack were made against the United States; and the kind of America that might result if war were actually to come and total annihilation were prevented.

These questions involve the future of the United States as a Nation and of its citizens as individuals. The questions must be answered. They cannot be answered without a careful examination into the detailed operations of various possible policies of civil defense.

In summary, the proposed committee should ask the following questions:

First. Will civil defense in particular forms make war more or less likely, and more or less devastating?

Second. Will civil defense in particular forms consume so much in material and human resources and require so much abridgment of political liberty that it will distort or destroy the free institutions that we cherish and want to protect?

Third. Will civil defense in particular forms save a great number of American lives, or only a few lives, or no lives at all?

Fourth. Does the answer to question 3 depend upon the answer to question 2? That is, does building civil defense that will save a great number of lives require a greater invasion of political and economic freedom?

Fifth. Are there other objectives that could be accomplished with the human and material resources implicit in civil defense—programs which would be more effective in deterring war, in lessening the scare of war, or in advancing freedom across the world?

Until the Congress has sought answers to these questions, it will be impossible for the American people to judge or for their representatives to decide what our policy on civil defense should be. That is why, Mr. Speaker, I regard it as urgent for the Congress to undertake this study.

TELEVISION BROADCASTING

The SPEAKER pro tempore (Mr. PUCINSKI). Under previous order of the House, the gentleman from Alabama [Mr. ROBERTS] is recognized for 15 minutes.

Mr. ROBERTS. Mr. Speaker, on September 16, I introduced a bill—H.R. 9267—to amend the Communications Act of 1934 which I believe is of enormous importance to the public. I am deeply troubled by proposals of the Federal Communications Commission which contemplate shifting television broadcasting in the United States from VHF channels to UHF channels. If these proposals of the FCC are carried out there will be grave injury to the people in my district, to the people in my State of Alabama, and to the people in other large areas throughout the United States.

The action by the FCC which troubles me so very deeply was taken last July 27. On that day the FCC started proceedings to require existing television stations in eight communities to stop operating on VHF channels and to shift to UHF channels. This is what the FCC calls "deintermixture." Montgomery, Ala., is one of the eight communities from which the FCC would take away a VHF station. The other communities are Madison, Wis.; Rockford, Ill.; Hart-

ford, Conn.; Erie, Pa.; Champaign, Ill.; Binghamton, N.Y.; and Columbia, S.C. You can see that several sections of the country are involved in just these eight cases.

But the FCC did more on July 27 than just start eight deintermixture cases. It revealed that "it is contemplated that additional deintermixture proceedings will be initiated in further markets at a later time." The FCC did not identify the "further markets," or indicate how many there will be, or disclose how soon they would be acted on. But it has made clear that it intends for there to be more.

The FCC did still more on July 27. It announced its intention to make, "a more thoroughgoing reallocation of channel assignments looking toward providing substantially all-UHF assignments in certain areas of the country unless it be found later that all television can be shifted to the UHF portion of the spectrum."

I am not at all certain that shifting television stations from VHF to UHF would be in the public interest. I am convinced that the Congress—the elected representatives of the people—has the duty to step in here to see to it that the FCC does not take the action it contemplates if it is to the detriment of television service for the public. Our distinguished colleague, the gentleman from Wisconsin [Mr. THOMSON], expressed his concern with the FCC's proposals in his remarks of August 31. I agree with what he said.

To me it is axiomatic that the public interest is not served by taking television service away from people. I have no doubt about the importance of television to the people of my State and district. I have no doubt about how they would be hurt or about how they would feel if they lost their present service. I think that people would feel the same way wherever they live.

The FCC's proposals to shift VHF stations to UHF channels would take television service away from tremendous numbers of people who now receive it. There is a very simple reason for this. VHF channels are substantially more able than UHF channels to provide good service to wide areas. VHF stations provide television not just to the city in which they are located but also to the suburban areas and to the many smaller and medium-sized communities, rural and outlying areas and farms that are located within a radius of perhaps 60 miles and more of our larger metropolitan areas. UHF stations—at least at present—just do not provide this wide area public service. Even within the smaller areas that UHF channels can serve, UHF service today is usually not as good as VHF service. In very unusual circumstances there may be exceptions to this, of course, but the technical information available so far shows this to be the situation in the usual case.

Available technical information also shows that basic laws of nature—which are not changed by using new tubes or gadgets on sets—account for a large part of the basic differences between VHF and UHF.

The loss of service to the people that the FCC's UHF proposals will cause is no trifling matter.

If channel 12 is replaced by a UHF channel at Montgomery, Ala., as the FCC proposes, station WSFA–TV there would be calculated to have grade B coverage on the order of about 5,000 square miles compared with about 13,000 square miles at present. This is a loss of grade B coverage by this one station of about 8,000 square miles. At least 1,500 to 2,000 square miles of this area would not have any grade B television coverage left at all.

Montgomery is the capital city of Alabama and as such the center and hub of political activity and news in the State. The maximum power VHF channel in Montgomery is a medium for disseminating news from our State capital into the homes of some quarter of a million Alabamians in Montgomery and the many other areas of Alabama served by the channel. It is my understanding that if the maximum power VHF station in Montgomery were to be deleted, there would be wide areas in Alabama and thousands of our Alabama families solely dependent on bordering out-of-State television stations for their programs and news coverage. It is our further understanding that should the VHF channel in Montgomery, Ala., be deleted, Alabama would very well be one of the few States without a maximum power channel in its capital city.

In keeping with the intent of Congress that maximum power-wide coverage channels should be fairly distributed among the States, in 1954 Montgomery and Alabama and her people became the beneficiary of the VHF channel that has since served so many people and areas of Alabama from our capital city. In rendering the vital service it does from our State capital, the maximum power VHF channel in Montgomery has become and is a valuable resource to Alabama and her people. I feel that a large segment of Alabama and her people would be deprived of a most vital and necessary service if the VHF channel in our State capital should be deleted.

If VHF stations are taken off the air in the other seven "deintermixture" cities already named by the FCC this loss would be multiplied. Hundreds of thousands of people will lose the only television service they have. Many more hundreds of thousands of people will lose their service from the particular VHF station that the FCC would force off the air, so that if they now get three stations they will be cut back to two, or if they now get two they will be cut back to one. Countless other people who will still be able to receive the station after it is shifted from VHF to UHF will not get as good a signal as they now get on the VHF channel. I want to emphasize that all of this loss of service I have just mentioned would come about from just the eight deintermixture cases the FCC has already started. I also want to emphasize that the dissenting statement of Commissioner Cross opposing deintermixture points out this serious loss of service and that the FCC is aware of the consequences of its proposals.

If the FCC goes on with the other steps it has mentioned in its proposal to shift all or a substantial part of television to the UHF, the loss of service to the people would be a great deal more serious. For example, if all of the VHF stations in the country were forced to operate on UHF channels a great deal more than 25 percent of all the land area in the United States would lose all of its existing television service. The Congress has the responsibility to see that this is not allowed to happen to the people.

If VHF stations are shifted to UHF, the people are going to be hurt no matter where they live. But the people who are going to be hurt most of all by these UHF proposals are those who live in the smaller and medium-sized communities of our country, those who live in the rural and outlying areas, and those who live on farms. UHF television just will not reach these people the way present VHF television does. Since it takes a lot of money to build and operate a television station, I do not see how these less populated and more outlying areas which will lose VHF service will be able to muster the economic support required for all the new stations that would be required to bring replacement service to the areas losing VHF service.

In 1960, the Congress appropriated $2 million to study UHF television in New York City because the FCC told us that these studies were "essential" to provide technical data on UHF for purposes of determining the extent to which UHF could be used, particularly in larger cities. These studies are not completed. They are not even scheduled to be completed for approximately another year or more. If the studies were "essential" as we were told when the money was requested, how can the FCC even consider—let alone justify—shifting stations to the UHF before the studies are finished?

The reason the FCC gives for its proposals to shift VHF stations to UHF is to encourage UHF and to increase the number of television stations. I am convinced that UHF can be encouraged and any need for more stations can be met without the public's having to pay the terrible price of losing existing VHF service. Improving the opportunity and ability of UHF stations to operate effectively right alongside of VHF stations in the same areas and communities—as 250-watt radio stations operate effectively right alongside 50,000-watt stations—will pave the way for expansion of UHF. The bill which I have introduced is designed to do that.

The FCC recognized that the basic handicap to development of UHF has been the fact that most television sets are not able to pick up UHF channels. The FCC also recognizes that an effective way to eliminate this receiver incompatibility problem would be for the Congress to enact legislation authorizing the FCC to prescribe the channels that television receivers shipped in interstate commerce must be able to receive. Indeed H.R. 8031 has been introduced this

session by the chairman of our committee, the gentleman from Arkansas [Mr. HARRIS] at the request of the FCC to give it this power. I believe that the FCC should have the power over sets that it has asked for if that is the only practicable way of getting UHF stations on the air and keeping them there and my bill would give the FCC this power.

However, if we enact set legislation as the FCC has asked, this will be a compelling reason for the FCC not to shift any VHF station to UHF. Elimination of set incompatibility would assure UHF stations of an audience capable of receiving their signals and would improve their ability to operate right alongside of VHF stations. Under this approach existing UHF stations would continue to serve the people they now serve and in addition would provide for effective growth of commercial and educational television. This approach would be especially helpful for educational television since most of the channels that have been reserved for the very important educational service are UHF. At the same time, this approach would assure that the people would continue to receive their existing VHF service without impairment. My bill would make clear that if the FCC gets the power it want over sets, it may not use this power to cause the involuntary shift of stations from VHF to UHF. Thus my bill would encourage UHF but not threaten VHF. This is the main difference between my bill and H.R. 8031.

Mr. Speaker, I hope that we can have early hearings on my bill and that pending consideration of this legislation by the Congress, the FCC will refrain from any action which will deprive the people who are now served by the eight VHF stations of the fine television service which means so much to them.

Mr. SCHNEEBELI. Mr. Speaker, the decision of the Federal Communications Commission to consider deintermixture of VHF and UHF television stations in various areas of the country has evoked strong cries of protest from many residents of Pennsylvania's 17th Congressional District. The deintermixture policy, if carried into effect, would have specific application to the Binghamton, N.Y., area—threatening television viewers also in many of the northern counties of Pennsylvania.

The multitude of protests which have been directed to me oppose action which would require WNBF–TV to change from a VHF station; and they assign several cogent and compelling reasons for this opposition. First, there are many areas in the congressional district I represent which can receive a consistently clear image only from WNBF–TV without the use of a costly auxiliary antenna. Secondly, if the change took place, television set owners would be forced to undertake the expense of conversion of their present sets so that UHF television could be received. Thirdly, there are many viewers on the fringes of the area who—because of the more restricted range of UHF—would be deprived entirely of the opportunity to view television. Finally, the people in my district oppose such an order because the great cost of conversion will place such a heavy burden on the television station itself as to threaten its ability to continue its fine performance in scheduling outstanding programs contributing significantly to community improvement.

Mr. Speaker, I know I speak for a large majority of my constituents when I urge that WNBF–TV remain undisturbed, and that its viewers be allowed to continue to benefit from its fine programs.

NAVAL PROCUREMENT INVESTIGATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Indiana [Mr. WILSON] is recognized for 20 minutes.

Mr. WILSON of Indiana. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WILSON of Indiana. Mr. Speaker, many Members of this body well remember the late Ed Koterba, a highly respected newspaper reporter for the Washington Daily News. Mr. Koterba was a victim of an airplane crash this past summer. In one of the columns he wrote shortly before his death, he may have pried open the lid on a Pandora's box of corruption, favoritism, and waste in the procurement division of the Navy Department.

In one of his last columns, Mr. Koterba described a situation at the Navy Department where a large electronic firm actually has technicians in top-secret areas advising the Navy on what kind of electronic equipment to buy, from whom, and at what prices.

After reading Mr. Koterba's account of the matter, I decided to do some investigating of my own. First contacts were informal and preliminary. However, by talking to Navy people and by sifting various facts that were uncovered, I was able, on August 23, to direct the following letter to the General Accounting Office requesting information on what, on the surface, appears to be a single, small Navy contract with a giant electronic concern.

Mr. Speaker, under unanimous consent I wish to insert the text of that letter in the RECORD at this point:

AUGUST 23, 1961.

HON. JOSEPH CAMPBELL,
Comptroller General,
General Accounting Office,
Washington, D.C.

DEAR MR. CAMPBELL: Under Navy Department Bureau of Ships contract NObsr–85109, $481,000 (including $30,600 fixed fee) provided for 6,015 man-days of engineering labor and 2,380 man-days of drafting labor to staff code 454 of the Bureau of Ships with technicians in the employ of company R during fiscal 1961.

In connection with NObsr–85109, the following information is requested:

1. How many proposals were requested in the negotiations preceding the award of NObsr–85109?

2. How many proposals were received under this request for quotation?

3. What quotations were recorded?

4. The name of the Navy official who signed the determinations and findings which justified this procurement action.

5. What justification was cited to restrict this action from open competition?

6. What is the name, rating, and room number of the chief engineer in charge of code 454?

In view of the fact that NObsr–85109 was for the period June 1, 1960, through July 30, 1961 (fiscal 1961), information is requested as to whether or not the Navy Department negotiated a continuing arrangement for this same service.

One additional piece of information is required here, and it is critical:

7. Of the 40 or more engineers supplied by company R to the Navy under NObsr–85109, please obtain a complete list of all the individual names of the people who worked under this contract, and identify which were ex-Navy employees, their previous rank or rating when employed by the Navy, the date of their termination as Navy employees, and the date they began to work for company R.

Yours very truly,

EARL WILSON,
Member of Congress.

You will notice, Mr. Speaker, that I asked for a reply before August 30. During the same period I asked for information on a number of other Navy procurement matters but did not put a specific return date on them. I have yet to hear from those letters. When I do, I think there will be a great deal more light shed on the Navy's procurement policies and the way in which taxpayers' money is being wasted, certain manufacturers are being favored, and others actually locked out of any possibility of doing business with the Navy.

The answer I received August 31 from the General Accounting Office was detailed and factual. I should like to refer to it, but first under unanimous consent I will insert it in the RECORD at this point:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., August 31, 1961.

Hon. EARL WILSON,
House of Representatives.

DEAR MR. WILSON: This is in response to your letter of August 23, 1961, requesting information relative to Department of the Navy contract NObsr–85109. The information that you requested has been obtained from the Bureau of Ships and is set forth below in accordance with the specific questions contained in your letter.

"1. How many proposals were requested in the negotiations preceding the award of NObsr–85109?"

Only one company, company R, was requested to submit a quotation.

"2. How many proposals were received under this request for quotation?"

One proposal was received.

"3. What quotations were recorded?"

Company R's quotation of August 30, 1960, proposed a price of $479,013. During negotiations a provision for overtime premium of $7,073 was added and the fixed fee was decreased by $4,886, so that the final negotiated price was $481,200. The contract period was fiscal year 1961. Contract NObsr–85109 was subsequently amended by modification No. 1, dated March 21, 1961, which increased the number of service days to be provided by the contractor from 8,395 man-days to 13,980 man-days at an increase in the contract price of $331,150. The statement of contracting officer related to this modification states that the increased service days would be for performance of work on projects started prior to July 1, 1961.

"4. The name of the Navy official who signed the determinations and findings which justified this procurement action."

The determination and findings related to the method of contracting and was signed by E. H. Koch, contracting officer, Bureau of Ships. A statement of contracting officer was also prepared for this procurement action to justify the contract award on a noncompetitive basis. The statement was signed by J. J. Foley, contracting officer, Bureau of Ships.

"5. What justification was cited to restrict this action from open competition?"

The justification cited for restricting this contract award from open competition was title 10, United States Code, section 2304(a)(10), which relates to purchasing or contracting for property or services for which it is impracticable to obtain competition. A copy of the statement of contracting officer containing pertinent facts is included as enclosure 1.

"6. What is the name, rating, and room number of the chief engineer in charge of code 454?"

The chief engineer in charge of code 454 is Harold M. Wright, GS–15, supervisory electronics engineer, room 4438, Main Navy Building.

"In view of the fact that NObsr–85109 was for the period June 1, 1960, through July 30, 1961 (fiscal 1961), information is requested as to whether or not the Navy Department negotiated a continuing arrangement for this same service."

Under modification No. 1 of NObsr–85109, company R is continuing to furnish these engineering services during fiscal year 1962 on projects started prior to July 1, 1961, and negotiation of a contract for additional services to be furnished by company R during 1962 is currently in progress.

"7. Of the 40 or more engineers supplied by company R to the Navy under NObsr–85109, please obtain a complete list of all the individual names of the people who worked under this contract, and identify which were ex-Navy employees, their previous rank or rating when employed by the Navy, the date of their termination as Navy employees, and the date they began to work for company R."

This information is included as enclosure 2. Because of the limited time available, we were unable to check the accuracy of the information which was furnished to us by the Bureau of Ships against records of the Navy or company R, nor did we contact any of the individuals named.

We trust that this information will satisfy the purpose of your inquiry.

Sincerely yours,

FRANK H. WEITZEL,
Assistant Comptroller General of the United States.

Now, you may ask the question, "Why does the Navy have to hire manufacturers' people to make recommendations on supplies and equipment?"

You might get the answer that there are not enough qualified people in the Navy to do this work, but that would be false. Not only are there sufficient trained people to do this kind of work, but the company involved actually took Navy people; in some cases even before they stopped receiving a Government check, and put them to work for it.

As you know, Mr. Speaker, so-called personnel ceilings are imposed on the various military agencies. To get around their ceilings, it is apparent that the Navy Department has contracted with various concerns to supply the people required to do the job.

In this particular instance, the Navy Department awarded company R, as I shall call it, to provide technical services for the fiscal year 1961. The contract covered 8,935 man-days of work. The total price was $481,200. This works out to about $58 per man per day—a good price, indeed.

This contract was one of the Navy's contracts of the negotiated variety, and it is these negotiated contracts that make up the bulk of our military procurement obligations. This transaction, like so many others I shall mention in the future, was conducted out of sight of the public, behind closed doors, on what is called a sole source basis, without any form of competition whatsoever.

You may note in the report from GAO and in my letter to that agency that I requested a justification for such an action. I was told the deal with company R was justified by section 2304(a)(10) of the United States Code, which allows such a procedure if it is "impractical" to obtain competition.

This impractical justification was certified as a true condition by Mr. E. H. Koch and Mr. J. J. Foley, two civil servants currently in the employ of the Navy's Bureau of Ships.

Was this certification false? Did Mr. Koch and Mr. Foley know it was false when they signed their names to the documents? Did they really make a thorough study of the company R matter? There is serious question that they did.

I want to state at this point that this is not a political matter. This is not a case of Republicans versus Democrats. It is a problem which must and should concern every American taxpayer, because it is a typical example of why our national debt is enormous, why it must continue to skyrocket if something is not brought about to put Armed Forces procurement on a realistic basis.

To gain some understanding as to the workings of the Navy procurement machinery, let us go back now and review this company R award to see what happened and why.

Remember, the work was and is all being done in the Washington area. Is company R the only company equipped to advise the Navy on what sort of equipment it should purchase?

Hardly.

It is a fact that there are approximately a dozen well-qualified and talented concerns in Washington, Maryland, and Virginia which are equally capable as is company R to perform this work. It is also a fact that their judgments would not be prejudiced in favor of any one company. Certainly, we cannot expect company R technicians to be objective in their studies when their own plant makes what is needed.

These firms I have mentioned were excluded from bidding on the work by the Koch-Foley statement which certified how "impractical" it was to obtain competition. What happened next?

It is all in the GAO report to my office. The Koch-Foley statement eliminated all competition. Then the Navy accepted the company R quotation of roughly $58 per man per day and awarded a contract for a half million dollars.

Why was not competition allowed by Koch-Foley?

The answer to that is obvious.

If competition were allowed, it might be lower than the company R bid. Company R would then fail to receive the award. Why was it so necessary to get the contract for company R?

The answer to that is revealed when you study the names of the personnel supplied by company R to do the work:

L. W. Antwerp, rear admiral, retired; Captain Williamson; retired Commanders Smith, Volk, Constant, Husband, Green, Cherok, and others; plus many others of lesser rank, all retired Navy personnel.

Admiral Antwerp left the Navy on December 1, 1958, and simultaneously went to work for company R. The others are much the same, except that in two instances I have found these ex-Navy officers were so anxious to go to work for company R that they began their civilian duties while still on the payroll of the U.S. Navy.

Services for fiscal 1962, on about the same basis as 1961, were arranged by these same two men, Koch and Foley, in a clever manner. They simply amended the 1961 contract to include 1962, at the same rate, and again shutting out all competition.

Mr. Speaker, I think the late Mr. Koterba was right. There is "an oddball situation at Navy." The only place he could possibly have failed was in understanding or comprehending the magnitude or the scope of this thing. He may have been working deeper than any of us know before his untimely death snuffed out his investigation.

I am currently directing my staff in a rather concentrated investigation in the areas set out by Mr. Koterba and in other areas. Mr. Speaker, I want to say here today, we have only made a pinprick on the surface of this mess.

Informal estimates available to my office indicate that the same work company R is performing with retired naval officers could be accomplished profitably by other concerns who would be willing to accept the assignment at prices ranging down to 75 percent of that paid company R. This means to me that in one instance—the contract set up by Koch-Foley—the taxpayers of this Nation have had to pay out up to $200,000 more than was necessary for this piece of "national defense."

Today, Mr. Speaker, I have asked the General Accounting Office for a complete audit of this contract. I want to know how much each man was paid, how much profit was realized by company R, and the answers to other questions.

As a member of the Appropriations Committee in this House for many years, I have long been concerned with the tremendous amounts of money required for national defense, and the weight of the burden that is constantly being placed on the American taxpayer.

As a taxpayer myself, I feel that if more money is required to insure our

national defense I am ready and willing to pay my share. If this money is going to be wasted, and I am sure it has been, then it is up to Congress to eliminate the waste and those who cause it.

For many years, various of my colleagues have complained about waste in Government procurement. Never once, though, has there been a penalty other than on the taxpayer who must bear the load.

I, for one, am disgusted with this continuing waste and intend to follow a course which will find out who is wasting all this money and eliminate from Government service those individuals proven guilty, whether stupidity or cupidity is their reason.

Hiding behind the banner of "national defense," these people have been raiding our National Treasury, or allowing industry to carry it out, with their "sole source," behind-locked-doors, out-of-sight, noncompetitive transactions.

As our investigative procedures are presently set up, even the General Accounting Office cannot proceed until after something is an established fact. These military people are guilty of continuing mistakes in judgment and they make and repeat these mistakes with absolute impunity.

That impunity, Mr. Speaker, is a thing of the past. Somebody besides the American taxpayer is going to pay for these mistakes.

Mr. Speaker, as a Member of this House for 20 years, I have become increasingly disturbed by the huge sums of money that are required by the various branches of the military to perform their functions and to provide for what is referred to as "the national defense" by the Constitution. Serving on the House Appropriations Committee, I have watched ever-increasing demands for funds being made by military men. They say they need this money to support their ever-expanding budgets. The needed money, of course, becomes an additional burden on every taxpayer of this Nation.

During the past several months, many of my colleagues on both sides of the aisle have complained time and again about the waste of the taxpayers' money. Most of the complaints have been about the procurement processes of the various departments.

For some time, Mr. Speaker, I have been investigating different phases of Government contracting procedures. In fact, I have requested the General Accounting Office to procure for me information not available through any other channel. My investigation has not followed military policy or theory; rather it has been concentrated on specific procurement transactions in minute detail.

The results are now being received. The pattern is manifestly clear.

Mr. Speaker, I am here today to state that the way taxpayers' money is being wasted in military procurement matters is a scandal, a crime, and a national disgrace and the reason for this is as clear as the pattern of waste itself.

The reason is that the civil service engineer is no match for the talented, sophisticated, expense-account-supported sales engineer of big business. It is this combination of civil servant engineers and civil servant contract negotiators which is costing the taxpayers more money every day and adding to the problem of our national debt.

To illustrate my point, Mr. Speaker, I would like to relate the facts concerning the procurement of a single piece of electronic equipment by the Navy Department. This is just one of a number of such examples I will cite in the future to prove my contention. In all cases, I will delete the names of manufacturers since they are not to blame. They just play the game by the rules set up by people in Government. I will cite names of Government employees, however, since the facts reflect on the ability and integrity of these people who knowingly contribute to these wasteful practices.

This first illustration concerns a "transducer," identified by the Navy Department by the number TR–152/SQS–23. This equipment, installed in the hull of naval vessels and used in conjunction with other equipment, is capable of detecting the presence of enemy submarines.

Some time ago, the need developed for this equipment. Three firms were invited to bid for the contract, and three bids were recorded by information I received from the General Accounting Office. Company A bid $170,450 for one preproduction unit, and bid a price of $49,895 each for nine units. Company B bid $184,815.30 for a preproduction package, and $87,481.96 each for nine units. Company C bid $372,498.49 for a preproduction model.

Now, these three bids were opened behind closed doors by naval employees in a procurement procedure they call "negotiations." The different prices were not supposed to be known by anyone outside the Navy. However, after the bids were opened, company A submitted a revised quotation and increased their bid from $49,895 to over $62,000. This was still the low bid, so the contract was awarded to company A. After the awarding of the contract, company A again revised its bid, this time to $90,533.92.

All this, I am told, is perfectly legal and has been completely justified by the Navy Department. It is obvious to me that company A had a good friend some place in the Navy Department; and it also is obvious that the American taxpayer was taken in for an extra $41,000 per unit on this contract alone. In other words, the taxpayers paid almost twice the cost of this item.

Sometime later, a second procurement action for the same transducer began. The date was November 14, 1960, when negotiation papers titled 623C–17075 were issued to company A, this time on a sole-source basis, which means, as you know, that only company A was to bid on the transducer needed.

This means that the Navy Department, through Assistant Secretary of the Navy for Materiel, C. P. Milne, stated that it was in the best interests of the United States that no firm other than company A be allowed to bid or compete for this work. I was told by the General Accounting Office that this action was justified under 10, United States Code 2304(a)(14).

Fortunately for the little old taxpayer, but unfortunately for company A and the Navy Department, company D heard about this neat procedure and demanded equal opportunity to bid on the work. Bid forms were issued to company D by the Navy Department, and the following bids were opened in secret. Company A bid $98,297 per unit and bid a total contract price of $4,645,836; while company D bid $94,800 per unit, and a total contract price of $4,519,990.

Mr. Speaker, I have learned that the Navy Bureau of Ships has a pronounced policy never to hold auctions on their negotiated procurement transactions. They state they never go from one company to another to drive the price down. They state that bids are opened in secret; then they begin negotiations with the lowest responsible bidder.

But, Mr. Speaker, I have learned in my investigaton that the Navy Department must be judged on action, not on words. Let the Navy's deeds speak now from the record.

Recalling the above figures, it is obvious company D was the low bidder by about $120,000 on this contract. The Navy, however, was determined to award the work to company A. So, rather than go through negotiations with company D, they revised the requirements by the addition of a preproduction model and forced both company A and company D to rebid.

Mr. Speaker, in the second bidding, a quite remarkable thing took place. It is almost miraculous in the light of the fact that a preproduction model cost the taxpayers $170,450 in the first action. When the second preproduction model was ordered, company A reduced its bid by almost $150,000. The second bids were: Company A, $4,500,404, and company D, $4,519,000.

What happened here, again, is very obvious when one studies the matter closely. Company D decided to absorb the expense of manufacturing a preproduction model and restated their original price. Company A, very cleverly you will agree, became low bidder by about $20,000.

This looked too raw, even to Navy negotiator F. Barwick. The Navy people went into a huddle and came out with a decision to reduce the number of units required. A third bidding was announced. This time, company A bid $2,746,771, and company D bid $2,698,542.

You can see what happened. Despite Navy's desire to give company A another fat contract, company D was again the low bidder. Undaunted, the Navy fired another of its bureaucratic salvos at company D. They claimed company D couldn't deliver the goods in the time required. This transducer, they said, was needed to meet urgent shipbuilding programs, repair programs, maintenance programs. Delivery time was an all-important factor, or so the Navy said. In other words, the national defense could be harmed by late delivery, or so the Navy said.

In light of this, the Navy Department demanded a certificate of competency from the Small Business Administration on behalf of company D. This is a procedure followed to determine whether or not a bidder can make the products it wishes to make, deliver them on time and, in short, do the work as it is needed and when it is needed. In this case, the SBA found that company D was fully qualified to do the work and it issued the certificate.

Now, Mr. Speaker, here is where the Navy did an astounding thing. In the face of what was called an urgent need for this transducer, the Navy canceled the entire procurement action.

Later, another procurement paper was prepared; only this time, a total of 12 firms were invited to bid. As a result of competition between industries, the award was made to still another firm, which we will call company E, at a unit price of $70,807.36. This represented a saving to the taxpayer of about one-fourth the original cost. Had it not been for company D forcing competition in spite of Mr. Milne's signed statement on behalf of "no competition," $1 million more than was necessary would have been spent for this item.

The question now, Mr. Speaker, is this: What single individual in the Navy Department is capable of doing all this? Mr. Milne signed the justification for the $4.6 million sole-source deal. How much did he know about the history of that piece of equipment? The procurement where the 12 firms were invited to bid was authorized by Mr. Kenneth BeLieu, Assistant Secretary of the Navy, whose assistant is Mr. Bernard Flanagan. How much does Mr. BeLieu or Mr. Flanagan know about this electronic equipment or other matters regarding military procurement?

Testifying before the House Armed Services Committee on June 21, 1961, Mr. BeLieu said of sole-source procurement:

> Mr. Chairman, if I might, I am beginning to believe I have an understanding coming to me of the operation in my office. I thought I did understand it; but after 2 months, I am not too sure, and today I am not sure, either.

So much for Mr. BeLieu's knowledge. How about Mr. Flanagan? His background is adequately summed up in John Cramer's column in the Washington Daily News. I would like to insert Mr. Cramer's column in the RECORD at this point and state that it shows he falsified information on his form 57 application. It also questions his desirability as a Federal employee at any level, much less a top Navy job:

MR. FLANAGAN AGAIN—FOR A TOP NAVY JOB

(By John Cramer)

Mr. Bernard Flanagan turns up once more—I'd hoped it wouldn't be necessary to write about him again.

He turns up as a weird exception to the generally excellent pattern of Kennedy appointments.

Mr. Flanagan is the former Acting Civil Service Commissioner, who quit under fire several years ago, after admitting numerous misstatements on several Government job application forms.

Among other things, he admitted to claiming a college degree he didn't have. For the ordinary Federal employee, such a misstatement is a firing offense. Civil Service Commission orders the firing.

Now, Mr. Flanagan again is the subject of internal debate within the Commission.

He's been proposed for a GS–17 ($16,530 to $17,570) job as executive assistant to Assistant Navy Secretary Kenneth E. BeLieu.

The job's in the non-civil-service schedule category of confidential and policy-making positions. And it's up to the Commission to decide whether Mr. Flanagan has the qualifications.

Mr. Flanagan was given a recess appointment to the Commission while Congress was out of session.

INQUIRING

Later, after disclosures in this column, his misstatements on Government application forms became the subject of intensive inquiry at Senate Civil Service Committee hearings on his confirmation.

Mr. Flanagan contended the misstatements were "honest errors."

This failed to convince the committee. And when it became apparent that majority of Members would vote against confirmation, the White House asked him to resign, which he did.

He then went to Federal Housing Administration, remaining until February of this year as Assistant Commissioner for Programs.

A Presidential assistant reportedly put him in line for the Navy job. In the process, he has put the Civil Service Commission on the spot.

And raised a lot of eyebrows, including mine.

I think it becomes obvious, Mr. Speaker, that this is a serious problem. It is a problem that affects every American taxpayer. I have reviewed a single procurement transaction in detail. It is positively conclusive that 1 million tax dollars would have been wasted had the Navy's desires been fulfilled. To hold open hearings on this matter would be useless. The Navy is experienced in use of water. We would get an ocean of words from it with nothing but mud underneath. Confusing and clouding the issue is Navy's long suit. For example, consider the GAO reports I received on the matter about which I am speaking. It is a typical example of Government gobbledygook, and, under previous consent, I wish to insert both my letter to the GAO and that office's reply to me in the RECORD at this point:

AUGUST 7, 1961.

Hon. JOSEPH CAMPBELL,
Comptroller General, General Accounting Office, Washington, D.C.

DEAR MR. CAMPBELL: In connection with the recent Navy Department Bureau of Ships procurement action and award of contract NObsr–85303 which resulted from negotiation 627F–17109, it is requested that the following information be obtained:

1. What is the name, rating, room, and phone number of the civilian engineer in charge of the TR–152/SQS–23 equipment, and what is the name of the military officer in charge of this particular technical section?

2. What is the name and title of the Navy official that signed the determinations and findings which justified procurement under 627F–17109?

3. When was negotiation 627F–17109 issued, what date was it scheduled for closing of receipt of proposals, and which firms were invited to participate in this action?

4. How many proposals were received by the Navy Department under 627F–17109, what unit prices were quoted, and what unit price appears on contract NObsr–85303?

In connection with the previous procurement of the TR–152/SQS–23 transducer, the following information is requested:

5. Under negotiation 883C–77856, contract NObsr–71884, how many bids were solicited, how many proposals were received, and what unit price appears on the original contract?

6. Under negotiation 623C2–24820, contract NObsr–81498, how many bids were solicited, how many proposals were received, and what unit price appears on the original contract?

7. How many amendments were issued to NObsr–81498 and 71884, and how did these amendments affect the unit price of the equipment?

In specific regard to this same equipment, the TR–152/SQS–23, the following information is requested:

8. Negotiation 623C–17075 was issued, please obtain the closing date for receipt of bids, the names of the firms invited to participate, the number of bids received, and the unit prices recorded. Also secure a transcript of the "negotiations," the final prices recorded, and ascertain what disposition was made of this procurement action.

9. The name and title of the Navy official who signed the D. & F. justifying 623C–17075.

Very truly yours,

EARL WILSON,
Member of Congress.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., September 1, 1961.

B–145221.

Hon. EARL WILSON,
House of Representatives.

DEAR MR. WILSON: This is in response to your letter of August 7, 1961, requesting certain information concerning the procurement of TR–152/SQS–23 transducers by the Department of the Navy.

The following information has been obtained from records of the Navy Bureau of Ships and is set forth below in answer to the specific questions contained in your letter.

"1. What is the name, rating, room, and phone number of the civilian engineer in charge of the TR–152/SQS–23 equipment, and what is the name of the military officer in charge of this particular technical section?"

The cognizant civilian engineer is Mr. Abraham Chartock, GS–13, electronics engineer, room 4324, Main Navy Building, telephone Oxford 6–5831. He is employed in the Sonar Branch, Electronics Division, Bureau of Ships. The military officer in charge of the Sonar Branch is Capt. John Wallace, USN, room 4328, Main Navy Building, telephone Oxford 6–1230.

"2. What is the name and title of the Navy official that signed the determinations and findings which justified procurement under 627F–17109?"

The determinations and findings relating to this procurement request was signed by Mr. Kenneth E. BeLieu, Assistant Secretary of the Navy (Installations and Logistics).

"3. When was negotiation 627F–17109 issued, what date was it scheduled for closing of receipt of proposals, and which firms were invited to participate in this action?"

Request for proposals No. P.R. 627F–17109 was issued April 7, 1961. It provided for closing of receipt of proposals at the close of business on May 10, 1961. On April 26, 1961, the request for proposals was amended and the closing date for receipt of proposals was extended to May 15, 1961, 4:30 p.m., e.d.t. The following firms were invited to participate. [Firm names deleted by Congressman WILSON.]

"4. How many proposals were received by the Navy Department under 627F–17109, what unit prices were quoted, and what unit price appears on contract NObsr–85303?"

Eleven firms submitted proposals with unit prices quoted for item 1, TR–152/SQS–23 ceramic transducer for AN/SQS–23 Sonar; item 2, spare staves for item 1; and item 3, spare stave cables and mounting accessories for item 1, as follows:

	Item 1	Item 2	Item 3
Company E	$70,807.36	$1,121.96	$203.88
Company K	73,255.52	1,350.45	225.00
Company J	81,548.00	1,207.00	220.00
Company I	94,221.04	1,660.00	156.00
Company H	92,186.00	1,184.00	325.00
Company B	88,702.24	1,672.63	273.27
Company G	137,651.00	2,244.00	149.00
Company A	97,144.00	1,591.00	226.00
Company D	132,280.72	1,904.61	277.85
Company C	182,547.30	1,616.00	219.00
Do	98,458.30	1,616.00	219.00
Company F	105,999.68	1,795.77	228.86

The unit prices which appear in contract NObsr–85303, awarded to company E, are the same as the unit prices quoted in its proposal.

"5. Under negotiation 883C–77856, contract NObsr–71884, how many bids were solicited, how many proposals were received, and what unit price appears on the original contract?"

Proposals were requested from company A, company B, and company C for the purchase of one preproduction transducer and the option to purchase nine production transducers. The three companies submitted proposals as follows:

	Unit prices proposed	
	Preproduction unit	Option units
Company A	$170,450.00	$49,895.00
Company B	184,815.30	87,481.96
Company C	372,498.49	None

The proposal from company C was submitted late and was not considered acceptable by the Bureau of Ships. The unit price which appears in the original contract is $170,450 for one preproduction unit with an option to purchase nine production models with spare parts at a unit price of $62,232.

"6. Under negotiation 623C2–24820, contract NObsr–81498, how many bids were solicited, how many proposals were received, and what unit price appears on the original contract?"

Proposals were requested and received from only one firm, company A, it having been determined by the Navy that only this firm was capable of manufacturing the transducers within the time limitations. This determination was based on the fact that this company had previously designed, developed, and delivered the transducers under contract NObsr–71884. The Bureau of Ships awarded a letter contract to company A which provided for unit prices for the transducer and related parts in accordance with the contractor's proposal. The letter contract was subsequently definitized, and during negotiation of the definitive contract new unit prices were established. A summary of the unit prices appearing in both the letter contract and the definitive contract follows:

	Letter contract	Definitive contract
Transducers, including repair data, provisioning documentation, drawings, and catalog data	$105,185.42	$103,000.00
Spare staves	1,821.02	1,785.25
Spare upper mounting rings	5,113.02	4,806.00
Spare stave cables and mounting accessories	144.64	110.42

"7. How many amendments were issued to NObsr–81498 and 71884, and how did these amendments affect the unit price of the equipment?"

Only one amendment has been issued to definitive contract NObsr–81498. This amendment requires the contractor to perform an engineering study relating to the TR–152/SQS transducer at a total price of $16,777. However, this amendment does not alter the unit price of the transducers being purchased under the contract.

Eight amendments have been issued to contract NObsr–71884. Amendment 3 exercised the Government's option to purchase an additional nine AN/SQS–23 ceramic transducers (production units) at a unit price of $62,232. Amendment 6 modified the contract specification and this amendment was priced out in the contract by issuance of amendment 8 which increased the unit price of the transducers being bought under contract NObsr–71884 by $28,311.50. There have been no additional changes to the unit prices of this contract.

"8. Negotiation 623C–17075 was issued, please obtain the closing date for receipt of bids, the names of the firms invited to participate, the number of bids received, and the unit prices recorded. Also secure a transcript of the 'negotiations', the final prices recorded, and ascertain what disposition was made of this procurement action."

Request for proposals 623C–17075 was originally issued to only one firm, company A, on November 14, 1960, and specified a closing date of December 9, 1960, for the receipt of proposals. On November 22, 1960, company D, requested that it be furnished a copy of Request for Proposals 623C–17075 in order that it might submit a proposal for the purchase of the transducers. A copy of the request was mailed to company D on November 25, 1960. On December 9, 1960, the request for proposals was amended to extend the closing date for receipt of proposals to December 16, 1960.

No award was made under this request for proposals; therefore, there is no transcript of negotiations as such. However, following is a summary of the events which transpired relative to request for proposals 623C–17075. Company D submitted a proposal which was lower than the proposal submitted by company A. Since company D had no prior experience in manufacturing the equipment, the Navy revised the request for proposals on January 17, 1961, to provide for a preproduction model to be submitted for approval within 6 months after the contract award. The closing date for the receipt of revised proposals was January 23, 1961. Company A submitted the low proposal in response to the revised request. Later, the Navy's need for the transducers was reduced and this reduction in needs necessitated the Navy's issuance, on January 27, 1961, of a third request for proposals providing that proposals be received no later than February 3, 1961. A summary of the three proposals received from each firm is presented as follows:

Item	Unit prices of 1st proposals		Unit prices of 2d proposals		Unit prices of 3d proposals	
	Company A	Company D	Company A	Company D	Company A	Company D
TR–152/SQS–23 transducers	$98,297	$94,800	$95,268	$94,800	$95,268	----------
Spare staves	1,788	1,790	1,733	1,790	1,733	----------
Spare stave cables and mounting accessories	103	139	100	139	100	(1)
Spare upper mounting rings	5,960	4,936	5,537	4,936	5,537	----------
Total price proposal	4,645,836	4,519,990	4,500,404	4,519,990	2,746,771	$2,698,542

[1] Company D's 3d proposal did not contain a breakdown of its proposal by unit price; rather, the proposal offered a total price of $2,698,542 compared with Company A's total price proposal of $2,746,771.

Subsequent to the receipt to the third set of proposals, the Navy determined that company D was not technically qualified to produce the transducers. This determination resulted from a facilities survey of the company D plant by Navy personnel. On February 13, 1961, this case was forwarded to the Small Business Administration which, in turn, issued a certificate of competency for company D for this purchase.

On March 31, 1961, both company A and company D were notified that request for Proposals 623C–17075 had been canceled and that no contract award would be made thereunder. They were further advised that the transducers which were to have been purchased under request for proposals 623C–17075 would be purchased under new specifications and that they both would be requested to submit proposals therefor.

The transducers which were to have been purchased under request for proposals 623C–17075 were subsequently purchased under request for proposals 627F–17109.

Company E was awarded the contract under request for proposals 627F–17109 as discussed under item 4.

"9. The name and title of the Navy official who signed the D.&F. justifying 623C–17075."

The determination and findings relating to this procurement request was signed by Mr. C. P. Milne, Assistant Secretary of the Navy (Material).

Please advise us if we can be of further assistance.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

Mr. Speaker, the chain of command in this job of military procurement begins with the Government engineer. He is alpha and omega; he is the all-seeing eye. If a Government engineer certifies a thing as fact, then the entire Navy Department supports this statement, regardless of its accuracy; and there are few who dare challenge it in industry. It is impossible to expect a sales executive of a big business concern to challenge the abilities or statements of Government engineers who are capable of working reprisal action in waves.

It is, therefore, equally obvious that bias, prejudice, preferential treatment or waste, begins and ends with Government engineers and negotiators. I am currently reviewing other specific procurement transactions, which, unfortunately, were not resolved in favor of the taxpayer as in the case of the transducer. Details on these cases are going to be released by me publicly as soon as I get them into final form and can bring them to the attention of the House.

I might say now there will be another one of these cases spelled out by me tomorrow. These statements will absolutely and conclusively prove that the waste in Government procurement is fantastic.

I, for one, am thoroughly disgusted with this continuing waste by those in

the Department of Defense. They hide behind the National Defense standard to allow raids on the Treasury, executed by flimsy sole-source deals carried on behind locked doors. They justify this action by the most flimsy and false justifications imaginable.

These same people, as I have shown here today, have been proven guilty of prior "mistakes in judgment" and have been allowed to return to positions of power and trust to repeat these mistakes with impunity. They are costing the American taxpayer billions in needless expense. They are responsible for the fact we are getting less than two-thirds value for our defense dollar, and I intend to hold them up to the public so that they will be known. It is time, Mr. Speaker, that this Congress make such impunity a thing of the past. Somebody other than the American taxpayer must be made to pay for such mistakes.

"LI'L ABNER"—DANGEROUS TREND—ADMITTED

Mr. WALLHAUSER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BECKER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BECKER. Mr. Speaker, on September 11, I called the attention of this body to a series of installments in the "Li'l Abner" comic strip which I found highly objectionable because of the unfavorable light in which they portrayed the Nation's law enforcement officers. In a letter to Mr. Laurence Rutman, general manager and editor of the United Feature Syndicate, I protested this repugnant slur against police officers.

I am very encouraged by Mr. Rutman's response to my letter. He agrees that these smears against law enforcement officers indicate a dangerous trend.

I would like to include in the RECORD Mr. Rutman's letter and my reply to it:

UNITED FEATURE SYNDICATE,
New York, N.Y., September 15, 1961.

The Honorable FRANK J. BECKER,
House Office Building,
Washington, D.C.

MY DEAR MR. BECKER: I sincerely appreciate your taking the time and effort from what I know is a very busy schedule to write me regarding your justifiable and understandable reaction to the "Li'l Abner" comic strip.

First may I say that this particular sequence was scheduled to end October 26th. However, I have talked with Al Capp about your letter and he assured me he would bring this sequence to a speedy close and would revise the remaining releases with your very constructive criticism in mind.

Time and conditions have a way of changing the acceptance of certain material. Fearless Fosdick which is the character in this present sequence has appeared in the "Li'l Abner" strip on and off for the past 25 years and our records indicate very little criticism of Fearless Fosdick during this time. In fact we have had letters from members of various law enforcement agencies asking for autographed originals.

But in light of the present horrible upsurge and thoroughly insane attacks on police officers, this type of satire is no longer funny. As an individual I would like to see something done to stop these outbursts and to alert the general public to the danger of this present trend.

I am taking the liberty of sending your letter on to Al Capp, who by the way is an independent contractor (as are all of our cartoonists and writers) and not an employee, for his information and guidance.

With all good wishes,

Cordially,

LAURENCE RUTMAN.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 19, 1961.

Mr. LAURENCE RUTMAN,
General Manager and Editor, United Feature Syndicate, Inc., New York, N.Y.

DEAR MR. RUTMAN: Thank you for your letter of September 15, 1961.

You are certainly to be commended for your forthright reaction to my letter concerning the attack on law enforcement officers which has appeared in the "Li'l Abner" comic strip recently. Needless to say, I was very pleased to learn that the current series which is repugnant to so many readers will come to a speedy conclusion.

Regardless of the fact that Al Capp is an independent contractor, I am sure you agree that your firm has a responsibility for insuring that the material which you distribute meets certain standards.

Sincerely yours,

FRANK J. BECKER.

MICHIGAN'S GERALD R. FORD, JR.

Mr. WALLHAUSER. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. GRIFFIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GRIFFIN. Mr. Speaker, the Michigan congressional delegation and the people of Michigan are exceedingly proud of Congressman GERALD R. FORD, Jr.

Recently, he was justly honored and recognized by the American Political Science Association when he was selected, along with the Senator from Illinois [Mr. DOUGLAS]; the Senator from Vermont [Mr. AIKEN]; and the Representative from Missouri [Mr. BOLLING] to receive the 1961 Congressional Distinguished Service Award.

This high honor is bestowed on very few in the Congress. I am certain there have been none who deserve it more than our able and distinguished colleague from Michigan [Mr. FORD].

Mr. Speaker, I submit for reprinting in the RECORD the official citation presented to the gentleman from Michigan [Mr. FORD] at the 57th annual meeting of the association on September 8, 1961, together with the response by the gentleman from Michigan [Mr. FORD] as well as an editorial which appeared in the September 9, 1961, edition of the Grand Rapids, Mich., Press:

CONGRESSMAN GERALD R. FORD, JR., REPUBLICAN, OF MICHIGAN

With the continuing growth of executive power, the always important legislative function of control over the purse strings has assumed an even greater role in our democratic system.

Occupying one of the most difficult, time-consuming, and important positions in the House as a ranking member of the Defense Appropriations Subcommittee, GERALD FORD has, through diligent application to committee work and mastery of highly complex defense matters, indeed earned the appellation of "Congressman's Congressman." A moderate conservative who is highly respected by his colleagues of both parties, he symbolizes the hardworking, competent legislator who eschews the more colorful, publicity-seeking roles in favor of a solid record of achievement in the real work of the House—committee work. Nonpartisan where the defense posture of the Nation is concerned, he nonetheless occupies an important position in the national councils of his party and is a recognized leader of the Republicans in the House.

The American Political Science Association is privileged to present this Congressional Distinguished Service Award to GERALD R. FORD, Jr., Republican, of Michigan—party leader, responsible critic, respected participant in debate, conscientious, dedicated, and judicious committee member.

REMARKS BY REPRESENTATIVE GERALD R. FORD, JR., AMERICAN POLITICAL SCIENCE ASSOCIATION, SEPTEMBER 8, 1961

Thank you, Dr. Millett, and to the American Political Science Association I express my sincere appreciation for this service award. Knowing full well that many Members of the House of Representatives qualify for this recognition, I am grateful to the awards committee and the association for allowing me to share in this occasion.

But beyond the personal consideration I am especially grateful to the American Political Science Association for sponsoring and presenting service awards to Members of Congress. We hear so much today about the power of the Presidency. We debate whether this President or that was a strong Executive. We read about efforts to force the administration program through Congress, whether it be Democrat or Republican, as if the legislative process were an obstacle course designed to cripple or destroy worthy and noble social and economic projects.

Yet the achievement of our free, democratic way of life is the story of a struggle of all the people to gain control through their elected representatives of the power to set policy and make laws. While it may not be as fast or as efficient as dictatorship, the legislative process is basic to our freedoms. We must, therefore, continue to focus attention on the significance and importance of city councils, State legislatures, and the Federal Congress. I want to commend you of the American Political Science Association for all you have done and will continue to do to strengthen the faith of the American people in their elected legislative bodies. Neither all personnel nor all procedures in these bodies can be endorsed 100 percent. But it is imperative that all of us, in both the academic and the practical environments, do all we can to create confidence in those institutions which are basic to our democratic way of life.

We build constructively when we avoid pettiness and carping criticism by emphasizing positive accomplishments.

I commend you for sponsoring a project which accentuates the positive.

REPRESENTATIVE FORD WINS NEW RECOGNITION

Michigan's Fifth Congressional District may be more than proud that its Representative GERALD R. FORD, Jr., of Grand Rapids has received one of the four annual awards given by the American Political Science Association for distinguished congressional service.

Often modest to the point of self-effacement, Representative FORD has nevertheless

risen constantly in the esteem of his colleagues since he went to Washington 12 years ago. Now in his seventh consecutive term, he has taken on the rewards of seniority that help him to gain a commanding voice.

But it is not longevity alone that makes Representative FORD a valued Member of the House. He has gained in influence and respect because he has worked at his job and has become knowledgeable in the ways of Congress. Only the other day one colleague extolled him as the foremost authority in Congress on the subject of foreign military aid. And he was fearless in opposing a reactionary trend toward paring this aid to dangerous proportions. It is not surprising that he has won the respect of both sides of the House and of the Executive Office as well.

Congressman FORD is richly deserving of this honor that again stamps him as among the top echelon of legislators in Washington.

FOREIGN TRADE POLICY

Mr. WALLHAUSER. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. BOW] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BOW. Mr. Speaker, I have today introduced a bill to regulate the foreign trade of the United States by providing safeguards to domestic industry against unfair and destructive imports and to authorize honest reciprocal trade agreements between the United States and foreign countries. During this session, Members of the House have devoted much time and effort to discussions on the floor, regarding the increasing quantity of imports which have seriously disrupted some domestic industries, have caused domestic unemployment, and threatened additional unemployment.

Members of the House have, from time to time, presented information about the effects of imports on domestic industries producing petroleum, textiles, apparel, building materials, glass, and many other products.

Members of the House have also discussed on the floor the administration of the Trade Agreements Act. There is a great deal of dissatisfaction not only among Members of Congress but throughout industry, and among industrial workers, about the one-sided nature of our trade agreements. The United States has reduced its tariffs for many years under the trade agreement program. Other nations have taken full advantage of these tariff concessions but, by and large, fully reciprocal benefits for our exporters have not been received in foreign markets.

It was the intent of Congress, and so expressed in the debates on the extension of the Trade Agreements Act, and in the act itself, that reductions in U.S. import duties authorized by, and carried out under the act, should not result in injury to a single domestic industry. The so-called escape clause provision in the act—section 7—provides a method of relief whenever imports, as a result of such tariff reductions, cause, or threaten to cause, injury to domestic industry.

The escape clause provision of the act has not been administered in accordance with the policy laid down by and the intent of Congress. Here is the record: Of 103 applications for relief filed by U.S. industry, 68 cases were rejected by the Tariff Commission; in 22 cases the recommendations for relief by the Tariff Commission were denied by the President; and in 13 cases the President authorized the relief recommended by the Tariff Commission. In summary, out of a total of 103 applications for administrative action under section 7, domestic industry received favorable action in only 13 cases.

As this record clearly implies, domestic industry and employment have been sacrificed either to the President's decisions on international political issues, and to the interpretation of the law, especially section 7, by the Tariff Commission. These are two principal reasons for making changes in our trade policy and in the Trade Agreements Act itself.

Within recent weeks, the Tariff Commission unanimously found injury to domestic industry from imports of baseball and softball gloves, ceramic tile, and window glass. The Commission recommended increases in duties for these products. The President has returned the recommendations in these cases to the Tariff Commission for further study. Ceramic tile is produced in my district and I hope that the President will see fit to go along with the recommendations of the Tariff Commission because imports of this product have severely affected domestic industry.

The Trade Agreements Act, as last extended in 1958 by the Congress, expires June 30, 1962. The Congress will be called upon to either extend the legislation as it now exists, to modify it, or to replace it with entirely new and different legislation. There is no doubt that this legislative program will entail extensive congressional debate next year; in many ways, it will probably be one of the most controversial legislative problems before the Congress during the next session.

I believe there is agreement among a substantial number of Members of the House that our foreign trade policy must be overhauled by the Congress with new legislation. For a number of reasons, the Trade Agreements Act no longer is applicable to current conditions of international trade. The world is quite different than it was in 1934 when this law was originally enacted by the Congress.

In the almost 30 years that the Congress has given authority to the President to reduce U.S. tariffs, theoretically on a reciprocal basis, our tariffs have been lowered to the point where they are now among the world's low tariffs, if not the lowest, for any industrial nation. The European Common Market has emerged as a customs union for six countries of Western Europe. These countries are in the process of reducing, and will finally eliminate, import duties among themselves, but with an exterior tariff barrier against all nonmember countries. There is the prospect that Great Britain and other European countries will join the original six to form one of the largest trading blocs in the world. Instead of henceforth dealing with 6 to 13 individual countries on trade and tariff matters, we are and will be confronted with a massive bloc of countries with industrial capabilities and economic power greater than our own. Other similar regional trade blocs are in process of formation. It is probable that within the next few years, it will no longer be possible, or desirable, to conduct trade negotiations with individual countries.

For these reasons alone, and there are others equally important, it is apparent that the Congress must reexamine the position of the United States in world trade, appraise the implications of the changes that have taken place in international trade and competition and their effect on U.S. imports and exports, and legislate a change in our trade policy which will be realistic with respect to meeting the new problems that are with us now and in the future.

I am quite sure that Members of the House on both side of the aisle have varying opinions about the future course of our foreign trade policy, and how best for us to deal with the new problems arising in international trade. I believe it is desirable to set forth some general principles of trade policy and Government procedures to carry out such policies. I believe these principles should be exposed to public view, and discussed and debated among business and other interests involved during the period before Congress begins consideration of new legislation next year. I am introducing a bill that will serve this purpose. The substance of this bill has been reviewed by representatives of many, if not most, of the industries that have been adversely affected by imports. The bill represents a consensus on general policy objectives and Government operations dealing with foreign trade.

The bill I am introducing is comprehensive in scope. It is not an amendment to the present Trade Agreements Act; it is to entirely replace the Trade Agreements Act. I hope it will be circulated widely through industry and business circles and serve as a focus for discussions and the formulation of opinion on a most important issue of national policy.

The following, which I request be made a part of the RECORD, is a description and explanation of the principal features of the bill:

PROPOSED NEW LEGISLATION ON FOREIGN TRADE POLICY AND ON REGULATING IMPORTS INTO THE UNITED STATES

1. The proposed new legislation is to replace the Trade Agreements Act which expires June 30, 1962.

2. Under the proposed law, the U.S. Tariff Commission is reorganized and becomes the principal agency of Government in the investigation of and factfinding on the effects of imports on domestic industry, and in making decisions on the control of imports.

3. Under the proposed law, individual firms, and industry groups, employees or employee groups, etc., can apply to the Tariff Commission for relief from imports. The

following situations, any one of which if found to exist by the Tariff Commission, are evidence of injury to the domestic industry: restriction on the growth of the industry; decline in the sales of the domestic product; loss of employment or wages, or both; a smaller or declining proportion of the domestic market supplied by domestic producers; a curtailment of investment for equipment, facilities, exploration research and development by domestic industry. Further, conclusive evidence of injury to domestic industry is established if imported articles have a competitive advantage in the domestic market due to lower wage costs in the country or countries of origin than the wage costs in the domestic industry, and there has been an increase in the proportion of the domestic market supplied by imports.

4. On findings of injury to the domestic industry, the Tariff Commission can recommend: (a) an increase in tariffs; (b) tariff quotas, i.e., increasing tariff rates as imports go up; (c) quotas, i.e., absolute quantity limits on imports.

5. The Tariff Commission makes its recommendations on curtailing imports to the President. The President must put these recommendations into effect, unless, within 60 days, he can persuade either the House of Representatives or the Senate to pass a resolution supporting his proposal to take different action.

6. The proposed law authorizes future trade agreements which must be made on a bilateral basis between the United States and single countries, or with foreign regional trade blocs as units, and such agreements must be mutually beneficial to the United States and the participating country or trade area. U.S. trade concessions made by such agreements are applicable only to products imported from the country, or area, with which the agreement is made. Future trade agreements will be held invalid if the other country discriminates against imports from the United States.

7. Domestic producers may appeal adverse decisions of the Tariff Commission to a Federal court.

8. Modernization and updating of the tariff structure is authorized in accordance with the Tariff Commission's report to the Congress, as incorporated in H.R. 8691.

LEGISLATIVE ACCOMPLISHMENTS

Mr. WALLHAUSER. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. BROOMFIELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, now that the 1st session of the 87th Congress is almost history, I believe that this is an appropriate time for us to take stock of what we have accomplished during the past year and to determine where our legislative program should lead us in the year ahead.

In this report to the people of the 18th District of Michigan, I want to thank the thousands of persons who took the time to write me, to phone me, and to visit me to tell me their views on the course our Nation should take in the days ahead.

There is little doubt that what is happening beyond our own shores is of great importance to those I represent in Oakland County, Mich.

The threat of atomic annihilation, the missile madness, the determined efforts of Khrushchev and his cohorts in the Kremlin to shake the will of our Nation and the free world to defend its principles of freedom, peace, and justice have reached each of us.

POWER PLAY

We are now in the midst of a gigantic power play by the Reds to wrest our freedom from us. Through alternate threats on our lives and sweet talks of peace, Khrushchev is attempting to confuse us, splinter us into a thousand pieces which then can be individually devoured by the Communist conspiracy.

We have every indication that this battle of nerves and of sheer determination will continue for the foreseeable future. All of us, I am sure, are certain that the people of our Nation will not be found wanting in the crucial days ahead.

As a member of the House Foreign Affairs Committee and Subcommittees on the Far East and on National Security, the situation we face in the world has been a matter of daily concern to me.

I am very proud of this committee assignment, as I regard its members, its dedication to duty, and its quality of leadership among the best in Congress.

This committee has helped supply the President and the executive branch of our Federal Government with the tools it needs to carry out an effective, dynamic, successful foreign policy.

POTENT WEAPON

The foreign aid bill, which is now the law of our land, is one of the most potent of these weapons to combat Communist ambitions for world subjugation.

The Arms Control Agency which this Congress has authorized will give us the technical knowledge we need in reaching successful agreement to ease the threat of war now hanging over the world like an angry cloud of doom.

The Peace Corps we have provided is an experiment, to be sure, but we have every reason to believe that it will be a successful experiment and that it will turn into a major weapon in our battle to spread freedom throughout the world. Further, this new agency could establish a valuable nucleus of trained personnel which we will need overseas in the years to come.

BACKED PRESIDENT

Most of us in both Houses of Congress have backed the President to the fullest in these hours of crisis, of tension, and in our goal of achieving world peace and stability through freedom.

However, many of us have misgivings about some of the President's proposals on how to best gird here at home for this continuing battle against the Communist hierarchy.

There are many of us who believe that the Federal budget suffers dangerously from middle-age spread, that the fat should be trimmed off and more strength should be allocated to our good right arm of defense.

There are many of us who believe that we can make great strides forward by raising living standards, in promoting job opportunities, in strengthening our overall economic stability by releasing some of the chains which now restrain business and industry, and that new programs should be eliminated or curtailed to bring them into reality with revenues.

BUDGET DEFICIT

The Federal Government will spend $7 billion in this current fiscal year over the estimates of President Eisenhower in his last year in office. There is already talk that a $90 billion budget will be presented to Congress next January.

Almost 100,000 additional Federal civilian employees have been hired in the past 9 months and every indication we have is that this is only the beginning. Federal payrolls are expected to increase tremendously in the months and years ahead.

Deficit spending has forced an increase in the national debt limit to $298 billion while President Eisenhower's budget estimates last January called for reduction to $283,400 million. A projected $100 million surplus for the last fiscal year has been turned into a deficit of $3 billion, and a projected surplus of $1,500 million for the fiscal year starting this past July is expected to turn into a net deficit of between $6 billion and $7 billion.

Oakland County alone would pay a total of $439,600,000 as its share of extra authorization sought by the administration in the past 9 months. Imagine the local improvements and necessary projects which could be built in Oakland County if this money were available to local governments.

TOO MUCH FAT

If these increases had been authorized for the direct defense of our Nation against the Communist threat, if they had been for the protection of our cities and citizens from attack, then few would have protested these huge additions to our Federal budget. But only about 32 percent of this total was sought directly for defense. The rest was fat, a mushrooming of Federal responsibility and interference in local affairs which could best be left to our States and cities.

The greatest folly, the greatest waste of taxpayers' dollars is in agriculture and our sterile, senseless farm subsidy handouts.

Under an emergency feed grain program ridden rough-shod through Congress in the early days of this first session, farmers can now sell corn to the Federal Government for $1.20 a bushel and buy it back for $1.05 a bushel in a bit of financial insanity impossible to justify to the taxpayers.

The administration's farm proposal, most of which, fortunately, was defeated, would have cost taxpayers an estimated $12 to $15 billion according to the American Farm Bureau.

FARM FOLLY

Yet we are asked to continue this folly of expensive and restraining controls when those sectors of agriculture outside of Federal subsidies are making the best progress.

Expensive "sweeteners" at taxpayers' expense have been added to many bills which came before Congress in the past few months. The extra "sugar" came directly out of the pockets of those who are footing the bill—the taxpayer.

The Area Redevelopment Act which passed the House and the Senate is a case in point. At a time when our urban areas and cities were suffering heavily from unemployment, the administration came forth with a bill which would have given a great deal of money to rural areas in an obvious and blatant attempt to pick up the votes of rural area Congressmen and southern Democrats. This political "sweetener" amounted to more than $100 million, all out of taxpayers' pockets, of course. I voted in favor of a substitute bill which would have eliminated these payoffs and which would have set forth specific guidelines for worker retraining and the rehabilitation of industrial areas. But this substitute was defeated, I am sorry to say.

MISSES TARGET

The housing bill was another monstrosity of mismanagement and missing the target. Congress compounded the inequities in the administration proposal by taking on amendments far over the President's own liberal requests. Some $450 million was added to community facilities, another $407 million was added to the recommendations for farm home loans, and still another $500 million for rural town public works programs, making this measure another extension of the farm bill which already is paying out subsidies at the rate of $1,500 for every farm in our Nation each year.

I opposed this bill and voted instead for a substitute which would have eliminated these payoffs to rural areas and which would have concentrated assistance to cities where the problem is acute. Again, this substitute was defeated because of the rural and southern area "sweeteners" which were added at taxpayers' expense.

Meanwhile, in the vital area of tax reform, no action was taken by Congress this year. The administration came forth with proposals which were found unworkable, ill considered, and shortsighted in concept. Even those who were supposed to have benefited from these proposed changes opposed them as unworkable.

UNREALISTIC TAXES

A complicated formula was devised which was supposed to spur construction in new businesses and industries. Business asked, instead, for more realistic depreciation allowances which would have attacked the problem directly. The administration stuck by its unworkable program, and the House Ways and Means Committee had no choice but to throw up its hands and put off necessary tax reforms for another year.

In another tax matter, the administration again showed its propensity for letting the left hand ignore what the right hand was doing. Admitting that future growth in our prosperity would depend upon developing oversea markets to the fullest extent, the administration came up with tax proposals which would have penalized those who went overseas for their markets.

Next the administration proposed that dividends and interest on savings be withheld, but it was then discovered that a great many of those who receive dividends and interest payments are retired persons or those living on social security or pensions. It has been estimated that the administration's proposals would have added thousands of new Federal workers at extra cost to our taxpayers. Further, banks and other financial institutions would have been faced with filling out endless forms. Luckily, the House Ways and Means Committee headed off action on this bill by postponing action.

FOOD TO RUSSIA

It took a formal expression of congressional disapproval to head off more economic folly. The Commerce Department, in the midst of Khrushchev's threat to Berlin, suddenly announced that it was going to permit the sale of our surplus farm goods to the Soviet Union and other Iron Curtain countries in Eastern Europe.

The Commerce Department refused to recognize the fact that food is a weapon in this battle for the minds of men, that communism's greatest failure has been its inability to produce enough food in a large enough variety to adequately feed its people.

The administration ignored Napoleon's sage advice that an army travels on its stomach. It took no notice of the fact that adequate reserve food stores are a necessity for Russia if Khrushchev should decide on an all-out, desperate atomic attack. Our retaliatory missiles and bombers would destroy many Russian crops and would make others inedible for long periods because of fallout.

CROP FAILURE

Further, Red China's crop failure this year is causing a great deal of unrest in the Communist world. The Russians have diverted some of their own inadequate food stores to Red China, but not enough to end the unrest or the hunger. This drain on Communist food stores is one of our most valuable weapons for peace, as lack of food would mean that Russian citizens who were not killed in an atomic attack would either starve or in desperation turn to contaminated foods which could give them fatal radiation sickness.

The last straw was that this administration directive would have had the American taxpayer paying part of the bill for the sale of this surplus food to Communist countries. The Federal Govenment would have brought these surplus farm commodities at the high dollar and then would have sold these farm goods behind the Iron Curtain at costs considerably below the original price. The difference would have been paid by our tax dollars.

I introduced a resolution in the House of Representatives asking for an end to this nonsense, and I am happy to say that one similar to my own was passed by both the House and the Senate.

The Commerce Department has so far yielded to the expression of concern on the part of Congress and has issued no new export licenses for surplus food sales behind the Iron Curtain.

EXPORT INVESTIGATION

It also came to my attention that many materials of strategic importance were being shipped to Russia and her satellites. Therefore, I cosponsored a resolution to start a congressional investigation into our export policies, with special emphasis upon goods sent behind the Iron Curtain which was approved. It is my hope that the administration will take advantage of the economic weapons that Congress will offer, and that we stop our trade with Russia in those goods which could be of strategic value to the Communists.

Despite the campaign promises and the platitudes which were bandied about with abandon during the last campaign, the administration has failed to solve the problem of chronic unemployment in our Nation.

We are now in the midst of what most economists regard as a significant boom in our economy. We expect to see our demand for goods and services grow dramatically in the year ahead. It is interesting to note that prediction made last year by former President Eisenhower is proving to be true in every respect.

Yet, despite the slapdash, blanket-type legislation which was railroaded through Congress, the creation of new, massive Federal bureaucracies, the administration still has not solved our chronic unemployment problem.

More than 4 million American working men and women are without jobs at present, and it is doubtful if this figure will drop appreciably in the immediate months ahead despite the sharp upturn in our economy.

NO SOLUTION

This number amounts to 6 percent of the work force and is no better than that of the previous administration which was decried so loudly last year.

There is an easy, quick, and efficient way of bringing about full employment, and it does not involve massive Federal handouts, the creation of an army of civil servants to administer new programs, nor further intrusion by our Federal Government in local affairs best left to communities and States.

That solution is tax reform.

Tax reform has been dodged successfully by the majority party in Congress this year. It should be faced squarely by Congress as soon as possible.

There is no doubt of the fact that elimination of the 10-percent Federal excise tax on new car purchases which I proposed in the House would be of great benefit to the automobile industry and our Nation as a whole. Elimination of this tax would mean more jobs for many in our Nation, particularly in my own home State of Michigan and in the great number of States which supply parts and equipment for autos.

It would mean an end to chronic unemployment which has gripped the Detroit area so hard in the past year. It would mean an expansion of services connected with the auto trade. It would mean increased tourist trade. It would mean greater consumption of gasoline and petroleum products. It would give

businessmen and industrialists the funds they need for plant expansion and modernization so that the products of their plants would become cheaper for the average American. It would mean that our businessmen could look to the vast, virtually untapped markets abroad which await us. It would help assure that our products and prices were more competitive in the world marketplace where our destiny lies.

BETTER TAX LAWS

Tax reform would take the unfair load off the backs of some of our citizens and distribute it fairly. Simplification of our tax laws would mean fewer Federal employees, less bookkeeping, less red-tape, fewer tax court cases and an end to the intricate figuring and computing which becomes a national pastime every spring of the year.

It would spell "finish" to the jerry-built tax structure upon which the operation of our Federal Government rests to such large degree. It would mean efficiency in our tax system.

If these tax reforms were coupled with restraint, with fiscal reforms in the executive department of our Federal Government, then I believe that our Nation would rise to new heights of prosperity, of opportunity, of hope for the future for all our citizens.

The House Ways and Means Committee has had a tax reform plan under study for better than 2 years. I think it would be wise for Congress to dust off this report, bring it out into the open and face this issue squarely.

NEED REVISION

We should not depend upon further amendments to an admittedly outmoded tax structure to solve our problems, but we should tackle this problem of taxes in its entirety.

Earlier this year, the House Rules Committee was "packed" for the stated purpose of getting the administration's Federal aid to education bill through the House. This bill called for a massive infusion of Federal funds into local school districts whether need existed or not, such funds to be used to pay teacher and administrative costs as well as for school construction.

Despite this "packing," the House Rules Committee voted against sending this bill to the floor of the House.

Efforts to provide limited aid to schools also were defeated on the floor of the House, and the only action taken by Congress was to extend the National Defense Education Act and the impacted area bill.

EXPENSIVE DEFENSE

Of all the expensive items in the Federal budget, the most expensive is the enormous amount we must spend for our own defense.

Congress has shown no reluctance to shoulder the burden of these military expenditures, and increases were appropriated to put more of our troops under arms, to build more nuclear-armed bombers, Polaris atomic submarines and cargo planes to bolster our defensive efforts in the face of Khrushchev's threats from abroad.

The Cuban debacle and the retreat from our position in Laos served to undermine our position of strength in the world. It is hoped by all of us that strong, resolute action in the future will make up for these early setbacks and place us once again on the path toward victory in this battle for the minds and hearts of men.

QUESTIONS ANSWERED

Earlier this year, a great number of my constituents replied to a questionnaire I sent them on the issues which were likely to come before Congress this year. At this point, I would like to indicate to my constituents what happened in Congress on these issues and my vote on them.

First. No bill to revise the electoral college system was permitted to reach the floor.

Second. A summit meeting between Khrushchev and President Kennedy was held this spring, but the results could be termed less than satisfactory.

Third. We resumed underground nuclear testing after Russia unilaterally exploded a series of nuclear blasts in the atmosphere.

Fourth. Funds to continue the investigations of the House Un-American Activities Committee were approved, which I supported.

Fifth. No decision by Congress on a postal rate increase at the time of this statement.

Sixth. On Federal aid to education, Federal funds for teacher salaries and loans to private and parochial schools were killed in the House Rules Committee. Discussion of limited school construction aid was killed in the House. I voted to bring this issue to the floor.

Seventh. Tire and diesel fuel taxes were increased to keep interstate highway construction on schedule, which I supported.

Eighth. No action taken on bill to give President discretionary power to adjust taxes.

Ninth. Voted in favor of increased benefits to widows and to permit men to retire at age 62. Ways and Means Committee refused to bring health and hospital insurance plan for the aged under social security to the floor for a vote.

Tenth. Depressed area bill passed. I voted for a substitute bill and against the administration bill.

Eleventh. Voted against higher subsidies for farmers.

Twelfth. Systematic repayment of national debt not permitted to come to vote.

Thirteenth. I voted in favor of additional defense expenditures as requested by the President.

Fourteenth. Voted for the compromise foreign aid bill which permits long-term planning but retains congressional control through annual appropriations.

These issues are as complex as they are important. If any of my constituents desire further information on these or any of the more than 1,000 bills which were approved by Congress since the first of the year, I would urge them to write or call me at room 1422, House Office Building, Washington, D.C., or at 1029 South Washington, Royal Oak, Mich.

REOPENING NSLI PROGRAM

Mr. WALLHAUSER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAYLOR. Mr. Speaker, the gentleman from Louisiana, the Honorable EDWIN E. WILLIS, on Monday, September 18, 1961, page 20138, has seen fit to raise the question of the action of the Committee on Veterans' Affairs concerning reopening of national service life insurance. This is a matter which the committee and its members are thoroughly familiar with and I think it is well that the record be set straight insofar as possible.

The Committee on Veterans' Affairs and its chairman, have simply followed the established rules, procedures, and modus operandi of the House of Representatives, namely that when a committee has voted adversely on a proposition the matter is not brought to the floor of the House for a vote. I am sure the Committee on the Judiciary, of which the gentleman from Louisiana is a member, operates on the same principle and in the same manner.

In the 82d Congress, when the late John E. Rankin was chairman, the committee rejected proposals to reopen national service life insurance. The same is true in the 83d Congress when the late Edith Nourse Rogers was chairman and the same action has been taken in the 84th, 85th, and 86th Congresses when the gentleman from Texas [Mr. TEAGUE] was chairman. In some instances the Subcommittee on Insurance was unanimous in rejecting these proposals. In this session the full committee held hearings on this matter along with the Subcommittee on Insurance and later voted to table all pending insurance proposals for the balance of the 1st session of the 87th Congress.

If the gentleman from Louisiana is somewhat confused on this issue, the following quotations indicate very clearly that the veteran organizations have no doubt in their minds on this subject and understand precisely what is involved.

Mr. Francis W. Stover, director, national legislative service, Veterans of Foreign Wars, on August 8 advised the Members of the House as follows:

> The VFW is grievously disappointed concerning the Senate action with respect to this bill. The service-disabled includes veterans who served overseas and in combat against the enemy and who deserve the highest consideration. It is most unfortunate that an unrelated proposal is holding up a compensation increase for the 2 million service-disabled.
>
> The VFW supports the reopening of the NSLI program. It does not advocate tacking such a proposal onto a compensation

bill. It is the firm conviction of the VFW that the controversial insurance proposal should be considered on its own individual merits.

On the same date, Mr. Stover advised Members of the Senate as follows:

The VFW has supported and will continue to support compensation increases as approved by the House. The VFW has supported and will continue to support legislation to reopen the NSLI program. The VFW however, does not support the combining of these two proposals in a single bill and is extremely disappointed that they have commingled to the detriment of 2 million service-disabled veterans.

Harold Russell, the then national commander of AMVETS, under date of August 22, 1961, advised all Members of the Senate:

Section 2 (reopening NSLI) of H.R. 856 as reported by the Senate Finance Committee is so controversial that it will, in our opinion, jeopardize the passage of this much-needed compensation increase if it remains a part of this bill.

The Disabled American Veterans, through its then national commander, W. O. Cooper, under date of August 2, 1961, advised all Members of the Senate as follows:

The net effect of this amendment from a parliamentary standpoint has been to bring about a stalemate which effectively kills any chance for a compensation increase for this session unless something is done about it. We believe that the separate issues of compensation and insurance should be faced squarely and each on its own merits.

John E. Erickson, national commander of the Veterans of World War I of the U.S.A., under date of August 18, 1961, stated in a letter to every Senator:

It is our understanding that H.R. 856 is to be scheduled for consideration in the Senate in the near future and that Senator MORTON will offer an amendment designed to remove certain controversial material from the bill which has blocked the service-connected increase to date. Your vote for the Morton amendment will be a vote for the service-connected disabled veteran.

The above-cited record clearly shows how the veteran organizations feel on this subject and the net result of the action taken in the other body is that service-connected disabled veterans will not have an increase in their compensation because of the insistence of one Member of the Senate that a non-service-connected, nongermane amendment be added to this question. If the proponents of reopening national service life insurance are so certain it should be passed, it would seem they would pass a separate bill and let the matter stand on its own merits. However, the junior Senator from Louisiana has never been willing to let his bill stand on its own merits. Rather, he has always required support from another proposal.

Under unanimous consent, I include at this point in my remarks a history which shows the bills which have been passed by the House and Senate down to the present time in the 87th Congress and which have failed to become public laws. The record of activity by the two Houses is quite striking and insofar as I can tell only one bill sponsored by the Senator from Louisiana, in this field, has become law—Public Law 85-311, exempting a State bonus, in this case Louisiana, from being computed in the income limitation applicable to non-service-connected pensions. The Senator seems, from this legislative history, to be more concerned with the non-service-connected veteran rather than the service-connected who was wounded in battle or at least injured while on duty in the service of his country:

	Congresses							
	80th	81st	82d	83d	84th	85th	86th	87th
House bills which died in Senate:								
Finance Committee	3	13	8	1	17	10	5	4
Labor and Public Welfare Committee		5	3	1		1		4
Other committees	3						1	1
Total	6	18	11	2	17	11	6	[1] 9
Senate bills which died in House: Veterans' Affairs Committee	4	7	4	2		3	2	

Total number of bills which died in Senate, 80th to 87th Congs., Finance Committee to date	6
Labor and Public Welfare Committee	14
Other committees	5
Total	80
Total number of bills which died in House, 80th to 87th Congs., to date	22

[1] 1st sess. to Sept. 19, 1961.

EIGHTIETH CONGRESS

House bills which died in Senate

H.R. 3814: Authorizes $5 million for Negro hospital at Franklin County, Va.

H.R. 4160: Amended NSLI Act extending application for waiver of premiums (Finance).

H.R. 4651: Amended NSLI Act to extend reinstatement of 5-year term insurance (Finance).

H.R. 5680: Amended NSLI Act to exclude beneficiary parents who abandoned family after 7 years (Finance).

H.R. 6439: Directed VA Administrator to make investigation of West Virginia plan for low-cost housing.

H.R. 6958: Authorized VA Administrator to transfer property at Naval Training Station, Great Lakes, Ill., to Navy Department.

Senate bills which died in House

S. 86: Naming hospital at Americus, Ga.

S. 1056: Amends World War II GI bill of rights to reduce benefits for U.S. citizens who had allied service and comparable allied benefits.

S. 2772: Amends administrative provisions for Veterans' Canteen Service in VA.

S. 2807: Authorizes VA Administrator to contract services for investigation reports on insurance claims.

EIGHTY-FIRST CONGRESS

House bills which died in Senate

H.R. 1941: Provides limiting participation as beneficiary under NSLI Act (Finance).

H.R. 2108: Redefines term "wife" to include "dependent husband" (Finance).

H.R. 4617: Liberalizes payment for pension certain veterans and dependents (Finance).

H.R. 5853: Relating to full-time institutional trade and industrial training (Labor and Public Welfare).

H.R. 5965: Hospital construction (Labor and Public Welfare).

H.R. 6034: Negro hospital, Franklin County, Va. (Labor and Public Welfare).

H.R. 6374: Liberalizes pension laws, Spanish War (Finance).

H.R. 6559: Minimum compensation for arrested tuberculosis (Finance).

H.R. 6560: Increased disability benefits under NSLI Act (Finance).

H.R. 6561: Benefits dependent husbands and widowers of female veterans (Finance).

H.R. 6562: Additional compensation for loss of creative organ (Finance).

H.R. 6673: Treble damage action under loans of GI bill (Labor and Public Welfare).

H.R. 7534: 3-year presumption for psychosis (Finance).

H.R. 7739: Count service academy service as active service (Finance).

H.R. 8236: Apply dividends to premium payments under NSLI (Finance).

H.R. 8576: Burial benefits Philippine veterans (Finance).

H.R. 8848: Study physical effects of suffering of prisoners of war (Labor and Public Welfare).

H.R. 9911: Gratuitous indemnity payment (Finance).

Senate bills which died in House

S. 372: Naming hospital at Americus, Ga.

S. 672: Educational benefits enlistees prior to October 1, 1945.

S. 745: Naming hospital at Chicago, Ill.

S. 928: Naming hospital at Wilmington, Del.

S. 1387: Naming hospital at West Haven, Conn.

S. 3254: Naming hospital at Buffalo, N.Y.

Senate Concurrent Resolution 107: Interpretation of Public Law 610, 81st Congress reeducation costs.

EIGHTY-SECOND CONGRESS

House bills which died in Senate

H.R. 301: Benefits dependent husbands, widowers of female veterans (Finance).

H.R. 302: Redefine requirements for pharmacists in VA (Labor and Public Welfare).

H.R. 304: Provide study physical effects prisoners of war (Labor and Public Welfare).

H.R. 313: Hospital construction (Labor and Public Welfare).

H.R. 316: Minimum rate arrested tuberculosis (Finance).

H.R. 317: Increased disability benefits under NSLI (Finance).

H.R. 318: Additional compensation loss of creative organ (Finance).

H.R. 2384: Count service academy service as active (Finance).

H.R. 4108: Service connection less than 40 percent (Finance).

H.R. 5891: Further presumption for psychosis (Finance).

H.R. 6167: Prohibit reduction of rating in effect 25 years (Finance).

Senate bills which died in House

S. 306: Naming hospital at Birmingham, Ala.

S. 645: Naming hospital at Seattle, Wash.

S. 2729: Transfer hospital from VA to Army.

S. 2731: Transfer of hospitals between VA and Defense.

EIGHTY-THIRD CONGRESS

House bills which died in Senate

H.R. 3685: Furnish space and facilities in VA to State agencies (Finance).

H.R. 9866: Limitations on outpatient dental care (Labor and Public Welfare).

Senate bills which died in House

S. 631: Suspend or delay education while serving as missionary.

S. 2719: Subversive activity bar to education benefits.

EIGHTY-FOURTH CONGRESS

House bills which died in Senate

H.R. 735: Increase pension for Medal of Honor recipients (Finance).

H.R. 1614: Increase compensation for eye and limb loss (Finance).

H.R. 1821: Authorize checks forwarded to addressees (Finance).

H.R. 2867: Pension increase Spanish War widows (Finance).

H.R. 5055: Count service academy service as active (Finance).

H.R. 7144: No application statutory awards prior to August 1, 1952 (Finance).

H.R. 7886: Increase pension rates (Finance).

H.R. 8458: Marriage dates liberalized for Spanish War widows (Finance).

H.R. 9841: Raise income limitation for certain widows (Finance).

H.R. 9922: Permanent-total rating active tuberculosis while hospitalized (Finance).

H.R. 10046: Uniformity in compensation laws (Finance).

H.R. 10238: Land for cemetery use in North Carolina (Labor and Public Welfare).

H.R. 10477: Ban pension to prisoners after 60 days (Finance).

H.R. 10478: Disposition of benefits unpaid at death of beneficiary (Finance).

H.R. 10542: Liberalize criteria for eligibility of widows (Finance).

H.R. 12038: Increase compensation and dependency allowance (Finance).

H.J. Res. 110: Wartime status service in Moro Province, etc. (Finance).

EIGHTY-FIFTH CONGRESS

House bills which died in Senate

H.R. 65: Benefits VA employees in Philippines (Finance).

H.R. 67: Increase pension for Medal of Honor recipients (Finance).

H.R. 76: Increase compensation for eye and limb loss (Finance).

H.R. 413: Presumption for leprosy extended (Finance).

H.R. 1143: Presumption for arthritis, psychoses, multiple sclerosis extended (Finance).

H.R. 1262: Land for cemetery use in North Carolina (Labor and Public Welfare).

H.R. 1264: Permanent-total active tuberculosis while hospitalized (Finance).

H.R. 2770: No application statutory awards prior to August 1, 1952 (Finance).

H.R. 4214: Increase compensation for deafness (Finance).

H.R. 12927: Apportion compensation for missing veterans (Finance).

H.J. Res. 110: Wartime status for service in Moro Province, etc. (Finance).

Senate bills which died in House

S. 2467: Contract sewage facilities VA hospital, Sturgis, S. Dak. (Labor and Public Welfare).

S. 4213: Education change of program (Labor and Public Welfare).

S. 4213: Vocational rehabilitation for 30-percent disability or more (Labor and Public Welfare).

EIGHTY-SIXTH CONGRESS

House bills which died in Senate

H.R. 268: Additional compensation for deafness (Finance).

H.R. 283: Increase compensation for eye and limb loss (Finance).

H.R. 5996: No application statutory awards prior to August 1, 1952 (Finance).

H.R. 8098: Credit service in two wars for pension purposes (Finance).

H.R. 9792: Salary of managers in VA hospitals (Post Office and Civil Service).

H.R. 12556: Findings of fact and conclusions of law in appeals (Finance).

Senate bills which died in House

S. 1138: Readjustment benefits for peacetime veterans.

S. 2201: Definition of "Veterans' Administration facilities."

EIGHTY-SEVENTH CONGRESS

House bills pending in Senate

H.R. 846: Additional compensation for deafness (Finance).

H.R. 848: Vocational rehabilitation peacetime veterans (Labor and Public Welfare).

H.R. 858: Salary of managers, Veterans' Administration (Post Office and Civil Service).

H.R. 859: Repeal mustering out pay provisions (Labor and Public Welfare).

H.R. 860: Repeal unemployment provisions (Finance).

H.R. 861: No application statutory awards prior to August 1, 1952 (Finance).

H.R. 873: Increase compensation for loss of eye and limb (Finance).

H.R. 5939: Approval of courses under war orphan educational assistance program (Labor and Public Welfare).

H.J. Res. 73: Study problems of elderly and ill veterans (Labor and Public Welfare).

COMMITTEE ON EDUCATION AND LABOR

Mr. WALLHAUSER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. KEARNS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. KEARNS. Mr. Speaker, as ranking minority member of the House Education and Labor Committee, I have again received a letter from the gentleman from New York, Chairman ADAM C. POWELL, stating that effective October 1, 1961, he will take over the rooms which the minority has continuously occupied since 1947. This announcement was also coupled with a thinly veiled threat that if the minority does not consent, its committee staff will be cut.

All of the minority members of the committee have joined me in rejecting this demand.

The question presented by the chairman's demand goes much further than just an argument over room space. If the minority does not now have a right to the rooms, as it has had since 1947, whether the Republicans or Democrats were in the minority, then it can be expected that while today we are told to move to one room down the hall, tomorrow we will, in all likelihood, be told to move out of the building to no rooms. Similarly, if today we do not have a right to a staff of 4, except at the whim of the chairman, while the majority has a staff of 40, then it can be expected that tomorrow the staff can be reduced to 2, or 1, or possibly none.

Here in this matter we have our own Berlin. The same fundamental principles and basic values are at stake as at that beleaguered outpost. In all sincerity, I hope the chairman will join in a demonstration to the world that here, as there, minority rights must be respected and that a takeover by a majority, no matter what the excuse, will not be permitted.

Now that the chairman is cast in the role of the majority, we, the minority, look to him for sympathetic understanding and support. I am certain that inasmuch as the chairman has been a powerful and strong leader in this country for minority rights, he will withdraw his demand and thereby help to establish this important principle.

The letter from the gentleman from New York, Chairman POWELL, and the minority reply to that letter are as follows:

SEPTEMBER 13, 1961.

Hon. CARROLL D. KEARNS,
House of Representatives,
Washington, D.C.

MY DEAR REPRESENTATIVE KEARNS: It is absolutely impossible to continue the situation whereby the minority, with only three people working in the office, utilizes two large rooms and the majority, with six people working in the office, utilizes only one room. Therefore, effective the 1st of October 1961, the majority will take the two rooms adjoining the majority committee rooms, and the minority will take room No. 430. This will afford you ample space, because whereas we have six people working in there now, you will have only three.

If you will examine every committee of the House of Representatives, other than the one of which I am the chairman, you will find that your room space and your personnel and your salaries are much more than the minority is receiving on any other committee of the House.

If you feel that the new room is too small for you, then I will have to drop members from your payroll so that the room will be of size sufficient to handle your staff. But again I repeat, we have had six in there for almost a year.

Sincerely,

ADAM C. POWELL,
Chairman.

SEPTEMBER 18, 1961.

Hon. ADAM C. POWELL,
Chairman, Committee on Education and Labor, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter dated September 13, 1961, wherein you have stated that effective the 1st of October 1961, the majority will take the two rooms which are now occupied by the minority.

We are again surprised and disappointed by this proposed action. You will recall that at the start of this session the Education and Labor Committee obtained $633,000 for committee expenditures. With these funds, the majority has been able to hire and have at its disopsal as many as 40 staff members, as contrasted with a staff of 22, which was the case last year. With this staff and the assistance of the executive department staffs, the majority work, including hearings, subcommittee and committee meetings, report writing, and debate on the floor of the House, on approximately 35 education bills and 21

labor bills has been carried forward. In addition, there have been three special subcommittees and one investigative task force which have conducted many hearings and prepared special reports.

It is obvious from the above that our committee has been an active one and that it has handled many of the more important pieces of legislation which have come before Congress this session. The minority staff, which consists of four persons, has been called upon to perform, insofar as it possibly can, the same functions and activities as the majority staff. This has not been an easy task. However, all will agree that under our democratic form of government it is imperative that there be a strong and vital minority which can present to the House and the American public the information they need to decide the important questions with which we are faced today.

For many years you, Mr. Chairman, have been a very powerful and strong leader in this country for minority rights. Now that you are cast in the role of the majority, we, the minority, look to you for sympathetic understanding and support. Certainly you will agree that the question presented by your demand for the minority rooms goes much further than just an argument over room space. If the minority does not now have a right to the rooms, as it has had since 1947, whether the Republicans or the Democrats were in the minority, then it can be expected that while today the minority will be told to move to one room down the hall, tomorrow it will, in all likelihood, be told to move out of the building to no rooms. Similarly, although today the minority has a staff of four, your letter threatens that unless we move this number will be cut. If the minority does not have a right to this number, except at the whim of the chairman, then tomorrow it can be expected that the staff may be reduced to two or one or possibly none.

It now appears that we here in Congress, in Washington, D.C., have our own Berlin. The same fundamental principles and basic values are at stake here as at that beleaguered outpost. In all sincerity, it is hoped that you will join with us in a demonstration to the world that here, as there, minority rights must be respected, and that a takeover by a majority, no matter what the excuse, will not be permitted.

For this reason, we cannot move from our rooms and, for this same reason, we believe that you will withdraw your demand and help us to establish once and for all this important principle.

Sincerely,

CARROLL D. KEARNS, CLARE E. HOFFMAN, PETER FRELINGHUYSEN, JR., WILLIAM H. AYRES, ROBERT P. GRIFFIN, EDGAR W. HIESTAND, ALBERT H. QUIE, CHARLES E. GOODELL, PETER A. GARLAND, DONALD C. BRUCE, JOHN M. ASHBROOK, DAVE MARTIN.

So that the House may also have the opportunity to assist in establishing this important principle, I have introduced the following resolution. It is my sincere hope that this resolution will be acted upon by the House before it adjourns:

Resolved, That the conference and staff rooms assigned to the minority members of the Committee on Education and Labor since 1947 shall continue to be assigned to the minority members of such committee during the Eighty-seventh Congress.

REPORT ON 1ST SESSION OF THE 87TH CONGRESS

Mr. WALLHAUSER. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. HARVEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HARVEY of Indiana. Mr. Speaker, I have submitted the following report on the 1st session of the 87th Congress to the citizens of my 10th Indiana District:

It is a sincere pleasure for me to submit this report to you, covering the months during which the 1st session of the 87th Congress has been convening. I feel that the fine folks of the 10th District deserve such a report because of the great interest you have shown in our deliberations in the Congress; your interest has been exhibited through thousands of communications of all types—postcards, letters, telegrams, and telephone calls.

My last District-wide mailing was that of the questionnaire on which I asked that you register your opinions concerning major issues which would require attention by me. I also invited you to use the space provided for adding comments concerning any and all issues. I was extremely pleased with the great number of returned questionnaires, and I was gratified that so many of you took the time to elaborate your feelings about the issues.

Following is a report on the issues listed on my questionnaire:

1. Admission of Communist China to the United Nations: 91 percent in the district opposed Communist China's admission to the United Nations.

Action taken: Senate Concurrent Resolution 34 passed both the Senate and the House, expressing the sense of the Congress as being against the seating of Communist China in the United Nations. I voted "yea."

2. Foreign aid: 26 percent in the district favored continuing foreign aid at the present levels; 51 percent favored cutting the program sharply; 7 percent favored expanding the program; and 16 percent favored ending the foreign-aid program.

Action Taken: Public Law 87–41 appropriates $600 million for Latin America; includes $100 million disaster relief for Chile, $394 million for loans by Inter-American Development Bank, $6 million for social and economic programs of Organization of American States, and $100 million for loans and grants by International Cooperation Administration. I voted "nay."

Action taken: Public Law 87–92 extends indefinitely the President's authority to use surplus farm products to aid the people and economy of underdeveloped nations and permits a broadened program. I voted "yea."

Action taken: Public Law 87–195 authorizes $4.2 billion for a 1962 program of loans and grants for foreign economic aid and development, military assistance, and support, and contributions to international programs; provides a 5-year program of development loans, and a contingency fund for use at the President's discretion. I voted "nay."

3. Medical care for the aged: 60 percent in the district opposed amending the Social Security Act to include this, even if financing would be shared by employers and employees.

Action taken: No action is expected before the second session in January.

4. Federal aid to education: 38 percent in the district favored Federal aid for school construction only; 14 percent favored Federal aid for teachers' salaries; 48 percent wanted no Federal aid.

Action taken: H.R. 7215, H.R. 7300, and H.R. 7904 were tabled in the House Rules Committee, preventing consideration by the entire House. However, H.R. 9000, which passed both the House and Senate, extends aid to federally impacted school districts (for school construction and operations) for 2 years, and extends the National Defense Education Act for 1 year, with total authorized expenditures of $1.3 billion. I voted "yea."

5. Farm program: 80 percent in the district opposed revision of the farm program if it involved setting more production controls.

Action taken: Public Law 87–5 provides 1-year voluntary cut in acreage and crops of feed grains; increases price-support payments to participants for corn, grain sorghums, other feed grains, and soybeans. I voted "nay."

Action taken: Public Law 87–67 extends special milk program for schools and child care agencies; increases funds to $105 million. I voted "yea."

Action taken: Public Law 87–128 cuts wheat acreage 10 percent for 1961–62 year, offers payment for additional reductions and price support averaging $2 per bushel; continues present program of voluntary acreage cuts for feed grains, and fixes minimum price support at 65 percent. I voted "yea."

Action taken: Public Law 87–209 authorizes a national program for eradication of hog cholera. I voted "yea."

6. Interstate highways: 51 percent in the district favored maintaining the temporary increase in Federal gasoline taxes to construct interstate highways.

Action taken: Public Law 87–61 fixes the Federal gas and diesel tax at 4 cents per gallon. I voted "yea."

7. Retraining unemployed: 78 percent in the district opposed the Federal Government's being responsible for retraining unemployed people in areas of large unemployment.

Action taken: Public Law 87–27 authorizes $300 million loans and $94 million grants for industrial plants and public facilities in areas of economic distress; provides for technical assistance, vocational rehabilitation, and subsistence grants for persons undergoing retraining. I voted "nay."

8. Balancing the Federal budget: 95 percent in the district favored balancing the budget.

Action taken: No action was taken this session to balance the budget. However, Public Law 87–69 raises the temporary debt limit by $5 billion to $298 billion. I voted "nay."

9. Minimum wage: 51 percent in the district favored broadening minimum wage coverage. However, 56 percent opposed increasing the amount from $1 to $1.25 per hour.

Action taken: Public Law 87–30 increases the minimum wage to $1.25 an hour, and extends coverage to 3.5 million additional workers. I voted "nay."

10. Government loans for homebuilding: 58 percent in the district opposed Government-subsidized loans for homebuilding purposes.

Action taken: Public Law 87–70 authorizes 4- to 5-year $4.9 billion housing programs. I voted "nay."

11. Defense of Guantanamo Naval Base: 93 percent in the district favored the use of force to defend the U.S. Naval Base at Guantanamo, Cuba.

Action taken: There has been no congressional action; however, I feel sure that we could expect action in the Congress should our base be attacked by Castro's supporters.

12. National defense spending: 71 percent in the district favored increased spending on missiles and rockets for our national defense.

Action taken: Public Law 87–53 authorizes an increase of $12.5 billion for aircraft,

missiles, and naval vessels in fiscal year 1962. I voted "yea."

Action taken: Public Law 87-57 authorizes $893.9 million for construction and improvement projects at military bases, including missile sites and nuclear sub bases. I voted "yea."

Action taken: Public Law 87-118 authorizes a second increase of $958 million for planes, ships, and missiles in fiscal year 1962. I voted "yea."

Legislative proposals which I have sponsored this session:

H.R. 4246 would establish a cropland adjustment program in the interest of curing some of the present ills found in our agricultural community.

H.R. 5269 would amend the Internal Revenue Code to assist small and independent businessmen all across the Nation.

H.R. 6306 would provide that Delaware, Henry, Madison, Randolph, Rush, Union, and Wayne Counties would constitute a new and separate judicial division to relieve the present workload in the Federal Courts in Indiana.

H.R. 7177 would provide for a national hog cholera eradication program to wipe out one of the great problems which many of our farmers face today. (I was happy to see the provisions of this bill enacted into law on the 6th of September by Presidential signature.)

H.R. 7480 would assist the States in providing additional facilities for research at the various State agricultural experiment stations.

H.R. 7857 would provide that until the national debt is retired, at least 5 percent of the net budget receipts of the United States for each fiscal year would be utilized solely for reduction of the presently outrageous national debt.

H.R. 7858 would regulate foreign commerce of the United States by providing for fair competition between our domestic industries operating under the Fair Labor Standards Act and foreign industries which supply articles imported into the United States.

H.R. 8307 would amend the Agriculture Acts of 1949 and 1956 to prohibit the subsidized export of any agricultural commodity to Communist nations and to prohibit sales by the Commodity Credit Corporation of surplus agricultural commodities to such nations at prices less than those prices available to American consumers.

H.R. 8308 would amend the Agriculture Acts of 1949 and 1956 to prohibit the subsidized export of any agricultural commodity to Communist nations and to prohibit sales by the Commodity Credit Corporation of any agricultural commodities to such nations.

House Concurrent Resolution 231 would put the Congress on record as opposing further tariff reductions under the auspices of the General Agreement on Tariffs and Trade; it would also place the Congress on record in favor of the executive branch's conducting an investigation to determine the effects of limitations other than tariffs which are imposed by foreign countries on exports from the United States to those countries.

House Concurrent Resolution 392 would place the Congress on record in support of the establishment of State safety councils in each State not now having such a council; it would also put Congress on record as favoring the formation of local safety councils in each State to work cooperatively with the State safety councils and the National Safety Council.

Committee assignments: These past few months have been very busy indeed, and the great number of committee meetings will attest to the fact that the greatest amount of work done in the House is accomplished in committee. This session I was very pleased to be assigned to the Select Committee on Small Business where I was able to utilize my past experience in small business enterprises. I was also assigned to the Agriculture Committee where I have served for 8 years.

Adjournment: Immediately after congressional adjournment I shall be returning to the district. When the 50-star flag is hoisted on the flagpole in my front yard, it will be evidence that I am at home. As I have done in past years, I shall have the flag flying on the flagpole for the duration of my stay in Indiana.

It is my intention to travel over the entire district soon after my return so that I might have the opportunity to visit with as many of you as possible. Two members of my staff, Mr. Jack Carmichael, administrative assistant, and Mr. Ed Arnold, legislative assistant, will also be in the district. Following my longstanding custom, I or a member of my staff shall spend some time in each courthouse where you are cordially invited to come in and discuss any problem or issue.

For those who wish to write to me after adjournment, you may address the communications to my home, Rural Route No. 4, New Castle, Ind.

REPORT OF THE 1961 SESSION OF CONGRESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SMITH] may extend his remarks at this point in the body of the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, as the 1st session of the 87th Congress draws to a close, I would like to review, for the benefit of my constituents and friends, some of its record.

This has been one of the longest and most productive sessions in history. It started slow, due to a fight over changing the Rules Committee, but once the committee change had been made, the legislation came upon the floor where the majority could vote "yes" or "no."

RECESSION AND UNEMPLOYMENT

As the session began, we were in a recession. Although there has been some improvement, there is still much unemployment, especially of unskilled workers. Due to new machines, some of the workers who were very skilled at a particular job or occupation are no longer needed in that occupation. Farmers who have moved to the city to replace city workers or join the ranks of the unemployed become unskilled city workers and have furnished a major segment of the unemployed. A bill to aid and encourage retraining for jobs where employees are needed—especially in electronics—was reported from one of the committees upon which I serve.

Many persons now on skilled jobs will find themselves replaced by electronic devices within a few years. Retraining programs are a long-range program to make the free enterprise system work with a minimum of interference and are not a short-term depression measure. There was considerable bipartisan support for the bill, and it should come before the House early next year.

NATIONAL DEFENSE

International issues have overshadowed all activity. Although the situation has not basically changed, the American people have been given much more information and are now more fully aware of the seriousness of the situation. The Congress voted increases in funds necessary to protect us and supported the President in actions deemed necessary to prevent a shooting war. Although some irresponsible partisanship was shown, I am happy to say that a majority in Congress still feel that foreign affairs and the defense of our country is a bipartisan or nonpartisan matter.

SPACE RACE AND ARMS CONTROL

By sending a man into orbit in outer space and returning him, the Russians proved their accomplishments in the manned space race, but we are making great progress and have done very well on shorter range space feats. The decision had to be made whether we should try to put a man on the moon, and the overwhelming majority in Congress voted to start the program, which is expected to take 10 years. Of course, the real objective is to develop the equipment that may be used to launch big satellites which contain equipment that will detect and destroy missiles that are aimed at us.

An arms control research agency is being set up so that our arms control negotiators will be prepared and not be going to meetings with no preparation as Harold Stassen did. This has bipartisan support and is specifically endorsed by both President Kennedy and former President Eisenhower.

MINIMUM WAGE

The minimum wage act was amended to increase the minimum wage to $1.25 per hour and to extend the act to about 3 million more workers, mostly retail workers. The amount per hour was not so controversial, but the extension to new workers was the first since 1938 when the law was originally passed and was strenuously resisted.

FARM LEGISLATION

An emergency feed grain program was passed. Few thought it could be done in time to affect the 1961 crop, but it was put into effect on that crop. Although moderate increases in the price per bushel will help net farm income, the real savings is to the Government because the new bill made less bushels subject to Government support. Surveys indicated farmers intended to increase acreage by 10 percent. Under the program that would have been in effect, there was no limit on how much a farmer could raise with supports guaranteed, and with such favorable weather, the Government would have been buying hundreds of millions of bushels of corn. This is only a temporary program, and there are improvements needed in long-range farm legislation.

BUDGETS

With high unemployment, the budget of the last budget year—which ended

July 1—was unbalanced. Although there has been increased spending—primarily for national defense—employment has increased and personal income is now running at an annual rate of $421.8 billion. If that income rate continues, income tax receipts at present rates will balance the budget and produce some surplus. We must balance our budgets on an average, and high employment is an absolute necessity to accomplish that goal.

DES MOINES RIVER PROJECTS

The Red Rock Dam will go forward next year at the maximum rate the Army Engineers said they could efficiently proceed. The necessary $6.5 million was recommended by the President and was appropriated by the Congress. There was also $155,000 appropriated to develop the plans for the Saylorville Dam. The surveyors have completed their work, and 2 years are now needed to make the final plans and identify the exact locations so construction can begin. There was also $40,000 appropriated to start the levees in Des Moines.

FEDERAL BUILDING

A new Federal building for central Iowa was approved by Congress and the money was appropriated to purchase the site and secure the detailed plans. The Federal building at East First and Walnut Streets will still be used, but the Government-owned office building at Fourth and Walnut Streets—Valley Bank Building—will be sold.

FEDERAL JUDGESHIP

The two Federal judges in Iowa have had more cases and work than they could possibly handle. The great delay caused by the backlog has resulted in inequity where equity was the goal. A third Federal judge for Iowa was approved.

DEPRESSION LEGISLATION

Congress passed depressed area legislation, temporary unemployment legislation, increased social security benefits for widows, stepped up the highway program, and did a number of things to help arrest the recession. Most of these measures carried the revenue-producing provisions necessary to pay for them. For example, there was a slight increase in the unemployment tax and the social security tax was increased by one-eighth of 1 percent.

In the long run, major permanent reductions in unemployment will depend upon retraining the unskilled and educating the young to fill the professional and skilled jobs that are waiting for someone. Thirty percent of our teenagers are competing for the unskilled jobs that are in short supply instead of getting the training necessary to fill a job for which there is a shortage of applicants. Some of this is due to the fact that there is a shortage of college and school classrooms and teachers and some is due to lack of finances needed to go to school.

EDUCATION

Legislation was reported from the Education Committee to help both colleges and elementary and high schools with their building problems. It also would help with the finances of some high school graduates who otherwise could not go to college. We have had Federal aid for college work for a hundred years for some such as medical schools, vocational schools and agriculture colleges. Areas with Government installations such as Ames receive Federal aid, but there is a great opposition to any grant of Federal aid to school districts not now receiving it. There is a great deal of control in existing law and considerable inequity. Some school districts that receive aid—especially in the East—are far better off than districts in Iowa which do not receive aid. A coalition formed in opposition to any change in the laws—82 of the 245 Democrats voting joined 160 of the 166 Republicans. Congress voted to extend existing legislation without change except to increase money which pays part of the cost of medical schools through research grants.

I was the author of a bill to increase materials available for blind children such as braille books and sound tapes of textbooks so that these children can have a better educational opportunity. The bill passed and became law.

PENSION AND WELFARE FUNDS

I was the author of a bill to require the administrators of pension and welfare funds to disclose their receipts, expenditures, and investments so that the participants will know the facts concerning the fund upon which they depend to give them their benefits. We had examples of administrators and insurance agents milking the funds by paying as much as 45 percent in commissions and of other abuses that should not exist. It also requires an administrator to be bonded to protect the fund. There is now $50 billion in this kind of fund, and such funds are increasing at the rate of $4.5 billion per year.

The bill passed the House with a 60-percent majority, but under the rule in effect, a two-thirds majority was necessary. It will now come up early next year under normal procedure where a majority can pass it.

REORGANIZATION

I am on the subcommittee of the Government Operations Committee which handles bills to reorganize the executive departments to make them operate more efficiently and economically. We have had seven such reorganization bills already this year.

As could be expected, some of the people who have become accustomed to operating under these agencies do not want them changed and usually oppose the bills. The coalition in the House defeated most of these reorganization proposals, but some new bills are now in the process of being formulated which we believe can be passed at the next session and be some improvement.

MEDICAL CARE

The last Congress passed what was known as the Kerr-Mills bill under which the Federal Government would match some funds of the State for medical care for the near needy. Most States, including Iowa, did not appropriate the funds to cooperate in the program. This leaves almost everyone agreeing that something needs to be done, but the disagreement over what to do was so great that no bill was passed in this session relating directly to this problem.

HOUSING

A very comprehensive housing bill was passed including FHA, college housing, public housing, nursing homes, homes for the elderly, and urban renewal. This legislation has greatly aided in reviving the construction industry.

MILITARY REORGANIZATION

Last year I introduced legislation to provide that civilians who are experts in purchasing would do most of the purchasing of military supplies. The new Secretary of Defense has done some of this under the executive authority of the President. Other portions of the legislation would require that more contracts be let on a bid basis rather than by negotiation. I am still working on this part of the legislation.

The administration has quietly made great changes toward unifying the Armed Forces and toward greater civilian control. Under separate armed service commands which use different accounting systems and yardsticks, one could hardly compare the Navy's Polaris with the Air Force Minuteman or avoid overlapping and waste of resources and scientists. A new programing system has been set up which will subject rival weapons systems to the same yardstick. I am pleased at the progress that has been made administratively, and the Government Operations Committee upon which I serve is working to develop whatever support and legislation is needed in this area. There is much more to be done.

PEACE CORPS AND FOREIGN AID

There has been considerable criticism of some of our foreign aid projects because some of them simply did not reach the average citizen in the country concerned. The Peace Corps proposal would send volunteers to work with people on local improvement projects just as missionaries have for years. The various missionary services say they cannot furnish enough people for these projects. Although it is a great sacrifice for people to give 2 years of their time to this work, thousands have volunteered. The bill authorizing the Peace Corps was passed by a 3 to 1 majority. One group of 17—age 23 to 55—received 6 weeks' training at Ames and are now in St. Lucia. It is really the first new technique designed to reduce world tensions since the point 4 technical aid program was adopted 11 years ago, and many hope it will replace some of the present foreign aid projects that have not been good.

Although there was a great deal of controversy surrounding the foreign aid appropriations as usual, the final bill was for most of what had been recommended by both President Kennedy and former President Eisenhower.

ANTICRIME

A package of bills was passed as requested by the Justice Department to aid their stepped-up activity against crime. Also, a bill to secure and dis-

tribute information to local officials to help control juvenile delinquency was passed.

SUMMARY

That our problems have become more complex can be seen from the following:

President	Congress	Major bills approved
F. Roosevelt	73d, 1st session, 1933	11 (all dealing with one subject: the domestic economy).
D. Eisenhower	83d, 1st session, 1953	12 (4 extensions (trade, aid, taxes, refugees)); 2 amendments (controls, customs); 3 new measures (tidelands, wheat for Pakistan, drought aid); 3 organizational (Reorganization Act, HEW, SBA).
J. Kennedy	87th, 1st session, 1961	33 (more than total number approved in last 6 years combined; previous high was 14 bills in 1950).

In spite of the stepped-up activity, many bills remain to be worked on next session, and I am sure more action will be necessary to deal with new or changed world conditions.

WBZ RADIO'S 40TH ANNIVERSARY OF FIRST BROADCAST

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND] may extend his remarks at this point and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. BOLAND. Mr. Speaker, I want to take this opportunity to salute Westinghouse Broadcasting Co.'s WBZ radio on the 40th anniversary today of its first broadcast on September 19, 1921, originating with 100 watts from the roof of the Westinghouse Electric Co. plant in East Springfield, Mass., and beamed to the Eastern States Exposition across the Connecticut River in West Springfield.

The occasion of the broadcast was in honor of the New England Governors' banquet which was being held at the Eastern States Exposition. It is believed to be the first remote pickup broadcast in the history of radio. My predecessor in Congress, House Speaker Fred Gillette, was the keynote speaker for the Governors' luncheon. Shortly before it was time for him to address the luncheon group, Speaker Gillette was transported to the WBZ radio shack, 10 feet by 6 feet, atop the East Springfield Westinghouse plant, for the broadcast.

The impetus for commencing broadcasting operations on WBZ radio in Springfield was to inaugurate night letter service between the Westinghouse plants in East Springfield and East Pittsburgh, Pa., home of Westinghouse's pioneer station, KDKA. Although KDKA commenced broadcasting 10 months earlier, on November 2, 1920, WBZ radio's experimental license No. 106, was the first one to be endorsed with the word "broadcasting."

Radio broadcasting became a new communications miracle and its popularity increased quickly. Consequently, WBZ radio scheduled programs for approximately 1 hour each evening featuring local talent. During the early days of radio broadcasting it was forbidden by law to charge for air time, and consequently programs featured Springfield talent who performed without fee. As radio expanded, the WBZ studios were moved from the East Springfield plant to the Hotel Kimball in downtown Springfield.

To commemorate this 40th anniversary of WBZ's radio's first broadcast, Mr. Donald H. McGannon, president of Westinghouse Broadcasting Co., was the guest of Gov. John A. Volpe, of Massachusetts, at the annual Governors' Day luncheon held at the Eastern States Exposition in West Springfield this past Sunday. On behalf of WBZ radio, Mr. McGannon accepted a certificate of merit awarded to WBZ radio by the New England Council and the Governors of the six New England States on the occasion of the station's 40th anniversary.

The illuminated citation reads:

The New England Council and the Governors of the six New England States award this certificate of merit to WBZ radio on the occasion of its 40th anniversary and as a grateful acknowledgment to the Westinghouse Broadcasting Co.'s Boston station for outstanding efforts to better the status of the New England communities through educational, enlightening, and entertaining public service programing.

Other Westinghouse Broadcasting Co. executives who were guests at the Governors' luncheon were W. C. Swartley, vice president, WBZ-WBZ–TV; Paul G. O'Friel, WBZ radio general manager; and James E. Allen, WBZ–TV general manager.

Mr. Speaker, in four short decades WBZ radio has grown from a 100-watt station to 50,000 watts. I want to compliment and congratulate the officers and staff of WBZ radio, past and present, for the contribution they have made to radio broadcasting over the years and join with the New England Governors and the New England Council in grateful acknowledgment to WBZ radio's outstanding service to our region in high type programing.

Mr. Speaker, I include under unanimous consent, the historical highlights of WBZ radio at this point in my remarks:

FORTY YEARS YOUNG AND STILL GROWING—WBZ RADIO—SEPTEMBER 19, 1921, THROUGH WORLD WAR II

The first WBZ program originated from atop the roof of the Westinghouse Electric Corp. in East Springfield, Mass., in honor of the New England Governor's banquet which was being held at the Eastern States Exposition in West Springfield. It is believed to be the first remote pickup in the history of radio broadcasting. Programs from the Eastern States Exposition have been an annual feature of WBZ ever since. Other highlights from the early years of WBZ broadcasting include:

February 1922: Radio concert by Madame Louise Homer, concert artist and star of the Metropolitan Opera Co., at Springfield.

May 13, 1923: WBZ broadcast its first church service at South Congregational Church in Springfield.

September 27, 1923: One of the first educational program series began on this date, when WBZ broadcast the first of a series of lectures by Dr. J. Berg Esenwein on "Short Story Writing."

October 3, 1923: Growing interest in the new medium of radio made particularly appropriate the inauguration, on this date, of a series of 10 radio lectures on "Radio Reception and Transmission." WBZ broadcast the series under the auspices of the University Extension Division of the Massachusetts State Department of Education.

October 10, 1923: A new field was explored when WBZ broadcast a play-by-play description of the opening game of the World Series, at Yankee Stadium. The broadcast originated from Springfield and was probably based on telegraphic reports.

April 29, 1924: WBZ's new studios were dedicated at the Hotel Kimball in Springfield, Mass. The principal address of the evening was delivered by Mayor Edwin F. Leonard, of Springfield. This specially constructed room in a new annex of the hotel was the first broadcasting studio in which Celotex was used to correct the acoustical properties.

April 24, 1924: From the Home Beautiful Exposition at Mechanics Building in Boston, WBZ broadcast the first radio wedding.

May 24, 1924: WBZ broadcast the proceedings of the World Methodist Conference.

August 15, 1924: The 43d National Encampment of the Grand Army of the Republic took place in Boston. WBZ broadcasts included addresses by Gov. Channing H. Cox of Massachusetts and Mayor James M. Curley of Boston.

September 5, 1924: "Round the World Fliers" were received in Boston. WBZ programs originated from various places visited by the fliers.

October 19, 1924: A new type of discussion program was presented to WBZ listeners when the station featured the "Ford Hall Forum."

November 12, 1924: The first broadcast of the "Radio Nature League," featuring Thornton W. Burgess, famed author of children's books.

WBZ listeners throughout the New England area, and beyond, readily responded to the series of programs which continued for more than 5 years, 7:30 to 8 p.m. Wednesdays; membership in the Radio Nature League was open to all who would "promise to do everything possible to preserve and conserve all desirable wildlife, including birds, animals, flowers, trees, and other living things; also the natural beauty spots and scenic wonders of all America." Within a few months, 15,000 members had joined, and while complete figures are not available, records indicate that eventually membership totaled more than 50,000. Among the projects promoted was bird conservation, including the feeding of birds in the winter and construction of birdhouses. Over 2 million acres of land throughout the United States were pledged as bird sanctuaries where birds would be neither hunted nor killed. An annual spring campaign to destroy the egg masses of tent caterpillars which were very destructive throughout the Northeast section of the United States, was conducted. During one such 3-week campaign over 870 egg masses were collected and burned by children under 16 years of age.

The Radio Nature League program was given official recognition and cooperation by

the Boston Society of Natural History, Massachusetts Department of Agriculture, Massachusetts Audubon Society, Smithsonian Institution, Massachusetts Society for the Prevention of Cruelty to Animals, and various newspapers, among them the Hartford (Conn.) Times. The program series continued through 1930, when Mr. Burgess was obliged to discontinue. However, he did return to the air in the fall of 1933 for a weekly 15-minute program; a series which continued through 1935.

December 1, 1924: WBZ broadcast the first ice hockey program; a description of the game between the Boston Bruins and Montreal.

December 1924: During this month, the station broadcast the opening one of the first concert series by the People's Symphony Orchestra with Emil Mollenhauer, conductor.

January 12, 1925: One of the most popular program series of the decade began on this date with the first broadcast of the Aleppo Drum Corps, known as the Shriner's Band, with 218 members. This series continued through 1928.

March 24, 1925: First broadcast of a baseball game other than the World Series. New York Giants versus Boston Braves, from Braves Field in Boston.

April 18, 1925: Program commemorating the 150th anniversary of Paul Revere's Ride broadcast from Old North Church, Boston. Speakers on the program were Vice President Charles G. Dawes, great-grandson of William Dawes, Jr., who accompanied Paul Revere on the ride to Lexington and Concord, April 18, 1775; Mrs. Nathaniel Thare of Boston, a great-granddaughter of Paul Revere; Dr. William H. Dewart; and Bishop William Lawrence, of Protestant Episcopal Church. Paul Revere, great-great-grandson of Paul Revere of 1775, repeating the hanging of the lantern in the church belfry. The program was rebroadcast by WGY, Schenectady, and WRC, Washington.

May 20, 1925: Program in honor of the semicentennial of Wellesley College from Wellesley campus. Speakers on the program were President A. Lawrence Lowell, of Harvard; Mary Emma Wooley, of Mount Holyoke; James Rowland Angell, of Yale; and Ellen F. Pendelton, of Wellesley.

June 17, 1925: First broadcast to pilots in international balloon race for the James Gordon Bennett Trophy. WBZ was picked up over Amsterdam, Holland, by Ward T. Van Orman in the balloon "Goodyear 111" who acknowledged the reception by cable.

July 3, 1925: Program commemorating the 150th anniversary of the appointment of George Washington as Commander in Chief of Revolutionary Armies. The broadcast originated from Cambridge Common and featured an address by President Calvin Coolidge.

October 3, 1925: First Harvard football broadcast from Soldiers Field.

November 13, 1925: "World Aggie" night under auspices of Massachusetts Agricultural College.

NEWS

WBZ has always been mindful of radio's unique ability to report the news. While schedules for the earlist years are not available, program scheduled for January 1927, show regular broadcasts of market reports, weather reports and missing persons reports; and at 6:50–7 p.m., Monday through Friday, a program titled "News and the Newspaper," narrated by Joseph F. Dineen, well-known reporter for the Boston Globe.

By early 1928, the stations scheduled news flashes at 6:30–6:35 p.m., Monday through Friday; 7:25–7:30 p.m., Saturday; and 10–10:05 p.m., Monday through Saturday.

January 1927: Program schedules also show continued advanced educational efforts by the stations with a course in "Real Estate Law" by A. Francis Harrington, attorney, under the supervision of the Massachusetts University Extension. Another course under the same auspices covered "Psychology of Personal Problems" and was given by Dr. A. A. Roback, of Harvard University. On March 9, 1927, attention was given to another subject when Prof. Gerald Fitzgibbons conducted a hypnosis demonstration by radio. There were five subjects, three located in Boston, one in Springfield, and one in New York City. Two months later, on May 7, the first Boston Pops concert was broadcast by WBZ.

The continually expanding scope of WBZ program activities required new studios and operating equipment which were dedicated at the Hotel Statler, Boston, on June 9, 1927. The transmitter was energized by Gov. Alvan T. Fuller, of Massachusetts, who closed a switch in the Governor's Executive Mansion, formally putting the station on the air. Addresses of dedication were delivered by John Jull, speaker of the Massachusetts House of Representatives, and Mayor Malcolm L. Nichols of Boston. The following month, on July 27, Gov. Alvan T. Fuller received Col. Charles A. Lindbergh in the State House reception in Boston following Lindbergh's epic solo flight across the Atlantic. This broadcast was a WBZ–WBZA exclusive.

In early 1928, Willard DeLue, a well-known writer for the Boston Globe and other newspapers, had a series of programs called "New England and the Revolution," followed by a series titled "Newspaper Nights." John Philip Sousa, the famous "march king," honored the station by observing the 31st anniversary of "Stars and Stripes Forever" with a special concert at the WBZA studio on April 26, 1928. In another exclusive broadcast, the crew of the transatlantic plane *Bremen*, Baron Ehrenfried Gunther von Huenefeld, Maj. James C. Fitzmaurice, and Capt. Hermon Koel, were given decorations and citations by Gov. Alvan T. Fuller at a Massachusetts State reception on May 19. WBZ–WBZA also provided exclusive coverage, on July 9, 1928, to a Massachusetts State reception for Amelia Earhart and her companions on the transatlantic flight, Wilmer Stultz and Lou Gordon. Once again, decorations and citations were presented by Governor Fuller.

At 11 p.m., on November 24, 1928, WBZ–WBZA broadcast the first in a series of arctic programs, the purpose of which was described in the opening broadcast as follows: "Five years ago, George Arthur Wendt, of the Canadian Westinghouse Co., at Montreal, after hearing of the loneliness and isolation of the Arctic from men who had lived there, saw the wonderful service the Westinghouse Broadcasting Co. stations could render in linking these pioneers with the civilized world through the sending of messages and news. Receiving sets were sent into the polar country and 5 years ago programs were first flashed over the thousands of miles to the trading posts, to the missions, to the police posts * * * this series of polar programs has for its purpose the transmission of messages and news from home, and good cheer, entertainment to all traders, trappers, missionaries, police patrols, explorers and all those whose duties have called them to isolated places in the Arctic and subarctic."

The first "Home Forum" program for women was added to the WBZ schedule in January 1929, and featured Marjorie Mills, Boston Herald-Traveler columnist. From the Boston Globe, M. E. Hennessey, discussed political sidelights during a series of programs in March 1929, followed by a similar series of commentary programs on the political situation in the United States.

On February 16, WBZ–WBZA joined with KDKA to broadcast a special program to Comdr. Richard E. Byrd and his Antarctic expedition in Little America. Charles Evans Hughes spoke to Byrd from New York City, and more than 80 messages from other distinguished people were read.

Educational programs continued, and on September 29, 1929, the station sponsored a radio shorthand contest. On October 20, Emily H. Chamberland, university extension service instructor, began a series of programs on the French language. Development of news coverage also continued, and by 1930 an analysis of local programs made at the time showed that 3½ hours per week were devoted to news and news features.

SPRINGFIELD FLOOD, 1936

WBZ–WBZA has always been conscious of its special ability, through radio, to serve its broad audience in times of disaster.

In 1936, the Connecticut River overflowed its banks, inundating much of western Massachusetts, including Springfield, Holyoke, and Westfield. As a result of earlier planning to cover such an emergency, WBZ–WBZA was better prepared to meet the situation. Even before the floods started, the stations inaugurated a bulletin service to motorists, in cooperation with Massachusetts Commissioner of Public Safety Paul G. Kirk. Complete facilities were made available to relief authorities, and numerous messages were broadcast on behalf of hundreds of individuals who were anxious to reach missing friends and relatives. Relief officials, city authorities, and State police were assisted through the broadcast of warnings and instructions throughout the territory. Lines were also installed at the statehouse in Boston, where a special State emergency relief commission had been established. At various intervals, this commission released scores of bulletins concerning conditions throughout the State—road conditions, danger zones, and precautions of all types to be taken in an effort to prevent the spread of disease.

Shortwave receivers were installed in the studio and on the roof of the Hotel Kimball at WBZA, and lines were installed from the hotel roof to the control room. Arrangements were made to obtain cooperation and flood information from radio amateurs in the Springfield Amateur League, which was organized so that their bulletin information would be relayed to the WBZA studios. Other messages were broadcast on behalf of the Red Cross, Automobile Legal Association, and American Legion, and included school and college bulletins, factory and office announcements, and sources of milk and water supplies.

As a result of the service rendered by WBZ–WBZA, many public officials and private individuals took the time to express their appreciation. Some of the letters received by WBZ–WBZA are attached.

HURRICANE IN 1938

In 1938, a hurricane and flood struck the Connecticut River Valley. WBZ–WBZA was immediately placed on an emergency basis, thus providing the first right-of-way to all flood matters. An emergency studio was established in the planning board room at the Springfield City Hall, with a microphone in the office of the mayor. These installations were made to expedite broadcasting of both official and personal emergency messages to and from residents in the flood districts. While these preparations were in progress, the first warning of the hurricane on any station was given in a WBZ–WBZA broadcast from the Boston office of the U.S. Weather Bureau at 3:30 p.m. Shortly after this warning, the storm struck Massachusetts.

Lines were installed in emergency headquarters at the Massachusetts State House in Boston, where Gov. Charles F. Hurley formed an emergency commission to supervise rescue and protection activity. The storm wrecked the Edison power supply to the WBZ transmitter, then located at Millis, Mass., and WBZ was disabled for about 48 hours. (As a result of this experience, WBZ has since installed an emergency power unit at its Hull transmitter to insure continued

operation in the event of failure of the normal power supply.) However, WBZA, Springfield, continued to broadcast and remained the only means of immediate communication from Springfield. WBZA thus became the center for emergency communication to the outside world. WBZ's Boston studio, the Springfield studio, the State House in Boston, and the Springfield City Hall were able to communicate via WBZ–WBZA facilities. Amateur operators cooperated, thus aiding in getting information to the State department of health concerning the emergency need for medicine at Ware, Warren, and other stricken areas and in guiding the delivery by airplane of the required medicine to those points.

At about 8:25 p.m. on the evening of September 21, WBZA began its emergency broadcasting from city hall, Springfield. Special announcements for Red Cross, National Guard, city government, fire and police departments and urgent personal messages were broadcast. Road conditions, river heights, weather forecasts and situations at strategic bridges and dams were included. The station continued to broadcast special hurricane and flood programs and announcements, remaining on the air on a 24-hour per day basis for more than 3 days until September 24. Normal operation was resumed at 6 p.m. when the emergency was officially declared over.

Again, numerous letters of commendation were received, one of which was a copy of a letter sent to the Federal Communications Commission by Mayor Roger L. Putnam of Springfield, Mass.:

"GENTLEMEN: I wish to take this opportunity to commend station WBZA for its services to the city of Springfield and western Massachusettts during the disaster 2 weeks ago.

"Their station was at the command of the public night and day throughout the emergency.

"They were very helpful to me personally and allowed me to talk over their stations at frequent intervals to give directions to the public and also to keep our citizens from becoming unduly alarmed.

"In the rush of work, it was impossible for me to make prepared speeches; of necessity my talks had to be extemporaneous so that neither I nor they are able to give any reproductions of what I said.

"Again I want to commend the station and all its personnel for the splended, untiring public-spirited service which they rendered this community.

"Yours very truly,

"ROGER L. PUTNAM,
"Mayor."

THE "SQUALUS" AND "O–9" DISASTERS

On May 23, 1939, the submarine *Squalus* sank in the Atlantic Ocean off the Massachusetts coast, and 26 people lost their lives. WBZ covered the tragedy from the scene, using shortwave mobile equipment until salvage operations were abandoned.

Similarly, on June 16, 1941, within 20 minutes after the Navy flashed the news that the submarine *O–9* was missing at sea off Portsmouth, N.H., a crew of WBZ announcers and technicians were on their way to the scene, under police escort, to bring the story to listeners. The WBZ crew was escorted through the city of Boston by motorcycle policemen furnished by Police Commissioner Joseph P. Timilty, and picked up at the city line by State troopers who rushed them to the New Hampshire State line under special orders issued by State commissioner of public safety, Eugene McSweeney. WBZ was first on the air with a story from the scene of the disaster. Special events director, Colton G. Morris, gave the first account from the Portsmouth Navy Yard at 10:24 p.m., with additional broadcasts at 11:30 p.m. and 12:45 a.m., reporting that the salvage vessel *Falcon* had located the sunken submarine and placed two lines aboard. While circuits were being established between Portsmouth and WBZ studios in Boston, a shortwave receiving station was set up at Hampton Beach, N.H., a short point near the scene of the disaster. Later, more WBZ broadcasting equipment was made available with the arrival of the *Dawn*, a chartered cruiser, with ship-to-shore broadcasting equipment.

THE WAR YEARS

In December 1941, immediately after the first bulletin, WBZ speedily arranged special coverage of the Pearl Harbor disaster. Gov. Leverett Saltonstall made a special trip to the WBZ studios to broadcast an official message to the people of Massachusetts. Congressman JOHN W. MCCORMACK, House majority leader, and Henry Cabot Lodge, Jr., then junior Senator from Massachusetts, delayed their return to Washington to broadcast official messages over WBZ–WBZA. At 8 p.m. on December 7, a special roundtable program, prepared to inform listeners of the situation in the Far East, was broadcast. The group of experts, with John Barry, "WBZ–WBZA Frontline Headlines" commentator, presiding, included Dr. William Yandell Elliott, professor of government at Harvard University and an official of the Office of Price Administration, Warren L. Seavey, of the Harvard Law School; and J. Anton deHaas, professor of international relations at the Harvard Graduate School of Business Administration. Later that night Governors of the other five New England States sent official statements to be read to the people of their States by WBZ–WBZA. Another program that evening included messages from Mayor Maurice J. Tobin and Police Commissioner Joseph Timilty, of Boston, and Dean James M. Landis, New England Regional Director of Civilian Defense. Shortly after midnight, war editorials from New England's leading newspapers, which had been telegraphed to the WBZ studios during the evening, were broadcast. Throughout the night and early morning hours, scheduled programs were interrupted for late bulletins and summaries.

An important role given to WBZ, as well as to Westinghouse stations KDKA, KYW, and WOWO, during the war was that of key station in a blackout system devised for the protection of the eastern section of the United States by the U.S. Army, 1st Fighter Command. This ingenious and effective plan, which was the forerunner of the present conelrad plan, provided that the designated radio stations should signal, at the direction of the fighter command, all other stations in their area to go off the air immediately. This was of supreme importance in view of the fact that enemy bombers coming in from the Atlantic might utilize the signals of radio stations as direction finders, thereby making it imperative that all stations be alerted and silenced in a minimum of time.

During the war, WBZ–WBZA instituted a special and unique war service which, although not technically a broadcast service, utilized their broadcast facilities and was known as the incentive network plan or the WBZ "warcast" plan. This was a service made available to war workers at the Charlestown and South Boston Naval Yards. At the suggestion of the Naval Incentive Division, the "warcasts," designed to help step up production at those yards, included special daily world news digests extracted from dispatches received from the United Press and Associated Press at the WBZ studios, and were broadcast directly to the war workers. WBZ expanded its "warcasts" to private plants, so that soon 25 newscasts a day originated from a special WBZ studio, and were fed over leased lines to private war plants in the Boston area. Ambulatory patients from the Chelsea Naval Hospital were auditioned as announcers, not for the station, but solely for the "warcasts." Five such men, three from the Navy and two from the Marine Corps, were originally assigned to this industrial plant morale program. During the 13 months that the "warcast" network operated in Boston, approximately 70 enlisted men were assigned to this duty.

A few weeks after the "warcasts" started at the navy yards, then Under Secretary of the Navy James Forrestal sent a directive to the Chief of the Incentive Division asking that the WBZ plan be expanded to other naval plants and shore installations, and adding that "the arrangement now in force in Boston should be used as a model." After the success of the WBZ "warcast" plan became known, broadcasters in other areas offered their facilities to keep workers on naval projects informed. As a result, the WBZ "warcast" plan was used in Philadelphia; Pittsburgh; Rochester, N.Y.; New Castle, Pa.; Norfolk; Cincinnati; San Francisco; and Portland, Oreg.

A letter from Under Secretary Forrestal to Mr. C. S. Young, WBZ manager, dated August 31, 1943, stated:

"The Navy Department's Incentive Division has told me of your cooperation in arranging for news broadcasts in war plants. I personally believe that these daily messages on the progress of the war will be most helpful in keeping the seriousness of the war, and of their part in it, before the workers.

"I should like, therefore, to express my appreciation to you for pioneering in this work."

During the war years, WBZ news facilities were increased. Additional news analysis programs were added at 6:05 p.m., Monday through Saturday; 11:05 p.m., Monday through Saturday; and at 12:05 p.m., Monday through Friday. Musical programs, special event features and appearances of service personnel on established programs, in addition to numerous announcements, were devoted to the war effort. As an aid to morale many programs originated from hospitals in the area, such as the Chelsea Naval Hospital and the hospital at Fort Devens, Mass. WBZ personalities Herb Lewis, Art Amadon, Georgia Mae, Chet Gaylord, Dottie Myles, Ray Dorey, and others participated actively and enthusiastically in broadcasts and personal appearances to promote the sale of war bonds.

Continuing attention to the war effort and the war's progress did not, however, detract from the station's continuing responsibility to its listeners in other fields.

"New England Junior Town Meeting": On January 8, 1944, in cooperation with the Massachusetts Parent-Teacher Association and the New England Association of Social Studies Teachers, WBZ–WBZA introduced to this area the "New England Junior Town Meeting of the Air." During each school year, representatives of many of the leading public, private and parochial high schools in New England participated in these 30-minute broadcasts. In 1947, in an effort to introduce the discussion technique to as many students as possible, the programs were recorded in school assembly programs and played later on the air. Under this plan, representatives of three of the participating schools journeyed to a fourth school to take part in the program which was presented before the entire student body of the host school.

Inschool listening: In March 1944, the first inschool listening program, "Listen and Learn," was scheduled on WBZ–WBZA. This was "Living Literature," presented by Prof. John Chilton Scammell of Boston University. The next fall, Nicholas Slonimsky, eminent Boston pianist and teacher, began his series, "Music in the Air." By early 1945, the series was broadcast 5 days a week.

Among the many programs presented on the "Listen and Learn" series, were "Sewing Is Easy," "Ask Your Public Library," "The American Adventure," "Let Freedom Ring," "Music in the Air," "Classroom Concert,"

"The News in Review," "The Magic Book," "Living Literature," and "Adventures in Research."

Among the people who appeared on the programs were Arthur Fiedler, Prof. John Chilton Scammell, of Boston University, and Arch MacDonald of the WBZ staff, as well as many civic and business leaders who appeared on programs in which they described their duties and activities.

The scripts for these programs were prepared by professional scriptwriters and in most instances were performed by either professional talent or advanced college radio students. After the scripts were prepared, they were turned over to the committee on script outlines, which group was appointed by the New England Committee on Radio in Education and the Massachusetts Department of Education. The committee then prepared teachers' outlines on each program. These outlines were incorporated with teachers' handbooks which were furnished to teachers. During 1948–49 more than 5,000 of these handbooks were distributed by the station and the Massachusetts Department of Education.

Massachusetts plan for education: On October 13, 1945, when wartime restrictions on gasoline and other means of travel still made it difficult for teachers and others interested in professional improvement through evening study to reach the centers of education, the plan of broadcasting lectures for credit, originated by WBZ in 1923, was expanded and improved with the division of university extension of the Massachusetts Department of Education and the result was the "Massachusetts Plan for Education by Radio." The first course offered was "Our Foreign Policy." In this course the NBC program, "Our Foreign Policy," broadcast each Saturday at 7 p.m., was utilized as the basis of the course. Those taking the course were required to listen to this program and also to hear a supplementary program broadcast on WBZ–WBZA the following Saturday at 9:15 a.m. The WBZ–WBZA program was presented under the direction of Leland M. Goodrich, professor of political science at Brown University, and director of the World Peace Foundation. The broadcast featured a discussion and an interpretation of the evening broadcast. Teachers taking the course for credit were furnished with copies of the scripts of the "Our Foreign Policy" broadcasts. Also furnished to them was a bibliography of pertinent articles in popular magazines and books. To receive credit for the course, each student was required to submit to the course leader four written reports on his or her reference reading, along with two summarizations, each covering at least 10 broadcasts.

Upon completion of the 26-week course, those enrolled were required to take a written examination. Grades and credits were then issued as they would have been in any university extension course. In this manner many teachers who would have found it physically impossible to receive inservice training were able to do so.

"The Massachusetts Plan for Education by Radio" gained widespread recognition and commendation, and in March 1946, the U.S. Army asked WBZ for permission to use this plan on the Armed Forces radio network. Permission was granted, and, with the close cooperation of the Department of Education, the division of university extension offered 2 hours of credit to any Massachusetts GI completing the course.

The formation of the New England Committee on Radio in Education: On March 16, 1946, an important milestone was reached when the first New England Conference on Radio in Education was held in Boston with the commissioners of education of the six New England States in attendance. "The New England Junior Town Meeting of the Air" and representative programs for WBZ's "Listen and Learn" series were presented as demonstrations of educational programs. Guest speakers including Gordon Hawkins, Westinghouse Broadcasting Co.'s educational director, and W. C. Gallagher, presented the story of "Radio in Education" to the educators present.

An immediate outgrowth of the conference was the formation of the New England Committee on Radio in Education, a cooperative group made up of representatives of the six State departments of education and the broadcasting industry. The basic philosophy of the New England committee was that radio had become an integral part of our way of life and that everything possible should be done to promote discrimination in choice of listening.

Institution of teacher training workshops: In July 1944 WBZ, in cooperation with Boston University, offered the first free radio workshop to teachers and others interested in broadcasting and its problems. Meetings were held twice weekly in the studios of WBZ from July 7 through August 10, and among the guest lecturers were Sterling Fisher, Doris Corwith, Dorothy Lewis, Gordon Hawkins, Lee Wailes, and W. B. McGill. Fifty persons received certificates for having completed the course.

In July 1945, the second annual WBZ radio workshop opened in the studios in the Hotel Bradford. This workshop was run in the same manner as the previous one, with many of the same speakers returning for a second appearance. One hundred people were enrolled in this second course and the division of university extension of the Massachusetts Department of Education offered college credit to those who desired it.

Workshop activities in New England were enlarged to the western area of Massachusetts in October 1945, when a series of meetings opened in the studios of WBZA in Springfield. This course, patterned after the Boston offerings, was presented in cooperation with the division of university extension, and again college credit was offered. Ten people received such credit and WBZ–WBZA awarded certificates to 13 people who attended the lectures.

No workshop was held in Boston during the summer of 1946, but during the summer of 1947, WBZ joined with the New England Committee on Radio in Education and Boston University in the presentation of a "radio in education" workshop which drew its members from the teaching profession throughout New England. More than 100 educators were enrolled and 4 hours of college credit were offered by Boston University to those taking the course. WBZ cooperated by holding classes in its studios and by offering the services of its educational director and other personnel as special consultants to the members of the workshop.

During the summer of 1948, two such workshops were held under the same arrangements as in 1947. An introductory course was conducted during the first 3 weeks, and during the second period, there was an advanced workshop.

In July 1949 a short, intensive, 1-week workshop was held under the same auspices. The short course was held at the request of teachers who wished to attend both the workshop and regular summer school.

In addition to these longer, more formally organized workshops, the educational director of WBZ has been called upon to take part in many sessions held in various cities throughout the New England States. The cities of Pittsfield, Gardner and Holyoke, Mass.; Goddard College, Vt.; and the Rhode Island Department of Education in Providence are among those who have asked for and received the services of WBZ–WBZA in the presentation of those sessions.

Reproductions of pamphlets describing some of the earlier courses are attached.

The 1944 hurricane: On September 14, 1944, another hurricane threatened the New England area. Indicative of WBZ's recognition of its public service responsibilities in connection with natural disasters is the following excerpt from a memorandum issued by Program Manager W. Gordon Swan, on that date:

"The latest information from the Weather Bureau with regard to the hurricane is such that we deem it advisable to make a special setup for the operation of our stations. If the hurricane should strike this area, we believe that WBZ and WBZA can be of the greatest service by cooperating with various public agencies in the dissemination of news and information.

"In addition we feel that a straight news reporting job will be in order. Therefore, effective at 7:00 p.m. tonight, we will man the Boston Globe pickup if the storm should strike prior to signoff, our stations will remain on the air with news and public service information throughout the night. If the storm should change its course so that New England escapes the full force of the disturbance, we will terminate our operation at 1 a.m.

"It will be necessary, however, to check all agencies to make sure that the hurricane danger has definitely passed and that there is no further danger to this area before we definitely sign off. Based on the hurricane of September 21, 1938, we found that radio played a very important part in the dissemination of information and news.

"It will be the responsibility of those men actually on the scene to see that WBZ does its job. The result of our efforts tonight may mean the saving of countless lives."

WBZ–WBZA broadcast hourly bulletins on the approaching storm front beginning at 10 a.m., Thursday, September 14. Messages by Governor Saltonstall and Mayor Tobin of Boston were broadcast and then repeated from transcription. Special lines to the editorial rooms of the Boston Globe gave the station access to additional last-minute bulletins. Further plans for on-the-spot coverage were canceled when the hurricane veered eastward and passed out to sea.

COTTON AT THE CROSSROADS

The SPEAKER pro tempore (Mr. PUCINSKI). Under previous order of the House, the gentleman from Louisiana [Mr. McSWEEN] is recognized for 30 minutes.

Mr. McSWEEN. Mr. Speaker, during the next few minutes I want to discuss cotton. There are problems facing the cotton and the textile industries that bear on each other.

Some of these problems could have been avoided or minimized. I shall review the cotton situation as it has developed over the last several years and assess the effect of pertinent legislation and administration.

Cotton is one of the principal agricultural commodities produced in my district as well as in the entire State of Louisiana. It is a very important crop for the whole United States. The U.S. cotton that moves in world commerce in tremendous amounts helps to support one of the largest industries in the world.

Cotton faces strong competition both at home and abroad. Domestic synthetic fibers have taken a large share of the market that cotton enjoyed only a few years ago. This same situation has developed in foreign countries.

The margin of profit in the textile industry is relatively low, and a difference of a few cents a pound in the price of the raw commodity going in the mill door makes a significant difference as to the

composition of fibers used in the manufacture of textiles.

Let us review very briefly the price support situation for upland cotton.

The national average support level for the 1961 upland cotton crop is 33.04 cents per pound M–1 inch. The CCC resale price is 38 cents per pound plus allowances for carrying charges. By comparison last year's Choice A support price was 32.42 cents M–1 inch, Choice B support price was 26.63 cents, and the CCC resale rate was 29.29 cents plus allowances for charges.

Because 1960 Choice A cotton was purchased and offered for resale by CCC, the effective base for last year's market price was the CCC resale price. The 1961 support level of 33.04 cents M–1 inch, which will be the effective market price base this year assuming output is equal to or greater than anticipated domestic use and exports, is thus 3.75 cents above the market price base for last year.

Should this year's output fall appreciably below anticipated sales the market price base would reflect the influence of the CCC resale price and could be as high as 38 cents plus allowances for carrying charges, or as much as 9.7 cents above the 1961 crop market price base.

Implications of the increase in support level for the 1961 and the new CCC cotton resale policy which become operative this year to the cotton economy suggest the need for careful reassessment of U.S. cotton price policy. I wish now to review information relative to present cotton laws and basic data regarding production, domestic use and export of cotton which will facilitate such a reassessment.

The Agricultural Act of 1958 was developed to gradually move in the direction that would meet many of the problems of the domestic cotton producer and other segments of the industry as well as the cotton textile industry. A cardinal purpose of this law was to gradually develop a price which would enable cotton to be competitive and one which would be developed in the marketplace. The provisions of this law are sound.

PRINCIPAL PROVISIONS OF PRESENT LAW

The 1961 cotton crop is the third to be produced under the Agricultural Act of 1958. This act established new methods for determining support prices, Commodity Credit Corporation resale prices, and acreage allotments to replace those that had been in use for many years under previous cotton laws.

The price support plan set forth by the new law provided four annual transitional steps for changing from the mandatory formula system of supports within the range of 75 percent to 90 percent of parity, depending on supplies, to a discretionary system with a minimum support of 65 percent of parity by 1962. For 1961 the law authorized a minimum level of 70 percent. Also beginning in 1961 the price support level is based on the average grade and staple length of the crop, rather than M–⅞ inch as was previously the case.

Coupled with the price support change is a provision that in 1961 and thereafter the CCC cotton resale price for unrestricted use cannot be less than 115 percent of the support level plus an allowance for reasonable carrying charges. Under the previous law the resale price was 105 percent of the support level plus charges.

The national acreage allotment in 1961 and thereafter is to be based on estimated use, both domestic consumption and exports, for the year ahead, but cannot be less than 16.3 million acres. Previously the national allotment was based on the production needed to make available a normal supply after taking account of carryover, subject to certain minimum provisions.

The final transitional step to the permanent program set forth in the law becomes effective in 1962. This differs from the 1961 program only by changing the minimum support level to 65 percent of parity. At that time both the price support and the national acreage allotment will be discretionary, but neither can be less than the above-stated minimum.

Earlier this year the Secretary of Agriculture increased the price support for 1961. In my opinion this was a mistake, because this reverses the progress that had begun under the principles outlined in the Agricultural Act of 1958 as they pertained to cotton. I think it was clearly the intent of the authors and supporters of this legislation that we would gradually lower the Government price support for cotton, increase the CCC release price, thus strengthening the market price for cotton and at the same time being more competitive with synthetic fibers.

CURRENT DEVELOPMENTS IN COTTON

As a result of the price support adjustment program provided by the 1958 act, and recent changes in related programs, the cotton picture had improved in the last few years. Other program changes affecting cotton over the last couple of years include passage of Public Law 86–172—which enabled counties and States to retain history on allotments released by farmers—modification of export aid programs and termination of the acreage reserve.

Forces set in motion by these changes were clearly reversing the trends toward declining acreage, waning cotton markets, mounting stocks, and increasingly restrictive grower controls, which had persisted since allotments were invoked in 1954. These changes are evidenced by data in the following tables:

TABLE 1.—*Upland cotton acreage, yield and output—U.S. totals, 1950–61*

Period	Acreage (million acres)		Yield per acre (pounds)		Production (million bales) [1]
	Planted	Harvested	Planted	Harvested	
1950–53 [2]	25.7	23.7	264	286	14.1
1954	20.0	19.2	327	341	13.7
1955	17.9	16.9	393	417	14.7
1956	17.0	15.6	374	409	13.3
1957	14.2	13.5	367	388	10.9
1958	12.3	11.8	446	466	11.4
1959	15.7	15.0	442	463	14.5
1960	16.1	15.3	426	447	14.4
1961 [3]	16.6				

[1] 500-pound gross weight bales.
[2] Average.
[3] Estimates based on Aug. 1 crop report.

From table 1 it is noted that:

First. Cotton acreage was cut sharply by acreage allotments and the acreage reserve program during the period 1954–58 from that of preceding years. The acreage reserve was operative over the 3 years, 1956–58.

Second. Acreage increased in 1959 substantially and showed further increases in 1960 and 1961. These increases reflect both ending of the acreage reserve and application of the 1958 act. Had the old law remained in force, the national allotment in 1959 would have been about 13 million acres.

Third. Yields per acre jumped to greatly increased levels following establishment of allotments in 1954 and have continued well above preallotment levels since that time.

Fourth. In 1959, the first year under the new law, output of cotton returned to about the preallotment level and showed little change in 1960 as lower yields offset the acreage increase. The August crop report suggests that, although the 1961 acreage is again up slightly, output will fall somewhat below last year.

TABLE 2.—*Upland cotton supply and disappearance, U.S. totals, 1950–61*

[In thousands of running bales]

	Supply				Disappearance		
	Carryover	Production	Imports	Total	Domestic	Exports	Total
1950–53 average	4,307	14,063	51	18,421	9,373	4,108	13,481
Old program:							
1954	9,570	13,550	48	23,168	8,790	3,445	12,235
1955	11,028	14,639	51	25,718	9,085	2,194	11,278
1956	14,399	12,978	40	27,417	8,496	7,540	16,032
1957	11,269	10,840	41	22,151	7,900	5,707	13,607
1958	8,614	11,342	52	20,009	8,594	2,766	11,360
New program:							
1959	8,732	14,485	58	23,274	8,888	7,178	6,066
1960	7,406	14,248	54	21,708	[1] 8,200	[1] 6,600	[1] 14,800
1961 estimate	[1] 7,200				[1] 8,750	[1] 5,750	[1] 14,500

[1] All cotton.

From a study of table 2 we see that:

First. Domestic use of cotton sagged following allotments to an annual low in 1957–58, and since that time it has shown appreciable gains.

Second. Cotton exports dropped sharply during the first 2 years of allotments, jumped to an alltime high when the competitive bid export program was instituted in marketing year 1956–57,

declined some in 1957–58, then dropped drastically in 1958–59 when, notwithstanding an export subsidy of 6.5 cents, U.S. cotton prices ceased to be competitive with world prices.

Third. Due to the new law and an 8-cent subsidy, exports bounced back almost to the 1956–57 record in 1959–60. They declined somewhat with the drop in subsidy to 6 cents last year, but were still high relative to most years. These gains in exports reflect the more competitive prices of U.S. cotton in recent years.

Fourth. Preliminary reports suggest that although the 1961–62 subsidy of 8.5 cents is the highest ever, exports will drop considerably from last year's level, reflecting an increase in support level greater than the subsidy increase.

Fifth. Cotton stocks were excessive when allotments were applied and continued to mount as markets waned under the old allotment, high price support program. In 1956 the yearend carryover reached a record of 14 million bales—more than three times the preallotment period average.

Sixth. The surplus stockpile has gradually declined over the last few years, and on August 1, 1961, was at the lowest level since before the allotment program became operative. This is particularly significant as the last two cotton crops were the largest in several years—3 million bales above 1958 and almost 2 million bales above the 1954–58 average.

TRENDS IN U.S. AND FOREIGN PRODUCTION

U.S. cotton production showed little change from 1930 through the end of World War II. In the late 1940's and early 1950's U.S. production showed an appreciable upward trend. It then showed a downward trend until the Agricultural Act of 1958 became operative in 1959. Output over the last 3 years has been at about the level of the immediate preallotment period as shown in the following table:

TABLE 5.—*Cotton production in the United States as compared to world production, 5-year averages 1930–54, and annually 1955–60*

[In millions of bales] [1]

Period beginning Aug. 1	United States	Foreign	U.S. production as percent of world production
1930–34	13.3	12.5	51.7
1935–39	13.1	18.6	41.5
1940–44	12.0	15.4	43.7
1945–49	12.1	13.6	47.1
1950–54	14.1	24.7	36.3
1955	14.7	28.8	33.8
1956	13.3	29.0	31.4
1957	11.0	30.5	26.5
1958	11.5	32.9	25.9
1959	14.6	32.0	31.2
1960	14.3	32.6	30.4

[1] Bales of 500 pounds gross weight.

Foreign production in cotton trended upward from 1930 through 1958, but it appears to have stabilized during the last 3 years as U.S. cotton export prices have been adjusted downward.

U.S. production as a percent of total world production showed a downward trend from the early 1930's through 1958, but on the basis of 1959 and 1960 it appears to have stabilized.

IMPORTS AND EXPORTS OF FINISHED TEXTILES

One of the most serious cotton problems is that created by the rapid growth of textile imports in recent years and the accompanying downward trend of textile exports. The cotton equivalent of manufactured textile imports and exports since 1955 is shown in table 6.

TABLE 6.—*Cotton equivalent of U.S. imports and exports of cotton manufactures, 1955–60*

[Thousands of bales]

Calendar year	Raw cotton equivalent of United States—		Imports as a percentage of exports
	Imports of cotton manufactures	Exports of domestic cotton manufactures	
1955	181.2	547.5	33.1
1956	225.0	530.4	42.4
1957	199.1	579.1	34.4
1958	233.8	521.0	44.9
1959	360.0	492.6	73.1
1960	525.5	485.6	108.2
January–May—			
1960	224.8	212.5	105.8
1961	154.0	217.3	70.9

It is noted that U.S. textile imports increased from an equivalent of 181,000 bales of cotton to 526,000 bales in 1960. Imports of such material during January–May of 1961, however, ran substantially less than in the equivalent period a year ago.

By comparison, U.S. textile exports showed an appreciable decline from 1957 through 1960. U.S. textile exports during January–May of 1961 were above exports during the same period of 1960, however.

In 1960, for the first time, U.S. imports of textiles exceeded U.S. exports. Judging from the first 5 months of this year, however, compared to the same 5 months of 1960, these trends appeared to be reversing with exports again moving ahead of imports.

U.S. AND WORLD PRODUCTION OF SYNTHETIC FIBERS

The production of synthetic fibers both in the United States and abroad followed a rather steep upward trend from the 1930's through 1960. Data on U.S. and world production are shown in table 7.

TABLE 7.—*U.S. and world production of synthetic fibers, cotton equivalent basis, by periods, 1935–60*

[In thousands of bales]

Period	Rayon and acetate		Noncellulosic		Total	
	United States	World	United States	World	United States	World
1935–39	963	4,766	-------	-------	963	4,766
1940–44	1,841	6,835	90	90	1,931	6,925
1945–49	2,953	6,046	231	252	3,184	6,298
1950–54	3,701	11,094	804	1,174	4,505	12,268
1955	3,890	13,969	1,664	2,366	5,554	16,335
1956	3,494	14,408	1,826	2,786	5,320	17,194
1957	3,427	14,941	2,315	3,694	5,742	18,635
1958	3,075	13,715	2,223	3,757	5,298	17,472
1959	3,505	15,269	2,956	5,176	6,461	20,445
1960	3,085	15,769	3,209	6,330	6,294	22,099

It appears from a study of table 7 that U.S. production of rayon and acetate, the two more competitive synthetic fibers, has been stabilizing in recent years. World production of synthetic fibers, however, reached an alltime high in 1960.

U.S. DOMESTIC AND EXPORT PRICES

U.S. domestic cotton prices have undoubtedly contributed to the growing segment of the fiber market enjoyed by synthetic fibers. Likewise, U.S. export prices have contributed to the problem of increasing imports and declining exports of finished textile materials. The U.S. support levels, season average prices received by farmers, and export price differentials are shown in table 8.

TABLE 8.—*Support levels and season average prices, upland cotton, 1949–61*

Year beginning Aug. 1	Loan rates			Season average price received by farmers	Average export subsidy or payment
	Middling ⅞ inch	Middling 1 inch	Parity percentage [1]		
	Cents per pound	*Cents per pound*		*Cents per pound*	*Cents per pound*
1949	27.23	30.03	90	28.57	-------
1950	27.90	30.25	90	39.90	-------
1951	30.46	32.36	90	37.60	-------
1952	30.91	32.41	90	34.17	-------
1953	30.80	33.50	90	32.10	-------
1954	31.58	34.03	90	33.52	-------
1955	31.70	34.55	90	32.27	[2] 8.30
1956	29.34	32.74	82.5	31.63	[3] 7.68
1957	28.81	32.31	78	29.46	6.22
1958	31.23	35.08	81	33.09	6.50
1959	[4] 30.40	[4] 34.10	[4] 80	31.56	8.00
1960	[5] 28.97	[5] 32.42	[5] 75	[6] 29.67	6.00
1961	30.14	33.04	82	-------	8.50

[1] Applies to Middling ⅞-inch cotton in all years except 1961 when it applies to average of the crop. Determined on the former basis, the parity percentage for 1961 for Middling ⅞ inch would be 77.6 percent.

[2] Average, Jan. 6 to Mar. 2, 1956.

[3] Average, Aug. 1, 1956, to Aug. 15, 1957.

[4] Choice A purchase rate; choice B loan rates—24.70, Middling ⅞ inch and 28.40, Middling 1 inch. The parity percentage for choice B is 65 percent.

[5] Choice A purchase rate; choice B loan rates—23.18, Middling ⅞ inch and 26.63, Middling 1 inch. The parity percentage for choice B is 60 percent.

[6] 10-month average.

CCC COTTON RESALE PRICES

Prior to passage of the 1958 act the Commodity Credit Corporation resale price of cotton was 105 percent of the support level, plus carrying charges. For the first 2 years under the new act CCC sold cotton at 110 percent of the Choice B support level, plus allowances for carrying charges, except that cotton from previous crops was priced at 115 percent of the 1960–61 Choice B support.

Beginning August 1, 1961, the law prohibits the sale of CCC cotton at prices below 115 percent of the support level, plus allowances for carrying charges.

The domestic textile industry is the cotton farmer's best customer—60 percent of our cotton production is sold domestically; 40 percent is exported. It must remain virile and strong. We must also hold our significant export market.

There are many activities being conducted now to attempt to deal with the importation of textiles. The recent Geneva meeting dealt with this matter, and, I hope, effectively. There is open to the textile industry the procedures under the Trade Agreements Act which provide a mechanism through the Tariff Commission to seek relief. This might be done either under section 22 of the Agricultural Adjustment Act or section 7 of the Reciprocal Trade Agreements Act.

Earlier I mentioned that the Secretary of Agriculture increased the cotton price support this year. This will gradually increase the domestic price support for cotton and make cotton less competitive in the domestic industry. The export subsidy was raised to 8½ cents per pound. This alone will cost almost $50 per bale, thus giving the foreign textile manufacturer an advantage in purchasing his raw material over the domestic manufacturer.

I hope that the Secretary of Agriculture will study these and other facts bearing on this problem and begin in 1962 to carry out the intent and spirit of the act of 1958 so that we can move in the right direction to solve the problems facing the great cotton industry.

There are those who say that the best course is to adopt compensatory payments for cotton. In my estimation this is the worst that could happen to cotton and the cotton farmer. At a later time it is my intention to outline the reasons why production payments or compensatory payments—call them what you will—will lead us down the road to an inefficient, peasant agriculture.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TOLL, for Wednesday, September 20, 1961, on account of religious holiday, Yom Kippur.

Mr. DOOLEY (at the request of Mr. HALLECK), for an indefinite period, on account of death in his family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. WILSON of Indiana, for 20 minutes, today.

Mr. MCSWEEN (at the request of Mr. ALBERT), for 30 minutes today, and to revise and extend his remarks and include therein extraneous matter and tables.

Mrs. GREEN of Oregon (at the request of Mr. ALBERT), for 30 minutes, on Thursday next.

Mr. CLEM MILLER (at the request of Mr. ALBERT), for 30 minutes, on Friday next.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. MADDEN and to include an editorial and also comments on the retirement of Mr. MACHROWICZ.

Mr. BECKWORTH, notwithstanding it will exceed two pages of the RECORD, and is estimated by the Public Printer to cost $445.50.

Mr. JENSEN on H.R. 9118.

Mr. RHODES of Pennsylvania, his remarks on H.R. 9118, and to include an article from the Harrisburg Patriot.

Mr. KING of Utah.

(The following Members (at the request of Mr. WALLHAUSER) and to include extraneous matter:)

Mr. ELLSWORTH.

Mr. UTT.

(The following Members (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. JONES of Missouri.

Mrs. SULLIVAN.

Mr. PETERSON.

Mr. HOLIFIELD.

Mr. THOMPSON of Louisiana.

Mr. JENSEN and to include a statement.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 67. An act for the relief of Col. Samuel Hale; to the Committee on the Judiciary.

S. 296. An act for the relief of Hanna Ghosn; to the Committee on the Judiciary.

S. 429. An act for the relief of A1c. Percy J. Trudeau; to the Committee on the Judiciary.

S. 531. An act for the relief of Eugenia Chrzastowski; to the Committee on the Judiciary.

S. 1270. An act for the relief of Mitsuko Nahara; to the Committee on the Judiciary.

S. 1441. An act for the relief of Cilka Elizabeth Ingrova; to the Committee on the Judiciary.

S. 1587. An act for the relief of Ginko Von Weyerhausen; to the Committee on the Judiciary.

S. 1691. An act to provide that any juvenile who has been determined delinquent by a district court of the United States may be committed by the court to the custody of the Attorney General for observation and study; to the Committee on the Judiciary.

S. 1776. An act for the relief of Frances E. Sarcone; to the Committee on the Judiciary.

S. 1791. An act for the relief of Dr. Tzycheng Peng; to the Committee on the Judiciary.

S. 1792. An act for the relief of Jessie Bamer; to the Committee on the Judiciary.

S. 1832. An act for the relief of Susanne Rae Deremo; to the Committee on the Judiciary.

S. 1866. An act for the relief of Dr. Berchmans Rioux; to the Committee on the Judiciary.

S. 1870. An act for the relief of Lucia Bianca Cianto Rosa; to the Committee on the Judiciary.

S. 1888. An act for the relief of Laura Celani; to the Committee on the Judiciary.

S. 1954. An act to amend chapter 35 of title 18, United States Code, with respect to the escape or attempted escape of juvenile delinquents; to the Committee on the Judiciary.

S. 2096. An act for the relief of Ding Lam Tam and Ding Yun Tam; to the Committee on the Judiciary.

S. 2149. An act for the relief of Hugo Kolberg; to the Committee on the Judiciary.

S. 2385. An act for the relief of Dr. Hau Cheong Kwaan, his wife, Tech Phaik Loui Kwaan, and their daughter, Laura Wai Man Kwaan; to the Committee on the Judiciary.

S. 2396. An act for the relief of the State of Louisiana; to the Committee on Merchant Marine and Fisheries.

S.J. Res. 27. Joint resolution to provide for the designation of the month of May of each year as "Senior Citizens Month"; to the Committee on the Judiciary.

S.J. Res. 91. Joint resolution to establish the Saint Augustine Quadricentennial Commission, and for other purposes; to the Committee the Judiciary.

S.J. Res. 95. Joint resolution authorizing the President of the United States of America to proclaim September 17 of each year General von Steuben Memorial Day for the observance and commemoration of the birth of Gen. Friedrich Wilhelm von Steuben; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H.R. 1333. An act for the relief of A. N. Deringer, Inc.;

H.R. 1507. An act for the relief of Capt. Jacob Haberle;

H.R. 2179. An act for the relief of Essie V. Johnson;

H.R. 2334. An act for the relief of Washington George Brodber Bryan;

H.R. 2615. An act for the relief of Dr. Victor Wang Ta Ng and his wife, Alice Siu Har Ng;

H.R. 2666. An act for the relief of Adelina Benedict (nee Rosasco);

H.R. 3007. An act for the relief of Alberto Luciano (Rocchi) Rosasco;

H.R. 3132. An act for the relief of Lucille Collins;

H.R. 4028. An act for the relief of Lennon May;

H.R. 4484. An act for the relief of Miss Liu Lai Ching;

H.R. 4917. An act for the relief of Albany County, N.Y.;

H.R. 5334. An act for the relief of Mrs. Helena Sullivan;

H.R. 5486. An act to prohibit the examination in District of Columbia courts of any minister of religion in connection with any communication made to him in his professional capacity, without the consent of the party to such communication;

H.R. 6729. An act to provide for the disposal of certain lands held for inclusion in the Cape Hatteras National Seashore Recreational Area, N.C., and for other purposes;

H.R. 6834. An act to amend section 35 of title 18, United States Code;

H.R. 7259. An act to waive section 142 of title 28, United States Code, with respect to the U.S. District Court for the Western District of Louisiana, Lafayette Division, holding court at Lafayette, La.;

H.R. 7358. An act to amend section 4126 of title 18, United States Code, with respect to compensation to prison inmates for injuries incurred in the course of employment;

H.R. 7873. An act for the relief of Mrs. Maria Gonzalez Fernandez Long;

H.R. 8236. An act to authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation;

H.R. 8341. An act to authorize the Secretary of the Interior to conduct a study covering the causes and prevention of injuries, health hazards, and other health and safety conditions in metal and nonmetallic mines (excluding coal and lignite mines);

H.R. 8490. An act to amend the act of September 2, 1958, establishing a Commission and Advisory Committee on International Rules of Judicial Procedure, as amended;

H.R. 8871. An act to amend the Federal Employees' Compensation Act of 1960;

H.R. 9030. An act to amend the act to promote the education of the blind, approved March 3, 1879, as amended, so as to authorize wider distribution of books and other special instruction materials for the blind, and to increase the appropriations authorized for this purpose, and to otherwise improve such act;

H.R. 9080. An act to authorize the Philadelphia, Baltimore & Washington Railroad Co., to construct, maintain, and operate branch sidings over First Street SW., in the District of Columbia; and

H.J. Res. 358. Joint resolution authorizing the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week, in order to aid in bringing to the American people the dangers of accidental poisoning.

SENATE ENROLLED BILLS SIGNED

The Speaker pro tempore announced his signature to enrolled bills of the Senate of the following titles:

S. 336. An act to make available to children who are handicapped by deafness the specially trained teachers of the deaf needed to develop their abilities and to make available to individuals suffering speech and hearing impairments the specially trained speech pathologists and audiologists needed to help them overcome their handicaps;

S. 902. An act to amend the Small Business Investment Act of 1958, and for other purposes;

S. 1459. An act to amend the provisions of law relating to longevity step increases for postal employees;

S. 1927. An act to amend further the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, and for other purposes;

S. 1990. An act to amend section 1362 of title 18 of the United States Code so as to further protect the internal security of the United States by providing penalties for malicious damage to certain communications facilities;

S. 2272. An act to disclaim interest in certain rights in certain lands in the State of Nevada; and

S. 2393. An act to extend for 2 additional years the expired provisions of Public Laws 815 and 874, 81st Congress, and the National Defense Education Act of 1958, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1325. An act for the relief of Mrs Seto Yiu Kwei;

H.R. 1369. An act for the relief of Zsuzsanna Reisz;

H.R. 1378. An act to authorize the Secretary of the Interior to enter into an exchange of certain land in Madera County, Calif., with Mary Saunders Moses;

H.R. 1394. An act for the relief of Laszlo Hamori;

H.R. 1399. An act for the relief of Mrs. Josefa Pidlaoan and daughter, Annabelle Pidlaoan;

H.R. 1422. An act for the relief of Mrs. Agavni Yazicioglu;

H.R. 1459. An act for the relief of En2c. Hideo Chuman, U.S. Navy;

H.R. 1496. An act for the relief of Aloysius van de Velde;

1532. An act for the relief of Jeanine Ruth Tabacnik;

H.R. 1550. An act for the relief of Jesus Garza Lopez;

H.R. 1551. An act for the relief of Kim-Ok Yun;

H.R. 1569. An act for the relief of Isei Sakioka;

H.R. 1581. An act for the relief of Maria Falato Colacicco;

H.R. 1583. For the relief of Mrs. Chung-Huang Tang Kao;

H.R. 1614. An act for the relief of Byron K. Efthimiadis;

H.R. 1630. An act for the relief of Carma Pereira de Bustillos;

H.R. 1646. An act for the relief of Joan Josephine Smith;

H.R. 1714. An act for the relief of Nicholas J. Katsaros;

H.R. 1898. An act for the relief of Isabel Brown;

H.R. 1901. An act for the relief of Georgia J. Makris;

H.R. 2136. An act for the relief of Hajime Misaka;

H.R. 2145. An act for the relief of Joginder Singh Toor;

H.R. 2280. An act to provide for the withdrawal of certain public lands 40 miles east of Fairbanks, Alaska, for use by the Department of the Army as a Nike range;

H.R. 2283. An act to provide for the withdrawal from the public domain of certain lands in the Big Delta area, Alaska, for continued use by the Department of the Army at Fort Greely, and for other purposes;

H.R. 2555. An act to authorize pay with respect to civilian employees of the United States in cases of emergency evacuations, to consolidate the laws governing allotment and assignment of pay by such employees, and for other purposes;

H.R. 2655. An act for the relief of Mrs. Pamela Gough Walker;

H.R. 2822. An act for the relief of Gregoire A. Kublin;

H.R. 2924. An act to repeal an act entitled "An Act extending the time in which to file adverse claims and institute adverse suits against mineral entries in the district of Alaska", approved June 7, 1910 (36 Stat. 459);

H.R. 3133. An act for the relief of Mrs. Maria A. Schmoldt;

H.R. 3393. An act for the relief of Istvan Zsoldos;

H.R. 3404. An act for the relief of Elemer Christian Sarkozy;

H.R. 3718. An act for the relief of Matthias Nock, Jr.;

H.R. 4221. An act for the relief of Sylvia Abrams Abramowitz;

H.R. 4384. An act for the relief of Richard Fordham;

H.R. 4499. An act for the relief of Mrs. Margaret Ruda Daniel;

H.R. 4553. An act for the relief of Zbigniew Ryba;

H.R. 5136. An act for the relief of Compton Jones and Hulbert Jones;

H.R. 5138. An act for the relief of Francisco Joaquim Alves;

H.R. 5141. An act for the relief of Vito Recchia;

H.R. 5735. An act for the relief of Steven Mark Hallinan;

H.R. 6007. An act to amend section 505(d) of the Classification Act of 1949, as amended, with respect to certain positions in the General Accounting Office;

H.R. 6158. An act for the relief of Adolphe C. Verheyn;

H.R. 7576. An act to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes;

H.R. 8072. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1962, and for other purposes;

H.R. 8666. An act to provide for the improvement and strengthening of the international relations of the United States by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges; and

H.R. 8678. An act to provide for the conveyance of a portion of the Henry G. Shirley Memorial Highway and other highways on the Pentagon road network to the Commonwealth of Virginia, and for other purposes.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 20, 1961, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1321. A letter from the Administrator, Foreign Agricultural Service, U.S. Department of Agriculture, transmitting a report on title I, Public Law 480 agreements concluded during August 1961, pursuant to Public Law 85-128; to the Committee on Agriculture.

1322. A letter from the Deputy Secretary of Defense, transmitting a report covering one violation of section 3679, Revised Statutes, and Department of Defense Directive 7200.1 entitled "Administrative Control of Appropriations Within the Department of Defense," pursuant to section 3679(i)(2), Revised Statutes; to the Committee on Appropriations.

1323. A letter from the Comptroller General of the United States, transmitting a report on review of noncompetitive procurement of aeronautical replacement spare parts within the Department of Defense; to the Committee on Government Operations.

1324. A letter from the Postmaster General, transmitting a draft of a proposed bill entitled "A bill to amend section 4369 of title 39, United States Code, and for other purposes"; to the Committee on Post Office and Civil Service.

1325. A letter from the Acting Postmaster General, transmitting a draft of a proposed bill entitled "A bill to amend title 39, United States Code relating to official correspondence of Vice President and Members of Congress, and for other purposes"; to the Committee on Post Office and Civil Service.

1326. A letter from the Assistant to the Governor, Canal Zone Government, transmitting a draft of a proposed bill entitled "A bill to authorize the issuance of certificates of citizenship in the Canal Zone"; to the Committee on the Judiciary.

1327. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of Gus Soter, A8091415, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

1328. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. Senate Concurrent Resolution 40. Concurrent resolution authorizing the printing as a Senate document of the 40th biennial meeting of the Convention of American Instructors of the Deaf; and providing for additional copies; without amendment (Rept. No. 1210). Ordered to be printed.

Mr. HAYS: Committee on House Administration. Senate Concurrent Resolution 44. Concurrent resolution to print certain hearings before the Internal Security Subcommittee of the Judiciary Committee in Spanish, French, and Italian languages; without amendment (Rept. No. 1211). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 453. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 403; with amendment (Rept. No. 1212). Ordered to be printed.

Mr. THOMPSON of New Jersey: Committee on House Administration. Senate Joint Resolution 51. Joint resolution authorizing the creation of a commission to consider and formulate plans for the construction in the District of Columbia of an appropriate permanent memorial to the memory of Woodrow Wilson; without amendment (Rept. No. 1213). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Sixth report pertaining to defense materiel utilization program (Rept. No. 1214). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Seventh report on availability of information from Federal departments and agencies (Rept. No. 1215). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. H.R. 8798. A bill to amend section 7 of the Administrative Expenses Act of 1946, as amended; with amendment (Rept. No. 1216). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. H.R. 8099. A bill to amend section 109 of the Federal Property and Administrative Services Act of 1949, as amended, so as to remove the limitation on the maximum capital of the general supply fund; without amendment (Rept. No. 1217). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. H.R. 8100. A bill to amend section 109 of the Federal Property and Administrative Services Act of 1949, as amended, relative to the general supply fund; with amendment (Rept. No. 1218). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANE: Committee on the Judiciary. S. 1942. An act for the relief of the State of New Hampshire; without amendment (Rept. No. 1219). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee of conference. H.R. 7500. A bill to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower (Rept. No. 1239). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee on the Judiciary. S. 631. An act for the relief of Elwood Brunken; without amendment (Rept. No. 1220). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 651. An act for the relief of Howard B. Schmutz; without amendment (Rept. No. 1221). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. House Resolution 371. Resolution providing for sending the bill (H.R. 8071) for the relief of the H. K. Ferguson Co. and the Macco Corp., together with accompanying papers to the Court of Claims; without amendment (Rept. No. 1222). Referred to the Committee of the Whole House.

Mr. MACGREGOR: Committee on the Judiciary. H.R. 6938. A bill for the relief of Dr. Robert E. Hiller; with amendment (Rept. No. 1223). Referred to the Committee of the Whole House.

Mr. SHRIVER: Committee on the Judiciary. H.R. 8779. A bill for the relief of George B. Olmstead; with amendment (Rept. No. 1224). Referred to the Committee of the Whole House.

Mr. SHRIVER: Committee on the Judiciary. H.R. 8780. A bill for the relief of Dr. Carl F. Romney; with amendment (Rept. No. 1225). Referred to the Committee of the Whole House.

Mr. SHRIVER: Committee on the Judiciary. H.R. 8781. A bill for the relief of Walter Singlevich; with amendment (Rept. No. 1226). Referred to the Committee of the Whole House.

Mr. ASHMORE: Committee on the Judiciary. H.R. 8947. A bill for the relief of Harry A. Sebert; without amendment (Rept. No. 1227). Referred to the Committee of the Whole House.

Mr. LIBONATI: Committee on the Judiciary. H.R. 9059. A bill for the relief of Maj. Leonard H. Potterbaum, U.S. Air Force; without amendment (Rept. No. 1228). Referred to the Committee of the Whole House.

Mr. LIBONATI: Committee on the Judiciary. H.R. 1288. A bill for the relief of Stanley Hayman & Co., Inc.; without amendment (Rept. No. 1229). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 2147. A bill for the relief of Kenneth Stultz; with amendment (Rept. No. 1230). Referred to the Committee of the Whole House.

Mr. LIBONATI: Committee on the Judiciary. H.R. 2969. A bill for the relief of Gene H. King; without amendment (Rept. No. 1231). Referred to the Committee of the Whole House.

Mr. LIBONATI: Committee on the Judiciary. H.R. 3487. A bill for the relief of Louis C. Wheeler; with amendment (Rept. No. 1232). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 3710. A bill for the relief of Giles L. Matthews; without amendment (Rept. No. 1233). Referred to the Committee of the Whole House.

Mr. PETERSON: Committee on the Judiciary. H.R. 4365. A bill for the relief of Sp5c. Daniel J. Hawthorne, Jr., with amendment (Rept. No. 1234). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 5181. A bill to amend Private Law 85–699; with amendment (Rept. No. 1235). Referred to the Committee of the Whole House.

Mr. MACGREGOR: Committee on the Judiciary. H.R. 5139. A bill for the relief of Helena M. Grover; without amendment (Rept. No. 1236). Referred to the Committee of the Whole House.

Mr. LIBONATI: Committee on the Judiciary. H.R. 8204. A bill for the relief of Mr. and Mrs. Harley Brewer; with amendment (Rept. No. 1237). Referred to the Committee of the Whole House.

Mr. LIBONATI: Committee on the Judiciary. H.R. 8269. A bill for the relief of Dr. Walter H. Duisberg; without amendment (Rept. No. 1238). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY:

H.R. 9290. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, and the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. ANDERSON of Illinois:

H.R. 9291. A bill to place certain limitations on the authority of the Federal Communications Commission to delete previously assigned very-high-frequency television channels, to give the Commission certain regulatory authority over television-receiving apparatus, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BOW:

H.R. 9292. A bill to regulate the foreign trade of the United States by providing safeguards to domestic industry against unfair and destructive imports and to authorize reciprocal trade agreements between the United States and foreign countries; to the Committee on Ways and Means.

By Mr. HEMPHILL:

H.R. 9293. A bill to place certain limitations on the authority of the Federal Communications Commission to delete previously assigned very-high-frequency television channels, to give the Commission certain regulatory authority over television-receiving apparatus, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KEOGH:

H.R. 9294. A bill relating to the income tax treatment of certain net operating losses sustained by railroad corporations; to the Committee on Ways and Means.

By Mr. LENNON:

H.R. 9295. A bill to provide for the conveyance of certain surplus property of the United States to Cumberland County, N.C.; to the Committee on Government Operations.

By Mr. PHILBIN:

H.R. 9296. A bill to amend chapter 41 of title 10, United States Code, to provide that upon request, the military Secretaries shall provide a firing squad and bugler to serve at funerals of deceased members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. RYAN:

H.R. 9297. A bill to amend title II of the National Housing Act to provide FHA mortgage insurance for individuals purchasing dwelling units in cooperative housing projects in the same way that such insurance is provided for individuals purchasing other single-family residences; to the Committee on Banking and Currency.

By Mr. McSWEEN:

H.R. 9298. A bill to amend the Social Security Act to establish a new Federal-State program of public assistance to victims of chronic respiratory polio who must spend their lives in iron lungs with extensive attendant care; to the Committee on Ways and Means.

By Mr. MILLS:

H.R. 9299. A bill to amend the Social Security Act to authorize grants, contracts, and jointly financed cooperative arrangements for research relating to maternal and child health services and crippled children's services, and for other purposes; to the Committee on Ways and Means.

By Mr. WALTER:

H.R. 9300. A bill to provide that the House of Representatives shall be composed of 439 Members beginning with the 88th Congress; to the Committee on the Judiciary.

By Mr. WESTLAND:

H.R. 9301. A bill to provide for payment of interest on overtime compensation owing to employees of the Alaska Railroad, and for other purposes; to the Committee on the Judiciary.

By Mr. DOMINICK:

H.J. Res. 580. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.J. Res. 581. Joint resolution to amend section 315(a) of the Federal Communications Act of 1934, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. SHELLEY:

H. Res. 470. Resolution providing salary increase for majority and minority employees; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL:

H.R. 9302. A bill for the relief of Thomas Lee; to the Committee on the Judiciary.

By Mr. GRIFFIN:

H.R. 9303. A bill for the relief of Chan Fook Yuen and sons, Kin Kung Chan and Chew Ming Chan; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 9304. A bill for the relief of Eleftherios Brailas; to the Committee on the Judiciary.

By Mr. KEARNS:

H.R. 9305. A bill for the relief of Helen Duey Hoffman; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 9306. A bill for the relief of Josef Leszka; to the Committee on the Judiciary.

H.R. 9307. A bill for the relief of Kyriakoula Michalopolous; to the Committee on the Judiciary.

H.R. 9308. A bill for the relief of Mrs. Caroline Rumbutis; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 9309. A bill for the relief of Salvatore Gambino; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 9310. A bill for the relief of Angeliki Devaris; to the Committee on the Judiciary.

H.R. 9311. A bill for the relief of Efstratios Vlahos; to the Committee on the Judiciary.

By Mr. SANTANGELO:

H.R. 9312. A bill for the relief of Fara Teresina; to the Committee on the Judiciary.

H.R. 9313. A bill for the relief of Mrs. Bertha Lang; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A Letter to Look Magazine

EXTENSION OF REMARKS

OF

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1961

Mr. UTT. Mr. Speaker, under unanimous consent to revise and extend my remarks in the Appendix of the RECORD, I wish to enclose a letter which I wrote to Look magazine:

SEPTEMBER 18, 1961.

Mr. CHESTER MORRISON,
Look Senior Editor,
Look Magazine,
New York, N.Y.

DEAR SIR: This letter is with reference to your article on the John Birch Society published in the September 26 issue of Look. This is to advise you that I am not now nor have I ever been a member of the John Birch Society. It would have been perfectly simple for you to have determined this by a telephone call to me. However, you appear to be so dedicated to carrying out the anti-anti-Communist program of Gus Hall, chairman of the Communist Party of the United States of America, that true facts are of little consequence to you.

In August 1960, I wrote a letter to Mr. Robert Welch telling him that some of his intemperate statements would open the John Birch Society to a massive attack.

I fully support the patriotic goals of the John Birch Society but I do not agree with the statements made by Mr. Welch in the Politician.

At the last convention of all of the Communist Parties held in Moscow on December 10, 1960, formal recognition was taken of the damage which the anti-Communist organizations were inflicting on the international Communist conspiracy and that the program for 1961 was to be the total destruction of these anti-Communist organizations. Gus Hall, chairman of the Communist Party of the United States of America, was to implement this program in the United States and he found many willing transmission lines through the public media to do this.

Because of some of Mr. Welch's statements, the John Birch Society was vulnerable and became the first target of attack, and I am not too surprised to find Look to be a willing helper in this program.

I herewith demand a retraction of that part of the article which named me as a member of that society.

Yours very truly,

JAMES B. UTT,
Member of Congress.

Hon. Thaddeus M. Machrowicz

EXTENSION OF REMARKS

OF

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1961

Mr. MADDEN. Mr. Speaker, the First Congressional District of Michigan lost an outstanding Representative in Congress when THADDEUS M. MACHROWICZ resigned last week to accept an appointment as Federal district judge.

Of course, all of his friends congratulated him on his elevation to the Federal bench and agree that his appointment was a well-merited reward for his outstanding public service in various city, State, and National offices during the last 30 years. THAD and his family can indeed be proud of his record as a World War I soldier in the Polish Army of American Volunteers; as a technical adviser to the Polish Government in 1920–21; city attorney, Hamtramck, Mich., 1934–36; legal adviser of Michigan Public Utilities Commission, 1938–39; municipal judge of Hamtramck, 1942–50; and his service in six sessions of Congress since January 3, 1951. He has rendered exceptional service as a member of the important Ways and Means Committee of the House of Representatives.

During the 82d Congress, I had a first-hand opportunity to recognize his outstanding abilities as an expert on international affairs when he was a member of the Special Committee To Investigate the Katyn Forest Massacre. As chairman of that special congressional committee, I also had the opportunity to observe during our hearings in this country, London, and Europe, his wide acquaintance with leaders of other nations and especially the high regard and esteem with which he was held by officers and members of the Polish Government-in-exile; and also, former leaders of other nations which are now behind the Iron Curtain and fighting for their freedom and independence from Communist enslavement.

We all hope that his duties as Federal judge will not prevent him from continuing his activities in international affairs and especially use his prestige and influence in Polish organizations to keep alive the fight for not only Poland's freedom but also the restoration of self-government in other satellite governments now under the Communist yoke.

The gentleman from Michigan, Congressman MACHROWICZ, is highly qualified for his new work in the judicial branch of our Government. He is an outstanding lawyer and he possesses the temperament to sit on the Federal bench and successfully dispense justice and interpret the law impartially to the satisfaction of all litigants and petitioners who seek fair and honest interpretation of legal problems presented before the Federal court.

I wish THAD and his family a long period of health, happiness, and success in their new assignment and service to their State and Nation.

Philipsburg, Mont., Has New Timber Industry To Replace Mines

EXTENSION OF REMARKS
OF
HON. LEE METCALF
OF MONTANA
IN THE SENATE OF THE UNITED STATES
Tuesday, September 19, 1961

Mr. METCALF. Mr. President, on September 22, Philipsburg, Mont., will celebrate the opening of a new industry and in so doing it will be commemorating another example of America's system of free enterprise in operation.

It is with particular pleasure that I welcome Montana Forest Products Inc. and its new sawmill to Montana. In a very small way I was able to make a modest contribution, but to others belong the real credit. Two of the officers of the firm, Mr. Duane Autzen and Mr. Henry Buehner, of Portland, Oreg., both experienced lumbermen, decided that Philipsburg looked good to them. It had the combination of location and resources, both forest and human, to make it an attractive site.

A great deal of planning went into the location and there was consultation and cooperation with the U.S. Forest Service. The people of Philipsburg were especially helpful.

One thing that intrigued me about this operation was the thoroughness with which it was planned. In the fall of 1959 the principals of the operation, knowing that they would be working in a different type of timber than is found in Oregon, decided to go to Sweden to study the operation there because they use the same type of timber as it found in the Philipsburg area; namely, a small but high quality grade tree.

They came to the late Senator Murray, Senator MANSFIELD, and me to see what could be done in order to assure a maximum benefit for all concerned by this trip to Sweden.

Senator Murray, as was his characteristic, gave them all the assistance possible. He assigned a staff member of his committee to make the arrangements through the Swedish Ambassador here in Washington, and also arranged for this committeeman to go to Sweden with the group along with one of the top men in region 1 of the Forest Service, Ernest Grambo.

The group spent 2 weeks in Sweden as guests of the Swedish Government and a private association of timber owners and operators, seeing every type of forest products processing plant and woods operation.

When the group returned to the United States, the company officials went ahead with the design and construction of their modern plant facilities at Philipsburg.

Montana national forests can accommodate this new plant, and in fact could well accommodate another 10 mills of equal size.

The timber is there. The plant sites are available and a capable labor force exists.

The national forests, dedicated to supplying timber on a sustained yield basis, along with the other multiple uses of this great public resource, will provide the logs to make the mill go. The ingenuity of private enterprise will convert the logs to lumber for all America.

I welcome Montana Forest Products to the Treasure State and wish them every success.

Mr. President, I ask unanimous consent to insert in the RECORD an editorial entitled "Philipsburg Has New Timber Industry to Replace Mines," which appeared in the September 13, 1961, issue of the Great Falls Tribune.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Great Falls Tribune, Sept. 13, 1961]

PHILIPSBURG HAS NEW TIMBER INDUSTRY TO REPLACE MINES

The old town of Philipsburg is planning a celebration for September 22–23 to rival any held in its scenic valley when silver was queen. Festivities will celebrate the opening of the million and a half dollar Montana Forest Products sawmill and processing plant, Philipsburg's newest industry.

In the first half century of its history, Philipsburg, settled in 1866, celebrated many rich ore strikes, and the area experienced many booms and declines relating to the ups and downs of the silver market. In 1867 the St. Louis Mining Co. built the first silver mill in the State to process the free milling ores of the "bedded" deposits of the area. In the 1880's and 1890's Philipsburg and the nearby mountaintop town of Granite were the greatest silver producers in the Nation.

In the last few decades Philipsburg has been known mainly as the center of a popular recreation area, dotted with ghost mining camps. The new lumber and timber processing industry is well worth celebrating. It is the type of industrial development particularly fitted to the community which lies in the heart of the source of supply. The new mill will use timber from both private lands and Forest Service areas.

It will provide increased employment and payrolls and boost the economy of this area which has been relatively in the doldrums in recent years due to the shutdown of mining operations.

Some Cotton Statistics

EXTENSION OF REMARKS
OF
HON. LINDLEY BECKWORTH
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 19, 1961

Mr. BECKWORTH. Mr. Speaker, I include some brief communications and some cotton statistics:

U.S. DEPARTMENT OF AGRICULTURE,
TEXAS ASCS STATE OFFICE,
College Station, Tex., August 18, 1961.
Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BECKWORTH: As requested in your note on our letter of August 11, we are listing below the counties in Texas which reserved no acreage for establishing new farm cotton allotments in 1961:

Andrews, Bandera, Baylor, Blanco, Brewster, Carson, Chambers, Cottle, Crockett, Crosby, Culberson, Dallam, Deaf Smith, Donley, El Paso, Foard, Glasscock, Hardeman, Hartley, Haskell, Hemphill, Hudspeth, Irion, Jeff Davis, Jefferson, Kendall, Kent, Kerr, King, Kinney, Loving, Lubbock, McMullen, Martin, Matagorda, Maverick, Midland, Moore, Oldham, Parmer, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Schleicher, Sterling, Sutton, Swisher, Terrell, Val Verde, Ward, Winkler, and Yoakum.

Our previous correspondence with you is being returned as requested.

Very truly yours,
W. LEWIS DAVID,
State Administrative Officer.

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 28, 1961.
Hon. LINDLEY BECKWORTH,
House of Representatives.

DEAR CONGRESSMAN BECKWORTH: This is in reply to your letter of July 7, to the Secretary of Agriculture, regarding an inquiry you received from Mr. A. C. "Dutch" Harris, Box 364, Kilgore, Tex., about a cotton allotment for his farm in Upshur County.

There is provision under the applicable law and regulations for establishing cotton allotments for new cotton farms which, in the case of 1961, would be farms on which cotton was not planted or regarded by law as having been planted during base years 1958, 1959, and 1960. The allotments for such new farms are derived from acreage reserved for this purpose by the ASC State and county committees. We point out, however, that although both the ASC State and county committees are authorized to reserve acreage for new farm allotments, they are not required to do so and many do not. The enclosed statement briefly sets forth the eligibility requirements for new farm allotments for 1961 and explains generally how and under what conditions they are established.

We point out that the latest date that an application for a new farm cotton allotment for 1961 could be filed in Texas was February 15, 1961, as this was the closing date set by the Texas ASC State committee for filing such applications.

If Mr. Harris is interested in a new farm cotton allotment for his farm in 1962, we suggest that he communicate his desire to his local ASCS county office well before the planting season and inquire as to the eligibility requirements applicable to 1962 new farm allotments. He should do this before the closing date for filing such applications in 1962 which date cannot be earlier than February 15, 1962.

Sincerely yours,
RALPH H. RAPER,
Acting Director, Cotton Division.

DEAR LINDLEY: How could we have cotton acreage on our farm in Upshur County?

Thanks for your literature you sent Ralph and me.

A. C. "DUTCH" HARRIS,
Kilgore, Tex.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 28, 1961.
Hon. LINDLEY BECKWORTH,
House of Representatives.

DEAR CONGRESSMAN BECKWORTH: This is in further reply to your request of January 30, 1961, for certain information concerning commodity allotments on a county basis.

We stated in our letter to you of April 21 that the information requested would have to be compiled. The data requested for cotton has now been compiled and is set forth on the enclosed photostatic copies.

Sincerely yours,
CHARLES S. MURPHY,
Under Secretary.

Cotton production and other specified data, 1960

State and county	Number of cotton allotments	Total acreage allotted	Number of bales produced	Total computed value of cotton produced	Average acreage per allotment	Average number of bales per allotment	Average computed value of cotton per allotment farm
				Thousands			
Alabama:							
Autauga	1,021	9,880	8,900	$1,423	9.7	8.7	$1,394
Baldwin	724	2,377	940	150	3.3	1.3	287
Barbour	1,585	13,970	7,000	1,120	8.8	4.4	707
Bibb	1,575	3,567	2,400	384	6.2	4.2	668
Blount	3,158	18,824	15,350	2,455	6.0	4.9	777
Bullock	771	8,431	4,310	689	10.9	5.6	894
Butler	1,477	9,539	6,130	980	6.6	4.2	664
Calhoun	1,205	7,044	3,960	633	5.8	3.3	525
Chambers	1,011	8,338	4,160	665	8.2	4.1	658
Cherokee	1,821	22,385	20,000	3,199	12.3	11.0	1,767
Chilton	2,044	8,836	5,350	856	4.3	2.6	419
Choctaw	1,533	6,450	3,420	547	4.2	2.2	357
Clarke	1,500	5,351	2,230	357	3.6	1.5	238
Clay	1,101	3,507	930	149	3.2	.8	135
Cleburne	631	2,439	750	120	3.9	1.2	190
Coffee	1,965	18,655	11,830	1,892	9.5	6.0	963
Colbert	1,591	22,510	17,300	2,767	14.1	10.9	1,739
Conecuh	2,144	11,924	6,280	1,004	5.6	2.9	468
Coosa	496	1,664	510	82	3.4	1.0	165
Covington	2,379	15,447	10,000	1,599	6.5	4.2	672
Crenshaw	1,343	8,667	4,610	737	6.5	3.4	549
Cullman	6,363	34,584	33,200	5,310	5.4	5.2	835
Dale	1,099	8,548	5,230	836	7.8	4.8	761
Dallas	1,474	26,950	21,450	3,431	18.3	14.6	2,328
De Kalb	5,398	34,784	33,750	5,398	6.4	6.3	1,000
Elmore	1,636	15,056	11,850	1,895	9.2	7.3	1,158
Escambia	1,374	10,602	8,200	1,311	6.1	4.7	756
Etowah	2,228	12,676	8,750	1,399	5.7	3.9	628
Fayette	1,760	9,674	7,750	1,239	5.5	4.4	704
Franklin	2,184	13,547	9,750	1,559	6.2	4.5	714
Geneva	2,024	21,198	16,700	2,671	10.5	8.2	1,320
Greene	901	13,240	7,350	1,176	14.7	8.2	1,305
Hale	1,400	15,343	12,100	1,935	11.0	8.6	1,382
Henry	1,255	15,262	9,650	1,543	12.2	7.7	1,229
Houston	2,478	26,743	20,850	3,335	10.8	8.4	1,346
Jackson	3,396	25,427	23,450	3,750	7.5	6.9	1,104
Jefferson	737	4,049	2,290	366	5.5	3.1	497
Lamar	1,802	10,504	5,800	928	5.8	3.2	515
Lauderdale	3,381	28,654	20,250	3,239	8.5	6.0	958
Lawrence	2,905	41,203	35,600	5,694	14.2	12.3	1,960
Lee	873	9,266	5,940	950	10.6	6.8	1,088
Limestone	3,159	53,624	48,100	7,693	17.0	15.2	2,435
Lowndes	780	10,466	7,650	1,223	13.4	9.8	1,568
Macon	1,448	16,384	11,250	1,799	11.3	7.8	1,242
Madison	3,512	60,288	61,300	9,804	17.2	17.5	2,792
Marengo	1,775	15,079	10,350	1,655	8.5	5.8	932
Marion	2,509	13,708	11,200	1,791	5.5	4.5	714
Marshall	4,830	30,990	32,000	5,118	6.4	6.6	1,060
Mobile	692	2,751	1,170	187	4.0	1.7	270
Monroe	1,914	18,385	16,300	2,607	9.6	8.5	1,362
Montgomery	1,005	10,778	7,300	1,168	10.7	7.3	1,162
Morgan	3,619	29,352	24,200	3,870	8.1	6.7	1,069
Perry	1,088	11,106	8,700	1,391	10.2	8.0	1,278
Pickens	1,728	14,619	9,300	1,487	8.5	5.4	861
Pike	1,470	14,515	7,050	1,128	9.9	4.8	767
Randolph	2,136	8,544	2,830	453	4.0	1.3	212
Russell	779	10,127	5,100	816	13.0	6.5	1,047
St. Clair	1,079	5,767	3,180	509	5.3	2.9	472
Shelby	626	6,326	62,50	1,000	10.1	10.0	1,597
Sumter	1,183	13,817	8,700	1,391	11.7	7.4	1,176
Talladega	1,606	12,487	7,050	1,128	7.8	4.4	702
Tallapoosa	935	6,409	3,180	509	6.9	3.4	544
Tuscaloosa	1,900	16,190	10,450	1,671	8.5	5.5	879
Walker	1,829	5,959	2,710	433	3.3	1.5	237
Washington	706	2,063	1,010	162	2.9	1.4	229
Wilcox	1,207	11,615	7,600	1,215	9.6	6.3	1,007
Winston	1,517	7,699	5,800	928	5.1	3.8	612
Total	119,775	996,163	756,000	120,909	8.3	6.3	1,009

State and county	Number of cotton allotments	Total acreage allotted	Number of bales produced	Total computed value of cotton produced	Average acreage per allotment	Average number of bales per allotment	Average computed value of cotton per allotment farm
				Thousands			
Arizona:							
Cochise	417	17,500	28,250	$4,280	42.0	67.7	$10,264
Graham	318	11,721	20,510	3,108	36.9	64.5	9,774
Greenlee	96	2,092	3,110	471	21.8	32.4	4,906
Maricopa	1,855	148,919	326,170	49,423	85.2	175.8	26,643
Pima	137	27,252	52,690	7,984	225.6	384.6	58,277
Pinal	788	161,417	309,140	46,841	204.8	392.1	59,443
Santa Cruz	19	1,962	3,465	525	103.3	182.4	27,632
Yuma	677	35,444	74,175	11,239	52.4	109.6	16,601
Total	4,307	406,307	817,510	123,871	94.3	189.8	28,760
Arkansas:							
Arkansas	860	10,151	7,200	1,113	11.8	8.4	1,294
Ashley	819	26,120	21,400	3,307	31.9	26.1	4,038
Baxter	24	60	23	4	2.5	1.0	167
Bradley	829	6,110	2,150	332	7.4	2.6	400
Calhoun	483	4,177	1,640	253	8.6	3.4	524
Chicot	1,371	30,624	32,200	4,976	22.3	23.5	3,629
Clark	435	4,648	2,650	409	10.7	6.1	940
Clay	3,081	44,888	42,600	6,583	14.6	13.8	2,137
Cleburne	797	3,554	810	125	4.5	1.0	157
Cleveland	652	5,151	1,770	274	7.9	2.7	420
Columbia	1,726	12,517	2,910	450	7.3	1.7	261
Conway	802	6,264	4,600	711	7.8	5.7	886
Craighead	3,457	91,560	85,600	13,228	26.5	24.8	3,826
Crawford	38	385	340	53	10.1	8.9	1,395
Crittenden	1,589	101,677	110,400	17,059	64.0	69.5	10,736
Cross	1,310	38,361	36,900	5,702	29.3	28.2	4,353
Dallas	348	2,146	850	131	6.2	2.4	376
Desha	1,259	44,283	48,500	7,495	35.2	38.5	5,953
Drew	1,192	14,237	12,550	1,939	11.9	10.5	1,627
Faulkner	1,704	13,457	4,200	649	7.9	2.5	381
Franklin	65	552	380	59	8.5	5.8	908
Fulton	292	1,020	380	59	3.5	1.3	202
Grant	243	617	145	22	2.5	.6	90
Greene	2,985	43,010	38,700	5,980	14.4	13.0	2,003
Hempstead	992	10,246	5,400	834	10.3	5.4	841
Hot Spring	117	428	85	13	3.7	.7	111
Howard	266	2,334	1,420	219	8.8	5.3	823
Independence	726	6,504	4,600	711	9.0	6.3	979
Izard	576	2,686	1,070	165	4.7	1.9	286
Jackson	1,434	42,220	38,600	5,965	29.4	26.9	4,160
Jefferson	1,323	73,767	83,700	12,934	55.8	63.3	9,776
Johnson	60	1,069	1,160	179	17.8	19.3	2,983
Lafayette	696	14,431	11,600	1,793	20.7	16.7	2,576
Lawrence	1,420	20,812	18,500	2,859	14.7	13.0	2,013
Lee	2,035	57,748	53,200	8,221	28.4	26.1	4,040
Lincoln	1,056	37,190	38,100	5,888	35.2	36.1	5,576
Little River	320	5,386	3,770	583	16.8	11.8	1,822
Logan	213	1,784	1,130	175	8.4	5.3	822
Lonoke	1,976	55,189	50,700	7,835	27.9	25.7	3,965
Marion	16	65	8	1	4.1	.5	62
Miller	663	10,440	8,050	1,244	15.7	12.1	1,876
Mississippi	3,301	206,047	210,000	32,450	62.4	63.6	9,830
Monroe	1,468	37,893	35,100	5,424	25.8	23.9	3,695
Montgomery	29	38	7	1	1.3	.2	34
Nevada	635	4,135	1,470	227	6.5	2.3	357
Newton	13	56	13	2	4.3	1.0	154
Ouachita	420	2,944	1,180	182	7.0	2.8	433
Perry	177	1,111	540	83	6.3	3.0	469
Phillips	2,250	81,111	82,700	12,779	36.0	36.8	5,680
Pike	61	439	145	22	7.2	2.4	361
Poinsett	1,778	87,372	81,700	12,625	49.1	45.9	7,101
Polk	14	32	8	1	2.3	.6	71
Pope	348	3,163	2,170	335	9.1	6.2	963
Prarie	875	10,722	7,200	1,113	12.3	8.2	1,272
Pulaski	531	17,477	13,450	2,078	32.9	25.3	3,913
Randolph	843	10,215	9,000	1,391	12.1	10.7	1,650
St. Francis	1,637	66,143	62,400	9,643	40.4	38.1	5,891
Saline	43	110	17	3	2.6	.4	70

Scott	53	197	83	13	3.7	1.6	245
Searcy	50	181	85	13	3.6	1.7	260
Sebastian	52	311	155	24	6.0	3.0	462
Sevier	167	624	105	16	3.7	.6	96
Sharp	532	2,853	1,100	170	5.4	2.1	320
Stone	64	151	62	10	2.4	1.0	156
Union	546	2,507	580	90	4.6	1.1	165
Van Buren	293	1,297	130	20	4.4	.4	68
Washington	1	4	7	1	4.0	7.0	1,000
White	3,353	23,554	8,300	1,283	7.0	2.5	383
Woodruff	1,118	37,925	35,500	5,486	33.9	31.8	4,907
Yell	449	6,536	5,800	896	14.6	12.9	1,996
Total	61,351	1,453,016	1,338,998	206,213	23.7	21.8	3,373
California:							
Fresno	4,751	249,075	515,000	78,035	52.4	108.4	16,425
Imperial	905	61,964	163,400	24,759	68.2	180.6	27,358
Kern	1,875	233,664	499,800	75,733	124.6	266.6	40,391
Kings	1,697	123,428	218,000	33,033	72.7	128.5	19,466
Los Angeles	9	219	285	43	24.3	31.7	4,778
Madera	1,211	57,713	91,500	13,865	47.7	75.6	11,449
Merced	540	36,505	65,700	9,955	67.6	121.7	18,435
Riverside	492	24,577	57,150	8,660	50.0	116.2	17,602
San Benito	5	187	210	32	37.4	42.0	6,400
San Bernardino	30	589	210	32	19.6	7.0	1,067
San Diego	10	313	600	91	31.3	60.0	9,100
Stanislaus	19	116	145	22	6.1	7.6	1,158
Tulare	4,152	185,119	327,000	49,549	44.6	78.8	11,934
Total	15,696	973,469	1,939,000	293,809	62.0	123.5	18,719
Florida:							
Calhoun	138	789	375	57	5.7	2.7	413
Columbia	211	395	80	12	1.9	.4	57
Escambia	380	1,690	715	110	4.4	1.9	289
Gadsden	126	265	40	6	2.1	.3	48
Hamilton	367	1,421	490	76	3.9	1.3	207
Holmes	1,119	5,250	2,680	414	4.7	2.4	370
Jackson	2,166	8,460	4,045	625	3.9	1.9	289
Jefferson	393	1,546	425	66	3.9	1.1	168
Lafayette	164	336	54	8	2.0	.3	49
Leon	268	1,028	120	18	3.8	.4	67
Madison	784	3,121	1,225	189	4.0	1.6	241
Okaloosa	330	1,496	590	91	4.5	1.8	276
Santa Rosa	838	6,974	4,380	678	8.3	5.2	809
Suwannee	452	819	185	29	1.8	.4	64
Walton	566	2,346	900	139	4.1	1.6	245
Washington	341	1,027	340	53	3.0	1.0	155
Total	8,643	36,963	16,644	2,571	4.3	1.9	297
Georgia:							
Appling	947	4,797	3,370	534	5.1	3.6	564
Atkinson	280	1,136	770	122	4.1	2.7	436
Bacon	549	2,672	1,930	306	4.9	3.5	557
Baker	352	3,277	1,680	266	9.3	4.8	756
Baldwin	343	2,295	820	130	6.7	2.4	379
Banks	684	2,923	1,310	208	4.3	1.9	304
Barrow	736	5,486	1,790	284	7.5	2.4	386
Bartow	1,012	17,633	11,570	1,835	17.4	11.4	1,813
Ben Hill	426	5,044	3,580	568	11.8	8.4	1,333
Berrien	769	3,891	3,090	490	5.1	4.0	637
Bibb	141	1,219	420	67	8.6	3.0	475
Bleckley	557	6,564	4,380	695	11.8	7.9	1,248
Brantley	30	64	20	3	2.1	.7	100
Brooks	1,249	9,230	6,820	1,081	7.4	5.5	865
Bryan	74	271	75	12	3.7	1.0	162
Bullock	1,546	14,827	11,960	1,897	9.6	7.7	1,227
Burke	1,239	36,572	24,720	3,920	29.5	20.0	3,164
Butts	394	4,331	1,030	163	11.0	2.6	414
Calhoun	311	5,210	4,400	698	16.8	14.1	2,244
Candler	540	6,534	4,720	748	12.1	8.7	1,385
Carroll	1,740	9,056	3,230	512	5.2	1.9	294
Catoosa	349	1,393	830	132	4.0	2.4	378
Charlton	10	31	10	2	3.1	1.0	200
Chatham	12	25	15	2	2.1	1.2	167
Chattahoochee	35	167	20	3	4.8	.6	86
Chattooga	657	5,573	2,060	327	8.5	3.1	498
Cherokee	220	730	160	25	3.3	.7	114
Clarke	336	1,899	690	109	5.7	2.1	324
Clay	290	3,599	2,330	369	12.4	8.0	1,272
Clayton	200	984	260	41	4.9	1.3	205
Clinch	70	166	60	10	2.4	.9	143
Cobb	262	792	160	25	3.0	.6	95
Coffee	1,122	7,339	5,930	940	6.5	5.3	838
Colquitt	1,643	22,262	18,800	2,982	13.5	11.4	1,815
Columbia	347	2,000	650	103	5.8	1.9	297
Cook	687	4,097	3,720	590	6.0	5.4	859
Coweta	814	6,359	1,830	290	7.8	2.2	356
Crawford	268	1,700	690	109	6.3	2.6	407
Crisp	587	9,422	8,670	1,375	16.1	14.8	2,342
Dade	173	520	320	51	3.0	1.8	295
Dawson	61	103	30	5	1.7	.5	82
Decatur	714	4,465	2,120	336	6.3	3.0	470
De Kalb	135	486	110	17	3.6	.8	126
Dodge	1,096	13,437	7,610	1,207	12.3	6.9	1,101
Dooly	959	19,761	16,390	2,599	20.6	17.1	2,710
Dougherty	167	1,970	950	151	11.8	5.7	904
Douglas	241	820	160	25	3.4	.7	104
Early	1,021	12,782	9,120	1,447	12.5	8.9	1,417
Echols	32	100	30	5	3.1	.9	156
Effingham	328	1,671	1,030	163	5.1	3.1	497
Elbert	1,216	9,262	4,280	679	7.6	3.5	558
Emanuel	1,280	16,200	9,590	1,521	12.7	7.5	1,188
Evans	385	2,655	2,160	343	6.9	5.6	891
Fayette	513	3,791	1,270	201	7.4	2.5	392
Floyd	766	7,140	3,260	517	9.3	4.3	675
Forsyth	553	1,904	540	86	3.4	1.0	156
Franklin	1,376	7,402	3,140	498	5.4	2.3	362
Fulton	415	2,097	540	86	5.1	1.3	207
Glascock	327	4,720	2,250	357	14.4	6.9	1,092
Gordon	1,220	11,522	7,860	1,246	9.4	6.4	1,021
Grady	796	4,188	2,310	366	5.3	2.9	460
Greene	507	2,805	640	101	5.5	1.3	199
Gwinnett	815	4,028	1,150	182	4.9	1.4	223
Habersham	161	347	90	14	2.2	.6	87
Hall	490	2,097	650	103	4.3	1.3	210
Hancock	808	8,584	4,250	674	10.6	5.3	834
Haralson	643	2,416	450	71	3.8	.7	110
Harris	313	1,574	510	81	5.0	1.6	259
Hart	1,578	11,913	5,990	950	7.5	3.8	602
Heard	476	2,421	720	114	5.1	1.5	239
Henry	1,014	9,676	2,520	400	9.5	2.5	394
Houston	486	5,160	2,880	457	10.6	5.9	940
Irwin	805	9,510	6,920	1,097	11.8	8.6	1,363
Jackson	1,240	9,491	2,940	466	7.7	2.4	376
Jasper	303	3,562	980	155	11.8	3.2	512
Jeff Davis	558	2,568	1,690	268	4.6	3.0	480
Jefferson	1,020	20,066	13,020	2,065	19.7	12.8	2,024
Jenkins	631	11,566	7,200	1,142	18.3	11.4	1,810
Johnson	802	15,239	9,120	1,446	19.0	11.4	1,803
Jones	117	501	90	14	4.3	.8	120
Lamar	346	2,027	500	79	5.9	1.4	228
Lanier	214	778	420	67	3.6	2.0	313
Laurens	1,953	27,715	15,150	2,403	14.2	7.8	1,230
Lee	331	3,731	2,570	408	11.3	7.8	1,233
Liberty	70	183	45	7	2.6	.6	100
Lincoln	348	2,128	600	95	6.1	1.7	273
Long	171	553	270	43	3.2	1.6	251
Lowndes	811	3,697	2,020	320	4.6	2.5	394
Lumpkin	30	91	15	2	3.0	.5	67
McDuffie	475	6,232	2,780	441	13.1	5.9	928
Macon	602	11,192	7,400	1,174	18.6	12.3	1,950
Madison	1,549	10,465	4,560	723	6.8	2.9	467
Marion	320	3,766	1,550	246	10.2	4.2	665
Meriwether	896	10,400	4,840	767	11.6	5.4	856
Miller	626	5,727	3,990	633	9.1	6.4	1,011
Mitchell	1,039	12,119	7,100	1,126	11.7	6.8	1,084
Monroe	222	1,232	240	38	5.5	1.1	171
Montgomery	501	3,952	2,540	403	7.9	5.1	804
Morgan	718	13,484	6,010	953	18.8	8.4	1,327
Murray	638	3,681	2,010	319	5.8	3.1	500
Muscogee	36	204	90	14	5.7	2.5	389
Newton	656	7,137	2,050	325	10.9	3.1	495
Oconee	657	8,027	4,320	685	12.2	6.6	1,043
Oglethorpe	926	7,340	3,250	515	7.9	3.5	556
Paulding	532	2,596	740	117	4.9	1.4	220
Peach	199	2,389	1,530	243	12.0	7.7	1,221
Pickens	121	528	190	30	4.4	1.6	248
Pierce	583	2,551	1,510	239	4.4	2.6	410
Pike	488	5,745	3,240	514	11.8	6.6	1,053
Polk	876	6,662	3,900	618	7.6	4.5	705
Pulaski	519	8,421	6,010	953	16.2	11.6	1,836
Putnam	225	1,441	280	44	6.4	1.2	196
Quitman	144	1,400	450	71	9.7	3.1	493
Randolph	460	5,721	4,310	683	12.4	9.4	1,485
Richmond	217	2,310	740	117	10.6	3.4	539
Rockdale	389	2,602	670	106	6.7	1.7	272
Schley	253	3,680	1,550	246	14.5	6.1	972
Screven	1,124	16,412	11,420	1,811	14.6	10.2	1,611
Seminole	478	4,076	2,530	401	8.5	5.3	839

Cotton production and other specified data, 1960—Continued

State and county	Number of cotton allotments	Total acreage allotted	Number of bales produced	Total computed value of cotton produced	Average acreage per allotment	Average number of bales per allotment	Average computed value of cotton per allotment farm
				Thousands			
Georgia—Continued							
Spalding	289	1,946	550	$87	6.7	1.9	$301
Stephens	282	750	230	36	2.7	.8	128
Stewart	318	2,920	1,330	211	9.2	4.2	664
Sumter	727	10,381	8,130	1,289	14.3	11.2	1,773
Talbot	330	1,522	390	62	4.6	1.2	188
Taliaferro	274	1,451	340	54	5.3	1.2	197
Tattnall	899	5,622	4,130	655	6.3	4.6	729
Taylor	489	6,987	5,010	795	14.3	10.2	1,626
Telfair	735	4,905	2,380	377	6.7	3.2	513
Terrell	595	11,593	10,060	1,596	19.5	16.9	2,682
Thomas	795	6,096	5,060	802	7.7	6.4	1,009
Tift	788	6,927	5,750	912	8.8	7.3	1,157
Toombs	860	7,852	5,890	934	9.1	6.8	1,086
Treutlen	384	3,345	2,020	320	8.7	5.3	833
Troup	348	1,594	590	94	4.6	1.7	270
Turner	588	7,995	5,830	924	13.6	9.9	1,571
Twiggs	460	3,454	1,870	297	7.5	4.1	646
Upson	257	890	170	27	3.5	.7	105
Walker	732	2,648	770	122	3.6	1.1	167
Walton	1,312	20,380	9,300	1,476	15.5	7.1	1,125
Ware	384	1,067	500	79	2.8	1.3	206
Warren	540	10,687	5,480	869	19.8	10.1	1,609
Washington	1,086	17,620	10,660	1,691	16.2	9.8	1,557
Wayne	435	2,558	1,680	266	5.9	3.9	611
Webster	238	1,709	630	100	7.2	2.6	420
Wheeler	483	3,439	1,880	298	7.9	4.3	680
White	204	371	150	24	1.8	.7	118
Whitfield	565	2,384	870	138	4.2	1.5	244
Wilcox	809	10,742	7,170	1,137	13.3	8.9	1,405
Wilkes	617	3,859	1,160	184	6.3	1.9	298
Wilkinson	389	2,548	520	82	6.5	1.3	211
Worth	1,244	18,729	15,660	2,483	15.1	12.6	1,996
Total	87,618	859,457	505,000	80,079	9.8	5.8	914
Illinois:							
Alexander	243	1,968	965	145	8.1	4.0	597
Pulaski	259	1,419	535	80	5.5	2.1	309
Total	502	3,387	1,500	225	6.7	3.0	448
Kentucky:							
Ballard	9	23	6	1	2.6	.7	111
Calloway	162	197	20	3	1.2	.1	19
Carlisle	45	74	6	1	1.6	.1	22
Fulton	434	7,408	8,650	1,311	17.1	19.9	3,021
Graves	192	278	60	9	1.4	.3	47
Hickman	393	1,376	750	114	3.5	1.9	290
McCracken							
Marshall	48	42	5	1	.9	.1	21
Total	1,283	9,398	9,497	1,440	7.3	7.3	1,114
Louisiana:							
Acadia	1,158	11,520	7,500	1,158	9.9	6.5	1,000
Allen	228	572	190	29	2.5	.8	127
Ascension	204	339	9	1	1.7		5
Avoyelles	3,400	28,581	23,900	3,690	8.4	7.0	1,085
Beauregard	141	151	29	4	1.1	.2	28
Bienville	752	4,132	1,340	207	5.5	1.8	275
Bossier	928	20,269	18,700	2,887	21.8	20.1	3,111
Caddo	1,011	35,639	35,000	5,403	35.3	34.6	5,344
Caldwell	440	7,986	8,000	1,235	18.1	18.2	2,807
Catahoula	899	12,868	12,000	1,853	14.3	13.3	2,061
Caliborne	1,115	5,839	1,450	224	5.2	1.3	201
Concordia	600	10,006	10,800	1,667	16.7	18.0	2,778
De Soto	1,106	7,580	2,900	448	6.9	2.6	405
East Baton Rouge	351	734	56	9	2.1	.2	26
East Carroll	734	28,400	33,200	5,125	38.7	45.2	6,982
East Feliciana	635	2,820	690	107	4.4	1.1	169
Evangeline	1,769	18,237	14,900	2,300	10.3	8.4	1,300
Franklin	2,198	58,310	46,500	7,178	26.5	21.2	3,266

State and county	Number of cotton allotments	Total acreage allotted	Number of bales produced	Total computed value of cotton produced	Average acreage per allotment	Average number of bales per allotment	Average computed value of cotton per allotment farm
				Thousands			
Louisiana—Continued							
Grant	211	4,283	4,715	$728	20.3	22.3	$3,450
Iberia	349	1,366	305	47	3.9	.9	135
Iberville	119	284	144	22	2.4	1.2	185
Jackson	318	828	170	26	2.6	.5	82
Jefferson Davis	113	284	43	7	2.5	.4	62
Lafayette	1,801	14,987	10,300	1,590	8.3	5.7	883
La Salle	116	485	385	59	4.2	3.3	509
Lincoln	511	3,299	690	107	6.5	1.3	209
Livingston	203	195	25	4	.9	.1	20
Madison	645	20,644	25,300	3,906	32.0	39.2	6,056
Morehouse	1,096	33,144	32,400	5,002	30.2	29.6	4,564
Natchitoches	1,171	24,342	21,300	3,288	20.8	18.2	2,808
Ouachita	615	14,476	14,800	2,285	23.5	24.1	3,715
Pointe Coupee	856	7,743	4,070	628	9.0	4.8	734
Rapides	1,130	19,845	25,500	3,937	17.6	22.6	3,484
Red River	538	10,198	8,770	1,354	19.0	16.3	2,517
Richland	1,764	50,607	40,200	6,205	28.7	22.8	3,518
Sabine	421	1,150	465	72	2.7	1.1	171
St. Helena	814	2,026	405	63	2.5	.5	77
St. Landry	3,731	38,613	33,800	5,218	10.3	9.1	1,399
St. Martin	1,343	8,062	3,730	576	6.0	2.8	429
St. Tammany	143	306	37	6	2.1	.3	42
Tangipahoa	776	1,463	132	20	1.9	.2	26
Tensas	639	20,745	23,600	3,643	32.5	36.9	5,701
Union	836	5,542	2,610	403	6.6	3.1	482
Vermilion	819	4,437	1,850	286	5.4	2.3	349
Vernon	452	1,124	370	57	2.5	.8	126
Washington	1,277	4,644	2,030	313	3.6	1.6	245
Webster	780	5,414	2,460	380	6.9	3.2	487
West Baton Rouge	146	865	440	68	5.9	3.0	466
West Carroll	1,895	28,067	22,100	3,412	14.8	11.7	1,801
West Feliciana	7,250	1,731	475	73	6.9	1.9	292
Winn	234	882	215	33	3.8	.9	141
Total	43,781	586,084	501,000	77,343	13.4	11.4	1,767
Mississippi:							
Adams	310	1,913	620	96	6.2	2.0	310
Alcorn	1,823	14,375	13,500	2,092	7.9	7.4	1,148
Amite	1,631	6,319	2,570	398	3.9	1.6	244
Attala	1,954	14,389	11,250	1,744	7.4	5.8	892
Benton	940	12,080	11,100	1,720	12.9	11.8	1,830
Bolivar	1,918	128,394	135,500	21,002	66.9	70.6	10,950
Calhoun	1,539	17,082	15,800	2,449	11.1	10.3	1,591
Carroll	1,288	16,093	15,000	2,325	12.5	11.6	1,805
Chickasaw	1,408	15,028	13,500	2,092	10.7	9.6	1,486
Choctaw	1,135	3,217	2,550	395	2.8	2.2	348
Claiborne	621	4,364	2,850	442	7.0	4.6	712
Clarke	1,428	3,750	1,210	188	2.6	.8	132
Clay	983	8,196	6,820	1,057	8.3	6.9	1,075
Coahoma	755	100,372	118,400	18,351	132.9	156.8	24,306
Copiah	1,701	5,870	3,360	521	3.5	2.0	306
Covington	1,854	8,242	5,180	803	4.4	2.8	433
DeSoto	1,476	35,219	34,900	5,409	23.9	23.6	3,665
Forrest	401	1,058	515	80	2.6	1.3	200
Franklin	441	1,062	205	32	2.4	.5	72
George	424	1,008	400	62	2.4	.9	146
Greene	476	1,040	425	66	2.2	.9	139
Grenada	753	11,775	12,000	1,860	15.6	15.9	2,570
Hinds	1,959	23,648	14,600	2,263	12.1	8.5	1,155
Holmes	1,829	37,875	42,800	6,634	20.7	23.4	3,627
Humphreys	822	52,492	58,000	8,990	63.9	70.6	10,937
Issaquena	336	12,516	14,600	2,263	37.2	43.5	6,735
Itawamba	1,967	10,182	7,100	1,100	5.2	3.6	559
Jasper	1,768	5,238	2,590	401	3.0	1.5	227
Jefferson	732	4,215	1,810	281	5.8	2.5	384
Jefferson Davis	2,062	13,910	9,000	1,395	6.7	4.4	676
Jones	2,205	6,283	2,910	451	2.8	1.3	204
Kemper	1,507	10,034	4,670	724	6.7	3.1	480
Lafayette	1,517	17,742	14,150	2,193	11.7	9.3	1,446
Lamar	973	2,753	1,210	188	2.8	1.2	192
Lauderdale	1,336	5,122	1,700	263	3.8	1.3	197

Mississippi—Continued							
Lawrence	1,421	5,668	2,180	338	4.0	1.5	238
Leake	2,641	15,520	10,950	1,697	5.9	4.1	642
Lee	2,144	26,968	20,500	3,177	12.6	9.6	1,482
Leflore	835	84,762	98,000	15,189	101.5	117.4	18,190
Lincoln	1,474	3,284	885	137	2.2	.6	93
Lowndes	1,546	16,487	11,650	1,806	10.7	7.5	1,168
Madison	2,064	31,821	21,200	3,286	15.4	10.3	1,592
Marion	1,995	8,467	4,300	666	4.2	2.2	334
Marshall	1,777	35,734	31,900	4,944	20.1	18.0	2,782
Monroe	2,504	30,275	24,150	3,743	12.1	9.6	1,495
Montgomery	1,074	8,262	7,650	1,186	7.7	7.1	1,104
Neshoba	2,644	11,551	5,470	848	4.4	2.1	321
Newton	2,056	6,169	2,460	381	3.0	1.2	185
Noxubee	1,123	16,262	11,950	1,852	14.5	10.6	1,649
Oktibbeha	1,057	3,911	2,170	336	3.7	2.1	318
Panola	1,976	40,807	41,900	6,494	20.7	21.2	3,286
Pearl River	143	261	83	13	1.8	.6	91
Perry	589	1,408	630	98	2.4	1.1	166
Pike	1,550	4,000	1,190	184	2.6	.8	119
Pontotoc	2,526	20,705	18,400	2,852	8.2	7.3	1,129
Prentiss	1,972	17,643	15,700	2,433	8.9	8.0	1,234
Quitman	1,030	64,162	70,500	10,927	62.3	68.4	10,609
Rankin	1,582	8,092	5,260	815	5.1	3.3	515
Scott	1,839	9,009	5,420	840	4.9	2.9	457
Sharkey	392	31,319	38,300	5,936	79.9	97.7	15,143
Simpson	2,018	9,591	4,990	773	4.8	2.5	383
Smith	1,867	6,856	4,360	676	3.7	2.3	362
Stone	89	115	32	5	1.3	.4	56
Sunflower	1,461	134,780	130,000	20,150	92.3	89.0	13,792
Tallahatchie	1,309	66,085	68,400	10,602	50.5	52.3	8,099
Tate	1,298	24,360	24,500	3,797	18.8	18.9	2,925
Tippah	1,985	16,441	14,450	2,240	8.3	7.3	1,128
Tishomingo	1,743	10,193	7,600	1,178	5.8	4.4	676
Tunica	516	51,986	54,200	8,401	100.7	105.0	16,281
Union	2,016	18,362	17,300	2,681	9.1	8.6	1,330
Walthall	1,893	8,957	5,000	775	4.7	2.6	409
Warren	460	6,482	5,600	868	14.1	12.2	1,887
Washington	1,250	94,676	95,900	14,864	75.7	76.7	11,891
Wayne	1,390	4,508	2,180	338	3.2	1.6	243
Webster	1,259	8,622	9,500	1,472	6.8	7.5	1,169
Wilkinson	572	3,425	920	143	6.0	1.6	250
Winston	1,999	12,182	7,850	1,217	6.1	3.9	609
Yalobusha	1,058	12,083	12,000	1,860	11.4	11.3	1,758
Yazoo	1,122	44,478	41,600	6,448	39.6	37.1	5,747
Total	109,536	1,649,585	1,541,975	238,996	15.1	14.1	2,182
Missouri:							
Butler	2,645	19,351	20,000	3,070	7.3	7.6	1,161
Dunklin	3,084	98,037	103,000	15,812	31.8	33.4	5,127
Mississippi	1,090	30,411	35,000	5,373	27.9	32.1	4,929
New Madrid	2,265	101,725	113,000	17,347	44.9	49.9	7,659
Pemiscot	2,373	109,984	128,000	19,648	46.3	53.9	8,280
Scott	847	19,648	19,600	3,009	23.2	23.1	3,553
Stoddard	2,431	46,844	51,500	7,906	19.3	21.2	3,252
Total	14,735	426,000	470,100	72,165	28.9	31.9	4,898
Nevada:							
Clark	5	86	100	16	17.2	20.0	3,200
Nye	19	3,453	6,700	1,083	181.7	352.6	57,000
Total	24	3,539	6,800	1,099	147.5	283.3	45,792
New Mexico:							
Chaves	596	39,855	52,500	8,109	66.9	88.1	13,606
Curry	82	1,649	490	76	20.1	6.0	927
De Baca	63	545	430	66	8.6	6.8	1,048
Dona Ana	1,796	43,301	79,603	12,295	24.1	44.3	6,846
Eddy	583	31,932	47,625	7,356	53.8	81.7	12,617
Grant	9	96	150	23	10.7	16.7	2,556
Hidalgo	136	8,055	17,100	2,641	59.2	125.7	19,419
Lea	482	28,256	21,400	3,305	58.6	44.4	6,857
Luna	275	17,177	33,070	5,108	62.5	120.3	18,575
Otero	67	1,891	2,145	331	28.2	32.0	4,940
Quay	162	2,772	840	130	17.1	5.2	802
Roosevelt	863	21,316	15,400	2,379	24.7	17.8	2,757
Sierra	149	2,951	4,807	742	19.8	32.3	4,980
Socorro	158	2,590	2,520	389	16.4	15.9	2,462
Valencia	2	26	20	3	13.0	10.0	1,500
Total	5,423	202,412	278,100	42,953	37.3	51.3	7,921
North Carolina:							
Alamance	70	54	10	2	.8	.1	29
Alexander	574	717	215	34	1.3	.4	59
Anson	1,771	14,044	5,660	899	7.9	3.2	508
Beaufort	724	1,771	800	127	2.4	1.1	175
Bertie	1,522	7,111	3,840	610	4.7	2.5	401
Bladen	1,714	4,403	1,730	275	2.6	1.0	160
Brunswick	273	424	195	31	1.6	.7	114
Burke	56	80	5	1	1.4	.1	18
Cabarrus	772	3,957	1,600	254	5.1	2.1	329
Caldwell	22	31	5	1	1.4	.2	45
Camden	137	422	215	34	3.1	1.6	248
Carteret	35	75	30	5	2.1	.9	143
Catawba	996	2,015	595	94	2.0	.6	94
Chatham	361	602	165	26	1.7	.5	72
Chowan	627	3,045	1,600	254	4.9	2.6	405
Cleveland	3,384	36,016	13,500	2,144	10.6	4.0	634
Columbus	1,431	3,287	1,570	249	2.3	1.1	174
Craven	342	597	275	44	1.7	.8	129
Cumberland	2,129	13,659	5,690	904	6.4	2.7	425
Currituck	164	368	200	32	2.2	1.2	195
Davidson	608	739	285	45	1.2	.5	74
Davie	1,031	1,642	660	105	1.6	.6	102
Duplin	1,120	4,653	2,230	354	4.2	2.0	316
Durham	69	175	40	6	2.5	.6	87
Edgecombe	1,342	12,368	7,820	1,242	9.2	5.8	925
Forsyth	110	137	30	5	1.2	.3	45
Franklin	2,423	10,063	5,270	837	4.2	2.2	345
Gaston	835	3,124	1,060	168	3.7	1.3	201
Gates	893	2,640	1,430	227	3.0	1.6	254
Granville	224	437	220	35	1.9	1.0	156
Greene	823	4,912	1,810	287	6.0	2.2	349
Guilford	81	46	20	3	.6	.2	37
Halifax	2,782	26,356	18,600	2,954	9.5	6.7	1,062
Harnett	2,808	15,736	8,470	1,345	5.6	3.0	479
Hertford	1,030	5,093	3,650	580	4.9	3.5	563
Hoke	910	14,373	8,010	1,272	15.8	8.8	1,398
Hyde	99	291	125	20	2.9	1.3	202
Iredell	2,856	8,301	3,450	548	2.9	1.2	192
Johnston	4,454	23,205	11,050	1,755	5.2	2.5	394
Jones	184	396	175	28	2.2	1.0	152
Lee	568	1,389	845	134	2.4	1.5	236
Lenoir	670	2,784	1,120	178	4.1	1.7	266
Lincoln	1,551	7,526	2,960	470	4.9	1.9	303
Martin	641	3,253	1,430	227	5.1	2.2	354
Mecklenburg	1,115	6,135	2,010	319	5.5	1.8	286
Montgomery	265	2,034	1,100	175	7.7	4.1	660
Moore	616	2,792	1,510	240	4.5	2.5	390
Nash	2,402	14,872	9,370	1,488	6.2	3.9	619
New Hanover	10	21	5	1	2.1	.5	100
Northampton	2,304	20,823	12,800	2,033	9.0	5.6	882
Onslow	127	366	115	18	2.9	.9	142
Orange	80	71	15	2	.9	.2	25
Pamlico	111	232	85	13	2.1	.8	117
Pasquotank	216	343	150	24	1.6	.7	111
Pender	314	458	165	26	1.5	.5	83
Perquimans	594	1,430	575	91	2.4	1.0	153
Person	2	4	5	1	2.0	2.5	500
Pitt	1,653	8,802	3,500	556	5.3	2.1	336
Polk	434	1,434	375	60	3.3	.9	138
Randolph	58	61	15	2	1.1	.3	34
Richmond	965	6,788	2,070	329	7.0	2.1	341
Robeson	4,456	48,550	23,450	3,723	10.9	5.3	836
Rowan	1,500	5,220	2,070	329	3.5	1.4	219
Rutherford	2,115	9,901	2,820	448	4.7	1.3	212
Sampson	4,233	26,989	13,650	2,168	6.4	3.2	512
Scotland	834	18,318	9,020	1,433	22.0	10.8	1,718
Stanly	681	1,544	410	65	2.3	.6	95
Tyrrell	164	311	145	23	1.9	.9	140
Union	3,516	15,944	7,220	1,147	4.5	2.1	326
Vance	1,153	3,730	2,680	426	3.2	2.3	369
Wake	1,794	6,424	3,200	508	3.6	1.8	283
Warren	2,142	8,774	4,610	732	4.1	2.2	342
Washington	314	833	415	66	2.7	1.3	210
Wayne	2,254	12,643	5,520	877	5.6	2.4	389
Wilkes	77	82	25	4	1.1	.3	52
Wilson	1,768	9,756	4,230	672	5.5	2.4	380
Yadkin	66	56	10	2	.8	.2	30
Total	83,549	478,008	232,000	36,846	5.7	2.8	441
Oklahoma:							
Atoka	353	2,289	715	98	6.5	2.0	278
Beaver	8	83	6	1	10.4	.7	125
Beckham	1,873	63,445	33,700	4,637	33.9	18.0	2,476

Cotton production and other specified data, 1960—Continued

State and county	Number of cotton allotments	Total acreage allotted	Number of bales produced	Total computed value of cotton produced	Average acreage per allotment	Average number of bales per allotment	Average computed value of cotton per allotment farm
				Thousands			
Oklahoma—Continued							
Blaine	1,079	13,137	6,050	$832	12.2	5.6	$771
Bryan	1,588	17,618	7,100	977	11.1	4.5	615
Caddo	3,080	47,798	34,300	4,720	15.5	11.1	1,532
Canadian	1,106	13,878	9,150	1,259	12.5	8.3	1,138
Carter	256	1,695	690	95	6.6	2.7	371
Choctaw	613	4,285	1,640	226	7.0	2.7	369
Cleveland	196	1,913	1,170	161	9.8	6.0	821
Coal	325	3,278	1,530	211	10.1	4.7	649
Comanche	1,006	13,976	3,700	509	13.9	3.7	506
Cotton	1,025	19,825	6,850	943	19.3	6.7	920
Craig	32	123	10	1	3.8	.3	31
Creek	389	2,723	530	73	7.0	1.4	188
Custer	1,285	25,227	19,700	2,711	19.6	15.3	2,110
Dewey	796	8,757	3,150	433	11.0	4.0	544
Ellis	102	802	181	25	7.9	1.8	245
Garfield	15	86	25	3	5.7	1.7	200
Garvin	679	5,865	3,950	544	8.6	5.8	801
Grady	1,472	18,135	13,000	1,789	12.3	8.8	1,215
Grant	7	45	20	3	6.4	2.9	428
Greer	1,171	39,639	23,800	3,275	33.8	20.3	2,797
Harmon	954	47,097	32,100	4,417	49.4	33.6	4,630
Haskell	296	3,157	495	68	8.0	1.2	172
Hughes	841	5,708	1,150	158	6.8	1.4	188
Jackson	1,619	56,538	46,800	6,438	34.9	28.9	3,977
Jefferson	808	17,779	5,700	784	22.0	7.1	970
Johnston	325	3,648	1,340	184	11.2	4.1	566
Kay	65	405	75	10	6.2	1.2	154
Kingfish	258	1,758	225	31	6.8	.9	120
Kiowa	2,070	56,471	33,100	4,554	27.3	16.0	2,200
Latimer	67	268	35	5	4.0	.5	75
LeFlore	349	2,413	400	55	6.9	1.1	158
Lincoln	345	1,850	475	65	5.4	1.4	188
Logan	395	2,874	1,380	190	7.3	3.5	481
Love	638	8,316	3,310	455	13.0	5.2	713
McClain	835	9,023	5,500	757	10.8	6.6	906
McCurtain	535	6,048	4,250	585	11.3	7.9	1,093
McIntosh	1,454	12,464	2,760	380	8.6	1.9	261
Major	357	2,616	580	80	7.3	1.6	224
Marshall	282	4,414	1,480	204	15.7	5.2	723
Mayes	120	826	113	16	6.9	.9	133
Murray	50	428	280	39	8.6	5.6	780
Muskogee	1,636	19,088	7,200	991	11.7	4.4	606
Noble	179	1,000	285	39	5.6	1.6	218
Nowata	99	1,050	180	25	10.6	1.8	253
Okfuskee	847	6,258	1,350	186	7.4	1.6	220
Oklahoma	57	477	265	36	8.4	4.6	632
Okmulgee	1,212	10,928	2,120	292	9.0	1.7	241
Osage	228	3,207	1,530	211	14.1	6.7	925
Pawnee	434	3,417	1,540	212	7.9	3.5	488
Payne	447	2,916	1,780	245	6.5	4.0	548
Pittsburg	634	5,603	1,350	186	8.8	2.1	293
Pontotoc	197	1,285	365	50	6.5	1.9	254
Pottawatomie	201	1,068	250	34	5.3	1.2	169
Pushmataha	161	763	75	10	4.7	.5	62
Roger Mills	1,085	21,205	8,500	1,170	19.5	7.8	1,078
Rogers	153	930	200	28	6.1	1.3	183
Seminole	361	1,938	225	31	5.4	.6	86
Sequoyah	127	1,781	1,140	157	14.0	9.0	1,236
Stephens	561	6,141	2,290	315	10.9	4.1	561
Tillman	1,840	72,500	50,100	6,893	39.4	27.2	3,746
Tulsa	139	1,672	840	116	12.0	6.0	835
Wagoner	1,227	9,967	3,730	513	8.1	3.0	418
Washita	2,527	80,077	60,100	8,269	31.1	23.3	3,209
Woodward	78	639	65	9	8.2	.8	115
Total	45,699	802,633	457,995	63,019	17.5	10.0	1,379
South Carolina:							
Abbeville	1,135	7,947	4,020	653	7.0	3.5	575
Aiken	2,024	19,918	12,250	1,990	9.8	6.1	983
Allendale	549	8,992	6,950	1,129	16.4	12.7	2,056
Anderson	3,286	26,730	13,250	2,152	8.1	4.0	655
South Carolina—Continued				*Thousands*			
Bamberg	1,094	12,192	7,900	$1,283	11.1	7.2	$1,173
Barnwell	1,018	13,922	8,200	1,332	13.7	8.1	1,308
Beaufort	660	1,483	480	78	2.2	.7	118
Berkeley	2,096	9,498	4,850	788	4.5	2.3	376
Calhoun	1,052	15,651	11,800	1,917	14.9	11.2	1,822
Charleston	702	1,624	270	44	2.3	.4	63
Cherokee	1,560	12,267	4,020	653	7.9	2.6	418
Chester	1,090	10,025	5,150	836	9.2	4.7	767
Chesterfield	2,731	31,018	13,000	2,111	11.4	4.8	773
Clarendon	2,546	33,358	26,700	4,336	13.1	10.5	1,703
Colleton	1,737	9,729	5,250	853	5.6	3.0	491
Darlington	2,069	29,399	19,400	3,151	14.2	9.4	1,523
Dillon	1,324	21,578	9,700	1,575	16.3	7.3	1,190
Dorchester	1,686	9,797	6,150	999	5.8	3.6	592
Edgefield	934	9,571	6,500	1,056	10.2	7.0	1,131
Fairfield	761	4,420	1,110	180	5.8	1.5	237
Florence	3,765	31,541	16,400	2,664	8.4	4.4	708
Georgetown	962	3,161	1,100	179	3.3	1.1	186
Greenville	2,531	14,149	3,600	585	5.6	1.4	231
Greenwood	593	3,746	1,430	232	6.3	2.4	391
Hampton	1,043	8,082	5,900	958	7.7	5.7	919
Horry	3,101	10,453	4,150	674	3.4	1.3	217
Jasper	801	3,071	1,050	171	3.8	1.3	213
Kershaw	1,848	19,518	8,850	1,437	10.6	4.8	778
Lancaster	1,180	7,645	2,790	453	6.5	2.4	384
Laurens	1,624	16,877	6,450	1,048	10.4	4.0	645
Lee	1,536	34,435	27,750	4,507	22.4	18.1	2,934
Lexington	1,714	11,149	5,450	885	6.5	3.2	516
McCormick	472	3,544	1,390	226	7.5	2.9	479
Marion	1,388	11,548	5,250	853	8.3	3.8	615
Marlboro	1,184	37,714	28,900	4,694	31.9	24.4	3,964
Newberry	1,095	6,657	3,070	499	6.1	2.8	456
Oconee	1,546	6,086	2,440	396	3.9	1.6	256
Orangeburg	4,975	57,498	45,000	7,308	11.6	9.0	1,469
Pickens	1,314	5,255	1,270	206	4.0	1.0	157
Richland	1,189	6,936	4,200	682	5.8	3.5	574
Saluda	1,095	6,710	3,340	542	6.1	3.0	495
Spartanburg	3,759	21,190	5,000	812	5.6	1.3	216
Sumter	2,695	39,419	32,100	5,213	15.2	12.4	2,000
Union	632	5,183	1,470	239	8.2	2.3	378
Williamsburg	3,654	33,603	22,900	3,719	9.2	6.3	1,018
York	1,518	15,140	5,800	942	10.0	3.8	620
Total	77,268	709,429	414,000	67,240	9.2	5.4	870
Tennessee:							
Bedford	626	1,789	610	96	2.9	1.0	153
Benton	911	3,181	1,850	290	3.5	2.0	318
Bradley	436	1,018	265	42	2.5	.7	103
Cannon	31	52	12	2	1.7	.4	64
Carroll	3,191	20,472	21,500	3,375	6.4	6.7	1,058
Chester	1,320	10,966	11,900	1,868	8.3	9.0	1,415
Coffee	675	1,835	1,035	162	2.7	1.5	240
Crockett	2,020	31,082	38,500	6,043	15.4	19.1	2,992
Davidson	7	18	4	1	2.6	.6	143
Decatur	848	3,856	2,630	413	4.5	3.1	487
De Kalb	30	52	12	2	1.7	.4	67
Dyer	2,327	32,495	37,000	5,808	14.0	15.9	2,496
Fayette	2,063	41,955	40,900	6,420	20.3	19.8	3,112
Franklin	1,432	5,999	4,800	753	5.8	4.7	730
Gibson	4,795	45,561	53,900	8,460	9.5	11.2	1,764
Giles	2,165	9,776	5,110	802	4.5	2.4	370
Grundy	97	207	104	16	2.1	1.1	165
Hamilton	282	772	160	25	2.7	.6	89
Hardeman	1,883	21,050	20,900	3,281	11.2	11.1	1,742
Hardin	1,575	9,288	7,150	1,122	5.9	4.5	712
Haywood	2,241	40,799	43,500	6,827	18.2	19.4	3,046
Henderson	2,175	17,345	17,900	2,810	8.0	8.2	1,292
Henry	1,966	6,010	3,210	504	3.1	1.6	256
Hickman	18	31	16	3	1.7	.9	167
Humphreys	14	28	16	3	2.0	1.1	214
Lake	439	23,746	29,300	4,599	54.0	66.7	10,476

Tennessee—Continued							
Lauderdale	2,044	35,286	42,200	6,624	17.3	20.6	3,241
Lawrence	3,330	20,460	12,300	1,931	6.1	3.7	580
Lewis	146	410	123	19	2.8	.8	130
Lincoln	2,002	13,329	10,700	1,680	6.7	5.3	839
Loudon	7	15	4	1	2.1	.6	143
McMinn	436	830	170	27	1.9	.4	62
McNairy	2,562	19,278	18,600	2,920	7.5	7.3	1,140
Madison	2,796	31,991	35,100	5,510	11.4	12.6	1,971
Marion	98	361	180	28	3.7	1.8	286
Marshall	222	493	210	33	2.2	.9	149
Maury	115	269	65	10	2.3	.6	87
Meigs	325	805	212	33	2.5	.7	102
Monroe	184	310	45	7	1.7	.2	38
Moore	51	108	25	4	2.1	.5	78
Obion	1,823	11,087	10,800	1,695	6.1	5.9	930
Perry	73	213	60	9	2.9	.8	123
Polk	228	883	240	38	3.9	1.1	167
Rhea	20	28	10	2	1.4	.5	100
Rutherford	922	4,496	2,360	370	4.9	2.6	401
Shelby	3,309	42,163	41,500	6,513	12.7	12.5	1,966
Tipton	2,661	44,368	53,600	8,412	16.7	20.1	3,161
Van Buren	28	46	10	2	1.6	.4	71
Warren	395	700	165	26	1.8	.4	66
Wayne	929	3,404	1,960	308	3.7	2.1	332
Weakley	3,034	12,243	10,020	1,573	4.0	3.3	518
White	58	88	6	1	1.5	.1	17
Williamson	88	172	30	5	2.0	.3	57
Wilson	39	98	4	1	2.5	.1	26
Total	61,492	573,317	512,983	91,509	9.3	9.5	1,488
Texas:							
Anderson	1,799	10,021	1,850	259	5.6	1.0	144
Andrews	57	3,984	1,500	210	69.9	26.3	3,684
Angelina	450	3,397	470	66	7.5	1.0	147
Aransas	19	1,452	270	38	76.4	14.2	2,000
Archer	93	1,998	460	64	21.5	4.9	688
Armstrong	99	1,925	770	108	19.4	7.8	1,091
Atascosa	726	8,854	1,700	238	12.2	2.3	328
Austin	1,430	20,726	7,100	994	14.5	5.0	695
Bailey	1,266	107,231	82,000	11,481	84.7	64.8	9,069
Bastrop	832	11,899	2,900	406	14.3	3.5	488
Baylor	548	18,359	10,000	1,400	33.5	18.2	2,555
Bee	615	16,172	6,600	924	26.3	10.7	1,502
Bell	2,598	72,925	20,000	2,800	28.1	7.7	1,078
Bexar	371	3,798	1,200	168	10.2	3.2	453
Blanco	12	53	5	1	4.4	.4	83
Borden	200	18,660	11,100	1,554	93.4	55.5	7,770
Bosque	727	11,550	1,920	269	15.9	2.6	370
Bowie	799	9,177	4,360	602	11.5	5.4	753
Brazoria	520	14,338	7,400	1,036	27.6	14.2	1,992
Brazos	353	20,213	19,800	2,772	57.3	56.1	7,853
Brewster	2	99	65	9	49.5	32.5	4,500
Briscoe	506	26,355	24,100	3,374	52.1	47.6	6,668
Brooks	190	2,255	200	28	11.9	1.1	147
Brown	579	4,906	570	80	8.5	1.0	138
Burleson	1,095	27,669	21,900	3,066	25.3	20.0	2,800
Burnet	240	3,432	360	50	14.3	1.5	208
Caldwell	685	22,931	8,000	1,120	33.5	11.7	1,635
Calhoun	376	19,139	6,200	868	50.9	16.5	2,309
Callahan	540	8,124	1,700	238	15.0	3.1	441
Cameron	5,896	169,483	122,000	17,082	28.7	20.7	2,897
Camp	416	2,320	170	24	5.6	.4	58
Carson	119	1,117	370	51	9.4	3.1	429
Cass	1,383	8,336	1,100	154	6.0	.8	111
Castro	1,004	58,666	56,000	7,841	58.4	55.8	7,810
Chambers	8	74	20	3	9.2	2.5	375
Cherokee	1,932	12,522	1,750	245	6.5	.9	127
Childress	824	53,013	28,800	4,032	64.3	35.0	4,893
Clay	383	10,301	3,950	553	26.9	10.3	1,444
Cochran	648	75,015	50,000	7,001	115.8	77.2	10,804
Coke	244	7,168	1,050	147	29.4	4.3	602
Coleman	1,079	30,528	7,100	994	28.3	6.6	921
Collin	3,258	88,630	30,000	4,200	27.2	9.2	1,289
Collingsworth	1,071	63,943	34,600	4,845	59.7	32.3	4,524
Colorado	811	10,293	3,400	476	12.7	4.2	587
Comal	35	240	20	3	6.9	.6	86
Comanche	1,054	5,919	700	98	5.6	.7	93
Concho	378	31,813	13,000	1,820	84.2	34.4	4,815
Cooke	587	7,392	2,100	294	12.6	3.6	501
Coryell	1,045	21,752	5,100	714	20.8	4.9	683
Cottle	555	51,944	30,100	4,214	93.6	54.2	7,592
Crosby	1,020	123,356	113,200	15,850	120.9	111.0	15,539
Culberson	47	5,505	6,250	875	117.1	133.0	18,617
Dallam	6	61	20	3	10.2	3.3	500
Dallas	1,239	35,426	11,000	1,624	28.6	9.4	1,311
Dawson	1,575	205,541	167,000	23,384	130.5	106.0	14,847
Texas—Continued							
Deaf Smith	607	11,801	7,300	1,022	19.4	12.0	1,684
Delta	1,065	39,015	12,900	1,806	36.6	12.1	1,696
Denton	1,117	22,689	8,600	1,204	20.3	7.7	1,078
DeWitt	1,291	13,987	2,850	399	10.8	2.2	309
Dickens	804	51,359	28,800	4,032	63.9	35.8	5,015
Dimmit	56	2,373	1,650	231	42.4	29.5	4,125
Donley	718	28,849	9,450	1,323	40.2	13.2	1,843
Duval	829	12,610	1,050	147	15.2	1.3	177
Eastland	671	3,598	210	29	5.4	.3	43
Ector	5	189	160	22	37.8	32.0	4,400
Ellis	2,899	149,211	47,400	6,637	51.5	16.4	2,289
El Paso	1,426	28,263	49,200	6,889	19.8	34.5	4,831
Erath	985	5,960	670	94	6.0	.7	95
Falls	2,456	78,182	23,400	3,276	31.8	9.5	1,334
Fannin	2,903	70,494	21,900	3,066	24.3	7.5	1,056
Fayette	2,406	29,818	8,250	1,155	12.4	3.4	480
Fisher	1,330	79,700	56,500	7,911	59.9	42.5	5,948
Floyd	1,419	104,564	116,000	16,242	73.7	81.7	11,446
Foard	324	13,119	7,100	994	40.5	21.9	3,068
Fort Bend	2,146	78,792	33,100	4,635	36.7	15.4	2,160
Franklin	397	3,570	710	99	9.0	1.8	249
Freestone	1,723	17,728	3,900	546	10.3	2.3	317
Frio	260	5,937	5,000	700	22.8	19.2	2,692
Gaines	810	80,420	56,000	7,841	99.3	69.1	9,680
Garza	480	38,818	30,800	4,312	80.9	64.2	8,983
Gillespie	106	620	110	15	5.8	1.0	141
Glasscock	106	9,732	13,100	1,834	91.8	123.6	17,302
Goliad	288	4,580	1,050	147	15.9	3.6	510
Gonzales	1,016	13,393	2,700	378	13.2	2.7	372
Gray	215	3,705	740	104	17.2	3.4	484
Grayson	1,776	36,168	11,800	1,652	20.4	6.6	930
Gregg	220	1,531	240	34	7.0	1.1	155
Grimes	1,037	15,917	6,500	910	15.3	6.3	878
Guadalupe	1,169	20,148	6,200	868	17.2	5.3	743
Hale	2,148	177,855	185,000	25,904	82.8	86.1	12,060
Hall	973	91,060	58,100	8,135	93.6	59.7	8,361
Hamilton	847	10,682	2,550	357	12.6	3.0	421
Hansford	72	1,043	340	48	14.5	4.7	667
Hardeman	713	33,999	18,300	2,562	47.7	25.7	3,593
Hardin	11	25	10	1	2.3	.9	91
Harris	243	4,571	1,300	182	18.8	5.3	749
Harrison	1,637	11,992	2,400	336	7.3	1.5	205
Hartley	7	134	35	5	19.1	5.0	714
Haskell	1,821	116,644	65,000	9,101	64.1	35.7	4,998
Hays	252	7,718	1,850	259	30.6	7.3	1,028
Hemphill	90	1,715	750	105	19.1	8.3	1,167
Henderson	1,211	8,082	1,220	171	6.7	1.0	141
Hidalgo	7,788	202,324	160,000	22,404	26.0	20.5	2,877
Hill	3,073	138,700	36,300	5,083	45.1	11.8	1,654
Hockley	1,769	184,325	147,100	20,597	104.2	83.2	11,643
Hood	390	2,712	420	59	7.0	1.1	151
Hopkins	1,572	26,401	5,200	728	16.8	3.3	463
Houston	1,820	26,400	5,600	784	14.5	3.1	431
Howard	802	72,127	39,200	5,489	89.9	48.9	6,844
Hudspeth	152	20,678	28,250	3,955	136.0	185.9	26,020
Hunt	2,954	93,722	32,600	4,565	31.7	11.0	1,545
Irion	20	900	510	71	45.0	25.5	3,550
Jack	128	2,302	600	84	18.0	4.7	656
Jackson	642	22,462	7,000	980	35.0	10.9	1,526
Jasper	165	459	15	2	2.8	.1	12
Jeff Davis	6	346	600	84	57.7	100.0	14,000
Jim Hogg	69	1,382	140	20	20.0	2.0	290
Jim Wells	781	23,856	7,500	1,050	30.5	9.6	1,344
Johnson	1,107	40,839	11,300	1,582	36.9	10.2	1,429
Jones	1,894	109,589	44,000	6,161	57.9	23.2	3,253
Karnes	1,307	25,895	4,250	595	19.8	3.3	455
Kaufman	1,689	56,438	13,900	1,946	33.4	8.2	1,152
Kent	320	19,571	11,500	1,610	61.2	35.9	5,031
Kerr	5	98	4	1	19.6	.8	200
Kimble	25	231	30	4	9.2	1.2	160
King	89	9,011	5,320	745	101.2	59.8	8,371
Kinney	8	121	70	10	15.1	8.7	1,250
Kleberg	302	8,614	3,100	434	28.5	10.3	1,437
Knox	978	57,237	41,100	5,755	58.5	42.0	5,884
Lamar	1,613	55,792	18,800	2,632	34.6	11.7	1,632
Lamb	2,360	203,495	185,000	25,904	86.2	78.4	10,976
Lampasas	197	1,309	200	28	6.6	1.0	142
LaSalle	115	3,249	1,400	196	28.3	12.2	1,704
Lavaca	2,667	34,218	9,700	1,358	13.1	3.7	521
Lee	1,048	10,541	2,400	336	10.1	2.3	321
Leon	924	9,364	2,600	364	10.1	2.8	394
Liberty	294	3,005	980	137	10.2	3.3	466
Limestone	2,220	67,912	10,900	1,526	30.6	4.9	687
Live Oak	648	18,580	4,300	602	28.7	6.6	929
Llano	37	125	30	4	3.4	.8	108
Loving	8	477	370	52	59.6	46.2	6,500

Cotton production and other specified data, 1960—Continued

State and county	Number of cotton allotments	Total acreage allotted	Number of bales produced	Total computed value of cotton produced	Average acreage per allotment	Average number of bales per allotment	Average computed value of cotton per allotment farm
				Thousands			
Texas—Continued							
Lubbock	2,602	231,059	242,300	33,927	88.8	93.1	13,039
Lynn	1,488	185,664	136,000	$19,043	124.8	91.4	$12,798
McCulloch	517	17,195	3,400	476	33.3	6.6	921
McLennan	2,968	89,533	25,500	3,570	30.2	8.6	1,203
McMullen	51	913	95	13	17.9	1.9	255
Madison	555	6,632	2,550	357	11.9	4.6	643
Marion	401	1,359	160	22	3.4	.4	55
Martin	700	86,584	61,100	8,555	123.7	87.3	12,221
Mason	176	1,165	450	63	6.6	2.6	358
Matagorda	705	21,621	7,200	1,008	30.7	10.2	1,430
Maverick	214	4,811	2,900	406	22.5	13.6	1,897
Medina	179	2,070	930	130	11.6	5.2	726
Menard	70	918	180	25	13.1	2.6	357
Midland	284	25,826	21,700	3,038	90.9	76.4	10,697
Milam	1,583	53,291	22,000	3,080	33.7	13.9	1,946
Mills	219	2,757	570	80	12.6	2.6	381
Mitchell	948	67,684	34,500	4,831	71.4	36.4	5,096
Montague	349	4,675	1,610	225	13.4	4.6	645
Montgomery	187	1,400	220	31	7.5	1.2	166
Moore	27	440	220	31	16.3	8.1	1,148
Morris	305	1,388	100	14	4.5	.3	46
Motley	479	33,926	19,400	2,716	70.8	40.5	5,670
Nacogdoches	881	5,642	710	99	6.4	.8	112
Navarro	2,979	112,022	24,800	3,472	37.6	8.3	1,165
Newton	216	895	25	4	4.1	.1	19
Nolan	723	45,042	26,600	3,724	62.3	36.8	5,151
Nueces	1,689	116,823	80,000	11,201	69.2	47.4	6,632
Ochiltree	20	536	320	45	26.8	16.0	2,250
Oldham	20	130	50	7	6.5	2.5	350
Palo Pinto	232	3,936	1,010	141	17.0	4.4	608
Panola	1,243	7,814	1,250	175	6.3	1.0	141
Parker	364	3,659	570	80	10.1	1.6	220
Parmer	1,159	49,182	38,000	5,321	42.4	32.8	4,591
Pecos	211	25,383	44,790	6,271	120.3	212.3	29,720
Polk	361	3,513	770	108	9.7	2.1	299
Potter	6	131	50	7	21.8	8.3	1,167
Presidio	113	3,090	4,970	696	27.3	44.0	6,159
Rains	510	8,045	1,920	269	15.8	3.8	527
Randall	208	2,213	1,500	210	10.6	7.2	1,010
Reagan	24	1,095	1,400	196	45.6	58.3	8,167
Red River	962	25,638	9,400	1,316	26.6	9.8	1,368
Reeves	322	55,673	96,400	13,498	172.9	299.4	41,919
Refugio	307	15,192	6,200	868	49.5	20.2	2,827
Roberts	14	240	130	18	17.1	9.3	1,286
Robertson	613	27,491	27,900	3,906	44.8	45.5	6,372
Rockwall	538	19,749	7,800	1,092	36.7	14.5	2,030
Runnels	1,618	94,279	45,500	6,371	58.3	28.1	3,938
Rusk	1,761	11,834	1,750	245	6.7	1.0	139
Sabine	349	2,478	520	73	7.1	1.5	209
San Augustine	672	5,956	870	122	8.9	1.3	182
San Jacinto	498	4,050	760	106	8.1	1.5	213
San Patricio	1,261	91,954	66,500	9,311	72.9	52.7	7,384
San Saba	483	6,168	1,200	168	12.8	2.5	348
Schleicher	142	9,772	4,900	686	68.8	34.5	4,831
Scurry	1,079	67,765	30,000	4,200	62.8	27.8	3,892
Shackelford	175	4,950	1,500	210	28.3	8.6	1,200
Shelby	1,246	7,491	540	76	6.0	.4	61
Smith	1,345	6,899	440	62	5.1	.3	46
Somervell	135	1,071	175	$25	7.9	1.3	$185
Starr	1,024	26,253	10,400	1,456	25.6	10.2	1,422
Stephens	114	1,079	140	20	9.5	1.2	175
Sterling	14	406	30	4	29.0	2.1	286
Stonewall	508	26,620	11,400	1,596	52.4	22.4	3,142
Sutton	1	16	25	4	16.0	25.0	4,000
Swisher	1,138	56,854	57,000	7,981	50.0	50.1	7,013
Tarrant	305	10,072	2,950	413	33.0	9.7	1,354
Taylor	1,023	35,241	13,600	1,820	34.4	12.7	1,779
Terry	1,269	141,506	125,000	17,502	111.5	98.5	13,792
Throckmorton	426	11,817	4,350	609	27.7	10.2	1,430
Titus	504	2,846	200	28	5.6	.4	56
Tom Green	828	63,077	36,000	5,041	76.2	43.5	6,088
Travis	1,072	40,046	9,400	1,316	37.4	8.8	1,228
Trinity	613	4,335	390	55	7.1	.6	90
Tyler	95	471	130	18	5.0	1.4	189
Upshur	604	2,823	50	7	4.7	.1	12
Uvalde	63	1,516	1,150	161	24.1	18.3	2,556
Van Zandt	1,752	23,154	4,600	644	13.2	2.6	368
Victoria	922	28,406	9,600	1,344	30.8	10.4	1,458
Walker	712	6,655	1,500	210	9.3	2.1	295
Waller	374	5,486	1,900	266	14.7	5.1	711
Ward	81	11,365	650	92	140.3	8.0	1,136
Washington	1,950	22,830	7,800	1,092	11.7	4.0	560
Webb	51	1,700	1,050	147	33.3	20.6	2,882
Wharton	2,341	87,196	34,900	4,887	37.2	14.9	2,088
Wheeler	827	27,343	11,200	1,568	33.1	13.5	1,896
Wichita	269	7,223	2,800	392	26.9	10.4	1,457
Wilbarger	1,140	55,130	34,500	4,831	48.4	30.3	4,238
Willacy	1,457	96,298	59,000	8,261	66.1	40.5	5,670
Williamson	3,111	123,507	42,200	5,909	39.7	13.6	1,899
Wilson	628	5,616	1,500	210	8.9	2.4	334
Winkler	3	24	16	2	8.0	5.3	667
Wise	319	2,638	580	81	8.3	1.8	254
Wood	764	3,401	250	35	4.5	.3	46
Yoakum	370	33,642	19,700	2,758	90.9	53.2	7,454
Young	503	11,539	3,310	463	22.9	6.6	920
Zapata	91	2,237	1,600	224	24.6	17.6	2,461
Zavala	177	10,132	9,800	1,372	57.2	55.4	7,751
Total	198,284	7,328,409	4,322,700	605,246	37.0	21.8	3,052
Virginia:							
Brunswick	1,235	2,199	1,050	158	1.8	.8	128
Dinwiddie	196	281	120	18	1.4	.6	92
Greensville	1,016	4,749	3,100	465	4.7	3.1	458
Isle of Wight	193	366	150	23	1.9	.8	119
Lunenburg	124	245	100	15	2.0	.8	121
Mecklenburg	818	2,055	1,120	168	2.5	1.4	205
Nansemond	754	1,973	880	132	2.6	1.2	175
Norfolk	16	33	5	1	2.1	.3	63
Prince George	62	78	20	3	1.3	.3	48
Southampton	1,246	5,224	2,850	428	4.2	2.3	343
Surry	12	16	5	1	1.3	.4	83
Sussex	695	1,787	990	149			
Total	6,367	19,006	10,390	1,561	3.0	1.6	245

National Poison Prevention Week

EXTENSION OF REMARKS
OF

HON. PAUL C. JONES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1961

Mr. JONES of Missouri. Mr. Speaker, I am happy to report that the Senate has passed House Joint Resolution 358, which was approved by this House on September 6. Inasmuch as this resolution, authorizing the President to issue annually a proclamation designating the third week in March as "National Poison Prevention Week," has the approval of the Department of Health, Education, and Welfare, as indicated in a letter from Secretary Abraham Ribicoff to the distinguished chairman of the House Committee on the Judiciary, the Honorable EMANUEL CELLER, it is anticipated that the resolution will very shortly receive the approval of President Kennedy.

The importance of this resolution is indicated in the letter to Chairman CELLER by Secretary Ribicoff, who in noting the large number of cases of accidental poisoning, particularly of children, stated:

> Almost all of these could have been prevented. We believe that the designation of a National Poison Prevention Week with the concentration of attention from the press, radio, television, and other media will bring some of these precautions to the attention of the public and will result in an appreciable reduction of accidental poisonings.

Mr. Speaker, I am proud of the fact that a resident of the 10th Congressional District of Missouri was responsible for the inception of the idea of a National Poison Prevention Week, and that Missouri was the first of several States to recognize the great good that can come from the designation of a week in which attention can be centered on the hazard that exists and the means which can be taken in saving lives.

To Mr. Homer George, a small city pharmacist, who operates two prescription pharmacies in Cape Girardeau, Mo., should go most of the credit for this worthwhile movement. It was he who recognized not only the problem, and set about to do something about, first the treatment, but more important, the prevention of unnecessary poisoning. More than any other one individual, Mr. George has been responsible for the establishment of poison control centers in hundreds of hospitals throughout the United States. Generously, contributing both his time and his own money, he has appeared before conventions and other meetings throughout the length and breadth of this land, calling attention to the great dangers, and counseling as to how best to meet the problem, both through prompt treatment, and also through prevention. In this effort, he has had the wholehearted cooperation of the American Pharmaceutical Association and the American College of Apothecaries, which have applauded his efforts through the adoption of resolutions, both in State and national conventions, endorsing the establishment of a National Poison Prevention Week.

It was almost 3 years ago that Mr. George convinced me of the desirability of Congress taking cognizance of this problem, and at the 1st session of the 86th Congress I introduced a resolution which would have requested the President to designate such a week. For three successive Congresses I have endeavored to secure approval of such a resolution and it was only this year that our efforts have been successful.

There are still many people who will regard this effort as an idle gesture and will presume that National Poison Prevention Week is just another of many designations of certain days or weeks that have no particular importance. However, I am predicting that with the information that will be disseminated during the third week of March next year that we will begin to see the great good that can come from this action of Congress. I believe most sincerely that with the passing of the years those who have had only a small part in this effort will appreciate and be proud of the cooperation which they gave to the passage of House Joint Resolution 358.

In tracing the development of this idea, I am presenting herewith an article, prepared by Mr. Homer George, which appeared in the March 1960 issue of the Journal of the American Pharmaceutical Association which gives the history and background of National Poison Prevention Week, up until that time. It does not, of course, mention the failure to secure passage of the resolution introduced last year, nor does it mention House Joint Resolution 358, which has now been approved by Congress.

POISON PREVENTION WEEK

(By Homer A. George)

Countless deaths have occurred annually due to accidental, suicidal, and industrial poisonings. Many of these deaths could have been prevented had certain individuals recognized the inherent dangers of some of our common household items or if there had been adequate information and treatment readily available. There has been a great deal of activity recently in establishing poison control and treatment centers and the author as chairman of the special committee of the American College of Apothecaries has been responsible for the establishment of various centers. However, the problem is not primarily one of treatment but—of more importance—one of prevention.

If the public could be alerted to the fact that many cases of poisoning could be prevented by the simple expediency of practicing a few definite precautionary measures, the problem of treatment would be greatly reduced.

The public must be educated in "poison prevention." Last year nearly a million people were poisoned accidentally. Each day about 1,000 children under the age of 3 years are poisoned accidentally and the public apparently is quite indifferent to the problem. It is amazing how unaware the public is of the dangers of accidental poisoning in the home.

There have been isolated efforts by pharmacists to reprint various antidote charts and distribute them to the public, but this approach does not reach enough people. I felt that there must be some way to alert the public in a more definitive manner. The cost of any extensive program would be high and I tried to figure who would benefit the most from the type of educational program that had to be launched. Finally deciding that next to the poison victims and their families the insurance companies should be the most concerned, I contacted the president of the Cape Girardeau County (Missouri) Association of Insurance Agents and explained the problem. An invitation to address the group was forthcoming and a program of parental education was outlined. The need for presentations before all types of civic service and religious groups was indicated and it was proposed that this might be centered around the establishment of a "Poison Prevention Week."

The following day, I visited the mayor and told him that there was a National Pickle Week and a National Mother-In-Law Week and as far as I knew neither had ever killed anyone, but poisons were going at it every day and indicated a real need for a Poison Prevention Week. He was most impressed and proclaimed the week of October 12–18 1958 as "Poison Prevention Week." The following is the text of the resolution:

"Whereas, it seems needful that all of the people of our community become thoroughly acquainted with the dangers of careless handling of poisons, and whereas, there were 1,000,000 persons poisoned in the United States last year, and each day 1,000 children under the age of two years were poisoned by their parents, through careless handling and storage of medicines, insecticides, and chemicals, and whereas, there exists a great need for the education of parents to prevent such poisonings, by keeping out of the reach of children all household preparations, coal oil, furniture polish, etc., rat, fly and roach sprays, cosmetics, medicines of all kinds, especially aspirin; now, therefore, I, Walter H. Ford, Mayor of the City of Cape Girardeau, Mo., do set aside the week of October 12 to October 18, 1958, inclusive, as Poison Prevention Week, and I call upon all citizens to assist in every way possible to become educated to prevent such dangers."

A copy of this was sent to the Governor of Missouri requesting him to make a similar proclamation. In a very short time a document was received, seal and all, and Gov. James T. Blair of the State of Missouri became the first Governor in the United States to declare a statewide Poison Prevention Week. The proclamation was almost identical to that of the mayor's.

Enthusiastic with the success achieved, I wondered just how far this could go and so a letter was sent to President Eisenhower. Four days later a reply was received from Frederick Fox, special assistant to the White House, commending this worthwhile endeavor. He explained, however, that such a national proclamation would require an act of Congress and suggested that our sales representatives be contacted. I was about 10 days ahead of him and had already spoken with Congressman PAUL JONES, of Missouri, who had agreed to present a bill at the 1st session of the 86th Congress. This bill was introduced in January 1959, given the number House Joint Resolution 57 and assigned to a subcommittee of the House Judiciary Committee.

The American College of Apothecaries at its annual convention in May 1959, APA at its annual convention in August 1959, and many State pharmaceutical associations adopted resolutions urging passage of this bill. Many individual pharmacists, manufacturers, and the public indicated their approval of the measure by letters to their Congressmen. I was privileged to appear on the NBC nationally televised "Today" program and discuss the concepts of poison prevention and the intent of the bill with Arlene Francis. The bill was unanimously reported out favorably by the House subcommittee but the full Committee on the

Judiciary tabled it on August 25, 1959. A new bill—House Joint Resolution 592—was introduced by Congressman JONES on February 1, 1960, at this 2d session of the 86th Congress and it is hoped that with proper interest displayed by various public health groups that it will be adopted. Although the original bill called for the second week in October, it was felt that a week early in spring would be more desirable. Therefore, House Joint Resolution 592 has deleted specific recommendations on the week to be so designated. The complete bill reads as follows:

"H.J. RES. 592, 86TH CONGRESS, 2D SESSION

"Whereas almost 500,000 persons are accidentally poisoned in the United States annually; and

"Whereas daily almost 1,000 children under the age of 5 years are accidentally poisoned by consuming household products containing harmful chemicals; and

"Whereas household products sometimes are not adequately marked so as to warn of their poisonous properties with the result that they sometimes are not stored out of the reach of children; and

"Whereas there is a great need for the education of the American people as to the dangers of accidental poisonings and of the need to keep from the reach of children all household products which contain harmful chemicals: Now, therefore, be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue annually a proclamation designing the — week in ——— as National Poison Prevention Week, to aid in encouraging the American people to learn of the dangers of accidental poisoning and to take such preventive measures as are warranted by the seriousness of the danger."

A proclamation is useless if it doesn't bring results. It is hoped that National Poison Prevention Week will focus attention on this most serious problem and that it will aid in eliminating this tremendously wasteful loss of human life. The pharmacist can be most helpful in publicizing this problem.

Following our local proclamation we attempted to create public interest. Window streamers were designed and distributed by our local auxiliary police. These were displayed in every store in town. The proclamations and ads were published in the local newspapers. Spot ads were placed on local TV and radio stations making the public aware of Poison Prevention Week.

Two days before the opening of the campaign, I was allotted 25 minutes on our local TV station to explain the dangers of and methods of preventing accidental poisoning in the home. The station had partial coverage of a five-State area and a receiving audience of more than 1 million and we felt the message was getting across.

These efforts have been continued and presentations have been made to more than 50 groups in at least 15 States. In addition, with the cooperation of the American College of Apothecaries, the Metropolitan Life Insurance Co. was contacted and arrangements were made to distribute, through pharmacies, an excellent pamphlet entitled "Caution, Babies Learning." Many hundreds of pharmacies availed themselves of the opportunity to distribute these and we estimate that several millions of people were reached with the message.

However, the surface has just been scratched and the cooperation of each and every pharmacist is needed if the full potential of the public health value of this effort can be realized. Each pharmacist should contact his legislator and urge adoption of the bill proclaiming a National Poison Prevention Week. In addition active programs of public education should be initiated by the pharmacist. Such efforts will most certainly result in providing the community a tremendous public health service and should afford the pharmacist a great deal of self-satisfaction.

(Currently the operator of two prescription pharmacies in Cape Girardeau, Mo., Homer A. George has had a long career in pharmacy. He began working in a retail pharmacy when he was 11 years old and entered the St. Louis College of Pharmacy in 1926, becoming a registered pharmacist in 1929. The year 1936 saw the opening of his first prescription pharmacy in Cape Girardeau, a small city on the banks of the Mississippi. In 1949, after just 10 weeks of operation, his second pharmacy was leveled by a tornado and had to be rebuilt. Following in his footsteps, one of George's sons is a registered pharmacist and the other is attending the St. Louis College of Pharmacy. George is a regional assistant director of the American College of Apothecaries.)

Tribute to Hon. Overton Brooks

EXTENSION OF REMARKS

OF

HON. T. A. THOMPSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1961

Mr. THOMPSON of Louisiana. Mr. Speaker, it was necessary that I return to my home in Louisiana last weekend and I was deeply shocked and saddened to receive a telephone call from my Washington office around noon on Saturday telling me of the passing of my beloved friend and colleague, Overton Brooks, dean of our Louisiana delegation in Congress. I had visited him in the Naval Medical Center a few hours after he underwent surgery there 3 weeks ago and each time I had inquired about his condition afterward, I received the report that he was improving, so I was unprepared for the sad news of his death.

It was my privilege to know Overton before coming to Congress and to serve 9 years in Congress with him. I felt he was my sincere friend. He was a good man—always kind, understanding, and helpful when I needed his counsel and assistance in any problem. He was a man of high principle and of great talents, not only in his work as Congressman, but in the personal qualities that make life better for those with whom he came in contact. He was deeply sincere and always ready and willing to help anyone who came to him for help.

Overton was conscientious in the discharge of his duties and I have known no one who was more dedicated and gave more of himself to serving his people, his State, and the Nation. He was a patriotic American and a great American, and his country will miss his great devotion and statesmanship. He served in a manner that reflects the highest credit on himself and his family. An example of his great talent and devotion is his work as chairman of the House Space Committee.

Day after day he worked long hours with his colleagues and staff members on important matters which came before the Space Committee and in 2½ years, under his tireless and enthusiastic leadership, this committee has come to be one of the most important committees of the House. I feel that through his work on the committee, he contributed much to whatever achievements our Nation has made or may make in the field of space. I am confident his work will live long after him.

He will be greatly missed by his colleagues in the House and Senate and by the host of other friends in Washington and in Louisiana who mourn his passing. My deepest sympathy is extended to Mrs. Brooks and Ann and to the other members of his family.

An Arms Control Agency Should Not Be Established at This Critical Hour

EXTENSION OF REMARKS

OF

HON. BEN F. JENSEN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1961

Mr. JENSEN. Mr. Speaker, I have listened to the debate on this bill to establish an Arms Control Agency with concern and deep misgivings as to its real purpose and benefit to our country and to our allies.

The bill proposes that an agency be established with no definite authority or actual responsibility, but to act only in an advisory capacity under the jurisdiction of the President and the Secretary of State.

Arms control for whom? For the United States of America only and for no other nation on earth, including Russia of course.

Mr. Speaker, let us not forget that the U.S. Congress does not and cannot legislate for any other nation on earth, friend or enemy.

True, every nation on earth is willing to accept our dollars by the billion and with few strings attached, but they will control their own armed might, weak or strong, whether we like it or not, which has been proven time and time again.

Mr. Speaker, I shall not be a party to passing a bill such as this to place another agency between our able, experienced military experts and the President of the United States, present or future. The last April Cuban fiasco should have cured us of delegating additional war or peace recommendations to the State Department, which this bill does in just so many words.

We have the United Nations Organization, with headquarters in New York City. That Organization was established primarily to keep the world at peace. Russia is a member of the United Nations, and was in 1951. But that did not stop her from marching on Korea. Is anyone naive enough to believe that they will now follow suit if we pass this

bill and that they will make any attempt to control their armed might and even if they agree to do so, why of course they will not, but to the contrary. The Communists will build stronger their armed might, while word will go out to our Western Allies that the United States is actually preparing to reduce its armed might by establishing this so-called Arms Control Agency, and so again, we lose prestige around the world at this critical hour when we should be showing the kind of firmness the American people expect.

Commendation to Ellis J. Pickett and St. George Committee

EXTENSION OF REMARKS
OF
HON. M. BLAINE PETERSON
OF UTAH
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 19, 1961

Mr. PETERSON. Mr. Speaker, the city of St. George, Utah, recently celebrated a very successful centennial under the expert guidance of General Chairman Ellis J. Pickett and his most efficient committee comprising A. K. Hafen, A. Karl Larson, H. L. Reid, Neida Hutchings, Vernon Worthen, Mary Phoenix, and Charles M. Pickett.

This distinguished group—at great personal sacrifice and effort—planned and prepared a celebration that will always be cherished by the people of St. George and the throngs of former residents and visitors who returned to see and visit friends and loved ones. Mr. Pickett and his committee deserve only the highest commendation and I ask you to join with me in paying tribute to them.

It was impossible for me to mention each and every person who contributed to the establishment and progress of St. George in my original remarks before the House on August 28, 1961. To be sure, many of the people who were the very backbone of the community are unsung heroes—history has failed to record their valuable presentations of public service.

One such frontiersman was Brigham Jarvis who was associated with the history of irrigation from the time he reached St. George in 1861 and found a deep swamp between the south end of the east black ridge and the Virgin River. Later he developed this swamp into a farm and rolled down the rushes and washed in sand with the water from the Virgin Ditch, preparing the way for the road and doing away with a breeding place for mosquitoes.

Brigham Jarvis, the promoter of the project known as Jarvis Ditch, was an untiring worker in the various irrigation projects of that area. Under his administration as a councilman, history records, work was begun and completed on Cottonwood Ditch. He and the mayor were named to select a route from the gulch to the city. By the end of his term as councilman, the work was completed and the water entering the valley over the red hill to the north. This provided a water supply for the establishment of a city water system later; a system equaled by few and surpassed by none.

To the fathers of St. George—past and present—I rise in respectful appreciation and commendation.

Administrator James E. Webb, of National Aeronautics and Space Administration, Provides Inspired Leadership; Addresses West Virginia Kiwanis Convention

EXTENSION OF REMARKS
OF
HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES
Tuesday, September 19, 1961

Mr. RANDOLPH. Mr. President, it was the good fortune of the West Virginia Kiwanis Convention last night to have as the annual banquet speaker at beautiful Blackwater Lodge the Honorable James E. Webb, Administrator of the National Aeronautics and Space Administration.

The program, with stimulating speakers and wholesome group participation, ended today for the 421 Kiwanians and their wives who were registered for the convention. They represented 52 of the 58 clubs of West Virginia having a total membership of over 2,850.

J. Kenton Lambert, of Parsons, is the capable district governor for the clubs of the State. He was active in carrying out the successful convention. Dr. Vernon Duckwall, of Elkins, was the effective convention chairman. Arnett Baughman, of Phillippi, was the busy program chairman. My cherished friend and fellow townsman, Gordon Barrick, was among the many persons who contributed and cooperated for the worthwhile event.

The "We Build" motto of this service organization is truly practiced by the men of Kiwanis in West Virginia. Their civic projects and their public affairs efforts, including constructive community activities, are reflected in an awakened and responsive citizenry.

Mr. Webb spoke without benefit of text and therefore, to my regret, I am not able to include his remarks in the RECORD. However, from his wide and varied experience as a business leader, as an educator, and as an administrator, the diligent and gifted Oklahoman delivered a most thoughtful and stimulating talk on administrative problems in general and on some of the specific challenges which confront our space exploration program. I was most impressed, as was his audience, which gave him a standing ovation at the conclusion, by Administrator Webb's insight and comprehensive grasp of the problems in his agency. I have every confidence that under his inspired leadership America will achieve and maintain a commanding position in the fields of space science and technology.

I ask unanimous consent, Mr. President, to have printed in the CONGRESSIONAL RECORD, my remarks in introduction of James E. Webb.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR JENNINGS RANDOLPH, DEMOCRAT, OF WEST VIRGINIA, INTRODUCING HON. JAMES E. WEBB, ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, WEST VIRGINIA KIWANIS CONVENTION BANQUET, BLACKWATER LODGE, MONDAY, SEPTEMBER 18, 1961

The National Aeronautics and Space Act of 1958 gave to its created Agency a wide mandate, encompassing in part the following missions: the expansion of knowledge of atmospheric and space science; the development and operation of space vehicles and improvement of aeronautical and space vehicles; the preservation of U.S. leadership in aeronautical and space science and technology, and in the application of such knowledge to peaceful activities; interchange of information between civilian and national defense agencies; study of potential benefits to be gained for mankind through space activities; and the "cooperation by the United States with other nations and groups of nations in work done pursuant to this act and in the peaceful applications of the results thereof."

Shortly before his inauguration, President Kennedy received from his task force on space policies an appraisal of the extent to which these goals were being fulfilled. The report was critical of many aspects of our space operations, suggesting that there was too much emphasis on the man-in-orbit project, too many competing programs, lack of adequate central direction in the setting of priorities, and not enough "vigorous, imaginative, and technically competent top management people in the National Aeronautics and Space Administration."

The appointment of James E. Webb as Administrator was one of the President's first affirmative steps to correct the situation, and one which has been widely applauded within the scientific community. The wisdom of the President's choice has been confirmed by the vigorous administration of Mr. Webb, which has brought new energy and coherence of planning to what is probably the most varied and extensive research and development program ever undertaken by any government.

The NASA program of basic research embraces the physical, chemical, biological and aeronautical sciences, and it ranges from materials testing, and laboratory experiments in the life sciences to deep space probes at vast distances from the earth.

In aeronautics, NASA is—among other activities—conducting the X–15 program for high speed, high altitude flight in cooperation with the Air Force, the Navy and industry, while also doing research and supporting development on vertical takeoff and landing aircraft and steep takeoff and landing aircraft.

The space research program involves at present some 14 different space vehicles, each carefully planned for specific research functions, ranging from the original Vanguard with an initial thrust of 28,000 pounds to the projected Saturn (C–2), for flights in the vicinity of the moon, with an initial thrust of 1,500,000 pounds. To carry on this program, Congress appropriated over $950 million for research and development for fiscal 1961, more than twice that of the preceding year, and $1,220 million for NASA research and development in fiscal 1962.

This, fellow Kiwanians, is the very sizable task of administration undertaken by Mr.

Webb; and behind every headline of a new satellite launching there is an intricate and involved web of operations which was not even conceived 10 years ago. The next decade will provide even more exciting revelations, and if the history of scientific development is any guide, we may safely assume that many of these discoveries have not yet been envisaged.

For this reason, the task of NASA Administrator requires not only a person of scientific knowledge and administrative abilities, but also one who can conduct our space program so that it is more than merely an adjunct to the cold war. Jim Webb is such a leader. Of all the fields of science, this is the one which should impress us with the unity of mankind, or to quote one of America's leading spokesman of science—Eugene Rabinowitch:

"If there is a field of science in which mankind as a whole is facing the universe and in which the division of mankind into different political and ideological units becomes a minor irrelevancy, it is the exploration of the earth as a whole and of the cosmic space around it. A clear understanding of the disproportion between the narrow ambitions of the various fragments of humanity and man's confrontation with the immensity of the universe could become an important step toward the realization of the common origin, common fate and common aspirations of all mankind" (Bulletin of Atomic Scientists, vol. XVII, No. 5, p. 171).

I am grateful that President Kennedy appointed a man with the imagination, the knowledge and the wisdom to lead America's space explorations in this direction. We are fortunate that this convention program features his address at tonight's banquet. It is our privilege, then, to present to this West Viriginia audience, our honored guest speaker—James E. Webb.

Longevity Step Increases for Postal Employees

EXTENSION OF REMARKS

OF

HON. ROBERT F. ELLSWORTH

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1961

Mr. ELLSWORTH. Mr. Speaker, yesterday I was privileged and pleased to join 360 Members of this House in support of the postal longevity bill, legislation designed to establish a more equitable method for granting longevity step increases for postal employees and thereby correct a gross injustice in the Government service that has existed far too long.

During the course of the debate on this bill some very interesting facts were revealed. For instance, in excess of 80 percent of postal clerks and carriers spend all their working lives in one salary level while other Federal employees who come under the Classification Act advance to other salary levels. And, further, that two-thirds of the employees of the postal service are in level 4 and are frozen there, rarely having the opportunity to move to higher levels. For this reason longevity pay is vitally important to them.

We, in this country, have come to expect and indeed, demand prompt and efficient handling of our mail and we do not hesitate to complain on those rare occasions when orderly delivery is disrupted. However, the Congress, whose responsibility it is to provide compensation for Federal employees, has not been so prompt and efficient in giving recognition to and rewarding the dedicated postal clerks and carriers who provide us with good and faithful service.

I was not appointed a member of the Post Office and Civil Service Committee of the House in time to vote for the postal longevity bill in committee but I wish to express my appreciation to the committee on behalf of the postal employees in my district for their favorable action on this legislation. It is my hope that the measure will become law as quickly as possible.

Upper Colorado Transmission Lines

EXTENSION OF REMARKS

OF

HON. BEN F. JENSEN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1961

Mr. JENSEN. Mr. Speaker, following the debate and House action on the Colorado River storage project recently, I have had many inquiries relative to this issue and requests for basic information dealing with this subject. A brief background prompts me to point out that this project was authorized in 1956 for the purpose of developing the water resources of the Upper Colorado River Basin, the main purpose being water storage for irrigation and for municipal needs; also flood control. Power is incidental to the aforenamed objectives. This, of course, has always been the criteria on which these projects are approached as set forth in the original law.

When this project came into being, it was widely supported in the five-State area. Private utilities joined with all groups in support of this project. The plan at that time was that the Government would construct necessary transmission lines connecting these installations, and the utility companies agreed to wheel the power to the preference customers under contract with the Department of the Interior. At the time that this project was authorized, the House Interior Committee stated:

> The proposal by the power companies seemed entirely reasonable to the committee. The proposal is consistent with the policy expressed by the Congress for many years in appropriation acts and elsewhere. The Department of the Interior advised the committee that it was sympathetic to the private companies' proposal and indicated that the suggestions would be given studied consideration if the project were authorized. Therefore, the committee expects the proposal to be carefully considered by the Department of the Interior and the electric power and energy of the project to be marketed, so far as possible, through facilities of the electric utilities operating in the area, provided, of course, that the power preference laws are complied with and project repayment and consumer power rates are not adversely affected.

This briefly states the intention of Congress when this act was authorized, and if the utility companies' proposals are in keeping with this declared intention it would seem sensible to negotiate contracts which would eliminate the need for the Government building these lines. At the same time the preference customers would be protected with a supply of power, as these wheeling contracts would deliver power to the preference customers in keeping with the wishes of the Department of the Interior.

Mr. Speaker, I have long been interested in the development of the resources of our country. I have long been interested in the rural electrification program and many of the transmission lines, including the line to Granite Falls in Minnesota and into my State of Iowa. I personally took a hand in bringing these bills to final action in the Congress of the United States. I do, however, feel that where private enterprise can be harnessed to work with the rural electrification program, the municipalities and the Government, such an objective is entirely desirable. I believe that sort of a plan could be worked out and should be worked out in the five-State area involved in this controversy. It becomes crystal clear to me that the public ownership enthusiasts will never settle for a partnership of any kind, no matter how desirable the terms may be. It would also appear a very likely possibility that the time will come when the same public ownership crowd will absorb the rural electrification installations throughout the country as their end objective is to be realized.

Mr. Speaker, I wish to insert in the RECORD a letter that I sent to the membership of the House. My very distinguished colleague, the gentleman from South Carolina [Mr. RILEY], joined me in circulating this letter, which contains all the pertinent factual information necessary so that the public may know the facts surrounding this case:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 9, 1961.

LET'S KEEP THE RECORD STRAIGHT

DEAR COLLEAGUE: One of the most controversial issues of this session involves the question, "Will private enterprise or the Federal Government build the transmission lines for the Colorado River storage project?" As members of the Subcommittee on Public Works of the Committee on Appropriations, we have examined voluminous testimony on all sides of this subject, and have come to the firm conclusion that private enterprise, which has stood the acid test of time, can do this job better and cheaper for all concerned. In this issue a very basic principle will be put to the acid test on the floor of the House of Representatives. This is most definitely a case of Federal versus private power.

Just to keep the record straight we are sending this letter to every Member of the House. At the proper time an amendment will be offered to delete the funds for the controversial transmission lines and we urge your support for the amendment.

The present controversy has now been clearly revealed as one of ideology rather than economics, engineering, or even concern about the burden on the already overburdened taxpayers of the Nation. Insistence on construction of the all-Federal system—in the face of a greatly superior alternative proposal by the five electric companies presently serving the area—also indicates an apparent disregard for the fiscal solvency of America. Approval of the companies' offer would save $135 million in Federal construction funds over the next few years, which could be spent more properly on vital defense programs in this period of national crisis.

Other major benefits would accrue from the companies' offer. To highlight just a few:

1. It would produce at least $61 million in Federal taxes and $107 million in State and local taxes over the 50-year payout period. These would increase to a total of $105 million in Federal taxes and $184 million in State and local taxes over the Bureau's 86-year study period.

2. It would pay out the project 7 years sooner than the all-Federal proposal, thus providing necessary funds earlier for more irrigation assistance.

3. It would deliver power to preference customers at the same price as the all-Federal system, and in many cases the power would be delivered at points far more convenient for preference customers than under the all-Federal grid.

4. The integrated five-State company proposal would have greater capacity, greater stability, and greater efficiency to meet the present and future power demands of all customers in the area.

Just a few days ago on September 1, the Upper Colorado River Commission—the organization recognized and approved by an act of Congress in 1949 to supervise the regulation, conservation, and utilization of the waters of the upper Colorado—passed a resolution endorsing the companies' offer over the all-Federal scheme. This Commission, representing four sovereign States, is in a better position than any other group to know which plan would be best for all concerned.

Officers of the International Brotherhood of Electrical Workers from the project area representing several thousand taxpaying union members appeared before our subcommittee in opposition to the all-Federal transmission system.

The American Farm Bureau Federation representing 1,600,000 farm families throughout the United States has taken a firm stand against construction of the all-Federal transmission system of the Colorado River storage project as being wasteful, uneconomical, and unnecessary.

It has been intimated that construction of these lines by private utilities would cause a tollgate to be established which would be against the interests of the preference customers. Nothing could be further from the truth. The administrators of Bonneville Power Administration, Southeastern Power Administration, and Southwestern Power Administration all testified before our subcommittee that the wheeling arrangements and resultant coordination of the Federal and private power systems in their respective areas have worked extremely well and to the benefit of all concerned. Let us have the same type of partnership for this region.

The general arguments made by proponents of the all-Federal transmission grid concerning perpetual rent, yardstick, utilities' control of the project, and so forth, are misleading and are charged with emotion rather than reason. Any fair and well-informed person can plainly see these arguments are intended to hide the grand design for an all-engulfing federalized giant power grid completely covering the Nation. The threat of a federalized giant power grid is not a figment of imagination; it is here; this is a major leg of it.

We are sure you will agree that if federalization of the electric utility industry comes, then federalization of farming, retailing and all other businesses in America cannot be far behind.

If it were possible to put this proposition fairly and squarely to the people of the region affected, there is no question in our minds but that the people would overwhelmingly be against the all-Federal transmission system.

The issue of Federal versus private power is crystal clear. The offer of the five taxpaying electric companies is indisputably much more beneficial for all taxpayers, preference customers and irrigators.

Therefore, we sincerely urge you to join us in voting for the amendment to reject the all-Federal transmission grid when the public works appropriation bill is considered on the floor of the House.

Sincerely yours,

BEN F. JENSEN.
JOHN J. RILEY.

St. Louis Blue Cross-Blue Shield Continues Coverage for Retirees

EXTENSION OF REMARKS
OF
HON. LEONOR K. SULLIVAN
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 19, 1961

Mrs. SULLIVAN. Mr. Speaker, some time ago—on May 15—I inserted in the CONGRESSIONAL RECORD some remarks based on a letter I had received dealing with the question of hospitalization and surgical insurance for retirees and their families. The woman who wrote to me had protested that when her husband went on retirement at age 65, the health insurance coverage he had carried while working was canceled. When the couple applied to Blue Cross-Blue Shield for nongroup coverage, the husband was accepted but the wife was turned down because of a prior health condition.

I pointed out in my remarks that the St. Louis Blue Cross-Blue Shield program was one of the first in the Nation to extend coverage to people over 65. But I called attention to the particular kind of problem raised by the case I cited.

Mr. Speaker, I am now happy to report that after investigating the facts in the specific case which prompted my remarks of May 15, Mr. T. R. O'Brien, executive secretary of the Missouri State Medical Association, to whom I gave the name of the family involved, has advised me that the couple never had coverage under Blue Cross-Blue Shield, but was covered by a commercial carrier while the husband was employed.

Mr. O'Brien advised me that anyone who has Blue Cross-Blue Shield coverage under the St. Louis plan as an employee can continue coverage after retirement on an individual basis, with such memberships "normally subject to cancellation only for nonpayment of dues."

The case I referred to in May reflects the hardships of many retired workers and their dependents when health insurance coverage ends with retirement. But I am glad to have the assurance that this does not apply to anyone who, while employed, is covered by the St. Louis Blue Cross-Blue Shield plan.

Address by Senator Wiley Over Wisconsin Radio Stations

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Tuesday, September 19, 1961

Mr. WILEY. Mr. President, over the weekend I was privileged to discuss topics of significance, not only to Wisconsin, but to the Nation, in a broadcast over a network of radio stations in my home State.

I ask unanimous consent to have the text of this address printed in the CONGRESSIONAL RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Friends, annually, you and I—as American taxpayers—are being hit with higher and higher taxes. In 1960, for example, we—and business and industry—"shelled out" $113 billion alone in State and Federal taxes. This represents a sharp increase above the $99 billion for 1959.

Laboring under such a gargantuan tax-load, we have a right to ask: "Are we getting our money's worth in governmental protection and service?"

Now it is true that the development of a more complex economy, a fast expanding population, and changing national and world conditions, have resulted in extensions of governmental services.

Unfortunately, however, such expanded activities have, too often, suffered from serious deficiencies.

For this reason, a 12-man bipartisan Commission, headed by former President Herbert Hoover, was created in 1953. The purpose was to make a top-to-bottom study of the operations of Government and recommend ways in which to improve and streamline its activities.

The objectives included efforts to sharpen up the tools of management, often found deficient; cut redtape; put greater stress on accountability for stewards of public trust; stop waste; streamline operations to prevent duplication and overlapping of services; and generally promote greater efficiency and economy in Government.

Over the years, the Commission's recommendations have resulted in estimated savings of $3 to $4 billion annually.

With ever bigger and bulgier Federal budgets—estimated at $88 billion for 1962—however, there is a need for a still more watchful eye on Federal spending. Consequently, I believe we need a permanent Hoover-type watchdog commission to serve as a guardian of the purse string.

The objectives would include cutting out waste and duplication, stopping unnecessary

competition among Federal agencies or services, eliminating activities that are nonessential or that could better be performed by State and local governments or private enterprise, and generally to promote greater efficiency and economy.

I have urged, therefore, that during the congressional recess, the Senate Committee on Government Operations consider and prepare recommendations for the establishment of a permanent watchdog committee to protect the interests of the taxpayer.

If no useful recommendations are forthcoming, I shall introduce such a bill in the next session of Congress.

EXPANDING SHIPMENTS OF MILITARY CARGOES THROUGH THE SEAWAY

Now I want to turn to another topic of interest to Wisconsin and all the other Great Lakes States: That is, increasing the flow of trade and commerce on the Great Lakes and on the St. Lawrence Seaway. For what purpose? To create more jobs, to stimulate business, to create great demands for service, and to generally "spark" new economic life.

The seaway—completed in 1959—provides a less expensive route to the ports of the world. Following its opening there has been a substantial annual increase in traffic. However, there is, in my judgment, still a need for further revision of shipping patterns—both governmental and nongovernmental—to take advantage of the opportunity for savings offered by the seaway.

Because of this, for example, I—joined by fellow Senators from the Great Lakes—recently urged the Defense Department to reexamine its transportation pattern and route more military cargo, headed overseas, through the Great Lakes and the St. Lawrence Seaway.

Until now, this less expensive water route has been largely neglected. In 1960, for example, the United States shipped about 12 million tons of military cargo overseas. Of this tonnage, only about 70,000 tons (less than .6 of 1 percent) was routed through the Great Lakes-St. Lawrence Seaway—despite the fact that about 40 percent of U.S. production—including great amounts of military goods—are manufactured in areas adjacent to the Great Lakes.

The jointly sponsored recommendations to the Defense Department included:

1. A new look at transportation policies to assure the most economical service;

2. A program of "test shipments" by the Great Lakes-St. Lawrence Seaway to determine how much can be saved for the taxpayers;

3. A review of shipping standards to protect lake ports against discriminatory regulations in comparison to Gulf-Pacific-Atlantic ports;

4. Establishment of a Great Lakes Transportation Command—similar to such commands on other coasts—for shipping military cargoes overseas.

In my judgment, larger volumes of cargo should be shipped through the seaway.

According to estimates, $1 to $3—or more—per ton could be saved for the American taxpayer by utilizing this less expensive route to destinations around the world. This could amount to millions of dollars.

This week, I received a reply from Secretary McNamara, indicating that a task force has been established to study the proposal. Among other things, it will examine freight rates, routing procedures, terminal operations, availability of shipping and all other considerations involved in moving cargo from production plants to destinations overseas.

According to the Secretary, this comprehensive study would require about 90 days. Regrettably, this would prove too late for change during the 1961 shipping season. However, a revision of shipping patterns for military cargo—which I believe should be forthcoming from the study—would mean an increased volume of traffic for the Great Lakes-St. Lawrence Seaway system for the 1962 season.

SEAWAY TRAFFIC: A TWO-WAY STREET

We recognize, of course, that there are additional steps needed to increase trade and commerce through the seaway. These include constructive efforts to: assure fast, smooth handling of shipping through the seaway itself, eliminating bottlenecks and expediting traffic; speed up completion of port and harbor development projects, to enable ports to expeditiously handle available traffic and larger volumes of trade and commerce for the future; enlarge research efforts to find markets for the wide variety of products of the agricultural-industrial complex of the upper Midwest—the greatest in the world; encourage greater cooperation among Lake States in the development of trade and commerce.

Trade, of course, is a two-way street. Consequently, we need to constantly try to improve our competitive position.

For this reason, I have also urged a new look at U.S. trade policies.

ENCOURAGING FAIR RATES ON OCEAN SHIPPING

We, in this country, are accustomed to the idea that each part of a round-trip ticket costs the same. But this apparently is not the case in ocean shipping.

I am deeply concerned, for example, about the disparity in shipping rates between what is charged to American exporters, on the one hand, and what is charged to foreign exporters of the same products, on the other hand.

Normally, international conferences—attended by the United States—are held to help establish rates on ocean-shipped commodities.

Unfortunately, however, the United States, too often, comes out on the "short end."

In probing the situation, such vast discriminations as follows, were discovered:

On cheese shipped to Mediterranean ports, the rate amounts to $6.38 per hundredweight; by contrast, rates on such commodities shipped to this country amount to only $3.84 per hundredweight—or about half the cost.

Similar unjust rates apply to shipments of electrical equipment, farm machinery, and other commodities.

Because of this unfair situation, I have urged a complete new look at our international rate-setting policies; particularly, I have urged a stronger more realistic effort to serve and protect the interest of U.S. farmers, shippers, and others by our U.S. representatives to the rate-setting conferences.

Address by Senator Carroll Before National Child Welfare Commission of the American Legion

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EXTENSION OF REMARKS

OF

HON. JOHN A. CARROLL

OF COLORADO

IN THE SENATE OF THE UNITED STATES

Tuesday, September 19, 1961

Mr. CARROLL. Mr. President, my home city of Denver recently played host to many thousands of members of the American Legion and its auxiliary and allied organizations. One of these was the National Child Welfare Commission of the American Legion, which invited me to discuss the current situation in the field of juvenile delinquency, because of my interest in the problem and my membership on the Senate Judiciary Subcommittee To Investigate Juvenile Delinquency.

Unfortunately, a conflict with important committee meetings, in addition to adjournment legislation on the floor of the Senate, made it impossible for me to deliver this talk in person, but these remarks were delivered in my behalf by Mr. Lawrence M. Henry, U.S. attorney for Colorado.

Mr. President, I ask unanimous consent that there be printed in the CONGRESSIONAL RECORD my address, delivered on September 8, 1961.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR JOHN A. CARROLL, OF COLORADO, TO NATIONAL CHILD WELFARE COMMISSION OF THE AMERICAN LEGION, SEPTEMBER 8, 1961

I am grateful for the opportunity to impart a few thoughts about the current situation in juvenile delinquency. My only regret is that the pressures of time in the closing days of this important session of Congress prevent me from appearing before you in person and exchanging views with you on this important subject.

As members of the National Child Welfare Commission of the American Legion, you probably have heard and read many statistics on juvenile delinquency. Let me recite just a few:

Juvenile delinquency in the United States increased by 177 percent from 1948 to 1959. It is continuing to rise at a frightening rate. There were 773,000 cases reported in 1959, the last year for which complete statistics are presently available. It has been estimated that by 1967 2 million young people will be arrested every year for offenses against the law. Types of offenses involving juveniles are steadily growing more antisocial and more violent. A few years ago juvenile crime was, typically, theft, vandalism, or joyriding in a "borrowed" automobile; now it may be assault with the deadliest kind of weapon; murder, rape, and mutilation.

The Senate Subcommittee To Investigate Juvenile Delinquency, of which I have been a member for several years, has conducted studies in cities across the Nation. In New York City, where the general crime rate rose by 4.5 percent in 1960, the rate of offenses for those between the ages of 16 and 20 increased by nearly twice as much—by 8.9 percent. And this is the pattern in most places. In California, Attorney General Stanley Mosk says 61 percent of all arrests for auto thefts are juveniles, and 44 percent of all burglary suspects arrested are juveniles. Many are repeaters.

It is true that the big, congested cities are the ideal breeding ground for this malignant social illness. But juvenile delinquency is spreading to the suburbs, and into rural and semirural communities. Early in 1960, the Senate passed a bill to provide Federal aid for training and research into means of combating juvenile delinquency. During the debate I urged the Senate to consider the recent report of the Colorado Legislative Council, titled "Juvenile in Trouble," which said:

"Juvenile delinquency in Colorado is not concentrated primarily in urban areas.

Many of the smaller counties had a higher incidence of delinquency than the larger ones."

The recent annual report of our Senate Subcommittee on Juvenile Delinquency, formerly headed by the late Senator Tom Hennings, of Missouri, and now ably led by Senator TOM DODD, of Connecticut, made the same point. It showed that the largest percentage of increase in the juvenile crime rate was away from the cities, in areas which used to be substantially free from serious juvenile misbehavior. Just one statistic: In suburban Montgomery County, Md., which has one of the highest per capita incomes of any county in the United States, nearly 55 percent of all arrests for major crimes during 1960 were juveniles; and this represented an increase of 36 percent over the previous year.

Our Nation has no corner on juvenile crime. There have been serious increases in Great Britain, South Africa, Australia, New Zealand, Germany—both East and West—Austria, Greece, Yugoslavia, France, Sweden and Finland. And in Soviet Russia. But that is cold comfort to us.

How do we halt this trend? Some people contend that the problem has been studied to death, and that now we need action. Others say that you cannot hope to cure a disease unless you can define it and diagnose it rather precisely. And this, no one can yet claim to have done.

I think both schools of thought are essentially correct. We must act now—and we must continue to study the root causes, and also evaluate the effects of the remedies we are trying out.

Some of the reasons for delinquency are perfectly obvious. Others are still in the realm of theory. We know, for example, that there is no human factor as potentially explosive as a teenager youngster with nothing to do, no place to go, no job, no hope, no future in sight. There are many thousands of these young people in the big cities of our land—and in small towns and rural areas too. This is essentially a problem of poverty. What about the middle class, which makes up the much larger group of Americans?

We know that family and community life in America have undergone a revolutionary change in the last generation. There used to be a well-defined social circle—a big and close-knit family, a familiar neighborhood, the church, the school, the stores where the shopkeeper knew you by name. Everybody within the circle knew everybody else, and knew him pretty well. The father was the breadwinner and the source of authority. Divorce was uncommon. Supper was on the table at a certain hour and everybody was expected to be there.

The family was the keystone of this arch. A big part of a growing youngster's world consisted of his grandparents, his uncles, aunts and cousins. They may have gotten in each other's way sometimes, but they afforded a great sense of security, of belonging.

Now, people are infinitely more mobile. Families move more frequently, and instead of moving a few blocks away they may well move across the continent. Fathers hold down two jobs to give their families more comforts. But they are sadly missed at home. More mothers work, and return home tired. Transportation is easier and faster, so the old hometown or the city neighborhood do not mean as much as they used to. Suburbs are growing rapidly, but many families still cannot sink permanent roots there. Television is a powerful new factor in leisure. Broken homes are much more common now.

Violence and threats of violence are part of the picture too, and not just on television. When whole nations behave like international gangsters and seem to get away with it, young people who are only beginning to evaluate their role in the world may be confused about moral values.

It is quite clear that the old patterns are gone. New ideas and new approaches must be tried to deal with a fast-changing situation.

The primary responsibility is—and always will be—on the parents of young children. They can do more than any government or any group of private agencies to impress on their children the need for moral standards. They must offer the example. They must take the time to show responsibility, authority, sincerity, sympathy, and understanding to their own children—no matter what the inconvenience and the temptation to slough off the burden on someone else. This is a hard fact. It calls for personal sacrifice and self-control. But it is a moral and patriotic duty as well as a grave personal responsibility.

Churches and private civic groups are a great asset in battling delinquency. They have proved themselves highly adequate and they are more concerned now than ever before with youth and its problems. And I want to take this particular occasion to commend the American Legion and its child welfare commission for their splendid work in this field.

The public institutions have their responsibilities too. The schools do their best, I think. They are trying to cope with huge enrollments and new challenges too. They will move just about as fast as the parents and the community want them to move.

Local governments carry a major share of the burden of juvenile delinquency control. Most of them have problems too—problems of taxation, leading to inability to pay good people to work with juveniles, and inability to pay them the salaries they need to support their own families. But many cities and counties are doing magnificent work in spite of this handicap. Denver's own Judge Philip Gilliam of the juvenile court has achieved international recognition for outstanding work. I include in my praise many police departments which have dedicated groups of men assigned to the juvenile detail.

State government action is relatively new in this field, but under the strong and enlightened leadership of Colorado's Gov. Steve McNichols the States have now begun to make intensive studies and I look for major contributions from the States in the years ahead. Incidentally, Colorado has had excellent people working in the child welfare field. State Representative Elizabeth Pellet, of Rico, has headed a bipartisan committee of the Colorado Legislature which spent several years of quiet, patient studies leading to some important changes in the State laws governing child welfare.

Finally, the Federal Government must offer some assistance, in the view of the Kennedy administration and most Members of Congress. Juvenile problems are national in scope. Since the Federal Government has preempted most of the sources of revenue, it owes the local and State governments some help with juvenile delinquency.

What should the Federal Government do? Our President, John F. Kennedy, feels strongly that there is a responsibility to share the burden and lead in the attempts to find solutions. Attorney General Robert F. Kennedy has assumed personal responsibility for efforts to help the States and local governments. So has the Secretary of Health, Education, and Welfare, Abraham Ribicoff, former Governor of Connecticut.

We in Congress have launched several major legislative attacks on juvenile delinquency. In fact, we have been trying to get bills passed for several years now. This year we are getting creative leadership from the White House.

One of these measures would set up a limited program of Federal aid, to be matched on the State and local levels, for training professional workers in the field of juvenile delinquency—caseworkers, policemen, juvenile probation officers, and other specialists who are making youth and its problems their career. There is a severe nationwide shortage of these people. Miss Charline Birkins, our Denver director of welfare, wrote me some months ago, and I quote: "It is a sad commentary that there are fewer trained child welfare workers in the departments of public welfare in Colorado than there were some years ago." And this is true in many areas. Even where there are more workers, the need for still more is growing acute.

In the same measure there would be provision for pilot projects in a few specially selected localities to determine the best ways of dealing with specific problems of juvenile behavior, such as identifying potential delinquents at an early age, so they can be steered away from trouble.

I am happy to report that the House, only last week, passed a bill which would provide a modest 3-year program to accomplish these goals of pilot projects and Federal aid for training juvenile workers. The Senate, earlier in the year, had passed a similar bill, endorsed by the Juvenile Delinquency Subcommittee, and I am proud that it carries my name as a cosponsor. A conference committee will soon be ironing out the differences between the House and Senate versions. This bill is known as S. 279.

A further possible solution may lie with another bill I am cosponsoring—or with one of several alternative measures now under consideration and backed by the Kennedy administration. This would establish a Youth Conservation Corps of young men, nondelinquents, who would volunteer to train and work under professional conservationists for enrollment periods of 6 months or more, at a modest pay plus subsistence.

Most of us remember the Civilian Conservation Corps of the Roosevelt administration years. Colorado has been permanently beautified, and its natural resources conserved and enhanced, by the CCC. Better still, thousands of young men who might otherwise have become hoboes or criminals were given a new outlook, a new horizon by being put to work in God's great outdoors doing hundreds of tasks which might never have been done. And I do not mean leaf raking or shovel leaning. I mean such permanent and necessary things as reforestation; the stabilization of streambanks for water conservation; the improvement of timber stands; reseeding of eroded lands; control of insects and other pests; development of small watersheds; construction and rehabilitation of outdoor recreation areas. There is a great backlog of needed work to be done now in the national parks and the national forests.

The benefits of this program would be twofold. Young men between 16 and 21 would be offered a chance to get off the streets of crowded cities and out of the doorways of tenement buildings. They would be introduced to the dignity and the fulfillment of physical work in the clear air and strong sunshine of the National and State parks and forests. I think this approach can change many lives for the better—and, incidentally, help to protect our priceless natural resources.

With the backing of this administration, I think we have a good chance of enacting such a program into law during the 87th Congress.

It is a source of great satisfaction to me that Colorado is already moving ahead with a State program of its own. The McNichols

administration has set up a new position of State youth services director. It is hoped that the legislature will authorize youth camps for rehabilitation of boys who have already had some trouble with the authorities. They would do forestry and range management work. Later the program could be expanded to include those who have not yet fallen into juvenile delinquency.

The Federal Government can and must also tackle the problem of expanded vocational training for youth. The House is now working on a bill which would deal with the fact that young people between the ages of 16 and 22 make up one of the groups in which hard-core unemployment exists. They have not had an opportunity to learn many useful skills. Present apprenticeship programs are not broad enough to include great numbers of young people who have left school. Labor Secretary Arthur Goldberg has suggested a combined private and public attack on this training problem. The House bill, H.R. 8354, would set up more on-the-job training, similar to the GI legislation of the 1940's; it also would provide Federal aid to State and local governments to encourage them to provide worthwhile job opportunities for youth, in schools, hospitals and other public institutions. This appears to be a realistic effort to help young people pull themselves out of the mire of street life, out of the unorganized futility which breeds bitterness, apathy and antisocial behavior of all sorts. We as a nation cannot afford to waste the potential talents of this group of unskilled but willing young people.

These are only a few ways we can help combat juvenile delinquency. We must continue to look for new solutions, even while we take action along the lines I have mentioned. I have heard it said that juvenile delinquency is costing the taxpayers of the Nation $3 or $4 billion a year. This probably is true, but I think it may be a mistake to put the problem entirely in such material terms. Even more important is the human tragedy, the loss of useful labor, the blighted hopes of hundreds of thousands of young people, their parents and friends.

A child is a wondrous creature. He wants very much to do things, go places, be somebody—to become a vital part of our common life as a great nation.

Each of us as individuals, and all of us as a people, owe it to youth to help provide the opportunities, the idealism, the challenges, the wholesome stimulation which our young people need. If we can harness this unlimited source of energy to useful, hopeful, constructive purposes, we will be doing the work for which God placed us on earth.

Those Glen Canyon Transmission Lines—Some Facts and Figures on a Bitter Dispute

EXTENSION OF REMARKS
OF
HON. DAVID S. KING
OF UTAH
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 19, 1961

Mr. KING of Utah. Mr. Speaker, recently the House of Representatives voted to appropriate sufficient funds to commence construction of the backbone power transmission lines of the upper Colorado River storage project, by the Bureau of Reclamation. My distinguished colleague from Arizona [Mr. MORRIS K. UDALL] prepared for distribution a statement discussing the above matter. I feel it in the general public interest that his statement be made available to all those interested in this issue. For that reason I now insert his statement in the RECORD:

THOSE GLEN CANYON TRANSMISSION LINES—SOME FACTS AND FIGURES ON A BITTER DISPUTE

(A special report by Representative MORRIS K. UDALL)

Since I came to Congress in May, my office has been flooded with more mail on one single issue than the combined total dealing with Castro, Berlin, aid to education, and foreign aid. Many writers, it soon became apparent, did not have complete or adequate information about the issues or facts involved in this dispute. The matter has now been resolved by the House of Representatives, and it occurs to me that many Arizonians might want a background paper on the facts and issues as they appeared to me. I earnestly hope that those who have criticized my stand will be willing to take a look at the other side of the story—for it has received little attention in the Arizona press.

It is always sad to see a falling out among reputable and important Arizona industrial groups. In these past months we have witnessed a fierce struggle which has divided two important segments of the Arizona electrical industry. For many years Arizona Public Service Co. (APSCO) and such public or consumer-owned utilities as City of Mesa, Salt River Valley Water Users Association, the electrical districts, REA co-ops, etc., have worked harmoniously solving the electrical needs of a growing State. Since early 1961, however, APSCO has been locked in deadly combat with the other groups. Charges and countercharges have filled the air.

The largest part of my mail has directly resulted from a very large, expensive (and most effective) public relations effort by APSCO, working in close cooperation with the Arizona Republic and Phoenix Gazette. Speakers for APSCO have fanned out from its headquarters into every county courthouse and to hundreds of service clubs and civic groups.

Let me hasten to add that I bear APSCO no ill will. It has every right to present its case to the public in any legitimate fashion. As far as I know, its extensive lobbying and public relations programs have been conducted with propriety and are above reproach. Its representatives have treated me with courtesy and friendliness, and I have carefully listened to their arguments. No threats, reprisals, or pressure tactics have been directed against me.

On the other hand there is a strong case to be made for construction of the lines by the Bureau of Reclamation as I shall outline below. The many Arizonians who favor this approach have not been as well organized or financed as APSCO, and they have had meager newspaper support. For these reasons their contentions have not been widely heard or understood.

BACKGROUND OF THE CONTROVERSY

The most important single factor in the growth and economic success of Arizona and the West has been the Federal reclamation program which Theodore Roosevelt began in 1902 with the authorization of the Salt River Valley project—a model multipurpose reclamation job. This was followed by Hoover, Davis, Parker and other dams.

These projects—and future ones like Central Arizona, Buttes Dam, Charleston Dam—may be the key to our future. All of them have been attacked by their opponents as unsound waste of tax dollars; yet every project has been so designed and planned that it would be completely self-liquidating over the life of the project.

The latest chapter in reclamation was written in 1956 when Congress authorized the Colorado River storage project. This project calls for construction of four large dams:

1. Glen Canyon, Page, Ariz.
2. Flaming Gorge, on Green River in northeastern Utah.
3. Curecanti, on Gunnison River in western Colorado.
4. Navajo, on San Juan River in northwestern New Mexico.

In addition the 1956 law authorized more than 35 participating irrigation projects. These will eventually be constructed in Colorado, New Mexico, Utah, and Wyoming.

The plan Congress approved provides a financing system which will return to the taxpayers—over an 86-year period—the full cost of these dams and participating projects. While the project is designed principally to promote irrigation and water control, it has important recreation and other byproducts. But electricity is the key, for most of the revenue to pay out the cost must come from sale of the electric energy produced by the dams. The Federal Government will own and operate the dams and generators, and will sell the energy to (a) publicly owned and consumer-owned utilities, and (b) to private utilities. The public and consumer-owned groups are designated by law as "preference customers," meaning that they have first right to buy available power. Any power not claimed by the preference groups is sold to private utilities. This is the identical arrangement under which the Bureau of Reclamation sells energy from Hoover, Davis and Parker Dams to APSCO, Tucson Gas Electric Co. and to various preference customers. The Bureau has never delivered power to homes or businesses. It sells only to utility companies.

The preference customers in Arizona include cities like Mesa, Safford, and Thatcher which own their own electric system; irrigation districts like Roosevelt Water conservation District in Maricopa County; REA co-ops like Trico, Sulphur Springs Valley, Graham County, Mohave, and Navopache; and electric districts such as the four which serve the farmers of Pinal County.

The 1956 act directed the Bureau of Reclamation to build the dams (as it is now doing at Glen Canyon), install the necessary generators (now on order) and "construct, operate, and maintain * * * powerplants, transmission facilities and appurtenant works." In addition, section 7 of the act provided that "the hydroelectric powerplants and transmission lines authorized by the act to be constructed, operated, and maintained by the Secretary shall be operated in conjunction with other Federal powerplants, present and potential, so as to produce the greatest practicable amount of power and energy that can be sold at firm power and energy rates."

The 1956 Arizona delegation to Congress (Hayden, Goldwater, Rhodes, and Udall) unanimously supported the bill. APSCO and other utilities favored and urged the project.

When Glen Canyon Dam was begun Interior Secretary Seaton undertook to plan and design a "backbone" transmission network which would (a) interconnect the new dams, as well as the one in Green Mountain, Colo.; and (b) move the power to population centers in Arizona, New Mexico, Colorado, Utah, and Wyoming where it could be sold.

In 1959 and 1960 five large private utilities (Arizona Public Service Co., Pacific Power & Light Co., Public Service Co. of Colorado, Public Service Co. of New Mexico, Utah

Power & Light Co.) in these five States undertook a campaign to persuade Secretary Seaton that he should build some of the Federal lines contemplated, but not all of them. They offered to build certain lines—including two from Glen Canyon to the distribution point at Pinnacle Peak north of Phoenix. They offered to make wheeling agreements under which they would transmit the Government's power over private utilities' lines for a fee or wheeling charge.

Secretary Seaton studied the offer, sought private consultant's advice, and, just before leaving office, rejected the offer. Seaton contended that acceptance would result in (a) higher power costs, and (b) would fail to produce the revenue necessary for the whole project to pay out, and build the participating irrigation projects.

In early 1961 the new Secretary of Interior, Stewart Udall, was urged by the utility companies to review this decision. After a careful review and another opinion from private consultants, he confirmed Seaton's findings and decision.

BATTLE MOVES TO CONGRESS

The power companies then carried their fight to the Congress. The 1961 public works appropriation bill contained an item of some $5 million for first-phase construction of the Federal "backbone" lines. The utilities asked the Congress to delete this item. This would have left the Bureau of Reclamation without funds to build the Federal system, forcing it to negotiate wheeling agreements with the five private utilities.

The House Appropriations Committee in early September 1961, after full consideration and lengthy hearings, defeated 27 to 17 an amendment to remove this item from the appropriation. When the bill came to the House floor on September 12, Representative JENSEN, of Iowa, offered an amendment to delete the $5 million item. After a thorough debate the House voted 134 to 114 in Committee of the Whole to retain it. After passage of the bill, Representative JENSEN moved to recommit the entire public works appropriation bill to the committee with instructions to delete the money for these lines. This motion was defeated 224 to 182. I voted with the majority.

The APSCO proposal had been fully debated in the House. The utilities had had their "day in court" and had been defeated. I felt with many other Congressmen that the motion to recommit would only reopen a controversial matter which had been settled, would probably throw the entire matter into the 1962 session—thus delaying and threatening the timing of this gigantic project—and would imperil about $3.6 billion of other important public works projects financed by the bill.

Among the projects which would have been delayed were the Camelsback Reservoir near Safford, $800,000; planning for the Tucson diversion channel, $149,000; Colorado levee system near Yuma, $1,590,000; Gila project in Yuma Irrigation District, $800,000; and Glen Canyon Dam construction, $19,895,000.

THE NUB OF THE DISPUTE

In the framework of this background let me now try to summarize the basic problem as I approached it:

1. At the outset I recognized that the Colorado River storage project (CRSP) is an irrigation and reclamation project. Electricity is secondary, important only as the source of revenue to build the reclamation works.

2. If (and this is the big argument) APSCO and its partners could build the particular lines and wheel power for the Government without endangering payout of the dams and irrigation works, I would favor giving them the job.

3. On the other hand, if handing these profitable lines to APSCO and its associates would drain the project basin fund of revenue to pay out and develop water projects as intended in the act, the Bureau should build the lines.

Since May I have spent hundreds of hours reading the contentions of the two factions, I have attended more than 10 briefing sessions sponsored by one side or the other. Dozens of Arizonians have come to my office to present their views, and hundreds more have written. These expressions have been considered. I listened to every word of the House debate.

Both sides have impressive figures. Both can't be right. Someone is wrong:

(a) APSCO presented beautifully documented brochures and charts which analyzed its proposed construction of lines and wheeling charges. Its figures, if correct, proved that the wheeling arrangement would not result in increased power rates for the preference customers, and would permit the Bureau of Reclamation to pay out on schedule.

(b) The Bureau of Reclamation and the public and consumer-owned utilities present beautifully documented brochures and charts which analyzed the results under Federal construction as against the wheeling arrangement. These figures, if correct, prove that the APSCO proposal would result in either higher power rates for consumers, or deficient payout funds, or both.

The House Appropriations Committee, after extensive hearings found the Bureau figures more persuasive. The committee's decision was supported by the House of Representatives. This seemed the safe course to a substantial majority of my colleagues from other States. If APSCO's proposal had been accepted—and if its figures turned out to be wrong—irreparable damage would have been done to a billion-dollar project. Reclamation—never a popular subject with eastern Congressmen—would have been discredited. Substantial appropriations would be required to bail out an unsound project. Future projects for Arizona and other Western States would have been imperiled.

On the other hand, everyone has agreed that payout would be guaranteed under the Federal system. We have a large enough Federal deficit without gambling on the return of this $1 billion investment.

PARTICULAR ARGUMENTS DISCUSSED

In the balance of this memorandum I will briefly discuss under 14 headings some of the major arguments dividing the disputing forces, and some of the important conclusions which I have reached.

1. APSCO's proposal would discriminate in favor of Maricopa County

In making my decision on this issue I have sought a solution which would distribute impartially within Arizona the benefits of this important project. In my judgment, the APSCO proposal would have given one large private utility in the Phoenix area distinct advantages over other utilities in other parts of the State. These advantages would have included the privilege of integrating Government power into the APSCO system and borrowing it in times of greatest need. This could result in reducing APSCO's construction costs for generation facilities—all to the advantage of APSCO stockholders and its electric customers. Southern Arizona and the Second Congressional District should not suffer at the expense of Phoenix. The Arizona Power Authority, as our State's independent broker in delivering Colorado River power, has made a proud record working in cooperation with both private and public power interests. If the Glen Canyon energy were controlled not by the Arizona Power Authority but by APSCO, the result, in my judgment, would have been a tremendous disadvantage to the electric consumers in Pima, Cochise, Santa Cruz, and Pinal Counties who now receive through the APA a proportionate share of the Hoover-Parker-Davis energy. I was most anxious that my congressional district not be discriminated against in the distribution of this power or the benefits and I became convinced that APSCO's proposal might well have this result.

2. Construction of the Federal "backbone" transmission system is the traditional, accepted pattern of reclamation projects

Historically, the Bureau of Reclamation has always constructed its own transmission lines connecting large dams in an area with each other and with the population centers where the power is delivered. The Government has never gone into the business of selling power to consumers. It has never constructed steamplants but develops power from water sources only. It builds only the backbone or skeleton transmission systems. The flesh and muscle lines are filled in by private and public utility companies. This pattern has been followed with power generated at Parker, Hoover, Davis, and other dams in our area. This Bureau of Reclamation power has been sold to APSCO, Tucson Gas, Electric Light & Power Co., and other Arizona utilities. The lines from the dams to population centers were designed and built by the Bureau of Reclamation, but the United States is repaid in full with interest from power revenues over a period of years.

3. APSCO proposal would not save taxpayers money

It has been broadly claimed that APSCO, by building the lines, would save U.S. taxpayers some $175 million. This is true only from a short-range standpoint. The money to build the Colorado River storage project dams and lines will be fully repaid with interest to the taxpayers in the same fashion as other reclamation projects. In addition, these projects will generate new business and new wealth which will create, as the Salt River project created, large new tax sources. More importantly, however, we should note this: the utilities do not offer to build the lines and transfer the electricity free of charge for the Federal Government. They are asking the Government to pay them every year for the life of the project a wheeling charge. The House Appropriations Committee staff estimates that the Federal Government would pay APSCO and its partners over the life of the project $575 million in wheeling charges. These moneys would have to be appropriated every year and paid by the taxpayers to these utilities. Thus the U.S. taxpayer ends up with a drawer full of rent receipts rather than a revenue-producing asset owned by the Government. True the U.S. taxpayers might make an immediate saving of $175 million by letting APSCO and the other companies build the lines, but will pay the private utilities $757 million for wheeling services. This does not seem like any bargain for taxpayers, and explains why the private utilities can speak so generously about the taxes they will pay.

4. The APSCO proposal would give it control of a $1 billion taxpayer investment

The taxpayers of the United States will have an investment of $1 billion in the dams and works making up the Colorado River storage project. APSCO and its partners proposed to spend about $100 million building the key transmission lines. Yet these lines would effectively control the whole system. The unfairness of this argument was noted in a recent Herblock cartoon in the Washington Post where the private utili-

ties were shown telling the U.S. taxpayer "We generously let you pay for the cow—all we ask is that you let us take the cream."

5. APSCO would have the Government build isolated unprofitable transmission lines

One single important fact has been almost entirely overlooked in all of the controversy. APSCO and its partners have never said to the Government, "Let us build all of the lines you will need for this system." On the contrary, they have always urged that Uncle Sam must and should build many of the transmission lines required to properly interconnect the system. Many of these lines are under construction now. APSCO asks to build only the profitable key lines which are vital to control of the whole system. For example, APSCO still urges Congress to appropriate taxpayers' money to build a line from Glen Canyon to Four Corners. This line runs across the most desolate parts of Arizona, where electrical consumers are as scarce as parking meters. On the other hand, APSCO demanded the right to build the Glen Canyon-Phoenix line because it is the single most profitable part in the system. If it is right for APSCO to build one line, it ought to be willing to build the other.

6. APSCO's proposal would endanger participating projects

As noted above, the Colorado River storage project was primarily intended and designed to finance reclamation and irrigation works in the Upper Colorado Basin States. The officials of these States strongly objected to the APSCO proposal on the grounds that their participating projects could not be financed. It was estimated in the House debate that the basin fund which pays for the participating projects would be $273 million short if the wheeling arrangements were to be made. The Water Conservation Board of the State of Colorado (the official agency of that State in matters pertaining to reclamation development) made an intensive study and took a strong stand for Bureau of Reclamation construction of the lines. Gov. Steve McNichols, of Colorado, urged Governor Fannin and every member of Arizona's delegation to oppose the APSCO proposal. Chairman WAYNE ASPINALL, of Colorado, of the House Interior Committee, a man with more knowledge of reclamation than any other Member of the House, said in the course of the House debate that he had been confused by the conflicting claims and had undertaken to obtain the advice of an independent engineering consultant:

"On the basis of his study, the dollar amounts which would be received as net revenues in the basic fund and available for development of participating projects * * * would be about $117 million more under an all-Federal system than under the private utilities proposal, and the financial advantage of the all-Federal system after the year 2049 would be about $4.8 million per year. Again I point out that this is based upon using the utilities' figures. The Bureau's study comparing the utilities' proposal with the so-called modified system, shows a difference in favor of an all-Federal system of $275 million over the same period."

7. APSCO proposal might result in higher power rates for thousands of Arizona city consumers, farmers, and REA users

One of the major difficulties I had in making a decision was the completely contradictory claims made by the two sides. APSCO strongly claimed that its wheeling proposal would not result in higher rates for customers of the municipally owned systems, of Salt River project, of the REA co-ops, and of the electrical districts. On the other hand the organized consumer groups directly affected expressed deep concern over this prospect and had figures tending to support their views. I have had hundreds of letters from consumers in Mesa, in Pinal County, and elsewhere expressing these fears. For example, Paul Pearce, mayor of Eloy, said in a telegram: "As a farmer in Eloy area firmly believe Federal construction of Glen Canyon Dam transmission system is only method to retain present cheap power rates for irrigation pumping. Suggest and urge your leadership in coming days."

8. This is not a private enterprise versus socialism issue

APSCO and the other private utilities have raised the cry, "Let free enterprise do the job," and all of us can support this slogan as a general proposition. However, this is an emotional argument which bears little weight because APSCO is not engaged in free enterprise as we ordinarily understand it. It is a regulated monopoly with no competitors, with a guaranteed rate of return to its stockholders. Its investments are subsidized in part by quick tax writeoffs. APSCO and its partners did not ask to build the dams; indeed they urged the United States to build them in order to promote the economy of these Western States. They did not cry "socialism" or "Government handout" when the Government built Glen Canyon Dam, nor when it undertook to purchase and install the huge generators there. Socialism became the issue only when the Government undertook to build all of the transmission lines needed to sell the electricity to pay for the dams. The Colorado River storage project is a related, interconnected series of dams, generators, lines, and irrigation works. It seems hardly logical to split off one small, profitable part of an integrated whole and give it to a regulated monopoly in the name of free enterprise.

9. Bureau of Reclamation has an excellent record. It does not seek to dominate private enterprise

We hear many criticisms of our Federal Government and of "bureaucrats," yet Arizonians have nearly always placed the Bureau of Reclamation above criticism. It has an international reputation for building such dams as Hoover, Bonneville, Grand Coulee, et cetera, and its hard-working personnel have constructed more dams and transmission lines than any organization in the world. Interior Secretary Fred Seaton and President Eisenhower thoroughly considered the arguments of APSCO and rejected their proposal. Certainly Mr. Seaton, a prominent Republican Nebraska businessman, has a belief in free enterprise and an opposition to socialism which are beyond question. His decision was made on a nonpartisan basis and it was reaffirmed when the present Democratic administration and the present Interior Secretary reached the same conclusions.

10. The Federal "backbone" system is no threat to APSCO and the private utilities

APSCO and its partners have made extreme charges in the heat of battle, going so far as to contend that the Bureau of Reclamation is trying to dominate the electrical industry throughout the United States. I would fight such an effort if it were ever made, but the argument ignores the facts: when all the dams in the Colorado River storage project are fully operating, they will generate about 1 million kilowatts. APSCO in a booklet filed with my office estimates that the five private utilities involved in this controversy will generate and sell in 1980 a total power load of 20 million kilowatts, or about 20 times the capacity of these dams. I cannot understand how anyone can seriously claim that the power production of these dams could be any threat to private enterprise. The tail will not wag the dog. In the United States more than 80 percent of all electrical customers are served by private power, and this is as it should be. The Bureau of Reclamation now has harmonious interconnection arrangements with APSCO in other Arizona areas. Even under the all-Federal system, there will be particular phases where wheeling arrangements will be made with private utilities in the Upper Colorado Basin.

11. What about the $750,000 in taxes APSCO would pay Arizona?

APSCO has aroused many leaders in northern Arizona by holding out the bait of an estimated $750,000 in taxes which it claims it would pay if it constructed the proposed lines. The estimate is highly exaggerated, according to independent sources, and is nothing more than a guess. Even Representative RHODES, who has supported the position of the private utilities in this controversy, could not accept APSCO's claim that it will pay $750,000 in taxes to Arizona. He placed the figure, in a report to his constituents, at "somewhere between $350,000 and $450,000 annually." In any event, this money was not offered as a charitable contribution from the generosity of APSCO. This tax money would have come from utility charges paid by consumers located principally in Phoenix and southern Arizona. These proposed lines would not have been located in Maricopa, Pima, or any of the large population centers. For the most part, they would have traversed remote, mountainous areas where there are no cities, or crowded school districts with high tax rates, mostly on Federal lands. Taking average taxes for the Phoenix area and applying them to improvements in remote areas is absurd.

Furthermore, APSCO is already building two new generating plants at Four Corners and Joseph City, and is already underway with definite plans for a large transmission line from Four Corners to Phoenix. These lines will pay taxes, even though they don't carry Federal power.

12. The House vote was decisive and bipartisan

The decision by the House of Representatives against the APSCO proposal was decisive and bipartisan. Five States were directly concerned: Arizona, New Mexico, Colorado, Utah, and Wyoming. These States have 11 Congressmen. Ten of the eleven voted for the Federal transmission system: Republicans HARRISON, of Wyoming, CHENOWETH and DOMINICK, of Colorado, and Democrats ASPINALL and ROGERS, of Colorado, MORRIS and MONTOYA, of New Mexico, KING and PETERSON, of Utah, and UDALL, of Arizona. It is probable that Colorado Basin Senators will vote likewise with the exceptions of Senator GOLDWATER and Senator BENNETT, Republicans of Arizona and Utah.

In the House these Republicans, in addition to those named above, voted to reject the APSCO plan: ANDERSEN, of Minnesota; CORBETT, of Pennsylvania; CUNNINGHAM, MARTIN, and WEAVER, of Nebraska; ELLSWORTH, MCVEY, and SHRIVER, of Kansas; HORAN, MAY, and TOLLEFSON, of Washington; MERROW, of New Hampshire; MOSHER, of Ohio; O'KONSKI, of Wisconsin; REECE, of Tennessee, REIFEL, of South Dakota; STAFFORD, of Vermont.

13. Many prominent, intelligent Arizonians oppose APSCO plan

From some of the newspaper publicity, one might conclude that APSCO's proposal was opposed only by a few bureaucrats and misguided liberals. This is not the case.

My office has received hundreds of communications from prominent, intelligent and sincere business, farm, and civic leaders who favor Bureau of Reclamation construction.

Here is a sample of their comments and a cross section of the prominent leaders who support the Bureau of Reclamation position:

Mayor E. J. Brown, Mesa, commenting on appropriation committee action including funds for the Federal grid: "We are sure that the committee has made the move after full consideration of all the factors involved. We commend the committeemen for their action."

William T. Elliott, chairman, Electrical District No. 4, Pinal County: "The directors of Electrical District No. 4 individually and collectively urge your support for Federal construction. We believe this is the only salvation for our members."

Dewey Farr, Navopache Electric Co-Operative, Inc., Lakeside: "Relative to the transmission lines connecting the various Bureau hydroelectric generating plans, I think that those already constructed should remain the property of the Federal Government and that the Federal Government should continue to construct those facilities, for the purpose of transmitting power from generating plants to the points of distribution."

Paul H. Jones, prominent insurance executive, Tucson: "I believe that it would be a mistake to reverse the thinking of the current and past administrations by turning this over to the private power companies. I am a great believer in private enterprise, but I question the advisability of using large amounts of Government funds to build a project and then turn it over to private industry, particularly one who has not always worked completely in the public interest."

Among others who have written to support the Bureau plan are Mayor Don Hummel of Tucson; Mayor C. W. Kirtland of Safford; H. S. Hansen of Coolidge; A. O. Bicknell, Tucson, president of Grand Canyon State Electric Cooperative, Inc.; Arthur J. Faul, chairman of Electrical District No. 2, Pinal County; Edward J. Farrell, chairman, Electrical District No. 3, Pinal County; and Edward Pretzer, chairman, Electric District No. 5, Pinal County.

14. Leading national newspapers favored the "backbone" system

Many of the Nation's leading newspapers, far removed from the West and local pressures, supported the Federal transmission system.

The St. Louis Post-Dispatch said in an editorial: "The controversy over the upper Colorado project is, as we see it, not an ideological one of public versus private power. The question is how to develop most fully the power resources in which public funds are invested for public purposes. If the Federal Government is able to invest nine-tenths of the total cost to build the productive plant, it is certainly able, and has the obligation, to invest the remaining one-tenth for transmission lines to make sure that the product best serves the broad national purpose of resource development for which it was created."

The Washington Post declared: "There is no objection to private companies tying in marketing lines for consumers in the area. But should private companies be allowed to cream off the chief advantage of a public investment by acquiring control of the basic power grid? The plan approved by Congress in 1956 certainly did not provide for such an arrangement; instead it followed the existing pattern of Federal construction."

Similar comments were made in other sections of the country.

The Mesa Tribune, an independent daily in our own State, said: "Official actions of the (Mesa) council and of the (Salt River) project's governing board support public ownership of the lines. * * * The power at Glen Canyon will be produced by publicly owned utilities. Should they be allowed to establish a tollgate for delivery of that power? Federal ownership of the power lines is in the best interest of the whole Nation as well as this area, when the long range is considered."

Later, the Mesa Tribune added:

"Mayor Brown * * * took issue with statements of leaders in several northern areas of the State regarding the possible tax losses that political subdivisions in that section may incur because of Federal ownership of the lines. He pointed out that the lines will be built across nontaxable, publicly owned lands for the most part and he also questioned the $750,000 figure that has been widely quoted as the amount of taxes that would result from the lines being under private ownership."

CONCLUSION

I hope that those who have read this memorandum will better understand the complex factors which led me to vote as I did. Now that it is settled, let all Arizonians, including APSCO and the consumer-owned utilities, resolve their differences and unite in support of reclamation measures which will promote a successful future for our State.

Goals of the New Frontier

EXTENSION OF REMARKS
OF

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1961

Mr. HOLIFIELD. Mr. Speaker, this session of Congress has been one of the most hard-working and productive sessions during my 20 years of service in the House. Under President Kennedy's vigorous leadership, we have already made significant progress toward the goals of the New Frontier, as outlined in our 1960 Democratic platform.

In his nomination acceptance speech in Los Angeles on July 15, 1960, Senator John F. Kennedy outlined the scope of the New Frontier:

It is time for a new generation of leadership—new men to cope with new problems and new opportunities.

All over the world, particularly in the newer nations, young men are coming to power—men who are not bound by the traditions of the past—men who are not blinded by the old fears and hates and rivalries—young men who can cast off the old slogans and delusions of suspicions.

For I stand tonight facing west on what was once the last frontier. From the lands that stretch 3,000 miles behind me, the pioneers of old gave up their safety, their comfort, and sometimes their lives to build a new world here in the West. They were not the captives of their own doubts, the prisoners of their own price tags. Their motto was not "every man for himself"—but "all for the common cause." They were determined to make that new world strong and free, to overcome its hazards and its hardships, to conquer the enemies that threatened from without and within.

Are we up to the task—are we equal to the challenge? Are we willing to match the Russian sacrifice of the present for the future—or must we sacrifice our future in order to enjoy the present?

That is the question of the New Frontier. That is the choice our Nation must make—a choice that lies not merely between two men and two parties, but between the public interest and private comfort—between national greatness and national decline—between the fresh air of progress and the stale, dank atmosphere of normalcy—between determined dedication and creeping mediocrity.

All mankind waits upon our decision. A whole world looks to see what we will do. We cannot fail their trust, we cannot fail to try.

HISTORIC DEMOCRATIC TRADITION

Mr. Speaker, on four separate occasions Democratic leaders in this century have arisen in times of national peril to guide our Ship of State through troubled waters. Each, in his own way, has rallied the American people to greatness from the depths of despair by devising a dramatic program to deal with the grave problems of his time.

In 1912 Woodrow Wilson proclaimed the New Freedom and the Democratic Congress subsequently enacted far-reaching economic and social reform measures.

Franklin D. Roosevelt and his New Deal programs of the depression-ridden 1930's saved the Nation from economic self-destruction. Democratic Congresses enacted the Social Security Act, the Wagner Labor Relations Act, the Rural Electrification Act, the Securities and Exchange Act, the Public Utility Holding Company Act, the National Housing Act, the Fair Labor Standards Act, and many other important measures which have stood the test of time.

Harry S. Truman's Fair Deal programs of the post-World War II years brought forth the Marshall plan, point 4, the Housing Act of 1949, an increase in the minimum wage, liberalizing amendments to the Social Security Act, and an updating of other reform measures of the Roosevelt administration.

President Kennedy's New Frontier program continues in this long-established Democratic tradition. Never before in our history have we faced such tremendous challenges in the world. As he expressed it in his inauguration address:

In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility—I welcome it. I do not believe that any of us would exchange places with any other people or any other generation. The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world.

And so, my fellow Americans: Ask not what your country can do for you—ask what you can do for your country.

During the past 9 months, we in the Democratic 87th Congress have taken the first steps forward toward the New Frontier. Some objectives have already been reached. Others will be reached next year in the second session. The record of accomplishment thus far is truly remarkable:

NATIONAL DEFENSE AND FOREIGN POLICY

We have strengthened our national defense to meet the renewed aggressive

challenges of the Soviet Union in Berlin and elsewhere in the world.

The Kennedy administration has labored tirelessly to rebuild our military strength and to restore our prestige abroad.

Congress has responded by providing new programs to aid the peoples of Latin America and to establish a more efficient, long-range, comprehensive type of mutual security program to strengthen our allies, newly emerging nations, and the underdeveloped areas of the world.

We have established the Peace Corps, a dramatic new program to which our young people have rallied.

We have resumed underground nuclear testing, after making every possible effort to reach a workable test ban agreement with the Soviets in Geneva that would extend the moratorium, while adequately safeguarding our national security.

We have moved steadily ahead on our space exploration program.

We have taken the first steps toward establishing a realistic civil defense program.

We are making new progress in our efforts to achieve some type of international arms control with foolproof inspection systems to save our civilization from the horrors of nuclear war.

SIGNIFICANT DOMESTIC PROGRAMS ENACTED

Mr. Speaker, on the domestic front Congress has enacted a series of major legislative proposals recommended by President Kennedy to stimulate our lagging economy, to promote sound economic growth and development of our human and natural resources, to alleviate the hardships of unemployment, and to promote the well-being of all Americans.

The Democratic 87th Congress has liberalized the Social Security Act, providing $780 million in new or increased benefits during the first 12 months to an estimated 4,400,000 persons.

We raised the minimum wage to $1.25 an hour and extended coverage to 3,600,000 new workers in interstate retail establishments—the first new coverage since the Fair Labor Standards Act was enacted in 1938.

We enacted a new Housing Act, the most comprehensive program in 12 years, providing Federal loans and grants for urban renewal, college housing, farm housing, public housing, elderly housing, "open space" development, and a new program for moderate-income families.

We have enacted area redevelopment legislation—twice vetoed during the previous administration—to assist chronically depressed urban and rural areas to bring in new industry, retrain unemployed workers to new skills, and to rebuild their local economies.

We enacted farm legislation that has reversed the trend toward the accumulation of bigger and bigger surpluses in feed grains and wheat by encouraging acreage reduction, thereby raising farm income, stabilizing consumer prices, and resulting in huge savings in storage costs.

The food-for-peace program has been expanded, as urged by President Kennedy during the campaign, to make possible the greater use of our farm surpluses to help feed many more undernourished peoples throughout the world.

We extended temporary unemployment insurance benefits for another 13 weeks to aid unemployed workers and their families who had exhausted their benefits. We enacted a law to help States care for dependent children of the needy unemployed.

We enacted legislation to deal with the growing problem of juvenile delinquency.

We enacted important measures to curb interstate crime and airlines hijacking.

We extended the VA guaranteed and direct home loan programs for veterans of World War II and Korea.

The Democratic 87th Congress enacted legislation to keep the interstate highway system on schedule for its 1972 target completion date.

We stepped up the saline water conversion program, established the first national park since 1947—the Cape Cod National Seashore, and provided funds for the Bureau of Reclamation to build transmission lines to connect power-generating facilities in the upper Colorado River storage project.

We created 73 long-needed new judgeships to help expedite the huge backlog of cases now before Federal courts.

We extended the life of the Civil Rights Commission for 2 years. President Kennedy also issued Executive Order No. 10925 on March 6, 1961, to establish the President's Committee on Equal Employment Opportunity, "to promote and insure equal opportunity for all qualified persons without regard to race, creed, color, or national origin, employed or seeking employment with the Federal Government and on Government contracts."

We have established a community health facilities program to broaden local public health services and to construct needed nursing homes.

We extended the Federal impact school programs under Public Laws 815 and 874 and the National Defense Education Act.

We expanded the Federal aid airport program.

Hearings were held on the President's plan to provide comprehensive medical care to retired persons under the social security system. I am hopeful that this measure will be enacted into law in the next session.

Many other important proposals such as the wilderness bill, the manpower training bill, the higher education bill, and the youth employment opportunity bill were partially acted upon this year and await final approval next year.

RULES COMMITTEE ENLARGEMENT

In discussing the record of this session we must certainly recognize the importance which the procedural fight over the power of the House Rules Committee has had on the output of good legislation this year. For many years a handful of Members on the Rules Committee prevented the majority of the House from working its will on major legislation such as housing, aid to depressed areas, minimum wage legislation, and other important measures.

This January, a determined fight led by our beloved Speaker, succeeded in breaking the Rules Committee bottleneck. An increase in the size of the committee has made it responsive to majority leadership and has made possible the consideration and eventual enactment of many important parts of President Kennedy's legislative program which had been killed by the committee in the past.

ANTIRECESSION ACTIONS

Mr. Speaker, by administrative action, President Kennedy acted swiftly to assist the millions of Americans suffering from the recession last winter. As his first official act after taking office, he ordered a step-up in the distribution of surplus food to needy Americans. The food stamp plan has been put into effect in the most distressed parts of the Nation. The school lunch and school milk programs were meanwhile expanded by Congress.

The President also ordered a series of actions to help reverse the downward economic trend brought on by short-sighted fiscal policies of the previous administration. He advanced the VA insurance dividend payments. He stepped up income tax refunds. He lowered the interest rate on FHA-insured loans to stimulate the homebuilding industry. He ordered a step-up in U.S. Employment Service operations. Small Business Administration loan activity has been sharply increased. Effective action has been taken to halt the outflow of gold, thereby stabilizing our balance-of-payments position.

RECORD OF ACHIEVEMENT

Mr. Speaker, we have concluded the 1st session of the 87th Congress and still have another year to go. Usually, the first session of any Congress—particularly in a new administration—is less productive than the second because of the many bills which must first be considered in committees and the time it takes before they can reach the House floor for debate and vote.

This first session, however, has moved at a rapid pace. We have already enacted into law about three-fourths of President Kennedy's major legislative recommendations. Of course, Congress in its wisdom has exercised its judgment as to details. Certain modifications have been made on the original proposals. Certainly, no one can say that this has been a rubber stamp Congress.

We can be proud of the significant record of achievement which we have made. Congress has responded to the energetic leadership which President Kennedy has provided and has faced up to the great challenges of the 1960's. We are moving ahead at a steady pace to meet these challenges and goals of the New Frontier, both national and international.

The Democratic 87th Congress, working in harmony with our courageous Democratic President, will continue to move ahead toward the full realization of these goals, so vital to the security and well-being of the American people and to peoples throughout the world.

SENATE

WEDNESDAY, SEPTEMBER 20, 1961

The Senate met at 12 o'clock meridian, and was called to order by the Honorable BENJAMIN A. SMITH II, a Senator from the State of Massachusetts.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou whose throne is justice and truth: Frail creatures of dust, yet stamped with Thine image, serving out our brief stay on the world's vast stage, we would set our little lives in the light of Thine eternity. In that perspective we fear no foe with Thee at hand to bless and to gird us with a strength that is not our own.

As those to whom has been committed the stewardship of the fair and firm fabric of the Nation's life, grant those who here serve the people of the Republic in these dread days of decision a saving experience of inner quiet and serenity.

Knowing that all truth is Thine, and that it is only truth that makes men free, and that fetters of the mind and spirit and body as they desecrate human dignity are an offense to Thee, the Creator, strengthen our will, we beseech Thee, that we may not be browbeaten by threatening evil, or surrender to craven fear, but having done all for a just peace, to stand where honor and duty draw the line from which there can be no retreat without our being recreant to our solemn trust for freedom's cause.

We ask it in the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 20, 1961.
To the Senate:

Being temporarily absent from the Senate, I appoint Hon. BENJAMIN A. SMITH II, a Senator from the State of Massachusetts, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. SMITH thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, September 19, 1961, was dispensed with.

HOUSE BILL REFERRED

The bill (H.R. 9096) to amend the antitrust laws to authorize leagues of professional football, baseball, basketball, and hockey teams to enter into certain television contracts, and for other purposes, passed by the House of Representatives on September 18, 1961, was read twice by its title, and referred to the Committee on the Judiciary.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on September 18, 1961, the President had approved and signed the act (S. 1368) to amend the Shipping Act, 1916, to provide for licensing independent ocean freight forwarders, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1720. An act for the relief of Paul Vassos (Pavlos Veizis);

H.R. 2640. An act for the relief of Yoko Takayashiki;

H.R. 5324. An act for the relief of Dr. Serafin T. Ortiz;

H.R. 6226. An act for the relief of Arlin David English;

H.R. 8847. An act to amend the Internal Revenue Code of 1954 so as to provide that a distribution of stock made to an individual (or certain corporations) pursuant to an order enforcing the antitrust laws shall not be treated as a dividend distribution but shall be treated as a return of capital; and to provide that the amount of such a distribution made to a corporation shall be the fair market value of the distribution; and

H.R. 9118. An act to establish a U.S. Arms Control Agency.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker pro tempore had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 336. An act to make available to children who are handicapped by deafness the specially trained teachers of the deaf needed to develop their abilities and to make available to individuals suffering speech and hearing impairments the specially trained speech pathologists and audiologists needed to help them overcome their handicaps;

S. 902. An act to amend the Small Business Investment Act of 1958, and for other purposes;

S. 1459. An act to amend the provisions of law relating to longevity step increases for postal employees;

S. 1927. An act to amend further the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, and for other purposes;

S. 1990. An act to amend section 1362 of title 18 of the United States Code so as to further protect the internal security of the United States by providing penalties for malicious damage to certain communications facilities;

S. 2272. An act to disclaim interest in certain rights in certain lands in the State of Nevada;

S. 2393. An act to extend for 2 additional years the expired provisions of Public Laws 815 and 874, 81st Congress, and the National Defense Education Act of 1958, and for other purposes;

H.R. 1333. An act for the relief of A. N. Deringer, Inc.;

H.R. 1507. An act for the relief of Capt. Jacob Haberle;

H.R. 2179. An act for the relief of Essie V. Johnson;

H.R. 2334. An act for the relief of Washington George Brodber Bryan;

H.R. 2615. An act for the relief of Dr. Victor Wang Ta Ng and his wife, Alice Siu Har Ng;

H.R. 2666. An act for the relief of Adelina Benedict (nee Rosasco);

H.R. 3007. An act for the relief of Alberto Luciano (Rocchi) Rosasco;

H.R. 3132. An act for the relief of Lucille Collins;

H.R. 4028. An act for the relief of Lennon May;

H.R. 4484. An act for the relief of Miss Liu Lai Ching;

H.R. 4917. An act for the relief of Albany County, N.Y.;

H.R. 5334. An act for the relief of Mrs. Helena Sullivan;

H.R. 5486. An act to prohibit the examination in District of Columbia courts of any minister of religion in connection with any communication made to him in his professional capacity, without the consent of the party to such communication;

H.R. 6729. An act to provide for the disposal of certain lands held for inclusion in the Cape Hatteras National Seashore Recreational Area, N.C., and for other purposes;

H.R. 6834. An act to amend section 35 of title 18, United States Code;

H.R. 7259. An act to waive section 142 of title 28, United States Code, with respect to the U.S. District Court for the Western District of Louisiana, Lafayette Division, holding court at Lafayette, La.;

H.R. 7358. An act to amend section 4126 of title 18, United States Code, with respect to compensation to prison inmates for injuries incurred in the course of employment;

H.R. 7873. An act for the relief of Mrs. Maria Gonzalez Fernandez Long;

H.R. 8236. An act to authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation;

H.R. 8341. An act to authorize the Secretary of the Interior to conduct a study covering the causes and prevention of injuries, health hazards, and other health and safety conditions in metal and nonmetallic mines (excluding coal and lignite mines);

H.R. 8490. An act to amend the act of September 2, 1958, establishing a Commission and Advisory Committee on International Rules of Judicial Procedure, as amended;

H.R. 8871. An act to amend the Federal Employees' Compensation Act of 1960;

H.R. 9030. An act to amend the act to promote the education of the blind, approved March 3, 1879, as amended, so as to authorize wider distribution of books and other special instruction materials for the blind, and to increase the appropriations authorized for this purpose, and to otherwise improve such act;

H.R. 9080. An act to authorize the Philadelphia, Baltimore & Washington Railroad Co. to construct, maintain, and operate branch sidings over First Street SE., in the District of Columbia; and

H.J. Res. 358. Joint resolution authorizing the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week, in order to aid in bringing to the American people the dangers of accidental poisoning.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 1720. An act for the relief of Paul Vassos (Pavlos Veizis);

H.R. 2640. An act for the relief of Yoko Takayashiki;

H.R. 5324. An act for the relief of Dr. Serafin T. Ortiz; and

H.R. 6226. An act for the relief of Arlin David English; to the Committee on the Judiciary.

H.R. 8847. An act to amend the Internal Revenue Code of 1954 so as to provide that a distribution of stock made to an individual (or certain corporations) pursuant to an order enforcing the antitrust laws shall not be treated as a dividend distribution but shall be treated as a return of capital; and to provide that the amount of such a distribution made to a corporation shall be the fair market value of the distribution; to the Committee on Finance.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. HUMPHREY. Mr. President, under the rule, there will be the usual morning hour for the transaction of routine business. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL ESTIMATE, EXECUTIVE MANSION AND GROUNDS (S. DOC. NO. 52)

A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1962, in the amount of $165,000, for the Executive Mansion and grounds (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

REPORTS ON REAPPORTIONMENT OF APPROPRIATIONS

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Agriculture for "Forest protection and utilization," Forest Service, for the fiscal year 1962, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Veterans' Administration for "General operating expenses," for the fiscal year 1962, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON PROGRESS OF LIQUIDATION ACTIVITIES OF RECONSTRUCTION FINANCE CORPORATION

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on the progress of the liquidation activities of the national defense, war and reconversion activities of Reconstruction Finance Corporation, as of June 30, 1961 (with an accompanying report); to the Committee on Banking and Currency.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

NATIONAL TROPICAL BOTANICAL GARDEN—RESOLUTION OF 10TH PACIFIC SCIENCE CONGRESS

Mr. LONG of Hawaii. Mr. President, recently the 10th Pacific Science Congress was held in the city of Honolulu. Delegates at the science congress numbered 2,746, with 900 from foreign nations. All parts of the mainland United States were represented. Among the matters of importance which were considered by the Pacific Science Congress was a proposal for the establishment of a National Tropical Botanical Garden as contained in my bill, S. 772, which is pending before the Senate Agriculture Committee.

I take this opportunity of calling to the attention of the Senate the resolution unanimously adopted at the closing plenary session of the 10th Pacific Science Congress at the University of Hawaii on September 2, 1961. I ask unanimous consent that a copy of the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF 10TH PACIFIC SCIENCE CONGRESS ON BOTANICAL GARDEN IN HAWAII

Whereas the 10th Pacific Science Congress observes that the climate and soil of Hawaii are exceptionally well suited to the growth of tropical vegetation, and therefore Hawaii is an ideal place for a tropical botanical garden; and

Whereas botanical delegates including directors of leading botanical gardens in the Pacific recognize the value of such a garden, both practical and esthetic; and

Whereas botanists at the Fairchild Conference on Tropical Botany in 1960 expressed the need for further facilities in tropical botany, horticulture, and agriculture: Be it

Resolved by the 10th Pacific Science Congress, That it recognizes the need and value, and fully endorses the establishment of a U.S. National Tropical Botanic Garden in the State of Hawaii; and recommends to the authorities, both Federal and State, that they do all in their power to establish such a garden.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

H.R. 2640. An act for the relief of Yoko Takayashiki (Rept. No. 1089);

H.R. 2730. An act to repeal section 791 of title 18 of the United States Code so as to extend the application of chapter 37 of title 18, relating to espionage and censorship;

H.R. 8958. An act to remove the present $5,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the crash of a U.S. Air Force aircraft at Midwest City, Okla. (Rept. No. 1085); and

H.R. 9096. An act to amend the antitrust laws to authorize leagues of professional football, baseball, basketball, and hockey teams to enter into certain television contracts, and for other purposes (Rept. No. 1087).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

H.R. 6025. An act to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of George Edward Barnhart against the United States (Rept. No. 1084).

By Mr. LONG of Missouri, from the Committee on the Judiciary, without amendment:

H.R. 1777. An act to amend title 18 of the United States Code to prohibit the transportation of fraudulent State tax stamps in interstate and foreign commerce, and for other purposes (Rept. No. 1086).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with an amendment:

S. Con. Res. 41. Concurrent resolution endorsing the World Economic Progress Exposition (Rept. No. 1088).

By Mr. KEFAUVER, from the Committee on the Judiciary, with amendments:

S. 167. A bill to authorize the Attorney General to compel the production of documentary evidence required in civil investigations for the enforcement of the antitrust laws, and for other purposes (Rept. No. 1090).

By Mr. MANSFIELD, from the Committee on Rules and Administration, without amendment:

S. Res. 208. Resolution to print additional copies of a committee print by the Judiciary Subcommittee on Internal Security, entitled "The Pugwash Conferences" (Rept. No. 1092);

S. Res. 211. Resolution authorizing additional expenditures by the Committee on Appropriations (Rept. No. 1093); and

S. Res. 212. Resolution authorizing additional expenditures for the investigation of juvenile delinquency in the United States (Rept. No. 1094).

By Mr. MANSFIELD, from the Committee on Rules and Administration, with an amendment:

S. Con. Res. 47. Concurrent resolution to print additional copies of report entitled "Freedom of Communications" (Rept. No. 1091).

By Mr. RUSSELL, from the Committee on Armed Services, with an amendment:

H.R. 8773. An act to amend section 265 of the Armed Forces Reserve Act of 1952, as amended (50 U.S.C. 1016), relating to lump-sum readjustment payments for members of the Reserve components who are involuntarily released from active duty, and for other purposes (Rept. No. 1096).

By Mr. ELLENDER, from the Committee on Appropriations, with amendments:

H.R. 9076. An act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority, and certain study commissions, for the fiscal year ending June 30, 1962, and for other purposes (Rept. No. 1097).

ADDITIONAL FUNDS FOR COMMITTEE ON ARMED SERVICES—REPORT OF A COMMITTEE

Mr. RUSSELL, from the Committee on Armed Services, reported an original resolution (S. Res. 215), which was referred to the Committee on Rules and Administration, as follows.

Resolved, That S. Res. 43 agreed to January 31, 1961, authorizing a Study by Committee on Armed Services on various areas of na-

tional defense, is amended on page 3, line 10, by striking "$190,000", and inserting in lieu thereof, "$220,000."

PRINTING OF ADDITIONAL COPIES OF HEARINGS ENTITLED "DEFENSE SECRETARY McNAMARA ON SENATE RESOLUTION 191"—REPORT OF A COMMITTEE

Mr. RUSSELL, from the Committee on Armed Services, reported an original resolution (S. Res. 216) to print additional copies of hearings entitled "Defense Secretary McNamara on Senate Resolution 191," which was referred to the Committee on Rules and Administration, as follows:

Resolved, That there be printed for the use of the Senate Committee on Armed Services, twenty-five hundred additional copies of its hearings entitled "Defense Secretary McNamara on S. Res. 191," dated September 6, and 7, 1961.

PRINTING OF ADDITIONAL COPIES OF SENATE DOCUMENT NO. 41, 87TH CONGRESS, ENTITLED "PROPOSED FEDERAL AID FOR EDUCATION"

Mr. MANSFIELD, from the Committee on Rules and Administration, reported an original resolution (S. Res. 217) authorizing the printing of additional copies of Senate Document No. 41, 87th Congress, entitled "Proposed Federal Aid for Education," and submitted a report (No. 1095) thereon; which resolution was placed on the calendar, as follows:

Resolved, That there be printed for the use of the Committee on Labor and Public Welfare, five thousand additional copies of Senate Document No. 41, 87th Congress, entitled "Proposed Federal Aid for Education" (prepared by the Legislative Reference Service of the Library of Congress).

REPORT ENTITLED "THE MIGRATORY FARM LABOR PROBLEM IN THE UNITED STATES"—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 1098)

Mr. WILLIAMS of New Jersey. Mr. President, from the Committee on Labor and Public Welfare, pursuant to Senate Resolution 267, 86th Congress, 2d session, I submit a report entitled "The Migratory Farm Labor Problem in the United States." I ask that the report be printed, together with the individual views of the Senator from New York [Mr. JAVITS].

The ACTING PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from New Jersey.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HUMPHREY:

S. 2581. A bill to amend the U.S. Information and Educational Exchange Act of 1948, as amended, so as to provide certain facilities to promote the foreign policy of the United States, to promote increased interest in foreign relations, to promote meetings and contacts among American governmental officials, the diplomatic corps, Members of Congress, representatives of the international agencies, and private citizens in connection with matters having to do with the conduct of foreign relations so as to better establish relationships which will promote international understanding; to the Committee on Foreign Relations.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. PASTORE (for himself and Mr. PELL):

S. 2582. A bill to amend section 103(a) of the Housing Act of 1949; to the Committee on Banking and Currency.

(See the remarks of Mr. PASTORE when he introduced the above bill, which appear under a separate heading.)

By Mr. CAPEHART:

S. 2583. A bill for the relief of the Converse Salvage Co.; and

S. 2584. A bill for the relief of Stanko (Stanley) Baresic; to the Committee on the Judiciary.

By Mr. BEALL (by request):

S. 2585. A bill to amend the Life Insurance Act of the District of Columbia to permit certain policies to be issued to members and employees of members of duly organized national veterans' organizations; to the Committee on the District of Columbia.

By Mr. SMATHERS:

S. 2586. A bill for the relief of Alexandra Callas; to the Committee on the Judiciary.

RESOLUTIONS

The following resolutions were submitted or reported and referred as indicated:

MERRITT-CHAPMAN AND SCOTT CORP.—REFERENCE OF SENATE BILL 2572 TO COURT OF CLAIMS

Mr. WILEY submitted the following resolution (S. Res. 214); which was referred to the Committee on the Judiciary:

Resolved, That the bill (S. 2572) entitled "A bill for the relief of the Merritt-Chapman and Scott Corporation", now pending in the Senate, together with all accompanying papers, is hereby referred to the Court of Claims; and the court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

ADDITIONAL FUNDS FOR COMMITTEE ON ARMED SERVICES

Mr. RUSSELL, from the Committee on Armed Services, reported an original resolution (S. Res. 215) to provide additional funds for the Committee on Armed Services, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full, when reported by Mr. RUSSELL, which appears under the heading "Reports of Committees.")

PRINTING OF ADDITIONAL COPIES OF HEARINGS ENTITLED "DEFENSE SECRETARY McNAMARA ON SENATE RESOLUTION 191"

Mr. RUSSELL, from the Committee on Armed Services, reported an original resolution (S. Res. 216) to print additional copies of hearings entitled "Defense Secretary McNamara on Senate Resolution 191," which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. RUSSELL, which appears under the heading "Reports of Committees.")

PRINTING OF ADDITIONAL COPIES OF SENATE DOCUMENT NO. 41, 87TH CONGRESS, ENTITLED "PROPOSED FEDERAL AID FOR EDUCATION"

Mr. MANSFIELD, from the Committee on Rules and Administration, reported an original resolution (S. Res. 217) authorizing the printing of additional copies of Senate Document No. 41, 87th Congress, entitled "Proposed Federal Aid for Education," which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. MANSFIELD, from the Committee on Rules and Administration, which appears under the heading "Reports of Committees.")

BUILDING FOR USE OF DIPLOMATS AND FOREIGN SERVICE PERSONNEL

Mr. HUMPHREY. Mr. President, I introduce for appropriate reference, a bill to authorize a capital contribution in the form of a sale or lease of land and buildings at a nominal sum to a new corporation, membership in which would be open to the diplomats of all foreign countries, as well as to our own personnel engaged in foreign affairs activities. It would provide a facility where persons interested in foreign policy could hold meetings and conferences. It would also meet a pressing need for a place where members of our own Foreign Service could meet and entertain their opposite numbers in the Embassies located here in Washington, D.C.

It is well known that junior- and middle-rank Foreign Service officers simply cannot afford the luxury of membership in the ordinary social club, nor can they afford to entertain in the expensive restaurants in Washington the foreign diplomats with whom they are in daily contact. The military services have long met this problem in the same manner proposed under this bill; that is, the Government provides the basic facility, and the servicemen who are members pay for all furnishings and operating expenses.

The bill provides that the Administrator of the General Services Administration will provide land and a building to a nonprofit corporation. Under the bill the certificate of incorporation of the corporation cannot be changed after

the enactment of the bill, except with the express approval of the Congress. This means that the purposes and activities of the corporation must always coincide with the intent and the provision of the legislation. Membership in the new facility will by law be open to members of each foreign diplomatic mission in Washington, members of missions accredited to the Organization of American States, to personnel of international agencies located in Washington, to appropriate U.S. Government personnel, to Members of Congress, and to other persons having a primary interest in the field of foreign affairs.

It is anticipated that the dues for membership in the new facility will be graduated according to rank and ability to pay.

The subject matter of this proposed legislation has been under study for 2 years. Strong statements of support have come from more than 100 American leaders in the fields of finance, industry, labor, and education. The Department of State has expressed its support.

Mr. President, in my opinion this bill will go far to meet some of the urgent problems facing us in our conduct of foreign relations. It will provide an answer to the frequent criticisms leveled against our treatment of foreign diplomats here in Washington. It will provide increased opportunity for contact between members of the foreign diplomatic missions and our own Government personnel, as well as others having an interest in the field of foreign affairs. It will further stimulate increased interest in the development of stronger bonds between nations.

This proposed legislation is important to the conduct of our foreign policy.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2581) to amend the U.S. Information and Educational Exchange Act of 1948, as amended, so as to provide certain facilities to promote the foreign policy of the United States, to promote increased interest in foreign relations, to promote meetings and contacts among American governmental officials, the diplomatic corps, Members of Congress, representatives of the international agencies, and private citizens in connection with matters having to do with the conduct of foreign relations so as to better establish relationships which will promote international understanding; to the Committee on Foreign Relations, introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on Foreign Relations.

AMENDMENT OF SECTION 103(A) OF HOUSING ACT OF 1949

Mr. PASTORE. Mr. President, on behalf of myself, and my colleague, the junior Senator from Rhode Island [Mr. PELL], I introduce, for appropriate reference, a bill to amend section 103(a) of the Housing Act of 1949. The purpose of the bill is to remedy an apparent inequity in the Housing Act of 1961.

Section 301 of the Housing Act of 1961 amended section 103(a) of the Housing Act of 1949 to provide that a locality having a population of 50,000 or less—or 150,000 or less in the case of a community in a redevelopment area—may obtain a three-fourths Federal grant under the urban renewal program.

This is on the same basis that a regular two-thirds grant is available to other communities.

Section 301 expressly limited the application of the three-fourths grant to municipalities situated in areas which have been specified as redevelopment areas at the time the urban renewal contract or contracts are entered into.

The amendment we propose would make one change in the law as it is now in effect. Under this amendment the three-fourths capital grant basis would be available to communities in redevelopment areas without regard to population.

The amendment would apply to any community in a redevelopment area which is undertaking an urban renewal project, if first, at the time the urban renewal contract or contracts are entered into the community is in a redevelopment area designated under the Area Redevelopment Act; second, the contract or contracts involved were entered into after June 30, 1961—date of enactment of the Housing Act of 1961; and third, the contract or contracts are not fully executed.

A brief survey of the situation invites this comment—in the 114 designated redevelopment areas in the Nation there are possibly 2,000 separate cities and towns. However, in this group there are only 5 cities that exceed the 150,000 population figure. They are:

First. Detroit, 1,670,000.
Second. Pittsburgh, 604,000.
Third. San Juan, Puerto Rico, 452,000.
Fourth. Providence, 207,000.
Fifth. Flint, Mich., 197,000.

We feel that the test for Federal participation on a three-fourths basis should be the Federal criteria of high and chronic unemployment. Surely the more massive the maladjustment, the greater the need.

We commend the principle of adequate Federal participation. We would make it not only adequate but equitable as far as these affected cities are concerned.

I ask unanimous consent that the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2582) to amend section 103(a) of the Housing Act of 1949, introduced by Mr. PASTORE (for himself and Mr. PELL), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (B) of section 103(a)(2) of the Housing Act of 1949 is amended to read as follows:

"(B) three-fourths of the aggregate net project costs of any of such projects which are located in (i) a municipality having a population of fifty thousand or less according to the most recent decennial census, or (ii) a municipality situated in an area which, at the time the contract or contracts involved are entered into or at such earlier time as the Administrator may specify in order to avoid hardship, is designated as a redevelopment area under the second sentence of section 5(a) of the Area Redevelopment Act, and".

(b) The amendment made by subsection (a) of this section shall be applicable to any project situated in a municipality described in clause (ii) of section 103(a)(2)(B) of the Housing Act of 1949, if the contract or contracts for capital grants under such title with respect to such project were entered into after the date of enactment of the Housing Act of 1961, and have not been fully executed.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO DISTRIBUTION OF STOCK MADE TO AN INDIVIDUAL — AMENDMENTS

Mr. GORE submitted amendments, intended to be proposed by him, to the bill (H.R. 8847) to amend the Internal Revenue Code of 1954 so as to provide that a distribution of stock made to an individual (or certain corporations) pursuant to an order enforcing the antitrust laws shall not be treated as a dividend distribution but shall be treated as a return of capital; and to provide that the amount of such a distribution made to a corporation shall be the fair market value of the distribution, which were referred to the Committee on Finance and ordered to be printed.

NOTICES OF MOTION TO SUSPEND THE RULE — AMENDMENTS TO PUBLIC WORKS APPROPRIATION BILL

Mr. YOUNG of North Dakota submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 9076) making appropriations for civil functions administered by Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority and certain study commissions for the fiscal year ending June 30, 1962, and for other purposes, the following amendment; namely: On page 4, after line 22, insert after the word "work", ": *Provided further,* That funds herein appropriated shall be available for expenditure, in addition to funds heretofore made available for the Garrison Dam project on the Missouri River, for cooperation with the North Dakota State Conservation Commission to the extent of one-half the cost of the replenishing and freshening Lake Wildwood, N. Dak., which has been interfered with by the construction of the Garrison Dam and Reservoir on the Missouri River."

Mr. YOUNG of North Dakota also submitted an amendment intended to be proposed by him to the bill (H.R. 9076) making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Val-

ley Authority, and certain study commissions, for the fiscal year ending June 30, 1962, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. MAGNUSON submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 9076) making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority and certain study commissions for the fiscal year ending June 30, 1962, and for other purposes, the following amendment, namely: On page 17, after line 2, insert:

"After October 1, 1961, the position of Administrator, Bonneville Power Administration, shall have the same annual rate of compensation as that provided for positions listed in section 2205(b) of title 5, United States Code, so long as held by the present incumbent."

Mr. MAGNUSON also submitted an amendment, intended to be proposed by him, to the bill (H.R. 9076) making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority, and certain study commissions, for the fiscal year ending June 30, 1962, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. MANSFIELD submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 9076) making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority and certain study commissions, for the fiscal year ending June 30, 1962, and for other purposes, the following amendment, namely: On page 9, after line 18, insert after the word "customer", ": *Provided further*, That not to exceed $192,000 of funds made available for construction and maintenance of access roads in the Yellowtail unit area shall be nonreimbursable."

Mr. MANSFIELD also submitted an amendment, intended to be proposed by him, to the bill (H.R. 9076) making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority, and certain study commissions, for the fiscal year ending June 30, 1962, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. HAYDEN submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 9076) making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority and certain study commissions, for the fiscal year ending June 30, 1962, and for other purposes, the following amendment, namely: On page 9, after line 18, insert after the word "customer", ": *Provided further*, That funds shall be available to complete the construction of and to operate and maintain within and adjacent to the Yuma Irrigation District, in the South Gila Valley, Arizona, those drainage works on which construction has heretofore been initiated pursuant to the Act of June 28, 1946 (60 Stat. 338):".

Mr. HAYDEN also submitted an amendment, intended to be proposed by him, to the bill (H.R. 9076) making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority, and certain study commissions, for the fiscal year ending June 30, 1962, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

PRESERVATION OF REMAINING SHORELINE RECREATION SITES AND RIVER AREAS—ADDITIONAL COSPONSOR OF CONCURRENT RESOLUTION

Mr. METCALF. Mr. President, on September 14, I introduced Senate Concurrent Resolution 48, which authorizes the Secretary of the Interior to identify and recommend preservation of remaining shoreline recreation sites and river areas chiefly valuable for public park and recreation area programs.

The desirability of this resolution developed during consideration of the shoreline bill—S. 543—by the Senate Committee on Interior and Insular Affairs.

During the course of the hearings on this bill, the junior Senator from Iowa [Mr. MILLER] expressed his keen interest in proper preservation of inland areas for recreational purposes.

I ask unanimous consent that the junior Senator from Iowa be listed as a cosponsor of Senate Concurrent Resolution 48.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF HEARINGS ON NOMINATIONS OF GRIFFIN B. BELL AND WALTER PETTUS GEWIN, OF ALABAMA, TO BE U.S. CIRCUIT JUDGES, FIFTH CIRCUIT

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, September 28, 1961, at 10:30 a.m., in room 2228, New Senate Office Building, on the nominations of Griffin B. Bell, of Georgia, and Walter Pettus Gewin, of Alabama, to be U.S. circuit judges, fifth circuit, new positions.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from South Carolina [Mr. JOHNSTON], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

NOTICE OF HEARING ON NOMINATION OF FOWLER HAMILTON TO BE ADMINISTRATOR OF AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. FULBRIGHT. Mr. President, I wish to announce that the Committee on Foreign Relations will hold a public hearing on the nomination of Mr. Fowler Hamilton, of Connecticut, to be Administrator of the Agency for International Development, on Friday, September 22, 1961, at 10:30 a.m., in room 4221, New Senate Office Building.

HEARINGS ON NOMINATIONS TO THE SECURITIES AND EXCHANGE COMMISSION

Mr. ROBERTSON. Mr. President, I wish to give notice that the Committee on Banking and Currency has received two nominations to the Securities and Exchange Commission, Mr. Manuel F. Cohen, of Maryland, and Mr. Jack Melville Whitney II, of Illinois, and that the committee will hold hearings on these nominations at 10 a.m. on Thursday, September 21, in room 5302, New Senate Office Building.

All persons wishing to testify on these nominations should notify Mr. Matthew Hale, chief of staff, Senate Committee on Banking and Currency, 5304 New Senate Office Building, Washington, D.C., telephone Capital 4-3121, extension 3921.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. CLARK:

Labor Sunday address delivered by Representative GEORGE M. RHODES, of Pennsylvania, in St. Johns Evangelical Lutheran Church, Reading, Pa.

By Mr. CAPEHART:

Statement entitled "Champion Highway Safety Program," prepared at the request of Senator CAPEHART by Mr. Duane Carter, of Speedway, Ind., a veteran race car driver.

Text of a tribute to the late Gilbert Forbes, veteran Indiana newscaster, recorded by Senator CAPEHART for radio station WFBM and television station WFBM-TV, in Indianapolis.

By Mr. RANDOLPH:

Letter to himself dated September 12, 1961, from Samuel Shaffer, congressional correspondent of Newsweek magazine, regarding the natural beauties of West Virginia; also a letter dated September 19, 1961, from Senator RANDOLPH to Mr. Shaffer, in response to Mr. Shaffer's letter.

A GOOD YEAR FOR AMERICAN AGRICULTURE

Mr. METCALF. Mr. President, this has been one of the worst years in a long time for Montana farmers and for the businessmen of my State whose economic success depends on agriculture. Montana was hard hit by drought and grasshoppers. Some other agricultural States had similar problems this year.

However, over the Nation as a whole, this has been the best year in a long time for farmers. The headline "Best Farm Year Since Korea," summarizes the following account in the "Business Roundup" section of the September 1961 issue of Fortune magazine:

> Farmers are enjoying their best year since the end of the Korean war—in some respects their best year ever. Crop prices are up about 3.5 percent—the first increase in 5 years—more than offsetting a 2-percent drop in marketings. Prices of livestock and livestock products—e.g., milk, butter, eggs—on the other hand, are off about 1 percent, but marketings are up more than prices are down—i.e., by nearly 4 percent. Hence farmers' cash receipts from marketings (which include CCC purchases and loans) will increase by about $800 million, or almost 2.5 percent.
>
> This rise in cash receipts, plus an even larger increase in direct Government payments to farmers for not producing, will push gross farm income to an alltime high of about $39.7 billion, 4 percent above the record 1960 level. Net income is up also—from $11.7 billion last year to perhaps $12.6 billion this year.
>
> This is the best net since Korea, though considerably below the earnings of the lush forties and early fifties. The reason, of course, is the inexorable rise in production expenses. Since 1950 expenses have gone up 40 percent—three times as fast as gross income—and they will rise about $500 million this year. Average net per farm, however, is up to a new record of $3,300; the number of farms (adjusted for the change in the 1959 Census of Agriculture) has dropped from 5,150,000 in 1950 to an estimated 3,900,000 this year.

Mr. President, it is important to relate farm commodity prices to food prices. Historically, the price of food increases sharply during wartime. According to the Department of Labor, on the basis of a scale using the 1947–49 average as 100, the food price index was 45 in 1916; 83.6 in 1920; 52.1 in 1941; and 112.6 in 1951.

The food price index for this year, by months, is as follows:

January, 121.3.
February, 121.4.
March, 121.2.
April, 121.2.
May, 120.7.
June, 120.9.
July, 122.0.

The July increase, caused in part by seasonal factors, brings the total increase for the period in which the Kennedy administration has been in power to seven-tenths of a point.

I note that Republican campaign material heralds this seven-tenths of a point increase as the forerunner of another round of inflation. The Republican Congressional Committee Newsletter, in its August 31 edition, under the headline "Cost of Living Rising on the New Frontier," reports as follows:

> As the impact of the business recovery combined with the first effects of the New Frontier's deficit spending, the result was what many economists had predicted: an increase in the cost of living and the possibility of a new round of inflation. The Department of Labor reported last week that prices reached a new peak in July—mostly due to the cost of food.

The Republican alarm is somewhat surprising, in view of the facts reported by the Department of Labor. During by January–July period last year, when the Republicans were in power, the food price index rose three points, from 117.6 to 120.6, as compared to the seven-tenths of 1 percent increase during the same period this year.

These figures will come as a great surprise to those citizens who believed the Republican candidate for President during the 1960 campaign, when he said that if the Kennedy farm program were put into effect, the cost of food to the consumers of the United States would go up at least 25 percent.

At the time when Mr. Nixon made his statement, it was pointed out that in 1952, farmers received 100 percent of parity for their products—and that with a Democratic administration it could be done again.

The Fortune magazine figures indicate that we are on the way.

Mr. HUMPHREY. Mr. President, will the Senator from Montana yield?

Mr. METCALF. I am glad to yield.

Mr. HUMPHREY. I merely wish to state that I am very much pleased that the Senator from Montana has cited this rather creditable record of the Department of Agriculture and our agricultural economy. As we know, this will be about the best year, as the Senator from Montana has said, that agriculture has had during the last 10 years, I believe.

Mr. METCALF. Fortune magazine says it will be the best year for agriculture since the Korean war.

Mr. HUMPHREY. Yes. I think this fact in itself indicates that, whatever may be the views about certain details of the farm program, in the main it has worked for the public good.

Mr. METCALF. And that fact, coupled with the decline in the cost of living, indicates that we are on the way to solving the surplus agricultural commodity crisis, and at the same time making it possible for farmers to have a lower cost of living.

Mr. HUMPHREY. Certainly it is good news to Montana, and I can assure the Senator from Montana that is good news to Minnesota and, certainly, to all the other sections of the country.

Mr. METCALF. Yes, indeed; it is good news to the entire Nation.

INCLUSION OF SMALLER TRACTS IN THE WILDERNESS PRESERVATION SYSTEM

Mr. METCALF. Mr. President, among the features of the wilderness bill, S. 174, recently passed by the Senate, is a wise inclusion of many smaller tracts in the wilderness preservation system. There are some who say that vast areas—extensiveness—is an essential of true wilderness. Circumstances sometimes alter this need. The bill we recently passed makes a wise and economical use of many small areas in our parks, refuges, and national forests. Outside the public land States of the West, we are going to have to use such smaller tracts in order to provide our citizens with wilderness areas.

Fortunately, in the Western States, the smaller tracts included in the wilderness preservation system are all within national forests, national parks, wildlife refuges, or other areas which, in their portions not classified as wilderness, provide buffers which enhance the extensiveness of the areas preserved as wilderness.

If we were to ignore or eliminate these smaller areas, we would greatly decrease our wilderness prospects.

It is true that extensiveness or vastness is an aspect of wilderness. Wherever we have a vast wilderness area, we should cherish it. But the surroundings of a small area can enhance its value as wilderness and make it worthy of preservation.

There are many examples. The Gates of the Mountains, in my own State of Montana, comprises only some 28,500 acres, but is within the 966,800-acre Helena National Forest. Thus, the Gates of the Mountains primitive area, at the cost of only 28,500 acres of national forest land, becomes what any who have visited it will, I am sure, consider a significant area of wilderness. We do well to include it within our wilderness system.

The many other areas that can be cited include 18,000 acres in the Chiricahua primitive area, Arizona, in the 1,386,000-acre Coronado National Forest; the 25,000-acre Rawah wild area in Colorado, in the 783,000-acre Roosevelt National Forest; the 41,000-acre San Pedro Park, N. Mex., in the 1,237,000-acre Sante Fe National Forest; and the 42,000-acre Mount Adams area, in Washington, in the 1,263,000-acre Gifford Pinchot National Forest.

Because we are dealing with parks, refuges, and national forests, to begin with, many of our significant areas of wilderness accordingly do not represent extravagant dedications of land.

This is part of the genius of the wilderness bill. It is an example of how, through it, we are providing for a significant preservation of wilderness as part of an overall land-use program that recognizes other needs, too.

It establishes a pattern under which we may be able to provide the Eastern States with smaller wilderness areas, given the quality of vastness, or extensiveness, by surrounding areas devoted to compatible uses.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to

meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GORE. Mr. President, reserving the right to object, now that the bill for tax relief for the Du Pont Co. has been passed by the other body and referred to the Senate Finance Committee, it is my purpose later in the day to address the Senate, not upon the merits or demerits of the bill, but upon the prematurity and impropriety of the enactment of the bill at this time.

Therefore, I trust the Senate will realize the position I would be in in undertaking to address the Senate on a subject upon which the Senate Finance Committee, of which I am a member, might at the same time be considering. In the closing days of the session, it is questionable that committees should be in session while the Senate is in session, but I shall not press this point generally at this time.

Later I shall address the Senate upon the terms of the bill, but this afternoon I shall confine myself to an indication to the membership of the Senate of why it would be improper and premature, in my view, for the Senate to plunge itself legislatively into the middle of the litigation now underway.

Just briefly, let it be said that the order of the court has not been entered. The case has been remanded to the Federal district court in Chicago to enter its order prescribing the terms of distribution or divestiture of General Motors stock by the Du Pont Co. The court now has that matter under consideration. The Government has not yet presented its view. This is expected about October 2.

Therefore, as reluctant as I am to do so, admiring and respecting the distinguished majority leader as much as I do, and anxious to cooperate in any proper legislative procedure, I nevertheless must, upon this occasion, object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MANSFIELD. Mr. President, if I may inquire of the distinguished Senator from Tennessee, does he intend to object only to the Finance Committee's meeting today or to all committee meetings today? I have no other similar request to make; I am merely asking for information.

Mr. GORE. I doubt the advisability of committees meeting while the Senate is in session. Because of the peculiar circumstances of the subject matter before the Finance Committee, I shall confine my objection today to the Finance Committee's meeting.

Mr. MANSFIELD. I thank the Senator.

PROGRESS REPORT ON THE WORK OF THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. MANSFIELD. Mr. President, I wish to make a progress report on the work of the Committee on Rules and Administration, of which I am chairman, relative to the work performed this year and what the committee contemplates doing at the next session of Congress.

PART I

During the 1st session of the 87th Congress, the Committee on Rules and Administration considered over 200 legislative items, 1 executive nomination, and an unusually large number of policy problems and topics of general Senate administration. Approximately two-thirds of all of the legislative measures reviewed by the committee have been reported to the Senate and have received Senate approval. Included therein were bills providing for a complete revision of the Federal election laws, the creation of a National Portrait Gallery, the establishment of a National Armed Forces Museum Advisory Board, and the creation of a commission to formulate plans for the construction of a memorial to the memory of Woodrow Wilson. In keeping with the pledge of the leadership given earlier in the session, the committee also reported a resolution to amend rule XXII relating to cloture.

In addition to the committee's regular and special executive meetings, public hearings were held on the following subjects: Federal election laws, adjournment of Congress, amendments to the Standing Rules of the Senate—not including cloture, amendments to the Legislative Reorganization Act, and Government Printing Office apprentices. The committee also held a public hearing on the nomination of James L. Harrison to be Public Printer.

Since last January and through September 16, 1961, the Committee on Rules and Administration has processed requests from standing, select, and special committees for additional funds in the amount of $4,551,000. Legislation providing for such expenditures in the amount of $4,121,000 has been approved by the committee and agreed to by the Senate.

In addition to its regular legislative functions and pursuant to its administrative responsibility for many areas of the Senate's business, the committee has promulgated various regulations and decided numerous policy and management questions. Among the latter were reassignment of office locations in the Capitol and Senate Office Buildings; transfer of management of the Senate restaurants to the Architect of the Capitol; and approval of a new legislative call system to become effective at the beginning of the next session.

PART II

During the next session of the Congress, the Committee on Rules and Administration expects that it will receive the usual substantial number of resolutions requesting funds for Senate investigations and inquiries. In addition to its administrative responsibility, the committee also expects to consider a comprehensive bill passed by the House of Representatives which would work a complete revision of the Federal depository library system. Furthermore, the committee will be concerned, next year, with various bills to amend the Hatch Act and other proposals relating to Federal elections. Additional consideration will likewise be given to pending measures relating to congressional adjournment, amendments to the Standing Rules of the Senate—other than cloture—and various proposed memorials.

CONCLUSION

As chairman of the Committee on Rules and Administration, I am indebted to my colleagues on the committee who have conscientiously worked throughout this session to achieve an excellent record of accomplishments. I am also grateful to the committee's competent staff for their continued efficient support. It is a pleasure for me to state that, due to the dedication of the members and staff of the committee, every legislative item and administrative issue presented to the committee during this session which could reasonably have been brought to definite conclusion has been so consummated with maximum efficiency.

ADDRESS BY FORMER PRESIDENT DWIGHT D. EISENHOWER AT TESTIMONIAL DINNER FOR SENATOR EVERETT DIRKSEN

Mr. KUCHEL. Mr. President, last Saturday night, in the city of Chicago, some 2,300 enthusiastic citizens of Illinois met together at dinner in a tribute to their great fellow citizen and public servant, U.S. Senator EVERETT MCKINLEY DIRKSEN.

I was honored to be present, and to witness the outpouring of respect and of esteem in which the minority leader of the U.S. Senate is held by the people of Illinois. It was a reflection of the esteem and high respect in which the Members of the Senate on this side of the aisle and across the aisle hold our Republican colleague.

The speaker of the evening was Dwight D. Eisenhower. His address was excellent. He drew upon his unique experiences as not alone one of the great military commanders in all of history, but also as a great and distinguished American President who well and faithfully and unselfishly served the cause of the people of America and the cause of peace with honor on this globe.

I ask unanimous consent that the text of the speech which General Eisenhower delivered on that occasion be incorporated in the RECORD as a part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY GEN. DWIGHT D. EISENHOWER, AT TESTIMONIAL DINNER FOR SENATOR EVERETT MCKINLEY DIRKSEN, IN CHICAGO, SATURDAY, SEPTEMBER 16, 1961

Chairman Ingersoll, Senator Dirksen, and friends, this morning I left my farm in Gettysburg and journeyed some hundreds of miles to join you tonight, for one compelling reason. It is identical with the one that has brought you here. We like, and we respect, Senator EVERETT DIRKSEN, and we gather here to thank him again for his tireless service to us and to our Nation.

Particularly, we honor him for the courage, intelligence, and firmness in which he

has calmly played his important part in the threatening world scene.

We know that living today in Chicago is akin to living today in Berlin. Every free people, on every continent, are in effect the people of Berlin. Like them, we are face to face with threat of Communist domination. We share the responsibility for preserving against that threat all that we hold dear in this world.

Looming in the background is a grim reality. Nuclear-tipped missiles place all of us—even in Chicago—but 30 minutes from Armageddon—tonight, every night, every hour of every day. There is no spot on earth assured of safety from obliteration. The maximum warning time is measured in minutes.

Friend and foe possess, for the first time in history, the capability of mutual annihilation. In such a period each one of us—and this includes our leaders—is being tested on the firmness of his faith, the stoutness of his heart, the steadfastness of his courage.

Americans have always been confident that, in time of international crisis, their leadership would hold to principle, would never yield to threat or take a backward step—a leadership always ready to defend the rights, uphold the ideals, and meet the responsibilities of this free Republic. In this confidence we Americans are determined that where the Commander in Chief stands, there we must and shall stand.

I realize these are gloomy words to utter on this, a gala evening, where we are met to honor a great American.

Yet, we know this is not a time to measure lightly either our own present, or our children's tomorrow. In such a time silence is not necessarily either golden or prudent.

By no means are we failing to support national leaders when we recall recent events disturbing to us all.

How could we fail to be sorely distressed over Laos, and more especially over Cuba, and the seeming indecision and uncertainty that characterized governmental action there?

We have been troubled over quasi-official pronouncements implying basic policy changes respecting Communist China and Outer Mongolia.

We have been concerned by unrebuked criticisms of the Joint Chiefs of Staff and our intelligence-gathering agency. We have been puzzled and chagrined by expressed doubts as to the allegiance to American ideals of the officer corps of the Armed Forces.

Personally I have a profound faith in the capacity and readiness of our men in uniform to provide for us the maximum in security.

And I ask you not to misinterpret these expressions of uneasiness about matters of the past. None is mentioned in a spirit of destructive partisanship or of carping criticism. My object, indeed, is exactly the opposite. For though we may have, and may continue to have, misgivings, all of us are, with our men in uniform, standing guard tonight in Berlin. No matter what our reservations, the President has our unstinting support as he employs all his will and wisdom against those in the world who scoff at freedom and regard humanity with contempt.

There is no doubt as to the immensity of our Nation's power, both economic and military. It is unmatched. And as we look out across both our oceans, we do so as a single people—united in our determination to keep our Nation strong and our devotion to liberty and justice unmistakably clear, every place in the world. That strength stands as a warning beacon to any would-be aggressor; it provides also a firm platform from which we patiently and earnestly seek a peaceful and just solution to world problems.

To preserve that strength is the common and continuous responsibility of all of us. This is why we look anxiously inward to the domestic pillars—the spiritual, economic, and military supports of our national power. For well we know that our spiritual and economic health are as essential to our security and national purposes as are the most awesome instruments of war.

To make sure of their vitality is a compelling national duty.

Our spiritual strength is found in a rekindled dedication to the noble purposes set forth in our founding documents. Steadfast support of the concepts of justice, individual liberty, and human dignity is as vital to our security today as are all of the destructive bombs deployed across our country and in bases abroad.

And here may I observe, particularly, that it would be fatal if America's spirit of confidence and of dedication should ever give way to despair and fear. Do we not remember that, as each of our pioneering forebears, plowing his field, had to carry always a defensive musket, yet he persisted in raising his family and finding happiness in his freedom. So it is today; over our shoulders and around us we see the dangers of our existence, but we must steadfastly refuse to abandon those priceless rights guaranteed to us on July 4, 1776—one of the most important of which was the pursuit of happiness. And that pursuit remains just as important in time of crisis as it does in what has been called the humdrum days and years of peace.

Our material strength rests on a free competitive enterprise, generating a steadily expanding economy measured always in a stable and respected currency, worth next month, next year, next decade what it is worth tonight.

That is why I have in these times so gravely viewed unnecessary Federal spending. It weakens power and confidence abroad.

At the very least might we not defer buying tickets for a trip to the moon until we can pay cash for the ride, and do so without mortgaging the old homestead to repair a leaky room? Addition to a softheaded philosophy that Federal money can cure every national ill could undermine one of the greatest resources of America—the sturdiness and self-dependence of the individual citizen; it could ultimately cost our people their liberty.

I believe that responsibility or self-discipline, balance, commonsense, and faith in the individual and locality are indispensable to the perpetuation and functioning of self-government.

One imbalance, always to be fought, is monopoly, a continuing menace to our free system. It is bad when unwisely exercised by gigantic, centralized government or big business. It is equally bad if irresponsibly exercised by organized labor. Monopoly is a result of lack of balance and commonsense.

Inflation is bad. It is bad whether generated by spendthrift government or by industrial price abuses. It is no less bad if caused by unjustified wage increases, or by demands of self-preserving pressure groups. One of its sources is a lack of a sense of responsibility.

The unending drive for Federal domination of the Nation's power and water resources, and the ever-increasing Federal involvement in urban problems, agriculture, housing, care of the youth and the aged, the ill and the poor, and the temporarily unemployed, can end only—if unchecked—in a dangerous centralization of power. Continued, this tendency will ultimately destroy the will and the ability of the individual and community to govern themselves. But it can be stopped in its tracks by balance and by faith in the individual and the locality.

If we believe these things then let us not divide or weaken ourselves by the use of such self-imposed and misleading labels as "conservative" and "liberal."

I suspect that more conservative and liberal blood has been shed over attempted definitions of these political terms than over any public policy or program.

Political labels will not influence thinking citizens.

America wants progress of a kind that is consistent with our traditions, our ideals and our free institutions. We do not want the so-called progress typified by credit-card government which bills our children for our profligacy, or which is measured in rubber dollars.

Consequently, when we choose political leaders, let this be our yardstick: faith in the individual, faith in the ability of each American citizen to run his own life and spend his own money better than some bureaucrat can manage either for him. If we are disciples of this simple faith, then any doctrinal differences among the Nixons, Rockefellers, and Goldwaters—all respected leaders in the Republican Party—are as ripples in a cup of tea when compared to the hurricane type of towering waves of conflict that create the cleavages between the factions and divisions of the party now in power.

Note the unbridgable differences between the Congress and the administration on lavish proposals for Federal aid to education, on back-door financing, and other projects. Even worse is the total lack of any administration recommendation to the Congress for balancing the Federal budget, and for civil rights legislation, both solemnly pledged in platform and campaign only a few months ago.

Today the controlling party dominates both branches of Congress by almost a 2-to-1 margin. If its Members cannot legislate, it can be for only one reason: They are at war with themselves.

For our part let us agree to discard the tired and divisive political slogans of yesterday in favor of a common effort to keep our Nation not just moving forward, but moving responsibly forward—always attentive to human need beyond the power of the individual or locality to meet, faithful to the public trust in expending our citizens' funds, and devoted to our constitutional processes. What we are striving for is the kind of program for America that can endure because it is responsibly and sensibly achieved.

My friends, with us tonight is at least one citizen who holds such views—EVERETT DIRKSEN.

In recent years, as the minority leader of the Senate, time and time again he has stood at my side, undeterred by criticism, to do what the national interest has required.

In matters concerning our Nation's security, he is informed, tireless, and absolutely nonpartisan. Yet, when so doing will strengthen our country, he is unhesitating in voicing criticism and in fighting for constructive measures.

In domestic concerns, Senator DIRKSEN is daily the advocate of the responsible progress which I have roughly outlined tonight.

As a parliamentary tactician, he is unsurpassed.

Few people are as widely beloved, and in my White House years, I never heard Senator DIRKSEN speak meanly of another person.

My friends, it is knowledge of these things, personally experienced, that has brought me to Chicago tonight.

Proud of his service to our country, grateful for his personal loyalties, admiring his ability and character, prizing his friendship, I join the people of this State in saluting a great leader of the U.S. Senate, the statesman from Illinois—EVERETT DIRKSEN.

Thank you very much.

THE UNITED STATES MUST EXPAND ITS WEATHER RESEARCH

Mr. HUMPHREY. Mr. President, I believe that one of the most important

tasks which will confront the second session of the 87th Congress, commencing next January, will be to provide for a massive increase in weather research funds.

Unfortunately, the Federal Government has never allocated even a fraction of the funds which would be adequate to enable the U.S. Weather Bureau and the National Science Foundation to meet their responsibilities. The Federal Government has pinched pennies insofar as weather research has been concerned; the effect has unfortunately been disastrous.

For the 1962 fiscal year, the Weather Bureau had originally proposed to the Department of Commerce that $21.1 million in weather research funds be requested. But only $9 million was eventually appropriated.

Today, while hurricane Esther is raging toward the mainland, the incredible situation is that the Weather Bureau is so low in research funds that it must go "hat in hand" to other Federal agencies, to try to find enough money to carry on hurricane research efforts.

While U.S. meteorology research funds are limited to a few million dollars, the damage from storms, tornadoes, hurricanes, and typhoons can be counted in the hundreds of millions and even in the billions of dollars. Moreover, no financial value can be placed on the human lives which are unnecessarily lost.

REPORT TO GOVERNMENT OPERATIONS SUBCOMMITTEE

Recent experience with Hurricane Carla provided a thrilling demonstration of the tremendous payoff from accurate weather forecasting, as well as from disaster control plans. But science is still seriously deficient in insight from basic and applied meteorology research.

I have now secured a new analysis of long-range Weather Bureau needs. I had requested it in my capacity as chairman of a Senate Government Operations Committee subcommittee which has been studying interagency research problems.

Pursuant to Senate Resolution 26, 87th Congress, we have been examining interagency coordination in the overall $9 billion Federal research and development program for all of science.

My interpretation of this analysis leads me to believe that present U.S. weather research efforts are, to a considerable extent, crippled by: first, lack of continuity of research; second, inability of the Weather Bureau to recruit and retain an adequate number of highest caliber scientists, because of low salary ceilings; and third, inadequate funding of basic research.

The fact is that so-called crash programs in connection with weather or any other field cannot discover knowledge which only years of patient toil can be expected to unearth.

WEATHER CONTROL STILL A LONG WAY OFF

It is fundamental—so-called pure—research which is especially necessary in order to give us clues to one of the greatest frontiers of science—control, not mere forecasting, of weather.

Only around $1.3 million was expended for research in control of weather in the 1960 fiscal year. Much larger funds are necessary on a long-range basis if we are ever to be able to change Mark Twain's observation that "Everybody complains about the weather, but nobody does anything about it."

We had better do something, therefore, about making more adequate funds available for basic studies by the National Science Foundation and the National Center for Atmospheric Research, in Boulder, Colo.

The possibility of modification of weather, while attractive from many standpoints, is, it must be realistically stated, fraught with danger, and must be approached with great caution.

On this point, the National Science Foundation's second annual report on weather modification—NSF Publication 61–30—stated, pages 21–22:

If it is determined that man can counteract or alter the enormous energies associated with weather, experimentation must proceed with extreme caution. The wrong weather modification methods could lead to worse weather rather than to improved conditions. Probably, the best hope for injecting beneficial measures lies in attacking the storm long before it reaches a severe stage. The TIROS weather satellites have shown the way toward a much improved observational system, for already the satellites have detected the characteristics of new storms in their immature stages as they were forming over the vast, almost unobserved ocean areas of the earth.

With high-speed electronic computers, scientists can now simulate the broad circulation features of the atmosphere. The major weather patterns of these laboratory models can be changed at will to study hypothesized effects of weather modification on the global-scale general circulation. Promising leads have been uncovered, but all this is only the beginning. Man has a huge stake in weather and climate, and the Foundation believes the possibilities of weather modification must be attacked with confidence and on a scale commensurate with their potentials.

SATELLITE RESEARCH PROVIDED FOR

Fortunately, H.R. 9196, the supplemental appropriation bill, may provide for an important step forward in weather forecasting, by allocating $48 million for weather satellites. While this sum, as approved in the House, is $5 million less than the Weather Bureau had requested, it will still provide an invaluable tool for research.

The problem, however, is that the Congress and the public have tended to be far more receptive toward satellite-type research than toward the broad array of other atmospheric research problems.

INTERNATIONAL AND MILITARY IMPLICATIONS

Among other Federal agencies with significant weather-research operations are the National Aeronautics and Space Administration, the Department of the Army, the Department of the Navy, and the Department of the Air Force.

The international and military implications of weather research can hardly be overestimated.

Japan, for example, which right now is suffering from Typhoon Nancy, is but one of many nations repeatedly buffeted by nature's ravages. U.S. weather research could, therefore, pay important dividends in international good will, by helping to reduce the toll of suffering and damage.

Finally, from a national security standpoint, it would be perilous to ignore reports of Soviet Union meteorology advances as an intended instrument of possible future warfare.

Mr. President, I ask unanimous consent that there be printed in the RECORD, following my remarks, the following items:

First. The August 10, 1961, report by the Weather Bureau, in response to our subcommittee inquiry as to the Bureau's long-range budgeting for research and development.

Second. An article, from the June 1, 1961, issue of the New York Times, by the distinguished observer, Mr. Arthur Krock, on the need for adequate funds for the National Center for Atmospheric Research.

Third. An article, in the September 12, 1961, issue of the Washington Daily News, by Mr. John Troan, Scripps-Howard science writer, as regards basic research in weather modification.

There being no objection, the report and the articles were ordered to be printed in the RECORD, as follows:

STATEMENT ON LONG-RANGE RESEARCH AND DEVELOPMENT PROGRAMS IN THE WEATHER BUREAU FOR TRANSMITTAL TO SUBCOMMITTEE ON REORGANIZATION AND INTERNATIONAL ORGANIZATION, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. SENATE

1. INTRODUCTION

A productive research program in Government requires adequate legislative authority, well-qualified scientists, stable support with sufficient funds, suitable research quarters and other facilities, and imaginative scientific plans. The lack of any of these renders the others much less effective. This statement presents information on these items as they pertain to the Weather Bureau's research and development activities. Supporting documents are cited as appropriate and some of them are included as attachments to this statement.

2. LEGISLATIVE AUTHORITY

Summary: In general, the Weather Bureau has always had adequate legislative authority to meet its broad research and service responsibilities. Requests for new legislation in recent years have been limited to proposals of better ways for carrying out its work under this broad authority.

Additional information: The following is a list of current proposals that were included in the legislative program for the 1st session of the 87th Congress that have not been enacted to date:

1. To authorize the Secretary of Commerce to utilize funds received from State and local governments and private organizations and individuals for special meteorological services. Introduced in the Senate during the 1st session of the 87th Congress on January 30, 1961, and passed by the Senate with amendments on June 29, 1961. Companion bill was introduced in the House of Representatives as H.R. 6575 on April 25, 1961.

2. To authorize the Secretary of Commerce to enter into contracts for the conduct of research in the field of meteorology and to authorize the installation of Government telephones in certain residences. Introduced as S. 681 during the 1st session, 87th Congress, on January 30, 1961, and referred to the Commerce Committee.

3. To authorize the enactment of no-year appropriations to the Secretary of Commerce for the conduct of activities of the Weather

Bureau. Proposal submitted for inclusion in the legislative program of the 1st session of the 87th Congress with no action being taken on this item to date.

4. To amend the act of June 16, 1948 (62 Stat. 470), to authorize the Chief of the Weather Bureau to pay extra compensation to members of crews of research aircraft. Submitted for inclusion in the preliminary legislative program of the Department on October 14, 1960, with no action being taken on this item to date.

3. RESEARCH SCIENTISTS

Summary: An agency which conducts research, or sponsors research with other organizations, must have a nucleus of well-qualified scientists who are among the most competent in the research programs for which they are responsible. Although the Weather Bureau has been able to maintain a small, competent, technical staff, the present limitation in the number of positions in higher salary brackets places the Weather Bureau in an unfavorable competitive position with respect to other Government agencies and private research institutions. Accordingly, it is extremely desirable that an increase be provided in the number of Public Law 313 positions assigned to the research organization of the Weather Bureau.

Additional information: The Bureau now has two Public Law 313 positions, one assigned to the Director of Meteorological Research and the other to the Deputy Chief of Bureau.

The Bureau needs many additional Public Law 313 positions. (All positions are concerned with research responsibilities, either because of direct participation in research activities or through direction and/or utilization of research products.) Legislative and Civil Service Commission authorizations for these positions are required. The Office of Personnel Administration, Department of Commerce, has been advised of the Bureau's needs in connection with a departmental survey made by that Office. In the same action it is proposed to convert the current Deputy Chief's position from Public Law 313 to GS–18.

Support for this very important program, to attract the highest caliber of personnel, will average only an additional $2,000 per position.

4. RESEARCH BUDGET

Summary: A primary difficulty that the Weather Bureau has had in meeting the urgent need for accelerated progress in the science of meteorology and its applications has been limited funds with which to support research and development. Consequently other departments have undertaken research and development in meteorology to meet their needs in common uses areas which are the responsibility of the Bureau. Although such efforts have resulted in valuable contributions to the science, they have failed to solve some basic problems of meteorology. The varied objectives and dispersed efforts of the supporting agencies combined with lack of continuity in funding have made it impractical to mount the massive long-term effort needed for this purpose.

The Weather Bureau's research appropriations since 1950 are summarized in table 1.

TABLE 1.—*Research and development appropriations, Weather Bureau* [1]

Fiscal year	Amount requested by Weather Bureau	Amount appropriated	Remarks
1950	$2,253,000	$684,000	Principal increase requested was for basic cloud physics research, with lesser amounts for weather radar research and for applied forecasting improvements. No increases allowed.
1951	3,683,000	631,000	Increases were requested for basic cloud physics and artificial precipitation research and for thunderstorm and related severe weather investigations. 3 smaller items for applied forecasting improvements were included. No increases allowed.
1952	3,938,000	669,000	Funds were requested for a major investigation of thunderstorms and related severe weather, for applied forecast studies, and for cloud physics investigations. No program increases allowed.
1953	3,433,000	704,000	Same as fiscal year 1952.
1954	3,129,000	600,000	Similar to fiscal year 1952. Plans included $450,000 for developing numerical weather prediction techniques. No increases allowed.
1955	655,000	558,000	Prior to submitting preliminary estimates Bureau was advised it would have to reduce overall level of 1955 estimates below level of 1954 appropriation.
1956	13,042,000	1,642,000	Included $10,700,000 request for a multiple-year appropriation for a major investigation of hurricanes, tornadoes, and related severe storms. A major item for basic cloud physics studies was requested. Items for developing improved upper-air measuring instrumentation and numerical prediction techniques also were requested. The entire increase was for hurricane, tornado, and severe storm research, provided in the annual appropriation.
1957	12,884,000	2,652,000	Included request for multiple-year hurricane, tornado, and severe storm appropriation. Funds also were requested for numerical weather prediction and long-range forecasting studies. An increase of $1,050,000 was included in annual appropriation for hurricane research.
1958	4,130,000	2,605,000	Increases were requested for numerical forecasting and for basic studies of the general circulation of the atmosphere.
1959	3,679,500	3,450,900	Increase was requested for severe storm research.
1960	6,522,200	5,433,000	The requested increase included $937,000 to annualize operation of hurricane research aircraft, $1,693,000 for tornado and severe local storm research, $468,000 for aviation meteorology research. An increase at $804,000 was approved in the appropriation for hurricane research operations.
1961	26,414,700	6,446,500	Request was for a no-year research and development appropriation and included major items for aviation meteorology, $6,468,000; $9,411,000 for hurricane and severe local storm investigations; $2,058,000 for basic research concerning atmospheric processes; and lesser amounts for oceanography, climatology, and applied forecasting studies. A single-year appropriation for research and development including increase of $300,000 for hurricane research and $900,000 for aviation meteorology research activities was enacted.
1962	21,139,500	9,000,000	Request was for a multiple-year appropriation, the main increases requested being $3,038,000 for hurricane and severe storm research; $2,534,000 for aviation weather research; $1,113,000 for instrumental development; and $718,000 for hydrologic and climatic studies. Transfer of research functions from other agencies in the amount of $1,244,000 and an expansion of $1,378,000 for satellite meteorology research was included. The enacted appropriation provided an increase of approximately $1,000,000 for satellite research, and $200,000 for general circulation studies.

[1] A separate research and development appropriation became available in 1961. No records are available prior to 1960 of development work in the fields of instrumentation, hydrology, and climatology. Therefore, the "Amount appropriated" column in this table for the years 1950 to 1959 is confined to the "Research" activity under the Weather Bureau's "Salaries and expenses" appropriation. Development work not identified in this table for most of these earlier years is estimated to be less than $300,000.

Additional information: The Bureau has long been handicapped by the lack of funds sufficient to meet minimum demands made upon it as an operating agency. Because of the consequent compression of the research budget, the development of adequate upper air sounding systems and other meteorological instrumentation, and many basic research projects, such as cloud physics have been seriously delayed. Such things as weather modification experimentation cannot yet be put on a firm basis. The basic underlying meteorological investigations have not been completed. Results of the Weather Bureau's requests for appropriations for some of these investigations are summarized under "Remarks" in table 1.

Since World War II with its great expansion of interest in and practical application of meteorology, there have been urgent demands for increased knowledge about atmospheric phenomena. When the Bureau was unable to meet these new requirements, one department after another entered the field of research and development in meteorology in basic subjects which are the responsibility of the Bureau and which the Bureau could have undertaken with close-working relationships with its kindred activities. During this period there has been a high degree of interdepartmental cooperation and some of the available funds have been transferred to the Bureau. Although the cooperation of participating agencies is praiseworthy, there are disadvantages in this method of funding and management in functions for which the Bureau is responsible and which are in line with its other activities.

The projects which the Weather Bureau conducts for other agencies on a reimbursable or advance-of-funds basis have been classified under the headings of (1) observations and forecasts, (2) studies and statistics, and (3) miscellaneous. Table 2 summarizes total funds received for advances and reimbursements since 1950. Records as to the distribution of these funds to research are not available but it is estimated at only about 5 to 10 percent of the total amount. The nature of the research work performed under these transferred funds has varied considerably from year to year depending upon the objectives of the supporting agency. In line with other activities of the Bureau as the National Meteorological Service, this work has included studies of such things as meteorological conditions producing smog, investigations of the relationship between high-altitude winds and radioactive fallout, and the meteorological factors involved in aircraft accidents.

TABLE 2.—*Total annual amounts received by Weather Bureau for advances and reimbursements. It is estimated that about 5 to 10 percent of the total amount was distributed to research*

Fiscal year:	
1950	$1,051,000
1951	1,500,000
1952	2,179,000
1953	2,258,000
1954	2,768,000
1955	3,521,000
1956	4,735,000
1957	5,095,000
1958	5,742,000
1959	7,082,000
1960	8,116,000
1961	9,590,000
1962	8,948,000

5. RESEARCH FACILITIES

Summary: The report of the Special Advisory Committee of the National Academy of Sciences (Kelly Committee), issued in March 1960, made the following statement:

"The most urgent and immediate need of the Weather Bureau's research—whatever its level—is for modern, integrated housing and modern facilities in amounts adequate to provide effective utilization of research manpower."

Research and development activities are now located in a number of obsolete, substandard buildings, and facilities are inadequate both in quantity and quality. The recruitment of professional personnel of high quality for carrying on the research program is severely handicapped by the present quarters, facilities, and the associated environment.

During recent months, a request has been made for the assignment to the Weather Bureau of the National Bureau of Standards site when the agency moves to its new quarters. If this does not materialize, a new building, suitably designed to house Weather Bureau activities, should be promptly started.

Additional information: A summary of the Weather Bureau's attempts to obtain adequate housing follows:

1. During 1953 the Bureau developed building requirements and prepared justifications leading to the General Services Administration submission of their project No. 3–MD–07 to Congress for approval of the Public Works Committees of the Senate and House of Representatives. The prospectus was submitted under provisions of title I, Public Law 519, 83d Congress, 2d session. During the 2d session, 84th Congress, the prospectus was submitted as part of the lease-purchase program. The project was approved by the House Public Works Committee and was also approved by a Senate subcommittee of the Public Works Committee. However, the Senate Public Works Committee tabled the proposal due to a question of the cost of site acquisition.

2. On May 15, 1958, the Weather Bureau obtained from the Bureau of Public Roads a use permit for 112 acres of ground at Langley, Va. However, the Langley, Va., site was not adequate for location of the new building to house the National Meteorological Headquarters and the Observational Test and Development Center. On May 13, 1960, the Weather Bureau accepted the transfer from National Bureau of Standards of 408.4 acres of ground, together with 28 buildings at Sterling, Va., for use in developing the Observational Test and Development Center. With this action, the 112 acres of ground at Langley, Va., would be adequate for the location of the proposed new building for the proposed National Meteorological Headquarters.

3. On March 11, 1958, a revised building project was submitted to the General Services Administration. A revised proposal was again resubmitted on December 22, 1959, encompassing the latest changes. This proposal is currently included in General Services Administration project No. 49900, dated December 11, 1959, under stage 2 of part II for a proposed construction start during the period 1963–64.

4. On November 18, 1960, the Secretary, Department of Commerce, forwarded a letter to the Administrator, General Services Administration, recommending that necessary steps be taken immediately to have a single, special-purpose building constructed, designed to take care of the Weather Bureau's operations.

5. On January 3, 1961, the Administrator, General Services Administration, in a letter to the Secretary of Commerce, gave recognition to the Weather Bureau space problem and stated a hope for early programing action with regard to an appropriate project for the Weather Bureau.

6. In the spring of 1961, the Department of Commerce and the General Services Administration concurred in a plan for the Weather Bureau to take over the National Bureau of Standards site at Wisconsin and Van Ness Avenues, Washington, D.C., upon the relocation of the National Bureau of Standards site at Gaithersburg, Md. At the present time a feasibility study is underway.

6. LONG-RANGE PLANNING

Summary: During the past decade the Weather Bureau has developed a number of long-range plans for research on important problems in meteorology. A few of these have been well supported, some have received token support, but others have been beset with the difficulties discussed above. Some of these long-range plans, which are discussed in the next section of this report and are given in detail in attached documents, provide fundamental approaches to the attainment of some of the national goals in atmospheric sciences that are now receiving long-needed attention.

Responding to a request initiated by the President's Special Assistant for Science and Technology, a task force of scientific leaders in the field of meteorology convened in a series of meetings to outline national 10-year goals in the atmospheric sciences. The conferences, held June 28–July 19, 1961, included experts from among the Weather Bureau's research scientists. The national plan for meteorological research resulting from these meetings is scheduled for completion in the early autumn. As the national meteorological service, the Weather Bureau is concurrently preparing long-range plans covering its responsibilities in the atmospheric sciences. These plans will include research and public service activities which will both contribute to and derive from the overall goals developed by the scientific task force.

Additional information: Because the atmosphere is a global envelope within which weather is manifested on scales ranging from fractions of inches to worldwide dimensions, many of its fundamental processes cannot be scientifically understood and possible future control cannot be determined unless research is pursued on a comparable range of scales. The solution of many of the complex problems of the atmosphere call for large, long-term research projects whose success in turn depends on imaginative long-range planning, recruitment of competent research scientists, and the provision of adequate facilities and stable long-term support.

At the request of the President's Special Assistant for Science and Technology, Dr. Jerome Wiesner, a planning task force of 150 scientists from many different institutes in this country and abroad, convened in Boston, Mass., during the period June 28–July 19, 1961. The purpose of the conference was to recommend goals and outline a national plan for the atmospheric sciences over the next 10 years.

The director of the planning task force, Prof. Sverre Petterssen, using these recommendations, will outline U.S. needs for manpower, funds, and facilities in the atmospheric sciences. This outline will include specific requirements in the fields of biometeorology, atmospheric physics and chemistry, atmospheric dynamics, atmospheric structures and circulations, and engineering meterology. This effort is being supported through funds supplied by the National Science Foundation and the Weather Bureau.

Parallel to the overall plan being developed by Professor Petterssen, the Weather Bureau is preparing long-range plans covering the primary aspects of its basic mission in the atmospheric sciences. While the plan developed by Professor Petterssen will be primarily concerned with research goals, the Weather Bureau's program will cover the forecasts, warnings, and other services provided by the Bureau, as well as the basic and applied research effort necessary to improve these services. Much of the Bureau's planning in these areas is being continually developed and reviewed through its annual planning processes, and through special technical planning studies which are issued from time to time. Some of these plans and projects are discussed individually in the next section. The proposed overall study will, however, bring together these plans into an integrated program.

7. RESEARCH PLANS AND PROJECTS

A full discussion of "Research Progress and Plans of the U.S. Weather Bureau, Fiscal Year 1960," is given in the attached document of that title. A similar document for fiscal year 1961 will be issued in the early autumn. The following discussion is limited to brief summaries of some long-range projects that the Weather Bureau has started or planned.

General circulation of the atmosphere

Approximately 6 years ago at the urging of the late Dr. John von Neumann, a group was established at the Weather Bureau to study the general circulation of the atmosphere through the construction of dynamical models suitable for numerical solution with the aid of high-speed digital computers. The research planned is fundamental for understanding the larger scale processes of the atmosphere and is basic to improvement in problems such as long-range forecasting and for determining possibilities of large-scale weather modification as recognized by Dr. von Neumann when he proposed the project. Since the problem is a very difficult and time consuming one, it was undertaken with the understanding that the project would have to grow as more complicated mathematical models of the atmosphere were developed. Since personnel for this type of work were extremely scarce many of them came through the training of promising graduates completing their university work or by the assignment of Weather Bureau personnel to universities for further advanced training in theoretical meteorology. Due to the limitation on the salaries that can be paid under the civil service system, it was not possible to obtain the services of several people who could have made important contributions to the project.

The solution of the problem of the general circulation requires very high-speed and large capacity digital computers. The research has now advanced to the stage involving a more realistic model of the atmosphere which can only be handled on a computer of the largest size now available. Arrangements have been made for the lease of such a computer with delivery expected in the last quarter of fiscal year 1962. Availability of this computer for general circulation research depends on funds being made available in fiscal year 1963 for the lease of the computer over the entire year. Since the information on the appropriations to cover this lease does not become available until late in the spring, planning for a computer of this type which can be obtained only on a long lease time basis becomes difficult under short-term budgeting for research.

Meteorological oceanography

Under the statutes and executive orders governing meteorological services provided by the U.S. Government, the Weather Bureau is responsible for collecting essential weather reports from the oceans, the Great Lakes, and other bodies of water in which the United States has meteorological interest. From these reports are prepared the weather maps, climatological charts, storm warnings, and other weather advisories for the high

seas and water areas within or contiguous to its territories. The Weather Bureau is also responsible for meteorological research designed to develop and improve ocean weather services and, in particular, for boundary zone research involving the oceans and the atmosphere in their direct relationship to weather and climate.

Interaction between the air and sea in causing violent conditions of wind and water over the oceans and along the coasts is so involved and indivisible that for many purposes meteorology and oceanography must be regarded as one and the same science. The need for studies in this field has been emphasized in the report "Oceanography 1960 to 1970" by the National Academy of Sciences—National Research Council Committee on Oceanography. Among other comments on this subject in this report is the statement that the interchange which "takes place between the sea and air affects persistent weather patterns."

For many years, the Weather Bureau has urged further development of ocean-weather studies, and the Bureau's proposals for this important field were given emphasis recently through the Federal Council for Science and Technology and subsequently, the Interagency Coordinating Committee on Oceanography. These agencies supported the long-range program aimed at (1) extending and developing the weather observations, storm warnings, and other ocean-meteorological services vital to safety to life and property; and (2) conducting the necessary research for advancement of knowledge of atmospheric-oceanographic processes. To carry out this program, the Weather Bureau proposes to carry out investigations of the following important topics:

1. Investigations with regard to the exchange of heat, water vapor, momentum, chemicals, and other properties across the ocean-atmosphere interface.

2. Study of the "feedback" mechanism whereby unusual weather conditions produce unusual sea conditions, particularly temperature changes, and the manner in which these, in turn, subsequently introduce atmospheric changes, such as variations in paths and intensities of storms.

3. Investigation of the various mechanisms contributing to a piling up of water against coasts during hurricanes and other severe windstorms; improvement of storm-tide services now in operation along the Atlantic and gulf coasts and their extension to the Great Lakes and coastal areas.

4. Study of coastal weather with particular emphasis on harbor and estuarine forecasting for nuclear-powered ships, where release of nuclear effluents either by accident or design, might become serious for coastal communities.

There is a great potential still undeveloped for extensive use of merchant ships and special purpose vessels for making observations and collecting data that are desperately needed for understanding of the phenomena of the atmosphere and the oceans which relate directly and vitally to human welfare. For relatively little investment in instruments and equipment, these vessels could be utilized for collection of essential data. Specifically, the Weather Bureau proposes to develop a low-cost, lightweight system of measuring winds aloft from merchant ships, as well as to obtain the necessary barometers, thermometers, and other standard surface measuring instruments for cooperating vessels.

There are huge gaps in our observations of the oceans and the atmosphere over the oceans—gaps so large that the entire area of the United States could be lost in the wide-open spaces in some regions. The data deficiencies resulting from these gaps can be materially alleviated by the use of a recently developed marine automatic meteorological station (MAMOS). This station can be anchored in deep water and is capable of transmitting weather information automatically to shore stations.

Although there are many new items of instruments and equipment to be developed for ocean weather observations, most of these are relatively simple from the technological point of view. They offer no serious obstacles to early development of the network of oceanographic and meteorological observations. For example, a prototype infrared thermometer has been developed which will provide very accurate measurements of surface water temperatures. Preliminary studies have indicated that such measurements are extremely important in delineating the areas favorable for hurricane formation.

Atmospheric boundary layer

Solar energy is obviously the driving mechanism for the earth's wind and weather. However, solar energy must largely be converted into long-wave (heat) energy in order to be utilized by the air. By far, the largest part of this conversion takes place at the air-earth-ocean interface in a complex and ever changing way. The resulting atmospheric behavior controls the dispersion of the pollutants, growth of vegetation, indeed the very character of the air we breathe.

The Weather Bureau has planned a basic study of the boundary layer for several years but has been unable to obtain its own funds to initiate any work in this field.

In order to carry out even the vestiges of a program in this field the Weather Bureau has had to rely on a small amount of support from the Atomic Energy Commission. This initial pilot study has further confirmed the complexity of the problem and demonstrated the need for an expanded continuing effort in this area.

Severe storms

Two important programs in the Weather Bureau are the investigation of hurricanes through the national hurricane research project and the investigation of severe local storms such as tornadoes, severe thunderstorms, etc., through the national severe storms project. Both of these projects have been planned on a long-term basis with objectives as described in the attached documents but the financing of the work has been on a year-to-year basis. In the case of the hurricane project satisfactory support has been received to conduct a worthwhile project. In the case of the national severe storms project, funds adequate to undertake the investigations at a reasonable level have not been obtained through our regular appropriations. In order to conduct this work, the Weather Bureau has had to rely on partial support from such agencies as the FAA, the NASA, and the Department of Defense. Due to changes in plans in these agencies leading to variation in support of the project from year to year it has not been possible to conduct the research at a reasonable level taking advantage of the facilities currently available for the investigation of the severe local storms.

Meteorological observation requirements

Long-range plans for obtaining meteorological observations over sparse data regions have been developed by the Weather Bureau in a study of this problem in the Pacific. The urgency of this problem arose as a result of an announced plan by the Department of Defense to phase out gradually the Air Force weather reconnaissance program which has been providing vital meteorological information over the Pacific Ocean and other areas. The attached document, "Technical Planning Study No. 1," which concentrates on alternative plans for dealing with the problem in the Pacific, provides plans that are applicable to all sparse data areas of the world.

Development of meteorological equipment and procedures

With the accelerating technological advances of modern industry, agriculture, and commerce, and their associated requirements for meteorological information and services, the Weather Bureau contracted in 1960 for an expert investigation of practical means of acquiring, processing, and utilizing weather data that would be compatible with future requirements. The study, which examines the overall science and practice of meteorology and emphasizes the needs of the next 3 to 5 years, provides a logical guide for subsequent establishment of mutually consistent developmental and implementation programs. This study, designated "Technical Planning Study No. 2," is attached.

National plan for a common system of meteorological observation satellites

Since 1954, when the Weather Bureau's Director of Meteorological Research pointed out the promising prospects for a worldwide weather-observing system using artificial earth satellites, the Bureau has made studies leading to proposals for such a system. The attached "Technical Planning Study No. 3" summarizes planning that commenced shortly after the successful launching and operation of Tiros I in April–June 1960. This original plan, although preliminary, represented a start in formalizing a national program that has been further developed through coordination among several interested Government agencies and departments. The final result, "A Plan for a National Operational Meteorological Satellite System," was issued in April 1961. Strengthened by the further success of Tiros II, it was presented to the 87th Congress as part of President Kennedy's space program for the United States. The more recent highly successful Tiros III has further confirmed the value of meteorological satellites and of plans to establish a systematic program of operational satellites geared closely to the work of the Weather Bureau's National Meteorological Center.

High-density network for terminal forecasting research

The importance and economic value of accurate short-period forecasts for the Nation's major airports are widely recognized. In spite of the effort which so far has been expended on this problem, significant improvements have not been realized. Progress has been slower than in larger scale weather forecasting principally because the terminal forecast cannot be so well determined by present methods of observing and analyzing the current atmospheric state. With the rapid expansion of jet aircraft operations, the problem has become more acute. Recently a number of experts have suggested establishing a special observation network designed and operated specifically for use in terminal forecasting studies and related research programs. The attached Technical Planning Study No. 4 presents Weather Bureau plans for a small high-density network to provide special data for use in terminal forecast studies and field experiments in short-period terminal forecasting, involving both data collection and processing. The observational network and research program will enable a variety of experiments and tests to be made. There is every reason to expect that research along these lines, if given stable, long-term support, will prove fruitful.

Weather modification and storm control

This subject, which was mentioned in section 4, was thoroughly discussed about 2 years ago in a report by the Weather Bureau to the Select Committee on National Water Resources, U.S. Senate, 86th Congress. The report, issued in 1960 as committee print No. 22, included (pp. 20–21) an up-to-date comprehensive plan for studies in

weather modification, small parts of which are now underway. A further brief statement on the subject is included here because of the widespread popular interest and the possibility of important future developments in weather modification, now largely unforeseeable.

When weather modification first reached widespread attention among the public some 12 years ago, the Weather Bureau was one of the first to start field studies under fairly adequate experimental controls. These studies soon led to the conclusion that much more extensive fundamental research in cloud physics and precipitation processes would be required before real progress could be made in the practical applications of weather modification for purposes of rainmaking and other uses. At the time these findings and the advice based thereon were largely disregarded in the excitement with which many enthusiastic rainmakers undertook field operations. After some 10 years' delay and expenditure of many millions of dollars that might better have been devoted to basic research, other scientific agencies have come to the conclusions and made the recommendations presented by the Weather Bureau in 1950.

At the present time, the Weather Bureau's activities in weather modification are relatively small except for the important basic studies in cloud physics now in progress in the Physical Research Laboratory. The comprehensive and large-scale program in research in weather modification first recommended by the Bureau in the early 1950's and brought up to date in the cited committee print No. 22, could not be undertaken because of lack of funds.

Many of the basic studies prerequisite to weather control are also essential to understanding of atmospheric conditions for purposes of weather forecasting. The Weather Bureau has pursued these research possibilities in projects related to weather forecasting and has, insofar as limited funds have permitted, continued its basic studies in phenomena relating directly to weather modification and storm control.

8. SUPPORTING DOCUMENTS

The following recently issued documents provide additional information on many of the items discussed. Documents (2) through (9) are attached.

1. National Academy of Sciences, National Research Council, "The Role of the Department of Commerce in Science and Technology," a report to the Secretary of Commerce by a special advisory committee, Washington, D.C., 1960. (Kelly committee report.)

2. U.S. Department of Commerce, Weather Bureau, "Budget Digest," Washington, D.C., 1961.

3. U.S. Department of Commerce, Weather Bureau, "Research Progress and Plans of the U.S. Weather Bureau, Fiscal Year 1960," Washington, D.C., 1960.

4. U.S. Department of Commerce, Weather Bureau, "Objectives and Basic Design of the National Hurricane Research Project," National Hurricane Research Project Report No. 1, Washington, D.C., 1956.

5. U.S. Department of Commerce, Weather Bureau, "National Severe Storms Project—Objectives and Basic Design," NSSP Report No. 1, Washington, D.C., 1961.

6. U.S. Department of Commerce, Weather Bureau, "Plan for Meeting Meteorological Observation Requirements Over Sparse Data Regions," Technical Planning Study No. 1, Washington, D.C., 1960.

7. U.S. Department of Commerce, Weather Bureau, "Prospectus of Meteorological Operations," Technical Planning Study No. 2, Washington, D.C., 1960.

8. U.S. Department of Commerce, Weather Bureau, "National Plan for a Common System of Meteorological Observation Satellites," Technical Planning Study No. 3, Washington, D.C., 1960.

9. U.S. Department of Commerce, Weather Bureau, "A Proposal for Terminal Forecasting Research Using Data From a Small-Scale Network," Technical Planning Study No. 4, Washington, D.C., 1961.

10. National Academy of Sciences, National Research Council, "Oceanography 1960 to 1970," Washington, D.C., 1958.

11. Panel on Operational Meteorological Satellites, National Coordinating Committee for Aviation Meteorology, "Plan for a National Operational Meteorological Satellite System," Washington, D.C., April 1961.

12. U.S. Department of Commerce, Weather Bureau, "Progress and Possibilities in Weather Modification," part 1 of "Water Resources Activities in the United States—Weather Modification," committee print No. 22, Select Committee on National Water Resources, U.S. Senate, 86th Congress, 2d session, Washington, D.C., 1960.

[From the New York Times, June 1, 1961]

THE VERY MODEST PRICE TAG ON TABLE MOUNTAIN

(By Arthur Krock)

WASHINGTON, May 31.—The cost to the American people of putting a man on the moon in this decade was recently estimated at $20 to $40 billion by Director Webb and Deputy Director Dryden of the National Aeronautics and Space Administration. The program for research in the atmosphere of the earth will cost about $30 million in the next 5 years, according to Director Roberts of the multiuniversity project on Table Mountain in Colorado.

Since the most visible product of U.S. primacy in a man moon-landing is the prestige of this Nation in the world, and solid advances in the state of humanity are tangible goals of atmospheric research, this gives pertinence to a question asked of Webb and Dryden after the NASA estimate of $20–$40 billion was made. The question, from John W. Finney of this newspaper, a member of the television panel before which the NASA officers appeared, was substantially this:

Assuming that the pockets of the American taxpayer are not bottomless, could not some of the huge sums required for a lunar expedition be more profitably spent for other forms of research here on earth, such as curing cancer or heart disease, converting salt water into fresh water, or improving the education of our youth?

This raised a mighty issue of relativity which, though it is outside the province and the assignment of NASA, merits public consideration. And Director Roberts' estimate of $30 million for 5 years' cost of the Table Mountain program emphasizes the issue by its startling contrast with NASA's speculative $20–$40 billion. The issue is this: Is the prestige which will come to the United States for being first to land a man on the moon worth the concentration of so enormous a portion of its wealth?

APPORTIONING RESEARCH FUNDS

If the American taxpayers were able simultaneously to finance the research in all the fields mentioned by Finney, to the degree calculated to bring results at the earliest possible moment, as in the instance of the moon flight, the issue of relativity would not exist. But this purchasing power has not yet been claimed for the American economy, even by the most optimistic exponents of the theory that annual rises in the national industrial product on an ever-increasing scale can be assured by economic policy. So if $20–$40 billion of the national revenues are to be spent to win the race to the moon in this decade, the progress through Government aid to the other goals of science must move on a much slower schedule.

Though there is no atmosphere on the moon, no oxygen and no surface water; though the fahrenheit temperature range is from 200 plus above zero to 200 plus below, and hence the moon is a place most inimical to man—despite these appalling obstacles a man eventually will land on the moon from the United States. This is the prevailing judgment of the scientists engaged in the NASA program, and the reason the cost of the President's translation of this judgment into a national policy will be so great is that a 2 or 3 year lag behind Soviet Russia must be overcome if we are to hope to be first.

Unless this policy is to be modified as to expenditure, there is small prospect that the Government will invest enough more in the researches of "little science" to accelerate their advances toward their humanitarian goals at something nearer the moon project rate. If so, it is fortunate that one branch of this research, with a vast potential of general benefit, is able to make substantial progress on the current scale of Government support. "Though it will be 3 years before the National Center for Atmospheric Research moves into permanent headquarters (on Table Mountain)" reports Director Roberts, "the center is already in being. By fall the first dozen of the 70 or 80 scientists who will be the nucleus of the staff will be at work in temporary quarters." And he added:

"The endeavor (sponsored by the Government and 14 universities) is conceived on a scale suitable to its global importance. Top-flight scientists will work on such problems as the real connection between electricity and precipitation; the interaction of ocean, land and atmosphere; the role of chemical particles, gases and ionized substances in the production of thermal and dynamic effects laying the groundwork essential to future application, even—perhaps—weather control."

This is a lot for $6 million a year.

[From the Washington Daily News, Sept. 12, 1961]

EXPERTS PIN HOPES ON BASIC RESEARCH TO CONTROL STORMS

(By John Troan)

America's hurricane fighters admitted today it may take years before man learns to tame these whirling dervishes. And maybe we'll never find out.

But forecasting of hurricanes has developed to a point that nowadays their death tolls are at a minimum.

Hurricane Carla, for example, is almost a repeat of the devastating storm which struck Galveston, Tex., in 1900. Yet the toll this time is nowhere near the 6,000 lives it claimed.

Jack Thompson, Assistant Chief of the U.S. Weather Bureau, said the main difficulty in trying to control hurricanes is we don't know enough about how they are born and how they behave.

Nevertheless, scientists are hopeful that basic research—aided by newfangled satellites—eventually will yield enough information about nature's weather factory to open the way to hurricane control.

THREE METHODS

Meanwhile, three methods for battling hurricanes—and the tropical storms which spawn them—are being pondered.

One is to "seed" such storms with dry ice or silver iodide before they reach land or turn into full-blown hurricanes.

Hopefully, such seeding would milk dry part of the storm and either knock it out or knock it off course—thus steering it away from shore.

The United States has tried this a number of times. But, Mr. Thompson said, "the results are inconclusive."

Reason: Each such storm acts differently. So we don't know whether we've really influenced its behavior, even if it should lose its steam or shift its path.

One way to overcome this obstacle is to seed many tropical storms and hurricanes

over many years—and compile a sort of box score. But some weather experts think it would take 20 years or more to draw useful conclusions from this.

CHEMICAL FILM

Another idea is to coat the ocean with a chemical film that would keep down the temperature of the surface water. This is keyed to knowledge that most hurricanes form when the sea temperature is above 80.

Such an "overcoat" has been spread on lakes and reservoirs to reduce evaporation. But it doesn't seem to drop the water temperature.

"What we'd like," Mr. Thompson explained, "is to incorporate in an agent of this sort a chemical that acts the opposite of the way carbon black does. Carbon black absorbs the sun's radiation. We'd like a chemical to reflect radiation which spreads at sea."

Even then there would be the problem of keeping such a chemical film from being shattered by the pounding of waves.

ANOTHER IDEA

Still another idea, less talked about these days, is to use nuclear bombs to destroy hurricanes at sea.

Weather experts concede this might work if a hurricane really has a weak spot—and if it were located.

Moreover, use of nuclear bombs against hurricanes might possibly backfire by stoking up the storms and raining radioactive fallout in their wake.

To top it all off, a hurricane is much more powerful than a hydrogen bomb. For instance, it generates in 5 seconds as much energy as would be released by the explosion of that 100-megaton H-bomb Soviet Premier Khrushchev talks about.

Though forecasting has improved considerably, the Weather Bureau still is striving to make its hurricane predictions even better.

Its aim is to be able to pinpoint within 50 miles where a hurricane will strike 36 hours later.

This would give people in the danger area enough time to take emergency measures without compelling others outside the actual hurricane zone to resort to costly needless precautions.

Mr. HUMPHREY. Mr. President, I only hope this request will receive very serious attention, because the eastern seaboard is again being visited by a devastating hurricane which will take its toll in hundreds of millions of dollars' worth of property; and we have proven by some advance planning and research on weather that we can save the lives of thousands of people and can protect property from undue damage. I believe that with the expenditure of a very limited amount of money in the fiscal year 1963 and in the years ahead we may very well be able to protect the lives of thousands of our people who would be affected by severe weather, and we shall be able to protect crops and physical structures, and, indeed, we shall be able to do much more to protect the public interest.

REGULATION OF DRUG INDUSTRY

Mr. KEFAUVER. Mr. President, I ask unanimous consent to have printed in the RECORD editorials on S. 1552, the omnibus drug bill, appearing in the New York Times and the Washington Post of Monday, September 18, 1961.

I take this opportunity to commend Secretary Ribicoff for his thorough, lucid, and penetrating analysis of the problems presented by the drug industry and of the ways and means of correcting them set forth in the proposed legislation. As I said at the time, his testimony represents one of the best statements ever presented to the Antitrust Subcommittee.

That such distinguished newspapers as the New York Times and the Washington Post have found merit in much of the proposed legislation, is, of course, extremely heartening to those of us who have struggled to develop and bring out the facts on this industry and the need for essential reforms.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 18, 1961]

TIGHTER CONTROL OF DRUGS

Secretary Ribicoff has made a good case for more protection of the consumer against worthless drugs. Buying drugs is very different, as Mr. Ribicoff told a Senate subcommittee studying the Kefauver bill, than shopping for shoes, automobiles, or groceries. About 90 percent of the drugs for which prescriptions are written today were not on the market 20 years ago. In many instances it is impossible for the consumer to find out whether a new drug has any actual value in the treatment of a disease. Under such circumstances it is not unreasonable to require Food and Drug Administration tests of the effectiveness of a new drug before it is offered to the public.

Some manufacturers insist that such testing would delay the marketing of new drugs of great value. No doubt it would, but a little delay would not be a large price to pay for the additional assurances to the public, when the product does appear, that it has been found by impartial experts to be efficacious as well as harmless.

No doubt there is also some danger of poor administration of the proposed requirement that new drugs be withheld from the market until their usefulness has been established. Venal inspectors might be subjected to heavy pressure. Incompetents could deny sick people new remedies. As a practical matter, however, the standards adhered to in the Food and Drug Administration usually have been high. It is not a sound principle of government to withhold powers needed for protection of the public because of the possibility that those powers might be abused.

The Secretary of Health, Education, and Welfare has pointed out, moreover, that the sale of worthless drugs for use on hogs, sheep, and cattle is already restricted. Certainly there is no logic in allowing a lower standard for drugs used by human beings. It would be foolish indeed to say that a farmer is entitled to an FDA check on the effectiveness of the medicine he gives to his hogs but not on that he gives to his children.

Mr. Ribicoff also appears to have made a good impression on the subcommittee by opposing the provisions of the Kefauver bill which would require the licensing of drug concerns and the publication annually of a list of drugs that might have dangerous side effects. There is no virtue in carrying regulation beyond that which is necessary for protection of the public. We believe that consumers can be adequately safeguarded without discouraging the alert and progressive drug industry from the development of new remedies for human ailments.

[From the New York Times, Sept. 18, 1961]

SAFER, CHEAPER DRUGS

With a forthrightness in gratifying contrast to its timidity on many other important domestic issues, the administration has recorded its support of the major provisions of the Kefauver-Celler bill to tighten Federal regulation of drugs in the interest of proved quality, fewer harmful side effects and lower consumer prices.

Secretary Ribicoff put the case for the bill in the bluntest terms when he told a Senate Antitrust Subcommittee that it was time to "give American men, women, and children the same protection we have been giving hogs, sheep, and cattle since 1913." These barnyard creatures have been safeguarded against worthless drugs for nearly half a century. The new bill will assure people that they, too, will get drugs proved effective before they are sold.

The subcommittee hearings have demonstrated the sometimes tragic inadequacy of present controls. The Food and Drug Administration, the American Medical Association and the drug manufacturers themselves have responded to the revelations by taking many steps to improve pharmaceutical practices. But these measures go only a small way toward providing full protection for the consumer's health and pocketbook. Congress should act early next year to complete this lifesaving mission by enacting the Kefauver proposal.

STEEL PRICE DEBATE

Mr. KEFAUVER. Mr. President, the Washington Post, September 15, 1961, carried two items of interest in connection with the steel industry. One is a story by Bernard Nossiter and the other is an editorial on the subject. I believe these are of interest to the current situation and ask unanimous consent that they be printed in the RECORD at this point in my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 15, 1961]

STEEL PRICE DEBATE GROWS IN OBSCURITY

(By Bernard D. Nossiter)

Roger M. Blough, the genial farmer lawyer who runs United States Steel, has contributed an eloquent lawyer's brief to the national debate over steel prices.

Unhappily, for all their brilliance, Blough's arguments obscure rather than clarify the economic issues at stake.

Blough's reply to President Kennedy's hold-the-line appeal displays a wealth of faultlessly accurate statistics. But many of them are irrelevant and suggest somewhat misleading conclusions.

A central question is just how much difference does it make if steel prices are raised. Not much, suggests Blough.

"The historical evidence," he wrote Mr. Kennedy, "would seem to disprove the bellwether theory (that steel price increases set the pace for or cause increases in prices generally).

For his historical evidence, Blough notes that steel prices didn't rise from 1940 through 1944, but wholesale prices generally climbed a lot. Conversely, Blough remarks that steel prices jumped 30 percent from 1951 through 1956 while wholesale prices generally held steady.

In the 1940–44 period, the rise in prices was due almost entirely to the sharp climb in farm prices—an objective long sought by the Government and achieved by the extraordinary wartime demand for food. During much of this time, steel prices were controlled by law. This period proves little about the present.

But the 1951–56 period illustrates perfectly why the President worries over a rise now in steel prices. In this stretch, farm prices fell 22 percent; metals and metal products rose 21 percent. The net result, as Blough said, was little change in the overall level.

The lesson is this: When farm prices are not falling and when there is no great spurt in demand that fully employs all workers and plants, the price to worry about is the price imposed by administered industries like steel.

For example, the rise in prices of steel and steel-using products accounted for most of the general rise in prices between 1953 and 1959. Then, as now, the economic curve was generally rising, but there was still lots of slack in the economy; the inflation force came from the concentrated industries with the market power to make price increases stick.

One of Blough's shrewdest points is his suggestion that steel wage costs have outrun and so forced price increases. He notes that steel's hourly employment costs rose nearly twice as fast as prices from 1940 through 1960.

But Blough's firm produces steel, not man-hours. The relevant figure is costs per ton of steel. If I employ two workers at $2.50 an hour to produce eight widgets, then double my wages, fire one worker, and still get eight widgets an hour, I have not given myself any reason to raise prices. My labor cost per widget is unchanged, 62.5 cents.

According to the Bureau of Labor Statistics, the hourly wage cost of producing a ton of steel has risen 111 percent from 1940 through 1959 (the latest available year); prices rose 174 percent, or more than half again as much during this period.

The BLS doesn't include the rise in fringe benefits but these now make up about one-eighth of total employment costs and would still leave the correct conclusion unchanged—that prices have outstripped labor costs per ton.

The rest of Blough's letter is filled with much of the same kind of analysis. It is enough to make Senator ESTES KEFAUVER, Democrat of Tennessee, turn in his teacher's certificate. KEFAUVER has been over this ground with Blough for years in the Senate Antitrust and Monopoly Subcommittee.

But the billion-dollar question—Will steel raise its prices again?—remains unanswered by Blough and his followers.

Yesterday, another company chief, President Thomas P. Patton of third-ranking Republic Steel Corp. disclosed his reply to Mr. Kennedy.

Like the others, Patton said he didn't know what he was going to do about prices. And, like the others, he complained that the President was trying to "justify the freezing of current steel prices regardless of the inequities to our company."

The eventual decision of United States Steel and the rest of the industry will provide the severest test so far of Mr. Kennedy's attempt to restrain inflation through rational persuasion.

KENNEDY PRAISES UNION ON ITS CONTRACT PLANS

President Kennedy yesterday commended the United Steelworkers Union for promising to negotiate a new basic contract next year that will be noninflationary and based on the public interest in price stability.

The White House released copies of an exchange of correspondence between the Chief Executive and union President David J. McDonald.

On September 6, Mr. Kennedy sent letters to 12 steel company executives urging them not to use a cost-of-living steel wage increase this fall as an excuse for hiking steel prices. The President said that even with higher labor costs the steel industry could "look forward to good profits without an increase in prices."

In his letter, McDonald pledged the "wholehearted acceptance by the United Steelworkers of America to the proposition that any collective-bargaining settlement in the basic steel industry next year should give full weight and recognition not only to the needs of workers, the stockholders, but also to the public interest."

This was a reference to the basic steel contract that comes up for renegotiation next year. Mr. Kennedy's original letter was more concerned with the immediate effect of the so-called escalator increase in wages effective next month.

McDonald reiterated the belief of the President's Council of Economic Advisers that the October pay increase would be more than offset by rising productivity and a lower labor cost per ton of steel.

[From the Washington Post, Sept. 15, 1961]

STEELMAKER TO PRESIDENT

Mr. Roger Blough, chairman of U.S. Steel, has responded to the President's letter in which the President urged the steel industry to hold the price line. Mr. Blough makes three principal points. First, he says, steel profits have not been excessive. This may readily be granted, and in fact the President's letter did not say that they had been. Secondly, Mr. Blough questions the bellwether effect of steel prices. This is a matter of judgment; nobody can look into the minds of businessmen who often have raised their prices when steel went up. What seems fairly certain is that the sharp rise in the postwar price of steel was responsible for a good part of the total wholesale price increase. Mr. Blough is probably right in suggesting that steel wages have had a strong bellwether effect.

Finally, Mr. Blough argues that the forthcoming rise in steel pay is not 8 cents per hour, as has been said in some quarters, but 13 cents. At the same time he says that productivity in the steel industry has advanced, over the long term, at only 2 percent. If these are the facts, the steel industry obviously faces a difficult problem in holding the price line in the face of wage increases of 3½ percent or thereabouts. But steel productivity moves at widely varying speeds. It accelerates sharply when the rate of capacity advances. Such an advance now seems clearly ahead. It is on this basis that the President expressed the belief that the industry could absorb the coming wage increase without higher prices.

What Mr. Blough's letter makes clear is that there can be no easy and painless exit from the wage-price spiral in steel. Management and labor have fallen into bad habits in the postwar years. Management has tried for higher profits, labor has moved in and taken them away, then management has tried once more to raise them. In this way the price of steel has been pushed up far beyond other prices. This spiral must be broken at some point. Whoever makes the first move will feel some anguish. The move is now the industry's, and a decision to forgo an increase will impose some sacrifice. Given the consequences that ride on the decision, the Nation can reasonably expect of the industry that it make that sacrifice. What the industry can expect of the Nation is that when next year it is labor's turn to show self-restraint, equally effective pressure be brought upon the union. The President has already taken action toward that end by addressing a letter to David McDonald of the United Steelworkers.

CALLUP OF WISCONSIN'S 32D INFANTRY DIVISION

Mr. WILEY. Mr. President, yesterday the Secretary of the Army announced the callup of additional National Guard and Army Reserve units to strengthen our defenses.

Among the units called to the colors was the famed Red Arrow 32d Infantry Division, of Wisconsin. In past wars and crises, the 32d Division has written one of the finest records of service in U.S. history. I ask unanimous consent to have a brief statement relating to the new mobilization order printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MOBILIZATION OF WISCONSIN'S 32D INFANTRY DIVISION

The President's callup of Wisconsin's famed 32d Division represents a major effort to strengthen U.S. defenses in times of grave international crisis.

The mobilization order affects more than 10,000 Wisconsin "minutemen" in 71 communities—about 95 percent of the State National Guard ground forces.

The order is aimed at bringing the division to full manpower strength; and stepping up its combat readiness.

According to present plans, the 32d Division is scheduled to report for duty on or about October 15, and will train at Fort Lewis, Wash.

A time limit of 12 months has been set on length of service for personnel.

Unfortunately, there will be serious personal hardships created by this mobilization, including the impact of: loved ones, once again marching off to defend our country; disrupted family ties; interrupted careers; and in some cases, economic difficulties.

The services should, of course, make every effort to alleviate extreme hardship cases.

The Red Arrow Division—in past crises—created a famed, hallowed record in service to its country. Once again, it stands in the front lines of America's defense.

PLIGHT OF BROILER PRODUCERS

Mr. LONG of Missouri. Mr. President, during the past several days distinguished Members of this body have called to the attention of the Senate the deepening economic crisis of the poultry industry.

The independent broiler industry of Missouri is facing bankruptcy because of the steadily dropping prices.

I ask your consideration of these price facts: It costs 14 cents to produce a pound of broiler chicken. Prices have dropped to 9 cents. They may soon fall to 8 cents.

If production of broilers were also falling, this disastrous price situation might correct itself. But this is not the case. Production is steadily rising. Independent members of the broiler industry cannot cope with this situation as it now exists.

The crisis has been apparent for several months, and the Senate accepted an amendment to the 1961 farm bill which would have met the problem. But the other body, by a vote of 94 to 97, failed to include the amendment.

The amendment would have allowed the broiler industry to adopt a system of marketing orders and agreements. This in no way would have infringed upon freedom of the producers, since the decision to adopt or reject the marketing orders would have been decided by producers themselves through hearings and referendums.

I believe that at the time this amendment was up for decision, members of the industry had not reached agreement among themselves as to the best course to lead them across the shoals of chaos which confronted the industry.

But the able and distinguished junior Senator from Georgia and my most capable and distinguished colleague, the senior Senator from Missouri, and others, have since reported that the industry now recognizes the need of such a program.

If the broiler industry did not face immediate ruin, it would be possible to put this problem aside to the next session, in view of the lateness of the hour.

But action is needed if this major industry is to survive.

The Senator from Georgia has introduced S. 2559 to meet this problem.

Therefore, Mr. President, I join in urging the Congress to act before adjournment to empower broiler producers to meet the problems of their industry through marketing orders and agreements.

I ask unanimous consent to insert in the RECORD at this point a letter from the Secretary of Agriculture, Mr. Freeman, a letter in which he reviews this problem and tells of steps the Department is pursuing to encourage greater consumption of poultry.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, September 14, 1961.

Hon. EDWARD V. LONG,
U.S. Senate.

DEAR SENATOR LONG: Thank you for your letter of September 6 enclosing the inquiry from Mrs. Ralph Schroeder relative to the price situation in the broiler industry.

The prices received by producers for commercial broilers have been exceedingly low in recent months and at this point there is little prospect for improvement. Current indications are for continuing increases in output, even though there is general agreement that broiler returns are not covering cost of production. These problems have been the subject of an inquiry by a subcommittee of the Select Committee on Small Business in the House of Representatives and the Department of Agriculture has been asked to study alternative ways of assisting this industry.

The Department is presently purchasing substantial quantities of broiler meat for use in food distribution programs and has worked with industry groups to encourage consumption through the plentiful foods program. These efforts should be of some help to the industry in moving additional quantities of broiler meat into consumption. They will not, however, restore broiler prices to profitable levels. It is unfortunate that the poultry industry did not foresee these problems when Congress was considering farm legislation. The Department of Agriculture presently has no authority to institute the types of programs needed to adequately deal with this problem.

We appreciate this opportunity to discuss these matters and will be happy to provide any further information you may require.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

FLOOD DAMAGE IN MISSOURI

Mr. LONG of Missouri. Mr. President, I have just returned from inspecting damaging floods in my home State of Missouri, a result of heavy rains from Hurricane Carla. Western and northwestern Missouri were particularly hard hit. Heavy losses were suffered in the Kansas City area. While damage estimates are not yet completed, the St. Louis Post-Dispatch of September 17, 1961, put the preliminary figures at $28 million.

This flood disaster, the second this year in Missouri, puts added emphasis on the need for continuing and increasing our public works measures for control and prevention of future floods. It is poor economy to suffer losses which can be prevented.

I have just received a copy of a telegram from Hon. John M. Dalton, Governor of Missouri, addressed to President Kennedy, in which the Governor asks that certain parts of the State be declared major disaster areas.

I ask unanimous consent that this telegram be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

JEFFERSON CITY, MO.,
September 18, 1961.

Hon. JOHN F. KENNEDY,
President of the United States,
Washington, D.C.

(Through Mr. M. O. Bickal, Acting Regional Director, Region VI, Department of Commerce, Office of Civil Defense, Denver, Colo.):

Excessive rains caused by Hurricane Carla from September 11 to September 15, 1961, have caused major flooding of several rivers in the State of Missouri. This flooding has caused extensive damage to public and private property in Missouri and especially in the Kansas City area.

This is the second major flood which Missouri has suffered this year and pursuant to section 1710.15, Federal Disaster Assistance Regulations, I certify that the total of expenditures and obligations (or resources utilized) by the government of the State of Missouri, its local governments or other agencies thereof, over and above normal expenditures, for disaster relief purposes for this disaster and all other disasters during the 12-month period immediately preceding this request exceeds $2 million.

The loss of public and private property to Missouri citizens caused by this flood is of deep concern to me and I hereby respectfully request that the areas of the State of Missouri that have suffered adversely by the present flood be declared as major disaster areas and they they be rendered Federal assistance.

All of the specific areas of Missouri requiring assistance have not been fully determined at this time because some rivers have not yet crested but by subsequent correspondence such information will be compiled, delineated, and presented to you for your consideration.

JOHN M. DALTON,
Governor of Missouri.

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 569) to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker pro tempore had affixed his signature to the following enrolled bills, and they were signed by the Vice President.

S. 29. An act for the relief of Ok Nyu Choi (Ann Wollmar);

S. 158. An act to confer upon the domestic relations branch of the municipal court for the District of Columbia jurisdiction to hear and determine the petition for adoption filed by Marie Taliaferro;

S. 262. An act for the relief of Constantinos Georgiou Stavropoulos;

S. 263. An act for the relief of Guisseppe Glorioso;

S. 264. An act for the relief of Mr. and Mrs. Franklin Leong;

S. 547. An act for the relief of Young Jei Oh and Soon Nee Lee;

S. 553. An act for the relief of Olga G. Coutsoubinas and Spyridon G. Coutsoubinas;

S. 592. An act for the relief of Nishan Der Simonian;

S. 976. An act for the relief of Maria Treia Terpak;

S. 1053. An act for the relief of David Lew Huie;

S. 1234. An act for the relief of Max Haleck;

S. 1355. An act for the relief of Helen Harolan;

S. 1537. An act for the relief of Mrs. Renee Deri;

S. 1585. An act for the relief of Margherita Ferrelli D'Amico;

S. 1750. An act to strengthen the Federal Firearms Act;

S. 1786. An act for the relief of Heripsime Hovnanian;

S. 1787. An act for the relief of Giovanna Vitello;

S. 1880. An act for the relief of Johann Czernopolsky;

S. 1906. An act for the relief of Fares Salem Salman Hamarneh;

S. 1947. An act for the relief of Annemarie Herrmann;

S. 2070. An act for the relief of Kabalan Farris;

S. 2118. An act for the relief of Dr. John Lopinto Arzaga;

H.R. 3401. An act for the relief of Salvatore Cairo;

H.R. 5343. An act to amend section 5021 of title 18, United States Code;

H.R. 5613. An act for the relief of Fernando Manni; and

H.R. 5754. An act to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Lisbon, Portugal, October 31, 1958.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate go into executive session, and that it consider the nomination of Harold T. Council, of Mississippi, to be a member of the Mississippi River Commission.

The motion was agreed to; and the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which

were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary;

Frank J. Battisti, of Ohio, to be U.S. district judge for the northern district of Ohio;

Robert A. Ainsworth, Jr., of Louisiana, to be U.S. district judge for the eastern district of Louisiana;

Anthony T. Augelli, of New Jersey, to be U.S. district judge for the district of New Jersey;

S. Hugh Dillin, of Indiana, to be U.S. district judge for the southern district of Indiana;

Alfred L. Luongo, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania;

Alfonso J. Zirpoli, of California, to be U.S. district judge for the northern district of California;

Thomas J. MacBride, of California, to be U.S. district judge for the northern district of California;

Hubert L. Will, of Illinois, to be U.S. district judge for the northern district of Illinois;

Delmas C. Hill, of Kansas, to be U.S. circuit judge for the 10th circuit;

Ben Cushing Duniway, of California, to be U.S. circuit judge for the ninth circuit;

John W. Bonner, of Nevada, to be U.S. attorney for the district of Nevada; and

Harry G. Camper, Jr., of West Virginia, to be U.S. attorney for the southern district of West Virginia.

By Mr. CARROLL, from the Committee on the Judiciary:

William E. Doyle, of Colorado, to be U.S. district judge for the district of Colorado.

By Mr. HART, from the Committee on the Judiciary:

Merle M. McCurdy, of Ohio, to be U.S. attorney for the northern district of Ohio.

By Mr. DODD, from the Committee on the Judiciary:

Irving R. Kaufman, of New York, to be U.S. circuit judge for the second circuit.

By Mr. ERVIN, from the Committee on the Judiciary:

William Medford, of North Carolina, to be U.S. attorney for the western district of North Carolina; and

William H. Murdock, of North Carolina, to be U.S. attorney for the middle district of North Carolina.

By Mr. KEATING, from the Committee on the Judiciary:

John F. Dooling, Jr., of New York, to be U.S. district judge for the eastern district of New York; and

Thomas F. Croake, of New York, to be U.S. district judge for the southern district of New York.

By Mr. FONG, from the Committee on the Judiciary:

Martin Pence, of Hawaii, to be U.S. district judge for the district of Hawaii; and

C. Nils Tavares, of Hawaii, to be U.S. district judge for the district of Hawaii.

By Mrs. SMITH of Maine, from the Committee on Armed Services:

Maj. Gen. William H. Blanchard, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the rank of lieutenant general;

Col. William B. Campbell, Col. Richard O. Hunziker, and Col. Larry A. Smith, Regular Air Force, for temporary appointment in the U.S. Air Force; and

Lt. Gen. Robert W. Burns, Regular Air Force, to be senior Air Force member, Military Staff Committee, United Nations, and Lt. Gen. Roscoe C. Wilson (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of lieutenant general.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Charles W. Cole, of New York, to be Ambassador Extraordinary and Plenipotentiary to Chile.

By Mr. JOHNSTON, from the Committee on Post Office and Civil Service:

One hundred and seventy-nine postmaster nominations.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES—ORDERED TO LIE ON DESK

Mrs. SMITH of Maine. Mr. President, from the Committee on Armed Services, I report favorably a group of appointments and promotions in the Navy and Marine Corps in the grade of captain and below. All of these nominations have already appeared in the CONGRESSIONAL RECORD. In order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. The report will be received and the nominations will lie on the desk, as requested by the Senator from Maine.

The nominations are as follows:

Fayette C. Root (civilian college graduate), and sundry other persons and officers, for appointment and promotion in the Navy and Marine Corps.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the nomination will be stated.

MISSISSIPPI RIVER COMMISSION

The legislative clerk read the nomination of Harold T. Council, of Mississippi, to be a member of the Mississippi River Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

COMMISSIONER OF INDIAN AFFAIRS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of the nomination of Philleo Nash, of Wisconsin, to be Commissioner of Indian Affairs.

The ACTING PRESIDENT pro tempore. The nomination will be stated.

The legislative clerk read the nomination of Philleo Nash to be Commissioner of Indian Affairs.

Mr. MANSFIELD. Mr. President, before any action is taken on this nomination, I should like to yield to the senior Senator from Minnesota [Mr. HUMPHREY], and to serve notice that at the conclusion of his remarks a quorum call will be suggested for the purpose of getting interested Members to the Chamber.

THE SOVIET ECONOMIC OFFENSIVE

Mr. HUMPHREY. Mr. President, I wish to take a few moments of the Senate's time to discuss the matter of the Soviet Union's economic offensive.

Mr. President, at this time of world crisis, with the eyes of the world focused on Berlin and the United Nations, I call attention to another front on which the Soviet Union is attempting to create havoc. I refer to the economic offensive of the Soviet Union, and while this may not be as exciting and dramatic as the disputes in Berlin and the United Nations, its effects may well prove in the long run to be every bit as significant in the struggle between the Soviet Union and the free world nations.

The Soviet Union's economic offensive is a carefully thought out plan to disrupt normal commercial cooperation between the industrial nations of the West and the underdeveloped countries which need capital, to snare other nations into becoming economically dependent on the Soviet Union, and to promote friction within the Western alliance.

What we are seeing is a form of economic banditry by the Soviet Union, another weapon in its imperialistic scheme.

We have grown accustomed to the fact that every area of contact among nations in our time has become a front along which the Soviet Union is applying pressure and seeking to gain advantage against the free world. The Soviet leaders make no secret of the fact that they are engaged in permanent combat against the independent nations. They call it an ideological struggle, but the weapons employed are not strictly of the intellectual variety. They include blackmail, fifth columns, subversion, arms smuggling, civil war, and revolution.

In his own fashion, Mr. Khrushchev has been faithful to the grim promise he made in his interview with Walter Lippmann to the effect that "we—the Communists—will make more trouble for you—the Americans—with every passing year."

Mr. President, I think we ought to take this message, this warning—indeed, this challenge of Mr. Khrushchev—very seriously.

In recent years, the front that has most actively attracted the strategic interest of the Soviet leadership has been the area of international economic intercourse in general, and world commerce in particular.

In the sphere of foreign trade, the daily commercial press around the world provides a useful reflection of the wide range of activity in which the Soviet Union and its captive allies are at present engaged. All signs point to the fact that this is a highly coordinated, politically directed operation.

Foreign commerce in the Soviet Union, as we know, excludes the public. It does not perform the salutary role of providing the citizen with access to new, better, and cheaper goods produced in other

countries under more favorable conditions of growth or manufacture. It is strictly a government operation, a monopoly of the state. Its chief aims are first, to increase the production power of the Soviet state; second, to harness the satellite nations to the chariot of their imperial masters; third, to weaken the will and the capacity of the nations of the free world, individually, to resist Soviet political pressure or to act in unison in defense of their national interests.

I. SOVIET TRADE ACTIVITY IN THE WEST

I turn, first, to the markets of the West, where the recent flow of commercial information reports the following lines of activity by the Soviet trade monopoly:

I have called upon the Legislative Reference Service of the Library of Congress, to give me assistance in the research which was necessary for the preparation of this particular paper. I do not consider what I am saying to be a speech, but rather a study in economics relating to commercial relationships between the Soviet bloc and the so-called free nations of the world.

A. PROCUREMENT OF WESTERN TECHNOLOGY

Mr. President, I shall talk for a moment on the procurement of Western technology.

In the United Kingdom, Russian procurement agents are following up their recent success in the purchase of an integrated modern tiremaking installation with a deal for the export of several complete plants in the field of plastics—polyethylene—and drip-dry synthetic fibers. The biggest chemical firms in Britain are involved in these orders.

In France, Soviet agents have recently bought an automatic production line for making truck parts, a modern cement factory, and two complete plants for the manufacture of concrete panels used in rapid-method construction.

In Germany, the emphasis is also on buying the ripe fruit of technological innovation. The latest arrangements include: An order for two complete chemical plants, a pulp and paper plant, and a tubing mill for manufacturing broadgage oil pipelines.

I am sure my colleagues will recall that when Mr. Mikoyan, the Soviet Deputy Prime Minister, was in the United States 2 years ago he conducted negotiations with our Government for the purchase of large pipeline equipment. The United States has the capacity to build the very large tubing which is necessary for some of the huge pipelines the Soviet Union desired. We rejected that request of the Soviet Union, and the Soviet representatives immediately went to Western Europe—in this instance to West Germany—where they made a contract with the sheet metal companies and tubing companies in Western Germany for the same material we had refused to supply. In other words, our rejection of a bid from the Soviet Union to purchase pipeline equipment did not mean that the Soviet Union did not get the pipe for its pipelines, but merely that one of our allies supplied the material at the request of the Soviet Union at a later date.

All this tells me one thing. If we are to have a free world economic policy it must be a policy with respect to which there is cooperation, coordination, and unity of purpose. It does little or no good for the United States to reject a Soviet offer or purchase request only to find the same offer or purchase request respected, acknowledged, and granted by one of our allies. I submit that this kind of economic anarchy in terms of economic coordination or planning results in nothing but the loss of business for American firms, American workers, and American raw materials.

I am not arguing for this kind of business. I am merely arguing that if we are to have a policy it must be a coordinated policy.

In Italy, the Soviet drive to extract technological know-how seems to be gaining special momentum. On May 26, 1961, the Soviet trade ministry concluded a new trade agreement with the Italian Government. The provisions of this ambitious pact are symptomatic of the present Soviet feverish drive to appropriate technical ideas newly developed in the West. The agreement provides for the export of complete plants and processes by five major Italian manufacturing firms—Montecatini, Saicci, Chatillion, ENI, Projetti. The complete plants to be supplied by these firms will include the latest equipment to produce the following commodities: methanol, acetylene, ethylene, maleic anhydride, ammonia, ethylene diamine, paper pulp, high tensile strength cord, pipeline, and remote control equipment.

While the Soviet Union buys complete factories, with the most modern automated equipment, from the technological genius of the West, thereby keeping its own industrial capacity at high levels, it concentrates its scientific and engineering personnel, facilities, and capacity upon outer space, military construction, and defense items. In other words, the West is providing much of the development in what we call the peaceful pursuits of the Soviet economy, while the Soviet Union is concentrating its own trained scientific and technical personnel, of which it has many who are good and able, upon the exploration of outer space, thus making such fantastic and spectacular accomplishments as we have witnessed since the days of sputnik. The Soviet Union uses its engineering, scientific, and technical personnel to provide the most modern weapons of huge and immense destructive power. They get it both ways.

B. NO PROTECTION FOR PATENT RIGHTS

Mr. President, there is no protection in the Soviet Union for patent rights.

I have cited only a few isolated moves in an organized drive to exploit the technological resources of the West. They may be sufficient, however, to highlight one important fact; namely, that the industry of the West has been, through no choice of its own, drawn into a division of labor in which it has been assigned the role of developing new ideas and production methods in the field of civilian products, while Soviet planning officials are left free to concentrate their own considerable resources for innovation on the development of military and highly strategic end products.

It is easy to see that the procurement agents of the Kremlin come out very well in these deals. As big buyers, actual or potential, they enjoy the privilege of frequent visits to plants. They have a good opportunity to observe the ripening fruit of Western research before they decide what and where to harvest. When they move to buy, the individual manufacturer in the West is rarely in a position to turn them away. The Soviet buyers pay for the physical equipment, to be sure, but not for the costs and hazards involved in developing the new ideas embodied in the equipment. They are not bound by any international convention on patent rights, and their internal laws do not recognize industrial property rights. Every new machine or product brought in from the West is used by the state; it is immediately copied for production at home, and often for export abroad.

What is more, this outflow of technical information is strictly a one-way affair. There are no finished plants, or anything comparable, moving out of the Soviet Union to the West. Their innovations are kept under lock and key. They are heavily guarded, first, by the State Secret Acts and, second, by the monopoly of foreign trade. When they sell a finished technical product, such as the famous, and rather disappointing, turbo-drill of a few years ago, it is handled as a unique operation, staged and controlled by the regime to achieve a calculated effect. Such an occasional export, in any event, cannot be taken as a token or an article in abundant supply, open to anyone with cash in hand. In substance, then, there is no reciprocity in industrial technology.

The Soviet Union, though an extremely calculating buyer, is not a large one. In the countries of Europe, where it does most of its selective procurement at present, the dollar value of these annual purchases is relatively small. For example, the Soviet bloc as a whole, including Russia, accounts for the following shares of total exports in 1960: 3.5 percent in the case of the U.K.; 3.8 percent for Belgium; 4.0 percent for France; 6.0 percent for Italy; 6.2 percent for West Germany.

It is the smaller countries of Europe, by contrast, that are far more vulnerable to Soviet pressure through trade, notably Greece, Iceland, and Finland. In 1960, these countries marketed in the Soviet bloc the following proportions of their total exports: 23.1, 24.6, and 19.4 percent respectively.

II. THE OFFENSIVE IN PETROLEUM

As reported in the commercial press, current Soviet export activities in the West are also causing serious concern to the nations involved. In the conduct of these activities, very little regard seems to be shown for the accepted rules of commercial practice. Wherever possible, transactions are so planned and executed as to exploit weaknesses and divisions in the outside world and extract political advantage for the Communist camp.

A. OIL MARKETING PRACTICES

Right now, the oil trade seems to exert a strong attraction upon the restless rulers of the Soviet Union. To them, this has all the earmarks of an area rich in opportunities for entrenching its own commercial and political position and for undermining the West. The trade monopoly, through which the Soviet Government works, is not bound by the normal economic imperatives of the marketplace. Nor does it have to render an account to its own public on the amount or the price at which it disposes of the country's oil resources. Accordingly, the Soviet Union is now offering petroleum products in selected markets at 20 to 35 percent below going market prices. In addition, it offers to accept payment in local currency or in local export products. In short, these offers have all the characteristics of an irresistible bargain. They have been carefully designed, in fact, to carry that kind of appeal.

The Italian case is illustrative. In November 1960, a trade agreement was concluded between the two countries whereby Italy would receive—over a 5-year period—some 100,000 barrels of Russian oil per day. The unique feature of this deal is the discount price. To make sure that no other supplier could compete for this sale, the Soviet trade monopoly depressed the price to $1 a barrel delivered at a Black Sea port, a figure well below—37.5 percent—the price at which Middle East oil could be picked up at the nearest port.

The Soviet Union sold oil in the Italian market for 37½ percent below the going world market price, and below any competition that was available from any part of the world, particularly in the Middle East. If this kind of economic aggression and penetration continues in a large amount, it will literally force Great Britain to the verge of bankruptcy, because today Britain depends in no small measure upon her capacity to export Middle Eastern oil at a fair and reasonable price in world markets. The Soviet Union has turned her oil industry onto the world market today in one of the most aggressive attacks that the world has ever known for world markets.

This deal, by which about 20 percent of Italy's annual requirements will be covered, is disturbing on several counts. In the first place, the price is so low that it could not be met competitively by the major oil suppliers. For example, in the case of Kuwait oil, among the cheapest to extract, the oil companies are obliged to pay the sheik 69.5 cents per barrel in royalties alone, as provided by the 50–50 terms of the contract governing their concession. In the second place, after the Russian crude oil has been processed in Italy, it enjoys the status of a Common Market product. In the third place, the growing dependence of any member of the NATO community on Russian oil raises all kinds of disquieting prospects for the future, both short and long run.

Let the record be clear. A vast amount of the requirements of the NATO nations today for oil is being supplied by the Soviet Union. Not only is NATO inadequately prepared with food supplies, a subject which I have mentioned in the Senate repeatedly, but today it has an unusually heavy reliance upon Soviet exports in oil.

We can be quite certain that the Soviet strategists are fully aware of the implications of these commercial involvements. Viewed from their vantage point, however, these developments are just what the doctor ordered. They are part of the tactical execution of a broad strategy for injecting tensions into the free world through the proper deployment of commercial resources. There, the monopoly of foreign trade, which is usually justified by Soviet political spokesmen as a defensive measure, functions effectively as an offensive instrumentality for promoting quarrels within the Western alliance. By the same token, it helps to support the expansion of the Soviet empire.

There are heated quarrels in the Western alliance today over the subject of Soviet trade.

In general, the intrusion of Soviet oil into the world market, it is generally agreed, came at a time when the international oil industry was already faced with serious marketing problems. Some of these were new, some familiar but intensified. Over the past few years, the industry has been attempting to work out some practical adjustment to a situation where supply had overrun demand and was still increasing. The volume of oil thrown in by the Russians, therefore, dealt a distinct shock to an already saturated market. There was also, in the background, the clear threat of still large quantities to come from the same source. Unfortunately, too, the Soviet foray came just at the time when the first concerted steps began to be taken by the Arab oil countries with a view to stabilizing the financial returns from their oil resources.

Why, we may ask, are the Soviet leaders engaged in this kind of senseless cutthroat competition? In part, of course, the answer is commercial and practical. Oil can be readily converted into foreign exchange. It is also a commodity that is now enjoying a production boom within the U.S.S.R., expanding at a rate of some 15 percent from year to year.

Since this speech was prepared, new discoveries of oil have been made in the Soviet Union. The Soviet Union is engaged in developing vast new pipelines to carry oil from the Soviet Union through the eastern European countries, which are now captive nations, into Western European markets. All of this goes on with little or no public notice being paid to it except on the financial pages of the newspapers. In the meantime, we think the real crisis is in Berlin. Yes, it is. I do not underestimate it. But I say also that the Soviet Union works every front, the military front—as we discussed last night—and the propaganda front, where the Soviet Union is pouring in vast resources of money and personnel and facilities, and the economic front.

We witnessed this in the field of aluminum and we witnessed it in the field of benzine only a few years ago. I have taken the floor in the Senate during the last 12 years, time after time, to point out the trade agreements the Soviet Union is signing with countries throughout the world. At this moment, the Soviet trade missions are covering the countries of Africa like a blanket, signing up the countries for the sale and for the delivery of Soviet goods, and signing them up for the importation of raw materials. The Soviet Union is determined to use its economic policy as the vanguard of its new type of control and colonialism in the underdeveloped areas of the world.

As we pour in foreign aid, they pour in goods. They barter. They take out raw materials for manufactured and processed goods. They keep these countries obligated. They put in heavy machinery, which requires replacement parts, and of course those parts can only come from the Soviet Union. In fact, I shall point out that the Soviet Union has actually, for all practical purposes, given heavy machinery to countries, to have those countries fully dependent for the next generation upon Soviet industry for the replacement parts. That means that those countries are in the hands of the Soviet Union economy.

B. LONG-RANGE DESIGNS IN PETROLEUM

But the energy with which the Soviet regime has thrown itself into the present "crusade" against the oil companies stems from far deeper sources. Here, the answer has to be sought in the Soviet world view, especially their doctrine of the political vulnerability of the oil companies and, along with them, of the whole Western position in the less developed world. Their doctrine, and the political appetite of which the doctrine is an expression, tells them that by systematically discrediting, undermining and offering to "replace" the oil companies they can win friends and influence people in all the former colonial nations.

Most of the latter nations, this argument runs, are either heavy buyers of this costly commodity or grantors of concessions to the oil companies. For the short run, therefore, the Soviet leaders feel certain that if they only play their cards right, dispense the right kind of "advice," they can complicate the situation for the oil companies at both ends. They can, by making token offers to the oil-rich nations, raise the extraction costs for the companies and, by cutting prices, depress their revenue from sales. This is expected to produce an immediate squeeze on their profits and upon what we call the balance of payments for some of our Western European allies.

The long run plans of the Kremlin strategists in the field of petroleum are even more ambitious. As part of these plans, they are busy offering the services of the Soviet oil trust—and they have already found several "takers"—to supplant the oil companies of the West in such technical operations as prospecting for oil deposits, and extracting and refining the product. They offer to do this, moreover, on terms that are advertised as "fraternal" or "cooperative," or anything else that is likely to appeal to the

client country. At the same time, Soviet ideological advisers are calling on the less developed countries to "see the light," to "expel the monopolies" from their midst, to "put an end to the era of unchallenged domination—of their economies—by foreign oil companies."

Mr. President, every time the Soviet Union sends a technical mission into a country, or a trade mission into a country, it sends along with it the political mission. That is an old Lenin doctrine. We are not merely faced with Soviet economic competition, with the favorable terms of Soviet exports and with the favorable terms of Soviet purchases—and both of them are extremely favorable—but also with Soviet propaganda, Soviet subversion, Soviet political influence, Soviet technicians, Soviet personnel. I might add also that the Soviet Union pays for most of its imports in gold. The Soviet Union has one of the largest supplies of gold in the world. It has huge gold mines, and it is stepping up its gold production. This dictatorship of the proletariat is not poor. It is the second richest nation on the face of the earth. What is more, they are willing to use it. They have gold bullion in amounts that equal what we have at Fort Knox. They are willing to use that gold to depress the market and gain a political objective and subsidize their exports to extend and expand Soviet power. It is done by one central authority, the government. Private choice is not to be permitted. We find ourselves, therefore, in a very defensive posture.

Just how much better off economically the developing, capital-poor nations would in fact be as a result of such an expulsion may be a moot question, at best. But it would quite clearly be a victory for the Kremlin. In the jargon of the official theorists of the regime "anything that hurts the monopolies is good for socialism—read communism."

One question that arises at this point is: Who pays for the heavy losses so willingly accepted by the Soviet oil trust in its ambitious price war against the oil companies? The answer is that both Russia's unhappy trade partners inside the bloc and the domestic consumer help to provide the subsidy. Let us take one example. The Soviet oil monopoly sells oil in Argentia at a price of $1.60 a barrel, at a time when Poland pays $2.87 a barrel—"Soviet Oil in the Cold War," U.S. Congress, Committee on the Judiciary, 1961, page 5.

In other words, Argentina pays $1.60 a barrel, while Poland, a satellite, under the boot heel of the Kremlin, pays $2.87 a barrel. The Polish people pay the subsidy for the Soviet political economic machine.

Significantly, the Soviet Union sells about half its oil within the bloc. Thus, it takes no chances, making certain that its captive trade partners will help to subsidize its political forays in the world oil market. Inside the Soviet Union, the sale of oil is also a highly profitable affair for the Government: all oil products are subject to a heavy turnover—sales—tax. The Soviet motorist—a rare personage in a country that produces only 139,000 cars a year—buys his gasoline from state monopoly at 79 cents per gallon.

The Soviet motorist, whose Government is cutting the price of oil in Italy by 37½ percent, to drive out the British and French from a very fine market in the Western alliance, finds that he pays 79 cents a gallon for gasoline, if he has a chance to take an afternoon trip on some day during his workweek.

III. SOVIET COMMERCE IN THE LESS DEVELOPED COUNTRIES

Within the past 5 years the Soviet Union has been actively expanding its commercial bridgehead in the underdeveloped regions of the world. To the seasoned strategists of the Kremlin, this new area, the uncommitted one-third of mankind, represents the land of political opportunity. Here, their monolithic trade monopoly faces small, weak economies, most of them lacking the experience, the stability, and the resilience of the more diversified economic structures of the Western nations. Among these more vulnerable economies, the Soviet Union cuts a big figure as a trader. It can easily unbalance or dominate the trade of any partner it happens to choose as a likely prospect for "influence."

The Soviet leaders have made it all too plain, in their public statements, that their prime interest in the less developed country is to establish a base for dispensing political advice—political medicine—to these countries. They come to these countries not primarily for the purpose of increasing their economic resources through a wider and better exchange of goods. Their objectives are far more ambitious. As shown by their actions, the Kremlin leaders have no great respect for the political maturity of these countries. Moscow, it seems, knows better than the native leaders of the emerging countries what their most urgent problems are. As Khrushchev sees it, for example, the new countries must, first of all, begin to change their political institutions. At the 21st Congress of the C.P.S.U. in February 1959, he offered to chart their course for them, declaring:

> The countries which have conquered national independence * * * want to avoid the capitalist stage of development and * * * begin to build a society on a different basis.

In order to be in a better position to help these countries "avoid capitalism," the Soviet Union must, of course, stage a physical presence in their midst. Above all, it feels it must display to them its industrial maturity, its capacity to supersede the nations of the West as suppliers of capital equipment for economic development.

A. A SMALL TRADER

When we look at the volume of actual commerce involved, we find that the Soviet exchange of goods with this group of countries, while rising steadily, is still a modest operation. The cash value of Soviet commodity exports to all the less developed countries, taken together, at present, amounts to less than $400 million a year. Small as it is, we need to bear in mind the fact that it is now three times as large as it was 5 years ago, and continuing to rise.

The reason why I am making this address today is that the local newspapers within the past 2 weeks have been carrying the story about the intention of the Soviet Union to step up its export trade; that it is equipping itself for a major push on the economic front.

The task for the Soviet Government is not simple. As producers of marketable raw materials, the emergent countries are relatively heavy traders. All told, the less developed countries exchange annually through the world market some $30 billion worth of goods, or 25 percent of the value of the total world imports. The Soviet bloc, by comparison, takes only 3.5 percent of all imports through the world market. Hence, it will take the Soviet Union some time before it can become a significant factor, either as a market or as a source of supply, in the foreign commerce of the underdeveloped region as a whole.

Among the underdeveloped countries, the degree of involvement in Soviet bloc trade, in 1960, was highest in the case of the following: Egypt, 44.6 percent; Syria, 19.4 percent; Sudan, 14.7 percent; Guinea, 14.2 percent; Iraq, 12.4 percent; Uruguay, 10.7 percent.

Mr. President, note those figures. Where the heavy Soviet economic penetration is to be found, there has also been intensive Soviet political penetration, so much so that Mr. Nasser, of Egypt, has started to lock up the Commies. Thank goodness, he has started to kick out some of the Soviets who said they were technicians. They were technicians in propaganda, not technicians in engineering. That is not to say that the Soviet Union does not have able technicians. Of course it does. But with those technicians, with those experts, the Soviet Union sends its political infiltrators, its political teachers.

B. AN IRREGULAR TRADER

Because it tends to move in and out of a market in accordance with the political opportunity at hand, the Soviet Union is a characteristically irregular trade partner. Many underdeveloped countries in particular have experienced their feasts and famines at the table of the trade monopoly of the U.S.S.R.

In Burma, for example, the Soviet Union all but passed out of the picture in 1958, after buying $17 million worth of rice in 1947. When they bought rice in 1947, they were also contributing much to the violence and disorder in Burma.

In New Zealand, the Soviet Union stopped buying wool in 1959, presumably in order to make a more impressive showing in Australia.

Until 1959, on the other hand, Moscow was still punishing Australia for its "hostile behavior" in granting asylum to a disillusioned Soviet diplomat in 1954. Those Soviets do not play games; they play for keeps.

Exports to India dropped by 50 percent in 1959. That is a very significant figure, because by 1959 it was perfectly obvious to the Soviet Union that it was not going to dominate India. Mr. Nehru has filled the jails of India with Com-

munists. I do not care what Senators may say about his so-called neutralism. He is not very neutral at home about communism. He gives the Communists free board and room—very scanty provisions, I will admit. But there are more Communists in jail in India than in any other country except Russia. There are more Communists in jail in Russia because the Communists in Russia find it necessary every once in a while to fill the jails with some of the defectors or deviationists. Israel disappeared as a trade partner after the Soviet Union began its political overtures toward Egypt. We may rest assured that it will not be long before the Soviets decide that that is a fruitless enterprise.

Spain, however, returned to the good graces of the Soviet trade monopoly in 1958, after years of studied disregard.

The business of redeployment of commercial forces is always underway. Soviet purchasing agents are now cutting back their imports from Iran, Lebanon, and Turkey in the Near East and from Uruguay in Latin America.

In the meantime, if it cannot influence the region as a whole, the Soviet Union tries to penetrate the trade of selected target nations. Some of the methods whereby it tries to accomplish this are: First, the sale of arms on credit; second, bulk purchases of country surpluses; and, third, barter transactions.

Whenever we see these three types of purchases being made by the Soviet Union, we can rest assured that they have little or nothing to do with economics, but with Soviet political penetration.

As a result of the sale of arms, for example, it has become so heavy a claimant on the principal export of Egypt, cotton, that the latter is left with a limited capacity to earn foreign exchange outside the bloc. About 50 percent of all exports out of Egypt went to the Soviet bloc during 1959–60. The political pressure, the "flag," was not long in following the "trade." In recent months, as we know from the press, Moscow has been emboldened by its special position as a "benefactor" to take a hand in the internal political affairs of that country, as may be expected on the side of the Communist minority.

In other words, in Egypt, when Nasser started to crack down on the local Communists, the Soviet Union felt it ought to do something to protect that minority. I commend Mr. Nasser upon his efforts to keep his country out of the hands of the Soviets, with whom he was flirting for too long. He just about got his political tail burned, but he has caught on, as have some others.

By the nature of their trade, the less developed countries are especially vulnerable to Soviet tactical moves in trade. They often run into marketing problems, either in regard to the world price on their principal export or in the disposal of heavy surpluses. When this happens, their difficulties can be readily exploited as a tool of Soviet diplomacy. The Soviet Union, it may be recalled, has been alert to take advantage of Uruguay's problem in selling its wool, Iceland's difficulty in marketing its fish, Burma's rice surplus, and so on. As soon as it happened, the trade monopoly moved in, eager to reap the credit due to a "friend in need" and ready to build up its claim as a large trading partner and political patron. Quite often, of course, it moves out of the market just as quickly, but this is done with a minimum of fanfare.

The mere threat of pulling out of a market is often enough to force a small country in line politically. The Soviets do not hesitate to suspend negotiation on the annual trade agreement, as it did to Finland in December 1958, to remind a trade partner of its dependence on Soviet bloc trade.

Mr. President, I digress for a moment to say that I was in Finland in 1958 when the Soviet Union served warning upon the Finnish Government that it was going to cancel its annual trade agreement with Finland. Let me recite the history of that matter: Following World War II, the Russians demanded of Finland vast war reparations. As we would expect, the Finnish people settled down to the job, worked day and night, produced ships, wood products, and vast amounts of industrial goods, and paid off those reparations to the Soviet Union. They paid off six times more in reparations to the Soviet Union than Germany paid off to the the entire world after World War I. That meant that the Finnish trade, particularly in shipbuilding and in wood products, was directed toward Russia. Many of the contacts with the western markets had to be severed, because the flow of goods from Finland was directed toward the Soviet Union, in order to pay the reparations demanded of Finland by the Soviet Union. Finland's economy thus became overly dependent on Russia. So when the Soviet Union served notice that the trade agreement was to be canceled, the Soviet Union did not do that because there was any complaint about the quality of the goods from Finland or because of the delivery of the Finnish goods; the Soviet Union did that in order to destroy the government of Finland.

I was in Finland then; and when I saw the Soviet Union, without firing a shot, destroy that government and remove it, and compel the Finns to establish a new government, I met with the President of Finland, who will visit the United States next month. I met with him one afternoon, at his home; and he told me what had happened. I also met with the president of the Bank of Finland, with the Prime Minister of Finland, with the parliamentarians of Finland, with the labor leaders and the business leaders of Finland, and with the chamber of commerce. I saw the Soviet Union use its economic power to crush that government and remove those officers, one after another. The Soviet Union did not want the Social Democratic Party to be in control of the Finnish Government. Why? Because the leaders of that party had for years been the bitter enemies of the Soviet Union.

I remember well Dr. Tenner, a great Social Democrat in Finland. I met him secretly, literally; he was being watched—not by Finnish people, but by Soviet agents. Dr. Tenner led the workers of Finland against the Russians in the war of 1939–1940. When the Russian Soviets thought the Finns would capitulate, when the men in the Kremlin had been led to believe that the Finnish labor movement would turn against Finland, Dr. Tenner took his workers into the battlelines, and gave the Russians the licking of their lives. He is a marked man; and when his political party became a part of the coalition government, the Russian Soviets said that government had to go; and they had such a powerful economic hold on the country that the government had to resign.

Mr. President, do not misunderstand me: The maintenance by the Finnish people of their freedom and their independence is one of the great accomplishments of all times. These people are strong, hard working, honest; they love freedom; and although they live alongside the mighty Soviet Union, they still preserve their independence.

I was so shaken and so disturbed by those events that I sought to bring those matters to the attention of those in the U.S. Embassy there. Our Ambassador was in Washington at the time; so I said to the man who then was in charge of our Embassy, "Why does not our Government do something?"

He said, "Do what?"

I said, "Instead of letting Finland be crushed economically, why don't we step in and buy, for example, the icebreakers"—because there was an order for six icebreakers in the Finnish shipyards.

He said, "Well, maybe we don't need them."

I said, "So what? We can send one to Nebraska. Maybe they do not need one there, but we can send one there, anyway."

Mr. President, we are in a war with the Soviet Union; and what disturbs me about some of our thinking is that we never seem to understand that there can be a struggle other than a military struggle.

Well, Mr. President, if I have never done anything for my country, I think I did something on that occasion. As a result of those visits—and I have in my office a letter in regard to this matter; I regret I did not bring it here today, but I did not know I was going to comment so extensively on this matter—I returned to the United States, and saw President Eisenhower, Secretary of State Dulles, and other officials of our Government, and urged that our Government extend substantial credits to Finland, so that the Finnish economy and the Finnish industry could reorient its business, and would direct it toward the West, and away from the Soviet Union. I am happy to report that was done. I can honestly say that I had something to do about it. I made the recommendations in both written and oral form. I was there. I shall never forget what the President of Finland said to me when I asked him, "Aren't you going to stand up to these Russians?"

He replied, "Senator, what is your country going to do to help us?"

Mr. President, I paraphrase what he said, because it is not proper to quote

word for word the statement by the head of a state.

What he really was saying to me was, "It is very easy for you Americans to say, 'Be brave, Finland.' But what are you willing to do to help us be brave?"

So we did something. We extended some credits in Finmarks. I found that we had large quantities of Finmarks in Finland, as a result of the sale of surplus food, but we had not used them. So I suggested that we put them to work, to help the Finnish shipbuilding industry reorient its commerce toward the Western countries and to help the Finnish woodworking industry reorient its commerce toward the Western countries.

Today, the bulk of Finnish commerce is to the West, not to the East; and the President of Finland will visit the President of the United States in a very few weeks. I welcome his visit.

I mention this matter only because the Soviet Union has been able to use economic pressure whenever it has had an opportunity thus to further its own designs and purposes.

I wish to say that just as we need a NATO high command to coordinate our military alliance, we also need an economic high command to coordinate economic policies for the West, for the free nations, rather than to go along with one nation at a time, as if it were a joy to have this competition between ourselves, while the Soviet Union walks right in between with its goods, its projects, its barter, and its credits, and usurps one market after another—uses it, exploits it, takes out what it wants, and then leaves it. That has been done too often.

Mr. GORE. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. GORE. I congratulate the able Senator from Minnesota upon the address he is making. I wish to call his attention to an instance of the application of the principle to which he has referred.

Normally, over the past several years, the goods and the commerce of Afghanistan have reached the outer world through Karachi. But for some years now the Soviet Union has been subsidizing the movement of goods from Afghanistan through the Soviet Union. Indeed, in some instances, the transportation cost of the Afghan products, when realistically considered, is more than the products themselves are worth when they finally reach their outlet to the free world. But that transportation cost is not now added to the cost of the Afghan products, and by that subsidization of the movement of Afghan commerce the Soviet Union is fastening its grip tighter and tighter upon that nation, which lies astride the Khyber Pass.

To make the situation worse, our ally and friend, Pakistan and Afghanistan, are now in a difficulty over some border incidents. Therefore, almost all of the commerce of Afghanistan, the normal flow of which is to Karachi and out to the world, is now being diverted, both by the exacerbated relationship between Afghanistan and Pakistan, and also by the blandishments and enticements of the Soviet Union, into the Soviet Union, making Afghanistan largely dependent upon the Soviet Union. This is what the Soviets have sought from the beginning.

Mr. HUMPHREY. The Senator is so right. The followup of this may well be the presence of Soviet troops at the Khyber Pass. It may very well be. Economics and politics to the Marxists are inseparable. They understand what they call dialectics. I do not know what we understand. We like to compartmentalize everything. We say on Tuesday we will talk trade, on Wednesday, defense, and on Thursday gold reserve, as if they were all unrelated.

In fact, one of the great problems, it seems to me, in our program of foreign policy today is the lack of integration of the many facets or forces that compose a total foreign policy. This it why I believe so strongly that what we do politically, economically, culturally, and militarily must be in proper perspective and balance and we must rather homogenize all these different factors in the power struggle.

I mentioned the matter of barter. The terms of barter, which the Soviets employ in their dealings with the less developed countries, tend to open the door to devious trade tactics. More often than not, this practice leads to price manipulation. For example, in Burma, a top-level official stated in public that the barter deal with the U.S.S.R. ultimately resulted in a 10- to 20-percent price disadvantage to his country. Uruguay, another typical case, had to accept Polish coal at a price well above the market in order to use its clearing balance with that country—"The Sino-Soviet Economic Offensive Through 1960," U.S. Department of State, I.R. 8426, page 19.

Cuba is finding it out, too. Somebody told me the Soviets were sending a great many razor blades into Cuba. I think we can determine their quality by the number of beards that still are present in Cuba. [Laughter.] The Soviet Union fastens its hands on a country, unloads a vast amount of goods that meet no needs of the economy, and then takes out of the country, in the case of Cuba, sugar that is needed for the Soviet economy, which may never get to the Soviet people, but may be traded elsewhere for the Soviet's purposes.

Because their earnings, in rubles, are not fully convertible, Russia's trade partners wind up accepting imports from a source that would not be their first choice. Otherwise, their trade balances pile up, unused, as in the experience of Argentina, and the lesser trade partner, in effect, finds himself acting in the capacity of a creditor to the Soviet Union and its allies.

Over a wide range of products, moreover, imports from Russia and its allies have proven to be inferior in quality, design, and technology as compared with free world suppliers.

This is particularly true of consumer goods. I do not want to downgrade the Soviet's goods. Much of the capital goods it produces, such as presses and other machinery, is excellent, and we would be foolish to pretend it is not; but a vast amount of consumer goods for export has an inferior quality.

In the event of a commercial dispute, as we all know, the Soviets press for the acceptance of their own State Arbitration Commission, an agency of the Ministry of Foreign Trade, as the court of adjudication. Recent experience with this tribunal, notably in the case of the breached Israeli oil contract, has not impressed the world with its record of impartiality.

In other words, if one has a complaint when he does business with the Soviet Union through its trade monopoly, he registers that complaint with the Soviet Arbitration Commission, made up of Soviets, and they determine whether or not that person's complaint has any validity. Our friends in Israel found themselves in this situation a few years ago. What happened to them in that alleged court of justice should not happen to a human being.

IV. COMPETITION IN THIRD MARKETS

A. REPORTS FROM THE FIELD

According to a survey made by the U.S. Chamber of Commerce:

Agents for the Skoda Works (Czechoslovakia) are dumping industrial machinery in Argentina at prices 20 percent lower than any competitor, and giving attractive terms. Other Communist bloc trade missions are offering all types of machinery at cutthroat prices and long terms.

In Lebanon, Soviet agents are reported to be offering "extremely favorable credit terms and low prices designed to crush Western competition."

In the United Arab Republic, the local industrial distributor, who handles American farm machinery, was required for a time to merchandise Russian equipment. The markup was "dictated by the Russian trade commissioner in Cairo." From time to time, the report states, the commissioner, without any reference to headquarters, would arbitrarily reduce the price to a point he thought it would take to sell the item.

It is this fact—

Writes an American business executive on the spot—

which worries me most about Communist commercial activity, as it definitely proves that cost means nothing in setting a selling price.

From various parts of the Near East, where Soviet inroads are among the heaviest, American firms report their recent experience in these cryptic terms: "Loss of a sizable market in construction and farm machinery"; "loss of approximately 60 percent of volume and corresponding share of income"; "we should have sold $2 to $3 million worth of equipment in Egypt in 1959, but foreign exchange shortage—caused by Egypt-Russian barter arrangement—caused Egypt to make such purchases from the Communist bloc."

Often, in these cases, low-interest rates conceal high prices. With the aid of a Soviet credit, at the "bargain basement" rate of interest, for example, Indonesia bought 10 secondhand freighters from Russia. The price was double compared with Japanese prices, and the freighters were in poor condition.

From another part of southeast Asia, one resident executive reports that Rus-

sian earthmoving machinery can be seen prominently displayed:

> Generally speaking, they are good facsimiles of old U.S. machines.

The terms on which they were "sold" could be easily surmised.

They give long-term credits at little or no interest, but then the purchasers find that the asking price is frequently higher than the comparable prices in a more normal market.

B. THE STRENGTH OF THE FREE ENTERPRISE SYSTEM

All field reports dealing with this subject underscore one important fact, namely, that where the terms of the competition are open and fair, the private trader is a more congenial partner than the agent of the government monopoly. The local importer as well as the local consumer find the private channel more dependable. As reported by an American businessman in India:

> Except in regard to price, bureaucracies are inevitably short on initiative and flexibility, and therefore Communist incursions frequently benefit the cause of free enterprise by giving the latter more of a chance to appear in a favorable light through actual comparison.

I want to say to my friend from India he ought not to overemphasize this, because this Senator has been making it his business for the last 10 years to inquire of American business firms as to the kind of competition they are facing in many parts of the world—not merely the quality of the goods and finance terms, but the question as to how these Soviet trade agents look and how they conduct themselves. If I may be permitted to make this analogy, they have the Ivy League look. They are well groomed. They are well trained. They speak several languages. They look as much like an American businessman walking out of Esquire as any American businessman himself could look.

These are no longer the heavyhanded, heavy-jowled members of the proletariat who have been recruited for a mission. These are trained, educated, sophisticated competitors, and they speak for a powerful country. They speak for a state trade monopoly. They are "loaded" not only with all kinds of tricks but also with gold, with barter, with arms, with credits and, if need be, with any other technique or tool to make a deal.

The danger we have to combat, therefore, is not competition as such but arbitrary exclusion from a market by massive price cutting. Wherever possible, our exporters welcome a chance to offer their services side by side with the Communist salesmen in a third market, and compete fairly and openly for the local trade. They are quite prepared to abide by the free choice of the buyer as to whether they can deliver a product in accordance with his needs, taste, time schedule, and purchasing power. Wherever a competition of this kind is given a chance, the Communist "businessmen" usually come out second best. The record they have written is full of specific cases of inferior goods, clumsy marketing methods, irrational credit terms and nonadherence to contract terms. And the record books have not been closed yet.

I hope my colleagues, in the travels overseas this year many of them will take—which is surely to be desired, because it is one way in which we learn more about the world in which we live—instead of having U.S. Government officials take them by the hands and show them around, will follow the good practice of saying to our Embassy representatives that they wish to invite in all the American businessmen in the particular area for a discussion.

We cannot tell these American businessmen anything about the trade practices of Russia, but they can tell us something about them.

I used this little experiment, and I learned a great deal. I intend to do it again when I travel overseas.

Instead of some large American corporation putting on a reception for a Senator or some Senators, I suggest that the Senator have some coffee and some tea, and with the help of the commercial attachés who give us help, invite the businessmen in for a discussion. Let us find out what our businessmen are up against.

Let us find out what we can do to improve the possibilities of further export trade. Then let us call in some of the other business people from Great Britain, from Japan, and from Germany, from some of our other friendly associates who compete for these markets. Let us learn.

I should like to take on the Soviets, Mr. President. If they think they know how to do business, I think we had better learn how to "give them the business," and by that I do not mean to give up our business but to give them a rough time in the marketplace.

I believe the Western countries, the countries which try to support a normal orderly world market, must learn how to pool their resources, to pool their talents, and to arrive at a coordinated policy. Then if the Soviet Union wishes to have a trade war, we shall be prepared to "take them on."

Our productive capacity is fantastic. Our ability to produce and to distribute has never been equaled. All we need to do is to make up our minds that we have a contest. All too often too many Americans feel that the way we must confront the Soviet Union is with new weapons. Letters come in from constituents which say, "Vote more for defense." We are doing that. It is a heavy burden on the American taxpayer.

But we cannot meet the Soviet Union on equal terms government to government. The Government of the Soviet Union is its total economy. Our Government, thank goodness, is only a small portion of our economy. I should like to keep it that way. I do not wish to have the Government own this country. But it is the duty of Government to bring into coordinated working relationships with the Government the private resources of this country for a national objective. It is the responsibility of Government to take the lead and to call upon the private, voluntary, cooperative enterprises of our country to join in a common cause, in which plans are discussed, programs are outlined, and objectives are known. In that way we will have what I call a victory.

If we let the U.S. Government fight against the Government of the U.S.S.R. that would be an unfair fight, because the Government of the U.S.S.R. is the total economy, while the Government of the United States of America is a fraction of our economy.

I should like to see the resources of this Nation energized, activated, and coordinated so that when Mr. Khrushchev starts "spouting off" as to what he is going to do on the economic front, on the political front, on the cultural front, and on the propaganda front, he will run head on into a totally mobilized free world, not merely the governments of the free world.

Governments take care of military defenses. Even then we must rely upon our industrial plants and private industrial know-how.

I am convinced that unless we more clearly understand the nature of the totalitarian competition, of the totalitarian threat, we shall be "nibbled" to death. It is plain old "operation nibble," a little here and a little there. Then one of these days we shall wake up and find we have lost market after market.

As the Senator from Vermont [Mr. PROUTY] pointed out last night, some countries which ought to be with us have turned against us. World public opinion has been eroded and corrupted and adulterated against us. There is only one reason for it. It is not because the Russians are more intelligent. They are not. They are not 10 feet high. They are not a nation of geniuses. They have their brilliant men, and they have the others, too. It is not because the Russians are more intelligent than we are. It is simply because we do not try.

We sort of try. We kind of give it the "good old college try" on some weekend, but we do not consistently try to do what needs to be done in the light and the nature of the task before us.

I believe the least that any Member of the Senate can do is to express his genuine, heartfelt feelings about these problems.

I do not think we can content ourselves by extracting from the American people more dollars and more sons. That is what we are doing. We are building up our defenses based upon dollars and men. The Government of the United States and the private sector of our economy have much greater responsibility. I shall never agree for one moment—because there is not a scintilla of evidence to prove it—that the Soviet Union's economic system is better than ours. It does not even come a close second, but it makes a tremendous impact in the world because what it has it uses. What we have we are unwilling to use.

We have more unused plant capacity in many areas of our economy than the Soviet Union has available for all its uses.

We had more unused steel plant capacity in this country last year, which never produced a ton of steel, lying idle, than the total steel-producing capacity

of the Soviet Union working at 100 percent of capacity full time.

Mr. President, as I conclude my remarks, I ask a question.

V. WHAT CAN BE DONE ABOUT IT?

What, we may ask, can be done about this? The hard facts, as shown in the small sample I have examined here, and the intentions behind them, are quite clear. The commercial offensive of the Soviet bloc is not an isolated operation. It is closely coordinated with the permanent political campaign conducted from Moscow against the unity, stability, and prosperity of the free world. The Soviet Union, as we know, is deriving enormous positive benefit from the world market. It can, and does, use liberally the technical resources of the West to help modernize and strengthen the productive power of its own economy. Yet, the Soviet leaders are not content to let it rest there. They seem to be determined to maneuver with their commercial power in the world market in such a way as to promote their negative purposes, namely: to induce economic dependence among as many nations outside the bloc as possible, to promote friction within the Western alliance, and to disrupt the pattern of economic cooperation between the industrial nations of the West and the capital-importing countries of the less developed regions.

I firmly believe, however, that the situation does not warrant a response on our part that bears the mark of hysteria. While it is impossible to blink at the fact that this is a form of warfare, I am convinced, for one thing, that we are not without our own defense against such an onslaught, and, for another, that the Soviet commercial assault suffers from some rather serious flaws.

So far as our own defenses are concerned, our chief asset, I submit, lies in the fact that the majority of the trading nations are interested not in political jockeying for power but in a fair, profitable, and constructive exchange of goods. After all, it is the free nations, and not the Communists, who conduct the world's commodity trade. The countries of the Communist bloc, exclusive of their internal exchanges, account for 3.5 percent of total world trade. It follows, therefore, that the free nations should write the rules that govern the market.

With the interest of the majority of trading nations in mind, we ought to apply ourselves, I feel, more energetically than in the past to the task of adding to the existing strength and flexibility of the world trading system. The cooperative effort of free nations working in their common interest has always generated a healthy moral climate in our political environment. In such a climate the opportunities for divisive commercial tactics are reduced to a minimum.

In our approach to the task of improving the climate for international trade, therefore, we should be guided, I believe, by the following two broad principles:

First. That our concerted action with the other nations of the Western community is the more promising way to produce broader and more durable effects in the sphere of world trade.

Second. The nations of the West should so order their trade and economic policies as to give substance to their conviction that active and profitable trade on the basis of comparative advantage among societies in various stages of economic development must promote, rather than hinder, the industrial advancement of less developed nations. The concept of nations remaining in the category of "hewers of wood and drawers of water" is out of step with the universal aspiration for a fuller life which is the mark of our time.

We must always, it seems to me, keep under close scrutiny the shifting trade tactics of the Soviet bloc, to see what kind of defensive measures need to be taken against them. As an example, we should begin to consider actively some specific types of executive action that could be taken to combat two recurrent divisive practices: First, price-cutting tactics in third markets designed to force out established American products; and second, buying up surpluses from hard-pressed single-crop economies for the purpose of inducing excessive dependence on the Soviet bloc.

There are also, in my opinion, some specific measures of improvement that need to be taken in the near future to increase the benefits derived from world trade by the producers of primary commodities. This is one of the persistent weaknesses in the present trading system, a weakness, moreover, that provides no end of opportunity for the Communists to practice their black arts of subversion in the guise of commercial blandishments.

The time is ripe, I believe, to begin to set up, step by step, a series of cooperative efforts, within the framework of an intergovermental agency, between producing and consuming countries affected by the price of specific commodities to adopt practical schemes for the stabilization of market prices. This is an objective of vital interest to seller and buyer alike.

The President's statements in this regard are a matter of public record. For example, he emphasized the importance he attaches to commodity problems in his March 13 "Alliance for Progress" speech to the Ambassadors of our Latin American neighbors. Point 5 of that speech states:

> The United States is ready to cooperate in serious case-by-case examinations of commodity market problems. Frequent violent changes in commodity prices seriously injure the economies of many Latin American countries—draining their resources and stultifying their growth. Together we must find practical methods of bringing an end to this pattern.

A number of techniques for this kind of price stabilization have already withstood the test. There are, to be sure, some nagging technical difficulties involved. But with good will on all sides, we ought to, in time, be able to rid the world commodity market of this source of disruption, and at the same time, cut down the heavy financial losses to the primary producers, most of whom are the very same countries that are in urgent need of all the export earnings, and all the imported production capital they can get in order to promote their economic development. In this objective, too, the industrialized and less developed nations have a common interest, namely the prosperity and stability of their national economies.

LEGISLATIVE SESSION

Mr. KUCHEL. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

RANGES ENVISIONED AS POSTWAR FOOD BANK

Mr. BIBLE. Mr. President, I have recently received a very thought-provoking letter from Mr. Orville Wilson, a good friend in Nevada, who is, as many others are, concerned about the means of survival in the event that all-out war comes to this Nation. He lives in Elko County, Nev., a land whose history is founded on the raising of cattle and sheep. He is completely familiar with the intermountain West, its possibilities and problems concerning the livestock industry, and the methods by which its people can, if permitted and encouraged, contribute in no small way to the defense of their country when it is required.

The letter and proposal that it contains, has been so highly regarded that it has been the subject of very favorable editorial comment in the papers of my State.

Mr. President, because of the uniqueness of the proposal and the foresight of Mr. Wilson in presenting it to the public, I ask unanimous consent that a copy of the editorial from the Nevada State Journal, and reprinted in the Elko Free Press, entitled, "Ranges Envisioned as Postwar Food Bank," be printed in full in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RANGES ENVISIONED AS POSTWAR FOOD BANK

With Russia resuming nuclear testing and the United States expected to do the same before long the shadow of war seems ever closer.

While all Americans hope for a cheerier turn of events there are some, too, who face up to the fact worst may come to worst and are thinking of a postwar future after the devastation has retarded our civilization—should the debacle come.

Civilian efforts presently are concerned with protection during war. But after the cataclysmic conflict—what?

Though millions will die as the result of attacks and many others as the result of radiation, still there will be millions more who will survive. But they, too, will not be long for this earth unless they can secure that greatest commodity of all—food.

With many of the great distribution points in ruins and with modern methods of transportation crippled or destroyed, how can food be placed in the mouth of the hungry?

Nevada, and all the intermountain States, may have one of the major answers to this vital question of national survival after

nuclear war. That answers lies within the great sheep and cattle industry of this area.

A prominent resident of eastern Nevada, not a livestock raiser, has suggested, in broad and tentative terms, a plan designed to help insure a supply of food, in the form of livestock, for a wide area of the population of the country when the shortage becomes critical in other areas of the Nation.

His suggestion is founded on two basic premises: (1) Nevada, and all the intermountain country probably would not be a target of attack; therefore the hundreds of thousands of livestock would be left intact; (2) sheep and cattle have legs; they can be driven to almost any point of emergency, or to far-distant railheads.

In expressing his thoughts on the matter to officials in top government seats in the State, this eastern Nevada resident has said: "During the period of time that our civilization is retarded * * * the methods of raising food and supplying the same, which do not require advanced techniques, will provide the greatest security for all citizens. The old-fashioned methods will be those relied upon. In Nevada we find sheep being raised approximately as they were 100 years ago and cattle are also raised in an old-fashioned way. We have existent two livestock economies that now seem to carry the best guarantee of survival. We have different-type ranges that allow for vigorous production of both sheep and cattle and in times of war neither should be neglected."

He points out, however, that any merit in the plan will come to naught unless a program to assure the livestock being on hand is made a part of the defense effort. At present, he says, sheepmen are discouraged and livestockmen are concerned about an overpowering attitude of developing choice areas for recreation—which will be of no use if war comes.

Considering these and other factors, he offers for consideration six points in the "livestock for survival" plan:

1. The appropriate Federal departments should inventory the livestock potential of the semi-West.

2. Top Government personnel should visit livestockmen, pointing out their importance to U.S. survival and encouraging them in their way of life.

3. Further cuts of livestock numbers on the public lands should be suspended.

4. Study should be given to increased appropriations for reseeding many spots in the West with crested wheat grass.

5. The sheep industry should be subsidized, if necessary, beyond the point of wool subsidies.

6. Plans should be made for cooperation of operators to project increased herds, if necessary, during times of emergency.

If this program were brought to fruition it would naturally aid and encourage the livestock industry. But that would be only a minor sidelight if it would provide a blueprint that would help the Nation make a postwar comeback.

The idea merits the most serious consideration in high places. (Nevada State Journal.)

HEARINGS ON AND EXTENSION OF FEDERAL AIR POLLUTION CONTROL LAW

Mr. KUCHEL. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1063, S. 455.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 455) to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to and the Senate proceeded to consider the bill.

Mr. KUCHEL. Mr. President, air pollution is a grave national problem. The Federal Government has had a responsibility in this field in the last several years to use its power and might to help stamp out air pollution in all the communities of America. I introduced the proposed legislation, which would continue that program and would invigorate the Federal Government to cope with the responsibilities of the problem. The bill was reported unanimously from the committee.

Mounting concern has been shown with each passing year about contamination of the atmosphere, especially in our heavily industrialized and thickly settled areas. The menace of air pollution, notably in metropolitan centers, now is generally acknowledged to be an undeniably serious threat to the health of the American people.

For the past 6 years under a law which I had the privilege of introducing in Congress, the Federal Government has been active, primarily through the U.S. Public Health Service, in collecting data about the occurrence of smog and other forms of pollution, in measuring the effects of contamination upon mankind, in trying to identify the sources of pollutants, in determining conditions which produce the most objectionable accumulations, and in providing information which may open the way to stamp out this scourge.

As these studies have gone on, scientists and engineers have come to realize the complexities of air pollution are greater than had been suspected. They likewise feel the need for better and additional tools to carry on their programs for safeguarding the Nation's health.

Early in the present session, in company with several colleagues, I introduced for the second successive year a bill which would strengthen the role of the Federal Government in antipollution work and would broaden the scope of my original legislation, Public Law 159. This measure once more has been approved by the Senate Public Works Committee as a desirable means of stepping up the attack upon the annoying, insidious, dangerous phenomenon which is a result of our Nation's ever-expanding use of motor vehicles and ever-growing industrial operations.

We know now that air pollution is not a temporary problem. Consequently, there is before the Senate the bill S. 455 which will be a step along the lines recommended by President Kennedy in one of his series of special messages to Congress in the first weeks after he assumed office. I wish to recall that on February 23, the President in discussing a variety of questions relating to our natural resources called for "new leadership, research, and financial and technical assistance for the control of air pollution, a serious hazard to the health of our people that causes an estimated $7.5 billion annually in damage to vegetation, livestock, metals, and other materials." The President in that message pointed out "although the total supply of air is vast, the atmosphere over our growing metropolitan areas—where more than half the people live—has only limited capacity to dilute and disperse the contaminants now being increasingly discharged from homes, factories, vehicles, and many other sources."

The bill I was privileged to reintroduce this year passed this Senate unanimously more than a year ago. Originally recommended by a former Surgeon General and a Republican administration, it has the support of the present Surgeon General and the incumbent Democratic administration.

I believe it is decidedly in the public interest to cloak the Secretary of Health, Education, and Welfare and the Surgeon General, as this measure would do, with authority to create investigating and hearing boards to dig into major pollution problems and to ascertain the facts about atmospheric contamination which is interstate in character. It also is essential, as the legislation further provides, to extend the duration of the research program for another 2 years, to June 30, 1966.

There is nothing in this bill which would transgress on the jurisdiction, rights, and powers of States and other non-Federal agencies of government. But the hearing boards would recommend constructive measures and under this legislation the Surgeon General would advise all levels of government on positive steps he feels would reduce dangers to the American people.

Enactment of this proposal would be of immeasurable assistance to scientists working in laboratories, research institutions, field measurement stations, and elsewhere in gathering fundamental information and in devising remedial courses of action to reduce the air-pollution hazard.

I ask unanimous consent that excerpts from the committee report—No. 1083—be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

GENERAL STATEMENT

Public Law 159, 84th Congress, approved July 14, 1955, authorized a program for research and technical assistance to obtain data and to devise and develop methods for control and abatement of air pollution, by the Secretary of Health, Education, and Welfare, and the Surgeon General of the Public Health Service. The act recognizes the primary responsibilities and rights of the States, local governments, and other public agencies in controlling air pollution, but provides Federal grants-in-aid to those agencies concerned with air pollution and control, to assist them in the formulation and execution of their air pollution abatement research programs.

Under the provisions of the act, the Surgeon General is authorized to prepare or recommend research programs, and to encourage cooperative activities, collect and disseminate information, conduct and support research, and to make available to all agencies the results of surveys, studies, and investigations, research and experiments relating to air pollution and abatement. Reports of such studies as considered desirable may be published from time to time by the Surgeon General together with appropriate recommendations.

The act authorized an appropriation of $5 million annually for each of the fiscal years beginning July 1, 1955, and ending June 30, 1960. In 1959 this act was amended to extend the duration of the Federal air pollution control law to June 30, 1964.

Under this authorized program, approximately $2 million was expended in 1955; $1.7 million during fiscal year 1956; $2.7 million for 1957; $4 million for each of 1958 and 1959; $4.3 million for fiscal year 1960; $4.9 million for fiscal year 1961, and the request for fiscal year 1962 amounts to about $5 million. It is understood that additional amounts are requested for fiscal year 1962 through other authorizations.

The Federal effort has contributed materially to difficult problems of sampling, identifying, and measuring airborne contaminants, such as the improvement of the methods of analyzing gaseous contaminants present in the atmosphere of virtually every city.

Appraisal has been made of some important modern sources of urban air pollution such as oil refineries, automobile exhausts, and combustion processes, which are inevitable results of our increasing mechanization and industrialization.

Studies of chemical, meteorological, and physical influences and of atmosphere reactions are making available new knowledge that must ultimately be required for proper and economical procedure for controlling air pollution.

Scientists have generally concurred that a major source of fumes which are ingredients of smog and pollution in most cities is the motor vehicle, and that phase of the problem is under study on all fronts, including the automobile and petroleum industry. The Federal Government has increased its work in this field, and will continue to expedite the program for investigating the part that motor vehicle exhaust and combustion play in the problem of atmospheric contamination.

Health studies have developed evidence as to the effect of air pollution on human health and well-being, creating much discomfort from obstruction of breathing, and causing disease and even death.

The Federal Government is not carrying this entire program alone, as many agencies are participating in the attack on the air pollution problem. In the great concern for the health of the American people, this very acute problem must be recognized, together with the fact that increased urbanization and industrialization will undoubtedly produce new air pollution problems in the future.

DISCUSSION

When Public Law 159 was enacted, the committee acknowledged that the desired aims and objectives envisioned under the program could not be entirely accomplished within the authorized 5-year period. Accordingly, in 1959, the act was amended to extend the program to June 30, 1964. The committee is of the opinion that it would be helpful to the program if it were extended for another period of years and accordingly recommends that it be extended to June 30, 1966.

The committee is of the opinion that the Department of Health, Education, and Welfare could make a significant contribution by exercising Federal leadership in dealing with air pollution problems of broad significance. This contribution would result through the development and publication of recommendations based on the evaluation of data developed by the Department or presented by others, as well as a full consideration of the points of view of all parties having a significant interest in such problems. Some of these problems, although essentially local in character, manifest themselves in many communities throughout the Nation. Others involve pollution from sources within one State which, through the movement of air masses, affect communities in other States. Both types of problems can be expected to increase in number and extent with further urbanization, and the development of solutions for them may in many cases transcend the capabilities of local agencies, and even of State control authorities. The recommendations resulting from hearings would not be binding upon the participants in the hearings or anyone else; the purpose of the hearings would be simply to develop such recommendations as a means of focusing public attention on and developing support for the most carefully considered solutions to the problems which occasioned the hearings.

The committee believes that enactment of S. 455 would serve a very useful purpose and accordingly recommends its passage.

The ACTING PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of July 14, 1955 (42 U.S.C. 1857b), is amended by striking out ", upon request of any State or local government air pollution control agency,", by striking out "such State or local government air pollution control agency" and inserting in lieu thereof "any State or local government air pollution control agency", and by inserting before the period at the end thereof ", but only if requested to do so by such State or local government air pollution control agency or if, in his judgment, such problem may affect or be of concern to communities in various parts of the Nation or may affect any community or communities in a State other than that in which the matter causing or contributing to the pollution originated."

SEC. 2. Such Act is further amended by redesignating sections 6, 7, and 8 as sections 7, 8, and 9, respectively, and inserting after section 5 the following new section:

"SEC. 6. (a) Whenever, on the basis of reports, surveys, or studies, he believes it appropriate, or whenever requested by any State or local government air pollution control agency, the Surgeon General may call a public hearing on any problem of air pollution which may affect or be of concern to communities in various parts of the Nation or which may affect any community or communities in any State other than the State in which the matter causing or contributing to the pollution originates. Any such hearing shall be conducted before a board composed of not less than five members, appointed by the Secretary of Health, Education, and Welfare, who shall be representative of the public, industry which is affected by or concerned with the problem, persons who are expert or have special knowledge in the matter, interested Federal agencies, and interested State or local government air pollution control agencies.

"(b) Subject to regulations of the Surgeon General, an opportunity to be heard at such hearing shall be accorded to all interested persons.

"(c) After consideration of the information presented at the hearing and such other information as is available to it, the board shall make a report and recommendations to the Surgeon General on such matters as the existence, cause, and effect of the air pollution on which the hearing was held, progress toward its abatement, and other related matters. Such report and recommendations, together with the comments and recommendations, if any, of the Surgeon General with respect thereto, shall be available to the community or communities, Government agencies, and industries concerned and, to the extent the Surgeon General deems appropriate, to the public, but shall not be binding on any person, agency, or organization."

SEC. 3. Section 5 of such Act (42 U.S.C. 1857d) is amended by striking out "nine fiscal years beginning July 1, 1955, and ending June 30, 1964, not to exceed $5,000,000" in the first sentence, and inserting in lieu thereof "eleven fiscal years beginning July 1, 1955, and ending June 30, 1966, not to exceed $5,000,000".

Mr. KUCHEL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is my intention to call up some items on the calendar to which there is no objection, and which have been cleared on both the majority and minority sides.

PROSECUTION OF BAD-CHECK OFFENSES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar 635, H.R. 7657.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7657) to amend chapter 47 (Uniform Code of Military Justice) of title 10, United States Code, to provide a specific statutory authority for prosecution of bad-check offenses.

The ACTING PRESIDENT pro tempore. The question is on the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 659), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would provide specific statutory authority for the prosecution of bad check offenses by persons subject to the Uniform Code of Military Justice.

EXPLANATION

The Uniform Code of Military Justice does not now provide specific statutory authority for the prosecution of bad check offenses. As a result of the absence of such authority, bad check offenses must be prosecuted under one of three separate articles, none of which is entirely appropriate and each of which presents technical difficulties in pleading and proof that sometimes result in failure to initiate charges or abortive prosecutions.

Prosecution of bad check offenses under article 121 requires proof of all the elements of common law larceny, or wrongful appropriation, including the requirement for receipt of present consideration. Courts have been reluctant to convict a bad check offender under this section because of the severe implication of moral turpitude that a conviction for larceny or wrongful appro-

priation connotes. The same reluctance has existed on convictions under article 133, which could result in a sentence to dismissal from the service.

Prosecutions of bad check offenses under article 134 of the Uniform Code of Military Justice also present difficulties. Such prosecutions must be based on the establishment of a criminal intent comparable to that required for proof of larceny by check, that is, intent to deceive, or must be based upon proof of dishonorable postissuance conduct. Under decisions of the Court of Military Appeals the Government must establish, as a specific element, the bad faith or gross indifference of the accused. This requires proof of factors such as the time of dishonor, date of return of the check for insufficiency, efforts made by the payee to obtain redemption, whether or not redemption was effected, actions of codepositor where joint accounts are involved, as well as evidence reflecting evasion, false promises, or deceit of accused.

A prerequisite to a conviction under this bill is the necessity of establishing an intent to defraud or deceive. Mere error on the part of the drawee bank or the drawer that does not amount to bad faith or gross indifference will not fall within the proscription of the new article. The provision affording the drawer a 5-day period for redemption is not intended to be invoked in cases where intent to defraud or deceive is patent. In those cases in which proof of culpability is not manifest the failure of the drawer to effect redemption within the 5-day period would constitute prima facie evidence of bad faith or gross indifference that would establish the intent necessary for conviction.

The committee was informed that the authority of this bill will not be used as an instrument to enforce collection of unpaid checks, but that it will be used solely for the prosecution of offenders whose misconduct falls within the terms of the article to be added to the code.

The terms of the authority for prosecution of bad check offenses that this bill would add to the Uniform Code of Military Justice are similar to statutes applicable in the District of Columbia and several States, including Missouri and New York.

Enactment of this bill should facilitate conviction and appropriate punishment of those members of the Armed Forces who commit bad check offenses.

The ACTING PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 7657) was ordered to a third reading, was read the third time, and passed.

ALLOWANCE FOR TRANSPORTATION OF HOUSE TRAILERS OR MOBILE DWELLINGS UPON PERMANENT CHANGE OF STATION FOR ARMED FORCES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1050, H.R. 2732.

The PRESIDING OFFICER (Mr. METCALF in the chair). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 2732) to amend section 303 of the Career Compensation Act of 1949 to provide that the Secretaries of the uniformed services shall prescribe a reasonable monetary allowance for transportation of house trailers or mobile dwellings upon permanent change of station of members of the uniformed services,

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

That the twelfth sentence of section 303(c) of the Career Compensation Act of 1949 (37 U.S.C. 253(c)) is amended to read as follows: "Under regulations prescribed by the Secretaries concerned and in lieu of transportation of baggage and household effects or payment of a dislocation allowance, a member of the uniformed services, or in the case of his death his dependents, who would otherwise be entitled to transportation of baggage and household goods under this section, may transport a house trailer or mobile dwelling within the continental United States for use as a residence by one of the following means—

"(1) transport the trailer or dwelling and receive a monetary allowance in lieu of transportation at a rate to be prescribed by the Secretaries concerned (but not to exceed twenty cents per mile);

"(2) deliver the trailer or dwelling to the Government for transportation by commercial means; or

"(3) transport the trailer or dwelling by commercial means and be reimbursed by the Government subject to such rates as may be prescribed by the Secretaries concerned; *"Provided,* That the cost of transportation under clause (2) or the reimbursement under clause (3) may not exceed (A) the current average cost for the commercial transportation of a house trailer or mobile dwelling, (B) 36 cents per mile, or (C) the cost of transporting the baggage and household effects of the member or his dependents plus the dislocation allowance authorized in this section, whichever of (A), (B) or (C) is the lesser: *And provided further,* That any payment authorized by this section may be made in advance of the transportation concerned."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1069), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSES OF BILL AND BACKGROUND

The purpose of the proposed legislation is to increase the monetary allowance authorized for the transportation of mobile homes of members of the uniformed services.

A monetary allowance not to exceed 20 cents a mile for the transportation of mobile homes was first enacted in the Career Incentive Act of 1955. This act did not distinguish between the amount paid to members to transport their homes themselves and the amount paid to those who employ a commercial mover to transport their mobile homes.

The present limitation of 20 cents a mile which is applicable when the mobile home is hauled commercially is unrealistic since the average cost of hauling a mobile home is about 35 cents a mile. As indicated below in explanation of the provisions of the bill, this legislation will permit a considerable increase in the present allowance where mobile homes are moved by commercial means.

PROVISIONS OF THE BILL

The following are the highlights of the bill as amended by the committee:

1. The bill continues in effect existing law which provides that in order to be entitled to any trailer allowance, the military member must be entitled to transportation of his baggage or household effects. The bill likewise continues existing law which limits the transportation of the household trailer or mobile dwelling to "within the continental United States."

2. The bill continues existing law with respect to self-haul of the mobile dwelling by permitting a monetary allowance in such cases not to exceed 20 cents a mile. The service Secretaries in their regulations have administratively limited this allowance to 11 cents per mile. The Department of Defense has indicated that the 11-cent-per-mile rate will continue where the military member himself transports the house trailer.

3. The bill contains authority not presently in existing law which would permit the military member to deliver the trailer to the Government for transportation by commercial means, subject to the prescribed rate.

4. The bill contains the additional alternative of authorizing the member to make his own arrangements for transportation by commercial means and be reimbursed by the Government at rates to be prescribed by the Secretary concerned.

CEILING ON MONETARY ALLOWANCE

The bill provides that the monetary allowances will be prescribed by the Secretary, subject to the ceiling set forth in the bill. The bill sets forth a formula which may not be exceeded as the maximum allowance which may be paid where the trailer is hauled by commercial means, either as the result of a contract between the Government and the commercial hauler or between the military member and the commercial hauler. The statutory limitation would be the lesser of the following: (a) the current average commercial cost of commercial transportation, (b) 36 cents per mile, or (c) the cost of transporting the member's baggage and house effects and his dependents plus the dislocation allowance. The Department of Defense would determine a single figure for establishing the current average cost for commercial transportation.

COST AND DEPARTMENTAL RECOMMENDATION

The additional annual cost of the enactment of this legislation is $1,405,000. The Department of Defense letter on this legislation is set forth below.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., June 13, 1961.

Hon. CARL VINSON,
Chairman, Committee on Armed Services,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to the request for comments of the Department of Defense on H.R. 2732, 87th Congress, a bill to amend section 303 of the Career Compensation Act of 1949 to provide that the Secretaries of the uniformed services shall prescribe a reasonable monetary allowance for transportation of house trailers or mobile dwellings upon permanent change of station of members of the uniformed services.

The purpose of the bill is to authorize, for members of the uniformed services, a monetary allowance for the transportation of house trailers based on current average costs.

This Department concurs in the purpose of the bill but prefers enactment of the attached substitute draft.

H.R. 2732 would (1) delete the present 20-cent-per-mile limitation contained in section 303(c) of the Career Compensation Act

of 1949, as amended, on the transportation of mobile homes, and (2) authorize the Secretaries concerned to establish a monetary allowance for the transportation of house trailers or mobile dwellings based on current average costs for commercial transportation or current average costs for transportation by the member.

The draft bill attached would:

Retain the present 20-cent ceiling insofar as self-hauled mobile homes are concerned. While present law makes no distinction between the rates payable for self-haul or commercial haul, the uniformed services have administratively limited the rate of payment for a member who hauls his own house trailer or mobile home to 11 cents a mile. This rate is well within the legal ceiling and there appears to be no reason to remove it insofar as self-hauled trailers are concerned.

2. Include permissive authority for the Government to pay for commercial haulage directly. This would enable the Department, should it so desire, to pay for the cost of hauling trailers in the same manner it pays for the movement of household effects.

3. Authorize the establishment of one or more rates covering the cost of commercially hauled trailers. There are wide variations in the cost of hauling trailers, depending on their size and weight. It is believed that the Department should have discretionary authority to establish several rates reflecting these differences should this prove desirable.

4. Authorize advance payment of trailer allowances to members of the uniformed services. Comptroller General decision (B–141426, Mar. 31, 1960), presently precludes advance payments. The necessity of the member paying for the transportation upon acceptance at destination, as required by Interstate Commerce Commission regulations, is a financial inconvenience and often a hardship.

Section 303(c) of the Career Compensation Act of 1949 (63 Stat. 814), as amended (37 U.S.C. 253(c)), provides pertinently:

"In lieu of transportation of baggage and household effects, a member of a uniformed service who transports, or in the case of his death his dependents who transport, a house trailer or mobile dwelling within the continental United States for use as a residence and who would otherwise be entitled to a transportation of baggage and household effects, under this section, shall under regulations prescribed by the Secretary concerned be entitled to a reasonable allowance, authorized in this section, whichever he or they shall elect."

The Per Diem, Travel, and Transportation Allowance Committee of the Department of Defense made a survey in 1956 of the cost to service members of transportation for house trailers and mobile homes. This study indicated that the cost of such transportation, when provided by commercial movers, ranged from 21 cents to 34 cents per mile.

The Office of the Chief of Finance, U.S. Army, completed a survey on trailer movement cost as of 1960 which indicated that the average cost for commercial movement of house trailers was 34.58 cents per mile as opposed to the average of approximately 29 cents per mile in 1956. A summary of the findings of the 1960 Army study is attached as representative of the conditions for all the services.

It is believed that the costs for the movement of trailers will continue to vary in the future, as in the past. Accordingly, the authority to fix the average cost based on appropriate surveys as requested in this bill is believed more responsive to the needs of the Department of Defense than having a maximum mileage allowance, fixed by law.

COST AND BUDGET DATA

In the event that this legislation is enacted into law, it is estimated that its initial implementation will result in an additional annual increased cost of:

Army	$300,000
Navy	270,000
Marine Corps	70,000
Air Force	765,000

No provision has been made for this sum in the budget for the fiscal year 1962, and it cannot be absorbed within available appropriations.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely yours,

CYRUS R. VANCE.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 2732) was read the third time, and passed.

The title was amended, so as to read: "An Act to amend section 303(c) of the Career Compensation Act of 1949 to authorize the Secretaries concerned to prescribe a reasonable monetary allowance for the transportation of house trailers or mobile dwellings."

SULZBACH CONSTRUCTION CO.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1057, S. 1348.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1348) for the relief of the Sulzbach Construction Co.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 6, after the word "of", to strike out "$51,089.71, together with interest thereon at 6 per centum per annum from August 25, 1960, until paid" and insert "$48,581.71", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Sulzbach Construction Company, of Sioux City, Iowa, the sum of $48,581.71. The payment of such sums shall be in full settlement of all the claims of the Sulzbach Construction Company against the United States, remaining unpaid, for certain additional amounts due on account of work performed under its contract with the Air Defense Command (dated July 3, 1958) for site preparation and construction of offsite utilities in connection with the two hundred and thirty-five unit family housing project built under title VIII of the National Housing Act at Sioux City Air Force Base, Iowa. The necessity for payment of additional amounts under the contract arose because of unforeseen expenses resulting from changed conditions during performance, and such payment was approved by the Armed Forces Board of Contract Appeals, but such payment could not be made in full on account of the statutory per-unit ceiling contained in section 505 of the Act of September 28, 1951: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1077), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation, as amended, is to pay out of the Treasury to the Sulzbach Construction Co., of Sioux City, Iowa, the sum of $48,581.71, and such sum shall be in full settlement of all claims of the Sulzbach Construction Co. against the United States for certain additional amounts due on account of work performed under its contract with the Air Defense Command, dated July 3, 1958.

STATEMENT

The Comptroller General of the United States in a letter to the Honorable CHARLES B. HOEVEN, House of Representatives, indicates that in this instance, since payment out of the appropriation would violate the mandate of Congress, he could not favorably consider a claim by the Sulzbach Construction Co. for the amount involved.

The Department of the Air Force in a letter to Mr. Hird Stryker, attorney for the claimant, dated December 6, 1960, states that inasmuch as the claim was approved by the ASBCA in the total amount of $73,000, it is the opinion of this Department that the claim is a meritorious one and should such special bill be introduced this Department would recommend enactment of the bill.

Both letters referred to are attached hereto and made a part hereof.

In July of 1958, the Sulzbachs, a small family partnership, were awarded a contract for the off-site utilities and the on-site grading work that was to precede the construction of a 235-unit Capehart housing project near Sioux City Air Force Base, Iowa. This contract was not the Capehart type contract which places specific limitations on the amount of money that is to be made available to the contractor for its performance. It was the standard Government Construction Contract Form 23A, that contains no financial limitations and provides (among other things), that the contractor shall be entitled to an equitable adjustment of the contract price in the event that he encounters unusual subsurface conditions that materially increase the cost of performing the work.

From the outset of the work on the contract in question, the Sulzbachs encountered a variety of unusual and completely unanticipated subsurface materials such as huge quartzite boulders, shale, lignite, sandstone, etc. These materials were uncovered in an area where the Government's plans and specifications had assured the contractor that there would be only high-quality fill

dirt. As was subsequently observed by the Armed Services Board of Contract Appeals:

"Much discussion of the case is certainly unnecessary, as it is clear by overwhelming evidence from representations made by the Government in the contract and from testimony of the witnesses that the conditions encountered were totally unexpected."

After reviewing the facts of the case in detail, the Board, on February 3, 1960, determined that the Sulzbachs had incurred additional costs totaling $73,000 as a result of these conditions, and that, under the terms of the contract, they were entitled to be reimbursed for those costs.

Some 6 months after the Board so ruled, the Air Force, for the first time, advised both the Board and the Sulzbachs that only a small portion of this award could be paid because the Air Force had already expended or obligated itself to expend, very close to $1,500 per unit on various aspects of this project, including land acquisition, utilities relocations, etc., and the Sulzbach's own contract, and section 505, Public Law 155, 82d Congress, section 1748i, title 12, United States Code, prohibited expenditures in excess of that figure. In August of 1960, the Air Force finally paid the Sulzbachs $24,418.29 on this award, which represented the balance available, within the foregoing limitations, after payment by the Government of other charges and accounts allocable to this project. This left the Sulzbachs out of pocket approximately $50,000 since the fall of 1958, when they had completed their work on this project and paid off all of their own laborers and suppliers.

When the Sulzbachs submitted their bid on this project there was $352,500 available, under the applicable legislation, which appeared to be more than adequate for its performance. The Sulzbachs' bid price for the work was approximately $272,000, well within the congressional limitation. At the time they submitted their bid the Government had not yet acquired the land on which the project was to be built, and the Sulzbachs had no way of knowing how much the Government was going to pay for that land, or what other contracts or agreements the Government might thereafter make, the cost of which would be charged against that project.

Once the Sulzbachs submitted their bid, they had absolutely no way that they could protect themselves against the funds shortage that later developed. They were legally bound to perform the work in accordance with the terms of their contract. They could not have refused to complete it, even had they known (which they did not until long after it was completed), that the limitations of section 1748i would become relevant. Their contract obligated them to complete it and at the same time unequivocally assured them that they would be paid in full for doing so, including any awards made by the Armed Services Board of Contract Appeals in connection therewith.

It seems clear that this is not the type of situation that was contemplated by Congress when it enacted section 1748i. Here, there was no intentional overspending by the sponsoring department, nor was there any possibility of either the Sulzbachs or anyone else anticipating that the situation that arose would develop. The Government received the full benefit of the Sulzbachs' work, and, in all equity, should pay for it in accordance with the provisions of the contract that its representatives signed.

It definitely appears that the claimant completed the contract as it had agreed to do. There does not appear to be any question but what the claimant has lost the amount as represented by this bill through no fault of his own, but only because the appropriation involved in this project was insufficient to take care of the land acquisitions and matters pertaining thereto. It appears clear that from the views of all parties concerned that the Sulzbach Construction Co. is entitled to the payment proposed in this legislation for the reason that the contract specifically set forth the changed-conditions clause for the very purpose that was encountered in the construction work by the claimants. The Armed Services Board of Contract Appeals after review of all of the circumstances stated that the claimants were entitled to $73,000 as the result of these conditions under the contract, but due to other circumstances there was only left in the appropriated fund the amount of $24,418.29. This amount, therefore was paid to the claimants, leaving the balance as set forth in the bill.

The committee believes that this legislation is meritorious and recommends that the bill S. 1348, as amended, be considered favorably.

DEPARTMENT OF THE AIR FORCE,
Washington, December 6, 1960.

Mr. HIRD STRYKER,
Fraser, Wenstrand, Stryker, Marshall & Veach, Omaha National Bank Building, Omaha, Nebr.

DEAR MR. STRYKER: Reference is made to your letter of November 3, 1960, regarding passage by Congress of a special bill for the relief of the Sulzbach Construction Co., in connection with contract AF 13 (606)-239 and ASBCA No. 5703.

In an instance of this type when a special bill for relief is presented to the Congress the normal procedure is for the bill to be referred to the agency of primary interest to obtain its views as to the merits of the bill. Inasmuch as the claim was approved by the ASBCA in the total amount of $73,000, it is the opinion of this Department that the claim is a meritorious one and should such a special bill be introduced this Department would recommend enactment of the bill.

You can be assured of the Air Force's cooperation on this matter and, if there is any further information desired, please do not hesitate to communicate with my office.

Sincerely yours,

J. M. FERRY,
JOHN M. FERRY,
Special Assistant for Installations.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, July 19, 1961.

Hon. CHARLES B. HOEVEN,
House of Representatives.

DEAR MR. HOEVEN: Our advice is requested in your letter of June 28, 1960, with enclosure, as to whether our office may authorize for payment an amount in excess of the per unit limitation imposed by statute, found by the Armed Services Board of Contract Appeals to be due to the Sulzbach Construction Co. under a contract for site preparation and construction of offsite utilities for a family housing project.

The contract was awarded to the Sulzbach Co. after competitive bidding on July 3, 1958, at a price of $267,920, subsequently increased by supplemental agreement to $272,342.43. Total land cost amounted to $52,662. Pursuant to section 505 of the act of September 28, 1951, 65 Stat. 365 (12 U.S.C. 1748i), expenditure of appropriated funds for the acquisition of land, installation of outside utilities, and site preparation for this kind of housing project may not exceed an average of $1,500 per housing unit; thus, for this 235-unit project, the statutory maximum is $352,500.

In the course of performance under the contract the Sulzbach Co., because conditions were other than as anticipated by the parties, was required to perform additional work. The Armed Services Board of Contract Appeals found that under the changed-conditions clause of the contract the contractor was entitled to an additional payment of $73,000. In making such determination, however, the Board apparently overlooked the statutory limitation cited above, and the Department of the Air Force has taken the position in its letter of June 27, 1960, to you, that the only amount it is authorized to pay is $27,500, the difference between the statutory ceiling and the amount subject to such ceiling heretofore expended.

The specific question presented is whether we may authorize payment of the balance, $45,500, upon submission of a proper claim by the contractor.

The accounting and administrative officers of the Government are required to observe specific limitations placed by the Congress upon the use of appropriated funds and, therefore, are without authority to certify claims for payment contrary to statutory limitations on the use of the funds from which the claims would otherwise be payable. See *Geddes* v. *United States*, 38 C. Cls. 428, and *Trenton* v. *United States*, 12 C. Cls. 147. Generally, the only means available to our Office for the payment of claims arising out of contracts are those appropriations enacted by the Congress for the execution of the project. In this instance, since payment out of the appropriation would violate the mandate of Congress, we could not consider favorably a claim by the Sulzbach Construction Co. for the balance of $45,500.

Sincerely yours,

———— ————,
Comptroller General of the United States.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1348) was ordered to be engrossed for a third reading, was read the third time, and passed.

AMENDMENT RELATING TO ORGANIZATION OF BUREAU OF PUBLIC ROADS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar 1058, H.R. 8558.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 8558) to amend section 303(a) of title 23, United States Code, relating to the organization of the Bureau of Public Roads, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Public Works with an amendment on page 2, at the beginning of line 3, to strike out "There shall be a Deputy Federal Highway Administrator, who shall be appointed by the Secretary and perform such duties as may be prescribed by the Federal Highway Administrator. The Deputy Federal Highway Administrator shall receive basic compensation at a rate $1,000 less than the rate provided for the Federal Highway Administrator."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed

in the RECORD an excerpt from the report (No. 1078), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of H.R. 8558, as amended, is to amend title 23, United States Code with respect to the organization of the Bureau of Public Roads, by eliminating the position of Commissioner of Public Roads.

GENERAL STATEMENT

The present law provides that the Bureau of Public Roads of the Department of Commerce shall be administered by the Federal Highway Administrator, appointed by the President by and with the advice and consent of the Senate, and that there shall be a Commissioner of Public Roads, appointed by the Secretary of Commerce, who shall perform such duties as may be prescribed by the Federal Highway Administrator.

The organization and operations of the Bureau of Public Roads would be better understood by persons having official business with that agency, and by the public generally, if the position of Commissioner of Public Roads were eliminated.

The position, "Commissioner of Public Roads," is misleading as it denotes a Commission on Public Roads, which does not exist. The position of Commissioner is now vacant.

AMENDMENT

H.R. 8558, as it passed the House of Representatives, provided for the creation of the position of Deputy Federal Highway Administrator, and established the basic rate of compensation for such position. The committee proposes an amendment which would delete from H.R. 8558 the provisions relating to the establishment of a position of Deputy Federal Highway Administrator.

COMMITTEE VIEWS

The committee believes that the position of Commissioner of Public Roads should be abolished, since the Bureau of Public Roads is not a commission, and is properly administered by the Federal Highway Administrator under the Secretary of Commerce, as provided by law.

The committee is of the opinion that the establishment of the position of Deputy Federal Highway Administrator is not necessary at this time. It would place another level of administration in the chain of command from the Secretary of Commerce to the Bureau of Public Roads, which is not believed warranted. It is believed that the Federal Highway Administrator can designate someone in his present organization as next in authority and responsibility, and to serve as Acting Federal Highway Administrator when he is absent, under present law.

Accordingly, the committee recommends enactment of H.R 8558, as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RECONVEYANCE OF LAND IN CERTAIN RESERVOIR PROJECTS IN TEXAS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar 1059, H.R. 7888.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 7888) to amend the Flood Control Act of 1958 to extend the time within which land in certain reservoir projects in Texas may be reconveyed to the former owners thereof.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1079), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to amend the Flood Control Act of 1958 by extending the time within which lands in the Grapevine, Garza-Little Elm, Benbrook, Belton, and Whitney Reservoirs in Texas, which are under the jurisdiction of the Corps of Engineers, could be reconveyed to former owners, for a period of 1 year, until July 3, 1962.

GENERAL STATEMENT

Section 205 of the Flood Control Act of 1958, approved July 3, 1958 (72 Stat. 316), authorized the Secretary of the Army to provide adjustments in lands acquired for the Grapevine, Garza-Little Elm, Benbrook, Belton, and Whitney Reservoirs in Texas, by reconveyance to former owners of lands acquired in fee title and not now required for project purposes.

During the time land acquisition for these reservoirs was in progress, late in 1953, the Department of the Army and the Department of the Interior adopted a change in policy whereby flowage easements would be acquired in many areas, rather than acquisition of fee simple title to the land.

Land acquisition for these five reservoirs was underway at that time, and the necessary lands had only been partially acquired when the change in policy was placed in operation. The purpose of section 205 of the Flood Control Act of 1958 was to place the former owners of lands acquired in fee prior to the change in land acquisition policy in the same relative position as the owners of lands acquired under the new policy.

Subsection (1) of section 205 provides for termination of the reconveyance authority 3 years after the date of its enactment, which would have been July 3, 1961. H.R. 7888 would extend such authority an additional year to July 3, 1962.

Negotiations for reconveyance have been progressing, but all owners of former lands who were eligible to take advantage of the reconveyance have not yet completed necessary actions. The extension of time would permit those owners who are desirous of availing themselves of this reconveyance authority additional time for this purpose.

COMMITTEE VIEWS

The committee believes that the purpose of the original legislation was meritorious, and that the few remaining former landowners who have not been taken care of, or where proceedings or negotiations are now in process, should be given this slight additional time period.

COST

There will be no cost to the Federal Government involved, in fact, some of the original cost of the acquired lands will be recouped by the Government.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

MODIFICATION OF DULUTH-SUPERIOR HARBOR, MINN. AND WIS.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1060, H.R. 7854.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 7854) to modify the project for the Duluth-Superior Harbor, Minn., and Wis., to provide for the abandonment of the 21st Avenue West Channel, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1080), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of this bill is to modify the project for the Duluth-Superior Harbor, Minn. and Wis., to abandon the northerly 1,250 feet of the existing 20-foot 21st Avenue West Channel, which includes about 500 feet of the recently authorized 27-foot modification of said channel, and declare that portion of the harbor to be a non-navigable water of the United States within the meaning of the Constitution and laws of the United States.

GENERAL STATEMENT

The River and Harbor Act approved August 30, 1935 (49 Stat. 1028, 1035), authorized the 21st Avenue West Channel, about 3,300 feet long and 100 feet wide with a depth of 20 feet. The River and Harbor Act approved July 14, 1960 (74 Stat. 480), authorized modification of the channel to provide for a depth of 27 feet and a width of 200 feet for a distance of 2,500 feet.

A permit was issued by the Secretary of the Army on December 13, 1956, to the Minnesota Department of Highways to construct the Duluth-Superior Interstate Bridge across the St. Louis River at this point. The bridge is under construction. The approach fill will encroach on and occupy a portion of the upper end of the channel authorized by the acts of 1935 and 1960.

Since the proposed fill will cross the upper end of the stub channel, its abandonment is considered necessary. The permit issued by the Secretary of the Army is not sufficient authority to abandon the necessary portion of the authorized navigation project, and legislation is required to affect such proposal.

The Corps of Engineers has found that there is little use of the channel in the area designated for abandonment. The remaining portion of the 21st Avenue West Channel, as authorized in the 1960 act, will consist of a stub channel about 2,000 feet long, 200 feet wide, and 27 feet deep; and is stated to be adequate for the needs of commerce in this area.

The interstate highway bridge is scheduled for completion early in 1962. It is understood that various local interests, including the city of Duluth, the Duluth Chamber of Commerce, port interests, and the Minnesota Department of Highways, favor the proposed abandonment. There is no known objection to this action.

COMMITTEE VIEWS

The permit issued by the Secretary of the Army for the interstate bridge across the St. Louis River does not apply to the approaches which will encroach on a portion of the 21st Avenue West Channel, thus this legislation appears necessary. As the highway bridge is scheduled for completion at an early date, the committee is of the opinion that prompt action on the bill is necessary and recommends its enactment.

COST

There is no Federal cost involved.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

PRESERVATION AND PROTECTION OF LANDS IN PRINCE GEORGES AND CHARLES COUNTIES, MD.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1062, House Joint Resolution 459.

The PRESIDING OFFICER. The resolution will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 459) to provide for the preservation and protection of certain lands in Prince Georges and Charles Counties, Md., and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the joint resolution.

Mr. BIBLE. Mr. President, I ask unanimous consent that a statement I have prepared on the joint resolution may be incorporated in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BACKGROUND AND PURPOSE

House Joint Resolution 459 is a companion to Senate Joint Resolution 97 by Senator ANDERSON. It provides for the acquisition of approximately 1,186 acres of land in fee on the Potomac River shore opposite Mount Vernon, and the acquisition of scenic easements on an additional 1,410 acres for the purpose of preserving, as nearly as possible, the view from George Washington's home as it existed during his lifetime. It will also preserve a site of archeological value where the Susquehanna Indians resided for at least 5,000 years and maintained a large fort at the time the area was first observed in 1608. It will as well provide the fast growing population of the National Capital metropolitan area a natural recreational area of great interest and beauty.

It is anticipated that more than half of all the property and scenic easements required will be donated to the Government.

The area on the Maryland shore of the Potomac seen from the Washington home has been repeatedly threatened by developments which would mar its beauty. However, private citizens have cooperated to preserve it until the present time. Residents have established a self-imposed 5-acre homesite requirement and restricted tree cutting to brush and the smallest trees.

When an oil tank farm was planned for a tract on the shore immediately opposite Mount Vernon, Congresswoman FRANCES BOLTON purchased the property and placed it in a foundation, which has offered to donate it to the Government upon establishment of a Federal scenic area. A total of 600 acres of the 1,186 to be acquired in fee is expected to be given to the Government.

Similarly, a majority of the residential property owners who have restricted their use of their lands to protect the scenic view from Mount Vernon are prepared to contribute scenic easements to the Government, assuring perpetual maintenance of the restrictions on use now voluntarily imposed.

Urgency of passage of House Joint Resolution 459 is raised by a proposal to build a sewage treatment plant on Piscataway Bay, part of the area seen both from the front porch and lawn at Mount Vernon, and from old Fort Washington, which is now a National Capital Park area. There is conflict in testimony as to the ease of visibility of such a plant from Mount Vernon. The Washington home is at 150 feet elevation. Mockley Point, which intervenes between Mount Vernon and the sewage disposal plant site, is only 10 to 20 feet elevation. Witnesses have stated categorically that the plant will, and that it will not, be visible from the Mount Vernon porch and lawn.

There is undisputed testimony that there are alternative sites and possibilities for a sewage treatment plant, but no firm estimate of comparative costs of the alternatives.

Private citizens who have protected the area in the past are powerless to stop the sewage disposal plant, for which property can be condemned.

Because of the prospective adjournment of Congress, both the chairman of the Interior and Insular Affairs Committee and the chairman of the Public Lands Subcommittee have attempted to obtain assurance that no steps would be taken toward construction of the sewage disposal plant before Congress meets next year, when there would be more time to consider the matter.

In both instances, the efforts were without avail. A commitment was avoided. The only way to assure preservation of the site and the scene, and maintenance of the status quo, is enactment of the joint resolution. Congress can then, if it so desires, review the situation during its 1963 session.

THE RESOLUTION

House Joint Resolution 459 has been amended by the House in accordance with reports made by the Department of the Interior. One amendment excludes the Marshall Hall amusement park property, on the east end of the tract, thereby greatly reducing prospective cost. A House committee amendment to the resolution as originally introduced limits appropriations authorized for acquisition of land and scenic easements to $937,000, the cost estimated by the National Park Service.

The estimated cost of administering the area is $30,000 annually. The Park Service envisions doing necessary work to assure preservation of archeological features and establishment of necessary trails and essential facilities to permit public enjoyment of the tract by the growing population and the growing numbers of tourists in the National Capital area.

Reports of the Department of the Interior on Senate Joint Resolution 97, which was identical to the original House joint resolution, now amended to include the suggestions made by the Department as to both resolutions.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading, was read the third time, and passed.

Mr. BIBLE. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to table was agreed to.

INCREASED COMPENSATION PAYABLE UNDER THE WAR HAZARDS COMPENSATION ACT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1056, H.R. 4357.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 4357) to increase monthly disability and death compensation payable pursuant to the War Hazards Compensation Act.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. DWORSHAK. Mr. President, the bill before the Senate, H.R. 4357, is similar to S. 874 which I introduced on February 9, 1961. Due to the legislative situation and in order to expedite action on this important measure, the Senate Committee on Labor and Public Welfare reported out the House-passed bill.

The purpose of H.R. 4357 is to provide long-needed cost of living increases in the disability and death benefits which are now being paid under the War Hazards Compensation Act. The benefits to be increased by the bill are for war-risk losses sustained prior to July 1, 1946. The bill provides for an increase in an amount of 15 percent.

The War Hazards Compensation Act is a part of the Federal workmen's compensation system which has been developed by the Congress to apply to injuries sustained by either Federal employees or by employees employed under Federal contractors of various kinds. The War Hazards Compensation Act, however, is unique in that it relates to a special situation which developed during World War II. You will recall that our military demands at that time required contractors to extend their operations in widespread and remote areas all over the world well beyond the coverage of the workmen's compensation laws which we then had. Injuries sustained in public employment in these areas were not subject to the workmen's compensation laws, and as a consequence, the claims for war-risks injuries sustained by employees on these jobs were handled in an uneconomic and costly manner. In the absence of any ratemaking experience for these war-risk losses, the insurance premiums were inadequate or excessive in relation to the losses and were therefore very costly to the United States. Furthermore, it was believed at the time that a war-risk loss was

one which should be borne by the public at large and not by the employer or any employee or dependent.

As a result, the War Risk Hazards Compensation Act was passed on December 2, 1942. This law covers employees of contractors under contract with the Federal Government engaged in public works outside the United States. The compensation system incorporates the schedules provided by the Longshoremen's and Harbor Workers' Compensation Act. However, the injuries and deaths which are covered must have resulted from a war-risk hazard, meaning an injury which is related to the conduct of a war or an armed conflict, such as injuries resulting from the use of weapons, explosives, missiles, or hostile action in war, armed conflict or rebellion.

Under the War Hazard Compensation Act, the United States has assumed the obligation to make direct payments for these injuries. However, the program is financed through the assets of the war claims fund, representing enemy assets seized during the war. The fact is that the only benefits now being paid under this act are those which arise from war-risk injuries or from deaths resulting from such injuries which occurred prior to July 1, 1946. No claims have been filed for injuries since that date. We are advised that there are about 172 compensation cases of this kind. Of these, 77 are disability cases, and 95 are death cases.

The ceiling on benefits under the original act as enacted in 1942 was $25 per week. In 1948 this ceiling was raised to $35 per week to reflect a contemporaneous adjustment in the benefits under the Longshoremen's Act. However, there have been no changes in the level of these benefits since 1948. We are well aware that living costs have increased substantially since that time, and it is acknowledged that the 15-percent increase which this bill provides is required to provide more realistic compensation for the 172 persons now receiving benefits as a result of these war-risk injuries.

The aggregate overall cost required by the 15-percent adjustment in the level of benefits is about $720,000. This figure of $720,000 represents the increase in the total cost throughout the life of the war-risk program as now written. The figure is calculated on the basis of life expectancy of the program's 172 recipients. The war claims fund from which these payments are made has ample reserves to absorb the additional cost.

The increases will apply only to those benefits based upon war-risk injuries or deaths resulting from such injuries sustained prior to July 1, 1946. It is also provided that the increases will be effective only with respect to disability payments commencing on or after the date of enactment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1076), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE LEGISLATION

The purpose of the bill is to provide a 15-percent increase in the level of benefits which are being paid and which may be payable under the War Hazards Compensation Act of December 2, 1942, as amended (56 Stat. 1028; 42 U.S.C. 1701 et seq.), with respect to injuries or deaths prior to July 1, 1946.

BACKGROUND

The War Hazards Compensation Act was enacted in 1942 as a part of the Federal workmen's compensation system applicable to employees employed by Government contractors. The act covers employees of contractors on public works under contract with the Federal Government engaged in work outside the United States wherever located. It provides a system of compensation for injuries which are the proximate result of a war-risk hazard or for deaths arising out of such injuries. "War-risk hazard" means any hazard arising during an armed conflict or war in which the United States is engaged or during armed conflict or war between military forces of any origin, occurring within any country in which the employee above described is serving. It is further provided that the term "war-risk hazard" refers to hazards from certain operations in the course of the armed conflict or war, such as the discharge of missiles, the use of weapons or explosives, or hostile action. The scale of disability and death benefits is governed by the provisions of sections 8 and 9 of the Longshoremen's and Harbor Workers' Compensation Act of 1927. The compensation program is financed through the assets of the war claims fund, representing enemy assets which were seized during the war.

All of the benefits now being paid under this act arise from war-risk hazard disabilities or deaths occurring prior to July 1, 1946. No claims have been filed since that date. As of June 30, 1960, there were 172 compensation cases which were receiving benefits. Of these 77 were disability cases and 95 were death cases.

In 1942, the enactment date, the ceiling on weekly benefits was $25 per week following the maximum weekly allowable benefit under the Longshoremen's Act. In 1948, the ceiling on the weekly benefits payable under the War Hazards Compensation Act was raised from $25 to $35 to reflect an identical increase in the maximum weekly wage benefit provided by the 1948 amendments to the Longshoremen's Act. Accordingly, compensation awards in the war hazards cases were adjusted upward to the $35 level where they have remained ever since. There have been no changes in the levels of these benefits since that time.

The Federal Employees' Compensation Act Amendments of 1960 provided for a 30-percent increase in the disability and death compensation benefits payable under that act with respect to injuries occurring before January 1, 1946. These amendments provided for a 20-percent increase in the case of benefits payable under that act for injuries occurring between January 1, 1946, and December 31, 1950. Both systems, the Federal Employees' Compensation Act system as well as the War-Risk Hazards Compensation Act system, are financed directly by the Federal Government.

The committee believes that changes in these benefit levels are required to reflect the increases in living costs which have taken place in the past decade.

DESCRIPTION OF BILL

The bill provides for a 15-percent increase in the weekly compensation ceiling applicable to awards under the War Hazards Compensation Act with respect to injuries prior to July 1, 1946, or deaths resulting from such injuries. This would have the effect of raising the ceiling from its present level of $35 to $40.25.

The bill would also provide that the 15-percent increase would apply only to disability and death payments, payable for periods on or after the date of enactment.

It is estimated that the increase in the cost of maintaining the war hazards compensation program would amount to $720,000 for the life of the program, calculated on the expectancy of disabled employees or their beneficiaries receiving payments under the act. The most recent evaluation of the war claims fund from which these benefits would be payable shows a surplus of about $832,000.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

DEPARTMENT OF URBAN AFFAIRS

Mr. YOUNG of Ohio. Mr. President, one of the greatest social changes that has taken place in our Nation since World War II has been the explosive growth of our metropolitan areas. With this transformation of our population pattern has come a profound change in the way of life of millions of Americans. Many new and complex problems cry for solution.

Of the 50 States in the Union, perhaps my own State of Ohio has been most affected by the tremendous growth of urban areas. Ohio, fifth among the States in population, stands third with cities of 100,000 people or more. Of the 38 largest metropolitan areas in the Nation, Ohio has 4; equaled only by California.

Each year more and more Ohioans—and the same is true of all Americans—move into the cities or their environs and come face to face with the difficulties confronting our urban areas. More than two-thirds of all Americans now live in cities or their suburbs, and the figure is growing. In another decade it is estimated that 80 to 85 percent of our population will be city dwellers. Today the combined population of our metropolitan areas is larger than the entire population of the United States in 1920.

It is imperative that the problems affecting these millions of our citizens be recognized at the highest level of government. Legislation has been proposed and is pending, designed to accomplish that end by establishing a Department of Urban Affairs and Housing with Cabinet rank. Urban America is entitled to its spokesman at the Cabinet table. I urge the passage of this bill.

This bill would give city dwellers the same status that American farmers have enjoyed for almost a century. In an age when parking a car downtown seems almost as great a feat as scaling Mount Everest, it is unfair to give second-class status to the problems of those who live in cities.

At present a group of disjointed, lower level Federal agencies with overlapping functions are attempting to cope

with this situation. The results are sadly deficient. The Housing and Home Finance Agency, parent organization for most agencies dealing with urban affairs, is a hybrid without any clear function. New perspective and streamlined coordination is needed.

In the same way that the Federal Government treats the problems of agriculture, commerce, and labor, we must think in terms of a single coherent approach to the varied problems and the tremendous challenge facing our cities.

The Federal Government already plays a large role in this field. Urban renewal, slum clearance, public housing, rapid transportation, air pollution control, construction of community facilities, insuring of home mortgages, sewage pollution control, and many other similar functions are presently being performed by the Federal Government. These problems deserve consideration at the highest level of Government.

No new programs would be established by this legislative proposal, nor would it transfer any functions from other agencies to the new proposed Department of Urban Affairs and Housing. The functions to be administered by this Department would be solely those presently within the jurisdiction of the Housing and Home Finance Agency.

Local and State governments are presently shouldering a fantastic burden. The statistics compiled in the report on the bill from the Committee on Government Operations show clearly that local governments are handicapped financially, jurisdictionally, and in many other ways in handling the new situations which have arisen in metropolitan areas. It is essential that the Federal Government take a more active part in helping State and local governments cope with the tangled difficulties caused by their rapid increase in population.

An important first step would be to approve this legislation as soon as possible and thereby accord these problems the status and consideration they deserve and urgently require.

SALE AND CONVEYANCE OF CERTAIN LANDS IN THE STATE OF IOWA

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of Calendar 888, H.R. 4682.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 4682) to authorize the Secretary of Agriculture to sell and convey certain lands in the State of Iowa.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. HUMPHREY. I note that the Senator from Iowa is present. There are certain matters that I wish to discuss with the Senator regarding the bill.

I believe the RECORD should show that the purpose of the bill is to authorize the Secretary of Agriculture to sell certain national forest lands in the State of Iowa at their fair market value. The bill has been fully amended in accordance with the suggestions of the Secretary of Agriculture. In other words, the Department of Agriculture and the Bureau of the Budget reviewed the original bill very carefully and suggested a number of amendments. Accordingly, the report we have from the committee states:

> The Department of Agriculture suggested a number of amendments, both substantive and perfecting. The committee has adopted all of these suggested amendments. In addition, the committee adopted another perfecting amendment, which merely renumbers a subsection.

The bill would provide that the State of Iowa would have a 2-year period in which to reach agreement with the Secretary as to the purchase price of the 4,649 acres of land involved. If no agreement can be reached, the Secretary would be authorized to sell these lands at not less than the fair market value to the highest bidder.

My concern over the bill, I say most respectfully, is on the basis that it represents a considerable departure from the longstanding public land policy, and in a sense it changes some basic rules with respect to establishing land values, by permitting the Secretary of Agriculture to dispose of land at a market value determined by him to be fair. I like the Secretary of Agriculture. I am sure he will do a good, honorable job.

However, I always have some hesitancy about permitting any officer of the Government, whoever he may be, to establish what is considered to be a fair price, when there seems to be a better way of proceeding, such as by competitive bidding. Therefore, what is sought to be done ought to be looked upon as some change from the past. I do not wish it to be established as a precedent.

Secondly, and probably most important, the bill, even as it is, could provide a wedge for nibbling at the public lands in the West, not on a competitive basis as to the determination of price, but on the basis of an executive officer of the Government determining what he believes is the fair market value. I realize that the bill is for a public purpose.

I wish to ask the Senator from Iowa this question: Is it his view that the State of Iowa——

Mr. HICKENLOOPER. Conservation department.

Mr. HUMPHREY. Is it the view of the Senator from Iowa that the conservation commissioner would hold these lands as public property and not dispose of them for private purposes?

Mr. HICKENLOOPER. That is my understanding. I think that is the full intent and purpose. That intent would be contained, probably, in any transactions which are had.

I am perfectly well agreed, so far as I am concerned, that this transaction should not be considered as a precedent in any way. I do not share the Senator's view that this procedure would be preliminary to the nibbling away of the public lands in other areas. I agree that such a proposal should be considered very carefully.

The circumstances are these: The tract comprises about 4,000 acres of rough land which is held by the Federal Government. It is an isolated piece of land. The Federal Government has one of two choices: Either to send some personnel into the area to supervise it and take care of the 4,000 acres, which would be a completely uneconomic procedure, because to do so would accomplish no Federal purpose; or to sell it to the State, as is provided in the bill, at a fair value to be established by the Secretary of Agriculture.

This is not a proposal to give land to the State of Iowa. I have not talked with the Senator from Oregon [Mr. MORSE] about the proposal, but he has an objection to the transfer of Federal lands unless 50 percent of the fair market value shall be paid to the Federal Government. The bill provides that the State shall pay full value for the land.

Mr. HUMPHREY. Yes.

Mr. HICKENLOOPER. So I take it the Senator from Oregon would not raise an objection from that standpoint. I do not wish to have the bill passed if there is substantial objection to it, of course. However, the State conservation commission can supervise and take care of the land as public land, along with the rest of its duties, probably without the employment of a single additional individual. This tract can be supervised along with other State land.

Really, the land is a burden on the Federal Government, and the State is willing to pay fair value for it, as fixed by the Department of Agriculture. While I do not agree with the Secretary of Agriculture on a great many subjects, I share the high regard of the distinguished Senator from Minnesota for him as a personable individual. I believe he is an honorable man. I am perfectly willing to trust his judgment on this transaction.

I shall be willing to answer any questions Senators may wish to ask.

Mr. HUMPHREY. Mr. President, every time I engage the distinguished senior Senator from Iowa in debate, he wins. He always convinces me. I am convinced, and I believe that the legislative history developed is adequate. I have quoted from certain portions of the report. This transaction is not to be looked upon as a precedent. The acquisition is for a public purpose. Having made that statement, I have no objection.

Mr. HICKENLOOPER. Mr. President, instead of always winning, perhaps it should be said that I win very often in this way with the Senator from Minnesota: that I sometimes get out with my shirt only partly torn. That is a victory. Whenever anyone can get away from the distinguished Senator from Minnesota in this kind of controversy and not lose his shirt completely, he is a winner.

Mr. HUMPHREY. Mr. President, flattery will get the Senator everything. [Laughter.]

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 4682) was ordered to a third reading, was read the third time, and passed.

ATOMIC ENERGY AGREEMENT BETWEEN UNITED STATES AND FRANCE

Mr. PASTORE. Mr. President, I ask that the Chair lay before the Senate House Joint Resolution 569, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER laid before the Senate the joint resolution (H.J. Res. 569) to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective, which was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. PASTORE. Mr. President, House Joint Resolution 569 provides for a waiver of the 60-day waiting period, required by law, before a proposed agreement for cooperation with France may become effective under the provisions of section 123 d. of the Atomic Energy Act of 1954.

In accordance with section 123 d. of the Atomic Energy Act of 1954, as amended, agreements for cooperation for military defense purposes must be submitted to the Congress and must lie before the Congress and the Joint Committee for 60 days while Congress is in session prior to taking effect. The proposed agreement for cooperation with France was submitted to the Congress on September 7, 1961. In view of the expected adjournment of the Congress this month, this proposed agreement normally would not be able to meet the statutory requirement of lying before the Congress for 60 days until sometime next year when Congress reconvenes.

This joint resolution was reported without dissent by the Joint Committee on Atomic Energy and has already passed by voice vote in the other body.

The proposed agreement is similar to other agreements entered into between the United States and the Governments of the Netherlands, West Germany, Greece, and Turkey in 1959 and Italy in January of this year.

Under the terms of this proposed agreement, the United States and France will be able to exchange such classified information as may be necessary in order to train French military forces in the employment of, and defense against, atomic weapons and other military applications of atomic energy and the development of weapons delivery systems. In addition, the agreement will permit the United States to transfer by sale, loan or lease, nonnuclear parts of atomic weapons systems in order to improve the state of training and operational readiness of the French military forces.

I wish to emphasize that nothing in this agreement provides for, or permits, the transfer of atomic weapons or any parts of an atomic weapon.

The nonnuclear parts of atomic weapons systems which may be transferred, and to which I have referred, consist of aircraft or missile-launching devices as distinct from parts of a bomb and also various lugs and other devices for attaching the bomb to its plane or its carrier. This will permit the French delivery systems to be readily adaptable to delivering our nuclear weapons in the event of an emergency.

I wish to emphasize also that the information which may be transmitted to the French under this agreement does not involve information which will assist France in the design, development or fabrication of nuclear weapons.

In his message to the Congress, when he submitted the agreement, the President of the United States called attention to the gravity of the current international situation and the role of France in firmly supporting the United States in the current Berlin crisis. The President urged the Congress to take appropriate action to permit the agreement to take effect this session.

House Joint Resolution 569 would waive the 60-day waiting period of section 123 of the Atomic Energy Act and would permit the agreement to take effect without the statutory waiting period.

Mr. President, I recommend that the Senate approve House Joint Resolution 569.

Mr. HICKENLOOPER. Mr. President, I have always been hesitant about disseminating information concerning nuclear weapons to other nations. I have been hesitant because I have not wanted to encourage or assist the discrimination to other nations of information which would develop their nuclear weapon capability. I have also been reluctant to disseminate nuclear weapon information because I do not want classified information concerning our weapons to fall into the hands of our enemies. It has been my strong conviction that classified information concerning nuclear weapons should be carefully guarded and its dissemination extremely limited to those persons within our own Government who have the need to know.

I am supporting the proposed agreement with France on the basis of assurances received from representatives of the Department of State, the Department of Defense, and the AEC that the information to be communicated, pursuant to this agreement, will not include sensitive information for the purpose of assisting the French in the design, development, or fabrication of nuclear weapons. Under the Atomic Energy Act of 1954 the transfer of such information would not be permitted. I am also supporting the agreement on the basis of the assurance I have received that the information and equipment to be transferred will be properly protected in accordance with the standards required by the United States.

I am supporting the joint resolution to permit the agreement to take effect without the required 60-day waiting period on the basis of the message from the President informing us that he believes it is necessary in our national interest.

Based upon all these positive and strong assurances from the executive branch of the Government, including the President, that the execution and implementation of this agreement within the limitations which they set out is important for our national defense and our national security, I shall support the passage of this measure.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

LIMITATION OF NUMBER OF POSITIONS IN TOP GRADES OF CLASSIFICATION ACT OF 1949

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, Senate bill 1732, which will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1732) to increase the limitation of the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearing examiners; and for other purposes.

ATOMIC ENERGY AGREEMENT BETWEEN THE UNITED STATES AND FRANCE

Mr. MANSFIELD. Mr. President, I move that the pending business be temporarily laid aside, and that the Senate resume the consideration of House Joint Resolution 569.

The motion was agreed to; and the Senate resumed the consideration of the joint resolution (H.J. Res. 569) to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective.

Mr. GORE. Mr. President, it was my honor and duty to present the pending joint resolution to the Senate on behalf of the Joint Committee on Atomic Energy. Like the distinguished vice chairman, the Senator from Rhode Island, and the distinguished senior Senator from Iowa, I support this joint resolution. It was presented to the Congress by the President of the United States as a priority item for national and international security. It was upon that basis that the Joint Committee on Atomic Energy recommended affirmative action by Congress, in order to give to this joint resolution its approval.

Like other Members of Congress, I have been greatly concerned with the security requirements of our nuclear weapons program. It has been with some feeling of uneasiness that we have entered into bilateral agreements with sev-

eral other countries. I must confess that it is with some feeling of chance taking that I shall give my approval now to this bilateral agreement with our ally and friend, France. But I resolve the doubts in favor of this measure, and I do so not without, in my view, good cause.

We were given all reasonable assurances that the security of this information will be preserved; and I act upon those assurances, as the distinguished senior Senator from Iowa says he acts upon them. The exchange of this information and this degree of cooperation between the United States and France and between the United States and its NATO allies are necessary in order to implement and augment the NATO forces in Western Europe.

Therefore, Mr. President, I support the joint resolution, and commend it to the favorable consideration of the Senate.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution (H.J. Res. 569) was ordered to a third reading, was read the third time, and passed.

Mr. PASTORE. Mr. President, in view of the fact that the Senate has now taken action on House Joint Resolution 569, which is identical with the corresponding Senate measure, I now ask that Calendar No. 1017, Senate Joint Resolution 135, to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF APPLICATION OF CHAPTER 37 OF TITLE 18, UNITED STATES CODE, RELATING TO ESPIONAGE AND CENSORSHIP

Mr. ANDERSON. Mr. President, recently the Senate passed Senate bill 1895, during the call of the calendar. An identical House bill is pending in the Senate Judiciary Committee. I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of House bill 2730, an identical House bill, and that the Senate now proceed to its consideration, so that it may be passed.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H.R. 2730) to repeal section 791 of title 18 of the United States Code so as to extend the application of chapter 37 of title 18, relating to espionage and censorship.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 2730) was ordered to a third reading, was read the third time, and passed.

U.S. ARMS CONTROL AGENCY

Mr. FULBRIGHT. Mr. President, I move that the Senate proceed to the consideration of House bill 9118, to establish a U.S. Arms Control Agency.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 9118) to establish a U.S. Arms Control Agency, which was read twice by its title.

Mr. FULBRIGHT. Mr. President, this bill was only recently passed by the House of Representatives.

I move that all after the enacting clause of the bill be stricken out, and that there be inserted in lieu thereof the text of Senate bill 2180, to establish a U.S. Disarmament Agency for World Peace and Security.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 9118) was read the third time and passed.

The PRESIDING OFFICER. Without objection, the title to H.R. 9118 will be amended to read "to establish a U.S. Disarmament Agency for World Peace and Security."

Mr. FULBRIGHT. Mr. President, I move that the Senate insist upon its amendment, request a conference thereon with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. HUMPHREY, Mr. SYMINGTON, Mr. WILEY, and Mr. HICKENLOOPER the conferees on the part of the Senate.

PARTICIPATION IN INTER-AMERICAN CHILDREN'S INSTITUTE

Mr. FULBRIGHT. Mr. President, I ask that the Chair lay before the Senate the amendment of the House of Representatives to Senate Joint Resolution 66.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 66) to amend the joint resolution providing for membership and participation by the United States in the Inter-American Children's Institute, which was, to strike out all after the enacting clause and insert:

That the Act of February 16, 1960 (74 Stat. 3), which amended the Act of May 3, 1928, as amended (22 U.S.C. 269b), is hereby amended by deleting the phrase "for the fiscal years 1961 and 1962" and inserting in lieu thereof the phrase "for the fiscal years 1963 and 1964".

Mr. FULBRIGHT. Mr. President, I move that the Senate concur in the House amendment.

The law providing for membership and participation by the United States in the Inter-American Children's Institute authorizes the appropriation of not to exceed $50,000 per fiscal year for the fiscal years 1961 and 1962. At the request of the Department of State, the Senate earlier this year approved an amendment striking out the reference to fiscal years 1961 and 1962. The House amendment similarly strikes out this reference, but inserts the phrase "fiscal years 1963 and 1964." The amendment enables the United States to continue participation in the activities of the Children's Institute until the end of 1963.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

EXECUTIVE SESSION

Mr. ANDERSON. Mr. President, I move that the Senate resume the consideration of executive business, to consider the nomination of Philleo Nash, of Wisconsin, to be Commissioner of Indian Affairs.

The motion was agreed to; and the Senate resumed the consideration of executive business.

COMMISSIONER OF INDIAN AFFAIRS

The legislative clerk read the nomination of Philleo Nash, of Wisconsin, to be Commissioner of Indian Affairs.

Mr. ANDERSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[Ex. 1]

Aiken	Gore	Monroney
Anderson	Hart	Mundt
Bartlett	Hayden	Pastore
Beall	Hickenlooper	Pell
Bennett	Hill	Prouty
Bible	Holland	Proxmire
Boggs	Hruska	Randolph
Byrd, Va.	Humphrey	Robertson
Byrd, W. Va.	Jackson	Russell
Cannon	Johnston	Saltonstall
Capehart	Jordan	Scott
Carlson	Keating	Smathers
Carroll	Kefauver	Smith, Mass.
Case, N.J.	Kerr	Smith, Maine
Case, S. Dak.	Kuchel	Sparkman
Cooper	Lausche	Stennis
Cotton	Long, Mo.	Symington
Curtis	Long, Hawaii	Talmadge
Dodd	Magnuson	Thurmond
Douglas	Mansfield	Tower
Dworshak	McCarthy	Wiley
Eastland	McClellan	Williams, N.J.
Engle	McGee	Williams, Del.
Ervin	McNamara	Yarborough
Fong	Metcalf	Young, N. Dak.
Fulbright	Miller	Young, Ohio

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. HICKEY], the Senator from Louisiana [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], and the Senator from Oregon [Mrs. NEUBERGER] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. SCHOEPPEL] are absent by leave of the

Senate to attend the Interparliamentary Conference in Brussels.

The Senator from Maryland [Mr. BUTLER], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Connecticut [Mr. BUSH] is absent by leave of the Senate to attend the Conference of the International Fund and World Bank in Vienna.

The PRESIDING OFFICER. A quorum is present.

Mr. ANDERSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ANDERSON. Is the Senate now in executive session?

The PRESIDING OFFICER. The Senate is in executive session. The Senate will be in order.

Mr. ANDERSON. Mr. President, it was my unfortunate circumstance that I was not present in many of the sessions of the Committee on Interior and Insular Affairs when this nomination was officially considered. I therefore hope that other members of the committee will comment at greater length upon this matter than I will.

I merely wish to say that when the nomination was sent to us, there was some evidence given to the Committee on Interior and Insular Affairs in executive session which seemed to reflect upon the nominee for Commissioner of Indian Affairs. I took the responsibility of sending for certain special reports, and also said to the Committee on Interior and Insular Affairs that we would not proceed precipitantly, but take time carefully to consider the nomination.

I feel sure that the committee did consider it carefully, and that each member had an opportunity to examine all the evidence which was placed before it. I believe that the final verdict of the committee is not only in accordance with the desires of the administration to have a good Commissioner of Indian Affairs, but also the desires of the committee to make sure that he will do a good job.

I therefore wish to say that I support strongly the nomination of Mr. Nash, and I hope that the Senate will see fit to confirm the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Philleo Nash to be Commissioner of Indian Affairs?

Mr. DWORSHAK. Mr. President, I had been hopeful that the chairman of the committee would give us a more detailed statement than he did. I want the RECORD to show that the majority members of the committee fully cooperated with the minority members in trying to scrutinize the background of the man who is to become the Commissioner of Bureau of Indian Affairs.

I think there is great significance attached to the fact that we have had in the Bureau for 8 months an Acting Commissioner. I will not criticize the Secretary of the Interior for that. Perhaps Congress has held up action on the nomination for several weeks. The mere fact that we have had an Acting Commissioner for 8 months would indicate there has been some indecision or some reluctance to make this appointment.

I believe that this is one of the most important assignments in our executive department, because about 170 years ago the Bureau of Indian Affairs was organized to prepare the Indians on the reservations in this country and in Alaska for full integration and for their acceptance of the responsibilities of American citizenship.

Throughout my tenure in the House and in the Senate, having served on committees dealing with Indian affairs and the administration of the Bureau, and handling the appropriations to carry on that program, I have been greatly disappointed, because it seemed to me that the more money we appropriate to achieve the ultimate objective for which the Bureau was created the further we get from the attainment of the goal. As a consequence, we frequently read in the press and hear criticism throughout the country that Congress and the Government are not fully cognizant of the great gratitude which the American people should show to the Indians living in this country.

Mr. President, I pointed out recently, when the appropriation bill was before the Senate, that in 1948 the Bureau of Indian Affairs had an annual budget of $39 million. This fiscal year the budget approximates $220 million. So we have had an increase from $39 million of 14 years ago to $220 million. I ask my colleagues in the Senate whether this is evidence that adequate appropriations have been made available for all of the programs under the supervision of the Bureau of Indian Affairs.

Of course there is no direct relationship between the remarks I have just made and the confirmation of the nomination of Philleo Nash to be Commissioner of Indian Affairs. Those of us who come from the West, particularly, and who have been concerned with the many problems affecting the welfare of our Indians, realize that we should make provisions to carry on the most efficient programs possible.

TASK FORCE MAKES REPORT

Mr. President, during the hearings we received testimony from Mr. Nash, who served as chairman of a task force under Secretary Udall, early this year, which made a report and submitted several recommendations on what might be done with respect to the status of our American Indians. I do not know whether the task force report will provide the nucleus and the inspiration for a program which will correct some of the inefficiencies and blunders and ineptitude which have characterized the administration of the Bureau of Indian Affairs for many years, both under Republican Presidents and under Democratic Presidents. Obviously there is little partisanship in this program.

At this point I ask unanimous consent to insert as a part of my remarks questions and answers from the hearings which to some extent reflect the sentiments of Mr. Nash insofar as our Indian problems are concerned.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senator DWORSHAK. I understand that for many years you have established the reputation of watching the activities of the programs of the Bureau of Indian Affairs, is that correct?

Mr. NASH. That is true, to some extent. It has been off and on. I became interested in Indian affairs in a practical sense when I was doing some research on the Indian reservations back in 1935.

Senator DWORSHAK. I want to establish one fact. That is, if you have observed the activities and the expansion within the Bureau, whereby in 1948 it had an annual budget of $39 million and for the present year about $220 million, and the personnel has increased until, as you mentioned the other day, in the Bureau and in the health, education, and welfare of the Indian service, there are about 17,000 employees. Tell me, frankly, if you think that progress has been made toward the original objective in creating the Bureau of Indian Affairs which was to qualify our Indians for integration as American citizens? Do you think we have made any progress in the attainment of that objective?

Mr. NASH. We have made some progress. I think we tend to forget that figure of 160,000. We talk about the 360,000. Many of those outside are living under squalid conditions in towns near reservations, but others are alumni, if I can use the word, of reservation activities, and they have gone out into the world and have made their own way. I think we ought to regard those as indications of progress.

Senator DWORSHAK. But you say they have not made much improvement in their status while living off of the reservation?

Mr. NASH. Some of them have, some have not; not all have, but some have. Mr. Keeler, who is chairman of our task force, is one of the outstanding industrialists of America.

Senator DWORSHAK. I don't think you can point to one man and say that he represents what has been accomplished by the Bureau of Indian Affairs. I am serious about this. I have watched these developments and these trends for more than 20 years in Congress. I have been greatly disillusioned and disappointed because in the State of Idaho we have many Indians, and as I observe their status today, with conditions compared with those which existed 25 years ago or 20 years ago, I think that they are immeasurably worse off and they have an inferiority complex. They feel they have been neglected and exploited by the American people and by the Bureau of Indian Affairs. Are they justified in feeling that way?

Mr. NASH. There have been enough programs that have tried and failed, so that there has been justification, of course, for feeling that they have been neglected. The task force found that feeling and listened to it sympathetically. That was the basis of our conclusion, to the extent that the Bureau has failed in this assignment that it is because too much attention has been paid to these custodial activities and not enough to others.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. DWORSHAK. I yield.

Mr. MILLER. I am sorry that I was not in the Chamber to hear all of the Senator's remarks. I wish to ask him if he presented to the Senate the facts

regarding Mr. Nash's experience with Indians.

Mr. DWORSHAK. I am not sure that I know what his full background is. The testimony during the hearings, a part of which I have asked to have printed in the RECORD, shows that I asked Mr. Nash whether it is not true that he had been watching the activities of the programs of the Bureau of Indian Affairs.

Mr. Nash answered:

That is true, to some extent. It has been off and on. I became interested in Indian affairs in a practical sense when I was doing some research on the Indian reservations back in 1935.

Of course that does not indicate to what extent he has had any specific experience in dealing with Indians. The testimony does not convince me very effectively that Mr. Nash possesses the qualifications which a Commissioner should have if he is to do the kind of job that the American people want him to do in that position.

Mr. MILLER. I should like to invite the Senator's attention to page 43 of the hearings, where I asked the nominee how much time he spent on Indian reservations collectively.

The nominee answered:

Mr. NASH. In all of these years since 1928?

Senator MILLER. Yes.

Mr. NASH. Not a great deal of time on the reservations. My wife and I lived on a reservation the first year of our marriage. Other than that my experience on Indian reservations has been confined to summer research, 2 and 3 months at a time. Possibly the total time spent on reservations, in study, visits, travel, field trips, might run a couple of years out of the last 30.

Senator MILLER. How much time would you say have you actually lived on reservations?

Mr. NASH. Living on reservations—that would include all of that time.

Senator MILLER. About 2 years?

Mr. NASH. About 2 years.

Senator MILLER. And how much of those 2 years would you say it would be in the last 20 years?

Mr. NASH. Possibly one-half of it was in the last 20 years.

I know the Senator from Idaho has had much experience in the area covered by the pending measure, because his State has a large Indian population, and the question I desire to propound is whether he considers that 1 year of residence on an Indian reservation, or on Indian reservations, within the last 20 years, would provide adequate experience with which to deal knowledgeably with problems relating to American Indians.

Mr. DWORSHAK. I feel certain the Senator from Iowa is capable of replying to his own question. Obviously, it would be much more desirable if Secretary Udall and the President had named some outstanding, experienced executive having a background which would have given us assurance that the affairs of the Indian Bureau would be in capable hands.

Mr. MILLER. I thank the Senator from Idaho.

Mr. CASE of South Dakota. Mr. President, will the Senator from Idaho yield?

Mr. DWORSHAK. I yield.

Mr. CASE of South Dakota. I have been interested in reading the hearings. I must confess that they leave me with considerable doubt as to the wisdom of this appointment. I have been trying to determine what particular qualifications Mr. Nash has for the position to which he has been appointed. In addition to the time Mr. Nash spent on an Indian reservation, I note that he has been working in anthropology. On page 45 of the hearings, I find that he wrote his doctor's thesis after his residence on the Klamath reservation. He said:

That is one of those long-winded dissertation titles. The full title is "The Role of Religious Revivalism in the Formation of the Inter-Cultural Community, Klamath Reservation, 1872–73".

The distinguished Senator from Colorado [Mr. ALLOTT] then asked:

This is the dissertation upon which your doctor of philosophy degree was primarily made?

Mr. NASH. Yes, sir.

Did this dissertation upon "The Role of Religious Revivalism in the Formation of the Inter-Cultural Community, Klamath Reservation, 1872–73," figure particularly in the deliberations of the committee?

Mr. DWORSHAK. No; but I presume members of the committee observed that that date was 90 years ago; and I presume also that it very accurately reflects the lack of progress which has been made in administering the affairs of the Indians by the Bureau of Indian Affairs. I presume that the administration of that Bureau is at least 90 years behind the times.

Mr. CASE of South Dakota. Did the nominee give any indication of his expectation of helping the Indian to qualify and prepare himself for effective participation in the American community as he finds it today?

REVERSAL OF POLICY EXPECTED

Mr. DWORSHAK. No. I regret very much that the impression I got from the testimony of Mr. Nash and from reading some of the excerpts from the task force reports submitted by Mr. Nash and his two colleagues is that there is a likelihood that there will be another reversal in Indian Bureau policy. Instead of continuing to do what has been done for several years; namely, to encourage Indians to leave the reservations, to become self-sufficient, and self-supporting, so that the Indian children can attend non-Indian public schools and become integrated in the American citizenry, actually we are now likely to see Indians encouraged to remain on the reservations, where they will receive many of the benefits which would be denied them if they left the reservations.

It seems to me that after devoting years and years to going in one direction, and when we seem to be making some progress, then, for some reason, those in charge of the Indian Bureau call different signals, reverse the trend, and go in the opposite direction. When that is done, more and more money continues to be spent, ostensibly to improve the status of the Indians; but in reality they are being made more dependent as pawns of the Government.

Mr. CASE of South Dakota. I am afraid that is a true statement, I say regretfully. At least, my observation would support that view. The Indians are started off in one direction for a time; then the signals are reversed, and they become confused.

Mr. DWORSHAK. They have a right to be.

Mr. CASE of South Dakota. I notice on page 19 of the hearings that the distinguished Senator from Arizona [Mr. GOLDWATER] asked the question, "What is an Indian?" He said:

I recall at one time here a number of years ago I put in a bill, to define "what is an Indian," and I would go to one-quarter blood and anything past that was no longer considered an Indian insofar as enjoying the rights and benefits of heirship or division of lands and properties.

I know that you are a very noted anthropologist. Have you given this any consideration in your private life?

I note that question particularly, because I also am one who feels that we should have a definition of what is an Indian, so that we may start from there. I, too, have introduced bills relating to the one-quarter bloodline, and I have such a bill introduced at the present time.

Mr. Nash's answer to the question of the Senator from Arizona was:

Mr. NASH. Yes, sir, I have, and, if the Senator is asking for my personal and private opinion, I will be very glad to give it.

The definition of who is an Indian is a legislative definition or, to some extent, a social definition in the sense that an Indian is a person who is known as an Indian by his neighbors. So far as the Federal programs are concerned, this is determined legislatively, and there are, of course, a great many different statutes which define it in different ways for different purposes.

Did that answer impress the members of the committee as being a direct, responsive answer?

Mr. DWORSHAK. I could give the Senator from South Dakota no assurance as to how the members of our committee reacted to any of the testimony which was presented to our committee. Possibly the Senator might wish to interrogate the chairman or the ranking Democratic member of the committee. I am sure that they will have appropriate answers for the questions which the Senator may propound.

Mr. CASE of South Dakota. Continuing with the same answer, on the next page, Mr. Nash said:

Anthropologically, I think that one would want to be very, very cautious about attempting to make any biological definition.

So far as entitlement to services is concerned, my personal view, to which I have given much reflection, is that entitlement ought to flow from the language of the Constitution which gives to Congress the power to regulate commerce with the Indian tribes, not with persons of Indian descent but with Indian tribes. And the Federal Government, through recognition, sometimes by act of Congress, sometimes by executive action, sometimes just by declaration, has given recognition to some groups and not to others.

Did the committee give consideration to that statement as a possible answer to the question of what or who is an Indian?

Mr. DWORSHAK. No. I think the members of the committee were more concerned about the qualifications of Mr. Nash for this important position.

Mr. CASE of South Dakota. It seems to me that one of the qualifications is: What kind of administration will he give? Will he perpetuate the idea of a thread or a thin line of Indian blood clear down through all the years to come? Or will he come to some point where we can tell what an Indian is—whether an Indian himself can tell whether he is an Indian; and whether the special prerequisites which go with being a member of an Indian tribe are to continue indefinitely?

Mr. DWORSHAK. Not being one of the ardent supporters of Mr. Nash for this position, I suggest that the Senator from South Dakota might interrogate the chairman of the committee, who might have more pertinent information available on the specific point raised by the Senator.

Mr. CASE of South Dakota. One of the great problems in the Indian country, so to speak, is the problem of the fractionated interest in lands. There are allotments which descend to the heirs of a deceased person, and each time—almost each time—before the transfer can be made one of the heirs dies, and the situation becomes more complicated. Then there is a further fractionating or dividing of the interest. It is practically impossible to get to a final resolution of the probating of the Indian's estate, which involves heirship lands.

If a definition cannot be made of what an Indian is, what will happen when some of the land descends to persons who have, let us say, a one-sixty-fourth percentage of Indian blood? Will that person be entitled, on that thin line of blood, to qualify for preference rights in the purchase of Indian lands?

Mr. DWORSHAK. I would say I think political blood is more persuasive and more important than heirships, in connection with the consideration of this appointment.

But, Mr. President, in more serious vein I may say that currently the Committee on Interior and Insular Affairs has under consideration a bill to clarify the heirship situation, so that some progress can be made in declaring the ownership of some of this land on the reservations. Although I am not a member of the Subcommittee on Indian Affairs, I recall that the Department of Interior submitted a report which was in opposition to many of the provisions of the bill currently under consideration. So in this instance, in dealing with what the Senator has referred to, we find the Interior Department in conflict with the Committee on Interior and Insular Affairs and its Subcommittee on Indian Affairs. That fact points up the difficulty which is encountered in trying to solve this problem.

Mr. CASE of South Dakota. Did the committee have any feeling, after its hearing with Mr. Nash, that he would be more cooperative with the viewpoint of the committee in attempting to clear up this heirship problem?

Mr. DWORSHAK. Again I must confess that I cannot give the Senator an accurate reply, and I prefer to have him ask these questions of the chairman of the committee.

Mr. CASE of South Dakota. Recently, it was my privilege to appear before the Subcommittee on Indian Affairs, of the Committee on Interior and Insular Affairs, and there to bring up some concrete illustrations of this heirship problem. I recall that in many instances in which the lease money was to be divided, a fractionated interest would yield perhaps 1 cent or 3 cents or 7 cents to a person who had interest in some of these heirship lands.

Mr. DWORSHAK. That is correct.

Mr. CASE of South Dakota. Obviously it costs the Federal Government far more than any such amount to process the division of the revenues from the lease and to send the funds to the lessees.

Of course, another problem is created when such a person receives a check for 7 cents. Out home, one Indian who received a check for 7 cents would not cash it, because it would cost him 10 cents to cash it.

I should like to believe that the new Commissioner of Indian Affairs will be sympathetic in regard to the necessity for arriving at a solution of this problem, and will act in harmony with the interest of the Subcommittee on Indian Affairs in clearing up this complicated heirship problem.

Can the Senator from Idaho give me any hope in that connection?

Mr. DWORSHAK. No, I must confess that I cannot forecast what may be done in connection with the formulation of policies by Mr. Nash, if his nomination is confirmed. Again, I suggest that the Senator from South Dakota would render a very worthwhile service if he would try to get some of this information into the RECORD, by asking some of his questions of the majority members of the committee, who have assumed the responsibility of obtaining confirmation of the nomination of Mr. Nash, and who certainly must have confidence in the qualifications and ability of Mr. Nash to render service in this position.

Mr. CASE of South Dakota. Mr. President, the land resources of the Sioux Indians, in South Dakota, are substantial; but a great many of them are tied up, and are yielding nothing to the Indians or to the community or to anyone else. Some of them are so hopelessly enmeshed in these heirship problems that, for all practical purposes, they cannot be released, to anyone. The result is that some of the Indians who have such interests have no hope of obtaining any revenue from them, because the holdings may be divided so fractionally, among so many persons, that the outlook is discouraging to all concerned.

I hope the new Commissioner will address himself to this heirship problem. He could do nothing more constructive than get a firm, clear-cut demarcation of policy with respect to the heirship problem.

Many of the so-called social problems grow out of the confused situation in which the Indian finds himself today. One question is whether he is an Indian or whether he is not an Indian. Another question is whether he will receive any revenue from the land he owns or whether he will not receive any revenue from it. Another question is whether he should hope to receive some largesse from the Federal Government, in connection with the settlement of his claims, or whether there is no hope of receiving it. Another question is whether he should leave the reservation, or whether he should expect the Federal Government to continue to wet-nurse him until the formative period of his life has passed, at which time he will become necessarily dependent upon the gifts, grants, rations, social security, or other aid, in one form or another, which the Federal Government may grant him.

The Commissioner of Indian Affairs should enter upon his tasks with the realization that he has a real opportunity to do something to be of great benefit to this large group of American people. It is easy to talk about international measures; but here is a need to take action in dealing with this unfortunate and very complex situation which has been created for these Indians by the complicated action which has been taken in the past by our country.

Mr. DWORSHAK. Mr. President, my attention has just now been called to the fact that the Department of the Interior, following the recommendation of Mr. Nash's task force, has recommended an heirship bill which would result in taking property away from Indians in a manner which the Department of Justice has stated would be clearly unconstitutional.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article entitled "Washington on Review—New Frontier Sees an Indian Bite the Dust," written by Jack Williams and published in the Kansas City Star of August 9, 1961, relating to the nomination of Philleo Nash to be Commissioner of Indian Affairs.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW FRONTIER SEES AN INDIAN BITE THE DUST

(By Jack Williams)

WASHINGTON.—When the New Frontier trip took off, it was announced with resounding fanfare that at long last a real Indian had been appointed by President Kennedy to head the Bureau of Indian Affairs.

He has just been booted out so that the $18,500 job can go to a Democratic politician whose closest link with the red men is that he once grew red cranberries in Wisconsin.

Chosen as Acting Indian Commissioner early in the new administration was John O. Crow, born in Missouri and a graduate of Haskell Institute at Lawrence, Kans. The strapping Crow played on the Haskell football team and later in professional football. In the Indian Bureau he worked his way up from the bottom. He was and is considered highly qualified for the job to which he was appointed.

There is nothing in the surprise announcement to reveal why Crow is being pushed back to Assistant Commissioner in

favor of a party wheelhorse who has been knocking around on political payrolls a number of years. The new Commissioner nominated by Kennedy, Philleo Nash, 51, had a job at the White House under former President Truman. When Nash ran for Lieutenant Governor of Wisconsin he was pictured on the party pamphlets as the "cranberry king." He was elected his first race.

Nash, a follower of Senator HUBERT HUMPHREY, of Minnesota, backed HUMPHREY's unsuccessful fight to capture Wisconsin delegates in the 1960 primary. Kennedy all but knocked HUMPHREY out of the race on the basis of the Kennedy Wisconsin victory. Nash also supported HUMPHREY in his last stand in West Virginia.

Apparently to pave the way for his appointment to the well-paying job, Nash was named by Stewart L. Udall, Secretary of the Interior, to a 6-man group to report on Indian affairs. The submission of the report was followed by the appointment. There was nothing of note in the report, but it did provide a springboard for Nash to get back on a payroll.

Crow is a career employee. He was born on a farm near Salem, Mo., when his parents stopped there to farm a while on a trip west from the Southeast. He was raised at Commerce, Okla.

A friend of Nash said the former Wisconsin Lieutenant Governor had done some excavation work on Indian mounds near LaCrosse several years ago.

Mr. ANDERSON. Mr. President, I am happy that the Senator from South Dakota has raised these questions about the heirship problem.

In discussing these matters with Mr. Nash, I called attention to two problems which need to be dealt with and settled. One is the problem of termination of the trust responsibility. The other is the heirship problem.

The Senator was quite correct when he said that many of these tracts of land bring no revenue to those who own them. That is largely due to the heirship question, when the interests have become so fractionated that it is impossible to determine who owns what portion of the land and who is entitled to what part of the revenue from it.

The result has been that the Department has classified the land as unproductive—not because it cannot produce crops, but because it cannot be leased, because of this heirship problem.

I have discussed the matter with the Secretary of the Interior, with the nominee-to-be Commissioner of Indian Affairs, and with the present Commissioner of Indian Affairs.

I can assure the Senate that one of the most important tasks the Indian Affairs Subcommittee will encounter at the next session will be in getting before the Senate a valid heirship bill which will protect the rights of the Indians. As the Senator has pointed out, it was apparent that the bill which was presented might take some advantage of the Indians; and I believe it was the Senator from New Mexico who, first of all, called that situation to the attention of the persons involved.

The Department of Justice probably is correct—I hope it is correct—in saying that the methods which have been suggested might result in taking property without due process of law. If that is true, the methods proposed are wrong, and we shall oppose them.

Therefore, I say to the Senator from South Dakota that I hope that at the next session a valid heirship bill will be brought to the floor of the Senate and that every effort will be made to pass the bill. The House committee has also made some very interesting studies, and is probably as far along as is the Senate committee in trying to report such a bill. Under the leadership of the able Senator from Idaho [Mr. CHURCH] we expect to have such a bill brought before the Senate at the next session.

Mr. CASE of South Dakota. I welcome this assurance by the Senator from New Mexico. When I appeared before the subcommittee headed by the Senator from Idaho [Mr. CHURCH], I was impressed with the fact that they were working on the problem and hoped to accomplish something. I was hoping that we could have some assurance they would have the full cooperation of the nominee, if he is confirmed as Commissioner of Indian Affairs, in resolving the heirship problem in a practical, workable, constitutional way.

Mr. ANDERSON. I think I can give the Senator that assurance. If the Senator will turn to page 27 of the hearings, about the middle of the page, he will see that Senator CHURCH said:

> Now one of these vexing problems is the heirship problem, wouldn't you agree?
> Mr. NASH. Yes, very much so.

Senator CHURCH said he hoped we would get a bill before the Congress at the earliest possible date.

I fully subscribe to what the Senator from South Dakota has said about the seriousness of the problem. I give him my pledge that I will stay behind it and try to get an heirship bill at the earliest possible date.

Mr. CASE of South Dakota. I thank the Senator.

Mr. ANDERSON. The Senator from South Dakota is completely correct.

While I am on my feet, and before the Senator from Wisconsin makes his statement, I wish to commend the senior Senator from Idaho [Mr. DWORSHAK] for the fidelity with which he attended the hearings and for the contribution he made with respect to the nomination. He was not enthusiastic about the nominee, but he was constant in his job of trying to see to it that we explored the problem fully and carefully. I commend him for it.

Many times, in these protracted hearings, some people say, "This is not of public importance; maybe we ought to adjourn," but the Senator from Idaho was a tower of strength, and I thank him for it.

Mr. WILEY. Mr. President, I am not a member of the committee that heard the testimony. I have the record of the hearings before me. I have been acquainted with Mr. Nash over a number of years. When the President nominated him, that nomination came to this body as the voice of the executive department. I represent a State of some 4 million people. My problem was very simple. Was the nominee a man of character? Was he a man of ability? Could he handle the job? The last question was a very debatable one, so far as I am concerned, because, while I grew up in an Indian country, I do not know all the ins and outs of Indian problems; but I do know, from examining the record and from the discussion here this afternoon, that one can very easily draw a conclusion when he refers to page 75 of the hearings. I read from that page:

> Senator HICKEY. Mr. Nash, in listening to most of your testimony, I had the general feeling that we are going to have a real asset in the Indian affairs agency. I feel that you will bring to it a heart concerned with this problem which sometimes, in the past, I have felt was not there.

When I read that, and also in looking the testimony over and seeing who it was that was speaking for Nash, I get favorable answer to my third proposition.

The Rosebud Sioux Tribe of South Dakota wired Senator ANDERSON that it desired "the committee to know that it strongly accords confirmation of Philleo Nash for Commissioner of Indian Affairs."

The Standing Rock Sioux Tribe of North and South Dakota, of Fort Yates, N. Dak., wired Senator ANDERSON as follows:

> The Standing Rock Sioux Tribe of North and South Dakota endorse the nomination of Philleo Nash as Commissioner of Indian Affairs and strongly urge confirmation of his nomination by the Senate Committee on Interior and Insular Affairs.

I turn the page of the hearings and I see a telegram addressed to the Honorable FRANK CHURCH from the Coeur d'Alene Tribal Council, which reads:

> Coeur d'Alene Tribal Council places utmost confidence in qualifications of Philleo Nash for Commissioner of Indian Affairs and strongly urges your support for immediate confirmation of his appointment.

Senator ANDERSON also received a communication which reads as follows:

> Philleo Nash, experienced, wise, and humane, would make a conspicuously successful Commissioner of Indian Affairs. Hope you will support him and that he will be confirmed. Good wishes.
>
> SOPHIE ABERLE BROPHY.
> WILLIAM A. BROPHY.

The Washington Post had an enthusiastic editorial endorsing Philleo Nash for the nomination, which reads as follows:

> The administration has nominated a remarkably well-qualified official for the important post of Commissioner of Indian Affairs. Philleo Nash has a grasp of both practical politics and the problems of the American Indians. The likable, genial, and persuasive Mr. Nash served as a White House aid on minority affairs for President Truman and later was elected Lieutenant Governor of Wisconsin. He also is a trained anthropologist who has studied and worked extensively with the Indians. It will be hoped that Congress will swiftly confirm the appointment. Among other things the city can use the insights of an anthropologist who understands the tribal ways of politics as well as of Indians.

Mr. President, who is Philleo Nash? He was Lieutenant Governor of Wisconsin. He was assistant to the Assistant Secretary for Public Land Management, Department of the Interior. He was a member of the Secretary of the Interior's Task Force on Indian Affairs in

1961. He was Administrative Assistant to the President of the United States in 1952 and 1953. He was a Special Assistant in the White House from 1946 to 1952. He was a Special Assistant, Office of War Information and Related Agencies, from 1942 to 1946. He was a Special Consultant for the Secretary of War in 1943.

Then he was secretary of the Yale-Toronto International Conference on Indian Welfare. He was vice chairman of the Menominee Indian Tribal Trust. He was a member of the board of directors of the Association of American Indian Affairs. He was chairman of the Wisconsin Committee on World Refugee Year.

Of course, he was also chairman of the Democratic Party of Wisconsin, which may, as the Senator suggested a few moments ago, have had something to do with his nomination. But he is the nominee of the President.

Now we should consider his educational and professional background, as indicated in the record of the hearings. He was a lecturer in anthropology at the Universities of Wisconsin and Toronto from 1937 to 1942. He was the author of publications in anthropology, race relations, and Indian affairs. He made research and field trips in archeology, ethnology, linguistics, and native affairs in California, Oregon, Arizona, New Mexico, Oklahoma, Wisconsin, Illinois, Ontario, Virgin Islands, and Puerto Rico.

This man has many qualifications for the job I did not know he had when I testified as to his character before the committee. As the record shows, I stated he had a background as Lieutenant Governor of the State. He was a man of much experience. He was a friendly soul. He knew a great deal about Indian affairs.

With this background, what does the Legislature of Wisconsin think about him? What does the Lieutenant Governor of the State of Wisconsin, now a Republican, say?

The Senator of Wisconsin resolved:

> That Lt. Gov. Philleo Nash is hereby commended for a job well done as president of the senate during the regular legislative session of 1959.

There was a citation by the Legislature of the State of Wisconsin, signed by Warren P. Knowles, Lieutenant Governor, which read:

> The members of the State senate, on the motion of Senator Lynn E. Stalbaum under joint rule 26, congratulate him on his elevation to the high post of Commissioner of Indian Affairs and wish him a successful tenure of office.

I am performing a part as the senior Senator from the State of Wisconsin in relation to a citizen of my State.

When I come to the Senate I come not as a representative of any group or class. If I have any reputation, it is to the effect that I am an independent chap who feels he has but one job, which is to do the best he can.

Nash is the nominee of the President. He is my President, and every American's President in these perilous times. The President is not presumed to do a careless job. He has those who check into the qualifications of nominees. He arrives at his conclusion from the facts before him. There may be some politics involved, but the President will not make a mistake if he can help it. Nash is the nominee of the President.

Whom did the President nominate? I have already gone over that ground. It is a man who in my judgment is qualified by his training and by his character for the job.

I have received a few letters asking how I shall vote. My answer was very clear. I shall appear in the Senate of the United States. I shall listen to the testimony of the committee members. I shall read the record and arrive at my conclusion.

Until I came to the Senate today I had not gone through the record. I spent the time this morning going through it. I have come to the conclusion that in the interest of what I think is not only fair play but also the obligation I owe to my constituents I shall vote for confirmation of the nomination.

Mr. HUMPHREY. Mr. President, it was a happy day for the American Indians, for the Government of the United States, and also for me, personally, when the President sent the nomination of Philleo Nash to the Senate. Mr. Nash is an old and trusted friend of mine, who served well on the White House staff under Presidents Roosevelt and Truman and who will perform excellently as Commissioner of Indian Affairs under the present administration.

Few men have assumed their responsibility as Indian Commissioner with so great a background of qualifying experience. As he takes up his duties in Washington, Mr. Nash can look back at 30 years of direct contact with our country's Indian people. During nearly 20 of these years he was a member of the board of directors of one of our leading public-interest organizations concerned with Indian affairs, the Association on American Indian Affairs, of which Mr. Oliver LaFarge of Santa Fe, N. Mex., is the president. He served on this board together with one of our distinguished colleagues in the Senate, the junior Senator from Arizona. His studies and contacts with Indian leaders have won for Mr. Nash the confidence of the Indian people. It was no surprise at all, therefore, that the President's nomination of Philleo Nash was greeted with a great deal of satisfaction on our Indian reservations.

There have, of course, been other Commissioners who have had some previous experience in Indian affairs, but generally speaking they have known only one particular tribe or the tribes of one particular region of our country. Yet the problems of the various regions differ. What is unique about Mr. Nash is that in his 30 years in Indian affairs he has acquired knowledge about most, if not all, of the Indian groups in the country.

What Mr. Nash is able to add to this background in Indian affairs is the thorough knowledge of this city and of the workings of our Government, which are essential to any good administrator. His acquaintance and friendship with many Members of this body go back for almost two decades. His circle of friends encompasses, in addition, dozens of persons on key positions in the administration, from the Cabinet down. These contacts will undoubtedly enable him to carry forward the programs of the Bureau of Indian Affairs in the proper manner: not off in a corner, dealing with Indians as if they lived on another planet, but working closely with other agencies of our Government in an effort to bring to our Indian population the opportunities which nearly all others enjoy.

Mr. Nash's academic training and early professional experience were in anthropology. He received a Ph. D. degree from the University of Chicago and for a number of years engaged in research and teaching. To some the term anthropologist may call up the image of an ivory-tower scientist. This is not the case with Philleo Nash. Dr. Nash is an applied anthropologist. He is one of the founders of the Society of Applied Anthropology, which attempts to bring to business, to industry, and to public affairs the applications of science.

His teaching career led Philleo Nash to a interest in, then to direct participation in public affairs. In this respect, his career parallels those of a number of Members of this body, including my own. He joined the Federal Government in 1942 and has, since then, been associated with Federal and State government at increasingly higher levels of responsibility. His first position was in the Research Branch of what was then the Office of Facts and Figures and which later became the Office of War Information. While there, in 1944, Mr. Nash was requested for White House detail by one of North Carolina's most distinguished public citizens, Mr. Jonathan Daniels. After the death of President Roosevelt, President Truman invited him to stay and he remained for the full period of Mr. Truman's Presidency. For 9 years at the White House, Mr. Nash worked on such problems as displaced persons; statehood for Hawaii and Alaska; the organic acts for Guam and American Samoa; Commonwealth status for Puerto Rico; Indian affairs; race tension, and civil rights.

On January 20, 1953, when he left Federal service, he was the senior member of the White House staff in point of service, holding the position of Administrative Assistant to the President of the United States. I believe my colleagues will be interested in the words contained in a letter of thanks which Mr. Nash received from President Truman on the occasion of his departure from the White House:

> I know you have served me always with complete loyalty and devotion.
>
> Whatever contribution I have been able to make to progress in our country and to peace in the world has been largely the result of the outstanding work done by you and others like you on the staff, and I appreciate it more than I can say.

Having had a spare-time connection with his family's cranberry business in Wisconsin since 1928, Mr. Nash returned to his home after 1953 to assume full control of the business. As a cranberry

grower, Mr. Nash is the third generation of his family to be engaged in this business. His grandfather was one of the pioneers of the cranberry industry in Wisconsin. Mr. Nash himself learned, as a boy, the details of the business operation, from the ground on up. Since he was old enough to own and hold stock Mr. Nash has been a member, director and officer of a corporation doing business under the laws of Wisconsin. For the last 15 years, he has been president of the Biron Cranberry Co., which is one of the largest concerns growing and shipping cranberries in Wisconsin. Cranberries, like many fruits, are marketed cooperatively and Mr. Nash's firm is one of the leading members of Ocean Spray Cranberries, a national cooperative marketing organization. The Wisconsin Cranberry Growers Association, representing the State's cranberry industry, has demonstrated its confidence in Mr. Nash by electing him vice president and later president, which position he holds now.

While back home after 1953 and engaged in his family business, Mr. Nash did not lose his interest in public affairs. His ability and public spirit were recognized by the voters of Wisconsin who elected him Lieutenant Governor, in which office he served from 1959 to 1961. During his term of office, he presided over a Republican-controlled State senate. That legislative body unanimously passed an unusual resolution, commending its presiding officer for a job well done. The resolution pointed out that he had "distinguished himself for the ability and sense of fair play he exhibited from the outset" and observed that he had "won the respect of the entire membership of the Senate for the judiciousness which he brought to his work."

When Mr. Nash returned to Washington in 1961, he joined the staff of the Interior Department, where he was assigned to the Secretary's Task Force on Indian Affairs. As a member of the task force, he not only reacquainted himself with the problems of our Indian people and those of the Interior Department, but took a hand in formulating a new program for the economic and social improvement of Indian reservations, in keeping with the goals and policies of this administration.

This task force was constituted for the purpose of enabling the Secretary of the Interior to formulate the new program in Indian affairs which our times demand, to follow through on the policy guidelines laid down by President Kennedy during the 1960 campaign. As Mr. Kennedy put it:

> [His] administration would see to it that the Government of the United States discharges its moral obligation to our first Americans by inaugurating a comprehensive program for the improvement of their health, education, and economic well-being.

He went on to emphasize that the "increased productivity which would result from our program of opportunity, would repay the Federal investment manifold."

In constituting the task force which was to spell out the President's program in further detail, Secretary Udall selected for the chairmanship one of the outstanding citizens and leading businessmen in Oklahoma, Mr. W. W. Keeler, executive vice president of Phillips Petroleum Co., who is also principal chief of the Cherokee Nation. In the course of their work, Mr. Keeler and Mr. Nash became closely acquainted. It will be of interest to those of my colleagues who know and respect Mr. Keeler that after the completion of his duties in Washington he strongly recommended Mr. Nash for appointment to the post of Commissioner of Indian Affairs.

As in so many other fields of what was once an area of domestic responsibility, our Indian policy, too, has become a matter of international concern. Here, too, the enemies of our country have engaged in deliberate efforts to embarrass us. I am told that Prime Minister Castro, in particular, has attempted to intervene in our domestic Indian problems and has exploited some of our difficulties for his own nefarious ends. In our own country some misguided people have attempted to take problems of Indian tribes to the United Nations.

Against this background it is more vitally important to us than ever before to have a Commissioner of Indian Affairs who has the trust and confidence of the Indian people, who can be relied upon to work out an effective relationship for the resolution of existing problems and, as far as possible, the avoidance of new ones. Serious problems have existed in our Indian administration, of that there is no doubt; but there has also not been any doubt that the United States has sincerely tried to resolve them.

With a man at the head of the Bureau of Indian Affairs in whom they can have confidence Indians will be far more ready to take the steps toward economic adjustment which are so essential to the success of any Indian program than they otherwise would. This has been demonstrated by the Menominee Indians of Wisconsin. Following the Termination Act of 1954, they formed a corporation to conduct their business under State law, organized a new county, and otherwise established a new pattern of relationship with the State government. In this activity, Mr. Nash played a leading role. Demonstrating their confidence in him, the Menominee Indians chose Mr. Nash earlier this year as vice chairman of the voting trust established by them for the assets of their tribe. The confidence expressed in Mr. Nash by the Menominees is shared by other Indian tribes. I hope you will note the resolution approved by the National Congress of American Indians which is now meeting in convention in Lewiston, Idaho. It reads as follows:

> Whereas the National Congress of American Indians has become concerned with the delays in effecting the appointment of a Commissioner of Indian Affairs as a result of which tribal programs, crucial in development of human and national resources of the various tribes have been delayed or become stalled for want of effecting the definitive program of administration, including the appointment of a Commissioner; and
>
> Whereas the National Congress of American Indians has viewed with general favor, the policies reported by the task force on Indian affairs, of which the Honorable Philleo Nash was a member, becoming acquainted with him in connection with the studies of the task force; and
>
> Whereas the National Congress of American Indians has learned of the action of the Senate Committee on Interior and Insular Affairs, recommending the confirmation as Commissioner of Indian Affairs Hon. Philleo Nash: Now, therefore, be it
>
> *Resolved by the National Congress of American Indians,* That—
>
> 1. We extend to the U.S. Senate our thanks for the action of its committee looking to the settlement of the matter of appointing as Commissioner of Indian Affairs and urge early action of the Senate on the whole on the appointment; and
>
> 2. We extend to the Honorable Philleo Nash our congratulations on the action of the Senate committee extending to him at the same time our determination to work constructively with him and the administration for the full resolution of the many and vexing problems besetting Indians and Indian tribes and the United States in its relation with them.

Similar expressions of interest in Mr. Nash reached us from a great number of persons, both Indian and non-Indian, who have concerned themselves with Indian affairs over the years. Few administrators anywhere have entered on their duties with such unanimous expressions of encouragement and support from the persons most directly affected as Mr. Nash. I, for one, have no doubt that he will not disappoint our and their expectations.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Philleo Nash, of Wisconsin, to be Commissioner of Indian Affairs?

The nomination was confirmed.

Mr. ANDERSON. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. ANDERSON. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

Mr. ANDERSON. Mr. President, I suggest the absence of a quorum, unless some Senator seeks recognition.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. PROXMIRE. Mr. President——

Mr. ANDERSON. Mr. President, I temporarily withdraw the suggestion of the absence of a quorum, in order that the Senator from Wisconsin may obtain the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. ANDERSON. I ask the Senator if he will yield so that I may suggest the absence of a quorum?

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield for that purpose without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator

from Wisconsin? The Chair hears none, and it is so ordered.

Mr. ANDERSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ANDERSON. Mr. President, I was not aware that the Presiding Officer had agreed to recognize various Senators. I therefore ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PELL in the chair). Is there objection to the request of the Senator from New Mexico? The Chair hears none, and it is so ordered.

LIMITATION OF NUMBER OF POSITIONS IN TOP GRADES OF THE CLASSIFICATION ACT OF 1949

The Senate resumed the consideration of the bill (S. 1732) to increase the limitations on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearings examiners; and for other purposes.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the Senator from West Virginia [Mr. RANDOLPH] without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

DAMAGE TO DOMESTIC FUELS INDUSTRY BY IMPORTS OF FOREIGN RESIDUAL OIL

Mr. RANDOLPH. Mr. President, in recent weeks we have been reading in the press and periodicals and have been hearing numerous attacks, including speeches in the Senate, concerning our Government's restrictions on the importation of residual fuel oil. This, of course, is a part of a systematic campaign against the quota system applied in 1959. The executive branch of the Federal Government determined that conclusive evidence pointed to the fact that residual imports had reached such proportions as to seriously endanger the domestic fuels industries and the national security.

This danger, even with the quota system in being, exists today.

We know that supply cannot equal demand when foreign sources of residual oil are disrupted or when oceanic transportation is destroyed, blocked, or otherwise seriously impaired. This poses a threat to national security—a very serious threat in the light of the increased dependence the whole eastern seaboard of the United States is placing upon residual oil as a primary source of fuel.

We know, too, that our national security is threatened by the adverse effect of excessive residual oil imports on markets for and production of domestic fuels. The consequence of this situation as relates to domestic coal and oil industries and continental transportation industries can be—and I use the word advisably—catastrophic—and this degree of impact is a threat to national security.

Mr. President, the excessive and increased volume of imports of cheap oil refinery residue during the past several years encouraged many vital industries and institutions to change their fuel burning facilities from equipment capable of burning coal or other domestically available fuel to apparatus which can make heat and energy from residual fuel oil only. This has created a most serious situation.

Domestic petroleum refineries produce only a small percentage of residual oil—considerably less than the current demand for heat and power fuel sources along the eastern seaboard. In any emergency period, domestic refineries could increase the residual supply but little or, perhaps, none at all, because of the increased demand for more highly refined petroleum products for military and defense purposes, and for commerce and industry in this high-precision age of technological advancement.

At the same time, residual oil imports, which now supply about 66 percent of the annual demand for fuel on the east coast, would be seriously curtailed or perhaps even shut off completely by enemy attacks on tankers at sea. This happened in World War II, and our major potential enemy today is equipped with a superior and more sophisticated submarine fleet and other weapons of attack than Nazi Germany ever dreamed of in the years of Adolf Hitler and his legions of marauders against a peaceful world.

Accordingly, in event of war or even in case of possible political upheavals in supplying nations—political turnovers of the nature and magnitude of the Cuban situation—our east coast and New England industries, utilities, public buildings, hospitals and other fuel users now relying almost exclusively on imported residual oil would be seriously disrupted or possibly would be made totally inoperative at worst. A nation which would be prepared must not wink at these potential catastrophic results.

Even in the early months of World War II, when total residual oil imports were only about 34.8 million barrels per year, New England newspapers printed many articles reporting hospitals shut down, industrial plants closed for lack of fuel oil, and civilian power supplies drastically limited. Our Government consequently urged quick conversion to the use of coal for fuel by everyone and every facility able to effectuate the changeover.

Fortunately, this shift from residual oil to coal could be made then and it was made in many instances. The coal industry at that time was able to increase production rapidly by many millions of tons yearly. And our railroads likewise were capable of meeting the challenge. Today, there is grave doubt that such a transition could take place. Something affirmative must be done about this situation while there is yet time because New England and east coast industries and installation are far more heavily depending exclusively on imported residual oil than they were 20 years ago.

As residual oil imports, priced just low enough to undercut domestic fuels, continue to flow into our New England and other east coast ports under what amounts to little more than a token import control program this trend to complete dependence on a potentially insecure source of fuel supply continues to grow and our national danger increases.

Federal Power Commission reports reveal that in 1960 more than 14.8 million barrels of residual fuel oil were burned in powerplant boilers by 27 east coast electric utilities which are now equipped to burn no other type of fuel. These utilities provide electricity for many, many essential defense facilities and industries as well as for homes, hospitals, business establishments and other crucial consumers. If residual oil imports were suddenly shut off—as they certainly could be—this vital electrical production would cease for a period until some alternative could be found. Should this nature of situation be permitted to prevail in the United States when it can be avoided by proper planning and policy? Certainly not.

It is difficult to estimate how many hundreds of other factories, apartment houses, hospitals, institutions, and commercial establishments and, more importantly, defense installations, are now wholly dependent on imported residual oil for their fuel and energy requirements. However, spot checks and reports from all along the east coast indicate that it is a substantial and dangerous total.

Mr. President, I reemphasize an earlier statement that there is a real threat posed to our national security by excessive residual imports because of the critical damage such traffic already has imposed and continues to bring to bear upon our domestic fuels and transportation industries. I will speak in this connection especially of the impact on coal and the coal-hauling railroads. But I know that there are problems of significant concern also facing the domestic petroleum industry. This, I am told, is particularly true of certain oil-producing areas such as parts of Texas and Louisiana where there is produced a type of crude oil of extremely heavy gravity which yields a high percentage of residual in the refining process. This residue product provides a substantial share of the total return from each barrel of crude, although it must be sold at cut-rate prices that do not bear a fair share of refining costs because of the overwhelming competition of cheap imported residual.

This is also true in an indirect way with respect to domestic producers in other areas because imports of residual oil are inextricably linked to imports of crude oil, whether opponents of the quota system agree or not that such is the case. As we know, imports of crude are more limited than imports of residual oil, and restrictions on both are vital to our own domestic petroleum economy.

Such leading spokesmen for the independent domestic oil producers as the Texas Independent Producers & Royalty Owners Association and the Independent Petroleum Association of America have made this point clear in public statements and reports to the Office of Civil and Defense Mobilization in recent weeks.

I suggest that those of my esteemed colleagues who have stated publicly that they understand most of the domestic petroleum industry favors removing residual oil import restrictions would find it enlightening to note this independent oil industry testimony in the records of OCDM and Department of the Interior hearings.

On the subject of direct damage to the American coal industry as a consequence of excessive residual oil imports, there are indisputable facts which opponents of the oil import quota system cannot sidestep by blandly claiming that all of the coal industry's problems stem from technological changes in coal production.

Those of us from coal-producing States have been amazed by recent statements which sought to convince the Nation—and sought especially to convince our public officials—that only a small amount of coal's normal markets have been lost to residual oil imports. We know quite regretfully how extensive this damage has been and we are appalled by the forecast of what would happen if all limitations were removed from residual oil imports. This, of course, is the objective of the opponents of the oil import control program—total removal of quotas. In fact, it is now clear—and some spokesmen for the opposition have admitted—that they actually seek the elimination of controls on the importation of all petroleum products, including crude oil.

Damage to the domestic coal and railroad economies inflicted by residual oil is factually supportable. It is not fantasy.

In 1946, as we started to move back into a peacetime economy at the close of World War II, 182.4 million barrels of residual oil—foreign and domestic—were used in the east coast area. Of this total, 47 million barrels were imported. This same region consumed 126.6 million tons of American coal that year—1946.

But soon thereafter a change began to take place. Some of the international oil companies, either individually or as a part of an alleged world cartel which the U.S. Government charged them with operating, discovered that there was a vast potential market in the United States for the residue from their refining process as practiced in foreign countries. Modern domestic refineries had learned, meanwhile, that they could reap a far greater profit from gasoline, distillate oil for space heating, and other high-grade petroleum products. These domestic refineries were steadily reducing their output of residual from each barrel of crude oil refined. Inasmuch as residual represented what was left in the bottom of the barrel, so to speak, any price the petroleum companies could obtain for it was added profit. Thus, it could be sold in the United States at almost any rate which would undercut the price of its principal competing fuel, domestic coal.

Gradually the graph line of residual oil imports began to rise. And residual oil was thrust upon the U.S. fuel market at prices which time and again took away long-established markets for coal and domestic oil. This encouraged domestic consumers in New England and along the eastern seaboard to install new fuel-burning equipment limited to residual, or, at first, to equipment capable of burning either coal or oil. Subsequently as the supply of cheap foreign residual oil has been increased through importations, these dual-utilization boilers have been disappearing from the scene.

This mounting influx of heavy residual from foreign petroleum refineries reached such an alarming proportion by the late 1950's that the Federal Government properly became concerned. By 1957, coal consumption in the eastern import region had increased to only 150 million tons while residual oil consumption had reached 290 million barrels, of which 127 million barrels were imported. The President of the United States issued an appeal to importing companies to be reasonable—to voluntarily limit imports of residual in the national interest. This plea fell on deaf ears of the importers, however, and finally, in 1959, the President found it necessary for national security reasons to proclaim by Executive order that henceforth imports of residual oil must be limited.

Unfortunately, however, this order has proved to be an acceptance of the principle of restrictions on oil imports but in application has been only moderately effective. Although the President originally suggested that residual imports should be held approximately to the 1957 level of 127 million barrels annually, quota permits issued by the Department of the Interior have consistently been higher. Last year's residual imports, even under the control program, amounted to 163.6 million barrels. In addition, 70.5 million barrels of residual were imported exempt from quotas.

Recently, quotas were raised again, and allocations for the 1961–62 import year ending next March 30 total more than 168 million barrels. With imports of bonded bunkering fuel and other residual not under quotas having increased some 37 million barrels, the total increase over and above the originally proposed 1957 level amounts to approximately 77 million barrels annually during the initial 2 years of the so-called import control program.

Some very unreasonable and unrealistic statements have been made in recent days attempting to show that only a small amount of coal is displaced by these enormous amounts of residual oil imports.

The facts, however, are quite different; 233 million barrels of foreign residual oil, counting both quota and exempt categories, were imported through east coast ports in 1960, and an additional 43 million barrels of residual oil were produced domestically from imported crude oil. This 276 million barrels of residual is the equivalent of approximately 65 million tons of coal. Although coal would not have been used by all of the market outlets for the residual oil, certainly a very large percentage would have burned American coal in the absence of excessive imports of cheap residual.

And, Mr. President, the results of a spot check among several fuel companies in the New England and Middle Atlantic energy markets have come to my attention. Some of the cases reported are most revealing in the matter of coal's market losses to residual oil.

One company reports that 20 large customers in Maine have converted from coal to residual oil during the past decade and are now burning 6 million barrels of residual annually in place of approximately 1½ million tons of coal.

A second company reports that in 1950 it handled 1,280,000 tons of coal for the New England market and in 1960 it supplied only 760,000 tons, a decrease of 45 percent.

Still another revealed that its New England and eastern seaboard coal business dropped from 2,989,000 tons to 1,081,000 tons between 1950 and 1960.

A fourth reporting company lost 60 percent of its coal business in the decade of the 1950's, while still another revealed that 1950 sales of 318,000 tons of coal had declined in that area to zero by 1960.

A major coal sales company disclosed that in the past 10 years, 74 of its major customers in the metropolitan area of New Jersey which formerly burned 324,000 tons of coal per year have converted to residual oil, and the same company has lost 300,000 tons of coal sales to residual in Philadelphia and Metropolitan New York.

On the other hand, Mr. President, here is some of the picture as it relates to several of the oil companies handling residual oil sales:

Residual oil sales of one company, for example, increased from 728,000 barrels in 1950 to 4,184,000 barrels last year, an increase of 600 percent in 10 years, and this one company's annual sales of oil are now the equivalent of a million tons of coal.

Another large independent oil dealer reports residual sales increases in the past 10 years from slightly less than 1 million barrels a year to more than 12 million barrels. A third company saw its sales of residual rise from 8.8 million barrels in 1952 to 16.7 million barrels 8 years later.

The largest independent dealer on the east coast had practically no residual oil sales in 1945 and 1946 when that company was young in business, but it is now selling approximately 50 million barrels a year—the equivalent of 12 million tons of coal.

The oil trade estimates that about 10 million barrels of heavy oil are being consumed each year on Long Island alone.

The U.S. Department of the Interior reports that in 1959, there were consumed in Massachusetts 35.5 million barrels of residual oil, of which amount about 25 million was in industrial plants

that would otherwise have used coal for the most part.

In Maine in that same year, 6,433,000 barrels of heavy oil were burned—approximately 4 million barrels of it in industrial installations once supplied by domestic coal.

Federal Power Commission reports show that east coast utilities burned 33 million barrels of residual oil last year in units designed to burn either coal or oil.

These typical instances are representative of many other cases in which cheap residual oil, mostly from foreign sources, displaced the normal market for domestic coal. This occurred not only to the serious damage of our domestic coal and coal-hauling railroad industries, but, Mr. President, also jeopardizing our national security in large degree by shifting dependence on fuel to potentially insecure offshore sources.

It is my judgment, shared by many citizens, that the excessive importation of residual oil into the United States, and sold as it is at prices which do not bear a normal share of the refining costs—but which are set at levels to undercut the delivered prices of American coal—causes a replacement of at least 50 million tons of coal annually by residual in the New England-east coast fuel consuming region.

I will not dwell on the hardship and suffering this loss of markets has brought to the Appalachian coal mining region alone. The misery and near starvation which have befallen county after county in West Virginia, Pennsylvania, Kentucky, and other coal-producing States, even in this era of prosperity over much of the Nation, are documented facts which have been placed in the records of this Congress and have been widely publicized throughout the United States.

But perhaps the overall economic impact, in terms of wages, lost revenue by domestic industries, including our hard-pressed railroads, lost tax revenue to units of government, and other losses are not adequately understood.

Mr. President, a relatively simple way to visualize the economic impact picture is to study the cost consequences of each million barrels of imported residual oil which replaces coal.

One million barrels of residual oil is equal in heating value to about 240,000 tons of coal.

Based on 1959 prices, which have remained virtually unchanged despite claims to the contrary from some quarters, the loss of market for each 240,000 tons of coal costs the mines $1,229,000 in revenue and costs the men who would mine it 22,580 man-days of work, equal to $587,000 in wages. Lost salaries and other payments to supervisory, clerical, and other mine employees, which averaged about 40 cents a ton in 1959, would amount to another $96,000. Local and State taxes on mine property, sales of coal, and so forth, averaging about 15 cents a ton, would represent a loss of another $36,000. Other losses would include these: Social security and related taxes, $36,000; payments to the mine-workers' welfare fund, $96,000; expenditures for mine supplies, powder, depreciation, and rental of equipment, $360,000.

On top of these devastating losses, Mr. President, there is the tremendous cost to the coal-hauling railroads serving the east coast region. They would receive in freight revenue for the hauling of 240,000 tons of coal—the equivalent of 1 million barrels of residual oil—about $960,000, some $480,000 of which would be paid in wages to railroad workers.

From these statistics we readily see that there is a direct loss to the economy of the Nation—and especially to the eastern coal-producing States—of well over $2 million for each 1 million barrels of residual fuel oil permitted to be imported into the United States to replace our domestic coal.

Competent economists state that the indirect effect of decreased activity in the coal and inland transportation industries are at least equal in magnitude to the direct effects.

Thus, it is apparent that each imported million barrels of residual oil costs the workers, industries, railroads, merchants, and service establishments, as well as non-Federal units of government of this country, almost $4.5 million. When we multiply this sum by the 77 million barrels of residual oil which represent the increase in imports since 1957, the original base year pronounced safe for national security, we begin to envision the catastrophic damage to the economy resulting from excessive residual oil imports.

Mr. President, this substantial domestic toll could become even more disastrous if the opponents of the import control program have their way.

Last year the coal-producing Appalachian region shipped approximately 135 million tons of coal into the eastern seaboard region where most of the imported residual oil is used. This market has been studied most carefully by competent market researchers. I am informed that they are convinced that if all residual oil import controls were lifted at least another 50 million tons of annual coal production and sales would be immediately vulnerable to replacement by the vast flood of cheap, heavy heating oil that would flow in from the foreign refineries' residue. Given the time and continued availability of cheap foreign residual oil, much of the remaining 85 million tons of coal production and sales for the eastern seaboard markets would likewise be lost.

What this would do to the economy of the Nation is incalculable. What it would do to the already-suffering people and businesses in the coal-producing States of West Virginia, Kentucky, Pennsylvania, and other States would mean more depression.

I sincerely urge my friends and colleagues who have called for complete removal of residual oil import restrictions to pause and reconsider the gravity of the results of such a course.

Even under the control program there is being imported more residual oil now than ever before, and it is selling at an average price below the average that prevailed in 1958 before the import quota system was imposed by the President's proclamation.

The coal-producing regions are being critically damaged by the substantial amounts of residual oil imports permitted, even under the import control program. If no restrictions were to exist, the resutls in our coal-producing regions would be catastrophic.

Mr. President, the Senate has authorized a national fuels and energy study by its standing Committee on Interior and Insular Affairs, with three-member ex officio augmentation. This vital study will be getting underway—with vigor, I hope—soon after this session of the 87th Congress adjourns.

I have real faith in the distinguished chairman of this committee, the diligent Senator from New Mexico [Mr. ANDERSON], and in his able colleagues of the committee. I have equal faith in the Vice President of the United States who will, as President of the Senate, appoint the ex officio members to serve with the Interior and Insular Affairs Committee. He will make logical appointments.

I am sure the study committee will be a competent one and that in the accomplishment of its mission a thorough, impartial, and objective study of the Nation's fuel and energy resources and the problems surrounding their conservation and utilization will be made.

It is my hope that one of the first facets of the overall study to be undertaken will be a searching inquiry into the controversy which has developed over residual oil imports and the system of quota restrictions in force since mid-June of 1959. Competent officials and agencies of the executive branch have been and continue to be engaged in study of these problems. The searchlight of legislative inquiry is equally appropriate and necessary.

I hope nothing irrational or hasty will be done to destroy the oil import control program, and certainly that the residual oil restrictions will not be set aside until the problem has been assessed carefully by both the executive and legislative branches. I see no reason why reasonable, effective, and equitable solutions cannot be arrived at and recommended in concert and cooperatively by both the legislative and executive units engaged now and to be engaged further in searching inquiry and study of the problem.

Mr. President, I recognize that there are gigantic and conflicting economic problems involved in this controversy. I am realistic enough to be aware that solutions demanded by and totally acceptable to New England and the east coast region will not be considered satisfactory by the Appalachian coal-producing region. And I am equally aware that the demands of Appalachia in efforts of this region to protect its peculiar economic interests will not be totally satisfactory to New England and the eastern seaboard in general. There must be a healthy compromise in the national interest—a compromise which likewise will be in consonance with our country's foreign policy.

I am an optimist and I try always to be a realist. Therefore, I believe solutions can be found and equitable and adequate policies can be delineated if there will be a reasonable effort made by reasonable men to recognize the validity of certain portions of the positions of regions involved. Each side must accommodate itself to the fact that the Nation as a whole must be the arbiter because the Nation as a whole must be totally prepared for all emergencies and must be secured against the impact of national or worldwide emergencies. The Nation as a whole must survive any and all threats to its very existence. Therefore, there must be adjustments and compromise between regions in the national interest.

I am grateful to the Senator from Wisconsin, who has graciously permitted me to address the Senate on this subject at this time.

Mr. PROXMIRE. Mr. President, I am happy to have had the opportunity to listen to the Senator from West Virginia. I am happy to support the measure which he discussed. I believe that I am a cosponsor of the bill, which is a deserving and necessary one.

NATIONAL MILK SANITATION LEGISLATION

Mr. PROXMIRE. Mr. President, I have notified both Senators from New York that I shall address the Senate today in criticism of a position they have recently taken in the Senate. I think they have made an extremely good argument out of a very weak case. It is characteristic of their persuasive, articulate, and effective representation of their State, although I think in this case their State can be best served by adopting a position which I propose.

A few days ago the two Senators from New York [Mr. JAVITS and Mr. KEATING] took the Senate floor to defend Governor Rockefeller's sharp denunciation of national milk sanitation legislation. The New York Governor's criticism took the form of an attack against Secretary of Agriculture Orville Freeman, who recently testified before a House committee in support of such legislation.

Shortly after Mr. Rockefeller sought to make political hay by criticizing Secretary Freeman before his New York State Fair audience, the senior Senator from Minnesota [Mr. HUMPHREY] and I spoke here in the Senate to challenge his position. In my speech I said that Governor Rockefeller "threw his chances in the 1964 Republican presidential primary in Wisconsin right out the window" by his criticism of free milk flow legislation.

I would like to explain for the benefit of those who are charting Mr. Rockefeller's political future that my words were meant not as a challenge but as a prediction.

In the course of defending their Governor, Senators JAVITS and KEATING made a number of statements about national milk sanitation legislation which require a serious and immediate reply. Left unchallenged, their contentions would grossly mislead anyone who seeks a fair, factual understanding of the benefits which free milk flow legislation would confer on milk producers and consumers all over the Nation.

The national milk sanitation bill (S. 212), has been introduced in the Senate by the two Senators from Minnesota [Mr. HUMPHREY and Mr. MCCARTHY] and my senior colleague, Mr. WILEY, and myself, from Wisconsin. In the House the national milk sanitation bill (H.R. 50) has been introduced by Congressman LESTER JOHNSON of the Ninth District in Wisconsin and by a number of other Congressmen. Extensive and detailed hearings on the subject matter of this bill have been conducted four times in the past few years by committees of both Houses of Congress. In the course of these hearings and in the detailed, exhaustive discussion which accompanied them, the purposes and probable effects of such legislation have been clearly outlined. My esteemed colleagues from New York stated in their defense of Rockefeller speeches a number of objections to national milk sanitation legislation which have been resoundingly refuted by expert testimony.

The main objections can be stated as follows:

First. A national milk sanitation program would not maintain adequate quality standards, since local standards are frequently higher, better enforced, and more adaptable to local conditions.

Second. The effect of a national milk sanitation program would be mainly economic; it would challenge the established system of Federal order markets, would flood eastern urban centers with midwestern milk, and might cause serious overproduction.

Third. Local milk sanitation codes are not established to bar outside milk; when they do, the courts have held them invalid for that purpose.

Fourth. Milk sanitation legislation does not have national sponsorship; by intent it violates States rights; and the expected $1.5 million cost benefits only midwestern dairy farmers.

I believe these four points fairly sum up the objections raised by the New York Senators, and indeed, all the objections ever heard in the course of the several hearings on milk sanitation legislation. A careful analysis shows that they lack factual foundation and reveal a woeful ignorance of conditions in today's dairy industry.

NATIONAL MILK SANITATION STANDARDS WOULD EMPHATICALLY BE ADEQUATE

First. The first point, that national milk sanitation legislation would not maintain adequate quality standards, should be recognized at once as a shocking attack on the competence of the U.S. Public Health Service, totally unsupported by any evidence or facts. The USPHS Milk Sanitation Code has been widely acclaimed as a model for effective milk sanitation protection all over the country. With isolated exceptions the States which are recognized as most progressive in the field of milk sanitation are those which have adopted the USPHS code as their own. If there is any evidence whatsoever that the USPHS milk sanitation standards are not high enough to fully protect milk consumers in every corner of our Nation, in big cities, small towns, and country areas, irrespective of climate, or other conditions, then it should be brought immediately to the attention of the Secretary of Health, Education, and Welfare. In the light of the excellent reputation which the USPHS has earned over the years it is not surprising that such evidence is not available.

In his testimony before the House Commerce Committee on August 30, 1961, Secretary Freeman provided an analysis of differences between the USPHS milk ordinance and code and the regulations of certain States in order to give the committee a clear background against which to view the contention that the milk sanitation standards of some States are "higher" than those recommended by USPHS.

I call the attention of the Senator from New York [Mr. KEATING] to the comparison between New York standards and the U.S. Public Health Service standards, as printed in this document, which is published by the Secretary of Agriculture and is entitled "Differences Between the USPHS Milk Ordinance and Code and the Regulations of Certain States." I read from page 6 of this document, which sets forth various categories against which the USPHS code and the New York code are applied:

NEW YORK

Dairy farm requirements: New York farm laws follow generally the basic requirements of the USPHS code; however, they are not as specific as the USPHS code. Two-compartment wash vats, hand-washing facilities, and bactericidal rinsing of milkers' hands are not required by New York, but are specified in the USPHS code.

Pasteurization plant requirements: New York regulations omit many important requirements necessary for proper pasteurization of milk and protection of milk from contamination. New York regulations do not require easily cleanable construction of walls and floors, effective screening during fly season, or a separate receiving room for raw milk. The USPHS code is quite specific as regards these requirements.

Health of cows: New York regulations require an annual test for tuberculosis and require all dairy herds to comply with plan A for brucellosis. The USPHS code requires compliance with the USDA programs for tuberculosis and brucellosis control.

A few minutes ago I called Dr. Clarkson, who is the head of research for the U.S. Department of Agriculture in this category, and he said in his judgment and in the judgment of the people who work on this subject the public is given excellent protection in this category by the Public Health Service because they follow up for brucellosis and for tuberculosis with very careful surveys and studies to find precisely the source, regardless of how long it takes or to what extent it is necessary to go.

I read further:

Bacterial counts: The bacterial counts specified in the New York regulations for raw milk and pasteurized milk are identical to those contained in USPHS code.

Frequency of inspections and laboratory examinations: New York requires that farms

and plants be inspected by industry, initially, and at least annually thereafter. Samples of raw and pasteurized milk are required to be obtained and examined by the processor at intervals of not more than 3 months.

The USPHS code specifies at least one inspection of each farm and each plant every 6 months, with followups on violations; and further requires laboratory examination to be performed at a minimum frequency of at least four samples every 6 months for milk and all other types of milk products sold. USPHS code provides, in the case of raw milk, for acceptance of industry inspections and laboratory examinations only as a supplement to official inspections and examinations. The USPHS code requires inspection of pasteurization plants and laboratory examinations of pasteurized milk to be performed by the official supervisory agency.

The principal objection which was voiced on the floor of the Senate to the adoption of a national code has come from the distinguished and able representatives from the State of New York. I submit that when we consider these regulations, we find that in three categories—dairy farm regulations, pasteurization plant requirements, and frequency of inspection and laboratory examinations—the Public Health Service is more strict. In one, bacterial counts, the two codes are exactly the same. The remaining one, health of cows, shows that there is no substantial difference, according to the best testimony that we can get.

I ask unanimous consent that this analysis, which includes not only New York, but many other States, be printed in the RECORD at this point.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

DIFFERENCES BETWEEN THE USPHS MILK ORDINANCE AND CODE AND THE REGULATIONS OF CERTAIN STATES

The provisions of the USPHS milk ordinance and code have been developed over the years with the aid of a national advisory group of milk sanitation experts from State health departments, city health departments, the U.S. Department of Agriculture, the dairy industry, and universities. Every effort has been made to include only those provisions necessary to protect the public health, and to exclude nonessential requirements. The objective of this approach has been to provide maximum health protection at the lowest possible cost to the dairy farmer and milk processor, and thus to keep the cost of milk to the consumer low.

It has been stated that the milk sanitation standards of a large number of States are higher than those recommended by the USPHS. This is not the case, since the regulations of 36 States and over 1,900 local jurisdictions, including a number of large cities, are based upon the USPHS milk ordinance and code. The regulations of a few States do differ from the USPHS code. A few have more stringent bacterial standards. With the exception of California, however, most of the State regulations which differ are far less stringent than the USPHS code on fundamental sanitation requirements for both dairy farms and pasteurization plants. In addition, the regulations of several of these same States do not provide for adequate inspection and laboratory procedures which are necessary for proper enforcement. Such inspection and laboratory procedures are spelled out in detail in the USPHS milk ordinance and code.

Fourteen States have adopted milk sanitation regulations somewhat different from those specified in the USPHS milk ordinance and code. These States are: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Michigan, Tennessee, North Dakota, and California. All but five are in the Northeast.

Some comments on the regulations of these States would appear in order. California regulations are quite detailed, and are considered by USPHS as equivalent, in terms of public health protection provided, to the requirements of the USPHS code. Although the State of North Dakota has not adopted the USPHS code, its milk sanitation regulations cover the same basic requirements; and in addition, by North Dakota legislative act, the Dairy Commissioner is required to follow the USPHS code in enforcing the State legislation. The Michigan milk sanitation regulations for dairy farms are quite similar to requirements of the USPHS code, although the Michigan pasteurization plant requirements lack specificity. In addition, the State of New Hampshire has incorporated into its State regulations the pasteurization plant sanitation requirements nearly identical with those contained in the USPHS milk ordinance and code, and Rhode Island is utilizing the pasteurization plant sanitation requirements contained in the USPHS code.

At the request of the Subcommittee on Health and Safety of the House Committee on Interstate and Foreign Commerce, a comparison was made in 1960 of the regulations of these States with the provisions of the USPHS milk ordinance and code. A condensation of these comparisons—on a State-by-State basis—follows:

With the exception of the States noted above, these comparisons show that most of the regulations of these States lack specificity on important items of sanitation, and that a number are quite deficient with regard to proper control of the pasteurization process and the protection of pasteurized milk against recontamination. In this connection, it is desired to point out that pasteurization is relied upon as the final public health safeguard, and deficiencies as regard pasteurization requirements are serious. Therefore, the USPHS considers the regulations of a number of these States to be weak and deficient.

MAINE

Dairy farm requirements: Similar in scope and intent to requirements contained in USPHS milk ordinance and code; however, Maine requirements lack specificity with respect to some important items of sanitation.

Pasteurization plant requirements: Maine regulations omit many important requirements necessary for both proper pasteurization of milk and protection of pasteurized milk from contamination. Such requirements are specified in the USPHS code.

Health of cows: Maine laws require that all cows be tested annually for tuberculosis, but make no reference to brucellosis control except in the case of the production of "retail raw milk." USPHS code specifies compliance with USDA programs for tuberculosis and brucellosis control, which does not require annual testing for tuberculosis unless incidence of tuberculosis in cattle exceed 0.2 percent.

Bacterial counts: The Maine bacterial standard for raw milk to be pasteurized is identical with the bacterial standard contained in USPHS code. Maine bacterial standard for pasteurized milk is not more than 25,000 per milliliter after pasteurization. USPHS code specifies a maximum of 30,000 as delivered to the consumer. (No significant difference.)

Frequency of inspections and laboratory examinations: Not specified in Maine regulations. USPHS code specified that each farm and each plant shall be inspected at least once every 6 months, with followups on violations; and, further requires that laboratory examinations be performed at a minimum frequency of at least four samples every 6 months for milk and for all types of other milk products sold.

NEW HAMPSHIRE

Dairy farm requirements: New Hampshire dairy farm requirements are not as specific as those contained in USPHS code.

Pasteurization plant requirements: New Hampshire has recently adopted, as State regulations, the pasteurization plant provisions of the USPHS code.

Health of cows: New Hampshire milk sanitation regulations do not contain specific reference to either tuberculosis or brucellosis control measures. However, New Hampshire has attained a modified accredited TB-free status, and was the first State to qualify as a brucellosis-free area. USPHS code specifies compliance with USDA programs for tuberculosis and brucellosis control.

Bacterial counts: New Hampshire bacterial counts for raw and pasteurized milk are the same as those contained in USPHS code.

Frequency of inspections and laboratory examinations: New Hampshire regulations contain no requirements as to minimum frequency of farm or plant inspections, or to minimum frequency of laboratory examinations. The USPHS code specifies at least one inspection of each farm and each plant every 6 months with followups on violations; and further requires laboratory examinations to be performed at a minimum frequency of four samples every 6 months for milk and all types of other milk products sold.

VERMONT

Dairy farm requirements: Vermont dairy farm requirements are not as specific as those contained in USPHS code and are deficient in some respects on basic sanitation items.

Pasteurization plant requirements: Vermont regulations omit a number of fundamental requirements necessary to insure the proper pasteurization of milk and to properly protect the pasteurized milk against contamination. The USPHS code contains such requirements.

Health of cows: Vermont milk regulations do not mention bovine tuberculosis control measures. However, it is known that in Vermont, the USDA program for tuberculosis control is followed. Vermont regulations with respect to brucellosis control are similar to those of the USPHS code. The USPHS code requires conformance with USDA programs of tuberculosis and brucellosis control.

Bacterial counts: Vermont regulations specify a maximum bacterial count of 100,000 per milliliter for raw milk for pasteurization and 20,000 per milliliter for pasteurized milk, as contrasted with the USPHS code maximums of 200,000 per milliliter for raw milk for pasteurization and 30,000 per milliliter for pasteurized milk, as delivered to consumer.

Frequency of inspection and laboratory examinations: Vermont regulations require at least annual inspection of dairy farms and plants, and laboratory examinations on raw and pasteurized milk at least once a month. USPHS code specifies at least one inspection of each farm and each plant every 6 months with followups on violations; and further requires laboratory examinations to be performed at a minimum frequency of four samples every 6 months for milk and all other types of milk products sold.

MASSACHUSETTS

Dairy farm requirements: Massachusetts dairy farm requirements are very general and lack the specificity contained in the USPHS code on many sanitation items.

Pasteurization plant requirements: Massachusetts plant regulations are not as specific as those contained in the USPHS

code and are deficient in some respects on basic sanitation items relating to the proper protection of pasteurized milk against contamination.

Health of cows: Massachusetts regulations require that all cows be tested annually for tuberculosis or such cows must be located in a modified-accredited tuberculosis-free area. USPHS code requires TB testing of individual herds at least every 6 years, even if located in modified-accredited tuberculosis-free area. Massachusetts follows the USDA program for brucellosis control as is required by the USPHS code.

Bacterial counts: Massachusetts maximum bacterial count for raw milk for pasteurization is identical to that contained in the USPHS code. Massachusetts maximum bacterial count for pasteurized milk is 10,000 per milliliter as compared to the USPHS maximum count of 30,000 per milliliter as delivered to the consumer.

Frequency of inspections and laboratory examinations: Massachusetts regulations require that each farm and each plant be licensed annually, but does not specifically provide for inspections. USPHS code specifies that each farm and each plant shall be inspected at least once every 6 months, with followups on violations. Massachusetts regulations require the laboratory examination of raw and pasteurized milk at least twice a month. USPHS code requires that laboratory examinations be performed at a minimum frequency of at least four samples every 6 months for milk and for all types of other milk products sold.

It is significant to note that Massachusetts does not require pasteurized milk to be examined by the phosphatase test, which is a test used to determine whether milk has been properly pasteurized. USPHS code requires the application of the phosphatase test to milk and milk products at the same frequency as the above bacteriological tests.

RHODE ISLAND

Dairy farm requirements: In general, Rhode Island requirements are similar to those contained in USPHS milk ordinance and code, but lack specificity with respect to some important items of sanitation.

Pasteurization plant requirements: Rhode Island is utilizing the pasteurization plant sanitation requirements contained in the USPHS milk ordinance and code.

Health of cows: Rhode Island regulations require that dairy cattle be free from tuberculosis with no interval specified for testing, and the regulations make no reference to testing for brucellosis. USPHS code specified compliance with USDA programs for tuberculosis and brucellosis control.

Bacterial counts: The Rhode Island bacterial standard for raw milk for pasteurization is 100,000 per milliliter and 25,000 per milliliter after pasteurization. The USPHS code specifies a maximum of 200,000 per milliliter for raw milk for pasteurization and a maximum of 30,000 as delivered to the consumer.

Frequency of inspection and laboratory examinations: Frequency of inspection of farms and plants not specified in Rhode Island regulations. The USPHS code specifies at least one inspection of each farm and each plant every 6 months, with followups on violations. Rhode Island regulations require that four samples be examined of raw and pasteurized milk and cream every 3 months. USPHS code requires laboratory examinations to be performed at a minimum frequency of at least four samples every 6 months for milk and for all types of other milk products sold.

CONNECTICUT

Dairy farm requirements: In general, Connecticut regulations for dairy farms are similar to the requirements of the USPHS code, but lack the specificity contained in the USPHS code. Connecticut farm regulations do not cover several important items of sanitation.

Pasteurization plant requirements: Connecticut plant regulations do not require use of airspace heaters or airspace thermometers on vat pasteurizers to insure proper pasteurization, as does the USPHS code. Several other basic items of plant sanitation, which are spelled out in the USPHS code, are not specified in Connecticut regulations, i.e., proper construction of dairy containers and equipment, and proper construction, protection, and testing of plant water supplies.

Health of cows: Connecticut regulations require that all cows be given annual examinations for tuberculosis and brucellosis. The USPHS code specifies compliance with USDA programs for tuberculosis and brucellosis control.

Bacterial counts: The Connecticut maximum bacterial count standard for raw milk for pasteurization is 300,000 per milliliter. The USPHS code specifies a maximum of 200,000 per milliliter for raw milk pasteurization. The Connecticut maximum bacterial count standard for pasteurized milk is identical with the standard in the USPHS code. The Connecticut regulations do not specify coliform or phosphatase standards, as does the USPHS code. The coliform standard is an index of contamination subsequent to pasteurization, and the phosphatase standard is an index of proper pasteurization.

(NOTE.—In addition to regular pasteurized milk, the Connecticut State Department of Agriculture has promulgated very limited regulations for grade A milk and cream. The maximum bacterial count standard for grade A milk for pasteurization is 100,000 per milliliter and a maximum count of 10,000 per milliliter after pasteurization.)

Frequency of inspections and laboratory examinations: Connecticut regulations state, "the commissioner shall inspect regularly and as frequently as possible the dairy farms and milk plants." The USPHS code specifies at least one inspection of each farm and each plant every 6 months, with followup inspections on violations. Connecticut regulations do not specify the frequency of bacteriological sampling, but merely state that they should be run regularly. The USPHS code requires laboratory examination of all milk and milk products sold, at a minimum frequency of four samples each 6 months.

NEW YORK

Dairy farm requirements: New York farm laws follow generally the basic requirements of the USPHS code; however, they are not as specific as the USPHS code. Two-compartment wash vats, hand-washing facilities and bactericidal rinsing of milkers' hands are not required by New York, but are specified in the USPHS code.

Pasteurized plant requirements: New York regulations omit many important requirements necessary for proper pasteurization of milk and protection of milk from contamination. New York regulations do not require easily cleanable construction of walls and floors, effective screening during fly season, or a separate receiving room for raw milk. The USPHS code is quite specific as regards these requirements.

Health of cows: New York regulations require an annual test for tuberculosis and require all dairy herds to comply with plan A for brucellosis. The USPHS code requires compliance with the USDA programs for tuberculosis and brucellosis control.

Bacterial counts: The bacterial counts specified in the New York regulations for raw milk and pasteurized milk are identical to those contained in USPHS code.

Frequency of inspections and laboratory examinations: New York requires that farms and plants be inspected by industry, initially, and at least annually thereafter. Samples of raw and pasteurized milk are required to be obtained and examined by the processor at intervals of not more than 3 months.

The USPHS code specifies at least one inspection of each farm and each plant every 6 months, with followups on violations; and further requires laboratory examination to be performed at a minimum frequency of at least four samples every 6 months for milk and all other types of milk products sold. USPHS code provides, in the case of raw milk, for acceptance of industry inspections and laboratory examinations only as a supplement to official inspections and examinations. The USPHS code requires inspection of pasteurization plants and laboratory examinations of pasteurized milk to be performed by the official supervisory agency.

NEW JERSEY

Dairy farm requirements: New Jersey farm requirements are not as specific as those contained in the USPHS code, and do not cover many important items of sanitation. Specifics on such matters as milking barn lighting, bactericidal treatment of dairy equipment with chemical sanitizers, temperature of cooling, and proper protection of farm water supplies are not provided for. The USPHS code is quite specific with respect to all of these basic sanitation items.

Pasteurization plant requirements: New Jersey regulations omit many basic items necessary to insure proper pasteurization, such as requirements for indicating and recording thermometers, leak-protector inlet and outlet valves on pasteurization vats, and stops on pasteurization vat outlet valves. These requirements are contained in detail in the USPHS code.

Health of cows: New Jersey regulations do not specifically mention bovine tuberculosis and brucellosis control. They contain a broad requirement that an examination of cows shall be made by a licensed veterinarian of the State or other jurisdiction at least once a year. However, it is known that the State carries on a tuberculosis and brucellosis control program in accordance with the rules and regulations of USDA programs for tuberculosis and brucellosis control. The USPHS code requires compliance with the USDA programs for tuberculosis and brucellosis control.

Bacterial counts: The New Jersey maximum bacterial count standard for raw milk for pasteurization is 150,000 per milliliter in the case of producers shipping milk in cans, and 50,000 per milliliter for producers using bulk milk cooling tanks. The USPHS code specifies 200,000 per milliliter for raw milk for pasteurization, irrespective of the type of equipment used by the producer. The New Jersey maximum bacterial count standard for pasteurized milk is identical to that specified in the USPHS code.

Frequency of inspections and laboratory examinations: The New Jersey regulations do not specify the frequency of inspection of producer dairies and milk plants. The USPHS code requires inspection of both farms and plants initially, and at least once each 6 months thereafter. New Jersey regulations do not contain specific requirements as to the frequency of laboratory examinations. The USPHS code specifies that milk and all other types of milk products shall be examined at least four times each 6-month period.

(NOTE.—In addition to the New Jersey Health Department milk regulations above, the New Jersey State Department of Agriculture has promulgated a voluntary program for New Jersey-produced grade A milk. This milk grading program is elective, and a special inspection fee is charged to those plants who participate. The bacterial count of raw milk before pasteurization is required to be not more than 50,000 per milliliter. After pasteurization, the count is required

to be not more than 10,000 per milliliter. It is reported that only seven or eight dairies in the State participate in this particular program.)

PENNSYLVANIA

Dairy farm requirements: Pennsylvania regulations are quite general as regard basic milk sanitation requirements. On many important items, they lack the specificity contained in the USPHS code. In addition, Pennsylvania regulations do not include specific requirements on cleanliness of floors, walls and ceilings in the milking barn; do not require cow udders, flanks and bellys to be clean at milking time; and do not require facilities for washing of the milker's hands, or even that the milker's hands be clean at the time of milking. Pennsylvania milk regulations are also deficient in that they do not provide for proper construction and protection of farm water supplies used for the cleaning of dairy equipment. This is a serious deficiency as a farm water supply contaminated with domestic sewage or animal wastes can contaminate the milk with disease organisms.

Pasteurization plant requirements: Pennsylvania plant regulations are deficient in many important respects and are not considered equivalent to the pasteurization plant requirements specified in the USPHS code.

Health of cows: Regulations on tuberculosis are quite similar to USPHS code. State achieved a modified certified brucellosis-free status in March 1958.

Bacterial counts: The bacterial counts specified in the Pennsylvania regulations for both raw milk and pasteurized milk are identical to those specified in the USPHS code.

Frequency of inspections and laboratory examinations: Dairy farms are inspected by licensed approved industry inspectors at 6-month intervals. USPHS code requires that the official State or local control agency inspect each dairy farm at least once each 6 months, and if industry inspection of farms is used, such inspections shall be considered a supplement to, and not a substitute for official inspection, and an inspection by the official agency be conducted at least annually. Pennsylvania requires that pasteurization plants be inspected by State or city inspectors at least annually. The USPHS code requires plants to be inspected at least once every 6 months.

Pennsylvania regulations require that raw milk and pasteurized milk be tested monthly. USPHS code requires laboratory examination of all milk and milk products at least four times each 6-month period.

OHIO

Dairy farm requirements: Ohio laws and regulations are broadly written and quite general. They lack specificity with respect to important items of sanitation, such as proper protection of farm water supplies and cooling of milk. The USPHS code provides much more specific coverage.

Pasteurization plant requirements: Ohio plant regulations omit many fundamental items of sanitation necessary to insure proper pasteurization and protection of pasteurized milk against contamination. The USPHS code is quite specific as regards these basic items.

Health of cows: Ohio laws require the removal of cows from the herd if they are known to be afflicted with tuberculosis or brucellosis. USPHS code specifies compliance with the USDA program for tuberculosis and brucellosis control.

Bacterial counts: Ohio regulations are not specific with respect to bacterial count standards for raw milk to be pasteurized, and for pasteurized milk. The USPHS code specifies maximum bacterial counts.

Frequency of inspections and laboratory examinations: Ohio requires the same inspection frequency of both farms and plants as is required by the USPHS code. Ohio regulations require sampling of raw milk and pasteurized milk at the same frequencies as specified in the USPHS code.

(NOTE.—Despite the fact that Ohio has not based its regulations on the USPHS code, 56 counties and 52 municipalities in Ohio have adopted the USPHS code as local regulations. The State of Ohio also actively participates in the voluntary State-USPHS program for the certification of interstate milk shippers, which uses the USPHS code as the basic standard.)

MICHIGAN

Dairy farm requirements: Michigan farm requirements are specific and, for the most part, similar to the requirements of the USPHS code.

Pasteurization plant requirements: Michigan plant requirements lack specificity with respect to many fundamental items of sanitation necessary to insure proper pasteurization and protection of pasteurized milk against contamination. The USPHS code contains detailed requirements relative to such items.

Health of cows: Michigan law requires that all grade A milk come from tuberculosis-free cows as determined by annual testing. Testing for brucellosis is not specifically required by Michigan law; however, State department of agriculture does carry on a brucellosis control program. USPHS code specifies compliance with USDA programs for tuberculosis and brucellosis control.

Bacterial counts: Michigan bacterial count standards for grade A pasteurized milk are identical to that contained in the USPHS code. The maximum bacterial count standard for raw milk for pasteurization in Michigan is 100,000 per milliliter. The USPHS code specifies a maximum of 200,000 per milliliter for raw milk for pasteurization.

Frequency of inspections and laboratory examinations: Michigan law does not specify frequency of inspection for either dairy farms or pasteurization plants. The USPHS code requires inspection of both farms and plants at least once each 6 months. Michigan law requires the examination of monthly samples of raw milk for pasteurization, and the examination of four samples of pasteurized milk each 6 months. USPHS code requires a minimum of four samples each 6 months for both raw milk for pasteurization and pasteurized milk.

TENNESSEE

Dairy farm requirements: Tennessee regulations are very general and are confined to one paragraph defining "insanitary milk." Numerous items are omitted, such as construction and protection of water supplies, adequate cooling of milk, screening of milkhouse, and provision for adequate facilities for washing and bactericidal treatment of milk utensils. All of these items of sanitation are specifically required by the USPHS code.

Pasteurization plant requirements: Tennessee plant regulations are not as specific as those contained in the USPHS code, and are deficient in many fundamental sanitation requirements necessary for the proper pasteurization of milk and the protection of pasteurized milk against contamination.

Health of cows: The Tennessee regulations contain no specifications for control of tuberculosis and brucellosis in dairy cattle. The USPHS code specifies compliance with USDA programs for tuberculosis and brucellosis control.

Bacterial counts: Tennessee law does not contain bacterial count standards for raw milk for pasteurization or for pasteurized milk, as does the USPHS code.

Frequency of inspection and laboratory examinations: The Tennessee regulations specify that inspections shall be made at a frequency "as the commissioner may deem proper" for both farms and plants. The USPHS code requires inspection of both dairy farms and plants prior to the issuance of a permit, and at a minimum of at least once each 6 months thereafter. The Tennessee regulations do not specify the frequency of laboratory examination of milk, as does the USPHS code.

(NOTE.—Despite the fact that Tennessee has not based its regulations on the USPHS code, 12 counties and 79 municipalities in Tennessee have adopted it as the local regulation.)

NORTH DAKOTA

The dairy regulations of North Dakota were found to generally follow the basic milk sanitation requirements as outlined in the USPHS code, but did not contain nearly the degree of specificity as outlined in the code. However, under section 4–1703 of the North Dakota dairy law, the following statement appears, which directs the dairy commissioner to follow the USPHS code in enforcing grade A milk regulations in the State:

"In the enforcement of the regulations regarding grade A milk in chapter 4–18 of the North Dakota Revised Code of 1943, the dairy commissioner shall be guided by the interpretations, not inconsistent with the North Dakota law and regulation, which are contained in the latest edition of the 'Recommended Milk Ordinance and Code of the U.S. Public Health Service,' a certified copy of which shall be on file in this office."

(NOTE.—Even though North Dakota has not adopted the USPHS code, it in effect utilizes the code in the enforcement of its regulations. It should also be noted that 24 counties and 44 municipalities in North Dakota have adopted the USPHS code.)

CALIFORNIA

Dairy farm requirements: California regulations for dairy farms are similar in intent and scope to the USPHS code. California regulations contain specific and detailed construction dimensions for such items as gutters, alleys, curbs, stanchions, and managers. Such degree of specificity is purposely not contained in the USPHS code. California also requires a two-room milkhouse, unless a pipeline milker is in use. The USPHS code provides for the acceptance of a one-room milkhouse.

Pasteurization plant requirements: Pasteurization plant requirements of the California regulations are generally equivalent to those contained in the USPHS code.

Health of cows: California requires tuberculosis examinations of all dairy herds every 2 years and requires conformance to the USDA program for brucellosis control. The USPHS code specifies compliance with USDA programs for both tuberculosis and brucellosis control.

Bacterial counts: The California maximum bacterial standard for raw milk for pasteurization is 75,000 per milliliter, whereas the USPHS code specifies a maximum of 200,000 per milliliter for raw milk for pasteurization. The California bacterial standard for pasteurized milk is 15,000 per milliliter at time of delivery to the consumer, while the USPHS code specifies a maximum of 30,000 per milliliter as delivered to the consumer. California regulations do not provide for a standard for coliform organisms in pasteurized milk, whereas the USPHS code does. The coliform count is an index of milk contamination subsequent to pasteurization.

Frequency of inspections and laboratory examinations: California regulations specify that the dairy farms shall be inspected 6 times per year and that pasteurization plants shall be inspected twice each month. The USPHS code specifies at least one inspection

of each farm and each plant every 6 months, with follow-up inspections on violations.

California regulations provide for laboratory analysis of two pasteurized milk samples twice each month and raw milk samples on a monthly basis. The USPHS code requires laboratory examinations to be performed at a minimum frequency of four samples every 6 months for milk and for all types of other milk products sold.

Important as it is to have adequate standards and regulations, effective, and dependable performance is of even more vital significance from the standpoint of protecting the public health. During the past few years, in the discharge of its official duties, and at the request of State milk sanitation agencies, the USPHS has made ratings of a number of milk supplies in the New England States, New York, and New Jersey. In addition, personnel in several of these States have made ratings and furnished them to the USPHS. The results of these particular ratings are presented below:

Examples of recent average sanitation compliance ratings of pasteurization plants and some producer supplies in Northeast United States [1]

Year and location	Type of rating	Average sanitation compliance rating	Year and location	Type of rating	Average sanitation compliance rating
1960		*Percent*	1961		*Percent*
Metropolitan New York City	2 pasteurization plants	83.0	Eastern Massachusetts	1 pasteurization plant	65.0
Metropolitan Connecticut community	do	70.5	Northern New York	30 producers	86.6
Eastern New Jersey	5 pasteurization plants	81.6	Western Pennsylvania	10 pasteurization plants	82.0
Eastern Massachusetts	3 pasteurization plants	77.6	Eastern Pennsylvania	5 pasteurization plants	68.5
Central Massachusetts	do	87.6	Eastern New Jersey	9 pasteurization plants	89.0
Central Pennsylvania	2 pasteurization plants	80.0	Southern New Jersey	25 producers	77.0

[1] Ratings were made by the U.S. Public Health Service at the request of State milk sanitation agencies and the dairy industry, and in the discharge of its official duties.

Mr. PROXMIRE. Mr. President, the analysis provided by Secretary Freeman conclusively refutes the charge that adoption of the USPHS code would lower milk sanitation standards. In fact milk standards in nearly every city and State in the country are either the same as or lower than the USPHS code.

The few minor exceptions do not provide significantly greater protection for consumers.

I think this entire subject of milk sanitation cannot be fully understood without a brief examination of the history of milk production, processing, and marketing in this country. The fragmentation of milk markets in the United States developed naturally as large quantities of milk were needed in each metropolitan area, at a time when the technology of portable refrigeration and milk handling had not advanced to its present high level. Until quite recently, moving fresh whole milk more than a few miles was virtually impossible. It was difficult enough for the rural farmer to rush his milk, in individual containers to a nearby town, in time to be pasteurized and sold before it began to sour. The sight of a small pickup truck bounding along a country road with milk cans jiggling is a familiar memory to many.

But it is no more than that—a memory. Today, fresh milk moves through pipes, hoses, and tanks to a gleaming glass-cold hermetically sealed tank on a refrigerated truck, which rolls smoothly from farm to city and from city to city. The milk can be delivered a thousand and more miles from its source with absolutely no impairment of quality or purity.

However, sanitation codes in many localities date from the time in the past when efficient refrigerated conveyance of milk was unknown. Today the codes remain as monuments to the obsolete requirements of a vanished era, anachronisms in a new world of reliable refrigeration and rapid transportation.

It should also be observed that the fight for national sanitation and quality control regulation is an old one, which over the years has been waged in one field after another. There was a time when meat inspection was confined to State and local government. It took years of see-sawing arguments to pass the Meat Inspection Act, which finally insured that meat slaughtered and packed anywhere in the country could be safely consumed everywhere. Quite aside from protecting the health of the consumer, this made it possible to establish a national market for meat. Similar developments have occurred in other commodities.

Only in the case of milk is it still considered necessary to maintain local sanitation and inspection procedures dating in many cases from a horse-and-buggy era, when cows had to be kept near the city in order to prevent the milk from spoiling on its way to market.

NATIONAL MILK SANITATION LAW NO THREAT TO LOCAL PRODUCERS

Second. The second broad objection that has been raised against milk sanitation legislation is that it could challenge the established system of Federal markets, and would flood some areas with surplus milk. This is indeed a serious charge. But it should be noted that it is refuted by Senator KEATING himself, when he says:

> Shipping costs are prohibitive, and this factor in itself would prevent milk from traveling all over the country in the way that many proponents suggest it would.

Mr. Phillip Alampi whose brief on milk sanitation the Senator from New York [Mr. KEATING] placed in the RECORD, states:

> The price differential between surplus-milk-producing States, such as Wisconsin and Minnesota, and the northeast importing States, is not sufficient to induce the movement of a permanent supply of milk from the surplus producing areas.

That being the case, one wonders what the fuss is about.

Any unprejudiced observer must agree that barriers to interstate commerce wherever they exist, are wrong, unless they can be clearly shown to be necessary for a specific reason. It should be squarely recognized, therefore, that the opposition to milk sanitation legislation is almost entirely motivated by a fear among some producers in protected markets that milk from more efficient producing areas, like Wisconsin, will flood markets, depress prices, and take established business away.

However, an examination of the facts shows that this is not a sound prediction, as the Senator from New York has already pointed out. The high cost of transportation, which averages $2.18 per hundredweight per 1,000 miles—based on Wisconsin experience—will permanently give local producers an enormous cost advantage. Because they are already established near the ultimate consumer, they will continue to be able to provide milk to the market.

Why then enact national free-milk-flow legislation? The benefits of such a program to the Nation and to the dairy industry mainly lie in the future development of new markets and longrun shifts in population.

We are not trying to take away markets from the farmers who are constituents of the distinguished Senator from New York [Mr. KEATING] or of Senators who come from other sections of the country. We are trying to assure the Nation and the consumers throughout the country that they will have an opportunity to buy sanitary milk—good, clean, wholesome milk—milk which meets the high standard of the U.S. Public Health Service; and that they will be able to procure this milk at competitive prices, prices which have to meet the transportation costs.

The reason this kind of legislation is needed is that cities are developing so rapidly, particularly in the West and in other areas. There is no question that if this action is not taken, the same kind of Balkanized tariffs will be built up in the new markets as we have at the present time.

The present pattern of milk marketing more or less satisfies the milk needs of our present population, as presently distributed. But even now, the high cost of producing milk in some parts of the country makes it desirable to ship milk long distances. Our population is growing rapidly, and, it is clear, unevenly. Some sections are spurting ahead, particularly in the West, where cities are mushrooming and whole new metropolitan centers are being created.

It simply does not make sense for the new population centers of the missile age to enact sanitation codes suited to a model-T generation. A national milk

sanitation law would assure these communities that their milk is pure and wholesome, while sparing them the responsibility of developing codes of their own. There would be no excuse for building up a high-cost, inefficient dairy industry on land far better suited to truck farming, citrus fruits, livestock, timber, or other uses. It is in the national interest that the section of our country which has a comparative advantage in dairying should provide milk to these new markets.

The charge that milk sanitation legislation would disrupt the Federal order program is wholly without foundation. As Secretary Freeman said in his testimony before the House Commerce Committee:

> Federal milk marketing orders, now operating in 80 markets throughout the country, would furnish full protection to producers in those markets against the loss of any justified price and income protection they may now be receiving through trade barriers. Similar protection is available in milk markets that are not now regulated under Federal order if such protection is needed and desired by local producers. This Department has recommended and will continue to support appropriate broadening of the enabling authority which provides for milk marketing orders where such is required to help accomplish the goal of equitable returns to milk producers.

The Department of Agriculture has given evidence of its determination to protect and improve the incomes of dairy farmers through constructive and fair programs. Recent improvements in the price-support program have been of great significance. I share Secretary Freeman's belief that the income objectives of dairy farmers can best be achieved through constructive, orderly programs that are fair to producers and consumers alike, in all parts of the country.

LOCAL MILK CODES DO IN FACT BAR OUTSIDE MILK

Third. The third contention of the opponents of national milk sanitation legislation is that local milk codes are not established to bar outside milk, and that if they do there are adequate legal remedies. This defense of barriers to free milk movement is indeed hollow. Ironically, there are—or were, for they may by now be out of business—dairy farmers in upstate New York who could have cited chapter and verse on how local milk codes do effectively bar outside milk. Certainly there are many Wisconsin farmers producing top quality milk who are fully aware of the many hurdles in the path of the milk producer who wants to ship to certain markets. But it is not necessary merely to conjecture, since the Department of Agriculture has made an intensive study of this problem. In 1955 it published a report on the impact of sanitary requirements on milk marketing. The study described policies affecting the acceptance of milk in all communities in our Nation over 25,000 population having full-time health units. It was published in Marketing Research Report No. 98 by the Agricultural Marketing Service.

Under "Examples of Restrictive Sanitary Regulations," the report states, at page 20:

> By far the most common policy standing in the way of free movement of milk was the refusal of given jurisdiction to accept milk produced or handled under the supervision of other jurisdictions having substantially equivalent sanitary standards. In order to get comprehensive information on this and some other aspects of sanitary regulations, a mail questionnaire was sent to health officers of all urban places of 25,000 or more population having full-time health units.
>
> Out of 312 cities (which replied) 100 refused to accept milk from farms supervised by their own State department of health or agriculture (in many States the State agency does not supervise sanitation on dairy farms); 84 refused to accept milk from farms supervised by some other State (although a given city might accept supervision of one State and reject that of another); 74 refused to accept milk from farms approved by cities not having the standard ordinance; while only 49 refused to accept milk under supervision by cities having the standard ordinance.

The summary and conclusion of the same report states in part:

> Sanitary regulations hinder or prevent the movement of milk into a substantial number of cities. Some markets prohibit outright the entry of milk from beyond specified limits. Others burden such entry by insisting on their own inspection and then delay or refuse to inspect, or levy discriminatory fees. Still other markets differentiate their regulations from those of surrounding areas without apparent necessity.

Regarding the contention that court action will overcome sanitation regulations that act as barriers, Secretary Freeman had this to say:

> Shippers are understandably reluctant to protest publicly against obstructions arising from health ordinances or administrative practices thereof which they might encounter in their efforts to sell milk, for fear of antagonizing or provoking local pressures upon the officials responsible for certifying milk supplies. It should be recognized that these obstructions frequently may serve as hurdles which outside milk suppliers must overcome at considerable cost and inconvenience to themselves, rather than at all times of absolute barriers to any movement of milk. Because these hurdles may be raised or lowered arbitrarily depending upon local market pressures, outside milk shippers are under constraint to avoid jeopardizing the good will in the receiving market area upon which future sales opportunities may depend.

So said Secretary Freeman.

Furthermore, the high cost of court action and the small size of many markets frequently makes it extremely impractical to bring legal suits. Surely it would be better to enact a specific statute establishing once and for all a national standard for sanitation requirements. Such a standard would settle the question clearly, eliminating the need for prolonged and expensive litigation.

Mr. President, it seems to me that argument of Secretary Freeman makes it very clear that there is no adequate recourse in the courts for our dairy farmers, for it is too expensive. If they attempt recourse in the courts, they put themselves in jeopardy as regards any market they may have, because it is very easy for the producing interests in the local community simply to secure the enactment of other sanitary regulations, and then the same procedure has to be followed all over again, at great expense.

Fourth and finally, it is stated that milk sanitation legislation does not have national sponsorship, that it would violate States rights, and that the cost of an inspection program would benefit only Middle Western dairy farmers.

ALL EXPERT SANITATION TESTIMONY SUPPORTS NATIONAL SANITATION LAW

This charge is completely refuted by the testimony at the four sets of hearings on this proposed legislation. The overwhelming preponderance of expert medical, public health, and sanitation testimony received supports enactment of milk sanitation legislation. All of the major national professional associations in the field supported it. Among them were: the Conference of State Sanitary Engineers, represented by Dr. John Andrews, chief, sanitation section, Sanitary Engineering Division, State Board of Health, State of North Carolina; the Association of State and Territorial Health Officers, represented by Dr. Russell E. Teague, commissioner of health, State of Kentucky; the American Public Health Association, represented by Mr. P. Walton Purdom, director, Division of Environmental Health, Community Health Services, Department of Health, City of Philadelphia, Pa.; the U.S. Department of Health, Education, and Welfare, represented by Mr. Ivan Nestingen, Under Secretary; Dr. John D. Faulkner, Chief, and Dr. Robert Anderson, Deputy Chief, and Mr. Max Decker, staff veterinarian, Milk and Food Branch, Public Health Service.

This not only shows that the program has broad national sponsorship; it also demolishes the charge that the cost of paying for the program would benefit only a single economic group. The fact is that national milk sanitation legislation would benefit the entire dairy industry and every consumer in the country.

STATES RIGHTS CHARGE RIDICULOUS

The charge that national milk sanitation legislation would violate States rights hardly needs to be taken seriously. The Constitution of the United States entrusts interstate commerce to the Congress. The vast range of Federal programs affecting interstate commerce provides ample precedent for national milk sanitation legislation.

Far from being a States rights question, this is a question of free interstate commerce. At present the so-called sanitation requirements function as economic trade barriers.

It seems to me that I have shown that beyond any shadow or possibility of doubt. They exclude milk as effectively as a skyscraping tariff or a zero import quota in international trade. They distort trade patterns in the same way that a maze of national regulations made a patchwork quilt of European trade in the 1930's, and have helped create a similar "balkanization" of milk markets in the United States. I am especially surprised

that such eloquent supporters of free international trade as the distinguished junior Senator from New York, Mr. Keating, Governor Rockefeller, of New York, and the distinguished senior Senator from New York, Mr. Javits—leaders in the fight for free international trade—would be advocating restrictions on the free movement of goods in response to supply and demand within the United States.

Mr. President, this morning there appeared in the Wall Street Journal a front page article entitled "Free-Trade Fight—Protectionists Gain, Peril Kennedy's 1962 Bid for More Liberal Law."

The article presents a discussion of how the real fight at the next session of Congress will be over attempts to develop and encourage and extend our free international trade. I am sure that in that fight the Senators from New York will play a leading and eloquent role, as they have in the past, because they have shown that they are champions of free trade. Then, Mr. President, how ridiculous and contradictory it is to have the barriers I have been describing erected against the free flow of trade and commerce within the United States. If there is to be free trade between nations, certainly there should be free trade within our country, with regard to the sale of milk.

FREE TRADE WITHIN UNITED STATES BENEFITS ALL

Mr. President, though historic in origin, the problems caused by fragmented milk markets are very current in their effects. The American marketplace for milk, as for nearly every product, is potentially national in character. The benefits of free trade which accrue to all parties in a transaction and to all citizens of a country are well known. In the present case, the entire Nation would gain if trade in milk could follow the roadmap delineated by the promptings of supply and demand, undistorted by a proliferation of obsolete sanitation and inspection requirements.

Mr. President, people often wonder about the glory of America's international power and achievement. There are many reasons for it, of course. Certainly one of them is that we have this vast, diversified territory and population with completely free trade—except for the flow of milk within it. Certainly one of the great reasons why Western Europe has made its marvelous comeback and why its standard of living is rapidly increasing—perhaps more rapidly than that in any other part of the world—is that tariffs between those countries have been lowered, the Common Market is beginning to work effectively, and the barriers to the free flow of commerce have been reduced, and are on their way to elimination. It seems to me that anyone who believes in practical economic experience, let alone economic theory, certainly should support a law to eliminate arbitrary, unjustifiable barriers to the free flow of a commodity such as milk.

ARBITRARINESS OF PRESENT REGULATIONS

Let me list a few of these arbitrary, superfluous, and whimsical requirements. Some municipalities require a 2-inch outlet valve on bulk-milk coolers. They require it. If the outlet valve is smaller by even a fraction of an inch, the dairy is disqualified. Elsewhere the 1½-inch is standard. Some areas require that milk handling machinery be sterilized by steam and heat, while others demand chemical sterilization. Imagine, Mr. President, the problem faced by a Minnesota or a Wisconsin dairy farmer who wishes to sell his milk in several States. He is able to compete, even despite the great transportation cost; but then he has to choose between heat sterilization and chemical sterilization. Whichever he chooses, he immediately is prohibited from either one market or the other. The same is true as regards the size of pipe he uses. Some cities require that the udder of the cow be wiped with a rag of a certain dimension; others have different standards. The poor dairy farmer is caught in a crossfire of conflicting regulations. With the best will in the world, he is unable to satisfy flatly contradictory requirements.

In the crazy quilt of milk regulations which blankets the country, inspection requirements are among the most discriminatory in their effect. Many cities insist on sending their own public health officials to inspect any dairy facility which handles milk consumed in their area. This may entail a trip of several hundred miles each way frequently at the expense of the dairy farmer. If a farmer has to pay the expenses of sending such an inspector to an area several hundred miles away, it is simply impossible for him to compete. If the farmer ships to several areas, he may be inspected as often 100 times each year, as the sanitation officials from various communities fulfill their varying requirements. This puts an unnecessary and irritating burden on the dairyman; and redundant inspections do not in any way heighten the sanitary level of the final product.

Mr. President, I wish these New York statesmen, including the distinguished junior Senator from New York [Mr. KEATING], could accompany me on a tour of the immaculate, spic-and-span, gleaming milkhouses of Wisconsin dairy farms. I think they would be greatly impressed at the lengths to which our dairy farmers have gone, at great expense to themselves, in providing all the equipment necessary to enable them to meet all proper standards. In our States we have had very strict laws and regulations in effect for many, many years. As I have already pointed out, New York does not require compliance with regard to three of the five U.S. Public Health Service criteria; but our State is far stricter. So Wisconsin goes much further than does New York. Therefore, it is utterly impossible for us to explain to our dairy farmers why in the world their milk should be barred on sanitary grounds from being sold to consumers in other States who want to buy it.

Capricious administration of local codes is another way to discriminate against and exclude out-of-State milk. A municipality may waive its discriminatory milk health ordinance from time to time, when it needs extra milk. When it has enough, it clamps the restrictions back on, with no warning, forcing the trucker to sell his milk at the lower manufacturing price or to cart it back home again.

I want to emphasize again that we already have a fine U.S. Public Health Service milk code. This code serves as a model for all State and local milk sanitation regulations. The enactment of milk sanitation legislation would not require the making of a study of the dairy industry to determine standards of quality and purity. These questions have already been examined and settled by Government scientists. Certainly, continuing research and analysis are essential, to make sure that the Federal standard is the best possible. But in the meanwhile, the charge that the United States Code would not adequately protect all milk consumers everywhere is baseless.

Local sanitary codes could continue to contain provisions differing from the national code. The national milk sanitation bill which I am cosponsoring, together with the senior Senator from Minnesota [Mr. HUMPHREY], who is the principal sponsor, will not force a municipality to bring its own milk purity standards in line with the Federal level.

There may be a special market for a special kind of milk or milk product in a certain area. Certainly this would be permitted.

However, and this is the crux of the matter, no part of the country should be able to exclude milk which meets the U.S. standard of purity and wholesomeness on the grounds of inadequate sanitation. Enactment of a Federal milk sanitation act would prevent the misuse of sanitation regulations as barriers and hurdles against free trade.

At the same time it would establish in law a very useful quality code, which would upgrade milk standards in large areas of the country. Uniform national standards for all food products are the bedrock of quality and purity, and they should not vary from place to place. No consumers anywhere would have their protection reduced; many consumers would benefit from heightened sanitation standards.

CONCLUSION

I conclude by again noting that the sanitation standards which would be put into effect by national milk sanitation legislation are fully adequate to protect all consumers, so that a defense of the existing system must be a defense of trade barriers, actual or potential. These barriers restrain interstate commerce, and thus give effect to a practice which article VIII of our Constitution was intended to prohibit.

My own State of Wisconsin a few years ago passed a grade A law which accomplished on a State basis what passage of a national sanitation act would achieve nationally. This statewide quality and sanitation law has cut redtape, helped the dairy farmer, and assured reliable and unvarying top-quality milk

to all consumers, including those not protected by any previous local regulation. Passage of a National Milk Sanitation Act would bring similar benefits to the entire country.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am delighted to yield to the distinguished Senator from Minnesota, who is, of course, the leading proponent of the legislation and author of the bill.

Mr. HUMPHREY. I thank the Senator. I compliment him upon the courage with which he has delivered his speech this afternoon and the facts he has cited relative to the incredibly foolish and contradictory regulations that are imposed in the name of health which have nothing to do with the regulation of an effective health protection program.

Such regulations are all too often set down, as the Senator has noted, to thwart, impede, or stop altogether the flow of commerce in milk between the States. A National Milk Sanitation Act would in no way harm any farm producer. It would be of benefit to consumers. It would surely eliminate a vast amount of redtape which is presently a part of the innumerable milk codes and local ordinances that relate to the milk industry.

The necessity for a national milk sanitation code is clearly established. With the support of the Secretary of Agriculture, on behalf of the administration, as expressed in testimony before the House of Representatives subcommittee, I am confident we can move ahead to some effective action in this field in the next session of Congress.

I am sure the Senator knows, but I reemphasize, that the Senator from Alabama [Mr. HILL], chairman of the Committee on Labor and Public Welfare, which has jurisdiction over this particular proposed legislation, has assured the senior Senator from Minnesota and my colleague from Minnesota [Mr. MCCARTHY] that we would have a hearing on our bill, of which the Senator from Wisconsin is the chief cosponsor, next January. We shall have an opportunity to present witnesses and have an adequate amount of time to have full discussion of the merits of the legislation.

At that time the opponents can be heard, as well as the proponents. I think it would be very interesting to have the Governor of New York, for example, or any other local or State official who feels these local ordinances are so beneficial, come before the committee and present his point of view, and at the same time be confronted by the point of view of men like the Senator from Wisconsin, the Senator from Minnesota, and others who hold that a National Milk Sanitation Act is in the public interest. I think that is much better than having a duel in the newspapers, because I noticed when the Governor of New York attacked the Secretary of Agriculture recently, he had 3 days of running headlines. Day after day the newspapers carried the headlines, "Rockefeller Criticizes Freeman," "Rockefeller Criticizes President's Farm Program." The Senator from Wisconsin made a statement praising the Secretary of Agriculture and commending the Kennedy farm program.

The Senator from Minnesota did the same thing. We had a better argument for the farmers, but had less copy in the newspapers. It seems that if one can be critical, he gets a better play.

I think the way to settle the question is not to see how much ink we can get, but how much good, wholesome milk the public can get. If there is any place I know of where milk would be of great help, at reasonable prices, it is in some of the great metropolitan areas. The farmers are prepared to produce grade A quality milk, clean, wholesome, nutritious, like what they produce in State after State.

I wish to make clear that the National Milk Sanitation Act would in no way injure the dairy farmers in any State, in New England, New York, Wisconsin, or any other State. The milk marketing orders would still be operative, but those milk marketing orders should not be weighted down by ordinances and rules and regulations relating to health standards when in fact the health standards are not involved because the health standards can be fully protected by national milk health standards such as the Senator from Wisconsin has argued for.

The Senator from Wisconsin has documented his argument well, and I want to compliment him.

Mr. PROXMIRE. I thank the Senator from Minnesota. While I agree that ink in the newspapers is not the way to settle this question I would certainly welcome a national debate on this issue. If the Governor of New York wants to debate the question with the Senator from Minnesota, I think it would be mighty interesting. I think it would be enlightening to the country. And of course we could not lose such a debate. One hundred and eighty million consumers will benefit by the legislation, including 16 million New York consumers, because they will be able to buy milk in a competitive market, the way they should. As the Senator from Minnesota has said, the farmers would not be injured, because the act would apply primarily to new markets as they develop and open up.

Mr. KEATING. Mr. President, the Senator from Wisconsin, who has made such a magnificent defense of an indefensible position, was kind enough to furnish me earlier today with a copy of his remarks.

Mr. GORE. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. GORE. Would the Senator mind repeating his statement, which I thought attributed to our distinguished friend from Wisconsin an acrobatic agility that I did not know he possessed.

Mr. KEATING. The distinguished Senator probably heard correctly. He knows how agile our friend from Wisconsin is, not only in body, but also in mind, and how he is able to perform physical and also mental gyrations and somersaults. I was merely endeavoring to commend him, first, for the courtesy which he extended to me in furnishing me with a copy of his address, and then his splendid advocacy, which he has evidenced, of a really difficult position—if the Senator from Tennessee likes that description better.

Mr. KEATING. Mr. President, my distinguished colleague from New York is unable to be here today. I know he would wish to respond. He is absent because of the religious holiday. I am informed that he plans to respond at length to the presentation of the Senator from Wisconsin, as I also shall do later. I shall take only a few moments now.

I note that my friend from Wisconsin has taken a leaf from the book written by our distinguished colleague from Minnesota [Mr. HUMPHREY] in his remarks a few moments ago, in which he pointed out the way to get attention in the press was to attack. Such action would get greater attention.

The Senator from Minnesota bemoaned the fact that Governor Rockefeller's attack on the national milk sanitation had received more coverage than did the defense of the Senator from Wisconsin, and so the Senator from Wisconsin has today gone on the attack. He has attacked the Governor of New York State. The Senator from Wisconsin does not challenge Governor Rockefeller, but he makes the prediction that the Governor of New York has forfeited his chances in the Wisconsin presidential primary as a result of his opposition to the proposed Milk Sanitation Act.

I fear that the distinguished Senator from Wisconsin underestimates his own constituents. As has been evidenced by the two fine Senators that they have sent here to us, I suggest that the people of Wisconsin recognize and accept a man for what he is—a man of principle and conviction—and they are not swayed by his position on one subject or another. They respect him for the fact that he speaks out on an issue upon which he deeply believes. That is the reputation of the Senators from Wisconsin.

The Governor of New York has spoken out about the milk standards and his desire to protect the people of New York. He is speaking from conviction and from principle and not for political gain.

The dedication of the Governor of New York to his work and to his Nation needs no defense from me. I suggest that that will mean a great deal more to the people of Wisconsin than the position of the Governor of New York on any one issue.

Whether the Governor of New York will ever get into the Wisconsin primary is a question of complete conjecture. But if, as, and when that event should ever take place, I feel sure that the people of Wisconsin will vote for a man of principle and conviction, as they have shown in voting for the two distinguished Senators who represent that State today. I hope my friend from Wisconsin will revise his opinion of the electorate of the State of Wisconsin and will recognize that that is what the electorate of Wisconsin look to when they select men for public office.

As to the substance of the Senator's remarks, as I have said, I shall have more

to say after I have studied his presentation more thoroughly.

It does seem to me, though, that he is arguing in two or more directions at the same time. I am afraid that this contradictory tendency in his statements will tear his argument to pieces.

He graciously agrees with me that the passage of a so-called National Milk Sanitation Act will have no particular effect on commerce at the present time. He agrees with me that the high cost of transportation will not at present make it economically feasible for dairy farmers of the Middle West to flood their milk into the eastern market.

Yet he says that we must have a National Milk Sanitation Act so that it will be legally possible to do what is not economically feasible, by his own admission. Why pass such an act? The benefits, he says, "lie in the future." Well, then, if we are prudent, we will wait until the future to consider such legislation.

I am glad to see that the Senator does not invoke the pretense that the National Milk Sanitation Act is needed for purposes of sanitation. The purposes are tied to the economic interest of one section of the country, and future economic interests at that.

The difference between us boils down to a difference in philosophy. I respect the distinguished Senator from Wisconsin. He and I sometimes see eye to eye on some matters. However, the Senator from Wisconsin feels that the Federal Government should be permitted to establish regulations in every field where it is possible that this can be done.

The junior Senator from New York feels that Federal regulations are all right, but they should be introduced only where there is clear and present evidence that the State and local authorities cannot handle the job. That is essentially the difference between the Senator from Wisconsin and the Senator from New York.

The crux of the Senator's argument, he says, is that "no part of the country should be able to exclude milk which meets the U.S. standard of purity and wholesomeness on the grounds of inadequate sanitation."

Yet, only a few lines before, if I heard my friend correctly, he said:

> The national milk sanitation bill which I am cosponsoring will not force a municipality to bring its own milk purity standards in line with the Federal level.

It would appear, therefore, that the Senator's bill does not achieve the purpose that he tells us is the crux of his argument. His bill not only does not achieve its economic purpose—it does not even achieve its legal purpose. I am afraid that it may achieve no useful purpose whatever.

As I stated, I will have more to say on this question after I have studied the Senator's argument more thoroughly, but my initial impression is that the Senator's argument has tended to dissolve into a number of competing contentions.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. KEATING. For the sake of continuity I ask unanimous consent that these brief remarks may follow the remarks of the Senator from Wisconsin on the subject of milk, and before he got on the subject of unemployment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. PROXMIRE. Is it not true that the Governor of New York attacked the Secretary of Agriculture? I understood the Senator from New York to say very adroitly that it was the contention of the Senator from Minnesota and the Senator from Wisconsin that the Governor of New York attacked the national milk standards.

Mr. KEATING. What the junior Senator from New York said was that we had heard the Senator from Minnesota bemoan the fact that the Governor of New York had attacked the Milk Sanitation Act and had obtained a great deal of attention that way, and that when the Senator from Wisconsin and the Senator from Minnesota rose to the defense they did not get as much attention as the attacker.

The Senator from Wisconsin apparently has now learned a lesson, so he arose and attacked the Governor of New York. I then rose to the Governor's defense. I concede that out of it all the Senator from Wisconsin will have the headline, "PROXMIRE Attacks Rockefeller." In the last paragraph will be a brief statement that poor little KEATING also got up and said a few good words for Rockefeller. That is the way it goes.

Mr. PROXMIRE. The distinguished Senator from New York is an accomplished master in handling public relations, and is as effective in that as anyone I know. He has a good sense of news, and he handles it beautifully.

Mr. KEATING. I thought we were talking about Governor Rockefeller.

Mr. PROXMIRE. My point is that the Governor of New York attacked a person, attacked the Secretary of Agriculture. That is the way he got his ink, not by attacking the National Milk Sanitation Act. When anyone attacks the Secretary of Agriculture, that is a headline story, especially when the attacker is the Governor of New York.

Mr. KEATING. He attacked the policies of the Secretary of Agriculture.

Mr. PROXMIRE. We are getting a little closer. We are now talking about the policies of the Secretary and the Governor.

Mr. KEATING. The Senator is attacking a speech by the Governor of New York. I will settle for that.

Mr. PROXMIRE. The Senator from New York expressed surprise that the junior Senator from Wisconsin would say that the people of Wisconsin might reject the candidacy of the Governor of New York were he to run in a presidential primary in Wisconsin. He said that the attack on the national milk sanitation standards is a matter of principle and conviction with the Governor of New York. I say it is exactly because Wisconsin people believe in principle, exactly because they admire real conviction, that the people of Wisconsin would feel that would reject a man of the intelligence and understanding and national stature of the Governor of New York, who would oppose the free flow of a commodity like milk within our national borders. This is especially true of a man, who himself is a great advocate of international free trade, but at the same time is leading the fight to keep our great Wisconsin product, milk, from having an opportunity in the future to be sold to whatever Americans want to buy it. Wisconsin citizens are especially concerned since we apply stricter standards of sanitation than New York State requires, according to the documentary proof that I have submitted for the RECORD.

Mr. KEATING. I just do not understand the argument of the distinguished Senator from Wisconsin. I do not understand how he thinks we can distort the Constitution of the United States by allowing the people of Wisconsin to vote for the Governor of New York. Governor Rockefeller is the Governor of New York. He has indicated—he has not announced it yet—that he will be a candidate in 1962. How the Senator from Wisconsin thinks he is going to allow the people of Wisconsin to vote for the Governor of New York is beyond my comprehension.

Mr. PROXMIRE. The Senator from New York knows perfectly well that what I am talking about is the very great likelihood that the Governor of New York will be the Republican candidate for the Presidency in 1964. He is probably now the leading Republican candidate. Washington correspondents have said recently in a widely publicized poll that they rated him as the most likely candidate for President in 1964.

It has been customary for Republican candidates, if they have any opposition for the Republican nomination—perhaps the Governor of New York will not have such competition; perhaps it will not be so attractive a nomination for others to seek, as it has seemed to be in the past—but if he has competition, he will likely be contested in a Wisconsin Republican primary. This has been true of contested nominations in the past. It was true in 1952 and 1948 and 1944. This has very often happened; and the Wisconsin Republican primary has on occasion decided the contest. So the people of Wisconsin would not vote for Governor of New York, but would vote for a candidate for the Presidency. They would vote for or against him in a Wisconsin Republican primary which he might enter in order to advance his candidacy for the Presidency of the United States.

Mr. KEATING. I suggest it would be more appropriate for us to leave it to the Governor of New York to decide whether he wishes to enter the Wisconsin primary in the future for an office other than Governor of New York, rather than to have the question settled on the Senate floor, and particularly, settled by a member of the opposite party.

I cannot understand why the Senator from Wisconsin is seeking to inject the Governor of New York into some Wisconsin primary. Mr. Rockefeller is the Governor of New York. He will be elected again as Governor of New York;

but I do not see how the people of Wisconsin will have anything to do with that, one way or the other.

Mr. PROXMIRE. Does the Senator from New York concede that the Governor of New York may be a candidate for President in 1964?

Mr. KEATING. The Senator from New York has nothing whatever to do with that. The Senator from New York does not speak for the Governor of New York and his political aspirations.

Mr. PROXMIRE. All I am asking is, Does the Senator from New York concede that the Governor of New York may very well be a candidate for President of the United States in 1964?

Mr. KEATING. The Senator from New York does not concede anything—on that subject.

Mr. PROXMIRE. The Senator from Wisconsin will then come to the substance of the discussion. The argument of the Senator from New York is that the Senator from Wisconsin has said that this proposal will not have an immediate economic impact; it may have a future economic impact. The Senator from New York says, in effect, "Let us wait until the future to do something about it."

That is exactly the point. If we wait until the future, then vested interests which seek to protect a particular market will develop. Those vested interests will then prevent Wisconsin milk, which otherwise would have a chance, if it were free to flow into that market and sell freely, from coming in and selling on a competitive basis, because the less efficient dairy industry which develops around cities as they grow and develop will have moved in and taken the market, and will be in a political position to deny Wisconsin farmers the opportunity to sell their milk. This is the position of the Senator from Wisconsin.

Mr. KEATING. The Senator from Wisconsin can admit, if he wishes to, that he is speaking for vested interests. The Senator from New York is unwilling to say that he is speaking for vested interests.

Mr. PROXMIRE. Let me make one final point. I see some now are on different wavelengths. We cannot get beyond the fact that we seem to have different opinions. The Senator from New York, who is a brilliant debater, understands that the argument of the Senator from Wisconsin, however feeble his effort to present it, is really devastating. There is no answer to it.

Mr. KEATING. I told the Senator from Wisconsin that his argument would be answered at length before this session ends. His argument does not need demolishing by New York. The Senator from Wisconsin has demolished his own argument, because he is arguing on two diametrically opposite points of fact, as I have stated.

Mr. PROXMIRE. The last point I understood the Senator from New York to make was that the State and local people should be allowed to make whatever regulations they please, and that the National Government should not enter into the picture, because it is a matter of constitutional right. Generally, I would agree that there should be such State and local autonomy; that decisions should be made at the local level wherever possible. However, I say that so far as standards for food are concerned, there is absolutely no precedent; there is no example.

There were instances years ago when local standards were applied to prevent meat which was slaughtered or processed or grown in some other area from moving freely throughout the country. That has been done away with.

Milk is the only product remaining as to which local persons may make sanitary standards to prevent a product of equal sanitary quality from coming in and competing. It is strictly an artificial tariff barrier, and the Senator from New York knows that perfectly well.

Mr. KEATING. I do not know about other sections of the country, but the health of the citizens of New York has not been impaired by their present health regulations. I disagree with the Senator from Wisconsin that proposed national sanitary regulations are better. I believe New York's health code is better. The Senator himself has picked out three or four States whose health codes are equal. In one of them it is superior.

I shall document that right down the line, with all the regulations. They are not little, minor matters, such as the Senator refers to in an effort to make some of the other codes seem ridiculous.

The citizens of New York are protected by health codes set up by the State of New York to look after their health. I have not heard that in other areas of the country there has been any great wave of contagion or infection, or anything else, resulting from the drinking of milk. I think the Senator from Wisconsin is doing a disservice to the milk industry by spreading the idea that it is necessary to have a national standard in order to protect the health of the people. People will stop drinking milk if the Senator from Wisconsin continues to make that argument. They simply will not drink milk. Then both the Senator from Wisconsin and the Senator from New York will be shy constituents, because they will turn to some other State and go into mining or cattle raising, or some other business.

Mr. PROXMIRE. The Senator from New York knows that exactly the opposite is true. The Senator from Wisconsin has been saying what the people of Wisconsin have said all along: Our milk is perfectly clean and pure. It can be sold elsewhere. It is the barrier against the sanitary quality of our milk which is preventing it from moving elsewhere. What I have shown on the floor of the Senate today is that based on five criteria—there are no other criteria of any significance—on all five criteria published with reference to standards, National Public Health Service standards are at least equal to, and in three of the five are superior to the requirements in the New York State Code. Under those circumstances, it seems to me there is no real sanitation reason to prevent Wisconsin milk which conforms to National PHS standards from moving into New York. I am not attacking the quality of New York's milk. It is perfectly adequate, I am sure; I have drunk it before.

Mr. KEATING. And the Senator from Wisconsin is alive.

Mr. PROXMIRE. Alive and healthy.

Mr. KEATING. Good. That is fine. I am happy.

Mr. PROXMIRE. So is the Senator from New York.

The argument with respect to sanitation is irrelevant, except that the sanitation barrier prevents Wisconsin milk from moving elsewhere and being sold to people whose concern is getting healthful milk at adequate prices on a competitive basis.

I thank the Senator from New York very much for his patience. I have enjoyed the debate.

Mr. KEATING. I have enjoyed it, too. I hope that neither of us, by his remarks, has injured the milk industry in any way. That would be disastrous, because I feel certain the Senator from Wisconsin joins with the Senator from New York in enjoying a good glass of wholesome, pure milk from the finest cows, such as are produced in New York State. I would concede that Wisconsin is perhaps second to New York in that regard.

I am very happy I have had this opportunity to discuss the subject briefly; but we shall take it up later, in more detail, if that is agreeable to the Senator from Wisconsin.

Mr. PROXMIRE. I agree with the Senator, except to say that New York is not far behind Wisconsin in the purity and wholesomeness of its milk.

Mr. KEATING. With one exception, this is a fine note of harmony on which we close this debate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 302. An act to amend the act of June 22, 1948, as amended, relating to certain areas within the Superior National Forest, in the State of Minnesota, and for other purposes;

S. 558. An act to amend the acts of March 3, 1901, and June 28, 1944, so as to exempt the District of Columbia from paying fees in any of the courts of the District of Columbia;

S. 564. An act to provide for apportioning the expense of maintaining and operating the Woodrow Wilson Memorial Bridge over the Potomac River from Jones Point, Va., to Maryland;

S. 2397. An act authorizing the National Capital Transportation Agency to carry out part 1 of its transit development program and to further the objectives of the act approved July 14, 1960 (74 Stat. 537);

S. 2476. An act to amend section 207 of the Military Construction Act of 1960 in order to clarify the authority granted under such section to the Secretary of the Navy to exchange certain lands owned by the United States for lands owned by the State of Oregon; and

S.J. Res. 51. Joint resolution authorizing the creation of a commission to consider

and formulate plans for the construction in the District of Columbia of an appropriate permanent memorial to the memory of Woodrow Wilson.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 2181) for the relief of Kim Dom Yong.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4317) to amend the Internal Revenue Code of 1954 and incorporate therein provisions for the payment of annuities to widows and certain dependents of the judges of the Tax Court of the United States.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4998) to assist in expanding and improving community facilities and services for the health care of aged and other persons, and for other purposes.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 4750) to amend section 6(a) of the Virgin Islands Corporation Act; asked a conference with the Senate on the disagreeing votes of the two House thereon, and that Mr. O'BRIEN of New York, Mr. ROGERS of Texas, Mr. HALEY, Mr. SAYLOR, and Mr. KYL were appointed managers on the part of the House at the conference.

The message also announced that Mr. HUDDLESTON had been appointed a manager on the part of the House at the conference of the two Houses on the bill (H.R. 5968) to amend the District of Columbia Unemployment Compensation Act, as amended, vice Mr. ABERNETHY, excused.

ENROLLED BILLS SIGNED

The message further announced that the Speaker pro tempore had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 2279. An act to provide for the withdrawal from the public domain of certain lands in the Granite Creek area, Alaska, for use by the Department of the Army at Fort Greely, Alaska, and for other purposes; and

H.R. 8302. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes.

UNEMPLOYMENT

Mr. PROXMIRE. Mr. President, I have only a few more items for the RECORD. Mr. President, the Reader's Digest recently published an article by Mr. James Daniel entitled, "Let's Look at Those Alarming Unemployment Figures."

This was an article attacking the Bureau of Labor Statistics as being inaccurate, and "loaded" the results on the side of unemployment.

There have been a number of replies which I have put into the RECORD already, but I now wish to put into the RECORD a reply which comes from the economist of the Ford Division of the Ford Motor Co. This man happens to be the chairman of the Federal Statistical Users Conference. He is a distinguished, able businessman and economist, and is of course a representative of one of the biggest companies in the country. He deplores this attack on the Bureau of Labor Statistics.

I ask unanimous consent that the fine letter from Mr. R. J. Eggert, addressed to Mr. DeWitt Wallace, editor, the Reader's Digest, may be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 15, 1961.

Mr. DEWITT WALLACE,
Editor, The Reader's Digest,
Pleasantville, N.Y.

DEAR MR. WALLACE: I wish to refer to an article entitled "Let's Look at Those Alarming Unemployment Figures," by James Daniel which appears in the Reader's Digest for September 1961.

Am glad to see Reader's Digest devoting attention to these important data. Many of our important economic indicators are inadequate and articles in magazines like Reader's Digest can be of tremendous significance in bringing about needed improvements.

Unfortunately, this particular article contains an unwarranted attack on the integrity of the present unemployment statistics and on the Bureau of Labor Statistics which produces them. I am concerned about this because it may have the effect of diverting attention from needed improvements by suggesting that the fault lies with "statistics jugglers" in BLS.

The Federal Statistics Users' Conference is an organization of over 150 business firms, farm organizations, labor unions, and nonprofit research organizations which use Federal statistics and are interested in their improvement. We have long been aware that the various statistical series on employment and unemployment are not adequate to meet today's needs. As long ago as the spring of 1959, FSUC held a special conference on employment and unemployment statistics to encourage BLS to improve both the timeliness and usefulness of its monthly releases.

This special conference as well as more recent round-table discussions at FSUC annual meetings and the work of FSUC's Committee on Long Range Improvements in Federal Statistics revealed a broad concern with existing information on employment and unemployment. As users of Federal statistics, we found that BLS officials were aware of inadequacies in present figures and that they had definite proposals for dealing with some of them.

We have every confidence in the integrity of Mr. Clague and his professional staff and in the objective character of the figures they put out. We have confidence that they do the best they can with the resources they have available and within the limitations of human knowledge.

We know that the figures they release can be improved but we are convinced that any shortcomings are not due to incompetence or to willful mishandling of data. Specifically, we do not believe that there is any basis for charging that "the claimed rise in unemployment from recession to recession has, to a large extent, been engineered." The concepts and definitions used in the figures on employment and unemployment have been generally accepted as reasonable and workable. The "study in depth" to which Mr. Daniel refers does not in any way constitute a "long overdue reform of the Government's method of reporting unemployment." Rather it aims at sharpening our understanding of the nature and significance of the unemployment problem by providing additional information on the characteristics of the unemployed. FSUC gave full support to this needed and worthwhile improvement to existing information.

As chairman of FSUC I welcome your efforts to focus public attention on the need for better unemployment statistics, but I regret that the tone of parts of Mr. Daniel's article may divert attention from the real problems involved by unfortunate and unjustified reflections of the integrity of the present figures, the Bureau of Labor Statistics and its personnel.

Sincerely yours,

R. J. EGGERT,
Chairman, Federal Statistical Users' Conference, Economist, Ford Division, Ford Motor Co.

JEROME J. O'BRIEN, HEAD OF OFFICE OF OIL AND GAS

Mr. PROXMIRE. Mr. President, recently I indicated my opposition to the appointment of Mr. Jerome J. O'Brien to be head of the Office of Oil and Gas on the grounds that he is one of a long list of primarily Texas oil people appointed to positions of great power in the oil regulatory side of the Government.

In order to document that case more fully I ask unanimous consent to have printed in the RECORD an article from the Oil and Gas Journal of September 4, 1961, indicating the identification of Mr. O'Brien, virtually all of his life, with the industry he is now charged with regulating.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

O'BRIEN WILL HEAD OFFICE OF OIL AND GAS

Jerome J. (Jerry) O'Brien, a California-Texas oilman who is well known in producer circles, is to be the new Director of Interior Department's Office of Oil and Gas.

The announcement will be made this week by Interior Secretary Stewart L. Udall.

O'Brien, 54, is a former president of the Texas Independent Producers & Royalty Owners Association (1957–58) and a former member of several committees of the Independent Petroleum Association of America.

He was also a director of Mid-Continent Oil & Gas Association, and has appeared before several congressional committees during hearings on percentage depletion and import controls.

It is understood that O'Brien helped draft proposed legislation in 1958 that would have provided for governmental auctioning of import quotas.

His career in recent years has been with the Monterey Oil Co. of Los Angeles, although he is now living in Midland as an area superintendent for Humble Oil & Refining Co., which bought Monterey last April.

He was president of Monterey Exploration Co. from 1951 to 1955, when that firm was merged with the parent company, Monterey Oil Co. He then became vice president of the latter company, and manager of its Mid-Continent division.

BACKGROUND

O'Brien was born in Nebraska in 1906, the youngest of nine children. He attended

high school and 1 year of college there before going to California to attend the University of Southern California at Los Angeles.

It was while he was at UCLA that he got his first oil experience. He worked as a service station manager for Standard Oil Co. of California while he was in school.

After getting his bachelor of arts degree at UCLA in 1932, he studied petroleum engineering for 2 years at the University of Southern California.

He had some fill-in jobs with a mining company and as a surveyor before he landed a job in 1935 with Sunset Oil Co. as a rotary helper at Huntington Beach.

He continued with Sunset until 1941, and was chief geologist when he resigned to go into partnership with George H. McCarthy, forming the Shamrock Drilling Co. in Los Angeles. A couple of years later the partnership became a corporation—on St. Patrick's Day, naturally.

In 1948, O'Brien went to Texas as manager of Mid-Continent operations for Jergins Oil Co., although he retained part ownership of Shamrock until 1952.

He was with Jergins and its successor, Monterey Exploration Co., and Monterey Oil Co. from that time on.

HIS VIEWS

O'Brien is a strong advocate of the oil import control programs. He thinks it has been a lifesaver for independent producers, although he fears the controls have not been entirely successful.

O'Brien also has long been an advocate of decontrol of natural gas producers from direct Federal controls of a utility type.

He does not see anything wrong with the proposed fuels policy study, if it is fair and impartial. In fact, the oil industry may benefit from such a study, he says.

HIS ASSIGNMENT

Interior officials, including Secretary Udall and Assistant Secretary John M. Kelly, want to upgrade the Office of Oil and Gas. Therefore, O'Brien will be moving into the job as Director at a time when renewed emphasis is being put on the agency.

Both Udall and Kelly feel that OOG should be the focal point for Government oil operations, serving not only as a link with the industry but as a link between various Government departments.

Kelly also thinks that OOG needs to be an increasingly important source of information for facts and figures on international oil conditions, so it can be of greater use to Government oil officials in handling international oil problems.

The directorship has been open since Capt. M. V. Carson resigned April 1. Frederick Lott, an Assistant Director under Carson, has been Acting Director.

Carson, who also retired from the Navy this year, is now with Sinclair Oil Corp. He had held the directorship since April 1958.

SYMBOLS AND POLITICAL QUIESCENCE

Mr. PROXMIRE. Mr. President, apropos of the same issue, I have an article written by Murray Edelman of the University of Illinois entitled "Symbols and Political Quiescence."

The gist of the article written by Mr. Edelman is that there is a tendency for politicians to recognize that the public favors symbols of protection. For instance, the people favor governmental enactment or symbols which prohibit monopoly, but the "boys" who are really interested in the consequences of the administration and the act know how to get around the law in all kinds of ways.

I read briefly from the article:

Monopoly and economic concentration, antitrust policy, public utility regulation, banking controls, and curbs on management and labor are themes that party professionals regard as good for votes in one campaign after another, and doubtless with good reason. They know that these are areas in which concern is easily stirred. In evaluating allegations that the public has lost interest in these policies the politician has only to ask himself how much apathy would remain if an effort were made formally to repeal the antitrust, public utility, banking, or labor laws. The answers and the point become clear at once.

The laws may be repealed in effect by administrative policy, budgetary starvation, or other little publicized means; but the laws as symbols must stand because they satisfy interests that are very strong indeed: interests that politicians fear will be expressed actively if a large number of voters are led to believe that their shield against a threat has been removed.

Mr. Edelman goes on to say:

The groups that succeed in using official agencies as instrumentalities to gain the resources they want are invariably organized so as to procure and analyze pertinent information and then act rationally. Most voters affected by the regulatory policy are certain on the other hand to secure distorted information, inadequate for intelligent planning of tactics or strategy.

Mr. President, this is such an enlightening, if somewhat profound, article that I ask unanimous consent to have the entire article entitled, "Symbols and Political Quiescence," printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SYMBOLS AND POLITICAL QUIESCENCE

(By Murray Edelman)

Few forms of explanation of political phenomena are more common than the assertion that the success of some group was facilitated by the apathy of other groups with opposing interests. If apathy is not an observable phenomenon in a political context because it connotes an individual's mental state, quiescence is observable. It is the purpose of this paper to specify some conditions associated with political quiescence in the formation of business regulation policies. Although the same general conditions are apparently applicable to the formation of public policies in any area, the argument and the examples used here focus upon the field of government regulation of business in order to make the paper manageable and to permit more intensive treatment.

Political quiescence toward a policy area can be assumed to be a function either of lack of interest—whether it is simple indifference or stems rather from a sense of futility about the practical prospects of securing obviously desirable changes—or of the satisfaction of whatever interest the quiescent group may have in the policy in question. Our concern here is with the forms of satisfaction. In analyzing the various means by which it can come to pass, the following discussion distinguishes between interests in resources (whether goods or freedoms to act) and interests in symbols connoting the suppression of threats to the group in question. Few political scientists would doubt, on the basis of commonsense evidence, that public policies have value to interested groups both as symbols and as instruments for the allocation of more tangible values. The political process has been much less thoroughly studied as a purveyor of symbols, however; and there is a good deal of evidence, to be presented below, that symbols are a more central component of the process than is commonly recognized in political scientists' explicit or implicit models.[1]

Three related hypotheses will be considered:

1. The interests of organized groups in tangible resources or in substantive power are less easily satiable than are interests in symbolic reassurance.

2. Necessary conditions associated with the occurrence of the latter type of interest are:

(a) The existence of economic conditions in some measure threatening the security of a large group.

(b) The absence of organization for the purpose of furthering the common interest of that group.

(c) Widespread political responses suggesting the prevalence of inaccurate, oversimplified, and distorted perceptions of the issue.

3. The pattern of political activity represented by lack of organization, distorted perception, interests in symbolic reassurance, and quiescence is a key element in the ability of organized groups to use political agencies in order to make good their claims on tangible resources and power, thus continuing the threat to the unorganized.

Available evidence bearing on these hypotheses will be marshaled as follows. First, some widely accepted propositions regarding group claims, quiescence, and techniques for satisfying group interests in governmental regulation of business will be summarized. Next, some pertinent experimental and empirical findings of other disciplines will be considered. Finally the paper will explore the possibility of integrating the various findings and applying them to the propositions listed above.

I

If the regulatory process is examined in terms of a divergence between political and legal promises on the one hand and resource allocations and group reactions on the other hand, the largely symbolic character of the entire process becomes apparent. What do the studies of government regulation of business tell us of the role and functions of that amorphous group who have an interest in these policies in the sense that they are affected by them, but who are not rationally organized to pursue their interest? The following generalizations would probably be accepted by most students, perhaps with occasional changes of emphasis:

1. Tangible resources and benefits are frequently not distributed to unorganized political group interests as promised in regulatory statutes and the propaganda attending their enactment.

This is not true of legal fictions, but rather of the values held out to—or demanded by—groups which regard themselves as disadvantaged and which presumably anticipate benefits from a regulatory policy. There is virtually unanimous agreement among students of the antitrust laws, the Clayton and Federal Trade Commission Acts, the Interstate Commerce Acts, the public utility statutes and the right-to-work laws, for example, that through much of the history of their administration these statutes have been ineffective in the sense that many of the values they promised have not in fact been realized. The story has not been uniform, of course; but the general point hardly needs detailed documentation at this late date. Herring,[2]

[1] Harold Lasswell is a major exception, and some of his contributions will be noted.

[2] E. Pendleton Herring. "Public Administration and the Public Interest" (New York, 1936), p. 213.

Leiserson,[3] Truman,[4] and Bernstein [5] all conclude that few regulatory policies have been pursued unless they proved acceptable to the regulated groups or served the interests of these groups. Within the past decade Redford,[6] Bernstein [7] and others have offered a life cycle theory of regulatory history, showing a more or less regular pattern of loss of vigor by regulatory agencies. For purposes of the present argument it need not be assumed that this always happens but only that it frequently happens in important cases.[8]

(2) When it does happen, the deprived groups often display little tendency to protest or to assert their awareness of the deprivation.

The fervent display of public wrath, or enthusiasm, in the course of the initial legislative attack on forces seen as threatening "the little man" is a common American spectacle. It is about as predictable as the subsequent lapse of the same fervor. Again, it does not always occur, but it happens often enough to call for thorough explanation. The leading students of regulatory processes have all remarked upon it; but most of these scholars, who ordinarily display a close regard for rigor and full exploration, dismiss this highly significant political behavior rather casually. Thus, Redford declares that, "In the course of time the administrator finds that the initial public drive and congressional sentiment behind his directive has wilted and that political support for change from the existing pattern is lacking." [9]

[3] Avery Leiserson, "Administrative Regulation: A Study in Representation of Interests" (Chicago: The University of Chicago Press, 1942), p. 14.

[4] David Truman, "The Governmental Process" (New York, 1951), ch. 5.

[5] Marver Bernstein, "Regulating Business by Independent Commissions" (New York: Princeton University Press, 1955), ch. 3.

[6] Emmette S. Redford, "Administration of National Economic Control" (New York, 1952), pp. 385–386.

[7] Op. cit., note 5 above.

[8] In addition to the statements in these analytical treatments of the administrative process, evidence for the proposition that regulatory statutes often fail to have their promised consequences in terms of resource allocation are found in general studies of Government regulation of business and in empirical research on particular statutes. As an example of the former see Clair Wilcox, "Public Policies Toward Business" (Chicago, 1955). As examples of the latter see Frederic Meyers, "Right to Work in Practice" (New York: Fund for the Republic, 1959); Walton Hamilton and Irene Till, "Antitrust in Action," TNEC Monograph 16 (Washington: GPO, 1940).

[9] Redford, op. cit., p. 383. Similar explanations appear in Herring, op. cit., p. 227, and Bernstein, op. cit., pp. 82–83. Some writers have briefly suggested more rigorous explanations, consistent with the hypotheses discussed in this paper, though they do not consider the possible role of interests in symbolic reassurance. Thus Truman calls attention to organizational factors, emphasizing the ineffectiveness of interest groups "whose interactions on the basis of the interest are not sufficiently frequent or stabilized to produce an intervening organization and whose multiple memberships, on the same account, are a constant threat to the strength of the claim." Truman, op. cit., p. 441. Multiple group memberships are, of course, characteristic of individuals in all organizations, stable and unstable; and "infrequent interactions" is a phenomenon that itself calls for explanation if a common interest is recognized. Bernstein, loc. cit., refers to the "undramatic nature" of administration and to the assumption that the administrative agency will protect the public.

Although the presumed beneficiaries of regulatory legislation often show little or no concern with its failure to protect them, they are nevertheless assumed to constitute a potential base of political support for the retention of these statutes in the lawbooks. The professional politician is probably quite correct when he acts on the assumption that his advocacy of this regulatory legislation, in principle, is a widely popular move, even though actual resource allocations inconsistent with the promise of the statutes are met with quiescence. These responses (support of the statute; apathy toward failure to allocate resources as the statute promises) define the meanings of the law so far as the presumed beneficiaries are concerned.[10] It is the frequent inconsistency between the two types of response that is puzzling.

3. The most intensive dissemination of symbols commonly attends the enactment of legislation which is most meaningless in its effects upon resource allocation. In the legislative history of particular regulatory statutes the provisions least significant for resource allocation are most widely publicized and the most significant provisions are least widely publicized.

The statutes listed under proposition 1 as having promised something substantially different from what was delivered are also the ones which have been most intensively publicized as symbolizing protection of widely shared interests. Trustbusting, "Labor's Magna Carta" (the Clayton Act), protection against price discrimination and deceptive trade practices, protection against excessive public utility charges, tight control of union bureaucracies (or, by other groups, the "slave-labor law"), Federal income taxation according to "ability to pay," are the terms and symbols widely disseminated to the public as descriptive of much of the leading Federal and State regulation of the last seven decades, and they are precisely the descriptions shown by careful students to be most misleading. Nor is it any less misleading if one quotes the exact language of the most widely publicized specific provisions of these laws: Section 1 of the Sherman Act, sections 6 and 20 of the Clayton Act, or the closed shop, secondary boycott, or emergency strike provisions of Taft-Hartley, for example. In none of these instances would a reading of either the text of the statutory provision or the attendant claims and publicity enable an observer to predict even the direction of future regulatory policy, let alone its precise objectives.

Other features of these statutes also stand as the symbols of threats stalemated, if not checkmated, by the forces of right and justice. Typically, a preamble (which does not pretend to be more than symbolic, even in legal theory) includes strong assurances that the public or the public interest will be protected. And the most widely publicized regulatory provisions always include other nonoperational standards connoting fairness, balance, or equity.

If one asks, on the other hand, for examples of changes in resource allocations that have been influenced substantially and directly by public policy, it quickly appears that the outstanding examples have been publicized relatively little. One thinks of such legislation as the silver purchase provisions; the court definitions of the word "lawful" in the Clayton Act's labor sections; the procedural provisions of Taft-Hartley and the Railway Labor Act; the severe postwar cuts in Grazing Service appropriations; and changes in the parity formula requiring that such items as interest, taxes, freight rates, and wages be included as components of the index of prices paid by farmers.

[10] Cf. the discussion of meaning in George Herbert Mead, "Mind, Self and Society" (Chicago: University of Chicago Press, 1934), pp. 78–79.

Illuminating descriptions of the operational meaning of statutory mandates are found in Truman's study and in Earl Latham's "The Group Basis of Politics." [11] Both emphasize the importance of contending groups and organizations in day-to-day decisionmaking as the dynamic element in policy formation; and both distinguish this element from statutory language as such.[12]

We are only beginning to get some serious studies of the familiarity of voters with current public issues and of the intensity of their feelings about issues; but successful political professionals have evidently long acted on the assumption that there is in fact relatively little familiarity, that expressions of deep concern are rare, that quiescence is common, and that, in general, the Congressman can count upon stereotyped reactions rather than persistent, organized pursuit of material interests on the part of most constituents.[13]

4. Policies severely denying resources to large numbers of people can be pursued indefinitely without serious controversy.

The silver purchase policy, the farm policy, and a great many other subsidies are obvious examples. The antitrust laws, utility regulations, and other statutes ostensibly intended to protect the small operator or the consumer are less obvious examples; though there is ample evidence, some of it cited below, that these usually support the proposition as well.

The Federal income tax law offers a rather neat example of the divergence between a widely publicized symbol and actual resource allocation patterns. The historic constitutional struggle leading up to the 16th amendment, the warm defenses of the principle of ability to pay, and the frequent attacks upon the principle through such widely discussed proposals as that for a 25-percent limit on rates have made the Federal tax law a major symbol of justice. While the fervent rhetoric from both sides turns upon the symbol of a progressive tax and bolsters the assumption that the system is highly progressive, the bite of the law into people's resources depends upon quite other provisions and activities that are little publicized and that often seriously qualify its progressive character. Special tax treatments arise from such devices as family partnerships, gifts inter vivos, income-splitting, multiple trusts, percentage depletion, and deferred compensation.

Tax evasion alone goes far toward making the symbol of "ability to pay" hollow semantically though potent symbolically. While 95 percent of income from wages and salaries is taxed as provided by law, taxes are actually collected on only 67 percent of taxable income from interest, dividends, and fiduciary investments and on only about 36 percent of taxable farm income.[14] By and large, the recipients of larger incomes can most easily benefit from exemptions, avoidances and evasions. This may be desirable public policy, but it certainly marks a disparity between symbol and effect upon resources.

[11] Truman, op. cit., pp. 439–446; Earl Latham, "The Group Basis of Politics" (Ithaca: Cornell University Press, 1952), ch. 1.

[12] The writer has explored this effect in labor legislation in "Interest Representation and Labor Law Administration," Labor Law Journal, vol. 9 (1958), pp. 218–226.

[13] Evidence for these propositions is contained in the writer's study of congressional representation, still not completed or published. See also Lewis A. Dexter, "Candidates Must Make the Issues and Give Them Meaning," Public Opinion Quarterly, vol. 10 (1955–56), pp. 408–414.

[14] Randolph E. Paul, "Erosion of the Tax Base and Rate Structure," in Joint Committee on the Economic Report, "Federal Tax Policy for Economic Growth and Stability," 84th Cong., 1st sess., 1955, pp. 123–138.

II

These phenomena are significant for the study of the political process for two reasons. First, there is a substantial degree of consistency in the group interest patterns associated with policies on highly diverse subject matters. Second, they suggest that nonrational reaction to symbols among people sharing a common governmental interest is a key element in the process. The disciplines of sociology, social psychology, and semantics have produced some pertinent data on the second point; and to some of this material we turn next.

Harold Lasswell wrote three decades ago that "politics is the process by which the irrational bases of society are brought out into the open." He marshaled some support in case studies for several propositions that have since been confirmed with richer and more direct experimental evidence. "The rational and dialectical phases of politics," he said, "are subsidiary to the process of redefining an emotional consensus." He argued that "widespread and disturbing changes in the life situation of many members of society" produce adjustment problems which are resolved largely through symbolization; and he suggested that "political demands probably bear but a limited relevance to social needs." [15]

The frame of reference suggested by these statements is sometimes accepted by political scientists today when they study voting behavior and when they analyze the legislative process. Its bearing on policy formation in the administrative process is not so widely recognized. It is true that cognition and rationality are central to administrative procedures to a degree not true of legislation or voting. But this is not at all the same thing as saying that administrative policies or administrative politics are necessarily insulated from the "process of redefining an emotional consensus."

Let us consider now some experimental findings and conclusions specifying conditions under which groups or personality types are prone to respond strongly to symbolic appeals and to distort or ignore reality in a fashion that can be politically significant.

1. People read their own meanings into situations that are unclear or provocative of emotion. As phrased by Fensterheim, "The less well defined the stimulus situation, or the more emotionally laden, the greater will be the contribution of the perceiver." [16] This proposition is no longer doubted by psychologists. It is the justification for so-called projective techniques and is supported by a great deal of experimental evidence.

Now it is precisely in emotionally laden and poorly defined situations that the most widely and loudly publicized public regulatory policies are launched and administered. If, as we have every reason to suppose, there is little cognitive familiarity with issues, the "interest" of most of the public is likely to be a function of other sociopsychological factors. What these other factors are is suggested by certain additional findings.

2. It is characteristic of large numbers of people in our society that they see and think in terms of stereotypes, personalization, and oversimplifications; that they cannot recognize or tolerate ambiguous and complex situations; and that they accordingly respond chiefly to symbols that oversimplify and distort. This form of behavior (together with other characteristics less relevant to the political process) is especially likely to occur where there is insecurity occasioned by failure to adjust to real or perceived problems.[17] Frenkel-Brunswik has noted that "such objective factors as economic conditions" may contribute to the appearance of the syndrome, and hence to its importance as a widespread group phenomenon attending the formulation of public policy.[18] Such behavior is sufficiently persistent and widespread to be politically significant only when there is social reinforcement of faith in the symbol. When insecurity is individual, without communication and reinforcement from others, there is little correlation with ethnocentricity or its characteristics.[19]

A different kind of study suggests the extent to which reality can become irrelevant for persons very strongly committed to an emotion-satisfying symbol. Festinger and his associates, as participant-observers, studied a group of 15 persons who were persuaded that the world would come to an end on a particular day in 1956 and that they as believers would be carried away in a flying saucer. With few exceptions the participants refused to give up their belief even after the appointed day had passed. The Festinger study concludes that commitment to a belief is likely to be strengthened and reaffirmed in the face of clear disproof of its validity where there is a strong prior commitment (many of the individuals involved had actually given away their worldly goods) and where there is continuing social support of the commitment by others (two members who lost faith lived in environments in which they had no further contact with fellow members of the group; those who retained their faith had continued to see each other). What we know of previous messianic movements of this sort supports this hypothesis.[20]

(3) Emotional commitment to a symbol is associated with contentment and quiescence regarding problems that would otherwise arouse concern.

It is a striking fact that this effect has been noticed and stressed by careful observers in a number of disparate fields, using quite different data and methods. Adorno reports it as an important finding of the authoritarian personality study:

"Since political and economic events make themselves felt apparently down to the most private and intimate realms of the individual, there is reliance upon stereotype and similar avoidances of reality to alleviate psychologically the feeling of anxiety and uncertainty and provide the individual with the illusion of some kind of intellectual security." [21]

In addition to the support it gets from psychological experiment, the phenomenon has been remarked by scholars in the fields of semantics, organizational theory, and political science. Albert Salomon points out that "manipulation of social images makes it possible for members of society to believe that they live not in a jungle, but in a well organized and good society." [22] Harold Lasswell put it as follows:

"It should not be hastily assumed that because a particular set of controversies passes out of the public mind that the implied problems were solved in any fundamental sense. Quite often a solution is a magical solution which changes nothing in the conditions affecting the tension level of the community, and which merely permits the community to distract its attention to another set of equally irrelevant symbols. The number of statutes which pass the legislature or the number of decrees which are handed down by the executive, but which change nothing in the permanent practices of society, is a rough index of the role of magic in politics. * * * Political symbolization has its catharsis function." [23]

Chester Barnard, an uncommonly astute analyst of his own long experience as an executive, concluded:

"Neither authority nor cooperative disposition * * * will stand much overt division on formal issues in the present stage of human development. Most laws, executive orders, decisions, etc., are in effect formal notice that all is well—there is agreement, authority is not questioned." [24]

Charles Morris, a leading logician and student of semantics, has analyzed the role of language in shaping social behavior and inculcating satisfaction with existing power relationships. He points to the possibility that exploited groups will actively resist changes in the very sign structure by which they are exploited. Defining such behavior as socially pathic, he makes the following comment:

"The signs in question may relieve certain anxieties in the members of society with respect to the social behavior in which they are engaged, and so be cherished for this satisfaction even though the signs hinder or even make impossible the actual realization of the goals of such social behavior itself." [25]

Kenneth Burke makes much the same point. Designating political rhetoric as secular prayer, he declares that its function is "to sharpen up the pointless and blunt the too sharply pointed." [26] Elsewhere, he points

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[15] "Psychopathology and Politics" (Chicago: University of Chicago Press, 1930), pp. 184, 185.

[16] Herbert Fensterheim, "The Influence of Value Systems on the Perception of People," Journal of Abnormal and Social Psychology, vol. 48 (1953), p. 93. Fensterheim cites the following studies in support of the proposition: D. Krech and R. S. Crutchfield, "Theory and Problems of Social Psychology" (New York, 1948); A. S. Luchins, "An Evaluation of Some Current Criticisms of Gestalt Psychological Work on Perception," Psychological Review, vol. 58 (1951), pp. 69–95; J. S. Bruner, "One Kind of Perception: A Reply to Professor Luchins," Psychological Review, vol. 58 (1951), pp. 306–312; and the chapters by Bruner, Frenkel-Brunswik, and Klein in R. R. Blake and G. V. Ramsey, "Perception: An Approach to Personality" (New York, 1951). See also Charles Osgood, Percy Tannenbaum, and George Suci, "The Measurement of Meaning" (Urbana: University of Illinois Press, 1957).

[17] Among the leading general and experimental studies dealing with the phenomenon are: M. Rokeach, "Generalized Mental Rigidity as a Factor in Ethnocentrism," Journal of Abnormal and Social Psychology, vol. 43 (1948), pp. 259–277; R. R. Canning and J. M. Baker, "Effect of the Group on Authoritarian and Nonauthoritarian Persons," American Journal of Sociology, vol. 64 (1959), pp. 579–581; A. H. Maslow, "The Authoritarian Character Structure," Journal of Social Psychology, vol. 18 (1943) p. 403; T. W. Adorno and others, "The Authoritarian Personality" (New York, 1950); Gerhart Saenger, "The Psychology of Prejudice" (New York, 1953), pp. 123–138; Erich Fromm, "Escape From Freedom" (New York, 1941); R. K. Merton, "Mass Persuasion" (New York, 1950).

[18] Else Frenkel-Brunswik, "Interaction of Psychological and Sociological Factors in Political Behavior," this Review, vol. 46 (1952), pp. 44–65.

[19] Adorno, op. cit.

[20] Leon Festinger, Henry Riecken, and Stanley Shachter, "When Prophecy Fails" (Minneapolis: University of Minnesota Press, 1956).

[21] Adorno, op. cit., p. 665.

[22] Albert Salomon, "Symbols and Images in the Constitution of Society," in L. Bryson, L. Finkelstein, H. Hoagland, and R. M. MacIver (eds.), "Symbols and Society" (New York, 1955), p. 110.

[23] Lasswell, op. cit., p. 195.

[24] Chester I. Barnard, "The Functions of the Executive" (Cambridge: Harvard University Press, 1938), p. 226.

[25] Charles Morris, "Signs, Language and Behavior" (New York, 1946), pp. 210–211.

[26] Kenneth Burke, "A Grammar of Motives" (New York, 1945), p. 393.

out that laws themselves serve this function, alleging that positive law is itself the test of a judgment's judiciousness.[27]

4. An active demand for increased economic resources or fewer political restrictions on action is not always operative. It is, rather, a function of comparison and contrast with reference groups, usually those not far removed in socioeconomic status.

This is, of course, one of the most firmly established propositions about social dynamics; one that has been supported by macrosociological analysis,[28] by psychological experiment,[29] and by observation of the political process, particularly through contrast between politically quiescent and protest or revolutionary activity.[30]

The proposition helps explain failure to demand additional resources where such behavior is socially sanctioned and supported. It also helps explain the insatiability of the demand by some organized groups for additional resources (i.e., the absence of quiescence) where there is competition for such resources among rival organizations and where it is acquisitiveness that is socially supported.

5. The phenomena discussed above (the supplying of meaning in vague situations, stereotypes, oversimplification, political quiescence) are in large measure associated with social, economic, or cultural factors affecting large segments of the population. They acquire political meaning as group phenomena.

Even among the psychologists, some of whom have at times been notably insensitive to socialization and environment as explanations and phases of the individual "traits" they claim to "identify" or "isolate," there are impressive experimental findings to support the proposition. In analyzing the interview material of his "Authoritarian Personality" study, Adorno concluded that "our general cultural climate" is basic in political ideology and in stereotyped political thinking; and he cataloged some standardizing aspects of that climate.[31] His finding, quoted above, regarding the relation of symbols to quiescence is also phrased to emphasize its social character. Lindesmith and Strauss make a similar point, emphasizing the association between symbols and the reference groups to which people adhere.[32]

Another type of research has demonstrated that because interests are typically bound up with people's social situation, attitudes are not typically changed by ex parte appeals. The function of propaganda is rather to activate socially rooted interests. One empirical study which arrives at this conclusion sums up the thesis as follows:

"Political writers have the task of providing 'rational' men with good and acceptable reasons to dress up the choice which is more effectively determined by underlying social affiliations." [33]

George Herbert Mead makes the fundamental point that symbolization itself has no meaning apart from social activity: "Symbolization constitutes objects * * * which would not exist except for the context of social relationships wherein symbolization occurs." [34]

III

These studies offer a basis for understanding more clearly what it is that different types of groups expect from government and under what circumstances they are likely to be satisfied or restive about what is forthcoming. Two broad patterns of group interest activity vis-a-vis public regulatory policy are evidently identifiable on the basis of these various modes of observing the social scene. The two patterns may be summarized in the following shorthand fashion:

1. Pattern A: a relatively high degree of organization—rational, cognitive, procedures—precise information—an effective interest in specifically identified, tangible resources—a favorably perceived strategic position with respect to reference groups—relatively small numbers.

2. Pattern B: shared interest in improvement of status through protest activity—an unfavorably perceived strategic position with respect to reference groups—distorted, stereotyped, inexact information and perception—response to symbols connoting suppression of threats—relative ineffectiveness in securing tangible resources through political activity—little organization for purposeful action—quiescence—relatively large numbers.

It is very likely misleading to assume that some of these observations can be regarded as causes or consequences of others. That they often occur together is both a more accurate observation and more significant. It is also evident that each of the patterns is realized in different degrees at different times.

While political scientists and students of organizational theory have gone far toward a sophisticated description and analysis of pattern A, there is far less agreement and precision in describing and analyzing pattern B and in explaining how it intermeshes with pattern A.

The most common explanation of the relative inability of large numbers of people to realize their economic aspirations in public policy is in terms of invisibility. The explanation is usually implicit rather than explicit, but it evidently assumes that public regulatory policy facilitating the exploitation of resources by knowledgeable organized groups (usually the "regulated") at the expense of taxpayers, consumers, or other unorganized groups is possible only because the latter do not know it is happening. What is invisible to them does not arouse interest or political sanctions.

On a superficial level of explanation this assumption is no doubt valid. But it is an example of the danger to the social scientist of failure to inquire transactionally: of assuming, in this instance, (1) that an answer to a questioner, or a questionnaire, about what an individual "knows" of a regulatory policy at any point in time is in any sense equivalent to specification of a group political interest; and (2) that the sum of many individual knowings (or not-knowings) as reported to a questioner is a cause of effective (or ineffective) organization, rather than a consequence of it, or simply a concomitant phase of the same environment. If one is interested in policy formation, what count are the assumptions of legislators and administrators about the determinants of future political disaffection and political sanctions. Observable political behavior, as well as psychological findings, reveals something of these assumptions.

There is, in fact, persuasive evidence of the reality of a political interest, defined in this way, in continuing assurances of protection against economic forces understood as powerful and threatening. The most relevant evidence lies in the continuing utility of old political issues in campaigns. Monopoly and economic concentration, antitrust policy, public utility regulation, banking controls, and curbs on management and labor are themes that party professionals regard as good for votes in one campaign after another, and doubtless with good reason. They know that these are areas in which concern is easily stirred. In evaluating allegations that the public has lost interest in these policies the politician has only to ask himself how much apathy would remain if an effort were made formally to repeal the antitrust, public utility, banking, or labor laws. The answers and the point become clear at once.

The laws may be repealed in effect by administrative policy, budgetary starvation, or other little publicized means; but the laws as symbols must stand because they satisfy interests that are very strong indeed: interests that politicians fear will be expressed actively if a large number of voters are led to believe that their shield against a threat has been removed.

More than that, it is only as symbols of this sort that these statutes have utility to most of the voters. If they function as reassurances that threats in the economic environment are under control, their indirect effect is to permit greater exploitation of tangible resources by the organized groups concerned than would be possible if the legal symbols were absent. Those who are deprived become defenders of the very system of law which permits the exploiters of resources to act effectively.

To say this is not to assume that everyone objectively affected by a policy is simply quiescent rather than apathetic or even completely unaware of the issue. It is to say that those who are potentially able and willing to apply political sanctions constitute the politically significant group. It is to suggest as well that incumbent or aspiring Congressmen are less concerned with individual constituents' familiarity or unfamiliarity with an issue as of any given moment than with the possibility that the interest of a substantial number of them could be aroused and organized if he should cast a potentially unpopular vote on a bill or if a change in their economic situations should occur. The shrewder and more effective politicians probably appreciate intuitively the validity of the psychological finding noted earlier: that where public understanding is vague and information rare, interests in reassurance will be all the more potent and all the more susceptible to manipulation by political symbols.

The groups that succeed in using official agencies as instrumentalities to gain the resources they want are invariably organized so as to procure and analyze pertinent information and then act rationally. Most voters affected by the regulatory policy are certain on the other hand to secure distorted information, inadequate for intelligent planning of tactics or strategy.

We have already noted that it is one of the demonstrable functions of symbolization that it induces a feeling of well-being: the resolution of tension. Not only is this a major function of widely publicized regulatory statutes, but it is also a major function of their administration. Some of the

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[27] *Ibid.*, p. 362.

[28] Mead, op. cit.; Ernst Cassirer, "An Essay on Man" (New Haven: Yale University Press, 1944).

[29] See James G. March and Herbert A. Simon, "Organizations" (New York, 1958), pp. 65–81, and studies cited there.

[30] See, e.g., Murray Edelman, "Causes of Fluctuations in Popular Support for the Italian Communist Party Since 1946," Journal of Politics, vol. 20 (1958), pp. 547–550; Arthur M. Ross, "Trade Union Wage Policy" (Berkeley and Los Angeles: University of California Press, 1948).

[31] Adorno, op. cit., p. 655.

[32] Alfred R. Lindesmith and Anselm L. Strauss, "Social Psychology" (New York, 1956), pp. 253–255. For a report of another psychological experiment demonstrating that attitudes are a function of group norms, see I. Sarnoff, D. Katz, and C. McClintock, "Attitude-Change Procedures and Motivating Patterns," in Daniel Katz and others (eds.), Public Opinion and Propaganda (New York, 1954), pp. 308–309; also Festinger et al., op. cit.

[33] Paul F. Lazarsfeld, Bernard Berelson, and Hazel Gaudet, "The People's Choice" (New York, 1944), p. 83. For an account of an experiment reaching the same conclusion see S. M. Lipset, "Opinion Formation in a Crisis Situation," Public Opinion Quarterly, vol. 17 (1953), pp. 20–46.

[34] Mead, op. cit., p. 78.

most widely publicized administrative activities can most confidently be expected to convey a misleading sense of well-being to the onlooker because they suggest vigorous activity while in fact signifying inactivity or protection of the regulated.

One form this phenomenon takes is noisy attacks on trivia. The Federal Trade Commission, for example, has long been noted for its hit-and-miss attacks on many relatively small firms involved in deceptive advertising or unfair trade practices while it continues to overlook much of the really significant activity it is ostensibly established to regulate: monopoly, interlocking directorates, and so on.[35]

Another form it takes is prolonged, repeated, well-publicized attention to a significant problem which is never solved. An excellent example is the approach of the FCC to surveillance of program content in general and to discussions of public issues on the air in particular. In the postwar period we have had the blue book, the Mayflower policy, the abolition of the Mayflower policy, and the announcement of a substitute policy; but the radio or television licensee is in practice perfectly free, as he has been all along, to editorialize, with or without opportunity for opposing views to be heard, or to eschew serious discussion of public affairs entirely.

The most obvious kinds of dissemination of symbolic satisfactions are to be found in administrative dicta accompanying decisions and orders, in press releases, and in annual reports. It is as common here as in labor arbitration to give the rhetoric to one side and the decision to the other. Nowhere does the FCC wax so emphatic in emphasizing public service responsibility, for example, as in decisions permitting greater concentration of control in an area, condoning license transfers at inflated prices, refusing to impose sanctions for flagrantly sacrificing program quality to profits, and so on.[36]

The integral connection is apparent between symbolic satisfaction of the disorganized, on the one hand, and the success of the organized, on the other, in using governmental instrumentalities as aids in securing the tangible resources they claim.

Public policy may usefully be understood as the resultant of the interplay among groups.[37] But the political and sociopsychological processes discussed here mean that groups which would otherwise present claims upon resources may be rendered quiescent instead by their success in securing nontangible values. Far from representing an obstacle to organized producers and sellers, they become defenders of the very system of law which permits the organized to pursue their interests effectively, at the expense of the disorganized or unorganized.

Thurman Arnold has pointed out how the antitrust laws perform precisely this function:

"The actual result of the antitrust laws was to promote the growth of great industrial organizations by deflecting the attack on them into purely moral and ceremonial channels * * * every scheme for direct control broke to pieces on the great protective rock of the antitrust laws.

"The antitrust laws remained as a most important symbol. Whenever anyone demanded practical regulation, they formed an effective moral obstacle, since all the liberals would answer with a demand that the antitrust laws be enforced. Men like Senator Borah founded political careers on the continuance of such crusades, which were entirely futile but enormously picturesque, and which paid big dividends in terms of personal prestige." [38]

Arnold's subsequent career as Chief of the Antitrust Division of the Department of Justice did as much to prove his point as his writings. For a 5-year period he instilled unprecedented vigor into the Division, and his efforts were widely publicized. He thereby unquestionably made the laws a more important symbol of the protection of the public; but despite his impressive intentions and talents, monopoly, concentration of capital, and restraint of trade were not seriously threatened or affected.

This is not to suggest that signs or symbols in themselves have any magical force as narcotics. They are, rather, the only means by which groups not in a position to analyze a complex situation rationally may adjust themselves to it, through stereotypization, oversimplification, and reassurance.

There have, of course, been many instances of effective administration and enforcement of regulatory statutes. In each such instance it will be found that organized groups have had an informed interest in effective administration. Sometimes the existence of these groups is explicable as a holdover from the campaign for legislative enactment of the basic statute; and often the initial administrative appointees are informed, dedicated adherents of these interests. They are thus in a position to secure pertinent data and to act strategically, helping furnish organization to the groups they represent. Sometimes the resources involved are such that there is organization on both sides; or the more effective organization may be on the reform side. The securities exchange legislation is an illuminating example, for after Richard Whitney's conviction for embezzlement key officials of the New York Stock Exchange recognized their own interest in supporting controls over less scrupulous elements. This interest configuration doubtless explains the relative popularity of the SEC both with regulated groups and with organized liberal groups.

IV

The evidence considered here suggests that we can make an encouraging start toward defining the conditions in which myth and symbolic reassurance become key elements in the governmental process. The conditions [39] are present in substantial degree in many policy areas other than business regulations. They may well be maximal in the foreign policy area, and a similar approach to the study of foreign policy formation would doubtless be revealing.

Because the requisite conditions are always present in some degree, every instance of policy formulation involves a mix of symbolic effect and rational reflection of interests in resources, though one or the other phenomenon may be dominant in any particular case. One type of mix is exemplified by such governmental programs outside the business regulation field as public education and social security. There can be no doubt that these programs do confer important tangible benefits upon a very wide public, very much as they promise to do. They do so for the reasons suggested earlier. Business organizations, labor organizations, teachers' organizations, and other organized groups benefit from these programs and have historically served to focus public attention upon the resources to be gained or lost. Their task has been all the easier because the techniques for achieving the benefits are fairly readily recognizable.

But the financing of these same programs involves public policies of a different order. Here the symbol of free education and other benefits, the complexity of the revenue and administrative structure, and the absence of organization have facilitated the emergence of highly regressive payroll, property, and head taxes as the major sources of revenue. Thus, business organizations, which by and large support the public schools that provide their trained personnel and the social security programs that minimize the costs of industrial pensions, pay relatively little for these services; while the direct beneficiaries of the free programs pay a relatively high proportion of the costs. Careful analysis of the mix in particular programs should prove illuminating.

If the conditions facilitating symbolic reassurance are correctly specified, there is reason to question some common assumptions about strategic variables in policy formulation and reason also to devise some more imaginative models in designing research in this area. The theory discussed here suggests, for example, a tie between the emergence of conditions promoting interests in symbolic reassurance and widened freedom of policy maneuver for those attempting to assert leadership over the affected group. It implies that the number of adherents of a political interest may have more to do with whether the political benefit offered is tangible or symbolic than with the quantity or quality of tangible resources allocated. It suggests that the factors that explain voting behavior can be quite different from the factors that explain resource allocations through Government. The fact that large numbers of people are objectively affected by a governmental program may actually serve in some contexts to weaken their capacity to exert a political claim upon tangible values.

A number of recent writers, to take another example, have suggested that it is the independence of the independent regulatory commissions which chiefly accounts for their tendency to become tools of the groups they regulate. The hypotheses suggested here apply to regulatory programs administered in cabinet departments as well; and their operation is discernible in some of these programs when the specified conditions are present. The Grazing Service and the Antitrust Division are examples.

In terms of research design, the implications of the analysis probably lie chiefly in the direction of emphasizing an integral tie of political behavior to underlying and extensive social interaction. Analysts of political dynamics must have a theory of relevance; but the directly relevant may run farther afield than has sometimes been assumed. Political activities of all kinds require the most exhaustive scrutiny to ascertain whether their chief function is symbolic or substantive. The what of Lasswell's famous definition of politics is a complex universe in itself.

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[35] Cf. Wilcox, op. cit., pp. 281, 252–255.

[36] Many examples may be found in the writer's study entitled "The Licensing of Radio Services in the United States, 1927 to 1947" (Urbana: University of Illinois Press, 1950).

[37] For discussions of the utility of this view to social scientists, see Arthur F. Bentley, "The Process of Government" (1908; New York: The Principia Press, reprint 1949); Truman, op. cit. But cf. Stanley Rothman, "Systematic Political Theory," this Review, vol. 54, pp. 15–33 (March 1960).

[38] "The Folklore of Capitalism" (New Haven: Yale University Press, 1937), pp. 212, 215, 216.

[39] They are listed above under "Pattern B."

GLORIOUS RECORD OF WISCONSIN'S IRON BRIGADE AND ITS HEIR, THE 32D NATIONAL GUARD DIVISION

Mr. PROXMIRE. Mr. President, Wisconsin's famed Red Arrow Division, once again among the first to be called in time of national peril, carries with it into active duty a century of the highest military traditions.

The 32d Infantry Division of the Wisconsin National Guard, and its prede-

cessor, the gallant Iron Brigade of the Union Army, have written some of the most glorious pages in our military history from Gettysburg to the Argonne to Luzon in the Philippines.

Originally dubbed the Black Hat Brigade because of the nonregulation black slouch hats worn by its members, it was composed of the 2d, 6th, and 7th Wisconsin Regiments and the 19th Indiana. Its 2,400 fighting men received their baptism of fire, and lost one-third of their number, from the guns of Stonewall Jackson in the Second Battle of Bull Run.

That was in late August of 1862. The brigade continued to distinguish itself in a series of three more battles in the next 2 weeks. Then, bolstered by the addition of the 24th Michigan Regiment, they moved into the Battle of Antietam which ended Lee's first invasion of the North in mid-September.

It was in this battle that a war correspondent gave the unit the name that stuck: the Iron Brigade. Three bitter weeks of fighting had inflicted 58-percent casualties on the brigade, but they had also earned for the unit the respect and fear of the enemy.

The Iron Brigade next distinguished itself in the Battles of Fredericksburg and Chancellorsville in Virginia in the spring of 1863. By the time the stage was set for the decisive Battle of Gettysburg, the brigade was a legend in both armies and it moved into action as the 1st Brigade of the 1st Division of the 1st Corps of the Grand Army of the Republic.

One of the highest tributes to the Iron Brigade came in the earliest moments of the initial action at Gettysburg. It is described in "Ordeal by Fire," by Fletcher Pratt:

[Confederate General] Heth's division of Hill's advance struck a Union cavalry picket west of Gettsyburg before 9. They drove them in slowly; as the horsemen retreated the zing of bullets came out of a wood on the slope of a low hill behind. 'That's all right,' called Heth, 'only some of that Pennsylvania militia,' and sent two brigades to clear the way for his column. They swung forward carelessly; as they reached the edge of the wood, the fire rose to surprising crescendo, and out of the underbrush onto their flank burst a story of men with bayonets low and all in line—the Iron Brigade. A yell of surprise went up, 'T'aint no militshy! Lookit them black hats! That's the Army of the Potomac!' and then Heth's two brigades were swept into rout, smashed, one brigade killed, the other captured. The battle for the world was on.

By the end of the day, two-thirds of the 1,800 men in the understrength unit lay dead or wounded along Seminary Ridge; but the Iron Brigade, in its last great battle, had purchased precious time for the Army of the Potomac still moving into position.

The 32d Division as we know it was among the first formed for action in World War I, composed this time of two Wisconsin regiments and one from Michigan. The division saw major action in three battles in France, climaxed by the Meuse-Argonne. The 28,000 men of the division suffered over 50 percent casualties in World War I.

As Hitler's legions swarmed over Europe and war clouds began to gather for this Nation, we turned again to the 32d Division and Wisconsin's National Guard was called to duty in October of 1940, more than a year before Pearl Harbor.

When attack came, the Red Arrow Division was ready and spearheaded our counteroffensive in the Pacific—her men fighting their way through New Guinea, Leyte, Papau, and Luzon, losing half of their number to enemy fire along the way.

Now, in the face of fresh peril, Wisconsin men again are putting aside their peacetime normal pursuits and marching off under the hallowed banner of the 32d. Their absence will be felt in 10,000 homes in nearly 100 Wisconsin communities; offset a bit perhaps by the knowledge that the Red Arrow Division will put new sinew in the backbone of America as we meet the challenge of the cold war.

LIMITATION OF NUMBER OF POSITIONS IN TOP GRADES OF THE CLASSIFICATION ACT OF 1949

The Senate resumed the consideration of the bill (S. 1732) to increase the limitation on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearings examiners; and for other purposes.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. What is the unfinished business?

The PRESIDING OFFICER. The unfinished business is S. 1732.

Mr. MANSFIELD. I thank the Presiding Officer.

ANTITRUST LAWS AMENDMENTS OF 1961

Mr. McCLELLAN. Mr. President, on yesterday, I introduced S. 2573, a bill to amend the antitrust laws to prohibit certain activities of labor organizations in restraint of trade, and for other purposes. In my remarks I called attention to the December 1958 report of the Internal Security Subcommittee entitled "The Alliance of Certain Racketeer and Communist Dominated Unions in the Field of Transportation as a Threat to National Security." That clearly points out the danger to the country from the alliance between Harry Bridges and Jimmy Hoffa and the unions respectively controlled by them.

I also called attention to the fact that many of those who have made a study of communism, and who know the records of both Bridges and Hoffa, appear to feel that Hoffa is no match for Harry Bridges, and that one result of the Hoffa-Bridges association will likely be to lend opportunity for Communist infiltration of the Teamsters Union, and with strong probability of ultimate Communist domination of that union.

I have now received information of a new development which appears to strongly support and justify the fear of many that the marriage of convenience between the Hoffa and Bridges unions is already resulting in Communist infiltration of the Teamsters.

Out in Hawaii an identified Communist, one Koji Ariyoshi, former editor of the Communist-controlled Honolulu Record, former secret editor of the ILWU-owned Honolulu Reporter, and a long-time Harry Bridges stooge, has just been employed by Arthur Rutledge and the Teamsters Union to edit the Teamsters' local membership newspaper. News of Ariyoshi's employment has been publicly reported in radio news broadcasts. One such broadcast was made this week by Larry Cott, Honolulu newscaster, in Honolulu, according to information received by the Internal Security Subcommittee of the Senate.

Koji Ariyoshi was one of the "Hawaii Seven," convicted for violation of the Smith Act. I shall not take the time of the Senate now to go into Ariyoshi's record in detail, but I send to the desk a brief memorandum respecting Koji Ariyoshi and ask unanimous consent that it be printed in the RECORD at this point as a part of my remarks.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

KOJI ARIYOSHI

"Mr. Ariyoshi has been editor, president, and majority stockholder in the Honolulu Record since that pro-Communist weekly began publication on August 5, 1948. Its news columns and editorials from the beginning boosted the Hawaii Civil Liberties Committee, the Reineckes, and other Communist causes. Mr. Ariyoshi in 1949 served as a consultant to the Committee for a Democratic Far Eastern Policy, a mainland Communist-front organization which has been cited as Communist by former Attorney General Tom Clark." ("Report on Hawaii Civil Liberties Committee, a Communist Front," House Committee on Un-American Activities, June 23, 1950, p. 22.)

"Further confirmation of the liaison between the Honolulu Record and the Communist Party of Hawaii is apparent from the fact that three of the seven alleged Hawaii Communist leaders indicted for conspiracy to violate the Smith Act (were) employees of the Honolulu Record and owners of Honolulu Record stock. Moreover, the three have been members of the executive board of the Communist Party of Hawaii at one time or another since 1945. The three include Koji Ariyoshi, editor of the Honolulu Record." ("Scope of Soviet Activity in the United States," pt. 41–A, app. II, p. 2699, Senate Subcommittee, Internal Security, citing the 1953 and 1954 reports of the Commission on Subversive Activities of Hawaii.)

"Ariyoshi, a veteran of several years wartime service in the Far East, both as an officer in the U.S. Army and as an OWI representative, is reliably reported to have had personal contact with the Chinese Communists. He wrote a series of articles entitled 'Inside Communist China,' which appeared in the Honolulu Star-Bulletin during September 1947. He is the author of an article in support of the Chinese Communists which appeared in the February 1947 edition of Spotlight on the Far East, official publication of the Committee for a Democratic Far Eastern Policy. Ariyoshi was listed * * * as a consultant. That

organization had been cited as a Communist front by the U.S. Attorney General and by the California Committee on Un-American Activities." ("Scope of Soviet Activity in the United States," hearings before the Senate Subcommittee, Internal Security, pt. 41–A, app. II, p. 2697, taken from the 1953 report of the Commission on Subversive Activities of Hawaii.)

"On June 17, 1953, after 32 weeks of trial, the (Smith Act) case was given to the jury which, 2 days later, brought in verdicts of guilty as to each (of the seven) defendants (including Koji Ariyoshi, 37, editor, Honolulu Record). U.S. District Judge John Wiig sentenced each of the male defendants to serve 5 years in prison and to pay a $5,000 fine." (Ibid, p. 2799.)

(The case was dismissed on appeal by the Ninth Circuit Court of Appeals.)

Mr. McCLELLAN. Senators who might want further information about Ariyoshi will find references to him at pages 2421, 2427, 2433, and 2441 of the printed record of the Internal Security Subcommittee hearings held in Hawaii, December 3 and 4, 1956, which is part 40 of the committee's hearings on "Scope of Soviet Activity in the United States."

I also send forward two excerpts from a report on the Honolulu Record by the House Committee on Un-American Activities, and ask unanimous consent that this material may also be printed in the RECORD at this point as a part of my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

REPORT ON THE HONOLULU RECORD

The Committee on Un-American Activities, after an investigation and analysis of the Honolulu Record, owned and published by the Honolulu Record Publishing Co., Ltd., hereby submits this report concerning the publication to the House of Representatives.

OWNERSHIP

The articles of association of the Honolulu Record Publishing Co., Ltd. (exhibit No. 1),[1] filed with the office of the treasurer, Territory of Hawaii, on August 27, 1948, reflect that the Honolulu Record Publishing Co., Ltd., was officially incorporated on that date, with the first officers and directors of the organization as follows: President, Koji Ariyoshi; vice president, Lewis K. Yogi; secretary, Cyril Bristow; treasurer, Adrian Palomino; director, Nobuyuki Matsuzaki.

The amount of $50,000, to be divided into 10,000 shares of common stock at a par value of $5 per share, was set forth as the authorized capital of said corporation.

The affidavit of officers (exhibit No. 2),[2] filed with the treasurer's office, Territory of Hawaii, on August 26, 1948, discloses that 7,881 of the 10,000 shares of stock were subscribed to. This same exhibit reflects that only 1,007 shares of the subscribed common stock were ever paid for (a total sum of $5,035). The unpaid subscribed stock, amounting to 6,874 shares, is in the name of Koji Ariyoshi. Thus, this exhibit discloses that the Honolulu Record Publishing Co. began its operations with total cash assets of $5,035.

On the annual corporation exhibit (exhibit No. 3),[3] filed by the Honolulu Record Publishing Co., Ltd., for the period August 26, 1948, through August 31, 1949, it is significant to note that at the end of the first year of operation, it could show an increase of 353 paid-up shares of stock (value, $1,765). Paid-up stock in the corporation then amounted to $6,800.

The annual corporation exhibit also reflects a net operating loss for the first year of $2,351.91. This exhibit further discloses that the total net worth of the Honolulu Record Publishing Co., Ltd., as of August 31, 1949, was $4,548.09.

Out of a total of 8,133 subscribed shares of stock, valued at $40,665, the exhibit reveals that 7,500 shares, worth $37,500, were subscribed to by Koji Ariyoshi, editor of the Honolulu Record and president of the Honolulu Record Publishing Co., Ltd. However, this exhibit reflects that the total amount actually invested by Ariyoshi is $3,635, or 727 shares purchased and paid for by him. He is indebted to the Honolulu Record Publishing Co., Ltd., in the amount of $33,865, covering 6,773 shares of common stock as subscribed to by him.

Ariyoshi's present position as editor of the Honolulu Record fits in well with his background. He is probably one of the best qualified persons in Hawaii to propagandize the Communist Party line through the medium of the press.

Koji Ariyoshi was born on January 30, 1914, at Koma, T.H. He attended the University of Hawaii from 1937 to 1940, and the University of Georgia during the 1940–41 term, where he received his bachelor's degree in journalism. He enlisted in the U.S. Army at Manzanar Relocation Center on November 30, 1942. In January 1944 he departed for the China-Burma-India theater where he was assigned to psychological warfare work. He was commissioned a second lieutenant in June of 1945 and remained in the same type of work until January 5, 1946, when his request to be discharged in China was granted. Subsequent to his discharge, he became employed with the OWI as a field representative.

Ariyoshi's reaction concerning his experiences in Communist China are somewhat reflected in an article appearing under his name in the February 1947 issue of Spotlight on the Far East, published by the Committee for a Democratic Far Eastern Policy, which has been cited as Communist by Attorney General Tom C. Clark. In this issue he wrote a guest column in support of the Chinese Communists. The March and June 1949 issues of Far East Spotlight, successor to Spotlight on the Far East, lists Ariyoshi as a consultant to the Committee for a Democratic Far Eastern Policy. This magazine has consistently supported the Chinese Communists.

The Hawaii Star of April 23, 1948, reflects that a progress report on the New York chapter of the Hawaii Civil Liberties Committee was made by Koji Ariyoshi, one of the founders of this chapter, at an HCLC meeting in Honolulu on April 20, 1948. The HCLC was cited as being Communist by the Attorney General of the United States on April 28, 1949. The HCLC was also cited as "a subversive organization initiated and operated by Communists for the sole purpose of expanding the influence of the small Communist minority in the Territory of Hawaii" by the Committee on Un-American Activities in a report to the House of Representatives on June 23, 1950 (made H. Rept. 2986, August 24, 1950).

In view of the foregoing, it is not surprising to find that Ariyoshi uses the Honolulu Record to promote the Chinese Communists and the Hawaii Civil Liberties Committee.

Listed in the annual corporation exhibit (exhibit No. 3)[4] as a member of the board of directors of the Honolulu Record Publishing Co., Ltd., and holder of seven shares of stock is Adele Kensinger, residing at 1658 Piikoi Street, Honolulu. During the hearings of the subcommittee of the Committee on Un-American Activities in Honolulu during April 1950, four individuals identified Adele Kensinger as a member of the Communist Party.

COMMUNIST PARTY LINE CONTENT

An analysis of the complete contents of the Honolulu Record reveals the strictest adherence to the Communist Party line.

Articles referring to the Soviet Union or the Communist Party of the United States are consistently slanted to favor the Soviet Union and its American puppets. Friendly writeups are also given to Communist movements in other countries, such as China, Greece, France, and the Philippines. Individual U.S. Communist leaders on numerous occasions receive favorable attention in the Honolulu Record, which reserves its most generous publicity, however, for the activities of Hawaii Communists. Communist-front organizations and Communist-controlled unions, both in Hawaii and on the mainland, are well publicized in the Record.

The Record is equally consistent in presenting in an unfavorable light any actions which conflict with the interests of Communists. Thus, the Honolulu Record represents only criticism of American defense spending, the Marshall plan, the European recovery program, aid to Greece and (Nationalist) China, and other aspects of the U.S. foreign policy designed to help curb the spread of communism. The Record furthermore makes it clear to its readers that it has only contempt for the capitalist system.

CONCLUSION

The Committee on Un-American Activities, after analysis and investigation of the Honolulu Record since its first issue of August 5, 1948, draws the inevitable conclusion that the Honolulu Record is a front for the Communist Party, despite the fact that the paper does not make this admission.

It should be noted in this connection that during the past decade all Communist publications have gone to great lengths to give the impression of having no direct connections with the Communist Party. Even official publications of the Communist Party, U.S.A., have terminated such designation since 1936 and appear instead as organs of certain publishing companies formed for that special purpose. The Honolulu Record conforms to this pattern completely.

The Committee on Un-American Activities would like to point out that the success of such a newspaper, dedicated to disseminating Communist propaganda, depends upon support from deluded liberals. The Communists recognize that most Americans would not knowingly support the Communist Party, and therefore have devised various front organizations and publications so as to ensnare the unwary liberal. The latter serves to add prestige to the Communist front and to attract other non-Communist support.

[1] See appendix, pp. 13–20.
[2] See appendix, pp. 21–23.
[3] See appendix, pp. 24–29.
[4] See appendix, pp. 24–29.

YANKEE ATOMIC ELECTRIC CO.

Mr. SALTONSTALL. Mr. President, nuclear testing has now become a matter of immediate personal concern to all of us. Reports that fallout has increased in various parts of the United States are in the daily press, due to the Russians' large atmospheric blasts. Our own Atomic Energy Commission is conducting underground tests which, thank the Lord, do not involve dispersing any of these dangerous particles into our atmosphere.

But while all this is going on, there is another aspect of nuclear power which we should keep in mind—the power of atoms for peace. An example of the

great worth which nuclear energy has for all mankind can be found in Rowe, Mass., in the northwestern part of our State on the Vermont border. Rowe is a lovely town with wooded hills, lakes and green valleys. On the edge of tranquil Sherman Pond is a domed structure containing the reactor sphere of the Yankee Atomic Electric Co. Yankee Atomic is a joint venture of the private electric companies of New England. The Atomic Energy Commission invested only $5 million out of a total of $48,500,000, which incidentally was about $13 million under the original estimate. It can produce about 140,000 to 145,000 kilowatts which, although perhaps 50 percent above the costs for a roughly comparable steamplant, is not badly out of line for a brandnew experiment. Accounting for operating costs will in the first instance be difficult, for all uranium must be obtained from the Federal Government, but at a rough glance, they, too, do not look out of line with costs for normal fuels.

The entire picture is of great promise and is backed by a solid record of performance. During the month of August the Yankee Atomic plant generated a record 100 million kilowatt-hours of net electric output and, incidentally, raised its total production to over 600 million kilowatt-hours. The entire operation of the plant continues to be very encouraging. The electricity received by every citizen of New England is now augmented by this nuclear plant.

Mr. President, while our immediate concern is directed toward the dangers to all mankind hidden in the nucleus of the atom, let us remember that this same energy holds great promise for peace, for closing the standard-of-living gap which now plagues the world. Another wonder of nature has been revealed to us with a choice of using it for destruction or creation. Let us hope the world will make the right choice.

SENATOR HICKEY SCORES COMMUNIST PROPAGANDA ATTACK ON THE UNITED STATES

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an excellent address by my able and distinguished colleague [Mr. HICKEY] condemning the Communist propaganda attack on the United States. This address was delivered yesterday before the 50th meeting of the International Parliamentary Union at Brussels. My colleague emphasizes the point that Americans have always given aid to others. He points out how vicious propaganda distorts truth, and the importance of giving the people the facts.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HICKEY

Three times in this century my people have been in war. Each time we fought basically for self-determination—the right of men to determine their own destiny, and the right of states to govern themselves.

Never has my Nation fought a war of aggression in which we fired the first shot. And never have we failed to help our defeated enemy to rebuild after the devastation of war.

I would remind the delegates that the American people have national origins stemming from all parts of the world. The thing that has most drawn us together has been that many of our citizens came to America fleeing from oppression or disaster in their own countries of origin.

AMERICANS HAVE ALWAYS GIVEN AID TO OTHERS

Yet we have never lost touch with the countries of their origin. Long before my Government engaged in aid programs, the American people had privately mobilized their own resources to fight natural and human disaster. But now that governments have moved to aid newly developed nations, also to rebuild after devastation from war, as in Europe and Korea, the common man in America has willingly done his part for humanity. Some $90 billion have been donated since World War II in an effort to build conditions conducive to peace, conditions conducive to the development of individual man.

VICIOUS PROPAGANDA DISTORTS TRUTH

Against this background, Mr. President, candor compels me to say that the American people, my people, are aghast at the vituperative attacks to which we have been increasingly subjected during the last few years, and especially the last few days. To listen to Radio Moscow, to read Pravda, to listen to leading representatives of the Soviet Union, one would believe that the United States had not disarmed after World War II. That the United States had started the cold war. That the United States had never offered to put atomic weapons and power under international control, whereas the true facts are that the former President proposed exactly this before the United Nations, and just the day before yesterday the present occupant of the White House reiterated the offer and made it a continuing one for us and for the United Kingdom. That American colonies were scattered all over the world. That our forces were stationed in countries against the will of their peoples and governments. That we had encouraged the rearmament of Germany before East Germany had armed. That we and the United Nations were aggressors in Korea. And I daresay give the Soviet Union a few more weeks of worldwide propaganda and much of the world will be led to believe that it was the United States which was the first to break the voluntary ban on atomic tests and that it is the United States that is polluting the atmosphere.

What a travesty on truth to accept the Soviet version of history. To believe Soviet history of the last decade is to see the world upside down, to see the world in one of those distorted mirrors so popular in amusement parks.

DELEGATES SHOULD GIVE THEIR PEOPLE THE FACTS

I believe it is incumbent on the distinguished delegates gathered here to help their own people separate fact from fiction. You can. In this city you have had access to the world's free press. Day by day you have been able to count Soviet atmospheric explosions. In 1½ hours any delegate can fly to Berlin. He can see for himself the wall and wire that communism has thrown up. He can see for himself whether this wall of wire and stone is a prison fence to keep men, women, and children from fleeing to freedom. Any delegate can measure the prosperity and happiness of the people of East Berlin and those of West Berlin. He can talk to the few pitiful refugees from the Socialist "people's paradise" of East Germany. He can contemplate the refugee flood which a few weeks ago was running at the rate of 7,000 a week.

It is up to delegates here to put the distorted mirror back in focus. Visit Berlin—tell your own people what you see.

Finally, Mr. President and fellow delegates, I ask that those of you who serve on the political committee of this conference give particularly careful attention to the resolution which has been prepared by the delegate from Yugoslavia.

I close by expressing the hope that this 50th meeting of the International Parliamentary Union may go down in history as one which was ready to speak the truth on atomic testing, the truth on disarmament, the truth on the basically different approach to the problems of humanity represented by the ideologies that have met here this week.

INVESTIGATION ON THE MUZZLING OF THE MILITARY

Mr. THURMOND. Mr. President, the Armed Services Committee met this morning and approved a resolution to investigate the muzzling of the military. I am indeed gratified that the Armed Services Committee took this very necessary action.

I have spoken frequently on the Senate floor with regard to this matter, as more and more information came to my attention which indicated the far-reaching effects of the various policies which are being implemented. Since this matter affects our ability as a nation to survive, it was my conviction that only an investigation by the Congress could satisfy the need for an objective scrutiny in depth of present practices and policies in the Department of Defense which had the effect of silencing personnel in our military establishment on the subject of anticommunism. The Armed Services Committee, in voting to undertake this investigation, has rendered a service to our country, and I feel sure that the subcommittee which is to be appointed will do an expeditious, thorough, and objective job on this investigation, and, as a result, will make recommendations which will go a long way toward improving national policies in order that our fight against communism might be victorious.

NEED FOR DIRECTIVE ON MILITARY AND ANTI-COMMUNIST PROGRAMS

Mr. KEATING. Mr. President, in recent weeks I have received dozens of letters from constituents who have expressed an interest in the use of military installations by groups sponsoring anti-Communist seminars and educational programs. The public sentiment on this issue has been overwhelming, as I am sure most of my colleagues will agree.

However, I believe one point needs the urgent attention of the Department of Defense before both public morale and military morale are dulled by what may be needless uncertainty. The confusion has developed over the question of what type of educational programs those in charge of military installations may properly sponsor and the question of the extent to which military personnel may participate in such programs. This is a responsibility which lies directly in the hands of the civilian heads of our Military Establishment.

I have been advised by the Pentagon that at the present time not a single Department of Defense directive deals specifically with military participation

and sponsorship of anti-Communist programs. As a result, the military has been handed a hot potato that some military commanders would prefer to ignore rather than deal with it affirmatively. While there are some general directives and regulations concerning the broad question of military sponsorship and participation in civilian functions, there is a void in the area of anti-Communist programs. I believe this void has been largely responsible for the great deal of uncertainty that presently exists.

All of us should be aware of the importance of having our troops and, indeed, all Americans know the facts about the menace of communism. This alien ideology, which thrives on strife, confusion, and false propaganda, must be fully exposed and refuted. Programs undertaking this objective must be accurate, well-conceived, and nonpartisan, if they are to be wholly effective.

Unless the Secretary of Defense acts expeditiously to spell out in concrete terms—by means of specific Department of Defense directives—the role the Military Establishment is to play in anti-Communist educational programs, the present uncertainty will persist. For that reason, I have written to the Secretary of Defense, urging that he delineate in Department of Defense directives the criteria to be used by the military in determining whether to sponsor or participate in anti-Communist programs.

That letter went out a few days ago. I have not yet received a reply to it, although I draw no conclusion from the failure thus far to receive a reply, because the problem is not an easy one to deal with. Nevertheless, certainly it is urgent that it be dealt with properly and promptly. Firm language from the Secretary would alleviate the fears of many Americans that the Armed Forces are not being properly informed about the Communist menace, and at the same time would firmly assert the constitutional requirement that the responsibility of the military is to civilian authority.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a copy of my letter to the Secretary of Defense.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. ROBERT S. MCNAMARA,
The Secretary of Defense.

DEAR MR. SECRETARY: The continuing controversy over anti-Communist programs and seminars which have been sponsored, and in some cases participated in, by the military has given me grave concern.

It appears to me that a great deal of the controversy has developed because of uncertainty on the part of the military and the public as to the policy of the Department of Defense on this issue. It has been indicated to me that military commanders are unsure of the criteria to be used in determining whether there should be Armed Forces participation in or sponsorship of anti-Communist programs and as to what type of programs are authorized.

A Defense Department directive clearly delineating the role to be played by the Military Establishment in anti-Communist educational programs may be needed to establish suitable guidelines. I would appreciate a report from you as to the present policy of the Department on the issue and would be grateful for your comments on the need for a new Department of Defense directive.

Very sincerely yours,
KENNETH B. KEATING.

WHY NOT LET THE ELDERLY EARN ALL THEY CAN?

Mr. KEATING. Mr. President, as long as I have been a Member of the Congress I have supported efforts to remove the unrealistic and arbitrary social security earnings limit. This is the limit which prevents many older persons from continuing to work, because to do so would jeopardize their social security benefits.

Many of us in the Congress, as well as those in the executive branch of our Government, have urged the inauguration of programs to permit the elderly to continue to work and to encourage employers to hire senior citizens. It is completely contradictory to take this position and at the same time to hit a fellow over the head if he continues to work, by taking away all or a good part of his social security entitlement.

The dignity and self-respect of the aged are very much involved in this issue. Many persons find it difficult to retire. They want to continue to lead useful and active lives, and they are in a position to do so; but, because of the social security earnings limitation, it is not advisable for them to continue to work. In addition, many senior citizens are in a position to serve on boards and in capacities of real importance to their communities. Such employment is often discouraged by the ceiling on earnings for those between ages of 65 and 72 who are receiving social security benefits. I am glad the Congress has made progress in recent years in liberalizing the social security earnings limit; but there is still a long way to go. The changes that have been made thus far have been minimal.

While I have supported these revisions, I have stated on a number of occasions that it is my opinion that the social security earnings limit should be eliminated altogether.

Mr. President, I was delighted to note recently that the Saturday Evening Post edition of September 2 contained an excellent editorial pointing up the injustices of the restriction on the earnings of social security beneficiaries. The editorial sets forth a number of convincing arguments.

The editorial was sent to me by a constituent in Tarrytown, N.Y., who firmly agrees with the position of the Post. I should like to call attention to an excerpt from his letter which I think represents a very convincing and important argument in favor of getting rid of the social security earnings limit:

Why should the people on wages and salaries be discriminated against, in favor of those who have been fortunate enough through investments to have some extra income from these investments or from pensions and annuities?

Mr. President, I also ask unanimous consent to have printed at this point in the RECORD the text of the Saturday Evening Post editorial of September 2.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY NOT LET THE ELDERLY EARN ALL THEY CAN?

(By Bruce Bliven)

A controversial feature of the social security law is the one that restricts the earnings of the beneficiaries between the ages of 65 and 72. Congress seems to have an uneasy conscience about this matter; repeatedly, since the law was first passed in 1935, the regulation has been liberalized. According to the most recent change, the beneficiary must give up only $1 for each $2 that he earns between $1,200 and $1,500, and $1 for each $1 earned above $1,500.

A good many people feel that the restriction on earnings ought to be abolished entirely, and numerous bills have been introduced to bring this about. Among the arguments in favor of such action are these.

1. Elderly people need the money. More than one-third of all Americans beyond 65 have no income except social security payments. A study made in Milwaukee, Wis., showed that the average retired couple was receiving a total of $110 a month at a time when the cost of living for two persons was reckoned at $186.

2. This law discriminates against those who must work for their living. You may receive unlimited amounts as dividends, interest, pensions, annuities or rentals, without having your social security affected.

3. Conditions have completely changed since the law was passed in 1935, when the great depression was severe. It was intended to force people out of the labor market. Today, in view of our grim contest with Soviet Russia, we need every bit of productive power this Nation possesses.

4. Health experts are unanimous in saying that elderly people ought to do at least some work to preserve their physical and mental vigor.

5. We now have the anomalous situation where the Government is making a big propaganda drive to persuade industry to hire and retain older workers, and then punishes these workers for accepting employment.

That repeal of this limitation would be overwhelmingly popular with the country there is little doubt. However, the Department of Health, Education, and Welfare has in the recent past opposed abolition of the restriction. Its arguments are these:

1. It would be expensive. The number of persons receiving benefits would be increased by about 1,400,000; the immediate cost would be $2 million a year; and the long-range cost would require an increase of 1 percent in the payroll tax.

2. Most of those now receiving social security are not well enough to work for wages.

3. Social security was never intended to be a pension or annuity, but insurance against the hazard of unemployment in old age.

Those who favor abolition of the restriction reply that the actual cost to the economy as a whole would not be nearly so large as the figure quoted indicates, whatever the effect on the cost structure of the social security system.

Abolition of the restriction would reduce the work of those keeping the records, who now alter thousands of monthly checks in accordance with the changing pattern of work.

The Government would obtain a substantial sum in income taxes on the increased earnings of those now receiving social security.

In many cases people who cannot live on their social security benefits—since the dollar has lost half its purchasing power in the past two decades—are a burden on local relief rolls. Permitted to earn as much as they

can, some of these would require less help from community agencies, or none.

Almost every cent of the extra money that would be earned would go into buying consumer goods.

As to the health of elderly people, a report by the Department of Health, Education, and Welfare itself, in September 1960, states that only 36 percent of those between 65 and 72 "were unable (because of chronic conditions) to carry on their usual activity or had some limitation in the kind or amount of activity."

While it may be true that social security was not intended as an annuity or pension, it is in fact so regarded today by nearly everybody—including the 1,400,000 who have paid social security taxes in the past and are now prohibited from receiving any benefits.

And finally, some people would argue that if the restriction on earnings is socially undesirable, it should be repealed even though this would at first cost a substantial sum.

LIMITATION OF NUMBER OF POSITIONS IN TOP GRADES OF THE CLASSIFICATION ACT OF 1949

The Senate resumed the consideration of the bill (S. 1732) to increase the limitation on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearings examiners; and for other purposes.

Mr. JOHNSTON. Mr. President, there are at the desk two additional committee amendments to the bill. They are identified as "9–12–61—B" and "9–12–61—C." I send to the desk a substitute for the amendment identified with the letter "C." The substitute is in accord with the intent of the original amendment.

The necessity for these amendments grew out of a misunderstanding which existed at the time when the original bill was reported. That misunderstanding was subsequently cleared up, and these amendments have the approval of the entire committee membership. When I say that, I mean the Republican members as well as the Democratic members.

Mr. President, I ask that the additional committee amendments be considered en bloc, after which the bill as amended can then be considered.

The PRESIDING OFFICER. Is there objection? Without objection, the additional committee amendments will be considered en bloc.

The question now is on agreeing to the additional committee amendments.

The amendments were agreed to, as follows:

At the end of the bill add the following new section:

SEC. 5. (a) Clause (4) of section 104(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205 (a)), is amended to read as follows:

"(4) Administrator of the Small Business Administration."

(b) Clause (5) of section 106(a) of such Act (5 U.S.C. 2205(b)(5)) is repealed.

(c) Section 106(b) of such Act is amended by adding at the end thereof the following:

"(17) Administrator, Farmers' Home Administration.

"(18) Administrator, Soil Conservation Service, Department of Agriculture.

"(19) Chief Forester of the Forest Service, Department of Agriculture.

"(20) Commissioner of Customs.

"(21) Manager, Federal Crop Insurance Corporation, Department of Agriculture.

"(22) Deputy Administrator, Small Business Administration (4).

"(23) Commissioner of the Indian Claims Commission (3)."

(d) Section 106(c) of such Act is repealed.

(e) Section 107(a) of such Act is amended by striking out:

"(3) Administrator, Farmers' Home Administration.

"(4) Administrator, Soil Conservation Service, Department of Agriculture.

"(9) Chief Forester of the Forest Service, Department of Agriculture.

"(11) Commissioner of Customs.

"(22) Manager, Federal Crop Insurance Corporation, Department of Agriculture."

(f) Section 107(b) of such Act is amended by striking out the following:

"(1) Deputy Administrator, Small Business Administration (3)."

At the end of the bill add the following new section:

"SEC. 5. The proviso contained in the first sentence of section 5(d) of the Farm Credit Act of 1953, as amended (73 Stat. 387; 12 U.S.C. 636d(d)), providing annual compensation of $17,500 for not more than three positions of deputy governor in the Farm Credit Administration, is amended to read as follows: ': *Provided*, That the salary of not more than three positions of deputy governor each shall be fixed by the Board at a rate not exceeding the maximum scheduled rate of the General Schedule of the Classification Act of 1949, as amended'."

Mr. JOHNSTON. Mr. President, the effectiveness and efficiency of Federal departments and agencies engaged in defense, intelligence, space exploration, research, crime prevention, and a multitude of other vastly important and highly complex functions depend in part on the type of leadership we are able to attract and retain in Government service.

This measure is concerned primarily with the establishment of additional supergrade and scientific-type positions, so as to enable the Government to cope successfully with conditions that exist in the world today. The increasing complexities of national programs, the rapidity of scientific breakthroughs, and the expansion of programs all combine to require additional top-level positions.

The bill as reported is designed to meet only the most pressing current needs.

The bill proposes an overall increase of 465 supergrade-type positions and 259 scientific-type positions, or a total increase of 724 for both types of positions.

Of the additional supergrade-type positions authorized, the Civil Service Commission would receive 419, of which 100 are to be held in reserve, for use only upon determination by the President of their initial need. This leaves a total of 319 for allotment by the Civil Service Commission, as the needs of the departments and agencies require.

The bill proposes an overall increase of 259 in the number of authorized scientific-type positions. Of this number, 135 are made available to the National Aeronautics and Space Administration, and 75 to the Department of Defense, with the remaining 49 available to the other agencies.

Mr. President, I ask unanimous consent to have printed in the RECORD, at this point, a table showing the number of supergrade and scientific-type positions now authorized, and the number proposed to be authorized by this measure.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Supergrade and scientific-type positions

Agency	Currently authorized	Additional number authorized by S. 1732	Total
A. SUPERGRADE TYPE			
1. Civil Service Commission:			
(a) For allotment to departments and agencies	1,108	319	1,427
(b) For allotment only upon order of the President		100	100
2. Department of Defense	372	28	400
3. National Security Agency	50	12	62
4. Immigration and Naturalization	11	6	17
5. Specific authorizations to individual departments and agencies	600		600
Subtotal	2,141	465	2,606
B. SCIENTIFIC TYPE			
1. Department of the Interior	5	3	8
2. Department of Agriculture	15	3	18
3. Department of Health, Education, and Welfare	10	3	13
4. Department of Commerce	25	3	28
5. Post Office Department		3	3
6. Department of Defense	450	75	525
7. National Security Agency	50	10	60
8. Federal Aviation Agency	25	20	45
9. National Aeronautics and Space Administration	290	135	425
10. Library of Congress		4	4
11. Existing allotments to other departments and agencies	160		
Subtotal	1,030	259	1,129
Total	3,171	724	3,735

Mr. JOHNSTON. Mr. President, enactment of this measure was requested by the administration. Its specific provisions are fully endorsed by the Bureau of the Budget and the Civil Service Commission. While it stops short of the bill originally requested by the administration, it will meet the most pressing needs of the various departments and agencies, and should, therefore, be enacted into law, inasmuch as it is badly needed at the present time.

Mr. JACKSON. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON. I yield.

Mr. JACKSON. Mr. President, I think all of us know of the important work of the Coast and Geodetic Survey in the Department of Commerce. The work of that bureau in the scientific and technical fields has been outstanding. In the field of oceanography, in particular, the Coast and Geodetic Survey has been doing some very capable work vital to the security of the country.

The Bureau needs four positions in grade 16 of the general schedule requested. At the present time the Bureau has no general schedule positions above grade 15.

The four requested positions would be allocated as follows:

First. Supervisory oceanographer in the Office of Oceanography.

The incumbent of this position would be a recognized authority in the oceanographic field. As principal oceanographic assistant and deputy, he would advise the Assistant Director for Oceanography regarding plans for oceanographic work, represent the Bureau on many committees dealing with oceanography, establish procedures for processing of oceanographic records, evaluate the results of oceanographic surveys, and supervise the preparation of reports dealing with oceanographic activities of the Bureau.

Second. Chief Geodesist in the Office of Physical Sciences. The duties and qualifications would be similar to those outlined above for the supervisory oceanographer except that his work would be in the field of geodesy and he would advise the Assistant Director for Physical Sciences regarding that subject.

Third. Chief Cartographer in the Office of Cartography. The duties and qualifications would be similar to those outlined above for the Supervisory Oceanographer except that his work would be in the field of cartography—new mapping and charting concepts, preparation of base manuscripts and reproduction—and he would advise the Assistant Director for Cartography regarding this area.

Fourth. Office of Administration.

The incumbent of this position would be assigned to the office having jurisdiction over the administrative divisions of the Bureau. These include the following: (a) Administrative services, (b) budget and fiscal, (c) instruments, (d) organization and management, (e) personnel and safety, and (f) technical services.

Five additional Public Law 313 positions are requested. At the present time, the Bureau is authorized one position in this classification. It is filled by an outstanding geophysicist whose primary interest is magnetics. The five requested positions would be allocated as follows:

First. Chief Scientist in the Office of the Director. The incumbent of this position would be a recognized authority in the general scientific field. He would advise the Director on all Bureau scientific programs, the conduct and administration of research projects, both inhouse and out-of-house, and would be in line for designation as Assistant Director for Research and Development. In that position he would be in overall charge of research and development projects throughout the Bureau—including basic oceanographic research and associated disciplines.

Second. Oceanographer — Research — in the Office of Research and Development.

The incumbent of this position would be an outstanding oceanographer. He would advise the Assistant Director for Research and Development regarding research projects in the field of oceanography, evaluate the results of those studies and make recommendations as to how the results of such projects can be best outlined to advance the scientific stature of the Nation in the oceanographic field.

Third. Geophysicist—Research—Office of Research and Development.

The duties and qualifications would be similar to those described above for the Oceanographer except that his primary interest would be in the field of seismology or gravity and its relation to various oceanographic areas.

Fourth. Cartographer—Research—Office of Research and Development.

The duties and qualifications would be similar to those described above for the Oceanographer except that his primary interest would be in the field of cartography.

Fifth. Geodesist—Research—Office of Research and Development.

The duties and qualifications would be similar to those described above for the Oceanographer except that his primary interest would be in the field of geodesy, space mechanics, and positioning techniques so vital to accurately positioned oceanwide oceanographic surveys.

The survey has maintained a small technical staff of ably qualified personnel, but the present limitation in the number of positions in the higher salary brackets places the Bureau in a most unfavorable competitive position with other agencies and private institutions.

Increased sophistication in research programs multiplies the needs for specially qualified scientists almost daily. The scientific field is one in which an agency or institution cannot stand still. They must either advance or regress. To advance they must have qualified personnel to direct the projects and to train the scientists of tomorrow.

Changing techniques and improved instrumentation are causing radical changes in approach to all scientific problems. This is particularly pertinent to the field of oceanography. While this is one of the oldest of the sciences, studies in this field actually started when mankind first began to travel upon the waters of the world; it is only in the relatively last few years that this science has begun to really advance. Oceanography of tomorrow will be as different from oceanography of today as our newest space vehicles differ from the airplane flown at Kitty Hawk by the Wright brothers. In order that the survey may attain and maintain its proper position among the scientific agencies and institutions in this as well as other fields, outstanding scientists must be recruited. Before this recruitment can be accomplished, the requested top pay positions must be authorized.

It is my understanding that there are approximately 319 positions assigned to the Civil Service Commission and 100 to the President. Is that correct?

Mr. JOHNSTON. That is correct.

Mr. JACKSON. The distinguished chairman of the committee is performing such good service in this area that I do not desire to offer an amendment at this time, in the hope that something can be arrived at in connection with the general allocation of supergrade positions, because of the important work of the Coast and Geodetic Survey in the field of national security.

Mr. JOHNSTON. As chairman of the committee, I placed in the RECORD the statement that the committee was unanimous in its action that these 319 positions should be allocated by the Civil Service Commission and 100 by the President. I certainly hope they will look into the request the Senator from Washington is making at this time, because I think it is a sound and worthy request.

Mr. JACKSON. I appreciate the attitude of the chairman of the committee. In view of his attitude, I shall not offer an amendment dealing with these particular positions.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. HUMPHREY. I wish to ask the Senator a question with reference to the supergrade positions provided in the proposed legislation before the Senate at this time. As I understand, there are provided a little more than 300 additional supergrade positions for the Civil Service Commission to be distributed by the Civil Service Commission. Is that correct?

Mr. JOHNSTON. Three hundred and nineteen.

Mr. HUMPHREY. And an additional 100 are to be allocated at the discretion of the President. Is that correct?

Mr. JOHNSTON. That is correct.

Mr. HUMPHREY. While the foreign-aid bill provided for supergrade positions within the bill, it is my understanding, after a careful examination of the Agency's requirements, that under the reorganization, with the new Administrator coming in, there may be a need for some additional supergrades. Am I correct in the assumption that, with respect to the 319 positions that the Civil Service Commission has been allocated under the proposed legislation, or out of the 100 that have been set aside to be distributed at the discretion of the President, there is nothing in the bill that would prohibit some of those supergrade positions from being made available for the purposes of the AID administration?

Mr. JOHNSTON. The Senator is correct. In other words, the distribution is left absolutely in the hands of the Civil Service Commission to award the 319 positions and in the hands of the President to award the 100 positions as he sees fit.

Mr. HUMPHREY. In the instance of the Arms Control and Disarmament

Agency, if an adequate number of supergrade positions are not provided because of some problems in conference, the President or the Civil Service Commission, from the numbers allocated to them under the bill, will be able to allocate a limited number of their supergrade positions to that Agency. Is that understood?

Mr. JOHNSTON. It is understood that that could be done.

Mr. HUMPHREY. And the same would be true of the Peace Corps agency?

Mr. JOHNSTON. The same would be true as to that agency.

Mr. HUMPHREY. I wanted to establish that there was no prohibition in this legislation to such allocation.

Mr. JOHNSTON. I think the committee will agree with me that we thought, at the time we provided for the distribution of the positions in this manner, the President and the Civil Service Commission would make those supergrade positions available where they were most needed. In the event something comes up next year, they can be taken care of then. This measure will take care of any emergencies.

Mr. HUMPHREY. One further question. I notice the Department of Agriculture was authorized three of these positions by the committee bill. Is that correct?

Mr. JOHNSTON. That is correct.

Mr. HUMPHREY. I believe five were requested.

Mr. JOHNSTON. That is true.

Mr. HUMPHREY. Did the House authorize five?

Mr. JOHNSTON. It is my understanding that the House authorized five.

Mr. HUMPHREY. So this question will be in conference. Without seeking any commitment from the Senator from South Carolina, knowing of the needs of the Department of Agriculture, I hope he may make clear the logic of the position of the other body in this connection and that the Senator will be successful in having the conferees accede to such a request.

Mr. JOHNSTON. The Senator from Minnesota, having served with me on the Agriculture and Forestry Committee, knows how I feel about agricultural matters, and he can almost read my mind, I fear, from what he has said.

Mr. HUMPHREY. If I were a farmer, nothing would make me happier than to trust my future to the Senator from South Carolina. The agricultural interests and the farmers have no more true or reliable friend than the Senator from South Carolina.

I could extend these compliments into broader fields, but, in view of the time situation today, I shall limit myself to what I have said. I assure the Senator that my respect and affection for him is much greater than what I have indicated.

Mr. JOHNSTON. I thank the Senator from Minnesota for his remarks. Having served on several committees with him, I can return to him every compliment that he has paid to me.

Mr. HUMPHREY. I thank the Senator.

Mr. KERR. Mr. President, I send to the desk an amendment, and ask to have it stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Oklahoma will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 16, to strike out lines 15 through 18 and insert in lieu thereof the following:

(e) Section 203 (b) (2) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 2473 (b) (2)) is amended by inserting "thirty" in place of "thirteen" and by inserting "four hundred and twenty-five" in place of "two hundred and ninety".

Mr. KERR. Mr. President, the amendment just read would further amend section 203(a)(2) of the National Aeronautics and Space Act in order to meet an urgent requirement affecting the caliber of the top NASA leadership which must carry forward the administration's accelerated program of space exploration.

As reported by the Senate Post Office and Civil Service Committee, a total of 135 additional NASA excepted positions which may be paid up to $19,000 have been granted. This is the full request of the administration, except the administration requested that 17 of these 135 positions are needed to be paid in the salary range of $19,000 to $21,000. At the present time the act authorizes 13 such positions and my amendment would add an additional 17, making a total of 30 out of the 425 which could be paid from $19,000 to $21,000. While the difference in salary range of $2,000 appears to be small, the Space Administration feels that it could make a vital difference in whether it is able to attract and hold the very highest level of technical and executive talent to carry out its new missions, including the successful achievement of manned lunar landing and safe return.

Mr. President, at this time I ask unanimous consent to have printed in the RECORD a copy of a letter dated September 18, 1961, to me as chairman of the Space Committee, from Mr. James E. Webb, the Administrator of NASA, in support of the increase of these additional salaries. As stated in the letter, the amendment is supported by the Bureau of the Budget and the Civil Service Commission.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 18, 1961.

Hon. ROBERT S. KERR,
Chairman, Committee on Aeronautical and Space Sciences, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your amendment to S. 1732 to restore to this bill authority to pay up to $21,000 per annum for 17 of the 135 additional positions provided in the bill for the National Aeronautics and Space Administration is vitally required.

This amendment is also supported by the Bureau of the Budget and the Civil Service Commission.

The Nation's accelerated space program cannot be successfully carried out without the authority to pay an additional 17 of the 135 excepted positions provided in S. 1732 up to $21,000. These positions will be used for the highest level of scientific and technical management to carry the overall responsibility for major areas in the space program. These positions are essential to NASA's efforts to attract high-level technical scientists and engineers from industry who are now being paid far more than NASA will be able to offer them, even with this authority.

It is in the public interest to recognize the importance of paying adequate compensation for key scientific and technical leaders.

The accelerated space program recommended by the President and enacted into law by the Congress calls for one of the greatest scientific and technological efforts our country has thus far undertaken. We cannot afford to invest the billions of dollars this program will involve over the next decade without assuring an adequate number of the very best scientific, technical, and managerial talent this country can produce.

Sincerely yours,

JAMES E. WEBB,
Administrator.

Mr. KERR. At this time, Mr. President, I submit a brief history of this particular provision. The original Space Act of 1958 recognized the need for a small number of top-level positions within the $21,000 ceiling level, rather than $19,000. At the time of the enactment of that act, 260 positions were authorized by the Congress, of which 10 could be paid up to $21,000 and the remainder at up to $19,000.

Last year the President transferred to NASA the Army Von Braun team on July 1, 1960. At that time the Congress approved additional excepted position authority which increased the authorization from 260 to 290 and specified that a small proportion of these additional positions could be established above $19,000. Accordingly, the number was increased from 10 to 13. The purpose of my amendment would increase this number of 13 to 30 so that an additional 17 positions of the 135 positions now recommended by the Post Office and Civil Service Committee could be paid in this higher pay level up to $21,000.

Without these added positions, I am informed that the current situation within the NASA will be critical indeed. The Administrator of NASA is at the moment engaged in negotiations for key positions in the accelerated space program.

The program has such challenge to the imagination and energies of top-flight people that the NASA feels some confidence in its ability to interest seriously various individuals whose current compensation outside the Government is in the $30,000 to $60,000 salary range or more. Such individuals sufficiently challenged are willing to make substantial financial sacrifice if they are indeed satisfied that the importance of the job they are asked to do has merited some special consideration by the Congress in the salary structure.

I am informed that none of the additional key appointments on which the accelerated space program depends can be made within the current authorized 13 positions in the $19,000 to $21,000 salary range. Ten of the thirteen present positions are now occupied, two are committed to individuals who have been selected but have not yet reported for duty, and one position is being reserved for the replacement of the Director of

the Lewis Research Center, a position which has been vacant since the retirement of the previous Director, Dr. Sharp, earlier this year. Mr. President, in my judgment, it is essential that the NASA be able to offer positions of financial status and salary to those now in the $21,000 salary range wherever it needs to expand or strengthen its top leadership to handle this new national program. NASA's current planning for the 17 additional positions would provide at least 4 top positions for a new manned lunar landing project organization and 3 positions to set up the leadership for the new manned spacecraft center for which construction is authorized in the current fiscal year 1962 program. Plans also call for four additional deputy positions in headquarters, a deputy associate administrator, three deputy directors of the centers, and two reserved for additional program expansion.

The inability of the NASA to compensate a limited number of these jobs at a $19,000 to $21,000 range will have a serious effect on the salaries that can be paid throughout the rest of the excepted position structure. Thus far, those positions paid over $19,000 are limited to those who have overall responsibility for direction of the major program areas and the largest field centers. The maximum the NASA can pay then is $19,000 for the key supervisory technical personnel responsible for its major research efforts or large-scale systems development projects. As a practica¹ matter, I am told the NASA salary structure underneath these positions in the bulk of its key technical and executive leadership being paid not more than $17,000 to $18,000. Industry pays the same level of talent between $25,000 and $35,000 a year. The amount of money by which the ceiling would be moved by this amendment is quite small since it involves a maximum of $2,000 for each of 17 positions. However, if this authority is not provided, it is believed that NASA's recruiting efforts for the highest positions in a program that will have as its basic objective the advancement of science and technology at the most rapid rate possible over the next 10 years and the utilization of the knowledge gained, both in space and as a feedback to the process of economic growth, will be seriously impaired.

Mr. President, it is well to note that approximately 80 percent of all funds appropriated to the National Aeronautics and Space Administration are expended under contracts. This requires strong and capable leadership in the planning and placing of contracts and in supervising the execution of the contracts to see that the greatest possible value is achieved. It is my opinion that, in such a program requiring vast financial commitments over the next decade, it would appear only prudent that the Congress make this additional modest investment to assure that the NASA has every opportunity to recruit the caliber of leadership required for such sound planning and decisive action in the expenditure of these public funds, and I urge the adoption of this amendment by the Senate.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from North Carolina.

Mr. JORDAN. Mr. President, I am a member of the committee which heard the testimony in regard to the supergrades, along with the Senator from South Carolina [Mr. JOHNSTON], the chairman of the committee. I am thoroughly convinced that Mr. Webb did not ask for a single employee he did not need.

The agency is in its infancy. It is now obtaining a staff. Mr. Webb does not have the necessary personnel with which to staff the agency yet. This is a very highly technical agency. I understand the expenditures are now running about $5 million a day, and by a year from now will be $10 million a day. There will be a great waste of money if the agency does not have men capable of doing the necessary job, which is not an ordinary job. This is something entirely new in our history.

I heartily endorse the amendment offered by the Senator from Oklahoma. The 135 positions which the committee granted in the bill reported should be insisted on. The House cut the figure to 65. I hope we can go to conference with a determination to give Mr Webb a major part of what he asked for because he needs every one of these employees.

I went over this problem with the Administrator again today. He urgently needs these employees.

Mr. KERR. Mr. President, I thank the Senator from North Carolina.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from West Virginia.

Mr. RANDOLPH. The knowledgeable chairman of the Committee on Aeronautical and Space Sciences has presented cogent reasons why the National Aeronautics and Space Administration of the Federal Government needs this type of skilled and scientific personnel.

The National Aeronautics and Space Act of 1958 gave to its created agency a broad and vital mandate, encompassing in part the following missions: the expansion of knowledge of atmospheric and space science; the development and operation of space vehicles and improvement of aeronautical and space vehicles; the preservation of U.S. leadership in aeronautical and space science and technology, and in the application of such knowledge to peaceful activities; interchange of information between civilian and national defense agencies; study of potential benefits to be gained for mankind through space activities; and the cooperation by the United States with other nations and groups of nations in work done pursuant to this act and in the peaceful applications of the results thereof.

This program needs the intelligence and devotion of men who are attracted by the inspired leadership of James Webb, our Administrator. They must match in degree the imagination, the wisdom, the sacrifice, and the patriotism of Mr. Webb, to insure America's leadership in this new and challenging endeavor.

I serve as a member of the Post Office and Civil Service Committee under the chairman, the Senator from South Carolina [Mr. JOHNSTON], with the able Senator from North Carolina [Mr. JORDAN]. We are impressed by the need.

I endorse the request made in the amendment offered by the Senator from Oklahoma.

Mr. President, our space research effort involves some 14 different space vehicles, each carefully planned for specific research functions, ranging from the original Vanguard with an initial thrust of 28,000 pounds, to the projected Saturn (C–2), for flights in the vicinity of the moon, with an initial thrust of 1,500,000 pounds. To carry on this program, Congress appropriated over $950 million for research and development for fiscal 1961, more than twice that of the preceding year, and $1,220 million for NASA research and development in fiscal 1962.

This proposal not only is for an expenditure of necessary funds but also is for an investment which will bring a dividend to this country, and I trust ultimately to the world.

I believe the amendment offered by our distinguished colleague should have the unanimous support of the Senate.

Mr. KERR. I thank the Senator from West Virginia.

Mr. JORDAN. Mr. President, I have one further statement. As the Senator well knows, the figure of 135 is not the number of employees in this category originally requested.

Mr. RANDOLPH. No.

Mr. JORDAN. We cut the request down to the minimum the agency thought it could possibly get along with, after hearing all the testimony. I think 135 is a minimum figure.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. KERR. I yield to my distinguished colleague.

Mr. MONRONEY. The amendment would not increase the number of supergrades which the committee has authorized for the National Aeronautics and Space Administration beyond that which the committee bill reported.

Mr. KERR. The Senator is correct. It would only direct that of the increase provided by the committee an additional 17 may be graded up to receive between $19,000 and $21,000, instead of the maximum of $19,000.

Mr. MONRONEY. As I compute the figures roughly, the upgrading to levels which the tasks and challenges and scientific knowledge required would cost approximately $35,000 to $40,000. For the want of the additional $2,000 or $3,000 to pay the men in the range of $19,000 to $21,000, we may not be able to get anyone, and we may waste the money if we accept lesser talent for $16,000 or $17,000 a year.

Mr. KERR. The Senator has put his finger on the very heart of the problem and the basis for the amendment.

Mr. MONRONEY. In most professions there can be an upgrading and a training up under the slower processes of nor-

mal procedure. However, we are in a race to be eminent in space technology and all the developments which may be opened up, so we do not have time to train men of lesser capabilities up to these jobs. We must compete in an already short market for these types of men.

I note every Sunday in the New York Times a half dozen pages or more of advertisements by various electronics and scientific companies pleading for applicants for jobs. Many of these jobs, I am informed, pay more than double the amount we are able to offer in Federal service.

Mr. KERR. The Senator is correct.

Mr. MONRONEY. The amendment is a very good one, and I shall certainly support it, because I think the Senate would be doing less than its duty if it denied the increase in salaries and not the increase in numbers for these 17, as requested by the amendment.

Mr. KERR. I thank my great colleague from Oklahoma for his timely, able, and pointed remarks.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from Washington.

Mr. MAGNUSON. The bill is a very timely one. I have come from a meeting of the Appropriations Committee. All the independent agencies have been before the committee asking for supplemental appropriations. Almost without exception the agencies are asking us to provide in the appropriation bill for some supergrade positions. At times we have done that.

I know we always violate the jurisdiction of the committee of my distinguished friend from South Carolina when we do so, but we have had to do it once in a while, in emergencies, and the Senator has kindly consented to go along with it.

This proposal is very timely for another reason. Without exception, every one of the representatives who appeared before the committee asked for an increase in the amount which could be paid for consultants, from $50 to $75 or $100 a day. At one time, about 2 years ago, one agency was given authority to pay $100, and now all of them want the authority to pay $100. They claim they do not have people in the departments who can do the work. The SEC says, "We cannot hire actuaries." The ICC says, "We cannot get transportation experts." The Federal Communications Commission says, "We cannot get engineers." These agencies now wish to pay $100 a day for consultants.

I hope, with the increase in the supergrade positions, the agencies will be able to hire more qualified people, and will not have to spend the money for consultants.

This is a very timely proposal. It will save the Appropriations Committee from consideration of a very difficult problem, when people come before the committee and wish to put legislation in an appropriation bill.

Of course, the National Aeronautics and Space Administration needs many of these people, which I know as well as does the Senator from Oklahoma.

This is a very timely amendment. I hope it will be agreed to unanimously. Perhaps I should suggest that more should be provided, but I know the problem of the committee.

Mr. KERR. I thank the Senator from Washington. I hope the amendment will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

Mr. KERR. Mr. President, I offer another amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. At the end of the bill it is proposed to insert the following new subsection:

(f) Section 201(f) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 247(f)) is amended by striking out "three" and inserting in lieu thereof the word "seven".

Mr. KERR. Mr. President, the act previously passed creating the National Space Council provided for three persons to be appointed without regard to the civil service laws or the Classification Act of 1949, and compensated at the rate of not more than $19,000 a year, as may be necessary, to perform such duties as may be prescribed by the Council in connection with the performance of its functions. In view of the greatly expanded space program, which has already been accomplished and authorizations and appropriations passed this year, with further increases contemplated, the Space Council has requested that the number of supergrades be increased from three to seven, and it is the purpose of the amendment offered by the Senator from Oklahoma to authorize such increase.

I hope the chairman of the committee will accept the amendment.

Mr. JOHNSTON. Mr. President, I accept the amendment and shall take it to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1732) was ordered to be engrossed for a third reading, and was read the third time.

Mr. MANSFIELD. Mr. President, I ask that prior to the announcement of the vote the individual views of the distinguished Senator from Pennsylvania [Mr. CLARK] be printed at this point in the RECORD. I think such action is necessary because the Senator from Pennsylvania has made an intensive study of this particular question and I believe that his views are entitled to every consideration.

There being no objection, the individual views were ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS

While I concur with the other members of the committee in recommending that the Senate approve S. 1732, I feel that the Congress should delegate to the administration far greater authority to classify positions in the higher levels of the civil service.

When the Congress enacted the Classification Act of 1923, it delegated to the executive branch the responsibility for fixing the pay of individual employees of that branch (other than those holding the few positions whose salaries were set by statute), subject to general standards established by the act. This step was taken in recognition of the fact that Congress has neither the time nor the staff resources to make the analyses which must underlie fair and equitable decisions on the allocation of individual jobs.

For more than a quarter of a century, the Congress consistently supported the principle that job classification is an executive function. But in the Classification Act of 1949, the Congress began to move away from this principle. In authorizing three new grades, GS–16, GS–17, and GS–18, the so-called supergrades, a statutory limit was set on the number of jobs which could be allocated to those grades.

On various occasions, the limit has been raised. But even when raised, they have continued to bind. Consequently, to get around the limits which the Congress itself has established, the Congress through individual acts has authorized additional supergrade positions for particular agencies. These provisions have been recommended by various committees of the Congress. No common standards have been used. No careful job analyses have been possible. The result is a welter of authorizing legislation and a haphazard distribution of supergrade positions among competing agencies.

The present bill would relieve—for the time being—the pressure caused by the statutory limitations on these positions. What it should do is remove the limits altogether.

The administration testified that it would prefer to have the limitations removed.

Chairman John W. Macy, Jr., of the Civil Service Commission said:

"Although there is general agreement in the executive branch that the best long-range solution of this problem is the removal of all numerical limitations on positions at these levels, the bill takes a more moderate approach."

Mr. Phillip S. Hughes, Assistant Director of the Bureau of the Budget, told the committee:

"As has often been stated, the executive branch would prefer to eliminate the numerical limitation altogether and to rely on the standards and procedures of the Classification Act as administered by the Civil Service Commission to control this portion of the payroll, just as these standards and procedures control allocations to the lower grades."

It may be that the committee bill will meet the most pressing immediate needs of the executive branch. But, sooner or later, as the responsibilities of Government officials continue to increase, as pay scales inside and outside the Government continue to rise, the new limitations will begin to hamper the operations of the Government. More legislative adjustments will then be necessary. Between the time when the needs develop and the time when the adjustments are made, Government agencies will lose out in their competition to attract and hold their

share of the best talent and ability of the Nation. All the agency heads who appeared before us testified that their operations were currently suffering, while they await the approval of this bill.

To quote just one of them, Mr. Hugh L. Dryden, Deputy Administrator of the National Aeronautics and Space Agency, told the committee:

"A substantial increase in the top scientific and executive positions is needed to direct the additional internal programs as well as administer and supervise the very large increases in the programs performed by contract. Personnel capable of performing such duties cannot be obtained at the current salaries for GS–15 positions and below.

"The national space program effort is concentrated in the advanced fields of aerospace technology. As is true of any newly emerging field, there is an admittedly short supply in the number of scientific, engineering, and administrative personnel of executive level caliber who have the capabilities and experience to conceive and direct such programs. At a time when our organization will have urgent need to add to its key personnel in the field as well as the headquarters, the increased contracts we will be letting with industry and other institutions will in turn create similar demands on the Nation's supply of qualified personnel in the aerospace fields.

"I remember a similar situation in 1956 when, because of the large salary differential, the NASA was not only unable to hire new personnel from the outside, but sustained very serious losses from our own highly trained staff. It would be very serious if this were to occur again.

"The salary levels for the positions we are requesting are still substantially below the salaries paid by nongovernmental organizations."

I see no reason to continue a system which does nothing to help but much to hamper the agencies of the Government in the discharge of their responsibilities.

We all know of the research organizations, sustained entirely or mainly on Government funds, which have been established largely as a subterfuge to avoid the limits of the Classification Act. They pay their executives up to $35,000 and $50,000 a year. All I propose is to give the Government authority to pay up to $18,500.

The controls which are continued in this bill might be justified if they saved large amounts of money, and did so with fairness to the employees. But neither is the case. The amounts involved are miniscule. A career Federal executive now in the third step of GS–15, whose job warrants GS–16, would receive an $875 promotion if he is reclassified. Insofar as the numerical limits prevent such reclassification, the Government saves only $875 per employee, and it does so by unfairly penalizing a public servant who is discharging higher level responsibilities but not receiving the higher pay.

The controls also might be justified if Congress were equipped to administer them. But we are not. The executive branch has the administrative machinery to allocate jobs to salary levels. The Congress has no such machinery. To be fair, a classification system must be maintained in delicate balance, and insofar as Congress tinkers clumsily with that system it is more apt to put it out of balance than to improve it.

On one occasion, a witness testified before our committee that he should be awarded a supergrade, and the committee had to consider whether to assign him such a grade in the bill which it approved. This is not the way such decisions should be made. Obviously, we cannot take the time to hear and act upon the pleas of individual civil servants for salary increases.

The Congress has been or is currently considering a $47 billion defense appropriation bill, a vastly expanded space research program, a long-range foreign-aid program, major proposals in the fields of education, taxation, agriculture, medical care for the aged, retraining of the unemployed, employment opportunities for youth, and many others. Can we also afford to devote precious hours to deciding how many civil servants, whose jobs we have not studied and cannot study, should receive $875 salary increases?

I believe that the same Cabinet members and other top executives to whom we delegate the responsibility for spending billions of dollars, drafting thousands of young men into military service, conducting life-or-death research and experimentation, negotiating with foreign nations, building giant public works, deciding the effectiveness of weapons systems, and administering the other manifold functions of the Government can be trusted with the added responsibility of deciding about those $875 salary increases.

By delegating this responsibility, the Congress would not, of course, lose ultimate control. The operations of agencies and the way in which they spend their funds, including those for salaries, are reviewed annually and intensively by the Appropriations Committees. Our committee and the House Civil Service Committee will continue to exercise general supervision over personnel matters. The Government's central personnel agency, the U.S. Civil Service Commission, which has responsibilities to the Congress as well as to the President, stands as a safeguard to assure Congress that jobs will be allocated to the top grades with the same care that is taken in allocating to grades up to GS–15. Indeed, more care is taken, because every single proposal to place a job in a supergrade is acted on by a majority of the Civil Service Commissioners, and the qualifications of the proposed appointee are carefully screened by a special review board within the Commission.

My proposal is only that jobs be placed on the salary scale at the point which their duties now justify; it is not a request for a higher scale. Yet, a cold and critical review of the Federal pay structure will convince anyone who is familiar with the salaries in private business and the leading universities that our Federal career leaders in scientific, professional, and managerial ranks are seriously underpaid. A Civil Service Commission survey of large business concerns, conducted last year, clearly demonstrated a serious executive salary lag, with the gap widening the higher up the pay scale one goes in making comparisons. At the top levels, pay could even be doubled and the Government would still be getting many "bargains" for the responsibilities carried and the abilities needed. To remove detailed congressional controls on the number of top career jobs is only one step of several that must ultimately be taken to make the Federal career service really competitive in today's world.

JOSEPH S. CLARK.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1732) was passed.

Mr. JOHNSTON. Mr. President, I move that the Senate proceed to the consideration of H.R. 7377.

The PRESIDING OFFICER. The bill will be stated by title.

THE CHIEF CLERK. A bill (H.R. 7377) to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSTON. Mr. President, I move to strike out all after the enacting clause in H.R. 7377 and to substitute the language of Senate bill 1732 as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 7377) was passed.

The title was amended, so as to read: "A bill to increase the limitation on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes."

The PRESIDING OFFICER. Without objection, Senate bill 1732 will be indefinitely postponed.

Mr. JOHNSTON. Mr. President, I move that the Senate insist on its amendment and ask for a conference with the House thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JOHNSTON, Mr. MONRONEY, Mr. YARBOROUGH, Mr. JORDAN, Mr. RANDOLPH, Mr. CARLSON, Mr. FONG, and Mr. BOGGS conferees on the part of the Senate.

THE FUGITIVE FELON ACT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 749, H.R. 468.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H.R. 468) to amend section 1073 of title 18, United States Code, the Fugitive Felon Act.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, tomorrow at approximately 12:14 p.m., the Senate will depart in a body for a joint meeting in the Chamber of the House of Representatives for the purpose of greeting the President of Peru.

The pending business is Calendar No. 749, H.R. 468, a bill to amend section 1073 of title 18, United States Code, the Fugitive Felon Act.

Tomorrow it is contemplated that there will be before the Senate the conference report on H.R. 2010, the migratory labor bill; probably the conference report on H.R. 7500, the Peace Corps bill; and probably a conference report on H.R. 258, the District of Columbia sales tax bill.

On Friday and/or Saturday there will probably be a conference report on the foreign-aid bill. I wish to emphasize the word "probably."

H.R. 9076, the public works appropriation bill, is tentatively—and I wish to emphasize the word "tentatively"—scheduled for consideration on Friday.

It is also possible that the Senate will consider the so-called Du Pont bill and the so-called football TV bill prior to adjournment.

Also, in addition, the Senate will consider H.R. 9169, the supplemental appropriations bill.

THE FUGITIVE FELON ACT

The Senate resumed the consideration of the bill (H.R. 468) to amend section 1073 of title 18, United States Code, the Fugitive Felon Act.

Mr. MANSFIELD. Mr. President, the measure now before the Senate is H.R. 468, an act to amend section 1073 of title 18, United States Code, the Fugitive Felon Act.

It is my understanding that certain Senators wished to be notified when the measure was called up for consideration. All of them who are in the city and are available have been so notified. One of such Senators is not in the city at the present time. A member of that Senator's staff has conferred with me and told me that that particular Senator would not be in favor of consideration of the bill at this time.

However, in view of the fact that an announcement was made yesterday that the bill would be reported, I feel that I am honorbound to call it up at this time. However, I wish the RECORD to show that the opposition of a particular Senator has been noted, and I assure that particular Senator that, so far as I am concerned, I will do my best to see that the interest of the Senator is protected.

The law now provides, in section 1073 of title 18, United States Code:

> Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees, for murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, or extortion accompanied by threats of violence, or attempt to commit any of the foregoing offenses as they are defined either at common law or by the laws of the place from which the fugitive flees, or (2) to avoid giving testimony in any criminal proceedings in such place in which the commission of an offense punishable by imprisonment in a penitentiary is charged, shall be fined not more than $5,000 or imprisoned not more than five years, or both.
>
> Violations of this section may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement.

The bill, H.R. 468, as amended on the floor of the House of Representatives and as passed by the House of Representatives, deletes from the law as stated above the words: "for murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, or extortion accompanied by threats of violence, or attempt to commit any of the foregoing offenses as they are defined either at common law or by the laws of the place from which the fugitive flees," and substitutes in its place: "for a crime, or an attempt to commit a crime punishable by death, or which is a felony under the laws of the place from which the fugitive flees, or which, in the case of New Jersey, is a high misdemeanor under the laws of said State, or to avoid giving testimony in any criminal proceeding in such place in which the commission of an offense punishable by death or which is a felony under the laws of such place or which, in the case of New Jersey, is a high misdemeanor under the laws of said State."

Further, where the present law provides that violations of this section may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement, the bill as passed by the House of Representatives adds the words: "and only upon formal approval in writing by the Attorney General or an Assistant Attorney General of the United States, which function of approving prosecutions may not be delegated."

The effect of the bill as passed by the House of Representatives, therefore, is, in brief, to substitute any felony in the place of the enumerated crimes of murder, kidnaping, burglary, robbery, and so forth, in the present law and also to add the new safeguard that prosecutions may be commenced only upon formal approval in writing by the Attorney General or an Assistant Attorney General, and that this function of approving prosecutions may not be delegated.

In the floor discussion of this bill as passed by the House of Representatives, reliance should not be placed in the printed report of the House, House Report No. 827, as this discusses the bill as reported by the committee and does not reflect the bill as amended on the floor of the House and as passed by the House and as it is before us now.

Mr. President, I ask unanimous consent that at this point in the RECORD there may be inserted a letter to Hon. EMANUEL CELLER, chairman of the House Committee on the Judiciary, and also fugitive felon statistics for the past 5 years, as furnished to me.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 23, 1961.

Hon. EMANUEL CELLER,
Chairman, House Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in answer to your request for information concerning the procedure utilized by the Department in cases involving the Fugitive Felon Act. The policy of the Department is set out in the U.S. Attorneys' Manual, as follows:

"The Fugitive Felon Act does not supersede nor is it intended to provide an alternative for State extradition proceedings. Its primary purpose is to permit the Federal Government to assist in the location and apprehension of fugitives from State jurisdiction."

The manual further requires the approval of an appropriate Assistant Attorney General before an indictment or a Federal removal proceeding may be instituted. Thus under present procedures when a complaint is issued by the U.S. attorney in the State in which the State offense has been committed, the Federal Bureau of Investigation is requested to conduct an investigation. Upon the arrest of the fugitive, he is turned over to State authorities in the State of asylum and is returned to the State from which he has fled through normal State rendition proceedings. It is, therefore, very seldom that an Assistant Attorney General authorizes the prosecution in the Federal courts under this statute. As an example, there have been 48 prosecutive applications of the present statute in 9,093 possible instances over a 10-year period.

This procedure, which has operated so effectively in the past in giving aid to the States, will be continued in the event that the fugitive felon statute is amended as we have requested.

I hope that the foregoing satisfactorily answers your inquiry.

Sincerely,

BYRON R. WHITE,
Deputy Attorney General.

Fugitive felon statistics for the last 5 years

	Arrests	Convictions
1956	902	11
1957	947	6
1958	1,021	2
1959	1,149	4
1960	1,361	2
Total	5,380	25

Mr. HART. Mr. President, as the distinguished majority leader has explained, several Members of the Senate have expressed very serious concern with respect to the sweep of this proposed legislation. I should be the first to acknowledge that the Committee on the Judiciary held public hearings on the bill, which is one of several in what have been described as the Attorney General's package of crime bills. At the time of these public hearings, although many witnesses commented on several of the bills in the package, as I recall, no criticism was directed specifically at the proposed amendment to the Fugitive Felon Act.

Subsequently—and I commend the distinguished junior Senator from Oregon [Mrs. NEUBERGER] as having first expressed on the RECORD this concern—some of us sensed that the proposal, if adopted, might very well be a step along the road to a national police force, in the form of the FBI. One of the difficulties always present in connection with comment on legislation such as this is the care with which one must choose his words lest by implication he be earmarked as encouraging organized crime or supporting the activities of organized criminals. All of us applaud the Attorney General in his determination to

fight organized crime. We want to give him all the support that this effort demands. At the same time, we go too far when we say in effect that any State which describes something to be a felony can virtually write the ticket and bring Federal police activity into force when anyone flees that State to avoid prosecution for that which, because of tradition and culture, that State regards as a felony. It may well be that the individual who flees enters a jurisdiction where the activity is not a felony, or is not a misdemeanor, and indeed may be quite appropriate or recognized in the community. This admittedly is an exceptional case, but it does reach the point about which concern is expressed; namely, the question of State's rights. On both sides of the Mason-Dixon line voices should be raised in terms of caution, lest we tamper with what, properly defined, is an essential value in our society.

The amendment which limits the authorization for commencement of action under the bill to the Attorney General himself is helpful. I believe we can properly assume that every occupant of that office will act responsively, and will be sensitive and conscientious. However, I voice the caution that the enactment of the proposed legislation may cause acute embarrassment to an Attorney General some day. It involves not alone relationships between the States, but also the prestige of a national office. I express the thought that there may be a day when an Attorney General will regret that we placed him in the position of having to say either that he will grant or will reject the request of a State to send Federal policemen in search of someone who is taking refuge in a place where the offense is not even a crime.

The wiser approach, I feel, is the one which the distinguished senior Senator from New York [Mr. JAVITS] has proposed. I believe that he might have offered it in the form of an amendment were he present today. He is absent for a very proper and laudable reason.

I would not presume to offer the amendment for him. I ask unanimous consent that at this point in the RECORD the amendment which he might well have offered be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Delete all following line 4 on page 1 and insert the following:

"Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees, for murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, extortion, bribery, graft, gambling, prostitution, or possession of narcotics, or attempt to commit any of the foregoing offenses as they are defined either at common law or by the laws of the place from which the fugitive flees, or (2) to avoid giving testimony in any criminal proceedings in such place in which the commission of an offense punishable by imprisonment in a penitentiary is charged, shall be fined not more than $5,000 or imprisoned not more than 5 years, or both."

Mr. HART. In summary, the suggestion of the Senator from New York would be that we pinpoint explicitly the additional crimes, flight from which would constitute a violation of the Fugitive Felon Act.

Here is a package aimed at organized crime. The proposal would be to add to the existing law violations enumerated in section 1073 of title 18, the following: bribery, graft, gambling, prostitution, or possession of narcotics, or attempt to commit any of the foregoing offenses.

I believe this would not unduly restrict the Attorney General and State law enforcement agencies, and at the same time would not open the possibility which I have originally suggested, that we might some day find ourselves in the business of enforcing a great variety of laws all the way across the country, north and south, east and west.

The Senator from Oregon [Mrs. NEUBERGER], whose remarks may be found in the RECORD at pages 14036 and 14037, when she first raised this point cited some of the clearly outmoded criminal statutes in several States. In fairness it should be pointed out that the bill now is restricted to felonies only.

Even so, I suggest we would be much wiser to aim at the narrower target, at the head of organized crime, and not bring up a mass of artillery which may, indeed, miss the prime target, but involve many persons who would be, at least, semi-innocent bystanders.

I ask unanimous consent to have printed at this point in the RECORD the remarks of the distinguished junior Senator from Oregon [Mrs. NEUBERGER], which appear beginning on page 14036 of the RECORD of July 29, 1961, together with my response made thereto at that time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE FUGITIVE FELON ACT

Mrs. NEUBERGER. Mr. President, I have objected today to the consideration of the amendment of the Fugitive Felon Act by the Senate because it raises a number of important questions. Unfortunately, I am not an attorney, and therefore am not so knowledgeable about some of these problems of S. 1654 as some of my colleagues are. Nonetheless, as I read the bill, it would have some interesting effects.

The proposed amendment makes it a Federal crime for a person to move or travel in interstate or foreign commerce with the intent to avoid prosecution for a crime or an attempt to commit a crime punishable by a term of more than 1 year under the laws of the State from which the fugitive flees. This measure has been submitted by the Attorney General as part of his program against organized crime.

I was curious to discover what effects this law might have on the State of Oregon, for I know that my State, like the rest of the States, has on its books a number of interesting and archaic provisions, the attempted violation of which would now make one a Federal criminal.

For example, one becomes a Federal criminal for the commission or the attempted commission of any of the following crimes in Oregon:

First. Defaming an insurance company, a bank, or a savings and loan association.

Second. Managing a steamboat or other craft in a manner that might endanger life. I suppose that this would apply to the captain of a boat pulling a vigorous water skier.

Third. Breaking into the Oregon State Penitentiary.

Fourth. Skinning a carcass worth more than $75.

Fifth. Stealing harvested and threshed grain—and there is no statement of what amount.

Sixth. Possessing adulterated gold dust.

Seventh. Challenging another person to a duel. I might add that one also would violate the law if he used contemptuous language about any person who refuses to duel.

Eighth. Exposing of any person for public amusement in a state of trance or hypnotism.

Ninth. Finally, we have an antistinkbomb law which makes it a crime to place a stinkbomb in any place where a gathering is being held. This law would make an attempt to place a stinkbomb a Federal crime.

Some other States have some provisions of similar import. For example, Alabama has a statute making it a crime, punishable by not less than 2 years in jail for carrying a rifle walking cane. And, you can spend up to 10 years in jail for the mere possession of unlawful flags or emblems. Alabama, I might add, also has an antistinkbomb law with a 1-year minimum sentence.

In Georgia, you can go to jail for up to 4 years for stealing just one chicken. Or one hog. The theft of a bale of cotton can get you up to 5 years in a Georgia jail.

In Louisiana, the penalty is up to 5 years for abetting in bigamy, and the same penalty for miscegenation.

If you marry someone outside Mississippi who you may not marry in Mississippi because of that person's race, you can spend up to 10 years in a Mississippi jail.

The theft of two horses in North Carolina can put you in jail for 20 years and you can go to jail for 5 years for betting on prizefights.

In New York State, challenging a person to a duel is a crime with a 7-year penalty, and being intoxicated in a public place can put you in jail for up to 3 years. Joyriding is second degree larceny in New York with a maximum penalty of up to 5 years and locking your college roommate in a stable is kidnaping which carries a death penalty. Finally, in New York State, any person staging a masquerade or a masked ball without prior permission can be jailed for up to 2 years and in a law that seems clearly unconstitutional, if a New York resident manages or stages a masquerade or masked ball in any of the other 49 States, he could be imprisioned for up to 2 years.

Further research might bring to light other archaic laws of other States, the violation of which would now make one a Federal criminal. Surely, it is not the intent of the Senate to enact such broad and sweeping legislation.

I have discussed the argument against this bill on the grounds of absurdity. Now, Mr. President, I would like to make another point. On the books of some Southern States, there are laws aimed specifically against the National Association for the Advancement of Colored People. They are so stated they can apply only to this organization. Some of these laws make it a crime to bring more than a certain number of actions against the State. Some make it a crime to fail to disclose information as to contributors or members of certain organizations, particularly organizations having out-of-State memberships, or headquarters. One marvels at the ability of lawmakers to invent ingenious methods to impede the progress of the NAACP.

However, merely because some jurisdictions uses its State laws to harass the NAACP and other advocates of civil rights, I see no reason why it should become a Federal crime punishable by 5 years in jail or a $5,000 fine,

or both, to cross a State line to avoid prosecution for an attempt to commit a crime defined by a State law that may be questioned because of its constitutionality.

If the Attorney General needs the authority he claims, I have faith that the Justice Department can draft more artful statutory language than this.

I ask unanimous consent to include both the text of the current law and the proposed change at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"TITLE 18, UNITED STATES CODE

"(Existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman)

"§1073. Flight to avoid prosecution or giving testimony.

"Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees, [for murder, kidnaping, burglarly, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, or extortion accompanied by threats of violence, or attempt to commit any of the foregoing offenses as they are defined either at common law or by the laws of the place from which the fugitive flees,] *for a crime or an attempt to commit a crime, punishable by death or imprisonment for a term exceeding one year under the laws of the place from which the fugitive flees,* or (2) to avoid giving testimony in any criminal proceedings in such place in which the commission of an offense punishable by imprisonment in a penitentiary is charged, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"Violations of this section may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement."

Mr. HART. Mr. President, will the Senator yield?

Mrs. NEUBERGER. I am glad to yield to the Senator from Michigan.

Mr. HART. The several bills which have been described as the package of bills to more effectively fight organized crime were the subject of public hearings before the Committee on the Judiciary. Included, of course, was the fugitive flight bill. I share the belief just expressed so eloquently by the distinguished Senator from Oregon that it is not the purpose of the Department of Justice, in recommending the bill under discussion, along with the other crime package items, to do anything more than effectively arm America in its efforts to suppress, repress, and, if possible, destroy organized crime. As far as I can recall, there was no voice raised at any of the hearings on amending the Fugitive Felon Act which raised the possibilities recited by the Senator from Oregon; no opposition was filed if my memory is correct.

The Federal Government should not be in the business of seeking out the person who skinned a carcass in Oregon; nor certainly to enforce laws which reflect strong regional traditions but which offend the conscience of a majority of Americans. I can assure the Senator from Oregon that it is not the intention of the Department of Justice to move in these extreme cases. The suggestion of the Senator, that it might be possible to more artfully draft language in order to hit the target which all of us surely desire to hit, may be a very helpful suggestion.

The RECORD, I feel certain, will be read by all of us, including the Department. I thank the delightful—if it is permitted to use that word together with the traditional "distinguished"—Senator from Oregon for having so effectively made the point. I wish that voices in this tone had been raised while the committee was considering the question, because very frankly, I think the possibilities were noted by none of us.

I think it important, in our consideration of this question, to understand that in the institution of any proceeding under the fugitive felon law, the Department of Justice itself, by several of its regulations, spells out measures which may very well insure against some of the consequences which the Senator from Oregon indicated might be offensive. Indeed, the normal practice of the Federal Bureau of Investigation, when any U.S. attorney requests an investigation of a matter of doubtful propriety, is to bring to the attention of the appropriate division of the Department of Justice such a proposal, with a request that the Department express its views.

As we study the subject, let us remember that under the present law the Civil Rights Division of the Department of Justice administers and supervises the enforcement of the Fugitive Felon Act. This is the present arrangement. I am sure it would remain so in the event that this or any other appropriate amendment were agreed to. It is my understanding that the decision as to whether an indictment is to be returned in Fugitive Felon Act cases can be made only by the Assistant Attorney General in charge of the Civil Rights Division. All of this should be in our mind as we consider the bill and any appropriate amendment.

The leadership of the Attorney General, his determination to fight organized crime, is welcomed and will be given all support by the people of America. But what we want is to fashion a weapon which would damage the ranks of organized crime. The caution voiced by the Senator from Oregon, Mrs. NEUBERGER, I echo. I hope we can develop an effective weapon appropriate for the purpose but without putting the FBI and the Department of Justice in the business of taking up the burden of enforcing such peculiar local laws as recited by the Senator from Oregon, whose courtesy in yielding I appreciate.

Mrs. NEUBERGER. I appreciate the remarks of the distinguished junior Senator from Michigan. I know of his efficient work on the Committee on the Judiciary. I hope that language can be arranged, so that no undue hardship will be worked on anyone.

Mr. HART. Mr. President, for the reasons suggested, among others, I shall vote against the bill. I hope my fears are groundless, and that time will prove them not to have been valid. However, I sense that in our zeal to stamp out organized crime in this country, we may have put the Federal foot into areas which all of us would vigorously oppose if we were conscious of what we were doing.

Mr. KEATING. Mr. President, the bill is similar to several bills introduced in this and previous Congresses to extend the scope of the Fugitive Felon Act.

The Department of Justice has been seeking enactment of such legislation for many years. Law-enforcement officials have advised me that broadening the provisions of the Fugitive Felon Act would mark a major advance in the ability of the FBI to assist the States in fighting organized crime.

At the present time the Fugitive Felon Act is applicable only to travel in interstate or foreign commerce with intent to avoid prosecution or custody or confinement after conviction for murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, or extortion accompanied by threats of violence. It is not difficult to understand why these offenses were singled out if it is recalled that this act was originally adopted in 1934. This was the period in which crimes of violence were the favorite occupation of America's most notorious gangsters—the Dillingers, the Capones, and the "Baby Face" Nelsons. The picture has changed considerably since then, although we still have our Murder, Inc., lye throwers, and other heinous offenders. Organized crime in recent years has moved into legitimate areas of our economy and operates in a much more subtle and efficient manner. Gambling, prostitution, narcotics, and liquor operations now provide the major source of revenue for the criminal underworld, yet none of these offenses are covered by the present Fugitive Felon Act. The act has been made most obsolete in its present form insofar as organized crime is concerned.

Under the proposed bill, the present law would be made applicable to all crimes which are felonies under the laws of the place from which the fugitive flees. This would make the law available as a basis for apprehending criminals who flee across State lines in any serious case. As Attorney General Rogers pointed out in endorsing this measure in January of this year:

> If this amendment is enacted, local law enforcement agencies could seek Federal assistance in locating offenders who have fled interstate to avoid prosecution, custody, or confinement for a number of serious offenses not presently included in the statute. It is the view of the Department of Justice that this amendment will strengthen considerably the legal arsenal directed at curbing major criminal activities in the Nation.

There has been some misunderstanding as to how the present Fugitive Felon Act operates. Since the present Attorney General has given assurance that he will continue to follow the longstanding practice of the Department of Justice in fugitive felon cases, it may be useful to review those practices for the record. Federal intervention almost always is limited to cases in which the State authorities have indicated a clear intention of bringing the fugitive to trial in a State court. The cases in which the fugitive is actually prosecuted by Federal authorities after apprehension are very rare. In 1960, for example, the FBI apprehended 1,361 fugitives under the provisions of the present law. Only two were tried in Federal courts. The rest were turned over to the local State authorities for extradition purposes and the fugitive had the benefit of a hearing before he was returned to the State which sought his prosecution.

This procedure has proven its worth on thousands of occasions. The FBI with its national jurisdiction obviously is the most suitable agency for apprehending fugitives who cross State lines. The State authorities, handicapped by geographical limitation on their jurisdiction, could not possibly do an effective job in catching up with jail breakers or

other wanted felons. This is a very important aspect of the anti-organized-crime program which Congress has been considering this session, a part of which has already been enacted.

Some question has arisen as to a possible misapplication of this act in cases involving civil rights matters. I have thoroughly explored this problem. If I believed that there was substance to this fear, this bill would not have my support. I am convinced, however, in looking into the matter, that broadening the bill to make it applicable to all felonies will not raise any substantial civil rights problems. Let me be specific. Suppose an attempt were made by a State to obtain the return of a freedom rider for prosecution in the State on a disorderly conduct or similar charge. In my opinion, such an attempt would fail for two reasons. First, because such charges do not constitute felonies, and second, and this is most important, there is nothing in this act which would permit the return of any fugitive to face charges which cannot be sustained under the provisions of the Constitution. It is my clear understanding and that of other Senators with whom I have discussed this measure, that the language of this bill requires the apprehension of fugitives only when the charges against them are valid under the Constitution. Complaints under the act are issued by the U.S. attorney in the State in which the offense occurred and only if there is sufficient evidence to establish a prima facie case under the act. No U.S. attorney could ignore the constitutional limitations implicit in the bill in carrying out his responsibilities. Certainly there will be no prima facie case in any situation in which the so-called fugitive is wanted for prosecution under an unconstitutional State statute, no matter what the penalty under the State statute may be. This is confirmed in a letter which was recently submitted by the Department of Justice on this measure which states:

> It is most unlikely that any U.S. attorney would institute any proceedings by issuance of a complaint or warrant arising out of an alleged violation of a State statute believed to raise substantial issues under the U.S. Constitution.

This is the only interpretation of the statute, with or without the amendment proposed in the pending bill, which I believe is possible. In fact, I think any U.S. attorney or Attorney General who attempted to apprehend a citizen in derogation of this limitation would be violating his solemn obligation to obey the Constitution in the performance of his duties.

This bill was introduced in the other body by the ranking minority member of the House Judiciary Committee. It was reported out of committee by its distinguished chairman. It had strong bipartisan support in committee and in the debate. A very similar bill was unanimously reported by the Senate Committee on the Judiciary. It has been earnestly sought by both Attorneys General Rogers and Kennedy. I know that a lot of fanciful and hypothetical situations can be conjured up by those in opposition to this measure. But this is true of almost any Federal crime legislation—not because of any fault in the drafting of the Federal laws, but because the State laws involved are inconsistent and lack uniformity. The remedy for this is not a reluctant, halting Federal anticrime program, but greater effort on the part of the States to review their statutes and eliminate illogical and obsolete provisions.

The threat of organized crime in this country is much more menacing than we generally admit. An effective counter-offensive against the underworld requires the combined efforts of Federal and local authorities. Organized crime does not stop at State borderlines and neither can successful law enforcement. The Attorneys General realize this, the FBI realizes it, almost all the members of both Committees on the Judiciary in the House and Senate, after a full study of the problem, realize it. The Senate cannot afford to ignore the advice of all these experts.

Mr. President, this is a very necessary measure. It is backed by years of successful experience in enforcing the present law and is not subject to the mischievous applications which some have suggested. I hope the bill will be approved.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 468) was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 1654 will be indefinitely postponed.

ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it adjourn until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL AIR CARRIERS—CORRECTION OF HEARING RECORD

Mr. MONRONEY. Mr. President, in the printed hearings on the bill—S. 1969—to establish a class of supplemental air carriers, certain documents are printed in connection with the testimony of Mr. Stuart Tipton, president of the Air Transport Association, which did not emanate from the ATA. In order to correct the legislative history on this measure, I ask unanimous consent that a list of these documents and their source be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

1. Exhibit C on page 238, submitted by the CAB.
2. The chart at the top of page 239, prepared by the subcommittee's staff based on data submitted by the CAB.
3. Exhibits D and E, pages 241–263, submitted by the CAB.
4. Memo of supplemental air carrier conference and memo on the supplemental airlines, pages 263–265, submitted by the supplemental carriers.

SUPPLEMENTAL AIR CARRIERS

Mr. MONRONEY. Mr. President, for the information of interested Senators I wish to make an announcement concerning the bill, S. 1969, to provide for a class of supplemental air carriers.

This bill was passed some weeks ago by the Senate, and last Monday was passed by the House with an amendment in the nature of a substitute. The amended bill is now at the desk.

While the form of the bill as passed by the Senate and as amended by the House is similar, there are major differences in the effect of the legislation. After studying the differences, it is the committee's conclusion that the conference may be rather long and involved. Some of the members of the House committee who are most knowledgeable about the problem have had to leave Washington and the Senate's insistence on a conference in their absence would be, I believe, an imposition on the House committee. Furthermore, the distinguished Senator from Ohio [Mr. LAUSCHE] has asked for an opportunity to satisfy himself with respect to one aspect of the supplemental problem which has only recently been called to his attention.

After having discussed the matter with the chairman of the committee and the ranking Republican members, we have concluded that under the circumstances it would be wise to leave the bill at the desk and postpone any action on it until next year. We have reached this decision as a result of the circumstances which I have indicated and not because of any lack of disposition on our part to confer with the House about the bill.

The postponement of action is possible because of action taken in the 86th Congress which extended the present authority of these carriers until March of next year.

FREEDOM ON THE AIR

Mr. HART. Mr. President, I would not presume upon the time of the Senate in these closing days and hours except on a matter of substantial urgency and significance.

But freedom of communications is just such a matter of substantial urgency and significance and I desire to report to the Senate a very dangerous threat to freedom of communications which has just been called to my attention. It involves the termination by radio station WLW of the "Eye Opener" program sponsored by the United Automobile Workers.

Many of my colleagues may have heard this radio program called "Eye Opener." The broadcaster is Guy Nunn and, as I said, the program is sponsored by the UAW. Mr. Nunn gives news and commentary for 30 minutes, usually early in the morning. "Eye Opener" is broadcast over 16 radio stations located in 10 different States.

Until last week "Eye Opener" was broadcast over 17 radio stations. The termination of the program by one of these stations, radio station WLW in Cincinnati, is the point of these remarks. For it seems to me that the conditions under which the UAW "Eye Opener" program was terminated by WLW raise a serious threat to freedom of communications.

I have heard the "Eye Opener" program often. Mr. Nunn presents his news and commentary from the liberal and labor point of view. It is aptly named: it is in truth an eye opener. It is a good program, though there are many times when I have disagreed with what Mr. Nunn has had to say and I am sure there are many times when he has disagreed on his program with what I have had to say. But what is important is not whether I agree or disagree or whether any other Senator agrees or disagrees with Mr. Nunn—or any other commentator for that matter—what is important is that all points of view should be presented over the airwaves for the thoughtful consideration of the American people. What concerns me is the question whether the termination of Guy Nunn's program by WLW is keeping the liberal-labor point of view off the air and thus threatening the freedom of our communications system. I would express the same concern if only the one view was on the air and would urge air time for the sharply conservative voice.

As I understand the facts they are these:

Starting in September 1960, Mr. Nunn broadcast his program over WLW from 7 to 7:30 in the evening five times a week. These broadcasts were made pursuant to a 1-year contract ending on September 11, 1961. Early this past August the UAW asked the WLW sales manager in New York to renew the contract for another year and confidently expected that it would be renewed.

On September 7, just 4 days before the expiration date, the UAW was informed by the WLW sales manager that he had received instructions from WLW in Cincinnati that the "Eye Opener" program was unacceptable to the station and that the contract would not be renewed.

On September 8, the UAW made a formal complaint to the Federal Communications Commission, reading as follows:

The United Automobile Workers Union hereby formally complains against radio station WLW in Cincinnati, Ohio. For past year Mr. Guy Nunn, UAW commentator, has broadcast his "Eye Opener" program over WLW from 7 to 7:30 in the evening five times a week under contract ending September 11. Mr. Nunn also broadcasts over 16 other stations early in the morning. A month ago UAW asked WLW sales manager in New York to renew contract. Only yesterday, September 7, 4 days before expiration date, UAW was informed by sales manager that he had received TWX from WLW in Cincinnati stating that "Eye Opener" program was unacceptable and contract would not be renewed. When UAW asked sales manager today why Mr. Nunn's program was unacceptable he changed the story and said that another program was being substituted which was more acceptable. When undersigned called Mr. Robert Dunville, station manager in Cincinnati, and asked why program was unacceptable he stated that in his opinion the new sustaining program would be more acceptable and more in the public interest than "Eye Opener." He was unable to indicate why new program was more acceptable than "Eye Opener" and why new program could not be broadcast at another time. The undersigned asked Mr. Dunville whether they would give "Eye Opener" other time. A few minutes later the sales manager offered UAW the period from 12:30 a.m. to 5:30 a.m. on 1 day a week—Tuesday—and refused to offer any time on any other day.

Mr. Nunn's program has a Neilson home coverage rating 50 percent above the next rating in Cincinnati at that time and several hundred percent above the others. Letters from area also show that program is well received and fills a definite need for a point of view not otherwise expressed on station. WLW carries "Rightwing Lifeline" and "Sunoco Three-Star Extra" programs and many management-sponsored news programs. Even with Mr. Nunn's "Eye Opener" program, WLW schedule is heavily weighted for rightwing and management point of view. Without Mr. Nunn's program there will be no expression whatever of labor and liberal point of view. This rank censorship by WLW and refusal to permit all points of view to be expressed requires revocation of license. In view of fact that final program under existing contract is on September 11 and importance of continuing "Eye Opener" program in Cincinnati, we ask that you take immediate steps to insure that program is not put off air.

JOSEPH L. RAUH, Jr.,
Washington Counsel, UAW–AFL–CIO.

On September 13, the FCC replied to the UAW's complaint as follows:

DEAR MR. RAUH: This is with reference to your telegram of September 9, 1961, to the Chairman in which you complain of the abrupt cancellation, as of September 11, 1961, of the United Auto Workers Union's program "Eye Opener" by station WLW, Cincinnati, Ohio, and of the refusal of the station to provide a reasonable alternate time for the program. In your letter you also state that a number of other news programs carried by the station present the business-employer position on controversial issues of public importance and that without the program, "Eye Opener," the station will carry no labor and/or liberal points of view on controversial issues of public importance.

It is the practice of the Commission to associate complaints against its licensees with its files on the licensees involved and to afford said licensees an opportunity to comment thereon. Accordingly, your complaint is being brought to the attention of station WLW and it is being afforded the opportunity to reply.

Very truly yours,

BEN F. WAPLE,
Acting Secretary.

The matter is now under investigation by the Federal Communications Commission and final judgment must be withheld until that investigation is completed.

There are, however, certain basic principles which can be stated now and which I am confident will be considered by the FCC in its investigation.

First. Every broadcast station—radio and television—has the obligation to present all points of view to the public. The airwaves do not belong to the broadcaster; they belong to the public. The broadcaster may not use the public domain to put over his own point of view at the expense of all other points of view.

Second. In the light of the fact that so much news and commentary is sponsored by conservative business sources, it is especially important that the liberal and labor point of view be presented by news and commentary programs.

Third. The duty of the Federal Communications Commission to enforce the obligation of broadcast stations to present all points of view is one of its most important functions.

Fourth. This duty of the FCC is the exact opposite of censorship. It is the duty to insure free speech by making certain that all points of view are presented to the public. Free speech becomes meaningless unless there are outlets for speech.

Fifth. Station WLW as a clear channel radio station with tremendous broadcasting power covering hundreds of thousands of square miles has a particular obligation to serve the public by presenting all points of view.

Sixth. Station WLW has a heavy burden to prove that it is presenting all points of view to the public if it refuses to carry "Eye Opener," one of the very few liberal labor news and commentary programs.

I am writing the FCC asking to be kept informed of the progress of this case. I believe the communications laws are broad enough today so that the FCC can deal with a matter of this kind on the facts as the Commission finds them. But if there should prove to be any question as to the legal powers of the FCC to handle this case, then I believe we in the Senate must turn our attention to keeping the channels of communication open to all.

Particularly in times of crises, all voices must be heard. Only in that manner can our Nation find its way to solution of the terrible problems that confront us. The Senate must be ever vigilant that the channels of communication remain free and open.

We insist on freedom of speech not out of some spirit of sentimentality, not merely because the founders of this Nation assigned it high priority; we insist on it because it is essential if we are to develop effective answers to the problems we face as a people. We insist on freedom of speech, not to propagate error; but because it is the only way we can hope to discover truth.

Mr. GORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED TAX RELIEF FOR STOCKHOLDERS OF DU PONT CO.

Mr. GORE. Mr. President, I wish briefly to address the Senate upon the prematurity and the inadvisability, if not the impropriety, of enacting a bill, passed

yesterday by the House of Representatives, and today referred to the Senate Finance Committee, for tax relief of the Du Pont Co. The bill is H.R. 8847.

The proponents of the bill advocated—as the record will disclose—its enactment on the ground that the Congress should enact tax relief for the stockholders of the Du Pont Co. It is argued that this tax relief is justified by the anticipated harsh impact of a court order, which is expected to be entered later this year, directing the Du Pont Co. to divest itself of ownership of General Motors stock.

It is not my purpose at this hour to discuss the detailed provisions of the bill, its merits or the lack thereof. For the present, it is sufficient to say that in the form in which it was passed by the other body, and now pends before the Senate Finance Committee, it constitutes a measure for the relief of the Du Pont Co. rather than for the relief of its individual shareholders.

Today, however, I wish to direct the attention of the Senate to serious questions relating to the timing of the bill and the tremendous pressures being exerted to bring about its enactment in the closing days of this session of the Congress.

In its present form, the bill would apply to the Du Pont case only.

Heretofore, many Members of Congress have understood that this was general legislation relating to antitrust divestiture. However, in form as well as in substance, it now is a private tax relief bill. Yet, as of today, neither the Congress nor anyone else knows, the exact conditions from which we are asked, and the bill proposes, to grant relief.

Those who urge consideration of the bill at this time are asking the Congress to legislate relief from a court order which has not yet been entered, and whose terms have not yet been written or decided upon by the trial court. Indeed, the trial court has only this month received the plan submitted to it by the Du Pont Co.; and the Government is scheduled to submit its suggestions or amendments to that plan by October 2.

The Supreme Court has decreed that Du Pont must divest itself of ownership of General Motors stock. The decree provides that divestiture must begin not more than 90 days from the date of entry of a final order specifying the terms of divestiture, and must be completed within 10 years. The case was remanded to the district court in Chicago, for entry of an appropriate order to carry out the mandate of the decree.

The district judge, in accordance with the Supreme Court opinion, directed Du Pont to submit a proposed judgment. This was done on September 1. The Government was allowed 30 days, or until October 2, to submit to the court its own proposed amendments. When this has been done, the district court will take the matter under advisement, and some time thereafter will enter such order as the Court may approve.

Under the Supreme Court's decision, the district court is directed to give precedence to this cause, among the various measures on its calendar.

The impact of the divestiture, taxwise or otherwise, on the Du Pont Co., its stockholders, or on the market for Du Pont or General Motors stock, cannot be appraised until the terms of the order are definitely known.

There are several ways in which the Du Pont Co. could dispose of its General Motors stock in whole or in part. It could be sold; it could be distributed to stockholders on a pro rata basis; or at least some of it, according to testimony of representatives of the Du Pont Co., could be disposed of by stock transfer operations.

There will be no tax impact on Du Pont shareholders unless the court order should require distribution of General Motors stock to them or unless the court order should permit this method of divestiture and the company should thereafter elect to follow it.

Du Pont, in the suggested order it has proposed to the court, lists distribution to stockholders as only one of otherwise unspecified methods it should be allowed to follow, as I have said. The Government's suggestions will not be filed until October 2.

Therefore, Congress does not now have the benefit of even the Government's proposed amendments to the suggested order submitted to the court by the Du Pont Co.

The decision of the court will not be made until sometime thereafter, as I have said, after consideration of the proposals of both parties—the Du Pont Co. and the Government—and such other terms and conditions as the court itself may deem appropriate.

The Du Pont antitrust litigation is exceedingly complex, Mr. President. It has been in progress for a number of years, with the case having twice been considered by the Supreme Court of the United States. The Government has been successful in the courts in its contention that ownership by Du Pont of General Motors stock constitutes a violation of the antitrust statutes.

Mr. President, I suggest for the consideration of the Senate that the suit was brought by the Attorney General in the Truman administration.

The district court dismissed the case during the administration of former President Eisenhower. The Justice Department of the Eisenhower administration appealed from the decision of the district court. The Supreme Court upheld the contention of the Government in its appeal, and remanded the case to the district court for an appropriate order. An appeal was made from the order. Now, once again, the case is remanded to the district court for the entry of an order in pursuance of the decision of the Supreme Court. It is now the duty of the trial court to enter an order to implement the opinion of the Supreme Court. The enactment of special legislation prior to the entry of that order would constitute an effort by the legislative branch of Government to exert influence on the district court in the exercise of its responsibility to frame its order.

Moreover, as I have said, it would grant relief, without definiteness or certainty, because we do not yet know the terms of that order.

Again, I call to the attention of the Senate the fact that the bill has now been modified as to apply to the Du Pont case only. Under the circumstances, there is no way to avoid the conclusion that this bill if enacted into law before a final order is entered would be calculated to influence the court in framing its order in this case. Indeed, I believe that to be a primary purpose of the bill.

Mr. President, now that a final order is in prospect after protracted litigation, the trial judge ought to be allowed full latitude carefully to frame his divestiture order solely on the basis of those considerations which the court determines will satisfy the conditions which the Supreme Court has found to be in violation of the statutes. If that order, when finally entered, is unduly harsh in its application to any class of citizens and taxpayers then, and only then, should the Congress consider whether and what type of legislative relief is appropriate for those taxpayers.

To those who contend that the Congress must act now or otherwise it will be too late, I would point out that it is extremely unlikely that the court order will be entered prior to November 1. On a matter of such importance, I am sure the district judge who has jurisdiction of the case will give full consideration to the suggestions already presented by Du Pont and those to be presented later by the Government before undertaking to frame the order to be entered in the case.

Assuming that a final order is entered by November 1, the Congress will have been in session for a month next year before implementation of the court approved plan of divestiture would be initiated. This would allow ample time to enact appropriate relief legislation should the justification therefor appear clear and convincing under the terms of the court's order. Moreover, should the court's order authorize alternative methods of divestiture, which appears likely, the Congress would be in a better position to legislate intelligently after it becomes known which of the alternate methods authorized by the court will in fact be pursued by the Du Pont Co.

Mr. President, under the Constitution our Government is composed of three coequal branches. We often hear it said that the courts have no authority to make law, but should confine themselves to interpreting and applying the law as it exists. It is just as important to recognize the dangers inherent in efforts by the legislative branch to preempt the prerogatives of the courts. That is exactly what we would be doing if we enact H.R. 8847 prior to the time the court enters a final order in the case to which the bill applies.

Mr. President, the U.S. Goverment filed this action in 1949 in the district court for the northern district of Illinois. The complaint alleged that the ownership and use by the Du Pont Co. of approximately 23 percent of the voting common stock of General Motors was a violation of sections 1 and 2 of

the Sherman Act and section 7 of the Clayton Act.

The court held that such holdings by Du Pont of General Motors stock had led "to the insulation from free competition of most of the General Motors market in automobile finishes and fabrics."

The court proceeded to examine the possibility of further creation of monopolistic conditions. The court did not, however, determine and fix the terms of an order for divestiture. It remanded the case, as I said earlier, for a determination by the trial court after further hearing and the consideration of such facts as the district court should deem proper.

On remand the district court invited the Du Pont Co. and the Government to submit proposals and evidence. The district court entered an order which permitted a "pass through" of voting rights, whereby the Du Pont Co. would retain all the attributes of ownership of the General Motors stock, including the right to receive dividends and a share of assets on liquidation, except the right to vote.

I shall not undertake at this late hour to discuss this decision in detail. Suffice it to say that the Government appealed the order of the court. The Supreme Court struck down the order as failing to relieve the conditions complained of, as failing to require the company to divest itself of the ownership which had constituted, in my opinion of the Court, an insulation from competition.

In this regard the Court quoted the following statement from the case of International Salt Co. against United States:

> A public interest served by such civil suits is that they effectively pry open to competition a market that has been closed by defendant's illegal restraints. If this decree accomplishes less than that, the Government has won a lawsuit and lost a cause.

The central issue in the case was not the tax consequence but the monopolistic condition. The key to the whole question of remedy in an antitrust case is the discovery of means, methods, and conditions which restore a condition of competition.

The Court also quoted from United States against Crescent Amusement Co. as follows:

> Those who violate the act may not reap the benefits of their violations and avoid an undoing of their unlawful project on the plea of hardship or inconvenience.

Thus it seems plain that the Supreme Court in its second decision on this case held firmly that a redress of conditions which constituted a violation of the Clayton Act should be accomplished.

What is the situation now? As I have said, the case has been remanded to the Federal district court in Chicago for the entry of an appropriate order to implement the decision of the Court. I should like now to read the concluding two paragraphs of the decision.

> We believe, however, that this already protracted litigation should be concluded as soon as possible. To that end we direct the district court on receipt of our judgment to enter an order requiring Du Pont to file within 60 days a proposed judgment providing for complete divestiture of its General Motors stock, to commence within 90 days, and to be completed within not to exceed 10 years, of the effective date of the district court's judgment, and requiring the Government to file, within 30 days after service upon it of Du Pont's proposed judgment, either proposed specific amendments to such Du Pont judgment or a proposed alternate judgment of divestiture. The district court shall give precedence to this cause on its calendar.
>
> The judgment of the district court, except to the extent paragraph VI is affirmed, is vacated and remanded for further proceedings consistent with this opinion.

It is plain that this case is now in the final stages of litigation. The trial court has now heard the proposed judgment of Du Pont Co. It has proceeded to serve notice of that judgment upon the Government of the United States, which is scheduled to file amendments on October 2. It is presumed that after the court hears the Government suggestions, either for amendments or for a different proposed judgment, that the court will enter an appropriate order. Thereafter, divestiture under the order must commence within 90 days.

Now, however, Congress is asked to intervene in this case, to inject itself into the litigation to give relief to the Du Pont Co., when we do not know the terms of the order or what tax liability would accrue to the company or to the stockholders, individual or corporate. It seems to me, therefore, the enactment of the proposed bill would be premature, inadvisable and, if I may say so, improper.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. PROXMIRE. The Senator from Tennessee has made an extremely persuasive and very masterful analysis of this complex and difficult financial and legal problem.

The Senator from Wisconsin, like every other Senator, has many constituents who own stock in the Du Pont Co. I am sure that is true of the distinguished Senator from Tennessee. I have received a great deal of mail from my constituents. They are concerned, and I am concerned for them, as to what will happen as a result of an action not of their doing, but which brought about the forced divestiture of stock by the Du Pont Co. I am very sympathetic with their plight, and I think they should be given every proper consideration.

I am sure the Senator from Tennessee shares this feeling and that he wishes to do all he can to provide equity and fairness to these stockholders who made an investment and who deserve the consideration any property owner in America deserves.

Mr. GORE. I shall be fully prepared to consider whatever equities or inequities may appear to exist when the order of the court is made final.

If the Du Pont Co. should follow the plan which Mr. Greenewalt presented to the Senate Committee on Finance as its proposed plan of action, then the bill which passed the other body yesterday would have a peculiar application. Instead of relieving the individual stockholders of what has been described as a staggering taxload, it would relieve Du Pont of taxation and would levy additional taxes upon the individual stockholders, taxes which would not be levied under present law if the plan proposed by Mr. Greenewalt were to be followed under present law.

I was about to say that I doubted that many Senators realize that such is the case. I should not make such a presumption. Perhaps I am in error. But I think this may be the case. Propaganda has been spread all over the country that the bill is one for the tax relief of the individual stockholders of the Du Pont Co.

I would prefer not to discuss the merits or the lack of merits of the bill at this time.

In the beginning I said I did not wish to do so. I hope the Senator will excuse my reluctance to do so. I much prefer that we consider providing such relief as the facts may indicate as equitable and fair. But the facts are not yet determined.

Mr. PROXMIRE. Yes. What the Senator has suggested is the real concern of the Senator from Wisconsin. That is why I rose to question the Senator from Tennessee. I am open-minded.

Mr. GORE. Furthermore, if the proposed legislation is to be considered at this time, as premature and inadvisable as it appears, I would prefer to await the action of the Senate Committee on Finance. Perhaps that committee could correct some of the glaring imperfections and errors of the bill referred to it today.

Mr. PROXMIRE. Yes. I am open-minded on the bill. But it seems to me that it is a very complicated bill. It was considered rather briefly and quickly on the floor of the House of Representatives. I understand that debate was limited to 15 minutes. The debate was short and concise.

As the Senator from Tennessee has indicated already in his remarks, this is an exceedingly complex and difficult situation. It is hard to appraise and understand. What the debate now brings me to is the question, Why is it that the Senate or the Congress should act now? Here it is late on the night of Wednesday, September 20. Most predictions are that we shall adjourn sine die Saturday night, 3 days hence. We may remain in session until Monday or Tuesday because of appropriation bills. But we are very close to adjournment.

Why is it that the bill should be acted upon now, rather than be carried over until January 1962, when it can be given the careful and thoughtful consideration it deserves? If it is not passed now, will there by any injury or damage of any kind to the stockholders or to the Du Pont Co.? By holding the bill in abeyance for 3 months, will injury result?

Mr. GORE. The best answer I can give to the Senator is that the decision of the Supreme Court itself provides that divestiture under the order need not commence until 90 days after the order is entered. As I have stated, the Government is to submit amendments on

October 2. Just when the Court will be able to determine the plan and enter the order I do not know. But presumably it would be some weeks following October 2. If that be true, then, and if the order is entered by December 1 or even November 1, no rights would be prejudiced. No divestiture would be required until Congress will have been in session in ample time to act, if, in January the Congress feels the facts justify action.

Mr. PROXMIRE. It is quite difficult for this Senator, who is not on the committee and who has had an opportunity only to learn secondhand or thirdhand about this situation, to know how to make up his mind until the court has acted. The revenue produced would vary, I understand, from $133 million—I do not want to discuss the substance of the bill—to $1 billion. This is a wide variation. It is a variation of sevenfold. It would seem to me that this is a matter which might be affected by the court decision. Perhaps it is not.

Mr. GORE. The wide variations in the estimates result from the fact that all of the estimates of revenue, gained or lost, are based upon the various assumptions and probable courses of action submitted by the Du Pont Co.

Mr. PROXMIRE. I see.

Mr. GORE. None of those courses of action is binding. The course of action for divestiture will only be determined by the order of the district court. That order, I repeat, has not been entered and Congress can now but proceed under the terms of the bill to give tax relief on an uncertain basis from conditions which have not yet been provided.

Mr. PROXMIRE. So there would be no way that Congress could tell, until the divestiture order is handed down and is known, what the consequences of passage of the proposed legislation would be on the stockholders, on the company, or on the Government.

Mr. GORE. I submit that the Treasury Department appeared before the Senate Committee on Finance and could give no estimates except upon the various assumptions and proposals of the Du Pont Co. The Du Pont Co., is unable to say which plan it will follow, because it is subject to the order of the court, and the order of the court has not been entered. How could an act be more premature than proposed legislation under such conditions?

Mr. PROXMIRE. I wish to ask the Senator two additional questions. Is it the contention of the Senator from Tennessee that if Congress acts, such action will prejudice the decision of the court? Does he feel that whatever action Congress may take might limit or influence the decision which the court might make in the absence of congressional action?

Mr. GORE. I would hope congressional action would not succeed in influencing the court, but I would not want to remove that as one of the purposes of the proposed bill.

Mr. PROXMIRE. Mr. President, the final question I would like to ask of the Senator from Tennessee is this: I recognize that the Members of the House of Representatives and the Members of the Senate have the highest motives, as do the people in the Du Pont company, the stockholders, and all the others concerned in this situation. However, the Senator from Wisconsin cannot fail to feel some concern—I will not say some suspicion—about bills involving hundreds of millions of dollars, which are brought before the Senate on the eve of adjournment, and which can only be passed, if not by foreclosing entirely, certainly by strictly limiting debate. This is of concern to me, especially in view of the fact that we have been very cautious and careful about concessions to the general taxpayer. It seems to me that if Congress adjourns with last-minute action, but with inadequate consideration, on this particular matter, it can be said that the only tax-relief bill passed by the 87th Congress in its 1st session was for one corporation, or for the stockholders of one corporation. Is that not a danger?

I do not want to be talking myself into something, because, as I said to my friend the Senator from Tennessee, I am openminded on this, and I mean it. I am greatly concerned about the welfare of the people of Wisconsin who are stockholders of the Du Pont Co. They do deserve consideration. If what the Senator from Tennessee has said is true—and I have the greatest faith in the Senator—the stockholders of Du Pont who live in Wisconsin will not be adversely affected by a decision of Congress to postpone action on this bill until after January 10, 1962, when we reconvene.

Mr. GORE. First, let me observe that the first session of Congress during the administration of President Kennedy has not found it possible to remove some of the tax-avoidance abuses, has not found it possible to close any loopholes of tax favoritism, to which the President has called attention and to which the Secretary of the Treasury has called attention, and has not had time to consider medical care for the aged under the social security system. Nevertheless, in the last days of the session the House of Representatives has passed this private relief bill, late in the evening, and the Finance Committee of the Senate has called a session on it the very next day. I would regret to see Congress write such a record.

If it were an equitable bill, if we knew that we were relieving inequitable conditions, I would be prepared to give it the consideration which it deserves.

However, this is a leap in the dark. We do not know the conditions which this bill proposes to relieve. They have not yet been created. They have not yet been delineated, determined, and established.

With reference to my statement to the able Senator from Wisconsin that under the plan which Mr. Greenewalt proposed, the pending bill would levy taxes on the stockholders instead of on Du Pont, I call to the Senator's attention the hearings before the Finance Committee, at page 78, where there is stated the first step which Mr. Greenewalt proposes. Then on page 79 the Senator will find the second step and the third step which Mr. Greenewalt proposes as a course of action for the Du Pont Co. under existing law.

I shall not undertake at this late hour to discuss these steps in detail. If the Senate determines to consider the bill, of course it will be necessary to do so. However, I suggest that if the Senator will read carefully this course of action—steps 1, 2, and 3—he will find that under present law the taxes of the individual stockholders, according to Mr. Greenewalt, will be increased but very little, if at all. I will read Mr. Greenewalt's statement. I prefer to read his own words:

> There would be no additional revenue to the Treasury because stockholders would be paying no more than the tax they now pay on the cash dividends.

This is on step 1.

If the Senator will read the three steps of the proposed course of action, and apply them to the terms of present law, and then contrast them with the proposal of the pending bill, he will see that if the Du Pont Co. carries out its proposal, the pending bill will relieve the Du Pont Co. of taxes and levy the taxes upon the stockholders.

Let me read at page 79 of the hearings what Mr. Greenewalt had to say:

> Under present law, then, tax revenues under the combination of methods of divestiture which now appears most favorable would total about $330 million.

This tax would all come from the company. However, if the pending bill is passed, the tax burden would be shifted to the stockholders.

NOMINATION OF FOWLER HAMILTON TO BE ADMINISTRATOR OF AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. KEFAUVER. Mr. President, I have just learned of the President's announcement that he will appoint Fowler Hamilton to head the important new Agency for International Development.

Mr. Hamilton has made an outstanding record as an attorney, not only in private practice but in several key posts with the Justice Department. His background and experience include a number of assignments in Government dealing directly with foreign relations, and an especially solid foundation in international law. He is well qualified and has demonstrated administrative ability of the highest caliber.

I think Mr. Hamilton's willingness to serve his Nation in this vital position is worthy of commendation. The administration of our foreign aid program is one of the most serious and essential tasks our Nation faces in these critical times.

I wish to congratulate the President on his selection and to state that I believe the Agency for Foreign Develop-

ment will receive from Mr. Hamilton guidance and direction of the highest degree.

ADJOURNMENT

Mr. GORE. Mr. President, I move that the Senate, under the previous order, stand in adjournment until noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 47 minutes p.m) the Senate adjourned, under the previous order, until tomorrow, Thursday, September 21, 1961, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 20, 1961:

U.S. CIRCUIT JUDGES

Griffin B. Bell, of Georgia, to be U.S. circuit judge, fifth circuit, vice a new position.

Walter Pettus Gewin, of Alabama, to be U.S. circuit judge for the fifth circuit, vice a new position.

U.S. ATTORNEYS

Robert C. Zampano of Connecticut to be U.S. attorney for the district of Connecticut for the term of 4 years, vice Harry W. Hultgren, Jr.

John M. Imel, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma for the term of 4 years, vice Robert S. Rizley, resigned.

COMPTROLLER OF CUSTOMS

Joseph A. Curnane, of Massachusetts, to be Comptroller of Customs with headquarters at Boston, Mass., vice Albert Cole, resigned.

COMPTROLLER OF THE CURRENCY

James J. Saxon, of Illinois, to be Comptroller of the Currency.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Fowler Hamilton, of Connecticut, to be Administrator of the Agency for International Development.

IN THE NAVY

Having been designated, under the provisions of title 10, United States Code, section 5231, Rear Adm. William A. Schoech, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of vice admiral while so serving.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

Lt. Gen. Paul DeWitt Adams, O17306, Army of the United States (major general, U.S. Army), in the rank of general.

IN THE AIR FORCE

Maj. Gen. James Ferguson, 1530A, Regular Air Force to be assigned to positions of importance and responsibility designated by the President in the rank of lieutenant general, under the provisions of section 8066, title 10 of the United States Code.

Col. Godfrey T. McHugh, 1257A, Regular Air Force, for appointment to the temporary grade of brigadier general in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code.

IN THE ARMY

The following-named officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major generals

Brig. Gen. Carl Darnell, Jr., O19213, Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Edward Bastion, Jr., O19162, Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Frederick Leonard, Jr., O19829, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ashton Herbert Manhart, O18773, U.S. Army.

Brig. Gen. Howard William Doan, O20057, Medical Corps, (colonel, Medical Corps, U.S. Army).

Brig. Gen. Claire Elwood Hutchin, Jr., O21092, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. John Joseph Davis, O18530, U.S. Army.

Brig. Gen. Autrey Joseph Maroun, O19865, Army of the United States (colonel, U.S. Army).

Brig. Gen. Clifton Ferdinand von Kann, O21371, Army of the United States (lieutenant colonel, U.S. Army).

To be brigadier generals

Col. Ben Sternberg, O21286, Army of the United States (lieutenant colonel, U.S. Army).

Col. David Bennett Parker, O20571, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jaroslav Thayer Folda, Jr., O21193, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Raymond Peers, O21366, Army of the United States (lieutenant colonel, U.S. Army).

Col. Seth Lathrop Weld, Jr., O19772, U.S. Army.

Col. William Welby Beverley, O21107, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frank Alexander Osmanski, O19745, U.S. Army.

Col. Samuel Knox Eaton, O21132, Army of the United States (lieutenant colonel, U.S. Army).

Col. James Henry Lynch, O21237, Army of the United States (lieutenant colonel, U.S. Army).

Col. John William Dobson, O21851, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Howard York, O21341, Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur Sylvester Collins, Jr., O21260, Army of the United States (lieutenant colonel, U.S. Army).

Col. Carl C. Turner, O31909, Army of the United States (lieutenant colonel, U.S. Army).

CONFIRMATIONS

Executive nominations confirmed by the Senate September 20, 1961:

COMMISSIONER OF INDIAN AFFAIRS

Philleo Nash, of Wisconsin, to be Commissioner of Indian Affairs.

MISSISSIPPI RIVER COMMISSION

Harold T. Council, of Mississippi, to be a member of the Mississippi River Commission.

WITHDRAWAL

Executive nomination withdrawn from the Senate, September 20, 1961:

COMPTROLLER OF CURRENCY

James J. Saxon, of Illinois, to be Comptroller of the Currency, which was sent to the Senate on September 20, 1961.

HOUSE OF REPRESENTATIVES

WEDNESDAY, SEPTEMBER 20, 1961

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

From the prophecy of Zechariah, 4: 6: *Not by might, nor by power, but by My spirit, saith the Lord of hosts.*

Most merciful and gracious God, Thy presence is our shield in the stillness of the night and our strength in the struggles of each new day.

Grant that in these times of anguish and evil tidings we may hear and heed Thy voice speaking peace unto our souls and emancipating us from all fear.

Mediate unto us Thy divine wisdom which will enable us to see our tasks and obligations more clearly and discharge them more faithfully.

Create within the hearts of men and nations a love for those fundamental principles and common purposes which make for unity and good will.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4750. An act to amend section 6(a) of the Virgin Islands Corporation Act; and

H.R. 8444. An act to amend the act of August 12, 1955, relating to elections in the District of Columbia.

The message also announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 569. Joint resolution to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 520. An act to authorize certain modification of the existing project for the Kaskaskia River, Ill., for navigation purposes;

S. 2008. An act to amend the act of September 16, 1959 (73 Stat. 561, 43 U.S.C. 615a), relating to the construction, operation, and maintenance of the Spokane Valley project; and

S. 2102. An act to redesignate the Jefferson Division of the Eastern District of Texas as the Marshall Division.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8302) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes."

THE CIVIL SERVICE RETIREMENT ACT AMENDMENT CONFERENCE REPORT

Mr. MURRAY submitted a conference report and statement on the bill (S. 739) to amend the Civil Service Retirement Act, as amended, with respect to the method of computing interest earnings of special Treasury issues held by the civil service retirement and disability fund.

ACCEPTANCE OF BUST OF THE HONORABLE JOSEPH W. MARTIN, JR.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 393.

The Clerk read the resolution as follows:

Resolved, That the House of Representatives is authorized to accept, on behalf of and without cost to the United States, a suitable bust of the Honorable JOSEPH W. MARTIN, JR., in honor of his distinguished service as a Representative from Massachusetts and former Speaker of the House of Representatives. Such bust when accepted shall be placed in the rotunda of the Old House Office Building with appropriate ceremonies.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURLESON. Mr. Speaker, it gives me a great personal satisfaction to present this resolution.

The Republican Women of Massachusetts who present the bust of our beloved colleague and former Speaker, JOSEPH W. MARTIN, JR., not only honor the distinguished former Speaker, but honor the House of Representatives and the U.S. Government in presenting it.

No man with whom many of us have served in the Congress for a considerable number of years possesses and deserves a higher esteem and respect.

Speaker MARTIN holds an especial place for me in that he was Speaker in the 80th Congress when I became a Member, and only in subsequent years did I realize just how thoughtful, considerate and helpful he was in the early experiences of those of us who came at that time.

It is indeed fitting that the bust provided for in this resolution furnished by these loyal women of Massachusetts be placed in the rotunda of the House Office Building, that we may be secondarily reminded of his great, long, and enduring devotion to the House of Representatives and the great influence he has had upon the affairs of our Nation.

Mr. Speaker, I feel sure that every Member will take pride and satisfaction in enthusiastically supporting this resolution and, at the same time, expressing in this way our thanks to these women of Massachusetts who have made the bust possible.

Mr. SCHENCK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SCHENCK. Mr. Speaker, this resolution authorizes the House to accept and to place in the rotunda of the Old House Office Building a bust of a former Speaker of the House, our colleague and friend, JOE MARTIN. This work is being done at no cost to the Treasury or to the taxpayers. The bust is in process of being made by a noted sculptress, Suzanne Silvercruys Stevenson of North Windham, Conn., and is being financed through subscriptions raised by the National Federation of Republican Women.

When placed in the rotunda of the Old House Office Building, the bust will serve as a reminder of the faithful and distinguished service of a great American, JOE MARTIN, who is serving his 19th term as a Member of the House. He was our Speaker in the 80th Congress, in the years 1947 and 1948; and again in the 83d Congress, in the years 1953 and 1954. With the exception of those two terms, he was our minority leader from 1939 to 1959. He presided over five Republican National Conventions, more than any other man in history.

But this is not to honor him for his service to the Republican Party. It is to honor him for his devoted and dedicated service to the House of Representatives and to our country.

This resolution was introduced by one of JOE MARTIN's Massachusetts colleagues, Mr. BRADFORD MORSE. I was happy to support it in my committee and now in the House.

Mr. MORSE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MORSE. Mr. Speaker, the House of Representatives, in adopting House Resolution 393 without a dissenting voice, has made its respect and affection for one of the Nation's great statesmen a matter of record.

Certainly no Member of this body is held in higher esteem than former Speaker JOE MARTIN. Certainly no man is more worthy of the honors which his fellow citizens have bestowed upon him. Certainly no man ever wore the mantle of greatness with greater modesty.

In the 8½ months that I have been privileged to sit in this House, I have become deeply indebted to JOE MARTIN for the wise counsel that he has so willingly shared with each of the new Members. His encouragement has made the road easier for each of us who first took the oath in January 1961.

It was, therefore, with gratification that I filed House Resolution 393, which will authorize a place here on Capitol Hill for the bust of JOE MARTIN, commissioned by the National Federation of Republican Women and executed by one of the country's most noted sculptors, Suzanne Silvercruys Stevenson. I would like to take this opportunity to thank the members of the national federation, through their able president, Mrs. J. D. Parks, of Colorado for their generosity in honoring one of the great Americans of our century.

Mr. WALLHAUSER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BATES] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BATES. Mr. Speaker, I wish to join with my colleagues in support of this resolution.

Speaker JOE MARTIN is a great and distinguished American and this action is most appropriate. Those of us who have had the great honor of knowing him need no reminder of his place in history. This gesture is rather for those generations yet unborn. It will reflect to them an image of one of the few Americans selected for the high honor of being Speaker of the House of Representatives.

I urge the passage of this measure.

Mr. CURTIS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CURTIS of Massachusetts. Mr. Speaker, I support wholeheartedly the resolution honoring former Speaker JOSEPH W. MARTIN, JR., of Massachusetts.

The office of Speaker is near the top among the highest ranking offices within the gift of the people of America. Some would rank it third, and under present law, the Speaker is third in line of succession to the Presidency should both the President and the Vice President be unavailable.

Not only did Mr. MARTIN occupy the office of Speaker, but he occupied it with great distinction. The 80th Congress, in session 1947–48, over which Mr. MARTIN presided as Speaker, wrote a distinguished record of accomplishment, despite the fact that for political reasons this record was both unjustly attacked and insufficiently defended.

For Mr. MARTIN, the speakership was the culmination of a long and distinguished career in politics. Mr. MARTIN served in the legislature of his State, as well as in the Congress, was chairman of his party, and received the unprecedented honor of being elected five times as the chairman of his party's national convention.

It is most fitting that this resolution providing for the installation of a bust

of Mr. MARTIN should be passed with acclamation.

Mr. WALLHAUSER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. KEITH] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. KEITH. Mr. Speaker, I, too, would like to take time to pay tribute to the Honorable JOSEPH W. MARTIN, JR., of Massachusetts, and to compliment my colleagues in the House for their action in authorizing the display of a bust of the distinguished former Speaker.

I have the honor of representing a district that borders on Mr. MARTIN'S. Perhaps my deep feelings of respect and confidence in him spring partly from the fact that I can also claim him as at least a part-time constituent, for he has a summer home on Cape Cod in my district.

JOE MARTIN has always symbolized the best of what the people look for in a public servant. He is honest with them and works hard in their behalf, for what he, and they, know is best for the country. He has served his district, the Commonwealth of Massachusetts, and the Nation ably and with conviction and inspiration for more than a half century. As permanent chairman of five national conventions, former Republican leader and Speaker of the House, as well as chairman of the Republican National Committee, his record of service to his party has been unequaled. A political writer put it very aptly when he said that JOE MARTIN is the man "who brought fight and fire to the GOP." Well, he has done this and more.

I am particularly indebted to him for his freely given and often sought advice and counsel. It has been a great source of encouragement for me, as well, I know, as for many other newer Members of Congress.

I can think of no Member of this distinguished body I respect more or who is more deserving of the honor that has been paid him. I know in this respect I am speaking for a great many others.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. WALTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, on yesterday the distinguished gentleman from Michigan called to our attention an article that appeared in the Washington Post concerning the printing of additional copies of a report of the Committee on Un-American Activities.

I have long since learned there are certain contests one does not engage in. However, I do feel it is my duty to call to your attention a photograph, and then ask you to be the judge, not on the basis of what I say, not on the basis of anything that appears in the Washington Post, as to who is telling the truth.

The Washington Post editorial states:

> Its very title contains a plain misstatement of fact. Communists probably participated in the San Francisco disorder, although the report merely asserts that they did without proving it; but plainly the rioting students were not led by Communists.

Mr. Speaker, here is a photograph taken in the courtroom in San Francisco. The gentleman on the left is Ralph Izard. He is one of the top Communists in California. He is the man who was sent a large quantity of literature to be used during the riot.

The second man is Archie Brown, who is leader of the Communist Party in California.

This little girl is Sally Sweet. She is a Communist who is an expert on the technique of rioting.

The gentleman on the right, and I use that term advisedly, is Saul Wachter. Saul is a well-known leader of the Communist Party, who was a delegate to the Communist Party convention in New York.

Here they are. I ask you, is this a distorted editorial or were these people actually at this disgraceful, disorderly hearing of a committee of the U.S. Congress, or did they lead the disorderly conduct?

I ask you.

THE CASE FOR MASSACHUSETTS IN GOOD HANDS—IN WASHINGTON, D.C.

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, increased appropriations for defense rank first among the measures passed by the U.S. Congress in 1961, that stimulate the economy of Massachusetts.

Government defense orders for missiles and electronic equipment are nourishing a new growth industry for our State; one that already provides tens of thousands of jobs, raises personal incomes, trains people in technical skills, and earns profits for economic expansion.

The temporary extension of unemployment compensation, plus aid to dependents, helped us out of the recession and into the present period of recovery.

The water pollution aid bill will encourage communities along our contaminated rivers to cooperate in cleanup programs that will develop the use of our water resources in the public interest.

The depressed areas bill; the increased and extension of minimum wage; improvements in the Social Security Act; foreign aid; highway financing; the omnibus housing bill; all contribute to the progress of Massachusetts and its people.

The hard work and success of the Massachusetts delegation in securing the establishment of the Cape Cod National Park will preserve a precious historical and recreational area and will attract tourists from all over the Nation to our State.

Insofar as we can anticipate developments in the 1962 session of the House, it appears that medical aid to the aged and aid to education will be the principal accomplishments that will be of substantial benefit to Massachusetts.

The prestige of Massachusetts in Washington, D.C. is reaching an all-time high. In the person of President Kennedy and House Majority Leader MCCORMACK—who is in line to become Speaker—we will have Bay State men in the No. 1 and No. 3 positions of national leadership.

In 1962 the interests of our Commonwealth will have strong and able spokesmen in the Congress and the White House.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 217]

Anfuso	Green, Oreg.	Norrell
Arends	Griffin	Nygaard
Bass, Tenn.	Hagan, Ga.	O'Brien, N.Y.
Battin	Hall	Pelly
Bell	Halpern	Peterson
Berry	Harrison, Va.	Pfost
Blatnik	Harsha	Pilcher
Boggs	Healey	Pirnie
Brewster	Hébert	Powell
Buckley	Hoeven	Rabaut
Byrnes, Wis.	Holifield	Rains
Carey	Holtzman	Reuss
Cederberg	Horan	Riehlman
Celler	Hosmer	Roberts
Chenoweth	Ichord, Mo.	Rodino
Church	Joelson	Roosevelt
Colmer	Johnson, Wis.	St. George
Cook	Jones, Ala.	Santangelo
Cooley	Jones, Mo.	Saund
Corman	Karth	Shelley
Dague	Kee	Short
Daniels	Kilburn	Siler
Dent	Kyl	Smith, Iowa
Diggs	Laird	Staggers
Dooley	Loser	Stephens
Dowdy	McDonough	Sullivan
Downing	McSween	Teague, Calif.
Durno	Macdonald	Teague, Tex.
Evins	MacGregor	Thompson, La.
Farbstein	Martin, Nebr.	Toll
Feighan	May	Van Pelt
Flynt	Michel	Vinson
Ford	Miller, George P.	Weaver
Frazier	Miller, N.Y.	Weis
Friedel	Moeller	Westland
Garmatz	Morrison	Willis
Gavin	Moulder	Yates
Gilbert	Multer	Younger
Gray		Zelenko

The SPEAKER pro tempore. On this rollcall 315 Members have answered to their names, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

PEACE CORPS ACT—CONFERENCE REPORT

Mr. MORGAN. Mr. Speaker, I call up the conference report on the bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower, and unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume the gentleman plans to take ample time to explain this conference report in which some of us are very much interested.

Mr. MORGAN. I will try to do my best.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1239)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"TITLE I—THE PEACE CORPS

"Short title

"SECTION 1. This Act may be cited as the 'Peace Corps Act'.

"Declaration of purpose

"SEC. 2. The Congress of the United States declares that it is the policy of the United States and the purpose of this Act to promote world peace and friendship through a Peace Corps, which shall make available to interested countries and areas men and women of the United States qualified for service abroad and willing to serve, under conditions of hardship if necessary, to help the peoples of such countries and areas in meeting their needs for trained manpower, and to help promote a better understanding of the American people on the part of the peoples served and a better understanding of other peoples on the part of the American people.

"Authorization

"SEC. 3. (a) The President is authorized to carry out programs in furtherance of the purposes of this Act, on such terms and conditions as he may determine.

"(b) There is hereby authorized to be appropriated to the President for the fiscal year 1962 not to exceed $40,000,000 to carry out the purposes of this Act.

"Director of the Peace Corps and delegation of functions

"SEC. 4. (a) The President may appoint, by and with the advice and consent of the Senate, a Director of the Peace Corps, whose compensation shall be fixed by the President at a rate not in excess of $20,000 per annum, and a Deputy Director of the Peace Corps, whose compensation shall be fixed by the President at a rate not in excess of $19,500 per annum.

"(b) The President may exercise any functions vested in him by this Act through such agency or officer of the United States Government as he shall direct. The head of any such agency or any such officer may promulgate such rules and regulations as he may deem necessary or appropriate to carry out such functions, and may delegate to any of his subordinates authority to perform any of such functions.

"(c)(1) Nothing contained in this Act shall be construed to infringe upon the powers or functions of the Secretary of State.

"(2) The President shall prescribe appropriate procedures to assure coordination of Peace Corps activities with other activities of the United States Government in each country, under the leadership of the chief of the United States diplomatic mission.

"(3) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of the programs authorized by this Act, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

"(d) Except with the approval of the Secretary of State, the Peace Corps shall not be assigned to perform services which could more usefully be performed by other available agencies of the United States Government in the country concerned.

"Peace Corps volunteers

"SEC. 5. (a) The President may enroll in the Peace Corps for service abroad qualified citizens and nationals of the United States (referred to in this Act as 'volunteers'). The terms and conditions of the enrollment, training, compensation, hours of work, benefits, leave, termination, and all other terms and conditions of the service of volunteers shall be exclusively those set forth in this Act and those consistent therewith which the President may prescribe; and, except as provided in this Act, volunteers shall not be deemed officers or employees or otherwise in the service or employment of, or holding office under, the United States for any purpose. In carrying out this subsection no political test shall be required or taken into consideration, nor shall there be any discrimination against any person on account of race, creed, or color.

"(b) Volunteers shall be provided with such living, travel, and leave allowances, and such housing, transportation, supplies, equipment, subsistence, and clothing as the President may determine to be necessary for their maintenance and to insure their health and their capacity to serve effectively. Transportation and travel allowances may also be provided, in such circumstances as the President may determine, for applicants for enrollment to or from places of training and places of enrollment, and for former volunteers from places of termination to their homes in the United States.

"(c) Volunteers shall be entitled to receive termination payments at a rate not to exceed $75 for each month of satisfactory service as determined by the President. The termination payment of each volunteer shall be payable at the termination of his service, or may be paid during the course of his service to the volunteer, to members of his family or to others, under such circumstances as the President may determine. In the event of the volunteer's death during the period of his service, the amount of any unpaid termination payment shall be paid in accordance with the provisions of section 61f of title 5 of the United States Code.

"(d) Volunteers shall be deemed to be employees of the United States Government for the purposes of the Federal Employees' Compensation Act (39 Stat. 742), as amended: *Provided, however,* That entitlement to disability compensation payments under that Act shall commence on the day after the date of termination of service. For the purposes of that Act—

"(1) volunteers shall be deemed to be receiving monthly pay at the lowest rate provided for grade 7 of the general schedule established by the Classification Act of 1949, as amended, and volunteer leaders (referred to in section 6 of this Act) shall be deemed to be receiving monthly pay at the lowest rate provided for grade 11 of such general schedule; and

"(2) any injury suffered by a volunteer during any time when he is located abroad shall be deemed to have been sustained while in the performance of his duty and any disease contracted during such time shall be deemed to have been proximately caused by his employment, unless such injury or disease is caused by willful misconduct of the volunteer or by the volunteer's intention to bring about the injury or death of himself or of another, or unless intoxication of the injured volunteer is the proximate cause of the injury or death.

"(e) Volunteers shall receive such health care during their service, and such health examinations and immunization preparatory to their service, as the President may deem necessary or appropriate. Subject to such conditions as the President may prescribe, such health care, examinations, and immunization may be provided for volunteers in any facility of any agency of the United States Government, and in such cases the appropriation for maintaining and operating such facility shall be reimbursed from appropriations available under this Act.

"(f)(1) Any period of satisfactory service of a volunteer under this Act shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

"(A) for the purposes of the Civil Service Retirement Act, as amended (5 U.S.C. 2251, et seq.), section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

"(B) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided,* That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment.

"(2) For the purposes of paragraph (1)(A) of this subsection, volunteers and volunteer leaders shall be deemed to be receiving compensation during their service at the respective rates of termination payments payable under sections 5(c) and 6(1) of this Act.

"(g) The President may detail or assign volunteers or otherwise make them available to any entity referred to in paragraph (1) of section 10(a) on such terms and conditions

as he may determine: *Provided, however,* That any volunteer so detailed or assigned shall continue to be entitled to the allowances, benefits and privileges of volunteers authorized under or pursuant to this Act.

"(h) Volunteers shall be deemed employees of the United States Government for the purposes of the Federal Tort Claims Act and any other Federal tort liability statute, and for the purposes of section 1 of the Act of June 4, 1920 (41 Stat. 750), as amended (22 U.S.C. 214).

"(i) The service of a volunteer may be terminated at any time at the pleasure of the President.

"(j) Upon enrollment in the Peace Corps, every volunteer shall take the oath prescribed for persons appointed to any office of honor or profit by section 1757 of the Revised Statutes of the United States, as amended (5 U.S.C. 16), and shall swear (or affirm) that he does not advocate the overthrow of our constitutional form of government in the United States, and that he is not a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates.

"Peace Corps volunteer leaders

"SEC. 6. The President may enroll in the Peace Corps qualified citizens or nationals of the United States whose services are required for supervisory or other special duties or responsibilities in connection with programs under this Act (referred to in this Act as 'volunteer leaders'). The ratio of the total number of volunteer leaders to the total number of volunteers in service at any one time shall not exceed one to twenty-five. Except as otherwise provided in this Act, all of the provisions of this Act applicable to volunteers shall be applicable to volunteer leaders, and the term 'volunteers' shall include 'volunteer leaders': *Provided, however,* That—

"(1) volunteer leaders shall be entitled to receive termination payments at a rate not to exceed $125 for each month of satisfactory service as determined by the President;

"(2) spouses and minor children of volunteer leaders may receive such living, travel, and leave allowances, and such housing, transportation, subsistence, and essential special items of clothing, as the President may determine, but the authority contained in this paragraph shall be exercised only under exceptional circumstances;

"(3) spouses and minor children of volunteer leaders accompanying them may receive such health care as the President may determine and upon such terms as he may determine, including health care in any facility referred to in section 5(e) of this Act, subject to such conditions as the President may prescribe and subject to reimbursement of appropriations as provided in section 5(e); and

"(4) spouses and minor children of volunteer leaders accompanying them may receive such orientation, language, and other training necessary to accomplish the purposes of this Act as the President may determine.

"Peace Corps employees

"SEC. 7. (a) The President may employ such persons, not to exceed 275 persons permanently employed in the United States at any one time in fiscal year 1962, as the President deems necessary to carry out the provisions and purposes of this Act. Except as otherwise provided in this Act, such persons (hereinafter sometimes referred to as employees') shall be employed in accordance with and shall be subject to the laws applicable to personnel employed by the United States Government.

"(b) Of the persons so employed in the United States in activities authorized by this Act, not to exceed thirty may be compensated without regard to the provisions of the Classification Act of 1949, as amended, of whom not to exceed twenty may be compensated at rates higher than those provided for grade fifteen of the general schedule established by the Classification Act of 1949, as amended, and of these not to exceed two may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year. Such positions shall be in addition to those authorized by section 4(a) of this Act to be filled by Presidential appointment, and in addition to the number authorized by section 505 of the Classification Act of 1949, as amended.

"(c) For the purpose of performing functions under this Act outside the United States, the President may—

"(1) employ or assign persons, or authorize the employment or assignment of officers or employees of agencies of the United States Government, who shall receive compensation at any of the rates provided for persons appointed to the Foreign Service Reserve and Staff under the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), together with allowances and benefits thereunder; and persons so employed or assigned shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of the employment or assignment exceeds thirty months, to the same benefits as are provided by section 528 of that Act for persons appointed to the Foreign Service Reserve, and the provisions of section 1005 of that Act shall apply in the case of such persons, except that policymaking officials shall not be subject to that part of section 1005 which prohibits political tests;

"(2) utilize such authority, including authority to appoint and assign persons for the duration of operations under this Act, contained in the Foreign Service Act of 1946, as amended, as the President deems necessary to carry out functions under this Act. Such provisions of the Foreign Service Act of 1946 as the President deems appropriate shall apply to persons appointed or assigned under this paragraph, including in all cases, the provisions of section 528 of that Act: *Provided, however,* That the President may by regulation make exceptions to the application of section 528 in cases in which the period of the appointment of assignment exceeds thirty months: *Provided further,* That Foreign Service Reserve officers appointed or assigned pursuant to this paragraph shall receive within-class salary increases in accordance with such regulations as the President may prescribe; and

"(3) specify which of the allowances and differentials authorized by title II of the Overseas Differentials and Allowances Act (5 U.S.C. 3031 et seq.) may be granted to any person employed, appointed or assigned under this subsection (c) and may determine the rates thereof not to exceed those otherwise granted to employees under that Act.

"(d) The President is authorized to prescribe by regulation standards or other criteria for maintaining adequate performance levels for persons appointed or assigned pursuant to subsection (c)(2) of this section and section 527(c)(2) of the Mutual Security Act of 1954, as amended, and may, notwithstanding any other law, separate persons who fail to meet such standards or other criteria, and also may grant such persons severance benefits of one month's salary for each year of service, but not to exceed one year's salary at the then current salary rate of such persons.

"(e) In each country or area in which volunteers serve abroad, the President may appoint an employee or a volunteer as a Peace Corps representative to have direction of other employees of the Peace Corps abroad and to oversee the activities carried on under this Act in such country or area. Unless a representative is a volunteer, the compensation, allowances and benefits, and other terms and conditions of service of each such representative, shall be the same as those of a person appointed or assigned pursuant to paragraph (1) or (2) of subsection (c) of this section, except that any such representative may, notwithstanding any provision of law, be removed by the President in his discretion.

"Volunteer training

"SEC. 8. (a) The President shall make provision for such training as he deems appropriate for each applicant for enrollment as a volunteer and each enrolled volunteer. All of the provisions of this Act applicable respectively to volunteers and volunteer leaders shall be applicable to applicants for enrollment as such during any period of training occurring prior to enrollment, and the respective terms 'volunteers' and 'volunteer leaders' shall include such applicants during any such period of training.

"(b) The President may also make provision, on the basis of advances of funds or reimbursement to the United States, for training for citizens of the United States, other than those referred to in subsection (a) of this section, who have been selected for service abroad in programs not carried out under authority of this Act which are similar to those authorized by this Act. The provisions of section 9 of this Act shall apply, on a similar advance of funds or a reimbursement basis, with respect to persons while within the United States for training under authority of this subsection. Advances or reimbursements received under this subsection may be credited to the current applicable appropriation, fund, or account and shall be available for the purposes for which such appropriation, fund, or account is authorized to be used.

"(c) Training hereinabove provided for shall include instruction in the philosophy, strategy, tactics, and menace of communism.

"Participation of foreign nationals

"SEC. 9. In order to provide for assistance by foreign nationals in the training of volunteers, and to permit effective implementation of Peace Corps projects with due regard for the desirability of cost-sharing arrangements, where appropriate, the President may make provision for transportation, housing, subsistence, or per diem in lieu thereof, and health care or health and accident insurance for foreign nationals engaged in activities authorized by this Act while they are away from their homes, without regard to the provisions of any other law: *Provided, however,* That per diem in lieu of subsistence furnished to such person shall not be at rates higher than those prescribed by the Secretary of State pursuant to section 12 of Public Law 84-885 (70 Stat. 890). Such persons, and persons coming to the United States under contract pursuant to section 10(a)(4), may be admitted to the United States, if otherwise qualified, as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) for such time and under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General. A person admitted under this section who fails to maintain the status under which he was admitted or who fails to depart from the United States at the expiration of the time for which he was admitted, or who engages in activities of a political nature detrimental to the interests of the United States, or in activities not consistent with the security of the United States, shall, upon the warrant of the Attorney General, be taken into custody and promptly deported pursuant to sections 241, 242, and 243

of the Immigration and Nationality Act. Deportation proceedings under this section shall be summary and the findings of the Attorney General as to matters of fact shall be conclusive.

"General powers and authorities

"SEC. 10. (a) In furtherance of the purposes of this Act, the President may—

"(1) enter into, perform, and modify contracts and agreements and otherwise cooperate with any agency of the United States Government or of any State or any subdivision thereof, other governments and departments and agencies thereof, and educational institutions, voluntary agencies, farm organizations, labor unions, and other organizations, individuals and firms;

"(2) assign volunteers in special cases to temporary duty with international organizations and agencies when the Secretary of State determines that such assignment would serve the purposes of this Act: *Provided*, That not more than one hundred and twenty-five Peace Corps volunteers or volunteer leaders shall be assigned to international organizations as described in this section;

"(3) accept in the name of the Peace Corps and employ in furtherance of the purposes of this Act (A) voluntary services notwithstanding the provisions of 31 U.S.C. 665(b), and (B) any money or property (real, personal or mixed, tangible or intangible) received by gift, devise, bequest, or otherwise; and

"(4) contract with individuals for personal services abroad, and with aliens (abroad or within the United States) for personal services within the United States: *Provided*, That no such person shall be deemed an officer or employee or otherwise in the service or employment of the United States Government for any purpose.

"(b) Notwithstanding any other provision of law, whenever the President determines that it will further the purposes of this Act, the President, under such regulations as he may prescribe, may settle and pay, in an amount not exceeding $10,000, any claim against the United States, for loss of or damage to real or personal property (including loss of occupancy or use thereof) belonging to, or for personal injury or death of, any person not a citizen or resident of the United States, where such claim arises abroad out of the act or omission of any Peace Corps employee or out of the act or omission of any volunteer, but only if such claim is presented in writing within one year after it accrues. Any amount paid in settlement of any claim under this subsection shall be accepted by the claimant in full satisfaction thereof and shall bar any further action or proceeding thereon.

"(c) Subject to any future action of the Congress, a contract or agreement which entails commitments for the expenditure of funds available for the purposes of this Act, including commitments for the purpose of paying or providing for allowances and other benefits of volunteers authorized by sections 5 and 6 of this Act, may extend at any time for not more than thirty-six months.

"(d) Whenever the President determines it to be in furtherance of the purposes of this Act, functions authorized by this Act may be performed without regard to such provisions of law (other than the Renegotiation Act of 1951, as amended) regulating the making, performance, amendment, or modification of contracts and the expenditure of Government funds as the President may specify.

(e) The President may allocate or transfer to any agency of the United States Government any funds available for carrying out the purposes of this Act including any advance received by the United States from any country or international organization under authority of this Act, but not to exceed 20 per centum in the aggregate of such funds may be allocated or transferred to agencies other than the Peace Corps. Such funds shall be available for obligation and expenditure for the purposes of this Act in accordance with authority granted in this Act or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

"(f) Any officer of the United States Government carrying out functions under this Act may utilize the services and facilities of, or procure commodities from, any agency of the United States Government as the President shall direct, or with the consent of the head of such agency, and funds allocated pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

"(g) In the case of any commodity, service, or facility procured from any agency of the United States Government under this Act, reimbursement or payment shall be made to such agency from funds available under this Act. Such reimbursement or payment shall be at replacement cost, or, if required by law, at actual cost, or at any other price authorized by law and agreed to by the owning or disposing agency. The amount of any such reimbursement or payment shall be credited to current applicable appropriations, funds, or accounts from which there may be procured replacements of similar commodities, services, or facilities, except that where such appropriations, funds, or accounts are not reimbursable except by reason of this subsection, and when the owning or disposing agency determines that such replacement is not necessary, any funds received in payment therefor shall be covered into the Treasury as miscellaneous receipts.

"Reports

"SEC. 11. The President shall transmit to the Congress, at least once in each fiscal year, a report on operations under this Act.

"Peace Corps National Advisory Council

"SEC. 12. (a) The President may appoint to membership in a board to be known as the Peace Corps National Advisory Council twenty-five persons who are broadly representative of educational institutions, voluntary agencies, farm organizations, and labor unions, and other public and private organizations and groups as well as individuals interested in the programs and objectives of the Peace Corps, to advise and consult with the President with regard to policies and programs designed to further the purposes of this Act.

"(b) Members of the Council shall serve at the pleasure of the President and meet at his call. They shall receive no compensation for their services, but members who are not officers or employees of the United States Government may each receive out of funds made available for the purposes of this Act a per diem allowance of $50 for each day, not to exceed twenty days in any fiscal year in the case of any such member, spent away from his home or regular place of business for the purpose of attendance at meetings or conferences and in necessary travel, and while so engaged may be paid actual travel expenses and per diem in lieu of subsistence and other expenses, at the applicable rate prescribed by the Standardized Government Travel Regulations, as amended from time to time.

"Experts and consultants

"SEC. 13. (a) Experts and consultants or organizations thereof may, as authorized by section 15 of the Act of August 2, 1946, as amended (5 U.S.C. 55a), be employed by the Peace Corps for the performance of functions under this Act, and individuals so employed may be compensated at rates not in excess of $75 per diem, and while away from their homes or regular places of business, they may be paid actual travel expenses and per diem in lieu of subsistence and other expenses at the applicable rate prescribed in the Standardized Government Travel Regulations, as amended from time to time, while so employed: *Provided*, That contracts for such employment may be renewed annually.

"(b) Service of an individual as a member of the Council authorized to be established by section 12 of this Act or as an expert or consultant under subsection (a) of this section shall not be considered as service or employment bringing such individual within the provisions of section 281, 283, or 284 of title 18 of the United States Code, or of section 190 of the Revised Statutes (5 U.S.C. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of service, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States Government except insofar as such provisions of law may prohibit any such individual from receiving compensation in respect of any particular matter in which such individual was directly involved in the performance of such service; nor shall such service be considered as employment or holding of office or position bringing such individual within the provisions of section 13 of the Civil Service Retirement Act, as amended (5 U.S.C. 2263), section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a), section 872 of the Foreign Service Act of 1946, as amended, or any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities.

"Detail of personnel to foreign governments and international organizations

"SEC. 14. (a) In furtherance of the purposes of this Act, the head of any agency of the United States Government is authorized to detail, assign, or otherwise make available any officer or employee of his agency (1) to serve with, or as a member of, the international staff of any international organization, or (2) to any office or position to which no compensation is attached with any foreign government or agency thereof: *Provided*, That such acceptance of such office or position shall in no case involve the taking of an oath of allegiance to another government.

"(b) Any such officer or employee, while so detailed or assigned, shall be considered, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits as such, an officer or employee of the United States Government and of the agency of the United States Government from which detailed or assigned, and he shall continue to receive compensation, allowances, and benefits from funds authorized by this Act. He may also receive, under such regulations as the President may prescribe, representation allowances similar to those allowed under section 901 of the Foreign Service Act of 1946 (22 U.S.C. 1131). The authorization of such allowances and other benefits, and the payment thereof out of any appropriations available therefor, shall be considered as meeting all of the requirements of section 1765 of the Revised Statutes (5 U.S.C. 70).

"(c) Details or assignments may be made under this section—

"(1) without reimbursement to the United States Government by the international organization or foreign government;

"(2) upon agreement by the international organization or foreign government to reimburse the United States Government for compensation, travel expenses, and allowances, or any part thereof, payable to such officer or employee during the period of assignment or detail in accordance with subsection (b) of this section; and such reim-

bursement shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, or allowances, or to the appropriation, fund, or account currently available for such purpose; or

"(3) upon an advance of funds, property or services to the United States Government accepted with the approval of the President for specified uses in furtherance of the purposes of this Act; and funds so advanced may be established as a separate fund in the Treasury of the United States Government, to be available for the specified uses, and to be used for reimbursement of appropriations or direct expenditure subject to the provisions of this Act, any unexpended balance of such account to be returned to the foreign government or international organization.

"Utilization of funds

"SEC. 15. (a) Funds made available for the purposes of this Act may be used for compensation, allowances, and travel of employees, including Foreign Service personnel whose services are utilized primarily for the purposes of this Act, for printing and binding without regard to the provisions of any other law, and for expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of employees) without regard to such laws and regulations governing the obligation and expenditure of Government funds as may be necessary to accomplish the purposes of this Act.

"(b) Funds made available for the purposes of this Act may be used to pay expenses in connection with travel abroad of employees and, to the extent otherwise authorized by this Act, of volunteers, including travel expenses of dependents (including expenses during necessary stopovers while engaged in such travel), and transportation of personal effects, household goods, and automobiles when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year, and cost of transporting to and from a place of storage, and the cost of storing automobiles of employees when it is in the public interest or more economical to authorize storage.

"(c) Funds available under this Act may be used to pay costs of training employees employed or assigned pursuant to section 7 (c)(2) of this Act (through interchange or otherwise) at any State or local unit of government, public or private nonprofit institution, trade, labor, agricultural, or scientific association or organization, or commercial firm; and the provisions of Public Law 84-918 (7 U.S.C. 1881 et seq.) may be used to carry out the foregoing authority notwithstanding that interchange of personnel may not be involved or that the training may not take place at the institutions specified in that Act. Such training shall not be considered employment or holding of office under section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), and any payments or contributions in connection therewith may, as deemed appropriate by the head of the agency of the United States Government authorizing such training, be made by private or public sources and be accepted by any trainee, or may be accepted by and credited to the current applicable appropriation of such agency: *Provided, however,* That any such payments to an employee in the nature of compensation shall be in lieu, or in reduction, of compensation received from the United States Government.

"(d) Funds available for the purposes of this Act shall be available for—

"(1) rent of buildings and space in buildings in the United States, and for repair, alteration, and improvement of such leased properties;

"(2) expenses of attendance at meetings concerned with the purposes of this Act, including (notwithstanding the provisions of section 9 of Public Law 60-328 (31 U.S.C. 673)) expenses in connection with meetings of persons whose employment is authorized by section 13(a) of this Act;

"(3) rental and hire of aircraft;

"(4) purchase and hire of passenger motor vehicles: *Provided,* That, except as may otherwise be provided in an appropriation or other Act, passenger motor vehicles for administrative purposes abroad may be purchased for replacement only, and such vehicles may be exchanged or sold and replaced by an equal number of such vehicles, and the cost, including exchange allowance, of each such replacement shall not exceed $2,500 in the case of an automobile for any Peace Corps country representative appointed under section 7(e): *Provided further,* That passenger motor vehicles may be purchased for use in the United States only as may be specifically provided in an appropriation or other Act;

"(5) entertainment (not to exceed $5,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act);

"(6) exchange of funds without regard to section 3561 of the Revised Statutes (31 U.S.C. 543) and loss by exchange;

"(7) expenditures (not to exceed $5,000 in any fiscal year except as may be otherwise provided in an appropriation or other Act) not otherwise authorized by law to meet unforeseen emergencies or contingencies arising in the Peace Corps: *Provided,* That a certificate of the amount only of each such expenditure and that such expenditure was necessary to meet an unforeseen emergency or contingency, made by the Director of the Peace Corps or his designee, shall be deemed a sufficient voucher for the amount therein specified;

"(8) insurance of official motor vehicles acquired for use abroad;

"(9) rent or lease abroad for not to exceed five years of offices, health facilities, buildings, grounds, and living quarters, and payments therefor in advance; maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for its use abroad; and costs of fuel, water, and utilities for such properties;

"(10) expenses of preparing and transporting to their former homes, or, with respect to foreign participants engaged in activities under this Act, to their former homes or places of burial, and of care and disposition of, the remains of persons or members of the families of persons who may die while such persons are away from their homes participating in activities under this Act;

"(11) use in accordance with authorities of the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), not otherwise provided for; and

"(12) ice and drinking water for use abroad.

"Appointment of persons serving under prior law

"SEC. 16. (a) Under such terms and conditions as the President may prescribe, volunteer personnel who on the effective date of this Act have been engaged by contract by, or pursuant to agreement with, the Peace Corps agency established within the Department of State pursuant to Executive Order Numbered 10924, dated March 1, 1961, may be enrolled as volunteers or volunteer leaders under this Act. Such enrollment may be made effective, for any or all purposes, as of a date prior to the effective date of this Act but not earlier than the date of commencement of training of the person in question. All allowances and termination payments similar to those authorized by this Act received by any such person or by members of his family or payable with respect to any period between the effective date and the actual date of such enrollment shall be deemed for all purposes to have been received or to be payable under the appropriate provision of this Act.

"(b) Any person who was appointed by and with the advice and consent of the Senate to be Director of the Peace Corps prior to the enactment of this Act may be appointed by the President to be Director of the Peace Corps under section 4(a) of this Act without further action by the Senate.

"Use of foreign currencies

"SEC. 17. Whenever possible, expenditures incurred in carrying out functions under this Act shall be paid for in such currency of the country or area where the expense is incurred as may be available to the United States.

"Applicability of Mutual Defense Assistance Control Act

"SEC. 18. The Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 et seq.) shall apply with respect to functions carried out under this Act except in cases where the President shall determine that such application would be detrimental to the interests of the United States.

"Seal

"SEC. 19. The President may adopt, alter, and use an official seal or emblem of the Peace Corps of such design as he shall determine, which shall be judicially noticed.

"Moratorium on student loans

"SEC. 20. Section 205 of the National Defense Education Act of 1958 (20 U.S.C. 425) is amended by deleting the word 'or' immediately preceding clause (ii) of section 205(b)(2)(A) and by adding immediately after that clause the following: 'or (iii) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act: *Provided,* That this clause shall apply to any loan outstanding on the effective date of the Peace Corps Act only with the consent of the then obligee institution,'.

"Amendment to Civil Service Retirement Act

"SEC. 21. Subsection (j) of section 3 of the Civil Service Retirement Act, as amended (5 U.S.C. 2253), is amended to read as follows:

"'(j) Notwithstanding any other provision of this section or section 5(f) of the Peace Corps Act, any military service (other than military service covered by military leave with pay from a civilian position) performed by an individual after December 1956 and any period of service by an individual as a volunteer under the Peace Corps Act, shall be excluded in determining the aggregate period of service upon which an annuity payable under this chapter to such individual or to his widow or child is to be based, if such individual or widow or child is entitled (or would upon proper application be entitled) at the time of such determination, to monthly old-age or survivors benefits under section 202 of the Social Security Act, as amended (42 U.S.C. 402), based on such individual's wages and self-employment income. If in the case of the individual or widow such military service or service under the Peace Corps Act is not excluded under the preceding sentence, but upon attaining age sixty-two, he or she becomes entitled (or would upon proper application be entitled) to such benefits, the Commission shall redetermine the aggregate period of service upon which such annuity is based, effective as of the first day of the month in which he or she attains such age, so as to exclude such service. The Secretary of Health, Education, and Welfare shall, upon the request of the Commission, inform the Commission

whether or not any such individual or widow or child is entitled at any specified time to such benefits.'

"Security investigations

"SEC. 22. All persons employed or assigned to duties under this Act shall be investigated to insure that the employment or assignment is consistent with the national interest in accordance with standards and procedures established by the President. If an investigation made pursuant to this section develops any data reflecting that the person who is the subject of the investigation is of questionable loyalty or is a questionable security risk, the investigating agency shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation. The results of that full field investigation shall be furnished to the initial investigating agency, and to the agency by which the subject person is employed, for information and appropriate action. Volunteers shall be deemed employees of the United States Government for the purpose of this section.

"Universal Military Training and Service Act

"SEC. 23. Notwithstanding the provisions of any other law or regulation, service in the Peace Corps as a volunteer shall not in any way exempt such volunteer from the performance of any obligations or duties under the provisions of the Universal Military Training and Service Act.

"Foreign language proficiency

"SEC. 24. No person shall be assigned to duty as a volunteer under this Act in any foreign country or area unless at the time of such assignment he possesses such reasonable proficiency as his assignment requires in speaking the language of the country or area to which he is assigned.

"Definitions

"SEC. 25. (a) The term 'abroad' means any area outside the United States.

"(b) The term 'United States' means the several States and territories and the District of Columbia.

"(c) The term 'function' includes any duty, obligation, right, power, authority, responsibility, privilege, discretion, activity, and program.

"(d) The term 'health care' includes all appropriate examinations, preventive, curative and restorative health and medical care, and supplementary services when necessary.

"(e) For the purposes of this or any other Act, the period of any individual's service as a volunteer under this Act shall include—

"(1) except for the purposes of section 5(f) of this Act, any period of training under section 8(a) prior to enrollment as a volunteer under this Act; and

"(ii) the period between enrollment as a volunteer and the termination of service as such volunteer by the President or by death or resignation.

"(f) The term 'United States Government agency' includes any department, board, wholly or partly owned corporation, or instrumentality, commission, or establishment of the United States Government.

"(g) The word 'transportation' in sections 5(b) and 6(2) includes transportation of not to exceed three hundred pounds per person of unaccompanied necessary personal and household effects.

"Construction

"SEC. 26. If any provision of this Act or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.

"Effective date

"SEC. 27. This Act shall take effect on the date of its enactment.

"TITLE II—AMENDMENT OF INTERNAL REVENUE CODE AND SOCIAL SECURITY ACT

"Taxation of allowances

"SEC. 201. (a) Section 912 of the Internal Revenue Code of 1954 (relating to exemption from gross income for certain allowances) is amended by adding at the end thereof the following new paragraph:

"'(3) PEACE CORPS ALLOWANCES.—In the case of an individual who is a volunteer or volunteer leader within the meanhig of the Peace Corps Act and members of his family, amounts received as allowances under section 5 or 6 of the Peace Corps Act other than amounts received as—

"'(A) termination payments under section 5(c) or section 6(1) of such Act,

"'(B) leave allowances,

"'(C) if such individual is a volunteer leader training in the United States, allowances to members of his family, and

"'(D) such portion of living allowances as the President may determine under the Peace Corps Act as constituting basic compensation.'

"(b) Section 1303(b) of the Internal Revenue Code of 1954 (relating to definition of back pay) is amended by adding at the end thereof the following new paragraph:

"'(4) Termination payments under section 5(c) or section 6(1) of the Peace Corps Act which are received or accrued by an individual during the taxable year on account of any period of service, as a volunteer or volunteer leader under the Peace Corps Act, occurring prior to the taxable year.'

"(c) Section 3401(a) of the Internal Revenue Code of 1954 (relating to the definition of wages for purposes of the collection of income tax at source on wages) is amended by striking out the period at the end of paragraph (12) and inserting in lieu thereof '; or', and by adding at the end thereof the following new paragraph:

"'(13) pursuant to any provision of law other than section 5(c) or 6(1) of the Peace Corps Act, for service performed as a volunteer or volunteer leader within the meaning of such Act.'

"(d) The amendments made by subsections (a) and (b) of this section shall apply with respect to taxable years ending after March 1, 1961. The amendment made by subsection (c) shall apply with respect to remuneration paid after the date of the enactment of this Act.

"Social security coverage

"SEC. 202. (a)(1) Section 3121(i) of the Internal Revenue Code of 1954 (relating to computation of wages for purposes of the Federal Insurance Contributions Act) is amended by adding at the end thereof the following new paragraph:

"'(3) PEACE CORPS VOLUNTEER SERVICE.—For purposes of this chapter, in the case of an individual performing service, as a volunteer or volunteer leader within the meaning of the Peace Corps Act, to which the provisions of section 3121(p) are applicable, the term "wages" shall, subject to the provisions of subsection (a)(1) of this section, include as such individual's remuneration for such service only amounts paid pursuant to section 5(c) or 6(1) of the Peace Corps Act.'

"(2) Section 3121 of such Code is amended by adding at the end thereof the following new subsection:

"'(p) PEACE CORPS VOLUNTEER SERVICE.—For purposes of this chapter, the term "employment" shall, notwithstanding the provisions of subsection (b) of this section, include service performed by an individual as a volunteer or volunteer leader within the meaning of the Peace Corps Act.'

"(3) The first sentence of section 3122 of such Code (relating to Federal service) is amended by inserting after 'section 3121(m)(1) are applicable,' the following: 'and including service, performed as a volunteer or volunteer leader within the meaning of the Peace Corps Act, to which the provisions of section 3121(p) are applicable,'.

"(4) Section 6051(a) of such Code (relating to receipts for employees) is amended by adding at the end thereof the following new sentence: 'In the case of compensation paid for service as a volunteer or volunteer leader within the meaning of the Peace Corps Act, the statement shall show, in lieu of the amount required to be shown by paragraph (5), the total amount of wages as defined in section 3121(a), computed in accordance with such section and section 3121(i)(3).'

"(b)(1) Section 210 of the Social Security Act (42 U.S.C. 410) is amended by adding at the end thereof the following new subsection:

"'Peace Corps Volunteer Service

"'(o) The term "employment" shall, notwithstanding the provisions of subsection (a), include service performed by an individual as a volunteer or volunteer leader within the meaning of the Peace Corps Act.'

"(2) Section 209 of such Act (42 U.S.C. 409) is amended by adding at the end thereof the following new paragraph:

"'For purposes of this title, in the case of an individual performing service, as a volunteer or volunteer leader within the meaning of the Peace Corps Act, to which the provisions of section 210(o) are applicable, (1) the term "wages" shall, subject to the provisions of subsection (a) of this section, include as such individual's remuneration for such service only amounts certified as payable pursuant to section 5(c) or 6(1) of the Peace Corps Act, and (2) any such amount shall be deemed to have been paid to such individual at the time the service, with respect to which it is paid, is performed.'

"(3) The first sentence of section 205(p)(1) of such Act (42 U.S.C. 405(p)(1)), is amended by inserting after 'are applicable,' the following: 'and including service, performed as a volunteer or volunteer leader within the meaning of the Peace Corps Act, to which the provisions of section 210(o) are applicable,'.

"(c) The amendments made by subsections (a) and (b) of this section shall apply with respect to service performed after the date of the enactment of this Act. In the case of any individual who is enrolled as a volunteer or volunteer leader under section 16(a) of this Act, such amendments shall apply with respect to service performed on or after the effective date of such enrollment."

And the Senate agree to the same.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
EDNA F. KELLY,
CHESTER E. MERROW,
WALTER H. JUDD,
Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
HUBERT H. HUMPHREY,
ALEXANDER WILEY,
BOURKE B. HICKENLOOPER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee

of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for clarifying, clerical, and necessary conforming changes, the differences are noted below:

POWERS OR FUNCTIONS OF SECRETARY OF STATE (SEC. 4(C))

The House bill, section 4(c), contained a provision that "nothing contained in this act shall be construed to infringe upon the powers or functions of the Secretary of State or the other officers of the Department of State appointed by the President by and with the advice and consent of the Senate."

The Senate amendment contained identical language with respect to the Secretary of State but omitted the reference to "the other officers of the Department of State appointed by the President by and with the advice and consent of the Senate."

The manager on the part of the House accepted the Senate language omitting the reference to the powers and functions of the other officers of the Department of State contained in the House bill in the belief that responsibility for defining relationships between subordinate State Department officers is properly that of the Secretary of State. To the extent that functions are vested in subordinate officers by statute, the clause contained in the House bill would be unnecessary. To the extent that the powers of subordinate officers derive from the authority of the Secretary of State himself, this provision presumably would not affect the Secretary's power to make such organizational arrangements within the Department as he sees fit.

PERFORMANCE OF SERVICES BY PEACE CORPS (SEC. 4(D))

The House bill, section 4(d), contained a provision that "the Peace Corps shall not perform services which in the opinion of the Secretary of State could more usefully be performed by other available agencies of the United States Government in the country concerned."

The Senate amendment contained language providing that "except with the approval of the Secretary of State, the Peace Corps shall not be assigned to perform services which could readily be performed by other available agencies of the United States Government in the country concerned."

The committee of conference accepted the Senate language, except that the word "readily" was changed to "more usefully".

The managers on the part of the House accepted this compromise in the belief that the Senate requirement that the Secretary of State consider and give approval to any assignment of services to the Peace Corps before the Peace Corps undertakes operations in a foreign country would be preferable to the House language, which would have permitted the Peace Corps to go ahead in the performance of services prior to such specific advance approval by the Secretary of State.

DISCRIMINATION BY RECIPIENT NATIONS

The House bill, section 4(e), contained a provision that "the Peace Corps shall not perform services in any foreign country in which, by reason of law or official policy, any member of the Peace Corps is or will be discriminated against because of his race, creed, or color."

The Senate amendment did not contain such a provision.

The managers on the part of the House agreed to the deletion of this provision. They are convinced that in the less developed countries government policy frequently may not be well coordinated and public opinion not fully matured. Under the circumstances, individual incidents of discrimination might occur which did not reflect either the policy of the government or the attitude of the public generally.

One of the functions to be served by Peace Corps volunteers should be to bring about an understanding by the people of the countries in which they serve of different races, religions, and national points of view. It would be undesirable to deprive any country of the benefit of this type of service on the part of the Peace Corps.

It is the policy of the Peace Corps to require in its program agreements that host countries accord equitable treatment to the volunteer or give other satisfactory assurance to the same effect. The Peace Corps states that it would not maintain a program in any country in which volunteers were repeatedly subject to discrimination.

ASSIGNMENT OF VOLUNTEERS TO INTERNATIONAL ORGANIZATIONS (SEC. 5(G) AND SECS. 10(A)(1) AND (2))

The House provision relating to assignment of volunteers generally included a proviso (sec. 5(g)) permitting the President to waive, with respect to any volunteers assigned or detailed to international organizations, such provisions of this act relating to volunteers as he determines to be necessary to carry out the purposes of this act. It also expressly permitted the President to enter into contracts with international organizations and agencies to carry out programs in furtherance of the purposes of this act (sec. 10(a)(1)).

The Senate amendment did not contain comparable provisions but it did authorize the President to make arrangements to assign volunteers in special cases to temporary duty with international organizations and agencies when the Secretary of State determines that such assignment would serve the purposes of this act. It limited to 75 the number of volunteers and volunteer leaders who could be so assigned.

The managers on the part of the House accepted the Senate version including a modification of the Senate language that will authorize a maximum of 125 volunteers and volunteer leaders to be assigned to international organizations.

REQUIREMENT FOR FILING AFFIDAVITS (SEC. 5(J))

The House bill contained a provision that in addition to the oath every volunteer shall execute and file with the Director an affidavit that he does not advocate the overthrow of our constitutional form of government in the United States, and that he is not a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates.

The Senate amendment had no comparable provision.

The committee of conference accepted the language of the House bill with an amendment which requires that, instead of filing an affidavit with the Director, every volunteer shall, at the time of taking the oath, also swear or affirm that he does not advocate the overthrow of our constitutional form of government in the United States, and that he is not a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates.

MONTHLY PAYMENT OF VOLUNTEER LEADERS (SEC. 6(1))

The House bill provided that volunteer leaders would be entitled to receive termination payments at a rate not to exceed $150 for each month of satisfactory service. The Senate bill contained a comparable provision concerning termination payments, but the rate was established at $100 a month.

The managers on the part of the House compromised at $125 per month.

LIMITATION ON NUMBER OF EMPLOYEES (SEC. 7(A))

The Senate amendment contained a ceiling of 275 on the number of employees during fiscal year 1962 other than volunteers or Peace Corps representatives abroad that could be employed.

The House bill contained no comparable provision.

The managers on the part of the House accepted the Senate ceiling of 275 employees for fiscal year 1962. However, the managers on the part of the House insisted on the following language as a substitute for the Senate amendment: "not to exceed 275 persons permanently employed in the United States at any one time in fiscal year 1962". This language is intended to make it clear that the ceiling does not apply to any oversea employees. Also, the language agreed to requires the ceiling to apply only to permanently employed persons. This will permit the agency to continue using college students as temporary summer employees.

PEACE CORPS EMPLOYEES (SEC. 7(B))

The Senate amendment provided that of the persons employed in the United States in activities authorized by this act, not to exceed 35 may be compensated without regard to the provisions of the Classification Act of 1949, as amended. Of these 25 may be compensated at rates higher than GS–15 of the general schedule ($15,030), and of these 2 may receive up to $19,000. The House bill contained no comparable provision. It was recognized that sound management was essential to the success of this new program. The managers on the part of the House therefore receded from their position and agreed to 30 excepted positions of which 20 could be compensated at rates above GS–15.

STAFF ASSIGNMENTS FOR VOLUNTEERS (SEC. 7(E))

The House bill contained a provision allowing the assignment of volunteers to duty on the staff of Peace Corps representatives.

The Senate amendment did not contain a comparable provision.

The managers on the part of the House receded from their position in recognition of the fact that volunteers were not intended to serve in administrative positions with U.S. agencies. The committee of conference does not believe that such administrative assignments are in keeping with the concept of the volunteers' intended services.

TRAINING IN COMMUNIST TACTICS (SEC. 8(C))

The Senate amendment, section 8(c), included a provision that "training hereinabove provided for shall include instruction in the philosophy, strategy, tactics, and menace of communism."

The House bill did not contain a similar provision.

The managers on the part of the House accepted the Senate language. The Peace Corps officials have given assurance that such training is already required in every Peace Corps training curriculum. There appears to be every reason to give statutory recognition to this requirement.

PARTICIPATION OF FOREIGN NATIONALS (SEC. 9)

The House bill authorized the "participation of" foreign nationals in the training of volunteers while the Senate amendment authorized "assistance by" foreign nationals in such training. The House conferees accepted the Senate language as a clearer intent that the role of the foreign nationals was limited to the training of volunteers rather than themselves being volunteers.

The Senate amendment also contained a provision that incorporated the fifth and sixth sentences of section 201(a) of the U.S. Information and Educational Exchange Act of 1948 or corresponding provisions of any successor act. Such sentences were made applicable to foreign nationals coming to the United States in connection with the training of volunteers. The Mutual Educational and Cultural Exchange Act of 1961 repealed section 201 referred to in the bill.

The sentences referred to in the Senate amendment deal with the deportation of foreigners who do not maintain the status under which they are admitted or whose conduct and activities are prejudicial to U.S. interests or security.

The managers on the part of the House accepted the Senate version with an amendment that incorporates directly rather than by reference the sentences referred to in the Senate amendment.

ALLOCATIONS TO OTHER AGENCIES (10(e))

Subsection 10(e) of the House bill provided the basic authority whereby the President may allocate funds to the Peace Corps or, in the case of other agencies performing functions under the bill, to those agencies. Funds so allocated may be obligated and expended for Peace Corps purposes in accordance with Peace Corps bill authority, regardless of the agency which obligates or expends the funds. It also provides that Peace Corps funds allocated to another agency might be used by that agency for Peace Corps purposes in the manner in which it is accustomed to handling its own funds.

The Senate amendment contained no comparable provision.

The committee of conference agreed on a compromise which included the language of the House bill but limited such transfers and allocations to U.S. agencies other than the Peace Corps to 20 percent of the funds available for carrying out the purposes of the act in any fiscal year.

RETIRED OFFICERS AND EMPLOYEES (SEC. 13(b))

The Senate amendment added to subsection (b) language that would provide exemption for experts and consultants from laws governing reemployment of retired officers or employees and simultaneous receipt of compensation and retired pay or annuities.

The House bill contained no such provision.

The managers on the part of the House accepted the Senate provision in the belief that the Peace Corps program would be more effective if the services of retired officers and employees were more readily available to it.

MAINTENANCE AND OPERATION OF AIRCRAFT (SEC. 15(d)(3))

The House bill contained a provision authorizing the maintenance, operation, and hire of aircraft.

The Senate amendment provided only for the "rental and hire" of aircraft.

The managers on the part of the House accepted the Senate language which will prevent the Peace Corps from establishing its own aircraft maintenance and operating facilities or employing personnel to operate or maintain aircraft.

The committee of conference recognizes that the rental or hire of aircraft might be necessary in some instances in order to facilitate some of the Peace Corps oversea operations. However, any necessary maintenance and operating requirements for these aircraft should be provided for as part of the rental contracts.

ENTERTAINMENT EXPENSES (SEC. 15(d)(5))

The House bill placed a ceiling of $2,500 on the amount that may be provided for entertainment.

The Senate amendment raised the ceiling to $5,000.

The managers on the part of the House accepted the Senate amendment.

INSURANCE OF AIRCRAFT (SEC. 15(d)(8))

The House bill provided for insurance of motor vehicles or aircraft acquired for use abroad.

The Senate amendment deleted the reference to aircraft.

The managers on the part of the House accepted the Senate amendment since the Peace Corps has no authority to make use of aircraft except through rental or hire.

RENT OR LEASE (SEC. 15(d)(9))

The House bill authorized the rent or lease abroad for not to exceed 10 years of offices, living quarters, and other physical facilities, and payments therefor in advance. The Senate amendment authorized such rentals or loans for a period not to exceed 3 years. The committee of conference agreed on 5 years.

PRIOR SERVICE ON NATIONAL ADVISORY COUNCIL

The House bill (sec. 16(b)) provided that persons currently serving as members of the Nationual Advisory Council of the agency as established under Executive order shall be members of the Peace Corps National Advisory Council under the authority of section 12 of this act.

The Senate amendment contained no comparable provision.

The managers on the part of the House agreed to the deletion of this subsection.

Section 12(a) of the bill provides for a Peace Corps National Advisory Council of 25 members. Under the authority of the Executive order establishing the Peace Corps, an advisory board had been created having 35 members. This provision would have prevented the elimination of the 10 members necessary to bring the membership within the new limit.

CONFIRMATION OF DIRECTOR (SEC. 16(b))

The Senate amendment, section 16(b), provided that in the event the present Director of the Peace Corps is appointed Director of the Peace Corps under section 4(a) of this act, the Senate need not reconfirm him.

The House bill contained no comparable provision.

The managers on the part of the House accepted this provision since they could see no useful purpose in having the present Director reconfirmed. The appointment of anyone other than the present incumbent as Director of the Peace Corps will under the terms of section 4(a) of the bill require Senate confirmation.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
EDNA F. KELLY,
CHESTER E. MERROW,
WALTER H. JUDD,
Managers on the Part of the House.

Mr. MORGAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the bill agreed to in conference is a good bill and retains the basic provisions which were approved by the House. As is the case in all conferences it has been necessary, however, to agree to certain compromises and to make certain concessions.

One of the provisions of the House bill not contained in the Senate bill was the requirement that every Peace Corps volunteer take an oath and sign an affidavit that he does not advocate the overthrow of our constitutional form of Government and that he is not a member of an organization that advocates the overthrow of our constitutional form of Government, knowing that such organization so advocates.

The basic concept of this affidavit was retained in the bil' agreed to by the conference except that the requirement of an affidavit was changed to the requirement that the Peace Corps volunteer take an oath that he does not advocate the overthrow of our constitutional form of Government in the United States, and that he is not a member of any organization that advocates the overthrow of our constitutional form of Government in the United States, knowing that such organization so advocates.

The Senate bill included authorization for 25 supergrades. The Executive request had been 30 and the Senate, after long discussion on the Senate floor, cut the figure to 25. The Senate conferees very strongly defended this Senate figure. The managers on the part of the House finally accepted a figure of 20 supergrades, a reduction of 5 below the Senate bill and 10 below the number requested by the Executive.

Let me say in this connection, however, that we accepted a ceiling of 275 on the number of Peace Corps Washington personnel which was included in the Senate bill but which was not in the House bill.

The net result is that while we agreed to an increase in supergrades we accepted a personnel ceiling which should have the effect of keeping within bounds any tendency for the administrative staff of the Peace Corps to get out of hand.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. I am not exactly straight on the number of excepted positions. The House receded from its position and agreed to 30 excepted positions, of which 20 can be compensated for above the rating of GS–15.

Are those supergrades and scientific positions?

Mr. MORGAN. No, there is no reference to scientific positions in the bill.

Mr. GROSS. All supergrades?

Mr. MORGAN. Just the 20 are supergrades.

Mr. GROSS. How many scientific and professional positions?

Mr. MORGAN. There are no scientific supergrades as I understand the meaning of the term.

Mr. GROSS. The $19,000 people are out, except for the statutory positions?

Mr. MORGAN. There are two at $19,000.

Mr. GROSS. Then those are statutory?

Mr. MORGAN. Yes, there are 2 statutory positions at $19,000 and two supergrades at that salary.

Mr. GROSS. I thank the gentleman.

Mr. MORGAN. Mr. Speaker, the Senate bill included a provision limiting the number of volunteers and volunteer leaders who could be assigned to international organizations to 75. The House bill contained no such limitation and the managers on the part of the House agreed to a limit of 125 volunteers and volunteer leaders which can be assigned to international organizations.

One of the provisions in the House bill adopted on the floor of the House was a requirement that "the Peace Corps shall not perform services in any foreign country in which, by reason of law or official policy, any member of the Peace Corps is or will be discriminated against because of his race, creed, or

color." This provision received careful consideration during the conference. There was no member of the conference committee on either side who was not in complete sympathy with the fundamental premise on which this provision was based. At the same time discussion in conference emphasized the fact that in the less-developed countries government policies frequently are not well coordinated or carefully developed. Furthermore, in some countries it is often difficult to evaluate isolated expressions of public opinion.

The committee of conference also recognized that one of the basic purposes of the Peace Corps is to promote understanding among peoples of different nations. One of the primary results of understanding is tolerance, not only with respect to race and religion, but also of foreigners with different attitudes and customs. It is the expectation that Peace Corps volunteers, by their presence, will tend to overcome discrimination and promote tolerance.

The Peace Corps announces that it has a definite policy of requiring in its program agreements that host countries accord equitable treatment to Peace Corps volunteers and states that it will not maintain a program in any country in which volunteers are repeatedly subject to discrimination.

In view of these considerations, the managers on the part of the House agreed to the deletion of this provision in the House bill. In my judgment it would be undesirable to deprive any country of the services of the Peace Corps in combating discrimination and intolerance.

I believe that I have referred to the more important changes made by the conference in the House bill. There were a number of other minor adjustments and compromises, but, in general, the two bills were quite similar and the bill the House managers bring back conforms in most respects to the bill passed by the House.

I feel strongly that the managers on the part of the House worked hard to support the House position on all matters, and that our efforts merit House approval. I urge the adoption of the conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. I notice you upped the entertainment allowance somewhat; is that correct?

Mr. MORGAN. Yes. The entertainment allowance in the House bill was $2,500 and in the Senate bill was $5,000, and the Senate conferees prevailed in that amendment.

Mr. GROSS. Was that because the Peace Corps anticipates more Members of Congress will travel abroad? I notice in the hearings that the justification for entertainment money was the fact that there might be some visiting Congressmen in foreign countries. I was under the impression that the Members of Congress took care of their own entertainment expenses when they were junketeering over the world. So more money has been added in anticipation of an even greater exodus of Congressmen from Washington to foreign lands, visiting the Peace Corps and that sort of thing.

Mr. MORGAN. I understand that most of this is going to be spent in this country to pay hotel bills and other expenses of foreign visitors concerned with Peace Corps negotiations and operations.

Mr. GROSS. One other question. There is still $40 million in the bill; is that correct?

Mr. MORGAN. The $40 million figure was not in conference. Both bills contain the full amount of $40 million.

Mr. GROSS. I thank the gentleman for yielding to me.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Speaker, this bill comes back to us in better shape, I believe, than it left the House. We kept in it all the essential provisions, including the limitations and restrictions that were put in by the House, and we accepted four main ones in the Senate bill, which I think make the final version tighter. When the bill was before us, a good many Members expressed a fear that the powers granted were too broad and general and not closely enough defined. The conference report is more precise.

We established a limitation of 125 on the number of Peace Corps volunteers who can be assigned to work in international agencies. Under the language passed by the House, all of them could be so assigned. Of course, no such thing was contemplated, but to avoid any possibility of misunderstanding, we agreed that no more than 125, which would be about 4 percent of the estimated size of the Corps, can be assigned to agencies like the World Health Organization, the Food and Agriculture Organization, or U.N. Children's Fund, or others working in this general field.

Again, we accepted a limitation of 275 on the number of permanent employees the Peace Corps can have in its headquarters here in Washington. This is approximately the number the Director has estimated will be needed, so there is no intention to deny it adequate personnel. There was no limitation in the House bill, and some were afraid that it might become another overgrown Washington bureau, when the emphasis needs to be on its field work.

Again, both bills had language stating that the Peace Corps should not take on functions which could be more readily or more usefully handled by other available agencies of our Government. The Senate language said it could undertake such functions only if the Secretary of State approved such action before, rather than after, the Corps started to perform the services in question. We accepted the Senate language substituting "more usefully" for "readily." This prevents the Peace Corps from embarking on programs which would duplicate or which would cross wires with other agencies of our Government working abroad in the same field, unless the Secretary specifically approves.

The House had a provision like the usual housekeeping provision which allows an agency to transfer some of its funds to other agencies that are working in the same field, and for the same purpose, when it is believed another agency can handle a particular function better.

The Senate wanted a limitation of 20 percent on the amount of the Peace Corps' funds that could be transferred or allocated to other agencies of our Government with authority to handle those funds according to the regular processes by which such agencies handle their own funds. The House conferees accepted this limitation.

Mr. Speaker, I think that any Member who had doubts about the bill before can be assured that it is in better form now from the House standpoint than when we went to the conference.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. MORGAN. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Mr. Speaker, I understood the gentleman from Minnesota to say that the language now prohibits the Peace Corps from engaging in any activities which other organizations of the Government were trying to carry on?

Mr. JUDD. If they are able to carry on the activities more usefully. The exact wording of the report is as follows:

> The managers on the part of the House accepted this compromise in the belief that the Senate requirement that the Secretary of State consider and give approval to any assignment of services to the Peace Corps before the Peace Corps undertakes operations in a foreign country would be preferable to the House language, which would have permitted the Peace Corps to go ahead in the performance of services prior to such specific advance approval by the Secertary of State.

It requires that, except with the approval of the Secretary of State, the Peace Corps shall not be assigned to perform services which could more usefully be performed by other available agencies of the U.S. Government in the country concerned.

Mr. HOFFMAN of Michigan. Will the gentleman from Pennsylvania tell me whether or not the Peace Corps can take on any functions—even those which other organizations are charged with carrying on—if the Secretary of State thinks that the Peace Corps can do a more useful job? Is that it?

Mr. MORGAN. Not unless it comes within the authority of this bill.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I intend to vote for the conference report because I strongly favor the Peace Corps. But I am terribly disappointed, Mr. Speaker, that the Senate saw fit to delete section 4(e) which I offered in the House, and which was accepted by the

House by unanimous vote, preventing any discrimination against any of these members of the Peace Corps. My amendment was directed particularly to the Arab countries that have discriminated against American boys of the Jewish faith. I do not think they should have the benefit of the Peace Corps. I am terribly disappointed that the section was deleted from the bill.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. MORGAN. I yielded to the gentleman from Massachusetts, but I shall be glad to yield to the gentleman from Michigan after I have answered the gentleman from Massachusetts.

Mr. HOFFMAN of Michigan. I know, but I asked a question, but then the gentleman yields to the gentleman from Massachusetts who tells us about his regrets that his amendment was not retained in the bill. I am sorry that he did not get what he wanted.

Mr. Speaker, what I want to know is just what functions the Peace Corps takes on, and whether it can take on anything and everything even though there is another agency available to perform such function, if the Secretary of State thinks that the Peace Corps can do a more useful job?

Mr. MORGAN. The Peace Corps volunteers can do only what they are authorized to do in the act. They cannot do anything but what is authorized.

Mr. HOFFMAN of Michigan. Anything that is contained in the act?

Mr. MORGAN. Yes; anything that is contained in the act.

Mr. HOFFMAN of Michigan. Are they restricted now, or can they engage in certain functions, if the act gives them the authority and there is some other Government organization that has authority to do the same thing—can they both work on it without any directive from the Secretary of State?

Mr. MORGAN. The Secretary of State has to decide in advance whether or not the Peace Corps can more usefully perform a service than some other agency.

Mr. HOFFMAN of Michigan. The answer is "they can"?

Mr. MORGAN. They can, but there would be no duplication if it is done at the direction of the Secretary of State. He is supposed to prevent duplication.

Mr. HOFFMAN of Michigan. But it all depends upon the Secretary of State. The Secretary of State fixes the limitations as to the work which they can do?

Mr. MORGAN. It is clearly the purpose of section 4(d) of the act to prevent duplication.

Mr. HOFFMAN of Michigan. Anything named in the act they can do unless the Secretary of State says "no"? Is that right or not?

Mr. MORGAN. That is correct.

Mr. HOFFMAN of Michigan. I hear "no" over on this side. So, I am still confused.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I wonder if the chairman of the committee now has any comment on my statement on the deletion of section 4(e).

Mr. MORGAN. Yes; that amendment caused the conference a great deal of concern. I am sure the gentleman from Massachusetts has read the statement of the managers dealing with his amendment. I, for one, was very sympathetic to the purpose of the gentleman's amendment; I do not think there is any present intention to have any Peace Corps volunteers in any of the countries which the gentleman had in mind. The Executive emphasized that they would not have any Peace Corps programs in any country in which volunteers were repeatedly subject to discrimination. Let me cite the statement of the managers on this point:

> The managers on the part of the House agreed to the deletion of this provision. They are convinced that in the less-developed countries government policy frequently may not be well coordinated and public opinion not fully matured. Under the circumstances, individual incidents of discrimination might occur which did not reflect either the policy of the government or the attitude of the public generally.
>
> One of the functions to be served by Peace Corps volunteers should be to bring about an understanding by the people of the countries in which they serve of different races, religions, and national points of view. It would be undesirable to deprive any country of the benefit of this type of service on the part of the Peace Corps.
>
> It is the policy of the Peace Corps to require in its program agreements that host countries accord equitable treatment to the volunteer or give other satisfactory assurance to the same effect. The Peace Corps states that it would not maintain a program in any country in which volunteers were repeatedly subject to discrimination.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield.

Mr. GROSS. That was what was known in the House as the civil rights amendment to the bill, which went out in conference; is that correct?

Mr. MORGAN. No; I do not think there was any thought that this was a civil rights amendment.

Mr. LINDSAY. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield.

Mr. LINDSAY. I think it is regrettable that the conference committee did not back up the House in its acceptance of the amendment that I happened to sponsor on the floor which would have made it very clear that the Director of the Peace Corps had an administrative position, that he had no responsibility for foreign policy as such. That was an amendment which was designed to prevent the increasing dilution of the powers of those officers in the Department of State who are responsible for foreign policy. It would put the Director in a subordinate position, that is correct. By doing so it would demonstrate that the Peace Corps does not have basic responsibility for the formation of policy. It is too bad that the conference committee did not support the House in its unanimous adoption of that amendment.

Mr. MORGAN. The Senate conferees felt that the clause contained in the House bill with respect to the other officers was unnecessary and that anything which might interfere with the authority of the Secretary of State to assign responsibility to his subordinates should be avoided. They prevailed on the House conferees that the gentleman's amendment should be left out.

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman.

Mr. AVERY. The gentleman knows that I expressed considerable reservation as to the wisdom of the action the House took when the matter was up on the floor last week. As I understand, there is no limit so far as authorization for the Peace Corps is concerned; it is in perpetuity unless repealed.

Mr. MORGAN. There has to be an annual authorization and an annual appropriation.

Mr. AVERY. There will have to be annual authorizations?

Mr. MORGAN. And annual appropriations.

Mr. AVERY. In other words, in the next session of Congress we may anticipate a bill before the House to authorize the Peace Corps for another year?

Mr. MORGAN. Only the money is subject to annual action.

Mr. AVERY. I thought that was the situation. In other words, the only way Congress will have to measure the performance of the Peace Corps is through the Appropriations Committee; they will be the only ones to whom we will be able to turn?

Mr. MORGAN. The Appropriations Committee or the authorizing committee.

Mr. AVERY. The authority to appropriate will have to be reviewed each year by the Foreign Affairs Committee under general supervision, is that correct?

Mr. MORGAN. That is correct.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman.

Mr. COLLIER. In the statement of the managers on the part of the House, referring to section 4(d) of the bill, there is a reference made that the services of the Peace Corps would be restricted to those matters which could, in the opinion of the Secretary of State, more usefully be performed by them, and so forth. Would this foreclose the use of Peace Corps members under certain conditions from working in some of the embassies in many of the positions now held by foreign nationals who are, in fact, Communists and who are attached to American embassies abroad?

Mr. MORGAN. No; that authority was stricken from the bill. They have to work strictly on Peace Corps projects. The House bill contained a provision allowing the assignment of volunteers to duty on the staff of the Peace Corps representative in a country. This would have meant that under this authority they might have been assigned to work in capital cities and perhaps actually at

our embassies. There was no comparable authorization in the Senate bill, and the conference agreed to the elimination of this provision. The bill as brought back from conference does not authorize the use of Peace Corps volunteers for anything except the performance of volunteer services under authorized projects.

Mr. COLLIER. It would certainly seem, in view of some of our experiences, particularly the seduction of Mr. Scarbeck and some of the other unfortunate instances we have had in embassies abroad, that we are being penny wise and dollar foolish in employing in embassies in vital positions in many cases foreign nationals who are Communists when you have all of this talent and ability in the Peace Corps to replace some of these people in the interest of our national security.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. I note that there is authority in the bill to rent and lease quarters for the Peace Corps in foreign countries for a period of 5 years.

Mr. MORGAN. The House bill was for 10 years, and the Senate bill for 3 years. We compromised on 5.

Mr. GROSS. Yes; you compromised at 5, and I assume that means we are going to have the Peace Corps with us for 5 years. If they can enter into obligations with foreign governments for 5 years, then we are going to have it for 5 years. Is that about right?

Mr. MORGAN. The testimony during the hearings brought out that many of these leases for foreign service have to be taken over a long time, or housing and offices cannot be rented.

Mr. GROSS. The amendment that was deleted from the House version reads:

> The Peace Corps shall not perform services in any foreign country in which, by reason of law or official policy, any member of the Peace Corps will be discriminated against because of his race, creed, or color.

If that is not a civil rights amendment, I have never heard of one, and I am amazed that it was stricken from the bill.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield.

Mr. HOFFMAN of Michigan. May I ask another question, or the same one over again. This was shown to me by the gentleman from Minnesota [Mr. JUDD]. On page 2, section 4(d) provides:

> Except with the approval of the Secretary of State, the Peace Corps shall not be assigned to perform services which could more usefully be performed by other available agencies of the U.S. Government in the country concerned.

Mr. MORGAN. That is exactly the way I answered the gentleman before.

Mr. HOFFMAN of Michigan. The answer is yes?

Mr. MORGAN. Yes.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make point of order that a quorum is not present.

The SPEAKER pro tempore. Under order of the House entered on September 18, further proceedings on this matter will be postponed until tomorrow.

ANNUITIES TO WIDOWS AND DEPENDENT CHILDREN OF TAX COURT JUDGES

Mr. MILLS. Mr. Speaker, I call up the conference report on the bill (H.R. 4317) to amend the Internal Revenue Code of 1954 and incorporate therein provisions for the payment of annuities to widows and certain dependents of the judges of the Tax Court of the United States, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1199)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4317) to amend the Internal Revenue Code of 1954 and incorporate therein provisions for the payment of annuities to widows and certain dependents of the judges of the Tax Court of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 3. (a) Section 403(b) of the Internal Revenue Code of 1954 (relating to taxability of beneficiaries under annuities purchased by section 501(c)(3) organizations) is amended—

"(1) by striking out subparagraph (A) of paragraph (1) and inserting in lieu thereof the following:

"'(A) an annuity contract is purchased—

"'(i) for an employee by an employer described in section 501(c)(3) which is exempt from tax under section 501(a), or

"'(ii) for an employee (other than an employee described in clause (i)), who performs services for an educational institution (as defined in section 151(e)(4)), by an employer which is a State, a political subdivision of a State, or an agency or instrumentality of any one or more of the foregoing,';

"(2) by striking out 'the employer described in section 501(c)(3) and exempt from tax under section 501(a),' in paragraph (3) and inserting in lieu thereof the following: 'the employer described in paragraph (1)(A),'; and

"(3) by inserting before the period in the heading of such subsection the following: 'OR PUBLIC SCHOOL'.

"(b) The amendments made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1957."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

WILBUR D. MILLS,
CECIL R. KING,
THOMAS J. O'BRIEN,
NOAH M. MASON,
JOHN W. BYRNES,
Managers on the Part of the House.

HARRY FLOOD BYRD,
ROBERT S. KERR,
RUSSELL B. LONG,
JOHN J. WILLIAMS,
FRANK CARLSON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4317) to amend the Internal Revenue Code of 1954 and incorporate therein provisions for the payment of annuities to widows and certain dependents of the judges of the Tax Court of the United States, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendments Nos. 1 and 2: The bill as passed by the House adds a new section 7448 to the Internal Revenue Code of 1954 providing annuities to widows and dependent children of judges of the Tax Court of the United States. This section is changed by Senate amendments numbered 1 and 2 to conform the benefit computations, in the case of widows and dependent children of Tax Court judges, to the formula provided by Public Law 973 of the 84th Congress relating to widows and dependent children of Federal judges. The House recedes.

Amendment No. 3: Senate amendment numbered 3 adds a new section to the bill relating to the taxability of amounts contributed by an employer which is a public school system for annuity contracts for its employees to provide the same treatment as applies under existing law in the case of annuity contracts purchased for employees by employers described in section 501(c)(3) of the 1954 code which are exempt from tax under section 501(a) of such code.

The House recedes with an amendment. Under the conference agreement, the amendment (1) is to apply where an annuity contract is purchased for an employee who performs services for an educational institution (as defined in section 151(e)(4) of the code) by an employer which is a State, a political subdivision of a State, or an agency or instrumentality of any one or more of the foregoing, and (2) will not affect organizations which may qualify under existing law.

Amendment No. 4: Senate amendment numbered 4 added a new section to the bill relating to the treatment of accident and health insurance contract premiums by insurance companies. Under present law life insurance companies are, subject to certain limitations, entitled to a special deduction of 2 percent of premiums attributable to group and accident and health contracts and group life insurance contracts for purposes of the tax on underwriting income. Senate amendment numbered 4 would extend the special deduction to

individual accident and health contracts written by life insurance companies. In addition, the amendment would provide a special 2-percent deduction in computing underwriting income of stock casualty insurance companies writing accident and health contracts. The Senate recedes.

The House recedes to the amendment of the Senate to the title of the bill.

WILBUR D. MILLS,
CECIL R. KING,
THOMAS J. O'BRIEN,
NOAH M. MASON,
JOHN W. BYRNES,
Managers on the Part of the House.

Mr. MILLS. Mr. Speaker, Members will recall that the purpose of the bill, H.R. 4317, was to amend the Internal Revenue Code of 1954 to incorporate provisions for the payment of annuities to widows and certain dependents of judges of the Tax Court of the United States in a manner similar to that now in effect with respect to Federal judges.

The Senate made two amendments to this particular part of the bill that were accepted by the committee of conference because these amendments merely clarified and carried out the intention that was present in the bill when it passed the House. The Senate made two additional amendments, not part of this particular part, one of which was accepted and the other of which was rejected by the conference committee.

The SPEAKER pro tempore (Mr. ALBERT). The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the gentlemen from Illinois [Mr. MASON] and I may extend our remarks at this point in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MASON. Mr. Speaker, the legislation on which the conference report has just been adopted by the House pertains to the retirement system applicable to certain Federal judges. This legislation as it passed the House provided for a system of survivor annuities for widows and dependent children of Tax Court judges. It was the intention of the House in this legislation to conform to the extent possible the survivorship rights in the case of Tax Court judges to the survivorship programs applicable to judges of other Federal courts.

The Senate in acting on the proposal amended the Tax Court survivorship provisions of the bill in such a way as to eliminate certain differences in treatment between the program provided by the pending legislation and the system already in effect for other Federal judges. In this respect the Senate was seeking to accomplish the same purpose as that sought by the House so that in conference the House conferees accepted the Senate amendments as they pertain to the basic provisions of the House passed bill.

However, the Senate approved two other substantive amendments and these amendments did not relate to the Tax Court retirement system. The first amendment would provide that amounts paid by "public school systems" to purchase annuity contracts for their employees shall not be included in the gross income of such employees. This would be similar to the extent that present law excludes such amounts from the gross income of employees of organizations of a religious, charitable, or educational character that are exempt from tax under section 501(c)(3) of the Code. On this amendment the House conferees receded with an amendment to provide that the amendment shall apply where an annuity contract is purchased for an employee who performs services for an educational institution by an employer which is a State, a political subdivision of a State, or an agency or instrumentality of the foregoing entities. The amendment makes it clear that this change will not affect organizations which may qualify under existing law.

The second substantive Senate amendment that was not germane to the basic provisions of the House passed bill concerned the deduction that is available under existing law of 2 percent of premiums received on certain accident and health insurance business. This amendment would have extended this deduction to individual accident and health contracts written by life insurance companies and would have also made the deduction available in the case of stock casualty insurance companies writing accident and health contracts. The Senate receded from its amendment.

Mr. Speaker, it is appropriate that the House should approve this conference report.

Mr. MILLS. Mr. Speaker, Members of the House will recall in the form in which it passed the House of Representatives the purpose of H.R. 4317 was to amend the Internal Revenue Code of 1954 to incorporate provisions for the payment of annuities to widows and certain dependents of judges of the Tax Court of the United States in a manner similar to that now in effect in the case of Federal judges.

The Senate amended this bill in three basic respects.

First, a change was made to conform the benefit computations in the case of widows and dependent children of Tax Court judges to the formula provided by Public Law 937 of the 84th Congress relating to widows and dependent children of Federal judges. The conferees agreed to this provision.

Second, a Senate amendment added a new section to the bill relating to the taxability of amounts contributed by an employer which is a public school system for annuity contracts for its employees to provide the same treatment as applies under existing law in the case of annuity contracts for employees by employers described in section 501(c)(3) which are exempt from tax under section 501(a). The conference committee agreed basically to this provision, but added language so as to make the amendment apply, first, where an annuity contract is purchased for an employee who performs services for an educational institution—as defined in section 151(e)(4)—by an employer which is a State, political subdivision of a State, or an agency or instrumentality of any one or more of the foregoing; and second, will not affect organizations which may qualify under existing law.

Third, a Senate amendment added a new section to the bill relating to the treatment of accident and health insurance contract premiums by insurance companies. Under this amendment, the special deduction of 2 percent of premiums attributable to group accident and health insurance contracts that life insurance companies are entitled to deduct in computing their underwriting income under present law would be extended to stock casualty companies. In addition, this amendment would have extended this deduction to apply to premiums received on individual accident and health insurance contracts issued by both life insurance and stock casualty insurance companies. Under the conference agreement, this Senate amendment was deleted.

In connection with the discussion of the conference action taken on the amendments made to section 403(b) of the Code, it appeared that certain practices have developed under the operation of this provision that seem to be inconsistent with the basic purpose of providing retirement annuities for employees of organizations referred to in that section. The effect of these practices would be to permit covered employees to purchase their own retirement annuities with tax deferred moneys. The staffs of the Joint Committee on Internal Revenue Taxation and the Treasury Department have been requested to study this matter and report whether any changes in the law may be desirable in this regard.

COMMUNITY HEALTH SERVICES AND FACILITIES ACT OF 1961

Mr. HARRIS. Mr. Speaker, I call up the conference report on the bill (H.R. 4998) to assist in expanding and improving community facilities and services for the health care of aged and other persons, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (REPORT NO. 1209)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4998) to assist in expanding and improving community facilities and services for the health care of aged and other persons, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15 and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 16, 18, 20, and 21, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "There is hereby authorized to be appropriated not to exceed $10,000,000 for any fiscal year to carry out the provisions of this section"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"SEC. 7. Effective July 1, 1962, the parenthetical phrase in the first sentence of section 433(a) of such Act which reads 'including grants-in-aid for drawing plans, erection of buildings, and acquisition of land therefor)' is repealed."

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "six", and by striking out "$30,000,000" and inserting "$50,000,000"; and the Senate agree to the same.

OREN HARRIS,
KENNETH A. ROBERTS,
GEORGE M. RHODES,
LEO W. O'BRIEN,
JOHN B. BENNETT,
PAUL F. SCHENCK,
ANCHER NELSEN,
Managers on the Part of the House.

LISTER HILL,
RALPH W. YARBOROUGH,
HARRISON WILLIAMS,
CLAIBORNE PELL,
JACOB JAVITS,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4998) to assist in expanding and improving community facilities and services for the health care of aged and other persons and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This is a technical amendment. The House recedes.

Amendments Nos. 2 and 3: These amendments eliminate the subceiling, of $5 million per year, contained in the House bill, on the amount available under clause (1) of subsection (c) of section 314 of the Public Health Service Act for demonstrations and to train personnel for State and local health work and to meet the cost of pay, allowances, and traveling expenses of personnel of the Public Health Service. There is an overall ceiling of $50 million per year on the amount that may be appropriated to carry out the provisions of subsection (c) of such section 314. The House recedes.

Amendment No. 4: This amendment would allow a State mental health authority, where appropriate, to request the Surgeon General to reduce payments to the State under section 314 of the Public Health Service Act by the amount of pay, allowances, traveling expenses, and other expenses in connection with the detail of personnel of the Public Health Service to the State or any of its political subdivisions when such detail is made for the convenience of and at the request of the State and for purposes of carrying out its State plan approved under such section 314. This would give each State mental health authority, in appropriate circumstances, the same authority as is given to State health authorities under the bill. The House recedes.

Amendments Nos. 5, 6, and 7: These are technical amendments. The House recedes.

Amendments Nos. 8 and 9: These amendments make discretionary, rather than mandatory as in the House bill, the inclusion, as a part of a grant for any fiscal year under section 316 (which would be added to the Public Health Service Act by the bill) or an award for any fiscal year under section 636 of the Act, of amounts determined to be necessary for succeeding fiscal years for completion of the Federal participation in the project with respect to which such a grant or award is made. Section 316 covers special project grants for improving community health services, and section 636, which is amended by the bill, provides for projects for the conduct of research, experiments, or demonstrations relating to the development, utilization, and coordination of services, facilities, and resources of hospitals or other medical facilities, agencies, or institutions. The House recedes.

Amendment No. 10: This amendment spells out that the Federal award under section 636 of the Public Health Service Act for projects for construction of facilities or acquisition of equipment will be based on so much of the cost of the facility or equipment as the Surgeon General determines is reasonably attributable to experimental or demonstration purposes. The House recedes.

Amendment No. 11: This amendment limits to $10 million the amount authorized to be appropriated in any fiscal year for projects under section 636 of the Public Health Service Act. These projects relate to development, utilization, and coordination of services, facilities, and resources of hospitals or other medical facilities, agencies, or institutions. The House bill contained no such limitation. The House recedes with a clarifying amendment.

Amendment No. 12: The Senate amendment revised the definition of "rehabilitation facility" to provide that such term means a facility operated for rehabilitation of disabled persons through a program of medical evaluation and services, and at least one of the following programs: Psychological, social, or vocational evaluation and services. The House bill contained no such provision. Existing law requires that such a facility provide all four of such programs. Since rehabilitation services can make a significant contribution to a coordinated program of out-of-hospital medical services, the House recedes.

Amendment No. 13: Section 6 of the Senate bill extended the authority to make loans to eligible applicants under the Hill-Burton program, due to expire on July 1, 1962, to July 1, 1964. The House bill contained no comparable provision.

In order that this authority may coincide with that of the Hill-Burton grant program, the House recedes.

Amendments Nos. 14 and 15: Section 4(d) of the House bill amended section 433(a) of the Public Health Service Act, effective as of July 1, 1963, by deleting language authorizing appropriations for grants-in-aid for drawing plans, erection of buildings, and acquisition of land therefor in connection with institutes established for research relating to diseases. Senate amendments Nos. 14 and 15 would have deleted the House passed language, and amended such section 433(a), effective as of the date of enactment of the bill, by limiting the authority to make such grants-in-aid to grants made only when in the judgment of the Surgeon General such action is necessary to provide for regional or national research needs.

The House recedes with an amendment which provides that the repeal of this parenthetical phrase shall take effect as of July 1, 1962. It is the expectation of the committee of conference that this subject will be fully explored at an early date.

Amendments Nos. 16, 17, 18, and 19: Section 4(e) of the House bill amended section 704 of the Public Health Service Act to extend until June 30, 1963, the authority to make grants-in-aid, not to exceed $30 million in any fiscal year, for the construction of facilities for research in the sciences related to health.

Section 4(f) of the House bill made a conforming amendment to section 705(a) of the Public Health Service Act.

Senate Amendments Nos. 16, 17, 18, and 19 would, with technical and conforming changes, have extended such authority to June 30, 1965, and would have increased the amounts authorized to be appropriated for such grants-in-aid to $50 million for each fiscal year.

The House recedes with an amendment under which the one-year extension of the program proposed in the House bill is retained, and the Senate increase to $50 million for any fiscal year is retained.

Amendment Nos. 20 and 21: Sections 8(c) and 8(d) of the bill as amended by the Senate would have amended the appropriate sections of title VII of the Public Health Service Act, as amended, to amend the matching program for the construction of health research facilities to make it clear that the facilities for which grants may be made include facilities for research training and other purposes related to research. The House bill contained no comparable provision. This change makes it clear that the facilities for which grants may be made under the matching program include facilities for research training and other purposes related to research. In view of the early expiration date for the entire program provided by the conference action on amendment numbered 17, it is expected that the entire subject will be further explored at an early date. The House recedes.

OREN HARRIS,
KENNETH A. ROBERTS,
GEORGE M. RHODES,
LEO W. O'BRIEN,
JOHN B. BENNETT,
PAUL F. SCHENCK,
ANCHER NELSEN,
Managers on the Part of the House.

Mr. HARRIS. Mr. Speaker, the conference report which we bring back to the House is a unanimous report. This report is on a bill commonly referred to as the Community Health Services and Facilities Act of 1961.

It might be recalled that this is a bill which was submitted by the administration to expand and improve community health services, particularly for the aged and the chronically ill. It also may be recalled that the House committee held hearings and developed the program and reported it to the House, and it was passed. In the interim the other body had an opportunity to conduct hearings, and, in the light of circumstances which were developed in the hearings, found it desirable to make certain changes. Many of the changes made are technical, and the House did recede insofar as the technical provisions are concerned. There were three major amendments which the conferees discussed at length.

On each of those the Senate did recede and concur in the House provisions with amendments. One had to do with construction of hospitals for demonstration

purposes. The Members of the House may recall that this became the subject of discussion on the floor of the House when the appropriations were being considered. That related to section 433(a) of the Public Health Services Act, and the House bill proposed to repeal this provision effective July 1, 1963. That provision would have permitted projects already approved under the usual procedure to be completed. The committee endeavored to take care of all these projects in order that nothing might be upset which had been planned under that program. I might say that it may be necessary that some of the projects which come under that program may have to be reduced.

The Appropriations Committee appropriated $5 million to carry out the various projects that had been recommended. In all, these projects would require $6,200,000. However, we were assured that some of these projects could be, after careful reconsideration, modified and all of the requirements met within the $5 million appropriation. It would include the project in which the gentleman from Ohio [Mr. BROWN] is greatly interested involving about $143,000 which had been approved at the Children's Hospital at Columbus, Ohio. I believe we were assured that the total amount that had been programed for this project in the sum of $143,000 would be paid out of the funds appropriated for this fiscal year.

The Senate acceded to the repeal of the parenthetical language in section 433(a) in order that we can proceed with the regular matching program under the Health Research Facilities Act. The repeal of that provision would be effective July 1, 1962. That was one of the major amendments.

In connection with the authorization of $10 million for demonstration hospitals, which includes a project for a hospital for demonstration purposes for the Mayo Clinic, we have agreed to an amendment which the Senate included in the bill. This amendment would provide that any demonstration project where only a portion of such project may be considered to be devoted to such purpose, the Surgeon General would determine how much of such project may be so considered. This question of demonstration hospitals was dealt with by the Appropriations Committee and many of the members were concerned with a project at the Mayo Clinic. That has also been taken care of in connection with the Senate amendment in which the House concurred.

Mr. SCHENCK. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to a member of the committee and a member of the conference, the gentleman from Ohio.

Mr. SCHENCK. Mr. Speaker, the original bill came out of the Committee on Interstate and Foreign Commerce by unanimous vote. We were very pleased with the bill as it was approved in the House. In conference we tried our best to sustain the position of the House in this measure as approved.

In this connection we have agreed in conference that the Committee on Interstate and Foreign Commerce will hold hearings immediately following the 1st of January, if not previous to that time, to consider and work out proper legislation to carry out the provisions of our original intention, and to make those provisions legislatively correct to be in balance with the other programs included in this program.

I am advised by the gentleman from Alabama, chairman of the Subcommittee on Health and Safety, that it may be possible for some of the hearings to begin in November of this year.

Mr. HARRIS. If the gentleman will permit, I am sure that the gentleman has good intentions with reference to the distinguished chairman of the subcommittee, but as chairman of the full committee, we have not made any such plans. I would have to discuss that with both the gentleman and the gentleman from Alabama, but it is not our intention to hold any hearings on the legislation during the fall.

Mr. SCHENCK. May I say to the distinguished chairman it was only the expressed hope of the gentleman from Alabama that we might have some hearings later this year; but, in any event, they will be held early next year.

Mr. HARRIS. I am glad the gentleman from Ohio brought that into the discussion. It was agreed in conference that these two programs, the one I had reference under section 433(a) and the one with reference to the Health Research Facilities Act, would be the subject of hearings early in the next session of Congress. We agreed on the floor of the House when we had the matter up for debate that we would hold hearings to consider legislation dealing with these two programs. We will conduct these hearings early in the next session. That is our intention.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Minnesota.

Mr. QUIE. I would like to ask a question of the chairman. I am very happy with the report as it comes out from conference. But I want to clear up one thing in regard to the Senate amendment on which the House has receded. Does this mean Federal funds can or cannot be made available for the construction of total hospital facilities when the entire hospital design and its functions are for experimental purposes?

Mr. HARRIS. I would like to say to the gentleman that he has reference to the total hospital, and I emphasize for the information of the Members of the House the word "total" because that is all important in the gentleman's question. If the entire or total hospital is designed to be used in all its different aspects for such research and demonstration purposes, then under the provisions of the act it could be done. But where the hospital is designed for various tradition purposes and only a part of it is designed for demonstration and research purposes, the Surgeon General, under the provisions of this amendment, may allocate such matching funds as he determines to that demonstration part of the hospital.

Mr. QUIE. For experimental purposes?

Mr. HARRIS. Yes.

Mr. QUIE. If the community should choose to build an entire hospital, and the entire hospital is for experimental purposes, he could so determine?

Mr. HARRIS. It would come within the purview of this amendment, and the Surgeon General would have the authority to make the determination and provide whatever funds are available for that particular project.

Mr. QUIE. I thank the gentleman.

Mr. LAIRD. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Wisconsin who, incidentally, has done a tremendous job in this field and contributed so much to the research construction program.

Mr. LAIRD. I thank the gentleman from Arkansas for his comments.

I would like to ask the gentleman from Arkansas whether consideration will be given to some type of a program that can complete the already approved grant applications under 433(a) that have been approved by the National Advisory Cancer Council. Under the terms of the bill as it passed the House, the projects that have been approved by the Advisory Cancer Council would all have been funded. Under the terms of this conference report, we will only fund another $5 million in approved projects of the National Advisory Cancer Council. Will consideration be given in the new legislation to this whole area of nonmatched construction grants. In the area of cancer research, facilities are the greatest need that we have today. It is not personnel; it is not funding for research projects. It is funding for facilities. It seems to me that the House-passed bill faced up to this in a much more adequate manner than does the conference report. I realize the difficulties under which the House conferees were working, but it seems to me that this is a matter which should be given real consideration by the House Interstate and Foreign Commerce Committee.

Mr. HARRIS. I would like to say to the gentleman from Wisconsin that he, as a member of the Subcommittee on Appropriations, has given a lot of study, thought, and attention to this problem and he is well aware of the fact that there was appropriated $5 million for the last fiscal year for these projects that have been recommended by the Advisory Council of the Cancer Institute. This year, as the gentleman well knows, an additional $5 million was appropriated for that purpose. All of the projects that have been recommended by the Council would amount to some $11.2 million. Consequently, the projects, in the sum of $10 million, are being taken care of and, as I mentioned earlier, the $1.2 million that had been programed, as approved by this Council, would not be taken care of. But, we were advised that they could modify the program and they believe that they could do a very good job so that most everyone interested in these funds would be satisfied or reasonably so in connection with the program.

Mr. LAIRD. I notice in this report, that funds authorized for appropriation

for hospital research facilities, are made available subject to discretionary authority for the Surgeon General to waive all matching. Under this particular program the committee has gone ahead and recognized a new concept as far as grants are concerned, giving the Surgeon General the authority to pay 100 percent of the cost of these projects. This is the principle I have worked to establish in medical research facilities.

Mr. HARRIS. Yes, that is under certain extenuating circumstances where the Surgeon General finds that it is in the interest of the Nation that it be done. That is true. But, it is not the intention—and I want to make this very clear—it is not the intention of the conferees and it is not the intention of this report that the authority granted for that purpose is to be used indiscriminately.

Mr. LAIRD. In the appropriation bill I insisted on a limitation which requires two-thirds of the funds appropriated apply to the hospital research construction program. If we are going to get away from the program of unmatched grants, that is fine. But if we are going to maintain matching as the Senate seems to insist, there should be matching in this new program too. The Department of Health, Education, and Welfare does not have a consistent position. The Department only insists on matching when medical research facilities are involved.

Mr. HARRIS. I would also like to say, as the gentleman from Ohio [Mr. SCHENCK] brought out a moment ago, that we are committed to hearings, and that is the reason for working out amendments 16, 17, 18, and 19 in this way. The Senate wanted a 3-year extension of the health research facilities program and wanted to increase it to $50 million, and it wanted to continue the section 433(a) program but limit it to the so-called national and regional projects. We agreed to a 1-year extension and $50 million on the basis that it would give our committee an opportunity to conduct hearings and go into it and see to what extent it ought to be modified.

Mr. LAIRD. Mr. Speaker, I want to commend the conferees on the part of the House for doing what they could to maintain the position of the House, and in continuing this program.

Mr. HARRIS. I thank the gentleman. I want to thank the gentleman for the magnificent job which he has been doing in this field.

Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

COMMISSION ON WOODROW WILSON MEMORIAL

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (S.J. Res. 51) authorizing the creation of a commission to consider and formulate plans for the construction in the District of Columbia of an appropriate permanent memorial to the memory of Woodrow Wilson.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. AVERY. Mr. Speaker, reserving the right to object, would the gentleman advise us as to whether this resolution comes out of one of the legislative committees, or what is its origin and status.

Mr. THOMPSON of New Jersey. I shall be pleased to inform the gentleman on that. The House Resolution, which I sponsored, was House Joint Resolution 510. The Subcommittee of the Committee on House Administration under the chairmanship of the gentleman from Missouri [Mr. JONES], held hearings on the House Joint Resolution and reported it unanimously. In the interest of expediting the Senate Joint Resolution, which was identical, it was on yesterday considered by the Committee on House Administration and reported unanimously.

Mr. AVERY. The gentleman's unanimous consent request is for the immediate consideration thereof?

Mr. THOMPSON of New Jersey. It is.

Mr. GROSS. Further reserving the right to object, Mr. Speaker, what is this going to cost? Does the gentleman have any idea?

Mr. THOMPSON of New Jersey. Yes, the gentleman does. It authorizes a maximum expenditure of $10,000.

Mr. GROSS. That is for a study; is that right?

Mr. THOMPSON of New Jersey. That is so.

Mr. GROSS. A study of feasibility or what?

Mr. THOMPSON of New Jersey. Not so much, I might say, a study of feasibility, but a study of site location, a study of design, and a study of the nature of the memorial.

Mr. GROSS. Do we not have anyone in Government who can handle this without spending $10,000 of the taxpayers' money?

Mr. THOMPSON of New Jersey. I know of no one in Government. There has never been, that I know of, Government planning of a memorial, including the innumerable ones which we have such as the Planning Commissions for the Roosevelts—Theodore and Franklin—and the Madison Memorial. In the absence of such a Government agency there have been established many memorial commissions over the years.

Mr. CURTIS of Missouri. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

APPORTIONING THE EXPENSE OF MAINTAINING AND OPERATING THE WOODROW WILSON MEMORIAL BRIDGE

Mr. McMILLAN. Mr. Speaker, by direction of the House District Committee, I call up the bill (S. 564) to provide for apportioning the expense of maintaining and operating the Woodrow Wilson Memorial Bridge over the Potomac River from Jones Point, Va., to Maryland, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bridge being constructed by the Secretary of Commerce in accordance with the provisions of title II of the Act entitled "An Act to authorize and direct the construction of bridges over the Potomac River, and for other purposes", approved August 30, 1954, as amended, shall be maintained and operated at the expense of the States of Maryland and Virginia and the District of Columbia in accordance with such arrangements as shall be agreed upon by such States and the District of Columbia: *Provided,* That the annual portion of such expense to be assumed by the District of Columbia shall not exceed one-third of the total annual cost of maintaining and operating such bridge.

Mr. McMILLAN. Mr. Speaker, the purpose of this bill is to give the District of Columbia the opportunity to pay one-third of the cost of maintaining the Jones Point Bridge, which is under construction at the present time. Maryland and Virginia will each pay one-third of the cost of maintaining this bridge.

Mr. GROSS. Mr. Speaker, I move to strike out the last word; and I do so for the purpose of asking the gentleman a question or two. This is going to give the District the privilege of helping to maintain a bridge between the States of Maryland and Virginia; is that correct?

Mr. McMILLAN. I understand that the bridge will be built across a part of the river that is in the District of Columbia.

Mr. GROSS. If it touches the District of Columbia it does it in the air. The approaches on both ends of the bridge are in Virginia and Maryland; is not that correct?

Mr. BROYHILL. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. Yes, I yield.

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that Members fail to address the Chair when they seek recognition.

The SPEAKER pro tempore. Members will proceed in order.

Mr. BROYHILL. Mr. Speaker, it is technically correct that the bridge does commence in Virginia and goes over into Maryland, and crosses the District of Columbia as it crosses the Potomac River. But the bridge does serve the entire metropolitan area of Washington in that it will divert a large amount of traffic which is now going into the District of Columbia around the edges of the congested area.

This bill ratifies an agreement which was entered into between representatives of the District of Columbia and Maryland and Virginia as to how the bridge will be maintained, before construction was commenced. This legislation merely ratifies that agreement that those three communities entered into prior to construction.

Mr. GROSS. I will say to the gentleman that in the first place the States of Maryland and Virginia ought to have built this bridge instead of saddling it on the taxpayers. How much is this bridge costing?

Mr. BROYHILL. Fourteen million dollars.

Mr. GROSS. I suppose we ought to consider ourselves blessed that we do not have to maintain this bridge, too. That was not included in the legislation as enacted. I do not understand why this is not a toll bridge in the first place and why the taxpayers of the United States are subjected to the cost of building all these bridges around Washington when you cannot get from here to New York without paying a toll over any bridge, or over the Eastern Shore of Maryland. Why should these bridges be free around here?

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am happy to yield; I am asking the gentleman a question.

Mr. BROYHILL. This happens to be the Nation's Capital. The Congress happens to be the legislature for the Nation's Capital. We cannot have any public works programs in the Nation's Capital unless they are authorized and approved by Congress.

Mr. GROSS. And I suppose when an appropriation bill comes up for the District of Columbia they will want reimbursement for the money that they spent in helping to maintain this bridge?

Mr. BROYHILL. If the gentleman will yield further, the taxpayers of the District of Columbia will be paying a portion of the cost of the maintenance of this bridge.

Mr. GROSS. So will the taxpayers in ratio to their appropriations in the District be paying for it?

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. HOFFMAN of Michigan. The remedy is obvious. All you need to do is buy real estate in Virginia or Maryland, and as the price goes up because of the purchases and renting by Members of Congress and their associates and people who come here and hold Federal jobs, the remedy is always ready, buy real estate and maybe you can get some of it back for your State through you.

Mr. GROSS. Can the gentleman think of any reason why this was not built as a toll bridge and tolls collected for all this traffic running from New York down to the South, or will be when they open this bridge around the city of Washington, why they do not pay by tolls? We cannot get back and forth to our districts without paying tolls somewhere.

Mr. HOFFMAN of Michigan. Of course, you live here. You have all the blessings and the privileges that come to those who reside in the Nation's Capital. Do you not see what it is? We ought to be willing to sacrifice something.

Mr. GROSS. That is what I hear from the gentleman from Virginia.

Mr. HOFFMAN of Michigan. The gentleman does not appreciate the advantages of living in Washington.

Mr. GROSS. I am not inclined to accept that as gospel.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. I would say the gentleman from Michigan there makes sense. I do not understand why the District of Columbia, when this is in the District, is not paying part of it.

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask that the words be taken down.

Mr. Speaker, I also make the point of order that a quorum is not present.

CALL OF THE HOUSE

The SPEAKER pro tempore. The Chair will count. One hundred and eleven Members are present, not a quorum.

Mr. HALEY. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 218]

Anfuso	Halpern	Osmers
Arends	Hansen	Passman
Baker	Harrison, Va.	Patman
Bass, Tenn.	Harsha	Pelly
Battin	Healey	Pfost
Bell	Hébert	Pilcher
Berry	Holifield	Pirnie
Boggs	Holtzman	Powell
Brewster	Horan	Rabaut
Buckley	Hosmer	Rains
Byrnes, Wis.	Ichord, Mo.	Reuss
Cahill	Joelson	Riehlman
Carey	Johnson, Wis.	Rivers, S.C.
Cederberg	Jones, Ala.	Roberts
Celler	Jones, Mo.	Rodino
Chenoweth	Karth	Roosevelt
Church	Kearns	St. George
Colmer	Kee	Santangelo
Conte	Kilburn	Saund
Cook	King, Calif.	Shelley
Cooley	Kyl	Sheppard
Dague	Loser	Short
Daniels	McDonough	Siler
Dent	McFall	Smith, Iowa
Diggs	McSween	Smith, Miss.
Dooley	Macdonald	Spence
Dowdy	MacGregor	Springer
Downing	Magnuson	Staggers
Durno	Martin, Mass.	Stephens
Evins	Martin, Nebr.	Sullivan
Fallon	May	Teague, Calif.
Farbstein	Michel	Teague, Tex.
Feighan	Miller, George P.	Thompson, La.
Flynt	Miller, N.Y.	Toll
Ford	Moeller	Tollefson
Frazier	Moore	Van Pelt
Friedel	Morrison	Vinson
Garmatz	Morse	Weaver
Gavin	Moss	Weis
Gilbert	Moulder	Westland
Gray	Multer	Williams
Green, Oreg.	Norrell	Yates
Gubser	O'Brien, N.Y.	Younger
Hall		Zelenko

The SPEAKER pro tempore. On this rollcall 298 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPORTIONING THE EXPENSE OF MAINTAINING AND OPERATING THE WOODROW WILSON MEMORIAL BRIDGE

Mr. HAYS. Mr. Speaker, because of my well-known reluctance to hurt the feelings of anyone in the House, I ask unanimous consent that the part of my remarks which offended the sensibilities of the gentleman from Michigan may be withdrawn.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. HOFFMAN of Michigan. Mr. Speaker, reserving the right to object, nobody's feelings have been hurt. I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXEMPT DISTRICT OF COLUMBIA FROM FEES IN DISTRICT OF COLUMBIA COURTS

Mr. McMILLAN. Mr. Speaker, I call up the bill (S. 558) to amend the acts of March 3, 1901, and June 28, 1944, so as to exempt the District of Columbia from paying fees in any of the courts of the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 177 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1219), as amended (sec. 11–1507, District of Columbia Code, 1951 edition), is amended by inserting "or the District of Columbia" immediately after "than the United States", and by inserting "or by the District of Columbia" immediately before the period.

SEC. 2. Section 16 of the District of Columbia Appropriation Act, 1945, approved June 28, 1944 (58 Stat. 533; sec. 11–1519, District of Columbia Code, 1951 edition), is amended by inserting "or fees" immediately following "court costs".

Mr. McMILLAN. Mr. Speaker, the purpose of this bill is to amend the act of March 3, 1901, as amended, and the act of June 28, 1944, so as to exempt the District of Columbia from paying fees as, for example, a fee for a certified copy of a judgment, in any of the courts of the District of Columbia.

Under existing law, the District of Columbia is exempted by the act of June 28, 1944—section 11–1519, District of Columbia Code, 1951 edition—from paying costs in any court in and for the District of Columbia, including the U.S. District Court for the District of Columbia. The act of March 3, 1901, as amended—section 11–1507, District of Columbia Code, 1951 edition—exempts the United States from payment of both costs and fees in the U.S. district court. Under neither act is the District of Columbia exempted from the payment of fees, as distinct from costs, with the exception of fees payable to the U.S. Court

of Appeals for the District of Columbia. The result is that the District of Columbia is required to pay fees assessed by the courts of the District of Columbia, while it is exempted from paying costs.

The courts of the District of Columbia are an integral part of the government of the District of Columbia, and are either wholly or in large measure supported by it. The District of Columbia government is required to conduct a large volume of business in the courts. Consequently, the requirement that the District pay court fees merely operates to translate money made available by Congress for certain purposes to moneys credited to the District of Columbia without adding to the District's revenues.

The Commissioners of the District of Columbia have advised the committee that the conduct of the District's business in the courts would be greatly facilitated by the enactment of the bill and would relieve the District of an unnecessary bookkeeping operation.

Enactment of this bill will involve no additional expenditure to the District of Columbia.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSIT DEVELOPMENT PROGRAM

Mr. McMILLAN. Mr. Speaker, I call up the bill (S. 2397) authorizing the National Capital Transportation Agency to carry out part 1 of its transit development program and to further the objectives of the act approved July 14, 1960 (74 Stat. 537), and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, does this provide for the building of parking lots? Is there any expenditure from Federal funds for the purpose of building parking lots?

Mr. McMILLAN. No, this has no connection with parking lots. Last year the Congress created this joint rapid transit agency and the purpose of this bill is to give this agency an opportunity to make reservations of land strips on Highways 66 in Virginia and 95 in Maryland.

Mr. GROSS. But there is no use of Federal funds contemplated now or later with respect to this bill?

Mr. McMILLAN. Well, now, I do not know about that; I could not tell you about that, whether it will or not. I do not know.

Mr. GROSS. Is it anticipated that there will be a request later for Federal funds to build stations?

Mr. McMILLAN. No. This is a joint agency created by the State of Virginia and the State of Maryland and the District of Columbia.

It is for the purpose of creating a National Transit Agency here in the District, and these two States.

Mr. GROSS. This is not the bill that deals with the construction of stations along the highways and parking lots along the highways?

Mr. McMILLAN. It might later, but this does not here.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Virginia.

Mr. BROYHILL. It authorizes the acquisition of land on these proposed highways for construction.

Mr. GROSS. Who is going to acquire the land, and how is it going to be acquired?

Mr. BROYHILL. The National Capital Transportation Agency will acquire these three highways that the gentleman from South Carolina [Mr. McMILLAN] mentioned, for future construction. Land is being acquired at this time, and if we do not authorize the Transit Agency to get the land they need for their separate highways, it will be too late, and it will cost many times more at a future date.

Mr. GROSS. Does anyone contemplate in the future coming to the Federal Government for funds with which to build these stations, or to establish the parking lots on the acquired land?

Mr. BROYHILL. Let me answer the gentleman in this way: Last year, when we passed the legislation creating the National Capital Transit Agency, it was recommended that we give them the authority to do just that. The committee that approved the legislation saw that future use and required the Agency to come back to the Congress and ask for the authorization, after they had made a complete study and a complete survey. So we do not know yet, until the Transit Agency has completed their work and comes to the Congress with a complete program.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill as follows:

Whereas the National Capital Transportation Agency on July 31, 1961, transmitted to the Congress, pursuant to section 204(c) of the National Capital Transportation Act of 1960 (74 Stat. 537), a report entitled "Report on Part One of the Transit Development Program, July 1961"; and

Whereas part 1 of the transit development program provide- for acquisition by the National Capital Transportation Agency of land for future express transit service in conjunction with the development of certain new highways and parkways in the National Capital region:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of enabling the National Capital Transportation Agency to carry out that part of its transit development program described in its report entitled "Report on Part One of the Transit Development Program, July 1961", transmitted to the Congress on July 31, 1961, pursuant to the provisions of subsection (c) of section 204 of the National Capital Transportation Act of 1960, the National Capital Transportation Agency is hereby authorized, subject to the provisions of such Act, to acquire, or enter into agreements for the acquisition or use of, facilities, property, and rights-of-way for express transit:

(1) in the center median area and elsewhere in, adjacent to, or in conjunction with (A) Interstate Route 66 in Fairfax County and Arlington County, Virginia; and (B) Interstate Route 95 in Prince Georges County, Maryland;

(2) adjacent to, or in conjunction with (A) the George Washington Memorial Parkway; (B) the Little Falls Branch Parkway from the George Washington Memorial Parkway to the vicinity of Massachusetts Avenue; (C) the Parkway Spur through the Cabin John Valley from Cabin John to the Capital Beltway; and (D) the Capital Beltway from the George Washington Memorial Parkway to the vicinity of Bradley Boulevard, all in Montgomery County, Maryland: *Provided,* That the Agency is further authorized to carry out, as part of part 1 of its transit development program, such construction in connection with the land acquisition projects provided for herein, as must necessarily be undertaken at the time the aforesaid highways and parkways are constructed: *Provided further,* That the authority granted the Agency under subparagraph (2) above shall in no way diminish the powers of the Secretary of the Interior under other Federal laws.

Mr. McMILLAN. Mr. Speaker, the purpose of this bill is to authorize the National Capital Transportation Agency to acquire, or enter into agreements for the use of, facilities, property, and rights-of-way for express transit in or near Interstate Route 66 in nearby Virginia, and, in nearby Maryland, Interstate Route 95, the George Washington Memorial Parkway, the Little Falls Branch Parkway from the George Washington Memorial Parkway to the vicinity of Massachusetts Avenue, the Parkway Spur from Cabin John to the Capital Beltway, and the Capital Beltway from the George Washington Memorial Parkway to the vicinity of Bradley Boulevard.

This bill would give flexibility to the National Capital Transportation Agency in acquiring land to carry out its program, pursuant to the National Capital Transportation Act of 1960. If other Government agencies are acquiring land for other purposes, such as highways or parkways, the Transportation Agency may arrange for the other agencies to acquire the necessary property needed by the Transportation Agency.

Language has been included in this bill which is designed to meet a situation where the Transportation Agency's program may be within the right-of-way of a highway or parkway or may carry highway traffic. Therefore, a determination as to the design, layout, and construction should be worked out mutually with the Federal or State agency which is responsible for the highway or parkway. This language is intended to convey the thought that such mutually agreeable determinations are to be reached in connection with such work of the Transportation Agency which is made a part of any highway or parkway which is the responsibility of a State agency or a Federal agency other than the Transportation Agency.

This bill represents an important step toward the creation of the vastly improved transportation system for the National Capital region which the Congress envisioned when it enacted the

National Capital Transportation Act of 1960. Moreover, passage of the bill is of the utmost urgency, for unless the Congress acts now the opportunity to make provision, at relatively small cost, for future express transit service in key corridors of the National Capital region will almost certainly be lost, as explained in greater detail hereinafter in this report.

This bill, if enacted, would make it possible for the National Capital Transportation Agency to insure that, first, portions of Routes 66 in Fairfax and Arlington Counties, Va., and Route 96 in Prince Georges County, Md., will have center median strips wide enough for express transit service; second, the George Washington Memorial Parkway, and short segments of connecting highways in Montgomery County, Md., will have facilities for express bus service; and third, on all three routes, land will be reserved for stations and parking facilities that are vital to the efficient operation of an express transit service.

The Agency must act immediately or lose the opportunity to reserve space for express transit service at low cost in these corridors. This is true because the highway agencies concerned intend to move ahead with land acquisition and actual construction of portions of these highways during fiscal year 1962, without making provision for reserved space for future express transit service. To attempt to make such provision at a later date would involve disruption or costly revision of highway plans, expensive tearing up of those portions of the highways already constructed and, because land adjacent to the highways will be developed for private use, great increase in the cost of acquiring land for express transit service.

This legislation has the approval of the National Capital Transportation Agency, Washington Metropolitan Regional Conference, Maryland State Roads Commission, and the Board of Commissioners of the District of Columbia. The estimated cost of the bill for fiscal year 1962 is $2.5 million. It is estimated that an additional $1 million will be required after fiscal year 1962 to complete these land acquisition projects.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the explanation of each of these bills be inserted in the RECORD prior to the passage of same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

COMMISSION ON WOODROW WILSON MEMORIAL

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (S.J. Res. 51) authorizing the creation of a commission to consider and formulate plans for the construction in the District of Columbia of an appropriate permanent memorial to the memory of Woodrow Wilson.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. GROSS. Mr. Speaker, reserving the right to object, this is the bill that was called up awhile ago which was objected to, and it is now being brought back again?

Mr. THOMPSON of New Jersey. Mr. Speaker, the bill was up a short while ago. Through an omission it was not listed on minority table. This bill has been discussed with the minority leader and with the gentleman from Ohio [Mr. SCHENCK] the ranking member of the Committee on House Administration and is, I understand, acceptable to them. The gentleman from Indiana, the minority leader, is present.

Mr. HALLECK. Mr. Speaker, it was cleared with me and I approved it.

Mr. GROSS. Is this a bill to establish a commission for the Woodrow Wilson Memorial?

Mr. THOMPSON of New Jersey. Yes, it is.

Mr. GROSS. And it provides $10,000 for that purpose?

Mr. THOMPSON of New Jersey. Yes, it does.

Mr. GROSS. I am wondering if we ought not to establish a permanent commission around here for this sort of thing and have it over with. I remember we had a commission of this kind for a Theodore Roosevelt Memorial.

Mr. THOMPSON of New Jersey. The gentleman is correct. There has been one for Theodore Roosevelt Memorial; one for the Franklin Roosevelt Memorial; one for the Thomas Jefferson Memorial; one for the James Madison Memorial, just to mention a few.

Mr. GROSS. Can the gentleman tell me how much was spent by the Theodore Roosevelt Commission?

Mr. THOMPSON of New Jersey. I do not know the figure, but it was in excess of the amount here, because they had an architectural competition, which the House authorized. This bill does not have such a proviso.

Mr. GROSS. What has happened to the Theodore Roosevelt Memorial?

Mr. THOMPSON of New Jersey. It is my understanding that the descendants of the late President Roosevelt, and others objected to the design. No final decision has been made.

Mr. GROSS. All of that money then has gone down the drain, is that correct?

Mr. THOMPSON of New Jersey. In that case, unhappily, no final action has been taken. This differs, however, in that it does not provide for an architectural competition nor does it provide for a prize as some of the others have done. For instance, the Franklin Roosevelt Memorial is based on an architectural competition. The winning design was accepted and the architect, presumably, has been paid. The design is not acceptable to many people. There has been an argument because of it. This is entirely different in its concept.

Mr. GROSS. This is limited to the one organization?

Mr. THOMPSON of New Jersey. Yes, it is.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the joint resolution as follows:

Whereas Woodrow Wilson, as twenty-eighth President of the United States, won the enduring gratitude of the people of the United States and throughout the world for his farsighted and tireless efforts to achieve a lasting peace, with justice and freedom for all; and

Whereas he so eloquently phrased the principles for which this country stands and provided, with his own high standards of integrity, vision, and compassionate good will an inspiration for generations to come: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a commission, to be known as the Woodrow Wilson Memorial Commission (hereinafter referred to as the "Commission"), for the purpose of considering and formulating plans for the design, construction, and location of a permanent memorial to Woodrow Wilson in Washington, District of Columbia, or in its immediate environs. The Commission shall, in general, decide on the advisability of one of two kinds of memorials: One which would be a monument similar to those which honor Presidents Washington, Jefferson, and Lincoln; or one which will serve as a building of a functional nature, or, as it is often called, a "living memorial". The Commission shall study, among others, proposals to associate the memorial with the Washington International Center program for international visitors.

(b) The Commission shall be composed of the following members:

(1) Former Presidents of the United States, at their pleasure;

(2) Two persons to be appointed by the President of the United States;

(3) Two Senators to be appointed by the President of the Senate;

(4) Two Members of the House of Representatives to be appointed by the Speaker of the House of Representaives; and

(5) Three members to be appointed by the President of the United States, one from each of the following:

(A) The Woodrow Wilson Foundation;

(B) The Woodrow Wilson Centennial Commission (now discharged); and

(C) One member of the Department of the Interior, who shall be the Director of the National Park Service, or his representative.

(c) The Commission shall select a chairman and a vice chairman from among its members. Vacancies occurring in the membership of the Commission shall be filled in the same manner as the original appointment.

(d) The members of the Commission shall serve without compensation, but shall be reimbursed for expenses incurred by them in carrying out the duties of the Commission.

(e) The Commission shall report such plans, together with its recommendations, to the President and Congress at the earliest practicable date, and in the interim shall make annual reports of its progress to the President and Congress. However, such plans and recommendations shall not be reported until the Commission has obtained

the assistance and advice of the National Capital Planning Commission and the Commission of Fine Arts if the memorial is to be located in the District of Columbia, or the assistance and advice of the National Capital Planning Commission, the Commission of Fine Arts, and the National Capital Regional Planning Council if the memorial is to be located in the environs of the District of Columbia.

SEC. 2. The Commission is authorized to—

(a) make such expenditures for personal services and otherwise for the purpose of carrying out the provisions of this joint resolution as it may deem advisable from funds appropriated or received as gifts for such purpose;

(b) accept gifts to be used in carrying out the provisions of this joint resolution or to be used in connection with the construction or other expenses of such memorial; and

(c) hold hearings, organize contests, enter into contracts for personal services and otherwise, and do such other things as may be necessary to carry out the provisions of this joint resolution.

SEC. 3. There is authorized to be appropriated not more than $10,000 to carry out the provisions of this joint resolution.

The joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

EXCHANGE OF CERTAIN LANDS

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2476) to amend section 207 of the Military Construction Act of 1960 in order to clarify the authority granted under such section to the Secretary of the Navy to exchange certain lands owned by the United States for lands owned by the State of Oregon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 207 of the Military Construction Act of 1960 (74 Stat. 166, 175) is amended to read as follows:

"SEC. 207. (a) Notwithstanding any other provisions of law, the Secretary of the Navy is authorized, upon such terms and conditions as he may determine to be in the public interest, to convey to the State of Oregon all or part of or interests in the lands, including acquired and public domain lands, comprising the Boardman Bombing Range in the State of Oregon, as delineated on a map designated as 'War Department, Office of the Division Engineer, North Pacific Division, Real Estate, Boardman Precision Bombing Range,' approved February 17, 1947, drawing numbered O–31–52. The conveyance of such lands to the State of Oregon shall be made in exchange for a conveyance, without restriction as to the use of lands, to the United States of such lands, or interests therein, of the State of Oregon as the Secretary of the Navy shall find suitable for use, with any lands or interests retained by the Navy, as a bombing range, and upon payment by the State of Oregon to the United States of such amount as the Secretary of the Navy determines to represent the total of (1) the difference, if any, between the fair market value of the property so conveyed by the Secretary of the Navy and the fair market value of the land and interests in land accepted in exchange therefor, and (2) the cost to the Department of the Navy of providing a complete substitute facility on the retained lands, if any, and the State lands so acquired.

"(b) The State of Oregon shall agree to be primarily liable and hold the United States harmless from any claims for personal injury or property damage resulting from the condition of the lands conveyed by the United States.

"(c) Of the lands retained by the Navy, if any, together with any lands conveyed to the United States by the State of Oregon, 37,320.31 acres thereof, inclusive of any retained public domain lands, as agreed upon by the Secretary of the Interior and the Secretary of the Navy, shall become public domain lands of the United States subject to all the laws and regulations applicable thereto, but shall remain withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and shall be reserved for use as a bombing range under the administration of the Department of the Navy until such withdrawal and reservation is revoked by order of the Secretary of the Interior with the concurrence of the Secretary of the Navy. The remaining acreage of the lands conveyed to the United States shall become a part of the lands comprising the substitute bombing range and shall be administered by the Department of the Navy.

"(d) The money received by the Secretary of the Navy in connection with the exchange authorized by this Act shall be disbursed as follows: (1) The difference in the fair market value between the public domain lands conveyed by the United States and the lands designated as public domain lands under subsection (c), exclusive of any retained public domain lands, shall be distributed as a receipt from the sale of public domain lands; (2) the difference in the fair market value between the remaining lands and interests exchange shall be covered into the Treasury as a miscellaneous receipt; and (3) the amount representing the cost to the Department of the Navy of providing a complete substitute facility on the retained lands, if any, and the State lands so acquired, shall be covered into the Treasury as a miscellaneous receipt.

"(e) The Department of the Navy shall not be required to relinquish use of any lands of the Boardman Bombing Range to be conveyed to the State of Oregon until the complete substitute facility is available for use."

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

DESIGNATION OF CONFEREE ON H.R. 5968

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. ABERNETHY] be excused as a conferee on the bill H.R. 5968, and that another Member be designated as a conferee in his place.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. The Chair appoints to the committee of conference the gentleman from Alabama [Mr. HUDDLESTON] vice the gentleman from Mississippi [Mr. ABERNETHY].

The Clerk will notify the Senate of the appointment by the Speaker pro tempore.

NATIONAL BOTANIC GARDEN IN HAWAII

Mr. POAGE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5628) to provide for a study and investigation of the desirability and feasibility of establishing and maintaining a National Tropical Botanic Garden.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized to have a complete study and investigation made of the desirability and feasibility of establishing and maintaining a National Tropical Botanic Garden, to be located in the State of Hawaii, for the purpose of research and education concerning tropical flora and for the instruction and recreation of the people. The study and investigation may be made by such departments or agencies as the President may designate.

SEC. 2. There shall be submitted to Congress, within one year after funds are made available to conduct the study and investigation authorized by this Act, a report of the findings of such study and investigation, together with such recommendations as are deemed appropriate. Such report shall contain, but shall not be limited to, specific findings and recommendations with respect to: (1) whether such a National Tropical Botanic Garden is feasible and desirable; (2) a proposed location or locations for such National Tropical Botanic Garden within the State of Hawaii; (3) whether a National Tropical Botanic Garden shall be administered by a department of the United States Government or by a private foundation or nonprofit educational corporation; (4) a recommended organization for the public or private agency to administer and maintain the National Tropical Botanic Garden; (5) the estimated cost of establishing and maintaining such a botanical garden; and (6) proposed legislation to effectuate the findings and recommendations.

SEC. 3. There are hereby authorized to be appropriated such sums, not to exceed $5,000, as may be necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. POAGE. Mr. Speaker, I yield to the gentleman from Hawaii [Mr. INOUYE].

Mr. INOUYE. Mr. Speaker, H.R. 5628 was reported by the Committee on Agriculture without dissent. This is a bill to authorize the President of the United States to order a complete study and investigation of the desirability and feasibility of establishing and maintaining a National Tropical Botanic Garden in the State of Hawaii. The National Tropical Botanic Garden would be established for the purposes of research and education concerning tropical flora.

This bill authorizes an appropriation of a sum not to exceed $5,000 to conduct this feasibility study.

I realize the sum is not a large one, but the botanic garden is of interest not only to the people of Hawaii but also to the people of our Nation and the world. The idea of a living museum of tropical plants for basic and applied research in tropical botany is not new. For many years the people in Hawaii have been working steadily for this garden in Hawaii. Recently hundreds of interested people have organized to form the Hawaiian Botanical Gardens Foundation. State and city planning commissions at present have zoned a 5,000-acre valley for such purposes.

I should like to impress on the House that it is not the intention of this bill to have the Federal Government subsidize this garden. A private eleemosynary organization already formed is carrying on activities to get such funds, but presently we have no facilities and no talent to make such a study. We believe the Government has a sufficient number of experts who can very easily conduct such a study. We doubt if the amount requested would be fully used. Very likely the amount is primarily for transportation of Government officials going to Hawaii to conduct this study.

Recently a conference of scientists was held in Hawaii and unanimously passed a resolution supporting such a garden. Further, a national organization of botanists unanimously adopted a resolution supporting this bill. In closing I submit the following prepared statement:

STATEMENT OF THE HONORABLE DANIEL K. INOUYE RE THE NATIONAL TROPICAL BOTANIC GARDEN

On March 15, 1961, I introduced H.R. 5628 to authorize the President of the United States to order a complete study and investigation of the desirability and feasibility of establishing and maintaining a National Tropical Botanic Garden in the State of Hawaii. The National Tropical Botanic Garden would be established for the purposes of research and education concerning tropical flora. The bill would authorize an appropriation of $5,000 to conduct this feasibility study. A similar bill was passed by the Senate in the last session of Congress, but due to lack of time, it was not considered by the House.

A National Tropical Botanic Garden is of paramount interest not only to the people of Hawaii but to people everywhere interested in plants. The idea of a living museum of tropical plants for basic and applied research in tropical botany is not new. For many years a group of Hawaiian citizens has worked steadily for a tropical botanic garden in Hawaii. Recently hundreds of interested people have organized to form the Hawaiian Botanical Gardens Foundation. State and city planning officials have zoned a 5,000-acre valley for such purposes.

It is not the intent of the bill to have the Federal Government subsidize the National Tropical Botanic Garden. It is hoped that such a garden can be privately endowed. However, at the present time, because of limited facilities and more important, because such a study can be made with relative ease by experts in existing Government agencies, the bill asks the President to designate the proper agency to conduct the study.

The establishment of a National Tropical Botanic Garden in Hawaii would benefit the entire Nation and would further international understanding. Scientists from mainland universities as well as the rest of the world would conduct research on any botanical problem of interest concerning tropical plants.

The Hawaiian climate during all seasons of the year allows for continuous growth and gives many generations of annuals each year for research in plant genetics. The mean annual temperature is 74 degrees and the average temperature during the coldest month differs only 6 degrees from the average temperature during the hottest month.

More than 90 percent of the flowering plants in Hawaii are found nowhere else in the world. Many of them lack close relatives. Hawaii is so unusually gifted in its flora that it has 30 species of palm, and no species is found on more than one island. Oahu alone has nine species, each one found in a separate valley in single or multiple groves. The number of plants unique to Hawaii is due to its prolonged isolation by vast spans of ocean, its mountains, and to the age of its land.

Within the Hawaiian archipelago, there is a vast difference in the age of the islands. Kauai, the westernmost island, is oftentimes called the Garden Isle. It is the oldest and the most abundant in flora. The wettest spot on earth is located on this island. The rainfall measures over 400 inches a year.

The Island of Hawaii, the southermost tip of the United States, lies to the east and is still in the process of formation as is graphically seen by the present volcano eruptions there. It has desert areas and rain forests. The rainfall on this island varies from 145 inches a year in Hilo to a few inches at Kawaihae.

In many ways, Hawaii is a botanical garden in itself. The purpose of establishing a National Tropical Botanic Garden is, first, to preserve the plants which are fast being destroyed everywhere in the tropics; second, to provide a living herbarium for taxonomists; third, to educate the present and future generations in the appreciation of the beauties of nature; and, fourth, to establish a research institute in connection with this living museum of tropical plants which would be open to scientists of all countries to carry on their studies.

Not just the whole South Pacific area but the whole southern half of the globe would profit directly from such an arboretum.

Mr. GROSS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, it is incredible that the State of Hawaii cannot find $5,000 to provide for a study of the feasibility of starting a botanical garden in the State of Hawaii. It is also incredible to me that this bill ever came out of committee and that it is now on the floor of the House. I say again, I simply cannot believe the State of Hawaii is so impoverished that it cannot find $5,000 for a study of whether it ought to have a botanic garden.

If we want to be fair, why not give each State in the United States, the other 49 States, $5,000 each for a study of whether they want to improve the flower gardens around their statehouses or in their hothouses if they have one? Why not spread the good tidings to all the States?

Perhaps the answer to this proposition is to be found in the bill that was before the Senate last year which provided that there should be submitted to Congress, within 1 year after the funds have been made available to conduct a study, a report which shall contain, but not be limited to, specific findings with respect to, No. 5, the estimated cost of establishing and maintaining such a botanical garden. That was in the bill of last year. The bill this year does not contain that exact provision, but it does contain this provision on page 2:

Such report shall contain, but shall not be limited to, specific findings and recommendations with respect to: (6) proposed legislation to effectuate the findings and recommendations.

Apparently, there is to be some Federal legislation to flow from the report, that is, if it is favorable, and there is no doubt that it would be favorable. And so there is to be some more Federal legislation to flow from the report, and what could that legislation involve except much more money to build the botanical garden?

In the report, on pages 2 and 3, in connection with this House bill, and I read from that report, this is the Secretary of Agriculture, Mr. Freeman, speaking:

On June 7, 1961, we reported to the chairman of the Senate Committee on Agriculture and Forestry on S. 772, an identical bill to H.R. 5628. In connection with the report the Bureau of the Budget advised as follows:

"While there would be no objection to the presentation of this report, we would suggest that a botanic garden in Hawaii might more properly be a function of the State government in view of its primarily local nature. However, if the committee does consider a study of this matter desirable, the study should encompass the possibility of financing its construction from local or private funds."

The Bureau of the Budget is right in saying the money should come from, either from the State of Hawaii or from local or private funds and not from the pockets of the Federal taxpayers. This, I say to you, is but the first step toward the building of an expensive botanical garden in Hawaii. I do not know how much it will cost and neither does any other Member of the House.

Mr. INOUYE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to my colleague, the gentleman from Hawaii, for whom I have great respect.

Mr. INOUYE. The gentleman from Hawaii is convinced that there will be no further Federal funds necessary to carry on with this matter. We are just asking that the study be conducted and that is all we are asking.

Mr. GROSS. If it is just a matter of a study being conducted, then why is this language in the bill, "to effectuate the findings and recommendations"? Certainly Congress cannot tell the Legislature of the State of Hawaii what they should do by way of constructing a botanical garden even though Federal funds are used to provide for a study and the study demonstrates the feasibility and practicability of the botanical garden. Why then is that language in the bill?

Mr. INOUYE. The language was placed in the bill because it is felt there may be a possibility the Federal Government would like to participate in this project. May I point out to my colleague, the gentleman from Iowa, that

in the State of Hawaii, and this point may not seem very important to the gentleman, we have 30 species of coconuts throughout the trust territories and American Samoa.

Incidentally, in the trust territories the people throughout the islands are suffering as a result of the decline in the copra business, and they have been requesting that some area be set aside where some research and study can be carried on in an effort to find ways and means of helping their economy. We feel that the State of Hawaii affords most favorable conditions for carrying on such research and study.

Mr. GROSS. I would like to ask the gentleman from Hawaii, if I may, is the gentleman saying that the State of Hawaii is in such sad financial condition that it cannot put up $5,000 for a study as to a botanical garden?

Mr. INOUYE. The State of Hawaii, I am certain, has more than sufficient funds to carry on the study, but we like to have some Federal recognition in connection with the study so that when scientists from other nations, scientists of international reputation, are invited to visit the gardens, and this, of course, includes people from the trust territories which, incidentally, the Government of the United States is responsible for, that we will have a botanical garden which to some degree is recognized by the Federal Government.

Mr. GROSS. I will say to the gentleman from Hawaii, in the light of the testimony and statements we heard on the House floor the other day with respect to the building of the East-West Cultural Center in Hawaii, that we are doing an awfully good job of spending millions of dollars in support of the University of Hawaii, but we are not doing nearly so well, according to the information as it came from the gentleman from Ohio [Mr. Bow] and other members of the Committee on Appropriations—we are not doing nearly so well for the universities in this country as we are for the University of Hawaii in connection with the establishment of the East-West Cultural Center. I should think that you would be able to find $5,000 in Hawaii to take care of your own flower garden. What is really sought here, and as admitted previously, is that the Federal Government will put up the money for this deal.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. May I say to the gentleman, and I do not wish to appear ungrateful, that it has not been more than 2 weeks since the gentleman from Iowa, I assumed, received a very fine luscious pineapple?

Did you get one?

Mr. GROSS. Yes, I did, and it was a little bit overripe. But that has nothing to do with this.

Mr. HOFFMAN of Michigan. I realize this garden is a long, long way from the street corner down in Washington where they authorized the spending of $20 million for a fishpond. The gentleman from Iowa cannot criticize the gentleman from Hawaii for wanting his share, can he?

Mr. GROSS. If you are going to put it on that basis he is dealing in petty cash in this bill.

Mr. HOFFMAN of Michigan. We would like something done about skiing in the Upper Peninsula of Michigan. But if the gentleman will look in lines 7 and 8 he will see this language:

For the instruction and recreation of the people.

Does the gentleman know about the type of business? Is it for tourists or for the local people?

Mr. GROSS. I do not know.

Mr. HOFFMAN of Michigan. Will the gentleman find out?

Mr. GROSS. The Committee on Agriculture might be able to explain.

Mr. HOFFMAN of Michigan. The Committee on Agriculture?

Mr. GROSS. Yes; this bill comes from the Committee on Agriculture, and it may have all the answers on recreation.

Mr. HOFFMAN of Michigan. They did not have any hearings, did they?

Mr. GROSS. I do not know; I have not seen the hearings.

Mr. HOFFMAN of Michigan. My information is they did not have any hearings, so how would they know? I think if the gentleman asked the gentleman from Hawaii whether this is for the home folks or for the tourists he will tell you.

Mr. GROSS. I will yield to the gentleman to address that question to the Committee on Agriculture, the gentleman from Texas [Mr. POAGE], or the gentleman from Arkansas [Mr. GATHINGS], the committee members who brought this bill to the House floor.

Mr. HOFFMAN of Michigan. This is not in Texas.

Mr. GROSS. Apparently they do not want to explain the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. POAGE. Does the gentleman have any other speaker? We have only one more speaker.

Mr. GROSS. I understand that under the rules it is not necessary to rotate time under a suspension of the rules.

The SPEAKER pro tempore. That is correct.

Mr. POAGE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill H.R. 5628?

The question was taken, and on a division (demanded by Mr. GROSS) there were—ayes 82, noes 23.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Under the order of the House of September 18, further proceedings on this bill will go over until tomorrow.

RELIEF OF KIM DOM YONG

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2181) for the relief of Kim Dom Yong, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

After line 10, insert:

"SEC. 2. Notwithstanding the provision of section 212(a)(6) of the Immigration and Nationality Act, Kim Dom Yong may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That unless the said Kim Dom Yong is entitled to medical care under the Dependents' Medical Care Act (70 Stat 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *And provided further*, That the exemption granted in this section of this Act shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SUPERIOR NATIONAL FOREST

Mr. POAGE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 302) to amend the act of June 22, 1948, as amended, relating to certain areas within the Superior National Forest, in the State of Minnesota, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 22, 1948, as amended (16 U.S.C. 577c–577h) is amended by deleting the proviso from section 1 (16 U.S.C. 577c) and by changing the figure in section 6 (16 U.S.C. 577h) thereof to read $4,500,000. Funds appropriated to carry out the purposes of the Act shall remain available until expended.

The SPEAKER pro tempore. Is a second demanded?

Mr. McINTIRE. Mr. Speaker, I demand a second.

Mr. POAGE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POAGE. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, this bill is simply to complete action on a program undertaken by Congress a good many years ago in the Superior National Forest. When the Congress authorized the acquisition of the Superior National Forest, there were a number of privately owned tracts of

land which were not at that time acquired, but it was understood then that they would be acquired at a later date and $2½ million was then authorized for that purpose. I believe that was 30 years ago.

It seems that the time has come when if we are to carry out the purposes of the original Shipstead-Nolan Act of 1930, we should proceed to acquire the privately owned tracts of land within the Superior National Forest. It is the understanding of the committee that there are no private homes involved, that there are on the contrary some 13 business institutions or commercial resorts, and some 57 summer homes, as well as some unimproved property that is involved.

These are small enclaves in the area of the national forest, which cannot be developed into the primitive area which was originally set aside unless and until these properties are acquired.

This legislation simply carries out the original undertaking of the act of 1930 and authorizes an appropriation of $2 million in excess of the existing authorization. In other words, this is $2 million to carry out the purposes of this bill. The other $2½ million has long since been authorized.

It seems to the committee this is a worthy undertaking, and if we are going to carry out the announced intention of the Congress, we will have to do it, and it is time to begin.

Mr. McINTIRE. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, S. 302 deals with the boundary water canoe area in northern Minnesota.

This area was recognized for its unique wilderness features by the Congress in the Shipstead-Nolan Act of 1930, an act which provided for the maintenance of the natural water level, for the protection of the shoreline of the streams and lakes, and for the withholding from entry on or appropriation of the federally owned land of the area.

An act of June 22, 1948, directed the Secretary of Agriculture to acquire nonfederally owned lands and interests in lands in a major portion of the surrounding area. This acquisition was subject to certain conditions, particularly those provisions of section 1 of the act. This section says:

> Under the authority of this Act, no contiguous tract of land in one ownership, not exceeding 500 acres in the aggregate, shall be condemned if at the time of the approval of this Act it is encumbered with a structure or structures of a permanent type suitable for human occupancy, and if the owner thereof files written objections before expiration of the time for answering the petition in the proceedings.

It followed that an amendment in 1956 extended the original area and increased the previous authorization from $500,000 to $2,500,000.

As related to this area, donations, exchanges, and Weeks law purchases prior to June 30, 1948, account for 314,600 acres of the area concerned. Appropriated funds in the 1948 and 1956 acts have financed the purchase of 15,853 acres.

As it sets up, there remains to be acquired about 15,800 acres. Involved in the area to be acquired are 13 commercial resorts, 57 summer homes, and some unimproved properties that are in key locations and carry high land values. There are 15,700 acres of county ownership and 110,000 acres of State-owned land. Some of these land parcels can be acquired through land exchange.

Purchases already made under the acts of 1948 and 1956—together with the 29 properties approved for purchase by the National Forest Reserve Commission as of June 30, 1961—will use up substantially all of the $2,500,000 previously authorized. It is estimated that the remaining purchase program, if carried out within a 2-year period, can be completed at a cost of $2 million, the additional authorization provided for in S. 302.

It is important to note that all of the private land purchases have been made on a negotiated basis. To complete this program it now becomes apparent that condemnation authority is necessary. This is so because increases in the value of the remaining privately held property have made further negotiation at current values virtually impossible, these increased values having largely resulted from the development of the area as an outstanding wilderness attraction.

S. 302 would act to remove the "negotiated basis" limitation imposed by the act of 1948, and it would permit the Department to acquire desired lands by way of condemnation if necessary.

Mr. Speaker, the question is whether or not the Congress deems it wise to complete the boundary waters canoe area program, as set forth in the Shipstead-Nolan Act and the related acts of 1948 and 1956. If so, then the amendments proposed by S. 302 are highly essential.

Mr. Speaker, I urge that the House suspend the rules and pass S. 302.

I now yield 3 minutes to the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. Mr. Speaker, I rise in support of S. 302. This will enable the Forest Service to buy up the remainder of the private property in the wilderness area in northern Minnesota. This has been waiting since the 1948 act was accomplished. The longer we wait, the more money it is going to cost. You can see here that by waiting since 1948 we have to add $2 million to the authorization, and any further wait will just mean an additional cost of the project. So, in order to carry out what we intended to do in the past, it is necessary to pass this legislation, and I think it should have our wholehearted support.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Ohio.

Mr. BOW. Under this act I notice that you are deleting a provision. What is the provision that is being deleted?

Mr. QUIE. The restriction on condemnation.

Mr. BOW. In other words, this now provides for condemnation. And, what is this figure of $4.5 million based on? Is that an appraisal?

Mr. QUIE. An appraisal of the property; that is right.

Mr. BOW. An appraisal made by whom?

Mr. QUIE. The Forest Service.

Mr. BOW. In other words, this is the Forest Service top appraisal and it is anticipated that this $4.5 million is all the money that will be necessary now and in the future?

Mr. QUIE. That is right.

Mr. BOW. I thank the gentleman.

Mr. POAGE. Mr. Speaker, I yield 3 minutes to the distinguished majority leader, the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I am grieved to learn of the death of Monrad "Mon" C. Wallgren, a close personal friend of mine for many years. Mon Wallgren was a dedicated public official and a great American.

He was first elected to the House of Representatives in 1932 and he served in this body from 1933 until 1940, and in the U.S. Senate from 1940 to 1944, when he was elected Governor of the State of Washington, serving as chief executive of that State until 1949. Thereafter, he was appointed by former President Harry S. Truman as a member and later Chairman of the Federal Power Commission, resigning in 1951. His service in both branches of the Congress and as Governor was marked by his stalwart support of progressive legislation. He was a true representative of the people.

Mon Wallgren, by his charm and personality, rapidly made friends in the Halls of Congress. His friends in and out of Congress were countless. As a legislator and as Governor, Mon Wallgren served most effectively. He did not seek the headlines, but he served with ability, vision, and courage, and a progressive outlook that was admirable and refreshing. He came from the people and he served the people.

Mon Wallgren enjoyed the respect and friendship of his colleagues. I numbered him among my most valued friends. He enjoyed the strong friendship of the late Franklin D. Roosevelt and was a very close and valued friend of Harry S. Truman.

Mon Wallgren, in every public office he held, elective or appointive, served with ability, dignity, and strength and, as I have said, rendered effective service without seeking the headlines.

In both branches of Congress there are still many Members who served with Mon Wallgren who will mourn his passing.

Mr. Speaker, Mrs. McCormack joins with me in extending to Mrs. Wallgren our deep sympathy in her bereavement.

Mr. MEADER. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Michigan.

Mr. MEADER. Mr. Speaker, I should like to join the distinguished majority

leader, the gentleman from Massachusetts [Mr. McCORMACK] in paying tribute to former Congressman, Senator, and Governor Mon Wallgren. He was a member of the Truman committee at the time I served that committee as assistant counsel. I became very well acquainted with him and developed a high regard for his integrity and his determination and fairmindedness in the investigation of the natonal defense program.

Mr. McCORMACK. I thank the gentleman from Michigan.

Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks on the passing of my late friend.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. WESTLAND. Mr. Speaker, it is with deep regret that I inform the House of the death of my friend, Mon C. Wallgren. Mon and I had been friends from boyhood days, played golf together many times, and I always thoroughly enjoyed his company.

From March 1933 to December 1940 Mon represented the congressional district which I now have the honor to represent. From December 1940 until January 1945 he was a Senator from the State of Washington and in 1945 he was elected Governor of the State of Washington and served until 1949. During the Truman administration he served as Chairman of the Federal Power Commission and then retired from political life.

Mon had many friends in Washington State from all walks of life from both political parties. He will always be remembered in my hometown of Everett, not only for his political accomplishments, but for his great storytelling. Mon always brought cheer and laughter wherever he went.

I have lost a friend and the State of Washington has lost one of its most distinguished citizens.

Mr. McINTIRE. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. BRUCE].

Mr. BRUCE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BRUCE. Mr. Speaker, it is with regret that I interrupt the procedure of the House in order to bring up a subject that is not relevant to that which was under discussion.

Mr. Speaker, on Tuesday, September 12, in a special order, I took approximately 40 minutes to detail what I consider to be a very grave situation that has developed in the Congo. Yesterday in a brief colloquy here on the floor of the House between myself and the gentleman from Minnesota [Mr. JUDD], the highly respected gentleman from Minnesota made the comment to the effect that we all realize that the United Nations action in Katanga is illegal. I agree wholeheartedly with the expression of the gentleman from Minnesota in that instance.

Mr. Speaker, I would like briefly—because I think it of the utmost importance—to support the position of a gentleman in the other body, the junior Senator from Connecticut, who also has been attempting to get some attention drawn to the fact of what is going on in Katanga. So, I rise briefly in an attempt to clarify the extensive confusion that exists regarding the United Nations action in Katanga.

Mr. Speaker, this action, on the record, is absolutely illegal and in defiance of the resolutions of the United Nations Security Council. The U.N. forces are supposed to be in Katanga fulfilling the Security Council resolution of February 21, 1961, in which this clause appears:

The Security Council: * * *

1. Urges that the United Nations take immediately all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for cease fires, the halting of all military operations, the prevention of clashes, and the use of force, if necessary, in the last resort.

Mr. Speaker, note carefully the words that are all negative—"prevent," "halting," "prevention." This is what the use of force was intended to do, and not to start a full-scale war as has been done.

Mr. Speaker, permit me to go on. This same resolution of February 21, 1961, also includes clause 5, to wit:

5. Reaffirms the Security Council resolutions of July 14, July 22, and August 9, 1960, and the General Assembly Resolution 1474 (ES–IV) of September 20, 1960, and reminds all states of their obligation under these resolutions.

Mr. Speaker, let us look carefully at one of these previous resolutions that was reaffirmed by the February 21, 1961, resolution which continues to be cited as authority for what I term the aggression by the United Nations against Katanga. The reaffirmed Security Council resolution of August 9, 1960, to which the United States is obligated has the following clause, and I quote:

The Security Council: * * *.

4. Reaffirms that the United Nations force in the Congo will not be a party to or in any way intervene in or be used to influence the outcome of any internal conflict, constitutional or otherwise;

Mr. Speaker, let me repeat paragraph 4 of the United Nations Security Council resolution of August 9, 1960. It could not be clearer:

The Security Council: * * *.

4. Reaffirms that the United Nations Force in the Congo will not be a party to or in any way intervene in or be used to influence the outcome of any internal conflict, constitutional or otherwise;

Can anyone possibly say, in light of this clear-cut statement, that this U.N. aggression in the name of peace in Katanga has any sanction at all?

On the 12th of September, I requested on the floor, in a special order, and in telegrams to all of the members of the Committee on Foreign Affairs and to certain Members of the other body, an immediate investigation of the action that was taking place in Katanga. I think it is vital. There are many other things that are vital, but when you study the background—as the junior Senator from Connecticut, with a political label different from mine, has done—of the men who are being put into power in the Central Congolese Government, and then we see this kind of action, I think the time has come for us not just to ask questions, but to ask them of the right people and in the right environment, not to make charges, but to find out what the facts are.

I believe the whole future of the continent of Africa may well hinge on what we do or do not do in accordance with law in this situation in the Congo, and more specifically, in Katanga.

Mr. McINTIRE. Mr. Speaker, I have no further requests for time.

Mr. POAGE. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. ROGERS of Texas). The question is, Will the House suspend the rules and pass the bill?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 2730. An act to repeal section 791 of title 18 of the United States Code so as to extend the application of chapter 37 of title 18, relating to espionage and censorship;

H.R. 4357. An act to increase monthly disability and death compensation payable pursuant to the War Hazards Compensation Act;

H.R. 4682. An act to authorize the Secretary of Agriculture to sell and convey certain lands in the State of Iowa;

H.R. 7657. An act to amend chapter 47 (Uniform Code of Military Justice) of title 10, United States Code, to provide a specific statutory authority for prosecution of bad check offenses;

H.R. 7854. An act to modify the project for the Duluth-Superior Harbor, Minnesota and Wisconsin, to provide for the abandonment of the Twenty-first Avenue West Channel, and for other purposes;

H.R. 7888. An act to amend the Flood Control Act of 1958 to extend the time within which land in certain reservoir projects in Texas may be reconveyed to the former owners thereof; and

H.J. Res. 459. Joint resolution to provide for the preservation and protection of certain lands in Prince Georges and Charles Counties, Maryland, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 9118. An act to establish a U.S. Arms Control Agency.

The message also announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of

the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. HUMPHREY, Mr. SYMINGTON, Mr. WILEY, and Mr. HICKENLOOPER to be the conferees on the part of the Senate.

ESTABLISHING A U.S. ARMS CONTROL AGENCY

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9118) to establish a U.S. Arms Control Agency, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. I object, Mr. Speaker.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

FEDERAL ADVISORY COUNCIL ON THE ARTS

Mr. THOMPSON of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4172) to provide for the establishment of a Federal Advisory Council on the Arts to assist in the growth and development of the fine arts in the Nation's Capital and elsewhere in the United States, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds and declares—

(1) that the growth and flourishing of the arts depend upon freedom, imagination, and individual initiative;

(2) that the encouragement of creative activity in the performance and practice of the arts, and of a widespread participation in and appreciation of the arts, is essential to the general welfare and the national interest;

(3) that as workdays shorten and life expectancy lengthens, the arts will play an ever more important role in the lives of our citizens; and

(4) that the encouragement of the arts, while primarily a matter for private and local initiative, is an appropriate matter of concern to the United States Government.

SEC. 2. (a) There is hereby established in the Department of Health, Education, and Welfare a Federal Advisory Council on the Arts (hereafter in this Act referred to as the "Council"). The Council shall be composed of twenty-one members appointed by the President, by and with the advice and consent of the Senate, from among private citizens of the United States who are widely recognized for their knowledge of or experience in, or for their profound interest in, one or more of the arts and who collectively will provide an appropriate balance of representation among the major art fields including music, drama, dance, literature, architecture and allied arts, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, and television. The President is requested in the making of such appointments to give consideration to such recommendations as may from time to time be submitted to him by leading national organizations in these fields. Each member of the Council shall hold office for a term of six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of the members first taking office shall expire, as designated by the President at the time of appointment, seven at the end of the second year, seven at the end of the fourth year, and seven at the end of the sixth year after the date of enactment of this Act. No member of the Council shall be eligible for reappointment during the two-year period following the expiration of his term. The President shall designate one member of the Council to serve as its chairman. The Council shall meet at the call of the Chairman or the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary"), but not less often than twice during each calendar year. Eleven members of the Council shall constitute a quorum.

(b) The Council shall have an executive secretary who shall be appointed by the Secretary after consultation with the Council. Within the limits of appropriations available therefor, the Secretary shall provide necessary secretarial, clerical, and other staff assistance for the Council, its executive secretary, and its special committees.

SEC. 3. (a) The Council shall (1) recommend ways to maintain and increase the cultural resources of the United States, (2) proposed methods to encourage private initiative in the arts, (3) cooperate with local, State, and Federal departments and agencies to foster artistic and cultural endeavors and the use of the arts both nationally and internationally in the best interests of our country, and (4) strive to stimulate greater appreciation of the arts by our citizens.

(b) To these ends the Council shall undertake studies of and make recommendations relating to appropriate methods, consistent with the policy set forth in the first section of this Act, for encouraging creative activity in the performance and practice of the arts and participation in and appreciation of the arts. In selecting subjects to be studied, the Council shall consider requests submitted to it by the heads of departments, agencies, and independent establishments of the Federal Government. The Council shall make recommendations in writing to the Secretary with respect to such studies; and the Secretary shall transmit such recommendations, together with his comments thereon, to the President and the Congress. In the selection of subjects to be studied and in the formulation of recommendations, the Council may obtain the advice of any interested and qualified persons and organizations, and the Secretary may appoint interested and qualified persons to assist the Council in making its studies from among those qualified persons recommended to him by the Council.

SEC. 4. Members of the Council, and persons appointed to assist the Council in making its studies, while attending meetings of the Council or while engaged in the conduct of studies authorized by this Act, shall receive compensation at a rate to be fixed by the Secretary, but not exceeding $50 per diem, and shall be paid travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

SEC. 5. (a) Any member of the Council appointed under this Act, any person appointed to assist the Council in making its studies, and any other person appointed, employed, or utilized in an advisory or consultative capacity under this Act is hereby exempted, with respect to such appointment, employment, or utilization, from the operation of sections 281, 283, 284, and 1914 of title 18 of the United States Code, except as otherwise specified in subsection (b) of this section.

(b)(1) The exemption granted by subsection (a) of this section shall not extend to the following acts performed as an officer or employee of the United States by any person so appointed, employed, or utilized: (A) The negotiation or execution of, or (B) the making of any recommendation with respect to, or (C) the taking of any other action with respect to, any individual contract or other arrangement under this Act with the private employer of such person or any corporation, joint stock company, association, firm, partnership, or other business entity in the pecuniary profits or contracts of which such person has any direct or indirect interest.

(2) The exemption granted by subsection (a) of this section shall not, during the period of such appointment, employment, or utilization and the further period of two years after the termination thereof, extend to the prosecution or participation in the prosecution, by any person so appointed, employed, or utilized, of any claim against the Government involving any individual contract or other arrangement entered into pursuant to this Act concerning which the appointee had any responsibility during the period of such appointment, employment, or utilization.

SEC. 6. There are hereby authorized to be appropriated to the Department of Health, Education, and Welfare such sums as may be necessary to carry out this Act, including expenses of professional, clerical, and stenographic assistance. Such appropriations shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

SEC. 7. This Act shall not be deemed to invalidate any provision in any Act of Congress or Executive order vesting authority in the Commission of Fine Arts.

The SPEAKER. Is a second demanded?

Mr. KEARNS. Mr. Speaker, I demand a second.

Mr. GROSS. Mr. Speaker, is the gentleman from Pennsylvania opposed to the bill?

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KEARNS. Mr. Speaker, I certainly am not, but I demand a second.

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Is the gentleman from Iowa opposed to the bill?

Mr. GROSS. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. GROSS] demands a second. Without objection a second will be considered as ordered.

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask unanimous consent to revise and extend my own remarks, and I ask unanimous consent that the gentlemen from New York [Mr. HALPERN and Mr. LINDSAY] have permission to extend their remarks in the RECORD following my own. They are in favor of this legislation and are cosponsors.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, the bill, H.R. 4172, is one of nearly 20 identical bills introduced on this subject. The history of the legislation, briefly, is that it was recommended initially by former President Eisenhower and has been recommended by the present administration. It has the support of President Kennedy and has had the support specifically and categorically of Vice President Nixon, among others.

The bill is not unusual in its scope or its purpose, which is to establish a Federal Advisory Council on the Arts to undertake studies and make recommendations relating to appropriate methods for encouraging creative activities, participation in, and appreciation of the arts.

Mr. Speaker, ours is the only great Nation in our civilization which has made no provision over its history for Government recognition of the arts or for Government participation in the arts. It is not proposed by any means in this legislation that the Federal Government get in the business of directing any particular activities or creating any broad-scale activities under its domination or guidance. It is proposed, however, that the Federal Government in the national life and in its activities with respect to the national life interest itself in cultural activities.

The history of the interest of the founders of this Republic and through the years of its great leaders in expression of sympathy and interest in the arts is a great and varied history. Our national record is replete with efforts as far back as Thomas Jefferson and George Washington with attention given to this general subject by the Presidents.

Mr. KEARNS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. McCORMACK). Does the gentleman insist on his point of order that a quorum is not present?

Mr. KEARNS. I will withdraw it if the gentleman from Iowa withdraws his demand for a second.

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that any such agreement would be illegal.

The SPEAKER pro tempore. The gentleman withdraws his point of order. The gentleman from Iowa and the gentleman from Pennsylvania will enter into a diplomatic relationship.

Mr. GROSS. I do not like that word "diplomatic." It has rather serious connotations in the light of what has been going on here the last few days.

Mr. THOMPSON of New Jersey. Mr. Speaker, the bill (H.R. 4172) would establish in the Department of Health, Education, and Welfare an advisory council composed of 21 members to be appointed by the President from among private citizens who are recognized for their interest in our national cultural life. The bill for housekeeping purposes has placed the responsibility for secretarial and staff assistants in the Department of Health, Education, and Welfare, and would authorize an annual appropriation, which is, in my considered judgment, modest at $100,000.

The Committee on Education and Labor, of which I have the honor to be a member, has for the past four Congresses held hearings on this subject. In each instance, in the last three Congresses, recommendations of approval have been voted by the Committee on Education and Labor. This year the subject was reopened at the outset of this Congress, and on May 15 the Select Subcommittee on Education, of which I am the chairman, held hearings on the legislation.

Mr. Speaker, I suggest to the Members of this body that this is meritorious legislation, that it is very badly needed legislation, and that the United States of America will be quite late in fact in having such a badly needed council.

Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HALPERN] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HALPERN. Mr. Speaker, I rise in wholehearted support of this bill, having sponsored similar legislation in this and in the previous Congress. I am motivated by the firm conviction that such a measure will have an important impact on American cultural activities.

A dynamic, free society, such as ours, needs an equally dynamic and free expression of creativity. The stimulation of such activity and the assurance of its continued growth is vital to the maintenance of the fluid, expanding nature of the American society.

Such legislation as this provides fundamental, but long overdue, recognition of the role of the arts as a vital factor in our national life. As a medium for correlating and drawing together in a continuing realtionship the numerous separate artistic endeavors throughout the country, the Council would help to promote creative activity.

By no means should the legislation be considered an attempt to direct the course of creativity nor should it be regarded as a Government-regulated program of artistic endeavor. Rather, it realizes that freeman requires artistic, creative activity just as freeman requires social and political independence. The institution of such a council would act as a potent weapon in our struggle against atheistic, materialistic communism, for it will prove that creativity—as well as economic and political-social development—can be encouraged and flourish under a free society.

Under the terms of this legislation, Mr. Speaker, the Council would be established in the Department of Health, Education, and Welfare, and would be composed of 21 outstanding private citizens, widely recognized for their knowledge or experience in, one or more of the creative arts such as music, drama, dance, literature, and others.

The members would be named by the President, who would also designate one of its members to serve as Chairman. Through studies and recommendations, this Council would propose methods to encourage private initiative in the arts. The Council would also promote cooperation with local, State, and Federal departments or agencies to foster artistic and cultural endeavors.

I should also like to point out that the measure calls for no appropriations or expenditures other than modest per diem allowances and expenses for the membership. It it a long step forward toward realization of national responsibility in the promotion of the arts, and of vital importance to the general welfare and the national interest.

Mr. Speaker, I would like to take this opportunity to refer to another bill which I fervently hope will win committee approval and favorable action by this House before the second half of the 87th Congress adjourns. It is of utmost importance to American art and culture and it greatly compliments the objectives of the bill before us. I refer to the bill I introduced earlier in the session, H.R. 4427, a companion measure to the one sponsored in the other body by the senior Senator from New York [Mr. JAVITS]. It establishes a $10 million a year U.S. Art Foundation to provide financial assistance to nonprofit groups engaged in the performing arts including theatrical, musical, opera, dance, ballet, and choral recitals.

The Foundation would endeavor to see that all parts of the country, the out of the way, as well as the Great White Way, received the opportunity for good theater and music. The proposal to which I refer—the U.S. Art Foundation—would enable the New York Philharmonic, for example, to tour the most remote parts of the country. It would bring ballet and opera within the reach of millions more. In brief, it would effectively supplement the legislation before us which in itself is long overdue.

Mr. Speaker, this farsighted bill, H.R. 4172, is commendable; it fills a wide gap in America's cultural society. I trust it will win the overwhelming approval of this House.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. KEARNS].

Mr. KEARNS. Mr. Speaker, I rise to support H.R. 4172, to establish the Federal Advisory Council on the Arts, which was favorably reported by the Committee on Education and Labor.

This is a bipartisan measure, which was first recommended by President Eisenhower in his 1955 state of the Union message. In urging the Congress to enact into law legislation to establish such a Federal Arts Council, President Eisenhower said that:

> In the advancement of the various activities which will make our civilization endure and flourish, the Federal Government should do more to give official recognition to the importance of the arts and other cultural activities.

During the presidential campaign last fall Vice President Richard Nixon wrote a letter which was published in the Saturday Review of October 29, 1960. In this letter he declared:

> In my opinion, it would be better, at this time, to appoint an Advisory Council on the

Arts, composed of the best qualified Americans in all the cultural fields, than a Secretary of Culture. In this way, the views of a larger number of competent professionals in the several arts could be heard nationally. This Council should make recommendations to the President and Congress as to the best line of Federal action in support of artistic endeavor. It might also be helpful in suggesting steps by which State and local governments might stimulate private cultural activities.

Legislation to create such a Council has been introduced in Congress with broad bipartisan backing. I support this idea, and will work for its passage.

In the same issue of the Saturday Review President Kennedy declared:

The platform of the Democratic Party proposes a Federal advisory agency to assist in the evaluation, development, and expansion of cultural resources of the United States. We shall support legislation needed to provide incentives for those endowed with extraordinary talent as a worthy supplement to existing scholarship programs.

If the people send me to the White House, I shall push this program. A gifted child deserves the finest education this Nation can provide. He is a national asset, whether his gift is to paint, write, design a jet airliner or a dramatic set, or explore the cosmos with a radio telescope. His worth cannot be estimated in the ledgers of the budgeteers.

The Committee on Education and Labor had a number of bills before it to establish the Federal Advisory Council on the Arts. In addition to the identical bills introduced by myself and my distinguished colleague, the gentleman from New Jersey [Mr. THOMPSON], on which hearings were held on May 15, 1961, by the Select Subcommittee on Education which he heads, bills for this purpose were introduced by the gentleman from New Jersey [Mr. DANIELS], the gentleman from New York [Mr. HALPERN], the gentlewoman from Ohio [Mrs. BOLTON], and the gentleman from New York [Mr. LINDSAY].

This measure passed the Senate during the 84th Congress and it behooves the Members of this body to support this measure which has the broadest support at the grassroots of any cultural measure in many years.

The Federal Advisory Council has many important and significant things to do. A great many art projects have piled up, a regular logjam, and are awaiting the study and recommendation, one way or the other of this committee.

I hope that distinguished and able cultural leaders from every section of our country will be appointed to it.

It must be concerned with the arts and crafts as a whole in our country, and not just with Broadway's professional theaters. The arts and crafts can be of immense benefit to American industry and help it meet foreign competition.

It must be concerned with the arts in our educational institutions, in our colleges and universities. I am very hopeful that the U.S. Office of Education will work closely with this great Council.

The Federal Government is concerned with science and modern foreign languages in our colleges and universities, and at other levels in the educational process. It must be equally concerned with the arts and crafts which can benefit our entire country.

The Federal Advisory Council on the Arts must be concerned with the arts in the community, with our theaters and orchestras at the community level, with the health of our art museums and art galleries, and with our artists in all of the arts which make our civilization endure and flourish, and especially with helping American industry meet foreign competition and the influx of attractive foreign goods.

It must be concerned with the arts in the Nation's Capital, which, at the present time, are given only $16,000 by the municipal government whereas other cities give many times as much in support of the arts according to a recent study by the Library of Congress. The Congress controls the purse strings of local District revenues and must move to let the citizens of the Nation's Capital support their own local art programs in the same way that other cities do through devoting part of their local tax revenues to the arts and crafts.

The Federal Advisory Council on the Arts must concern itself with the wise cultural, educational, and artistic use of the Carter Barron Amphitheater by the Department of the Interior which is charged with its management on behalf of the American people who gave it to the Nation's Capital for the benefit of all of the people, not just for the benefit of professional shows from Broadway.

Certainly one of the first projects the Federal Advisory Council on the Arts must undertake is the study of the outrageously high salaries which some of our artists are paid on State Department-sponsored tours under the President's cultural exchange program. These swollen salaries are several times what leading industrialists are paid when they work for the Federal Government. In addition, these industrialists; for example, Neil McElroy, former Secretary of Defense, and Robert S. McNamara, present Secretary of Defense, as well as Charles Wilson, former Secretary of Defense, all gave up sizable fortunes in stocks to work for the Federal Government.

What is equally bad about these outrageous salaries is the fact that they are several times what our most distinguished and battle-scarred admirals and generals are paid by the Federal Government.

The Nation's Capital must become one of the leading cultural centers of the world on a par with the capital cities of Europe. We can no longer be satisfied to have our Nation's Capital lag far behind even small European cities with regard to the arts. It must do more than be an audience for Broadway, or a willing audience for the artists and art groups which the Soviet Union sends to our shores.

The Federal Advisory Council on the Arts must be concerned with the preservation of buildings of historic, architectural, and cultural value such as the Dolly Madison House, the Benjamin Tayloe House, and the Belasco Theater in the Nation's Capital, which many great national organizations have urged the Congress and the Federal Government to preserve, and which President Kennedy himself last year introduced legislation to preserve.

When he introduced S. 3280 the President stated:

The Dolly Madison House, the Benjamin Tayloe House, and the Belasco Theater have long served as an inspiration to generations of Americans who have visited their Capital City. Certainly, before any irrevocable action is taken to destroy these buildings to provide a courthouse, other sites should be investigated.

When I went to the White House on September 14, 1961, to see the President I furnished him a list of several score opera houses, theaters, and concert halls in Europe which are in regular use today and which are no larger, and in many cases, are smaller than the Belasco Theater. This list was prepared by the Library of Congress which made a study of the subject at my request.

The Federal Advisory Council could well investigate why such small buildings can be used in Europe, and how the Belasco Theater can contribute to the cultural growth of the Nation's Capital.

The Federal Advisory Council on the Arts could make a major contribution to our cultural life by recommending ways to provide for the proper recognition of our great composers and performing artists.

Mr. THOMPSON of New Jersey, Mr. Speaker, I yield 5 minutes to the gentleman from Alabama [Mr. ELLIOTT].

Mr. ELLIOTT. Mr. Speaker, it is with great pleasure that I lend my support to this bill which provides for the establishment of a Federal Advisory Council on the Arts. I would like to take this opportunity to congratulate the gentleman from New Jersey [Mr. THOMPSON], the author of the bill for his consistent efforts in its behalf over a period of many years. He has sponsored this bill since he came to Congress and has done a fine job with it.

Mr. Speaker, I have long been interested in efforts to provide a means by which the U.S. Government might give what I think is deserved recognition to the important role of the arts in the development of our country. In June of 1959, I had the privilege, as chairman of the Subcommittee on Special Education of the House Committee on Education and Labor, of presiding over hearings on a similar bill, also introduced, I believe, by the gentlemen from Pennsylvania, Mr. Kearns and Mr. Fulton; by the gentlemen from New York, Mr. Celler, Mr. Lindsay, and Mr. Wainwright; and by the then Member of this body from Montana, Mr. Metcalf; and by the gentleman from Delaware, Mr. McDowell.

Mr. Speaker, the purpose of this bill is twofold. First of all, it puts the Federal Government on record as recognizing the great contributions which have been made to our society by practitioners of the performing and the creative arts. This is done in this bill in much the same way as has already been done to recognize accomplishments

in the sciences, in education, and other fields of endeavor. We are here recognizing the contribution of a vital segment of our people, who in the words of Mr. Ralph Bellamy, the distinguished actor, "earn their living, or practice their profession in one or another of the fields of art: music, drama and dance; literature, architecture, painting, sculpture; motion pictures, radio and television; and all the allied arts and crafts which serve them."

Second, it is anticipated, and I quote from the committee report on this bill "that the Council would act as a national clearinghouse for the consideration of methods by which the Federal Government might appropriately and effectively act to encourage and stimulate both artistic endeavor and appreciation on the part of our citizens. Further, it could act as a coordinating group between private and governmental activities in the arts."

Mr. Chairman, it is indeed a tragedy that in such times as these, when we are attempting to lead the world toward peaceful and wholesome endeavors, and at a time when our own creative potential is second to none, we should be far behind other countries in recognizing the national importance of our cultural resources. Other governments of the world, both great and small, actively support and encourage artists and the arts by means of direct subsidy and tax incentives. In comparison, this bill is extremely modest. It proposes only to recognize merit, encourage creativity, and coordinate and cooperate with local, State, and Federal organizations and departments in their efforts to stimulate artistic and cultural pursuits.

The bill neither suggests nor provides for any kind of governmental or bureaucratic controls. It explicitly recognizes that the arts are "primarily a matter of private and local initiative." Perhaps, in addition to the natural merits of the proposal, this lack of Government control has stimulated the universal and bipartisan support which this bill enjoys.

National leaders from both major parties have lent their support. The Health, Education, and Welfare Secretaries, both present and immediate past, have pressed for its passage in behalf of their respective administrations. Ambassador Adlai Stevenson, on the occasion of our hearings, stated:

> I think that the establishment of a Federal Advisory Council on the Arts is long past due, and this bill has my emphatic and warm endorsement.

Gov. Nelson A. Rockefeller, in a letter dated June 5, 1959, also lent his personal support to this legislation. In part, he stated:

> There are many contexts in which the Federal Government is properly, in fact unavoidably, concerned with the arts. Art knows no borders between States or, for that matter, between nations. It speaks a universal language. It is a vehicle of communication and understanding between all peoples.

He continued that the proposals contained in this bill—

> represents a constructive response to the Federal Government's obligation in this area.

Mr. Speaker, this bill represents the product of several years of thoughtful consideration on the part of national leaders from both parties, members of the Committee on Education and Labor, and particularly, the gentleman from New Jersey. It is a proposal well conceived and calculated to give recognition to an area of our culture too long neglected. I sincerely urge its favorable consideration and adoption.

Mr. GROSS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, if I recall correctly there was a bill in the House, and I would like the attention of the gentleman from New Jersey [Mr. THOMPSON], a year or 2 years ago to provide, or at least set the stage for a $75 million cultural center in Washington.

Mr. THOMPSON of New Jersey. That was 3 years ago. It set the stage for a cultural center without reference to a specific amount. The money for this was to be raised by private subscription.

Mr. GROSS. Is it planned that this bill will again set the stage for a cultural center? Is that what the bill does?

Mr. THOMPSON of New Jersey. This has no reference or relation whatsoever to that, I may say to the gentleman.

Mr. GROSS. This provides for a Federal Advisory Council on the Arts?

Mr. THOMPSON of New Jersey. That is correct.

Mr. GROSS. Mr. Speaker, I do not know too much about the arts, but I do know we are more than $290 billion in the red in this country; that we are spending $9 billion a year on interest on that debt; we are already in the hole in this fiscal year, less than 3 months old, to the extent of $6 billion, according to the Secretary of the Treasury, and we will be lucky to get out by June 30 of next year, the end of the present fiscal year, with less than a $10 billion additional to the Federal debt, according to the estimates of some people who ought to have a good idea of what is going on financially. I am sure the spending $100,000 each year for this purpose, for culture, can very well wait until we have a balanced budget in this country and start retiring the Federal debt. I just do not see any necessity for this kind of business at this time.

Mr. LANDRUM. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Georgia.

Mr. LANDRUM. On page 5 of the bill, section 5, I am trying to find out what these exemptions included in there mean, and I am unable to learn that from the report which accompanies the bill. It says:

> Any member of the Council appointed under this Act, any person appointed to assist the Council in making its studies, and any other person appointed, employed, or utilized in an advisory or consultative capacity under this Act is hereby exempted, with respect to such appointment, employment, or utilization, from the operation of sections 281, 283, 284, and 1914 of title 18 of the United States Code, except as otherwise specified in subsection (b) of this section.

Now, I wonder if the gentleman from Iowa has any information about what these people are being exempted from. What are these positions? I do not find it in the report.

Mr. GROSS. If the gentleman will notice my copy of the bill, I was going to ask the same question.

Mr. LANDRUM. Would the gentleman yield to me to propound that question to the author of the bill?

Mr. GROSS. I certainly will.

Mr. LANDRUM. Could the gentleman from New Jersey answer that?

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I am happy to yield.

Mr. THOMPSON of New Jersey. The gentleman will see on page 5 of the report that section 5 is explained as waiving the so-called conflict-of-interest statute.

Mr. GROSS. May I ask the gentleman this question? Is the gentleman satisfied with that answer?

Mr. LANDRUM. If that is the only answer he has, we will have to be satisfied with it.

Mr. GROSS. Does it go further? Does it also waive the dual-compensation statute?

Mr. THOMPSON of New Jersey. No; it does not.

Mr. GROSS. But it does waive the conflict-of-interest statute?

Mr. THOMPSON of New Jersey. Yes; it does. These are the people who serve without pay. They will be reimbursed for their actual traveling expenses and get the usual per diem.

Mr. GROSS. Also on page 5, while the gentleman is on his feet, there is provided $75 per diem and expenses. For what? Consultants and members of the Council?

Mr. THOMPSON of New Jersey. Just for the members.

Mr. GROSS. Just for the members of the Council?

Mr. THOMPSON of New Jersey. Yes.

Mr. GROSS. And how many meetings? There is no limitation as to the number of days. Is there any limitation as to the number of meetings?

Mr. THOMPSON of New Jersey. No; there is no specific limitation. This is the usual language contained in any act under which per diem is given in lieu of salary for persons serving on commissions and in advisory capacities to the Government.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. Well, I hate to ask this question. I always hesitate to display my ignorance, of which I have a plenty. But, this bill has been pending up in the Committee on Rules for about 3 or 4 weeks, and there is no interest up there in it. We sort of put it away in the cooler, waiting until it got more enthusiastic endorsement. But, the thing that troubles me is—and since it was brought to the floor this afternoon I have asked everybody that seemed to know anything about this bill—what are the arts? And, here is where I display my ignorance. I do not know. What does it include? What is it about? I suppose fiddle players would be in the

arts and the painting of pictures would be in the arts. It was suggested that poker playing was an artful occupation. Is this going to subsidize poker players that get in trouble?

Mr. GROSS. I agree with the gentleman. I, too, am troubled, and I tried to make that plain when I started out that maybe my appreciation of the arts was not what it ought to be, and perhaps that is because I do not understand and appreciate all the arts and culture.

Mr. SMITH of Virginia. Well, we have gotten along pretty well for some time on the arts angle. There is the National Commission on Fine Arts, and I just wondered why we needed to build another layer on top of that. But, I do want somebody to tell me what the arts are and what it includes. What various occupations are included in the arts so we will know what we are getting into and who we will subsidize? This will not end here. This is getting "the nose under the tent."

Mr. GROSS. I agree completely with the gentleman from Virginia.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I am somewhat surprised in view of the fact that our distinguished friend from Virginia [Mr. SMITH] says that this bill has been before him for some months, and that he had not completed reading through page 2, at which point his question would have been answered.

Mr. Speaker, the bill makes no pretense of subsidizing the arts, but it defines the arts and the fields as including music, drama, dance, literature, architecture and allied arts, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, and television.

Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Speaker, this is not a new bill that we are talking about here. I cannot understand all of the cynical sniping that seems to be going on in this Chamber about it.

Mr. Speaker, the gentleman from New Jersey [Mr. THOMPSON] was quite right when he suggested that the United States is one of the few free countries in the world in which the National Government does not give recognition to the importance of the advancement of the arts and artistic endeavor in its society by at least the establishment of this kind of a council. Let me remind the House that this is not a grant-in-aid bill. This is what you might call a status bill. What it does is to give status and recognition to the importance of culture in the United States.

Mr. Speaker, it was only a few days ago when the Metropolitan Opera in New York City closed down, or threatened to close down, for the 1961–62 season, that I received letters from all over the United States asking "What are you people in Washington going to do about this? This is an institution that belongs to the country and not to any one locality."

Mr. Speaker, let us not forget that the prior administration originally asked for this legislation.

Mr. LANDRUM. Mr. Speaker, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman from Georgia.

Mr. LANDRUM. Would the gentleman tell us why the Metropolitan Opera was closed, or was about to be closed?

Mr. LINDSAY. Because of the high cost of doing business and a disagreement between management and the Musicians Union.

Mr. LANDRUM. Now the gentleman wants it to be subsidized by the taxpayers?

Mr. LINDSAY. No, I repeat, this is not a subsidy bill. I will say to the gentleman that President Eisenhower in his state of the Union message to the 84th Congress stated as follows:

> In the advancement of the various activities which will make our civilization endure and flourish, the Federal Government should do more to give official recognition to the importance of the arts and other cultural activities.

Dr. Arthur S. Flemming, the former Secretary of Health, Education, and Welfare, testified at length in favor of an arts council. He pointed out the three reasons why this bill was important to the United States. Touching upon some of the arguments that were made a moment ago by the distinguished gentleman from Alabama [Mr. ELLIOTT]. He said:

> I think most of us would agree that there is inadequate recognition of the fundamental importance of artistic endeavor in our national life.

He went on to speak of "the national interest in promoting the educational, cultural, and personal development of our citizens."

Then he touched upon a practical point which is the useful purpose in advising the departments and agencies of Government with respect to programs and policies affecting culture and artistic endeavors.

During the presidential campaign last fall both candidates spoke of their firm convictions in pursuit of the advancement of the arts in our national life. Both President Kennedy and former Vice President Nixon expressed support of measures to establish a Federal Advisory Council on the Arts in the Department of Health, Education, and Welfare.

Mr. Speaker, the growth and development of the fine arts in the United States are certainly in the national interest. Beyond the preservation of our national freedom and of our constitutional rights, what greater concern can we as individuals possibly have than to enhance and strengthen the cultural aspects of our civilization. We are engaged in a great effort to strengthen our security. Surely it is also in the national interest to strengthen the arts. A country is not strong if its culture is neglected while other areas of human endeavor advance. What are we afraid of? Are we afraid of giving recognition to something which is just as important as gearing up to send a rocket to the moon?

The extent to which we advance culturally directly bears on our international posture. The universal language of the arts knows no national boundaries and cultural exchanges between countries can establish a very healthy rapport between peoples.

Now what is the answer to those who fear that this is a dangerous innovation, that this somehow will enable the long arm of the Federal Government to reach into the free and untrammeled growth of the arts in this country. The first answer, of course, is that this is not a grant bill. It is a status bill. Second, the Federal Government has long been in the business of the arts. Since 1846 our Government has demonstrated concern with the cultural well-being of the American people. Little by little, without the guidance of any master plan or general philosophy, the Congress has put the Federal Government in the art business. It has been a perfectly natural development. But it has not been systematic. Let us see how it happened.

In 1910, Congress created the Commission of Fine Arts as guardian of the L'Enfant plan for development of the District of Columbia. It deals with specific construction and decorative proposals. Long before, in 1846, the Smithsonian Institution was created to take advantage of a bequest of James Smithson to the United States. The Institution has expanded over the years and now includes no less than 10 bureaus, four of which are directly concerned with the arts: The U.S. National Museum, the National Collection of Fine Arts, the Freer Gallery—which operates only partly on Federal funds—and the well-known National Gallery of Art. The operation of the National Gallery, which came into existence as the result of the private generosity of Andrew W. Mellon and others, now requires an annual expense from the Federal funds in excess of $1,500,000.

The Department of State has engaged in cultural enterprises, particularly since World War II. One such enterprise is the foreign building program under the Foreign Service Building Act of 1926, as amended, pursuant to which $185 million has been appropriated. Twenty major facilities are presently under construction. Two of the best known are the magnificent Embassies in India, designed by Edward D. Stone, and in London, designed by Eero Saarinen. The Department is currently obligated to pay in architectural fees more than $1,400,000 to more than 30 different architectural firms.

Under the National Cultural Exchange and Trade Fair Participation Act, programs were established to send to remote corners of the world, such distinguished representatives of our culture as Marian Anderson, the Cleveland, Minneapolis, and Philadelphia Symphony Orchestras, Jose Limon, the cast of "Long Day's Journey Into Night," the Helen Hayes Troupe, and the New York City Center Ballet Corps. Louis Armstrong, Benny Goodman, and other jazz greats have given renditions of unique Americana. Funds have been budgeted to the State Department for foreign information and exchange activities. Of this, more than $34 million is being devoted to educational exchanges, of

which a substantial part directly concerns the creative arts.

State is not the only agency of Government concerned, even modestly, with the arts. The Library of Congress operates a Music Division which not only collects material relating to music, but also conducts a performance program. While the program is financed by private gifts, the aegis of a Federal agency gives it a special impulse. The General Services Administration, a little known but vastly important branch of the Federal Government, is charged, among other things, with the responsibility of design and construction of all buildings of the Federal Government. Its annual payments to architects, muralists, sculptors, and painters are quoted in astronomical figures.

Strange as it may seem, the Department of Defense carries on its payroll more than 3,000 employees categorized by the Civil Service Commission as being concerned with the "fine and applied arts." One would not consciously select the Defense Department as a vehicle for stimulating the arts.

You will recall the surge of patronage of the arts—painting particularly—initiated during the depression by the Federal Government. These programs were intended primarily to provide jobs for unemployed artists.

The many proposals now pending in the Senate and House have turned the eyes of Congress and the country squarely on the fundamental question "What should we do for the arts?"

To such a question most of us respond with three more: What is the need? Can we do it? What will it cost?

There is not much doubt about the need to do something. Our current Federal dealings with the arts are chaotic. Innumerable subdivisions of offices, of bureaus, of departments are struggling with problems of vast significance. They are operating programs dispensing millions annually, and they have done, all things considered, a remarkably good job.

But duplication, lack of direction, lack of integration have been the byproduct. There appears to be a crying need for coordination, for study of objectives, for a systematic and informed review of results. This proposal, before us today, is directed toward this need. We propose simply the formation of a Federal Advisory Council on the Arts. The Council, to be a part of the Department of Health, Education, and Welfare, would be composed of 21 members, all of whom would be private citizens appointed by the President. They would represent in approximate proportions the major art fields, which the bill describes as "music, drama, dance, literature, architecture and allied arts, photography, graphic and craft arts, motion pictures, radio and television." The Council would have the power to undertake studies and make recommendations toward maintaining and increasing the cultural resources of the United States; to propose methods to encourage private initiative in the arts; and to foster artistic and cultural endeavors and the use of the arts in the best interests of our country.

In my opinion, this proposal is a sound and logical step which the Federal Government can and should take. A strong Council would make itself felt throughout government. It would introduce an element of purposeful, authoritative direction to Federal endeavors affecting the arts.

In our States a great deal has been done. Ten of our States have programs for the systematic improvement of the arts. These are: Louisiana, Maine, Massachusetts, Minnesota, New York, North Carolina, Pennsylvania, Utah, Virginia, and Wisconsin. All have established some organization to assist, by grants in aid and advice, their local arts enterprises. They have aided theaters, managed museums, supervised artistic improvement of State buildings, and arranged for exhibits. Their work is good, and, in my opinion, should be duplicated in the other 40.

But there are some problems confronting us which cannot be dealt with by city or State. One is the ceaseless challenge of the Iron Curtain countries seeking dominion over the uncommitted masses of the world. Another, less acute but equally fundamental problem and which only a national approach can reach, is that of establishing some common ground with all people, simply in the interest of living a little more expansively. What better ground can there be than the sharing of common cultural pursuits? In these areas, and for these reasons, the Federal Government must face up to the fact that it has a part to play in the future development of the arts in this country.

The approach must be step by step. It must be cautious; it must be made with due regard to the potential effectiveness of local government; and it must be undertaken with full appreciation of the possible pitfalls—and the expense—involved. Before Congress is to embark the Nation on a program of unified, purposeful art patronage, it must be confronted with the coincidence of a compelling need, a feasible plan, precise projections as to cost, and a clear and unmistakable call from the conscience of the people.

The bill will provide the mechanism for continuous stimulation and for future action. In a modest way, the Federal Advisory Council on the Arts, by making studies and recommendations, could exert a unifying force upon the current diverse Federal cultural programs.

The Council these bills create could not administer subsidies. Subsidies are not provided by this bill. It would, nevertheless, provide a significant national impetus to the systematic exchange of views on cultural matters. It would give the arts a national spokesman and a national forum. It would elevate its status in national councils. Surely we owe the arts—and our people—that much.

Responsible policies to sustain and enhance the arts are essential to the general welfare and the national interest at home and abroad. Accordingly I urge the House to act favorably on this important legislation.

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. LINDSAY] has expired.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Speaker, the gentleman who just left the floor made the statement that there has been some sniping at this bill. If the gentleman does not understand our objections direct and clear it is regrettable, but those of us who oppose the bill tried to make our views understood. I am quite sure that the gentleman from Virginia [Mr. SMITH], was not doing any sniping. Some heard him say the bill had been considered by the Rules Committee. Another gentleman inquired about the meaning of section 5 on page 5 was seeking information, but did not get any. And if anyone has any information at this time and can give it in a few words some of us would like to know just exactly what those references mean. Who is exempted and from what? I am referring to lines 18, 19, and 20.

I have waited but there does not seem to be anybody who knows anything about it or at least does not desire to explain. As I understood the gentleman from Virginia [Mr. SMITH], he said that this bill has been before the Committee on Rules for some time. Many object to passing legislation about which we not only do not know but cannot learn from those who are in charge.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. Briefly.

Mr. THOMPSON of New Jersey. I should be glad to answer any questions the gentleman might propound.

Mr. HOFFMAN of Michigan. Just what does section 5, on page 5 mean?

Mr. THOMPSON of New Jersey. It is explained on page 5 of the report.

Mr. HOFFMAN of Michigan. Beginning with "sections 281, 283, 284, and 1914 of title 18," and so forth.

Mr. THOMPSON of New Jersey. Section 5 waives the so-called conflict-of-interest laws in the case of members of the Council, persons assisting the Council to make its studies, and other persons appointed, employed, or utilized in any advisory or consultative capacity under this legislation; however, this waiver would not extend to actions of such persons with respect to any contract or arrangement between the Council and the employer of any such person or a business in which such person has a direct or indirect interest; and so on. It is perfectly clear.

Mr. HOFFMAN of Michigan. As I understand it, then, there can be no conflict of interest here?

Mr. THOMPSON of New Jersey. That is right.

Mr. HOFFMAN of Michigan. They are just exempt from all of that.

Mr. THOMPSON of New Jersey. No. That is what the proviso language is for. If the gentleman will read page 5 of the report he will have that, I think, explained to his satisfaction.

Mr. HOFFMAN of Michigan. In any event, my basic objection to the bill is that practically every day the papers or

someone in the executive branch comes out with a message which, if really intended to state facts, frightens some of us. From one day to another we do not know what is coming. This morning I learned from one of our colleagues from Wisconsin that during his short visit home he was notified that the 24th, I think it was, Wisconsin Division, was called up. We are told the Texas armored division has been called. The gentleman from Wisconsin reported that in one town there were 400 young men who were called to leave home and family before October 15—ready to serve beyond our shores.

We have been told so many times about the national debt and the deficit, the daily deficit, that we are growing weary of hearing. We have become hardened to our condition. We may not realize what we are up against. With all the danger said to be threatening us, one of two things is true, either the administration and the press are not telling us the truth or we just have no business spending one single dollar on things that are not now necessary for our security.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Iowa.

Mr. GROSS. How can we spend money for this purpose in this country and spend it in the foreign aid bill for practically the same purposes? We are going to export our culture under the foreign aid bill, performers and all that sort of thing. Practically everything that is in this bill was in the foreign aid bill. How can we take care of foreigners and take care of ourselves?

Mr. HOFFMAN of Michigan. To the extent desired we cannot. Section 2 establishes a Federal Advisory Council. Who are they to advise, may I ask the gentleman from New Jersey?

Mr. THOMPSON of New Jersey. Obviously they are to advise the Federal Government.

Mr. HOFFMAN of Michigan. But who?

Mr. THOMPSON of New Jersey. The Federal Government, of which the gentleman is such a distinguished part.

Mr. HOFFMAN of Michigan. Goldberg?

Mr. THOMPSON of New Jersey. Not Goldberg.

Mr. HOFFMAN of Michigan. Udall? The Department of the Interior? The Department of Labor? Who or what agency or department are they to advise?

Mr. THOMPSON of New Jersey. The Congress of the United States, of which the gentleman is such a distinguished Member.

Mr. HOFFMAN of Michigan. Regretfully I must ask the gentleman from New Jersey to tell me which department and who in it is this Council to advise?

Mr. THOMPSON of New Jersey. The Council meets at the call of the chairman or the Secretary of Health, Education, and Welfare, Hon. Abraham Ribicoff. The Council would advise the President and the various agencies of Government.

Mr. HOFFMAN of Michigan. Which ones?

Mr. THOMPSON of New Jersey. Any agency requesting their advice with relation to the matters set forth in the legislation.

Mr. HOFFMAN of Michigan. Permit me to read from page 2 of the bill:

SEC. 2. (a) There is hereby established in the Department of Health, Education, and Welfare a Federal Advisory Council on the Arts * * *. The Council shall be composed of twenty-one members appointed by the President from among private citizens of the United States who are widely recognized for their knowledge of or experience in, or for their profound interest in, one or more of the arts and who collectively will provide an appropriate balance of representation among the major art fields including music, drama, dance, literature, architecture and allied arts, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, and television.

Each member of the Council, except those appointed to fill a vacancy and those whose terms are otherwise limited, holds office for 6 years.

Each member of the Council is to be paid "at a rate to be fixed by the Secretary, but not exceeding $75 per diem, and shall be paid travel expenses, including per diem in lieu of subsistence, as authorized by law."

Note again, the language of section 2. The Council—and I now quote, "will provide an appropriate balance of representation among the major art fields including" those previously named.

When men are being called, as they are today, to leave their homes and go to war, a war which will strain our ability to provide adequate munitions of war, why should we create a council to provide a balance of representation among the major arts? Or, for that matter, any of the activities named. True, music may cheer the boys as they march off to war or welcome a lessened number as they return, leaving many of those who marched and fought with them behind.

Why study at the taxpayers' expense, painting, sculpture, motion pictures, and TV or dances, while preparing for a war which we lack the dollars to carry on?

If my colleague from Iowa can get any information showing the need for this bill it would be helpful.

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CONTE. Mr. Speaker, I have felt for some time that everything possible should be done to encourage the further development of an identifiable American culture through literature, music, and the fine arts. Today we are considering a measure, which I wholeheartedly support, to contribute to this development. A Council on the Arts can add substantially to the stimulation of individual initiative in the arts and to a greater cultural appreciation by the American people.

We who support the creation of this 21-member council do not seek governmental intervention, domination, or direction of the road our American culture takes. We do seek to officially recognize that the arts play an enormous role in any civilization and therefore national encouragement should be given to their natural development.

In this day of material progress there is a growing awareness that one of the intangible bases for our civilization—a strong cultural heritage—is not keeping pace. It is pointed out that the American people are not as esthetically creative as have been other peoples throughout history. But as the average working day decreases in length and the life span of our people increases, each of us will have a greater opportunity for original creation and for the enjoyment and appreciation of the accomplishments of others. I hope that we will take advantage of these opportunities.

It is with these thoughts in mind that I urge the approval of the proposed Federal Advisory Council on the Arts. Both the Kennedy and the Eisenhower administrations have recommended it, and I am sure that those directly engaged in the various cultural endeavors will welcome it.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. GIAIMO] such time as he may require.

Mr. GIAIMO. Mr. Speaker, I rise to support this bill, and in doing so, I cede priority to no man when it comes to concern for the economic soundness of this Nation. But I must express amazement with remarks made by some of my colleagues in which they admit ignorance about the arts and even more, a blatant lack of concern for artistic culture of the American society. Do these gentlemen seriously believe that the basic heritage of our country lies in its vaults, in its bankbook? I have devoted much attention to our Government's budgetary problems, but I cannot and I believe history will not equate dollars with ideas, moneybags with human creativity, gold with the cultural vitality that sets a nation thinking, searching, living, fighting, and dying. Masses of men do not fight and die for gold—individuals may, a power-hungry oligarchy may, a materialistic cabal may—but men in great numbers, the common people of the earth, do not.

Ancient Athens was wealthy. I wonder who here now can stand and do honor to her fiscal programs in a manner equaling the glory that has been heaped on her magnificent cultural contributions to the Western World. Rome commanded riches from every corner of the known world in her day. How has history remembered her gold, compared to man's memory of Cicero, Horace, and the ageless Virgil? Mankind remembers Maecenas, not because of his wealth, but because of what he did with his wealth. Maecenas gave the world Virgil and Horace, and through them, he staked his claim in the history books.

The accumulation of wealth and power, the construction of sound governments, are but means to an end; they are tools with which man seeks the

peace, the beauty, the joy of life and living that does homage to his Creator. The whole world has marveled at America's productive genius, her political strength, and the power which she has steadily acquired because of these accomplishments. Today, our Nation is a collosus, and fully recognized as such.

But, to what end is this collosus striving? August Heckscher contributed to the report of President Eisenhower's Commission on National Goals, and in his article, he warned that:

> This country is being watched by peoples * * * many of them as new to nationhood as they are old in cultural achievements * * * who ask whether under a system such as ours the highest values can be maintained.

I say that they can be, and I say that the desire of the American people that they shall be should be manifested in the actions of this Congress. That this can be done under our system is proven in the British Arts Council, the Old Vic, the Royal Ballet, and opera. The promising partnership which can be forged between government and the arts in a democracy has been demonstrated by the Opera Comique, the Comedie Francaise, Scala Opera of Milan, the Amsterdam Concertgebouw, the Salzburg Festivals, the Vienna State Opera.

If reason is needed why we should concern ourselves with the arts as well as with budgets, I call attention to the fascinating role which the muses have been playing in the battle for men's minds in Germany. In December of 1958, Howard Taubman of the New York Times reported that "the arts have become one of the sharpest weapons in the competition for German minds. Berlin is a major battlefield in this contest." In this regard, gentlemen, I cannot help but wonder that this Government which refrained from building a cultural center in Washington did not hesitate to help build one in West Berlin.

Every mature society is concerned with encouraging the creative abilities of its members. This has been the mark of every great civilization since the dawn of time. To encourage enjoyment of and participation in the arts, which make our life on earth pleasant, beautiful, and stimulating, has been the goal, not only of ancient Rome and Athens, but of modern societies as well. I would like to quote more from Mr. Hecksher's report:

> The arts are a vital part of human experience. In the eyes of posterity, the success of the United States as a civilized society will be largely judged by the creative activities of its citizens in art, architecture, literature, music, and the sciences * * * our society must stimulate and support richer cultural fulfillment.
>
> The ultimate dedication to our way of life—

Mr. Heckscher wrote—

> will be won not on the basis of economic satisfaction alone, but on the basis of an inward quality and an ideal.

Is the ideal for which America stands a balanced budget? Shall we be known to future generations as the nation which gathered wealth for the sake of wealth and structured a great government to serve small purposes? I think not. I think Americans hold loftier dreams than some of my colleagues here will grant them. And Americans—being what they are—will not be frustrated in their quest for nobler things to accomplish.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield such time as he may require to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Speaker, I support and urge the passage of H.R. 2569, the bill to provide for the establishment of a Federal Advisory Council on the Arts. This legislation has been recommended on a bipartisan basis and will place the emphasis on progress and development of the arts in America.

President Eisenhower recommended this kind of legislation in his 1955 state of the Union message:

> In the advancement of the various activities which will make our civilization endure and flourish, the Federal Government should do more to give official recognition to the importance of the arts and other cultural activities.

Vice President Richard Nixon also has given his support of this legislation, stating:

> I wholeheartedly support the objective of stimulating the advancement of the performing arts and promoting increased public appreciation of their important role in our national life.
>
> I think that a good first step toward meeting that objective would be a proposal by this administration to create a Federal Advisory Council on the Arts within the Department of Health, Education, and Welfare.

The present administration has endorsed this legislation. Both President Kennedy and Secretary of Health, Education, and Welfare, Abraham Ribicoff stated their support, Secretary Ribicoff saying:

> Enactment of this bill (H.R. 4172) would * * * be a desirable forward step in the expression of the profound national interest in the encouragement and development of the practice and appreciation of the arts by our people and the consequent enrichment of our national life.

Mr. Flemming, Secretary of Health, Education, and Welfare under the Eisenhower administration, testified in favor of this legislation on behalf of the Eisenhower administration during the 86th Congress, 1st session, on June 10, 1959, before the Subcommittee of the Education and Labor Committee in the House of Representatives, stating:

> A second reason for our support of this legislation—and a basic consideration looked at from the standpoint of our Department—is the national interest in promoting the educational, cultural, and personal development of our own citizens through a more widespread appreciation of and participation in the arts. A principal result of ever-increasing productivity, coupled with longer life spans, is that individuals have more opportunity for creative activity than ever before in our history. The development of cultural and artistic interests serves a dual purpose, in that it contributes to the well-being of the individual by developing his creative abilities, and, at the same time, it enables the individual to further enrich our civilization.
>
> Finally, the proposed Council could serve a very useful purpose in advising the departments and agencies of Government with respect to programs and policies affecting cultural and artistic endeavors. For instance, I am certain that the recently established Board for the National Cultural Center would benefit from the views of such a Council. Incidentally, the proposal for a National Cultural Center here in the Nation's Capital is, I feel, an excellent example of the kind of recommendations we could expect from the proposed Advisory Council.

During the present Congress, as well as previous Congresses, responsible Members of both parties have united in support of this legislation. In the 86th Congress I had cosponsored the legislation through my bill, H.R. 5620, joining with my colleagues in recommending its passage. In the present Congress I have again worked for the passage of this legislation and filed a bill, so I am today acting as cosponsor.

I am glad to hear that Mr. David Finley of the Commission of Fine Arts of Washington likewise favors the passage of this legislation. Also John Walker, Director of the National Gallery of the Smithsonian Institution, likewise recommends action be taken. It is a pleasure to know that such men of high rank in the field of the arts feel that this legislation is a move toward progress in these cultural activities. I urge my friends in both parties to give careful consideration to this legislation and vote favorably for its passage.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield such time as he may require to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Speaker, the answer to the question asked by the gentleman from Michigan is to be found on page 3 in section 3 of this bill, and the answer is just as plain as it possibly can be. Section 3 of the bill reads as follows:

> SEC. 3. (a) The Council shall (1) recommend ways to maintain and increase the cultural resources of the United States, (2) propose methods to encourage private initiative in the arts, (3) cooperate with local, State, and Federal departments and agencies to foster artistic and cultural endeavors and the use of the arts in the best interests of of our country, and (4) strive to stimulate greater appreciation of the arts by our citizens.

Mr. Speaker, comparable language appears in the statutes of many of the 10 States that have arts councils of this kind, and which have been enormously successful in coordinating and pulling together the efforts of the States in this regard.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. AVERY].

Mr. AVERY. Mr. Speaker, I have asked for this 1 minute to propound a question to the gentleman from New Jersey. I wonder if the gentleman from New Jersey could tell us just what connection, if any, there is between this bill and the bill passed by unanimous consent earlier today. That bill also dealt with culture; did it not?

Mr. THOMPSON of New Jersey. I would hardly think there is any connection. The bill passed earlier today, to

which the gentleman referred, dealt with the establishment of a memorial commission for Woodrow Wilson. In a sense that might be considered a cultural activity, but only in a very narrow sense.

Mr. AVERY. In other words, that bill was entirely confined to that one objective?

Mr. THOMPSON of New Jersey. It was, indeed.

Mr. AVERY. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I will yield the remainder of my time to the gentleman from Iowa.

Mr. GROSS. I think the House ought to be made aware of the fact that this bill provides $100,000 for the fiscal year ending June 30, 1962, and for each succeeding fiscal year. In other words, this is limitless.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Speaker, I have asked for this time to ask the gentleman from New Jersey whether or not there is anything in this bill which conflicts with the authority or functions of the Board of Regents of the Smithsonian Institution.

Mr. THOMPSON of New Jersey. There is nothing in this bill that conflicts with the authority or functions of the Board of Regents of the Smithsonian Institution.

Mr. BOW. Has the Smithsonian Institution in any way expressed its position on this bill?

Mr. THOMPSON of New Jersey. It has, and it has expressed its endorsement of this bill.

Mr. BOW. May I ask whether or not there is anything in this bill that in any way invalidates or conflicts with the jurisdiction of the National Gallery of Art?

Mr. THOMPSON of New Jersey. Indeed not, sir; no.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield back the balance of my time.

Mr. RYAN. Mr. Speaker, I enthusiastically support H.R. 4172, to establish a Federal Advisory Council on the Arts which has been favorably reported by the Committee on Education and Labor.

Clearly, the United States has lagged behind many other great nations in according the arts the same recognition and support which we willingly provide for other phases of our national life. In other areas, the activities of the Government have far more accurately reflected the composite interests and values of the people. The arts in America today are striving for recognition—recognition in a manner worthy of their beneficial influence on the lives of our citizens. I believe a Federal Advisory Council on the Arts represents a fine beginning toward this end.

First and foremost, the Council would symbolize the deep and growing concern which the American people have in the arts. But perhaps just as important, this group would function on a practical level, acting as a clearinghouse for the consideration of methods by which the Government might appropriately and effectively act to encourage and stimulate both artistic endeavor and appreciation on the part of citizens. It would be an excellent way of coordinating both private and public activities in the arts. This is a clear, logical approach for determining real needs in this field and making recommendations for their solution in an orderly and reasonable fashion. The purpose of the bill, simply stated, is to open the door to a multitude of possible activities which could be within the proper realm of the Federal Government—"to assist in the growth and development of the fine arts in the Nation's Capital and elsewhere in the United States." The Council would undertake studies and recommend ways to encourage creative activities, participation in, and appreciation of the arts. Its membership would include 21 private citizens with genuine interest and experience in the major art fields.

The Council could, through its influence, eventually extend the opportunities for participation in the arts outside the large metropolitan areas, where they are often concentrated. From the standpoint of the artists themselves, moreover, the proposal offers the opportunity for much greater exchange of ideas and mutual consideration of common and individual problems. Such communication between persons of this caliber and creative ability would produce only the most fruitful results. In summary, then, the Council would first, recommend ways to maintain and increase the cultural resources of the United States; second, propose methods to encourage private initiative in the arts; third, cooperate with local, State, and Federal departments and agencies to foster artistic and cultural endeavors and the use of the arts in the best interests of our country; and fourth, strive to stimulate greater appreciation of the arts by our citizens.

I have mentioned the fact that many opportunities for participation in the arts are concentrated in metropolitan areas of the larger cities. This is not to suggest that these same cities are without problems and needs of their own. My own city of New York, which has made tremendous strides forward in recent years, is still beset with problems. As Patrick Hayes, consultant for the cultural presentations program of the State Department, so vividly pointed out at the recent hearing on aid to fine arts:

> There is no one distressed area in the field of arts. The problem is entirely national and widespread. The only variables are those of degree—New York City, giant that it is, has its problems—it almost lost Carnegie Hall; it may lose the Metropolitan Opera House; Lincoln Center is still a long distance from its total financial goal.[1]

[1] U.S. Congress. House. Committee on Education and Labor. Aid To Fine Arts. Hearings before the Select Subcommittee on Education, 87th Cong., 1st sess., Washington, U.S. Government Printing Office, 1961, p. 105.

However, we might look at the more positive, and certainly more optimistic, side of the picture in New York. Perhaps the most far-reaching and progressive measure taken on a statewide basis is the recent establishment of the New York State Advisory Council on the Arts. Last year the State legislature passed a bill to create this State commission to make a comprehensive survey of the State's cultural resources and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts. I think the similarity of purpose and language between this council and the proposed Federal Advisory Council on the Arts is worth noting.

Even more significant, however, is the fact that New York has served as a testing place for the effectiveness of such councils. The State has already begun to support tours of cultural groups to areas which otherwise might not enjoy these opportunities. The council is currently administering a fund of $450,000 to assist tours of such outstanding organizations as the New York City Opera Co., the New York Philharmonic, the New York City Ballet, the Phoenix Theater, the Rochester Philharmonic, and the Buffalo Philharmonic.

Again, Patrick Hayes has commented:

> The formula is simple. An orchestra like the Buffalo Philharmonic can command a fee of about $1,500 for an engagement in Jamestown, or Olean, or Watertown. The cost of playing the date, to get there and back, pay the musicians, feed and house them for the day, haul the baggage, print the programs—is about $4,500. The home budget always pays for most of this—touring has always been regarded as a not too expensive way of extending a symphony season; but now the next level of government, the State itself, will step in and insure the stability of a tour, and a larger tour to more cities on the list. The plan is called a first major venture in subsidizing the arts. The money is taken from the State treasury—taxpayers' money. It is all as plain, simple, and direct as that. The idea is a good one; it has been carefully reviewed, and found to be wise and in the public interest.[2]

Within the city of New York the Lincoln Center for the Performing Arts, scheduled for operation in 1964, offers a splendid example of what can be accomplished by private initiative in cooperation with Government. It is a cultural project which should greatly enhance the role of the performing arts not only in New York, but in America today—music, the opera, drama, and the dance. Nor have the educational aspects of this undertaking been neglected. The Juilliard School of Music as well as the High School of Music and Arts, the School of Performing Arts, and the New York Public Library's music division and music library will also comprise integral parts of the center—in addition, of course, to the well-known organizations of the Metropolitan Opera, the New York Philharmonic Orchestra, and the City Center of Music and Drama, with its Theater for Dance and Operetta. A repertory theater will be housed in the same building with the library museum.

[2] CONGRESSIONAL RECORD, daily edition, July 18, 1961: p. A5419.

Yet, even the Lincoln Center, which has met such enthusiasm and wide acclaim, has not escaped some degree of controversy, and the usual administrative and financial problems. There have been reports that financial progress has been far too slow. One of the saving features of this fact, however, may be the tax-exemption of its 14 acres. The story of the origin of the Lincoln Center is the story of cultural needs. For example, the New York Philharmonic had never really enjoyed a home of its own. Carnegie Hall did provide a home on many occasions; but, when its existence appeared to be threatened, the Philharmonic had to turn to Hunter College.

Clearly, Carnegie Hall has provided the best arrangements for large concerts in New York to date. Some critics have considered it the only satisfactory one and have remarked on the inadequacies of the auditorium of the Metropolitan. They have asserted that there is no adequate place for ballet companies in the city; that dancing on the stage of the Metropolitan Opera is downright dangerous; and the Broadway theaters are, at best, very unsatisfactory. It has also been observed that New York has no suitable provision for smaller concerts, such as chamber music concerts. Even Town Hall with its 1,500 seating capacity is often too large for such concerts and is thought not to offer a desirable atmosphere for them.

Against this background of many needs and problems, the arts have, nevertheless, been growing in stature and in popularity. According to one art critic:

> The result has been that musical life in New York during the past decade has shifted far from the little world bounded on the north by Carnegie Hall, and on the south by the Metropolitan Opera. It is not only the legitimate theater that is experiencing the off-Broadway phenomenon. Music has one, too. Concert halls like the one at the Lexington Avenue YMHA–YWHA are assuming real importance. Hunter College has a major concert series. So has the Grace Rainey Rogers Auditorium in the Metropolitan Museum of Art. Greenwich Village has its coffeehouses where chamber music is played and a good amount of new music is presented.
>
> What part will the Lincoln Center for the Performing Arts play in this upheaval? For one thing, it will centralize some of the activity. As an immediate start it will provide for several of the great musical organizations of New York things they have never had—adequate housing, beautiful surroundings, permanency, and a sense of direction. It is taking four going concerns—the Metropolitan Opera, the New York Philharmonic, the City Center of Music and Drama, and the Juilliard School— and adding to them a repertory theater.[3]

Needless to say, the physical plants and pushbutton equipment of each of the new structures will be far superior to anything provided for the arts in America today.

Another innovation will be the activity of the National Educational Television and Radio Center, which is working with the Lincoln Center. When the former center gets its own educational TV station, the activities of the Lincoln Center can be expected to reach literally millions of people throughout the Nation.

Also, the metropolitan area can look forward to the proposed Arts Center of Columbia University. At Columbia, of course, the educational aspect of the arts will be of prime importance, in comparison with the Lincoln Center, where the emphasis will be on the performing arts specifically, and where its educational aspect, the Juilliard School, will be geared to training professionals.

Among other important cultural activities currently underway in New York are preparations for the World Fair to be held there in 1964 and 1965. This fair undoubtedly will prove to be an important step forward in our efforts toward greater international friendship, as well as a stimulus of special import to the people of our city. Also of current interest, the New York Shakespeare Festival has overcome opposition from official quarters to attain the popularity it now enjoys. Its recent success, in fact, has warranted the building of a new theater for the use of the company near the Belvedere Lake.

Yet, for all its successes in the arts, much still remains to be done in our city, and certainly elsewhere throughout the Nation. One positive step which could be made from the Federal level to remedy some of the inequities which exist would be the abolition of the Federal admissions tax on tickets to theatrical and other live-art performances. Without such assistance from the Government, in fact, the increasing cost of new theatrical contracts may well raise the price of theater tickets completely out of the question for far too many enthusiasts of the arts.

It is this recognition, Mr. Speaker, which prompted me to introduce H.R. 7197, which would amend the Internal Revenue Code of 1954 to provide that the tax on admissions would not apply in the case of plays, operas, concerts, ballets, or other live dramatic or musical performances. It seems to me grossly unfair and inconsistent for the Federal Government, on one hand, to encourage citizens to take greater interest in the performing arts, while, at the same time, penalizing both the theater and its patrons by this substantial admissions tax. As Agnes DeMille so vividly stated recently:

> History teaches us an interesting lesson: few cultures have survived long that didn't have a living theater. We have not kept up with other countries in developing our national theater * * *. Even the new African countries are ahead of us.[4]

Clearly, some major national effort is now required to consider the problems which the arts are facing and to recommend ways for improvement. There is a great need for cultural development throughout the Nation. Again, I refer to the recent House hearings and the ably stated testimony of Patrick Hayes:

> Presently established organizations need more money, and local resources are reaching the point of no return. The arts cannot stand still, any more than a progressive people or nation can stand still. If a symphony orchestra is to stay in being, it needs money to do so. The same applies to opera companies and ballet and dance companies. The business of the proposed Federal Advisory Council on the Arts would be to research the fundamental questions involved, spot the problems in consultation with people from all parts of the country, and set standards and bases of qualifications for grants to be made. What they do and the course they chart will set the tone and indicate the direction of our cultural development for a generation to come.[5]

I hope my colleagues will carefully consider the purpose of this bill and lend their full support to the proposed Federal Advisory Council on the Arts.

The SPEAKER pro tempore. The question is: Will the House suspend the rules and pass the bill, H.R. 4172, as amended?

The question was taken, and on a division (demanded by Mr. GROSS) there were—ayes 44, noes 36.

Mr. THOMPSON of New Jersey. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Under the order of the House of September 18, further proceedings on this bill will be postponed until tomorrow.

GENERAL LEAVE TO EXTEND

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 4172.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDING VIRGIN ISLANDS CORPORATION ACT

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4750) to amend section 6(a) of the Virgin Islands Corporation Act, with Senate amendment thereto, disagree to the amendment of the Senate and ask for a conference.

The Clerk read the title of the bill.

Mr. JENSEN. Mr. Speaker, reserving the right to object, will the gentleman tell us something about this bill?

Mr. ASPINALL. I am asking for a conference with the Senate. As the bill passed the House it carried an increase of $2,500,000. In the other body they have authorized $5 million instead. The additional moneys have been requested by the Virgin Islands Corporation for the purpose of constructing the additional necessary generating facilities for their power system.

The committee in the House decided that for the present one generator was enough; the other body thought there should be two. A conference is necessary to iron out the differences between the two Houses. The gentleman does not object to a conference, does he?

Mr. JENSEN. Mr. Speaker, I withdraw my reservation of objection.

[3] Schonberg, Harold C., "The Lincoln Center Vision Takes Form." New York Times magazine, Dec. 11, 1960: 10.

[4] Agnes DeMille on theater. Overview, June 1961, p. 44.

[5] "Aid to Fine Arts," House hearings, p. 108.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

The Chair hears none and appoints the following conferees: Messrs. O'BRIEN of New York, ROGERS of Texas, HALEY, SAYLOR, and KYL.

PERSONAL EXPLANATION

Mr. JOHNSON of California. Mr. Speaker, on Wednesday, September 13, when rollcall No. 203 was called, and on Monday, September 18, when rollcall Nos. 211 and 212 were called, I was shown as being absent and not voting, having been confined to the hospital during that period. Had I been present, I would have voted "aye" on all three rollcalls.

THE 100TH ANNIVERSARY OF BATTLE OF LEXINGTON, MO.

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Missouri [Mr. RANDALL] is recognized for 30 minutes.

Mr. RANDALL. Mr. Speaker, today, September 20, marks the 100th anniversary of the Civil War Battle of Lexington, Mo.

Last May 18, this battle was reenacted with 650 young men from Wentworth Military Academy, Lexington High School, St. Joseph ROTC units, and 5th Army personnel participating. A crowd of 20,000 observed and cheered the maneuvers.

Our effort as a Congressman, to be helpful with the reenactment came about because the 5th Army at its Chicago headquarters—all at once—decided to cancel the blank ammunition allotment they had previously promised. After much correspondence and many contacts, the special activities division of the Department of Defense and the 5th Army decided to reexamine its previous position and provide both resources in the form of blank ammunition and troop personnel.

My object in asking for this special order today to address the House is severalfold in purpose. First, is to express all over again our great regret at missing the reenactment of May 18. The calendar of the House made it impossible to attend, and about all we could do under the circumstances was to remain in Washington.

Next, we think a proper commendation should be accorded the public-spirited people of Lexington, Mo., who staged this commemoration in sponsorship with the National Civil War Centennial Commission, the State Civil War Commission, the State park board, Wentworth Military Academy and Col. Lester B. Wikoff, general chairman of the reenactment, and last but by no means least, the Lexington Chamber of Commerce.

We further desire to pay tribute to the manner in which this observance was handled. A very large crowd was able to observe without confusion. All the people of Lexington can be justly proud of the arrangements which were carefully planned and effectively executed.

Today in the city of Lexington, Mo., a further observance is being held on the exact anniversary of the final day of battle, by the Lafayette County Historical Society. The affair will be held in College Park, which was the site of the Union headquarters during the battle. The highlights of the battle will be recounted in an illustrated talk by Mr. William E. "Bill" Dye, managing editor of the Lexington-Advertiser-News, who has written a history of the battle.

Before continuing with our remarks, we think it is most appropriate to observe in the listing of the Civil War Centennial Commission by its office here in Washington, D.C., that in the chronological naming of observances from 1961 to 1965, it is very significant to note that for the entire year of 1961 the Battle of Lexington is the only full-scale reenactment of an actual Civil War battle fought in the West. There have been reenactments of incidents such as secession conventions, and there have been dedications, and there was even a commemorative ceremony for the Battle of Wilson's Creek near Springfield, Mo., but during 1961 there were only two reenactments of Civil War battles—one at Manassas, Va., reenacting the Battle of the First Manassas, the other, reenactment of the Battle of Lexington at Lexington, Mo.

Several good summaries about the battle and its reenactment have appeared in the Independence Examiner, the Kansas City Star, the Missouri Farmer, and the Washington Post.

One of the best appeared in the Lexington-Advertiser-News of Lexington, Mo., which put out a special centennial edition giving the history of the battle in words and pictures. For this and for a great part of the research material contained in these remarks, we are especially indebted to William E. "Bill" Dye, editor of the Lexington paper.

It will be our purpose—in the remaining time allotted to us—today to recount a few salient facts and set out a brief historical account of the events during and surrounding the battle.

One hundred years ago today one of the strangest and most unique battles of the Civil War was coming to a close in the Missouri River port town of Lexington, in what is now the fourth district of Missouri.

This Battle of Lexington—or "Battle of the Hemp Bales" as it quickly became known—was one of the half dozen major Civil War battles fought on Missouri soil, a soil which saw a total of 1,162 battles or skirmishes during that national conflict whose centennial we began observing this year.

Only Virginia and Tennessee, in that order, had more Civil War battles or skirmishes than Missouri, my home State, which provided 40,000 troops to the Confederacy and 110,000 to the Union.

But these soldiers who on September 12, 1861, first laid siege to a Federal garrison at Lexington, Mo., were not at the time Confederate troops. These 15,000 to 20,000 Missourians were not then Confederates, although most had southern sympathies and many later would fight and die in the Confederate armies.

These were newly recruited or volunteered members of the Missouri State Militia and they were fighting under Maj. Gen. Sterling Price to repel what they felt was a Federal invasion of their sovereign State.

Sterling Price, who already in his 52 years had been a general in the Mexican War, State legislator, planter, Congressman, and Missouri Governor, in the first months of the War Between the States had been a Union man.

The stationing of Federal troops in Missouri, an illegal act Price felt, caused him to accept the command of the Missouri State Militia and thereby to bind his fate with that of the Confederacy, but first to make him the victor at the unique Battle of Lexington a century ago this September 20.

I say "unique" for several reasons.

The Battle of Lexington was possibly the only one fought primarily to get recruits for the southern cause.

It was the first Civil War battle to contain an act of courage for which the now famous Congressional Medal of Honor was awarded.

It was the first Civil War battle in which land mines were used.

It was the only time in American military history when hemp bales were used as moving breastworks.

It was the only battle during the Civil War when a field hospital was the center of action; the Union hospital at Lexington changed hands three times in a matter of hours.

The Battle of Lexington, Mo., was a strange one, too, in that the Union commander had nearly a week to evacuate his vastly outnumbered garrison safely after the arrival of Price's southerners, but he had orders to stay put and "stay put" he did.

That Union commander was Col. James Adelbert Mulligan, a tall and handsome 32-year-old attorney who only months before had raised an Illinois regiment and was immediately elected colonel of what came to be known as the Irish Brigade.

Late in August, Mulligan and his Irishmen had been stationed at Jefferson City, the Missouri State capital, where until a few days before, the Federal commander had been an obscure captain named U. S. Grant.

Mulligan was ordered westward into Missouri on a wild-goose chase to the aid of a supposedly beleaguered Federal cavalry party and ended up in Lexington, where his seniority put him in command of an unhappy mixture of 2,700 Federal Regulars and home guard troops.

While Mulligan was marching toward defeat at Lexington, Price and his pro-Southern State militia were headed toward victory there from southwest Missouri. Along Wilson Creek near Springfield, they and Arkansas troops under Gen. Ben McCulloch had beaten Federal troops under Nathaniel Lyon in one of the Civil War's bloodiest battles for the number of troops involved.

After Wilson Creek, McCulloch pulled his men back into Arkansas, but Price looked northward since he knew time was running out if the Federal "invaders" were to be forced from the State of which a few years before he had been Governor.

Scrounging around, Sterling Price had found arms and his men had made their own ammunition, but what he needed was men to use them.

Price decided he would seek to gather up the thousands of prosouthern Missourians who then were scattered around the State eager to join the fight against the Federal forces they felt had invaded Missouri.

Many of these were north of the Missouri River, in most cases already organized into military units, but unable to join Price's State militia because of the cordon of military posts the Federal Government had established at the principal river crossing points of Jefferson City, Boonville, Lexington, and Kansas City.

One estimate was that there were from 5,000 to 6,000 men north of the Missouri River anxious to join Price. For awhile, some of them could slip singly and in small groups across the river.

But then the Federal commanders at the river ports carried out orders to destroy all boats so reinforcements could not reach Price. This left only the ferries at the main river crossings.

Price soon hit on the plan to break this river blockade at one point to open a gateway through which these troops could join his forces before Federal troops further occupied the State.

He studied the reports which filtered in from southern sympathizers and decided that of the four fortified river ports, Lexington would be the easiest and most important to capture.

Thus it was that 10 days after they had fought at Wilson Creek, Price's men were started on the roads northward to Lexington.

The same day that Colonel Mulligan started from Jefferson City, Price's men fought a skirmish with Kansans on the banks of Big Dry Wood Creek in Vernon County and drove them off before starting up the road again.

By now, Mulligan and his small Federal force had arrived at Lexington, pausing at the outskirts to polish up for a grand entry and causing Mulligan to quip later:

> Indeed, the trouble was not so much in getting into Lexington as in getting out.

Once in town, Mulligan found other Federal troops and some home guards camped around the world's first Masonic college.

The day before, on the orders of Gen. John C. Fremont, the Federal commander in Missouri, the Union soldiers had seized nearly $1 million in gold and banknotes which was in Lexington's Farmers Bank.

The money was part of the State school fund which prosouthern Gov. Claiborne Jackson had appropriated to arm and equip his State militia. To prevent this, Fremont ordered this money and State funds from banks to be brought to St. Louis.

The money from the Lexington bank was started there under cavalry escort but the goldbearing horsemen got only about 40 miles on their way before they ran into the vanguard of Price's advancing militiamen, the last people in the world the Federals wanted to get the money.

So the cavalrymen wheeled and galloped back to Lexington burning bridges behind them, with Price pressing in pursuit.

As Price approached the town from the south, Colonel Mulligan wired his Jefferson City headquarters "we will hold out, strengthen us."

The Missouri militiamen reached the outskirts of Lexington on September 12, 1861, and their skirmishers fought a short but furious battle with Federal outposts, some of the fighting raging among the tombstones of the town cemetery.

But Price, with a force which outnumbered the Union garrison around the college, was not ready to make a sustained attack. His artillery and his ammunition wagons as well as many of his men still were strung out around the road back to Springfield.

While many southern sympathizers had joined his marching column along the way, there still were thousands north of the river that Price wanted to give time to join him.

When Price pulled his men back to the fairgrounds at the edge of town, some of his officers urged an immediate assault, but the majority sided with Price in deciding there should not be any needless bloodshed.

Price decided on a strategy which called for preventing the Federal troops from escaping but no immediate plans for offensive or vigorous action.

"We've got 'em, dead sure. All we have to do is to watch 'em," he told his officer.

Four miles to the north in the three-story Grecian-Doric style building of the 13-year-old Masonic College, Mulligan and his officers were pondering their tactical situation.

Some of the subordinate officers said they thought the best thing to do would be to get out of Lexington while the getting was good. Several pointed to a steamboat and steam ferry just below them on the Missouri River landing, noting these could take the whole Federal force to safety across the river.

Others wanted to take an overland route back toward Jefferson City. But Colonel Mulligan had the final word:

> Gentlemen, I have heard what you have to say, but begad, we'll fight 'em. That's what we enlisted for, and that's what we'll do.

Mulligan put the nearly 2,800 Federal Regulars and home guardsmen under his command to enlarging the earthworks on the river bluffs around the college, digging trenches extensive enough to hold 18,000 men.

Other Federals set up a foundry in the basements to cast shot for Mulligan's few artillery pieces. Still others were making cartridges and raiding parties went out to scavenger food from the nearby town and countryside.

Thus 5 days passed. Mulligan kept his men digging trenches for the reinforcements which would never come on the bluff above the Missouri River where lay the two steamboats which could have whisked them to safety in minutes.

Sterling Price's patriot army of Missouri at the fairgrounds rested itself from the hard march up from the Wilson Creek battlefield. Daily, the numbers of the Missouri militiamen were swelled by fully officered units slipping across the river from the northern commanders.

Back in his newly extended fort the morning of September 18 a century ago, that Chicago lawyer turned Federal colonel, James A. Mulligan, looked to the south and saw a sight which stirred him to this rhetoric later:

> They came as one dark, moving mass, their polished guns gleaming in the sunlight, their banners waving, and their drums beating—everywhere as far as we could see, men, men, men—approaching grandly.

For Mulligan's some 2,700 Federals—not a few of them armed with only old horse pistols and encumbered with water-consuming horses—the time for strategic retreat had passed.

For Sterling Price's 20,000 Missourians—some of these unarmed and just in town for a good show—the moment had arrived to put their general's plan for a bloodless victory against those Yankee invaders into effect.

But within minutes, Price's hopes for a victory without bloodshed were to be drowned in the blood of his own men and of the enemy they opposed.

The former Federal commander in the Mexican War, ex-Governor of Missouri quickly sent his divisions to the south, east and west of Mulligan's little island of Unionists.

And to complete the encirclement and cut off Mulligan's last means of escape, Price ordered another force down the bluff to capture the provision-laden steamboat *Clara Bell* and the steam ferry anchored nearby.

The Missourians, many of them within sight of their home county of Ray just across the river, ran into some harassing fire from Mulligan's pickets in the foundry and hemp warehouses along the riverfront but soon ran these Federals back up the bluff past a red brick mansion lately vacated by Oliver Anderson.

That mansion, which still stands today, was within minutes to be the center of a controversy which raged as long as a veteran of the Lexington battle lived. That September day the Anderson house was being used as a Federal hospital for Mulligan's wounded and sick. It was only a few yards outside his lines.

It was to be the only hospital captured by either side during the heat of battle in the Civil War.

Price's men, headed toward their objective of the steamboat and ferry, were pinned down by musket fire they thought—and swore for years after—was coming from the big brick house flying the yellow flag which marked it as a hospital.

Word of this went back to General Price in his headquarters above a jewelry store on Lexington's main street. "Capture the brick house" came back the order.

Up the bluff charged the Missourians and some of them later recalled that within half a minute they were inside and firing from Anderson house's windows down into the Federal trenches.

The Federal fire from in or near the hospital stopped, the remaining Missourians on the riverfront moved on to take the ferry and steamboat, with the latter providing double rations of sugar for Price's men for days to come.

Mulligan's last link to safe retreat severed, Price's people on the riverfront began edging up the bluff toward the Federal lines.

The Union forces now made a Civil War "first" when they ignited land mines which they previously had laid. Fuses extended through plumbing pipe pulled from the college building were lit to blow up buried caches of powder.

History, however, records no casualties from this first use of land mines in the Civil War.

Back in the college, Federal Commander Mulligan was fuming over the fact that the Missourians had captured his hospital. "We had not fortified that," he claimed later, apparently not recalling rifle pits which had been manned in the yard.

The tall, young colonel immediately called for an assault to retake the hospital but had trouble finding takers. "We shall not not out, for it is bad to not out," said the commander of one German home guard outfit.

Finally, Mulligan found one of his own outfits, the 23d Illinois, who would attempt the recapture. Heading the 23d was a Captain Gleason who—not unusual for the Civil War—had served under Sterling Price in the Mexican War.

Gleason's 80 men dashed out of a sally port and headed for the hospital with Mulligan's band playing and all his guns firing. Leading the charge was a bugler-made-infantryman named George H. Palmer, of Monmouth, Ill.

Through Oliver Anderson's orchard, bearing fruit no one would savor that day, past the two-story summer kitchen where slaves no longer toiled, ran Palmer and the rest of Gleason's crew, fast falling from the fire of the Missourians in and near Anderson House.

At the rear door of the mansion, Gleason called for surrender of the occupants and was answered by a volley which put him out of action. But his men stepped over him and entered the house as Price's men fled out the front door and windows.

Not all escaped. Six of the Missourians were trapped in the house and three were slain by the Federals—irate that their hospital had been taken—as they were surrendering.

Former Bugler Palmer had been wounded in leading the charge and was to be discharged 3 months later. But his act of bravery was not forgotten. Soon Congress was to establish the now famous Medal of Honor as the highest decoration for valor given by the Army and Navy.

And years later, on March 10, 1896, George Palmer was to be awarded the Medal of Honor for his action in the Lexington charge, becoming the first to receive the Nation's highest wartime honor for bravery.

The Union force held the hospital only an hour or so before a company of Missourians charged up the bluff to retake it and hold the building for the rest of the 3-day battle.

That night an attack was launched on the Union lines from near the hospital but, forewarned by a spy, Mulligan's men had strung a tripup just in front of their lines and this threw the attackers into confusion.

Inside the Federal fort, the men were hot and thirsty, the water in the college cistern having given out. Most of the water had been consumed by the now useless 600 cavalry horses, who now were adding another problem by being killed by the flying metal and causing a stench the battle veterans would recall for years.

The second day of the battle, September 19, 1861, brought 2 hours of heavy rain. Mulligan's thirsty men spread blankets to soak up the precious moisture and wring it into their canteens.

Mulligan waited and watched anxiously for the reinforcements he expected momentarily, not knowing that some were practically in sight just across the Missouri River.

These were two regiments of 1,200 Ohio recruits under Maj. Gen. Samuel D. Sturgis, who the month before had assumed the Federal command and retreated after Gen. Nathanial Lyon had been killed the month before at Wilson Creek.

While Mulligan was not aware of Sturgis' near presence, General Price was. Southern sympathizers had captured a courier which Sturgis had headed to Lexington.

One of Price's first acts that second day of battle was to send troops from his reserve divisions over the river on the newly captured steamboat and ferry and chase off the reinforcements. Without taking time to pick up their tents and other equipage, the Federal relief column scampered off up river to Fort Leavenworth.

Back in Lexington, Price had his men working on a brilliant idea—brilliant because it worked—for a tactical maneuver never before and never after tried in the history of American warfare.

The idea went like this: Hemp for ropemaking was the principal crop in the countryside around Lexington. Almost every crossroads hamlet those September days had piles of newly baled hemp.

Why not, the idea went, use these hemp bales as moving breastworks? It would be easy for groups of Price's soldiers to roll the hemp bales toward Mulligan's lines, pausing ever so often to fire from behind the bale's thick protection.

Soon after he arrived in Lexington, Price had sent wagons and men out through the country, scouring it for hemp bales. Before long bales were stacked on the Lexington streets and along the riverfront. They soon would win the battle for Sterling Price and his Missourians.

The last day of the battle opened cold and cloudy, not much help to the morale of Mulligan's hungry, thirsty, and weary men fast running out of ammunition.

But Mulligan, still hoping for reinforcements, thought his men could hold out behind their 8-foot-high earthen barricades. Outside these, at the points where Mulligan was sure the Missourians would attack, land mines had been laid and deep confusion pits with wooden spikes at the bottom had been dug.

But the Federal commander had not heavily fortified the river bluff side of his lines. These bluffs were steep and any force attacking up them could be wiped out easily, he reasoned. But he reasoned without thinking about hemp bales.

While the Missourians were arranging the hemp bales at the base of the bluff, an incident took place which started surrender psychology among Mulligan's famished and fatigued men.

A small group of Missourians made a charge which reached within feet of the Union lines before it was repulsed. A Federal officer there waived a white flag, seeking only a truce to remove his men who had been wounded when they dashed from the trenches to force the Missourians back.

Word of the white flag spread through the battlefield, and the firing died down. Price sent a courier to Mulligan to ask why the firing had stopped and the Union colonel, not knowing about the white flag, sent back a flippant reply:

I don't know, General, unless you have surrendered.

By noon, the situation within the Federal lines was desperate. All of the Union officers had been wounded, save one. He was a self-made major who headed the local home guard.

Then came the hemp bales. Up the bluff, the Missourians rolled them toward Mulligan's least defended positions.

The attack, at the last place he expected it, appalled Mulligan. "All our efforts could not retard the advance of these bales," he remembered a short time later.

Near the top of the bluff and close to the Union lines, the Missourians ran from behind the bales and with a wild yell dashed into the Union lines.

What Mulligan called a deadly struggle with many heroic deeds commenced. But not all within Mulligan's lines wanted to be dead heroes.

Over in one corner of the Union lines, the German major of the home guard was informed that since all the officers now were wounded, he was in command.

Down through a century has come the tradition that he then said: "Vel den, I shtops this tamm foolishness poorty gwick" and hoisted a white flag.

Despite threats of death, he kept waving it. Cursing the "damned cowardly home guard," Mulligan nevertheless called his wounded officers together and asked their thoughts about surrender.

Of the six officers able to make the conference, only two favored fighting on. One of the six was dispatched to Sterling Price to ask terms. Preceding U. S. Grant, at Fort Donelson by 5 months, Price said the terms were unconditional surrender.

Price's men marched into the lines as the Federals stacked arms. One of the Missourians asked a Federal for his ammunition, getting the reply he had it already, all had been fired at the Missourians.

Price had won the battle but he soon had to give up the real estate involved. Belatedly, strong Federal columns were started toward Lexington from several points.

So rather than being trapped as he had trapped Mulligan, Sterling Price 10 days later started his newly expanded Missouri army southward on a trip which led many of them into the Confederate Army a few months later.

While the Battle of Lexington ended by surrender of the Federal troops, it had been a bitter fight. For Missouri and all Missourians the war was especially bitter. Since it was a border State, it was a "house divided"—brother against brother, father against son. In all the other border States—Maryland, Kentucky, Tennessee—feeling ran high and domestic tragedies—those most terrible of civil wars—abounded, but nowhere did they reach the depth and virulence as was to be found in Missouri, in families and among certain elements of the population.

The reenactment is even now history. Today is the actual date of the 100th anniversary. Even this date will pass on into history tomorrow, but on the main street of Lexington lodged at the top of one of the columns of the Lafayette County Court House is a cannonball which has remained there for over 100 years, a constant reminder for all who pass to recall that this cannonball spent its fury over the battlements. It is quite possible it will rest there fittingly to remind posterity for perhaps another 100 years that Lexington was the sight of one of the most important Civil War battles fought in the West and one of the most unique battles in all American military history.

THE AGRICULTURAL ACT OF 1961

Mr. WALLHAUSER. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. LATTA], may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LATTA. Mr. Speaker, since the passage of the administration's Agricultural Act of 1961, I have had many inquiries from farmers in my district concerning their rights under the wheat and feed grain sections and how they will affect their particular farming operations. Since the farmers I am privileged to represent are making these inquiries, I am led to believe that other Members are probably receiving similar inquiries. Therefore, I should like to briefly outline some of the provisions of these new sections even though I opposed the passage of most of them as being unnecessary, unwise, and discriminatory.

THE 1962 WHEAT PROGRAM

First. This legislation provides for a 10-percent reduction in wheat acreage allotments and reduces the 15-acre exemption to 13½ acres or the highest planted acreage during the years 1959, 1960, or 1961. This means that a farmer having a highest planted wheat acreage of 10 acres during any one of these years can now only plant 10 acres rather than the 13½ acres as provided for under the exemption. These mandatory reductions are applicable for all classes of wheat notwithstanding the fact that they are not all contributing to our surplus problems. Mr. Speaker, it seems perfectly ridiculous to me to require our Ohio farmers producing Soft Red Winter wheat to take the same reduction as the producers of Hard Red Winter wheat when the year's carryover of Soft Red Winter wheat was only 12 million bushels as compared to the carryover of 1,118 million bushels of Hard Red Winter wheat. When we apply the 10-percent mandatory reduction provided for in this bill to last year's production of 198 million bushels of Soft Red Winter wheat, we immediately find ourselves faced with a 7.8-million-bushel shortage of this type wheat unless we curtail our exports and abandon our expanding foreign markets. The Department of Agriculture has already removed Soft Red Winter wheat from the list of commodities which can be exported under title I of Public Law 480. By so doing, the Department has admitted its lack of wisdom in supporting this reduction in the production of this type wheat.

Second. Payments for diverting wheat acreage and devoting the same to conservation uses will be made at the rate of 45 percent of the farm's adjusted yield per acre multiplied by the number of diverted acres for the first 10 percent reduction and at the rate of 60 percent for all further reductions up to an additional 30 percent of the farm's allotment. Of particular interest to the farmers in my district, Mr. Speaker, this new law specifically provides "to the extent that a producer proves the actual yields for the farm for the 1959–60 crop years, such yields shall be used in making determinations." As a consequence of this provision, producers need not accept the adjusted yield figures given them by the county committees when they can prove their actual yields.

Third. Under this new wheat program, any producer may divert up to a total of 10 acres so long as his farm's total wheat acreage diversion does not exceed his highest wheat acreage in 1959, 1960, or 1961. Wheat producers without an allotment who failed to grow wheat during 1959, 1960, or 1961 will be precluded from growing wheat for market in the 1962 crop year.

I have been informed by the Department of Agriculture that 696,000 of the 801,000 farms producing Soft Red Winter wheat operate under the 15-acre exemption found in the present law. Should many of these farmers divert as much as 10 acres from their production of Soft Red Winter wheat, the Nation will be faced with a critical shortage of this type wheat.

Fourth. This new law provides that the total acreage of crop land on the farm devoted to soil conserving uses, which includes idle land, shall be increased by the number of diverted acres. In other words, this bill authorizes the Secretary of Agriculture to forbid noncropland from being put into crops.

Fifth. The law authorizes the Secretary of Agriculture to set the price support for wheat at any level between 75 and 90 percent of parity for 1962. Notwithstanding the authority to set the price support as high as 90 percent of parity, the Secretary of Agriculture has chosen to set the price support level at 83½ percent of parity for 1962 which is approximately $2 per bushel.

Sixth. The administration's new program increases the penalty rate per bushel on farm marketing excesses to 65 percent of parity. The previous law provided a rate equal to 45 percent of parity.

Seventh. Farmers may continue to raise up to 30 acres of wheat for on-the-farm use providing permission is first obtained from the county committee.

THE 1962 FEED GRAIN PROGRAM

First. This section provides for a 1-year's extension of the existing feed grain program. Barley is now included under this program.

Second. This program continues as a "voluntary" one. It is well to remember that the Department of Agriculture has been accused of dumping last year's corn on this year's market to depress prices in order to encourage participation in the 1961 program. The department has denied the charge.

Third. Farmers not participating in the 1962 feed grain program will not be eligible for land retirement payments or price supports on their feed grains.

Fourth. The Secretary of Agriculture is authorized to set the price support for corn at not less than 65 percent of parity. The price support for 1961 corn will be 74 percent of parity, but to date, the Secretary has not announced the price support for the 1962 crop. It is noteworthy to mention that price support will not necessarily be extended on all the corn produced by a cooperator. Price support will be extended only to the average corn yields per acre that were obtained by such cooperators in 1959–60 multiplied by the number of acres planted in the current year. This means that a producer having a 100-bushel corn yield per acre in 1961 and a 75-bushel corn yield per acre in 1959–60, will be extended price support only on the basis of 75 bushels per acre and his additional 25 bushels per acre must be sold on the open market. Mr. Speaker, as the record will show, I vigorously opposed this bushelage control feature as it will inevitably tend to penalize the farmer who is constantly striving to advance American agriculture.

Fifth. Land retirement payments will be based on the farm's adjusted average

acreage production for the years 1959–60 and "to the extent that a producer proves the actual acreages and yields on the farm for the 1959–60 crop years, such acreages and yields shall be used in making determinations."

Sixth. Provides that the average acreage of crop land on the farm devoted to soil conserving uses, including idle land, be increased in 1962 by the acreage diverted. The Secretary can prohibit noncrop land from being put into crops.

NATIONAL COTTON ACREAGE ALLOTMENT, 1962

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. WICKERSHAM. Mr. Speaker, my home is Mangum, in southwestern Oklahoma, in the center of the area which produces the bulk of the cotton crop of the State. Cotton is of great importance to the income of this area and the employment of those who live there.

The farmers who grow cotton in this area have kept up with the technological revolution in agriculture. In consequence, most of them have substantial investments in their land, improvements, and equipment. In many cases, they are in debt for a part of this investment.

They have had difficulty in making any return at all on this investment and in servicing their debts, as a result of the small acreage allotments which they have been allowed to plant for the last several years.

I have heard that consideration is being given in the Department of Agriculture to setting the 1962 national cotton allotment at less than the 1961 allotment—16.4 million acres—some reports have it as low as 16 million acres. I hope that these reports are groundless.

As I read section 342 of the Agricultural Marketing Act of 1938, it directs you to establish a marketing quota not less than the sum of your estimates of domestic consumption and net exports for the 12 months commencing August 1962, without qualification whatsoever. It also directs you to make such adjustment in the amount of such quota as you determine necessary after taking into consideration the estimated stocks of cotton in the United States—including the qualities of such stocks—and stocks in foreign countries which would be available for the marketing year for which the quota is being proclaimed, to assure the maintenance of adequate but not excessive stocks in the United States, to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton-consuming countries, and for purposes of national security. Then section 344 directs that the national cotton acreage allotment shall be that acreage, based upon the national average yield per acre for the 4 years immediately preceding the calendar year of the announcement, required to make available from such crop an amount of cotton equal to the national marketing quota.

I presume you will agree with me that the mounting levels of gross national product, public expenditures, and personal income are sure to make the domestic consumption of the crop year 1961 considerably higher than it was in the crop year 1960. Anticipated military purchases of cotton textiles should cause an additional increase in consumption, as also should population increase at the annual rate of about 1.7 percent.

I presume you will agree that the expansion of foreign popular buying power, resulting largely from the surge in the European and Japanese economies, will continue for several years, possibly with some moderation of the pace of it. Here too there will be the influence of military programs and population increase at perhaps an annual rate of 1.5 percent. Under these conditions, I would think you would estimate exports for the 1961 crop year at not less than those for the 1960 crop year, possibly more.

This certainly will cause you to estimate the 1962 carryover at a good deal less than the 1961 carryover.

I would see no reason to estimate consumption and exports for the 1962 crop year at less than those for the 1961 crop year. Population increase should make them greater if economic conditions continue at the same level.

If this appraisal of the background is correct, you will have to set the 1962 marketing quota at a higher level than the 1961 quota.

You are directed to make adjustments "to assure the maintenance of adequate but not excessive stocks in the United States to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton consuming countries, and for purposes of national security."

It seems to me that the prospects are that the 1962 carryover will be a meager cushion for maintenance of normal supply to domestic and foreign mills. I am told that foreign stocks are in moderate proportion to foreign consumption. I understand there is a serious imbalance qualitywise in current supplies—an acute shortage of the cheaper qualities. I believe the law requires you to make adjustments that will give us a more adequate carryover in 1963 than we will have in 1962, plus whatever additional adjustment you may find necessary for national security purposes.

Finally, we all have the knowledge that 9.5 percent of the national acreage allotment went unplanted in 1959, 9.3 percent in 1960, and 10.6 percent in 1961. Students of this believe it reflects a progressive trend of abandonment of cotton in certain areas and that the trend has yet to run its course. My advices are that we should expect a 12 percent underplanting by 1962. This might be greater with an increased national allotment, due to the fact that areas which underplanted smaller allotments would underplant larger ones in greater proportion.

The issuance of allotments that will not be planted will not assure the maintenance of adequate stocks. Only the portion of the allotment that is planted can do this. Therefore, I consider that it is implicit in the statute that you are directed to make adjustment for the probable underplanting.

All of us who are familiar with cotton remember what happened in 1950. A very small acreage allotment had been proclaimed. This was followed by adverse weather, the outbreak of the war in Korea, and the worldwide rush by cotton mills to secure their requirements. Our Government sought to protect supplies for the domestic mills through export quotas. The effect of that was to touch off violent competition among foreign mills for cotton available from foreign sources. This drove prices of foreign cottons into the neighborhood of 80 cents and caused a rush of Mexicans, Turks, Syrians, and other foreigners into cotton growing, resulting in a tremendous and largely uneconomic expansion of foreign cotton production. It also gave great stimulus to foreign production of synthetic fibers. I believe that all who are familiar with the subject will agree with me that the events of 1950 were the greatest contributor to the plethora of cotton from which we have been emerging in the last several years.

GAS PRICES

Mr. VANIK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, I was shocked to learn today of the intentions of Federal Power Commission Chairman Joseph C. Swidler to fix gas prices uniformly within gas-producing areas rather than continue the utility type of price regulation in which prices are based upon the cost of production in each case. It is most unfortunate that Chairman Swidler's announcement at a meeting of the Independent Natural Gas Association in Houston preempts proper deliberation by the Federal Power Commission and constitutes a complete denial of its quasi-judicial responsibility. It is regrettable that such an announcement involving hundreds of millions of dollars and millions of gas consumers should be made at a forum provided by "parties receiving the goodies" rather than in a proper public way.

Chairman Swidler was apparently overcome in Houston by the enthusiasm of the Independent Natural Gas Association which has lobbied for its "pet" approach to price regulation for a long time. The Independent Natural Gas Association is, in reality, a "front organization" for the big gas producers who now face the prospect of new profit windfalls at the expense of the gas consumer who was not even privileged to submit an argument or prepare a brief before Chairman Swidler rendered his "unofficial" opinion.

This decision will certainly reduce the caseload before the Federal Power Commission. In effect, it will divest the Commission of its regulatory functions

and establish a price-setting procedure in the gas-producing fields—thousands of miles away from the people who must foot the bill. It will be difficult to prove how the public has received any benefit from this prejudicial decision.

It is my hope that the other members of the Federal Power Commission will reject this unfair concept. Otherwise, Congress may be called upon to rewrite the Natural Gas Act or even abolish the present Commission in order to give the consumer a fair chance at decent fuel prices.

MAINTAINING AND EXPANDING AGRICULTURAL EXPORTS

Mr. BURLESON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURLESON. Mr. Speaker, maintaining and expanding agricultural exports is vital to the prosperity of agriculture and the Nation.

The value of U.S. agricultural exports reached $4.8 billion in 1960, an alltime high, and accounted for one-fourth of all U.S. exports. These exports not only contribute to the welfare of American agriculture, but aid materially in balancing U.S. international payments.

Exports already provide an outlet for one of every six of our cultivated acres—markets for one-third of our tobacco and lard; 40 percent of our cotton, soybeans, wheat, and tallow; over half of our rice; and rapidly increasing quantities of feed grains, poultry, dairy products, fruit, and vegetables, and other products.

Exports provide an outlet for over 30 percent of the U.S. production of food fats and oils. One of the largest export markets has been the Common Market in Europe, especially Germany, the Netherlands, and Belgium. In 1960 these three countries took about two-thirds of our exports of cottonseed oil and a significant percentage of soybean oil exports.

Currently these exports are being threatened by increased import restrictions as a result of the common external tariff proposed on U.S. exports by the Common Market.

American farmers, in my opinion, have generally shared the view that the Common Market, as the European Economic Community is usually known, has the laudable objective of strengthening economic and political ties among the Western European nations to make that group of countries a more dynamic force in world affairs. They generally appreciate the broad objective of the Common Market for expanding trade and raising living standards.

American farmers, however, are becoming increasingly disturbed by the attitude of the Common Market toward imports of U.S. agricultural commodities. The reports of increased restrictions on wheat and tobacco have been particularly disconcerting.

More of our farmers are disturbed since hearing that the duty on some of our principal vegetable oil products may be doubled to some of our biggest customers. Currently crude cottonseed and soybean oil to West Germany, the Netherlands, and Belgium-Luxembourg pay a duty of 5 percent. Other countries of the Common Market have higher duties. The Italian duty is 25 percent. Consequently we do not sell much oil to those other countries. I understand that in the current negotiations in Geneva, where the Common Market countries are negotiating with outside countries, including the United States, for conversion of the individual national tariffs into a single common external tariff, the nations of the Community have proposed a duty of 10 percent on our shipments of crude vegetable oil. There is no doubt that doubling the duty would seriously hurt our exports. The duty on refined oil, I understand, would be raised, according to the proposal, from about 10 percent as it is now in Germany, the Netherlands, and Belgium-Luxembourg to 15 percent. This is an increase of 50 percent. That is not as much as a 100-percent increase in the case of crude oil, but it is still enormous. It certainly will also have the effect of sharply reducing our exports.

I hope that the nations of the Common Market will reconsider their position and offer a common tariff on our cottonseed and soybean oil which will be more realistic and more nearly in line with the present duties in Germany, the Netherlands, and Belgium. I think our negotiators at Geneva should be resolute on this point. Certainly if the countries of Western Europe want to maintain strong ties with the United States, and if they want to continue to sell their products in this market, they should not take such stringent action against U.S. products into their markets. I am sure that the agricultural community supports this plea for fair treatment by the Common Market on our agricultural exports.

COMMUNISTS IN GOVERNMENT?

Mr. WALTER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker this bill is patterned after the California statute which was recently held valid by the U.S. Supreme Court in the case of *Nelson and Globe* v. *County of Los Angeles* (362 U.S. 1); and *Konigsberg* v. *State Bar* (366 U.S. 36).

As chairman of the Committee on Un-American Activities, I am frequently asked this question: "Are there Communists now in the Government?" The only answer I can give is that, under the present procedures and the decisions of the Supreme Court, the Committee on Un-American Activities is hampered in finding out whether or not there are Communists in Government, although we know that since the 1956 decision of the Supreme Court in *Cole* v. *Young* (351 U.S. 536), 109 employees of the Federal Government had been dismissed as security risks, but as of April 24, 1959, 74 had been restored to their previous employment, including employment in agencies such as the Air Force, the Army, and the Navy. Incidentally, the back pay awarded to these security risks amounted to $579,656.55.

It will be recalled in Cole against Young that the Supreme Court ruled that an employee of the Federal Government could not be dismissed under the Summary Suspension Act in the interest of the national security unless he occupied what the court described as a "sensitive position." In the dissenting opinion in Cole against Young Mr. Justice Clark stated as follows:

> One never knows just which job is sensitive. The janitor might prove to be in as important a spot securitywise as the top employee in the building.

In a Smith Act prosecution—United States against Fujimoto—in the State—then Territory—of Hawaii, 1953, in which Jack Hall, regional director of the ILWU—Harry Bridges' union—and others were convicted, and their conviction reversed when the Supreme Court decided *United States* v. *Yates* (354 U.S. 298), one witness, an FBI undercover agent, was the night elevator operator in the building in which the Communist Party of California had its headquarters. It was her duty to collect all the waste paper from the headquarters and put the discarded papers in a receptacle for waste paper, which would be subsequently picked up by the agents of the FBI, evaluated and analyzed.

As chairman of the Committee on Un-American Activities, I have repeatedly attempted to procure from the executive agencies identifying information on the security risks who have been restored to Government service, but this information has been adamantly refused by the executive agencies concerned.

In Nelson and Globe against County of Los Angeles, the Supreme Court held valid a provision of the California code which made it a duty of any public employee, when summoned before a government agency, to give information of which he was possessed on Communist and other subversive activity. The California code provides for dismissal of any such public employee who fails or refuses to appear, or to answer the questions propounded, on the ground of insubordination.

In sustaining the validity of the California statute, the court found that, notwithstanding the public employee's invocation of the fifth amendment, his refusal to reply to the questions propounded was sufficient basis for his discharge.

In Konigsberg against State Bar, the witness invoked the 1st and 14th amendments in refusing to answer the question whether or not he was or ever had been a member of the Communist Party. These questions were pertinent so that the State bar examiners could further their investigation as to the qualifications of the applicant to be admitted to practice law in the State of California. The Supreme Court held that the bar association could not perform its duty since the petitioner had refused to answer relevant questions.

The text of the bill follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. The Subversive Activities Control Act of 1950 (64 Stat. 989) is amended by inserting immediately after section 3 thereof, the following new section:

"DUTY OF FEDERAL EMPLOYEES TO TESTIFY AS TO COMMUNIST ACTIVITIES AND NATIONAL SECURITY

"SEC. 3A. (a) It shall be the duty of any officer or employee of the Government who may be subpenaed or ordered to appear before any Federal agency to appear before such agency and to answer under oath any question concerning (1) the membership of such officer or employee, or any other individual, in the Communist Party, (2) the activities of such officer or employee, or any other individual, as a member of the Communist Party, (3) the participation of such officer or employee, or any other individual, in activities conducted by or under the direction of the Communist Party or any member thereof, and (4) any other behavior, activities, or associations relating to the suitability of such officer or employee to hold his position as such officer or employee, including:

"(A) any behavior, activities, or associations which tend to show that such officer or employee is not reliable or trustworthy;

"(B) any deliberate misrepresentations, falsifications, or omission of material facts in connection with an application for employment as such officer or employee;

"(C) any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion by such officer or employee;

"(D) any adjudication of insanity with respect to, or treatment for serious mental or neurological disorder, of such officer or employee; and

"(E) any facts which furnish reason to believe that such officer or employee may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

"(b) Any officer or employee of the Government who willfully fails or refuses to appear or to answer under oath on any ground whatsoever any question referred to in subsection (a), or who makes false statments in answering any such question, shall be guilty of insubordination and shall be removed from his office or employment in the manner provided by law.

"(c) As used in this section—

"(1) the term 'national security' relates to the protection and preservation of the military, economic, and productive strength of the United States, including the security of the Government in domestic and foreign affairs, against, or from espionage, sabotage and subversion, and any and all other (illegal) acts designed to weaken or destroy the United States;

"(2) the term 'officer or employee of the Government' means—

"(A) an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States;

"(B) an officer or employee of the Government of the District of Columbia; and

"(C) a member of the Armed Forces, the Coast and Geodetic Survey, or the Public Health Service;

"(3) the term 'Federal agency' means any department, independent establishment, or other agency or instrumentality of the legislative, executive, or judicial branch of the Government of the United States; and

"(4) the term 'Communist Party' means the Communist Party of the United States, or any successors of such party regardless of the assumed name, whose object or purpose is to overthrow the Government of the United States, or the government of any State, District, Commonwealth, or possession thereof, or the government of any political subdivision therein, by force and violence, and includes subsidiary organizations of such party."

FOREIGN POLICY

Mrs. KELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, the rumblings of far-off events; the news in the headlines; the problems at the United Nations; the Red Communist invasion in South Vietnam and the ever-widening cracks in the very surface of this sick earth make it abundantly clear that the time is out of joint and that, if we are to survive for long, the time is likewise due for a serious reappraisal of our foreign policy. Indeed such a reappraisal is a basic necessity to the continued existence of freedom, liberty and what we know as civilization.

Time out of mind I have stood here in the well of the House as a voice crying in the wilderness. I have long and bitterly opposed aid to Tito, support of neutralism as a concept and toleration of the ungodly puppet slave regimes of the satellites. My voice has been unheeded.

My purpose today however is not to assume the stance of "I told you so" nor is it to raise a clamor against the administration or for that matter even against Tito, neutralism or the satellites. Rather, it is to call for a somber and reflective reappraisal in the State Department and in the seats of power of the fundamentals and of the goals of our foreign policy.

In the late forties and early fifties, a former administration followed the policy of being firm against the satellites and of doing all that was within reason and within decency to bring about the collapse of those regimes in Eastern Europe which could not exist for one day without the support of Russian bayonets. It was not a wild policy of liberation, when we knew that abortive efforts to revolt would only lead to a blood bath and the loss of hopeless and innocent lives. It was, however, a policy which had as its purpose the support of the U.S. Government for the aspirations of the slave peoples for liberty and freedom. It did however encourage resistance to the Russian tyranny.

During the midfifties, we moved from this position to the far end of the spectrum and actively and openly supported a program of resistance and revolt in the satellites. To our everlasting shame, we were unwilling to support our words with our deeds when the inevitable catacylsm of Hungary followed as a result of our promises. I am sure most of the world believed that we had lost our nerve when we stood abjectly and shamefacedly by as the Russian tanks rumbled over the remnants of liberty in Hungary.

Inexplicably—perhaps as a result of our shame and perhaps as a result of our being lulled into a sense of false security—we then shifted toward the opposite end of the spectrum in our attitude and policy toward the satellites. The policy of "liberation" became a policy of live and let live. Indeed, we have given substantial quantities of aid to at least one of the satellites.

I say that the time has now come for a change in this policy and that if the Russians and Red Chinese are going to meddle in the affairs of the free world and if the Communists are permitted to stir up trouble in three-fourths of the world, they should be served quiet but firm notice that the United States is not going to stand idly by. We should make it abundantly clear to the people of the satellites that the United States has not forgotten them and that it is our firm determination that when the day arrives, they shall be free.

It is not a policy of "liberation" but rather one of supporting the legitimate and devout aspirations of the people of eastern and central Europe to be free in their persons, in their homes and in their beliefs. The same holds true for the puppets of the Red Chinese monster. Everywhere subjugated people should be made aware that they have the full and firm support of the United States in their yearnings for freedom from foreign domination.

It is rather ironic that we have fanned the flames of freedom in the colonial area to our own detriment while at the same time maintaining silence with respect to the imprisoned peoples under the Communist lash. I say that the time has come to make it abundantly clear to the Communists, not by public proclamation but by soft word and firm deed, that they can no longer count on our neutrality, vis-a-vis the satellites and puppet regimes.

The time has also come for reappraisal in our policy toward neutralism. Again the pendulum has swung back and forth and, again, the rest of the world has come to believe that we will hand out our bounty regardless of the recipients' actions. I do not denounce neutralism. I firmly believe that every nation has the right to be neutral. I cannot agree with their decision but I admit their right. I do, however, denounce neutralism of the cynical variety which says, "I am neutral," but then supports one side of a dispute. Such an attitude is despicable. In such cases, I see no reason whatsoever for the United States to actively support such governments.

Everyone has a right to be neutral but he does not have the right to call on the U.S. taxpayer for support of his government. We cannot buy the support of the rest of the world and we should not try. On the other hand, we do have a number of stanch and true friends throughout the world. Where their governments are with us, I say we should support them to the maximum extent of our means and our resources.

In like manner, however, I am convinced that we should not support the governments of those so-called neutrals who are against us. I am not thereby advocating a withdrawal of technical assistance or the type of assistance which extends and reaches directly to the people of those countries, but I am advo-

cating that we should not expend one cent which would tend to support the government of such nations, nor would I waste our taxpayer's funds in developmental programs for such false neutral governments.

If there is any doubt as to which countries should be included in this classification, let those governments evaluate their own policies and statements. It was indeed heartening that the President himself has heralded a shift in this direction. The time has come when we must once again make it clear that we will support our friends and oppose our enemies.

The above comments are especially pertinent to Mr. Tito. We have poured our treasure into this country. We have lifted the standard of living of his people. We have supported him in his foreign policy contests, yet he turns his back on us in a crisis and embraces the Russian bear. I have said much previously in this House concerning our policy toward Yugoslavia. I need only say that every word I have spoken on this subject is coming true. I think it is abundantly clear that we should at this time inform Mr. Tito that our aid will no longer be forthcoming.

Mr. Speaker, I am not responsible for the making of the foreign policy of the United States, but devoutly hope that the words which I have spoken here will have some small impact on the course of our foreign policy and thus, on the course of civilization.

THE LATE SID SIMPSON

Mr. MACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MACK. Mr. Speaker, I have today introduced a bill to authorize a change in the name of the Beardstown, Ill., flood control project to the Sid Simpson-Beardstown flood control project.

As all of my colleagues know, the late Sid Simpson served eight terms in the Congress as Representative of the 20th District of Illinois and was beloved by his colleagues on both sides of the aisle. Many of them, I am sure, will remember that today is his 67th anniversary of his birth.

Although Sid Simpson was not a member of my party, I considered him a close personal friend and will always be grateful for the many kindnesses which he showed to me from the time that I first entered the Congress in 1949.

At the time that I was a freshman Member in the 81st Congress Sid Simpson was entering upon his 4th term and already was held in high esteem for his sagacity, his integrity, and the faithfulness with which he pursued his congressional duties.

Despite the difference in our politics he was the first Member of this House to counsel me when I arrived in Washington and to advise me on the operation of my congressional office. He was a lifelong friend of my father and, by a sad coincidence, his death preceded that of my father by only 2 weeks.

A mark of the esteem in which Sid Simpson was held by the people of his district is a fact that following his unexpected death during the congressional campaign of 1958, the Republican leaders of his district insisted that his wife, Edna Oakes Simpson, accept the party's nomination as her husband's successor.

Much against her personal desire and inclination, Mrs. Simpson accepted the nomination, was elected by a large majority and served with distinction as a Member of the 86th Congress.

Another indication of the high regard held by the people of the 20th District for Sid Simpson and his family is that until his election in 1942 to the 78th Congress this district had been represented by Democrats for many years.

Among his distinguished Democratic predecessors were Henry T. Rainey, who served as Speaker of this House in 1933–34; Scott W. Lucas, later to become majority leader of the Senate; and James M. Barnes, a valued White House aid to President Franklin D. Roosevelt following his congressional service.

Sid Simpson was born on September 20, 1894, in Carrollton, Greene County, Ill., which was also the hometown of the late Speaker Rainey.

Congressman Simpson was educated in the public schools of Carrollton and served overseas with the American Expeditionary Force during the First World War. Like my father, he was one of central Illinois' automotive pioneers, having been in the automobile business in Carrollton for almost 40 years. During all this time he took an active interest in political affairs and served for almost 30 years as chairman of the Greene County Republican Committee.

At the time of his death, Mr. Simpson was a ranking minority member of the House Committee on Agriculture and had previously served as ranking member and chairman of the District of Columbia Committee. He realized that conservation of this country's soil and water resources is essential to our progress as a nation. He sponsored legislation establishing the Sny Island Drainage and Levy District along the Mississippi River bordering his district. He also sponsored construction of the Beardstown flood wall, which would be named in his memory under the bill which I introduced today.

The Beardstown flood wall extends along the west bank of the Illinois River in Cass County, Ill., about 70 miles below Peoria. Congressman Simpson obtained congressional authorization for this project in the Flood Control Act of 1950. Federal appropriations for the project to the beginning of the present fiscal year totaled $3,600,000 and the Public Works appropriation bill which was passed earlier this week carried an additional $700,000, leaving $1,230,000 needed to complete the flood wall.

Beardstown is the site of many historic and tragic floods which have taken lives, destroyed property, and ruined crops. The Beardstown flood wall, for which Sid Simpson fought so earnestly, will provide protection for Beardstown population of approximately 6,700 persons and for 15,000 acres of surrounding farm lands.

Army Engineers have estimated that, without this flood wall, a flood of the magnitude of the one which devastated the area in 1943 would, under present conditions, cause $10 million damages.

I hope and trust, therefore, that my bill to commemorate our departed colleague by bestowing his name on a project which came into being through his efforts, will have the full support of all Members of the House regardless of their political affiliation.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. MACK. I yield to the gentleman from Oklahoma.

Mr. ALBERT. It is most appropriate that the gentleman is seeking to give our late beloved colleague this honor. I served on the Committee on Agriculture with Sid Simpson for many years. Both he and Mrs. Simpson were close personal friends of mine during their service here, and I congratulate the gentleman upon the action he is taking in this connection.

Mr. MACK. I thank the gentleman.

Mr. PRICE. Mr. Speaker, will the gentleman yield?

Mr. MACK. I yield to the gentleman from Illinois.

Mr. PRICE. Mr. Speaker, I also want to commend the gentleman for this consideration and tribute to one of our former colleagues. Sid Simpson and I were close personal friends. I made many trips back and forth to and from Illinois with Sid Simpson. I wish to join the gentleman in the sponsorship of this proposal. Sid Simpson's work is worthy of such recognition.

Mr. MACK. I will be very happy to have the gentleman join me in the introduction of this bill.

Mr. FINDLEY. Mr. Speaker, I wish to support the proposal by the gentleman from Illinois paying proper tribute to the effective work of the late Congressman Sid Simpson in helping to bring about the flood control project at Beardstown.

It would be entirely fitting to change the name as suggested. It is my privilege to represent the district which Mr. Simpson served with such distinction for 16 years. It has also been my privilege to follow through with some of the final details involved in completion of the Beardstown project, including the addition of some much-needed pumping equipment.

Identifying the Simpson name with the Beardstown project, is not only fitting, it is entirely proper.

It is also my privilege to follow the late Mr. Simpson on the Committee on Agriculture, where he left a vast reservoir of good will.

FEDERAL INTERVENTION TO COMPETE WITH PRIVATE FINANCING IN MUNICIPAL BOND OFFERINGS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. DEVINE] is recognized for 30 minutes.

Mr. DEVINE. Mr. Speaker, when Congress recently considered the omnibus housing bill, a number of us protested against many of its provisions. I for one, however, never anticipated the results that apparently have come about if the offering of municipal sewer revenue bonds of the city of Charleston, W. Va., is any indication. I feel the Banking and Currency Committee and Congress collectively should realize the extent of governmental interference into private fields which has resulted from this legislation.

The city of Charleston, W. Va., advertised $4 million worth of sewer revenue bonds on July 17, 1961. The bid-opening date was 11 o'clock a.m., July 31, 1961, and seven investment syndicates bid on this offering. The First Boston Corp. account with 13 investment banking firms was the successful bidder with a net interest cost of 3.9453 percent. All seven bids were rejected when the following events occurred. I feel it best to present the letter of the mayor of Charleston, giving the sequence of events:

At 11 a.m. on Monday, July 31, a committee of the city council together with the mayor, ex officio chairman of the sanitary board, and two members of the board, met in the council chambers of the city building to open bids on the sewer revenue bonds, pursuant to notice of sale. Seven sealed bids were presented to the mayor, who presided as chairman.

Up to this time neither the mayor nor any member of the council or the sanitary board had any notion that any governmental agency was interested in buying the bonds or lending the money to the city. There had been no contact of any character with any governmental agency relative to the subject.

At about the time the bids were being opened at approximately 11:10 a.m., word was passed on to the mayor and a sanitary board member that a representative of some governmental agency was present in the room and that he had represented to some person or persons that the Government agency represented by him was in a position to lend the $4 million to the city of Charleston at an average interest rate of 3⅝ percent.

The bids were promptly opened and tabulated. A lower bid was submitted by the First Boston Corp. at an average interest cost of 3.9453 percent. In order to verify accuracy of the computations in the bids and to ascertain the identity of the Government representative present and to learn from him the facts as to whether or not Government money was available at 3⅝ percent or at any rate less than the lowest bid received, the sanitary board adjourned to the mayor's office. The Government representative was invited to be present. He turned out to be Mr. Hummel, with whom the mayor was acquainted, but whose Government connection was unknown to the mayor. He explained that he was the West Virginia representative of the Community Facilities Administration. He stated that he had learned just that day that the Community Facilities Administration was in a position to purchase the $4 million revenue bonds at an interest rate of 3⅝ percent. He advised that in order to take advantage of this it would be necessary to readvertise for bids. He suggested that the mayor telephone the Philadelphia office of the Community Facilities Administration for verification. The mayor promptly called the Philadelphia office and at approximately 1 p.m., e.s.t., the mayor talked with Mr. Doidge of that office. Mr. Doidge advised that because Charleston had been designated as a disaster area, the money would be available at 3⅜ percent. He said that he would send a representative to Charleston immediately. The representative is scheduled to arrive in Charleston at 11:30 a.m., Thursday, August 3. As the mayor and the sanitary board understand it, this representative will be qualified and authorized to explain all the details of the procedure by which the $4 million would be made available to the city at an interest rate of 3⅜ percent.

In view of these representations by representatives of the Community Facilities Administration, the mayor, the council committee, and the sanitary board were of the unanimous opinion that they had no choice other than to reject all of the bids submitted. Since it was uncertain and is still uncertain, whether the requirements of the Community Facilities Administration can be complied with by the city, the city council and the sanitary board were of the opinion to recommend rejection of all bids on the broad ground that it was hoped readvertising would result in an interest rate more favorable to the city. It was so recommended to the council and the latter at its meeting held at 8 p.m. on the evening of July 31 followed the recommendation and rejected all of the bids submitted at 11 a.m. on that day.

This is the way the matter stands at this moment, 2 p.m. Wednesday, August 2. Mr. Jack Lincoln, representative of the Federal HHFA is expected to be in the office of the mayor of the city of Charleston shortly after 11:30 a.m. on August 3.

After the letter was issued, the Community Facilities Administration made a release clarifying the situation. Their release follows:

WASHINGTON, August 7.—The confusion arising out of the rejection of all bids on a $4 million city of Charleston sewer revenue bonds on July 31 appeared to have been dispelled today with a statement by the Community Facilities Administration.

The CFA statement, coupled with that given to the bond buyer yesterday by Mayor John A. Shanklin of Charleston, seems to indicate that the misunderstanding was one of semantic differences and that none of the parties involved was engaged in the usurpation of the prerogatives of any other.

The clarifying statement from the CFA which, in the main, dovetails with Mr. Shanklin's, follows:

"Community Facilities Administration sent Mr. R. S. Hummel, its West Virginia field engineer, to Charleston to assist the city in coping with problems which caused major damage and led to the declaration by President Kennedy of a state of emergency.

"Prior to the opening of the bids on the bonds, Mr. Hummel was working with the city's disaster director, R. L. Stubblefield, on estimating the probable cost of replacements of the destroyed sewer lines and other public facilities. Mr. Hummel mentioned to Mr. Stubblefield that this was a type of construction that has in the past qualified for public facility funds.

"The discussion naturally turned to the rate of interest, and Mr. Hummel told Mr. Stubblefield that the rate was 3⅝ percent and that in areas designated for area development the rate was 3⅜ percent. Mr. Hummel suggested that this rate be checked with the regional office of HHFA in Philadelphia. Mr. Stubblefield promptly passed this information to Mayor Shanklin. The mayor checked by phone with the Philadelphia office and confirmed the information regarding rates that had been given to Mr. Stubblefield by Mr. Hummel. It should be noted here that the discussion here was about new replacement needs and not related to the bond issue for which bids had already been solicited.

"With the information given him by Mr. Stubblefield, the mayor must have questioned the wisdom of accepting a bid of 3.94 [sic] percent when a public facility loan might be available at a lower rate. However, this was surely his own decision and was not urged upon him in any way by any spokesman of the CFA.

"It is not and never has been the policy of the CFA to solicit applications. When inquiries are made, we respond promptly and advise of any aid which has been authorized and which we are in a position to supply."

Several points seem to need more clarification when this letter is compared to other correspondence from Charleston officials. For example, the first quoted paragraph in the CFA letter refers to major damage in the city of Charleston. Under date of July 22, 1961, the mayor of Charleston replied to some inquiries regarding major damage in this way:

It has come to my attention that certain reports of the water damage suffered in and near the city of Charleston on Wednesday, July 19, may have created some apprehension in the municipal bond market as to the soundness of the sewer revenue bonds which the city has advertised for sale on July 31.

If such fears exist, they are groundless. The rainfall on Wednesday night came with such tragic suddenness that approximately 20 persons unfortunately lost their lives. Also a number of small homes in narrow creek bottoms were damaged or destroyed, but so far as the city sewer system and its revenues are concerned the loss is relatively small. In the first place, by far the greater amount of the property damage occurred in outlying sections beyond the city limits and outside of the area served by the city's sewers. Moreover, most of the damage is above ground, not to the sewers or other underground installations.

I am advised that, because most of the houses destroyed are outside the area served by city sewers, the reduction in sewer revenues will not exceed one-fourth of 1 percent of the total revenues from the system. Moreover, such reduction as results probably will be temporary and, based upon recent experience, will be more than compensated for by the constantly growing number of homes and business structures served by the Charleston sewer system.

For the reasons aforesaid, it can be said without reservation that there is no basis for apprehension that the ability of the city of Charleston to meet the obligations of the sewer revenue bonds to be sold on July 31 will be impaired.

You are at liberty to use this letter in any way you may deem proper.

Further, it appears that the CFA denies the allegation that Government funds were to be supplied in lieu of the private financing and further "this was surely his own decision and was not urged upon him in any way by any spokesman of the CFA." This is indeed a question of sematics when you reread the mayor's statement regarding the circumstances. For example, "he had just learned that the CFA was in a position to purchase $4 million revenue bonds" and "in order to take advantage of this it would be necessary to readvertise for bids" and "the mayor promptly called the Philadelphia office—and the money would be available at 3⅜ percent." The further understanding as expressed by the mayor was "this representative will be qualified and authorized to explain

all the details of the procedure by which the $4 million would be available to the city."

The only logical conclusion I can reach is that representatives of the CFA did directly interfere into the bond offering and as a result of their statements effectively stopped the award of the bid. I am particularly disturbed at this in view of the standing the city of Charleston has for municipal offerings. It has an AA rating and, as witnessed here, seven private financing groups were willing and able to provide the money.

If anyone has other information on this particular offering, I would certainly appreciate receiving it, otherwise, I feel this procedure, as conducted by the Community Facilities Administration, is so contrary to the intent of Congress that remedial action should be taken immediately. It is inconceivable to me why the Federal Government should actively compete with private financing, especially where the financing has for all intents and purposes been secured.

Further, the Government proposes to lend at 3⅜ percent for bonds running to the year 2000 and I wonder where the Federal Government will borrow at this rate to loan this money?

The committee report of June 1, 1961, on pages 56 and 57, when read in the light of the above, is most interesting.

MAJ. GEN. EDWIN A. WALKER

Mr. DEVINE. Mr. Speaker, the second portion of my special order has to do with the case of Maj. Gen. Edwin A. Walker.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding to me.

Mr. Speaker, I rise to associate myself with the remarks of the gentleman from Ohio [Mr. DEVINE]. The gentleman from Ohio is to be complimented for again taking the floor and so clearly pointing out the need for a full investigation of the rigid control that has now been placed on discussion of communism by military personnel.

General Walker's particular case is more than appropriate to discuss today, not only because the Senate Armed Services Committee just a few minutes ago agreed to conduct a full investigation of this particular problem but also because the injustice done to General Walker for some of the statements that he has made in private life is a clear-cut example of the cloud of secrecy that surrounds this whole problem.

I have received thousands of letters from my constituents and citizens of California and other parts of the country who have been tremendously concerned with this policy of control that has muzzled military personnel as a result of the memorandum recently issued by Assistant Secretary of Defense Arthur Sylvester. The policy enunciated in this memorandum is not the entire responsibility of the Assistant Secretary of Defense. The responsibility for this policy and all of the ramifications that have followed must be shared by Secretary of Defense McNamara, President Kennedy, and the gentleman from Arkansas [Mr. FULBRIGHT] who originated the idea of disallowing discussion of rightwing ideas within the military.

I share the satisfaction the gentleman has indicated today in learning that the Senate Armed Services Committee has decided to conduct a full public hearing so that the American people can for themselves learn of the so-called violations of which General Walker and many other military personnel have been accused in giving improper information to their troops.

The fight against communism, as all of us know, is a psychological one as well as a military one. Socialism and communism have a great deal in common ideologically and, if our generals are prevented from showing the relationships between these ideologies, then our troops will not understand our enemy and the threat it poses to our free system of constitutional government.

Again, let me compliment the gentleman from Ohio in his usual precise manner in presenting these facts to the Congress so that we can be fully apprised of the implications of the muzzling of the military personnel that is now occurring.

Mr. DEVINE. Mr. Speaker, on the 17th day of August this year, I spoke before this House and rather comprehensively outlined the entire situation relative to the so-called fiasco involving Maj. Gen. Edwin A. Walker, commanding general of the 24th Infantry Division in Europe.

As many of the Members will recall, General Walker is an outstanding patriot and has a magnificent record as a combat soldier. He was relieved of his command prior to any investigation as a result of certain charges that had been made against him by a "yellow" tabloid sheet, the Overseas Weekly, a certain publication that is referred to by many servicemen in much less friendly terms.

I was one of a number of Members of this body who demanded an investigation of this entire General Walker situation, not because he was right or because he was wrong, but because we felt we had a right to know the facts. The American people have written thousands of letters to Members of Congress demanding a hearing for the general.

I might say to the Members of the House who have not yet received the information that the Armed Services Committee of the other body not long ago—a few hours ago as a matter of fact—authorized a full-scale hearing in connection with the General Walker case.

We hope that his case will not be prejudged, and I say that advisedly, because it has been reported to me that the chairman of the Committee on Armed Services in the other body, the senior Member from the State of Georgia, is quoted as saying that this is "a tempest in a teapot." I think that is a most unfortunate remark if, in fact, the gentleman did say that. And I think it is ridiculous to launch a full-scale investigation if they have already decided to prejudge it. We all know that the Secretary of Defense, the Honorable Robert McNamara, testified before that committee for several days and left a number of inferences.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. There are reports to the effect that certain information was given to the men, those voting by absentee ballot in Germany, as to whom they should cull out and vote for for Members of the Congress. Are you acquainted with that accusation?

Mr. DEVINE. I am acquainted with the remarks that the Secretary of Defense made before the Committee on Armed Services, in which he referred to the fact that this investigation is supposed to have indicated that the general, in response to requests, suggested that persons refer to the Americans for Constitutional Action index in determining for whom they should vote in the House or the Senate.

Mr. ROGERS of Colorado. Do I understand you to say that that was in response to a request by the men to the general as to guidance as to whom they should vote for in the Congress that caused him to act?

Mr. DEVINE. That is the understanding I received from the newspaper reports and from the testimony of the Secretary of Defense before the committee of the Senate.

Mr. ROGERS of Colorado. You are convinced, then, that the Secretary, when he reported that that is what he found, was not reporting to the Senate correctly; is that what you say?

Mr. DEVINE. No; I am not convinced. I am pointing out that certainly there is a need for a full-scale hearing in this matter. There have been many reports that the general was relieved of his command because it was reported that he had made certain injudicious remarks. Then when McNamara testified before the Senate committee he changed that, and he said no; he was relieved from duty because he was in violation of the Hatch Act; and then there was a complete change of attack. And I say the American public is entitled to know. Maybe the general was wrong, but let him have his day in court.

Mr. ROGERS of Colorado. I understood, when you started a moment ago, that you had appeared in the well of the House on the 17th of August.

Mr. DEVINE. That is correct.

Mr. ROGERS of Colorado. And that you were familiar with the accusations and the action taken concerning General Walker.

Mr. DEVINE. I was very familiar with the accusation, but none of us at that point, on the 17th day of August, were able to get anything out of the Defense Department except a letter which said, as I quoted, he had made certain injudicious remarks.

Mr. ROGERS of Colorado. Well, have you any information contrary to what the Secretary of Defense, Mr. McNamara, told the Senate investigating committee?

Mr. DEVINE. Yes. I may say that I received some information unofficially

that I am not at liberty to present to the House at this point. The Army did release what purports to be a digest of the investigation conducted by the Army, and I have had an opportunity to see that. This is a digest of 76 pages of a 992-page report.

Mr. ROGERS of Colorado. Is this information you have of a confidential nature that you cannot inform the Members of the House what it is?

Mr. DEVINE. Yes, it certainly is, because it was sent to me in confidence by a member of the military, and I, of course, would respect that confidence.

Mr. ROGERS of Colorado. Do I understand that you have approached a military man who has given you secrets and that you have promised not to reveal them?

Mr. DEVINE. No; no inference of any nature should be attached to those remarks. This information was sent to me voluntarily relating to this particular question, and in no case relates to military security.

Mr. ROGERS of Colorado. If it was sent voluntarily, how do you now classify it that you cannot inform the House?

Mr. DEVINE. Because the gentleman requested that his remarks be retained in confidence, and I am respecting that request, as I am sure the gentleman would.

Mr. ROGERS of Colorado. Is he a member of the investigating committee of the Senate or a member of the investigating committee of the Armed Forces?

Mr. DEVINE. No, he is not.

Mr. ROGERS of Colorado. Has he any connection whatsoever with the Federal Government?

Mr. DEVINE. I would say to the gentleman that he is a member of the military service.

Mr. ROGERS of Colorado. A member of the military service?

Mr. DEVINE. That is correct.

Mr. ROGERS of Colorado. And as such has purloined certain information?

Mr. DEVINE. No. The gentleman cannot put words in my mouth. The gentleman misinterprets what I said. I said I have received information from a person that was not related to this particular case.

Mr. ROGERS of Colorado. A high-ranking officer of the Defense Department, or a high-ranking military officer?

The gentleman says he was given some information in confidence from some man in the military service?

Mr. DEVINE. That is correct.

Mr. ROGERS of Colorado. And is he of high rank?

Mr. DEVINE. I am not in a position to reveal that at this time.

Mr. ROGERS of Colorado. Why is the gentleman willing to accept this report at its face value?

Mr. DEVINE. Again, I am not accepting the report. I am saying to the gentleman—and I wish to make it again clear—that I have requested an investigation, and other Members have requested an investigation, so the true facts can come out. I get a number of facts, and other people do. Let us have a full hearing so that the general has his day in court, and so that he is permitted to give the facts.

Mr. O'KONSKI. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Wisconsin.

Mr. O'KONSKI. Does the gentleman or any Member of the House know if General Walker has ever been given an opportunity to answer this report of this man Brown before the investigation was made? Does the gentleman know of any opportunity that has ever been given to General Walker to answer the report of this man Brown—one man's opinion?

Mr. DEVINE. That opportunity, I understand, has just been given for the first time today, when this committee of the Senate agreed to hold public hearings. My understanding is that the general is now on his way back to the United States, and that he is going to employ civil counsel in order to present his side of the story.

Mr. O'KONSKI. Does the gentleman not think it is a very sad reflection on Members of Congress and other people to condemn General Walker before he is given an opportunity to answer for himself?

Mr. DEVINE. The gentleman from Wisconsin has struck at the very core of this whole inquiry. The man should have a right to be heard, and to tell his side of the story. Maybe he is wrong, but let us find out.

Mr. O'KONSKI. If the gentleman will yield further, if the military gets by with this—and I would like to interject one more thing: the 32d Division of Wisconsin was called up yesterday and, naturally, I had several calls asking how various members of that division could be deferred from reporting to active duty. This is the report I gave to one of the people who called. I asked him if he really wanted to get out. He said that he did. I said "You go get a film of 'Operation Abolition' and compel the members of your National Guard to hear it, and to watch it. After you see the film, get up and say some nasty remarks about communism and have somebody report you to the Pentagon, and you will not report to active duty."

Mr. DEVINE. I thank the gentleman.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman from Ohio for yielding and I wish to compliment the gentleman from Colorado [Mr. ROGERS] for bringing out a very important point in the issue before us now. It is that the gentleman from Ohio [Mr. DEVINE] cannot reveal the names of the people who have come to him from the military, because the memorandum that was issued by the Assistant Secretary of Defense has scared many of these people from even discussing this issue.

Mr. Speaker, I, too, have in my files many letters and personal communications from military personnel who reside and vote in my district advising that because of the recent issuance of this particular memorandum curtailing discussion concerning certain kinds of information on communism they fear that if they come forward with any information, their positions will be jeopardized.

Mr. Speaker, I compliment the gentleman from Colorado [Mr. ROGERS] for bringing this point out. It is a very important point. I also commend the gentleman from Ohio [Mr. DEVINE] for taking the time to explore further this very bad situation now confronting military personnel.

Mr. DEVINE. I think the gentleman will recall that yesterday on the wire out in the Speaker's lobby it was indicated that two members of the military on the west coast have been relieved of their command, or demoted, for having shown the film, "Operation Abolition."

Mr. ROUSSELOT. Today, there is a tremendous fear among military personnel about saying anything on the subject of communism or of showing the film, "Operation Abolition," which was produced under the direction of a committee of the U.S. Congress. These people fear they will be dismissed or downgraded for this kind of action.

Again I compliment the gentleman from Ohio for bringing this matter to the attention of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from Colorado [Mr. ROGERS] raised the question, How does certain information get around? Or, How did the gentleman get certain information? I want the gentleman to bear with me while I read a story that came off the United Press International wire today with respect to eavesdropping.

WASHINGTON.—House investigators told Government callers today that although "Big Brother may not be watching you, his secretary probably is listening in on your telephone calls."

The House report said a large majority of Federal agencies permit telephone eavesdropping. It recommended a complete ban on telephone monitoring by Government officials unless there is an advance warning to the person on the other end of the line.

The conclusions and recommendations were made by the House Government Information Subcommittee after an investigation of the telephone practices of 37 Government agencies.

The subcommittee said 33 of the agencies questioned permitted telephone monitoring, 21 had no regulations on the subject and 17 required no advance warning.

The report also said an initial check indicated many thousands of dollars a year are spent on listening-in devices which allow secretaries to secretly come on the line and take notes.

It quoted the General Services Administration as saying there were 876 such devices installed on telephones connected to GSA-operated switchboards.

A subcommittee spokesman, asked for a breakdown on where the listening gadgets were located, said the White House had 5, the Peace Corps 40—

The permanent law for the Peace Corps apparently still has not been signed—

the Budget Bureau 57, the Civil Rights Commission 1, and the President's science adviser 5.

The report said telephone eavesdropping should be banned and all types of listening in should be tightly controlled by clear regulations which, at the very minimum, require Government officials to warn callers of telephone monitoring.

"When this is done," it said, "it is unlikely the Government will have to run up a monthly telephone bill for secret snooping devices to permit telephone eavesdropping."

Mr. Speaker, I want to commend the gentleman for his statement this afternoon and thank him for yielding to me to put this in the RECORD.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman.

Mr. ASHBROOK. I, too, want to commend my colleague for his work in this important area. I know he took the lead on it and is following through. It is our hope, those of us in this body who want full information and who want some check, if it is at all possible, on what is going on as far as muzzling of the military is concerned, that we will be taking the lead on this. He is doing a fine job. It is important that we keep away from partisanship or rancor in this particular investigation. I know that I have been particularly glad to see that it has not been a partisan issue, that in fact a great amount of effort has been put forth, in addition to those of the gentleman from Ohio, by Members of the other party.

Mr. DEVINE. That is correct. I would like specifically to point out that the junior Senator from South Carolina has been quite active in this overall picture of the muzzling of the military. Also, in this body, the gentleman from Florida [Mr. HALEY], the gentleman from Arkansas [Mr. ALFORD], the gentleman from Texas [Mr. FISHER]—quite a number from both sides of the aisle. This is not a partisan issue.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Florida.

Mr. HALEY. I think the silencing or the attempt to silence a man with the stature and record of General Walker bespeaks a very bad situation in this Nation. I think millions of people are disturbed about this kind of thing. If the people who are charged with the defense of this Nation, realizing what the situation is, cannot speak out to other Americans, then I say we have gone way down the road to a police state. I think every American citizen, regardless of where he may be, should have the right to express his own opinion. I do not go along with the idea that just because a man expresses those opinions and takes a stand, some bureaucrat down here is going to have to say he is eccentric about things. I say to the people who are doing all this talking, go back and look at this man's military record, where he has clearly demonstrated that he wants to defend the things that have made America great. I say that the people who are doing this should be brought before public opinion to let us judge them.

Mr. DEVINE. I agree with the gentleman and thank him for his contribution. The great purveyors of freedom of speech have been very silent in this case. Has anyone heard from the American Civil Liberties Union in regard to General Walker?

Mr. BRUCE. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Indiana.

Mr. BRUCE. Scanning through one of the Washington newspapers the other day, buried down in the bottom of a column I saw an item that interested me a great deal and that should be of interest to everyone in this body. It stated that apparently the big guns were to be leveled at General Trudeau, but the Walker case was brought up and this was apparently more logical so they shifted from Trudeau to Walker. I wonder, where this type of thing becomes a pattern in our national scene, if there is any validity to this news report at all, and I cannot vouch for it. I think certainly an investigation is needed at this point. I happen to be from a district where one of the cold war seminars has been canceled as the result of all this publicity. Believe me, the people of the 11th District of Indiana are not taking kindly to censorship at the Federal level of free discussion.

I thank the gentleman for bringing this point up and making an issue of it.

Mr. DEVINE. The gentleman from Indiana has had rich experience in the field of radio and communications, and I am sure he has seen patterns develop. I was warned originally that if things got a little difficult they would try to point out General Walker as being a little psycho or eccentric. What happened the other day? They put it out as coming from the Secretary of Defense as describing him as eccentric. What does "eccentric" mean? Somebody says he is not a married man and has no children. J. Edgar Hoover is a bachelor, and he is one of the greatest Americans of our time. And so is the Speaker of the House.

Mr. BRUCE. I am always interested in these great champions of freedom of speech and those who constantly denounce guilt by association and guilt by innuendo, but I have seen since I have been in Washington more guilt by association, more insinuation, more references that because you are a friend of this man and they do not like this man, therefore, you are a bad fellow, too. But those who denounce guilt by association and guilt by innuendo are the great proponents of freedom of the press. They are doubletalk personified.

Mr. DEVINE. It is a question of where the shoe pinches.

Mr. UTT. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from California.

Mr. UTT. I appreciate the gentleman from Ohio yielding to me. I did want to say to him that this is not limited to the Military Establishment. I received a letter just the other day from the parents of a constituent of mine who had been for 15 years in the Forestry Service under civil service. Because he was giving anti-Communist lectures to various Rotary clubs and other clubs on his own time he was summarily fired from the Forestry Service, after 15 years of civil service. I sent a letter and the speeches down to the Secretary of Agriculture for his comment as to whether or not that was going to be the policy of the Department of Agriculture, and asked the Civil Service Commission for comments from them to see whether or not anti-Communist talks by those under civil service are going to be ground for being summarily fired from their jobs. So it is not a matter of the military, it now involves another 3½ million Federal employees who are under the same oath the military is under. It can lead to softening up the country for appeasement, coexistence, and ultimate surrender to the international Communist conspiracy.

Mr. DEVINE. In connection with the point brought up by the gentleman from California [Mr. UTT], it is rather disturbing today that apparently it is unpopular, it is considered corny or something to be a patriot. You are criticized for having some pride in the nationalism of the United States of America, the Stars and Stripes. When someone gets up and makes a report that is for America or is anti-Communist, as pointed out by the gentleman in connection with this Forestry employee, they are immediately stepped on. It is probably coincidence—I hope so—but on December 5 of 1960 there was a meeting in Moscow attended by 81 nations, including the United States, a meeting of the Communist Party.

One of the things they pointed out, and which they stressed very strongly, is this. There is developing across these United States a strong anti-Communist movement and they had to do something about it. What did they do? They have started what they call an anti-anti-Communist movement and everybody is to be stepped on, presumably, who is a patriot.

Mr. BEERMANN. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Nebraska.

Mr. BEERMANN. I commend the gentleman for exploring this problem and bringing it before us today. I would like to say, when I enlisted in World War II, part of our training was an indoctrination and understanding of what we were fighting for. Today, I believe, we are fighting socialism in our own country and communism in the world. I believe it is entirely right that our Armed Forces should be well oriented and especially well trained to cope with this problem. I thank the gentleman for yielding.

Mr. DEVINE. That is similar to the so-called pro-blue program which General Walker sponsored. Pro-blue is the opposite way of saying anti-Red. That is one of the things for which he was criticized by the Overseas Weekly.

I yield to the gentleman from Michigan [Mr. JOHANSEN].

Mr. JOHANSEN. I would like, first of all, to pay my respects to the gentleman

and compliment him for the very important service he is rendering the Nation and to the cause of free expression on the part of the responsible officials of the United States including those who wear the uniform of the United States. I would like to supplement his reference to the Moscow document of last December and point out that they are picking up some good American phrases now in their memorandums, and they refer particularly to witch hunting activities in this country, and by reason of my membership on the House-Un-American Activities Committee, I was complimented to have the recognition that we are apparently causing some concern. I would like to offer one other comment. The disarmament legislation we voted on yesterday provides for intervention in the field of the military although under the guise of arms control. Yet this legislation, far from precluding those throughout the organization that is to be set up from expressing their views, specifically provides for public relations activities which being translated means propaganda. So, it depends first of all on whether you wear the uniform and, secondly, which side of the case you are arguing from.

Mr. DEVINE. In that connection, I would like to point out to the gentleman, I think the gentleman from Iowa [Mr. KYL] about 10 days ago here on the floor of the House read excerpts from the speech of the President of the United States in making his address to the graduating class of the U.S. Naval Academy at Annapolis, and in his remarks and, of course, I cannot quote them from memory correctly but, in effect, he said that the people in the service branches of our Government are supposed not to involve themselves in politics. But, he said, speaking of himself as President, in his rather rapid rise from lieutenant junior grade in the Naval Reserve to Chief Executive of the United States, he did not pay heed to that admonishment as to politics. He says it is the duty of military people of this country not only to know how to throw a hand grenade or fire a rocket but to acquaint themselves and their subordinates with their country's economic and political situations, and that, I believe, is just what we should find out from the hearings that have been authorized by the other body, and it is what I believe General Walker was doing.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Florida.

Mr. CRAMER. I was going to touch on the remarks of the President at the graduation exercises at the Naval Academy which seemingly would have set a pattern or given the attitude of the administration with regard to participation by the military in matters affecting the Government, which I think any American citizen has the right to participate in. In the actions and in regard to the matter which the gentleman is bringing out, it clearly indicates that apparently there has been a complete reversal so far as the attitude of the administration in this field is concerned.

The other aspect of the subject matter under discussion is this: You recall, I am sure all of us do, the constant harping and criticism of the previous administration on failure to provide information. I think it is very interesting to compare the information that the previous administration permitted being given out, including the clear unwillingness of President Eisenhower to muzzle the military. Admiral Burke, time and time again, told the American people what the real Communist menace was, and still others alerted the American people to the menace. President Eisenhower did not attempt to muzzle him, yet the very first speech, as I recall that the admiral was going to make under the new administration, he was called on the carpet, his speech was edited, and then he was permitted to give it. Is that freedom of information under the New Frontier, I ask the gentleman?

Mr. DEVINE. Apparently it is. I am sure the thousands of communications Members of Congress are receiving demonstrate clearly that they feel that this was an injustice, also that they are concerned about this so-called anti-anti-Communist movement and the freedom of speech proposition, particularly the condemning a man prior to investigation.

Mr. CRAMER. Mr. Speaker, will the gentleman yield for one further comment?

Mr. DEVINE. I yield to the gentleman from Florida.

Mr. CRAMER. I have always felt that a Member of the U.S. Congress was entitled to information concerning matters involving his district, his State, and his Nation, in which he had a particular interest on any matter that did not involve national security in fact, unless, of course, he was a member of an interested committee which he would not otherwise be entitled to. But under this administration it has been brought to my attention from personal experience that time and time again subordinates at the department will not give out information. Subordinates have specific instructions to refuse to discuss a Member's matters even involving his own congressional district, and if he wants to know anything about this matter he has got to go to the head of the agency.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. CRAMER. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio may proceed for 3 additional minutes.

The SPEAKER pro tempore. The Chair reminds the gentleman that there are other special orders.

Mr. CRAMER. I still make the request. If the Members having special orders wish, they may object, of course.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 3 additional minutes.

Mr. CRAMER. In these instances it has been suggested that if I wish information I should go to the head of the agency involved. So you call the head of the agency. The head of the agency is in conference. I have never seen so many heads of so many agencies in so many conferences at the time a Congressman called, in the 7 years I have been in this body; they are always in conference.

Then when you do get them on the telephone and ask about some facts you are always advised: "Well, we have not made a decision on that and we are not in any position to discuss it." Then, when a decision is reached, it is always announced in the name of the President of the United States, which is to be expected. As I understand it, that is pursuant to instructions previously issued by the President that any announcement coming from any agency should carry the name of the President of the United States and of the administration.

I think it is high time that this administration recognized that the Members of this body, be they Democrats or Republicans, are entitled to information, to consultation with subordinates, to an opportunity to discuss these matters that are vital to the interest of their district, as well as to the State and to the Nation.

I, for one, feel very deeply that I have that responsibility, I have that right, and I do not like the idea of the administration's muzzling every subordinate down the line except those who are in charge of the department; and I have had enough experience already to be satisfied that that is precisely what is being done. And that is freedom of information under the New Frontier.

Mr. PRICE. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield.

Mr. PRICE. I just want to recall to the gentleman from Florida that I just came through 8 years of the Eisenhower administration.

As a Member on this side, I had the same experience he is complaining of under this administration.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Florida.

Mr. CRAMER. I would suggest to the gentleman that, of course, I would not challenge any matter he might state with regard to his own personal experience. I would say, Mr. Speaker, I do not recall complaints on the part of Members of the other party, the Democratic Party on the other side of the aisle, during the Eisenhower administration, from the standpoint of providing information. I am not asking for secret information. I trust the gentleman will join with me in suggesting to this administration if he did not like it under the other administration he should not like it under this administration.

Mr. PRICE. If the gentleman has any difficulty in trying to get information, I shall help him.

Mr. HOFFMAN of Michigan. Mr. Speaker, in view of the fact there is only one other special order and the manuscript has already been handed in, I ask unanimous consent that the gentleman may proceed for an additional 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. PRICE. Mr. Speaker, reserving the right to object, and I certainly will not object, I am enjoying this political colloquy here. As I stated before, I think every Member on this side has the same type of complaint to make against the previous administration that the gentleman from Florida has mentioned he has under this administration. Things occurred in my district that a Congressman was not advised of. They had read it in the newspaper or it was announced by a Member of the other party. I think these are things that those of us who have been around here for many years are acquainted with. I think we have been able to take them in stride during the years.

Mr. CRAMER. Mr. Speaker, reserving the right to object, and I shall not object, I am not talking about a final announcement by an agency regarding specific projects, regarding locations, regarding post offices or an appointment. I do not expect to be consulted on those things, and that is all right with me. You relieve me of a substantial burden. But I do say that I do not recall criticism by Members on the other side of the aisle with regard to the ability of a Member to consult with those subordinates before a decision is made. That is what I am talking about. In other words, to be able to sit down and talk to those people, express your interest in a given project, to plead your case before a subordinate. But under this administration they will not let the subordinate talk to you. Do you know what happened in one instance?

Mr. HOFFMAN of Michigan. Mr. Speaker, I withdraw my unanimous consent request.

Mr. JOHANSEN. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 10 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. RANDALL. Mr. Speaker, reserving the right to object, concerning the subordinates, I want to briefly give you a personal experience I have had. We have not been here 7 years, we are only in our third year. But we experienced the very same thing the gentleman has been complaining about under the Eisenhower administration with these same subordinates. I would like the House to know that the Eisenhower administration refused to get us some letters of Members of the House.

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present. (After a pause.) Mr. Speaker, I withdraw the request.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the gentleman from Ohio may proceed for 10 additional minutes. Is there objection to the request?

There was no objection.

Mr. DEVINE. Mr. Speaker, I regret that this Walker matter to which I originally addressed my remarks has resolved itself into perhaps a little political colloquy. There was no intention of doing that.

As I said at the outset, there are many persons on both the Democratic as well as the Republican side that are vitally interested in seeing justice done. My interest in the Walker case, as I said, started when I took the floor on August 17. I said I did not know the gentleman; I knew nothing about him other than the facts I read in the papers, and it appeared to me that he had been charged without an investigation; that he had been relieved of his command; that he had a tremendous war record, and I thought he was entitled to a hearing, and that was the purpose of my letter to the chairman of the House Committee on Armed Services for introducing my Resolution 372.

Mr. WALLHAUSER. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from New Jersey.

Mr. WALLHAUSER. As I understand your remarks, you are making two very important points: one, that he be given his day in court, and two, that his case not be prejudged.

Mr. DEVINE. That is correct.

Mr. WALLHAUSER. That is all you are asking?

Mr. DEVINE. That is all I am asking.

Mr. WALLHAUSER. I do not honestly believe that any American in the United States of America or elsewhere could ever object to the two points you are making.

Mr. DEVINE. The American people are asking, What is the truth? That is all we want.

Mr. WALLHAUSER. And that is your whole point?

Mr. DEVINE. That is correct.

Mr. WALLHAUSER. Therefore I commend the gentleman. I think you have stated the issues very clearly, and I hope that we will not get into further colloquy such as we have had.

Mr. DEVINE. I agree with the gentleman and I thank him for his contribution.

Mr. CRAMER. Mr. Speaker, will the gentleman yield further?

Mr. DEVINE. I yield.

Mr. CRAMER. I want to continue with just one comment concerning the subject matter I got into just a moment ago, if the gentleman will permit.

I had requested to discuss a matter with a subordinate of one of the departments. I discussed it with him. He gave me a factual report. Subsequently an application was made involving the subject matter which he discussed with me which came from the State of Florida. That person happened to have made a determination in his own mind—and he is a professional employee—made a determination that apparently was contrary to the wishes of the Administrator. That man is now in Russia, investigating public works in Russia, at the time that the State application is up for consideration. Now, that is an example of what I am talking about. I think that a Member of this House is entitled to plead the case of his district in any matter he is interested in before someone who is a subordinate within a department and charged with the primary administrative responsibilities on such matters. That is the reason I made the point that I did.

Mr. DEVINE. I thank the gentleman.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. That is all very interesting, and the gentleman has a well qualified champion in the chairman of the subcommittee of the Committee on Government Operations, the gentleman from California [Mr. Moss]. He has been holding hearings for 5 years on that subject, and I have been here 25 years, and I have never discovered any difference between a bureaucrat who was a Republican or one who was a Democrat. They will all keep the information if they do not want to divulge it, especially if it reflects on them or one of their superiors.

Mr. DEVINE. I thank the gentleman.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MACDONALD (at the request of Mr. MCCORMACK), from September 20 through September 29, 1961, on account of official business.

To Mr. Moss (at the request of Mr. MCFALL), for an indefinite period, on account of death in the family.

STEAMSHIP CONFERENCES

Mr. BONNER submitted a conference report and statement on the bill (H.R. 6775) to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RYAN, for 30 minutes, on Friday next, September 22, 1961.

Mr. VANIK, for 30 minutes, on Saturday next, September 23, 1961.

Mr. MADDEN, for 20 minutes, on Friday, September 22, 1961.

Mr. RANDALL (at the request of Mr. THOMPSON of New Jersey), for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. KLUCZYNSKI and to include a proclamation.

Mr. MATTHEWS.

Mr. THOMPSON of New Jersey.

Mr. PELLY.

Mr. ROUSH.

(The following Members (at the request of Mr. WALLHAUSER) and to include extraneous matter:)

Mr. CURTIS of Missouri.

Mr. ANDERSON of Illinois.

Mr. KEITH.

Mr. CONTE.

(The following Members (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. SLACK.

Mr. HEMPHILL.

Mr. BOLAND.

(The following Member (at the request of Mr. WALLHAUSER) and to include extraneous matter:)

Mr. DENT.

Mr. FINDLEY (at the request of Mr. WALLHAUSER) was given permission to extend his remarks in the body of the RECORD on House Resolution 393 and to include extraneous matter.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 520. An act to authorize certain modification of the existing project for the Kaskaskia River, Ill., for navigation purposes; to the Committee on Public Works.

S. 2008. An act to amend the act of September 1€, 1959 (73 Stat. 561, 43 U.S.C. 615a), relating to the construction, operation, and maintenance of the Spokane Valley project; to the Committee on Interior and Insular Affairs.

S. 2102. An act to redesignate the Jefferson division of the eastern district of Texas as the Marshall division; to the Committee on the Judiciary.

S. 2194. An act to amend the District of Columbia Unemployment Compensation Act of 1935, as amended; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H.R. 2279. An act to provide for the withdrawal from the public domain of certain lands in the Granite Creek area, Alaska, for use by the Department of the Army at Fort Greely, Alaska, and for other purposes;

H.R. 3401. An act for the relief of Salvatore Cairo;

H.R. 5343. An act to amend section 5021 of title 18, United States Code;

H.R. 5754. An act to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property as revised at Lisbon, Portugal, October 31, 1958;

H.R. 5613. An act for the relief of Fernando Manni; and

H.R. 8302. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER pro tempore announced his signature to enrolled bills of the Senate of the following titles:

S. 29. An act for the relief of Ok Nyu Choi (Ann Wollmar);

S. 158. An act to confer upon the domestic relations branch of the municipal court for the District of Columbia jurisdiction to hear and determine the petition for adoption filed by Marie Taliaferro;

S. 262. An act for the relief of Constantinos Georgiou Stavropoules;

S. 263. An act for the relief of Guisseppe Glorioso;

S. 264. An act for the relief of Mr. and Mrs. Franklin Leong;

S. 547. An act for the relief of Young Jei Oh and Soon Nee Lee;

S. 553. An act for the relief of Olga G. Coutsoubinas and Spyridon G. Coutsoubinas;

S. 592. An act for the relief of Nishan Der Simonian;

S. 976. An act for the relief of Maria Trela Terpak;

S. 1053. An act for the relief of David Lew Huie;

S. 1234. An act for the relief of Max Haleck;

S. 1355. An act for the relief of Helen Haroian;

S. 1537. An act for the relief of Mrs. Renee Deri;

S. 1585. An act for the relief of Margherita Ferrelli D'Amico;

S. 1750. An act to strengthen the Federal Firearms Act;

S. 1786. An act for the relief of Heripsime Hovnanian;

S. 1787. An act for the relief of Giovanna Vitello;

S. 1880. An act for the relief of Johann Czernopolsky;

S. 1906. An act for the relief of Fares Salem Salman Hamarneh;

S. 1947. An act for the relief of Annemarie Herrmann;

S. 2070. An act for the relief of Kabalan Farris; and

S. 2118. An act for the relief of Dr. John Lopinto Arzaga.

ADJOURNMENT

Mr. PRICE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p.m.) the House adjourned until tomorrow, Thursday, September 21, 1961, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1329. A letter from the Director, Bureau of the Budget, Executive Office of the President, relative to reporting that the appropriation to the Department of Agriculture for "Forest protection and utilization," Forest Service, for the fiscal year 1962, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

1330. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, relative to reporting that the appropriation to the Veterans' Administration for "Readjustment benefits" for the fiscal year 1962, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

1331. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement relating to the following watersheds: Escondido Creek, Calif.; Upper Quaboag River, Mass.; Gering Valley, Nebr.; Gum Neck, N.C.; Wagon Creek, Okla.; Pine Creek, Tenn.; and northeast tributaries of the Leon River, Tex., pursuant to the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Agriculture.

1332. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting a plan for works of improvement relating to the following watershed: Box Elder Creek, Mont., pursuant to the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Public Works.

1333. A letter from the Administrator, General Services Administration, transmitting a report on the progress of the liquidation activities of the national defense, war and reconversion activities of Reconstruction Finance Corporation, pursuant to Public Law 163, 83d Congress, and Reorganization Plan No. 1 of 1957; to the Committee on Banking and Currency.

1334. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases where the authority contained in the Immigration and Nationality Act was exercised in behalf of such aliens, pursuant to the Immigration and Nationality Act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MURRAY: Committee of conference. S. 739. An act to amend the Civil Service Retirement Act, as amended, with respect to the method of computing interest earnings of special Treasury issues held by the civil service retirement and disability fund, to provide for permanent indefinite appropriation to said fund, and for other purposes (Rept. No. 1240). Ordered to be printed.

Mr. DAWSON: Committee on Government Operations. Eighth report on consumer protection activities of Federal departments and agencies (Rept. No. 1241). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1243. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. MILLS: Committee on Ways and Means. H.R. 3508. A bill to amend the Tariff Act of 1930, as amended; with amendment (Rept. No. 1244). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 472. Resolution taking the bill H.R. 9118 from the Speaker's table and sending it to conference; without amendment (Rept. No. 1245). Referred to the House Calendar.

Mr. BUCKLEY: Committee on Public Works. Report on relationship between road contractors and personnel in Florida; without amendment (Rept. No. 1246). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee of conference. H.R. 6775. A bill to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences (Rept. No. 1247). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee on the Judiciary. H.R. 8325. A bill for the relief of Harrison Thomas Harper; without amendment (Rept. No. 1242). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL:

H.R. 9314. A bill to provide adjustments in order to make uniform the estate acquired for the Vega Dam and Reservoir, Colbran project, Colorado, by authorizing the Secretary of the Interior to reconvey mineral interests in certain lands; to the Committee on Interior and Insular Affairs.

By Mr. DONOHUE:

H.R. 9315. A bill to amend the provisions of title 35 of the United States Code relating to the oath of applicant for patent, and the provisions of the Trademark Act of July 5, 1946, relating to verification by the applicant of application for trademark registration, and for other purposes; to the Committee on the Judiciary.

By Mr. FULTON:

H.R. 9316. A bill to provide for the establishment of a Federal Advisory Council on the Arts to assist in the growth and development of the fine arts in the Nation's Capital and elsewhere in the United States; to the Committee on Education and Labor.

By Mr. HENDERSON:

H.R. 9317. A bill to amend title 39 of the United States Code to provide for restoration of salary to postmasters in post offices of the fourth class in certain cases; to the Committee on Post Office and Civil Service.

H.R. 9318. A bill to replace the existing tariff schedules and trade agreements provisions of the Tariff Act of 1930, and for other purposes; to the Committee on Ways and Means.

By Mr. HERLONG:

H.R. 9319. A bill to amend the Internal Revenue Code of 1954 to require the filing and publication of additional information by certain tax-exempt nonprofit organizations which conduct public fund drives, in order to protect the public against improper utilization of the proceeds of such drives; to the Committee on Ways and Means.

By Mr. MACK:

H.R. 9320. A bill authorizing the change in name of the Beardstown, Ill., flood control project, to the Sid Simpson-Beardstown flood control project; to the Committee on Public Works.

By Mr. CLEM MILLER:

H.R. 9321. A bill to provide that certain Federal lands exclusively administered by the Secretary of the Interior shall be managed under the principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RILEY:

H.R. 9322. A bill to place certain limitations on the authority of the Federal Communications Commission to delete previously assigned very high frequency television channels, to give the Commission certain regulatory authority over television receiving apparatus, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN:

H.R. 9323. A bill to amend part III of the Civil Rights Act of 1957; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 9324. A bill to regulate the foreign trade of the United States by providing safeguards to domestic industry against unfair and destructive imports and to authorize reciprocal trade agreements between the United States and foreign countries; to the Committee on Ways and Means.

By Mr. WALTER:

H.R. 9325. A bill to amend the Subversive Activities Control Act of 1950 so as to provide that any Federal officer or employee who willfully fails or refuses to answer, or falsely answers, certain questions relating to Communist activities or national security, when summoned to appear before any Federal agency, shall be removed from his office or employment; to the Committee on Un-American Activities.

By Mr. ASHBROOK:

H.R. 9326. A bill to suspend all payments and contributions by the United States to the United Nations and its constituent agencies pending the completion of an investigation by a joint congressional committee of United Nations operations in the Congo; to the Committee on Rules.

By Mr. BYRNE of Pennsylvania:

H.R. 9327. A bill to prohibit discrimination in education, housing, public accommodations, and employment, or against public officials because of race, color, religion, ancestry, or national origin, and for other purposes; to the Committee on the Judiciary.

By Mr. EVERETT:

H.R. 9328. A bill to impose an additional duty on strawberries and strawberry products; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 9329. A bill to prohibit payment under the 1962 feed grain program for the retirement of phantom acres; to the Committee on Agriculture.

By Mr. ST. GERMAIN:

H.R. 9330. A bill to amend section 103(a) of the Housing Act of 1949; to the Committee on Banking and Currency.

H.R. 9331. A bill to amend clause (3) of section 402(a) of the Federal Food, Drug and Cosmetic Act; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL:

H.R. 9332. A bill to amend the Civil Service Retirement Act to provide that certain service in the Coast and Geodetic Survey shall be considered military service for the purposes of such act; to the Committee on Post Office and Civil Service.

By Mr. CLEM MILLER:

H.R. 9333. A bill to protect homebuyers by imposing certain requirements and conditions upon loans made to builders or developers, to assist in financing the acquisition and development of land for residential usage, by member banks of the Federal Reserve System, banks insured by the Federal Deposit Insurance Corporation, and Federal savings and loan associations; to the Committee on Banking and Currency.

By Mr. DOMINICK:

H. Res. 471. Resolution for early passage of a long-term Sugar Act; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 9334. A bill for the relief of Stephen A. Eskin; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 9335. A bill for the relief of Isignia Kaloudi Bouziotis; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 9336. A bill for the relief of Antoni Mentel; to the Committee on the Judiciary.

By Mr. MONAGAN:

H.R. 9337. A bill for the relief of Guerino Venditti; to the Committee on the Judiciary.

By Mr. ROUSSELOT:

H.R. 9338. A bill for the relief of Mrs. Clara Tan Wong (Dam To Quyen); to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 9339. A bill for the relief of Joanna Nicolacopoulo; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Labor Sunday Address by Representative Rhodes, of Pennsylvania

EXTENSION OF REMARKS

OF

HON. JOSEPH S. CLARK

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 20, 1961

Mr. CLARK. Mr. President, I commend to my colleagues' attention the inspiring Labor Sunday address by Congressman GEORGE M. RHODES, of Pennsylvania, to the Kuendig Memorial Bible Class in St. John's Evangelical Lutheran Church in Reading, Pa., which was broadcast over Reading station WEEU on September 3, 1961. On that occasion Mr. RHODES spoke with clarity and insight concerning the unfinished business and goals of the American labor movement, and I ask unanimous consent that the text of his remarks be printed in the CONGRESSIONAL RECORD.

There being no objection, the text of the speech was ordered to be printed in the RECORD, as follows:

LABOR SUNDAY MESSAGE

Ladies and gentlemen, I welcome the opportunity on this Labor Sunday to speak on a matter of great importance to all who are concerned about the dangers that surround us and about our responsibilities and our duties as citizens of a free society.

These are serious and challenging times, as we all can agree. We live in a land of great opportunity. We are divinely blessed as a Nation with great wealth and great natural and human resources. Vast surpluses and abundance of food and other essentials of life offer more than enough for all. As a Nation we have great productive power. We have the know-how to do the things that should be done.

Yet we face in this country of ours serious shortages in such important areas as school classrooms, hospital beds, highways, conservation, recreation, sewer and sanitary systems, health centers, and other public services.

Over 5 million citizens are unemployed in our country, despite all the work that needs to be done. Over the years, this heavy unemployment represents untold billions of dollars in lost productivity and a waste of human and natural resources that is too staggering to estimate.

Many of our most talented youth are being denied educational opportunities for the lack

of school facilities or because their families cannot afford to pay for a college education. This terrible waste of brainpower is unjustifiable, particularly because it is so important to our Nation's security and survival that we develop the best talent in our youth.

Many of our fellow men in these United States are in distress. Many are in need, despite great surpluses and waste. One-fifth of our population, about 30 million people, live on incomes that are below a decency level. In our own Berks County there are 10,000 jobless who seek employment in vain. It is the aged, the handicapped, and racial minorities who suffer most. But the victims of unemployment include many who are strong and healthy. How in good conscience can we ignore their plight? These are matters of much concern to labor people. Labor unionists are close to this problem and are constantly seeking legislation to correct this condition.

These problems also concern the church, for all over the Nation today on this Labor Sunday the country's major religious faiths are urging a cooperative approach to these problems.

Enlightened and dedicated leaders of both labor and management join in recognition of the need for mutual understanding, good will and the application of Christian principles to labor-management relations, and to the social and economic problems which confuse and divide us.

True, there are basic labor-management problems such as organizational rights, union security, collective bargaining, strikes, lockouts, and violence, over which there is much controversy and conflict.

In recent years, however, much progress has been made in collective bargaining and in avoiding lockouts and strikes. But much remains to be done. Strikes are very costly to both sides. Often many persons who are only indirectly involved are adversely affected. Major strikes often result in public inconvenience and at times affect vital public services. No one likes strikes, least of all those directly involved. The only remedy is good will, mutual trust and cooperation between labor and management.

The right to organize is universally recognized, yet it is the denial of this right which is responsible for much of the violence and strife in labor-management disputes.

Industrial conflict is a sort of civil war which we can ill afford today when the whole world seems to be on fire. Our own security and survival calls for cooperative effort between labor and management and a recognition of the common interests we all share in an enlightened, united and prosperous nation.

It is, however, on social and economic problems, and proposals for their solution where organized labor groups come into sharpest conflict with organizations of management. It is labor's influence for social and economic reform that causes management groups to object to political action by labor unions.

It is a conflict of political philosophy which fundamentally has to do with the distribution of our national wealth and income and how well and how fairly the average citizen shares in our Nation's productivity and wealth. It is the glaring inequities and the wide gap in incomes that lead to most of our troubles.

This was recognized in the first Labor Sunday message issued for use in Protestant churches back in 1917. Since 1950, Labor Sunday has been sponsored by the National Council of Churches of Christ in the United States. Labor Sunday messages have made a valuable contribution to better understanding and good will, and have strengthened our free way of life. These messages have given renewed moral and spiritual strength to working people and to labor and management leaders.

On this Labor Sunday, in messages from leaders of the three major religious faiths in our country, comes again the recognition of this problem. These religious leaders have again called for a cooperative approach to the problems that beset labor and management—problems in which government also shares a vital interest, and problems which directly or indirectly affect us all.

There is much similarity between the objectives of the church and the social and economic programs advocated by labor. I am sure that every sincere, honest, and dedicated union member can subscribe to the statement adopted by the Fourteenth Biennial Convention of the United Lutheran Church in America made back in 1944.

The church proclaims Christian principles that provide a complete and perfect solution for labor-management problems which are really human problems. It recognizes serious tensions in the field of human relationships. The Lutheran 1944 statement, presented these principles, commending consideration particularly by labor leaders, industrialists and all those directly responsible for the well-being, prosperity and peace of our Nation.

Let me quote a few of these basic principles as pronounced by the Lutheran Church in its statement on labor.

God's moral order recognizes no class system. In His sight, all men are of eternal worth. He is no respecter of persons.

In God's sight every calling, however high or humble, which contributes to human welfare, is sacred and has His blessing.

God has abundantly provided the resources of the earth, primarily for human benefit. Possessions are a sacred trust to be used not for selfish materialistic ends, but for human betterment, today, and in future generations.

God expects all to share the burdens of daily life. He requires the strong, the privileged and the able to help the less privileged and the weak.

On duties and rights, the Lutheran message on Labor proclaims it is the duty of all men to work. It is the duty of all Christian men to so organize their relationships that everyone may have an opportunity for gainful employment.

It is the duty of every man to provide an adequate living for himself and his dependents. It is the duty of Christian men to so order their economic relationships that, in a world where God has provided "enough and to spare" for all, every man who is worthy and willing to work may obtain an adequate living for himself and his dependents.

The social order should be so organized as to secure and protect every man in the rightful possession and enjoyment of the fruits of his industry.

It is the duty of every man to develop to the maximum, through education and training the abilities with which God has endowed him. It should be the goal of a Christian social order to provide maximum opportunities for the education and training of all its members.

It is the duty and right of every man to worship God according to the dictates of his own conscience. The social order should guarantee to every man complete freedom of worship.

It is the duty of every man to cooperate in the establishment and maintenance of Government so that maximum civil liberties may be enjoyed by all with equal protection for all under the law without discrimination as to race, color or creed.

It is the right of every man freely to set up and to maintain, in cooperation with his fellow man, such forms of health and accident insurance, provision for medical care, unemployment relief and insurance, and old-age pensions as will provide security against the hazards of life.

According to the Lutheran message this is what the church must do to insure the performance of these duties and rights in human society. It says the church in a practical way should:

Champion the just cause of every man, regardless of his social status.

Advocate that service to society be regarded as the standard of social worth.

Proclaim always that the only cure for human selfishness and greed which are the common sources of industrial controversy is the Christian spirit of sacrifice for the greater good, growing out of love for God who desires men to live in a spirit of unselfish brotherhood.

Insist that democracy in industry is the only foundation for economic well-being.

Seek to develop in the church and community mutual understanding and good will between various groups.

Protest the use of force, violence, and sabotage by either labor or management in industrial disputes.

Encourage the promotion of community clinics, and such other cooperative enterprises as are conducive to human betterment.

Encourage the strong to share the burdens of the weak.

Think more about duties and less about rights. If men understand and do their duty, rights will follow, and problems will be solved.

Confront all men with the message of Jesus Christ, which alone satisfies the deeper human needs.

These basic principles and objectives expressed in the statement by the United Lutheran Church are a blueprint not only for Christian conduct and living but the only effective answer to our domestic problems and to the challenge of crass materialism and Communist tyranny.

Every well-informed working man and woman can sincerely subscribe to those high ideals and noble objectives.

Enlightened representatives of management also accept them, not only in the interest of good labor-management relations, but as a matter of intelligent self-interest and a recognition of the common interests we all share in a prosperous economy, a nation morally, spiritually and economically strong and united.

I have always believed that a labor union must be much more than an economic weapon to gain advantage for its members, important as this may be. It must be a force for social and economic justice, not only for union members, but for all working people and for all citizens. It must be an influence for community betterment and for promoting the public welfare.

Labor union members, like other folks, are generally good citizens. As a group, they have the same good qualities and the same human weaknesses that are found in all other groups in our society. This is equally true in management.

There are wide differences in labor and management views and interests. But in each group, most individuals are dedicated, sincere, and honorable men and women. On each side it is but a small minority who betray the trust and confidence of their associates for illicit personal gain.

A major obstacle to good labor-management relations is the lack of trust and confidence in each other and the failure to apply commonsense principles and the Christian approach to our problems.

Neither labor nor management has a monopoly on virtue or sin.

But the very nature of labor unions has made them an effective force for the advancement and enactment of programs like social security, unemployment insurance, housing, education, workmen's compensation, and many laws that have contributed to the

security and well-being of all workers, union and nonunion, and of all American citizens.

It is labor's political efforts for such legislation which offends conservative management groups which have historically opposed social reform programs sponsored by labor organizations.

It is quite evident that organized workers played a major role in every important economic reform and social advance made during the past century.

It must also be said that among the leaders in great forward movements in the United States were men of great wealth. Thomas Jefferson is a shining example.

Today, as in the past, the application of Christian principles of brotherhood, social justice, and good will, is the answer to pressing human problems and the dangers that confront us.

We must intelligently and justly solve these difficult domestic and internal problems if we are to successfully meet the challenge of communism and the threat to human freedom around the world.

Only by national unity and by examples of social justice can we show the world that democracy, with its recognition of moral, spiritual and human values offers hope for future peace and progress.

It has been our lot to live in a time of great social upheaval. The world has been made smaller by progress made in the fields of communication and transportation. Exploding populations have added to the world problems. In many parts of the earth people live in poverty and without hope. Tonight more than a third of the world's children will go to bed hungry.

Feeding on hopeless and impoverished people, communism continues to grow. The whole world fears the threat of Communist slavery and the catastrophe of nuclear war.

The world crisis dwarfs our domestic problems. Yet we cannot intelligently disassociate domestic policies from foreign affairs. What we do in our own country, whether good or bad, affects our prestige and influence in other lands, and is a factor in the cold war between the free world and Communist tyranny.

On this Labor Sunday, let us all rededicate ourselves to the application of Christian principles of social justice, good will, mutual understanding and higher ethical, spiritual and moral standards.

There is no other answer to solve our problems at home if we are to keep our country strong and free.

There is no other answer if we are to keep the world free from Communist dictatorship and totalitarian slavery. There is no other answer to the threat of atomic and nuclear war which even for the victors would mean mass suicide and desolation.

Yet the application of Christian principles for the solution of our social and economic ills is not an easy task. You will hear powerful voices opposing necessary action to end the waste of unemployment and the waste in human and natural resources.

You may be tagged as a do-gooder, as if there were something wrong in doing good. Even your loyalty may be questioned. The road ahead is not an easy one.

Widespread confusion grows with false fears that our country cannot afford to do what is essential for its own strength and survival. We drift on with unfilled human and public needs while great machines and millions of men stand idle.

Yet we need not be without hope and faith in the future. In the world crisis time and history are on our side, on the side of right and freedom. No tyranny can long survive, for the spark of human freedom burns deep in human breasts. It can never be extinguished. However low it may sometimes burn, it will again burst into a flame.

With you, I subscribe to the principles pronounced by the United Lutheran Church as a solution of labor management problems and our Nation's social and economic ills.

Let us together again dedicate ourselves to these objectives as a service to our fellow man, to our country, and to God.

Dedication of Our Sunday Visitor

EXTENSION OF REMARKS
OF
HON. J. EDWARD ROUSH
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1961

Mr. ROUSH. Mr. Speaker, today the third home of the Our Sunday Visitor is being dedicated. Founded nearly 50 years ago in most humble surroundings by the late Archbishop John Francis Noll in Huntington, Ind., the Our Sunday Visitor has grown to become the world's largest Catholic publishing firm. Their principal publication, the Our Sunday Visitor, has circulation of over 1 million and is the largest circulation Catholic newspaper in the United States.

The new OSV publishing plant provides 240,000 square feet of working and storage space. The equipment, from the office furnishings to the printing presses, are the most modern available. The building itself is indicative of the growth and the success of this publishing firm.

Much of the success of the Our Sunday Visitor can be credited to the outstanding talents and dedicated spirit of Archbishop Noll. He founded the Our Sunday Visitor as a weekly news magazine to fill a need he saw for instructive material for the general laity of his faith. A prolific writer and a capable administrator, Archbishop Noll's publishing venture became an immediate success. Within a year, circulation of his weekly paper climbed to 160,000. Archbishop Noll served as publisher of the Our Sunday Visitor, even though his other duties increased tremendously, until his death in 1956.

The present executive staff of the publishing company carries on the high traditions he established. His successor as bishop of Fort Wayne-South Bend, the Most Reverend Leo A. Pursley serves as president. Monsignor Joseph Crowley is the editor of Our Sunday Visitor and Francis A. Fink is the managing editor.

The Our Sunday Visitor is more than a successful and respected publishing firm to the people of my hometown, Huntington, Ind. It is a major employer, known for its high code of labor-management relations. It is a welcomed member of the industrial community and a leading civic force in the city.

The Our Sunday Visitor's significance to me takes on added importance in the manner in which it exemplifies the freedom of the press and the freedom of religion of our Nation. When I pass the publishing plant I think that here is a concrete example of the American way of doing things. Archbishop Noll founded the paper to defend the Catholic Church against atheistic critics. He sought to explain his ideas and his philosophy. The freedom of religion and freedom of the press not only permitted his doing so, they guaranteed him the opportunity. This, to me, is a fine example of the American Constitution in action.

Today, on the occasion of the dedication of the new publishing plant of Our Sunday Visitor by the Most Reverend Egidio Vagnozzi, the apostolic delegate to the United States, I salute the Our Sunday Visitor, its publisher, and employees and I offer my best wishes for continued success.

Springfield Public Schools Follow President Kennedy's Council on Youth Fitness Recommendations for Underdeveloped Child

EXTENSION OF REMARKS
OF
HON. EDWARD P. BOLAND
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1961

Mr. BOLAND. Mr. Speaker, President Kennedy, in his message to the schools on the physical fitness of youth, urged school boards, school administrators and teachers to strengthen all programs which contribute to the physical fitness of our youth.

I am very proud of the achievement in this most important area by the school department of my home city of Springfield, Mass. In line with the President's emphasis on physical fitness, the Springfield school department conducted a summer program for the underdeveloped child.

President Kennedy's Council on Youth Fitness made three specific recommendations for the schools to adopt. The first was to identify the physically underdeveloped pupil and work with him to improve his physical capacity. Second, provide a minimum of 15 minutes of vigorous activity every day for all pupils. And, lastly, use valid fitness tests to determine pupils' physical abilities and evaluate their progress.

The Springfield public schools, under the supervision of Mr. Robert T. Berry, director of health, physical education, and safety, complied with these recommendations in setting up a summer program for the underdeveloped child. Children were selected to participate who scored low on the youth fitness test given last spring. Director Berry informs me that the Springfield schools are extremely anxious to expand this program next summer because of the gratifying results made with a small group this year. And, the school department will continue to follow the recommendations of the President's Council on Youth Fitness during the school year just commenced, giving special emphasis to the underdeveloped child.

Mr. Speaker, I want to commend the Springfield school department, and Mr. Berry, in particular, for the fine program established for the underdeveloped

child, thus insuring the beginning of a sound basic program of physical developmental activity in the Springfield schools.

Goals of the New Frontier—Action for Prosperity, for People, for Peace

EXTENSION OF REMARKS

OF

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1961

Mr. THOMPSON of New Jersey. Mr. Speaker, when John F. Kennedy became President on January 20, 1961, he faced a wide range of urgent problems which had been swept under the rug by the previous administration:

A deepening recession: The third serious economic slowdown in 6 years. In January 1961, 5.4 million American workers were out of jobs; business failures were at the highest levels since the depression of the 1930's; housing starts were at the lowest levels since 1949; we were using only about half our steel capacity; dozens of American communities had been suffering major unemployment continuously for years; our gold supply was rapidly disappearing abroad; farm incomes were critically low; our overall national economic growth was too slow to meet our needs.

Neglected public needs: We had been falling behind in meeting the needs of our rapidly growing population for schools, roads, housing, parks, power, public facilities of all kinds.

Neglected human needs: While, happily, most Americans were living well, millions of older people, the unemployed and their families, people in depressed areas—were often getting barely enough to live on.

A deteriorating defense: While the United States still had the most powerful Armed Forces in the world, our position had been slipping in terms of relative strength compared to that of our principal opponents, especially in the critical areas of ballistic missiles and capacity for limited war.

A powder keg world: All over the world we faced explosive situations which had been neglected or patched over until all of the choices still left open to the United States were almost equally undesirable. The Congo, Cuba, Laos, Berlin, headed the parade of inherited crises. Our relations with our allies were shaky in many cases. We had only begun to face up to the challenge of the dozens of new and economically underdeveloped nations. Soviet and Chinese communism were becoming increasingly bold and aggressive.

Here is the story of some of the specific things that have been done in the first months in office of the new administration to meet these problems.

ACTION FOR PROSPERITY

President Kennedy moved swiftly to halt the recession and help meet the long-term economic problems of the United States by:

Putting more money in circulation to make more jobs: Tax refunds and VA life insurance dividends were speeded up; defense and other Government contracts were accelerated; housing interest rates were lowered; legislation to extend unemployment compensation benefits was proposed by the President and passed by Congress.

Improving farm incomes: Price support levels for many crops were raised by administrative action; an emergency feed grain program was drafted by President Kennedy and passed by Congress and farmer participation is exceeding all expectations.

Helping depressed areas: A rounded program to help depressed urban and rural areas attract new industry, provide needed public facilities and retrain workers was proposed by the President and passed by Congress.

Aid to business: Special aids to small businesses have been stepped up; an overall tax revision plan to encourage business modernization has been proposed and is under consideration in Congress.

Stopping the gold outflow: A vigorous program to restore confidence in the dollar and increase U.S. export earnings was launched.

RESULTS

The recession was licked. While unemployment is still serious, all economic authorities agree that the U.S. economy is heading upward toward new levels of overall prosperity.

Business is better. Housing starts were up sharply; business failures down; steel production and many other business indicators up.

Farm incomes are up. Total farm income was running at a rate $1 billion a year higher in 1961 than in 1960.

The gold outflow has been stopped. As early as March the U.S. supply of gold actually increased after 18 months of steady decreases.

ACTION FOR PEOPLE

To help meet neglected human and public needs, President Kennedy launched a wide range of new and expanded Government programs. Among other important measures, he acted to:

Feed the hungry: On his very first day in office, President Kennedy issued an Executive order making more and better surplus foods available to more needy families throughout the Nation.

Improve social security benefits: The President proposed and Congress has passed legislation increasing minimum social security benefits; reducing the optional retirement age for men to 62; and broadening coverage. Over 3 million of the neediest people in America, including many needy children, will benefit from these changes.

Increase and expand minimum wages: The President has proposed and Congress has approved an increase of minimum wages from $1 to $1.25 an hour and extension of minimum wage protection to millions of additional workers—the first major extension of coverage since this law was passed in the 1930's.

Help provide better homes in more livable communities: A $4.9 billion 4-year overall housing and urban redevelopment bill was proposed by the President and passed by the Congress. It provides much-needed help for low and medium income housing; aid for urban planning and redevelopment; improved urban transportation; new help to communities to secure parks and other open spaces.

Broaden civil rights: President Kennedy has put the great power and resources of the Presidency and the executive branch of the Government into the long struggle to achieve full and equal rights for all Americans—in voting, in jobs, in education, and other spheres of national life. In a recent poll of Negro leaders, an amazing 81 percent responded favorably to a question on whether they felt the new administration had "lived up to campaign promises" in this field.

ACTION FOR PEACE

In the complex and vital interrelated areas of national defense and international relations, President Kennedy took the following constructive steps, among many others, in his first months in office:

Strengthening our defenses: The President acted swiftly to step up our missile capacity as part of our nuclear deterrent. For example, our Polaris submarine program has been accelerated so that there will now be a full fleet in commission 3 years sooner than under previous plans. At the same time special steps have been taken to improve and increase our capacity for resisting aggression in brushfire and guerrilla-type warfare. Immediate troop carrier plane procurement has been stepped up by 150 percent and training of special forces in guerrilla tactics has been substantially increased. New plans have been set forth by the President to build up U.S. and allied strength to meet any contingency in connection with the Berlin crisis.

Strengthening the free world: We have cemented relationships with our traditional allies by strengthening NATO; joining the new Organization for Economic Cooperation and Development; and engaging in continuous consultation with Britain, France, West Germany, Canada, and other leading allied nations at all levels, including personal visits by President Kennedy. We have opened new doors in our relationships with the dozens of new and less developed nations in the free world by launching a new kind of foreign aid program, stressing political and social reform as well as economic and military strength; setting up the Peace Corps to enable Americans to help these countries on a firsthand basis; identifying ourselves with the ambitions of colonial peoples for independence; mounting an expanded food for peace program, and many other measures.

Being firm but not belligerent in our relations with the Communist bloc: President Kennedy has made it perfectly clear to Premier Khrushchev that the United States will not yield on the freedom of West Berlin and its people, come what may. In facing Communist

efforts at penetration in other areas—from Cuba to Laos to the Congo—we have sought to stiffen free world resistance by all means short of direct U.S. military intervention. Some of these situations had deteriorated so far that we have not been able to achieve our objectives. In others we have been more successful. As President Kennedy has emphasized to the American people, this is a long-term many-sided struggle in which there are no quick and easy solutions.

AMERICA IS ON THE MOVE AGAIN

Behind and beyond the many specific achievements that have been mentioned in this pamphlet—and many others of which space has prevented any mention—lies a basic new spirit and new approach which is the real essence of the new Kennedy administration.

This new spirit is one of vigor, of courage, of imagination, and of realism. It is the spirit of a young America with young leadership, facing up to its problems with a clear eye and a strong and steady hand.

This new approach is one of action. As President Kennedy himself said over and over during the 1960 campaign: "This country must move again." And as the New York Times summed it up: "The President is not content to say 'something ought to be done'—he does something."

President Kennedy has appealed to all Americans to participate in the challenges of the New Frontier—to work and sacrifice as may be necessary to achieve the great goals of our Nation at home and abroad. And Americans have responded enthusiastically to his call.

President Kennedy has said "Let us begin," and we have indeed begun. This country is indeed "on the move again."

Tribute to the Late Gilbert Forbes

EXTENSION OF REMARKS
OF
HON. HOMER E. CAPEHART
OF INDIANA
IN THE SENATE OF THE UNITED STATES
Wednesday, September 20, 1961

Mr. CAPEHART. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, the text of a tribute to the late Gilbert Forbes, veteran Indiana newscaster, which I have recorded for radio station WFBM and television station WFBM–TV in Indianapolis, with which he was associated.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

TRIBUTE TO THE LATE GILBERT FORBES

I personally, and all of those in Indiana who have listened to him on radio and watched him on television, have lost a treasured friend in the death of Mr. Gilbert Forbes, one of Indiana's pioneer newscasters.

Gil Forbes died in Indianapolis Monday night after a year of lingering illness.

Mr. Forbes, a native of St. Louis, had been an adopted Hoosier since he first came to radio station WFBM in Indianapolis in 1937. His newscasts became a habit with those of us who maintained a deep interest in local, national, and international affairs.

Some have called Gilbert Forbes a commentator. To me, he was a radio reporter of the highest type because he held always to his inviolable rule of objectivity in the presentation of the news.

In the early days of telecasting in Indiana, Mr. Forbes became the first new voice in that vast new media of news dissemination. He remained active in the field until his last illness. Few people knew that he was also an accomplished musician.

While Gilbert Forbes as a voice has been stilled, his memory as a fine newscaster, a leader in civic affairs and a fine gentleman will remain with those who knew him personally and over the airwaves.

Cross-Florida Barge Canal

EXTENSION OF REMARKS
OF
HON. D. R. (BILLY) MATTHEWS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. MATTHEWS. Mr. Speaker, for many years I have been a strong supporter of the Cross-Florida Barge Canal project. Such a canal would supply the missing link to an inland waterway chain that now stretches from Palatka, Fla., up the Atlantic coast, through the St. Lawrence Seaway, down the Mississippi Valley, and along the Gulf of Mexico coast to St. Marks, Fla., and consequently would benefit the entire eastern seaboard of the United States.

Please bear in mind, also, that with the present emphasis on space exploration and the building of new facilities at Cape Canaveral, this canal would be of tremendous assistance in the transportation of materiel from inland points to the cape.

During World War II, priceless cargoes and innumerable lives were lost in shipping off our Florida coast from attacks by enemy submarines, which might have been prevented if this canal had been in operation.

Recently it was announced that our future military policy would include development of conventional forces and methods of warfare. Assurance of adequate transportation is essential to such a buildup.

The President's budget this year, Mr. Speaker, contained an item of $195,000 for a meager start on this cross-Florida barge canal. Our House Committee on Appropriations refused that amount and allowed only $50,000 for a study. It is my fervent hope that the other body will restore the full amount and the House conferees will recommend retention of the $195,000 for this important project.

Let me say, frankly, that I have a great personal interest in this canal. It will pass through three counties in my district—Levy, Putnam, and Nassau. In fact, all of the counties in my district stand to benefit. Once the canal is built, I feel sure it would open up for development the entire Suwannee River waterway system and would make possible a boom in north-central Florida, which in turn would make its contribution to the economy of the Nation. We need a booming economy to support our vast and costly military defense.

Recognition of the Republic of Outer Mongolia Will Outrage Public Opinion

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. PELLY. Mr. Speaker, the 1st session of the 87th Congress is rapidly drawing to a close and I view the coming adjournment with mixed emotions. Like most of my colleagues, I am anxious to return to my home district and State, but if certain events, as prophesied, come to pass during adjournment, I for one, will sincerely regret the final fall of the gavel.

Mr. Speaker, I refer to the persistent rumor that the State Department is only awaiting adjournment to put in motion a plan involving diplomatic recognition of the Republic of Outer Mongolia. Recognition of this Russian satellite is of course only a prelude to Outer Mongolian membership in the United Nations.

I understand that Owen Lattimore, whose advice was so helpful to the success of the Communist takeover in China, and who recently returned from an extended visit to Outer Mongolia, has informally reported on his findings to high sources in the Department of State. In this connection, I believe it only fair to assume he has also made informal recommendations.

Remembering that Mr. Lattimore officially recommended in the strongest possible terms recognition of this Communist country only a few short years ago, it is not hard to imagine the nature of his present views on this subject. At that time, he stated that as in the case of the Communist Chinese, the political leaders of these people were actually agrarian reformers and patriots, and in view of the revolutionary beginnings of this country, deserved U.S. understanding and sympathy.

The argument advanced by the Department of State, that we need this listening post in the middle of the Gobi Desert, falls on deaf ears as far as I am concerned. Rather, I would regard diplomatic recognition of Outer Mongolia as another in a long list of appeasement gestures to an ideology which regards these gestures merely as signs of weakness and is in no way placated by them.

International communism will of course accept every concession the United States is willing to make; concessions, incidentally, which are one-sided. The Communist conspiracy, like the monster it is, has an insatiable appetite for these "giveaways" and its

strength is increasingly augmented by every fresh compromise at the conference table.

In the name of commonsense, I urge the State Department architects of this nefarious plan to reconsider, bearing in mind that those responsible will be held to a strict accounting by an aroused public as well as many Members of Congress, who, like myself, will deeply resent any under-the-table dealings such as this during the coming adjournment.

Golden Jubilee of the Julius Slowacki Society, Group 1356, Polish National Alliance

EXTENSION OF REMARKS
OF
HON. SILVIO O. CONTE
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. CONTE. Mr. Speaker, with all due personal and professional pride, it pleases me to commend to the attention of my colleagues the golden jubilee of the founding of the Julius Slowacki Society, of Adams, Mass.

Organized in September 1911, this venerable group has had an honorable record in its hometown of Adams, Mass., for the past half century. Started with 13 members as a fraternal benefit organization, today it numbers 552 members. Like its parent organization, the Polish National Alliance, the society has a history of dedicated community service. Since 1925, the date of its incorporation, the list of contributions to the city of Adams, Mass., is impressive and seemingly endless, ranging from the annual sponsorship of a drum corps to the sponsorship of an English course for displaced persons preparing for U.S. citizenship. Even in times of emergency and need the Julius Slowacki Society found time to help those still living in the motherland by sending packages of food and clothing to those in distress and suffering from the effects of war.

The society is proud of this record, and justly so. Their fraternal efforts have been responsible for much of the success of their peoples in their respective professional fields as well as in their Americanism.

There is one outstanding phenomenon about the people of Poland, which holds true of the Julius Slowacki Society and those wonderful people of Polish origin or descent residing in Adams, Mass., and that is their incredible ability to maintain a national purpose and integrity against odds which would make others despair. Their fierce love for the ideals of liberty and their steadfast will to keep it alive, have produced great fighters for our efforts at independence in the persons of Kosciusko and Pulaski.

During World War II, 93 members of the Julius Slowacki Society served their country in the Armed Forces attesting to their loyalty to their new land. Those not able to don the uniform contributed to the war effort by their purchase of war savings bonds in significant amounts. Today members of the Julius Slowacki Society rank high among the donors of blood so vitally needed by the sick and infirm in their community.

The world will long remember the works of Conrad, Chopin, Marie Curie, and Ignace Paderewski, to name but a few of the great personages from Poland, the mother country of many of the members of the Julius Slowacki Society.

In commemorating this gala occasion, I think it proper for us here in the Congress, to recall the contributions made to the world by these natives of Poland, and to pay tribute to the members of the Julius Slowacki Society for their proud heritage.

FCC's Proposals To Shift VHF Television Stations to UHF Channels

EXTENSION OF REMARKS
OF
HON. JOHN B. ANDERSON
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. ANDERSON of Illinois. Mr. Speaker, yesterday I introduced a companion bill to H.R. 9267, which was introduced by our distinguished colleague, the gentleman from Alabama [Mr. ROBERTS] on September 16. I wish to endorse the remarks that he has previously made in the RECORD concerning this matter, for I, too, am seriously concerned by the FCC's proposals to shift VHF television stations to UHF channels.

One shift of a VHF station to UHF already proposed by the FCC affects WREX-TV, which now operates on channel 13 in my hometown of Rockford. I understand that if WREX-TV is forced to shift from channel 13 to UHF it would not be able to serve about 6,000 square miles of the area it now serves. If this shift to UHF is ordered, about half of my district would no longer be able to receive television on channel 13. Especially important is the fact that a large number of the people in my district who would lose their channel 13 service would be left without any television at all if channel 13 is taken out of Rockford. Those who would still get television from some station would not have the choice of programs they now have. It would not be in the public interest to take television away from these people, and I must oppose as vigorously as I can any proposal to do so.

The FCC's plan to shift VHF stations to UHF is going to hurt the rural dwellers, the farmers, and the people in the smaller towns in my district most of all. Yet these folks have a greater dependence on and need for television than any of our citizens. The outlying areas simply do not have available the other facilities for entertainment, information and education that are found in larger communities. Thus, the FCC's proposals would take television away from those who need it the most.

The people in my district know from experience what will happen if channel 13 is lost. We already have a UHF station in Rockford which operates on channel 39. A very substantial part of my district which can get channel 13 cannot get channel 39 at all. Other large parts of my district which can get some channel 39 service do not get as good service from channel 39 as from channel 13. This is not to say that the channel 39 service is not wanted or is not useful. We are glad we have it and we hope we keep it. The point is we need to keep channel 13 to operate right along with channel 39. It seems to me the most reasonable way to bring this about is to solve the receiver problem and to give no further consideration to "deintermixture."

I believe it to be my duty to do everything I can to protect the people in my district against the loss of their channel 13 television service. The FCC has indicated that it intends to take their channel 13 service away from them. If this is the case, we in the Congress must step in to make sure that such a tragedy does not occur.

In this regard I want to emphasize an important point that cannot be overemphasized. The FCC's UHF proposals are not limited to just a few places. They affect the whole country. In addition to the eight cases already started, of which Rockford is one, the FCC has said it contemplates other cases later on and that, indeed, it is looking toward an eventual move of all, or almost all, television from VHF to UHF. Therefore, the FCC's proposals pose a serious threat to the people throughout the country and are of serious concern to every Member of this House.

Financing of Badly Needed Hurricane Flood Control Projects

EXTENSION OF REMARKS
OF
HON. HASTINGS KEITH
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. KEITH. Mr. Speaker, today the second major hurricane of the season rampages up the Atlantic coast, bringing with its high winds and 20-foot waves a serious threat to life and property. And, while plants shut down and homes are evacuated in many areas of New York and New England, there could be no more appropriate time to urge the Federal Government to take cognizance of the severe damage that can result from the tidal flooding that accompanies such storms, and to recognize at the same time that much of it could be prevented—if a more realistic attitude is taken toward the financing of badly needed hurricane flood control projects.

The industrial city of New Bedford, in my district, which today braces itself for Hurricane Esther, suffered some $27 million worth of damage when Hurricane Carol struck in 1954. That figure does not include wind damage, lost man-hours or lost profits—just destruction from tidal flooding. The Federal Gov-

ernment shared in this loss, because most of it was in the industrial area of the city, which meant shutdowns, machinery destroyed, capital losses and, as a consequence, lost Federal revenue from taxes. Corporate taxes lost in such a storm could be as high as $10 million or more in a single industrial area.

The city of New Bedford and the Federal Government could be saved countless millions in future years if a hurricane protection plan already advanced beyond the preliminary engineering stages was implemented in the immediate future. Congress has authorized the construction, appropriated $1,300,000 for planning costs and in the current session has approved the expenditure of another $500,000 to initiate construction. The project is being delayed and the city denied protection because the local government cannot afford its 30-percent share of the building cost—which would total nearly $8 million.

The city cannot afford this amount because of serious economic problems, problems that would only be worsened if another storm was to hit. It is predicted by the engineers that a maximum-force hurricane could inflict as much as $100 million damage in the New Bedford area. The city could be left an industrial ghost town. Even the threat of a storm costs money. One prominent manufacturer has estimated that the 35 or more industries on the waterfront in New Bedford and neighboring Fairhaven spend as much, or rather lose as much, as $100,000 in preparing for a storm that may hopefully turn out to sea and not, after all, hit the city.

Conscious of the city's plight and the plight of similar areas, such as New London and Providence, I joined early in the session with the majority leader, the gentleman from Massachusetts [Mr. McCORMACK], and Senators SALTONSTALL and SMITH, in filing legislation that would provide for the reduction of local contributions to hurricane flood control projects, when the locality already suffers economic hardships.

My bill, H.R. 20, which was referred to the Public Works Committee, would provide such a reduction in local contributions when the flood control project is located within a recognized labor surplus area, as determined by the Secretary of Labor. Instead, then, of a 30-percent contribution, the local interest would be required to put up a contribution, equal to that required by section 3 of the Flood Control Act of 1936; this would mean a saving to the city of New Bedford of approximately $1,500,000.

However, action, even consideration, of my bill—filed January 3—has been delayed because the committee has not been furnished the necessary departmental reports.

This is a matter, literally, of life and death to New Bedford, and could be equally important to other towns and cities along the Atlantic coast and the Gulf of Mexico.

This bill is proper and just and would be extremely beneficial not only to New Bedford, but to the Nation as a whole. However, I know that the committee and Members of the House are hampered in their consideration of this legislation by the absence of needed reports.

In view of the disastrous effects of Hurricane Carla in Louisiana and Texas and the impending threat of the current storm, I trust the administration will provide us with the reports as soon as possible, so that with the reconvening of Congress in January, the proposal can be given the prompt attention I am confident it deserves.

Highway Safety Programs

EXTENSION OF REMARKS
OF
HON. HOMER E. CAPEHART
OF INDIANA
IN THE SENATE OF THE UNITED STATES
Wednesday, September 20, 1961

Mr. CAPEHART. Mr. President, I ask unanimous consent to have inserted in the CONGRESSIONAL RECORD a statement prepared, at my request, by Mr. Duane Carter, of Speedway, Ind., whom many of you will recognize as one of the leading veteran race car drivers in the United States.

I do so because Mr. Carter and another Hoosier, Gene Hartley, are now engaging in one of the most effective highway safety programs in the country in these days when the demands for effective safety programs are at a premium.

The program was presented last year in more than 30 Indiana high schools as part of a nationwide effort to reduce the terrible traffic toll. U.S. military services have recognized its value and have sought and received the cooperation of the Champion Spark Plug Co., sponsor of the programs, in presentations hoped to improve the highway safety records of the thousands upon thousands of military vehicles.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CHAMPION HIGHWAY SAFETY PROGRAM

In a serious effort to combat the mounting death toll upon our Nation's streets and highways, J. R. "Dick" McGeorge, public relations director of the Champion Spark Plug Co. caused to be initiated in 1955 a highway safety program, aimed at the teenage or beginner driver. This is an educational program put on in the Nation's high schools at their general assemblies. The idea being to make these new drivers safety conscious in the initial stages of their driving careers. The Air Force requested this program in 1957 for their personnel, and today it has now been utilized by all branches of the service, both at home and overseas.

It has been recognized by educators, law enforcement officers, civic leaders and the military as a most timely and worthwhile public service program. The National Safety Council has awarded the Champion Spark Plug Co. its public service award. Editorial praise from many newspapers and publications has also been recorded.

The Champion Spark Plug Co. utilizes the services of the Nation's leading automobile racing drivers to present this unique safety program, namely the veteran drivers who have competed in the famous Hoosier classic and who have completed the full 500-mile Memorial Day race at Indianapolis with an average speed in excess of 100 miles per hour without relief.

Hoosiers Gene Hartley and Duane Carter are members of the eight-man driver-lecture highway safety team sponsored by Champion, now currently touring the country putting the program on for the military, high schools, service clubs, and civic organizations of the United States.

Shifting of TV Channels Opposed

EXTENSION OF REMARKS
OF
HON. ROBERT W. HEMPHILL
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. HEMPHILL. Mr. Speaker, several bills and resolutions have been introduced in opposition to the FCC's recent proposals to shift VHF television stations to UHF channels. Among these bills and resolutions are House Resolution 450, House Resolution 457, House Resolution 469, H.R. 9267, H.R. 9277, H.R. 9291, and H.R. 9293. I have introduced H.R. 9293, a companion bill to H.R. 9267, which was introduced on September 16, 1961, by our distinguished colleague, the gentleman from Alabama [Mr. ROBERTS]. Like my distinguished colleagues, I, too, am seriously concerned by the FCC proposals.

The FCC is proposing to shift WIS–TV on VHF channel 10 in Columbia, S.C., to a UHF channel. This switch, if allowed to happen, would deprive our State's capital of the only VHF channel assigned there. If this only VHF station in Columbia is forced to switch to UHF, I am told that an area of at least 6,000 square miles will lose the good television service it now receives from WIS–TV. Should this happen, thousands of families would not be able to receive WIS–TV as they now do. These people are, for the most part, families living in the rural and small towns, many of them in my district.

WIS–TV, broadcasting from Columbia, is the only television service that these people have from our State capital or from a South Carolina station. They depend on it for State and regional news, weather, crop reports, civil defense information, and many other types of necessary programs to keep them informed and alert to important events affecting their State. If this service is destroyed or deteriorated by switching WIS–TV to UHF, then these thousands of families would have to rely on television service from stations in other States bordering South Carolina. It would mean that their only source of information from their State capital would be lost to them and in its place would be substituted a television service designed to fit the needs of the people in the surrounding States. These services would not be oriented to the needs of the people of South Carolina as is WIS–TV's service. It would definitely not be in the public interest to allow this to take place, and I am going to vigorously oppose any such shift to UHF. As a member of the House Interstate and Foreign Commerce Committee, which is

concerned with the activities of the FCC, I intend to make my opposition known both in the hearings that this committee plans to hold early next session and in the deliberations of the committee.

In its proposal on deintermixture of eight markets to all-UHF, the FCC makes it quite clear that the ultimate goal is to switch all, or almost all, television to UHF. Today we in South Carolina face the prospect of seeing over 6,000 square miles denied service from Columbia's one VHF station. Tomorrow you, too, will be faced with such prospects, for the FCC has said that other cases are contemplated later on and that they look for all, or almost all, television service to be switched from VHF to UHF.

UHF and VHF can operate and grow together. One of the problems that has held back this UHF growth is the lack of television receivers capable of receiving both UHF and VHF. I believe, as does the FCC, that it is very necessary to insure that all sets shipped in interstate commerce have the capability to receive all channels. I strongly support such a proposal and have also included this in my bill.

All of us in this House are dedicated to serving the best interests of the people in our districts and at the same time to protecting the public interest of all the peoples of our country. The FCC's proposals on deintermixture seriously threaten these public interests nationwide. Every Member of this House should be seriously concerned with the immediate and ultimate effect it will have on the good television service now available and enjoyed by millions of families throughout our country.

General Pulaski's Memorial Day, 1961

EXTENSION OF REMARKS
OF
HON. JOHN C. KLUCZYNSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. KLUCZYNSKI. Mr. Speaker, under unanimous consent to revise and extend my remarks in the CONGRESSIONAL RECORD, I include Proclamation 3429 of the President of the United States on General Pulaski's Memorial Day, October 11, 1961:

PRESIDENTIAL DOCUMENTS

TITLE 3—THE PRESIDENT—PROCLAMATION 3429—GENERAL PULASKI'S MEMORIAL DAY, 1961, BY THE PRESIDENT OF THE UNITED STATES OF AMERICA, A PROCLAMATION

Whereas the 182d anniversary of the death of Casimir Pulaski during the American Revolution brings to mind the heroic contribution of that great Polish patriot to the cause of our freedom and independence; and

Whereas General Pulaski's brilliant leadership and courage at Brandywine, Charleston, and Savannah deserve the everlasting admiration and gratitude of our Nation; and

Whereas our country owes much also to the loyalty and enterprising spirit of millions of our citizens of Polish descent; and

Whereas it is fitting that we acknowledge our debt to General Pulaski and his countrymen and honor the memory of the gallant Polish patriot:

Now, therefore, I, John F. Kennedy, President of the United States of America, do hereby designate Wednesday, October 11, 1961, as General Pulaski's Memorial Day; and I direct the appropriate officials of the Federal Government to display the flag of the United States on all Government buildings on that day.

I also invite the people of the United States to observe the day with appropriate ceremonies in honor of the memory of General Pulaski and the noble cause for which he gave his life.

In witness whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the city of Washington this 18th day of September in the year of our Lord 1961 and of the Independence of the United States of America the 186th.

[SEAL]

JOHN F. KENNEDY.

By the President:
CHESTER BOWLES,
Acting Secretary of State.

Washington Correspondent, Samuel Shaffer, Finds Beauty and Enjoyment in Family Vacation in West Virginia—Predicts State's Progress

EXTENSION OF REMARKS
OF
HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES
Wednesday, September 20, 1961

Mr. RANDOLPH. Mr. President, it has often been my responsibility to bring to the attention of this body some of the more distressing aspects of economic life in West Virginia, in order that corrective action be taken.

At other times I have had the occasion to point to the underlying values of a positive nature—the strength of our people, the rich natural resources of our State, and the unparalleled beauty of the scenery of West Virginia. This is such a time, when I can offer the unsolicited testimony of an experienced traveler and observer who is known personally to most of the Members of this body—Samuel Shaffer, the congressional correspondent of Newsweek.

Mr. Shaffer has recently returned from a month's vacation with his family in the State parks of West Virginia, and his praise for our "land overlooked" is so eloquent and heartfelt that I would do his comments an injustice were I to paraphrase them.

I therefore ask unanimous consent to have printed in the CONGRESSIONAL RECORD Samuel Shaffer's unsolicited letter to me and my letter in response.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NEWSWEEK,
Washington, D.C., September 12, 1961.
The Honorable JENNINGS RANDOLPH,
U.S. Senator, West Virginia.

DEAR JENNINGS: Thanks to your suggestion my family and I have just spent the most enjoyable vacation of our lives—a month in the State parks of West Virginia.

To be candid with you, the beauty of the parks, the excellence of the accommodations, the dedication of duty and the courtesy to visitors displayed by park personnel far, far exceeded my expectations.

In driving along back country roads, selected almost at random, I beheld breathtaking vistas for which I was wholly unprepared by imagination or description by others.

It is unfortunate that West Virginia is linked in so many minds with poverty and distress. I think the time will surely come when Americans will think of the State as one of the most beautiful in the Union, as it unquestionably is.

West Virginia has a great future in tourism. It can become, and deserves to become, the playground of the Nation. And certainly the Nation could take pride in a people who could build such beautiful parks for its citizens to enjoy and to share with others.

Sincerely,

SAMUEL SHAFFER,
Congressional Correspondent.

U.S. SENATE,
Washington, D.C., September 19, 1961.
Mr. SAMUEL SHAFFER,
Congressional Correspondent,
Newsweek,
Washington, D.C.

DEAR SAM: Thanks so much for your good letter of September 12. I characterize it as good because you are so right about the potentials in West Virginia for becoming a national playground and a center of outdoor recreation. I agree most heartily that tourism holds great promise as a major factor in an invigorated economy in our State.

Personally, I am delighted that the Shaffers had a rewarding vacation in our scenic and historic State—a land overlooked too often by the tourist traveler. It is satisfying and stimulating, Sam, for work-weary folk to exchange for a few days or weeks their tedious tasks for the exhilarating journeys which refresh physical bodies and renew lagging spirits.

I'll wax philosophic for a paragraph by saying that a change of scene works wonders for those men and women whose day by day assignments become so deep they seem like dungeons. Schedules, which are like straitjackets, are ripped away as we open wide the doors to the roads beyond. On cushioned tires, over singing rails of steel, in sturdy ships at sea, on graceful wings of flight, I bless those happy travelers who return to their journalistic endeavors and their homes with minds and souls restored.

Best to you always.

Sincerely,

JENNINGS RANDOLPH.

Contracts to American Manufacturers

EXTENSION OF REMARKS
OF
HON. JOHN H. DENT
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. DENT. Mr. Speaker, I have become increasingly alarmed by the apparent trend in the policy of the Defense Department to award contracts to American manufacturers who are low bidders by reason of their processing or acquiring in foreign, low-wage countries all the high-labor content share of the project under construction.

The Allis-Chalmers Manufacturing Co., of York, Pa., wired me concerning such a recent incident and I immediately wrote to the President of the United States bringing this situation to his attention.

Mr. Speaker, if further information sustains the position of Allis-Chalmers—that this means a distinct loss in American employment—I shall request the Subcommittee on the Impact of Imports and Exports on American Employment, of which I have the honor to be chairman, to hold public hearings some time in October. It is necessary that this matter be probed more deeply.

The wire and my letter follow:

YORK, PA., *September 17, 1961.*

HON. JOHN DENT,
House Office Building, Washington, D.C.:

Congressman GEORGE GOODLING has suggested that I bring to your attention, threat to employment in Pennsylvania involved in pending award of contract for 15 very large hydraulic turbines for U.S. Army Engineer John Day and lower monumental projects. Apparent low bidder while based in Pennsylvania proposes to supply major portion of equipment from Japan. We estimate components to be produced in Japan would represent loss of approximately 1,700,000 man-hours of employment for American labor in the factories of the turbine builder and the major material suppliers, principally steelplate forging and casting producers, mostly located in distressed labor areas in Pennsylvania. Allis-Chalmers, second bidder, have proposed 100-percent domestic materials and manufacture. If you are interested we would be pleased to supply detailed information to you in Washington at your earliest convenience.

D. E. SMITH,
Vice President, Allis-Chalmers Manufacturing Co.

THE PRESIDENT,
The White House,
Washington, D.C.

MY DEAR PRESIDENT KENNEDY: I am in receipt of a telegram from the Allis-Chalmers Manufacturing Co., of York, Pa., protesting the awarding of 15 very large hydraulic turbines for U.S. Army Engineer John Day and lower monumental projects. The protest is based on the application of the Buy American Act which would allow domestic companies, also from Pennsylvania, to use 50 percent of contract bid for foreign components or equipment.

Allis-Chalmers bid 100-percent American labor, material and equipment. Because of interpretation of Buy American Act, competitors can process or acquire in Japan all high labor content share of project thereby putting American labor and industry at disadvantage in competitive bids. The difference between the Japanese-produced and American produced equipment doesn't start to cover the loss in taxes, wages and the contribution to the general welfare.

More serious is the apparent disregard of the seriousness of our distressed areas as well as example set by Government procurement which must eventually drive private utilities in the United States to procure oversea equipment based upon price differentials. If this happens, it will make the dependency of the United States for power requirements disturbingly dangerous in time of emergencies. Stockholders of private utilities will be within their rights to demand that their corporate officers purchase foreign-made equipment which can only add to our unemployment and industrial stagnation.

My subcommittee, studying the impact of imports and exports on employment, has heard serious and disturbing testimony in many areas where unemployment is chronic and growing. With the Buy American Act set at 6-percent differential, it is hopeless for a domestic bidder to compete unless he procures high labor content parts and components as well as transportation and tax concessions offered by foreign governments. The record shows private enterprise to be more cognizant of its duty and obligation to the American economy than tax-sustained Government enterprise. It will take time for all the details to be gathered and I earnestly suggest a delay in the awarding of these contracts.

Previous administration interpretation of the Buy American Act make mockery of the intent of Congress and the needs of the American people. Again, I urge that this matter be delayed for a thorough study of our bids in relationship to the general welfare as well as to the national defense.

With kindest personal regards, I am,

Sincerely yours,

JOHN H. DENT,
Member of Congress.

Our Private Enterprise System: Problems of Success

EXTENSION OF REMARKS
OF
HON. THOMAS B. CURTIS
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1961

Mr. CURTIS of Missouri. Mr. Speaker, earlier this year I had the opportunity of addressing the American Assembly regional meeting sponsored by St. Louis University. At this meeting I spoke on a subject which has occupied a good deal of my thoughts and my legislative activity in recent months, that of the tremendous success which our society, and its private enterprise system, have experienced in our recent history and the problems which these successes have caused. This is perhaps the key problem in America today—to meet these problems without destroying the foundations of the progress we are making. Under unanimous consent heretofore granted I insert this speech in the RECORD at this point:

REMARKS OF HON. THOMAS B. CURTIS, OF MISSOURI, BEFORE ST. LOUIS UNIVERSITY AMERICAN ASSEMBLY REGIONAL MEETING, AT PERE MARQUETTE PARK, ILL., MAY 11, 1961

PROBLEMS OF SUCCESS: OUR DYNAMIC ECONOMY

It is ironical that the success of the private enterprise system as developed in our American society should be used as a base for its destruction. It has always seemed axiomatic that success bred success and that failure was the basis upon which we sought to change our ways. Yet it seems to me that both the private enterprise system in economics and the representative system in government are being abandoned by our people because of an alleged inability of these two systems to meet the problems that their successes have created.

I think it is worthwhile to examine into these premises to see: (1) Have we had success by following the private enterprise system in economics? (2) Has the success, if it exists, created new problems which this basic system cannot meet? (3) Are we abandoning this basic system and, if we are, what system are we replacing it with? (4) Will the new system enable us to solve the problems that now confront us?

I believe that by any fair standards we say that we have had success in the economic field as a result of following the private enterprise system. What is an economy supposed to do for a people? Essentially, it is to enable them to be freer from the physical laws of their bodies and their environment. Adequate food, shelter, and clothing are mere rudiments. Coping with time and space through the development of transportation and communication facilities enlarges the human horizon. Development of usable power to supplement the human muscles frees us from gravity and other natural laws. Advancement in the field of hygiene and medicine, although it does not extend the limits of the aggregate human life span, enables the time within that span to be extended to its limit and makes that time, freed from the wracking of disease, more subject to the will of the individual. Furthermore, it permits more human beings to be born and to live through useful adulthood. All of these things place more leisure time at the disposal of each person which means more scholarship. (There is much wisdom in the etymology of a word and the Greek word "* * *" meaning leisure time has not been unduly stretched to encompass our modern English words, school, scholar, and scholarship.) From scholarship comes the two ingredients that keep any human system living: (1) Passing on the distilled knowledge from the past to the next generation and (2) searching, exploring, testing to discover new truths.

I have said nothing about ultimate human goals. These goals belong to philosophy and religion, not to economics. They do not enter the discussion unless one is to advance the theory that success in meeting economic goals is wrong, or that too rapid advancement toward success creates philosophical and religious problems which cannot be solved to keep pace with this advancement.

This is real. This is not academic. The Hindu religion is at least apathetic to economic success, if not at variance with it. The story of the tower of Babel and of the Garden of Eden carry deep messages if one wishes to contemplate them. Certainly today many men and women intent on the economics of life are wondering whether the scientific development of nuclear power is not ahead of our religious development.

It is my own belief that economic advancement, as advancement in all fields, comes from search for the truth. The freedom it brings surely cannot be bad.

Has our society had success in the field of economics? I think commonsense, common observation, points out the success we have achieved along the line of all of the economic goals I have set out. Our success is the greatest achieved by any society at any time and at any place in the world.

Perhaps by discussing the first part of my second question, has the success, if it exists, created new problems, I can bring the discussion down to specifics.

Let me take two areas:

1. Employment and unemployment: Surely, a failure to utilize all of our manpower is a problem for future economic achievement as well as a human problem for the men and women who are not being utilized.

2. Cost of living: Surely a failure to enable some of our people to have the purchasing power to meet the cost of living at the standard available in our society is a problem affecting the potential productivity of these people for future economic achievement of the whole society as well as a human problem for these people.

The primary reason for the post-World War II high incidence of employment and unemployment (55.2 million jobs in 1946, 66.7 million jobs in 1960; 2.3 million jobless in 1946, 3.9 million jobless in 1960) is rapid technological advancement. Thirty percent of the goods and services now on the market available for people to buy were nonexistent

5 years ago. Over 30 percent of our manufacturing machinery and equipment is obsolete; 4 percent of the 5.6 percent unemployed are said to be technologically unemployed; this is, their skills are obsolete.

Obsolete skills and obsolete equipment do not exist in a stagnant, a sluggish, or a sick economy. Obsolete skills and obsolete equipment are the direct result of rapid economic advancement, rapid growth, rapid technological advances. The more dynamic the economy, the more rapid its growth, the more obsolescence there will be.

The problems of present day unemployment are the result of success of our economic system, not its failure. The greater its success in this area of growth, the greater the problem of unemployment will be.

Does this mean that the same economic system that creates this success creates human and economic problems of unemployment that it cannot solve? I do not believe so. The evidence before us points to opposite conclusions. Technological advancement creates a demand for more skills, and higher skills for which higher wages and salaries are paid, than it makes obsolete. Again commonsense and common observation reveals this to be true. Take a span of years to check this. Who in 1900 was employed in the aviation industry, chemical, electric power, electronics, automobile, aluminum—you add to the list, but be sure to include not just the manufacturing sector of these innovations. Add to the manufacturing sector the distributive and the service sectors which make it possible for the maximum number of our people to benefit from the new goods and services.

Specific studies of specific innovations reveal that technology indeed creates a demand for more and higher skills than it replaces. One interesting phenomena in the employment sector of our economy during these recent years of rapid technological advancement has been the decline in the employment in the manufacturing sector of the economy, while manufacturing capacity continued to rise as the result of automation and increased productivity. Yet employment in the service and distributive sectors continued to rise, even during the recessions; rather compelling testimony to the fact that goods and services were indeed being more widely distributed to more and more of our people, if we needed such additional testimony. Within the manufacturing sector itself blue collar workers declined in number to such an extent that they offset the rise in employment of the white collar worker in the same sector.

Many people have been misled as to the nature of this economic shift as the result of semantics. I have referred to skills becoming obsolete, as indeed they are. Yet we divide our labor force for the purposes of understanding into skilled, semiskilled and unskilled. The greatest incident of unemployment, around 19 percent, is among the semiskilled and unskilled workers. How can an "unskill" become obsolete through technological advancement? As a matter of fact, technological advancement hits the demand for the unskilled and semiskilled worker the hardest. For example, the cotton picking machine and the ditch digging machine eliminate the demand for the human cottonpicker and the human ditchdigger. These workers are classified as unskilled. The term, of course, is relative. Perhaps some time in the future we may call what today are skilled workers unskilled.

A test of what is occurring today in the employment area of our economy can be found by reading the help wanted ads in any metropolitan newspaper, column after column of skills in demand going unfilled. All of this heavy demand for new skills is occurring at the same time we have this relatively high incidence of technological unemployment.

What is the solution? It is so obvious that it is a wonder that anyone has to even pose the question. The answer is training and retraining, more vocational education, more industrial education, and more just plain education. The financing of the training and retraining is well within our means. Indeed, many companies have handled the job themselves—Pacific Bell Telephone, Hardware Mutual & Sentry Life Insurance Co., Armour Packing Co.—I just happen to know these as case histories.

A few weeks ago I asked Assistant Secretary of Defense Charles J. Hitch whether our defense had been slowed down at all because of the lack of skilled manpower in some of the defense industries. He said, "Yes." I asked what have we been doing about it. He said in many of our defense contracts we have clauses which provide for the training of the workers in the new skills needed.

For several years now I have advocated tying vocational education and retraining into the Federal-State unemployment system so that automatically as skills become obsolete retraining sets in. This idea is now catching on. The New Frontier is now looking it over. I hope they don't shy away from it.

The second economic problem created by rapid economic growth is increased cost of living. Many people have misinterpreted this phenomena to be inflation—this is increased price for the same goods and services available on the market in the past. Since 1951, the time of the Federal Reserve-Treasury accord, there has been little inflation, but some noticeable increases in the cost of living.

The increased cost of living stems from increased standard of living. This is economic success, economic growth, not economic failure.

It cost people nothing for a television set 15 years ago because there were no television sets. It did not cost people $10 a bottle for a mycin drug 15 years ago. Fifteen years ago $1 probably would buy the best medicine that money could buy.

In 1951 when I first went to Congress it took me over 5 hours time to fly from St. Louis to Washington and I had the choice of two flights. Today I fly nonstop in less than 3 hours and I have a choice of many flights at varying hours. The cost of making this flight is about $10 more round trip than it was in 1951. This is not inflation, this is real value received and then some.

Someone has computed that as the result of frozen and precooked foods (and I would say the self-service technique available in our supermarkets) the housewife spends 2 hours less time a day preparing meals for her family. These foods cost more, but this is not inflation, this is for real value received.

Rapid technological advancement costs money. The more rapid the advancement the greater the cost. The more rapid the innovation the more money that must have been spent in the research and development which produced the innovation. The more rapid the innovation the greater the capital cost of obsolete equipment and machinery that must be junked, the human skills now obsolete that must be abandoned. (This costs the employer in unemployment insurance as well as the worker in lost pay.) The costs involved in purchasing the new and improved equipment, in training, and paying the higher wages and salaries of the new skills now needed are increased. All of these costs must be recouped in the price charged for the new goods and services now on the market.

Take one area where the costs have risen considerably—medical care—doctors' fees, drugs, hospitals, and special features. It is success, not failure, in the field of medical care which has produced the increased cost. And the increased quality of medical care is well with the increased cost. Who indeed can measure the value of the 10 more years of life we now receive as the result of this great quality improvement in the medical care field, in dollars?

Has this success created problems? Yes, indeed it has. Serious ones. The most serious one, to put it bluntly, is financing the unexpected extra 10 years of life the individual person has. Failure in this field—stagnation in this field—won't create these problems—only success creates these problems.

Are we able to cope with the problem of increased cost resulting from rapid technological advancement under the system that produced the success? I certainly believe so, because technological advancement brings with it increased productivity—more goods and services can be produced and distributed more efficiently and from the efficiency savings we can do three things: (1) Increase wages of the employees, (2) reduce prices (or recoup the cost of the innovation without increasing the price) to the consumer, and (3) increase the dividend to the investor so that more money can be plowed back into research and development and further innovation.

However, we cannot increase wages, reduce prices, or increase investment in research and development more than the productivity increase we have gained. It is the blindness of certain groups in our society to this economic limitation, or greediness, which causes some of the cost being passed on to the consumer in the price unnecessarily instead of absorbing the increased cost in the savings from productivity.

The success of our economic system does exist. It does create new problems. However, these new problems if properly analyzed can be met under this system to move us on to further success.

The next question I posed was: Are we abandoning our system in the face of the problems success has created and, if we are, what system are we replacing it with.

I am afraid we are abandoning our system of private enterprise in the face of the problems its successes have created. We are doing so because we have not looked at our success. We have looked only at the new problems created and with our eyes riveted on problems called success a failure. We have said an economy which is dynamic and growing rapidly is stagnant, tired, and even sick. The remedy is a simple one in concept, increased Federal spending. It is the Keynesian approach based upon a stagnant economy of scarce goods and services.

In the name of more economic growth which, if it is true growth, will aggravate the problems that already exist, we are setting out to destroy the system which creates it.

The private enterprise system is simply a system which bases its operation on the collective wisdom of the human being acting in his individual capacity as opposed to other systems which base their operation on the wisdom of oligarchies or oligopolies—a select group of human beings either in political government or economics who provide the wisdom for economic decision.

The free marketplace is the mechanism which permits the individual human being to cast his economic vote. It is more than that, it is the laboratory where any person is privileged to test out an economic idea for its truth and value. This does not mean a wild and unrestrained trial-and-error testing, unless all men in the society are wild and unrestrained in their actions, any more than the existence of the laboratories for the physical sciences mean undisciplined trial-and-error research. Both democracy and private enterprise depend upon an educated and self-disciplined populace.

Oligopoly or oligarchy, on the other hand, tends to revert to the scholastic method of searching for the truth which we abandoned in the renaissance for the scientific method,

of disciplined trial-and-error research. I do not believe that we as a society have gained enough knowledge or wisdom to abandon the laboratory of the free marketplace for the ponderings and pontifications of groups of even our very best scholars.

It is the replacement of the decisions reached in the free marketplace by the decisions of politically chosen Federal bureaucrats (and I use this term in no derogatory sense) that is coming about in our society. The substitution of Federal Government spending for private spending.

The last question I posed was this: Will this new system of political bureaucratic economic decision enable us to solve the problems that now confront us? My answer is, "Yes," to the extent that the problems will no longer bother us. The problems will disappear. They are problems resulting from economic growth and progress—problems resulting from freemen using leisure time to ponder new things. These problems will disappear and very few new ones will arise to take their place. Indeed, we will be stagnant. Study of history and scholasticism then may well take care of things that trouble us because societies in the past have worked this ground over and over again. We can profit by their experiences. There will be nothing new under the sun to dazzle and baffle us.

In the beginning I referred to two social systems, one is in the economic field, the private enterprise system, the other in the political field, the system of representative government.

I have discussed the economic system. I will merely refer briefly to the system of representative government. In political science it is the system that is based upon the importance of the individual human being, just as is based the private enterprise system in economics. In many ways the two systems go together—they rise together, they seem to fall together. Justice Brandeis referred to our 48 State governments as 48 laboratories wherein to test the truth and wisdom of political ideas. I would refer to the thousands of municipal governments in the same way, just as I would refer to the U.S. Congress as no more than a set of procedures, whereby we gather what wisdom and knowledge exists in our society to apply it to the solution of problems that face our society.

The Keynesian economic philosophers would have us abandon the local and State governments in favor of the Federal Government. I can add, though this is not with common knowledge, that they would also downgrade the Federal Congress and abandon it in favor of the executive branch of the Federal Government. But it would require another paper to establish the point. I mention it in closing because I see the importance of the individual rise and fall in the history of all our social institutions; economic, political, educational, and, yes, religious in an equal and similar way.

West Virginia: First in Rehabilitating the Handicapped

EXTENSION OF REMARKS
OF
HON. JOHN M. SLACK, JR.
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. SLACK. Mr. Speaker, the latest summary report by the Office of Vocational Rehabilitation, covering the fiscal year which ended June 30, 1961, reveals a notable "first" for the State of West Virginia. For the second year in succession West Virginia ranks first in the Nation in the vocational rehabilitation of handicapped persons, on the basis of the number rehabilitated in proportion to population.

During the past year an average of 188 disabled persons per 100,000 population achieved rehabilitation, the highest mark ever set by a State and nearly four times the national average of 51 per 100,000 population. Not only did West Virginia lead in per capita rehabilitations, but also ranked fourth in the absolute number of rehabilitations behind the more populous States of New York, Pennsylvania, and Georgia.

An achievement of this kind can only result from determined and meaningful effort on the part of those responsible for administration of the program. I am proud to say that our State government has recognized the value of the rehabilitation program for many years, and has lent it strong support through the appropriation of funds and the encouragement of the staff specialists who actually perform the rehabilitation functions.

I believe recognition should be given at this time to those dedicated staff members of the Division of Vocational Rehabilitation of the West Virginia Department of Education whose efforts made this ranking possible, and particularly to F. Ray Power, director of the division, whose stature as a leader in this most humane of enterprises has grown steadily through the years.

The State program has also enjoyed strong support from among community leaders and solid backing from the medical profession. Not long ago I had occasion to discuss the rehabilitation program with a leading physician, Dr. Ralph H. Nestmann of Charleston, and I was very much pleased to learn of the strong interest of the medical profession in the furtherance of the program. The social advantages are appealing, but I believe too few of us are aware of the solid economic advantages which cause this program to return more than a dollar's worth of net economic gain for the Nation from every dollar invested.

Any dispassionate study of the results which have been obtained must convince a fairminded person of the worth of this program. Not long ago I had an opportunity to read a significant documented work on this subject which I can recommend to all of you. It is entitled "Rehabilitation: A Community Challenge" and was written by W. Scott Allan. The numerous examples cited in this book of persons who were removed from the category of community dependents and transformed into self-sufficient and self-reliant citizens impressed me greatly.

Industrial accidents will always be with us, and some forms of employment will always be very hazardous. Yet, the advances recorded by this program indicate that we can retrain and rehabilitate those who have met misfortune and the record of accomplishment speaks for continued and growing support in the years ahead. Of all of the Federal-State programs for which we provide matching funds there is none which can offer a better prospect for realization of a definite social and economic profit and project a stronger ray of hope to those who are in great need.

HOUSE OF REPRESENTATIVES

THURSDAY, SEPTEMBER 21, 1961

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

One of our Lord's beatitudes—Matthew 5: 6: *Blessed are they who do hunger and thirst after righteousness for they shall be filled.*

O Thou who hast made us the beneficiaries of Thy bountiful providence, may we daily walk and work with a sense of the dignity and sanctity of life.

May all our inclinations and impulses move in complete obedience and devotion to Thy holy will and find their inspiration and strength in Thy divine counsel.

Grant that we may constantly and confidently seek Thy guidance during these days when we face new emergencies and many are stricken with terror and timidity.

Fill our minds and hearts with the one commanding aspiration and consuming passion to establish peace and good will among the nations.

Encourage us with Thy gracious promise that righteousness shall prevail and men everywhere shall feel its transforming touch and kindling rays.

Hear us in the name of the Captain of our salvation. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2732. An act to amend section 303 of the Career Compensation Act of 1949 to provide that the Secretaries of the uniformed services shall prescribe a reasonable monetary allowance for transportation of house trailers or mobile dwellings upon permanent change of station of members of the uniformed services.

H.R. 8558. An act to amend section 303(a) of title 23, United States Code, relating to the organization of the Bureau of Public Roads, and for other purposes.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7837. An act to increase the limitation on the number of positions which may

be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSTON, Mr. MONRONEY, Mr. YARBOROUGH, Mr. JORDAN, Mr. RANDOLPH, Mr. CARLSON, Mr. FONG, and Mr. BOGGS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 455. An act to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes, and

S. 1348. An act for the relief of the Sulzbach Construction Co.

The message also announced that the Senate agrees to the amendment of the House to a joint resolution of the Senate of the following title:

S.J. Res. 66. Joint resolution to amend the joint resolution providing for membership and participation by the United States in the Inter-American Children's Institute.

RECESS

The SPEAKER pro tempore. The House will stand in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE TWO HOUSES OF CONGRESS TO HEAR AN ADDRESS BY HIS EXCELLENCY THE PRESIDENT OF PERU

The SPEAKER pro tempore of the House of Representatives presided.

At 12 o'clock and 20 minutes p.m. the Doorkeeper announced the Vice President of the United States and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker pro tempore and Members of the Senate the seats reserved for them.

The SPEAKER pro tempore. On the part of the House the Chair appoints as members of the committee to escort the President of Peru into the Chamber the gentleman from Oklahoma [Mr. ALBERT], the gentleman from Pennsylvania [Mr. MORGAN], the gentleman from Indiana [Mr. HALLECK], and the gentleman from New Hampshire [Mr. MERROW].

The VICE PRESIDENT. On the part of the Senate the Chair appoints as members of the committee of escort the Senator from Montana [Mr. MANSFIELD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Alabama [Mr. SPARKMAN], the Senator from Florida [Mr. SMATHERS], the Senator from Illinois [Mr. DIRKSEN], the Senator from California [Mr. KUCHEL], and the Senator from Wisconsin [Mr. WILEY].

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 30 minutes p.m. the Doorkeeper announced His Excellency the President of Peru.

His Excellency the President of Peru, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk. [Applause, the Members rising.]

The SPEAKER pro tempore. Members of the Congress, it is my great pleasure, my high privilege, and my distinct honor to present a most welcome guest, the President of a great, a proud, and a friendly republic, the President of the Republic of Peru. [Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY, MANUEL PRADO, PRESIDENT OF THE REPUBLIC OF PERU

President PRADO. Mr. President, Mr. Speaker, Members of the Senate and the House of Representatives; distinguished members of the Cabinet, the judiciary, and the diplomatic corps—my friends, it is indeed a distinct honor to be invited to address this great Parliament and I deeply appreciate the generous words of introduction. It fills a visitor with a solemn sense of responsibility to meet with you at such a critical moment in the affairs of the world and more particularly in the affairs of the Western Hemisphere.

So I come before you grateful for your invitation and fully aware of the grave responsibilities which all of us share at this time. It is my high privilege to bring you the warm wishes of the people of the Republic of Peru. [Applause.]

And I bring you this further message: Peru stands with you in the struggle against communism [Applause] in the world and in our hemisphere—whatever measures you may be required to take to combat it, you will find my country at your side. [Applause.]

Twice it has fallen to my lot to make a state visit to the United States as President of my country, and twice I have come at a critical point in our history. In May 1942 when the thunder of Pearl Harbor still echoed around the world, I traveled to the United States as the guest of my illustrious friend, President Franklin D. Roosevelt [applause], to confer with him and his government on wartime problems.

At that time the Second World War had confronted the entire hemisphere with the grave decision of having to defend itself by the combined effort and sacrifice of every member nation in every field of activity—by the use of arms or through action in the domestic ideological struggle, by producing and delivering raw materials in unaccustomed quantities or through an intensive industrial effort.

From the very beginning of the conflict and in response to my own convictions and responsibilities of office, I placed my country formally at the side of the Allies on April 1, 1941. Consequently, when I arrived in Washington almost 20 years ago, I was received by President Roosevelt as a defender in the southern part of our hemisphere of the same cause as that of the United States. [Applause.]

Today the circumstances are certainly no less dramatic. While no general conflict now exists, no one is blinded to the fact that the cold war and the continuing conflicts at various points of the world have brought about a state of alarm which deeply disturbs the Western nations.

Thus, once again, on state visit which I am now making during my second tenure of office as President, I come before you as an old friend and as one who is accustomed to speak with frankness. [Applause.] Since the times call for plain speaking among friends, just as they did in 1942, I would like to take this opportunity to discuss with you certain grave problems which are now before us in the Western Hemisphere. We are all hearing many unsound views on these issues on the part of certain people who do not understand them and on the part of other people who wish to misrepresent them. Since I believe that these arguments do not stand up under careful analysis, I wish to make my own position and my own views very clear.

I refer specifically to the classic principles of self-determination of peoples and nonintervention. Self-determination of peoples means to me, and I think to you, the right of each nation to conduct its own affairs in its own way in exercise of its own sovereignty [applause]—and it is indispensable to this principle that the will of the people must be able to express itself through free elections periodically held. [Applause.]

Now, with regard to nonintervention. This principle is being badly misrepresented by some who would invoke it to permit the destruction of the inter-American system of free republics by an outside power—namely international communism. [Applause.] The doctrine of nonintervention is designed to prevent interference by one nation in the foreign and domestic affairs of another, whether this interference be done through infiltration, through propaganda or through the abuse of diplomatic privileges.

I can report to you that such interference occurred in my country on the part of one American nation which we regard as an agent of foreign ideologies. When such interference was proved we promptly broke off relations with that government [applause]—and they will remain broken off until that country is once again able to conduct itself as a

free and self-governing American Republic. [Applause.] May that day come soon. [Applause.]

A state which interferes in the internal affairs of another by subversion and by provoking uprisings and disturbances is in no position to claim for itself the benefits of the very principle of nonintervention which it is violating. [Applause.] Any other interpretation would be illogical and would destroy the true meaning of the sound American doctrine of nonintervention. [Applause.]

I say to you, therefore, Members of the Senate and the House of Representatives, that the democratic, law-abiding republics of the Western Hemisphere have no obligation to submit to subversion, vicious antidemocratic propaganda, or other abuse from any nation of the Americas which for the time being may become the creature of a foreign ideology. [Applause.] You will forgive me for being blunt on this point but as I have said, the moment is dangerous and we as friends can and must speak openly to one another. [Applause.]

My ideological position from the time I first occupied the Presidency is positive, clear, and definitely anti-Communist. [Applause.] I have opposed and I now oppose this conception of the world which degrades man, deprives him of his liberty, submits him to the slavery of the state, robs him of a just wage, condemns him to the common and the anonymous, controls his thoughts, directs his culture and separates him from God. [Applause.] Communism is the negation of America of its traditions and of its mission for the future. It must be driven out of the Americas. [Applause.]

I consider it an honor for me not to have accepted suggestions which I received in 1942 to exchange ambassadors with the Soviet Union despite the fact, that at the time, that country and mine were part of the same war front. As a result Peru has no diplomatic relations with those governments behind the Iron Curtain. The reason for my refusal is obvious: I foresaw that once Nazi-Fascist totalitarianism was conquered, communism would employ all its resources in an attempt to dominate the world. Unfortunately the facts have given me good reason. [Applause.]

In addition to these considerations of a purely political nature to which I have referred, I believe that in order to combat communism successfully we must take into account the economic factor for the welfare of the people. The cooperation of the United States with the southern part of the hemisphere is necessary and it must be effective and prompt. Any delay is dangerous. Any limitation of the program can be an open door for the enemy.

In the alliance-for-progress program, that great campaign launched by President Kennedy, each nation should be encouraged to determine its own goals, its own priorities and procedures in accordance with its own aims and ambitions. With a frank understanding on this question a great deal can be done for the unity of the hemisphere in meeting the totalitarian attack. Let us bear in mind that the mandate of history is that America is and must continue to be the bulwark of liberty and human dignity. [Applause.]

Senators and Representatives, before I take my leave of you let me add these words to the message I prepared to bring to you today. They are words which my conscience and my sense of the high responsibility of this hour prompt me to utter. The moment is of the most extreme gravity. Grave moments call for grave decisions—for bold action—for courage, and faith.

We learned this when we worked and fought and sacrificed together, through the crisis of 20 years ago. We did what had to be done to save Western civilization, and I do not need to recall it to you now. [Applause.] But I do say to you that in the present crisis we must follow the same hard course. We can do no less, and we may have to do more. [Applause.]

This is the supreme test of the moral force of free peoples. The totalitarian threat of atheistic communism calls for sacrifice—national sacrifice, economic sacrifice. It must be met with patriotism, with dedication and with all that is necessary to assure peace, freedom, and a decent way of life to our generation and to those who will follow us. [Applause.]

Mr. President and Mr. Speaker, in the name of my country may I conclude by paying a special tribute to the United States of America and to its exemplary democratic institutions among which the Senate and House of Representatives are outstanding. [Applause, the Members rising.]

At 1 o'clock and 3 minutes p.m., the President of Peru, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The ambassadors, ministers, and chargés d'affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 1 o'clock and 6 minutes p.m. the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER pro tempore. The House will continue in recess until 1:45 o'clock p.m.

AFTER RECESS

The recess having expired at 1 o'clock and 45 minutes p.m., the House was called to order by the Speaker pro tempore.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess may be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

A REWARD FOR ANY INFORMATION LEADING TO THE IDENTIFICATION OF ANY PERSON, PERSONS, OR INTERNATIONAL MOVEMENT WHO MAY HAVE BEEN CRIMINALLY RESPONSIBLE FOR THE DEATH OF DAG HAMMARSKJOLD

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, I have today introduced legislation to authorize a $50,000 reward for information leading to the identification of any person, persons, or international movement who may have been criminally responsible for the death of the late Dag Hammarskjold, Secretary General of the United Nations.

In the sorrow and shock that have resulted from the most untimely and unfortunate death of Dag Hammarskjold in the course of his mission of peace in Africa, it seems important to me that we must not lose sight of the possibility that his death was not an accident, but a murder. Certainly, as has already been suggested, the circumstances surrounding his plane crash and the condition of his remains when they were found, were, to say the least, very strange. In addition, it is obvious that his removal from the scene has greatly increased the obstacles under which the free nations may now operate in this international body and has given the Communists a magnificent opportunity to immobilize the United Nations in the way Premier Khrushchev tried unsuccessfully to do last year.

I think it is in the interests of the United States and of all the free world to leave no stone unturned in pursuing this matter just as far as possible so as to determine whether Mr. Hammarskjold was in fact murdered and, if so, who were the parties or international movements responsible for his murder.

Establishment of this kind of a reward will be of great help in making certain that we do not allow this issue to slip past by default and, if murder has been committed for sinister political purposes, allow the murderers to go unnoticed and unidentified.

PEACE CORPS ACT

The SPEAKER pro tempore. The unfinished business is the question on the adoption of the conference report on the bill, H.R. 7500, the so-called Peace Corps bill.

Mr. FULTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FULTON. First, was the motion for the previous question passed on yesterday?

The SPEAKER pro tempore. That was ordered on yesterday, the Chair will state.

Mr. FULTON. And voted on? At this point I have a possible motion to recommit the conference report and to put back in the provision that was taken out of the House version by the conferees when they went to the Senate on civil rights. I do not like a bill like this which permits discrimination.

The SPEAKER pro tempore. Is the gentleman making a parliamentary inquiry?

Mr. FULTON. Yes, Mr. Speaker.

The SPEAKER pro tempore. What is the gentleman's inquiry?

Mr. FULTON. My point is this: Is it possible at this time to offer a motion to recommit to reestablish the provision which was adopted in the House against discrimination because of race, color, and creed, thereby preventing any Peace Corps volunteer from serving in any country which so discriminates?

The SPEAKER pro tempore. The Chair will state that a motion to recommit is in order at this time.

Mr. FULTON. It is in order?

The SPEAKER pro tempore. The question is on the conference report.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 253, nays 79, not voting 103, as follows:

[Roll No. 219]

YEAS—253

Adair	Church	Gallagher
Addabbo	Clark	Garmatz
Addonizio	Cond	Gary
Albert	Cohelan	Giaimo
Alexander	Collier	Goodell
Andersen, Minn.	Conte	Goodling
	Cook	Granahan
Anderson, Ill.	Corbett	Grant
Ashley	Corman	Gray
Aspinall	Cramer	Green, Oreg.
Ayres	Curtin	Green, Pa.
Bailey	Daddario	Griffiths
Baldwin	Davis, John W.	Gubser
Barrett	Davis, Tenn.	Hagan, Ga.
Barry	Dawson	Hagen, Calif.
Bass, N.H.	Delaney	Halleck
Bates	Denton	Hansen
Beckworth	Diggs	Harding
Bennett, Fla.	Dingell	Hardy
Blatnik	Donohue	Harris
Boland	Downing	Harrison, Wyo.
Bolling	Doyle	Hays
Bolton	Dulski	Healey
Bonner	Durno	Hechler
Brademas	Dwyer	Hemphill
Bray	Edmondson	Henderson
Breeding	Elliott	Herlong
Brewster	Ellsworth	Holland
Bromwell	Fallon	Huddleston
Brooks	Feighan	Hull
Broomfield	Fenton	Ikard, Tex.
Broyhill	Findley	Inouye
Burke, Ky.	Finnegan	Jarman
Burke, Mass.	Fino	Jennings
Byrne, Pa.	Flood	Jensen
Cahill	Flynt	Joelson
Cannon	Fogarty	Johnson, Calif.
Celler	Fountain	Johnson, Md.
Chamberlain	Frelinghuysen	Jonas
Chelf	Friedel	Jones, Ala.
Chenoweth	Fulton	Judd
Karsten	Montoya	Schweiker
Kastenmeier	Moorehead, Ohio	Schwengel
Kee		Scott
Keith	Moorhead, Pa.	Scranton
Kelly	Morgan	Seely-Brown
Keogh	Morris	Selden
Kilday	Morse	Sheppard
King, Calif.	Mosher	Shipley
King, Utah	Murphy	Sibal
Kirwan	Natcher	Sikes
Kitchin	Nelsen	Sisk
Kluczynski	Nix	Slack
Kornegay	O'Brien, Ill.	Smith, Miss.
Kunkel	O'Brien, N.Y.	Spence
Landrum	O'Hara, Ill.	Stafford
Lane	O'Hara, Mich.	Steed
Langen	Olsen	Stephens
Lankford	O'Neill	Stratton
Latta	Ostertag	Stubblefield
Lennon	Patman	Taylor
Lesinski	Perkins	Thomas
Lindsay	Peterson	Thompson, N.J.
McCormack	Philbin	Thompson, Tex.
McCulloch	Pike	Thornberry
McDowell	Poff	Toll
McFall	Price	Tollefson
McSween	Pucinski	Trimble
MacGregor	Quie	Tupper
Mack	Randall	Udall, Morris K.
Madden	Rhodes, Pa.	Ullman
Magnuson	Riley	Vanik
Mahon	Rivers, Alaska	Van Zandt
Mailliard	Roberts	Wallhauser
Marshall	Robison	Walter
Mathias	Rogers, Colo.	Watts
May	Rogers, Fla.	Whalley
Merrow	Rooney	Wharton
Miller, Clem	Rostenkowski	Whitener
Miller, George P.	Roudebush	Wickersham
	Roush	Widnall
Milliken	Rutherford	Yates
Mills	Ryan	Young
Minshall	St. Germain	Zablocki
Moeller	Schenck	
Monagan	Schneebeli	

NAYS—79

Abbitt	Dole	Nygaard
Alford	Dorn	O'Konski
Alger	Dowdy	Passman
Andrews	Everett	Pillion
Ashbrook	Fisher	Poage
Ashmore	Forrester	Ray
Auchincloss	Garland	Reece
Avery	Gathings	Reifel
Baker	Gavin	Rhodes, Ariz.
Battin	Glenn	Rivers, S.C.
Becker	Gross	Rogers, Tex.
Beermann	Haley	Rousselot
Belcher	Hoffman, Ill.	Saylor
Bennett, Mich	Johansen	Schadeberg
Betts	Kearns	Scherer
Bow	Kilgore	Shriver
Brown	King, N.Y.	Smith, Va.
Bruce	Knox	Taber
Burleson	Laird	Thomson, Wis.
Casey	Lipscomb	Tuck
Clancy	McIntire	Utt
Cunningham	McMillan	Van Pelt
Curtis, Mass.	McVey	Whitten
Curtis, Mo.	Mason	Wilson, Ind.
Derounian	Matthews	Winstead
Derwinski	Meader	
Devine	Norblad	

NOT VOTING—103

Abernethy	Hall	Moss
Anfuso	Halpern	Moulder
Arends	Harrison, Va.	Multer
Baring	Harsha	Murray
Bass, Tenn.	Harvey, Ind.	Norrell
Bell	Harvey, Mich.	Osmers
Berry	Hébert	Pelly
Blitch	Hiestand	Pfost
Boggs	Hoeven	Pilcher
Boykin	Hoffman, Mich.	Pirnie
Buckley	Holifield	Powell
Byrnes, Wis.	Holtzman	Rabaut
Carey	Horan	Rains
Cederberg	Hosmer	Reuss
Chiperfield	Ichord, Mo.	Riehlman
Colmer	Johnson, Wis.	Rodino
Cooley	Jones, Mo.	Roosevelt
Dague	Karth	St. George
Daniels	Kilburn	Santangelo
Davis, James C.	Kowalski	Saund
	Kyl	Shelley
Dent	Libonati	Short
Dominick	Loser	Siler
Dooley	McDonough	Smith, Calif.
Evins	Macdonald	Smith, Iowa.
Farbstein	Martin, Mass.	Springer
Fascell	Martin, Nebr.	Staggers
Ford	Michel	Sullivan
Frazier	Miller, N.Y.	Teague, Calif.
Gilbert	Moore	Teague, Tex.
Griffin	Morrison	Thompson, La.
Vinson	Williams	Younger
Weaver	Willis	Zelenko
Weis	Wilson, Calif.	
Westland	Wright	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Arends for, with Mr. Colmer against.
Mrs. Weis for, with Mrs. Norrell against.
Mr. Halpern for, with Mr. Harrison of Virginia against.
Mr. Dominick for, with Mr. James C. Davis against.
Mr. Miller of New York for, with Mr. Abernethy against.
Mr. Hosmer for, with Mr. Williams against.
Mr. Roosevelt for, with Mr. Bell against.
Mr. Hébert for, with Mr. Hall against.
Mr. Rodino for, with Mr. Byrnes of Wisconsin against.
Mr. Buckley for, with Mr. Wilson of California against.
Mr. Rabaut for, with Mr. Moore of West Virginia against.
Mr. Johnson of Wisconsin for, with Mr. Berry against.
Mr. Smith of Iowa for, with Mr. Hoffman of Michigan against.
Mr. Morrison for, with Mrs. Blitch against.
Mr. Pirnie for, with Mr. Murray against.
Mr. Evins for, with Mr. Hiestand against.
Mr. Frazier for, with Mr. Kilburn against.
Mr. Anfuso for, with Mrs. St. George against.

Until further notice:

Mr. Zelenko with Mr. Chiperfield.
Mr. Boykin with Mr. Dooley.
Mr. Dent with Mr. Ford.
Mr. Wright with Mr. Griffin.
Mr. Farbstein with Mr. McDonough.
Mr. Holifield with Mr. Osmers.
Mr. Vinson with Mr. Sibal.
Mr. Sullivan with Mr. Weaver.
Mr. Loser with Mr. Martin of Massachusetts.
Mr. Libonati with Mr. Kyl.
Mr. Shelley with Mr. Pelly.
Mr. Cooley with Mr. Riehlman.
Mr. Fascell with Mr. Teague of California.
Mr. Santangelo with Mr. Short.
Mr. Rains with Mr. Harsha.
Mr. Kowalski with Mr. Horan.
Mr. Boggs with Mr. Michel.
Mr. Multer with Mr. Springer.
Mr. Ichord of Missouri with Mr. Westland.
Mrs. Pfost with Mr. Harvey of Indiana.
Mr. Bass of Tennessee with Mr. Cederberg.
Mr. Baring with Mr. Martin of Nebraska.
Mr. Moss with Mr. Smith of California.
Mr. Powell with Mr. Harvey of Michigan.
Mr. Holtzman with Mr. Hoeven.
Mr. Carey with Mr. Siler.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The doors were opened.

NATIONAL BOTANIC GARDEN IN HAWAII

The SPEAKER pro tempore. The further unfinished business of the House is the question of suspending the rules and passing the bill (H.R. 5628) to provide for a study and investigation of the desirability and feasibility of establishing and maintaining a National Tropical Botanic Garden.

The question is, Will the House suspend the rules and pass the bill H.R. 5628?

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 215, nays 125, not voting 96, as follows:

[Roll No. 220]

YEAS—215

Abbitt	Gathings	Morris
Adair	Giaimo	Murphy
Addabbo	Gilbert	Natcher
Addonizio	Granahan	Nix
Albert	Grant	O'Brien, Ill.
Alford	Gray	O'Brien, N.Y.
Andrews	Green, Oreg.	O'Hara, Ill.
Ashley	Green, Pa.	O'Hara, Mich.
Aspinall	Griffiths	Olsen
Ayres	Hagen, Calif.	O'Neill
Bailey	Haley	Passman
Baker	Hansen	Patman
Barrett	Harding	Perkins
Barry	Hardy	Peterson
Beckworth	Harris	Philbin
Bennett, Fla.	Hays	Pike
Blatnik	Healey	Poage
Boland	Hechler	Price
Bolling	Hemphill	Pucinski
Bonner	Henderson	Randall
Boykin	Herlong	Reece
Brademas	Holland	Rhodes, Pa.
Breeding	Huddleston	Riley
Brewster	Hull	Rivers, Alaska
Brooks	Ikard, Tex.	Rivers, S.C.
Broyhill	Inouye	Roberts
Burke, Ky.	Jarman	Rogers, Colo.
Burke, Mass.	Jennings	Rogers, Fla.
Burleson	Joelson	Rogers, Tex.
Byrne, Pa.	Johnson, Calif.	Rooney
Cahill	Johnson, Md.	Rostenkowski
Cannon	Jones, Ala.	Roush
Casey	Karsten	Rutherford
Celler	Kastenmeier	Ryan
Chelf	Kearns	St. Germain
Chenoweth	Kee	Saylor
Clark	Kelly	Schwengel
Coad	Keogh	Scott
Cohelan	Kilday	Selden
Cook	Kilgore	Sheppard
Corman	King, Calif.	Shipley
Cramer	King, Utah	Sikes
Curtis, Mass.	Kirwan	Sisk
Daddario	Kluczynski	Slack
Davis, John W.	Kowalski	Smith, Miss.
Davis, Tenn.	Landrum	Spence
Dawson	Lane	Staggers
Delaney	Lankford	Steed
Denton	Lesinski	Stephens
Derwinski	McCormack	Stratton
Diggs	McDowell	Stubblefield
Dingell	McFall	Thomas
Donohue	McMillan	Thompson, La.
Downing	McSween	Thompson, N.J.
Doyle	Mack	Thompson, Tex.
Duiski	Madden	Thornberry
Edmondson	Magnuson	Toll
Elliott	Mahon	Trimble
Everett	Mailliard	Tupper
Fallon	Marshall	Udall, Morris K.
Feighan	Matthews	Ullman
Finnegan	May	Vanik
Fisher	Merrow	Wallhauser
Flood	Miller, Clem	Walter
Flynt	Miller, George P.	Watts
Fogarty	Mills	Whitener
Forrester	Moeller	Whitten
Frelinghuysen	Monagan	Wickersham
Friedel	Montoya	Willis
Gallagher	Moorhead, Pa.	Yates
Garmatz	Morgan	Young
Gary		Zablocki

NAYS—125

Alexander	Bruce	Garland
Alger	Chamberlain	Gavin
Andersen, Minn.	Chiperfield	Glenn
Anderson, Ill.	Church	Goodell
Ashbrook	Clancy	Goodling
Ashmore	Collier	Gross
Auchincloss	Conte	Gubser
Avery	Corbett	Hagan, Ga.
Baldwin	Cunningham	Halleck
Bass, N.H.	Curtin	Harrison, Wyo.
Bates	Curtis, Mo.	Hoffman, Ill.
Battin	Derounian	Jensen
Becker	Devine	Johansen
Beermann	Dole	Jonas
Belcher	Dorn	Judd
Bennett, Mich.	Dowdy	Keith
Betts	Durno	King, N.Y.
Bolton	Dwyer	Kitchin
Bow	Ellsworth	Knox
Bray	Fenton	Kornegay
Bromwell	Findley	Kunkel
Broomfield	Fino	Laird
Brown	Fountain	Langen
	Fulton	Latta
Lennon	O'Konski	Sibal
Lindsay	Ostertag	Smith, Va.
Lipscomb	Pillion	Stafford
McCulloch	Poff	Taber
McIntire	Quie	Taylor
McVey	Ray	Thomson, Wis.
MacGregor	Reifel	Tollefson
Mason	Rhodes, Ariz.	Tuck
Mathias	Robison	Utt
Meader	Roudebush	Van Pelt
Milliken	Rousselot	Van Zandt
Minshall	Schadeberg	Weis
Moorehead, Ohio	Schenck	Whalley
Morse	Scherer	Wharton
Mosher	Schneebeli	Widnall
Nelsen	Schweiker	Wilson, Ind.
Norblad	Scranton	Winstead
Nygaard	Seely-Brown	
	Shriver	

NOT VOTING—96

Abernethy	Harvey, Ind.	Pelly
Anfuso	Harvey, Mich.	Pfost
Arends	Hébert	Pilcher
Baring	Hiestand	Pirnie
Bass, Tenn.	Hoeven	Powell
Bell	Hoffman, Mich.	Rabaut
Berry	Holifield	Rains
Blitch	Holtzman	Reuss
Boggs	Horan	Riehlman
Buckley	Hosmer	Rodino
Byrnes, Wis.	Ichord, Mo.	Roosevelt
Carey	Johnson, Wis.	St. George
Cederberg	Jones, Mo.	Santangelo
Colmer	Karth	Saund
Cooley	Kilburn	Shelley
Dague	Kyl	Short
Daniels	Libonati	Siler
Davis, James C.	Loser	Smith, Calif.
Dent	McDonough	Smith, Iowa
Dominick	Macdonald	Springer
Dooley	Martin, Mass.	Sullivan
Evins	Martin, Nebr.	Teague, Calif.
Farbstein	Michel	Teague, Tex.
Fascell	Miller, N.Y.	Vinson
Ford	Moore	Weaver
Frazier	Morrison	Westland
Griffin	Moss	Williams
Hall	Moulder	Wilson, Calif.
Halpern	Multer	Wright
Harrison, Va.	Murray	Younger
Harsha	Norrell	Zelenko
	Osmers	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. Buckley and Mr. Powell for, with Mr. Miller of New York against.

Mr. Roosevelt and Mr. Ichord of Missouri for, with Mr. Bell against.

Mr. Frazier and Mr. Evins for, with Mr. Berry against.

Mr. Multer and Mr. Anfuso for, with Mr. Hoffman of Michigan against.

Mr. Rodino and Mr. Libonati for, with Mr. Hall against.

Mr. Sullivan and Mr. Holifield for, with Mr. Byrnes of Wisconsin against.

Mr. Dent and Mr. Daniels for, with Mr. Wilson of California against.

Mr. Farbstein and Mr. Carey for, with Mr. Arends against.

Mr. Smith of Iowa and Mr. Holtzman for, with Mr. Colmer against.

Mr. Zelenko and Mr. Baring for, with Mr. Moore against.

Mr. Cooley and Mr. Morrison for, with Mrs. Norrell against.

Mr. Moss and Mr. Reuss for, with Mr. Harrison of Virginia against.

Mr. Dominick and Mr. Karth for, with Mr. Hosmers against.

Mr. Santangelo and Mr. Rabaut for, with Mr. Hoeven against.

Mr. Bass of Tennessee and Mr. Fascell for, with Mr. Cederberg against.

Until further notice:

Mr. Saund with Mr. Martin of Massachusetts.

Mrs. Pfost with Mr. Halpern.

Mr. Murray with Mr. Short.

Mrs. Blitch with Mr. Horan.

Mr. Hébert with Mr. Teague of California.

Mr. Abernethy with Mr. Ford.

Mr. Rains with Mr. Kyl.

Mr. Macdonald with Mr. Griffin.

Mr. Wright with Mr. Weaver.

Mr. Thompson of Louisiana with Mr. Osmers.

Mr. Pilcher with Mr. Harvey of Indiana.

Mr. Vinson with Mr. Riehlman.

Mr. Jones of Missouri with Mr. Pelly.

Mr. Teague of Texas with Mr. Harsha.

Mr. Loser with Mr. Westland.

Mr. Johnson of Wisconsin with Mrs. St. George.

Mr. Boggs with Mr. Harvey of Michigan.

Mr. Moulder with Mr. McDonough.

Mr. James C. Davis with Mr. Pirnie.

Mr. Williams with Mr. Siler.

Mr. KEARNS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

FEDERAL ADVISORY COUNCIL ON THE ARTS

The SPEAKER pro tempore. The further unfinished business is the question on suspending the rules and passing the bill (H.R. 4172) to provide for the establishment of a Federal Advisory Council on the Arts to assist in the growth and development of the fine arts in the Nation's Capital and elsewhere in the United States, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill, H.R. 4172, as amended?

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 145, noes 74.

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 166, nays 173, not voting 96, as follows:

[Roll No. 221]

YEAS—166

Addabbo	Fino	Lane
Addonizio	Flood	Lankford
Albert	Fogarty	Lindsay
Ashley	Frelinghuysen	McCormack
Aspinall	Friedel	McDowell
Bailey	Fulton	McFall
Baldwin	Gallagher	MacGregor
Barrett	Giaimo	Mack
Barry	Gilbert	Madden
Bass, N.H.	Granahan	Magnuson
Bennett, Fla.	Gray	Mailliard
Boland	Green, Oreg.	Mathias
Bolling	Green, Pa.	Merrow
Bolton	Griffiths	Miller, Clem
Brademas	Hagen, Calif.	Miller, George P.
Brooks	Hansen	Minshall
Burke, Ky.	Harding	Monagan
Burke, Mass.	Hays	Montoya
Byrne, Pa.	Healey	Moorhead, Pa.
Celler	Hechler	Morgan
Chelf	Hemphill	Morris
Clark	Holland	Morse
Coad	Ikard, Tex.	Mosher
Cohelan	Inouye	Murphy
Conte	Jennings	Natcher
Cook	Joelson	Nix
Corman	Johnson, Calif.	O'Brien, Ill.
Curtis, Mass.	Johnson, Md.	O'Brien, N.Y.
Daddario	Jones, Ala.	O'Hara, Ill.
Davis, Tenn.	Judd	O'Hara, Mich.
Dawson	Karsten	Olsen
Delaney	Kastenmeier	O'Neill
Denton	Kearns	Patman
Diggs	Kee	Perkins
Dingell	Keith	Peterson
Donohue	Kelly	Philbin
Doyle	Keogh	Price
Duiski	Kilday	Quie
Edmondson	King, Calif.	Rhodes, Pa.
Elliott	King, Utah	Rivers, Alaska
Ellsworth	Kirwan	Roberts
Everett	Kluczynski	Rogers, Colo.
Feighan	Kowalski	Rooney
Finnegan	Kunkel	

Rostenkowski	Slack	Trimble
Ryan	Smith, Miss.	Tupper
St. Germain	Spence	Udall, Morris K.
Schneebeli	Staggers	Ullman
Schweiker	Stratton	Vanik
Schwengel	Stubblefield	Walter
Scott	Thomas	Weis
Scranton	Thompson, La.	Wickersham
Seely-Brown	Thompson, N.J.	Yates
Sheppard	Thompson, Tex.	Young
Sibal	Thornberry	Zablocki
Sisk	Toll	

NAYS—173

Abbitt	Fallon	Moorehead, Ohio
Adair	Fenton	Nelsen
Alexander	Findley	Norblad
Alford	Fisher	Nygaard
Alger	Flynt	O'Konski
Andersen, Minn.	Forrester	Ostertag
Anderson, Ill.	Fountain	Passman
Andrews	Garland	Pike
Ashbrook	Garmatz	Pillion
Ashmore	Gary	Poage
Auchincloss	Gathings	Poff
Avery	Gavin	Pucinski
Ayres	Glenn	Randall
Baker	Goodell	Ray
Bates	Goodling	Reece
Battin	Grant	Reifel
Becker	Gross	Rhodes, Ariz.
Beckworth	Gubser	Riley
Beermann	Hagan, Ga.	Rivers, S.C.
Belcher	Haley	Robison
Bennett, Mich.	Halleck	Rogers, Fla.
Betts	Hardy	Rogers, Tex.
Bonner	Harris	Roudebush
Bow	Harrison, Wyo.	Roush
Boykin	Henderson	Rousselot
Bray	Herlong	Rutherford
Breeding	Hoffman, Ill.	Saylor
Brewster	Huddleston	Schadeberg
Bromwell	Hull	Schenck
Broomfield	Jarman	Scherer
Brown	Jensen	Selden
Broyhill	Johansen	Shipley
Bruce	Jonas	Shriver
Burleson	Kilgore	Sikes
Cahill	King, N.Y.	Smith, Va.
Cannon	Kitchin	Stafford
Casey	Knox	Steed
Chamberlain	Kornegay	Stephens
Chenoweth	Laird	Taber
Chiperfield	Landrum	Taylor
Church	Langen	Thomson, Wis.
Clancy	Latta	Tollefson
Collier	Lennon	Tuck
Corbett	Lesinski	Utt
Cramer	Lipscomb	Van Pelt
Cunningham	McCulloch	Van Zandt
Curtin	McIntire	Wallhauser
Curtis, Mo.	McMillan	Watts
Davis, John W.	McSween	Whalley
Derounian	McVey	Wharton
Derwinski	Mahon	Whitener
Devine	Marshall	Whitten
Dole	Mason	Widnall
Dorn	Matthews	Willis
Dowdy	May	Wilson, Ind.
Downing	Meader	Winstead
Durno	Milliken	
Dwyer	Mills	
	Moeller	

NOT VOTING—96

Abernethy	Harsha	Osmers
Anfuso	Harvey, Ind.	Pelly
Arends	Harvey, Mich.	Pfost
Baring	Hébert	Pilcher
Bass, Tenn.	Hiestand	Pirnie
Bell	Hoeven	Powell
Berry	Hoffman, Mich.	Rabaut
Blatnik	Holifield	Rains
Blitch	Holtzman	Reuss
Boggs	Horan	Riehlman
Buckley	Hosmer	Rodino
Byrnes, Wis.	Ichord, Mo.	Roosevelt
Carey	Johnson, Wis.	St. George
Cederberg	Jones, Mo.	Santangelo
Colmer	Karth	Saund
Cooley	Kilburn	Shelley
Dague	Kyl	Short
Daniels	Libonati	Siler
Davis, James C.	Loser	Smith, Calif.
Dent	McDonough	Smith, Iowa
Dominick	Macdonald	Springer
Dooley	Martin, Mass.	Sullivan
Evins	Martin, Nebr.	Teague, Calif.
Farbstein	Michel	Teague, Tex.
Fascell	Miller, N.Y.	Vinson
Ford	Moore	Weaver
Frazier	Morrison	Westland
Griffin	Moss	Williams
Hall	Moulder	Wilson, Calif.
Halpern	Multer	Wright
Harrison, Va.	Murray	Younger
	Norrell	Zelenko

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. Murray with Mr. Arends.
Mr. Farbstein with Mr. Griffin.
Mr. Multer with Mr. Miller of New York.
Mr. Dent with McDonough.
Mr. Loser with Mr. Kilburn.
Mr. Jones of Missouri with Mr. Cederberg.
Mr. Fascell with Mr. Osmers.
Mr. Holtzman with Mr. Wilson of California.
Mr. Libonati with Mr. Byrnes of Wisconsin.
Mr. Cooley with Mr. Weaver.
Mr. Frazier with Mr. Ford.
Mr. Buckley with Mr. Berry.
Mr. Johnson of Wisconsin with Mr. Horan.
Mr. Ichord of Missouri with Mr. Kyl.
Mr. Carey with Mr. Harsha.
Mr. Smith of Iowa with Mr. Moore.
Mr. Teague of Texas with Mr. Harvey of Michigan.
Mr. Anfuso with Mr. Short.
Mr. Williams with Mr. Hall.
Mr. Roosevelt with Mr. Bell.
Mr. Bass of Tennessee with Mr. Dooley.
Mr. Sullivan with Mr. Riehlman.
Mr. Baring with Mr. Dominick.
Mr. James C. Davis with Mr. Younger.
Mr. Abernethy with Mr. Smith of California.
Mr. Shelley with Mr. Pelly.
Mr. Colmer with Mr. Martin of Massachusetts.
Mr. Daniels with Mr. Harvey of Indiana.
Mr. Boggs with Mr. Pirnie.
Mrs. Blitch with Mr. Teague of California.
Mr. Evins with Mr. Springer.
Mr. Harrison of Virginia with Mr. Siler.
Mr. Hébert with Mrs. St. George.
Mr. Moss with Mr. Hoffman of Michigan.
Mr. Morrison with Mr. Hiestand.
Mr. Holifield with Mr. Halpern.
Mr. Saund with Mr. Martin of Nebraska.
Mr. Zelenko with Mr. Hoeven.
Mr. Rodino with Mr. Hosmer.

Mr. KEARNS changed his vote from "nay" to "yea."

Mr. BROYHILL changed his vote from "yea" to "nay."

The vote was announced as above recorded.

MIGRANTS AND REFUGEES

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8291) to enable the United States to participate in the assistance rendered to certain migrants and refugees, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, lines 5 and 6, strike out "Committee;" and insert "Committee."

Page 2, after line 12, insert:

"(2) for assistance to or in behalf of escapees, refugees and similar selected persons from any Communist-dominated or Communist-occupied countries or areas, and any other countries or areas designated by the President, either to form such persons into elements of the military forces supporting the North Atlantic Treaty Organization or in furtherance of the objectives of the foreign policy of the United States when the President determines that such assistance will contribute to the defense of the North Atlantic area, to the security of the United States, or to the foreign policy interests of the United States;".

Page 2, line 13, strike out "(2)" and insert "(3)".

Page 2, lines 19 and 20, strike out "a country of the Western Hemisphere" and insert "Cuba".

Page 2, line 22, strike out all after "opinion;" down to and including "(D)" in line 24 and insert "and (C)".

Page 3, lines 1 and 2, strike out "life, or for education, or for transportation; and" and insert "life;".

Page 3, strike out lines 3 to 15, inclusive.

Page 3, after line 15, insert:

"(4) for assistance to State or local public agencies providing services for substantial numbers of individuals who meet the requirements of subparagraph (3) (other than clause (C) thereof) for (A) health services and educational services to such individuals, (B) special training for employment and services related thereto;".

Page 3, after line 15, insert:

"(5) for transportation to, and resettlement in, other areas of the United States of individuals who meet the requirements of subparagraph (3) (other than clause (C) thereof) and who, having regard for their income and other resources, need assistance in obtaining such services; and".

Page 3, after line 15, insert:

"(6) for establishment and maintenance of projects for employment or refresher professional training of individuals who meet the requirements of subparagraph (3) (other than clause (C) thereof) and, who, having regard for their income and resources, need such employment or need assistance in obtaining such retraining."

Page 4, line 2, strike out "authorized in this Act;" and insert "pursuant to subsection (c) of this section."

Page 4, line 22, strike out "purposes;" and insert "purposes."

Page 5, line 6, after "(a)" insert "(1)".

Page 5, lines 6 and 7, strike out "Subject to the provisions of section 301 of title 3, United States Code, the" and insert "The".

Page 5, line 13, strike out all after "subsection" down to and including "Act" in line 20 and insert "may redelegate such functions".

Page 5, after line 20, insert:

"(2) Section 104(b) of the Immigration and Nationality Act (8 U.S.C. 1104(b)), is amended by inserting after the first sentence the following: 'He shall be appointed by the President by and with the advice and consent of the Senate.'. This subparagraph (a)(2) shall be effective thirty days after the date of enactment of this Act."

Page 6, line 1, after "Act" insert "or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred".

Page 7, strike out lines 12, 13, and 14.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, I move that the House concur in Senate amendments (1), (4), (5), (6), (8), (9), and (10) and disagree to the Senate amendments numbered (2), (3), (7), (11), (12), (13), (14), (15), (16), (17), and (18).

Mr. BROWN. Mr. Speaker, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Ohio.

Mr. BROWN. Mr. Speaker, I understand that these amendments were agreed to by the entire conference that included the minority; is that correct?

Mr. WALTER. Yes. What happened is that the Senate expanded the scope of the consideration of refugees, and we are merely endeavoring to carry out the will of the House.

Mr. BROWN. I thank the gentleman.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

A motion to reconsider was laid on the table.

ARMS CONTROL ACT

Mr. SMITH of Virginia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 472 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the bill (H.R. 9118) to establish a United States Arms Control Agency, with the Senate amendments thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendments be, and the same are hereby, disagreed to and that the conference requested by the Senate on the disagreeing votes of the two Houses be, and the same is hereby, agreed to.

Mr. SMITH of Virginia. Mr. Speaker, this resolution has reference to the bill H.R. 9118, to establish a U.S. arms control agency. On yesterday objection was made to sending the bill to conference. The purpose of this resolution is merely to permit the appointment of conferees so that the bill may go to conference.

Mr. Speaker, I yield such time as he may desire to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. JOHANSEN].

Mr. JOHANSEN. Mr. Speaker, while I was not the Member who objected to this bill going to conference I would have interposed such an objection if it had not otherwise been done. This is not a deliberate effort to inconvenience the Members or to engage in dilatory tactics. It arises from my own very profound concern that this House search its conscience and review its own judgment with respect to this so-called arms control legislation and particularly with respect to the timing of this legislation.

There is an admonition, and I think it is scriptural in its source, as to the importance of making sure that we do not give occasion for our good to be evil spoken of. Certainly to work for peace is good. But to take those steps with whatever high motives we may have in a particular situation and climate which may cause the good to be evil spoken of is another matter.

I am concerned because of the transfer of authority in this bill to the Executive. I am concerned because of the lack of what seems to me adequate guarantees that any negotiations or agreements entered into will be subject to the constitutional process of ratification. I am concerned—and my mail and communications indicate the concern of hundreds of thousands of Americans—over the possibility that in the interim between a sine die adjournment of the Congress and our convening next January there will be dangerous Executive commitments pursuant to this legislation or in this field of disarmament which will confront us with a fait accompli next January. That is why I have had many communications urging that there are not be an adjournment of the Congress. I do respectfully remind my colleagues that this administration which so far has not been in office for a moment when Congress was not currently in session did, despite the fact that Congress was then in session, make unauthorized commitments last March which have now been honored almost perforce by this Congress with respect to the Peace Corps, and similarly commitments to the tune of $20 billion were made by the Executive even while Congress was in session with respect to aid in South America.

I ask merely that this House consider again what factor of urgency makes it so imperative that we act now in the closing hours of this session on this sweeping legislation when it is a matter of only 3 months until Congress will be back, when we will know something more of the world situation and will certainly know more of the situation in the United Nations.

Mr. BROWN. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, as the gentleman from Virginia, the chairman of the Rules Committee, Mr. SMITH of Virginia, has so ably explained, this resolution would simply provide for sending to conference the bill H.R. 9118, the so-called arms control bill.

I have listened intently to the gentleman from Michigan, and I wish to say very frankly that when this legislation came before the House in its original form I had considerable concern as to some of its provisions, and felt that some of them were not proper. Therefore, along with several other Members of the House, I joined in offering amendments which we believed would make the bill better. Many of those amendments were accepted by the Committee on Foreign Affairs, in which this bill originated.

The measure as it left the House had a great many protective provisions in it, and I hope they are maintained in the conference between the House and the other body. I believe that as a result of the amendments to this bill that were adopted on the floor of the House there were only 52 or 54 votes cast against it on passage. A great many Members of this body, I am sure, voted in favor of the bill, as I did, because we believed it had been strengthened by the many protective amendments which had been accepted or adopted. Since that time I have talked to a number of Members of the House who will be on the conference committee, and who will have something to say about the final form of this legislation, and I am very strongly of the belief, and certainly wish to express the great hope, that the Members of the House who serve on the conference committee will make every effort, and hold out, as long as may be necessary, to protect the position of the House by keeping in the bill the strengthening and corrective amendments written into it by the House, many of which, as I said before, were gratefully accepted by the Committee on Foreign Affairs, in which the bill originated.

It is with that belief that I supported this resolution in the Rules Committee, and support its adoption at this time.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. BROWN. I yield to the gentleman from Florida.

Mr. HALEY. I can thoroughly agree with what the gentleman has said, but I think there still are a good many Members of this House that think the timing of this bill is very bad. I hope that when the conference is called the amendments which I think did strengthen the bill will be retained by the conferees on the part of the House. I voted against the bill, and I voted against it simply because I believe this bill is very badly timed.

Mr. BROWN. I certainly hope these amendments will be retained because I feel rather certain, from the discussions which have been held concerning this matter on the floor of the House, and in the lobbies and in the cloakrooms, that unless these amendments are retained in the bill many Members will vote against the conference report on final adoption.

Mr. FOUNTAIN. Mr. Speaker, will the gentleman yield?

Mr. BROWN. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. I want to urge the conferees to insist particularly on the amendment to section 33 of the bill which relates to policy formulation. It states that there will be no reduction or limitation of arms except in keeping with the treatymaking power of the President under the Constitution, or unless there is other affirmative legislative action on the part of the Congress. I think that is a very important section of this bill. So far as I am concerned, if it is deleted, I do not expect to vote for the bill.

Mr. BROWN. I wish, if I may, to congratulate the gentleman from North Carolina [Mr. FOUNTAIN] for his amendments. I think they were the most important amendments adopted to this bill, and should by all means be retained in it. I am sure almost every Member of this House wishes to see them retained in the measure, and I hope they will be. I congratulate the gentleman from North Carolina on offering his amendments.

Mr. FOUNTAIN. I thank my colleague.

Mr. BROWN. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, Mrs. BOLTON, and Mr. JUDD.

REDESIGNATING THE JEFFERSON DIVISION OF EASTERN DISTRICT OF TEXAS AS MARSHALL DIVISION

Mr. CELLER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2102) to redesignate the Jefferson division of the Eastern District of Texas as the Marshall division.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. McCULLOCH. Mr. Speaker, reserving the right to object, would the chairman of the Committee on the Judiciary please advise the House about the proposed change of name authorized by the bill?

Mr. CELLER. All this bill does is to redesignate the name of a division in the Eastern District of Texas to call the division the Marshall division instead of the Jefferson division and to remove the site of the holding of court from the town of Jefferson to the town of Marshall. The bill has the approval of the judicial council and of the administrator of the courts. I have already conferred with the distinguished minority leader of the House and the majority leader of the House and the ranking Republican member of the Committee on the Judiciary, and they have all agreed to the adoption of this resolution.

Mr. McCULLOCH. Can the gentleman from New York please advise the House whether this proposal will result in additional cost in the holding of court in that area?

Mr. CELLER. It will not.

Mr. McCULLOCH. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 124(c)(5) of title 28, United States Code, is amended to read as follows:

"(5) The Marshall Division comprises the counties of Camp, Cass, Harrison, Hopkins, Marion, Morris, and Upshur.

"Court for the Marshall Division shall be held at Marshall."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF HOUSE REPORT ON "NEW CIVIL DEFENSE PROGRAM"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 473) which I have sent to the desk.

The Clerk read the resolution as follows:

Resolved, That there be printed for the use of the Committee on Government Operations thirty thousand additional copies of House Report No. 1249, current session, entitled "New Civil Defense Program."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. MEADER. Mr. Speaker, reserving the right to object, does the gentleman know that minority views have been filed on this and does the printing include the minority views?

Mr. HAYS. The gentleman is aware of that and the gentleman understands from the committee that the minority views will be included.

Mr. MEADER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

STEAMSHIP CONFERENCES

Mr. BONNER. Mr. Speaker, I call up the conference report on the bill (H.R. 6775) to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences.

The Clerk read the title of the bill.

Mr. BONNER. Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1247)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6775) to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That the Shipping Act, 1916, is amended by adding after section 14a a new section to read as follows:

" 'SEC. 14b. Notwithstanding any other provisions of this Act, on application the Federal Maritime Commission (hereinafter "Commission"), shall, after notice, and hearing, by order, permit the use by any common carrier or conference of such carriers in foreign commerce of any contract, amendment, or modification thereof, which is available to all shippers and consignees on equal terms and conditions, which provides lower rates to a shipper or consignee who agrees to give all or any fixed portion of his patronage to such carrier or conference of carriers unless the Commission finds that the contract, amendment, or modification thereof will be detrimental to the commerce of the United States or contrary to the public interest, or unjustly discriminatory or unfair as between shippers, exporters, importers, or ports, or between exporters from the United State and their foreign competitors, and provided the contract, amendment, or modification thereof, expressly (1) permits prompt release of the contract shipper from the contract with respect to any shipment or shipments for which the contracting carrier or conference of carriers cannot provide as much space as the contract shipper shall require on reasonable notice; (2) provides that whenever a tariff rate for the carriage of goods under the contract becomes effective, insofar as it is under the control of the carrier or conference of carriers, it shall not be increased before a reasonable period, but in no case less than ninety days; (3) covers only those goods of the contract shipper as to the shipment of which he has the legal right at the time of shipment to select the carrier: *Provided, however,* That it shall be deemed a breach of the contract if, before the time of shipment and with the intent to avoid his obligation under the contract, the contract shipper divests himself, or with the same intent permits himself to be divested, of the legal right to select the carrier and the shipment is carried by a carrier which is not a party to the contract; (4) does not require the contract shipper to divert shipment of goods from natural routings not served by the carrier or conference of carriers where direct carriage is available; (5) limits damages recoverable for breach by either party to actual damages to be determined after breach in accordance with the principles of contract law: *Provided, however,* That the contract may specify that in the case of a breach by a contract shipper the damages may be an amount not exceeding the freight charges computed at the contract rate on the particular shipment, less the cost of handling; (6) permits the contract shipper to terminate at any time without penalty upon ninety days' notice; (7) provides for a spread between ordinary rates and rates charged contract shippers which the Commission finds to be reasonable in all the circumstances but which spread shall in no event be more than 15 per centum of the ordinary rates; (8) excludes cargo of the contract shippers which is loaded and carried in bulk without mark or count except liquid bulk cargoes, other than chemicals, in less than full shipload lots: *Provided, however,* That upon finding that economic factors so warrant, the Commission may exclude from the contract any commodity subject to the foregoing exception; and (9) contains such other provisions not inconsistent herewith as the Commission shall require or permit. The Commission shall withdraw permission which it has granted under the authority contained in this section for the use of any contract if it finds, after notice and hearing, that the use of such contract is detrimental to the commerce of the United States or contrary to the public interest, or is unjustly discriminatory or unfair as between shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors. The carrier or conference of carriers may on ninety days' notice terminate without penalty the contract rate system herein authorized, in whole or with respect to any commodity: *Provided, however,* That after such termination the carrier or conference of carriers may not reinstitute such contract rate system or part thereof so terminated without prior permission by the Commission in accordance with the provisions of this section. Any contract, amendment, or modification of any contract not permitted by the Commission shall be unlawful, and contracts, amendments, and modifications shall be lawful only when and as long as permitted by the Commission; before permission is granted or after permission is withdrawn it shall be unlawful to carry out in whole or in part, directly or indirectly, any such contract, amendment, or modification. As used in this section, the term "contract shipper"

means a person other than a carrier or conference of carriers who is a party to a contract the use of which may be permitted under this section .' "

"SEC. 2. Section 15, Shipping Act, 1916, is amended to read as follows:

" 'SEC. 15. That every common carrier by water, or other person subject to this Act, shall file immediately with the Commission a true copy, or, if oral, a true and complete memorandum, of every agreement with another such carrier or other person subject to this Act, or modification or cancellation thereof, to which it may be a party or conform in whole or in part, fixing or regulating transportation rates or fares; giving or receiving special rates, accommodations, or other special privileges or advantages; controlling, regulating, preventing, or destroying competition; pooling or apportioning earnings, losses, or traffic; allotting ports or restricting or otherwise regulating the number and character of sailings between ports; limiting or regulating in any way the volume or character of freight or passenger traffic to be carried; or in any manner providing for an exclusive, preferential, or cooperative working arrangement. The term "agreement" in this section includes understandings, conferences, and other arrangements.

" 'The Commission shall by order, after notice and hearing, disapprove, cancel or modify any agreement, or any modification or cancellation thereof, whether or not previously approved by it, that it finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be contrary to the public interest, or to be in violation of this Act, and shall approve all other agreements, modifications, or cancellations. No such agreement shall be approved, nor shall continued approval be permitted for any agreement (1) between carriers not members of the same conference or conferences of carriers serving different trades that would otherwise be naturally competitive, unless in the case of agreements between carriers, each carrier, or in the case of agreements between conferences, each conference, retains the right of independent action, or (2) in respect to any conference agreement, which fails to provide reasonable and equal terms and conditions for admission and readmission to conference membership of other qualified carriers in the trade, or fails to provide that any member may withdraw from membership upon reasonable notice without penalty for such withdrawal.

" 'The Commission shall disapprove any such agreement, after notice and hearing, on a finding of inadequate policing of the obligations under it, or of failure or refusal to adopt and maintain reasonable procedures for promptly and fairly hearing and considering shippers' requests and complaints.

" 'Any agreement and any modification or cancellation of any agreement not approved, or disapproved, by the Commission shall be unlawful, and agreements, modifications, and cancellations shall be lawful only when and as long as approved by the Commission; before approval or after disapproval it shall be unlawful to carry out in whole or in part, directly or indirectly, any such agreement, modification, or cancellation; except that tariff rates, fares, and charges, and classifications, rules, and regulations explanatory thereof (including changes in special rates and charges covered by section 14b of this Act which do not involve a change in the spread between such rates and charges and the rates and charges applicable to noncontract shippers) agreed upon by approved conferences, and changes and amendments thereto, if otherwise in accordance with law, shall be permitted to take effect without prior approval upon compliance with the publication and filing requirements of section 18(b) hereof and with the provisions of any regulations the Commission may adopt.

" 'Every agreement, modification, or cancellation lawful under this section, or permitted under section 14b, shall be excepted from the provisions of the Act approved July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", and amendments and acts supplementary thereto, and the provisions of sections 73 to 77, both inclusive, of the Act approved August 27, 1894, entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", and amendments and Acts supplementary thereto.

" 'Whoever violates any provision of this section or of section 14b shall be liable to a penalty of not more than $1,000 for each day such violation continues, to be recovered by the United States in a civil action.'

"SEC. 3. Notwithstanding the provisions of sections 14, 14b, and 15, Shipping Act, 1916, as amended by this Act, all existing agreements which are lawful under the Shipping Act, 1916, immediately prior to enactment of this Act, shall remain lawful unless disapproved, canceled, or modified by the Commission pursuant to the provisions of the Shipping Act, 1916, as amended by this Act: *Provided, however,* That all such existing agreements which are rendered unlawful by the provisions of such Act as hereby amended must be amended to comply with the provisions of such Act as hereby amended, and if such amendments are filed for approval within six months after the enactment of this Act, such agreements so amended shall be lawful for a further period of not to exceed one year after such filing. Within such year the Commission shall approve, disapprove, cancel or modify all such agreements and amendments in accordance with the provisions of this Act.

"SEC. 4. Section 18, Shipping Act, 1916, is hereby amended as follows:

"(a) Insert '(a)' immediately after the section number '18'.

(b) Add the following subsection 18(b):

" '(b)(1) From and after ninety days following enactment hereof every common carrier by water in foreign commerce and every conference of such carriers shall file with the Commission and keep open to public inspection tariffs showing all the rates and charges of such carrier or conference of carriers for transportation to and from United States ports and foreign ports between all points on its own route and on any through route which has been established. Such tariffs shall plainly show the places between which freight will be carried, and shall contain the classification of freight in force, and shall also state separately such terminal or other charge, privilege, or facility under the control of the carrier or conference of carriers which is granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part or the aggregate of such aforesaid rates, or charges, and shall include specimens of any bill of lading, contract of affreightment, or other document evidencing the transportation agreement. Copies of such tariffs shall be made available to any person and a reasonable charge may be made therefor. The requirements of this section shall not be applicable to cargo loaded and carried in bulk without mark or count.

" '(2) No change shall be made in rates, charges, classifications, rules or regulations, which results in an increase in cost to the shipper, nor shall any new or initial rate of any common carrier by water in foreign commerce or conference of such carriers be instituted, except by the publication, and filing, as aforesaid, of a new tariff or tariffs which shall become effective not earlier than thirty days after the date of publication and filing thereof with the Commission, and each such tariff or tariffs shall plainly show the changes proposed to be made in the tariff or tariffs then in force and the time when the rates, charges, classifications, rules or regulations as changed are to become effective: *Provided, however,* That the Commission may, in its discretion and for good cause, allow such changes and such new or initial rates to become effective upon less than the period of thirty days herein specified. Any change in the rates, charges, or classifications, rules or regulations which results in a decreased cost to the shipper may become effective upon the publication and filing with the Commission. The term "tariff" as used in this paragraph shall include any amendment, supplement, or reissue.

" '(3) No common carrier by water in foreign commerce or conference of such carriers shall charge or demand or collect or receive a greater or less or different compensation for the transportation of property or for any service in connection therewith than the rates and charges which are specified in its tariffs on file with the Commission and duly published and in effect at the time; nor shall any such carrier rebate, refund, or remit in any manner or by any device any portion of the rates or charges so specified, nor extend or deny to any person any privilege or facility, except in accordance with such tariffs.

" '(4) The Commission shall by regulations prescribe the form and manner in which the tariffs required by this section shall be published and filed; and the Commission is authorized to reject any tariff filed with it which is not in conformity with this section and with such regulations. Upon rejection by the Commission, a tariff shall be void and its use unlawful.

" '(5) The Commission shall disapprove any rate or charge filed by a common carrier by water in the foreign commerce of the United States or conference of carriers which, after hearing, it finds to be so unreasonably high or low as to be detrimental to the commerce of the United States.

" '(6) Whoever violates any provision of this section shall be liable to a penalty of not more than $1,000 for each day such violation continues, to be recovered by the United States in a civil action.'

"SEC. 5. Section 20, Shipping Act, 1916, is amended by changing the period at the end thereof to a semicolon and adding the following: 'or to prevent any common carrier by water which is a party to a conference agreement approved pursuant to section 15 of this Act, or any other person subject to this Act, or any receiver, trustee, lessee, agent, or employee of such carrier or person, or any other person authorized by such carrier to receive information from giving information to the conference or any person, firm, corporation, or agency designated by the conference, or to prevent the conference or its designee from soliciting or receiving information for the purpose of determining whether a shipper or consignee has breached an agreement with the conference or its member lines or of determing whether a member of the conference has breached the conference agreement, or for the purpose of compiling statistics of cargo movement, but the use of such information for any other purpose prohibited by this Act or any other Act shall be unlawful.'

"SEC. 6. Section 16 First, Shipping Act, 1916 (39 Stat. 734; 46 U.S.C. 815), is hereby amended by deleting the period at the end thereof and adding the following: ': *Provided,* That within thirty days after enactment of this Act, or within thirty days after the effective date or the filing with the Commission, whichever is later, of any conference freight rate, rule, or regulation in the foreign

commerce of the United States, the Governor of any State, Commonwealth, or possession of the United States may file a protest with the Commission upon the ground that the rate, rule, or regulation unjustly discriminates against that State, Commonwealth, or possession of the United States, in which case the Commission shall issue an order to the conference to show cause why the rate, rule, or regulation should not be set aside. Within one hundred and eighty days from the date of the issuance of such order, the Commission shall determine whether or not such rate, rule, or regulation is unjustly discriminatory and issue a final order either dismissing the protest, or setting aside the rate, rule, or regulation.'

"SEC. 7. The Shipping Act, 1916, is hereby amended by inserting a new section 43 reading as follows:

"'SEC. 43. The Commission shall make such rules and regulations as may be necessary to carry out the provisions of this Act.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

HERBERT C. BONNER,
EDWARD A. GARMATZ,
THOMAS N. DOWNING,
BOB CASEY,
THOR C. TOLLEFSON,
JOHN H. RAY,
WILLIAM S. MAILLIARD,
Managers on the Part of the House.

WARREN G. MAGNUSON,
CLAIR ENGLE,
GALE W. MCGEE,
JOHN MARSHALL BUTLER,
HUGH SCOTT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H.R. 6775, to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Basically, the difference between H.R. 6775 as it passed the House and passed the Senate is in the manner of approach in four major respects.

(1) The House bill declared exclusive patronage shipping contracts between carriers and shippers to be prohibited except upon prior approval by the appropriate Federal Government agency (now Federal Maritime Commission) and required that the use of such contracts by steamship conferences or individual steamship companies could be approved only if they met certain specified criteria and standards. The bill as it passed the Senate eliminated the prohibition language and affirmatively permitted the use of dual rate, or exclusive patronage, contracts.

(2) The bill as it passed the House made it mandatory that all criteria be affirmatively met before the use of exclusive patronage contracts would be permitted and conference agreements approved by the Commission. The Senate version would permit the use of exclusive patronage contracts unless the Commission made findings to the contrary.

(3) The bill as it passed the House contained several major provisions intended to protect the status of independent carriers who might choose not to join a conference but which would, at the same time, give the conferences full and fair opportunity to operate with effective dual rate systems. The bill as it passed the Senate, for the most part eliminated all such provisions of an antitrust nature.

(4) The bill as it passed the House provided that conferences of carriers or individual carriers operating in the foreign commerce of the United States must designate persons upon whom service of process may be made within the United States and provide records or other information, wherever located, required by any order of the Commission. These features were stricken from the bill in the Senate version.

As agreed upon, by the conferees, the bill in major respects conforms with the Senate approach on the foregoing points.

Discussion of the differences in more detail follows.

The House bill required findings by the Commission that a proposed dual-rate conference agreement would not be detrimental to the commerce of the United States or contrary to the public interest and is not intended, and will not be reasonably likely, to cause the exclusion of any other carriers from the trade. The Senate version omitted the last provision and, with respect to the others, provided that a dual-rate agreement should be approved unless the Commission found it to be detrimental to the commerce of the United States or contrary to the public interest. The conferees' agreement adopts the Senate amendments.

The bill as passed the House required that the shippers' contract under a proposed conference agreement must contain a provision assuring space on vessels to contract signers. The Senate omitted this provision and substituted a provision that a contract signer be released from his contract with respect to a particular shipment if conference carriers could not provide space for his shipment. The House conferees agreed to this change.

The House bill provided that the shippers' contract with the conference should cover only those goods to which he has the legal right to select the carrier at the time of shipment. The Senate version added a proviso that if the shipper divested himself of that right before shipment with intent to avoid his contract, such conduct constituted a breach of contract. The conference agreement adopted the Senate amendment with a minor amendment.

The Senate added a provision that a conference contract must exclude cargo carried in bulk without mark or count other than liquid cargo and the conference agreement adopts the amendment.

The bill as it passed the House required the Commission to withdraw its permission for the use of a dual-rate system where it finds, after notice and hearing, that the use of such contract tends to cause the elimination from, or prevent the entry into a trade of any carrier. The Senate struck out this provision. The conferees agreed to the Senate version.

The House bill stated that no conference contract could be approved by the Commission which authorized agreements between carriers or conferences of carriers serving different trades that would otherwise be naturally competitive unless in the case of agreements between carriers, each carrier, or in the case of conferences, each conference retains the right of independent action. The Senate struck out this provision. The Senate receded from its position with an amendment, accepted by the House conferees, limiting the prohibition on carrier agreements to carriers not members of the same conference.

The House bill contained a provision prohibiting shippers who act as carrier agents from representing such carrier in conference activities unless no other qualified person was available. The Senate struck the provision and the House receded from its position.

The Senate omitted a provision from the House bill prohibiting agreements whose probable effect will be reasonably likely to exclude any other carrier from the trade. The House receded from its position.

The House bill contained a requirement that no conference agreement shall be approved unless it designated a person within the United States upon whom service of process could be made, effective against all members of the conference and contained an agreement to provide documents and records required by the Commission, together with another similar provision as to all common carriers by water in the foreign trade. The Senate struck out both provisions. The conference agreement adopts the Senate position.

The House bill required conference agreements to contain provisions for policing of the obligations under them and for reasonable procedures for consideration of shippers' complaints. The Senate struck out the provision and inserted in lieu thereof authority in the Commission to disapprove an agreement after notice and hearing on a finding of inadequate policing and failure to maintain procedures for hearing shippers' complaints. The conference agreement adopted the Senate amendment.

The House validated existing agreements which are lawful immediately prior to the enactment of this act for a further period of one year after enactment, unless sooner disapproved, canceled, or modified by the Commission. The Senate added a proviso that existing agreements rendered unlawful by the act must be amended to comply with the act and if such amendments are filed for approval within six months after enactment, such agreements shall be lawful unless and until disapproved, canceled, or modified by the Commission but agreements not so amended within the period if thereafter found in violation of the act may be declared unlawful from the expiration of the six-month period. The conferees adopted an amendment providing that amended agreements filed within the six-month period are lawful for a further period of one year during which year the Commission shall approve, disapprove, cancel, or modify in accordance with this act.

The House rendered unlawful reductions in rates or charges by a common carrier or conference of carriers for the purpose of destroying competition and provided a penalty therefor and authorized reductions made in good faith to meet competition. The Senate struck out the provision and the House receded from its position.

The House authorized the solicitation and receipt of information by a conference to determine whether a shipper or consignee or conference member has committed a breach of his agreement with the conference. The Senate version omitted the provision but receded from its position with an amendment to make the section applicable to a larger class of persons.

The House authorized the Commission to make rules and regulations necessary under specified sections of the act; the Senate amended by broadening the authority to include the entire act. The House receded from its position.

The Senate amended the bill to include a new section authorizing the Governor of a State, Commonwealth, or possession of the United States and any port authority or municipality operating a port, to file a protest concerning any conference rate or regulation within 30 days of its filing with the Commission on the ground of unjust discrimination. Within 120 days, the Commission would be required to determine whether the rate or regulation is discriminatory and if so, may set it aside. The conference agreement adopted the Senate amendment with

an amendment eliminating the reference to port authorities and municipalities and increasing the time of Commission action to 180 days.

In addition to the foregoing, there were a number of minor, technical, or conforming amendments agreed to by the conferees.

The Senate amended the title of the bill and the conference agreement adopts the Senate amendment.

HERBERT C. BONNER,
EDWARD A. GARMATZ,
THOMAS N. DOWNING,
BOB CASEY,
THOR C. TOLLEFSON,
JOHN H. RAY,
WILLIAM S. MAILLIARD,
Managers on the Part of the House.

Mr. BONNER. Mr. Speaker, I am certain the gentleman from Washington [Mr. TOLLEFSON] and the gentleman from New York [Mr. CELLER] desire to make statements on this conference report.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 1 hour.

Mr. BONNER. I yield 30 minutes to the gentleman from Washington [Mr. TOLLEFSON].

Mr. Speaker, I certainly do not desire to detain the House from the business I know it is anxious to proceed with, but this is a matter I do think should be explained to the House and should be well understood.

In 1916 the American merchant marine and foreign-flag shipping engaged in the commerce of the United States were exempt from the antitrust laws, when the Congress enacted the Shipping Act of 1916. This opened an opportunity to correct a chaotic condition theretofore existing in ocean transportation, and to aid the commerce of the United States and the economy of this Nation.

International shipping toward the end of the 19th century was constantly beset by rate wars, ruinous to carriers and shippers alike. No system of governmental regulation was in effect or deemed feasible or desirable. Self-regulation seemed the only means to assure some degree of stability in the ocean trades.

Therefore, conferences and various forms of tying devices including dual-rate systems were organized.

A decision of the Supreme Court in 1958 affecting the dual-rate system proposed for use in one conference jeopardized all the conferences engaged in the foreign commerce of the United States, and their member steamship lines including foreign-flag shipping as well as our American merchant marine.

This decision created a condition that could have been very detrimental to the interests of this country.

Immediately after that court decision this House passed a resolution continuing the then present system and has renewed that resolution twice, pending opportunity for further review of the situation. During the past 3 years two committees of the House and one of the Senate have studied the subject most thoroughly.

As this bill came from the Committee on Merchant Marine and Fisheries it contained two provisions that were controversial. One applied to the antitrust laws and the second provision applied to the matter of securing the records of foreign-ship operators, foreign lines. The State Department violently objected to the second, and the Department of Justice was insistent on the first. With the inclusion of these two provisions in the bill it jeopardized the continuation of conferences in dual rates.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield for about 15 seconds?

I wish to speak out of order very briefly, for several Members have asked me when we would bring in the conference report on the foreign aid appropriation bill, so that the House could adjourn sine die. Let me state that it is not necessarily the foreign aid appropriation bill that would hold up adjournment. There are several other important measures, both appropriations and otherwise, which must be acted upon. These include the public works appropriations bill, which has just been reported by the Senate committee; the final supplemental appropriations bill, which is yet to be reported by the Senate committee, as well as several other legislative matters which are yet to be acted upon. We began the conference on the foreign aid appropriations bill this morning, and we will resume it later today. Insofar as I am concerned, and on this I believe I speak in behalf of the other conferees for the House, we intend to work diligently and tirelessly for a reasonable adjustment of the House-Senate differences. I would add, however, as I believe the Members of this body already know, that we do not intend to capitulate to pressure or unreasonable demands. But let the Members understand that it is not the Foreign Operations Appropriations Subcommittee that is holding up sine die adjournment.

Mr. HALLECK. Mr. Speaker, I would like to say to the gentleman from Louisiana that, of course, he has one of the important measures we must act upon before we can adjourn. But I cannot see any reason why the measure to which he refers and the other measures cannot be worked out come Saturday night.

Mr. PASSMAN. We are working very hard to bring back a conference report before Saturday night.

Mr. BONNER. Mr. Speaker, this explanation is being made because the bill as it passed this House contained both the antitrust provision and the provision that foreign operators would have to submit the records of their operations wherever they might be located. The bill passed the House unanimously.

The Senate Commerce Committee after full hearings rejected these two features in reporting the bill to the Senate.

These two subjects were debated in the Senate. Amendments were offered in the Senate to restore the House provisions and they were not accepted. We went to conference and the conferees overwhelmingly decided not to reinstate the antitrust language and the authority to demand foreign records.

The conferees did accept the reinstatement of an important provision of the House bill that would authorize disapproval of any freight rates that might be so unreasonably high or so unreasonably low as to be detrimental to the commerce of the United States.

This provision will serve as a restraint on conferences that might exercise their power too far.

There are other provisions in the bill that strengthen the purposes of the 1916 law from what they were formerly.

I am primarily interested in the welfare of the future of the American merchant marine. I know, first of all, that we need the conferences and we need the dual rate system to make the conferences effective. Therefore, I hope the House will adopt the conference report, notwithstanding the deletion that I have mentioned which was passed in the House by unanimous consent.

Mr. Speaker, I now yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, before commenting on the conference report on H.R. 6775, I wish to commend the distinguished chairman of the Committee on Merchant Marine and Fisheries for his efforts to secure enactment of a bill that would protect the interests of the general public and the interests of the U.S. maritime industry alike. Through the leadership of the gentleman from North Carolina, the House Committee on Merchant Marine and Fisheries reported to the House H.R. 6775 in a form that would have protected the export trade of the United States from unreasonable rates and discriminatory practices, would have protected small, independent maritime operators, would have protected American consumers from monopolistic price fixing on imported goods, and would have extended to the American public, in general, minimal antitrust protection against international cartels. The House passed that bill unanimously.

The committee of conference has now removed these minimal protections necessary to safeguard the public interest. Indeed, the committee of conference has even removed certain protections for the public that the other body added to the House bill. In short, the bill, H.R. 6775, as now recommended by the conference committee, is a very different and far inferior bill to that which this House passed unanimously.

The bill as it is now presented to the House gives virtual carte blanche to foreign steamship lines to extend their domination over the foreign commerce of the United States. This can only result in the perpetration of further abuses upon the American shipper and consumer.

For example, at our Antitrust Subcommittee shipping hearings held in 1959, 1960, and during the month of March this year, the subcommittee, on the basis of examining the records of only a small number of steamship lines, discovered more than 240 apparent violations of Federal statutory provisions—violations which have caused the Attorney General to embark on a sweeping grand jury investigation of steamship

industry practices, and have caused the Federal Maritime Board to institute a number of investigative and rulemaking proceedings.

What concerns me most about the pending bill, Mr. Speaker, is that it grants to the maritime industry, dominated by foreign carriers, a powerful predatory weapon normally outlawed by our antitrust laws and at the same time offers scant protection from monopolistic depreciations for the foreign commerce of the United States and for the American consuming public. As hearings by the House Antitrust Subcommittee and the House Committee on Merchant Marine and Fisheries have demonstrated, and as further established by Studies of the Department of Commerce, our entire export program has been seriously impaired by monopolistic practices of steamship cartels.

A study has been prepared by the Department of Commerce showing how the American export trade has been damaged by these cartels. This report will be appended to my remarks.

Without the protections that the House bill contained and which the conference committee has now stricken, it is clear that American consumers will be paying more and more for imported goods and that American businesses will be exporting less and less as these foreign-dominated shipping cartels continue to price our goods out of foreign markets by means of their monopolistic rate rigging.

For these reasons, Mr. Speaker, I cannot in good conscience support this conference report and must view with great concern enactment of this bill in its present form.

Mr. BONNER. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from North Carolina.

Mr. BONNER. Now, it is true that the Committee on the Judiciary did find certain malpractices, but with the recent adoption by the Congress of the President's Reorganization Plan No. 7, the reorganization of the Maritime Administration and the Maritime Board, there will be more enforcement than has heretofore existed, and I believe the Committee on the Judiciary and others interested in this subject will not find in the future the errors and mistakes that have been made in the past.

Mr. CELLER. I hope that that will be the case. The House bill that the gentleman from North Carolina [Mr. BONNER] introduced and guided through the House, had, beyond peradventure of a doubt, safeguards to prevent the abuses we unearthed. Those safeguards should not have been taken out of the bill in conference. Those were antitrust provisions that would have prevented the predatory practices by steamship cartels that keep independent steamship lines out of the trade and drive independents out of trades they have entered. Such competition is the only protection against arbitrary and excessive rates established by the cartels. That is why antitrust safeguards are essential in the public interest and should not have been taken out.

For these reasons, Mr. Speaker, I must repeat that I cannot, in good conscience, support this conference report. I must view with great concern the enactment of this bill in its present form.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include a study prepared by the Department of Commerce showing how the American export trade has been damaged by these foreign steamship cartels.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The material referred to follows:

OCEAN FREIGHT RATES AS A DETERRENT TO THE EXPANSION OF U.S. EXPORT SALES

Since the early part of this year, the Department of Commerce has been holding weekly meetings with representatives of various industries to discuss ways and means of increasing export sales in connection with our current export sales expansion program.

During several of these meetings industry spokesmen have pointed out that one of the principal deterrents to increased export sales is the high level of outbound ocean freight rates as compared with the inbound rates for the same commodity on the same trade route. Complaints have also been registered regarding the discrepancy between rates from U.S. ports to foreign destinations and from foreign ports to these same foreign destinations for the same commodity. Specifically, the following industries have provided the Department with statements regarding this matter: automotive equipment, industrial chemicals, major appliances, jewelry industry, electronics, rubber and rubber products, farm machinery, textile machinery, fertilizers, air conditioners, and refrigeration equipment.

Following is a synopsis of the statements presented by these industries:

AUTOMOTIVE EQUIPMENT

The eastbound automobile rate level particularly to the continental/United Kingdom ports has been higher than the inward or westbound rate to U.S. ports, since 1945. After extended discussion with the AMA Ocean Rate Committee, the conference lines made a rate deduction in 1958 and another in 1959.

The impression exists that these concessions were prompted, however, by the then impending congressional investigation. Concern exists that as soon as the conference lines decided to boost the eastbound rates once again, this will be done, regardless of protest.

United Kingdom trade

	Boxed	Unboxed
Present eastbound conference rate,[1] per 40-cubic-foot ton	$23.00	$26.00
Reported westbound rate,[2] per 40 cubic feet	11.55	[3] 16.45

[1] Rate applies to 8,960 pounds.
[2] Rate applies to 4,481 pounds.
[3] 240 cubic feet or greater; $12.60 per 40-cubic-foot units under 240 cubic feet.

Continental trade

	Present eastbound conference rate [1]		Reported westbound rate [2]—From Antwerp (per cubic meter, 35 feet)
	French-Belgium-Dutch ports (per 40-cubic-foot ton)	German ports (per 40-cubic-foot ton)	
Boxed	$15	$16.80	[3] $22.00
Unboxed	18	20.00	14.30

[1] Rate applies to 8,960 pounds.
[2] Rate applies to 3,000 kilos (6,615 pounds).
[3] To a value of $2,000; $33 per cubic meter if value over $2,000.

INDUSTRIAL CHEMICALS

There is such great disparity between eastbound and westbound transatlantic freight costs as to make it impossible, in many cases, to effect eastward sales at all. A typical chemical commodity, which is sufficiently universal in application to make it worth using as an example, is sodium cyanide. To the best of our knowledge, this material comes to the United States from Germany, France, and the United Kingdom to the extent of some 18 million pounds, valued at about $3 million per year. Movement eastward is, to all intents and purposes, nil, despite the fact the published going prices in the home market in all producing countries are roughly the same.

This one-way movement is explained more by the discrepancy in freights than by tariff differentials:

	Per hundredweight
Hamburg to New York	$0.82
Rotterdam to New York	.82
Liverpool to New York	.873
New York to Hamburg	6.61
New York to Rotterdam/Antwerp	5.85
New York to Liverpool	[1]
New Orleans to Antwerp	6.44

[1] Not yet available.

MAJOR APPLIANCES

At the August 17, 1960, meeting of the ocean rate committee, consumer products division, various members reported that they had been informed of your interest in the level of ocean rates of freight insofar as they affect unfavorably the exports of American products to world markets.

This committee holds that the disparity between American and European—and in some instances Asian—ocean rates of freight is one of various important factors which have an adverse influence on the flow of a considerable number of American products to foreign markets. Electrical household appliances such as refrigerators, freezers, ranges, washing machines, dryers, and others are in this category.

The objectives of this ocean rate committee include continued negotiations with steamship conferences concerning rate levels which are detrimental to U.S. exports and, incidentally, harmful to the lines themselves, in the firm conviction that thereby a contribution will be made toward a rising volume of exports.

JEWELRY

Recently we made two simultaneous shipments of our men's jewelry to England via a member line of the North Atlantic and United Kingdom Freight Conference. They consisted of a total of 21 cartons: cube, 35 feet; weight, 1,128 pounds; value, $7,273.81. We declared the merchandise as "articles of men's wear," as we do in the case of all other ocean freight shipments, and all air express and parcel post shipments.

The company ignored our declared classification and without consideration of any nature slapped the "imitation jewelry" rate of $18.50 per carton minimum, or a total freight bill of $388.50 on the shipment (parcel post would have been only $275). Had we known this was going to take place, we would have increased the size of the cartons. But even had we done this, we would still have come under the "imitation jewelry" cubic-foot rate of $3.25 per foot and our total freight bill would have been $43.75 for this small shipment. To soak us $388.50, where the rate charged by any other steamship line save those of the North Atlantic conferences would be $43.75, is unjust, discriminatory, and outrageous. Obviously, what should be the most economical transportation, ocean freight, is anything but that under existing conference rates.

ELECTRONICS

Thank you for your recent telephone call, advising that your office plans to call to the attention of the Federal Maritime Board,

complaints of American industry that ocean freight rates discriminate against U.S. export shippers and favor our foreign competition.

The Electronic Industries Association, through its international department traffic committee, has worked for several years to alleviate this situation through direct negotiations with steamship conference representatives. In general, we have found the conference willing to cooperate and a number of rate adjustments have been put into effect covering products of the electronics industry.

The freight rate is, of course, a factor in establishing the price at which a product is sold in a foreign country. Many countries also base their tariff rates on the cost, insurance, and freight value of the product. This tends to multiply the already existing freight rate discrimination.

It is our recommendation that your office urge the Federal Maritime Board to investigate thoroughly all rate proposals presented to it and require that conferences justify all rates which discriminate against American shippers. American steamship companies are highly subsidized to insure that American export products can reach foreign ports at a shipping cost comparable with our foreign competition. Steamship conferences, which traditionally are dominated by foreign lines, should be required to justify all rate proposals which do not provide parity for American exports. The Federal Maritime Board should be encouraged to think in terms of rate parity for American exporters so they can enjoy the benefits which should be provided with the tax dollars spent to subsidize American shipping interests.

RUBBER

In many cases ocean freight rates are the deciding factor as to whether U.S. producers can obtain the business. An industry representative stated that both United States and West German producers quoted prices on a substantial order for surgeons' gloves in Ecuador. U.S. prices were lower, but ocean freight rates were so much higher that the landed cost from Germany was less than that for U.S. products, so that the business was placed with a German company.

FARM MACHINERY

Ocean freight rates handicap American exports. Some rates from the United States to Europe are considerably higher than rates from Europe to the United States. Some rates from Europe to a third country are lower than rates for the same distances on voyages originating in the United States.

TEXTILE MACHINERY

Marine freight rates are higher from U.S. ports to Europe than rates from Europe to the United States.

FERTILIZERS

Last week I was asked by one of our executives what single thing was the greatest deterrent to increasing our chemical export sales. I imagine that by asking this loaded question he expected I might say a bigger budget, more people, etc. My prompt answer to this question was noncompetitive U.S. ocean freight rates.

Reflecting on this subject, I knew that it was not specifically listed in the agenda and probably the committee does not desire to dwell on it at length at this time, but I do feel that this roadblock to expansion is so basic that if it is not recognized, then all of the help and assistance that the Government desires to give to aid exports may become academic, for I know in our case we must produce competitively and then deliver abroad competitively; and if we cannot complete both of these two stages, there is no use windmilling about anything else.

Please be mindful that I am expressing my personal opinion on a key deterrent to export sales of chemicals which Food Machinery & Chemical Corp. has to offer for export, and if the chemical industry were canvassed, I believe you will find that for tonnage chemicals a considerable amount of business is lost because U.S. rates cannot compete with foreign-flag lines, many of which are subsidized by their governments to the extent it reflects substantially in their rate structure.

I would be the first to admit that I do not know how U.S. lines can lower their rates when I hear that the master of foreign vessels gets from $4,000 to $5,000 per year, and on U.S. vessels captains are paid $10,000 to $15,000, along with comparable differences in the pay of foreign versus U.S. crews. I have also heard that costs to load a vessel vary from $1.50 to $4 per ton abroad, whereas in the United States it is estimated at $7 to $8 per ton.

My point being, that if Food Machinery & Chemical Corp. can produce a product competitively for export but cannot deliver competitively, then the tariff rates, trade restrictions, or any help the Bureau can lend to promotion of trade, becomes academic.

From my point of view, in the strengthening of the U.S. position in world trade, ocean freight rates play a most vital integral part, and for Food Machinery & Chemical Corp. chemicals to take advantage of the assistance to its fullest degree we must first, somehow, equalize the primary problem of noncompetitive freight rates either by lowering our rates or increasing foreign rates. (Food Machinery & Chemical Corp.)

Potash fertilizer is a bulk commodity valued at only about $20 (muriate of potash) or $30 (sulphate of potash) per ton at U.S. mine. Because of its Carlsbad location, the major part of the domestic industry is burdened with a costly rail haul just to reach a port. Before the foreign destination is reached, a costly ocean freight must be added to arrive at the landed cost. This freight burden is onerous not only in its relation to the basic value of the potash fertilizer shipped but even more so in its relation to the much lower freight costs from the foreign producing countries to most of their export markets. Whereas ocean freight costs on potash to the Far East or Oceania are approximately the same from the United States as they are from Western Europe, it is a well-known fact that it costs twice as much to ship potash across the ocean from the United States to Europe as it costs to ship the same product and quality in the opposite direction. For this reason European potash producers have long been able to secure a substantial part of our domestic market in the coastal strip from Maine to Florida. The opening of the St. Lawrence Seaway may for the first time give European potash suppliers access to the important Midwest market. In general, a rail haul may add $10 to $15 per ton and an ocean freight another $10 to $15 per ton on U.S. potash exports. The significance of a freight advantage to a European supplier of, say $5 per ton is obviously very important for a product which sells for $20 per ton free on board plant. (Southwest Potash Corp.)

AIR CONDITIONING AND REFRIGERATION

A general statement was made by several industry representatives that ocean freight rates on shipments from the United States to foreign destinations are not competitive with similar rates for shipments to these same destinations from foreign points of origin.

In reply to these complaints the Department is pointing out first of all that the Government does not exercise any direct control over the level of ocean freight rates. Secondly, shippers are being advised to follow the procedure outlined in the attached pamphlet, "Ocean Freight Rates," whenever it is felt that certain rates are either excessively high or of a discriminatory nature.

Copies of all the industry statements listed in this memorandum have been transmitted to the Regulation Office of the Federal Maritime Board for whatever action is deemed appropriate.

Mr. TOLLEFSON. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. TOLLEFSON. Mr. Speaker, the House and Senate conferees on H.R. 6775 have worked out a good bill and the House should approve it. Contrary to the fears expressed by the gentleman from New York [Mr. CELLER], concerning the bill, it contains adequate protection for both shippers and carriers as well as the public interest. While the antitrust language which the gentleman preferred was removed from the House version, other provisions of the bill give equally effective protection. The conferees were convinced that if the language which the gentleman from New York preferred were to be enacted into law the conference system would be destroyed and the American ship operators would eventually be put out of business. Rate wars would follow. Despite our ship subsidy program, the American operator could not successfully compete with his foreign counterpart because the subsidies do not take care of all the cost differences which exist between the American and the foreign operators. The foreigner has lower operating costs and could cut his rates below that which the American must charge to stay in business.

The gentleman from New York wanted to see in this legislation a provision to require the production of the foreign operator's documents located abroad. Such a provision would be clearly beyond the jurisdiction of the United States. It would be an affront to the sovereignty of foreign nations, 12 of which have registered strong protests against such a proposal with our Department of State. Several of such nations have stated that they would not permit their nationals to produce such documents. If we enacted that kind of a law, the foreign operators would simply pull out of the conferences and the conferences would fail. History has proven that without conferences rate wars ensue, all to the detriment of the American operator and, for that matter, to the detriment of the shipping public.

The conference system and the dual-rate contracts are necessary if we are to have stability of rates and regularity of shipping service. Every congressional investigation of shipping problems over the years has convinced the Members of Congress that this is so.

May I say to the House that the great majority of the shippers of our country who appeared before our committee during the last 3 years favor this legislation. A few shippers have had complaints about the operation of shipping conferences. That is understandable. No system is perfect. Human factors are always involved and errors of judgment are bound to occur. They would occur even if we accepted the language urged by the gentleman from New York. If

a majority of the shippers approve this legislation, then the Congress should too. Our committee has worked hard for 3 years to come up with a good bill. We sincerely believe that we have done so. I, therefore, urge the House to accept the conference report. The President should then sign the bill. If he does not, he will have to take the responsibility for the destruction of the conference system, for the chaos which will follow, and, finally, for the injury which will be done to the American merchant marine.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

RELATING TO ELECTIONS IN THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8444) to amend the act of August 12, 1955, relating to elections in the District of Columbia, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina? The chair hears none, and appoints the following conferees: Messrs. JAMES C. DAVIS, DOWDY, WHITENER, BROYHILL, and HARSHA.

UNIVERSAL MILITARY TRAINING AND SERVICE ACT

Mr. KILDAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8765) to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, strike out all after line 7 over to and including line 9 on page 2 and insert:

"(1) Any person who after entering the employment to which he claims restoration, enlists in the Armed Forces of the United States (other than in a reserve component) shall be entitled upon release from service under honorable conditions to all the reemployment rights and other benefits provided for by this section in the case of persons inducted under the provisions of this title, if the total of his service performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any service, additional or otherwise, performed by him after August 1, 1961, does not exceed four years (plus in each case any period of additional service imposed pursuant to law)."

Page 2, strike out all after line 21 over to and including "involuntarily" in line 1 on page 3 and insert "total of such active duty performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any such active duty, additional or otherwise, performed after August 1, 1961, does not exceed four years".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AMENDMENT OF CAREER COMPENSATION ACT OF 1949

Mr. KILDAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2732) to amend section 303 of the Career Compensation Act of 1949 to provide that the Secretaries of the uniformed services shall prescribe a reasonable monetary allowance for transportation of house trailers or mobile dwellings upon permament change of station of members of the uniformed services, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert: "That the twelfth sentence of section 303(c) of the Career Compensation Act of 1949 (37 U.S.C. 253(c)) is amended to read as follows: 'Under regulations prescribed by the Secretaries concerned and in lieu of transportation of baggage and household effects or payment of a dislocation allowance, a member of the uniformed services, or in the case of his death his dependents, who would otherwise be entitled to transportation of baggage and household goods under this section, may transport a house trailer or mobile dwelling within the continental United States for use as a residence by one of the following means—

"'(1) transport the trailer or dwelling and receive a monetary allowance in lieu of transportation at a rate to be prescribed by the Secretaries (but not to exceed twenty cents per mile);

"'(2) deliver the trailer or dwelling to the Government for transportation by commercial means; or

"'(3) transport the trailer or dwelling by commercial means and be reimbursed by the Government subject to such rates as may be prescribed by the Secretaries concerned;

"'*Provided*, That the cost of transportation under clause (2) or the reimbursement under clause (3) may not exceed (A) the current average cost for the commercial transportation of a house trailer or mobile dwelling, (B) 36 cents per mile, or (C) the cost of transporting the baggage and household effects of the member or his dependents plus the dislocation allowance authorized in this section, whichever of (A), (B) or (C) is the lesser: *And provided further*, That any payment authorized by this section may be made in advance of the transportation concerned.'"

Amend the title so as to read: "An Act to amend section 303(c) of the Career Compensation Act of 1949 to authorize the Secretaries concerned to prescribe a reasonable monetary allowance for the transportation of house trailers or mobile dwellings."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, may we have just a brief explanation of what this bill does?

Mr. KILDAY. Mr. Speaker, I shall attempt to explain the bill for the gentleman from Iowa.

Mr. Speaker, the House passed this bill to authorize an increase in the cost of transportation of house trailers and mobile homes. It was considered under a rule and thoroughly debated. The Senate amendment places a ceiling on the amount which can be paid.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ESTABLISHMENT OF A REGISTER OF CERTAIN MOTOR VEHICLE OPERATORS' LICENSES

Mr. HARRIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1440) to amend the act approved July 14, 1960 (74 Stat. 526), relating to the establishment of a register in the Department of Commerce of certain motor vehicle operators' licenses.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. DEVINE. Mr. Speaker, reserving the right to object, and I do not intend to object, I would like to have a brief explanation of the bill for the benefit of the Members.

Mr. HARRIS. Mr. Speaker, this legislation amends existing law to facilitate administration of the national driver license register program.

This register, which contains the names of persons whose permits to drive motor vehicles have been revoked for driving while drunk or for conviction of a traffic violation involving loss of life, was set up July 1, 1961, in the Department of Commerce in accordance with Public Law 86-660 of the last Congress.

The pending bill was recommended by the Department of Commerce to clarify present law for the reason that some States do not revoke but suspend permits, while some both revoke and suspend. This legislation would permit the Department to list revocations as well as suspensions for the two offenses.

The Department informed the committee that enactment of this legislation would benefit 13 States.

The legislation was proposed as a result of a conference of representatives of State motor vehicle administrators, the American Association of Motor Vehicle Administrators, the American Bar Association, the Traffic Institute of Northwestern University, and the Bureau of Public Roads of the Department of Commerce.

Hearings were held by the Subcommittee on Health and Safety, September 12, on this and three related bills. No one appeared in opposition.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Alabama.

Mr. ROBERTS. Mr. Speaker, last year Congress enacted and the President signed into law the Rhodes bill, sponsored by the gentleman from Arizona, which set up a national register of names of persons convicted of driving while intoxicated or for any violation of a highway safety code resulting in death.

The purpose is to help prevent the inadvertent granting of driver privileges to persons whose licenses have been forfeited in another State.

Mr. Speaker, the legislation has worked quite well. Forty-five States, the District of Columbia, the Canal Zone, Puerto Rico, and the Virgin Islands have agreed to cooperate and 43 of these jurisdictions are participating in this program. However, the original legislation covered only permits which have been revoked.

The bill we have here today will amend existing law to accommodate those States which suspend as well as revoke for these two violations. The committee was told it would assist 13 States in taking advantage of this service. The Subcommittee on Health and Safety held hearings September 12 on this and three other bills to extend the law to include suspensions. The other bills were H.R. 8388 by Mr. RANDALL; H.R. 9074, which I introduced; and H.R. 9078 by Mr. RHODES of Arizona, author of the bill establishing this program.

Mr. Speaker, it has already resulted in the accumulation of about 68,000 names, and we believe that eventually this legislation will give the States great protection in knowing the past history of persons who apply for permits to drive but who conceal a history of past convictions for these two offenses.

Mr. DEVINE. I would ask the gentleman to whom would this information be available as compiled concerning these habitual violators?

Mr. ROBERTS. If the gentleman will yield further, it would be available to all the States or political subdivisions thereof which request this information from the Secretary of the Department of Commerce.

Mr. DEVINE. What is the cost, if any, entailed in the administration of this bill?

Mr. ROBERTS. This will not increase the budget for this fiscal year, according to the testimony in the hearings. The organization is set up and going. Of course, there will be some added cost because of additional cards to handle the information supplied by the other States which come into the program, but that will be taken care of this fiscal year within the present budget.

Mr. HARRIS. Mr. Speaker, on the question of availability of information, I think the record should be clear. It would not be available to the public, not to just anybody, but would be made available to appropriate officials of the various States and political subdivisions.

Mr. DEVINE. Such as bureaus of motor vehicles and State highway patrols?

Mr. HARRIS. Yes.

Mr. DEVINE. Mr. Speaker, I should like to ask one final question of the gentleman from Alabama. He does not anticipate that this will require for the Department another Assistant Secretary?

Mr. ROBERTS. No. The testimony is that they have a sufficient number of people to handle this.

Mr. DEVINE. Mr. Speaker, I thank the gentleman and withdraw my reservation of objection.

Mr. RANDALL. Mr. Speaker, before us here today is S. 1440, which is being considered under unanimous consent request in the closing days of this session. As has been pointed out by our colleague, the gentleman from Alabama [Mr. ROBERTS] and the chairman of the committee, the gentleman from Arkansas [Mr. HARRIS], this is a bill which amends an act which was approved July 14, 1960, in which act there was established a register in the Department of Commerce of certain motor vehicle operators' licenses.

Before proceeding further, we wish to point out to the House that we had on June 27, 1961, introduced under our own name an identical bill, H.R. 8388. The purpose of both S. 1440 and the identical House version, H.R. 8388, is to amend the existing law to enable additional States to participate in the national driver license register program. The Department of Commerce had earlier informed the Interstate and Foreign Commerce Committee that this amendment would benefit 13 States. The register is to serve as a general clearing house of information concerning persons whose licenses had been revoked for either driving while intoxicated or being convicted of a violation of the highway code involving loss of life. Since the enactment of the act of 1960, it was found that local laws vary with respect to the meaning of the term "revoked." It seems that many States do not provide for revocation under the two conditions, but do provide for suspension for varying periods of time depending upon the severity or repetition of the offense involved.

S. 1440 as well as H.R. 8388 provides for the register to contain the names of individuals whose licenses had been terminated or temporarily withdrawn as well as those which have been permanently revoked.

As the report of S. 1440 shows, these amendments were proposed as a result of a conference of State motor vehicle administrators, the Bureau of Public Roads of the Department of Commerce, the American Bar Association, and others.

Our interest in the bill came about because a constituent had written us this year pointing out that her mother and a cousin had been killed by a drunken driver near Orlando, Fla., and another lady in the same car living to survive the accident, was so completely patched up as to be a human wreck. She further reported to us that although the culprit had been released on bond for reckless driving, that to the day of the correspondence from our constituent about June 20, 1961, the man who was responsible for the accident and who was a drunken driver, has never appeared in court to answer to any charge and has never been found. We introduced this bill at the direct request of our constituent. Our constituent requested that a bill be introduced to set up a central license bureau so that any person who lost his license in one State could not move from that State to another and get a license without first being cleared through this central bureau. We came across the act of 1960 and through the Office of Legislative Counsel were told that an amendment was needed and we accordingly introduced H.R. 8388.

Today we are most agreeable to see our bill, H.R. 8388, set aside for S. 1440. The House should proceed to pass S. 1440 without a single dissent.

The report shows all witnesses who appeared before the committee favored enactment of the legislation, and no one appeared in opposition. The Department of Commerce reports no additional personnel will be needed because of this addition to the 1960 act. It has been our privilege to participate in a small measure in the amendment to last year's enactment by an amendment which will permit 13 additional States to participate in this program.

While we cannot bring back the lives of the relatives of our constituent at whose request we introduced the bill on the House side, if the States cooperate in the maintenance of this national register, those who are at fault for accidents resulting from driving while intoxicated or those accidents involving a fatality will not be permitted to continue to drive and legislation of this sort before us here today, will in the future bear fruit and pay great dividends because of this amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act approved July 14, 1960 (74 Stat. 526), is hereby amended to read as follows:

"That the Secretary of Commerce shall establish and maintain a register containing the name of each individual reported to him by a State, or political subdivision thereof, as an individual with respect to whom such State or political subdivision has terminated or temporarily withdrawn an individual's license or privilege to operate a motor vehicle because of (1) driving under the influence of intoxicating liquor, or (2) conviction of a violation of a statute of a State, or ordinance of any political subdivision thereof, which resulted in the death of any person. Such register shall contain such other information as the Secretary may deem appropriate to carry out the purposes of this Act."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may extend their remarks just prior to the vote on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PROTECTION AGAINST FRAUDULENT MISREPRESENTATION OF GOLD OR SILVER MERCHANDISE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1186) to facilitate the protection of consumers of articles of merchandise composed in whole or in part of gold or silver from fraudulent misrepresentation concerning the quality thereof, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. DEVINE. Mr. Speaker, reserving the right to object, and I do not intend to object, I should like the gentleman to explain the provisions of this bill.

Mr. HARRIS. Mr. Speaker, I shall defer to the gentleman from Illinois, the chairman of the subcommittee that conducted hearings on the bill.

Mr. MACK. Mr. Speaker, S. 1186, the bill before us, is similar to a bill, H.R. 5442, which I introduced on March 9, 1961.

This bill would require that any manufacturer or dealer who applies a quality mark to a gold or silver article also stamp the article with his identification mark. Some manufacturers and dealers already do this voluntarily. Many, however, do not.

Enactment of this bill would make it easy to identify those responsible for placing quality marks on such merchandise. This would be a deterrent to unscrupulous manufacturers and dealers who put false quality marks on their merchandise in the knowledge that the origin of these articles are difficult, if not impossible, to trace.

This measure would protect the reputable manufacturers and dealers from unfair competition on the part of the unscrupulous dealers. It would protect the public against fraudulent misrepresentation.

Mr. DEVINE. Mr. Speaker, I thank the gentleman; and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4 of the Act entitled "An Act forbidding the importation, exportation, or carriage in interstate commerce of falsely stamped articles of merchandise made of gold or silver or their alloys, and for other purposes", approved June 13, 1906 (34 Stat. 260; 15 U.S.C. 294 et seq.), is amended by—

(1) inserting therein, immediately after the section number "SEC. 4.", the subsection designation "(a)"; and

(2) adding at the end thereof the following new subsection:

"(b) Whenever any person, firm, corporation, or association—

"(1) applies or causes to be applied to any article of merchandise intended for sale or customarily sold as a complete product to consumers within the United States or any of its possessions, by stamping, branding, engraving, or otherwise, any quality mark or stamp indicating or purporting to indicate that such article is made in whole or in part of gold or silver or of an alloy of either such metal; or

"(2) imports into the United States or any of its possessions any such article of merchandise bearing any such quality mark or stamp which indicates or purports to indicate that such article is made in whole or in part of gold or silver or of an alloy of either such metal,

such person, firm, corporation, or association, before depositing any such article manufactured or manufactured and imported six months after the effective date of this Act in the United States mails, or causing such article to be so deposited, for transmission thereby, or delivering such article or causing such article to be delivered to any common carrier for transportation from one State, territory, or possession of the United States, or the District of Columbia, to any other State, territory, or possession of the United States, or to said District, in interstate commerce, or transporting such article of causing such article to be transported from one State, territory, or possession of the United States, or from the District of Columbia, to any other State, territory, or possession of the United States, or to said District, in interstate commerce, shall—

"(A) apply or cause to be applied to that article a trademark of such person, firm, corporation, or association duly registered or applied for within thirty days after an article bearing the trademark is placed in commerce or imported under the laws of the United States or the name of such person, firm, corporation, or association; and

"(B) if such article of merchandise is composed of two or more parts which are complete in themselves but which are not identical in quality, and any one of such parts bears such a quality mark or stamp, apply or cause to be applied to each other part of that article of merchandise a quality mark or stamp of like pattern and size disclosing the quality of that other part.

Each identifying trademark or name applied to any article of merchandise in compliance with clause (A) of this section shall be applied to that article by the same means as that used in applying the quality mark or stamp appearing thereon, in type or lettering at least as large as that used in such quality mark or stamp, and in a position as close as possible to that quality mark or stamp."

SEC. 2. The amendments made by this Act shall take effect on the first day of the third month beginning after the date of enactment of this Act.

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments:

Page 2, line 5, strike out "association" and insert "association, being a manufacturer or dealer subject to the first section of this Act".

Page 2, lines 10 and 11, strike out "within the United States or any of its possessions" and insert in lieu thereof "in any State".

Page 2, line 16, strike out "United States or any of its possessions" and insert "any State".

Page 2, line 23, strike out "manufactured and" and in line 24 after "imported" insert "after".

Page 3, lines 3 and 4, strike out ", territory, or possession of the United States, or the District of Columbia,".

And in line 5 after "State," strike out "territory, or possession of the United States, or to said District, in interstate commerce,".

And in line 8 after "State" insert "to any other State" and strike out the rest of lines 8, 9, 10, and through "commerce" in line 11.

Page 4, line 7, strike out "stamp.' " and insert "stamp. For the purposes of this subsection, the term "State" includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.' ".

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

NATIONAL ZOOLOGICAL PARK

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2295) to amend the act entitled, "An act for the organization, improvement, and maintenance of the National Zoological Park," approved April 30, 1890, which is similar to the bill H.R. 8357.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. BOW. Reserving the right to object, Mr. Speaker, the House bill referred to is identical to the one introduced by the gentleman from Ohio, H.R. 8303. This is the bill sponsored by the regents of the Smithsonian Institution to give the regents of the Smithsonian the opportunity to do some repair work at the National Zoo. The regents are very much in favor of the bill.

Mr. JONES of Alabama. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield.

Mr. JONES of Alabama. The gentleman from Ohio has been most helpful to the committee in the consideration of this proposal. Certainly we feel that he has played an important part in the consideration of this bill, for which we are most grateful to him.

Mr. BOW. I thank the gentleman. I may say this has been cleared by the leadership on this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act for the organization, improvement, and maintenance of the National Zoological Park", approved April 30, 1890 (26 Stat. 78), is amended by inserting immediately after "administer" the following: "and improve".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 8357) was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate agrees to the report of the committee of conference

on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7500) entitled "An Act to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower".

COAST GUARD OCEANOGRAPHIC RESEARCH

Mr. GEORGE P. MILLER. Mr. Speaker, I call up the conference report on the bill (H.R. 6845) to amend title 14 of the United States Code to provide for an expansion of the functions of the Coast Guard, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1194)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6845) to amend title 14 of the United States Code to provide for an expansion of the functions of the Coast Guard, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That title 14 of the United States Code, relating to the Coast Guard, is amended by inserting in chapter 1, section 2, after the words 'rescue facilities for the promotion of safety on and over the high seas and waters subject to the jurisdiction of the United States;' and before the words 'and shall maintain a state of readiness' the words: 'shall engage in oceanographic research on the high seas and in waters subject to the jurisdiction of the United States;' and is further amended by inserting at the end of chapter 5 the following new section:

"'§ 94. Oceanographic research

"'The Coast Guard shall conduct such oceanographic research, use such equipment or instruments, and collect and analyze such oceanographic data, in cooperation with other agencies of the Government, or not, as may be in the national interest.'

"SEC. 2. The analysis of chapter 5 of title 14 of the United States Code is amended by inserting at the end thereof the following:

"'94. Oceanographic research.'"

And the Senate agree to the same.

GEORGE P. MILLER,
JOHN D. DINGELL,
ALTON LENNON,
THOMAS M. PELLY,
GORDON L. MCDONOUGH,
Managers on the Part of the House.

WARREN G. MAGNUSON,
CLAIR ENGLE,
JOHN M. BUTLER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6845) to amend title 14 of the United States Code to provide for an expansion of the functions of the Coast Guard, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment strikes out all of the House bill after the enacting clause and inserts a substitute. The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the substitute agreed to in conference are noted as follows:

The Senate amendment added a new section 94 to chapter 5 of title 14 of the United States Code. This new section would authorize the Coast Guard to conduct oceanographic research using necessary equipment or instruments and to collect and analyze oceanographic data, in cooperation with agencies of the Government, or not, as the Secretary of the Department in which the Coast Guard is operating determines to be in the national interest.

The House bill contained no comparable provision.

The conference substitute would require the Coast Guard to conduct such oceanographic research, to use such equipment and instruments, and to collect and analyze such oceanographic data, in cooperation with other agencies of the Government, or not, as may be in the national interest.

GEORGE P. MILLER,
JOHN D. DINGELL,
ALTON LENNON,
THOMAS M. PELLY,
GORDON L. MCDONOUGH,
Managers on the Part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

ENDORSING WORLD ECONOMIC PROGRESS EXPOSITION

Mr. O'HARA of Illinois. Mr. Speaker, by direction of the Committee on Foreign Affairs, I ask unanimous consent for the immediate consideration of House Concurrent Resolution 389, which I introduced at the request of the Honorable THOMAS J. O'BRIEN, dean of the Illinois delegation, and for and in behalf of all Members from the Chicago area. I might say, Mr. Speaker, that a similar resolution was introduced in the other body under the joint sponsorship of the senior and junior Senators from Illinois.

In Chicago, in November 1962, there is to be held in our new, beautiful exposition hall a world economic progress assembly and exposition. This concurrent resolution merely requests and authorizes the President of the United States to issue a proclamation inviting interested nations and persons to participate. There is no money at all involved in it.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask a few questions concerning this resolution. Do I understand the gentleman is going to offer an amendment to strike out on page 4, section 2, the section which would provide for Government participation in this exposition?

Mr. O'HARA of Illinois. Yes, that is to be stricken because it might imply that some Federal money is to be authorized. We are not requesting any Federal money.

Mr. GROSS. That section very definitely implies that Federal funds may be spent on this exposition. May we have the complete assurance of the gentleman that he has no intention of asking for Federal funds to finance this exposition?

Mr. O'HARA of Illinois. I have no knowledge of any contemplated request for money. It might be that a modest amount of money would be asked when the plans have progressed and such would seem to serve the national interest, but I would doubt it. It is my understanding that the exposition is being financed entirely by public-spirited people of Chicago. I do not know of any expectation later of Federal money, although, of course, it is possible that the Federal Government might wish to participate on a larger scale since the purpose of the exposition is to bring together all the agencies and institutions, including, of course, private capital and the foundations, with representatives of the underdeveloped nations. However, I do not anticipate a request for funds.

Mr. GROSS. I would hope that it could be kept that way because we are confronted, apparently, with a substantial request for funds for the New York Fair. Is this a World's Fair, a World Exposition, or an International Exposition?

Mr. O'HARA of Illinois. No, I think the gentleman from Iowa would be happy to know that this is something of a new departure. This is an effort to bring together Government, private business, foundations, religious organizations, and recipients of our aid in foreign countries. There will be, of course, some exhibits, and most attractive ones, but it has been emphasized that the exhibits are not to be expensive. They are not to be on the elaborate competitive scale, with nations impoverishing themselves to outdo one another in glamor. Chicago has none of the spirit of pretense. This exposition will be along the Chicago line. I think it is a new departure.

Mr. GROSS. It is not for the purpose of promoting world government, is it?

Mr. O'HARA of Illinois. I know that people from all over the world may be getting together at the exposition, and they may have a common prayer, but I do not think it will be a prayer for a common government.

Mr. GROSS. One of the "whereas" clauses states as follows:

Whereas the Government of the United States and its people have consistently endorsed the aspirations of all peoples and nations to realize a free and prosperous society and have, toward these ends, actively supported and participated in programs for free economic development whether designed to meet the needs of groups, cities, States, nations, or global areas, and whether carried forth by private individuals, institutions, private business and industry, or by national, regional, or supranational government agencies or organizations;

Now what is a "supranational government" agency or organization? What is a supranational government?

Mr. O'HARA of Illinois. I would say to the gentleman, I am not the draftsman of that language. If I were the author of the resolution, there would not be so much language in it. I think we put altogether too many words in these laws that we draw up, all of them. The Ten Commandments cover a lot of ground, pretty much the whole range of human weakness, but there isn't much wordage. I wish we could get back to saying what we want to say, and saying it with brevity. But, as I say, I am not the author of the resolution. Of course, I subscribe to the purpose and intent, the purpose of promoting world economic development, and certainly I think we can do it in no better way than that proposed in this resolution. I agree there is a generous abundance of language.

Mr. GROSS. I certainly agree with the gentleman as to the excess wordage. the "whereas" clauses in this resolution run for two pages and the resolving part only a couple of paragraphs. I would like to ask the gentleman one other question with reference to the resolution whereby it is directed that the President issue a proclamation. Is this not invading the field of the Committee on the Judiciary in that respect? Does not the Committee on the Judiciary handle legislation dealing with Presidential proclamations?

Mr. O'HARA of Illinois. No, all we are doing in this is to request and authorize the President to issue a proclamation inviting all nations and persons who are interested to participate in an exposition and conference on world economic progress. That is all, as this is an invitation to the nations and persons of the free world, and is not domestically limited, the gentleman will concede that properly it is in the jurisdiction of the Committee on Foreign Affairs.

Mr. BROWN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. BROWN. The gentleman from Illinois, my very good friend and distinguished colleague, says he is not the author of the bill, but he is a sponsor. You might prevail upon him to pick up the tab in case there should be any charges that otherwise would be levied against the U.S. Treasury.

Mr. GROSS. Mr. Speaker, I do hope that when this bill goes to conference the words "supranational government" will be eliminated.

With the assurance of the gentleman from Chicago this is not going to cost the Government any money, Mr. Speaker, I withdraw my reservation of objection.

Mr. MEADER. Mr. Speaker, further reserving the right to object, I wonder if the gentleman from Illinois would be willing to accept an amendment on page 1 of the concurrent resolution after the words "free economic development" to insert a semicolon and strike out the remainder of that whereas clause which contains the language which might bind Members of this House to a proposition that they were in favor of economic development by governmental organizations or a supergovernmental organization.

Mr. O'HARA of Illinois. I am willing to accept the amendment.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume either an amendment will be accepted by understanding or will be reported from the desk.

The SPEAKER pro tempore. The amendment will be in order.

Mr. GROSS. And it is with the further understanding that the amendment to section 5 will be offered.

Mr. O'HARA of Illinois. That has been offered.

Mr. GROSS. I thank the gentleman.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Whereas the encouragement of private and public participation in international economic development is vital to the achievement of a free and democratic economic growth process, and the responsibility for stimulating international economic growth, and especially the growth of those nations in the less-developed areas, must be shared and supported, in accordance with their capacity, by the peoples of the world, whether as individuals or through their private organizations and their governments; and

Whereas the Government of the United States and its people have consistently endorsed the aspirations of all peoples and nations to realize a free and prosperous society and have, toward these ends, actively supported and participated in programs for free economic development whether designed to meet the needs of groups, cities, states, nations, or global areas, and whether carried forth by private individuals, institutions, private business and industry, or by national, regional, or supranational government agencies or organizations; and

Whereas the success or failure of these objectives and the freedom of the individual, his nation, and the world, depend upon the scope and quality of public understanding and the ability of the individual to focus on this historic movement of our century, and is dependent upon the ability of the leaders in the great endeavor to understand each other and each other's efforts and thus find ways by which mutual efforts can be joined for the good of all mankind; and

Whereas in order to assist in bringing about a greater understanding and acceleration of this effort, a World Economic Progress Assembly and Exposition, privately organized, financed, and sponsored, will be presented in November 1962, in Chicago, Illinois, at the new exposition center known as McCormick Place; and

Whereas the purpose of this assembly and exposition is to bring together for the first time a world assembly to examine and explore the many diverse elements of mankind's struggle to assure to itself adequate food, clothing, shelter, health, education, and other elements of its well-being and to provide the means through exhibits, meetings, and special events to translate what is now a vague topic to many into an understandable reality; and

Whereas further purposes of this assembly and exposition are to provide the opportunity to bring to the United States, which has spearheaded the effort for the betterment of mankind, representatives of national governments and international and national government and private agencies including foundations and educational, religious, labor, banking, and business organizations and institutions and the general public to enable them, and their American counterparts, to come together to report, explain, and evaluate their progress, roles, and operations, catalog needs as yet unmet, exchange views and plan within a coherent framework the new opportunities for private and government cooperation, chart new and mutually productive and advantageous paths into a future, and achieve a closer understanding and collaboration in this great and essential endeavor; and

Whereas it is the declared policy of the United States to encourage the contribution of United States enterprise toward economic strength of less-developed countries, through private trade and investment abroad and exchange of ideas and technical information, and to increase mutual understanding between the people of the United States and the people of other countries, using to the maximum extent practicable the facilities of private agencies, and the World Economic Progress Assembly and Exposition will provide a unique and effective means of carrying out these objectives; and

Whereas the President of the United States, recognizing that the assembly and exposition provide a response to the urgent need to broaden understanding, at home and abroad, of the progress and challenge of international economic development and that the participation of the American people through various United States Government programs in the development of the economies of other nations and in the evolution of international economic growth is an integral part of the story to be projected at the proposed assembly and exposition, has therefore instructed the various agencies and departments of the Government concerned to assist in every way possible in contributing to the success of the event: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the World Economic Progress Assembly and Exposition is consistent with the objectives of the Government of the United States and represents a significant contribution to the objectives of the United States and to all who seek to realize a society in which man and nations can realize their potential in freedom and peace.

SEC. 2. The President of the United States and the departments and agencies of the United States Government with an interest in activities included within the subject matter of the World Economic Progress Assembly and Exposition are requested to devote such resources and personnel as may be necessary to assure that the United States Government's participation will adequately reflect the important role of our Nation in contributing to the economic growth of other nations.

SEC. 3. The President of the United States is requested to issue a proclamation reciting the purposes of the World Economic Progress Assembly and Exposition and inviting participation by all concerned with international economic development.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 5, strike out "represents" and insert in lieu thereof "has an unusual opportunity to make."

On page 4, strike out lines 9 to 17.

The committee amendment was agreed to.

Mr. MEADER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEADER: Page 1, after the words "economic development" strike out the remainder of the paragraph.

The amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF GEORGE P. MILLER TO COMMITTEE ON SCIENCE AND ASTRONAUTICS

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 474) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That GEORGE P. MILLER, of California, be, and he is hereby, elected chairman of the standing Committee of the House of Representatives on Science and Astronautics.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION FROM COMMITTEE

The SPEAKER pro tempore laid before the House the following communication which was read by the Clerk:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 21, 1961.

Hon. SAM RAYBURN,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the House Merchant Marine and Fisheries Committee.

Sincerely yours,

GEORGE P. MILLER.

The SPEAKER pro tempore. Without objection the resignation is accepted.

There was no objection.

AMENDMENT OF CAREER COMPENSATION ACT OF 1949

Mr. ELLIOTT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 460 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7723) to amend section 303(a) of the Career Compensation Act of 1949 by increasing per diem rates and to provide reimbursement under certain circumstances for actual expenses incident to travel. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. ELLIOTT. Mr. Speaker, I yield 30 minutes to the gentleman from Kansas [Mr. AVERY] and pending that I yield myself such time as I may consume.

Mr. Speaker, this rule makes in order consideration of the bill (H.R. 7723) increasing the per diem rates for members of the uniformed services to a level equal to those provided for members of the civilian Government service.

The rule provides for 1 hour's debate.

If there is any opposition to the rule, I do not know it. I therefore submit, Mr. Speaker, we should adopt the rule, and I reserve the balance of my time.

Mr. AVERY. Mr. Speaker, I know of no opposition to the rule, I know of no opposition to the bill. The bill should be on the Consent Calendar.

Mr. ELLIOTT. Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Speaker, I yield 5 minutes to the senior member of the Texas delegation, the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Speaker, in a few days and at the end of this present session of Congress, the House of Representatives will lose the services of one of the most popular Members of this body. I refer to the gentleman from Texas, the Honorable PAUL KILDAY, who has represented the district in Texas known as the San Antonio district since 1938 and who will soon become a Federal Judge. President Kennedy appointed him several months ago and he has already been confirmed unanimously by the U.S. Senate.

The gentleman from Texas [Mr. KILDAY] has managed on the floor of this House and has had control of some of the most difficult legislation to come before this body.

I heard Speaker SAM RAYBURN pay him a great compliment one time by saying that PAUL KILDAY can make very simple and understandable the most difficult and intricate measures that come before the House of Representatives, and do it in the shortest length of time of any Member he ever served with. I thought that was a great compliment.

Mr. Speaker, I know, and of course all of you know, that a Member of this body really represents two constituencies, one constituency, the voters, who make it possible for him to be here and represent them: He must always render service satisfactory to his constituents or he will not be permitted to remain here as their Representative. The other constituency is represented by the House of Representatives, the Members with whom he serves.

The Members of this body must have a high regard and great respect for a Member, otherwise he cannot render the maximum service for the people he has the privilege and the honor to represent in his congressional district. PAUL KILDAY is not only a very able man; he is a knowledgeable person; he has always been forthright, and he is a man of real good judgment. Consequently, he has always been successful as a Member of this body and has remained satisfactory to his constituents as evidenced by his long service and having been elected by overwhelming majorities every 2 years.

The Texas delegation in Congress naturally exceedingly regrets that we, as members of the delegation, are going to lose his services, but we recognize the fact that he is going to another branch of our Government, the judiciary, and while we will lose, the judiciary will win. He will make a great Federal judge; we all know that. We know that as we lose and his constituents will lose and the State of Texas and the Nation will lose his services that would be so very valuable in the future as in the past, the judiciary will be the winner. As the senior member of the Texas delegation present at this time, I just want our colleague and friend, PAUL KILDAY, to know that as he goes to this other place of great responsibility he will carry with him the continued high regard and the great respect and the very best wishes of every member of the Texas delegation and I am sure of every Member of the entire House of Representatives.

Mr. THORNBERRY. Mr. Speaker, I yield to the distinguished minority leader, the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, I certainly do not want to get out of order here while the Texans are speaking very properly of one of their fellow Texans, but just as an ordinary run-of-the-mine Hoosier, may I say a word about the gentleman from Texas, PAUL KILDAY. In my opinion, he is one of the ablest men I have ever known in the House of Representatives.

As I have served here, I have come to recognize what I call balance as one of the greatest attributes that any Member of this body can have. The gentleman from Texas, PAUL KILDAY, had balance, and with that balance, which was in my opinion the ability to recognize the right and the wrong of a proposition and avoid extremes on either side, PAUL KILDAY, when he spoke to us, spoke from a wealth of knowledge. I have heard him speak to us here on the floor of the House of Representatives when that great ability that was his shone through like the bright sun on a clear day.

I shall miss him as I am sure all of us shall miss him. But in his new assignment, which really is a great opportunity for him, I am sure I speak for all of us when we wish him well.

Speaking for myself, I see him go with mixed emotions.

His contributions to sound government as a Member of this body have been legion.

We can ill afford to lose men of his judgment and experience in these difficult times.

But I must respect his decision in chosing another career for service, and where we are poorer here for his leaving, it is good to know that he will yet contribute substantially to the total well-being of our citizens, giving of his talents in good conscience and in the name of justice for all men.

Mr. THORNBERRY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Speaker, I rise to say a word at this moment about our distinguished colleague, PAUL KILDAY. I think every Member of this body, from any State, likes to conduct himself in such a way and likes to see his colleagues from his State conduct themselves in such a way as to reflect credit upon the State from which they come. Texans probably are a little more modest

than people from other areas, but we members of the Texas delegation have taken pride in our delegation through the years as you have in yours. And, our prestige, if I may say so, has been tremendously bolstered in the House of Representatives during the years by the fact that PAUL KILDAY has been a stalwart member of the Texas delegation for nearly a quarter of a century.

Yes; he has balance and he has stability. He has inspired a remarkable degree of confidence, and rightly so, as a Member of this body, and most of us have followed him on many important matters here. We have followed him wisely.

Mr. Speaker, the Speaker of the House of Representatives, the Honorable SAM RAYBURN, is not with us today. Often have I heard him pay tribute to PAUL KILDAY. I have heard him say more than once, "Fellows, you know PAUL KILDAY has one of the finest minds I have encountered in all my service in the House of Representatives." There have been no dissenting voices when that statement has been made. There was complete agreement.

So, the Texas delegation, the Congress, and the country will lose a lot from the standpoint of the legislative branch when PAUL KILDAY goes to this other important post, where I am sure he will carry on the same tradition of service that he has carried on here. But we are going to miss his presence, his counsel, and his guidance.

Mr. Speaker, I think PAUL is probably going to handle the last bill coming to the House under a rule from his committee for this session and, therefore, this will be the last bill to be so handled by the gentleman from Texas. I think it is very fitting that we pay tribute to him at this moment. He is a grand guy. He has a wonderful wife, two charming and lovely daughters. He has much for which to be thankful because among those things for which he can be thankful is the high esteem and regard in which he is held by those who know him best and who have observed him here through the years.

So, PAUL KILDAY, on this occasion I salute you and bid you Godspeed.

Mr. THORNBERRY. Mr. Speaker, I yield 3 minutes to the ranking member of the Committee on Rules, my colleague from Ohio [Mr. BROWN].

Mr. BROWN. Mr. Speaker and Members of the House, this rule will make in order the consideration of the last bill that PAUL KILDAY will bring before this House in his legislative career. PAUL KILDAY and I came to Congress together, being elected in 1938. Throughout the years there has been a warm friendship between us. He has come before the Rules Committee for the 19 years and more that I have been a member of that body, and never have we had a Member of the House come before our committee who could give more accurate testimony, who had a greater grasp of the problems of the legislation that he brought before us with which we might be dealing, or a greater knowledge of the military affairs of this country.

Mr. Speaker, PAUL KILDAY, as has been well said here, has a brilliant intellect, one of the brightest minds with which I have ever come in contact. I am sure that his leaving this body will not only be a great loss to all of us here in the House, but a great loss to the country. Yet at the same time in the new post which he will assume—the new position as a member of the Court of Military Appeals—there is certainly no man in the United States of America who is better qualified to serve on that court and to see, as PAUL has attempted to do, I am sure throughout his entire life, that proper consideration and justice be extended to all persons and to all viewpoints.

He has never been political in his work as a member of the Committee on Armed Services. He has been helpful to many of us on our side of the aisle. He has understood some of our problems and has helped us solve them.

From this side of the aisle, Mr. Speaker, I want to say to PAUL KILDAY in behalf of myself, and I am sure of all my colleagues, thank you very much, sir, for the service you have rendered to us and to your country, and may God speed you on your way.

Mr. THORNBERRY. Mr. Speaker, I yield such time as he may require to the gentleman from Oklahoma [Mr. ALBERT].

Mr. ALBERT. It is most appropriate that the distinguished gentleman from Texas [Mr. PATMAN], and his able colleagues from Texas, GEORGE MAHON, HOMER THORNBERRY, and others, should point with pride to the service of a great Texan. But we would all demur if they sought to make this a purely Texas affair. If any Member, by reason of the credit of his service, or the contributions he has made, or the character and ability that he has demonstrated in this House, deserves to be recognized by every Member of this House on both sides of the aisle and from all States, it is certainly the gentleman from Texas [Mr. KILDAY].

Mr. KILDAY comes from a State that has furnished many of the most eminent Members of this body over the years. Our great Speaker from that State has often made a statement that has left an impression on me; I have heard him make it many times. He has said that it does not make much difference how much sense a man has if he does not have judgment to go with it. Many Members have already paid tribute to the fine intellect of PAUL KILDAY and certainly he has plenty of sense, both common and uncommon; but he also has a tremendous amount of judgment to go with it.

I do not know of anybody who is more fit by temperament, by training, by intellect, by character, or by judgment to take on the responsibilities of a very important judicial post than PAUL KILDAY. His service in this House has added luster to this illustrious body. His service in a judicial capacity will add prestige to that great coordinate branch of the Government.

I hope, and I believe, that he will go on to higher positions in the judiciary of our country. PAUL KILDAY, as much as anyone I know, would make a great member of the Supreme Court of the United States. We hate to lose him from this House but we wish him well in the high calling of public service into which he will soon enter. Congratulations and best wishes to you, PAUL.

Mr. THORNBERRY. Mr. Speaker, I yield such time as he may require to the ranking member of the Committee on Armed Services, a colleague of the gentleman from Texas, the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS of South Carolina. Mr. Speaker, someone has said that men are either born great, attain greatness, or have greatness thrust upon them. PAUL KILDAY was born with a great intellect and he has attained greatness by the training of that basic quality. Having greatness thrust upon him is of no concern to PAUL KILDAY because greatness will seek a man of his genius.

It is my good fortune or misfortune to succeed PAUL KILDAY on the Committee on Armed Services. That is not an easy undertaking. Fifteen years ago, when we created the Committee on Armed Services, I, like the rest of the members of this committee, was associated with PAUL very closely and intimately from a legislative standpoint. I had seen PAUL KILDAY's great and enviable mind work and, with that great analytical capacity, solve the questions to which the Speaker has referred. He does it with such great facility.

It was my good fortune to be the vice chairman on his committee when we wrote some of the most important legislation for the military that has ever been written. The Career Compensation Act, the Career Personnel Act, the Medical Care Act, and countless other bills of great intricacy. PAUL KILDAY generally was in command of these proposals and he worked indefatigably to bring out bills susceptible of being understood by every Member of this House.

As a presiding officer he is magnificent. He is patient, he is understanding, he is long suffering. He will give to the least informed Member his time, his advice, and his assistance. These are the attributes of a great man.

I can think of nobody who will bring greater credit to the Federal bench. In this day when we criticize some of the people who have been elevated to the bench, it is comforting that a man of PAUL KILDAY'S everlasting quality and temperament receives this recognition. Of course he will not stop on the Court of Military Appeals. He will remain there only long enough for somebody to send him to the Supreme Court, where we are in such great need of great men.

Mr. Speaker, I succeed PAUL on the Committee on Armed Services. This will be a great challenge to me to try to carry on in the tradition of this unusual American. Everybody on both sides of the aisle loves him for what he is, what he knows, and what he does. Congressmen will come and go and members of our committee will come and go, but nobody will surpass PAUL KILDAY.

Mr. Speaker, I heard Mr. VINSON say the other day that he felt that he was losing his right arm when PAUL KILDAY leaves his committee. Mr. VINSON made an accurate statement, because he leans heavily on PAUL KILDAY. And since he got to know PAUL KILDAY, like you and like me he has leaned heavily on PAUL in the staggering responsibilities with which Mr. VINSON'S committee is charged.

In closing, Mr. Speaker, when PAUL KILDAY goes to the U.S. Court of Military Appeals, he will bring credit to the President of the United States for his selection. He will bring credit to the State of Texas, credit to the district which he has so ably represented, and everlasting credit to the Congress of the United States.

Mr. THORNBERRY. Mr. Speaker, I yield to our distinguished Speaker pro tempore of the House of Representatives, the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. MCCORMACK. Mr. Speaker, as lawmakers, we of the House of Representatives are of course delighted whenever a judge of merit assumes a seat on any one of the courts in the land. On these grounds, we hail the appointment of the Honorable PAUL J. KILDAY to the Court of Military Appeals.

Yet, as lawmakers, we must also regret the loss to Congress of so distingushed a legislator, whose services in Washington have gone far in promoting the cause of justice over the past 22 years.

As a Representative from the Texas 20th District, Mr. KILDAY has distinguished himself in so many respects, since first he appeared in this House back in 1939, it is a little difficult to select a singular outstanding action. For here is a man outstanding in many respects.

Mr. Speaker, the service of PAUL KILDAY, a great American, in the Halls of Congress has been outstanding. He has performed his duties with great ability, with vision and with courage. His colleagues respect him profoundly for his ability, his effectiveness and his personality. When PAUL KILDAY has addressed the House, the Members have listened with respect. When he spoke, you could hear a pin drop in the House. PAUL KILDAY is not only a great man, but more important, he is a good man. His fine outlook on life, and his nobility of character have made a deep impression upon his colleagues and upon his countless thousands of friends and admirers. A profound student of government, PAUL KILDAY studied and knew well the provisions and purposes of all important legislation coming before the House of Representatives. But his special field of interest was in military matters and in the defense of our country and in matters concerning foreign policy. On these matters, Mr. Speaker, PAUL KILDAY has shown abilities worthy of special consideration as he leaves the House of Representatives.

Mr. Speaker, as lawmakers we regret very much that PAUL KILDAY is leaving us. But, we also appreciate the fact that the Court of Military Appeals and Justice is going to have added strength in its operation and actions and decisions.

Throughout his 22 years of congressional service, PAUL KILDAY has played a major role as a member of the Armed Services Committee, in which capacity he has worked with unsurpassed intensity. It was he, you will recall, who led virtually every fight to increase the pay of military personnel—climaxed by his successful promotion of the military pay raise of 1958. Yet as early as 1943 he was attracting notice for his efforts in behalf of a bill deferring fathers from military service, which became law that year despite strenuous opposition from influentional quarters. Since that time, Mr. KILDAY has become increasingly vocal on military matters, and stands today as one of the foremost military experts in the Congress.

At the close of World War II, Mr. KILDAY championed the proposal for universal military training and urged legislation to limit the Army's court-martial powers in peacetime. A bill calling for inclusion of at least one military officer on the five-man Atomic Energy Commission was introduced by Mr. KILDAY in March 1950, and the authorization of the Air Force Academy bears the stamp of his authorship.

Vitally concerned with the need for a more effective national defense, Mr. KILDAY has worked for congressional enactment of military enlistment incentives. He presented a bill authorizing an eventual $406 million annual military pay raise in 1949, but the amount was reduced before the measure was finally passed. This bill was regarded as conducive to attracting "men of higher caliber to 'career service' in the Armed Forces."

Another KILDAY proposal, providing adequate survivor benefits for dependents of Armed Forces personnel, was submitted in October 1951, and in 1955, Mr. KILDAY proposed an increase in military pay from 6 to 25 percent, in an effort to encourage officers and men to stay in uniform. The latter bill was approved by Congress, and Mr. KILDAY received the personal congratulations of the President for urging its passage in the House.

In 1957 Mr. KILDAY presented a proposal granting to the Secretaries of the Armed Forces authority to examine criminal cases of members of the military serving abroad.

The 1958 military pay raise bill was steered through the Armed Services Committee by PAUL KILDAY, who criticized the administration's bill of a similar nature because it called for a salary increase only for active personnel after 2 years' service. Proposals by KILDAY which became part of the bill in its final form were increases to $29,000 for the head of the Joint Chiefs of Staff, other pay raises to top-ranking commanders, and pay boosts for junior officers.

In February 1958 Mr. KILDAY cosponsored a bill "to clear up the civilian side of the Pentagon" by eliminating 14 Defense Department secretaries and 1,600 civilian employees.

During his period of service in the House, Mr. KILDAY voted for the conscription bill of 1940, the teenage draft bill of 1942, extension of the draft to 1947, the UMT draft extension bill of 1951, the Air Force funds bill of 1953, the Air Force Warning System Authorization Act of 1958, and numerous other military measures.

In the field of nuclear fission, in which Mr. KILDAY is also vitally concerned, his labors have also been employed as a member of the Joint Committee on Atomic Energy. During consideration of the McMahon bill of 1946, which ultimately became the Atomic Energy Act, he offered an amendment permitting military manufacture of atomic weapons in June 1946. In 1956 Mr. KILDAY served as adviser to the Conference on Statutes of the International Atomic Energy Agency of the United Nations.

To everyone familiar with his record it is clear that PAUL J. KILDAY has served the Nation with distinction for 22 consecutive years—a record worthy of consideration in this or any era.

We congratulate PAUL KILDAY for his many accomplishments in this Chamber and wish him well in his future service as judge of the Military Court of Appeals—a service in which he will distinguish himself in an outstanding manner.

Mr. Speaker, as PAUL KILDAY leaves us to enter into another most important field of public service, I extend my hearty congratulations, not only to him, but also to his sweetheart, Mrs. Kilday, and to both of them my very best wishes for many, many years of happiness and success in the future.

Mr. THORNBERRY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. BATES].

Mr. BATES. Mr. Speaker, I rise in support of this resolution before us, which is as noncontroversial as have been the remarks made with reference to the gentleman from Texas.

Mr. Speaker, many times I have heard kind statements made in reference to the gentleman from Texas, PAUL KILDAY, not only here today, but all during the time I have served as a Member of the House of Representatives. Somewhat unfortunately, it is only on occasions of eulogies in the House that we rise and say these things about individuals, things that we truly believe about individuals we admire so greatly. PAUL KILDAY has been the chairman of my subcommittee of the Committee on Armed Services for 12 years, so for these dozen years, I have practically sat at his feet. He is a man of great experience and is a profound thinker. He is a good friend. He is the kind of man you like to work with.

As I said recently to PAUL, "I know you love the Congress, and as you leave I am certain that the nostalgia you feel for your friends here and for the challenges that you have constantly met, and for the Congress of the United States in general, match the anticipation of the job which you will soon hold.

Mr. Speaker, I have lost on my subcommittee a man for whom I have great

admiration, a man on whom I have relied greatly. The Congress of the United States will be losing one of its distinguished Members, but we can be thankful that his dedicated efforts will be continued in the future in the service of this great country of ours.

Mr. THORNBERRY. Mr. Speaker, I yield to the gentleman from Texas [Mr. IKARD] such time as he may use.

Mr. IKARD of Texas. Mr. Speaker, to all of us who have deep affection for PAUL KILDAY, this is a day of mixed emotions. We will miss his charm and his great intellect which has been alluded to here. We know that in our experience we have never seen him do a little thing, an unkind thing; no, we have never seen him short of temper; we have never seen him when he did not control whatever situation he was involved in.

PAUL KILDAY is a good friend, a good companion, and a delightful associate. These things we will miss. On the other hand, however, I think we must all have some measure of pride in the fact that such a distinguished colleague as PAUL KILDAY is moving to the judiciary where he cannot help but add strength and stature to whatever position and whatever court he should happen to sit on.

While we will all miss him, we know that men like PAUL KILDAY are not easily replaced, in fact, never replaceable, but at the same time we offer him our best wishes and our hope for many years of happiness ahead, and we rejoice in the fact that our country will continue to benefit from the fruits of the service of this great man.

Mr. THORNBERRY. Mr. Speaker, I yield to the gentleman from Colorado [Mr. ROGERS] such time as he may desire.

Mr. ROGERS of Colorado. Mr. Speaker, I am delighted to join with the other Members of the House in paying tribute to the Honorable PAUL KILDAY for the great service he has rendered to the people of the country and in the House of Representatives.

During my service here observing men on the floor, when PAUL KILDAY spoke he was always able in his explanation, he was understandable in the things he advocated, he was sympathetic and fair; and these characteristics made us all love him. He was always ready and willing to assist those of us who needed guidance in military and even nonmilitary affairs that he handled.

As PAUL KILDAY leaves to go to the judiciary we know we are sending a trained man, because he has helped explain almost all the military laws of the last 20 years in the Congress of the United States.

PAUL, we wish you Godspeed. I know that you will contribute as much to the judiciary as you have contributed to the House of Representatives.

Mr. THORNBERRY. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Kansas has 29 minutes remaining; the gentleman from Texas has none.

Mr. AVERY. Mr. Speaker, I yield myself 1 minute, and pending that I yield to the gentleman from Texas the remaining 28 minutes of my time.

The SPEAKER pro tempore. The gentleman from Kansas is recognized.

Mr. AVERY. Mr. Speaker, I would like to be associated, of course, in the tribute we are paying to PAUL KILDAY today. I have not known PAUL KILDAY as long or probably as well as many Members here in the Chamber this afternoon, but despite that, Mr. Speaker, he comes from the State of Texas, and although some may have certain aversions to the State of Texas, we in Kansas are very proud to be associated with Texas and for the principles Texans stand for. Frankly, I think it is refreshing to see a little Texas philosophy injected into our judicial system. Those of us in the House Chamber, those in the gallery this afternoon, who have observed the gentleman from Texas preside over the Committee of the Whole could not help but be impressed by his wisdom, his fairness, and by his integrity, and certainly by his patience.

His elevation to the bench will, of course, deprive the House of all these attributes, but at the same time he will take them to the Military Court of Appeals.

PAUL KILDAY, we on this side of the aisle wish you well in the new responsibilities you are about to assume. My only hope is that Texas may again be represented in the House of Representatives with as much wisdom as you have brought to it.

Mr. THORNBERRY. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. FISHER].

Mr. FISHER. Mr. Speaker, I rise to simply underscore everything that has been said here today about my friend and colleague from Texas [Mr. KILDAY]. It has been my happy privilege for a number of years to have served on the Committee on Armed Services with PAUL. I have had the opportunity to observe firsthand the use he has made of his remarkable talents. I know something of the great contribution he has made to the cause of national defense as reflected in scores of legislative enactments of which he has been the author. In addition, his handiwork has been felt in scores of other committee actions. His legislative record is indeed a remarkable one.

No Member of this body has been held in higher respect than has PAUL KILDAY, and no Member has deserved it more.

The entire country will lose, this Congress will lose, the day he resigns, but the entire Nation will profit immeasurably as the result of PAUL KILDAY becoming a member of the Court of Military Justice. He is possessed with a unique quality of objectivity in his approach to the most complicated and complex legal problems. He is blessed with a rare judicial temperament. In his new endeavors on the bench I predict he will become a most outstanding figure. In short, PAUL excels in everything he undertakes.

I join with my colleagues in wishing him the very best of health, happiness, and good fortune in the years ahead.

Mr. THORNBERRY. Mr. Speaker, I yield such time as he may desire to the gentleman from Texas [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, it has been 23 long but pleasant years since PAUL KILDAY came here. During that time all of us have been intimately associated with him. We know his outstanding record, and I can only sum it up by saying that the House is losing one of its most distinguished, one of its ablest, Members that it has been my pleasure in 25 years to be associated with.

Sometimes I think it is a tragedy that such outstanding men as PAUL KILDAY leave this body to go elsewhere and render a Government service; but of course the House of Representatives is the loser in the trade and the judiciary is the gainer. He will be just as outstanding as he was in the House of Representatives, which means, of course, that he will become more important and more valuable to them each day.

May I say I wish for PAUL the very best of luck and happiness, and I would like to wish for his lovely wife and two beautiful, sweet, charming girls, the best of everything, along with PAUL. His is a wonderful family. All of us who have known him through the years will miss him every day over on this side of the aisle and on that side.

Good luck to you, PAUL, and to your family. We do hope you will come back quite often and sit around with us, to say the least.

Mr. THORNBERRY. Mr. Speaker, I yield to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Speaker, as one who does not come from Texas or from the Committee on Armed Services but from the hills of West Virginia, I rise to pay tribute to this great Texan and great American, PAUL KILDAY. This House and this country will lose one of its most distinguished legislators and the Armed Forces of this Nation will lose one of its most zealous and hardworking friends in the Congress of the United States. He has written his name not in water but in indelible ink upon the annals of this House of Representatives. Back home we have a saying which I believe fits this gentleman. He believes in gentlemanliness; honest, chivalrous, clean-minded, God-fearing manliness. He believes in man, the masterpiece of God's creation—the finest of all fine things in this world. He believes in God, the infinite Architect of the Universe and the compassionate Ruler of Destiny. I am sure that in his new position as a judge on the Military Court of Appeals he will serve with honor and distinction, not only to himself and his family but to his colleagues in this House. And, I am sure that all of my colleagues from the State of West Virginia and other Members of this House join me in wishing you Godspeed. May fortune be kind to you and life be long and good to you; and may your future pathway through life be through green pastures beside the still waters.

Mr. THORNBERRY. Mr. Speaker, I yield to the gentleman from Texas [Mr. KILGORE].

Mr. KILGORE. Mr. Speaker, perhaps the greatest genius in this Nation in the period of its recent short history has been its ability to develop great leaders and to follow their leadership. When the history of the current era of the Nation is

recorded and viewed calmly in retrospect, I think it must be concluded that this has been a stronger nation, it has been a prouder nation, because of the contribution that PAUL KILDAY has made to its military strength and to its armed might. Perhaps more significant than that is the fact that history will record that the House of Representatives has occupied a more responsive place in the hearts of Americans because of the service PAUL KILDAY has rendered in this House. As he goes to the judiciary, there will be no one but who will realize that the judiciary itself will be elevated by his service, and as he goes I think he must know that he carries with him the warmest affections and the best wishes of his many, many friends. And, I am proud to be counted among them.

Mr. THORNBERRY. Mr. Speaker, I yield to the gentleman from New Mexico [Mr. MORRIS].

Mr. MORRIS. Mr. Speaker, most of you know of the many accomplishments of PAUL KILDAY in the legislative field much better than I. History will record his deeds and people will remember him for those. But, I will always remember PAUL KILDAY for his human kindness, understanding, and patience. When I first came here 3 years ago, like a lot of other new Members, I had many questions and I asked a lot of them of Mr. KILDAY. As I look back now, some of the questions were rather foolish and not very important. But, Mr. KILDAY always had time to answer them. He always had patience and made me feel like these questions were important. It is these characteristics, his great human kindness, which I think make him especially qualified to be a judge on the Military Court of Appeals. It will be our loss in the House, but it will be a gain for the members of the armed services for having Mr. KILDAY on the Military Court of Appeals. To you, sir, the best of luck.

Mr. THORNBERRY. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, it has been my privilege to serve almost 20 years in Congress with PAUL KILDAY. As one who comes from a different State, I wish to say that his State has always had a very strong and powerful group representing it here. But among the people I have known in the years I have been here I have never known a man who had more ability than PAUL KILDAY. Coupled with his ability, he has had energy. He has been possessed of integrity and fairness, balance and experience. We know he will fill well the position to which he goes, the judiciary. We know too that this Congress and those of us who serve here will miss his contribution which was consistently made to the work of the House of Representatives.

Mr. Speaker, truly as someone has said before me, those who voluntarily retire from Congress are without exception those we can ill afford to give up. Truly, PAUL KILDAY is in that category. We wish him well in his new undertaking. He leaves here a wonderful record of service. More than that, he leaves the impression of his character and his friendship upon each of us who is a Member of Congress. His contributions will reach down through the years. His services in his new undertaking I am sure will reflect the same credit to him and to the service to which he goes. PAUL, we wish you well. We hope you will come back to see us.

Mr. THORNBERRY. Mr. Speaker, I yield as much time as he may consume to the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Speaker, I want to take this occasion to congratulate the President of the United States. I think he made the best appointment which he has made in his entire term of office when he put PAUL KILDAY on the Court of Military Appeals. We see a great many appointments which are good, for one reason or another, but there has never been an appointment where the man appointed was better qualified for the particular job than in this case.

Mr. Speaker, the fact that it is going to greatly weaken a very important arm of this House of Representatives, is of course to be regretted. This appointment does weaken not only the Armed Services Committee, but it weakens the whole House.

Of all of the Members of this House I think that I can honestly say that no one Member can stand on the floor and explain his legislation as effectively and as forcefully and as clearly as PAUL KILDAY can and does. That, coupled with his known integrity and character, makes him a most valuable Member and enables him to render a service that none of the rest of us can render here.

Mr. Speaker, the House is going to be much poorer as a result of Mr. KILDAY's transfer to the judiciary. But the Nation is not going to suffer, and I am delighted that that is so.

PAUL, you and I have served together here for nearly 24 years. I have felt and I know you have felt that none of us had any better friend than PAUL KILDAY. Nor is there a more charming congressional family—his entire family—his wife is an outstanding lady, and he has two of the finest daughters I know of anywhere.

PAUL KILDAY is a man blessed in many ways—in ability and in his own family. We have been blessed to feel that we have been associated with a man of this character and this ability. We are indeed fortunate that PAUL will still be in Washington, and be with us for a long time. We hope to continue our associations. God bless you, PAUL.

Mr. THORNBERRY. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi [Mr. WINSTEAD].

Mr. WINSTEAD. Mr. Speaker, I desire to add my very sincere congratulations to the outstanding and very distinguished gentleman from Texas [Mr. KILDAY], upon his assumption of the great judicial task as a judge of the Court of Military Appeals.

Many times I have observed Members of the House assume positions in the executive and judicial branches of Government for which they were well qualified, but at no time have I ever known of a man more qualified to be a judge of a high court than PAUL KILDAY.

I have only two reservations about PAUL KILDAY leaving the House and going on the Court of Military Appeals. The House will lose one of the greatest legal minds in the Nation and the team of the Committee on Armed Services loses its greatest halfback.

I have one consolation—I know that the Court of Military Appeals will now become one of the greatest judicial bodies in the world.

Mr. THORNBERRY. Mr. Speaker, I yield to the gentleman from Texas [Mr. CASEY].

Mr. CASEY. Mr. Speaker, as the latest addition to the Texas delegation, of course I have not had the privilege of serving a very long time with the able gentleman from Texas [Mr. KILDAY]. But I assure you, Mr. Speaker, it did not take me very long to realize that he possessed these very fine qualities that have been so eloquently pointed out by the other Members who have had the distinguished honor of serving with him.

Mr. Speaker, I want to say that I personally am greatly indebted to PAUL KILDAY. At no time have I sought him out that he did not take the trouble to listen to my problems and to see if he could not alleviate them. And as a new Member I could get into some pretty difficult situations every once in a while.

I have never spent 5 minutes with PAUL KILDAY without coming away from that visit with some bit of knowledge. He is, indeed, a great student of history, not only of this great body but of history in general. I personally will greatly miss my daily association with this distinguished scholar and legislator. I am pleased to know that he is going to remain in this city where I can continue to seek him out occasionally, and I hope he will bear with me and assist me with some of my problems. I know that is a great deal to ask of this distinguished gentleman, but he cannot desert us completely.

Mr. Speaker, I am proud to have been associated with him not only as a Member, but as a friend, and with his lovely family. May God continue to bestow his blessings upon PAUL KILDAY and his family.

Mr. THORNBERRY. Mr. Speaker, I yield to the gentleman from Texas [Mr. ROGERS].

Mr. ROGERS of Texas. Mr. Speaker, it is indeed a reward for any man to have the opportunity to serve in the House of Representatives of the United States of America. That reward was made much greater by the opportunity to serve with such a man as the Honorable PAUL KILDAY of San Antonio, Tex. I am glad that the court to which he has been appointed will be in such good hands for a number of years. We shall miss him, but we shall certainly look to him for the advice and counsel that he has afforded us here as a Member of this body. We shall look forward, of course, to the opportunity to visit with him socially and with his beautiful, delightful, and personable wife, Cecile, and their two daughters, Mary Catherine and Betty Ann, one of whom is getting married shortly.

PAUL KILDAY has been very fortunate in life. To a man of his caliber it has

all been well deserved, because he has given to the world and to the United States of America and to his native State of Texas value for value received.

We hate to see you go, PAUL, but we are glad that you will still be among us and that we will be able to see and visit with you at our will.

Mr. WICKERSHAM. Mr. Speaker, during my 20 years of association with Members of Congress, I can truthfully say that there is no one in these great United States who excels PAUL J. KILDAY in his knowledge of military affairs; nor is there one who possesses a greater combination of foresight, courage, honesty, integrity, understanding, wisdom, courtesy, honor, loyalty, capability, efficiency, and statesmanship.

I desire to compliment the President on his wise selection of PAUL J. KILDAY as a member of the Court of Military Appeals. Our loss will be the court's gain.

Will Rogers said "I never met a man I didn't like."

I can honestly say, "I never met a man who did not like PAUL J. KILDAY."

Mr. THORNBERRY. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. Mr. Speaker, the departure of the Honorable PAUL KILDAY to serve on the Court of Military Justice will be a great addition to that court, but an equally great loss to this body.

PAUL KILDAY undoubtedly has won the genuine respect and regard of all Members of the House, both for his outstanding ability and for his unimpeachable integrity.

He has been a pillar of strength and a real fountain of knowledge on military affairs during the entire period that I have served in the House, and during that time I have come to rely heavily upon his judgment and counsel in deciding how to cast my own votes in this critical field of legislation.

In this respect, I believe that all of us will miss him sorely in the trying times that lie ahead. His wisdom has been a real source of strength to all of us.

I am sure, however, that this wisdom will be a rich source of strength on the Court of Military Justice, and that PAUL KILDAY will continue, for many years to come, to serve his country with distinction and with honor. I share the hope, already expressed by others that we shall one day cheer the announcement that PAUL KILDAY has been advanced to the Supreme Court of the United States.

Mr. THORNBERRY. Mr. Speaker, I yield to the gentleman from Texas [Mr. RUTHERFORD].

Mr. RUTHERFORD. Mr. Speaker, I share the sentiments and views of those who have spoken before me in behalf of PAUL J. KILDAY, from San Antonio.

I think one of the greatest virtues is that of loyalty. PAUL KILDAY possesses that virtue in all of its connotations and meanings. He is loyal to every responsibility he embraces or to which he addresses himself. First, he is loyal to his personal principles and religious philosophy in all of its teachings. He is loyal to his duties and tasks and responsibilities as a father and as a husband. He is loyal to his friends. He is loyal to his political tasks as well as his political philosophy. PAUL KILDAY is loyal to himself and his friends.

Many things have been said here which I endorse, concur in, and ratify. That PAUL KILDAY is the most able Member of this House has been said before me and will be said after me. In my humble opinion, this House of Representatives is a fair and a responsible jury, as our noble Speaker has stated. I think this jury would return the unanimous verdict that PAUL KILDAY is the most able Member of this body, but above all it would find that he is loyal to himself. To himself he is true, as he is to his fellow man.

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. ELLIOTT] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ELLIOTT. Mr. Speaker, the gentleman from Texas, PAUL KILDAY, is one of the ablest Members of Congress that I have known in my 13 years in the U.S. House of Representatives.

The gentleman from Texas [Mr. KILDAY] is always well informed. I recall the deep impression that he made upon me in 1949 when I was a freshman Congressman, and when the gentleman from Texas, PAUL KILDAY, was coming into his own as a legislator. In that year he handled the Career Compensation Act for members of the Armed Forces; he handled the rewriting of the Code of Military Justice. Both measures required infinite patience, great knowledge, and a background of scholarship in the technical and difficult subject matter of these two bills. I was impressed at that time, and my admiration for him has grown steadily through the years as I have watched the product of his fine mind, his great diligence, and his excellent scholarship translated into legislation of great national importance and great national benefit.

PAUL KILDAY will make a great judge. He has the learning, and the judgment to do an outstanding job for our country in his new post. I know he will do so.

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. THOMPSON] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THOMPSON of Texas. Mr. Speaker, personally and as a member of the Texas delegation, I view the retirement of my old friend, the gentleman from Texas, PAUL KILDAY, with mixed emotions. I have known of his work in Congress for more than 20 years, and I knew of his previous public service before that.

I came to know him personally when I returned to Congress in 1947. He has always been the kind of a man to whom I am strongly attracted. I have tried to analyze the reasons in the last few weeks and I do not know that I can put them in concise words, but I shall try. First of all, he is what is commonly known as a solid citizen. His thinking is clear and intelligent. His decisions are well thought out and very wise. Certainly his record as a member of the Armed Services Committee and the success of the legislation which he has sponsored and handled speaks for itself. As a matter of fact, the position which he will now hold as a judge of the Court of Military Appeals is a result of his own skillful ability as a legislator.

PAUL has a trait which sometimes seems to me even more important than his ability as a legislator. He is a friend. I have frequently gone to him for advice in matters pertaining to our complex duties here in the Congress. He is generous with his time, and is always ready to sit down and discuss a problem even though it may not concern him in the least. I shall miss him for many reasons, but I expect this last one will cause me the most regret in the years to come.

Much as I regret that we are to lose him, still I cannot begrudge him the comparatively tranquil life which he now faces. Certainly all Texas and particularly his own congressional district will wish him well.

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. BURLESON] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURLESON. Mr. Speaker, I heartily join with my colleagues in expressing admiration and high esteem for our colleague, the gentleman from Texas, PAUL KILDAY.

Over the years my association with him has been a personal pleasure and an almost daily edification.

I shall always remember his unerring counsel, particularly with reference to military matters, about which there is no better informed in the entire Congress.

My good wishes go with him as he leaves this body to take his place on this high court where, indubitably, he will serve with honor and distinction and continue to contribute his valuable services to our Government.

Mrs. Kilday and their two lovely daughters are included in these sentiments.

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. DOWDY] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWDY. Mr. Speaker, the Armed Forces of the United States, of every category and rank, to and including the Commander in Chief, may be justly proud of the accomplishments and achievements of their outstanding spokesman and champion on Capitol Hill, our distinguished colleague from

the 20th District of Texas, PAUL J. KILDAY.

Texas pridefully accepts the traditional status of being the "mother-in-law" of the military services. This is especially true of the Alamo city, San Antonio, where military customs and traditions are so closely intertwined with the local society as to make the two indistinguishable. It is, for this reason, quite understandable the gentleman from Texas, Representative PAUL KILDAY, should associate himself with efforts to improve the lot of his commingled military-civilian constituency of San Antonio and Bexar County, Tex. Were this the extent of his voice, we might simply mark his 22 years' service to this body, and to Texas, as a job well done. However, this is not his sole service and accomplishment.

As a member of the Armed Services Committee of the House, the gentleman from Texas, Congressman KILDAY, has come to be recognized throughout the Armed Forces at home and abroad, as the GI's Congressman. He has approached and reduced their problems to a language and in terms we have all come to understand. Second to no other man, PAUL KILDAY has been the voice of every soldier, sailor, airman, and officer of the military arms of the United States in legislation by Congress. His retirement from this body will certainly be an occasion for barracks philosophers to adjure their mates with the time-worn observation, "things are tough all over."

I would hope those same crucibles of wisdom, the barracks philosophers, be aware in this instance, their loss is also their gain. One of the monuments to the ability and perseverance of able Congressman KILDAY, was the compilation, refinement and revision of the military laws of the United States to propound the Uniform Code of Military Justice, the outstanding achievement in this field since the days of Lafayette. Now, the Congressman of the GI will become their judge. The Court of Military Appeals shall certainly be enhanced by the wisdom, sincerity of purpose, and sense of justice in the addition of a jurist second to none in his knowledge, understanding and appreciation of the military.

PAUL KILDAY is not leaving behind the Armed Forces, he is only turning a fresh page in a book of public service, already embellished with sufficient purple and gold of accomplishment for the satisfaction and gratification of most men, to write still another brilliant chapter in behalf of the Armed Forces of the United States.

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. STUBBLEFIELD] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. STUBBLEFIELD. Mr. Speaker, during my short tenure in the House I have come to regard PAUL KILDAY as one of the great leaders in the U.S. Congress.

I am grateful for the opportunity to have served with him, and deeply appreciate the kindness and guidance he has so patiently extended to me.

I join my colleagues in wishing Paul KILDAY much success and happiness in his new assignment.

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks at this point in the RECORD with regard to our colleague the gentleman from Texas [Mr. KILDAY].

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. DAVIS of Tennessee. Mr. Speaker, I shall certainly miss PAUL KILDAY from the House. When I came to Congress early in 1940, PAUL was especially kind and thoughtful to me and most helpful as I began my duties. Fortunately this friendship ripened, and after a short period I was assigned to the Committee on Military Affairs, where he was even then a ranking member. I soon recognized that he was an outstanding advocate. In all of my years I have never known a more skilled examiner of a witness. He never wasted words, but was able to go to the very heart of any subject, and was able to secure factual answers.

It is said that when you go atrip with a man, you learn to know him. In the days shortly before the conclusion of the war in Europe, I was a member of a group from our committee who went to the European theater of operations, at the request of the late Secretary of War Stimson. That was not an easy journey for any of us. We met all sorts of weather and hardships of travel in war days.

PAUL was inquisitive, and in all of our briefings and in all of our contacts with the military he was seeking and obtaining information of value to our committee when we returned for further duties.

I had the good fortune of visiting in his home city, and found the affection in which he was held by great numbers of people. It has been my good fortune to be in his home. I know of no finer husband and father than PAUL KILDAY. He and Cecile have reared two lovely daughters and their home life has always been perfectly beautiful.

He will go to the Federal bench well equipped by training, experience and high character. If any man knows military justice, it is PAUL KILDAY. We shall miss his counsel and leadership in the House, but those who will seek the interpretation of justice in his court will find a man pure in heart, noble in character, fair, wise, and just. To him I wish a very long life and all of the happiness that his heart may desire.

Mr. YOUNG. Mr. Speaker, I rise to join my colleagues in paying tribute to a truly great American and one of the most able Members ever to serve in the Congress of the United States.

I desire to associate myself with the sincere and eloquent remarks of the many members of the Texas delegation and the many other delegations in the Congress. The bipartisan nature of the presentations that we have heard indicates the universal and uniform acclaim in which our distinguished colleague from San Antonio is held by all who know him and all who have had the special pleasure and privilege of serving with him in this legislative forum.

I feel especially close in my admiration of the gentleman from San Antonio, because our respective congressional districts adjoin and we have many interests and problems in common. The 20th District of Texas, which our colleague has represented so effectively and ably for more than two decades, genuinely appreciates the tireless, efficient and effective representation that our colleague has so willingly and cheerfully extended to it for so many years. His district will truly miss him, the Congress will indeed miss him and our Nation will ever miss his quiet, patient, calm and understanding hand in legislative matters of national and international significance. We can all take solace in that, although we are no longer to have the benefit and honor of his presence in this Chamber, he is not moving far away and the special talents that are his in abundance will yet be at the service of his country. Likewise, he will still be here in his friendly social spirit and many will be the Members of this body who will, as I, journey to the courthouse down the street to seek the counsel and advice of our able friend, who has always seemed so willing to assist with his sage judgment any constructive and worthy cause.

So, in a sense, our friend, Congressman PAUL KILDAY, is not terminating anything, but simply taking on new duties which he will add to those which he already has. I desire to join with my colleagues in saying to our distinguished friend, not goodby, but mere "so long" or in the words of our Mexican friends—"hasta la vista."

Mr. BENNETT of Florida. Mr. Speaker, Congressman KILDAY is one of the finest gentlemen and possesses one of the most able minds I have ever encountered. We in Congress will greatly miss him. It has been my pleasure for years to serve under his leadership on the Armed Services Committee. I feel deeply blessed by this experience and by his friendship. Certainly our country is safer today because of his legislative leadership here in Congress.

Mr. DORN. Mr. Speaker, Mrs. Dorn joins me in wishing for our colleague, PAUL KILDAY, much happiness and success as judge of the U.S. Court of Military Appeals. This House is a better body having known and associated with this great American. The cause of freedom is more secure throughout the world because of PAUL KILDAY's untiring efforts to make our Nation's defenses invincible.

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. BROOKS] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER PUBLIC SERVICE

Mr. BROOKS of Texas. Mr. Speaker, I appreciate the thoughtful courtesy of the House membership in giving me an

opportunity to say a few words about our good friend and colleague, the Honorable PAUL KILDAY.

In many ways, as we all know, PAUL KILDAY's work here in the House of Representatives is the finest example of the contribution that an individual Member of Congress can make to his constituency and to our country. When he came to the Congress in 1938 he began his work as a Member intensely interested in the military affairs of our Nation. He studied long hours, he worked hard and when it came his time to help lead the House in consideration of legislation affecting the armed services he was exceptionally well prepared.

The name of PAUL KILDAY is closely linked with the military preparedness of the United States to meet aggression of any sort in any part of the world. His forthright courage and integrity have marked his service in the Congress well and we will be called upon ourselves to further manifest these characteristics he has shown so clearly here in the House after Mr. KILDAY retires at the end of this session.

I know that we all are confident that our friend, PAUL KILDAY, will continue to serve our people exceedingly faithfully and well as a member of the U.S. Court of Military Appeals and I know that all our best wishes go with him and his lovely family as he accepts this important position for further public service.

Mr. LANE. Mr. Speaker, I, too, wish to associate myself with the previous speakers to pay a just and deserving and lasting tribute to the gentleman from Texas [Mr. KILDAY]. It has been well said that he has served in the Congress for many years ably and well. During his period of service over those years he has given unstintingly of his time and work, not only as an active, sincere, and aggressive member of the Armed Services Committee, but he has participated very frequently in the very important debates on the floor of the House. On countless occasions he has been in full charge of difficult and controversial bills from his committee, and he has always conducted the debate on a high plane with sincerity, reasonableness, and fairness to all the Members of the House. His deliberations on these measures have been enlightening and instructive and he always reflects a full knowledge of the facts and the legal phraseology involved in the proposed legislation. I know of no one who has worked so zealously at the side of the chairman of the Armed Services Committee, Mr. VINSON, than the learned Member from Texas. He has been Judge VINSON's right-hand man for many years and I know he will be sadly missed by that senior statesman.

As one of his colleagues I have had and will continue to have great respect and admiration for PAUL, and, I too, am elated that our President, John F. Kennedy, has seen fit to single him out from the Congress for a high position in our military government. I am satisfied that his nomination was due to his knowledge and his ability and that he will reflect credit to the Nation in his new assignment. The House will lose on Saturday of this week an able legislator, an astute debater, an excellent lawyer, a truthful and patriotic American and an outstanding national public figure, but each and every one of us are satisfied he warrants this recognition for elevation to such high position. I wish to extend to him my sincere personal and best wishes with the hope that he will continue to enjoy good health and that he will continue to serve these United States in his judicial position for many, many years to come and that he will be happy and contented in his environment.

Mr. PHILBIN. Mr. Speaker, it is most appropriate that this House should set aside this time from our very busy program to pay fitting tribute of appreciation and gratitude to our very able, distinguished and beloved colleague, Congressman PAUL KILDAY, of the great State of Texas who, most regrettably from our standpoint, is leaving this House after so many years of outstanding service.

It is only natural, I suppose, that our feelings of regret at his departure from our ranks should be mingled with feelings of pride and gratitude that he has been selected for the very high post of judge on the U.S. Court of Military Appeals, a field in which he is so preeminently qualified by great ability, rare and unsurpassed legal talents, and rich experience arising from his many years of devoted service in this House, and as a member of the House Committee on Military Affairs, and the House Armed Services Committee.

It was my high privilege to serve with this illustrious son of Texas on both of these vital committees and as a colleague in wartime and peacetime during the many years I have served in the House.

To know and work with PAUL KILDAY was to marvel at his outstanding ability, his patriotism, his intensive dedication, his brilliant, penetrating, legal mind, and to respect, admire and love him.

A lawyer of sound and scholarly attainments, exceptionally gifted in his knowledge and application of the law, possessed of extraordinary powers of perception and analytical judgment, there were certainly few, if any areas of military affairs and armed services laws and regulations over which he did not possess complete mastery.

A great, well-trained, learned constitutional lawyer with a firm grasp of legal principles and philosophy, studious, painstaking, zealous and persistent in his approach, and in the performance of his work, PAUL KILDAY excelled in his knowledge and understanding of the difficult, intricate ramifications of our great, widely extended Department of Defense and every branch of the military services. He is without doubt the Nation's greatest authority on many facets of military law.

His profound knowledge and facile handling of complicated military, legal, and administrative questions, his sound, well-based opinions and judgments, were a never-ending source of amazement and admiration to those of us privileged to work with him.

There were seemingly no minute details of a complicated bill or difficult problem that ever escaped his alert mentality. A prodigious worker, he frequently labored for days and weeks on complex pay and personnel bills, swiftly cutting through the mazes and complexities, paradoxes, and bewilderments that often attended the consideration of many of these measures, being perfected under his able chairmanship, meticulously and skillfully hammering out logical conclusions and bringing forth as the finished product many pieces of legislation on extremely complicated subjects almost defying adequate solution.

The House has repeatedly demonstrated its absolute confidence in his work and it invariably received his expert opinions, evaluations, and judgment with virtually unanimous approval. PAUL KILDAY was a strong individualist, but he also was a team player. Both strong and firm in his convictions, and sure in his knowledge of complex questions, he was always ready to listen attentively to points raised and suggestions made by his colleagues and was quick to seize upon the constructive proposals of others that he deemed beneficial to the measures under consideration.

He was extremely well versed in the law of evidence and the rules and procedures of the House, courteous, fair, impartial, and understanding in the way he conducted hearings and debate, a gifted parliamentarian, always willing to cooperate to the best of his ability in expediting the work of the committee and the House. Direct, concise, and businesslike in his conduct of the hearings, and in his elaboration of any pending matter, he always took great pains to make full and adequate explanation and furnish full information to his colleagues and the membership of the House.

The Armed Services Committee and this great body, as well as the Department of Defense, the armed services, and the Nation can ill afford to lose the services of this great man, especially in the crucial time that lies ahead of us.

His departure from the House will leave us all without the counsel, advice, and assistance of one of the ablest, most effective, diligent, and gifted men who has ever served in this body.

Of course, it will be impossible to replace PAUL KILDAY on the Armed Services Committee, or in the House. Those of us who know him well and have served with him for a long while know that fact best, because we realize full well, perhaps better than others, that it would be impossible for anyone to take his place, and at the same time make the particular monumental contributions that PAUL KILDAY has made to our committees, to our House and to the security of the Nation.

While we applaud the wisdom of our very great and brilliant young President in calling this great, talented American from Texas to the highest court of military law in the land, while we are all sure that we will have sufficient reason in the future to be very proud of his work as judge, nevertheless, in our heart of hearts we, who have

served closely with him, well know above all that we shall not look upon his like again, that in the great honor and distinction that has so meritoriously been conferred upon him, we are parting, in the legislative sense, with one of the truly great, giant, key figures of this greatest of all deliberative bodies.

PAUL KILDAY has brought supreme honor and distinction upon himself, his family, his district, his State and beloved country by his magnificent service. For many years to come, in the history of this Nation, in our Armed Services Committee, in the House, in the Department of Defense and all the armed services, in the courts and in many other places throughout this great Nation and the world, the influence, the inspired labors and constructive works of PAUL KILDAY will be deeply felt.

He has set the highest kind of goal for all of us, the goal of unsurpassed, unselfish, noble public service to his country in defending its national security and safety.

We know well that the exalted ideals and principles which he has upheld here with such lofty character, sense of rectitude and justice, he will continue to exemplify gloriously in his service on the bench.

We can be thankful indeed that one of his great ability, wisdom and spirit of dedication has been selected to make it increasingly sure that justice is meted out to the sons and daughters of America who are in our armed services. This task is just another challenge for our beloved friend, PAUL KILDAY, and he will meet it just as he has met every other challenge in his long, brilliant career. He will meet it with devotion and with courage, with outstanding ability and the shield of moral precept and spiritual truth. He will meet it with credit, undaunted spirit and resolution to do his best.

I know that what I have said here is perhaps inadequate in many ways to capture the real significance of the contributions and service of PAUL KILDAY. As his warm friend and admirer, I am very sorry to see him leave our committee and the House. At the same time, I am very proud of him as a dear friend and as an esteemed beloved colleague who has brought such great luster to our national purpose, and such inspiration and strength to his colleagues and friends, indeed to all those who have served with him, or who have had the opportunity to appraise his character, his patriotism and his worth.

I wish for him, his gracious wife and charming daughters and his entire family, of which he himself is so very proud, many more happy, prosperous and constructive years in the time to come. I hail and salute a great American and a dear friend and I wish for him and his dear ones all choicest blessings and every measure of happiness in his new life. We shall miss him here. But he will not be far from us and we hope to see him often. God love you, PAUL.

Mr. MACK. Mr. Speaker, while we will sincerely miss the great personality and talent of PAUL KILDAY after his 23 years of distinguished service in this House, I cannot help but think it quite natural that his interest and skill in arriving at the just core of any given situation should lead him further toward service at the core of society, the field of jurisprudence.

His caliber of performance has reflected a much sought for, seldom found combination of intellect and intelligence; strength and self-control, and ability to rise above personal concern in his devotion to his country. These are qualities that contributed to his eminent leadership on the Armed Services Committee and Committee of Military Affairs, membership on the Joint Committee on Atomic Energy and adviserships to the Conference on Statutes of the International Atomic Energy Agency of the United Nations. These are qualities that are certain to bring credit to his new post as judge on the U.S. Military Court of Appeals.

While forever acute in his attention to the details and perfection of fairness in judgment on any issue before him, PAUL KILDAY was always available for counsel, explanation, and conversation to his fellow Members.

Thus, I am sure that I speak for my colleagues as well as myself, when I give my wholehearted blessings to PAUL, who, with all due respect and admiration, is a wonderful guy.

Mr. BECKWORTH. Mr. Speaker, I desire to join my Texas colleagues as well as the many other Members of the House in paying tribute to the gentleman from Texas, Hon. PAUL KILDAY.

The splendid service which he has rendered to his district, Texas, and the Nation, is known about very widely. All of us are aware of the great contribution he has made to strengthening and keeping strong America during the period of almost a quarter of a century he has served as a member of the Military Affairs and Armed Services Committees. His leadership has been outstanding and assuring always. Many of the standards and guidelines that must be observed in the Defense Department in order to give us the greatest possible present and future protection as a Nation are results of the patient and earnest endeavor of Representative KILDAY.

The gentleman from Texas, Representative KILDAY, will be missed by all of us. We wish for PAUL and his wonderful family every success and happiness in the years ahead.

Mr. MILLS. Mr. Speaker, I join my colleagues in the House of Representatives in paying tribute to one of our most esteemed, admired, and respected colleagues, the Honorable PAUL KILDAY, in his appointment to be a judge of the U.S. Court of Military Appeals.

PAUL KILDAY and I came to Congress in the same year, 1938, and we have been close friends ever since. No finer or more able man has served in the House of Representatives than PAUL KILDAY.

As has been so eloquently pointed out by members of the Texas delegation, he has one of the brightest legal minds of anyone who has ever been a Member of this body. Indeed, it is not too much to say that PAUL KILDAY is a man of towering intellect. Many times we have observed his handling of complex and intricate legislation on the floor of this House, and many times we have observed the manner in which he is able to explain, in simple, clear, and concise language, the intricacies and complexities of that legislation.

PAUL KILDAY is a man of complete integrity. Not the least of his outstanding qualities, however, is his sound judgment. This is a quality which is somewhat rare, and yet is one of the most important qualities which a statesman or a leader in public life can possess.

It is with regret that we learn that PAUL KILDAY will not be with us in the next Congress, but Members can be reassured that his service as a judge on the U.S. Court of Military Appeals will be marked by accomplishments in the judicial arena as significant as those which have marked his accomplishments in the legislative field.

I commend his appointment to this most important tribunal. The best wishes of all the Members of the House are with him in his new endeavor.

Mr. THORNBERRY. Mr. Speaker, no one could follow those who have spoken and be able to add anything to what has been said. It has been my privilege to know the gentleman from Texas [Mr. KILDAY] since the first day I came to the Congress. I remember he came to me and asked me my name. From that day on, we have had an association and the privilege of a friendship which is rarely enjoyed by men on this earth. I have heard the great Speaker of this House, Mr. RAYBURN, say that PAUL KILDAY is one of the ablest men with whom he has served in the House of Representatives. That, in itself, is a great tribute. I have heard Mr. RAYBURN also say that when PAUL KILDAY takes the floor to handle a bill, he knows his subject and is able to explain it in such a fashion that the Members of the House understand it. PAUL KILDAY is a man of intellect—a man of great intellect. He is a man of a warm and generous heart. He is a man of great character. As long as I live, I shall be thankful that I have had the opportunity to be a colleague and a friend to PAUL KILDAY. He takes our good wishes with him as he goes to his new appointment, but he leaves here a spirit and a relationship that cannot be forgotten in human experience.

To him and to Mrs. Kilday and to his daughters go our best wishes.

I cannot conclude, Mr. Speaker, without referring to the fact that the distinguished Speaker pro tempore of the House, the gentleman from Massachusetts [Mr. MCCORMACK] was the one who thought of this occasion and suggested that this ceremony take place and he is entitled to our thanks. I want to thank the gentleman from Alabama [Mr. ELLIOTT] and the gentleman from Kansas [Mr. AVERY] for yielding the time to make this possible.

Now, Mr. Speaker, it is my great privilege to yield the balance of the time assigned to me to the gentleman from Texas, Hon. PAUL KILDAY.

Mr. KILDAY. Mr. Speaker, I wish to extend my sincere thanks—my very sincere thanks—to all of my colleagues

for the very generous remarks that they have made with reference to me here today. I appreciate the fact that it is a great privilege for anyone to be permitted to serve in the House of Representatives, and that privilege has been mine for almost 23 years. In addition to the privilege of being a Member of this great constitutional body, it has been a privilege to know the men and women who constitute it. I shall carry with me from this Chamber, perhaps the closest and best friendships that I have made during my lifetime. I want to express my very great appreciation to the President for the confidence he has shown in me in designating me to a place on the bench. I want to express my great appreciation to the Speaker of the House, Hon. SAM RAYBURN, my Texas colleague, for the consistent consideration he has shown me from the time I came here. I want to express my appreciation to the Honorable CARL VINSON, the chairman of the Committee on Armed Services, for the kind consideration I have always had from him while working under his direction. I particularly want to thank these two gentlemen—the Speaker of the House and the chairman of the Committee on Armed Services for the confidence they expressed in me in presenting my name to the President for the appointment I have received, and I am tremendously grateful to them. I express my appreciation to Vice President LYNDON JOHNSON for his support and recommendation. I sincerely trust I can so discharge my duties on the bench as to justify the confidence expressed in me by the President in appointing me and by those who were so kind as to recommend me to his favorable consideration, and by the Senate committee and the Senate itself in confirming me unanimously.

When you say that I have been here for 23 years, a little reflection will show that these have been the most momentous years, perhaps, in the history of our country, because I first took my seat in January of 1939, and before the year 1939 had run its course, the beginnings of war took place in Europe; Hitler began his march, and there has been a period of either war or severe tension ever since that time.

It is a privilege for those of us who have been here to have had a part in handling these tremendously important things and participating in these decisions. If I have contributed anything to them, of course, it is a source of real gratification to me, a gratification which I will take with me from the House.

Now, I want to say to all of you again how much I appreciate your kindness to me not only on this occasion, but also throughout the years I have been here. I wish I were half as brilliant as some of you have said I am, because perhaps then I could think of some proper way in which to express my appreciation. However, I know that nothing can exceed the simple words "Thank you" when they are expressed with sincerity and true appreciation.

So I say to you in the strongest way I can, "Thank you."

Mr. THORNBERRY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. KILDAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7723) to amend section 303(a) of the Career Compensation Act of 1949 by increasing per diem rates and to provide reimbursement under certain circumstances for actual expenses incident to travel.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7723, with Mr. STAGGERS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Under the rule the gentleman from Texas [Mr. KILDAY] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. BATES] for 30 minutes.

Mr. KILDAY. Mr. Speaker, I yield myself 5 minutes.

Mr. Chairman, this bill proposes to increase the per diem allowance of members of the Military Establishment from $12 to $16, and to authorize in unusual cases extraordinary expenses not to exceed $30 per day.

During the present session the Congress passed a law increasing the per diem allowance for civilian employees of the Government from $12 to $16, and to increase from $25 to $30 the expense allowances in extraordinary cases. This is not a novel situation, because on almost each occasion per diem allowances have been increased it has been a leapfrogging operation: Either we have increased the per diem expense allowance of the military and then the civilian, or, as in this instance, increased the civilian per diem and now the military. Of course, it is justified, as we all know.

I stated during the hearings that the best way to test whether this is justified is to take a trip yourself and see what it costs to maintain yourself in a hotel and buy meals.

The Bureau of the Budget ran a survey and found that while the per diem allowance was $12, the average expense per day for Government employee travel was over $15, and rapidly approaching $16. So the provision for the $16 is completely justified.

I would call your attention to the hearings which indicate that the $16 per day is to be the maximum per diem. That will not necessarily be paid in all instances, particularly in those instances in which quarters and rations are available in kind.

If there are technical questions, the gentleman from Massachusetts, who will follow me, is in a far better position to explain the bill in detail than I am, having formerly been an officer in the Navy Supply Corps. He is thoroughly conversant with that operation.

Mr. Chairman, the bill is very simple. It merely brings the military personnel to the same level we placed Federal civilian employees a few months ago. The bill should pass.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Oklahoma.

Mr. ALBERT. It is most appropriate that the last bill which will be brought before this session of the Congress under the regular rules of the House and after the adoption of a rule reported by the Committee on Rules is under the leadership and management of the distinguished gentleman from Texas who has just addressed the Committee.

Mr. KILDAY. I sincerely thank the gentleman from Oklahoma and the Democratic Whip for the kind words he has stated on this occasion as well as those he expressed a few minutes ago when I was being eulogized. I very much appreciate the kind remarks and the good wishes that have been expressed about me.

Mr. BATES. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the gentleman from Texas has fully and adequately described the provisions of this bill which received the unanimous endorsement of the Committee on Armed Services. It merely accords to those in uniform the same per diem rates as provided for the civilian personnel in the Federal Government.

Mr. Chairman, I urge passage of this bill.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(a) of the Career Compensation Act of 1949 (63 Stat. 802), as amended (37 U.S.C. 253(a)), is further amended by striking from the last sentence thereof the figure "$12" in clause (2) and inserting in lieu thereof the figure "$15".

SEC. 2. Section 303(a) is further amended by adding the following new sentence at the end thereof: "Where due to unusual circumstances of a travel assignment the maximum per diem allowance would be less than the amount required to meet the actual and necessary expenses of the trip, reimbursement for such expenses may be authorized, under regulations to be prescribed by the Secretaries concerned, on an actual expense basis, but not to exceed the amount specified in the travel authorization, and in any event not to exceed $25 for each day in a travel status."

With the following committee amendments:

On page 1, line 7, strike out the figure "$15", and insert in lieu thereof the figure "$16".

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 8, strike out the figure "$25" and insert in lieu thereof the figure "$30".

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Let me inquire about this amendment striking out "$25" and inserting "$30".

Mr. KILDAY. I will have to go back to the bill that was reported and passed for the civilian employees of the Government. The bill as originally introduced provided an increase to $15, and authorized an increase in expenses in extraordinary cases from $25 to $30. That is now in effect for civilian employees. This will place the military employees on identically the same basis as the civilian employees.

Mr. GROSS. If I may ask the gentleman, what would be the extraordinary circumstances? I do not recall this proviso in the other bill.

Mr. KILDAY. I might say to the gentleman from Iowa that for a good many years the civilian employees in the Government have had the right to be reimbursed for expenses not to exceed $25 a day in certain high cost areas when it is designated at the time, in their orders, that they are authorized to be on that basis. The civilians have had that for a long time. A few months ago we increased it for Federal civilian employees from $25 to $30. Now, this bill puts the military on exactly the same basis as civilian employees have been in the past, and will put them at the same rate that we now have for the civilians.

Mr. GROSS. This would cover the difference in rates, say, in San Francisco as between the common garden variety of hotel and the Top of the Mark, or whatever the name of the hotel in which the Top of the Mark is located?

Mr. KILDAY. Well, it is estimated that this will result in very little additional cost. The gentleman, I believe, is a member of the Committee on Post Office and Civil Service and has had more experience with these extraordinary expenses than I have.

Mr. GROSS. No; I seldom take trips at Government expense.

Mr. KILDAY. I do not mean the gentleman had taken the trip. I know the gentleman is almost always here. I mean that the law which authorizes it has been in existence for civilians for some time.

Mr. GROSS. The gentleman does not think that the $30 a day is going to be used too often?

Mr. KILDAY. I do not think so.

Mr. GROSS. Let us hope not.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore having assumed the chair, Mr. STAGGERS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7723) to amend section 303(a) of the Career Compensation Act of 1949 by increasing per diem rates and to provide reimbursement under certain circumstances for actual expenses incident to travel, pursuant to House Resolution 460, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

CALL OF THE PRIVATE CALENDAR ON FRIDAY, SEPTEMBER 22D

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be in order on tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FEED GRAINS PROGRAM

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, now is the time to squeeze the water out of the 1962 feed grains program or—to use another expression, eliminate the phantom acres which were so costly to taxpayers as a result of poor administration of the 1961 program. My bill, H.R. 9329, introduced yesterday, would force the Department to follow the original intent of Congress and quit wasting money on phantom acres.

The U.S. Department of Agriculture report, issued today, entitled "The Feed Situation," and prepared by the Economic Research Service, headed by Prof. Willard Cochrane, spotlights sloppy administration of the program.

On page 9, the report contains this statement:

> Farmers participation in the 1961 feed grains program resulted in a 15-million-acre reduction in corn planting with an 11.4-million-acre cut in the North Central States.

Compare this with the official report of the Secretary of Agriculture pursuant to Public Law 87–5, which is printed on page 957 of the printed hearings on the omnibus farm bill, serial E, part 9, held before the Livestock and Feed Grains Subcommittee of the Committee on Agriculture, June 12–13, 1961:

> Farmers agreed to retire 20.1 million corn acres to conserving uses, representing about 23 percent of the 1959–60 adjusted base acreage of corn.

Table 2, attached to the Secretary's report, showed a corn base in 1959–60 of 87,047,500 acres.

In all previous Department statistical reports, the 1959–60 corn base was 82,088,000. This is 5 million acres less. Where did the 5 million acres go? These are the phantom acres which resulted from sloppy administration.

In any acreage allotment, or crop reduction and land retirement program, it is absolutely essential for the administrator of the program to wring out the water from preliminary acreages reported by farmers.

Several years ago when the wheat and cotton acreage allotments were reimposed following the Korean war, the Department of Agriculture solicited information from farmers as to how many acres they had been planting in these crops.

After receiving this information the Department then had to make it conform to the statutory requirements, which meant actual crop reports. For example, in wheat the law established a national allotment of 62 million acres in 1954. All wheat farmers throughout the Nation had to fit into the 62-million-acre suit, no matter what they said their previous production had been.

In administering the 1961 feed grains program, the Department apparently made no serious attempt to distinguish between actual history and what the history was claimed to have been.

Understandably, the new administrators in the Department of Agriculture were eager to have a big signup in the new program. In fact, armies of field men worked hard to see that a big signup resulted.

Maybe this eagerness and high pressure inflated the actual acreage base. Whatever the reason, the results are plain. By their own admission, as documented above, Department administrators contracted for the retirement of over 20 million corn acres, but actually succeeded in getting a total reduction of only 15 million acres.

The estimated cost of these phantom acres is $150 million, the price tag of sloppy administration.

This must not be allowed to happen again in next year's program, and my bill would force the Department to operate the program within the actual acreage histories as shown in official Department crop reports. My bill would force administrators to do only what capable administrators would have done in the first place.

I do not charge that 20 million acres were not retired. I have seen no reliable evidence to support such a charge. The point is that, of these 20,090,600 so-called corn acres, approximately 5 million acres are not corn acres. These are perhaps oat acres, pasture, or something else, but they are being retired at a very generous rate of payment based on normal corn yield.

CITY OF GOOD NEIGHBORS

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, on September 17 naturalized citizens throughout our entire Nation observed Citizenship Day. The national observance of this day is largely due to the efforts of the Federal Bar Association.

I am happy to report that our great city of Buffalo, N.Y.—the "city of good neighbors"—sponsored an inspiring program on this Citizenship Day, which commemorates the signing of the Constitution on September 17, 1787. This program was arranged by the International Institute located at 1260 Delaware Avenue, in Buffalo, which plays an important and helpful role in the daily lives of immigrants who have selected the Buffalo area for their new home. The outline below explains briefly what the International Institute is and what it does.

WHAT WE ARE

A nationality community agency for service to foreign-born people and their children.

Member of United Community Fund of Buffalo and Erie County, American Council for Nationalities Service, and Buffalo Community Welfare Council.

WHAT WE DO

I. Individual service

Immigration and related problems: Assistance in all problems concerned with immigration, resettlement, repatriation, deportation. Information on and explanation of new laws and advice on procedure.

Naturalization and citizenship: Assistance in the numberless problems and complexities of becoming a citizenship or proving citizenship. Clarification of citizenship status.

Service to new arrivals: Social adjustment for new arrivals from other lands who are helped to become acquainted with American ways; to make new friends; to learn English; to use the resources of the community.

International casework: On problems involving contacts and casework in other countries.

Interpreting: For hospitals and social agencies, courts, Immigration Bureau, etc. For individuals when language presents a barrier.

II. Group and community service

Meetings for new arrivals from other countries.

Clubs for men and women of all nationalities.

Free English classes for newcomers sponsored by the Buffalo Board of Education.

Private tutoring in English.

Foreign language classes on request.

Open house, second Wednesday in each month, September through June.

Folk dance classes.

Nationality cultural programs.

Sponsoring events initiated by nationality groups.

Internationality groups.

Intercultural education.

III. Resource service

Information on nationalities and nationality communities.

Program service to the community.

Speakers on nationality backgrounds, immigration and naturalization laws and procedures.

IV. Folk arts

Promotion and development of interest and appreciation of folk arts and crafts of other countries, such as folk dancing, foreign cuisine, folk music, etc.

WHY WE ARE

Our purpose: To promote understanding and interest between native and foreign-born people, and to help the foreign-born and their children to become a part of American life and institutions.

Our philosophy: We believe that the adjustment of different cultural and national backgrounds is a slow and gradual process demanding thoughtful, painstaking effort over a period of years.

Through common understanding and appreciation of each other's cultures, traditions, and social goals, the new-made American and the older Americans will build a society where both may live a life of mutual understanding and appreciation.

Fifteen languages spoken by staff: Nationality volunteers give reliable interpreting and translation service in languages not spoken by staff.

The Citizenship Day program in Buffalo was opened by the singing of the "Star Spangled Banner," with Mrs. Rita Mikulis at the piano.

Mrs. Elisabeth G. Ponafidine, the executive director of the International Institute, welcomed the guests and introduced the chairman of the program, Mr. Stanley G. Falk, who explained the purpose of this celebration. Next, the Latvian Club Singers, under the direction of their president, Mr. Jacob Ozolins, sang "Blowing Wind."

Mr. Falk then introduced Col. William J. King, District Director of the Immigration and Naturalization Service in Buffalo, who addressed the new citizens. He chose, as his theme, an excerpt from President Kennedy's inaugural address, "Ask not what your country can do for you—ask what you can do for your country." He emphasized that our new citizens should adopt the spirit of America's Founding Fathers, "men who risked their lives by signing the Declaration of Independence." He also urged them to vote—"your privilege as an American."

Following this inspiring address, Miss Madonna Maria Caruana sang two beautiful Italian songs—"Bambino Cara" from the opera "Gianni Schichi," and "Iorna Sorrento." She was accompanied by Virginia Lorence Gutowsky at the piano.

It was an honor for me to also participate in this fine program, at which time I presented an American flag flown over the U.S. Capitol to the International Institute. My remarks on this fitting occasion follow:

When we look at our flag, we see not only a banner, but our Nation itself, its government, its principles, its history from the day it was first sewn by Betsy Ross, and the gallant men who sacrificed their lives in its behalf.

Its waving in the sky guarantees you many rights and privileges—freedom of religion, freedom of speech, freedom of assembly, and all of the other great rights in this democracy of ours.

George Washington, in his first salute to the flag, referred to the colors, said, "We take the stars and the blue union from heaven, the red from our mother country, separating it by white stripes, thus showing that we have separated from her, and the white stripes shall go down to posterity representing liberty.

The red in the flag stands for hardness and courage. The white is the symbol of purity and innocence. Blue is the color of vigilance, perseverance, and justice.

It is a great flag. It is our duty to love it, honor it, cherish it, and never let it down—and this flag will never let us down.

The program was concluded by the singing of "America the Beautiful."

DOMESTIC MICA PURCHASE PROGRAM

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, I have today introduced a bill which would extend until June 30, 1965, the presently existing domestic mica purchase program which was established by Executive order in 1952 and which is now scheduled to terminate in less than a year. My bill will prevent the termination of the program as now contemplated. The bill also provides for a continuation of the beryl purchase program.

Such termination, in my judgment, would be a serious blow to the overall, long-term national security, and would strike a lethal blow to the economy in several geographic areas stretching from North Carolina to New England to South Dakota.

This is no time to permit any weakening of the national security or to deliberately allow some of the mica producing areas to become more depressed economically than at present.

Historically, North Carolina mines, principally in Mitchell, Avery, and Yancey Counties, have accounted for from 70 and 80 percent of the Nation's domestic mica production.

All of us, of course, are saddened and distressed by the human misery that flows from widespread unemployment and mass lack of job opportunity resulting from closing down an industry, but even more important in our thinking and our planning must remain the preservation of national security.

And, in this connection, Mr. Speaker, I draw attention to the fact that mine production cannot be turned off and on like a faucet, off when we as a Nation are lulled to sleep and just coast along, or on when a national emergency arises.

Former President Eisenhower in commenting upon our defense said:

We must maintain a strong and vigorous domestic mining industry for the production of strategic and critical materials which have important defense needs.

Domestic miners of strategic mica simply cannot continue to operate if the

Government purchase program is permitted to terminate. American miners and rifters and trimmers—American taxpayers when they are employed—cannot compete with the slave laborers of Asia and Africa, source of most strategic mica imports into the United States.

It is not enough, as averred by some former officials in Government, to merely maintain a stockpile of critical and strategic materials in quantities sufficient to fight a war of x months duration as that duration may be estimated by the Chiefs of Staff in office at any given time. Experience has shown that estimates as to stockpile requirements and probable duration of any future "cold" or "hot" war are as varied as the personalities and philosophies of the changing Chiefs of Staff, and like an accordion, can be and are expanded and contracted from time to time.

The President's Cabinet Committee on Mineral Policy has recognized the fallacy and national danger inherent in relying solely upon stockpiled critical and strategic materials, and the necessity of maintaining, at least a minimum level, of current production at all times. This Committee, upon which sat the Secretaries of State, Interior, and Commerce, reported:

> Even where stockpile objectives are achieved there is still need for detailed mobilization base planning since stockpile objectives assume certain levels of production in wartime, and the Government must make plans that will enable the mineral industry to retain essential and skilled personnel.

The Committee further pointed out that one of the prime purposes of the stockpile purchase program, over and above having on hand materials vital to supporting a future war effort, is "to reactivate productive capacity and in other ways alleviate distressed conditions in connection with domestic mineral industries that are an important element in the Nation's mobilization base."

The Committee report quite properly cited that one of the prime purposes of a stockpile purchase program is to alleviate distressed conditions, but, as I pointed out earlier, economic distressed conditions in the Nation's mica-producing areas are being accelerated by a logical slowdown in exploration and development work as the industry faces termination of the Government-purchase program.

MICA IN THE EARLY DAYS

The commercial production of mica in the United States began in 1803 at the Ruggles Mine, Grafton County, N.H., and until 1868, when large-scale mica mining started in North Carolina, the New England State furnished all the Nation's domestic mica. Early uses were largely for medicinal and decorative purposes, although considerable quantities were used in providing the little isinglass windows in the old-fashioned wood- or coal-burning kitchen ranges, and in making lampshades.

Thomas A. Edison and his genius in harnessing electricity changed the use pattern, and as more and more electrical appliances became commonplace the demand for mica—with its high insulating qualities—grew by leaps and bounds.

Marconi and his wireless telegraphy, Bell and the telephone, the invention and development of radio and television, and all the complex applications of electronics have made mica today one of the most critical and strategic of all materials.

HISTORY OF THE MICA PURCHASE PROGRAM

The current purchase program was established March 12, 1952, and since that time there have been five major revisions of the regulations governing it. There also have been, over the years, several amendments to some of the revisions, including broadening of the regulations to include both ruby and nonruby mica in the program, expansion of the regulations to include stained and heavy-stained mica in half-trimmed as well as full-trimmed form, and new price schedules.

Purchase depots have been established at Spruce Pine, N.C., Franklin, N.H., and Custer, S. Dak. The program, scheduled to terminate June 30, 1962, or when the equivalent of 25,000 short tons of hand-cobbed mica has been purchased, whichever comes first, should at the rate of production and deliveries of the past 6 months, run through until about May 1 of next year.

The current program established in 1952 was preceded by operations of the Colonial Mica Corporation, a Government agency set up to supervise a crash domestic mica-procurement program during World War II when expansion of the building of military aircraft and other weapon components using complex electrical and radio systems demanded the use of mica in quantities never before visualized.

So critical was the need at that time, and so short the supply, that bombers were converted into cargo planes and diverted from combat duty to fly mica to the United States from Madagascar and India while domestic production was being speeded up.

It is to the everlasting credit of the domestic industry that it was able, with Government assistance, before the war ended to increase the annual output to an average of 2.3 million pounds of strategic mica annually, and one peak year a 3.5-million-pound output was achieved.

Domestic production during World War II filled approximately 15 percent of the total strategic grade—that is, best grade mica—requirements of the United States, including both military and civilian needs.

MICA AND SPACE LEADERSHIP

With the coming of the missile and outer space age, and its vehicles with so many component parts requiring mica, this unique material has become even more important in the role it must play if the United States is to maintain its place of leadership in the community of nations. Without mica the United States cannot be defended against aggression much less forge ahead in the space race.

Only the most naive would contend that our foreign sources of supply for mica are secure from interruption or even from being cut off entirely. And, as the Department of the Interior has recognized, American production cannot be maintained without Government assistance. In the latest edition of its "Minerals and Metals Commodity Summaries," the Department observes:

> In the absence of Government assistance, domestic production would consist largely of nonstrategic sheet and scrap mica. Production of strategic sheet mica requires so much hand labor in mining and processing that, without heavy subsidies, domestic industry cannot compete with low-cost labor such as that available in India and Brazil.

In the recent past, and currently, prices paid for stockpile acquisitions from domestic sources are considerably higher than prices in effect for imported mica, but not nearly as high as the exorbitant prices demanded and received by some foreign producers prior to the time the domestic industry was cranked up and gotten into operation during the war years. In that time of emergency, when it seemed as if the whole world would go up in gunpowder and smoke, it was the same old story of Uncle Sam having to pay through the nose for his requirements. It was only after the United States had developed the nucleus of a domestic industry that the foreigners reduced their prices for mica to a figure somewhat commensurate with their production labor costs.

Judging the future by the past—usually a sound procedure—if the United States should allow its domestic mica mining industry to wither away and die, American industry almost immediately would have to start paying greatly increased prices for imported mica; and, in the event of a prolonged national emergency, our Government and the very safety of the Nation would again be at the mercy of those who have already proven their lack of conscience when it comes to pricing a product that comes from a near monopoly.

Consideration must also be given to the fact that there are certain economic facets which make it unlikely that India would greatly increase her shipments of strategic mica in the absence of material price increases. In this connection, the U.S. Bureau of Mines, in the 1960 edition of its publication, "Mineral Facts and Problems," reports:

> Increased supplies of strategic block and film mica from India would be unlikely without additional markets for the large quantities of other categories generated simultaneously. The present trend, however, is for decreasing use of these categories, particularly splittings and the lower qualities of block mica.

Of Brazil, and the likelihood of additional strategic mica from her mines, the Bureau of Mines says:

> The availability of mica from Brazil is handicapped by remote location of sources, local legislation and regulations, and a lack of markets for the byproducts from the processing of sheet mica.

NO SUBSTITUTE FOR NATURAL STRATEGIC MICA

In recent years the Government has spent millions upon millions of dollars on research in a fruitless effort to develop

a satisfactory substitute for natural sheet mica, having had research contracts in this field with such well-known and competent organizations as the Frankford Arsenal, General Electric Co., Horizons, Inc., Sylvania Electric Products, Inc., Batelle Institute, and the National Bureau of Standards. In addition, the Bureau of Mines has during the same period spent in excess of $100,000 during some years in the search for a substitute.

The curt comment of previous years, "No satisfactory substitute for strategic sheet mica at present" is repeated in the Bureau of Mines "Minerals and Metals Commodity Data Summaries" under date of February 1961.

And while this search for a substitute or substitutes has been going on, consumption of mica, in all forms, strategic and nonstrategic, has been increasing. In 1959 the overall increase amounted to 23 percent and during 1960 the trend continued at a slightly lesser rate. An alltime peacetime record was established in the use of strategic muscovite block and film mica—2.9 million pounds, of which "65 percent went for electronic uses, principally tube," according to the "Mineral Yearbook."

With the development of transistors for use in electronics a small group of procurement officers came up with a projection that defense requirements for high quality mica might be reduced materially, but it is not turning out that way. Transistors have proved satisfactory substitutes for tubes in some applications. However, their characteristics often are inferior to those of equivalent tubes utilizing mica. Their use is limited to low temperatures—maximum 100° C. for germanium, 175° C. for silicon—and their substitution for a tube in an electronic circuit frequently requires the use of additional mica capacitors.

Electronic tube spacers constitute the largest single use for the better qualities of muscovite block mica. All authorities agree that the ceramic tube spacer upon which millions of research dollars have been spent, gives no indication of displacing mica:

> A number of dielectric materials are used in capacitors, but as yet no substitutes have displaced mica film from a broad spectrum of capacitors for certain military and essential civilian electronic devices ("Mineral Facts," U.S. Bureau of Mines).

When all the evidence is in, the conclusion is inescapable that commonsense requires, and national security demands, if America is to remain strong and the United States is to continue as a serious contender in the race to outer space, that adequate, close-at-hand reserves, both as to stockpiles and productive capacity of strategic and critical mica be maintained at all times. The evidence includes:

First. The properties and characteristics that are unique in the composition of mica are vital in the design and construction of literally thousands of electronic devices that make up the Nation's complex of military weapons, including computers, and also in the design and construction of our space probing vehicles.

Second. No adequate substitute for mica in most electronic applications has been discovered or developed despite the fact that millions of dollars have been spent in research in an attempt to find one.

Third. India and Brazil are our chief sources of supply for strategic and critical imported mica; both are thousands of miles away, at the end of long sea lanes through submarine-infested waters in time of war, and in both social and political unrest flourish; and first, in India neutralism toward communism is the national policy; and second, Brazil has just a few months ago decided to renew diplomatic and trade relations with the communistic bloc for the admitted purpose of being in a position to seek economic favors from both the United States and the Soviets.

Fourth. The quantity of strategic mica in the stockpile percentagewise is much less than numerous other materials in ratio to the quantity estimated to be needed to support a war of an estimated duration

Fifth. The domestic mica-producing industry cannot, in respect to strategic and critical grades, successfully compete with foreign producers in the absence of Government assistance, as was clearly demonstrated by the hiatus in domestic production in the interim between the times the Colonial Mica Corporation ceased active operations after World War II and 1952 when the current purchase program was instituted.

Sixth. An active, thriving and healthy domestic mica industry, producing strategic and critical grades, is an essential component of an adequate mobilization base.

Seventh. Abandonment of the current mica purchase program, due to expire before the middle of 1962, would inevitably result in American industry having to pay greatly increased prices for its mica requirements, including those necessary to fill countless vital defense contracts.

The domestic mica industry should and must be kept alive and permitted to continue its contribution to America's economic and industrial life, and its contribution to the national welfare and defense; and, thirdly, it deserves to be treated by the Government in a manner not inconsistent with Government-maintained agricultural programs.

THE TEXTILE INDUSTRY

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. WICKERSHAM. Mr. Speaker, improved textile machinery and improved techniques in the use of it have enabled mills all over the world to use lower and cheaper qualities than they formerly did for the same end product; and competitive necessity has forced them to do so.

The effects of this are shown in the USDA reports on disappearance and carryover of Upland cotton which indicate that the disappearance and carryover by grade and staple groups for the crop years listed were:

DISAPPEARANCE

[Thousands of bales]

	Mid. Wh. & above GM Sp. & SM Sp.	St. Low Mid.	Low Mid. Wh. & Lower Mid. Sp. & Lower	Total
1955	5,011	3,471	2,636	11,118
Percent	45	31	24	
1956	9,281	5,055	1,897	16,233
Percent	57	31	12	
1957	5,278	3,408	3,773	12,459
Percent	42	27	30	
1958	3,829	3,001	4,408	11,228
Percent	34	27	39	
1959	5,810	4,324	5,637	15,771
Percent	37	27	36	

CARRYOVER

[Thousands of bales]

Aug. 1				
1956	6,046	4,151	4,185	14,382
1957	3,738	2,297	5,216	11,251
1958	2,326	1,218	5,048	8,592
1959	4,215	1,590	2,913	8,618
1960	4,793	1,225	1,375	7,393

DISAPPEARANCE

[Thousands of bales]

	31/32 of an inch and shorter	1 inch and 1 1/32 inches	1 1/16 inches and longer	Total
1955	2,641	3,058	5,419	11,118
Percent	24	28	49	
1956	3,715	4,648	7,870	16,233
Percent	23	29	49	
1957	2,820	5,127	5,512	13,459
Percent	21	38	41	
1958	2,974	3,854	4,400	11,228
Percent	27	34	39	
1959	5,739	3,941	6,091	15,771
Percent	36	25	39	

CARRYOVER

[Thousands of bales]

Aug. 1				
1956	4,697	4,168	5,517	14,382
1957	3,773	4,718	2,760	11,251
1958	3,712	3,088	1,792	8,592
1959	3,722	2,412	2,584	8,718
1960	1,430	2,279	3,684	7,393

The Government not yet has issued its breakdown of 1961 carryover by grades and staples. However, every observer will agree that we have come into the greatest scarcity of modern times with respect to cotton below Middling in 1 inch and shorter, together with a plethora of Middling and above, 1 1/16 inch and longer. The mills and the cotton trade had on August 1 more than ample stocks of this latter kind of cotton, and the Government-owned Upland stocks, 1,440,000 bales, in almost their entirety were Middling and above, 1 1/32 inch and longer. The elimination from Government stocks of cheaper qualities occurred because they were needed.

For the last 2 years, many firms have sold large quantities of Strict Low Middling and lower, fifteen-sixteenths inch and shorter, abroad, particularly to

Japan and Hong Kong. Due to the scarcity of these qualities, they have had to give away a good deal of better grades and longer staples. Prices of these qualities have risen to an extent that in recent months they have made sales of them so near to the prices of higher qualities that they figured they could afford to give higher qualities if they cannot buy those contracted for out of the new crop.

But what has happened and is happening in considerable quantity is that the erstwhile foreign users of the lower American qualities have bought and are buying low-grade foreign cottons from Brazil, the Argentine, Pakistan, and elsewhere.

Cotton merchants developed during the last several years a very substantial business in the kind of low grades and short cotton that result from freezing temperature before maturity and mechanical stripping in western Oklahoma and on the Texas high plains. There was an accumulation of this kind of cotton in CCC stocks. They cleaned the CCC stocks of it a year ago. All of it and all of the 1960 production of similar qualities has moved out to mills or is earmarked in merchants' stocks against sales for forward deliveries.

Cotton merchants indicate that their domestic customers who have been using this kind of cotton are in a quandary. Unlike the foreign customers, they do not have access to foreign low grades. There is no indication at the present time that the buyers of their goods will pay them what the goods would cost if made out of the better cottons that now are available. Most of them are experimenting with rayon staple fiber, which is cheaper than the qualities now available. Some of them may have to discontinue production of the cheap goods they were making.

Only a very large production of short staple low grades could bring a cure for this situation. This might occur with a very early killing frost in western Oklahoma and on the high plains. But the crop there generally is well advanced and the long-range outlook which we receive from Irving P. Krick Associates in Denver is of first killing temperature November 13 to 15 for those areas.

Shortages of low grades always provoke new ingenuity in substituting something entirely different for the use of cheap fabrics—such as further substitution of improved paper in bag uses, or of plastics for awnings, tarpaulins, and raincoats.

PUNTA DEL ESTE MEETING

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MARSHALL. Mr. Speaker, Sevigny, of the Canadian House of Commons, recently discussed the meeting at Punta del Este. I am sure that his remarks concerning his impressions of our participation will be of interest to Members of the Congress and under unanimous consent I include them at this point in the RECORD:

Mr. SEVIGNY. Mr. Chairman, I wish to take advantage of this debate to report to the house some of the observations which I made during my recent trip to South America.

It was my privilege to represent Canada as an observer at the special meeting of the Inter-American Economic and Social Council at ministerial level which opened at the resort of Punta del Este in the Republic of Uruguay, on August 5.

This meeting grouped together delegates of the countries of South America, Central and North America and observers from almost all the nations of the world. This conference was probably the most important event of its kind which has taken place in the history of Latin America and what was decided there may well be the turning point in the sociological, political, and economical life of all Latin American countries. At long last, the Latin American countries have realized that they must unite in spirit if they wish to be strong. They appreciate that they must direct their cultural tendencies in the proper channels if they wish to survive. They face the fact of the necessity of increasing their respective productive facilities and their trade relationships if they wish to prosper. The leaders of these countries are particularly aware of the fact that some countries are faced with the choice either of moving forward through the application of the proven methods of democracy which will mean a better way of life and a better standard of living for all citizens or yet face the inevitable upsurge of communism in their midst with all its dire circumstances.

We arrived at Punta del Este on the first day of the conference and we were surprised to find the considerable unrest which animated the 1,500 or so delegates who were crowding all available accommodation in this beautiful resort. We did not know, of course, and we learned much to our amazement, that many political, cultural, and business leaders were worried by the influence exercised on the thinking of a great many people by the Cuban actions of the last year and by the Cuban propaganda. There are many who were truly worried that the arguments which were expected to be put forth by the leader of the Cuban delegation might promote certain tendencies which could be disastrous to the necessary unity which is sought by the sound thinking people in the Southern Hemisphere.

It is most difficult for us in Canada to appreciate that a small island like Cuba, populated by 4 million people, more or less, could exercise such an influence on a continent populated by more than 150 million people. But it must be remembered, in order to appreciate the situation, that there are in Central and South America many small nations which have had to live for decades through a series of disastrous revolutions, people who know the horror of famine, of extreme poverty, and of economic chaos and confusion.

The people who have nothing are ready as always to throw themselves on the mercy of the first person who offers what may look like benefits or an improved situation. Many have been impressed by the Castro propaganda which claims the success of the revolution and which bluntly declares in the most deceitful fashion that Castroism has brought the golden age to the Cuban island. There are some who feel that what supposedly can be accomplished in Cuba can also be accomplished elsewhere under the merits of the Castro regime. Since the Castro propaganda is based almost entirely on a violent anti-United States campaign, it is rather obvious that if such a doctrine became successful, it could, to a certain extent, isolate Latin America from the North America which we know. It was, therefore, with anticipation and a certain apprehension that the delegates greeted Mr. Clarence Dillon, the Secretary of the Treasury of the United States, when he rose to make his initial address in the early stages of the conference. It was with much joy and relief that all heard the most generous offer of aid which was made to Latin America by the U.S. statesman. Even the most optimistic governments were stunned by the magnitude of the aid offered and greatly pleased by the attention which the U.S. Government is giving to the Latin American area.

I should like to place before the committee a list of the main points of this aid which has been offered. They are as follows:

(a) An undertaking to commit aid on a long-term basis by which it is hoped $20 billion of outside capital, public and private, can be injected into Latin American economies over a 10-year period. The target is to achieve an increase in real income of 2.5 percent per person per year. The U.S. delegation was effective in giving other representatives the impression that an all-out effort would be made.

(b) recognition that aid must be supplemented by practical measures to raise the export earnings of recipient countries, including a lowering of U.S. trade barriers to the products of Latin America and a sympathetic approach to commodity agreements and measures for stabilization of prices of basic commodities. In particular, the United States undertook to participate in a workable coffee agreement to be negotiated in September.

(c) offer of a crash program for emergency aid to make an immediate impact in the areas where the social and political situation is most dangerous. Claims on this program must be presented within 60 days and the funds to be allocated are estimated to be in the neighborhood of $300 million. This is a reflection of the argument clearly brought out in the conference that revolutionary turmoil threatens chiefly the smaller Latin American nations. The objective is to maintain political stability in these areas while long-term projects get underway.

(d) concrete demonstrations of the acceptance of planning, a concept to which the U.S. delegation at the San Diego ELCA conference had earlier given official blessing. This implies more or less an acceptance of the strong possibility that national and multinational economic planning in Latin America often may not act to the advantage of existing U.S. commercial interests in this area.

The conference then endorsed the principle of coordination of national development plans and approved the appointment of a panel of planning experts to carry out this role and to assist in the formulation of national plans, in the acquisition of necessary financing from the Inter-American Development Bank, the U.S. Government and other sources. The planning group, although normally independent for administrative purposes is to come under the Secretary General of the Organization for American States. This arrangement seems likely to enhance the prestige and importance of the organization.

It was indeed fortunate that the United States could speak and make its offer of aid before the Cuban delegation could make its own declaration. As expected, the speech of the leader of the Cuban delegation, Mr. Ernesto Ché Guevara, was a violent attack on the so-called American imperialism and almost an appeal to all Latin Americans to

rebel against the power of their strong northern neighbor. Mr. Guevara cut quite a personable figure at the conference. He was dressed in the well-known Cuban battle-dress suit, had the familiar well-trimmed beard, was surrounded by the most horrible looking and presumably armed bodyguards, and put on quite a well-rehearsed theatrical performance.

Mr. Guevara is very young. He is only 31. He is quite obviously an intelligent man and has acquired most of his training by intuition. But he has a natural talent for the stage and a definite talent for eloquence. His performance would have been worthy of an Oscar if Oscars were given for such performances. It was dramatic and the audience of 1,000 clearly enjoyed the show that our friend Guevara put on. But the hollowness of his arguments and the obvious efforts which were made to break up the unity of the conference met with the indifference which that speech deserved. It became apparent that all delegates were strongly united behind the position adopted by Mr. Dillon and the U.S. delegation.

It seems that Mr. Guevara, after he had finished his speech, fully realized that he could not carry on with his initial stand and, as a result, the Cuban delegation became much more cooperative as the conference progressed. It advanced proposals and amendments which made sense and which, at one point, were in fact unanimously accepted. Many delegates, toward the end of the conference, even had the impression that Cuba was willing to conciliate and find a basis for a better understanding with its neighbors. The conference was definitely a success.

What is most gratifying is that during our stay in Punta del Este, we met the representatives of most of the Latin American countries and I am pleased to report that Canada enjoys a position of great prestige in Latin America. There was no exception and the political and business leaders whom we met all expressed their admiration of our country and their wish to establish a closer cultural and economic relationship with our nation.

At a luncheon which was offered to the delegates of the various nations by President Haedo of the Republic of Uruguay, Canada occupied the place of honor and it was indeed gratifying to realize that Canada and Canadians are held in such high esteem in South and Central America. It was remarked frequently by many Latin Americans that there is an affinity between Canada and their respective countries. The Argentinians in particular observed that although we are geographically located at opposite ends of the Americas we nevertheless resemble each other from the point of view of size, population, the quality of our industry, the nature of our agricultural products and many other features; and the wish was expressed everywhere for a closer relationship which should prove mutually profitable. This, of course, made us very proud to be Canadians and to realize that the love which we have for our country is shared by so many others in foreign lands.

The conference lasted for 10 days and ended on a note of optimism and determination to improve the fate of one and all in Latin America. There is no doubt that the moves that were initiated should prove extremely beneficial to the general and better interests of all American countries. Immediate effects resulting from the crash aid program should be felt soon and if the resolutions adopted are followed to the letter, it is quite reasonable to state that the future looks bright for Latin America. At this point, it is important to emphasize the great differences that exist between the economic structures of North America and those of Central and South America. The methods which have permitted the United States and our own country to grow and prosper during the last 25 years are almost unknown in many sectors of Latin America or are still in their incipient stages in most countries. For example, banking such as we know it, trading and business practices which are in current use in this country and which have been so successful are unknown or not utilized in many sectors of the Southern Hemisphere. The use of credit which is the basis of our economic strength is unknown in most of the Latin American countries. Fed people in Latin America can, as an indication, buy a home, an automobile, or the other commodities of our everyday life and be granted the privilege of paying over a short- or a long-term basis. Money can be borrowed only at the most fantastic rates and investments in many countries are considered insecure because of a raging inflation and of the ever present risk of political revolutions.

The degree of illiteracy is tremendous. It is estimated that in Brazil alone, a country of 70 million people, at least 50 percent of the population or 35 million people are completely without education of any kind. The degree of poverty as a net result in some areas is almost beyond description and I can say without exaggeration that in order to improve the standard of living of these enormous masses, almost all remains to be done. Latin America needs enormous sums of money; and although the sum of $20 billion offered by United States as aid during the next 10 years may appear fantastic at the outset, it is still relatively insufficient to meet the needs of Latin America during the next decade. But what Latin America needs far more than money is the technological methods and the scientific training which have been applied with such success in our Northern Hemisphere. Latin America does not need money as much as the knowledge of what to do with the money that it will receive. In the name of sovereignty or autonomy, some countries may be reluctant to accept the advice of foreigners or of those North Americans who will try to teach them the proper use of the financial means which will be offered. This could very well be disastrous since this money, if not properly utilized, could well be spent in futile ventures or even fall into the hands of a very few who, as it has too often been the custom, will invest it in foreign lands where the risk of a revolution is small and where the rate on investments can be more secure. Those interested in the future of Latin America should immediately use every effort to convince all Latin American countries of the need to accept the help of those who wish to train Latin Americans in the ways of modern technology and industrial and business practices which have proven so successful. An endeavor in this direction is essential if immediate and long-term success is desired. A failure in this attempt will almost inevitably result in the rebellion of the people against the hopelessness of their fate and destiny and the advent of communism. What threatens Latin America is the worst form of communism, the revolution of the people who have not against the people who have; the destruction of all that is good; the rebellion of the poor who blindly will destroy all that stands in their way; the chaos, confusion, and bloodshed which accompany revolutions and for us the danger of having next to our shores the presence of millions of people who will distrust and hate. All this has been realized by the delegates and observers who were present at the Punta del Este Conference and, in the opinion of many the hour is quite late. For these reasons and many others, it is quite obvious that the citizens of the free world who enjoy the benefits of prosperity and freedom must try to help these southern neighbors who need a helping hand more than ever before in their long history. This help should be given not only in a spirit of charity, but also with the firm conviction that our democratic way of life is right, that it must expand, thus offering a defense against the onslaught of Communist propaganda which may reach within this country of ours.

On our way back to Canada we stopped in San Juan, P.R., and we had the great privilege to meet the Governor of the Commonwealth of Puerto Rico, Senor Luis Muñoz Marín, who is considered, and rightly so, in many circles as one of the great democratic leaders of our times. The Governor gave us a wonderful reception and at a dinner which he gave in honor of the Canadian delegation we had the privilege of meeting the members of his Cabinet and many other Puerto Rican leaders in the fields of finance and industry.

When Luis Muñoz Marín was elected Governor of Puerto Rico in 1949 there was very little activity in the island. The degree of illiteracy was very high. Poverty and its allies; that is, misery and even crime, were everywhere. The economy was in a precarious condition. Through sound economic management, imaginative and progressive theories, Luis Muñoz Marín completely changed the course of events. By offering special advantages to industries interested in the wonderful climate of the island, its vast labor pool and many other advantages, Luis Muñoz Marín has in the short space of 12 years attracted over 700 new industries to the island of Puerto Rico. These new industries represent an investment of well over half a billion dollars. These new industries have meant work and employment for the people of Puerto Rico and also an ever-increasing level of well-being.

Schools have been built everywhere and as a result illiteracy has almost completely disappeared from the island. A slum clearance program has been carried out and is being continued, and all over the island can be seen low-cost housing developments where today live in comfort people who for generations had resided in the most abject slums. Magnificent hotels have been built and millions of tourists consider Puerto Rico as the ideal vacation land.

All this has been accomplished through peaceful methods without revolutions and crippling strikes. The Government of Puerto Rico observes to the letter the rules of democratic government in which we believe and always strives to cooperate with those who wish to help them instead of resisting progress. What is happening in Puerto Rico through the application of democratic methods which we understand and in which we believe can also happen elsewhere in Latin America, and it is to be hoped that the example of Puerto Rico will serve as a model to other countries in Central and South America.

At this point it may be useful to establish a parallel between what has happened in Puerto Rico and what has happened and is still happening in Cuba. Both islands have the same climate, the same rich soil, the same products, and are populated by people of the same origin. In the one island, Puerto Rico, thanks to the better ways of democracy we see prosperity, expansion, a happy people, a booming industry, millions of tourists and, to sum up, a very bright future. In the other, Cuba, because of revolution, corruption in government and the desire by its present leaders to move to the left we see a chaotic economy, the rule of force and strength, despair and fear, empty hotels, a ruined tourist industry and the distrust of almost everyone in the immediate future of the island.

May I summarize by saying that after visiting Latin America I realize more than ever that, although here in North America we may have shortcomings and we accept the fact that a great deal remains to be done if we wish to move forward toward our great destiny, we nevertheless have managed to achieve success through the application of our methods of government and our search for an ever better and improved standard of

living. We have achieved all this through peaceful methods and we have established as the basis of our mode of life the principle of freedom—freedom from fear and freedom from want. We have fought for this freedom and we shall undoubtedly fight again if it becomes necessary to protect it. But in order to protect this freedom we must share what we have with others who need our help and guidance. Our fate will be a better one if the fate of our neighbors in Latin America is also a better one. The people in Latin America believe in us. Let us be worthy of their trust and it may be that in the unity of the Americas in freedom, prosperity, and well-ordained progress may rest the answer which we seek to the peace of the world.

CITADEL CADETS REQUIRED TO READ HOOVER'S BOOK ON COMMUNISM

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RIVERS of South Carolina. Mr. Speaker, in times of war, our Nation's people have never failed to pay homage to the splendid fighting men who have delivered us from the destructive forces of tyranny and "isms" which have historically had a common goal of trying to overwhelm our great Republic.

As leaders in the constant fight to preserve our democratic way of life, America's soldiers of yesterday are still its defenders of today, and few figures so outstandingly represent this stewardship to our country as does Gen. Mark Clark.

Today, I want to pay homage to this veteran of two world conflicts and the war in Korea, who knows that we can endure as a people only if we fight to maintain our freedoms.

General Clark is now president of The Citadel, the renowned institution of learning in Charleston, S.C., and it has come to my attention that he is requiring the freshman class of The Citadel to read and study the book "Masters of Deceit," which is a magnificent blueprint of the evils of communism written by the illustrious J. Edgar Hoover, Director of the Federal Bureau of Investigation.

A great English poet, essayist, and man of letters said in the 18th century:

> Books are the legacies that a great genius leaves to mankind, which are delivered down from generation to generation, as presents to the posterity of those who are yet unborn.

The young freshmen at The Citadel, some 1,000 strong, will be among the leaders of our system of government tomorrow and must safeguard America for those who are yet unborn, as we in this passing generation must do today.

Recently General Clark issued a short press statement with a picture of cadets handing out the book "Masters of Deceit," the story of communism in America and how to fight it, written by J. Edgar Hoover. In his statement, General Clark said:

> "Masters of Deceit" is required reading for freshmen at The Citadel. Gen. Mark W. Clark, president of the military college, has issued instructions requiring cadets of the fourth class to read Mr. Hoover's book prior to October 2. Operation Alert, an anti-Communist group in Myrtle Beach, made copies of the book available to The Citadel's incoming freshmen. Copies were also distributed to all cadet company commanders.

Gen. Mark Clark, a valorous fighter in time of war, deserves the praise and gratitude of not only my own State of South Carolina, but of the entire Nation for the farseeing wisdom which he is displaying as a leader of young men. As Mr. Hoover has said, truth is the weapon which Communists fear most, and certainly it is never too early to expose our youth to the treacherous aims of communism.

There radiates from the pages of Mr. Hoover's book the knowledge which can immunize young Americans against the virus of communism. Truth, which shines brightly from the pages of "Masters of Deceit," illumines like a great searchlight the skulking Communist and exposes him for all the world to see as a harbinger of a system which promises nothing but slavery.

Gen. Mark Clark and Director J. Edgar Hoover are symbolic of the men who have maintained our freedoms since 1776, and from an institution of learning such as The Citadel, there will come in the next generation other General Clarks and Director Hoovers. It is our duty to insure that these young men are led in the direction of the pinnacle of greatness, and I am full of admiration for these great men and their laudable efforts toward molding young men into the kind of leaders who would die rather than see the blood-red flag of communism implanted on our shores.

All of our citizens who love their country would do well to follow the example of these two men who have dedicated their lives to keep America free. The young people of this country have been called our greatest resource, and if they are to secure the ideals and philosophies of democracy which are the foundation stones of the temple of freedom, all America must lend them the moral support, give them the knowledge, and provide them with the strength to subdue communism, the most dangerous "ism" of today, and the ugly "isms" which may come upon the scene in times to come.

I commend General Clark for his educational courage in requiring the reading of this significant exposure of communism. I congratulate the anti-Communist group in Myrtle Beach, S.C., who made copies of this book available. I hope also from time to time to commend other outstanding educators who see the present and increasing danger of communism and who have the courage to speak out against it.

STATEMENT IN SUPPORT OF H.R. 3725 TO INCREASE THE MEMBERSHIP OF THE HOUSE OF REPRESENTATIVES

Mr. AVERY. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FULTON] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. FULTON. Mr. Speaker, I point out here excerpts from the great speech before the Judiciary Subcommittee No. 3 by Hon. FRANK CHELF, Democrat, of Kentucky, on August 24, 1961:

> Mr. Chairman and members of Subcommittee No. 3, I appear before you this morning on behalf of the entire Ketucky delegation: Hon. BRENT SPENCE, Hon. JOHN C. WATTS, Hon. WILLIAM H. NATCHER, Hon. FRANK A. STUBBLEFIELD, Hon. FRANK W. BURKE, Hon. CARL D. PERKINS, Hon. EUGENE SILER, and myself, in support of H.R. 3725 to provide that the House of Representatives shall be composed of 469 Members.
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> There is ample precedent and a historical basis for this legislation. Beginning in 1789, there were 65 Members of the House and as the population increased, the House of Representatives was likewise increased to serve their needs. On April 14, 1792, the number of 65 Members was raised to 106. In 1802, the House was increased to 141, in 1811 to 181, in 1822 to 213, in 1832 to 240, in 1850 to 233, in 1862 to 241, in 1872 to 283, in 1882 to 325, in 1891 to 356, in 1901 to 386, and then in 1911, 50 years ago, the number was upped to 435, where it has remained until the admission of Hawaii and Alaska, which brought it to its present 437. These figures taken from the Congressional Library present a revealing record of the growth of the country and the House of Representatives. From 91,972,000 in 1911, we have grown to 182,000,000 in 1960—double our size. Incidentally, the average congressional district has grown from 200,000 in 1910 to 412,000 in 1960.
>
> The House has not only this precedent but we have a precedent of recent significance. The increase in the Rules Committee membership from 12 to 15, is an addition of 20 percent. I seek to increase the House by 34, which is only approximately 7.2 percent, notwithstanding the fact that the population of the United States has more than doubled. My bill would help 14 of the 16 losing States to maintain their representation. Only two States would not be helped—Iowa and West Virginia. According to the statisticians in the Census Bureau and the so-called equal proportions formula, it would take a House increase to 480 to restore Iowa's loss and an increase to 528 Members to solve West Virginia's loss.
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> I had hoped that my bill would aid all 16 States losing Members but "the chart" of the Census Bureau prevents it.
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> Notwithstanding the fact, gentlemen, that no legislation introduced will help little West Virginia, all but one of their delegation in the House have signed the so-called Chelf petition. For this sympathetic understanding of our problem, we, who stem from the remaining 15 States involved, are deeply grateful and shall remain everlastingly thankful to these loyal friends and gentle neighbors.
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> In addition to helping those 14 States that lose seats, my bill would enable those States that have greatly gained in population to acquire seats in addition to those already allocated to them by the 1960 census. Fortunately for them, my legislation would help to reduce their heavy workload per Member. The States that would be entitled to "bonus seats," which are over and above those already allocated, are Texas, two; Oregon, one; Ohio, one; New Mexico, one; New Jersey, one; Michigan, one; Louisiana, one; New York, one; Colorado, one; Connecticut, one; Florida, one; Illinois, one; Indiana, one; and California, three "bonus seats" in addition to the regular eight Members already allocated to it.

H.R. 3725 would not only give "bonus seats" to those already gaining but it would also give additional representation to several States that ordinarily would not be affected, up or down, by the 1960 census. In addition to this, my legislation would materially assist 14 of the 16 States that lose seats. As an example, it would help 28 States and harm none.

As it has been stated, prior to 1911, it was the custom to automatically raise the number of the House every 10 years. Inasmuch as no increase has been voted since 1911, we, therefore, have an additional 91 million people in the United States that literally have no representation because if it took 435 Members to adequately represent 91 million, I contend that the additional 91 million in the United States are entitled to at least the 34 seats that I seek. Incidentally, the States of New Mexico, Arizona, Hawaii, and Alaska have been admitted to the Union since 1911 and, therefore, these four States have drawn from the established allotment of 435 congressional seats.

Opponents of this and similar bills say that it will make the House unwieldy. They argue that we are selfish in our motives because they contend that our legislation seeks to keep politicians in their jobs and that the cost to the taxpayers would be terrific. These objections are erroneous. For instance, I have been a Member of the House for 16½ years, and in all that time, I have never yet heard all 435 Members answer any one rollcall. Deaths, illnesses, important committee meetings and vacancies prevent 100-percent attendance. An accurate and systematic check of the yea-and-nay votes over the past 16 years shows an average attendance of less than 370 Members per rollcall. This means that an average of 65 Members never vote, no matter how important any business may be. On this basis, if we increase the House to 469, an average attendance would be approximately 400. What is so "unwieldy" about this number?

If the House is too large and too unwieldy as our opponents claim it to be, why is it that we 435 Members of the House are always through with our work (difficult as it may be) at the end of any given session and often have to wait on the other body to finish their work? A few years ago, under the Eisenhower administration, we created 40 new Federal judgeships. Several weeks ago, at this session, we created an additional 73 judgeships—why? Obviously, this action was necessary in the interest of better government because it afforded better service to the people of the Nation. Due to the very rapid growth of the country, our courts had become clogged with litigation and the only way to relieve the dockets was to create more judges. Why not take action to relieve the Representatives of the people so that they may be in a better position to more adequately serve their constituents?

Insofar as the argument of selfishness is concerned, let me say that this legislation is, to the contrary, most unselfish because it really prevents a Member from growing too powerful and too important by the reduction of the size of a given State's delegation. In other words, I am a more powerful Member of Congress if I am one of four than if I am one of a delegation of eight.

The argument of terrific cost falls flat on its face for the very simple reason that the 34 newly created seats, including Members' salaries, office staffs, allowances, and everything would cost the 182 million people in the United States today an average of three-fourths of 1 cent per person, per year. This is less than the cost of the former penny post card.

With our population explosion, if we keep adding tens of thousands of constituents to an individual Member of Congress, the time will come when he will be so overwhelmed and frustrated by duties in the office that he will have little time in which to legislate and practically no time in which to visit and mingle with his people. Through no fault of his own, a Member would become unavailable and inaccessible, which is just the reverse of what the Founding Fathers envisioned when they drafted the Constitution. As an example, it was never intended that the House of Representatives be separated from the people. I am told that the only occasion on which George Washington, President of the Constitutional Convention, entered into the discussion of the Convention was when he urged that the House be made accessible to more people rather than less. James Madison reported in his Journal of the Federal Convention that when it was proposed that the constitutional requirement of 1 Representative for every 40,000 persons be amended to 1 Congressman for every 30,000 persons, George Washington spoke out on the proposed amendment, urged its adoption and asserted that it would give him much satisfaction to see the smaller ratio of representation be adopted in order to further secure the rights and the interests of the people. As momentous and weighty as all the other provisions of the Constitution are, and were, when they were being considered in convention, only on this item did Washington express his direct concern. We must acknowledge the significance of this fact.

George Washington, in my opinion, has made the strongest possible argument for the enactment of H.R. 3725. It was the primary object, intent, and purpose of George Washington and the drafters of the Constitution to keep the Members of the House of Representatives close to the people. It has been possible in the past for a Member to see his people and have his people see him. Let us not attempt to change this "modus operandi" because if we do, good, sound, responsible, democratic government will become a legend rather than a living, active, moving force. In common parlance, a bricklayer can lay so many bricks in a day, a dentist can fill so many cavities, and a father can support only so many children. Likewise, a Member of the House can serve just so many constituents and no more.

Gentlemen, remember, the size of a Member's constituency has grown from the 30,000 recommended by Washington in 1789 to 412,000 in 1960. Increasing the size of our staff is not the answer. The loyal and faithful members of our staff are truly, in every sense of the word, "Assistant Members of Congress"—bless them—but there are so many things that demand the personal attention of the House Member. When people come to one's office, they want to see the Congressman—not an aid. When the committees are in session, the presence of the Member is required—not his secretary.

When the House meets, we have to answer the rollcall and vote and, with only 24 hours in each day, we find it increasingly more difficult to be at all places, at all times.

The argument has been advanced that this legislation is not necessary because today we have faster means of travel, radio, TV, telephones, and telegraph, and that all of this makes it easier for a Member to serve his people. With the aid of these facilities, we have been able to increase the average constituency from the 30,000 in 1789 to 412,000 in 1960. However, with all of these modern facilities and the invention and use of others since 1911, we still cannot cope with the situation. Frankly, it is getting out of hand. There is no substitute for a face-to-face meeting and a handshake with one's constituents.

As I previously stated, the Rules Committee membership has been increased recently by 20 percent. The seats in the Senate have grown from 92 to 100 in 50 years. This is an increase of 8 percent. Therefore, what is wrong with the House moving up only 7.2 percent on the basis of the requested 34 seats?

Gentlemen of the committee, I implore you to give the 91 million people who have come upon the scene in America since 1911 at least 34 seats, which would make the total 469. I repeat: If 435 Members were needed to adequately represent 91 million in 1911, don't you think 182 million, or double that number, are entitled to some consideration and representation?

Remember—these are electoral college seats that are being lost by these 16 sovereign States.

I urge you to vote for H.R. 3725.

THE NEGRO SELF-IMAGE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan [Mr. DIGGS] is recognized for 30 minutes.

Mr. DIGGS. Mr. Speaker, I would like to call to the attention of my colleagues an address made by Dr. Broadus N. Butler, assistant to the dean, College of Liberal Arts, Wayne State University, in a speech before the Booker T. Washington Business Association of Detroit. You may be aware that Detroit is the center of one of the largest number of businesses owned and operated by Negro management in the country. The Booker T. Washington Business Association is a vital and growing and vocal organization composed of representatives from these enterprises.

In his address before this group, Dr. Butler makes a most penetrating analysis of the Negro self-image. In twofold approach, he defines it in terms of society's conditioning, a concept daily meeting destruction, and in terms of its reality, the emergent concept which is now steadily increasing places revolutionizing the practices of great businesses of this Nation.

Dr. Butler's speech is critical and highly responsible. It will perhaps present a startling image to some, but I am sure that everyone will read it with great interest:

THE NEGRO SELF-IMAGE

(By Dr. Broadus N. Butler)

Mr. Austin, Mr. Vaughn, ladies and gentlemen, I hope that you will not accept this as a speech, but rather as an extended statement of serious reflections about Negroes, the United States, and the situation of the world today. If, when I finish, you are a little perturbed—but perturbed in that restlessness that will make you want to do somethink positive and constructive—this will make me very happy.

I

Although an image is only a surface phenomenon which merely outlines how one is seen by himself or by another person, and images may fail to reflect the true character of the person, images are powerful social determinants because they condition the way a person behaves toward himself and how others respond to him. The same behavior evokes different responses depending upon the image of the person engaged in the behavior. Eating watermelon is an example. Imagery is one of the most powerful social factors in these United States, and how images are manipulated is of significance to the whole world in these serious times.

A social image, then, is an appearance or set of appearances which is imputed to a

person or group and becomes so ingrained in the social setting as to command acceptance, whether or not it truly characterizes the person or group. Racial images in the United States have taken on a character of sacredness and inviolability in a very short period of less than 100 years. The myths underlying these images have given coherence to a highly elaborate and institutionalized system of prejudical attitudes and behaviors. All of these myths have economic reasons for being and they support an economic arrangement of which we are a part.

During 300 years, Americans of African heritage have been successfully subdued, humiliated, enslaved, exploited, degraded, freed, segregated, and now discriminated against. The last two, racial segregation and racial discrimination, are not the same. There is a distinct difference. Segregation is overt physical separation which is subject to legal and economic control. Discrimination is covert, subjective, and deceptive. So, it is more difficult to isolate and more elusive of control by regular legal and economic measures. It is in the area of racial discrimination that imagery is of pivotal importance because the image which supports discriminatory attitudes operates with equal detriment upon the victim and the perpetrator of discriminatory practices in the United States. The awesome fact is that the survival of this Nation and the peace of the world may largely depend upon the elimination of discrimination in the United States. Moreover, it is quite conceivable that segregation may be eliminated without discrimination being eliminated, witness many Northern States; but, it is inconceivable that discrimination could be eliminated without segregation going by the board. This makes discrimination much more important to us than segregation.

The ingrained attitude patterns of racial discrimination historically worked interchangeably with a whole framework of myths to justify the establishment and perpetuation of racial segregation. Racial segregation has worked reciprocally to condition and reinforce attitudes of racial discrimination.

The three main image myths which have been most damaging to the American Negro's self-image and have done most to deprive him of the opportunity and capacity to conceive of himself as an equal of other Americans and to live as a free, equal, American are the following: (1) the myth that American Negroes have no cultural past; (2) the myth of Negro biological and social inferiority; and (3) the myth of Negro poverty. I shall not address myself directly to an analysis of these myths, but the mention of them constitutes a necessary background for any discussion of the Negro self-image today.

To use a Biblical metaphor which has a genuine appropriateness for those who are image-conscious, we are in the second millennium of the development of a democratic American life. The first millennium was introduced by a violent raid on Harpers Ferry in 1859 and last 95 years to the Supreme Court school desegregation decision of 1954. The main character of the first millennium was that it started with the painful 6-year process of emancipation of Africans (by now called Negroes) and forged back together a divided nation. The war that eventuated in the emancipation brought on segregation in the wake of that emancipation only 8 years later. The signal for the end of that period came with the legal decision to eliminate segregation. The Supreme Court decision of 1954 which introduced the second millennium pointed to the damage visited upon its victims by the inherent evil in the reciprocal relationship between segregation and discrimination. The Court addressed itself directly to the question of racial discrimination when it declared that segregation is inherently unequal and that equal physical appearances of school buildings and equipment do not constitute equality for the human constituency.

The important thing about these two junctures in American history is that the survival of the Nation rested then and does now rest upon the resolution of a national problem in which Negroes were and are of key importance. Moreover, what Negroes did during the first millennium was pivotal to the survival of the Nation, but what Negroes do in consequence of the beginning of the second millennium may very well determine the survival of the world as we know it. This is a tremendous responsibility, and I think that not enough Negroes are aware of the enormity of the task or the meaning of their historic role, although we talk about it daily to each other.

Let me begin the heart of the discussion by saying that these are hard and crucial times. This is the first time in the history of mankind that the prospect of freedom and the concept of universal freedom have been treated on a world wide basis. The freedom of mankind in Africa, in Asia, in South America, in Latin America, and, indeed, in Europe is for the first tme treated in one universal context of approach to mankind's problem. Such hard and crucial times require that we Negroes take a crucial look at ourselves, for we may be the midwives of freedom's birth or the nurses of her maturation, provided we do not permit her to arrive crippled and become warped at an early age, as we did in 1865 because of our incapacity to utilize a historical opportunity to nurture freedom to her full maturity. Incidentally, the old adage goes that "opportunity knocks but once." But this is the second time within a century that the opportunity to be free has clearly knocked upon our doors.

What happened during the first millennium? Why did not emancipation eventuate in real freedom? The plain fact is that Negroes were so consumed by the burdensome effort to carve out a bare subsistence and to gain relief from physical degradation that they had neither time, nor energy, nor courage to respond to Frederick Douglass' call to continue to struggle until they were completely free. They could not hear his warning that physical survival was being paid for at the cost of human dignity, and that the loss of dignity would usher a regression to a condition of being not less than half slave nor more than half free. We even now talk about dignity without realizing that dignity must be undergirded with some kind of power, or else it becomes a weak and surface sham.

Douglass described the ironical social process of the relationship between dignity and discrimination about 100 years ago in a remarkable parable which I can only paraphrase. This parable also pointed up the main distinction between his philosophical approach to the achievement of freedom and the approach of those who advocated conciliation, gradualism, and obsequiousness under the duress of the necessity to eke out a bare physical and economic survival. Frederick Douglass put it this way:

"Injustice can become so firmly established that the perpetrator cannot distinguish it from justice. Consider that you, the peer of another, pass him on the sidewalk; and you yield in courtesy as befits your gentility. He thanks you. You yield the second time and he thanks you, but with less enthusiasm; you yield the third time, and he begins to think that you do this either in consciousness of his superiority or in awareness of your inferiority. You yield a fourth time, and he begins to think it is his right to your part of the sidewalk. About the eighth time, your inferiority and his superiority become laws of nature, and your claim to access to sidewalks becomes an affront to his rights and violation of the laws of nature."

He paralleled this message with a ringing philosophical observation that went unheard then, and has continued to go unheard by the majority of Negroes even in the wake of the sit-ins and freedom rides of the past months of 1961.

Listen to Douglass speaking in response to urgings by Negroes to go slow and not "rock the boat" because it made a bad image for Negroes and it disturbed race relations:

"If there is no struggle, there is no progress. Those who profess to favor freedom, and yet depreciate agitation are men who want crops without plowing up the ground. * * * This struggle may be a moral one; or it may be a physical one; or it may be both moral and physical; but it must be a struggle. * * * Power concedes nothing without a demand. It never did and it never will."

So here we stand again on the threshold of a second great opportunity. We stand here with only a partial realization that if we had had the resources during the first millennium to get beyond the quest for physical relief to demand that we be really free, the institution of segregation would not have emerged in the 1870's nor would it have been crystalized in the Supreme Court decision of 1896. I say "partial realization" because now segregation has become so imbedded in our own thinking that for the most part we ourselves contribute to its perpetuation and do not distinguish it from discrimination. And, worse, we do not realize that segregation, initially adopted in the 1870's as a political expediency, in the short time of 80 years has come to be treated as if it were a law of God and nature by exactly the process that Frederick Douglass described. Indeed, this is how it is projected by segregationists, both Negro and white.

How do we get beyond segregation in this second millennium and, at the same time, avoid regression into the pitfall of discrimination which depends upon the perpetuation of an inferior image? Negroes of a century ago got beyond slavery only to fall into the trap of segregation. We must deal with both segregation and discrimination—the legal and the attitude, and get beyond both.

We must frankly begin by remaking, remolding, re-creating, and reevaluating our own self-image. The greatest need that we Negroes have at the moment is for cultural mirrors that will magnify ourselves to ourselves in such wise as to enable us to stand foursquare before ourselves clearly and reflectively. This cannot be just a legal mirror, because we must come up with profound social and moral answers about our own self-image before we can use the image to demand equal equality in dignity instead of mere legal equality. We must literally transform our own myths which have supported the image of the American Negro as a spontaneously generated (in 1619) minority group which has no past and whose members are by "nature" inferior in behavior, inferior in mentality, inferior in culture, inferior in value standards, and inferior in biological station.

Where do we start? We must obviously begin by removing the ingrained mote that segregation has placed in our own eyes and has made us look confusedly upon ourselves. This is no easy task because to many of us the occasional irritation of the mote is not nearly so troublesome as the awesome prospect of the responsibility of freedom. Many of us have adjusted quite well to the blurred image because we have not allowed it to deter our pleasures nor disturb our pocketbooks.

But for the few who must bear the mantle and the armor of the next generation, there must be a threefold look into the mirror of this day. The first look must disturb us,

perturb us, and make us restless to do something. I mean something much more than $100 scholarships and $100 freedom fund dinners, and something on a continuing, organized, coordinated scale which looks beyond the piecemeal year-to-year campaigns. Otherwise we will not be seeing the truth about our responsibility. The second look must encourage us, or we are not geared to the reality about the real impact of the legal and political work of the NAACP, the educational and employment pioneering of the National Urban League, and the charismatic (inspired) moral and social demonstrations of the sit-ins and freedom ride movements of CORE. The third look must sober us to our opportunity and discipline us to the responsibility that the survival of this Nation, and maybe Western civilization, has placed in our charge.

Let us review these three reflections in some detail. The look that disturbs presents us the old Negro self-image and the painful necessity that is upon us to divest ourselves of it. I do not mean old in the chronological sense of age. I mean old as a designation for the product of the segregation period. That imagine has the following content. It begins with the baffling falsehood that Negroes are a minority race, even in full knowledge that two-thirds of the people of the world are colored and that no other group of people in the United States has as many members as that group which is classified as Negroes. This is just the beginning.

The old Negro self-image looks upon the American Negro in exactly the same way that whites look upon the Negro—as inferior. The old Negro believes that he is inferior, and all of his social actions and responses start from that assumption. There are interesting behavioral byproducts of this self-image which have been detrimental to himself. First, he has elected to grow in the shadow of, and mainly in imitation of, non-Negro European cultural values instead of cultivating and preserving his own African and American cultural values. He has been very contented to be the main supporter of the myth that Negroes have no past, because he, in his ignorance about African culture, did not maintain our historical continuity. (Now as we view the tremendous resurgence of African culture, we occasionally pause to regret that he did not maintain our historical identity; and, occasionally, we even get angry with Africans when they say that they are not Negroes.)

There is more here to disturb us as we look at the old Negro. He always believes that the next generation will be a little better off, and he will think about making efforts toward that end, but he does not really believe in his own capacity to live as a free, equal, unsegregated, undiscriminated-against American who can be proud to be both a Negro and an American. Moreover, although he wishfully believes that the next generation will be better off, he does not devote his attention to preparing an economic base and a historical or cultural image which are the necessary foundations for the freedom of that next generation. American Jews bought back their past when they invested billions in Israel bonds and millions in the revival of Hebrew and Near Eastern studies in the United States. Negroes have not yet seen fit to invest more than token conscience fees either in the independence of African countries or the revival of Negro culture studies.

The economic picture is the most paradoxical. Here his self-image is that of poverty and deprivation. There are three interesting facets of this economic image. First, he thinks that he is poor; yet he spent $17 billion last year, he is spending $20 billion this year, and his spending is rising toward $30 billion at the rate of better than $3 billion increase per year. This $20 billion is mainly earmarked for consumer products and for companies which do most to discriminate economically and socially against Negroes. Moreover, it is simply amazing that Negroes who cling to the poverty claim whenever they are asked to give for group improvement or for investment in the necessary economic foundation for future freedom are most conspicuous users of luxury consumer products of these companies. The same man who cannot afford $100 for a Freedom Fund dinner, $100 for the United Negro College Fund, $100 for the Tom Mboya Scholarship Fund, or even $10 for a patrons of the arts membership, will spend $125 extra for a golf bag to carry his new set of $250 golf clubs simply because his 3- or 4-year-old bag does not look good enough for his new clubs. And, if the salesman is the least alert, the man will toss in another $40 for a new cart. When he buys a new car, he thinks nothing of adding a $100 accessory which may be more decorative than efficient. Moreover, he will pay $1,000 to $2,000 more for a sports car or a luxury model and consider this a social necessity; but he would not consider it a social responsibility to buy a good comfortably equipped car and use the $1,000 difference to invest in the consolidation of his own freedom. The most damaging byproduct of this poverty image is that the only economic right that the old Negro guards zealously is the right to appear wealthier and freer on the outside to hide what he feels on the inside. Old Negroes are as dutifully concerned about this as whites are concerned about the right to appear superior.

The main problem is that the old Negro has no real drive to earn the wealth and to be free so that the appearance will be unnecessary. We do not yet realize that a Cadillac does not dignify the man if the man does not dignify the Cadillac. We have not become fully aware that such luxuries can make us look absurd when we deprecate among ourselves the value of investment in the struggle for the very freedoms which will gain that measure of dignity that will make the luxury trappings unnecessary to prop us up. It makes us look even more absurd when we can spend so much for so many costly things and then have to go begging others to support our students, our educational institutions, our civil rights campaigns, and our cultural enterprises.

The second byproduct of the economic image is that we genuinely perceive ourselves as mass consumers, not as producers. We do not produce in any large measure, we do not support producing Negro enterprises, we believe Negro products and services are somehow inferior, and we will not organize subsidiary enterprises to support our main enterprises. We would not buy an investment interest in a single Negro production enterprise with any degree of confidence. There is not a single bond drive for any Negro or African country which is producing. We will not organize a single country club or combination business and social club where foreign and domestic dignitaries can be entertained, contracts can be consummated, and invitations that we get from comparable organizations can be reciprocated on a basis of equal dignity. This is because we think we are poor, not because we are poor. This is a heavy indictment of the old Negro, but it is a social reality which we must face up to quite frankly in order to purge ourselves of its insidious effect upon our social and economic welfare.

The third, and equally devastating, byproduct of the economic image is that Negroes have produced some of the greatest artists, scholars, statesmen, scientists, professional men, entertainers, and athletes as individuals; but Negroes as a group have not supported them. Neither have they supported the educational institutions and cultural enterprises in which they received their own education and professional training. Moreover, where there have emerged great Negro image makers, the Negro community has ridden upon them in the glory of their achievements, but failed miserably to sustain their images when they were over the hill. Ironically, when the Joe Louises and the Ethel Waters and the E. Frederick Murrows are at their peak, we are all with them; but, when they lose their luster, we find some way to blame them as individuals for their decline.

Miss Nellie Watts has provided a stage here in Detroit for the greatest Negro concert artists to come to Detroit over the past 25 years. We will not support her concerts, yet we will fly to New York or organize parties to go to the Ford Auditorium to see the same artists under another sponsorship. Men with $50,000 a year incomes are still making $5 and $10 contributions to the alumni funds of their colleges and getting angry with a vice president of Ford, General Motors, Chrysler, or American Motors if he asks more from them for the support of UNCF colleges.

Three years ago, I spoke to you about the value of utilizing the research facilities of Wayne State University for your benefit. It took a lot of hard work on the part of Mr. Joseph Williams, Mr. R. Conrad Vaughn, and their committee to get you to involve yourselves in a first project. Let us say that this project brought a new Negro faculty member to the university, Dr. Karl Gregory, and a large grant from the U.S. Government to study your peculiar problems of expansion and relocating your business investments. But you have not undertaken a second project and your interests require that kind of followup.

You have still not undertaken to develop and support the Negro heritage lectureship at Wayne State, as I suggested in that same talk; even though the appearance of Prof. John Hope Franklin and the Honorable George A. Padmore last February and April provided a perfect object lesson of the kind of response that such a lectureship would generate, and how much it would contribute to the re-creation of a heritage-grounded, culturally viable, Negro image in Detroit.

Now let us turn to the new Negro image and the second look into that mirror which should encourage us. Remember in 1953 the slogan was "completely free by 1963." The following year the Supreme Court provided the lever for the surge toward this goal. We also remember that we spent most of 1954 cautiously sparring with the idea that segregation is now to be eliminated, and later in 1954 the first violence flared to signal that even the elimination of segregation was not to be a perfunctory gain. There followed a maze of legalisms and skirmishes until Little Rock exploded, to thoroughly becloud the entire integration horizon. Then one day a young college student sat at a lunch counter in South Carolina and all was light again. Things were clear now in a demonstrably sharp and exacting way that spoke of a challenge based not upon law but upon the dignity of the individual's self-image. This is the confident, sacrificing, serious, uncompromising new Negro who is determined to be completely free in Frederick Douglass' meaning of "completely." This is the Negro whose image is not understood and, consequently, is disturbing even to the old Negro; for the old Negro means 1963 maybe, while the new Negro means 1963 or die trying. The Rev. Martin Luther King and Frederick Douglass have much in common. Douglass handed President Lincoln the emancipation edict and demanded that he use it to save this Nation. The Reverend King is now handing President Kennedy the civil rights edict and placing the same imperative before him. But just as Frederick Douglass' personal efforts were not enough, so will the Reverend

King's efforts be insufficient unless we place a foundation of economic and cultural support under the new Negro of the future generation.

Charismatic (morally inspired) leadership by the Douglasses, the Walter Whites, and the Martin Luther Kings, does not accomplish more than a temporary gain, if Negroes continue to harbor the inferiority self-image. This is what the new Negro says to us as he rides in dignity into Mississippi jails and Alabama mobs. Why does he do it? He does it simply because he has a free soul which the old Negro never quite acquired, except in rare individual instances. What is his main problem? His problem is that Negroes themselves are too timid to identify with him because identification brings them face to face with the responsibility of freedom, and this is not exactly what they have been looking for. They have been seeking mainly the privileges of freedom. But the prospect of a Mississippi jail is a long way from the gilt-edged luxury model freedom which the old Negro somehow expects to be handed him for free.

IV

So, to gear ourselves to the image of the new Negro who will be completely free, I have the following recommendations: (1) Take a lesson from the Jews. Study what they have done to revitalize their cultural heritage and values, and how they have invested in the preservation and enlargement of that heritage. (2) Do more serious sitting down and talking about economic organization and capital formation geared to production enterprises and financing of cultural ventures. This is the weakest link in the freedom chain. (3) Design a conscious image of the free Negro personality, and cultivate that image so that it will be projected as a model for our children and their children, (4) Organize an economic and cultural planning council, and vest it with powers of enforcement and sanction so that no Negro's rights will go undefended, no Negro youth will go uneducated, no Negro cultural enterprise will go unsupported, and no Negro business will go bankrupt because of lack of economic support. This is possible to do here in Detroit starting with our share of the $20 billion that we otherwise are going to dump into the consumer market in an unorganized and uncontrolled way which has not brought back to us a yield anywhere near the proportion of the outlay. (5) Do less fragmentation of our efforts. It is unfortunate that we wait until someone starts something worthwhile, and, instead of supporting that project, a dozen others organize the same thing and the energies and loyalties of the general community become so scattered that the fragmentation dissipates the resources before a single project can be built. (6) Feel the need for less individualism and more groupism. We are the prize individualists in this Nation. We are so individualistic that we don't want to be identified as a group, and we come together for a group project only when there is specific and temporary provocation. This is why we have no big businesses. We are too individualistic to be disciplined by the regimentation required of a large corporate enterprise. It is not lack of resources which accounts for the smallness of our enterprises, but a lack of economic discipline. (7) Learn to take business and social lessons from southern Negroes who can offer us two things:

(a) A model of a man who has pride in his Negro heritage and an awareness of his history.

(b) Experience in cooperative business organization and capital management. The heads of 90 percent of the largest Negro-owned enterprises are southerners and the majority of the largest and oldest Negro businesses are in the South.

Now when we turn to what we can do right now for an immediate start within the Booker T. Washington Business Association to improve the Negro self-image in the city of Detroit, let me suggest the following projects for starters. (And let me suggest to you that the city of Detroit is pivotal to either change to the new, or reinforcement of the old, Negro image throughout this Nation; because right here in the Economic Club of Detroit, if the image of the Negro can be materially changed, and those members will reflect that change in their enterprises throughout this Nation, there will be then and there an end to segregation and unfair employment practices in these United States.) Here is our challenge.

1. Make the Nellie Watts concerts a successful and sacred institution among us on par with any other concert series in the city.

2. Breitmeyer School has a principal and a PTA that have started an upgrading project which may prove to be one of the best demonstrations that students need not be systematically retarded just because a school system sees them in that image. Yet, we have not been able to garner support for their project. Thirty typewriters to Breitmeyer may do more to explode the myth that Negro students are slow learners than any other project so far.

3. Build a real society for preservation of Negro cultural and heritage materials and researchers in this city. Detroit was the terminus of the underground railroad and the focal point of many historically significant events that we should recreate and preserve.

4. Build the Tom Mboya Scholarship Fund and the African Medical Scholarship Fund, so that we will retain our community identification with them; and we will not have to turn them over to some other group to support the African students who now depend upon these scholarship funds. Mr. Haptimarian Gabreyesus, a student from Ethiopia, may have to return to his country short of his educational goal if he does not receive support before September.

5. Provide a discretionary gift and loan fund to cover the emergencies of the increasing number of able Negro students in our local colleges who drop out for lack of finances even though some of them have partial scholarship assistance and jobs. One young lady walked miles to school every day last winter because she did not have both bus fare and lunch money. She had to make a choice to eat or ride. She wanted to continue her education, so she walked in dignity and determination. Another student came to register and did not have enough money to complete his registration on that day. He did not want a gift. He needed an emergency loan. Nine telephone calls did not yield the loan. So we had to turn to the one man who, in his quiet dedication, has done so many times what you should have a continuing emergency fund to do. There is another young lady who finished fifth in her class at Port Huron High School. She received a scholarship to Wayne State, but her parents are unable to provide the difference in the cost of her support here—and you ought to.

6. Beyond these, we need to build into the universities and into the other cultural facilities of this city real identification upon which we can do this re-creation of our image. And we can start with such a lectureship, a Negro heritage lectureship, as I suggested several years ago and still hope you will begin to underwrite.

7. Organize an economic and cultural planning council and utilize the research resources of both of the universities and of the community to create a new Negro image.

Finally, ladies and gentlemen, just as I warned you 3 or so years ago that Africa was going to become a prize area of scholarly exploration, and that other writers and scholars were going to take it over, let me warn today that Negro history is next in order. If we do not do our own analysis and interpretation of our own culture and history along the lines of the image that we want to project for the future, others are going to do it for us; only the image of us that they may want to project may be one designed to continue their control of our self-image and thereby continue to control our future on a basis of dominance and submission rather than upon a basis of the dignity of mutual reciprocity, which expresses the meaning of freedom.

UNEMPLOYMENT STATISTICS

Mr. WALLHAUSER. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, the subcommittee of the Joint Economic Committee on Economic Statistics has recently conducted public hearings on an evaluation of our statistics on prices. This was done after a very fine study had been conducted by the Bureau of the Budget into this subject.

I think it is very important that we keep our continuing evaluation of our economic statistics in context, if we are to achieve the goal which this process envisages, the continuing improvement of our economic statistics. The context is this: The United States today has the finest set of economic statistics of any society anywhere. In order to keep these statistics the best in the world we must be constantly on the alert to learn where we can improve them. One way of improving our statistics, of course, is constructive criticism and that includes to take advantage of the good features that show up in the statistics of other societies. There is much we can learn from other societies in this area and any other area.

I have been a great critic of our unemployment statistics. I believe we can and should improve the techniques we presently employ; we need to clarify our definitions; we need to utilize data which is available in many areas which relate to employment and unemployment.

However, this criticism of mine I trust is constructive criticism. It is certainly criticism in the context I have set forth for our overall set of economic statistics. I believe our employment and unemployment statistics with all its limitations is the best in the world today. It is also criticism in this context: that the public servants and others who are engaged in the compiling of these statistics are men of basic honesty and integrity. Indeed, much of the constructive criticism I direct against our system comes from comments and ideas of these people who are in the best position of anyone to evaluate the limitations of their work.

The article appearing in Reader's Digest by James Daniel, entitled "Let's Look at Those Alarming Unemployment Figures," is unhealthy criticism in that it is out of proper context. It is false,

in my judgment, to the extent that it states or suggests that any limitations in our unemployment figures are the result of the lack of integrity on the part of our civil servants concerned with this process.

Unfortunately other portions of the article show a lack of careful scholarship.

I do not believe that shock treatment is the best way to improve things unless all other methods have tried and failed. And even when the shock treatment is applicable it should be based upon careful scholarship and proper respect for the integrity of other people, unless indeed personal integrity is the issue. Certainly there is no need for shock treatment in trying to get our economic statistics improved, badly as we need to have them improved. The people who are most responsible for our having the best set of statistics in the world today are also the people most alert to trying to further improve them. Conversely, I have found many of the greatest critics of the limits of our economic statistics among those who resist the attempt made from time to time to improve our statistics. The resistance comes essentially from a blind adherence to what they think is economy. It is true that improving our economic statistics will cost money, and it will be money largely spent at the Federal level. However, as a consistent voting and speaking Member of what economy bloc there may be in the Congress I say unequivocally that it is false and blind economy not to spend money to acquire as accurate information as possible on what is going on in our economy.

I hope we see no more articles like that which appeared in the Reader's Digest. It contributes as does all criticism out of context to the downgrading of America in the eyes of our own citizens and the people abroad.

REMARKS ON H.R. 9340 AND H.R. 9341 RELATING TO SPECIAL STATISTICAL STUDIES OF TAX INFORMATION

Mr. WALLHAUSER. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, today the Honorable WILBUR D. MILLS, chairman of the Committee on Ways and Means, and I introduced identical bills, H.R. 9340 and H.R. 9341. The purpose of these bills is to make it possible for the Treasury Department to perform special statistical tabulations and studies from tax returns, declarations, statements, and other documents required under the tax laws and regulations thereunder and from records relating to the administration and enforcement of the internal revenue laws, at the request of State officials and other responsible persons and organizations outside the Federal Government.

The problem under present law is that, as a practical matter, the Treasury Department cannot honor these requests because it is not able to accept fees and charges for these services and use them to defray the cost of performing them. At the present time such fees and charges must be treated as any internal revenue collection and be paid into the general funds of the Treasury. This has effectively precluded the Treasury Department from performing this very valuable service.

The purpose of this legislation would be to permit these fees and charges for these tabulations, and so forth, to be deposited in a separate account which can be used to reimburse the particular appropriation which is used to bear the cost of making the tabulations, and so forth.

In my opinion, there is all too little information available today on our tax collections and the operation of our internal revenue laws. Many research groups and other organizations would be very happy to carry out studies along these lines if they could secure the proper statistics. This would be extremely valuable not only to the public generally, but to the Treasury Department and the Congress in studying the operation of present law and in determining in what manner present law should be changed

Other departments of the Government, such as the Bureau of Census, the Department of Labor and the Department of Health, Education, and Welfare, already have authority to offset the cost of such tabulations and compilations against the fees and charges for making them. This legislation would simply give a similar authority to the Treasury Department. The Treasury Department itself is most anxious to have this authority.

These studies based on these statistics, should this legislation be enacted, would be very useful to the Committee on Ways and Means and the Committee on Finance as well as other committees of the Congress, such as the Joint Committee on the Economic Report, the Committees on Government Operations, and so forth. In many instances, if this legislation is adopted, these statistical projects could be carried on jointly by the Government and the party requesting the information. The fees and charges for the Treasury Department furnishing this information would be on the basis of cost.

These tabulations, studies and compilations, under the bill, would be subject to all the existing provisions of law and regulations relating to unauthorized disclosure of information.

INTERNATIONAL CONCERN OVER U.S. INDIFFERENCE TO FISCAL PRUDENCE

Mr. WALLHAUSER. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. BETTS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BETTS. Mr. Speaker, the Kennedy administration's indifference to, and departure from, the course of fiscal prudence is causing concern among world bankers and international financial experts. The concern arises because of the potentially disastrous effect that continued deficit financing by the United States could have on the soundness and integrity of the U.S. dollar.

The danger inherent in permitting a loss in confidence in the dollar's stability is evidenced by the fact that the United States presently has $17 billion in gold while against that gold supply are, first, potential demands of foreign governments and foreign nationals which hold dollar obligations against the U.S. gold supply amounting to approximately $17 billion; and, second, legal gold reserve requirements to back our currency amounting to approximately $11 billion. These data clearly point out the urgent need for the United States to pursue a fiscal course that will maintain confidence in our Government's determination to safeguard the integrity of the dollar. We cannot maintain that confidence if we pursue fiscal practices that produce inflationary results. It is essential that we recognize the need for sound monetary policies and budgetary disciplines that will avoid the inflationary consequences of deficits.

Over the span of three decades the American people have witnessed the New Deal, the Fair Deal, and now the New Frontier giving lip service to the need for balanced budgets while engaging in acts of fiscal profligacy and budgetary improvidence. This Democratic leadership has brought our Nation to a $300 billion public debt and has produced a dollar that has been inflation eroded to the point of losing half of its purchasing power.

In the last 30 years the only concerted action and meaningful endeavors that have been undertaken by an administration to achieve a budget balance were taken during the Eisenhower administration. That President Eisenhower did not achieve greater success in achieving more frequent balanced budgets is attributable to the spending proclivities of the Democratic majority in Congress during 6 of the 8 years that he held office.

Mr. Speaker, the New Frontier fiscal experts have also demonstrated preeminence as the spending experts in the Kennedy administration. These dedicated exponents of deficit spending have traveled the Nation and the world pointing to the spendthrift road to national debasement and international deterioration through U.S. budget deficits to be paid for by taxes imposed on succeeding American generations.

The Kennedy administration has gone on record as affirmatively advocating deficit budgets for fiscal years 1961 and 1962. Administrative spokesmen have attempted to lend respectability to this disordered fiscal policy by expressing a faint hope to balance the budget at some time in the future. Unfortunately, the American people have learned from the days of the New Deal and Fair Deal that such promises are seldom, if ever, fulfilled. The history of the past three dec-

ades gives us little reason to have any confidence in the Kennedy administration's promise to depart from the demonstrated Democratic Party's practice of budgetary imbalance and fiscal imprudence.

The Wall Street Journal for September 21, 1961, contains an editorial captioned "The Theory That Won't Work" and a signed commentary by Vermont Royster. The editorial in effect points out that tomorrow never comes with respect to a balanced budget. Mr. Royster's commentary points out the mounting world concern over the failure of the United States to pursue proper fiscal policies. I would include as a part of my remarks this editorial and this signed commentary.

THE THEORY THAT WON'T WORK

The Kennedy administration's basic fiscal philosophy is this: You don't have to worry about balancing the Federal budget in any particular year so long as it is balanced over a period of years.

Or, as the President himself expressed this Keynesian concept earlier in the year: "The Federal budget should * * * be in balance over the years of a business cycle—running a deficit in years of recession when revenues decline and the economy needs the stimulus of additional expenditures—and running a surplus in years of prosperity, thus curbing inflation, reducing the debt, and freeing funds for private investment."

So stated, the notion doesn't sound particularly alarming; it sounds almost reasonable. It has just one overwhelming drawback. It doesn't work. How totally it does not work, in case there is any doubt about it, has just been demonstrated again by Senator HARRY BYRD of Virginia.

First, in the past 31 years the Government has run 25 deficits. How's that for "balance" over a period of years? As for curbing inflation, we have had so much inflation that the value of the dollar has been more than halved in little over 30 years. The Federal debt, far from being reduced, is approaching the historic high of $300 billion.

Then there is the whole business of the "business cycle." One of the beauties of this approach, from the standpoint of the numerous Keynesian scholars in our midst, is that it is delightfully vague. They never bother to say whether the business cycle runs for 3 years, 5 years, 7 years, 9 years or what. This frees them from the obligation of explaining how the budget is to be balanced "over the years of the business cycle."

Senator BYRD, however, has taken the trouble to show that, no matter how you slice the business cycle, there still is practically never a budget balance over its span.

Suppose, he says, you start with fiscal year 1950 and figure a business cycle of 3 years. The result: A $3.6 billion deficit for the period. If you figure a 4-year cycle, the deficit is $13 billion; 5 years, $16.1 billion; 6 years, $20.3 billion; 7 years, $18.7 billion; 8 years, $17.1 billion; 9 years, $19.9 billion; 10 years, $32.3 billion.

The Senator carries these careful calculations further; he makes a starting point of every fiscal year from 1950 through 1959, and finds similar floods of red ink. In fact, out of the whole works of 52 possible spans, only 1 "cycle"—a 3-year period beginning in 1956—yields even an absurdly tiny surplus. All the rest is deficit.

It's no great mystery why the business-cycle theory of budget balancing fails so resoundingly in practice. Political pressures for greater spending are always enormous, and only the tightest Government rein can hope to hold them in check at all. The only realistic rein is to try for a budget balance every year, short of a period of national catastrophe.

Today, instead, we have an administration which not only bows to the spending pressures but invites them and seeks constantly to think up new ways of spending. It has already added billions, and now the talk is of a $90 billion spending budget next January. As a conservative estimate, Senator BYRD reckons expenditures in fiscal year 1965 (excluding the heavy trust fund outlays) at $106 billion, compared to $81.5 billion in 1961. The bulk of the increase is not for defense, but for nonessential or postponable "domestic-civilian" programs. That outlook provides precious little prospect of any budget balancing, no matter how piously the administration now talks of doing so in the 1963 fiscal year.

The root trouble, then, with the administration's fiscal philosophy is that it is a flight from fiscal discipline. Saying that the budget needs to be balanced only over the business cycle merely means it won't be balanced at all except occasionally by accident.

No wonder the Senator asks some questions—and in today's irresponsible Washington, his is indeed a voice in the wilderness. He asks:

"How long can the Federal Government continue to spend, tax, and borrow at the present rate? Are we on a permanent deficit basis? When will the breaking point come? How disastrous will it be if we continue inflation-breeding policies—which appear to be on the increase—when our concern should be for return to fiscal responsibility?"

MONETARY IRONY: EUROPEANS AT VIENNA IMF MEETING WARN U.S. TO PRACTICE FISCAL PRUDENCE

(By Vermont Royster)

VIENNA.—Officials of the International Monetary Fund have been publicly paying court all this week to such old world currencies as the German mark, French franc and Italian lira. But the real object of their attention has been the U.S. dollar.

And in a spirit befitting the romantic strains of Strauss played under the glittering chandeliers of the Hapsburgs' Palace, the aim of the finance ministers is to arrange for the dollar to be supported in the manner to which she has been accustomed.

By and large, that is what the gentlemen have agreed to do. But not without considerable comment about the way the dollar has been acting and not without tying considerable strings on the form of support that the strong European currencies will provide her.

To use a phrase appropriate to Vienna, those who are going to support the dollar want the lady to behave herself.

Thus by the time the European finance ministers had had their say—especially ministers from France, Italy and West Germany—it was clear that there will have to be important modifications in the plans proposed by fund director Per Jacobsson and eagerly sought by U.S. Treasury Secretary Dillon.

In general, the basic idea under discussion has been to set up a system of standby credits from member nations which would enable them to borrow from the fund, quickly and readily, currencies of other countries when pressure on their own currency makes that necessary.

The mechanism for this would be for each of the major currency nations—such as the United States, Britain, West Germany, France—to lend substantial amounts of their own currencies to the fund. Then if the United States, say, found the dollar under pressure and needed to get more francs or marks to settle its international transactions it could go to the fund and borrow them.

Of course, this additional borrowing power would be available to all participating countries. But in practice most European countries presently have little need for it since their currencies are strong, and they are running favorable balances in their international trade. The most likely drawers on this new credit pool are the British and, in case of another run on the dollar such as was experienced last year, the United States.

HARD TALK

Protecting the dollar against a repetition of such pressure is particularly important to the nations which make up the Monetary Fund. Most of them hold dollar balances in large quantities as an important part of the reserves for their own currencies, and therefore have an enormous interest in any kind of arrangement which will help protect the dollar.

For that reason, the finance ministers have agreed in principle to enlarging the Fund's resources. An effect of that will be that the United States, which has been enjoying the luxury of easy spending all over the world, will be able to enjoy it a little longer without having to tighten its own purse strings. This is so simply because it will have larger resources of francs, German marks, lire, and so on which it can borrow in time of need.

But if conversation among finance ministers and bankers here is any indication, the United States will not have things arranged as free and easy as some of its officials hoped.

For example, in the original plans for revamping the Fund's rules, one idea was to permit member nations to count as part of their reserves the gold and other reserve currencies they had on deposit with the Monetary Fund. This would have had the effect of increasing the U.S. official gold holdings behind the dollar. But the idea ran into considerable opposition and seems unlikely now to be adopted.

Another part of the original plan was that the new standby credits would be available to member nations more or less automatically. That is, the United States would be able to borrow francs or marks from the Fund on the authority of the Fund itself and without having to get permission from France or West Germany, as the case might be. This, too, seems hardly likely of approval. Although final details remain to be worked out, the prospect is that each country will have a veto over the use of any of its own currency lent to the Fund for standby credits.

Behind this modification, it is clear, is a widespread uneasiness about the possible future fiscal policies of the United States which not all of Secretary Dillon's assurances have been able to allay. Both in the public sessions, where the mode of speaking is understatement, and in private conversations, where there is a bit more frankness, the assembled ministers have been talking incessantly about the dollar—taking its temperature, regarding its past behavior, and asking questions about its future. Indeed, hardly anything else has been talked about.

NOT VERY FLATTERING

Not all of it has been flattering. Reference to the United States was hardly veiled when the French minister said that more important than any Fund changes was for "each country to apply nationally a sound policy to ward off the recurrence of inflationary pressure." And reference was quite pointed when the president of the West German central bank, Mr. Blessing, said one prerequisite of any workable international monetary order is "monetary discipline at home." To which he then added: "I am aware that this is not music in the ears of those who believe that easy money and creeping inflation are basic conditions of high rates of growth."

Privately, members of key European delegations made it clear that their insistence on strings to the use of fund resources stems from uneasiness about the U.S. willingness to get control of its own balance-of-payments problem and discipline its internal budgeting. There would certainly be less pressure on the United States to do so if it had carte blanche to borrow francs or marks or lire at will. This explains why the French are insisting on "safeguards" against too liberal a use of the standby credits, why the Italians want rules to assure that the credits would be generally limited to meeting short-term money movements, and why the West Germans demand "full consultations" before marks are made available to any country under the plan.

There is a lot of irony in this. For years U.S. officials were the ones putting pressure on the French and Italians to put their fiscal house in order; indeed, when the dollar was the great currency of the world the franc was laughed at. So now here is the U.S. Treasury Secretary in a position where he has to have strong statements about U.S. determination to keep the dollar sound while the French finance minister gives little lectures on sound fiscal policies. It isn't surprising this tickles the French sense of humor.

But then Vienna today is a city of ironies. Just 30 years ago it was the failure of the Creditanstalt of Austria that signaled the collapse of the old monetary system and ultimately the devaluation of the dollar. Now, that same bank, one of the strongest of Europe's, is playing host to ministers trying to shore up the new system by propping up the dollar. And all this planning for the future can go forward in gracious surroundings by courtesy of a long dead Austrian empire.

The Emperior Franz Josef would have understood plans to support a lady in the style to which she has grown accustomed, and also the need for a few curbs on the purse strings.

H.R. 4172, A BILL TO ESTABLISH A FEDERAL ADVISORY COUNCIL ON THE ARTS

Mr. WALLHAUSER. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. MATHIAS] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MATHIAS. Mr. Speaker, one of the remarkable things about the city of Washington today is the fact that it reflects the broad cultural interests of the founders of the Republic. George Washington was a soldier and statesman, but he was a builder, horticulturist, and a landscape architect. John Adams was a diplomat and political philosopher, but he was also a man of polished literary talents. Jefferson is almost as well known to schoolboys today as architect, musician, and scholar as he is as President and author of the Declaration of Independence.

The interest of the Revolutionary generation was as much attracted by the classic arts of antiquity as by the civic virtues of Greece and Rome. That cultural interest and spirit of artistic values has been sustained through the years, but with varying degrees of enthusiasm and uneven success in promoting a true expression of artistic feeling.

The establishment of a Federal Advisory Council on the Arts as proposed by H.R. 4172 would help to crystallize and direct the current interest in the arts. It would express the concern of the Government in this important aspect of our national life. It has the support of former President Dwight D. Eisenhower and President John F. Kennedy. I support this legislation with great pleasure and hope for its potential for the Capital of the country.

AUTHORITY TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until tomorrow, the Speaker pro tempore be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ATTENTION CHIEFS OF STAFF: DO NOT PAY ATTENTION

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. I was very pleased to hear the address of President Manuel Prado of the Republic of Peru this afternoon before the House of Representatives. While his message was short, it was to the point. He did not talk like a neutral, he talked like a leader of men and avowed his opposition to communism. I am naive enough to believe he would make a good friend.

It is disturbing that the military leaders of our country—yes, all Americans—had to listen to this anti-Communist. With Defense Department orders, memorandums, instructions, prohibitions, etc. in the back of their minds, they might have been inclined to think that in light of recent events he was "eccentric"—as General Walker has been labeled—or maybe even fascistic since he did not indicate he was an agrarian reformer or Socialist. Such conservative, rightwing ideas must have been disconcerting to the State Department representatives too. Obviously, he will not be considered very highly for aid.

President Prado must have shaken the Stevenson-Schlesinger-Bowles-Galbraith college of international appeasement, not to be confused with CIA, with this statement:

Now, with regard to nonintervention. This principle is being badly misrepresented by some who would invoke it to permit the destruction of the inter-American system of free republics by an outside power—namely, international communism. The doctrine of nonintervention is designed to prevent interference by one nation in the foreign and domestic affairs of another, whether this interference be done through infiltration, through propaganda or through the abuse of diplomatic privileges.

Shades of Chiang Kai-shek. What a revolutionary doctrine. Almost as radical as his further statement:

My ideological position from the time I first occupied the Presidency is positive, clear, and definitely anti-Communist. I have opposed and I now oppose this conception of the world which degrades man, deprives him of his liberty, submits him to the slavery of the state, robs him of a just wage, condemns him to the common and the anonymous, controls his thoughts, directs his culture and separates him from God.

Who cleared such an obvious radical to come into this country and extol anti-Communist activity? Obviously not the bureaucrat who deleted similar references from Admiral Burke's speech. He certainly must be classified as a totalitarian, at least, because he does not think we should give diplomatic recognition to or consort with the murderers, thieves, and oppressors of the Kremlin. In closing, he stated:

I consider it an honor for me not to have accepted suggestions which I received in 1942 to exchange ambassadors with the Soviet Union despite the fact, that at the time, that country and mine were part of the same war front. As a result Peru has no diplomatic relations with those governments behind the Iron Curtain. The reason for my refusal is obvious: I foresaw that once Nazi-Fascist totalitarianism was conquered, communism would employ all its resources in an attempt to dominate the world. Unfortunately the facts have given me good reason.

Step to the rear of the class, President Prado. You are not doing a very good job of following U.S. leadership.

TIME TO INVESTIGATE

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the United States cannot afford to sit idly by while time is running out on the free world. In many situations we find Communist revolution, intrigue, and subversion which is weakening free world countries. In other instances we see our so-called friends advancing policies which add more pro-Communist countries to the deficit side of the ledger.

I have introduced H.R. 9326 because I believe that we are witnessing the conscious advancement of policies in the Congo by the United Nations which amount to an aggression against the free province of Katanga. My bill calls for a suspension of all funds to the United Nations and its constituent agencies pending an investigation by a joint congressional committee of the U.N. operations.

Maybe it has been happenstance, maybe not, but the United Nations has helped the Communist cause in Africa. First we had Patrice Lumumba. The U.N. gave him its unconditional blessing and when he was dismissed by President Kasavubu in September 1960, Antoine Gizenga, a Prague-trained Communist, established an opposition force in Stanleyville, the capital of Oriental Province.

Why did not the United Nations do something at this time to stop a defection more serious than the one it now considers to justify its intrusion? This was a Moscow-type defection and it carried on numerous atrocities. Communist arms in fact were sent to Gizenga.

At the time, the United Nations restrained President Kasavubu. Now it has moved its force against the only area in the Congo where there is reasonable law and order. Why?

Moreover, the United Nations is acting in contradiction of its own resolution of August 9, 1960, in which it clearly stated:

The Security Council * * * 4. Reaffirms that the United Nations Force in the Congo will not be a party to or in any way intervene in or be used to influence the outcome of any internal conflict, constitutional or otherwise: * * *.

There are many facets to this operation. Together they indeed paint a sorry picture, further complicated by the death of Dag Hammarskjold. I believe we need a complete investigation of this affair to find out why pro-Western Moise Tshombe's province of Katanga has been attacked. The body of H.R. 9326 is as follows:

A BILL TO SUSPEND ALL PAYMENTS AND CONTRIBUTIONS BY THE UNITED STATES TO THE UNITED NATIONS AND ITS CONSTITUENT AGENCIES PENDING THE COMPLETION OF AN INVESTIGATION BY A JOINT CONGRESSIONAL COMMITTEE OF UNITED NATIONS OPERATIONS IN THE CONGO

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the date of enactment of this Act no funds appropriated pursuant to any act of Congress may be used to make any payments or contributions to the United Nations or any of its constituent agencies, or in support of any of its operations, until the report provided for by this Act has been submitted to the Congress by the joint committee established by this Act, and a period of not less than thirty days of continuous session of the Congress has elapsed after the submission of such report. In the computation of such thirty days there shall be excluded all days on which either House is not in session because of an adjournment of more than three days to a day certain.

SEC. 2. (a) There is hereby established a joint congressional committee to be known as the Joint Committee on United Nations Operations in the Congo (hereafter in this Act referred to as the "joint committee"), to be composed of nine Members of the House of Representatives and nine Members of the Senate as provided in this section.

(b) The Speaker of the House of Representatives shall appoint the nine Members from the House of Representatives, three of whom shall be members of the Committee on Foreign Affairs, three of whom shall be members of the Committee on Appropriations, and three of whom shall be members of the Committee on Armed Services. In each instance, not more than two members shall be from the same political party.

(c) The President of the Senate shall appoint nine members of the committee from the Senate, three of whom shall be appointed from the Committee on Foreign Relations, three of whom shall be appointed from the Committee on Appropriations, and three of whom shall be appointed from the Committee on Armed Services. In each instance, not more than two members shall be appointed from the same political party.

(d) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection.

(e) A quorum of the joint committee shall consist of ten of the members, except that the joint committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(f) The joint committee shall select a chairman and a vice chairman from among its members. In the absence of the chairman, the vice chairman shall act as chairman. The vice chairman shall be elected from the Members of the House of which the chairman is not a Member.

SEC. 3. The joint committee shall conduct a full and complete investigation and study of all operations of the United Nations and agencies thereof in the Congo, with a view to ascertaining the adequacy and effectiveness of such operations, and the extent to which such operations may have contributed toward war, peace, security, and stability. Upon the completion of such investigation and study, the joint committee shall submit to the Congress a full and complete report of the results of its investigation and study, together with such recommendations as the joint committee may deem advisable.

SEC. 4. (a) The joint committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times within or outside the United States, to hold such hearings, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, together with such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable.

(b) The joint committee may employ and fix the compensation of such experts, consultants, and other employees as it deems necessary in the performance of its duties.

(c) Members of the joint committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the joint committee.

(d) The expenses of the joint committee shall be paid from the contingent fund of the House of Representatives upon vouchers signed by the chairman of the joint committee.

HAMMARSKJOLD, THE RUSSIAN TROIKA AND THE NECESSITY OF A SPECIAL HOUSE COMMITTEE ON CAPTIVE NATIONS

The SPEAKER pro tempore. Under previous order of the House the gentleman from Pennsylvania [Mr. FLOOD] is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, it is generally recognized that the tragic death of Dag Hammarskjold opens up a vast opportunity for the Moscow colonialists to press for their troika arrangement in the Secretaryship of the United Nations. This will undoubtedly undermine the work of the United Nations. But in the course of doing this they will also hammer away on the issue of colonialism and imperialism to gain the support of the so-called uncommitted nations for representation on this Moscow-driven troika. This will be the full strategy of colonial Moscow—a strategy aimed at the evisceration of U.S. power in the U.N., a strategy accommodated by Hammarskjold's death, a strategy designed to set up the impeding troika with the help of the formerly colonial nations, a strategy based on Moscow's spurious appeal to these nations in terms of anti-imperialism and anti-colonialism.

Imagine, the real colonial and imperialist power on earth today pretends to defend nations against colonialism and imperialism. Russia, which holds in colonial bondage about two dozen nations both within and outside the Soviet Union, poses as the spearhead of national self-determination and independence. In many quarters of the world it is succeeding with this pose. Now it will seek to found the U.N. troika with this pose.

It is most regrettable that some in this Chamber have over these months stalled the formation of a Special Committee on Captive Nations. They have deprived us, the elected representatives of the American people, of the opportunity to bring out the full and detailed truth about Moscow's colonial and imperialist domination of the many non-Russian nations in and outside of the U.S.S.R. They have deprived the American people of the chance to realize at long last the chief vulnerability of our avowed enemy. They have prevented us from laying the factual and objective foundation for a forceful attack against Moscow's falsehoods and lies in the U.N. But we shall continue this fight in the enduring spirit of our own Declaration of Independence and the application of its eternal truths to all peoples and nations.

In support of the proposal to create a Special House Committee on Captive Nations and as a most welcomed antidote to some of the misinformation appearing in the columns of our recent visitors with Khrushchev, I request that the address delivered by Dr. Lev E. Dobriansky on "A History of Communist Aggression" be printed in the RECORD. The address was given this past July before the Anti-Communism Strategy Seminar at the U.S. Army Command and General Staff College, Fort Leavenworth, Kans.:

A HISTORY OF COMMUNIST AGGRESSION

(Lecture by Dr. Lev E. Dobriansky, Georgetown University, before Anticommunism Strategy Seminar, U.S. Army Command and General Staff College, Fort Leavenworth, Kans., July 28, 1961)

"History is bunk"—so observed one of America's foremost industrialists and a prominent maker of history. Instinctively, of course, we would brush this statement aside, as, indeed, many in the past have. But actually this extreme observation cannot be written off entirely because, in fact, there is much bunk in the written histories of Eastern Europe and central Asia which constitute primary and basic parts of the composite history of Communist aggression. In our schools and in the public forum much of this bunk is being uncritically transmitted, and the results become clearly and appallingly evident in the bleak record of our struggle with communism.

For some quite intellectually vulnerable critics of these indispensable seminars this may be the introduction to an "extremist speech." However, it cannot be too strongly emphasized that the contents of this lecture are open to any honest criticism by popular deliberation rather than by secret memorandums. Many scholars, writers, and leaders with a keen sense of history have pointed to this grave defect in the fundamental history of Communist aggression.

Among them, even President Truman has said: "I have several histories of Russia—not one of which has been satisfactory. Most of them are based on ideas that were formed before the man started his book and are not based on facts."[1] In short, if our historical accounts of Russia, the base of the world Communist conspiracy, are inaccurate and even fictitious, then what can be expected of our higher formulations of thought, concept, policy, and operation regarding this global menace?

LESSON FROM THE HISTORY OF COMMUNIST AGGRESSION

"Human history," said H. G. Wells, "is in essence a history of ideas." The history of Communist aggression is undoubtedly a major episode of human history and in basic essence sharpens the contrast between the ideas of national and personal freedom and those of imperialist domination and totalitarian control. History, one can say, is philosophy teaching by examples, and the examples we shall consider here are not, as Khrushchev would have it, evidence of any spurious contest between communism and capitalism but, instead, growing examples of Soviet Russian imperialism and colonialism versus national self-determination and personal liberty. Needless to say, those who do not know or remember the history of Communist aggression are condemned to repeat it.

What, then, can we learn from this history? What are the general lessons to be gained from the history of Communist aggression? For one, this history provides an indispensable background for our understanding of the motives, aims, and actions of the last formidable imperialist power on earth. It, more than anything else, empirically and concretely answers the essential question, "How did this menace come to be what it is?" In effect, it answers the further crucial question, "What is the nature of the threat?" Second, the history of Communist aggression portrays a genetic development of conquest, predation and exploitation without which pure analysis remains sterile. In this respect, our short understanding of this history explains in largest measure our persistent misconception of the Soviet Union, our gullibility for skillful Russian propaganda, and our constant reactionism to the cold war ventures of the adversary.

The third important product of a complete history of Communist aggression is a vivid appreciation of what the aggressed, the conquered think and feel about the nature of the disease rather than what we, at a remote distance in time, place, or experience, think it to be or what the conqueror pretends it to be. For example, in 1956 the Hungarian patriot shouted, "Russkie, go home" instead of wasting his breath on the myth of communism, and earlier in the same year the Georgian patriot scrawled on the public buildings of Tiflis the positive slogan "Long live an independent Georgia," instead of the negative one "Down with communism." These and endless more teachings by example lead to the fourth benefit derived from the history of Communist aggression, namely, the insights obtained for opportunities of action, of the positive offensive, against the calculating and increasingly confident enemy.

Thus a complete and factually grounded history of Communist aggression is indispensable to our thoughts and actions in the permanent cold war staged by Moscow. It is no more necessary for our behavior and operations in any hot global war. The history of Communist aggression is the very basis of justification and confirmation of the sound warning given by the renowned Russian philosopher, Nicholas Berdyaev: "It is particularly important for Western minds to understand the national roots of Russian communism and the fact that it was Russian history which determined its limits and shaped its character. A knowledge of Marxism will not help in this."[2] As one views the history of Communist aggression over the years—including even the form of spiritual aggression against certain non-Russian nations prior to 1917—this sober warning sounded by one of Russia's greats in this century cannot be repeated too often.

THE BACKGROUND OF THE WHITE RUSSIAN EMPIRE

It is an open secret that we Americans are not exactly conspicuous in the areas of historical research, interpretation, and analysis. In fact, until recently, in our schools and in our daily existence we have even shown a disdain for historical inquiry and historical understanding. With regard to the reality of Communist aggression some of us woke up only when colonial Moscow took to overt means of threat and bluff against the interests of the United States following World War II. Of little concern was it to most of us that we, by private or official agency, helped substantially to build up this monster from 1917 to the present, either by commission or omission of various deeds and works. Without the indispensable aid of history we were content to form our illusions, some of which thrive this very day, such as the illusion that the cold war began in 1947, or the illusion that Communist aggression commenced with the Russian invasion of Poland in September 1939, or the illusion that if Marx hadn't existed, we would not be threatened from the Russian source today. These and other illusions can only be permanently dissolved by grasping the major forces and patterns in the history of Communist aggression.

As Berdyaev, Struve, and others solidly teach, it is impossible to arrive at such a grasp without an intensive analysis of the real, empirical background to the series of Communist aggressions in our time. The roots of these aggressions by Soviet Russia rest deep in the background presented by the White Russian Empire of the czars. Every conceivable Communist technique today has an able institutional precedent in the empire-building enterprise started by Ivan the Terrible in the 16th century: divide-and-conquer, conspiratorial networks, genocide, Russification, two steps forward and one backward, broken treaties, a self-assuring mystical messianism, smokescreens of totalistic ideologies, political partitionism, the police state, inventions and distortions of history, incitement of class struggles, slave labor, anti-Semitic pogroms, Potemkin village tactics, "peaceful coexistence"—in brief, the fashioned implements of cold war gaming aimed at eventual conquest.

Lest we deceive ourselves, we are bucking up against 500 years of cumulative empire-building experience from which Lenin primarily drew on and Von Clausewitz distilled his classic cold war formulations. It is an experience based on the institutional nexus of internal totalitarian rule and external imperialism and colonialism. It is an experience masked by a succession of deceptive ideologies: the third Rome doctrine of orthodox supremacy, racist pan-Slavism, and materialistic communism.[3] Where it serves Moscow's purposes, each of these is put into use today. For example, the Morros testimony which led to the Soble spy case in New York brought out the fact that, as Morros put it, the "Russian plot * * * goes beyond communism. They are for pan-Slavism on a scale more ambitious than Hitler's fanatical dreams of world conquest."[4] And Morros operated with functionaries on the highest levels of the Kremlin conspiratorial setup.

But more immediate to the first phase in the history of Communist aggression is the period from the end of the 19th century to the downfall of the White Russian Empire. We cannot intelligibly comprehend the first wave of Soviet Russian aggression unless we come to know and appreciate the powerful force of nationalism which manifested and expressed itself in the Empire during this period. Regrettably, our studies of this subject are virtually nil, and as a consequence we are ill prepared today to exploit in behalf of world freedom this same force operating within the Soviet Union.

The White Russian Empire suffered from the same rebellious upsurge of patriotic nationalism that the Austro-Hungarian and Ottoman Empires did. We know of the Polish resistance and fight for national freedom in the spirit of Mickiewicz, Kosciusko and Pulaski, but do you know of the freedom fighters and the resistance against Russian domination elsewhere within the empire: the White Ruthenians Kalinovsky and Hryniavetski who assassinated Alexender II in 1881; the Ukrainian Shevchenko and the pervasive spirit of Mazepa in subjugated Ukraine; the jealous independence of the Don and Kuban Cossacks in the spirit of Razin and Pugachov; Chamyl, the freedom star of the Caucasus and the innumerable revolts of the north Caucasian peoples throughout the 19th century; the Muslim Congresses of 1905–6 through which Turkestani and Azerbaijani formed a religious common front against Russian colonialism?

This is only a small fraction of the history for freedom in Eastern Europe and central Asia—a history that assumes increasing meaning, value, and significance in the light of current developments in Turkestan, Georgia, Idel-Ural, Ukraine, and other non-Russian nations in the U.S.S.R. In marked measure the Russian defeat in the Russo-Japanese War was attributable to the rumblings and dissension of the subjugated non-Russian peoples, and the revolution of 1905 was in part the explosion of this force of nationalism. A decade later, in World War I, mass desertions of these non-Russian nationals crippled the so-called military steamroller of the Russian Empire; and over two decades later—after a long period of ostensible Communist indoctrination—millions of these non-Russians deserted again, practically placing the platter of victory before the Germans. Even the socialist movement in the White Russian Empire was split along national lines, such as the Armenian Socialist Party, the Tartarian Socialist Revolutionary Party, the Ukrainian Socialist Democratic Party, and others.

Although we still have to uncover and make use of these facts, in the field of experience the Bolsheviks led by Lenin knew them well and used them well for their own ends. Today, this account would be condemned by Moscow as "the provocations of bourgeois nationalism;" before the collapse of the White Russian Empire it was accepted by the forthcoming heirs of the empire in the name of national self-determination. "If Finland, if Poland, if the Ukraine break away from Russia," wrote Lenin, "there is nothing bad about it. Anyone who says there is, is a chauvinist. No nation can be free if it oppresses other nations."[5] As today in Africa and Asia, this record on national self-determination was played over and over again until the overwhelming force of non-Russian nationalism contributed heavily to the breakup of the White Russian Empire in 1917. But it wasn't too long before Lenin and the heirs of the empire proved them-

[1] Hillman, William, "Mr. President," New York, 1952, p. 232.

[2] Berdyaev, Nicholas, "The Origin of Russian Communism, London, 1948, p. 7.

[3] Radzinski, John M., "Masks of Moscow," Illinois, 1960, p. 268.

[4] The New York Times, Aug. 13, 1957.

[5] Lenin, V. I., "The Right of Nations to Self-Determination," New York, 1951, p. 123.

selves as outright chauvinists. By the established techniques of lies and deception they committed a spiritual aggression even before 1917.

You and I know of the two Russian revolutions in 1917, but how many of us are aware of the widespread non-Russian revolutions for national freedom and independence at that time? Yet the significance of these non-Russian wars of independence cannot but have profound meaning for us today. Independent national republics were established in area after area: Idel-Ural, November 12, 1917; Finland, December 6, 1917; Ukraine, January 22, 1918; Kuban Cossackia, February 16, 1918; Lithuania, February 16, 1918, followed in that year by Estonia, White Ruthenia, Don Cossackia, North Caucasia, Georgia, Azerbaijan, Armenia, Poland, and Latvia. In Siberia, on April 4, 1920, the Democratic Republic of the Far East was founded, and in central Asia a republic was proclaimed by Turkestan on April 15, 1922. With some of these, such as Georgia, Poland, and Ukraine, formal recognition was tendered by Soviet Russia by treaty or official declaration. Yet, in short time, only a few of those independent nations and states survived the first wave of Soviet Russian imperialism.

THE FIRST WAVE OF COMMUNIST AGGRESSION

As shown in part by the former Select House Committee on Communist Aggression, the history of Communist aggression commenced with the onslaught by Trotzky's Red Russian army against most of these non-Russian republics.[6] States like Ukraine and Georgia were subverted, conquered, and made to appear as independent Soviet republics by the end of 1920. Familiar techniques of "intensive revolution," infiltration, propaganda distortion, espionage, conspiracy, and planted governments were in full use before the military blow struck. One republic was picked off after another on the traditional basis of divide and conquer. By 1922 the first wars between non-Russian nations and Soviet Russia were over, and on January 31, 1924, the forcible incorporation of these many nations into the new prison house of nations was formally declared with the establishment of the Union of Soviet Socialist Republics. A new Red Russian empire was now in being.

This eventful period gives us much cause for serious and sober reflection and the fruits of this reflection may have considerable bearing on our own future and destiny. The "ifs" of history are just as much parts of reality as the "whens." If the leaders of the victorious West had understood the nationalist forces at work throughout the Russian empire and fully supported them on the principle of national self-determination, it is reasonable to assume that communism would have only been a short echo in the arena of human history. If the Russians desired to apply its philosophy on the legitimate terrain of Russia, then, as in the similar case of Germany, nazism and non-Germans, non-Russians wouldn't go to war over it. If these newly independent non-Russian republics had formed a common front against Soviet Russian imperialism, the outcome of world developments would surely have been different. Little is it appreciated that the first smashing defeat of the imperialist forces of Soviet Russia was registered in 1920 by the Polish-Ukrainian alliance between Pilsudski and Petlura. If their combined forces had crossed the proper borders of Russia and completely wiped out the Red Russian army, Europe and the rest of the world would certainly have benefited from far more than a 20-year breathing period. As reflections of historical reality many of these "ifs" have pointed meaning for us today.

Foolish, indeed, is the notion that Soviet Russian aggression starts and finishes with a military war. After the conquest of any non-Russian country the aggression continues—in fact is intensified—against the institutions, the historical past, and the future hopes and aspirations of the conquered people. Finland, Poland, Lithuania, Latvia, and Estonia escaped the ravages of this aggression in the 1920's and 1930's. The other non-Russian nations, now parts of the Red Russian empire under the guise of the Soviet Union, were not this fortunate. The two decades are historically replete with deportations, slave labor, a horrible man-made famine in 1931–32, severe Russification, the Vinnitsa genocide, and extensive economic colonialism. It is in this period that Khrushchev first soaked his hands in the blood of these early and first captive peoples.[7]

It is also in this period that so-called Soviet history is punctuated with recurring uprisings, passive resistance, and the mortal danger of bourgeois nationalism, as witness the uprising of 1929–30 and the purges of 1935 and 1937 in Georgia, the revolt of the young Turkestani in the Basmachi underground during 1935–41, the armed revolts of the Azerbaijani in 1925, 1929–30, and 1933, and the persistent opposition of the Ukrainians which caused a Russian satrap, Kossior, to blurt out in 1933 that "Ukrainian nationalism is our chief danger." Aside from revisionism, the greatest and most enduring of crimes in the Soviet Union today is so-called bourgeois nationalism, which for us is plain national patriotism.

Most important in this first stage of Soviet Russia aggression is the dominant fact that the imperio-colonial foundation was laid for the subsequent waves of Moscow's aggressions, whether direct or indirect. History was indeed repeating itself. The cycle of Russian conquests in the 18th and 19th centuries was again in motion. Without these conquered non-Russian areas, Russia and its 100 million people in itself could only be a second- or third-rate power. Ukraine by itself stands as the largest non-Russian nation both in the Soviet Union and behind the Iron Curtain. It should be noted, too, that the major economic resources in the U.S.S.R. are largely concentrated in the non-Russian nations. Turkestan, which Moscow deliberately partitioned into five artificial central Asiatic republics and exploits severely, literally abounds in diverse natural resources. Over 110 million non-Russian captives under the alien yoke of Moscow live in the Soviet Union today. About 24 million were added in the second wave of Soviet Russian aggression in World War II.

THE SECOND WAVE OF SOVIET RUSSIAN AGGRESSION

This second wave of Soviet Russian aggresion was really triggered off by Moscow signing a 10-year nonaggression treaty with Berlin on August 24, 1939. The treaty paved the way to the Nazi invasion of Poland, the outbreak of World War II followed, and the opportunity for Russian colonial expansion presented itself in Poland, Finland, and the Baltic States. The paramount feature of this massive aggression was, of course, the forced incorporation of Estonia, Latvia, and Lithuania into Moscow's prison house of nations. The fate met by other non-Russian nations in 1924 now, inevitably, befell these. Dependent on the fortunes of World War II, it was only a matter of time before others would meet a similar fate.

The struggle for national freedom in Eastern Europe and central Asia, in the very course of World War II is a saga of invincible will and heroism still to be written for the benefit of the free world. While the war gave Soviet Russia the opportunity to extend its colonialism, it also gave the non-Russian captives an equal opportunity to strike for national freedom. Even some freedom-loving Russians saw their opportunity, too. As in World War I, mass desertions from the polyglot multinational armed forces of the U.S.S.R. were the order of the time. White Ruthenians, Cossacks, Mashkiri, Georgians, Tatars, Chechens, Ukrainians and others who were supposed to be hopelessly indoctrinated by communism deserted in the millions in the hope of fighting for the freedom of their lands. For example, let's listen to the words of a German journalist on the eastern front: "The steady flow of Ukrainian volunteers for the German forces we ignored. The millions of Ukrainians, who by themselves could have turned the scales in the east, were not only being left unused, but were actually being repulsed and disillusioned." [8]

Here, in a nutshell, is the explanation of the unsurpassed political blunder in this century. The German Nazis attempted to foist their type of imperialist totalitarianism upon these non-Russian nations and in reality, fortunately for us, it cost them the war and victory. Throughout this period and, as a matter of fact, up to 1950 the national underground systems of Lithuania, Ukraine, White Ruthenia, Turkestan, and others engaged in guerrilla warfare against both the Russian and German totalitarians and later against the Russians and their colonial puppets. Our interest in guerrilla warfare today can be well satisfied by a study of the warfare waged by the Ukrainian insurgent army in that period.[9] To project this further, there is abundant evidence to show that throughout the last decade this resistance and opposition of so-called bourgeois nationalism has by no means diminished in the Soviet Union. Arrests for this crime of crimes continue under Khrushchev.

As we now turn to the third wave of Soviet Russian aggression, the tragedy of having won the war but lost the peace should awaken us to some grave defects and failures of our thinking and policymaking regarding aggressive Soviet Russia. Imagine, twice in this century we have suffered this tragedy. The colossal naiveté of our leaders was displaced in the Yalta agreements and other unnecessary concessions made to the greatest imperialist power on earth. Up to that time hundreds of agreements, treaties, and promises had been callously broken by colonial Moscow but, for a variety of reasons, our leaders felt it could not happen to us. The roots of today's Berlin crisis go back to this period, and so does the captivity of many additional non-Russian nations. The causal reasons of ignorance and even degrees of Russophilism then are still at work today.[10]

THIRD WAVE OF SOVIET RUSSIAN AGGRESSION

In short, by these reasons, we, the victors of World War II and the advocates of national independence and personal freedom, literally accommodated the third wave of Soviet Russian aggression. The list of victims is as long as that of the first wave in 1920–23: in 1945, Poland, Moldavia, East Germany, multinational Yugoslavia, Outer Mongolia; 1946, Albania, Bulgaria; 1947, Hungary; 1948, Czechoslovakia, North Korea, Rumania; 1949, mainland China, where, we were told, an "agrarian revolution" was underway.

Whether by military occupation or by indirect means of the traditional Russian borderlands policy or "intensive revolution,"

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[6] "Investigation of Communist Takeover and Occupation of the Non-Russian Nations of the U.S.S.R.," House of Representatives, 1954.

[7] "The Crimes of Khrushchev," pt. 2, Committee on Un-American Activities, House of Representatives, Washington, 1959.

[8] Kern, Erich, "The Dance of Death," New York, 1951, pp. 103–104.

[9] Codo, Enrique M., "Guerrilla Warfare in the Ukraine," Military Review, Fort Leavenworth, Kans., November 1960.

[10] Crocker, George N., "Roosevelt's Road to Russia," Chicago, 1959, p. 248.

the process of aggression and the end result of conquest and domination of a people are the same. Satraps in most of these areas are Moscow-bred, and although differences have arisen, as in the cases of captive Poland, satellite Yugoslavia, the junior partner, Red China, or rascal Albania, who logically can deny that the permanence of the unrepresentative regimes in any of these areas is inseparably bound up with the strength and future of their originator, Soviet Russia? Aggression by indirection was shown in Korea in 1950.

With the inner colonial ring in the Soviet Union and now the outer colonial ring in central Europe and Asia, Moscow had placed itself in position to penetrate, directly or indirectly—through its captives, junior partner, satellite or quisling Communist groups in the world at large—any area of the free world, including ours. The world's masters in empire building continued to reap successes of indirect aggression despite the alliances, the United Nations, the horrendous presence of nuclear weapons, the maginot wall of containment. By the use of Moscow's traditional argument of no interference in "internal affairs," by skillful propaganda inducing fears of war, and by gaining sanctuary from us in the consolidation of their vast empire, they have a free field for subversion, infiltration, and indirect aggression in the nontotalitarian free world.

FREE AGGRESSIVE PLAY IN THE FREE WORLD

By our basic policy of containment we accommodate colonial Moscow in a free aggressive play in the nontotalitarian free world. Tibet in 1951, North Vietnam in 1954, and Cuba in 1959 are further results of this play. What new nations will be listed into captivity in this decade: Laos, Cambodia, Iran, Iraq? These and others are real possibilities for which economic aid, military assistance, the United Nations, singly or in combination, are not the adequate answer.

To approach the adequate answer, it is necessary to keep firmly in mind this outline of the history of Communist aggression. Within the framework of this outline many other detailed acts of aggression can be included, as, for example, in Spain, Greece, Iran, Guatemala, and elsewhere. But whatever additional facts are assembled, it should be clear that as the permanent instigator of the cold war, Moscow is a constant aggressor. In less speedy times and with less advanced technology the Princes of Muscovy were also on the permanent aggressive, and with patience, skill, fraud, and deception, built an enormous and unique empire. The inheritors of that empire may use different specious arguments but employ substantially the same techniques and, above all, have the same patience and propaganda skills. As before, so now, what falls under the Iron Curtain becomes an internal affair, and what lies outside the curtain of the empire is the field for free aggressive play. What, then, can we do? Or, in other words, what profits us to know the history of Communist aggression?

THE LESSONS AND GUIDELINES OF THIS HISTORY

The "ifs" of history, as I said, are parts of our reality, for they continually haunt us into wiser and more intelligent action in the present and for the future. If, for example, our Western leaders had a vivid appreciation of the first wave of Soviet Russian aggression and the already long record of Moscow's broken agreements, with proper action in 1945 we would not today be confronted by any Berlin crisis. These "ifs" sharpen the lessons of history and contribute to its guidelines of our action in the present.

These lessons and guidelines of the history of Soviet Russian aggression are as follows:

(1) The nature of the threat, or the disease, or the cancer—characterized however you will—is the imperio-colonial system of Soviet Russia. This system has historical roots in 500 years of empire building. By virtue of its materialistic basis and character, the ideology of communism—in essence, a millenarian ideology of economic myth—is only a weapon of deception, but more powerful than the preceding ideological weapons of orthodox supremacy and panslavism. It is hardly encouraging to know that we are fighting against an ideological myth. In posing the spurious conflict between communism and capitalism, Khrushchev would want us to fight the myth rather than the blood-and-flesh reality of totalitarian Russian domination. Philosophically and economically, Marxism bears as much relationship to the Red totalitarian empire as mercantilism does to our society. As one writer aptly puts it, "Like a bull in the arena, we have been concentrating on the red cloth rather than the matador behind it." [11]

(2) The paramount challenge is not in the area of comparative military power and buildup, but in the determining area of propaganda, political psychology, and psychological warfare. It is in this latter area that images are built up, minds are moved, and loyalties shifted. Bred on Pushkin, Dostoyevsky, Tolstoy, and 500 years of empire building, the present Russian totalitarians are masters of the art and experts in Potemkin Village tactics, stretching from space to athletics. On the basis of all available evidence, the Gagarin story may well turn out to be the gangrene story of history, and I am convinced that Moscow cannot possibly, with any hope of victory, commit its multinational armed forces in any serious military engagement. We saw what happened in Hungary; we saw what happened in the two World Wars and the Russo-Japanese War. In comparison with these political psychological experts, we've been but puny amateurs, despite the ace cards available to us. It requires little imagination to call men to arms; it requires much in imagination and vision to exploit the weaknesses of the enemy to eventually strangulate him without the horrible costs of a hot war.

(3) The policy of liberation, accurately construed, is inescapable for our country if we are determined to survive as an independent nation.[12] In addition to the given quantity of armed protection, the greatest weapon we have is the captive nations of Europe and Asia. The case of Hungary proved our failure to implement this policy, not the inefficacy of the policy itself. With good reason there is nothing more frightening to Moscow than a developing concentration by us on the numerous captive non-Russian nations within the U.S.S.R. itself.[13] In the U.N. debate on colonialism and imperialism last year the Canadian Prime Minister had the courage to bring up the colonialism and imperialism rampant in the Soviet Union, and Moscow went into convulsions.[14] The image of Russian power could be changed overnight with this concentration on Russian colonialism and imperialism within the U.S.S.R., and with enormous impact on Asia, Africa, and Latin America.[15] Many of us still haven't pondered over the question, "Why was it that Khrushchev, sitting on a pile of missiles and nuclear bombs and boasting about economic progress and the victory of communism, almost suffered apoplexy when Congress passed the Captive Nations Week Resolution in 1959?[16] The answer was the call for this concentration. Today a proposal is before the House Rules Committee to establish a Special Committee on Captive Nations for the purpose of achieving this concentration. But there is no question that Russophilic and other elements in our Department of State resist and oppose endeavors in this area.

(4) Based on the salient features of the history of Communist aggression and also the unique development of our Nation, our course of policy and action must be in the explicit and frank terms of a universalized declaration of independence. A declaration aimed primarily at all the captive non-Russian nations in the Red totalitarian empire and also at the freedom-loving rather than just the peace-loving masses of the Russian nation.

Paradoxically enough, Marx recognized a century ago the same problem that faces us today: "They will have learned before that the idea of Russian diplomatic supremacy owes its efficiency to the imbecility and the timidity of the Western nations, and that the belief in Russia's superior military power is hardly less a delusion * * *. There is only one way to deal with a power like Russia, and that is the fearless way."

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[11] Radzinski, John M., "Masks of Moscow," p. xiii.

[12] Dobriansky, Lev E., "A Policy of Emancipation and Liberation of Khrushchev's Captives," CONGRESSIONAL RECORD, July 20, 1961, pp. 13120–13121.

[13] Smal-Stocki, Roman, "The Captive Nations," New York, 1960, pp. 98–101.

[14] "Colonialism in the Soviet Empire," Neue Zuercher Zeitung, Switzerland, Nov. 20, 1960.

[15] Barton, Paul, "Imperialism in the Soviet Union," NATO Letter, June 1961, CONGRESSIONAL RECORD, July 24, pp. 13189–13191.

[16] Dobriansky, Lev E., "The Captive Nations Week Resolution," CONGRESSIONAL RECORD, vol. 106, pt. 1, pp. 1032–1033.

A SALUTE TO THE CAPITOL GUIDES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from South Carolina [Mr. HEMPHILL] is recognized for 30 minutes.

Mr. HEMPHILL. Mr. Speaker, for 5 years now I have watched the guides in the Capitol, known as the Capitol guides, conduct their tours through the Capitol of the United States. Many times I have stopped to listen to their detailed explanation of the history and legend of this, the greatest Capitol in the world. I have noted with a great deal of interest and appreciation the patriotism which echoes in their voices as they point out this significant place or that significant feature of the Capitol.

These people are not Government employees. They are about the only people in the Capitol that are not. But Government employees should take notice of the magnificent job they are doing, the diligence with which they apply themselves, the pride that they take in their work. They are always courteous, and, if they recognize us as we go from one chamber to another, they always help us get through the lines of people. Sometimes it is difficult to get through those lines, but it is not their fault. We, in turn, are so happy to see so many people visiting here who are interested in the Capitol and in their Government.

This is a great Nation. These guides are contributing to the appreciation of that Nation by their work.

Next year when the Congress reconvenes, I plan to go into this matter fully, and by this statement salute their good works and let them know that we appreciate the voices they are lifting in behalf of this great Nation.

SECRETARY OF THE ARMY STAHR INSPIRES CONFIDENCE IN OUR NATION'S DEFENSE ESTABLISHMENT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. PUCINSKI] is recognized for 10 minutes.

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, I have taken time today to call attention of my colleagues to a most inspiring speech delivered last Sunday by the Honorable Elvis J. Stahr, Jr., Secretary of the Army, at memorial services observing the 22d anniversary of World War II, sponsored in Chicago by the Illinois division of the Polish American Congress.

This memorial service was arranged on September 17 by the Illinois division of the Polish American Congress because it was on that day, 22 years ago in 1939, that Communist troops, on orders of Joseph Stalin, occupied the eastern part of Poland while the heroic Polish Army was staging its gallant defense of Poland's western borders against the Nazi invasion.

It is indeed fitting that Secretary of the Army Stahr should have addressed this rally in Chicago at this particular time.

I wish all of my colleagues could have personally observed the tremendous ovation that Secretary Stahr received from this Polish American audience.

I am including in my remarks Secretary Stahr's entire speech, and I hope that my colleagues will take the time to read his penetrating analysis of the present world situation and the unequivocal position taken by our Defense Establishment in meeting the challenge of today.

President Kennedy can indeed be proud to have men of such clear and unequivocal depth of understanding of the present situation in the world as demonstrated by Secretary Stahr in his Chicago speech.

We as Americans, regardless of any partisan considerations, can all be proud of the Secretary. It is comforting, I am sure, to all those who heard the Secretary last week, and should be comforting to all Americans, to know that such sound principle and determination in meeting today's international challenge permeates the thinking of our Secretary of the Army.

Mr. Speaker, Secretary Stahr's remarks follow:

REMARKS BY THE HONORABLE ELVIS J. STAHR, JR., SECRETARY OF THE ARMY, POLISH-AMERICAN CONGRESS, CHICAGO, ILL., SEPTEMBER 17, 1961

It is a genuine personal honor to appear before such an outstanding representation of the many hundreds of thousands of stalwart, loyal, and productive citizens of our Nation whose roots run back to the soil of Poland—whose forebears for centuries were distinguished by a fierce and uncompromising love of liberty kept alive despite the most savage oppression—and who themselves bear that love in their hearts with matchless devotion. I am happy not only to bring all of you my own greetings, but those of the President of the United States, who has asked me to express his sincere interest in this congress, and his abiding admiration for your splendid patriotic activities.

Since Kosciuszko and Pulaski came to these shores more than a century and three-quarters ago to aid the American colonies in their struggle for independence, Polish-Americans have fought in all our wars with the valor of their great heritage, and they have contributed immeasurably to the peacetime development of this Nation in virtually every field of endeavor. I am certain that today we can count among our people no more stanch advocates and defenders of the American ideal—no more vigorous supporters of our national purpose to preserve the peace and to do everything that lies within our power to eradicate tyranny and injustice from the world.

I am deeply mindful of the tragic significance of this occasion, marking as it does the 22d anniversary of the Soviet invasion of Poland following that week that shook the world which precipitated World War II. No greater calamity was ever inflicted upon a nation by the might of a ruthless aggressor. For 22 years millions of Polish patriots, not a few of them your own relatives and friends, have lived with terror, suffering, hardship, and heartbreak, and their anguish cries out to all of us who still live in freedom.

We, as a Nation, are determined that such a thing shall not happen again. We are highly resolved never again to stand by and allow tyranny to override and extinguish liberty and the rights of freemen without exercising our national power to the utmost to prevent it.

This Nation did not seek the position of leadership to which destiny has appointed us. In fact, after American military and economic power tipped the scales in favor of the Allies in World War I, we did everything we could to avoid it. We shrank from utilizing our great strength and burgeoning world prestige to turn a military victory into a lasting moral victory over the forces of tyranny. We repudiated the vision of Woodrow Wilson, who clearly recognized the role that the emergent giant of the West—America—must inevitably play in international affairs if world peace and stability were ever to be achieved on honorable terms.

But the tide of history caught up with us. We could not escape being drawn into World War II because only the New World could supply the force necessary to halt the juggernaut of the Axis Powers in the Old World. And as events unfolded after the victory it became increasingly apparent that we could not withdraw once again into our shell, and leave the world stage to the new tyranny of Communist imperialism—that millions upon millions throughout the earth looked to us as their primary if not their only hope for the defense of the liberty they loved against the Communist drive toward world domination. We read aright the handwriting on the wall which warned us that our own fate and the fate of freemen everywhere are completely inseparable.

We Americans have always been proud of the greatness of our country both in material and moral values. Now, at long last, I believe most Americans have come to realize that we cannot afford to neglect in any measure the grave responsibilities which greatness has laid upon us. Today the United States is the only Nation of the free world capable of effectively projecting its national power to any part of the globe and sustaining it there. We have made the irrevocable decision to employ the power of America to the fullest extent to deter or defeat aggression wherever it might occur, and to establish an international climate of stability and morality, in which all men will have an opportunity to achieve their loftiest aspirations in peace and security.

The whole history of communism is a record of one limited aggression after another for limited objectives; of advances in the face of weakness and retreats in the face of strength and determination; of moves carefully calculated to expand its area of control little by little without touching off a general war. It is obvious that in order to achieve our national purpose we must firmly draw the line here and now against any further capitulation to the Communists—any further surrender of bits and pieces of the free world however small or unimportant some people might consider them. If we should allow this nibbling process to continue, it could have but one result—a cumulative defeat which would lead to our own ultimate destruction. It is time for every American to wake up to that elemental fact.

I think it has become equally obvious that a response to limited Communist aggression or subversion with the nuclear "big bang," which could bring about the destruction of all or most of what we seek to nurture and defend, would be a wholly unacceptable course of action.

What, then, must we do? We must utilize the power of America to hit the threat "where it lives" by developing and maintaining the kind of power which will enable us to halt and turn back the expansion of communism without inviting chaos. This does not imply deemphasizing nuclear power; nor does it mean that we might not use whatever force might be necessary—including nuclear weapons—to resist an attack successfully. It does imply reemphasizing conventional power—the measured application of force to the extent necessary to do the job—the job being to preserve order and freedom.

Our election of this course is implicit in all of the actions taken by the present administration to insure our national security and support our global commitments for the defense of the free world.

The policy President Kennedy has forcefully and consistently enunciated and implemented by positive action since his inauguration emphasizes the fact that although it is imperative to keep our powerful strategic retaliatory forces modern and ready in order to deter the launching of a thermonuclear attack upon us or upon our allies, we must also possess the credible capability to deter so-called limited war, or to win decisive victory in any such war or wars in which we might become involved.

From our earliest years, aggressors have been led into the erroneous assumption that our diplomacy for peace was founded upon inability and unwillingness to fight, and hence that they had no need to fear effective interference from us when they resorted to armed force. For this reason, it was impossible for the United States to exert the full influence of its tremendous potential "before the fact" in helping to decide the initial issue of war or peace in the two great World Wars and in Korea. Had our resolution and capability been clearly evident, it is quite conceivable that none of these wars would have occurred.

How different is the situation today. Our willingness to meet force with force is clearly evident. Our adamant determination to fight, if necessary, for the freedom of West Berlin, and access to it, or to rebuff aggression against the free world anywhere else it might be attempted, has been stated in unequivocal terms. Furthermore, our fundamental ability to fight is being made plainer every hour through the strong measures being

taken to enhance our posture of immediate readiness and strength across the whole spectrum of possible warfare, including particularly so-called limited war.

Let us consider for a moment the means by which we are projecting the national power of America in order to cope with the tremendously serious situation which confronts us.

Although it is beyond debate that all members of our Armed Forces would be essential to victory in any war, the U.S. Army is the keystone of our conventional defensive might, the very embodiment of our ability to pursue the course of action we have determined to take. For that reason, I want to place particular emphasis upon its mission and capability in the perspective of our overall military requirements.

The forward strategy we have adopted in order to deal effectively with limited aggression wherever it might occur involves the overseas deployment of substantial ground, sea, and air forces, supported by highly mobile reserves. The major portion of these forces are Army units, capable of conducting sustained land operations with conventional weapons while remaining capable of using nuclear weapons should it become necessary.

The Army's forward deployments are built around three infantry and two armored divisions, three armored cavalry regiments, a substantial number of missile battalions, and other combat and supporting troops in Europe, plus the three magnificent battle groups in Berlin, and two divisions in Korea, where there has never been more than an uneasy truce since 1953. In close support of our heavy commitments in the Pacific area, we have an additional infantry division stationed in Hawaii and Okinawa. Its battle groups are prepared to take effective action on short notice anywhere in the Far East. We also have airborne units both in Europe and the Pacific area available for independent operations, especially in those great areas of possible conflict around the periphery of the free world where no U.S. troops are now stationed.

These major units are supplemented by Army personnel serving in Military Assistance Advisory Groups and Missions in over 40 countries. Their activities range from helping to increase mutual understanding and better human relationships to the critically important job of providing training, advice, and equipment to improve the capabilities of various free world nations to deal with challenges to their security. These groups are assisting in training the equivalent of 200 allied ground divisions.

Our forces on the spot are backed up by the Strategic Army Corps, the Army's "fire brigade." This corps, at present built around one infantry and two airborne divisions here in the United States—all literally on around-the-clock alert—is ready for instant movement to any place on earth. In addition to STRAC, we have three other divisions of the Active Army in the United States.

For the strength-in-depth essential to the maintenance of an adequate military posture, we rely with confidence on the Army National Guard and Army Reserve as vital members of the one-Army team. I am happy to report to you that they are today at the highest state of readiness of any period in our peacetime history. As you know, many units and individual reservists have already been placed on orders for active duty, and many others are in top-priority status at this time. The substantial worth of our Reserve Forces is becoming more clearly evident every day.

The recent actions taken by the President and the Congress, raising the active Army's manpower ceiling to 1,008,000, will enable us to enhance greatly these deterrent and defensive capabilities. Specifically:

We are speedily reinforcing our forces in Europe by bringing 7th Army and other Army units committed to NATO to full strength;

We are adding combat, combat support, and logistical units to meet the requirements of the U.S. Army, Europe, for a full combat-ready posture;

We are doubling the number of combat-ready divisions in our Strategic Reserve, giving us six divisions in the United States in Strac status, instead of the present three;

We are expanding the training and logistics base in order to support the larger Army and provide substantial reinforcements and replacements, if needed, in the event of hostilities, and

We are more than doubling the size of our Special Forces trained for counterguerrilla and other forms of sublimited warfare.

Furthermore, because of the addition of more than a billion dollars in this year's budget for specific purpose of procuring new equipment, we will be able to supply Army units more completely and speedily with the splendid modern fighting tools which have been developed in this country and which are superior to those possessed by any possible adversary.

I have talked a good deal about military strength, but I am sure you fully recognize that military forces are only the spearhead of America's national power to deter aggression and establish a just peace.

Their capability depends upon the economic power of our Nation with its fulcrum here in the prodigiously resource-rich and productive heartland of America. In this time of crisis it is as vital that we keep our industry and our agriculture at top efficiency and fully responsive to military needs as it is to keep our Armed Forces at a high pitch of combat capability.

In the long run, however, the most important ingredient of our national power is the moral power of the American people—their complete willingness, in the oft-repeated words of the President, to "pay any price, bear any burden, meet any hardship * * * to assure the survival and the success of liberty."

Nothing could take the place of the courage, determination, and fighting heart which have seen America through every crisis of the past. If these attributes continue to hold sway in the character of all our people, our national power will prevail over the will of any aggressor.

In closing I want again to pay tribute to the great body of loyal and patriotic Polish-American citizens who are represented by this Congress. From your own experience and the experience of your forebears you realize, perhaps better than many other Americans, the value of liberty and what it costs in courage, sacrifice, and determination.

I am mindful of the valor on the battlefield in defense of freedom displayed by countless soldiers of Polish origin, both in our own forces and under the Polish flag—I am thinking in particular of the splendid Polish troops who were second to none in gallantry as they fought in the Allied ranks in World War II.

I am mindful, too, of the hundreds of thousands of Polish-Americans who have through the years striven with dedicated purpose to help build a better America—and a better world.

I am deeply grateful for this opportunity to salute you in the name of all your fellow Americans.

RESIGNATION OF REPRESENTATIVE KILDAY

The SPEAKER pro tempore laid before the House the following resignation:

SEPTEMBER 21, 1961.

Hon. JOHN W. MCCORMACK,
Speaker pro tempore of the House of Representatives, Washington, D.C.

SIR: I beg leave to inform you that I have this day transmitted to the Governor of Texas my resignation as a Representative in the Congress of the United States from the 20th District of Texas, effective midnight, Sunday, September 24, 1961.

Sincerely yours,

PAUL J. KILDAY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation will be accepted.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. GOODELL (at the request of Mr. HALLECK), on account of official business.

To Mr. GARLAND (at the request of Mr. HALLECK), on account of official business.

To Mr. BARING (at the request of Mr. ALBERT), on account of illness.

To Mr. QUIE (at the request of Mr. HALLECK), on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. DIGGS for 30 minutes today, to revise and extend his remarks, and to include extraneous matter.

Mr. CONTE (at the request of Mr. WALLHAUSER), for 1 hour on tomorrow.

Mr. FLOOD for today for 30 minutes, and to revise and extend his remarks and include extraneous matter.

Mr. HEMPHILL for 30 minutes today, to revise and extend his remarks, and include extraneous matter.

Mr. HEMPHILL for 30 minutes tomorrow, and to revise and extend his remarks, and include extraneous matter.

Mr. KILGORE for 20 minutes for Saturday next.

Mr. PUCINSKI for 10 minutes today, and to revise and extend his remarks, and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ASPINALL and to include extraneous matter.

Mr. HOFFMAN of Michigan (at the request of Mr. GROSS) and to include extraneous matter.

Mr. O'HARA of Illinois following the passage of House Concurrent Resolution 389 and to include the report of the committee, together with letters from the Secretary of State and the Secretary of Commerce.

(The following Members (at the request of Mr. WALLHAUSER) and to include extraneous matter:)

Mr. SAYLOR.
Mr. LATTA.
Mr. HALPERN.
Mr. CONTE.
Mr. BECKER.
Mr. MCINTIRE.

(The following Members (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. UDALL.
Mr. EVERETT.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 455. An act to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 1348. An act for the relief of the Sulzbach Construction Co.; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that Committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H.R. 115. An act for the allocation of costs on the Wapato-Satus unit for the Wapato Indian irrigation project;

H.R. 470. An act to amend sections 1 and 3 of the Foreign Agents Registration Act of 1938, as amended;

H.R. 5490. An act to provide for more effective participation in the Reserve components of the Armed Forces, and for other purposes;

H.R. 7726. An act to authorize the loan of naval vessels to friendly foreign countries and the extension of certain naval vessel loans now in existence;

H.J. Res. 225. Joint resolution to create a regional agency by intergovernmental compact for the planning, conservation, utilization, development, management, and control of the water and related natural resources of the Delaware River Basin, for the improvement of navigation, reduction of flood damage, regulation of water quality, control of pollution, development of water supply, hydroelectric energy, fish and wildlife habitat, and public recreational facilities, and other purposes, and defining the functions, powers, and duties of such agency; and

H.J. Res. 569. Joint resolution to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER pro tempore announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 302. An act to amend the act of June 22, 1948, as amended, relating to certain areas within the Superior National Forest, in the State of Minnesota, and for other purposes;

S. 558. An act to amend the acts of March 3, 1901, and June 28, 1944, so as to exempt the District of Columbia from paying fees in any of the courts of the District of Columbia;

S. 564. An act to provide for apportioning the expense of maintaining and operating the Woodrow Wilson Memorial Bridge over the Potomac River from Jones Point, Va., to Maryland;

S. 2397. An act authorizing the National Capital Transportation Agency to carry out part I of its transit development program and to further the objectives of the act approved July 14, 1960 (74 Stat. 537);

S. 2476. An act to amend section 207 of the Military Construction Act of 1960 in order to clarify the authority granted under such section to the Secretary of the Navy to exchange certain lands owned by the United States for lands owned by the State of Oregon;

S.J. Res. 51. Joint resolution authorizing the creation of a commission to consider and formulate plans for the construction in the District of Columbia of an appropriate permanent memorial to the memory of Woodrow Wilson; and

S.J. Res. 66. Joint resolution to amend the joint resolution providing for membership and participation by the United States in the Inter-American Children's Institute.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 1333. An act for the relief of A. N. Deringer, Inc.;

H.R. 1507. An act for the relief of Capt. Jacob Haberle;

H.R. 2179. An act for the relief of Essie V. Johnson;

H.R. 2279. An act to provide for the withdrawal from the public domain of certain lands in the Granite Creek area, Alaska, for use by the Department of the Army at Fort Greely, Alaska, and for other purposes;

H.R. 2334. An act for the relief of Washington George Brodber Bryan;

H.R. 2615. An act for the relief of Dr. Victor Wang Ta Ng and his wife, Alice Siu Har Ng;

H.R. 2666. An act for the relief of Adelina Benedict (nee Rosasco);

H.R. 3007. An act for the relief of Alberto Luciano (Rocchi) Rosasco;

H.R. 3132. An act for the relief of Lucille Collins;

H.R. 3401. An act for the relief of Salvatore Cairo;

H.R. 4028. An act for the relief of Lennon May;

H.R. 4484. An act for the relief of Miss Lu Lai Ching;

H.R. 4917. An act for the relief of Albany County, N.Y.;

H.R. 5335. An act for the relief of Mrs. Helena Sullivan;

H.R. 5343. An act to amend section 5021 of title 18, United States Code;

H.R. 5486. An act to prohibit the examination in District of Columbia courts of any minister of religion in connection with any communication made to him in his professional capacity, without consent of the party to such communication;

H.R. 5613. An act for the relief of Fernando Manni;

H.R. 5754. An act to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property as revised at Lisbon, Portugal, October 31, 1958;

H.R. 6729. An act to provide for the disposal of certain lands held for inclusion in the Cape Hatteras National Seashore Recreational Area, N.C., and for other purposes;

H.R. 6834. An act to amend section 35 of title 18, United States Code;

H.R. 7259. An act to waive section 142 of title 28, United States Code, with respect to the U.S. District Court for the Western District of Louisiana, Lafayette Division, holding court at Lafayette, La.;

H.R. 7358. An act to amend section 4126 of title 18, United States Code, with respect to compensation to prison inmates for injuries incurred in the course of employment;

H.R. 7873. An act for the relief of Mrs. Maria Gonzalez Fernandez Long;

H.R. 8236. An act to authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation;

H.R. 8302. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes;

H.R. 8341. An act to authorize the Secretary of the Interior to conduct a study covering the causes and prevention of injuries, health hazards, and other health and safety conditions in metal and nonmetallic mines (excluding coal and lignite mines);

H.R. 8490. An act to amend the act of September 2, 1958, establishing a Commission and Advisory Committee on International Rules of Judicial Procedure, as amended;

H.R. 8871. An act to amend the Federal Employees' Compensation Act of 1960;

H.R. 9030. An act to amend the act to promote the education of the blind, approved March 3, 1879, as amended, so as to authorize wider distribution of books and other special instruction materials for the blind, and to increase the appropriations authorized for this purpose, and to otherwise improve such act;

H.R. 9080. An act to authorize the Philadelphia, Baltimore & Washington Railroad Co. to construct, maintain, and operate branch sidings over First Street SW., in the District of Columbia; and

H.J. Res. 358. Joint resolution authorizing the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week, in order to aid in bringing to the American people the dangers of accidental poisoning.

ADJOURNMENT

Mr. KILDAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Friday, September 22, 1961, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1335. A letter from the Assistant Secretary of the Interior, transmitting a report on the Arbuckle project, Oklahoma, pursuant to section 9(a) of the Reclamation Project Act of 1939 (53 Stat. 1187) (H. Doc. No. 242); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

1336. A letter from the Administrator, General Services Administration, transmitting the report of the Archivist of the United States on records proposed for disposal under the law; to the Committee on House Administration.

1337. A letter from the Administrator, Federal Aviation Agency, transmitting a draft of a proposed bill entitled "A bill to add a new title XVI to the Federal Aviation Act of 1958, in order to provide for a Federal Aviation Service for air traffic control and other essential services and to provide for the availability and responsiveness of that Service in time of war or emergency involving national defense, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

1338. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to revise the boundary of Dinosaur National Monument, and for other purposes"; to the Committee on Interior and Insular Affairs.

1339. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report designed to provide the Committee on Science and Astronautics of the House of Representatives with information outlined in section 3 of the act of July 21, 1961 (75 Stat. 216, 217), and is submitted to the Speaker of the House of Representatives pursuant to rule XL of the House of Representatives; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. O'BRIEN of New York: Committee on Interior and Insular Affairs. H.R. 4752. A bill to provide that the unincorporated territories of the Virgin Islands and Guam shall each be represented in Congress by a Territorial Deputy to the House of Representatives; with amendment (Rept. No. 1248). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Ninth report on civil defense program (Rept. No. 1249). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Tenth report pertaining to Cambodian Port Highway (Rept. No. 1250). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'HARA of Illinois: Committee on Foreign Affairs. House Concurrent Resolution 389. Concurrent Resolution endorsing the World Economic Progress Exposition; with amendment (Rept. No. 1251). Referred to the House Calendar.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 2396. An act for the relief of the State of Louisiana; without amendment (Rept. No. 1252). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS:

H.R. 9340. A bill to amend the Internal Revenue Code of 1954 with respect to moneys received in payment for special statistical studies and compilations and certain other services; to the Committee on Ways and Means.

By Mr. CURTIS of Missouri:

H.R. 9341. A bill to amend the Internal Revenue Code of 1954 with respect to moneys received in payment for special statistical studies and compilations and certain other services; to the Committee on Ways and Means.

By Mr. ASPINALL (by request):

H.R. 9342. A bill to provide for an exchange of lands between the United States and the Southern Ute Indian Tribe, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BETTS:

H.R. 9343. A bill to amend the Internal Revenue Code of 1954 to allow a credit for amounts paid for tuition or fees to institutions of higher education or for occupational training or retraining, to allow a credit for taxes paid for public education, and to exempt from income tax certain scholarships, fellowships, and student assistantships; to the Committee on Ways and Means.

By Mr. BARRETT:

H.R. 9344. A bill to prohibit discrimination in education, housing, public accommodations, and employment, or against public officials because of race, color, religion, ancestry, or national origin, and for other purposes; to the Committee on the Judiciary.

By Mrs. GRANAHAN:

H.R. 9345. A bill to prohibit discrimination in education, housing, public accommodations, and employment, or against public officials because of race, color, religion, ancestry, or national origin, and for other purposes; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 9346. A bill to provide for increased scientific research relating to staphylococci infections; to the Committee on Interstate and Foreign Commerce.

H.R. 9347. A bill to amend the Federal air pollution control law to provide for a more effective program of air pollution control, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MACDONALD:

H.R. 9348. A bill to amend the Internal Revenue Code of 1954 to provide that the military pay and allowances for periods (up to 10 months) before December 31, 1962, received by Reserves called to full-time active duty after July 31, 1961, shall be exempt from income tax; to the Committee on Ways and Means.

By Mr. MACK:

H.R. 9349. A bill to amend the Communications Act of 1934, so as to clarify the intent of Congress with respect to the authority of the Federal Communications Commission in the allocation of television channels; to the Committee on Interstate and Foreign Commerce.

By Mr. STRATTON:

H.R. 9350. A bill to authorize the payment of a reward to individuals who supply information leading to the identification of any person, persons, or international movement who may have been criminally responsible for the death of Dag Hammarskjold; to the Committeee on Foreign Affairs.

By Mr. CELLER:

H.R. 9351. A bill to authorize the issuance of certificates of citizenship in the Canal Zone; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 9352. A bill to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAMER:

H.R. 9353. A bill to prohibit indirect financing of primaries and elections out of Federal funds appropriated for highways, to prohibit certain improper and undesirable practices relating to the Federal-aid highway program, and for other purposes designed to protect the public interest and investment therein; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 9354. A bill to authorize the Administrator of General Services to dispose of the property known as Ellis Island; to the Committee on Government Operations.

By Mr. KEARNS:

H.R. 9355. A bill to amend sections 2 and 5 of the act entitled "An act to regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital," approved September 22, 1950 (64 Stat. 903), and for other purposes; to the Committee on the District of Columbia.

By Mr. MacGREGOR:

H.R. 9356. A bill to amend section 333 of the Internal Revenue Code of 1954 with respect to recognition of gain in certain liquidations; to the Committee on Ways and Means.

By Mr. TOLLEFSON:

H.R. 9357. A bill to authorize the construction of the Kingston Harbor project, Washington, for navigation and other purposes; to the Committee on Public Works.

By Mr. WHITENER:

H.R. 9358. A bill to extend the purchase programs for mica and beryl ores to June 30, 1965; to the Committee on Banking and Currency.

By Mr. PRICE:

H.R. 9359. A bill authorizing the change in name of the Beardstown, Ill., flood control project, to the Sid Simpson-Beardstown flood control project; to the Committee on Public Works.

By Mr. RYAN:

H.R. 9360. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 9361. A bill to amend title II of the Social Security Act to provide that the child of an insured individual, after attaining age 18, may continue to receive child's insurance benefits until he attains age 21 if he is a full-time student; to the Committee on Ways and Means.

H.R. 9362. A bill to provide coverage under the old-age, survivors, and disability insurance system for all officers and employees of the United States and its instrumentalities; to the Committee on Ways and Means.

H.R. 9363. A bill to amend title II of the Social Security Act to provide monthly insurance benefits for qualified dependent relatives of certain insured individuals; to the Committee on Ways and Means.

By Mr. BAILEY:

H. Con. Res. 397. Concurrent resolution to require compliance with section 901, Public Law 858, 74th Congress (46 U.S.C. 1241); to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL:

H.R. 9364. A bill for the relief of Robert Winthrop Eric Bottlang; to the Committee on the Judiciary.

H.R. 9365. A bill for the relief of Ricardo G. Mangaccat; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 9366. A bill to provide for the free entry of a spectrometer for the use of Stanford University, Stanford, Calif., to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 9367. A bill for the relief of Scheindli Racy Schrage; to the Committee on the Judiciary.

By Mr. KOWALSKI:

H.R. 9368. A bill for the relief of Henry Charles Okulicz; to the Committee on the Judiciary.

By Mr. SCHADEBERG:

H.R. 9369. A bill for the relief of Linda Sue Wentler, also known as Cecilia Sagrede Bent; to the Committee on the Judiciary.

By Mr. WICKERSHAM:

H.R. 9370. A bill for the relief of certain applicants for resettlement reimbursement; to the Committee on the Judiciary.

SENATE

THURSDAY, SEPTEMBER 21, 1961

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, in this hour of the world's deep distress day by day we turn to Thee, mindful of our insufficiency. We are but broken reeds, lashed by wild winds that mock our boasting pride uttered in days of calm. Thine alone, O Lord, is the greatness and the power and the glory and the victory.

In this testing decade of human destiny, deepen in us the sense of surpassing opportunity and of glorious mission to do our full part in averting a global catastrophe as our willful world is given this one last chance.

Hear our prayer: America, America, God mend thine every flaw.

Grant that our hearts may be shrines of prayer, and our free Nation a bulwark for the oppressed, a flaming beacon of hope whose beams shall battle the darkness in all the world. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, September 20, 1961, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

LIMITATION ON DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour for the transaction of routine business. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

ANNOUNCEMENT OF JOINT MEETING TO RECEIVE THE PRESIDENT OF PERU

Mr. MANSFIELD. Mr. President, I wish to announce that the Senate will leave its Chamber not later than 12:14, to join the House of Representatives in their Hall, to attend a joint meeting to receive the President of Peru, the Honorable Manuel Prado.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on Public Works was authorized to meet during the session of the Senate today.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance:

Peter W. Princi, of Massachusetts, to be collector of customs for customs collection district No. 4, with headquarters at Boston, Mass.; and

D. Patrick Ahern, of California, to be collector of customs for customs collection district No. 27, with headquarters at Los Angeles, Calif.

By Mr. ROBERTSON, from the Committee on Banking and Currency:

Manuel Frederick Cohen, of Maryland, to be a member of the Securities and Exchange Commission; and

Jack Melville Whitney II, of Illinois, to be a member of the Securities and Exchange Commission.

By Mr. MAGNUSON, from the Committee on Commerce:

Charles Robert Ross, of Vermont, to be a member of the Federal Power Commission; and

Hundson M. Cooper and sundry other persons to be chief warrant officers in the U.S. Coast Guard.

The VICE PRESIDENT. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

U.S. CIRCUIT JUDGES

The Chief Clerk proceeded to read sundry nominations of U.S. circuit judges.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. KEATING. Mr. President, I wish to make a statement in regard to the confirmation by the Senate of the nomination of Irving R. Kaufman, of New York, to be U.S. circuit judge for the second circuit. Judge Kaufman has had a distinguished career as a Federal trial judge and in other public service as well as private practice. He is a scholarly, impartial, and courageous figure and his elevation to the U.S. Court of Appeals is well warranted. I am delighted with his nomination and pleased at the prompt manner in which the Senate is acting.

The U.S. Court of Appeals for the Second Circuit is one of the busiest and most important in the Nation. It has a tradition of excellence which Judge Kaufman's appointment will serve to enhance.

I support Judge Kaufman's confirmation enthusiastically and am confident that he will continue to make an outstanding contribution to the work of the judicial branch in his new post.

Mr. MANSFIELD. Mr. President, I believe the RECORD should show that the Senator from New York is in favor of the action of the Senate in confirming the nomination of the New York nominee to be a U.S. circuit judge.

Mr. KEATING. Yes, very definitely.

U.S. ATTORNEYS

The Chief Clerk proceeded to read sundry nominations of U.S. attorneys.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. DISTRICT JUDGES

The Chief Clerk proceeded to read sundry nominations of U.S. district judges.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc.

Mr. SCOTT. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. Yes, indeed.

Mr. SCOTT. In the absence of my senior colleague [Mr. CLARK], who is unavoidably absent, on official business, I should like to make a statement which I know he would wish to make; and therefore I make it in behalf of both himself and myself. Both of us are in approval of the nomination of Mr. Alfred L. Luongo to be U.S. district judge for the eastern district of Pennsylvania.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to these nominations of U.S. district judges? Without objection, they are confirmed en bloc.

Mr. KEATING. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. KEATING. I should like to express, on the RECORD, my views in regard to the U.S. district judges in New York.

John F. Dooling, Jr., was rated by the American Bar Association's Standing Committee on Federal Judiciary as exceptionally well qualified. This is a rating reserved for only the most outstanding members of the bar available for judicial service. It is a great tribute to the skill and standing of any lawyer to be judged in such high terms by this important ABA committee.

Mr. Dooling is a member of the law firm of Sullivan & Cromwell in New York City in charge of their litigation group. He has had extensive experience in antitrust, tax and other Federal practice. I know that it will involve a substantial financial sacrifice for him to accept service on the Federal bench. We should all be grateful that lawyers of his competence and achievements are willing to join the ranks of the judiciary.

In my opinion, Mr. Dooling will make a very important contribution to the administration of justice in this country in the years ahead. I am very pleased at his prompt approval by the Senate Committee on the Judiciary and his confirmation by the Senate.

Mr. Thomas F. Croake also is a very able nominee. He has had judicial experience as a county judge in New York for 6 years. He has also engaged extensively in the private practice of law for many years, specializing in litigation. He has been rated "well qualified" by the Standing Committee on the Federal Judiciary of the American Bar Association. I am pleased to say that he was originally recommended for appointment by the Westchester County Bar Association as a result of a request Senator JAVITS and I made to all of the bar associations in New York for the names of the best qualified lawyers in their areas for appointment to the Federal courts.

I am confident that Judge Croake will serve on the Federal district court with distinction and I am pleased to have an opportunity to speak in his behalf.

U.S. AMBASSADOR

The Chief Clerk read the nomination of Charles W. Cole, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Chile.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

U.S. REGULAR AIR FORCE

The Chief Clerk proceeded to read sundry nominations in the U.S. Regular Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. AIR FORCE

The Chief Clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

THE NAVY AND THE MARINE CORPS

The Chief Clerk proceeded to read sundry nominations in the Navy and in the Marine Corps, which had been received by the Senate, and appeared in the CONGRESSIONAL RECORD on September 8, 1961; and sundry nominations in the Navy, which had been received by the Senate, and appeared in the CONGRESSIONAL RECORD on September 18, 1961, all of which had been placed on the Secretary's desk.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of all these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, it was my intention to suggest the absence of a quorum. I think I should notify the membership that I intend to do so at 10 minutes after the hour. Meantime, I am glad to yield, to permit any Members who desire to do so to have an opportunity to be recognized and to be heard.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communications and letters, which were referred as indicated:

DEVELOPMENT PROGRAM FOR NATIONAL FORESTS—MESSAGE FROM THE PRESIDENT

A communication from the President of the United States, transmitting a report prepared by the Department of Agriculture setting forth a development program for national forests (with an accompanying report); to the Committee on Agriculture and Forestry.

PROPOSED SUPPLEMENTAL APPROPRIATION, NATIONAL AERONAUTICS AND SPACE COUNCIL (S. Doc. No. 55)

A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1962, in the amount of $225,000 for the National Aeronautics and Space Council (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PROPOSED SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1962 (S. Doc. No. 54)

A communication from the President of the United States, transmitting proposed supplemental appropriations for the fiscal year 1962 in the amount of $15 million for Disaster Relief, $30 million for the Small Business Administration, $5 million for the Corps of Engineers, and $5 million for the Department of Agriculture (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

PROPOSED SUPPLEMENTAL APPROPRIATION TO PAY CLAIMS AND JUDGMENTS RENDERED AGAINST THE UNITED STATES (S. Doc. No. 56)

A communication from the President of the United States, transmitting a proposed supplemental appropriation to pay claims and judgments rendered against the United States, as provided by various laws, in the amount of $16,099,744, together with such amounts as may be necessary to pay indefinite interest and costs (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

PLANS FOR WORKS OF IMPROVEMENT IN VARIOUS STATES

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Escondido Creek, Calif., Upper Quaboag River, Mass., Gering Valley, Nebr., Gum Neck, N.C., Wagon Creek, Okla., Pine Creek, Tenn., and Northeast Tributaries of the Leon River, Tex. (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Veterans Administration for "Readjustment Benefits," for the fiscal year 1962, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

NOTICE OF PROPOSED DISPOSITION OF CERTAIN COBALT OXIDES AND COBALT CARBONATES

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a notice to be published in the Federal Register of a proposed disposition of approximately 265,000 pounds of cobalt oxides and approximately 5,500 pounds of cobalt carbonates (with an accompanying paper); to the Committee on Armed Services.

REPORT ON SPECIAL PERSONNEL PROBLEMS IN FEDERAL AVIATION AGENCY — PROPOSED LEGISLATION

A letter from the Administrator, Federal Aviation Agency, Washington, D.C., transmitting, pursuant to law, a report on special personnel problems in that Agency, together with a draft of proposed legislation to add a new title XVI to the Federal Aviation Act of 1958, in order to provide for a Federal

Aviation Service for air traffic control and other essential services and to provide for the availability and responsiveness of that service in time of war or emergency involving national defense, and for other purposes (with accompanying papers); to the Committee on Commerce.

REPORT ON ARBUCKLE PROJECT, OKLAHOMA (H. DOC. NO. 242)

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the Arbuckle Project, Oklahoma, a multipurpose water resource development on Rock Creek, tributary to the Washita River, in the Red River Basin, Okla. (with an accompanying report); to the Committee on Interior and Insular Affairs.

REVISION OF BOUNDARY OF DINOSAUR NATIONAL MONUMENT, UTAH

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to revise the boundary of Dinosaur National Monument, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

PLAN FOR WORKS OF IMPROVEMENT IN STATE OF MONTANA

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, a plan for works of improvement on Box Elder Creek, Mont. (with accompanying papers); to the Committee on Public Works.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report of the Archivist of the United States on a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. JOHNSTON and Mr. CARLSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the McAlexander Chapter, Reserve Officers Association of the United States, Corvallis, Oreg., relating to false statements regarding civil defense; to the Committee on Armed Services.

A resolution adopted at the annual meeting of the National Council of Lithuanian American Community, in New York City, N.Y., pledging their support to the President and the Congress in their fight against the menace of international communism; to the Committee on Foreign Relations.

LEGALIZED EAVESDROPPING IN STATE OF NEW YORK—RESOLUTION

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the annual conference of the New York State Sheriffs' Association.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas in the State of New York eavesdropping by law enforcement officers is permissible under the statutes of this State under certain conditions; and

Whereas the Federal courts of this Nation have cast doubt upon the right of law enforcement officers to legally operate under the statutes of this State by eavesdropping; and

Whereas this seriously impedes those charged with the duty of enforcing the law of this State and, at time, nullifies their efforts in attempting to do so: Now, therefore, be it

Resolved, That this association again go on record as favoring legalized eavesdropping under the statutes of the State of New York; and be it further

Resolved, That copies of this resolution be sent to U.S. Senators KENNETH B. KEATING and JACOB K. JAVITS as a record of the action taken here today.

Dated August 10, 1961, at Schroon Lake, N.Y.

NEW YORK STATE SHERIFFS' ASSOCIATION,
FRANK L. GAVEL,
JAMES L. EMERY,
CLAUDE VAN WIE,
PHILLIP T. THOMAS,
SARTO C. MAJOR,
Resolutions Committee.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Post Office and Civil Service, without amendment:

H.R. 7890. An act to authorize the Postmaster General to dispose of certain land, and for other purposes (Rept. No. 1099).

By Mr. BYRD of Virginia, from the Committee on Finance, without amendment:

H.R. 8876. An act to amend the Internal Revenue Code of 1954 to permit the use of identifying numbers (Rept. No. 1102).

By Mr. BYRD of Virginia, from the Committee on Finance, with amendments:

S. Res. 206. Resolution directing the Tariff Commission to make further studies on lead, zinc, and certain other minerals and report to the Senate thereon (Rept. No. 1103).

By Mr. McCARTHY, from the Committee on Finance, without amendment:

H.R. 8652. An act relating to the income tax treatment of certain losses sustained in converting from street railway to bus operations (Rept. No. 1101).

By Mr. KERR, from the Committee on Public Works, without amendment:

H.R. 3019. An act to provide for the construction of a fireproof annex building for use of the Government Printing Office, and for other purposes (Rept. No. 1104).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

H.R. 5751. An act to amend the Subversive Activities Control Act of 1950 so as to provide for notification that the U.S. mails may contain Communist propaganda introduced into the United States from abroad, and for other purposse (Rept. No. 1105).

By Mr. KERR, from the Committee on Finance, with additional amendments:

S. 1747. A bill to stabilize the mining of lead and zinc in the United States, and for other purposes (Rept. No. 1106).

AMENDMENT OF INTERNAL REVENUE CODE RELATING TO DISTRIBUTION OF CERTAIN STOCK—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 1100)

Mr. BYRD of Virginia. Mr. President, from the Committee on Finance, I report favorably, without amendment, the bill (H.R. 8847) to amend the Internal Revenue Code of 1954 so as to provide that a distribution of stock made to an individual—or certain corporations—pursuant to an order enforcing the antitrust laws shall not be treated as a dividend distribution but shall be treated as a return of capital; and to provide that the amount of such a distribution made to a corporation shall be the fair market value of the distribution, and I submit a report thereon. I ask that the report, together with the minority views of the Senator from Illinois [Mr. DOUGLAS] and the Senator from Tennessee [Mr. GORE], be printed.

The VICE PRESIDENT. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Virginia.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated September 5, 1961, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSTON (by request):

S. 2587. A bill to amend title 39, United States Code, relating to official correspondence of Vice President and Members of Congress, and for other purposes;

S. 2588. A bill to amend section 4369 of title 39, United States Code, and for other purposes;

S. 2589. A bill to provide for the payment of compensation and restoration of employment benefits to certain Federal officers and employees improperly deprived thereof, and for other purposes;

S. 2590. A bill to amend title 39 of the United States Code to provide for restoration of salary to postmasters in post offices of the fourth class in certain cases;

S. 2591. A bill to amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States; and

S. 2592. A bill to amend section 7 of the Administrative Expenses Act of 1946, as amended; to the Committee on Post Office and Civil Service.

By Mr. BARTLETT (by request):

S. 2593. A bill to improve and encourage collective bargaining between the management of the Alaska Railroad and representatives of its employees, and to permit to the extent practicable the adoption by the Alaska Railroad of the personnel policies and practices of the railroad industry; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. BARTLETT when he introduced the above bill, which appear under a separate heading.)

By Mr. FONG:

S. 2594. A bill for the relief of Mrs. Edith Kiaer; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 2595. A bill to withdraw Federal support and approval from apprenticeship programs which deny individuals an equal opportunity

to participate therein on account of their race, color, or creed; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. WILLIAMS of New Jersey:

S. 2596. A bill to authorize the Administrator of General Services to dispose of the property known as Ellis Island; to the Committee on Government Operations.

S. 2597. A bill for the relief of Sadegh Ghotb Esfehani; to the Committee on the Judiciary.

S. 2598. A bill for the relief of the city of Asbury Park, N.J.; to the Committee on Public Works.

(See the remarks of Mr. WILLIAMS of New Jersey when he introduced the first above-mentioned bill, which appear under a separate heading.)

By Mr. MONRONEY (for himself and Mr. MAGNUSON) (by request):

S. 2599. A bill to add a new title XVI to the Federal Aviation Act of 1958, in order to provide for a Federal Aviation Service for air traffic control and other essential services and to provide for the availability and responsiveness of that service in time of war or emergency involving national defense, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. MONRONEY when he introduced the above bill, which appear under a separate heading.)

RESOLUTION

TO PRINT "THE COMMUNIST PARTY LINE" AS A SENATE DOCUMENT

Mr. EASTLAND submitted the following resolution (S. Res. 218); which was referred to the Committee on Rules and Administration:

Resolved, That the document entitled "The Communist Party Line" prepared by J. Edgar Hoover for the Senate Internal Security Subcommittee be printed as a Senate document and that fifty thousand additional copies be printed for the use of the Committee on the Judiciary and that one hundred and three thousand additional copies be printed for the use of the Senate.

LABOR AGREEMENTS ON THE ALASKA RAILROAD

Mr. BARTLETT. Mr. President, I send to the desk for appropriate reference a bill to improve and encourage collective bargaining on the Alaska Railroad.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2593) to improve and encourage collective bargaining between the management of the Alaska Railroad and representatives of its employees, and to permit to the extent practicable the adoption by the Alaska Railroad of the personnel policies and practices of the railroad industry, introduced by Mr. BARTLETT, by request, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

Mr. BARTLETT. Mr. President, the Alaska Railroad, federally owned, and operated as an agency of the Department of the Interior, has for more than 30 years followed the practice of commercial rail carriers in labor-management relations. Bargaining agreements have been negotiated with union representatives under the authority of the railroad's enabling act—48 U.S.C. 30—see appendix A for an article from the Monthly Labor Review for May 1961, describing current agreements. At various times these agreements have been approved by the Department of the Interior.

Employees organizations which represent Alaska Railroad employees today include the following:

Brotherhood of Locomotive Firemen and Enginemen.

Brotherhood of Railroad Trainmen.

American Train Dispatchers Association.

Brotherhood Railway Carmen of America.

Order of Railroad Telegraphers.

International Association of Machinists.

International Brotherhood of Boilermakers and Blacksmiths.

American Federation of Government Employees.

The bargaining agreements which have long regulated employee relations at the Alaska Railroad incorporate a seniority system patterned after those traditionally used in the railroad industry.

In 1945 and 1946 the Alaska Railroad experienced somewhat of a crisis in its labor relations. The civil service procedures in the Veterans' Preference Act of 1944 were not placed in effect on the railroad when the law was passed because there was some doubt as to their applicability. To have applied these procedures would have required the effective destruction of the employment system which had long been found desirable both by railroad management and employees. Special investigators from the Department of the Interior were sent to Alaska to review employment practices. A personnel director was hired in 1946—the first on the railroad—and it was decided that all labor agreements then in force would be reviewed to ascertain their conformity with law and their effect on labor relations.

The personnel director of the Alaska Railroad spent months renegotiating the agreements. When this was accomplished they were sent to the Office of the Secretary of the Interior for departmental approval. At the Office of the Secretary doubts were expressed as to the legality of some of the agreement provisions. These provisions were accordingly referred to the Office of the Solicitor in December 1946. Departmental attorneys spent months in legal research and met with representatives of employees in Washington.

Apparently all legal doubts were satisfied because the agreements, with some negotiated modifications, were finally approved by the Department in 1950, after 4 years of study. Most of the agreements were approved over the signature of Secretary Oscar Chapman. All contained seniority rules patterned after the system of private railroads. None included the retention point rules of the Civil Service Commission.

VETERANS' PREFERENCE PROBLEMS: 1954

In 1954, a regional official of the Civil Service Commission wrote to the General Manager of the railroad and called to his attention the fact that the Alaska Railroad was not observing the civil service procedures of the Veterans' Preference Act. The General Manager made a lengthy reply which resulted in the referral of the entire problem to Washington—to the Civil Service Commission by its regional officials, and to the Department by the General Manager of the railroad.

In May 1954, Mr. L. V. Meloy, Chief Law Officer, Civil Service Commission, informally gave to Mr. Guy Numbers, then Personnel Director for the Department of the Interior, a legal memorandum—appendix B—which came to the conclusion that the Alaska Railroad was covered by the provisions of the Veterans' Preference Act.

On July 2, 1954, Mr. Frank Kalbaugh, then General Manager of the railroad submitted an extended analysis of the entire problem—appendix C—to the Director of the Office of Territories. On July 19 Mr. Kalbaugh's letter and memorandum were submitted to the Director of Personnel of the Department by the Director of the Office of Territories. The Personnel Director was asked in this memorandum to "use the information presented in such manner as to preserve the essential features of the seniority system on the Alaska Railroad."

During the period there were several meetings on the matter of the Veterans' Preference Act with officials of the Civil Service Commission. These officials showed understanding of the railroad's problem and the chief law officer of the Commission recommended that the problem be referred to the Attorney General. The Civil Service Commission could not decide that the Alaska Railroad was not covered by veterans' preference, but it was thought that the Attorney General might be able to reach such a conclusion.

The Alaska Railroad records do not show what happened to this recommendation. Out of these events, however, came a general understanding on an informal basis with the Civil Service Commission, that Commission officials would only act with respect to the Alaska Railroad on Veterans' Preference Act problems when actual cases were submitted.

During all these years only one Alaska Railroad veteran's case was ever filed and decided. This involved an official of the railroad and the case was decided under the Veterans' Preference Act.

VETERANS' PREFERENCE PROBLEMS IN 1959

This situation continued until 1959 when a veteran's preference claim brought by Mr. Winford Pederson revived the entire veterans' preference question. In the previous 15 years since the Veterans' Preference Act was passed, not a single veteran's preference case was brought by any Alaska Railroad employee covered by a labor agreement. Pederson, however, won his case and several additional cases have since been filed.

One of these cases was the Brown case, now being handled on appeal by the railroad to the Civil Service Commission. Brown was a veteran and made a claim

as a veteran. But his claim was decided as a nonveteran. The Brown case caused the General Manager to conclude that the railroad was now faced with claims both from veterans and nonveterans, that the situation of labor agreements which were in conflict with civil service procedures had become intolerable, and that the railroad must either have legislative relief or must install the civil service system. In the latter event the railroad would have to inform the employees that it could no longer observe those rules of the labor agreement which conflict with mandatory civil service procedures.

LEGISLATIVE PROPOSALS

The Alaska Railroad has had annual exemptions from competitive civil service procedures on the grounds that Congress was considering legislation which would exempt the Alaska Railroad from the competitive service and would modify the applicability of the Veterans' Preference Act. The proposed railroad incorporation bill would have done this. It was cleared during the previous administration through the Department and through the Bureau of the Budget and with other interested governmental agencies. It is noteworthy that the Civil Service Commission itself, with respect to the proposed incorporation bill, did not oppose the modifications of veteran's preference and civil service procedure which the incorporation bill contained.

Since January 20 an incorporation bill for the Alaska Railroad has been made a part of the Department's legislative program. A revised bill has been submitted to the Department's legislative counsel with provisions which modify veterans preference and civil service requirements.

THE ALASKA RAILROAD PERSONNEL BILL

The heart of this personnel bill is not exemption from veterans preference, but a provision which grants employees, including veterans, the right to choose, through negotiation, whether they wish to keep their present seniority system, or wish to abandon it in favor of civil service procedures applicable both to veterans and nonveterans.

Both the local unions in Anchorage and the national officers of these unions in Washington are strongly in favor of the principle—though not necessarily the language—of the personnel bill in question—see appendix D. In addition, the Railway Labor Executives Association has also endorsed the bill.

It should be reemphasized that no one desires to exclude Alaska Railroad employees from the Veterans' Preference Act. It is felt, however, that employees of the railroad who are working under labor agreements should have the opportunity to make a legal choice between the seniority system of the currently effective agreements or the civil service procedures applicable to veterans and those applicable to nonveterans. If this is impossible there seems to be no alternative but a 100-percent compliance with civil service procedures, even though this means violation of a great many of the currently effective labor agreement rules.

The Alaska Railroad personnel bill, in support of which this memorandum is submitted, would not change the employment practices which have long been effective at the Alaska Railroad. Nor would the bill grant nonveteran employment prerogatives to the management of the railroad beyond the scope of collective-bargaining agreements.

The only provisions of the Veterans' Preference Act in direct collision with bargaining relationships at the railroad are those which give special rights to veterans in employment retention and seniority. These provisions give one class of employees—veterans—a competitive advantage over all others in the railroad practice of "bidding" for jobs and "bumping" incumbents. On-the-job seniority must control the rights of various employees in the system if these contractual employment rights are to operate fairly.

Under veterans preference provisions, individuals with long years of railroad service would be prevented from bidding against jobs held by preferred employees with shorter terms of service. Employees who have earned the privilege of serving in favorable positions through long years of service would be denied the rights which they justly deserve. This result is shown as particularly unjust when one recalls that many of these railroaders were actually frozen in their employment during World War II and prevented from serving in the uniformed service.

The Alaska Railroad personnel bill cannot fairly be considered an attack on the Federal employment rights of veterans. This memorandum has attempted to describe the unique problems which exist on the Alaska Railroad; problems which the bill would solve. Its provisions would only reach those provisions of the Veterans' Preference Act of 1944 which are inappropriate to the special circumstances at the Alaska Railroad. The railroad, as a Federal agency, would continue to be bound by all provisions of the law—including preference in initial hire—which are not in conflict with bargaining agreements.

In view of this, and in view of the obligation of the Government to deal fairly with its railroad employees who have relied on bargaining agreements for employment security, it is contended that early enactment of the bill is essential.

I ask unanimous consent that sundry material related to my statement be printed at this point in the RECORD.

There being no objection, the sundry material was ordered to be printed in the RECORD, as follows:

APPENDIX A

[From Monthly Labor Review, May 1961]

THE GOVERNMENT AND BARGAINING ON THE ALASKA RAILROAD

(By Edwin M. Fitch)

On February 20, 1961, the Secretary of the Interior approved a basic labor agreement covering the train and engine service employees of the Alaska Railroad which expanded the framework of bargaining relationships with trade unions on the railroad. The agreement was reached in the fall of 1960 in Anchorage, Alaska, by officials of the Alaska Railroad, which is Government owned, and representatives of the Brotherhood of Railroad Trainmen and the Brotherhood of Locomotive Firemen and Enginemen. Its provisions deal with a wide range of collective-bargaining principles and procedures extending from union recognition and the obligation to bargain to what amounts to compulsory arbitration of disputes over wage rates and related wage rules.

The arbitration provisions go beyond the requirements placed on private railroads and their employees by the Railway Labor Act. Under the permissive labor-relations policies of the Department of the Interior, the railroad has agreed to arbitrate wage disputes and to be bound by the arbitration award, subject to the approval of the Secretary of the Interior, who would disapprove the award only if he found it definitely contrary to the public interest. Under the Railway Labor Act, applicable to private railroads, but not to the Alaska Railroad, disputes over the making or amending of agreements may be arbitrated, but only by the mutual consent of the parties. Failing arbitration, major disputes over wages or changes in working rules may be referred to an emergency board, which can only recommend settlement terms.

Train and engine service employees on the Alaska Railroad have settled disputes over the interpretation of agreements through an ad hoc adjustment board procedure for several years. The new labor agreement also adds disputes over the application of railroad operating rules to those previously referred to adjustment boards. These operating rules are issued unilaterally by management and cover a wide range of subjects such as use of time tables and watches, signaling, flagging rules, train orders, and safety rules. But an employee who is disciplined or discharged because of alleged violation of these rules may now, after he has exhausted the prescribed appeals procedure, secure an adjustment board ruling on whether the penalty is justified. Although such disputes previously were subject to investigation and hearing, the railroad had not been willing to submit them for decision by an adjustment board.

BACKGROUND OF THE AGREEMENT

The agreement of 1961 is but the last in a series of labor agreements between the Alaska Railroad and the unions involved, which began in 1920,[1] 3 years before the completion of the Alaska Railroad. It is probable that no other agency of the Federal Government has so long a history of making and maintaining written labor agreements; in fact, few agencies have such agreements. The Alaska Railroad, on the other hand, has consistently sought to adapt, within the framework of Federal law applicable to annual leave, workmen's compensation, and other fringe benefits, the personnel rules and practices of private railroads, including organized relationships with trade unions which are representative of its employees.

After many years of dealing with trade unions, the Alaska Railroad drew up a formal labor policy statement in 1947.[2] An attempt to secure employee assent to this policy failed; a bitter wage dispute was in process at the time. The dispute was occasioned by the application, through rulings of the Comptroller General, of the 1945 Federal Pay Act. The railroad was thus confronted with the possibility of double wage increases, one arrived at by negotiation and the other dictated by Federal statute. The adoption of a formal labor policy after the dispute had extended over many months represented an attempt to pave the way for reliance upon collective bargaining insofar

[1] Rules and Rates of Pay for Locomotive Engineers, Conductors, Firemen and Brakemen, Alaska Railroad Agreement of April 1, 1920.

[2] Labor policy statement of the Alaska Railroad, Anchorage, Alaska, approved June 3, 1947, by the Secretary of the Interior.

as wage increases were concerned. In the somewhat heated atmosphere of the time, agreement was impossible, and the railroad issued the labor policy statement unilaterally. Railroad officials adhered to all of its provisions except those on the mediation and arbitration of disputes, which required union assent.

The 1947 policy was worked out and written by the late Otto S. Beyer, who had had long experience in railroad labor problems, including membership in the National Mediation Board and service as Director of Personnel Relations for the Federal Coordinator of Transportation and for the Office of Defense Transportation. After World War II, Mr. Beyer became a consultant to the Department of the Interior and was sent to Alaska to recommend improvements in labor policy. He formulated the Alaska Railroad's labor policy and also prepared a similar policy for the Department of the Interior as a whole, which was adopted in 1948.[3] The departmental policy applied only to ungraded employees, whose wages are determined, not by act of Congress, but by administrative decision, and excluded those under the Classification Act.

A new labor policy was issued in January 1959,[4] which accorded representation rights to classified employees if they so desire, and established a right of conference between representatives of employees and management on problems of mutual interest. The sections on collective bargaining, written agreements, and the settlement of disputes covered only the ungraded employees to whom the 1948 departmental policy applied. Once these employees had established their rights to trade union representation, the several agencies of the Department were required to negotiate a basic labor agreement with the unions. These basic agreements were to cover broad principles and procedures for the conduct of union-management relations and could not be effective without approval by the Secretary. Agreements covering wages and working rules were designated "Supplementary labor agreements." Once signed by the head of the departmental agency, they become effective without secretarial approval.

The basic labor agreement, approved in February 1961 by the Secretary of the Interior for the Alaska Railroad, was negotiated under the requirements of the Department's 1959 labor policy as outlined. Its provisions on union representation and collective bargaining follow much the same pattern as was prescribed in the Alaska Railroad's 1947 policy statement. The principles governing grievance procedure and labor-management cooperation also follow previously adopted practices. The sections covering wage policy and the settlement of disputes are, as previously indicated, without precedent.

WAGE POLICY

For a decade, the Alaska Railroad and its unions have negotiated wage rates on a pattern of Northern Pacific Railway wage rates by occupation plus a differential to fairly reflect the higher price level of the railbelt[5] in Alaska. At each negotiation, however, the parties were free to argue for the adoption of different wage principles.

The new basic agreement translates this customary policy into a relatively permanent requirement, subject to alteration only through a renegotiatiton of the basic agreement itself. This represents a somewhat more formidable process than negotiating a change in supplementary agreements. A major reason for adopting Northern Pacific wages plus a cost-of-living differential stems from the recent addition of Anchorage and Fairbanks to the cities surveyed in the Bureau of Labor Statistics consumer price program. Comparative price levels in these cities and Seattle, Wash., are scheduled for first publication this summer. This will remove the previous uncertainty in Alaska Railroad negotiations relating to cost-of-living differentials, since the parties to the basic agreement have agreed to be bound by the consumer price differentials between Seattle and the Alaskan cities as determined by the Bureau of Labor Statistics.

Under the formula agreed upon, changes in the cost-of-living differential will not be made each time the consumer price differtial changes, but will be made when wage adjustments on the Northern Pacific are added to Alaska Railroad wage rates, as provided by the agreement. As a result, Alaska Railroad train and engine service pay rates will always equal prevailing Northern Pacific rates plus a percentage of these rates equal to the consumer price differentials between Seattle and Anchorage and Fairbanks. A combination of the Anchorage and Fairbanks differentials, weighted by the number of employees in each area, will be used. At present, operating employees' pay rates on the Alaska Railroad exceed comparable Northern Pacific rates by 37 percent.

ADJUSTMENT BOARD PROCEDURE

As previously mentioned, the basic agreement provides an adjustment board procedure for the settlement of disputes over the interpretation of labor agreements or the railroad's operating rules. Such grievances must first be handled according to the appeals procedures in effect, including a final appeal to the general manager of the railroad. If not then settled, they are referred to an ad hoc board of adjustment composed of one representative selected by the railroad, one selected by the union, and a third by agreement between the parties (or, failing agreement, the neutral member will be selected by the parties from a list of neutrals obtained from the National Mediation Board). A new step—akin to mediation but without a mediator—has been added in an attempt to minimize the number of cases actually heard by an adjustment board. For 30 days after the general manager's final decision in a given dispute, the union agrees not to request submission of the case to an adjustment board, but may ask that it be submitted to a factfinding board composed of three representatives of the railroad and three of the union. This board will decide whether the case should be submitted to an adjustment board. If the parties fail to agree, the case is automatically subject to adjustment board procedure. On cases submitted to a board of adjustment, hearings will be held and an award made which will be final and binding unless disapproved by the Secretary of the Interior within 30 days after submission to his office.

ARBITRATION OF WAGE RATES OR WAGE RULES

The agreement to arbitrate wage and wage-rule disputes does not provide for an intermediate appeals procedure. If, in any given wage negotiation, the parties are unable to agree, the dispute must be submitted to a board of arbitration. As in the case of an adjustment board, each party selects its representative. But the neutral member must be picked from a list of available neutrals selected from lists maintained by the National Mediation Board.

Prior to arbitration of a given dispute, the basic agreement requires the making of an arbitration agreement which must cover the matters customarily included in such agreements in the private railroad industry. There must be a clear and specific statement of the question to be arbitrated. A written record of the arbitration hearing must be maintained. The agreement must contain time limits for the appointment of the arbitration board, the holding of hearings, and the making of a final decision. Like an adjustment board decision, an arbitration award becomes final and binding unless disapproved by the Secretary of the Interior within 30 days of the receipt of the award in his office.

Each party compensates its own board member. The railroad pays the fee of the neutral, but his expenses are shared equally by the railroad and the union party to the dispute.

The wage policy provisions of the basic labor agreement which have been described are so automatic that it is unlikely any dispute as to wage rates will be referred to arbitration. Wage rules, often as important as the rates themselves, are another matter, however. Future disputes as to these will certainly be referred to an arbitration board if they are not resolved through negotiation.

The rarity of labor relations on an organized basis in the Federal Government lends importance to such agreements as this. Here there is little room for negotiation on many matters covered by labor agreements in private industry (leave, holidays, pay, pension rights, etc.), since they are fixed by Federal law. Furthermore, Federal law and regulation is always paramount. This still leaves a variety of subjects which are appropriate for collective bargaining. The Alaska Railroad has demonstrated by its long history of union relationships that some collective bargaining practices of private industry are adaptable to the Federal Government. This does not, of course, mean that the Alaska Railroad has surmounted all the problems of employee relations any more than is true of private employers. But the basic labor agreement represents the latest and perhaps the most important step taken by the railroad and its unions in establishing a collective bargaining framework.

APPENDIX B

CL:JCW:pb:aeo
April 19, 1954

Mr. C. D. Hertzog.
L. V. Meloy.

Applicability of the Veterans' Preference Act of 1944, as amended, particularly sections 12 and 14, to the Alaska Railroad.

Reference: Attached file of the 11th Civil Service Region.

The file of this matter was transmitted from the regional office of the Bureau of Field Operations for consideration and negotiation, as appropriate, with the office of the Secretary of the Interior and in turn referred to this office for consideration and a decision regarding the subject.

It appears that the regional office communicated with the Alaska Railroad by letter of March 3, 1944 concerning reports of veterans that the agency had been ignoring the provisions of sections 12 and 14 of the Veterans' Preference Act. These reports were confirmed in effect by a letter dated March 12, 1954, and enclosures, of the General Manager of the Alaska Railroad to the region. A number of representations were made in this letter with respect to the position of the agency which are outlined below:

The Alaska Railroad has never followed civil service procedures in hires, terminations, reductions in force, transfers or promotions. Employees are excepted from the Classification Act of 1949 (sec. 202(14)) and the efficiency rating system in title IX of that act (repealed by the Performance Rating Act of 1950) has never been applicable to the agency.

The basic statute under which the Alaska Railroad operates (48 U.S.C. 301, Territory

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[3] Policy memorandum covering general labor relations policy for ungraded employees of the Department of the Interior, approved by the Secretary, January 16, 1948.

[4] "Labor Relations Policies," U.S. Department of the Interior, Washington, D.C., January 1959.

[5] The area served by the Alaska Railroad, extending from Seward and Whittier on the Kenai Peninsula, through Anchorage and Palmer, to Fairbanks in north-central Alaska.

of Alaska, Public utilities, railroads) provides that "The President of the United States is empowered, authorized and directed to use a name by which to designate the railroads and properties to be located or acquired or operated under the authority of sections 301, 302 and 303–308 of this title; to employ such officers, employees or agencies in his discretion as may be necessary to enable him to carry out the purposes of said sections * * *, to make and establish rules and regulations for the control and operation of such railroad or railroads * * * and to make such other contracts as may be necessary to carry out any of the purposes of said sections." Accordingly, the agency has from its inception followed this authority.

Hires, terminations, reductions in force and other personnel matters have been regulated by contracts between the agency and union representatives of employees as on all stateside railroads. Wages, working conditions, grievance procedures, etc., are contained in these written agreements. Unions holding working contracts are, with but one exception, affiliated with labor unions representing all employees or railroads in the States. Rules governing wages, working conditions, hires, terminations, reductions in force and all similar rules in effect on railroads throughout the United States have been adopted for use on the Alaska Railroad and are applied generally in the same manner as on common carriers by railroads in the States. Hires, terminations, reductions in force, etc., are made on a strict seniority basis which does not provide for veterans preference. In reductions in force, employees are given as much advance notice as possible which is not less than five days.

The duties and responsibilities necessary to accomplish the purposes of the act of March 12, 1914, have been vested by Executive order of the President, No. 3861, June 8, 1923, in the Secretary of the Interior and the Secretary by appropriate orders and regulations has delegated the responsibility for operating the railroad to its general manager.

Copies of the Alaska Railroad's "Labor Policy Statement," several "agreements" with unions and a number of "seniority lists naming employees in various positions have been received from the agency for information purposes. The labor policy statement was approved by the Acting Secretary of Interior June 3, 1947. Section 1 refers to the act of 1914 and Executive Order 3861 and provides that "In the accomplishment of these public purposes and in the discharge of their duties and responsibilities, the Secretary of the Interior and the General Manager, officers and supervisors, as well as employees of the railroad must comply with and conform to all Federal laws, Executive orders and regulations." Other sections of the statement mention employment conditions and relations with labor unions. The agreements with unions set forth rules on all phases of employment in the agency while the seniority lists of names of employees indicate the date of seniority and standing.

Positions in the Alaska Railroad have always been excepted from competitive service and regarded to be in schedule A by the Commission. Schedule A, 6.101 (j) currently covers all positions in Alaska. As a result of the Act of March 12, 1914, the Commission communicated with the President of the United States by letter of April 28, 1914 and advised him generally as follows: (1) in the absence of affirmative action by him all positions created under the act would fall within schedule A–1–3, which at that time excepted all positions where appointments were made by the President without the consent of the Senate and (2) by affirmative action on his part the positions could be placed in schedule A–1–9, which at that time covered all positions in Alaska which could not be filled from appropriate civil service registers. The Commission also mentioned a possibility that if he desired to do so, appointments could be made under regular civil service procedures rather than excepted under schedule A. By letter of May 7, 1914, the President advised that insofar as the preliminary work in Alaska was concerned, he considered it desirable that his action in the matter of appointments should be unrestricted. He also stated that he had selected three men to constitute a commission for the preliminary work whom he desired to choose necessary assistants in their discretion. He further stated that the question of the ultimate action to be taken on the positions should be postponed to a later date when the organization was perfected and some progress made on the work. The commission established by the President was subsequently known and referred to as the Alaskan Engineering Commission.

By Executive Order 2129, January 26, 1915, the President directed that the work of the Alaskan Engineering Commission should be performed under the supervision and control of the Department of the Interior, the same as if placed by law under the jurisdiction and control of the Department. Executive Order 3861, June 8, 1923, authorized the Secretary of Interior to operate the railroad or railroads in the Territory of Alaska constructed or acquired under the Act of March 12, 1914 in all respects the same as if the operation had been placed by law under the jurisdiction of the Secretary of Interior. Later, an Order of the Secretary of Interior dated August 15, 1923, changed the designation of the Alaskan Engineering Commission to the Alaska Railroad.

The Alaska Railroad is an arm of the Federal Government and performing Government functions. Its officials and employees are in the Federal Government and subject to Federal laws, as applicable. The Civil Service Commission has always recognized the fact that appointments to positions in the Alaskan Engineering Commission and the Alaska Railroad were excepted and not made in accordance with civil service rules and regulations. It is of no significance insofar as this analysis is concerned that civil service rules and regulations relating to the competitive service and provisions of the Classification Act are not applicable to the Alaska Railroad. This is not unusual in the Federal service. Many other Federal Agencies are likewise excepted from the operation of the Classification Act and Performance Rating Act, but covered under the provisions of the Veterans' Preference Act. On the other hand, the Veterans' Preference Act is not applicable to some agencies covered by these acts. There are other acts concerning Federal civilian personnel, aside from those mentioned, which are both applicable and inapplicable to various departments and agencies including the Alaska Railroad. The applicability of the Veterans' Preference Act to a department or agency is based on other considerations.

It appears to be quite clear that the provisions of the Veterans' Preference Act are applicable to the Alaska Railroad. The purpose of the act which is stated in its title reads "To give * * * preference in employment where Federal funds are disbursed." This broad purpose is set forth in detail in section 2 of the act which refers to the persons covered and provides that: "In certification for appointment, in appointment, in reinstatement, in reemployment, and in retention in civilian positions in all establishments, agencies, bureaus, administrations, projects, and departments of the Government, permanent or temporary, and in either (a) the classified civil service; (b) the unclassified civil service; (c) any temporary or emergency establishment, agency, bureau, administration, project, and department created by acts of Congress or Presidential Executive order; and (d) the civil service of the District of Columbia, preference shall be given * * *." The term "unclassified civil service" in section 2 refers to all positions excepted from the coverage of the Civil Service Act and rules and regulations of the Commission by either statute, Executive order, or by listing the position in schedule A.

Other sections in the act, including sections 12 and 14, define preferences. Sections 11 and 19 of the act authorize the Civil Service Commission to issue regulations for the administration and enforcement of the act. Sections 12 and 14 of the act and regulations of the Commission pursuant thereto in parts 20 and 22, respectively, Federal Personnel Manual, cover preference eligibles serving in either the classified or unclassified service. Part 21 of the Commission's regulations relates to appointments to positions excepted from the competitive service. Section 20 of the act excepts certain positions in the Federal Government from its provisions, but there is no reference to the positions discussed herein of the Alaska Railroad. Incidentally, the broad coverage of the act is indicated by the limited number of exceptions in section 20. It is also pertinent to mention that there has been no other act of Congress specifically excepting the Alaska Railroad from the general coverage of the Veterans' Preference Act.

In 1948 the Commission entertained a Veterans' Preference Act appeal of one Luke H. Lamb, who was terminated from a schedule A–1–1X excepted position as counsel in the Alaska Railroad. Mr. Lamb had been transferred on March 9, 1947, from a competitive position in the Department of Interior to the excepted position. An employment agreement provided for a term of one year of service with the Alaska Railroad and extension or termination of the agreement upon expiration of the term. Prior to the completion of one year of service, Mr. Lamb was terminated summarily. The Commission held that the provisions of section 14 of the Veterans' Preference Act were applicable and that the procedural requirements of the law had been violated. A recommendation was made for the restoration of Mr. Lamb to duty, and he was restored accordingly. Mr. Lamb then brought an action in the U.S. Court of Claims for loss of salary covering the period between the termination and restoration. The decision (90 F. Supp. 369), which was in his favor, constitutes a judicial recognition of the applicability of section 14 of the Veterans' Preference Act and the Commission's regulations pursuant thereto with respect to excepted appointees. The case of *Norden* v. *Royall* (90 F. Supp. 834) also held that section 14 of the Veterans' Preference Act was applicable to an excepted appointment involving a one-year employment agreement.

CONCLUSIONS

Sections 12 and 14 of the Veterans' Preference Act of 1944, as amended, and parts 20 and 22 pursuant thereto of the Commission, which relate to both the classified and unclassified civil service, are applicable to the Alaska Railroad.

Other sections of the Veterans' Preference Act and the Commission's regulations in part 21 relative to appointments to excepted positions are applicable to the Alaska Railroad.

APPENDIX C

U.S. DEPARTMENT OF THE INTERIOR,
THE ALASKA RAILROAD,
Anchorage, Alaska, July 2, 1954.

Mr. WILLIAM C. STRAND,
Director, Office of Territories, Department of the Interior, Washington, D.C.

DEAR MR. STRAND: In a letter to me dated March 3, 1954, Mr. Harold E. Blinn, the Acting Director, 11th U.S. Civil Service Region, Seattle, Wash., stated that he had received

reports that provisions of sections 12 and 14 of the Veterans' Preference Act dealing with employee layoffs and disciplinary discharge have not been observed by the Alaska Railroad.

In my reply of March 12, 1954, to the Acting Regional Director, I described in some detail the position of the Alaska Railroad in this matter. I pointed out that the Alaska Railroad has never followed civil service procedures as to hires, terminations, reductions in force, transfers, or promotions. Its employees are not included under section 202 (7) of the Classification Act but are excepted by section 202(14). The efficiency rating system, which is essential in the retention preference regulations, has never been applicable to the railroad. Title IX, Efficiency Ratings, of the 1949 Classification Act did not include the Alaska Railroad as covered by it.

The Acting Regional Director replied by letter dated March 19, 1954: "Since the practices which you have been following are apparently based upon a labor policy statement issued by the Secretary of the Interior, I feel that the entire question should be considered at the national level. I have, accordingly, referred the entire file to our central office for consideration."

It occurred to me that some additional facts and analysis of veterans' preference problems on the railroad might be of use to you. I am therefore enclosing a memorandum prepared by members of my staff on the subject of "Veterans' Preference and the Seniority System on the Alaska Railroad."

It is urged that the attached memorandum and any additional data that can be furnished be submitted through your office to the appropriate parties in order to insure that our present seniority system remains intact.

This is a matter of grave concern to the Alaska Railroad and its employees and warrants our best efforts to retain our position. Please call on us if we can furnish any additional information.

Sincerely yours,

F. E. KALBAUGH,
General Manager.

U.S. DEPARTMENT
OF THE INTERIOR,
OFFICE OF TERRITORIES,
Washington, D.C., July 19, 1954.

Memorandum

To: Director, Division of Personnel Management.

From: Acting Director, Office of Territories.

Subject: Veterans' Preference and the Seniority System on the Alaska Railroad.

I am submitting herewith two copies of a memorandum on the above subject, together with a copy of the General Manager of the Alaska Railroad's letter of July 2, 1954, transmitting the report to this Office.

Please note that the questions presented by the memorandum are considered to be matters of grave concern by officials of the Alaska Railroad. It is their hope and ours that you can use the information presented in such manner as to preserve the essential features of the seniority system on the Alaska Railroad.

ANTHONY T. LAUSI,
Acting Director.

VETERANS' PREFERENCE AND THE SENIORITY SYSTEM ON THE ALASKA RAILROAD

The basic statute (48 U.S.C. 301), under which the Alaska Railroad operates, provides that—"The President of the United States is empowered, authorized and directed to adopt and use a name by which to designate the railroad or railroads and properties to be located or acquired or operated under the authority of sections 301, 302 and 303–308 of this Title; to employ such officers, agents, or agencies in his discretion as may be necessary to enable him to carry out the purposes of said Sections * * * to build or otherwise acquire docks, wharves, terminal facilities and all structures needed for the operation and equipment of such railroad or railroads * * * to receive compensation for the transportation of passengers and property, and to perform generally all the duties of a common carrier by railroad; to make and establish rules and regulations for the control and operation of such railroad or railroads * * * and to make such contracts as may be necessary to carry out any of the purposes of said Sections."

The Alaska Railroad has been operated as a business-type enterprise, in accordance with this authority, for a period of more than thirty years. Its early officials were largely recruited from railroads in the Pacific Northwest, and it was logical and necessary that these officials should "railroad" in accordance with the customs and practice with which they were familiar. Standard operating rules were adopted with their paramount emphasis on the railroad maxim that "Safety is of the first importance in the discharge of duty."

In its relations with its employees, as in its operating procedures, the Alaska Railroad has attempted to follow the customs and practices of railroad common carriers in the States. In so doing, the attitudes and processes of collective bargaining to determine hours, wages, and working conditions have been followed perhaps to a greater extent than in any other agency of the Federal Government. This emphasis upon organized union relationships has been in accordance with Department of the Interior policy with respect to ungraded employees.

This policy recognizes the right of ungraded employees to join and be represented by unions of their own choosing, and to bargain collectively as to hours, wages, and working conditions. Agreements, once reached, must be reduced to writing, and signed by representatives of management and of the employees. They are subject to the general authority of the Secretary of the Interior to disapprove those provisions not deemed to be in the public interest.

The Department's labor policy was formally issued in memorandum form over the Secretary's signature on January 16, 1948. Its basic principles had already been established in a "Labor Policy Statement of the Alaska Railroad" approved by the Secretary, June 3, 1947.

Both of these statements of policy recognize the obvious fact that no labor agreement can be superior to acts of Congress specifically applicable to the Department of the Interior or any of its agencies.

Hires, terminations, reductions in force, transfers, promotions, and all other personnel matters have been regulated by contracts between the Alaska Railroad and union representatives of all employees, as on stateside railroads. Wages, working conditions, grievance procedures, hearings and investigations, and related matters pertaining thereto are contained in these written agreements. Unions holding working contracts on the Alaska Railroad are, with but two exceptions, affiliated with labor unions representing all employees on railroads in the United States. They are as follows:

Brotherhood of Locomotive Firemen and Enginemen.

Brotherhood of Railroad Trainmen.

Brotherhood of Railway Carmen of America.

Order of Railroad Telegraphers.

Brotherhood of Boilermakers and Blacksmiths.

American Train Dispatchers Association.

International Association of Machinists.

American Federation of Government Employees, AFL.

Alaska Riverboatmen's Union, AFL.

The number of labor agreements with the above unions has increased until at the present time there are nine.

The agreements signed on private railroads with union representatives of their employees have been followed very closely in labor negotiations on the Alaska Railroad. In many instances the wording of particular rules is identical or nearly so with the wording of corresponding rules in stateside railroad agreements. Rules governing layoff and recall and the handling of discharge and discipline cases are good examples of such rules. These rules provide similar treatment as is given some 1,200,000 railroad employees throughout the United States by their employment agreements. Substantially all of our trainmen, enginemen, shopcraft, telegraphers, dispatchers, etc., are recruited from railroads in the States. As railroad employees, and in conformity with our labor contracts with their unions, this is not only the treatment they expect but demand.

The standard layoff or furlough rule in all Alaska Railroad agreements provides that, within seniority-linked occupational groups, reductions in force shall be in reverse order of seniority, and that recalls to service within these same groups shall be in accordance with the seniority of employees on furlough. Seniority rosters are maintained which list the employees within each seniority group in accordance with the date of first employment in that group after qualifying. Thus there are separate seniority rosters for engineers, firemen, conductors, brakemen, etc. No employee has seniority rights except within the occupational group in which he has qualified, has worked, and thus has acquired seniority. In most cases seniority rights to jobs in a given occupation are limited to employees listed on one roster only. There are, however, certain seniority-linked occupations such as firemen and engineers in which engineers will have retention and promotion rights over all junior firemen.

In the main, the veterans' preference accorded on the Alaska Railroad is essentially the same as that provided by law on all private stateside railroads. Thus an employee leaving for military service continues to accumulate seniority during his period of service and, in the event of return to work, retains the same seniority date he had when he left employment for military duty. In the Fishgold case, (*Fishgold* v. *Sullivan Dry Dock & Repair Corp.*, (66 Sup. Ct. 1105 affirming 154 F. (2d) 785, which reversed 62 F. Supp. (25) (N.Y.)), the U.S. Supreme Court affirmed this doctrine as to the seniority rights of veterans. According to the decision:

"Congress recognized in the act the existence of seniority systems and seniority rights. It sought to preserve the veteran's rights under those systems and to protect him against loss under them by reason of his absence. There is indeed no suggestion that Congress sought to sweep aside the seniority system. What it undertook to do was to give the veteran protection within the framework of the seniority system * * *."

Neither the Alaska Railroad nor private railroads object to including military service within an employee's seniority period. They do object—primarily because of the grave danger to safe operations—to any requirements which would replace a non-veteran locomotive engineer with twenty years' experience with a veteran locomotive engineer with one month's experience. Yet this is precisely the kind of action which the doctrine of "super-seniority" would have forced on the railroads of the United States and which a rigid interpretation of the Veterans' Preference Act would force upon the Alaska Railroad.

If in legislation generally applicable to veterans in private industry "there is no suggestion that Congress ought to sweep aside the seniority system," it is just and reasonable to conclude that, in the absence of specific proof to the contrary, Congress

did not intend to "sweep aside the seniority system" for Federal employees for whom such a system has been legally adopted.

The difference between the skills of experienced train and engine service employees is often too intangible to be expressed in precise standards of qualifications. It is obvious that a road brakeman who has just completed his qualifying period should be used in freight service and not in passenger service. But the indispensable difference between the "green" brakeman and the seasoned one is experience. Normally, train and engine service employees spend many years in freight service before they assume the responsibility of passenger runs. The seniority system automatically awards these passenger jobs to the most experienced. At the same time it does not require that such jobs be awarded without regard to qualifications and solely by reason of length of service.

It is not possible to prescribe standards of qualifications which will permit a ready differential between those who can be safely used in passenger service and those who can not. Under the seniority system, the process of promotion is a gradual one. The engineer, on his initial qualification as an engineer, can only be used in extra service or in freight service because his seniority does not entitle him to the more responsible jobs. Under a rigid interpretation of the Veterans' Preference Act, an employee qualified to run a locomotive, even though he has only spent one week doing so, must be retained and a nonveteran of 20 years' running experience must be laid off if there is any question of which of the two can be retained. No railroad can operate safely on such a principle and it is inconceivable that the Congress would force the Alaska Railroad to do so.

It is quite true that in some railroad jobs safety requirements are not so clearly demonstrable as in train and engine service. In some jobs, such as that of train dispatcher, however, an even stronger case can be made. Even in such comparatively unskilled jobs as section laborer, safety standards are all-important. The failure of a "green" section laborer or foreman to detect a broken rail or a defective bridge timber, may mean a serious train wreck. Here again, railroads depend, in large part, upon experience rather than upon attempts to phrase qualifications in such a way as to separate those who might not detect the broken rail or the rotten bridge timber from those who would be able to see these things.

The effect of a rigid application of the Veterans' Preference Act on the operation of the Alaska Railroad would "sweep aside the seniority system" in the same manner that seniority systems in private industries would have been swept aside had not the Supreme Court ruled against the original seniority interpretations of Selective Service officials on veterans' preference legislation applicable to private industry. In addition, such action would adversely affect the safety of operations, would do harm to employee morale, and would increase cost of operations.

In considering these matters it must be borne in mind that fluctuations in employment in a Government enterprise like the Alaska Railroad are sharply different from employment fluctuations in ordinary government operations. Apart from emergency situations such as wars and depressions, changes in the number of Federal personnel in most government agencies are glacial in character as compared to changes on the Alaska Railroad. Alaska Railroad employment responds immediately to seasonal changes. Thus a decline in wintertime employment of around 600 employees is normal to the railroad's operation. In train and engine service, for example, passenger service between Anchorage and Fairbanks is six times weekly in the summer months and only three times weekly in the wintertime. Further, train crews are required for work trains operations in the summertime, whereas work trains do not normally operate during the winter months.

Under such circumstances, six to a dozen train crews of 5 men each, or 30 to 60 train and enginemen must thus be laid off each fall. Work is often found for many of them in other departments of the railroad. At the same time, their layoff and recall as train and enginemen is a normal and regularly recurring feature of work for the Alaska Railroad.

It must also be borne in mind that, almost without exception, every engineer is a promoted fireman with rights on both the engineers' and firemen's rosters, and every conductor is a promoted brakeman with rights on both conductors' and brakemen's rosters. Thus, if 12 crews are laid off, this means the furloughing not of 12 engineers, 12 firemen, 12 conductors, and 24 brakemen, but of 24 firemen and 36 brakemen. The effect of such a layoff on engineers and conductors would be to demote 12 in each occupation to firemen and brakemen respectively. The changes would be made on the basis of systemwide seniority.

There are attached to this memorandum copies of the most recent seniority lists for engineers and firemen and for conductors and brakemen. The firemen's list contains the names of both firemen and engineers with their seniority dates as firemen. The names of the engineers appear on the enginemen seniority list with seniority dates as locomotive engineers. For conductors and brakemen there are likewise two lists. The brakemen's list contains the names of conductors as well as brakemen, with seniority dates as brakemen, and the conductors' list contains only those with seniority dates as conductors.

Employees with military service are indicated with a check mark at the left of the names on these rosters. A single * adjacent to a name means that the individual is on military furlough and is therefore not available for service. Two ** on the conductors' and brakemen's rosters indicate that the individual, although possessing seniority rights, is occupying some other position on the railroad and is therefore not available for service. Employees on the enginemen's roster occupying other positions are not similarly marked.

A seasonal layoff of 12 crews means furloughing 24 non-veteran firemen and demoting 12 non-veteran engineers. In picking 24 men for layoff from the firemen's roster, it is necessary to pass over (1) those with military service, (2) those currently on military furlough, and (3) those occupying other positions with the railroad. It is important to note that in these examples it is assumed that no employees are on furlough except military furlough, at the time the layoff is made. If at the time of a seasonal furlough this assumption is untrue, it would be necessary to lay off an even greater number of experienced non-veterans. On this basis, the twenty-fourth man laid off from the firemen's roster would be L. L. Harrington with a seniority date as fireman of October 18, 1947, and a seniority date as engineer of April 2, 1951. As a matter of fact, 9 of the laid-off firemen have seniority dates as engineers. To reach Mr. Harrington, 52 veterans hired since February 5, 1948, and therefore junior to him, would be retained.

Twelve men on the engineers' roster must be demoted to firemen but the firemen layoff already has included 9 of these so it is necessary to ignore these in picking the engineers for demotion. Under these circumstances, the twelfth man to be demoted from the engineers' roster would be Milton Loomis with a seniority date both as engineer and fireman of May 1, 1947. Thirty-eight engineers with military service and all junior to Mr. Loomis, would be retained in preference to him. The 12 demoted engineers would replace 12 of the furloughed nonveteran firemen.

By this one layoff, therefore, the railroad has lost the services of 9 experienced engineers during the period of layoff, and has demoted 12 others to firemen's positions. Mr. Loomis, with 7 years' experience as locomotive engineer on the Alaska Railroad must thus be demoted and (among others) 3 engineers with military service retained who became engineers in April and May of 1954 and therefore have 2 months' experience or less on the railroad.

The disruptive effect of a furlough of this sort among conductors and brakemen would be even worse because there are normally 2 brakemen in each train crew. As a result, 36 brakemen must be laid off. This follows because in this example the force is being reduced by 12 conductors and 24 brakemen but, as long as any conductors have rights to jobs by reason of being on the brakemen's roster, all 36 layoffs must be made from the latter roster. As in the engineers' example, employees with military service, those on military furlough and those occupying other positions must be passed over.

Under these circumstances, furloughing 36 non-veterans will require including among them 21 brakemen who have qualified as conductors and some of whom are working as conductors. If only one-third are currently working as conductors, this means that 7 of them must be replaced by veterans who are qualified as conductors but are junior to these 7. The 36th man from the brakemen's roster to be reached by furlough would be William E. See, hired as a brakeman April 24, 1947, and who qualified as a conductor February 10, 1949. Seventy-one brakemen (some of whom have qualified as conductors)—all of them junior to Mr. See—would be retained on account of veterans' preference.

Twelve additional conductors must be demoted to brakemen but 21 non-veterans on the conductors' roster have already been caught by the brakemen layoff. The 12th non-veteran on the conductors' roster, under these circumstances, is Norris Scott, who has a seniority date of September 7, 1946, as conductor, and June 12, 1944, as brakeman. His 10 years of experience—including 8 years as conductor—count for nothing. Two veterans with less than 6 months' experience as conductor are senior to him. To reach his name, 85 veteran brakemen hired since June 12, 1944, and therefore all junior to Mr. Scott, are made senior to him due to veterans' preference in this particular example.

It is difficult to convey to a non-railroader the chaos that would result from this kind of layoff. To furlough 24 firemen in this example requires taking as the 24th man an engineer fireman who is No. 55 on an engineers' seniority roster of 88 names, and No. 51 on a firemans' roster of 128 names.

Nine of the 24 laid-off enginemen must be removed from engineers' jobs if they are working as engineers. Nine veteran engineers who are junior to the laid-off employees in point of service must replace the 9 laid-off workers through the seniority process of bidding in their vacancies. In addition, 12 non-veteran engineers must be demoted to fill 12 of the jobs left vacant by the layoff of 12 crews. To reach the 12th non-veteran engineer for demotion, it is necessary to take a man who is No. 30 on an engineers' roster of 88 names and No. 42 on a firemen's roster of 128 names.

The engineers' roster contains the names of several men who are in official positions though not marked as such, such as John Manley (No. 8) who is now Assistant General Manager. This means that there would be even fewer experienced engineers left as a result of this one seasonal layoff than the

seniority roster indicates. Both yard and road service are involved and this fact would add to the complications of demoting, bumping, and bidding for positions.

In train service the disrupting effect of a furlough of this sort on railroad operations and in the lives of many men, is even greater than among engineers and firemen because 36 instead of 24 layoffs are necessary. To lay off 36 non-veteran firemen means taking as the thirty-sixth man an individual who is No. 58 on a brakemen's roster of 179 names, and No. 62 on a conductors' roster of 108 names. This is because a layoff in conjunction with veterans' preference would mean furloughing 21 brakemen who have seniority dates as conductors. Here again, a layoff of 12 crews would deprive the Alaska Railroad of the services of many of its most experienced and most capable employees.

There is still another complication in this kind of layoff which has not been emphasized above but which would add to the general confusion. Many of the members of the train crews in the discontinued services would have top seniority. This is because passenger runs are considered preferred runs and are held by employees with the largest service. These employees would be forced to bump men junior to them but presumably could not bump veterans. Veterans' preference of this sort and in only one layoff of this magnitude, would immediately force the most experienced employees on the railroad into a junior position with respect to veterans.

It will be noted that the junior men on the brakemen's and firemen's rosters under discussion are almost all veterans, while the senior men on the engineers' and conductors' rosters are almost all non-veterans. In the long run, every veteran in the occupation in which he is qualified is senior to every non-veteran. The full impact of job insecurity is thus felt by a number of experienced non-veterans who would inevitably become, as a result of the application of this kind of veterans' preference, a smaller and smaller proportion of the total. This has happened during the past few years through normal hiring but the process would be greatly accelerated by a rigid application of veterans' preference.

There would be little inducement, in consequence, for a non-veteran to work for the Alaska Railroad if he had any desirable alternative. Railroad men have been brought up in a system in which seniority rights constitute one of the greatest attractions to their jobs. It would hardly be reasonable for a furloughed non-veteran to wait for a recall to service under the Alaska Railroad seniority system when, as in one of the above examples, he finds that, in a single instance of layoff, 71 men—and every one junior in service to him—have superior employment rights.

Veterans' preference in this form would eventually eliminate all non-veteran firemen and brakemen. Should that happen, a layoff such as described above would mean laying off 24 engineers who were non-veterans when, under the normal operation of the seniority system, 24 firemen would be laid off in inverse order of seniority.

Should the brakemen's roster become all veterans, a layoff of 36 brakemen would, in fact, mean a layoff of 36 conductors because all the veteran brakemen would have prior rights. A single layoff of the proportions described above would thus rob the Alaska Railroad of its most experienced train and engine servicemen and, until the transition to an all-veteran staff had been accomplished, would probably require the running of even passenger trains with relatively inexperienced crews.

The above example represents a sweeping away of the seniority system which the Supreme Court in the Fishgold case declared that Congress did not intend to bring about among the employees of private industry, including railroads.

The process described above would be repeated in varying degrees in all occupations on the Alaska Railroad covered by labor agreements. In some—as train dispatchers—the repercussions would be even more drastic because of the small number of men involved and because of the tragic danger of using relatively inexperienced men in the most difficult dispatching jobs. Train dispatching is a 24-hour activity and the new dispatcher (who comes from the telegrapher ranks) is always used on the trick with the least number of train movements.

A rigid application of veterans' preference means that the railroad would largely lose its power to place the most experienced man on the most responsible job, until such time as there would be no non-veterans left in the employ of the railroad. Until the transition to an all-veteran staff is accomplished, the maximum standards of safety cannot be maintained, and the morale of experienced personnel who have had no military service will inevitably suffer.

An ironic aspect of this situation is the high military importance of the Alaska Railroad. During World War II sufficient employees could not be retained even under the occupational deferment policies of the Selective Service System. A railroad battalion of soldiers had to be provided in order to keep the railroad going. But the men who continued to work for the railroad in civilian clothes, side by side with soldiers in uniform, are now faced with the possibility of loss of their job security irrespective of the military value of their performance.

The Supreme Court has declared that Congress did not intend, in private industry, to destroy the seniority system through the device of veterans' preference. There must be a much stronger case than has been made thus far to compel the conclusion that Congress intended to destroy the seniority system on the Alaska Railroad.

APPENDIX D

ANCHORAGE, ALASKA,
June 6, 1961.

Hon. E. L. BARTLETT,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR BARTLETT: It has come to our attention that the management of the Alaska Railroad has been directed by the Civil Service Commission to place into effect CSR 20 on the Alaska Railroad.

We feel this action would be very detrimental to the employees of the Alaska Railroad inasmuch as we have negotiated contracts for our employees which are almost identical to contracts negotiated throughout the railroad industry. We are sure that CSR 20 would completely destroy what the labor organizations have achieved on the Alaska Railroad.

We are very hopeful you will use all power available to you to get this decision reversed.

Sincerely yours,

DONNIE NIX,
Brotherhood Railway Carmen of America.
L. C. NELSON,
Order of Railroad Telegraphers.
L. E. LE QUIRE,
American Train Dispatchers Association.
HOWARD L. ROBINSON,
American Federation of Government Employees.
R. L. SHAKE,
Brotherhood of Railroad Trainmen.
DENNIS E. O'NEIL,
Brotherhood of Locomotive Firemen and Enginemen.
RICHARD L. MOYER,
International Brotherhood of Boilermakers & Blacksmiths.

DISCRIMINATORY APPRENTICESHIP PROGRAMS

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to withdraw Federal support and approval from apprenticeship programs which deny individuals an equal opportunity to participate on account of their race, color, or creed. Today, a major need of the Nation is the fullest utilization of all of its resources, including the development of our labor force adequately to meet the ever-increasing demand for skilled workers and technicians. Yet in major sectors of the economy, discrimination in apprenticeship hampers that development and at the same time condemns Negroes to unskilled and semiskilled jobs.

The bill I am introducing is the counterpart of a measure introduced in the other body by Representative ADAM CLAYTON POWELL, the chairman of the House Committee on Education and Labor. The bill has had hearings before the committee in the other body.

Automation and other technological changes have tended to reduce the number of jobs that require little skill. Job opportunities for skilled workers and technicians are expected to increase and members of minority groups should be preparing themselves for this type of employment. Many Negroes should be enrolled in apprenticeship programs preparing themselves for careers as craftsmen. However, Negroes find apprenticeship opportunities today far fewer than is good for the country.

Although Negroes and other members of minority groups are too often excluded from apprenticeship opportunities because of race, this is only part of the problem. Perhaps even more significant, industry is employing only a fraction of the number of apprentices—white and Negro—that are needed.

The number of apprentices currently employed throughout the United States will neither replace journeymen losses from deaths and retirements, nor provide the additional skills needed for economic growth. Apprenticeship has not yet been adequately developed in many occupations where apprenticeship would be feasible. Moreover, in many of the apprenticeable occupations only a fraction of the number of apprentices needed are in training.

Statistical surveys conducted by the Labor Department's Bureau of Apprenticeship and Training in New Jersey have indicated that there is a direct relation between the size of establishment and sponsorship of apprenticeship and other training programs—that is, the larger the establishment the greater the emphasis given formal job training. While it is true that many large establishments need to be encouraged to do more, the main job that needs to be done is to develop training in the large number of the Nation's small and medium-size establishments. These firms usually do not have the necessary staff for developing their own training programs. They need help in developing training plans.

A number of small employers, perhaps in cooperation with a labor union, can

sometimes be persuaded by an apprenticeship field representative to organize a group apprenticeship program. Greater use should be made of communitywide labor-management committees to sponsor training programs. The individual employer is often reluctant to enter into a commitment to train an apprentice over a 3- or 4-year period. He might be willing to pledge a few months of employment and join with other employers in sponsoring a group program. However, the number of field representatives on the staffs of Federal and State apprenticeship agencies is not adequate. For example, the U.S. Department of Labor's Bureau of Apprenticeship and Training does not have adequate staff to effectively cover most large industrial centers. Moreover, in many smaller industrial areas BAT has no staff at all.

Lack of required qualifications also bars some Negroes from admission to apprenticeship programs. To help solve this problem, more programs of preemployment training should be developed in the public schools, particularly schools with inferior or inadequate training facilities. Furthermore, such preemployment programs and industry hiring practices need to be more effectively coordinated.

The expansion in the number of apprenticeship opportunities must be accompanied by measures to assure that such opportunities are made available on a nondiscriminatory basis. Secretary Goldberg has instructed the Bureau of Apprenticeship and Training to require that a nondiscrimination provision be included in every new apprenticeship program recognized by the Bureau. This is an important step in the right direction. The Bureau is working with State apprenticeship agencies to secure their adoption of a requirement that programs under their jurisdiction be administered on a nondiscriminatory basis.

In appraising what additional action needs to be taken to extend more apprenticeship opportunities to Negroes, it is important to consider this problem in the light of the larger effort that is needed to end discrimination in all types of employment. Apprentices are employed workers and the selection of apprentices will be favorably influenced by measures taken to extend fair employment practices throughout the economy. For example, the program of the President's Committee on Equal Employment Opportunity will improve opportunities for apprentices as well as other workers. Executive Order 10925 calls upon the Secretary of Labor to supervise the implementation of equal employment policies, and that order grants, in specific terms, sanctions designed to insure compliance.

Because of the vast scope of Government contracts, it is expected that the Executive order will affect a large proportion of the business establishments in the United States. Under the order, each contractor must agree that in performing the contract he will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor must also agree to take affirmative action to see that employees are treated in a nondiscriminatory way in all employee actions including selection for training and apprenticeship. The contractor is also responsible to include in all subcontracts the nondiscriminatory provisions of the Executive order.

The program of the President's Committee will help assure that apprenticeship programs sponsored by contractors will operate on a nondiscriminatory basis. However, there still remains the question of whether or not the contractor will employ any apprentices at all. Perhaps Federal legislation is needed to require each firm that obtains a Government contract to conduct an adequate training program and do its fair share to help satisfy the Nation's requirements for skilled manpower.

Both a sharp expansion of apprenticeship opportunities and adoption of fair employment practices are needed. This will help assure that members of minority groups have adequate opportunity to prepare themselves for careers in industry.

I hope very much the bill will receive the deserved full support and will be passed as an expression of our national policy in connection with an area of critical need.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2595) to withdraw Federal support and approval from apprenticeship programs which deny individuals an equal opportunity to participate therein on account of their race, color, or creed, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

AUTHORIZATION FOR DISPOSITION OF PROPERTY KNOWN AS ELLIS ISLAND

Mr. WILLIAMS of New Jersey. Mr. President, I introduce, for appropriate reference, a bill to authorize the General Services Administration to convey the property and facilities of Ellis Island to Ellis Island for Higher Education, Inc., a group that was organized, specifically, to establish, at minimal cost, an experimental liberal arts college on this island.

The property was declared surplus on February 17, 1955, following which GSA contacted the Department of Health, Education, and Welfare to inform them of the island's availability for health and educational uses, as authorized by the statute, the Federal Property and Administrative Services Act of 1949, as amended. Last year the Department of Health, Education, and Welfare undertook a survey of all proposed plans for use of the island, and after numerous hearings, reports and surveys, the Department concluded that no single applicant had the program or financial resources that made it clearly superior to all the other proposals; whereupon HEW ended its efforts, and GSA is again faced with the problem of disposing of the property in a manner consistent with the public interest.

Both HEW and GSA have indicated, however, their hope that an expression of congressional intent will be forthcoming, so that this unique and historic island may once again serve the interest of all Americans.

Having studied closely the education group's detailed plans, as well as others', there is no doubt in my mind as to the imagination and practicality of their proposals, and I take this time to express my full support for their persistent efforts.

This proposal would establish a 4-year liberal arts college on Ellis Island, which would seek to make a unique contribution to American education. This particular addition to the national college community would not only open up new opportunities for enrollment, so badly needed, but, also, because of its organization and curriculum, would provide a chance for a fresh approach to the educational problems besetting liberal arts colleges generally today.

The oft-mentioned pursuit of educational excellence is clearly one of the aims of the Ellis Island college group. And the fact that this institution would begin its life without any prior commitments to the conventional curriculum or college organizational structure offers it a singularly challenging opportunity to achieve such excellence.

For the first 2 years the curriculum calls for a broad common introductory program, emphasizing a firm grasp of the basic elements of our Western civilization before moving on to study and understand other cultures. The student's time is divided between large, formal lectures and intensive section work. Then, in his last 2 years he is able to concentrate on advanced independent research projects, backed by seminar-tutorial instruction.

The number of courses is far fewer than that offered by a university; but the number of instructors and professors, similarly, is fewer, allowing for an appropriate salary scale, with a distinct emphasis on the quality of teaching. Furthermore, the college's proximity to New York City, and its wealth of cultural and intellectual resources, would provide many supplementary educational opportunities. Exploration of closer cooperation with the city's colleges and institutions is high on the list of academic priorities.

One innovation of the proposal is an administrative structure which would replace the customary governing board of trustees with a senate in which the faculty would have a major representation. It would also include college administrators, students, and several persons representing the public interest. But the goal would be an administration particularly keyed to the educational interests of the college itself.

Surely, we live in a time in which the need for educational experimentation has never been greater. These are refreshing and stimulating ideas, which

is my judgment should be encouraged in every way possible.

Incidentally, this project, which was organized by a small group of young teachers, has a board of academic advisers, which reads like an honor roll of a "who's who in American education."

I am sure, Mr. President, that we in the Senate need no reminder of the educational crisis at hand in this country—the serious lack of adequate school and college facilities, the deplorably low level of faculty salaries, and because of these factors, the often substandard quality of many of our educational programs. The bill I am about to introduce, in my opinion, represents an important step, however small, in the direction of mitigating this critical education situation.

Proposals for financing the college call for expenditures of private funds of an unprecedented modesty in this field. The sponsors have been assured by a prominent college fund-raising organization that their fund-raising goal is entirely feasible. Once the initial costs are defrayed the group plans to operate the college solely on the income derived from student tuition and fees, with the bulk of the revenue going to faculty salaries, and fund-raising limited to scholarship aid.

This unique educational institution could begin operations soon after receiving title to the island.

I think this use of the land is not only totally consonant with the statute which authorizes the disposal of the property, but also, it offers us a great opportunity to maintain Ellis Island's exterior character in a way quite similar to its appearance to the 15 million Americans who passed through that island into American life. For the existing physical plant of the island lends itself perfectly to the needs and aims of the educators' group—with only minor conversions necessary. Also planned is a permanent exhibition hall to commemorate the island's historical past.

Thus we, as a Nation, would be enriched by a college which not only would assure us of a greater degree of educational excellence, but one that would also be a living memorial to the efforts of the millions of people, who came here seeking a better life, and are now an indissoluble part of the mainstream of American life.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2596) to authorize the Administrator of General Services to dispose of the property known as Ellis Island, introduced by Mr. WILLIAMS of New Jersey, was received, read twice by its title, and referred to the Committee on Government Operations.

AIR TRAFFIC CONTROL

Mr. MONRONEY. Mr. President, I introduce on behalf of myself and the chairman of the Senate Commerce Committee, the Senator from Washington [Mr. MAGNUSON], a bill to establish a Federal Aviation Service in the Federal Aviation Agency to perform the air traffic control functions assigned to that Agency under the Federal Aviation Act. This bill has been recommended by the Administrator of FAA in accordance with section 302(g) of the Federal Aviation Act, and I believe it will be another important milestone on our way to safety in the air.

The primary purpose of the Congress in enacting the Federal Aviation Act of 1958 was to establish a unified system of air traffic control for both civil and military aircraft. We had learned through tragic accidents the high cost that we would pay in the absence of such a common system.

It became apparent in the course of hearings on the Federal Aviation Act that if the new agency was to assume the responsibility for the control of all air traffic in the United States. It would be necessary to take further steps to insure not only the high quality of the men charged with this responsibility, but also the responsiveness of the air traffic control system to the Nation's defense requirements in time of war or national danger. It was also apparent that the detailed problems which would have to be solved were too numerous and too complex for us to attempt to treat them in the original legislation.

The Congress therefore included in the Federal Aviation Act section 302(g) which directed:

> The Administrator shall make a study, in consultation with other affected Government agencies, of personnel problems inherent in the functions of the Agency, giving due consideration to the need for (1) special qualifications and training, (2) special provisions as to pay, retirement, and hours of service, and (3) special provisions to assure availability, responsiveness, and security status of essential personnel in fulfilling national defense requirements, and shall report the results thereof, and make recommendations for legislation thereon, to Congress on or before January 1, 1960.

It was not possible for the Agency to complete its study and make its recommendation within the time limit specified in the statute. When the present Administrator assumed his duties, he began immediately to attempt to complete the necessary study and interagency consultation in order to forward these recommendations before the completion of the current session of Congress. It is a tribute to his effort and persistence that he has been able to do so. In the brief time that I have had to study the provisions of the bill I have been impressed by the thoroughness and the imagination with which the problem has been approached.

The chairman of the committee, the Senator from Washington [Mr. MAGNUSON] and I have been anxious that these recommendations be completed so that the bill might be introduced before the end of this session of Congress in order that the bill and the Administrator's report might be available for study during the adjournment so that when the Congress returns in January interested parties may appear and testify after an opportunity for thorough study and consideration of the proposal.

Both of us feel that some changes may be required in the bill as proposed. Examples of questions to be resolved might be the adequacy of the retirement provisions and the desirability of a statutory treatment of the problem of exemption of members of the Federal Aviation Service from the selective service laws. These matters aside, however, the bill as presented and the report which accompanies it are impressive accomplishments and provide a fine basis for congressional consideration of these problems.

The important factor in the bill which we submit today is that it recognizes the necessity of creating a professional air traffic control service, functioning as a civilian service in time of peace, but immediately available as an arm of our Defense Establishment in time of war, staffed with highly trained professionals whose responsibility could be nothing less than the safe movement of all civil and military aircraft from takeoff to landing.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2599) to add a new title XVI to the Federal Aviation Act of 1958, in order to provide for a Federal Aviation Service for air traffic control and other essential services and to provide for the availability and responsiveness of that Service in time of war or emergency involving national defense, and for other purposes, introduced by Mr. MONRONEY (for himself and Mr. MAGNUSON), by request, was received, read twice by its title, and referred to the Committee on Commerce.

TO PRINT AS A SENATE DOCUMENT REPORT OF ADMINISTRATOR OF FEDERAL AVIATION AGENCY ENTITLED "SPECIAL PERSONNEL PROBLEMS IN THE FEDERAL AVIATION AGENCY"

Mr. MONRONEY. Mr. President, I ask unanimous consent that the report of the Administrator of the Federal Aviation Agency, entitled "Special Personnel Problems in the Federal Aviation Agency," be printed, with illustrations, as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO DISTRIBUTION OF CERTAIN STOCK—AMENDMENT

Mr. McNAMARA submitted an amendment, intended to be proposed by him, to the bill (H.R. 8847) to amend the Internal Revenue Code of 1954 so as to provide that a distribution of stock made to an individual (or certain corporations) pursuant to an order enforcing the antitrust laws shall not be treated as a dividend distribution but shall be treated as a return of capital; and to provide that the amount of such a distribution made to a corporation shall be

the fair market value of the distribution, which was ordered to lie on the table and to be printed.

USE OF CERTAIN PROPERTY FOR STATE FORESTRY WORK—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of September 15, 1961, the names of Senators LONG of Missouri, CASE of South Dakota, BURDICK, JOHNSTON, WILLIAMS of New Jersey, EASTLAND, WILEY, DOUGLAS, SMITH of Massachusetts, STENNIS, MUNDT, TALMADGE, and HART were added as additional cosponsors of the bill (S. 2563) to authorize the Secretary of Agriculture to permit certain property to be used for State forestry work, and for other purposes, introduced by Mr. HART (for Mr. MUSKIE) on September 15, 1961.

NOTICE OF HEARING ON SENATE BILL 1477, AMENDMENT OF SECTION 144, TITLE 28, UNITED STATES CODE

Mr. DODD. Mr. President, on behalf of a subcommittee of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Friday, September 22, 1961, at 9 a.m., in room 2228, New Senate Office Building, on S. 1477, a bill to amend section 144 of title 28 of the United States Code.

At the indicated time and place persons interested in the legislation may make such representations as may be pertinent.

The subcommittee consists of the Senator from New Hampshire [Mr. COTTON] and myself as chairman.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 21, 1961, he presented to the President of the United States the following enrolled bills:

S. 29. An act for the relief of Ok Nyu Choi (Ann Wollmar);

S. 158. An act to confer upon the domestic relations branch of the municipal court for the District of Columbia jurisdiction to hear and determine the petition for adoption filed by Marie Taliaferro;

S. 262. An act for the relief of Constantinos Georgiou Stavropoulos;

S. 263. An act for the relief of Guisseppe Glorioso;

S. 264. An act for the relief of Mr. and Mrs. Franklin Leong;

S. 336. An act to make available to children who are handicapped by deafness the specially trained teachers of the deaf needed to develop their abilities and to make available to individuals suffering speech and hearing impairments the specially trained speech pathologists and audiologists needed to help them overcome their handicaps;

S. 547. An act for the relief of Young Jei Oh and Soon Nee Lee;

S. 553. An act for the relief of Olga G. Coutsoubinas and Spyridon G. Coutsoubinas;

S. 592. An act for the relief of Nishan Der Simonian;

S. 902. An act to amend the Small Business Investment Act of 1958, and for other purposes;

S. 976. An act for the relief of Maria Trela Terpak;

S. 1053. An act for the relief of David Lew Huie;

S. 1234. An act for the relief of Max Haleck;

S. 1355. An act for the relief of Helen Haroian;

S. 1459. An act to amend the provisions of law relating to longevity step increases for postal employees;

S. 1537. An act for the relief of Mrs. Renee Deri;

S. 1585. An act for the relief of Margherita Ferrelli D'Amico;

S. 1750. An act to strengthen the Federal Firearms Act;

S. 1786. An act for the relief of Heripsime Hovnanian;

S. 1787. An act for the relief of Giovanna Vitello;

S. 1880. An act for the relief of Johann Czernopolsky;

S. 1906. An act for the relief of Fares Salem Salman Hamarneh;

S. 1927. An act to amend further the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, and for other purposes;

S. 1947. An act for the relief of Annemarie Herrmann;

S. 1990. An act to amend section 1362 of title 18 of the United States Code so as to further protect the internal security of the United States by providing penalties for malicious damage to certain communications facilities;

S. 2070. An act for the relief of Kabalan Farris;

S. 2118. An act for the relief of Dr. John Lopinto Arzaga;

S. 2272. An act to disclaim interest in certain rights in certain lands in the State of Nevada; and

S. 2393. An act to extend for 2 additional years the expired provisions of Public Laws 815 and 874, 81st Congress, and the National Defense Education Act of 1958, and for other purposes.

DIVIDED MANAGEMENT OF THE UNITED NATIONS?

Mr. LAUSCHE. Mr. President, Communist Russia proposes a three-headed management of the business affairs of the United Nations, and calls it a troika management.

The great poet of the Magyars, Janos Arany, in 1864 published his epic trilogy, the first part of which was the book dealing with the death of King Buda.

King Buda ruled over the Magyars in the land which they now occupy. It was by Zagyva Stream, on the plain of Tiza Duna; there in a tent King Buda reigned.

King Buda was growing old, and wanted to divest himself in part from his responsibility. His brother was Attila, a vigorous, ambitious man. The King decided that he would share the crown and the reign of the Magyar land with Attila, the brother for whom he had love and respect.

One day King Buda sent for all his chieftains, wanting them to worship and there council. The great and the wise members gathered in a gold-embroidered village tent. When all had gathered, Buda hailed the chieftains of every region under his command.

To his leaders and the members of his court he announced that he was separating in two his command of the land, giving to his brother Attila joint rule with the King. King Buda spoke thus:

The Huns' great empire will not shrink or fail
If at the top its rule is split in two.
Two branches with a wider shade prevail,
Though one-trunk'd trees be taller to the view.
Today, of single rule I make an end
And share with Attila my royal trust.
Two kindred streams in perfect peace will blend;
Two equal weights will hold the balance just.
Nor will it dim the glory of our name
If I thus light the torch of my own brother;
With kindred fires, flame does not fade with flame,
But each gives greater radiance to the other.
Of our great race in peace I shall be lord;
And he, our marshal at the call of war.
Mine be the sceptre, brother; yours, the sword!
May God now bless our deeds from more to more!

Mr. President, in attendance when the crown and the reign were divided was Dietrich of Bern, an aged knight of Gothic background, captured in battle between the Goths and the Huns. Contrary to the custom of the times to sell into slavery captured prisoners, King Buda had developed an affection for old Dietrich, and kept him as a member of his court. Dietrich was a sage, and possessed of great wisdom. In accordance with his custom, Dietrich visited his King, and, speaking of the King's division of the crown, to him said:

What policy is this, unheard before?
How can a single empire have two masters?
Can you, unharm'd, one bridle rein give o'er?
No sober mind could counsel such disasters.
For shall we put two saddles on one horse?
Or can two riders on one saddle sit?
Two knives into one sheath you cannot force.
Why then has folly foil'd your mother wit?
Limbs in due pairs has God bestow'd on man,
And but one head to rule the body right;
One migrant crane as marshal leads the van;
After one queen the swarming bees take flight.
Such is the world's true way. But you, grown wiser,
Would rack the orderly array of things.
The lore of books, you deem a false adviser,
And vain time's annals of the ways of kings.

Mr. President, Khrushchev and Gromyko want a three-headed form of management, knowing that only confusion and disorder would follow such management of the business of the United Nations.

If in the place of one, two heads were placed in charge if the United Nations, conditions would be bad. With three, they would be still worse.

To Khrushchev and to Gromyko, I suggest that they heed the sage advice of Dietrich that a body with two heads is contrary to nature, and can only lead to confusion.

The sequel of the two-headed reign was that Attila took over.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. LAUSCHE. I yield the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, pursuant to Senate Resolution 105, agreed to September 11, 1961, authorizing the Committee on Interior and Insular Affairs to make a study of national fuels policy, appoints the Senator from West Virginia [Mr. RANDOLPH], the Senator from California [Mr. ENGLE], and the Senator from New Hampshire [Mr. COTTON] to participate in said study and serve with the committee in an ex officio capacity.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY DR. MANUEL PRADO, PRESIDENT OF PERU

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess in order to enable the Senate to proceed in a body to the Hall of the House of Representatives, subject to the call of the Chair.

The motion was agreed to; and (at 12 o'clock and 16 minutes p.m.) the Senate, preceded by its Secretary, Felton M. Johnston, the Sergeant at Arms, Joseph C. Duke, and the Vice President, proceeded to the Hall of the House of Representatives for the purpose of attending the joint meeting to hear the address to be delivered by His Excellency, Dr. Manuel Prado, President of Peru.

(For the address delivered by the President of Peru at the joint meeting of the two Houses, see pages 20532–20533 of today's proceedings of the House of Representatives.)

(At 1 o'clock and 14 minutes p.m., the Senate returned to its Chamber, and, the recess having expired, was called to order by the Vice President.)

LEAVE OF ABSENCE—INTERPARLIAMENTARY CONFERENCE IN LONDON

Mr. MANSFIELD. Mr. President, the following Senators must leave shortly for the Interparliamentary Conference to be held in London: The Senator from Maryland [Mr. BEALL], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Texas [Mr. TOWER], and the Senator from Ohio [Mr. YOUNG].

I have discussed this matter with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN]. Because of the significance of this meeting and the need for American representation, I now ask unanimous consent, on behalf of the minority leader and myself, that these Members of the Senate be given official leave of absence in order to attend this most important Conference, and to do so at the request and urging of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the Interparliamentary Conference plays a vital role in the strengthening of democratic institutions. Meetings of this kind enable legislators from the United States and Britain to meet and discuss and exchange views about common problems that concern them. This has a very beneficial effect in developing closer ties between the countries and fostering democratic government. It is clearly in the national interest for the Congress of the United States to be fully represented at those deliberations.

Mr. GORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GORE. In view of the statement the distinguished majority leader has just made about the importance of the London Interparliamentary Conference, I wish to call the attention of the Senate to the eloquent statement made by President Prado, to which we have just listened, and to the pronouncement he made with respect to the alien quality and undesirability of communism.

I wish to congratulate our distinguished visitor upon his eloquence and firmness, and I desire to call to the attention of the distinguished majority leader and of the Senate the fact that for 4 days, at the Interparliamentary Union Conference concluding its session in Brussels today, several delegates from the Soviet Union, from Iron Curtain countries, addressed that convention. I did not hear one of them utter the word "communism" or the word "Communist." Invariably they referred to themselves as representatives of social states. Whether they are ashamed of communism, whether they think it is now a word of opprobrium and wish to cloak themselves with a term more acceptable to the people of the world, I do not know; but, in view of the remarks of the able and distinguished majority leader and the fine address to which we have just listened, I thought I should call attention to this tactic on the part of the Communist representatives at the Interparliamentary Conference.

Mr. MANSFIELD. I am deeply appreciative of what the Senator from Tennessee has just said, and I yield the floor.

NEW YORK WORLD'S FAIR

Mr. JAVITS. Mr. President, when the Senate left this Chamber to go to the Hall of the House of Representatives, I was about to make a statement on the New York World's Fair. The Senator from Ohio [Mr. LAUSCHE] was then in the Chamber. I do not see him now. I am sorry, because I would like to have him hear my remarks.

Mr. President, at the end of the session we sometimes see some strange things happen. This is one of the strangest. The House has passed a bill authorizing the President to provide for planning and participation by the United States in the World's Fair to be held in New York City in 1964–65. The administration has requested the bill, and the prestige of the administration as well as the prestige of the United States is involved.

I ask unanimous consent that there be printed as a part of my remarks a letter addressed to the President of the Senate by the Secretary of Commerce, making precisely this request.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR MR. PRESIDENT: I transmit herewith four copies of a proposed bill to provide for planning the participation of the United States in the New York World's Fair, to be held at New York City in 1964 and 1965, and for other purposes.

This bill would authorize and direct the President to investigate and make recommendations to the Congress for U.S. participation in the World's Fair to be held in New York City during 1964 and 1965. The President would also thereby be authorized to designate an agency or agencies, and to appoint the U.S. commissioner for the fair, to carry out such preliminary work and the actual participation which may thereafter be approved and authorized by the Congress. It is the President's present intention to place this responsibility within the Department of Commerce.

It is our belief that the Federal Government should participate in this fair, and to that end we are requesting the Congress to approve our undertaking the necessary preliminary study and report. However, it is understood and expressly so provided in this bill that no commitment shall be made regarding the actual scope or nature of such participation except as the Congress may later approve.

The Bureau of the Budget advised that, from the standpoint of the administration's program, there would be no objection to the submission of this proposal to the Congress.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce.

Mr. JAVITS. Mr. President, this will be an international fair. Sixty nations have already agreed to participate. It is totally inconceivable that the United States will not participate with a pavilion of its own. The United States has participated at Moscow, at Brussels, at Bangkok, and at other fairs throughout the world. The United States is participating now at Seattle. In the supplemental appropriation bill even more money will be requested for the fair at Seattle.

Mr. President, the World's Fair about which I am talking will be in our largest and most world-famous city and, I emphasize, 60 other nations already have agreed to participate.

I think everybody understands that the United States will have to participate in some fashion. It is really an illusion, and I think a very wasteful illusion, to block passage of the bill in the way it is now being blocked. The amount involved is $300,000 for planning. It has been made very clear that

there is nothing else involved. There is no commitment of any kind or character. The bill so states. The administration's letter so states. The telegram from the president of the fair, Robert Moses, so states.

Mr. President, I ask unanimous consent that the telegram from Robert Moses be printed in the RECORD as a part of my remarks.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

FLUSHING, N.Y., *September 12, 1961.*

Hon. JACOB K. JAVITS,
U.S. Senate, Washington, D.C.:

The following telegram was sent today to Senator FRANK LAUSCHE:

"The executives and directors of the World's Fair were astonished at the statement attributed to you in the press that there was a breach of commitment on our part as to Federal participation in the New York World's Fair. If you will examine the list of sponsors of this fair, you will see that they are people of the highest reputation who do not breach commitments. The fact of the matter is that we stated originally to President Eisenhower's committee to determine where the fair should be held that we would not ask for a Federal subsidy to promote, build, and run the fair, and we have not asked for any subsidy. We made it clear, however, from the very beginning that we expected the U.S. Government to provide a pavilion or exhibit as a focal point in the fair to emphasize the achievements of our country and the major objectives and purposes of our democracy. To this end we employed experts and officially presented to both the Eisenhower and Kennedy administrations suggestions by the highest and most competent authorities as to possible scientific and educational exhibits which would surpass anything along these lines which any foreign countries could present at the fair. It is unnecessary to point out to you that the U.S. Government has taken part in all major world's fairs, including the last one in Brussels, and that it is taking part in other international fairs such as the coming one in Seattle. It seems to us unthinkable that there would be no Federal exhibit at the New York World's Fair, considering that most of the other nations of the world are exhibiting, not to speak of all our major industries. Failure to have a focal Federal exhibit would be a subject of reproach throughout the United States and the entire world. Furthermore, failure to act at this session of Congress on the preparation of a plan, estimate of cost, and schedule of construction will make it impossible to have an adequate U.S. pavilion built and ready to open in 1964 except at exorbitant cost. All that the bill before the Senate provides is the machinery to insure a plan, and the amount appropriated is only sufficient to give the next Congress the information it needs upon which to determine the scope, character, and cost of such an exhibit. In other words, this bill sets up the machinery for a careful preliminary plan on which a final decision can be made by the Congress. In any event, I wish to make it entirely clear on behalf of the leading citizens who are sponsoring the New York World's Fair that there never has been any breach of any commitment."

ROBERT MOSES, *President.*

Mr. JAVITS. This telegram states that the result, if we do not act now, will be the expenditure of more money and the quality of the U.S. pavilion will suffer.

Let every Senator ask himself if it will help the United States in the world if the New York World's Fair starts out with a black eye. Would there be any comfort or satisfaction to be taken by anyone in such a tragedy?

There are many techniques which could be employed in order to bring about action on this measure, but I think it would be demeaning to the city of New York and it would be demeaning indeed to our own body under these circumstances to have to resort to any of them.

The New York World's Fair is scheduled to open in April 1964. This gives 31 months for the United States to plan its exhibit, to determine the nature and extent of it, to undertake construction and implementation and representation at the World's Fair. It will cost us more money and it will reduce the quality of what the United States can exhibit if we do not act now. It seems to me we certainly have a very clear mandate for action.

Finally and very importantly, there is a real responsibility which is involved, because whether anybody likes New York or not, it seems to me inconceivable, under the present circumstances, that we should hold up the measure without even giving the Senate an opportunity to consider it. For the life of me, I cannot understand why we do not take the pride we should in the greatest and most significant city on earth, when the skyline alone is an inspiration to people all over the world who see it.

I have every confidence that we could deal with the problem justly and fairly if the measure were allowed to be brought to the Senate. But one of our Members has stated, as an article of faith for himself, that he will not allow it to be brought to the Senate. That seems to me to be hardly consonant with dignity or our responsibility in this situation, and it does not seem to be fair to the greatest city on earth.

The administration has asked for this. This is as important a matter involving the prestige of the administration as it is a matter involving the prestige of the United States.

Mr. President, I hope very much that in the few days which remain in this session we may find ways and means to deal with this very urgent matter and not allow ourselves, as I fear we are doing now, to be embarrassed in the eyes of the whole world by raising any question, even by implication, as to whether the United States will in some way participate.

The figure of $30 million has been bandied about in respect to this World's Fair. The letter of the Secretary of Commerce, the proposed legislation itself, and the representation made by Robert Moses, are all specific about the fact that the United States is not committing itself to any figure whatever. Indeed, the United States is not committed to participate at all, though we are confident it will do so. The only thing for which we ask is that the United States be given an opportunity to plan for its participation.

Mr. President, my colleague [Mr. KEATING] and I are keeping our pledge to the letter, that we will not ask the Congress for a penny to finance the New York World's Fair. I point out that is very different from what is being done in Seattle. We made the pledge, and we intend to keep it. We are now talking about only a U.S. pavilion. I wish to make that clear to the Senate and to all of the world.

It seems to me pretty small business not to allow the city of New York to go forward in a deliberate and dignified way, as befits its majesty, and with the pride which we all ought to have in the city of New York.

Mr. KEATING. Mr. President, will my colleague yield?

The VICE PRESIDENT. Does the Senator from New York yield; and, if so, to whom?

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield 1 minute to my colleague.

The VICE PRESIDENT. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered. The Senator yields to his colleague from New York.

Mr. KEATING. Mr. President, as my colleague knows, I spoke the other day about the difference between participation in and a subsidy for the fair. It seems inconceivable to me that the U.S. Government would not have a pavilion at the World's Fair, when the Iron Curtain countries and the Soviet Union are coming to the fair to show their wares. Many Iron Curtain countries as well as many friendly countries will have exhibits. Certainly the United States would be rash indeed if it did not have a pavilion at the fair.

I hope very much that the President will exert his leadership upon this body and upon those Members who seem somewhat intransigent in this regard. I believe that he will. I have confidence that he will. I feel that will bring about the enactment of the proposed legistion before we finish the session.

Of course, we could do this next January, but all the precious planning months between now and then would be gone. One cannot plan such things overnight.

Mr. JAVITS. I am very grateful to my colleague. I add, it is estimated that the city of New York is responsible for nearly 15 percent of the total revenues in the United States. We are now arguing—as we have to—about some $300,000 for planning money in terms of the general welfare and the need for representative action in our greatest city.

Mr. President, I really think it is sad that my colleague [Mr. KEATING] and I have to be put in this position, and especially that the city of New York has to be put in this position.

AMENDMENT TO FEDERAL CIVIL DEFENSE ACT OF 1950

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 829, H.R. 8383.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 8383) to further amend section 201(i) of the Federal Civil Defense Act of 1950, as amended, and for other purposes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

DISPLAY OF EXHIBIT BY COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. JOHNSTON. Mr. President, the Post Office and Civil Service Committee would like to call attention to a unique exhibit it now has on public display in room 6202 of the New Senate Office Building.

The exhibit contains nine separate plaques, one for each State represented by the membership of the committee. Each such plaque carries a picture of the Senator flanking his State seal superimposed on a map of the United States on which appears a stamp honoring the State and the seal of the Post Office Department in color.

The committee is indebted to Mr. Americo A. W. Favale, Director, visual information and exhibits, Office of the Special Assistant to the Postmaster General for Public Relations, for the preparation and installation of this interesting exhibit. On behalf of the committee, I wish to thank Mr. Favale and the Post Office Department for the exhibit.

SUMMARY OF ACTIVITIES OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE DURING 1ST SESSION OF 87TH CONGRESS

Mr. JOHNSTON. Mr. President, as we come to the close of the 1st session of the 87th Congress, I should like to present at this time a summary of the work done by the Post Office and Civil Service Committee, and I ask unanimous consent that it be printed in the RECORD at this point in my remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

The Committee on Post Office and Civil Service is pleased with and proud of its record of activities and accomplishments during the 1st session of the 87th Congress. This record was made possible only because of the fine spirit of cooperation evidenced by the members of the committee on both sides of the table and the excellent work of a competent and hardworking staff. I am grateful to all concerned and hope each and every one will enjoy the best of health and obtain a bit of deserved rest and relaxation during the recess that lies ahead.

SUMMARY OF ACTIVITIES

Since the session opened, January 3, 1961, 100 Senate bills, 3 Senate resolutions, 1 Senate joint resolution, 22 House bills and 10 commemorative stamp bills have been referred to the committee for consideration. The committee (or subcommittees thereof) held 17 days of public hearings on 15 different measures. Seven days were devoted to hearings on 11 executive nominations. The committee reported favorably two Senate resolutions, eight Senate bills and seven House bills. Only 1 of these 17 measures remains to be acted upon in the Senate.

Eight hundred and thirty-seven postmaster nominations have been referred to the committee of which 447 have been confirmed, an additional 179 ordered reported, 2 withdrawn by the President, leaving only 209 still pending.

LEGISLATIVE RECORD

A. Senate bills

1. Retirement after 30 years' service: Reported S. 188 to the Senate September 8, 1961, which permits optional retirement on full annuity after 30 years' service upon attaining the age of 55. (Pending on Senate Calendar.)

2. Rural carriers equipment allowances: Reported S. 189 to the Senate July 26, 1961, which increases the basic equipment allowance for rural carriers from 10 cents per mile or $3.50 per day, to 12 cents per mile or $4.20 per day, whichever is the greater. Passed in the Senate and referred to the House July 27, 1961. (Pending in House committee.)

3. Interest on retirement funds: Reported S. 739 to the Senate June 29, 1961, which would provide a method for fixing an equitable rate of interest on money borrowed by the U.S. Treasury from the civil service retirement and disability fund. Passed House, with amendments, August 22, 1961. (Conference agreement now pending.)

4. Overseas teachers: Reported S. 840 to the Senate June 29, 1961, which corrects certain deficiencies in existing law. Passed House August 21, 1961. Signed by the President August 30, 1961. (Public Law 87–172.)

5. Additional life insurance: Reported S. 1070 to the Senate July 11, 1961, which provides each insured employee with an additional unit of nonreducible life insurance of $1,000 if his compensation is less than $10,000 or $2,000 if his compensation is $10,000 or more. Passed in the Senate July 17, 1961. (Pending in House committee.)

6. Transportation of the remains of certain employees: Reported S. 1458 to the Senate June 29, 1961, which restores to Federal agencies authority to defray cost of returning to other States from Alaska and Hawaii the remains, families, and effects of employees who died while serving a tour of duty in Alaska or Hawaii. Passed in the Senate July 7, 1961. (Pending in House committee.)

7. Longevity increases for postal employees: Reported S. 1459 to the Senate June 27, 1961, which places postal employees on a comparable basis with Federal employees subject to the Classification Act with respect to longevity increases. Passed in the Senate July 17, 1961, and in the House September 18, 1961. (Awaiting approval of the President.)

8. Additional supergrade and scientific positions: Reported S. 1732 to the Senate September 12, 1961, which provides additional supergrade and scientific-type positions needed to enable the Government to cope successfully with conditions that exist in the world today.

B. House bills

1. Repeal of provision requiring Interstate Commerce Commission to furnish certain information to the Post Office Department: Reported H.R. 1986 back to the Senate, without amendment, July 12, 1961, a bill designed to repeal certain obsolete provisions of law which have acted as a serious impediment to the continuance of the Railway Express Service. Passed in the Senate July 14, 1961. Signed into law by the President July 26, 1961. (Public Law 87–108.)

2. Allotment and advancement of pay in emergency evacuations: Reported H.R. 2555 back to the Senate, without amendment, September 8, 1961, a bill designed to provide for the establishment of an efficient, orderly, and equitable procedure for the payment of compensation and allowances of civilian employees subjected by official orders to emergency evacuation of their official duty stations. Passed in the Senate September 15, 1961. (Awaiting approval of the President.)

3. Travel expenses of Government employees: Reported H.R. 3279 back to the Senate, with amendments, July 14, 1961, a bill to adjust the mileage and per diem allowances for employees traveling on official Government business. Passed Senate July 28, 1961. House agreed to Senate amendments August 3, 1961. Signed by the President August 14, 1961. (Public Law 87–139.)

4. Retirement increase permanent: Reported H.R. 5432 back to the Senate, without amendment, July 14, 1961, a bill making permanent certain increases in retirement benefits granted in 1958. Passed in the Senate July 17, 1961. Approved by the President July 31, 1961. (Public Law 87–114.)

5. Supergrade positions, GAO: Reported H.R. 6007 back to the Senate, without amendment, September 12, 1961, a bill to increase the number of supergrade positions authorized to be established in the General Accounting Office from 25 to 39 and to raise the salary of the General Counsel to $20,000. Passed in the Senate September 15, 1961. (Awaiting approval of the President.)

6. Forfeiture of civilian annuities and military retired pay: Reported H.R. 6141 back to the Senate, without amendment, September 1, 1961, a bill designed to continue, strengthen, and clarify the prohibition against the payment of a civilian annuity or military retired pay to any person who has committed an offense against the national security. The bill restores civilian annuity benefits and military retired pay denied because of the commission of a variety of offenses in no way related to the national security. Passed in the Senate September 12, 1961. (Awaiting approval of the President.)

7. Preservation of salary in certain cases: Reported H.R. 7043 back to the Senate, without amendment, September 1, 1961, a bill to extend to postal employees the same salary retention protection in cases of reduction in grade as provided employees under the Classification Act since 1956. Passed in the Senate September 7, 1961. (Awaiting approval of the President.)

RETIREMENT OF DISTRICT JUDGE HENRY N. GRAVEN

Mr. MILLER. Mr. President, on August 7 of this year, at the U.S. post office and courthouse building at Sioux City, Iowa, proceedings were held in honor and appreciation of Hon. Henry N. Graven, upon his retirement as U.S. district judge for the northern district of Iowa, and Hon. F. E. Van Alestine, upon his retirement as U.S. attorney.

I believe that probably the outstanding district judge in the United States for the last several years has been Judge Graven. He has been acclaimed throughout the United States for his industry and his brilliance.

I ask unanimous consent that portions of the proceedings, appearing on pages 1 through 6, and pages 12 through 16, as marked, of the transcript of the proceedings, be printed in the RECORD at this point.

There being no objection, the excerpt from the proceedings was ordered to be printed in the RECORD, as follows:

Judge GRAVEN. We are met here today for the induction into office of a U.S. district attorney.

The induction into office of a U.S. district attorney is an important occasion. It is of interest that there are only 86 U.S. district attorneys. One of the most noticeable features of the recent decades has been the increasing importance of the office of U.S. district attorney. This has been occasioned by the ever-greater responsibilities imposed upon such attorneys and the rapid increase in the number and complexity of the duties to be performed by them. The continued increase in the number of Federal statutes defining new Federal crimes has greatly increased the number of criminal matters to be handled by them. During the more recent decades the Federal Government has expanded its civil activities. Those activities have given rise to a multitude of problems, many of which end up in the office of the district attorney. The indications are that the duties and responsibilities of these offices will continue to increase. More people have direct contacts with the offices of U.S. district attorneys than they do with the Federal courts. The impressions that many people have of our Federal Government will in a multitude of instances be determined by their experiences with the office of U.S. district attorney.

There are many instances in which the situation is such that a U.S. district attorney has no discretion about what is to be done. However, in many situations there is a wide latitude for the exercise of judgment and discretion on the part of the U.S. district attorney. It is in this area where the judgment, attitude, and sense of justice on the part of the U.S. district attorney is of vital importance.

During the period that I have served this district, one of the noticeable features has been the ability and competence of the U.S. district attorneys and their assistants. Judges from other districts who have held court in this district have told me afterward how very favorably impressed they were by the manner in which matters were handled by the U.S. district attorneys and their assistants.

I feel that it would be most fitting at this time to call attention to one who has served long and well in the office of the U.S. district attorney for this district. During the period I have served as judge of this district there have been three U.S. district attorneys and eight assistant U.S. district attorneys. During that same period one person has served as the chief clerk in that office, Miss Margaret O'Donnell. In that office there are a multitude of administrative details. All of us who have contacts with that office have observed the outstanding administrative service rendered by Miss O'Donnell. We have marveled at her ability to have at her fingertips the details of matters being handled by that office. I think that her services have been a very substantial factor in the excellent functioning of that office.

During the time I have served this district, the district attorneys have been T. E. Diamond, M. L. Mason, and F. E. Van Alstine. They all handled the duties and responsibilities of their office in an outstanding manner. They have all been able, hard working, and conscientious men.

About a year and a half ago Mr. Van Alstine informed me that, notwithstanding subsequent developments, he would not be a candidate for another term as district attorney. He expressed the desire to have the dockets, so far as Government cases were concerned, in excellent condition when he turned over his office to his successor. He was especially desirous of having the criminal docket in excellent condition when that time came. For the past year and a half, I have put in a far greater part of my time on the trial of criminal cases. There were many criminal cases tried, several of which were quite lengthy.

I have the records as to pending criminal cases before me. There is one criminal case pending in the Cedar Rapids division. The defendant has been a fugitive for a number of years. There are no criminal cases pending in the central division. There is one criminal case pending in the eastern division. The defendant has been a fugitive for a number of years. There is one criminal case pending in the western division. The defendant has been a fugitive for a number of years. The total number of criminal cases pending on the dockets in this district is three. It is an alltime low in this district. In each case the defendant is a fugitive. I venture to state that no Federal district court has as few pending criminal cases as has this district. Mr. Van Alstine also tried to clean up a great many Government civil cases. He was able to dispose of a great many. Because of time limitations on my part, there are still quite a number of Government civil cases pending, some of which appear to present serious problems. Thus, there will be no danger that his successor will find time on his hands.

Mr. Van Alstine is now leaving after having served 8 years as U.S. attorney for this district. He has discharged the duties of his office in a most conscientious manner. He has exercised good judgment and commonsense in the discharge of the duties of his office. The cases and other matters he has handled have been well and carefully prepared. He has handled criminal prosecutions without fear or favor. While he has tried the criminal cases with vigor, never once have I observed he ever treated a defendant unfairly. He has been scrupulous in affording to defendants their full constitutional rights. He has reflected credit upon the office and upon public service.

I feel that recognition should also be given to the assistant district attorneys who have served this district—William B. Danforth, Franklin E. Gill, Joseph Brock, John F. Stone, Richard W. Beebe, George T. Gilinsky, Philip C. Lovrien, and William R. Crary. They were also able, hard working, and conscientious men.

BERLIN

Mr. MILLER. Mr. President, in the September issue of the American Federationist, the splendid lead editorial entitled "Berlin—Test for Free Men," written by Mr. George Meany, president of AFL–CIO, is deserving of notice. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BERLIN—TEST FOR FREE MEN

On a small island of democracy, surrounded by a sea of Communist armed might, 2.5 million people are living bravely, separated by only a few strands of barbed wire from the worst slave society the world has ever known.

They are the West Berliners, the men, women, and little children on the very front line of the war between freedom and despotism.

They are protected, of course, by a few thousand armed soldiers, but their real defense is the solemn pledge of the United States of America.

The West Berliners are courageous and calm. They are confident, too. They know the day of craven surrender to dictators is over. At the price of millions of lives and suffering too horrible to capture in words, the democratic nations have learned that peace can't be bought by surrendering even a little piece of freedom to a power-hungry totalitarian.

That is the real story of Berlin—the story of free men who have made up their minds to never again be pushed around by a dictator.

It is ironic that Berlin should today be freedom's front line. Only a few short years ago another evil dictator reigned there and brought chaos to an entire generation.

But the free world has learned a lot since the days of Hitler. The most important lesson it learned is that no man is free unless all men are free; that free men cannot barter away any man's freedom to insure liberty for themselves.

Berlin is today more than just a symbol of democracy—important as it is in the midst of Communist discontent and failure. It has rightly been called democracy's showcase—the one spot where East Berliners can see the material benefits of democratic freedom in stark contrast to their drab, dismal, desolate life as slaves of communism.

It is more than the hatchway to freedom through which millions have crawled out of the Communist trap. They are the millions who are the most confirmed anti-Communists in the world—for the man who hates communism most is the man who knows it best, the man who escaped.

In a real sense, the free world has already won the battle of Berlin. We won it on August 13, 1961—the day the Communists sealed that escape hatch with barbed wire, proving only their guns will keep those who have known communism's blessings inside this workers' paradise. There will be hours of tension, weeks of nerve-wracking maneuvers and months of danger ahead. The possibility of a fighting war will exist for every moment.

But the first and most important test has been met. The Kremlin knows now it has but two choices—to fight or back down.

And the world knows that behind the new concrete walls men yearn for freedom so desperately that the Kremlin has had to resort to the most extreme measures to keep them in bondage.

The President of the United States has pledged America's resources to the defense of the West Berliners.

It is our destiny to lead the free world in this hour of crisis. And the President knows that in this hour of test he leads a united, determined people—a people who know what human freedom really means.

SOCIALIZATION VERSUS SOCIALISM

Mr. MILLER. Mr. President, in the September 14 issue of the Wanderer, the lead editorial, entitled "Socialization Versus Socialism," merits attention, particularly in connection with a controversy which has developed over the import of the word "socialization" in the encyclical of Pope John XXIII. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SOCIALIZATION VERSUS SOCIALISM

(EDITOR'S NOTE: It will come as no particular surprise to our readers that, in sociopolitical matters, we rarely see eye to eye with Msgr. George G. Higgins, of the NCWC social action department in Washington. Only 3 weeks ago, Monsignor Higgins, whose liberal penchant is well known in the field of labor unionism, welfarism, etc., strongly suggested that Pope John, in his latest encyclical, "Mater et Magistra," had taken what

might be called the liberal side. Last week, in a complete reversal of this earlier stand, Monsignor Higgins surprised everyone—including us—with a soberly written and factual appraisal of this same great encyclical. He now holds, in effect, exactly what the Wanderer has held ever since the encyclical was first published. What we said editorially as far back as last July 27 and August 3—when we distinguished carefully between the two key words, "socialization" and "socialism"—Monsignor Higgins now says also—on September 8. We are of course pleased that Monsignor Higgins has seen fit to reverse himself and thus clear the record. We were equally pleased once before, when he at long last reversed himself on Castro's Cuba. His September 8 article, under the above caption, is herewith reprinted in toto from the Chicago New World.)

(By George G. Higgins)

The most widely publicized and most controversial section of Pope John XXIII's new social encyclical, "Mater et Magistra," is the one dealing with the phenomenon of "socialization." The controversy over this section of the encyclical starts with the word "socialization" itself.

Several commentators have already pointed out that there is no literal equivalent for this word in the official Latin text. The Latin text—as the Reverend John F. Cronin, S.S., of NCWC reported at the recent convention of the National Catholic Social Action Conference—uses at least five different expressions where the English translation uses one and the same word "socialization."

The same point was made by Msgr. R. G. Bandas of St. Paul in the August 24 issue of the Wanderer. "A careful examination * * * shows," Monsignor Bandas wrote, "that the English version is not a literal but a free translation of the encyclical."

Monsignor Bandas did not indicate in his article whether or not he thinks the word "socialization" is a reasonably accurate rendering of the several expressions used in the encyclical to describe the growing complexity of social relationships in contemporary economic life.

In any event, the important thing is to try to discover what the encyclical really means by "socialization."

In the first place, as Monsignor Bandas and many other commentators have pointed out, "socialization" is not to be confused with socialism. Socialism in the strict sense of the word is condemned in the encyclical.

What, then, is meant by "socialization?" "Socialization," in the context of the new encyclical is understood as the "progressive multiplication of relations in society, with different forms of life and activity, and juridical institutionalization."

It finds its expression for the most part, not in governmental programs but in a wide range of groups, movements, associations, and institutions * * * both within single national communities and on an international level.

Pope John says that while socialization "restricts the range of the individual as regards his liberty of action," it does not necessarily reduce men to automatons.

"So long as socialization confines its activity within the limits of the moral order, along the lines indicated," he concludes, "it does not, of its nature, entail serious dangers of restriction to the detriment of individual human beings; rather, it helps to promote in them the expression and development of truly personal characteristics; it produces, too, an organic reconstruction of society which our predecessor Pius XI in the encyclical Quadragesimo Anno put forward and defended as the indispensable prerequisite for the satisfying of the demands of social justice."

There are three possible ways of misinterpreting what the encyclical has to say about socialization. The first would be to confuse socialization with socialism. The second, which is similar to the first, would be to equate socialization exclusively with governmental action. The third would be to equate socialization exclusively with voluntary action by nongovernmental organizations or associations, thus ruling out almost every kind of governmental action.

In summary, the new encyclical, in favoring socialization, with the qualifications noted above, is giving its blessing, first and foremost, but not exclusively, to voluntary programs in the field of social reform and social welfare. Governmental programs—for example, social security—are also commended (but only) insofar as they are in harmony with the principle of subsidiarity.

KRISHNA MENON—ONE VOICE LESS

Mr. MILLER. Mr. President, in the Washington Post of Saturday, September 16, 1961, the lead editorial entitled "One Voice Less" merits attention. It points out that the unfortunate lack of knowledge by Mr. Krishna Menon of India, regarding the nature of the underground nuclear testing by the United States, has resulted in such a lack of confidence in Mr. Menon's statements that we may conclude that there is indeed one voice less than can speak authoritatively in the name of unalined countries. I ask unanimous consent that the editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ONE VOICE LESS

An appalling accumulation of radioactive debris has been put into the skies by the Soviet Union's 10 atmospheric tests of thermonuclear devices, and will descend, in the months ahead to poison the world's food and to imperil the health of all persons now living and the genetic integrity of all their descendants.

This is the grim scientific opinon, reported in the Washington Post yesterday. And this dreadful news is only half the story. The worst is yet to come, if and when the Soviet Union explodes the great 100-megaton bombs, two of which will equal all the radioactive byproducts of all atomic tests hitherto conducted.

There ought to be a worldwide outcry against the continuation of these tests. No great power has the moral right to put the health of peaceful people around the globe in such dread peril. This, by any rational definition, is an act of aggression against all the countries within the fallout pattern. Surely, the nonnuclear powers, in the United Nations, through every diplomatic channel and by every kind of appeal to the conscience of the world, should be seeking to stop this grievous and unprovoked attack upon the safety of all mankind.

War in the future may be made more terrible by the perfection of arms furthered by underground thermonuclear tests such as those the United States now undertakes; but peace itself today is made terrible by the atmospheric tests that Soviet Russia is conducting. One is a present horror; the other is a future horror which patient negotiation still may forefend.

Those who see no distinction between the two dangers are scientifically stupid, hopelessly uninformed—or Communist alined. In any case, such apologists for the Soviet explosions, never again can speak in accents of credibility for any humanitarian cause in any forum of the world. V. K. Krishna Menon, India's Defense Minister, and its representative at the United Nations, has utterly destroyed his effectiveness in world counsels by his incredible responses to questioning at a New Delhi press conference Thursday.

In October 1957, he spoke with some force and effect when in the debate on the reduction of armaments, he told the United Nations General Assembly's main political committee:

"There is no safe level of radiation. Every explosion of a hydrogen bomb equivalent to a million tons of TNT could produce bone cancer in 1,000 people. This does not take into account the effect on children before or after birth."

He was appealing to the conscience of this country, and of all mankind, in 1956 when he angrily threatened to demand that the United States be taken before the World Court for nuclear weapons tests planned in our trust territories.

He criticized the Soviet tests in New Delhi Thursday; but he saw the Russian atmospheric tests and the American underground tests as like menaces to humanity. The Associated Press says he "implied atmospheric tests would have less fallout because they do not suck up earth and contaminate it while the American tests are potentially more dangerous because they involve the ground."

There is not one shred of scientific evidence for this assumption. Nothing in the nature of radio-active debris has escaped any underground tests hitherto conducted. There can be no explanation for this kind of mischievous, Communist-serving utterance that will leave an iota of credibility in any non-Communist audience for anything V. K. Krishna Menon may say. The most charitable inference that can be drawn from this piece of nonsense is that the military defense of India is in the hands of a scientific ignoramus. That is alarming enough. And other conclusions about these views of a man so intimately connected with the Prime Minister of India, so powerful in its military affairs, so influential in its foreign policy, are even more alarming.

The real tragedy of such misguided reactions to atmospheric testing, of course, is the destruction of one more moral restraint upon great-power thermonuclear competition. There are few enough who still speak authoritatively in the name of the nonalined people and countries. There are few enough who can be heard in the cabinets of great powers when moral issues arise. There will be one less hereafter.

TESTING MORE THAN BOMBS

Mr. MILLER. Mr. President, the Christian Science Monitor's lead editorial of September 13, entitled "Testing More Than Bombs," points out that today the United States and the free world are being put to the test not only with respect to nuclear capabilities, but also with respect to steadfastness and firmness over Berlin, and tactfulness and resourcefulness in dealing with neutrals of all shades.

I ask unanimous consent that the editorial may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TESTING MORE THAN BOMBS

We trust President Kennedy has done more than listen to Presidents Sukarno and Keita.

We hope he can courteously but emphatically convey to the emissaries of the Belgrade Conference American feeling about the neutrals' strange response to the Soviet Union's resumption of atomic tests. If they wish to carry any weight as peacemakers they should at least explain why they have had so little to say about Moscow not merely breaking the moratorium but breaking it with atmospheric tests.

This whole development is testing much more than bombs. It is posing tests for nations and individuals. It probes into motives. Are the nonalined nations truly independent, prepared to umpire fairly and courageously? Or are they merely trying to stay out of trouble, claiming a moral role but not daring to make moral judgments, desiring the benefits of freedom but dodging any responsibility for checking tyranny? Have they accepted Nikita Khrushchev's excuse that he was forced into more testing by the West?

We are now seeing a considerable effort to explain away the Soviet testing. Military experts say the purpose was strictly military—to perfect types of weapons Moscow lacked. The Russians are said to have lagged in tactical atomic devices. Mr. Khrushchev has indicated he wished to test a trigger for his super super K-bomb. There is some speculation also that Soviet researchers are trying out an antimissile warhead.

Before anyone becomes too sorry for the Kremlin it should be noted that the last two projects are not required to catch up with Britain and America. They have no giant 100-megaton bomb. American military men have felt handicapped in developing an antimissile missile. They have also feared that with no inspection of underground tests the Soviet might be outstripping them by secret tests. Underground explosions would even now suffice for most of the tactical catching-up—if that were Moscow's real purpose.

The claim that the Kremlin has been forced into more testing by military needs does not hold water. Was Mr. Khrushchev forced into building up a crisis over Berlin? Was he forced to break treaties and rob the West of rights in East Berlin? Was he forced to boast of his big bomb and threaten his neighbors? Was he forced into other aggressive actions in recent months? Was he forced into demanding a troika arrangement in administration of the United Nations and of a test ban—insuring a veto for the Soviet and destroying any genuinely neutral or impartial controls?

Moscow's testing program calls for a new examination of aims and motivations. The timing has fostered suspicions of terroristic tactics. And there is some evidence now that this has boomeranged inside the Soviet empire. Panic buying of food in Poland is only one sign. So far the West has responded with less fear. But its steadfastness will be further tested over Berlin. So will its firmness, tactfulness and resourcefulness in dealing with the neutrals of all shades.

BRITAIN AND THE FIRMNESS OF THE WEST IN BERLIN CRISIS

Mr. MILLER. Mr. President, in the Christian Science Monitor of Monday, September 18, 1961, the lead editorial entitled "Britain and No Breach" and an article entitled "The Mood of Britain" merit attention.

With some of the publicity which has been given to the unfortunate pacifist sit-down demonstrations in Britain and some of the meetings and assemblies there at which the atmosphere created seems to be one of "better Red than dead," I believe the editorial and article to which I have referred are timely in pointing out that these manifestations on the part of a few people in Britain are not at all representative of the will and mood of the British people; that, in fact, the British people are just as firm as ever with respect to the dangers of communism; and that we can assuredly rely upon their continuing to maintain this frame of mind.

I ask unanimous consent that these items be printed in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

BRITAIN AND NO BREACH

When Lord Home, British Foreign Secretary, was preparing to leave Britain for the Western foreign ministers' meetings in Washington, he was reported as warning Moscow not to underestimate the firmness of the West in the Berlin crisis.

This statement was more than a matter of form. It reflected something besides a high-level response to Moscow's addition of nuclear terror to an already tense Berlin situation. It might even be read as a Cabinet Minister's acknowledgment that the British people are fully abreast of their Government—perhaps a chin's length ahead of its official position—as the sense of crisis mounts.

Moscow, we may be sure, will be noting this development with an interest equaling Washington's as exploratory East-West talks get under way alongside the United Nations General Assembly session in New York.

Premier Khrushchev's chief hope of dividing the West over Berlin has obviously rested on the possibility that British memories of World War II would work for him in at least two ways. Memories of British cities being destroyed, he has hoped, will serve as a warning of the shape of things that might come again to Britain. And the memory that it was Germany who wreaked the destruction of 1940-44, he has hoped, would make Britons unwilling in 1961 to take risks for Berliners.

Other aspects of the British scene may also have encouraged Mr. Khrushchev. During this prosperous British summer, many reports of escapism have gone out into the world from London. The movements for unilateral British nuclear disarmament, such as that headed by Lord (Bertrand) Russell, plus Labor Party support of it, have invited Communist divide-and-rule propaganda. Heavy emphasis on negotiation by the British Government and the holidaying of the Prime Minister at certain peaks of international tension—these, too, have been taken in other countries as indicating a casual Britain.

Perhaps, more than in some countries, superficial aspects of national temper in Britain tend to mislead foreign observers. Beneath the surface of popular attitudes an unusual sixth sense about the national interest keeps watch. It needs less than a series of Soviet nuclear trigger tests to trigger it.

When such a development does come, it produces an upheaval at the base of British politics, such as the Trade Unions Congress recent reversal of its nuclear disarmament stand and consequent restoration of Hugh Gaitskell's prestige as leader of the Labor Party.

There is reported also considerable British criticism of government leaders for not staying in London in the summer crisis. This may be unfair, but it is an important indicator of the people's mood. It is reminding experienced onlookers of the mood of 1939, which was, it should be recalled, very different from that reported in 1938.

All this is highly important at a time when Moscow's envoys are specially busy in Washington, and, therefore, presumably in other Western capitals, trying to gage the Western will to resist Communist encroachments at Berlin. It is clear that Lord Home did not overstate the position as he set out for the Foreign Ministers' talks at Washington and New York.

THE MOOD OF BRITAIN

(By Henry S. Hayward)

LONDON.—It is hard to define precisely how the British people feel today. And it is easy for an outsider to gather entirely the wrong impression.

For example, demonstrators are very much on display. The anti-Polaris submarine people this past weekend gathered for the umpteenth time to protest against the American base in the Clyde. And the anti-nuclear-war adherents sought to sit down in passive obstructionism in London's Whitehall.

Both sets of protesters achieved publicity. But it is accurate, I think, to say neither represented the real Britain. These were primarily the pacificists and the leftists—plus, as always, a certain number of upright, liberal-minded, or merely bemused followers, anxious to support something.

The British majority—and therefore the more valid or genuine British sentiment—was far less demonstrative. For such another Sunday activity—observing the anniversary of the Battle of Britain—seemed more appropriate than pacifism.

Such Britons, for the most part, are not easily moved. Nor are they given to displays. Rather, they are apathetic and detached until they make their minds up. Then, they can become stubbornly determined.

A lot of such making up of minds has been going on here recently, behind the fussing and fizzing of demonstrators. Such people who watched the sum of Soviet nuclear test explosions mount day by day—and listened unsurprised as their scientists told them the radiation quotient in the air over these islands had increased measurably.

They watched, too, the grim moves and countermoves in Berlin. They were told a new British Army division was being formed, ready to be sent to Berlin if needed. They did not like it, but they did not protest. For unlike so many of the demonstrators, these people are not pacifists.

They are not the "better Red than dead" element. Or the "no war over Berlin" sloganeers. These are the everyday Britons who hate to mention it, hate to contemplate it, seldom elaborate on it—but nevertheless are perfectly aware that a fight may become necessary.

You don't hear much about them or from them. But they are the Britain of today. The others are thoroughly unrepresentative of the general body of British opinion.

In some ways, the atmosphere here now is like that of early 1939. In 1939, Britain had its pacifists too. Then, likewise, they did not really represent the mood of the nation.

In those days, the imminent danger was of physical military invasion, of gas attacks, of bombers. There were air raid shelters to build, children to evacuate, drills to be held, ships, planes, weapons to produce.

Today of course, there is none of that. No visible civilian acivity. No anti-H-bomb shelters. The view of government and individuals is that nothing can be done about such matters if the nuclear deterrent fails to deter.

Yet what is very similar indeed to 1939 is the gradual hardening of the British outlook that is taking place—this time toward

the Soviet Union. It is a more-in-sorrow-than-anger facing up to the unpleasant facts about Kremlin power politics and aggressiveness.

This attitude, far more than that of the marchers and the sitters, is consistent with the temper and character of the British race. It is an attitude molded and inculcated by the experiences of 1914 as well as 1939. The Kaiser and Hitler made the mistake of thinking their opponents were pushovers, that Britain and France were too frightened to fight. People here hope the Communist leaders will not make the same fatal miscalculation.

Meanwhile, aside from the demonstrators, a curious calm prevails here. The nation is neither sound asleep nor yet fully awake. No one is inciting or exciting the British people at home. Members of Parliament are traveling or in their constituencies, taking temperature readings. An unflappable Prime Minister doggedly completed his summer vacation and refused to add to the sound and fury by recalling Parliament as several times had been requested.

This does not mean British leaders are unconcerned. It only means they are waiting until something requiring specific action occurs before rousing a nation that dislikes being roused unnecessarily.

Meantime, the special low-keyed British reaction mechanism has worked up to a slow boil. Those who know it best are convinced if severe trouble comes, the British will be in it.

The real Briton, that is. His is the mood to watch.

THE FEED GRAIN PROGRAM—BILLION DOLLAR BUST

Mr. MILLER. Mr. President, in the Chicago Tribune of September 20, the lead editorial entitled "Billion Dollar Bust" sets forth some of the facts relating to the agricultural situation, and points out exactly what I pointed out on the floor the other day, that estimates regarding the savings to taxpayers under the emergency feed grains program are certainly no more than estimates, and that, as a matter of probability, this whole program may end up being a dismal failure. No one knows what the outcome is going to be, but I believe it well to point out what is being said on the other side, as against statements being made on the floor of the Senate which are very optimistic and, in my judgment, unduly so.

I ask unanimous consent that the editorial may be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BILLION DOLLAR BUST

Presumably Orville L. Freeman, Secretary of Agriculture, has read his Department's September crop report. It indicates the Kennedy administration's feed grain program has turned out to be a costly fizzle rather than the grand success he has been proclaiming it to be.

Hardly more than 2 months ago, Mr. Freeman was telling Congress that farmers, in return for cash payments and higher price supports, had reduced corn acreage by nearly 19 percent and that the prospective crop for use as grain would be cut 18 percent, or 716 million bushels. Congress was so impressed by his pitch that this was the economical way to reduce the $4 billion surplus of corn and other feed grains that it proceeded not only to extend the feed grain program another year, but to enact a similar program for wheat.

With the latest crop report, however, the program becomes less appealing. Now the corn crop is forecast at 3.519 billion bushels, 10 percent larger than the July estimate and only 10 percent below last year's record crop. The reduction in the crop will be, not 716 million bushels, but only 37 million. Surplus corn stocks, now totaling 2.098 billion bushels, will be reduced by only 83 million.

What happened was that farmers' ingenuity and nearly perfect growing weather combined to upset the administration's program. Farmers took their poorest yielding acres out of production. Then they increased their use of fertilizer and planted thicker to achieve maximum yields from their remaining acres. Result: Yields soared to an estimated record 60.4 bushels an acre, 10 percent above last year's record 54.5 bushels an acre and the biggest yield per acre increase in a single year in history.

This has prompted Charles B. Shuman, president of the American Farm Bureau Federation, the Nation's largest general farm organization, to describe the feed grain program as a "billion dollar fiasco * * * the most costly failure in the long history of attempts to fix prices and control production of farm crops by legislation." Not only has the program failed to curtail the surplus significantly, he maintains, but it has hurt farmers economically through the price depressing effects of "unconscionable dumping" of Government-owned surplus corn on the market, which Mr. Shuman charges was done to scare farmers into participating in the program and to penalize those who have refused to go along with it.

Mr. Shuman believes the program will cost taxpayers $1 billion, including $700 million or more which will be paid for idling corn and sorghum acreage. Moreover, he says, "new employees by the thousands have been added to the Federal payrolls and Commodity Credit Corporation losses can be expected to mount as higher support prices pull more of the crop into Government bins."

"It would have been far cheaper to buy the grain that is not being produced and ship it to the South Pole," he asserted in an editorial in the October issue of the federation's monthly publication, Nation's Agriculture. "In addition, the promise of higher support prices for soybeans, plus the restrictions on corn acreage, have generated the largest soybean production of all time. Prices are on the skids and this crop, surplus free until now, will be brought back into the hands of the bureaucrats as millions of bushels pour into Commodity Credit bins."

THE KENNEDY TAX REFORM PROGRAM

Mr. MILLER. Mr. President, a very discerning editorial written by Mr. Richard Wilson, chief of the Washington staff of the Des Moines Register, published in that paper of September 17, points out why the tax reform proposals of this administration have not met with acceptance. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY KENNEDY TAX REFORM HAS FLOPPED

(By Richard Wilson)

WASHINGTON, D.C.—Among the less publicized but highly significant failures of the Kennedy administration is the fiasco over revising the tax laws.

What is involved here is an underlying lack of confidence of influential Congressmen of both political parties in the real aims of Kennedy economic advisers.

In a larger sense, the tax fiasco also reflects the congressional disdain of the general run of President Kennedy's academic advisers in almost every field. This is not unusual. Congress was never very friendly to the Roosevelt braintrusters; but it stood in awe of them and, for a couple of years at least, passed the legislation they drafted.

HIS FAILURE IS IGNORED

Even a Republican Secretary of Treasury has been unable to cover the Kennedy economic advisers with the protective coloration they need to win confidence in Congress. On the contrary, as Secretary of the Treasury C. Douglas Dillon, a former Eisenhower administration official, stands mute while Government nondefense costs rise sharply, he begins to share some of the congressional criticism.

Secretary Dillon, however, enjoys a good press from apologists who ignore his spectacular failure in the first session of the first Kennedy Congress.

Last April 20 President Kennedy sent to Congress the Dillon tax proposals for "a first though urgent step" toward broad tax reform. Participating in preparation of the proposals were Assistant Secretary of the Treasury Stanley S. Surrey, former Harvard professor; Commissioner of Internal Revenue Mortimer M. Caplin, former University of Virginia professor, and Chief Economic Adviser Walter W. Heller, former University of Minnesota professor.

DID NOT TAKE FIRST STEP

Much more was proposed by President Kennedy for submission next year after Congress had taken the first step.

But Congress did not take the first step. If it took any step at all, it was backward. The House Ways and Means Committee considered the Kennedy-Dillon-Surrey proposals for a few months and then dropped the whole subject. In the process reaction grew against the professors who had drafted the tax policy. It was suggested to President Kennedy and Secretary Dillon that they ought to bring in some advisers with a more comprehensive understanding of the capitalistic competitive system.

The opposition in Congress took the uncharitable view that New Frontier tax policies are designed to add to the tax burdens on productivity, employment, and capital formation in the guise of incentives for the modernization of industry.

The professors had tried to trade off a $1.7 million tax credit incentive for business in exchange for closing up loopholes in the tax laws. The $1.7 billion drop in the Federal revenue from tax credits granted to business would be offset by new revenue from a 20-percent withholding tax on corporate dividends, and by cracking down on the expense account racket. The New Frontier legislation also would have prevented American firms from escaping American taxation in tax havens abroad.

This idea of closing up the loopholes is as old as the New Deal, and Congress would have none of it this year. A dozen additional features of the Kennedy tax proposals, including hiring 4,625 additional employees to better enforce tax collection, increased the jaundice of the House Ways and Means Committee.

PROFESSOR VERSUS POLITICIAN

Congress did not react eagerly to President Kennedy's warning that expense account living is a matter of national concern, nor his slogan, "it's deductible," should pass from the scene. He proposed restriction of the deductibility of business gifts,

expense of business trips combined with vacations, and excessive personal living expenses incurred on business travel away from home.

Nor was Congress at all satisfied with the methods of granting tax incentives to business for new plant and equipment expenditures.

Taken separately, some of the proposals undoubtedly had merit. It was the whole package which aroused congressional opposition. Underlying this opposition was congressional distrust of the aims of the Kennedy advisers, and the conviction that, whatever these advisers say, they actually seek stricter Government control and direction of business and industry.

It is the old Washington story of the professor versus the practical politician; the wonder of it is that it should happen in an administration which takes a very practical view of politics.

ARCTIC WILDLIFE

Mr. BARTLETT. Mr. President, the National Wildlife Federation publishes as an educational service a weekly bulletin entitled "Conservation News." The August 15 issue of this publication carried an article referring to the withdrawals establishing the Arctic and Izembek National Wildlife Ranges in Alaska which former Secretary of the Interior Seaton ordered on December 7 of last year. I ask unanimous consent that this article, entitled "Efforts Are Made To Scuttle Alaskan Wildlife Ranges," be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EFFORTS ARE MADE TO SCUTTLE ALASKAN WILDLIFE RANGES

The Congress recently passed and sent to the President an appropriation bill for the Department of the Interior which denies any money whatsoever for the new Arctic and Izembek national wildlife ranges in Alaska. The action, signed into law August 3, was taken on adoption of a conference committee's report.

The conference committee deleted $181,350 for the Arctic range and $206,000 for the Izembek range in funds which had been approved by the House. By denying the funds the committee took the lead of the Senate, acting upon requests of Alaska's Senators, E. L. BARTLETT and ERNEST GRUENING, the Governor of Alaska, and the Alaska Legislature. The 9-million-acre Arctic range and the 415,000-acre Izembek range were established last December by former Interior Secretary Fred A. Seaton, action which Alaskan officials have asked be reviewed by Secretary of the Interior Stewart L. Udall.

Funds for construction, operation, and maintenance were cut out for the two areas. Thus, as things now stand, the Bureau of Sport Fisheries and Wildlife cannot even supervise the activities of five companies which allegedly are exploring for oil and gas in the vast Arctic area. Surveying and land classification work is also suspended.

In a move to scuttle not only these ranges, an attempt is being made to sell the public on the idea that the State of Alaska can manage these ranges better than the Federal Government and that Alaska should be permitted to do so. Much could be said about this theory, but one question has been left unanswered. What would the State use for money?

With fewer taxpayers in all Alaska than can be counted in many good-sized cities in some of the other 49 States, there is little money for initial surveys, existing needs for fire protection and control, or the cost of operation. Supporters of this policy say Alaska is for Alaskans and that the Federal Government controls too much land in that State.

The Arctic Range primarily is concerned with the protection of resident species of wildlife, a true and traditional responsibility of the State—if it had the manpower and financial capability. Unless, or until, the State is able to fully protect these and other valuable resources of the Arctic Range, the task should remain the responsibility of the Federal Government.

On the other hand, the Izembek Range is primarily concerned with migratory waterfowl—a true and traditional responsibility of the Federal Government because of national and international situations involved.

Alaskans are loyal and patriotic people who think first of all as citizens of the United States, and this certainly makes for better citizens of the State of their choice. They remember that the purchase price of Alaska came from the pockets of the citizens of sister States, as did the appropriations which kept it solvent during its years as a territory. Other Americans are still digging into their pockets for funds to help their sister State through a difficult 5-year transition period.

Alaskans also know each State has values which should belong to the people of all the States, be they the age-old giant redwoods of California, or the unspoiled wilderness reaches of the Arctic Wildlife Range. Many Alaskans, and others, are so advising the Secretary of the Interior. No specific area has been selected to be set aside for conservation purposes which has not been bitterly opposed by those who thought they saw a quick dollar. Had they always won, the United States would be a poor country indeed.

Mr. BARTLETT. I believe that this article performs no educational service whatsoever. In fact, it makes faulty assumptions, contains serious errors in fact, and represents a position which in the last analysis is contradictory. The issues which this article attempts to analyze are treated in biased terms and the views expressed are, in my opinion, clearly prejudicial to the best interests of Alaska.

As the Senate may know, my colleague [Mr. GRUENING] and I successfully asked to have deleted two items from the Interior Department appropriations bill for the 1962 fiscal year. These were for the management of the two ranges to which I just referred. We did this because, after many months of deliberation, including extensive hearings, we decided that the creation of these ranges was not in the best interest of Alaskans or the people of the United States. Secretary Seaton's action disregarded the request by Gov. William A. Egan, of Alaska, that the almost 9-million-acre Arctic National Wildlife Range be made available for State selection, and was opposed by the Alaska congressional delegation, the Alaska State Legislature, fish and game officials of the State, and many others interested. The reasons for this opposition will become clear in the course of this statement.

The article states:

Funds for construction, operation, and maintenance were cut out for the two areas. Thus, as things now stand, the Bureau of Sport Fisheries and Wildlife cannot even supervise the activities of five companies which allegedly are exploring for oil and gas in the vast arctic area. Surveying and land classification work is also suspended.

In the House hearings on these appropriations, only passing reference was made to the way the funds were to be used. No mention is made anywhere in these hearings that the surveying and land classification work to which the article refers might be done. No funds were contemplated for this service in the appropriation measure. In fact, to manage an area which is considerably larger in size than the combined acreage of the States of Connecticut and New Jersey, the Bureau of Sport Fisheries and Wildlife asked for $31,350 for two permanent positions, $14,000 for equipment and operating expenses, and $150,000 for construction. I have been advised that of this latter figure, $40,000 would be used for an office-shop building and warehouse at Fairbanks, $53,000 for emergency patrol headquarters at Sheenjek and in the Peters-Shrader Lakes area, $50,000 for a landing strip in the range, and $7,000 for powerplants at Fairbanks and in the field.

Despite what they say, there are no companies exploring for oil and gas in the area set aside by Secretary Seaton. The article, of course, covers itself by stating that companies are allegedly exploring in the vast Arctic area, thereby suggesting that the range is included. It is this sort of suggestive prose which perhaps irritates me the most. I question, then, not so much the motivation of the Conservation News bulletin as the way in which it distorts facts to support a hazy, ill-defined ideal of conservation. The utilization of land in the best interests of present and future generations requires thorough research, and not uninformed idealism.

In reference to the Arctic withdrawal, no one in the Interior Department, or for that matter anyone else, had the vaguest idea of what exactly it was seeking to protect. Nine million acres were simply isolated from potential development. Though oil and gas leases continue to be allowed, not even subsurface rights remain for hard-rock mining. But I would ask those who support the former Secretary's action, since the area is so remote that access is only possible on foot or by air, and since no roads may be built into the area, how any petroleum development efforts may be profitably realized. Had only subsurface rights been granted for hard-rock mining, as Secretary Seaton initially proposed, the contradiction would be even more blatant. I repeat, that until we know what is inside this vast area, and until the land is classified accordingly, it is simply bad judgment to create conditions whereby potential benefits to mankind are forever lost. Needless to say, an area of this nature which is once withdrawn will probably always remain withdrawn, since political considerations usually govern these affairs.

Let me return to the appropriation measure. The Bureau of Sport Fisheries and Wildlife wishes to build a warehouse in Fairbanks. Now Fairbanks is

250 miles away from the nearest border of the range, is 320 miles from the center of the range, and is roughly 385 miles from the Arctic coastline. There is, of course, no easy way to get from Fairbanks to the range. Additionally, despite the Interior Department's emphasis on the biological value of the withdrawn area, no permanent biologist was sent there by the Government. So far as is known, no man has ever spent an entire year within its confines. It was suggested, then, that this range, of which we know next to nothing, should be managed by proxy.

The purpose of S. 1899 of the 86th Congress, the legislative counterpart to former Secretary Seaton's withdrawal by executive order, was to satisfy all interests. Actually, it satisfied only a few. The "wilderness" people thought they were getting a wilderness. The sportsmen thought they were getting a hunter's paradise. The wildlife conservation people thought they were getting a game refuge. Park enthusiasts thought they were getting a national park. The Defense people were satisfied, as the area could be used for defense purposes if it were found necessary to do so. Even miners were not wholly disillusioned as subsurface mining rights were to be granted. In fact, no one was getting what they wanted, because the bill was full of contradictions, inconsistencies, and lacked an underlying philosophical basis.

Secretary Seaton's creation, subject to a few qualifications, is generally considered to be a wilderness refuge which will preserve a unique area—unique in that we know less about it than perhaps about any other area in the United States. Yet the wildlife people wish to build a $50,000 airstrip there. It is, of course, clear that this intention violates the concept of those witnesses on the bill—and they were many—who argued that not so much as a single tractor should be sent into the area contending that it takes 50 years or more to eradicate tractor trails left in arctic areas. In this connection, I also wish to cite parts of a letter which C. L. Anderson, Commissioner of the Alaska Department of Fish and Game, wrote to Clarence F. Pautzke, Commissioner of the U.S. Fish and Wildlife Service, on April 12, 1961:

> We are also deeply concerned with the proposal that an airfield be constructed on the Arctic Wildlife Range by the Service. This enormous piece of country was removed from State control for the purpose of protecting its wilderness quality and to prevent or impede development. We now find that the initial and primary threat to these wilderness qualities stems directly from the desire of a Federal bureau to develop the area in accordance with its own interests, which in this case are strikingly different from those which it espoused only a short while ago.

I refer again to the article, which continues to state:

> In a move to scuttle not only these ranges, an attempt is being made to sell the public on the idea that the State of Alaska can manage these ranges better than the Federal Government and that Alaska should be permitted to do so. Much could be said about this theory, but one question has been left unanswered. What would the State use for money?

What, I ask, is the Federal Government going to do that has not been done before? Game laws of the State have applied in this area in the past, and they will continue to apply. The State of Alaska has a department of fish and game which is competently staffed and has the resources to carry out its functions. The Federal Government is nevertheless planning to build facilities at Fairbanks and an airport in the field, in order to do, as far as I can see, nothing new.

If it were asked, for what primary reason the range was created, one might answer that it was to prevent its despoliation by man. This is admittedly a noble objective, and one in which I concur wholeheartedly. Yet if one should wish to be more specific, answers are hard to come by. Some say that the Arctic glaciers in this area are unique, and should be preserved. Testimony reveals that they are unique because they are so far north, where precipitation is light. But is it necessary to set aside almost 9 million acres to preserve a few glaciers?

Others say that the preservation of wildlife is a primary objective. Testimony reveals, though, that many other areas are far richer in wildlife. Admittedly, there are polar bear. But these are restricted to the coastal region, and are generally found not on the land at all, but on the ice adjoining the land. There are also caribou which roam over the range and which, in view of a substantial decline in their number over the last 20 or 30 years, must be protected. But is this range the answer? It is known that caribou use areas only as long as the grazing is good. Today they roam over the area in question; in 10 or 20 years they may be elsewhere, and it is unlikely that their movement will be controlled by the creation of arbitrary boundaries. To control hunting activities of all kinds, furthermore, does not necessitate a range either. The Federal Government, previous to statehood, controlled hunting in Alaska for over half a century. Why, then, cannot it, or the State, continue to do so without the creation of the Arctic Wildlife Range?

Of course, there may be flora and fauna which deserve protection. Those who have viewed the area say that they are truly beautiful. But very few have been to the area, and very few know what is there. Dr. John L. Buckley, who testified with the Department of the Interior, said himself that more is known of the geology of the area than of anything else. No scientific study has been published of the wildlife in the area. No biologist has been permanently stationed in the area. The appropriation requests, furthermore, did not include funds for the type of research which is needed. In fact, no mention of research was made at all. When the article states, then, that there is "little money for initial surveys, existing needs for fire protection and control, or the cost of operation" in Alaska, it is implying that the Federal Government will supply these needs. Yet I can find nowhere that they will do so. The Conservation News is quite simply and quite clearly confused.

I wish to refer briefly to the Izembek withdrawal, which, in view of its smaller size, is less controversial but which I have nevertheless opposed. The article states that the Izembek Range is primarily concerned with migratory fowl, "a true and traditional responsibility of the Federal Government because of national and international situations involved." It fails to point out, however, that its significance to wildlife is primarily that of a public shooting ground, which will be managed by the State, rather than a waterfowl production area. The really important waterfowl sites involve tidelands which remain under absolute control of the State. C. L. Anderson, in the same letter to which I referred earlier, has some important words to say about this range:

> The contemplated construction of facilities on the Izembek Wildlife Range, for which $206,000 is being asked, is not easily understood in relation to the Bureau's responsibilities in that area. In the past a single permanent employee charged with administering the Aleutian Wildlife Range has been maintained at Cold Bay. Additionally, itinerant biologists and temporary employees have likewise been present at Cold Bay and on Amchitka Island. While we are aware that under territorial status this region of Alaska was grossly neglected by the Fish and Wildlife Service, which saw fit to assign only a skeletal occupational force, we cannot comprehend why the Service, at this late date and after management responsibilities have been transferred to the State, now proposes to build expensive, elaborate facilities apparently in anticipation of a greatly enlarged staff. * * * I was struck by the irony of the Service failing to provide properly for Alaska, when the responsibility rested with it, and now expanding its facilities and staff when its obligations to Alaska and its resources have beeen minimized.

I concur with Mr. Anderson's objections.

Mr. President, I have asked Secretary of the Interior Udall to review the actions of his predecessor as I believe that these ranges were set aside without adequate consideration. I am convinced that the size of the Arctic Wildlife Range, which is equivalent to nearly 90 percent of all other withdrawals for this purpose in the 48 original States combined, is excessive and at this time unjustified. I cite as precedent the 1,871,360 acre Clarence Rhode National Wildlife Range—also in Alaska—which when it was first considered, was to be 6,400,000 acres in size, or 10,000 square miles. If insistence had not been made to review this proposal, I am certain that its size today would be 6,400,000 acres. Fortunately, it was determined that such a large withdrawal was unnecessary.

Secretary Udall, in an address to the North American Wildlife and Natural Resources Conference on March 6, stated the issue succinctly when he said that "the need is for a balanced program of National and State parks—wildlife preserves and local recreation

areas." In the same address, he also said the following:

We have been charged by the President to formulate plans for new starts. Obviously, a national program of this kind does not mean the acquisition of new Federal parks and recreational areas only. Inevitably and most importantly, such a program must include devices for encouraging the States to develop land acquisition programs of their own.

The State is able to manage these lands, and will do so if given the opportunity. These ranges are opposed not, as the article suggests, by dollar-hungry individuals, but by those who hold the firm conviction that a case has not been made for the withdrawals.

DAG HAMMARSKJOLD

Mr. McNAMARA. Mr. President, on behalf of the distinguished Senator from Wyoming [Mr. McGEE], I ask unanimous consent to have printed in the RECORD at this point a statement prepared by him on the tragic death of Dag Hammarskjold, together with two newspaper items, one by Walter Lippmann and the other by Drew Pearson, dealing with the same subject.

There being no objection, the statement and articles were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MCGEE

In this morning's Washington Post there appeared two excellent articles on the tragic death of Dag Hammarskjold who so long and valiantly served the cause of peace as Secretary General of the United Nations.

Both of the newspaper columns—one by Walter Lippmann and one by Drew Pearson—reveal the poignant details of how the world-famed Mr. Hammarskjold rose from relative obscurity in the Swedish Foreign Office to become a leading force in the United Nations and his activities in making the U.N. a greater and stronger organization for peace.

I submit for printing in the RECORD the two newspaper articles referred to.

[From the Washington Post, Sept. 21, 1961]

DAG HAMMARSKJOLD

(By Walter Lippmann)

Over the years I have often wondered whether Dag Hammarskjold belonged to an age that is passing or to one that is being born. He was a bold innovator in world affairs, and he opened up a future, having carried further than it has ever been carried before the principle of international action to promote peace. Yet he was himself the fine flower of the European tradition of civility which, if it is not dying, certainly is not flourishing today.

He was altogether not the mass man of our times. He could be a very good friend but there was a deep reserve in his character which few if any can have penetrated. In the great public world where the white lights blazed upon him, he lived an inner life of contemplation and esthetic experience that had nothing to do with power and popularity and publicity. His diplomacy had a finesse and a courtliness in the great traditions of Europe. Never before, and perhaps never again, has any man used the ancient art of diplomacy for such unconventional and such novel experiments.

The biggest experiment, for which in the end he gave his life, was to move the international society of the United Nations from having to choose between a very difficult police action in Korea and sole reliance on debate and verbal expressions. He moved the U.N. onto the plane of executive action without large-scale war as in Korea. This movement from words to deeds, from general resolutions to intervention, was best seen during the crises at Suez, in Palestine, in Laos, and then in the enormous, the infinitely difficult, and the infinitely dangerous crisis in the Congo.

I knew Dag Hammarskjold long enough and well enough, I think, to understand why he accepted the risks of opening up new paths in such wild and uncharted country. He was not an innovator because he had an itch to change things. He was a political innovator because there was no decent alternative. He saw no alternative to intervention by the United Nations in a crisis where there was a bitter confrontation in the cold war.

No cautious and timid man would have dreamed of staking the prestige and perhaps the future of the United Nations, as well as his personal reputation and his office, on the attempt to pacify the Congo. But great as were the risks of intervention, the risks of letting events run their course were much greater. If the United Nations now fails in what Hammarskjold inaugurated, the prospects are that the terrible racial struggle between Europeans and Africans will become deeply entangled in the conflict betwen the Western Powers and the Communist powers of the Soviet Union and China.

It was to avert and to prevent this fatal entanglement that Hammarskjold dared to use the powers of the United Nations. The outcome is as yet unknown. But what we do know is that his unprecedented innovation in world affairs has run into fearful resistance both in the East and in the West. Hammarskjold's use of the U.N. to isolate and disinfect the Congo crisis brought on him and the U.N. the implacable hatred of the Soviet Government. At the same time Hammarskjold did not have the full support of the Western Powers. In Algeria, in Katanga, in Angola, in Rhodesia, and in South Africa there is bitter resistance to the objectives of the United Nations in the Congo. Those objectives are to protect the transition from white supremacy, which cannot be continued much longer, to African self-government for which the Africans are so unprepared.

There is no doubt that in the administration of the new U.N. policy there have been mistakes, errors of judgment and failures of personnel. But let us keep it in mind that the cause of the two-sided opposition to the U.N. action is not the mistakes, which are not irreparable. The cause of the opposition from East and West is a determination not to have the U.N. succeed in what it is attempting to do. For if the U.N. succeeds, there will not be a Communist government in the Congo. That is what Khrushchev hates about Hammarskjold and the Secretary General's office. And if the U.N. succeeds, there will not be a restoration of white supremacy in the Congo, and that is why money, propaganda, and clandestine intervention are being employed to frustrate the U.N.

No one knows today who can come after Hammarskjold, and there are many signs that he is in fact irreplaceable. For Hammarskjold was made Secretary General at a time when the U.N. was really no more than a debating society. Except for the police action in Korea it passed resolutions which aimed at mediation and conciliation but it did not in any important place command executive action.

It is easy to say that the world is not ready for international action to establish peace, and it would be hard to refute such a statement. Hammarskjold, under the fearful pressure of circumstances, resorted to international action. With his extraordinary diplomatic elegance and finesse, he used successfully international action at Suez, in Palestine, and in Laos. As compared with these the Congo presented a new order of difficulty, and the outcome, now that Hammarskjold is dead, is in the gravest doubt.

If the world is not ready for what Hammarskjold felt compelled to try in the Congo, it is also true, I hate to say, that this present world is not ready for the kind of man Hammarskjold was. He was a Western man in the highest traditions of political excellence in the West. Khrushchev says that Hammarskjold was not neutral in the Congo, and that there is no such thing as a neutral man. Hammarskjold was in fact the embodiment of the noblest Western political achievement—that laws can be administered by judges and civil servants who have their first allegiance to the laws and not to their personal, their class, or even their national interests.

No such political ideal is believed to be possible or is regarded as tolerable in the Marxist world. The ideal is not very well understood in most of the rest of the world, and there is no use pretending that such public servants are not very rare indeed. So there are times, as now in this hour of our grief and shock, when the ideal seems to belong to things that are passing away.

[From the Washington Post, Sept. 21, 1961]

HAMMARSKJOLD FOUGHT FOR PEACE

(By Drew Pearson)

Dag Hammarskjold used to sit at an inconspicuous desk in an inconspicuous office of the Foreign Ministry in Stockholm. He was not a very prepossessing man and he didn't have a very prepossessing job. No one had ever really heard of him—not even in Sweden.

The U.N. leaders, desperate to find a neutral the Russians would accept, pulled him out of the Swedish Foreign Office and made him Secretary General of the United Nations.

But Dag Hammarskjold, the inconspicuous little man with mild blue eyes, had a determination born of his Viking forefathers; and that determination became deeper and the mild blue eyes more intense as Hammarskjold waged his crusade for peace.

He worked Saturdays, Sundays, routed associates out of bed at any hour of the night, concentrated on the U.N. until it had more teeth than any other international organization in history. He set a precedent that the Secretary General must be heard in debate, and have the right to intervene on his own in any crisis. Instead of a mild-mannered, milk-toast civil servant, he became a power.

Came the Suez crisis and Hammarskjold stepped in against his own friends—the French and British. He stopped a war which could have set the world on fire. That time the Soviet Union was on his side. The Kremlin applauded from the sidelines.

Came crisis in the Congo. This time he moved in against the Soviet, thwarted its policy of dominating the wealthy vacuum of newly independent Africa. This was when Moscow came to realize what a bind a strong Secretary General could put it in. This was what caused Moscow to propose its troika plan to thwart such a Secretary General.

QUAGMIRE OF POLITICS

The Congo was a vortex of tribal passions, a quagmire of African politics. Only a man of steel nerves and unflinching dedication would have dared step in. Hammarskjold took the step.

At first he had everyone against him. African leaders who talked glibly about independence from the soapboxes pulled their troops out of the U.N. when they saw Hammarskjold meant business. The French refused to pay their part of the costs. The Russians boycotted and bellyached.

Hammarskjold stood fast; then began to work out peace in the Congo. He got the Parliament called back to Leopoldville. He got Antoine Gizenga, pro-Communist Vice Prime Minister, working with Cyrille Adoula, the pro-West Prime Minister. The only thing that remained was to work out peace between them and mineral-rich, Belgian-dominated Katanga.

Adoula and Gizenga were itching to send troops into Katanga—which would have meant bloody civil war. To head off that war, Hammarskjold talked President Tshombe into cooperation, only to find that Defense Minister Munongo had talked him out again. Finally U.N. troops intervened. This was more or less what the Russians had wanted 1 year before.

Only a man with incredible nerve would have done this. Dag never knew whether his friends in New York would support him. He never knew whether the Russians would change their view of him, now that he was backing some of their pro-Lumumba friends against Katanga. He didn't care. He did know, however, that he would get little credit if he succeeded; his name would be "mud" if he failed.

It was over those steaming jungles, over that vortex of passion, over that quagmire of African politics that he was flying for another meeting with slippery President Tshombe when his plane crashed.

MEMORIAL TO DAG

That spelled the end of the inconspicuous little man who filled the big chair in the United Nations. It will not spell the end of trouble in the Congo. It will not spell the end of trouble in the world.

But it could mark the beginning of better understanding for peace—if the French who boycotted Hammarskjold, and the Russians who tried to undercut him, and the others who sometimes complained about him—would join together in a memorial to Dag Hammarskjold—a new U.N. headquarters in Berlin, making it a "city of peace."

The Soviets scored some great achievements in our geophysical year—including the first sputnik. If they worked at peace as hard as they worked at science—and if we joined them—there could be joint distribution of food for peace, joint medical cooperation for peace, joint mental health studies for peace, and various other projects for peace—all emanating from Berlin.

As I tried to tell Khrushchev when I saw him last month, peace is something that comes from working together, not making speeches at each other. It comes from such things as our current American-Soviet cooperation to prevent opium smuggling, our current cooperation for the protection of Bering Sea seals, our recent geophysical cooperation in the Antarctic, and our exchange of students.

This is what could solve the Berlin crisis—by erecting a new "year of peace" headquarters in Berlin in honor of a man who gave his life in the sweaty jungles of Africa working and dying for peace.

FISCAL POLICY AND THE COLD WAR

Mr. BENNETT. Mr. President, the Berlin crisis has caused us to turn our attention with renewed vigor to ways of strengthening our national defense. From the economic standpoint, the great problem is to maintain a strong military defense without opening the gates of inflation and also without crippling initiative and enterprise through increased income taxes.

The figures from our past two World Wars remind us that one of the weapons of war is the reserve a nation has to meet the demands that a great war thrusts upon it. For instance, at the beginning of World War I the annual expenditures of the Federal Government amounted to less than a billion dollars. The war increased them to a peak of $18.5 billion, which was 25 times above the prewar level of $735 million. In 1940 Federal expenditures amounted to $9 billion. World War II multiplied them more than tenfold, to a peak of $98 billion. About one-third of the stepped-up spending was financed through tax increases, the rest through borrowing.

What would happen if a hot war should break out? Merely a fivefold increase in the present budget would mean an annual cost of $440 billion. But even without a war, and I pray it will never come, it is plainly evident that the necessary buildup of our defenses will continue to put a severe strain on the budget. And, in fact, the greatest deterrent to war is a formidable defense posture.

It is because national defense is the first priority that the other drains on the Treasury must be reduced. In World Wars I and II the country was able to absorb large doses of new taxes and inflationary borrowing because the dollar, at the beginning of each of these wars, was both sound and stable. And there was some leeway in the Federal spending and attendant tax structure. But where are we now in the face of the cold war?

The Kennedy administration seems intent on not just maintaining the current level of nondefense spending but actually increasing it. Of the $9 billion increase over last year's budget, $6 billion is in the nondefense category.

If defense spending were the thing responsible for our problem, and if we decided it could not be cut, we could still balance the budget. But we would have to do it by holding the line against increasing fringe benefits, the nonessential domestic expenditures. The administration, however, seems determined to increase those nondefense expenditures. Actually, I doubt that the public really wants this. My own mail, at any rate, is running heavily in favor of fiscal responsibility and a balanced budget.

There is a limit to the economic drain that can be put on a people. One great economist, Colin Clark, told the Joint Economic Committee in 1959 that if the tax burden exceeds 25 percent of our income on a regular continuing basis, the effect will be inflation in prices and a depressive effect on work incentives. At the present time our Federal taxes are absorbing 20 percent of our national income. We are already approaching, therefore, this so-called breaking point. Add to this the State and local tax burden and we are well beyond the danger point, with Government taking a total of one-third of our incomes.

To provide sound, noninflationary financing of the cold war, and to provide a solid base from which to build for any eventuality, the Kennedy administration will have to change the pattern which it has thus far been pursuing. We are already seeing some visible weakening of zeal for work from taxation and many offers of free Federal handouts.

I think the following anecdote illustrates the danger we face. An account is told of an old trick used by the Eskimos to protect themselves against marauding wolfpacks. They embed handles of razor-sharp knives in the ice and smear them with seal blood. Thus attracted, the wolves lick the blades eagerly, cut their tongues, and are overjoyed at the seemingly inexhaustible supply of nourishing blood they can lick off the knives. They keep licking until they drop from the loss of their own blood, and promptly freeze to death.

We are in no position to sneer at the wolves, because we have been falling for the same old trick for a long time. I hope we learn, before it is too late, that the lifeblood of the Nation is not inexhaustible. There is a limit to the fiscal capacity of any nation. It is constantly increasing, and we can be grateful for that; but at any one time there is a limit. Nonessential spending must be stopped.

The battle with Russia will be tough enough without licking ourselves to death. I ask unanimous consent to have printed in the RECORD an editorial from the Wall Street Journal of September 12, entitled "The Sinews of Strength."

There being no objection, the editoral was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 12, 1961]

THE SINEWS OF STRENGTH

On the eve of World War I the annual expenditures of the Federal Government amounted to less than a billion dollars, $735 million to be exact. That war lifted them to a peak of $18.5 billion, which is to say they were multiplied almost 25 times.

On the eve of World War II the Government's annual expenditures amounted to $9 billion. That war multiplied them more than tenfold, to a peak of $98 billion.

What would happen to the Government's budget in the event of a modern war is anybody's guess. But merely a tenfold increase of the present budget would mean an annual cost of $877 billion, and in a war against so formidable a foe as Soviet Russia even this astronomical figure might be beggared by the event.

Indeed, it is plainly evident that without an actual war the necessary build-up of our defenses will continue to add unmeasured billions to the Government's cost. Some $6 billion have been added this year alone, with more already in sight for next year.

These figures are not noted just to raise a specter of higher taxes or of more inflation, although it should be evident to anyone that we face the prospect of one or the other, or both. Nor will there be any objection in these columns to spending what we must to safeguard the country. That is the Nation's first priority.

But the figures from our past two great wars are a reminder that one of the sinews of war is the reserve a nation has to meet the demands that a great war thrusts upon it.

Neither in 1916 nor in 1941 did the United States gird itself without strain. We had to multiply our taxes and, even so, see the dollar erode as the Government found itself

unable to meet the whole cost out of taxes and was forced therefore to resort to inflation. The country was, however, able to multiply its taxes because its taxes were low. It was able to absorb large quantities of inflation because the dollar, on the eve of each of these wars, was both stable and sound.

How much, today, can we multiply taxes? Our very lowest rates take some 20 percent of the poorest man's labor. The taxes on the richest man cannot be increased very much when the rate is already 91 percent.

How much new strain, today, can the U.S. dollar absorb when the Government finds itself unable, even with confiscatory rates, to raise the sums it will need to raise for any kind of modern war? At home we tread such a narrow line that a few cents-an-hour increase in the pay of auto or steel workers raises fears of a wage-price spiral. Abroad, the dollar is in such low estate that the shift of a few millions in our gold reserves sends nervous chills all over the world.

This is the real penalty of our past financial imprudence. It is not that the easy spending, and the flirtation with a little inflation, by themselves threaten to wreck the country. This is a big, rich country, and it can take an awful lot of mismanagement. But as with any family, the penalty of living it up is a lesser ability to meet the shock of new crises.

What is past, regrettably, may be past undoing. But now that the President and his aids are at work on the next budget they had better face the future honestly. It is precisely because national defense is the first priority, and because we can see the weight of that burden, that the other burdens must be reduced.

Let us pass over completely any argument about whether the huge spending of the Federal Government on nondefense items, present and proposed, goes for desirable things. However desirable any such projects may seem to even the most liberal politicians, they are of second priority. What in other times might be debated by philosophy must now yield to necessity.

That necessity is a hard and lean economy in nondefense spending. We cannot continue to have everything at once. If we try, we will sap one of our main sinews of strength.

CITIZENS URGED TO GIVE HOUR A WEEK TO UNITED STATES

Mr. WILEY. Mr. President, on July 4, 1961, I urged a greater effort to utilize the limitless, untapped reservoir of good ideas among the American people to win the battle for freedom. At that time, I suggested a renewed effort by all citizens to create new ideas on how to combat the Communist threat to our security, as well as further improvement of our way of life.

Fundamentally, my purpose was to demonstrate to the world—and I quote:

That as a free people we are not fat and lazy and so swimming in self-indulgence that we cannot compete with or defend our system against communism;

That freedom is not, as Khrushchev says, an outmoded concept that is literally dying on the political vine of history; and

That freedom, not totalitarian communism, is the dynamic revolution of the times that can best serve the people of the world now and in the future.

I was particularly gratified, therefore, to note that recently the National Conference of Citizenship proposed an expansion of this idea. At its conference, the citizenship group recommended, among other things, that citizens set aside 1 hour a week to do something specific for their country. Recently, the Milwaukee Journal carried an article on this and other recommendations of the conference. I ask unanimous consent to have this article printed in the RECORD.

[From the Milwaukee Journal, Sept. 19, 1961]

CITIZENS URGED TO GIVE HOUR A WEEK TO UNITED STATES—DUTIES OF AMERICANS ARE SUMMARIZED IN WORKSHOP SESSIONS AT NATIONAL MEETING

(By Laurence C. Eklund)

WASHINGTON, D.C.—The National Conference on Citizenship, which concluded a 4-day session here Tuesday, produced some answers to the question: What can we as citizens do for our country?

The answers, as distilled in workshop discussions of the 500 delegates, provoked the interest of President Kennedy. They were summarized as follows:

Read widely, think clearly, and act constructively in participating in public affairs at all levels of government.

Set aside 1 hour a week to do something specific for your country, like writing a letter to your Congressman.

URGED TO SET EXAMPLE

Set an example of responsible citizenship by accepting responsibility. Communicate the idea of good citizenship by living it.

Encourage and support competent people to fill public office and be willing to make sacrifices of time and energy. Form opinions and have political views, but back up your political leaders.

Show respect for and give obedience to laws in the American tradition; if the laws are wrong, work to have them changed.

In a message to the conference, Mr. Kennedy said: "The dedication and determination of individual men and women, not missiles or any other ingenious materialism, are this Nation's greatest strength."

MODERNIZATION IS URGED

One of the participating organizations, the National Heritage Foundation, urged a modernization of "our horse and buggy election laws."

The foundation protested that an estimated 8 million voters out of 33 million who moved last year were unable to vote in the 1960 elections because of inability to meet State, county, or precinct residence requirements.

Another barrier to voting which was cited is "the bombastic and long-winded" language describing constitutional amendments, propositions, and referendums.

Wisconsin was represented at the conference by Edith Luedke, of Plymouth, a member of the Wisconsin Education Association.

NATIONAL DEFENSE EDUCATION ACT

Mr. MORSE. Mr. President, the Senate action in extending for 2 years the various titles of the National Defense Education Act has removed, to all intents and purposes, serious and detailed consideration this session of S. 2345, the National Defense Education Act Amendments of 1961, which was reported from the Committee on Labor and Public Welfare last July 31, 1961.

Included in that bill are changes to title II of the National Defense Education Act which is concerned with loans to students, and which, if enacted would permit more equitable allocation of loan funds among participating institutions.

The program, itself, according to an announcement released today by Secretary Ribicoff is performing the functions for which it was established. I was particularly interested to note that:

Another major objective, Secretary Ribicoff pointed out, is to make it financially possible for more high school graduates to enter college and for more college students to graduate.

"That it is indeed accomplishing this and meeting a real need among our young people appears certain from the fact that five out of every seven student borrowers come from families with incomes of no more than $6,000 a year," the Secretary commented.

In addition, 9 out of every 10 borrowers indicated that it was the availability of student loan funds that made it possible for them to start or continue their college education. Yet the amounts of the individual loans have remained generally small. The recipients will not leave school burdened with debt. Although the program has now been in practical operation for more than 2 years, 9 out of 10 borrowers so far owe less than $1,000 for their education, he said.

The $122 million loaned to the 230,000 young men and women attending college and graduate schools is an investment which will repay itself increasingly in the decades to come.

The increased earning power of these young people, especially the 9 out of 10 who without this program might have dropped from college for financial rather than scholastic reasons, alone will mean a great contribution to our economic system and will be reflected in Government revenues.

In this connection, I had occasion to review title II activities in Oregon. I was delighted to learn from this study that in 1960 1,211 students attending 18 Oregon colleges were able to borrow an average of $495 each for a total of almost $600,000 to finance college work.

I ask unanimous consent that Secretary Ribicoff's statement be printed at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Preliminary results of a survey by the U.S. Office of Education indicate that 3 out of every 5 college students who have borrowed money under the National Defense Education Act of 1958 are planning to teach, thus fulfilling one of the major goals set by Congress in passing the act, Secretary Abraham Ribicoff said today. In contrast, among college students generally, only about 1 in 4 actually enter teaching.

Congress set up the student loan provisions of the act to encourage college students to teach in public elementary and secondary schools after graduation. To bring this about, the act provides that 10 percent of each loan is forgiven for each year—up to a total of 5—spent teaching. This means that the recipient can have half his loan canceled in return for teaching 5 or more years.

The Office of Education had loaned about $120 million to 230,000 college students and postgraduates as of June 30, Secretary Ribicoff said. The actual money available, however, was at least $133 million since the act obliges colleges and universities making the loans to add at least $1 of their own for every $9 expended by the Office of Education.

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enter college and for more college students to graduate.

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"In addition, 9 out of every 10 borrowers indicated that it was the availability of student loan funds that made it possible for them to start or continue their college education. Yet the amounts of the individual loans have remained generally small. The recipients will not leave school burdened with debt. Although the program has now been in practical operation for more than 2 years, 9 out of 10 borrowers so far owe less than $1,000 for their education," he said.

Mr. MORSE. Mr. President, since other Senators may wish to review information on the status of title II loan programs in their respective States, I ask unanimous consent that table 4, page 10 of the Office of Education publication, "The National Defense Student Loan Program—A 2-Year Report," be printed at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 4.—*Number of participating institutions, number of loans made, amount loaned, and average size loan, by State, 1959 and 1960*

State	Number of participating institutions		Number of loans made				Amount loaned				Average loan	
			1959 total	1960			1959 total	1960			1959 total	1960 total
	1959	1960		Men	Women	Total		Men	Women	Total		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Total, United States	1,181	1,357	24,831	79,083	36,367	115,450	$9,501,676	$34,637,936	$15,513,972	$50,151,908	$383	$438
Alabama	19	24	502	1,176	877	2,053	198,634	433,279	323,118	756,397	336	368
Alaska	1	1		25	3	28		10,156	1,219	11,375		406
Arizona	6	6	142	592	220	812	51,060	299,135	111,167	410,302	360	505
Arkansas	17	18	333	862	549	1,411	92,809	313,293	199,537	512,830	279	363
California	80	94	1,436	5,250	1,965	7,215	774,581	2,799,362	1,047,765	3,847,127	543	533
Colorado	17	18	351	1,101	400	1,501	195,137	572,684	208,061	780,745	556	520
Connecticut	15	18	293	939	313	1,252	125,714	400,886	133,629	534,515	429	427
Delaware	2	2	37	96	82	178	7,259	23,876	20,394	44,270	196	249
District of Columbia	9	10	233	691	337	1,028	110,471	397,390	193,806	591,196	474	575
Florida	14	18	522	1,556	706	2,262	391,205	549,563	249,348	798,911	749	353
Georgia	29	33	434	1,413	858	2,271	167,699	468,867	284,708	753,575	363	332
Hawaii	3	3	11	15	8	23	3,350	35,736	19,039	54,795	305	238
Idaho	7	7	116	344	143	487	40,435	128,755	53,522	182,277	349	374
Illinois	53	58	1,271	3,500	1,577	5,077	436,410	1,668,696	751,879	2,420,575	343	477
Indiana	26	28	901	2,479	949	3,428	358,610	1,148,386	439,625	1,588,011	398	463
Iowa	35	41	450	1,698	690	2,388	148,314	851,957	346,193	1,198,150	330	502
Kansas	30	33	509	1,470	491	1,961	255,844	715,293	238,914	954,207	503	487
Kentucky	25	26	494	1,336	729	2,065	188,020	481,372	262,668	744,040	381	360
Louisiana	14	15	588	1,685	781	2,466	160,991	761,305	352,870	1,114,175	274	452
Maine	7	13	81	516	109	625	30,789	212,674	44,925	257,599	380	412
Maryland	18	19	310	1,020	426	1,446	124,700	409,551	196,111	605,662	402	460
Massachusetts	61	61	512	2,947	1,031	3,978	212,666	1,328,773	464,878	1,793,651	415	451
Michigan	31	39	991	2,739	1,366	4,105	323,608	1,318,975	657,788	1,976,763	328	482
Minnesota	24	29	849	1,876	1,057	2,933	255,594	814,781	459,071	1,273,852	301	434
Mississippi	22	30	596	1,069	996	2,065	155,720	303,741	277,804	581,545	261	279
Missouri	34	39	804	2,346	955	3,301	273,035	973,943	396,476	1,370,419	340	415
Montana	8	9	81	378	104	482	33,801	151,225	41,607	192,832	417	400
Nebraska	14	19	208	818	295	1,113	73,548	374,540	135,073	509,613	354	458
Nevada	1	1	6	33	12	45	3,900	22,733	8,267	31,000	650	689
New Hampshire	6	7	152	655	93	748	43,941	225,785	32,057	257,842	289	345
New Jersey	19	23	319	1,311	542	1,853	143,127	660,613	273,115	933,728	449	504
New Mexico	9	9	167	423	136	559	51,902	210,346	67,628	277,974	311	497
New York	90	99	1,209	7,294	2,632	9,926	585,112	3,847,046	1,388,170	5,235,216	443	527
North Carolina	45	50	671	2,517	1,444	3,961	179,501	814,844	467,466	1,282,310	268	324
North Dakota	9	11	73	479	121	600	30,804	218,615	55,226	273,841	422	456
Ohio	44	54	1,148	3,336	1,759	5,095	451,255	1,472,480	776,405	2,248,885	393	441
Oklahoma	27	29	863	1,803	984	2,787	279,944	651,906	355,786	1,007,692	324	362
Oregon	17	18	246	819	392	1,211	82,755	405,125	193,907	599,032	336	495
Pennsylvania	75	80	1,462	5,529	2,119	7,648	502,451	2,306,138	883,850	3,189,988	385	417
Puerto Rico	3	3	681	937	492	1,429	83,238	257,470	135,195	392,665	143	275
Rhode Island	8	9	158	681	159	840	66,439	278,036	64,918	342,954	421	408
South Carolina	21	26	404	949	809	1,758	100,071	329,002	280,464	609,466	248	347
South Dakota	13	14	184	674	199	873	67,417	230,026	67,916	297,942	366	341
Tennessee	37	41	628	1,611	1,102	2,713	248,203	551,613	377,325	928,938	395	342
Texas	56	61	1,554	3,726	2,454	6,180	490,664	1,461,072	962,294	2,423,366	316	392
Utah	9	9	161	598	141	739	43,125	257,922	60,815	318,737	268	431
Vermont	11	12	90	404	205	609	23,781	152,124	77,193	229,317	264	377
Virginia	16	20	462	1,319	827	2,146	119,696	514,696	322,656	837,262	259	390
Washington	15	19	527	1,322	614	1,936	235,235	579,875	269,323	849,198	446	439
West Virginia	9	18	126	695	434	1,129	38,440	289,900	181,031	470,931	305	417
Wisconsin	27	30	480	1,908	649	2,557	226,334	846,161	287,814	1,133,975	472	443
Wyoming	3	3	44	103	31	134	14,727	46,304	13,936	60,240	335	450

COLLEGE NEWS CONFERENCE

Mr. JACKSON. Mr. President, I am very pleased to learn that the popular newsmaking, educational television show, "College News Conference," will be back on the air this fall over the national educational television network.

Ruth Hagy's "College News Conference" has the intriguing motto "Where the leaders of tomorrow meet the leaders of today." I know that many of my colleagues in the Senate, as well as myself, have had the pleasure of participating in this program and will agree that these well-informed college students ask pointed, timely questions.

The program, which won the Peabody Award, will include a documentary film division this year, starting with a color film dealing with the activities of the Peace Corps in Colombia, South America.

Scheduled for appearances on "College News Conference" this season are such guests as Secretary of State Dean Rusk; Dr. Janio Quadros, former President of Brazil; Mayor Willy Brandt of West Berlin; and Abraham Ribicoff, Secretary of Health, Education, and Welfare.

This marks the 10th anniversary of "College News Conference" and I am very pleased that the leaders of tomorrow will continue to meet with the leaders of today on Ruth Hagy's informative program.

A SOLAR-POWERED RADIO RECEIVER AND AMPLIFIER—COMMUNITY LISTENING CENTER

Mr. HUMPHREY. Mr. President, a few days ago I witnessed and heard an amazing demonstration of a new device developed by the Hoffman Electronics Corp.

This device is a solar-powered radio receiver and amplifier unit called the community listening center.

I wish that all Members of the Senate could have seen this demonstration in the Foreign Relations Committee room. Many did, and came away impressed by the tremendous potential of this device for our Nation's programs overseas.

The community listening center works reliably and simply, and weighs only a few pounds. A foot-long panel of thin slices of pure silicon transforms the sun's heat directly into electricity, thus powering a small radio and a compact amplifier.

The International Cooperation Administration has already purchased four

of these units for experimental use in Paraguay, India, Afghanistan, and Pakistan.

The implications of this community listening center are obvious. Today, millions of people throughout the world are without any form of modern communication. Our Nation, through the U.S. Information Agency, wants to reach those people with messages of truth and words of hope for the future. We cannot reach the people of thousands of villages now—but we could if there were a community listening center in each village.

Mr. President, the Hoffman Electronics Corp. has worked diligently and with great success to harness solar energy for practical purposes. The community listening center is just one example of a practical development. Other units could provide cheap power for a wide range of important projects in underdeveloped nations.

I believe it is time for our Government to investigate fully the progress and potential of solar energy. I have already taken steps to encourage the administrators of our foreign aid and information programs to look into the community listening center. This is a new, modern and exciting development which should inspire immediate study, research and practical application for our efforts overseas.

Today, we devote tens of millions of dollars to hydroelectric power development and to the relatively new field of atomic energy. It is my view that the Government of the United States would be remiss in its duty if it did not do everything possible to encourage and sponsor additional research in solar energy and utilize practical solar-powered devices already developed.

I ask that a brief article from the September 10 edition of the Washington Post, titled "Gimmick on a Roof Has a Future," be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 10, 1961]

GIMMICK ON A ROOF HAS A FUTURE—SOLAR-POWERED RADIO HOLDS HOPE FOR REMOTE AREAS

(By Frank C. Porter)

On the roof of the Cafritz Building on I Street NW., sits an old device—a radio receiver—its loudspeaker mounted on a pole, which is powered by the sun.

A gimmick? It might have been so considered a few years ago. But Hoffman Electronics Corp., manufacturers of the solar-powered community listening center, hope that it may revolutionize communications in underdeveloped countries.

Others are beginning to realize the promise. The International Cooperation Administration has ordered four of the devices for shipment to pilot projects in Paraguay, India, Afghanistan, and Pakistan.

Senator HUBERT H. HUMPHREY, Democrat, of Minnesota, and Representative VICTOR L. ANFUSO, Democrat, of New York, said they plan demonstrations of the device before congressional committees to further its overseas applications by the United States.

The device—Hoffman calls it CLEAR, for "community listening, education, and recreation"—derives its power from a foot-long panel covered with solar cells, thin slices of pure silicon which change the sun's heat directly into electricity.

The radio receiver also contains a nickel-cadmium battery which furnishes power during the night or periods of heavy overcast; the solar cells operate well under a light overcast. The battery is recharged by the solar cells. A microphone jack permits the receiver to double as a public-address system.

John R. O'Brien, vice president and director of Government relations for Hoffman, explains that not only is electricity unavailable in remote parts of most underdeveloped nations but that in many backward areas, even a small, portable motor generator is not feasible.

The listening center, he explains, would bring to isolated native villages educational benefits, agricultural advice, storm warnings, entertainment and, indirectly, a greater sense of national unity. Further development of the solar cell might bring these same villages electric lights, small refrigerators for storing antibiotics, and other conveniences.

Hoffman has been working with solar power ever since 1954, when it was licensed by Bell Laboratories to make solar cells. Today it is the acknowledged leader in the field and has spent more than $7 million in research and development on the project.

It may be years before Hoffman (which also manufactures electronic components, radar and communications equipment and various instruments) realizes any profit from solar energy. But the program is well out of the laboratory stage.

Hoffman solar cells are satellites and space probes. The Coast Guard uses Hoffman's solar-powered automatic navigational light. Its solar cells power a telephone system in South Africa, a U.S. Forest Service radio repeater station and a clock which has kept perfect time since 1957.

The company manufactures its own transistor radio, which operates from either solar power or batteries. And solar shingles devised by Hoffman heat a demonstration house in Phoenix.

What holds back the greater use of solar cells is, of course, cost. Silicon is the second most abundant element of the earth's crust, but in its pure state it costs $100 or more a pound. Processing the silicon into cells is also costly. But Hoffman is constantly searching for new techniques and shortcuts to reduce the cost, is even seeking a method of spraying silicon directly on the panels.

O'Brien leaves no doubt that Hoffman is convinced the breakthrough will come. And when it does, solar power could become the great workhouse of the next era.

THE CONGO SITUATION

Mr. HUMPHREY. Mr. President, I notified certain Senators that I intended to take some time of the Senate today to speak on the subject of the United Nations and the Congo situation.

Late in the day on Saturday, September 16, I joined in a colloquy in this Chamber on the subject of what is taking place in the Katanga and the Congo as a whole. I did so on an impromptu basis and without having had the opportunity to review the Congo situation in any depth, or to seek out the latest information available to Senators. The reason for my participation was that I feared we were making an intolerably one-sided record which could be construed as an attack upon the United Nations, the Government of the Congo, and our own Department of State. We seemed to be prejudging the entire situation on the grounds of fragmentary evidence, a good deal of hearsay, and much reliance on guilt by association—or, perhaps more accurately, guilt by epithet.

Yesterday the junior Senator from Idaho [Mr. CHURCH] commented in some detail on the situation. I believe he placed in the RECORD evidence relating to the activities of the U.N. in the Congo. Members of the Congolese Government will find that some of the charges that have been made cannot be substantiated.

I am grateful to the distinguished Senator from Connecticut [Mr. DODD] and to others of my colleagues who urged that we all devote some time and effort to a study of recent developments in the Congo. I have done just that. Furthermore, on Monday, the African Affairs Subcommittee of the Committee on Foreign Relations held a meeting with the appropriate executive branch officials, which the full Committee on Foreign Relations was invited to attend. In this connection, I want it understood that I am not representing the administration in this matter; I am speaking as an individual Senator, and I take full and sole responsibility for my remarks.

I wish first to give a summary of my understanding of certain events which have taken place in the Congo over the past year or so. I regret that this recital must be somewhat lengthy, for the trail has almost been lost in the welter of later controversy and wild charges. But we shall never see our way clear in the present situation unless we establish the foundations of the story.

Two fundamental questions around which most of our difficulties in interpreting Congolese events have centered are, first, the issue of whether Patrice Lumumba was in fact a dedicated Communist; and, second, whether the Province of Katanga somehow held a quasi-independent status within the former Belgian Congo. To sketch some sort of answers to these points we must go back in time to January of last year when the Belgians abruptly offered independence to an extremely unprepared Congo. Early in 1960, a preliminary round-table conference held at Brussels, Belgium, was attended by representatives of the many African political parties, groups and tendencies in the Congo, numbering a score or more. This meeting resulted in the acceptance by these political representatives, including those from Katanga Province, of a "fundamental law" modeled on the Constitution of Belgium. There was at that time no Congolese Government in the provinces, which were wholly ruled by Belgians. Then, prior to independence day at the end of June 1960, national, provincial, and local elections were held. As a consequence, Joseph Kasavubu was named President of the Republic of the Congo and he in turn agreed to the appointment of Prime Minister Lumumba, who was accepted by the bicameral Congolese Parliament.

Both during this period and in the days following independence, the political and tribal leaders from the Katanga Province, headed by Provincial President Moise Tshombe, had participated in the national elections, accepting fully the

fundamental law and making no claim of any status going beyond that of one of the six provinces of a unitary state.

When, as a consequence of the turmoil and controversies in the first half of July 1960, Katanga declared its independence, it had no legal basis for this declaration, nor did it claim one. It made no bones about the fact that it was seceding from a nation which had been a unified state for approximately as many years as has modern Germany. So much for this point.

As for the actions of Lumumba following his nomination as Prime Minister, they were not—and I underscore the following words—immediately traceable to any Communist connection. To the best of our knowledge, Mr. Lumumba had never visited any of the Communist bloc countries prior to his election to high office. On the other hand, he probably was approached by local representatives of the Belgian Communist Party and may well have accepted money and other types of support from those people, as well as from representatives of conservative Belgian Congo business interests and a wide range of other interested parties, such as leaders of some newly independent African states with rather radical views on the continent's affairs.

When the Force Publique—the military establishment—mutinied and virtually ran amuck in the fortnight after independence day, there is every reason to believe that Mr. Lumumba just plain lost his head. However, his immediate actions were certainly not those of a dedicated Communist. His first step was to call for assistance from the United States; his second step was to beg other African countries to put pressure on the United States to provide such assistance; his third step was to approach the United Nations; his fourth step, when the third brought no immediate response, was to sound out the Soviet bloc on its willingness to provide support if the U.N. failed to move.

Now there is no question but that Lumumba by midsummer was avidly accepting assistance from the bloc missions which had been established in the Congo with his consent. His primary interest, however, appears to have been the reunification of the Congo. When the U.N. refused to furnish him the means, he sought other assistance. With bloc support he launched a drive southward to recapture the Province of Katanga, which had by then broken away from the Central Government. This murderous drive was only halted by the intervention of the United Nations, acting in consonance with the wishes of President Kasavubu, who later exercised his constitutional right to dismiss Lumumba as Premier.

We need not linger over the dismal story of Lumumba's two periods of imprisonment and his death in the Katanga. This latter event was announced by Godefroid Munongo, Minister of Interior in the Tshombe government, whom we shall meet again in these remarks.

My belief is that any objective reading of Lumumba's character would result in a finding, not that he was a dedicated or any other kind of Communist, but that he was an unprincipled, wildly emotional opportunist.

I might add that I am quite sure he had Communist sympathies, or found that his association with the Communists was to his advantage. In order to retain and expand his personal power, he apparently did not mind serving as the instrument for an extension of Communist bloc influence into central Africa. It is a matter of record that the Communists had scarcely time to indoctrinate Mr. Lumumba with their esoteric lore.

It hardly matters whether he was or was not a convert to an ideology which is very largely foreign to the African experience and outlook—except for one point. Ever since the close of Lumumba's crazy career, we have fallen into the peculiar habit of describing anyone linked with him in any way as a Lumumbaist, and as a Communist by association. Since Lumumba's one discernible political objective was to maintain the unity of the Congo at all costs, with himself wielding total power, this line of analysis leads to the condemnation of anyone who believes in the preservation of a unified Congo state as a Lumumbaist and a Communist. By this definition, not only the great majority of the leaders of the independent African countries but the heads of the Belgian, British, French, and United States Governments are also infected with this purported malady.

The current position of Antoine Gizenga, now Vice Premier in the central Congo Government, is related to this point of what Lumumba actually stood for, as against what has been attributed to him. Going back in time a little, we must remember that Mr. Gizenga was named to the same post of Vice Premier under Lumumba after the elections preceding independence. Just to illustrate the difficulty of sorting out and describing Congolese political parties and affiliations, it might be noted that Gizenga had not joined the MNC—Lumumba group—in itself a splinter party—but had become the head of another party known as the PSA, or African Solidarity Party; this group had the scarcely novel program of emphasizing national as against regional and tribal government in the Congo. By no means the most capable of Congolese politicians, Gizenga lost control of his party and became a follower of Lumumba, and, indeed, might be termed, in our vernacular, a leftist.

Gizenga's opposition to the Leopoldville government was solidified last September when he was arrested by the then Colonel Mobutu—who had just carried out what can be described as a virtually necessary military coup—on the charge that Gizenga had plotted with Lumumba to assassinate Mobutu. Gizenga escaped and arrived in Stanleyville last October, where he set up a counterregime on the thesis that he was Lumumba's legal and logical deputy and, since he was Vice Premier in the Lumumba Cabinet, after the January murder, his successor to national power. This step almost automatically meant that he would accept any support to maintain himself, and he did. The bloc did extend him limited aid and he accepted bloc diplomatic missions during the summer. Since Gizenga until this August never relinquished his claim of being legally Prime Minister of the Congo, many Congolese probably have supported him because of this point and regardless of the grounds that he has accepted bloc support and permitted the extension of bloc influence. The head of the Congolese soldiers at Stanleyville, Gen. Victor Lundula, apparently belonged to this category of Gizenga supporters. While I do not doubt that Gizenga accepted many of the premises of Lumumba, and indeed had to if he wished to support his claim as the rightful heir, there are no more grounds for considering Gizenga an actual Communist than there were for so describing Lumumba. Both figures accepted Soviet-bloc support, held extreme nationalist views on domestic politics, and became prejudiced against the West because of its support for the U.N. backstopping of the Leopoldville government.

The central issue is really not whether a man is a Communist. The question is, Does he do the work of the Communists? Is he aiding and abetting the Communist cause? That is the standard upon which we should judge.

However, we apparently are so susceptible to the need for describing Congolese politicians in doctrinal language that the American press has managed to pin the label of "Prague-trained Communist" on Gizenga and others of his personal entourage. On the basis of all the information I could obtain from the Government, I have found that Mr. Gizenga has spent no more than 2 months outside the Congo throughout his career. He traveled in Europe from mid-December 1959, until early February 1960. Of those weeks, he spent roughly half in Western Europe and the other half in the Soviet bloc countries, and visited Prague, Czechoslovakia, briefly in that latter period. All I can say on this score—and I have checked these matters carefully with the security division of the State Department—is that if the Czechs can turn out a dedicated Communist after having a visitor for several days, they have a supernaturally effective indoctrination system. Indeed, I feel I should warn all American tourists against visiting any of the Eastern European capitals for fear of exposure to this incredible training course. On the other hand, this system of indoctrination pales in its impressiveness when we turn to the case of Mr. Gbenye, a Gizenga follower who is now Minister of Interior in the central government, for he is described as a Prague-trained Communist when apparently he has never been out of the Congo—at least, so far as our Government knows.

To return to something approaching a chronological account, we must recall that following Lumumba's death last January, there were three focal points of political power in the Congo. First, there was the central government in Leopoldville headed by President Kasavubu; a government then being run by a youthful "college of commissioners"—a sort of

cabinet of all talents—installed through Mobutu's intervention.

I think it should be quite well understood that President Kasavubu is an anti-Communist, working for the anti-Communist cause. So is Colonel Mobutu, he being the chief of staff of the Congolese Army, and Mr. Kasavubu being President of the Congolese Republic.

Second, there was the regime of Gizenga in Stanleyville, claiming to be the legal central government for the Congo. Third, there was the Tshombe government in Elisabethville, claiming to be the head of an independent state of Katanga. Thus, instead of the single unified state which the United Nations was committed to support, there was a trifold division of the country with every prospect of a continuing stalemate regarding the chances of bringing the three together. I purposely overlook the other small provincial-type divisions, such as the mining state of Kasai, which had been stimulated by the major division of the country along regional and tribal lines.

In this situation the prospect at best of a continuing stalemate could only be changed by more forthcoming action by the United Nations than had been permitted until that date. The United Nations Conciliation Commission report also had emphasized the likelihood of a developing civil war situation. Therefore, on February 21, the United Nations Security Council approved a resolution which permitted the use of force if necessary for the avoidance of any civil warfare

In light of the developments of the history of the Congo, I believe the necessity for the adoption of the resolution is quite apparent. At the same time, it called for the immediate withdrawal from the Congo as a whole of all foreign military personnel and mercenaries, and foreign political advisers not under United Nations control. It is this resolution which provides the key to the events now taking place in the Katanga.

Mr. President, that resolution and the earlier actions of the United Nations provoked the severe Soviet Union hostility. Let the RECORD show clearly that the Soviet Union has bitterly opposed the operations of the United Nations in the Congo; and let the RECORD also show clearly that Colonel Mobutu dismissed the Soviet representatives in the Congo; and let the RECORD also show clearly that in the Congo in the year 1960 the Soviet Union suffered a major political defeat. It was because of the actions of the United Nations in the Congo that Khrushchev declared war on the United Nations and announced his troika principle for control of the office of the Secretary General. It was because of the effectiveness of the United Nations in the Congo that Khrushchev attacked Dag Hammarskjold and sought to weaken the powers of the United Nations and the powers of the office of the Secretary General. In fact, it was because of the effectiveness of the United Nations in Africa, and particularly in the Congo, that Khrushchev said that never again would the Soviet Union permit the United Nations to take an action that violated the national interests of the Soviet Union, and that if such actions were taken the Soviet Union either would ignore them or, if need be, would use force to overcome them.

I say this because in view of all the attacks upon the activities of the United Nations in the Congo, I believe it should be crystal clear that no one has been able to outshout, in terms of an attack on the United Nations, the representatives of the Kremlin, Khrushchev, Gromyko, and all other representatives of the Soviet Union have used the United Nations activities in the Congo as the central premise upon which they base their attempt to wreck the United Nations. Why? Because the United Nations stopped the infiltration by the Soviet Union and the revolutionary activities of the Soviet Union and its representatives in central Africa.

As I have said, it was the resolution of February 21 which permitted the use of force, if necesary for the avoidance of any civil warfare in the Congo; and the same resolution required the immediate withdrawal from all parts of the Congo of all foreign military personnel and mercenaries and all foreign political advisers not under United Nations control. It is this resolution which, as I have said, provides the key to the events now taking place in Katanga.

Months and months of effort and partial agreements failed to bring Mr. Tshombe, the leader in Katanga, back into allegiance to the Leopoldville government, even though he was willing to recognize the existence of a unitary state if it took the form of a confederation which left its parts with full autonomy and their revenues. The latter position, as well as other efforts to negotiate the maximum possible autonomy for the Congo's provinces, certainly was at variance with the Tshombe claim to head a completely independent Katanga. At the same time, there were other approaches to, and withdrawals from, a variety of possible solutions which Tshombe himself perhaps might have accepted, had he been a completely free agent. Let me say here that I hold no brief whatsoever for the regrettable action of the central government in forcibly detaining Mr. Tshombe for a short period. I think that was inexcusable and illegal. Happily, he was released unharmed—and, let me say, with the intervention of the good offices of the United Nations.

In the rest of the Congo, however, a fundamental change took place earlier this summer with the successful effort to reconvene the Parliament which had been elected prior to independence. Again, the United Nations took a hand, and again the late Dag Hammarskjold took leadership. Not only parliamentarians who support Gizenga but also representatives of the northern half of the Katanga met under maximum security conditions at Louvanium University, outside Leopoldville. In the reassembled Parliament, well over 20 members from each House did not appear or failed to take a stand. Some of these either were dead, were fearful of attending, or had disappeared. I remind the Senate that those were the same parliamentarians who were present at the first Parliament of the Congo, following the election in June 1960. However, roughly 115 members of the Chamber of Deputies were there, representing 9 political elements. I hesitate to call them political parties, because their structural organization does not merit it. Roughly 45 of those representatives belonged to either the old Lumumba-led MNC or to the PSA still nominally headed by Gizenga. Even if all of them had had clear political affiliations, which is highly improbable, substantially less than a majority of the deputies could even be deemed by the wildest stretch of the imagination to be "extreme leftists." In the upper House, or Senate, eight political groups were represented, with the so-called Lumumbaists and Gizengaists constituting an even smaller proportion of the total than in the Chamber of Deputies.

The point needs to be made that that gathering of parliamentarians at Louvanium University, outside of Leopoldville, this summer, was exactly the same group of parliamentarians, except for those who were missing, that met in June 1960. It is not as if, somehow or other, the Lumumbaists and the Gizenga group had forced their way back in, for they were there from the beginning; and when President Kasavubu took office, his Prime Minister was Patrice Lumumba and the Vice Premier in 1960 was Antoine Gizenga. I make this point because in the United States and elsewhere there has been a determined effort to have it appear as if recent developments in the Congo were entirely different from what previously happened. But entirely the contrary is the case. In fact, as I shall show, the composition of the group there in recent days follows very closely the composition of the group at its conception.

Following the meeting of the Senate and the Chamber of Deputies, the Parliament then proceeded to accept the Kasavubu nomination of Cyrille Adoula, former Minister of the Interior of the original free Congolese Government, as Prime Minister. The latter's Cabinet was acclaimed unanimously, except by Tshombe, Gizenga, and the few other leaders who were not in attendance.

The composition of the Adoula Cabinet, including both ministers and state secretaries, shows that at least two-thirds cannot with any justification whatever be described as Gizengaists or Lumumbaists. At the same time, in order to secure the dissolution of the seperate Stanleyville regime, that being the base of operations of Gizenga, Gizenga was accepted as Vice Premier and two of his strongest supporters were given the Ministries of the Interior and Justice. Gizenga was Vice Premier in the first government, as well as in this one.

If we thought of all Gizenga supporters as highly trained and dedicated Communists, I would share the concern displayed by the Senator from Connecticut, the Senator from South Carolina, and other Senators. However, I am unable to regard these nationalist politicians—admittedly, many of them extremists—as all being under Communist discipline. I cannot accept the belief of the respected Senator that the words

"Gizengaist" and "Lumumbaist" can be used as synonymous with "Communists."

Mr. President, the fact is that the lack of political sophistication of many of those in the Congo is such that they really have no political alinement of any substance. They are so new at politics that we are witnessing violence and disorder. There are no real, established political parties there. Instead, there are tribal leaders, regional leaders, and group leaders; and their allegiances shift from week to week and from month to month. So it is impossible to speak about the political situation in the Congo in the same terms that one would use in speaking of politics in France, the United States, Western Germany, or Italy, for there simply is not any political background in the Congo.

To talk about Mr. Gizenga's policies as being those of a dedicated Communist is, to my mind, giving the Communists too much credit. They may be dedicated fanatics, they may be dedicated extremists, they may have read some books on Marx—since we did not send them many of our books—the Communists may have tried, through the radio and through infiltrators, to indoctrinate these men or group leaders, but it would be stretching the truth and it would be a flight of fancy to assume that these men, who are frequently described as Lumumbaists and Gizengaists, are all Communists, simply because there is no proof or adequate evidence to support the conclusion.

This is not my view. This is the view of governments that have recognized the Congolese Government. It is the view of some of the most competent experts we have in the field of national security and intelligence.

Let us remember that we have been assured, largely on the basis of Soviet propaganda, that things are not what they seem; that, in fact, there is a secret agreement between Premier Adoula and Vice Premier Gizenga which gives the latter the opportunity to shape the coalition government to his will.

I repeat what the Senator from Idaho pointed out yesterday, that the only evidence that there has been a secret agreement has come from Moscow. Can you imagine, Mr. President, Moscow, when it is of this conspiratorial mind, broadcasting to the world that there is a secret agreement? What would be secret about an agreement that had been opened up and exposed by the Kremlin? I say it is foolish to base a policy on a broadcast by Moscow.

At this point I would like to quote from the RECORD of last Saturday, September 16:

> Mr. THURMOND. Mr. President, the able Senator from Connecticut has pointed out that under the so-called coalition government in the Congo, the Vice Premier, the Minister of Justice, the Minister of the Interior, the commander in chief of the armed forces, the Minister of Defense, the Ambassador to the United Nations, and the Administrator of Katanga Province are all either proven Communists or hand-chosen designees of Antoine Gizenga, the No. 1 Communist of the Congo. Is that correct?

The Senator from Connecticut [Mr. DODD]—who, by the way, was notified that I intended to make these remarks—said:

> That is precisely correct; and I say to all my colleagues that those are the facts, and stand on them.

Now let me make one thing clear—not a man on this list is a proven Communist—not one—unless accepting support and assistance from the Communist bloc is conclusive evidence of that unhappy status.

If that is the case, some of our good allies today would have to be so classified. If that is true, then we may as well throw in the towel, since the list of countries of the free world that accept Soviet assistance is pretty extensive.

My able friend, the Senator from Idaho, has already demolished this case in an excellent address to this body, which would do well to remember that he is one of the few of our colleagues who has actually been in the Congo in recent times, and who has actually met these people. Yet I must at least summarize his points in regard to these charges.

As for the figures who are listed as commander in chief of the armed forces, Minister of Defense, and Ambassador to the United Nations, not one of these three is either a designee of Gizenga or a Communist by any definition known to man; and I do not intend to let the CONGRESSIONAL RECORD carry statements alleging that these men are Communists, because they are not. Mr. President, if the desire is to drive every one of these people away from us, if the wish is to destroy every hope the United States has of having friendly relations with the people of the Congo, just call Premier Adoula a Communist. He is Minister of Defense, as well as Premier. Just call Mobutu a Communist. Mobutu has fought the Communists. He drove the Communists out of the country. He sent the Communist diplomatic mission packing home. Call him a Communist if you wish, Mr. President. He is chief of the army. He is the chief of staff and the present Ambassador to the United Nations from the Congo, and Acting Ambassador, and is a well-known anti-Communist.

In fact, when a man came to New York the other day claiming to be the representative of the Congolese Government to the United Nations, he was picked up, given a one-way ticket, and sent home.

Let me repeat, not one of these three key political officials is either a designee of Gizenga or a Communist by any definition known to men. Mobutu remains commander in chief today. He was yesterday. He will be tomorrow.

Prime Minister Adoula is also Minister of Defense, and the Chargé d'Affaires representing the Congo at the United Nations is an appointee of the Kasavubu government. He is head of the Congolese state and a well-known anti-Communist. I say to my colleagues, these are the facts, and I stand on them. The statement I read a while ago is not based on the facts and will not stand the test of scrutiny.

Now let me say that I regard none of this as entirely conclusive in terms of our looking at the Congo with comprehension and confidence. The positions and inner thoughts of Congolese politicians can scarcely be interpreted with much accuracy by anyone. Furthermore, I would not be surprised, nor would I consider it extremely meaningful, if Premier Adoula, in order to tighten the cohesiveness of his coalition Cabinet made some further concessions to secure the allegiance of political figures who have either supported Lumumba or Gizenga in the past if necessary to achieve the reunification of the Katanga.

We must remember that Prime Minister Adoula, a recognized anti-Communist and recognized friend of the United States, is fighting for his political life and for the political life of his country, and he most likely will be willing to make concessions in order to bring the rich Province of Katanga back into the united state of the Congo.

Should Gen. Victor Lundula be appointed General Mobutu's second in command, for example, I for one would not fall into paroxysms of alarm. So far as I know, nothing has ever been charged against General Lundula except that he took orders from Gizenga as head of the Stanleyville regime.

The really significant fact is that there is now a true central government in Leopoldville, headed by President Kasavubu and by Prime Minister Adoula, who is widely regarded as a moderate, impartial, and extremely capable political leader. Adoula and his Cabinet have been confirmed by the one parliamentary body which has a legal basis in the Congo, and the coalition has removed the existence of an ominous center for Soviet bloc activities in the eastern province.

Mr. President, I think the RECORD should show that this morning's newspapers carry a story that Premier Adoula is ordering the Congolese Army to move into Katanga. He is also said to be very critical of what he called capitalist Western influences in Katanga. That story would lend itself to an interpretation that he was critical of the United States, but, to the contrary, he made quite clear he was critical of certain British and Belgian economic and political interests operating in Katanga—and they do.

In fact, one jet airplane in the Congo in Katanga Province is flown by a Rhodesian pilot. I notice that the Swedish Government this morning has ordered four Swedish jets with Swedish pilots put under the command of the United Nations, so that the United Nations force in the Congo will have air supremacy.

There are volumes of evidence as to the number of mercenaries in the Congo, particularly in the Province of Katanga, and the number of foreign political advisers, contrary to the instructions of the United Nations.

Now, let us shift the scene once more down to the Katanga. For some reason that I fail to discern, a good many Americans seem to have been persuaded into regarding the Katanga as a peaceful, prosperous and orderly Garden of Eden surrounded by chaos. Furthermore, Mr. Tshombe has had more than his share of plaudits as a stanch pro-Western con-

servative who sits on a mountain of mineral wealth and has somehow acquired virtue from this economic pile through the seat of his trousers.

Frankly, I find it incomprehensible that so many people have managed to forget that Katanga was equally involved in the frightful rioting and warfare that erupted in the month following the Congo's independence. I, myself, have fairly vivid memories of a great proportion of the Belgian population reportedly fleeing from Elisabethville, Katanga, in a scramble for safety into Northern Rhodesia.

I know that there are whole city blocks in the African quarter of Elisabethville, according to Government reports, which still stand seared by fire and looting which occurred when the Katanga gendarmerie, or police force, went out of hand just as the Congo Army did in Leopoldville.

Second, why is it no one remembers that Mr. Tshombe, ever since that time, has controlled no more than the southern half of his province, with the northern portion the site of the most barbarous and indeed disgusting tribal warfare which has taken place in the Congo, which is continuing at this moment?

I think somehow or other the news stories do not tell the truth, or do not tell all the truth. I have a feeling we get only part of the truth. Our Government has that feeling. It must have that feeling, in the light of the facts which have been carefully checked with every responsible agency of the Government.

For some reason or other the press is faithful about reporting the adherence of a minority of the Balubas to Mr. Tshombe's side, but seems to forget that the great majority of that tribe are sworn enemies of Tshombe's Balunda kinsmen, who have oppressed them for generations.

Tribal warfare in the Province of Katanga is a matter of current and of past history.

Finally, I would remark on the fact that sporadic riots and tribal feuds have erupted on the streets of Elisabethville from time to time over a period of many months. In short, this was a haven of peace and security, into which Garden of Eden the United Nations supposedly introduced the serpent.

As for Mr. Tshombe, I have no reason to believe that he is not a moderate and capable political leader and that he has not sought to do what he thought was best for his followers. On the other hand, I find it extremely difficult to regard him as the great pro-Western figure which is being sold to many people in this country. The fact is that on July 20 of this year the Tshombe government, through the voice of our old acquaintance Godefroid Munongo, Provincial Minister of the Interior, announced at a press conference that the Katanga was not only seeking support and assistance from the Communist bloc, but also was sending a mission to Stanleyville in order to concert with Gizenga an attack on the Leopoldville government.

Tshombe, only a few months ago, sent a mission to Stanleyville to meet with this man who is now charged with being a Prague-trained Communist, Mr. Gizenga, in order for Tshombe and Gizenga to join together to lead a military attack upon Leopoldville, the home of the Central Government of the Congo.

Again, I would not put too much emphasis on this point, since I do not regard the appeal of Lumumba and Gizenga for Communist-bloc assistance as conclusive evidence of their ideological views. It is about time that we understood that Congolese politicians could not care less about the great power struggle and that they regard external forces and influences as something to be manipulated for their own personal desires.

They shift allegiances. They shift loyalties. They seem to like one group one day and another group the next day, depending upon which group or which power bloc offers some aid.

The most distressing factor to me in this peculiar outburst of support for an independent Katanga—which seems to grow—is that no one seems to consider the likely fate of a Congo cut off from the normal sources of roughly half of its economic revenue. If that happens, the Congo will be the breeding ground of Communist subversion in central Africa. The one hope of keeping the Congo out of the hands of the Soviets, out of the hands of the Sino-Soviet bloc, is to provide the Congo with adequate resources, which means the Province of Katanga, so that it can support itself.

Those who are willing to subordinate all considerations in favor of a truncated independent state of Katanga—which would, in fact, be only the southern half of that Province—I would remind that nothing would please the Communist bloc more than to see the great bulk of the Congo's territory fall into desperation and chaos. Nothing would be more likely to suit the Soviet aims in Africa.

If there is someone who believes that possession of natural resources and economic wealth produces a God-given right to independence, I would invite him to contemplate what this country would have looked like if New York and New England had seceded from the rest of the country in the 19th century.

Now for the last stage in this review of developments in the Congo as I see them in accordance with the information which I have been able to obtain.

First, I note the implication advanced by certain of my colleagues that the United Nations created and installed the Adoula government in Leopoldville. The fact is, as I have described, that the Adoula government was installed by the only acknowledged Parliament which has legally existed since Belgium granted the Congo independence. The U.N. role was limited to providing the secure conditions under which the assemblage could come together.

We believe in self-determination, we say. We believe in free elections. That took place in the Congo. Parliamentarians were elected, and the parliamentarians chose a government. The fact that we do not like all of that government surely should not make us feel we ought to do away with it, particularly when it was established by free elections.

It is quite true that the United Nations recognizes this government as the only proper one for the united country of the Congo. It does so in strict adherence to the resolutions approved by the member states of the United Nations at its headquarters in New York. I shall seek to place all the relevant U.N. resolutions in the RECORD at the end of these remarks.

Everybody has been talking about the U.N. resolutions, and they have yet to be put into the RECORD. People talk of what the United Nations did or did not do without direct reference to the language of the resolution.

When these resolutions are placed in the RECORD, they may be read without interpretative comment being required. Any reading of these resolutions will make it clear that so far as the United Nations is concerned there is only one Republic of the Congo under a single central government.

It follows from this that the U.N. mission in the Congo has every right to establish itself in any part of the country, so long as it is done in consonance with the wishes of the central government. Therefore, I need not belabor the question of why or how any U.N. forces were in the Katanga during the month of August. They were there primarily for the purpose of carrying out the U.N. resolution of February 21 which insisted upon the removal of foreign military personnel and political advisers; the great bulk of such people to the number of about 500 were located in the southern half of the Katanga Province.

At the end of August, both Mr. Tshombe and the local representative of the Belgian Government were cooperating with the United Nations in this effort to remove foreign personnel from the ranks of the Katanga Army and police force—or Sûreté. There was no opposition when the United Nations moved on August 28 to take control of the radio station and post office to halt the inflammatory messages of Minister of the Interior Munongo and other Ministers who were stirring up the population against the United Nations, and against various political factions. These incitements by Munongo and others, by the way, had the result of causing considerable damage to the U.S. consulate in Elisabethville prior to the September 13 U.N. action.

In other words, this area we point out now as such a friendly area caused great damage to our own reputation and our own facilities.

Unfortunately, the repatriation arrangements in which the Belgian consul and Mr. Tshombe had acquiesced broke down during the early part of this month. There was evidence that well over a hundred white officers and mercenaries were at large and were doing their best, in concert with Mr. Munongo's fiery statements, to stir up incidents and riots against the U.N. forces. If more concrete evidence is needed of the state of unrest that had been created, one need only point to the fact that when the U.N. headquarters set up a camp

and refuge for those in fear of political persecution, it was rapidly filled to its limits with Balubas and others of the local population to the number of over 30,000 by the time of the U.N. move of September 13.

Early in the morning on September 13, the U.N. forces moved again to take over control of the radio station and the post and telegraph office, which they had earlier evacuated after the situation had been stabilized. The reason for moving was the same as before. The Tshombe government had resumed inflammatory broadcasts, inciting the populace to riots against the U.N. forces.

On this occasion, the United Nations believed that it would be able to act without opposition, as had happened on August 28.

I wish the record to be clear that on August 28, the U.N. military forces moved into the radio station, post office, and telegraph station, as they attempted to do on the 13th of September.

But they miscalculated. Under the leadership of their white officers, the Katanga Army and gendarmerie were entrenched and waiting. According to the U.N. account of what transpired, the Katanga forces opened fire and this led to an unexpected and general conflict. Also according to the U.N. report, Mr. Tshombe, at the urgent request of the U.N. representative, did issue a cease fire which, however, was ignored by the foreign personnel—the mercenaries—who were leading the Katangan forces. This point, taken together with numerous other indications, makes me suspect that Tshombe, rather than being the source of control, is being used by others in the Katanga Government and their financial supporters.

There is little reason to go more deeply into the situation regarding the fighting which is still going on in the Katanga.

It is a sad chapter. It is a chapter of bloodshed and disorder.

Our sources are in conflict, and general reporting by the press is confused and fragmentary. However, two points need to be dealt with.

To show how confusing the reports are, the newspapers carried a story, which later on drew an apology, that Dag Hammarskjold had met with Mr. Tshombe. The story related that they had driven off together in a car, that Hammarskjold's plane had landed safely, and that there were negotiations going on between Hammarskjold and Tshombe.

That story appeared in the newspapers in Washington, D.C., in front page headlines, right out of the Congo.

Millions of Americans read the story in the newspapers that morning. That was the same morning that Mr. Hammarskjold was in an airplane crash. That was the same day that Mr. Hammarskjold's death was reported. There was no meeting. There was no safe landing. There was no driving off together in a car.

This kind of scattered reporting does not give me the confidence I would like to have in the accuracy of reports of developments in the Congo.

I am not being supercritical. I know there are few reporters in that area. I know the lines of communication are very poor. I merely say that we as Americans should not prejudge these cases until we at least have more evidence. In Elisabethville we have an American representative and consul. We have official Government sources. We have ways and means of getting from Elisabethville messages that are accurate for our Government. I shall not go into further detail on this subject. We do not have to rely upon the normal commercial means of communication. Our Government has protected its sources of information so that we have ways and means of knowing what is going on. Members of the Committee on Foreign Relations know whereof I speak. In our executive sessions this subject was gone into in some detail.

First, it has been claimed that because the U.N. representative in Elisabethville had instructions to arrest Mr. Munongo, who is the Minister of Interior in that Province, and one or two other Ministers of the Tshombe government—but not Mr. Tshombe—that there was some deep laid plot in existence well before the final attempts of Dr. O'Brien to persuade Tshombe to come to an understanding with the central government. While it is no secret that Dr. O'Brien sought the dismissal of Munongo from the Tshombe government a fortnight or so before the fighting broke out, there is every reason to believe that the actual determination to arrest these few Ministers were made by the Leopoldville government only a little before the move of September 13. At the same time, I cannot be too perturbed about the effort to remove Mr. Munongo and Minister of Finance, Mr. Kibwe, since both have considerable reputations as antiwhite racists.

There are people in this country who are antiblack racists. Let me make clear that in some areas of the world there are some antiwhite racists, too. Those two men have that reputation.

The other point that needs to be made is that Mr. E. Davidson-Bocheley—I am told that is the correct form of his name—who is the administrator appointed by the Central Government of the Congo for the Province of Katanga, is scarcely the identifiable ogre that he is represented to be by elements of the press. While one might have hoped that the Adoula government would have appointed a less controversial figure as its representative in the Katanga Province, the only accusation against him that we believe can be justified is that he was a stanch supporter of Gizenga in Stanleyville. All the information I have states fairly conclusively that he has never been out of the Congo and that virtually nothing is known about his earlier career except for the interesting fact that the name "Davidson" was taken by him from the American Protestant missionary family who brought him up.

That is his background. He was Communist-trained in Prague. He was administrator of the Katanga Province. He was brought up by a Protestant missionary, not by a Leninist or Marxist.

Finally, let us turn once more to the justification of the U.N. action in the Katanga. I am as unhappy as any other Senator over the obvious miscalculation made on September 13. I shall be even more dismayed if there is any lasting setback to the prestige of the United Nations, and to its ability to assist in the maintenance of a unified and stable Republic of the Congo.

On the other hand, I believe that the presence of the U.N. in the Katanga—as distinct from its involvement in the local fighting—is completely supported by the character of the U.N. resolutions which guide the mission's activities. Second, there is the factor that the United Nations was acting in accordance with the expressed wishes of the central government, and a Congo Parliament resolution asking that government to request U.N. help to reverse the secession of the Katanga—one which was unanimously adopted on August 24.

When a parliament which is duly elected, and a government which is duly established and constituted and recognized by this Government and the overwhelming majority of governments throughout the world, makes a specific request under the terms and provisions of a United Nations resolution, to which we gave our support, I do not think the elected representatives of the Government of the United States ought to complain.

We believe in representative government. I do not say that representative government always does what is right. I have been in Congress too long to believe that. I do not say that a representative and elected government always makes wise decisions. But as Winston Churchill once said about democracy, it is the worst form of government there is—except all others.

In this instance we have only one government to look to, if we believe in self-determination, if we believe in free elections, and that is the government of the Parliament of Congo, the President being Kasavubu, the elected President.

There is scarcely any doubt that the Adoula government was itself prepared to move against Katanga, thereby presenting the likelihood of a civil war which the U.N. is enjoined to prevent. It stands to reason that a government which had ended the secession of Oriental Province on the basis of an active policy favoring national unity would be compelled to move against the secession of Katanga.

This morning's newspaper tells us that is exactly what is happening. Because of the inability of the U.N. to preserve law and order—I think because of the attacks made upon it, here and elsewhere—the Congolese Central Government is ordering its forces to march on Katanga. Bloodshed will be inevitable. Who will be the victor? The U.N.? No. The United States? No. The people of the Congo? No. Out of that fiery furnace of war and disaster will come a dictatorship of communism or some other form of totalitarianism. That is what we have been trying to prevent; rather than weaken the hands of the U.N., we should strengthen those hands.

I salute the Swedish Government today. It not only represents some of the finest ideals in democracy, and who gave

to the world Dag Hammarskjold, but this morning it has announced that it is ordering four jets—and they are good ones, and the Swedes have good flyers and jets—to preserve the peace under the banner of the United Nations.

Quite clearly, if the Katanga is justified in seceding, so is Oriental Province, or Kivu, or Kasai, or any other provincial entity.

Frankly, Mr. President, I believe that the United Nations force in the Congo was presented with an awful dilemma. Should it fail to attempt to persuade Tshombe to bring the Katanga back into allegiance to the central government, it probably would have had to have acted to prevent the latter taking steps in its own behalf. The unforeseen consequence that it became involved in a fight against the Katangan armed forces led by foreign officers should not lead us to abrupt and outright condemnation of the United Nations—no matter how much we may deplore this seeming misjudgment—but rather should evoke our sympathetic regard for the U.N.'s difficulties. Moreover, instead of fulminations against U.N. officials and Congolese leaders, we should be thinking seriously about ways to remedy this very unfortunate situation.

I do not believe it is good to call people Communists or Gizengaists, or Lumumbaists, or any other names in these circumstances. I have asked for the cooperation of the staff of the Committee on Foreign Relations, and I have received that cooperation. I have asked for the cooperation of the State Department, and I have received that cooperation. I seek not either to defend or attack the Congolese leaders. I seek not to take a partisan point of view about Katanga, or a personal point of view. What I think is important is to have the facts, as we see them.

In these circumstances, I felt it my duty to advance a distinctly different view of the problem of the Congo than that which has been advanced by the distinguished Senator from Connecticut and others of my colleagues. I make no claim to infallibility or to great prescience; all I can do is insist that I have sought the best information I could obtain and to lay the facts as I understand them before this body for its consideration.

I for one am not going to permit conclusive judgments to be made on such flimsy evidence as has been presented in this discussion. At least I will not permit assertions and allegations to be described as facts.

The United Nations is in a very critical way. The final months of 1961 and the early months of 1962 may well determine whether the United Nations will be merely an instrument for discussion or whether it will be an international instrument for law and order. We are at the crossroads of a great decision. In 1932 and 1933 the League of Nations faced very much the same problem that the United Nations faces today. Because the League failed, because it was weakened, because of internal conflict within the League, World War II had that much easier time coming into being. In other words, the failure of the League was a prediction of things worse to come—World War II.

I submit that if the United Nations should falter now because of lack of support or because of Soviet intransigence or because of failure of leadership on our part, man's last best hope on this earth for peace will have been lost.

I know that it is weak. I know that it does not have all the facilities that it should have. I know that it does not even have the legal base that is required for effective action in some parts of the world. But I say that it is better than anything that man has designed up to date for the preservation of international law and order.

This morning's newspapers tell us that nations have refused to pay their dues to the United Nations.

This is what happened once under the Articles of Confederation. States refused to pay their taxes, their dues, to the Central Government, and the Government collapsed. If the nations today refuse to fulfill their obligations to the United Nations, they are guilty of stabbing a dagger into the back of peace. I want the United States not only to say that we are for the U.N., but I want the United States, our President, our Secretary of State, and Congress, to call upon the nations of the world to fulfill their responsibilities to the United Nations—the moneys they owe, the personnel they should give, and the obligations that they have to the charter. The United States has the greatest challenge of diplomacy that it has ever known, even beyond that of Berlin, it is whether or not we can preserve the powers of the Secretary General's office, and whether we can prevent Mr. Khrushchev and Mr. Gromyko and those associated with them from destroying the enforcement machinery and the administrative machinery of the United Nations by their troika, that three-headed monster, that eats upon itself and destroys that which it is supposed to protect.

If ever there was a time when I felt our Nation was called upon to do all in its power for peace, it is now. I hope these few words today in behalf of the United Nations and this rather extended discussion of the situation in the Congo will be of some help. I am sure that if something should happen now, more than has already happened, to weaken the U.N., there will be no place to hide, nothing to do, but face inevitable destruction, because mankind seems bent on destroying itself. The nations of the world seem to be possessed by an evil spirit, to build arms and build munitions, and to use them on one another, until the face of this earth will be seared and burned, until humankind is extinct. I think it is that serious.

While the Congo seems to be a long way off, it is there that the United Nations is being tested, as it was tested in Korea, as it was tested in the Middle East. Mr. Khrushchev sees the U.N. is weak. He wants either to rule it or to ruin it. He wishes either to paralyze it or to make it totally ineffective, or own it. No wonder he wants to transport it somewhere else.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of the various United Nations resolutions on the Congo; a sound résumé of the Katanga situation published in the New York Times of September 17, 1961; and the text of the report on United Nations activities in the Katanga as published in the New York Times of September 15, 1961.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTIONS ADOPTED BY THE SECURITY COUNCIL

At its 873d meeting on July 13, 1960:

The Security Council,

Considering the report of the Secretary General on a request for United Nations action in relation to the Republic of the Congo;

Considering the request for military assistance addressed to the Secretary General by the President and the Prime Minister of the Republic of the Congo (Document No. S/4382)—

1. Calls upon the Government of Belgium to withdraw their troops from the territory of the Republic of the Congo;

2. Decides to authorize the Secretary General to take the necessary steps, in consultation with the Government of the Republic of the Congo, to provide the Government with such military assistance, as may be necessary, until, through the efforts of the Congolese Government with the technical assistance of the United Nations, the national security forces may be able, in the opinion of the Government, to meet fully their tasks; and

3. Requests the Secretary General to report to the Security Council as appropriate.

At its 879th meeting on July 22, 1960:

The Security Council,

Having considered the first report by the Secretary General on the implementation of Security Council resolution S/4387 of July 14, 1960 (Document No. S/4389);

Appreciating the work of the Secretary General and the support so readily and so speedily given to him by all member states invited by him to give assistance;

Noting that, as stated by the Secretary General, the arrival of the troops of the United Nations force in Leopoldville has already had a salutary effect;

Recognizing that an urgent need still exists to continue and to increase such efforts;

Considering that the complete restoration of law and order in the Republic of the Congo would effectively contribute to the maintenance of international peace and security;

Recognizing that the Security Council recommended the admission of the Republic of the Congo to membership in the United Nations as a unit—

1. Calls upon the Government of Belgium to implement speedily the Security Council resolution of July 14, 1960, on the withdrawal of their troops and authorizes the Secretary General to take all necessary action to this effect;

2. Requests all states to refrain from any action which might tend to impede the restoration of law and order and the exercise by the Government of Congo of its authority and also to refrain from any action which might undermine the territorial integrity and the political independence of the Republic of the Congo;

3. Commends the Secretary General for the prompt action he has taken to carry out Resolution S/4387 of the Security Council and his first report;

4. Invites the specialized agencies of the United Nations to render to the Secretary General such assistance as he may require; and

5. Requests the Secretary General to report further to the Security Council as appropriate.

At its 886th meeting on August 9, 1960—

The Security Council,

Recalling its resolution of July 22, 1960 (S/4405), inter alia, calling up the Government of Belgium to implement speedily the Security Council resolution of July 14 (S/4387) on the withdrawal of their troops and authorizing the Secretary General to take all necessary action to this effect;

Having noted the second report by the Secretary General on the implementation of the aforesaid two resolutions and his statement before the Council;

Having considered the statements made by the representatives of Belgium and the Republic of the Congo to this Council at this meeting;

Noting with satisfaction the progress made by the United Nations in carrying out the Security Council resolutions in respect of the territory of the Republic of the Congo other than the Province of Katanga;

Noting, however, that the United Nations had been prevented from implementing the aforesaid resolutions in the Province of Katanga, although it was ready and, in fact, attempted to do so;

Recognizing that the withdrawal of Belgian troops from the Province of Katanga will be a positive contribution to and essential for the proper implementation of the Security Council resolutions—

1. Confirms the authority given to the Secretary General by the Security Council resolutions of July 14 and July 22, 1960, and requests him to continue to carry out the responsibility placed on him thereby;

2. Calls upon the Government of Belgium to withdraw immediately its troops from the Province of Katanga under speedy modalities determined by the Secretary General and to assist in every possible way the implementation of the Council's resolutions;

3. Declares that the entry of the United Nations force into the Province of Katanga is necessary for the full implementation of this resolution;

4. Reaffirms that the United Nations force in the Congo will not be a party to or in any way intervene in or be used to influence the outcome of any internal conflict, constitutional or otherwise;

5. Calls upon all member states, in accordance with articles 25 and 49 of the charter, to accept and carry out the decisions of the Security Council and to afford mutual assistance in carrying out measures decided upon by the Security Council; and

6. Requests the Secretary General to implement this resolution and to report further to the Security Council as appropriate.

RESOLUTION PASSED AT FOURTH EMERGENCY SPECIAL SESSION OF THE GENERAL ASSEMBLY ON SEPTEMBER 20, 1960

(Ceylon, Ethiopia, Ghana, Guinea, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Saudi Arabia, Sudan, Tunisia, United Arab Republic, and Yemen draft resolution)

The General Assembly,

Having considered the situation in the Republic of the Congo,

Taking note of the resolutions of July 14 and 22 and of August 9, 1960, of the Security Council;

Taking into account the unsatisfactory economic and political conditions that continue in the Republic of the Congo;

Considering that, with a view to preserving the unity, territorial integrity, and political independence of the Congo, to protecting and advancing the welfare of its people, and to safeguarding international peace, it is essential for the United Nations to continue to assist the Central Government of the Congo—

1. Fully supports the resolutions of July 14 and 22 and of August 9 of the Security Council;

2. Requests the Secretary General to continue to take vigorous action in accordance with the terms of the aforesaid resolutions and to assist the Central Government of the Congo in the restoration and maintenance of law and order throughout the territory of the Republic of the Congo and to safeguard its unity, territorial integrity and political independence in the interests of international peace and security;

3. Appeals to all Congolese within the Republic of the Congo to seek a speedy solution by peaceful means of all their internal conflicts for the unity and integrity of the Congo, with the assistance, as appropriate, of Asian and African representatives appointed by the Advisory Committee on the Congo, in consultation with the Secretary General, for the purpose of conciliation;

4. Appeals to all member governments for urgent voluntary contributions to a United Nations Fund for the Congo to be used under United Nations control and in consultation with the Central Government for the purpose of rendering the fullest possible assistance to achieve the objective mentioned in the preamble;

5. Requests—

(a) All states to refrain from any action which might tend to impede the restoration of law and order and the exercise by the Government of the Republic of the Congo of its authority and also to refrain from any action which might undermine the unity, territorial integrity and the political independence of the Republic of the Congo;

(b) All member states, in accordance with articles 25 and 49 of the charter, to accept and carry out the decisions of the Security Council and to afford mutual assistance in carrying out measures decided upon by the Security Council; and

6. Without prejudice to the sovereign rights of the Republic of the Congo, calls upon all states to refrain from the direct and indirect provision of arms or other materials of war and military personnel and other assistance for military purposes in the Congo during the temporary period of military assistance through the United Nations, except upon the request of the United Nations through the Secretary General for carrying out the purposes of this resolution and of the resolutions of July 14 and 22 and of August 9, 1960, of the Security Council.

TEXT OF THE U.N. RESOLUTIONS

UNITED NATIONS, N.Y., February 21.—Following is the text of a resolution sponsored by Ceylon, Liberia, and the United Arab Republic that was approved early today by the Security Council:

A

The Security Council,

Having considered the situation in the Congo,

Having learned with deep regret the announcement of the killing of the Congolese leaders, Mr. Patrice Lumumba, Mr. Maurice Mpolo, and Mr. Joseph Okito,

Deeply concerned at the grave repercussions of these crimes and the danger of widespread civil war and bloodshed in the Congo and the threat to international peace and security;

Noting the report of the Secretary General's special representative dated February 12, 1961, bringing to light the development of a serious civil war situation and preparations therefor—

1. Urges that the United Nations take immediately all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for cease-fires, the halting of all military operations, the prevention of clashes, and the use of force, if necessary, in the last resort;

2. Urges that measures be taken for the immediate withdrawal and evacuation from the Congo of all Belgian and other foreign military and paramilitary personnel and political advisers not under the U.N. command, and mercenaries;

3. Calls upon all states to take immediate and energetic measures to prevent the departure of such personnel for the Congo from their territories, and for the denial of transit and other facilities to them;

4. Decides that an immediate and impartial investigation be held in order to ascertain the circumstances of the death of Mr. Lumumba and his colleagues and that the perpetrators of these crimes be punished; and

5. Reaffirms the Security Council resolutions of July 14, July 22, and August 9, 1960, and the General Assembly Resolution 1474 (ES–IV) of September 20, 1960, and reminds all states of their obligation under these resolutions.

The Security Council,

Gravely concerned at the continuing deterioration in the Congo, and the prevalence of conditions which seriously imperil peace and order and the unity and territorial integrity of the Congo, and threaten international peace and security;

Noting with deep regret and concern the systematic violations of human rights and fundamental freedoms and the general absence of rule of law in the Congo;

Recognizing the imperative necessity of the restoration of parliamentary institutions in the Congo in accordance with the fundamental law of the country, so that the will of the people should be reflected through the freely elected Parliament;

Convinced that the solution of the problem of the Congo lies in the hands of the Congolese people themselves without any interference from outside and that there can be no solution without conciliation;

Convinced further that the imposition of any solution, including the formation of any government not based on genuine conciliation, would, far from settling any issues, greatly enhance the dangers of conflict within the Congo and threat to international peace and security—

1. Urges the convening of the Parliament and the taking of necessary protective measures in that connection;

2. Urges that Congolese armed units and personnel should be reorganized and brought under discipline and control and arrangements be made on impartial and equitable bases to that end and with a view to the elimination of any possibility of interference by such units and personnel in the political life of the Congo; and

3. Calls upon all states to extend their full cooperation and assistance and take such measures as may be necessary on their part, for the implementation of this resolution.

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

(Without reference to a committee (A/L. 340 and Add. 1–4 and Add. 3/Corr. 1))

1600 (XV). The situation in the Republic of the Congo:

The General Assembly,

Having considered the situation in the Republic of the Congo;

Gravely concerned at the danger of civil war and foreign intervention and at the threat to international peace and security;

Taking note of the report of the Conciliation Commission [1] appointed in pursuant of paragraph 3 of its Resolution 1474 (ES–IV) of September 20, 1960;

Mindful of the desire of the Congolese people for a solution of the crisis in the Congo through national reconciliation and return to constitutionality without delay.

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[1] A/4711 and Corr. 1 and Add. 1–2.

Noting with concern the many difficulties that have arisen in the way of effective functioning of the United Nations operation in the Congo—

1. Reaffirms its Resolution 1474 (ES–IV) and the Security Council resolutions on the situation in the Congo, more particularly the Council resolution of February 21, 1961; [2] and

2. Calls upon the Congolese authorities concerned to desist from attempting a military solution to their problems and to resolve them by peaceful means.

UNITED NATIONS GENERAL ASSEMBLY

THE SITUATION IN THE REPUBLIC OF THE CONGO

(Ceylon, Ghana, India, and Morocco: draft resolution)

The General Assembly,

Recalling paragraph A–4 of the Security Council resolution of February 21, 1961;

Taking note of Documents Nos. S/4771 and S/4771/Add. 1—

1. Decides to establish a Commission of Investigation consisting of:

(a) Justice U Aung Khine of Burma,

(b) Mr. Georges Creppy of Togo,

(c) Mr. Teschome Hailemariam of Ethiopia,

(d) Mr. José Ortiz Tirado or any other person nominated by the Government of Mexico; as its members; and

2. Requests the Commission of Investigation to proceed as early as possible to carry out the task entrusted to it.

[From the New York Times, Sept. 17, 1961]

BATTLE OF KATANGA

CRISIS FOR U.N.

For 14 months the United Nations has been engaged in an effort to bring law and order out of chaos in the Congo—a mission which, if successful, would greatly enhance the U.N.'s role as a supranational instrument of peace.

Last week the U.N. operation in the Congo plunged into its gravest crisis. U.N. troops were locked in bloody battle with the Congolese and diehard Belgians of Katanga, the copper-rich province which seceded from the Congo 11 days after the former Belgian colony became independent June 30, 1960.

At the weekend the outcome of the conflict was in doubt. A defeat for the U.N. force would seriously damage Secretary General Hammarskjold's position, intensify Soviet efforts to remove him, and shake the structure of the U.N. itself. Moreover, there were large questions about the wisdom of the policy that led to the U.N.'s immediate predicament in Katanga.

THE BACKGROUND

The Belgians, who made the Congo a colony 84 years ago, developed Katanga as the workshop of an otherwise poor and backward territory. By the time the Belgians, retreating before the wave of anticolonialism sweeping Africa, granted the Congo independence, Katanga was pouring $980 million worth of production a year from its mines, cattle ranges, farms, and industries. Katanga's secession on July 11, 1960, deprived the rest of the Congo of this income, and the tax revenues from it, without which it could not long survive.

Moreover, the Republic was in turmoil. The army mutinied and a political chain reaction threatened to fragment the Congo into tribal regions. The Congolese regime appealed to the U.N. for help and on July 14 the Security Council voted to send in troops, the first contingents arrived the next day. Three main political camps emerged in the Congo.

First there was the central government at Leopoldville, dominated in its early stages by Premier Patrice Lumumba, an extreme nationalist who turned pro-Soviet and anti-Western as Mr. Hammarskjold resisted his demands that U.N. troops be used to end the Katanga secession by force. Russia seeing in Mr. Lumumba a standard bearer of its cause in black Africa, supported him to the hilt and broke with Mr. Hammarskjold over the issue, demanding that the Secretary General be replaced. But Mr. Hammarskjold had the support of the majority of the U.N. Mr. Lumumba's supremacy was short lived. A military coup deposed him, and in January he was murdered.

Murder of Lumumba

The murder of Mr. Lumumba, and his glorification in the eyes of the Congolese people as a martyr to the cause of Congolese unification, led to new talks among the various factional leaders. Last July Cyrille Adoula—a man acceptable to most of them—was elected to the premiership of a government of national unity. Mr. Adoula, described as an anti-Communist, is pledged to a policy of neutralism in world affairs.

Second, there was the regime of Antoine Gizenga, who inherited the Lumumbaist mantle after the late Premier's death and formed a separatist government in Oriental Province. With Communist bloc economic and diplomatic support, he has been spreading a belt of pro-Soviet influence in the eastern provinces. Mr. Gizenga has been persuaded to join the Adoula government as First Vice Premier, but his links with the central government remain brittle.

Third, there is the Katanga regime, headed by Moise Tshombe, with its capital at Elisabethville. He has repeatedly rejected invitations to go to Leopoldville to discuss a compromise. He has defied growing pressure from the U.N. to rejoin the central government. His defiance has been backed strongly by Belgian industrialists who have invested heavily in Katanga and want their stake preserved. His strength has also rested to a considerable degree on the Belgian and other white officers in his 7,000-man army.

The 16,000 U.N. troops now in the Congo have been operating under a number of U.N. resolutions. The original Security Council resolution of July 14, 1960, which sent the troops into the Congo, said their purpose would be: "To provide the [Congolese] Government with such military assistance as may be necessary until * * * the [Congolese] national security forces are able to meet fully their tasks."

Nonintervention course

Mr. Hammarskjold interpreted this mandate as barring intervention against one faction or another—the stand that provoked the Soviet assault on him as a tool of Western monopolists determined to hold on to Katanga's natural resources.

As the U.N. threw increasing support behind Congolese unification, the Security Council February 21 passed a new resolution designed to aid the central government and strip the Katanga army of its white mercenaries. The resolution said the Security Council:

1. Urges that the United Nations take immediately all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for cease-fires, the halting of all military operations, the prevention of clashes, and the use of force, if necessary, in the last resort;

2. Urges that measures be taken for the immediate withdrawal and evacuation from the Congo of all Belgian and other foreign military and paramilitary personnel and political advisers not under the United Nations command, and mercenaries.

In line with this resolution the U.N. command told Mr. Tshombe to remove the 512 non-Congolese officers in his army and sent troops into Kantanga to see that this was done. The stage was set for the crisis last week.

THE FIGHTING

At 4 a.m. last Wednesday the U.N. command at the Katangese capital of Elisabethville sent Indian, Swedish, and Irish units to occupy key points in the city. The U.N.'s "blue helmets" ran into Katangese army fire. It took 8 hours of sharp fighting, in which 2 U.N. and at least 30 Katangese soldiers were killed, to capture the post office and radio station and put down resistance elsewhere in the city. The U.N. command announced that Katanga was under central government control.

The announcement was premature. The next day Katangese troops counterattacked fiercely with mortar and machinegun fire. As fighting raged into the weekend, a 500-man Irish and Swedish garrison at the Kamina U.N. base deep in the interior reeled under heavy attacks by Katangese troops and tribal warriors, and grave concern was expresed over the fate of a 150-man Irish garrison beleaguered at Jadotville, 60 miles from the provincial capital. Heavy casualties were reported on both sides.

Tshombe defiant

Mr. Tshombe, taking refuge in his residence, vowed a "fight to the last soldier and the last bullet." The Katangese were led by white officers, some in civilian clothes, many of them Belgians who had been removed from the army only 2 weeks previously. The whole Katangese resistance effort appeared to be stiffened by white mercenaries, including soldiers of fortune and French ex-officers who had taken part in the abortive military revolt in Algeria last April.

At the weekend, Mr. Hammarskjold himself was in Leopoldville. He had arrived there from New York on his third visit to the Congo, only 2 hours after the U.N. had intervened in Elisabethville. Entering into talks with Congolese officials, he seemed grim and preoccupied over the news of prolonged bloody fighting. He was scheduled to return to New York for the U.N. session opening Tuesday.

The world reaction to the U.N. intervention was sharp. The Afro-Asian countries, which are overwhelmingly opposed to the Tshombe regime, were behind Mr. Hammarskjold, urging him to go ahead and finish the job. Russia, hostile both to Mr. Tshombe and Mr. Hammarskjold, found a new way of attacking the Secretary General: it claimed the U.N. command was holding back in Katanga, after its initial success, to spare the colonialists.

Strong criticism of the U.N. action was voiced by France, which had been opposed all along to the U.N. Congo operation and which now accused the U.N. of exceeding its mandate and possibly violating its charter. Some support for this attitude was found in Britain, which expressed concern and called for immediate cease-fire efforts. The United States, on the other hand, took the position that the U.N. had acted within the mandate of the February 21 Security Council resolution.

THE QUESTIONS

The U.N.'s move in Katanga last week raised two major questions: first, the question of why the U.N. had acted as it did and at this juncture; second, the question of how the week's events would affect the U.N.'s role in the Congo and the future of the U.N. itself.

On the question of the U.N.'s motives, there were conflicting explanations.

A statement by the top U.N. representative in Katanga, Dr. Conor Cruise O'Brien, suggested that the U.N. thought it could achieve bloodlessly what Mr. Adoula could attempt only at the cost of heavy loss of life. Dr. O'Brien said the U.N. had acted at Leopoldville's request "to avoid the alternative—invasion of northern Katanga by Central Government troops and prolonged civil war."

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[2] S/4741.

In Leopoldville, Dr. Sture C. Linner, Swedish head of the U.N. mission in the Congo, had a somewhat different explanation. He said the move had been made because the Katanga government had been stalling on getting rid of all its white mercenaries.

A third explanation, circulated among delegates at U.N. headquarters in New York, was that Mr. Hammarskjold had decided to end the Katanga problem before the General Assembly meets Tuesday. It was suggested by some that Mr. Hammarskjold wanted to improve his stock with the Afro-Asians, who overwhelmingly oppose the Tshombe regime, and thus strengthen himself against a renewal of Russian attempts to curb his powers. Others, denying this version, said Mr. Hammarskjold had hoped to present the Assembly with a victory, permitting the U.N. to cut its budget-draining expenditures in the Congo.

Perils for U.N.

Whatever the motivations, it was apparent that unless the U.N. could quickly bring victory out of the Katanga situation, Mr. Hammarskjold would be highly vulnerable to new Soviet pressure against his position. That position is already weak, and his removal would have serious effects on the U.N. as now constituted.

Defeat for the U.N. would reopen the whole question of the U.N.'s involvement in the Congo and would subject Mr. Hammarskjold to heavy attack because of his close identification with U.N. policy all during the operation. Even prolonged fighting would unquestionably foment bitterness among the nations whose troops are involved and among the various U.N. factions. Moreover, it would enlarge the already serious financial problems with which the U.N. operations have confronted the world organization.

Finally, in the Congo itself the fighting is expected to leave a legacy of resentment among the Congolese—not only in Katanga but elsewhere in the country as well—over the spectacle of foreigners shooting Congolese. That almost certainly will complicate the U.N.'s efforts, should the fighting be brought to a successful conclusion, to work out with the Congolese, the manifold political and economic problems that must be solved if the republic is to become a viable nation.

Accordingly the best hope is that the fighting can be ended successfully and soon. Only that, it is believed, could prevent the Soviet Union from generating powerful new pressure among the Afro-Asians to force Mr. Hammarskjold out.

[From the New York Times, Sept. 15, 1961]

TEXT OF REPORT TO U.N. ON MILITARY INTERVENTION IN PROVINCE OF KATANGA

Paragraph A-2 of the resolution adopted by the Security Council on February 21, 1961:

"Urges that measures be taken for the immediate withdrawal and evacuation from the Congo of all Belgian and other foreign military and paramilitary personnel and political advisers not under the United Nations command, and mercenaries."

By far the largest concentration of such personnel, about 500, was to be found in the Katangese armed forces. Efforts to implement the above provision, which had to be pursued by way of negotiations in view of the lack at this stage of legal authority for the United Nations to take other steps for implementation of the resolution within the Congo, remained for months without appreciable results.

On August 24, 1961, the President of the Republic of the Congo, upon advice of the Government, enacted ordinance No. 70, providing for the expulsion of all non-Congolese officers and mercenaries serving in the Katangese forces, not under a contract with the Central Government. The Prime Minister of the Republic of the Congo requested United Nations assistance in the execution of this ordinance and in insuring the evacuation of the personnel falling under the expulsion decree. These actions gave the United Nations legal rights within the Congo corresponding to the terms of the aforementioned resolutions.

On August 26, Mr. [Godefroid] Munongo, Minister of the Interior of the Katanga Provincial Government, announced that the United Nations was planning to disarm the Katangese armed forces and that 1,500 ANC [Congolese National Army] soldiers in United Nations planes were on their way to Elisabethville to occupy Katanga.

ATMOSPHERE OF TENSION

This announcement and similar false rumors created an atmosphere of tension notwithstanding the fact that they were immediately denied by the United Nations. The United Nations was therefore compelled to take security precautions when, on the morning of August 28, it proceeded to take measures for evacuating foreign military personnel and mercenaries.

It placed a surveillance on Radio Katanga, on gendarmerie headquarters and on other key points and installations in the city of Elisabethville. During the few hours that this surveillance lasted, the radio continued to broadcast normally, with the sole exception that no statements of an inflammatory nature, likely to lead to an incitement to civil or tribal disturbances in violation of paragraph A-1 of the Security Council resolution of February 21, were permitted.

Moreover, an appeal was made to the Katangese gendarmerie to cooperate and to the Katangese population to maintain calm and proceed with their normal occupations. No resistance was encountered from the Katangese armed forces or police in the execution of the evacuation measures, and life continued normally throughout Katanga.

Mr. Tshombe was informed by the United Nations representative of the objectives of the United Nations action. At noon of August 28, Mr. Tshombe stated in a broadcast that his government had approved of the evacuation of foreign military personnel and had terminated the services of all foreigners in the Katangese armed forces effective that day.

AGREEMENT NOTED

In the morning and again in the afternoon of August 28, United Nations representatives met with the Elisabethville Consular Corps at their request to discuss repatriation procedures. The Belgian consul, who presided over these meetings, stated that by arrangement with his colleagues he would undertake the responsibility for insuring the surrender and repatriation and travel of all personnel required to be evacuated, irrespective of their nationality.

He introduced two senior officers who had served in the Katanga gendarmerie and who were to assist the United Nations in arranging an orderly withdrawal of all foreign personnel who served in the Katangese armed forces. The United Nations agreed to this evacuation procedure on condition that the evacuation would not thereby be delayed and that the United Nations retained the exclusive authority to decide who should be evacuated and when.

On this understanding the United Nations refrained from continuing to search for and apprehend foreign military personnel, and permitted about 70 Belgian officers to stay in the Belgian consulate building in Elisabethville until transport for them became available.

Unfortunately, these arrangements were not scrupulously observed. Only the officers already stationed in the Belgian consulate building and officers of the Belgian Army placed at the disposal of Katanga by the Belgian Government were dealt with under this procedure, and even in the case of these officers delays or administrative exemptions were proposed.

The foreign officers and mercenaries, profiting from this relaxation of evacuation measures, reinfiltrated into the gendarmerie, and there were indications that they began distributing arms to certain political or ethnic groupings. The foreign elements also began exercising pressure on some Katangese ministers to dissuade them from moving toward political reconciliation to the authority of the Central Government.

Finally, the foreign military personnel, together with the so-called "ultras" among the non-African residents, exercised an adverse influence on the Katangese government, inciting them to terroristic actions and violations of fundamental liberties.

Thus, the actions of the political police (Sûreté), which must be regarded as falling under paragraph A-2 of the resolution, and which is an instrument of Mr. Munongo largely directed by foreign officers, combined with the inflammatory propaganda broadcast on Radio Katanga and spreading of rumors, caused panic among the Baluba population, who began to throng into United Nations camps, asking for protection.

The influx of Baluba refugees, who constitute the economically and educationally most advanced part of the African population of Elisabethville, began on August 24 following the arrest of their spokesman, Mr. Bintu, and a few other leaders. By September 9 the number of refugees had reached 35,000 and created not only a very serious problem for the United Nations, which had to protect, feed, shelter, and care for them but also a situation likely to lead to tribal and civil war.

Information obtained by the United Nations from various sources established that Mr. Munongo and his Sûreté officials had conspired, or were attempting, to carry out attacks on United Nations personnel, military as well as civilian. These reports were to some extent confirmed by the occurrence of inspired demonstrations against the United Nations in the first week of September, which resulted in considerable material loss to the United Nations and in injury to a number of United Nations personnel.

Of a much more dangerous character, however, was the menace to the security of the United Nations personnel and property constituted by the terroristic conspiracies and activities of some of the foreign officers in the Katangese armed forces who had thus escaped evacuation measures. Most prominent among them were a group of officers of French nationality, some of whom were unable to return to their own country because of their implication in the recent revolt by French military elements in Algeria.

Another group consisted of soldiers of fortune, while a third group were the so-called volunteers recruited from among foreign settlers in the Congo. Information received to the effect that one such group planned to introduce plastic bombs into the building in which the United Nations offices in Elisabethville were located compelled the United Nations on September 6 to move its headquarters to one of the military camps.

GUERRILLA ACTIVITY CHARGED

There was also evidence that these officers were organizing a guerrilla group among the gendarmerie personnel, that they were maintaining their hold over certain units of the gendarmerie preventing them from cooperating with the United Nations, and that they organized the attack on the United Nations garage and the burning of United Nations vehicles.

The day of September 9 was set as the time limit as of which all foreign military personnel had to report to a United Nations unit for evacuation. By that date, however, only 273 foreign officers and mercenaries

had been repatriated and 65 were awaiting repatriation. At least 104 foreign personnel were known to have failed to report or to give any account of themselves.

The United Nations representative thereupon called once more on the consuls, asking them to insure the immediate departure of the nationals, failing which the United Nations would have to resume action for implementing the February 2 resolution by all means at its disposal.

In the morning of September 11 the deputy United Nations representative in Elisabethville was arrested on orders given by a non-Congolese officer of the political police (Sûreté). This was the cumulation of a long series of wrongful acts by these officers, including the organization of attacks on the United Nations, repeated threats, and incitements to violence.

Moreover, it was impossible to persuade the Baluba refugees to return from the United Nations camp to their homes as long as they were exposed to threats and arbitrary arrests by, or at the direction of, Sûreté officials. The United Nations therefore requested that all the non-Congolese officers of the Sûreté be evacuated within 48 hours.

At the instigation of the remaining foreign officers, as well as of the local extremists, heavily armed patrols and guard posts began to be maintained by the gendarmerie at all public buildings and other installations in Elisabethville. The police were reinforced by 300 members of Mr. Munongo's Bayake tribe. Arms were also being distributed to individuals and groups who were not properly trained and disciplined to handle them.

On September 12 the Foreign Minister of the Katanga Government, Mr. [Evariste] Kimba, announced that negotiations had been opened for reinforcing Katangese units with personnel and equipment from Rhodesia.

MEETING WITH TSHOMBE

Also on September 12, United Nations representatives met with Mr. Tshombe and members of his government in an attempt to obtain a lessening of the tension, a withdrawal or at least reduction of the military elements from the streets in Elisabethville, an end to the inflammatory propaganda, redress of refugee grievances which would permit their return to their homes, and assurance that the evacuation of all personnel falling under paragraph A-2 of the February 21 Security Council resolution would proceed promptly.

United Nations representatives also attempted to persuade the Katanga Government to reconcile their political differences with the Central Government by constitutional means and gave assurances concerning Mr. Tshombe's safety if he wished to travel to Leopoldville for discussions. On all these points the answer of the Katangese Government was a negative one; they refused emphatically to permit the evacuation of the foreign officers serving in the Katangese Sûreté.

In the early hours of September 13 the United Nations forces therefore took security precautions similar to those applied on August 28, and deemed necessary to prevent inflammatory broadcasts or other threats to the maintenance of law and order while the United Nations resumed carrying out its task of apprehending and evacuating foreign military and paramilitary personnel.

At this point an alert was set since arson was discovered at the United Nations garage. As the United Nations troops were proceeding toward the garage premises, fire was opened on them from the building where a number of foreign officers are known to be staying. United Nations troops were subsequently also resisted and fired at as they were deploying toward key points or while they were guarding installations in the city. United Nations troops returned fire.

While it is yet too early to reconstruct from the incomplete reports the whole story of the events of the day, a report transmitted at noon on September 13 by the commander of United Nations forces in Katanga, Brigadier S. K. Rajah, states that the radio station and post office guarded by United Nations troops were attacked several times and that extensive sniping fire was directed against United Nations troops and the residence of the United Nations representative from houses occupied by non-African residents of the city.

Non-Congolese officers and mercenaries were observed leading the attacks, directing fire and handling the weapons. On the other hand there is no evidence of any spontaneous or large-scale actions having been taken against the United Nations by the Congolese personnel of the gendarmerie.

Sporadic sniping and occasional bursts from heavier weapons were reported throughout the day and up to the time of writing this report, the Katanga radio station was reported substantially damaged by mortar fire directed at it when the United Nations sought to use it to appeal for calm and cessation of fire. Casualties so far ascertained include one Indian soldier and one Swedish officer killed, six Indian, three Swedish, four Irish and one Norwegian personnel wounded.

The United Nations representative contacted Mr. Tshombe and attempted to obtain a cessation of the hostilities as soon as possible. A cease-fire was in fact issued by Mr. Tshombe, but was disregarded by the mercenaries involved in the fighting. Throughout the incident, the adjutant of the president, Mayor Mwamba, assisted the United Nations headquarters in their efforts to contact responsible authorities who could have used their influence to restore calm.

To this end, a meeting was arranged between the United Nations representative, the United States consul, Mr. Tshombe and other political and military leaders to take place at noon. Mr. Tshombe and the Congolese leaders did not come to that meeting, however, and contact between them and the United Nations representative was not reestablished up to the time when this report was being drafted. Mr. [Jean-Marie] Kibwe is reported to be in a United Nations camp.

In the afternoon of September 13, the Central Government of the Republic of the Congo dispatched to Elisabethville a delegation headed by the Commissaire d'Etat for Katanga, Mr. E. D. Bocheley, to assist the provincial authorities in the restoration of law and order. The United Nations dispatched a team of technical experts to help in the restoration of essential utilities and public services.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MORSE. I highly congratulate the Senator from Minnesota on another one of his great and what time will prove to be historic speeches in the Senate. On this occasion of his brilliant and his much needed not only defense of the United Nations, but his plea for the strengthening of the United Nations, I wish to say to the Senator from Minnesota that I would be interested in knowing whether or not he had any of the same points of view that I have. I was extremely disappointed in the response of the so-called neutral, uncommitted nations at Belgrade, because when we read their memorandum, their statement, it is interesting to note that there was not a stanch defense of the United Nations, there was not a recognition or plea on their part for its strengthening and for its use.

I think that Nehru missed a great historic opportunity, because if there is anything I learned from my 3 months at the United Nations last fall as one of the American delegates, it is that the only hope for the neutral and uncommitted nations is to be found in the United Nations. In my judgment, it is the United Nations which stands between the uncommitted and the neutral nations, and Russia, and therefore between themselves and destruction. I was keenly disappointed that at least some of the leaders of the neutral and uncommitted nations not only did not stanchly defend the United Nations at Belgrade, but also did not make a world appeal to both Russia and the Western Powers to use the United Nations, as I think it ought to be used, in the settlement, for example, of the great crisis which confronts mankind today—Berlin.

However, it is interesting to note that not so many days ago—and what attention was paid to it in the American press? Practically none. Why? Because it was too close to us or too hot to handle—the Prime Minister of Canada, in the House of Commons of the Canadian Parliament, made the speech which, in my judgment, should have been made by Nehru at Belgrade. In that great speech before the House of Commons of the Canadian Parliament, the Canadian Prime Minister made the plea that the question of Berlin should be placed before the United Nations.

I hope it is with no immodesty that I make reference to the fact that on April 11, 1959, in a major speech I made on the then East Berlin crisis, I raised my voice in saying to my country, "We ought to be willing to put Berlin before the United Nations for final determination." That means East Berlin as well as West Berlin.

I wished to make this addition to the speech of the Senator from Minnesota today, because—I care not how impolitic it is—I say to the people of my country again that, in my judgment, the Berlin crisis will not be settled, short of war, except by negotiations between the Western Powers and Russia. They are too far out on the limb.

In my judgment, the time has come when the Berlin crisis must go to the United Nations for final determination. We ought to be taking it there. We ought to offer to take it there. We ought to make it perfectly clear that the offer covers both East Berlin and West Berlin.

So far as I am concerned, I am perfectly willing to make of all Berlin an international city. I am perfectly willing to move the United Nations headquarters to Berlin; but there will have to be a united Berlin, not a separated Berlin, to make it an international city of the world. In my judgment, that offers us our best hope of avoiding a war which is on the doorstep of mankind in the very hour we speak.

Mr. HUMPHREY. Mr. President, I commend the distinguished Senator from Oregon for his splendid statement, for what I always expect from him, a courageous statement, and a very intelligent statement. I am certain the Senator from Oregon thinks much as I do, that

it is really unimportant these days whether somebody likes what we say or not. So what? What is needed today in this Government, and what is needed in this Chamber, is the frank and honest exchange of views by men of conviction. We need to search and seek for the truth.

I must say that the neutral leaders or the neutral nations which met at Belgrade were a great disappointment to the Senator from Minnesota. They forfeited their opportunity of moral leadership. It was terribly disappointing. I did not expect that they would necessarily champion our cause. That was not important. But what was important was that they championed the cause of peace and the instrumentality of peace—the United Nations—which is the only hope of the smaller nations for recognition, for support, and for decision-making and participation in decision-making. The United Nations is our answer. It is the answer of free men and women to Communist internationalism. The Communist movement is an international movement, with international roots, with international purposes, with international doctrine. The only instrumentality which the world has today to combat that kind of political monolithic system is the instrumentality known as the United Nations. It is the home of freedom. I do not want to see it destroyed. Neither do I want to see it weakened, either through abuse or lack of use or lack of resources or lack of respect or lack of power. I believe the opportunity is at hand now for our country, along with others, to be great friends of the U.N.

I, too, concur in the thought of the Senator from Oregon that the Berlin issue must find its way to the United Nations. I said this when I returned from Berlin, as the Senator knows. I remember the Senator's speech of a little over 2 years ago. I wish more people had paid attention to the Senator's remarks, because they were well worthy of careful study then and now. But when I returned from my little, short journey to Berlin the second time, I found that not only was this issue leading us to the precipice of war, but that ultimately it must find its way into the peacekeeping machinery of the United Nations. Otherwise war will come; and it will be no limited war, either. The concept of limited war by great powers is ridiculous. It just is not feasible, and it will not happen.

Mr. CASE of South Dakota. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. CASE of South Dakota. For the comfort of the Senator from Minnesota, I invite his attention to an article entitled, "The U.N. Is Here To Stay," written by Dag Hammarskjold, and published in the magazine Together, for October 1961. I placed the article in the RECORD of September 19, the day after Dag Hammarskjold died. In the article, Mr. Hammarskjold said:

> The United Nations finds itself in a difficult stage of its development. It is still too weak to provide the security desired by all, yet it is strong enough and alive enough to point out effectively the direction in which the solution must be sought. In its present phase, the organization may look to many like a preacher who cannot impose the law he states or realize the gospel he interprets. It is understandable if those who have this impression turn away in distrust or with cynical criticism, forgetting that setbacks in efforts to implement an ideal do not prove that the ideal is wrong, and overlooking, also, that at the beginning of great changes in human society there must always be a stage of such frailty or seeming inconsistency.

Then he goes on to say that the United Nations should be a living, evolving, experimental institution. Throughout the article there is the hope and the confidence of Dag Hammarskjold that, as the title says, "The U.N. Is Here To Stay."

DISTRIBUTION BY MAIL OF COMMUNIST PROPAGANDA

During the delivery of Mr. HUMPHREY's speech on the Congo:

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. HUMPHREY. Yes, provided it comes at the end of my remarks.

Mr. EASTLAND. Mr. President, I move that the Senate proceed to the consideration of H.R. 5751, to amend the Subversive Activities Control Act of 1950.

The PRESIDING OFFICER. What is the order or calendar number?

Mr. HUMPHREY. Mr. President, has this bill been cleared by the majority and minority leaders?

Mr. EASTLAND. No, it has not been cleared by the minority leader. I was clearing it with the Senator from Minnesota.

Mr. HUMPHREY. I would have to object to the consideration of the bill, because the rule of comity requires that it be cleared.

Mr. EASTLAND. It was just reported. It is not on the calendar.

Mr. HUMPHREY. I will have to object until we have clearance.

The PRESIDING OFFICER. Objection is heard.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker pro tempore had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 302. An act to amend the act of June 22, 1948, as amended, relating to certain areas within the Superior National Forest, in the State of Minnesota, and for other purposes;

S. 556. An act to amend the acts of March 3, 1901, and June 28, 1944, so as to exempt the District of Columbia from paying fees in any of the courts of the District of Columbia;

S. 564. An act to provide for apportioning the expense of maintaining and operating the Woodrow Wilson Memorial Bridge over the Potomac River from Jones Point, Va., to Maryland;

S. 2397. An act authorizing the National Capital Transportation Agency to carry out part I of its transit development program and to further the objectives of the act approved July 14, 1960 (74 Stat. 537);

S. 2476. An act to amend section 207 of the Military Construction Act of 1960 in order to clarify the authority granted under such section to the Secretary of the Navy to exchange certain lands owned by the United States for lands owned by the State of Oregon;

S.J. Res. 51. Joint resolution authorizing the creation of a commission to consider and formulate plans for the construction in the District of Columbia of an appropriate permanent memorial to the memory of Woodrow Wilson;

S.J. Res. 66. Joint resolution to amend the joint resolution providing for membership and participation by the United States in the Inter-American Children's Institute;

H.R. 115. An act for the allocation of costs on the Wapato-Satus unit of the Wapato Indian irrigation project;

H.R. 470. An act to amend sections 1 and 3 of the Foreign Agents Registration Act of 1938, as amended;

H.R. 5490. An act to provide for more effective participation in the Reserve components of the Armed Forces, and for other purposes; and

H.R. 7726. An act to authorize the loan of naval vessels to friendly foreign countries and the extension of certain naval vessel loans now in existence.

PEACE CORPS ACT—CONFERENCE REPORT

Mr. HUMPHREY. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. METCALF in the chair). The report will be read for the information of the Senate.

The LEGISLATIVE CLERK read the report.

(For conference report, see House proceedings of September 20, 1961, pp. 20474–20480, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HUMPHREY. Mr. President, I should like to note the dedication and tireless efforts of the members of the Foreign Relations Committee who served as conferees, and of the House conferees, who worked into the evening hours on Monday in order to reach final agreement on the provisions of the bill.

The most important issue to be resolved was that of the number of supergrade positions to be authorized for the Peace Corps. My colleagues will recall a pertinent amendment offered on the floor by the senior Senator from Iowa [Mr. HICKENLOOPER] which was modified and agreed to by the Senate. Under

the bill passed by the Senate, the Peace Corps was authorized to employ 35 persons without regard to the provisions of the Classification Act of 1949, as amended. Of these 25 could be compensated at rates higher than a GS–15, including 2 who could receive up to $19,000.

H.R. 7500, as passed by the House, contained no comparable provision. The committee of conference agreed to 30 excepted positions, 20 of which may be supergrades. The number of top-level positions authorized will make it possible for the Peace Corps to obtain experienced and high caliber program administrators, a factor which the Peace Corps believes has a direct bearing upon the success of its mission.

Mr. President, I wish to take this opportunity to pay special tribute to my colleagues on the Senate report whose suggestions and amendments with respect to this legislation have doubtless contributed much toward making the final legislative product a better one.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. CURTIS. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. CURTIS. Will the Senator from Minnesota inform us what happened to the amendment relating to a foreign-language department?

Mr. HUMPHREY. Yes. The Senate version of the bill contained an amendment, offered on the floor of the Senate by the Senator from Nebraska [Mr. CURTIS], relating to foreign-language proficiency. The Senate conferees felt that the slight modifications voted by the House were helpful, and therefore accepted them.

This provision now reads as follows:

FOREIGN LANGUAGE PROFICIENCY

SEC. 24. No person shall be assigned to duty as a volunteer under this Act in any foreign country or area unless at the time of such assignment he possesses such reasonable proficiency as his assignment requires in speaking the language of the country or area to which he is assigned.

Mr. CURTIS. Is it not true that the Senate version also provided that if he served in an area where there was a written language, he should be reasonably proficient in reading and writing that language?

Mr. HUMPHREY. Yes, that was the Senate provision, as I recall.

Mr. CURTIS. So the Senate conferees have accepted a House modification which does not require the volunteer to be able to read and write the language of the country in which he serves, if it has a written language.

Mr. HUMPHREY. That is correct. But the modification requires that he have proficiency in speaking the language of the country to which he is assigned.

Mr. CURTIS. If his assignment requires it.

Mr. HUMPHREY. Yes, if his assignment requires it.

Mr. CURTIS. Who will determine that?

Mr. HUMPHREY. It will be determined by the Director of the Corps. Of course, that determination—and let me say that I am sure the Senator from Nebraska would like to have some legislative history made in connection with this matter—should be controlled by the kind of work the volunteer is to do.

As the Senator from Nebraska pointed out when he submitted his amendment, if the work of the volunteer requires close contacts and working relationships with the local people, so that there is need for communication—oral communication, in this instance—then he must have sufficient proficiency to be able to communicate. However, if the volunteer were working in an office with English-speaking clientele, it would not be necessary for him to have proficiency in the language of the country, particularly if English were used as the language of the government and for official purposes.

Mr. CURTIS. I should like to state that every volunteer who serves will be contributing to the image of the United States in the area in which he serves; and regardless of the duties he has or his working hours, he will be living in a foreign country and will be making an impression upon the people there. It may be a good impression; it may be a bad one.

I think the private organizations, including our churches in their missionary efforts, have always made it an important requirement that their people—whether they be trained in medicine, in agriculture, in administration, in teaching, in preaching, or whatever their assignment might be—must be able to communicate with the people among whom they live.

These volunteers may be performing some type of work for 8 hours a day; but they will be living in these foreign countries 24 hours a day. So I wish to express my regret that there was any modification which lessens the requirement that the volunteers be thoroughly trained in the language of the country in which they serve, because along with their training in the language they would necessarily become informed about the country in which they serve.

I have very grave doubts about this venture; and I certainly am not encouraged by the fact that this amendment was modified in this way.

Mr. HUMPHREY. Let me say that I can help the Senator from Nebraska a bit, I believe, by pointing out that the staff—the Director and his associates—recognize the importance of a knowledge of the language of the country in which the volunteer serves, not only the ability to speak it, but also the ability to read it and to write it. As the Senator from Nebraska knows, I am sure that the House version of the bill contained no provision on this subject; and although the language of the conference report does not require such reading and writing ability, it is the general intention of the agency that where such reading and writing ability would be of essential help in the fulfillment of the duties—and I point out that this is a "doing" program and a working program, not particularly a paper program—such reading and writing ability surely will be encouraged and asked for.

Mr. CURTIS. I think our diplomatic corps has made significant progress in this field in recent years. There was a time when our country was greatly handicapped by having abroad many representatives who were unfamiliar with the countries in which they served and had little knowledge of their history or their language. But now we are beginning a new program, which will not end in our lifetime; and I think as a matter of law we should require that those who serve under the program not only be able to speak the language of the country in which they serve, but also be able to understand it to the point where they can read it and write it, because no one could become proficient in reading and writing a language without gaining a great storehouse of knowledge about the country and its people—information of great value in connection with service there.

So I think it is a grave mistake not to make that a positive requirement at the time when the new agency is begun.

The PRESIDING OFFICER. The question is on agreeing to the report. Without objection, the report is agreed to.

Mr. CURTIS. I object.

The PRESIDING OFFICER. Then the question is on agreeing to the report; and all in favor will say "aye"; and those opposed will say "no."

The report was agreed to.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a statement in explanation of the action by the conferees on some of the Senate amendments be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ACTION BY THE CONFEREES ON SOME OF THE SENATE AMENDMENTS

The amendment offered on the Senate floor by Senator HICKENLOOPER, on behalf of Senator MILLER, providing that training of Peace Corps volunteers "shall include instruction in the philosophy, strategy, tactics, and menace of communism" was accepted by the House conferees and remains intact in the bill (sec. 8(c)).

The Senate bill contained an amendment offered on the Senate floor by Senator CURTIS relating to foreign language proficiency. The Senate conferees felt the slight modifications suggested by the House were helpful, and therefore agreed to them (sec. 24).

An amendment offered on the Senate floor by Senator KEATING provided that at the expiration of fiscal year 1963, the Committee on Foreign Relations should undertake or cause to be undertaken a full and complete study of the operation and activities of the Peace Corps. The House bill had no comparable provision. The Senate conferees receded on this amendment. Without the specific provision in the bill, the Foreign Relations Committee can still make a study of Peace Corps operations. The Senate conferees were also aware that by the terms of the Keating amendment, such a study was not called for until the expiration of fiscal year 1963. The Senator from New York is to be commended for his initiative in suggesting the study, and may be assured that the committee will keep it in mind.

Mr. DWORSHAK subsequently said: Mr. President, earlier today a conference report on the Peace Corps legislation was adopted by the Senate. I ask unanimous consent to have inserted in

the RECORD immediately following the proceedings in the adoption of the conference report a budget analysis submitted to the Senate Committee on Appropriations based on the estimate of annual cost per volunteer of $9,000 for the Peace Corps personnel.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

APPENDIX A.—*Basis of estimate of annual cost per volunteer*

	Total per volunteer
Expenses during U.S. training period, 3 months	$2,561
Medical examination	12
Transportation — home/training center/home	150
Immunizations	15
Psychiatric examination	15
Training cost—$250 per month for 3 months	750
Subsistence—$180 per month for 3 months	540
Readjustment allowance—$75 per month for 3 months	225
Total	1,707
Plus 50 percent for attrition [1]	854
Expenses during service period, 21 months:	
A. Transportation	1,450
Home/gateway city/home	150
International transportation, tourist class	1,000
Transportation of things	200
Travel in host country	100
B. Oversea training	375
Training cost—$250 for 1 month	250
Training of counterparts [2]	125
C. Allowances	4,988
Subsistence allowance—$150 per month for 21 months	3,150
Readjustment allowance—$75 per month for 21 months	1,575
Leave allowance—$12.50 per month for 21 months	263
D. Logistic support	670
Housing: Rent—$20 per month for 21 months	420
Clothing: $150 for 1st year; $50 for 2d year	200
Bicycle	50
E. Project equipment and materials	1,000
F. Medical expenses	375
Medical supplies—$5 per month for 21 months	$105
Reimbursable medical and dental care and hospital—$10 per month for 21 months	210
Medical evacuation cost, pro rata share	60

[1] During the pilot period, approximately 50 percent more than the number needed for immediate projects will be put through training to assure high selectivity. Those in excess of immediate needs but found fully qualified will be assigned to later projects.

[2] It is assumed that counterpart workers will participate in the oversea training of volunteers 50 percent of the time; that the Peace Corps will pay their training costs and the host country will pay their subsistence costs.

APPENDIX A.—*Basis of estimate of annual cost per volunteer*—Continued

	Total per volunteer
Expenses during service period, 21 months:	
G. Supervision and field operations: Costs of project director, medical personnel, and other administrative support personnel, United States or local; their housing, allowances, transportation, and in-country travel; office rent and utilities; communications; printing and reproduction; and associated equipment, supplies, and material are not included herein as they are covered in indirect overhead costs.	
Total of above	$11,419
Plus 10 percent for volunteer leaders [3]	1,142
Total direct costs per volunteer for 24-month project	12,561
Annual direct cost per volunteer	6,280
Indirect overhead costs per volunteer: Administrative and program support costs of Peace Corps ($8.8 million divided by 3,000 volunteers)	2,900
Total computed costs	9,180
Peace Corps budget estimate	9,000

[3] It is assumed that volunteer leaders will be assigned at the ratio of 1 to 15 volunteers. Since the cost of a volunteer leader is at least 50 percent higher than a volunteer, an amount equal to 10 percent of the cost of the volunteers is estimated for volunteer leaders.

Administrative and program support expenses

		1961 estimate	1962 estimate
Personnel summary:		*Number*	*Number*
Total number of permanent positions		212	369
Full-time equivalent of other positions		6	14
Average number of all employees		32	294
Number of employees at end of year		182	350
Object classification:			
11	Personnel compensation:	*Amount*	*Amount*
	Permanent positions	$233,419	$2,469,342
	Positions other than permanent	86,875	208,000
	Other personnel compensation	14,460	120,004
	Total personnel compensation	334,754	2,797,346
12	Personnel benefits	21,766	358,994
21	Travel and transportation of persons	122,400	752,360
22	Transportation of things	17,300	406,140
23	Rent, communications, and utilities	38,904	750,035
24	Printing and reproduction	67,223	234,065
25	Other services:		
	Representation allowance	----------	8,500
	Miscellaneous contractual services	310,455	126,425
	State and ICA administrative support	86,287	2,236,800
	Public health support	----------	638,660
26	Supplies and materials	15,500	147,055
31	Equipment	86,000	313,400
	Total obligations	1,100,709	[1] 8,769,790

[1] This estimate is included in the overall $40,000,000 request for Peace Corps programs for fiscal year 1962.

DISARMAMENT NEGOTIATIONS

Mr. HUMPHREY. Mr. President, I wish to comment on the announcement that has just been made that the United States and the Soviet Union have now accepted a joint statement of certain agreed general principles which form a basis for guiding them, and hopefully other countries, in the resumption of disarmament negotiations. This agreement is the result of discussions between Mr. McCloy, representing the United States, and Mr. Zorin, representing the Soviet Union, which began last June, and have continued intermittently throughout the summer. I ask unanimous consent to have printed in the RECORD at the end of my remarks the text of the statement of agreed principles drafted by both countries. I also ask unanimous consent to have printed in the RECORD the text of a letter, sent to Mr. Zorin by Mr. McCloy, regarding the statement of principles, and emphasizing certain fundamental remaining disagreements.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. Mr. President, anyone who reads this statement of principles will recognize that the degree of agreement reached by the United States and the Soviet Union as a basis of resumption of negotiations is very general, indeed. The principles do emphasize that there should be effective verification and control of all disarmament measures.

For example, principle No. 6 states:

> All disarmament measures should be implemented from beginning to end under such strict and effective international control as would provide firm assurances that all parties are honoring their obligations.

The principles also indicate that there is an important and necessary relationship between disarmament and measures to strengthen institutions for maintaining peace and the settlement of international disputes by peaceful means. For example, under principle No. 7 there is the statement that:

> During and after implementation of the program of general and complete disarmament, there should be taken, in accordance with the principles of the U.N. Charter the necessary measure to maintain international peace and security, including the obligation of states to place at the disposal of the United Nations agreed manpower necessary for international peace force to be equipped with agreed types of armaments. Arrangements for the use of this force should insure that the United Nations can effectively deter or suppress any threat or use of arms in violation of the purposes and principles of the United Nations.

Another agreed principle between the United States and the Soviet Union is:

> States participating in the negotiations should seek to achieve and implement the widest possible agreement at the earliest possible date.

This means, I believe, that some disarmament measures could be implemented without having to wait for a full program to be worked out to the very last measure.

I believe that all of us should be gratified that the United States and the Soviet Union have reached a measure of understanding which should enable them, along with other countries, to resume negotiations for comprehensive disarma-

ment measures. I think this is a step forward. It is important, however, that in our gratification over this small step we not be led to believe that this agreement means that disarmament negotiations will be easy or that progress will come quickly. For example, in the bilateral discussions with the Soviets, the United States had wanted to spell out more concretely the meaning of inspection, verification, and control. One of the principles of control that we wished to spell out more concretely is that inspection must take place not only over the arms being destroyed, but also over the levels of arms that remain, to insure that such levels are not exceeded in violation of an agreement. The Soviet Union objected to spelling out this detail in this general statement of principles. We are put on notice, therefore, that the Soviet Union by no means accepts the view held by the United States regarding the meaning of "effective verification." Further discussions and negotiations will have to take place to clarify this, as well as other issues outstanding between the two countries.

With these qualifications and the general caution regarding the meaning of the agreement reached, I think the people of the United States should see some small ray of hope that serious and meaningful negotiations to curb the arms race may be instituted before too long.

EXHIBIT 1

TEXT OF A LETTER FROM MR. MCCLOY TO MR. ZORIN, SEPTEMBER 20, 1961:

At the September 18, 1961, session of our bilateral discussions on disarmament you indicated that the draft of a joint statement of agreed principles which I submitted to you on behalf of the U.S. Government on September 14, 1961, would be acceptable to the Government of the Soviet Union provided the following clause were omitted from paragraph 6:

"Such verification should ensure that not only agreed limitations or reductions take place but also that retained armed forces and armaments do not exceed agreed levels at any stage."

This sentence expresses a key element in the U.S. position which we believe is implicit in the entire joint statement of agreed principles that whenever an agreement stipulates that at a certain point certain levels of forces and armaments may be retained, the verification machinery must have all the rights and powers necessary to ensure that those levels are not exceeded.

It appears from your statements that the Soviet Union will be unwilling to agree to a joint statement of agreed principles unless the above-mentioned clause is omitted therefrom. My Government has authorized me to inform you that, in the interests of progress toward resuming disarmament negotiations, it is willing to remove the above-mentioned sentence from paragraph 6 of the joint statement of agreed principles since it is an item to which the Soviet Union has not agreed.

This is done upon the express understanding that the substantial position of the U.S. Government as outlined in the above-quoted sentence and in our memorandum of September 14, 1961 remains unchanged, and is in no sense prejudiced by the exclusion of this sentence from the joint statement of agreed principles.

The United States continues to adhere to and will continue to advance the principle contained in the omitted sentence as a necessary element in any comprehensive disarmament negotiations or agreement.

U.S. STATEMENT ON DISARMAMENT FORUM, JULY 29, 1961

MEMORANDUM

The objective of the United States is the resumption of multilateral disarmament negotiations. It has made, and now reaffirms, four alternative proposals for the composition of a disarmament forum:

1. Ten-Nation Committee: The United States remains prepared to resume negotiations in the Ten-Nation Committee, which was established by agreement among the United States, the Soviet Union, France, and the United Kingdom in September 1959. The work of this Committee, which is composed of five NATO powers (the United States, United Kingdom, France, Canada, and Italy) and five Warsaw Pact Powers (the U.S.S.R., Poland, Czechoslovakia, Bulgaria, and Rumania), was left unfinished by virtue of the Soviet Union's break-off of negotiations in Geneva on June 27, 1960. It was conceived that the deliberations of this Committee would provide a useful basis for the consideration of disarmament in the United Nations. In this way, a stage would be achieved, after a basis for agreement was reached by the members of this Committee, in which all members of the United Nations would participate in an effective way in the disarmament negotiations, which are of concern to all the nations of the world. The United States continues to believe that this represents a sound and orderly approach, which has been approved by the United Nations and which should not be abandoned.

2. Ten-Nation Committee with invited presiding officials: The United States is fully prepared to join with the other three powers which established the Ten-Nation Committee in extending an invitation to three other nations, not members of the NATO or Warsaw Treaty organizations, to designate a chairman and two vice chairmen of the Ten-Nation Committee. These officers would preside over meetings of the Committee, using their good offices as appropriate to facilitate the achievement of agreement, without bearing the additional responsibility of serving as official spokesmen of their governments in the negotiations or attempting to act as formal "representatives" of a nonexistent "neutral" bloc.

3. Twenty-Nation Committee: The United States is fully prepared, considering its objective of reaching agreement on disarmament, to propose changing the original concept of the Ten-Nation Committeee by an expansion of its membership so that countries not members of NATO or the Warsaw Pact can participate at the initial negotiating level, as well as through the U.N. Such an expansion should be consistent with normal principles of equitable representation of the different regions of the world and with the desirability of selecting countries on the basis of such relevant factors as population and military capabilities. Accordingly, the United States proposes that three countries be added to the Ten-Nation Committee from Asia, three from Latin America, three from the Middle East and Africa, and one from non-NATO, non-Soviet bloc Europe. The United States has suggested that the following states might appropriately be added: Pakistan, India, and Japan from Asia; Mexico, Brazil, and Argentina from Latin America; the United Arab Republic, Nigeria, and Tunisia from Africa and the Middle East; and Sweden from Europe.

4. The U.N. Disarmament Commission: If none of these alternatives is accepted by the Soviet Union, the United States proposes that substantive negotiations be resumed in the United Nations Disarmament Commission, in which all U.N. members are represented. The U.N. Disarmament Commission would be free to establish, if it so wished, smaller subcommittees in which detailed negotiations could be conducted.

[From the Washington Post, Sept. 21, 1961]

WHO SHOULD NEGOTIATE?—DISARMAMENT PATTERN OUTLINED BY REDS, UNITED STATES

(By Chalmers M. Roberts)

UNITED NATIONS, N.Y., September 20.—The United States and the Soviet Union today announced they had agreed on guidelines for general and complete disarmament but that they had failed to agree on who should sit down to negotiate such a treaty.

A joint statement to this effect was filed at the United Nations. It was the result of months of effort concluded only this morning.

The effect is to put some life in the long moribund disarmament discussions and to make certain there will be a long row here on how next to proceed. But it was evident even before American sources began saying so that today's agreement is a long, long way from agreement on disarmament itself.

Just why the two nations, now such obviously bitter antagonists on all the world's major problems, should have agreed on even a joint statement of agreed principles for disarmament negotiations was not spelled out by spokesmen for either side. It was not hard to guess, however.

The United States has been effectively criticized, in the eyes of many of the so-called neutral nations, as not really wanting disarmament. Nikita S. Khrushchev's loud and long reiteration of his desire for general and complete disarmament has had considerable propaganda effect.

Today's agreement puts the United States firmly on record for the goal, at least, of "general and complete disarmament" though to get this the Soviets had to agree that it could come step by step, the American index, and not in 4 years as Khrushchev had said. The new agreement also is a helpful backdrop for President Kennedy's expected disclosure of a new American disarmament plan when he speaks here.

The Soviet Union, on the other hand, has been obviously nervous at the repercussions around much of the globe to its renewal of nuclear testing in the atmosphere. Most nations have felt that test ban agreement would be a first step toward general disarmament; hence, there has been some tendency to point the finger at Moscow.

Today's agreement gives the Soviets an opportunity to say they are working for total and complete disarmament and to argue that the test ban is only a minor affair in comparison.

In essence, then, today's agreement serves the propaganda purposes of both the United States and the U.S.S.R. and if there is any possibility of an agreement in fact, not just in terms of principles, guidelines of considerable realism have now been established to which no nation can object.

Incidentally, the agreement was approved on the Western side by the North Atlantic Treaty Organization Council on behalf of all the NATO nations.

INSIST ON TROIKA

The disagreement reported today is not, of course, new. The Soviets want the "troika" principle introduced into the disarmament forum as just about everything else, including here at the United Nations. They proposed that instead of the old 10-nation negotiating committee on disarmament, 5 from the Western Powers and 5 Communist nations, a 15-nation group be set up by adding 5 neutralist nations.

The United States flatly opposed and continues to oppose this on principle. Instead, several variations of the 10-nation group were offered including one to increase it to 20 by adding Pakistan, India and Japan from Asia, Mexico, Brazil and Argentina from Latin America, the United Arab Republic, Nigeria and Tunisia from Africa and the Middle East and Sweden from Europe. The Soviets would not agree.

This issue will now be argued out later in this session of the U.N. General Assembly with some resolution of the differences likely though just what it is now hard to see. East-West disarmament talks were broken up by a Soviet walkout at Geneva on June 27, 1960.

What had been agreed upon is the result of talks between John J. McCloy of the United States and Valerian A. Zorin of the Soviet Union, held in Washington, Moscow and New York during the past 3 months. In the American view, the agreed principles remove one obstacle to a disarmament pact and constitute final proof of U.S. seriousness in striving for disarmament. Zorin told reporters it was an "advance on past positions."

DEMAND SIDESTEPPED

The agreement sidestepped the Soviet demand to merge the stalled test-ban talks with general disarmament. The United States wants them to be kept separate.

This, in capsule form, is the substance of the new eight-point agreement on principles:

1. The goal is general and complete disarmament with war no longer an instrument for settling disputes. But disarmament must be accompanied by creation of "reliable procedures for the peaceful settlement of disputes" and means to maintain peace once arms are eliminated.

2. The goal is to cut down to only enough nonnuclear arms and forces to maintain internal order and to protect personal security. For international security there will have to be a U.N. peace force.

ELIMINATION, CESSATION

3. This means it will be necessary for all nations to disband armed forces, including bases, stop making arms, eliminate all nuclear, chemical and biological weapons stockpiles and stop production of such weapons, eliminate all means of delivery (such as intercontinental missiles), abolish military organizations and military training and end military expenditures.

(This does not mean the United States believes it is now possible to ferret out hidden nuclear stockpiles but only that methods probably can be devised if enough work is done to find a way.)

4. The disarmament program should be implemented in an agreed sequence, by stages until it is completed, with each measure and stage carried out within specified time limits. Each new stage would await verification that the previous one had been successfully fulfilled.

5. The step-by-step procedure should be arranged so that no nation would at any stage gain a military advantage.

6. All measures should be implemented from beginning to end under such strict and effective international control as would assure that all that was promised was indeed being done. This control would be enforced during and after disarmament, under an international disarmament organization which would have "unrestricted access without veto to all places as necessary for the purpose of effective verification."

This is somewhat clearer than the Soviet contention, often repeated by Khrushchev, that there should be full controls under conditions of general disarmament. On the other hand, it leaves open to obvious argument what is "necessary."

7. While disarmament is underway there would be a buildup of a U.N. peace force with manpower made available by all to insure that the U.N. "can effectively deter or suppress any threat or use of arms" in violation of the U.N. Charter.

8. Nations negotiating an agreement "should seek to achieve and implement the widest possible agreement at the earliest possible date." They should keep at it until agreement is reached on a total pact and efforts to reach initial step agreements should not prejudice progress on total agreement. The language of this paragraph was entirely of U.S. drafting.

The McCloy-Zorin agreement came yesterday, with a final Soviet approval this morning, after McCloy agreed to eliminate one sentence from item 6. That would have said that verification "should insure that not only agreed limitations or reductions take place but also that retained armed forces and armaments do not exceed agreed levels at any stage."

The Soviets contended this was a matter for specific discussion during negotiations and McCloy agreed to drop the sentence. But he put it in a letter to Zorin, saying he considered it expressed "a key element" in the U.S. position to which it will continue to adhere.

[From the New York Times, Sept. 21, 1961]

UNITED STATES-SOVIET REPORT ENDORSES IDEALS OF DISARMAMENT—McCLOY-ZORIN TALKS PRODUCE BROAD ACCORD THAT MAY LEAD TO MORE PARLEYS

(By Kathleen Teltsch)

UNITED NATIONS, N.Y., September 20.—The Soviet Union and the United States have reached agreement on a broad set of disarmament principles that could lead to a resumption of arms negotiations. The talks have been suspended for 15 months.

The agreement was disclosed in a joint report today to the General Assembly by the two countries on the series of private negotiations held by Valerian A. Zorin, Soviet Deputy Foreign Minister and John J. McCloy, President Kennedy's special disarmament adviser. Their talks were held in Washington in June, in Moscow in July and during the last week in New York.

Simultaneously, the Soviet Union and the United States reported failure in their efforts to agree on the forum in which the future disarmament talks should be held.

ONUS ON ASSEMBLY

This indicates that the Assembly will have to work out the question of the membership of the planned disarmament body. The Soviet Union is almost certain to try to apply its troika approach under which equal representation would be given to three political groupings—the Soviet bloc, the West and the nonalined nations.

The last round of arms talks was broken up June 27, 1960, when the Soviet bloc walked out of the Geneva disarmament meetings. The Soviet Union accused the West of failing to negotiate seriously and of being interested in espionage instead of disarmament.

This occurred as the West was on the point of formally presenting a new plan for step-by-step disarmament, including the elimination of vehicles of delivery of nuclear weapons.

The new Soviet-United States agreement on guiding principles, which was sent to the Assembly in a report, contains few new ideas. It largely repeats broad statements made by one side or the other in the past.

U.S. POINTS ENDORSED

Its significance was seen rather in the apparent wish to get the present deadlocked talks moving again. There was speculation also that the Russians might be shifting to a new tactical approach and might wish to appear conciliatory.

The United States was understood to view the agreement as an event that should be neither magnified or minimized in importance. It was emphasized that a statement of principles was far removed from a disarmament agreement.

Mr. Zorin and Mr. McCloy had at least 25 meetings and many were devoted to drawing up the statement of principles.

The final draft contains points that the United States has pushed. The first of the eight major principles links disarmament to an accompanying willingness to establish reliable procedures for settling disputes peacefully in accordance with the United Nations Charter.

Another key principle speaks of disarmament as being implemented by stages with a review at each stage. This embraces the cautious approach favored by the United States rather than the Soviet approach that general and complete disarmament must be achieved within a fixed time limit such as 4 years.

A further principle puts emphasis on "strict and effective international control."

In this the United States wished to get acceptance for the principle that verification should insure not only what reductions have occurred in armaments and armed forces but also what remaining armaments and forces do not exceed the agreed-to limits.

However, the Soviet Union was unwilling to see this point included and it was dropped from the joint agreement. In a separate letter from Mr. McCloy to Mr. Zorin, the U.S. representative repeated that this was a key element in the U.S. position although agreeing to delete this point, Mr. McCloy indicated the issue could and likely would be raised anew.

INSPECTION PLAN INCLUDED

The joint agreement also would provide that an international disarmament organization be created within the United Nations with inspectors who would have unrestricted access without veto to all places as necessary for the purpose of effective verification.

It was further agreed, in principle, that there be an international police force that would insure the United Nations effectiveness in deterring or suppressing the use of arms.

The Soviet acceptance of this broad statement would seem to be at odds with Moscow's view that the troika should also apply to the force which would effectively paralyze its action when the Soviet bloc wished.

On the deadlocked issue of the composition of the negotiating body to conduct the disarmament negotiations, the United States offered four proposals to Mr. Zorin, but none was accepted.

It proposed the use of the 10-nation committee, which was left with its business unfinished by the Soviet walkout. The members were five from the West—the United States, Britain, France, Canada, and Italy—and five from the Soviet side—the Soviet Union, Poland, Czechoslovakia, Bulgaria, and Rumania.

The United States also proposed to invite, in addition to the 10, 3 nonalined states, who could preside, use their good offices, but would not be formal representatives.

The third proposal was to expand the 10 to a 20-nation group to include countries that are members neither of the North Atlantic Treaty Organization group nor the Soviet bloc: Pakistan, India, Japan, Mexico, Brazil, Argentina, the United Arab Republic, Nigeria, Tunisia, and Sweden.

If these three ideas were unacceptable, the United States was willing to have substantive talks resumed in the United Nations Disarmament Commission, in which all 99 members are represented.

[From the New York Times, Sept. 21, 1961]

TEXT OF UNITED STATES-SOVIET REPORT

Having conducted an extensive exchange of views on disarmament pursuant to their agreement announced in the General Assembly on March 30, 1961,

Noting with concern that the continuing arms race is a heavy burden for humanity and is fraught with dangers for the cause of world peace,

Reaffirming their adherence to all the provisions of the General Assembly Resolution 1378 (XIV) of November 20, 1959,

Affirming that to facilitate the attainment of general and complete disarmament in a peaceful world it is important that all states abide by existing international agreements, refrain from any actions which might aggravate international tensions, and that they seek settlement of all disputes by peaceful means,

The United States and the U.S.S.R. have agreed to recommend the following principles as the basis for future multilateral negotiations on disarmament and to call upon other states to cooperate in reaching early agreement on general and complete disarmament in a peaceful world in accordance with these principles.

I

The goal of negotiations is to achieve agreement on a program which will insure that,

(a) Disarmament is general and complete and war is no longer an instrument for settling international problems and

(b) Such disarmament is accompanied by the establishment of reliable procedures for the maintenance of peace in accordance with the principles of the United Nations Charter.

II

The program for general and complete disarmament shall ensure that states will have at their disposal only those nonnuclear armaments, forces, facilities, and establishments as are agreed to be necessary to maintain internal order and protect the personal security of citizens; and that the states shall support and provide agreed manpower for a U.N. peace force.

III

To this end, the program for general and complete disarmament shall contain the necessary provisions, with respect to the military establishment of every nation, for:

(a) Disbanding of armed forces, dismantling of military establishments, including bases, cessation of the production of armaments as well as their liquidation or conversion to peaceful uses:

(b) Elimination of all stockpiles of nuclear, chemical, bacteriological, and other weapons of mass destruction and cessation of the production of such weapons;

(c) Elimination of all means of delivery of weapons of mass destruction;

(d) Abolishment of the organizations and institutions designed to organize the military effort of states, cessation of military training, and closing of all military training institutions;

(e) Discontinuance of military expenditures.

IV

The disarmament program should be implemented in an agreed sequence, by stages until it is completed, with each measure and stage carried out within specified time limits. Transition to a subsequent stage in the process of disarmament should take place upon a review of the implementation of measures included in the preceding stage and upon a decision that all such measures have been implemented and verified and that any additional verification arrangements required for measures in the next stage are, when appropriate, ready to operate.

V

All measures of general and complete disarmament should be balanced so that at no stage of the implementation of the treaty could any state or group of states gain military advantage and that security is ensured equally for all.

VI

All disarmament measures should be implemented from beginning to end under such strict and effective international control as would provide firm assurance that all parties are honoring their obligations. During and after the implementation of general and complete disarmament, the most thorough control should be exercised, the nature and extent of such control depending on the requirements for verification of the disarmament measures being carried out in each stage.

To implement control over and inspection of disarmament, an international disarmament organization including all parties to the agreement should be created within the framework of the United Nations. This international disarmament organization and its inspectors should be assured unrestricted access without veto to all places as necessary for the purpose of effective verification.

VII

Progress in disarmament should be accompanied by measures to strengthen institutions for maintaining peace and the settlement of international disputes by peaceful means. During and after the implementation of the program of general and complete disarmament, there should be taken, in accordance with the principles of the United Nations Charter, the necessary measures to maintain international peace and security, including the obligation of states to place at the disposal of the United Nations agreed manpower necessary for an international peace force to be equipped with agreed types of armaments.

Arrangements for the use of this force should insure that the United Nations can effectively deter or suppress any threat or use of arms in violation of the purposes and principles of the United Nations.

VIII

States participating in the negotiations should seek to achieve and implement the widest possible agreement at the earliest possible date. Efforts should continue without interruption until agreement upon the total program has been achieved, and efforts to insure early agreement on and implementation of measures of disarmament should be undertaken without prejudicing progress on agreement on the total program and in such a way that these measures would facilitate and form part of that platform.

COMMUNISM'S CHALLENGE TO THE UNITED STATES

Mrs. SMITH of Maine obtained the floor.

Mr. CASE of South Dakota. Mr. President, will the Senator yield that I might suggest the absence of a quorum?

Mrs. SMITH of Maine. Yes; I shall be glad to yield.

The PRESIDING OFFICER. Does the Senator from Maine yield for that purpose?

Mrs. SMITH of Maine. Yes; I am glad to yield.

Mr. CASE of South Dakota. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that further proceedings under the call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Maine may proceed.

Mrs. SMITH of Maine. Mr. President, what I am about to say is addressed not only to the Members of the U.S. Senate but to all Americans—and most specifically to the President of the United States.

Many times during the last decade or more we have been able to draw comfort from knowing we had strength and will that could command the world's respect and deter the Communists. But recent history is not reassuring. Ominous signs plague us.

Everywhere the Communists press forward stronger. Khrushchev, vowing to take over the world for communism, and acting with all the confidence of a winner, threatens to put an end to civilized survival for the world if we do not let him have his way.

In an effort to generate global enthusiasm for submission he has stained the sky and polluted the air with nuclear bursts.

At the dividing line in Berlin he has dared to make a frontal attack on freedom.

In speaking of the future he has embraced the risks of dire threats and ultimatums.

It is a grim spectacle such as we have never seen.

My purpose in asking your attention today is not to emphasize that this is a time of corroding fears and tensions.

You all know this as well as I do.

It is not to suggest that I have some special talent which permits me to see clearly the way out of the never-never land between high hope and deep despair, into which we have wandered.

That would be presumptuous of me; but although we do not yet know a way out, I am sure the time has come to find a way out, and to go once again to the high ground we enjoyed just a short time ago.

My purpose is not to recite our list of losses in the great conflict with world communism. Being a long list, it is painfully evident, not only to us but to the rest of the world; and its implications are frightening.

My purpose is not to recite facts that all of us know well enough, but to pose a vital question, the answers for which none of us yet knows well enough. Not a question that I have composed, but which suggests itself. Not a question of selfish or parochial origin but one far more important. A question of national interest.

The question for which I urge your attention is spawned from the ugly union of communism's unswerving ambition and its unscrupulous methods. The implications of this question have put a chill into the hearts of millions who yearn for peace, yet it is spoken by few of us. It now demands our attention. While we still have time we must examine it to its deepest foundations, its remotest associations.

We must do this now. If we fail to do it now, we may not be free to do it later on. It is a question that challenges us to merciless objectivity and realism.

It is a challenge that is addressed not only to us who are here today. It is addressed to every American; in fact, to every free man and woman, and to every person who yearns to know what freedom is, or to regain a freedom wrested

from him by force, or lost to him by inaction or bad advice.

What we learn from our examination, what we do about it—or fail to do—may be the difference for us between peace or war, win or lose, fear or freedom, and perhaps even life or death.

We must look at it against the backdrop of Khrushchev's reckless confidence, against the foul clouds of his nuclear blackmail blasts; then we can see the question I am about to pose to you as the most crucial the American people have faced since the Declaration of Independence launched us as the United States into the world of nations—not the strongest, not the largest; but nevertheless confident, firm, and fearing no one.

The question which is posed to all of us, the question for which we must find the right answers across the board—realistically and urgently—is this:

What has happened that permits Khrushchev to act as he does?

Let me repeat: What has happened that lets him to do it?

Understand me, please. Not what is he doing. We know that only too well. Our national honor bears the scars and stains of what he is doing now and has done in the past. And he has warned us, arrogantly, of what he intends to do in the future, which is even worse.

These things we know. But today—now—why does he feel free to do as he does? Why?

This also we must know. And if we do not know, we are likely to lose all control over shaping our future. Worse, we may lose our future itself.

We have been exhorted to have the moral courage to live with continuing conflict. No true American will argue otherwise, nor doubt that we are equal to the rigors of our moment in history. But let us also make sure we have the courage to go straight to the reasons why the conflict so often runs against us and burdens us so heavily, why Khrushchev so often has the initiative and we are satisfied only to react.

I sense a tendency, strange to the American character in world affairs, to retreat from circumstances rather than to face up to them realistically and master them. I am greatly disturbed by it. I am sure we can assume that Khrushchev is greatly pleased by it.

So let us here and now make a start on our examination of the question I posed, by asking a related question: Is Khrushchev free to act as he does because the Soviets have suddenly gained the overall military advantage?

I say "no."

The primary determinant for overall military advantage today is the capacity for total nuclear war. No matter how fervently Khrushchev, we, the nonalineds, or anyone else would like to make it different, this is an inescapable fact and we must face it firmly and deal with it realistically.

No matter what the immediate objectives may be, no matter in what circumstances a critical conflict situation might develop, it is the capacity which both of us—the United States and the U.S.S.R.—must put into the scales first. And until the day comes when there is much more faith and good will in the world than there is today, it will invariably be the weight which tips the scales one way or the other—for us or against us—toward winning or losing; toward resoluteness or retreat; toward firmness or passivity; toward strength or submission.

It is generally agreed that as of today the overall military advantage rests with us and our allies. We may be sure the Soviets also recognize this fact. When they undertake to assess their risks in any venture that they contemplate—Berlin, Laos, Africa, the Middle East, Cuba—they must begin at the top, with that for which their fears are greatest and their chances smallest. It is as true for them as it is for us that they cannot hide from realism.

All of us rightly fear that the conflict may go to the ultimate level of total nuclear war. No one can say whether or not this is the destiny of our generation. God grant that it is not. None can doubt that we are in grave danger, but this I feel strongly:

We are, as the President has said, engaged in a contest of will and purpose as well as force and violence.

If today, and in the days immediately ahead, we fail to meet the Soviets at the ultimate levels of will and purpose, the danger will be greatly widened that we will have no choice later on but to meet them at the ultimate levels of force and violence; either that or submit to their will. How much further do Senators think Khrushchev would go today, how much faster would he move, if he was confident the overall military advantage was on his side and not ours—if he did not have to worry about the risk of acting dangerously without having the overall military advantage?

Let me say it again: The overall military advantage is on our side. But the day we lose sight of this fact, we are in danger of frightening ourselves—of being mesmerized by Khrushchev's confidence and deterring ourselves instead of deterring the Soviets. While we are concerned with all that might happen to us, we must never forget that Khrushchev also has reason to be afraid; and the main reason is plain:

There is a grim prospect indeed for a postwar U.S.S.R. stripped of its strength and reduced to a third- or fourth-rate nation, even though in the process of losing it he has wrought great damage on us. This is the choice he must face.

To say that the Kremlin's risks are great does not make our own risks less. But it does encourage perspective, and this is important.

The risks run both ways. This is not enough to eliminate the conflict. I believe the Communists will always go as far and as fast as we indicate we will permit them to go. But it does create an environment in which our deterrence can be effective, if we are firm enough, if our will and purpose are equal to the test.

I am disturbed that there are some who say, in effect, we can do more in deterring the Soviets by preparing to do less against them if they should provoke armed hostilities. I refer specifically to the highly articulate and persuasive zealots who argue that increasing conventional forces is the best way to create more effective deterrence. They believe that flexibility in the application of military force can come only from conventional forces.

I know of nothing in political or military history which supports a thesis that it is safer to be weak than strong.

Until the Soviets change their ways and join the society of respectable nations, I see no hope of deterring them by making the risks they must face less fearful for them.

I know of no reason why we should be driven to a concept which—no matter how it is phrased—means that in order to prove our determination we would risk sacrificing the lives of men in the battle line rather than risking holding the enemy against the prospect that is most fearful to him.

That is a weak choice of risks for the strongest people in the world. What is the origin of this fear of risks? It is not part of our heritage.

The greatness of this country was not won by people who were afraid of risks. It was won for us by men and women with little physical power at their command who nevertheless were willing to submit to risks. Could it not be lost for us by people with great physical power at their command but nevertheless willing to risk submitting? I believe it could.

So may I plead once more for perspective. Nothing has happened which suddenly has transferred the power of the overall military advantage from us to the Soviets. We can defeat the U.S.S.R. at any intensity of armed conflict unless we have degraded our fighting capacity greatly by self-imposed restrictions, such as restrictions on the use of tactical nuclear weapons.

Our words concerning early use of tactical nuclear weapons if required can be invalidated quickly if our actions demonstrate that our major efforts and investments in time of great peril such as now, are directed mainly toward increases in conventional forces.

Mr. President, brave words are fine—but action speaks louder than words and deters Khrushchev much more.

We have the military basis for clearly demonstrating our will and purpose—for making deterrence work. But we will never deter the Soviets by backing away, or by offering to fight on their terms because we are fearful of provoking them by indicating beyond all doubt that we will fight, if fight we must, on our terms.

I would be the first to urge great caution; but I would also be the first to urge great firmness, and the last to cease opposing the submission of the unlimited interests of 180 million Americans to the stupidity of limited deterrence. There are other countries, once free, that have learned too late that the ultimate cost of partial security can be total defeat, or subjugation.

I repeat that it is not military strength suddenly acquired by the Soviets which permits Khrushchev to act as he does.

Is it then that our own military strength has suddenly deteriorated?

Have we been suddenly weakened? Again I say "No."

Every military authority presently responsible for our military posture will attest that our forces are stronger, not weaker; more alerted and ready, not less prepared.

We cannot conclude that this gives Khrushchev cause for his reckless confidence. He has not won the military advantage from us, and it has not accrued to him through our own military deficiencies.

So we must go further and ask yet another question: Is it conceivable that Khrushchev could assess that the will of the American people has collapsed? That we are ready to submit? That he can win with blackmail? That Americans, as the saying goes, would rather be "Red than dead"?

How do you respond to a question as impossible as this? And yet it must be asked, for, as I have said, we must examine the fundamental question I have posed to its deepest foundations.

What has happened that permits Khrushchev to act as he does? What gives Khrushchev his ticket to such great confidence? What does he assess about us that makes him so sure? What have we indicated to him that causes him to be so arrogant, to take such wide risks, in our view, in going so far?

If we hold the military advantage, why, one may well ask, is our deterrence not more effective? What is the reason it is not? The reason is that deterrence is not a matter of forces and firepower alone. The restraints and influence are projected from the capacity to accomplish a purpose; not just from what we have but from what we will do.

Deterrence cannot be regarded as an assured fact. It is a sensitive condition, always subject to proof. Nevertheless there are influential advocates of the so-called stable deterrence. I believe such proposals to be—at worst—demonstrably false and, at best, highly questionable.

We are dealing with military power on both sides that is infinitely complicated, composed of many critical elements. This power itself floats on a sea of uncertainty, constantly subject to the restless tides of progress and the tidal waves of great change. To say that we can count on achieving and maintaining a balance or stability in these conditions—even if we had the Soviet's cooperation, much less their opposition—is nothing short of wishful thinking, a form of nuclear escapism to dodge the hard, cold facts.

I am frightened by inferences that we can get rid of the nuclear peril by this device of sweeping it under the rug. I fear it would trip us and catch us off balance sooner or later.

We must examine yet another facet of this critical situation, namely, what is it that Khrushchev most likely assesses from what our spokesmen say, in the context of what we do and fail to do?

What are the measures that we have taken to convince him, and the rest of the world, of our will and purpose?

What kind of raw material have we provided for Khrushchev to analyze, study, assess and use as a basis for his conclusions and actions?

I recall some of the inspiring words of the President's inaugural address, as our Nation turned with high hopes toward this year 1961. Specifically:

> To those nations which would make themselves our adversary, we offer not a pledge but a request: that both sides begin anew the quest for peace, before the dark powers of destruction unleashed by science engulf all humanity in planned or accidental self-destruction.
>
> We dare not tempt them with weakness. For only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed.

As I see the dark clouds that now hang low over the new frontiers of hope toward which the attention of Americans and the rest of the world was directed on that day, I wonder what it is that has tempted Castro to stoke the fires of hatred still higher in his communized Cuba and to challenge U.S. strength and influence throughout Latin America. I do not know what Castro thinks, but I doubt that he has been tempted by a high assessment of our will and purpose.

Like millions of Americans, I was deeply impressed with the President, when, in his televised press conference, he pointed to a map and eloquently explained why we had to stand firm on Laos.

The words were brave and inspiring, but only to be followed by no brave action to back up those words.

As I see the perils that press in on us, I wonder what it is that impelled Khrushchev to choose the moment of his return from his Vienna meeting with the President to fling into the face of the American people his ultimatum on a treaty with East Germany and thereafter to bring on the Berlin crisis.

I do not know what Khrushchev thinks, but I cannot believe that he has been tempted in his Berlin gamble by a high assessment of our will and purpose.

Neither can we know how many others wonder about the course of events in much the same way as I do. But that there are others we do know; and I quote one now, Mr. Chalmers Roberts, in the Washington Post recently:

> Power and willingness to use it are fundamental to great nations. That the United States has the power is not doubted in Moscow, by every sign available here. But Khrushchev's latest actions indicate that he doubts the President's willingness to use it.
>
> And so it now appears that Khrushchev has decided to take the world to the brink for a test of will on the outcome of which may depend the future not only of West Berlin but the freedom of mankind.

We have a decided nuclear capability advantage over Khrushchev—and he knows it. Otherwise he would not have resumed nuclear tests and would not have been deterred in the past in the slightest.

But he is confident we will not use it for he sees us turning to emphasis on conventional weapons—and ironically he has an obviously great superiority in conventional weapons and manpower over us.

We have in effect played into his hands—for the kind of warfare in which he knows he can beat us. We have restricted ourselves on the freedom of choice to use the nuclear tactical weapons which he knows would defeat him if he started war.

In short, we have the nuclear capability—and he knows and fears it. But we have practically told him we do not have the will to use that one power with which we can stop him.

In short, we have the nuclear capability but not the nuclear credibility.

I recall some of the ringing words by the President in his address to the Nation last July. Specifically:

> We cannot and will not permit the Communists to drive us out of Berlin, either gradually or by force.

I cannot know what Khrushchev thinks, what it is that influences him, what he looks for when he makes his judgments, but I fervently hope that he would not make his final assessment as to our will and purpose in Berlin on the basis of what he has seen and deduced from, for example, Laos and Cuba. God forbid that the pattern of brave words on Laos and Cuba followed by no brave action be repeated on Berlin.

As fervently as I hope Khrushchev would not be influenced unduly by what he might assess from the record in Laos and Cuba, I hope with even greater fervency that he would recall other times and other places, where American strength and American will have prevailed in American purpose. For example, Lebanon, in 1958, where we acted promptly and unequivocally to prevent the threatened overthrow of a government friendly to us.

Admittedly, no one can know what might have happened if our forces had not been sent promptly to the scene. But everyone knows what did happen after they were sent there. The threatened trouble dissolved.

Or the Berlin airlift of 1948–49, through which the Soviets' first major effort to force us out of Berlin was defeated, admittedly under circumstances different from those we face today, but nevertheless by firm and prompt action under the same principles to which we are dedicated today.

Or the offshore islands in the straits of Formosa, where long ago our firmness was proved to the Communists beyond doubt.

I am thankful that we have such examples of will and purpose to balance the record in some degree at this vital time—when we can be sure that every indication of our determination or lack of it is submitted to the most critical of examinations in Moscow; when a miscalculation in this respect by Moscow could bring on the greatest calamity since the first day of the recorded history of mankind.

Last April, when the American Society of Newspaper Editors met in Washington, the President beautifully phrased his address to them. Referring to events associated with Castro's Cuba, he said he wanted the record to show that "our restraint is not inexhaustible."

I not only agree wholeheartedly with the President in this reflection of our feelings, but I urge that we apply the same thought most seriously in other vital considerations, because neither is our deterrent capacity inexhaustible. It must be revitalized appropriately with actions as well as with words and military forces. Neither can we afford to assume that the confidence of the American people is inexhaustible. We cannot expect the national will to overcome forever the enervating effects of repeated losses without its being revitalized by the new strength of meaningful victories.

I am confident that we can do better. I believe with all my heart that we can win our objectives.

These are the reasons why I speak as I do today in appealing to all Americans—and especially to the President of the United States on the eve of his address to a United Nations that is threatened with collapse for lack of will and determination.

These are the reasons why I could not take myself away from the Senate Chamber and go back to the people whose trust I hold without making my concern known, without asking, How much longer can we afford to lose? When will we start to win? Where will we draw the line?

If we fail to stand firm in Berlin, if we fail to stand there with the best we have, where in the world will we draw the line?

In the name of the courage, determination, and sacrifices of our forebears, let us not be afraid to be right at this critical time.

General de Gaulle made a statement in his press conference on September 6, 1961, which the leaders of the West could well consider because it exemplifies the realism and the determination that is so desperately needed. I place it in the RECORD at this point of my remarks and I invite your study of it.

One may well ask why the Soviets suddenly took the pretext of Berlin to demand that the status of the city be changed—willingly or by force. One may ask, too, why the situation in Berlin, which for 16 years seemed tolerable to them, and which they themselves created with the United States and Great Britain at the Potsdam Conference—at which France was not present—now, suddenly, seems intolerable. One may ask why they are suddenly coupling their demands with frightful threats. One may ask whether anyone really believes that the German Federal Republic, as it is, is today a threat to Russia. One may ask whether there is any Russian who believes this, since the Kremlin claims that they are in a position to crush totally and immediately, with bombs equivalent apparently to over 100 million tons of TNT, anyone who lifts a hand against the Communist world.

There is in all this welter of imprecations and cries organized by the Soviets so much that is arbitrary and artificial that one is led to attribute it either to the premeditated unleashing of wild ambitions or regard it as an attempt to conceal great difficulties. The second hypothesis seems to me the more plausible because, despite the constraint, isolation, and violent acts to which the Communists have shackled the countries under their yoke, and despite certain collective successes which they have achieved by (exerting pressure) on the majority of their subjects, in fact, communism's shortcomings, its defiances, its domestic failures, and on top of it all, its character of inhuman oppression, are being felt more and more by the elite and the masses.

The Communists are less and less able to delude and to curb. And then also the satellites, which the Soviet regime holds under its laws, are experiencing more and more, because of national feelings, all that is cruel in the annexation which they have suffered.

Thus, one can understand that in these conditions the Soviets consider the Berlin affair an appropriate occasion for distracting the attention of their own people and others. And, in fact, with Berlin where it is, it will be relatively easy for them to demonstrate on the spot that the restrictive measures which they have taken have for them limited risks.

And then, they may think that the United States, England, and France will allow themselves to slide into discouragement, into resignation, and thus the withdrawal of these three powers would be a hard blow to the Atlantic alliance. Moreover, the whole world would be shown that the totalitarian regime—the totalitarian camp—is decidedly the stronger in the face of an uncertain and divided West.

But, to be precise, this is not true. Of course the Soviets have at their disposal terrible nuclear arms, but the West has formidable ones too. If a world conflict were to break out, the use of these forces of destruction would doubtless bring in its wake, in particular, the complete overthrow of Russia and of countries under the Communist yoke. What is the use of ruling over dead men? And, moreover, the rule would itself be finished, for in such a disaster the backbone of the regime would be broken as well—the backbone of a regime which rules only with an authoritarian apparatus and the police, with everything rigidly planned and implacably enforced. This the Soviet leaders know in spite of all their boasting.

The Western Powers have, then, no reason for not considering the Soviet moves with a clear eye and a firm heart.

It is true, I repeat, that locally, in Berlin, the act of force which would be involved might provoke, might procure for the Soviets certain advantages, since it would obviously be difficult for the Western Powers to act from a distance on the territory and in the air of the former German capital. However, the West could answer very well on the seas and in the skies crossed by Soviet ships and planes, and this would be far from their bases. This poor exchange would undoubtedly not end to the advantage of the Soviets. In short, if the latter wants to reduce the positions and cut the communications of the Allies in Berlin by force, the Allies must maintain their positions and their communications by force. Certainly one thing leads to another, as they say, and if all this leads to a multiplication of the hostile acts of the Soviets, acts which must be answered, it may end in general war. But it would be because the Soviets deliberately wished it, and in that case any preliminary retreat by the West would only have served to enfeeble and divide it without preventing the outcome.

At a certain point in facing the threats of an ambitious imperialism, any retreat has the effect of overexciting the aggressor, of encouraging him to double his pressure, and, finally, facilitates and hastens his attack. In summation, the Western powers have at present no better means of serving world peace than remaining firm and direct.

I urge the President of the United States to consider these thoughts I have expressed before he makes his address to the United Nations assembly.

While I agree with him that we should not negotiate from fear or fear to negotiate—I say we should not fear to refuse to negotiate on any matter that is not negotiable.

In these perilous hours, I fear that the American people are ahead of their leaders in realism and courage—but behind them in knowledge of the facts because the facts have not been given to them.

I would hope that every American would read what I have said today and would express themselves by direct correspondence to the President.

Mr. KUCHEL. Mr. President, we have listened to a moving and eloquent address by the distinguished Senator from Maine. She has reflected what is in the hearts of our countrymen. The American people pray that our Chief Executive, now and hereafter, will reflect the will and the purpose to which the distinguished Senator has alluded. We join in that prayer. I am gratified to have been able to listen to our colleague from the State of Maine.

Mr. CURTIS. I commend the distinguished Senator from Maine for her very statesmanlike presentation. Great good can come from it.

Mr. CASE of South Dakota. Mr. President, we who have been privileged to hear the address by the distinguished senior Senator from Maine this afternoon will, I think, agree that it is one of the most impressive speeches that has been uttered in this Chamber during the service of any of us. I hope the press, which is present today, will carry to the far corners of America the axiomatic statement by the Senator from Maine that nothing in history supports the thesis that it is safer to be weak than to be strong.

Mr. KEATING. Mr. President, I join in the commendation of the distinguished Senator from Maine for her extremely well-thought-out and eloquent address. The Senator from Maine has voiced some of the apprehensions which many others among the populace have mentioned. In my judgment, she has correctly stated that in many respects the people are ahead of their leaders in Washington.

Some people wonder whether the eloquent words about Berlin will be followed by forceful action, or whether we shall again be faced, as we were in the case of Cuba and the case of Laos, as the Senator from Maine has stated, with very brave words backed by a lack of equally forceful and decisive action.

In the case of Berlin, Mr. Khrushchev and the men in the Kremlin would make a grave error if they felt that the President and others in authority did not have the united backing of Congress and the American people in what the President has said about our unwillingness to negotiate away the fundamental rights and liberties of the people and that we will stand firm in Berlin. We must stand firm there, as the Senator from Maine has so eloquently stated.

I join with her in the hope and prayer that what our Chief Executive has said will be listened to and will be heeded by Mr. Khrushchev and others of like mind.

Mr. JAVITS. Mr. President, I have known the distinguished senior Senator from Maine for a long time. I have heard

her make moving addresses before. She is noteworthy in this Chamber, and one gets an impression of a colleague over a period of years—and I have served with the Senator from Maine for many years both in the Senate and in the other body—who always seems to characterize the public servant. I think the chief contribution of the senior Senator from Maine to our time will be her contribution to its morale and to its fundamental spiritual understanding of the crises which we face. Her address today was in that spirit.

I think this question is critically important, because the issue "Better Red than dead," will be a real one in this world, and it is high time we steeled our souls and spirits to what it really means. Do we prefer life to slavery?

The Senator from Maine, in a very eloquent way, for which we are all grateful, characterized this concept in a declaration some years ago to a number of Senators on this side of the aisle, in which she also declared a flaming spirit underlining the very issue. We can argue about measures and about issues, but unless the spirit of conviction underlines what we argue about, the measures will prove unequal to the task.

We are most grateful to the Senator from Maine for striking this note again at a critical hour. I think it is the time our countrymen were reminded in this hour of great danger that we will have to decide whether we will have a flaming, indomitable spirit, or whether we will not.

The Senator from Maine has made it crystal clear for us countrymen of the extent to which our President can depend upon the fact that not only the minds of many Americans are with him, but that the will and spirit of the American people will be unflinchingly dedicated to the task set forth, and that that task can be fulfilled with dignity and determination in order to maintain peace with freedom.

UNITED NATIONS EMERGENCY FORCE

Mr. JAVITS. Mr. President, I call the attention of the Senate to a very important report of the United Nations Emergency Force which still patrols the Near East. As we visualize our difficulties in the Congo, let us not forget that one of the great memorials to the late Secretary General Dag Hammarskjold is the establishment of the United Nations Emergency Force in 1956, and its extraordinary record of service in the Near East. In a report prepared for the General Assembly, the Secretary General rendered a financial accounting, in meticulous detail, of the costs of that notable operation. I am sad to say that he called attention to the mountain of arrears. The Soviet bloc, with all its prattling about peace, and most of the Arab countries, as well, have not made any contribution toward the costs of the United Nations Emergency Force. The result is a striking memorial to the work of Dag Hammarskjold, a great citizen of the world.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD extracts from the report, together with budget estimates which the Secretary General submitted for the United Nations Expeditionary Force from January 1 to December 31, 1962.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

UNITED NATIONS EMERGENCY FORCE COST ESTIMATES FOR THE MAINTENANCE OF THE FORCE (JANUARY 1 TO DECEMBER 31, 1962)

FOREWORD BY THE SECRETARY GENERAL

1. The situation in the area of operations of the United Nations Emergency Force remains calm. The presence of the United Nations Force in the area is an important factor in assuring this continued quiet through contributing to the elimination of strife and serious incidents along and across the armistice demarcation line and the international frontier separating Israel, the Gaza strip, and the Sinai.

2. In the conviction that it is necessary for the force to continue its stabilizing influence during 1962, and that the General Assembly would wish it to do so, I am submitting herewith my 1962 budget estimates for UNEF.

3. The 1962 estimates total $19,836,800, of which $10,911,800 represents the estimated operating costs of the force to be incurred directly by the United Nations, and $8,925,000 represents the estimated amount required for reimbursements of extra and extraordinary costs incurred by governments providing contingents to UNEF.

4. An exact comparison between the total estimate for 1962 and the total amount of the approved budget for 1961 cannot be made at this time since it has not yet been possible to establish the amounts to be credited to section 9 of the 1961 budget for the force pursuant to the provisions of operative paragraph 4 of resolution 1575 (XV) adopted by the General Assembly on December 20, 1960. However, it may be pointed out that the estimate of the costs to be incurred directly by the United Nations in 1962 (pt. A of the cost estimates) is $338,200 less than the amount provided in the approved 1961 budget for direct expenditure by the United Nations, and $584,145 below the amount expended in 1960 for this purpose.

5. Any overall increase in the 1962 estimates over the 1961 approved budget therefore would be attributable to increases under part B of the budget in the provisions for reimbursing governments for their extra and extraordinary costs relating to pay and allowances, and to the implementation of the policy approved in operative paragraph 5 of General Assembly Resolution 1575 (XV) of reimbursing governments on a current basis for equipment, materials, and supplies furnished to their contingents.

6. In this connection it may be noted that several governments providing contingents to UNEF have recently revised the pay and allowance scales for their military personnel, and one government has decided to substitute volunteers for conscripts in its UNEF contingent, with the result that the amounts governments may be expected to claim as reimbursement for their extra costs will be higher in 1962 than the amount provided for in the 1961 approved budget. In view of these newly revised pay and allowance scales, it is now apparent that insufficient funds have been provided under section 8 of the 1961 approved budget for reimbursements to governments of their extra and extraordinary costs relating to pay and allowances, and it will be necessary to augment the provision for this purpose. It is hoped, however, that the additional amount required may be obtained from savings and transfers from other sections of the current year's budget and not require a request for a supplementary 1961 appropriation for UNEF.

7. To provide for the implementation in 1962 of the policy approved by the General Assembly in resolution 1575 (XV) to reimburse governments on a current basis for equipment, materials, and supplies furnished by them to their contingents, a provision of $600,000 has been included under section 9 of the present estimates. Although no specific amount was included in either the 1961 or 1960 budget estimates submitted by the Secretary General for this purpose, the General Assembly in its resolutions 1441 (XIV) and 1575 (XV) decided that there should be credited to section 9 in the budgets for those years the amounts of the credits which member governments did not avail themselves of in connection with voluntary contributions to the UNEF special account. As indicated above, it is not yet possible to determine the amount to be credited to this section in the 1961 budget, but the amount so credited to the 1960 budget totaled $956,174.

8. As in the case of previous budget estimates for the force, the size of the military establishment required to perform its assigned tasks has a direct bearing on the amount of funds required under almost every budget section, and the 1962 cost estimates have been prepared on the assumption that the total military strength of the force will be maintained at an average of 5,300 officers and other ranks during 1962. This number is still considered the minimum strength required to permit the force effectively to discharge its functions and responsibilities as now defined.

9. I trust that it will be a source of some satisfaction to the General Assembly to note that the expenses under part A of the budget estimates, which are those most susceptible to control by the commander of the force and the Secretariat, show a reduction of approximately one-quarter of a million dollars from the total in part A of the 1961 approved budget and a reduction of more than one-half a million dollars from the expenses recorded in the audited accounts relating to part A of the 1960 budget.[1]

10. The only provision in part A of the 1962 estimates to which I would wish to call particular attention is the provision that has been made for the purchase of motor transport and heavy mobile equipment under section 2, chapter I, in order to provide the force with the essential minimum transport equipment it requires. The change in policy reflected in these estimates was agreed only after the most careful examination by the commander of the force and the Secretariat of the relative advantages of the proposed procurement program from both the operational and budgetary points of view and, as I have indicated in the detailed information regarding the estimates, the substantial reductions I have proposed for maintenance and operation of motor transport in section 2, chapter II, of the 1962 estimates from the amounts in the same section of the 1961 approved budget are contingent upon the possibility of implementing the 1962 vehicle procurement program.

11. As in previous years, it is again necessary to note that the cash position in the UNEF special account is a matter of increasing concern. I have already indicated in my foreword to the regular budget estimates for the financial year 1962[2] that the net cash deficit of the organization as at December 31, 1960, totaled $34.6 million in respect of its activities that are wholly or principally financed by means of assessments on member states, and that $21.6 million of this total was attributable to serious delays in payment, or to the unwillingness or refusal

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[1] Official Records of the General Assembly, 16th session, supp. No. 6 (A/4777).

[2] Ibid., supp. No. 5 (A/4770).

of some Governments to recognize their obligations, in the case of the UNEF special account. In addition to the cash deficit, the net amount of unliquidated obligations payable in respect to UNEF activities for which no cash was available at December 31, 1960, without resort to borrowings from trust and special funds, totaled approximately $19.9 million.

12. It is apparent from the above figures that a substantial part of the overall financial difficulties confronting the organization may be attributed to the unsatisfactory situation in connection with the financing of the UNEF, and that a solution must be found for this problem during the coming year.

DAG HAMMARSKJOLD,
Secretary General.

UNITED NATIONS EMERGENCY FORCE

Budget estimates for the period Jan. 1 to Dec. 31, 1962 (with 1961 approved budget amounts and 1960 expenses)

PT. A. OPERATING COSTS INCURRED BY THE UNITED NATIONS

[In U.S. dollars]

	1962 estimates	1961 budget	1960 expenses
Sec. 1. Military personnel:			
Chapter:			
I. Allowance	1,664,000	1,664,000	1,651,804
II. Rotation of contingents	1,762,000	1,822,000	1,747,733
III. Travel and subsistence	155,000	167,000	170,934
Total, sec. 1	3,581,000	3,653,000	3,570,471
Sec. 2. Operational expenses:			
Chapter:			
I. Purchase of equipment:			
(i) Motor transport and heavy mobile equipment	418,600	172,500	485,568
(ii) Miscellaneous operational equipment	161,300	147,100	254,240
II. Maintenance and operation of equipment			
(i) Maintenance and operation of motor transport, heavy mobile equipment, and stationary engines	708,000	929,700	849,876
(ii) Operation of aircraft	469,100	593,500	733,888
III. Supplies and services:			
(i) Stationery and office supplies	40,000	40,000	46,522
(ii) Operational supplies and services	904,000	882,000	1,075,743
IV. Communications services	35,000	35,000	38,682
V. Freight, cartage, and express	390,000	440,000	368,070
VI. External audit	17,000	13,000	16,154
VII. Claims and adjustments	15,000	20,000	11,044
Total, sec. 2	3,158,000	3,272,800	3,879,787
Sec. 3. Rental of premises	171,000	198,000	170,985
Sec. 4. Rations	1,406,700	1,450,000	1,286,510
Sec. 5. Welfare:			
Chapter:			
I. Leave center	365,000	485,000	407,454
II. Recreational and sports supplies	29,000	29,000	34,536
III. Films	72,000	72,000	71,673
IV. Live shows	21,000	28,000	24,527
V. Postage for personal mail	60,000	60,000	55,747
Total, sec. 5	547,000	674,000	593,937
Sec. 6. Nonmilitary personnel:			
Chapter:			
I. Salaries of international staff	741,200	713,000	779,400
II. Salaries and wages of locally recruited staff	780,900	775,000	701,814
III. Common staff costs	151,000	136,000	146,378
IV. Travel and subsistence	275,000	288,000	266,663
Total, sec. 6	1,948,100	1,912,000	1,894,255
Sec. 7. Contingencies	100,000	90,200	100,000
Total, pt. A	10,911,800	11,250,000	11,495,945

PT. B. REIMBURSEMENT OF EXTRA AND EXTRAORDINARY COSTS INCURRED BY GOVERNMENTS PROVIDING CONTINGENTS

Sec. 8. Reimbursement in respect of extra and extraordinary costs relating to pay and allowances of contingents	8,250,000	7,675,000	7,500,000
Sec. 9. Reimbursement in respect of equipment, materials, and supplies furnished by governments to their contingents	600,000	(1)	
Sec. 10. Reimbursement in respect of death and disability awards on behalf of members of contingents	75,000	75,000	100,000
Total, pt. B	8,925,000	7,750,000	7,600,000
Grand total	19,836,800	19,000,000	19,095,945

[1] Pro memoria. The amounts to be credited pursuant to General Assembly resolution 1575 (XV) cannot yet be determined.

Mr. JAVITS. Mr. President, I call attention to an article entitled "Debt Seen Periling U.N. Mideast Force," published in the New York Times of September 6, 1961. The article states, in part:

The 5,159 United Nations soldiers in the Middle East are keeping the peace between Israel and the United Arab Republic with notable success.

We all recall the apprehensions and the crisis which ensued in Israel before the international events which brought about the creation of this force. However, Mr. Hammarskjold was compelled to say that he saw little chance of collecting more than $8,200,000 of the arrears in the bills for this operation, because of the Soviet and Arab financial boycott of payments, which are voluntary, and because of late or partial checks from other countries.

Mr. President, this is a real lesson to us in terms of international affairs about the potency and effect of an international United Nations force as police officers.

Police force or no police force, the United Nations must be prepared to maintain law, even by force. We realize that international organs for this purpose are imperfect; but better to be imperfect and try to keep the peace under the rule of law than to have no instrument at all.

So I direct these remarks again, first, as a memorial to a world citizen, Dag Hammarskjold; second, to a notably successful achievement by the United Nations; third, as another indication of the cynicism of the Soviet bloc, which stands for and supports nothing that is conducive to peace and does nothing but talk about peace; and fourth, to point to the tragedy of Arab intransigence in respect of peace between Israel and the Arab States, which prevents the Arab States from themselves contributing to the maintenance of a force which is most essential to stability and peace in an area of the world which they are themselves located.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the article published in the New York Times on September 6.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEBT SEEN PERILING U.N. MIDEAST FORCE

UNITED NATIONS, N.Y., September 5.—The 5,159 United Nations soldiers in the Middle East are keeping the peace between Israel and the United Arab Republic with notable success, Secretary Dag Hammarskjold said today. But he warned that the border patrols still were facing a major opponent—the financial neglect of the Soviet bloc and most Arab countries.

In a report to the forthcoming session of the General Assembly, due to reconvene September 19, the Secretary General listed the unpaid bills for the Middle East military operation at $34,299,582. This represents more than a third of the entire costs of the operation since it began in 1956.

Mr. Hammarskjold saw little chance of collecting more than $8,200,000 of the arrears by the end of the year because of the Soviet-Arab financial boycott of the payments, which are voluntary, and because of late or partial checks from other countries.

Mr. JORDAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PELL in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JORDAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JORDAN. I yield to the Senator from Missouri.

NUCLEAR KNOWLEDGE—THE IMPORTANCE OF HEARING BOTH SIDES

Mr. SYMINGTON. Mr. President, even though the Soviets have brought their nuclear testing out into the open of the atmosphere—13 tests in recent days—some people are still protesting the decision of President Kennedy to resume testing underground.

This is most surprising, because unless the United States resumed testing now, it would be adopting a policy of unilateral disarmament, and that would mean surrendering to communism. In other words, our Government policy would then be practical application of the current slogan of the appeasers: "Wouldn't you rather be Red than dead?"

This Nation has worked long and hard, over many years, to reach some agreement with the Soviet Communists on nuclear testing, arms control, and disarmament—to the point where we may already have jeopardized our security.

As the senior Senator from Minnesota said on this floor only last Saturday:

> We made one concession after another to meet Soviet objections.

And as we know now, this got us nothing.

I cannot agree, however, with another statement made at that time by the Senator from Minnesota, when he said Mr. Khrushchev "was under considerable pressure, as was our President, from his military leaders and scientists to renew the tests."

I do not agree with that statement, because many of our scientists have been just as much against testing nuclear weapons at that time as some of them were against developing the hydrogen bomb.

If any of these scientists had been successful in preventing the development of the latter weapon, this country would be defenseless today. Therefore, their positions with respect to nuclear testing should be examined with care.

Since the first A-bomb, the scientific revolution it signaled has been accelerating in pace; and that revolution is giving rise to an increasing number of complex problems of policy which can be dealt with only by those who avail themselves fully of the most competent and objective scientific advice.

Ever since the first A-bomb, American scientists have, in effect, been split into two camps; but the policy advice from these two camps, supposedly working from the same set of data, has often been in direct opposition.

This is especially true in the all-important fields of arms control, nuclear testing, and disarmament.

Mr. HUMPHREY. Mr. President, I wonder whether the Senator from Missouri would yield to me at this point.

Mr. SYMINGTON. I am glad to yield to my friend, the assistant majority leader.

Mr. HUMPHREY. I hesitate to interrupt the Senator from Missouri; but, as he knows, in a moment I must go to a conference committee meeting.

Let me quote briefly from the first part of the speech the Senator from Missouri is making. He has referred to a comment I made on Saturday. Let me say that the Senator from Missouri has been kind enough to give me a copy of the remarks he intended to make, in advance of his delivery of them.

In referring to the comment I made on Saturday, I wish to say the Senator from Missouri has quoted me accurately. What I said then was said in the course of rather spirited debate with some of my colleagues.

In that connection, I now refer to part of the opening remarks of the Senator from Missouri, in the speech he is now delivering to the Senate—as follows:

> I cannot agree, however, with another statement made at that time by the Senator from Minnesota, when he said Mr. Khrushchev "was under considerable pressure, as was our President, from his military leaders and scientists to renew the tests."

The Senator from Missouri has pointed out his disagreement with my statement.

I wish to say to him now that the intent of my statement was very much in conformity with the point of view of the Senator from Missouri. I wish to make it quite clear that it would be wrong for me to indicate that all our scientists and all our military advisers were insisting that the President of the United States renew nuclear tests. There were scientists on both sides of that issue and there were military advisers on both sides of that issue.

I do not mind stating quite frankly that the statement I made on Saturday was an overstatement, and should have been modified.

Let me say very frankly that I feel that Khrushchev was under pressure from some of his scientists and some of his militarists. I do not think that was controlling; but there is evidence that in the Soviet Union there was considerable demand for renewal of testing.

But there is also evidence that in the United States a number of the leading scientists who have been involved in our atomic energy and nuclear programs were not in favor of renewal of the tests, although a substantial number were in favor of renewal of the tests.

The Senator from Missouri, in his usual very gracious and very fair manner, has attempted to call attention to what appeared to be a very inclusive statement made by me, and to express his disagreement with that statement.

My statement was not intended to be as definitive and conclusive as the words indicate. I am sure the Senator knows that, from our private discussions. I am pleased he has seen fit to make this reference, so I may respond in this manner, in order fully to clarify the intent of the Senator from Minnesota and to make the record more precise.

Mr. SYMINGTON. As the Senator from Minnesota well knows, there is nobody in this body for whom I have greater respect. He is a great leader in the Nation, and a great patriot. What I have tried to point up in this talk is exactly what the able Senator from Minnesota has described, namely, the split in the scientific fraternity and the resulting possible danger. Some scientists and others do not believe they have had an adequate chance to present their position to the Congress and the people.

I did feel the able Senator would allow me, as he said, to present his statement as typically characteristic of the thoughts of so many people in the country, namely, that the scientific fraternity was in agreement on these matters.

Mr. HUMPHREY. They are not; not at all.

Mr. SYMINGTON. The truth is, as we all know, there is a deep schism between the two groups, and I know the Senator agrees with me that those who believe a continuation of test cessation is a danger to our country should have the same right to express their position to the Congress as those who do not so think.

Mr. HUMPHREY. I agree with the Senator. I have expressed the fear that the Soviet Union might terminate this series of tests, and then envelop us in some arrangement whereby a series of tests determined by us to be essential to our national security would be terminated as a result of expressions by the United Nations or world opinion. I do not want to get into that trap.

Mr. SYMINGTON. The Senator puts his finger on a very important aspect.

Mr. HUMPHREY. The Senator from Minnesota and the Senator from Missouri work side by side in the area of arms control. I want to say, as I said before, that while on occasion we may have some disagreements, I feel those differences refine the points and we end up generally on the same side of an issue.

Mr. SYMINGTON. I thank the able Senator.

Mr. HUMPHREY. I thank the Senator for yielding to me.

Mr. SYMINGTON. Mr. President, much of the scientific advice on these subjects, available since the end of World War II, has been both confusing and contradictory.

As an example, in the field of disarmament, the basic objectives of both camps of U.S. scientists is the same: Slow down the arms race, maintain U.S. strength until we have inspected disarmament, and thereby strengthen the cause of peace and freedom in the world.

But let us look at how widely different has been the "scientific" policy advice of the two camps in question.

One group opposed the development of the H-bomb, in the apparent hope that if this Nation did not produce that bomb, the Russians would not produce it.

More recently, some of the members of this first group helped lead us into the nuclear test ban, with the premise that: First, clandestine tests would be easy to detect, and could not be hidden; second, the art of nuclear weapons was so highly developed that further advances would be inconsequential.

Since then it has been shown conclusively how easy it is to hide nuclear tests; and weapons development has revealed revolutionary new possibilities which could drastically alter the balance of power if Russia achieved certain goals before the United States.

On these major points, adduced by proponents of the nuclear test ban, other scientists predicted accurately the outcome we now know.

The first group did not search for possible methods of hiding tests. The second group proved the ease of decoupling—hiding—underground tests.

The first group found further weapons development militarily unnecessary. The second group stand ready to prove, by tests, the tragic error of this view. I say this after reading certain classified documents which I only wish could be read by every American.

The first group has so concentrated on the value of negotiating treaties with the Russians that it appears to be willing to take major risks with regard to the effectiveness with which we might police such treaties.

There are convincing reasons to suspect that for some time the Soviet Communists have been conducting extensive clandestine nuclear tests prior to their current resumption of open testing on an accelerated schedule. For us, therefore, the test moratorium may also have been a period of moving toward unilateral disarmament.

Some of these scientists have been saying that the political advantages of a testban far outweigh any possible danger to our national security.

Unfortunately, their political thinking would seem to have compromised their good judgment when weighing the relative magnitude of these dangers; because, as mentioned, the Russians may have already achieved advances which jeopardize our deterrent capacity.

In the spirit of the President's state of the Union message, "Let it be clear that this administration recognizes the value of daring and dissent—that we greet healthy controversy as the hallmark of healthy change," we would hope that both sides could obtain a hearing before the Congress.

In this way; namely, upon discussion of this important problem, perhaps we could begin to "heal the wounds" of schism that were created in the American scientific community as a result of the H-bomb controversy.

These proposed hearings could be vital, especially as they would have direct bearing on some of the implications of our moratorium and the current Russian testing.

With respect to the latter, it would be useful to know why the Soviets now choose to denounce and openly violate the moratorium. Their action was striking. One should assume that it was significant.

On the face of it, the action was not to the advantage of the Russians. Although we have every reason to believe that the Communist rulers act on the basis of rational motives, this test resumption appears unreasonable.

We have been maneuvered into an unpoliced moratorium. A long and perhaps indefinite extension of this moratorium might have been "negotiated." Under this moratorium, the Russians could perform underground clandestine tests in unlimited numbers, and at little cost, up to 100,000 tons of TNT equivalent.

Tests of greater size in space could also have been carried out in secrecy.

Regardless of other differences of opinion, all responsible experts agree that, in the past moratorium situation, systematic Russian testing could have been carried out without our knowledge.

From this situation, the Russians could have derived one of two advantages: They could have gained in military power by one-sided secret tests, or they could have obtained a propaganda advantage if we resumed our test program.

If we continued to refrain from testing, they could have gained an increasing technical advantage by continued secret testing. This advantage could have been very great, particularly in connection with smaller yield objects for tactical use, light weapons to be used in anti-ICBM missiles, and light strategic warheads which can most easily be protected by decoys from an anti-ICBM defense and which make ICBM's so small that they can be easily hardened, hidden, and moved around to survive an enemy attack.

In contrast, a 100-million-ton weapon, which is Khrushchev's recent boast, serves only one military-psychological purpose: terror.

The Soviets already have, or soon will have, a sufficient number of ICBM's to mount a devastating all-out attack with the help of their smaller H-bombs of 1958 vintage. If they desired a 100-million-ton bomb to make up for ICBM guidance inaccuracies—which is improbable—they could probably have developed it with the help of initial model experiments below 100,000 tons.

These model experiments could have been carried out secretly, and probably they would have been more essential than the final full-scale verification.

Thus secret tests would have been advantageous to the Russians, no matter what they consider their primary military requirement.

An alternative advantage the Russians could have derived from the unpoliced moratorium lay in waiting for us to be the first to terminate the moratorium. Had we done this, we would have had to accept a propaganda disadvantage; and past Russian behavior was directed at increasing this propaganda disadvantage.

Now that the Communists have resumed testing, however, they have exposed themselves to the effects of their own past propaganda. They have done this with the announced purpose to test a 100-million-ton bomb, which is least useful militarily and most effective in arousing adverse reaction throughout the world.

I do not know why the Russians have broken the moratorium. Possible reasons abound. The purpose may have been world intimidation, pressure from the Chinese, the desire to perfect a warhead for their anti-ICBM defense, or a host of other possibilities.

To give a complete explanation of an apparently unreasonable move is very difficult. But it is possible to draw conclusions about the situation which almost certainly must have preceded the Russian decision.

First, public Russian testing was preceded by extensive secret tests.

Second, through these secret tests the Russians have gained major advantages.

It cannot be assumed that the Russians are willing to accept the negative reaction to their public tests without having first exploited the extensive gains which they could derive from clandestine testing of small weapons; and it is important to realize that such secret tests could have given them advantages.

Up to 1958, our development of nuclear weapons greatly surpassed in speed the development of any other U.S. arms. But the rate of Russian progress was even greater than ours. Even on the basis of fragmentary knowledge derived from distant observations, this conclusion was inescapable.

We can only conclude, therefore, that in the 3 years of probable secret testing performed in the most fruitful area of small-yield weapons, this testing has been of great value to them.

This conclusion helps to explain the Russian decision to resume open testing.

Secret tests may have led to developments which could make bigger tests more interesting. We should note also that, under present conditions, the biggest tests could be carried out secretly in space, given Russian booster capacity.

But massive tests in space might be too expensive and the proper instrumentation may not have been developed as yet. Thus, progress in small, secret tests could have produced necessities for a public resumption of atmospheric testing.

All this does not explain the Russian move. But unless these thoughts are given heavy emphasis, any additional motivation would seem insufficient to explain Khrushchev's action.

Considering the might of their conventional army, their powerful submarine fleet and their lead in rocketry, we now find ourselves in second place in all significant military fields but one.

This is the reason I believe the Russians have at least for the time abandoned their efforts to persuade and started their efforts to intimidate.

We do not yet seem to realize that a fatal shift in the power balance may be in the making.

It is for these reasons every American should now forget party and pocketbook, rivalry and resentment.

As Khrushchev increases the tempo of his aggression, our responsibility becomes clear—let us make whatever effort is necessary for the preservation of freedom.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to my able friend, the senior Senator from Tennessee.

Mr. KEFAUVER. The Senator has made a most important and interesting address based upon information which I am sure is superior to that available to most Senators.

The Senator states it is rather well known that the Soviets have been engaged in secret tests, and has based his well calculated argument upon that. I know there has been some difference of opinion as to whether that is an actuality or not. Is it the Senator's feeling, based upon his study and research, beyond that of most Senators, that it is an actuality?

Mr. SYMINGTON. I did not and do not assert without reservation that the Russians definitely have been making secret tests. I did say there are convincing reasons to suspect that for some time these Communists have been conducting clandestine tests before resuming open testing. As the able Senator knows, there have been many explosions which either could or could not have been nuclear testing. Based on the opinion of those who know much about the subject, I would believe the Russians would not have undertaken this long series of atmospheric tests, knowing what world public reaction would be, unless they had already pursued clandestine testing to the point where, in order to go further they had to test in the atmosphere. That is the conviction of some experts with whom I have talked.

For example, this atmospheric testing would be necesary for the testing of an antimissile missile, and the warhead for the latter.

I am simply reporting the fact that many experts who do not entirely trust the sincerity of the Russians, believe that these 14 tests, some in the megaton range, all within a relatively very few days, could only have been accomplished by the Russians had they been preparing for a long time to violate any moratorium. These experts believe that these tests are additional evidence that the Russians have taken advantage of the tremendous assets which would come their way if they had been testing in clandestine fashion.

Mr. KEFAUVER. I thank the Senator.

Most thoughtful Americans, and certainly those who have special information about the problem, support the proposal made by my distinguished colleague from Tennessee [Mr. GORE], based upon much study and knowledge of the subject, that there should be an effort to reach an agreement as to testing in the atmosphere, and testing should be limited to undergrounding testing, which would produce no fallout. That should be our effort, rather than the more overall effort which was tried by our Government for so long. Does the Senator think there is any possibility now, or perhaps in the future, of getting an agreement along the lines advocated by my colleague [Mr. GORE] and later advocated by the President of the United States?

Mr. SYMINGTON. Would the able Senator explain in a little more detail.

Mr. KEFAUVER. The President some time ago advocated an agreement to ban nuclear testing in the atmosphere and to limit any testing to underground testing, or testing outside of the atmosphere in space, on the ground this might not contaminate the atmosphere by fallout of strontium 90. This was along the same line of the proposal made by my colleague.

Mr. SYMINGTON. As the able Senator knows, in this body we have no greater authority in this field than the junior Senator from Tennessee [Mr. GORE]. He and I have agreed, to the best of my knowledge, in all these discussions.

I would hope that we could reach an agreement with the Russians on all forms of arms control and disarmament, including testing in the atmosphere and testing underground.

The basic reason for my presentation this afternoon is to support the decision of the President to resume testing, and present the fact many people in the scientific fraternity believe we should listen to both sides of the problem presented through the Congress to the people. They also believe mostly one side has been presented to date.

I assure the Senator from Tennessee I would be willing and anxious to see any type of meaningful and proper agreement entered into with the Russians which would move us further toward peace and less toward the arms race.

I believe, and am fortified in my belief by what has happened in the last two weeks—that no arrangement with the Soviet Communists can be constructive, unless it should involve adequate inspection. Based upon my discussions with the able junior Senator from Tennessee, I know he feels exactly the same as I on this point.

Mr. KEFAUVER. I believe that the remarks of the Senator this afternoon have been very helpful.

Mr. SYMINGTON. I thank my distinguished friend from Tennessee and appreciate his constructive contribution.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. JORDAN. I yield.

Mr. SMATHERS. First, I congratulate the very able senior Senator from Missouri for his statement this afternoon. As he said, he has presented the other side of this case. There have been many of us who, though not having the knowledge which either the Senator from Missouri or the junior Senator from Tennessee has with relation to the subject of testing, nonetheless have felt for some time that the Russians, and the Communists particularly, were gaining an advantage over us by reason of the fact that we were not going forward with our testing when there was some evidence that the Russians were clandestinely testing. As the Senator has pointed out, in their breaking of the ban by testing in the atmosphere, their action indicates that they have been testing right along. I again congratulate the Senator.

I should like to ask a question. As I understand the burden of the address of the Senator from Missouri, the other side of the story needs to be presented, because the time apparently has arrived when, in the interest of our own national security, we must judge the Russians on what they do rather than on what they say.

Mr. SYMINGTON. The Senator is correct. The impression Mr. Khrushchev has given in recent years is that he was desirous of living up to a test moratorium. The experts have told me that he must have been preparing for at least 1 year if not longer to have been able to conduct the number of tests that he recently made, some of which have been in the megaton range.

Therefore, once again we should reexamine the premise of some people who say we can trust the Russians.

I hope their opinions on this subject will be changed as a result of the development in recent weeks.

My friend from Florida is always one of the most constructive Senators from the standpoint of what we need for national security and the preservation of freedom. One of the reasons for my talk today is that scientists and others interested in this problem have said, "Why can we not present our story? We are as much sure that we are right as the others who feel they are right. We do not question their sincerity, but we believe we have the right to present our side of the picture."

Mr. SMATHERS. I thank the able Senator from Missouri. He has made a real contribution toward clearing up the thinking of our people on this particular problem.

Several weeks ago the Senator from Missouri and others talked with me about nuclear testing. I joined with him in urging this administration to undertake nuclear testing in the interest of our own security. It was his feeling then, as it has been all along, that if we are to make an error, it would be better to make an error on the side of too much—on the side of readiness—rather than on the side of too little, and being unready. I congratulate him on his fine address.

Mr. SYMINGTON. I thank my able friend from Florida.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JORDAN. I yield.

Mr. COOPER. On several occasions during the present session of Congress the Senator from Missouri has spoken on the question of the moratorium on nuclear tests. He has raised the question of its relationship to our security, and, as he has said today, the balance of power between the United States and the Soviet Union.

His service on the Committee on Armed Services has given him knowledge on this subject which all of us do not possess. All of us could read with great profit his series of speeches or, rather, the series of studies on this question which he has presented. They could be read by the people of our country with advantage and profit.

A moment ago I said that because the Senator from Missouri serves on the Committee on Armed Services, he has had an opportunity to know more about our defenses, and also the issue of nuclear tests, than many other Senators. But I do not restrict his knowledge to that incident to his service on the Committee on Armed Services.

In 1954 and 1955 I served on the Committee on Armed Services with him. At that time he began a series of speeches about the total defenses of our country. At that time I was not wholly convinced that his position was correct; but I think time has proved that he has been correct throughout the years. If his counsel and advice had been followed years ago, we would be facing our present crisis with a great deal more sense of security than we possess.

He has been delivering a series of speeches upon nuclear tests and their importance. When I look at the past, I believe that he may be correct on this question also. I hope that we shall give more attention to all that he has said. I know that he has only one motive, namely, the security and safety of our Nation.

Mr. SYMINGTON. I thank the able senior Senator from Kentucky. He is most kind and gracious. He and I have served together on the Committee on Armed Services. He will remember that I pleaded with him to come back as a member of that committee when he returned to the Senate. When we go home people will say, "What became of the $50 billion we spent on defense last year?"

The point I present this afternoon is that, if we get into many more test moratoriums under which the Russians will test and we will not, pretty soon their advantage in the newer weapons will be so decisive it will not make any difference how much we spend or do not spend.

Again I thank my friend from Kentucky.

Mr. THURMOND rose.

Mr. JORDAN. I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the distinguished Senator from Missouri for the excellent address he has made. In my opinion, the position he has taken on testing is sound. It has been my judgment for quite some time that we should have resumed testing long before this. In fact, I do not think that we should ever have quit testing. I wish to say to the Senator from Missouri that I think the position he has taken exercises foresight on this subject which is of such vital importance to the survival of the people of this Nation.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the Senator from North Carolina [Mr. JORDAN] may yield the floor to me, so that we may continue this discussion, with the understanding that I will yield the floor back to him.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SYMINGTON. I yield now to the Senator from Iowa, after expressing my deep appreciation for the remarks made by the able Senator from South Carolina. No one in this body is more interested in, or devotes more time to, the security of our country.

Mr. HICKENLOOPER. I wish to say to the Senator from Missouri that I was in the same conference he was attending when he left to come to the floor to make his important address. I was not able to come to the floor at that time. However, I have read his remarks. He has called attention to some important phases of this subject which the American public should be aware of. There is no question in my mind, and there has been no question in my mind for a long time, based upon all the accumulated evidence available, that the Russians have been testing atomic weapons underground all during this moratorium, at periodic times, as has suited their convenience and as it met with their ideas on what would advance their military strength and their atomic strength.

We have kept the moratorium. To that extent we have delayed necessary experimenting in advancing our atomic weapons. The thing that bothers me is that sufficient emphasis apparently has not been placed in our public understanding around the world that we still are not releasing any radioactivity into the atmosphere with our tests. These are conducted underground, and there is no danger to the public. We are doing things that are necessary for the advancement of our military strength and for the maintenance of our superiority in the atomic field—and I am convinced that we have been substantially superior in the atomic field to the Russians—but we can lose that superiority.

The Senator has pointed out how we can lose it very readily if we are not careful. I believe that the resumption of these nuclear tests are absolutely essential to the maintenance of our strength. I certainly approve of them. I commend the Senator from Missouri for again bringing forcefully to our attention the vital necessity for these tests and the constructive things they can do for our own security.

Mr. SYMINGTON. I thank the able Senator from Iowa. Because of his vast experience in this field, there is no one from whom I would rather have had those words of commendation.

Again let me emphasize that I do not pretend to be an authority in this field. That is why I am so grateful to the Senator from Iowa, who is an expert, for his contribution.

Mr. GORE. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to my friend the able Senator from Tennessee.

Mr. GORE. First I wish to thank the distinguished senior Senator from Missouri for his generous references to me. I wish also to express appreciation to the junior Senator from Florida and the senior Senator from Tennessee for their very kind remarks.

Next I wish to congratulate the Senator from Missouri upon making a thoughtful, incisive statement upon this extremely important question. As the able Senator well knows, it has been my view that we must weigh the moral and political decisions of the United States in the family of nations alongside the security requirements of our military weaponry. In my view, President Kennedy had a sincere desire, I am confident, to reach an agreement to terminate all nuclear weapons tests with adequate inspection machinery and provision to detect violations. He set out either to achieve that goal or to place the blame squarely upon the Soviets for refusing to enter into such a workable and reasonable agreement.

Unfortunately the first goal was not achieved. Indeed, I fear now, as we look back, that it was unachievable, because the Soviets simply did not have and they never have had any intent or willingness to accept inspections within the Soviet Union.

While the first goal has not been achieved, the second one has. Now the world can know squarely upon whom to place the blame for failure of agreement, and the world is in no doubt as to who now is conducting tests in the atmosphere.

So, although this comes to an unhappy end, at least it is not muddled, it is not fuzzed up, it is not indeterminable. The President stands with good will and good intentions, with an actual draft of a reasonable and workable treaty laid on the table, which the United States and Great Britain were and are now willing to sign.

The Soviets were exposed in their intransigence, in their duplicity, and have now resumed testing, in the outraged opinion of many enlightened people around the world.

Mr. SYMINGTON. I thank the able Senator from Tennessee, also an authority in this field, for his constructive comments. There is no disagreement between us. More and more, it would seem the Soviet Communists are willing to risk the disapproval of public opinion provided they believe it is to their net advantage to do so.

I completely agree with the able Senator from Tennessee that President Kennedy has now provided what he stood for, and what he considered important; and, in turn, the Russians have proved exactly where they stand with their willingness to pollute the atmosphere by atmospheric testing.

I also hope some consideration will be given to the thought expressed by the able senior Senator from Minnesota [Mr. HUMPHREY]. After this series of tests has been completed, the Soviets, directly or indirectly, now suggest that

it would be better, after all, to resume an uninspected test moratorium. I hope before the United States agreed to any future proposal of that kind we would hear both sides of the question. If we continue to be outmaneuvered because we live up to our word, I do not see much hope for the future.

Again, let me thank the Senator from Tennessee.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, I have a statement to make regarding the program of the Senate.

As the Senate knows, two appropriation bills remain to be considered by the Senate, and a third, the foreign aid bill, is still in conference.

There also remains a matter of considerable controversy on the calendar of general legislation. H.R. 8847, the bill relating to the tax treatment of shares received under an order of divestiture, has been reported by the Finance Committee.

There are Senators who feel this bill should be delayed until next year. There are other Senators who feel it is important that the bill be considered prior to adjournment sine die. The question was discussed at length by the Democratic policy committee this afternoon. Representatives of each point of view were heard.

The unanimous decision of the policy committee was that the bill be scheduled for debate tomorrow, Friday. That it be set aside for the consideration of the appropriation bills and conference reports, and that an effort be made to conclude action on the bill as soon as possible. If the bill develops such prolonged controversy that it threatens to keep us in session indefinitely, the leadership will move to postpone action on the bill until January 15, 1962.

I have discussed this matter with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] and I have also discussed it with the Senator from Delaware [Mr. WILLIAMS], the Senator from Tennessee [Mr. GORE], and other interested Senators. So far as I am aware, no objection is being raised to this announcement.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2102) to redesignate the Jefferson division of the eastern district of Texas as the Marshall division.

The message also announced that the House had agreed to the amendments of the Senate numbered 1, 4, 5, 6, 8, 9, and 10 to the bill (H.R. 8291) to enable the United States to participate in the assistance rendered to certain migrants and refugees, and that the House disagreed to the amendments of the Senate numbered 2, 3, 7, 11, 12, 13, 14, 15, 16, 17, and 18 to the bill.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 8444) to amend the act of August 12, 1955, relating to elections in the District of Columbia; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JAMES C. DAVIS of Georgia, Mr. DOWDY, Mr. WHITENER, Mr. BROYHILL, and Mr. HARSHA were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9118) to establish a U.S. Arms Control Agency; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mr. HAYS, Mrs. BOLTON, and Mr. JUDD were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker pro tempore had affixed his signature to the following enrolled joint resolutions, and they were signed by the Vice President:

H.J. Res. 225. Joint resolution to create a regional agency by intergovernmental compact for the planning, conservation, utilization, development, management, and control of the water and related natural resources of the Delaware River Basin, for the improvement of navigation, reduction of flood damage, regulation of water quality, control of pollution, development of water supply, hydroelectric energy, fish and wildlife habitat, and public recreational facilities, and other purposes, and defining the functions, powers, and duties of such agency; and

H.J. Res. 569. Joint resolution to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective.

RELATIONS WITH NEUTRAL NATIONS

Mr. LAUSCHE. Mr. President, today the Senate had a refreshing experience when it listened to the President of the Republic of Peru address a joint meeting of Congress. He made an impact upon me which is so contrary to the frequently painful experiences I have had in witnessing the treatment of our country by nations which we have helped that I am compelled to make these few remarks.

His Excellency, Manuel Prado, President of the Republic of Peru, today said:

And I bring you this further message: Peru stands with you in the struggle against communism in the world and in our hemisphere. Whatever measures you may require to take to combat it, you will find my country at your side.

How different are the tone and the spirit of that statement compared with the words I have heard frequently expressed by foreign delegates who have sought mutual aid from the United States. Not more than 2 months ago, I heard one such representative, from the African Continent, in a defiant manner challenge a Senator, when the Senator asked:

If we give you help, what help will you be prepared to give us?

The delegate answered:

You have no right to ask us to become involved in international difficulties. We want to remain neutral.

Moreover, I call attention to the painful and saddening spectacle which took place in Belgrade, when the neutral nations, learning of the resumption of nuclear tests by the Soviet Union, uttered not one word in opposition, much less any denunciation.

What would those neutral nations, every one of which has been a beneficiary of our largess, have done of the United States of America had resumed nuclear tests first? In my opinion, there would have been a unanimous resolution passed in Belgrade, led by Tito, denouncing the United States for the cruel, barbaric resumption of nuclear tests in the open air, causing the dropping of fallout upon the people, to the menace of their health.

I understand that President Kennedy, when he signed the mutual aid bill, commented to the effect that perhaps the time has come when we should begin to consider carefully our friends. Frankly, viewing the massive testimony objectively, I am beginning to feel that in this crucial test between our system of government and that of communism there cannot be spectators. One cannot be a spectator at these events and claim that he is neutral.

My query is: How can the nations which assembled at Belgrade claim that there is an impartial, neutral objective? There was not a sign of neutrality there when they were silent on the subject of the resumption of nuclear testing by the Communists.

Now I come to a subject which I think the people of our country are not following adequately. In the last 2 weeks there have been discussions on the floor of the Senate with respect to developments in the Congo. On the one hand, a group of Senators have expressed grave apprehension of what the composition of the personnel in the Congo government is. I made a statement on that subject. The Senator from Connecticut [Mr. DODD] made a statement on it. The Senator from Connecticut stated—and so did I—that the newspaper New Times, issued in Moscow, published an article describing the joy among the Communists at the developments in the Congo. In that article, the New Times stated that there must be a new government in the Congo to carry out all the decisions made earlier by the Lumumba government. Lumumba was a Communist who lost his life.

The article also states that Prime Minister Cyrille Adoula has accepted the request of Vice Premier Gizenga to appoint Gen. Victor Lundula as chief of the United Congolese Army, and to fill the positions of Minister of Defense and of Representative to the United Nations with Gizenga followers; that Adoula, the present Prime Minister, has further agreed to take certain unspecified measures against Colonel Mobutu, and that Gizenga is now demanding the removal from the army of all soldiers and officers who oppose the unity of the country.

Two days ago, I was present at a hearing where a question was asked about Adoula and Gen. Victor Lundula. This is the description given about Adoula,

the present Prime Minister. It is worth noting that the Adoula government represents a major step toward the solution of the Congo problem.

In that committee hearing it was also stated that some of the ablest men in the Congo have been put in charge of what is called the coalition government; and it was also stated that Adoula, who is both energetic and able, appears to be particularly well qualified as Prime Minister. Those statements were made 2 days ago by a representative of our Government.

I now come to a crucial part of my position. Adoula, at Leopoldville, on September 20, bitterly denounced what he claimed to be the exploiting practices of the capitalist nations. He blamed capitalist nations for the death of Hammarskjold.

I now read from the article published yesterday in the Washington Evening Star:

> Many free world diplomats in the Congolese capital were concerned at the apparent anti-Western gist of Mr. Adoula's remarks and feared the death of Mr. Hammarskjold might result in a strengthening of Lumumbist influence in the government.

We should ask where Adoula stands, and whether he contemplates removing Mobutu, the present chief of the army. Has he made a commitment to Gizenga that Mobutu is to go, and that a Communist-oriented man is to be placed in charge of the army? Those questions would be answered in the negative by some Senators. But I submit that every indication is that Gizenga is in charge.

I ask my colleagues to await the developments of the next 2 weeks, and see what happens to Mobutu, and how far oriented toward the Communists Adoula is. I fear that our money spent in the Congo and our officiating in the Congo have led to the establishment of a coalition government that soon will be in the hands of the Communists.

I think I have a little ability to analyze facts; I have had some experience in listening to witnesses on the stand in judicial tribunals. These facts cannot be interpreted in any way except as indicating that Gizenga is in charge; Adoula is his slave; Joseph Mobutu, the chief of the army, is to go; and in place of Mobutu, a friend of the West, there will come the man who has been mentioned, Gen. Victor Lundula, oriented to the East, and away from our country.

We had better become apprehensive. We had better begin to watch what will happen in the Congo. I will watch with great interest. My anticipation is that the article published in the New Times correctly describes what is happening.

I am very grateful to the Senator from North Carolina for yielding to me.

Mr. JORDAN. I was glad to yield.

THE NEW YORK WORLD'S FAIR

Mr. LAUSCHE. Mr. President, I was not present when the Senator from New York made some comments about the New York World's Fair. My position regarding the world fair, supposedly to be held in New York, has not changed. I do not believe there is any justification for spending $30 million of the taxpayers' money to build a U.S. pavilion that would cost $20 million, and to implement it with exhibits that would cost $10 million.

Two years ago it was my distinct understanding that if the fair were awarded to New York, New York would finance it. But now it is claimed that New York is not asking for a subsidy, that all it wants is to have the U.S. Government participate; and New York wants the U.S. Government to participate to the extent of a $30-million expenditure.

On the question of the expenditure, I predict that it will not be $30 million; it will be more than $40 million.

California will hold a fair in 2 years. When the Senator from California [Mr. ENGLE] appeared before the committee, I questioned him and nailed down firmly and fully the proposition that U.S. participation will not be asked for.

The Senator from Illinois [Mr. DIRKSEN] 2 days ago asked that the Senate pass a joint resolution authorizing the President to invite foreign nations to participate in a fair at Chicago. The Senator from Illinois [Mr. DIRKSEN] struck from his joint resolution the provision which would have made it possible to ask the U.S. Government to spend money in connection with the fair in Chicago in 1962.

We now have a fair scheduled for Seattle in 1962.

In 1957, Cleveland, my native city, was tentatively scheduled to be the site of the Western Hemisphere athletic exhibition. Five million dollars with which to build a stadium was requested. I opposed that request from my own city.

I am sick and tired of hearing the argument, "Forgo desirable projects if they are not essential; we need to use all our money for our national defense." Day after day I hear that argument. I heard Members of the Senate and the Members of the House of Representatives break into spontaneous acclaim when the President made that request. Yet we hear requests for $20 million for a fish pond; $30 million, at a minimum, for the New York World's Fair; $39 million for the James Madison Memorial.

Where are we going, and what relationship do these things have to our national defense? Are they essential?

I am not going to stand for such a request. This measure may be passed; but, if it is passed, it will be passed despite every effort I can possibly make to bring these practices to an end.

Mr. JAVITS. Mr. President, will the Senator from North Carolina yield to me, since my name has been mentioned?

Mr. JORDAN. How long does the Senator from New York wish me to yield?

Mr. JAVITS. Only 2 or 3 minutes, in order to have time in which to answer.

Mr. JORDAN. I previously promised to yield next to the Senator from Idaho [Mr. DWORSHAK], and I have been waiting since 2 o'clock to make my own speech. Perhaps I should stop yielding. However, I yield for 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I have heard the Senator from Ohio with great interest. Fortunately, there are 100 Members of the Senate, not merely 1. My problem with the Senator from Ohio is not his opposition to the measure which has been referred to; the problem is that he refers to things which are not in it. I defy the Senator from Ohio to point out in the resolution anything to the effect that the Senate is called upon to provide $30 million. It calls for $300,000.

The Senator from Ohio is greatly exercised about expenditures with respect to the national defense. But I should like to see the Senator's entire voting record, and ascertain whether he will vote for the public works appropriation bill that soon will come before us, and whether he voted for the agricultural appropriations and for a dozen other measures.

We have to appropriate funds because we are a country; we are not operating a peanut stand.

Of course, I shall not try to convince the Senator from Ohio about the New York World's Fair. The Senator from Ohio states that some day the Congress will be asked to commit itself to appropriate a sum of money which he states will be $30 million. However, no such provision is contained in this measure.

The important point is that the Senator from Ohio is personally preventing the Senate from having an opportunity to pass upon this question at a time when it can do the most good; namely, when New York has to know the position of the Federal Government in regard to it, in order to make the proper plans, and at a time when 59 other nations have already contracted to participate in the New York World's Fair.

I do not care how much the Senator opposes it. It is all right with me. He can oppose it with all the vigor and breath in his body; but the point is that he will not permit, if he can prevent it—and apparently he cannot avoid doing so this late in the session—the Foreign Relations Committee from considering the subject in order to bring the proposal to the floor and let the Senate decide the question. I said before, and I repeat, that that is small business, because I think a subject of this character, which involves the prestige of this Government and that of New York, our greatest city, the most famous city in the whole world, deserves better treatment than that.

If the Senator allows the measure to come to the floor, he can denounce it to his heart's content. I am confident it will pass, because a contrary course does not make sense. The Government is participating in the Seattle Fair, and a large sum is to be provided in the supplemental appropriation bill. So the Government will participate fully in that fair. But there is objection to the United States having a pavilion in the New York Fair, when we have participated in fairs at Brussels, Moscow, and many other cities around the world. It is utterly ridiculous to assume that the United States will allow the New York Fair to proceed with a Soviet building in it, but without a U.S. pavilion in it.

To what estate have we grown if we accept that kind of argument today? A delay will merely mean that it will cost us much more money, and result in an inadequate job. I say that affirma-

tively. I say it with all due respect to the Senator from Ohio, whom I admire very much as a colleague.

Mr. LAUSCHE. Mr. President, will the Senator yield for 1 minute?

Mr. JORDAN. I yield for half a minute.

Mr. LAUSCHE. I have no interest whatever in this subject. The State I represent is far removed from the areas to be benefited by it. The Senator from New York cannot escape taking any other position than he has taken unless he wants to lift himself to the status of statesmanship. New York is to benefit. New York wants to have a $20 million building as a gift. I am talking as a disinterested citizen of Ohio, and I think my approach to the question is far more objective and impartial than that of the Senator from New York. Finally, the resolution does not provide for $30 million. The resolution provides for $300,000 so we can make a study of whether the Federal Government will participate and to what extent.

The PRESIDING OFFICER. The Senator's half minute has expired.

Mr. LAUSCHE. The Commission itself has said it will cost $30 million, and the Under Secretary of Commerce has said it will cost $30 million at the minimum, and I predict it will cost $40 million.

DISTRICT OF COLUMBIA SALES TAX—CONFERENCE REPORT

Mr. BIBLE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 258) to amend the District of Columbia Sales Tax Act to increase the rate of tax imposed on certain gross receipts, to amend the District of Columbia Motor Vehicle Parking Facility Act of 1942 to transfer certain parking fees and other moneys to the highway fund, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. NO. 1253)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 258) to amend the District of Columbia Sales Tax Act to increase the rate of tax imposed on certain gross receipts, to amend the District of Columbia Motor Vehicle Parking Facility Act of 1942 to transfer certain parking fees and other moneys to the highway fund, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"TITLE I—AMENDMENTS TO THE DISTRICT OF COLUMBIA SALES TAX ACT AND THE DISTRICT OF COLUMBIA USE TAX ACT

"SEC. 101. (a) Section 125 of the District of Columbia Sales Tax Act (D.C. Code 47–2602) is amended by striking out '2 per centum' and by inserting in lieu thereof '3 per centum.'

"(b) Subsection (a) of section 127 of such Act (D.C. Code 47–2604(a)) is amended to read as follows:

"'(a) On each sale, other than sales of food for human consumption off the premises where such food is sold, and other than sales or charges for rooms, lodgings, or accommodations furnished to transients, such amounts as may be prescribed by the Board of Commissioners of the District of Columbia to carry out the purposes of this section.'

"SEC. 102. Section 212 of the District of Columbia Use Tax Act (D.C. Code 47–2702) is amended by striking out '2 per centum' and inserting in lieu thereof '3 per centum.'

"SEC. 103. The amendments made by the first two sections of this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act. From and after the effective date of such amendments, all references in the District of Columbia Use Tax Act to sections 125 and 127 of the District of Columbia Sales Tax Act shall be deemed to be references to such sections 125 and 127 as amended by the first section of this title.

"TITLE II—AMENDMENTS TO THE DISTRICT OF COLUMBIA INCOME AND FRANCHISE TAX ACT OF 1947

"SEC. 201. Paragraph (1) of subsection 7(a) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, as amended (61 Stat. 353; sec. 47–1586f(a)(1), D.C. Code, 1951 ed., supp. VIII), is amended to read as follows:

"'(1) Except as provided in paragraph (2) of this subsection, the total amount of tax due as shown on the taxpayer's return is due and payable in full at the time prescribed in this article for the filing of such return.'

"SEC. 202. The provisions of this title shall be applicable to the taxable years beginning after December 31, 1960.

"TITLE III—REAL ESTATE DEED RECORDATION TAX ACT

"SEC. 301. DEFINITIONS.—When used in this title, unless otherwise required by the context—

"(a) The word 'District' means the District of Columbia.

"(b) The word 'Commissioners' means the Commissioners of the District of Columbia, or their duly authorized agents or representatives.

"(c) The word 'deed' means any document, instrument, or writing (other than a will and other than a lease), regardless of where made, executed, or delivered whereby any real property in the District of Columbia, or any interest therein, is conveyed, vested, granted, bargained, sold, transferred, or assigned.

"(d) The words 'real property' mean every estate or right, legal or equitable, present or future, vested or contingent in lands, tenements, or hereditaments located in whole or in part within the District.

"(e) The word 'consideration', except as otherwise provided in section 304 of this title, means the price or amount actually paid, or required to be paid, for real property including any mortgages, liens, or encumbrances thereon.

"(f) The word 'person' means an individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, any individual acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, any combination of individuals, and any other form of unincorporated enterprise owned or conducted by two or more persons.

"(g) The word 'deficiency' as used in this title means the amount or amounts by which the tax imposed by this title as determined by the Commissioners exceeds the amount shown as the tax upon the return of the person or persons liable for the payment thereof.

"(h) The word 'taxpayer' means any person required by this title to pay a tax, or file a return.

"SEC. 302. EXEMPTIONS.—The following deeds shall be exempt from the tax imposed by this title:

"1. Deeds recorded prior to the effective date of the enactment of this title.

"2. Deeds to property acquired by the United States of America or the District of Columbia.

"3. Deeds to property acquired by an institution, organization, corporation, association, or government (other than the United States of America or the District of Columbia) entitled to exemption from real property taxation under the Act of December 24, 1942 (Public Law 846, Seventy-seventh Congress, chapter 826, second session), which property was acquired solely for a purpose or purposes which would entitle such property to exemption under said Act: *Provided*, That a return, under oath, showing the purpose or purposes for which such property was acquired, shall accompany the deed at the time of its offer for recordation.

"4. Deeds to property acquired by an institution, organization, corporation, or association entitled to exemption from real property taxation by special Act of Congress, which property was acquired solely for a purpose or purposes for which such special exemption was granted: *Provided*, That a return, under oath, showing the purpose or purposes for which such property was acquired, shall accompany the deed at the time of its offer for recordation.

"5. Deeds which secure a debt or other obligation.

"6. Deeds which, without additional consideration, confirm, correct, modify, or supplement a deed previously recorded.

"7. Deeds between husband and wife, or parent and child, without actual consideration therefor.

"8. Tax deeds.

"9. Deeds of release of property which is security for a debt or other obligation.

"SEC. 303. IMPOSITION OF TAX.—(a) There is hereby imposed on each deed at the time it is submitted to the Commissioners for recordation a tax at the rate of one-half of 1 per centum of the consideration for such deed: *Provided*, That in any case where application of the rate of tax to the consideration for a deed results in a total tax of less than $1 the tax shall be $1.

"(b) Each such deed shall be accompanied by a return under oath in such form as the Commissioners may prescribe, executed by all the parties to the deed, setting forth the consideration for the deed, the amount of tax payable, and such other information as the Commissioners may require.

"(c) The parties to a deed which is submitted to the Commissioners for recordation shall be jointly and severally liable for payment of the taxes imposed by this section: *Provided*, That neither the United States nor the District of Columbia shall be subject to such liability.

"(d) The Commissioners are authorized—

"(1) to prescribe by regulation for reasonable extensions of time for the filing of the return required by subsection (b) of this section; and

"(2) to waive as to any party to a deed the requirement for the filing of a return by such party whenever it shall be determined by the Commissioners that a return cannot be filed: *Provided*, That any waiver granted by the Commissioners to a party shall not, unless specifically authorized, be deemed to be a waiver as to any other party. Any waiver made pursuant to this subsection shall not affect the requirements of subsection (c) of this section.

"SEC. 304. ABSENCE OF CONSIDERATION.—Where no price or amount is paid or required to be paid for real property or where such price or amount is nominal, the consideration for the deed to such property shall, for purposes of the tax imposed by this title, be construed to be the fair market value of the real property, and the tax shall be based upon such fair market value. In any such case, the return required to be filed with the deed shall contain such information as to the fair market value of the real property as the Commissioners shall require. Whenever, in the opinion of the Commissioners, a return does not contain sufficient information as to the fair market value of such real property, the Commissioners are authorized to make a determination thereof from the best information available.

"SEC. 305. INVESTIGATION BY COMMISSIONERS.—The Commissioners, for the purpose of ascertaining the correctness of any return, statement, affidavit, or other document filed pursuant to the provisions of this title or pursuant to any regulations of the Commissioners promulgated hereunder, or for the purpose of ascertaining the correctness of any payment of the tax imposed by this title, or the consideration for any deed upon which a tax is imposed, are authorized to examine any books, papers, records, or memorandums of any person bearing upon such matters and may summon any person to appear and produce books, records, papers, or memorandums pertaining thereto and to give testimony or answer interrogatories under oath respecting the same, and the Commissioners shall have power to administer oaths to such person or persons. Such summons may be served by any member of the Metropolitan Police Department. If any person having been personally summoned shall neglect or refuse to obey the summons issued as herein provided then, and in that event, the Commissioners may report that fact to the United States District Court for the District of Columbia, or one of the judges thereof, and said court or any judge thereof hereby is empowered to compel obedience to such summons to the same extent as witnesses may be compelled to obey the subpenas of that court. Any person in custody or control of any books, papers, records, or memorandums bearing upon the matters to which reference is herein made who shall refuse to permit the examination by the Commissioners or any person designated by them of any such books, papers, records, or memorandums, or who shall obstruct or hinder the Commissioners or any person designated by them in the examination of any books, papers, records, or memorandums, shall upon conviction thereof be subject to the penalties provided in this title.

"SEC. 306. RECORDATION.—Except as otherwise provided in this title, no deed shall be recorded by the Commissioners until the return required by this title shall have been filed, and the tax imposed by this title shall have been paid.

"SEC. 307. PRESUMPTIONS AND BURDEN OF PROOF.—For the purpose of proper administration of this title and to prevent evasion of the tax hereby imposed, it shall be presumed that all deeds are taxable and the burden shall be upon the taxpayer to show that a deed is exempt from tax.

"SEC. 308. DEFICIENCIES IN TAX.—(a) If a deficiency in tax is determined by the Commissioners, the person liable for the payment thereof shall be notified by registered or certified mail of said determination which shall include a statement of taxes due and given a period of not less than thirty days after such notice is sent in which to file a protest with the Commissioners and show cause or reason why the deficiency should not be paid. If no protest is filed within such thirty-day period, the deficiency as determined by the Commissioners shall be final. If a protest is filed within said period of thirty days, opportunity for hearing thereon shall be granted by the Commissioners, and a final decision thereon shall be made as quickly as practicable and notice of such decision, together with a statement of taxes finally determined to be due, shall be sent by registered or certified mail to the person liable for the payment of the deficiency.

"(b) Any deficiency in tax which has become final in accordance with the provisions of subsection (a) of this section shall, if no protest is filed, be due and payable within ten days after the expiration of the thirty-day period provided in subsection (a) of this section or, if a protest is filed, shall be due and payable within ten days after notice of the final decision of the Commissioners upon such protest is sent to the person liable for payment of the deficiency.

"SEC. 309. PENALTIES AND INTEREST.—(a) In case of any failure to make and file a correct return as required by this title within the time prescribed by this title or prescribed by the Commissioners in pursuance of this title, 5 per centum of the tax imposed by this title shall be added to such tax for each month or fraction thereof that such failure continues, not to exceed 25 per centum in the aggregate, except that when a return is filed after such time and it is shown that the failure to file was due to reasonable cause and not due to neglect the Commissioners may in their discretion waive, in whole or in part, the addition to the tax provided by this subsection.

"(b) The amount added to any tax under subsection (a) of this section shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of neglect.

"(c) Interest upon the amount finally determined as a deficiency shall be assessed at the same time as the deficiency, and shall be collected as a part of the tax, at the rate of one-half of 1 per centum per month or portion of a month, from the date prescribed for the payment of the tax to the date the deficiency is assessed.

"(d) If the time for payment of any part of a deficiency is extended, there shall be collected, as a part of the tax, interest on the part of the deficiency the time for payment of which is so extended at the rate of one-half of 1 per centum per month or portion of a month for the period of the extension. If a part of the deficiency the time for payment of which is so extended is not paid in full, together with all penalties and interest due thereon, prior to the expiration of the period of the extension, then interest at the rate of one-half of 1 per centum per month or portion of a month shall be added and collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid.

"(e) If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, 5 per centum of the total amount of the deficiency (in addition to such deficiency) shall be assessed, collected, and paid in the same manner as if it were a deficiency.

"(f) If any part of any deficiency is due to fraud with intent to evade tax, then 50 per centum of the total amount of the deficiency (in addition to such deficiency) shall be so assessed, collected, and paid.

"(g) Where a deficiency, or any interest or additional amounts assessed in connection therewith under subsections (c), (e), or (f) is not paid in full within the time prescribed by this section, there shall be collected as part of the tax interest upon the unpaid amount at the rate of one-half of 1 per centum per month or portion of a month from the date when such unpaid amount was due until it is paid.

"(h) The Commissioners are authorized at the request of the taxpayer to extend the time for payment by the taxpayer of the amount of the tax imposed by this title, whether determined as a deficiency or otherwise, for a period not to exceed six months from the date prescribed for the payment of such tax.

"SEC. 310. COMPROMISE AND SETTLEMENT.—(a) Whenever in the opinion of the Commissioners there shall arise with respect of any tax imposed under this title any doubt as to the liability of the taxpayer or the collectibility of the tax for any reason whatsoever, the Commissioners may compromise such tax.

"(b) The Commissioners are authorized to enter into a written agreement with any person relating to the liability of such person for payment of the tax imposed under this title. Any such agreement which is approved by the Commissioners and the taxpayer involved, or his authorized agent or representative, shall be final and conclusive and—except upon a showing of fraud, malfeasance, or misrepresentation of a material fact—the case shall not be reopened as to the matters agreed upon or the agreement modified; and in any suit or proceeding relating to the tax liability of the taxpayer such agreement shall not be annulled, modified, set aside, or disregarded.

"(c) Any person who, in connection with any compromise under this section or offer of such compromise or in connection with any written agreement under this section or offer to enter into any such agreement, conceals from any officer or employee of the District of Columbia any material fact relating to the tax imposed by this title; destroys, mutilates, or falsifies any books, documents, or record; or makes under oath any false statements relating to the tax imposed by this title shall, upon conviction thereof, be fined not more than $1,000 or imprisoned for not more than one year, or both. All prosecutions under this section shall be brought in the municipal court of the District of Columbia, in the name of the District of Columbia, on information by the Corporation Counsel of the District of Columbia or any of his assistants.

"SEC. 311. COMPROMISE OF PENALTIES AND ADJUSTMENT OF INTEREST.—The Commissioners shall have the power for cause shown to compromise any penalty which may be imposed under the provisions of this title. The Commissioners may adjust any interest, where, in their opinion, the facts in the case warrant such action.

"SEC. 312. LIMITATIONS.—(a) Except as otherwise provided in this section, the amount of any tax imposed by this title shall be assessed within three years after the deed is recorded by the Commissioners and no proceeding in court without assessment for the collection of such tax shall be begun after the expiration of such period.

"(b) In the case of a false or fraudulent return, with the intent to evade tax, the tax may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time.

"(c) In case of a willful attempt in any manner to defeat or evade the tax imposed by this title, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

"(d) In the case of failure to file a return, the tax may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time.

"(e) Where, before the expiration of the time prescribed in this section for the assessment of the tax imposed by this title, the Commissioners and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon

may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

"(f) The running of the period of limitations provided in this section on the making of assessments, or the collection of the tax imposed by this title in any manner authorized by law, shall be suspended for any period during which the Commissioners are prohibited from making the assessment or from collecting said tax, and for ninety days thereafter: *Provided*, That in any case where a proceeding is commenced by a taxpayer in any court in connection with the tax imposed by this title, the running of the period of limitations shall be suspended for the period of the pendency of such proceeding and for ninety days after the decision of the court shall have become final or, if the proceeding shall have been dismissed or otherwise disposed of, for a period of ninety days after such dismissal or other disposition.

"SEC. 313. ADMINISTRATION OF OATHS.—The Commissioners are authorized to administer oaths and affidavits in relation to any matter or proceeding conducted by them in the exercise of their powers and duties under this title.

"SEC. 314. APPEAL.—(a) Any person aggrieved by any assessment of a deficiency in tax finally determined by the Commissioners under the provisions of section 308 of this title may appeal to the District of Columbia Tax Court in the same manner and to the same extent as set forth in sections 3, 4, 7, 8, 9, 10, 11, and 12 of title IX of the Act entitled 'An Act to amend the District of Columbia Revenue Act of 1937, and for other purposes', approved May 16, 1938, as amended and as the same may hereinafter be amended.

"(b) The remedy provided in subsection (a) of this section shall not be deemed to take away from the taxpayer any remedy which he might have under any other provision of law but no suit by the taxpayer for the recovery of any part of the tax imposed shall be instituted or maintained in any court if the taxpayer has elected to file an appeal with respect to such tax, or any part thereof, in accordance with the provisions of subsection (a) of this section.

"SEC. 315. REFUNDS AND COLLECTION.—The provisions of section 14 of title IX of the District of Columbia Revenue Act of 1937, as added by the Act of May 16, 1938, and as amended by the Act of July 26, 1939, and as added by section 4 of the Act of July 10, 1952, and the provisions of section 1601 and section 1602 of title XVI of the District of Columbia Public Works Act of 1954 shall be applicable to the tax imposed by this title.

"SEC. 316. STAMPS.—The Commissioners are authorized to prescribe by regulation such methods or devices, or both, including the use of a stamp or stamps, for the evidencing of payment, and the collection of the taxes imposed by this title, as they may deem necessary and proper for the administration of this title.

"SEC. 317. PROMULGATION OF RULES AND REGULATIONS.—The Commissioners are hereby authorized to prescribe such rules and regulations as they may deem necessary to carry out the purposes of this title.

"SEC. 318. ABATEMENT.—The Commissioners are authorized to abate the unpaid portion of any tax due under the provisions of this title, or any liability in respect thereof, if the Commissioners determine under rule or regulation prescribed by them that the administration and collection costs involved would not warrant collection of the amount due.

"SEC. 319. ELIMINATION OF FRACTIONAL STAMPS OR DEVICES.—For the purpose of avoiding, in the case of any stamps or devices employed pursuant to authority of this title, the issuance of stamps or the employment of devices representing fractional parts of $1, the Commissioners are authorized, in their discretion, to limit the denominations of such stamps or devices to amounts representing $1 or multiples of $1, and to prescribe further that where part of the tax due is a fraction of $1, the tax paid shall be paid to the nearest dollar.

"SEC. 320. GENERAL CRIMINAL PENALTY.—Whoever violates any provision of this title for which no specific penalty is provided, or any of the rules and regulations promulgated under the authority of this title, shall be subject to a fine of not more than $1,000, or to imprisonment of not more than one year, or to both such fine and imprisonment. Prosecutions for violations of this title shall be on information filed in the municipal court for the District of Columbia in the name of the District of Columbia by the Corporation Counsel or any of his assistants, except for such violations as are felonies, and prosecutions for such violations as are felonies shall be by the United States attorney in and for the District of Columbia, or any of his assistants.

"SEC. 321. CRIMINAL PENALTY AS TO STAMPS.—(1) Any person who, with intent to defraud, alters, forges, makes, or counterfeits any stamp, or other device prescribed under authority of this title for the collection or payment of any tax imposed by this title, or sells, lends, or has in his possession any such altered, forged, or counterfeited stamp, or other device, or makes, uses, sells, or has in his possession any material in imitation of the material used in the manufacture of such stamp, or other device; or

"(2) Fraudulently cuts, tears, or removes from any deed, parchment, paper, instrument, writing, or article, upon which any tax is imposed by this title, any adhesive stamp or the impression of any stamp, die, plate, or other article provided, made, or used in pursuance of this title; or

"(3) Fraudulently uses, joins, fixes, or places to, with, or upon any deed, parchment, paper, instrument, writing, or article, upon which a tax is imposed by this title,

"(a) any adhesive stamp, or the impression of any stamp, die, plate, or other article, which has been cut, torn, or removed from any other deed, parchment, paper, instrument, writing, or article upon which any tax is imposed by this title; or

"(b) any adhesive stamp or the impression of any stamp, die, plate, or other article of insufficient value; or

"(c) any forged or counterfeited stamp, or the impression of any forged or counterfeited stamp, die, plate, or other article; or

"(4)(a) Willfully removes, or alters the cancellation or defacing marks of, or otherwise prepares, any adhesive stamp, with intent to use, or cause the same to be used, after it has already been used; or

"(b) knowingly or willfully buys, sells, offers for sale, or gives away, any such washed or restored stamp to any person for use, or knowingly uses the same; or

"(c) knowingly and without lawful excuse (the burden of proof of such excuse being on the accused) has in possession any washed, restored, or altered stamp, which has been removed from any deed, parchment, paper, instrument, writing, package, or article;

shall be guilty of a felony and, upon conviction thereof, shall be fined not more than $5,000, or imprisoned not more than three years, or both.

"SEC. 322. DISPOSITION OF FUNDS.—All moneys collected under this title shall be deposited in the Treasury of the United States to the credit of the general fund of the District of Columbia.

"SEC. 323. SEPARABILITY CLAUSE.—If any provision of this title, or the application thereof to any person or circumstances, is held invalid the remainder of this title, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"SEC. 324. APPROPRIATIONS.—There are hereby authorized to be appropriated such amounts as may be necessary for the carrying out of the provisions of this title, including the use of stamps or other devices for evidencing payment of the tax imposed by this title.

"SEC. 325. EFFECTIVE DATE.—The provisions of this title shall take effect on the first day of the first month which begins on or after the sixtieth day after the enactment of this Act.

"SEC. 326. SHORT TITLE.—This title may be cited as the 'District of Columbia Real Estate Deed Recordation Tax Act'.

"TITLE IV—AMENDMENTS TO WATER RENT RATES AND SANITARY SEWER SERVICE CHARGES

"SEC. 401. Section 101 of title I of the District of Columbia Public Works Act of 1954 (68 Stat. 101; sec. 43–1520c, D.C. Code, 1951 ed.) is amended by inserting the subsection designation '(a)' immediately after 'SEC. 101', and by adding to such section the following subsection:

"'(b) Notwithstanding the provisions of subsection (a) of this section, the Commissioners are authorized, in their discretion, to increase the rates charged by the District for water and water services furnished by the District water supply system: *Provided*, That no such increase shall exceed 25 per centum of the rate or rates in effect on January 1, 1961.'

"SEC. 402. Section 207 of title II of such Act (sec. 43–1606, D.C. Code, 1951 ed.) is amended by striking '60 per centum' wherever it occurs in such section and in each such instance inserting in lieu thereof '75 per centum'.

"SEC. 403. Section 208 of title II of such Act (sec. 43–1607, D.C. Code, 1951 ed.) is amended by adding thereto the following new subsection:

"'(c) If at any time, or from time to time, the Commissioners shall change the established sanitary sewer service charge, the sanitary sewer service charge for any period beginning prior to any such change and ending thereafter shall be prorated on a monthly basis, in accordance with the established charges prevailing in the respective periods.'

"SEC. 404. The provisions of this title shall become effective on the first day of the third month which begins after the date of enactment of this Act.

"TITLE V—AMENDMENTS TO THE DISTRICT OF COLUMBIA MOTOR VEHICLE PARKING FACILITY ACT OF 1942

"SEC. 501. Section 7 of the District of Columbia Motor Vehicle Parking Facility Act of 1942 is amended to read as follows:

"'SEC. 7. All fees and other moneys collected under this Act, including all fees collected pursuant to section 11 of the Act entitled "An Act making appropriations to the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1939, and for other purposes", approved April 4, 1938 (District of Columbia Code, sec. 40–616), and the Act entitled "An Act to authorize the Commissioners of the District of Columbia to provide for the parking of automobiles in the Municipal Center", approved June 6, 1940 (54 Stat. 241), and all moneys derived from the sale or assignment of any property, real or personal, shall be deposited in a special account within the highway fund established in the first section of the Act entitled "An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes", approved April 23, 1924, as amended (District of Columbia Code, sec. 47–1901). Moneys deposited in such special account

shall be available, first, to defray the expenses of enforcing laws, rules, and regulations relating to the parking of vehicles in the District of Columbia; second, to defray the expenses of operating parking facilities under this Act; third, for the acquisition, creation, and operation of parking facilities exempt from section 10 of this Act; and fourth, for the maintenance of highways within the District of Columbia, including the removal of snow and ice therefrom, and the purchase or rental of necessary equipment.'

"SEC. 502. The first sentence of section 8 of the District of Columbia Motor Vehicle Parking Facility Act of 1942 is amended to read as follows: 'The Commissioners shall include in their annual budget such amounts as may be required from the highway fund established in the first section of the Act of April 23, 1924, for the purpose of carrying out the provisions of this Act.'

"SEC. 503. The District of Columbia Motor Vehicle Parking Facility Act of 1942 is amended by renumbering section 10 thereof as section 11 and by inserting immediately following section 9 the following new section:

"'SEC. 10. Notwithstanding any provision of this Act, no real property shall be acquired under the authority of this Act for use as a parking facility on or after the date of enactment of this section, and the Commissioners and the agency are authorized to operate and maintain only those parking facilities which have been established prior to the date of enactment of this section. No such existing parking facility shall be expanded or otherwise altered except to the extent as may be necessary to permit its continued operation in the same manner as it was being operated immediately before the date of enactment of this section. This section shall not apply to (1) any parking facility which is limited to use by officers and employees of the Governments of the United States or of the District of Columbia by reason of their employment by any such Government, (2) any fringe parking facility, and (3) any parking facility located on property of the District of Columbia beneath any elevated portion of a public highway.'

"SEC. 504. All fees and other moneys which have been deposited in the special account of the Treasury of the United States before the date of enactment of this title to the credit of the District of Columbia in accordance with section 7 of the District of Columbia Motor Vehicle Parking Facility Act of 1942 are hereby transferred to the special account established in the highway fund by the amendment made to section 7 of such Motor Vehicle Parking Act of 1942 by section 501 of this title, and such funds shall be available for the purposes provided in such amendment to such section 7.

"TITLE VI—AMENDMENT OF PUBLIC LAW 874, EIGHTY-FIRST CONGRESS, TO INCLUDE THE DISTRICT OF COLUMBIA

"SEC. 601. Section 9(8) of the Act of September 30, 1950 (20 U.S.C. 244 (8)), is amended by inserting 'the District of Columbia,' after 'Guam,'."

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

ALAN BIBLE,
BEN A. SMITH,
J. GLENN BEALL,
Managers on the Part of the Senate.

JOHN L. MCMILLAN,
FRANK W. BURKE,
JOEL T. BROYHILL,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BIBLE. Mr. President, the conferees have submitted a unanimous report, and I believe the revenue measures contained in the bill will be highly beneficial to the District of Columbia.

For the remainder of this fiscal year, the bill should yield $13,400,000, and for the subsequent full tax years, will provide an annual yield of $15,500,000.

This bill—the first of its kind to increase revenue resources in the District of Columbia since 1956—is designed to face the hard facts of increasing expenditures in the central city of the Washington metropolitan area.

First, the bill will raise $13,400,000 additional revenue for the 1962 fiscal year and $15,500,000 in succeeding years by increasing the general sales tax on commodities from 2 to 3 percent; by the imposing of a real estate recordation tax of one-half of 1 percent which will provide $1 million for the balance of this fiscal year and $1,500,000 in subsequent years; by providing $2 million for this year only, of a nonrecurring item, by eliminating deferred payments of corporate and unincorporated franchise taxes, thereby requiring full payment at the time of the filing of these business franchise returns on April 15, conforming the corporate practice with individual income tax return practice.

Second, the bill provides that the District of Columbia will be included in the provisions of the Federal impacted area school aid law, thereby providing to the District of Columbia school system, an estimated $5 million per year.

Third, the bill provides standby authority for the District of Columbia Commissioners to increase water and sewer service charges to meet increasing maintenance and operation costs. If the Commissioners carried out all the authority provided to them, $3,300,000 could be raised as an earmarked item to maintain and operate water supply and sewer service systems of the District.

Fourth, the bill amends the Motor Vehicle Parking Facility Act to permit use of the parking fee account for highway maintenance, including snow removal, and would require the agency to secure legislative authorization before seeking the use of its funds for the acquisition and construction of major parking facilities.

Mr. President, this bill is a good one and is alert to the changing conditions of the central city of an expanding metropolitan area.

I move that the Senate agree to the conference report.

The report was agreed to.

ELECTIONS IN THE DISTRICT OF COLUMBIA

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 8444, relating to elections in the District of Columbia.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 8444) to amend the act of August 12, 1955, relating to elections in the District of Columbia, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BIBLE. Mr. President, I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BIBLE, Mr. MORSE, and Mr. PROUTY conferees on the part of the Senate.

NEW DIRECTIONS IN GAS REGULATION, BY CHAIRMAN JOSEPH C. SWIDLER, OF THE FEDERAL POWER COMMISSION

Mr. YARBOROUGH. Mr. President, a speech delivered last Tuesday by Joseph C. Swidler, the new Chairman of the Federal Power Commission to the Independent Natural Gas Association meeting in Houston, Tex., has occasioned much comment. Mr. Swidler's remarks under the title "New Directions in Gas Regulation," are naturally of great interest and importance to the oil and gas producers as well as to the consumers of the Nation. In order that those interested may read the full text of Mr. Swidler's address, I ask unanimous consent that it be printed at this point in the RECORD, together with an editorial from this morning's Washington Post entitled "Popularity and Pricing," which presents a fair appraisal of Mr. Swidler's speech.

There being no objection, the address and editorial were ordered to be printed in the RECORD, as follows:

NEW DIRECTIONS IN GAS REGULATION

(An address by Joseph C. Swidler, Chairman, Federal Power Commission, before the annual membership meeting of Independent Natural Gas Association meeting, Houston, Tex., Sept. 19, 1961)

It is appropriate that I give my first talk on natural gas here in Houston, the heart of the petroleum country and the headquarters of many great petroleum enterprises. While I am here, I want to meet as many of you as possible so that I can know you and so that you can form your impressions of me. We shall be having much business with each other in the next 4 years, and there is no substitute for personal acquaintance.

Your warm invitation to be here with you today is a testimonial to your charity and breadth of view. The unfortunate men who have responsibility for regulating prices are not likely to be popular. Any price we fix is apt to be too low for the seller and too high for the man who finally pays the bill. If, by any chance, the regulators should satisfy both seller and purchaser, then undoubtedly there would be third parties to say that the wrong method was used, and that the result was illegal. If there was ever a public office in which it was clear that one could not win for losing, this is it.

In all fairness, there are many compensations and consolations. There are enough interesting problems to go around, and to spare. The associations, both within the agency and with the people of the industry, are stimulating and rewarding. Also, if the history of this agency is any criterion one's official life is likely to be mercifully short, and one can look forward to returning soon to the more relaxed life of coaching from the sidelines. Most important of all, I think there is great progress to be made in gas

regulation in the next year or two, and great room for innovation and enterprise in developing a sound basis of regulation. I firmly believe that with your cooperation and the cooperation of the other interests concerned, an equitable and generally satisfactory method for regulating producer rates can be found. I am fully aware that this will prove a difficult and complex task. If I have learned nothing else in the almost 3 months I have served on the Commission I have at least learned this much. But the great importance of the task to all the parties concerned makes it necessary that we find such a solution and remove the price uncertainty which has plagued the industry in recent years.

The title of this talk, selected 2 months ago on the spur of the moment for the convenience of the gentlemen who must make up their program long in advance, creates a natural expectation that I have come here prepared to spell out the course of Federal gas regulation in the years to come. I am afraid I cannot live up to the premise of the title, although it was I who suggested it. I do propose, however, to tell you all that I can at the moment about the shape of my thinking on the major gas regulation problems of the Commission. I must caution you that I cannot speak for the Commission, but only for myself. Because my acquaintance with the industry is still recent, my own views are subject to change without notice in the light of additional information and changing circumstances.

I shall want to use this occasion to make some general observations about the problems of the gas industry, but I know that your primary interest is in the developing regulatory pattern for gas producers. I shall speak of that first.

I am fully aware of the great responsibilities of the Commission in the field of producer rates. This year the industry will probably sell something in the order of 13 trillion cubic feet of gas. A difference of a cent a thousand cubic feet is equal to $130 million a year. A cent a thousand difference in the value of the estimated proven reserves is equal to approximately $2½ billion. If we calculate on the basis of the estimates of recoverable gas in the ground in the United States, each cent per thousand is roughly equal to $15 billion. These are indeed astronomical figures, even in Texas, so large that in computing them I checked several times to be sure I was not running in an extra string of zeros. They emphasize that the rate decisions of the Commission have an enormous economic impact, and that they must be made with the most sober care for fair dealing as between producers and consumers. I can assure you the Commission does not take this responsibility lightly.

The problem, of course, is how to apply the rate standards of the Natural Gas Act to producer rates. I do not need to review with this audience the history of the efforts which have been made to regulate producer rates. The principal present vehicles for such regulation are the two area rate proceedings recently instituted by the Commission. I want to discuss these proceedings with you.

On no subject in the gas industry is there more intense interest than in the question of the future course of the area rate proceedings. Into these proceedings have been consolidated hundreds of separate cases that now involve directly prices for the gas produced from two of the Nation's most prolific gas production areas, and which may set a pattern for pricing the entire industry output at the producer's level. Interest has been heightened by the change in the membership of the Commission, which now includes only one member who participated in issuing the area rate orders; by the hearings themselves, in which many producers have joined in preparing comprehensive studies on an areawide and industrywide basis; by speculation as to the possibility of early Commission clarification of its area pricing policies in response to the parties' requests for such clarification; and, finally, by the report of Chief Examiner Marsh in the southern Louisiana proceeding, which raised explicitly the question whether area rate proceedings were useful ratemaking devices.

My own present view on the last question is that the area rate proceedings will probably prove to be the most important single tool for developing a sound framework of producer rate regulation. They seem to me to be a promising administrative innovation which should be pushed forward with all dispatch and vigor. I say this because I do not believe the production of natural gas lends itself readily to an individual well-by-well or even company-by-company cost of service and rate-of-return approach. The man who risks his money to find gas is not like the ordinary public utility, if for no other reason than because under the law he has no public service obligation until he dedicates the gas he finds to the public service. But there are other reasons. The typical utility is a safe industry with a protected investment and consequently limited yield on the investment. The independent producer exemplifies the virtues of the pioneering entrepreneur. He risks his money—and the risk is real—in the hope of a large reward if he is successful. We cannot expect him to continue risking his money exploring for gas at the pace which the national interest requires without offering hope of something more than a return on the money expended at the level which is usual for the largely risk-free investments in conventional utility enterprises.

From the consumers' point of view, the cost-plus formula which is applied to most utilities would deprive consumers of the benefits of the drive toward economy and efficiency which results when each producer reaps the reward for his efforts. While I do not doubt, and I remind you that I speak only for myself, that the Commission could somehow cut through the technical obstacles to an individual cost-of-service approach, area rates, if workable, seem to me to be far preferable for producers and consumers alike.

The two area rate proceedings, for the Permian Basin and southern Louisiana, can be expedited and given more meaning and direction by further Commission orders. For example, the Commission has yet to say whether the purpose of the proceedings is to provide a floor, a ceiling, or a norm, for gas sold within the respective areas. In announcing that it was departing from conventional ratemaking practices, the Commission set standards which opened the door to any evidence remotely dealing with the economics, financing, technology, and history of the industry. The Commission recognized it was breaking new ground and that it would be necessary to issue additional policy statements from time to time clarifying various issues. In the absence of such clarification, the record in the proceedings is apt to be so enormous that it would provide a poor basis for decision and review.

While my present thinking is that the area rate proceedings are a potentially important administrative device, they can be useful only if appropriate and comprehensive ground rules are put into effect. This has been the consistent cry of all parties. The ultimate responsibility for seeing that these ground rules are formulated is on the Commission. That duty we can neither shirk nor delegate, even though we will require the parties in the proceedings to aid us by giving us their views and suggestions. I assure you that we are hard at work on this task and it is my earnest hope that we will have the answers, or the bulk of the answers, in the near future.

The one evidentiary matter on which the Commission has given a clue to its thinking is with respect to evidence on cost. The major parties to this proceeding have been ordered to complete a questionnaire on costs pursuant to the Commission's order of August 2, 1961. I might say in passing that we have received many helpful suggestions from the producers for clarification of this questionnaire, and we are incorporating them in some revised sheets that will enable us to obtain the needed information in a manner that is more convenient to you. We are also hard at work on an abbreviated questionnaire for the small producers.

The cost questionnaire makes clear the Commission view that area rates cannot be promulgated without a knowledge of at least the overall cost of producing gas within the area. As it happens, I did not participate in the promulgation of the August 2 order requiring the submission of cost data, but this was only because I did not have sufficient background at the time to feel justified in voting on so complex a matter. However, I am in thorough accord with the order and, indeed, I do not see how the area rate proceedings can arrive at any useful conclusion without the cost data called for by the order.

I fully appreciate the difficulty of the allocations necessary in determining the cost of gas, or perhaps more properly, a cost of gas. I cannot believe, however, that any of you conduct your business operations without some concept of costing, and allocations are the heart of costing in this as in many other industries. By the same token I feel you will agree that when we seek to determine a fair price for your product and services we should have a reasonably complete idea of your costs. The Natural Gas Act, the courts, the consumers, and from the indications in your pleadings, you, yourselves, cannot be satisfied with regulated prices which are not somehow related to costs. By emphasizing the necessity of cost information, I do not mean to imply that costs, plus a utility return, should constitute the limit of the price. I fully realize that gas is not available until it is discovered and that there must be an incentive for discovering more and more gas if the industry is to remain healthy. I do not delude myself that simply recovering costs plus a 6-percent return on investment is a sufficient incentive.

I am not unmindful of the extent to which this industry has been haunted by a past in which natural gas was all but a waste to be flared off or sold at whatever price could be had from local users, like the calves' liver which the meat markets of my early years would give away to purchasers of other meats. Natural gas has now emerged as one of the principal of the petroleum products, much sought after for its own sake. The enormous demand for natural gas requires assigning to it a fair share of the costs of the well and of related exploratory expenses.

I want to assure this group that I do not believe that gas, any more than calves' liver, should be priced on the basis of its market status of a half or even a quarter century ago.

I believe that area prices, to be an effective form of regulation, must be set as ceilings and not as floors. I do not mean to rule out completely the possibility of limited exceptions to area ceilings when such exceptions can be made without substantial effect on the ceiling. However, if every company insists that unless limited by contract it has the right to the area rate as a floor plus anything more it can get in an individual determination, we may as well use an individual cost-of-service rate base method from the outset. I have been led to believe that many of you feel, as I now do, that such regulation is not feasible for producers. However, some of the recent producer pleadings contend that any area rate decision must include a reservation which would allow marginal, inefficient, or unlucky producers to get a higher price by an individual

cost-of-service showing. These producers seem to believe that rate base cost-of-service pricing may be workable for raising prices from a floor, although worthless for fixing a ceiling. It seems to me that such a position would make the area pricing approach meaningless.

The basic idea behind area pricing is uniformity of prices and administrative simplicity. If area proceedings are merely to determine rates which each individual company would be free to take or leave, we would accomplish very little. In fact I would then view these cases as a giant step backwards. Fixing area prices based on area-wide costs and conditions would allow the individual company that is more efficient to reap the benefits of its efficiency. But to allow the company that is less efficient or not so fortunate to have higher rates would, in my judgment, allow the producers both to have their cake and eat it. It would be too much to expect consumers to accept such a "heads-you-win, tails-I-lose" approach. I doubt also that it would meet enthusiastic reception by the courts.

The concept of area rates as a norm, which might be increased for a particular producer on his application and proof of inadequacy, or reduced on the initiative of the Commission or purchasing interests on proof that the area rate was excessive as to him, seems to me to be no better than an area floor. It would not provide producers with the vital assurance they need as to market price before they invest in new drilling ventures. Moreover, a norm would be more likely to be breached on the high side than the low because each producer knows his own circumstances better than do his customers or even the Commission staff. If such a system were to work perfectly, it would be the practical equivalent of individual determinations on a cost basis, which we are all agreed does not conform well to the structure or economics of the natural gas business.

Before leaving the subject of the area rate hearings, let me say that I am impressed by the serious efforts of practically all parties to help make these proceedings a success. I have welcomed the comments of record by a large segment of the producer respondents that these proceedings should be given a fair test before the Commission considers abandoning them. The parties are, I trust, well along in the preparation of their evidence in both proceedings. The Commission staff, I assure you, is working equally hard. With a continuation of this effort I am convinced that we can bring these cases to an expeditious and meaningful conclusion.

On that note of optimism, I should like to leave the area rate proceedings and speak generally of a few of the steps which we hope to be able to take in the near future to solve some of the procedural problems of natural gas regulation which are giving difficulty to every segment of the industry.

A continuing problem of regulation is to avoid needless uncertainty as to Commission policies. Such uncertainties add to the caseload, stimulate litigation, and waste the time of everyone concerned. I hope that the Commission can turn to the increasing use of policy statements to express Commission policies in a clear-cut and comprehensive way, rather than waiting for policies to emerge fragment by fragment from a mass of decisions in long-drawn-out cases.

I hope also that we can write our opinions in such a way that practictioners can more readily identify the policies underlying the decisions. This is the proper function of an opinion. What we say on a given question should apply generally to all similar cases, so that once the Commission has decided a question it should not be necessary to bring up the question again. We shall attempt to leave no doubts as to the basis for our decisions.

The Commission will continue to give ever-increasing attention to the internal processing of our work. I hope we shall be able to schedule the steps in each important case so that the Commission can know from day to day where any important case stands and at what point it is being held up if it isn't moving. You should not have to come to us to point out that your cases are lagging or need expediting. We should be the first to know it, and before you could come to us to complain of delay we should be hard at work trying to eliminate the bottleneck if one exists.

On one such item we are determined to make progress. I am pledged to do what I can to simplify and expedite our rate investigations. I am hopeful that we can concentrate more on the significant issues and find ways to avoid duplicating your efforts. In turn, may I ask that the industry provide our field staff with every reasonable assistance, including the preparation of requested schedules and statements. The industry applicants can supply this material quicker and at less cost than the FPC men can take off the data from your books. Through such cooperation, we can reduce the time which our representatives spend in your offices as well as the time between the filing of a case and its final disposition.

We are also considering a revision of our procedural rules to require a little more certainty from you at the time of filing as to where you stand and upon what you rely. In reading our regulation for pipeline filings for a price increase, it appears to me that we come close to requiring that you file your case-in-chief when you make your filing. We may find it necessary to say that this is precisely what you are required to file, and that a filing which is not accompanied by all of the facts upon which you will rely will be rejected as an insufficient filing.

By requiring that your cases be fully prepared in advance of filing, that our staff streamline its field investigations, and that intervenors with a common interest pool their efforts, by handing down clear precedents so that settled issues need not be relitigated, by obtaining additional Commission personnel to handle our caseload, and by setting cases for prompt hearing, we hope to have a fighting chance of deciding cases within the 5-month suspension period. That is our immediate goal as to pipeline cases and ultimate goal as to producer cases once the initial area rate cases provide the ground rules. We shall make every effort to clean up our backlog of cases and to try new cases expeditiously. It will take time to get current, but we shall not stop trying until we have done so.

Let me interject at this point that when I speak of setting target periods for the disposition of cases, I am referring to cases in which the applicants seek the earliest possible determination and cooperate fully for that purpose. The provision of the Natural Gas Act which limits any suspension of rate increases to 5 months itself may create an incentive to delay. Obviously it will never be possible for the Commission to close a case within the target period if it must drag reluctant parties through each step of the proceedings.

As you know, there is one source of extensive delay which is in great measure outside of the control of the Commission. I refer, of course, to the delays occasioned by judicial review. The only way in which the Commission can minimize this delay is by taking its positions as soundly as possible and to explain them in well-reasoned opinions. But others may help, too.

It is true, I know, that a good deal of the natural gas litigation has been initiated by third party interests who were not confident as to the Commission's ability to protect the public interest. I hope their confidence will grow and that the Commission's dedication to the protection of the paramount public interest will become so clear that it will not be necessary for third parties to intervene in the future to the extent that they have felt required to do so in the past. I hope also that the parties will feel inclined to abide by our decisions in a much larger proportion of the cases. Being realistic, I will say that I do not expect a decline in natural gas litigation of such magnitude as to decimate the bar.

This is perhaps an appropriate occasion to solicit the fullest possible cooperation from the industry in the Commission's administration of the Natural Gas Act. I have already had the pleasure of meeting a large number of the executives of the industry as they individually paid me the honor of a visit to my office to meet me and to wish me well. To many of them I had the opportunity of saying, as I have said also to men representing the consumers' interests, that I would welcome any suggestions which, from their experience with the work of the Commission, they might wish to offer as a basis for improving and expediting the Commission's work in the natural gas field. I now extend the same invitation to all of you. I can assure you that every suggestion will be fairly considered on its merits.

My acquaintance with the physical base of the industry, limited as it has been, has created in me an enormous respect for the technology of the industry and for the gifted people of many occupations and professions who make the industry run. The thousands of wells, many of great depth, which have been drilled in every kind of terrain and in the ocean itself; the giant pipes which have been laid on high ground, in swamps, across river beds and in deep water; the gathering and compressing stations and stripping plants, some of them many miles out of sight of land; the complex of pipelines which now lay across the whole length and breadth of our country; these are all a tribute to the enormous technological development which has been required in order to bring gas to the homes in virtually every metropolitan center of our country. Because most of these facilities are either buried or are located at great distances from the places where the gas is used, most gas consumers are probably entirely unaware of the engineering genius and the managerial skill, let alone the huge investment, which lies behind the gas supply upon which their comfort and welfare depend. Little does the housewife in Chicago or New York visualize the activities and the investments which underlie the gas supply which comes to her from half a continent away.

As you can undoubtedly see, I am still far from a complete understanding of the natural gas industry. To me it is both fascinating and perplexing, full of puzzles and paradoxes. The greatest of these paradoxes seems to me to be that in this, the fifth largest industry in the Nation, accounting for about one-third of all of the energy consumed in the Nation and serving over 34 million consumers, there is no unified responsibility for supplying the requirements of the consumers. The distributing company, when it needs greater supplies, must depend upon the reserves of producers with which it does not even have direct contractual relations and who are joined with it only through the pipeline company intermediary.

My background in the electric utility field, where integrated operations are the rule, makes me wonder how a system with no unified responsibility could operate efficiently. It seems apparent that there must be more to this system of supply than meets the eye. Thus far, I have heard of no failure of supply to any existing consumers, and the households across the Nation are apparently comfortably confident that the gas they need will be there when they call for it. Upon this consumer confidence that the gas will always be there when the house-

hold furnace, the kitchen range and the water heater are turned on, even—or especially—in the coldest weather of northern winters, the whole success of the industry depends. If this confidence should once be impaired, the damage to the industry would be irreparable. All elements of the industry must work together to instill and maintain a justified sense of complete assurance in the adequacy and continuity of natural gas supply, and at a price which will preserve its status as a fuel which is not only convenient and dependable, but inexpensive as well.

The Federal Power Commission has played a significant role in the development of the natural gas industry. It has been the forum through which natural gas supplies have been channeled from points of production to points of use. It has provided the consuming public with assurance that adequate gas supplies were available for the new lines which were certificated and it has provided investors with assurance that the new investments were desirable, feasible, and economically sound. It has provided vital support for the industry's growth from an infant to a giant. The Commission's activities under the Natural Gas Act have not only benefited the industry, but despite the delay in producer rate regulation have also afforded a large measure of protection to the consumer. The Commission has an equally important role to play in the industry's future. I believe that the contribution of the Commission in the years to come will be as notable and constructive as the contribution it has made in the past.

I am frank to say that when a position on the Federal Power Commission was first broached to me, I had my doubts that this was the field of activity or the agency to which I should want to dedicate the next few years of my life. I wondered whether in this area of activity, so traditional in its objectives and so hedged with procedural restraints, there was an opportunity to exercise such qualities of imagination and initiative as I might possess. The last few months have removed my doubts The work of the Commission is as full of important, live and pressing problems as one could hope to find anywhere. These are problems which cry for energetic and imaginative treatment. My question is now the reverse, whether it is possible for me to measure up to the challenge and to play my part in the Commission's work of bringing greater order and progress to this vital industry, and greater stability and protection to the consuming public. I can only assure you that I shall never be satisfied until the Commission has developed rules which are fair to all of the elements of the industry as well as to the consumers and which constitute a foundation upon which the men of enterprise who characterize the industry can continue to build.

[From the Washington Post, Sept. 21, 1961]

POPULARITY AND PRICING

"The unfortunate men who have responsibility for regulating prices are not likely to be popular," Joseph C. Swidler, the new Chairman of the Federal Power Commission, told a convention of gas producers in Houston. He then proceeded to endorse a policy of regulation that quite upset some of the consumers' spokesmen who considered him their firm ally.

The Commission has been regulating the gas producers as they do any utility. It calculates an allowed price on a company's cost of operation plus an assured profit. The complexities are endless for, unlike most utilities, the gas production industry is highly competitive and, in its exploratory phases, speculative.

Mr. Swidler thinks the Commission can do better. He is in favor of a general price for all the producers in a production area. Instead of calculating a fair price for each of more than 3,000 gas producers, the Commission would set prices for 24 areas. A company would then be free to extract any profit it could, so long as it stayed within that price.

The consumers' groups seem to fear that area prices would be set high to take care of the least efficient producers and that repeated exceptions will turn those prices into a floor for the industry rather than the ceiling Mr. Swidler envisions.

But the area price policy holds out, above all, a great hope that at last the Commission has found a device for reducing its scandalous backlog of pending gas cases, which now amounts to 4,000 rate applications and 2,800 requests to sell. The present delays can be expensive to the consumer, as well as harmful to the industry. There is nothing intrinsic to the area pricing system that suggests it would fatten the seller and skin the buyer. The present procedure is not safer, it is merely slower. The consumer's chief protections, in either case, are the vigilance and the vigor of the Commission's members. Mr. Swidler has given no one grounds for mistrust in that respect.

HORACE M. ALBRIGHT, GREAT CONSERVATIONIST, FOR PRESERVATION OF PADRE ISLAND AND OTHER SEASHORE AREAS

Mr. YARBOROUGH. Mr. President, pointing up the urgent need for immediate action on the part of the Congress to enact conservation legislation, I wish to call attention to an article that appeared in the New York Times, September 11, 1961, on the subject.

Mr. Horace M. Albright, former Director of the National Park Service and known as one of the Nation's greatest conservationists, has emphasized the need for preservation of Padre Island as a national recreation seashore area.

Mr. Albright cites the dangers of delay in matters of conservation, reminding us that the need for saving recreation areas for the public is constantly increasing, while the available lands are constantly decreasing in size and increasing in price.

The accuracy of Mr. Albright's summation is unquestionable, and the authority with which he speaks gives us one of the best available voices in the country for conservation. He has devoted much of his life to a battle for action to preserve for the public some of the natural wonders of our country.

I ask unanimous consent of the Senate to have printed in the RECORD a letter, which appeared in the New York Times, Monday, September 11, 1961.

There being no objection, the letter to the editor was ordered to be printed in the RECORD, as follows:

TO PRESERVE SEASHORE—WARNING SOUNDED THAT STEPS MUST BE TAKEN TO SAVE AREAS

To the EDITOR OF THE NEW YORK TIMES:

I noted with a great deal of pleasure your splendid coverage of the enactment of the Cape Cod national seashore legislation and your editorial on it of August 8. This was a continuation of coverage and editorial position in support of this important conservation legislation, which, I am convinced, did much to enlighten the public on its importance and the need for it.

I am particularly glad the Times pointed out that while the Nation should congratulate itself on the timely preservation of Cape Cod as an outstanding park resource, this is not a time to rest on our laurels in seashore conservation.

You have rightly noted that only a small fraction of our sea and lake shores are still available for public use. We shall never have any more, and we shall certainly have far less if developments continue to gobble up natural shorelines which a generation ago we all took for granted as being pleasantly available to us whenever we wanted to enjoy them.

President Kennedy called the Cape Cod national seashore legislation the No. 1 priority among conservation measures to save a measure of our vanishing shores. He was right. There is no seashore more famous than Cape Cod, or closer to large population centers and formerly more in danger of loss to commercialism.

OTHER SECTIONS

But there are other seashores equally fine, equally in danger and important to every American no matter where he lives. I am thinking in particular of magnificent Point Reyes, an unspoiled peninsula only 35 miles from San Francisco. Developments are beginning to ravage it under the very eyes of Congress, as legislators consider whether or not this Nation can afford the price of bequeathing future Americans a priceless heritage.

A similar area, Oregon Dunes, lies farther north, while on the coast of Texas our longest island beach—magnificent Padre Island—is slowly being nibbled away despite congressional interest and National and State plans for its preservation.

I know only too well the dangers of procrastination and the results of delay before World War I, when I was assisting Stephen T. Mather, the first Director of the National Park Service, and I clearly remember his recommendation to preserve the Indiana Dunes for posterity. Nearly half a century has passed since then, and conservationists are still struggling to save the small remnant of this once great national park resource that remains in its natural condition.

Now the National Park Service has pointed out other outstanding areas on the Great Lakes—Pictured Rocks, Sleeping Bear Dunes, and others. Each year finds them more difficult to save, yet more desperately needed for future generations.

Our pioneer American instincts turn our thoughts to building; we have always taken land for granted. But now we must give thought to preserving some of the land, which can only decrease.

URGENT NEEDS

I hope the New York Times will continue its fine work of bringing the urgent needs of conservation daily to the American public. It is too easy to be beguiled by dazzling projects and dollar values until our birthright of the natural world slips away from us forever. These national seashore projects will be expensive, but they will be even more expensive tomorrow and soon they will be priceless. I trust their value will rest on the benefit they bring us and ours, and not upon their rarity.

I hope that our grandchildren will not seek in vain when they seek refreshment from civilization's complexities along the seashores of America.

HORACE M. ALBRIGHT.

AMENDMENT OF TITLE V OF AGRICULTURAL ACT OF 1949—CONFERENCE REPORT

Mr. JORDAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949,

as amended, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of Sept. 16, 1961, p. 19796, CONGRESSIONAL RECORD.)

The PRESIDING OFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JORDAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JORDAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCARTHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARTHY. What is the nature of the business before the Senate at this time?

The PRESIDING OFFICER. The question is on agreeing to the conference report on the Mexican farm labor bill.

Mr. McCARTHY. The Senate has now reached the point of the question whether to adopt or reject the conference report.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. McCARTHY. Would it be in order, at an appropriate time, to make a motion to table the conference report, before any vote is taken to accept or to reject the conference report?

The PRESIDING OFFICER. A motion to table would be in order.

Mr. McCARTHY. At any time, if a Senator can obtain recognition?

The PRESIDING OFFICER. At any time prior to a vote on agreeing to the conference report.

Mr. McCARTHY. I thank the Chair.

Mr. JORDAN. Mr. President, the conference report on H.R. 2010, the Mexican farm labor bill, contains all of the provisions of the Senate amendment, exactly as passed by the Senate, except two. The two exceptions are the Senate restriction on the employment of Mexican workers for the operation or maintenance of power-driven machinery, which has been changed slightly, and the Senate requirement that the Mexican workers be paid not less than 90 percent of the lower of the State or National farm wage average. With respect to the Senate restriction on the employment of Mexican workers for the operation or maintenance of power-driven machinery, the House conferees suggested a clarifying amendment which we believe will help to carry out the intention of the Senate in this matter. The conference substitute limits such restriction to power-driven self-propelled harvesting, planting, or cultivating machinery. With respect to the minimum-wage provision, the House conferees were adamant and the conference substitute contains no minimum wage provision.

Both the House bill and the Senate amendment provided for extension of the Mexican farm labor program for 2 years. There was no dispute about this provision. It was the same in both the House and Senate versions and is contained in the conference substitute.

That was the only provision contained in the House bill. The Senate amendment added a number of provisions, most of which were designed to increase the protection afforded by the act to domestic workers. Most of these provisions are contained in the conference substitute.

The first provision of the Senate amendment was a technical one only. Under a permanent provision carried in appropriation acts, the employer is required to pay all of the expenses of the program, except salaries and expenses of personnel engaged in compliance activities. The first section of the Senate bill amended the basic law to include this provision. The House receded from its disagreement to this provision and it was included in the conference substitute.

The Senate amendment prohibited Mexican workers from being made available under the act in any area unless reasonable efforts had been made to attract domestic workers at comparable working conditions, as well as comparable wages and standard hours of work. The House receded from its disagreement to this provision, and this provision is contained in the conference substitute.

The Senate amendment prohibited workers recruited under the act from being made available for employment in other than temporary or seasonal occupations, except in certain cases to avoid undue hardship. The House receded from its disagreement to this provision and it is contained in the conference substitute.

The Senate amendment prohibited workers from being made available under the act for employment to operate or maintain power-driven machinery except in certain cases to avoid undue hardship. The House conferees raised some question as to whether this could be construed to prohibit workers recruited under the act from being asked to switch on an irrigation pump or from moving irrigation pipe. The Senate provision was, of course, not intended to prohibit use of Mexican workers for these purposes. The intention of the Senate provision was to prevent these workers from being used for the operation or maintenance of tractors or other power-driven, self-propelled harvesting, planting, or cultivating machinery, the operation or maintenance of which requires some skill or training. The conference substitute, therefore, prohibits employment to operate or maintain "power-driven, self-propelled harvesting, planting, or cultivating" machinery.

That provision was inserted over the objection of some people in the Northwestern areas of the country.

The Senate amendment exempted workers recruited under the act from any Federal or State tax levied to provide illness or disability benefits for them. This was to prevent double insurance for these purposes. The House receded from its disagreement to this provision and this provision is contained in the conference substitute.

The Senate amendment amended the definition of agricultural employment as used in the act so as to prohibit the furnishing of Mexican workers for a number of processing activities. The House receded from its disagreement to this provision and this provision is contained in the conference substitute.

The only provision which the House refused to accept, either in substance or in the identical language of the Senate amendment, was the Senate provision prohibiting Mexican workers from being furnished under the act for employment at wages lower than 90 percent of the National or State average from wage. The House conferees were adamant with respect to this provision and no suitable substitute could be worked out which the House conferees would agree to. The conference substitute, therefore, contains no provision on this subject.

I ask unanimous consent to insert in the RECORD at this point a short explanation of the provisions of the conference substitute.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION OF CONFERENCE SUBSTITUTE FOR THE SENATE AMENDMENT TO H.R. 2010

The conference substitute—

(1) incorporates in the basic act an existing appropriation act requirement that employers reimburse the United States, up to a $15 maximum, for all expenses of the program, except salaries and expenses of personnel engaged in compliance activities;

(2) prohibits Mexican workers from being made available unless reasonable efforts have been made to attract domestic workers at "working conditions" comparable to those offered to Mexican workers;

(3) prohibits the employment of Mexicans in other than temporary or seasonal occupations or to operate or maintain power-driven, self-propelled harvesting, planting, or cultivating machinery, except in specific cases to avoid undue hardship;

(4) exempts Mexicans from State or Federal taxes to provide illness or disability benefits for them;

(5) prohibits the furnishing of Mexican workers for some processing activities; and

(6) extends the Mexican farm labor program 2 years.

Mr. JORDAN. I have completed an explanation of the changes in the Senate and the House bills, to which the conferees agreed unanimously.

Mr. McCARTHY obtained the floor.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Texas.

Mr. TOWER. I intend to vote against the conference report. My reason is not that I am not in sympathy with the bracero program. I am. I think we should have it. But I think the conference report, if agreed to, would have the effect of rendering the program ineffective, at least so far as the cotton farmers are concerned. Too many inhibitions and restrictions are contained in

the conference report. Therefore I shall vote against it. The farmers in my State would prefer to go back to operating under Public Law 414, section 212 and section 214, which provide for the employment of migrant workers under certain circumstances.

Therefore, I will vote against the conference report, since it would for all practical purposes kill the bracero program in my State. Opinion is divided. The fruit and vegetable farmers would like to continue the program even under the conference report, but the cotton farmers would prefer that it be not continued; and they make up the largest part of the farm economy of my State. Therefore I will not support the conference report.

Mr. McCARTHY. Mr. President, I appreciate the remarks of the Senator from Texas. What he has said indicates that the conference report is unacceptable to those who have been for the bill, or at least a number of them. I dare say it is unacceptable to those who have been against a continuation of the program. He has indicated that the conference report is unsatisfactory to both sides.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. YOUNG of North Dakota. I have supported a program of this kind for years, because I have believed that there was a need for stoop labor of the kind provided for in this legislation. But apparently now the Mexicans are used for other jobs that Americans can and want to do. It is apparent that these Mexicans are being used to drive all power machinery.

I read a telegram which I received from a person in Texas, today:

> This conference report on Mexican labor is causing me grave concern. We have to use these braceros to drive our equipment. Domestics are not in here in any quantity and you know we cannot pay wages equivalent to industry to induce them to come in. I would appreciate your support in killing this bill when it comes up today.

That is an admission that Mexican labor is being used to take jobs that Americans can do. We in our part of the country must pay high wage scales for farm labor. I do not see any reason why agricultural labor in other areas of the United States cannot be paid the same wage that we pay similar labor. In view of that situation, I would be willing to vote to kill the program. It can be justified on a basis of providing stoop labor, a kind of work not many Americans will do, but there is no justification for importing cheap labor to jobs our own people are willing to do.

Mr. McCARTHY. I thank the Senator from North Dakota. The conferees on the part of the Senate retreated from what I thought was a relatively mild position with regard to the employment of Mexican nationals. In the use of equipment and the operation of machinery they prohibited the use of braceros only on self-propelled power-driven machinery. But even that very limited provision in the law is one to which some object at this time. I think the position of the Senator is exactly right. The program has been established and extended on a temporray basis. It was presented as one which was needed to provide stoop labor, which could not be obtained in the United States. But that is not the way it has been used in many instances.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from New York.

Mr. KEATING. As the Senator from Minnesota knows, I voted against the bill when it passed the Senate. I am opposed to the conference report. I shall vote for and support the Senator's motion to table. If that fails, I shall have some remarks at greater length on the measure.

I do not entirely share the views of the Senator from Texas. His reasons for opposition are somewhat different from my own. But I share his opposition.

ARAB BOYCOTT THREAT TO U.S. FIRM

Mr. KEATING. Mr. President, the issue which I wish to call to the attention of the Senate today is not a new one and has frequently been discussed in this Chamber and the committee rooms and has been discussed and analyzed in newspapers throughout the country. It is an issue which I would infinitely rather not have to raise at this point on the Senate floor because it is an issue that should have been settled promptly and efficiently by firm and effective action by the executive branch of the Government. I am forced to take up this issue today because the executive branch has failed—clearly and knowingly failed—to perform is obligations.

Mr. President, the issue is this. A New York firm—the name of which I am withholding in order to prevent reprisals—has received two letters from Arab countries or organizations threatening a boycott of the firm because of business which this firm has conducted in Israel. The first of these letters was received more that a year ago from the boycott office in Kuwait. At that time there was considerable discussion of these and similar letters received by other firms in the public press. As a result our State Department was finally mobilized to protest these letters, and the nuisance and threat of this particular form of approach was discouraged.

But now, Mr. President, this year in the month of July, the same firm has received another letter.

This one is from the control office for the boycott of Israel which is attached to the Secretariat General of the League of Arab States and is located in Damascus, Syria. The letter informs this firm that "we have acquired reliable information to the effect that you have close relations with Israel and that you import goods from that market and propagate them locally in the United States of America."

This action, the letter continues, is in violation of the Arab boycott of Israel, and if continued, this firm is threatened with blacklisting and ban from all Arab countries by October 31, 1961. The only way for the firm to avoid such blacklisting is by answering eight detailed questions covering their affiliations, operations, ownership of interests, and in giving of contracts to persons or enterprises in Israel. The answers to these questions must be returned "in the form of a declaration duly signed before the competent governmental authorities and should also bear a final authentication to the signature of the authorized representative of your firm appended thereto by the closest consulate or diplomatic mission of any Arab country."

Mr. President, I am shocked and appalled that any American firm should receive such a letter and should be required to go to a foreign embassy or consulate to answer such queries. Naturally, I brought this matter immediately to the attention of the Department of State expecting that a vigorous protest and objection would follow the query.

Imagine then my consternation and dismay at the words of the State Department in the September 11 reply to me. This letter, the State Department indicates, comes from an office especially constituted by the Arab Government for coordination of Arab boycott procedures. This office has no international standing except among the governments which sponsor it. As you know, the U.S. Government does not in any way recognize the Arab boycott and the Department considers that it would be a step in derogation of our policy were we to register official protests or otherwise intercede with this office.

Furthermore, Mr. President, in a very similar letter which was sent by the Department of State directly to the firm, the Department is even more emphatic in refusing to accept its responsibility. In that letter, a copy of which was furnished to me, the Department states:

> Consistent with our policy of nonrecognition of the boycott, the Department has refrained from advising U.S. firms on how to respond to a communication suggesting possible imposition of restrictions.

The position which the State Department has taken on this issue is absolutely incomprehensible. Because the United States does not recognize the existence of the boycott, does that mean our Government cannot make representations in behalf of legitimate American interests, or even offer advice to an American firm on how to respond? I thought it was the responsibility of the State Department to protect the interests of American business abroad, not to ignore them.

Furthermore, such an ostrich-like policy is at variance with our policies throughout the world. We do not recognize the regime of Red China. Does that mean we turn our backs and let the Red Chinese do what they want to without defending our own interests in Asia and elsewhere? Absolutely not. In fact, we have even fought a war against them in Korea. We do not recognize the right of East Germany to control allied access to West Berlin. Does that mean we would therefore not object if they closed that access and that we would "consider it a step in derogation of our policy," as

the State Department puts it, to "register official protests?"

That is obviously absurd. What this means in plain English is that the State Department is taking the position that all any nation or nations need to do is set up an organization of which we do not approve and then we will not recognize it or pay any attention to it, no matter how much it might injure legitimate American interests or hurt American citizens.

I think there is a real misunderstanding here. The United States does not recognize certain countries like Red China, because we do not think such recognition would be in the American interest and because we do not approve of the actions of Red China. But that most emphatically does not mean that we would therefore ignore any actions Red China might take to injure the United States.

Whether our Government recognizes a regime or a boycott or not, it has—up to this point at least—recognized its obligation to defend American interests. I am shocked by the State Department's refusal to fulfill its duties in this regard, and I intend to pursue the matter a good deal further with the Department of State until a more satisfactory result is achieved.

I ask unanimous consent to include in the RECORD at this point excerpts from a letter to the New York firm from the control office for the boycott of Israel, from my query to the Department of State, and from the Department's reply.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

LEAGUE OF ARAB STATES, SECRETARIAT GENERAL, CONTROL OFFICE FOR THE BOYCOTT OF ISRAEL,
Damascus, Syria, July 1961.

GENTLEMEN: We wish to inform you that we have acquired reliable information to the effect that you have close relations with Israel and that you import goods from that market and propagate them locally in the U.S.A.

In this regard, we draw your attention to the fact that the Arab countries are still in a state of war with Israel. Therefore, as a measure of self-defense and with the view to safeguarding the rights and the vital interests of the Arabs of Palestine, the Arab countries strictly adhere to a set of boycott regulations directed at Israel. In brief, these regulations prohibit any Arab from having any dealings whatsoever with any Israeli person or business, or with foreign persons or firms maintaining such dealings with Israel. Violation of these regulations entails the blacklisting of violators in all Arab countries, with the result that all commercial transactions with such violators are banned.

However, before any action is taken against your firm, we deem it necessary that we contact you directly in order to asceratin [sic] the nature of the dealings of your firm with Israel. This will have to be done in the form of a declaration duly signed before the competent governmental authorities and should also bear a final authentication to the signature of the authorized representative of your firm appended thereto by the closest consulate or diplomatic mission of any Arab country. The required declaration will have to contain complete answers to the following questions:

1. Do you now, or did you ever have branch factories in Israel? In case you did in the past, or do now, please define the relationship of such branch with your company.

2. Do you now, or did you ever have assembly plants in Israel?

3. Do you now, or did you ever have in Israel general agencies or head offices for your Middle Eastern operations?

4. Have you ever granted the right of using your patents, trademarks, copyrights, etc., to Israeli persons or firms?

5. Have you ever owned shares or any other interest in Israeli firms or businesses?

6. Have you ever rendered any consultative services or technical assistance to an Israeli firm or business?

7. Do you now or did you ever represent any Israeli firm or other business in your country or elsewhere? In case you did in the past, or do now, please furnish us with the names and addresses of such Israeli firms or businesses.

8. Do you have a branch of yours in Israel? In case you have, please define the relationship of such branch with your company.

If, in the light of the answers to the said questions, it turns out that you have any dealings with Israel in the aforementioned forms, then, under the Israel boycott regulations, now in force in all Arab countries, the name of your firm will be blacklisted in all these countries. Consequently, you will be denied access to the extensive Arab markets and all transactions with your business will be banned.

We earnestly hope that you will choose to keep your commercial relations with the Arab countries in good standing, rather than to impair your free access to the Arab markets. If you adopt this course, then you will have to repudiate any standing agreement between your firm and any Israeli firm or business in the aforementioned forms. You will also have to furnish us with documentary evidence to this effect, including copies of all such revoked agreements and certified copies of the instruments of repudiation.

In this connection, we would like to draw your attention to the noteworthy fact that, under the effective Israel boycott regulations, failure to submit the required declaration within a period not to exceed October 31, 1961, will automatically lead to taking action against your firm as provided for by the said regulations.

Finally, we do hope that you will extend sympathetic understanding of the compelling considerations which render these measures mandatory. It is also our sincere hope that you will find it appropriate to maintain your commercial relations with the Arab countries.

Very truly yours,
Dr. ABDUL KARIM EL-A'IDI,
Commissioner General.

AUGUST 14, 1961.

To the Department of State.
Hon. DEAN RUSK,
Secretary of State.

MY DEAR MR. SECRETARY: I should appreciate it very much if you would look into the outrageous situation revealed by the enclosed letters. The enclosed letters from Dr. Abdul Karim el-A'idi, Commissioner General of the Central Office for the Boycott of Israel, and from the Director General of Customs at Kuwait, are clear proof of a deliberate attempt to discriminate against American firms and American businessmen who do business or conduct any operations in the State of Israel.

I should like very much to know what kind of action the State Department will take to protest these letters and to assure that American citizens are not further disturbed in the future by such blatantly discriminatory treatment as these letters threaten.

Very sincerely yours,
KENNETH B. KEATING.

SEPTEMBER 14, 1961.

From the Department of State.

The letter sent from the Kuwait boycott office under date of June 1960 is similar in nature to a number of letters sent by that office last year to American firms. The Department took up the matter directly with the Kuwaiti authorities and was able to effect a cessation of this practice.

The more recent letter under date of July 1961 comes from an office especially constituted by the Arab governments for coordination of Arab boycott procedures. This office has no international standing except among the governments which sponsor it. As you know, the U.S. Government does not in any way recognize the Arab boycott and the Department considers that it would be a step in derogation of our policy were we to register official protests or otherwise intercede with this office.

The Department has made clear directly to the Arab governments concerned its disapproval of boycott regulations, particularly as they provide for discriminatory actions which adversely affect American firms and citizens. Let me assure you that our Government will continue such endeavors as seem most effective and consistent with our national interest in pressing for an end to these practices. We continue, of course, to search for means whereby progress may be achieved toward resolution of the underlying Arab-Israel conflict, of which the Arab boycott is an undesirable outgrowth.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEATING. I yield, with the permission of the Senator from Minnesota.

Mr. McCARTHY. I yield 1 minute to the senior Senator from New York.

Mr. JAVITS. My colleague from New York raised this issue again. I am glad he has done so. It should be raised again and again. We approved certain resolutions in the Senate, the well-known Keating-Douglas resolution, with respect to freedom of international waterways, and the Morse-Javits resolution, with respect to nondiscrimination. Nonetheless, our Government does not seem to have the diplomatic initiative, energy, or means to honor the clear intent of Congress and the clear mandate of the Constitution and the clear policy of our country, going back to its very beginning.

I am delighted that he has pursued this subject. I am glad that he has raised it today. All of us must put all the force and power we possess behind the Department of State. I agree with my colleague that it is inconceivable that American business interests should be submitted to what is equivalent to what the Barbary pirates did to us many years ago. Yet we cannot seem to find it possible diplomatically to move in some way against this situation.

Mr. KEATING. I thank my colleague for his support of this position. He is absolutely correct.

AMENDMENT OF SECTION 6(A) OF VIRGIN ISLANDS CORPORATION ACT

Mr. ANDERSON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 4750.

The PRESIDING OFFICER (Mr. METCALF in the chair) laid before the Senate a message from the House of Representatives announcing its disagree-

ment to the amendment of the Senate to the bill (H.R. 4750) to amend section 6(a) of the Virgin Islands Corporation Act and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ANDERSON. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ANDERSON, Mr. JACKSON, Mr. CARROLL, Mr. DWORSHAK, and Mr. KUCHEL conferees on the part of the Senate.

STABILIZATION OF MINING OF LEAD AND ZINC BY SMALL DOMESTIC PRODUCERS ON PUBLIC, INDIAN, AND OTHER LANDS

Mr. ANDERSON. Mr. President, with the approval of the majority leader and the minority leader, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 1747.

Mr. RUSSELL. Mr. President, will the Senator from New Mexico state the nature of the bill?

Mr. ANDERSON. It is a bill relating to the production of lead and zinc. The Senate Committee on Interior and Insular Affairs reported the bill with a tariff provision. At the request of the able Senator from Virginia [Mr. BYRD], the chairman of the Committee on Finance, the bill was referred to that committee. The Committee on Finance moved that the tariff provisions be stricken and that the bill be placed in the same form as the House bill.

I am about to move that the House bill be substituted for the Senate bill.

Mr. RUSSELL. I have no objection.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1747) to stabilize the mining of lead and zinc in the United States and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. JAVITS. Mr. President, reserving the right to object, there is a bill which seeks to restrict the imports into the United States of lead and zinc. Is this bill concerned with that subject?

Mr. ANDERSON. No. I hope I have answered the Senator correctly. This is a bill which is designed to provide some assistance to small producers of lead and zinc. Attached to it was a provision relating to a tariff. In view of the fact that the Committee on Finance rejected the section of the bill which related to the tariff, I am seeking to fulfill an agreement with the House to include the provisions of the House bill, which the House has previously accepted.

Mr. JAVITS. The assistance the Senator speaks of is not assistance involving increased tariffs, quotas, or other restrictions on imports?

Mr. ANDERSON. That is correct; it is assistance to producers.

Mr. JAVITS. It provides for payments to domestic producers?

Mr. ANDERSON. That is correct.

Mr. DWORSHAK. Mr. President, will the Senator from New Mexico yield?

Mr. ANDERSON. I yield.

Mr. DWORSHAK. Does the bill eliminate the features which were added by the Senator from New Mexico in the Committee on Interior and Insular Affairs?

Mr. ANDERSON. Yes. The Senator from Idaho is in the same position as I am and as are some other Senators from Western States. The bill provides primarily assistance to small producers, and omits the tariff provision.

The House has reported favorably the Baker bill, which provides a system of tariffs. That bill has been favorably reported by the Committee on Ways and Means. We believe it will pass the House and come to the Senate in the next session, thereby giving us an opportunity to deal with the question of tariffs.

Mr. DWORSHAK. In the meantime, no relief will be provided for the lead and zinc industries throughout the United States?

Mr. ANDERSON. Provision will be made for assistance to small producers of lead and zinc. The bill will not do the job which the Senator from Idaho, the Senator from New Mexico, the Senator from Montana, and other Senators hope to accomplish. However, the Senator from Idaho, who served with me in the House of Representatives, recognizes that the House still insists upon its right to originate revenue bills. This subject involves revenue; and the Baker bill will, I hope, come to us from the House containing revenue provisions.

Mr. DWORSHAK. Is it not entirely possible that the provisions of the bill may not solve the entire problem, so far as the domestic lead and zinc industries are concerned, and that even in the next session of Congress we may face a situation which is more complicated and more complex than the one we face today?

Mr. ANDERSON. I can only give the able Senator from Idaho my best judgment. I hope we shall not. I am very hopeful that the committees of the House will continue to act favorably upon the tariff provision contained in the Baker bill; that that bill will come to the Senate; that the Committee on Interior and Insular Affairs and the Committee on Finance will favor it in the Senate; and that we may get action on the bill in that way. It is a question of judgment. The Senator from Idaho and I have been active in this field for a number of years. I hope someday we shall eventually be successful.

Mr. DWORSHAK. The Senator from New Mexico is vitally interested in the overall problem affecting the stability of the domestic minerals industry. It has been traditional for many years that the Department of State has been irrevocably opposed to quotas, particularly to tariffs, which are essential to safeguard the domestic minerals industry. What assurances has the Senator from New Mexico that this administration will overcome the traditional objections of the State Department professionals, and in the next session of Congress will approve any legislative proposal which will provide the tariff protection which is essential to make possible full employment and profitable operation in the lead, zinc, and mineral industries?

Mr. ANDERSON. I do not know what position will finally be taken; but the Committee on Ways and Means, by an overwhelming majority, reported a tariff bill which contained somewhat different figures than the Senate bill, which the able Senator from Idaho helped to draft, but still carried the tariff provision. The fact that that bill was strongly supported in the House leads me to believe that the administration must have favored it and will favor the bill when it comes to the Senate. That is my hope. It is only a hope. I hope it will materialize.

Mr. DWORSHAK. What is the prospect for revising the quotas which were to be imposed upon the imports of lead and zinc about 3 years ago? Would this bill affect the status of those quota limitations?

Mr. ANDERSON. This bill would not. We hope a bill will finally clear the Committee on Interior and Insular Affairs and the Committee on Finance.

Mr. DWORSHAK. As I recall, we imposed a 20-percent restriction on imports of lead and zinc.

Mr. ANDERSON. I am not certain as to the exact amount.

Mr. DWORSHAK. That restriction would not be affected by this bill?

Mr. ANDERSON. It would not be affected by this bill.

Mr. DIRKSEN. Mr. President, will the Senator from New Mexico yield?

Mr. ANDERSON. I yield.

Mr. DIRKSEN. In summary, as I understand what is before us, the lead and zinc industry is indispensable to the country, to its industries, and to its defenses. The industry is presently in a poor condition because of foreign competition. There is real difficulty in imposing quotas, import taxes, and so forth, largely because of a substantial difference of opinion about the likelihood that some general policy will be adopted after the first of the year.

Mr. ANDERSON. That is correct.

Mr. DIRKSEN. Therefore, it is proposed that as regards this industry, which now is in some difficulty, and particularly its small producers, we provide that the lead producers shall receive a subsidy equal to 75 percent of the difference between the market price and 14½ cents a pound, and that the zinc producers shall receive a subsidy equal to 55 percent—to keep them alive and afloat. That is the substance of the bill, as I understand it.

Mr. ANDERSON. Yes. I wish to say to the Senator from Illinois that this measure does not go as far as he would like it to go or as far as the able Senator from Idaho [Mr. DWORSHAK] would like it to go, and certainly it does not go as far as the able Senator from Utah [Mr. BENNETT] would like it to go; but it is the best we can get at this time.

Mr. DIRKSEN. I understand.

Mr. AIKEN. Mr. President, will the Senator from New Mexico yield?

Mr. ANDERSON. I yield.

Mr. AIKEN. The discussion in regard to lead and zinc and the necessity of providing assistance to domestic producers leaves me a little puzzled. On

the day when the committee reported the bill for the relief of domestic lead and zinc producers through a guaranteed price, the Secretary of Agriculture announced that a barter "deal" had been made, whereby surplus farm commodities—primarily wheat—would be sold to Asiatic countries, which would pay for the wheat with 100,000 tons of lead and zinc, to be sent to this country from, I believe, Canada and Mexico—two good friends of ours. But, as I understand, the lead and zinc which will be shipped into the United States under the barter deal will not be subject to tariffs or to quotas. I wonder whether the Senator from New Mexico can discern any conflict of purpose between the Government agencies and also the Congress, when one of them is attempting to protect the domestic producers of lead and zinc, whereas the other Government agency is making a deal to bring in 100,000 tons of additional lead and zinc under preference arrangements, whereas I understood that the troubles of the domestic producers were largely due to excessive imports. Just what is the situation, and what should be done about it?

Mr. ANDERSON. The 100,000 tons of lead and zinc are coming into this country under a barter arrangement; and that is a matter which I vigorously opposed, and still oppose, and I still think it is a bad arrangement. However, it will succeed in skimming off from countries which are importers into this country 100,000 tons of lead and zinc which are to go into a stockpile, where they will not enter the market.

Mr. AIKEN. They will just be held over the market, will they not?

Mr. ANDERSON. Yes, they will be held over the market. I do not like that; and the Senator from Vermont knows my theories well enough to know that I do not like it. I criticized it at the time; but the arrangement was made.

I say I do not believe it will help us or hurt us to have this lead come in, but it is no solution to our problem.

The bill now before us is a slight solution of some of our troubles, but it does not go as far as it should go. But at least it will be of some assistance, and it may lead to better things in the future.

Mr. AIKEN. I asked the question because there seemed to be a conflict of purposes, and I assume that the Federal Government has a right hand and has a left hand, and that sometimes there is very little communication between the two. In that connection I have in mind the lead and zinc situation under which we have the passage of this bill by the House and the announcement that 100,000 tons of additional lead and zinc are to be brought into the United States under preference conditions. Those announcements came within 2 hours of each other over the wire services.

Mr. ANDERSON. I wish to say they confused me as much as, or more than, they confused the Senator from Vermont.

Mr. AIKEN. Mr. President, if the Senator from New Mexico is confused, too, I feel much better than I did before.

Mr. ANDERSON. I thank my able friend.

Mr. BENNETT. Mr. President——

Mr. ANDERSON. I yield.

Mr. BENNETT. Mr. President, when the proper time comes, I wish to obtain the floor in my own right, and then to offer an amendment to the bill. I shall wait until that point is reached.

Mr. ANDERSON. Very well.

Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of House bill 84, to stabilize the mining of lead and zinc by small domestic producers on public, Indian and other lands, and for other purposes, and that the Senate proceed to the consideration of that bill.

The PRESIDING OFFICER. Is there objection?

Mr. DWORSHAK. Mr. President, reserving the right to object, let me say that being a member of the minority in the Senate, I realize that I have no influence with this administration—which fact does not bother me to the slightest extent—but I also realize that the Senator from New Mexico has almost unlimited influence with this administration; and on that basis I should like to ask him whether he will give us any assurance that early in the next session the Congress will make an all-out effort to see to it that the lead-zinc mining industry receives some recognition and support from the administration, in line with the desires of the Members of the Senate from the western mining States, so that we can stabilize the lead-zinc industry, which has been in great distress for many years?

Mr. ANDERSON. I wish to say to the able Senator from Idaho—with whom I have worked for many years in connection with the very program he is talking about—that I will do the very best I can, and I hope to enlist the support of other Senators, in trying to obtain what I regard as a reasonable solution of the lead-zinc problem.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico? Without objection, it is so ordered; and the Senate will now proceed to the consideration of House bill 84, to stabilize the mining of lead and zinc by small domestic producers on public, Indian and other lands, and for other purposes.

Mr. BENNETT. Mr. President, I wish to offer an amendment. First, I wish to be sure that I am offering the amendment to the right bill. Is the Senate now considering House bill 84?

The PRESIDING OFFICER. That is correct.

Mr. BENNETT. Mr. President, I submit the amendment which I send to the desk, and ask to have stated.

ORDER FOR ADJOURNMENT TO 10:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I am happy to yield.

Mr. MANSFIELD. Mr. President, I wish to have the attention of the Senator from North Carolina [Mr. JORDAN] and the Senator from Minnesota [Mr. MCCARTHY].

Mr. MCCARTHY. Mr. President, do I still have the floor?

The PRESIDING OFFICER. Yes. The Senator from Minnesota yielded to the Senator from New Mexico [Mr. ANDERSON], to permit him to bring up the lead and zinc bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business tonight, it adjourn to meet at 10:30 tomorrow morning.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CONFERENCE REPORT ON MEXICAN AGRICULTURAL LABOR BILL

Mr. MANSFIELD. Mr. President, I wish to announce to the Senate that at 6:45 this evening the Senator from Minnesota will move that the conference report on the Mexican agricultural labor bill be laid on the table. I now ask that on the question of agreeing to that motion, the yeas and nays be ordered.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. MANSFIELD. I may say that does not require unanimous consent. I simply give this notice.

STABILIZATION OF MINING OF LEAD AND ZINC

The Senate resumed the consideration of the bill (H.R. 84) to stabilize the mining of lead and zinc by small domestic producers on public, Indian and other lands, and for other purposes.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. MCCARTHY], has yielded, to permit the consideration of the lead and zinc bill.

The amendment submitted by the Senator from Utah will be stated.

The LEGISLATIVE CLERK. In section 3 (a) at the end of the first sentence before the period, it is proposed to insert a colon and the following:

Provided, That such further limitation may be waived by the Secretary in order to avoid undue hardship in the case of any small domestic producer having no production or substantially no production during any calendar year between such dates.

Mr. BENNETT. Mr. President, this bill was written to take care of small producers who, in order to prove that they were small, had to demonstrate that they had limited production in the years between 1950 and 1960.

It happened that in my State—and I am sure the same may be true of other States—at that time some small producers were just about to get into the business of producing lead or zinc.

I have a letter from the Keystone Mining Co., of Salt Lake City, Utah, stating they have been given financial help from OME of approximately $55,000 and have spent $160,000 of their own money and were just about ready to get

into production. Obviously, they have no history, so this subsidy would not be made available to them, even though their production was within the limit set forth by the bill.

The purpose of my amendment is simple. It is permissive. It would give the Secretary power to waive the production level limitation in order to avoid undue hardship in the case of any small domestic producer having no production or substantially no production during any calendar year between those dates.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. ANDERSON. The Senator from Utah has been as stanch a friend and helper of the mining interests of the West as anyone I know. I think he understands the problems as well as anyone I know. But I think he also understands the legislative problem. If he insists on the amendment, we shall have to ask for a conference with the House. I think it would be impossible to get one. I think a small amount of help is better than no help at all.

The help provided in this bill would probably not help the miners in my State or the miners in the State of the Senator from Utah very much, but there are areas in the United States where the bill would be helpful. I hope the Senator from Utah, in an effort to help those who may get some help out of the bill, will present the amendment at some subsequent time. I cannot say his amendment is unjust or that it is not good, because it is, but I point out the problem and express the hope that he may see fit to withdraw his amendment because of the legislative situation.

Mr. BENNETT. The Senator from Utah recognizes the problems and the time of the day and the time of the week. I ask the Senator from New Mexico, as chairman of the Committee on Interior and Insular Affairs, if, in his opinion, there may be an opportunity next year to reopen the problem and consider some of the needs and problems of the miners of the type this amendment is intended to help.

Mr. ANDERSON. I tried to assure the Senator from Idaho that I hoped to do so. I assure the Senator from Utah that it is my intention, and I hope we may have his very fine cooperation in that regard.

Mr. BENNETT. Mr. President, I offer for the record, and ask unanimous consent to have printed in the RECORD, a letter from the Keystone Mining Co., of Salt Lake City, Utah, dated August 17, 1961, explaining the predicament of that company in the face of this bill, and another letter, dated August 29, 1961, from the United Park City Mines Co., of Salt Lake City, Utah.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

KEYSTONE MINING CO.,
Salt Lake City, Utah, August 17, 1961.

Senator WALLACE F. BENNETT,
U.S. Senate, Washington, D.C.

DEAR SENATOR BENNETT: Under the law which created the Office of Federal Exploration, the Keystone Mining Co. and partnership of the United Park City Mines Co. made application to the OME and received therefrom $55,855, and have spent an additional amount of approximately $160,000, and have developed a body of low grade ore.

Being a small mine we are naturally very much interested in the proposed small mine bill, which has been favorably reported on by the House Interior Committee. However, I have been advised that an amendment was made to the bill "limiting subsidies to the maximum average tonnage produced by miners in recent years."

Inasmuch as we have not mined for many years and have but recently gone into the area in the Park City district with exploratory work only, we, of course, have no record of production behind us, except many, many years ago when we had considerable production.

Now I take it, under the new law which is proposed, inasmuch as we have no prior production in recent years, that we would be deprived of the benefits of the bill. If this provision is allowed to stand, it would do exactly opposite to what the OME legislation endeavored to encourage; that is, the exploration of the new ore bodies.

Can I not therefore ask you to put before the committee when discussing the legislation, the plight of a mine such as ours, where having discovered an ore body we are now unable to mine it, as we have no earlier production (only such prior production that was produced during exploration work) upon which to base a quota.

Sincerely,
KEYSTONE MINING CO.,
CLARENCE BAMBERGER, *President.*

UNITED PARK CITY MINES CO.,
Salt Lake City, Utah, August 29, 1961.

Re lead-zinc mining legislation S. 1747 and H.R. 84.

Hon. WALLACE F. BENNETT,
U.S. Senate, Washington, D.C.

DEAR SENATOR BENNETT: Most independent lead-zinc miners here in the West were surprised and disappointed to learn that the Senate Interior Committee has amended S. 1747 so that it now contains the watered down provisions of H.R. 84, as consideration for small mines subsidy.

Many of us have solicited governmental exploration aid through DMEA or OME and, with matching funds, have developed ore bodies. Since we have little or no production record, section 3(a) of H.R. 84 excludes us from participation in benefits that are designed so the small miner may get the return of his investment and repay the Government. We cannot do this at present metal prices.

Section 3(a) of H.R. 84 states: "Subject to further limitations that no producer may be paid in any such calendar year for an amount in excess of his maximum production during any calendar year between January 1, 1950, and December 31, 1960." Keystone mine and the Judge mine of the Park City district are examples of mines which have developed ore bodies with governmental exploration aid and have little or no production record.

When the Senate considers H.R. 84 as a single bill after it moves through the Senate Interior Committee (it has been passed by the House of Representatives), or when S. 1747 is considered on the floor of the Senate, this same discriminatory requirement of a production record should be corrected. It would seem strangely unfair that one small mine would be denied assistance because it could not afford to mine its ore body at current low metal prices, while its neighbor, which could afford to establish a production record, was given the maximum benefit of aid.

S. 1747 contains a provision that the small mine subsidy be paid from import taxes on foreign metal. If, for no other reason, all domestic producers should be able to participate equally in the subsidy provisions, if they qualify as a small producer.

The CONGRESSIONAL RECORD for August 24, 1961, contains undeniable evidence that the domestic lead-zinc mining industry should be lifted from its present predicament. We respectfully ask that you do everything you can to pass S. 1747 for a long-range solution to the lead-zinc mining problem, but to correct the provisions that would deny much needed, immediate, aid to many of us who need aid badly.

Sincerely yours,
UNITED PARK CITY MINES CO.,
S. K. DROUBAY,
Vice President and General Manager.

Mr. BENNETT. I recognize the problem the distinguished Senator from New Mexico poses, and will be glad to cooperate with him. I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Utah withdraws his amendment.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 84) was ordered to a third reading, read the third time, and passed.

Mr. ANDERSON. Mr. President, I ask unanimous consent that Senate bill 1747 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KERR. Mr. President, I move that the vote by which H.R. 84 was passed be reconsidered.

Mr. ANDERSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERR. Mr. President, will the Senator yield 1 minute to me?

Mr. McCARTHY. I yield.

Mr. KERR. I express my sincere and deep gratitude, not only to the chairman of the Committee on Interior and Insular Affairs [Mr. ANDERSON], but to the Senator from Utah [Mr. BENNETT], the majority leader [Mr. MANSFIELD], the minority leader [Mr. DIRKSEN], and to every other Member of the Senate who has made it possible for this bill to be passed. As has been made clear, while it is far from being an adequate solution to the problems of the lead and zinc mining industry, it is beneficial to a high degree to many small producers; and the mining people and interests in Oklahoma are grateful to the Senator from New Mexico and the other Senators who made it possible for this bill to be passed.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Oklahoma.

Mr. MONRONEY. I also join my senior colleague in expressing appreciation for this very much needed emergency legislation which represents an effort to save the small business component of the lead and zinc mining industry. It will permit a recovery of the investment of human resources—the many thousands of man-hours of labor that have gone into gouging out the small mines which are worked by small businessmen with

very few employees. It will permit the salvaging of large amounts of lead and zinc ores that otherwise would be lost. Unless these mines are pumped and kept water free, they cave in and we lose forever to posterity the advantage of those natural resources. The bill will not cure all of the ills of the zinc and lead mining industry, but it will certainly help keep some of the industry in business. I am grateful to the Senator from New Mexico for his favorable consideration of the bill. It could not have been passed without his support.

Mr. ANDERSON. I thank both Senators from Oklahoma for their kind remarks.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1440. An act to amend the act approved July 14, 1960 (74 Stat. 526), relating to the establishment of a register in the Department of Commerce of certain motor vehicle operators' licenses; and

S. 2295. An act to amend the act entitled "An act for the organization, improvement, and maintenance of the National Zoological Park," approved April 30, 1890.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H.R. 2732. An act to amend section 303 of the Career Compensation Act of 1949 to provide that the Secretaries of the uniformed services shall prescribe a reasonable monetary allowance for transportation of house trailers or mobile dwellings upon permanent change of station of members of the uniformed services; and

H.R. 8765. An act to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6775) to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6845) to amend title 14 of the United States Code to provide for an expansion of the functions of the Coast Guard.

ENROLLED BILL SIGNED

The message further announced that the Speaker pro tempore had affixed his signature to the enrolled bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower, and it was signed by the Vice President.

MEXICAN FARM LABOR PROGRAM—CONFERENCE REPORT

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended.

Mr. McCARTHY. Mr. President, as the majority leader has announced, at 6:45 p.m. I will offer a motion to lay the conference report on the table. I shall do so because I hope to save the time of the Senate and prevent a prolonged debate of this particular issue.

I think consideration of this program should be put aside, at least until the beginning of the next session of Congress in January. This program should be improved at least to the degree in which it was approved by the Senate, after almost a full day's debate. Before we debated it in the Senate, action was taken on it by the subcommittee and the full Committee on Agriculture and Forestry. As a result very minor improvements in the program were recommended, one having to do with the employment of Mexican nationals in the operation of power-driven machinery; and, second, having to do with their employment in nonseasonal work.

The position of the committee was that some limitation, some tightening up, was necessary regarding the employment of Mexican nationals in these two general areas.

On the basis of the record established, there had been abuses. The Secretary of Labor and those responsible for administering the program expressed the opinion that this tightening up would be helpful to them in efforts to keep Mexican nationals employed at the kind of work originally intended.

The committee also reported an additional provision, section 505, which was in the nature of an improvement of the basic program. The committee report provided that American farmworkers could not be employed in the same kind of work in which Mexican nationals were being employed, unless the Americans were paid as much as the Mexicans were being paid. That was an advance. I suppose that was the first time we had established a minimum wage in agriculture for American workers.

Under the existing law and the agreement with Mexico, American employers or growers who use Mexican national workers must pay at least 50 cents an hour to the Mexican nationals who are brought into this country under that law. However, the employers are not required to pay 50 cents an hour to American migrant or nonmigrant workers who are employed in the same kind of work.

We had testimony to the effect that in certain areas of the country Mexican nationals employed in this type of work were paid 50 cents an hour minimum under the agreement with Mexico but Americans employed in the same type of work were earning only 30 cents an hour. The committee evidently felt that Americans should be paid as much as was being paid to Mexicans.

This section removed by the adoption of the amendment which I offered during the debate in the Senate. My amendment proposed that Mexican nationals employed in this country be paid at least 90 percent of the average farm wage in the State or in the Nation whichever was lower.

The purpose of the proposal was to establish a new standard for determining wages paid to Mexicans brought into the United States as agricultural workers. Under existing law they must be paid the prevailing wage in the area for the same kind of work.

There is a standard existing today. My amendment would have improved that standard and would have gone a small way toward making the growers who sought to employ Mexican nationals at least bid against the average wage for farmworkers in the State or in the Nation, whichever average was lower.

My amendment was not accepted in the conference. Section 505, which the amendment had replaced, was not accepted, of course, because it was no longer in the bill.

Beyond that, the conference backed up even in respect to two very limited provisions which were left. One, in regard to limiting employment to seasonal work, was retained; but the other, having to do with the employment of Mexican nationals for the operation of machinery, was modified to such an extent that in my judgment it will be practically ineffective.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from North Carolina.

Mr. JORDAN. The point the Senator has brought out about the workers being employed in the operation of machinery is the thing some object to now. I point out to the Senator that if the conference report is agreed to the language of the law with respect to offering domestic workers comparable wages will remain. That language provides that no Mexican workers may be employed in any area unless comparable wages are offered to domestic workers.

Mr. McCARTHY. Has section 505 been restored?

Mr. JORDAN. This language is in the existing law.

Mr. McCARTHY. Section 505 is not in the existing law.

Mr. JORDAN. I shall read the language for the Senator.

No worker recruited under this program shall be available for employment in any area unless the Secretary of Labor has determined and certified that—

(1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed, (2) the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed, and (3) reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work

comparable to those offered to foreign workers.

Mr. McCARTHY. I understand. That is language in the existing law.

Mr. JORDAN. That language would remain in the law.

Mr. McCARTHY. There was some new language in section 505, somewhat more specific, which was not retained in the conference.

Mr. JORDAN. The Senator is correct. However, this language remains in the law.

Mr. McCARTHY. My reference was as to what was in section 505 as reported by the Senate committee. The language was removed during the course of debate and agreeing to amendments in the Senate.

Mr. JORDAN. The law does protect domestic workers to this extent, and this authority is still in the hands of the Secretary.

Mr. McCARTHY. The Secretary has an obligation to determine the prevailing wage, to require payment of the prevailing wage for employment in similar work, and to require employers of Mexicans to pay at least the prevailing wage.

Mr. JORDAN. That is correct. That provision is still in the law.

Mr. McCARTHY. The Senator is correct.

This program should have been improved for three or four very obvious reasons. The evidence conclusively shows that in the areas in which Mexican nationals have been employed in the greatest numbers the effect has been to depress the wages which are paid to American farmworkers.

Over the years there has been a general rise in wages paid to farmworkers. In the areas in which large numbers of Mexican nationals have been employed under contract, wages have not risen as fast as the national average, or as fast as the average in other types of employment. In some areas, overall wages averages have tended to decrease. This is the kind of evidence which it seems to me is beyond refutation. When tens of thousands of such workers are employed in an area, the effect obviously is to depress wages for American farmworkers, both migrants and residents of the area.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from North Carolina.

Mr. JORDAN. The reports from the Department of Agriculture and the Department of Labor show that the State which uses the most Mexican migrant laborers has wages which average the highest in the United States. California ranks first in the amount of labor used under this program, and the wage scale on the average is $1.24 an hour, I believe. That is the figure reported by those Departments.

In almost every case in which a State employs a large amount of Mexican labor the wage scale is high. I admit that Texas is low. The wage scale there is 77 cents an hour.

Mr. McCARTHY. Texas employs the second largest number of Mexican nationals.

Mr. JORDAN. The Senator is correct. The wage scale averages 77 cents an hour.

Mr. McCARTHY. This has some relationship to how close to the border one is. Numbers are not the only standard to be used.

With the exception of California, in regard to other States which employ large numbers of Mexican nationals, the report submitted by the Department of Labor indicates that there is a depressing effect on wages and that such employment interferes with the rise in wages characteristic of other areas of the country.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Illinois.

Mr. DOUGLAS. Is it not true that in 1952, before Public Law 78 was enacted, the average wage for migratory farm labor, both male and female, was $6.90 a day, but that in 1959 the average had fallen to $6 a day, a decrease of about 14 percent? This is virtually the only group of laborers in the country whose wages have diminished during the period involved. In other words, the result of hiring Mexican farm laborers under Public Law 78 has been a decrease in the wages for migratory labor, though the wages for every other type of labor went up during the 7-year period.

In the case of males the decrease was even more striking, from $7.35 to $6.10 per day.

Mr. McCARTHY. The Senator is quite correct. I believe those statistics are taken from the report of the U.S. Department of Agriculture, dealing with the hired farm working force for the United States for the year 1959.

Mr. DOUGLAS. The Senator is correct. The figures I quoted are from page 42.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from New York.

Mr. JAVITS. I have not yet had an opportunity to be heard in this debate. I shall not, of course, take any of the time of the Senator, except to state that I shall support the Senator on the vote.

I believe improvement is needed in the whole atmosphere of American labor, especially of agricultural labor. I have the honor to serve on the subcommittee which deals with migratory labor, along with the distinguished Senator from New Jersey [Mr. WILLIAMS]. The whole climate needs to be changed in terms of many areas, including the elementary area of union recognition.

I believe the general thrust of the Senator's activities is to endeavor to put agricultural labor, at long last, in some frame of reference with labor generally in the country. I shall support his motion.

Mr. McCARTHY. The Senator from New York is correct. That is my hope.

Unfortunately, in order to do something for American farmworkers it is necessary to use the indirect approach and to attempt to improve conditions for Mexican nationals who work in this country, in the hope that competition may force American employers to seek out American workers and give them working conditions, or at least wages, roughly comparable to those accorded to the Mexican nationals brought to the United States.

Mr. JAVITS. The Senator is rendering an outstanding service in his activity. We need specialists in the Senate who study problems carefully. I am grateful that the Senator has made this his cause. I am glad to support him.

Mr. McCARTHY. I thank the Senator from New York for his support.

A second reason why we ought to be concerned about this program is the continuous complaint and protest on the part of the Mexican Government. It may be charged that this is somewhat self-serving, and that the Mexican Government could cut off the flow of Mexican nationals, if it wished to do so, but it is a fact that the Mexican Government does complain and does protest.

A number of us visited Guadalajara in a congressional delegation last February. This was one of the points which was stressed almost continuously. It is a point of issue. We may charge that it is the fault of the Mexican Government as much as ours, but I do not know that we can resolve that kind of disagreement or that kind of charge and countercharge.

It is a fact that this program is disturbing to the Mexicans. I suggest that we should give some attention to the remarks made by the Senator from Texas [Mr. TOWER], who said that some of the growers in his State did not wish to have even the moderate change and improvement which the conference reported to the Senate today.

They say that they would rather work under the immigration law, Public Law 414, which permits the importation of nonquota immigrants for employment in work for which American workers are not available. This is a practice which is followed in some areas of the country as between growers of this country and, for example, the government of the Bahama Islands and of Jamaica. In such a case we would have an agreement between an American employer, the particular national's own government, and the national himself.

It would be supervised by the Attorney General of the United States. In such a case, if anyone were responsible for bad working conditions, it would not be our Government primarily, but the goverment of the country of the national who is brought in under contract. I suggest that that is a much better way to handle the program than to make our Government responsible, in a sense, for recruiting and providing workers for growers in the United States.

This alternative approach exists in the law and is available. It can be more effectively supervised and it does not

have the unfortunate accompanying consequence of dislocating American workers over broad areas of the United States; it is one which can be used where there is a real necessity to replace the workers who might not come in if the Mexican farm labor program were not continued. The Secretary of Labor, in answer to a letter which I sent to him requesting a statement from him as to what would happen if the program were not continued this September, sent me a letter, parts of which I should like to read. He said that he had given considerable thought to my inquiry as to the harm that might be caused to the agriculture of a community or individual growers if Congress failed to enact an extension of the Mexican labor program. He said:

> As you know, the present program expires on December 31. If the law is not extended before adjournment this year, the process of repatriation of the brazeros then employed would have to begin immediately after December 31.

They would have to return. Such a thing would not be so serious because if they are here for seasonal work, they should not be here after December 31, when the seasonal work has been completed and the ordinary seasonal processes of raising fruits, vegetables, and cotton have not yet begun. So in terms of the basic intent of the law to provide seasonal workers, such repatriation would be really consistent with the law as it has been drafted and as it should have been followed.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. JORDAN. Under the present law the Secretary of Labor has the power to do what the Senator has suggested when the Secretary of Labor finds that domestic workers are available or when the workers are no longer seasonal workers. He can send the Mexican workers back at any time he wishes to do so.

Mr. McCARTHY. The Senator is correct. The only point is that through the years it has been assumed that the law would continue, and the Department has not gone forward in the process of repatriating the Mexican workers, and it has been required to bring them back.

Mr. JORDAN. The Secretary of Labor has stated in the letter to which the Senator has referred that all the workers will be required to go home because the law will expire.

Mr. McCARTHY. The Senator is correct.

Mr. JORDAN. I have received a number of communications from employers, particularly in California and other States, who use a great deal of this type of labor. I am told that in order to finance their crop for the next season, farmers must obtain loans from bankers, who require that they have sufficient labor before they will loan the money. That is the common practice.

Moreover, my State of North Carolina does not use any migratory or Mexican labor whatsoever. The problem is not a subject of concern to my State. But from the evidence I have been able to gather, a failure to extend the law would certainly hurt many States, and would jeopardize the fruit, vegetable, and produce market of the United States, because the largest part of such products is now raised on the west coast.

Mr. McCARTHY. I should like to state two points in answer to the Senator from North Carolina. As the Senator from Texas has indicated, the farmers can work out the problem by other means to meet specific problems in their areas.

The second point is that I am not talking about a termination of the program. If that were the question, I would propose a gradual phasing out of the program. What we are talking about now is the question of whether or not there would be any great hardship if we should postpone action on this measure until January of next year in the hope that, in view of the action taken by the Senate and the House, the bill should then go to conference, and the conferees might be moved to do something more about the program.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from California.

Mr. KUCHEL. I thank my friend. I wish to make only a very brief comment. I hope that the motion to table is rejected. The Mexican farm labor program has been a source of supplemental labor for over a decade. Rather strangely, tonight in the Senate there are some who will oppose the conference report because they believe that it will give too much assistance to American farmers, while there are others who will oppose the report because they believe it provides too little.

I wish to say most respectfully to my friend from Minnesota that I objected, as he knows, to the philosophy back of the amendment which he proposed. At the same time I said that I was prepared to vote for a national agricultural minimum wage for domestic farm labor at any time that Congress has the courage to stand up and do so.

But I beg and pray of the Senate not to reject a bill which provides the American farmer with a source of supplemental labor when the Secretary of Agriculture and the Government of the United States finds it is not available domestically and after the Secretary of Labor certifies that such foreign labor will not adversely affect employment opportunities for domestic workers.

I thank my able friend.

Mr. McCARTHY. The amendment which was adopted by the Senate would not in any way have greatly affected the growers in the State of California. The wages which are being paid to migrant laborers generally in California, including Mexican nationals, are high enough for the most part so that they would not have been affected by the amendment.

Mr. KUCHEL. The Senator is correct. It is true that the people in my State pay the highest wages in the Nation for both domestic and foreign farm labor.

I merely say, however, that in my judgment, as I endeavored to note in the RECORD on September 11, the proposed legislation ought not to be a vehicle by which Congress would transfer a responsibility to the Department of Labor to set minimum wages in this field when we, quite correctly, refused to do so a few months ago in setting new minimum wages for those in the industrial and service sector of the economy.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. AIKEN. If the report is tabled, there will be regrets all around. I realize that large employers of Mexican labor do not like the bill. I realize that labor does not like the report. One side does not like it because it did not receive everything it wanted. The other side does not like the report because it would receive more than it wanted. It seems to me there is a possibility that if the report is tabled, both sides may wind up getting nothing that they wanted. So I think I shall have to vote against the McCarthy motion. Are there other sponsors?

Mr. McCARTHY. I do not know how many cosponsors I shall have.

Mr. AIKEN. I think the bill would give American labor far more than it ever had before in any Mexican farm labor program. I know that it did not get 100 percent of what it asked for. But I am sure that some of the employers do not like it because labor would get so much of what it asked for. Therefore I think I shall vote against the motion.

Mr. McCARTHY. I am distressed to learn that the Senator from Vermont will vote against the motion to table, especially on the basis of the argument that he has made.

He reminds me of an opponent I had at one time who charged that I had a 100-percent perfect record on the Democratic scorecard.

He said, "The Democrats are right half the time; the Republicans are right half the time."

Therefore, he thought I ought to have about a 50-percent record on the Democratic side. I admitted that what he said might be correct, but with a 100-percent Democratic record, he could be sure I was right half the time, whereas if I had a 50-percent record, I might have been wrong at all times.

Mr. AIKEN. The Senator from Minnesota will recall that I voted for his amendment, which would have given Mexican labor more than the amount contained in the conference report. The mere fact that we did not get 100 percent of what we asked for is no reason for our rejecting 80 percent, or whatever it is, that American labor would get in the bill and under the conference report.

Mr. McCARTHY. We asked so very little in the first place, that even if we had received 100 percent of what we had asked for, we would still have gotten only about 10 percent of what was needed. If we reduce that 10 percent by 25 percent, it does not leave us a very great achievement.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Florida.

Mr. HOLLAND. I hope the Senator from Minnesota will not insist upon his motion to lay the conference report on the table. The matter of using Mexican laborers is of no concern whatever in my State. We do not have any of them in my State. We pay our agricultural labor, as the figures advanced by the able Senator from New Jersey now on the floor indicate, well above the average and above the minimum requirements for industrial labor.

However, I remember the background of the act, which we are proposing to extend. I remember the wetback problem. I remember that the Government of Mexico protested against the old act, under which our farmers merely went across the line and recruited the laborers who were closest to the line. That was the place where there was the best employment in Mexico.

The Mexican Government wanted the right to recruit labor in areas of unemployment. As a result, the act was drafted in careful cooperation with the Mexican Government. It seems to me that it would be wrong to leave the situation such that we shall not only have a recurrence of the wetbacks, with no benefit to our domestic laborers, who do not want to perform stoop labor, and who do not show up in adequate numbers to do it when it is necessary to do it, leaving our farmers without adequate labor for this humble stoop work. That would be the result if the act were not extended.

That is what the Senator will accomplish if he insists on his motion to lay the conference report on the table and that motion is agreed to. The result will be a renewal of the wetback evil and the evil—at least it was an evil in the opinion of the Mexican Government—of our farmers recruiting labor anywhere they want to recruit it and at any price they want to pay.

I am sure the Senator from Minnesota, with his well-known record of deep interest in the welfare of people who work, does not want either of these evils to recur. However, that is what would happen if the motion to lay on the table should prevail and if, as a consequence, the bracero program should cease to exist.

Mr. McCARTHY. I thank the Senator for his comments. I am not making any argument this evening that the program should be discontinued. I am merely making a motion that the conference report be laid on the table, postponing further action on the subject until the next session of Congress, in January.

Furthermore, the action to lay on the table would serve notice on the growers that the very modest improvement in the program which was approved by the Senate is something about which we are very serious. In addition to that—and I make this as my final point before the time runs out—it would serve notice on the House of Representatives, particularly on the Committee on Agriculture, and call attention to the whole conference procedure that has been followed in this session of Congress. I do not mean to say that the Senate conferees did not speak well for us at that conference. However, the Senate voted almost unanimously to approve the committee report, and there was a majority vote in support of my amendment.

Mr. JORDAN. The Senator's amendment was carried by one vote.

Mr. McCARTHY. Yes; it was approved by one vote. A great many bills and amendments are approved by one vote. We certainly expect the conferees on the part of the Senate to represent our point of view. I believe it was James Madison who said that when a majority is reached and prevails by even one vote, that action is as sacred as though the action had prevailed unanimously.

We must not expect our conferees to go to conference and work out a ratio, by saying, "We can arrive at a solution on the basis of a vote of 41 to 40," for example, or on the basis of a vote of 75 to 25. I point out that in the House there was a vote on the question of killing the whole program. Approximately 150 Members said they did not want any program. Is this view represented by the House conferees? As I look at the membership, there was not a single House Member who was not in favor of the program. There was only one Member in the conference representing the Senate who had voted for my amendment.

I do not know how long the conferees were in conference. I have been told that it was a matter of 27 minutes, portal to portal. I do not believe that is the way to operate. At least, when we go to conference, we ought to walk slowly on the way to the conference, and very slowly on the way back, so at least 1 hour would elapse from the time we sent the conferees to negotiate for a settlement and the time they came back to the Senate to tell us that they could not do anything against the firm stand of the House of Representatives.

Mr. JORDAN. Mr. President, will the Senator yield, so that I may say a few words in defense of the conferees?

Mr. McCARTHY. I yield.

Mr. JORDAN. The conferees on the part of the Senate did speak in behalf of the Senator's amendment. There was considerable discussion in favor of it. The House conferees absolutely would not take any of it. They did recede on several points. However, they said: "This is it, or there will be no migratory labor bill this year, because we are not giving in on this point, and we will not yield on it on the House floor, either."

They refused to accept it. The House has already adopted the conference report. The biggest objection that arose on the floor from the Texas people was accepted by the Representative from Texas, and an attempt was made in conference to iron out the differences to suit everybody. I knew the result would not suit the Senator from Minnesota, because his amendment had been stricken out. We did the best we could. The people from Texas did not like what they accepted.

Mr. McCARTHY. I am sure the Senator did the best he could, but I merely say that he should have taken more time to do his best, if only for appearances. I went to one conference some time ago, and at about the time we arrived at the rotunda, one of the members of our delegation said: "I move that we recede from the position of the Senate." We had not even seen the lights on the House side when this conferee began to talk about receding.

I do not say that that is what happened in this conference. I do say that under the circumstances there is no great urgency about approving this conference report. We have the testimony of the Secretary of Labor that no great harm would be done if we waited and took another look at the question later. At least we will have served notice on the growers and on the House of Representatives that once in a while we want our position to be given a little longer consideration in conference.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, within the past few days I have received 50 telegrams and numerous other communications, principally from farmers and farm organizations concerning the bracero labor proposal now before us.

The overwhelming majority of these wires, 48 of the 50 to be specific, express opposition to the bill as it now stands.

I will not take the time of the Senate to read all of these communications, but I do wish to submit the following and ask unanimous consent that they be printed at this point in the RECORD.

I have received telegrams from the following in opposition to the bill:

Mr. Ed Dean, executive secretary, West Texas Agriculture Employers' Group, Lubbock, Tex.

Mr. Jim Bowden, president, El Paso Valley Cotton Association, El Paso, Tex.

Mr. James Gallemore, president, Reeves County Farm Bureau, Pecos, Tex.

Mr. Ed Lewis, manager, South Plains Farm Labor Association, Plainview, Tex.

Mr. Wright G. Boyd, president, Dawson County Cotton Growers Association, Lamesa, Tex.

Mr. Noel D. Debnam, manager, Inter-County Market and Growers Association, Lamesa, Tex.

Mrs. Robert Poteet, manager, Farmers Co-op Labor Association, Lamesa, Tex.

Mr. C. E. Jackson, manager, Bolynda Cooperative Labor Association, O'Donnell, Tex.

Mr. Glenn Allred, president, Western Texas Farm Labor Association, Muleshoe, Tex.

Mr. Tom Cowart, president, Valley Farm Bureau, Mercedes, Tex.

Mr. Leon M. Lane, executive manager, Valley Farm Bureau, Mercedes, Tex.

R. Crabb and 19 residents of Pecos, Tex., area.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

LUBBOCK, TEX., *September 19, 1961.*

Senator RALPH YARBOROUGH,
Old Senate Office Building,
Washington, D.C.:

Have contacted eight associations in various parts of west Texas during last 2 days.

None have changed their original position regarding extension of Public Law 78. All have indicated that they would rather have no law than to have law with present amendments attached.

ED DEAN.

EL PASO, TEX., *September 20, 1961.*
Senator RALPH YARBOROUGH,
U.S. Senate, Washington, D.C.:

Since returning to El Paso, we have double checked with numerous farmers and have yet to find opinion contrary to that expressed previously to you. We still believe the Mexican program should be terminated. We are convinced that the pleas you are getting from farmers to continue this program come from those who have not fully realized how drastically H.R. 2010 would change the law or they have not considered possible alternatives. We urge that you do everything in your power to terminate this program now.

JIM BOWDEN.

PECOS, TEX., *September 20, 1961.*
Senator RALPH YARBOROUGH,
Washington, D.C.:

We would very much appreciate it if you will vote against the Mexican labor bill today.

JAMES GALLEMORE.

PLAINVIEW, TEX., *September 18, 1961.*
Hon. RALPH YARBOROUGH,
U.S. Senator from Texas,
Old Senate Office Building, Washington, D.C.:

We represent 1,600 members through our association, South Plains Farm Labor, Plainview, Tex. As a group we are opposed to conference report on H.R. 2010, the bracero bill and would prefer to have no bracero program at all as the one with the present amendments.

ED LEWIS.

LAMESA, TEX., *September 18, 1961.*
Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

This association and its 1,500 members in 6 counties urgently request you oppose the extension of Public Law 78 with the tractor-driving exclusion on it. This will place an unbearable hardship on west Texas farmers.

WRIGHT G. BOYD.

LAMESA, TEX., *September 18, 1961.*
Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

We of this association with a membership of 300 ask that you vote against Public Law 78 with the tractor-driving amendment attached.

NOEL D. DEBNAM.

LAMESA, TEX., *September 18, 1961.*
Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

This association representing 800 members strongly opposes passage of Public Law 78 with provision about tractor drivers attached. Would appreciate your assistance.

Mrs. ROBERT POTEET.

O'DONNELL, TEX., *September 18, 1961.*
Hon. RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SIR: As manager of Bolynda Cooperative Labor Association and representing well over 350 farmers who depend upon bracero tractor drivers, we strongly urge that you vote against H.R. 2010.

C. E. JACKSON.

MULESHOE, TEX., *September 18, 1961.*
Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

The bracero users in this west Texas area feel that the amendment that the House tacked on Public Law 78 would ruin the bracero program. We, therefore, feel we would be better off if the present program died and new negotiation for a new program was taken up.

GLENN ALLRED.

MERCEDES, TEX., *September 20, 1961.*
Senator RALPH YARBOROUGH,
U.S. Senate, Washington, D.C.

We will appreciate your efforts to defeat the present Public Law 78. The amendments are unacceptable to farm bureau.

TOM COWART.

MERCEDES, TEX., *September 20, 1961.*
Senator RALPH YARBOROUGH,
U.S. Senate, Washington, D.C.:

We urgently request that you oppose the present Public Law 78. The amendments are unbearable to farm bureau.

LEON M. LANE.

PECOS, TEX., *September 19, 1961.*
Hon. RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

If pending bracero legislation is passed, this area will immediately become a disaster area not only to farmers, but local businesses also. Please consider these facts carefully.

R. Crabb, Damon Boyd, Ira Cox, Cal Wilson, Geo. Brown, A. Hoelcher, Bill Ramsey, Black & Jensen, A. Cox, C. Kellor, O'Neal Davis, L. R. Shoemaker, Carl Cortney, Allen Tipton, Bill Tipton, John Tipton, Dan Luttrell, Lee Weatherbee, R. Marable, Blackie Huffman, Jim Ellis, Glen Ellis, Cliff S. Kelton, Frank Coleman, Bill Lee, Red Bluff, Lyn Freeman, Rodger Newbrough, Ben Burkholder, Bob Brown, Roy Kent, M. Kemph, H. Moore, Freddie Quentilla, Herb Fortenberry, Carl Lasiter, Worsham Brothers, H. Calls, J. Black, J. Bohl, Tom John.

ETTER, TEX.
Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Members of this association have called not in favor of passing Public Law 78 with rider. Due to the industrial activities in this area, we are not able to hire domestic labor.

NORTH PLAINS FARMERS & RANCHERS LABOR ASSOCIATION.

ETTER, TEX.
Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Urge you kill Public Law 78 as amended by Senate and passed by House. Absolutely no dependable help here, and Public Law 78, with rider attached, no help to us.

MORRIS HUNT.

ETTER, TEX., *September 16, 1961.*
Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

I urge you to kill Public Law 78. If this law is passed with rider attached it will be impossible for us to continue our farm operations.

O. B. THOMAS.

ETTER, TEX.
U.S. Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Urge you kill Public Law 78 as amended by Senate and passed by House. No domestic labor here and Public Law 78 with rider attached won't help us.

PAULUS SCHROETER.

ETTER, TEX.
U.S. Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Please do all that is in your power to kill Public Law 78 with rider attached. Ruins us.

SAM R. CLUCK.

ETTER, TEX.
U.S. Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Due to the industrial activities in this area we are unable to hire farm labor. Public Law 78 with rider will kill us.

GEORGE BURNETT.

PECOS, TEX.
Hon. RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Please do what you can to stop the Mexican labor law.

A. J. HOELSCHER.

PECOS, TEX.
Hon. RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.:

As a farmer of Pecos County, please stop the bracero bill now before the Senate.

WILLIAM R. RAMSEY.

MIDLAND, TEX., *September 18, 1961.*
Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Your vote to kill the bracero bill will be appreciated. We can't farm with it. We will be better off without it.

R. C. CRABB, Jr.

GRUVER, TEX., *September 18, 1961.*
Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Encourage you to kill Public Law 78.

Respectfully,

R. D. MCCLELLAN.

PECOS, TEX., *September 18, 1961.*
Hon. RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.:

The bracero labor bill in the House at present will break the Texas farmer if passed. Help us fight this.

DAMON BOYD.

GRUVER, TEX., *September 18, 1961.*
U.S. Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Agricultural economy of this county cannot survive if Public Law 78 is passed as written.

BOB CLUCK.

GRUVER, TEX., *September 18, 1961.*
U.S. Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Please exert all effort to kill Public Law 78. Essential to local agricultural economy.

J. C. HARRIS.

GRUVER, TEX., *September 18, 1961.*
U.S. Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:
Agricultural standards this area will deteriorate rapidly if Public Law 78 is passed as written.
DARRELL COOPER.

GRUVER, TEX., *September 18, 1961.*
Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:
Public Law 78 as written detrimental to agricultural economy in this area. Kill it.
DONNIE THORESON.

GRUVER, TEX., *September 18, 1961.*
Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:
If Public Law 78 is passed it will penalize farming and ranching in this area.
D. G. CLUCK.

GRUVER, TEX., *September 18, 1961.*
Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:
Public Law 78 as written will ruin irrigation farming in this county. Use your influence to kill it.
HARLEY ALEXANDER.

GRUVER, TEX., *September 18, 1961.*
U.S. Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:
Passage of Public Law 78 will ruin farming and ranching industry this area. Kill it.
LINN HART.

GRUVER, TEX., *September 18, 1961.*
U.S. Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:
Urgent that Public Law 78 be killed. Future of agriculture in this area depends on outcome.
BOBBY ALEXANDER.

GRUVER, TEX., *September 18, 1961.*
U.S. Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:
Passage of Public Law 78 as written will deplete local labor supply. Urgent need to kill it.
GENE CLUCK.

GRUVER, TEX., *September 18, 1961.*
U.S. Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:
Urge the killing of Public Law 78 as it will ruin agricultural economy of this area.
ROBERT ALEXANDER.

GRUVER, TEX., *September 18, 1961.*
U.S. Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:
Urge your influence to kill Public Law 78. Local economy cannot survive its passage.
A. R. BORT.

GRUVER, TEX., *September 18, 1961.*
U.S. Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:
Future of farming and ranching interests this area at stake. Kill Public Law 78.
NICK HOLT.

GRUVER, TEX., *September 18, 1961.*
U.S. Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:
Appreciate your influence in killing Public Law 78. Local economy can not survive if passed.
ANDY BURLESON.

GRUVER, TEX., *September 18, 1961.*
U.S. Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:
Public Law 78 will penalize farming and ranching in this area. Prevent its passage.
DEAN CLUCK.

GRUVER, TEX., *September 18, 1961.*
U.S. Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:
Request your influence to kill Public Law 78. Essential to agricultural economy this area.
DEL CLUCK.

PECOS, TEX.
Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:
Will appreciate your vote to kill the new bracero law. We can't farm under it.
CAL WILSON.

PECOS, TEX.
Hon. RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:
Do not pass bracero labor bill. Very unsatisfactory.
GEORGE BROWN.

PECOS, TEX., *September 18, 1961.*
Hon. RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:
I do not believe that farmer should have a minimum wage law. I hope you vote against the bill.
BOB JENSON.

GRUVER, TEX., *September 18, 1961.*
U.S. Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:
Market value of real estate will be affected by forced stoppage of irrigation farming if Public Law 78 is passed. Urge rejection.
J. C. CLUCK.

PECOS, TEX., *September 18, 1961.*
Hon. RALPH W. YARBOROUGH,
U.S. Senator,
Senate Office Building,
Washington, D.C.:
This bracero bill before the House at present puts the Texas farmer on the critical list if passed. Fight to kill bill.
IRA COX.

SEPTEMBER 12, 1961.
Senator RALPH YARBOROUGH,
Washington, D.C.

DEAR SIR: The Terry County Users Association called a meeting on September 11, 1961, at 8 p.m. in the Terry County Courthouse, Brownfield, Tex., to decide whether they wanted the Senate version of Public Law 78 or no bill at all.

The vote was unanimous to try and kill the bill, rather than accept the Senate version.

The names of the farmers present at the meeting are included.

Sincerely,

HOWARD HURD.

MEMBERS OF TERRY COUNTY USERS ASSOCIATION

Monroe Rowden, Brownfield, Tex.; Frank Sargent, Brownfield, Tex.; Noah Lemley, Brownfield, Tex.; Dane Qualls, Brownfield, Tex.; Guy S. Walker, Brownfield, Tex.; J. V. Gilliam, Meadow, Tex.; Joe Joplin, Brownfield, Tex.

A. A. Miller, Brownfield, Tex.; Clyde Bond, Brownfield, Tex.; L. L. Banta, Brownfield, Tex.; C. C. Faught, Brownfield, Tex.; Keith Vandiveire, Brownfield, Tex.; H. E. Hancock, Brownfield, Tex.; Jack Baccus, Brownfield, Tex.

Carrol Shultz, Brownfield, Tex.; Doyle More, Brownfield, Tex.; Claud Buckanan, Brownfield, Tex.; Vick Herring, Brownfield, Tex.; T. S. Doss, Brownfield, Tex.; Luke Baker, Brownfield, Tex.; W. S. Mize, Brownfield, Tex.

John Avara, Brownfield, Tex.; Raleigh Luker, Brownfield, Tex.; Robert White, Meadow, Tex.; Gordon Patton, Brownfield, Tex.; J. O. Farrar, Brownfield, Tex.; M. R. Paddock, Brownfield, Tex.; Hugh Clark, Brownfield, Tex.; Thomas B. Markaney, Brownfield, Tex.

Reg Martin, Tokio, Tex.; Jimmy Sherrin, Tokio, Tex.; J. W. Sherrin, Tokio, Tex.; Thurman Skains, Brownfield, Tex.; Frank Ratliff, Jr., Brownfield, Tex.; H. B. Settle, Brownfield, Tex.; T. F. Winn, Brownfield, Tex.; Tom L. Adams, Brownfield, Tex.

Lewis M. Waters, Brownfield, Tex.; J. L. Lyons, Brownfield, Tex.; Cecil Cowan, Brownfield, Tex.; Robert Hamm, Wellman, Tex.; H. L. Holleman, Brownfield, Tex.; Leon Hinson, Brownfield, Tex.; Clarence Denson, Brownfield, Tex.

George Kempson, Brownfield, Tex.; M. A. Hinson, Brownfield, Tex.; John Q. Perkins, Brownfield, Tex.; C. C. Perkins, Tokio, Tex.; Nathan Chesshir, Brownfield, Tex.; Paul Blackstock, Brownfield, Tex.; Dickie Green, Tokio, Tex.

Raymond Green, Brownfield, Tex.; Jess Dozier, Ropesville, Tex.; Earl M. Fox, Brownfield, Tex.; Earnest Latham, Brownfield, Tex.; Levere Forbus, Meadow, Tex.

W. A. Fulford, Brownfield, Tex.; Carl Hogue, Brownfield, Tex.; Earl J. Brown, Jr., Brownfield, Tex.; Gerald Meador, Brownfield, Tex.; Aubry Pryor, Brownfield, Tex.; J. F. Fulford, Brownfield, Tex.; C. A. Winn, Brownfield, Tex.

K. Lanse Turner, Brownfield, Tex.; H. L. King, Brownfield, Tex.; W. H. Holleman, Brownfield, Tex.; Victor Watts, Brownfield, Tex.; Howard Hurd, Brownfield, Tex.; Jim Foy, Brownfield, Tex.; Dewey Runnels, Brownfield, Tex.

Mr. McCARTHY. Mr. President, I thank the Senator from Texas for introducing this additional evidence of the opposition of the Texas growers to the conference report.

Mr. President, I move to lay the conference report on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. HICKEY],

the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. MCGEE], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Massachusetts [Mr. SMITH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from North Dakota [Mr. BURDICK], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. MCGEE], the Senator from Utah, [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Massachusetts [Mr. SMITH] would each vote "yea."

On this vote, the Senator from Nevada [Mr. CANNON] is paired with the Senator from Connecticut [Mr. DODD]. If present and voting, the Senator from Nevada would vote "nay" and the Senator from Connecticut would vote "yea."

On this vote, the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from New Mexico would vote "nay," and the Senator from Oregon would vote "yea."

On this vote, the Senator from Idaho [Mr. CHURCH] is paired with the Senator from Wyoming [Mr. HICKEY]. If present and voting, the Senator from Idaho would vote "nay," and the Senator from Wyoming would vote "yea."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] is absent by leave of the Senate to attend the Commonwealth Parliamentary Conference in London.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. SCHOEPPEL] are absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Connecticut [Mr. BUSH] is absent by leave of the Senate to attend the Conference of the International Fund and World Bank in Vienna.

The Senator from Kansas [Mr. CARLSON] is detained on official business.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Maryland [Mr. BEALL], the Senator from Indiana [Mr. CAPEHART], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Kansas [Mr. SCHOEPPEL] would each vote "nay."

On this vote, the Senator from Connecticut [Mr. BUSH] is paired with the Senator from Kentucky [Mr. MORTON]. If present and voting, the Senator from Connecticut would vote "yea," and the Senator from Kentucky would vote "nay."

The result was announced—yeas 34, nays 40, as follows:

[Roll 215]

YEAS—34

Bartlett	Keating	Prouty
Byrd, W. Va.	Kefauver	Proxmire
Carroll	Lausche	Randolph
Case, N.J.	Long, Mo.	Scott
Dirksen	Long, Hawaii	Symington
Douglas	Mansfield	Tower
Fong	McCarthy	Williams, N.J.
Gore	McNamara	Yarborough
Hart	Metcalf	Young, N. Dak.
Humphrey	Monroney	Young, Ohio
Jackson	Pastore	
Javits	Pell	

NAYS—40

Aiken	Ervin	Mundt
Anderson	Fulbright	Robertson
Bennett	Hayden	Russell
Bible	Hickenlooper	Saltonstall
Boggs	Hill	Smathers
Byrd, Va.	Holland	Smith, Maine
Case, S. Dak.	Hruska	Sparkman
Cooper	Johnston	Stennis
Cotton	Jordan	Talmadge
Curtis	Kerr	Thurmond
Dworshak	Kuchel	Wiley
Eastland	Long, La.	Williams, Del.
Ellender	McClellan	
Engle	Miller	

NOT VOTING—26

Allott	Chavez	McGee
Beall	Church	Morse
Bridges	Clark	Morton
Burdick	Dodd	Moss
Bush	Goldwater	Muskie
Butler	Gruening	Neuberger
Cannon	Hartke	Schoeppel
Capehart	Hickey	Smith, Mass.
Carlson	Magnuson	

So Mr. MCCARTHY's motion to lay the conference report on the table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. MANSFIELD. Mr. President, I believe it should be stated that previously it was announced that if the motion to lay on the table were rejected, that did not mean that debate on this question would come to an end. It is my understanding that debate on the conference report will continue—perhaps tomorrow morning.

Mr. DOUGLAS. I am ready to speak on it tonight.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield, so that I may endeavor to have the Senate take action on some measures to which I think there will be no objection, and which probably can be disposed of rather quickly?

Mr. DOUGLAS. Certainly.

ACQUISITION OF PATENTED MINING CLAIM ON SOUTH RIM OF GRAND CANYON NATIONAL PARK

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1021, Senate bill 383.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 383) to provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 5, after the word "any," to strike out "apex" and insert "extralateral"; in line 13, after the word "of", to strike out "thirty-five" and insert "twenty-five;" on page 4, line 11, after the word "the," to strike out "vertical boundaries of said claim, within a distance of 1,000 feet from the vertical boundaries of said claim and upon the further condition that any vein or deposit of said ore existing at this 1,000-foot limitation may be mined and removed for an additional 1,000 feet" and insert "northeast boundary of said claim, along the dip of any ore body apexing within the said claim"; in line 22, after the word "laws", to insert a colon and *"Provided further,* That nothing in this Act shall be construed to create any obligation on the Atomic Energy Commission for the purchase of uranium derived from ores removed from beyond the vertical boundaries of the Orphan Claim."

And, on page 6, after line 19, to strike out:

(c) When paid the royalty is hereby made available to the National Park Trust Fund Board which shall, in accordance with the provisions of the Act of July 10, 1935 (49 Stat. 477), as amended, invest, reinvest, retain investments, and otherwise administer the principal and the income therefrom pursuant to said Act and for the benefit of, or in connection with, the National Park Service, its activities or its service: *Provided,* That in no event may the principal derived from said royalty be expended except upon express authorization by law.

And, in lieu thereof, to insert:

(c) When paid, the royalty shall be deposited to miscellaneous receipts of the Treasury in accordance with the provisions of title 31, United States Code, section 484.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to acquire for Grand Canyon National Park certain private land strategically located inside the park on the south rim of Grand Canyon and to provide for the removal of surface structures thereon and the termination of mining activities in connection with such land which intrudes upon the rim of Grand Canyon and adversely affects the public enjoyment of the park, the Secretary of the Interior is authorized to accept on the terms hereinafter stated the conveyance of title to the Orphan Claim, a mining claim of approximately 20.64 acres patented to D. L. Hogan and C. J. Babbitt on March 23, 1906, patent numbered 43506: *Provided,* Said authority is conditioned upon the grantor releasing any extralateral rights it may have to follow under adjoining park lands any mineral discovery made on the aforesaid Orphan Claim. The grantor shall, within six months following the passage of this Act, execute to the United States deeds of conveyance of good and sufficient fee simple title to the said claim, subject to the following reservations and conditions:

(a) All mineral rights on the said claim shall be reserved to the said grantor for a period of twenty-five years, but the exercise of said rights shall be limited to underground mining.

(b) Until the close of 1966 the grantor shall be permitted to maintain and operate the Grand Canyon Inn and related cottages and facilities and may reserve for said period the customary rights to use so much

of the surface area of the claim as is necessary for mining operations.

(c) After 1966 and until the expiration of the mineral reservation the grantor shall have reserved to it the surface rights to only the following described tract of approximately three acres which is necessary to operate the said mine:

Beginning at an iron stake known as corner numbered 2 of the Orphan Claim, mineral survey numbered 2004 in section 14, township 31 north, range 2 east, Gila and Salt River base and meridian; thence north 41 degrees 03 minutes east 500 feet; thence north 60 degrees 15 minutes west 300 feet; thence south 41 degrees 03 minutes west 500 feet to the south end center of said claim; thence south 60 degrees 15 minutes east 300 feet to place of beginning, including all buildings and improvements as per survey of April 21, 1905.

(d) Any structures erected on the reserved portion of surface rights shall be no more than two stories in height and shall be so designed as to be appropriate to the region.

(e) The grantor shall be permitted to maintain and operate the present aerial tramway for not to exceed two years from the date of the conveyance to the United States; and throughout the allowable period of its mining to maintain and operate the sixty-thousand-gallon water tank; the access road across the claim to the mine area, the portal area of the present adit, and such ventilators from the mine as may be required by mine safety laws.

(f) The grantor shall be permitted to haul ore from its mining operation to such mills as directed by the Atomic Energy Commission or otherwise, over roads of the Grand Canyon National Park upon payment of use charges therefor, as agreed between the parties but reasonably calculated to provide such additional cost of maintenance of said roads, if any, as may be occasioned by such operations.

SEC. 2. (a) In exchange for the foregoing conveyance to the United States of the said Orphan Claim and the release by the owner thereof of any claims to pursue any apex rights to the ore body under park land, the grantor shall have the right for a period of twenty-five years to mine and remove on a royalty basis all uranium ore and such other metalliferous ore of commercial value as can be recovered through the shaft existing on the Orphan Claim and additional underground workings beyond the northeast boundary of said claim, along the dip of any ore body apexing within the said claim: *Provided*, Said mining and removal rights shall be limited to underground mining, which shall be conducted so as not to disturb in any manner the surface of park land or the canyon walls, except for ventilation as required in accordance with mine safety laws: *Provided further*, That nothing in this Act shall be construed to create any obligation on the Atomic Energy Commission for the purchase of uranium derived from ores removed from beyond the vertical boundaries of the Orphan Claim.

(b) The United States shall be paid a royalty for ore extracted from under Government lands pursuant to this section, in accordance with the following Uranium Percentage Royalty Schedule:

Mine value per dry ton	*Royalty percentage of mine value per dry ton*
$0.01 to $10.00	5 per centum
$10.01 to $20.00	5½ per centum
$20.01 to $30.00	6 per centum
$30.01 to $40.00	6½ per centum
$40.01 to $50.00	7 per centum
$50.01 to $60.00	7½ per centum
$60.01 to $70.00	8 per centum
$70.01 to $80.00	8½ per centum
$80.01 to $90.00	9 per centum
$90.01 to $100.00	9½ per centum
$101.01 or more	10 per centum

"Mine value per dry ton" is hereby defined as the dollar value per dry ton of crude ores at the mine as paid for by the Atomic Energy Commission or other Government agency before allowance for transportation and development; however, if the Government at any time hereafter does not establish and pay for said ores on a fixed or scheduled dollar value per dry ton of crude ores at the mine, or said ores contain salable minerals, some or all, or which are disposed of to a custom treatment plant or smelter for treatment and sale, then mine value per dry ton shall be the gross value per dry ton of said crude ore as paid for by the Atomic Energy Commission or other Government authorized agency mill or other buyer, less any allowances or reimbursements for the following specific items: (1) transportation of ores, and (2) treatment or beneficiation of ores; which specific items shall in such event be deducted from the gross sales price received from the metal content of said ores by the seller before said percentage royalty is calculated and paid.

Whenever mineral or other products are recovered which are not included in determining mine value per dry ton as defined herein, there shall be paid for such minerals or other products a royalty of 5 per centum of the gross value of such products at the mine site.

Provided, That on all ore having a mine value per dry ton of less than $50, the royalty to be paid hereunder shall not exceed 15 per centum of the grantor's net profit on such ore which shall be determined by the amount remaining from the total sales price of such ore after the payment of reasonable operating expenses, taxes, and cost depletion.

(c) When paid, the royalty shall be deposited to miscellaneous receipts of the Treasury in accordance with the provisions of title 31, United States Code, section 484.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments will be considered en bloc; and, without objection, they are agreed to.

Mr. BIBLE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement I have prepared in regard to the bill. The bill was reported unanimously from the committee.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 383 would authorize the Secretary of the Interior to accept the conveyance of title to a patented mining claim (known as the Orphan Claim) on the south rim of Grand Canyon provided that the present owner releases any extralateral rights he may have to follow a mineral discovery on the claim under adjoining park land. A condition of the transfer would permit the grantor to mine and remove on a royalty basis for 25 years all uranium ores recoverable through the existing shaft on the claim. This could include ores extending beyond the northeast boundary of the claim along the dip of any ore body apexing within the said claim. All mining activities would be limited to underground mining and the grantor would pay special use charges to haul ore from the mining operation over park roads to milling sites. The grantor would also be permitted to maintain and operate until the close of 1966 an inn and related cottage facilities.

NEED

The Orphan Claim was patented in 1906 before the Grand Canyon National Park was initially established in 1908 as a national monument. This claim represents a critical inholding in the park inasmuch as 4 acres of the claim lie on the rim of the Grand Canyon and 16 acres "hang over" or are on the wall of the canyon. The claim intrudes on the scenic integrity of the Grand Canyon and its surface use constitutes a serious impairment to preservation and enjoyment of the park. Two acres of the tract on the rim are the site of the Grand Canyon Inn and motel cabins which were privately developed in recent years. The enactment of the reported bill would eliminate the existing incompatible uses and future threats could not materialize. Uncontrolled mining operations pose as large a threat to park activities as do the present adverse surface uses. Both problems are met by the procedures called for in S. 383.

The Orphan Claim is owned by Western Gold & Uranium, Inc., and the company's claim to extralateral rights to mine and remove uranium ore at depth beyond the boundaries of its claim into adjacent national park lands does represent a justifiable controversy. The complex legal issues underlying the controversy are explained in the report of the Department of the Interior which appears below S. 383 provides for the entering into of an agreement between the Department of the Interior and the corporation which is satisfactory to both parties and which will obviate the need for expensive and likely very protracted litigation. The committee unanimously recommends the enactment of this legislation.

AMENDMENTS

The committee has adopted an amendment recommended by the Department of the Interior and the Atomic Energy Commission designed to avoid a misconstruction of the bill which could affect the Commission's contractual relationships with the grantor.

Aside from perfecting amendments, other amendments adopted would change the period for mining operations within the claim from 35 to 25 years, which is the limited term for mining at depth outside the claim; limit mining operations at depth beyond the claim's boundaries to those ore bodies apexing within the claim; and direct all royalty payments to be deposited as miscellaneous receipts rather than in the national park trust fund as was originally proposed.

The PRESIDING OFFICER. The question now is on the engrossment and third reading of the bill.

The bill (S. 383) was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BIBLE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. LAUSCHE. Mr. President, what bill has the Senate been acting on?

Mr. MANSFIELD. Senate bill 383, to provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park. The bill was reported unanimously from the committee, and I understand there is no controversy in regard to the bill.

MID-STATE RECLAMATION PROJECT, NEBRASKA

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 866, Senate bill 970.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 970) to authorize the Secretary of the Interior to construct, operate, and maintain the mid-State reclamation project, Nebraska, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, after line 20, to insert a new section, as follows:

SEC. 3. The interest rate used for computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest bearing features of the project shall be determined by the Secretary of the Treasury as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due or callable for redemption for fifteen years from date of issue.

And, on page 3, after line 4, to insert a new section, as follows:

SEC. 4. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to construct, operate, and maintain in accordance with the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto) the Mid-State Federal reclamation project, Nebraska, for the principal purposes of furnishing a surface irrigation water supply for approximately one hundred and forty thousand acres of land, aiding in the replenishment of the ground water supply of the area for domestic and agricultural use, controlling floods, conserving and developing fish and wildlife, and producing hydroelectric power. The principal works of the project shall consist of a diversion dam on the Platte River, a main supply canal, an interconnected reservoir system, hydroelectric power facilities, wasteways, pumps, drains, canals, laterals, distribution facilities, and related works, including, on a nonreimbursable basis, minimum basic recreational facilities.

SEC. 2. The Mid-State project shall be integrated, physically and financially, with the other Federal works in the Missouri River Basin constructed or authorized to be constructed under the comprehensive plans approved by section 9 of the Act of December 22, 1944 (58 Stat. 891), as amended and supplemented, and shall be a unit of the Missouri River Basin project therein approved and authorized, and the authorization for the appropriation of funds for the accomplishment of the works to be undertaken by the Secretary of the Interior under said authority shall extend to and include funds for the construction of the Mid-State project.

SEC. 3. The interest rate used for computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest bearing features of the project shall be determined by the Secretary of the Treasury as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due or callable for redemption for fifteen years from date of issue.

SEC. 4. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. HRUSKA. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement in regard to Senate bill 970.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HRUSKA

This bill authorizes the Secretary of the Interior to construct, operate, and maintain the mid-State reclamation project in Buffalo, Hall, and Merrick Counties in Nebraska.

Probably no irrigation project in recent years has had the thorough and expert study given the mid-State undertaking.

Those of us associated in its sponsorship have been impressed with the care and quality of the technical planning and engineering which have gone into mid-State in the years of its development.

In 1957, when the life of the district had to be renewed by popular election, the vote was about 5 to 1 in favor. More than $1 million was raised at the local level to achieve the proper planning which necessarily preceded this legislation.

The repayment rate on the mid-State project will be substantially higher than any existing Nebraska project and Nebraska's repayment rate is higher than the average in Missouri Basin States.

My colleague, Senator CURTIS, who is the introducer of this bill and whom I join in sponsorship, asked the Bureau of Reclamation to tabulate the irrigation costs and percentage repaid by water users on 16 existing projects in Missouri Basin States. Average repayment by water users for irrigation costs on these 16 is 21.1 percent. Five of the 16 projects are in Nebraska and the average repayment of these 5 is 28.4 percent.

The bill now before the Senate, if enacted, will provide a repayment by water users of 59.2 percent of irrigation costs of the mid-State project.

A second point of importance is the preservation of one of Nebraska's most vital resources—its supply of ground water. This is literally a life or death matter for Nebraska crops in the irrigation areas. The mid-State project can be of tremendous benefit in recharging the underground water supply.

This project has been sought for almost a decade. During that time, it has developed wide and popular support and understanding by the people of the area involved. Commenting editorially on the favorable action of the Senate Committee on Interior and Insular Affairs, the Lincoln Star said the announcement could be "the biggest Nebraska news of the moment."

The Senator from Nebraska shares that view. Enactment of the bill will be a great and progressive step.

Mr. CURTIS. Mr. President, a parliamentary inquiry: Has Senate bill 970 been passed?

The PRESIDING OFFICER. It has been passed.

Mr. CURTIS. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. DIRKSEN. Mr. President, I move that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

MARIA LUISA REIS (NEE) LOYS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1002, House bill 6122.

The motion was agreed to; and the bill (H.R. 6122) for the relief of Maria Luisa Reis (nee) Loys was considered, ordered to a third reading, was read the third time, and passed.

AMENDMENT OF MILITARY CONSTRUCTION ACT OF 1960 TO CLARIFY AUTHORITY TO EXCHANGE CERTAIN LANDS—BILL INDEFINITELY POSTPONED

Mr. MANSFIELD. Mr. President, I move that Calendar 1064, House bill 8924, to amend section 207 of the Military Construction Act of 1960 to clarify the authority granted to exchange certain lands owned by the United States for lands owned by the State of Oregon, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

SETTLEMENT OF CERTAIN CLAIMS ARISING OUT OF CRASH OF AIRCRAFT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1066, House bill 8958.

The motion was agree to, and the bill (H.R. 8958) to remove the present $5,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the crash of a U.S. Air Force aircraft at Midwest City, Okla., was considered, ordered to a third reading, read the third time, and passed.

WORLD ECONOMIC PROGRESS EXPOSITION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the

consideration of Calendar No. 1069, Senate Concurrent Resolution 41.

The motion was agreed to; and the Senate proceeded to consider the concurrent resolution (S. Con. Res. 41) endorsing the World Economic Progress Exposition, which had been reported from the Committee on Foreign Relations with an amendment, on page 4, after line 8, to strike out:

SEC. 2. The President of the United States and the departments and agencies of the United States Government with an interest in activities included within the subject matter of the World Economic Progress Assembly and Exposition are requested to devote such resources and personnel as may be necessary to assure that the United States Government's participation will adequately reflect the important role of our Nation in contributing to the economic growth of other nations.

And, in line 18, to change the section number from "3" to "2"; so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the World Economic Progress Assembly and Exposition is consistent with the objectives of the Government of the United States and represents a significant contribution to the objectives of the United States and to all who seek to realize a society in which men and nations can realize their potential in freedom and peace.

SEC. 2. The President of the United States is requested to issue a proclamation reciting the purposes of the World Economic Progress Assembly and Exposition and inviting participation by all concerned with international economic development.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

The preamble was agreed to.

TRANSPORTATION OF FRAUDULENT STATE TAX STAMPS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1067, House bill 1777.

The motion was agreed to; and the bill (H.R. 1777) to amend title 18 of the United States Code to prohibit the transportation of fraudulent State tax stamps in interstate and foreign commerce, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, those are all the measures I wish to have called up at this time.

ORDER OF BUSINESS—FURTHER CONSIDERATION OF CONFERENCE REPORT ON MEXICAN AGRICULTURAL LABOR BILL

Mr. JORDAN. Mr. President, there was a tentative agreement to put over until tomorrow further debate on the conference report on the Mexican agricultural labor bill, if the motion to lay the conference report on the table was rejected. However, a number of Senators have stated that they wish to have the debate on that report continued now and they wish to have final action on it taken tonight. That is agreeable to me, if it is to the majority leader.

Mr. MANSFIELD. That will be satisfactory to me, except I believe some Members may have been given the impression that no further votes would be taken tonight. But if it is agreeable, I shall be glad to enter into an agreement to have the vote on the question of agreeing to the conference report taken at a time certain tomorrow.

Mr. DOUGLAS. Mr. President, reserving the right to object, I believe this matter requires rather full debate, and I am not prepared at this time to agree to such a proposal.

U.S. PARTICIPATION IN ASSISTANCE TO CERTAIN MIGRANTS AND REFUGEES

Mr. FULBRIGHT. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives in regard to House bill 8291.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives, stating that the House had agreed to the amendments of the Senate numbered 1, 4, 5, 6, 8, 9, and 10 to the bill (H.R. 8291) to enable the United States to participate in the assistance rendered to certain migrants and refugees, and that the House disagreed to the amendments of the Senate numbered 2, 3, 7, 11, 12, 13, 14, 15, 16, 17, and 18 to the bill.

Mr. FULBRIGHT. Mr. President, I move that the Senate insist upon its amendments numbered 2, 3, 11, 12, 13, 14, 15, 16, 17, and 18, to House bill 8291, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. HUMPHREY, Mr. WILEY, and Mr. HICKENLOOPER the conferees on the part of the Senate.

ACTIVITIES OF COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as is customary at this time during a session, I wish to present a list of measures approved by the Committee on Foreign Relations. I ask unanimous consent that this list be printed at the conclusion of my brief remarks.

No mere listing can adequately portray the blood, sweat, toil, and tears, if I may use that famous phrase in this connection, of the Committee on Foreign Relations. The item prosaically listed as No. 17—Foreign Assistance Act of 1961—alone consumed the better part of 36 working days of members of the committee—in hearings, markup, floor debate, and conference.

The list does not show seven meetings with high officials of the administration, devoted to a study of the situation in Cuba. In the same category are numerous briefings by officials of our Government on other subjects of deep concern to Members of the Senate—Laos, the Congo, Berlin, the nuclear weapons test negotiations, Brazil, the Punta del Este Conference, the Vienna summit meeting, and others.

I might make mention, too, of nominations, of which 1,365 passed through the committee—68 for ambassadors, 17 for appointive positions in the State Department, 31 for U.S. representatives to the United Nations and its organs, 1,230 for positions in the Foreign Service, and other miscellaneous appointments.

I think that the Committee on Foreign Relations can be proud of the fact that it has acted on all the recommendations within its competence made by the President of the United States, with the exception of three recently received treaties.

Finally, Mr. President, I am glad to have this occasion to thank all members of the committee for their cooperation, hard work, and dedicated service throughout the year. My appreciation goes equally to the minority party members, as well as to the majority party members, because the Committee on Foreign Relations rarely records a partisan vote.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PART I. PRINCIPAL MEASURES APPROVED BY FOREIGN RELATIONS COMMITTEE AND PASSED BY THE SENATE AS OF SEPTEMBER 21, 1961

1. International Convention for the Prevention of Pollution of the Sea by Oil. Approved May 16, 1961.[1]

2. International Telecommunication Convention. Approved, September 21, 1961.[1]

3. Columbia River Basin Treaty with Canada. Approved March 16, 1961.[1]

4. Second agreement between the United States and Germany regarding certain matters arising from the validation of German dollar bonds. Approved May 4, 1961.[1]

5. Convention with Canada for avoidance of double taxation and prevention of fiscal evasion. Approved September 21, 1961.[1]

6. Convention on the Organization for Economic Cooperation and Development. Approved March 16, 1961.[1]

7. Treaty of Extradition with Brazil. Approved May 16, 1961.[1]

8. Modification of the International Load Line Convention. Approved, May 16, 1961.[1]

9. Treaty of friendship, establishment, and navigation with Belgium. Approved September 11, 1961.[1]

10. Treaty of Amity, and Economic Relations with Vietnam. Approved September 11, 1961.[1]

11. Presentation of a monument to the people of Mexico (S. 653). Passed Senate September 7, 1961.

12. Providing for annuities for widows of certain Foreign Service officers who retired prior to the effective date of the Federal Employees Group Life Insurance Act of 1954 (S. 1067). Passed Senate March 30, 1961.

13. Mutual Educational and Cultural Exchange Act of 1961 (S. 1154). Approved September 1961.[1]

14. Amendment to the Mutual Defense Assistance Control Act of 1954 (S. 1215). Passed Senate May 11, 1961.

15. Repeal of provisions prohibiting the charge for services rendered to vessels and seamen (S. 1358). Passed Senate March 28, 1961.

16. Continuing the authority of the President to utilize surplus agricultural commodities to assist needy peoples and to promote economic development in underdeveloped areas of the world (S. 1720). Approved July 20, 1961.[1]

[1] Denotes measures on which final action was concluded.

17. The Foreign Assistance Act of 1961 (S. 1983). Approved September 4, 1961.[1]

18. To provide for the establishment of a Peace Corps (S. 2000). Approved September 1961.[1]

19. To establish a Disarmament Agency (S. 2180). Approved September 1961.[1]

20. Amending the act authorizing appropriations for U.S. membership in the United Nations Food and Agriculture Organization (S. 1779). Provisions included in Foreign Assistance Act of 1961.[1]

21. To amend the Foreign Service Act of 1946, as amended to (S. 2305). Priority provisions included in Foreign Assistance Act of 1961.[1]

22. To provide for the appointment of a representative of the United States to the Organization for Economic Cooperation and Development (S. 2423). Passed Senate September 6, 1961; motion to reconsider entered.

23. To authorize acceptance of an amendment to the articles of agreement of the International Finance Corporation permitting investment in capital stock (H.R. 6765). Approved August 30, 1961.[1]

24. The Migration and Refugee Assistance Act of 1961 (H.R. 8291). Senate amended House bill H.R. 8291 on September 1961.[1]

25. Amending the act providing for membership and participation in the Inter-American Children's Institute (S.J. Res. 66). Passed Senate, March 24, 1961.

26. Extending recognition to the International Exposition for Southern California (S.J. Res. 132). Passed Senate, September 11, 1961.

27. Providing for acceptance of the Agreement for the Establishment of the Caribbean Organization (H.J. Res. 384). Approved, June 30, 1961.[1]

28. Extending through June 30, 1962, the life of the U.S. citizens commission for NATO (H.J. Res. 463). Approved, July 31, 1961.[1]

29. Expressing the sense of the Congress on Project Hope (S. Con. Res. 8). Agreed to by Senate, April 3, 1961.

30. Authorizing attendance of delegations from the Senate and House of Representatives at meetings of the Commonwealth Parliamentary Association (S. Con. Res. 29). Agreed to by Senate, July 17, 1961.

31. Relative to the relationship of the United States with the Republic of China and Communistic China (S. Con. Res. 34). Agreed to by House, August 31, 1961.[1]

32. Assistance to Senators in connection with interparliamentary activities and reception of foreign officials (S. Res. 40). Agreed to, January 31, 1961.[1]

33. To authorize a continuing study of U.S. foreign policy (S. Res. 41). Agreed to, January 31, 1961.[1]

34. Favoring the establishment of an international food and raw materials reserve (S. Res. 128). Agreed to, June 1, 1961.[1]

35. Relative to the establishment of a White Fleet designed to render emergency assistance to people of other nations in case of disaster (S. Res. 154). Agreed to, June 1, 1961.[1]

36. Authorizing attendance of a delegation from the Senate at the meeting of the Commonwealth Parliamentary Association (S. Res. 168). Agreed to, July 17, 1961.[1]

37. Endorsing the World Economic Progress Exposition (S. Con. Res. 41).

38. Four printing resolutions (S. Con. Res. 7, S. Res. 102, S. Res. 172, S. Res. 173). Agreed to by House, January 31, 1961; agreed to by Senate, March 9, and July 14, 1961, respectively.

PART II. MEASURES REMAINING TO BE ACTED ON BY COMMITTEE ON FOREIGN RELATIONS

1. Amendments to World Meteorological Organization Convention (Ex. F, 87–1).

2. Safety of Life at Sea Convention (Ex. K, 87–1).

3. Declaration to Northwest Atlantic Fisheries Convention (Ex. M, 87–1).

4. Amendment to the Convention on International Civil Aviation (Ex. N, 87–1).

5. Foreign Service Buildings Act amendments (S. 1507).

6. International Claims Settlement Act amendments (S. 1987).

7. Amendment to International Organizations Immunities Act (S. 2336).

8. New York World's Fair (H.R. 7763). Passed House, August 22, 1961.

9. Payment to the Philippine Government (H.R. 8617) (S. 2380). Reported to House August 26, 1961.

10. Reimbursement to New York City for extraordinary expenses during the 15th General Assembly (H.R. 4441, S. 475, S. 1506). Report to House, August 23, 1961.

11. Passport legislation (S. 229, S. 300, S. 1614). Executive branch position not yet ready.

12. Freedom Academy (S. 822). No executive branch reports received to date.

[1] Denotes measures on which final action was concluded.

ORDER OF BUSINESS

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

Mr. MANSFIELD. I yield for a parliamentary inquiry.

Mr. DOUGLAS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MANSFIELD. Mr. President, I wish to state that there will be no further voting tonight on a yea-and-nay basis—in other words, no rollcall votes. I understand discussion of the conference report which is pending will be continued. I would like to bring up a few bills on the calendar to which there is no objection, in an effort to clear up as much business as possible. Then I shall be willing to take my seat.

Mr. JORDAN. Mr. President, I ask the majority leader if it is correct that there will be no yea-and-nay votes on the Mexican farm labor conference tonight.

Mr. MANSFIELD. The Senator is correct, but I hope as much discussion as possible will be gotten out of the way tonight.

Mr. JORDAN. But there will be no votes?

Mr. MANSFIELD. That is correct.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DOUGLAS. I think the Senator from Montana is optimistic.

Mr. MANSFIELD. We live in hopes and die in despair, but no one can object to being hopeful.

ORGANIZATION OF THE BUREAU OF PUBLIC ROADS—MOTION TO RECONSIDER

Mr. McNAMARA. Mr. President, I enter a motion that the Senate reconsider the vote by which H.R. 8558, relating to the organization of the Bureau of Public Roads, was passed yesterday, and I ask that the papers be returned to the Senate.

The PRESIDING OFFICER. The motion to reconsider will be entered.

Without objection, the return of the papers will be requested.

PRINTING OF ADDITIONAL COPIES OF REPORT "FREEDOM OF COMMUNICATIONS"

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1072, Senate Concurrent Resolution 47.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The LEGISLATIVE CLERK. A concurrent resolution—Senate Concurrent Resolution 47—to print additional copies of report entitled "Freedom of Communications."

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Rules and Administration, with an amendment, to strike out all after the resolving clause and insert:

That there be printed ten thousand additional copies each of parts I, II, and III of Senate Report Numbered 994, Eighty-seventh Congress, entitled "Freedom of Communications", prepared pursuant to S. Res. 305, Eighty-sixth Congress, of which two thousand five hundred copies shall be for the use of the Senate, two thousand five hundred copies shall be for the use of the House of Representatives, and five thousand copies shall be for the use of the Senate Committee on Commerce.

SEC. 2. There shall be printed five thousand additional copies of each of parts IV, V, and VI of said report for the use of the Senate Committee on Commerce.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

PRINTING OF ADDITIONAL COPIES OF COMMITTEE PRINT ENTITLED "THE PUGWASH CONFERENCES"

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1073, Senate Resolution 208.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 208) to print additional copies of a committee print by the Judiciary Subcommittee on Internal Security entitled "The Pugwash Conferences."

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the resolution was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Senate Committee on the Judiciary six thousand additional copies of its committee print, entitled "The Pugwash Conferences", issued by its Internal Security Subcommittee during the Eighty-seventh Congress.

ADDITIONAL EXPENDITURES BY COMMITTEE ON APPROPRIATIONS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the

consideration of Calendar No. 1074, Senate Resolution 211.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 211) authorizing additional expenditures by the Committee on Appropriations.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the resolution was considered and agreed to, as follows:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Eighty-seventh Congress, $10,000, in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, and S. Res. 180, agreed to July 27, 1961.

ADDITIONAL EXPENDITURES FOR INVESTIGATION OF JUVENILE DELINQUENCY

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1075, Senate Resolution 212.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 212) authorizing additional expenditures for the investigation of juvenile delinquency in the United States.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the resolution was considered and agreed to, as follows:

Resolved, That section 4 of S. Res. 48, Eighty-seventh Congress, first session, authorizing an investigation of juvenile delinquency in the United States, agreed to January 31, 1961, is amended by striking out "$178,000" and inserting in lieu thereof "$198,000".

PRINTING OF ADDITIONAL COPIES OF SENATE DOCUMENT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1076, Senate Resolution 217.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 217) authorizing the printing of additional copies of Senate Document No. 41, 87th Congress, entitled "Proposed Federal Aid for Education."

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the resolution was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Labor and Public Welfare five thousand additional copies of Senate Document Numbered 41, Eighty-seventh Congress, entitled "Proposed Federal Aid for Education" (prepared by the Legislative Reference Service of the Library of Congress).

PRODUCTION OF DOCUMENTARY EVIDENCE IN CIVIL INVESTIGATIONS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1071, Senate bill 167.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 167) to authorize the Attorney General to compel the production of documentary evidence required in civil investigations for the enforcement of the antitrust laws, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 6, after "SEC. 2.", to strike out "As used in" and insert "For the purpose of"; on page 4, line 12, after the word "material", to strike out "pertinent" and insert "relevant to an antitrust investigation, he may, prior to the institution of a civil or criminal proceeding thereon, issue in writing, and cause to be served upon"; on page 5, line 2, after the word "and", to strike out "produced" and insert "made available for inspection and copying or reproduction; and"; in line 4, after the word "such", to strike out "evidence is to be delivered; and" and insert "material shall be made available"; after line 5, to strike out:

(5) specify a place at which such delivery is to be made.

On page 7, line 2, after the word "shall", to strike out "deliver" and insert "make"; in line 3, after the word "material", to insert "available for inspection and copying or reproduction"; in line 4, after the word "the", where it appears the second time, to insert "principal"; at the beginning of line 5, to strike out "specified therein" and insert "of business of such person"; in line 7, after the word "may", to insert "agree and"; in line 9, after the word "writing).", to strike out "No such demand or custodian may require delivery of any documentary material to be made—

"(1) at any place outside the territorial jurisdiction of the United States without the consent of the person upon whom such demand was served; or (2) at any place other than the place at which such documentary material is situated at the time of service of such demand until the custodian has tendered to such person (A) a sum sufficient to defray the cost of transporting such material to the place prescribed for delivery or (B) the transportation thereof to such place at Government expense." and insert "Such person may upon written agreement between such person and the custodian substitute for copies of all or any part of such material originals thereof."; on page 8, line 5, after the word "use", to strike out "by any individual who is entitled,"; in line 13, after the word "agency", to strike out the comma and "provided nothing herein shall prevent the Attorney General from making available the material so produced for examination by the Committee on the Judiciary of each House of the Congress"; on page 9, line 15, after the word "of", to strike out "Justice," and insert "Justice or"; in line 16, after the word "agency", to strike out "or any committee of the Congress,"; on page 11, line 4, after "section 3", to strike out the comma and insert "or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material,"; in line 11, after the word "of", to strike out "such demand" and insert "this Act"; in line 21, after the word "which", to strike out "the office of the custodian designated therein is situated" and insert "such person resides, is found, or transacts business,"; on page 12, line 1, after the word "demand", to strike out "The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court."; in line 7, after the word "constitutional", to insert "or other legal"; on page 13, after line 2, to insert:

(e) To the extent that such rules may have application and are not inconsistent with the provisions of this Act, the Federal Rules of Civil Procedure shall apply to any petition under this Act.

And, after line 7, to strike out:

SEC. 6. (a) Chapter 73 of title 18 of the United States Code (relating to obstruction of justice) is amended by adding at the end thereof the following new section:

"§ 1509. Obstruction of antitrust civil process

"Whoever, with the intent to avoid, evade, prevent, or obstruct compliance in whole or in part, by any person with any civil investigative demand made under the Antitrust Civil Process Act, willfully removes from any place, conceals, withholds, destroys, mutilates, alters, or by any other means falsifies any documentary material in the possession, custody or control of any person which is the subject of any such demand duly served upon any person shall be fined not more than $5,000 or imprisoned not more than five years, or both."

(b) The analysis to such chapter is amended by inserting at the end thereof the following new item:

"1509. Obstruction of antitrust civil process."

And, in lieu thereof, to insert:

SEC. 6. (a) Section 1505, title 18, United States Code, is amended to read as follows:

"§ 1505. Obstruction of proceedings before departments, agencies, and committees

"Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness in any proceeding pending before any department or agency of the United States, or in connection with any inquiry or investigation being had by either House, or any committee of either House, or any joint committee of the Congress; or

"Whoever injures any party or witness in his person or property on account of his attending or having attended such proceeding, inquiry, or investigation, or on account of his testifying or having testified to any matter pending therein; or

"Whoever, with intent to avoid, evade, prevent, or obstruct compliance in whole or in part with any civil investigative demand duly and properly made under the Antitrust Civil Process Act willfully removes from any place, conceals, destroys, mutilates, alters, or by other means falsifies any documentary material which is the subject of such demand; or

"Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which such proceeding is being had before such department or agency of the United States, or the due and proper exercise of the power of inquiry under which such inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—

"Shall be fined not more than $5,000 or imprisoned not more than five years, or both."

(b) The analysis of chapter 73 of title 18 of United States Code is amended so that the title of section 1505 shall read therein as follows:

"1505. Obstruction of proceedings before departments, agencies, and committees."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Antitrust Civil Process Act".

DEFINITIONS

SEC. 2. For the purposes of this Act—

(a) The term "antitrust law" includes:

(1) Each provision of law defined as one of the antitrust laws by section 1 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (38 Stat. 730, as amended; 15 U.S.C. 12), commonly known as the Clayton Act;

(2) The Federal Trade Commission Act (15 U.S.C. 41 and the following);

(3) Section 3 of the Act entitled "An Act to amend section 2 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended (U.S.C., title 15, sec. 13), and for other purposes", approved June 19, 1936 (49 Stat. 1528; 15 U.S.C. 13a), commonly known as the Robinson-Patman Act; and

(4) Any statute hereafter enacted by the Congress which prohibits, or makes available to the United States in any court or antitrust agency of the United States any civil remedy with respect to (A) any restraint upon or monopolization of interstate or foreign trade or commerce, or (B) any unfair trade practice in or affecting such commerce;

(b) The term "antitrust agency" means any board, commission, or agency of the United States (other than the Department of Justice) charged by law with the administration or enforcement of any antitrust law or the adjudication of proceedings arising under any such law;

(c) The term "antitrust order" means any final order of any antitrust agency, or any final order, decree, or judgment of any court of the United States, duly entered in any case or proceeding arising under any antitrust law;

(d) The term "antitrust investigation" means any inquiry conducted by any antitrust investigator for the purpose of ascertaining whether any person is or has been engaged in any antitrust violation;

(e) The term "antitrust violation" means any act or omission in violation of any antitrust law or any antitrust order;

(f) The term "antitrust investigator" means any attorney or investigator employed by the Department of Justice who is charged with the duty of enforcing or carrying into effect any antitrust law;

(g) The term "person" means any corporation, association, partnership, or other legal entity not a natural person;

(h) The term "documentary material" includes the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart, or other document; and

(i) The term "custodian" means the antitrust document custodian or any deputy custodian designated under section 4(a) of this Act.

CIVIL INVESTIGATIVE DEMAND

SEC. 3. (a) Whenever the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice, has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an antitrust investigation, he may, prior to the institution of a civil or criminal proceeding thereon, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such material for examination.

(b) Each such demand shall—

(1) state the nature of the conduct constituting the alleged antitrust violation which is under investigation and the provision of law applicable thereto;

(2) describe the class or classes of documentary material to be produced thereunder with such definiteness and certainty as to permit such material to be fairly identified;

(3) prescribe a return date which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

(4) identify the custodian to whom such material shall be made available.

(c) No such demand shall—

(1) contain any requirement which would be held to be unreasonable if contained in a subpena duces tecum issued by a court of the United States in aid of a grand jury investigation of such alleged antitrust violation; or

(2) require the production of any documentary evidence which would be privileged from disclosure if demanded by a subpena duces tecum issued by a court of the United States in aid of a grand jury investigation of such alleged antitrust violation.

(d) Any such demand may be served by any antitrust investigator, or by any United States marshal or deputy marshal, at any place within the territorial jurisdiction of any court of the United States.

(e) Service of any such demand or of any petition filed under section 5 of this Act may be made upon a partnership, corporation, association, or other legal entity by—

(1) delivering a duly executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

(2) delivering a duly executed copy thereof to the principal office or place of business of the partnership, corporation, association, or entity to be served; or

(3) depositing such copy in the United States mails, by registered or certified mail duly addressed to such partnership, corporation, association, or entity at its principal office or place of business.

(f) A verified return by the individual serving any such demand or petition setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

ANTITRUST DOCUMENT CUSTODIAN

SEC. 4. (a) The Assistant Attorney General in charge of the Antitrust Division of the Department of Justice shall designate an antitrust investigator to serve as antitrust document custodian, and such additional antitrust investigators as he shall determine from time to time to be necessary to serve as deputies to such officer.

(b) Any person upon whom any demand issued under section 3 has been duly served shall make such material available for inspection and copying or reproduction to the custodian designated therein at the principal place of business of such person (or at such other place as such custodian and such person thereafter may agree and prescribe in writing) on the return date specified in such demand (or on such later date as such custodian may prescribe in writing). Such person may upon written agreement between such person and the custodian substitute for copies of all or any part of such material originals thereof.

(c) The custodian to whom any documentary material is so delivered shall take physical possession thereof, and shall be responsible for the use made thereof and for the return thereof pursuant to this Act. The custodian may cause the preparation of such copies of such documentary material as may be required for official use under regulations which shall be promulgated by the Attorney General, to have access to such material for examination. While in the possession of the custodian, no material so produced shall be available for examination, without the consent of the person who produced such material, by any individual other than a duly authorized officer, member, or employee of the Department of Justice or any antitrust agency. Under such reasonable terms and conditions as the Attorney General shall prescribe, documentary material while in the possession of the custodian shall be available for examination by the person who produced such material or any duly authorized representative of such person.

(d) Whenever any attorney has been designated to appear on behalf of the United States before any court, grand jury, or antitrust agency in any case or proceeding involving any alleged antitrust violation, the custodian may deliver to such attorney such documentary material in the possession of the custodian as such attorney determines to be required for use in the presentation of such case or proceeding on behalf of the United States. Upon the conclusion of any such case or proceeding, such attorney shall return to the custodian any documentary material so withdrawn which has not passed into the control of such court, grand jury, or antitrust agency through the introduction thereof into the record of such case or proceeding.

(e) Upon the completion of (1) the antitrust investigation for which any documentary material was produced under this Act, and (2) any case or proceeding arising from such investigation, the custodian shall return to the person who produced such material all such material (other than copies thereof made by the Department of Justice or any antitrust agency pursuant to subsection (c)) which has not passed into the control of any court, grand jury, or antitrust agency through the introduction thereof into the record of such case or proceeding.

(f) When any documentary material has been produced by any person under this Act for use in any antitrust investigation, and no such case or proceeding arising therefrom

has been instituted within a reasonable time after completion of the examination and analysis of all evidence assembled in the course of such investigation, such person shall be entitled, upon written demand made upon the Attorney General or upon the Assistant Attorney General in charge of the Antitrust Division, to the return of all documentary material (other than copies thereof made by the Department of Justice or any antitrust agency pursuant to subsection (c)) so produced by such person.

(g) In the event of the death, disability, or separation from service in the Department of Justice of the custodian of any documentary material produced under any demand issued under this Act, or the official relief of such custodian from responsibility for the custody and control of such material, the Assistant Attorney General in charge of the Antitrust Division shall promptly (1) designate another antitrust investigator to serve as custodian thereof, and (2) transmit notice in writing to the person who produced such material as to the identity and address of the successor so designated. Any successor so designated shall have with regard to such materials all duties and responsibilities imposed by this Act upon his predecessor in office with regard thereto, except that he shall not be held responsible for any default or dereliction which occurred before his designation as custodian.

JUDICIAL PROCEEDINGS

SEC. 5. (a) Whenever any person fails to comply with any civil investigative demand duly served upon him under section 3, or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the Attorney General, through such officers or attorneys as he may designate, may file, in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this Act, except that if such person transacts business in more than one such district such petition shall be filed in the district in which such person maintains his principal place of business, or in such other district in which such person transacts business as may be agreed upon by the parties to such petition.

(b) Within twenty days after the service of any such demand upon any person, or at any time before the return date specified in the demand, whichever period is shorter, such person may file, in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, and serve upon such custodian a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this Act, or upon any constitutional or other legal right or privilege of such person.

(c) At any time during which any custodian is in custody or control of any documentary material delivered by any person in compliance with any such demand, such person may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve upon such custodian a petition for an order of such court requiring the performance by such custodian of any duty imposed upon him by this Act.

(d) Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this Act. Any final order so entered shall be subject to appeal pursuant to section 1291 of title 28 of the United States Code. Any disobedience of any final order entered under this section by any court shall be punished as a contempt thereof.

(e) To the extent that such rules may have application and are not inconsistent with the provisions of this Act, the Federal Rules of Civil Procedure shall apply to any petition under this Act.

CRIMINAL PENALTY

SEC. 6. (a) Section 1505, title 18, United States Code, is amended to read as follows:

"§ 1505. Obstruction of proceedings before departments, agencies, and committees

"Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness in any proceeding pending before any department or agency of the United States, or in connection with any inquiry or investigation being had by either House, or any committee of either House, or any joint committee of the Congress; or

"Whoever injures any party or witness in his person or property on account of his attending or having attended such proceeding, inquiry, or investigation; or on account of his testifying or having testified to any matter pending therein; or

"Whoever, with intent to avoid, evade, prevent, or obstruct compliance in whole or in part with any civil investigative demand duly and properly made under the Antitrust Civil Process Act willfully removes from any place, conceals, destroys, mutilates, alters, or by other means falsifies any documentary material which is the subject of such demand; or

"Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which such proceeding is being had before such department or agency of the United States, or the due and proper exercise of the power of inquiry under which such inquiry or investigation is being had by ether House, or any committee of either House or any joint committee of the Congress—

"Shall be fined not more than $5,000 or imprisoned not more than five years, or both."

(b) The analysis of chapter 73 of title 18 of United States Code is amended so that the title of section 1505 shall read therein as follows:

"1505. Obstruction of proceedings before departments, agencies, and committees."

SAVING PROVISION

SEC. 7. Nothing contained in this Act shall impair the authority of the Attorney General, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice, or any antitrust investigator to (a) lay before any grand jury impaneled before any district court of the United States any evidence concerning any alleged antitrust violation, (b) invoke the power of any such court to compel the production of any evidence before any such grand jury, or (c) institute any proceeding for the enforcement of any order or process issued in execution of such power, or to punish disobedience of any such order or process by any person.

Mr. KEFAUVER. Mr. President, the legislation before us is of utmost importance to the Department of Justice in its enforcement of the antitrust laws. In brief, it would give to the Department approximately the same authority which the Federal Trade Commission has had for many years to obtain documentary evidence needed in civil antitrust cases.

The Federal Trade Commission has exercised its authority to demand documents for a long period of time, and to the best of my knowledge, has had no criticisms of its use of its power.

As to the Department of Justice, as matters now stand, there are four possible courses of action which may be taken to secure information when it is believed that the antitrust laws are being violated.

First. The Department may try to obtain the cooperation of prospective violators in agreeing to supply evidence against themselves. This is obviously an unsatisfactory course in many cases.

Second. The Department may convene a grand jury and obtain evidence through use of the subpena power. This is not only a harsh method of obtaining evidence for a civil case, but also it amounts to an abuse of process of the grand jury proceedings. On this point I would cite *United States* v. *Procter and Gamble* (356 U.S. 677 (1958)).

Third. The Department of Justice could request an investigation to be made by the Federal Trade Commission. This not only entails delay, but also disrupts the orderly work of the Federal Trade Commission.

Fourth. The Department of Justice may file a civil complaint without sufficient prior information as to the extent or exact nature of the violations. This can easily result in the filing of complaints where no real case exists.

What is really needed by the Department of Justice for civil antitrust cases is a precomplaint civil discovery process where voluntary cooperation is not forthcoming. This is precisely what is provided in S. 167.

This legislation has been recommended to the Congress in the economic reports by the President for the last four Congresses. Therefore, it has wide bipartisan support.

Two bills were introduced in the 86th Congress, one by myself and one by the Senator from Wisconsin [Mr. WILEY], and the Senate adopted S. 716, with an amendment proposed by the Senator from Illinois [Mr. DIRKSEN]. Unfortunately, S. 716 was not acted upon by the House.

The legislation before us today would give to the Justice Department the authority to issue a civil investigative demand requiring any person, other than a natural person, to produce documentary material for examination whenever the Department has reason to believe that such person may have material pertinent to a civil antitrust investigation. The civil demand must be in writing and must set forth the nature of the conduct constituting the alleged antitrust violations under investigation, as well as the applicable provision of the law. The

material shall be made available for inspection and reproduction at the principal place of business of the person from which it is demanded.

The bill provides that the demand may be tested in a district court for the district in which the person designated in the demand is situated by the filing in such court of a petition for an order of such court modifying or setting aside such demand. The tests of reasonableness and privilege of civil demands is the same as the test for subpenas duces tecum.

A number of amendments to the original bill were made in both the Subcommittee on Antitrust and Monopoly and the Committee on the Judiciary. A number of these were suggested by the Senator from Nebraska [Mr. HRUSKA], and have resulted in substantial improvements in the bill.

I do not think that there is any reason to outline all of the amendments, but at least one, as originally suggested by the Senator from Illinois [Mr. DIRKSEN], should be noted: The original bill provided that the Attorney General, after demanding material under this act, might turn it over to the Committees on the Judiciary of both Houses under certain limited conditions. This provision has been stricken from the bill, because it was felt that congressional committees could obtain the same material under their subpena power where investigation warranted the obtaining of such material.

In conclusion, it is my opinion that this bill is vitally needed by the Attorney General to carry out the enforcement of the antitrust laws in an orderly fashion. If adopted, it would make it unnecessary for him to resort to either voluntary cooperation or to the use of back-door methods of obtaining evidence in civil antitrust cases.

The PRESIDING OFFICER. Without objection, the committee amendments will be considered en bloc and, without objection, they are agreed to en bloc.

Mr. DIRKSEN. Mr. President, this bill engaged the attention of the Judiciary Committee for at least 3 years, and possibly 4, to my certain knowledge. We have drafted a series of amendments to the bill which we think are acceptable and which make it at once advisable and workable, and give adequate protection to persons who might be under subpena. I think the amendments are in order. We are quite satisfied with the bill. I believe I should bestow a compliment on the distinguished Senator from Nebraska [Mr. HRUSKA] for the time and effort he has devoted to the bill. This is actually a very important bill. It has had long consideration, and it came out of the Judiciary Committee without a dissenting vote.

Mr. HRUSKA. Mr. President, this authority constitutes and will constitute an important tool in the hands of the Attorney General for the purposes for which it was designed. The Senator from Tennessee has been very tolerant and considerate in having a full consideration of the amendments which were adopted. It is the intention of Senators who considered the bill that the remedies afforded by the bill shall make it unnecessary to consider conferring additional authority on the Attorney General, as has been requested from time to time, until such time as the bill, when enacted into law, shall have been thoroughly tested and tried.

Mr. KEFAUVER. Mr. President, the Senator from Nebraska proposed a number of helpful amendments, and we appreciate his efforts in the consideration of the bill.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 167) was ordered to be engrossed for a third reading, was read the third time, and passed.

AUTHORIZATION OF PROFESSIONAL SPORTS LEAGUES TO ENTER INTO TELEVISION CONTRACTS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1068, H.R. 9096.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 9096) to amend the antitrust laws to authorize leagues of professional football, baseball, basketball, and hockey teams to enter into certain television contracts, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I should like to ask a question of the distinguished Senator from Tennessee [Mr. KEFAUVER], the distinguished Senator from Illinois, the minority leader [Mr. DIRKSEN], the distinguished Senator from Nebraska [Mr. HRUSKA], and other Senators who handled this legislation.

I have received communications from the athletic director at Montana State University as to the times allowed for showing of intercollegiate football games on TV programs. Has any protection been given to the showing of college football games on Friday nights and Saturday afternoons and evenings, in relation to time allotted to professional football games?

Mr. KEFAUVER. Mr. President, if the majority leader will yield, I and other Senators have been in touch with leaders and heads of various athletic conferences. The House bill as it has been accepted by the Judiciary Committee is satisfactory to them in that it protects colleges televising football games played in towns and cities on Friday night or Saturday, and extends the season for 2 additional weeks, through the second Saturday in December. This is what was requested.

I am not happy about any exemptions from the antitrust laws, but in view of the difficulty professional football is having, I think some relief of this kind is in order.

Mr. MANSFIELD. Am I to be assured that intercollegiate football is protected to the extent that it will have the right kind of hours on Friday night and all day Saturday?

Mr. KEFAUVER. All day Saturday.

Mr. DIRKSEN. Mr. President, if the Senator will yield, I can amplify what the Senator from Tennessee has said, because any number of representatives of the intercollegiate conferences have come to Washington and addressed themselves to this matter. They are agreeable to the bill which is before us and believe it would afford them protection.

Mr. HRUSKA. Mr. President, in more specific terms, the hours from 6 o'clock p.m. on Friday afternoon and all day Saturday are the times in which telecasts will be embraced. Professional team games will be prohibited from showing insofar as they interfere with the showing of college games unless there is express consent given by the colleges involved.

Mr. MANSFIELD. The assurance given to me from the three members of the committee who handled the legislation is assurance enough for me.

Mr. YARBOROUGH. Mr. President, when the Senator from Tennessee says all day Saturday, does he include Saturday up to midnight?

Mr. KEFAUVER. The Senator is correct; up to midnight Saturday night.

Mr. YARBOROUGH. I thank the Senator.

Mr. KEFAUVER. The season is extended through the second Saturday of December, which is also done at the request of the intercollegiate league.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 9096) was ordered to a third reading, was read the third time, and passed.

Mr. HRUSKA. Mr. President, I ask unanimous consent to have a brief statement on the bill printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The purpose of this bill is to permit professional sports leagues to deal jointly in the sale of their TV rights and, by grouping their weaker and stronger clubs and those clubs with greater or lesser home territory population, to provide equal access to television facilities and television income for all member clubs of their league. In the case of the National Football League, for example, the bill would permit the member clubs of the league acting jointly to impose upon a purchasing network the obligation to carry the "away" games of each member team of that league back to that member club's home territory. Unless this right is made available in accordance with this bill, the television fans of many member clubs of the league will in future years be deprived of the privilege of watching the games of their own home teams on television.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HRUSKA. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

THE FUGITIVE FELON ACT

Mr. MANSFIELD. Mr. President, yesterday the Senate passed H.R. 468. It was kept open for any Senator who wished to enter a motion to reconsider. None having been forthcoming, I now move that the Senate reconsider the vote by which the bill was passed.

Mr. KERR. Mr. President, I move to lay that motion on the table.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

STABILIZATION OF MINING OF LEAD AND ZINC

Mr. LAUSCHE. Mr. President, this afternoon the Senate passed H.R. 84. A motion was made to reconsider the vote by which the bill was passed, and the motion was laid on the table.

H.R. 84 was not on the calendar for today's business. A unanimous-consent request was made to discharge the committee from further consideration of the bill.

I point out that only a moment ago the majority leader stated that yesterday a bill was passed and, to make possible the filing of a motion to reconsider, further action was held over until today.

H.R. 84 provides a subsidy for lead and zinc manufacturers. In substance it is the same bill which was passed a year or two ago and vetoed by the President.

May I have the attention of the majority leader?

Mr. MANSFIELD. Yes.

Mr. LAUSCHE. About a week ago when unanimous-consent request was made to call up for consideration each day after the morning hour whatever bills might be on the calendar, I raised an objection. Later consent was granted. At that time I made an inquiry, and I was told that all the bills which might be considered would be on the calendar.

Today a bill not on the calendar was considered. The bill provides a subsidy for the mining of lead and zinc. It is in substance the same bill which was vetoed by President Eisenhower.

I was in the Chamber this afternoon and knew what was going on. I engaged in a discussion with the Senator from New York [Mr. JAVITS], and I also made some remarks on the Congo.

While the conference report on the Mexican farm labor was being discussed, some Senator must have moved to set it aside and to consider the bill with respect to lead and zinc subsidies. In my judgment, that is a very important bill. I do not think a bill not on the calendar should be called up suddenly without any knowledge of the action, with the conference report being set aside. I do not think that provides adequate opportunity for a Senator to guard against what is happening.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. MANSFIELD. What the Senator has said in large part is correct, but I point out that certain Senators from the Committee on Finance approached me earlier this afternoon and wished to know if it would be possible to consider the particular bill the Senator mentioned. The Senators wished to do so because the lead and zinc bill with a tariff amendment had been considered in the Committee on Finance, and I believe had been rejected.

I checked with the minority leader. We learned that everything was in order. Later in the afternoon the bill was considered. That was certainly not done with the idea of keeping any Senator from knowing about it, but everything was out in the open. The Senator from Minnesota [Mr. MCCARTHY] who had the floor at the time, during the debate on the conference report on the Mexican farm labor bill, was asked to yield so that there could be considered a measure to which there was no objection. The Senator from Minnesota, as usual, graciously consented.

Earlier this week, or perhaps last week, the Senator from Ohio stated that he would like to enter an objection to the consideration of any unanimous-consent request having to do with items on the calendar. I informed the Senator at that time that that was his privilege, but that I did not think he could do it on a weeklong basis, that he would have to be present to enter an objection. He said, "If I am not present, will you notify me?" I said, "I shall be glad to do so, because you are entitled to that consideration."

At that time the Senator was not against everything on the calendar, as I recall, but primarily against consideration being given by the Committee on Foreign Relations to funds for an installation at the New York World's Fair.

Later that same morning the Senator graciously withdrew his original overall objection, and allowed a request to be made whereby the leadership could have items on the calendar to which there was no objection considered every day from then on.

Mr. LAUSCHE. On the calendar.

Mr. MANSFIELD. On the calendar.

Mr. LAUSCHE. On the calendar.

Mr. MANSFIELD. So the Senator has been more than fair in his statement. It is unfortunate that the Senator was not present this evening. If he wishes to do so, of course, he has a right, as does any other Senator, to move to reconsider, if there has not been a motion to reconsider which has been laid on the table.

Mr. LAUSCHE. There has been a motion to reconsider the vote by which the bill was passed, and the motion was tabled.

I had no reason to think a measure not on the calendar would be considered. Action was taken very rapidly and a motion was made to reconsider the vote, which was tabled.

Mr. MANSFIELD. The Senator has a point.

Mr. LAUSCHE. I think the Senator from Montana will agree with me.

Mr. MANSFIELD. I agree.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. DIRKSEN. It came to my attention that there was a desire to consider the bill sometime this afternoon. As indicated, the distinguished Senator from Minnesota [Mr. MCCARTHY] was willing to have the business before the Senate set aside temporarily and for the measure to be considered.

I notified the distinguished Senator from Idaho [Mr. DWORSHAK] and he appeared in the Chamber. I notified the distinguished Senator from Utah [Mr. BENNETT], and he appeared in the Chamber.

The bill was considered. Senators had an opportunity to discuss it at considerable length. The Senator from Idaho asked many questions. The Senator from Utah offered an amendment and discussed it. I had something to say about the bill, and so did the distinguished Senator from New York [Mr. JAVITS].

There was considerable discussion of the bill. What was implied was made clearly manifest to the Senate at the time. As a consequence, the bill was passed. Senators who were in the Chamber were clearly advised of the implications and what the bill was designed to do.

I concurred in the motion to table the motion to reconsider.

It cannot be said that the Senate was not advised about the measure, because I had an opportunity to advise members of the Committee on Interior and Insular Affairs on our side of the aisle, and they responded and participated in the discussion.

Mr. LAUSCHE. Does the Senator from Illinois take the position that there is adequate notice, according to the spirit of the rules, when consideration is given to a bill which is not on the calendar?

Mr. DIRKSEN. I could answer my distinguished friend from Ohio in two ways.

For more than 25 years I have seen the adjournment fever creep in its clammy fashion over the Congress. I have seen the urgency with which Senators are assailed with respect to many measures. I know of the desire to get measures off the calendar and to pass measures which are not on the calendar.

One tries to weigh the equities as well as one can. One tries to ascertain whether the measures are controversial and whether there is objection.

Mr. LAUSCHE. Mr. President, will the Senator yield at that point?

Mr. DIRKSEN. I do not have the floor. I yield.

Mr. LAUSCHE. The Senator knows that this is a very controversial issue. The Senator knows that President Eisenhower vetoed a similar bill.

The Senator knows that the bill, except for amounts, contains the identical provisions that were in the bill of 2 years ago. It cannot be said that the bill is not controversial. But if that is

the situation, objections will have to be made to the granting of any unanimous-consent requests on any measure that comes before the Senate.

Mr. DIRKSEN. Mr. President, will the Senator yield further?

Mr. LAUSCHE. I yield.

Mr. DIRKSEN. I am not insensible to the fact that the distinguished Senator makes a point. But I am also not unaware of the fact that we deal with some real practicalities, assuming that the adjournment curtain will be rolled down at the end of this week.

We have similar problems in the Committee on the Judiciary. For example, we are supposed to give 6 days' notice in the CONGRESSIONAL RECORD before a nomination is even referred to a subcommittee. I think of nominations that we dealt with only yesterday morning. We gave to the chairman the authority to exercise his discretion, because Senators who are interested in nominations will come to us and say, "Do you insist on the 6-day rule?"

If we do, the nomination will not be considered and will not be confirmed at this session of Congress. I think those who have some authority try to be as accommodating as they can to every Senator. We must take that equity into consideration, even in connection with a bill of the kind before the Senate. I do not quarrel with the point that the distinguished Senator from Ohio has made. I say only that I know there is a certain human attribute with which we must deal. When the clamor arises, we try as best we can to do justice to the desires of fellow Senators and still maintain the spirit of the rules.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. MANSFIELD. The Senator from Ohio has a point. I am sorry that he was not in the Chamber. I do not think the action he has threatened is in the best interests of the Senate. But I think, on the basis of the validity of his argument, he should be given the consideration which I think any Senator deserves. Even though the bill is very much in the favor of the people from my part of the country, I ask unanimous consent at this time, despite the fact that a motion to reconsider has been tabled, that the bill be reconsidered and be again laid before the Senate for debate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. KERR. Mr. President, reserving the right to object, I point out that the bill has been before Congress for years. Last year it was debated thoroughly in the House and passed overwhelmingly. It was debated thoroughly in the Senate. The Senator from Ohio took a leading part against the bill. It was passed overwhelmingly in the Senate. It went to the President and he vetoed it.

However, on the floor of the Senate last year it was voted for by the man who is now President of the United States, then a Senator.

The bill has been on the calendar for weeks. H.R. 84 passed the House, came to the Senate, and was referred to the Committee on Interior and Insular Affairs. Many members of that committee were interested in all phases of the lead and zinc business. The committee reported the bill to the Senate. The bill included the provisions of H.R. 84 plus provision for a tax on lead and zinc according to certain specifications. The bill was reported to the Senate by the Committee on Interior and Insular Affairs.

After having been on the calendar of the Senate, at the request of the Senator from Virginia [Mr. BYRD], chairman of the Senate Committee on Finance, it was referred to the Committee on Finance. It was brought back to the Senate today. It was at the desk.

The Senator from Oklahoma came over and was visiting with the Senator from Ohio [Mr. LAUSCHE] and the Senator from New Mexico [Mr. ANDERSON], the chairman of the Committee on Interior and Insular Affairs.

The Senator from Ohio said to the Senator from Oklahoma, "What are you men doing here now?"

I said, "The Senator from New Mexico and I have a bill that we will try to pass. It is a bill to which the Senator from Ohio is opposed." I said, "I hope the Senator from Ohio will be able to find business somewhere else in the Capitol for a little while so that the measure can be considered in such a way that he will not be embarrassed or be in a position to embarrass us."

He said to me, "I have a controversy going on with two certain Senators."

I said, "I wish both you and them well."

Following that conversation, the Senator from Ohio left the Chamber. Some time later the Senator from New Mexico and I returned. We had talked with the majority leader, the majority whip, the minority leader, the minority whip, and every other Senator who I thought might have any interest in the subject. I was of the firm conviction that I had fully notified the Senator from Ohio of what we were going to do. I told him it was a bill to which he was opposed and that I would greatly appreciate it if he would accommodate the Senator from New Mexico and the Senators from Oklahoma by finding important business elsewhere for the attention of his great and worthy talents.

Mr. President, will the Senator from Montana include in his unanimous consent request the further understanding that the bill will be considered tomorrow with a limitation on debate?

Mr. MANSFIELD. Surely.

Mr. DIRKSEN. My distinguished friend from Montana, for whom I entertain an affection that is as high as the sky and as deep as the deepest sea, has placed me in an extremely awkward situation. The Senator from Utah had an abiding interest in the bill. He expressed himself on it. He obtained a declaration from the chairman of the Committee on Interior and Insular Affairs that items in which he was interested in connection with the bill would have a hearing in January.

The distinguished Senator from Idaho received a similar promise from the distinguished Senator from New Mexico. They are not present. I am in the awkward position of almost having to object to the request for consideration because they have an interest in it. I have no particular interest, but they found the proposed action quite acceptable, and in their continuing interest in the subject, they expressed themselves on the floor of the Senate. I hope that my distinguished friend from Montana will not be offended if I object on the ground that I think——

Mr. MANSFIELD. Will the Senator withhold his objection, if he intends to make one, for a moment? I would do nothing to hurt the feelings or the sensitivity of my distinguished friend and colleague across the aisle, who always looks after the interests of the Senators under his wing as a mother chick looks after her chickens. I honor him for it. I would not want to do anything which would discommode the Senator from Utah or the Senator from Idaho, because I had told them also that there would be no further votes tonight. I hoped that the action of the Senate on the bill could be reconsidered, and that further consideration of the bill could go over until tomorrow, at which time 20 minutes—10 minutes to a side—would be set aside and then the Senate would vote on the bill. I make that statement because I think that the Senator from Ohio has a point. At the same time, I realize that since the Senator from Idaho and the Senator from Utah are not present, they would have a point, also. I am placed between the devil and the deep blue sea. I do not know what to do. I come on my knees before the Senator from Ohio and ask him to be a Solomon on the question.

Mr. DIRKSEN. Mr. President, at this advanced hour of the day the instincts of a mother hen—but more properly a rooster—run not too deeply in me, because at this hour I am sure that if I were a good chicken, I would be on a roost with my head under a wing. I can only say that distinguished Senators on this side discussed the question, and I would not want to prejudice their position. They were present in the Chamber when the motion to reconsider was made and it was tabled. I have no feeling on the question one way or the other. I assure the Senator that I have no motherly feeling in the matter.

I do not think I am capable of maternal attributes and instincts. However, distinguished Senators have had their say on the question, and they are not present at this moment. They had their say under the assurance that there would be no further voice vote or record vote tonight. Could this request go over until tomorrow?

Mr. MANSFIELD. The Senator from Illinois has anticipated me. The request will be made tomorrow, not tonight. If that can be done, we can obviate any difficulty which may arise. We could ask for a limitation on debate of 20 minutes, 10 minutes to a side.

Mr. LAUSCHE. That would be an adequate amount of time.

Mr. MANSFIELD. And then there could be a vote on the question.

Mr. KERR. If the Senator from Ohio will wait until tomorrow, the Senator

from Montana will make his request tomorrow.

Mr. LAUSCHE. The only request I make is that our neutral attitude shall not go to the extent of the mental state that was shown at Belgrade.

Mr. MANSFIELD. We are talking about lead and zinc.

Mr. KERR. I hope the Senator from Ohio will not throw the burden on the Senator from Oklahoma of the broad knowledge that the Senator from Ohio has of this subject.

Mr. DIRKSEN. I believe it was St. John who wrote in Revelations, "Thou art not hot or cold. I wish thou wert hot or cold. But since thou art not hot or cold, I shall spew thee out of my mouth."

Mr. LAUSCHE. For the purpose of the RECORD, let me say that after the Senator from Oklahoma and I had our talk, I looked for the Senator from New Mexico [Mr. ANDERSON]. I had been engaged in a 30-minute discussion, and after I had been engaged in the discussion and had left the Chamber this matter was brought up. That is my recollection.

Mr. KERR. I thought the Senator had shown great courtesy in responding to the request of the Senator from Oklahoma, because he had been advised specifically that a matter in which he had a great interest would be brought up.

Mr. LAUSCHE. When the Senator told me that, I resolved to be present.

Mr. KERR. And then the Senator went elsewhere.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the morning business tomorrow, 20 minutes be set aside for the consideration of the bill under discussion, with 10 minutes to a side, and that a vote then be taken.

Mr. MONRONEY. Mr. President, reserving the right to object, I believe the request now being made by the distinguished majority leader does not accord with the suggestion which was made by the distinguished minority leader, and agreed to by the distinguished Senator from Ohio.

It was suggested that the Senator from Montana would ask for such a unanimous-consent agreement tomorrow, not tonight, to again consider the bill under discussion. What the distinguished minority leader said was that there are Senators on his side of the aisle who have rights with respect to such a unanimous-consent request. I wonder if we could have a gentlemen's agreement that the unanimous-consent request be made de novo tomorrow to again consider the bill tomorrow. In that way we would be protecting all Members of the Senate who have an interest in the bill, as I definitely have. Otherwise I would have to object because this involves the livelihood of people in one of the most depressed areas in the State of Oklahoma, who try to gouge out the lead and zinc which is their livelihood from shafts deep in the bowels of the earth in the Miami, Okla., area.

I believe that the suggestion of the distinguished Senator from Illinois is to wait until tomorrow to make the request de novo for unanimous consent that the bill be reconsidered. In that way the minority leader will have an opportunity to notify Senators on his side.

I must also warn the majority leader that it is my present feeling that the consequences of setting this precedent can haunt every piece of legislation that is passed in the Senate. I refer to the precedent that when a motion to reconsider is tabled, the bill can again be brought up by unanimous consent, thus undoing the action that has been taken.

Mr. MANSFIELD. The Senator from Oklahoma is absolutely correct. He has stated the situation correctly. He has indicated what the Senator from Ohio and the Senator from Illinois had in mind.

Mr. LAUSCHE. If the argument of the Senator from Oklahoma is correct, we might as well tear up the calendar. We might as well not have one. It is there for a purpose; namely, to notify us what is to be brought up. This measure was never on the calendar. I agree that the Senator from Illinois is asking for the presence of the Senator from Idaho and the Senator from Utah, and I suggested that the request be held over until tomorrow before the motion is made, so that they can be consulted. I also suggest that 20 minutes is adequate time for the consideration of the bill.

Mr. KERR. Mr. President, if the Senator from Montana withdraws his request and tells us that he will make it again tomorrow, we will be present tomorrow.

Mr. MANSFIELD. Is there a motion to reconsider pending before the Senate?

The PRESIDING OFFICER. There is pending before the Senate the unanimous-consent request of the Senator from Montana.

Mr. MANSFIELD. I withdraw the request.

THE EDITOR'S EASY CHAIR

Mr. HART. Mr. President, in Harper's magazine for September, Mr. John Fischer has written a most interesting article on the important role our major universities play in attracting and stimulating industrial development, particularly of those industries related to the space and electronics fields.

In reading Mr. Fischer's article, I was continually reminded of the outstanding contribution which the University of Michigan at Ann Arbor is making in the area of cooperative research under both Government and private grants. The University of Michigan's Institute of Science and Technology is working closely with the Department of Defense. The combined research and technical programs of the institute place it among the five largest nonprofit corporations in the United States working for the Department of Defense.

Mr. Fischer comments on some criteria which private research organizations have used in deciding where their key facilities should be located. They include proximity to great universities, a pleasant environment in which to live, outstanding elementary and secondary schools, competent and wide-ranging scientific and technological university facilities, and industrial park developments which make commuting to laboratories and plant sites easy for all personnel. I can only comment, Mr. President, that Ann Arbor and the University of Michigan more than qualify on each of these counts. Already a number of facilities, such as Bendix Corp.'s systems division, have located in the Ann Arbor area. I have every reason to expect that this is only the beginning of the development of a major industrial research complex in the State whose industry and labor has established it as the arsenal of democracy and now grows as one of the great technological and scientific arsenals of our Nation's defense.

Mr. President, I ask unanimous consent that the text of this article be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Harper's magazine, September 1961]

THE EDITOR'S EASY CHAIR

(By John Fischer)

Almost by accident, a new method has been discovered for attracting wealth. It has never been publicly reported, so far as I can find—although one group of financiers is now quietly using it in an operation which promises to be highly profitable. Apparently they are the first to fully understand the formula, and to put it to deliberate use.

Earlier it had been tested successfully in two States—Massachusetts and California—but these demonstrations were inadvertent. Most of the people concerned did not quite grasp what was happening, or why. This isn't surprising, because the demonstrations occurred piecemeal, over a period of about 15 years, without any conscious plan.

Once the formula is widely known, however, it should be possible to apply it more quickly in at least a dozen other places. The South, Puerto Rico, and the Pacific Northwest look like the best bets. All of them have one of the two vital ingredients, and probably can create the other if they really try. The result might well be a surprisingly rapid rise in new factories, skilled employment, and per capita income. In certain other States, however, it is never likely to work, for reasons to be noted in a moment.

Our poorer communities have, of course, been looking for just such a recipe for generations. They have tried many kinds of lures to attract new industries. The favorite has been tax concessions—sometimes, as in the case of Puerto Rico, complete tax exemption for as long as 20 years. Often they have put up new buildings and offered them at low rent (or none) to any factory that would move in. In addition they usually have promised cheap labor, and some Southern States have hinted loudly that newcomers wouldn't have to worry about trouble with labor unions.

All too frequently the catch has proved disappointing. For the kind of industry that will snap at such bait is hardly worth having. The South, for example, succeeded in enticing a good many textile mills away from New England, but the industry already was in decline, and its low wages certainly have bestowed no crescendo of prosperity on the Carolinas or Georgia.

On the other hand, the exciting growth industries—electronics, for instance—aren't interested in cheap labor. They need highly skilled men and are willing to pay almost any price to get them, as anyone can see by glancing at the help-wanted ads in Scientific American or the Sunday New York Times. Neither are they much interested in low taxes, because low taxes mean poor

schools. Such schools can't turn out the kind of brains these industries need; moreover, the men they seek aren't willing to settle in communities where their children will be doomed to a second-rate education.

In fact, the major growth industries of the postwar era—the prizes any ambitious community would love to get—differ in six important characteristics from the old-fashioned industries, such as steel, textiles, and automobiles:

1. They mostly produce items of small size, but great value—transistors, magnetic tape, automation-control instruments, microbearings, computers, missile fuel pumps, pharmaceuticals, inertial-guidance systems, to mention a few.

2. They do not use huge tonnages of raw material and fuel.

3. Consequently, they don't have to locate near ore bodies or coal mines. Nor are they dependent on river transport or rail lines. Indeed, so far as physical requirements are concerned, they can locate practically anywhere they please.

4. Their plants usually operate without noise, smoke, or smell. Therefore, they don't blight the surrounding neighborhoods as a steel mill or paper factory does. On the contrary, these new-type factories are often an enhancement to the community. The cluster of Johnson & Johnson plants near New Brunswick, N.J.—each a handsome specimen of architecture in a campuslike setting—is a noteworthy example.

5. They aren't greatly concerned about unions. For one thing, their scientific and other white-collar workers are almost impossible to organize. For another, wage costs aren't decisive. What is decisive is the quality of the product—plus constant innovation of improved or entirely new items. If a production team can come up with a better silicon diode or a more efficient process for making antibiotics, management isn't inclined to haggle about salaries.

6. Their one critical requirement, therefore, is brainpower. If they hope to stay ahead of the competition, they must at all costs attract (and hold) really first-rate scientists, technicians, and executives.

It is interesting to note the places where such industries have, in fact, chosen to locate. Although some are scattered in many parts of the country, they have tended to gravitate toward two great concentrations: one in southern California, the other in the Boston area. In the latter, they have sprouted thickest along Route 128—the semicircular expressway built a few years ago through what was then open countryside to bypass the traffic-choked metropolitan area of Boston. According to Dr. F. Leroy Foster, director of the division of sponsored research for Massachusetts Institute of Technology, more than 400 plants are now turning out electronic components or associated products within a 20-mile radius of the Charles River Basin, the center of the area. Virtually all of them have been established since the war, and most within the last 10 years.

The comparable concentration in southern California covers a wider area, and has been even more spectacular in its rate of growth. San Diego, for instance, increased its factory employment by 54 percent between 1954 and 1959, while Los Angeles reported a 21 percent gain.

Why have such plants sprung up in these two places—rather than in, say, Arkansas, Mississippi, or upstate New York, which need new industry much more desperately? Certainly not because California and Massachusetts did a better promotion job or offered bigger tax and wage incentives; their promotion has been negligible and their tax incentives nil.

By happenstance, however, both areas did offer two powerful attractions:

1. A pleasant environment to live in.
2. Great universities.

These often turned out to be the decisive considerations for a management which was worrying about the recruitment of key personnel.

To begin with, many of the people they wanted already had their roots down in these communities. They were faculty members or graduate students at MIT, Harvard, Boston University, Brandeis, or at Caltech, Stanford, or one of the many campuses of the University of California. (Indeed such people frequently start a factory themselves. MIT alumni have organized 75 new companies in the Boston area since the war. And the firm which eventually grew into the Raytheon Co. was originally founded by Dr. Vannevar Bush—wartime Director of the Office of Scientific Research and Development—and two friends, who wanted to make a special kind of thermostat. Raytheon now employs 40,000 people—the great majority in 25 plants near Boston.)

Moreover, other scientists can easily be persuaded to move to an area which has a complex of good universities. There they can keep in touch with the research underway in the best laboratories. They can consult whenever necessary with the leading minds in their fields.[1]

Above all, they have company. In the evenings they can visit with friends who share their interests and talk their language. And not merely with other scientists. These people frequently are true intellectuals, with a wide range of interests. They like to live in a community of scholars—historians, writers, sociologists, even an occasional artist—and they enjoy being near good libraries, good orchestras, good art galleries. If you plunked them down in Spearfish, S. Dak., they would go out of their minds with boredom; no amount of money could persuade them to stay there.

Robert S. McNamara is a case in point. A Phi Beta Kappa and once an assistant professor at Harvard, he is typical of the new breed of corporate executive. And it is significant that even after he became president of the Ford Motor Co., he continued to live in Ann Arbor. Dr. Bush provides another object lesson. After his retirement as president of the Carnegie Institution, he returned to MIT because he enjoyed "the excitement of its intellectual ferment."

By coincidence, both southern California and the Boston area offered not only intellectual ferment but also pleasant places to live. The charms of southern California (for some people, anyhow) are well known. And the construction of Route 128 made it possible for a man to live in the Boston suburbs, or in the rolling, wooded hills beyond, and still drive to his plant in a few minutes.

It is no coincidence, of course, that these localities also had good schools. Any area that abounds in first-rate universities is almost sure to have better-than-average primary and secondary schools, both public and private. For almost by definition, intellectuals are passionate about education, and insist on getting the best they can for their children.

Finally, such people are apt to be sensitive to their physical surroundings. Because they detest ugliness, they can sometimes muster enough public opinion to fight back the tide of billboards, juke joints, used-car lots, and Tastee-Freez stands which has overwhelmed so much of the American landscape. (Witness the civic uproar which saved Walden Pond.) Both Los Angeles and downtown Boston are hideous enough, God knows, but their outlying academic communities generally have managed to preserve little islands of green and ordered serenity.

Since the key men in a space-age factory also are likely to value these things, it is only sensible to locate the plant where they are already available. Provided, of course, that the universities are there, too.

The business firm which first spotted this pattern of behavior, and tried to make a profit out of it, apparently was the City Investing Co., of New York City.

It discovered one-half of the formula about 8 years ago. Its original idea was to buy up a 20,000-acre tract of woodland on the west side of the Hudson River, 30 miles from Manhattan, and to develop there a cluster of modern research establishments. Each plant could be set in its own tree-shaded campus, a comfortable distance away from any other. Each employee could have his own country estate—within walking distance of his work.

On paper, this idyllic planned community sounded irresistible to the new type of science-based industries and their egghead personnel. Moreover, the company spared nothing to make its Sterling Forest development into a sylvan paradise. It found a choice site—close to Tuxedo Park and West Point, within easy reach of the New York Thruway, endowed with a brook and three lakes—and it spent hundreds of thousands of dollars on landscaping, flowers, and shrubs.

But, alas, the scientists didn't swarm in with the expected alacrity. In 1957 the Union Carbide Nuclear Co. did begin to do some research there, and has since opened a new center, while the Sterling Forest management put up an international research building of its own. But there was no stampede like the one Boston and California had enjoyed.

The trouble, it seems, was that the scientists were afraid they would be lonesome. Who could they talk to out there in those woods? Chipmunks? Gardeners? Their wives?

So in 1960 the City Investing people hit upon the missing half of the formula. What they needed, obviously, was a university.

Last December they got it. The company gave a thousand acres of land to New York University, on condition that it would establish there a major campus for its science departments. The school's president promptly announced plans for setting up an atomic-reactor laboratory, classrooms and quarters for graduate students, adult education programs, and housing for faculty and research personnel. The development may take 20 years to complete, he explained, but eventually the new campus will be fit company for the six campuses which NYU already operates.

That evidently turned the trick. Four corporations made plans to install research units in the Sterling Forest area before the university got around to laying its first brick.

Few private financiers are likely to command the resources (or the foresight) to carry through similar schemes. But the technique seems made to order for States that are eager to attract modern industry. Some already have a good start, even though they don't realize it.

In North Carolina, for example, the area between Chapel Hill and Durham looks like a natural for such an enterprise. Both are pleasant towns. They are surrounded by unspoiled (well, all right, not hopelessly spoiled) countryside; it could be handsomely developed—at a profit—by public purchase and zoning. The Blue Ridge Mountains are an easy drive to the west, the Cape Hatteras beach about the same distance east. In sum, a potential for the good life as prom-

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[1] Dr. Wernher von Braun, the rocket scientist, recently made the same point in asking the Alabama Legislature for money to expand a small research center near the State university. "It's not water, or real estate, or labor, or power, or cheap taxes which brings industry," he said. "It's brainpower. What do you think attracted the aircraft industry to the Los Angeles area? The desert and smog? No, it was UCLA and the other great universities there."

ising as anything Massachusetts or California can offer.

And here are two of the best educational institutions in the South: the University of North Carolina and Duke. Around this nucleus the State could—if it made a determined effort—build up a truly great intellectual center. It might become not just the best in its region, but one of the best in America. Inevitably it would give North Carolina the educational leadership of the South—and as a consequence, leadership in modern industry as well.

It would cost money, of course. A doubling of teachers' salaries, new buildings, urban renewal, parks and landscaping, a long-range, well-thought-out regional plan: all of these would have to be financed somehow. (The big national foundations and the tobacco industry might both be eager to help.) But in the end the investment ought to pay off bountifully. In New England the factory sales of electronic equipment alone amounted to $749 million in 1959, and are expected to pass $2 billion by 1970. Already these factories have created jobs for nearly 100,000 people—almost as many as the payroll of the region's entire textile industry.

Comparable opportunities would seem to be open to Puerto Rico, with its climatic advantages and a university already growing rapidly in stature; to the Puget Sound region; to Wisconsin, Michigan, and a few other areas which already have some of the basic ingredients.

For certain States, however, this sort of development seems out of the question. How could anybody create either a great university or an enticing environment in Kansas or North Dakota? The Deep South will continue to lose, rather than attract, educated people so long as it threatens to destroy its public school system over the integration issue. (The North Carolinians, notoriously more commonsensical than most southerners, seem likely to solve this problem without much uproar.) Texas, Arizona, Colorado, and Nevada—plus some others—have not yet demonstrated that respect for intellect and education which is necessary to the growth of great universities. Maine and Idaho probably couldn't raise the money.

Clearly the new recipe for industrialization will not work everywhere, but it does look too good to remain indefinitely the secret weapon of Massachusetts, California, and the City Investing Co. It will be entertaining to see what community first shows enough enterprise to try to break their monopoly.

OPPORTUNITIES FOR ECONOMIC DEVELOPMENT IN MICHIGAN'S UPPER PENINSULA

Mr. HART. Mr. President, all of us are interested in the progress that is being made in revitalizing the economies of our seriously depressed areas. The intent of the Area Redevelopment Act, passed this year by the Congress, was that every agency of the Federal Government which has skills and programs useful in redevelopment work should be drawn into the effort to meet this problem. Earlier this year five Senators from the upper Great Lakes area wrote Administrator William Batt, of the Area Redevelopment Administration, urging that he initiate a coordinated resource study of the potential redevelopment of the upper Great Lakes States area. This would include Michigan's Upper Peninsula and northern sections in both Wisconsin and Minnesota which have common resource problems.

I am delighted that, within recent days, one of the first departmental studies affecting Michigan's Upper Peninsula has come to my attention. This is a report on "Opportunities for Economic Development in Michigan's Upper Peninsula" which has been prepared by Dr. Lee M. James of Michigan State University for the Department of the Interior.

The report describes the economic environment of the Upper Peninsula. There is an appraisal of the outlook and possibilities for each major resource in the Upper Peninsula. I am confident that the entire report will be extremely useful, both to Michigan State agencies and local development groups concerned with making fullest utilization of the Area Redevelopment Act in the Upper Peninsula.

I ask unanimous consent that the summary of this report be printed at this point in my remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY

Opportunities for economic development in the Upper Peninsula can be found in many directions. Some are more promising than others, but even an industry with a generally unfavorable outlook need not be overlooked. Individual projects have to be judged on their own merits.

The most favorable directions for economic development in the Upper Peninsula are (1) in the wood-using industries, especially pulp and paper; and (2) outdoor recreation. Other industries—mining, general manufacturing, agriculture, and commercial fishing—offer opportunities for development, but not to the same extent.

WOOD-USING INDUSTRIES

The timber industries are one of the two current major mainstays (mining is the other) of the Upper Peninsula's economy. Value of products in 1960 at the point of manufacture or distribution to market was well above $110 million. This total included some $65 million of value added by manufacture, about two-thirds of the value added by all manufacturing industries. Employment in 1960 included 9,900 man-years in logging and 8,300 workers in timber manufactures. The total equivalent of 18,200 full-time workers represents 18 percent of the labor force in the peninsula. Loggers actually number between 20,000 and 30,000, but as a full-time equivalent, the figure is reduced to 9,900. Logging has a particularly important function in the Upper Peninsula in furnishing part-time employment to many workers who are only partially employed elsewhere.

Because of the conspicuous role of wood-using industry in the Upper Peninsula's economy, the substantial declines which have occurred in some of its branches have had a severe overall impact. These declines have been initiated to a large degree by the declines in the available stocks of old-growth timber.

The overly exploited forests are now making an impressive recovery. Growth has moved ahead of the cut in most species, and it will move ahead increasingly. This development, along with other factors, opens up opportunities for long-term and large-scale expansion of the wood-using industries.

National projections point to greatly increased consumption of forest products. The Forest Service points to a 90-percent increase in lumber consumption and a 200-percent increase in pulpwood consumption by the year 2000. Recent projections for pulpwood by other agencies indicate increases of 360 to 614 percent by 2000. If demand develops as any of these projections indicate, there will be difficulties in achieving the national timber inventory necessary to sustain the outputs visualized.

The prospects for the forest resource of the Upper Peninsula can be appraised against this national background. Opportunities in the peninsula are least apparent in the primary manufacture of lumber. No expansion appears desirable in the western counties, but there is an annual excess of allowable cut over actual cut of at least 120 million board feet in the eastern counties.

The sawtimber resources of the peninsula will build up gradually. The rate and extent to which this buildup occurs will depend on management practices of landowners. National forests (1.6 million acres), State forests (1.8 million acres), and a major part of the 2.6 million acres in large private holdings are already committed to policies of technical management that will gradually build up growing stocks and the productivity of their forests. The remainder of the peninsula's forests, held by 30,000 small landowners, is the uncertain area. If the productivity of these forests can be improved by the various public and private programs recommended, then it will be possible to double sawtimber yields by the year 2000 to meet the projected demands of the future.

Remanufacture holds more possibilities for development than the primary manufacture of lumber. Most of the hardwood lumber processed in the Upper Peninsula is shipped out for further processing elsewhere, but economies could be achieved by secondary manufacture within the region. Labor costs would be reduced and there would be a saving in freight costs.

The most impressive opportunities for expansion of wood-using industry lie in the pulp and paper field. Many favorable factors are present: (1) the likelihood that national pulp and paper consumption will increase tremendously over the next 40 years, as much as 600 percent according to one projection; (2) the unlikely possibility that imports will account for a much larger share of total consumption; (3) the availability of large pulpwood surpluses in the Upper Peninsula, enough to permit a doubling of annual output immediately, and the assurance that the cut of pulpwood can be increased at regular intervals for some decades into the future (again, the magnitude and frequency of the increases in allowable cut will depend on the management practices of public and private landowners); (4) the improvement of Wisconsin's forests which will lessen the dependence of Wisconsin mills on Upper Peninsula sources of wood and permit the upper Peninsula to process more of its own pulpwood (500,000 cords annually are currently exported to Wisconsin mills); (5) the presence of large labor reserves for work in the mills and woods; and (6) a number of locational factors which constitute an advantage in comparison with other pulp-producing regions.

Location, which is a disadvantage to the Upper Peninsula in most manufacturing industries, gives the Upper Peninsula an advantage over a number of competitive regions in pulp manufacture. Pure process water is available in almost unlimited quantities, an important factor in the pulp industry. Freight costs for chemical deliveries are probably lower than in most important pulp-producing regions. Freight rates for pulp deliveries to large midwestern markets are substantially lower than rates from competitive southern pulping centers.

The advantages listed apply to pulp manufacture rather than to paper and board products. However, the present tendency is toward integration. The Business and Defense Services Administration (June 1960)

points out that "economies in manufacturing have dictated the construction of large integrated mills, incorporating the production of wood pulp together with principal grades of paper, paperboard, and building boards." Manufacture of all kinds of pulp, paper, and board products could be considered in the Upper Peninsula, although the tree species available have some influence on the products that could be manufactured under present-day technology.

OUTDOOR RECREATION

A highly scenic region of extensive forests and waters and cool climate, the Upper Peninsula is well suited to economic development for recreational use—touring and resorting, boating, camping, sport fishing and hunting, and skiing.

Recreation has developed in the Upper Peninsula to an important position in the overall economy. The contribution is not comparatively large in terms of employment. Recreational employment is largely seasonal, and the increase in employment is not directly proportional to the increase in the volume of tourism. Nevertheless, there is basis for concluding that several thousand year-long workers owe their employment to the recreation industry. This is in addition to the approximately 2,500 people who have temporary summer jobs serving vacationists.

The contribution of recreation to the economy is more readily recognized in terms of gross expenditures. Tourist expenditures in the Upper Peninsula include large income flows out of the region, but the major part of the expenditures remains as local income in the form of salaries and wages, interest, rent, dividends, and profits. In 1960, recreation expenditures in the peninsula reached an estimated $85 million.

Outdoor recreation is a rapid-growth industry. Most projections agree on a great increase in long-term demand, but translating such an increase into demand for any one region is not automatic. The Upper Peninsula must compete in this respect with other regions and neighboring Canada. Its assets for attracting visitors are considerable: Relative nearness to large population centers, improved and improving highways and bridge access, space, attractive forest scenery, blue water, fish, game, and cool climate. It is the supply of these, in terms of availability and access, that must be maintained if recreation expenditures in the Upper Peninsula are to be increased.

The large expanse of public lands is an asset in promoting the development of recreation. But it is desirable to consider further public acquisitions for park purposes in areas of special attraction; access to shorelines must be emphasized.

Access to public lands needs to be increased at a faster rate—not merely road or boat access, but the provision of campgrounds, picnic areas, parking, water and toilet facilities, and public beaches. Special attention needs to be devoted to facilities for campers, both for tents and trailers. Camping is the fastest growing segment of tourism, and the Upper Peninsula is particularly well endowed with natural attractions for this group of vacationists. Other facilities for visitors—motels, hotels, resorts, restaurants, theaters, filling stations, etc.—need to keep pace with the rise in recreational use, and the need for quality is as important as the need for quantity.

An increase in annual recreation expenditures to more than $300 million within 15 years is a possibility, but it is not inevitable. Such an increase depends on the continuation of general trends in motion, on the supposition that the Upper Peninsula can continue to offer its natural recreational attractions without spoiling them through crowding or unsightly developments, that facilities are expanded to meet the needs of visitors, and that promotion can sustain the position of the region in competition with other regions seeking tourists.

MINING AND RELATED INDUSTRY

Production of metallic minerals—iron and copper—has long been a mainstay of the Upper Peninsula economy. At the peak of production, just before World War I, mining employment stood at about 30,000 workers. Subsequently, the mining industry declined, most seriously in copper. Decline followed from the progressive exhaustion of the richer and more favorably placed ore bodies and the discovery and development of competitive ores in other regions or foreign countries. Iron ore shipped in 1960 was 11 million tons, as compared to 19 million tons in 1920. Copper produced in 1960 was 56,000 tons, as compared to 111,000 tons in 1910.

Despite the long-term decline in mining, the industry retains a major role in the peninsula. Mining employment averaged 9,600 workers in 1960. The value of iron ore produced was $94 million; cooper, $36 million; and nonmetallic minerals (chiefly limestone and sand and gravel), $10 million.

The long-term outlook is for declining employment in mining, especially copper mining, and for a declining value of output. However, prospects for large-scale declines are not immediate, nor are they as inevitable as some writers have indicated.

In iron ore production, the likelihood is that the share of the market taken by Lake Superior ores will decrease, but with increased consumption of ore by the steel industry, Lake Superior output may stabilize. Whether upper Michigan can maintain its relative position in Lake Superior production is another question. Production will shift increasingly to beneficiated low-grade ores (of which tremendous deposits exist), but Minnesota reserves include vast quantities of magnetic taconite which, for the time being, can be processed more cheaply than the nonmagnetic ores in Michigan. On the other hand, the large investments in handling, railroad, and docking facilities by iron-mining subsidiaries of steel companies constitute an incentive to continue operations in an established area like upper Michigan.

The key to the future of the Upper Peninsula's iron-mining industry is in intensified research to concentrate lower-grade ores more cheaply and to lower costs at all stages of production.

The outlook for copper mining is less promising than that of iron. Technological change is not likely to improve the possibilities of working low-grade copper ores—much of the ore produced averages only 0.5 percent copper. Michigan mines are generally high-cost mines, as their sensitivity to price changes indicates. The deep mines become progressively less profitable to operate as they become deeper. It is optimistic to hope that the Upper Peninsula's copper output will advance above the 1960 level during the next decade. In the longer run, declining output and employment should be expected.

Output of nonmetallic minerals—limestone and sand and gravel—can be expected to expand about 30 percent by 1970 merely to keep pace with the general expansion expected in American industry. Good reserves of limestone with access to water transportation could sustain a greatly increased volume of export, but there are equally good reserves to be exploited in lower Michigan closer to markets.

Manufacturing based on the Upper Peninsula's minerals has not developed, nor is it likely to do so. Copper is refined locally, but very little is manufactured locally into electrical equipment. Iron ore and limestone are shipped out to lower lake ports for conversion into pig iron and use by heavy industry. Lack of access to big consuming markets and greater cost in assembling complementary materials, especially coal, put the Upper Peninsula at a decided disadvantage as a location for copper or iron manufactures in competition with Cleveland, Toledo, Detroit, Chicago, or Milwaukee.

GENERAL MANUFACTURING

Manufacturing establishments tend to be small in the Upper Peninsula. Other than wood-using industries, they are also few in number. Of 867 establishments listed by the 1958 Census of Manufactures, 606 were wood-using plants. Manufacturing employment represents less than 15 percent of the labor force. The payroll is reported at $48 million; value added by manufacture, about $95 million; and new capital expenditures, $6 million.

Despite the relative paucity of manufacturing establishments, the industries represented are diverse. Not many establishments have prospered; the implication is that most of them are marginal enterprises in their respective industries.

Except for wood-using industries, particularly pulp and paper, the opportunities for manufacturing industry must be considered limited. Some opportunities exist for new manufacturing plants to utilize local materials for local markets. In the same way, opportunities are present for utilizing local materials for products aimed at the growing market of vacationists. Seasonal visitors are often interested in buying novelties and special products which have a distinctive, local flavor.

In regard to export industries oriented to materials, large consumer markets, or to materials and markets, the opportunities for growth do not appear very favorable (with the exception of wood-using industries). The quantity, quality, and price of labor may be considered an offsetting factor, sufficient in some cases to overcome the handicaps of distance from materials, services, and markets. Other advantages appear in specific cases in respect to the abundance of high-quality water, in access to water transportation, in preferences from upper Michigan scenery, space, and climate, and in the concessions made by particular communities.

Opportunities in nonwood manufactures exist, but it is unrealistic to consider them large enough to offer a substantial solution to the Upper Peninsula's general problem of unemployment and inadequate economic development.

AGRICULTURAL RESOURCES AND INDUSTRY

Agriculture has never become a sustained major component of the Upper Peninsula's economy. Relatively short growing seasons (especially in the interior of the peninsula), scarcity of high-quality agricultural soils, and distance to potential markets have combined to limit agricultural production.

The 985,000 acres in farms comprise less than 10 percent of the land area, and 48 percent of the land in farms is woodland. Farmland area has been shrinking; from 1954 to 1959, acreage shrank from 1,304,000 acres to 985,000 acres. The number of farms, about 5,000, has declined 40 percent since 1954. Partially offsetting this decline has been the increasing size of farm units.

In general, the opportunities for development in Upper Peninsula agriculture are not those pointing toward expanded overall production. Local markets are limited in a region of static population. Export possibilities are held back by the competition of more productive areas more favorably situated in regard to markets. The opportunities faced are largely those of improving internal organization—shifting product emphases, concentrating production in favorable locations, and consolidation into larger and fewer farm units with increased capitalization and more efficient production. Further developments along this line will lead to a more prosperous condition for a reduced farm population, but the corollary

need is to expand off-farm work opportunities for a larger proportion of the existing farm population.

In food handling and processing, the opportunities are less for expansion than for consolidation and modernizing. More efficient units, with more highly developed market facilities and merchandising methods, might have the effect of increasing farm exports from the region. However, their principal virtue would be to improve the profitability of food handling and processing, to make it a more rewarding industry for those engaged in it.

COMMERCIAL FISHING AND INDUSTRY

Long-term stability in the total output of fish is not supported by other elements of stability in the Upper Peninsula's commercial fisheries. The valuable lake trout and whitefish, as a result of depredation by the parasitic lamprey, have all but disappeared from the catches, and their place has been taken by less valuable fish. Rising costs of operation and maintenance press against a declining value of product: the gross sales value of the catch dropped from $2.3 million in 1950 to $1.6 million in 1960. Fishermen, now grossing an average of about $1,600 per worker, have turned to other employment; their number dropped from some 2,000 in 1950 to 1,000 in 1960.

Commercial fishing in the Upper Peninsula is not a promising avenue for greatly increased income and employment. The immediate problem is to arrest further decline and to increase the profitability of operations, but some expansion of the industry is a possibility.

More effort needs to be concentrated on lowering the costs of production in handling the abundant, low-value species of fish, expanding markets for industrial uses of fish, and improving the whole marketing mechanism in terms of processing, storage, merchandising, and distribution.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Finance may be authorized to sit during the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, I will object to any unanimous consent being given to the Foreign Relations Committee to meet to consider any matter except a nomination for an office that must be confirmed by the Senate.

Mr. HUMPHREY. I do not believe the Senator can register an objection to an item on the agenda. He can either object to the Committee on Foreign Relations sitting during the session of the Senate, or not. I do not believe he can object to the Foreign Relations Committee sitting to consider a particular item.

Mr. MANSFIELD. May we have a ruling by the Chair on the question raised by the Senator from Minnesota?

The PRESIDING OFFICER. The Chair cannot make a ruling without a unanimous-consent request being made. The Senator can make any unanimous-consent request he chooses to make, and of course any Senator can object.

Mr. LAUSCHE. I will object to the Foreign Relations Committee sitting at all.

Mr. MANSFIELD. There is no request for the Foreign Relations Committee to sit this afternoon, during the session of the Senate. There is no request for the Foreign Relations Committee to sit tomorrow. No objection to such a request could be entered until tomorrow. Therefore an objection to a request of that kind cannot be entered tonight.

The PRESIDING OFFICER. No objection can be entered until a request is made.

Mr. KERR. Would the Senator from Ohio consider withdrawing his motion?

Mr. LAUSCHE. I have made no motion. The Senator from Montana has made a request.

Mr. MANSFIELD. I have withdrawn my unanimous-consent request.

The PRESIDING OFFICER. The Senator from Montana withdraws his unanimous-consent request.

Mr. KERR. There is none before the Senate, then.

The PRESIDING OFFICER. There is none before the Senate.

Mr. DIRKSEN. What is the business pending before the Senate?

The PRESIDING OFFICER. There is no pending business.

GEORGE WASHINGTON CARVER

Mr. ROBERTSON. Mr. President, I ask the attention of the majority and minority leaders. I ask unanimous consent to bring up a measure that is on the calendar. It is House Joint Resolution 110.

Mr. MANSFIELD. I believe it would be more advisable not to bring that legislation before the Senate tonight. It should go over until tomorrow.

Mr. ROBERTSON. Under the circumstances, I withdraw my request. I merely wish to say for the information of the Senate that what I had in mind was that we have a joint resolution to authorize the expenditure of $249,000 to celebrate the birthday or the memory—to erect a monument to the memory of George Washington Carver. I have been under great pressure from Senate colleagues and from Members of the House of Representatives to approve that measure.

George Washington Carver was a great man. We have spent more than $600,000 to establish a monument to him. Only four Presidents have had monuments erected to them, and two of them were Presidents of the United States, George Washington and Abraham Lincoln; the other Presidents were presidents of Tuskegee Institute, Booker T. Washington, and Dr. Carver. They were both great men.

We have been struggling to get $10,000 for a monument to another President, James Madison, one of the fathers of the Constitution, and another to honor Woodrow Wilson, also a great President. We could not get that amount of money.

Here is a request for $249,000 for a monument for Dr. Carver. I will withdraw my objection if my distinguished friend from Illinois, who has sponsored the proposal, will agree that we celebrate the birthday of one of our Thirteen Original States, New Jersey. I will then agree to the celebration in honor of Dr. Carver for $249,000 more.

Mr. DIRKSEN. Mr. President, it is one of my unheralded distinctions that I serve as chairman of the Subcommittee on Charters, Holidays, and Celebrations. I am one of the few minority Members of the Senate who serve as chairmen. But that is one of the delights of serving on the Committee on the Judiciary.

There have come before that subcommittee probably a hundred or more resolutions to observe days, weeks, centennials, and birthdays. Only this week, the Senate approved a resolution reported by that committee to observe National Poison Week. I am not certain, but I believe we also observe National Public Works Week. It could be that we are now observing National Cheese Week. It could be that there is a resolution to observe a week for kindness to dogs. All manner of resolutions come before that committee.

That distinguished subcommittee—and it is distinguished—consists of only three Senators. Besides myself, it consists of the distinguished Senator from New York [Mr. KEATING] and the distinguished Senator from Arkansas [Mr. MCCLELLAN]. We meet formally and informally. Being a small committee, we meet anywhere, at any time, in order to oblige our friends.

We are about to observe the tricentennial or quadricentennial of St. Augustine. We are about to observe the founding of the Mission of Hernando De Soto.

I shall have to go back and pick up all the stitches and find out what subjects we have considered.

We have considered the proposal to observe the centennial of George Washington Carver, including, of course, the minting of half dollars in order that this occasion might be suitably financed. As I understand, George Washington Carver received his undergraduate training at Coe College, Iowa. The very distinguished Member of the House from that illustrious State, where corn, hogs, and soybeans are constantly memorialized by the fruitfull soil, has urged me to give this subject attention. I understand that the present distinguished Acting Speaker of the House has an abiding interest in the subject.

So being in a gentle frame of mind, and recognizing the great contributions which George Washington Carver has made in the field of agriculture—the development of a better peanut, for example, as well as many other things—I agree that the occasion should be suitably observed.

At first, it was suggested that the resolution provide only $47,000. Of course, $47,000 is a great sum of money. But it is not so much, after all, when an observance is to extend into all corners of the country. So I suggested that the House figure be permitted to remain in the resolution as it came from this very distinguished subcommittee; and at that point it appears on the calendar of the Senate.

Now my esteemed and illustrious friend from the great Dominion State suggests that we include a second title in the resolution, to the effect that an equivalent amount of money be made

available to commemorate the anniversary of something or other in connection with the great sovereign State of New Jersey.

Mr. ROBERTSON. The birthday of New Jersey.

Mr. DIRKSEN. The birthday.

Mr. ROBERTSON. Three hundred years ago.

Mr. DIRKSEN. I am always delighted when the anniversary of a great State like New Jersey can be observed. I do not visit New Jersey very frequently. I have always known its distinguished Senators and Members of the House. I salute the great State of New Jersey right now, before we ever reach the threshold of her 300th anniversary. I shall go back and read extensively in the history of that great State, particularly Hudson County, which has contributed so much to so many causes, political, partisan, and otherwise.

But this proposal presents a dilemma. Why should we observe the birth anniversary of an individual citizen, George Washington Carver, and then throw in an equivalent amount, for good measure, for the observance of the 300th anniversary of the founding of New Jersey? In the one case, it is for a memorial, so to speak; in the other case, it is the tricentennial, if that is the proper term.

Mr. ROBERTSON. A centennial is only 100 years.

Mr. DIRKSEN. There is a fascinating incongruity about all this. As the chairman of that very distinguished subcommittee, I would find it difficult, indeed, to accept the proposal of my great and dear friend from Virginia.

Mr. ROBERTSON. I am so sorry. Do I understand that the Senator from Illinois thinks that after we have made the birthplace of George Washington Carver a national monument—and there are only four national monuments in the whole United States—Dr. Carver is more entitled to a further celebration to the tune of $249,000 than is one of the original 13 States? Is that the position of the Senator from Illinois?

Mr. DIRKSEN. Oh, indeed not.

Mr. ROBERTSON. That is what it amounts to. New Jersey wishes to have some money for its celebration, and the Senator from Illinois is not willing that the State should have it; but he is willing to have an appropriation made for the observance of the anniversary of George Washington Carver.

Mr. DIRKSEN. Mr. President, my illustrious friend from Virginia has never fallen into greater error in his life. No resolution to observe the 300th birthday of New Jersey has been submitted for my attention. The Subcommittee on Charters, Holidays, and Celebrations is a diligent subcommittee. It meets all the time: It meets on the floor of the Senate, it meets in the committee room, it meets in my office. No such suggestion was made.

I would have taken such a suggestion to my bosom so quickly that even the distinguished Senator from Virginia would have wondered how fast the wheels of equity and legislative propriety were operating.

Mr. ROBERTSON. Would the Senator from Illinois like to know how fast they have operated? The resolution for proposing $249,000 for Dr. Carver was submitted in the House of Representatives on January 9. When did it pass? Fifteen minutes later.

Representative COAD asked, "What will be the cost?"

The majority leader said, "George Washington Carver was a great patriot and American citizen."

Another Representative asked, "What will it cost?"

He got the same answer; then, "Call the roll."

The resolution to celebrate the 300th anniversary of the founding of New Jersey went before a Senate committee.

Was the Senator from Illinois in the Chamber the other day when I sought to have a resolution adopted to provide only $10,000 to commemorate President Woodrow Wilson? Did the Senator from Illinois hear the Senator from Iowa ask me to swear and cross my heart that we would never ask for another penny if that request were granted by unanimous consent? Was the Senator from Illinois present? I was here.

Then this proposal went to the Senator's great committee. Where is its report? It has none. Where is the record of its hearings? It held none. But in the Senator's great wisdom, by his beautiful eloquence he justifies $249,000 for a man in whom we have already invested more than half a million dollars; but still he will not permit the State of New Jersey to receive one red cent.

Mr. DIRKSEN. No, Mr. President.

Mr. ROBERTSON. That is correct.

Mr. DIRKSEN. Mr. President, I am willing to up-end the cornucopia in behalf of New Jersey. The proposal has not been properly presented to my attention.

Our subcommittee has before it a hundred resolutions, every one of them of world-shaking importance, requiring careful consideration and due deliberation. The minority leader, in his feeble wisdom, and within the limitations of only 24 waking hours in the day that he can devote to this task, and including his service on the Committee on the Judiciary and the Committee on Interior and Insular Affairs and as minority leader——

Mr. CASE of New Jersey entered the Chamber.

Mr. ROBERTSON. Mr. President, George Washington once said, "Reinforcements have arrived." [Laughter.]

Mr. DIRKSEN. Mr. President, under the circumstances, when I am outnumbered, I ought to table the reinforcements, but I do not know how to do it under the Senate rules.

MEXICAN FARM LABOR PROGRAM—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, while there is a lull in the proceedings, and there is nothing before the Senate for consideration, I move that the pending business be temporarily laid aside, and that the Senate resume consideration of the conference report on the migratory labor bill (H.R. 2010).

The motion was agreed to; and the Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. HUMPHREY. Mr. President, I shall have to suggest the absence of a quorum.

Mr. DIRKSEN. Mr. President, will the Senator withhold that suggestion for a moment?

Mr. HUMPHREY. Certainly.

Mr. DIRKSEN. First, Mr. President, let me respectfully inquire of the Chair as to the present status of the measure on the 300th anniversary of the birth of New Jersey and the George Washington Carver Memorial Commission.

The PRESIDING OFFICER. The Chair can inform the Senator from Illinois that the pending question is on agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to House bill 2010, the migratory labor bill.

The unfinished business is calendar 829, House bill 8383, to further amend section 201(i) of the Federal Civil Defense Act of 1950, as amended, and for other purposes.

Mr. DIRKSEN. Well, Mr. President, it is very undramatic, but I yield the floor. [Laughter.]

Mr. HUMPHREY. Mr. President, I withdraw my suggestion of the absence of a quorum.

The PRESIDING OFFICER. The suggestion of the absence of a quorum is withdrawn.

The question is on agreeing to the conference report on the migratory labor bill (H.R. 2010).

Mr. HUMPHREY. Mr. President, I renew my suggestion of the absence of a quorum.

The PRESIDING OFFICER The absence of a quorum is suggested, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 10:30 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate at this time—and I notice that the Senate seems to be in a tranquil mood—I move at this time that the Senate adjourn until 10:30 a.m. tomorrow.

The motion was agreed to; and (at 8 o'clock and 2 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Friday, September 22, 1961, at 10:30 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate September 21, 1961:

U.S. DISTRICT JUDGE

George Rosling, of New York, to be U.S. district judge of the eastern district of New York. (A new position.)

UNITED NATIONS

Dr. Ansley J. Coale, of New Jersey, to be the representative of the United States of America on the Population Commission of the Economic and Social Council of the United Nations, vice Kingsley Davis.

COLLECTORS OF CUSTOMS

Tennent L. Griffin, of Mobile, Ala., to be collector of customs for customs collection district No. 19, with headquarters at Mobile, Ala.

Roy L. Peterson, of Washington, to be collector of customs for customs collection district No. 30, with headquarters at Seattle, Wash.

DIRECTOR OF THE MINT

Eva B. Adams, of Nevada, to be Director of the Mint.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 21, 1961:

U.S. CIRCUIT JUDGES

Delmas C. Hill, of Kansas, to be U.S. circuit judge for the 10th circuit.

Ben Cushing Duniway, of California, to be U.S. circuit judge for the 9th circuit.

Irving R. Kaufman, of New York, to be U.S. circuit judge for the 2d circuit.

U.S. ATTORNEYS

Merle M. McCurdy, of Ohio, to be U.S. attorney for the northern district of Ohio for the term of 4 years.

William Medford, of North Carolina, to be U.S. attorney for the western district of North Carolina for the term of 4 years.

William H. Murdock, of North Carolina, to be U.S. attorney for the middle district of North Carolina for the term of 4 years.

John W. Bonner, of Nevada, to be U.S. attorney for the district of Nevada for the term of 4 years.

Harry G. Camper, Jr., of West Virginia, to be U.S. attorney for the southern district of West Virginia for the term of 4 years.

U.S. DISTRICT JUDGES

Thomas J. MacBride, of California, to be U.S. district judge for the northern district of California.

Alfonso J. Zirpoli, of California, to be U.S. district judge for the northern district of California.

Hubert L. Will, of Illinois, to be U.S. district judge for the northern district of Illinois.

Alfred L. Luongo, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania.

S. Hugh Dillin, of Indiana, to be U.S. district judge for the southern district of Indiana.

Anthony T. Augelli, of New Jersey, to be U.S. district judge for the district of New Jersey.

Robert A. Ainsworth, Jr., of Louisiana, to be U.S. district judge for the eastern district of Louisiana.

Frank J. Battisti, of Ohio, to be U.S. district judge for the northern district of Ohio.

Martin Pence, of Hawaii, to be U.S. district judge for the district of Hawaii.

C. Nils Tavares, of Hawaii, to be U.S. district judge for the district of Hawaii.

Thomas F. Croake, of New York, to be U.S. district judge for the southern district of New York.

John F. Dooling, Jr., of New York, to be U.S. district judge for the eastern district of New York.

William E. Doyle, of Colorado, to be U.S. district judge for the district of Colorado.

U.S. AMBASSADOR

Charles W. Cole, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Chile.

U.S. REGULAR AIR FORCE

To be lieutenant general

Maj. Gen. William H. Blanchard 1445A, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the rank indicated under the provisions of section 8066, title 10, of the United States Code.

To be senior Air Force member, Military Staff Committee, United Nations

Lt. Gen. Robert W. Burns, 527A, Regular Air Force, as indicated under the provisions of section 711, title 10, of the United States Code.

To be lieutenant general

Lt. Gen. Roscoe C. Wilson 360A (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code.

U.S. AIR FORCE

The following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10, of the United States Code.

To be brigadier generals

Col. William B. Campbell 2000A, Regular Air Force.

Col. Richard O. Hunziker 4164A, Regular Air Force.

Col. Larry A. Smith 19176A, Regular Air Force, Medical.

POSTMASTERS

ALABAMA

Raymond F. Lynn, Brewton.
William F. Salter, Evergreen.
Margaret E. Matthews, Gallion.

ALASKA

Marjorie L. Sharnbroich, Wrangell.

ARKANSAS

Lucille U. Mink, Bay.
Cleveland L. Hodges, Earle.
Mary E. Ingram, Hazen.
Elizabeth A. Anderson, Monticello.
Vivian R. Craig, Newark.
John S. Buttry, Pea Ridge.

CALIFORNIA

Carl C. Courtney, Alhambra.
Charles W. Spencer, Aptos.
Robert N. Kisner, Buena Park.
John Santana, Cloverdale.
Dolores L. Sprague, Fulton.
Elbridge W. Skeahan, Grass Valley.
Ruby M. Ambrosini, Korbel.
E. Howard Stinson, Lindsay.
Leslie S. Brown, Monterey.
Vernon G. Dingley, Monterey Park.
H. Norman Green, Shell Beach.
Richard T. Higgins, Truckee.
Clifford J. Sorem, Ventura.

FLORIDA

V. Paige Pinnell, Gainesville.
Mabel J. Wolfe, Key Largo.
Roy C. Arnold, Okeechobe.
Clestelle W. Wadsworth, Wimauma.

GEORGIA

James M. Groover, Boston.
Lois B. Bryan, Brooklet.
Fred H. Tanner, Commerce.
Oscar M. Roberts, Donalsonville.
Leonard E. Smith, Lyerey.
Susie G. Ellington, Montrose.

IDAHO

H. Kay Thatcher, Carey.
Vern Chandler, Salmon.

ILLINOIS

Harold H. Kiester, Garden Prairie.
Henry T. Verfurth, Morris.

INDIANA

Clifford L. Shipman, Fowler.
Dale E. Blackford, Tippecanoe.
Howard K. Sundheimer, Wabash.
S. Wayne Hillyer, Williamsport.

IOWA

Leo W. Dodd, Conrad.
Eleanora B. Sofranko, Lovilia.
Joseph C. Chervenka, Tama.

KANSAS

Donald E. Smith, Chetopa.
Marlon A. Kramer, Geneseo.
James E. Wright, Moscow.
Edna M. Dibble, Woodston.

KENTUCKY

Sister Rose Emma Monaghan, Maple Mount.

LOUISIANA

Ivy J. Miller, Church Point.
Mary Jo McCutcheon, Clinton.
Lonnie J. Cryer, De Quincy.

MARYLAND

James E. Gault, Bishopville.
Rebecca T. Groton, Glencoe.
Charles I. Joy, Libertytown.
William L. Harbstreet, Lutherville-Timonium.
Sylvia L. Golden, Nanjemoy.
Elma K. Goodhand, Queenstown.
Charles H. Ross, Smithsburg.
George A. Fream, Taneytown.
Maurice E. Murray, Woodsboro.

MASSACHUSETTS

Irene F. Christian, Cataumet.
Daniel N. McCarthy, Groton.
Rita C. Nygard, Jefferson.
James W. Griffen, Swansea.

MICHIGAN

Victor Batt, Allen.
Thomas A. Dowell, Battle Creek.
James V. Baese, Elsie.
Arlene B. Dolehanty, Gaines.
Donald E. Fish, Grand Blanc.
Peter V. Pini, Lake Linden.
Eugene J. Jones, Mendon.
Evar J. Villemure, Newberry.
Leonard E. VanSickle, Prudenville.
Richard L. Finkbeiner, Wayland.

MINNESOTA

Arol D. Hansen, Askov.
Oliver A. Herrick, Austin.
Gerald J. Den Ouden, Edgerton.
Ione A. Slattery, Kilkenny.
Clayton C. Linn, Kimball.
John G. Askew, Wadena.

MISSISSIPPI

J. Kyle Lindsey, Booneville.
John M. McGowan, Sr., Camden.
Travis N. Holman, Tishomingo.

MISSOURI

Clara A. Gibbs, Braggadocio.
William B. Waggoner, Elsberry.
Ward Dennis, Huntsville.
Edgar G. Hinde, Jr., Independence.
Robert L. Hurst, Rushville.

MONTANA

Harry M. Halverson, Glasgow.
Dorothy Lechner, Winifred.

NEVADA

Ernest J. Arch, Reno.

NEW HAMPSHIRE

Ada E. Widman, East Hampstead.

NEW JERSEY

James E. Posten, Atlantic Highlands.
Samuel H. Rifkin, Dutch Neck.
Herman E. Gallaher, Sayreville.

NORTH CAROLINA

Lester I. Carpenter, Belmont.
Robert E. Williams, Black Mountain.
Ralph L. Beshears, Boone.
Belle Cable, Fontana Dam.
Willis Q. Moore, Hayesville.
Daniel A. Swindell, Robbins.
Stanley L. West, Weaverville.

NORTH DAKOTA

Michael A. Sperle, Kintyre.
Donald A. Supler, Verona.

OHIO

Erva L. Sibrel, Gypsum.
Richard L. Rizor, Mount Victory.
Kenneth W. Bailey, New Albany.
Paul Sutch, Painesville.
George G. Walters, Reynoldsburg.
Harold M. Brown, Waverly.

OKLAHOMA

Volney B. Howell, Fort Gibson.
Billy L. Humphreys, Grandfield.
Wendall D. Berry, Granite.
Anna J. Stepp, Headrick.

OREGON

Frederick L. Langston, Cottage Grove.
Robert M. Buck, Lake Oswego.
Gerald J. McGlinn, St. Helens.

PENNSYLVANIA

John C. McCurdy, Adamsville.
Howard V. Strasser, Albion.
Joseph R. Walsh, Carbondale.
W. Armour Fegely, Fleetwood.
Joe S. Klapach, Strabane.

PUERTO RICO

Pascasia Vidal-Chacon, Ensenada.

RHODE ISLAND

Harry Kizirian, Providence.
John E. Conley, Warren.

SOUTH CAROLINA

Roland F. Wooten, Jr., Charleston.
William O. Callahan, Columbia.

SOUTH DAKOTA

Clyde M. Ross, Artesian.
Vernon J. Connell, Cresbard.
Duane E. Neumann, Groton.

TENNESSEE

Hybernia C. McMillan, Charlotte.
Edward A. Riordan, Dickson.
Hazel E. Seward, Eads.
Lucile J. Lovell, Hampshire.
Guilford S. Ligon, Mount Pleasant.
Beatrice W. Norris, Ramer.
Raymond B. Gibson, Spring City.

TEXAS

Clyde C. Crews, Alvord.
Delbert C. Amos, Bellaire.
Douglas Luck, Andrews.
Anna S. Cutshall, Azle.
Elvin C. Moehlman, Bryan.
Thomas M. Yarrell, Belton.
Laura B. Stringer, Buda.
Malcolm O. Daugherty, Cherokee.
Ernest Gregg, College Station.
M. Forrest Brooks, Columbus.
Russell W. Smith, Floresville.
Erma B. Helwig, Fulshear.
William E. Smith, George West.
Evans D. Vineyard, Hermleigh.
Lee M. Robertson, Lakeview.
Easter L. Sikes, La Villa.
Leslie L. Sanson, Leakey.
Thomas F. Calhoon, Jr., Liberty.
Henry N. Mullins, Malone.
James H. Mecklin, Marfa.
Willie Coker, Marquez.
Irene F. Pfluger, Pflugerville.
William C. Copeland, Purdon.
Clyde Wright, Van Horn.
Clyde D. Gamble, Wolfforth.

VERMONT

Esther L. Sweatt, Craftsbury Common.

VIRGINIA

T. Coleman Musgrove, Bedford.
Virginia L. Fowler, Burke.
Walter R. Hines, Jonesville.
William E. Doxey, Portsmouth.
Will R. Wilson, Raphine.
Melvin S. Raikes, Roanoke.

WASHINGTON

Elizabeth L. Goodpaster, Hoodsport.
Joseph Fosnick, Sumner.

WEST VIRGINIA

Mary J. Hafer, Elkview.
Robert H. Blackwood, Milton.
Stanley A. Hehle, Parsons.
Eugene Knowlton, Ravenswood.

WISCONSIN

Lillian A. Newton, Augusta.
Eugene B. Hopkins, Cumberland.

WYOMING

Reginald J. O'Neill, Basin.

IN THE NAVY AND MARINE CORPS

The nominations beginning Fayette C. Root, to be lieutenant in the Navy, and ending Joseph J. Wheeler, to be first lieutenant in the Marine Corps, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 8, 1961.

IN THE NAVY

The nominations beginning Daniel W. Abercrombie III, to be captain, and ending Robert J. Zoeller, to be captain in the Navy, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 18, 1961.

EXTENSIONS OF REMARKS

The Honorable Joseph W. Martin, Jr.

EXTENSION OF REMARKS
OF
HON. SILVIO O. CONTE
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 1961

Mr. CONTE. Mr. Speaker, it was my misfortune to be necessarily absent yesterday during the consideration of House Resolution 393. However, I wish at this time to pay tribute to our colleague, the Honorable JOSEPH W. MARTIN, JR., whose long and great service to his country is honored in the presentation and acceptance of the sculpture to be placed in the rotunda of the Old House Office Building. It is a fitting remembrance to be paid to one so well respected, yes, revered, as JOE MARTIN.

Although I was not a Member of the Congress during his terms as Speaker of the House, I shall always value his generous help and sound advice when I first came to this august body. His counsel has not been limited to any one group, but it is unselfishly available to all who may seek it. Part of his greatness is this generosity of personal relationships.

JOE MARTIN'S 19 terms as a Member of the House of Representatives have been filled with few years of calm and tranquillity in our national and international affairs and many periods of crisis and tension. No matter what the order of the day may have been, his evaluation of the situation and his leadership were always primary factors in the ultimate result.

I am deeply grateful to the National Federation of Republican Women for their generosity in appropriately honoring one of the great men of America, our own beloved JOE MARTIN.

Congressman Latta Schedules Conferences in Fifth Ohio District

EXTENSION OF REMARKS
OF
HON. DELBERT L. LATTA
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 1961

Mr. LATTA. Mr. Speaker, I believe that a Congressman should be in his district to confer and visit with his constituents whenever official duties do not require him to be in Washington.

My assignment to the select committee investigating sales to Communist nations will undoubtedly require a considerable amount of my time between this adjournment and the reconvening of the Congress in January. However, during this adjournment I expect to be available for conferences and visits with my constituents in the courthouse of each county in the district in accordance with the following schedule:

November 6, Paulding County, Paulding, 9 a.m. to 12 noon.

November 6, Van Wert County, Van Wert, 1:30 p.m. to 5 p.m.

November 7, Defiance County, Defiance, 9 a.m. to 12 noon.

November 7, Williams County, Bryan, 1:30 p.m. to 5 p.m.

November 8, Henry County, Napoleon, 9 a.m. to 12 noon.

November 8, Putnam County, Ottawa, 1:30 p.m. to 5 p.m.

November 9, Fulton County, Wauseon, 9 a.m. to 12 noon.

November 9, Ottawa County, Port Clinton, 1:30 p.m. to 5 p.m.

November 10, Wood County, Bowling Green, 9 a.m. to 12 noon.

No appointments will be necessary. All problems which constituents have

with the Federal Government will be proper subjects for discussion.

Should constituents desire to see me at times other than those indicated above, they may do so by contacting my district office at 304 Wood County Bank Building, Bowling Green, for an appointment.

The Peace Corps Act

EXTENSION OF REMARKS
OF
HON. SEYMOUR HALPERN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 1961

Mr. HALPERN. Mr. Speaker, I must, in all consciousness, stand in favor of the Peace Corps Act because I think its far-reaching effects will be felt over the whole world. But this is one of the saddest positions I have ever had to take. I deplore and regret that the other body has seen fit to remove the provision of section 4(e) which was offered and accepted unanimously by the House. That section provided:

The Peace Corps shall not perform services in any foreign country in which, by reason of law or official policy, any member of the Peace Corps is or will be discriminated against because of his race, creed, or color.

We are of little faith if we do not believe those who have offered, at great sacrifice to themselves, to go to the far reaches of the world to bring peace and understanding. In this effort, there should not be discrimination insofar as race or religion is concerned. The people who are to disseminate the principles of our country should be free of any burden of religion, or color of skin, to tell the peoples of other parts of the world the wonders which exist in this Nation of work and enterprise.

It is deplorable that this much-needed bill, a special request of the President, be so stripped of this most meaningful amendment. We are playing into the hands of those whose aims we are striving to overcome; those who would only be happy to see the United States acquiesce to tyrants and despots of certain nations; those who laughingly, behind our backs, take our assistance with one hand, and with the other hand dictate which Americans in the employ of the U.S. Government can enter those countries.

It is ironic that we may find ourselves sending out a Peace Corps which is in effect segregated; which violates the principles of President Kennedy's own policy that we must link social justice and morality with our economic assistance.

I have fought tirelessly and relentlessly for this antibias clause to be included in the Foreign Assistance Appropriations Act of 1961. I fought for it to be included in the authorization bill. Although a watered-down version was accepted in these bills, I felt that a strong antibias clause in the Peace Corps Act was an indispensable requisite to the administration's principle of linking our assistance with morality and social justice.

Disheartened as I am over this turn of events, I feel that I must approve the main concept of the Peace Corps.

The Program of the Department of the Interior

EXTENSION OF REMARKS
OF
HON. WAYNE N. ASPINALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 1961

Mr. ASPINALL. Mr. Speaker, under leave granted to extend my remarks, I take pleasure in including the address delivered by Secretary of the Interior Stewart L. Udall at the 48th National Convention of the National Rivers and Harbors Congress in this city on May 26, 1961:

ADDRESS BY SECRETARY OF THE INTERIOR STEWART L. UDALL AT THE 48TH NATIONAL CONVENTION OF THE NATIONAL RIVERS AND HARBORS CONGRESS, WASHINGTON, D.C., MAY 26, 1961

It is a real pleasure to appear today very briefly—and I am going to be brief—to discuss with you waterbugs some of the things that I see on the horizon as far as water resources and water resource planning are concerned.

Anytime a new administration comes in, you know, you try to get your feet on the ground. So you reach out into industry and also get some of the old retreads from previous administrations and bring people in that you call consultants. Then you have consultants all over the lot.

And we have had our share of water consultants and resource consultants and we are about to come to some conclusion.

One thing that has always disturbed me about the water picture is the fact that there has been such a tremendous lack of coordination: that we are polluting water on the one hand and trying to unpollute it on the other. Oftentimes, the right hand does not know what the left hand is doing. It has always reminded me of a story of Senator KERR'S—KERR is a pretty good name, I think, when you are discussing water these days—about the four boys whose father died and they all got together at the time of the funeral and they were sitting down and discussing matters, and they all agreed that the father had been very fine to all of them, that he had provided well for them, and so on. One of the boys suggested, he said, "Well, just to be sure that when he goes over on the other side he takes a little money with him, why don't we all, just as a gesture, put some money in the coffin? Let's all put in $125 and let's give him something in case he needs it to go on." They all agreed to do this.

So they went out and came back later and went in individually, and the first three boys put an envelope on their father's coffin. The fourth brother, who was a little sharper, came along and took the three envelopes and wrote out a check and put it in.

This, I think, symbolizes sometimes the type of rather poor planning that we do in terms of water.

I certainly think that by now the intentions of this administration should be plain in terms of natural resources. I know this administration is more resource-development conscious than any in some time. The President, on February 23, delivered—the first time in a long time this had ever been done—a Presidential message, a special message—I know you are all familiar with it—on natural resources. It discussed the whole spectrum of resource development and it is the Magna Carta for this administration in all its resource activities.

Will Rogers once made the statement about one President back in the twenties. On one of his trips he said, "He became President at a time when the people didn't want anything done, and he done it."

Well, we have a President now, an administration that wants to do some things in resource development, and I think we are going to do them.

Let me draw a few broad conclusions I have reached after the first 4 months of this administration. I think one of the greatest needs of all is for comprehensive thinking in terms of resource development, for truly national thinking in terms of our plan. I have been delighted in getting around the country. I was down to the TVA area a couple of weeks ago and have been in other areas of the country, to find a kind of broad-base thinking that we have not had oftentimes in previous periods of our history. Altogether too often there are people who are resource minded in various sections of the country—we even have them in the Congress—who take the view that a dam, a water project, a harbor project, in their own area is a fine thing, that it is good for the economy, but they are not much interested in what is done elsewhere.

In fact, some of them think that any project outside of their own immediate area is socialism or is wasteful expanding.

There has been too much of that type of divisive thinking, but I think we are now pulling together our thinking in terms of truly national comprehensive thinking with regard to water planning and resource development planning. I think we need to think in national terms and to plan in national terms.

One of the significant items in the President's special message concerned river basin planning and our setting a target to get all of our river basin plans in and on the line so that we can go forward with development.

I think one of the most significant conclusions of the Kerr committee report, this very excellent committee which made a depth study of our water needs and water problems, was that we need to approach water as a total problem, as a resource and not think in terms of it in bits and pieces, as we have done in the past; that we cannot destroy water supplies here without affecting people downstream and in other parts of the basin.

The time has come when our water abundance has run out in some sections. We have already reached it in some of the more arid sections of the United States. But I think we have been living off the fat of the land. We have been living in a period of water abundance in many areas of the United States, and we are rapidly going down the road and reaching the point where we will be living in a period of scarcity, when we must manage and use our water resources far more wisely than we are at the present time.

There is one other thing that strikes me as a rather significant fact. I checked this just recently.

The total amount that we are spending in our budget today, the national budget—and I dare say this would be somewhat similar at the State level also—in terms of resource development is in the neighborhood of a little over 1 percent. Now, we know and all of you heard the stirring message

and challenge of the President yesterday, that there are great demands and great challenges our country faces which must be met. But, at the same time, we can go back to earlier periods in the cold war. In the late 1940's we were spending an amount at that time as high as 5 percent of our national budget, for example, on resource development, and at other periods we have been spending greater amounts.

Some of us have been wondering—and I wanted to leave this with you as a thought—whether the economic growth of this country over the long haul does not rest in part on a properly conceived and properly executed program of resource development. I say that because many of these military expenditures, for example, that are so vital and necessary, they create jobs, yes, but they do not create wealth.

There is one thing that I think is the strongest argument, my friends, that we have for resource development. I think we must refine it, develop it and enunciate it in the Congress, in Washington, and in the country. And that is that sound resource development creates wealth. Where you have a sound project, a soundly conceived and soundly executed project, this adds to the ultimate wealth of the country. If these projects are properly accomplished, this becomes an asset, in many instances, for all time to come. It creates and undergirds the basic wealth of our economy.

I think we have to state that and state it as vigorously as we can.

Now, you know of all the talk that goes on, the planning that is going on, for instance, in terms of distressed areas in this country. Well, probably the worst distressed area in the United States when the depression hit in the early 1930's was what we now call the TVA area, which is in many ways one of the areas, in terms of its basic economic structure, one of the soundest areas today. It has sound economic underpinning. This is a result of sound resource planning.

A week or so ago we celebrated in this city and paid tribute to one of the great resource planners, one of those men, who, although he lived in one part of the country, spent a great deal of his time and made his reputation helping the people in another section of the country. I am referring to George Norris, who is truly one of the great Americans and one of those who saw the value of natural resources and resource planning.

This administration, as you well know, is committed to a systematic program of new starts, a program of sound projects that will add to the wealth and economic base of the country.

The demands of a growing industrial society at home, and commitments to extend and protect freedom abroad, as we know, threaten our Nation and present us with a serious resource gap also. Whether our resources prove adequate to our needs tomorrow will be determined by decisions we make today. The National Rivers and Harbors Congress has always had a strong and a healthy influence on national policy in this area and on the management of our basic water resources.

I need not remind you that we are in arrears in water resource management, that we face, imminently in some areas, potentially in others, a water crisis that threatens to jeopardize national security, limit economic growth, and undermine our living standards.

We face a series of such problems. We have the means, however, to anticipate and solve them if we have the will and the determination.

It is already plain, for example, that research is the key to more water and better use of what we have.

I might say in this connection that I am hopeful that in the near future there will be more programs of basic water research launched so that we can be more active in the field and get some of the answers which will help us conserve and wisely use what water falls on the watersheds of our country.

There is weather and streamflow forecasting and control, the program for desalinization of water—it is illustrated right in your room here—watershed management, preventive flood control, evaporation, seepage reduction, more efficient water uses. All of them are important areas of inquiry. We must redouble our efforts in this area. This is another one of the points the Kerr committee so wisely underscored.

Desalinization is proving a stubborn challenge, but with aggressive action, this program, too, will add more and more water to available supplies at declining cost figures.

As you may know, sometime next month we will officially dedicate and put into operation at Freeport, Tex., the first of the demonstration plants authorized by the Congress. The President has warmly supported our new proposals to augment and speed our efforts in this field. Indeed, he has a very deep personal interest in this program. We are confident that coordinated efforts by industry and the Office of Saline Water will produce significant results in the months ahead.

In terms of water resource development, I might say that if we were to plan our actions properly in this area, we would always have a shelf—which we do not have at the present time—of projects that could be used at such time as our economy encounters difficulties and we need new wealth-creating expenditures in the public area.

On the planning front we need both comprehensive and specific project planning in our river basins. Water management experts tell us that during the next 20 years new reservoir construction will have to provide some 300 million acre-feet of additional capacity. That is more than double the existing capacity.

In general, the Federal Government has plans and programs to accomplish at the present time only a small part of this target. Our river basin plans must be truly comprehensive and must be brought up to date and kept up to date if we are to do this job.

In his special message on natural resources, the President calls for the establishment of river basin commissions on all major basins. This should be a priority objective for all of us concerned with water development.

One of the key questions that I know all of you are concerned with and should be concerned with is the question of project evaluation. This administration is tackling this problem. If we are to expect informed public support for the huge effort we see ahead, we must develop consistent and clearly understandable standards for deciding on the feasibility of various water-development proposals. In evaluation, as in planning, the water-development projects all values must be meaningfully considered. I suspect this has not been the case in the past.

The administration is aware of a fresh look at standards for project evaluation, and an intensive review is now underway for the basic new guidelines for sound future programing. Without prejudging the final results, I can tell you certain basic recommendations that my own department has made.

We have recommended, for example, that all values receive equitable consideration in project analysis. This is, of course, imperative. We have recommended that the question of reimbursability be considered separately from cost-benefit ratios, both benefits and costs being measurable in total, whether or not they can be or should be specifically assigned.

Thirdly, we have recommended that we find a way to give weight to effects on outdoor recreation and fish and wildlife values that cannot be expressed in ordinary cost-benefit balance.

I might say here that, of course, one of the tremendous developments in this whole post-World War II period has been outdoor water recreation. I think none of us had any idea a few years ago that there would be this tremendous expansion of interest and that this would have such value to the people of this country.

A fourth recommendation has been that electric power be treated in project analysis in a manner fully consistent with congressional directives on public and cooperative power policy.

Lastly, we have recommended that national and regional unemployment patterns be considered in benefit-cost analysis where and when warranted.

Certainly, if a project such as TVA had been calculated solely on the basis of some of our present cost-benefit analyses, the project would never have been built.

The principal objectives of all resource development are to meet existing needs of people and to create conditions that both encourage and make possible economic growth. The new standards should serve these objectives. We would betray the entire water conservation effort, we would destroy public confidence in our efforts if we sought standards that would justify, however, every end to build a dam or a dike or a harbor works. We must be honest and concede that some projects should not be attempted that are not in the national interest.

I think if we do this, if we are honest among ourselves, I think this will strengthen our cause in the long run and enable us to do the maximum job.

As I said in the beginning, I can assure you that my department and its bureaus will move of their own volition in providing genuine leadership in those areas for which we are responsible. I can assure you also that the department is determined to cooperate constructively with other agencies of the Government and with private interests, as appropriate, to achieve the greatest good for the greatest number in water resource development work.

It is high time that we, who are responsible for Federal water resource activities, acknowledge our short-comings in coordination and devote creative efforts toward improving our ways of working together, of avoiding wasteful conflicts and overlapping functions. The Executive Office of the President, in line with his special message on natural resources, is considering the entire matter of improved coordination and control, as you know. The result may require some surrender of sovereignty to the common good.

We can and should defend our respective programs vigorously. We should also recognize the legitimate interests of others and seek means of accommodation wherever possible.

I believe, on the basis of the best advice available, that we can meet our needs for domestic and industrial water, for irrigation, for transportation, for power generation. We can prevent floods, increase yields from watersheds, make saline water sweet.

I believe, on the basis of both professional judgment and strong conviction, that we can and must also protect and enhance the value of our water resources in the other new dimension that I have mentioned. Water is a magic ingredient in the scenic and inspiring national landscape. A wide range of enriching outdoor experience as associated with clean water, is a fundamental part of it. We must be responsible stewards of this means of man's recreation.

I am very happy that you asked me to appear today. I hope that we have a new day ahead of us. I assure you that, as far as my department and my personal function in this whole picture of resource development is concerned, that we are excited by the prospect and that we hope to move down the road toward a new era of resource development in our country's history.

City Congressmen, Too, Raise the Question of New Farm Programs

EXTENSION OF REMARKS
OF
HON. CLIFFORD G. McINTIRE
OF MAINE
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 1961

Mr. McINTIRE. Mr. Speaker, I insert into the RECORD an extract from an article in the September 1961 issue of Doane's Business Magazine for American Agriculture, the article concerned being entitled "City Congressmen, Too, Raise the Question of New Farm Programs":

In 1962 several farm States will lose some of their Representatives to Congress as a result of population shifts. This makes it even more certain that the votes of city Congressmen are going to be necessary for any important, long-term farm legislation to be approved.

As a followup to last month's interview with Secretary Freeman, we went "up on the Hill" with a tape recorder and talked to some Congressmen from big-city districts to get their views on farm programs. They were very willing to discuss the topic.

Moving over to one side of the political battleground, we talked with Congressman TOM CURTIS of Missouri's Second District, who represents part of the St. Louis area.

Question. What points generally have you felt to be the most objectionable about the previous farm bills that have been submitted, or the programs that have been in effect, and what do you feel is generally desirable in farm programs for the future, from the standpoint of your city and suburban constituents?

CURTIS. Well, I'd say that basically the problem is one of any program. If it's an inefficient program that isn't bringing results, it's not going to appeal to city people any more than it is to anyone else. Frankly, I think the American Farm Bureau's criticism of the farm programs of the past has been very sound. The only distinction I'd say between the city dweller's views on the farm program from that of those who are actually in the agricultural business is that they don't get anything out of it directly, while at least the farmer does get some subsidy. I've been very pleased, frankly, with the criticism emanating from farmers themselves through the American Farm Bureau.

Essentially I'd say an efficient program would appeal to the people of the suburban areas, as well as the city folk. The reasons that they are disillusioned about the farm programs have been their terrific cost and the obvious waste that goes with it. They know that they are paying for that as taxpayers.

Along with that, I'd make these observations: The money really isn't going to the kind of farmer that the proponents of this legislation say they are trying to help. The so-called little family farm doesn't get any of this subsidy; it goes to the larger producers who are, frankly, in a position of handling things themselves. If the Farm Bureau can be looked upon somewhat as their spokesman, and I think it can, they themselves don't want it.

Also, the difference between people in the rural areas and people in the suburban and urban areas is not very great any more. With farm-to-market roads, highways, telephones, rural electrification and the like, the difference between our city dweller and our rural dweller is not very great. They are all pretty much Americans.

Another thing, and I think very basic; we've got to distinguish between what is an agricultural problem and what is a rural unemployment problem. I think that agriculture, as a part of our economy, is doing very well. In fact it's doing so well and has advanced so rapidly in technological aspects that it has created a great amount of unemployment. Now the unemployment problem is the result of agriculture's success. The unemployment problem is somewhat concentrated in rural areas because today one person can produce the food and fiber for our population that it used to take five to produce.

Handling the problem of this technological unemployment is quite a bit different from administering to what might be the economic problems of agriculture. We've got to distinguish between those two. These kind of things I think would appeal to suburbanites and city people, but I think it would appeal to farmers and rural dwellers as well. In other words, I don't think there is any real difference today in the thinking of our people, whether they live in the country or live in the city.

Question. Have you had much complaint from your constituents about the high cost of food?

CURTIS. Yes, and I have written back to them and said, "Look, you are getting a lot more for the food that you buy today." One economist figured out that with frozen food, prepackaging, and all that goes in the processing of food, that the housewife can now get meals and spend 3 hours less a day in the kitchen. Well, I happen to think the housewife's time is worth something.

The increased cost of food at the market probably reflects a real increase in quality and timesaving for the housewife, so really the cost has gone down, not up. And incidentally, when the complaints come in it usually isn't the farmer they're complaining against; it's the middleman, and the farmer complains against the middleman, too. I happen to think both the consumer and the farmer are not looking at the tremendous services that the middleman has performed in this area. This is real value for our money.

Question. Have you had complaints relative to this high cost of storing the Government surpluses, for instance this million-dollars-per-day storage figure that's been in the news?

CURTIS. That isn't too generally known among the public, but certainly when a news story occurs bringing it out—it does bring in complaints. I happen to think these complaints are well founded—I think that's part of the stupidity that goes along with a program that just continues to produce more than we know the markets will absorb.

I would make this observation—we asked our farmers back in World War II to plow up more land and to buy the necessary equipment to handle the production then necessary. I felt after the war was over it was very proper that we should not leave them high and dry. But we should have been tapering off so that we would be producing what the normal production would be in peace times. The result was, we never did taper off. There is the error.

Question. Congressman CURTIS, who do you feel should take the lead in trying to draft sensible farm legislation? Who should we look to for leadership here in Washington?

CURTIS. Well, we should be able to look to the leadership in Congress. I'm afraid we aren't going to get it because of the structure of Congress; the structure where we are set up in committees. The jurisdiction of farm matters rests in our committees on agriculture. Regrettably their approach has not been a broad one. In my judgment that's what lies at the base of this. On the other hand, there's been no leadership in this administration.

Question. One other brief question. Do you feel that sectionalism in the farm economy has been a problem here in drafting good farm legislation?

CURTIS. Oh, yes, I think one of the basic economic facts about agricultural economics today is that farming has become so specialized that there is not the similarity that once existed when you could say "a farmer." Today it's either a tobacco farmer or wheat farmer or corn farmer or stock raiser, rice, or whatever. And the differences between these various kinds of agricultural specialists are so great and the area of common interest has dwindled so that you can't expect, in my judgment, to see the old farm bloc come into power again. It has gone out of power to a large degree because of this specialization.

I think the various committees on agriculture in the Senate and the House have not updated their thinking to this thing. I find that organizations—again I want to refer to the American Farm Bureau because I am very high on that organization—have made their studies and their attempts to get the pulse of their own people. This has been outstanding and their analysis of these things have been very good. They are bringing the farmers together on the one area where they do have a common interest.

Last Round on "Li'l Abner"

EXTENSION OF REMARKS
OF
HON. FRANK J. BECKER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 1961

Mr. BECKER. Mr. Speaker, under date of September 11, I inserted in the CONGRESSIONAL RECORD, a letter I had written to Mr. Laurence Rutman, general manager and editor of the United Feature Syndicate, Inc., protesting the use of the "Li'l Abner" comic strip to degrade the law enforcement officers of our country.

Under date of September 19, I inserted the reply from Mr. Rutman in the CONGRESSIONAL RECORD in which Mr. Rutman agreed with my protest and also to do something about it.

Today I am inserting, at the request of the cartoonist, Al Capp, a copy of his letter to me. Perhaps Mr. Capp did not think when he wrote the letter in a purely sarcastic vein, that I would place his letter in the RECORD. I am also inserting herewith, my reply to Mr. Capp and wish to state that every law enforcement agency writing to me from several different parts of the United States all

agreed with the position I took and in my letter to Mr. Capp, I have inserted one article from the Texas Lawman which is indicative of other letters I have received.

No further comments are necessary from me on this subject.

The letters follow:

SEPTEMBER 18, 1961.

Congressman FRANK J. BECKER,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BECKER: Your letter attacking "Li'l Abner" inserted by you in the CONGRESSIONAL RECORD, has been called to my attention. I hope you will be fair enough to insert this reply in the CONGRESSIONAL RECORD.

You state that you are appalled that any responsible publisher would expose such cartoons to the American public. I am astonished that a cartoon-reading U.S. Congressman doesn't understand my cartoons as well as the average 16-year-old kid. Every red-blooded Fearless Fosdick fan knows and has known for years, that it is Fosdick, courageous, loyal, and underpaid, who represents the average cop—and that the corrupt higher-ups I portray represent only those rotten apples in our police force who make life hard for the Fosdicks.

The story you beef about is a paean of praise for the decent elements in our constabulary, and an attack on the indecent. Why don't you have some kid explain it to you?

Best,

AL CAPP.

SEPTEMBER 20, 1961.

Mr. AL CAPP,
Boston, Mass.

DEAR MR. CAPP: In response to your letter of September 18 I am inserting your reply in the CONGRESSIONAL RECORD as you request and very happy to do so, together with my reply to you.

I am enclosing herewith a copy of the letter from Mr. Laurence Rutman, general manager and editor of the United Feature Syndicate, Inc., which I inserted in the CONGRESSIONAL RECORD on September 19 on page 20353 which you will notice is quite different in acknowledging the problem than your sarcastic reply.

You will also note that your attack in this comic strip on law enforcement officers came to my attention by parents of youngsters reading this strip and was not merely a figment of my imagination.

What you intended to convey in your comic strip is one thing but I think we must agree that the minds of young children are not always mature enough to understand intent and merely understand what they see. I am quoting from a paragraph of an article being published in the Texas Lawman, official publication of the Sheriffs' Association of Texas, Inc., which reads as follows:

"The Texas Lawman most sincerely commends Congressman BECKER for his condemnation of Cartoonist Al Capp, whose antipathy toward law enforcement officers has been demonstrated on many occasions during recent years; both in his syndicated comic strip and in person. This aversion is possibly engendered, as we recall, by his encounter in one or more instances with troopers of the Connecticut State Police in connection with his alleged violations of the traffic laws. Mr. Capp's artistry in the cartoon field and his mastery of satire is well known to 'Li'l Abner' fans everywhere but his irresponsible and scurrilous attacks on the law enforcement profession, whether by design or otherwise, is to be condemned by all right-thinking individuals. Congressman BECKER is to be congratulated for having the courage and fortitude to speak out in defense of the Nation's law enforcement officers."

In closing, I have received a number of other commendatory letters from police enforcement agencies in various parts of the country. So you see, Mr. Capp, I have no hesitation whatever in inserting your reply in the CONGRESSIONAL RECORD.

Yours very truly,

FRANK J. BECKER,
Member of Congress.

A.T. & T.

EXTENSION OF REMARKS
OF
HON. ROBERT A. EVERETT
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 1961

Mr. EVERETT. Mr. Speaker, there appeared an editorial in the State Gazette, of Dyersburg, Tenn., on August 26, 1961, entitled "Too Sensitive," which called to my attention a matter which gives me serious concern.

Last month an official on the lower echelon of the Justice Department told a congressional committee that the Government was considering action to force A.T. & T. to divest itself of its oversea operations. In the next several days A.T. & T. shareholders saw their losses mount to more than $1½ billion.

Subsequent newspaper stories pointed out that the oversea operations of A.T. & T. accounted for less than one-half of 1 percent of the company's operations. But this information came too late for panicky stockholders. The damage had been done and the stock has not yet fully recovered from the scare.

The trouble with this statement is that it subsequently was softened. It was explained that it was merely routine investigation.

Now, the thing that bothers me is this. If these so-called investigations were in order, if there was a reason for them, fine; they should have been carried forward with all the vigor and resources at the Government's disposal.

On the other hand, if they were, in fact, merely routine there should have been no public utterances unless and until something of a concrete nature was turned up.

I want to make it clear that I hold no brief for business, large or small, if that business is guilty of wrongdoing. If there is evidence of wrongdoing, let us have it on the record, fully documented. Also, let us not discriminate against any business because it is large or because it is small. Both are vital parts of our economy.

The mention of big business raises the question of just what is big business. According to a recent article in a newspaper the A.T. & T. Co., is now owned by more than 2 million shareholders with the largest individual shareholder owning less than one-thirtieth of 1 percent of the stock. When one adds in the families of these shareholders it amounts to a fair-sized percentage of this Nation's population.

An unfair attack on this company is an unfair attack on this large group of our citizens. I feel sure I speak for many Members of this body when I plead for an end to what appears to be personal crusades upon certain segments of our economy.

General Walker Reprimand Deserved

EXTENSION OF REMARKS
OF
HON. MORRIS K. UDALL
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 1961

Mr. MORRIS K. UDALL. Mr. Speaker, the controversy over the admonishment of Maj. Gen. Edwin A. Walker rages unabated. Emotions are so strong that sometimes the facts of the case are obscured. Yesterday, a number of my colleagues discussed this case on the House floor. I thought a recent special report of mine might be of interest to the Members.

General Walker was commander of the 24th Infantry Division in West Germany last April when charges were made that his troop education and indoctrination program was following the pattern of the rightwing John Birch Society. He subsequently was relieved of his command following an Army investigation. Since then, charges have been made that General Walker was disciplined because he was a zealous anti-Communist.

Considerable light now has been shed on this case. During the week of September 3–9 Secretary of Defense Robert McNamara appeared before the Senate Armed Services Committee and answered the questions of Senator STROM THURMOND and other critics of the Army action. From his testimony and the subsequent release of the 973-page transcript of the Army's hearings on the case it now becomes clear that General Walker was dimisssed, not because he was a zealous anti-Communist, but because he engaged in political activity.

Two facts stand out: First, that General Walker advised the troops and their families to consult the so-called ACA Index before voting in congressional elections last fall, and second, that General Walker pleaded the military equivalent of the fifth amendment (article 31 of the Uniform Code of Military Justice) when questioned about this. This article, like the fifth amendment, may be invoked when one believes his own testimony might "tend to incriminate" him.

For your information, the ACA Index is a voting guide published by one particular faction on the American political scene. It can lay no more claim to infallibility or correctness than the ADA Index, published by the opposite extreme of the political spectrum. For General Walker to urge his troops and their families to consult this guide before voting was to engage in overt political activity

in clear violation of the spirit of the Hatch Act, which prohibits Government personnel from participating in politics other than voting.

I think the viewpoint of the ACA is shown by the way it regarded the voting record of President Kennedy when he was a Senator. On the issue of private ownership and against Government ownership Mr. Kennedy was rated zero out of a possible 100 percent. In a category, "for individual liberty and against coercion," he was rated only 11 percent. And he was given another zero on national defense.

The Army investigation brought out other points, as well. For example, the testimony revealed that General Walker is a member of the John Birch Society, an organization whose leader says former President Eisenhower, John Foster Dulles, Allen Dulles, and other high officials of our Government have been Communist agents or dupes. Also, it was revealed that General Walker made public statements which were derogatory of other present and former officials of our Government. Such statements, of course, are wholly out of keeping for a military officer.

Three days before he left office last January former President Eisenhower said in a nationwide television address:

> In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

I believe Mr. Eisenhower's warning is pertinent to this situation. In the course of our history we have always maintained civilian control of our Government by elected officials responsible to the electorate. I firmly believe that this must continue.

Everyone will agree, I think, on two propositions: First, that military leaders have a right and duty to indoctrinate their troops in broad, basic principles of American history and government so they will know why they are asked to serve their country and fight for it if necessary; and, second, that military leaders have absolutely no business taking any part in political campaigns or seeking to influence their troops in matters which are partisan or political. One need only look at some of the South American and Asian nations to see that real democracy and liberty are missing when military leaders participate in elections or political decisions.

A nonpolitical Military Establishment is one of the most vital, indispensable ingredients of the kind of democracy which distinguishes the United States, Britain, and other nations of the free world.

This whole thing can be seen in true focus, I believe, if we suppose for a moment that the situation had been reversed. Imagine that General Walker had called his troops together to "indoctrinate" them on Americanism. Suppose he had advised them that our country was in great danger of losing the cold war to the Communists, and that we could strengthen our Nation for the future only if we had more Federal aid to education, more urban renewal to eliminate crime and poverty in the cities, larger aid for undeveloped countries, and so forth. These are views which have been expressed by President Kennedy, ex-President Eisenhower, and other Americans whose sincerity and patriotism cannot be questioned. Had this been the case, I think you would have joined me in expressing outrage at such military interference in these political questions. Yet, if what General Walker did is right, another commander holding the views I have mentioned could properly "indoctrinate" his troops along those lines. On the basis of the facts presented I think there can be no doubt that the reprimand given General Walker was warranted.

Logjam on Disability Compensation

EXTENSION OF REMARKS

OF

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1961

Mr. SAYLOR. Mr. Speaker, I am intrigued with the remarks appearing on page 20199 of the RECORD of September 19, under the subject "Logjam on Disability Compensation." The puzzling thing about these remarks is that under date of September 1, the Senator had the opportunity to cast his lot with those who favored breaking this logjam. He failed to do this when he did not support the motion of the Senator from Kentucky [Mr. MORTON] who sought to strike the controversial, nongermane out, and totally irrelevant so-called Long rider, providing for reopening of national service life insurance. That is the provision which is keeping the service-connected veterans of this country from receiving a well merited raise.

This matter has been discussed rather fully but so that the RECORD may be kept straight, I will repeat partially what is involved. After the chairman of the Committee on Veterans' Affairs had consulted with the President, talked with officials of the Veterans' Administration and the Bureau of the Budget, consulted with representatives of all the major veterans' organizations, and the Committee on Veterans' Affairs had had full and frank hearings on the subject, the bill, H.R. 879, providing for an average 9.2-percent increase in service-connected rates, was reported and passed the House unanimously on June 5, 1961. Thereafter it was referred in the Senate to the Committee on Finance where the reopening proposal was added. The Senate then passed this bill and sent it back to the House where it is lying on the Speaker's table. In passing this legislation the Senate reduced the disability compensation rates from the 10-20-, and 30-percent disabled and struck from the bill the 7-year presumption for multiple sclerosis which the House had included on the recommendation of a high official of the National Institutes of Health.

Paraphrasing a saying of one of the former chairmen of the Committee on Veterans' Affairs, the other body then had a "revival of righteousness"—it passed H.R. 856, to which the Long amendment had been added along with the text of H.R. 879 in exactly the same fashion which the House had originally passed it. This was accomplished after the major veterans' organizations had made a plea to the Senate Finance Committee and also to Members of the Senate that the two measures be considered separately and that the service-connected compensation question stand on its merits and Senator LONG's bill be treated in a similar vein. The Senate, however, disregarded this plea on the part of the veterans and apparently was more interested in giving attention to the needs of non-service-connected veterans than it was to the service-connected group. When the bill H.R. 856 was on the floor of the Senate, as I have indicated previously, Senator MORTON, in an effort to get a raise for the service-connected disabled veterans, moved to strike the so-called Long rider from the bill. That motion was defeated by a vote of 50 to 18, with the assistance of the junior Senator from New York who now complains about the lack of action in the House.

I am somewhat surprised at my former colleague who served with such a distinguished record in the House of Representatives, by his reference to the fact that the national service life insurance question has never been considered in the House of Representatives. The operation of Congress, both in the House and Senate, is based on the committee system. Bills get considered on the floor of the House and Senate only after they have been the subject of hearings and have been reported by the responsible and respective committee. Incidentally, the Senate Finance Committee never held hearings on this "Long rider" question until this year and then only after it had acted on the proposal.

The plain fact of the matter is that beginning with the 82d Congress down to and including the 87th Congress, a majority of the members of the Committee on Veterans' Affairs, in each of the Congresses, felt that legislation to reopen national service life insurance should not be reported to the House. There has never been a discharge petition filed to require or permit consideration by the House of this reopening question and I think these facts speak for themselves. It is simply the truth to say that the Committee on Veterans' Affairs has given more consideration to this question in the 87th Congress than the Finance Committee of the Senate has given in the past five Congresses.

Members of the Senate who are sincerely interested in getting increases for the service-connected veterans have a very simple remedy at their command. The bill, S. 2051, is still on the Vice President's desk. Attached to it is the text of H.R. 879, the service-connected compensation increase bill. This bill could

be brought up and passed in a matter of minutes—possibly even seconds—and I am assured that if this is the case and the bill is returned to the House with the provisions of H.R. 879, without the so-called Long rider, the House will speedily concur and a raise will be voted for our service-connected veterans. Let those in the other body, who are interested, take appropriate action.

New Civil Defense Program

EXTENSION OF REMARKS
OF
HON. CLARE E. HOFFMAN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1961

Mr. HOFFMAN of Michigan. Mr. Speaker, under permission granted, there is printed herewith additional views to the "New Civil Defense Program" report adopted by the Committee on Government Operations, as submitted for filing on September 20:

NEW CIVIL DEFENSE PROGRAM—ADDITIONAL VIEWS

While this report is primarily an analysis of the history, status, and plans for civil defense, it also has the effect of promoting the subcommittee's pet project—a nationwide program for the construction of underground group shelters at Federal expense (report, pp. 58, 59).

The committee looks upon the civil defense program announced to date "as a beginning and we assume that it is but a first step in a well-organized, progressively developing civil defense program" (report, p. 6). The report then goes on to state that "the Department of Defense must develop, as rapidly as possible, an optimum shelter plan for the United States." The cost of one such plan is estimated at $20 billion (report, p. 58).

The undersigned do not in any way wish to minimize the need for civil defense and agree with the committee's recommendation that the Department of Defense should develop an optimum shelter plan for the United States.

However, the need for expenditures of the magnitude of $20 billion should be determined in the light of all strategic factors and should be weighed against alternate requirements for defense expenditures.

The subcommittee's suggested example of an optimum shelter plan to partially protect against the effects of known and existing weapons was first proposed in 1956 and may be ineffective against new or greater weapon hazards.

The subcommittee finds it (report, p. 5) "heartening and fortunate that the President recognizes the vital importance of an effective civil defense. His personal messages to the Congress and to the American people have banished, almost overnight, a great deal of public apathy and indifference."

An interesting commentary on this "Presidential blessing" (report, p. 31) is provided by the following Associated Press story which appeared in the Washington Evening Star for Saturday, September 16, 1961:

"TOP OFFICIALS APATHETIC TO HOME SHELTERS

"President Kennedy is spurring Americans on to build home fallout shelters to cut the Nation's losses in case of nuclear war—but to his official family the idea seems to be a yawn.

"Of 14 high officials who sit with Mr. Kennedy on the National Security Council or in the Cabinet, not a single one has yet built a home shelter.

"Postmaster General Day, however, has picked out what looks like a pretty safe corner in his basement and is stocking it with canned goods and other survival items.

"A few others are arranging for shelters, or thinking about it in a nonurgent way, but in most cases the reaction appears to be: 'Who, me?'

"The high officials who are minus shelters aren't explaining, for the most part, but among the lower echelons an air of jaunty fatalism is widespread. One subordinate official said:

"'If the big bangs begin, Washington will be a prime target. I live in Georgetown, close to the center of things. I'd be vaporized, shelter or no shelter, so why bother?'

"This attitude isn't universal by any means, and quite a few shelters have been built in the Capital, though not by the real bigwigs.

"Here's a rundown on the top-rankers:

"President Kennedy: The White House has an elaborate bomb shelter built during the war. Mr. Kennedy has several secret shelters to go to within 2-hour auto drive or 20-minute helicopter trip from Washington.

"Vice President JOHNSON: He recently bought a French chateau-type home in Spring Valley, but is living in a hotel while the house is revamped. The revamping does not include a fallout shelter, aids said.

"Secretary of State Rusk: He and Mrs. Rusk have been talking over the shelter idea but are undecided yet.

"Secretary of Defense McNamara: He's arranging to have a shelter installed in the big house he rents on Kalorama Circle. He really has to have a shelter to set an example, if for no other reason. Mr. Kennedy recently gave him command of the nationwide shelter program.

"Frank B. Ellis, civil defense director: He rents a house, and is trying to get a shelter designed that can be readily moved if the next tenant doesn't want it.

"McGeorge Bundy, Presidential assistant for national security affairs: No shelter, aids said.

"Secretary of the Treasury Dillon: No shelter.

"Attorney General Kennedy: No shelter.

"Secretary of Agriculture Freeman: No shelter.

"Secretary of Commerce Hodges: He's an apartment dweller and can't have a shelter of his own.

"Secretary of Labor Goldberg: Has two homes, in Washington and Chicago. Doesn't contemplate a shelter.

"Secretary of Welfare Ribicoff: He rents in Georgetown and feels he cannot do anything about a shelter.

"One high official who is really shelter-conscious is Roswell L. Gilpatric, Deputy Secretary of Defense. He had two, one at his Long Island home and one at his house at Grasonville on Maryland's eastern shore."

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